Planning and Development Services
Zoning Division

2020 Board of Zoning Appeals
Variance/Appeal Application Packet
Board of Zoning Appeals Hearing Application Instructions
(Do not include these instructions as part of your packet for the Board.)

APPEAL OF WRITTEN DETERMINATION

Section 124-47. – Administrative Appeal Review Procedure, Sarasota County Unified Development Code (UDC)

(b) Applicability. A written determination of the Administrator made under the provisions of this UDC shall be final, provided that the owner or applicant may, within 30 days of the determination, appeal to the Board of Zoning Appeals or Board, as applicable, for relief. The appeal request shall be in writing and must include a full explanation of the error committed by the Administrator in the interpretation or application of this UDC, along with the filing fee, all documents supporting the appeal, and any other pertinent information required by the Administrator as part of the appeal form.

(1) Appeals to the Board of Zoning Appeals. Determinations appealable to the Board of Zoning Appeals include Written Interpretations issued by the Administrator on: Articles 6, 7, 8, 10, 11, 15 or 17 of this UDC; zoning district boundaries; whether an unspecified use falls within a use classification or use group allowed in a district; or a stipulation associated with a Variance granted by the Board of Zoning Appeals, except for those involving property within the Myakka River Protection Zone which shall be heard and decided on by the Board.

VARIANCE APPLICATION

Section 124-44. – Variance Review Procedure, Sarasota County Unified Development Code

(b) Applicability. A Variance application from the terms of these UDC standards may only be granted when such Variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of the UDC standards would result in unnecessary hardship on the land. Such Variance shall not be granted if it has the effect of nullifying the intent and purpose of this UDC.

(1) Board of Zoning Appeals. The Board of Zoning Appeals shall have the authority to take action on those eligible Variance applications filed relating to the standards within Articles 6, 7, 8, 10, 15 or 17.

Under no circumstances shall a Variance be granted for a use not permitted in the zoning district involved, or any use expressly or by implication prohibited in the zoning district by the terms of this UDC.

A Variance shall not be granted that has the effect of a Special Exception to this UDC.
Variances heard by the Board of Zoning Appeals shall only be authorized for:

1. Height;
2. Area and Size of Structures;
3. Size of Yards;
4. Open Spaces and
5. Change of Non-conforming Use (Article 15, Section 124-281(d)(4), UDC).

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in any other district shall be considered grounds for the granting of a Variance.

**APPLICATION PROCESS**

Completed applications, all required documents (see list below) and the application fee must be submitted to Zoning Administration a minimum of 30 business days prior to the scheduled date of the Board of Zoning Appeals meeting. Appeals to written interpretations must be submitted no later than 30 calendar days from the date of the rendered interpretation (Article 5, Section 124-45(d)(1)(a), UDC) and will be scheduled for the next available meeting.

**REQUIRED DOCUMENTS**

Please submit ten (10) copies of the following documents:

1. Application (minus the instructions)
2. For a variance, a site plan/survey of the property showing setbacks from the property lines for all existing and proposed structures.
3. Any pertinent information in support of your request, including but not limited to, letter from neighbors in support, pictures, etc.

**FEES**

Fees are due at the time of application submittal.

1. Administrative Appeal: $1,000.00 (plus advertising)
2. Variance: $650.00 (plus advertising)

**APPLICATION PROCESS**

1. Hearing date will be assigned upon submittal of application.
2. For a variance, the applicant is responsible for posting the property and sending notices to effected parties. The materials for the posting and mailing will be prepared by staff and the applicant will be notified when these items are ready for pick up. The sign must be posted, and notices mailed no less than 15 calendar days prior to the hearing date.
3. The Affidavit of Posting and Mailing (provided in this application) must be submitted after the posting and mailing have been completed but no less than five calendar day prior to the hearing date.
## Board of Zoning Appeals
### APPLICATION DEADLINES FOR 2020

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Board of Zoning Appeals Hearing Application

Hearing Date: ______________ Date Received: __________________________

Property Address: __________________________________________________

Property Identification No.: ___________________________ Zoning District: __________

Property Owner: ___________________________ Phone Number: ___________________

Property Owner Address: ________________________________________________________

Agent: ___________________________ Phone Number: ___________________

Agent Address: _________________________________________________________________

Are there building permits associated with this application? ______ If yes, permit # __________

Is there pending Code Enforcement action? ___________ If yes, case # _________________

Application Type: (check one)

_____ Administrative Appeal

_____ Height Variance

_____ Area and Size of Structures Variance

_____ Size of Yards Variance

_____ Open Space Variance

_____ Change of Non-Conforming Use Variance

State Request for Variance/Appeal: _____________________________________________

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Criteria Worksheet

The Board of Zoning Appeals shall have the authority in specific cases to grant a variance from the terms of the Zoning Regulations. Such variance shall be granted only when all the following criteria and the provisions of Article 5, Section 124-44(c)(1), Unified Development Code, have been met. Please specify below how your request meets these criteria.

The variance shall not be contrary to the public interest:

The variance is required owing to special conditions peculiar to the property;

The special conditions are not the result of the action of the applicant;

A literal enforcement of the provisions of these zoning regulations would result in unnecessary and undue hardship on the land; and

The variance requested must be the minimum variance necessary to make any reasonable use of the property.
**DISCLOSURE** (check all that apply per Sarasota County Charter)

_____ Applicant is a land trust (name beneficiaries on separate page).

_____ Applicant is an owner (indicate exactly as recorded and list all other owners on separate page).

_____ Applicant is a corporation other than a public corporation (name officers and majority stockholders, including addresses and phone numbers on separate page).

_____ Applicant is a partnership, limited partnership or other business entity name (list principals, including addresses and phone numbers on a separate page).

_____ Applicant is a lessee (attach copy of lease and indicate actual owners if not indicated on lease).

_____ Applicant is a contract purchaser (attach copy of contract and indicate actual owners, including addresses and phone numbers on separate page).
AFFIDAVIT FOR VARIANCE REQUEST

I (we), being first duly sworn, depose and say that I am (we are) the owner(s) of the property described herein and which is the subject matter of the proposed hearing; that all answers to the questions in this application and all sketches, data and other supplementary matter attached to and made a part of this application are honest and true to the best of my (our) knowledge and belief.

I (we) understand that this application must be completed and accurate before a hearing can be advertised. I (we) further permit the noted applicant/representative to act on my (our) behalf in any matter regarding this petition.

______________________________________    ______________________________________
Owner’s Signature                          Print Name

Identification Provided

______________________________________    ______________________________________
Owner’s Signature                          Print Name

Identification Provided

______________________________________    ______________________________________
Representative’s Signature                  Print Name

Identification Provided

STATE OF FLORIDA
COUNTY OF SARASOTA

Sworn to and subscribed before me this ______day of ________________, 20__.

________________________________
(Official Notary Signature & Seal)    Commission Expiration Date
AFFIDAVIT FOR APPEAL REQUEST

I (we), being first duly sworn, depose and say that the information contained in and attached to this application are honest and true to the best of my (our) knowledge and belief.

I (we) understand that this application must be completed and accurate before a hearing can be advertised. I (we) further permit the noted applicant/representative to act on my (our) behalf in any matter regarding this petition.

______________________________________    ______________________________________
Owner’s Signature                        Print Name

Identification Provided

______________________________________    ______________________________________
Owner’s Signature                        Print Name

Identification Provided

______________________________________    ______________________________________
Representative’s Signature               Print Name

Identification Provided

STATE OF FLORIDA
COUNTY OF SARASOTA

Sworn to and subscribed before me this ______day of ______________. 20___.

________________________________
(Official Notary Signature & Seal)   Commission Expiration Date
AFFIDAVIT OF POSTING AND MAILING
(Used for variance applications only.)

This affidavit must be submitted after the posting and mailing have been completed but no less than five calendar days prior to the hearing date.

Application Number ____________________ Applicant ______________________________

Property Address ______________________________________________________________

I hereby swear that I have posted for public hearing notice and notified property owners within 750 feet of the boundary line of the subject property in accordance with the Board of Zoning Appeals requirements. Attached is a copy of the mailing list of individuals who have been notified by U. S. Mail.

Owner’s Signature ____________________________ Print Name ____________________________

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me this _______day of ________________, 20____, by ____________________________ ____________________________,
who is personally known or who produced ____________________________________________
as identification and who did/did not take an oath.

(Official Notary Signature & Seal) ____________________________ Commission Expiration Date ____________________________