



Variance Application Packet Review Procedures

In accordance with Article IV, Division 3, Section 34-442 of the Jacksonville Beach Land Development Code (LDC), the Board of Adjustment has the authority to hear, review, consider and approve, approve with conditions, or deny an application for a variances for properties located within the City of Jacksonville Beach, Florida. Under the laws of the State of Florida, a public hearing for this type of development permit is handled as a “*quasi-judicial*” proceeding and the Board will conduct said hearing in accordance with Article V of the Land Development Code.

A *variance* is a type of development permit that allows deviations from the terms of the Land Development Code that will not be contrary to the public interest when owing to special circumstances or conditions where the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship, including but not limited to: practical difficulties from unusual circumstances such as oddly-shaped parcels, the application of current zoning regulations to older structures, or other site-specific circumstances that are beyond the reasonable control of the property owner. Variances shall only be granted from the dimensional standards of Article VI, the off-street parking or landscape standards of Article VII, and the subdivision standards of the LDC. Variances shall not be granted to permit a use not generally allowed in the zoning district in which it is located. Variances may not be requested for relief from maximum building height, residential density or minimum lot area requirements.

It is the applicant’s burden to present accurate, substantial competent evidence and to demonstrate compliance with the City’s Code of Ordinances, Land Development Code, and the 2050 Comprehensive Plan to support a development permit application. Planning and Development Department staff shall produce and present a written and oral report including information concerning the consistency of the request with the LDC and 2050 Comprehensive Plan and to produce competent, substantial evidence of record in support or to the contrary.

Pursuant to LDC Section 34-572, the Board shall determine if a variance request meets each of the standards applicable for authorizing a variance based on the review, discussion and consideration of information, reports, and testimony provided during the public hearing or contained within the variance application, staff report, applicant testimony and public testimony. The applicant will be notified of all decisions in writing and will include a summary of the information presented before the Board, a summary of all documentary evidence provided for consideration, a statement of specific findings of fact, and the basis upon which such facts were determined, and specifically reference the relevant LDC standards.

NOTICE

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



VARIANCE APPLICATION

BOA No. _____
HEARING DATE _____

This form is intended to be submitted along with all required documents for all requests for variances from the requirements of the City of Jacksonville Beach Land Development Code. Planning and Development Department staff will evaluate an application for a variance for sufficiency within ten (10) days of receipt. If the application is found to be complete and sufficient, the Jacksonville Beach Board of Adjustment, at their earliest meeting following appropriate public notice of the request will schedule it for review, public hearing and a decision.

REQUIRED DOCUMENTATION

- 1. Accurate, to-scale boundary survey prepared by a registered land surveyor that shows the location of all existing improvements.
- 2. Survey, plat or new site plan showing all proposed additions and/or improvements added to the drawing, to scale (on 11" x 17" paper or smaller).
- 3. Proof of ownership (copy of deed or current property tax notification).
- 4. Copy of any previous variance and/or conditional use approval letters.
- 5. If applicant is not owner, notarized written authorization from owner is required.
- 6. Non-refundable processing fee of \$500.00 (due at the time of application submittal).
- 7. Completed application.

APPLICANT INFORMATION

Applicant Name:	_____	Telephone:	_____
Mailing Address:	_____	E-Mail:	_____
Agent Name:	_____	Telephone:	_____
Mailing Address:	_____	E-Mail:	_____
Landowner Name:	_____	Telephone:	_____
Mailing Address:	_____	E-Mail:	_____

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

VARIANCE DATA

Street address of property and Real Estate Number: _____

Legal description of property (Attach copy of deed): _____

Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE	
CURRENT ZONING CLASSIFICATION: _____	FLOOD ZONE: _____
CODE SECTION (s): _____	



VARIANCE APPLICATION AFFIDAVIT

BOA No. _____

AFFIDAVIT

I, _____, being first duly sworn, attest that I am applying for a variance pursuant to Article 6, Section 6.6 of the Jacksonville Beach Land Development Code for the property described above; that all answers to questions in this application, the submitted boundary survey and other supplementary documents attached to and made part of this application are true and accurate to the best of my knowledge and belief. Furthermore, I understand that failure to submit accurate information as requested above may be grounds for denial of my request and/or subsequent building permit applications.

_____	_____	_____
APPLICANT SIGNATURE	PRINT APPLICANT NAME	DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20_____, by _____, who is personally known to me or produced _____ as identification.

NOTARY PUBLIC SIGNATURE

PRINT NOTARY NAME

(Affix Notary Seal Above)

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. _____

Section 34-566

Purpose. Variances are deviations from the terms of the LDC which would not be contrary to the public interest when owing to special circumstances or conditions, the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship. Variances shall not be inconsistent with the Comprehensive Plan. It is understood that the granting of a variance shall not create a precedence for future requests.

Section 34-572.

Standards applicable to all variances. In order to authorize any variance from the terms of this code, the Board of Adjustment must find that the following standards have been met. To assist the Board in making a finding, please complete the form below.

Standard	Applies? Yes/No	Circumstances/ Explanation
(a) There are conditions or circumstances that exist which prevent compliance with site design and development standards, or which are unique to the parcel of land, building or structure.		
(b) The conditions or circumstances do not result from actions of the application and would not be considered a self-imposed hardship.		
(c) There would be no special privileges afforded to the applicant by granting a variance that is not available to other parcels of land, building or structures with similar conditions or circumstances.		
(d) Strict interpretation and enforcement of the code would deprive the applicant of rights commonly enjoyed by other parcels of land and would provide an unnecessary and undue hardship.		
(e) The variance(s) requested, if granted, will make possible a reasonable use of the parcel of land, building, or structure.		
(f) The variance(s) request, if granted, will not result in the creation of a public nuisance.		