

APPLICATION FOR VARIANCE OR APPEAL OF ADMINISTRATIVE DECISION

City of Fellsmere, 22 S. Orange Street, Fellsmere, Florida 32948

Phone: 772-571-9077 Fax: 772-571-0097

Check all that Apply: Variance _____ Appeal _____

Applicant Information

Company _____

Name _____

Address _____

Phone _____

Mobile _____

Fax _____

Email _____

If Applicant is not the owner of the Property, please provide a signed authorization from the owner permitting the application and acknowledging responsibility for all fees, fines, and property encumbrances that may be imposed as a result of this application.

Property Information

Property Folio No. _____

Address _____

Legal Description Attached: Yes No

Gross Lot Area _____ sf or ac

Existing Use _____

Proposed Use _____

Section of Land Development Regulation Subject to Variance (if applicable) and Variance Sought

(attach additional sheets if necessary)

JUSTIFICATION and HARDSHIP _____

(attach additional sheets if necessary)

Standards for granting variances. The Board of Adjustment shall not grant a variance unless it shall, in each case, make specific findings of fact based directly upon the particular evidence presented supporting written conclusions that:

1. special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.
2. special conditions and circumstances did not result from the action or negligence of the applicant.
3. granting the variance requested will not confer upon the applicant any special privileges denied by this Code to other lands, buildings or structures in the same zoning district.
4. literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this Code and would work unnecessary and undue hardship on the applicant.
5. the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. the granting of the variance will be in harmony with the general intent and purpose of this Code and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
7. no nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
8. the granting of the variance desired will not be opposed to the general spirit and intent of this Code or the City of Fellsmere Comprehensive Plan.

The applicant shall provide a written response to each of the above standards on a separate sheet of paper.

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Action Subject to Appeal (if applicable):

Description _____

(attach additional sheets if necessary)

Date of Administrative Decision: _____

Resolution Sought _____

(attach additional sheets if necessary)

Application Checklist – THREE COPIES OF EACH APPLICABLE ITEM

- _____ Application fees as set by resolution of the City Council.
- _____ Warranty Deed for subject property.
- _____ Legal description and sketch of the property subject to the variance including word version of legal description containing total acreage.
- _____ Certificate of good standing for corporate owner/copy of articles of incorporation, if applicable.
- _____ Letter of authorization of all lien holders (if applicable).
- _____ If the property is not owned or is owned only in part by the applicant, a notarized letter must accompany the application giving written consent by all property owners of the subject property.
- _____ A site sketch as set forth in the Land Development Code Sec. 17.18.
- _____ A written response with supporting documentation to the Standards for Granting a Variance.
- _____ Mailing labels of names and addresses of all property owners within a 300' radius of the property covered by this application. Names and addresses of property owners shall be obtained from the Indian River County Property Appraiser's Office or an Attorney or Title Company.

STATE OF _____

COUNTY OF _____

I, _____, being first duly sworn, dispose and say that:

_____ I am the owner of the subject property, or if corporation, I am the officer of the corporation authorized to act on this request.

_____ I am the legal representative of the owner of the subject property of this application.

All the answers to the questions in this application and all sketches and data attached to and made part of this application are true to the best of my knowledge.

Signature of Applicant

Date

SWORN TO AND SUBSCRIBED before me this _____ day of _____, _____ by _____, who is personally known to me or produced _____ as identification.

Notary Public / My Commission Expires:

My Commission Number is: _____

FOR CITY USE ONLY

Permit Type: <15,000sf <5ac >5ac Zoning Conf.: Y N Conc. Rvw.: Y N
Permit Fee Due _____ Escrow Fee Due _____ Receipt # _____ Receipt Date _____
Routing: CM Fin. Util. FD PD Att. Eng. Traf. Env. Arch. IRC-Util. IRC-Road
(circle applicable review entities) Project No. _____ Date Application Complete _____