



Community Development Department
Current Planning and Zoning

18400 Murdock Circle, Port Charlotte FL 33948-1094

Phone: (941) 743-1964 / Fax: (941) 743-1292

www.CharlotteCountyFL.gov

Board of Zoning Appeals (BZA) Application for: (select only one)

Administrative Appeal - []; or Special Exception - []; or Variance - []

File Number: Invoice Number:
Date Submitted: Date of BZA Meeting:
(above for office use only)

Incomplete applications cannot be processed until they are sufficient

1. Name of Applicant:
2. Name of Local Agent (if someone is applying on your behalf):
3. Owner of Record:
4. Owners Authorization: If the applicant is not the owner of subject property the applicant must attach a notarized Property Owner's Consent form giving the applicant permission to submit this application.
5. Property Address:
6. Parcel Identification Number(s):
7. Legal description: Lot(s): Block(s):
Subdivision Name: Unit or Sub-section:
Parcel (P) or Tract (T) if applicable:
Section(s): Township: (South); Range: (East)
8. Total Land Area: (in square feet or acres)
9. Current Zoning Classification:
10. Current Future Land Use Map (FLUM) Designation:

Submit completed form and all related documents to the Current Planning and Zoning Office



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Board of Zoning Appeals (BZA) (application continued)

11. Summary of request: Briefly state and summarize what your requested *Appeal*, *Special Exception* or *Variance* is for. (e.g., front yard setback variance of three feet to allow a 22-foot setback instead of the required 25-foot setback.)

12. Narrative: On a separate sheet explain in detail what your request is for, how the use will be conducted, and how your request meets the applicable *Approval Criteria* of County Code.

13. Plat of Survey and Concept Plan: Attach an up to date **Plat of Survey** and on separate sheets, attach a **Concept Plan** of an appropriate scale, which illustrates clearly the placement of existing and proposed structures on the property, off-street parking, and required yards.

14. Are there any existing structures located on the property?(check one)..... **YES**..... **NO**
If YES, what is the current use of the structures, and illustrate their locations and dimensions on the concept plan.

15. Are there any other hearings pending for this property?(check one)..... **YES**..... **NO**
If YES, what is name of the applicant for the public hearing? _____

16. Was there a public hearing on this property within the past year?(check one)..... **YES**..... **NO**
If YES, in whose name? _____

Petition number: _____ Nature of the request: _____

17. Is this request the result of a violation notice?(check one)..... **YES**..... **NO**
If YES, in whose name was the violation served? _____

What was the nature of the violation? _____

18. The applicant and owner hereby acknowledge and agree that any staff discussion about conditions of approval are preliminary only and are not final. Nor are they the specific conditions or demands required to gain approval of the application unless the conditions or demands are actually included in writing in the final development order, or the final denial determination or order.

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Board of Zoning Appeals (BZA) (application information & procedures)

Pre-Application Conference Required:

Both section 3-9-6.2 and 3-9-6.3 of Charlotte County Code require a pre-application conference to be held at least *five working days* prior to submitting any application for a *Special Exception* or a *Variance*. You may contact the Current Planning and Zoning Division office at 941.743.1964 to schedule your pre-application conference.

A sufficient application shall include:

- The completed **Application** with all the requested information provided.
- A notarized **Affidavit of Applicant**.
- If applicant is **not** the property owner a notarized **Property Owner's Consent** form must also be submitted.
(These affidavit forms are included in this application packet)
- A current up to date **Survey** and complete **Legal Description** of the property must be included. An original signed and sealed **Survey** is required for all variance applications.
- A **Concept Plan** of an appropriate scale showing the existing and proposed placement of structures, provisions for ingress and egress, off-street parking and loading areas, refuse and service areas, landscape buffers, required yards and other spaces. If the *Concept Plan* is larger than 11" x 17" then a digital copy also must be submitted.
- A **Narrative** description of the request addressing all of the *Approval Criteria* in sufficient detail to provide a full and complete understanding of the request. A statement detailing the reasons for the request shall be part of the narrative.
- Supporting Evidence:** Any *supporting evidence*, such as, site plans, data, bathometric surveys, floor plans, building elevations, building cross sections, topography, or photographs.
- The appropriate application **Fee**. The application fee for an *Administrative Appeal* is **\$235**. The fee for a *Special Exception* or a *Variance* is **\$880**. Checks are to be made payable to *Charlotte County Board of County Commissioners* or **CCBCC**.

Process:

- All applications will be reviewed for sufficiency by staff. The applicant will be notified in writing within 10 days if the application is sufficient or insufficient. If insufficient the letter will state what is needed to make the application sufficient and complete.
- When the application is sufficient the application will be scheduled for a public hearing at the next available Board of Zoning Appeals (BZA) meeting. If any meeting has a lengthy agenda the Board may adjourn for a lunch break and resume after lunch. The BZA may continue any agenda item to another date and time.
- If an applicant would like a continuance from one BZA meeting to the next, a letter must be submitted to the Zoning Official before 12:00 PM (noon) the day before the scheduled meeting date. Applicants must pay an additional Administrative Fee of \$180.00 for any continuance.
- At the Board of Zoning Appeals meeting the board may make a final decision on the case or they may continue the item to another meeting date if they need more time or additional information.
- The applicant will receive a final decision letter as well as a copy of the recorded *Notice of Approval*. Any aggrieved party who wishes to appeal the final decision of the Board of Zoning Appeals must file an appeal with a court of competent jurisdiction within 30 days from the date on the decision letter.

Note: Due to time constraints, the Board of Zoning Appeals is not able to review lengthy technical reports the day of the meeting. Please submit all supporting documentation with your application, otherwise your application may be continued by the BZA.

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Board of Zoning Appeals (BZA) (Charlotte County Codes)

Considerations for Appeals:

Section 3-9-6.1 - Administrative Appeals.

- (a) *Appeals of Denial by Zoning Official to the BZA.* The BZA may, upon proper application, public notice and public hearing reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination made by the Zoning Official in the administration, enforcement or interpretation of any of these Land Development Regulations. The BZA may make such order, requirement, decision or determination as shall be proper in the circumstances, and for such purpose shall have all the powers of the officer from whom the appeal was taken."
- (e) *Considerations for Appeals.* In reaching its decision, the BZA shall consider the following criteria as well as any other issues which are pertinent and reasonable.
- (1) Whether or not the appeal is of a nature properly brought to them for a decision, or whether or not there is an established procedure for handling the request other than through the appeal process (i.e., a variance or special exception, etc.).
 - (2) The intent of the regulation in question.
 - (3) The effect the ruling will have when applied generally to the intent of the Land Development Regulations.
 - (4) Staff recommendations, the testimony of the appellant, and testimony of substantially interested parties shall also be considered.

Approval Criteria for Special Exceptions:

Section 3-9-6.2(i) - Approval Criteria for Special Exceptions. *In additions to the Standard Approval Criteria for developments and uses permitted by this Code, a Special Exception shall be granted by the BZA only if **all** of the following Approval Criteria are satisfied:*

- (1) The proposed special exception is consistent with the Comprehensive Plan.
- (2) The proposed special exception is compatible with existing and permitted uses surrounding the land on which the proposed special exception would exist.
- (3) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety or general welfare.

Approval Criteria for Variances:

Section 3-9-6.3(i) - Approval Criteria for Variances. *A variance shall be granted by the Board of Zoning Appeals only if **all** of the following Approval Criteria for Variances are found to exist:*

- (1) Unique or peculiar conditions or circumstances exist, which relate to the location, size and characteristics of the land or structure involved, and are not generally applicable to other lands or structures.
- (2) The strict and literal enforcement of the zoning section of the Land Development Regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disability of the applicant and other considerations may be considered where relevant to the request.
- (3) The granting of a variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood, or otherwise detrimental to the public welfare.
- (4) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and the conditions cannot reasonably be corrected or avoided by the applicant.
- (5) The requested variance is the minimum modification of the regulation at issue that will afford relief.

The full text for these sections of Charlotte County Code can be found at:

https://library.municode.com/fl/charlotte_county/codes/code_of_ordinances

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Affidavit of Applicant (or Agent)

I, the undersigned, being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owners of the majority of the property described and which is the subject matter of the proposed application; that all answers to the questions in this application, and all sketches, data and other supplementary matters attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the application may be considered, and that if I am not the owner of the property, I have attached a notarized authorization from the owner(s) to submit with this application.

State of _____, County of _____

The foregoing 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 who has produced _____ as identification and who **did** or **did not** take an oath.
(circle one)

Signature of Applicant or Agent

Signature of Notary

Printed Name of Notary

Commission Number



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Property Owner's Consent

I, _____, property owner of _____
(print name of property owner) (address of subject property)

do hereby give _____ permission to file this application to
(print name of applicant)

allow the use of this property for: _____
_____.

State of _____, County of _____

The foregoing 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 who has produced _____ as identification and
who **did** or **did not** take an oath.
(circle one)

Signature of Property Owner

Signature of Notary

Printed Name of Notary

Commission Number



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Board of Zoning Appeals (BZA)

2022 - Schedule

Application Deadline Dates: and **BZA Hearing Dates:**
 (Wednesday 6 weeks before meeting) (2nd Wednesday of each month)

October 27, 2021..... December 8, 2021
 December 1, 2021 January 12, 2022
 December 29, 2021 February 9, 2022
 January 26, 2022 March 9, 2022
 March 2, 2022 April 13, 2022
 March 30, 2022 May 11, 2022
 April 27, 2022..... June 8, 2022
 June 1, 2022 July 13, 2022
 June 29, 2022 August 10, 2022
 August 3, 2022 September 14, 2022
 August 31, 2022 October 12, 2022
 September 28, 2022 November 9, 2022
 November 2, 2022..... December 14, 2022
 December 7, 2022 January 11, 2023
 December 30, 2022 February 8, 2023

Note: * = Change Due to Holiday

TIME: 9:00 AM Board of Zoning Appeals meeting

PLACE: Charlotte County Administration Center, Building A; Commission Meeting Room 119;
 18500 Murdock Circle, Port Charlotte, Florida 33948

Questions should be directed to the Charlotte County Current Planning and Zoning Office at:
 18400 Murdock Circle, Port Charlotte FL 33948 or call: 941.743.1964

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