



# Community Development Department

## Current Planning and Zoning Division

18400 Murdock Circle Port Charlotte FL 33948-1094

Phone: (941) 743-1956 or (941) 743-1964 / Fax: (941) 743-1598

[www.charlottecountyfl.gov](http://www.charlottecountyfl.gov)

*"Leading the Way in Defining Community Development"*

## Variance Application

### Pre-Application Conference:

- Section 3-9-6.3(d) requires a pre-application conference; "Unless waived by the Zoning Official, a pre-application conference must take place with the Zoning Official at least five working days prior to submitting an application."

### Application:

#### ➤ **A sufficient application shall include:**

- ❑ The completed **application** with all the applicable blanks filled in.
- ❑ A notarized **Affidavit of Applicant**. If applicant is not the property owner a notarized **Property Owner's Consent** form must also be submitted. These affidavits are included in the 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 **Site Plan** or **Concept Plan** of an appropriate scale showing placement of all structures, access, off-street parking and loading areas and required yards. If the site plan is larger than 11" x 17", 12 folded copies must be submitted.
- ❑ A **Narrative** description of the request addressing all of the Approval Criteria for Special Exceptions in **Section 3-9-6.3(i)** in sufficient detail to provide an understanding of the request. A statement detailing the reasons for the request shall be part of the narrative.
- ❑ The application **fee** of **\$880**. Checks are to be made payable to Charlotte County Board of County Commissioners or **CCBCC**.

### Process:

- The application 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 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 requests a continuance, a letter must be submitted to the Zoning Official before 12:00 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 will not accept 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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### **Approval Criteria for Variances**

#### **Section 3-9-6.3(i) of Charlotte County Code:**

"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.

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## Variance Application

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

Incomplete applications will not be accepted.

- Name of Applicant:** \_\_\_\_\_  
 \_\_\_\_\_  
 (Address) (City) (State) (Zip + four)  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 (Phone Number) (Fax Number) (E-mail Address)
- Name of Local Agent:** \_\_\_\_\_  
 \_\_\_\_\_  
 (Address) (City) (State) (Zip + four)  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 (Phone Number) (Fax Number) (E-mail Address)
- Owner of Record:** \_\_\_\_\_  
 \_\_\_\_\_  
 (Address) (City) (State) (Zip + four)  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 (Phone Number) (Fax Number) (E-mail Address)
- Owners Authorization:** If the applicant is not be the owner of subject property the applicant must attach a notarized **Property Owner's Consent** giving the applicant permission to submit this application.
- Full Property Address:** \_\_\_\_\_  
 (Address) (City) (Zip + four)
- Parcel Identification Number(s):** \_\_\_\_\_
- Legal description:** Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_  
 Subdivision: \_\_\_\_\_ Unit or Sub-section: \_\_\_\_\_  
 Parcel (P) or Tract (T): \_\_\_\_\_  
 Section(s): \_\_\_\_\_ ; Township: \_\_\_\_\_ (South); Range: \_\_\_\_\_ (East)
- Total Land Area:** (in square feet or acres) \_\_\_\_\_
- Current Zoning Classification:** \_\_\_\_\_
- Current Future Land Use Map (FLUM) Designation:** \_\_\_\_\_

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### Variance Application

(continued)

**11. Variance requested:** Please specify as to type and size: (e.g., rear yard setback variance of 3' to allow a 17' setback instead of the required 20' setback.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**12. Narrative:** On a separate sheet please explain in detail the nature of the request and how the requested variance meets the Approval Criteria in subsection 3-9-6.3(i) of County Code.

**13. Plat of Survey and Site Plan:** Attach an up to date **Plat of Survey** and on separate sheets, please attach a **Site 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?** (circle one) .....YES .....NO

If so, what is the current use of the structures, and illustrate their locations and dimensions on the site plan. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**15. Are there any other hearings pending for this property?** (circle 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?** (circle one).....YES .....NO

If YES, in whose name? \_\_\_\_\_

Petition number: \_\_\_\_\_ Nature of the request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**17. Is this request the result of a violation notice?** (circle 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 acknowledges and agrees 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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### **Affidavit of Applicant**

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 this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (month) (year) by \_\_\_\_\_ who is personally known to me or; has produced \_\_\_\_\_ as identification and who did / did not take an oath.

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Signature of Applicant (or Agent)

\_\_\_\_\_  
Printed Name of Notary

\_\_\_\_\_  
Commission Number

### **Property Owner's Consent**

I, \_\_\_\_\_, property owner of \_\_\_\_\_  
(print name of owner) (address of 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 this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (Month) (Year) by \_\_\_\_\_ who is personally known to me or; has produced \_\_\_\_\_ as identification and who did / did not take an oath.

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Printed Name of Notary

\_\_\_\_\_  
Commission Number

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## Board of Zoning Appeals

### **2016 - Filing Deadlines and Hearing Dates**

<u>Application Deadline Dates</u> (Wednesday 6 weeks before meeting)	<u>BZA Hearing Dates</u> (2 <sup>nd</sup> Wednesday of each month)
October 28, 2015	December 9, 2015
December 2, 2015	January 13, 2016
December 30, 2015	February 10, 2016
January 27, 2016	March 9, 2016
March 2, 2016	April 13, 2016
March 30, 2016	May 11, 2016
April 27, 2016	June 8, 2016
June 1, 2016	July 13, 2016
June 29, 2016	August 10, 2016
August 3, 2016	September 14, 2016
August 31, 2016	October 12, 2016
September 28, 2016	November 9, 2016
November 2, 2016	December 14, 2016
November 30, 2016	January 11, 2017
December 28, 2016	February 8, 2017

**TIME:** 9:00 a.m. Board of Zoning Appeals

**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 Zoning Office at:  
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