

VARIANCE APPLICATION

PLANNING AND ZONING DEPARTMENT



You built a shed that is 6 feet from the side property line when the zoning code setback is 10 feet.



You are proposing to build a pool that is 7 feet from the rear property line but the zoning code setback is 10 feet



You built a home that is 35 feet from the rear property line but the Planned Unit Development (PUD) document for your community requires a 40 foot setback when a lot backs up into a lake



Any deviation, proposed or existing, from the Citywide Design Standards, the zoning code, the sign code, landscaping requirements, etc.

WHEN VARIANCE APPLICATIONS ARE REQUIRED



HOW TO APPLY

- Submit an online application through fusion.cityofpsl.com
- Attach required documents:
 - ✓ Variance Application
 - ✓ Warranty Deed
 - ✓ Survey showing setbacks for existing or proposed structure
 - ✓ If other type of variance, plans/drawings of proposed or existing deviation from City requirements.
- If all required documents are attached to the online application, it will be reviewed by planning staff and scheduled for a Planning and Zoning Board meeting (if applicable).



HOW DO I KNOW IF MY APPLICATION IS GOING BEFORE THE P&Z BOARD?

Going to P&Z Board

- ❖ Variance is for a proposed main structure or accessory structure (ex. Proposed house or proposed pool)
- ❖ Variance is for existing or proposed deviation from Citywide Design Standards, Zoning Code, Sign Code, or Landscaping Requirements
- ❖ Variances of 3 feet or more for the setbacks of an existing main or accessory structure

NOT Going to P&Z Board

- ❖ Variances of less than 3 feet for the setbacks of an existing main or accessory structure



Picture provided by makyzz



Planning and Zoning Board

Planning and Zoning Board applies to Annexations, Small and Large Scale Land Use Amendments, Variances, and Special Exceptions Uses for developed Property.

SUBMITTAL DEADLINE	P&Z BOARD MEETING
November 27, 2019	January 7, 2020
December 30, 2019	February 4, 2020
January 31, 2020	March 3
February 28	April 7
March 31	May 5
April 30	June 2
May 29	July 7
June 30	August 4
July 31	September 1
August 31	October 6
September 30	November 3
October 30	December 1
November 30	January 5, 2021
December 30	February 2, 2021

P&Z BOARD SUBMITTAL DEADLINE AND SCHEDULE

- Please note that if application submittal is substantially incomplete, even if it was submitted by the deadline, it may not go to the corresponding P&Z Board meeting.



VARIANCE APPLICATION (1ST PAGE)

Going to P&Z Board

NOT Going to P&Z Board

VARIANCE APPLICATION

CITY OF PORT ST. LUCIE
 Planning & Zoning Department
 121 SW Port St. Lucie Blvd.
 Port St. Lucie, Florida 34984
 (772)871-5213

FOR OFFICE USE ONLY

Planning Dept. _____
 Fee (Nonrefundable) \$ _____
 Receipt # _____

Refer to "Fee Schedule" for application fee. Make check payable to the "City of Port St. Lucie". Fee is nonrefundable unless application is withdrawn prior to advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g.: warranty deed, affidavit), a copy of recent survey and statement addressing each of the attached criteria.**

PRIMARY CONTACT EMAIL ADDRESS: _____

PROPERTY OWNER:

Name: _____
 Address: _____
 Telephone No. _____

APPLICANT (IF OTHER THAN OWNER, ATTACH AUTHORIZATION TO ACT AS AGENT):

Name: _____
 Address: _____
 Telephone No. _____ Email _____

SUBJECT PROPERTY:

Legal Description: _____
 Parcel I.D. Number: _____
 Address: _____
 Current Zoning Classification _____

Description of requested variance and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary): Provide documentation that the attached variance criteria have been met.

Signature of Applicant _____ Hand Print Name _____ Date _____

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted. 03/02/20

ADMINISTRATIVE VARIANCE APPLICATION

CITY OF PORT ST. LUCIE
 Planning & Zoning Department
 121 SW Port St. Lucie Blvd.
 Port St. Lucie, Florida 34984
 (772) 871-5213

FOR OFFICE USE ONLY

Planning Dept. _____
 Fee (Nonrefundable) \$ _____
 Receipt # _____

Refer to "Fee Schedule" for application fee. Make check payable to the "City of Port St. Lucie". Fee is nonrefundable. **Attach two copies of proof of ownership (e.g.: warranty deed, affidavit), and a copy of recent survey.**

PRIMARY CONTACT EMAIL ADDRESS: _____

PROPERTY OWNER:

Name: _____
 Address: _____
 Telephone No. _____ Email: _____

APPLICANT (IF OTHER THAN OWNER, ATTACH AUTHORIZATION TO ACT AS AGENT):

Name: _____
 Address: _____
 Telephone No. _____ Email: _____

SUBJECT PROPERTY:

Legal Description: _____
 Parcel I.D. Number: _____
 Address: _____
 Current zoning classification _____

Description of requested variance and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary): Provide documentation that the attached variance criteria have been met.

Signature of Applicant _____ Hand Print Name _____ Date _____

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted. 03/02/20





VARIANCES

§ 158.295 PLANNING AND ZONING BOARD OR ZONING ADMINISTRATOR (DIRECTOR OF PLANNING AND ZONING) TO HEAR VARIANCES; POWERS AND DUTIES OF BOARD AND ZONING ADMINISTRATOR

(C) Duties of the Zoning Administrator and Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator should consider:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- (2) That the special conditions and circumstances do not result from any action of the applicant;
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;
- (4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- (7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

VARIANCES

The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator will consider the variance criteria in § 158.295 (C) 1-7 and consider your responses to the following when making a determination.

(1) Please explain special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

VARIANCE CRITERIA QUESTION #1

- If variance is for an existing structure, explain why the structure was built so close to the property line.
- If variance is for a proposed structure, explain why the variance is necessary to build the structure at this particular lot.



(2) Please explain if these conditions and circumstances result from actions by the applicant:

VARIANCE CRITERIA QUESTION #2

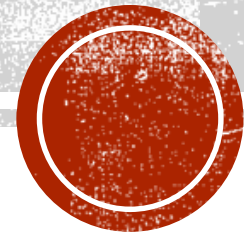
- If variance is for an existing structure, explain if the variance is required as a result of your actions or a representative of yours.
- If variance is for a proposed structure, explain if the variance is required because of something you are proposing or your representative is proposing.



(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;

VARIANCE CRITERIA QUESTION #3

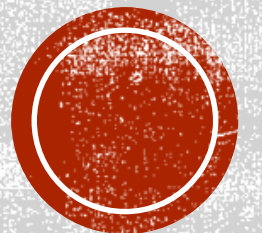
Explain why this variance won't give you privileges that aren't available to your neighbors.



(4) Please explain how a literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;

VARIANCE CRITERIA QUESTION #4

Explain how not receiving this variance will hurt your personal endeavors.



(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure;

VARIANCE CRITERIA QUESTION #5

Acknowledge that only through this variance can what you are asking for become a reality.

VARIANCE CRITERIA

QUESTION #6

- Explain how receiving this variance will place you on equal footing with neighboring properties.

(6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

VARIANCE CRITERIA QUESTION #7

(7) Please indicate that there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

Signature of Applicant

Hand Print Name

Date

- Acknowledge that you will comply with the P&Z Board's decision regarding your variance application. (Note: This acknowledgment does not prevent you from appealing the Board's decision if denied as stated by code.)






WHAT DO PLANNING STAFF LOOK AT WHEN REVIEWING VARIANCE APPLICATIONS?

- Believe it or not, planning staff answer the variance criteria questions same as you, but from a different lens. Our focus is answering these questions in light of code requirements. In other words, how the variance differs or agrees with the written code.



DO NEIGHBORS GET NOTIFIED OF MY VARIANCE APPLICATION?



designed by  freepik

- Regardless of whether your variance application goes to P&Z Board or not, neighbors within 750 feet of the subject property receive notices via mail and are given the opportunity to comment on your application through writing.
- If your variance is scheduled to go to P&Z Board, written comments from the public will be forwarded it to the Board members and members of the public are also given the opportunity to comment at the meeting because it is a public hearing.



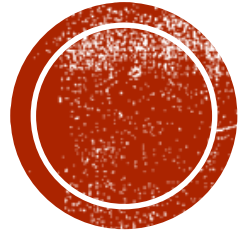
WHAT HAPPENS WHEN MY VARIANCE IS APPROVED?

- You will receive a letter via email from the planner reviewing your application stating that your variance has been approved and the terms of that approval.
- An ordinance recorded by the legal department will also be provided to you for your records at a later date.

WHAT HAPPENS IF THE P&Z BOARD DENIES MY VARIANCE APPLICATION?

- At this point, you have two options. You can accept the Board's verdict or submit an appeal with the City Clerk's Office within 15 days of the Board's decision.





END OF PART I

