

**HERNANDO COUNTY ZONING DIVISION
INSTRUCTIONS FOR ZONING VARIANCE APPLICATION**

Variance Application Fee \$250.00

NOTE: An additional \$250.00 fee will be charged if a public hearing before the BOCC is required. **Upon demonstration of need by the administrative official** based upon the number of public inquiries or the size, location or complexity of the proposed project, **the applicant shall be required to conduct a public inquiry workshop prior to the scheduling of a public hearing.** See page 5 for instructions.

Application shall be typewritten or neatly printed and shall contain or include the following:

1. One copy of the completed "Variance Application" (page 2 attached)
2. One copy Proof of Ownership (copy of Deed or Contract for Sale). If the property is under contract for sale contingent upon this hearing, a copy of the deed of the present owner must be supplied.
3. Owner/Agent Affidavit (page 3 attached)
4. Two copies of a site plan, meeting at a minimum the following requirements:
 - a. Dimensions of buildings, both existing and proposed.
 - b. Setbacks from all property lines to all buildings, both existing and proposed.
 - c. Parking size and location, if applicable.
 - d. Existing and proposed streets, alleys, and other public ways, if applicable.
 - e. Any wall or fences - show location, height, and material type.

**NOTE: SITE DATA SHALL BE DRAWN ACCURATELY, NEATLY AND TO SCALE.
SITE PLAN CAN BE NO LARGER THAN 11" X 17".**

5. One copy of a sketch showing all property owners within 500 feet of the boundaries of the property covered by this application.
6. One copy of a list of the names and addresses of all property owners within 500 feet of the boundaries of the property covered by this application.

NOTE: Sketch and list must be obtained from the county's current tax roll (Contact Hernando County Property Appraiser's Office, at 754-4190.)
7. One written narrative describing the requested variance. The narrative should indicate that a literal enforcement of the provisions of the ordinance would cause undue hardship to the petitioner (see page 4 attached)
8. One sealed survey, if any structures exist on the property which are being considered for a variance.

OFFICE USE ONLY DATE REC'D _____ FILE NO. _____
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**HERNANDO COUNTY ZONING DIVISION
ZONING VARIANCE APPLICATION**

This application must be completed and returned, with all exhibits and other items listed on page 1 of the instruction sheet, to this office before consideration for the request is reviewed and a determination made. Bear in mind that the variance request must be justified and the mere filing of the application or appearance at a public hearing, if needed, does not assure approval of said application. If a public hearing is necessary, the applicant or representative is required to appear in person at the hearing.

Applicant Name: _____ Date: _____

Mailing Address: _____

Phone No. _____ Fax: _____

E-Mail: _____

Representative Name (if applicable): _____

Mailing Address: _____

Phone No. _____ Fax: _____

E-Mail: _____

Address of Property: _____

Legal Description: _____

Key No.: _____ Zoning District: _____

Homeowners Association Yes ___ No ___ If yes, name of HOA _____

Contact Name: _____

Contact Address: _____ City: _____ State _____ Zip _____

Variance being requested: _____
(brief description of variance, i.e. reduce setback, increase bldg height, etc.)

Briefly state hardship justifying granting of the variance: _____
(see hardship criteria listed on page 4. Give full explanation in written narrative, see No. 7 of instruction sheet)

Signature of applicant or representative: _____

OWNER AFFIDAVIT

I, _____, HEREBY STATE AND AFFIRM THAT:

_____ I am the owner of the property and am making this application OR

_____ I am the owner of the property and am authorizing the entity below to submit an application on the described property. The entity shall complete the affidavit below.

I have read the instructions for filing this application. All answers to the questions in said application, all sketches and data attached to and made part of this application are honest and true to the best of my knowledge and belief and are a matter of public record.

Signature of property owner

**STATE OF FLORIDA
COUNTY OF HERNANDO**

The foregoing instrument was acknowledged before me this _____ day of _____, 2_____
by _____, who is (_____) personally known to me or who (_____) has produced
_____ as identification.

Signature of Notary Public

Stamp of Notary Public

AGENT/REPRESENTATIVE AFFIDAVIT

I, _____, HEREBY STATE AND AFFIRM THAT:

_____ I am the legal representative of the owner or lessee of the property described, which is the subject matter of the application. I have been authorized by the owner identified above to proceed with this application.

I have read the instructions for filing this application. All answers to the questions in said application, all sketches and data attached to and made part of this application are honest and true to the best of my knowledge and belief and are a matter of public record.

Signature of representative

**STATE OF FLORIDA
COUNTY OF HERNANDO**

The foregoing instrument was acknowledged before me this _____ day of _____, 2_____
by _____, who is (_____) personally known to me or who (_____) has produced
_____ as identification.

Signature of Notary Public

Stamp of Notary Public

VARIANCE INFORMATION

A variance is a request to deviate from the strict application of the provisions of the zoning ordinance in order to proceed with a proposed development. Upon submittal of a completed application, the administrative official shall review all variances based on the criteria listed below. **Please check the criteria that applies to your request:**

- 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.
- The special conditions and circumstances do not result from the actions of the applicant.
- The requested variance will not be detrimental to the development pattern in the neighborhood.
- The requested variance will enable the petitioner to avoid building in the flood plain.
- The requested variance will enable the petitioner to protect one or more specimen trees.
- The requested variance is the result of a development plan proposing a more efficient and safe design through an access management plan approved by the development review committee.
- The requested variance is for a front yard corner lot and will not have any adverse impact on the established development pattern of the adjacent lots.
- The requested variance is for an addition for a building with an existing portion already encroaching into the yard and will not extend past a line established by the existing encroachment running parallel to the lot line.
- The requested variance will further the reconstruction, rehabilitation, or restoration of structures listed in or classified as contributing to a district listed in the National Register of Historic Places, the Local Register of Historic Places, or the State Inventory of Historic Places.

The administrative official shall, following review of the request, issue a notice of intent, for either the approval or the denial of the variance.

- (a) If the notice of intent is to approve the variance, a mailing shall be issued to the property owners within five hundred (500) feet of the property under consideration for the variance. This notice shall indicate that it is the administrative official's intent to approve the requested variance fifteen (15) days after the date of the mailing if no appeal is filed.
- (b) If no appeal is filed within fifteen (15) days objecting to the administrative official's decision to approve the variance, the decision shall stand. If an appeal is filed by 5:00 p.m. on the fifteenth day, the administrative official shall schedule a public hearing for the governing body to hear the application for the variance.
- (c) If the administrative official's intent is to deny the requested variance, the administrative official shall send notification letters to the applicant and the property owners within five hundred (500) feet of the property under consideration for the variance, indicating the administrative official's intent to deny the variance.
- (d) If no appeal is filed within fifteen (15) days objecting to the administrative official's decision to deny the variance, the decision shall stand. If an appeal is filed by 5:00 p.m. on the fifteenth day, the administrative official shall schedule a public hearing for the governing body (board of county commissioners) to hear the application for the variance.

If a public hearing before the Board of County Commissioners is scheduled, the Zoning Division shall, after setting a date for the Public Hearing:

- (a) Prepare the required legal notice for publication in the local newspaper.
- (b) Mail a notice of the upcoming public hearing to all owners of property within 500 feet of the boundaries of the subject property.
- (c) Mail the required signage to the applicant or representative for posting of the subject property.
 1. The petitioner shall post the property with signs provided by the Zoning Division at least fifteen days prior to the scheduled public hearing.
 2. After posting the sign, the petitioner will sign an affidavit certifying he has met the requirements of Item 1. above.
 3. The sign is to remain posted on the property until after the scheduled public hearing.
 4. The sign posting affidavit shall be delivered to the Zoning Division at least seven days prior to the scheduled public hearing date.

The Board of County Commissioners (BCC) has final authority for granting or denying requests for variances. The BCC may specify conditions for the granting of a variance.

A dimensional variance runs with the land: A dimensional variance applies to the property for which it is granted, and not to the individual who applies for it. A dimensional variance is transferable to any future owner of the land, but it cannot be transferred by the applicant to a different site.

A variance shall not be granted to allow a use not otherwise permitted in the zoning district.

An aggrieved party may appeal a final administrative order of the governing body to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the governing body. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

Public Inquiry Workshop **Instructions**

Upon determination of need by the County staff, based upon the number of public inquiries or the size, complexity and/or intensity of the proposed project, the applicant shall be required to conduct a public inquiry workshop and is responsible for all costs (mailing list and signs) incurred in the notice procedures. A Public Inquiry Workshop is solely conducted by the applicant. Hernando County staff does not attend. Furthermore, a Public Inquiry Workshop must occur prior to the scheduling of a public hearing, and must be at a location convenient to the subject site in question, at a time which would allow for the most attendance and appropriate for public assembly as follows:

- A. The applicant shall provide sign notice by posting the property a minimum of ten (10) days prior to the scheduled workshop with a Public Inquiry Workshop notice sign, supplied by the Zoning Department for a fee. **The applicant shall notify the Zoning staff in writing of the scheduled date, time and place in advance, in order to allow staff ample time to prepare signs.** The sign notice hereunder shall be in addition to any other notice provisions in accordance with the Hernando County Code of Ordinances.

The applicant shall provide dated photograph(s) of the posted signs accompanied by a **notarized affidavit** (provided by the County) indicating the signs were posted in accordance with the time frame required by the Hernando County Code of Ordinances.

- B. The applicant shall provide mail notice a minimum of ten (10) days prior to the scheduled Public Inquiry Workshop giving the time, place and purpose of the meeting to each property owner within **one thousand feet (1,000')** of the parcel covered by the application based on the mail list generated by the **Property Appraiser's Office** for a fee. Should the list include residents in a subdivision with an established Home Owners Association (HOA), the applicant will include the HOA in the mail notification. The applicant shall provide the Zoning Department a copy of the mailing list and a notarized affidavit indicating that said notice was mailed. The mail notice hereunder shall be in addition to any other mail notice provisions in accordance with the Hernando County Code of Ordinances.
- C. The applicant shall provide to the Zoning Department an **original Citizen Sign-In sheet and executive summary/minutes** of the meeting explaining what information was provided to the public and what questions and/or concerns the public had at the workshop, these items shall be accompanied by a **notarized affidavit** indicating that the list and executive summary/minutes are the official records of the workshop. The Citizen Sign-In sheet and executive summary will become a part of the official application file.

NOTE:

No hearing shall be scheduled until such time the Public Inquiry Workshop has been conducted, all required affidavits have been submitted and staff has reviewed the results. Upon determination of need by the County staff, a meeting may be scheduled with an applicant to discuss the results of the workshop.