



## APPLICATION FOR VARIANCE REQUIREMENTS

Requests for variances from the requirements of the City of Arcadia Code of Ordinances shall generally be considered for those provisions that regulate site development and the requirements applicable to existing development. Requests for variances to permit a use, which is not allowed as a permitted use or by special exception within the specific zoning district, shall not be considered. In addition, request for variances to permit the nonconforming use of any land or structure, or the continuance of any nonconforming use shall not be considered.

When reviewing an application for a variance, the Board of Adjustment and City Council shall consider the following requirements and criteria:

1. No diminution in value of surrounding properties would be suffered.
2. Granting the permit would be of benefit to the public interest.
3. Denial of the permit would result in unnecessary hardship to the owner seeking it.
4. The use must not be contrary to the spirit of the City Code.
5. Financial disadvantages and/or inconveniences to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.
6. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting a variance at the discretion of the City Council.

Application for a variance shall be made on the appropriate form provided by the City and shall be accompanied by the appropriate fee and additional attachments or information as required. The review process for the application is as follows:

- 1) The completed variance application shall be submitted to the City Recorder no later than thirty (30) days prior to the second Wednesday of the month in order to be considered for the next available meeting. The applicant will be informed of the date of and time of the meeting.
- 2) The variance application must include the legal description of the property, sketch or survey of the property, proof of ownership, and authorization from the owner if represented by an agent or contract purchaser.
- 3) In addition to the application, the applicant shall provide a written statement which explains:
  - The nature and reason for the request
  - The Code section number, nature and extend of the limitation which is presenting the problem sought to be addressed by the variance,
  - the conditions and circumstances of the alleged hardship,

- the hardship is not self-created by any person having an interest in the property and is not the result of mere disregard for or ignorance of the provisions of the zoning ordinances
- strict application of the provisions of the zoning ordinances would deprive the applicant of reasonable use of the property for which the variance is proposed, and the variance proposed is the minimum variance which makes possible the reasonable use of the property, and
- the necessity of the action.

The written statement shall clearly justify the granting of relief from requirements of the Code, and satisfactorily address the review criteria below in this section.

- 4) Following are the requirements for notification of public hearing of the variance request:
  - a) The city shall send notice of the request for variance to the owners of all adjoining properties within three hundred (300') feet of the subject property at least one (1) week prior to the Board of Adjustment hearing.
  - b) At least one (1) week prior to the Board of Adjustment hearing, signs will be posted on the property to notify the public of the proposed variance, date of public hearings and the department to contact for further information. The signs shall be spaced, at a minimum, along all public road frontages, with a minimum, of one (1) sign per five hundred (500') feet along any one (1) frontage.
  - c) The City shall have the notice of public hearing published in a newspaper of general circulation within the city at least (1) week prior to the Board of Adjustment. Notice shall also be posted in a conspicuous location in the Administrative Office Building and may be posted at other public locations at the discretion of the City.
  
- 5) Following is the Review Process for Variance Requests:
  - a) All submittals shall be received by the City Recorder and reviewed for completeness, preparation of ad, signs and notifications and scheduling for public hearing dates.
  - b) The Board of Adjustment shall consider every variance request at a public hearing and make recommendations to the City Council. The variance shall specify in what manner the modification is to be made, the conditions upon which it is to be made and the reasons therefore.

If the variance is granted, the City Council may impose appropriate conditions and safeguards to ensure compliance with the requirements of the variance section and the Code in general. These conditions may include time limits for initiation of the variance, specific minimum or maximum limits to regular Code requirements or any other conditions reasonably related to the requirements and criteria of the variance section of the Code. Variances run with the property and the use of a variance may be transferred to another party for use on the same property. If a

variance is not utilized within one (1) year of being granted, it shall not be utilized without a new public hearing in accordance with the variance procedure.

The above requirements are intended to provide a general overview of the variance application process. Variance requirements are specified in City Code, as may be amended from time to time.

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CITY OF ARCADIA  
VARIANCE APPLICATION

PLEASE PRINT

OWNER'S NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

APPLICANT'S NAME (IF DIFFERENT FROM OWNER) \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

APPLICANT IS:  OWNER  AGENT  PURCHASER  LESSEE

PROPERTY ADDRESS/LOCATION: \_\_\_\_\_

**ADDITIONAL INFORMATION MAY BE ATTACHED ON A SEPARATE SHEET;  
BUT MUST INCLUDE THE QUESTION NUMBER TO WHICH IT REFERENCES.**

1) LEGAL DESCRIPTION \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2) THE VARIANCE REQUESTED IS AS FOLLOWS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) THE VARIANCE IS NECESSARY FOR THE FOLLOWING REASONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4) IS YOUR SITUATION DUE TO UNIQUE CIRCUMSTANCES NOT CREATED BY YOU OR YOUR PREDECESSOR IN TITLE?  YES  NO IF YES, EXPLAIN THE CIRCUMSTANCES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5) DO SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST WHICH ARE PECULIAR TO YOUR LAND OR STRUCTURE AND WHICH ARE NOT APPLICABLE TO OTHER LANDS OR STRUCTURES IN THE SAME DISTRICT? EXPLAIN SUCH CONDITIONS OR CIRCUMSTANCES. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6) WOULD LITERAL INTERPRETATION OF THE PROVISIONS OF THE CODE DEPRIVE YOU OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTY OWNERS IN THE SAME DISTRICT? IF YES, EXPLAIN SUCH RIGHTS \_\_\_\_\_

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

7) A VARIANCE, AS REQUESTED, WILL NOT PERMIT, ESTABLISH OR ENLARGE ANY USE OR STRUCTURE WHICH IS NOT PERMITTED IN THE DISTRICT. DOES YOUR REQUEST MEET THIS CRITERION? \_\_\_\_ YES \_\_\_\_ NO IF NO, EXPLAIN. \_\_\_\_\_

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

8) HAVE ANY LAND USE APPLICATIONS BEEN FILED WITHIN THE LAST YEAR IN CONNECTION WITH THIS PROPERTY? \_\_\_\_ YES \_\_\_\_ NO? IF YES, BRIEFLY DESCRIBE THE NATURE OF THE REQUEST AND THE DATE IT WAS DONE? \_\_\_\_\_

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

THIS APPLICATION MUST BE ACCOMPANIED BY PROOF OF OWNERSHIP AND AUTHORIZATION FROM THE OWNER IF REPRESENTED BY AN AGENT OR CONTRACT PURCHASER. IT MUST ALSO INCLUDE A DRAWING SHOWING THE EXACT LOCATIONS AND DIMENSIONS OF ALL EXISTING AND PROPOSED BUILDINGS AND ADDITIONS, REQUIRED SETBACKS, EXISTING EASEMENTS AND CLEARLY DELINEATE THE SPECIFIC VARIANCE REQUESTED.

I CERTIFY THAT THE STATEMENTS IN THIS APPLICATION ARE TRUE TO THE BEST OF MY KNOWLEDGE.

\_\_\_\_\_

SIGNATURE OF APPLICANT

\*\*\*\*\* FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE \*\*\*\*\*

DATE RECEIVED \_\_\_\_\_ AMOUNT RECEIVED \$ \_\_\_\_\_ CHECK # \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

BOA PH DATE: \_\_\_\_\_ CC PH DATE: \_\_\_\_\_

NEWSPAPER AD: \_\_\_\_\_ PROP. SIGN POSTED: \_\_\_\_\_ LTRS MAILED: \_\_\_\_\_

BOA ACTION: \_\_\_\_\_ DATE: \_\_\_\_\_

CC ACTION: \_\_\_\_\_ DATE: \_\_\_\_\_

**OWNER'S AFFIDAVIT**

*STATE OF FLORIDA*  
*COUNTY OF DESOTO*

Before me, the undersigned authority, personally appeared \_\_\_\_\_  
who being by me first duly sworn on oath, deposes and says:

- (1) That he/she is the fee-simple owner of the property legally described on page one of this application.
  
- (2) That he/she desires approval for: \_\_\_\_\_  
\_\_\_\_\_
  
- (3) That he/she has appointed \_\_\_\_\_ to act as agent in his/her behalf to accomplish the above. The Owner is required to complete the Applicant's Affidavit of this application if no agent is appointed to act in his/her stead.

\_\_\_\_\_  
Affiant (Owner's Signature)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or who has produced  
\_\_\_\_\_ as identification and who did (did not) take an oath.

(SEAL)

\_\_\_\_\_  
Notary Public

**NOTE:** All applications shall be signed by the owner of the property, or some person duly authorized by the owner to sign on his/her behalf. This authority authorizing a person other than the owner to sign must be attached.

APPLICANT'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF DESOTO

Before me, the undersigned authority, personally appeared \_\_\_\_\_
who being by me first duly sworn on oath, deposes and says:

- (1) That he/she affirms and certifies that he/she understands and will comply with all ordinances, regulations, and provisions of the City of Arcadia, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further, that this application and its attachments shall become part of the Official records of the City of Arcadia, Florida and are not returnable.
(2) That he/she desires approval for: \_\_\_\_\_
(3) that the submittal requirements for the application have been completed and attached hereto as part of this application.

\_\_\_\_\_
Affiant (Applicant's Signature)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_
20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or who has produced
\_\_\_\_\_ as identification and who did (did not) take an oath.

(SEAL)

\_\_\_\_\_
Notary Public