



## Chapter 126 Variance Application Procedures

All Variance Applications must be submitted to City Hall at least 30 days prior to the next Planning and Zoning meeting. Please refer to the Planning & Zoning Calendar to determine submittal deadlines.

### **Submittal Process:**

- Variance Application completely filled out and signed by applicant.
- Payment of a \$750 (commercial) or \$350 (residential) application fee and initial pass through fee deposit of \$1000 (Ord 2013-01). Please note that depending on the review process, additional pass through fees may be required and is the responsibility of the applicant.
  - Payment by check can be made out to City of Edgewood
  - Payment by credit card will include a \$5 service fee. An invoice will be emailed to the applicant.
- A signed and notarized Agent Authorization form if the applicant IS NOT the subject property owner.
- Provide a Letter of Explanation which must outline the specifics of the proposed Variance request and include the justification for the subject request. To justify the Variance, the applicant must demonstrate the following:
  - Special conditions and circumstances exist which are peculiar to the land, structures, or required subdivision improvements involved and which are not applicable to other lands, structures, or required subdivision improvements.
  - A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties with similar conditions.
  - The special conditions and circumstances do not result from the actions of the applicant.
  - The granting of the Variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or required subdivision improvements under similar conditions. No pre-existing conditions on neighboring lands, which are contrary to this chapter, shall be considered grounds for the issuance of a Variance.
- Each application for a Variance shall be accompanied by a site plan. Details of the site plan depend on what section of code you are requesting the Variance for. Please work with City Staff to confirm.
- Please submit all documents electronically via email to City Hall at [info@edgewood-fl.gov](mailto:info@edgewood-fl.gov)

### **Receipt & Review Process:**

- Once payment is made and electronic files are submitted, they will provide to the appropriate City Staff members for review. City Staff may include the Engineer, Planner, Landscape Architect, and Attorney.
- During the Variance review, City Staff may request the following information if applicable:
  - Detailed site plan, landscape plan, existing and/or proposed structures, septic systems, drain fields, easements, buffers, signage, fire lanes, driveways, etc.



- City Staff will complete their reviews and provide reports/reviews for the public hearings.
- Using the Orange County Property Appraiser's (OCPA) website, City Staff will gather an address listing of properties within 500' of subject property and send out notice letters at least ten (10) days prior to the Planning and Zoning Meeting.
- Staff will prepare signage in accordance with City code for the applicant to post at the subject property. The applicant must complete a notarized sign affidavit form and provide City Hall photos of the sign showing it is placed on the property on a location viewable from the nearest street.

### **Hearing Process:**

- The Variance application will be placed on the appropriate Planning & Zoning agenda.
- P&Z meetings take place on the 2nd Monday of every month at 6:30PM at City Hall.
- Board Members will be in receipt of comments from City Staff, along with any public comments submitted prior to the meeting.
- After their review and consideration, the Board will make their recommendation to City Council.
- The Variance application will be placed on the following months City Council agenda.
- City Council meets the 3rd Tuesday of the month they will be provided with the same information as P&Z including the recommendation of P&Z Board.
- After City Councils review and consideration, they will proceed with a roll call vote on whether to approve or deny the Variance.

*\*All hearings are done pursuant to Florida Statute 119, and Sunshine Law.*

**The applicant/representative should attend both meetings, and be prepared to answer any questions from Board Members, Council Members, or the public.**

### **Post Hearing Process:**

- The Applicant will be provided a letter stating the final decision from City Council, including the roll call vote (if Variance is approved).
- If approval was received, City Staff will stamp off on the Variance Application, and any applicable plans with a zoning approval stamp.
- City Staff will then provide all the documents to the applicant, and explain the next steps in the permitting process, including submission to Orange County.
- Any Variance Approval will stay connected with the property address and will not be transferred with the owner should they move.
- The Variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104(3)(e).



# APPLICATION FOR CHAPTER 126 VARIANCE

Reference: Code Chapter 26: Subdivisions Sec.126-588

**REQUIRED FEES: \$750.00 (Commercial) or \$350 (Residential) Application Fee + \$1000 Pass-Through Fees Initial Deposit (Ordinance 2013-01)**

**Please note the application fee is non-refundable. Additional pass-through fees may be required throughout the project. If any pass-through balance remains at project completion, it will be reimbursed.**

**IMPORTANT:** A COMPLETE application with all required attachments must be submitted to City Staff 30 days before the next Planning & Zoning meeting. No application shall be deemed accepted unless it is complete and paid for. Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner. You can submit all documents electronically to [info@edgewood-fl.gov](mailto:info@edgewood-fl.gov).

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

Applicant Name: \_\_\_\_\_ Owner Name: \_\_\_\_\_

Email: \_\_\_\_\_ Email: \_\_\_\_\_

Phone: \_\_\_\_\_ Phone: \_\_\_\_\_

Property Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Property Zoning: \_\_\_\_\_ Existing on site: \_\_\_\_\_

Section of Code Variance is being requested: \_\_\_\_\_

\_\_\_\_\_

Variance Request: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**PROVIDE THE FOLLOWING INFORMATION WITH YOUR APPLICATION:**

- 1) A signed and notarized Agent Authorization form if the applicant IS NOT the subject property owner.
- 2) Provide a Letter of Explanation which must outline the specifics of the proposed Variance request and include the justification for the subject request. To justify the Variance, the applicant must demonstrate the following:
  - Special conditions and circumstances exist which are peculiar to the land, structures, or required subdivision improvements involved and which are not applicable to other lands, structures, or required subdivision improvements.
  - A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties with similar conditions.
  - The special conditions and circumstances do not result from the actions of the applicant.
  - The granting of the Variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or required subdivision improvements under similar conditions. No pre-existing conditions on neighboring lands, which are contrary to this chapter, shall be considered grounds for the issuance of a Variance.
- 3) Each application for a Variance shall be accompanied by a site plan. Details of the site plan depend on what section of code you are requesting the Variance for. Please work with City Staff to confirm.

The applicant hereby states that the above request for a Variance does not violate any deed restrictions on the property. In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached.

Applicant Name: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## Office Use Only:

Received by: \_\_\_\_\_ Date Received: \_\_\_\_\_

Forwarded to: \_\_\_\_\_ Date Forwarded: \_\_\_\_\_

P&Z Meeting Date: \_\_\_\_\_ City Council Meeting Date: \_\_\_\_\_

Notes: \_\_\_\_\_

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