



Office of Planning and Zoning

Application for Variance *Submittal Guide*

The reason for the variance process is that strict application of uniformly applicable Land Development Regulations (LDRs) can lead to unreasonable, unfair, and unintended results in particular instances. The Board of County Commissioners finds that it is appropriate in such cases to adopt a procedure to provide relief to persons subject to the LDRs. The Board of Adjustment (BOA) is authorized to grant variances to requirements of the LDRs consistent with the rules contained in these regulations. This section does not authorize the BOA to grant variances inconsistent with the Comprehensive Plan nor to grant a variance to permit uses not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the LDRs in the zoning district. In addition, the existence of nonconforming use of neighboring lands or unpermitted use of neighboring lands shall not be considered grounds for authorization of a variance.

Variances can be granted when the person subject to the LDR demonstrates that the purpose of the LDR will be or has been achieved by other means, and when application of a LDR would create a substantial hardship or would violate principles of fairness. "Substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. "Principles of fairness" are violated when the literal application of a LDR affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the LDR. Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

Application

The applicant shall file with the County an application specifying the LDR(s) from which a variance is requested, the type of action requested, the specific facts that justify a variance, and the reason why the variance would serve the purposes of the underlying LDR.

All applications will be reviewed for sufficiency within fifteen (15) days. The applicant will be notified in writing whether the application has been found sufficient. Once deemed sufficient, the formal review process shall begin. If the application is not sufficient, a letter noting the deficiencies will be mailed to the applicant(s) and owner(s).

Submittal Requirements

- Completed variance application.
- Copy of tax receipt or property record card and the latest recorded warranty deed showing the current fee-simple title holders of the property.
- Plot plan drawn to scale, showing the location and dimensions of all existing and proposed structures.
- If you are requesting a variance to the wetland setback, storm water calculations may be required.
- Any other information you would like to submit.

Application Fees

\$500.00 – Application filing fee

\$0.35 – postage for each abutting property owner notification

Legal fees will include an average share of the basic notification fee as billed by newspaper plus \$1.00 per line of legal.

Heritage or Historic Tree Removal Variance Request Fee - \$100.00

Any requests for postponements by the applicant and/or representatives are subject to a postponement fee of \$100.00, which must be submitted at the time the letter of postponement is received.

All fees, except for recording fees, are to be made payable to the Lake County Board of County Commissioners. Recording fees, in the amount of \$27.00, are made payable to Neil Kelly, Clerk of Circuit Court.

You may pay with a debit or credit card, however, an additional fee equal to 1% of the transaction total will be added for the convenience of using a debit or credit card.

Procedures

Applications shall be submitted to the Department of Economic Growth no later than the first day of the month. Applications will be scheduled for a public hearing on the second Thursday of the following month before the Board of Adjustment. Affordable housing projects shall be granted a 15-day extension in the filing deadline.

The County Manager or designee shall be entitled to inspect the property subject to the application at all reasonable times without specific notification to the applicant or to the property owner.

Upon receipt of the application, **the Office of Planning and Zoning will advertise the request for a public hearing as stated below:**

- At least 15 days in advance of the public hearing a notice is published in a newspaper of general circulation in the County. The notice states the date, time, location and nature of the matter to be considered at the hearing.
- The owner(s) making application and the adjacent property owners of all property lying within 500 feet surrounding the outside perimeter of the subject property will be notified by mail of the date, time and place of the hearing.
- A copy of the notice will be posted on the property subject to the application. The notice will be located in the most conspicuous place to the passing public. In addition, the notice will be posted on the public access roads and County-maintained road(s) closest to the subject property.

If you have any questions, please call our office at 352-343-9641 or email us at zoning@lakecountyfl.gov.