



Community Development Department

Zoning Division

18400 Murdock Circle, Port Charlotte, FL 33948-1094
Phone: (941) 743-1956 or (941) 743-1964 / Fax: (941) 743-1598
www.charlottecountyfl.com

"Leading the Way in Defining Community Development"

Appeal of Zoning Official - Application

Application:

- **A sufficient application package must be submitted within 30 calendar days after the date on the letter notifying the applicant of the decision by the Zoning Official. The appeal shall specify the grounds for the appeal and shall include:**
 - The application is completed with all the applicable blanks filled in.
 - A notarized property owner affidavit is included with the application, if applicable.
 - A complete legal description of the property must be included.
 - If applicable, a site plan of an appropriate scale showing placement of structures, street access, off-street parking and loading areas and required yards. If the site plan is larger than 11" x 17", 12 folded copies must be submitted.
 - A "Narrative" description of the request addressing all of the criteria in sufficient detail to provide an understanding of the request. A statement detailing the reason(s) for the request shall be part of the narrative.
 - A complete application must be filed on time along with the application fee of **\$235**. Checks are to be made payable to Charlotte County Board of County Commissioners (or CCBCC).

Process:

- The application will be reviewed for sufficiency by staff. The applicant will be notified within 10 days if the application is sufficient or if there are problems with the application as submitted.
- When the application is sufficient, the application will be scheduled for a public hearing at the next available Board of Zoning Appeals meeting. If any meeting has a lengthy agenda, the Board may adjourn for a lunch break and resume after lunch.
- If an applicant requests a continuance, a letter must be submitted to the Current Planning and Zoning Division office by 12:00 noon the day before the scheduled meeting date. Applicants must also pay an additional Administrative Fee of \$180.00 for any continuance.
- At the Board of Zoning Appeals meeting the board will make a final decision on the case or they may continue the item to another meeting date if they need more time or additional information.
- The applicant will receive a final decision letter. Any aggrieved party who wishes to appeal the final decision of the Board of Zoning Appeals must file an appeal with a court of competent jurisdiction within 30 days from the date on the decision letter.

Note: Due to time constraints the Board of Zoning Appeals will not accept lengthy technical reports or other written materials the day of the meeting. Please submit all supporting documentation attached to your application prior to the meeting, otherwise your application may be continued.

(Return completed form to the Zoning Office)



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Criteria Applicable to Administrative Appeals

A. Definition: A request for a reversal, modification, or grant of relief from a decision or determination made by the Zoning Official in the administration, enforcement or interpretation of the Zoning Regulations.

Charlotte County Code, Section 3-9-6(f):

B. Generally: The Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination made by the Zoning Official. In reaching its decision, the Board of Zoning Appeals shall consider the following criteria as well as any other issues which are pertinent and reasonable:

The following three (3) criteria should be addressed in your narrative:

1. Whether or not the appeal is of a nature properly brought to them for decision, or whether or not there is an established procedure for handling the request other than through the appeal process (i.e., a variance or special exception, etc.).
2. The intent of the regulation in question.
3. The effect the ruling will have when applied generally to this ordinance.

* **Please note:** Staff recommendations, the testimony of the appellant, and testimony of substantially interested parties shall also be considered.

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Incomplete applications will not be accepted.

File#:	Invoice #:
Date Submitted:	Date of BZA Meeting:
Code M-ZONAPP (Office use only)	

- Name of Applicant:** _____

 (Address) (City) (State) (Zip + four)
 _____ / _____ / _____
 (Phone Number) (Fax Number) (E-mail Address)
- Name of Local Agent:** _____

 (Address) (City) (State) (Zip + four)
 _____ / _____ / _____
 (Phone Number) (Fax Number) (E-mail Address)
- Owner(s) of Record:** _____

 (Address) (City) (State) (Zip + four)
 _____ / _____ / _____
 (Phone Number) (Fax Number) (E-mail Address)
- Owners Authorization:** Should an applicant not be the owner of the property, which is the subject of the request, the applicant must attach (on a separate sheet) a notarized authorization giving the applicant the right to apply for the special exception.
- Full Property Address:** _____
 (Address) (City) (Zip + four)
- Tax ID/Parcel No.:** _____
- Legal description:** Lot(s): _____ Block(s): _____
 Subdivision: _____ Unit or Sub-section: _____
 Parcel(s) or Tract(s): _____
 Section(s): _____; Township: _____ (South); Range: _____ (East)
- Total Land Area:** (in square feet or acres) _____
- Existing Zoning District Classification of Property:** _____
- Existing Future Land Use Map (FLUM) Designation:** _____

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(continued)

11. Section of the Zoning Code being disputed: Please specify what section of the Zoning Code the Zoning Official used to base their decision. Also attach a copy of the Zoning Official's determination which has resulted in your appeal.

12. Narrative: On a separate sheet please explain in detail the nature of the request and how the requested special exception meets the conditions set forth in subsection 3-9-7(f) of County Code.

13. Site Plan/Plat of Survey: If applicable, on a separate sheet, please attach a site plan or plat of survey of an appropriate scale which illustrates clearly the placement of existing and proposed structures on the property, access, off-street parking, required yards, buffers and open spaces.

14. Are there any existing structures located on the property? (circle one) YES NO

If so, what is the current use of the structures, and illustrate their locations and dimensions on the site plan. _____

15. Are there any other hearings pending for this property? (circle one) YES NO

If YES, what is name of the applicant of the public hearing? _____

16. Has there been a public hearing on this property within the past year? (circle one)YESNO

If YES, in whose name? _____

Petition #: _____ Nature of the request: _____

17. Is this request the result of a violation notice? (circle one) YES NO

If YES, in whose name was the violation served? _____

What was the nature of the violation? _____

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Affidavit of Applicant

I, the undersigned, being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owners of the majority of the property described and which is the subject matter of the proposed application; that all answers to the questions in this application, and all sketches, data and other supplementary matters attached to and made a part of the application are honest and true to the best of my knowledge and belief. I understand this application must be complete and accurate before the application may be considered, and that if I am not the owner of the property, I have attached a notarized authorization from the owner(s) to submit with this application.

State of _____, County of _____ The foregoing instrument was acknowledged before me this _____ day of _____, _____ (Month) (Year) by _____ who is personally known to me or; has produced _____ as identification and who did / did not take an oath.

Signature of Notary

Signature of Applicant (or Agent)

Printed Name of Notary

Commission Number

Property Owner's Consent

I, _____, property owner of _____ (print name) do hereby give _____ permission to file this application to allow the use of this property for: _____.

State of _____, County of _____ The foregoing instrument was acknowledged before me this _____ day of _____, _____ (Month) (Year) by _____ who is personally known to me or; has produced _____ as identification and who did / did not take an oath.

Signature of Notary

Signature of Owner

Printed Name of Notary

Commission Number

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Schedule

Board of Zoning Appeals

2012 - Filing Deadlines and Hearing Dates

<u>Application Deadline Dates</u> (Wednesday 6 weeks before meeting)	<u>BZA Hearing Dates</u> (2 nd Wednesday of each month)
November 2, 2011	December 14, 2011
November 30, 2011	January 11, 2012
December 28, 2011	February 8, 2012
February 1, 2012	March 14, 2012
February 29, 2012	April 11, 2012
March 28, 2012	May 9, 2012
May 2, 2012	June 13, 2012
May 30, 2012	July 11, 2012
June 27, 2012	August 8, 2012
August 1, 2012	September 12, 2012
August 29, 2012	October 10, 2012
October 3, 2012	November 14, 2012
October 31, 2012	December 12, 2012
November 28, 2012	January 9, 2013
January 2, 2013	February 13, 2013

TIME: 9:00 a.m. Board of Zoning Appeals

PLACE: Charlotte County Administration Center, Building A,
Commission Meeting Room 119,
18500 Murdock Circle, Port Charlotte, Florida 33948.

Questions should be directed to the Charlotte County Zoning Office at:

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