



## 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](http://www.charlottecountyfl.com)

*"Leading the Way in Defining Community Development"*

## Administrative Variance - Application

### Application:

- A sufficient application package shall include:
  - The application is completed with all the applicable blanks filled in.
  - A notarized property owner affidavit must be included with the application, if applicable.
  - A current survey and complete legal description of the property must be included.
  - A site plan, of an appropriate scale, showing placement of structures, access, off-street parking and required yards. If this application goes before the Board of Zoning Appeals, then 12 folded copies may be required of site plans larger than 11" x 17".
  - A "Narrative" description of the request addressing all of the criteria in Section 3-9-6.1 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 along with the application fee of **\$175**. 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 Zoning Official will make a determination and notify adjacent property owners of the proposed variance request. If there are no valid objections, then the Zoning Official may grant the requested Variance and the applicant will receive a final decision letter.
- If there are any valid objections, then the application will be scheduled for a public hearing at the next available Board of Zoning Appeals meeting.
- If a public hearing is required before the Board of Zoning Appeals, the board will make a final decision. The Board may continue the item to another meeting date if they need more time or additional information.
- If an applicant requests a continuance, a letter must be submitted to the Zoning 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.
- 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.

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### Criteria Applicable to Variances

#### **Section 3-9-6.1 of Charlotte County Zoning Code:**

In order for the Board of Zoning Appeals to approve a variance request, the Board must make an affirmative finding that **all** of the following conditions are found to exist:

1. Unique or peculiar conditions or circumstances exist, which relate to the location, size and characteristics of the land or structure involved and are not generally applicable to other lands or structures.
2. The strict and literal enforcement of the Zoning Regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disability of the applicant and other considerations may be considered where relevant to the request.
3. The variance requested does not involve any use which is prohibited in the district where the property is located;
4. The granting of a variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood or otherwise detrimental to the public welfare.
5. The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and the conditions cannot reasonably be corrected or avoided by the applicant.
6. The requested variance is the minimum modification of the regulation at issue that will afford relief; and
7. The requested variance is consistent with the Charlotte County Comprehensive Plan.

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### Administrative Variance - Application

Incomplete applications will not be accepted.

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

- Name of Applicant:** \_\_\_\_\_  
 \_\_\_\_\_  
 (Address) (City) (State) (Zip +4)  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 (Phone Number) (Fax Number) (E-mail Address)
- Name of Local Agent:** \_\_\_\_\_  
 \_\_\_\_\_  
 (Address) (City) (State) (Zip +4)  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 (Phone Number) (Fax Number) (E-mail Address)
- Owner(s) of Record:** \_\_\_\_\_  
 \_\_\_\_\_  
 (Address) (City) (State) (Zip +4)  
 \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 (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 +4)
- 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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### Administrative Variance - Application

(continued)

**11. Variance Requested:** (Please specify as to type and size; e.g. rear yard setback variance of 2' to allow an 18' setback rather than the required 20' setback.)

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**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:** On a separate sheet, please attach a site plan and/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. \_\_\_\_\_

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**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) ....YES .....NO

If YES, in whose name? \_\_\_\_\_

Petition #: \_\_\_\_\_ Nature of the request: \_\_\_\_\_

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**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><br>(Wednesday 6 weeks before meeting) | <u>BZA Hearing Dates</u><br>(2 <sup>nd</sup> 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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