

Land Development Division 120 Malabar Road Palm Bay, FL 32907 321-733-3042 Landdevelopment@palmbayflorida.org

## **VARIANCE APPLICATION**

This application must be completed, legible, and returned, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, prior to 5:00 p.m. on the first day of the month to be processed for consideration by the Planning and Zoning Board the following month. The application will then be referred to the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

1)	NAME OF APPLICANT (Type or print)								
	ADDRESS								
	CITY	STATE	ZIP						
	PHONE #	FAX #							
	E-MAIL ADDRESS_	E-MAIL ADDRESS							
2)	COMPLETE LEGAL D	COMPLETE LEGAL DESCRIPTION OF PROPERTY COVERED BY APPLICATION							
	SECTION	TOWNSHIP	RANGE						
3)	STREET ADDRESS OF	PROPERTY COVERED BY APPLIC	ATION:						
4)	SIZE OF AREA COVER	ED BY THIS APPLICATION (calculate a	creage):						
5)									
6)	ARE THERE ANY STRUCTURES ON THE PROPERTY NOW?:YESNO								
7)	HAS A VARIANCE APP YES	FOR THIS PROPERTY?:							
	IF SO, STATE THE NATURE OF THE PREVIOUS APPLICATION, WHETHER THE REQUEST WAS APPROVED OR DENIED, AND DATE OF ACTION:								
8)	PROPERTY IF THE ENCROACHING IN	VARIANCE IS GRANTED (SP	TED AND THE INTENDED USE OF THE ECIFY NUMBER OF INCHES/FEET O SETBACK OR REQUIRED HEIGHT						

Revision E: 10/11

# CITY OF PALM BAY, FLORIDA VARIANCE APPLICATION PAGE 2 OF 3

9) CITE THE APPLICABLE SECTION(S) OF THE ZONING ORDINANCE AND ITS REQUIRE FROM WHICH VARIANCE IS REQUESTED (ex.: 185.034(f)(7)):				
10)		E WRITTEN EXPLANATION(S) DEMONSTRATING HOW THE VARIANCE MEETS THE LOWING CONDITIONS:		
	(a)	That special conditions and circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same land use category, zoning district, or situation.		
	(b)	That special conditions and circumstances referred to above do not result from the actions of the applicant.		
	(c)	That literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district, or situation under the terms of the development code, and would work unnecessary and undue hardship on the applicant.		
	(d)	That if granted, the variance is the minimum variance necessary to make possible the reasonable use of the land, building or structure.		
	(e)	That granting the variance requested will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings, or structures in the same land use category, zoning district, or situation.		
	(f)	That granting the requested variance will be in harmony with the general intent and purpose of this code, and will not be injurious to the surrounding properties or detrimental to the public welfare.		

## CITY OF PALM BAY, FLORIDA VARIANCE APPLICATION PAGE 3 OF 3

Prin	ed Name of Applicant
Sign	ature of ApplicantDate
	DER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING IANCE APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.
ĆON THE	E UNDERSIGNED UNDERSTAND THAT THIS APPLICATION MUST BE COMPLETE AND ACCURATE BEFORE SIDERATION BY THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY, AND CERTIFY THAT ALL ANSWERS TO THE QUESTIONS IN SAID APPLICATION, AND ALL DATA AND MATTER ATTACHED TO AND E A PART OF SAID APPLICATION ARE HONEST AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
	IN ORDER TO DISCLOSE ALL PARTIES SEEKING THIS APPROVAL, COMPLETE THE ATTACHED DISCLOSURES OF OWNERSHIP INTERESTS FORMS FOR PROPERTY OWNERS AND/OR APPLICANTS IN REFERENCE TO RESOLUTION 2008-19.
	WHERE PROPERTY IS NOT OWNED BY THE APPLICANT, A <u>LETTER</u> MUST BE ATTACHED GIVING THE NOTARIZED CONSENT OF THE OWNER FOR THE APPLICANT TO REQUEST THE VARIANCE.
	A survey prepared by a registered surveyor showing all property lines and structures.
	Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guidelines.  A site plan drawn to scale which shows all property and yard dimensions, its structures (if any) and the variance desired, including abutting highway or road boundaries. Submit in electronic or PDF format.
	A listing of legal descriptions of all properties within a 500 foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This can be obtained from the Brevard County Planning and Zoning Department at 633-2060, or on the Internet at www.brevardpropertyappraiser.com) List shall be legible and the source of that information stated here:
ŕ	*\$300.00 Application Fee. Make check payable to "City of Palm Bay."
12)	THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:
	AMERICANS WITH DISABILITIES ACT. Cite the section of the act from which the variance request will provide relief:
	BERT J. HARRIS PRIVATE PROPERTY RIGHTS PROTECTION ACT, Chapter 95-181, Laws of Florida.  Provide a copy of one of the following:  Special master appointed in accordance with the act.  Court order as described in the act.
11)	EVIDENCE MUST BE PROVIDED TO CONSIDER VARIANCES BASED ON THE FOLLOWING CLAIMS:

\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY

### **CITY OF PALM BAY**

### **DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

TO: CITY OF PALM BAY GROWTH MANAGEMENT DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA COUNTY OF BREVARD

	BEFORE ME, the undersigned authority, this day personally appeared, hereinafter referred to as "Affiant," who being by me
fir	st duly sworn, under oath, deposes and states as follows:
1.	Affiant is the [ ] individual or [ ]
2.	Affiant's address is:

- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that the Affidavit is given to comply with City of Palm Bay Resolution No. 2008 19, and will be relied upon by the City of Palm Bay in its review of application for Comprehensive Plan amendment or Development Order approval affecting the property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.
- 7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIA	NT SAYETH	NAUG	SHT.				
			, Affiant				
(Print	Affiant Name	<del>;</del> )					
The foregoing	instrument	was _, 20	acknowledged , by	before	me	this	day of , [ ] who
is personally know who did take an o	vn to me or [ ath.	] \	who has produced	d b			, [ ] who as identification and
			, Notary Publi	С			
(Print	Notary Name	<del>)</del> )					
NOTARY PUBLIC							
State of Florida at	•						
My Commission E	xpires						

# **EXHIBIT "A"**

# **PROPERTY**

## **EXHIBIT "B"**

#### DISCLOSURE OF OWNERSHIP INTERESTS IN PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address	Percent of Interest			

#### **CITY OF PALM BAY**

### DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

TO: CITY OF PALM BAY GROWTH MANAGEMENT DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF COUNTY O									
BEFORE	ME,	the	undersigned	authority, , hereina		•	•	, ,	ppeared to being
by me first o	duly swo	rn, und	der oath, depose	es and state	s as follo	ows:			
[ß a " <i>ß</i> C	position and type Applicar	e.g., p of end nt"). A proval	] individual o resident, partne tity-e.g., ABC C pplicant seeks for real propert	er, trustee] of Corporation, Comprehen	f <i>XYZ Lin</i> sive Pla	<i>nited Pa</i> n amen	a <i>rtnership</i> dment o	o], (here r Develo	opment
Affia	ant's ad	dress is	S:						

Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Affiant acknowledges that the Affidavit is given to comply with City of Palm Bay Resolution No. 2008-19, and will be relied upon by the City of Palm Bay in its review of Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGH	Γ.
	_, Affiant
(Print Affiant Name)	-
	nowledged before me this day o , by, r [ ] who has produced
as identification and who did take an oa	th.
	_, Notary Public
(Print Notary Name)	_
NOTARY PUBLIC State of Florida at Large	

# **EXHIBIT "A"**

# **PROPERTY**

## **EXHIBIT "B"**

#### DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address