



CITY OF PANAMA CITY BEACH
Building and Planning Department
116 S. Arnold Road, Panama City Beach, FL 32413
850-233-5054. ext. 2313 Fax: 850-233-5049
Email: achester@pcb.gov

REQUEST FOR VARIANCE OR APPEAL

Applicant:

Name(s): _____

Address: _____

City: _____ State: _____ Telephone: _____ Fax: _____

Email: _____

Name of Acting Agent: _____

Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner with regard to the application and associated procedures. Attached to the application.

Address of Property Seeking Variance or Appeal: _____

Please provide a survey obtained no more than two (2) years prior to the filing of the application, containing legal description, land area and existing improvements located on the site. Please submit a total of ten (10) copies.

Variance Application Fee: \$500.00 **Date Collected:** _____

The procedure for review of application is found in Sections 10.02.02 and 10.02.12 of the LDC.
All Site Plans and Plats shall be drawn to scale.

Basic Submittal Requirements - LDC Section 10.02.02

Plan or Plat Preparer

Name: _____

Address: _____ Email Address: _____

City: _____ State: _____ Telephone: _____ Fax: _____

Date of Preparation: _____ Date(s) of any modifications: _____

Legal Description: (Consistent with the Required Survey) _____

A vicinity map showing the location of the property.

Future Land Use Map designation for the property: _____ Zoning designation: _____

Deed Restrictions or Private Covenants apply to this property: _____ Yes _____ No
 (If so, please provide a copy with this application.)

Requested Action - Please mark the appropriate request.

_____ Variance Request from the following section(s) of the LDC: _____

_____ Appeal of the Building Official's (or his/her designee) application of the following sections:

State specifically for Variance, the hardship to the subject property, or for Appeal, how has the specific regulation been incorrectly applied: _____

Submittal Requirements for Requests for Variances – LDC Section 10.02.12 (B)

A statement setting forth:

1. All facts and circumstances upon which the applicant intends to rely for the requested Variance; and
2. An analysis of each of the criteria set forth in section 9.03.03(A)(1)-(8)

Required Findings – LDC Section 9.03.03

A. In order for an application for a Variance to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:

1. There is a specific hardship affecting the Development of the Lot resulting from the strict application of the provisions of the LDC.
2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce Development costs;
3. The need for the proposed Variance is due to the physical shape, configuration or topographical condition of the Lot in such a manner as to distinguish it from other adjacent or nearby Lots or from other Lots in the district;
4. The proposed Variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby Lots or other Lots in the district;
5. The proposed Variance will not substantially increase congestion on surrounding Streets, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or general welfare of the public;
6. The proposed Variance will be compatible with adjacent and nearby Development and will not alter the essential character of the district;
7. The effect of the proposed Variance is consistent with the purposes of the LDC; and
8. The effect of the proposed Variance is consistent with the Comprehensive Plan.

B. The applicant for a Variance has the burden of proof of demonstrating that the application for a Variance complies with each of the requirements of section 9.03.03.

Explain how granting the variance will allow the hardship to be overcome? Is the request the minimum necessary to overcome the hardship? _____

How many feet away are all adjacent structures (also on surrounding properties) from structure located on subject property? Name specific structures. _____

If variance is granted, how will it impact the adjacent properties? Please give specific examples of light, air, noise, congestion, general welfare of the public. _____

Restricted or Conditional Variance and Termination – LDC Section 9.03.04

- A. The Planning Board may impose such conditions and restrictions as may be necessary to allow a positive finding for any of the factors listed in section 9.03.03(A)(5) and (6).
- B. After written notice of violation and reasonable opportunity to cure has been given to the property owner, the City Manager shall terminate a restricted or conditional Variance for a violation of the restriction or condition imposed that materially negated the related positive finding. This can be done at any point in time after expiration of the time to cure.

Limitation on Time to Use Variance – LDC Section 9.03.05

Any Variance authorized by the Planning Board and not used and acted upon in a real and substantial way by the applicant or the applicant’s successor in interest; within one (1) year from the date on which the decision of the Planning Board is reduced to a written order or if appealed; the date on which the order becomes final, shall be deemed Abandoned and be void and of no further force and effect.

Applicant’s Name(s): _____ **Date:** _____

Print Name

Signature

Print Name

Signature

PROCEDURES:

Neighborhood Notice – LDC Section 10.03.02

- A. When required by this LDC, the applicant shall provide Neighborhood Notice, by U.S. Postal Service certified mail return receipt requested. Within five (5) days after such mailing, the applicant shall provide sworn proof of mailing to the Building and Planning Department.
- B. The applicant shall be responsible, as part of the application process for sending certified letters to surrounding property owners whose names and addresses are known by reference to the most recent ad valorem tax rolls of Bay County, giving notice of the requested action along with the date, time and place of the hearing. The form of the letter shall be approved by the City prior to mailing. Notice letters shall be sent to all owners of surrounding property lying in whole or in part within such distance of the boundary of the subject property as shall be specified in the applicable procedures.

Notice letters shall be sent to the following surrounding owners:

- For Variance/Appeal request involving a structure(s) of forty (40) feet or less, notice shall be sent to all such owners of property living in whole or in part within 150' feet of a boundary of the subject property.
- For a variance/appeal request involving a structure (s) more than forty (40) feet in height, notice shall be sent to all such owners of property lying in whole or in part within 500' feet of a boundary of the subject property.

The Variance/Appeal Application must be submitted to the Building & Planning Department no later than twenty (20) days prior to the Planning Board meeting. The Planning Board will then place the request on the agenda to schedule the public hearing for the following month's Planning Board meeting.

- C. The notice letter shall be mailed at least twenty (20) days prior to the hearing and proof of mailing shall be submitted to the City as part of the application. A good faith effort to mail notice to all such owners whose names and addresses are shown on a list generated by the Bay County Property Appraiser's automated mass appraisal system by that system referring to its cadastral (tax) map shall be conclusively deemed in compliance with the requirement to mail notice. Failure of any such owner to receive such notice, even if never mailed, shall not affect the jurisdiction of the board to consider the issue or validity of the board's decision.
- D. Failure of such an owner to receive such notice shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.

Posted Notice – LDC Section 10.03.03

- A. When required by the LDC, the Building and Planning Department shall post a sign on the property that is the subject of an application. The sign shall be located in a manner to ensure that it is visible on each portion of the subject property that fronts on a roadway.
- B. The sign shall contain a copy of the notice required by section 10.03.02.
- C. Failure to maintain or replace a sign properly posted shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.
- D. Posted Notice may be removed after conclusion of the hearing of which notice is given or as specified or if neither or if neither of the forgoing apply, thirty (30) days after it is first posted.

Published Notice – LDC Section 10.03.04

When required by this LDC, the Building and Planning Department shall publish a notice in a standard size or tabloid size newspaper of general paid circulation in the City. The newspaper shall be of general interest and readership, not one of limited subject matter and shall be published at least five (5) days a week.

Mailed Notice – LDC Section 10.03.05

- A. When notice by mail is permitted or required by the LDC, the notice shall be mailed with the US Postal Service Certified Mail, Return Receipt requested. Unless otherwise specified in this LDC, notice shall be mailed by the Building and Planning Department.
- B. Notice shall be deemed complete upon mailing regardless of receipt.

Roles and Responsibilities – LDC Section 8.04.03

- A. The Planning Board shall have the following powers:
 - 1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination or interpretation made by the City Manager, or his designee or the City Engineer, which is related to the LDC, excepting building codes and other matters within the jurisdiction of the Examining Board; and
 - 2. To authorize a Variance from a provision of the LDC.

No decision of the board shall be final and enforceable until five (5) business days after it shall have been reduced to a written order containing conclusions of applicable law, findings of relevant fact, and the order of the board, signed by the chairman or vice-chairman and attested by the secretary of the board. During such five (5) day period, either the City, a citizen, or the party which invoked the jurisdiction of the board shall be entitled to file with the City Council a written request for a re-hearing to clarify, modify, or overturn the form or substance of the order, in which case the City Council shall within thirty (30) days grant or deny such request in whole or in part and the order shall not be final until the City Council has completed one of those actions. No additional hearing shall be required for the City Council to deny such request, but the City Council shall afford the City, the citizen, or the party invoking its jurisdiction an opportunity to be heard before clarifying, modifying, or overturning the order. Upon expiration of such five (5) day period without the filing of a request for a rehearing, or completion of one of those actions, the board, nor the City Council shall have no further jurisdiction in the matter.

**CITY OF PANAMA CITY BEACH
PUBLIC NOTICE OF VARIANCE REQUEST OR APPEAL**

The City of Panama City Beach Planning Board will consider the following request:

APPLICANT(S): _____

ADDRESS/LOCATION: _____

The Variance/Appeal is being requested because, _____

MEETING INFORMATION:

Date: _____

Time: _____

Place: City Council Meeting Room, 110 S. Arnold Road, Panama City Beach

The applicant for this variance/appeal request is required by the City of Panama City Beach to send you this letter because, the tax rolls show you own property, in whole or in part, within _____hundred () feet of the subject property.

Any questions you may have regarding this request please contact someone at the City of Panama City Beach Building and Planning Department at 850-233-5054, ext. 2313.