



Walton County Planning and Development Services

APPLICATION FOR VARIANCE

Application Package Contents

ALL APPLICATIONS SHALL BE SUBMITTED USING THE ONLINE PORTAL

<https://www2.citizenserve.com/waltonplanning>

Any person desiring to undertake a development activity not in conformance with this *Code* may apply for a variance. A development activity that might otherwise be approved by the Director must be approved by the Board of Adjustment if a variance is sought. The variance shall be granted or denied in conjunction with, but prior to, any action to be taken on the application for development review. Land Development Code 1.16.02

	Page No
Submittal Checklist Variance	2
Variance Request Questionnaire	3
Notice to Applicants (Pre-Application Meeting Required)	
<input type="checkbox"/> Pre-Application Notes	5
<input type="checkbox"/> Application Information	6
<input type="checkbox"/> Required Signature	10
<input type="checkbox"/> Notary Page	10
Environmental Assessment	11
Notice of Affected Property Owners	13
Notice by Mail Affidavit	14
Sign Posting Requirements	15
Posting of Property Affidavit	16
Sample Mail Notification	17
Agent Affidavit / Special Power of Attorney	19

INITIAL SUBMITTAL CHECKLIST

APPLICATION FOR VARIANCE – INITIAL SUBMITTAL WILL INCLUDE THE FOLLOWING ITEMS

If any submittals do not meet these requirements, they will not be accepted

Additional items may be required per LDC 1.13.00 (N)

(Credit Cards Accepted or Check payable to Walton County)

- Fee for Variance Application: \$450
- Fee for Environmental review: \$75
- Fee for Pre-Application meeting: \$25
- Fee for SWFD fire review: \$200 (make check out to South Walton Fire District)
- Agent Affidavit
- Proof of Ownership
- Completed Application
- Flood Zone Map, Existing/Current Parcel Map, and Zoning Map
- Boundary / Topographic Survey (signed and sealed) (survey must be within 1 year of submittal date to be considered recent)
- Map with Aerial showing directions
- Single-page Site Plan
- Floor Plan and All Elevations
- Photographs of the proposed site location of view
- Environmental Assessment (signed and illustrated) (if wetlands present)
- List of Property Owners within 300 feet of the project to be notified

ADDITIONAL REQUIREMENTS NOT INCLUDED WITH INITIAL SUBMITTAL

- Notice by Mail Affidavit and accompanying documents
- Notice of Posting of Sign Affidavit and accompanying documents
- ZBA Inserts (only if additional information is being provided)

MEETING LOCATION

- North Walton Courthouse
571 US Hwy 90 E
DeFuniak Springs, FL 32435
- South Walton Courthouse Annex
31 Coastal Centre Blvd
Santa Rosa Beach, FL 32459
- Freeport Business Complex
842 State Highway 20 East Suite 110
Freeport, FL 32439

Variance Request Questionnaire

1. Is this variance request in harmony with the general purpose and intent of the regulations imposed by this code or the land use district in which the site is located?

2. Could the variance be injurious to the neighborhood or otherwise detrimental to the public welfare?

3. Would the granting of this variance permit the establishment of any use that is not permitted in the land use district?

4. What existing special circumstances or conditions are applicable to the land or building for which the variance is sought? Fully describe the unique circumstances.

5. Do the circumstances or conditions apply generally to land or buildings in the land use district?

6. Are the circumstances or conditions such that the strict application of the provisions of the land development code would deprive the applicant of the reasonable use of such land or buildings?

7. Is there proof of unnecessary hardship? (It is not sufficient proof of unnecessary hardship to show that greater profit would result if the variance was granted; the hardship cannot be established on this basis by one who purchases with or without knowledge of the restrictions.)

8. Is the hardship a result of the application of this code? (It must be suffered directly by the property in question; evidence of variance granted under similar circumstances shall not be considered.)

9. Is the granting of this variance necessary for the reasonable use of the land or building?

10. Is this variance request the minimum variance that will accomplish the purpose of reasonable use of the land or building?

11. Will the variance impair an adequate supply of light and air to the adjacent properties?

12. Will the variance substantially increase the congestion in the public streets?

13. Will the variance endanger public safety?

14. Will this variance substantially diminish or impair property values with the adjacent neighborhood?

15. Will the granting of this variance confer on the applicant any special privilege that is denied by this code to other lands, structures, or buildings in the same land use district?

NOTICE TO ALL APPLICANTS

You are required to schedule a pre-application conference with Planning and Development Services prior to submittal of this application. Your application will not be processed without verification that you have attended a pre- application conference with a representative(s) of Planning and Development Services. To schedule a pre- application conference with a planner, please use the online portal (<https://www.citizenserve.com/Portal/PortalController>).

A pre-application conference was held with _____
regarding the variance of _____
on this day of _____, _____.

I understand that the Board of County Commissioners must vote to approve this requested variance. I understand that this proposed variance will be subject to all applicable comprehensive plan policies and implementing land development code regulations. I understand that this amendment, if approved, does not vest the subject property for traffic concurrency or specific land use regulations and that development proposed for the subject property requires the approval and issuance of a final development permit.

PRE-APPLICATION NOTES

Signature of Applicant: _____

Signature of Planner: _____

Date: _____

Project / Pre-Application #: _____

Applicant Information

Name: _____

If company or corporation, name of secretary or officer

Address: _____

City, State, Zip: _____

Telephone Number: _____ Fax Number: _____

Email Address: _____

Property Owner Information (if different from applicant)

Name: _____

If company or corporation, name of secretary or officer

Address: _____

City, State, Zip: _____

Telephone Number: _____ Fax Number _____

Email: _____

Agent Information (if different from applicant)

Name: _____

If company or corporation, name of secretary or officer

Address: _____

City, State, Zip: _____

Telephone Number: _____ Fax Number _____

Email: _____

Architect

Name: _____

If company or corporation, name of secretary or officer

Address: _____

City, State, Zip: _____

Telephone Number: _____ Fax Number _____

Email: _____

Engineer

Name: _____

If company or corporation, name of secretary or officer

Address: _____

City, State, Zip: _____

Telephone Number: _____ Fax Number _____

Email: _____

Surveyor

Name: _____

If company or corporation, name of secretary or officer

Address: _____

City, State, Zip: _____

Telephone Number: _____ Fax Number _____

Email: _____

Statement of Intent:

A statement of the applicant's intentions to the future selling or leasing of all portions of the site is required. Provide a statement of intent below:

Property Information

Legal Description:

Parcel Identification Number(s) Obtained from Property Appraiser's Office:

Driving directions to the site from the nearest major intersection:

Consistency with Comprehensive Plan / Future Land Use Map:

What is the current Zoning District of the property? _____

What is the current Future Land Use Map designation? _____

of Residential Lots: _____

Units per Residential Lot: _____

Multifamily Units: _____

Type of Multifamily Units: _____

Property Acreage: _____

Square Footage of Non-Residential Development:

Existing: _____ s.f. Proposed: _____ s.f. Total: _____ s.f.

Type of Proposed Non-Residential Development: _____

Adjacent Land Uses:
(Commercial, single-family, multifamily, vacant, etc.)

Zoning District:
(from the LDC/FLUM/Land Use Determination)

North Side: _____

South Side: _____

East Side: _____

West Side: _____

Walton County Environmental Assessment

Project Description

Provide a detailed description of the project site, including the project name, driving directions, location, acreage, and a map to the site. The description should accurately characterize the current conditions within the project site (i.e. cleared, vegetated, disturbed, etc.), and portray the development site's current land use, and the surrounding land uses.

Soils

Utilize the United States Department of Agriculture, NRCS Soil Survey data for Walton County to describe each soil type found within the project site. Provide a map illustrating the area of each soil type.

Natural Vegetative Communities - Upland and Wetland

In accordance with Comprehensive Plan Policy C-3.2.7, utilizing the Florida Natural Areas Inventory descriptions, found in the FNAI Guide to Natural Communities of Florida, list and describe all Natural Community types found within the development site, and include a list of the actual species that comprise each community. Provide the acreage of each community type, provide a site map illustrating approximate boundaries, and address preservation per the Walton County Land Development Code and Comprehensive Plan. If preservation is required, please provide a preservation plan that illustrates and quantifies the vegetation community to be preserved.

Wetlands

If wetland areas are present, provide wetland delineation for all wetlands within and immediately adjacent to the development site, including isolated wetlands. Address wetland buffer requirements per Walton County Land Development Code and Comprehensive Plan. Illustrate all wetland areas and wetland buffer areas on the survey and site map.

Threatened and Endangered Species

In accordance with Comprehensive Plan Policy C-3.2.7, request a Standard Data Report from Florida Natural Areas Inventory (<http://www.fnai.org/>). In conjunction with the information obtained from FNAI, perform a site visit to search for any occurrences of Threatened and/or Endangered species within or adjacent to the development site. Provide a radius map and list of species occurring in vicinity of the project. Summarize findings and survey methods. Other references to consult may include the Florida Fish and Wildlife Conservation Commission, United States Fish and Wildlife Service, et. al. If Threatened and Endangered Species are found

within or adjacent to the development site, provide proof of coordination with the Florida Fish and Wildlife Conservation Commission and the U.S. Fish and Wildlife Service to develop a management plan.

Archeological/Cultural Resources

In accordance with Walton County Comprehensive Plan Objective L-1.3, conduct a review of the State of Florida Division of Historical Resources Master Site File for the presence of any known Archeological or Cultural Resource. If the development site has not been surveyed for the presence of Cultural Resources, a licensed archeologist may need to conduct a site visit and provide a Cultural Resources Assessment summarizing their survey methods and findings. If cultural resource sites are located, the applicant must provide proof of coordination (official SHPO letter) with the State of Florida, Division of Historical Resources Office.

Hazardous Materials and Contamination

List and describe any known contamination and/or suspected hazardous materials found within or adjacent to the development site (i.e. any chemicals, containers, dumping of trash, and/or any known sites listed in the FDEP data base).

Conclusion

Summarize findings/results and provide opinions and recommended course of action.

Attachments

Attach applicable maps, surveys, aerial photos, diagrams, and supporting documentation.

PLEASE NOTE: I understand that Walton County has adopted policies regarding the preservation of native vegetation and no clearing of any kind can take place on a development site until the proposed development has been approved for a development order by Walton County or a clearing permit has been issued.

Notification of Affected Property Owners

The Board of County Commissioners requires any applicant for variance to notify all property owners within 300 feet of the perimeter of the subject property. **The applicant is responsible for notifying property owners within 300 feet by certified, return receipt mail, not less than 10 days but no more than 20 days prior to EACH hearing for the proposed development.**

*****DO NOT NOTIFY PROPERTY OWNERS UNTIL PLANNING AND DEVELOPMENT SERVICES VERIFIES THE DATE THAT THE PROPOSAL WILL BE HEARD BEFORE THE BOARD *****

A sample notification letter is included in this application. The meeting dates and times shall be furnished by Planning and Development Services to the applicant after the proposed application has been placed upon the appropriate agenda. The applicant shall include with the notification the following information:

1. Map showing location of property in relation to surrounding properties (at least 1/2 mile radius)
2. Legal description of the subject site and parcel ID number
3. A clearly legible site plan of any development proposal if available
4. Summary of request

After the notices are mailed, the applicant shall provide to Planning and Development Services no less than three (3) days before the meeting:

1. A copy of the property owners within 300 feet of the subject property that were listed in the latest available Ad Valorem Tax Roll for Walton County
2. A copy of package mailed to property owners
3. Any packages which were undeliverable and returned
4. Certified postal receipts stamped by the United States Postal Service

It is the responsibility of the applicant or the applicant's agent to post a notification sign on the parcel, visible from the roadway when notified by Planning and Development Services of the meeting date, time, and location. A sample sign drawing is attached hereto.

After the sign is placed on the parcel the applicant shall provide to Planning and Development Services no less than three (3) days before the meeting:

1. A dated photograph of the posted sign on the parcel (not located within any rights-of-way) and an affidavit that the sign was posted per requirements.

*****FAILURE TO NOTIFY PROPERTY OWNERS AS REQUIRED MAY RESULT IN THE PROJECT BEING CONTINUED TO THE NEXT AVAILABLE MEETING DATE AND THEREFORE DELAY OF PROJECT APPROVAL *****

Walton County Notice by Mail Affidavit

BEFORE ME, the undersigned authority, personally appeared, _____, the owner and/or authorized agent of the following described property: _____, who deposes and says the following:

1. That the subject described above notified the property owners within 300 feet of the project site by the required by the owner and/or authorized agent of the owner, certified notification letter within the time allotted per the Walton County Land Development Code, mailed on _____ day of _____, notifying the public of the required public hearing, date and time of meeting, location of meeting, and purpose of meeting in accordance to the Walton County requirements.
2. That a list of the names and addresses of the mailing labels is attached hereto depicting the persons sent the notification letter. I have completed said requirements as described in this application.
3. This affidavit will be forwarded to Walton County Planning and Development Services no later than three (3) working days prior to the public meeting.

Signed Name of Applicant

Printed Name of Applicant

STATE OF _____

COUNTY OF _____

BEFORE ME, the undersigned Notary Public in and for said County and State, appeared _____, who is personally known to me or who has produced _____ as identification, and who executed the foregoing instrument. Given under my hand and seal this ____ day of _____.

{Seal}

Signed Name of Notary Public

Printed Name of Notary Public

Commission Number:

Expiration Date:

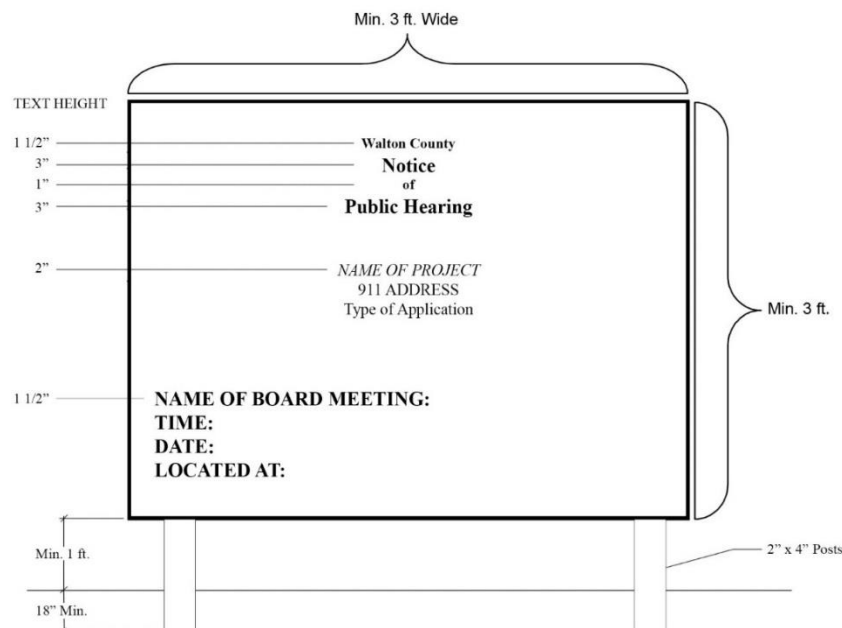
Sign Posting Requirements

NOTICE TO APPLICANTS

POSTING OF PROPERTY REQUIREMENTS SIGN:

All applications for variance requests shall be required to post the subject site with a sign notifying the public of public meetings and the request in accordance, with the following requirements:

1. The subject site described in the application shall have a sign posted by the applicant, notifying the public of: the name of the project, the type of project, the public hearing date, time and location, and type of meeting.
2. The posted sign shall be placed upon the property in the correct location (as shown below).
3. The posted sign shall be placed upon the property not less than 14 days prior to the first public meeting, and remain on the site until final decision by the Board of Zoning. Applicants shall remove the sign within 14 days after the final board decision.
4. The posted sign shall be provided by the applicant at the expense of the applicant.
5. The applicant shall provide a photo of the sign depicting the text and location of the sign in relation to the road right-of-way to Walton County Planning and Development Services.
6. The applicant shall provide the attached Affidavit with the requirement of #5 above to Walton County Planning and Development Services no less than three (3) working days prior to such public meeting.
7. Failure to satisfy the above requirements will result in an automatic tabling of the item from the public meeting to the next available meeting, where the applicant will have to satisfy the above requirements.



NOTE: Sign must have a WHITE background & BLACK letters. Sign shall be securely attached to 2 posts, being a minimum of a 2" X 4" post, and the bottom of the sign shall be a minimum of 1 foot above grade. Posts shall extend a minimum of 18" below grade.

Walton County Posting of Property Affidavit

BEFORE ME, the undersigned authority, personally appeared _____, the owner and/or authorized agent of the following described property, _____, who deposes and says as follows:

1. That the subject site described above has a sign posted for the project known as _____ by the owner and/or authorized agent for the owner, notifying the public of the required public hearings, date and time of meetings, location of meetings, and purpose of the meetings in accordance to Walton County requirements.
2. The posted sign does meet the dimensional requirements set by the County.
3. That the posted sign was placed and will be maintained upon the property in the correct location and not less than fourteen (14) days prior to the public meeting.
4. That a photo of the sign depicting the location of the sign in relation to the road right-of-way is attached.

*****I have completed the said requirements as described in the Walton County Development Application*****

Signed Name of Applicant

Printed Name of Applicant

STATE OF _____

COUNTY OF _____

BEFORE ME, the undersigned Notary Public in and for said County and State, appeared _____, who is personally known to me or who has produced _____ as identification, and who executed the foregoing instrument. Given under my hand and seal this day of _____, _____.

Signed Name of Notary Public _____

{Seal}

Printed Name of Notary Public _____

Commission Number: _____
Expiration Date: _____

Sample Property Owner Notification Letter

YOUR LETTERHEAD

Date: _____

Re: _____ (applicant (s)) is/are proposing a variance of the property shown on the attached map. The site proposed for variance is located at _____ and can be described by _____ (parcel ID number(s)) and is _____ acres in size.

Dear Property Owner:

As a property owner within three hundred (300) feet of the above referenced parcel(s), you are hereby notified that the owner has made application to Walton County Planning and Development Services for approval of the Variance proposal. A site plan (if available) and a location map are enclosed for your review. If you have questions or concerns regarding this proposal, please direct them to _____ (applicant or agent) at _____ (area code & phone number). You may also direct your comments or concerns in writing to Planning and Development Services, 842 State Highway 20 East, Suite 110, Freeport, Florida 32439 or by fax to (850) 622 -9133 no later than 4:30 p.m. the day prior to any board meeting described below for inclusion into the record of the application or you may be present at the scheduled public hearing where you will be allowed to provide oral comment related to the proposal. Email comments are also acceptable directed to the Planning Department project manager or Board Secretary, please call 850-267-1955 for the appropriate email address. Please reference the applicant and development proposal in all written correspondence. General questions not intended to be part of the written record for the requested variance may also be directed to the Planning and Development Department at 850-267-1955.

The Walton County Board of Adjustment is scheduled to review this variance on _____ (month/day/year) at the _____ (building) located at _____ (address). The meeting will begin at _____ (time).

The Board of Adjustment will make a recommendation regarding this request either to approve, approve with conditions, or to deny.

If ownership of your property in this vicinity has changed, please return this package with the name(s) and address(es) of the new owner(s) to _____(applicant)_____so that they may be notified regarding these meetings.

Please be advised accordingly,

Applicant/applicant's agent signature

Enclosures: 1) Location Map;
 2) Site Plan if Available;
 3) Written Summary of proposed variance request.

Agent Affidavit / Special Power of Attorney

STATE OF FLORIDA COUNTY OF WALTON

KNOW ALL MEN BY THESE PRESENTS, that I _____ am presently the owner and/or leaseholder of _____ and desiring to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do make, constitute and appoint _____ whose address is _____. County of _____, State of _____, my Attorney full power to act as my agent in the process of obtaining an _____ pertaining to _____.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary tasks in the execution of aforesaid authorization with the same validity as I could effect if personally present. Any act or thing lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal representative, and assigns.

PROVIDED, however, that any and all transactions conducted hereunder for me or for my account shall be transacted in my name, and that all endorsements and instruments executed by the said attorney for the purpose of carrying out the foregoing powers shall contain my name, followed by that of my said attorney and the designation "Attorney-in-Fact."

WITNESSES:

APPLICANT:

Signature: _____

Signature: _____

Printed Name: _____

Printed Name: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by:

[] Physical Presence

- OR -

[] Online Notarization

This ____ day of _____, 20____, by _____, as _____, for _____.

Printed Name of Notary Public

Signed Name of Notary Public

Commission Number: _____

Expiration Date: _____

(SEAL)

FLORIDA STATUTES 837.06 – FALSE OFFICIAL STATEMENT

Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 .

I have read and understand all the information provided in this application, the requirements listed within the application, and agree to provide the necessary information requested by Walton County. The information I have provided on this application is true and correct to the best of my knowledge.

Applicant's Signature

Printed Name

Date

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me by:

Physical Presence

- OR -

Online Notarization

This ____ day of _____, 20____,

By _____, as _____,

for _____.

(SEAL)

Signature of Notary Public

Name of Notary Typed, Printed or Stamped

Personally Known

Produced Identification

Type of Identification Produced: _____
