

What is a Variance?

A Variance is a relaxation of the terms of the Land Development Regulation (LDR) where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the LDR would result in unnecessary and undue hardship on the land.

Why is a Variance Required?

A variance is authorized only for height, area, and size of structures, or size of yards, and open spaces, as used in the LDR under Zoning. A variance is authorized generally for peculiar site or topographic conditions, and not as a result of actions of the owner or developer, but all within the intent and purpose of the Subdivision chapter in the LDR. Variances are not to be granted for minimum lot width or lot area requirements, nor on the basis of economic hardship. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of existing nonconformities in the zoning district or adjoining zoning districts.

How is a Variance Initiated?

Prior to initiating a Variance, a meeting with the Development Services Department staff should be set up in order to discuss the procedures and requirements of the LDR, as well as determining if the request qualifies as a Variance.

How does the Variance Process Work?

A variance of the terms of the applicable provisions of the LDR shall not be granted by the Board of Adjustment (BOA) unless and until the requirements and conditions listed below have been examined and met.

- A written application for a variance is submitted demonstrating:
 - * Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - * The special conditions and circumstances do not result from the actions of the applicant;
 - * Granting the variance requested will not confer on the applicant any special privilege that is denied by the applicable provisions of the LDR to other lands, buildings or structures in

the same district;

- * Literal interpretation of the applicable provisions of the LDR would deprive the applicant of rights commonly enjoyed by other properties in the same district, under the terms of the Zoning and Subdivision Chapters of the LDR, and would cause an unnecessary and undue hardship on the applicant;
 - * Non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures, buildings in other districts shall be considered ground for the issuance of a variance.
- Notice shall be given at least 15 days in advance of the public hearing.
 - The public hearing shall be held, and any party may appear in person, or by agent or by attorney.
 - The BOA shall make findings that the requirements of Article 3. Variances, Chapter 20, above have been met by the applicant for a variance.
 - The BOA shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

- The BOA shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of the applicable provisions of the LDR, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, nor in conflict with the purpose of the intent of the Comprehensive Plan.

Variance Fees:

(Paid at the time of submittal)

Please refer to Ordinance No. 07-1290 for Variance Fees.

Variance Notes:

In granting any variance, the BOA may prescribe appropriate conditions and safeguards in conformity with the applicable provisions of the LDR, including time limits for beginning and completion of any action involved. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the LDR and punishable as provided for there under.

Under no circumstances shall the BOA grant a variance to allow a use not permissible under the terms of the applicable provisions of the LDR in the district involved, or any use expressly or by implication prohibited by the terms of

the applicable provisions of the LDR in such district.

Economic hardship, medical conditions or related circumstances shall not be grounds for issuance of a variance.

A variance shall not be granted for reduction of minimum lot width and for minimum lot area requirements for the district in which such lot or lots are located.

This information is provided as a general overview only:

To obtain a comprehensive guide for a Variance it is necessary to refer to the Land Development Regulations. Copies of the City of Haines City Land Development Regulations and all applicable regulations are available for review on the City's website, WWW.HAINESCITY.COM or at the Development Services Department.

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VARIANCE PROCESS



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