



# THE CITY OF DAYTONA BEACH

## Board of Adjustment

### VARIANCE APPLICATION

#### PURPOSE

The purpose of a Variance is to allow certain deviations from the dimensional standards in the City's Land Development Code (such as height, yard setback, lot coverage, or similar numerical standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions or the narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. Variances are to be exercised only in rare instances, and under exceptional circumstances to relieve undue and unique hardships to the landowner. ***No change in permitted uses or maximum densities may be authorized by variance.***

#### **APPLICATION SUBMITTALS MUST INCLUDE THE FOLLOWING DOCUMENTS:**

- Pre- application Meeting** – Required prior to application submittal (Article 3, Section 3.4.V.3.a of the LDC). Contact Missy Phillips, Board of Adjustment Staff Liaison, at 386.671.8328.
- Development Review Application - Must include the following information:**
  - Name, address, parcel identification number, and phone number of the applicant and any agent authorized to process variance request.
  - Project Description - *Must include the Land Development Code article and section number subject to the variance.*
- Supplemental Application**
- Survey** - One signed and sealed survey of the property (***no more than 2 years old***). The survey must include site location; dimensions of all existing structure(s) and distances of structure from all lot lines; legal description(s); parcel identification number(s); rights-of-way; and easements.
- Site Plan** – One copy of the site plan (***to scale***) either 11" x 17" or 8½" X 14" complying with the Land Development Code regulations located in Appendix A, Section G.
- Authorization of Owner** (If an agent signs the application, the notarized proof of authorization form provided by the City must be signed by the owner of the property).
- Proof of ownership** of the property that is the subject of the request, via documentation such as deed, tax bill, or property appraiser's documentation.
- Application fees:** Single-Family Residential \$300 (***per lot***)    All Others \$450  
After the Fact:    Double Fees                      Applicable Recording Fees
- ALL SUBMITTALS MUST BE RECEIVED BY 12:00 P.M. ON THE DEADLINE DATE AND FEES MUST BE PAID WHEN THE APPLICATION IS SUBMITTED.**

## **APPLICATION DEADLINE**

The deadline to submit applications for the Board of Adjustment is **12:00 p.m.** on the deadline date. A copy of the deadline and meeting dates is included with this application.

The Permits & Licensing Division has five (5) business days from the date you submit your application to determine if it is complete and correct. If your application is found to be lacking any of the required information, or if the data and exhibits are inaccurate, it will not be considered "filed" for the purpose of processing, and will not be placed on the Board of Adjustment agenda until all of the required information and documentation is submitted.

## **BOARD OF ADJUSTMENT PUBLIC HEARING**

The Board of Adjustment is a body consisting of eight members appointed by a majority vote of the City Commission, with the most recently appointed new member serving as an alternate. A public hearing is held the third Thursday of every month, at 1:00 p.m. in the City Commission Chambers, 301 S. Ridgewood Avenue, Daytona Beach. Following the public hearing and discussion of each application, the Board votes on the application. They may accept, modify, return or seek additional information. A variance is valid for twelve months from the approval date. No extensions shall be granted; however, a new application may be filed for the same or other relief following expiration, and shall be treated as a new application. An application will not be heard by the Board of Adjustment unless the Public Notification requirements described below have been satisfied.

## **PUBLIC NOTIFICATION**

1. No later than **ten (10) days prior** to the Board of Adjustment public hearing date, the applicant shall mail a letter of notification to all property owners within 150 feet of the property subject to the request. The letter, provided by staff, shall describe the nature and scope of the request; identify the location of the land subject to the request; and identify the date, time, and location of the Board of Adjustment public hearing. The names and addresses of property owners within 150 feet are to be obtained from the Volusia County Property Appraiser's Office, 921 North Nova Road, Holly Hill, Florida, 32117; 386-254-4601. There is a fee.
2. Permits & Licensing Division will prepare posting placards. Applicants shall post the placards on the site no later than **ten (10) days prior** to the Board of Adjustment public hearing date.
3. An affidavit certifying compliance with these notification requirements and bearing the notarized signature of the applicant must be submitted to the Permits & Licensing Division no later than **seven (7) days prior** to the Board of Adjustment public hearing. A copy of the letter mailed to the property owners, the Volusia County Property Appraiser's mail list, and photos of the placards posted on the property must accompany the affidavit.

## 2023 Board of Adjustment Meeting Schedule

Meeting Date	Day	Time	Location	Submittal Deadline
January 19, 2023	Thursday	2:30 PM	Commission Chambers	December 28, 2022
February 16, 2023	Thursday	2:30 PM	Commission Chambers	January 25, 2023
March 16, 2023	Thursday	2:30 PM	Commission Chambers	February 22, 2023
April 20, 2023	Thursday	TBD	Commission Chambers	March 29, 2023
May 18, 2023	Thursday	TBD	Commission Chambers	April 26, 2023
June 15, 2023	Thursday	TBD	Commission Chambers	May 24, 2023
July 20, 2023	Thursday	TBD	Commission Chambers	June 21, 2023
August 17, 2023	Thursday	TBD	Commission Chambers	July 26, 2023
September 21, 2023	Thursday	TBD	Commission Chambers	August 23, 2023
October 19, 2023	Thursday	TBD	Commission Chambers	September 27, 2023
November 16, 2023	Thursday	TBD	Commission Chambers	October 25, 2023
December 21, 2023	Thursday	TBD	Commission Chambers	November 22, 2023



**THE CITY OF DAYTONA BEACH –2023  
DEVELOPMENT & ADMINISTRATIVE SERVICES  
VARIANCE APPLICATION**  
<http://www.codb.us/>

Application submittals are due by  
Wednesday at noon and should be delivered  
to: The City of Daytona Beach  
Attn: Missy Phillips, Permits &  
Licensing, Room 127  
301 South Ridgewood Avenue  
Daytona Beach, FL 32114

A pre-application meeting with Staff may be required\* prior to submitting an application to discuss the project's feasibility, anticipated review track, submittal requirements, and procedures. This requirement can be found in Section 3.3.A and Table 3.2 of the LDC. Contact Missy Phillips, Development Review Technician, at 386.671.8328 to schedule a pre-application meeting. After initial contact with Staff, the Applicant may be advised to have further preliminary discussions with Staff.

**TYPE OF REQUEST:**

**CITY FILE:**

Major Site Plan*	Variance BOA* <b>X</b>	Rezoning*
Minor Site Plan	LDC Text Amendment	Planned Development Rezoning*
Special Use*	Minor Preliminary Plat	Planned Development Amendment
Public Use*	Major Preliminary Plat*	Large Scale Comp Plan Amendment*
Temporary Use (Special Event)	Final Plat	Small Scale Comp Plan Amendment*
Annexation-Voluntary	ROW Vacation	Excess Boat Slip Allocation
Semipublic Use*	Certificate of Appropriateness, Major*	Other (Please Describe):
Easement Vacation	Historic Overlay Amendment*	

**In a Redevelopment Area?**  Ballough Road  Downtown  South Atlantic  Midtown  Main Street

**SUMMARY OF APPLICATION REQUEST (PROJECT DESCRIPTION):**

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**SITE & APPLICANT INFORMATION: All information must be completed**

Project Name:														
12 Digit Short Tax Parcel ID#:						-								
Street Address														
<b>SITE INFORMATION:</b>	<b>Existing:</b>	<b>Proposed:</b>	<b>Abutting Property:</b>											
Future Land Use Designation:			N	S	E	W								
Zoning Designation:														
Gross Sq. Ft. Floor Area:														
Acres of Parcel(s):														
<b>Property Owner (Provide Proof of Ownership)</b>														
Company/Contact Name:											Phone :			
Street Address:											E-mail:			
City & State:											Zip:			
<b>Lead Designer, if any (Provide Owner Authorization Form)</b>														
Company/Contact Name:											Phone :			
Street Address:											E-mail:			
City & State:											Zip:			
<b>Authorized Agent, if any (Provide Owner Authorization Form)</b>														
Company/Contact Name:											Phone :			
Street Address:											E-mail:			
City & State:											Zip:			

<b>Applicant Signature:</b>		<b>DATE:</b>
<b>Print Name:</b>		

# SUPPLEMENTAL INFORMATION

The purpose of a Variance is to allow certain deviations from the dimensional standards in the City's Land Development Code (such as height, yard setback, lot coverage, or similar numerical standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions or the narrowness, shallowness, or shape of a specific parcel of land), a literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest. Variances are to be exercised only in rare instances, and under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or maximum densities may be authorized by variance.

Article 3, Section 3.4(V) of the Land Development Code reads as follows:

a. A Variance application shall be approved only on a finding there is competent substantial evidence in the record of the public hearing, that all of the following standards are met:

i. What extraordinary and exceptional conditions exist (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity?

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ii. What extraordinary and exceptional conditions exist that are not the result of the actions of the property owner?

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iii. Because of those extraordinary and exceptional conditions, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship.

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iv. The Variance would not confer any special privilege(s) on the property owner that is denied to other lands or structures that are similarly situated.

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v. Will the variance granted be the minimum variance that will make possible the reasonable use of the land, building or structure?

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vi. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit.

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vii. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.

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viii. The Variance is consistent with the Comprehensive Plan.

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**NOTARIZED AUTHORIZATION OF OWNER**

I/We \_\_\_\_\_ as the sole or joint fee simple title  
(owner's name)

holder(s) of the property described as: \_\_\_\_\_

\_\_\_\_\_  
(property address or 12-digit parcel number)

authorize \_\_\_\_\_ to act as my agent to seek a variance  
(applicant's name)

on the above referenced property.

My application will be heard at a public hearing on \_\_\_\_\_,

20\_\_\_\_, before the Board of Adjustment of The City of Daytona Beach, Florida.

\_\_\_\_\_  
OWNER'S SIGNATURE

\_\_\_\_\_  
OWNER'S SIGNATURE

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or has  
produced \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC – STATE OF FLORIDA

\_\_\_\_\_  
NAME OF NOTARY – TYPED OR PRINTED

COMMISSION # \_\_\_\_\_

**PUBLIC NOTICE REQUIREMENTS  
CITY OF DAYTONA BEACH, FLORIDA**

I, the undersigned, hereby certify that I have mailed to the following named property owners, whose property is within 150 feet of that property which is the subject of an application for a public hearing pursuant to the Land Development Code of The City of Daytona Beach, Florida, a notice containing the time, date, and purpose of the public hearing and address of the subject property. **The notices were sent at least ten (10) days prior to the meeting date. A copy of the letters is attached.**

**This form and one copy of the letter must be received no later than seven (7) days prior to the public hearing date.**

**The Volusia County Property Appraiser's Office will provide a certified copy of the mail list. This must also accompany this affidavit.**

Case Number \_\_\_\_\_

Public Hearing Date \_\_\_\_\_

Typed/Printed Name \_\_\_\_\_

Signature (sign after reading) \_\_\_\_\_

Address \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC – STATE OF FLORIDA

\_\_\_\_\_  
NAME OF NOTARY – TYPED OR PRINTED

COMMISSION # \_\_\_\_\_