



## Variance Application

### General Instructions and Information:

- If you have questions, please call the Planning Department.
- Ensure the application is complete and legible.
- Refer to Page 4 of this application for information to be submitted with this application.
- Make an appointment with the Planning Department by calling 850-892-8571, Extension 1116, or emailing [planningdirector@defuiaksprings.net](mailto:planningdirector@defuiaksprings.net), to review your application prior to submission.

### I. APPLICANT INFORMATION (person completing this application)

A) Name: \_\_\_\_\_

B) Mailing Address: \_\_\_\_\_

C) Email Address: \_\_\_\_\_

D) Cell Number: \_\_\_\_\_ Alternate Number: \_\_\_\_\_

E) Please select one of the following and complete the requested information.

I am the property owner and applicant. (If so, skip section IV.)

I do not own the property, but I am the applicant. (If so, complete section III.)

### II. PROPERTY OWNER INFORMATION

A) Name: \_\_\_\_\_

B) Address: \_\_\_\_\_

C) Telephone Number: \_\_\_\_\_ Alternate Number: \_\_\_\_\_

Please note: If you are not the property owner, the agent authorization form must be completed and submitted with the application.

### III. CONTACT INFORMATION FOR PERSON PRESENTING REQUEST AND/OR GIVING TESTIMONY TO PLANNING BOARD AND CITY COUNCIL (If you have knowledge that more than 1 person will speak, please submit their names & contact information on a separate sheet of paper.)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Alternate Number: \_\_\_\_\_

### IV. PROPERTY INFORMATION

A) Parcel Identification Number(s): \_\_\_\_\_  
(May be obtained from Walton County Property Appraiser's Office)

B) Physical Location of Property: \_\_\_\_\_  
(If available; undeveloped properties will not have an address.)

C) Zoning District(s): \_\_\_\_\_  
(May be obtained from City Planning Department)

D) Future Land Use Map Designation(s): \_\_\_\_\_  
(May be obtained from City Planning Department)

E) Current use of the property : \_\_\_\_\_

F) Proposed use of the property : \_\_\_\_\_

**V. EXPLANATION OF REQUEST**

(Note: Please review Pages 3 & 4 of this application, which is the ordinance regulating variances.)

A) Please explain why you need a variance:

\_\_\_\_\_  
\_\_\_\_\_

B) List the ordinance(s) from which you are seeking a variance:

\_\_\_\_\_  
\_\_\_\_\_

C) If you are seeking a variance from any minimum dimensional requirement (lot area, lot width, minimum setback, building height, density, FAR, etc.) please specify how much of a variance is needed. Also attach drawings, photographs and any information to help illustrate your request.

\_\_\_\_\_  
\_\_\_\_\_

**VI. SIGNATURE(S)**

By signing below, I declare that I have completed this application truthfully and to the best of my knowledge, and I acknowledge that I have provided the necessary documentation as requested to complete the requirements of this application.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date of Signature

**For City Staff**

**City Review and Comments**

Date Submitted: \_\_\_\_\_ Received By: \_\_\_\_\_

Date Fee Paid: \_\_\_\_\_ Amount Paid: \_\_\_\_\_ Receipt # \_\_\_\_\_

Variance File# \_\_\_\_\_

Date Reviewed: \_\_\_\_\_ Date Forwarded to Review Team: \_\_\_\_\_

Notes/Comments: \_\_\_\_\_

Planning Board Meeting Date/Time: \_\_\_\_\_

Council Meeting to Schedule Public Hearing (Date/Time): \_\_\_\_\_

Date of Publication of Legal Ad and Direct Notice Mailed: \_\_\_\_\_

Public Hearing Date/Time: \_\_\_\_\_

Sec. 18-22. - Variances and appeals.

- (a) *Requirements for variances.* The city council has the authority to grant such variances as it deems in the best interest of the citizens of DeFuniak Springs after receiving recommendations from the planning board as provided for in Chapter 12 of the DeFuniak Springs zoning code.
- (b) *Petition.* Anyone desiring a variance to the zoning code shall file a petition requesting the variance and the petition shall contain the following information:
  - (1) The names and addresses of the petitioners.
  - (2) The names and addresses of the owners of the property for which the variance is being requested.
  - (3) The legal description and street address of the property for which the variance is requested.
  - (4) The present zoning classification of the property.
  - (5) The type of variance that is being requested.
  - (6) The reason the variance is wanted and needed.
  - (7) The proposed use of the property.
  - (8) The character of the surrounding property and neighborhood within one thousand (1,000) feet of the property for which the variance is being requested.
  - (9) The names and addresses of the property owners within one thousand (1,000) feet of the property for which the variance is requested.
- (c) *Presentation of petition.* The petition shall then be presented to the planning department who shall review the petition to determine that it is in its proper form. If the planning department determines that the petition is in proper form, he shall present the petition to the planning board who shall review the petition within thirty (30) days from the day it is received by the planning department.
- (d) *Planning board review.* The planning board shall review the petition and present its recommendation in writing concerning the request to the planning department.

In considering variances to the zoning code, the planning board shall, before making a decision in a specific case, first determine:

- (1) That the proposed variation does not constitute a change in the districts shown on the zoning map;
  - (2) That the proposed variation will not significantly increase congestion in the public streets nor impair the public safety;
  - (3) That the proposed variation will not impair the established values of property in the surrounding area;
  - (4) That 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 zoning district;
  - (5) That the special conditions and circumstances do not result from the actions of the applicant;
  - (6) That granting the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other lands, buildings or structures in the same zoning district;
  - (7) That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by others in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant;
  - (8) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
  - (9) That the grant of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (e) *Hearing on petition.* Upon receipt of the planning board's recommendation by the planning department, the planning department shall cause a copy of the petition to be mailed to those entitled to a copy and shall notify those persons of the date on which the city council shall consider the requested variance. A copy of the petition and notice of hearing on the petition shall be mailed thirty (30) days prior to the date of the hearing. A copy of the petition and notice of hearing shall be kept available for public inspection during regular

business hours at the office of the planning department. In addition to the notification by mail, the clerk shall have published in a newspaper of general paid circulation in Walton County a notice that contains the following:

- (1) A legal description and street address of the property for which the variance is being requested.
  - (2) The type of variance that is being requested.
  - (3) The date, time and place at which the hearing on the variance will be held.
- (f) *Costs.* The applicant shall be responsible for the filing of variance application and shall pay all fees and costs set by resolution of the city council.

**AUTHORIZED AGENT AFFIDAVIT**

**Subject Property:**

Property Address and/or Parcel ID Number: \_\_\_\_\_

(Note: please use a separate form for each address or Parcel ID Number.)

**Ownership:**

I am (we are) the owner(s) of the property noted herein.

Property Owner's Name: \_\_\_\_\_

**Request:**

Description of Request for the aforementioned property: \_\_\_\_\_

**Identify Agent:**

The undersigned has (have) appointed and does (do) appoint the following agent(s) to execute any application(s) or other documentation necessary to effectuate such application(s).

Agent's Name: \_\_\_\_\_

Agent's Address: \_\_\_\_\_

**Signature:**

This affidavit has been executed to induce the City of DeFuniak Springs, Florida, to consider and act on the above-described property I (we), the undersigned authority, hereby certify that the foregoing is true and correct.

In order for this application to be considered complete, the applicant must sign and date this affidavit of ownership in the presence of a Notary Public.

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Notary Public:**

STATE OF FLORIDA  
COUNTY OF WALTON

**BEFORE ME**, appeared \_\_\_\_\_, who is personally known to me, or who produced \_\_\_\_\_ as identification, and who executed the foregoing instrument in my presence.

{Seal}

Given under my hand and seal this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Signed Name of Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

**DISCLOSURE OF INTEREST STATEMENT**

BEFORE ME, on this day, appeared \_\_\_\_\_, who acknowledges and attests that the following statements are true:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at and is the subject of this application (hereinafter the "Property").
2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.
3. In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.
4. That, unless otherwise specified in paragraph 6 below, no City of DeFuniak Springs Employee or elected official has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.
5. That the disclosure identified herein does not include any beneficial Ownership Interest that a City of DeFuniak Springs Employee or elected official may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.
6. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any a City of DeFuniak Springs Employee or elected official that subsequently acquires an interest in the Property.
7. Disclosure of Interest held by a City of DeFuniak Springs Employee or elected official:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Ownership Percentage: \_\_\_\_\_

8. Disclosure of Interest **or** Contract for Sale held by other persons:

Interest Percentage: \_\_\_\_\_ **OR** Contract Type: \_\_\_Contingent \_\_\_Absolute

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.**

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*\*\*\*NOTE: A NOTARY PUBLIC MUST WITNESS YOUR SIGNATURE\*\*\*\*\*

**STATE OF FLORIDA  
COUNTY OF WALTON**

The foregoing instrument was sworn to (or affirmed) and subscribed before me on \_\_\_\_\_  
20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or who has  
produced \_\_\_\_\_ as identification.

Signature of Notary Public: \_\_\_\_\_

STAMP/SEAL

**City of DeFuniak Springs**  
**Application Checklist**

**1. Application Fee of \$450.00**

- Attach the fee to the front of the original application
- Checks are payable to the City of DeFuniak Springs
- Please note: this fee is non-refundable, regardless of decision by the City Council

**2. Completed & Signed Application**

- Only complete, legible applications can be accepted. This includes the disclosure statement on page 3 of this packet.
- If the owner authorizes an agent to submit the application, a notarized letter or agent affidavit must be submitted with the application. (A sample is available upon request.)

**3. Proof of Ownership**

- This is a copy of the current recorded deed, to include a complete legal description.
- A sales contract cannot be accepted.

**4. Survey of Subject Property**

- A 24" x 36" paper survey, at a scale of no less than 1" = 60'
- A pdf file containing the survey.
- The survey must include complete legal description, total acreage, all existing structures, and public and/or private easements.
- The survey must be certified, signed and sealed by a Florida licensed surveyor.
- If changes to the site are proposed, these changes must be included on the survey or on a separate drawing.

**5. Legal Description of Subject Property, both in Word format and a paper copy.**

**6. Parcel Identification Map**

- On 8 ½" X 11" paper, at a scale of no less than 1" = 400'
- Available from the Walton County Property Appraiser's Office (on line or in person)
- To include subject parcel, street names, property owner name(s) and complete mailing address

**7. List of Adjoining Property Owners**

- A list of all property owners, located within one thousand (1,000) feet, of the property for which the variance or special approval is requested.
- Include parcel identification numbers, property owner names, and mailing addresses
- This information is available from the Walton County Property Appraiser's Office (on line or in person)

**8. Mailing Labels for Adjoining Property Owners**

- Peel and stick mailing labels, printed with names and complete mailing addresses of all property owners within one thousand (1,000) feet of the property for which the variance or special approval is requested.
- Names and addresses of surrounding property owners shall be obtained from the latest Ad Valorem Tax Roll which may be obtained from the Walton County Property Appraiser's Office.

Please attach required documents to the application. Applications cannot be accepted if the application is not complete or if required documents and payment are not provided with the application. Please contact planning staff with any questions by calling 850-892-8571. Ext 1116