



CITY OF LAKELAND
Application for Board of Zoning Appeals

Case No. _____ Parcel ID# _____ Date of Application _____

Address or Location of Property _____ Zoning _____

Name of Applicant _____

Address _____

Daytime Telephone Number _____ Fax Number _____

Email _____

Name of Property Owner (if different from Applicant) _____

Address _____

Daytime Telephone Number _____ Fax Number _____

Email _____

Action Request (check one): Variance Special Exception Zoning Interpretation or Other

If a Variance, provision(s) of Code seeking relief: _____

If a Special Exception, proposed use(s): _____

If a Zoning Interpretation or Other, please explain: _____

In general, the Board of Zoning Appeals meets the third Monday of each month at 5:30 p.m. in the Board Chambers in City Hall located at 10001 U.S. Highway 70. All applications and related documents must be received by 4:00 p.m. thirty (30) days prior to the meeting. Ten (10) copies of all required materials, in addition to the required application fee shall be submitted to the City by the application deadline. Contact the City at 901-867-2717 to confirm deadline and meeting dates and times.

Applicants Signature

Date

Property Owners Signature
(if different from Applicant)

Date

PRE-APPLICATION CONFERENCE WITH CITY STAFF

The applicant is encouraged to conduct a pre-application conference with City staff a minimum of fifteen (15) days in advance of submitting an application and related documents for review and approval by the Board of Zoning Appeals. City staff will review submittal requirements and applicable provisions of the Zoning Ordinance or City Code.

AUTHORITY OF BOARD OF ZONING APPEALS

An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the enforcement official in whole or in part upon the provisions of the Zoning Ordinance or City Code. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds for such action. The enforcement official shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall conduct a timely review of the appeal, providing adequate public notice of the hearing, and shall render its decision within 15 days from the date of the hearing.

The Board of Zoning Appeals shall have the authority to consider:

1. *Appeal of Decision of Building Official* – To hear and decide appeals where the appellant alleges that there is error in any order, requirement, decision or change made by the official or other administrative official in the refusal, carrying out or enforcement of any provision of this Ordinance.
2. *Extension of District Boundary* – To permit the extension of a district for a distance of not more than 25 feet where the boundary line of a district divides a lot or tract in a single ownership at the time of passage of the current Zoning Ordinance and amendments thereto.
3. *Interpretation of Zoning Map* – To interpret the Official Zoning Map where questions of designation arise.
4. *Interpretation of Land Use* – To interpret, using the Standard Land Use Coding Manual, whether or not a specific use falls into the categories listed in the district sections of this Ordinance.
5. *Special Exception* – To hear and decide applications where the applicant is seeking a specific land use noted in the Table 1 of the Zoning Ordinance as a Conditional Use.

APPLICATION REQUIREMENTS

A written application shall be filed along with payment of an application fee with the Board of Zoning Appeals by the property owner or his designated agent. The application shall be filled in completely and supplemented with exhibits and related documents where required. An incomplete application or an application that fails to meet minimum submittal requirements shall be immediately returned to the applicant by the City and shall include a written statement enumerating the reasons for returning the application. The completed application shall be submitted a minimum of thirty (30) days prior to the scheduled meeting of the Board of Zoning Appeals. The applicant shall not be permitted to submit revised plan documents or supplemental information in support of the application less than 20 days prior to the scheduled meeting of the Board.

Applications for variances and special exceptions require notice to the public. The City, a minimum of 10 days in advance of the scheduled meeting of the Board, shall cause to be published a notice in a newspaper of general circulation to the City a notice indicating the date, time and location of the hearing to be held. The applicant shall also mail written notices of the hearing to affected property owners at least 10 days in advance of the hearing (check with City on the distance from property to be notified).

VARIANCE REQUIREMENTS

The Board of Zoning Appeals may hear and decide applications for a variance from the terms of the Zoning Ordinance, but only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property. The Board may also consider variances where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or conditions of a piece of property the strict application of the Zoning Ordinance would result in exceptional difficulties or the exceptional and undue hardship upon the owner of such property, provided that relief may be granted without the substantial detriment to the public and without substantially impairing the intent and purpose of the Zoning Ordinance. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning. The Board will not grant a variance unless it makes findings based upon evidence presented to the Board as follows:

1. *Physical or topographical conditions* – specific physical or topographic condition
2. *Relationship to other properties within the district* – conditions upon which the variance is based would not be applicable generally to other parcels in the district
3. *Permitted activity* – The variance will not authorize activities other than those permitted by the Zoning Ordinance.
4. *Financial implications* – The variance is not based solely upon financial returns.
5. *Self-Created Hardship* – The difficulty or hardship has not been created by a person having interest in the property.
6. *Special Privilege* – Granting the variance will not confer any special privilege denied by the Ordinance.
7. *Minimum Variance required* – The variance is the minimum necessary to make possible reasonable use of the property.
8. *Effect on public welfare* – Granting the variance will not be detrimental to the health, safety and general welfare of the public.
9. *Effect on adjacent property* – Granting the variance will not impair adjacent property.
10. *Non-conforming status* – The variance is not based on the presence of non-conforming uses.
11. *Prohibited Uses* – Granting the variance will not permit a use or condition that is expressly prohibited by the Zoning Ordinance.

The Board may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to reduce or minimize the injurious effect of such variation upon surrounding property and better carry out the general intent of the Zoning Ordinance.

SPECIAL EXCEPTION REQUIREMENTS

The Board may impose such other conditions and restrictions upon the premises benefited by the Special Exception as may be necessary to reduce or minimize the injurious effect of such use permitted as a special exception upon surrounding areas and insure compatibility with surrounding property. The Board may establish expiration dates for the expiration of any use permitted as a special exception as a condition of approval.

A use permitted as a Special Exception shall be granted provided the Board finds that the proposed use:

1. Is so designed, located and proposed to be operated so that the public health, safety and welfare will be protected;
2. Will not materially adversely affect other property in the area in which it is located;
3. Is within the provisions of “Uses Permitted as Special Exceptions” of the Zoning Ordinance; and
4. Conforms to all applicable provisions of the Zoning Ordinance for the zoning district in which it is located and is necessary for public convenience in that location.

EFFECTIVE PERIOD OF APPROVAL

The Board of Zoning Appeals approval shall become effective thirty (30) days from the date at which the approval was granted by the Board. Approval by the Board does not constitute approval of the site plan and related documents. Subsequent approval by the Planning Commission and/or Design Review Commission may be required prior to issuance of a Building Permit. No building permit should be issued prior to the effective date. Approval of a building permit shall be subject to all the conditions set forth from the Board for the variance and/or special exception.

VALIDITY OF PLANS

All approved plans, conditions, restrictions, and requirements made part of the approval by the Board shall run with the land and the variance or use permitted by special exception for the land shall conform to the same at all times.

FAILURE TO ESTABLISH USE PERMITTED BY SPECIAL EXCEPTION

The applicant is required to begin construction of the use permitted by Special Exception within one (1) year of approval granted by the Board. The use must be fully established within two (2) years of the date of approval by the Board. Failure to begin construction or establish fully the special exception use within the prescribed time period shall result in the voiding of approval of the special exception use. The applicant may request an extension from the Board not to exceed 6 months.

APPLICATION SUBMITTAL CHECKLIST

The applicant shall provide, at a minimum, the following information:

	For Office Use Only
<p><u>1. Conditional Use Permit</u> Application. The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.</p> <ul style="list-style-type: none">a. Application Form and Fee. The application, fee list, BOA meeting schedule, and submission deadline can be obtained at City Hall. b. Digital and Paper. All Plats and plans shall be submitted in both digital and paper format. c. Plan Requirements.<ul style="list-style-type: none">(1) A Plat of survey with metes and bounds legal description and property identification number.(2) The plan shall be at a scale of one (1) inch equal to or less than two hundred (200) feet and shall include the date and north arrow, as well as the following information:<ul style="list-style-type: none">(a) Present and proposed Zoning District and Use of each Parcel in question.(b) The recommended land Use classification contained in the adopted Land Use Plan of the City.	

<p>(c) Exhibits required to satisfy the Conditional Use or other applicable standards as outlined in III.2 Uses, II.1-7 Neighborhood Types, or III.3 Building Types.</p> <p>d. Additional Requirements. Applicant shall provide the following.</p> <p>(1) Building Type information, including proposed square footage and height.</p> <p>(2) Traffic Impact Study (refer to IV.2), if traffic is to be analyzed as a condition of the Use. (refer to III.2 Uses).</p> <p>(3) Vicinity Map. A vicinity map showing the subject property and all other Parcels, buildings, structures, Rights-of-Way, and Zoning Districts within one thousand (1,000) feet of the outer boundary of the Parcels under consideration, or a minimum of three (3) Owners, whichever is greater</p>	
<p><u>2. Zoning Variance</u> Application. The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.</p> <p>a. Application Form and Fee. The application, fee list, BOA meeting schedule, and submission deadline can be obtained at City Hall.</p> <p>b. Digital and Paper. All Plats and plans shall be submitted in both digital and paper format.</p> <p>c. Plan Requirements.</p> <p>(1) A Plat of survey with metes and bounds legal description and property identification number.</p> <p>(2) The plan illustrating the variance request(s) shall be at a scale of one (1) inch equal to or less than two hundred (200) feet and shall include the date and north arrow.</p>	
<p><u>3. Zoning Administrative Appeal</u> Application. The Applicant shall submit the following to the Code Administrator to constitute a Complete Application.</p> <p>a. Application Form and Fee. The application, fee list, and BOA meeting schedule and submission deadline can be obtained at City Hall.</p> <p>b. Digital and Paper. All Plats and plans shall be submitted in both digital and paper format.</p> <p>c. Plan Requirements. Resubmit all Plats and plans reviewed during the initial action.</p>	