



Variance Application

P.O. Box 707
104 N. Church Ave.
Mulberry, FL 33860
Tel 863.425.1125

Applicant

The following information is required for submission of an application for a Variance consideration by The City of Mulberry Zoning Board of Appeals.

Please Print Or Type The Required Information Below:

Name of Property Owner: _____ Phone Number: _____
 Mailing Address: _____
 Name of Representative, if applicable: _____ Phone Number: _____
 Mailing Address: _____

Property Identification:

Property Address / General Location: _____
 Present Use of the Property: _____
 Existing Structures Located on the Site: _____
 Total Acreage: _____ No. of Residents on Site: _____
 Assessed Property Value: _____ Taxable Value: _____
 Legal Description of Property: _____
 Section: _____ Township: _____ Range: _____
 Subdivision: _____ Parcel ID#: _____

Planning and Zoning Information:

Current Zoning District Classification: _____
 Variance Requested: _____

A statement substantiating the need and justification for the approval of Variance use sought relative to the development and/or improvement of the City:

(Please use an additional sheet of paper to complete this portion of your application)

Signature of Applicant: _____
 Print Name: _____ Date: _____
 FILE #: _____ Date Paid: _____ Fee Paid: _____
 Check #: _____ Receipt #: _____

Definition of a Variance:

Article 9 of the City of Mulberry Land Development Code includes the following definition for variance:

“A variance is a modification of the zoning ordinance regulations when such variance will not be contrary to the public interest, and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A variance is authorized only for height, area, size of structure or size of yards and open spaces, or other dimensional requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall the variance be granted because of the presence of nonconformities in the zoning district or classification or in the adjoining zoning districts or classifications.”

Criteria for Granting a Variance

The granting of a variance shall be based on a determination by the Zoning Board of Appeals that the request will not be contrary to the public interest and the intent of this Code, and that strict enforcement of the regulation in question would create an undue and unnecessary hardship for the applicant. Considerations of health, convenience or economics shall not be considered as justification for a variance. Approval of a variance shall be based solely on the following criteria, **all of which** must be fully satisfied.

Please explain how your request satisfies these criteria.

1. Special conditions and circumstances exist that are peculiar to the land or structure involved and that are not applicable to other lands or structures in the same land use classification. *(Example: There is a sinkhole on part of the property)*

2. The special conditions and circumstances do not result from the actions of the applicant. *(Example: The property was a nonconforming lot of record when the applicant purchased it.)*

3. The requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this Code to other lands or structures in the same land use classification. *(Example: Allowing a three-story structure in a zone that only allows for two-story structures would confer a special privilege on the applicant.)*

- 4. Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant. *(Example: Forcing setbacks on a parcel with a wetland so that the applicant cannot build their house.)*

- 5. That the variance granted is the minimum variance that will make possible a reasonable use of the land or structure. *(Example: If a 5-foot variance to a setback will allow the homeowner to build, then a 10 foot variance will not be granted.)*

- 6. That the granting of the variance will be in harmony with the general intent of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. *(Example: Allowing a 5 foot variance to the front setback is in harmony with the general intent of setbacks and will not cause injury to the area or be detrimental to the public welfare.)*

By signing this form, I confirm the following:

- The statements above are true and accurate to the best of my knowledge
- I understand that the Zoning Board of Appeals may not approve my request
- I understand that the application fee is non-refundable.

Signature of Applicant: _____

Print Name: _____

Date: _____

OWNER'S SIGNATURE PAGE

(I) (We), _____ being duly sworn, depose and say that (I) (we) own one or more of the properties involved in this petition and that (I) (we) authorize the City of Mulberry to process this petition for a Variance, in accordance with all adopted City rules and regulations, and in conformance with State law.

Further (I) (we) or any agent or lessee of the subject property authorized by (me) (us) to file this petition, deposes and say that the statements and answers contained in the application and any information attached thereto, present the arguments in behalf of this petition to the best of (my) (our) ability; and that the statements and information referred to above are in all respects true and correct to the best of (my) (our) knowledge and belief.

OWNERS

_____ Signature of Owner	_____ Signature of Owner
_____ Printed Name of Owner	_____ Printed Name of Owner
_____ Signature of Owner	_____ Signature of Owner
_____ Printed Name of Owner	_____ Printed Name of Owner

STATE OF FLORIDA

OWNER'S NOTARIZATION

COUNTY OF POLK

The foregoing instrument was acknowledged before me this ___ day of _____, 20__, by _____, who is personally known to me or who has produced a driver's license as identification and who did not take an oath.

Notary Public
Notarial Seal and Commission
Expiration Date _____

AGENT, LESSEE, OR BUYER'S SIGNATURE PAGE

(I) (We), _____ being duly sworn, depose and say that (I) (we) serve as _____ for the owner(s) in making this petition and that the owner(s) (has) (have) authorized (me) (us) to act in this capacity.

Further, (I) (we) depose and say that the statements and answers herein contained and other information attached hereto present the arguments on behalf of the petition herein requested to the best of (my) (our) ability and that the statements and information above referred to are in all respects true and correct to the best of (my) (our) knowledge and belief.

AGENT, LESSEE, OR BUYER(S)

_____ Signature of Agent, Lessee, or Buyer(s)	_____ Signature of Agent, Lessee, or Buyer(s)
_____ Printed Name of Agent, Lessee, or Buyer(s)	_____ Printed Name of Agent, Lessee, or Buyer(s)
_____ Signature of Agent, Lessee, or Buyer(s)	_____ Signature of Agent, Lessee, or Buyer(s)
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STATE OF FLORIDA
COUNTY OF POLK

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Notarial Seal and Commission
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