

What Is A Variance?



Citrus County
Land Development Division
3600 West Sovereign Path; Suite 141
Lecanto, Florida 34461
(352) 527-5239

What is a variance?

- A variance is a request to deviate from standards and requirements of the Land Development Code (LDC) in order to proceed with a proposed development. All variance requests are required to undergo a public hearing.
- The need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved.

Planning and Development Commission (PDC)

- Applications processed for final review and approval by the PDC are considered at advertised public hearings.
- Applications considered by the PDC may be reviewed by other departments (if applicable) and recommendations are provided to the PDC.

Relief

- The PDC may grant a variance from strict application of any provision of the LDC as provided in Section 4400.
- Any person desiring to undertake a development activity not in conformance with the standards and requirements of the LDC may apply for a variance in conjunction with an application for development approval.

Basic Rules:

- The PDC may prescribe appropriate conditions and safeguards including reasonable time limits to an approved variance request.
- **The PDC cannot grant a variance from the Comprehensive Plan, nor can they authorize a use or activity that is not generally permitted in the land use district.**

Burden of Proof

- Approval of a petition for a variance from the provisions and requirements of the LDC shall be granted by the PDC only on a finding that:
 1. Special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same district.
 2. The special conditions and circumstances do not result from action of the applicant.
 3. A granting of the variance requested will not confer on the applicant any special privilege that is denied by the LDC to other lands, buildings, or structures in the same land use district.

4. Literal interpretation of the provisions of this code which [would] deprive the applicant of rights commonly enjoyed by other similarly situated properties and would work unnecessary and undue hardship on the applicant.
5. The variance granted is the minimum variance that will make possible the reasonable development and/or use of the land, building, or structure.
6. The granting of the variance will be in harmony with the general intent and purpose of the LDC and will not be injurious to the area involved or otherwise detrimental to the public welfare.
7. There will be full compliance with any additional conditions and safeguards which the PDC may prescribe, including but not limited to reasonable time limits within which the action for which the variance is required shall be begun or completed, or both.
8. Granting of the variance will not deviate from the clear intent of the adopted Comprehensive Plan.

Process

- The process usually begins when an applicant is denied a building permit, notified at a pre-application meeting, or informed from County staff, that a variance is needed. (An applicant can apply before a permit.)

An applicant may apply for a Variance with the Land Development Division at 3600 West Sovereign Path, Suite 141 Lecanto, Florida 34461, with the submittal

requirements. The application is available on the Land Development's website at:

<http://www.bocc.citrus.fl.us/plandev/landdev/applications/applications/variance.pdf>

- The public will be notified of the application review, which includes notification to abutting property owners by mail, advertising in a newspaper of general circulation, and a sign posted on the property.
- The PDC holds a public hearing on the variance application. At that time County staff will present their analysis. The PDC will have the applicant state their case. After that, the hearing will be open to the public for comments. When the PDC closes the public portion of the hearing, they will publicly discuss the merits of the case and vote on whether to grant, deny or continue the variance. At that time the applicant receives the decision from the PDC.

What's next?

- When a variance is granted, the activity or development must fully comply with the site plan and conditions approved by the PDC. Any alteration or deviation from the approved plan may require a new public hearing.
- The applicant will need to obtain a Development Order with an approved variance application.
- Termination and/or expiration of Variance: The PDC may specify a term for the duration of a Variance. A Variance will terminate if no development activity under the Variance is commenced within three years of the date of approval, or if the approved use ceases for a period of three years. The property

owner may seek an extension by applying to the PDC.

- The PDC cannot hear the same (or essentially the same) application again within a period of 12 months, unless the Commission finds that a material change in the application justifies a rehearing.
- In the event that an application is again made or desired to be made within a period of one year from the date of denial, the applicant shall state expressly in writing the material change that has occurred to justify rehearing of the application.
- In the event that the PDC agrees to rehear an application, the applicant shall make a new application and pay all applicable fees.
- A change of ownership of property or any interests doesn't constitute a material change in the application.

Questions or More Information

- If you have any questions or need more information, please call:

Land Development Division

General Information: (352) 527-5239

Fax: (352) 527-5252

Web: http://www.bocc.citrus.fl.us/plandev/landdev/land_development.htm

The Land Development Division provides staff support to:

- The Board of County Commissioners
- The Planning & Development Commission