





CITY OF CLERMONT  
**VARIANCE**  
FILING INSTRUCTIONS

***Check List***

The following information shall be provided:

\_\_\_\_\_ Proof of ownership (i.e. Lake County Property record card, tax receipt, or deed.)

\_\_\_\_\_ Legal description of the property – may be on information above.

\_\_\_\_\_ Plot plan (drawn to scale) of the property involved showing the location of existing buildings or structures and the location of proposed buildings or structures which specifically delineates and illustrates the extent of the variance request. Maximum size for plans is 11" x 17" (two full size copies for detail as needed, depending on the Variance).

\_\_\_\_\_ A written justification based on Sec. 86-174, which explains the conditions and circumstances of the alleged hardship and the necessity of the action. Staff will review the application based on the review criteria. Therefore, it is in the applicant's best interest to submit the application with those five (5) items in mind to justify the variance request.

\_\_\_\_\_ Visual aids that may clarify the variance request such as overhead projections, large scale drawings, etc. A location map must be included that identifies the location of the property. These will be presented by the applicant at the public hearing.

\_\_\_\_\_ The original application and all supplemental materials. All materials can be submitted in PDF format on a CD or via email to [planning@clermontfl.org](mailto:planning@clermontfl.org)

\_\_\_\_\_ Fee: \$300.<sup>00</sup> plus advertisement for existing single-family residential.  
\$600.<sup>00</sup> plus advertisement for all others.

City of Clermont  
Development Services Department  
685 W. Montrose St.  
P.O. Box 120219  
Clermont, FL 34712-0219  
(352) 394-4083 Fax: (352) 394 3542



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**VARIANCE**  
 APPLICATION

<b>DATE</b>		<b>FEE:</b>	
Project Name (if applicable)			
Applicant			
Contact Person			
Address		City	State
Telephone		Zip	
		Fax	
Email			
<b>OWNER INFORMATION (Check box if information is same as Applicant)</b>			
Owner's Name			
Owner Address		City	State
Telephone		Zip	
		Email	
<b>PROPERTY INFORMATION</b>			
Address of Subject Property		City	State
		Zip	
General Location			
Legal Description & Alternate Key (include copy of survey)			
Land Use (City verification required)			
Zoning (City verification required)			



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Answers to the following questions are required to complete this application.

City Zoning Ordinance (Land Development Code Section) from which you are requesting relief:

What are you proposing to do that would require a variance and why?

How does the Code create a hardship?

**The following justifications must be completed for any variance requested:**

**Variance requested – subject and code section:**

**Sec. 86-174. Review criteria and findings.**

When reviewing an application for a variance, the City Council shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
  
- (2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;
  
- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;



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(4) The granting of the variance is consistent with the city's comprehensive plan; and

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied.

\_\_\_\_\_  
Applicant Name (print)

X \_\_\_\_\_  
Applicant Name (signature)

\_\_\_\_\_  
Owner Name (print)

X \_\_\_\_\_  
Owner Name (signature)

**NOTICE**

**IF THIS APPLICATION IS SUBMITTED INCOMPLETE OR INACCURATE, IT WILL BE SUBJECT TO A DELAY IN PROCESSING AND WILL NOT BE SCHEDULED UNTIL SUCH CORRECTIONS ARE MADE. APPLICATION FOR VARIANCE DOES NOT GUARANTEE APPROVAL. THE APPLICANT MUST BE PRESENT AT ANY MEETINGS TO JUSTIFY AND SUPPORT THE REQUEST.**

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## ARTICLE IV. VARIANCES

### **Sec. 86-171. Permitted variances; exclusions.**

*Hardship relief.* A hardship may exist in which the strict application of one or several requirements of this land development code would render a parcel incapable of reasonable use. Specified provisions set forth in this land development code or in the development standards may be waived when, because of the particular physical shape, surroundings or topographical condition of the property, compliance would result in a particular hardship upon the owner. A hardship is distinguished from a mere inconvenience or a desire to increase monetary gain.

(b) *Exclusions.* Requests for variances from requirements of the land development code shall generally be considered for those provisions which regulate proposed site development and the requirements applicable to existing development. The following request for variances shall not be considered?

- (1) Requests for variances to the adopted comprehensive plan.
- (2) Requests for variances to permit a use which is not allowed as a permitted use or as a conditional use within the specific zoning district.
- (3) Requests for variances to permit the expansion of a nonconforming use of any land or structure, or the continuance of any nonconforming use which has ceased by discontinuance or abandonment for a period of one year, or the reestablishment of a nonconforming building which has been destroyed or damaged by fire, explosion or act of God or in another manner to the extent of 50 percent or more of its assessed valuation.

(c) *Final decision.* Final determination of a hardship relief decision is vested in the city council sitting as the board of adjustment as provided for in this article.

(Ord. No. 281-C, § 1(Ch. 8, § 1), 11-8-94)

### **Sec. 86-172. Application.**

### **Sec. 86-173. Notice of public hearing.**



**Sec. 86-174. Review criteria and findings.**

When reviewing an application for a variance, the board of zoning adjustment shall not vary the requirements of any provision of this land development code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
- (2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;
- (3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective, or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;
- (4) The granting of the variance is consistent with the city's comprehensive plan; and
- (5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance was denied.

(Ord. No. 281-C, §1(Ch. 8, §2(C)), 11-8-94)

**Sec. 86-175. Time limit for commencing construction.**

When any variance is granted, construction of the structure or other variance item must begin within one year from the date of grant. It shall be the obligation of the owner to file written notice with the administrative official and director of planning that he has begun the proposed construction. If no such notice is filed, the variance shall automatically lapse.

(Ord. No. 281-C, § 1(Ch. 8, § 2(D)), 11-8-94; Ord. No. 294-C, § 2, 9-28-9)