

**CITY OF ST. AUGUSTINE BEACH
VARIANCE APPLICATION**

THE UNDERSIGNED HEREBY REQUESTS A LAND USE VARIANCE:

1. LEGAL DESCRIPTION OF THE PARCEL OF LAND UPON WHICH THE VARIANCE IS BEING SOUGHT:

LOT(S): _____ BLOCK: _____ SUBDIVISION: _____

STREET ADDRESS: _____

2. LOCATION: _____ SIDE OF _____
(N,S,E, or W) (Street Name)

3. IS THIS PROPERTY SEAWARD OF THE COASTAL CONTROL LINE? YES NO

4. REAL ESTATE PARCEL NUMBER: _____

5. NAME/ADDRESS OF OWNER(S) SHOWN IN ST. JOHNS COUNTY PUBLIC RECORDS: _____

6. CURRENT LAND USE CLASSIFICATION: _____

6. LAND USE CLASSIFICATION: _____

7. SECTION OF THE LAND USE CODE FROM WHICH THE PERMIT IS BEING SOUGHT:

8. SUPPORTING DATA WHICH SHOULD BE CONSIDERED BY THE BOARDS:

9. HAS AN APPLICATION FOR CONDITIONAL USE PERMIT BEEN SUBMITTED DURING THE PAST YEAR? Yes or No

IF YES, WHAT WAS THE FINAL RESULT? _____

PLEASE CHECK IF THE FOLLOWING INFORMATION HAS BEEN INCLUDED:

- LEGAL DESCRIPTION OF PARCEL
- LIST OF ALL PROPERTY OWNERS WITHIN 300' RADIUS
- OTHER DOCUMENTS OR INFORMATION TO BE CONSIDERED
- STAMPED AND ADDRESSED LEGAL SIZE ENVELOPES OF PROPERTY OWNERS WITHIN 300 FEET OF CONDITIONAL USE LOCATION.
- SURVEY - Not over two years old.

In filing this application for a Conditional Use Permit, the undersigned understands it becomes a part of the Official Records of the Comprehensive Planning and Zoning Board and the Board of City Commissioners and does hereby certify that all the information contained herein is true and correct, to the best of his/her knowledge.

(Owner or his/her agent)

(Applicant or his/her agent)

(Owner/agent address)

(Applicant/agent address)

DEFINITION - CONDITIONAL USE PERMIT

A use that would not be appropriate generally or without restriction throughout a land use district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in a land use district only in accordance with the provisions of this Code, and if the Code allows a conditional use in a particular land use category. The application for a conditional use permit shall be the same as for a concept review, except that the Comprehensive Planning and Zoning Board shall make a recommendation to the city commission, which has final approval. The Building Official may delete submittals required in the concept application outlined in Article XII that are not applicable.

INSTRUCTIONS FOR APPLYING FOR A CONDITIONAL USE PERMIT

The following requirements must be adhered to in applying for a conditional use permit. It is of the utmost importance that all required information be furnished in detail and accurately. Incorrect information can delay or nullify any action on the application. If there is inadequate space for all the necessary information, attach extra sheets with the question numbers clearly marked.

In accordance with Table 3.02.02 “permitted uses by Land Use District” all Conditional Use permits must be heard by the Comprehensive Planning and Zoning Board which will make a recommendation to the City Commission, which has final approval.

DOCUMENTATION NEEDED FOR CONDITIONAL USE PERMIT APPLICATION

1. The legal description of the parcel of land for which Permit is requested shall be shown on the deed of the property or as determined on a survey. If the parcel of land is in a recorded subdivision, use lot and block number. Include street address and location by indicating Street(s) boundary and side (south, east, etc...) and nearest intersecting street. If the land is a portion of the lot, indicate what portion of the lot; i.e. South ‘A, West 1/3, etc. If the parcel is located in an unrecorded, unplatted subdivision, use the metes and bounds description of the boundaries.
2. Provide the name and address of the owner of the property. This person’s name should agree with the public records of St. Johns County as they exist on the application. If the names are different, attach a clarification statement.
3. Indicate the current land use classification of the parcel under consideration. Current land use maps are on public display in the office of the Building Inspection Division and the personnel there will assist you in finding the current land use district classification.
4. The person(s) seeking the Permit are mandated by law to notify all land and home owners

within a radius of 300 feet of the parcel under consideration in the Permit application.

The St. John's County courthouse will provide a listing of the legal description and the microfiche tables in order to list the names and addresses of the property owners to be notified. The list of names and addresses (which must include the applicant), along with stamped, addressed legal size envelopes and are to be included with the permit application.

NOTE: Do not fill in a return address. The Bldg. & Zoning Dept. will stamp the return address and mail the legal advertising to the property owners.

Signatures and approvals of those within 300 feet are not necessary, but their names must be provided. The person seeking the Permit may provide a separate petition containing the signatures of adjoining homeowners, but these persons should not sign the application itself. Be sure to provide correct names and addresses, as incorrect information would delay or nullify any action on your application.

5. Provide the section of the Land Use Code from which a Permit is being sought. Personnel in the Building Department will assist you in this matter.

A fee of \$200.00 will be charged for the Conditional Use Permit administrative procedure, the NOTICE sign, and legal advertising.

The applicant will be required to post a sign, provided by the Building Department, on the property within clear view of the street and not more than 10 feet inside the property line.

A final order on each request for a Conditional Use Permit shall be made within thirty (30) days of the last hearing at which such request was considered. Each final order shall contain findings upon which the Commission's order is based, and may include such conditions and safeguards as prescribed by the Commission as appropriate in the matter, including reasonable time limits within which action pursuant to such order shall be begun or completed or both.

Appeal of decisions on Conditional Use Permits made by the City Commission shall be made to the Circuit Court of St. Johns County.

The application must be signed by either the owner or by the owner's authorized agent. If an authorized agent's, signature is used, then a notarized written authorization approving such representation must accompany the application.

LIMITATIONS ON GRANTING CONDITIONAL USE PERMITS

Conditional use permits shall be nontransferable and granted to the applicant only, and the use shall be commenced within a period of one (1) year from the effective date of the final order granting same; provided, however, that the city commission may adopt the following conditions to any permit:

1. That the conditional use permit will be transferable and run with the land when the facts involved warrant same, or where construction or land development is included as part of the permit.
2. The time within which the use shall be commenced may be extended for a period of time longer than one (1) year.

Failure to exercise the permit by commencement of the use or action approved thereby within

one (1) year or such longer time as approved by the City Commission shall render the permit invalid, and all rights granted thereunder shall terminate. Transfer of the property by the applicant, unless the permit runs with the land, shall terminate the permit.

3. Whenever the city commission has denied an application for a conditional use permit, no further application shall be filed for the same use on any part or all of the same property for a period of one (1) year from the date of such action. In the event that two (2) or more applications for the same use on any part or all of the same property has been denied, no further application shall be filed for the same use on any part or all of the same property for a period of two (2) years from the date of such action denying the last application filed.
4. The time limits in paragraph 3 above may be waived by the affirmative votes of a majority of the city commission when such action is deemed necessary to prevent injustice or to facilitate proper development of the city.