

TOWN OF OCEAN RIDGE, FLORIDA
LAND DEVELOPMENT CODE VARIANCE/APPEAL APPLICATION

The undersigned applicant(s) hereby petitions the Town of Ocean Ridge Board of Adjustment to call a public hearing(s) after due public notice, the cost of which is hereby assumed by the undersigned for the purpose of considering a variance to the Town's Land Development Code, or Appeal from a decision of the Administrative Official, as described herein.

APPLICANT(S) NAME: _____
PROPERTY ADDRESS: _____

INSTRUCTIONS FOR COMPLETION OF APPLICATION

1. All properties within a single application must be contiguous (immediately adjacent) to one another, and the Administrative Official may require more than one (1) application if the property concerned contains more than five (5) acres, or the fee paid for one (1) application would not equal the cost of processing the same.
2. No variance application shall be accepted by the Town Clerk for filing unless it is presented on the official forms provided by the town, and is filed with **an original and eight (8) copies, including all exhibits for a total submission of NINE (9) COPIES.**
3. Before any application is deemed "filed", it must be complete (with all required information as stated below), and all filing fees and advertising costs must be received by the Town Clerk.
4. An application is complete only when it is executed in affidavit form (sworn) by:
 - a. the owner or owners of at least seventy-five (75%) per cent of the property described in the application; or
 - b. the tenant or tenants, with the owners' written (sworn) consent; or
 - c. the duly authorized agent(s), with the owners' power of attorney (not including members of the Florida Bar); or
 - d. the contract purchasers, with the filing of a copy of the Contract of Sale and Purchase; or
 - e. the Administrative official; or
 - f. any person aggrieved by an development order, requirement, decision or determination of the Administrative Official when appealing same. (Go to Appeal Addendum)

NATURE OF THE REQUEST FOR VARIANCE

Section _____ of the Town of Ocean Ridge, Land Development Code requires _____ the applicant(s) requests a variance to permit:

DESCRIPTION OF PROPERTY

A copy of the latest recorded deed is attached hereto as **Exhibit A**. The Property Control No. _____ and the subject property is located approximately _____ feet from the intersection _____ and _____, on the (north, east, south, west) side of _____ street.

JUSTIFICATION OF VARIANCE

1. Section 63-34 of the Town of Ocean Ridge Land Development Code requires a statement of special reasons or basis for the variance request. This statement should be predicated on the objectives presented in Sections 63-2 and 63-34 of the Code, and should be attached as **Exhibit B**. The statement must include comments on each of the following individually:

a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.

b. That the special conditions and circumstances do not result from the actions of the applicant.

c. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, buildings, or structures in the same zoning district.

d. That literal interpretation of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Ordinance and would work unnecessary and undue hardship on the applicant.

e. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

f. That the granting of the variance will be in harmony with the general intent and purpose of the Ordinance.

g. That such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

THE FOLLOWING REQUIRED GRAPHIC INFORMATION
SHALL BE ATTACHED TO THIS APPLICATION, AND MARKED AS REQUIRED:

1. **Exhibit C:** at least one (1) of the surveys submitted must be sealed by a Land Surveyor licensed by the State of Florida at a scale prescribed by the Town containing the following:
 - a. An accurate legal description of the property.
 - b. A computation of the size of the tract to the nearest one-tenth (1/10) of an acre.
 - c. The survey must have been prepared for the current property owner, contract purchaser, or owners' agent or attorney, and regardless of when prepared, must contain all updated information such as latter property revisions including but not limited to fencing, walls, structures, driveways or walkways.
2. **Exhibit D:** The location of the subject parcel plotted by an engineer or surveyor registered in the State of Florida on a copy of the official's zoning map of the Town or a reasonable facsimile thereof.
3. **Exhibit E:** A property owners' location drawing showing all property owners information required below and their relation to the subject parcel:
4. **Exhibit F:** a complete list of all property owners, mailing addresses, and legal descriptions of all property within three hundred (300) feet of the subject parcel as recorded in the latest official tax rolls prepared by the Palm Beach County Tax Collector.
5. **Exhibit G:** a statement of the applicant's equitable or title interest in the property, accompanied by one of the following:
 - a. If joint and several ownership, a written consent by all owners of a record, or
 - b. if a contract purchaser, a copy of the Contract for Sale and Purchase, plus the written consent of the owners, or
 - c. If an authorized agent, a copy of the Agency Agreement, or Power of Attorney giving the consent of the owners, or
 - d. If a lessee, a copy of the lease agreement and written consent of the owners, or
 - e. If a corporation or other business entity, the name of the officer or person responsible for the application and written proof that said person has the authority to represent the corporation or other business entity, or
 - f. If more than one owner, the title owners of a least seventy-five (75) percent of the property described in the application must provide written consent.

6. **Exhibit H:** Each application for variance shall include the following information to be shown on a Site Plan of the property:

a. The exact location of all structures on the property, showing distance from the property line(s) and other structures.

b. The exact location of the property related to the public street or easement on which the property fronts.

c. The exact location of driveways and fences of the subject property.

d. An accurate indication of what and where the variance is as it relates to the existing structures on the property and to the nearest property or properties which the relief sought would affect.

e. All pertinent information, such as drawings of details, landscaping, detailed measurements, parking, public and private utilities, and other information designed to provide a factual basis for the consideration of the variance shall be included on the Site Plan.

f. Plans for Multiple Dwelling Units **are to be reviewed for off-street parking and landscaping by the Administrative Official prior** to filing an Application for Variance.

OFFICIAL FILING FEE

1. The Official Filing fee for each request for variance or appeal shall be five hundred (\$500.00) dollars. This fee is non-refundable.

2. An expense deposit of four hundred (\$400.00) dollars shall be made at time of filing, and any unused portion shall be refunded after final action. Should there be expenses over and above the four hundred (\$400.00) dollar deposit, the Applicant shall remit the balance to the Town upon being notified of the amount due, and prior to public hearing on the application.

3. Payment may be made only in U.S. Currency, cashier's, personal, or business check on a U. S. bank. All checks shall be made payable to the "Town of Ocean Ridge". The issuance of a non-collectable check shall be subject to an additional administrative fee of one hundred (\$100.00) dollars. Checks issued on non-sufficient funds ("NSF") or closed accounts shall be prosecuted as provided by law.

APPLICANT'S CERTIFICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

The undersigned Applicant(s) swears or affirms, under penalty of perjury, that he/she (they) understand and will comply with the provisions of the Town of Ocean Ridge Land Development Code, and in particular Sections 63-73 and 63-34 (only if a variance is requested). The undersigned further certifies the foregoing statements made herein, together with all exhibits attached hereto, or later presented at a hearing in this cause, are true to the best of his/her (their) knowledge and belief.

(Witness)

(SIGNATURE OF APPLICANT(S))

(Witness)

(Type/Print Name of Applicant(s))

APPLICANT IS:

Owner

Contract Purchaser

Other
(explain)

(Street Address)

(City and State)

NAME OF OWNER(S),
IF OTHER THAN APPLICANT(S):

(Mailing Address)

(Telephone/Fax Numbers)

SWORN TO AND SUBSCRIBED BEFORE ME

THIS ___ DAY OF _____, 20__.

Notary Public, State of Florida - At Large
My Commission Expires:

(Seal)

**TOWN OF OCEAN RIDGE, FLORIDA
FOR OFFICIAL TOWN USE ONLY**

DATE OF OFFICIAL ACCEPTANCE: _____ OFFICIAL FILE NUMBER:

DATE OF AGENDA CERTIFICATION: _____ LAND USE DISTRICT:

FILING FEE PAID: _____ ADVERTISING FEE (AMOUNT PAID): _____

BY:

TOWN CLERK

ADMINISTRATIVE COMMENTS

Type of Variance/Appeal:

Size of Parcel: _____ sq. feet Dimensions of Lot

Comments or Recommendation:

TOWN MANAGER
ADMINISTRATIVE OFFICIAL

BOARD OF ADJUSTMENT ACTION

PUBLIC HEARING DATE:

CONTINUANCES GRANTED:

FINAL ACTION TAKEN:

HISTORIC PROPERTY ADDENDUM

1. The applicant represents that the structure on the property described herein does not have "significant historic value", because of the following: (attach additional sheet(s), if necessary)

2. The applicant represents that the cost and practical feasibility of repairing or restoring the structure on the property described herein is not reasonable because of the following:

APPLICANT'S CERTIFICATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

The undersigned Applicant(s) swears or affirms, under penalty of perjury, that he/she (they) the foregoing statements made herein, together with all exhibits attached hereto, or later presented at a hearing in this cause, are true to the best of his/her (their) knowledge and belief.

(Witness)

(SIGNATURE OF APPLICANT(S))

(Witness)

(Type/Print Name of Applicant(s))

SWORN TO AND SUBSCRIBED BEFORE ME
THIS ___ DAY OF _____, 20__.

Notary Public, State of Florida - At Large
My Commission Expires:

(Seal)

APPEAL ADDENDUM

In addition to other forms and requirements, the filing of an Appeal from the decision of the Administrative Official requires a detailed description of the basis for the challenge to such decision. The Applicant shall provide complete facts and circumstances which the Applicant believes constitute a violation of the Town's Land Development Code (LDC), and a clear description of the LDC section(s) which are alleged to have been violated.

The information provided shall be used by the Board of Adjustment in determining probable cause to believe the Administrative Official's decision in the matter described. The Board of Adjustment shall make an initial determination regarding probable cause. If a finding of "no probable cause" is determined, the hearing shall thereafter be adjourned, and the aggrieved party shall have a further right to file a Petition for Writ of Certiorari with the Circuit Court, in and for Palm Beach County, Florida.

If "probable cause" is found by the Board of Adjustment, the appellant shall immediately bring his/her case forward. While deemed an "appeal", the hearing before the Board of Adjustment shall be a quasi-judicial, evidentiary hearing, with the right to present and confront all evidence and witnesses. The Board shall observe fundamental due process requirements, including notice and the right to be heard. However, the Florida Rules of Evidence and Rules of Civil or Appellate Procedure shall not be so strictly enforced as to prohibit relevant hearsay or other relevant information coming before the Board. The appellant and the Administrative Official shall each have one half (1/2) hour within which to present their respective cases, unless otherwise determined by the Board. The Board shall thereafter be free to question either party and shall decide the matter after making "findings of fact" and "determination of law". Any decision of the Board of Adjustment shall be appealed, if at all, within thirty (30) days of being rendered, in writing, as provided by law and Rules of Appellate Procedure.