



LEON COUNTY APPLICATION FOR BOARD OF ADJUSTMENT & APPEALS

Revised 4/5/24

APPLICATION FEE: \$960
(includes \$300 application fee and \$660 legal notice fee)



**Department of Development
Support & Environmental
Management**
435 North Macomb St., 2nd FL
Tallahassee, Florida, 32301
Phone: (850) 606-1300

The undersigned owner(s) of the following described property hereby petition the Board of Adjustment and Appeals to make a determination on the following:

NATURE OF THE REQUEST: (Select Type)

Variance From: Zoning Ordinance Cellular/Broadcast Tower
 Sign Ordinance Housing Code
 Electrical Code Building Code
 Other (Specify): _____

Appeal of Administrative Interpretation of: Zoning Ordinance Cellular/Broadcast Tower
 Sign Ordinance Housing Code
 Electrical Code Building Code
 Other (Specify): _____

PROPERTY:

Owner's Name: _____

Mailing Address: _____
Street Address City State Zip

Phone: _____ Email: _____

Agent's Name: _____

Mailing address: _____
Street Address City State Zip

Phone: _____ Email: _____

DESCRIPTION OF PROPERTY:

Tax Parcel I.D. Number(s): _____

Street Address: _____ Zoning District: _____

Existing and/or Proposed Use of Property: _____

AFFECTED ORDINANCE(S):

SECTION(S): _____

Which require(s): _____

EXPLANATION OF REQUEST:

I have made this request in order to: _____

HARDSHIP STATEMENT:

IN SEEKING THIS VARIANCE, I CONTEND THAT THE FOLLOWING HARDSHIP WOULD RESULT IF THE ORDINANCE PROVISIONS WERE STRICTLY ENFORCED AND MY REQUEST WAS DENIED:

OWNER CERTIFICATION:

I hereby certify that I am the owner of the property involved in the above-described variance request or appeal of an administrative decision and that the information set forth is true and correct.

BY: _____ Print Name: _____

Signature of Property Owner – **REQUIRED**

RECEIVED BY LEON COUNTY DEPARTMENT OF DEVELOPMENT SUPPORT & ENVIRONMENTAL MANAGEMENT ON THIS, THE _____ DAY OF _____, 20____.

Department of Development Support and Environmental Management Recipient
This application will be presented to the Tallahassee-Leon County Board of Adjustment and Appeals at a public hearing on _____ day of _____, 20____.



LEON COUNTY VARIANCES AND APPEALS

Applications for variances or appeals to be considered by the Tallahassee-Leon County Board of Adjustment and Appeals are processed by the Tallahassee Growth Management Department for properties located inside the city limits and by the Leon County Department of Development Support and Environmental Management for properties located in unincorporated Leon County. This handout is intended to acquaint applicants with the variance or appeal process and the requirements for filing an application.

The Board of Adjustment and Appeals is an appointed citizen body consisting of seven members appointed to three-year terms each. Three of the members are appointed by the City Commission and three members are appointed by the County Commission. The seventh member is alternately appointed by the City and County Commission. Public hearings are held on the second Thursday of each month for the purpose of reviewing variance applications and hearing appeals. This hearing is normally held at 1:00 pm at the Renaissance Center, 2nd Floor Conference Room, 435 North Macomb Street, Tallahassee, Florida.

APPLICATION SUBMITTAL DEADLINES:

Meetings for the Board of Adjustment and Appeals are held on the second Thursday of each month (with exceptions for holidays) at 1:00 p.m. in the 2nd Floor Conference Room of the Renaissance Center at 435 North Macomb Street. Generally, the filing deadline for variance applications is four (4) weeks prior to the second Thursday of the next month. Applicants for variance requests are received the second Thursday of every month by 12:00 noon. Applications for appeals shall be filed within thirty (30) days of the date of the written decision which is being appealed. Should you have any questions about the variance or appeal process, please contact the Development Services Division at 850-606-1300.

GENERAL APPLICATION REQUIREMENTS FOR EITHER VARIANCES OR APPEALS:

Please read and follow these directions carefully as the City Growth Management and the County Development Support & Environmental Management Department reserve the right to reject any application which is improperly filled out or incomplete.

The following **MUST** be included on all applications:

1. The signature of the property owner or person with documented power of attorney. If the applicant is someone other than the property owner, they should fill in the information requested under "Agent;"
2. The mailing address and daytime telephone number of both the property owner and agent;
3. Property description must include the street address and the Leon County Property Appraiser's tax parcel identification number of the subject property;
4. Zoning classification of the property;
5. Description of the provisions of the ordinance and the section requested to be varied or appealed; and
6. Description of the hardship (see definition of variance) or interpretation of the code to be appealed (see definition of an appeal).

VARIANCES:

A variance is defined as a relaxation of the terms of the code or ordinance involved where such variance will not be contrary to the public interest, and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the code involved would result in an unnecessary or unique hardship.

Applicants are advised to focus their written and oral presentations on the issue of hardship which is caused by the uniqueness of the property itself, as this will be the primary issue upon which the Board will be basing their decision.

Types of Variances:

1. Zoning Code – A variance is eligible to be heard by the Board of Adjustment and Appeals only for height, area or size of structure, or size of yards (setbacks) or open spaces. Use variances are prohibited. Variance applications to the Zoning Code must include a site plan depicting property dimensions, locations of and distances to the property lines of any structures, as well as any other relevant information.
2. Building Code – Any variance application to the Building code must be first reviewed as to eligibility and provisions to be varied and be acknowledged as to the completeness and correctness of form by the Building Official or his designee of the appropriate Building Inspection Department before it can be accepted for processing.
3. Sign Ordinance – It is recommended that any questions concerning applications for variances to the Sign Ordinance be directed to the Development Services Division prior to submittal.
4. Environmental Management Act – Any variance application to the Leon County Environmental Management Act must be first reviewed as to eligibility and provisions to be varied and be acknowledged as to the completeness and correctness of form by the Leon County Environmental Director or his designee before it can be accepted for processing. Any variance application to the Leon County Environmental Management Act must be accompanied by a site plan.

APPEALS:

Whenever it is claimed that the true intent or meaning of any of the codes or ordinances (which are eligible to be heard by the Board of Adjustment and Appeals) has been misconstrued or wrongly interpreted, the property owner or his duly authorized agent may appeal from the decision of the administrative officer of the code involved to the Board of Adjustment and Appeals. Notice of the appeal shall be in writing and filed within thirty (30) days after the decision has been rendered by the responsible administrative officer under the code.

In order to be eligible to file an appeal, the applicant must first obtain a written decision or determination from the appropriate administrative officer. Then, within thirty (30) days of the decision, the applicant must file a written appeal stating the reasons for which they feel the code has been misconstrued or wrongly interpreted in the administrative official's written decision. Copies of both the administrative official's written decision and the applicant's reasons for appealing that decision must accompany the application.

PUBLIC NOTIFICATION:

Notice of public hearing is published in the newspaper and a letter of notification is mailed by the Leon County Department of Development Support and Environmental Management to all property owners within 200 feet of the request explaining the nature of the variance or appeal requested, the requirements under the affected code, as well as the time, date and location of the Board of Adjustment and Appeals public hearing. Any interested party is invited to attend and may present testimony.

DECISION OF THE BOARD OF ADJUSTMENT AND APPEALS:

During its monthly public hearing, the Board of Adjustment and Appeals may receive testimony from County staff, applicants and other proponents, opponents, or any other interested party, after which the Board votes its decision.

An approved variance is good for a period not to exceed twelve (12) months during which a permit must be obtained and construction started. If a permit incorporating the variance is not obtained and construction started within the twelve-month period, the approved variance is no longer effective. Every decision of the Board of Adjustment and Appeals shall be final and is recorded in the official minutes of the Board of Adjustment and Appeals. Any person or party aggrieved by the Board's decision may seek remedy through the judicial system.