



ADMINISTRATIVE TYPE 1 VARIANCE APPLICATION INSTRUCTIONS

Palm Beach County Zoning Division

2300 North Jog Road, West Palm Beach, FL 33411, (561) 233-5200

INTRODUCTION

The Unified Land Development Code (ULDC) allow minor variation from certain standards of this Code when special circumstances peculiar to the property exist, and the literal enforcement of this Code would result in undue and unnecessary hardship via a Type 1 Administrative Variance (AV) application. Minor variations may include relief from setback reductions, accessory uses and structure placement, hedge height on residential lots. Additionally, setbacks and parking reductions for non-residential lots. A list of limitations for AV applications can be found in ULDC [Article 2.C.5.F.3](#)

TYPE 1 ADMINISTRATIVE VARIANCE

Please note the following information provided below. Contact the Zoning Division Permit Review Section at 561-233-5200 or email PZB-ZoningPermits@pbc.gov for assistance following the review of these instructions.

- A Pre-application Review and Meeting is required to discuss the request prior to submittal;
- Application fees range from approximately \$1,700 to \$1,900;
- Following submittal, the application may take a minimum of 8 weeks to process;
- Pursuant to the Standards, the applicant is required to demonstrate unique circumstances related to the property that warrant the Variance, and that the hardship is not self-created or financially based;
- A variance request which fails to meet any of the following Standards established by ULDC Article 2.C.5.F.4 shall be deemed adverse to the public interest, and shall not be approved:
 - a) Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district;
 - b) Special conditions and circumstances do not result from the actions of the Applicant;
 - c) Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, structures, or buildings in the same district;
 - d) Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;
 - e) Granting the Variance is the minimum Variance that will make possible a reasonable use of the
 - f) Granting the Variance will be consistent with the purposes, Goals, Objectives, and Policies of the Plan and this Code; and,
 - g) Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

APPLICATION INSTRUCTIONS

The following guidelines provide instructions for the completion of the application. The blank application and forms are available via the Zoning Website at: [PZB - Zoning Division \(pbc.gov\)](http://PZB - Zoning Division (pbc.gov)).

1. **Registration:** Register as an Agent or Log in at [Register/Log in Portal](#)
2. **Pre-Application Review (PAR) and Meeting:** A Pre-Application Review (PAR) is required for Zoning Applications to confirm application type and request(s), and Variance applications also require a Pre-Application Meeting. The PAR instructions and forms are available via the Zoning Website at: [PZB - Zoning Division \(pbc.gov\)](http://PZB - Zoning Division (pbc.gov)). When an applicant has reviewed these Standards, and has justification of hardship and uniqueness of the property, the applicant may submit for a Pre-Application Review and Meeting through the Online Portal. It is helpful for the applicant to submit all necessary documents in the portal, including the most recent survey of the property and any graphic information that will help facilitate discussion. Following the Meeting, Zoning Staff will issue a formal PAR Response with instructions on the next steps.
3. **Intake Appointment Inquiry:** Email Zoning Staff at PZB-ZoningIntake@pbc.gov to request a reference number for Online submittal. Include in the email, the complete Form 1, General Application, and the PAR Response. Intake requests must be submitted approximately 4 days prior to each Intake Date. See the Zoning Calendar for the application intake dates and intake appointment deadlines. Upon receipt of the request, Zoning Intake Staff will provide a Reference Number for online submittal of the complete application through the Online Portal.
4. **Application Intake**
 - a. **Intake:** The intake of applications occurs typically by noon on the third Wednesday of each month as established by the [Zoning Calendar](#). Incomplete or insufficient applications may need to resubmit with the proper documentation.
 - b. **Online submittal:** Upload Application with all documents and plans through the Online Portal using the Reference Number provided by Zoning Intake Staff and in accordance with the Zoning Calendar. See below for application requirements. Submit at the following link: <https://www.pbcgov.org/ePZB.Admin.WebSPA/#/login>. Forms can be found at [PZB - Zoning Division Applications Forms \(pbcgov.org\)](#)

Type 1 Administrative Variance (AV) Application Submittal Requirements
<u>Application Forms/Documents:</u> A. Form 1 – General Application (Word format) B. Form 2 - Affidavit of Completeness and Accuracy C. Form 3 - Consent Form D. Justification Statement providing a complete project narrative including what is being requested, the location and size of the property, and an analysis addressing each of the seven Standards per Article 2.C.5.F.4 for each variance request) E. Warranty Deed (A copy of the warranty deed(s) with ORB recording stamp) F. Liens and Fines Report – via PZB - Administration Division Fine/Lien, Open Permit and Code Enforcement Open Violation Searches G. Legal Description (a Word document with acreage that matches survey); <u>Plans:</u> H. Abstracted Survey (must be abstracted with benefit of title, within one year, signed and digitally sealed by professional surveyor)

- I. Site Plan, if applicable (location or the proposed structures for the variance request with dimensions)

Miscellaneous:

- J. Property Photos (labeled for each direction such as north, west, east, south)
- K. Misc. documents that support the variance request (building permits of new or historical; photographs, renderings, or sketches).

5. Application Processing:

- a. **Sufficiency Review:** Upon receipt, Zoning Staff will complete a Sufficiency Review within 10 working days. Applications found sufficient will be processed. Applications found Insufficient will be directed to modify the application or documents and re-submit. See ULDC Art. 2.C.2.A, Sufficiency Review.
 - b. **Fees:** Zoning Staff shall issue a Fee Invoice to the Applicant upon the finding that the application is Sufficient for processing, and prior to Agency review. Fees can be paid online at [ePZB Admin \(pbcgov.org\)](http://ePZB_Admin.pbcgov.org) The Fee Schedule can be found at [Fees.pdf \(pbcgov.org\)](http://Fees.pdf(pbcgov.org))
 - c. **Application Review:** Following payment of the Fee Invoice, Zoning Staff will review the application will be reviewed by the applicable Development Review Officer (DRO) agencies pursuant to Art.2.C.4.D. If the reviewing agencies have comments or issues on the application, then the Applicant has 10-days to respond until all issues have been resolved.
 - d. **Public Notice**
 - 1) **Courtesy Notice:** Prior to the Variance Public Meeting, Zoning staff will notify the applicant of deadlines related to Courtesy Notices and Sign posting. Zoning staff send Courtesy Notice postcards to property owners within 500-1,000 feet of the subject site no later than two weeks prior to the Public Meeting. Zoning staff provide an invoice to the Applicant to cover postage and handling. See Art. 2.B.5.C-Notification.
 - 2) **Sign Posting:** The Applicant shall post the property with a Sign posted in full view by the public per Art. 2.B.5.D-Signs, approximately three weeks and no later than two weeks prior to the Public Meeting. The Applicant shall provide Zoning Staff verification of posting pursuant to a [Form 28 - Affidavit of Installation of Notification Signs](#).
 - 3) **Newspaper Advertisement.** Zoning Staff shall post the Public Meeting in the Palm Beach Post legal advertisement.
 - e. **Staff Report and Recommendations:** Zoning Staff shall write a Staff Report with a determination on whether the proposed variance request meets the Standards listed in Art. 2.C.5.F.4. The DRO Review Agencies analysis and any Conditions of Approval will be included in the Report. The DRO shall make a recommendation of approval, approval with conditions, or denial based on the applicable Standards. The Staff Report shall be posted online with the Public Meeting Agenda at least five working days prior to the Public Meeting.
- 6. Variance Public Meeting:** Type 1 Variances are approved administratively by the Zoning Division at a Variance Public Meeting. Members of the public attending the meeting may speak regarding the request.

- a. **Variance Development Order:** If the Variance is approved at the Public Meeting, the Zoning Division shall issue an approval letter and Development Order to the Applicant identifying any Conditions of Approval and the time limitation of using the variance within one-calendar year from the date of approval.
- b. **Denial.** If the Zoning Division denies the Variance, the Applicant may Appeal pursuant to the process established in ULDC Art. 2.

Should you have any questions regarding the above instructions you may contact the Zoning Division at 561-233-5200 or via PZB-ZoningPermits@pbc.gov for assistance.