



**APPLICATION TO THE TOWN OF SEWALL'S POINT**  
**BOARD OF ZONING ADJUSTMENT**

**PRIMARY CONTACT EMAIL ADDRESS:** \_\_\_\_\_

**PROPERTY OWNER:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

**APPLICANT (Property owner must sign application)**

Name: \_\_\_\_\_ ( ) owner ( ) owner agent

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_ Email \_\_\_\_\_

**SUBJECT PROPERTY:**

Legal Description: \_\_\_\_\_

Parcel I.D. Number: \_\_\_\_\_

Address: \_\_\_\_\_

Current Zoning Classification \_\_\_\_\_

Description of requested variance and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary): Provide documentation that the attached variance criteria have been met.

\_\_\_\_\_  
\_\_\_\_\_

Variance requested from Section \_\_\_\_\_ of Code of Ordinance \_\_\_\_\_

**Please provide all measurements.**

Example: Looking for approval of a new setback of 13' vs the required 15' side setback. Asking for a 2' variance

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Hand Print Name

\_\_\_\_\_  
Date

# VARIANCES

## § 2-101, 2-102, 2-107 THE BOARD OF ZONING ADJUSTMENT TO HEAR VARIANCES; POWERS AND DUTIES OF BOARD AND ZONING ADMINISTRATOR

### Application for Special Exceptions, Variances and Expansions, Exceptions, Permits, Replacement or Restoration of Non-Conforming Uses (referred to herein as "Exception")

To authorize upon appeal such Exception from the terms of the zoning ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance would result in unnecessary and undue hardship.

In order to authorize an Exception, an application must be submitted and a public hearing must be held which demonstrates to the satisfaction of the Board of Zoning Adjustment that the following six criteria, as contained in the Code of the Town of Sewall's Point, have been met:

- (1) 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;
- (2) That the special conditions and circumstances do not result from any action of the applicant;
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;
- (4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

# VARIANCES

The Board of Zoning Adjustment may authorize the variance from the provisions of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Board of Zoning Adjustment will consider the variance criteria in **§ 2-101, 2-102, 2-107 and consider your responses to the following when making a determination.**

(1) Please explain special conditions and circumstances that 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;

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(2) Please explain if these conditions and circumstances result from actions by the applicant;

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(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;

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(4) Please explain how a literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;

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(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure;

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(6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

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**All 6 question must be answered before application can be reviewed**

In granting any Exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the Exception is granted, shall be begun or completed or both.

The Board of Adjustment may prescribe a reasonable time limit within which the action for which the Exception is required shall be begun or completed or both.

No non-conforming use of the neighboring lands, structures or buildings in the same district and no permitted use of lands, structures or buildings in other districts shall be considered for the issuance of a Exception. The Town shall post Notice of Public Hearing upon the Town Hall bulletin board and shall also see to the publication of the Notice of Hearing in a newspaper of general circulation printed in Martin County, Florida, at least fifteen (15) days prior to the date of the public hearing. All costs thereby incurred by the Town shall be reimbursed to the Town by the applicant prior to the Public Hearing. The Town Clerk shall post Notice of Public Hearing on the property for which the Exception is sought. The Applicant, at the Applicant's expense, shall send written notice to property owners of record within 300 feet of the subject property, to be mailed by certified mail, return receipt requested, no later than fifteen (15) days PRIOR TO THE DATE OF THE HEARING.

CERTIFICATION

The Applicant hereby certifies that the information which he/she has provided on and together with this application is correct and accurate to the best of his/her knowledge and belief. The Applicant also certifies that existing deed restrictions or covenants on this property will be adhered to and that if this request is granted, all necessary permits will be obtained and that all orders, resolutions, codes, conditions, rules, regulations and ordinances pertaining to the use of the above-described property will be complied with. The Applicant further certifies that he/she has read all of the above and the Guide to Preparation of Application for Board of Zoning Adjustment and will comply therewith, understanding that failure to do so may result in a denial of the request or administrative dismissal of the application.

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Signature of Applicant or Applicant's Attorney      Hand Print Name      Date

**Signature of Property Owner allowing an agent to be present in their place for the hearing**

# TOWN OF SEWALL'S POINT

## Guide for Preparation of Application to Board of Zoning Adjustment

The following information, plus a non-refundable filing fee of \$100 and a deposit of \$1,000 must accompany this application. Make check payable to the "Town of Sewall's Point" in the amount of \$1,100. If the costs of processing the application are less than the cost deposit, the Applicant will receive a refund of the difference. If the costs are more than the cost deposit, the Applicant will be billed for and expected to pay the additional amount.

1. This application must be completely filled in with all necessary papers attached, flash drive of presentation and ONE (1) COPY with the above fee and cost deposit to the Town Clerk at Sewall's Point Town Hall. An incomplete package will not be accepted. Please type or print clearly.
2. Applicant must submit proof of ownership (copy of recorded deed).
3. Applicant may appear at the hearing in person or by duly authorized attorney at law. No other agent may appear on behalf of the Applicant.
4. Applicant must submit a plot plan or site survey certified by a registered land surveyor showing the actual dimensions of the lot; the exact sizes and locations on the lot of buildings already existing, and their distances from the nearest property lines; the intended location and dimensions of any proposed structure(s) and their distances from the nearest property lines; the width of the lot on the street or streets upon which the lot fronts or abuts, if relevant to the application; and such other information as may be necessary to exactly describe and detail the variance requested. A photo reduced copy of the recorded Plat, in 8 ½" x 11" or 8 ½" x 14" size, must be attached to the application. This document may be obtained at local Title Insurance Companies or at Town Hall.
5. A Statement of Benefits for the granting of the request shall be supplied by the applicant that includes the reasons and circumstances for the request. The Statement of Benefits shall address and demonstrate satisfaction of the six enumerated criteria listed on the Application form.
6. Applicant must furnish, together with the application, a certified list of all property owners of record of real property within 300 feet of any part of the subject property, with the list of owners certified by one of the following: a local Title Insurance Company; applicant's Attorney, who must be a member of the Florida bar; the office of Clerk of Circuit Court of Martin County, Florida; or the office of Property Appraiser of Martin County, Florida.
7. Applicant at his expense must send notification to all property owners of record of real property within 300 feet of any part of the subject property of the date, time and place of the hearing, what action the Board of Zoning Adjustment is being asked to take, and the reasons for the request, by certified mail, return receipt requested, to be mailed no later than FIFTEEN (15) DAYS PRIOR to the date of the hearing. The white post office dated slips verifying the mailing date of each piece, together with all green receipt cards returned with signatures, or other certifications available through mailing services, shall be furnished to the Town Clerk or the Board of Zoning Adjustment prior to the beginning of the hearing.
8. Notice of public hearing shall be posted by the Town on the property for which Special Exceptions, Variances and Expansion, Replacement or Restoration of Non-Conforming uses are sought, at least 15 days prior to the date of the hearing. The sign will be supplied by the Town Clerk, and its posting will be in a place on the property where it may be seen readily from the front street.

**All boxes must be checked as completed before this application can be submitted**

9. The letter will follow this form:

(Date)

Mr. John Doe (name and address of owner of adjacent property)  
19 Main Street  
Sewall's Point, Florida 34996

RE: Legal description of the property as on application (accompanied by a location map)

Dear Mr. Doe:

Please be advised as owners of property within 300 feet of the above-described property, you are hereby in accordance with the provision of the Town Code of Sewall's Point, put on notice that a public hearing will be held at \_\_\_\_\_ a.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the Sewall's Point Town Hall, by the Sewall's Point Board of Zoning Adjustment to consider the matter of a \_\_\_\_\_ to the existing zoning requirements according to the Sewall's Point Ordinance Section \_\_\_\_\_.

A copy of the Statement of Benefits which has been submitted to the Board of Zoning Adjustment is enclosed.

This application is being made to the Board of Zoning Adjustment in order to allow (insert specifics of the request exactly as you are making the request to the Board of Zoning Adjustment in such language as to make clear what is presently required by ordinances and what specific relief you request; where dimensions are involved, attach a drawing showing dimensions).

You are invited to attend and be heard or to write in care of the Sewall's Point Board of Zoning Adjustment, 1 South Sewall's Point Road, Sewall's Point 34996.

Sincerely,

(Signature)