



CITY OF  
**MARATHON**, FLORIDA  
Planning Department

9805 Overseas Hwy, Marathon, FL 33050  
Phone (305) 743-0033 www.ci.marathon.fl.us

Office Use Only	
Recv'd: _____	By: _____
App #: _____	
#: _____	
Meeting Date: _____	

### Variance Application 2017

**FEES: \$1,000.00** (Variance) The fee is payable upon application submittal.

\*Any additional meeting with mailed & published notice will be charged additional \$1,500.00

**Applicant Name:** \_\_\_\_\_

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

Phone Number: \_\_\_\_\_ Phone (Alt): \_\_\_\_\_

Email: \_\_\_\_\_

**Agent Name:** \_\_\_\_\_

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

Phone Number: \_\_\_\_\_ Phone (Alt): \_\_\_\_\_

Email: \_\_\_\_\_

\*Property owner must submit a notarized letter authorizing the agent to act on his/her behalf.

**Property Owner Name:** \_\_\_\_\_

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

Phone Number: \_\_\_\_\_ Phone (Alt): \_\_\_\_\_

Email: \_\_\_\_\_

**Legal Description of Property:**

Key: \_\_\_\_\_ Mile Marker: \_\_\_\_\_

RE Number: \_\_\_\_\_

*If in metes and bounds, attach a legal description on separate sheet.*

**Property Description:**

Street Address of Property (if applicable), or General Location Description:

Parcel Number(s): \_\_\_\_\_

Land Use District: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Present Use of Property: \_\_\_\_\_

Proposed Use of Property: \_\_\_\_\_

Property Size: \_\_\_\_\_

Gross Floor Area in Sq Ft (Non-Residential Use): \_\_\_\_\_

Has an Application Been Submitted for this Site Within the Past Two Years?  Yes  No

If Yes, Name of the Applicant and Date of the Application:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

Provide a brief description of the variance being requested:

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

\_\_\_\_\_  
Applicant or Agent Name (Please Print)

\_\_\_\_\_  
Signature of Applicant or Agent

\_\_\_\_\_  
Date

**NOTARY STATE OF FLORIDA,  
COUNTY OF MONROE**

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is personally known or who produced \_\_\_\_\_ for identification.

\_\_\_\_\_  
Signature of Notary Public – State of Florida

\_\_\_\_\_  
My commission Expires:

**CITY OF MARATHON PLANNING DEPARTMENT**

# OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/WE \_\_\_\_\_  
*Print name(s) of property owner(s)*

Hereby Authorize: \_\_\_\_\_  
*Print name of Agent*

to represent me/us in processing an application for: \_\_\_\_\_  
*Type of Application*

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

\_\_\_\_\_  
(Signature of owner)

\_\_\_\_\_  
(Signature of owner)

\_\_\_\_\_  
(Print name of owner)

\_\_\_\_\_  
(Print name of owner)

**NOTARY STATE OF FLORIDA,  
COUNTY OF MONROE**

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by  
\_\_\_\_\_ who is personally known or who produced  
\_\_\_\_\_ for identification.

\_\_\_\_\_  
Signature of Notary Public – State of Florida

\_\_\_\_\_  
My commission Expires:

## Variances:

- The purpose and intent of variance procedures is to provide a means of altering the requirements of certain sections of the LDRs in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved.
- The following limitations on the grant of a variance apply:
  1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
  2. A variance shall not be granted which authorizes any use or standard that is expressly prohibited by these LDR's.
  3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.
  4. A variance shall not change the requirements for concurrency.
  5. A variance shall not be granted to vary the maximum size of an affordable housing unit.

### IMPORTANT NOTES:

- A concept meeting with the Planning Department is **required** prior to submitting your application; this informal meeting allows you to become acquainted with all requirements and processes involved with your application. To guide you through the process and ensure that your application is understood and properly processed, it is recommended that you also meet with a City Planner at the time you submit your completed application. Appointments can be scheduled by contacting the Department ahead of time.
- Completed applications are due by the 1<sup>st</sup> day of the month and will be scheduled for the following month. Applications can be turned in at City Hall Monday through Friday between the hours of 8:00am and 5:00pm (excluding holidays). Cases are heard by the Planning Commission and a recommendation is forwarded to the City Council for action.
- Prior to issuance of an Administrative variance, the Director shall give the applicant notice of the City's intent to issue the administrative variance. Written notice to properties within 100 feet shall be provided and a 30 day appeal period will be applicable from the posting of the notice of intent.

### 2017 Planning Commission Meeting Schedule

Application Deadline											
12/01/16	01/01/17	02/01/17	03/01/17	04/01/17	05/01/17	06/01/17	07/01/17	08/01/17	09/01/17	10/01/17	11/01/17
Planning Commission Meeting Date											
01/17/17	02/21/17	03/20/17	04/17/17	05/22/17	06/19/17	07/17/17	08/21/17	09/18/17	10/16/17	11/20/17	12/18/17

**Meetings are held the 3<sup>rd</sup> Monday of the month at 5:30pm.**

**STAFF CONTACTS:** The Planning Department will guide your application from start to finish, engaging other City departments or agencies as needed. You will receive a copy of the staff report one week before your meeting.

## CITY OF MARATHON PLANNING DEPARTMENT

George Garrett  
Planning Director  
[garrettg@ci.marathon.fl.us](mailto:garrettg@ci.marathon.fl.us)  
305-289-4111

Brian Shea  
City Planner  
[sheab@ci.marathon.fl.us](mailto:sheab@ci.marathon.fl.us)  
305-289-4112

Geovanna Torres  
City Planner  
[torresg@ci.marathon.fl.us](mailto:torresg@ci.marathon.fl.us)  
305-289-4109

**APPEALS:** An appeal of the decision of the Planning Commission may be made within 30 working days from the date of such decision. The appeal will be heard by the City Council within 45 working days of receipt of a complete appeal application.

**In accordance with FL Statute 286.0105** if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The requirements of this section do not apply to the notice provided in s. 200.065(3).

## Application Requirements Variance Applications

These requirements are not to be considered ALL inclusive of the requirements for the proposed work. The Planning Department may require additional drawings, specifications or information in order to complete the review of the application.

### THE FOLLOWING MUST BE PROVIDED IN ORDER TO BE A COMPLETE APPLICATION:

- ⇒ **Application completed in full.**
- ⇒ **Proof of ownership** (copy of deed or tax statement)
- ⇒ **Agent authorization** (as applicable)
- ⇒ **Vegetation Survey or Habitat Evaluation Index** (as applicable)
- ⇒ **Location Map and Photographs** of site from the main adjacent road and/ or aerial photograph.
- ⇒ **Materials as needed to illustrate nature of the variance request, including but not limited to: surveys, site plans, engineering drawings, architectural drawings, photographs, etc.** (All plans, surveys and the like must be dimensioned and scaled)
- ⇒ **A Traffic Study** prepared by a licensed traffic engineer, or the minimum information required for a determination of compliance with the levels of service for roads. \*Director's discretion.
- ⇒ Letters of Coordination may be required. The applicant must check with the Planning Department to identify other agencies expected to review the project. These may include:
  - City of Marathon, City Fire Chief – (305) 743-5266
  - City of Marathon, Utilities Manager- (305) 289-5009
  - Florida Department of Environmental Protection (FDEP) – (305) 289-2310
  - Florida Department of State, Division of Historic Resources
  - Florida Department of Transportation (FDOT) – (305) 289-2350
  - Florida Keys Aqueduct Authority (FKAA) – (305) 743-5409
  - Florida Keys Electric Cooperative (FKEC) – (305) 743-5344
  - Monroe County Department of Health – (305) 289-2721
  - South Florida Water Management District (SFWMD)
  - U.S. Army Corps of Engineers (ACOE) – (305) 743-5349
  - U.S. Fish and Wildlife Service (USFWS) – (772) 562-3909, ext. 306
  - Other, as applicable to the project

Chapter 102, Article 20 - VARIANCE

**Prior to approving an application for a variance, the City shall find that all of the following apply to the property. The applicant has the burden of proof of demonstrating that the application complies with each of the requirements. Please explain in detail how your application meets these requirements.**

Use additional sheets as necessary

- 1) *Special Circumstances:* Because of the exceptional narrowness, shallowness or shape of the specific piece of property;

- 2) *Hardships:* Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;

- 3) *No Detriment:* The relief will not create a substantial detriment, as determined by the Director, to the public good, substantially impair affected natural resources, in the opinion of the biologist or impair the intent and purpose of the LDRs or applicable policies under which the variance is granted;

- 4) *No Special Privileges:* The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;

- 5) *Use Authorized:* The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and

6) *Relevant Factors:* The PC or Director shall consider the following factors relevant when granting the variance:

i. Physical Characteristics of the proposed construction.

ii. Whether the use of the property is dependent upon granting the variance.

iii. Whether granting the variance increases or decreases the danger to life and property.

iv. The importance to the community of the services to be provided if the variance is granted.

v. The compatibility of the proposed variance to the surrounding properties.

vi. The ability to safely access the property by regular and emergency vehicles if the variance is not granted.

vii. The costs of provided governmental services if the variance is or not granted.



**Section 102.120. - Approval Standard.**

*Prior to approving an application for a variance, the Planning Commission or Director shall find that **all** of the following apply to the property:*

- A. Special Circumstances: Because of the exceptional narrowness, shallowness or shape of the specific piece of property;
- B. Hardships: Other extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
- C. No Detriment: The relief will not create a substantial detriment, as determined by the Director, to the public good, substantially impair affected natural resources, in the opinion of the biologist or impair the intent and purpose of the LDRs or applicable policies under which the variance is granted;
- D. No Special Privileges: The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;
- E. Use Authorized: The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property; and
- F. Relevant Factors: The Planning Commission or Director shall consider the following factors relevant when granting the variance:
  1. Physical Characteristics of the proposed construction.
  2. Whether the use of the property is dependent upon granting the variance.
  3. Whether granting the variance increases or decreases the danger to life and property.
  4. The importance to the community of the services to be provided if the variance is granted.
  5. The compatibility of the proposed variance to the surrounding properties.
  6. The ability to safely access the property by regular and emergency vehicles if the variance is not granted.
  7. The costs of provided governmental services if the variance is or not granted.