

SPECIAL EXCEPTION

Authority: Section 11.02.09, 2, Okaloosa County Land Development Code.

Purpose: A special exception is a use that would not be appropriate generally or without restriction throughout a particular zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such use may be permitted in such zoning district as a special exception.

Applicability: The Board of Adjustment (BOA) can decide questions involved in determining when special exceptions are in harmony with the purpose and intent of the Code. When granting a special exception the BOA must find that approval will not adversely affect the public interest and may prescribe certain conditions and safeguards as may be appropriate to the circumstances involved. The BOA may also set reasonable time limits within which the approved action must begin, be completed or both.

Uses allowed as special exceptions are generally specified in the comprehensive plan and land development code. These include the following.

Comprehensive Plan (FLUM categories)

Electric power sub-stations (All, except Recreation & Conservation)

Borrow pit (Agriculture)

Private airport (Agriculture, Rural Residential)

Residential airpark (Agriculture, Rural Residential)

Private airstrips (Rural Residential)

Oil & gas exploration/production (Agriculture)

Process: See application forms and procedure.

Application fee: \$800.00

APPLICATION FOR SPECIAL EXCEPTION

Required Information & Materials

The following information must be submitted with the completed, signed and dated application form.

1. ___ A letter of petition stating the reason for the requested action.
2. ___ A site plan to scale showing the proposed improvement or location of the request, which may be drawn on the survey. The site must contain an affidavit that the drawing accurately depicts the property, improvements and proposed improvements.
3. ___ A survey or drawing showing the location and dimensions of the property involved.
4. ___ A copy of the deed and legal description of the property involved.
5. ___ A certified list of all property owners adjacent to and across the street from the property. **This list must be obtained from and certified by the Property Appraiser's Office, and dated no more than 30 days prior to submittal of the application.**
6. ___ Notarized affidavit affirming that the site plan/drawing accurately depicts the property, improvements and proposed improvements.
7. ___ Notarized affidavit affirming list of adjacent/across the street property owners.
8. ___ Notarized affidavit affirming that the required signs will be posted on property involved.
9. ___ The fees for variance/after-the fact-variance/special exception are listed in Chapter 12 of the Okaloosa County Land Development Code, Ordinance 91-1, as amended, Section 12.01.00
10. ___ If the applicant is not the actual property owner a verification of authorized agent must be provided

Procedure

The procedure for variance/after-the-fact variance/special exceptions is as follows:

1. Fully complete, sign, and date the applicable application form.
2. Obtain the certified list of property owners from the Property Appraiser's Office dated at least 30 days prior to application submittal.
3. Complete and have notarized the appropriate affidavit affirming that the certified list of property owners was obtained (blank copies enclosed).
4. Complete and have notarized the affidavit affirming that the required public notice signs will be posted on the property (blank copy enclosed).
5. Complete and have notarized the affidavit affirming the accuracy of the site plan/drawing.
6. Submit the completed application, required information, and notarized affidavits to the Department of Growth Management.
7. Once the application is submitted and determined to be fully complete the requested action will be placed on the agenda of the Board of Adjustment in accordance with the enclosed schedule. One public hearing will be required before the Board of Adjustment.
8. The times, dates and locations of the required public hearing will be provided to the applicant by the Department.
9. **Certified, return-receipt letters** must be sent to all property owners on the appraiser's certified list (sample letter enclosed). These letters must be mailed **no later than 21 days** before the public hearing and must include:
 - a) the petition letter stating the reason for the variance/after-the-fact variance/special exception.
 - b) a location map showing the location of the property in relation to surrounding properties and adjacent roads.
10. After the letters are mailed the applicant must provide to the Department: a postal receipt from the US Postal Service verifying the date the letters were mailed; an exact copy of the information mailed out, and; the green return-receipt cards.
11. A 2 ft by 3 ft sign with no less than 1 inch lettering (sample enclosed) shall be posted at a conspicuous location on the property. This sign must be posted **no less than 15 days** prior to the scheduled public hearing. *Signs are available for purchase from the Department.*
12. The applicant must attend the Board of Adjustment public hearing so as to answer any questions or issues that may arise.

**OKALOOSA COUNTY
DEPARTMENT OF GROWTH MANAGEMENT
APPLICATION FOR VARIANCE/AFTER-THE-FACT
VARIANCE/SPECIAL EXCEPTION**

Applicant name: _____

Applicant is: Property owner _____ Authorized agent* _____

*Attach verification

Applicant address: _____

Applicant telephone: _____ FAX _____

Name of property owner if
different than applicant: _____

Address of property involved: _____

Property ID Number: _____

Land use information: FLUM category _____

Zoning district _____

Size of property: _____ acres OR _____ sq. ft.

Standards of review: Describe in as much detail as possible how the variance request meets **each** of the following standards. Attach additional sheets if necessary.

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 the actions of the applicant.

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

4. That literal interpretation of the provisions of the Land Development Code 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.

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 grant of the variance will be in harmony with the general intent and purpose of the Land Development Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Certification: I do hereby certify and affirm that the information represented in this application is true and correct to the best of my knowledge. I also give my permission for county staff to enter upon the property involved at any reasonable time for purposes of inspections or posting of notices.

Applicant typed or printed name

Applicant signature

Date

Corporate officer

Corporate seal