

**MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**



**Administrative Special Accessibility Setback Variance**

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**An application must be deemed complete and in compliance with the Monroe County Code by the Staff prior to the item being scheduled for review**

Special Accessibility Setback Variance Application Fee: \$1,250.00

*In addition to the application fee, the following fees also apply:*

Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed  
*A signed Affidavit is required with this application*

**Date of Application:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Month Day Year

**Applicant / Agent Authorized to Act for Property Owner:** (Agents must provide notarized authorization from all property owners.)

\_\_\_\_\_  
Applicant (Name of Person, Business or Organization)

\_\_\_\_\_  
Name of Person Submitting this Application

\_\_\_\_\_  
Mailing Address (Street, City, State and Zip Code)

\_\_\_\_\_  
Work Phone

\_\_\_\_\_  
Home Phone

\_\_\_\_\_  
Cell Phone

\_\_\_\_\_  
Email Address

**Property Owner / Petitioner:** (Business/Corp must include documents showing who has legal authorized to sign.)

\_\_\_\_\_  
(Name/Entity)

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Mailing Address (Street, City, State and Zip Code)

\_\_\_\_\_  
Work Phone

\_\_\_\_\_  
Home Phone

\_\_\_\_\_  
Cell Phone

\_\_\_\_\_  
Email Address

**Legal Description of Property:** (If in metes and bounds, attach legal description on separate sheet.)

\_\_\_\_\_  
Block

\_\_\_\_\_  
Lot

\_\_\_\_\_  
Subdivision

\_\_\_\_\_  
Key

\_\_\_\_\_  
Real Estate (RE) Number

\_\_\_\_\_  
Alternate Key Number

\_\_\_\_\_  
Street Address (Street, City, State & Zip Code)

\_\_\_\_\_  
Approximate Mile Marker

**Land Use District Designation(s):** \_\_\_\_\_

**Present Land Use of the Property:** \_\_\_\_\_

**Proposed Land Use of the Property:** \_\_\_\_\_

**Total Land Area:** \_\_\_\_\_

Pursuant to Section 102-186(h) Special Accessibility Setback Variances. The Planning Director has the authority to grant a variance reducing a front, rear or side yard non-shoreline setback requirement for an elevator, lift or ramp specifically required to allow access of a disabled household member to the subject dwelling unit, or to allow accessibility upgrades to a lawfully existing nonresidential use/structure, up to the amount necessary to reasonably facilitate the accessibility-related development as determined by the Planning Director upon review of the application, if and only if the applicant demonstrates that the following standards are met:

- (1) The applicant shall demonstrate a showing of good and sufficient cause;
- (2) Failure to grant the variance would result in exceptional hardship to the applicant;
- (3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public;
- (4) The variance is the minimum necessary to provide relief to the applicant.

Provide the standards required by the land development regulations: \_\_\_\_\_  
(i.e., front yard setback of 25 feet, etc.)

Provide requested variance: \_\_\_\_\_  
(i.e., reduction of 5ft for a front yard setback of 20 feet, etc.)

**All of the following standards must be met in order to receive a Special Accessibility Setback Variances approval. Please describe how each standard will be met (as it relates to the property):**

1. The applicant shall demonstrate a showing of good and sufficient cause:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Failure to grant the variance would result in exceptional hardship to the applicant:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance, or cause fraud or victimization of the public:

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4. The variance is the minimum necessary to provide relief to the applicant:

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**All of the following items must be included in order to have a complete application submission:  
(Please check the box as each required item is attached to the application.)**

- Complete variance application (unaltered and unbound)
- Correct fee (check or money order payable to *Monroe County Planning & Environmental Resources*)
- Proof of ownership (i.e., Warranty Deed)
- Current Property Record Card(s) from the Monroe County Property Appraiser
- Location map
- Photograph(s) of site from adjacent roadway(s)
- Boundary Survey, prepared by a Florida registered surveyor-three (3) sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat)
- Site Plan, prepared by a Florida registered architect, engineer or landscape architect- three (3) sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale).  
At a minimum, the site plan should include the following:
  - Date, north point and graphic scale
  - Boundary lines of site, including all property lines and mean high-water line
  - Land use district of site and any adjacent land use districts
  - Locations and dimensions of all existing and proposed structures and drives
  - Type of ground cover (i.e. concrete, asphalt, grass, rock)
  - Adjacent roadways
  - Setbacks as required by the land development regulations
  - Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones
- Typed name and address mailing labels of all property owners within a 600-foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 600-foot radius, each unit owner must be included.

**If applicable, the following items must be included in order to have a complete application submission:**

- Notarized Agent Authorization Letter

Is there a pending code enforcement proceeding involving all or a portion of this property?

Yes    No   Code Case file # \_\_\_\_\_ Describe the enforcement proceedings and if this

application is being submitted to correct the violation: \_\_\_\_\_  
\_\_\_\_\_.

**If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.**

If for any reason the administrative variance application requires review and consideration by the Monroe County Planning Commission, additional fees, mailing labels and copies of all plans shall be required prior to item being scheduled for commission review.

*Pursuant to LDC Section 102-186 (i), the applicant shall post the property of the proposed variance with a waterproof sign at least four (4) square feet in front surface area, which is so lettered as to be easily visible from all public streets and public ways abutting the property. The property shall remain posted for no less than thirty (30) calendar days beginning within five (5) working days of the date that the application is deemed to be in compliance by the Planning Director. For your convenience, the Department will provide you with a sample of the sign.*

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

I, the Applicant, 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.

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by \_\_\_\_\_, who is personally known to me OR produced  
(PRINT NAME OF PERSON MAKING STATEMENT)

\_\_\_\_\_ as identification.  
(TYPE OF ID PRODUCED)

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

\_\_\_\_\_  
Print, Type or Stamp Commissioned  
Name of Notary Public  
My commission expires:

**Send complete application package to:  
Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050**

**AFFIDAVIT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, personally appeared \_\_\_\_\_ who, after being duly sworn deposes and says that the following statements are true and correct to the best of his/her knowledge and belief.

- 1. That a waterproof sign containing a legal notice for \_\_\_\_\_ for the property was placed at properties legally described as \_\_\_\_\_, Monroe County; with the following Real Estate Number(s): \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

This waterproof sign contained an area of at least four (4) square feet. The sign containing the Legal Notice was placed on the properties in compliance with the 30-day posting requirements of the Monroe County Code. The sign is clearly visible from all public streets adjacent to the property. It provides a brief description of the proposed waiver and it indicates where the public may examine the application.

- 2. A photograph of the waterproof sign containing the Legal Notice is attached hereto.

Name of Affiant: \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_  
Mailing Address (Street, City, State and Zip Code)

**Witnesses:**

Witness 1: \_\_\_\_\_ Date: \_\_\_\_\_

Witness 2: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by \_\_\_\_\_, who is personally known to me OR produced  
(PRINT NAME OF PERSON MAKING STATEMENT)

\_\_\_\_\_ as identification.  
(TYPE OF ID PRODUCED)

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Print, Type or Stamp Commissioned Name of Notary Public  
My commission expires: