

SECTION 21.0 NON-ZONING VARIANCES
LAND DEVELOPMENT CODE SECTION 10.04.03

Section 21.01 Introduction

A Non- Zoning Variance is a case-by-case deviation to the rules of the Land Development Code. It must be demonstrated that compliance with the Code would be a practical impossibility, and/or upon showing of good cause, an alternative to the Code is provided that conforms to the general intent and spirit of the Code. The Board of County Commissioners may require such conditions that will, in its judgment, substantially secure the same objectives of the standard or requirements so varied or modified.

Non-Zoning Variance applications are submitted to the Development Review Division of the Growth Management Department.

Address: 4040 Lewis Speedway, St. Augustine, FL 32084
Phone: (904) 209-0660
Fax: (904) 209-0743

Fees: plus cost of advertising

Section 21.02 Application Process

- A. One (1) copy of the following documents is required to process a Non-Zoning Variance request:
1. Complete Non-Zoning Variance application form.
 2. Statement of Facts for Requested Changes, this consists of a statement addressing each of the Required Findings as provided in the Land Development Code, Section 10.04.03.B. Please note that your application cannot proceed unless these statements are provided.
 - a. There are practical difficulties in carrying out the strict letter of the regulation.
 - b. The Variance request is not based exclusively upon a desire to reduce the cost of developing the site.
 - c. The proposed Variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
 - d. The proposed Variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
 - e. The effect of the proposed Variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

3. Proof of ownership (copy of deed, or purchase agreement, corporation documentation, title opinion or other acceptable proof of ownership as determined by the County).
4. Owner's Authorization must be provided for all persons listed on the deed, purchase agreement, corporation papers, title opinion, or other acceptable proof of ownership.
5. Legal description of property.

Note: Legal descriptions must be approved by the County before applications can be scheduled for hearings. Applicants who fail to respond to staff comments regarding legal descriptions may have their projects delayed until the problem is corrected and staff signs off on these comments due to the following reasons:

Legal descriptions are required to be included with all adopted ordinances for land use amendments, rezonings, PUDs and Major Modifications to PUDs and with all approved concurrency certificates. Correct and accurate legal descriptions are critical for County staff to create accurate maps for public hearing ads and creation of all other project maps (location maps, road maps, aerials, Zoning maps and Future Land Use maps). Accurate legal descriptions are necessary for Staff to correctly analyze applications and develop staff recommendations. Correct and accurate legal descriptions are required for the County GIS Department to properly query all adjacent property owners within 300 feet of the parcel for notification of hearings. And finally, the Land Development Code and the Comprehensive Plan have different criteria for different sized parcels therefore accurate legal descriptions and identification of parcel size on applications is also critical (example: 5 acres, 10 acres, 17.5 acres, 39 acres, 40 acres, 50 acres, 100 acres).

6. Site Plan if applicable.
7. [Application fee](#).

Section 21.03 Review Process

- A. A Non-Zoning Variance application is routed to appropriate departments. Review time is five (5) working days.
- B. Upon completion of the review the Applicant will be provided any comments, or requests for additional information.
- C. If no additional information is necessary and all comments have been addressed to the extent possible the applicant will be contacted regarding scheduling the public hearing before the Board of County Commissioners.

- D. Applications have six months from the most recent date of the review comment notification to substantially respond to comments. Failure to substantially respond during this period shall expire the application.

Section 21.04 Public Hearing Process

- A. Upon notification by the County and prior to setting the application for public hearing, the applicant must provide a list of adjacent property owners which shall include all owners within 300 feet of the subject property. The list shall contain the name, and address of each parcel as it appears in the St. Johns County Property Appraiser's records.

The list is available from St. Johns County by completing the Adjacent Property Owners List Request Form, included in this Section. Complete and return the form to the County office handling your application, or fax it directly to the attention of the GIS Division at (904) 209-0761. You are not required to use St. Johns County as a source; the list may also be obtained through private sources such as an abstract company, title company, or legal office.

In addition to the above list, the applicant must also provide one legal size envelope, addressed and stamped for each name on the list of adjacent property owners. If the name appears more than once (owner of more than one parcel), only one envelope is required.

- B. Please note if the project is located within an Overlay District it must also be scheduled for the appropriate Design Review Board for recommendation prior to the Board of County Commissioner's hearing. A one-time notice is published in the local newspaper.
- C. Staff coordinates the Board of County Commissioners' public hearing date with the County Administration and the applicant. Upon setting the hearing date Staff completes the following:
 - 1. A one-time notice is published in the local newspaper, a minimum of fifteen (15) calendar days prior to the public hearing date. (Section 9.06.04 St. Johns County Land Development Code)
 - 2. A sign is placed on the property to notice the public hearing a minimum of fifteen (15) calendar days prior to public hearing date. (Section 9.06.04 St. Johns County Land Development Code)
 - 3. Notices are mailed to the adjacent property owners at a minimum of ten (10) calendar days prior to the public hearing date. (Section 9.06.04 St. Johns County Land Development Code).
- D. A report is drafted and presented to the Board of County Commissioners. Applicant or representative must be present to address any questions.

E. Imposition Of Conditions:

In granting a Development approval involving a Non-Zoning Variance, the BCC may impose such conditions and restrictions upon the premises benefited by a Non-Zoning Variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the Non-Zoning Variance. One (1) or more findings shall be made in support of each condition.

F. A final order of the Board of County Commissioners will be prepared by the County and signed by the Chair. The final order will be provided to the applicant. The applicant must provide a copy of the final order at the time any permits are sought.