

VARIANCE CRITERIA

The Historic Preservation Board shall have the authority to consider petitions relating to variances for all development in a Historic District and Historic Sites.

- a. That the requested Variance maintains the basic intent and purpose of the subject regulations including the Historic District Regulations, Design Guidelines for Historic Properties and Districts and Resolutions, particularly as it affects the stability and appearance of the city; and
- b. That the requested Variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community; and
- c. That the requested Variance is consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan, as amended from time to time, the applicable Neighborhood Plan and all other similar plans adopted by the city; and
- d. That the need for the requested Variance is not economically based or self-imposed; or
- e. That the variance is necessary to comply with State or Federal Law and is the minimum Variance necessary to comply with the applicable law.

These items are considered according to [quasi-judicial](#) procedures.

QUASI-JUDICIAL

The application regarding your property has been interpreted by Florida courts to be quasi-judicial in nature. This means that the City's decision is to be supported by competent, substantial evidence in the record regarding your application. In quasi-judicial procedures all witnesses are sworn in, subject to cross-examination, and the applicant, the City and any other interested party (e.g. a neighbor) are allowed opening and closing statements. However, the City's adopted quasi-judicial procedures allow you to waive this process and have your application heard and considered in a more informal manner, or legislatively, if you so wish and elect, and staff present agrees. You may identify your choice at the time of the meeting.