



THE COUNTY OF ESCAMBIA
PENSACOLA, FLORIDA

**PLANNING AND ZONING
DEPARTMENT**

**Peter Aluotto, AICP
Director**

What is a variance and should I apply for one?

A variance is a zoning adjustment that permits minor changes of district requirements, where individual properties are both harshly and uniquely burdened by the strict application of the law due to uncommon or unique physical characteristics of the property. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in the property. Use variances are strictly prohibited. "Variance" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts.

1. A variance recognizes that the same district requirements do not affect all properties equally; it was devised to permit minor changes to allow hardship properties to enjoy equal opportunities with properties similarly zoned. You must prove that your land is uniquely affected by special circumstances or unusual conditions. These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance. Uncommon hardship shall mean physical hardship relating to the property itself, as distinguished from a hardship relating to convenience, financial considerations or caprice. Where some general hardship conditions extend to other properties, a variance cannot be granted. The remedy for general hardship is a change of the map or the text of the Zoning Ordinance.
2. You must prove that the combination of the Zoning Ordinance and the uncommon physical conditions of your property prevents you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates the land and not people, the following conditions cannot be considered pertinent to the application for a variance: (1) Proof that a variance would increase the financial return from the land; (2) Personal hardship; (3) Self-imposed hardship. In the later case, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violation of the law.
3. No variance may be granted that would adversely affect surrounding property or the general neighborhood. All variances must be in harmony with the intent and purpose on the Land Development Code and the Comprehensive Plan.

If your property is uniquely burdened by exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique only to your property, you may qualify for a variance. If you cannot meet these tests, however, then you should not apply for a variance.