

**INDIAN RIVER COUNTY  
M E M O R A N D U M**

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**TO:** Jason E. Brown  
County Administrator

**FROM:** Phillip Matson, AICP  
Community Development Director

**DATE:** September 12, 2022

**RE:** Update to the County's variance criteria and application fees

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It is requested that the Board of County Commissioners formally consider the following information at the Board's regular meeting of September 20, 2022.

**BACKGROUND**

At the August 16, 2022, Board of County Commissioners meeting, the Board directed staff to re-examine the County's variance process as contained in Code Section 902.09. Specifically, the Board asked staff to look at the application fee, de-minimus setback allowance, and the overall process for reviewing and approving variances.

**ANALYSIS**

Staff reviewed the County's variance process, and the variance processes for several neighboring cities and counties, and identified the following preliminary changes/updates:

1. Fee reduction, reduce the application fee from \$1,000 to \$500 for small-scale applications (such as sheds, fences, minor setback changes). The \$1,000 application fee will apply to large-scale applications (such as on commercial properties or for significant code deviations).

**Comment:** While \$500 may appear to be a large figure relative to the value of smaller projects such as fences and sheds, certain fixed costs (such as statutorily-required legal advertising and building and engineering review) apply to variances regardless of the cost of the project.

2. De-minimus setbacks, increase the maximum size of a de-minimus setback variance from the existing 0.5 feet. These are approved at the Staff level.

**Comment:** The current de-minimus setback variance is overly stringent. Staff will recommend to the board an alternative de-minimus setback (in feet and/or percentage of the setback) after evaluating the nuisance, drainage, aesthetic, and or other impacts of proposed setback alternatives.

3. Variance criteria, reduce the number of variance criteria from eight to four in order to make the process more straightforward.

**Comment:** Current criteria make variances difficult to obtain in all but a few circumstances.

In addition to the proposed changes to the variance process, Staff is drafting several changes to the existing regulations for accessory structures and fences. These changes will address some of the common requests such as additional fence height and additional accessory structures on residential properties without needing to go through the variance process for approval.

#### **RECOMMENDATION**

Staff recommends that the Board of County Commissioners review the preliminary changes to the variance process and provide direction. Staff will continue to examine the existing process, adjusting the text as needed, before presenting a more expounded recommendation in the near future.