

B. Powers and Duties:

1. Review and make approval determinations regarding requests for conditional uses.
2. Review and make approval determinations regarding requests for variances from the terms of this Ordinance which will not be contrary to the public interest, when, due to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary and undue hardship upon the owner of the subject property or structure or the applicant for the variance. In order to authorize any variance from the terms of this Ordinance, the Conditional Use and Variance Board must find evidence of the following:
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district.
 - b. The special conditions do not result from actions of the applicant.
 - c. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings, or structures in the same zoning district.
 - d. Literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance

and would place unnecessary and undue hardship on the applicant.

- e. The variance granted in the minimum variance that will make possible the reasonable use of the land, building, or structure.
- f. The granting of the variance will be in harmony with the general intent and purpose of this Ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; and
- g. The granting of the variance will not exceed the density or intensity of land use as designated on the Future Land Use Map 2010 or the underlying land use.

3. In granting any variance, the Conditional Use and Variance Board may attach appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the zoning ordinance. The Conditional Use and Variance Board may establish a reasonable time limit within which the action for which the variance is required shall be started and completed.

Under no circumstances, except as permitted above, shall the Conditional Use and Variance Board grant a variance to permit a use not generally or conditionally permitted in the zoning districts involved or any use expressly or by implication prohibited by the terms of this Ordinance in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning district shall be considered grounds for authorization of a variance.

4. Elect a chairman and vice-chairman of the Conditional Use and Variance Board. A new chairman and vice-chairman shall be selected each year by the members of the Conditional Use and Variance Board. No person shall serve (2) consecutive terms as chairman.
5. Establish the time, place and date of the monthly Conditional Use and Variance Board regular meeting plus workshops.
6. Develop rules and procedures for the conduct of hearings, both quasi-judicial and legislative, which, at a minimum, when appropriate, includes the right of any party to:

- a. Present his/her case by oral and documentary evidence;
- b. Submit rebuttal evidence, and conduct such cross-examination as may be required for a full and true disclosure of the facts;
- c. Be accompanied, represented and advised by counsel or represent himself;
- d. Be promptly notified of any action taken on any zoning conditional use, request a variance, or appeal or any action of the Planning and Zoning Board affecting substantive or procedural rights taken in connection with any proceedings.
- e. The Conditional Use and Variance Board shall receive into evidence that which could be admissible in civil proceedings in the courts of this State, but in receiving evidence, due regard shall be given to the technical and highly complicated subject matter which must be handled and the exclusionary rules of evidence shall not be used to prevent the receipt of evidence having substantial probative effect. Otherwise, however, effect shall be given to the rules of evidence recognized by the laws of Florida.
- f. A final order on each request for a zoning conditional use or a zoning variance shall be made within thirty (30) calendar days of the last hearing at which such request or appeal was considered. Each final order shall contain findings upon which the Board of Adjustment's order is based, and may include such conditions and safeguards as prescribed by the Conditional Use and Variance Board as are appropriate in the matter including reasonable time limits within which action pursuant to such order shall be begun or completed or both. One copy of the final order shall be furnished to the applicant.
- g. A majority of the Conditional Use and Variance Board shall constitute a quorum for the purpose of meetings and transacting business. Failure to receive a majority vote shall constitute denial.