



PETITION FOR A VARIANCE

SUBMITTAL REQUIREMENTS

PLEASE BRING ALL OF THE FOLLOWING ITEMS THAT APPLY WHEN SUBMITTING YOUR REQUEST

APPLICATION	INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.	<input type="checkbox"/>
ELECTRONIC SUBMITTAL	ELECTRONIC SUBMITTAL OF ALL THE APPLICATION DOCUMENTS THROUGH BS&A ONLINE PORTAL: HTTPS://BSAONLINE.COM/CD_PzeProcessApplication/WizardStep?step=1&uid=3123	<input type="checkbox"/>
SITE PLAN	2 COPIES (IF LARGER THAN 11" X 17" FOLDED NOT ROLLED)	<input type="checkbox"/>
SURVEY	SURVEY WITH COMPLETE LEGAL DESCRIPTION	<input type="checkbox"/>
ELEVATIONS	BUILDING ELEVATIONS & MATERIAL DETAILS ARE REQUIRED FOR ANY BUILDING OR ACCESSORY STRUCTURE VARIANCE REQUESTS.	<input type="checkbox"/>
OWNERSHIP	PROOF OF OWNERSHIP (I.E., A COPY OF THE DEED)	<input type="checkbox"/>
FEE	VARIANCE APPLICATION FEES ARE NON-REFUNDABLE (PLEASE CHECK APPROPRIATE BOX): A. RESIDENTIAL (FENCES, SHEDS, OTHER NON-HABITABLE STRUCTURES) <input type="checkbox"/> \$ 75.00 B. SINGLE FAMILY RESIDENTIAL (ADDITIONS, PORCHES, SUBSTANDARD LOTS) <input type="checkbox"/> \$100.00 C. ALL OTHERS: <input type="checkbox"/> \$150.00	<input type="checkbox"/>
POA	LIMITED POWER OF ATTORNEY (IF SIGNED BY AN AGENT OF THE OWNER)	<input type="checkbox"/>

**** ADVISEMENTS ****

PROCEDURE:

THE PROCEDURE FOR A VARIANCE REQUEST IS OUTLINED IN SECTION 118-132 OF THE CITY'S CODE OF ORDINANCES. IN GENERAL, THE PETITION SHALL BE HEARD AND APPROVED, DENIED OR APPROVED WITH CONDITIONS BY THE PLANNING AND ZONING BOARD AT AN ADVERTISED PUBLIC HEARING.

CODE OF ORDINANCES:

THE CITY OF WINTER GARDEN'S CODE OF ORDINANCE CAN BE FOUND ON THE INTERNET AT WWW.MUNICODE.COM. ACCESS TO THE INTERNET CAN BE OBTAINED AT ANY BRANCH OF THE ORANGE COUNTY LIBRARY.

APPLICATION SUBMITTAL:

APPLICATION SUBMITTAL DEADLINE IS THE FIRST DAY OF THE MONTH. THE APPLICATION SHALL BE PRESENTED TO THE PLANNING & ZONING BOARD ON THE FIRST MONDAY OF THE FOLLOWING MONTH (I.E.; APPLICATION IS SUBMITTED ON THE 1ST DAY OF JANUARY, IT WILL BE SCHEDULED BEFORE THE P & Z BOARD ON THE FIRST MONDAY OF FEBRUARY.) PLEASE NOTE: AN INCOMPLETE APPLICATION OR MISSING DOCUMENTS MAY CAUSE A VARIANCE HEARING TO BE POSTPONED TO A LATER P & Z BOARD MEETING.

NOTE: IF THE PETITIONER WISHES TO BE REPRESENTED BY AN AGENT, A LIMITED POWER OF ATTORNEY MUST BE PROPERLY EXECUTED AND PROVIDED TO THE CITY ALONG WITH THIS APPLICATION.



PETITION FOR VARIANCE

SECTION 118-130 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCE REQUIRES THAT EACH APPLICANT FOR A VARIANCE(S) SUBMIT A WRITTEN PETITION PROVIDING CERTAIN INFORMATION AND CLEARLY DESCRIBING HOW THE VARIANCE REQUEST SATISFIES ALL THE SPECIFIC CONDITIONS NECESSARY FOR THE GRANTING OF THE VARIANCE. PLEASE PROVIDE THE INFORMATION REQUESTED IN SUFFICIENT DETAIL IN ORDER TO ASSIST THE PLANNING AND ZONING BOARD IN MAKING THEIR DETERMINATION AS TO THIS PETITION (USE ADDITIONAL SHEETS IF NECESSARY):

OWNER OF RECORD INFORMATION:

BUSINESS NAME: _____
CONTACT NAME: _____
MAILING ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
PHONE: _____ FACSIMILE: _____ CELLULAR: _____
EMAIL: _____

APPLICANT / CONTACT PERSON (IF DIFFERENT THAN OWNER OF RECORD):

BUSINESS NAME: _____
CONTACT NAME: _____
MAILING ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____
PHONE: _____ FACSIMILE: _____ CELLULAR: _____
EMAIL: _____

Only the primary contact as indicated by the Applicant/Contact Person will receive all correspondence from the City.

PROPERTY/SITE INFORMATION:

PROJECT NAME: _____
SITE ADDRESS: _____
COUNTY PROPERTY APPRAISER TAX PARCEL ID NUMBER(S): _____ - _____ - _____ - _____ - _____ - _____
CURRENT ZONING: _____ ACRES: _____

DETAILED DESCRIPTION OF THE SPECIFIC VARIANCE REQUESTED:

(FOR SETBACK AND HEIGHT VARIANCE(S) BE SPECIFIC AS TO THE NUMBER OF FEET) – (MAY ATTACH SEPARATE SHEET IF NEEDED)



THE PLANNING AND ZONING BOARD MAY GRANT APPROVAL OF THIS VARIANCE IF THEY DETERMINE THE FOLLOWING CONDITIONS EXIST. PLEASE PROVIDE JUSTIFICATION FOR THE FOLLOWING:

*** A VARIANCE MAY BE GRANTED FROM LAND DEVELOPMENT REGULATIONS IF THE PLANNING AND ZONING BOARD CONCLUDES THAT LITERAL ENFORCEMENT OF THE PROVISIONS OF LAND DEVELOPMENT REGULATIONS WOULD RESULT IN EITHER PRACTICAL DIFFICULTIES (FOR SETBACK AND PARKING PROVISIONS) OR UNNECESSARY HARDSHIPS (FOR ALL OTHER LAND DEVELOPMENT REGULATIONS) FOR THE PROPERTY AT ISSUE.**

JUSTIFICATION:

A GRANTING THE VARIANCE WILL NOT CAUSE OR ALLOW INTERFERENCE WITH THE REASONABLE ENJOYMENT OF ADJACENT OR NEARBY PROPERTY OWNERS OR NEGATIVELY IMPACT THE STANDARD OF LIVING OF THE CITIZENS OF WINTER GARDEN.

JUSTIFICATION:

B THE VARIANCE WILL ALLOW A REASONABLE USE OF THE PROPERTY WHICH USE IS NOT OUT OF CHARACTER WITH OTHER PROPERTIES IN THE SAME ZONING CATEGORY.

JUSTIFICATION:

C IN THE CONTEXT PRESENTED, STRICT COMPLIANCE WITH THE LAND DEVELOPMENT REGULATION WILL NOT FURTHER ANY LEGITIMATE CITY OBJECTIVE; OR, THE BENEFITS THAT WOULD BE ACHIEVED UNDER THE OTHER VARIANCE CRITERIA BY THE GRANTING OF THE VARIANCE OUTWEIGH THE BENEFITS UNDER THIS CRITERIA IF THE VARIANCE WERE DENIED.

JUSTIFICATION:



D THE GRANTING OF THE VARIANCE IS CONSISTENT WITH THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN.

JUSTIFICATION:

E THE VARIANCE REQUESTED IS THE MINIMUM VARIANCE THAT WILL MAKE REASONABLE USE OF THE LAND, BUILDING, OR STRUCTURE; OR, THE BENEFITS THAT WOULD BE ACHIEVED UNDER THE OTHER VARIANCE CRITERIA BY THE GRANTING OF THE VARIANCE OUTWEIGH THE BENEFITS UNDER THIS CRITERIA IF THE VARIANCE WERE DENIED.

JUSTIFICATION:



RESPONSIBLE PARTY:

I UNDERSTAND THAT THE CITY OF WINTER GARDEN REQUIRES THAT THE APPLICANT BE RESPONSIBLE FOR REIMBURSING THE CITY FOR **ALL ADVERTISING COSTS** ASSOCIATED WITH THIS APPLICATION, INCLUDING POSTAGE FOR NOTICES TO ADJACENT PROPERTY OWNERS, AND FOR NEWSPAPER ADVERTISING AS REQUIRED BY THE FLORIDA STATUTES AND THE CITY CODE. I UNDERSTAND THAT I WILL BE BILLED FOR THESE COSTS AND WILL BE RESPONSIBLE FOR PAYING THEM, WHETHER OR NOT MY APPLICATION FOR A VARIANCE IS SUCCESSFUL.

IN ADDITION, IF THIS APPLICATION IS DEEMED TO REQUIRE REVIEW BY THE CITY ENGINEER, CITY SURVEYOR AND/OR CITY ATTORNEY, I UNDERSTAND THAT I OR MY COMPANY WILL BE RESPONSIBLE TO PAY FOR ANY AND ALL REASONABLE LEGAL, ENGINEERING, OR SURVEYING FEES INCURRED BY THE CITY OF WINTER GARDEN IN THE PROCESS OF REVIEWING THE ABOVE PROJECT. I ALSO UNDERSTAND THAT IF THIS PROJECT PROPERTY IS SOLD, I OR MY COMPANY WILL BE RESPONSIBLE TO ENSURE THAT THE NEW OWNER WRITES A SIMILAR LETTER ACCEPTING ALL THE RESPONSIBILITY TO PAY FOR ANY AND ALL REASONABLE LEGAL, ENGINEERING, OR SURVEYING FEES INCURRED BY THE CITY OF WINTER GARDEN IN THE PROCESS OF REVIEWING THIS PROJECT FROM THE DATE THE PROPERTY IS SOLD.

AN APPLICANT SHALL PROVIDE PROMPT WRITTEN NOTICE TO THE CITY MANAGER IN THE EVENT OF A CHANGE IN OWNERSHIP OF ALL OR A PORTION OF A LOT, TRACT, OR PARCEL OF REAL PROPERTY WITH THE RESPECT TO WHICH AN APPLICATION, OR PROJECT IS PENDING BEFORE THE CITY.

PLEASE INITIAL RECOGNIZING YOUR AGREEMENT OF THE ABOVE REQUIREMENT:

INITIALS: _____

ALL INVOICES FOR THE COSTS ASSOCIATED WITH THIS PROJECT SHOULD BE SENT TO:

PROJECT NAME OR ADDRESS:

NAME: _____

COMPANY: _____

MAILING ADDRESS: _____

CITY _____ STATE _____ ZIP _____

TELEPHONE: _____ **EXT.:** _____

FACSIMILE: _____

EMAIL: _____

PROPERTY OWNER AUTHORIZATION / SIGNATURE OF APPLICANT:

I/WE HEREBY CERTIFY THAT I/WE ARE THE OWNER(S) OF THE REAL PROPERTY WHICH IS THE SUBJECT FOR THIS PETITION AND THAT THE FOREGOING INFORMATION ON THIS PETITION IS TRUE AND COMPLETE.

APPLICANT/OWNER SIGNATURE DATE

PRINT NAME

NOTARIZATION:

STATE OF **FLORIDA**
COUNTY OF **ORANGE**

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20 _____

BY _____, AS _____

OF _____, WHO IS PERSONALLY KNOWN TO ME OR WHO PRODUCED _____ AS IDENTIFICATION.

NOTARY PUBLIC SIGNATURE MY COMMISSION EXPIRES: _____

PRINT NAME



FOR OFFICE USE ONLY

<input type="checkbox"/> FEES PAID <input type="checkbox"/> SURVEY/LEGAL ATTACHED <input type="checkbox"/> OWNERSHIP ATTACHED <input type="checkbox"/> SITE PLANS ATTACHED <input type="checkbox"/> POA ATTACHED
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DATE/RECEIVED BY STAMP

Development Review Costs

By signing this Application, the Applicant acknowledges and agrees that Applicant has read Chapter 88, City of Winter Garden Code Ordinances ("Chapter 88") and understands and agrees to accept Applicant's responsibilities and obligations to pay the City for all fees, costs, and expenses incurred by the City in the review, processing, inspection, and regulation of this Application, including but not limited to: (i) those charges associated with the time City staff and City consultants (including, without limitation engineers, architects, planners, attorneys, paralegals, surveyors, construction inspection professionals and any other professional or technical consultants) spend on the review, processing, inspection, and regulation of the Application or development; (ii) any expenses directly related thereto, including but not limited to notices, advertising, postage, surveying, inspection, legal and engineering costs; and (iii) those charges associated with the time City staff and City consultants spend concerning administrative proceedings, quasi-judicial proceedings, trial court proceedings and appellate court proceedings relating to the consideration, review or challenge of all or part of the Application or any development order or permit issued as the product of the Application or a similar application by the Applicant. However, Chapter 88 does not require the Applicant to pay the City's attorneys' fees and litigation expenses in proceedings or litigation where the City and Applicant are direct adverse parties, except in matters where the City is enforcing the requirements of Chapter 88 against Applicant as specified in § 88-10, City of Winter Garden Code of Ordinances. Applicant understands and agrees that the aforesaid fees, costs and expenses will be invoiced and shall be paid by the Applicant whether or not the Application is successful.

Applicant shall provide prompt written notice to the City's City Manager and Community Development Director within ten (10) calendars days of the occurrence of a change in ownership of all or a portion of a lot, tract, or parcel of real property that is the subject of the Application. Such written notice shall comply with the provisions of § 88-11, City of Winter Garden Code of Ordinances.

Invoices from the City shall be paid within ten (10) calendar days of the date appearing on the invoice. Full payment is a requirement for City's final approval of the Application or any similar application by the Applicant, and as such, the failure to pay such amount jeopardizes the effectiveness of any development order or permit issued prior to full payment of such amounts by Applicant. If nonpayment occurs, the City shall have all remedies at law and in equity against the Applicant and the property owner(s) of the Property subject to this Application, including without limitation, the right to cease development review and processing of the Application, revoke, rescind or place a stop work order on development orders and permits issued at the request of the Applicant, and those other remedies specified in Chapter 88. The provisions of Chapter 88 are incorporated herein by this reference, and the agreements contained herein are supplemental to the Applicant's and the property owner(s)' requirements and obligations under Chapter 88.

No Reliance

Applicant acknowledges and agrees that it is spending funds at its own risk in an attempt to obtain development orders, permits and/or approvals from the City or to otherwise develop the Property, and the City is not liable for reimbursing Applicant for such costs and expenses. Individual City employees, City consultants, City appointed officials and elected officials (including city commissioners) have no actual or apparent authority to bind the City on Application approvals and development matters, except for certain very limited matters that are expressly authorized by the City of Winter Garden Code of Ordinances to be determined by the City's Community Development Director or the City's City Manager. Applicant shall not rely on and has no basis to rely on, any written or oral statements of the City's employees, consultants, or elected or appointed officials, except for the actual development order(s) or permit(s) issued after final action is taken by the City on the Application pursuant to the standard applicable review and approval process. Often for development matters, prior to final action being taken by the City, the City must conduct quasi-judicial public hearing(s) where decisions on development applications must be based on the evidence presented in the record at such hearing(s), including testimony and evidence presented by the Applicant, City staff and consultants, and other interested parties. Moreover, often it is the case that multiple types of development orders and permits must be issued before a development can proceed, so the issuance of one or more development orders and permits, should not be relied upon by the Applicant for the likelihood that other required development orders, permits and approvals will be issued. Further, the final actions and/or development orders or permits of the City on development matters can often be challenged; thus, the Applicant should consult with its own legal counsel as to the reliability of final actions of the City and development orders and permits issued by the City.