



## **STEPS IN APPLYING FOR VARIANCE**

**PURSUANT TO ORDINANCE 2007-03**

### **1. APPLICATION**

An application may be picked up at West Park Planning & Zoning, c/o Calvin, Giordano & Associates, Inc., 1800 Eller Drive, Suite 600, Fort Lauderdale or sent electronically by calling Calvin, Giordano & Associates at 954-921-7781.

### **2. APPLICATION FEE**

The fee for a Variance Application is \$3,000.00 or 1,250 for a single-family variance. Payment must be made by check made payable to the City of West Park.

### **3. SUBMITTAL REQUIREMENTS – APPLICATION FOR HEARINGS**

Please contact the Community Development Director for the City of West Park before filing application. Applications shall be submitted to City of West Park Planning & Zoning, c/o Calvin, Giordano & Associates, Inc.

- (a) Any person desiring a quasi-judicial hearing before the City Commission shall make application to the Planning & Zoning Department to provide the City Commission with the information necessary to render a decision on any matter requested for hearing. The petitioner shall be responsible for the payment of costs in connection with the application as may be determined by the City Commission through action in setting fees to be charged.
- (b) All applications for variance shall also include 10 sets of the following:
  - 1) A current as-built survey, sealed by a surveyor or civil engineer registered in the State of Florida, defining the boundaries of the property for which the variance is requested, indicating all improvements on the property, including setbacks from property boundaries, and all easements and rights-of-way of record;
  - 2) A site plan indicating the proposed construction and indicating the areas for which the variance is requested; and
  - 3) Any other information necessary to explain the request.
- (c) Variance Criteria:
  - 1) (a) The subject property has unique and special conditions, not applying generally to other properties in the same zoning district, which occasion the necessity for the petitioned variance.
  - (b) The development resulting from the granting of such variance shall be in harmony with the policies embodied within the City's Comprehensive Plan.
  - (c) The granting of such variance shall be consistent with the general purpose and intent of the City of West Park Comprehensive Plan and applicable zoning district regulations governing the property on which approval is granted.
  - (d) The granting of such variance shall not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations; shall not hinder or discourage appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof; is compatible with the neighborhood and will not substantially diminish or impair property values within
  - (e) The literal and strict enforcement of the applicable provisions of the Land Use Regulations or other provisions of the city code would result in undue or unnecessary hardship to the applicant and would deprive the applicant of rights commonly enjoyed by the owners of other property in the zoning district.

- (f) The granting of the requested variance will provide substantial justice and not be contrary to the public interest as reflected in the applicable regulations.
  - (g) The need for the variance does not arise from conditions which are personal to the owner but instead relate to the uniqueness of the property.
  - (h) The alleged hardship is not self-imposed by the owner, prior owners or by any person having an interest in the property.
  - (i) The variance granted is the minimum variance necessary for the applicant to make reasonable use of the property.
  - (j) The hardship has not been deliberately or knowingly created or suffered to establish a use or structure which is not otherwise consistent with the City of West Park Comprehensive Plan or the City Code.
  - (k) An applicant's desire or ability to achieve greater financial return or maximum financial return from his property shall not constitute hardship.
  - (l) Granting the variance application conveys the same treatment to the applicant as to the owner of other lands, buildings, or structures in the same zoning district.
- (d) The City shall schedule a public hearing on any request for variance or appeal to an administrative decision within thirty (30) days of acceptance of any application or as soon thereafter as possible.

**4. NOTICE REQUIREMENTS**

1. *Notice to surrounding property owners:* For existing single-family residences, notice shall be sent to all property owners whose property touches the property of the applicant. For all other applications, a notice shall be sent by the applicant to all property owners within 300 feet of the site, exclusive of road rights-of-way and water bodies. The notices shall include the location, and nature of the land development approval applied for and the date, time, the nature of the issue and location of the City Commission meeting. The notices shall be sent by first class mail and postmarked at least 15 days prior to the hearing. The City Administrator may provide for specific mailing procedures not inconsistent with this Ordinance.

2. *Signage.*

(a) A sign shall be posted on the affected property at least 15 days, and not more than 30 days, prior to the Commission meeting. The sign shall include the type of application, date, time, and location of hearing, and number to call for additional information. The sign shall measure at least 24 inches by 24 inches and shall be made of a weather resistant non-paper material, set at least 24 inches above surrounding grade from the bottom of the sign board. The sign shall be posted in a location that is clearly visible from the adjacent right-of-way within 10 feet of the right-of-way line. Lettering shall be in gothic style upper case with the top line measuring at least four inches in height and all other lines measuring at least three inches in height. The text shall read as follows:

REQUEST FOR \_\_\_\_\_  
 PROJECT TITLE: \_\_\_\_\_  
 PROPOSED USE: \_\_\_\_\_  
 CITY COMMISSION MEETING: (Date and time)  
 LOCATION  
 ADDRESS  
 COMPLETE INFORMATION REGARDING THE APPLICATION IS AVAILABLE BY  
 CONTACTING THE CITY AT:

(b) Signs must be maintained in readable condition while posed and be removed within five days of the hearing where the City Commission takes final action on the application.

3. *Legal Advertising.* The legal notice shall be published in a newspaper of general circulation in Broward County in accordance with applicable Florida Statutes.

4. *Obtaining lists for mailed notice.* All lists of property owners to whom notice must be mailed shall be based upon the most recently updated records available from the Broward County Property Appraiser and be obtained from the Property Appraiser no more than 30 days prior to the date of mailing.

5. *Evidence of compliance.*

(a) City Commission hearing. Evidence of compliance of all advertising required for the City Commission hearing must be received by the City Clerk no later than 5:00 pm at least five days prior to the date of the City Commission meeting, and shall consist of the following:

- Photograph of posted sign;
- Copy of mailed notice sent to surrounding property owners;
- List of surrounding property owners to whom mailed notice was sent;
- Affidavit of mailing notice to surrounding property owners on form approved by the City Administrator or his or her designee; and
- Proof of advertised legal notice, where required.

6. *Enforcement.* Failure to comply with these advertising requirements will result in the hearing being rescheduled for the next available City Commission meeting. All advertisements, notices and signs must be reissued with the correct meeting date shown. The failure of an applicant to satisfy the advertising requirement for the same item two consecutive times shall constitute sufficient grounds for denial of the application. A failure to remove the sign required above within the time mandated shall result in a fine to be set and amended by resolution of the City Commission.