APPLYING FOR A ZONING VARIANCE

Fee:

$5,500 application fee made **payable to the City of Weston** for other than single family residence.
$2,800 application fee made **payable to the City of Weston** for single family residence.

Link to Apply:

https://www.westonfl.org/government/planning-and-zoning/application-process

Submittal:

- Refer to *§124.80- Variances* in the City of Weston Code of Ordinances at https://codelibrary.amlegal.com/codes/weston/latest/weston_fl/0-0-0-5753.

Submission Materials:

1. **Application Form**
   a. Petition for Zoning Variance
   b. Applicant Representative Affidavit
   c. Cost Recovery Affidavit
2. **Project Narrative** detailing the proposed scope of work
3. **Site Plan**
4. **Survey**
5. **Location Map**
6. **Landscape Plans**
7. **Architectural Plans**
8. **Civil Plans**
9. **Notice to Surrounding Properties** - 125.06 Requirements for Advertisement and Notice
10. **Legal Advertisement -** 125.06 Requirements for Advertisement and Notice

Further information may be requested: You will be notified of any additional requirements by email via the email address that you provide.

Staff will advise whether advertising is required (as per Code Section - 125.06 Requirements for Advertising and Notice).

Variance Criteria[124.80 (A & B)]

1. 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.
2. The Development resulting from the granting of such variance shall be in harmony with the policies embodied within the City Comprehensive Plan.
3. The granting of such variance shall be consistent with the general purpose and intent of the applicable zoning district regulations governing the property on which approval is granted.
4. The granting of such variance shall not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations nor hinder or discourage appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
5. 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.
6. The granting of the requested variance will provide substantial justice and not be contrary to the public interest as reflected in the applicable regulations.
7. The need for the variance does not arise from conditions that are personal to the owner but instead relate to the uniqueness of the property.
8. The alleged hardship is not self-imposed by the owner, prior owners or by any person having an interest in the property.
9. The variance granted is the minimum variance necessary for the applicant to make reasonable use of the property.

The Applicant shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the City Commission.

CITY OF WESTON, PLANNING AND ZONING DEPARTMENT
C/O CALVIN, GIORDANO & ASSOCIATES, INC.
1800 ELLER DRIVE, SUITE 600
FORT LAUDERDALE, FLORIDA 33316

PETITION FOR ZONING VARIANCE

PURSUANT TO CODE OF ORDINANCES §124.80, §124.82 AND CHAPTER 125

The undersigned presents its Petition to the City Commission of the City of Weston, Florida for a Zoning Variance under the Zoning Regulations of the City of Weston as follows:

Section No._____ Zoning District_____

Lot No._____ Block No._____ Subdivision_____

Address_____

1. Name of Petitioner_____Email _____
2. Petitioner's Interest (Owner, Lessee, etc.)_____
3. Project Name_____
4. Has a previous petition been filed on this property?_____ If yes, give date of hearing and finding_____

   _____
5. Existing Land Use_____ Existing Zoning_____

   Current Use of Site_____
6. Explain how this petition meets necessary criteria *(refer to §124.80(A)*. Use additional sheet, if necessary.

   _____

   _____

   _____

Issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

I/we certify on _____ day of_____, 20___, that the property is not subject to a pending code violation.

_____
Petitioner's Signature

_____
Print Petitioner's Name

_____
Address

_____
City, State, Zip

*Phone*_____

*Email*_____

_____
Owner's Signature (required)

_____
Print Owner's Name

_____
Address

_____
City, State, Zip

*Phone*_____

*Email*_____

DEPARTMENT USE ONLY

Date Received_____ Fee Paid_____

Agenda_____ Receipt No._____

Variance Criteria and Response:

124.80 It is the responsibility of the Applicant to submit documentation that addresses the following criteria. The Applicant shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the City Commission.

124.80 (A)(1) 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.

Response:

124.80 (A)(2) The Development resulting from the granting of such variance shall be in harmony with the policies embodied within the City Comprehensive Plan.

Response:

124.80 (A)(3) The granting of such variance shall be consistent with the general purpose and intent of the applicable zoning district regulations governing the property on which approval is granted.

Response:

124.80 (A)(4) The granting of such variance shall not adversely affect the Use or Development of neighboring properties in accordance with the applicable zoning district regulations nor hinder or discourage appropriate Development and Use of adjacent or nearby land and/or Buildings or impair the value thereof.

Response:

124.80 (A)(5) 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.

Response:

124.80 (A)(6) The granting of the requested variance will provide substantial justice and not be contrary to the public interest as reflected in the applicable regulations.

Response:

124.80 (A)(7) The need for the variance does not arise from conditions that are personal to the Owner but instead relate to the uniqueness of the property.

Response:

124.80 (A)(8) The alleged hardship is not self-imposed by the Owner, prior owners or by any Person having an interest in the property.

Response:

124.80 (A)(9) The variance granted is the minimum variance necessary for the Applicant to make reasonable Use of the property.

Response:

APPLICANT REPRESENTATIVE AFFIDAVIT

(MUST BE COMPLETED BY PROPERTY OWNER
AND EACH APPLICANT REPRESENTATIVE)

STATE OF FLORIDA
COUNTY OF BROWARD

Before me, the undersigned authority, personally appeared the affiant who, upon first being duly sworn, deposes and says:

(FOR INDIVIDUAL APPLICANTS)

1(a). I am the owner of the property described below, and have submitted the following application to the City of Weston:

Name of Applicant _____

Application for: ❑ Land Use Plan Amendment ❑ Rezoning ❑ Special Exception ❑ Zoning Variance
❑ Site Plan Approval ❑ Site Plan Amendment ❑ Plat Approval ❑ Plat Amendment
❑ Text Amendment

Property Location _____

(FOR ENTITY APPLICANTS)

1(b). I am the _____ *(position)* of _____ *(name of entity "Applicant")* that owns the property described below, and has submitted an application to the City of Weston, and I have the authority to file this affidavit and to bind the Applicant.

Name of Applicant _____

Application for: ❑ Land Use Plan Amendment ❑ Rezoning ❑ Special Exception ❑ Zoning Variance
❑ Site Plan Approval ❑ Site Plan Amendment ❑ Plat Approval ❑ Plat Amendment
❑ Text Amendment

Property Location _____

2. The Applicant acknowledges that Section 125.04(C)(1) of the Land Development Code of the City of Weston requires that any applicant for a development permit must disclose "all persons representing the individual or entity applying for the development permit in connection with the application, including, but not limited to, all attorneys, architects, landscape architects, engineers and lobbyists."

3. The Applicant acknowledges that Section 125.04(C)(2) of the Land Development Code of the City of Weston requires that the Applicant, the property owner, and any person representing the Applicant must disclose "whether it has any Business Relationships with any member of the City Commission or any City Advisory Board, and, if so, disclose the identity of the member with which it has a Business Relationship and the nature of the Business Relationship." *Business Relationship is defined as:*

Business Relationship: a member of the City Commission or a City Advisory Board has a business relationship with a person or an entity if any of the following exist:

a) the member of the City Commission or City Advisory Board has any ownership interest, directly or indirectly, in excess of 1% in the entity; or

b) the member of the City Commission or City Advisory Board is a partner, co-shareholder or joint venturer with the person in any business venture;

c) the entity or person is a client of the member of the City Commission or City Advisory Board, or a client of another professional working from the same office and for the same employer as the member of the City Commission or City Advisory Board;

d) the member of the City Commission or City Advisory Board is a client of the entity or the person;

e) the entity or person is a customer of the member of the City Commission or City Advisory Board (or his/her employer) and transacts more than 5% of the business in a given calendar year of the member of the City Commission or City Advisory Board (or his/her employer) or more than $25,000 of business in a given calendar year; or

f) the member of the City Commission or City Advisory Board is a customer of the entity or the person and transacts more than 5% of the business in a given calendar year of the entity or person or more than $25,000 of business in a given calendar year.

The following is a complete list of the Applicant, the property owner and all persons that will represent the Applicant in connection with the application including, but not limited to, all attorneys, architects, landscape architects, engineers, lobbyists, tenants and/or contract purchasers:

	Name (print)	*Business Relationship*		*Signature*
		*Yes**	*No*	
a)	_____	❑	❑	_____
b)	_____	❑	❑	_____
c)	_____	❑	❑	_____
d)	_____	❑	❑	_____
e)	_____	❑	❑	_____
f)	_____	❑	❑	_____
g)	_____	❑	❑	_____

***** *If yes, then identified person shall fill out a Business Relationship Affidavit*

4. The Applicant agrees that he/she/it will be bound by any statements, representations and promises made in connection with the Application by any of the individuals identified above.

5. The Applicant acknowledges that Section 125.04(C)(3) of the Land Development Code requires this information to be updated "If, at any time prior to City Commission consideration of an application for a development permit, the information contained in any Applicant Representative Affidavit or Business Relationship Affidavit becomes incorrect or incomplete, the person or entity submitting the affidavit must supplement the affidavit and, if the supplementation requires the submission of additional Applicant Representative Affidavits or Business Relationship Affidavits, ensure that such affidavits are also filed." The Applicant further understands that "If any supplementary affidavits are submitted less than fourteen days before the application is scheduled for consideration by the City Commission or any City Advisory Board, the application may be withdrawn by the City Manager, or his designee, and placed on a subsequent agenda."

Further the affiant sayeth naught.

_____
(Signature of Applicant)

_____
(Print Name)

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me by means of ____ physical presence or ____ online notarization, this _____ day of _____, 20___, by _____. (Name of person making statement)
Personally known to me _____ or has produced Identification _____, type of identification produced_____.

_____
SIGNATURE OF NOTARY PUBLIC

(NOTARY SEAL HERE)

_____
PRINT, TYPE/STAMP NAME OF NOTARY

COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent to the payment of all applicable costs involved as part of my application process. Section 43.03 of the City Code of Ordinances (attached) requires that the City's costs of administrative and outside fee consultant review and processing of requests, as required or necessitated now or in the future by the City's ordinances, resolutions, policies, or procedures, shall be borne by the person initiating the review request. These costs include, but are not limited to, the various costs relating to the City's administrative and outside fee consultant processing and review of applications, submissions, or requests concerning development, utilization, or improvement of real estate in the City.

Please type or print the following:

Date: _____

Relationship to the project: (property owner, architect, developer, attorney)

_____

Full Name: Mr. /Mrs. /Ms. _____

Current Address:_____City: _____

State:_____ Zip:_____ Telephone Number: _____

Email: _____

I am fully authorized to commit to the expenditures contemplated by this Cost Recovery Affidavit.

_____

Signature

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20___, by _____ as _____
(Name of person acknowledging) *(Title)*
for _____.
(Company name)

Personally known to me ☐ or has produced Identification ☐, type of identification produced_____.

(NOTARY SEAL HERE)

_____
SIGNATURE OF NOTARY PUBLIC

_____
PRINT, TYPE/STAMP NAME OF NOTARY