

1/12/22



**CITY OF WESTLAKE**  
**Planning and Zoning Department**  
4001 Seminole Pratt Whitney Road  
Westlake, FL 33470  
Phone: (561) 530-5880  
www.westlakegov.com

DEPARTMENTAL USE ONLY  
Ck. # \_\_\_\_\_  
Fee: \_\_\_\_\_  
Intake Date: \_\_\_\_\_  
**PROJECT #** \_\_\_\_\_

**APPLICATION FOR VARIANCE**

**Planning & Zoning Board Meeting Date:** \_\_\_\_\_

*The Planning & Zoning Board meets the **second Monday of the month**, as needed, in the City Council Chambers, located at 4005 Seminole Pratt Whitney Road in the City of Westlake. The applicant will be informed in writing of their scheduled meeting date.*

*Application and required documents must be submitted to the City of Westlake at least forty-five (45) business days prior to the desired Planning and Zoning Board meeting date*

**INSTRUCTIONS TO APPLICANTS:**

- 1. Please complete all sections of this application. If not applicable, indicate with N/A.
- 2. Provide all required documents as shown on the attached checklist. If not applicable, indicate with N/A.
- 3. Applicant must be present at scheduled hearing.

**I. PROJECT DESCRIPTION & APPLICANT INFORMATION**

**PROJECT NAME:** \_\_\_\_\_

**PROJECT ADDRESS:** \_\_\_\_\_

**PROPERTY CONTROL NUMBER (PCN), LIST ADDITIONAL ON A SEPARATE SHEET:** \_\_\_\_\_

**DESCRIPTION OF VARIANCE REQUEST:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1/12/22

Property Owner(s) of Record (Developer) \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**Agent (if other than owner complete consent section below):**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**II. LAND USE & ZONING**

A) ZONING DISTRICT \_\_\_\_\_ B) FUTURE LAND USE MAP DESIGNATION \_\_\_\_\_

C) EXISTING USE(S) \_\_\_\_\_

D) PROPOSED USE(S) \_\_\_\_\_

**III. ADJACENT PROPERTIES**

	EXISTING USE(S)	FUTURE LAND USE DESIGNATION	ZONING DISTRICT
SUBJECT PROPERTY			
NORTH			
SOUTH			
EAS			
WEST			

**IV. OWNER/APPLICANT ACKNOWLEDGEMENT AND CONSENT**

**Consent statement (to be completed if owner is using an agent)**

I/we, the owners, hereby give consent to \_\_\_\_\_ to act on my/our behalf to submit this application, all required material and documents, and attend and represent me/us at all meetings and public hearings pertaining to the application and property I/we own described in the application.

By signing this document, I/we affirm that I/we understand and will comply with the provisions and regulations of the City of Westlake, Florida, Code of Ordinances. I/we further certify that all of the information contained in this application and all the documentation submitted is true to the best of my/our knowledge.

\_\_\_\_\_  
Owner's Name (please print)

\_\_\_\_\_  
Applicant/Agent's Name (please print)

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Applicant/Agent's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**V. APPLICATION FEES**

*See City of Westlake Fee Schedule*

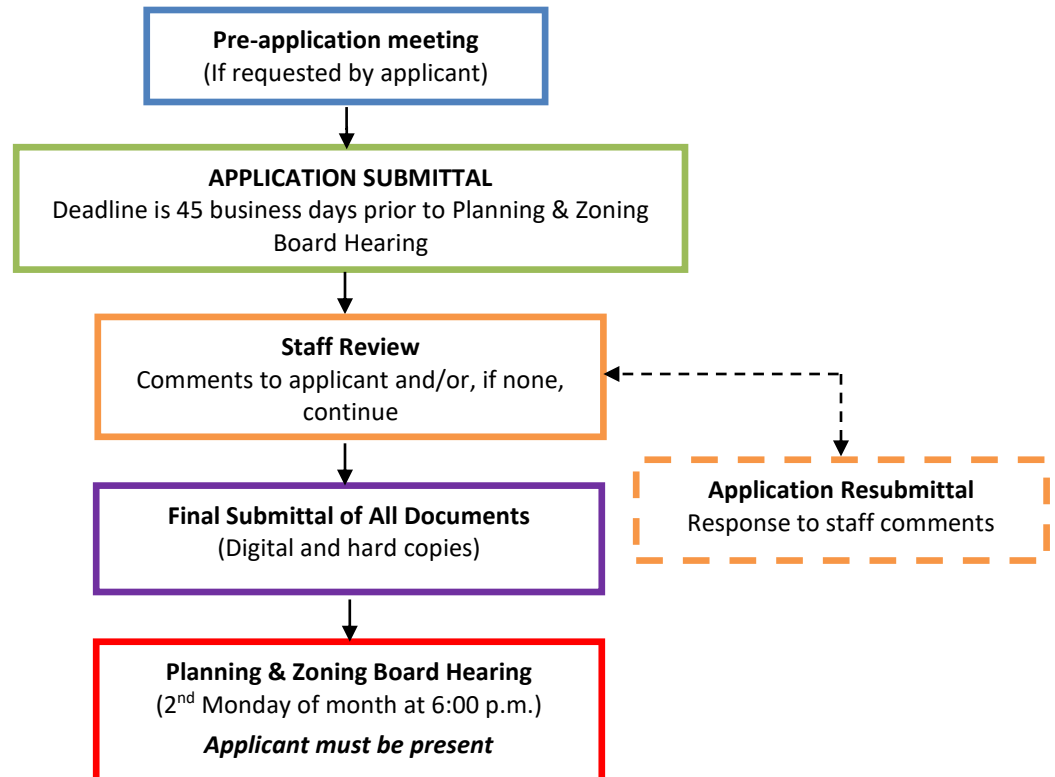
**VI. ADMINISTRATIVE COSTS**

The owner/applicant agrees to compensate the City for all additional administrative costs, actual or anticipated, including, but not limited to, engineering fees, consultant fees, and special studies prior to the processing of the application or not later than 30 days after final application approval whichever is determined as appropriate by the City. **Failure to make such payment shall be grounds for withholding a building or zoning permit.** Costs associated with advertising for public hearings and other public notice requirements are the responsibility of the owner/applicant. The fee shall be paid prior to such application being scheduled for a public hearing requiring notice.

\_\_\_\_\_  
Owner's Signature to Acknowledge

\_\_\_\_\_  
Date

**VII. VARIANCE APPLICATION REVIEW PROCESS**



## VIII. VARIANCE APPLICATION SUBMITTAL REQUIREMENTS

The applicant shall submit the following documents to the City of Westlake **forty-five (45) business days** prior to the desired Planning and Zoning Board meeting date:

- 1) **For Review: Digital and Three (3) full-size sets** of professionally prepared plans and documents as specified in the **VARIANCE APPLICATION SUBMITTAL CHECKLIST** (see below).
- 2) **For Final Submittal: Digital and Three (3) 11x17 sets** of plans and documents required in 1) above and an exact rendering of the proposed modification, construction, or addition.
- 3) Any other documents, maps, photographs, or drawings that may help clarify the position of the applicant.

**NOTE: All renderings, models, drawings, photos, etc., will become the property of the City of Westlake.**

## IX. VARIANCE APPLICATION SUBMITTAL CHECKLIST

- A. **Application** – complete signed application form as provided by the City and all required fees and costs.
- B. **Site Plan** – a scaled drawing describing the variance request, including a site plan and elevations.
- C. **Legal Description** – a full legal description of the subject property, including parcel control number(s).
- D. **Location Map** – location map of the subject property showing street names and identifiable landmarks.
- E. **Ownership** – proof of ownership (a copy of the recorded deed for the subject property).
- F. **Certified Current Boundary Survey** – drawn to a scale of sufficient size to show boundaries of the project, any existing streets, buildings, watercourses, easements, section lines, plats, water, sewer and reuse water and other utility facilities, lighting, and other existing important physical features on the property adjacent to the site. Information on all easements shall include location and width of proposed and existing utility, drainage, access, electric, and similar easements.
- G. **Posting of Property** – Property affected by a future land use map amendment, rezoning ordinance, conditional use, and variance applications shall be posted as provided below, if required.
  - (1) *Signs.* Signs shall be provided by the applicant, subject to criteria for size, contents, and visibility approval by the Planning & Zoning Director.
  - (2) *Posting.* Property shall be posted by the applicant.
  - (3) *Installation.* Signs shall be posted in a workmanlike manner, able to withstand normal weather events.
  - (4) *Minimum posting requirements.* Privately-initiated applications require that at least one sign be posted per 500 lineal feet of all property located along a public right-of-way, with a minimum of one sign per frontage, or as otherwise required by the Planning & Zoning Director. In the event of unique circumstances affecting a property, additional signs shall be posted as required by Planning & Zoning Director. City-initiated applications require that one sign be posted per frontage along a public right-of-way, except that city-initiated land use map changes for the creation of an overlay shall not require posting for the city council hearings.
  - (5) *Deadline.* Signs, if required, shall be posted at least 15 days prior to a public hearing.
  - (6) *Affidavit.* An affidavit, including photographs, attesting to the date of installation and number of signs installed shall be provided at least five days prior to the required public hearing.
- H. **Public Notice** – Public notice, including mailing, publication in a newspaper, and posting of property, shall be provided as required below in Table 2-3 and consistent with the city charter and Florida Statutes.

I. **Publication** –

- (1) For applications that require publication pursuant to Table 2-3 and for which Florida Statutes require publication, publication must meet the requirements of all applicable statutes including Sections 166.041, 163.3187, and 163.3184, Florida Statutes, as they apply.
- (2) For applications that are not required to be published pursuant to Florida Statutes but are required to be published pursuant to Table 2-3, the publication shall be published in a newspaper of general paid circulation and of general interest and readership in the jurisdiction. The advertisement shall appear in a newspaper published at least five times per week.

J. **Mail notice** – Required mail notice shall be provided as indicated below: *Contents*. Unless otherwise provided herein, mail notice shall contain the following information:

- (a) The title and substance of the proposed ordinance or development order;
  - (b) The time, date, and location of the public hearing for the applicable Planning and Zoning Board or Local Planning Agency hearing;
  - (c) The time, date, and location of the public hearing for the City Council;
  - (d) The location of the property affected by the application with reference to the nearest intersection of two or more streets;
  - (e) The name, address, and telephone number of the office where additional information can be obtained;
  - (f) The times and place where the proposed ordinance or development order application may be inspected by the public;
  - (g) A notice that interested parties may appear at the meeting or public hearing and be heard with respect to the proposed ordinance or development order application; and
  - (h) An area map, indicating location of the affected property, may be provided.
- (2) *Class of mail*. Mail notice shall be provided by first-class mail.
  - (3) *Postmark*. Mail notice shall be postmarked no later than the minimum number of calendar days as required in Table 2-3 or as otherwise required by Sections 166.041, 163.3187, and 163.3184, Florida Statutes, as amended.
  - (4) *Property owners notified*. Mail notice for applications shall be provided to all property owners, excluding property owned by the applicant, within 300 feet of the site affected by the application.
  - (5) *Property owners list*. To the extent permitted by law, the city will provide the applicant with a list of addresses for which applicant must generate mailing labels. The City shall generate any mailing labels for properties which the City may not legally disclose the address but shall not provide such labels to applicant. Applicants who create mailing labels for all addresses provided to the applicant by the City shall be deemed to have complied with this section.
  - (6) *Costs*. The applicant shall provide envelopes with affixed postage and complete mailing labels appropriate to the type of mail service utilized. In the event additional mail notice is required, the applicant shall be responsible for postage, envelopes, and mailing labels.
  - (7) *Procedure*. The City shall be responsible for delivery of mailed notices to the post office.

**Table 2-3 Variance Deadlines**

Type of Notice	Number of Days Prior to P & Z Hearing
<b>Mail Notice</b>	10 Days
<b>Public Notice (Publication)</b>	10 Days
<b>Posting of Property</b>	15 Days

- K. **Justification Statement** – written itemized statement shall be provided that demonstrates that the variance request is consistent with each of the following criteria addressed in Chapter 2, Article 2.2, Section 2(B) of the City of Westlake Code of Ordinances:
- (1) Strict application of the LDRs creates an undue burden or a practical difficulty on the development of applicant's lot(s) or parcels and was not created by the actions of the applicant.
  - (2) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
  - (3) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
  - (4) No negative impacts are or will be generated by the variance, and/or that any impacts caused by the variance can be adequately mitigated.
  - (5) The grant of a variance will not confer upon the applicant any special privilege denied to any other owner of land, buildings, or structures located in the same zoning district.
  - (6) The variance granted is the minimum variance that will make possible the use of the land, building, or structure.
  - (7) The grant of the variance will be in harmony with the general intent and purpose of this chapter and land development regulations.
  - (8) Financial hardship is not to be considered as sufficient evidence of a hardship in granting a variance.
  - (9) The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

**X. ADDITIONAL INFORMATION**

**Per Chapter 2, Article 2.2, Section 2(B) Variance**

- The purpose of a variance is to allow reasonable relief from strict application of one or more land development regulations, when such regulation(s) create an undue burden or a practical difficulty for reasonable development of a property. Variances will be granted on a case-by case basis.
- In granting any variance, the Planning and Zoning Board may approve such conditions and safeguards deemed necessary to conform to the intent and purpose of this chapter. Violations of such conditions shall be deemed a violation of this chapter. The Planning and Zoning Board may also prescribe a reasonable time limit to initiate the action granted by the variance and to complete such action.
- The Planning and Zoning Board, unless specifically authorized by this chapter, shall not grant a variance to establish a use not allowed as a permitted use or conditional use in any overlay or zoning district. Evidence of nonconforming uses of neighboring lands, structures, or buildings in same zoning district or the permitted use of lands, structures, or buildings in other zoning districts shall not be considered grounds for the authorization of a variance.
- Denials of applications for variances may be appealed to the City Council.