



# CITY OF WINTER SPRINGS

COMMUNITY DEVELOPMENT DEPARTMENT

1126 STATE ROAD 434

WINTER SPRINGS, FL 32708

407-327-5966

FAX: 407-327-6695

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## BOARD OF ADJUSTMENT APPLICATION

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- CONDITIONAL USE / SPECIAL EXCEPTION
- VARIANCE
- WAIVER

APPLICANT:

\_\_\_\_\_

Last

\_\_\_\_\_

First

\_\_\_\_\_

Middle

MAILING ADDRESS: \_\_\_\_\_

\_\_\_\_\_

City

\_\_\_\_\_

State

\_\_\_\_\_

Zip Code

PHONE & EMAIL \_\_\_\_\_

If Applicant does NOT own the property:

PROPERTY OWNER:

\_\_\_\_\_

Last

\_\_\_\_\_

First

\_\_\_\_\_

Middle

MAILING ADDRESS: \_\_\_\_\_

\_\_\_\_\_

City

\_\_\_\_\_

State

\_\_\_\_\_

Zip Code

PHONE & EMAIL \_\_\_\_\_

This request is for the real property described below:

PROPERTY ADDRESS: \_\_\_\_\_

TAX PARCEL NUMBER: \_\_\_\_\_

SIZE OF PARCEL: \_\_\_\_\_

\_\_\_\_\_

Square Feet

\_\_\_\_\_

Acres

EXISTING LAND USE: \_\_\_\_\_

Current FUTURE LAND USE Classification: \_\_\_\_\_

Current ZONING Classification: \_\_\_\_\_

Please state YOUR REQUEST: \_\_\_\_\_

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The APPLICANT IS RESPONSIBLE for posting the blue notice card (provided by the City) on the site at least SEVEN (7) DAYS prior to the Board of Adjustment Meeting at which the matter will be considered. Said notice shall NOT be posted within the City right-of-way. All APPLICANTS shall be afforded minimal due process as required by law, including the right to receive notice, be heard, present evidence, cross-examine witnesses, and be represented by a duly authorized representative.

The CITY COMMISSION shall render all final decisions regarding variances, conditional uses and waivers and may impose reasonable conditions on any approved variance, conditional use or waiver to the extent deemed necessary and relevant to ensure compliance with applicable criteria and other applicable provisions of the City Code and Comprehensive Plan. All formal decisions shall be based on competent substantial evidence and the applicable criteria as set forth in Chapter 20, Zoning. APPLICANTS are advised that if, they decide to appeal any decisions made at the meetings or hearings with respect to any matter considered at the meetings or hearings, they will need a record of the proceedings and, for such purposes, they will need to insure that a verbatim record of the proceedings is made, at their cost, which includes the testimony and evidence upon which the appeal is to be based, per 286.0105, Florida Statutes.

Any CONDITIONAL USE, VARIANCE, or WAIVER which may be granted by the City Commission shall expire two (2) years after the effective date of such approval by the City Commission, unless a building permit based upon and incorporating the conditional use, variance, or waiver is issued by the City within said time period. Upon written request of the property owner, the City Commission may extend the expiration date, without public hearing, an additional six (6) months, provided the property owner demonstrates good cause for the extension. In addition, if the aforementioned building permit is timely issued, and the building permit subsequently expires and the subject development project is abandoned or discontinued for a period of six months, the conditional use, variance or waiver shall be deemed expired and null and void. (Code of Ordinances, Section 20-36.)

**THE FOLLOWING ITEMS ARE TO BE SUPPLIED WITH THIS APPLICATION:**

- A copy of the most recent SURVEY of the subject property.
- A copy of the LEGAL DESCRIPTION reflecting the property boundaries.
- 11 x 17 MAP showing ADJACENT STREETS and ZONING AND LAND USE classifications on the ADJACENT PROPERTY.
- JUSTIFICATION for the Request (See Attached List)
- NAMES and ADDRESSES of each property owner within 150 ft. of each property line.
- Notarized AUTHORIZATION of the Owner,  
IF the Applicant is other than the Owner or Attorney for the Owner (see below).
- APPLICATION FEES:

FEES are as SHOWN BELOW plus ACTUAL COSTS incurred for ADVERTISING or NOTIFICATION, and for REIMBURSEMENT for TECHNICAL and/or PROFESSIONAL SERVICES which may be required in connection with the review, inspection or approval of any development (based on accounting submitted by the City's Consultant) , payable prior to approval of the pertinent stage of development.

CONDITIONAL USE / SPECIAL EXCEPTION	\$ 500
WAIVER	\$ 500
VARIANCE	\$ 500
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<b>TOTAL DUE</b>	<b>\$ _____</b>

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By submitting this application you hereby grant temporary right of entry for city officials to enter upon the subject property for purposes of evaluating this application.

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**FOR USE WHEN APPLICANT IS OWNER OF THE SUBJECT REAL PROPERTY:**

This is to certify that I am the Owner in fee simple of subject lands described within this Application for Board of Adjustment consideration:

\_\_\_\_\_  
Signature of Owner

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission expires:  
\_\_\_\_\_

\_\_\_\_\_ Personally Known  
\_\_\_\_\_ Produced Identification:  
(Type) \_\_\_\_\_  
\_\_\_\_\_ Did take an Oath  
\_\_\_\_\_ Did Not take and Oath

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**FOR USE WHEN APPLICANT IS NOT OWNER OF THE SUBJECT REAL PROPERTY:**

I, \_\_\_\_\_ do hereby, with my notarized signature, allow  
\_\_\_\_\_ to represent me in this Application related to my property. The  
property is identified as: Tax Parcel Number(s) \_\_\_\_\_

Located at \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner(s)

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission expires:  
\_\_\_\_\_

\_\_\_\_\_ Personally Known  
\_\_\_\_\_ Produced ID: (Type) \_\_\_\_\_  
\_\_\_\_\_ Did take an Oath  
\_\_\_\_\_ Did Not take and Oath

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**WAIVER REQUEST**

A waiver request requires the property owner to clearly demonstrate that the applicable term or condition (the subject of the waiver request) clearly creates an illogical, impossible, impractical, or patently unreasonable result [*Winter Springs Code of Ordinances, Section 20-34 (a)*]. Please explain how your request meets this requirement (use a separate sheet if necessary).

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In addition to the standard set forth in Section 20-34 (a), a waiver requires compliance with all six (6) criteria enumerated in the *Winter Springs Code of Ordinances, Section 20-34 (d)*.

Address each of the following conditions related to the variance request. Attach additional paper as necessary:

What is the Waiver you are requesting? \_\_\_\_\_

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Is the proposed development plan in substantial compliance with Chapter 20 of the City's Code of Ordinances and in compliance with the Comprehensive Plan?

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Will the proposed development plan significantly enhance the real property?

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Will the proposed development plan serve the public health, safety, and welfare of the City of Winter Springs ?

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Will the waiver diminish property values in or alter the essential character of the surrounding neighborhood?

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Is the waiver request the minimum waiver that will eliminate or reduce the illogical, impossible, impractical, or patently unreasonable result caused by the applicable term or condition under this chapter?

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Is the proposed development plan compatible with the surrounding neighborhood?

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**VARIANCE REQUEST**

*Taken from Winter Springs Code of Ordinances, Section 20-32(d):*

Address each of the following conditions related to the variance request. Attach additional paper as necessary:

What is the Variance you are requesting? \_\_\_\_\_

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What 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?

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Are these special conditions and circumstances the result of actions by the applicant?

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How will a literal interpretation of the provisions of the zoning district deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and work unnecessary and undue hardship on the applicant?

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Will granting the variance, confer any special privilege that is denied to other lands, buildings or structures in the same zoning district?

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Is the variance, as requested, the minimum variance that will make possible the reasonable use of the land, building or structure?

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How is the variance in harmony with the general intent and purpose of the zoning district?

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Will granting the variance be injurious to the neighborhood or otherwise detrimental to the public welfare?

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Identify how the request is consistent with the objectives and policies of the Comprehensive Plan:

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**CONDITIONAL USE PERMIT REQUEST**

*Taken from Winter Springs Code of Ordinances, Section 20-33(d):*

All Conditional Use recommendations and final decisions shall be based on the following criteria to the extent applicable. Attach additional paper as necessary:

What is the Conditional Use you are requesting? \_\_\_\_\_

\_\_\_\_\_

How is the Conditional Use (including its proposed scale and intensity, traffic-generating characteristics, and offsite impacts) compatible and harmonious with adjacent land uses? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Will the Conditional Use adversely impact land use activities in the immediate vicinity? If no, why not? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Demonstrate how the size and shape of the site, the proposed access and internal circulation, and the design enhancements are adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate design amenities such as screening buffers, landscaping, open space, off-street parking, and other similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Will the proposed use have an adverse impact on the local economy, including governmental fiscal impact, employment, and property values? If no, why not? \_\_\_\_\_

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

Will the proposed use have an adverse impact on natural environment, including air, water, and noise pollution, vegetation and wildlife, open space, noxious and desirable vegetation, and flood hazards? If no, why not? \_\_\_\_\_

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

Will the proposed use have an adverse impact on historic, scenic and cultural resources, including views and vistas, and loss or degradation of cultural and historic resources? If no, why not? \_\_\_\_\_

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

Will the proposed use have an adverse impact on public services, including water, sewer, surface water management, police, fire, parks and recreation, streets, public transportation, marina and waterways, and bicycle and pedestrian facilities? If no, why not? \_\_\_\_\_

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

Will the proposed use have an adverse impact on housing and social conditions, including a variety of housing unit types and prices, and neighborhood quality? If no, why not? \_\_\_\_\_

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