

**CITY OF LABELLE
VARIANCE PETITION**

Submittal review conference date _____ CC _____
Legal Department: Date _____ Atty _____

Date Received _____

File Number: VAR-200 - _____

Petitioner: _____
Address: _____
Telephone #: _____ Fax #: _____ E-mail: _____

Agent for Petitioner: _____
Address: _____
Telephone #: _____ Fax #: _____ E-mail: _____

Owner of Property: _____
Address: _____
Telephone #: _____ Fax #: _____ E-mail: _____

Address/Location of Subject Property _____

Legal Description of Property Involved _____

Existing Zoning _____

Total Acreage/Square Footage of Subject Property _____

Current Use of Land _____

Appeal from Section _____ of the Comprehensive Development Code, which
requires _____

Summary of Facts _____

Each of the following conditions for the granting of a variance must be addressed in this submittal:

1. The plight of the applicant is due to unique circumstances not created by the applicant.

2. Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district.

3. The variance does not permit the establishment or enlargement of any use or structure which is not permitted in the district in which the variance is requested.

Signature of Petitioner

Signature of Owner

Print or type name of person signing above

Print or type name of person signing above

Date

Date

NOTE: IF THE PETITIONER WISHES TO BE REPRESENTED BY AN AGENT, THE POWER OF ATTORNEY ON THE FOLLOWING PAGE MUST BE PROPERLY EXECUTED. IF DRAWINGS PREPARED BY AN ARCHITECTURAL, ENGINEERING OR OTHER FIRM ARE SUBMITTED, THE FIRM MUST EXECUTE THE ATTACHED PERMISSION TO REPRODUCE.

AFFIDAVIT

I, _____ certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief.

KNOW ALL MEN THAT I, _____, do hereby constitute and appoint _____ my true and lawful attorney, to execute the foregoing instrument in my name, place and stead this _____ day of _____, _____.

Date: _____
Signature of owner or authorized agent

Print or type name of person signing above

Name of owner/agent entity if a corporation, L.L.C., partnership, or trust

Representative capacity of person signing Affidavit:
President or Vice President of Corporation
Managing Member of L.L.C.
General Partner
Trustee

STATE OF FLORIDA)
)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____ who is personally known to me or who has produced _____ as identification and who did not take an oath.

Notary Public

Print or type name
My Commission Expires: _____

KNOW ALL MEN THAT I, _____, _____(Title), of the firm of _____, do hereby grant the City of LaBelle permission to reproduce all or a portion of all plans, drawings, etc., submitted in connection with the foregoing petition.

Signature
Title: _____
Date: _____

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, _____, by _____ who is personally known to me or who has produced _____ as identification and who did not take an oath.

Notary Public

Print or type name
My Commission Expires: _____

**CONFIRMATION OF OWNERSHIP BY OWNER; AND
AUTHORIZATION FOR AGENT OR PETITIONER (WHEN A DIFFERENT ENTITY)**

The undersigned to hereby swear or affirm that they are the fee simple title holders and owners of the record of property commonly known as _____
And legally described in Exhibit A attached hereto.

The property described herein is the subject of a Variance application. We hereby designate _____ as the legal representative of the property in the course of seeking approval of this application. This representative will remain the only entity to authorize development activity until such time as anew or amended authorization is delivered to the City.

Owner Signature

Printed Name

Name of owner entity if a corporation, L.L.C., partnership, trust

Representative capacity of person signing: President or Vice
President of Corporation, Managing Member of L.L.C., General
Partner, Trustee

Address of Owner

STATE OF FLORIDA)
COUNTY OF _____)

Sworn to (or affirmed) and subscribed before me this _____ day of
_____, 200__, by _____
(_____)
capacity if applicable

who is personally known to me or produced _____ as
identification.

Notary Public
Notary Public – State of Florida
My commission expires _____

Name typed, stamped or printed

INSTRUCTIONS FOR FILING A ZONING VARIANCE PETITION

PROCEDURE:

1. Petitions for variances from zoning requirements may be obtained at the Office of the City Clerk.. A petition must be completed and submitted to the Planning Department, together with the required fee and supportive materials.,
2. **Petitioners are required to arrange a submittal-review conference with the City Clerk to take place at the time of submittal. Petitioners may arrange an appointment by calling 675-2872.**
3. After reviewing the petition for completeness and discussing it with other City staff, the City Clerk will give due public notice that a public hearing will be held by the Variance Board to consider the request. Owners of property within 500 feet of the site will be notified of the request and invited to comment.
3. Approximately one week before the public hearing, a sign will be placed on the subject property notifying the general public of the hearing.
4. The petitioner or his authorized representative shall appear at the Variance Board hearing. The petitioner should be prepared to address the guidelines and standards listed for the variances from the zoning requirements. After considering the recommendation of the staff and comments by the petitioner and the public, the Variance Board will approve, deny, or approve the request with conditions.

REQUIRED SUPPORTIVE MATERIALS:

- A. A check for \$425.00 made payable to the City of LaBelle.
- B. 10 (10) sets of the following:
 - 1. Completed petition form (*Original and 9 copies*);
 - 2. Proof of ownership (10 copies of the warranty deed, lease agreement or the like).
 - 3. Site Plan. 10 (9) copies of a site plan must be submitted with Thirty-five (35) copies of the petition and any other necessary supportive materials (i.e., 35 complete **SETS***); all plans must be at a suitable scale and be no smaller than 8½" x 11" and no larger than 24" x 36"; plans larger than 8½" x 11" **MUST BE FOLDED**; the architectural, engineering or other firm preparing the plans **MUST SIGN** permission to reproduce on Page 4 of the application and have his or her signature notarized; and

The site plan must show all data pertinent to the proposed variance, including at least the following:

- 1. Date of drawing
 - 2. Scale
 - 3. North arrow
 - 4. Name of person or firm who drew the plan
 - 5. Location of property, property dimensions, abutting rights of way, easements, setbacks, off-street parking, proposed landscaping, existing or proposed structures
 - 6. All properties immediately adjacent to and across an alley or street: show location of building footprints, access points, other significant features
 - 7. If the variance involves the encroachment of required setbacks, the site plan shall locate the structure on the site and the portions that encroach the setback shall be shaded.
- C. One colored site plan for meeting presentation purposes.
 - D. One legible reduced plan (either 8½ x 11" or 11" x 17").
 - E. All 8½ x 11" papers must be three-hole punched to accommodate packets for City Council. All plans or supplemental material that is larger than 8½ x 11" must be placed in plastic sleeves that are three-hole punched or presented in a way that is suitable for inclusion in a three-ring binder.
 - F. A residential impact statement petition may also be required.

*For example, one petition, one site plan, and one each of other supportive materials should be put together to comprise a set. Do not submit, for example, one stack of 10 site plans, one stack of other supportive materials, and one stack of 10 petitions separate from each other supportive material, as this is not a set.

PLEASE NOTE: If the petition is continued *for any reason*, additional folded plans *may* be required OR, if any changes are made, an additional 10 folded plans will absolutely be required. The City of LaBelle reserves the right to refuse to accept a petition if incomplete on the filing deadline date. The complete petition may be submitted for the following month's PAB meeting.

GUIDELINES; STANDARDS: The following conditions must be met prior to the granting of a variance:

- A. The plight of the applicant is due to unique circumstances not created by the applicant.
- B. Special conditions and circumstances exist which are peculiar to the land or structure involved, and which are not applicable to other lands or structures in the same district.
- C. The variance does not permit the establishment or enlargement of any use or structure which is not permitted in the district in which the variance is requested.

METHOD OF APPROVAL:

The intent of granting a variance from zoning requirements is to provide an exemption where special conditions or circumstances exist, which is consistent and in harmony with the intent of the zoning ordinance, which is the most practical or logical solution, and which will achieve equal or greater aesthetic character than a literal interpretation of the zoning ordinance would otherwise produce. In addition, variance petitions shall be assessed for consistency with the surrounding neighborhood and impact on adjacent properties.

**PROPOSED POLICY GUIDELINES FOR PRESENTATIONS OF PETITIONS TO
THE LABELLE CITY COUNCIL**

- A. Petitioner's presentation shall occur first and petitioner shall have up to 20 minutes (uninterrupted) to present their petition.
(Followed by questions from Council of the petitioner.)
If additional time is requested, the Council will vote on the request for additional time prior to the petitioner's presentation.
- B. Staff will have up to 20 minutes to analyze the petition.
(Followed by questions from Council of staff.)
- C. Public comment – each speaker will have up to 5 minutes to present their comments on the petition.
(Followed by questions from Council.)
- D. Petitioner will have up to 5 minutes to present any final summation.
(Followed by questions from Council for petitioner.)
- E. The Public Hearing will be closed.
- F. Council discussion/motion/vote.

PLEASE NOTE:

- Council Members may initiate discussion, or ask questions of any participant, upon conclusion of participant's presentation.
- Questions of an informational nature from the petitioners or public speakers may be asked through the Chair; however, direct questions between witnesses will not be allowed.

TO REQUEST ADDITIONAL TIME TO PRESENT A PETITION

If you believe your petition may require more than 20 minutes to present, please submit your request in writing to the City Clerk estimating the amount of time you anticipate you will need accompanied by a brief explanation of your reason(s) why.

SPECIAL NEEDS FOR EXHIBITS

If you will need special equipment or additional time to set up any exhibits prior to your presentation, please include that information with the submission of your petition.

PLEASE NOTE:

- One copy of each handout distributed or any graphic exhibit(s) used during your presentation must be submitted to the City Clerk for the public record. (In the case of building models or large displays, a color photograph of the model or display is acceptable.)