

BOARD OF ZONING ADJUSTMENT
 VARIANCE APPLICATION

DID YOU REMEMBER TO?

- Have a pre-application meeting
- Have an Affidavit notarized by both the owner and applicant (if different people)
- Complete the submittal checklist and development plan checklist
- Fold oversize copies so that they are no larger than 8 1/2" by 14"
- Submit all information as required at the pre-application meeting
- Collate all required information into 5 individual packages (including one package containing originals)
- Submit prior to 2 p.m. on the application deadline
- Check this box if this package contains full-size plans

PROJECT LOCATION

Parcel Identification Number _____ Property Address/Location _____

OWNER/APPLICANT INFORMATION

Owner Name, Title _____

Applicant Name, Title _____

Company _____

Company _____

Street Address _____

Street Address _____

City _____ State _____ Zip _____

City _____ State _____ Zip _____

Telephone Number _____

Telephone Number _____

Fax Number _____

Fax Number _____

E-Mail Address _____

E-Mail Address _____

TO BE COMPLETED BY CITY STAFF

Pre-Application Mtg. Verification _____ Date _____

Project Name _____

Case Description _____



Zoning District _____

Commissioner District _____

Case # Assigned _____

PROJECT INFORMATION

PROJECT SUMMARY TABLE

The purpose of this table is to identify general use and phasing information. More detail regarding specific use types (retail, eating and drinking, townhouse, warehouse etc.) should be provided on the development plan in accordance with the requirements of the development plan checklist.

PROPOSED USE	ACRES	EXISTING SQUARE FOOTAGE	DEMOLITION SQUARE FOOTAGE	TOTAL SQUARE FOOTAGE
Single-Family Residential (du)				
Multi-Family Residential (du)				
Office (sq. ft.)				
Commercial (sq. ft.)				
Industrial (sq. ft.)				
Civic/Public Benefit Use (sq. ft.)				
Other:				
TOTAL				

SURROUNDING LAND USES

(Single-Family, Multi-Family, Townhouse, Convenience Store, Supermarket, Vacant, etc.)

North	
South	
East	
West	

CERTIFICATION

By my signature below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures and that this application is a complete application submittal. I further understand that an incomplete application submittal may cause my application to be deferred to the next posted deadline date.

Applicant Signature

Date

SUBMISSION PACKAGE (5 PACKAGES)

The following table contains the requirements for submitting a variance application. The first check box on the left indicates what is required. The item must be submitted unless waived by a planner at the pre-application meeting. Complete the checklist by placing a checkmark (✓) in each box to the right of a required item to indicate that it has been submitted. All items required shall be collated into **5** individual packages prior to submittal of the application. Since a limited number of full-size plans and surveys are required, please identify the packages that contain full-size plans on the first page of the application by marking the box for full-size plans. For packages that contain only reduced plans/surveys, leave the box blank. Applications are due by **2:00 p.m.** on the deadline date. Please ensure that your application package is complete and submitted on-time to avoid being deferred to the next posted deadline date and board meeting.

Application Fee 1. \$100 (Owner Occupied Single-Family Residence) 2. \$450 (All Other Applications)	A user fee established by City Council to partially off-set the administrative and direct costs of processing an application. <u>The application fee does not in any way ensure the applicant a favorable decision.</u> All applications will be reviewed on the merits of the request alone, regardless of the application fee. All application fees are non-refundable, except for applications that are withdrawn within five (5) working days of the application submittal date. <u>The Project Planner must receive a request for withdrawal by 5:00 p.m. on the day of the withdrawal deadline for the fee to be refunded.</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Application Form	This application form completed and signed. Pages 1-2 of this form are required to be completed by the applicant prior to submittal. Additional appendices must be submitted if required below.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Project Description	Brief description of the proposed development, including the existing condition of subject property and the character of the surrounding area. The project description should include the purpose of the proposed development and its relationship to surrounding properties.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Boundary Survey	A recent, accurate survey showing all existing improvements on the property and certified by the surveyor, drawn to scale. (See "Existing Conditions" on the Development Plan checklist for specific items that must be shown on the survey) A minimum of 3 packages shall contain full-size, to-scale surveys as well as a reduced copy of the survey no greater than 11" by 17". The remaining 2 packages are only required to have reductions of the survey. Packages containing full-size surveys are required to be identified by the applicant prior to submittal of the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Development Plan	Development Plan consistent with the checklist contained in this application. A minimum of 3 packages shall contain full-size, to-scale development plans as well as a reduced copy of the plan no greater than 11" by 17". The remaining 2 packages are only required to have reductions of the Development Plan. Packages containing full-size plans are required to be identified by the applicant prior to submittal of the application.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building Elevations	5 building elevations, dimensioned and drawn to scale, showing all sides of the proposed building or addition	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sign Variance	5 drawings, dimensioned and drawn to scale, of proposed sign and a plan showing the location of existing and proposed signs. Type and size information of existing signs shall also be provided. For shopping centers, the location and size of signs on all shops within the center shall be included.	<input type="checkbox"/>	<input type="checkbox"/>
Landscaping Variance	5 landscape plans, dimensioned and drawn to scale shall be submitted.	<input type="checkbox"/>	<input type="checkbox"/>
Affidavit	If you are not the property owner, but are acting on behalf of the property owner, you are required to have this form completed and notarized (Appendix A).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Information	Other information required by the Zoning Official:	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DEVELOPMENT PLAN REQUIREMENTS

The following table contains the requirements for Development Plans. The first check box on the left indicates what is required. The item must be submitted unless waived by a planner at the pre-application meeting. Complete the checklist by placing a checkmark (✓) in each box to the right of a required item to indicate that it has been submitted.

GENERAL INFORMATION			
Legend	(a) Name of the Development (b) Legal Description of property to be developed (c) Acreage of the property to be developed (d) Scale—Engineering, no more than 1":200' (e) North Arrow (f) Existing Zoning on the property, including any overlay districts (g) Date of Preparation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contact Information (Name, Address, Phone #)	(a) Property Owner(s) (b) Developer(s) (c) Engineer(s) (d) Surveyor(s) (e) Agent(s) of the property owner or others involved in the project	<input checked="" type="checkbox"/>	<input type="checkbox"/>
EXISTING CONDITIONS			
Lot Lines and Easements	(a) Existing lot lines and easements on the property indicating the purpose of each easement	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Physical Improvements (On and within 50 ft. of the development)	(a) Location and use of existing buildings and structures (b) Vehicular use areas and other impervious surfaces (c) Location and dimensions of existing signs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Existing Streets (On and within 300 ft. of the development)	(a) Street names (b) Location of each street (c) Right-of-Way width of each street (d) Centerline of each street (e) Pavement location (where applicable) on each street (f) Curb and gutter locations (g) Driveway approach locations (h) Sidewalk locations (i) Locations and types of medians and median cuts (j) Any other improvements in the right-of-way	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Utility/Drainage Infrastructure (Location and Size)	(a) Sanitary and storm sewers (b) Culverts (c) Water mains (d) Fire hydrants	<input checked="" type="checkbox"/>	<input type="checkbox"/>
100 Year Flood Elevation	(a) Minimum habitable floor elevation (b) Limits of the 100 year flood plain for all sites extending into Flood Zone "A" (c) Note if not within 100 year flood area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Surface Drainage	Show direction of flow and methods of stormwater retention	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water Bodies, Wetlands, Streams and Canals	(a) Show normal high water elevation or boundary for each surface water body, wet and stream and canal (b) Show any water courses, bridges, lakes, marshes, sinkholes and other physical conditions present on the site and within 50 feet. (c) Attendant drainage areas for each surface water body, wetland, stream and canal (d) Vegetative communities for each wetland, showing approximate location by species	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tree & Woodlands Survey	(a) Tree cover approximate limits and generalized tree communities (b) Location, Type and Size of Medium and large size trees (circumference of 18" or more, measure 4.5 ft. from the ground (dbh) or groupings of such trees (c) Other generalized existing vegetation, including native plant communities	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Orange County Geodetic Information	Approximate location of any Orange County Geodetic Information System monument(s) and/or Certified Sectional Corner(s), whose coordinate values have been determined by the County-wide Survey Project, which are within the proposed development and/or the surrounding 300-foot area	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DEVELOPMENT PLAN REQUIREMENTS

PROPOSED DEVELOPMENT			
Project Description	Description of the type, intended use, nature and phasing of the proposed development. For residential development, this includes such information as proposed function of space, square footage, etc. For non-residential land uses, provide square feet of floor area, number of parking spaces, etc.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lot Layout	(a) Lot and building site approximate locations and dimensions	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Street System	(a) Street names (b) Location of each street, including Major Thoroughfares (see Chapter 61 of the LDC) (c) Right-of-Way width for each street (d) Sidewalk location (e) Curb cut locations (f) Any other proposed improvements in right-of-way	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed Improvements	(a) Location of proposed improvements: buildings, structures, outdoor display areas, vehicular use areas, open space, etc. (b) Intended use and nature of each (c) Approximate dimensions and height of each building/structure (d) Proposed setbacks (e) Gross floor area of all buildings and uses (f) Maximum Impervious Surface Ratio (ISR) expressed as a percentage of the individual and total site area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vehicular Circulation	Location, dimensions, type of construction and number of: (a) Major streets and access points (b) Driveway approaches and curbcuts (c) Aisles and travelways (d) Parking spaces, including bus spaces, if any (e) Loading berths (f) Sidewalks and other pedestrian use areas (g) Bicycle use areas (h) Mass transit facilities (i) Through-access corridors and cross-access easements (j) Remote parking encumbrance, if required (k) Other vehicular use areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tree Protection Plan	(a) Existing medium and large trees or groupings of trees proposed to be retained, including the location of each and dimensions of the proposed undisturbed area (b) Proposed grade changes on the development site which may adversely affect any existing medium or large trees to be retained (c) Any Specimen or Historic Tree designation being requested (See Chapter 60, LDC)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VARIANCE JUSTIFICATION

Section 65.383 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Board of Zoning Adjustment (BZA) finds that **all** of the following standards are met. The applicant is responsible for proving to the BZA's satisfaction that the variance request meets these standards.

Next to the description of each standard for variance approval is a question printed in **bold type**. Please answer each question in the space attached or attach a separate sheet as necessary.

<p>SPECIAL CONDITIONS AND/ OR CIRCUMSTANCES</p>	<p>The applicant must prove that special conditions and/or 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. Zoning violations or non-conformities on neighboring properties shall not constitute grounds for approval of any proposed zoning variance.</p>	<p>WHAT ARE THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES UNIQUE TO YOUR PROPERTY?</p>
<p>NOT SELF-CREATED</p>	<p>The applicant must prove that the special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a variance; i.e. when the applicant himself by his own conduct creates the hardship he alleges to exist, he is not entitled to relief.</p>	<p>HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?</p>
<p>MINIMUM POSSIBLE VARIANCE</p>	<p>The applicant must prove that the zoning variance is the minimum variance that will make possible the <u>reasonable</u> use of the land, building or structure.</p>	<p>CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.</p>
<p>No SPECIAL PRIVILEGE CONFERRED</p>	<p>The applicant must prove that approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, buildings, or structures in the same zoning district.</p>	<p>WOULD APPROVAL OF THIS VARIANCE ALLOW YOU TO DO SOMETHING THAT OTHER PROPERTY OWNERS IN THE SAME SITUATION WOULD NOT BE ALLOWED TO DO?</p>
<p>DEPRIVATION OF RIGHTS</p>	<p>The applicant must prove that literal interpretation of the provisions contained in 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. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval.</p>	<p>WOULD DENIAL OF THIS VARIANCE DEPRIVE YOU OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTY OWNERS IN SIMILAR SITUATIONS?</p>
<p>PURPOSE AND INTENT</p>	<p>The applicant must prove that approval of the zoning variance will be in harmony with the purpose and intent of this Chapter and such zoning variance will not be injurious to the neighborhood and otherwise detrimental to public welfare.</p>	<p>WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE: ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC.)</p>

City Planning Division - Economic Development Department

BOARD OF ZONING ADJUSTMENT
VARIANCE APPLICATION

Application Deadline 2:00 pm Wednesday	Staff Recommendation By 3:00 pm Wednesday	BZA Meeting 2:00 pm Tuesday	Appeal Deadline 5:00 pm Tuesday unless otherwise indicated	City Council 2:00 pm Monday unless otherwise indicated
December 29, 2004	January 19, 2005	January 25, 2005	February 1, 2005	February 21, 2005
January 19, 2005	February 16, 2005	February 22, 2005	February 29, 2005	March 28, 2005
February 16, 2005	March 16, 2005	March 22, 2005	March 29, 2005	April 11, 2005
March 23, 2005	April 20, 2005	April 26, 2005	May 3, 2005	May 23, 2005
April 20, 2005	May 18, 2005	May 24, 2005	June 1, 2005 (Wed.) (MEMORIAL DAY HOLIDAY 5/30)	June 13, 2005
May 25, 2005	June 22, 2005	June 28, 2005	July 6, 2005 (Wed.) (INDEPENDENCE DAY HOLIDAY 7/4)	To be Announced
June 22, 2005	July 20, 2005	July 26, 2005	August 2, 2005	To be Announced
July 20, 2005	August 17, 2005	August 23, 2005	August 30, 2005	To be Announced
August 24, 2005	September 21, 2005	September 27, 2005	October 4, 2005	To be Announced
September 21, 2005	October 19, 2005	October 25, 2005	November 1, 2005	To be Announced
October 19, 2005	November 16, 2005	November 22, 2005	December 1, 2005 (Thurs.) (THANKGIVING HOLIDAY 11/24 & 11/25)	To be Announced
November 23, 2005	December 21, 2005	December 27, 2005	January 4, 2006 (Wed.) (NEW YEARS HOLIDAY 1/2/2006)	To be Announced