



**VARIANCE PETITION
CITY OF LABELLE, FLORIDA**

Date Received _____

File Number: VAR 202 -

Date Adopted: _____

Petitioner: _____

Address: _____

Telephone#: _____ E-mail: _____

Agent for Petitioner if applicable: _____

Address of Agent: _____

Telephone#: _____ E-mail: _____

Owner of Property: _____

Address: _____

Telephone#: _____ 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:

Findings required. Before making a finding on an application for a variance, the City Commission shall first determine that the proposed variation in the application of this code:

- (a) Unique or peculiar conditions or circumstances exist, which relate to the location, size, and characteristics of the land or structure involved, and are not generally applicable to other lands or structures in the same district.
- (b) The strict and literal enforcement of the zoning section of the land development regulations would create an undue hardship as distinguished from a mere inconvenience on the property owners. Physical handicaps or disabilities of the applicant and other considerations may be considered where relevant to the request.
- (c) The granting of a variance would not be injurious to or incompatible with contiguous uses, the surrounding neighborhood, or otherwise detrimental to the public welfare.
- (d) The condition giving rise to the requested variance has not been created by any person presently having an interest in the property and the conditions cannot reasonably be corrected or avoided by the applicant.
- (e) The requested variance is the minimum modification of the regulation at issue that will afford relief.
- (f) The variance granted will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or required improvements under similar conditions.

Summary of Facts _____

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 of 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 identification.

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 a new 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 _____ who is personally known to me or produced _____ as identification
_____ capacity if applicable

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 online at www.citylabelle.com. A petition must be completed and submitted to the Permit Technician together with the required fee and supportive materials at the Land Development Office at 80 Euclid Place or by email.
2. **Petitioners are required to arrange a pre-application meeting prior to submittal. Petitioners may arrange an appointment by calling 239-850-8525 or Email: acrespo@rviplanning.com.**
3. Upon sufficiency and review of the application, staff will inform the applicant of the date and time of the public hearing. The City Clerk will give due public notice that a public hearing will be held at a City Commission meeting to consider the request. Owners of property within 750 feet of the site will be notified of the request and invited to comment.
4. Approximately one week before the public hearing, a sign will be placed on the subject property notifying the general public of the hearing.
5. The petitioner or his authorized representative shall appear at the City Commission 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 City Commission will approve, deny, or approve the request with conditions.

REQUIRED SUPPORTIVE MATERIALS:

- A. A check made payable to the City of LaBelle for the application fee as stated in the fee schedule to be found at www.citylabelle.com>government tab>forms & applications
- B. 1 electronic copy or paper copy of the application packet to include:
 1. Completed petition form
 2. Proof of ownership
 3. Names and addresses of abutting and adjoining property owners within 500 feet of the property.
 4. A colored Site Plan, and any other necessary supportive materials. All plans must be at a suitable scale and be no smaller than 8½" x 11" and no larger than 24" x 36" the architectural, engineering or other firm preparing the plans MUST SIGN permission to reproduce on Page 4 of the application and have his or hersignature 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 legible reduced plan (either 8½ x 11" or 11" x 17").
 - D. A residential impact statement petition may also be required.

PLEASE NOTE: If the petition is continued *for any reason*, additional folded plans *may* be required OR, if any changes are made, an additional 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 meeting.

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 COMMISSION

- A. Petitioner's presentation shall occur first and the petitioner shall have up to 7 minutes (uninterrupted) to present their petition. (Followed by questions from the Commission)
If additional time is requested, the Commission will vote on the request for any additional time prior to the petitioner's presentation.
- B. Staff will analyze the petition. (Followed by questions from the Commission of staff.)
- C. Public comment - each speaker will have up to 3 minutes to present their comments on the petition.
(Followed by questions from Commission.)
- D. Petitioner will have up to 3 minutes to present any final summation. (Followed by questions from Commissioner for petitioner.)
- E. The Public Hearing will be closed.
- F. Commission discussion/motion/vote.

PLEASE NOTE:

- Commissioners 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 7 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.