



TOWN OF HIGHLAND BEACH

VARIANCE APPLICATION

Petition # _____

Fees Paid/Receipt No. # _____

Variance and/or Appeal to Board of Adjustment & Appeals and/or Town Commission are \$2,500.00.

PROPERTY OWNER INFORMATION

Name:	Phone:	Fax:
Mailing Address:		
Email Address:		

AUTHORIZED AGENT

Name:	Phone:	Fax:
Mailing Address:		
Email Address:		

PROPERTY INFORMATION ASSOCIATED WITH THIS PETITION

Address:		Subdivision:
PCN:	Lot Size:	
Zoning District:	Present Use:	

1. Present Structures (type):

2. The proposed use will be:

3. If this petition is granted, the effect will be to (brief description – i.e. to reduce side yard from 7' to 2'):

4. As a basis for consideration of an application for variance approval, the Board of Adjustment and Appeals and/or Town Commission must determine an application is consistent with the criteria listed below. After each criteria, state fully your reasons justifying the granting of this variance.

- (a) 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.

- (b) The special conditions and circumstances truly represent a hardship, and are not created by any actions of the applicant. Note that Section 30-40(e)(7) of the Town Code states that financial hardship is not to be considered as sufficient evidence of a hardship in granting a variance

- (c) Literal interpretation of the provisions of chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of chapter 30 and would work unnecessary and undue hardship on the applicant.

- (d) 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.

- (e) The variance granted is the minimum variance that will make possible the use of the land, building, or structure.

- (f) The grant of the variance will be in harmony with the general intent and purpose of this chapter.

- (g) The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

5. Has any previous application or appeal been filed within the last year in connection with these premises? (YES) _____ (NO) _____ If so, briefly state the nature of the application or appeal.

_____ (Initial) The names and addresses of each property owner located within five hundred (500) feet of the affected property, excluding property owned by the applicant has been provided. (*Notification distances shall be measured on an arc from the corners of the property.*) (YES)____(NO) ____

_____ (Initial) I, the petitioner, acknowledge that there will be additional expenses incurred for the first class mailing of the public notices and the cost to publish the legal advertisement, which is separate from the Board of Adjustment & Appeals application fee. (YES)____(NO) ____

_____ (Initial) I, the petitioner, has read the Town of Highland Beach Code of Ordinances, Section 30-40: Variances & Interpretations for code requirements. (YES)____(NO) ____

I give permission to the members of the Town Commission and the Board of Adjustment & Appeals and staff to inspect the property for the purpose of this application. I declare that all statements made herein are true, based upon the best available information, and I understand that willful false statements and the like are misdemeanors of the second degree under Section 837.06, Florida Statutes. Such willful false statements may jeopardize the validity of my application or any decision issued thereon. I have fully read the information outlining the Board procedures and application requirements. With this application, I am submitting the necessary supporting materials listed.

Owner must supply authorized agent notarized letter attesting to same

Property Owner's Signature: _____ Date: _____

Authorized Agent Signature: _____ Date: _____

Condo Assoc. Rep. Signature: _____ Date: _____

STATE OF _____

COUNTY OF _____

On this _____ day of _____ 20____ before me personally appeared _____ to me known to be the person who executed the foregoing instruments, and acknowledged that he executed the same as his free act and deed.

(SEAL)

Notary Public Signature

Received by the Town Clerk's Office:

Received By: _____ Date: _____

Date Public Notices Mailed: _____

Date Legal Advertisement Published: _____

VARIANCE APPROVAL APPLICATION PROCEDURES

The Board of Adjustment and Appeals and/or the Town Commission, as applicable, may approve, approve with conditions, or deny a request for a variance

PLEASE READ THOROUGHLY

This is to assist you in applying to the Town of Highland Beach for a Variance Approval. The Variance Approval process is explained more completely in the Highland Beach Code of Ordinances in Section 30. The Code of Ordinances is available on the Town website found at www.highlandbeach.us. You may wish to consult this section, as well as obtain the services of an attorney, engineer, architect, real estate professional, planner, or another professional to assist with the completion of this application. This information is intended to provide a summary only.

BUILDING DEPARTMENT APPLICATION PROCESS

Please address all issues identified on the application. Only completed applications that include the necessary supporting information will be accepted.

- 1) Upload the fully completed application, supporting information and the \$2,500.00 application fee to the Building Department. **Please make the check payable to the Town of Highland Beach.**
- 2) The Town Planner will review the application for completeness. If the application is found to be incomplete, the applicant will be notified in writing of the deficiencies. Pursuant to Section 30-34 of the Town's Code of Ordinances, if an applicant fails to remedy an incomplete application within ninety (90) days following written notification, the application shall be considered null and void. The fee shall not be reimbursed.
- 3) Once the application is deemed complete and suitable for Board of Adjustment and Appeals and/or Town Commission review, the Town Planner will notify you to submit 12 copies of the required submittal materials. The application will then be transmitted to the Town Clerk's Office.

TOWN CLERK'S OFFICE APPLICATION PROCESS

- 1) The Town Clerk's Office will receive the application from the Town Planner.
- 2) The Clerk will calculate an estimate of the notice fees and collect the deposit from the applicant. The deposit will be comprised of the cost of the mailing, the cost of the legal advertisement, and a 10% administrative fee, if applicable.
- 3) Once the fees have been collected, a Public Hearing/Regular Meeting date will be determined.
- 4) The responsibilities of the applicant are listed below.
- 5) The Clerk will schedule the meeting and process the mailing.

RESPONSIBILITY OF THE APPLICANT

- 1) Provide a list and map of the property owners located within the required radius of 500 feet (obtained from the Palm Beach County Property Appraiser's Office)
- 2) Provide two (2) sets of mailing labels (obtained from the Palm Beach County Property Appraiser's Office).

- 3) Pay fees to the Clerk of the associated costs.
- 4) Once advised by Town staff, provide 12 complete packages of all documents submitted for the Board of Adjustment and Appeals.

NOTICE BY TOWN CLERK

- 1) The Town Clerk shall provide written notice to each property owner located within five hundred (500) feet of the affected property, excluding property owned by the applicant, at least 15 days in advance of the public hearing and sent by certified mail with return receipt requested. If a condominium with an association is to be included, written notice may be provided only to the association president and the condominium's resident or property manager.
- 2) Written notice shall include a description of the variance(s) requested, the location of the property affected, the body to be conducting the public hearing, and the date, time, and location of the public hearing, which shall be provided by the Town Clerk's Office.
- 3) The applicant shall be responsible for all expenses associated with the written notice.

GENERAL PROCEDURES OF BOARD OF ADJUSTMENT AND APPEALS AND TOWN COMMISSION

If you intend to show the Board of Adjustment and Appeals and the Town Commission drawings, photographs, copies of documents, maps, or other instruments, you will need to leave those instruments with the Clerk of the Board at the hearing. By law, those instruments become public records and will **NOT** be returned to you.

You may appear at the public hearing/regular meeting in person or be represented by an authorized agent or attorney. If you cannot attend the public hearing, you should arrange to have an authorized representative (authorization in writing and notarized) appear on your behalf as the application can be acted upon by the Board even in your absence. Prior to the meeting, you should also notify the Town Clerk's office of your absence and who will appear on your behalf.

The Board of Adjustment and Appeals and Town Commission may continue the public hearing until a future date, in its sole discretion, if it needs further information or research on your application. The Board of Adjustment and Appeals and/or Town Commission is not obligated to continue a public hearing/regular meeting.

You may bring witnesses to testify on your behalf. Your presentation and witness testimony should relate directly to the Variance and whether your application satisfies the standards set forth in the Town of Highland Beach Code of Ordinances

Members of the public in favor or in opposition to your application may appear and testify at the hearing. Although the Town Commission and/or Board of Adjustment and Appeals have the power to vary the order of presentation, generally the Board will ask the applicant and applicant's witnesses, if any, to make a presentation. After your presentation, members of the public are allowed to address the proposed Variance. After public input, Town Commission and/or the Board of Adjustment and Appeals may allow you to present argument in rebuttal to comments from the public. Staff members attending the meeting are there for the purpose of providing technical information to the Town Commission and/or Board of Adjustment and Appeals.

At the conclusion of the hearing, the Board of Adjustment and Appeals and/or Town Commission shall recommend approval, approval with conditions, or denial of the application.

If you wish to appeal any determination of the Board of Adjustment and/or Town Commission, you will need a verbatim transcript of the record and copies of all evidence presented. It will be your responsibility to make

arrangements for the preparation of that verbatim record at your expense.

REQUIRED SUPPORTING INFORMATION

In order to properly review your application, certain supporting information is necessary. A description of this supporting information follows. You may also upload any additional information that you feel would support the application.

The following shall be uploaded with all Variance applications in order for the application to be considered complete:

- 1) A copy of the deed showing ownership of the property that is the subject of the Variance.
- 2) A letter of authorization from the property owner, if the owner is not the applicant.
- 3) A sealed and signed survey
- 4) Set of plans illustrating the details of the Variance request. Plans shall include, where applicable, but not be limited to, the following specifications and information:

A) Lot and/or building site lines with dimensions and existing and proposed setbacks (including accessory structures);

B) Location of structures, decks, pools, drives, parking spaces, water and electric meter locations, air conditioning units, exterior mechanical and pool equipment, and the types of screening of those items;

C) Location of easements, watercourses, and other essential site features;

D) Location and width of existing or proposed streets or other public ways and pedestrian walks abutting the site;

E) Site Data:

1. Land area
2. Zoning
3. Height of existing and/or proposed structure
4. Building area in square feet
5. Paved area in square feet
6. Landscaped area in square feet
7. Amount of required parking spaces
8. Amount of existing parking spaces
9. Aerial Photograph within ½ mile

F) Adjacent area information:

1. Current zoning
2. Sketch of approximate location of adjacent structures (with measurements)
3. A vicinity map obtained from the Palm Beach County Property Appraiser's Office.

G) Describe the existing conditions at the site of the proposed Variance Application and what you are proposing to accomplish at the site.

H) Additional backup material or exhibits or studies that you feel will support your application.