



**CITY OF WINTER SPRINGS
COMMUNITY DEVELOPMENT DEPARTMENT**

1126 East State Road 434
Winter Springs, Florida 32708
customerservice@winterspringsfl.org

Application – Variance

The Community Development Director reserves the right to determine whether this application is complete and accurate. An incomplete application will not be processed and will be returned to the applicant. The application shall be reviewed per [Chapter 20 – Zoning Sec. 20-32](#). Applications shall be reviewed for sufficiency (completeness) within thirty (30) calendar days per [FL Statue 166.033](#).

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. Applicants are further advised that a Waiver is quasi-judicial in nature.

Therefore, APPLICANT ACKNOWLEDGES and AGREES, by signing below, that he or she:

- May be sworn-in as a witness in order to provide testimony to the City Commission;
- Shall be subject to cross-examination by party intervenors (if requested); and
- Shall be required to qualify expert witnesses, as appropriate.

Applicants are encouraged to familiarize themselves with [Chapter 2 – Administration Sec. 2-30](#) of the Winter Springs City Code relating to Quasi-Judicial Rules and Procedures of the City Commission. All Waiver recommendations shall be based from the required information/documentation provided, the Winter Springs Code of Ordinances, and the Winter Springs Comprehensive Plan (to the extent applicable).

The City Commission (CC) shall render all final decisions regarding Variances and may impose reasonable conditions on any approved Variance to the extent deemed necessary and relevant to ensure compliance with applicable criteria and other applicable provisions of the Winter Springs Code of Ordinances and the Winter Springs 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 [Florida Statute 286.0105](#).

A Variance 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 Variance, 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 Variance shall be deemed expired and null and void, per [Chapter 20 – Sec.20-36](#).

REQUIRED INFORMATION

Applicant(s): _____ Date: _____

Mailing address: _____



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Email: _____

Phone Number: _____

Property Owner(s): _____

Mailing Address: _____

Email: _____

Phone Number: _____

Property Address: _____

Parcel ID(s): _____

Parcel Size: _____

Existing Use: _____

Each variance request shall be written in the following format: “A variance is requested from Winter Springs City Code 'X' to allow 'Y' in lieu of 'Z'.” After the request, the applicant shall provide a justification for the request (additional sheets may be necessary).

All variance recommendations and final decisions shall be based on an affirmative finding as to each of the following criterion per [Sec. 20-32.\(d\)](#):

1) 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?

2) Are these special conditions and circumstances the result of actions by the applicant or applicant’s predecessor?

3) How will a literal interpretation of this chapter would work an unnecessary and undue hardship on the applicant deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and other applicable building and land development codes of the city?



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4) That the special conditions and circumstances referred to above in subsection (d)(1) of this section do not result from the actions of the applicant?

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

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

7) How is the variance in harmony with the general intent and purpose of the zoning district? Will granting the variance be injurious to the neighborhood or otherwise detrimental to the public welfare?

List all witnesses that the applicant intends to present to the City Commission to provide testimony:



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Describe with specificity any evidence which the applicant intends to present to the City Commission, including oral factual testimony, maps, photographs, records or reports and/or expert testimony:

Attach all documentary evidence which the applicant intends to present to the city commission to the back of this application. The Applicant has a continuing duty to update the list of witnesses, description of evidence, and documentary evidence throughout the application process. Additional witnesses or evidence will not be admitted at the City Commission hearing if not submitted at least seven (7) days prior to such hearing.



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REQUIRED DOCUMENTATION

- ___ A complete Application and Fee
- ___ A proposed site plan and building elevations (full color)
- ___ A Legal Description accompanied by a certified survey or the portion of the map maintained by the Seminole County Property Appraiser reflecting the boundaries of the subject property (to scale).



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CITY LIMITED RIGHT OF ENTRY: 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 and posting on the subject property.

APPLICANT’S AUTHORIZATION: I desire to make Application for a Variance for the aforementioned project and have read and agree to the terms contained herein. In addition, if the Applicant is a corporate entity, the undersigned hereby represents and warrants that he/she is authorized to act on behalf of, and bind, the corporate entity.

Applicant Name (Print): _____

Applicant Signature: _____ Date: _____

Business Name: _____

Address: _____ Parcel ID: _____

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ who is personally known to me or who has produced _____ as identification and who did/did not take an oath.

_____ Date: _____ (seal):

Notary Public Signature: _____

My Commission Expires: _____

Note: The Property Owner shall sign and have their signature notarized below if the Applicant is not the owner of the subject property.

Property Owner’s Name (Print): _____

Property Owner Signature: _____ Date _____

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ who is personally known to me or who has produced _____ as identification and who did/did not take an oath.

_____ Date: _____ (seal):

Notary Public Signature: _____

My Commission expires: _____