



North Bay Village

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.northbayvillage-fl.gov

NORTH BAY VILLAGE
EST. 1945

APPLICATION FORM FOR ADMINISTRATIVE ADJUSTMENT (FOR SINGLE-FAMILY RESIDENTIAL PROPERTIES)

This application form is to be used to petition for Administrative Adjustments from the regulations applicable to Single-Family Residential Districts pursuant to Section 7.6. of the North Bay Village Unified Land Development Code. **This application may only be applied for by the owner of the property, which shall mean the person who owns and currently resides, or owns and intends to reside, at the subject premises or their legal representative.**

Submit one (1) electronic file of your application, with all the required information to the Village Planning and Zoning Official via svargas@cgasolutions.com. Physical copies of materials may be requested prior to public hearing, to be delivered at the Village offices located at 1666 Kennedy Causeway, Suite 300.

This application, including all supplemental forms and data, must be completed in accordance with the attached instructions and submitted with the required fees pursuant to the most up-to-date Fee Schedule. Administrative Adjustment decisions are rendered by the Village's Planning and Zoning Official. All fees shall be paid prior to the Planning and Zoning Official's review of the application. Accepted payment methods for the required fees are check or credit card when paying in person at the Village offices. You may also call (305) 756-7171 to make your credit card payment by phone.

This form is a fillable PDF. TYPE OR PRINT LEGIBLY ALL INFORMATION ON THE APPLICATION.

1. Property Owner Name: _____

2. Contact Phone: _____ Email Address: _____

3. Mailing Address: _____

4. Applicant Name: _____

(If different from Owner)

5. Contact Phone: _____ Email Address: _____

6. Mailing Address _____

7. Address or location of Property Covered by the Application: _____

8. Legal Description of Property Covered by the Application (add pages if needed):



9. Folio Number(s): _____

10. Lot Size (square feet): _____

11. Future Land Use and Zoning Designations: _____

12. Section(s) of the North Bay Village ULDC form which the Applicant Seeks Relief: _____

13. Adjustment(s) Requested: _____

14. Reasons for the Request (add pages if necessary): _____

15. Is this request because of a Code violation notice? No ___ Yes ___ If Yes, what is the nature of the violation: _____



OWNER AFFIDAVIT/INTENT TO RESIDE

I, _____ being first duly sworn, depose and say that I am the legal owner of record of the property described and which is the subject of the proposed Administrative Adjustment application and that I currently reside on or intend to reside on the subject premises.

I have made every attempt to relocate/redesign the proposed improvement to avoid the adjustment(s) that are herein requested. I acknowledge that the Village Planning and Zoning Official has the authority to approve, modify, or deny my application and that in granting approval of my application the Planning and Zoning Official may prescribe any appropriate conditions and safeguards necessary to protect and further the interest of the area and abutting properties.

This affidavit is subject to penalties of law (Perjury) and to possible voiding of any Administrative Decision.

Signature

Sworn to and subscribed to before me this _____ day of _____, 20____.

Notary

Public Commission expires: _____, 20____



CONSENT FORM

I, _____, as the legal owner of record for the property located at _____, have applied for an Administrative Adjustment to North Bay Village pursuant to Section 7.6 of the Village Unified Land Development Code, to permit _____

We, the undersigned property owners, have read (or have had read to us) the information applicable to this request for an Administrative Adjustment from the Zoning Code as applied to the North Bay Village and fully understand that by subscribing my name to this consent form, I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant to this form and to the plans accompanying this application.

Name (Type or Print): _____ Date: _____

Address: _____

Signature: _____

Name (Type or Print): _____ Date: _____

Address: _____

Signature: _____

Name (Type or Print): _____ Date: _____

Address: _____

Signature: _____

Name (Type or Print): _____ Date: _____

Address: _____

Signature: _____



COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent commit to the payment of all applicable cost recovery fees involved as part of my application process. Cost recovery includes, but is not limited to, staff time, attorney fees, planning consultant fees and any other professional service costs incurred by North Bay Village in the review and processing of a development application, regardless of the outcome of the review and/or public hearing process. I further understand and acknowledge that failure to remit payment for incurred costs pursuant to Subsections 5.12.B. and C. (attached) of the North Bay Village Unified Land Development Code (ULDC) constitutes a violation of the Code and the Village may levy penalties to secure compliance, as outlined in Subsection 5.12.C of the ULDC.

Please type or print the following:

Date: _____

Relationship to the project: (e.g., property owner, architect, developer, attorney)

Full Name: _____

Current Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

I am fully authorized to commit to the expenditures contemplated by this Cost Recovery Affidavit.

Signature

SWORN AND SUBSCRIBED BEFORE ME THIS ____ DAY OF _____, 20__

Notary Public, State of Florida at Large

My Commission expires _____, 20__.



Subsections 5.12.B. and C. Regarding Cost Recovery

B. Cost Recovery Established

1. The applicant shall reimburse the Village for the actual cost of consultant or employed professional review services pursuant to the cost recovery procedures and requirements of subsection C below.
2. Payment in full by the applicant to the Village for the Village's actual expenditures for review of the application shall be a written condition of any development order. These cost recovery deposits fees shall be in addition to any and all other fees required by law, rule, or regulation of the Village Code of Ordinances.

C. Cost Recovery procedure.

1. At the time of submission of any application for development approval, the applicant shall pay the minimum cost recovery deposit fee outlined in the development approval fee and cost recovery deposit schedule set forth in this section, which funds shall be deposited into a cost recovery escrow account established for this purpose. Withdrawals shall be made to reimburse the Village for the cost of consultant services.
2. The Village shall provide the applicant with a copy of the consultant's invoice for any services charged against the applicant's cost recovery escrow account.
3. When the balance in the Village's cost recovery escrow account is reduced to one-half of its initial amount, the applicant shall deposit additional funds into such account to bring its balance up to the amount of the initial deposit. If such amount is not replenished within 30 calendar days after the applicant is notified, in writing, of the requirement of such additional deposit, the Village shall suspend its review of the application and the application shall be deemed withdrawn.
4. If an application is suspended due to nonpayment of the additional escrow deposit specified in subsection 3., a resubmission fee shall be paid, and the cost recovery deposit shall be replenished to a minimum of one-half of the original deposit amount before the application will be reviewed.
5. Prior to the scheduling or noticing of any board or commission hearing, the Village Manager's review of the application shall be complete, and the cost recovery escrow account balance shall be replenished to equal at least one-half of the initial deposit amount.

CHECK LIST FOR THE APPLICANT

Applicant must provide the following upon submittal of application:

- Complete Administrative Adjustment Application, including all required forms and affidavits signed by property owner or owner's representative.
- Letter of Authorization from property owner.
- Letter of intent, signed by the Applicant (refer to page 5 of this document), explaining the nature of the request, justification for the proposed adjustment, evidence that the request complies with Subsections 7.6.D.3. and 7.6.D.4. of the North Bay Village Unified Land Development Code (refer to page 6 of this document for specific instructions), and other pertinent information. Insufficient justification may result in denial of the application. The applicant must justify each individual adjustment in the letter of intent.
- Certified Land Survey dated within two (2) years of the filing date of the administrative adjustment application, reflecting all current conditions.
- Map or aerial photo showing adjacent properties, surrounding streets (labeled) and a north arrow.
- Photos of buildings and structures on the property concerned.
- Accurately dimensioned plans showing the location and spacing distance of the proposed construction in relation to property lines and existing structure(s), the general location and use of existing structures on property adjacent to the subject property; and the adjustment being requested clearly shown, (i.e., required versus proposed structure or swimming pool setbacks; required versus proposed lot coverage; or required versus proposed fence, wall, or hedge height, as may apply).
- Floor plans and elevations if required by the Planning and Zoning Official.
- Proof of written notice of the request for administrative adjustment provided to neighboring property owners pursuant to Subsection 7.6.E. (refer to pages 7-8 of this document for specific instructions).
- Filing fees and cost recovery deposit (refer to the most current North Bay Village Fee Schedule).

Please keep in mind that notice of the Planning and Zoning Official's decision will be posted on the subject property for fifteen (15) days and noticed on the Village website once the decision is rendered. Posting of the property and notice on the Village website shall be considered a complementary service to the public and shall in no way compromise the decision.



LETTER OF INTENT

ALL APPLICATIONS MUST BE ACCOMPANIED BY A LETTER OF INTENT.

Please describe in detail in the Letter of Intent explaining the nature of the request, justification for the proposed adjustment, evidence that the request complies with Subsections 7.6.D.3. and 7.6.D.4. of the North Bay Village Unified Land Development Code (refer to page 6 of this document), and other pertinent information. Insufficient justification may result in denial of the application. It is important that justification for each individual adjustment be included in your Letter of Intent.

The applicant must affix their signature on the Letter of Intent.

This page may be used to write the Letter of Intent.

EVIDENCE THAT THE REQUEST COMPLIES WITH SUBSECTIONS 7.6.D.3. AND 7.6.D.4. OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE

Address the following subsections of the Unified Land Development Code in your Letter of Intent:

Pursuant to **Subsection 7.6.D.3.**, to be considered for approval of an Administrative Adjustment, the applicant shall demonstrate compliance with at least one of the following provisions:

- a. An increase in lot coverage and/or reduction of any required setback shall be mitigated through the use of permeable surfaces or by adding green infrastructure (e.g., bioswales, rain gardens, cisterns, filtration media, etc.) to reduce runoff by a volume equal to what would be displaced by the additional percentage of lot coverage or reduced setback.
- b. The applicant shall mitigate the impact through the addition of a vegetative buffer along the property line, with planting materials placed and arranged to shield the adjacent property. The width of the vegetative screen shall be sufficient to provide adequate privacy to the neighboring property but in no event shall be less than two (2) feet wide.

In addition, pursuant to **Subsection 7.6.D.4.**, the Applicant shall show that the request meets at least 5 of the following criteria:

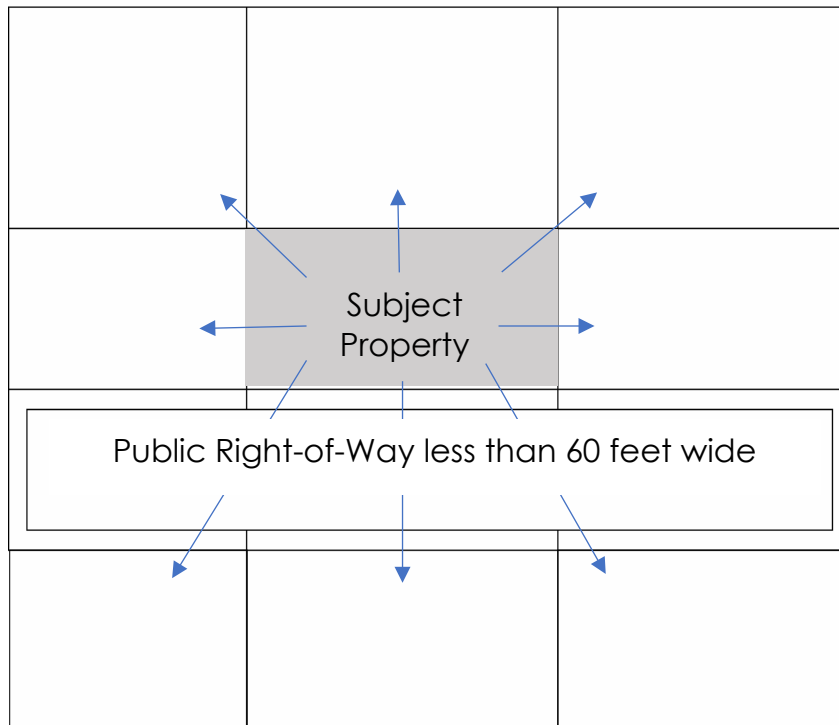
- a. There exists a practical difficulty or injustice because of the size of the tract, parcel or lot, the topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions.
- b. The administrative adjustment is not contrary to the public interest or inconsistent with the Village's Comprehensive Plan.
- c. With the adjustment, the essential character of the neighborhood would be preserved.
- d. The adjustment would not cause substantial detriment to adjoining properties.
- e. The predicament of the applicant is due to unique circumstances of the property, which would render conformity with the strict requirements of this Section unnecessarily burdensome.
- f. The special conditions and circumstances which exist are the result of actions beyond the control of the applicant, and do not result from the actions of the applicant.
- g. The property owner shall certify in writing that any and all easement areas as shown on the property survey or recorded plat remain unencumbered by the encroaching construction unless a release of interest by the easement holder(s) is obtained and submitted prior to permit issuance.

NOTICE TO NEIGHBORING PROPERTY OWNERS PURSUANT TO SUBSECTION 7.6.E. OF THE UNIFIED LAND DEVELOPMENT CODE

Notice shall of the Administrative Adjustment request shall be provided by Applicant to all adjacent property owners including those located across the street(s) from the subject site, to the rear, and on diagonals, on a form approved by the Village Planning and Zoning Official. The notice shall:

1. Accurately describe the adjustment requested and the reason for the request.
2. Be sent via first class mail, return receipt requested, to the adjacent property owners of record, as reflected on the Miami-Dade County Property Appraiser's tax roll, as updated.

Proof of the written notice provided to adjacent property owners, including copies of the mailed forms and return receipts, shall be submitted as part of the Administrative Adjustment application. In addition, please fill in the name and addresses of the adjacent property owners in the sketch below, in relation to the subject property and submit it as part of your application. If the sketch provided does not fit the existing situation, please provide your own.



A notice shall not be required when a public right-of-way measures 60 feet or greater or a body of water completely separates the subject parcel from another parcel.



**SAMPLE LETTER FOR NOTIFICATION OF ADMINISTRATIVE ADJUSTMENT
REQUEST TO ADJACENT PROPERTY OWNERS PURSUANT TO SECTION 7.6.E.
OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE**

(Date)

(Name)

(Address)

(City, State ZIP Code)

Dear Property Owner:

Please be advised that, pursuant to the provisions of Section 7.6 of the North Bay Village Unified Land Development Code, the undersigned is applying to the Village for an Administrative Adjustment from the requirements of the zoning regulations as they apply to the property located at [provide property address].

As the legal owner of record of the aforementioned property, is my/our intent to ask the Village to allow us to [state nature of administrative adjustment application and brief project description] on the property. To provide you an opportunity to become fully aware of our intention, please contact [provide name] at [provide name or email] for additional information. We are interested in assuring you that our request should not adversely affect your property interest.

Should you have any concerns with the proposal, you may file a written response (either in person, via email, or USPS) with the [Village Planning and Zoning Official](#) within ten (10) days of the postmark date of this letter.

Sincerely,

Applicant



Office Use Only:

Date Submitted: _____

Total Paid: \$_____

Date Paid: _____

Filing Fee: \$_____

Cash or Check # _____

Cost Recovery Dep: \$_____