



# 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](http://www.northbayvillage-fl.gov)

**NORTH BAY VILLAGE**  
EST. 1945

## APPLICATION FORM FOR VARIANCE REQUEST, INCLUDING EXTENSION OF AN UNEXPIRED VARIANCE AND/OR SPECIAL EXCEPTION APPROVAL

This application form is to be used to petition for a variance from the regulations pursuant to Section 7.3. 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 your application, with all the required information to the Village Planning and Zoning Official, via [svargas@cgasolutions.com](mailto: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. Variances require public hearings conducted by the Planning & Zoning Board and the Village Commission. Applications must be complete, and all required fees be paid in order to be accepted and placed on an agenda.

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. 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 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. Variance(s) Requested: \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_



### 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 Variance 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 variance(s) herein requested. I acknowledge that Village Commission has the authority to approve, modify, or deny my application and that in granting approval of my application the Village Commission 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 decision.

\_\_\_\_\_  
Signature

Sworn to and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary

Public Commission expires: \_\_\_\_\_



### CONSENT TO PUBLIC HEARINGS

All requests for variances from the North Bay Village Code shall be considered at Public Hearings before the Village Commission. Notice of Hearing shall be given by publishing and posting on the property (which is the subject of the request), the time, the place and the nature of the hearing at least 10 days before the hearing. The Village Planning and Zoning Official shall certify that the petition is complete before the hearing is legally advertised. All applications shall be submitted to the Planning and Zoning Official on or before the deadline implemented by the Village.

All persons, firms, or corporations requesting a variance from the Village Commission necessitating the publication of notices in the newspaper, and all relative thereto, the payment of such money in advance to the Village shall be deemed a condition precedent to the consideration of such a variance request.

I (We) the undersigned, am (are) the (owner, tenant, agent, attorney) (designate one) of the subject property herein described. I (We) acknowledge and agree that during the consideration of the application before the Planning & Zoning Board and staff of North Bay Village, no rights shall vest on behalf of the applicant, which would be enforceable against the Village until after a Public Meeting is held by the Village Commission and the Village Commission has voted favorable on the proposed request.

I (We) further acknowledge that I (We) have read and understand the conditions for appearance before the Planning and Zoning Board and the Village Commission pursuant to the Village Code Chapter 7. Any person submitting false information or misrepresenting in their presentation shall have all privileges granted to them by the Planning & Zoning Board and the Village Commission revoked.

Authorized Signature \_\_\_\_\_

Print Name \_\_\_\_\_

(In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's position in the corporation and embossed with the corporate seal.)

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

by \_\_\_\_\_, who is personally known to

me or who has produced \_\_\_\_\_ as identification.

Notary Public Signature

\_\_\_\_\_

Commission  
Number/Expiration \_\_\_\_\_



### 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

### Mandatory Submittals:

- Complete Variance Application, including all required forms and affidavits, signed by property owner or owner's representative.
- Letter of Authorization from property owner, if different from Applicant.
- Letter of intent, signed by the Applicant (refer to page 5 of this document), explaining the nature of the request, justification for the proposed variance, evidence that the request complies with Subsection 7.3.D. of the North Bay Village Unified Land Development Code, and other pertinent information. Insufficient justification may result in denial of the application. The applicant must justify each individual variance 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 variance being requested clearly shown, (i.e., required versus proposed structure).
- Floor plans and elevations if required by the Planning and Zoning Official.
- Filing fees and cost recovery deposit (Refer to the most current North Bay Village Fee Schedule).

### Optional Submittals:

- Signed consent letters from neighboring property owners.
- Different versions of the proposed variance based on alternative design options.

Applications are deemed incomplete until all mandatory submittals have been received by the Village Planning and Zoning Official.



## EVIDENCE THAT THE REQUEST COMPLIES WITH SUBSECTION 7.3.D. OF THE NORTH BAY VILLAGE UNIFIED LAND DEVELOPMENT CODE

In your Letter of Intent, or separately, address how the Variance Application complies with the following criteria.

For the Planning and Zoning Board to recommend approval, and for the Village Commission to grant approval, of a variance request, both must make an affirmative finding with respect to all seven (7) of the following criteria:

1. That there are special circumstances and conditions which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same zoning district.
2. That the special circumstances and conditions were not self-created by any person having an interest in the property.
3. That the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land, structure, or building for which the variance is sought; and would involve an unnecessary hardship for the applicant.
4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Unified Land Development Code to other land, structures, or buildings in the same zoning district.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, structure, or building.
6. That granting the variance will be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. The variance request is not based exclusively upon a desire to reduce the cost of development.





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**Office Use Only:**

Date Submitted: \_\_\_\_\_

Total Paid: \$\_\_\_\_\_

Date Paid: \_\_\_\_\_

Filing Fee: \$\_\_\_\_\_

Cash or Check # \_\_\_\_\_

Cost Recovery Dep: \$\_\_\_\_\_