DEPARTMENT OF DEVELOPMENT SERVICES
CITY PLANNING DIVISION

For Internal Use Only

Case_____

Date_____

Tel. (239) 574-0553
Fax (239) 574-0591
P.O. Box 150027
Cape Coral, FL 33915-0027

VARIANCE APPLICATION

VARIANCE REQUIREMENTS

1. ☐ **Application, Acknowledgement Form, Authorization to Represent.**
   - All forms must be filled out completely and legible.
   - All forms must be signed by the property owner(s) and must be notarized.
   - If the owner does not own the property in his/her personal name (e.g. LLC, trust, etc.), the owner must sign all applicable forms in his/her corporate capacity.
   - If the authorized representative is an attorney, the application and the Acknowledgement Form may be signed by the attorney, and an Authorization to Represent Property Owner Form is not required.
2. ☐ **Letter of intent stating the following (see page seven):**
   - Actual Request.
   - Why this request is being made.
   - How the request is consistent with the seven standards used for evaluating variances.
3. ☐ **Development plan (if applicable) drawn to scale (not less than 1" = 50') and containing the following:**
   - Site layout showing dimensions, boundary lines, North directional arrow and complete legal description of the property.
   - The location and dimensions of all existing and/or proposed buildings and structures, including additions, eaves, overhangs, porches, and patios.
   - The setback distance from all buildings, additions on structure to property lines. Indicate the square footage associated with each existing and proposed use of buildings.
   - Location and dimensions of driveways. Show parking areas with layout and number of spaces and traffic flow.
4. ☐ **Certified (as built) survey is required for all applications.**
5. ☐ **If the subject property is within 500 feet of any County properties, the applicant must provide a typewritten list of all affected property owners within the area. The list must be prepared in label format and contain the following information; name, address, city, state, and zip code.**

FEES: SINGLE-FAMILY RESIDENTIAL USE: $150.00 ($150.00 PER EACH ADDITIONAL REQUEST) ALL OTHER USES $673.00. In addition to the application fee, all required advertising costs are to be paid by the applicant (ORD 39-03, Sec. 5.4). Advertising costs will be billed and must be paid prior to hearing. Should the variance be approved, the applicant shall be responsible for paying the City to electronically record the final signed Resolution or Ordinance with the Lee County Clerk of Court. Until this fee is paid, restrictions on the issuance of any City permits will remain on the affected property that will prevent the city from issuing any applicable building permits, site plans, certificates of use, or certificates of occupancy for any property covered by the Resolution or Ordinance.

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VARIANCE APPLICATION

PROPERTY INFORMATION

Project Name: _____

Location/Address_____

Strap Number_____ Unit____ Block _____Lot (s)_____

Plat Book_____ Page_____ Future Land Use_____ Current Zoning_____

PROPERTY OWNER (S) INFORMATION

Owner_____ Address_____

Phone_____ City_____

Email_____ State _____Zip_____

Owner_____ Address_____

Phone_____ City_____

Email_____ State _____Zip_____

APPLICANT INFORMATION (If different from owner)

Applicant _____ Address_____

Phone_____ City_____

Email_____ State _____Zip_____

AUTHORIZED REPRESENTATIVE INFORMATION (If Applicable)

Representative_____ Address_____

Phone_____ City_____

Email_____ State _____Zip_____

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If the owner does not own the property in his/her personal name, the owner must sign all applicable forms in his/her corporate capacity.

(ALL SIGNATURE MUST BE NOTARIZED)

The owner of this property, or the applicant agrees to conform to all applicable laws of the City of Cape Coral and to all applicable Federal, State, and County laws and certifies that all information supplied is correct to the best of their knowledge.

_____
CORPORATION/COMPANY NAME (IF APPLICABLE)

_____ _____
OWNER'S NAME (TYPE OR PRINT) OWNER'S SIGNATURE

_____ _____
OWNER'S NAME (TYPE OR PRINT) OWNER'S SIGNATURE

_____ _____
APPLICANT NAME (TYPE OR PRINT) APPLICANT SIGNATURE

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

STATE OF _____

COUNTY OF_____

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20___ by _____ who is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

NOTARY STAMP HERE

Signature of notary Public: _____

Printed Name of Notary Public: _____

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ACKNOWLEDGEMENT FORM

I have read and understand the above instructions. Hearing date(s) will be confirmed when I receive a copy of the Notice of Public Hearing stipulating the day and time of any applicable hearings.

I acknowledge that I, or my representative, must attend any applicable meetings scheduled for the Hearing Examiner and City Council.

I will have the opportunity at the hearing to present information pertaining to my request that may not be included in my application.

I understand any decision rendered by the CITY shall be subject to a thirty (30) day appeal period. Any work performed within the thirty (30) day time frame or during the APPEAL process will be completed at the applicant's risk.

I understand I am responsible for all fees, including advertising and recording costs. All fees are to be submitted to the City of Cape Coral with the application.

By submitting this application, I acknowledge and agree that I am authorizing the City of Cape Coral to inspect the subject property and to gain access to the subject property for inspection purposes reasonably related to this application and/or the permit for which I am applying.

I hereby acknowledge that I have read and understood the above affidavit on the_____ Day of_____, 20_____.

_____ CORPORATION/COMPANY NAME

_____ OWNER'S NAME (TYPE or PRINT)

_____ OWNER'S SIGNATURE

STATE OF _____

COUNTY OF_____

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20___ by _____ who is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

NOTARY STAMP HERE

Signature of notary Public: _____

Printed Name of Notary Public: _____

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AUTHORIZATION TO REPRESENT PROPERTY OWNER(S)

PLEASE BE ADVISED THAT _____
(Name of person giving presentation)

IS AUTHORIZED TO REPRESENT ME IN THE REQUEST BEFORE THE HEARING EXAMINER AND CITY COUNCIL.

UNIT_____ BLOCK_____ LOT(S) _____ SUBDIVISION _____

OR LEGAL DESCRIPTION _____

LOCATED IN THE CITY OF CAPE CORAL, COUNTY OF LEE, FLORIDA.

_____ _____
PROPERTY OWNER (Please Print) PROPERTY OWNER (Signature & title)

_____ _____
PROPERTY OWNER (Please Print) PROPERTY OWNER (Signature & title)

STATE OF _____

COUNTY OF_____

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20___ by _____ who is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

NOTARY STAMP HERE

Signature of notary Public: _____

Printed Name of Notary Public: _____

Note: Please list all owners. If a corporation, please supply the City Planning Division with a copy of corporation papers.

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DOCUMENTARY EVIDENCE (LDC, Section 3.1.11F.6)

A copy of all documentary evidence shall be made available to the decision-making body or the Hearing Examiner and to staff no later than three business days prior to the hearing of the application. This requirement includes information that the applicant intends to present at public hearing.

I have read the above requirement and agree to comply with this provision.

_____ _____

OWNER/APPLICANT
(PLEASE TYPE OR PRINT)

OWNER/APPLICANT SIGNATURE

(SIGNATURE MUST BE NOTARIZED)

STATE OF _____

COUNTY OF_____

Sworn to (or affirmed) and subscribe before me, by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20___ by _____ who is personally known to me or produced _____ as identification.

Exp Date: _____ Commission Number: _____

NOTARY STAMP HERE

Signature of Notary Public: _____

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VARIANCE REQUEST REGULATIONS

The following items must be included in the letter of intent filed with the variance application.

1. A clear statement identifying the variance request. For example: I am requesting a five-foot front setback from the minimum 25-foot front setback requirement in the R-1 District to allow a front setback of 20 feet.

2. An explanation of why the variance is requested.

3. An explanation as to why the requested variance is consistent with each of the seven standards identified below (items 3a.-3g.) that are used for evaluation variance request.

    a. That 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. That the special conditions and circumstances do not result from the actions of the applicant;
    c. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings, or structures in the same zoning district;
    d. That literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations and would cause or impart unnecessary and undue hardship on the applicant;
    e. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
    f. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district; and
    g. That the granting of the variance will be in harmony with the general intent and purpose of these regulations, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Please refer the Land Development Code, Section 3.4.3 Variances, adopted; August 5, 2019.