



BOARD OF ADJUSTMENT (BOA) VARIANCE APPLICATION FORM

The Planning Division is here to assist you with your Board of Adjustment (BOA) Application (“Application”) pursuant to Appeal, Variance, and Interpretative Decisions (Article 5.F) in the Unified Development Code (UDC). Applications are administratively and legislatively reviewed and approval is required. The Application will be reviewed in accordance with the procedures and requirements outlined in Article 5.F in the UDC.

This publication outlines the BOA Variance Application process and submittal requirements.

Background: A variance is a deviation from the set of rules a municipality applies to land use and land development. The body that hears and decides any application for a variance is the BOA.

Purpose: The BOA can authorize variances from the UDC to relieve undue hardships that are caused by reason of unusual narrowness, shallowness, or shape of a specific piece of property, or by reason of unusual topographic conditions or other extraordinary and unusual practical difficulties.

All submittal items shall be submitted in PDF format in accordance with the Variance File Naming Conventions to permits@wpgov.com.

APPROVAL CRITERIA:

To apply for a variance, the Applicant must show that, owing to unusual and extraordinary circumstances, strict enforcement of the provisions of the UDC will result in undue hardship. The variance request shall meet all four (4) following criteria for approval:

1. **Hardship.** The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship that would deprive the Applicant of privileges enjoyed by the owners of other properties in the same zone district;
2. **Health, Safety, and Welfare.** That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;
3. **Unusual Circumstances.** The plight of the owner is due to unusual circumstances at the property of the variance that do not generally apply to other properties in the same zone district; and
4. **Character.** That the granting of the variance will not alter the essential character of the locality.

APPROVAL PROCESS:

1. See Sec. 5-F-3, *Variance*.
2. Prior to filing an application, Applicants shall schedule a pre-application conference, as set out in Sec. 5-B-4, *Pre-Application Conference*.
3. See Sec. 5-B-6, *Application Fees*. An invoice will be sent once the planning file has been created. \$250.00 per application plus fees for public notification.

BOA hearings are scheduled on the second Tuesday of each month at Winter Park Town Hall, 50 Vasquez Road, and online via Zoom, at 8:00 A.M. immediately following the Planning Commission hearing. The meeting will be broadcast via Zoom and public comment can be made by those attending. If there are technical difficulties with Zoom, public comment via Zoom will not be available and the meeting will continue in person. Hearing dates will be determined at time of application based on the time needed to complete proper notification.

REQUIRED ITEMS:

1. **Land Use Review Application Form.** Completed and executed.
2. **BOA Variance Application Form.** Completed and executed.
3. **Narrative.** Explaining in detail how application meets the four (4) criteria outlined above.
4. **Electronic site plan of the subject property.** The site plan should include any proposed structure footprints.
5. **Electronic site survey of the subject property bearing the seal of a state-licensed land surveyor.**
6. **Surrounding Property Owner Mailing for Public Notice Affidavit Form.** See Sec. 5-B-8, *Public Notice Requirements*. Shall be submitted to the Community Development Director no later than eight (8) days prior to the required public hearing or final decision confirming such notification has been provided.
7. **Additional information to support variance request.** This may include drawings, photographs, letters of support, or other information which may be of benefit.
8. **Additional information as required by the Town to clarify the variance request.**
9. **File Naming Conventions.** All BOA Variance Applications shall be submitted pursuant to the Variance File Naming Conventions.

Date: ____/____/____

Applicant Name (i.e., the Representative, i.e., the point of contact):

Street address of property: _____

Legal description of property: _____

Brief description of the variance requested:

Indicate which conditions listed below relate to the property for which variance is requested. The variance request shall meet all four (4) following criteria for approval:

- Hardship.** The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship that would deprive the Applicant of privileges enjoyed by the owners of other properties in the same zone district;
- Health, Safety, and Welfare.** That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;
- Unusual Circumstances.** The plight of the owner is due to unusual circumstances at the property of the variance that do not generally apply to other properties in the same zone district; and
- Character.** That the granting of the variance will not alter the essential character of the locality.

For each condition checked above, Applicant must provide adequate supporting evidence with this application.

Applicant Signature: _____