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**CITY OF BONITA SPRINGS**

Community Development Department  
9220 Bonita Beach Road, Ste. 111  
Bonita Springs, FL 34135  
Phone: (239) 444-6150  
email: [permitting@cityofbonitaspringscd.org](mailto:permitting@cityofbonitaspringscd.org)

**PUBLIC HEARING REQUEST  
VARIANCE**

**ACTION REQUEST INFORMATION**

A. Project Name: \_\_\_\_\_  
STRAP Number(s): \_\_\_\_\_

**PART I  
APPLICANT\PROPERTY OWNERSHIP INFORMATION**

A. Applicant's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Ext: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**NOTE:** The Applicant must sign the Applicant's Signature and Certification form [See "PART III"].

B. Applicant relationship to property:  Owner  Trustee  Option holder  Lessee  Contract Purchaser  
 Other (indicate): \_\_\_\_\_

\*If the applicant is NOT the owner and the application is NOT City-initiated, submit a **notarized** Authorization Form from the owner to the applicant. Label the attachment "Exhibit I-B-1".

C. Property Owner's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Ext: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

D. Date property was acquired by present owner(s): \_\_\_\_\_

E. Is the property subject to a sales contract or sales option? \_\_\_\_\_ NO \_\_\_\_\_ YES

F. Is owner(s) or contract purchaser(s) required to file a disclosure form? \_\_\_\_\_ NO \_\_\_\_\_ YES. If yes, please complete and submit Exhibit I-F (attached).

G. Authorized Agent(s): List names of authorized agents (submit additional sheets if necessary).

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Ext: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**PART II  
GENERAL INFORMATION**

A. Variance Request: (Check applicable answers)

- (Zoning) LDC Section: \_\_\_\_\_
- (Docks and Shoreline) LDC Section: \_\_\_\_\_
- (Development Standards) LDC Section: \_\_\_\_\_
- (Signs) LDC Section: \_\_\_\_\_

B. Specific Variance Request (attach sheet if more space needed)

Ordinance Section: \_\_\_\_\_ Variance is:

FROM: \_\_\_\_\_

\_\_\_\_\_

TO: \_\_\_\_\_

\_\_\_\_\_

C. Is this hearing requested as a result of a code violation? \_\_\_\_\_ NO \_\_\_\_\_ YES

D. Has a Development Order application been filed on the subject property? \_\_\_\_\_ NO \_\_\_\_\_ YES

D.O. Number: \_\_\_\_\_

E. Legal Description and Boundary Sketch: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

\_\_\_\_\_ NO. Attach a legible copy of the legal description (labeled Exhibit II-A-1.) and a certified sketch of description as set out in Chapter 5J-17.053., Florida Administrative Code, unless the subject property consists of one or more undivided platted lots. (labeled Exhibit II-A-2.) If the application includes multiple abutting parcels, the legal description must describe the perimeter boundary of the total area, but need not describe each individual parcel. However, the STRAP number for each parcel must be included.

\_\_\_\_\_ YES. Property is identified as:

Subdivision Name: \_\_\_\_\_

Plat Book: \_\_\_\_\_ Page: \_\_\_\_\_ Unit: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

Attach a copy of the Plat Book page with subject property clearly marked. Label this Exhibit II-B-3.

F. Project Street Address: \_\_\_\_\_

G. General Location of Property (referenced to major streets): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

H. Vehicular route to the site from the nearest arterial road: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I. Present Use of Property: Is the property vacant? \_\_\_\_\_ NO \_\_\_\_\_ YES

Except for City-initiated requests, if the property is not vacant, the owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the use of the building or structure(s) will be in compliance with all applicable requirements of the land development code.

Briefly describe current use of the property: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

J. Property Dimensions

1. Width (average if irregular parcel): \_\_\_\_\_ Feet
2. Depth (average if irregular parcel): \_\_\_\_\_ Feet
3. Frontage on road or street: \_\_\_\_\_ Feet on \_\_\_\_\_  
(Name of street)
4. Total land area: \_\_\_\_\_ Acres or Square Feet

K. Facilities

1. Fire District: \_\_\_\_\_
2. Sewer Service Supplier: \_\_\_\_\_
3. Water Service Supplier: \_\_\_\_\_

**PART III  
AFFIDAVIT**

I, \_\_\_\_\_, certify that I am the owner or owner's authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of the City of Bonita Springs Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

STATE OF: \_\_\_\_\_ COUNTY OF: \_\_\_\_\_

Signature: \_\_\_\_\_

Signatory's Printed Name: \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of  physical presence  or online notarization, this \_\_\_\_\_ (day) of \_\_\_\_\_, (month) \_\_\_\_\_ (year), by \_\_\_\_\_ (name of person making statement).

Signature of Notary Public - State of Florida: \_\_\_\_\_

Name of Notary Typed, Printed, or Stamped: \_\_\_\_\_

Personally Known  OR Produced Identification

Type of Identification Produced: \_\_\_\_\_

**PART IV - SUBMITTAL REQUIREMENTS**

<b>APPLICATION TYPE</b>	<b>COPIES</b>	<b>EXHIBIT</b>	<b>ITEM</b>
All	1		Completed application
All	1		Application Fee
All	1	I-B-1	<b>Notarized</b> Authorization Form (if applicable)
All	1	I-F	<b>Notarized</b> Disclosure Form (if applicable)
All	1	II-A-1	Legal Description
All	1	II-A-2	Certified sketch of description (if applicable)
All	1	II-A-3	Plat Book Page (if applicable)
All	2	IV-A	Surrounding Property Owners List
All	1	IV-B	Property Owners Map
All	1	IV-C	Deed Restrictions & Narrative (if applicable)
All	1	IV-D	Narrative Regarding Request
All	1	IV-E	Site Plan
All	1	IV-F	Application and Exhibits on CD-ROM
Marine Facility Variance	1		Supplement A

**EXPLANATORY NOTES  
GENERAL**

1. ALL APPLICANTS FOR A VARIANCE FROM THE LAND DEVELOPMENT CODE (ZONING) MUST COMPLETE THIS FORM.

UPON WRITTEN REQUEST, THE DIRECTOR MAY MODIFY THE SUBMITTAL REQUIREMENTS CONTAINED IN THIS SECTION WHERE IT CAN BE CLEARLY DEMONSTRATED THAT THE SUBMISSION WILL HAVE NO BEARING ON THE REVIEW AND PROCESSING OF THE APPLICATION. THE REQUEST AND THE DIRECTOR'S WRITTEN RESPONSE MUST ACCOMPANY THE APPLICATION SUBMITTED AND WILL BECOME A PART OF THE PERMANENT FILE.

2. ALL APPLICANTS MUST PAY THE APPLICABLE APPLICATION FEE.

**PART I – EXPLANATORY NOTES**

- A. Applicant's Name: Application may be by the landowner or the authorized agent. Where there is more than one owner, either legal or equitable, then all such owners must jointly initiate the application. Exceptions to this are:
- 1) It is not required that both husband and wife initiate the application on private real property owned by them.
  - 2) The property is subject to a land trust agreement, the trustee may initiate the application.
  - 3) The fee owner is a corporation; any duly authorized corporate official may initiate the application.
  - 4) The fee owner is a partnership; the general partner may initiate the application.
  - 5) The fee owner is an association; the association may appoint an agent to initiate the application on behalf of the association.
  - 6) The property is a condominium or time-share condominium, refer to Sec. 4-193(a)(1)b. for rules.
  - 7) The property is a subdivision, refer to Sec. 4-193(a)(1)c. for rules.
- B. Relationship of applicant to owner: If the applicant is not the owner of the property, a **notarized** authorization form from the owner to the applicant must be submitted. Label this submittal as Exhibit I-B.
- C. Name of owner (s): see F. below
- F. Name of Owner(s): A Disclosure Form (Exhibit I-F, attached) must be submitted for any entity whose interest in the property is other than solely equity interest(s) which are regularly traded on an established commodities market in the United States or another Country.
- G. Authorized Agents: If the owner or applicant has authorized agents to act on his/her behalf, list the agent(s) name, mailing address and phone number.

**PART II – EXPLANATORY NOTES**

- B. Explain the specific request. For example:

Ordinance Section: 4-488 Property Development Regulations

Variance is:

FROM: 7.5 foot side yard setback in the RS-1 district for a single family dwelling.

TO: 6.8 foot side yard setback for a single family dwelling

- E. Legal Description: If the property is not within a platted subdivision recorded in the official plat books of Lee County, a complete legal description must be attached which is sufficiently detailed and legible so as to be able to locate said property on county maps or aerial photographs. Also include the Section, Township, Range, and parcel number(s). If the application includes multiple contiguous parcels, the legal description may describe the perimeter boundary of the total area, and need not describe each individual parcel, except where different zoning requests are made on individual parcels. Label the legal description as Exhibit II-A-1.

A survey or a certified sketch of description as set out in Chapter 5J-17.053 F.A.C., Florida Administrative Code must be submitted, unless the subject property consists of one or more undivided platted lots. If the application includes multiple

abutting parcels, the legal description must describe the perimeter boundary of the total area, but need not describe each individual parcel. However, the STRAP number for each parcel must be included. Label the Sketch as Exhibit II-A-2.

If the request is owner-initiated and a boundary survey is required, the survey must include the location of any existing structures on the property. Label the Boundary Survey as Exhibit II-A-2.

The Director has the right to reject any legal description which is not sufficiently detailed or legible so as to locate said property, and may require a certified survey or boundary-survey prepared by a surveyor meeting the minimum technical standards for land surveying in the state, as set out in Chapter 5J-17.053, F.A.C. Boundaries must be clearly marked with a heavy line. The boundary line must include the entire area to be developed. If the request is owner-initiated the Federal Emergency Management Agency flood zone and required finished floor elevation must be shown as well as the location of existing structures on the property.

A copy of the plat may be purchased from the County Clerk's office.

- F. Project Street Address: If the street address is unknown, the address may be obtained from the Lee County E-911 Addressing Division at (239) 338-3200.
- G. General Location: The general location should reference known major streets so as to indicate to the general public the location of the property.
- H. Vehicular route: Briefly describe how to get to the property via vehicle from the nearest arterial street.
- I. Present Use of Property: Briefly describe the present use of the property.
- J. Property Dimensions: If the parcel is irregularly shaped, indicate the average width and depth of the property. Indicate the length of property abutting any existing street rights-of-way or easements. If property abuts more than one street, indicate frontage on each street.
- K.1. Fire District: Insert the name of the Fire District in which the property is located.
- K.2. Sewer Service Supplier: List the name of the utility company or package plant which will be providing sanitary sewer service to the project. If a new private disposal plant is proposed or if septic systems will be used, so indicate.
- K.3. Potable Water Service Supplier: List the name of the utility company which will provide potable water service to the project. Indicate if wells are to be utilized.

### **PART III – EXPLANATORY NOTES**

- a. The applicant is responsible for the accuracy and completeness of this application. Any time delays or additional expenses necessitated by the submittal of inaccurate or incomplete information is the responsibility of the applicant.
- b. All information submitted with the application or submitted at the public hearing becomes a part of the public record and will be a permanent part of the file.
- c. All applications must be submitted in person. Mailed-in applications will not be processed.
- d. All attachments and exhibits submitted must be of a size that will fit or conveniently fold to fit into a letter size (8 1/2" x 11") folder.
- e. The Department staff will review this application for compliance with requirements of the Land Development Code. If any deficiencies are noted, the applicant will be notified.

### **PART IV – EXPLANATORY NOTES**

- A. Property Owners List: A complete list of all property owners, and their mailing addresses, for all property within three hundred seventy-five (375) feet [five hundred (500) feet if a COP] of the perimeter of the subject property or the portion thereof that is the subject of the request. Names and addresses of property owners shall be deemed to be those appearing on the latest tax rolls of the County. The applicant is responsible for the accuracy of such list. This list is for

the purpose of confirming mailed notices by the applicant to property owners within 375 feet or 500 feet of the property described as set forth in Section 4-229. **[Sec 4-194(a)(6)]**. Label as Exhibit IV-A.

- B. Property Owners Map: A County Zoning map or other similar map displaying all of the parcels of property within three hundred seventy-five feet (375) [five hundred (500) feet if for a Consumption on Premises permit] of the perimeter of the subject parcel or the portion thereof that is the subject of the request, referenced by number or other symbol to the names on the property owners list. The applicant is to be responsible for the accuracy of the map. Label as Exhibit IV-B.
- C. Deed Restrictions: A copy of the deed restrictions on the subject property, if any, and a written statement as to how the deed restrictions may affect the requested action. Label as Exhibit IV-C.
- D. Narrative Statement: Label as Exhibit IV-D.

- 1) For a Zoning Variance or Marine Facilities variance, state the basis or reason(s) for the requested variance and include, at a minimum, the following issues:

The section number, and the particular regulation from which relief (variance) is requested; and  
What extraordinary conditions or circumstances exist inherent in the land, structure, or building involved, which create a hardship on the property owner which is not generally applicable to other lands, structures or buildings; and

How a literal interpretation of the provisions of the section of the ordinance (from which the variance is sought) would deprive the applicant of rights commonly enjoyed by other properties in the same district; and why granting the variance will not be injurious to the neighborhood or otherwise be detrimental to the public welfare.

- 2. For Development Standards Variances (Sec. 3-81), state the basis or reason(s) for the requested variance and include, at a minimum, the following issues:

The section number, and the particular regulation from which relief (variance) is requested; and  
The granting of the variance will not threaten the health, safety, welfare of abutting property owners or the general public; and

How the requested variance will not create an undue burden on essential public facilities; and  
How the standard from which the variance is being requested is unreasonably burdensome, as applied to the applicant's property and development plans.

- E. Site Plans (Label as Exhibit IV-E): Every request for a variance must include a site plan detailing or illustrating:

- 1. Existing streets, easements, or other reservations of land within the site; and
- 2. All existing and proposed structures on the site (including structures over water, if applicable); and
- 3. All existing structures within one hundred (100) feet of the perimeter boundary of the site; and
- 4. The proposed variance from the adopted standards; and
- 5. Any other information requested by the Director commensurate with the intent and purpose of the regulations from which the variance is requested.

**EXHIBIT I-F  
DISCLOSURE OF INTEREST FORM FOR:**

**STRAP NO.** \_\_\_\_\_ **CASE NO.** \_\_\_\_\_

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

<u>Name and Address</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

<u>Name, Address, and Office</u>	<u>Percentage of Stock</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

<u>Name and Address</u>	<u>Percentage of Interest</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

<u>Name and Address</u>	<u>Percentage of Ownership</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

<u>Name, Address, &amp; Office (if applicable)</u>	<u>Percentage of Stock</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Date of Contract: \_\_\_\_\_

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

<u>Name and Address</u>
_____
_____
_____
_____
_____
_____
_____
_____
_____

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

STATE OF: \_\_\_\_\_ COUNTY OF: \_\_\_\_\_

Signature: \_\_\_\_\_

Signatory's Printed Name: \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of  physical presence  or online notarization, this \_\_\_\_\_ (day) of \_\_\_\_\_, (month) \_\_\_\_\_ (year), by \_\_\_\_\_ (name of person making statement).

Signature of Notary Public - State of Florida: \_\_\_\_\_

Name of Notary Typed, Printed, or Stamped: \_\_\_\_\_

Personally Known  OR Produced Identification

Type of Identification Produced: \_\_\_\_\_