



Administrative Waiver

City of Sweetwater Building and Zoning Department

In General Please read carefully and comply with all instructions to avoid an incomplete application. Incomplete applications will not be accepted.

Filing Applications shall be filed electronically (see electronic filing procedure on the Building and Zoning Departments City of Sweetwater website).

Appointments Applicants are encouraged to schedule an appointment prior to filing to obtain information on the administrative waiver process and filing requirements, to go over completed applications and forms, and to review plans. It is important to ensure applications are complete and in order at the time of filing. To schedule an appointment, please call (305) 485-4526.

Limitations Administrative waiver to setback, accessory building lot coverage, height, parking and landscape requirements may be issued subject to the following limitations.

- (1) A reduction in the setback of principal structures for not more than **25 percent** of that required by the underlying zoning district.
- (2) A reduction in the setback of accessory structures for not more than **50 percent** of that required by the underlying zoning district.
- (3) An increase in building heights, and lot coverage of the principal structure, not to exceed **25 percent** above that permitted by the underlying zoning district.
- (4) A waiver of dimensional standards for off-street parking spaces that are provided in excess of the number required in Section 4.03.02 of the Land Development Code.
- (5) A reduction of the landscape open space and buffering requirements of not more than **30 percent** of that required by the underlying zoning district.

Exclusions The following are exceptions where administrative variances or waivers shall not be authorized:

- (1) Administrative variances or waivers shall not be allowed within the University City District, Commercial, Industrial, Semi-professional office and Trailer Park zoning districts.
- (2) Variance or waiver of canopy carport regulations.
- (3) Variation of setbacks for more than two sides of a building or structure.
- (4) Where an administrative variance and/or waiver, if granted, would further a previously approved variance or waiver.
- (5) Where an administrative variance and/or waiver would result in creating a nonconformity of regulations and/or create an additional noncompliance with this chapter.

Decision In granting the Administrative waiver the Zoning Director must find:

- That the adjustment will be in harmony with the general appearance and character of the community and does not increase density of the site.
- That the adjustment will not be injurious to the area involved or otherwise detrimental to the public welfare.
- That the proposed addition is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent residences while affording the applicant a reasonable use of the land.

Consent Form The signed consent of all contiguous property owners, including those located across the street from the subject site, shall be submitted by the applicant on a form prescribed by the administrative official, and on the site plan submitted for consideration. Said consent shall not be required when a separating public right-of-way measures 70 feet or greater, nor shall consents be required when a body of water completely separates the subject parcel from another parcel.

If the applicant for an administrative variance or waiver is unable to obtain either the signed consent or objection of a neighboring property owner, the signature of that owner shall not be required if the applicant demonstrates that he/she has been complied with the mail notice provision under the code.

Mailed notices. The applicant shall provide written mailed notice of the request for administrative variance or waiver to the abutting property owners. Such notice shall be deemed sufficient if it accurately describes the adjustment requested, if it informs the abutting property owners of the consequences of a failure to respond within a specified time, and if such notice is sent first class mail, return receipt requested, to the property owners of record, as reflected on the county property appraiser's tax roll, as updated; and the applicant for the administrative variance or waiver shall present proof acceptable to the administrative official one of the following two events has occurred:

1. After 30 days from receipt of notice, as indicated on the return receipt, the neighboring property owner has failed to respond; or
2. The United States Postal Service has returned the notice as undeliverable.

Exceptions. The administrative official may, where it is deemed that mail notice is not appropriate, may waive the requirements of signed consent of neighboring property owners, and mailed notices set forth in this section.

Submittal The applicant must file a request to the building and zoning department in a form approved by the administrative official containing all the information necessary for the administrative official to make an administrative decision, which shall include, but is not limited to, identification of the specific provisions of this chapter from which an administrative variance or waiver is sought; the nature and extent of the variance or waiver; and the grounds relied upon to justify the approval of the variance or waiver.

- a. a survey not older than one year
- b. Site plan and elevations.
- c. Fee of \$400.00
- d. Sign consent of neighboring property owners.

Appeals The applicant, or any aggrieved property owner in the area, may appeal Administrative decision of the administrative official to planning and zoning board in the manner provided for the code. In the event an appeal is made by an aggrieved property owner in the area, the administrative official may stop or suspend any permits, construction authorized by the approval, until a decision has been made on the appeal. In the event the administrative official should determine that the suspension of the construction could cause imminent peril to life or property he or she may permit the construction to continue upon such conditions and limitations, including the furnishing of an appropriate bond, as may be deemed proper under the circumstances

Applicant's Checklist

The following items must be submitted with any administrative adjustment application:

- Completed application using this form. Substitution of official application will not be accepted.
- Application fees. At the time of filing of the zoning application, a filing fee is required to cover the cost of processing the application and advertisement. If the applicant is in violation of the zoning regulations an additional fee is required. Personal checks, money orders, or cashier's checks should be made out to: City of Sweetwater. Only checks with pre-printed information will be accepted.
- Letter of Intent. All applications must be accompanied by a letter of intent describing the adjustment and why the request(s) should be approved. Signature of the applicant is required. If you are seeking a reasonable accommodation under the Americans with Disabilities Act or the Fair Housing Act, you may indicate as such in your letter of intent.
- Plan Requirements. All plans to be submitted shall contain a title block identifying the development or project, the name, title and official seal of person preparing plan, the state of preparation, scale of drawing, and property address. Plans shall be drawn on paper of adequate size (minimum suggested (11" X 17")).
- Site Plans must show the complete property, have property lines labeled, show all site dimensions, indicate the sizes and uses of existing and proposed buildings, show spacing distance between building and accessory structures, show all setback distance from all buildings and accessory structures to all property lines, show individual parking spaces, access drives, existing and proposed right-of-way dedications and public or private streets measured to the centerline of the streets. The general location and distance to existing structures on adjacent property nearest to addition for which this adjustment is requested.
- Floor Plans (must identify all rooms, indicate dimensions of each and show internal connectivity).
- Building Elevations (drawing must show number of stories and height to top of roof, type of window and wall finishes).
- Boundary Survey (signed and sealed required with every application, not older than 1 year. Must show all structures and rights-of-way).
- Consent Form. Written waivers of objection to the application from property owners adjacent/abutting the subject property are required and must be submitted as a part of the application. The consent page must reflect the applicant's reasons for requesting an Administrative Waiver. Waivers must indicate that the signer knows and agrees to that which the applicant is requesting and must contain the name and address of the Waiver's Property. Signatures must be received from all adjacent/abutting neighbors including owners of vacant, commercial, and industrial lots.
- Photographs of the property, including front, rear and both sides of all structures.

Administrative Waiver Application

City of Sweetwater

Applicant Information

NAME OF APPLICANT (Owner(s) of record of the property. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required):

PROPERTY FOLIO's:

APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER, E-MAIL:

Mailing Address: _____

City: _____ State: _____ Zip: _____

Fax no.: _____ E-mail: _____

Phone no. _____

Subject Property Legal Description

Provide complete legal description, i.e., lot, block, subdivision name, plat book and page number, or metes and bounds. Include section, township, and range:

Address or Location of Property: _____

Size of Property _____ Present Zoning _____

Notice of Violation

Is this application a result of a violation notice? no yes . If yes, provide name to whom the violation notice was served and describe the violation:

OWNER AFFIDAVIT

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

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

Applicant signature

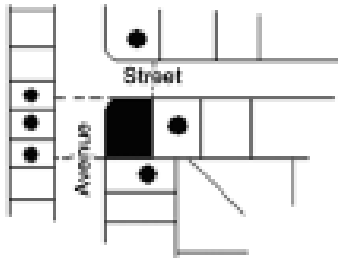
Sworn to and subscribed to before me
This ____ day of _____ 20__

Notary Public

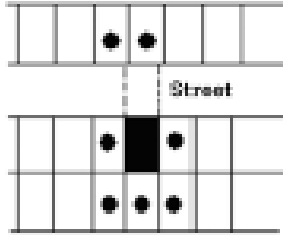
Commission expires _____

Abutting/Adjoining Properties

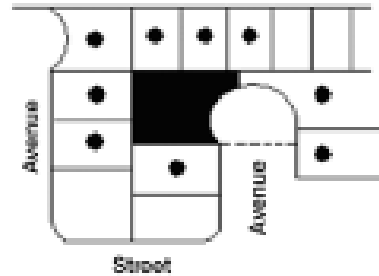
The below examples depict typical situations which may apply to the subject property, shown in black; dots [•] indicate the required signatures from abutting/adjoining properties.



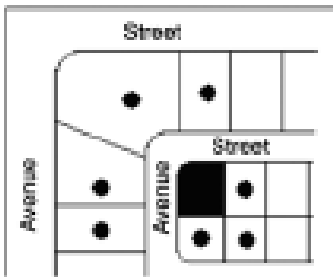
Example 1



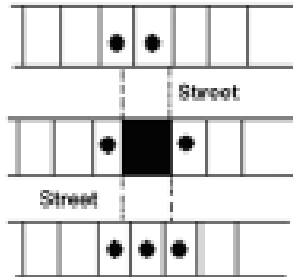
Example 2



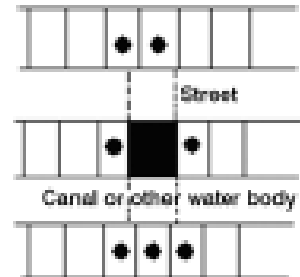
Example 3



Example 4



Example 5



Example 6

Site Plan Notice/ Consent

Consenting neighbors must sign the front side of the site plan where adjustments requested are clearly visible. Signatures on the back side of the plan are not acceptable. Reproduce the example text below on the required site plan.

We the neighbors, have no objection to these plans, which are being submitted for an Administrative Waiver Application.

Consent Form

Please be aware that this is a legally binding document and all requested adjustments must be stated clearly prior to acquisition of signatures.

(I)(WE), _____ have applied for an Administrative Waiver to the Building and Zoning Department to permit

We, the undersigned property owners, have read (or have had read to us) the information applicable to the request for and Administrative Waiver from the Zoning Code as applied to the City of Sweetwater and fully understand that by subscribing my name to 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 the plans accompanying this application.

Name (Type or Print)

Address

Date

Signature

Name (Type or Print)

Address

Date

Signature

Name (Type or Print)	Address	Date
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Signature

Name (Type or Print)	Address	Date
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Signature

Name (Type or Print)	Address	Date
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Signature

Name (Type or Print)	Address	Date
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Signature

Name (Type or Print)	Address	Date
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Signature