

VARIANCE APPLICATION

City of New Port Richey, Florida • Community Development Department
5919 Main Street • New Port Richey, FL 34652 • 727-853-1047 • www.cityofnewportrichey.org

*Please complete ALL sections of this application.
Incomplete applications will be returned to the Applicant or Representative.*

Date Received

Required Attachments:

- Applicable fees to be paid (checks made payable to the *City of New Port Richey*)
- Proof of ownership in the form of a copy of the deed, title insurance policy, or other instrument demonstrating ownership
- Current signed and sealed survey of property (not to exceed 24x36)
- Plot plan / site plan with the following
 - North arrow
 - Drawing to scale
 - Property dimensions
 - All existing and proposed structures and use of each
 - Distances between setbacks from all property lines
 - Abutting streets and other public easements
 - Off-street parking spaces
 - Specific variance in terms of horizontal setback (show measurable required setback and proposed setbacks).
- Photographs of existing buildings, structures, signage, or other applicable objects on site
- Drawing of proposed signage: dimensions, height, square footage, and setback (for sign variances only)
- Drawing of proposed dock on a copy of the survey (for dock variances only)

1. Current Property Owner(s)				
Mailing Address	City	County	State	Zip
Phone Number	Email			
2. Representative of Owner				
Relationship to Owner				
Mailing Address	City	County	State	Zip
Phone Number	Email			
3. Primary Contact <i>{Phone Number & Email}</i>				

4. Site Address	
General Location	
Legal Description of Subject Property	
Tax Parcel Number(s)	
Size of Site	Acres
Square Feet	
Zoning District	Future Land Use Category
Existing Use <i>{Include number of residential units and/or spare footage of non-residential uses}</i>	

Proposed Use <i>{Provide details about the specific use requested}</i>	
Does applicant / owner own property contiguous to this site?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, provide address and legal description of contiguous property:	
Has any previous variance or appeal been filed regarding this property?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, state the nature of the application / appeal and outcome:	
Has a Development Order or Certificate of Occupancy been refused?	<input type="checkbox"/> YES <input type="checkbox"/> NO

5. Please state the specific variance request(s). (Example: *Five-foot variance to reduce front setback along Main Street from 25 feet to 20 feet, for a fence*)

Guidelines For The Granting of Variances:

The following questions must be addressed with supporting argument and/or documentation. A variance is considered to allow the applicant relief from the literal requirements of the ordinance because of an unnecessary hardship. A variance is a relation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where a literal enforcement of the ordinance would result in unnecessary and undue hardship. Neither the Land Development Review Board nor the City Council is authorized to grant a variance to establish or expand a use that is not permitted in the particular zoning district. Variances to density cannot be granted unless specifically provided for in the Land Development Code. Variances may only be granted for height, area, size of structure, setback, etc.

In stating the grounds for support of the application, an unnecessary hardship must be shown. This is a hardship that is peculiar to the specific land, structure or building involved and hardship that is not shared generally with other properties, or most, in the same zoning district. An economic hardship does not qualify as a justification for granting a variance (i.e. it is too expensive to build it that way). It is very important to show how your particular situation differs from others and how that situation provides a unique, undue and unnecessary hardship on your property.

You should show that the hardship does not exist because of your own actions and that granting the variance will not confer special privileges that are not enjoyed by other property owners. You should show that granting the variance will not adversely affect other properties and/or the character of the zoning district. The Land Development Review Board or City Council cannot grant a variance that may be detrimental to the public interest.

The LDRB or Council may attach appropriate and reasonable safeguards, or conditions, to the granting of a variance. These conditions are a part of the approval and strict conformance must be observed. The LDRB and Council are not bound to grant a variance simply because a request is made. The applicant must show the facts and the law applicable to this situation. A carefully prepared application listing the grounds on which the variance is sought is a prime requisite to possible favorable Board or Council action.

6. All of the following six criteria must be met before a variance can be granted. Space is provided for the applicant's response to each criterion. Attach additional sheets as necessary. The Land Development Review Board or City Council must find:
A. That special conditions or 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. <i>(Explain what of these conditions make your situation different from other properties)</i>
B. That the special conditions and circumstances do not result from the actions of the applicant <i>(Explain how the situation was created)</i>
C. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district <i>(Is what you want to do something special that other properties in the same zoning have not been allowed to do?)</i>
D. That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, and under the terms of the ordinance would create unnecessary and undue hardships on the applicant <i>(Is what you want to do something that is regularly done on other properties in the same zoning district and, if so, how does the ordinance prevent you from doing so?)</i>
E. That the variance granted is the minimum variance that will make it possible the reasonable use of the land, building or structure <i>(Have you explored all other options to do what you want to do and found that the variance you are seeking is for the least amount necessary?)</i>
F. That the granting of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare <i>(Will what you are proposing have any negative effects on your neighbors or any other property or to public property, and if not why?)</i>

APPLICATION & HEARING PROCESS

A pre-application meeting must be held with City Staff to ensure the application is complete. Applications must be submitted by Friday at 10:00 am, and deemed complete, to be scheduled for review by the Development Review Committee (DRC), which is regularly scheduled on Thursdays. Case reviews are generally scheduled two weeks out from the date of submittal, and your attendance or that of your representative is required. The DRC will review the application for compliance of codes and regulations, and may require additional information, necessitating additional DRC meetings. Following the DRC, the case will be scheduled for review by the Land Development Review Board (LDRB) or City Council.

The hearing process to review this application is considered quasi-judicial and operates much like a court of law. The LDRB and City Council members act in a similar capacity as a judge and must govern themselves in accordance with the basics of due process in making decisions. Contact with any of these members about this application should be avoided. These members have been instructed to avoid all such conversations with applicants or people in opposition to or support of any Variance Application. Decisions will be made based on evidence and testimony that is presented at scheduled public hearings and not on information gathered outside of these hearings.

VARIANCE APPLICATION

ATTENDANCE AT MEETINGS

The applicant or applicant's representative shall be present at all meetings including DRC, LDRB, and City Council, as applicable. Call Planning and Development Department Staff at 727-853-1050 to find out when this case will be scheduled for these meetings.

AUTHORIZATION TO VISIT THE PROPERTY

Site visits to the property by City representatives are essential to process this application. The Owner/Applicant, as notarized below, hereby authorizes the City representatives to visit and photograph, and post a notice on the property described in this application.

AUTHORIZATION FOR OWNER'S REPRESENTATIVE(S)

I _____, the owner, hereby authorize _____ to act as my representative(s) in all matters pertaining to the processing and approval of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.

Owner's Signature

Sworn to and subscribed before me by _____

this _____ day of _____, 20_____.

Personally Known OR Produced Identification

Type of Identification Produced: _____

Notary Signature: _____

APPLICANT'S AFFIDAVIT

I, the owner or authorized representative, certify that I have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and, in all aspects, true and correct, to the best of my knowledge. It is also acknowledged that the filing of this application does not constitute automatic approval of the request and, further, if the request is approved, I will obtain all necessary permits to comply with all applicable orders, codes, conditions, and rules and regulations pertaining to the use of the subject property. (Applications which are filed by corporations must bear the seal of the corporation over the signature of an officer authorized to act on behalf of the corporation.)

Owner or Representative's Name (*Printed*)

Owner or Representative's Signature

Sworn to and subscribed before me by _____

this _____ day of _____, 20_____.

Personally Known OR Produced Identification

Type of Identification Produced: _____

Notary Signature: _____

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