



City of St. Pete Beach
Community Development Department
155 Corey Avenue
St. Pete Beach, Florida 33706
727-363-9241
www.stpetebeach.org

INFORMATION ON THE VARIANCE PROCESS

What Is a Variance? A variance is a grant of relief by the Board of Adjustment or the City Commission from the requirements of the Land Development Code. The Land Development Code (LDC) is a set of ordinances enacted by the City of St. Pete Beach for the regulation of any aspect of subdivision and the development of land.

How do I apply for a Variance? An applicant for Variance must submit the following documents to the Community Development Department:

- A complete and signed application. Incomplete applications will not be processed and will be returned. As such, all applicants are **STRONGLY ENCOURAGED** to meet with Community Development staff prior to submission deadlines to discuss plan submissions and the review process. Appointments can be made by calling 727.363.9241.
- A completed and signed agent authorization form if someone else will be representing the property owner at the public hearing.
- An accurate, legible, and appropriately scaled survey of the property including all existing and proposed improvements. The survey shall have been performed not more than ten (10) years prior to the date of application and not less than two (2) copies of the survey are required for submittal.
- Scaled drawings depicting the request. The drawings can be sized from 8.5"x11" to a maximum of 24"x36" in size. These drawings are necessary to assist staff and the BOA or City Commission in the review of the request. Seven (7) copies of the drawings must be submitted.
- Cash or check made payable to the City of St. Pete Beach for the amount of the application plus mailing fees. The application fee is \$500. The mailing fee can be calculated for you when you turn in your application, or you can calculate it yourself by searching for your property on the Pinellas County Property Appraiser's office website (www.pcpao.org), clicking on radius search at the top of the page, typing in 300 feet for the radius, and multiplying the number of properties times .68. For example, if 40 properties are within 300 feet of you, then the mailing fee would be \$27.20. The City is not equipped to accept Debit or Credit card transactions at this time.
- Staff may request additional information, if necessary.

What is the Board of Adjustment and when do they meet? The Board of Adjustment is a Quasi-Judicial public board whose members are appointed by the City Commission. Under the Quasi-Judicial process the Board acts in the role of a judge and is required to follow certain procedures and base their decisions on factual evidence. The Board meetings are normally one time per month on the last Wednesday at 2:00pm, in the City Commission Chambers at 155 Corey Avenue (City Hall).

What do I do after my Variance is granted? You will receive a notice from the City immediately following your hearing. This notice is called a Development Order (DO) and it will summarize the results of the hearing including the decision to deny, approve, or approve with conditions. If approved, the owner/applicant will have one (1) year from the date the development order is signed to obtain a building permit for the proposed work. The permit must remain active during the life of the project. If a permit is not obtained within a year or if a permit does not remain active, the variance will expire.

What happens if my approved Variance is appealed? Although rare, sometimes a neighbor or other affected party will appeal the BOA decision to the Circuit Court. Any such appeal must be taken within 30-days from the date of the decision. Should this occur, the City is normally removed from the appeal process and has no control over the timeframe or decision of the Court. The one-year timeframe for permit issuance noted above would begin from the Court's final decision date provided the applicant has properly advised the City of said appeal.

What can I do if my Variance is not granted? You may correct your plans to meet current code requirements or you may file an appeal to the Pinellas County Circuit Court with 30-days of the final decision. If any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

How are my application fees used? The application fee is primarily used to cover staff review costs. A Variance application will typically involve reviews from multiple City agencies and may include County, State, or even Federal reviews depending on the nature of the request. All Variance applications are required to be properly advertised and require notification to adjacent property owners. The mailing fees are used offset the cost incurred in meeting these requirements including the preparation of a legal ad and mailing costs associated to adjacent property owner notice. The City shall re-advertise a request, at no expense to the applicant, if a scheduled application is not heard due to an error by the City (i.e. lack of a quorum). Otherwise, the applicant will be responsible for any additional costs incurred as a result of his or her own (in)action.

What is the process for commercial variance requests that require site plan review? All commercial variance requests must first be reviewed by the Technical Review Committee prior to the Board of Adjustment, where the preliminary plans will be reviewed by representatives from the Building, Planning & Zoning, Public Services, Public Safety/Code Enforcement, & Recreation Departments. A schedule of the TRC's deadlines and meeting dates can be found on the Planning & Zoning page at www.stpetebeach.org. If the variance(s) is/are approved, the plans will go through TRC for a full site plan review.

When will my variance be heard? Applications are accepted at any time and shall be scheduled pursuant to the deadlines below (or the TRC deadlines) provided the application is determined to be complete. In fairness to all applicants, there will be **NO** exceptions to this schedule so please plan accordingly. Applications are due by **12:00pm** on the date listed. The 2016 schedule is as follows:

Board of Adjustment (Variances) 2016	
<u>Deadline</u>	<u>Meeting Date</u>
12/14/15	01/27/16
01/19/16	02/24/16
02/16/16	03/30/16
03/21/16	04/27/16
04/18/16	05/25/16
05/16/16	06/29/16
06/20/16	07/27/16
07/18/16	08/31/16
08/22/16	09/28/16
09/19/16	10/26/16
10/17/16	11/16/16
11/14/16	12/14/16
Meeting time is 2:00pm in the City Commission Chambers unless otherwise posted	
Incomplete Applications Will Not Be Accepted	

Who decides if the Variance should be granted? The Board of Adjustment is authorized to hear and make final determinations on all variance requests with the exception of variance requests that are part of a conditional use application. In those cases, the City Commission makes the final determination.



City of St. Pete Beach
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 155 Corey Avenue
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VARIANCE APPLICATION

Case Number: _____

PROPERTY FOR PROPOSED VARIANCE

Legal Description: _____

Parcel ID _____

Address _____

Current Zoning: _____ FLUM Designation: _____ Lot Area: _____

Existing Use: _____ Proposed Use: _____

APPLICANT/AGENT:

PROPERTY OWNER:

Name: _____ Name: _____

Address: _____ Address: _____

City: _____ State: _____ City: _____ State: _____

Zip: _____ Phone: _____ Zip: _____ Phone: _____

Email: _____ Email: _____

DETAILS OF THE REQUEST: Cite code sections for which variance is requested: (Add additional sheets if necessary)

Additional Documents:

Check here if document is attached	Required Document
	Recent Survey of the property illustrating all boundaries, easements, and physical improvements.
	Site Plan drawn to scale showing proposed deviations of the code.

In order for an application for a variance to be approved or approved with conditions, the Board of Adjustment must make a positive finding with regard to each of the provisions below, which are also located in Division 3 of the Land Development Code. The applicant has the burden of proof demonstrating that the application for the variance complies with each of the requirements. Please explain in detail how your case meets these requirements (attach additional sheets if necessary):

1. Conditions and circumstances exist that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same zoning district which have complied with these regulations without hardship.
2. The strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building.
3. The peculiar conditions and circumstances are not the result of the actions of the applicant.

4. The proposed variance will not have the effect of changing any district boundary on the zoning map.

5. The variance shall not permit a non-conforming use or permit a use not specifically permitted in the zoning district.

6. The variance shall not increase density or intensity over that which is permitted in the Comprehensive Plan.

7. The granting of a variance will be in harmony with the general purpose and intent of the land development regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

8. The variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.

Signature of Applicant	Date	Signature of Authorized Agent	Date
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For office use only:

Hearing Date: _____ Fees: _____

Board Action: Approved as requested Approved with conditions Denied Continued

VARIANCE APPLICATION

Applicants must acknowledge understanding of the following. Initial each of the statements below. If you do not understand any of these, staff will explain them to you.

_____ I understand that the City will not accept or process an incomplete application.

_____ I understand that a non-conforming use or structure in a particular zoning district does not, in any way, provide justification for the granting of a variance. Furthermore, the existence of a permitted use or structure in adjacent districts does not constitute grounds for a variance.

_____ On all variances, a majority vote is required. Action on this application by the BOA/City Commission may be continued to a later meeting.

_____ I understand that if a variance is approved by the BOA/City Commission, the applicant is required to obtain the appropriate building permits within 1 year from the date of the decision. If no permit is obtained within 1 year, the approval from the Board/City Commission becomes voided.

_____ I understand that if any application filed under the provisions of this Code is denied, no subsequent application seeking substantially the same or similar approval shall be filed within six months of the final decision on the original application.

_____ I understand that any person aggrieved by the final decision has the right to file a petition in the Pinellas County Circuit Court within 30 calendar days after the decision. Permits for construction may be granted prior to the expiration of this 30-day period, but an appeal will be grounds for revocation of the permit.

_____ I understand that I, as the applicant, or my authorized representative must be present at all scheduled public meetings on the application.

After acknowledgement of these conditions, complete the application form on the following pages

Signature of Applicant

Date

Owner's Authorization for Agent
Community Development Department
City of St. Pete Beach, Florida

I/WE _____
(print name of property owner)

hereby authorize _____
(print name of agent)

to represent me/us in an application for _____
(type of application: variance, conditional use, zoning, etc.)

Signature of Owner

Signature of Owner

Print Name of Owner

Print Name of Owner

The forgoing instrument was acknowledged before me this _____ day of _____
2016, by _____ who is personally known _____
or produced _____ as identification.

(Notary Signature)

(Date)

My Commission Expires _____



PUBLIC HEARING SIGN POSTING AFFIDAVIT

Applicant, _____, agrees to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the Public Hearing and remain in place until the requested action has been heard and decided. Multiple sign postings shall not be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

The sign shall be maintained in good readable condition by the applicant. If the said sign is destroyed, lost, or becomes unreadable, the applicant or applicant’s representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant’s agent not later than 24 hours following the final decision.

Applicant/Agent (must fill out agent authorization form):

Name(print): _____

Address: _____

Signature *Date*

STATE OF FLORIDA)
) SS:
PINELLAS COUNTY)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015 by _____, who appeared before me, and is personally known to me, or has produced _____ as identification, and did take an oath.

My commission Expires:

NOTARY:
Print Name: _____
Notary Public, State of Florida
(Notarial Seal)

DEAR APPLICANT:

PLEASE COMPLETE THE ATTACHED AFFIDAVIT WHEN PUBLIC HEARING DATES HAVE BEEN DETERMINED FOR YOUR APPLICATION. PRESENT THE COMPLETED NOTARIZED AFFIDAVIT TO COMMUNITY DEVELOPMENT AND YOU WILL BE GIVEN THE SIGN(S) TO POST ON THE SUBJECT PROPERTY.

It is your responsibility to post the sign(s) in a conspicuous place, at the principal access to the property, in full view of the public, and not more than five (5) feet from the nearest street right of way or easement a minimum of seven (7) days in advance of the public hearing. The sign(s) must remain in place until the requested action has been heard and decided by the City Commission, Planning Board, Board of Adjustment, Historic Preservation Board or withdrawn. Multiple sign postings cannot be more than three hundred (300) feet apart. If the subject parcel(s) abut more than one (1) street, notices shall be posted along each street. When the subject parcel(s) does not front a public road, the sign shall be posted at the point on a public road by which the property is, or can be, reached.

You must maintain the sign(s) in good readable condition. If the said sign is destroyed, lost, or becomes unreadable, you or your representative shall obtain a replacement sign. Any sign posted in accordance with these requirements shall be removed from the property and disposed of by the applicant or applicant's representative not later than 24 hours following the final decision by the City Commission, Planning Board, or Board of Adjustment, Historic Preservation Board.

A Notary Public is available in City Hall; 155 Corey Avenue.