



**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](http://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](http://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 2019 schedule is as follows:

<b>Board of Adjustment (Variances) 2019</b>	
<u>Deadline</u>	<u>Meeting Date</u>
12/31/18	01/30/19
01/28/19	02/27/19
02/25/19	03/27/19
03/25/19	04/24/19
04/29/19	05/29/19
05/27/19	06/26/19
07/01/19	07/31/19
07/29/19	08/28/19
08/26/19	09/25/19
09/30/19	10/30/19
10/21/19	11/20/19
11/18/19	12/18/19
<b>Meeting time is 2:00pm in the City Commission Chambers unless otherwise posted</b>	
<b>Incomplete Applications Will Not Be Accepted</b>	

**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. Variance requests must meet certain criteria as outlined by the Land Development Code.

City of St. Pete Beach Land Development Code - Sec. 3.12. - Variances.

- (a) Authority and approval criteria.
  - (1) The appropriate board of authority may authorize variances to the land development regulations if the applicant is able to demonstrate the following conditions:
    - (a) The existence of conditions and circumstances that are peculiar to the subject land, structure or building and do not apply generally to neighboring lands, structures or buildings in the same district which have complied with these regulations without hardship; that the strict application of the provisions of the land development regulations would deprive the applicant of reasonable use of such land, structure or building; and the peculiar conditions and circumstances are not the result of the actions of the applicant; and
    - (b) Neither a nonconforming use of neighboring lands, structures or buildings, legal or illegal, in the same district, nor a permitted use in adjacent districts shall be considered as grounds for issuance of a variance; and
    - (c) The proposed variance will not have the effect of changing any district boundary on the zoning map, nor constitute the granting of a nonconforming use. Under no circumstances shall a variance permit an increase in development density or permit a use not specifically permitted in the district; and
    - (d) 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. In granting the variance, the appropriate board of authority may prescribe any conditions and safeguards it deems necessary or desirable as a condition of approval of the variance application; and
    - [e] The appropriate board of authority finds as a reasonable conclusion that hardship would unnecessarily result from a literal enforcement of the provisions of the land development regulations as set forth in the application, and the variance proposed is the minimum variance that will make possible the reasonable use of the land, structure and building.
  - (2) When application is made to the city commission for approval of a conditional use permit, any necessary variances shall be considered by the commission at the same time as the conditional use permit request. Such variances may be approved or denied by the city commission without regard to the disposition of the conditional use permit request.
  - (3) Any variance granted hereunder shall expire one (1) year from the date of the development order providing for such variance, unless a building permit for the construction authorized by such variance is obtained within such time and said building permit has not expired prior to the completion of construction in accordance therewith.
- (b) Limitations on variance authority of appointed boards. Any request for variance to the city's coastal control line shall be made directly to the city commission. No board of authority shall grant a variance from any requirement imposed by the city commission as a condition of rezoning, conditional use approval or any other action of the commission resulting in the granting of specific development rights.

- (c) Application submission requirements. Each application is due no later than 30 days prior to the public hearing and shall contain the following information, accompanied by the payment of the applicable fee set forth in Appendix A, St. Pete Beach Code of Ordinances:
- (1) A completed application, signed by the property owner. The format of the application shall be determined by the City Manager.
  - (2) Proof of ownership.
  - (3) When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
  - (4) A property survey containing the legal description, land area, and existing improvements on the site. The survey shall be signed and sealed by a surveyor licensed in the State, and shall have been performed not more than ten (10) years prior to the date of application. The survey shall accurately depict all improvements on the site. If all improvements are not depicted on the survey, the applicant shall conduct a new survey of the property and submit it with the application materials.
  - (5) A site plan illustrating the request, drawn to scale. The sheet size shall not be less than eleven inches by seventeen inches (11 × 17) and shall not be more than thirty-six inches by forty-eight inches (36 × 48). An electronic version may be required.
  - (6) Any stipulation, condition, or proffer the applicant wishes to offer along with the application.
  - (7) Applicants are encouraged and may be required to submit additional information, such as elevations, photos, and/or product information, when appropriate.
- (d) Determination of completeness of application. The city shall determine whether the application is complete. If the application is complete, the application shall be forwarded for review. If the application is not complete the city shall take no further action on the application until the required information is submitted by the applicant.

(Ord. No. 2005-43, § 1, 12-13-05; Ord. No. 2006-39, § 2, 11-28-06; Ord. No. 2011-21, §1(Exh. A), 11-22-11)



# City of St. Pete Beach

Community Development  
Department 155 Corey Avenue  
St. Pete Beach, Florida  
33706 727-367-2735  
[www.stpetebeach.org](http://www.stpetebeach.org)

## VARIANCE APPLICATION

Case Number: \_\_\_\_\_

### PROPERTY FOR PROPOSED VARIANCE

Legal Description: \_\_\_\_\_

Parcel ID: \_\_\_\_\_

Address: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ FLUM Designation: \_\_\_\_\_ Lot Area: \_\_\_\_\_

### 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)

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**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.

<b>Signature of Applicant</b>	<b>Date</b>	<b>Signature of Authorized Agent</b>	<b>Date</b>
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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 \_\_\_\_\_  
2019 by \_\_\_\_\_ or who is personally known \_\_\_\_\_  
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 \_\_\_\_\_, 2019 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.