

DEPARTMENT OF PLANNING
**Application for Variances, Special Exceptions
through the Board of Adjustment**



Dear Applicant:

To assist you in completing this application and providing the Board with sufficient information upon which to base its decision on your request, the staff of the Zoning Section advises the following:

1. Read the application and instructions thoroughly before attempting to fill it out.
2. All items in the application must be completed. The burden is on the applicant to provide substantial, competent evidence to the Board showing that a relevant criterion is met. Applications which do not provide such a showing cannot be approved.
3. The current owner of the property for which the application is made must sign the application. If the owner is a corporation, a corporate officer must sign under the corporate seal. **These signatures must be notarized prior to submittal.**
4. Any applicant who seeks a variance or special exception shall submit with his application a site plan, drawn to scale, showing location and dimension of all existing and proposed structures, the use of each, spacing between structures, setbacks from all property lines, property dimensions, abutting streets, easements, clearly delineated off-street parking spaces and drives, and north point. If said plan is larger than 11" X 17", 13 copies shall be required. In the event an applicant does not submit a site plan meeting these requirements, the Board of Adjustment will not consider the application.
5. Other information relative to specific types of requests (i.e., adult use, fills, excavations, and sign variances) must be provided at time of application (see item 12 in the application).
6. The applicant is encouraged to file the application well in advance of the monthly filing deadline. Applications received past the deadline will be processed on the next scheduled cycle.
7. The applicant or his authorized representative must be present at the public hearing to present the request to the Board. Presentations must include substantial and competent evidence showing the relevant criteria is met. Failure to appear may result in a denial of the request.
8. An applicant for any after-the-fact request is strongly advised to have a pre-application inspection done by our Building Department. This low cost check can help to determine if the structure meets or can be brought to applicable Building code requirements.
9. **The Board of Adjustment does not vary site development & platting requirements.**

All information required in item 12 as well as a filing fee, must be submitted at the time of application. Incomplete applications will not be accepted by the Zoning Section for processing. Our technicians can be reached at (727) 464-3401 and they will be more than happy to provide you with any assistance or information you need in completing your request.

Revised July 2016

The Board of County Commission assembly room provides a variety of presentation formats for your convenience.

On hand is a 3'X3' presentation table with an overhead camera for TV monitor presentation of photographs, overheads, poster board, maps, etc., (Easels are no longer needed).

This equipment is designed to be user and audience friendly and will enhance your audio/visual presentations.

Trained County staff will be on hand to assist you with the set-up of your presentation and with the operation of this equipment.

Filing fees, filing deadlines or hearing dates or other information, please call Pinellas County Zoning at (727) 464-3401.

Filing Deadline: _____
Filing Fees: _____
Variance: _____
Special Exception: _____
Date of hearing (if filed before above date): _____

PINELLAS COUNTY BOARD OF ADJUSTMENT APPLICATION FOR PUBLIC HEARING

FILE # _____ PARCEL # _____

After the fact structure YES _____ NO _____ Bldg Sign Off: _____ Date _____

Approved: Structure can/does meet code _____ Denied: Engineering/Improvements Req'd _____

Applicant's Signature: _____ Date: _____

Received by: _____ Date Filed: _____

NOTICE TO APPLICANT

This application, with all supplemental data and information, must be completed in ink or typewritten, in accordance with the attached information sheet, and in accordance with the specific instructions set forth in this application and returned to the Department of Planning & Development Services, 440 Court Street, 3rd Floor, Clearwater, FL 33756, before the same can be processed. The time, place and date of all public hearings are available at the office of Development Services. **The applicant, or his authorized representative, must be present at any public hearing. Failure to appear shall be sufficient cause to deny the request, due to lack of evidence.** All applications must be signed by the present owner of the property.

1. Owner: _____

Mailing Address: _____ City: _____

Street Address: _____ City: _____

State: _____ Zip Code: _____ Telephone No: _____

Daytime Phone: _____ Fax No. _____ Email: _____

2. Representatives Name: _____

Mailing Address: _____ City: _____

State: _____ Zip Code: _____ Telephone No: _____

Daytime Phone: _____ Fax No. _____ Email: _____

2A. If the owner is a corporation, partnership, or trust, list all persons (i.e. partners, corporate officers, all members of the trust) who are a part to such, as well as anyone who may have a beneficial interest in the property which would be affected by any ruling in their application

Specify interest held: _____

11. Has any previous application or appeal been filed in connection with this property within the last two years? (Yes) (No) If so, briefly state the nature of the application or appeal? _____

12. The following data and exhibits must be submitted with this application and they become a permanent part of the public records:

(A) Plot plan, drawn to scale showing all existing and proposed structures, use of each, dimension, spacing between structures, setbacks from all property lines, property dimensions, abutting streets and other public easements, clearly delineated off-street parking spaces and North point. If the plan is larger than 11" X 17", twelve copies will be required. Plot plans not containing adequate information cannot be considered by the Board.

(B) Excavation or filling. If excavation or filling of land is involved, applicant must comply with Article II, Div. 7 of the Pinellas County Land Development Regulations.

(C) Signs. If the application is in regard to a sign, the size, location and elevation of the proposed sign must be shown. Also see Article VII, Div. 3 of the Pinellas County Land Development Regulations.

(C) Adult Use Variance (see Ordinance 90-65).

13. Date Property Acquired: _____

14. Does applicant own any property contiguous to the subject property? (Yes) (No)
If so, give complete legal description of contiguous property:

15. If this request is for a variance from the minimum lot/parcel area requirements, please answer the following questions?

(A) Was this land obtained from anyone who owns land contiguous to this parcel? (Yes) (No)

(B) Is contiguous land available for acquisition, and if so, have you made a diligent effort to acquire additional land so as to meet the minimum lot size required by zoning? (Yes) (No)

In seeking a minimum lot/parcel size variance, you will be required to demonstrate and document to the Board of Adjustment that your purchase of the lot/parcel did not create the non-conforming lot size and that you are unable to acquire additional land to meet the minimum area requirements.

16. Have you been notified of a violation from?

Pinellas County Building? _____ Violation Number _____

Pinellas County Code Enforcement? _____ Violation Number _____

Other? _____ Violation Number _____

If there is no violation, what prompted you to file this application? _____

CERTIFICATION

I hereby certify that I am the owner and record title holder or trustee of the property described herein; that I have read and understand the contents of this application, and that this application, together with all supplemental data and information is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature appearing below. It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request; that the burden is on the undersigned to provide substantial and competent evidence to show that relevant criteria is met prior to any approval being granted; and further that if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions, and rules and regulations pertaining to the use of the subject property. I further understand that any misrepresentation of the facts contained herein may render action on this request by Pinellas County to be null and void.

Signature of Owner or Trustee
*(See note below)

Date: _____

STATE OF FLORIDA; COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this _____ day of _____,
20 _____ by _____ who is known to me or has produced
_____ as identification and who did (did not) take an oath.

Notary Public
(seal)

*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.

BOARD OF ADJUSTMENT APPLICATION

FOR OFFICE USE ONLY

BA No. _____

Date of hearing: _____ Atlas Page Number: _____

Nature of hearing: _____

General Description of hearing: _____

Hurricane Evacuation Zone: _____

To Permit: _____

CHECK LIST

- _____ All items on application completed unless not applicable (N/A)
- _____ Signature of current owner - notarized
If corporation - Sealed
If not the owner - a written notarized authorization from the owner is to be included in the application.
- _____ Filing Fee
- _____ Plot Plan
 - _____ Scale on plan and North Point
 - _____ Lot Dimensions
 - _____ Setbacks
 - _____ Street Names
 - _____ Existing and proposed uses
 - _____ Signs (size, location & elevation) if applicable
 - _____ Off-street parking (if applicable)
 - _____ Fills/Excavations (if applicable)
 - _____ Engineered plans approved by Engineering & Environmental Management

HOA: Yes () No ()

Airport: Yes () No ()

Wellhead: Yes () No ()

COUNTY OF PINELLAS
INFORMATION SHEET FOR THOSE SEEKING REVIEW
BY THE BOARD OF ADJUSTMENT

1. Be certain that the application is completely filled out and all requirements for filing the application have been met. The Board of Adjustment will not consider incomplete applications.
2. The Board of Adjustment has the following powers:
 - A. Review of requests for Special Exceptions as provided by the Zoning code.
 - B. Review of requests for variance to the literal terms of the Zoning Ordinance, the Adult Use Ordinance.

In filling out the application form, check the appropriate action you are requesting. If you are uncertain as to which type of action relates to your situation, you will find an explanation below.

3. Note the property description section. The type of structure presently on the land must be shown (i.e., Single family residence, one story real estate office, etc.) If there are no structures at all on the land, then the answer is none.
4. Proposed use and the effect of granting the application must be described.
5. Plot plan/site plan, drawn to scale, showing the following:
 - A. Location and dimensions of all existing and proposed structures.
 - B. Dimensions of the lot
 - C. Use of each structure
 - D. Spacing between structures
 - E. Setbacks from property lines
 - F. Abutting streets and easements
 - G. Clearly delineated off-street parking spaces and drives
 - H. North point
 - I. Curb cuts
 - J. Proposed screening or buffering (together with type, height and dimensions)
 - K. If the plan is larger than 11" X 17" thirteen (13) copies shall be required.

In the event the applicant does not submit a site plan meeting the above requirements, the Board shall not consider the application.

6. As an official agency of the County Government, the Board must balance the public and private interest in matters entrusted to it. The applicant should therefore be extremely careful in stating the reason he believes the application should be granted. The following may be helpful:
 - A. If the application is for a special exception --

A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district, but which is controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, convenience or economy. The Board of Adjustment may grant a special exception if the facts and conditions prescribed in the Ordinance as those upon which a special exception may be granted, are found to exist (see Article II, Div. 3 and Div. 7 of the Pinellas County Land Development Regulation or Code) and other applicable provisions of the code.

In stating grounds in support of an application for a special exception, it is necessary to show where you think the Zoning Ordinance covers your particular case, but it is important to remember that you must also show that granting the special exception will service not only your

personal interest, but also the interest of the County as a whole. Show what effect the granting of the request will have on adjacent and nearby properties. If your application will deal with questions of traffic and pedestrian flow and safety, curb cuts, off-street loading and parking, off-street pickup of passengers, odor, glare and noise, refuse and service areas, drainage, screening and buffering for protection of adjacent and nearby properties, and open spaces and economic impact on nearby properties; you should show how you propose to handle such issues. Please remember that granting special exceptions must be consistent with the present, as well as future situations in the area.

To seek a special exception, the applicant does not need to show hardship.

Writing special exceptions into Zoning Ordinances is obviously not done so that grants will be automatic. Rather, the purpose is to see that the uses under special exception, when allowed, are compatible with the surrounding neighborhood and that the public, as well as the private, welfare will be served.

In granting special exceptions, the Board of Adjustment may attach appropriate and reasonable conditions and safeguards. The conditions are a part of approval and must be strictly adhered to.

B. If the application is for a variance:

A variance may be granted by the Board of Adjustment to allow the applicant relief from the literal requirements of the Ordinance because they impose unnecessary hardship or where unusual circumstances exist. Hardship and unusual circumstances may not result from actions of the applicant and variances shall not be contrary to public interest. The Board is not authorized to grant a variance to establish or expand a use that is not allowed in the particular zoning district. It may grant variances for relaxation of height, area, size of structure, size of yards and open spaces, etc.

In stating grounds which support a variance application, the applicant must show unnecessary hardship. That means hardship that is peculiar to the specific land, structure, or building involved and where such hardship is not generally shared by all other properties, or does not exist most of the time in the district. It is very important to show how your particular situation differs from others and how the situation imposes unique, undue and unnecessary hardship on the property in question. See Article II, Div.3 and Div. 7 and other applicable provisions of the Pinellas County Code.

You should show that the hardship does not exist because of your personal actions and that granting the variance will not confer special privileges not enjoyed by other owners of property.

You should show that granting the variance will not adversely affect other properties or the character of the district. The Board cannot grant a variance that is detrimental to the public interest.

The Board may attach appropriate and reasonable safeguards (conditions) to the approval of a variance. These conditions are a part of the approval and strict conformance must be adhered to.

The Board is not bound to grant a variance simply because the request is made. The applicant must show the facts and the law applicable to his situation. A Carefully prepared statement of the grounds on which the variance is sought is a prime requisite to possible favorable Board action.

7. The Board shall have the authority to modify or revoke a previously granted variance or special exception. Such modification or revocation may occur when the Board finds the use of the variance or special exception:
 - A. Is or has become detrimental to the general health, safety or welfare;
 - B. Does not meet the letter or the intent of the original standards requirement for such approval; or
 - C. Does not meet the letter or the intent of the special standards or conditions attached by the Board during the approval.
8. The complete applications together with the appropriate fee must be in the hands of the Zoning Section by the monthly deadline. Applications received after that time must be held over to the following month. Deadline times are available at the Department of Planning & Development Services.
9. Review of decisions made by the Board of Adjustment is through the Courts of the State of Florida.
10. The Zoning Section stands ready to answer questions about the procedures, duties and powers of the Board of Adjustment. You may contact our office at (727) 464-3401.

SPECIAL NOTE TO TOWER APPLICANTS:

*Pinellas County encourages all towers to be of limited height and located in commercial or industrial areas or as camouflaged structures in all areas (see Pinellas County Code Section 138-1347). Other towers may be erected as Special Exceptions after a showing of compliance with certain standards (Sec 138-236, sec 138-240 (25) Pinellas County Code) **The burden is on the applicant to provide substantial and competent evidence to demonstrate compliance with these standards and the Board of Adjustment must be satisfied those standards are met prior to granting an approval.** The applicant should review these standards carefully and submit evidence with the application to demonstrate these standards are met. Evidence may be in the form of professionally prepared technical reports, affidavits, or other substantial and complete evidence. Such information will be considered by the Pinellas County Staff in preparing its recommendation to the Board and ultimately the Board of Adjustment required this information in rendering its decision. The applicant is strongly advised to submit this information with their application. **Applications containing insufficient information cannot be considered for approval.***

If you have questions please contact the Development Review staff at (727) 464-3401.