

APPLICATION FOR VARIANCE



PLANNING AND ZONING DEPARTMENT

CITY OF INDIAN ROCKS BEACH

www.indian-rocks-beach.com

There is a link to the Indian Rocks Beach Code of Ordinances at the website noted above.

(This form was revised MARCH 2022 and replaces and supersedes all previous application forms)

What is a variance?

A variance is a modification from the literal interpretation of one or more provisions of the land development regulations set forth in Subpart B of the Indian Rocks Beach Code of Ordinances. A variance allows deviation to a specific regulation when a property is uniquely burdened by the application of a law to the extent that the application prevents reasonable use of the property. The applicant must present evidence that substantiates an undue and unnecessary hardship, whereby it is concluded that the hardship present is not a personal, self-created result of an intentional or negligent violation of the code either due to unfamiliarity with the code, personal preference and/or inconvenience.

What materials must be included to complete an application?

- ☐ Application for variance
- ☐ Agent of record
- ☐ Certification
- ☐ Survey
- ☐ Plans, other drawings or supplementary information

Is there a fee to submit an application?

Yes. The particular fee required is based on the request, as set forth in the Indian Rocks Beach Code of Ordinances, Sections 15-20 through 15-24, Schedule of fees. This is **NOT** an all- inclusive schedule of fees.

Sec. 15-20. - Public hearing fees. The following fees shall be paid in addition to any other fees in this chapter where an application is filed requiring action. The appropriate fees, costs, and other charges specified shall be submitted with, and paid at the time of, initial application submission or other initial document submission except otherwise specified in this Code.

(1) *Variance applications to board of adjustments and appeals:* Public hearing fees for variance or special exception/conditional use applications to be heard by the board of adjustments and appeals shall be as follow:

a. Special exceptions\$400.00

b. Variances:

- | | |
|--|----------|
| 1. Existing, nonconforming conditions .. | \$250.00 |
| 2. New projects or existing, conforming conditions | \$400.00 |
| 3. Accessory uses | \$200.00 |
| 4. Flood variances | \$100.00 |
| 5. Other variances | \$400.00 |

c. The applicant shall pay the advertising and notification costs of the public hearing prior to a permit being issued, or within 30 days after final action.

NOTE: Advertising includes the cost of running ads in the newspaper. Notification costs include the cost of postage for each letter mailed to surrounding property owners within 150 feet of the subject property for both the Board of Adjustment and Appeals hearing and the hearing before the City Commission.

In signing this application, the applicant is responsible for these fees regardless of whether the application is approved or disapproved by the City Commission.

What is the application process?

Each application is assigned a BOA Case number and is scheduled for two public hearings. The schedule is determined by the date the application is received by the department. Hearing one is before the Board of Adjustment and Appeals. The board will make a recommendation to either approve or deny the request. The recommendation will be forwarded to the City Commission, who will render a final decision during hearing two.

Where can further information be found and what else do I need to know?

The required application forms are provided on the following pages. Additional copies are available from City Hall or from <http://www.indian-rocks-beach.com/> - permits/pdfs

GRAPHICS: Graphics such as surveys, site plans, drawings, photographs, etc., should be submitted by email to: hharmon@irbcity.com in either PDF or JPEG format.

All information submitted with the application or provided at a public hearing will be kept by the City of Indian Rocks Beach as part of the record of the application and hearing.

If the information submitted with the application is incomplete or insufficient, the Planning and Zoning Consultant may postpone having the application heard by the Board of Adjustments and Appeals and the City Commission until the application is deemed sufficiently complete for public presentation.

Most applications for variances will not pass the variance review criteria. A variance hearing is a quasi-judicial proceeding. Please be prepared to argue your case. A good presentation can greatly assist an applicant.

APPLICATION FOR VARIANCE

CITY OF INDIAN ROCKS BEACH PLANNING AND ZONING

Enquiries City Hall: 727.595.2517 or Hetty Harmon: 863.646.4771 x211 Email: hharmon@irbcity.com
Address: 1507 Bay Palm Boulevard, Indian Rocks Beach, FL 33785

For Office Use Only

Application No.

Date Received

APPLICANT

Name:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

AGENT/REPRESENTATIVE

Name:

Company:

Address:

City:

Zip Code:

Tel:

Fax:

Mobile:

Email:

SITE DETAILS

Address:

Parcel ID:

City:

Zip Code:

Legal
Description:

Zoning:

Future Land Use:

Size:

SITE DETAILS CONTINUED...

Does applicant own any property contiguous to the subject property? ☐ Yes ☐ No

If yes, provide address
and legal description:

Have previous applications been filed for this property? ☐ Yes ☐ No

If yes, describe:

Has a certificate of occupancy or completion been refused? ☐ Yes ☐ No

If yes, describe:

Does any other person have ownership or interest in the property? ☐ Yes ☐ No

If yes, is ownership or
interest contingent or
absolute:

Is there an existing contract for sale on the property? ☐ Yes ☐ No

If yes, list all parties on
the contract:

Is contract conditional or absolute? ☐ Conditional ☐ Absolute

Are there options to purchase? ☐ Yes ☐ No

VARIANCE REQUEST

<u>Regulation</u>	<u>Required</u>	<u>Proposed</u>	<u>Total Requested</u>
Gulf-front setback (feet):			
Bay-front setback (feet):			
Alley setback (feet):			

VARIANCE REQUEST CONTINUED...

<u>Regulation</u>	<u>Required</u>	<u>Proposed</u>	<u>Total Requested</u>
Rear-no alley setback (feet):			
Rear-north/south street (feet):			
Street-front setback (feet):			
Side-one/both setback (feet):			
Minimum green space (%):			
Habitable stories (#):			
Minimum lot size (sq. ft.):			
Building height (feet):			
Off-street parking (spaces):			
ISR (%):			
FAR (%):			
Dock length (feet):			
Dock width (feet):			
Signage (#):			
Accessory structure (sq. ft.):			
Accessory structure height (feet):			
Lot size (sq. ft.):			

Other:

What is the proposed use
of the property?

HARDSHIP

A variance is granted on the basis of evidence being presented that justifies an undue and unnecessary hardship upon the applicant; a hardship that prevents reasonable use of the property. The following criteria, set forth in Code Section 2-152, Variances, will be used to evaluate the request for variance in order to determine if a hardship is present and if the variance will impact the overall public welfare.

Special conditions and 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:

Special conditions and circumstances do not result from the actions of the applicant:

Granting this variance will not confer on the applicant any special privilege that is denied by the chapter to other lands, structures or buildings in the same zoning district:

The literal interpretation of the provisions of Subpart B, Code Sections 78 through 110, would deprive other properties in the same zoning district under the terms of Subpart B and would work unnecessary and undue hardship upon the applicant:

HARDSHIP CONTINUED...

The variance granted is the minimum that will make possible the reasonable use of the land, structure or building:

The granting of the variance will be in harmony with the general intent and purpose of Subpart B and such variance will not be injurious to the area involved or be otherwise detrimental to the public welfare:

I (we) believe the Board of Adjustment and Appeals and the City Commission should grant this application because:

CERTIFICATION

Date: _____

I hereby certify that I have read and understand the contents of this application, and that this application together with supplemental data and information, is a true representation of the facts related to the request; that this application is filed with my approval, as owner, evidenced by my signature appearing below.

It is hereby acknowledged that the filing of this application does not constitute automatic approval of the request. Further, if the request is approved, I will obtain all necessary permits and comply with all applicable orders, codes, conditions and regulations pertaining to the use of the property.

I hereby grant authorization to any city official to inspect, as reasonable times, the site of the request.

Before me this date personally appeared: _____

Name: _____

Signature: _____

Personally known/Form of Identification _____



Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: _____ Month: _____, 20 _____

Notary Public State of Florida at Large: _____

Notary Public Commission Expiration: _____

State of Florida
County: Pinellas

APPLICATIONS FILED BY CORPORATIONS MUST BEAR THE SEAL OF THE CORPORATION OVER THE SIGNATURE OF AN OFFICER AUTHORIZED TO ACT ON BEHALF OF THE CORPORATION.

AGENT OF RECORD

Date: _____

I, _____ do hereby designate and appoint

_____ as my agent of record for the purposes of representing me during the Planning and Zoning Department's review process of my application. My agent of record is hereby vested with authority to make any representations, agreements or promises, which are necessary or desirable in conjunction with the review process. My agent of record is authorized to accept or reject any conditions imposed by any reviewing board or entity.

Name: _____ Signature: _____

My agent of record may be contacted at:

Company: _____

Address: _____

City/State: _____ Zip Code: _____

Telephone: _____ Fax: _____

Before me this date personally appeared:

Name: _____

Signature: _____

☐ Personally known/Form of Identification _____

Who, being first duly sworn, deposes and attests that the above is a true and correct certification.

Sworn to and subscribed before me this: Day: _____ Month: _____, 20 _____

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