PASCO COUNTY

DEVELOPMENT REVIEW DIVISION

PLICATION Lev P

OPMENT REVIEW

VARIANCE APPLICATION

A Variance is an adjustment which permits minor changes of the Pasco County Land Development Code requirements where individual properties are both harshly and uniquely burdened by the strict application of the law. The power to vary is restricted and the degree of the Variance is limited to the minimum change necessary to overcome the inequality inherent in the property.

- 1. A Variance recognizes that the same Land Development Code requirements do not affect all properties equally. It was invented to permit minor changes to allow hardship properties to enjoy equal opportunities with similar properties. You must prove that your land is affected by special circumstances or unusual conditions. These must result in uncommon hardship and unequal treatment under the strict application of the Land Development Code.
- 2. The applicant must prove that the combination of the Land Development Code and the uncommon conditions of your property prevents you from making any reasonable use of your land as permitted by the Land Development Code. Since the Land Development Code regulates land and not people, the following conditions cannot be considered pertinent to the application for a Variance: (1) proof that a Variance would increase the financial return from the land; (2) personal hardship; nor (3) self-imposed hardship. In the last case, the recognition of conditions created after the enactment of the Land Development Code would encourage and condone violation of the law.
- 3. No Variance may be granted which would adversely affect surrounding property or the general neighborhood. All Variances must be in harmony with the intent and purposes of the Land Development Code.

VARIANCE REVIEW

The Development Review Division recommends denial or approval of a Variance Application only after study and consideration of the following items, where applicable, as listed under Section 316.1.A.1, Pasco County Land Development Code.

- 1. That 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.
- 2. That the special conditions and circumstances do not result from the actions of the applicant.
- 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings, or structures in the same Zoning District.
- 4. The literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same Zoning District under the terms of this Code and would work unnecessary and undue hardship on the applicant.
- 5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- 6. That the granting of the variance will be in harmony with the general intent and purpose of this Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

VARIANCE NO. _____

DATE _____

PASCO COUNTY

APPLICATION FOR VARIANCE

DEVELOPMENT REVIEW COMMITTEE

VARIANCE BOARD

The undersigned owner(s) of the following legally described property have formally requested consideration of a variance in accordance with provisions of Florida Statutes and Section 316 of the Pasco County Land Development Code.

It shall be the responsibility of the petitioner, or her/his legal agent of record, to provide all information required below or any other information which is reasonable and relevant to the formulation of a recommendation to the adjustment being considered. No application for review shall be deemed complete until all required information is provided.

Name of Applicant	Core States Engineering on behalf of Circle K Stores Inc.					
Mailing Address	3904 Corporex park Drive, Suite 125, Tampa, Florida 33619					
Phone Number: Home N/A Business 813.490.1755						
Locational Description: Subdivision Name _Gulf Coast Acres Subdivision						
Parcel Identification Number: 13 24 16 0040 00100 0080						
Section <u>13</u> , Te	ownship <u>24</u> South, Range <u>16</u> East, Block <u>1</u> , Lot No. <u>6</u>					
Present Zoning District C2 - General Commercial District						

REASONS FOR REQUEST FOR VARIANCE:

Please note that the following questions must be answered completely specifically 2a-2d. If additional space is needed, attach extra pages to the application.

1. Describe generally the nature of the Variance and specific sections of the Code which are affected.

A request for the reduction of landscape setback requirements. A 20' landscape buffer is required along the north property line along Little Road. Due to the 110 foot forced dedication of the Little Road right-of-way, we request to provide a 10 foot landscape buffer along Little Road within our property and an additional 10 feet within the corridor preservation line.

2. Describe how your request demonstrates compliance with the following criteria: a. That special conditions and circumstances exist which are peculiar to the land, structures, or required subdivision improvements involved, and which are not applicable to other lands, structures, or required subdivision improvements.

The size of the site, along with the 20' landscape buffer and the county taking of property for additional right-of-way impede the design. The applicant is willing to work with the County to provide a 10' buffer on each side of the forced dedication line, to meet the 20' landscape buffer requirement along little Road.

b. That a literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties with similar conditions.

The above referenced conditions will deprive the project of full use of the property and accessory uses commonly provided by services with common interest. Without this variance the project may no longer be feasible as amenities such as accessory services and access will be affected.

c. That the actions of the applicant did not cause the special conditions and circumstances which necessitate the variance.

This variance is as a result of the County's forced dedication of the Little Road right-of-way from 196 feet to 220 feet. As a result of conflicting public information obtained from County records, a 10 foot discrepancy in existing right-of-way width was discovered.

d. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, structures, or required subdivision improvements under similar conditions.

The applicant will have no special privilege as all that is requested is the ability to have the site function as, and provide common services that a similar land use would.

3. To the best of your knowledge, can you affirm that the hardship described above was not created by the action of anyone having property interests in the land after the Pasco County Land Development Code or applicable part thereof became law? <u>YES!</u> If "NO", explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variances).

4. Are the conditions on your property the result of other manmade changes (such as the relocation of a road or highway)? <u>YES!</u>

If so, describe As Noted Above!

- 5. Which of the following types of modifications will allow you a reasonable use of your land?
 - _____ Change in setback requirement
 - _____ Change in lot coverage requirement.
 - _____ Change in side yard requirement.
 - _____ Change in parking requirement.
 - _____ Change in area requirement.
 - X Other Describe Reduce the front landscape buffer(setback)from 20 feet to 10 feet.

Allow a 10 foot landscape area within the Little Road right-of-way

6. Are the conditions of hardship for which you request a Variance true only of your property? <u>Yes</u> If not, how many other properties are similarly affected?

ADDITIONAL ITEMS REQUIRED FOR VARIANCE:

- 1. Two signed and sealed legal descriptions and sketches to be supplied at time of application.
- 2. Copy of Warranty Deed Attached
- 3. Copy of Last Year's Tax Bill Attached
- 4. Notarized Agent of Record Letter (if applicable) Attached
- 5. Is this Application the result of a Notice of Violation? <u>No</u> If so, please attach a copy of the notice.
- 6. Four (4) copies of the site plan drawn to scale showing dimensions and shape of the lot, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the lot in question. This plan should be clearly drawn and demonstrate the purpose of the variance request. <u>Attached</u>
- 7. Two 8½ x 14 photocopies: one showing the site without the variance and one showing the site with the variance. <u>Attached</u>
- 8. Variance Fee: \$100.00 (each major section). Check made payable to: Pasco County Board of County Commissioners. <u>Attached</u>

The petitioner acknowledges that all variances are adjustments which allow minor changes of the Land Development Code requirements. All sites approved for variance are subject to site preliminary plan review in compliance with the Land Development Code.

I certify that all the above statements and the statements contained in any papers or plans submitted herewith are true to the best of my knowledge and belief.

I consent to the entry in or upon the premises described in this application by any authorized official of Pasco County for the purpose of posting, maintaining, and removing such notices as may be required by law.

DATE November 12, 2007

APPLICANT'S SIGNATURE

APPLICANT'S REPRESENTATIVE Core States Engineering/Michael Flowers on behalf of Circle K Stores Ir.

ADDRESS____

3904 Corporex Park drive, Suite 125

MA

CITY, STATE, ZIP CODE _____ Tampa, Florida 33619

AGENT OF RECORD LETTER

TO THE PASCO COUNTY DEVELOPMENT REVIEW DIVISION AND/OR THE DEVELOPMENT

REVIEW COMMITTEE: T. Edward Core states Engineering/Michael Flowers

on behalf of Circle K Stores Inc.

, hereby designate and as my Agent of Record for

the purposes of representing me during the Development Review Process and/or hearing processes with regard to: (Project Name and No.) ____ 13-24-16-0040-00100-008

My Agent of Record is hereby vested with authority to make any representations, agreements, or promises that are necessary or desirable in conjunction with the review process. My Agent of Record is also authorized to accept or reject any conditions imposed by any reviewing board or entity.

DATE: __November 12, 2007

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PELSOMENT (FRUP, Inc. **IER'S SIGNATURE WNER'S TITLE** CORE SMATES ENGWERRING Michael Flowers Agent of Record / APPLICANT'S REPRESENTATIVE (PRINT) MA Agent of Record / APPLICANT/REPRSENTATIVE'S SIGNATURE 3904 Corporex Park Drive, Suite 125 ADDRESS Tampa, Florida 33619 CITY, STATE, ZIP CODE 813.490.1755

TELEPHONE NUMBER

STATE OF FLORIDA:

COUNTY OF PASCO: PINELLAS

I HEREBY CERTIFY that on this day personally appeared before me this (date), by T. EDWARD ENTREKEN

(name of person acknowledging), OLYMPIA DEVELOPMENT GROUP, INC. (name of Corporation acknowledging) who is personally known to me or who has produced _

(type of identification) as identification.

WITNESS my hand and off November, 2004.	ficial seal in the County and 2007	d Stat	e last aforesaid	this <u>12</u> day of
My commission Exp	DENNIS J. KOMAR MY COMMISSION # DD 6722 EXPIRES: July 19, 2011 Bonded Thru Notary Public Underwrit	295	NOTARY PUÉ State of Florida	

NOTE: If an Agent of Record is to be designated, all property owners of the subject property must sign this form.

AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF PASCOTHillsborough

BEFORE ME, the undersigned authority, personally appeared,

Michael Flowers

who being by me first duly sworn, under oath, deposes and states as follows:

1. That she/he/they has/have filed a variance application on property (Parcel ID NO.

_____) in the unincorporated area of Pasco

County, which, if approved, would allow the developer(s) to: _____Reduce the front

landscape buffer(setback)from 20 feet to 10 feet.

(Allow a 10 foot landscape area within the Little Road right-of-way)

2. That I hereby acknowledge that the variance, if approved, shall not:

a. Constitute authorization to begin construction.

- b. Exempt the project from certification of level of service compliance.
- c. Obligate the County to provide additional services and facilities.

FURTHER AFFIANT SAYETH NOT.

Affiant

Affiant

SWORN to and subscribed before me this day of	November	2007 , 2004.	
	Soteic	a.d.	Holton
Patricia L. Holton	N TARY PU	IBLIC	
Notary Public, State Of Florid		da at Large	
My commission X2 My Commission No. DD586710 My Commission Expires: 11/29/	08		
	ANK		

Note: <u>All</u> property owners of the subject property or their designated Agent of Record <u>must</u> sign this affidavit.



