

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 the provisions of the Florida Statutes and the Pasco County LDC, Section 316.

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.**

1. Project Name: ALDI Inc. - Holiday

2. Project No. (from DRD): IPR-08-062

3. Name of Owner: Wylie Klyce

Mailing Address: 2651 U.S. Highway 17

City: Haines City State: Florida Zip Code: 33844

Telephone Number: (863) 353-4919 Ext. 1124 Fax Number: (863) 353-4939

E-Mail Address: wylie.klyce@aldi.us

4. Name of Developer: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

E-Mail Address: _____

5. Name of Agent, if applicable: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Fax Number: _____

E-Mail Address: _____

(Attach completed Agent of Record)

Locational Description: _____

Parcel Identification Number:

Section 31, Township 26S South, Range 16E East, Sub _____, Block _____, Lot _____

Present Zoning District: C-2

REASONS FOR REQUEST FOR VARIANCE:

Using a separate application for each request, please answer the following. If additional space is needed, attach extra pages to the application.

1. State the specific section of the LDC for which the variance is requested:
LDC Section 602.7.

2. Describe the variance requested:
The variance would allow a contribution to the Tree Mitigation Fund to compensate for the lack of space to plant the number of trees required by the LDC.

3. Demonstrate compliance with one or more of the following: *See attached.*
 - a. The strict application of the land development regulation creates an unreasonable or unfair non-economic hardship, or an inordinate burden that was not created by the variance applicant.
 - b. The specific application of the land development regulation conflicts with an important Goal, Objective, or Policy of the Comprehensive Plan, or with the intent and purpose of another recently adopted land development regulation that serves a greater public purpose.
 - c. The granting of the variance will provide a net economic benefit to the taxpayers of Pasco County and is not in conflict with important Goals, Objectives, and Policies of the Comprehensive Plan.
 - d. The granting of the variance is necessary to achieve an innovative site or building design that furthers the Goals, Objectives, and Policies of the Comprehensive Plan.
 - e. The intent and purpose of the land development regulation and related land development regulations and Comprehensive Plan provisions is met or exceeded through an improved or alternate technology or design.
 - f. The granting of the variance is necessary to protect the public health, safety or welfare.
 - g. The variance is necessary to comply with State or Federal law.
 - h. The variance satisfies variance criteria set forth in the specific County land development regulation that is the basis for the variance request.
4. All variance applications that affect site conditions shall be accompanied by site plans depicting the site conditions with the granting of the variance and without the granting of the variance. Conceptual site plans may be allowed if approved by the Division Engineer (DRD) or Development Director.

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 X_____
3. Copy of Last Year's Tax Bill X_____
4. Notarized Agent of Record Letter (if applicable) X_____
5. Is this application the result of a Notice of Violation? X_____ If so, please attach a copy of the notice.
6. Application Fee: \$200.00 (each variance request).

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.

Pasco County Permits and Development Information Services
Variance Application, Land Development Code
Section 316, Variance Requests,

Attachments – Pg. 3 of 6

Section 602.7 oak tree replacement. Aldi (Florida), L.L.C. requests the Development Review Committee grant a variance from the County's land development regulation because "The variance satisfies variance criteria set forth in the specific County land development regulation that is the basis for the variance request." based on the following design feature and observation:

1. The strict application of the land development code creates an inordinate burden by requiring an inch for inch oak tree replacement. The heavily wooded property contains far too many big trees to replant inch for inch onsite even though a concrete retaining wall along a portion of the site is proposed to reduce the removal of trees.
2. The total amount of inches required to be replaced is 526". We are proposing to replace/install a total of 276" the difference is 250". Using a 3" caliper oaks/canopy trees, this would require an additional 84 trees to be planted. With the required landscaping installed, the site does not have adequate planting space to accommodate an additional 84 trees. We have not enclosed a sketch as it is impossible to plant an additional 84 trees in conjunction with the required landscaping.

TREE REMOVAL

TREES TO BE REMOVED

LIVE OAKS

OTHER TREES (>10")

SIZE (INCHES)	No.	TOTAL (INCHES)	No.	TOTAL (INCHES)
7"	1	7"	35	285"
8"	1	8"		
10"	2	20"		
12"	2	24"		
14"	4	56"		
15"	2	30"		
16"	1	16"		
17"	3	51"		
18"	1	18"		
19"	2	38"		
24"	1	24"		
28"	2	56"		
30"	1	30"		
32"	1	32"		
36"	1	36"		
TOTAL:	25	446"	35	285"

TREES TO BE PLANTED

SIZE (INCHES)	No.	TOTAL (INCHES)		
3"	92	276"		

REPLACEMENT INCHES

SIZE (INCHES)	No.	TOTAL (INCHES)	EQ.	TOTAL (INCHES)
LIVE OAKS	25	446"	1/1	-446"
OTHERS	35	285"	1/3	-85"
GRAND TOTAL				-531"
REPLACEMENT INCHES				276"
DIFFERENCE				-255"

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: 9/8/09

APPLICANT'S SIGNATURE: [Signature]

APPLICANT'S REPRESENTATIVE: Wylie Kyle, Director of Real Estate

ADDRESS: 2651 U.S. Highway 17

CITY: Haines City STATE: Florida ZIP CODE: 33844