

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.**

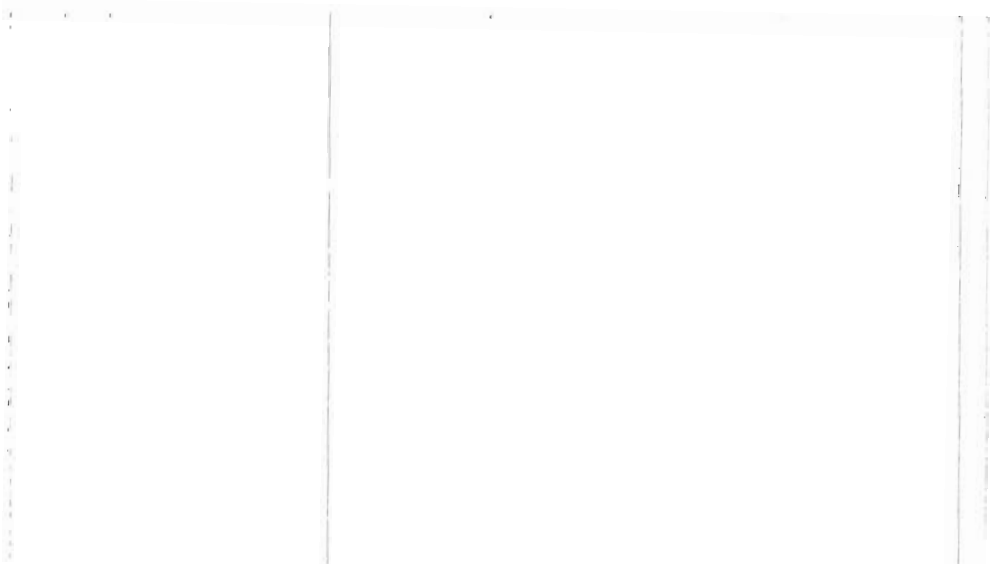
1. Project Name: Red Robin Gourmet Burgers - Wiregrass
2. Project No. (from DRD): IPR10-013
3. Name of Owner: Goodforest LLC (Thomas Dowling)  
 Mailing Address: 50 Public Square Ste 1300  
 City: Cleveland State: OH Zip Code: 44113  
 Telephone Number: 216 416 3573 Fax Number: 216 496 4228  
 E-Mail Address: thomasdowling@forestcity.net
4. Name of Developer: Red Robin International Inc. (Tyson Boiko)  
 Mailing Address: 6312 S. Fiddlers Green # 2001  
 City: Greenwood Village State: CO Zip Code: 80111  
 Telephone Number: 303 846 6089 Fax Number: 303 846 6110  
 E-Mail Address: tboiko@redrobin.com
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: 28222 Willet Way Wesley Chapel, FL.

Parcel Identification Number:

Section 30, Township 26 South, Range 20 East, Sub 0000, Block 00100, Lot 0020

Present Zoning District: DRI. Wiregrass Ranch (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 617.4.H.1.a
2. Describe the variance requested:  
Relief From the above code requirements on the North and West Sides of the buildings.
3. Demonstrate compliance with one or more of the following:
  - 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 ✓
3. Copy of Last Year's Tax Bill ✓
4. Notarized Agent of Record Letter (if applicable) ✓
5. Is this application the result of a Notice of Violation? NO If so, please attach a copy of the notice.
6. Application Fee: ✓ (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.

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: 5-3-10

APPLICANT'S SIGNATURE: *[Signature]*

APPLICANT'S REPRESENTATIVE: Tyson Boiko

ADDRESS: 6312 S. Fiddlers Green # 2001

CITY: Greenwood Village STATE: CO ZIP CODE: 80111

AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PASCO

BEFORE ME, the undersigned authority, personally appeared, Tyson Boiko

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. 30-26-20-0000-00100-2030) in the unincorporated area of Pasco County, which, if approved, would allow the developer(s) to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
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.

[Signature]  
AFFIANT

\_\_\_\_\_  
AFFIANT

SWORN to and subscribed before me this 3<sup>rd</sup> day of May, 2010.

[Signature]  
NOTARY PUBLIC  
State of Florida at Large

My Commission Expires: 1/30/2014

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



My Commission Expires 01/30/2014



RED ROBIN INTERNATIONAL, INC.  
6312 S. Fiddler's Green Circle #200N  
Greenwood Village, CO 80111  
303.846.6000

5/7/2010

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Ms. Pamela Shaw:  
Pasco County Development Review:

Subject: Variance Request for Project # IPR10-013

Dear Ms. Shaw:

Red Robin International Inc. is requesting a variance on Pasco County Land Development Review project # IPR10-013, planning comment # 26 dated April 5<sup>th</sup>, 2010. We are seeking relief from LDC code 617.4.H.1.a, on the grounds that the strict application of the land development regulation is providing an unreasonable and inordinate burden that was not created by Red Robin International Inc.

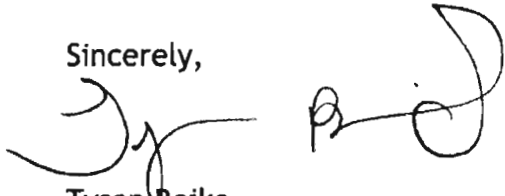
- The LDC requirement is for a minimum 10' foundation landscape buffer on the North and West sides of the Red Robin building, Red Robin is currently providing approximately a 5' wide buffer on each side, as shown on the exhibit.
- Due to an existing 72" underground main sewer line, there is a serious constraint on the available area to develop on this leased property. The existing storm sewer main currently provides service for roughly 40% of the shopping center. The sewer main was in place prior to Red Robin's request for land use approval, however the size was not discovered until after development had begun.
- To accommodate the available space, Red Robin had to redesign and reduce the size of the proposed building by 88sq ft. The dashed line shown overlapping the storm sewer indicates a prototypical Red Robin Building. In addition the Red Robin building at the front door is approximately 2.5' from the pipe, and is located as close as it can be to maintain the structural integrity of the pipe.
- Without the variance, Red Robin would have to further reduce the size of the building by approximately 1,012 sq ft, which would be roughly 20% of a standard sized Red Robin building, which is not a viable option. The exhibit details how much more of the building would need to be cut off to accommodate the LDC to within tolerances.

6312 S. Fiddlers Green Circle Ste. 200N • Greenwood Village, Co. 80111  
(303) 846-6089 • (303) 846-6110fax • tboiko@redrobin.com

- Red Robin is showing the maximum amount of landscaping available on the North and South sides of the building, since there is no way to move the proposed building South or East to be in compliance with the LDC code.

We hope the exhibit and our explanation provides enough details for the Development Review Committee Board to make a fair decision. We will be available at the hearing to provide any additional testimony or answer any questions related to our request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tyson Boiko', written in a cursive style.

Tyson Boiko  
Manager - Property Development  
Red Robin International Inc.

CC: file, Pasco County