

PASCO COUNTY

DEVELOPMENT REVIEW DIVISION

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 Equus Reserve, LLC

Mailing Address 3870 Tampa Road, Suite E, Oldsmar, FL 34677

Phone Number: Home (727)439-4447 Business (727)439-4447

Locational Description: Subdivision Name Equus Reserve

Parcel Identification Number:

Section 15, Township 24 South, Range 18 East, Block 0, Lot No. 1

Present Zoning District R2

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.
602.5 Section 602.5 of the LDC requires replacement of removed trees ten inches dbh or larger, inch for inch. Applicant requests relief from this requirement.
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.
Site has an extraordinarily high density of large caliper trees, leaving little room for replanting in the remaining area outside of the lake excavation. A substantial number of trees to be removed are not worth preservation, also.
 - 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.
A literal interpretation would render the remaining site unusable as grazing land.
 - c. That the actions of the applicant did not cause the special conditions and circumstances which necessitate the variance.
The site conditions have existed without action by applicant.
 - 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.
No special privilege involved.
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? YES X NO _____. 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)?
No.

If so, describe

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.

☒ Other - Describe **Reduce replanting requirement to trees required to meet buffer requirements of Section 603.**

6. Are the conditions of hardship for which you request a Variance true only of your property? Don't Know.
If not, how many other properties are similarly affected?
Any other property with similarly high density of large caliper trees and a lake excavation would be affected.

ADDITIONAL ITEMS REQUIRED FOR VARIANCE:

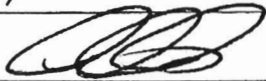
1. Two signed and sealed legal descriptions and sketches to be supplied at time of application.
2. Copy of Warranty Deed _____
3. Copy of Last Year's Tax Bill _____
4. Notarized Agent of Record Letter (if applicable) _____
5. Is this Application the result of a Notice of Violation? No If so, please attach a copy of the notice.
6. 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.
7. Two 8½ x 14 photocopies: one showing the site without the variance and one showing the site with the variance.
8. Variance Fee: \$100.00 (each major section). Check made payable to: Pasco County Board of County Commissioners.

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 05/21/07

APPLICANT'S SIGNATURE 

APPLICANT'S REPRESENTATIVE N/A

ADDRESS 3870 Tampa Road, Suite E

CITY, STATE, ZIP CODE Oldsmar, FL 34677

AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF PASCO)

BEFORE ME, the undersigned authority, personally appeared,
Andrew G. Irick, II,

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. 15-24S-18E-0000-00100-0000) in the unincorporated area of Pasco County, which, if approved, would allow the developer(s) to: Reduce required number of replant trees for replacement.
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 26th day of May, 2007

Linda B. Schumacher
NOTARY PUBLIC

State of Florida at Large

My commission Expires:



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

Tree Summary Table

Existing Tree - Summary*

| | |
|-------------------------------|---------------------|
| Existing Live Oaks | 34,504 inches |
| Existing Other Oaks | 10,380 inches |
| Existing Pine & Other Species | 117 inches |
| | <hr/> 45,001 inches |

Trees To Be Removed - Summary

| | |
|-----------------------------|--------------------|
| Live Oaks removed | 7,099 inches |
| Other Oaks removed | 855 inches |
| Longleaf Pine removed | 0 inches |
| Other species to be removed | 60 inches |
| Total Removed | <hr/> 8,014 inches |

Trees To Be Replaced - Summary

| | | | |
|---|---------|------------------|--------------------|
| Lots - 7 - 2" Trees per lot | | | |
| 158 Lots X 7 X 2" | | | 2,212 inches |
| Buffers | | | |
| Type 'A' Buffer | 2919 LF | 98 - Trees (2") | |
| Type 'B' Buffer | 2009 LF | 67 - Trees (2") | |
| Type 'C' Buffer (Mine) | 2880 LF | 96 - Trees (2") | |
| Type 'D' Buffer | 3961 LF | 132 - Trees (2") | |
| | | 393 Trees | |
| Inches to be Replaced - 393 Trees X 2" | | | <hr/> 786 inches |
| Total Lot and Buffer Inches to be Replaced | | | <hr/> 2,998 inches |

* totals do not include stumps or dead trees that may be identified on the tree survey.

Tree Replacement Summary*

Mitigation requirements per Pasco County Code:

Live Oak trees are on a one inch replacement for each inch removed basis:
7,099 inches removed = **7,099** inches to be replaced.

Other tree species are at a ratio of one inch replacement for each three inches removed basis:
915 inches removed = **305** inches to be replaced.

Grand Total of new replacement trees: 7,099 + 305 = **7,404** inches to be replaced.

Lot and Buffer inches replaced: **2,998** inches replaced.

| | |
|---|--------------------|
| Total Inches not replaced (per variance) = | 7,404 |
| | <hr/> -2,998 |
| | 4406 inches |

*based on field inventory by ISA Certified Arborist.