



# VARIANCE APPLICATION

## IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:

You must schedule an appointment to submit this application by calling 813-277-1630.

All requirements listed on the submittal checklist must be met. **Incomplete applications will not be accepted.**

### Property Information

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_ TWN-RN-SEC: \_\_\_\_\_

Folio(s): \_\_\_\_\_ Zoning: \_\_\_\_\_ Future Land Use: \_\_\_\_\_ Property Size: \_\_\_\_\_

### Property Owner Information

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Email: \_\_\_\_\_ FAX Number: \_\_\_\_\_

### Applicant Information

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Email: \_\_\_\_\_ FAX Number: \_\_\_\_\_

### Applicant's Representative (if different than above)

Name: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

Address: \_\_\_\_\_ City / State/Zip: \_\_\_\_\_

Email: \_\_\_\_\_ FAX Number: \_\_\_\_\_

I HEREBY SWEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APPLICATION PACKET IS TRUE AND ACCURATE, TO THE BEST OF MY KNOWLEDGE, AND AUTHORIZE THE REPRESENTATIVE LISTED ABOVE TO ACT ON MY BEHALF FOR THIS APPLICATION.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Type or Print Name

I HEREBY AUTHORIZE THE PROCESSING OF THIS APPLICATION AND RECOGNIZE THAT THE FINAL ACTION ON THIS PETITION SHALL BE BINDING TO THE PROPERTY AS WELL AS TO CURRENT AND ANY FUTURE OWNERS.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Type or Print Name

### Office Use Only

Intake Staff Signature: \_\_\_\_\_ Intake Date: \_\_\_\_\_

Case Number: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

Receipt Number: \_\_\_\_\_

# **AFFIDAVIT TO AUTHORIZE AGENT**

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

\_\_\_\_\_  
(NAME OF ALL PROPERTY OWNERS), being first duly sworn, depose(s) and say(s):

1. That (I am/we are) the owner(s) and record title holder(s) of the following described property, to wit:  
ADDRESS OR GENERAL LOCATIONS: \_\_\_\_\_ Folio No: \_\_\_\_\_
2. That this property constitutes the property for which a request for a: \_\_\_\_\_ (NATURE OF REQUEST) is being applied to the Board of County Commissioners, Hillsborough County.
3. That the undersigned (has/have) appointed \_\_\_\_\_ as (his/their) agent(s) to execute any permits or other documents necessary to affect such permit.
4. That this affidavit has been executed to induce Hillsborough County, Florida, to consider and act on the above-described property;
5. That (I/we), the undersigned authority, hereby certify that the foregoing is true and correct.

\_\_\_\_\_  
Signature (Property Owner)

\_\_\_\_\_  
Signature (Property Owner)

<b>STATE OF FLORIDA</b>	
<b>COUNTY OF HILLSBOROUGH</b>	
The foregoing instrument was acknowledged before	
me this _____ by _____	
Date	Property Owner
Who:	
_____ Personally known to me _____ Florida Drivers License	
_____ Other Type of Identification	
And Who:	
_____ did _____ did not take an oath.	
_____ Signature of Notary taking acknowledgement	
_____ Type/Print Name of Notary	
_____ Commission Number	_____ Expiration Date

<b>STATE OF FLORIDA</b>	
<b>COUNTY OF HILLSBOROUGH</b>	
The foregoing instrument was acknowledged before	
me this _____ by _____	
Date	Property Owner
Who:	
_____ Personally known to me _____ Florida Drivers License	
_____ Other Type of Identification	
And Who:	
_____ did _____ did not take an oath.	
_____ Signature of Notary taking acknowledgement	
_____ Type/Print Name of Notary	
_____ Commission Number	_____ Expiration Date



## **VARIANCE CRITERIA RESPONSE**

*You must provide a response to each of the following questions. If additional space is needed, please attach extra pages to this application.*

1. Explain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not those suffered in common with other property similarly located?

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2. Describe how the literal requirements of the Land Development Code (LDC) would deprive you of rights commonly enjoyed by other properties in the same district and area under the terms of the LDC.

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3. Explain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.

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4. Explain how the variance is in harmony with and serves the general intent and purpose of the LDC and the Comprehensive Plan (*refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose*).

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5. Explain how the situation sought to be relieved by the variance does not result from an illegal act or result from the actions of the applicant, resulting in a self-imposed hardship.

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6. Explain how allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.

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# **VARIANCE APPLICATION SUBMITTAL CHECKLIST**

The checklist below includes items and information that must accompany all variance requests. The applicant must fill out the checklist by placing a checkmark in each box indicating the information has been provided and sign below certifying that the application is complete. Failure to submit accurate data may require the application to be continued to a later public hearing date.

*Incomplete applications will not be accepted.*

- Application Fee - Check made payable to Hillsborough County Board of County Commissioners.
- Completed Variance Application with Affidavit to Authorize Agent, if applicable.
- Completed Variance Request and Additional Information Sheet.
- Adjacent Property Owners List. The list must be obtained from the Property Appraisers Office located on the 16<sup>th</sup> floor of the County Center Bldg (601 E. Kennedy Boulevard). **Do not retype the list.**
  - o If your property has an Agricultural Future Land Use Designation or a Future Land Use Designation of RES-1 you must obtain a list of all property owners within **500 feet** of the subject property. For all other Future Land Use Categories you must obtain a list of all property owners within **300 feet** of the subject property.
- Completed Variance Criteria Response Form.
- Recorded Deed for the Subject Property. This can be obtained from the Clerk of the Circuit Court Recording Library located at 419 Pierce Street.
- Legal Description of Subject Property. This information can be found on your deed or on the property survey.
- Property Survey. The survey (Occupational Survey) must have been done within the last two years and must be to scale. At least one copy must be 8 ½ X 11 inches in size. At a minimum, the survey must include the following information:
  - 1) North arrow and Folio number, property owner's name, and address of subject site;
  - 2) Dimensions of the property;
  - 3) All road frontage, driveways, and easements;
  - 4) All existing and proposed buildings and structures on the property, the square footage of these structures, and the distance from said structures, fences to all property lines;
  - 5) Location of any on-site wetlands;
  - 6) Height of all existing and proposed structures;
  - 7) Information relevant to the specific variance requested.
- Copy of any citations issued by Code Enforcement for the subject property, if applicable.
- Wetland Setback Variance Memorandum – Attachment A - This memo must be complete for all requests for a variance to the wetland setback.

Applicant Signature: \_\_\_\_\_  
I certify that I have completed the application and have included all material checked above.

# **ATTACHMENT A - TO BE COMPLETED FOR ALL WETLAND SETBACK VARIANCE REQUESTS**

## **MEMORANDUM**

To: Land Use Application Intake and Review Staff, Planning and Growth Management

From: Natural Resources Section Staff, Transportation & Land Development Review Division

Subject: **Request for a Variance to a Wetland Setback**

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A preliminary review of the request for a variance to the wetland setback for folio number \_\_\_\_\_ has been conducted by Planning & Growth Management (PGM)-Natural Resources Section staff. As a result of this review it has been determined that a variance application must be filed to achieve compliance with Article 4.0 of the Land Development Code. The decision concerning this application will be determined by the Land Use Hearing Officer (LUHO) fifteen (15) business days following the public hearing.

In order for this application to be processed, all applicable fees must be paid at the time of filing. These fees include the PGM application processing fee of \$595.00, a \$107.00 sign posting fee advertising the variance request and a \$270.00 Environmental Protection Commission (EPC) application review fee.

### **Additional Submittal Requirements:**

- Any correspondence from other jurisdictional agencies pertinent to the request.
- Scaled tree survey identifying trees 5 inches DBH (trunk diameter at 4 ½ feet above grade) located within that portion of the setback for proposed encroachment and within 30 feet from the boundaries of the proposed encroachment.
- Site Plan Requirements (must be to scale):
  - Official EPC accepted wetland survey. A signed EPC accepted survey of the wetland line must be provided unless the property is a platted subdivision lot with an official date of recording 5 years or less from the date of this application.
  - Pertinent wetland setback line (i.e. 30 feet or 50 feet) clearly identified.
  - A cross-section of the wetland setback area identifying proposed impervious and pervious improvements, existing grade elevations, proposed finished grade elevations & any special design (i.e. stemwalls or retaining walls) to minimize encroachments into the setback.
  - Label each area of wetland setback impervious encroachment, providing the depth and widths of the encroachment and from these dimensions calculate the **actual encroachment square footage area**.
  - Submit a Wetland Setback Encroachment Compensation Planting Plan meeting the criteria of the PGM’s and EPC’s Wetland Setback Encroachment Vegetation Compensation Guidelines if the impervious and/or pervious encroachment square footage area is 500 square feet or more. However, for residential lots a Compensation Planting Plan must be submitted if the impervious/pervious encroachment square footage area is more than 500 square feet or 10% or greater than the total square footage area of the property’s wetland setback whichever is less.
  - Provide a narrative for justification of the encroachment.
  - Show the compensation area and label the square footage of the compensation area.
  - Identify vegetative cover type within the wetland setback.

Preliminary Review and Site Plan Sufficiency Check Conducted By: \_\_\_\_\_

Specific Variance Requested: \_\_\_\_\_

# CROSS SECTION EXAMPLE

