



CITY OF GULFPORT, FLORIDA
Community Development Department

**VARIANCE GUIDELINES
AND APPLICATION PACKET**

Note: Please be aware that these guidelines are intended only as a guide to assist you in submitting your variance application.

I. PREAPPLICATION CONFERENCE

Prior to submittal of an application, it is strongly recommended that the applicant schedule a conference with a staff member from the Planning & Development Division of the Community Development Department (phone: 727-893-1063). The purpose of the conference is to advise the applicant regarding the review standards and process for the application. While staff may assist you with the application they cannot answer the questions for you; the applicant must determine the hardship. The office is located at 2401 53rd Street South Gulfport, Florida 33707.

II. MINIMUM REQUIREMENTS FOR APPLICATION

A. COMPLETE ORIGINAL APPLICATION FORM

All forms must be typewritten or clearly printed in ink. Must be signed in the presence of a notary.

B. APPLICATION FEE (cash, check or money order payable to the *City of Gulfport*)
• **\$190.00**

C. AFFIDAVIT TO AUTHORIZE AGENT/APPLICANT Required if anyone will represent the property owner during the review process and/or public hearing; or if the applicant is someone other than the owner. Note: If property has been recently sold and ownership cannot be verified through the County Property Appraiser's office, then submittal of recorded deed may be necessary. Affidavit must be signed in the presence of a notary.

D. STATEMENT OF VARIANCE HARDSHIP Explain how the variance request meets each of the 10 criteria for granting a variance. Staff can assist in explaining the criteria but cannot tell you what to write.

E. TEN (10) COPIES OF THE SITE PLAN– Minimum of 8 ½" x 11".

Site plans are required with all variance requests. If your plans are larger than 11" x 17", please provide an 8 ½" x 11" version. Site plans shall provide all information outlined on Exhibit D, Site Plan Requirements of the application package. Any other information the applicant wants the Board of Adjustments to have in making a decision can also be submitted with the application. Ten (10) copies of these documents are also required. Please note that the setbacks for a variance are measured to the edge of the gutter or eave, not the wall of the structure. Architectural encroachments, which are not shown on the plan, cannot be placed into a reduced setback.

F. SURVEY

If the site plan is not based on a survey please provide a clear copy of the property survey when the application is submitted.

III. **SUBMITTAL OF AN APPLICATION**

The application and all information outlined in Item II above must be submitted in person no later than 4:00 p.m. of the application deadline date to:

City of Gulfport
Planning & Development Division
Community Development Department
5330 23rd Avenue South
Gulfport, Florida 33707

V. **SCHEDULING OF APPLICATIONS**

At time of application submittal applicant is given a tentative hearing date subject to certification of their application. Within one week of submittal the Planning & Development staff will certify the application when it has been determined that all information on the application is correct and complete. After certification by Planning & Development staff the application will be transmitted to the City Clerk and scheduled for public hearing. If the application information is not correct or complete the applicant will be contacted and given three (3) business days to correct and resubmit. If applicant does not resubmit corrections within three (3) business days then the applicant's tentative hearing date may be changed to the next available date.

VI. **APPEAL**

The applicant may appeal the BOA's decision to the Gulfport City Council, as provided by law. The appeal must be in writing and shall be submitted to the City Clerk's Office, 2401 53rd Street South, City Hall. Payment of the \$80.00 appeal fee shall be collected by the City Clerk's Office. The City Clerk shall schedule the appeal hearing and notify the applicant of the time and date of the Public Hearing. **Appeals must be filed within five (5) days of the decision of the Board.**

VII. **ACTIONS**

The BOA meets the second Wednesday of each month at 6:30 p.m. in the Gulfport City Council Chambers, 2401 53rd Street South. The applicant or agent must appear at the public hearing to present their case and furnish the BOA with any further information they may need. The applicant will first give their presentation. Following the presentation the board will ask if City staff has any comments and then open up the hearing to the public. If any opponents speak at the hearing the applicant will be given the chance to rebut. Once the public hearing is closed neither the applicant nor any interested party may speak unless the board asks a question of them. The Board may approve, approve with conditions, deny or continue the application. The variance(s) will become effective on the date the Board votes to approve or approve with conditions.

Within one (1) year of the approval date for an application, applicant must have submitted a permit application. Failure to meet this time limit shall result in cancellation of the approved variance.

VIII. **COMPLIANCE WITH ALL APPLICABLE CITY CODES**

The effect of a BOA approval is that only the specific variance requested is approved and any other code requirements not addressed at the BOA hearing must still be met at the time of permitting.

Community Development Department
VARIANCE APPLICATION

TO BE COMPLETED BY THE PLANNING & DEVELOPMENT DIVISION

Application #: _____ Public Hearing Date: _____ File Date: _____

SUBJECT PROPERTY INFORMATION

Property Address or Legal Description: _____

Property Identification Number (PIN): _____

Available from the Pinellas County Property Appraiser at (727) 464-3207 www.poa.pinellas.fl.us

VARIANCE REQUEST (briefly describe what you are proposing to do and why you need a variance)

OWNER /APPLICANT INFORMATION (Owner information is required whether the owner is the applicant or not)

Owner/Applicant Name: _____

Mailing Address: _____

Phone Number: Day _____ Evening _____ Other _____

Email Address: _____

AGENT/APPLICANT (If agent will represent owner or if applicant is different from owner)

Agent /Applicant Name: _____

Mailing Address: _____

Phone Number: Day _____ Evening _____ Other _____

Email Address: _____

I hereby certify that the information on this application is true and complete.

Applicant's Signature

Sworn and Subscribed before me this

_____ day of _____,
20____.

Notary Stamp and Signature

My Commission Expires: _____

Community Development Department

VARIANCE APPLICATION

AFFIDAVIT TO AUTHORIZE AGENT AND/OR APPLICANT TO EXECUTE VARIANCE APPLICATION

STATE OF FLORIDA
COUNTY OF PINELLAS

NAME(S) OF PROPERTY OWNER(S), being first duly sworn, depose(s) & say(s):

1. That (I am/we are) the owner(s) and record title holder(s) of the following described property:

Address or Legal Description: _____

2. That this property constitutes the property for which a request for a:

(NATURE OF REQUEST) is being applied to the Board of Adjustments of, Gulfport, Florida;

3. That the undersigned (has/have) appointed and (does/do) appoint

as (his/their) agent(s) to execute any applications or other documents necessary to affect such application;

4. That this affidavit has been executed to induce the City of Gulfport, 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.

SIGNED (Property Owner)

SIGNED (Property Owner)

SIGNED (Property Owner)

Sworn to & subscribed before me this
_____ day of _____, 20_____.

Notary Public, State of Florida
My Commission Expires: _____

Community Development Department

VARIANCE APPLICATION

STATEMENT OF VARIANCE HARDSHIP

The applicant must explain how the variance request meets the following ten hardship criteria:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings, or structures in the same zoning district; _____

- (2) The special conditions and circumstances do not result from the actions of the applicant; _____

- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures in the same zoning district; _____

- (4) Literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant; _____

- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; _____

- (6) The granting of the variance will be in harmony with the general intent and purpose of the chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare; _____

- (7) There will be full compliance with any additional conditions and safeguards which the board may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both; _____

- (8) The variance is authorized only for height, area, and size of structure or size of yards in open space; _____

- (9) Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance; _____

(10) A variance shall not be granted because of the presence of nonconformities in the zoning classification or district or adjoining zoning classifications or districts. _____

Community Development Department

VARIANCE APPLICATION

SITE PLAN REQUIREMENTS FOR APPLICATION

The applicant must submit a scaled site plan that shall include a north point and legend with the variance application. The variance site plan should be no smaller than 8^{1/2}" x 11" and no larger than 11" x 17"; if the site plan is larger than 11" x 17" the applicant will be required to provide enough copies for all reviews and for the Board of Adjustment members. Please **individually fold** all plans larger than 8^{1/2}" x 14". Below is a list of additional information required for the application and site plan.

THIS APPLICATION MUST BE SUBMITTED WITH THE FOLLOWING DOCUMENTS:

- I. All variances to the height, bulk, or placement of a structure, or for placement of a fence must include:
- A. A site plan showing the immediate context of the lot and all natural features (trees, bodies of water, etc.) **Scale 1"=20' to 1"=60'**. A survey should have most of this information for your use.
 - 1) Name, location and width of exiting streets and alley rights-of-way, adjacent to the site.
 - 2) Location, width and type of all easements adjacent to or located on the site.
 - 3) Location, size, height (when applicable) and use of all existing principal and accessory buildings.
 - 4) Location, size, height (when applicable) and use of all proposed additions and/or new buildings.
 - 5) Existing and proposed building setbacks.
 - 6) Location and dimension of existing and proposed driveways and parking areas include typical parking space dimensions.
 - 7) Location of all trees on the subject property and any trees within 20' of the property that may affect the variance.
 - B. Front and corner elevations of the proposed building: **Minimum Scale 1/8"=1'.0"**
Photographs of all existing construction may satisfy the front and corner elevation requirement.
 - C. Staff may require additional information for other variance requests, e.g., parking variances.
- II. For signs also include:
- A. Rendering of sign showing size, lettering style, type of support or standard, and lighting.
 - B. Scaled drawing showing size and location of the lot, the building and all existing and proposed signs on site.
 - C. Photographs showing the structures and all existing signs.
 - D. Proximity of the proposed sign to other signs.

Staff reserves the right to reject the application if the site plan does not clearly show the required setbacks and other pertinent information required for the variance request.