

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. They are derived from Chapter 22 of the City Code; please refer to Chapter 22 for any concerns or clarifications regarding these guidelines. You may view Chapter 22 of the City Code by visiting the online library at www.municode.com.

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.

OMISSION OF MINIMUM REQUIREMENTS MAY RESULT IN A DELAY OR DENIAL BY THE BOARD OF ADJUSTMENTS. This list is not all-inclusive and applicants should be aware they have the burden to prove that a hardship exists. Minimum materials must be provided unless instructed by staff otherwise. Additional materials may be provided that an applicant feels will help to explain what they want to do and why they feel they need a variance.

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*)

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. COPY 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 a reduced version no larger than 11" x 17". Site plans shall provide all information outlined on Exhibits A and B. Any other information the applicant wants the Board of Adjustments to have in making a decision can also be submitted with the application. Architectural encroachments, which are not shown on the plan, cannot be placed into a reduced setback.

F. SURVEY.

Please provide a clear copy of a tree, boundary, and topographic survey of the project site when the application is submitted.

G. OTHER ITEMS.

Photographs, interior building plans, elevation drawings and architectural/home/condominium association or board written approvals.

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

IV. SCHEDULING OF APPLICATIONS.

At time of application submittal applicant is given a tentative hearing date subject to certification of their application. Within 5 business days 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. 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.

V. 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 \$88.00 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.**

VI. 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.

VII. 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.

CITY OF GULFPORT, FLORIDA
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; please circle all that apply)

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; please circle all that apply)

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: _____

CITY OF GULFPORT, FLORIDA
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: _____

CITY OF GULFPORT, FLORIDA
Community Development Department

VARIANCE APPLICATION

STATEMENT OF VARIANCE HARDSHIP

A variance may be granted when, because of special conditions, a literal enforcement of the provisions of the Code will result in unnecessary and undue hardship. The applicant must explain how the variance request meets the following ten hardship criteria. Space is provided for the applicant's response to each criterion. In order to authorize any variance from the terms of the Gulfport Code of Ordinances Chapter 22, the Board of Adjustment must find that:

- (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.
(Explain what special conditions make your situation different from other properties.)

- (2) The special conditions and circumstances do not result from the actions of the applicant.
(Explain how the situation was created.)

- (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.
(Is what you want to do something special that other properties in the same zoning have not been allowed to do?)

- (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.
(Is what you want to do something that is done on other properties in the same zoning district and, if so, how does the ordinance prevent you from doing so?)

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

(Have you explored all other options to do what you want to do and found that variance you are seeking is for the least amount [height, area, and size of structure or size of yards in open space] necessary?)

- (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.

(Is the variance that you are requesting detrimental in any way to the area or to the public? Things to consider are: Is it safe; does it provide for balanced space between buildings and your yard; does it preserve the scenery; does it preserve property and land values, and generally promote desirable living and working conditions?)

- (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. *(You agree to comply with any conditions imposed by the Board if they grant your variance, including time limits for when the variance requested must be done.)*

- (8) The variance is authorized only for height, area, and size of structure or size of yards in open space. *(Are you requesting a variance regarding dimensions of a structure, size of your yard, or for another situation where variance is allowed by Code, such as fence height, parking, and sign size?)*

- (9) Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance. *(Will the variance you are requesting create or expand a situation that would not otherwise be permitted?)*

- (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.

(Are you requesting a variance because there are other nonconforming situations in your area?)

EXHIBIT A
SITE PLAN REQUIREMENTS OF THE APPLICATION PACKAGE

**** ON YOUR SITE PLAN PLEASE PROVIDE THE FOLLOWING INFORMATION:**

Project, Location and Boundaries

- Type of request (variance, conditional use, etc.) address of project, date, north arrow, and scale of drawing.
- Lot boundaries, surrounding streets and alleys (include r-o-w widths), sidewalks, existing buildings, and all other existing improvements located onsite.

Percentages and Figures

- Dimensions of lot and all existing and proposed structures.
- Total square footage of buildings and total square footage of impervious (paved or built over).
- Total square footage of lot.
- Floor area ratio (total building square footage divided by lot square footage; expressed as a percent).
- Impervious surface ratio (total building and paving on the site divided by lot square footage; expressed as a percent).
- If multiple uses are requested provide total square footage breakdown by uses (for example-office, retail, restaurant, etc.). If mix of uses includes residential please provide total number of residential units.

Parking & Access

- Draw in all parking spaces:
Required dimensions are: 9 ft. wide x 18 ft. long (regular space)
 12 ft. wide x 18 ft. long + 5 ft. wide paved aisle to entrance for ADA
 (handicapped) access.
- Tabulation for required number of parking spaces.
- Show access points and internal driveways and walkways.

Proposed Improvements and Additional Information

- Show all existing or proposed fences/walls or landscape buffers and indicate their height.
- Garbage collection area.
- Existing and planned landscaping or green space areas.
- Location of exterior lights.
- Indicate any proposed construction or additions to existing buildings and any other proposed improvements (make sure that existing improvements are differentiated from proposed improvements, e.g., utilization of hatching or different colors)
- Location of signs if any (along with dimensions and type of sign, e.g., wall, monument, etc.).

Submit with Application

- Ownership information (copy of deed; if you are representing the owner or are the applicant but do not own the property have owner(s) complete the affidavit provided in application, which must be notarized).
- Brief description of your business, hours of operation and number of employees.
- Two architectural renderings of the site or photos if utilizing existing site.
- Tree, Boundary, & Topographic Survey.

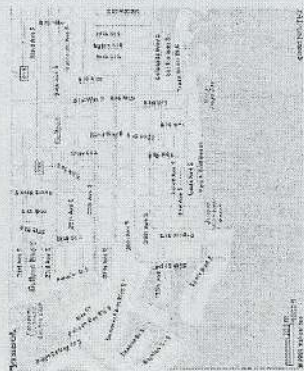
**** This list is for use as a guideline only. Additional information may be required.**

EXHIBIT B SAMPLE SITE PLAN

Exhibit B

Restaurant Site Plan (57 Seats)

General Location: 2913 Beach Boulevard South



Site Data
 Zoning District: VPD-MSU
 PLD: C-1
 Current Use: Restaurant
 Proposed Use: Restaurant
 Total Land Area: 3,100 sq. ft.
 Building Area: 1,888 sq. ft.
 (includes enclosed/covered parking)
 P.A.S.: 28
 L.S.R.: 52

Conditions of Approval

1. Applicant shall coordinate with the Public Works Department to install a backflow preventer in accordance with Public Works specifications.
2. Proposed improvements shall be completed within one year of approval or site plan will expire.
3. All marking and signage for handicapped parking space will comply with Federal ADA standards.
4. Property must comply with the City of Gulfport Outdoor Seating Ordinance 22-06-09.
5. Any new building, driveway/entrance (access points) must meet all applicable hard development and building codes at time of permitting.

General Notes

1. Original site plan approved on 04/16/86 showed 3 parking spaces for the 42 seat restaurant. The applicant received a variance on 01/22/05 to reduce the additional 15 seat required parking from 4 to 1 space. Therefore total parking required is 3 regular parking spaces and 1 ADA parking space.
2. Applicant will provide new landscaping on south side to buffer proposed shed.

Legal Description
 5.000' x 100.00' Parcel # according to Plat of Beach Cottage
 288, Subdivision as recorded in Plat Book 3, Page 24 of this
 Public Records of Pinellas County, Florida.

