

### LAND USE HEARING OFFICER VARIANCE REPORT

**APPLICATION NUMBER: VAR 22-1009 (REHEARING)** 

LUHO HEARING DATE: November 21, 2022 | CASE REVIEWER: Sam Ball

**BACKGROUND:** This variance application was heard at the July 25, 2022 Land Use Hearing Officer meeting. The applicant requested setback variances for the existing single-family dwelling on the property and for an existing detached garage (staff report attached). The hearing officer approved the setback variance for the single-family home and denied the setback variance for the detached garage. The applicant sought reconsideration of the denied variance as provided by LDC Section 10.02.03.I on the grounds that two exhibits he had submitted were not placed into the case record by staff and therefore were not available for review by the hearing officer. The hearing officer granted the request for a rehearing of the denied variance on the basis of mistake, inadvertence or excusable neglect.

**REQUEST:** The applicant is requesting a setback variance for an existing detached garage on property zoned PD 80-0046.

### **VARIANCE(S):**

### **Detached Garage**

Per the certified general site plan for PD 80-0046, single-family dwellings may be developed as zero lot line units, with zero side yard setback on one side of the lot and a minimum separation of 10 feet between dwellings. The home on the subject property and neighboring lots were developed as zero lot line units. The home on the subject property has zero setback from the northerly lot line, as does the home on the adjacent lot to the south. Therefore, a minimum setback of 10 feet is required from the south lot line of the subject property.

Per LDC Section 6.11.04.C.2 accessory structures may occupy required side yards provided that such structures are more distant from the street than any part of the principal building on the same lot and any lot abutting said required side yard; provided, however, that such accessory structures are not closer than three feet from any side lot line, including architectural features such as cornices, eaves and gutters. In the subject case, the detached garage is closer to the street than a portion of the home on the lot. Therefore, the detached garage is subject to the same setbacks described above for the single-family dwelling. The applicant requests an 9.6-foot reduction to the required south side yard setback to allow a 0.4-foot setback from the south property line, as measured to the structure eaves.

### **FINDINGS:**

- Property Appraiser records and aerial photographs show the detached garage was built after January 25, 2020.
- The applicant has been cited for building the garage without permits (HC-CMP-21-0000240). If the requested variance is approved, the applicant must obtain after-the-fact building permits.

APPLICATION: VAR 22-1009 (REHEARING)
LUHO HEARING DATE: November 21, 2022

CASE REVIEWER: Sam Ball

#### **DISCLAIMER:**

The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

### ADMINISTRATOR'S SIGN-OFF

Tue Nov 8 2022 10:20:35

Attachments: Application Site Plan

**Petitioner's Written Statement** 

Current Deed Zoning Violation

July 25, 2022 Staff Report



#### LAND USE HEARING OFFICER VARIANCE REPORT

APPLICATION NUMBER: VAR 22-1009	
LUHO HEARING DATE: July 25, 2022	CASE REVIEWER: Sam Ball

**REQUEST:** The applicant is requesting setback variances for an existing detached garage and single-family dwelling on property zoned PD 80-0046.

### **VARIANCE(S):**

### **Single-Family Dwelling**

Per the certified general site plan for PD 80-0046, single-family dwellings may be developed as zero lot line units, with zero side yard setback on one side of the lot and a minimum separation of 10 feet between dwellings. The home on the subject property and neighboring lots were developed as zero lot line units. The home on the subject property has zero setback from the northerly side lot line, as does the home on the adjacent lot to the south. Therefore, a minimum side yard setback of 10 feet is required from the south lot line of the subject property. The applicant requests a 0.9-foot reduction to the required south side yard setback to allow a 9.1-foot setback from the south property line.

### **Detached Garage**

Per LDC Section 6.11.04.C.2 accessory structures may occupy required side yards provided that such structures are more distant from the street than any part of the principal building on the same lot and any lot abutting said required side yard; provided, however, that such accessory structures are not closer than three feet from any side lot line, including architectural features such as cornices, eaves and gutters. In the subject case, the detached garage is closer to the street than a portion of the home on the lot. Therefore, the detached garage is subject to the same setbacks described above for the single-family dwelling. The applicant requests an 9.6-foot reduction to the required south side yard setback to allow a 0.4-foot setback from the south property line, as measured to the structure eaves.

### **FINDINGS:**

- Property Appraiser records and aerial photographs show the single-family home on the property was built in 1986 and the detached garage was built after January 25, 2020.
- The applicant has been cited for building the garage without permits (HC-CMP-21-0000240). If the requested variance is approved, the applicant must obtain after-the-fact building permits.

### **DISCLAIMER:**

The variance listed above is based on the information provided in the application by the applicant. Additional variances may be needed after the site has applied for development permits. The granting of these variances does not obviate the applicant or property owner from attaining all additional required approvals including but not limited to: subdivision or site development approvals and building permit approvals.

### ADMINISTRATOR'S SIGN-OFF

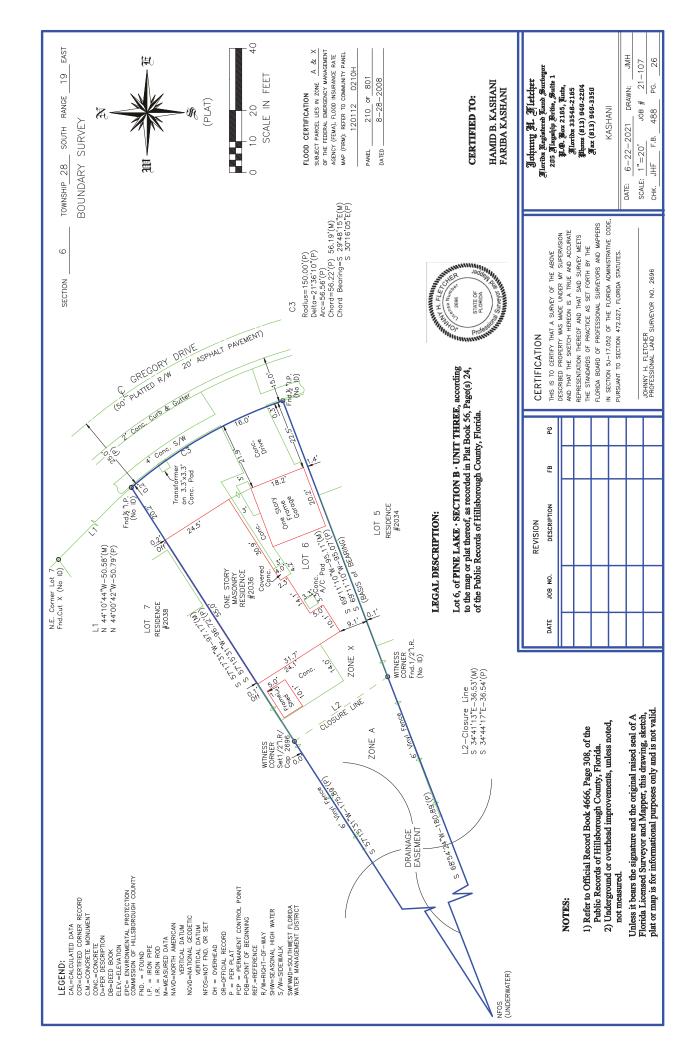
T Fri Jul 15 2022 14:46:13

**Attachments: Application** 

Site Plan

**Petitioner's Written Statement** 

**Current Deed Zoning Violation** 







	Office Use Only	
Application Number:	Received Date:	Received By:
must be submitted providing project size the cover letter m	a summary of the changes and/or additional	that was previously submitted. A cover letter information provided. If there is a change in ionally, the second page of this form <u>must</u> be the this form.
Application Number: $22$	_ 1009 Applicant's Name:	HAMID B. KASHANT
Reviewing Planner's Name:	SAM BALL	Date: 6-17-2022
Application Type:  Planned Development (PD	)	e (PRS) 🔲 Standard Rezoning (RZ)
☑ Variance (VAR)	Development of Regional Impact (DRI)	☐ Major Modification (MM)
Special Use (SU)	Conditional Use (CU)	<b>O</b> ther
Current Hearing Date (if applic	cable): JULY 25, 202 Z	
mportant Project Size Ch Changes to project size may re	sult in a new hearing date as all reviews will be	subject to the established cut-off dates.
Will this revision add land to t f "Yes" is checked on the above	he project? Yes No e please ensure you include all items marked wi	th $st$ on the next page.
	from the project? Yes No No e please ensure you include all items marked wi	th ⁺on the next page.
Email this form a	long with all submittal items indicated on ZoningIntake-DSD@hcflgov.ne	
titled according to its conten	and minimum resolution of 300 dpi. Each ite ts. All items should be submitted in one email Maximum attachment(s) size is 15 MB.	
For additional help and su	bmittal questions, please call (813) 277-1633 o	or email ZoningIntake-DSD@hcflgov.ne <u>t</u> .
certify that changes describe		made to the submission. Any further changes
Hamill	Hashan)	6-7-2022
	Signature	Date



# Identification of Sensitive/Protected Information and Acknowledgement of Public Records

Pursuant to <u>Chapter 119 Florida Statutes</u>, all information submitted to Development Services is considered public record and open to inspection by the public. Certain information may be considered sensitive or protected information which may be excluded from this provision. Sensitive/protected information may include, but is not limited to, documents such as medical records, income tax returns, death certificates, bank statements, and documents containing social security numbers. While all efforts will be taken to ensure the security of protected information, certain specified information, such as addresses of exempt parcels, may need to be disclosed as part of the public hearing process for select applications.

Additionally, parcels exempt under <u>Florida Statutes §119.071(4)</u> will need to contact <u>Hillsborough County</u> <u>Development Services</u> to obtain a release of exempt parcel information.

Are you seeking an exemption from public scrutiny of selected information submitted with your application pursuant to Chapter 119 FS? Yes W No
I hereby confirm that the material submitted with application
Does not include sensitive and/or protected information.  Please note: Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.
If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed wit the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.
Signature: Hannel Lashane (Must be signed by applicant or authorized representative)
Intake Staff Signature: Date:



Please indicate below which revised/additional items are being submitted with this form.

Inc	luded	Submittal Item
1		Cover Letter*+ If adding or removing land from the project site, the final list of folios must be included
2		Revised Application Form*+
3		Copy of Current Deed* Must be provided for any new folio(s) being added
4		Affidavit to Authorize Agent* (If Applicable) Must be provided for any new folio(s) being added
5		Sunbiz Form* (If Applicable) Must be provided for any new folio(s) being added
6		Property Information Sheet*+
7		Legal Description of the Subject Site*+
8		Close Proximity Property Owners List*+
9		Site Plan*+ All changes on the site plan must be listed in detail in the Cover Letter.
10		Survey
11		Wet Zone Survey
12		General Development Plan
13		Project Description/Written Statement
14		Design Exception and Administrative Variance requests/approvals
15	$\overline{\mathbf{Q}}$	Variance Criteria Response
16		Copy of Code Enforcement or Building Violation
17		Transportation Analysis
18		Sign-off form
19	Q	Other Documents (please describe):
		THIS IS AN ADEMOUM TO THE ORIGINAL APPLICATION.
		ORIGINAL APPLICATION.

<sup>\*</sup>Revised documents required when adding land to the project site. Other revised documents may be requested by the planner reviewing the application.

<sup>\*</sup>Required documents required when removing land from the project site. Other revised documents may be requested by the planner reviewing the application.

Application Number:	22-1009
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## **VARIANCE REQUEST**

space	e is needed, please attach extra pages to this application.
Aski	ng for variance 0.8 feet from the south neighboring property structure resulting 9.2 feet separation.
PI	080-0046 lot development requirement.
P	ADDITIONAL INFORMATION
Have	
Have If yes Do ye	ADDITIONAL INFORMATION  you been cited by Hillsborough County Code Enforcement? No Yes
Have If yes Do ye No _ the ap Is thi If yes	ADDITIONAL INFORMATION  you been cited by Hillsborough County Code Enforcement? No Yes s, you must submit a copy of the Citation with this Application.  ou have any other applications filed with Hillsborough County that are related to the subject property?  Yes If yes, please indicate the nature of the application and the case numbers assigned
Have If yes Do ye No _ the ap Is thi If yes this A	ADDITIONAL INFORMATION  you been cited by Hillsborough County Code Enforcement? No Yes s, you must submit a copy of the Citation with this Application.  ou have any other applications filed with Hillsborough County that are related to the subject property?  Yes If yes, please indicate the nature of the application and the case numbers assigned a request for a wetland setback variance? No Yes s, you must complete the Wetland Setback Memorandum and all required information must be included we

3

07/02/2014



	Office Use Only	
Application Number:	Received Date:	Received By:
must be submitted providing project size the cover letter m	a summary of the changes and/or additional	that was previously submitted. A cover letter information provided. If there is a change in ionally, the second page of this form <u>must</u> be the this form.
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Reviewing Planner's Name:	SAM BALL	Date: 6-17-2022
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Current Hearing Date (if applic	cable): JULY 25, 202 Z	
mportant Project Size Ch Changes to project size may re	sult in a new hearing date as all reviews will be	subject to the established cut-off dates.
Will this revision add land to t f "Yes" is checked on the above	he project? Yes No e please ensure you include all items marked wi	th $st$ on the next page.
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certify that changes describe		made to the submission. Any further changes
Hamill	Hashan)	6-7-2022
	Signature	Date



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Are you seeking an exemption from public scrutiny of selected information submitted with your application pursuant to Chapter 119 FS? Yes W No
I hereby confirm that the material submitted with application
Does not include sensitive and/or protected information.  Please note: Sensitive/protected information will not be accepted/requested unless it is required for the processing of the application.
If an exemption is being sought, the request will be reviewed to determine if the applicant can be processed wit the data being held from public view. Also, by signing this form I acknowledge that any and all information in the submittal will become public information if not required by law to be protected.
Signature: Hannel Lashane (Must be signed by applicant or authorized representative)
Intake Staff Signature: Date:



Please indicate below which revised/additional items are being submitted with this form.

Inc	luded	Submittal Item
1		Cover Letter*+ If adding or removing land from the project site, the final list of folios must be included
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Application Number:	22-1009
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### **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.

	lain how the alleged hardships or practical difficulties are unique and singular to the subject property and are not e suffered in common with other property similarly located?
	ilar to other neighboring homes, this portion of the house was designed and permitted by Hillsborough County tude the water heater for the house.
	cribe how the literal requirem ents of the Land Development Code (LDC) would deprive you of rights commonly byed by other properties in the same district and area under the terms of the LDC.
The	ere are other similar homes in this Pine Lake subdivision that have the same condition.
	lain how the variance, if allowed, will not substantially interfere with or injure the rights of others whose propert yild be affected by allowance of the variance.
The	e existing situation has not interfere with the neighbor s for 37 years.
Con	lain how the variance is in harmon y with and serves the general intent and purpose of the LDC and the apprehensive Plan (refer to Section 1.02.02 and 1.02.03 of the LDC for description of intent/purpose).
	velopment in the Hillsborough County
	lain how the situation sought to be relieved by the variance does not result from an illegal act or result from the ons of the applicant, resulting in a self-imposed hardship.
The	e home was built around 1984/1985 and permitted by Hillsborough County which included the water heater set.
	lain how allowing the variance will result in substantia l justice being done, consider ing both the public benefit s nded to be secured by the LDC and the individual hardships that will be suffered by a failure to grant a variance.
Itv	will not be fair to tear the corner of the building down and rebuilt it.

INSTRUMENT#: 2013455366, BK: 22297 PG: 336 PGS: 336 - 337 12/06/2013 at 01:14:03 PM, DOC TAX PD(F.S.201.02) \$0.70 DEPUTY CLERK:LPERTUIS Pat Frank, Clerk of the Circuit Court Hillsborough County

### **QUITCLAIM DEED**

This QUITCLAIM DEED, is made on the day of May, 2013 by and between Hamid B. Kashani and Fariba-G. Kashani ("First Party") whose residence and/or mailing address is 1923 Curry road, Lutz, Florida 33549 and Hamid B. Kashani ("Second Party") whose residence and /or mailing address is 1923 Curry Road Lutz, Florida 33549.

In consideration for the sum of Ten Dollars (\$10.00) paid by the Second Party does hereby remise, release and forever quitclaim to the First Party any right, title, interest and claim which the Second Party has in and to the following described real property, together with any improvements thereon:

Address:

2036 Gregory Drive

Tampa, Florida 33613

### **Description of Property (including any improvements):**

LOT 6, PINE LAKE, SECTION B, UNIT 3, PLAT BOOK 56, PAGE 24 OF PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA

### Add release of Dower, Curtesy or other Spousal Rights, if applicable:

**TO HAVE AND TO HOLD** the above described property unto the Second Party, and the Second Party's executors, administrators, successors and assigns forever.

It is understood that this conveyance is made without covenants or warranties of any kind, either express or implied.

IN WITNESS WHEREOF, the First Party has signed and sealed this Quitclaim Deed on the above date.

Witnesses:  Hinel Benabdallah.	First Party    Carkon   Hamid B. Kashani and Fariba G. Kashani
Marta Santiago MARTA SANTIAGO	Second Party Jaskan  Hamid B. Kashani

## STATE OF FLORIDA COUNTY OF HILLSBOROUGH

I HERBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared FARIBA G. KASHANI to me known to be the person described in or who produced WYULCOVE as identification and who executed the foregoing instrument, and she acknowledged before me that the matters contained therein are true.

WITNESS my hand and official seal in the County and State last aforesaid, this 24 day of May, 2013.



Notary Public

My Commission Expires:

## STATE OF FLORIDA COUNTY OF HILLSBOROUGH

I HERBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared FARIBA G. KASHANI to me known to be the person described in or who produced before me that the matters contained therein are true.

WITNESS my hand and official seal in the County and State last aforesaid, this  $\underline{\cancel{84}}$  day of May, 2013.

IVETTE RIVERA
MY COMMISSION # EE855216
EXPIRES March 13, 2017
FlorideNotaryService.com

Notary Public

My Commission Expires:



### **VARIANCE APPLICATION**

### **IMPORTANT INSTRUCTIONS TO ALL APPLICANTS:**

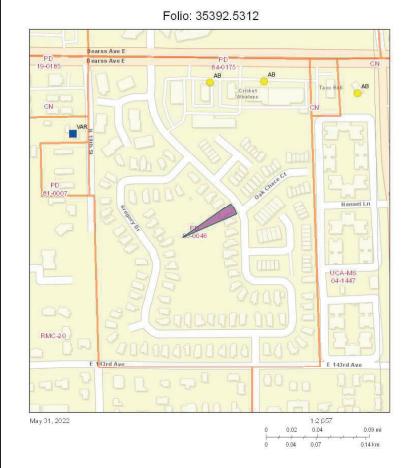
You must schedule an appointment to submit this application by calling 813-272-5600. All requirements listed on the submittal checklist must be met. Incomplete applications will not be accepted.

Property Information						
Address: _	2036 Gregory Dr.	City/State/Zip:	Tampa FI, 33613	TWN-RN-SEC: <u>28-19-6</u>		
Folio(s):	35392-5312	Zoning: PD 80-00	Future Land Use: _	R-20 Property Size: 0.17 AC		
Property Owner Information						
Name:	Hamid Kasha	ani	Dayti	me Phone: (813) 728 1064		
Address: _	1923 Curry Rd.		City/State/Zip:	Lutz, Fla. 33549		
Email:	frrh1923@aol.com		FA>	X Number:		
Name:	Hamid Kashani	Applicant	<b>Information</b> Dayti	me Phone: (813) 728 1064		
Address: _	1923 Curry Road	23 Curry RoadCity/State/Zip:				
Email:	frrh1923@aol.com		FA>	Number:		
Applicant's Representative (if different than above)						
Name:	ame:Daytime Phone:					
Address: _	City / State/Zip:					
Email:			FAX	Number:		
I HEREBY'S WEAR OR AFFIRM THAT ALL THE INFORMATION PROVIDED IN THIS APP LICATION 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.			AND RECOGNIZE TH	ZE THE PROCESSING OF THIS APPLICATION HAT THE FINAL ACTION ON THIS PETITION G TO THE PROPERTY AS WELL AS TO FUTURE OWNERS.		
Signature of Applicant			Signature of Property			
Hamid B. Kashani Type or Print Name			Type or Print Name	shani		
Intake Staff Signature: Clare Odell Office Use Only Intake Date: 05/31/2022						
Case Number: 22-1009 Public Hearing Date: 7/25/2022			 ng Date: 7/25/2022			
Receipt Number: 164526						



### PARCEL INFORMATION HILLSBOROUGH COUNTY FLORIDA

Jurisdiction	Unincorporated County	
Zoning Category	Planned Development	
Zoning	PD	
Description	Planned Development	
RZ	80-0046	
Flood Zone:A		
Flood Zone:X	AREA OF MINIMAL FLOOD HAZARD	
FIRM Panel	0204H	
FIRM Panel	12057C0204H	
Suffix	Н	
Effective Date	Thu Aug 28 2008	
FIRM Panel	0210H	
FIRM Panel	12057C0210H	
Suffix	Н	
Effective Date	Thu Aug 28 2008	
Pre 2008 Flood Zone	Х	
Pre 2008 Flood Zone	Х	
Pre 2008 Firm Panel	1201120210E	
County Wide Planning Area	University Area Community	
Community Base Planning Area	University Area Community	
Planned Development	PD	
Re-zoning	null	
Major Modifications	03-0042	
Personal Appearances	95-0150,90-0163,88-0067	
Census Data	Tract: 010817 Block: 2009	
Future Landuse	R-20	
Urban Service Area	TSA	
Waste Water Interlocal	City of Tampa Waste Water	
Water Interlocal	City of Tampa Water	
Mobility Assessment District	Urban	
Mobility Benefit District	1	
Fire Impact Fee	Northwest	
Parks/Schools Impact Fee	NORTHEAST	
ROW/Transportation Impact Fee	ZONE 1	
Wind Borne Debris Area	Outside 140 MPH Area	
Wind Borne Debris Area	140 MPH Area	
Competitive Sites	NO	
Redevelopment Area	University Redevelopment Area	



Hillsborough County Fbr

Folio: 35392.5312
PIN: U-06-28-19-1GD-000000-00006.0
HAMID B KASHANI AND FARIBA KASHANI
Mailing Address:
1923 CURRY RD
LUTZ, FL 33549-3773
Site Address:
2036 GREGORY DR

TAMPA, FI 33613 SEC-TWN-RNG: 06-28-19

Acreage: 0.176373 Market Value: \$185,817.00 Landuse Code: 0100 SINGLE FAMILY

Hillsborough County makes no warranty, representation or guaranty as to the content, sequence, accuracy, timeliness, or completeness of any of the geodata information provided herein. The reader should not rely on the data provided herein for any reason. Hillsborough County explicitly disclaims any representations and warranties, including, without limitations, the implied warranties of merchantability and fitness for a particular purpose. Hillsborough County shall assume no liability for:

1. Any error, omissions, or inaccuracies in the information provided regardless of how caused.

OI 2. Any decision made or action taken or not taken by any person in reliance upon any information or data furnished hereunde

Application Number	•
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### VARIANCE APPLICATION SUBMITTAL CHECKLIST

The checklist below includes ite ms and information that must accompany all variance requests. The applicant m ust fill out the checklist by placing a check mark 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.

iater public	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 15 <sup>th</sup> floor of the County Center Bldg (601 E. Kennedy Boulevard). <b>Do not retype the list.</b>
	o If your property has an Agricultural Future Land Us e Designation or a Future Land Use Designation of RES-1 you must obtain a list of all property owners within <b>500 feet</b> of the subject property. For all other Future Land Use Categories you must obtain a list of all property owners within <b>300 feet</b> 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 struct ures 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;  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.
	owner is a corporation, submit the Sunbiz information indicating that you are authorized to sign the application davit. This can be obtained at http://sunbiz.org/
Applicant S	Fignature:  I certify that I have completed the application and have included all material checked above.

5 07/02/2014

