

## **NOTICE TO APPLICANTS APPLYING FOR AN ADMINISTRATIVE VARIANCE – 407.3**

An administrative variance is an adjustment which permits minor changes of code requirements, where individual properties are harshly burdened by the strict application of the law.

1. An administrative variance is intended for situations where there are minor errors in construction and/or where a structure cannot obtain a Certificate of Occupancy due to a minor encroachment into the setback.
2. Administrative variances are discretionary. The County Administrator or his designee reserves the right to deny any request that is not in harmony with the purpose and intent of the Land Development Code.
3. An Administrative Variance Fee must be submitted at the time of the application. Please make the check payable to: PASCO COUNTY BOARD OF COUNTY COMMISSIONERS.

Zoning - \$400.00+\$25.00 Tech. fee

Transportation Corridor -\$500.00+\$25.00 Tech. fee

Tree/Landscaping Related to Sign(s)-\$600.00+\$25.00 Tech. fee

### **407.3. Administrative Variances**

- A. The County Administrator or designee may approve, with conditions, the following eight (8) types of administrative variances, subject to the following criteria:
  1. Errors in Yard Measurements. If an error is discovered in the location or in the previously approved, proposed location of a building or structure relative to the minimum yard requirements, the property owner may request an administrative variance provided that the variance does not exceed ten (10) percent or twelve (12) inches, whichever is less, from setback requirements as set forth in this Code and that the error was unintentional and unforeseen.
  2. Yard Modification. Projections into side yards may be administratively approved for up to five (5) feet for air conditioning, heating units, pool equipment, and other similar fixtures where the side yard setback is a minimum of ten (10) feet in width. This administrative variance may be granted for a group of similarly situated lots.
  3. Errors of encroachments of buildings or other structures into County easements or rights-of-way.
    - a. If it is discovered that an error has been made in the location or in the previously approved, proposed location of a building or structure, including a swimming pool, fence, wall, or similar structure, such that the structure is partially located within a County easement or right-of-way, the property owner may apply for and receive an administrative variance seeking to allow the structure to remain within the easement or right-of-way provided that:
      - (1) The administrative variance is limited to five (5) feet or fifty (50) percent of the width of the easement, whichever is less, unless otherwise approved by the Board of County Commissioners.

- (2) The structure does not obstruct, impede, or unreasonably interfere with the intended use of the right-of-way or easement.
  - (3) The error was unintentional and unforeseen.
- b. Property owners with such errors of encroachment shall file an application, pay all required fees, and obtain a vacation of the easement or right-of-way in accordance with the standards for such applications, and also must enter into a license and maintenance agreement pursuant to Section 406.5.
4. **Minimum Lot Area.** The required minimum lot area in A-C Agricultural, AC-1 Agricultural, A-R Agricultural-Residential, AR-1 Agricultural-Residential, AR-5 Agricultural-Residential, and AR-5MH Agricultural Mobile Home zoning districts may be varied up to five (5) percent of the minimum requirement, provided that the maximum residential densities of the applicable Future Land Use Classification is complied with and the lot is not located within a platted development.
5. **Setback Modifications.** An administrative variance not to exceed ten (10) percent or twelve (12) inches, whichever is less, from the setback requirements as set forth in this Code may be granted to allow the preservation of existing noninvasive trees.
6. **Landscaping and Sign Conflicts.** An administrative variance to eliminate required trees (not to exceed two [2]) and corresponding shrubbery to allow for a reasonably necessary line of sight to a sign may be granted.
7. **Transportation Corridor Management.** Any property owner who is adversely affected by the transportation corridor requirements of Section 901.2 may obtain, to the extent the property is adversely affected, an administrative variance of the minimum lot size, buffers, yards, or setback required by the underlying zoning district, not to exceed ten (10) percent of the minimum lot size or setback requirement.
8. An administrative variance from the minimum twenty-five (25) foot upland buffer requirement may be granted to reduce the upland buffer by up to five (5) feet provided the wetland structure and function will be maintained. The applicant must provide information on the type of activity and associated potential for adverse site specific impacts and buffer area characteristics, such as vegetation, soils, and topography to address the following factors:
  - a. Off-site or downstream impacts;
  - b. Surface water or wetland type and associated hydrological requirements;
  - c. Required buffer function; e.g., water quality protection, wildlife habitat requirements, and flood control;
  - d. Presence or absence of listed species of plants or animals; and
  - e. Natural community type and associated management requirements of the buffer.

Variance No.: \_\_\_\_\_ Date: \_\_\_\_\_

### APPLICATION FOR ADMINISTRATIVE VARIANCE

The undersigned owner(s) of the following legally described property have formally requested consideration of an administrative variance in accordance with Section 407.3 of the Land Development Code.

It shall be the responsibility of the petitioner, or his/her legal agent of record, to provide all information required below. No application for review shall be deemed complete until all required information is provided.

Owner(s)Name: \_\_\_\_\_

Owner(s)Mailing Address: \_\_\_\_\_

Owner(s) Telephone Number: Home: \_\_\_\_\_ Business: \_\_\_\_\_

Parcel Description (Subdivision Name if applicable): \_\_\_\_\_

Parcel ID Number: \_\_\_\_\_

Present Zoning District: \_\_\_\_\_ Required Setbacks: \_\_\_\_\_

Builder/Contractor: \_\_\_\_\_

#### REASONS FOR REQUEST FOR VARIANCE:

1. Describe specifically the nature of the variance, specific circumstances which necessitate the variance, and specific sections of the code which are affected. If additional space is needed, attach extra pages to the application.

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2. Building Permit No.: \_\_\_\_\_

3. **ADDITIONAL ITEMS REQUIRED FOR VARIANCE:**

- a. Signed and sealed as-built survey (8½" X 14") with a legal description showing all relevant features; i.e., setbacks, dimensions, property lines, size, and location of existing buildings and wetlands.
- b. A copy of the warranty deed.
- c. A copy of last year's tax bill.
- d. Notarized Agent of Record letter, if applicable.
- e. Administrative variance fee. Please make checks payable to: Pasco County Board of County Commissioners.

Any site approved for an administrative variance is subject to compliance with all other applicable sections of the Pasco County 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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's/Representative's Signature

\_\_\_\_\_  
Owner's/Representative's Name (Print)

\_\_\_\_\_  
Check Number

\_\_\_\_\_  
Owner's/Representative's Address

\_\_\_\_\_  
Owner's/Representative's City, State, Zip

\_\_\_\_\_  
Accepted By:

\_\_\_\_\_  
Owner's/Representative's Phone Number

**AGENT OF RECORD LETTER**

TO PASCO COUNTY:

I \_\_\_\_\_, (Print) hereby designate and appoint \_\_\_\_\_ as my Agent of Record for the purposes of representing me during the Development Review Process or for the purpose of utilities service connection application/FDEP permitting reviews and approvals with regard to: (Project Name \_\_\_\_\_ and No. \_\_\_\_\_.

My Agent of Record is hereby vested with authority to make any representations, agreements, or promises which are necessary or desirable in conjunction with the review process. My Agent of Record is also authorized to accept or reject any conditions imposed by any reviewing board or entity.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
PRINTED NAME OF APPLICANT/OWNER

\_\_\_\_\_  
PRINTED NAME OF APPLICANT'S REPRESENTATIVE

\_\_\_\_\_  
APPLICANT/OWNER'S SIGNATURE

\_\_\_\_\_  
APPLICANT'S(S)' REPRESENTATIVE

\_\_\_\_\_  
REPRESENTATIVE'S ADDRESS

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
CITY, STATE, ZIP CODE

\_\_\_\_\_  
TELEPHONE NUMBER

STATE OF FLORIDA  
COUNTY OF PASCO

**I HEREBY CERTIFY** that on this day, personally appeared before me, an officer duly qualified to administer oaths and take acknowledgments, to me known to be the person(s) described in and who executed the above and foregoing Agent of Record Letter and who acknowledged before me that (s)he executed the same for the purposes therein expressed.

**WITNESS** my hand an official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
State of Florida at Large

My Commission Expires: