



VARIANCE APPLICATION

City of New Port Richey
Development Department
City Hall, 5919 Main Street, 1st Floor
New Port Richey, FL 34652
Phone (727) 853-1047 * Fax (727) 853-1052

CASE # VAR2019-09
DRC date(s) 8/1/19
LDRB date 9/19/19
Council date (if difference between DRC/LDRB action or a sign request greater than 5)
Date received:



- Submit one original signed and notarized application
- Submit application fee, \$300 non-sign, \$500 sign, checks made payable to the City of New Port Richey)

Property Owner and Representative Information:

Current Property Owner(s): MARK R. WICKS		Phone: 727-992-1156
Owner Address 5913 LOUISIANA AVE NPR 34652		
Owner Email Address: MARKRWICKS@AOL.COM		
Owner's Representative(s):	Relationship to Owner:	
Representative Mailing Address:		
Representative Email Address:	Phone:	
Primary contact: (This is the <u>one</u> person to whom the City will send all communication regarding this application) MARK R. WICKS		

Property Information:

Site Address: 5913 LOUISIANA AVE NPR 34652		
General Location: EAST GRAND		
Size of Site:	Square Feet: 7500	Acres: .17
Legal Description of Subject Property: TOWN OF NEW PORT RICHEY PB 4 PG 49 LOT 8 BLOCK 179		
Parcel Number(s): 08-26-16-0030-17900-0080		
Zoning District: (Planning and Development Department will complete this section): R-3	Future Land Use Category: (Planning and Development Department will complete this section): LMD	

Existing Use and Size: (Existing number of dwelling units or square footage of non-residential uses on the property)
1773 SQ FT. SINGLE FAMILY DWELLING

Proposed Use: (Proposed number of dwelling units or square footage of non-residential uses if different than existing use)

Does applicant/owner own property contiguous to this site? Yes No

If yes, provide address and legal description of contiguous property:

Has any previous variance or appeal been filed regarding this property? Yes No

If yes, state the nature of the application/appeal and outcome:

Has a Development Order or Certificate of Occupancy been refused? Yes No

Submittal Information:

Please submit collated, stapled, folded set of the following information:

- Completed, notarized application - this form
- Proof of ownership in the form of a copy of the deed, title insurance policy, or other instrument demonstrating ownership
- Current signed and sealed survey of property (if necessary):
- Plot plan/site plan with the following (if necessary):
 - North point
 - Drawn to scale
 - Property dimensions
 - All existing and proposed structures and use of each
 - Distances between setbacks from all property lines
 - Abutting streets and other public easements
 - Off-street parking spaces
 - Specific variance in terms of horizontal setback (show measurable required setback and proposed setbacks)
- Photographs of existing buildings, structures, signage or other applicable objects on site
- Drawing of proposed signage: dimensions, height square footage and setback (for sign variances only)
- Depth measurement at high and low tide (provide clear photos showing measurements that relate to the subject property) (for dock variances only)
- Drawing of proposed dock on a copy of the survey (for dock variances only)
- Application fee (checks made payable to the City of New Port Richey)

Guidelines For The Granting of Variances:

Please state the specific variance request(s). (Example: Five-foot variance to reduce front setback along Main Street from 25 feet to 20 feet, for a fence) **7 FOOT SETBACK FROM REAR LOT AT GEORGIA AVE. FROM 25 TO 18 FEET**

The following questions must be addressed with supporting argument and/or documentation. A variance is considered to allow the applicant relief from the literal requirements of the ordinance because of an unnecessary hardship. A variance is a relation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where a literal enforcement of the ordinance would result in unnecessary and undue hardship. Neither the Land Development Review Board nor the City Council is authorized to grant a variance to establish or expand a use that is not permitted in the particular zoning district. Variances to density cannot be granted unless specifically provided for in the Land Development Code. Variances may only be

granted for height, area, size of structure, setback, etc.

In stating the grounds for support of the application, an unnecessary hardship must be shown. This is a hardship that is peculiar to the specific land, structure or building involved and hardship that is not shared generally with other properties, or most, in the same zoning district. An economic hardship does not qualify as a justification for granting a variance (i.e. it is too expensive to build it that way). It is very important to show how your particular situation differs from others and how that situation provides a unique, undue and unnecessary hardship on your property.

You should show that the hardship does not exist because of your own actions and that granting the variance will not confer special privileges that are not enjoyed by other property owners. You should show that granting the variance will not adversely affect other properties and/or the character of the zoning district. The Land Development Review Board or City Council cannot grant a variance that may be detrimental to the public interest.

The LDRB or Council may attach appropriate and reasonable safeguards, or conditions, to the granting of a variance. These conditions are a part of the approval and strict conformance must be observed. The LDRB and Council are not bound to grant a variance simply because a request is made. The applicant must show the facts and the law applicable to this situation. A carefully prepared application listing the grounds on which the variance is sought is a prime requisite to possible favorable Board or Council action.

Variance Criteria:

All of the following six criteria must be met before a variance can be granted. Space is provided for the applicant's response to each criterion. Attach additional sheets as necessary. The Land Development Review Board or City Council must find:

1. That special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. (*Explain what of these conditions make your situation different from other properties*);

SEE ATTACHED ANSWERS TO QUESTIONS 1-6

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

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance 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. That the literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, and under the terms of the ordinance would create unnecessary and undue hardships on the applicant (*Is what you want to do something that is regularly done on other properties in the same zoning district and, if so, how does the ordinance prevent you from doing so?*)
5. That the variance granted is the minimum variance that will make it 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 the variance you are seeking is for the least amount necessary?*)
6. That the granting of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare (*Will what you are proposing have any negative effects on your neighbors or any other property or to public property, and if not why?*)

Process:

A pre-application meeting must be held with City Staff to ensure the application is complete. Applications must be submitted on Friday by 10:00 am. Once deemed complete, the application will be scheduled for review by the Development Review Committee (DRC). The DRC will review the application for compliance with codes and regulations. Changes may be suggested and additional reviews by the DRC may be necessary. Following the DRC, the case will be scheduled for review by the Land Development Review Board (LDRB) or City Council.

The hearing process to review this application is considered quasi-judicial and operates much like a court of law. The LDRB and City Council members act in a similar capacity as a judge and must govern themselves in accordance with the basics of due process in making decisions. Contact with any of these members about this application should be avoided. These members have been instructed to avoid all such conversations with applicants or people in opposition to or support of any Variance Application. Decisions will be made based on evidence and testimony that is presented at scheduled public hearings and not on information gathered outside of these hearings.

Attendance at meetings:

The applicant or applicant's representative needs to be present at all meetings including DRC, LDRB and/or City Council. Call Development Department Staff at 727-853-1047 to find out when this case will be scheduled for these meetings.

Authorization to visit the property:

Site visits to the property by City representatives are essential to process this application. The Owner/Applicant, as notarized below, hereby authorizes the City representatives to visit, photograph and post a notice on the property described in this application.

Cont'd Variance Application
Mark Wicks
5913 Louisiana Avenue, NPR

1. We have essentially a corner lot – a lot that is fronted by streets on 3 sides, therefore have no true backyard. We have an above-ground temporary pool and 10 x 12 wood shed however due to the current setback they are located quite close to the rear of the house and deck. In fact, there is very little room between the deck and the pool and shed as it stands. Moving the above-ground pool and shed would allow us additional space for better access.
2. Again, our home is located on a corner lot and is subject to the current setback requirements. These were in place at the time I purchased the property.
3. No, in fact many of my neighbors are in agreement with my proposed request. Some of my neighbors have already been allowed setback variance for various reasons.
4. The ordinance is a hardship to me and my family. It does not allow me to properly enjoy my property and yard. In fact, it essentially limits the use of what would be considered my backyard. There is no other feasible way to be able to enjoy my pool without the variance.
5. Because the property is essentially a corner lot, there is real room on either side of the residence to be able to enjoy a pool and the only feasible place for the pool and shed were in the rear of the property. Due to the current setback requirements, the pool and shed had to be located within 12 feet of the back of my house. With the patio and deck in place there is really no room in between to properly access either the pool or the shed.
6. The granting of my variance request will have little to no effect on my neighbors since I am not proposing major structures to be built, I am only requesting that a pool and shed be moved back several feet to allow better access and enjoyment of my property.

Authorization for owner's representative:

I _____, the owner, hereby authorize

_____ to act as my representative(s) in all matters pertaining to the processing and review of this application, including modifying the project. I agree to be bound by all representations and agreements made by the designated representative.

Signature of Current Property Owner(s): _____

Date: _____

Subscribed and sworn to before me this _____ day of _____, 20_____

who is personally known to me and/or produced _____ as identification.

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: _____

My Commission Expires: _____

Applicant's Affidavit:

I Mark R. Wicks, the owner or authorized representative, certify that I have read and understand the contents of this application. The information contained in this application, attached exhibits and other information submitted is complete and in all aspects true and correct, to the best of my knowledge. It is also acknowledged that the filing of this application does not constitute automatic approval of the request and, further, if the request is approved, I will obtain all necessary permits to comply with all applicable orders, codes, conditions, and rules and regulations pertaining to the use of the subject property. (Applications which are filed by corporations must bear the seal of the corporation over the signature of an officer authorized to act on behalf of the corporation.)

Signature of Owner or Authorized Representative: [Signature]

Date: 7/19/2019

Subscribed and sworn to before me this 19th day of July, 2019

who is personally known to me and/or produced FL Drivers License as identification.

STATE OF FLORIDA, COUNTY OF PASCO

Notary Public: [Signature]



My Commission Expires: August 19, 2019