



**CITY OF PLANT CITY
VARIANCE APPLICATION
ALTERNATIVE COMPLIANCE PLAN**

Planning and Zoning Department
302 W Reynolds Street, 2nd Floor, Plant City FL 33563
P O Box C, Plant City, FL 33564-9003
(813) 659-4200 ext. 4125 Phone Fax (813) 659-4220
e-mail: planning@plantcitygov.com

RECEIVED BY/DATE: _____ CASE # BOA- _____
APPLICATION FEE: \$335.00(which includes advertising and adj. property notice (up to 5)RECEIPT _____
FEE IS NON-REFUNDABLE

FOLIO NUMBER: _____

ADDRESS: _____

Why are you requesting the variance?

Time limits for a variance: Unless otherwise specifically approved by the Board in its Order granting the variance, any variance granted by the Board shall be automatically revoked unless an applicant has received a building permit from the building division within the following period of time after approval of said variance: 180 days for residential property, or one year for non-residential property.

Section 102-96, Plant City Code, authorizes the Board of Adjustment to grant a variance as would not be contrary to the public interest; and where owing to the special conditions a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship. Please state the special conditions which would create a hardship in reference to your request.

**Applicant must address the criteria listed on page 2 or 3 of this application, to support the request.
(use sheet 4 that is provided, or use other sheets if necessary)**

**A SURVEY COPY MUST BE ATTACHED, TOGETHER WITH A SKETCH OF THE REQUEST.
ALL PAPERS OVER 8.5"x11" MUST BE FOLDED TO APPRX. 8.5"x11".**

I hereby depose and say that all the above statements and information contained in all of the exhibits transmitted are true.

APPLICANT NAME: _____ SIGNATURE: _____

APPLICANT ADDRESS: _____

PHONE: _____ FAX #: _____ E-MAIL: _____

OWNER NAME: _____

OWNER ADDRESS: _____

(If owner is different than applicant, a notarized letter of authorization is required.)

APPLICANT OR AUTHORIZED AGENT MUST BE PRESENT AT HEARING, 1:30 P.M. ON THE BELOW DATE, AT CITY HALL COUNCIL CHAMBERS, 302 W. REYNOLDS STREET, 1ST FLOOR, PLANT CITY, FLORIDA

OFFICE USE ONLY:

ZONING DISTRICT: _____ CODE SECTION: _____ DATE OF HEARING: _____

VARIANCE REQUEST: _____

Variance Application

SPEAKING LIMITATIONS: All speakers shall be limited to no more than **five (5) minutes**, unless the speaker requests planning staff for additional time, no less than 48 hours prior to the public hearing. In the event speaker(s) request additional time, the determination of the amount of time to be allowed shall be at the discretion of the Chair, but in no event shall speaker be allowed to speak longer than 15 minutes. This time limitation shall not apply to presentations made by the city staff and/or Planning Commission staff and/or their consultants.

VERBATIM TRANSCRIPT MAY BE REQUIRED TO APPEAL: Any person deciding to appeal any decision made by the Board of Adjustment, with respect to any matter considered at such meeting, will need a record of that proceeding, and for such purpose, may need to ensure that a verbatim record be made which record includes the testimony and evidence upon which the appeal is to be made.

SPECIAL ACCOMMODATIONS: In accordance with the Americans with Disabilities Act (ADA), any person with a disability requiring reasonable accommodation in order to participate in this meeting should call City Hall at (813) 659-4200 ext. 4237 at least 48 hours prior to the meeting.

APPEALS OF DECISIONS: Should the Board of Adjustment deny the request, it is up to the applicant to apply to the circuit court within 30 days, per Section 102-70, Plant City Code.

VARIANCES

Sec. 102-96. Procedures.

(a) A variance may only be allowed by the board of adjustment in cases involving practical difficulties or unnecessary hardship, when substantial evidence supports all of the following:

- (1) That special conditions and 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;
- (2) That the special conditions and circumstances do not result from the actions of the applicant;
- (3) That 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) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (6) That the grant of the variance will be in harmony with the general intent and purpose of this chapter and the comprehensive plan and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

(b) All of these findings of fact shall be made by the board of adjustment, which is not empowered to grant a variance without an affirmative finding of fact on all the above categories specified above.

Section 102-1386. Alternative Compliance Plan

- (1) An applicant who does not meet the requirements of this Division may propose an Alternative Compliance Plan before the Board of Adjustment. The applicant must demonstrate that the intent of this Division can be more effectively met in whole or in part through an Alternative Compliance Plan. Such plans should not be used as a means to circumvent the intent of this Division. If approved, an Alternative Compliance Plan may be substituted in whole or in part for a landscape/tree plan meeting the express terms of this Division.
- (2) The Board of Adjustment shall consider the following for an Alternative Compliance Plan:
 - (a) Designs which attempt to preserve and incorporate all viable existing vegetation.
 - (b) The intended use of the property, including all lands dedicated to public use.
 - (c) Total existing vegetative coverage on the site and in the immediate surrounding area.
 - (d) Quantity of vegetation proposed to be removed from the site.
 - (e) The type, size, and condition of the vegetation to be removed.
 - (f) The feasibility of relocating the particular vegetation.
 - (g) Topography and drainage of the site.
 - (h) Plans which support Florida friendly landscaping principles.
 - (i) When there are site constraints, such as an insufficient area in which to plant replacement trees, the owner may pay the City for the number of trees not being planted. The amount shall be calculated as the value of the trees plus installation costs. The value of the trees is determined by the applicant receiving a minimum of three written quotes for trees and installation that typically would be planted if not requesting an Alternative Compliance Plan. These quotes are to be averaged and multiplied by the number of trees not being planted. If the applicant received full quotes which included the number of trees and installation costs, then the quotes would be averaged.
- (3) The Board of Adjustment shall not approve an Alternative Compliance Plan if:
 - (a) It is determined that the proposal fails to meet the minimum requirements of this Division in all significant ways, or is otherwise inconsistent with the intent of this Article to encourage exceptional or unique designs.
 - (b) The proposal will result in the planting, preservation, or payment of fewer trees than the minimum number required by this Division.
 - (c) The proposal will violate the terms or conditions of any City ordinance.
- (4) Fees collected in lieu of planting replacement trees on the removal site shall be deposited into a separate fund designated by the City as the Tree Fund. These funds shall be used for the purposes of planting trees elsewhere in the City as deemed appropriate by the City Manager.

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1) Special conditions peculiar to the land, which are not applicable to others in same zoning district:

2) Why the special conditions and circumstances are not the result of actions of the applicant:

3) Why granting the variance will not confer special privileges that are denied to others in same zoning district:

4) Why literal interpretation would deprive rights and cause unnecessary hardship on the applicant:

5) Why the variance requested is the minimum variance possible:

6) Why the variance will be in harmony with the general intent of city policy and will not be injurious to the area or to the public welfare:
