

This application to the Special Magistrate is requesting permission to be allowed to:

<p>A variance granted by the Special Magistrate shall be consistent with the public interest, when owing to a special condition and literal enforcement of the provisions of the code will not result in an unnecessary and undue hardship to the applicant. Further, that the special condition or unique circumstance does not result from the intentional act of the applicant or the applicant's agent(s). In order to authorize any variance from the provisions of the City Code the Special Master must find that:</p>	
<p>EXPLAIN IN DETAIL HOW YOUR REQUEST COMPLIES WITH THE FOLLOWING RULES.</p>	
1.	<p>Demonstrate that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structure or buildings in the same zoning district.</p>
2.	<p>Demonstrate that a special conditions and circumstances do not result from the actions of the applicant.</p>
3.	<p>Demonstrate that that granting the variance will not confer on the applicant any special privilege that is denied to other lands, buildings or structures in the same zoning district.</p>
4.	<p>Demonstrate that literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the land development regulations, subpart B of this Code and would work unnecessary and undue hardship on the applicant.</p>
5.	<p>Demonstrate the variance granted is the minimum variance that will make possible the reasonable use of the land.</p>
6.	<p>Demonstrate that the granting of the variance will be in harmony with the general intent and purpose of the city land development regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.</p>

CERTIFICATION

I hereby authorize permission for the Special Magistrate, Building Official and Community Development Director to enter upon the above referenced premises for purposes of inspection related to this petition.

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as owner and applicant, as evidenced by my signature below.

It is hereby 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 the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.

Appeals. (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

Date: _____ Property owner's signature: _____

Before me, this _____ day of _____, 2008, appeared in person

_____ who, being sworn, deposes and says that the forgoing
(name of property owner)

is true and correct certification.

**STATE OF FLORIDA
 COUNTY OF PINELLAS – NOTARY SIGNATURE** _____

Personally Known to me: _____ Commission Expires: _____
 Stamp

Identification Taken: _____

NOTICE: Persons are advised that, if they decide to appeal any decision made at this hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

CERTIFICATION

I hereby certify that I have read and understand the contents of this application, and that this application, together with all supplemental data and information, is a true representation of the facts concerning this request; that this application is made with my approval, as applicant, as evidenced by my signature below.

It is hereby 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 the necessary permits and comply with all applicable orders, codes, conditions, rules and regulations pertaining to the subject property.

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Date: _____ **Applicant's** signature, if
other than Property owner: _____

Before me, this _____ day of _____, 2008, appeared in person

_____ who, being sworn, deposes and says that the forgoing
(name of applicant, if other than property owner)

is true and correct certification.

STATE OF FLORIDA
COUNTY OF PINELLAS – NOTARY SIGNATURE _____

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**SPECIAL MAGISTRATE
REQUIREMENTS AND PROCEDURES**

An affirmative decision by the Special Magistrate shall be necessary to reverse the decision of the administration and grant a variance. The Special Magistrate, during the review of your petition shall take note of the following:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structure or buildings in the same zoning district.
2. The special conditions and circumstances do not result from the actions of the applicant.
3. Granting the variance will not confer on the applicant any special privilege that is denied to other lands, buildings or structures in the same zoning district.
4. Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.
5. The variance granted is the minimum variance that will make possible the reasonable use of the land.
6. The granting of the variance will be in harmony with the general intent and purpose of the City Land Development Regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In granting any variance, the Special Magistrate may prescribe appropriate conditions and safeguards in conformity with the City Land Development Regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this code. The Special Magistrate may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances except as specified above shall the Special Magistrate grant a variance to allow a use not generally or by Special Exception Use permitted in the applicable zoning district of the City Land Development Regulations. No nonconforming use of neighborhood lands, structures or buildings in the same zoning districts shall be considered grounds for the authorization of a variance.

Financial loss standing alone is not sufficient justification for a variance.

The hearing will be conducted in the following manner:

1. Public notice will be read along with correspondence received.
2. City presents its case, and the applicant may cross-examine.
3. The Applicant presents his or her case supported by witnesses and evidence; and the City has the right to cross-examine each witness.
4. Public comment will only be solicited or received from parties directly affected by the variance. Individuals testifying do not have the right to cross-examine the parties.
5. Public participation will be closed, the Special Magistrate deliberates and makes a decision to grant or deny each variance requested in the application.

All variances granted by the Special Magistrate and not acted on within one (1) year of being granted will automatically expire.

The granting of a variance does not relieve the applicant from obtaining a building permit. The Special Magistrate does not have the authority to grant variances from the 100 Year Flood Level for Residential or Commercial Property.

Appeals. (City Code, Sec. 2-109) An aggrieved party, including the local governing authority, may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

I have received a copy of the Special Magistrate Requirements and Procedures (attached), read and understand the reasons necessary for granting a variance and the procedure, which will take place at the Public Hearing.

Signature of Applicant

Date

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7. The special conditions and circumstances do not result from the actions of the applicant.
8. Granting the variance will not confer on the applicant any special privilege that is denied to other lands, buildings or structures in the same zoning district.
9. Literal interpretation would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.
10. The variance granted is the minimum variance that will make possible the reasonable use of the land.
11. The granting of the variance will be in harmony with the general intent and purpose of the City Land Development Regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

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APPLICANT'S COPY

Initials of Receipt

Date