

IF THE REQUEST IS MADE FOR A **CONDITIONAL USE**, THE APPLICANT SHALL ATTEND A DRC (DEVELOPMENT REVIEW COMMITTEE) MEETING PRIOR TO SUBMITTING AN APPLICATION. PLEASE CONTACT THE PROJECT COORDINATOR AT (727) 298-2755 TO SCHEDULE THIS MEETING.

- Application must be submitted at least thirty (30) days in advance of initial board hearing, on date specified by Planning & Development Department. The Board of Adjustment and Appeal meets on the fourth Wednesday of each month.
- Quasi-Judicial procedures apply (sufficient notice must be made; interested parties have the right for fair opportunity to be heard; interested parties have the right to an impartial decision-maker; initial burden is placed upon interested parties to ensure that proper record of the proceeding is preserved.)
- Failure of the owner/applicant/representative to appear and present substantial evidence under oath at the Board of Adjustment and Appeal meeting shall be cause to deny the request due to lack of evidence.
- Filing fees are nonrefundable. Checks should be made payable to the **City of Dunedin**.
- The owner/applicant/representative may not have any ex-parte contact (outside of the public hearing) with any board member or City Commissioner regarding this application.
- An informational sign will be posted on the property referencing the petition and public hearing date. Signage should be maintained as posted and shall not be removed until after the hearing.
- If any person decides to appeal the decision made by the board, he or she may need to ensure that a verbatim record of the proceedings is made, per Florida Statute 286.0105.

Proof of ownership- Submit a letter showing present title holder of record and initial date of acquisition, no more than 60 days old and prepared by a title company or licensed attorney in the state of Florida. (*Deeds, Title Insurance documents, Tax Bills, etc. are not acceptable.*)

Property survey- Submit a recent survey (less than one year old) Signed & Sealed Boundary Survey including Legal Descriptions.

Site plan- (if applicable) Submit a site plan which shows the proposed construction. Include parking provisions, if applicable. Provide required setback(s) and requested variance(s), if applicable.

List of adjacent property owners, 250'-

A) Fax the attached form requesting a "Radius search" to the Pinellas County Property Appraisers Office. Additional forms may be obtained at www.pcpao.org, click on "Forms" and select "Label Request." The list you receive should be typewritten or clearly printed in blue or black ink and prepared in a manner similar to the following:

- | | |
|------------------------|---------------------------|
| 1. John and Mary Smith | 2. John and Mary B. Smith |
| 100 Smith Street | 105 Smith Street |
| Dunedin, FL 34698 | Dunedin, FL 34698 |

B) The "Letter of Notice" shall be filled out by the Department of Planning & Development, and sent by the applicant to the adjacent property owners via the U.S. Post Office certificate of mailing process. To acquire a certificate of mailing, take the letters in addressed and stamped envelopes, along with the adjacent property owner list, to any U.S. Postal clerk. ***If the certificate of mailing is not received by the Department of Planning & Development at least 14 days prior to scheduled hearing date, the case will be postponed.***

ADDITIONAL REQUIREMENTS

Docks- an *environmental review* may be required to be conducted by the Pinellas County Water and Navigation Control Authority. A *submerged land study* shall be submitted by the applicant. It shall include the following:

- a) Evidence that the proposed docking structure or alteration of elevation will not substantially limit the rights of public air, water and recreation access for surrounding properties.
- b) Evidence that the proposed docking structure or alteration of elevation will not substantially affect breeding and spawning grounds of aquatic animals and fish, or alter the natural flow of water so as to create pockets for debris accumulation or incubation of injurious plant or other marine life
- c) Evidence that the proposed docking structure or alteration of elevation will not substantially alter the shoreline or seriously injure existing or proposed navigable channels or basins
- d) Evidence that the proposed use will not materially reduce the former use or value of surrounding properties.

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Conditional Use Criteria (refer to 104-21.9, LDC)

1. The use is compatible with the existing natural environment of the site, with properties in the neighborhood, and projected future development of the area.
2. There is adequate provision for water supply and for sanitary sewers and sewerage treatment.
3. There is adequate provision for public facilities, such as schools, parks and utilities within the area.
4. There is adequate provision for traffic circulation.
5. There are adequate provisions for drainage systems.
6. There are adequate setbacks, buffering, or other measures to mitigate effects of noise, light, dust, fumes, and other nuisances.
7. The land area is sufficient, appropriate and adequate for the use, operation, and expansion.
8. The use is compatible with the desired growth and land use patterns reflected in the city land use plan or other planning documents.
9. The use will comply with all regulations for the zoning district/land use category in which it is located.
10. The use will not adversely affect the health, safety, and welfare of the public in the area; and will not be detrimental to the use or development of adjacent properties.
11. The use will comply with other policies and special standards which are designated elsewhere in the city comprehensive plan and land development code.

Variance Criteria (refer to 104-22.7.1 through 104-22.7.7, LDC)

1. The need for the variance arises out of the physical surroundings, shape, topographical conditions, or other physical environmental conditions that are unique to the property, and which do not apply generally to property located in the same zoning district.
2. Preservation of a protected tree(s) or native tree(s) may be considered as a relevant environmental condition.
3. The property meets all of the criteria in order to be listed in the National Register of Historic Places (but is not necessarily listed).
4. Conditions or special circumstances peculiar to the property have not been self-created or resulted from an action by the applicant, or with prior knowledge of the applicant. No variance may be granted arising from the illegal construction of a structure or an illegal use of the premises which would have otherwise required a building permit or other specific approval to be issued.
5. The requested variance is the minimum variance that will make possible reasonable use of the property.
6. No variance will be granted that extends a use of property that is not commonly enjoyed by other persons in similar circumstances.
7. The variance will not substantially interfere with or injure the rights of others whose property would be affected by approval of the variance, alter the essential character of the neighborhood, or create a nuisance.