



# HOMEOWNER VARIANCE

Building, Planning and Zoning Department  
 Planning & Zoning Division  
 2200 Civic Center Place  
 Miramar, FL 33025  
 Tel: (954) 602-3264 | www.miramarfl.gov



UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING APPLICATION FOR A HOMEOWNER'S VARIANCE AND ALL ATTACHMENTS TO THE APPLICATION AND THAT THE FACTS STATED IN IT ARE TRUE.

INITIALS \_\_\_\_\_

## APPLICATION CHECKLIST

Requirement	✓
1 Completed, signed and notarized application	
2 One copy of the property survey reflecting current site conditions (must be scalable, no older than 7 years, and signed and sealed by a Florida registered Land Surveyor)	
3 <i>Where applicable</i> , one copy of the proposed site plan, construction plans or similar set of plans (i.e. elevations, floor plans) indicating the variance request	
4 Any other information that may be helpful, such as photographs, letters of support from neighbors, and letters of approval from the Homeowner's Association (HOA)	
<i>One copy of the following must be submitted in hardcopy and in digital file format (i.e. Microsoft Word and PDF) provided through a CD or through a cloud storage provider (i.e. Dropbox, Box or Google Drive).</i>	
5 One narrative fully explaining the variance and any associated and relevant history for the property	
6 Responses addressing Variance Criteria (Refer to Section 3)	

Application No.
Application Received Date
<p><b>Please Note:</b></p> <ol style="list-style-type: none"> <li>There is a \$150 Application fee for administrative variances due at time of submittal.</li> <li>For Planning &amp; Zoning Board Variances:           <ul style="list-style-type: none"> <li>There is an \$250 Application fee of due at time of submittal.</li> <li>There is an escrow deposit requirement of \$150 to cover public hearing and recording costs, which is due at time of submittal.</li> </ul> </li> </ol>

## PRINT OR TYPE ALL INFORMATION

1 APPLICANT/PROPERTY OWNER INFORMATION	
Name:	Signature:
E-mail:	Phone No.:
Property Address:	
Property Parcel ID Number:	5 1
Proof of Ownership (Select One): Warranty Deed / Tax Record / Broward County Property Appraiser (BCPA)	

## NOTARIZATION

STATE OF \_\_\_\_\_/COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_(year), by \_\_\_\_\_ (name of person acknowledging)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_ Type of Identification Produced \_\_\_\_\_

**2**

**APPLICANT/PROPERTY OWNER INFORMATION (CONTINUED)**

Is your property located within a Homeowners Association? (If so, provide the name below)      YES / NO

Name of HOA:

Is this an "after-the-fact" request? (If so, request must be clearly stated on the Narrative)      YES / NO

Is the request a result of Code Enforcement Action? (If so, please state the Code Case No. below)      YES / NO

Code Enforcement Case No.:

**3**

**STANDARDS OF REVIEW FOR ALL VARIANCES**

The Applicant must address the request for which the situation arose by responding to each statement under the most applicable set of criteria: "Undue Hardship" or "Practical Difficulty." This means that a variance shall be granted only where there is a preponderance of evidence presented in the particular case. The applicant shall strive then to show that either of the following standards provides for merit for supporting the irregularity for which they are requesting an exception from the Land Development Code.

**Undue Hardship:**

- (1) The particular physical surroundings, shape, topographical condition, or other physical or environmental condition of the specific property involved would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the regulations were carried out literally; and
- (2) The conditions upon which the request for a variance is based are unique to the parcel and would not be generally applicable to other property within the vicinity; and
- (3) That the special conditions or circumstances do not result from the deliberate actions of the applicant or property owner of the subject property to establish a use or structure which is not otherwise consistent with this Code; and
- (4) That the granting of the variance will not confer on the applicant or the property owner of the subject property any special privilege that is denied by the Code to other similarly situated lands, buildings, or structures in the same zoning district; and
- (5) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the vicinity; and
- (6) The proposed variance will not substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the vicinity.

**Practical Difficulty:**

- (1) The variance shall not be substantial in in relation to what is required by the Code; and
- (2) The approval of the variance will be compatible with development patterns, and whether a substantial change will be produced in the character of the neighborhood; and
- (3) The variance can be approved without causing substantial detriment to adjoining properties; and
- (4) The request is due to unique circumstances of the property, the property owner, and/or the applicant which would render conformity with the strict requirements of the Code unnecessarily burdensome; and
- (5) The difficulty cannot be obviated by some method feasible for the applicant to pursue other than by a variance; and
- (6) In view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance.