



Zoning Code Variance Application

Applicability

A Zoning Code Variance request applies only to properties located within the Broward Municipal Services District.

Process

1. A Zoning Code Variance request will be scheduled for a hearing before a hearing officer who shall conduct a quasi-judicial hearing, take testimony, and review documentary evidence.
2. At the conclusion of the quasi-judicial hearing, the hearing officer shall.
 - a. Deny or approve the Zoning Code Variance request or defer the variance request to a subsequent public hearing to be held not more than sixty (60) days after the originally scheduled hearing.
 - b. Render written findings of facts, in the form of an order, on all matters heard.

Submit this application along with the following:

- ☐ A current as-built survey, sealed by a surveyor or civil engineer registered in the State of Florida, defining the boundaries of the property for which the variance is requested, indicating all improvements on the property, including setbacks from property boundaries, and all easements and rights-of-way of record;
- ☐ A site plan indicating the proposed construction and indicating the areas for which the variance is requested; and
- ☐ Any other information necessary to explain the request.
- ☐ Fee:
 - ☐ \$400 for waiver of one section.
 - ☐ \$50 each additional section waiver.
- ☐ Proof of ownership of the property for which the variance is sought or if the applicant is not the owner, a written, notarized statement from the property owner that authorizes the application for the variance.
- ☐ A written explanation of how the application meets the following criteria of the Broward County Code of Ordinances, Chapter 39-Zoning, Section 39-40.-Considerations for Variances:
 - ☐ That there are unique and special circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district;
 - ☐ That any alleged hardship is not self-created by any person having an interest in the property or is the result of mere disregard for, or ignorance of, the provisions of the Code;
 - ☐ That strict application of the provisions of the Code would deprive the petitioner of reasonable use of the property for which the variance is sought.

Submit this application along with the following:

- ☐ That the Zoning Code Variance proposed is the minimum variance which makes possible the reasonable use of the property;
- ☐ That the granting of the Zoning Code Variance will be in harmony with the general intent and purpose of the Code and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- ☐ That there exists changed or changing conditions which make approval of the Zoning Code Variance appropriate.

Public Notice

The applicant is responsible for providing public notice by posting a sign on the on the property at least twenty (20) days prior to the hearing.

The sign shall face, and be visible from, the street upon which the property is located. The sign shall be a minimum of two (2) feet by three (3) feet in size and shall be titled as follows:

**NOTICE OF QUASI-JUDICIAL PUBLIC HEARING
VARIANCE**

The sign shall include the petition number; the date, time, and location of the hearing; and the telephone number of Urban Planning Division, or successor agency.

The Petitioner shall provide a notarized affidavit to the Division, including a photograph of the posted sign, stating that the sign was posted and the date on which the sign was posted.

No permit shall be required for such sign. The sign shall remain posted on the property until an order has been rendered by the hearing officer.

AFFIDAVIT TO BROWARD COUNTY URBAN PLANNING DIVISION

I, _____, the applicant ("Affiant") requesting quasi-judicial public hearing for a Zoning Code Variance, affirms a sign has been posted on the property located at _____, on _____, which is at least twenty (20) days prior to the hearing date. The sign posted on the property, as shown in the photograph attached to this affidavit, contains the following public notice requirements:

**NOTICE OF QUASI-JUDICIAL PUBLIC HEARING
ZONING CODE VARIANCE
{petition number}
{date, time, location of hearing}
{phone number to contact Urban Planning Division}**

Name of Applicant

Date

Signature of Applicant (*requires notarization*)

**NOTARY PUBLIC
STATE OF FLORIDA
COUNTY OF BROWARD**

The foregoing instrument was acknowledged before me by the Affiant by means of

☐ physical presence | ☐ online notarization, this _____ day of _____, 20_____, by _____, of _____, on behalf of _____.

He/she ☐ is personally known to me | ☐ has produced _____ as identification.

Name of Notary Typed, Printed or Stamped

Signature of Notary Public – State of Florida

Notary Seal (or Title or Rank)

Serial Number (if applicable)