



Environmental Protection and Growth Management Department  
**ENVIRONMENTAL and CONSUMER PROTECTION DIVISION**  
**ENFORCEMENT ADMINISTRATION**  
One N. University Drive, Mailbox 307, Plantation, Florida 33324 • 954-519-1210 • FAX 954-519-1493

## Variance Instructions and Sample "Notice of Variance Hearing" Form

A variance is the authorization to conduct an activity that would be contrary to the requirements of Chapter 27 of the Broward County Code (BCC). Variances are granted by a hearing examiner based on criteria found in the Code and following a quasi-judicial public hearing.

### To Apply:

Please submit an application, which may be in the form of a narrative letter, along with a check or money order in the amount of \$ 250.00, payable to the Broward County Board of County Commissioners. The application should be addressed to the Enforcement Administrator and mailed to the address on our home page.

### A complete application includes:

1. The section(s) of Chapter 27 for which the variance is sought;
2. All relevant facts and reasons why the applicant believes the variance is justified based upon the criteria outlined in section 27-13(f), BCC; and
3. The length of time for which the variance is sought and the basis for requesting that particular length of time.

### Additionally, the criteria specified in section 27-13 (f) 1-7 or 8 or 9, BCC, must be addressed in the application. These criteria are explained below:

1. That there are unique and special circumstances or conditions in-regard-to the applicant or applicant's situation which do not apply generally to other similarly regulated persons; and
2. That strict application of the provisions of this chapter would cause the applicant undue hardship; and
3. That any alleged hardship is not self-created by the applicant and/or is not the result of mere disregard for or ignorance of the provisions of this chapter; and
4. That the variance proposed is the minimum variance which alleviates the undue hardship; and
5. That the granting of the variance will be in harmony with the general intent and purpose of this chapter; and
6. That such a variance will not be injurious to the public welfare and to the environment; and
7. That the variance is for the minimum time necessary to remedy the hardship and grants the minimum waiver of this chapter necessary to remedy the hardship; or
8. The applicant for the variance proposes a demonstration project being conducted for the purposes of furthering an environmental goal, and that the demonstration project will not significantly negatively impact the environment; or
9. Projects that are essential for the successful restoration of the Florida Everglades.

### Submit with your application:

- Plans, studies, and/or tests
- Surveys and/or models
- Any other information you think may be relevant to support the position that the proposed variance will not discharge, emit, or cause pollution or otherwise damage the natural resources in contravention of Chapter 27 or other environmental laws or regulations.

**After a Complete Application is received:**

Once a properly filed application has been received, EPD will schedule a hearing.

Notice of the hearing must be published in a newspaper of general circulation in the County, reasonably calculated to give notice that a variance has been requested. Such publication must be arranged for by the applicant and must appear no later than ten days prior to the scheduled hearing. The cost of publication shall be paid by the applicant.

Remember, the applicant has the burden of proving that the variance is justified. No variance from the terms of Chapter 27 may be authorized unless the requirements imposed by the Code have been met.

If you should have any questions, or require assistance, please call Enforcement Administration at 519-1210.

# SAMPLE

## Notice of Variance Hearing

There shall be a public hearing before a Hearing Examiner for the Broward County Environmental Protection and Growth Management Department on [Date] at 9:30 a.m., at the Broward County Government Center West, 1 N. University Drive, 2<sup>nd</sup> Floor Hearing Room, Plantation, Florida. The Hearing Examiner shall hear the application of [Applicant] on [Variance Request No.: \_\_\_\_\_] for a variance from Chapter 27, Section [Specific Code Section(s)] of the Broward County Code of Ordinances to allow [Nature of Variance] at [Facility Address].

To abide by CDC Guidelines and Executive/Emergency Orders related to COVID19, masks must be worn to enter Government Center West and all times while inside, and social distancing is to be maintained.

If you have questions, are exhibiting COVID-like symptoms within 48 hours prior to the hearing, or, due to a disability, anyone expecting to attend requires accommodation or auxiliary services to attend this hearing, please contact the Environmental Protection and Growth Management Department at (954) 519-1210 to make a request at least 48 hours prior to the hearing.