

VARIANCE PROCEDURE

A Variance is a relaxation of the terms of Miami 21, and may be allowed only under exceptional circumstances when such action will not be contrary to the public interest, and where they are caused by conditions peculiar to the property and not the result of actions of the applicant, and where a literal enforcement of Miami 21 would result in unnecessary and undue hardship for the reasonable use of the property. A Variance may be authorized only for lot size, lot coverage, dimensions of side or rear setbacks, parking and loading requirements, or open space requirements. Except as otherwise provided by Miami 21; the Planning, Zoning and Appeals Board (PZAB) shall determine when a Variance may be granted.

Pre-Application Phase

1. Applicant may consult with the Office of Zoning (4th Floor) and the Planning Department (3rd Floor) for Survey and plans guidance informally at anytime.
2. Prior to officially submitting an application for a Variance, the prospective applicant shall meet in a pre-application meeting with the Zoning Administrator and the Planning Director to obtain information and guidance as to matters related to the proposed application.
 - A. Prior to submitting for a pre-application meeting, the applicant shall have the Public Works Department (8th Floor) establish the survey building baseline and validate the legal description of the property. The applicant will not be eligible for a pre-application meeting unless the building baseline is established and architectural plans and survey are provided.
 - B. Submit one (1) 24" X 36" or larger set of plans to the Office of Zoning. Once the architectural plans & survey submission has been validated as complete for the pre-application by the Office of Zoning, the applicant will obtain a pre-application referral.
 - C. No later than seven (7) days prior to the desired date for the pre-application meeting, the applicant shall submit one (1) 11" X 17" set of plans with the pre-application referral to the Planning Department in order to be scheduled for the next available date.
 - D. At the pre-application meeting, the applicant will be provided with application materials from Hearing Boards (7th Floor) and may ask questions regarding the proposed application. If the proposal; plans, and survey are satisfactory, the applicant will obtain a referral to apply for a Variance.

Technical Review Phase

3. If UDRB (Urban Development Review Board), COA (Certificate of Appropriateness), and/or CRC (Coordinated Review Committee) are required, the public hearing information with instructions will be provided to the prospective applicant during the pre-application meeting along with any additional necessary plans and instructions to facilitate the public hearing process.
4. As a result of the pre-application meeting, plans may be modified to comply with recommendations and requirements of the Miami 21 Code and recommending committees and boards such as the UDRB, CRC, or obtaining a COA. If plans require changes, the prospective applicant must drop-off the revised final plans to the Office of Zoning and the Planning Department along with Public Work's coversheet, stamped, dated and signed plans prior to re-submittal in order to obtain a write-up/analysis.
5. Upon submitting the final plans, Public Works, the Office of Zoning, and the Planning Department each will provide a coversheet, stamp, date, and sign the plans and consequently, the Office of Zoning provides a write-up and the Planning Department provides an analysis prior to filing an application with Hearing Boards.

Application Phase

6. Applicant may meet with Hearing Boards informally to review the application package prior to submitting. (See attached instructions and application.)
7. In order to be scheduled for the PZAB, the applicant must submit during the last five (5) working days of the month for notification purposes. The prospective applicant shall submit the application and supporting documents for review and verification of completeness, and Hearing Boards will issue a revenue and escrow invoice for payment of the required fees for public hearing.
8. Applicant submits revenue and refund/appeal fee payment to Hearing Boards and obtains receipt for the application with the supporting documents.
9. Hearing Boards accepts, time stamps and initials application and schedules item for an upcoming PZAB hearing.

VARIANCE APPLICATION

MIAMI 21

Welcome to the City of Miami! This application is intended to serve as a guide in assisting you with our public hearing process. Please feel free to contact us, should you have any questions.

The deadline to file the complete application with supporting documents is the **last five working days of each month from 8:00 am until 3:00 pm, except on the fifth day, until 12:00 pm.** **The application submittal date is the date stamped by Hearing Boards' staff on this page.**

The responses to this application must be ***typed and signed in black ink***. All pertinent and accurate information/documentation; i.e., the plans, reports, exhibits, shall be presented at the time of filing, in addition to the paid receipt. The applicant is responsible for the accuracy of the information contained in the application and all supporting materials. Should you wish, you could bring the materials to our office for review before the deadline to ensure completeness.

You will be responsible, if needed, to bring an interpreter for the English language to any presentation before city boards, committees and the city commission. A valid power of attorney will be required if neither applicant or legal counsel representing the applicant execute the application or desire to make a presentation before city boards, committees and the city commission. All documents, reports, studies, exhibits (8½x11") or other materials submitted during this process will be kept as part of the record. Any documents offered to the Planning, Zoning and Appeals Board and the City Commission, which have not been provided fifteen (15) days before the meeting as part of the agenda materials will be entered into the record at the discretion of the aforementioned Board and Commission.

ORDINANCE NO. 11469, CODIFIED IN CHAPTER 2, ARTICLE VI OF THE CITY CODE STATES THAT ANY PERSON WHO RECEIVES COMPENSATION, REMUNERATION OR EXPENSES FOR CONDUCTING LOBBYING ACTIVITIES TO REGISTER AS A LOBBYIST WITH THE CITY CLERK, PRIOR TO ENGAGING IN LOBBYING ACTIVITIES BEFORE CITY STAFF, BOARDS, COMMITTEES AND THE CITY COMMISSION. A COPY OF SAID ORDINANCE IS AVAILABLE IN THE OFFICE OF THE CITY CLERK (MIAMI CITY HALL), LOCATED AT 3500 PAN AMERICAN DRIVE, MIAMI, FLORIDA, 33133.

Ordinance No. 12918 states that each person or entity requesting approval, relief or other action from the City Commission or any of its boards, authorities, agencies, councils or committees regarding any issue, shall disclose at the commencement (or continuance) of the public hearing(s) on the issue, any consideration provided or committed, directly or on its behalf, for an agreement to support or withhold objection to the requested approval, relief or action. The *Disclosure of Consideration Provided or Committed for Agreement to Support or Withhold Objection Affidavit* included in this package must be submitted with the application. The applicant must, at the commencement of any public hearing on the issue, if there is any disclosure to report, read the disclosure into the record. Also, the applicant must supplement the affidavit if there is any new information or additional information to disclose.

Copies of City Commission resolutions and ordinances can be obtained at our website through the "Legislative Hub", or for certified copies, contact the City Clerk's Office at 305-250-5360.

Applications given to customers do not constitute action from the City of Miami without plans review and written comments from the Office of Zoning.

VARIANCE APPLICATION

Please refer to Article 7.1.2.7 of the Miami 21 Code for Variance information.

1. Applicant(s): _____
2. Subject property address(es) and folio number(s): _____
3. One (1) original survey dated within six (6) months from the date of application prepared by a State of Florida registered land surveyor.
4. One (1) original 24x36" plan, signed and sealed by a State of Florida registered architect or engineer showing property boundaries and proposed structure(s), parking, landscaping, etc.; building elevations and dimensions and computations of lot area and building spacing.
5. After Hearing Boards, Public Works, Zoning and Planning initial and date the plans, two (2) 11x17" and one (1) 8½x11" copies of the original plan, including the survey.
6. Current Zoning Referral and Write-Up signed by the Office of Zoning designee.
7. A clear and legible copy of the recorded warranty deed and tax forms of the most current year showing the present owner(s) and legal description of the property to match the legal description on the survey.
8. A clear and legible copy of the subject property address(es) and legal description(s) on a separate sheet, labeled as "Exhibit A", to match with the current survey's legal description.
9. At least two photographs showing the entire property showing land and improvements.
10. Copy of the lobbyist registration processed by the Office of the City Clerk, if applicable.
11. *Affidavit of Authority to Act* and the *Disclosure of Ownership* of all owner—and contract purchasers, if applicable—of the subject property.
12. For all corporations and partnerships indicated:
 - a) Articles of Incorporation;
 - b) Certificate from Tallahassee showing good standing, less than one (1) year old;
 - c) Corporate Resolution or a Power of Attorney signed by the secretary of the Corporation authorizing the person who signed the application to do so;
 - d) Non-profit organizations: A list of Board of Directors less than one (1) year old.
13. Certified list of owners of real estate within 500 feet of the subject property.
14. Original *Disclosure of Consideration Provided or Committed for Agreement to Support or Withhold Objection Affidavit*.
15. Original Public School *Concurrency Management System Entered Requirements* form.
16. The subject property(ies) **cannot** have any open code enforcement/lien violations.

VARIANCE APPLICATION

17. What is the acreage of the project/property site? _____

18. What is the purpose of this application/nature of proposed use? _____

19. Is the property within the boundaries of a historic site, historic district or archeological zone? Please contact the Planning Department on the 3rd Floor for information. _____

20. Is the property within the boundaries of an Environmental Preservation District? Please contact the Planning Department on the 3rd Floor for information. _____

21. In support of the application, please supply the following evidence in Section 7.1.2.7(b) of the Miami 21 Code. **Note:** This application will not be accepted unless items (a) through (g) below are complete. Please list evidence to be produced and use additional sheets, if applicable.

(a) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same Transect.
 No. Yes. If so, explain. _____

(b) The special conditions and circumstances do not result from actions of the applicant.
 No. Yes. If so, explain. _____

(c) Literal interpretation of the provisions of the Miami 21 Code deprives the applicant of rights commonly enjoyed by other properties in the same Transect Zone and results in unnecessary and undue hardship on the applicant. No. Yes. If so, explain. _____

(d) Granting the Variance requested conveys the same treatment to the individual owner as to the owner of other lands, buildings, or structures in the same Transect Zone.
 No. Yes. If so, explain. _____

(e) The Variance, if granted, is the minimum Variance that makes possible the reasonable use of the land, building or structure. No. Yes. If so, explain. _____

(f) The grant of the Variance is in harmony with the general intent and purpose of the Miami 21 Code, and is not injurious to the neighborhood, or otherwise detrimental to the public.
 No. Yes. If so, explain. _____

(g) The Variance, if granted, is consistent with the applicable criteria as set forth in Article 4, Table 12 of the Miami 21 Code, as such, relates to the particular location for which the Variance is being sought. No. Yes. If so, explain. _____

VARIANCE APPLICATION

22. Cost of processing according to Section 62-156 of the Miami City Code*:

- a. CS, T3, (Single-Family and Duplex Residential uses) \$ 250.00
- b. Piers, docks, wharves and the like, for each Variance from the ordinance,
per lineal foot \$ 45.00
Minimum \$ 700.00
- c. All applications for Variances relating to the same structure shall be assessed
a single fee to be calculated per square foot of floor area of the proposed
structure or addition, based upon the definition of floor area found in Section
1.2 of Miami 21 Zoning Ordinance \$.10
Minimum \$ 650.00

Application for Variance as a result of a change in approved plans or as a result of a violation notice shall be charged an additional fee, per Variance:

- a. CS, T3 \$ 250.00
- b. All other residential districts \$ 450.00
- c. All nonresidential districts \$ 550.00
- d. Extension of time for Variance \$ 500.00

Public hearing and public meeting mail notice fees, including cost of handling and mailing per notice \$ 3.50

**Pursuant to Ordinance 12719, all planning and zoning fees in excess of \$25,000.00, shall be paid in the form of a certified check, cashier's check, or money order.*

Signature _____ Address _____
 Name _____
 Telephone _____ E-mail _____

STATE OF FLORIDA -- COUNTY OF MIAMI-DADE

The foregoing was acknowledged before me this _____ day of _____
 20_____, by _____ who is
 a(n) **individual/partner/agent/corporation** of _____ a(n)
individual/partnership/corporation. He/She is personally known to me or who has produced _____
 _____ as identification and who did (did not) take an oath.

(Stamp)

 Signature

CITY OF MIAMI
H e a r i n g B o a r d s
 Ph: 305-416-2030
 444 SW 2nd Ave 7th Floor Miami, FL 33130
 www.miamigov.com/hearing_boards

VARIANCE APPLICATION

AFFIDAVIT OF AUTHORITY TO ACT

Before me this day, the undersigned personally appeared _____
_____, who being by me first deposes and says:

1. That he/she is the owner or the legal representative of the owner, submitting the public hearing application as required by the Code of the City of Miami, Florida, affecting the real property located in the City of Miami, as listed on the foregoing pages.
2. That all owners who he/she represents, if any, have given his/her full and complete permission for him/her to act in his/her behalf for the change or modification of a classification or regulation of zoning as set out in the foregoing petition, including or not including responses to day to day staff inquires.
3. That the foregoing and following pages are part of this affidavit and contain the current names, mailing addresses, telephone numbers and legal descriptions of the real property of which he/she is the owner or legal representative.
4. That the facts, as represented in the application and documents submitted in conjunction with this affidavit, are true and correct.

Further Affiant sayeth not.

Applicant(s) Name

Applicant(s) Signature

STATE OF FLORIDA -- COUNTY OF MIAMI-DADE

The foregoing was acknowledged before me this _____ day of _____
20_____, by _____ who is
a(n) **individual/partner/agent/corporation** of _____ a(n)
individual/partnership/corporation. He/She is personally known to me or who has produced _____
_____ as identification and who did (did not) take an oath.

(Stamp)

Signature

VARIANCE APPLICATION

DISCLOSURE OF OWNERSHIP

1. List the owner(s) of the subject property **and** percentage of ownership. **Note:** The Miami City Code requires disclosure of all parties having a financial interest, either direct or indirect, with respect to a presentation, request or petition. Accordingly, disclosure of shareholders of corporations, beneficiaries of trusts, and/or any other interested parties, together with their address(es) and proportionate interest are required. Please supply additional lists, if necessary.

Owner's Name(es) _____

Percentage of Ownership _____

Subject Property Address(es) _____

2. List all street address(es) and legal description(s) of any property located within 500 feet of the subject property owned by any and all parties listed in question #1 above. Please supply additional lists, if necessary.

Street Address(es):

Legal Description(s):

Owner(s) or Attorney Name _____

Owner(s) or Attorney Signature _____

STATE OF FLORIDA -- COUNTY OF MIAMI-DADE

The foregoing was acknowledged before me this _____ day of _____
20_____, by _____ who is
a(n) **individual/partner/agent/corporation** of _____ a(n)
individual/partnership/corporation. He/She is personally known to me or who has produced _____
_____ as identification and who did (did not) take an oath.

(Stamp)

Signature _____

CITY OF MIAMI
H e a r i n g B o a r d s
Ph: 305-416-2030
444 SW 2nd Ave 7th Floor Miami, FL 33130
www.miamigov.com/hearing_boards

VARIANCE APPLICATION

PREPARING LIST OF PROPERTY OWNERS WITHIN 500 FEET

You will **only** be responsible for providing the documents as instructed below in order to meet the filing criteria. You will **not** need to obtain signatures from any of your neighbors before, during, or after the public hearing process.

Below is the format required for preparing the ownership list of real estate properties within 500 feet of the subject property. This information must reflect the most current records on file in the Miami-Dade County Tax Assessor's Office. If you have any questions, please call us at **305-416-2030**.

- **Should you wish, you may obtain this information from a real estate consultant found in the yellow pages of your phone book.**

1. COVER LETTER – You may use the format shown on the following page. The letter is to be signed by the person who composed the list.
2. MAP – A map of the property showing the radius—from the outside boundary of the site—indicating all properties within a 500-foot radius.
3. OWNERSHIP LIST – The list should include the owners' name(s), mailing address, property street address(es) and legal descriptions, **including one individual from the condominium association** within the notification area. This list *must* be provided in the format shown below.

OWNERSHIP LIST

Legal Description:

SUBDIVISION NAME (Plat Book/Page)
Block #, Lot #,
Street Address

Mailing Label:

Owner's Name(s) and
Mailing Address
City, State Zip Code

Example:

A.L. KNOWLTON'S MAP OF MIAMI (B-41)
Block 1, Lot 2
345 SW 6th Street

JOHN SMITH
123 SW 4th Street
Miami, Florida 33156

4. MAILING LABELS – **Six (6) sets** showing *only* the name and mailing address of all property owner(s) listed in the ownership list, as in the example above, using one space per name. Be sure to observe the margins of each space. Please avoid duplication of labels where the same owner name with the same property address appears more than once.

VARIANCE APPLICATION



Date _____

CITY OF MIAMI
HEARING BOARDS
P O BOX 330708
MIAMI, FL 33233-0708

Re: Property Owner's List Within 500 Feet of:

Street Address(es)

Total number of labels without repetition: _____.

I certify that the attached ownership list, map and mailing labels are a complete and accurate representation of the real estate property and property owners within a 500-foot radius of the subject property listed above. This information reflects the most current records on file in the Miami-Dade County Tax Assessor's Office.

Sincerely,

Signature

Name or Company Name

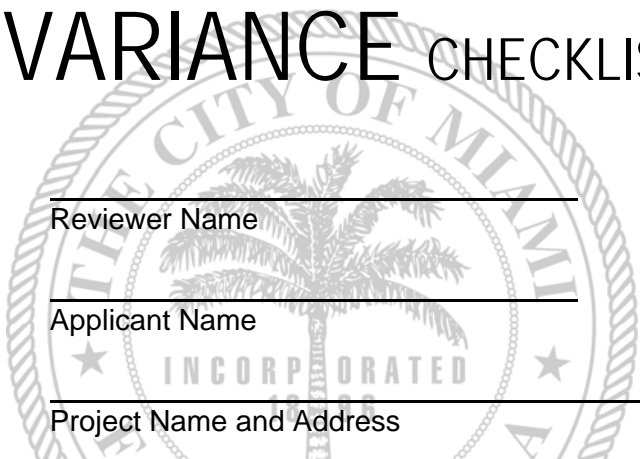
Address

Telephone

E-mail

CITY OF MIAMI
H e a r i n g B o a r d s
Ph: 305-416-2030
444 SW 2nd Ave 7th Floor Miami, FL 33130
www.miamigov.com/hearing_boards

VARIANCE CHECKLIST



Reviewer Name

Review Date

Applicant Name

Contact Information

Project Name and Address

- | | | | |
|------------------------------|-----------------------------|------------------------------|--|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | One original survey dated within six months of application, with building baseline established by the Department of Public Works |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Two (2) 11x17" and one (1) 8½x11" copies of the survey |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | One original plan signed by all departments (HB, PW, Z & P) |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Two (2) 11x17" and one (1) 8½x11 copies of the original plan |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Current Zoning Referral |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Zoning Write-Up |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | One (1) copy of Recorded Deed (legal description on Deed must match legal description on survey) |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | "Exhibit A", legal description must match survey and Deed |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Current photos, two (2) minimum, showing the entire property |
| <hr/> | | | |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Proof of Lobbyist Registration |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Affidavit of Authority to Act |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Disclosure of Ownership of all owners |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Disclosure of all contract purchasers |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Certificate of Status from Tallahassee dated within 1 year of application for Profit and Non-profit owners and contract purchasers |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Corporate Res. or Power of Atty. from all owners or Board of Directors |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Corp. Res. or Power of Atty. from all contract purchasers |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Non-profits: List of Board of Directors (owners) |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Non-profits: List of Board of Directors (contract purchasers) |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Disclosure of Agreement to Support or Withhold Objection |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Certified list of adjacent owners within 500 feet |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Public School Concurrency |
| <hr/> | | | |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Code Enforcement violation(s) |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | All property addresses subject to this request listed |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | All questions answered |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> N/A | Paid receipt |

I, _____, **authorize any refund to be issued to** _____
 _____ **(Name and Complete Address).**

*If any information/documentation required above is missing, application is not accepted and all documents are returned to the applicant.
 *If all required information/documentation is presented, date stamp and initial the application.