

MIAMI SHORES VILLAGE

10050 Northeast Second Avenue
Miami Shores, Florida 33138
Telephone (305)795-2207 Fax (305)756-8972
www.miamishoresvillage.com

PLANNING & ZONING BOARD VARIANCE APPLICATION

Please refer to the Village's Land Development Regulations available at www.municode.com for zoning code information and requirements. A pre-application meeting with Planning Staff is required, may be scheduled at your convenience and will help in understanding the process and application requirements. We will be glad to assist you in any way possible.

This application, with all supplemental data and information, must be completed in accordance with the specific instructions in this application. Complete applications and all supplemental information must be filed with the Planning and Zoning office by 12:30 p.m. on the submittal date deadline. Please review the meeting schedule for meeting dates and submittal deadlines. Incomplete applications will not be accepted and will not be considered to be officially submitted until all required information is submitted. A hearing date will not be set until a complete application is received.

All application materials become the property of Miami Shores Village. Application material not required for the property file is recycled after the hearing. **Should you want any application material returned to you please make your request directly to the Board at the hearing and after the Board makes their decision.**

PLEASE NOTE: Staff reports and agendas will not be mailed to applicants, they may be found by following the link at www.miamishoresvillage.com. After the hearing, the final decision of the Planning Board may be found by going to the Agenda and clicking on Development Order for the agenda item you are interested in.

Note: It is the policy of the Planning and Zoning Board of Miami Shores Village that it is generally inappropriate for Board members to discuss, with petitioners, their agents or affected parties, a land use petition which is subject to a public hearing, outside of a formal hearing before the Planning and Zoning Board.

APPLICATION TYPE AND HEARING REQUESTED

Please check each type of application you are applying for:

<input type="checkbox"/> Variance – residential Setback required - _____ Setback requested - _____ Identify location check one: <input type="checkbox"/> front <input type="checkbox"/> side <input type="checkbox"/> rear	<input type="checkbox"/> Variance – commercial Setback required - _____ Setback requested - _____ Identify location check one: <input type="checkbox"/> front <input type="checkbox"/> side <input type="checkbox"/> rear
<input type="checkbox"/> Variance – residential Other: _____ _____	<input type="checkbox"/> Variance – commercial Other: _____ _____

APPLICANT INFORMATION SHEET

Contact Information

Please Print or Type

Property Owner's Name			
Address, City, State, Zip			
E-mail Address			
Phone Number Day		Cell Number	
Fax Number			
Name of Applicant: If different from owner. (indicate with N/A if not applicable)			
Address, City, State, Zip			
E-mail Address			
Phone Number Day		Cell Number	
Fax Number			
Name of Agent: If different from owner and applicant. (indicate with N/A if not applicable)			
Address, City, State, Zip			
E-mail Address			
Phone Number Day		Cell Number	
Fax Number			

IMPORTANT: THE APPLICANT OR AUTHORIZED REPRESENTATIVE MUST ATTEND THE HEARING TO PRESENT THE PROPOSAL

Address, Legal Description of Property and Property Information

To be filled out by applicant. (If subdivided – provide lot, block, complete name of subdivision, plat book and page numbers. If metes and bounds description – Complete description, including section, township and range.)

Information available at www.miamidade.gov/pa/property_search.asp

Property Address:			
Folio Number:			
Lot(s):		Block:	
Subdivision Name:		Plat Book and page:	
Section:	Township:	Range:	
Size of Property: width		ft. X depth	ft. = sq. ft.; acres(s)
Date Subject Property was acquired:			

Are there any existing structures on the property? Yes No

If so, what is the construction material? (CBS, Frame, Frame-stucco, Wood, Other)

Please specify: _____

APPLICANTS PROPOSAL

Specify in full the request. Use a separate sheet of paper if necessary.

INTENT

Explain the purpose of the application, benefit(s) in the change and reasons why this application should be approved. Specify the exact nature of the use or operation applied for, together with any pertinent technical data, which will clarify the proposal. (Use a separate sheet of paper if necessary).

EXHIBITS AND DATA TO BE SUBMITTED WITH THE APPLICATION

Applications will not be processed by the Village if the required exhibits and information are not included in the application submittal. Application materials will not be returned to the applicant. Should you want any application material returned to you please make your request directly to the Board at the hearing and after the Board makes their decision.

- 1) **Required Documentation for a Complete Application:** A meeting with the planner is necessary to determine if any of the following documents will not be required.
- 2) **(The one (1) original set of documents and seven (7) copies of each document are required as part of the submittal for a total of eight (8) sets):**

- a) Pre-application meeting with planning staff.
- b) Application fee paid in full.
- c) Completed application.
- d) Proof of ownership. A copy of the most recent tax bill, property appraiser's office record or a copy of the most recent recorded warranty deed is required.
- e) Letter of authorization from owner consenting to the application must be provided in a certified form. When an application is executed on behalf of a corporation or business entity, documentation must be provided which demonstrates the signatory's authority to represent the corporation.
- f) Consent for Inspection from owner must be provided in a certified form.
- g) Letter describing applicant's proposal and intent.
- h) Applicant to provide written response to the four (4) variance criteria.
- i) All plans must be clearly scaled and dimensioned.
- j) Plans to clearly identify the area for which the variance has been requested, scaled and dimensioned with appropriate area calculations as necessary.
- k) Current Survey, less than six (6) months old, signed and sealed.
- l) Site Plan, use clouding to identify the area of new work.
- m) Floor Plans, use clouding to identify the area of new work.
- n) Building Elevations, use clouding to identify the area of new work.
- o) Landscape Plan.
- p) Color photographs of all sides of the building, mounted on 8.5" by 11" sheets.
- q) Other data as required.

Note: All plans must be 24" by 36" and must be folded to approximately 8.5" by 12". All documents and plans must be collated and banded together in sets.

Please provide one (1) reduced 11" by 17" set of plans for scanning and copying.

Note: When submitting revised plans, sheets must show previously approved plan and proposed plan, side-by-side, with proposed changes clouded on the revised portion.

CONSENT FOR INSPECTION OF PROPERTY AND POSTING OF PROPERTY

I, _____, the owner of the premises located at _____ do hereby consent to the inspection of said premises and the posting of public notice by an employee of Miami Shores Village, Florida, in conjunction with an application for _____, without further notice.

Dated this _____ day of _____.

OATH OR AFFIRMATION

STATE OF FLORIDA, COUNTY OF MIAMI-DADE:

Sworn to (or affirmed) and subscribed before me this _____ day of _____, by.

Signature of Owner

Telephone Number

Print Name

NOTARY SEAL:

Signature of Notary Public – State of Florida

Name of Notary Typed, Printed, or Stamped

(Please check one)

- Personally known to me; or
- Produced identification.

Type of Identification Produced: _____.

OWNER'S AFFIDAVIT OF CONSENT AND DESIGNATION OF AGENCY

I/We _____ as Owner(s) of Lot(s) _____, Block _____, Sections _____, Plat Book and Page Located at _____ desire to file an application for a public hearing before the Planning and Zoning Board and I/WE understand and agree with the following:

- 1) That the Planning and Zoning Board will table or may deny the application if the property owner, or authorized applicant or agent is not present at the hearing.
- 2) That it is the responsibility of the property owner to submit a complete true and correct application before a hearing will be scheduled before the Planning and Zoning Board.
- 3) That the submittal of inaccurate or false information will result in an incomplete application, tabling or denial of the application or revocation of any Board approvals.
- 4) That the requirements of the Village Code, Miami-Dade County, the Florida Building Code, and other government agencies may affect the scheduling of a hearing and the ability to obtain/issue a permit for the proposal.
- 5) That the proposal and plans submitted must be compliant with the Village Code and that any plan that fails to comply with code requirements and for which no exception exists, must be corrected to comply with the Village Code prior to the public hearing.
- 6) That property owner is responsible for complying with all the conditions and/or restrictions imposed by the Planning and Zoning Board in connection with the request and will comply with those conditions and/or restrictions and that failure to do so will void and approvals delay issuance of permits to proceed with the request.
- 7) The undersigned owner(s) and applicant(s) / agent(s) certifies under penalties of perjury that all the statements contained in this application, including any statement attached to the application or any papers or plans submitted herewith are true and correct.

I/We as the owners of the subject property: (Please check one)

- Do hereby authorize _____ to act on my/our behalf as the applicant/agent.
- Will on my/our own behalf act as applicant(s), and make application in connection with this request for a public hearing before the Planning and Zoning Board.

I/We understand that if my/our request is denied, I/We have ten (10) days from the date of hearing to appeal the decision of the Planning and Zoning Board to the Village Council.

OATH OR AFFIRMATION

STATE OF FLORIDA, COUNTY OF MIAMI-DADE:

Sworn to (or affirmed) and subscribed before me this _____ day of _____, by.

Sworn to (or affirmed) and subscribed before me this _____ day of _____, by.

Signature of Owner(s)

Signature of Authorized Applicant(s) or Agent(s)

Print Name

Print Name

Signature of Notary Public-State of Florida

Signature of Notary Public-State of Florida

Name of Notary Typed, printed or stamped

Name of Notary Typed, printed or stamped

NOTARY SEAL :

NOTARY SEAL :

- (Please check one)
 Personally known to me; or Produced identification.

- (Please check one)
 Personally known to me; or Produced identification.

Type of Identification Produced: _____.

Type of Identification Produced: _____.

APPLICANT'S RESPONSE TO VARIANCE CRITERIA

The applicant for a variance must fully comply with the following section of the code and must provide a complete and accurate basis for the request and why the request being made meets each of the four (4) criteria in Sec. 702. [Criteria underlined] The applicant must meet each of the criteria to be considered for a variance. Please state in writing how your request meets the requirements of Sec. 702 and each of the underlined criteria.

Sec. 702. Hardship variances.

A variance is a relaxation of the terms of the ordinance where such action will not be contrary to the public interest by such petition demonstrating compliance with the requirements, limitations and criteria specified below, and where, owing to conditions peculiar to the property, other than conditions relating to the financial circumstances of the applicant or the result of actions of the applicant, a literal enforcement of this ordinance would leave the property owner with no reasonable use of the property. The planning board may consider the fact a property is listed on the National Historic Register or has been designated as a historic landmark by the Miami Shores Village Council, as a basis for granting a variance.

An applicant who is of the opinion that it is impossible to apply strictly one or more of the provisions of Appendix A Zoning to their property, may appeal to the planning board, fully setting forth:

- (1) The alleged peculiar and unusual conditions affecting the property.
- (2) The alleged reasons why such conditions make it impossible strictly to apply specified provisions of this ordinance to the property.
- (3) The variance in such strict application that the applicant believes to be necessary in order to enable him to make a reasonable use of the property.
- (4) The reasons why the applicant is of the opinion that such variance would be in harmony with the intent and purpose of this ordinance, would not be detrimental to the existing use or prospective development of property in the vicinity, and would not give to the applicant an advantage with respect to the use of his property that is not enjoyed by the owners of similarly situated property.

After notice to the parties in interest, as prescribed in its rules, the planning board shall act as follows:

First: Determine whether or not there are peculiar and unusual physical conditions applying to the property of the applicant, other than conditions relating to his financial circumstances; and if so but not otherwise;

Second: Determine whether or not such conditions are such that it is impossible strictly to apply specified provisions of this ordinance to such property; and if so but not otherwise;

Third: Determine the minimum variance in such strict application that will enable the owner to enjoy the reasonable use of the property without being detrimental to the existing use or prospective development of property in the vicinity and without giving the owner an advantage that is not enjoyed by the owners of similarly situated property; and

Fourth: Grant the aforesaid variance, subject to such conditions as the board deems to be necessary in furtherance of the purposes of this ordinance.

In no case shall any such variance permit the establishment of any use that is not specifically permitted in the district under the regulations applying thereto as set forth in this ordinance.