

INSTRUCTIONS FOR FILING APPLICATIONS FOR ADMINISTRATIVE ZONING VARIANCES

(Please read carefully and comply with all instructions that apply to your zoning request in order to avoid an incomplete application and resultant delay.)

When your administrative variance application is complete and you are ready to submit same, please call the Zoning Department at (305) 224-4512 to arrange an appointment. This procedure will help to avoid unnecessary loss of time.

GENERAL INFORMATION

Sec. 30-53 Administrative Variances

- A.** In an R-1, R-2, R-TH, R-CH and Estate districts, and those districts permitting single family, duplex and townhouse use, upon application duly made, the Director and the Zoning Administrator may issue a permit for a non-use variance including new construction or an addition to an existing single family, duplex or townhouse with setbacks and lot coverage requirements varying from those specified elsewhere in the Zoning Regulations providing that they do not exceed the following:
1. That the setback required is not reduced below 70% of that required.
 2. That the lot coverage is not increased by more than twenty (20) percent of that normally permitted.
 3. That the spacing requirement between principal and accessory buildings is not reduced below fifty (50) percent of that normally required.
- B.** The Director and the Zoning Administrator may vary the setback requirements for screened enclosures, tennis courts, swimming pools and other accessory structures or uses up to 50% of that required.
- C.** The Director and the Zoning Administrator may vary lot frontage, area requirements, height requirements, and yard requirements.
- D.** In granting the variances and issuing the permit, the Director and the Zoning Administrator must find:
1. That the variance(s) will be in harmony with the general appearance and character of the community.
 2. That the variance(s) will not be injurious to the area involved or otherwise detrimental to the public welfare.

3. That the proposed addition is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent residences while affording the applicant a reasonable use of the land.

LIMITATION OF AUTHORITY

The right of the Director and the Zoning Administrator in granting the requested variance(s) shall be limited to those areas where the properties are already developed and where at least 75% of the lots in a radius of 300' feet from the subject property have been developed.

ADDITIONAL AUTHORITY

The Development Services Department has the authority to grant administrative zoning variances for commercial districts for non-use variances, such as parking, mobile home setbacks, fence height restrictions, entrance features, front/rear/side setbacks, sign deviations, and pool setbacks. (Ord. No. 96-11-65).

PRELIMINARY REVIEW OF APPLICATION WITH STAFF

It is advised that you discuss your application with staff members of the Development Services Department in order to avoid filing a completely futile or incomplete application.

Such discussion also serves the purpose of determining what requests must be included in your application to accomplish what you are proposing.

DECISION

Upon receipt of all necessary information including a staff report, the Director and the Zoning Administrator will review the information and render their decision approving, modifying or denying the request. A copy of said decision would be published in a newspaper of general circulation. All approvals or modifications will become effective 15 days after the Director's and the Zoning Administrator's decision is published in a newspaper of general circulation, unless an appeal is filed.

In granting any variances the Director and the Zoning Administrator may prescribe any appropriate conditions and safeguards they may feel necessary to protect and further the interest of the area and abutting properties, which may include but not limited to the following:

1. Landscape materials, walls, and fences as required buffering.
2. Modifying of the orientation of any openings.
3. Modifying of site arrangements.

The decision of the Director and the Zoning Administrator shall be recorded on the official city record.

APPEAL OF ADMINISTRATIVE DECISION

Pursuant to the provisions of Sec. 30-53, any aggrieved property owner in the area may appeal the decision of the Director and the Zoning Administrator to the Planning and Zoning Board within 15 days after the Director's and the Zoning Administrator's decision is published in a newspaper of general circulation. If appealed, the applicant must file a new application with the Planning and Zoning Board pursuant to the provisions of this chapter and must comply fully with the requirements of Sec. 30-45.

FILING AND HEARING FEES

At the time of the filing of the zoning application, a fee of \$400.00, per requested variance is required to pay the cost of processing of the application, unless the applicant is in violation of the zoning regulations then additional costs are applicable. Checks should be made payable to the: City of Homestead.

CONSENT FORM

Written waivers of objection to the application from property owner's **adjacent/abutting** the subject property is **required, and must be submitted** as a part of the application. Waivers must indicate that the signer knows and agrees to that which the applicant is requesting, and must contain the name and address of the Waiver's property.

TYPICAL EXAMPLE OF REQUEST

I, (name of owner) am applying for a 13' x 20' bedroom addition to the located on the south side of my existing residence, 703 NE 17 Avenue to be setback 15' (25' required) from the rear (south) property line.

I, (name of owner) am applying for a 12' x 12" storage room spaced 7' (10' required) from existing resident 34 NW 9 Street to be setback 4' (7.5' required) from the interior side (west) property line.

I, (name of owner) am applying for a tennis court to be located to the rear (north) side of my residence, 2620 NE 7 Street to be setback 45' (75' required) from the front (south) property line, setback 15' (30' required) from the side street (east) property line, setback 10' (20' required) from the side (west) property line and setback 4' (7.5' required) from the rear (north) property line.

If you have any questions, call the Zoning Department at 305 224-4512.

EXHIBITS AND DATA SUBMITTED WITH AND AS A PART OF APPLICATION

A. General instructions on Exhibits and Data:

1. All exhibits (data submitted in connection with application) become a permanent part of the public hearing records of The City of Homestead. All required exhibits must be submitted with the application, or the application will be considered incomplete and will not be accepted.
2. All exhibits to be submitted must be a maximum of 11" x 17" or of a size so that they can be easily folded to fit within the file.
3. Letter of Intent (required with all applications (see below for details)).
4. Photographs: one front and one side view of all buildings and/or structures existing on the property concerned must accompany the application.

B. Exhibits – Type of Plans: Where and how many to be submitted?

All plans to be submitted shall contain a title block identifying the development or project, the name and title of person preparing the plan, the date of preparation, scale of drawing, and property address. This shall be drawn on paper of adequate size of 11" x 17" (two copies) so that they may be easily read. The Zoning Department keeps all plans submitted with the Administrative Zoning Variance Application.

Plot Plan must show the complete property, have all dimensions (measured to the centerline of the streets), indicate the size of existing and proposed buildings, spacing, all setbacks, individual parking spaces, access drives, existing and proposed right-of-way dedications and public or private streets.

Floor Plans must clearly identify all rooms within the addition and indicate the dimensions of each.

Survey prepared by a registered surveyor must indicate all structures, with proper dimensions as they exist on the property. The survey must be less than 45 days old to be accepted by the Zoning Department.

Letter of Intent *all applications must be accompanied by a Letter of Intent.* Please describe in detail, in the **Letter of Intent** whether and to what extent the requested variance serves a public benefit that would warrant the granting of the request and specific justification for approval of the application, nature of the requests and any other pertinent information. It is important that justification for each and every variance be included in your letter of intent. Insufficient justification may result in the denial of your application.

CHECK LIST FOR THE APPLICANT

Applicant must Return with the Following:

1. _____ Complete application.
2. _____ Accurate dimension plot plan and floor plan.
3. _____ General location and distance to existing structures on adjacent property nearest to addition for which this variance is requested.
4. _____ Letter of Intent.
5. _____ Consents of adjacent or abutting property owners.
6. _____ Administrative Variance fee \$400.00 per requested variance
(additional costs applicable if property is in violation).
7. _____ Photographs.
8. _____ Survey of subject property, less than 45 days old.
9. _____ Letter of consent from property owner (if applicable).

APPLICATION FOR ADMINISTRATIVE VARIANCE (S)
CITY OF HOMESTEAD

Date Received _____ Fee _____

Folio Number _____ Sec. _____ Twp. _____ Rge. _____

This application, with all required supplemental data and information **must be completed** in accordance with the attached **“Instructions for Filing Application for Administrative Zoning Variance(s)”** and returned to the Zoning Department and **fee paid.**

Type or print legibly **in ink** all information on application

1. Owner of Property

Phone. _____

2. Mailing Address _____

E-mail address _____

City _____

Street _____ Zip _____

3. Legal Description of the property covered by the application:

Size of Property _____ x _____

4. Address or location of subject property

5. Present Zoning Classification(s) _____

6. Present minimum sq. ft. for bldg. _____

Is this hearing being requested as a result of a violation notice or summons?

If yes, nature of the violation:

OWNER AFFIDAVIT

I have made every attempt to relocate/redesign the structure as to avoid the variance(s) that are herein requested. I acknowledge that the Director and the Zoning Administrator have the authority to approve, modify, or deny my application and that in granting approval of my application they may prescribe any appropriate conditions and safeguards necessary to protect and further the interest of the area and abutting properties.

_____ being first duly sworn, depose and say that I am the legal owner of record of the property described and which is the subject of the proposed variance application.

This affidavit is subject to penalties of law (perjury) and to possible voiding of any Administrative Decision.

Signature _____

Print Name _____

SWORN to and subscribed to before me this _____ day of _____ 20 ____

Notary Public _____

Commission Expires: _____

I have applied for an Administrative Variance(s) to the Director and the Zoning Clerk, City of Homestead Development Services Department, to permit

I, the undersigned, have read or have had read to me the information applicable to request for an Administrative Variance, as outlined above, from the Zoning Regulations as applied to the City of Homestead and fully understand that by subscribing my name to this consent form, I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed by name freely and without any duress or apparent misrepresentation on the part of the applicant.

Date _____ Name _____

Address _____
(Type or Print)

Signature _____

Date _____ Name _____

Address _____
(Type or Print)

Signature _____

Date _____ Name _____

Address _____
(Type or Print)

Signature _____

Date _____ Name _____

Address _____
(Type or Print)

Signature _____

Date _____ Name _____

Address _____
(Type or Print)

Signature _____

Date _____ Name _____

Address _____
(Type or Print)

Signature _____

Date _____ Name _____

Address _____
(Type or Print)

Signature _____

COST RECOVERY AFFIDAVIT

I hereby acknowledge and consent to the payment of all applicable fees involved as part of my application process. These fees include but are not limited to: postage, advertising, and attorney fees regardless of the outcome of the public hearing, road closure, administrative variance, and/or site plan review.

Please type or print the following:

Date: _____

Full Name: Mr. Mrs. Ms. _____

Current Address: _____ City: _____

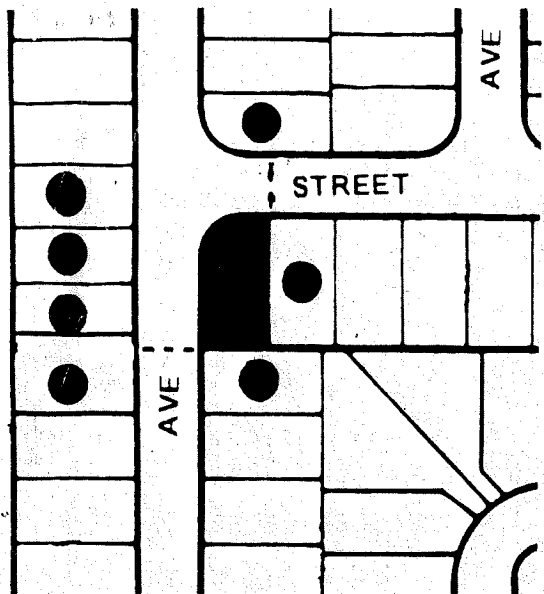
State: _____ Zip: _____ Telephone Number (____) _____

Signature

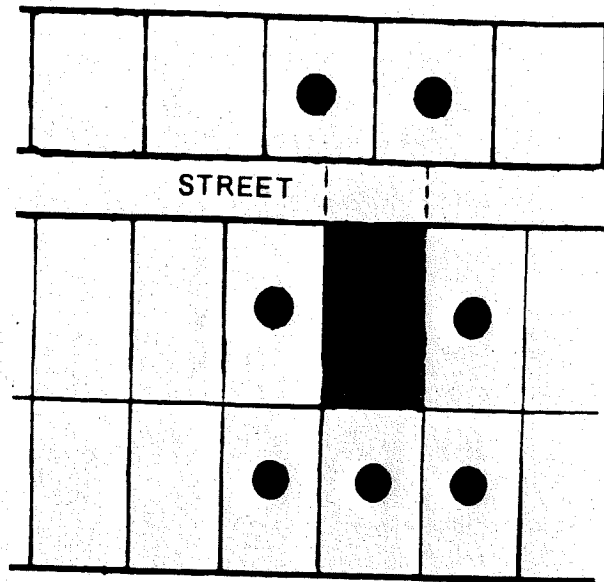
SWORN AND SUBSCRIBED BEFORE ME THIS _____ DAY
OF _____ 20____

Notary Public, State of Florida at Large

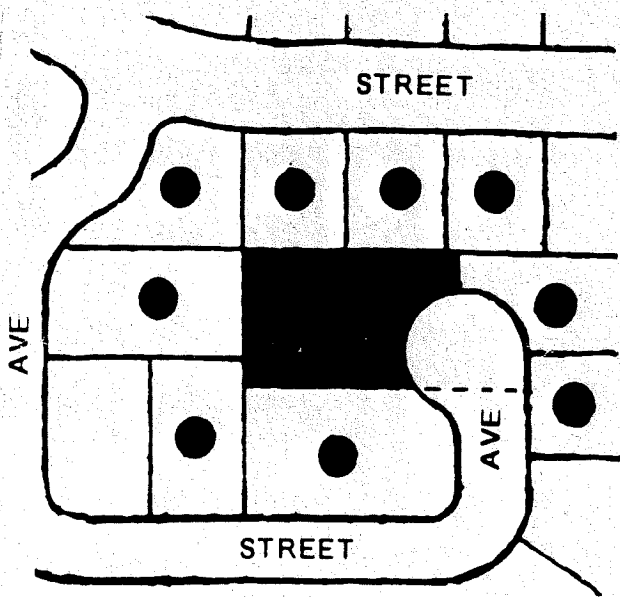
My Commission expires _____ 20____



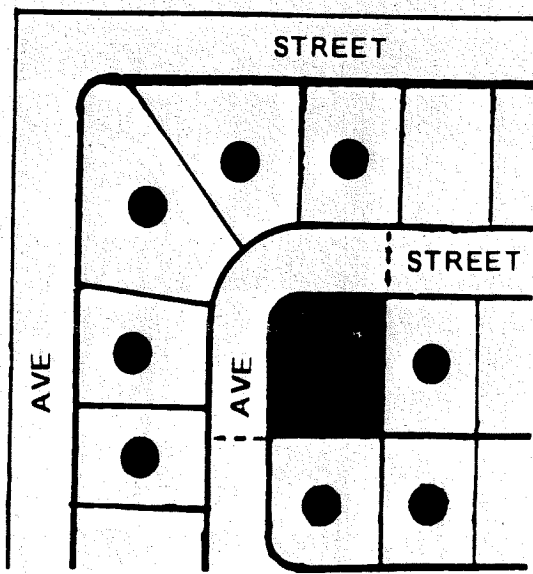
EXAMPLE 1



EXAMPLE 2



EXAMPLE 3



EXAMPLE 4