NORTH MIAMI
FLORIDA

COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT—Zoning

BOARD OF ADJUSTMENT (BOA)

SECTION 1: SUBMITTAL REQUIREMENTS & CHECKLIST
SECTION 2: BOARD OF ADJUSTMENT (BOA) INFORMATION, FEES & CONTACTS

APPLICATION

12400 NE 8 Avenue North Miami, FL 33161
305-893-6511, ext. 12148
www.northmiamifl.gov

Section 1: Submittal Requirements & Checklist

Please read the following information on the general requirements and procedures of the Board of Adjustment. **Incomplete applications will not be accepted.** For questions concerning the Board of Adjustment application requirements and procedures, please contact the Department of Zoning at 305-895-9820, Extension 12148. **Unless told otherwise by the Zoning Administrator, all applicants must schedule a meeting with staff to explain their request and go over the application requirements.**

Board of Adjustment Members

The Board of Adjustment consists of current residents of North Miami who have been appointed by a member of the North Miami City Council.

Submittal Dates/Meeting Dates and Times

The Board of Adjustment shall meet on the third (3rd) Wednesday of every other month at 6:30pm in the City Council Chambers in City Hall, which is located at 776 NE 125 Street.

Board of Adjustment Procedure

1. Fill out the "Development Application" which is included in this packet. **Your Petition (Development Application) will not be processed unless your application is complete**. The required attachments are listed on the following page.
2. The Petition and all attachments must be filed no later than 5:00 pm on the day of the filing deadline in order to be placed on the Board of Adjustment meeting agenda for the following month. You must also pay the filing fee. The deadline dates and applicable fees are listed on the last page of the packet.
3. You will be contacted to pick up a Public Notice Sign ten (10) days prior to the Board of Adjustment meeting date. The sign must be conspicuously posted on your property one week prior to the meeting and remain posted until final action.
4. If your Petition is for a Special Exception Use for the Sale of Alcoholic Beverages or for a new business, you must also apply for a certificate of use and business tax receipt if the request is approved.
5. The Board of Adjustment meetings start at 6:30 pm and are held in the City Council Chambers on the 2nd floor of City Hall, 776 NE 125 Street, North Miami, Florida. The meetings are open to the public. For additional information, call the Department of Community Planning and Development at 305-893-6511, ext. 12148. The department is located at 12400 NE 8 Avenue, North Miami, Florida 33161.

1. You must obtain a building permit from the Department of Building within one year of the date of the variance or special exception use approval. An extension of time may be granted by the Building and Zoning Department for good cause, for a period not to exceed six (6) months for a variance and twelve (12) months for a Special Exception , and only if requested within the original period of validity. AFTER THE ORIGINAL PERIOD OF VALIDITY, THE APPROVAL BECOMES NULL AND VOID.

Application Submittal Deadline	Board of Adjustment Hearing
~~December~~	~~January~~
~~February 17, 2016~~	~~March 16, 2016~~
April 13, 2016	May 18, 2016
June 15, 2016	July 20, 2016
August 17, 2016	September 21, 2016
October 12, 2016	November 16, 2016

Petition to Appear before the Board of Adjustment

A letter of intent clearly explaining what it is you propose to do. If a business, include the type and nature of business, the days and hours of operation, the number of employees on the largest shift and the square footage occupied by the business. All other applicants should include any information applicable to the request. All variance requests must include a statement of hardship, or what the hardship is that necessitates the variance request.

All **Variance** requests must include a statement of hardship or what the hardship is that necessitates the variance request. Please state how the request complies with four (4) of six (6) of the following standards (Sec. 3-606):

- ❑ 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 zoning district.
- ❑ The unusual circumstances or conditions necessitating the variance request are present in the neighborhood are not unique to the property.
- ❑ That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City.
- ❑ The literal interpretation of the provisions of these LDRs would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these LDRs.
- ❑ The variance requested is the minimum variance that will make possible the reasonable use of the land, structure or building.
- ❑ The granting of the variance will be in harmony with the general intent and purpose of these LDRs and such variance will not be injurious to the area involved.

All **Special Exception** use applications must state how the request complies with the following standards (Sec. 3-504):

- ❑ Applications for special exceptions shall demonstrate compliance.
- ❑ The use is listed SE (Special Exception) in the district where the property is located.
- ❑ There is appropriate provision for access facilities adequate for the estimated traffic from public streets and sidewalks so as to assure the public safety and to avoid traffic congestion.
- ❑ There are adequate parking areas and off street truck loading spaces (if applicable) for the anticipated number of occupants, employees, patrons and the layout of the parking is convenient and conducive to safe operation.
- ❑ There is suitable landscaping or fencing alongside lot and rear lot lines adjacent to residential uses or residential zoning districts.
- ❑ The proposed special exception is reasonable in terms of logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection and transportation.
- ❑ The proposed special exception will constitute an appropriate use in the area and will not substantially injure or detract from the use of eh surrounding property or from the character of the neighborhood.

One original, one copy **(at 11"x17")** and PDF file of the following:

- □ a current Survey of the property
- □ Site Plan including existing and proposed parking and landscape
- □ Floor Plan indicating how building will be used and square footage
- □ Elevations

A certified map and two sets of mailing labels indicating the names and address of property owners within a 500-foot radius of the subject property (for public notice requirements). A list of some of the companies that perform this service are:

Florida Real Estate Decisions	(305)-757-6884	Rio Development Services	(305)-498-1614
Real Estate Data Researcher	(305)-207-1412	Consuelo Quintana	(305)-858-2287

Applications will not be processed unless all requirements have been submitted by the submittal deadline.
All applications and fees shall be submitted in person between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday
** Please note that all incomplete applications will be discarded after 60 days from submittal date without notice. **

Section 2: Board of Adjustment (BOA) Information, Fees & Contacts

1. **Pre-application meeting**: Contact the Community Planning & Development Department at (305) 893-6511, ext. 12171 to schedule a pre-application meeting.
2. **Application Intake**: BOA meetings occur the third Wednesday evening of each month in the Council Chambers (2nd Floor) of City Hall (776 NE 125 Street). New submittals will only be accepted a month prior to the BOA meeting.
3. **Review by DRC members**: The Departments/Divisions shown below review BOA applications.

Publishing/Noticing	**$262.20**
Signs (Public Notice)	**$100.00**
Special Exception	**$524.40**
Variance, Residential	**$262.20.**
Commercial	**$524.40**
Applicant Appeal	**$125.86**
Appeal by Aggrieved Party	**$262.20**
Continuation of Item	**$125.86**

Contact	Phone Number	E-Mail
Zoning Admin.	305-893-6511, ext. 12256	
Roland Galdos Interim City Attorney	305-895-9810, ext. 12119	rglados@northmiamifl.gov
Brittni Duria Sr. Zoning Technician	305-893-6511, ext. 12171	bduria@northmiamifl.gov
Anita Winchester Zoning Clerk	305-893-6511, ext. 12148	awinchester@northmiamifl.gov

Board of Adjustment Public Hearing Application

Instructions: Please print or type all information. The application must be filled out accurately and completely.

TYPE OF APPLICATION:

- ❑ Special Exception
- ❑ Variance
- ❑ Appeal by Applicant
- ❑ Appeal by Aggrieved Party

PROPERTY OWNER'S INFORMATION:

Owner's Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ E-mail Address: _____

APPLICANT/DULY APPOINTED AGENT INFORMATION:

Contact Name: _____

Company Name: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ E-mail Address: _____

PROJECT INFORMATION:

Project Name: _____

Address of Property: _____

Folio Number(s): _____

_____

Size of Property: _____ Building Square Footage: _____

LEGAL DESCRIPTION: _____

_____

_____

PREVIOUS APPROVALS:

Previous approvals (list all previous approvals that substantial compliance/site plan modification/administrative modification is being sought):

_____ Date Approved: _____

_____ Date Approved: _____

OWNERSHIP AFFIDAVIT FOR CORPORATION

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared _____ _____ hereinafter the Affiant(s), who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Corporation, or otherwise authorized to sign on behalf of the Corporation, doing business at the following address:

   _____

2. The Corporation owns the property which is the subject of this request.
3. The subject property is legally described as:

   _____

4. Affiant is legally authorized to file this application or the Affiant has authorized _____ _____ as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning action granted at public hearing.

WITNESSES:

_____
Signature

_____
Print Name

_____
Signature

_____
Print Name

_____
Affiant's Signature

_____
Print Name

Sworn to and subscribed before me on the _____ day of _____, 20_____.
Affiant is personally known to me or has produced _____ as identification.

Notary _____

Commission Expires:

OWNERSHIP AFFIDAVIT FOR INDIVIDUAL

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Before me, the undersigned authority, personally appeared _____ _____ hereinafter the Affiant, who being first duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property that is the subject of this request.
2. The subject property is legally described as:

   _____

3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of the zoning approval.
4. The Affiant has authorized _____ as the applicant/duly appointed agent to file this application and to receive all correspondence and represent the Affiant.

WITNESSES:

_____
Signature

_____
Print Name

_____
Signature

_____
Print Name

_____
Affiant's Signature

_____
Print Name

Sworn to and subscribed before me on the _____ day of _____, 20_____.
Affiant is personally known to me or has produced _____ as identification.

Notary _____

Commission Expires:

OWNER'S LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST (CORPORATION)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

On behalf of _____, a _____ (state) corporation, _____ being first duly sworn, deposes and says that as the President/Vice-President, or CEO (circle one) of the aforesaid Corporation, which is the owner of the property legally described below and which is the subject property of the proposed request, does hereby grant limited power of attorney to _____ _____, as applicant, to file this application for the proposed request.

LEGAL DESCRIPTION:

_____
_____
_____
_____
_____
_____

WITNESSES:

_____
Signature

_____
Print Name

_____
Signature

_____
Print Name

_____
Name of Corporation

_____
Address

_____
By: President, Vice-President or CEO (circle one)

Sworn to and subscribed before me on the _____ day of _____, 20_____.
Affiant is personally known to me or has produced _____ as identification.

Notary _____

Commission Expires:

OWNER'S LIMITED POWER OF ATTORNEY PERMITTING APPLICANT TO FILE FOR THE REQUEST (INDIVIDUAL)

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I, _____, the fee owner, which is the fee owner of the property legally described below and which is the subject of the proposed request, do hereby grant limited power of attorney to _____, to file this application for the proposed request.

LEGAL DESCRIPTION:

_____
_____
_____
_____
_____
_____

WITNESSES:

_____	_____
Signature	Fee Owner's Signature
_____	_____
Print Name	Print Name
_____	_____
Signature	Address
_____	_____
Print Name	

Sworn to and subscribed before me on the _____ day of _____, 20_____.
Affiant is personally known to me or has produced _____ as identification.

Notary _____

Commission Expires: