



## **BOARD OF ADJUSTMENT (BOA)**

**SECTION 1: SUBMITTAL REQUIREMENTS & CHECKLIST**

**SECTION 2: BOARD OF ADJUSTMENT (BOA) INFORMATION, FEES &  
CONTACTS**

## **APPLICATION**

**12400 NE 8<sup>th</sup> Avenue North Miami, FL 33161**

**305-893-6511, Ext. 19012**

**[www.northmiamifl.gov](http://www.northmiamifl.gov)**

**[cpd@northmiamifl.gov](mailto:cpd@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 Community Planning & Development Department at 305-893-6511, Extension 19012. **Unless told otherwise by the Zoning Manager, 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 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 2<sup>nd</sup> 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 305-895-9825, ext. 19007. The department is located at 12400 NE 8 Avenue, North Miami, Florida 33161.

**You must obtain a building permit from the Building Department within one (1) year of the date of the variance or special exception use approval. An extension of time may be granted by the Community Planning & Development 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.**

## Petition to Appear before the Board of Adjustment

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.
- ☐ No variance may be granted if the property has any open code violations or unpaid code enforcement fines, except that the granting of a variance whose purpose is to cure or assist in curing a code violation shall be permitted.

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 the surrounding property or from the character of the neighborhood.
- ☐ No open code violations or unpaid code enforcement fines exist.

## SUBMISSION REQUIREMENTS

One copy (11"x17") and PDF file of the following:

- 1) 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.
- 2) **SURVEY** (dated within 12 months)
- 3) **SITE PLAN** including existing and proposed parking and landscape
  - ☐ Floor Plan (if required by staff) indicating how building will be used and square footage
  - ☐ Elevations (if required by staff)
- 4) A **CERTIFIED MAP + 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:

Miguel Espinosa Land Surveying, Inc. (305) 262-2992

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. 19011 to schedule a pre-application meeting.
- 2. Application Intake:** BOA meetings occur the third Wednesday evening of each month in the Council Chambers (2<sup>nd</sup> Floor) of City Hall (776 NE 125 Street). New submittals will only be accepted if complete.
- 3. Review by DRC members:** The Departments/Divisions shown below review BOA applications.

Publishing/Noticing	\$1,250
Signs (Public Notice)	\$250
Special Exception	\$585
Variance, Residential	\$350
Variance, Multifamily (3+)	\$800
Commercial	\$1,500
Applicant Appeal	\$141
Appeal by Aggrieved Party	\$293
Continuation of Item	\$112

Contact	Phone Number	E-Mail
<b>Derrick L. Cook, MBA, AICP</b> Director	305-893-6511, ext. 19001	<a href="mailto:dcook@northmiamifl.gov">dcook@northmiamifl.gov</a>
<b>Isaiah C. Valcin</b> Sr. Planning Technician	305-893-6511, ext. 19012	<a href="mailto:ivalcin@northmiamifl.gov">ivalcin@northmiamifl.gov</a>
<b>Cameron A. Palmer, BURPI</b> Planner	305-893-6511, ext. 19007	<a href="mailto:cpalmer@northmiamifl.gov">cpalmer@northmiamifl.gov</a>
<b>Jennifer Warren</b> Deputy City Attorney	305-895-9810, ext. 12202	<a href="mailto:jwarren@northmiamifl.gov">jwarren@northmiamifl.gov</a>



## 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:

Address of Property: \_\_\_\_\_  
Folio Number(s): \_\_\_\_\_  
Size of Property: \_\_\_\_\_ Building Square Footage: \_\_\_\_\_

**REASON FOR VARIANCE:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROJECT DESCRIPTION:** *Please provide a summary of the project including a description of what you are trying to accomplish and a timeline of events (if applicable).*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### OPEN CODE VIOLATIONS:

\_\_\_\_\_  
\_\_\_\_\_ Date Issued: \_\_\_\_\_  
\_\_\_\_\_ Date Issued: \_\_\_\_\_



**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

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Fee Owner's Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address

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: