



APPLICATION FOR NON-USE VARIANCE

Pursuant to Section 21-51, et.seq., the Bal Harbour Village Council may consider and grant applications for non-use variances. Said applications must be:

Executed and sworn to by the owners of at least 80% of the property described in the application, by tenants with owner's written sworn-to-consent, or by a duly authorized agent, such agent to be evidenced by a written power of attorney, if not a member of the Florida Bar.

1. Legal Description of the Property:

2. Street Address of the Property:

3. Zoning Designation: _____

4. Code Section for which variance is being sought. Description of the project for which the variance is required. (Attach additional pages if needed)

5. Justification.

A. For nonuse variance requests for properties located within the Business District, address the following requirements of Sec. 21-53 of the Code:

(1) That granting of the variance will be compatible with the surrounding land uses and not be detrimental to the community as a whole.

(2) The granting of the variance will do substantial justice to the applicant as well as other property owners in the district.

(3) That the variance can be granted in such fashion that the spirit of the zoning regulations of Chapter 21 will be observed, and public safety and welfare secured, without tending to create fire or other equally or more dangerous hazard or provoke excessive overcrowding or concentration of people or population.

(4) That compliance with the strict letter of the regulations will result in a practical difficulty so as to prevent the applicant from using this Property for a permitted purpose or will render compliance unreasonably burdensome.

B. For nonuse variance requests within all other zoning districts (other than the Business District), address the following requirements of Sec. 21-53 of the Code:

(1) The subject property has special conditions, not applying generally to other neighboring properties in the same zoning district, which occasion the necessity for the petitioned variance.

(2) The development resulting from the granting of such variance will be in harmony with the policies embodied within the Village Comprehensive Plan.

(3) The granting of such variance will be consistent with the general purpose and intent of the applicable zoning district regulations governing the property on which approval is granted.

(4) The granting of such variance will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations nor hinder or discourage appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

(5) That the literal and strict enforcement of the applicable provisions of the zoning regulations or other provisions of the Code of Bal Harbour Village, would result in undue or unnecessary hardship to the applicant.

(6) That the granting of the requested variance will provide substantial justice and not be contrary to the public interest as reflected in the applicable regulations.

(7) That the need for the variance does not arise from conditions which are personal to the owner, but instead relates to the uniqueness of the property.

6. Attach plans, drawings, surveys, renderings, or other materials that demonstrate, in detail, the project for which the variance is being requested:
- a) One set of application drawings, reduced to 8 ½" x 11", suitable for reproduction.
 - b) One set of application drawings, mounted on 24" x 36" presentation boards, adequately sized to facilitate a visual presentation.
 - c) One set of application drawings signed and sealed by the Architect or Engineer for the project.
 - d) Current survey.
7. Execution of Application:
- a) Applicant shall pay Bal Harbour Village for all reasonable costs, inclusive of postage and advertising publication, incurred in processing the application.

STATE OF _____

COUNTY OF _____

Signature of Applicant

Print Name of Applicant

The foregoing instrument was acknowledged before me this _____ day of _____, 20__ by _____ who is personally known to me () or who produced _____ as identification, and did (did not) take an oath.

Signature of Notary Public

Print Name of Notary Public

My Commission Expires: _____

Variance Application Received by:

Name

Date

Title

Attachments:

_____	_____
_____	_____
_____	_____
_____	_____

FEES (Section 21-51)

Single Family and Multi-Family Residences with 12 or less dwelling units:

	<u>No Violation</u>	<u>In Violation</u>
1 st Variance Request	\$150.00	\$300.00
Each Additional (at same hearing)	\$ 25.00	\$ 50.00

All Other Uses:

1 st Variance Request	\$250.00	\$500.00
Each Additional (at same hearing)	\$ 75.00	\$150.00



Non-Use Variance Application Check List

1. **Legal Description of the Property:** Indicate the legal description of the property.
2. **Street Address of the Property:** Indicate the address of property and list the mailing address, if it's different from the property address.
3. **Zoning Designation:** Indicate the Zoning District of the property.
4. **Code Section:** Indicate the zoning section of the Bal Harbour Code for which the variance is being requested.

Nature and Description of Variance Requested: Describe what it is that you want to do that requires a variance.
5. **Justification for Request:** Complete the attached application form, providing requested justification of compliance with the provisions of Section 21-53 of the Code which are applicable to your application (based on the location of the property within either the Business District or another zoning district).
6. **Attachments:** Include the items listed on the attached application form.
7. **Execution of Application:** Please contact the Village Clerk at (305) 866-4633, ext. 23, for postage and advertising costs related to processing the application.
8. **Signature of Applicant:** The owner of the property must sign the application (an owner's affidavit or a written power of attorney are required for anyone other than the owner to sign). The signature of the applicant must be notarized.
9. **Date:** The application must be dated by the notary.
10. **Fee:** A non-refundable application fee, payable to Bal Harbour Village, is required. Please see the fee schedule on the application for amounts.
11. **Submittal:** The Village Clerk establishes the deadline for submittal of variance applications, based on the number of variances being requested. For your information, Council meetings are held the third Tuesday of each month, except for August. Please contact the Village Clerk at (305) 866-4633, ext. 23, for deadline information.