

CITY OF CORAL GABLES
Building and Zoning Class 1 Department
Board of Adjustment Application

B.O.A. No.: _____

Applicant: _____	Phone: _____
Address: _____	Cell: _____
	Fax: _____
E-mail: _____	

This is a request for a _____ Variance _____ Appeal
(Provide a "X" on desired request)

Owner: _____ Phone: _____

Owner's Address: _____

Job Address: _____ Folio No.: _____

Legal Description:

Section: _____	Block: _____
Lot(s): _____	PB/PG: _____

Architect: _____ Phone: _____

Board of Arch.#: _____ Date: _____ Action: _____

Has there been a Board of Adjustment hearing on the property in the last year? _____

Is this request the result of a Notice of Violation? _____

Is this request the result of a deviation from an approved set of plans? _____

Has the property owner owned the property for at least one year? _____

The information provided in this application is true and correct, and the application is being submitted with all of the documents necessary for review by the Board of Adjustment and the Building and Zoning Department. I understand that failure to provide the information necessary for review by the Board of Adjustment may cause my application to be deferred without further review of consideration. I have read and understand all of the information in the City of Coral Gables Board of Adjustment Information brochure.

Applicant (Signature) _____ Date: _____

Board of Adjustment Owner's Affidavit

I/We _____ as Owner(s) of Lot(s) _____,

Block _____, Section _____, PB/PG _____.

(the Subject property) located at _____ desires to file an application for a public hearing before the Board of Adjustment of the City of Coral Gables and I/we do understand and agrees as follows:

1. That the application for a variance will not be heard unless the applicant is present at the Board of Adjustment Hearing.
2. The property will be posted with a sign, which must not be removed until after the public hearing at which time it is the Applicant's responsibility to remove the sign.
3. No application shall be accepted during the following time periods after the denial of a substantially similar application affecting the same property or any portion thereof:
A. Conditional uses and variances: six (6) months. B. Change in zoning map, zoning text amendments, comprehensive land use plan text, comprehensive land use plan map, amendments and application for abandonment and vacation of non-fee interests: twelve (12) months (Section 3-210. Resubmission of application affecting same property).
4. That the only variance or items being requested are those that have been specified in the written application for a variance, and any other code or plan issues will be corrected by modifying the plans to comply with the respective codes and ordinances of the City of Coral Gables.
5. That the applicant will be responsible for complying with all of the conditions and restrictions imposed by the Board of Adjustment in connection with the requested variance, and will take the necessary steps to make the variance effective if approved by the Board of Adjustment.
6. That it is the responsibility of the applicant to submit a complete application with all of the documents necessary for the Board of Adjustment to hear the applicant's request.
7. That the applicant is responsible for the submission and accuracy of a certified mailing list and (3) three sets of mailing labels according to the latest ad valorem tax record of all property owners with (1,000) one thousand feet of the property for which a public hearing before the Board of Adjustment is being requested.
8. Any variance granted by the Board of Adjustment or the City Commission shall be in effect for (12) twelve months from the date of approval. If a permit is not issued within the (12) twelve months, and work commenced, then the variance shall become null and void. One twelve-month extension of a variance may be granted by the Development Review Official.

I/We as the owners of the subject property: (do hereby authorize _____ to)

(will on my / our own behalf)

Act as the applicant and make application in connection with this request for a public hearing before the Board of Adjustment.

Signature of Owner _____	Notary Public Signature _____
Print Owner's Name _____	Print Notary's Name _____ Seal:
Signature of Owner _____	Notary Public Signature _____
Print Owner's Name _____	Print Notary's Name _____ Seal:

Signature of Applicant _____	Notary Public Signature _____
Print Applicant's Name _____	Print Notary's Name _____ Seal:

**BOARD OF ADJUSTMENT
APPLICATION CHECKLIST**

The following items are required for the processing of a public hearing before the Board of Adjustment:

	REQUIREMENTS	OFFICE USE ONLY
1)	Application	
2)	Applicant's Proposal	
3)	Letter of Intent	
4)	Owners Affidavit	
5)	Application Fee (Copy of receipt)	
6)	Proof of ownership if ownership of the property has changed in the last year	
7)	Register as a lobbyist (see attached)	
8)	1 Original Certified Mailing List	
9)	3 sets of Mailing Labels	
10)	Signed and Sealed survey of property	
11)	Full size set of plans (stamped by the Board of Architects)	
12)	13 copies on 11" x 17" paper of the plans	
13)	13 sets of color photographs (35mm or digital photographs) Must be labeled	
14)	Others (letter of support, rescheduling letter, or etc.)	

This application was checked for completeness and may be schedule to be heard by the Board of Adjustment on _____ and Received by _____ Date _____.

The Building and Zoning Department cannot accept applications that are not complete for any hearing before the Board of Adjustment. Applications, which have not been checked, will not be processed for a Board of Adjustment hearing.

Applicant's Signature: _____

Office use only:

LOBBYIST REGISTRATION AND DISCLOSURE

In accordance with the “Miami-Dade County Code,” Section 2-11.1 (s) all lobbyists are required to register with the City Clerk’s office.

No lobbyists will be permitted to appear before the Board of Architects, Board of Adjustment, Code Enforcement Board, Construction Regulation Board, University of Miami Community Relations Committee, Preliminary Review Committee, and the Ticket Hearing without being registered.

Lobbyist is defined as “all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision making process on such action, decision or recommendation which foresee ably will be heard or reviewed by the County Commission, or a County board or committee. “Lobbyist” specifically includes the principal, as described above, as well as any agent, officer or employee of a principal, regardless of whichever such lobbying activities fall within the normal scope of employment of such agent, officer or employee.”

***BOARD OF ADJUSTMENT DATES
FILING DEADLINE & MEETING DATES
“2009”***

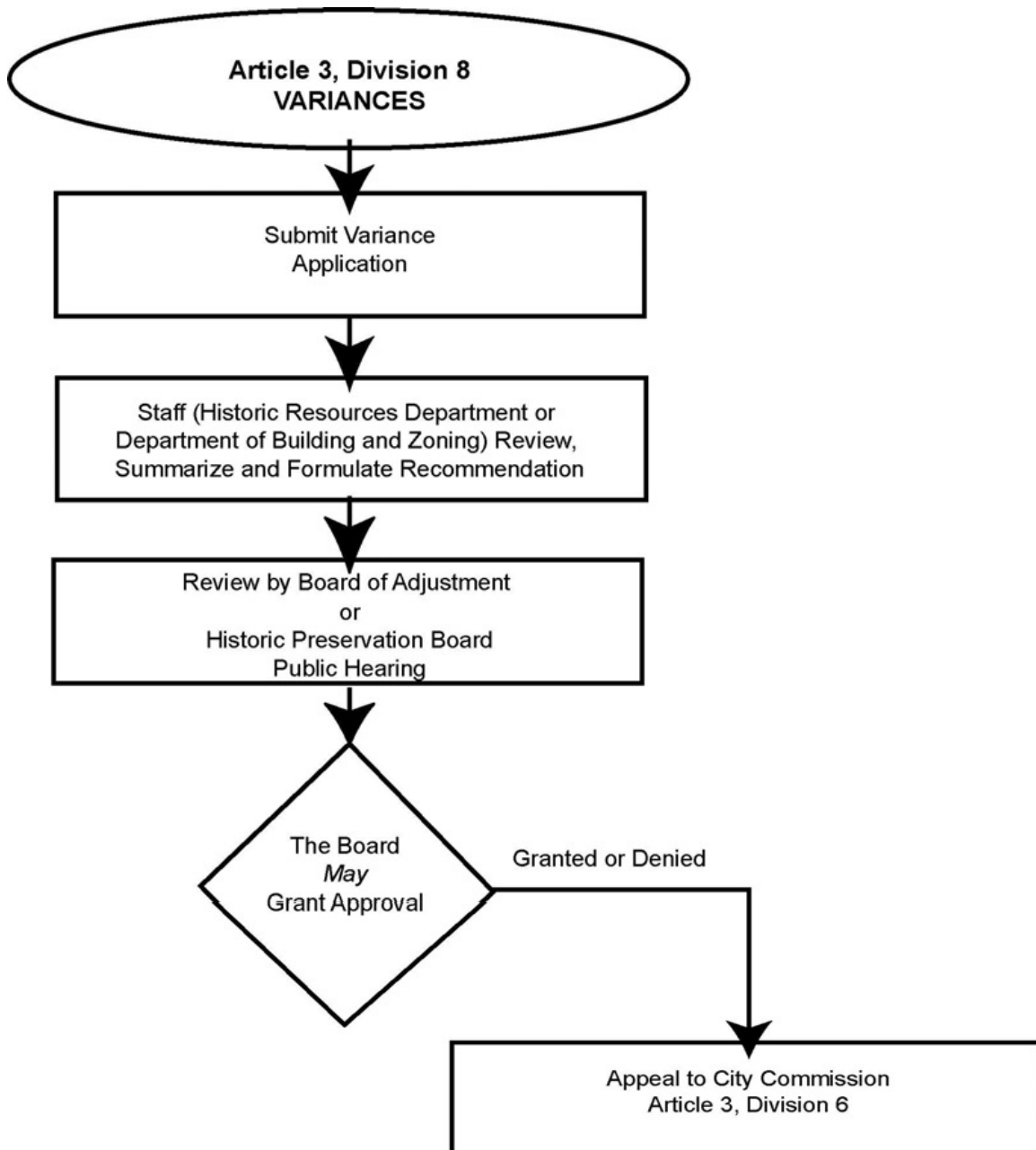
<i>Filing Deadline</i>	<i>Meeting Date</i>
Monday, December 1, 2008	Monday, January 5, 2009
Monday, January 5, 2009	Monday, February 2, 2009
Monday, February 2, 2009	Monday, March 2, 2009
Monday, March 2, 2009	Monday, April 6, 2009
Monday, April 6, 2009	Monday, May 4, 2009
Monday, May 4, 2009	Monday, June 1, 2009
Monday, June 1, 2009	Monday, July 6, 2009
Monday, July 6, 2009	Monday, August 3, 2009
Monday, August 3, 2009	Tuesday, September 1, 2009
Tuesday, September 1, 2009	Monday, October 5, 2009
Monday, October 5, 2009	Monday, November 2, 2009
Monday, November 2, 2009	Monday, December 7, 2009

Division 8. Variances

Section 3-801. Purpose and applicability.

Except as provided in Article 3, Division 9 for variances from platting standards, the purpose of this Division is to establish a procedure for granting variances from the literal terms of these regulations where there are practical difficulties or unnecessary and undue hardships so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

Section 3-802. General procedures for variances.



Section 3-803. Application.

An application for a variance shall be made in writing upon an application form approved by the City staff, and shall be accompanied by applicable fees.

Section 3-804. City Staff review, report and recommendation.

- A. City staff shall review the application in accordance with the provisions of Article 3, Division 2 of these regulations.

- B. Upon completion of review of an application, City staff shall:
 - 1. Provide a report that summarizes the application and the effect of the proposed variance, including whether the variance complies with each of the standards for granting variances in Section 3-806.
 - 2. Provide written recommended findings of fact regarding the standards for granting variances as provided for in Section 3-806.
 - 3. Provide a recommendation as to whether the application should be approved, approved with conditions, or denied.
 - 4. Schedule the application for hearing before the Board of Adjustment or the Historic Preservation Board.
 - 5. Provide notice of the hearing in accordance with the provisions of Article 3, Division 3 of these regulations.

Section 3-805. Review, hearing and decision on variances.

The Board of Adjustment or the Historic Preservation Board in the case of variance involving historic properties, shall review the application for a variance, the report, recommendation, and proposed findings prepared by City staff, conduct a quasi-judicial public hearing on the application in accordance with the requirements of Section 3-304 and render a decision, based upon written findings of fact, granting, granting with conditions, or denying the variance.

Section 3-806. Standards for variances.

- A. In order to authorize any variance from the terms of these regulations, the Board of Adjustment or Historic Preservation Board, as the case may be, shall find:
 - 1. That 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.
 - 2. That the special conditions and circumstances do not result from the actions of the applicant.
 - 3. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.
 - 4. That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations and would work unnecessary and undue hardship on the applicant.
 - 5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

6. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.
7. That the granting of the variance will be in harmony with the general intent and purpose of these regulations, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
8. That the granting of the variance is appropriate for the continued preservation of an historic landmark or historic landmark district.

B. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures, or buildings in other districts, shall be considered grounds for the issuance of a variance.

C. Under no circumstances shall the Board of Adjustment or the Historic Preservation Board grant a variance to permit the following:

1. A use not permitted in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district; and
2. The reduction or diminishing of a building site upon which a single-family residence or duplex has heretofore been constructed.

D. The Board of Adjustment or the Historic Preservation Board may impose such reasonable conditions on the grant of a variance in order to ensure that the variance will have a minimum impact on surrounding properties.

Section 3-807. Time limit for variances.

Any variance granted under this Code, or in effect on the date that this Code took effect, shall become null and void and of no effect twelve (12) months from and after the date of the approval granting the same, unless within such period of twelve (12) months a building permit for the building or structure involved embodying the substantive matter for which the variance was granted shall have been issued; or if the use or adoption of such variance does not require the issuance of a building permit, unless the requested action permitted by the variance shall have taken place within the said twelve (12) month period. One (1) additional extension of twelve (12) months may be granted by the Development Review Official for good cause shown.

Section 3-808. Effect of decision.

Approval of a variance shall be deemed to authorize only the particular use for which it is issued and shall entitle the recipient to apply for review by the Board of Architects, if applicable, a certificate of use or building permit or any other approval that may be required by these regulations, the City or regional, state or federal agencies.

Section 3-809. Appeals.

An appeal from any decision of the Board of Adjustment or the Historic Preservation Board regarding variances may be taken to the City Commission by an aggrieved party in accordance with the provisions of Article 3, Division 6 of these regulations.

Division 4. Board of Adjustment

Section 2-401. Powers and duties.

Pursuant to the City Charter, and subject to those provisions, a Board of Adjustment is created to provide relief from hardships and errors in the application of the regulations. In

addition to any power or duty delegated by the City Commission or the City Manager, the Board of Adjustment shall have the following powers and duties:

ARTICLE 2 – DECISION MAKING AND ADMINISTRATIVE BODIES

<i>Powers and duties</i>	<i>Applicable Standards/Procedures</i>
Appeals (from staff decisions, including interpretations of this code by the Director of Building and Zoning, other than the City Architect or Historic Preservation Officer)	Article 3, Division 6
Determinations of Compliance with Distance Requirements	Article 5, Division 7
Variances	Article 3, Division 8
Recommend Amendments to the Zoning Code to the City Commission	Article 3, Division 14

Section 2-402. Membership; Terms; Vacancies; Removal.

A. Membership.

1. The Board of Adjustment shall be composed of seven (7) members, five (5) of whom shall be appointed by the City Commission, one (1) of whom shall be nominated by the City Manager, subject to approval of the City Commission and one (1) of whom shall be nominated by the six (6) members so appointed, subject to approval of the City Commission. In the event that the six (6) members shall fail to agree on the seventh (7th) member, such member shall then be appointed by the City Commission. A member of the staff of the Building and Zoning Department shall be named by the City Manager to act as a non-voting ex-officio member of the Board.

2. In making appointments to the Board of Adjustment, membership shall be sought from a diverse economic, social and professional representation and shall include members qualified and experienced in the fields of architecture, planning, landscape architecture, engineering, construction, planning and land use law and real estate. Each member of the Board shall also be a citizen and/or an owner, or spouse of an owner, of real property located within the City of Coral Gables during the term of appointment and also for at least five (5) years prior to appointment.

B. Terms. The members of the Board of Adjustment shall serve at the pleasure of the City Commission. All appointments shall be for a two (2) year period commencing June 1, and ending on May 31 of the next odd year or until their successor is appointed. No member of the Board of Adjustment shall serve more than eight (8) consecutive years on the Board.

C. Vacancies. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term. Appointments to unexpired terms shall not count as one (1) of the four (4) terms for which a member is eligible for appointment, unless the unexpired term is two (2) years or more.

D. Removal. Any member of the Board of Adjustment may be removed with or without cause by a majority vote of the City Commission. Board members shall be automatically terminated for three (3) unexcused absences in a two (2) year period. Excused absences shall include illness and absence from the City.

Section 2-403. Meetings; Quorum; Required vote.

- A. Meetings. The Board of Adjustment shall hold one regular meeting per month, and special meetings at such times as the Board may determine or at the call of the Chairperson or Secretary thereof, for the consideration of business before the Board. All meetings of the Board shall be open to the public. The time and place of the meetings, and the order of business and procedure to be followed at meetings, shall be as prescribed by the Chairperson and the Secretary of the Board.
- B. Quorum; Required vote. Four (4) members of the Board shall constitute a quorum and the affirmative vote of four (4) members of the Board present shall be necessary to authorize a variance or grant an appeal. A tie-vote shall result in the automatic continuance of the matter to the next meeting, which shall be continued until a majority vote is achieved. If only four (4) members of the Board are present, an applicant shall be entitled to a postponement to the next regularly scheduled meeting of the Board. If a matter is postponed due to lack of a quorum, the Chairperson or the Secretary of the Board may set a special meeting to consider such matter.

ARTICLE 2 – DECISION MAKING AND ADMINISTRATIVE BODIES Section 2-404. Officers; Staff.

- A. Officers. The Board of Adjustment annually shall elect a chairperson and a vice-chairperson from among its members. All officers shall be elected for one (1) year terms and shall be eligible for re-election.
- B. Staff/Secretary. The ex-officio member of the Board shall provide such support services to the Board as may be necessary to assist the Board in the performance of its duties and shall serve as the Secretary for the Board.

Section 2-405. Rules and records.

The Board of Adjustment may establish such rules of procedure as it may determine necessary to carry out its duties. Such rules of procedure shall be approved by the City Commission. All meetings shall be conducted in accordance with Florida law and written records of the proceedings shall be a public record maintained and filed with the Secretary of the Board.

In granting any variance, the Board of Adjustment shall provide that any permit issued in connection with the variance shall conform to the plans submitted with the application and the Board of Adjustment may also prescribe appropriate conditions and safeguards in conformity with the Zoning Code. Violations of such and/or deviation from such plans, conditions and/or safeguards, shall be deemed a violation of the Zoning Code.

HARDSHIP: The principle issue in reviewing variance requests is whether or not there is an unnecessary hardship. In some cases, people confuse necessary hardships with unnecessary hardships. A variance cannot be granted on the basis of a necessary hardship.

Necessary hardships are arduous restrictions upon the uses of a particular property which promote the objectives of these regulations, providing that such regulations apply to all land within the same district. A necessary hardship is a restriction in the “Zoning Code” which every property in the zoning district must comply with.

Unnecessary hardships are arduous restrictions upon the uses of a particular property which are unique and distinct from that of adjoining property owners in the same zoning district.

WHAT IT MEANS TO SUBMIT AN APPLICATION: Applicants are advised that the mere filing of an application and appearance at the Board of Adjustment hearing in no way assures approval of the application. Completed applications must be turned in to the Development Review Official (DRO), assigned to checking them so that possible discrepancies can be corrected at that time. No hearing will be scheduled or heard on an incomplete or inaccurate application.

Section 2-707. Development Review Official.

The Development Review Official (DRO), who shall be qualified pursuant to the requirements of the position, is responsible for the overall coordination of the administration of these regulations. Specifically, the DRO is responsible for receiving applications for development approval, determining whether they are complete, and coordinating the review of the Development Review Committee. If it is determined appropriate by the City Manager, more than one (1) Development Review Official may be appointed.

LIMIT ON APPLICATIONS: It has been the practice of applicants to withhold submission of applications for hearings until the established deadline date, resulting in the largest percentage of applications being received on that date. Because such practice makes it difficult, if not impossible, to properly process such applications, it has become necessary to limit the number of applications which will be accepted for a meeting. The number of applications accepted for any one meeting may fluctuate, depending upon the number of applications carried over from the previous meeting. Hereafter, under this policy of acceptance of only a limited number of applications for any meeting, applications will be considered on a first come, first served basis.

THE BOARD OF ADJUSTMENT APPLICATION: Applications for public hearings before the Board of Adjustment must be completed and submitted to the Building and Zoning Department. All supporting documents must be submitted at the time the application is submitted. Supporting documents include the following items:

1. Applicants Proposal: The Applicant's proposal is a statement which specifies what the applicant would like for the Board of Adjustment to grant, what the "Zoning Code" permits and the Section of the "Zoning Code" from which the applicant is requesting a variance. The proposal also includes a brief description of the project and type of property involved in the request for a variance. An applicant's proposal may only include one Section of the "Zoning Code"; therefore a project may include more than one applicant's proposal. The proposal is an example of an Applicant's Proposal.

A. Grant a variance allowing the proposed front porch for the existing single family residence to have a front setback of 24'6 vs. the proposed front porch for the existing single family residence having a front setback of 25' 0" as required by Section 3-1 (f)1., of the "Zoning Code."

B. Grant a variance allowing the single family residence and front porch addition to have a maximum ground area coverage of 36% (1,800 square feet) vs. the single family

residence and front porch addition having a maximum ground area coverage of 35% (1,750 square feet) as provided for by Section 3-1 (k) of the “Zoning Code”.

2. Letter of Intent: The letter of intent specifies the reasons why an application should be granted. In variances cases, the letter of intent must justify the granting of the variances using the criteria specified in the Section titled Justification for Granting a Variance. Although all of the reasons for granting a variance must be included in the letter of intent, the key element for the justification of granting a variance will be the issue of an unnecessary hardship. The letter of intent is the Applicant’s primary means for conveying to the Board of Adjustment their justification for a variance.

3. Owners Affidavit: The Owners affidavit is a document included in the application packet which identifies who the applicant will be, and is an agreement as to the responsibilities of the applicant.

4. Application Fee (Copy of Receipt): Paid receipt for public hearing before the Board of Adjustment.

5. 1 original certified mailing list: The Applicant must submit a mailing list with the names and mailing addresses of all property owners, according to the latest ad valorem tax records, for all properties within one thousand feet (1000’ 0”) of the property involved with the variance request. The mailing list must be certified with the following notarized statement:

I hereby certify that I have prepared the attached mailing list, which is a complete list of all property owners who live within (1000’0”) one thousand feet of property legally described as Lot(s) _____ Block _____, Section _____, PB/PG _____, which is located at (property address) all of which is according to the latest ad valorem tax record.

6. Sets of mailing labels: Three sets of mailing labels which correspond to the certified mailing list must be submitted with the application. Additional copies of mailing labels may be requested for additional hearing if the application involves deferrals, postponements, or appeals.

7. Photographs of property (on 8 1/2” X 11” paper): Photographs of the property should show the property in general and the area of the property involved in the application. Where it is appropriate conditions on neighboring properties should be shown. Photographs can only be accepted if they are labeled and on 8 ½” X 11” paper.

8. Survey of property: A current survey must be less than (5) five years old and reflect the actual conditions at the site.

9. Proof of ownership: Proof of ownership is required if the ownership of the property has changed within the last year.

10. 13 copies of the plans reduced in size on 11” X 17” paper: (13) thirteen copies of the plans reduced in size on 11” X 17” paper, which have been reviewed and approved by the Board of Architects, must be submitted with the application.

11. Full size sets of plans (stamped by the Board of Architects): Two full size sets of plans which have been reviewed and approved by the Board of Architects must be

submitted with the application. Following the hearing the plans will be stamped with the variance request and outcome of the hearing. One set of the plans will be retained by the Building & Zoning Department, and one set will be returned to the Applicant.

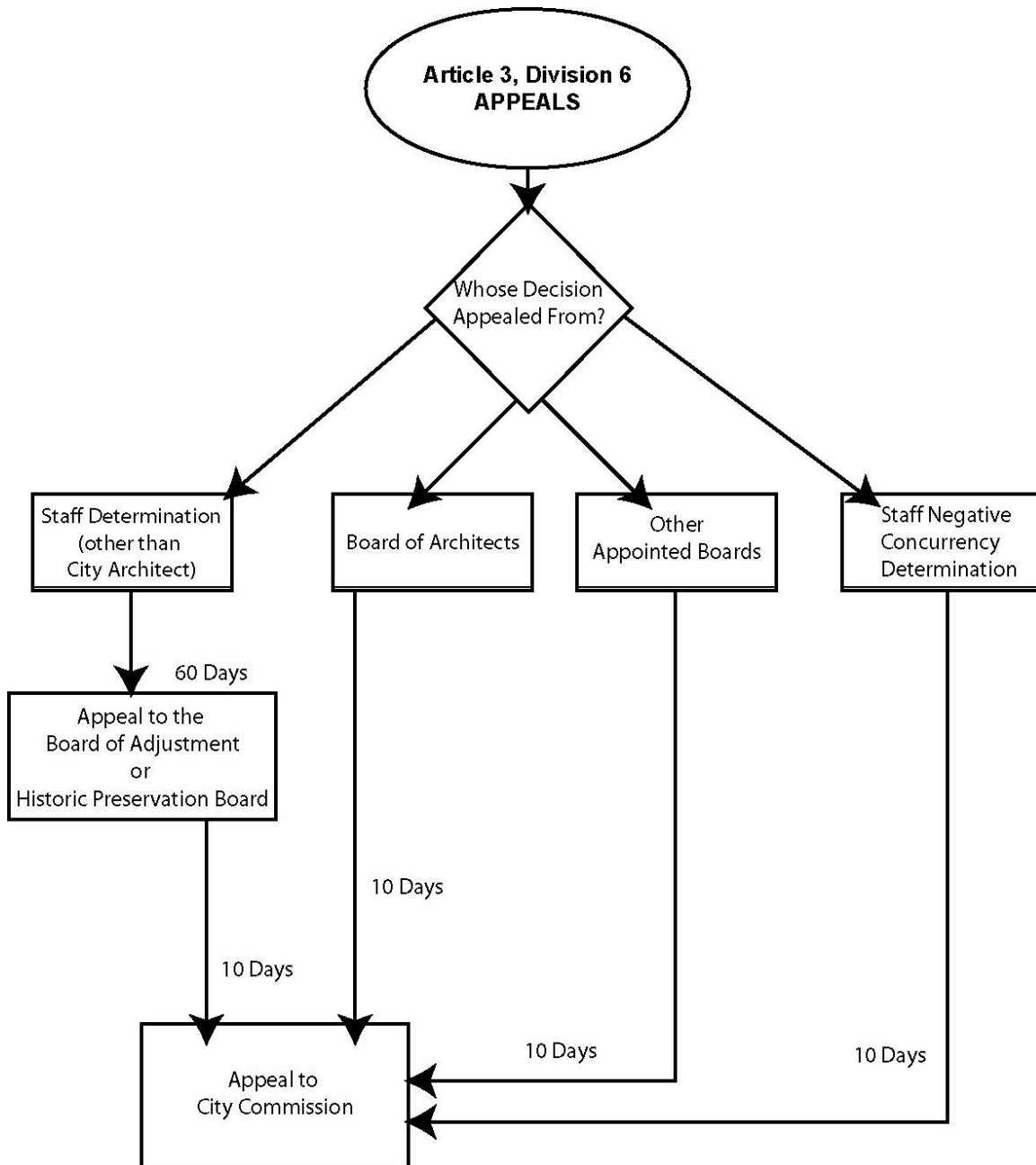
12. **Other** (describe): Other items submitted in connection with a variance application may include letters from neighboring property owners, traffic studies, copies of approvals from other Departments or Agencies, and consultant reports.

Division 6. Appeals

Section 3-601. Purpose and applicability.

The purpose of this Division is to set forth procedures for appealing the decisions of City staff where it is alleged that there is an error in any order, requirement, decision or interpretation made in the enforcement or interpretation of these regulations and to set forth standard procedures for appealing the decisions of the City's decision making bodies.

Section 3-602. General procedures for appeals.



Section 3-603. Appeals from negative concurrency determinations.

An appeal from a negative concurrency determination shall be taken to the City Commission by any aggrieved party in accordance with the procedures of Section 3-606.

Section 3-604. Appeals from decisions of City Staff.

Other than a request for reconsideration of a decision of the City Architect, where it is alleged that there is an error in any order, requirement, decision or interpretation made in the enforcement or interpretation of these regulations by City Staff, an appeal shall be taken by an aggrieved party to the Board of Adjustment or the Historic Preservation Board, in the case of an appeal from a decision of the Historic Preservation Officer, no later than sixty (60) days after the decision has been made. Application for postponement of the public hearing of an appeal shall be considered according to the provisions stated in Sections 3-606 and 608(A). See Section 3-303 for City Architect reconsideration provisions.

Section 3-605. Appeals from decisions of the Board of Adjustment, Board of Architects, Historic Preservation Board, and Planning and Zoning Board.

An appeal from any decision of the Board of Adjustment, Board of Architects or Historic Preservation Board, and an appeal of a tentative plat decision of the Planning and Zoning Board, may be taken to the City Commission by any aggrieved party in accordance with the provisions of Section 3-606.

Section 3-606. Procedures for appeals.

The following procedures shall govern the filing of appeals:

A. Appeals from City Staff other than the City Architect. An aggrieved party may file a written Notice of Appeal to the Board of Adjustment or the Historic Preservation Board with the Development Review Official or Historic Preservation Officer, as provided in Section 3-604, within sixty (60) days of the administrative decision being appealed from. The appeal should be accompanied by any relevant documents related to the appeal. The appeal shall be considered by the Board of Adjustment or Historic Preservation Board within fourteen (14) days after receipt of the notice. The Board of Adjustment, the Planning and Zoning Board or Historic Preservation Board shall grant the appeal, with or without conditions, deny the appeal, or respond for further proceedings.

B. Appeals of Board of Adjustment, Board of Architects, Historic Preservation Board, and Planning and Zoning Board. Any aggrieved party desiring to appeal a decision of the Board of Adjustment, Board of Architects or Historic Preservation Board, or a tentative plat decision of the Planning and Zoning Board, shall, within ten (10) days from the date of such decision, file a written Notice of Appeal with the City Clerk, whose duty it shall then become to send a written notice of such appeal to all persons previously notified by the Board in the underlying matter. The appeal shall then be heard by the City Commission at its next meeting, provided at least ten (10) days has intervened between the time of the filing of the Notice of Appeal and the date of such meeting; if ten (10) days shall not intervene between the time of the filing of the notice and the date of the next meeting, then the appeal shall be heard at the next regular meeting of the City Commission and the City Commission shall render a decision, without any unnecessary or undue delay, unless application for deferral has been made as permitted in Section 3-608 of this Division.

C. Stay of proceedings. An appeal shall stay all proceedings in the matter appealed from until the final disposition of the appeal by the City Commission or other Board with jurisdiction. The tendency of an appeal shall toll all time periods applicable to the decision which is subject to appeal until final disposition of the appeal by the Commission or other Board with regard to the appeal.

D. City Commission decision. The City Commission shall conduct a review of the decision of the Board of Adjustment, Board of Architects, Historic Preservation Board, or the Planning and Zoning Board. The appeal shall be based on the record of the hearing before the board, shall not be a de novo hearing, and no new, additional testimony shall be taken. A full verbatim transcript of all proceedings which are the subject of the appeal shall be provided by the party filing the petition. The transcript shall be provided seven (7) days prior to the City Commission meeting at which the appeal will be heard with a sufficient number of copies for the City Commission, the City Attorney, the City Manager and the affected departments. The City Commission is authorized to affirm, affirm with conditions, override the decision of the Board of Adjustment, Board of Architects or the Historic Preservation Board, or remand for further proceedings to the applicable Board. Any decision by the Board of Adjustment, Board of Architects or Historic Preservation Board can only be reversed by a majority vote of the City Commission. The granting of any appeal by the City Commission shall be by resolution.

Board of Adjustment Application Fee Schedule 2009

1)	Variations involving "SFR" and "MF1" Use Districts:	\$600.00
2)	Variations involving signs, landscape, facing materials, fences and walls, all auxiliary and accessory uses and all conditional uses in "MF2", "MFSA", "MDX", "UMCAD", "S", "P", "CL", "C", "I", or "DO" Use Districts:	\$500.00
3)	Variance from each section of the "Zoning Code (other than as set forth in 2 hereinabove) for buildings in "MF2", "MFSA", "MDX", "UMCAD", "S", "P", "CL", "C", "I", or "DO" use Districts shall be based on the total gross floor areas of the existing and proposed buildings as follows:	\$0.04 per sq. ft. of gross floor area for each variance requested with a minimum application fee of \$1500.00
4)	Requests for waiving of one(1) year waiting period on subsequent applications charged as an additional fee as appropriate in "SFR" and "MF1" Use Districts:	\$600.00
5)	Requests for submitting an application after the application deadline (when possible for meeting the legal notice and newspaper publication requirements) charged as an additional fee as appropriate in "SFR" and "MF1" Use Districts:	\$700.00
6)	Variations as a result of a deviation from approved plans charges as an additional fee as appropriate in "SFR" and "MF1" Use Districts:	\$1000.00
7)	Variations as a result of a violation notice charged as an additional fee as appropriate in "SFR" and "MF1" Use Districts:	\$1000.00
8)	Requests for waiving of the one (1) year waiting period on subsequent applications charged as an additional fee as appropriate in "MF2", "MFSA", "MDX", "UMCAD", "S", "P", "CL", "C", "I", and "DO" Use Districts:	\$600.00
9)	Requests for submitting an application after the application deadline (when possible for meeting the legal notice and newspaper publication requirements) charged as an additional fee as appropriate in "MF2", "MFSA", "MDX", "UMCAD", "S", "P", "CL", "C", "I", and "DO" Use Districts:	\$1000.00
10)	Variations as a result of a deviation from the approved plans charged as an additional fee as appropriate in "MF2", "MFSA", "MDX", "UMCAD", "S", "P", "CL", "C", "I", and "DO" Use Districts:	\$1500.00
11)	Variations as a result of a violation notice charged as an additional fee as appropriate in "MF2", "MFSA", "MDX", "UMCAD", "S", "P", "CL", "C", "I", and "DO" Use Districts:	\$1500.00
12)	Maximum fee for an application shall not exceed:	\$8000.00
13)	All requests for a deferment received at least 21 days before the meeting date shall pay a deferment fee.	20% of initial application fees

14)	All requests for a deferment received at least 14 days before the meeting date shall pay a deferment fee.	40% of initial application fees
15)	All requests for a deferment received at least 7 days before the meeting date shall pay a deferment fee.	60% of initial application fees
16)	All requests for a deferment received at least 5 days before the meeting date shall pay a deferment fee.	80% of initial application fees
17)	No fee shall be charged for any deferment of an application at the request of the Board of Adjustment or when the applicant requests a deferment because there are not seven board members attending the meeting.	None
18)	Applications requesting an administrative extension of a variance shall pay a fee.	\$400.00

Certified Mailing List Service Providers:

1. Ray Hunt

Florida Real Estate Decisions, Inc.
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