



# HOMEOWNER VARIANCE GUIDE

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## WHAT IS A VARIANCE?

A Variance, as defined in the City of Miramar’s Land Development Code (LDC) Sections 201 and 315, means “a grant of relief or exception from the requirements of this Code which permits construction in a manner otherwise prohibited by this Code, where specific enforcement would create a practical difficulty or unnecessary hardship.” These exceptions may be granted on a case-by-case basis. In other words, if you are granted a variance, it means that you are able to do more than or less than the Code requirement depending on the issue.

## WHY DO I NEED A VARIANCE?

A variance is an exception to land use regulations and/or standards set under the City’s Land Development Code. Variances are applied in situations where the strict application of the requirement of the Code would result in a practical difficulty or unnecessary hardship for the landowner. Variances submitted by residents and developers alike, ensure a fair assessment of the situation so where there is a preponderance of evidence to support the variance, the landowner may enjoy the same privileges and burdens of similarly-situated owners without causing any detriment or nuisance of the immediate neighborhood and/or community.

## TYPES OF VARIANCES

Per Section 315 of the Miramar Land Development Code, for owner-occupied, single-family and dual-family residences, and owner-occupied, multi-family residences, there are two types of homeowner variances available: Administrative Variance and Planning and Zoning Board Variance.

*For Administrative Variances:*

Administrative Variances are considered only those to be seeking an exception from the setback requirements of the Code. The applicable thresholds to qualify for an administrative variance are as follows:

VARIANCE TYPE	ADMINISTRATIVE APPROVAL	PLANNING AND ZONING BOARD APPROVAL	CITY COMMISSION APPROVAL
Single family/Duplex, OWNER OCCUPIED and Multi-family residence, OWNER OCCUPIED	Less than 20% of the required setback	Not Required	Not Required

Given all supportive documents provided with the application for a homeowner variance, after Planning Staff review, approval may be granted by the Director of the Community and Economic Development Department.

*For Planning & Zoning Board Variances:*

Planning & Zoning Board Variances are considered those which are more complex and/or more substantial than administrative variances thus requiring a more extensive review by Planning Staff, and a granting of the variance by the Planning and Zoning Board but only when the Board finds a preponderance of evidence presented in the particular case.

VARIANCE TYPE	ADMINISTRATIVE APPROVAL	PLANNING AND ZONING BOARD APPROVAL	CITY COMMISSION APPROVAL
Single family/Duplex, OWNER OCCUPIED and Multi-family residence, OWNER OCCUPIED	Not Applicable	20% or more of the required setback	Not Required

Since all Planning and Zoning Board meetings are considered to be “public meetings,” a notice for the subject variance must be mailed to property owners within 300 feet of the subject residence in order to make the nearby residents aware of the application and their ability to review submitted information and participate in the public hearing. As a service to the applicants, the Community and Economic Development Department will ensure the mailing of all notices to the property owners within the notification area, free of charge.

**WILL MY APPLICATION BE APPROVED?**

There is no guarantee that a submittal of either variance type will or will not be approved as each case is unique. The applicant should do their best to provide strong evidence for their case to maximize their chances for approval.

**WHAT HAPPENS ONCE A DETERMINATION HAS BEEN MADE?**

*For Administrative Variances:*

If your application is approved, our Planning Staff will prepare an approval letter for your records and ours. After such, you are allowed to move forward with the scope of work permitted under the variance approval. It is only at this time, that the City may approve your building permit application provided that all Code requirements are met.

If your application is denied, you may appeal your case to the City Commission. However, please note a separate application and fee will be required.

*For Planning & Zoning Board Variances:*

If your application is approved by the Planning and Zoning Board, our Planning Staff will ensure that a Planning and Zoning Board Resolution is filed and recorded with Broward County Public Records office. After the recordation of the document, you are allowed to move forward with the scope of work permitted under the variance approval. It is only at this time, that the City may approve your building permit application provided that all Code requirements are met.

If your application is denied, you may appeal your case to the City Commission. However, please note a separate application and fee will be required.

## HOW LONG WILL THIS PROCESS TAKE?

### *For Administrative Variances:*

Generally, from the time where an application is submitted to where its determined to be complete, finalized and approved by the Director, it may take up to two months.

### *For Planning & Zoning Board Variances:*

Typically, depending on the complexity of the Variance being sought, from the time were an application is submitted to where it presented to the Planning and Zoning Board, it may take anywhere from one month to three months.

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## CONTACT

For inquiries and assistance regarding homeowner variance submittals, contact the City's Community Development Department, Planning & Redevelopment Division at [pandz@miramarfl.gov](mailto:pandz@miramarfl.gov) or at 954-602-3264.