



Resilient Environment Department
CONSUMER PROTECTION DIVISION
Regulated Enforcement

One North University Drive, Mailbox 307, Plantation, Florida 33324
954-519-1210 • Fax 954-519-1493

@BrowardChildCareLicensing 
@BrowardConsumerProtection 

Dear Variance Applicant:

Attached for your information you will find the sections of Chapter 27 of the Broward County Code that explain the variance process. As you will see, there are a number of requirements that must be met before your request can be granted. Please read sections 27-10, 27-11, 27-12 and 27-13, carefully because they explain the variance process and identify what is necessary in order for a variance to be approved.

Please be advised that section 27-13(b) states that prior to even applying for or being eligible to receive a variance, an applicant must resolve all outstanding RED violations and, if required, make full payment of any penalty or judgment.

If you have no outstanding RED violations, variances from the provisions of Chapter 27 may be authorized when such variance will not be contrary to the public interest and when a literal enforcement of the provisions of Chapter 27 would result in an unnecessary and undue hardship. The authority to grant a variance lies with the hearing examiner and only after a public hearing has been held on your application.

The hearing, which is quasi-judicial in nature, shall be scheduled by RED within 60 days of receipt of a properly filed application. Application may be made in the form of a narrative letter addressed to:

W. Gail Custode, Regulated Enforcement Administrator
Broward County Resilient Environment Department
One N. University Drive, Mailbox 307
Plantation, FL 33324

A proper application, at a minimum, shall include a \$250 fee, check or money order made payable to BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS, and the following information:

- (1) The sections of Chapter 27 from which a variance is sought.
- (2) All relevant facts and reasons why the applicant believes the variance is justified.
- (3) The length of time for which the variance is sought and the basis for requesting that particular length of time.

In addition to a "proper" application, please note that section 27-13 describes other things that may be considered by the hearing examiner in making his or her determination.

Additionally, the requirements of section 27-13(f) must be met in order for the hearing examiner to approve your request. It is therefore important that your application answer in detail each of the items listed below which are found in section 27-13(f)(1) thru (9). Submit with your application any plans, studies, tests, surveys, models, or other information you think may be relevant to support the position that the proposed variance will not discharge, emit, or cause pollution or otherwise damage the natural resources in contravention of Chapter 27 or other environmental laws or regulations. For as section 27-13(f) states:

"No variance from the terms of this chapter shall be authorized unless the following facts and conditions exist:

- (1) That there are unique and special circumstances or conditions in regard to the applicant or applicant's situation which do not apply generally to other similarly regulated persons; and**
- (2) That strict application of the provisions of this chapter would cause the applicant undue hardship; and**
- (3) That any alleged hardship is not self created by the applicant and/or is not the result of mere disregard for or ignorance of the provisions of this chapter; and**
- (4) That the variance proposed is the minimum variance which alleviates the undue hardship; and**
- (5) That the granting of the variance will be in harmony with the general intent and purpose of this chapter; and**
- (6) That such a variance will not be injurious to the public welfare and to the environment; and**
- (7) That the variance is for the minimum time necessary to remedy the hardship and grants the minimum waiver of this chapter necessary to remedy the hardship; or**
- (8) The applicant for the variance proposes a demonstration project being conducted for the purposes of furthering an environmental goal, and that the demonstration project will not significantly negatively impact the environment.**
- (9) Projects that are essential for the successful restoration of the Florida Everglades."**

Once a properly filed application has been received, RED will schedule a hearing. Notice of the hearing must be published in a newspaper of general circulation in the County, reasonably calculated to give notice that a variance has been requested. Such publication must be arranged for by the applicant and must appear no later than ten days prior to the scheduled hearing. The cost of publication shall be paid by the applicant. Attached for your information is a sample public notice.

Remember, the applicant has the burden of proving that the variance is justified. No variance from the terms of Chapter 27 may be authorized unless the requirements imposed by the Code have been met.

If you have any questions, or require assistance, please call Regulated Enforcement at (954) 519-1210.

SAMPLE

Notice of Variance Hearing

There shall be a public hearing before a Hearing Examiner for the Broward County Resilient Environment Department on _____ (Date) at 9:30 a.m., at the Broward County Government Center West, 1 N. University Drive, 2nd Floor Hearing Room, Plantation, Florida, 33324. The Hearing Examiner shall hear the variance application of _____ (Applicant) Variance Request No.: _____ (provided upon application submission) for a variance from Chapter 27, Section _____ (Code ref.) of the Broward County Code of Ordinances to allow _____ (Nature of Variance) at _____ (Facility Address).

In accordance with the Americans with Disabilities Act of 1990 (ADA), all persons who are disabled and need special accommodations to participate in this proceeding because of that disability should contact the Consumer Protection Division not later than five (5) business days prior to the proceeding. The division may be reached at 1 N. University Drive, Building B, Plantation, FL 33324; the telephone number is (954) 519-1210.