

7. VARIANCES AND APPEALS

7.01 GENERAL

The Board of the District Commissioners, at their discretion and as hereinbefore provided, may grant a variance to the District Criteria.

7.02 VARIANCE

In exercising the powers and duties under 7.02 the Central Broward Water Control District Commission shall not grant a variance unless and until the following has been demonstrated:

- 7.02.1** A letter from the applicant outlining the variance request which demonstrates that the following prerequisites to the granting of variance have been met:
- A. Special conditions and circumstances affect the land, building or structure concerning which the variance is sought.
 - B. The existing conditions and circumstances are not the result of the actions of the applicant or his agents.
 - C. Strict application of the provisions of this District's criteria would deprive the applicant of reasonable use of said land, building or structure and that a genuine hardship exists provided, however, previously granted variances shall not be considered grounds for issuance of a variance.
 - D. The Board of Commissioners shall find that the granting of the variance will be in harmony with the general purpose and intent of the District's variance criteria and that the variance proposed is the minimum variance that will make possible the reasonable use of the land, building or structure.

- 7.02.2 A sketch and a legal description of the property showing all easements and rights-of-way. If the property fronts a water body, the sketch shall clearly show the location by dimension of the top of bank and edge of water. The elevation of the top of bank and water at time of survey shall be shown.
- 7.02.3 A sketch of encroaching structure (existing or proposed), if applicable, shall be furnished. Said sketch showing the amount of encroachment.
- 7.02.4 Other information as may be required by the District Manager/Secretary, or by the Board of District Commissioners, to properly evaluate the request.
- 7.02.5 The District Manager/Secretary will make the determination that the application is complete, and shall schedule the application on the next available Board of Commissioners meeting.
- 7.02.6 Fourteen (14) days prior to the Board of Commissioners meeting date for the variance request, a sign shall be posted by the applicant on the subject property indicating that the subject property is the subject of a variance request before the District. All signs shall be eighteen inches by twenty four inches, double sided with a yellow background and shall be made of weather resistant material. Signs shall be posted along each street frontage of the subject property and shall be visible from the street. All signs shall contain the following information:
- General Description of the Variance Request (ie: "This property will be the subject of a variance request on _____ before the Central Broward Water Control Board to _____")
 - Project Name
 - Date, time, and location of the District Board meeting.
 - Telephone number and contact name for additional information.
- All signs shall be removed by the applicant within seven days after the District Board meeting.

7.02.7 In granting a variance request, the District shall require that the applicant, his successors, and assigns, indemnify and hold harmless the District. The cost of preparing said indemnification and hold harmless agreement, including attorney fees and recording, shall be borne by the applicant.

7.03 APPEAL

Appeal of the District's Engineer's application, or interpretation of District Criteria, shall be submitted by letter to the District Manager/Secretary.

7.04 PLAN APPROVAL WITH VARIANCE

An application for development approval, which requires a variance to District Criteria, will not be heard by the Board of District Commissioners prior to the Board acting on the variance request.