



**BOARD OF ADJUSTMENT MEETING NOTICE:**

February 17, 2021

A Public Hearing will be held before the Board of Adjustment on Wednesday, **March 10, 2021 at 6:30 P.M.**

This meeting will be held in-person and virtually to determine whether the following application should be granted. To view more information about this item, please visit: [www.fortlauderdale.gov/government/BOA](http://www.fortlauderdale.gov/government/BOA).

**CASE:** PLN-BOA-21020002  
**OWNER:** 3134 NE 9TH LLC  
**AGENT:** CRUSH LAW, P.A.- JASON S. CRUSH  
**ADDRESS:** 3134-3146 NE 9 STREET, FORT LAUDERDALE FL 33304

**LEGAL DESCRIPTION:** BARCELONA BEACH 29-11 B LOT 6 TO 10,1/10 INT FOR EACH LOT IN PARKING & DRIVES AREAS  
**ZONING:** SLA  
**COMMISSION DISTRICT:** 2  
**REQUESTING:** **Sec. 5-26. - Distance between establishments.**  
**(b) The board of adjustment is authorized to grant special exceptions to the distance requirements as established by (a) above where the board finds that such special exception will: (1) Not be contrary to the public interests; and (2) Not incompatible with adjoining properties or the surrounding neighborhood. The application for a special exception and the processing and hearing upon such application shall be in accordance with section 47-24.12(A).**

The applicant is requesting a special exception for the required distance separation of three hundred (300) feet between establishments selling alcoholic beverages. The property is 226 feet from the nearest establishment licensed to sell alcoholic beverages. Requesting the distance of separation be reduced from three hundred (300) feet to two-hundred twenty-six (226) feet, a total reduction of two hundred sixteen (74) feet.

**To Attend In-Person:**

City of Fort Lauderdale, City Hall Commission Chambers, 100 N. Andrews Avenue, Fort Lauderdale, FL 33301

**To Attend Virtually:**

Visit: [www.fortlauderdale.gov/FLTV](http://www.fortlauderdale.gov/FLTV) to watch and listen to the meeting

Visit: <https://www.fortlauderdale.gov/government/BOA> to sign up to speak. Should you desire to speak on this item, please fill out the speaker form available at the link on the City's website.

If you have any questions, please feel free to contact me directly at 954-828-6342.

**DEPARTMENT OF SUSTAINABLE DEVELOPMENT**

700 NW 19 AVENUE, FORT LAUDERDALE 33311

TELEPHONE (954) 828-6520

[WWW.FORTLAUDERDALE.GOV](http://WWW.FORTLAUDERDALE.GOV)



**MOHAMMED MALIK**  
**ZONING ADMINISTRATOR**

Florida Statutes, Sec. 286.0105

NOTE: If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.



CITY OF FORT LAUDERDALE  
**PUBLIC NOTICE**

## BOARD OF ADJUSTMENTS MEETING

DATE: MARCH 10, 2021

TIME: 6:30 PM

CASE: PLN-BOA-21020002

Requesting: Sec. 5-26. - Distance between establishments.

Requesting a special exception for the required distance separation of three hundred (300) feet between establishments selling alcoholic beverages. The property is 226 feet from the nearest establishment licensed to sell alcoholic beverages. Requesting the distance of separation be reduced from three hundred (300) feet to two-hundred twenty six (226) feet, a total reduction of two hundred sixteen (74) feet.

LOCATION: CITY COMMISSION CHAMBERS  
CITY HALL, 100 N ANDREWS AVENUE

CONTACT: 954-828-6506

You Can Still Attend The Meeting Virtually:

Visit [www.fortlauderdale.gov/fltv](http://www.fortlauderdale.gov/fltv) to watch and listen to the meeting.

Visit <https://www.fortlauderdale.gov/government/BOA> to sign up to speak.



*This Notice is the property of the City of Fort Lauderdale. In accordance with City Code Section 16-29, It shall be unlawful for any person to injure, cut, break or destroy in any manner any building or other thing belonging to or under the control of the City. Persons marring or removing the Notice may be subject to fine and/or imprisonment.*

*In accordance with City Code Section 47-27.2A. H The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearing by another body. The sign information shall be changed as provided in subsection A.3.a*



| Record #          | Description                                                                           |
|-------------------|---------------------------------------------------------------------------------------|
| BLD-CMIS-21020008 | INSTALLATION OF ALUMINUM RAILING 130 LF                                               |
| PLN-BOA-21020002  |                                                                                       |
| BT-LIQ-21010003   | LIQUOR MEASUREMENT                                                                    |
| BLD-ROOF-20090007 | WATERPROOFING CATWALK AND 5 BALCONIES 1400 SF (PM-17122123)                           |
| BLD-PR-20030025   | COPIES FOR 3134 NE 9 ST                                                               |
| VIO-CE18120596_1  |                                                                                       |
| CE18120596        | NO PERMITS POSTED ON PROPERTY, ROOF LOOKS LIKE IT'S, FALLING., , MASTER PERMIT 171221 |
| PL-A18025         | ARSPI -                                                                               |



2ND FL,# 1-4,INTERIOR/EXTERIOR RENOVATIONS

~

~R-RECHECK B,M,Z,FLOOD

~

~5/9/18 R- RECHECK M, Z

~

~5/25/18 RECHECK Z

~04/01/2019 REV-2..M...FLOOD....

~04/15/19 REV3 P FLOOD

~

PM-17122123

~5/2/2019 REV4-P

PM-17122128

(EMAILED) - COC - 2ND FL,# 1-4 ELECTRICAL FOR BP 17122123

PM-17122130

(EMAILED) - COC - 2ND FL,# 1-4 PLUMBING FOR BP 17122123

(EMAILED) - COC - 2ND FL,# 1-4 MECHANICAL FOR BP 17122123

~

PM-17122132

~02/27/19 RECHECK M

VIO-CE17120566\_1

BUILDING MAINTENANCE ISSUES, WINDOW BOARDED, ROOF

VIO-CE17120566\_2

BUILDING MAINTENANCE ISSUES, WINDOW BOARDED, ROOF

CE17120566

BUILDING MAINTENANCE ISSUES, WINDOW BOARDED, ROOF, BUILDING MAINTENANCE ISSU

|                  |                                                                                 |
|------------------|---------------------------------------------------------------------------------|
|                  | HURRICANE DAMAGE - REPLACE FLAT ROOF 6400SF                                     |
|                  | ~RECHECK B M FLOOD                                                              |
|                  | ~10/27/17 RECHECK B M FLOOD                                                     |
|                  | ~                                                                               |
| PM-17101065      | ~11/03/2017-RECHECK-M                                                           |
| CE17031678       | PROPERTY RRQUIRES TO BE MAINTAINED, CLEANED AND, CLEARED OF TRASH AND DEBRIS AT |
| VIO-CE17031678_1 | PROPERTY RRQUIRES TO BE MAINTAINED, CLEANED AND                                 |
| VIO-CE17031678_2 | PROPERTY RRQUIRES TO BE MAINTAINED, CLEANED AND                                 |
| VIO-CE17031678_3 | PROPERTY RRQUIRES TO BE MAINTAINED, CLEANED AND                                 |
| VIO-CE17031678_4 | PROPERTY RRQUIRES TO BE MAINTAINED, CLEANED AND                                 |
| VIO-CE17030305_1 |                                                                                 |
| CE17030305       | L/S JOSEPH BALOCCO - 2 OPEN CASES FOUND, CE16090595, CE16121818                 |
| PM-16102050      | REROOF 10000 SF FLAT                                                            |
| CE16090595       | ROOF IN DISREPAIR, COLLAPSING WALKWAY LOCATED ON, 2ND FLOOR HALLWAY IN BACK OF  |
| VIO-CE16090595_1 | ROOF IN DISREPAIR, COLLAPSING WALKWAY LOCATED ON                                |
| VIO-CE16090595_2 | ROOF IN DISREPAIR, COLLAPSING WALKWAY LOCATED ON                                |
| VIO-CE16090595_3 | ROOF IN DISREPAIR, COLLAPSING WALKWAY LOCATED ON                                |
| VIO-CE16090595_4 | ROOF IN DISREPAIR, COLLAPSING WALKWAY LOCATED ON                                |

|                  |                                                                                |
|------------------|--------------------------------------------------------------------------------|
| VIO-CE16081282_1 | ROOF IN DISREPAIR, COLLAPSING WALKWAY LOCATED ON                               |
| CE16081282       | ROOF IN DISREPAIR, COLLAPSING WALKWAY LOCATED ON, 2ND FLOOR HALLWAY IN BACK OF |
| CE16080416       | CONSTRUCTION BEING DONE IN THIS AREA IS BLOCKING, THE FLOW OF TRAFFIC.         |
| VIO-CE16080416_1 |                                                                                |
| CE16080319       | LS PROPLOGIX 1 OPEN CASE FOUND                                                 |
| VIO-CE16080319_1 |                                                                                |
| CE15040816       | SEGWAY STORE - SEGWAYS PARKED ON THE SIDEWALK, BLOCKING PEDESTRIAN PATHWAY     |
| VIO-CE15040816_1 |                                                                                |
| CE14060521       | TURTLE SEASON 2014 - WALL MOUNT, BAR, TURTLE SEASON 2014 - WALL MOUNT, BAR     |
| VIO-CE14060521_1 | TURTLE SEASON 2014 - WALL MOUNT, BAR                                           |
| AB-0078977       |                                                                                |

|             |                                                 |
|-------------|-------------------------------------------------|
|             | INSTALL NON-ILLUM WALL SIGN                     |
|             | ~SIGN WAS REMOVED OK TO VOID THE PERMIT HCOLTON |
|             | ~3/28/14                                        |
|             | ~                                               |
| PM-12091349 |                                                 |
| BL-1200556  |                                                 |
| PM-09050670 | REPLACE 5 TON CONDENSER                         |

|             |                                                |
|-------------|------------------------------------------------|
|             | RELOCATE BEER COOLER CONDENSING UNIT BLUE FISH |
| PM-09030930 | ~REST                                          |



|             |                                                                                                                                |
|-------------|--------------------------------------------------------------------------------------------------------------------------------|
| PM-08061571 | PROP ID: 504201330060<br>~Failed Structural                                                                                    |
| PM-07121207 | ATF- ADD STORAGE ROOM STRUCTURE<br>~<br>~contractor removed per letter<br>~voided 5/26/09 by JH 275, see notes                 |
| PM-07121209 | ELECTRICAL FOR WALK IN COOLER FOR STORAGE BP<br>~07121207<br>~<br>~new permit 09030930 replaces this permit --- jh<br>~5/26/09 |
| PM-03070133 | INSTALL RESTAURANT HOOD BLUE FISH CAFE                                                                                         |
| PM-03070141 | ~B-RECHECK 10/1/03 M-ONLY                                                                                                      |
| PM-03041673 | ~R-RECHECK 9/3/03 F-M                                                                                                          |
|             | FIRE SUPPRESSION SYSTEM TO 03070133                                                                                            |
|             | HORN STROBE CONNECTED TO FIRE SUPPRESSION                                                                                      |
| PM-03032148 | *ATF* INSTALL REST FIRE SUPPRESSION IN HOOD<br>~VOID - WORK DONE ON PERMIT #03070133                                           |
| PM-01100342 | INSTALL LIQUID U.L. 300 FIRE SYSTEM IN HOOD                                                                                    |
| PM-00061719 | ~"CAFE BLUEFISH"                                                                                                               |
| FS-23007222 | INSTALL BURGLAR ALARM "CAFE BLUE FISH"                                                                                         |
| BL-565994   |                                                                                                                                |
| BL-203117   |                                                                                                                                |

| Application Name                                               | Record Type                     | Balance | Planner | Street # |
|----------------------------------------------------------------|---------------------------------|---------|---------|----------|
| INSTALLATION OF ALUMINUM RAILING 130 LF                        | Commercial Miscellaneous Permit | 0       |         | 3134     |
| Restaurant                                                     | Z- Board of Adjustment (BOA)    | 0       |         | 3134     |
|                                                                | Liquor Measurement Request      | 0       |         | 3134     |
|                                                                | Re-Roof Permit                  | 0       |         | 3134     |
| COPIES FOR 3134 NE 9 ST                                        | Property Record                 | 0       |         | 3134     |
| 3134 NE 9TH LLC                                                | Violation-CODE Hearing          | 0       |         | 3134     |
| 3134 NE 9TH LLC                                                | Code Case                       | 0       |         | 3134     |
| 3134 NE 9 ST - MODIFICATION OF FACADE AND INTERIOR ALTERATIONS | AR- Administrative Review       | 0       |         | 3134     |

2ND FL,# 1-4,INTERIOR/EXTERIOR RENOVATIONS  
2ND FL,# 1-4 ELECTRICAL FOR BP 17122123  
2ND FL,# 1-4 PLUMBING FOR BP 17122123

|                                     |   |      |
|-------------------------------------|---|------|
| Commercial Alteration Permit        | 0 | 3134 |
| Electrical Commercial Permit        | 0 | 3134 |
| Plumbing Fixture Replacement Permit | 0 | 3134 |

|                                         |                                  |        |      |
|-----------------------------------------|----------------------------------|--------|------|
| 2ND FL,# 1-4 MECHANICAL FOR BP 17122123 | Mechanical HVAC Changeout Permit | -12.92 | 3134 |
| 3134 NE 9TH LLC                         | Violation-CODE Hearing           | 0      | 3134 |
| 3134 NE 9TH LLC                         | Violation-CODE Hearing           | 0      | 3134 |
| 3134 NE 9TH LLC                         | Code Case                        | 0      | 3134 |

|                                             |                        |       |      |
|---------------------------------------------|------------------------|-------|------|
| HURRICANE DAMAGE - REPLACE FLAT ROOF 6400SF | Re-Roof Permit         | 0     | 3134 |
| 3134 NE 9TH LLC                             | Code Case              | 0     | 3134 |
| 3134 NE 9TH LLC                             | Violation-CODE Hearing | 0     | 3134 |
| 3134 NE 9TH LLC                             | Violation-CODE Hearing | 0     | 3134 |
| 3134 NE 9TH LLC                             | Violation-CODE Hearing | 0     | 3134 |
| 3134 NE 9TH LLC                             | Violation-CODE Hearing | 0     | 3134 |
| CHIEFTAIN HOLDINGS LP                       | Violation-CODE Hearing | 0     | 3134 |
| CHIEFTAIN HOLDINGS LP                       | Code Case              | 0     | 3134 |
| REROOF 10000 SF FLAT                        | Re-Roof Permit         | 581.9 | 3134 |
| 3134 NE 9TH LLC                             | Building Code Case     | 0     | 3134 |
| 3134 NE 9TH LLC                             | Violation-BLD Hearing  | 0     | 3134 |
| 3134 NE 9TH LLC                             | Violation-BLD Hearing  | 0     | 3134 |
| 3134 NE 9TH LLC                             | Violation-BLD Hearing  | 0     | 3134 |
| 3134 NE 9TH LLC                             | Violation-BLD Hearing  | 0     | 3134 |

|                       |                                      |     |      |
|-----------------------|--------------------------------------|-----|------|
| CHIEFTAIN HOLDINGS LP | Violation-CODE Hearing               | 0   | 3134 |
| CHIEFTAIN HOLDINGS LP | Code Case                            | 0   | 3134 |
| CHIEFTAIN HOLDINGS LP | Code Case                            | 0   | 3134 |
| CHIEFTAIN HOLDINGS LP | Violation-CODE Hearing               | 0   | 3134 |
| CHIEFTAIN HOLDINGS LP | Code Case                            | 0   | 3134 |
| CHIEFTAIN HOLDINGS LP | Violation-CODE Hearing               | 0   | 3134 |
| CHIEFTAIN HOLDINGS LP | Code Case                            | 0   | 3134 |
| CHIEFTAIN HOLDINGS LP | Violation-CODE Hearing               | 0   | 3134 |
| CHIEFTAIN HOLDINGS LP | Code Case                            | 0   | 3134 |
| CHIEFTAIN HOLDINGS LP | Violation-CODE Hearing               | 0   | 3134 |
| RED DOG CANTINA       | Resident/Business Alarm Registration | 300 | 3134 |

|                             |                                         |   |      |
|-----------------------------|-----------------------------------------|---|------|
| INSTALL NON-ILLUM WALL SIGN | Sign Permit                             | 0 | 3134 |
| RED DOG CANTINA             | Restaurant - Lounge - Nightclub Busines | 0 | 3134 |
| REPLACE 5 TON CONDENSER     | Mechanical HVAC Changeout Permit        | 0 | 3134 |

|                                                |                              |   |      |
|------------------------------------------------|------------------------------|---|------|
| RELOCATE BEER COOLER CONDENSING UNIT BLUE FISH | Mechanical Commercial Permit | 0 | 3134 |
|------------------------------------------------|------------------------------|---|------|

|                                              |                                          |        |      |
|----------------------------------------------|------------------------------------------|--------|------|
| PROP ID: 504201330060                        | Building Recertification                 | 0      | 3134 |
| ATF- ADD STORAGE ROOM STRUCTURE              | Commercial Addition Permit               | 420.68 | 3134 |
| ELECTRICAL FOR WALK IN COOLER FOR STORAGE BP | Electrical Commercial Permit             | 202.51 | 3134 |
| INSTALL RESTAURANT HOOD BLUE FISH CAFE       | Mechanical Commercial Permit             | 0      | 3134 |
| FIRE SUPPRESSION SYSTEM TO 03070133          | Fire Suppression Permit                  | 0      | 3134 |
| HORN STROBE CONNECTED TO FIRE SUPPRESSION    | Fire Alarm System Permit                 | 0      | 3134 |
| *ATF* INSTALL REST FIRE SUPPRESSION IN HOOD  | Fire Suppression Permit                  | 349.25 | 3134 |
| INSTALL LIQUID U.L. 300 FIRE SYSTEM IN HOOD  | Fire Suppression Permit                  | 154.18 | 3134 |
| INSTALL BURGLAR ALARM "CAFE BLUE FISH"       | Electrical Burglar Alarm                 | 0      | 3134 |
| 3134 NE 9TH LLC                              | Fire Safety Account                      | 0      | 3134 |
| CAFE BLUE FISH                               | Restaurant - Lounge - Nightclub Busines  | 0      | 3134 |
| TAPLEY HARDWICK D                            | Professional Business Tax Receipt (State | 0      | 3134 |

| Dir | Street Nam | Type | Opened Date | Status      |
|-----|------------|------|-------------|-------------|
| NE  |            | 9 ST | 2/10/2021   | Issued      |
| NE  |            | 9 ST | 2/5/2021    | Open        |
| NE  |            | 9 ST | 1/25/2021   | Disapproved |
| NE  |            | 9 ST | 9/1/2020    | Issued      |
| NE  |            | 9 ST | 3/10/2020   | Complete    |
| NE  |            | 9 ST | 12/10/2018  | Closed      |
| NE  |            | 9 ST | 12/10/2018  | Closed      |
| NE  |            | 9 ST | 5/11/2018   | Closed      |



|    |      |                     |
|----|------|---------------------|
| NE | 9 ST | 12/21/2017 Issued   |
| NE | 9 ST | 12/21/2017 Complete |
| NE | 9 ST | 12/21/2017 Complete |

|    |      |                     |
|----|------|---------------------|
| NE | 9 ST | 12/21/2017 Complete |
| NE | 9 ST | 12/6/2017 Closed    |
| NE | 9 ST | 12/6/2017 Closed    |
| NE | 9 ST | 12/6/2017 Closed    |

|    |      |                     |
|----|------|---------------------|
| NE | 9 ST | 10/12/2017 Complete |
| NE | 9 ST | 3/20/2017 Open      |
| NE | 9 ST | 3/20/2017 Complied  |
| NE | 9 ST | 3/20/2017 Complied  |
| NE | 9 ST | 3/20/2017 Complied  |
| NE | 9 ST | 3/20/2017 Complied  |
| NE | 9 ST | 3/3/2017 Closed     |
| NE | 9 ST | 3/3/2017 Closed     |
| NE | 9 ST | 10/28/2016 Void     |
| NE | 9 ST | 8/19/2016 Closed    |
| NE | 9 ST | 8/19/2016 Complied  |
| NE | 9 ST | 8/19/2016 Complied  |
| NE | 9 ST | 8/19/2016 Complied  |
| NE | 9 ST | 8/19/2016 Closed    |

|    |      |                              |
|----|------|------------------------------|
| NE | 9 ST | 8/17/2016 Closed             |
| NE | 9 ST | 8/17/2016 Closed             |
| NE | 9 ST | 8/4/2016 Closed              |
| NE | 9 ST | 8/4/2016 Closed              |
| NE | 9 ST | 8/3/2016 Closed              |
| NE | 9 ST | 8/3/2016 Closed              |
| NE | 9 ST | 4/13/2015 Closed             |
| NE | 9 ST | 4/13/2015 Closed             |
| NE | 9 ST | 6/8/2014 Closed              |
| NE | 9 ST | 6/8/2014 Closed              |
| NE | 9 ST | 1/14/2013 Possible Duplicate |

|    |      |                   |
|----|------|-------------------|
| NE | 9 ST | 9/24/2012 Void    |
| NE | 9 ST | 9/21/2012 Closed  |
| NE | 9 ST | 5/8/2009 Complete |

|    |      |                    |
|----|------|--------------------|
| NE | 9 ST | 3/12/2009 Complete |
|----|------|--------------------|

|    |      |                    |
|----|------|--------------------|
| NE | 9 ST | 6/17/2008 Complete |
|----|------|--------------------|

|    |      |                 |
|----|------|-----------------|
| NE | 9 ST | 12/19/2007 Void |
|----|------|-----------------|

|    |      |                 |
|----|------|-----------------|
| NE | 9 ST | 12/19/2007 Void |
|----|------|-----------------|

|    |      |                    |
|----|------|--------------------|
| NE | 9 ST | 7/1/2003 Complete  |
| NE | 9 ST | 7/1/2003 Complete  |
| NE | 9 ST | 4/18/2003 Complete |

|    |      |                |
|----|------|----------------|
| NE | 9 ST | 3/28/2003 Void |
|----|------|----------------|

|    |      |                    |
|----|------|--------------------|
| NE | 9 ST | 10/4/2001 Void     |
| NE | 9 ST | 6/20/2000 Complete |
| NE | 9 ST | 11/25/1996 Active  |
| NE | 9 ST | 4/15/1992 Closed   |
| NE | 9 ST | 9/2/1981 Closed    |

**Sec. 5-26. - Distance between establishments.**

(b) The board of adjustment is authorized to grant special exceptions to the distance requirements as established by (a) above where the board finds that such special exception will:

(1) Not be contrary to the public interests; and

(2) Not incompatible with adjoining properties or the surrounding neighborhood. The application for a special exception and the processing and hearing upon such application shall be in accordance with section 47-24.12(A).



# SUSTAINABLE DEVELOPMENT – URBAN DESIGN & PLANNING

## BOARD OF ADJUSTMENT (BOA) APPLICATION

Rev: 2 | Revision Date: 10/2/2020 | Print Date: 10/2/2020  
I.D. Number: Z&L-BOA

### BOARD OF ADJUSTMENT (BOA) Application

|                |                                                   |
|----------------|---------------------------------------------------|
| <b>Cover:</b>  | Deadline, Notes, and Fees                         |
| <b>Page 1:</b> | Applicant Information Sheet                       |
| <b>Page 2:</b> | Variance Request Criteria                         |
| <b>Page 3:</b> | Required Documentation & Mail Notice Requirements |
| <b>Page 4:</b> | Sign Notice Requirements & Affidavit              |
| <b>Page 5:</b> | Technical Specifications                          |

**DEADLINE:** Submittals must be received prior to 4:00 PM each business day. Pursuant to Section 47-24.12, the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via e-mail, if plans do not meet the submittal requirements and if changes are required.

**NOTES:** Prior to formal submittal of applications, applicants are encouraged to schedule an appointment with Urban Design & Planning Division staff to obtain feedback regarding proposals. The meetings provide an opportunity for applicants to obtain feedback and general direction, prior to expending significant effort on preparation of submittal documents.

**FEES:** All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

- ☒ Variance/Special Exception/Interpretation: Before \$2,200
- ☐ Variance/Special Exception/Interpretation: After \$2800
- ☐ Parking Variance (per space) \$2600
- ☐ Variance/Special Exception/Interpretation Before- Residential Homesteaded Only- Accessory Structures & Existing Non-Conforming Structures \$650
- ☐ Variance/Special Exception/Interpretation After- Residential Homesteaded Only- Accessory Structures & Existing Non-Conforming Structures \$850
- ☐ Request for Continuance \$900
- ☐ Rehearing before the Board \$1150
- ☐ Request for Rehearing \$300

## Page 1: BOA - Applicant Information Sheet

**INSTRUCTIONS:** The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). While the information requested in this application is the minimum required to proceed please be aware additional information may be required to fully address the variance requested. The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

**NOTE:** To be filled out by Department

|                            |  |
|----------------------------|--|
| Case Number                |  |
| Date of complete submittal |  |

**NOTE:** For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

|                            |                                                                                                |
|----------------------------|------------------------------------------------------------------------------------------------|
| Property Owner's Name      | 3134 NE 9th LLC                                                                                |
| Property Owner's Signature | If a signed agent letter is provided, no signature is required on the application by the owner |
| Address, City, State, Zip  | 3134 ne 9th Street, Fort Lauderdale, FL 33304                                                  |
| E-mail Address             | Jcrush@crushlaw.com                                                                            |
| Phone Number               | 9545222010                                                                                     |
| Proof of Ownership         | <input type="checkbox"/> Warranty Deed or <input checked="" type="checkbox"/> Tax Record       |

**NOTE:** If **AGENT** is to represent **OWNER**, notarized letter of consent is required

|                               |                                                           |
|-------------------------------|-----------------------------------------------------------|
| Applicant / Agent's Name      | Crush Law, P.A. - Jason S. Crush                          |
| Applicant / Agent's Signature | <i>Jason Crush</i>                                        |
| Address, City, State, Zip     | 600 SE 12TH STREET, BUILDING C, FORT LAUDERDALE, FL 33316 |
| E-mail Address                | Jcrush@crushlaw.com                                       |
| Phone Number                  | 9545222010                                                |
| Letter of Consent Submitted   | YES                                                       |

|                                                          |                                                                                      |
|----------------------------------------------------------|--------------------------------------------------------------------------------------|
| Development / Project Name                               | Restaurant                                                                           |
| Existing / New                                           | Existing: <input checked="" type="checkbox"/> New: <input type="checkbox"/>          |
| Project Address                                          | Address: 3134 NE 9th Street, Fort Lauderdale, FL 33304                               |
| Legal Description                                        | BARCELONA BEACH 29-11 B LOT 6 TO 10, 1/10 INT FOR EACH LOT IN PARKING & DRIVES AREAS |
| Tax ID Folio Numbers<br>(For all parcels in development) | 504201330060                                                                         |
| Request / Description of Project                         | Request for Special Exception for a 4cop at an existing restaurant space.            |
| Applicable ULDR Sections                                 | ULDR Section 5-26                                                                    |

|                              |                                                                     |
|------------------------------|---------------------------------------------------------------------|
| Current Land Use Designation | Commercial                                                          |
| Current Zoning Designation   | SLA                                                                 |
| Current Use of Property      | Vacant Restaurant Space                                             |
| Site Adjacent to Waterway    | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

| Setbacks (indicate direction N,S,E,W) | Required                 | Proposed                 |
|---------------------------------------|--------------------------|--------------------------|
| Front <input type="checkbox"/>        | N/A - NO CHANGE/EXISTING | N/A - NO CHANGE/EXISTING |
| Side <input type="checkbox"/>         | N/A - NO CHANGE/EXISTING | N/A - NO CHANGE/EXISTING |
| Side <input type="checkbox"/>         | N/A - NO CHANGE/EXISTING | N/A - NO CHANGE/EXISTING |
| Rear <input type="checkbox"/>         | N/A - NO CHANGE/EXISTING | N/A - NO CHANGE/EXISTING |



## Page 2: Board of Adjustment (BOA) Criteria for Variance Request

This page must be filled in. An attached narrative may be included if additional space is required.

**SPECIFIC REQUEST:** State the specific request according to the ULDR or other provisions of the Code.

*See Attached narrative.*

**CRITERIA:** Applicant must demonstrate a unique hardship attributable to the land by proving by a preponderance of the evidence for all of the following criteria. Please answer the following criteria completely. While some criteria may seem duplicative the response should be tailored specifically to each. Per section 47-24.12.A.4,

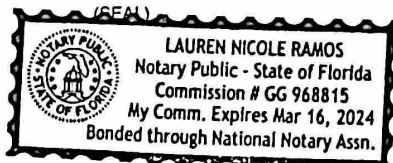
- a. Special conditions and circumstances affect the property at issue which prevent the reasonable use of such property; and
- b. Circumstances which cause the special conditions are peculiar to the property at issue, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the same zoning district; and
- c. Literal application of the provisions of the ULDR would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same zoning district. (It shall be of no importance to this criterion that a denial of the variance sought might deny to the owner a more profitable use of the property, provided the provisions of the ULDR still allow a reasonable use of the property; and
- d. The unique hardship is not self-created by the applicant or his predecessors, nor is it the result of mere disregard for, or ignorance of, the provisions of the ULDR or antecedent zoning regulations; and
- e. The variance is the minimum variance that will make possible a reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the ULDR and the use as varied will not be incompatible with adjoining properties or the surrounding neighborhood or otherwise detrimental to the public welfare.

**AFFIDAVIT:** I, Jason Crush the Owner/Agent of said property ATTEST that I am aware of the following:

1. In order to be entitled to the relief requested in the application an affirmative vote of a majority plus one of the Board of Adjustment is required;
2. That in granting the relief requested, the Board of Adjustment is limited to the authority vested in the Board by the ULDR and that the Board may not grant the relief requested unless the applicant proves all the criteria specified in the ULDR have been met;
3. That the granting of relief by the Board does not exempt the applicant or owner of record from the responsibilities of obtaining all applicable permits or approvals as may be required by law for both new and existing structures;
4. That if the relief requested is granted by the Board, the applicant must secure a building permit to implement the relief requested within one hundred eighty (180) days of the entry of the final order of the Board, or within such lesser time as the Board may proscribe and that failure to procure the necessary permits within the time so proscribed shall render the variance or special exception null and void;
5. That if the Board denies the request for relief, then no additional application for the same or substantially the same relief may be entertained by the Board within two (2) years of the date of entry of the final order of denial.

Jason Crush  
(Signature)

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 5 day of February, 2021



[Signature]  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: March 16, 2024

### Page 3: Required Documentation & Mail Notice Requirements

One (1) original set, signed and sealed, with plans at 24" x 36"

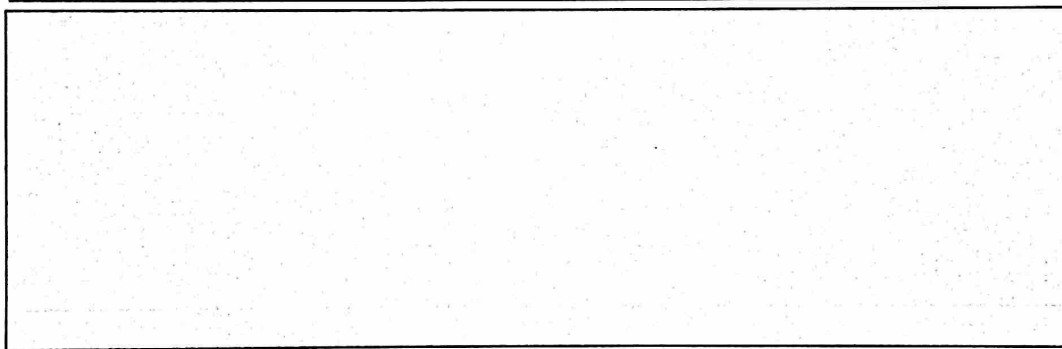
One (1) electronic version (CD or USB) of complete application and plans in PDF format

Fourteen (14) copy sets of each item below and plans at half-size scale 11" x 17"

- ☒ **Completed application** (all pages must be filled out where applicable)
- ☒ **Mail notification documents** (mail notification instructions at bottom of page)
- ☒ **Proof of ownership** (warranty deed or tax record), including corporation documents if applicable
- ☒ **Property owners notarized signature and/or notarized agent letter** signed by the property owner (if applicable).
- ☒ **Color photographs** of the entire property and all surrounding properties, dated and labeled and identified as to orientation.
- ☒ **Narrative** describing specific request and outlining ULDR sections that are applicable. Narratives must be on letterhead, dated, and with author indicated.
- ☒ **Cover sheet** on plan set to state project name and table of contents.
- ☒ **Current survey(s)** of property, signed and sealed, showing existing conditions; survey must be As-Built with Right-of-Way and Easement Vacations Excluded. The survey should consist of the proposed project site alone. Do not include adjacent properties or portions of lands not included in the proposed project unless specifically requested by the City. If the survey is not signed and sealed, a zoning affidavit is required and shall only be used for the structures listed in the affidavit.
- ☒ **Aerial photo** indicating all properties within 700 ft. of the subject property. Must be clear and current with site highlighted.
- ☒ **Site Plan** (a survey may be substituted if the requested variance is clearly indicated)
  - ☐ **Landscape Plan** (if applicable)
  - ☐ **Elevations** (if applicable)
  - ☐ **Additional plan details as needed**

Note: All copy sets must be clear and legible.

Note: Plans must be folded to 8 1/2" x 11". All non-plan documents should be 8 1/2" x 11".



**MAIL NOTIFICATION:** Pursuant to Section 47-27.2 Types of Public Notice and 47-27.9 Variance, Special Exception, Temporary Non-Conforming Use, Interpretation requires the following notice:

- **MAIL NOTICE:** Mail notice shall be given to owners of land within three hundred (300) feet of the subject site ten (10) days prior to the date set for the public hearing.
  - **TAX MAP:** Applicant shall provide a tax map from the Broward County Property Appraiser of all property within a three hundred (300) foot radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
  - **PROPERTY OWNERS NOTICE LIST:** Applicant shall provide a property owners notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required three hundred (300) foot radius. The list shall also include all homeowners associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
  - **ENVELOPES:** The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required three hundred (300) foot radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. The return address shall be listed on all envelopes as follows:

City of Fort Lauderdale  
Urban Design & Development -BOA  
700 NW 19<sup>th</sup> Avenue, Fort Lauderdale, FL 33311.

- **DISTRIBUTION:** The City of Fort Lauderdale, Urban Design & Development will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.

504201CK1180 504201CK1190 504201CK0110  
504201CK1160 504201CK1140 504201CK0010  
504201CK1120 504201CK1110 504201CK0220  
504201CK1150 504201CK1130 504201CK0590  
504201CK1100 504201CK1170 504201CK0040

504201BF0010 504201BF0020  
504201BF0050 504201BF0060  
504201BF0030 504201BF0040  
504201GC9998

504201000012

BREAKERS AVE

504201280010

504201280210

504201280200

504201280170

504201280160

SUNRISE LN

E SUNRISE LN

504201280120  
504201280100  
504201280090  
504201280080  
504201280070

504201280280

504306000010

504201290060

504201290010

504201340010

504201290030  
504201290040

504201290020

504201280020

NE 9TH ST

504201000040

504201000030

504201000020

504201460010

504201330060

504201330050

504201330030

504201330020

504201330010

504201330071

504201000050

N STHY A1A

N A1A

N SR A1A

N ATLANTIC BLVD

504201000052

504306000010

150 75 0 150 Feet

MARTY KIAR  
BROWARD COUNTY PROPERTY APPRAISER



3134 NE 9th Street



| FOLIO_NUMB   | NAME_LINE_                     | NAME_LINE1                      |
|--------------|--------------------------------|---------------------------------|
| 504201280010 | HPT IHG-2 PROPERTIES TR        |                                 |
| 504201280280 | HPT IHG-2 PROPERTIES TR        |                                 |
| 504201280200 | CUMISKEY,EDWARD F H/E          | HUNT,AMANDA                     |
| 504201280170 | BLUE PHOENIX HOLDINGS LLC      |                                 |
| 504201280160 | HPT IHG-2 PROPERTIES TR        |                                 |
| 504201280120 | MORIARITY INC                  |                                 |
| 504201290010 | 917 N ATLANTIC BLVD CORP       |                                 |
| 504201290060 | HPT IHG-2 PROPERTIES TRUST     |                                 |
| 504201340010 | DMS HOLDINGS SUNRISE INC       |                                 |
| 504201280100 | MORIARITY INC                  |                                 |
| 504201280090 | MOTE,MICHAEL F                 | % STEWART                       |
| 504201290030 | ESPOSITO ENTERPRISES INC       |                                 |
| 504201290040 | CHIEFTAIN HOLDINGS LP          |                                 |
| 504201280080 | ABISDID,JOSEPH                 |                                 |
| 504201280070 | SAND KASTLE LLLP               |                                 |
| 504201330060 | 3134 NE 9TH LLC                |                                 |
| 504201460010 | LALWANI,NARAIN S               |                                 |
| 504201000020 | KP SANDBAR LLC                 |                                 |
| 504201000030 | KAPLAN FAMILY INVESTMENTS LLC  | PIROFSKY FAMILY INVESTMENTS LLC |
| 504201000040 | KAPLAN FAMILY INVESTMENTS LLC  | PIROFSKY FAMILY INVESTMENTS LLC |
| 504201330010 | KILNOCK INC                    |                                 |
| 504201000052 | BONNET HOUSE INC               |                                 |
| 504201330020 | KILNOCK INC                    |                                 |
| 504201330030 | 845 NORTH ATLANTIC BLVD LLC    |                                 |
| 504201290070 | PUBLIC LAND                    | % CITY OF FORT LAUDERDALE       |
| 504306000010 | FLORIDA DEPT OF TRANSPORTATION | OFFICE OF RIGHT OF WAY          |
| 504201000050 | BONNET HOUSE INC               |                                 |
| 504201330050 | LALWANI,JAMNA S                |                                 |
| 504201280020 | PUBLIC LAND                    | % CITY OF FORT LAUDERDALE       |
| 504201330070 | FLORIDA DEPT OF TRANSPORTATION | OFFICE OF RIGHT OF WAY          |
| 504201330071 | CITY OF FORT LAUDERDALE        |                                 |
| 504201290020 | FTL A1A CORP                   |                                 |

| ADDRESS_LI                       | CITY            | STATE | ZIP   |
|----------------------------------|-----------------|-------|-------|
| 255 WASHINGTON ST                | NEWTON          | MA    | 02458 |
| 255 WASHINGTON ST                | NEWTON          | MA    | 02458 |
| 927 SUNRISE LANE                 | FORT LAUDERDALE | FL    | 33304 |
| 1314 E LAS OLAS BLVD #730        | FORT LAUDERDALE | FL    | 33301 |
| 255 WASHINGTON ST                | NEWTON          | MA    | 02458 |
| 707 SE 3 AVE STE 400             | FORT LAUDERDALE | FL    | 33316 |
| 853 N ATLANTIC BLVD              | FORT LAUDERDALE | FL    | 33304 |
| 2 NEWTON PL #255                 | NEWTON          | MA    | 02458 |
| 227 S ATLANTIC BLVD              | FORT LAUDERDALE | FL    | 33316 |
| 707 SE 3 AVE STE 400             | FORT LAUDERDALE | FL    | 33316 |
| 4238 N OCEAN DR                  | HOLLYWOOD       | FL    | 33019 |
| 500 INTRACOASTAL DR              | FORT LAUDERDALE | FL    | 33304 |
| PO BOX 4009                      | FORT LAUDERDALE | FL    | 33338 |
| 3015 N OCEAN BLVD #31            | FORT LAUDERDALE | FL    | 33308 |
| 736 SE BECKER RD                 | PORT ST LUCIE   | FL    | 34984 |
| 853 N FT LAUD BEACH BLVD         | FORT LAUDERDALE | FL    | 33306 |
| 3132 NE 9 ST                     | FORT LAUDERDALE | FL    | 33304 |
| 725 NE 26 AVE                    | FORT LAUDERDALE | FL    | 33304 |
| 2150 NW 121 AVE                  | PLANTATION      | FL    | 33323 |
| 2150 NW 121 AVE                  | PLANTATION      | FL    | 33323 |
| 2022 NE 31 AVE                   | FORT LAUDERDALE | FL    | 33305 |
| 900 N BIRCH RD                   | FORT LAUDERDALE | FL    | 33304 |
| 837 N FT LAUD BEACH BLVD         | FORT LAUDERDALE | FL    | 33304 |
| 853 N FORT LAUDERDALE BEACH BLVD | FORT LAUDERDALE | FL    | 33304 |
| 100 N ANDREWS AVE                | FORT LAUDERDALE | FL    | 33301 |
| 3400 W COMMERCIAL BLVD           | FORT LAUDERDALE | FL    | 33309 |
| 900 N BIRCH RD                   | FORT LAUDERDALE | FL    | 33304 |
| 853 N FT LAUD BEACH BLVD         | FORT LAUDERDALE | FL    | 33304 |
| 100 N ANDREWS AVE                | FORT LAUDERDALE | FL    | 33301 |
| 3400 W COMMERCIAL BLVD           | FORT LAUDERDALE | FL    | 33309 |
| 100 N ANDREWS AVE                | FORT LAUDERDALE | FL    | 33301 |
| 901 N FORT LAUDERDALE BEACH BLVD | FORT LAUDERDALE | FL    | 33304 |

# 3134 NE 9TH LLC

February 4, 2021

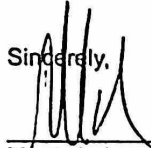
Jeff Modarelli  
City Clerk  
100 N. Andrews Avenue  
City of Fort Lauderdale, FL 33301

**Re: Property Located at 3134-3146 NE 9 Street in the City of Fort Lauderdale,  
Florida (the "Property")**

Dear Mr. Modarelli,

Crush Law, P.A., specifically Courtney Crush and Jason Crush are authorized to represent 3134 NE 9TH LLC, the owner of the subject Property, to obtain development approvals for a restaurant on the Property in the City of Fort Lauderdale.

Sincerely,



Monty Lalwani  
3134 NE 9TH LLC

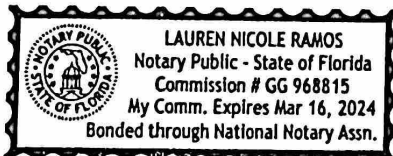
STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this 5 day of February 2021, by Monty Lalwani,  
who is:

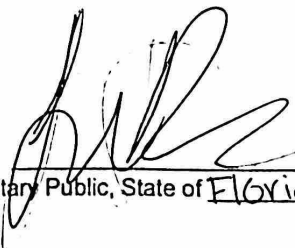
Personally known to me X

OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_



(SEAL)

  
\_\_\_\_\_  
Notary Public, State of Florida

Lauren Ramos

Print, type or stamp name of notary



|                               |                                                                                     |                |                 |
|-------------------------------|-------------------------------------------------------------------------------------|----------------|-----------------|
| <b>Site Address</b>           | <b>3134-3146 NE 9 STREET, FORT LAUDERDALE FL 33304</b>                              | <b>ID #</b>    | 5042 01 33 0060 |
| <b>Property Owner</b>         | 3134 NE 9TH LLC                                                                     | <b>Millage</b> | 0312            |
| <b>Mailing Address</b>        | 853 N FT LAUD BEACH BLVD FORT LAUDERDALE FL 33306                                   | <b>Use</b>     | 12              |
| <b>Abbr Legal Description</b> | BARCELONA BEACH 29-11 B LOT 6 TO 10,1/10 INT FOR EACH LOT IN PARKING & DRIVES AREAS |                |                 |

The just values displayed below were set in compliance with **Sec. 193.011**, Fla. Stat., and include a reduction for costs of sale and other adjustments required by **Sec. 193.011(8)**.

|                                                                          |
|--------------------------------------------------------------------------|
| * 2021 values are considered "working values" and are subject to change. |
|--------------------------------------------------------------------------|

| Property Assessment Values |           |                        |                     |                      |             |
|----------------------------|-----------|------------------------|---------------------|----------------------|-------------|
| Year                       | Land      | Building / Improvement | Just / Market Value | Assessed / SOH Value | Tax         |
| 2021*                      | \$902,520 | \$549,010              | \$1,451,530         | \$1,451,530          |             |
| 2020                       | \$902,520 | \$549,010              | \$1,451,530         | \$1,451,530          | \$30,553.74 |
| 2019                       | \$902,520 | \$549,010              | \$1,451,530         | \$1,451,530          | \$30,285.26 |

| 2021* Exemptions and Taxable Values by Taxing Authority |             |              |             |             |
|---------------------------------------------------------|-------------|--------------|-------------|-------------|
|                                                         | County      | School Board | Municipal   | Independent |
| <b>Just Value</b>                                       | \$1,451,530 | \$1,451,530  | \$1,451,530 | \$1,451,530 |
| <b>Portability</b>                                      | 0           | 0            | 0           | 0           |
| <b>Assessed/SOH</b>                                     | \$1,451,530 | \$1,451,530  | \$1,451,530 | \$1,451,530 |
| <b>Homestead</b>                                        | 0           | 0            | 0           | 0           |
| <b>Add. Homestead</b>                                   | 0           | 0            | 0           | 0           |
| <b>Wid/Vet/Dis</b>                                      | 0           | 0            | 0           | 0           |
| <b>Senior</b>                                           | 0           | 0            | 0           | 0           |
| <b>Exempt Type</b>                                      | 0           | 0            | 0           | 0           |
| <b>Taxable</b>                                          | \$1,451,530 | \$1,451,530  | \$1,451,530 | \$1,451,530 |

| Sales History |       |             |                  | Land Calculations               |        |       |
|---------------|-------|-------------|------------------|---------------------------------|--------|-------|
| Date          | Type  | Price       | Book/Page or CIN | Price                           | Factor | Type  |
| 3/24/2017     | WD-Q  | \$2,735,000 | 114285158        | \$150.07                        | 6,014  | SF    |
| 4/20/2012     | WD*-T | \$100       | 48758 / 454      |                                 |        |       |
| 4/7/2010      | WD-Q  | \$2,900,000 | 47015 / 610      |                                 |        |       |
| 3/14/2000     | QCD   | \$100       | 30343 / 1547     |                                 |        |       |
| 3/1/1994      | QCD   | \$100       | 21992 / 863      |                                 |        |       |
|               |       |             |                  | Adj. Bldg. S.F. (Card, Sketch)  |        | 10233 |
|               |       |             |                  | Units                           |        | 3     |
|               |       |             |                  | Eff./Act. Year Built: 1968/1958 |        |       |

\* Denotes Multi-Parcel Sale (See Deed)

| Special Assessments |      |       |       |      |      |       |       |      |
|---------------------|------|-------|-------|------|------|-------|-------|------|
| Fire                | Garb | Light | Drain | Impr | Safe | Storm | Clean | Misc |
| 03                  |      |       |       |      |      | F2    |       |      |
| S                   |      |       |       |      |      |       |       |      |
| 10233               |      |       |       |      |      | 6014  |       |      |

**From:** [City of Fort Lauderdale-No Reply](#)  
**To:** [Jason Crush](#); [Jason Crush](#); [Jason Crush](#)  
**Subject:** City of Fort Lauderdale LauderBuild Application BT-LIQ-21010003 Inspection Completed  
**Date:** Wednesday, January 27, 2021 3:40:06 PM

---



## **LauderBuild Inspection Completed**

Please be advised that the Liquor Measurement inspection has been completed for the following Business Tax record:

|                             |                                                                                                         |
|-----------------------------|---------------------------------------------------------------------------------------------------------|
| <b>Record #:</b>            | BT-LIQ-21010003                                                                                         |
| <b>Inspection Type:</b>     | LiquorMeasurement                                                                                       |
| <b>Inspection Date:</b>     | 1/27/2021                                                                                               |
| <b>Inspect Result:</b>      | Disapproved                                                                                             |
| <b>Inspector Email:</b>     | SStringer@FortLauderdale.gov                                                                            |
| <b>Inspection Comments:</b> | LIQUOR MEASUREMENT CONDUCTED ON 1/27/2021 BY<br>STEPHANIE STRINGER 226 FT TO 3PS OCEAN WINE AND SPIRITS |

Please email your inspector if you have any questions regarding a failed measurement.

**\*\*\*Do not bring your DBPR ABT-6001 form to be signed off until your Business Tax Receipt has been issued\*\*\***

You may log in to your [LauderBuild](#) account and select **My Records** to review the processing status at any time.

Thank you,  
**Business Tax Office**  
100 N Andrews Ave, 1st Floor  
Fort Lauderdale, FL 33301-1016  
954-828-5195



Sec. 5-26. - Distance between establishments.

- (a) Under the power and right to zone areas in which the sale of alcoholic beverages is prohibited or permitted within the city limits, the sale of alcoholic beverages under authority of a state license issued under the provisions of F.S. §§ 563.02(1)(b), 564.02(1)(b) and 565.02(1)(a) and (b), other than special licenses for hotel and restaurant bars, is prohibited in any place of business located within three hundred (300) feet of another place of business in which there is already in existence a retail vendor's license to sell alcoholic or intoxicating beverages for consumption on or off the premises, under authority of a state license issued under the provisions of F.S. § 565.02(1)(a) and (b), such distance to be measured from main normal public entrances along public thoroughfares by the shortest route of ordinary pedestrian traffic; nor shall a new place of business for the sale of alcoholic or intoxicating beverages for consumption on or off the premises under authority of license issued under state law be permitted at such location during the period in which a valid existing state license is renewable at such location, nor shall an existing state license be permitted to be transferred from location to location so as to violate such area zoning distances between places selling alcohol or intoxicating liquors; provided, however, that the owners and holders of any such licenses, either originally or by transfer, at the time of the passage of the act of the state legislature repealing the power of municipalities to issue such licenses, who have obtained state licenses to operate such business at the same locations, shall have a vested right to use such state licenses at such locations within the prohibited distance, but may not move such state license to a new location in violation of this section.
- (b) The board of adjustment is authorized to grant special exceptions to the distance requirements as established by (a) above where the board finds that such special exception will:
  - (1) Not be contrary to the public interests; and
  - (2) Not incompatible with adjoining properties or the surrounding neighborhood. The application for a special exception and the processing and hearing upon such application shall be in accordance with section 47-24.12(A).

(Code 1953, § 5-6; Ord. No. C-73-11, § 1, 2-6-73; Ord. No. C-73-63, § 1, 6-19-73; Ord. No. C-73-94, § 1, 8-6-73; Ord. No. C-74-135, § 1, 12-17-74; Ord. No. C-75-91, § 1, 9-16-75; Ord. No. C- [C-19-07](#), § 1, 3-19-19)



**NARRATIVE**  
**3134 NE 9<sup>th</sup> Street**  
**Special Exception Request:**  
**Code of Ordinances Section 5-26 – Distance Between Establishments**

The owner of the restaurant space located at 3134 NE 9<sup>th</sup> Street (the "Property"), respectfully requests a Special Exception from the City of Fort Lauderdale to allow a 4COP to allow the sale of alcoholic beverages on the Property. Code of Ordinances Section 5-26 - Distance Between Establishments (the "Code") provides for a distance of 300 feet between establishments that are licensed to sell alcoholic beverages. The Property is 226 feet from the nearest establishment licensed to sell alcoholic beverages.

The Property was previously home to Café Blue Fish, which was established in the 1990's and became a Fort Lauderdale staple for some of the best seafood on the beach. Café Blue Fish was a destination spot for tourists and residents alike in the Sunrise Lane Area. With famous neighbors, like the World Famous Parrot Lounge, NE 9<sup>th</sup> Street and E Sunrise Lane have become a self-contained tourist destination comprised of restaurants, bars, t-shirt shops, and other tourist serving uses

Section 5-26.b specifically provides that the Board of Adjustment is authorized to grant special exceptions to the distance requirements where the Board finds that such special exception will not be contrary to the public interests and is not incompatible with the surrounding neighborhood.

Pursuant to Section 47-24.12.A.5. of the ULDR a special exception shall be granted upon demonstration by a preponderance of the evidence of all of the following criteria are met - which we believe are more than met by this application:

a. Whether the proposed development or use meets the requirements for a special exception as provided by the ULDR.

Restaurants are permitted in the zoning district and the Property is an approved restaurant space by the City. Section 5-26 requires a distance of 300 feet between another establishment that serves alcohol and allows restaurants that do not meet the distance requirement to seek a Special Exception to allow such sales.

b. Granting of the special exception shall not be incompatible with adjoining properties or the surrounding neighborhood or otherwise contrary to the public interest.

The Property is located in the City's Sunrise Lane Zoning district ("SLA") which is an area of the Central Beach bounded on the East by A1A, on the South by the Bonnet House, on the West by Breakers Ave. and on the North by Sunrise Blvd. Further, the purpose and intent of the SLA zoning district encourages preservation of these structures and uses. Further still, the SLA acknowledges that these existing uses represent a "substantial resource of the Central Beach area to be protected, preserved and enhanced." This area is home to several other similar

commercial uses including The World Famous Parrot Lounge, Ocean View Delight, Kousine, McSorley's Beach Pub, Ocean Wine and Spirits, and other similar businesses that all sell alcoholic beverages.

Since the property is located on a primarily commercial corridor surrounded by commercial and business uses granting of this Special Exception to allow the restaurant to serve alcoholic beverages incidental to its primary use of food service is consistent with the existing uses and compatible with the area. Further, the granting of this Special Exception will not impact or conflict with the surrounding neighborhood as the use serves tourists and area residents and will be enjoyed by all.

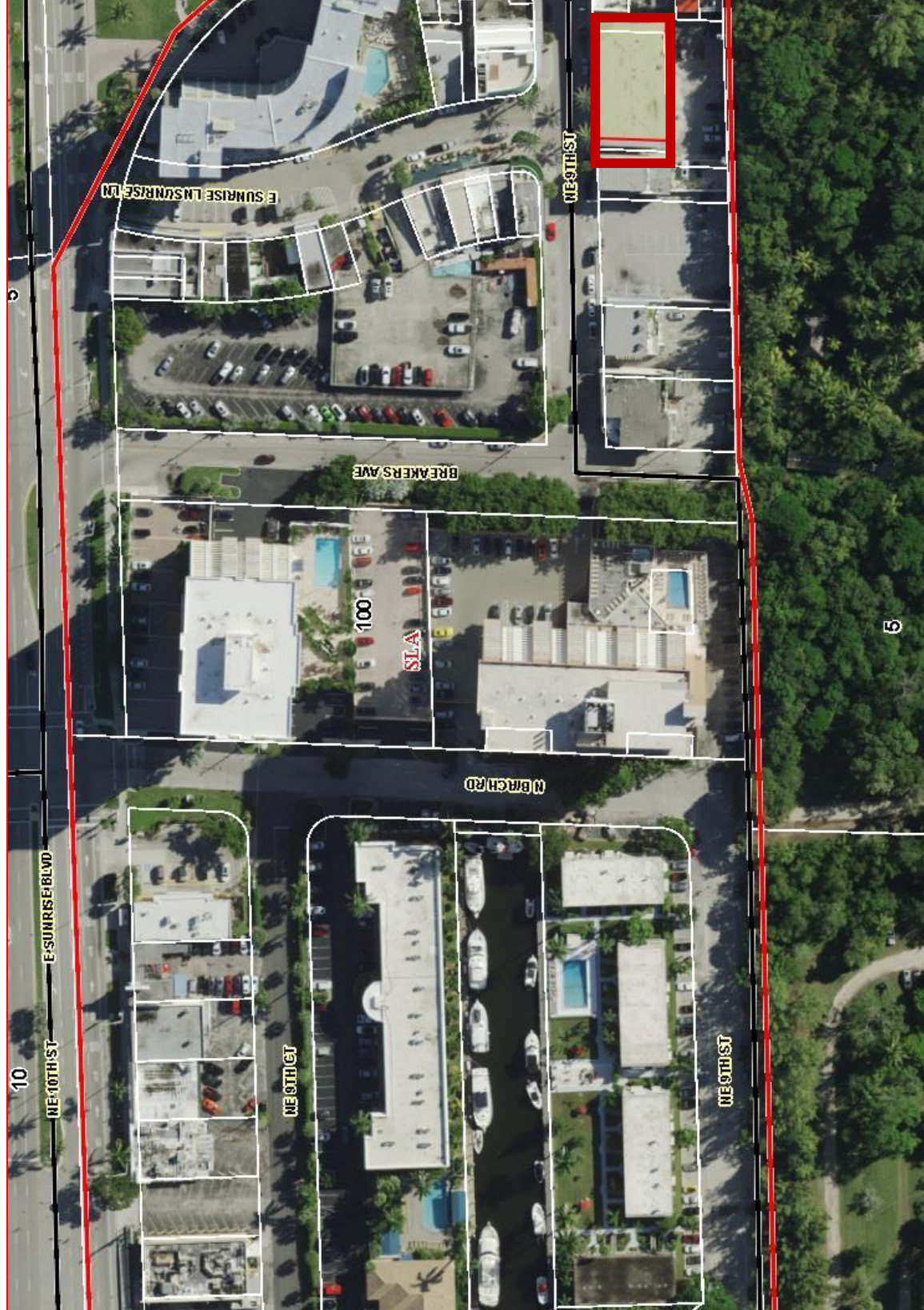
**3134 NE 9<sup>th</sup> Street**  
**Fort Lauderdale, FL 33304**  
**Special Exception Request**  
**Board of Adjustment**



Table of Contents:

|        |                                         |
|--------|-----------------------------------------|
| Page 1 | Aerial                                  |
| Page 2 | Survey                                  |
| Page 3 | Previous Establishment – Café Blue Fish |
| Page 4 | Property Renovation – Floor Plan        |







**SURVEY ADDRESS:**  
3134-3146 N.E. 9TH STREET  
FORT LAUDERDALE, FLORIDA 33304

**FLOOD ZONE & ELEVATIONS:**  
FLOOD ZONE: X / AE  
BASE FLOOD ELEVATION: 8'  
CONTROL PANEL NO.: 125105-0388-H  
DATE OF FIRM INDEX: 08/18/74

**POTENTIAL ENCROACHMENTS:**

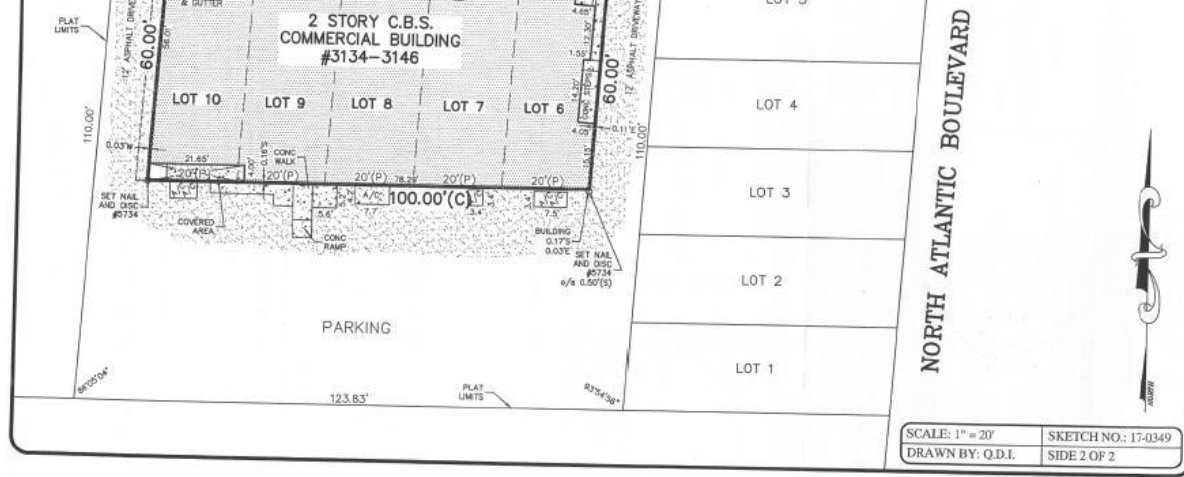
1. ROOF EAVE OVERHANG, GUTTER AND C.B.S. BUILDING CROSS OVER THE WESTERLY PROPERTY LINE.
2. ROOF EAVE OVERHANG AND BRICK SIDEWALK CROSS OVER THE NORTHERLY PROPERTY LINE.
3. CONCRETE SIDEWALK AND C.B.S. BUILDING CROSS OVER THE EASTERLY PROPERTY LINE.
4. CONCRETE SLABS, A/C UNITS AND C.B.S. BUILDING CROSS OVER THE SOUTHERLY PROPERTY LINE.

**LEGAL DESCRIPTION:**  
LOTS 6, 7, 8, 9, AND 10 OF BARCHONA BEACH, ACCORDING TO THE PLAT THEREON, RECORDED IN PLAT BOOK 28, PAGE 11, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH AN UNDIVIDED 1/10TH INTEREST FOR EACH OF SAID LOTS 6, 7, 8, 9, AND 10 OF BARCHONA BEACH IN AND TO THE AREAS DESIGNATED AS PARKING AND DRIVEWAYS ON SAID PLAT.

[illegible][illegible]

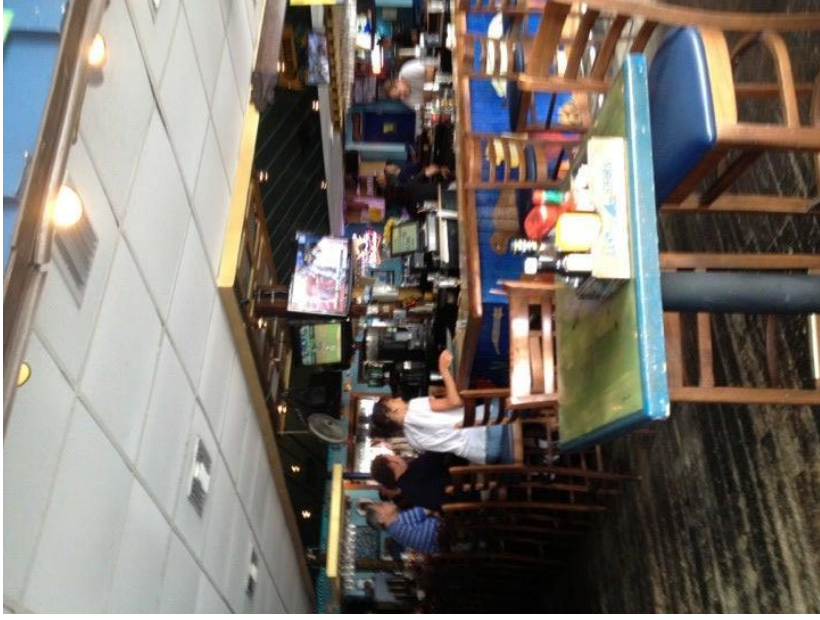
3671  
JASON H. PINNELL  
PROFESSIONAL SURVEYOR & MAPPER  
LICENSE NO. 4734, STATE OF FLORIDA

SKETCH NO.: 17-0349  
DATE OF SURVEY: 03/03/17  
CHECKED BY: J.P.  
FIELD BOOK/PAGE: 554/27  
SIDE 1 OF 2



# Survey





Previous Establishment – Café Blue Fi

