



BOARD OF ADJUSTMENT MEETING NOTICE:

JULY 20, 2021

A Public Hearing will be held before the Board of Adjustment on Wednesday, **August 11, 2021 at 6:00 P.M.**

This meeting will be held in the City Commission Chambers, City Hall, 1st Floor, 100 North Andrews Avenue, to determine whether the following application should be granted:

CASE: PLN-BOA-21070004
OWNER: SNG 1115 INVESTMENTS LLC
AGENT: STEPHANIE TOOTHAKER, ESQ
ADDRESS: 1115 NE 9TH AVENUE, FORT LAUDERDALE, FL 33304

LEGAL DESCRIPTION: PROGRESSO 2-18 D LOT 12 & 13 BLK 149; PROGRESSO 2-18 D LOT 10,11 BLK 149

ZONING: B-3

COMMISSION DISTRICT: 2

REQUESTING: SECTIONS: Sec. **47-20.15.3. -Backout parking.**

- Requesting a variance to allow backout parking not entirely on site and to omit the commercial use requirement of one (1) peninsular landscaped area for every four (4) spaces as per attached plans.

Sec. 47-20.15.5.b -Backout parking.

- Requesting a Variance to allow additional backout parking spaces whereas the code does not allow expansion of backout parking.

Sec. 47-20.15.5.c. - Backout parking.

- Requesting a variance to allow backout parking where residential use exist across the right-of-way where the backout parking is located.

Sec. 47-20.15.5.e. - Backout parking.

- Requesting a variance to not provide any landscape islands and perimeter landscape areas where the Code requires that landscape islands meeting the requirements of Section 47-21.12.4.c and d. be provided for every (6) parking spaces or fraction thereof and perimeter landscape areas meeting the requirements of Section 47-21.12.A.2.b.

Sec. 47-21.12.A.2.b -Landscape requirements for vehicular use areas.

- Requesting a variance to not provide perimeter landscape areas where the Code requires perimeter landscape areas along the perimeter of a



parcel of land which does not abut a street the minimum depth of the landscape area to be two and one-half (2½) feet.

Sec. 47-21.12.A.4.c. -Landscape requirements for vehicular use areas.

- Requesting a variance to not provide landscape islands where the Code requires island areas to be a minimum of three-quarters (¾) the length of the adjacent parking space by a minimum of eight (8) feet in width.

Sec. 47-21.12.A.4.d. -Landscape requirements for vehicular use areas.

- Requesting a variance to not provide landscape islands where the Code requires island landscape areas to be planted with at least one (1) tree.

Sec. 47-21.12.G. -Retroactive VUA landscaping.

- Requesting a variance to not provide any retroactive vehicular use area landscaping where the Code states that a vehicular area which existed prior to July 7, 1977 shall meet at least fifty percent (50%) of the requirements of new vehicular use areas.

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

**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.



PLN-BOA-21070004



CITY OF FORT LAUDERDALE
PUBLIC NOTICE

BOARD OF ADJUSTMENTS MEETING

DATE: AUGUST 11, 2021

TIME: 6:00 PM

CASE: PLN-BOA-21070004

Requesting: Sec. 47-20.15.3., Sec. 47-20.15.5.b., Sec. 47-20.15.5.c., Sec. 47-20.15.5.e., Sec. 47-21.12.A.2.b., Sec. 47-21.12.A.4.c., Sec. 47-21.12.A.4.d. and Sec. 47-21.12.G.

Requesting a variance for Sec. 47-20.15.3. to allow backout parking not entirely on site and to omit the commercial use requirement of one (1) peninsular landscaped area for every four (4) spaces as per attached plans; Requesting a variance for Sec. 47-20.15.5.b. to allow additional backout parking spaces whereas the code does not allow expansion of backout parking; Requesting a variance for Sec. 47-20.15.5.c. to allow backout parking where residential use exist across the right-of-way where the backout parking is located; Requesting a variance for Sec. 47-20.15.5.e. not provide any landscape islands and perimeter landscape areas where the Code requires that landscape islands meeting the requirements of Section 47-21.12.4.c and d. be provided for every (6) parking spaces or fraction thereof and perimeter landscape areas meeting the requirements of Section 47-21.12.A.2.b; Requesting a variance for Sec. 47-21.12.A.2.b. to not provide perimeter landscape areas where the Code requires perimeter landscape areas along the perimeter of a parcel of land which does not abut a street the minimum depth of the landscape area to be two and one-half (2½) feet; Requesting a variance for Sec. 47-21.12.A.4.c. to not provide landscape islands where the Code requires island areas to be a minimum of three-quarters (¾) the length of the adjacent parking space by a minimum of eight (8) feet in width; Requesting a variance for Sec. 47-21.12.A.4.d. to not provide landscape islands where the Code requires island landscape areas to be planted with at least one (1) tree; Requesting a variance for Sec. 47-21.12.G. to not provide any retroactive vehicular use area landscaping where the Code states that a vehicular area which existed prior to July 7, 1977 shall meet at least fifty percent (50%) of the requirements of new vehicular use areas.

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

**INFORMATION: CONTACT (954) 828-6506
<http://www.fortlauderdale.gov>**

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



DATE: 08/11/2021

AGENDA ITEM: 4

CASE: 4

PLN-BOA-21070004



SUSTAINABLE DEVELOPMENT – ZONING & LANDSCAPING

BOARD OF ADJUSTMENT (BOA) APPLICATION

Rev: 3 Revision Date: 05/17/2021 | Print Date: 05/17/2021
I.D. Number: Z&L-BOA

BOARD OF ADJUSTMENT (BOA) APPLICATION

Cover:	Deadline, Notes, and Fees
Page 1:	Applicant Information Sheet
Page 2:	Variance Request Criteria
Page 3:	Required Documentation & Mail Notice Requirements
Page 4:	Sign Notice Requirements & Affidavit
Page 5:	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.

APPLICATION SUBMITTAL: Submit your Board of Adjustment (BOA) application, required documents and fees online by visiting: <https://aca-prod.accela.com/FTL>. After application and document submission, you should receive a case number and will be invoiced for the fee amount due. Prior to formal submittal of applications, applicants are encouraged to schedule an appointment with the Board Liaison and 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. To request a meeting to discuss your variance request, please contact Chakila Crawford at chcrawford@fortlauderdale.gov and/or Stephanie Hughey at shughey@fortlauderdale.gov.

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): **\$2,800**
- Parking Variance (per space): **\$2,600**
- 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**
- Request for Rehearing: **\$300**
- Rehearing before the Board: **\$1,150**

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.

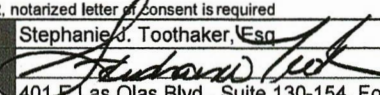
NOTE: To be filled out by Department

Case Number	
Date of complete submittal	

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

Property Owner's Name	SNG 1115 INVESTMENTS 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	708 SW 7 AVE FORT LAUDERDALE, FL 33304
E-mail Address	
Phone Number	
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	Stephanie J. Toothaker, Esq.
Applicant / Agent's Signature	
Address, City, State, Zip	401 E Las Olas Blvd., Suite 130-154, Fort Lauderdale, Florida 33301
E-mail Address	stephanie@toothaker.org
Phone Number	(954) 648-9376
Letter of Consent Submitted	Yes

Development / Project Name	1115 and 1123 NE 9th Avenue
Existing / New	Existing: <input checked="" type="checkbox"/> New: <input type="checkbox"/>
Project Address	Address:
Legal Description	See survey
Tax ID Folio Numbers (For all parcels in development)	4942-34-04-1680 and 4942-34-04-1660
Request / Description of Project	Variance from VUA Landscape and Backout Parking Provisions
Applicable ULDR Sections	47-21.12.G.1, 47-20.15.3, 47-20.15.5.b, 47-20.15.5.c, 47-20.15.5.e., 47-20.15.5.g

Current Land Use Designation	Commercial
Current Zoning Designation	B-3 - Heavy Commercial/Light Industrial Business
Current Use of Property	Warehouse
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"/> E	5 ft.	10'-0" (existing structure)
Side <input type="checkbox"/> N	None	0'-0" (existing structure)
Side <input type="checkbox"/> S	None	1'-1/2" (existing structure)
Rear <input type="checkbox"/> W	None	22'-5" (existing structure)

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

Complete this page and an attached narrative.

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

Refer to the 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

Refer to the attached narrative.

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:

Refer to the attached narrative.

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

Refer to the attached narrative.

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

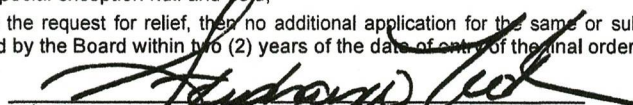
Refer to the attached narrative.

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.

Refer to the attached narrative.

AFFIDAVIT: I, Stephanie J. Toothaker, Esq. the Owner/Agent of said property ATTEST that I am aware of the following:

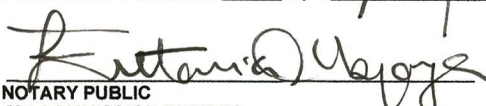
1. In order to be entitled to the relief requested in the application an affirmative vote of a majority plus one of the Board of Adjustment is required;
2. That in granting the relief requested, the Board of Adjustment is limited to the authority vested in the Board by the ULDR and that the Board may 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.


(Signature)

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 9 day of JULY, 2021

(SEAL)




NOTARY PUBLIC
MY COMMISSION EXPIRES:

8.13.2023

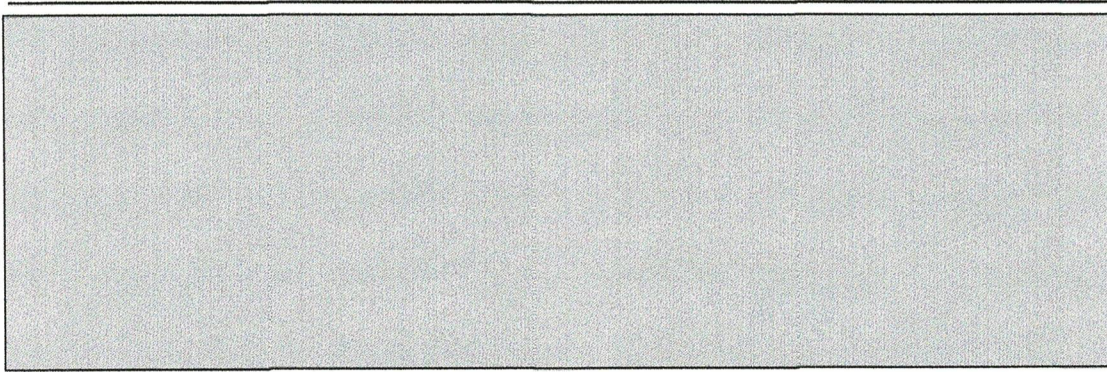
Page 3: Required Documentation & Mail Notice Requirements

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, Sunbiz and/or tax record), including corporation documents if applicable
- Property owners original 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.
- 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 ½" x 11". All non-plan documents should be 8 ½" 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 owner 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 19th 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.
- **HOW TO ORDER A TAX MAP AND MAIL NOTICE LIST:** To order a tax map and notice list, please email Heather Hanson at hhanson@bcpa.net or call 954-357-6855. You may also contact Kenny Gibbs, kqibbs@bcpa.net or call 954-357-5503.

July 9, 2021

VIA LAUDERBUILD

BOARD OF ADJUSTMENT
CITY OF FORT LAUDERDALE
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FL 33301

RE: Variance Application Narrative for 1115 and 1123 NE 9th Avenue, Fort Lauderdale

Dear Members of the Board of Adjustment,

I represent 1115 NE 9th Ave FTL LLC (the “Applicant”) which is under contract with the current property owner SNG 1115 Investments, LLC (the “Property Owner”) to purchase the properties located at 1115 and 1123 NE 9th Avenue, Fort Lauderdale, Folio Nos. 4942-34-04-1680 and 4942-34-04-1660, collectively the “Property.” Applicant respectfully requests a variance to Sections 47-21.12.G.1 (Retroactive VUA Landscaping) and 47-20.15.3, 47-20.15.5.b, 47-20.15.5.c, 47-20.15.5.e., 47-20.15.5.g (Backout Parking) of the ULDR associated with a change of use request for the Property (Case No. UDP-S20010).

1. PROPERTY AND PROJECT INFORMATION

The Property is located on the west side of NE 9th Avenue which is generally located north of E. Sunrise Boulevard and east of FEC railway, in a historically heavy commercial/industrial area of the City. The stretch of NE 9th Avenue the Property is located on is characterized by heavy warehouse buildings on the west and multifamily residential buildings on the east. The Property has an underlying “Commercial” land use and is zoned Commercial/Light Industrial (“B-3”). The Property’s B-3 zoning designation was in place since at least the 1950s. The Property is 13,500 square feet (0.31 acres) and contains a one-story 11,122 gross square-foot warehouse building that was constructed between 1957-1959 per Broward County Property Appraiser records. The existing building comprises approximately 82% of the lot coverage. There are eight (8) existing backout parking spaces that partially overhang into the NE 9th Avenue right-of-way. This is a typical condition in the surrounding area as the warehouse buildings to the north similarly have partially overhanging backout parking spaces. A review of historic imagery confirms that the existing backout parking on the Property has existed since at least 1995, prior to the effective date (June 28, 1997) of the City’s ULDR. There is no existing sidewalk along either side of the NE 9th Avenue right-of-way.

The Applicant is currently in DRC Site Plan Level III review for a change of use request from the existing warehouse use to a “ghost kitchen” and an associated parking reduction (Case No. UDP-S20010). Food produced in the facility is not available for on-site pick-up or consumption by the public or individual consumers. Food produced on-site is either delivered by third-party delivery drivers or by the individual licensee in the instance of caterers. When food is picked up on site, delivery drivers must walk-in to the facility from the NE 9th Avenue driver entrance and check in at the processing center to pick the delivery items up. Applicant is proposing to reconfigure the existing backout parking to meet the design and construction standards of ULDR Section 47-20.11 which can accommodate two (2) additional backout parking spaces for a total of ten (10) parking spaces. While the backout parking condition is existing, the change of use has triggered certain requirements related to VUA landscaping and backout parking for which Applicant is seeking variances.

Stephanie J. Toothaker, Esq.
land use development political strategy procurement

2. VARIANCE REQUESTS

Sec. 47-21.12. - Landscape requirements for vehicular use areas.

G. Retroactive VUA landscaping.

1. Any owner of a parcel of land upon which there is located a vehicular use area which existed prior to July 7, 1977 shall meet at least fifty percent (50%) of the requirements of new vehicular use areas. If a vehicular use area cannot be redesigned and the owner is unable to meet this fifty percent (50%) requirement without reducing the number of required parking spaces or reducing the number of parking spaces provided for use of the parcel which would be required if based on the minimum off-street parking requirements for such use in effect on March 6, 1990, the owner shall comply to the maximum extent possible without reducing the number of required parking spaces.

RESPONSE: Applicant is requesting a variance from this provision. There is no existing room for additional landscaping on-site. Any addition of landscaping will conflict with the existing building footprint and parking. The existing landscape area is proposed to remain.

Sec. 47-20.15. - Backout parking.

3. Backout parking may not be located on or require vehicular movement over bufferyards, as required by Neighborhood Compatibility Requirements, Section 47-25.3. The design of backout parking shall conform with this Section 47-20, and all backout parking spaces shall be provided entirely on-site. Backout parking spaces for residential uses and hotels shall have one (1) peninsular landscape area for every two (2) spaces. For all other uses there shall be one (1) peninsular landscape area for every four (4) spaces.

RESPONSE: Applicant is requesting a variance from this provision. While the existing backout parking space dimensions and layout are proposed to be modified to meet the applicable standards of Section 47-20.11, the existing overhanging condition into NE 9th Avenue right-of-way will remain. Furthermore, there is no existing room for additional landscaping on-site. Any addition of landscaping will conflict with the existing building footprint and parking. The existing landscape area is proposed to remain.

5. Existing legal nonconforming backout parking may be permitted to meet required parking for existing non-residential uses that are changing to another permitted non-residential use, subject to the following:
 - a. Compliance with the ULDR parking requirements of Section 47-20 requires the moving or altering of load bearing walls, columns or girders of a structure on the development site.

RESPONSE: No requested variance as the proposed site plan currently in DRC review revises the existing backout parking space dimensions and layout to meet the applicable standards of Section 47-20.11 without requiring the alteration of the structure.

- b. The backout parking is existing and was previously legally permitted. Expansion of backout parking will not be permitted.

RESPONSE: Applicant is requesting a variance from this provision. There are currently eight (8) existing backout parking spaces. Applicant is proposing to reconfigure the existing backout parking to meet the design and construction standards of ULDR Section 47-20.11

which can accommodate two (2) additional backout parking spaces for a total of ten (10) backout parking spaces.

- c. No residential uses are present between the extended property lines across the right-of-way where the backout parking is located.

RESPONSE: Applicant is requesting a variance from this provision. There is an existing multifamily building located between the extended Property lines across the right-of-way where the existing backout parking is located. Note that the Applicant is proposing to stripe the right-of-way to provide delineation and create a safer driving environment for the Property and surrounding properties.

- d. The backout parking is on a roadway not classified as an arterial or collector as defined by the Transportation Element of the Comprehensive Plan.

RESPONSE: No requested variance. The existing backout parking is not on a roadway classified as an arterial or collector as defined by the Transportation Element of the Comprehensive Plan.

- e. Landscape islands meeting the requirements of Section 47-21.9.A.4.c. and d. shall be provided for every six (6) parking spaces or fraction thereof. Perimeter landscape areas meeting the requirements of Section 47-21.9.A.2.b. shall be provided. If required landscape islands and perimeter landscape areas reduce the number of parking spaces available for the use, the parking requirement shall be reduced on a one (1) parking space to one (1) equivalent area of landscaping basis.

RESPONSE: Applicant is requesting a variance from this provision. There is no existing room for any landscape islands or perimeter landscape areas as it will reduce the number of parking spaces available for the use which are needed for the proposed use.

- f. Submission of a traffic statement demonstrating that backout parking for the use will not create a traffic hazard. The traffic statement shall be certified by a state-licensed engineer, architect or landscape architect or American Institute of Certified Planners certified planner.

RESPONSE: No requested variance. The existing backout parking condition has existed for decades and not created a traffic hazard. A traffic statement is being provided as part of the DRC review process associated with the proposed use. The proposed use will generate less than 1,000 daily trips, therefore not triggering a full traffic study. The proposed site plan currently in DRC review revises the existing backout parking space dimensions and layout to meet the applicable standards of Section 47-20.11. The Applicant is also proposing to stripe the right-of-way to provide delineation and create a safer driving environment for the Property and surrounding properties.

- g. A minimum five-foot wide sidewalk is located along the side of the property abutting the street where the backout parking is located, which sidewalk meets City Engineering standards. The sidewalk requirement may be eliminated or a sidewalk wider than five (5) feet may be required by the City Engineer if necessary for consistency with abutting properties to meet engineering standards.

RESPONSE: Applicant is requesting a variance from this provision. There is no sidewalk proposed along the side of the Property abutting NE 9th Avenue as there is no existing sidewalk or curb along either side of the right-of-way.

- h. Brick decorative pavers or similar paving material covering one hundred (100) percent of the parking surface shall be installed.

RESPONSE: No requested variance. Brick decorative pavers or similar paving material covering 100% of the parking surface will be accommodated in the proposed site plan.

- i. The backout parking spaces must meet the geometric, drainage and site clearance standards provided in Section 47-20 and such other standards determined to be necessary to provide adequate and safe parking as determined by the City Engineer.

RESPONSE: No requested variance. The proposed site plan currently in DRC review reconfigures the existing backout parking space dimensions and layout to meet the applicable geometric, drainage and site clearance standards provided in Section 47-20.

4. VARIANCE CRITERIA

ULDR Section 47-24.12.A.4 requires that prior to approval of a variance being issued, the City's Board of Adjustment must find that the application meets the following criteria:

- a. That special conditions and circumstances affect the property at issue which prevent the reasonable use of such property; and

RESPONSE: The Property is in a heavy commercial/industrial district and has been zoned B-3 since at least the 1950s. The existing building and existing backout parking on the Property were developed prior to the effective date (June 28, 1997) of the City's ULDR. Given that the existing building footprint comprises 82% of the lot coverage, the requirements for retroactive VUA landscaping, landscape islands and perimeter landscaping, and sidewalk would result in a loss of parking spaces which would prevent the reasonable use of the Property and its proposed use.

- b. That the 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

RESPONSE: As described above, the Property is located in a heavy commercial/industrial district where the existing backout parking condition has existed for several decades. There is no existing sidewalk or curb along either side of the NE 9th Avenue right-of-way. This situation is peculiar to both the Property and surrounding warehouses and clearly constitutes a marked exception.

- c. That the 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

RESPONSE: In this instance, literal application of the ULDR provisions would decrease the amount of parking spaces and not adequately accommodate the proposed use which would not allow a reasonable use of the Property.

- d. That 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

RESPONSE: The existing building and existing backout parking on the Property have existed for decades and prior to the effective date (June 28, 1997) of the City's ULDR which is a unique hardship that was not self-created by the Applicant or their predecessors nor is it a mere disregard or ignorance of the ULDR.

- e. That 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.

RESPONSE: The variances are the minimum variances that will make possible a reasonable and safe use of the Property that would be in harmony with the general purposes and intent of the ULDR and remain compatible with the surrounding properties.

Should the Board grant the requested variances allowing the Applicant to preserve the existing backout parking, the Applicant would as a condition of site plan approval enter into a revocable license agreement with the City that would make the Applicant responsible for any improvements in the NE 9th Avenue right-of-way.

Thank you for your consideration and should you have any questions, please do not hesitate to let me know.

Respectfully,

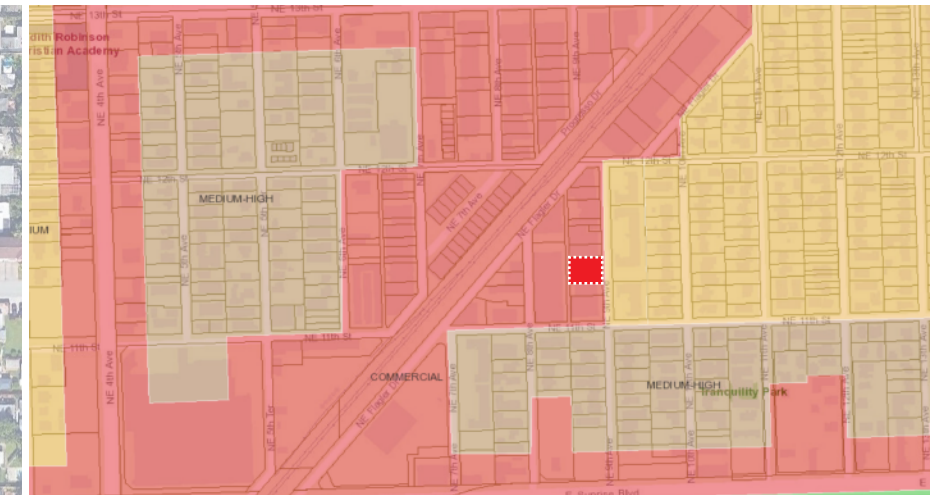
/s/ Stephanie J. Toothaker

Stephanie J. Toothaker, Esq.

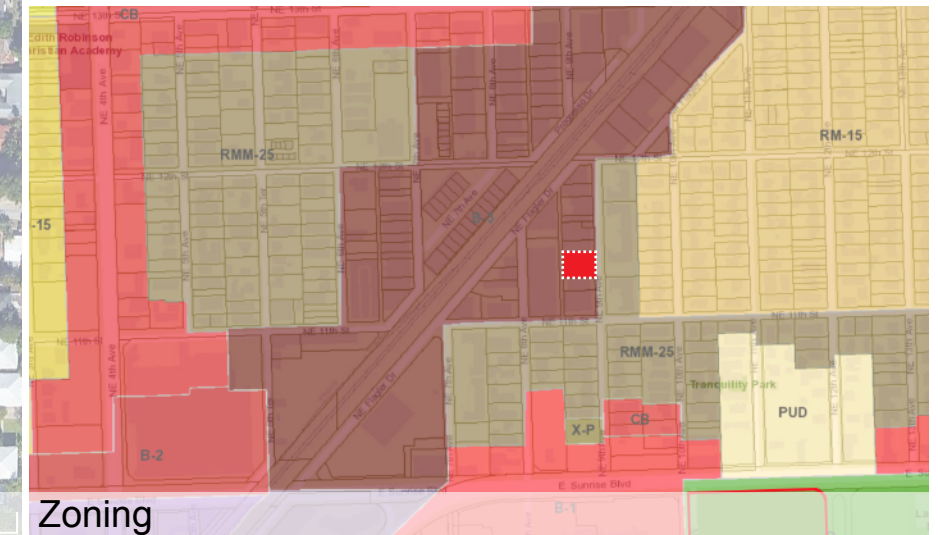
1115 and 1123 NE 9th AVENUE FORT LAUDERDALE, FL 33304

BOA Variance Application

07-09-2021



Land Use



Zoning

Index

1. Survey
2. Historical Site Aerials
3. Current Site Photos
4. Engineering Plan
5. Architectural Site Plan



Views looking North

Views looking South



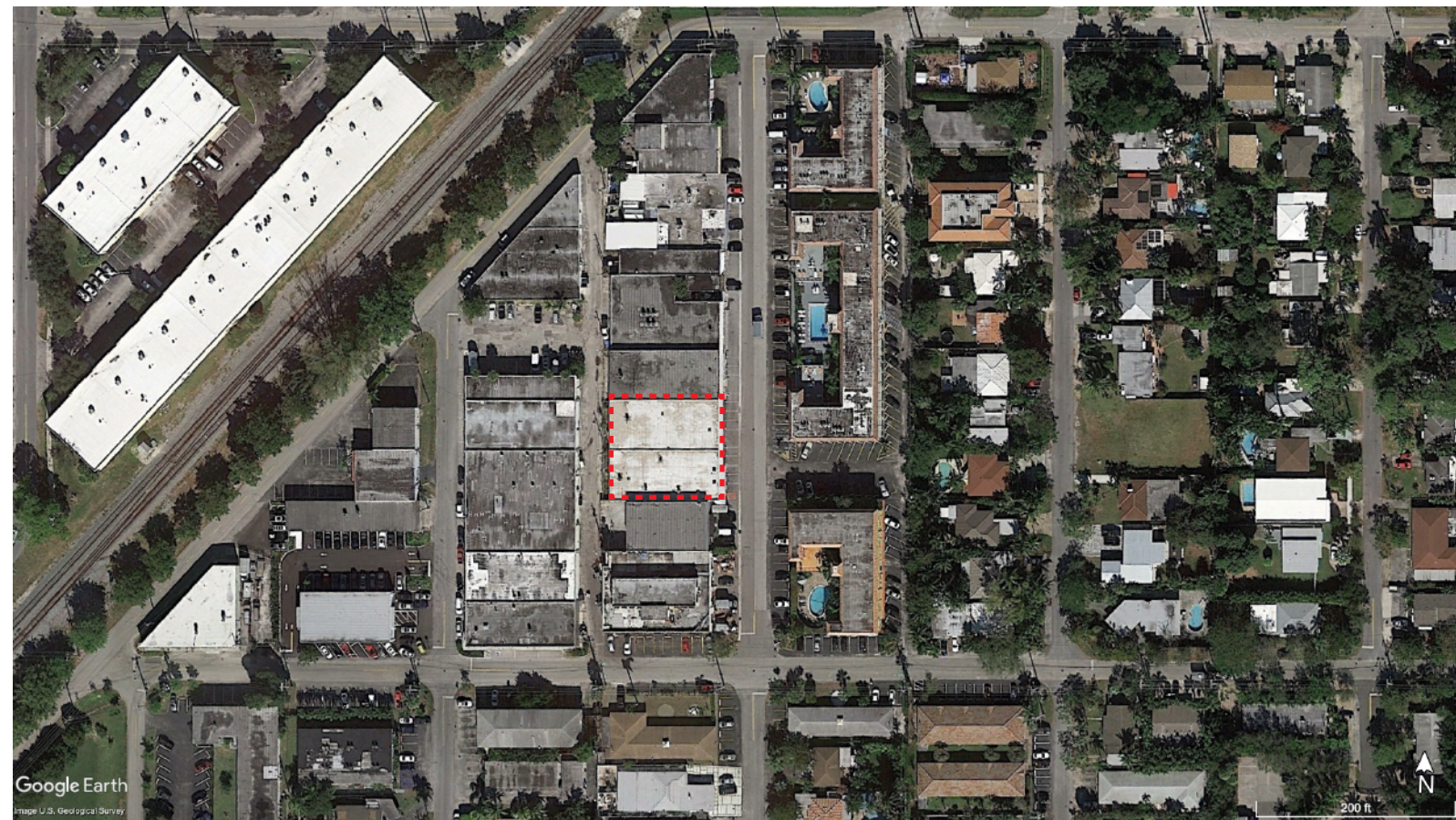
1995



2003



2010



2021

SITE PLAN LEGEND

- SITE PLAN KEY**
- INDICATES BUILDING AREAS & OR STRUCTURES IN PROJECT SCOPE, UNLCO.
 - INDICATES BUILDING AREAS & OR STRUCTURES NOT IN PROJECT SCOPE, UNLCO.
 - INDICATES LANDSCAPE AREAS, NOT PAVED.
 - INDICATES PAVED AREAS, CONCRETE & OR ASPHALT.
 - BUILDING LINE / SETBACK
 - CHAIN LINK FENCE & GATE
 - EASEMENT
 - FIRE LANE
 - PROPERTY LINE

SITE PLAN NOTES

ITEMS INDICATED ON THIS SHEET ARE FOR AESTHETIC PURPOSES ONLY. REFER CIVIL DRAWINGS FOR SITE RELATED DESIGN SCOPE & CONSTRUCTION DETAILS.

PROJECT DESCRIPTION
THE PROPERTY A 13,500SF LOT WITH A 11,122 SF EXISTING WAREHOUSE IN A HEAVY COMMERCIAL / LIGHT INDUSTRIAL BUSINESS SECTOR OF FORT LAUDERDALE FL. THE BUILDING IS A TYPE IIB CONSTRUCTION OF MASONRY WALLS AND CONCRETE ROOF SUSTAINED BY COLUMNS, BEAMS AND METAL JOISTS.

IT IS CURRENTLY HALF BEING USED BY A BUSINESS (B OCCUPANCY) AND THE OTHER HALF STORAGE WAREHOUSE (S-2 OCCUPANCY).

THE DEMOLITION PORTION WILL KEEP ALL EXISTING ROOF AND WALLS TO REMAIN. ALL RENOVATION AND SCOPE IS INTERIOR DEMOLITION OF THE SPACE EXCEPT FOR LOAD BEARING WALLS AND STRUCTURE.

THE PROPOSED PROJECT WILL INCLUDE 29 KITCHEN UNITS WITH A TOTAL OF 6,400 SF F-1 OCCUPANCY, 180 SF OF OCCUPANCY BETWEEN PROCESSING UTILITY & DRIVER ENTRANCE, 2,041 SF OF CIRCULATION AND 1,451 SF OF S-2 OCCUPANCY FOR STORAGE.

SITE INFO:

ADDRESS: 1115 NE 9TH AVE
CITY, STATE: FORT LAUDERDALE, FL

JURISDICTION: FORT LAUDERDALE
ZONING DISTRICT: B-3 HEAVY COMMERCIAL / LIGHT INDUSTRIAL BUSINESS
PROPOSED ZONING: FOOD & BEVERAGE SERVICE, RETAIL & WHOLESALE
CURRENT OCCUPANCY: B (OFFICE) & S-2 (WAREHOUSE)
CONSTRUCTION TYPE: IIB - NONE COMBUSTIBLE, NOT SPRINKLERED
WASTE / WATER: CITY OF FORT LAUDERDALE

NO. OF STORIES: 1
LOT AREA: 13,500 SF
GROSS BUILDING AREA: 11,122 SF
FLOOR AREA RATIO: 0.82
STRUCTURE LENGTH: 110 FT
STRUCTURE WIDTH: 100 FT

PARKING INFO:

EXISTING PARKING SPACES: 8
PROPOSED PARKING SPACE: 10

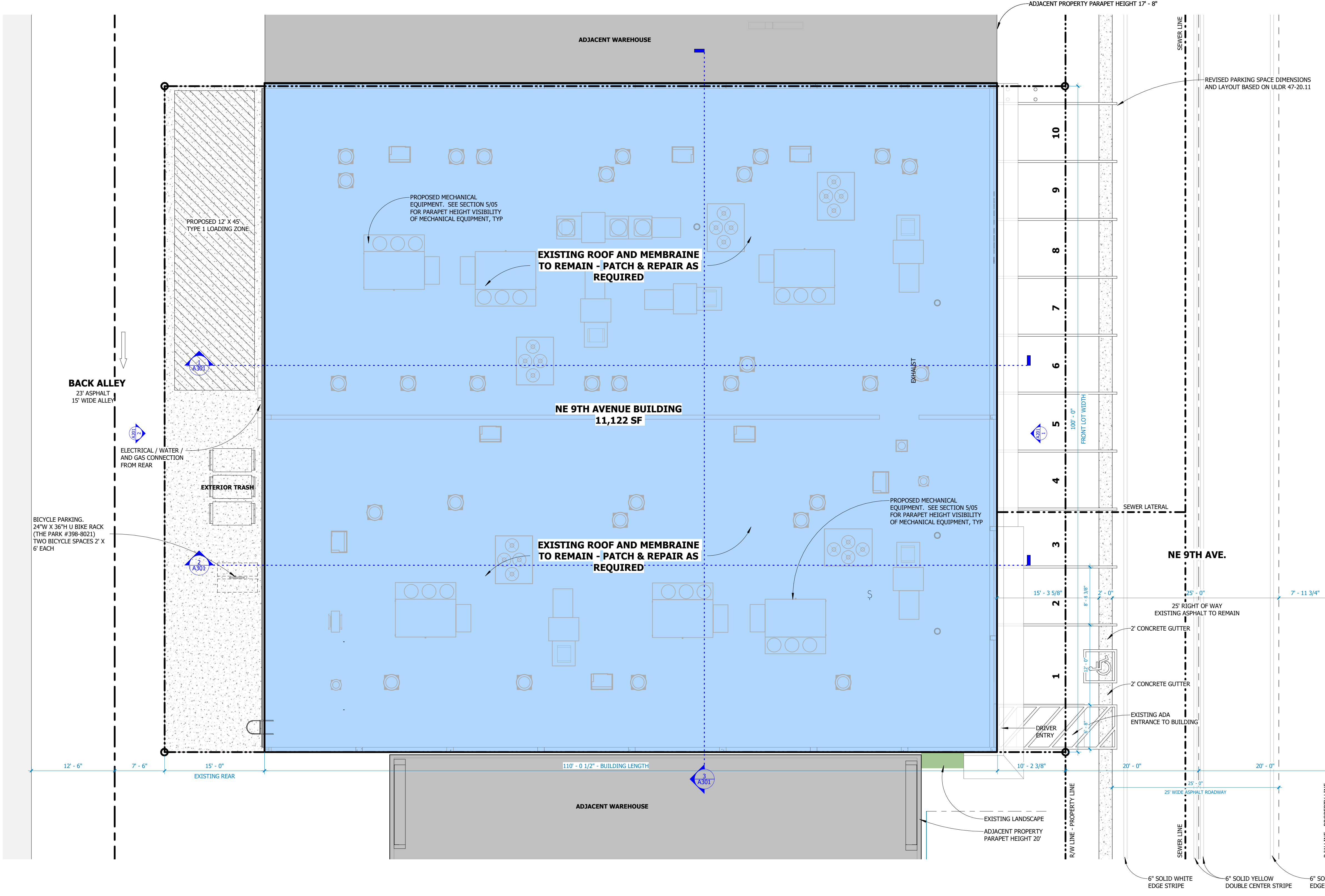
PARKING REQUIREMENTS PER SF SECTION 47-20.2: SEE PAGE 0002 FOR SQ OF OCCUPIED SPACES

UNITS SF (F-1 OCCUPANCY): 6,400 SF
PROCESSING (B OCCUPANCY): 136 SF
DRIVER ENTRANCE (B OCCUPANCY): 180 SF
UTILITY (B OCCUPANCY): 316 SF
CIRCULATION (B OCCUPANCY): 2,041 SF
STORAGE (S-2 OCCUPANCY): 1,451 SF
TOTAL OCCUPABLE SF: 10,524 SF

CATERING SERVICE RATIO: 1/250 SF GFA
PARKING REQUIRED: 10,524 / 250 = 42 PARKING SPACES REQUIRED

PARKING % REDUCTION: 42-10= 32 PARKING SPACES REDUCTION. [32 / 42] X 100 = 76%

LOADING ZONE REQUIREMENT: 10,524 < 15,000 SF - 1 TYPE II LOADING ZONE

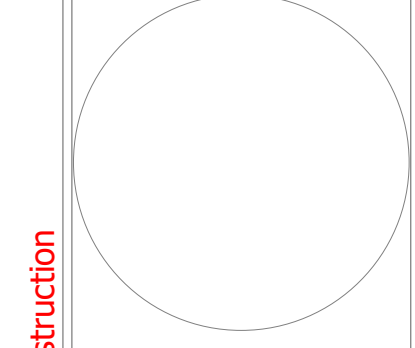


2 Proposed Site Plan
1/8" = 1'-0"

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Rev	Date	Comments
	06.11.21	DRC Submittal

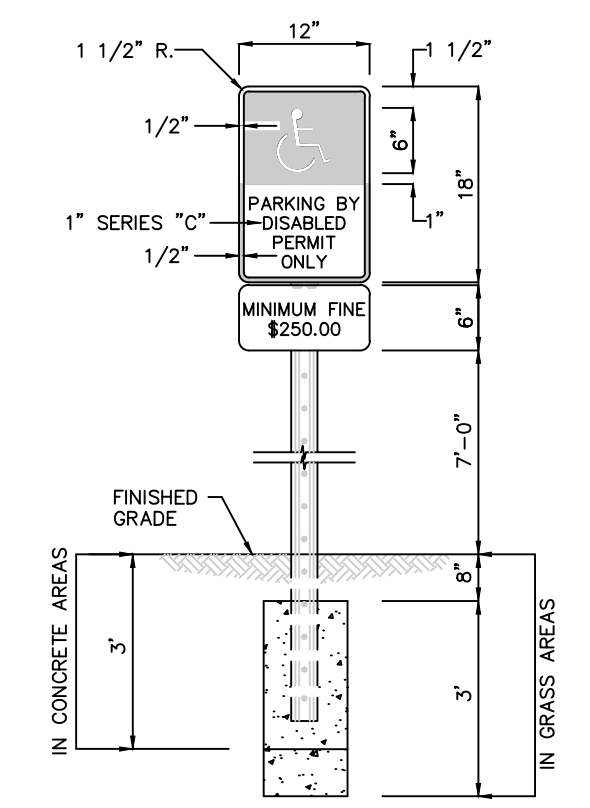
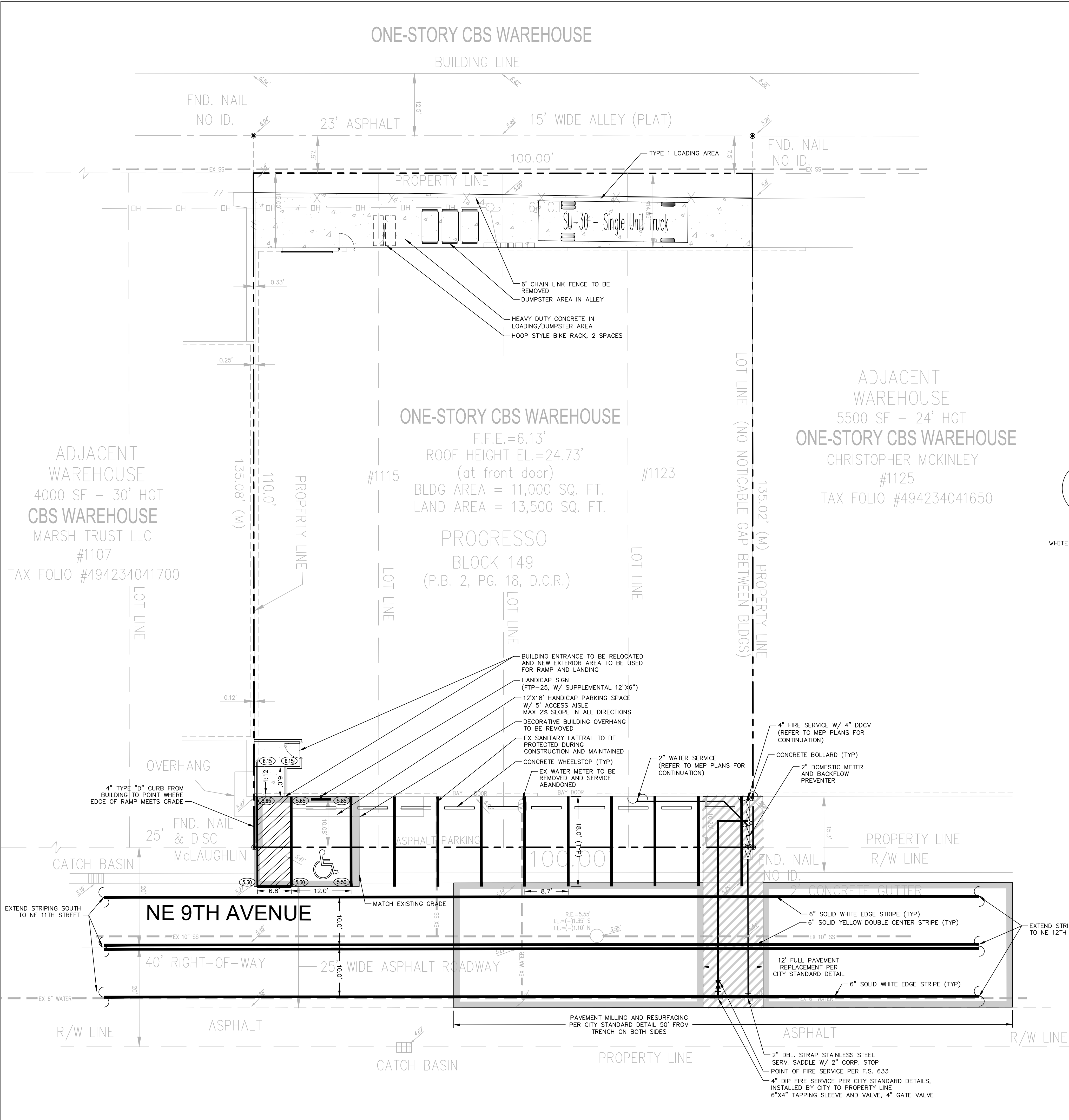


Signed & Sealed : 06.11.21

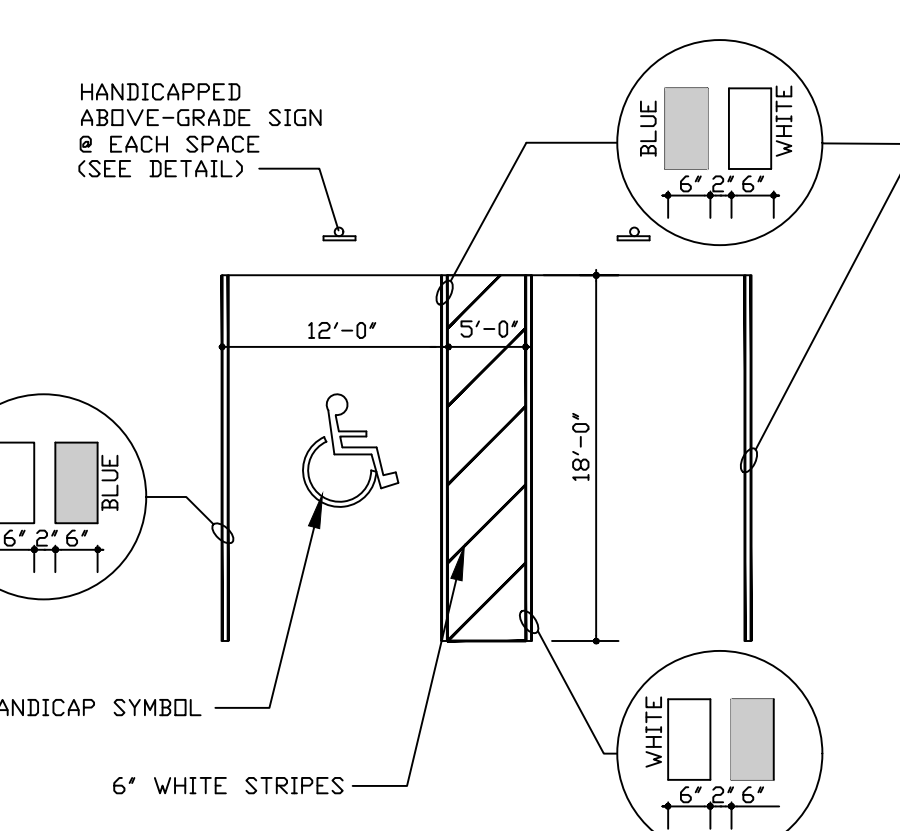
Sheet Title :
Architectural Site Plan

Sheet Number :
A100S

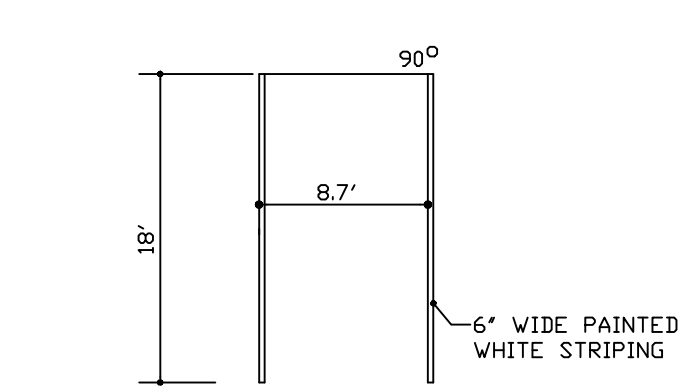
not released for construction



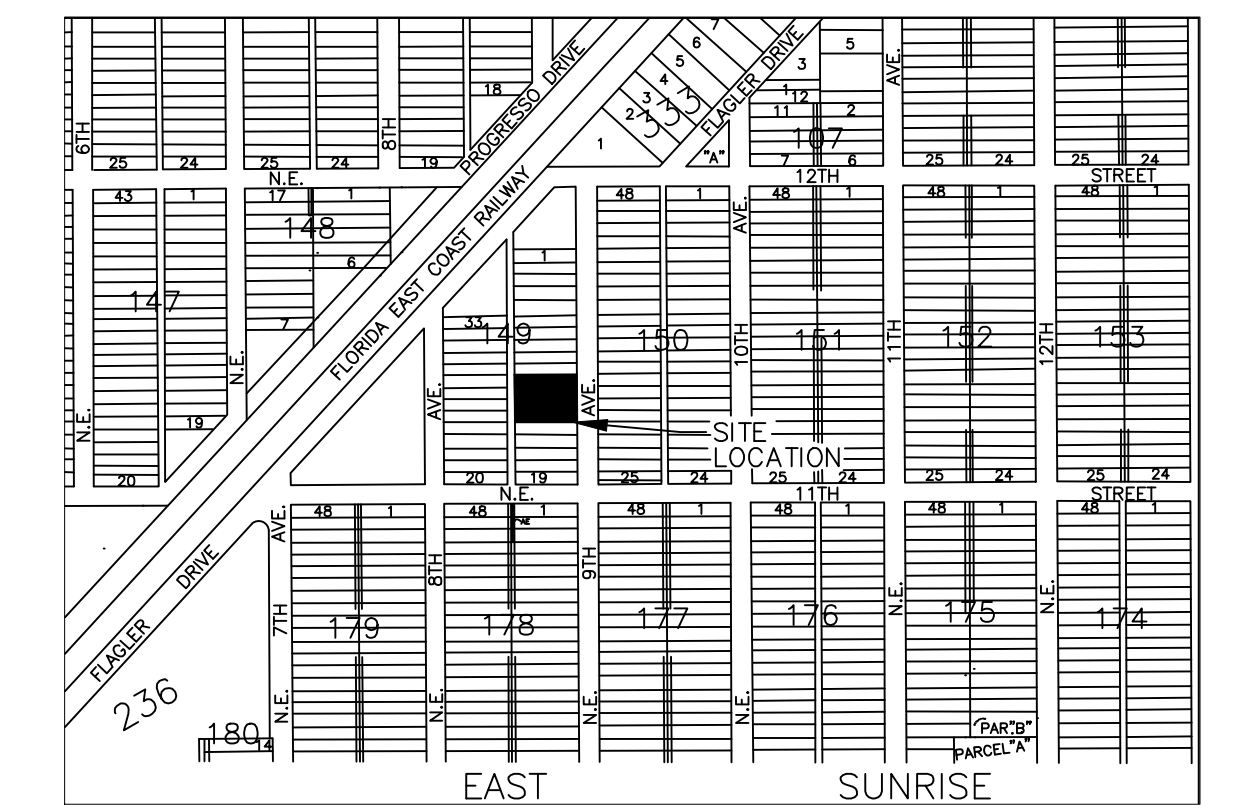
HANDICAPPED PARKING SIGN
FTP-25 W/ SUPPLEMENTAL 12"x6"
"MINIMUM FINE \$250.00" SIGN
N.T.S.



TYPICAL HANDICAP PARKING LAYOUT
N.T.S.



TYPICAL PARKING LAYOUT
N.T.S.



LEGEND:

- PROPOSED ELEVATION (NAVD)
- EXISTING ELEVATION (NAVD)
- PROPOSED CATCH BASIN
- PROPOSED PLUG
- TEE
- WATER METER
- DOUBLE DETECTOR CHECK W/ WAFER CHECK VALVE ON DOWNSTREAM SIDE
- REDUCED PRESSURE BACKFLOW PREVENTER
- DIRECTIONAL FLOW ARROW AND GRAVITY SEWER
- PROPOSED MANHOLE
- WATER MAIN
- SANITARY FORCE MAIN
- VALVE
- FIRE HYDRANT
- SIAMESE CONNECTION
- CLEANOUT
- EDGE OF PROPOSED PAVEMENT (ASPHALT)
- DIRECTION OF SURFACE DRAINAGE
- SAMPLE POINT
- EXIST. WATER MAIN
- EXIST. UTILITY LINE TO BE ABANDONED IN PLACE

GRADING AND DRAINAGE NOTES:

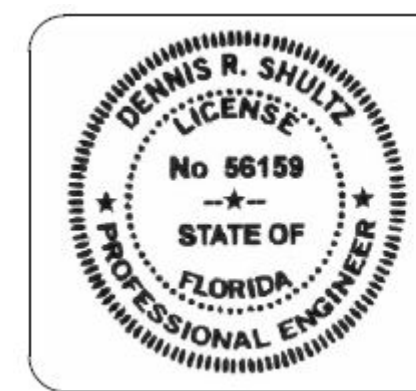
- ALL CONSTRUCTION SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE CITY OF FORT LAUDERDALE.
- PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL GIVE TIMELY NOTIFICATION TO ALL UTILITY COMPANIES WITH FACILITIES IN THE AREA.
- THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO SAFEGUARD ALL EXISTING STRUCTURES, UTILITIES, AND SURVEY MARKERS.
- ALL STORM DRAINAGE LINE FROM THE BLDG SHALL BE LAID @ 1.0% MINIMUM SLOPE UNLESS NOTED OTHERWISE ON PLANS.
- CLEANOUTS ON STORM DRAINAGE LINES ARE TO BE ADJUSTED TO BE FLUSH W/ FINISHED GRADE.
- CONTRACTOR SHALL PROVIDE FITTINGS (WYES, TEE, REDUCERS, ETC.) AS REQUIRED TO FURNISH A COMPLETE WORKING SYSTEM BASED ON THE LAYOUT SHOWN ON THESE PLANS.
- LANDSCAPED AREAS SHALL BE GRADED TO DRAIN TO THE CATCH BASIN INLETS. FIELD ADJUST GRADING AS REQUIRED.
- SITE UTILITY CONTRACTOR SHALL COORDINATE WITH THE BUILDING PLUMBING CONTRACTOR FOR EXACT LOCATION OF CONNECTION POINTS BETWEEN THE BUILDING AND SITE WATER, SEWER AND DRAINAGE LINES (VERTICALLY AND HORIZONTALLY).
- SLOPE IN HANDICAP PARKING AND ACCESS AISLES SHALL NOT EXCEED 2% CROSS SLOPE. NOTIFY ENGINEER PRIOR TO CONSTRUCTION OF ANY GRADING THAT DOES NOT COMPLY WITH THIS REQUIREMENT.
- SLOPE IN CROSSWALKS SHALL NOT EXCEED 2% CROSS SLOPE. NOTIFY ENGINEER PRIOR TO CONSTRUCTION OF ANY GRADING THAT DOES NOT COMPLY WITH THIS REQUIREMENT.
- SURVEY INFORMATION BASED ON SURVEY PROVIDED BY ERNEST DUNCAN DATED DECEMBER 1, 2020.
- ELEVATIONS SHOWN ARE NAVD88.

SIGNAGE AND MARKING NOTES:

- ALL SIGNAGE AND PAVEMENT MARKINGS SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES, (MUTCD) AND B.C.T.E.D. STANDARDS (CURRENT EDITION).
- ALL PAVEMENT MARKING AND SIGNAGE DAMAGED DURING CONSTRUCTION, SHALL BE RESTORED TO BROWARD COUNTY TRAFFIC ENGINEERING STANDARD (CURRENT EDITION).
- REMOVAL OF PAVEMENT MARKINGS SHALL BE BY SAND OR HYDROBLASTING AS REQUIRED BY B.C.T.E.D.
- ALL PAVEMENT MARKINGS ON ASPHALT SHALL BE THERMOPLASTIC WITH THE EXCEPTION OF PARKING STALL STRIPING WHICH SHALL BE REGULAR PAINT.

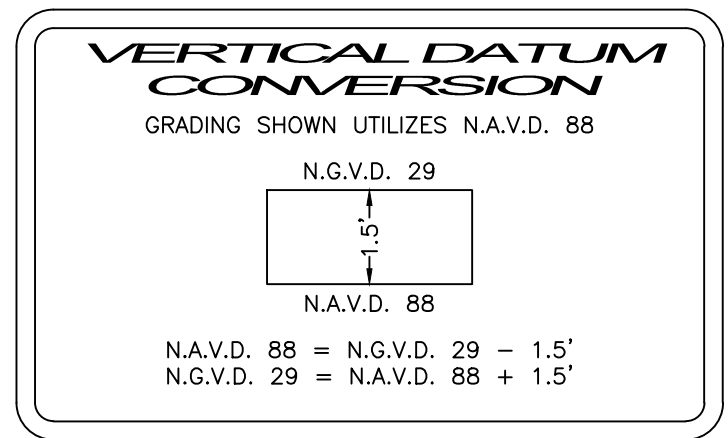
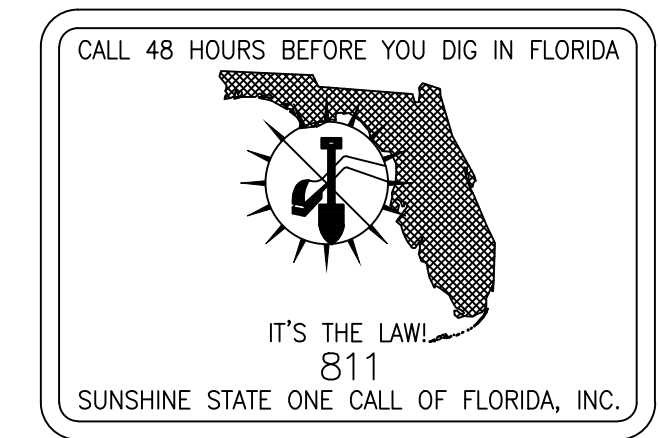
WATER AND SEWER NOTES:

- CONTRACTOR SHALL PROVIDE FITTINGS (WYES, TEE, REDUCERS, ETC.) AS REQUIRED TO FURNISH A COMPLETE WORKING SYSTEM BASED ON THE LAYOUT SHOWN ON THESE PLANS.
- SITE UTILITY CONTRACTOR SHALL COORDINATE WITH THE BUILDING PLUMBING CONTRACTOR FOR EXACT LOCATION OF CONNECTION POINTS BETWEEN THE BUILDING AND SITE WATER, SEWER AND DRAINAGE LINES (VERTICALLY AND HORIZONTALLY).
- PRESSURE TESTING AND CERTIFICATION SHALL FOLLOW FDOT-BG, CITY OF DANIA BEACH PUBLIC WORKS DEPARTMENT, AND FLYNN ENGINEERING SERVICES REQUIREMENTS.
- ALL SANITARY SEWER LATERALS/ MAINS SHALL CROSS UNDER WATER MAIN WITH A MINIMUM OF 6" SEPARATION.
- CLEANOUTS AND MANHOLES ON SANITARY LINES ARE TO BE ADJUSTED TO BE FLUSH WITH FINISHED GRADE.
- CONTRACTOR IS RESPONSIBLE TO SUBMIT UTILITY SERVICE APPLICATION TO THE CITY AND COORDINATE SURVEY LAYOUT FOR FIRE HYDRANT AND WATER SERVICE INSTALLATION AS NOTED ON PLAN. THE OWNER / CONTRACTOR IS REQUIRED TO PAY FOR ALL COSTS ASSOCIATED WITH THIS WORK REGARDLESS OF WHETHER OR NOT THE CITY OR THE CONTRACTOR PERFORMS THE WORK.
- 18" VERTICAL CLEARANCE PREFERRED FOR ALL UTILITY CROSSINGS. MINIMUM OF 12" REQUIRED FOR WM-WM CROSSING. MINIMUM OF 12" REQUIRED FOR WM-FM CROSSING. ONCE EXISTING UTILITIES ARE LOCATED DEFLECT THE NEW WM PER FIG 105 AND 107 AS NECESSARY TO ACHIEVE THE REQUIRED CROSSING VERTICAL CLEARANCE.



THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY DENNIS R. SHULTZ, P.E. ON Jun 10, 2021

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Revisions

Phase:
PERMIT DOCUMENTS

SEAL

Scale:	Date
1"=10'	06/10/21
Job No.	Plot Date
21-1628.00	06/10/21
Drawn by	Sheet No.
ABB	C1
Proj. Mgr.	JMF
Appr. by	JMF
	1 of 1

Sec. 47-20.15.3. -Backout parking.

- Requesting a variance to allow backout parking not entirely on site and to omit the commercial use requirement of one (1) peninsular landscaped area for every four (4) spaces as per attached plans.

Sec. 47-20.15.5.b -Backout parking.

- Requesting a Variance to allow additional backout parking spaces whereas the code does not allow expansion of backout parking.

Sec. 47-20.15.5.c. - Backout parking.

- Requesting a variance to allow backout parking where residential use exist across the right-of-way where the backout parking is located.

Sec. 47-20.15.5.e. - Backout parking.

- Requesting a variance to not provide any landscape islands and perimeter landscape areas where the Code requires that landscape islands meeting the requirements of Section 47-21.12.4.c and d. be provided for every (6) parking spaces or fraction thereof and perimeter landscape areas meeting the requirements of Section 47-21.12.A.2.b.

Sec. 47-21.12.A.2.b -Landscape requirements for vehicular use areas.

- Requesting a variance to not provide perimeter landscape areas where the Code requires perimeter landscape areas along the perimeter of a parcel of land which does not abut a street the minimum depth of the landscape area to be two and one-half (2½) feet.

Sec. 47-21.12.A.4.c. -Landscape requirements for vehicular use areas.

- Requesting a variance to not provide landscape islands where the Code requires island areas to be a minimum of three-quarters (¾) the length of the adjacent parking space by a minimum of eight (8) feet in width.

Sec. 47-21.12.A.4.d. -Landscape requirements for vehicular use areas.

- Requesting a variance to not provide landscape islands where the Code requires island landscape areas to be planted with at least one (1) tree.

Sec. 47-21.12.G. -Retroactive VUA landscaping.

- Requesting a variance to not provide any retroactive vehicular use area landscaping where the Code states that a vehicular area which existed prior to July 7, 1977 shall meet at least fifty percent (50%) of the requirements of new vehicular use areas.



MARTY KIARD
BROWARD
 COUNTY
 PROPERTY APPRAISER

Site Address	1123 NE 9 AVENUE, FORT LAUDERDALE FL 33304	ID #	4942 34 04 1660
Property Owner	SNG 1115 INVESTMENTS LLC	Millage	0312
Mailing Address	708 SW 7 AVE FORT LAUDERDALE FL 33304	Use	48
Abbr Legal Description	PROGRESSO 2-18 D LOT 10,11 BLK 149		

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.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2021*	\$63,760	\$518,930	\$582,690	\$555,290	
2020	\$63,760	\$441,050	\$504,810	\$504,810	\$10,076.49
2019	\$63,760	\$444,190	\$507,950	\$507,950	\$9,830.11

2021* Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$582,690	\$582,690	\$582,690	\$582,690
Portability	0	0	0	0
Assessed/SOH	\$555,290	\$582,690	\$555,290	\$555,290
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$555,290	\$582,690	\$555,290	\$555,290

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
6/10/2019	SW*-E	\$1,075,000	115868337	\$10.00	6,376	SF
6/5/2017	DR*-T	\$100	114421505			
5/22/2019	DR*-T	\$100	115821416			
4/12/2017	WD*-E	\$1,080,000	114323280			
11/22/1977	WD*	\$150,000	7359 / 643			
				Adj. Bldg. S.F. (Card, Sketch)		5500
				Eff./Act. Year Built: 1958/1957		

* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F2		
W								
5500						6376		



MARTY KIARD
BROWARD
 COUNTY
 PROPERTY APPRAISER

Site Address	1115 NE 9 AVENUE, FORT LAUDERDALE FL 33304	ID #	4942 34 04 1680
Property Owner	SNG 1115 INVESTMENTS LLC	Millage	0312
Mailing Address	708 SW 7 AVE FORT LAUDERDALE FL 33304	Use	48
Abbr Legal Description	PROGRESSO 2-18 D LOT 12 & 13 BLK 149		

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.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2021*	\$63,760	\$523,950	\$587,710	\$559,050	
2020	\$63,760	\$444,470	\$508,230	\$508,230	\$10,140.10
2019	\$63,760	\$444,190	\$507,950	\$507,950	\$9,830.11

2021* Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$587,710	\$587,710	\$587,710	\$587,710
Portability	0	0	0	0
Assessed/SOH	\$559,050	\$587,710	\$559,050	\$559,050
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$559,050	\$587,710	\$559,050	\$559,050

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
6/10/2019	SW*-E	\$1,075,000	115868337	\$10.00	6,376	SF
6/5/2017	DR*-T	\$100	114421505			
5/22/2019	DR*-T	\$100	115821416			
4/12/2017	WD*-E	\$1,080,000	114323280			
11/22/1977	WD*	\$150,000	7359 / 643			
Adj. Bldg. S.F. (Card, Sketch)						5571
Eff./Act. Year Built: 1960/1959						

* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F2		
W								
5571						6376		