

BOARD OF ADJUSTMENT
CITY OF MARGATE, FLORIDA

BA # 18-15
HEARING DATE 10-6-15

VARIANCE REQUEST

PART I. TO BE COMPLETED BY PETITIONER

Applicant: Hanlex Margate, LLC Date: 9/11/2015

Relationship to Subject Property: Developer / Owner's Agent


Address of Property: SE Corner of State Road 7 and SW 7th St

Legal Description: _____

North 435.62 Feet of Tract "B" Serino Park Section 3 Plat Book 81, Page 46

Describe Variance Requested: Proposing to reduce frontage buildout requirement
from the required 70% to 20% as shown on plan.

List Details of Hardship: See attached letter


Signature of Applicant

Phone # (321) 200-3606

1000 Color Pl Apopka, FL 32703

Address

Fax# _____

PART II. TO BE COMPLETED BY THE ECONOMIC DEVELOPMENT DEPT.

Describe request and how it varies from the Code: _____

Section of Code involved: _____ Zoning of Property: _____

Have plans been submitted to and approved by the Building Department? _____

Additional Comments: _____

By: _____ Date: _____
Economic Development Director

PART III. TO BE COMPLETED AFTER BOARD OF ADJUSTMENT ACTION.

Board Action: Approved _____ Denied _____ Tabled to: _____

List Any Special Conditions: _____

Chairman of the Board of Adjustment

Date

Secretary of the Board of Adjustment

Date

DOLLAR GENERAL AT MARGATE
APPLICANT RESPONSES TO VARIANCE REQUEST

CODE REQUIREMENT:

TOC GUIDELINES SECTION 6.10.03.06 – FRONTAGE BUILDOUT:

Frontage coverage is defined as the minimum percentage of the length of the frontage coverage zone that shall be occupied by the front façade(s) of the primary building. In the TOC-C and TOC-G District, the minimum frontage buildout shall be seventy (70) percent.

**1. SPECIAL CONDITIONS AND/
OR CIRCUMSTANCES:**

The applicant must prove that special conditions and/or circumstances exist which are peculiar to the land, structures or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district.

RESPONSE 1:

THE SPECIAL CONDITIONS AND CIRCUMSTANCES PECULIAR TO THIS LAND AND STRUCTURE ARE THE LAND AREA GEOMETRY AND THE PROJECT LOCATION, WHICH ARE SPECIFIC TO THIS SITE.

2. NOT SELF CREATED:

The applicant must show that the special conditions and circumstances do not result from the actions of the applicant.

RESPONSE 2:

DUE TO THE MANY CODE REQUIREMENTS THAT MUST BE MET, SUCH AS PARKING, GREEN SPACE, STORMWATER, TRAFFIC CIRCULATION, LANDSCAPING AND THE LIKE, IT IS IMPOSSIBLE FOR THE APPLICANT TO MEET THE 70% FRONTAGE BUILDOUT REQUIREMENT BECAUSE OF THE GEOMETRY OF THE SITE AND THE SITE BEING LOCATED ON A CORNER. THEREFORE, THIS VARIANCE IS NOT SELF-CREATED.

**3. NO SPECIAL PRIVILEGE
CONFERRED:**

The applicant must prove that granting a variance will not confer a special privilege that is denied by the Code to other lands, buildings or structures in the same zoning district.

RESPONSE 3:

AS DISCUSSED ABOVE, THIS VARIANCE IS A RESULT OF THE LAND AREA GEOMETRY AND THE PROJECT BEING LOCATED ON A CORNER, WHICH ARE EXISTING CONDITIONS THAT ARE NOT THE RESULT OF THE APPLICANT'S ACTIONS. THE APPROVAL OF THIS VARIANCE WILL PERMIT THE PROPERTY TO BE DEVELOPED WITH A USE THAT IS CONSISTENT WITH THE INTENT OF CODE, WHICH IS A PRIVILEGE ALL PROPERTY OWNERS HAVE.

4. DEPRIVATION OF RIGHTS:

The applicant must prove that literal interpretation of the regulations of the Code would deprive the applicant of rights shared by other property owners holding property in the same zoning district under the terms of the Code and would cause unnecessary and undue hardship on the applicant.

RESPONSE 4:

THE DENIAL OF THIS VARIANCE WOULD DEPRIVE US OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTY OWNERS WITH SIMILAR SITE CONSTRAINTS, BECAUSE OTHER PROPERTY OWNERS HAVE THE RIGHTS WE ARE REQUESTING VARIANCE FROM.

5. MINIMUM POSSIBLE
VARIANCE:

The applicant must prove that the variance being granted is the minimum variance that will make possible the reasonable use of the land, building or structures.

RESPONSE 5:

DUE TO THE MANY CODE REQUIREMENTS THAT MUST BE MET, SUCH AS PARKING, GREEN SPACE, STORMWATER, TRAFFIC CIRCULATION, LANDSCAPING AND THE LIKE, THE PROPOSED VARIANCE IS THE MINIMUM THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE LAND.

6. PURPOSE AND INTENT:

The applicant must prove that approval of the variance will be harmonious with the purpose and intent of this Chapter and such variance will not degrade the area involved and otherwise be detrimental to public welfare.

RESPONSE 6:

THE APPROVAL OF THESE VARIANCES WILL ALLOW A VACANT COMMERCIAL PROPERTY TO BE DEVELOPED WITH A USE THAT IS HARMONIOUS WITH THE INTENT OF CODE. THIS IS A BRAND NEW DEVELOPMENT AT A LOCATION THAT HAS BEEN VACANT FOR YEARS. FURTHERMORE, THIS DEVELOPMENT CARRIES WITH IT A 15 YEAR LEASE WITH A NATIONAL AND ACCREDITED COMMERCIAL RETAIL TENANT, WITH LEASE EXTENSION OPTIONS, SO THE DEVELOPMENT WILL PRODUCE LONG TERM JOBS IN THE COMMUNITY, AS WELL AS PROVIDE A LONG TERM NEIGHBORHOOD COMMERCIAL USE, BOTH OF WHICH WILL HAVE A POSITIVE IMPACT ON THE COMMUNITY.

7. PURPOSE AND INTENT:

The applicant must prove that approval of the variance does not serve to permit a use not permitted in the zoning district involved.

RESPONSE 7:

THE INTENDED USE OF THE PROPERTY, MERCHANT RETAIL, IS A PERMITTED USE IN THE TRANSPORTATION ORIENTED CORRIDOR – CORRIDOR (TOC-C) ZONING DISTRICT AS STATED IN SEC. 7.3 OF THE CODE. THE PROPOSED USE MEETS THIS LAND USE CODE PROVISION.

8. PURPOSE AND INTENT:

Conditions and safeguards may be prescribed with the approval of a variance, the violation of which would be a violation of the Code. If necessary, a timeline may be established during which a variance may begin and shall be completed.

RESPONSE 8:

ACKNOWLEDGED.

Letter of Authorization

I, the undersigned, owner or legal representative of the owner of the properties located at the Southeast corner of SW 7th St and SR 7 (PID #s 4942-06-18-0930, 4942-06-18-0931, and 4942-06-18-0932); in Margate, FL hereby authorize Jeremy Anderson, Will Anderson, Jason Bullard, Maria Peña, Felix Granados, Sean Sherlin, and Nathan Wolfe of Hanlex Civil, LLC to act as my agent to obtain permits associated with the development of the properties, as required from City of Margate, Broward County, FDOT, SFWMD, FDEP and/or any other jurisdictional entity authorized to issue permits associated with the development of the subject property referenced above.

Any reproduced copy of this signed original shall be deemed to be an original counterpart of this Letter of Authorization.

Signed:

Tiger Investment Group, Inc.
By: Cynthia A. Cash, V.P.

Printed Name:

Cynthia A. Cash

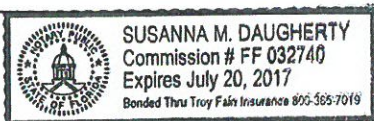
Address:

10151 Deerwood Park Blvd.
Bldg 300 Suite 110
Jacksonville, FL 32256

Sworn to and subscribed before me this *23rd* day of *June*, 2015.

[Signature]
Notary Public, State of Florida

My Commission Expires:



**ACTION BY CONSENT APPOINTING AUTHORIZED AGENT
FOR NAMED LIMITED LIABILITY COMPANIES**

The undersigned, as the Director, President and Manager of each of the Florida limited liability companies (each referred to separately as a "LLC") named below, adopts the following general action and resolution appointing **JEREMY ANDERSON** as the general authorized agent (the "Agent") with full and unlimited power of attorney and full authority to act on behalf of each of the LLCs named below as though he were the sole manager of each of said LLCs, and that each of his actions had been specifically authorized in the manner required by Florida law and the Operating Agreement of each of the named LLCs. In all instances, the undersigned is a controlling member of each of the named LLCs and has full authority under the Operating Agreement for each of the named LLCs to appoint agents to act on behalf of each of said LLCs, without restriction or authorization by any other person.


Without limiting the general authority of Jeremy Anderson to act as the general authorized agent of each of the named LLCs, his authority includes all of the following specific authorities, as well as all authority that the sole manager of a Florida LLC has under the Florida Statutes (Chapter 608 at this point becoming Chapter 605 on 1 January 2014):

SPECIFIC AUTHORITIES

1. To negotiate and deal with counties, municipalities and utility companies for purposes of establishing utilities at real estate sites owned by the Companies and to enter into written agreements on behalf of the Companies regarding such utilities; such authority shall include but not be limited to the granting of easements, conveying rights of way and entering into leases;
2. To negotiate and deal with counties, municipalities and state and local agencies with respect to all construction and permitting matters in connection with the Companies interests and to enter into written agreements on behalf of the Companies regarding such construction and permitting matters;
3. To authorize and engage engineers, contractors and other professionals to commence work with respect to the Companies' interests and to supervise and oversee the completion of such work.
4. Endorse and negotiate checks, cashier's checks, official checks, drafts, and other negotiable paper of the principal or payable to the principal or the principal's order, transfer money, receive the cash or other proceeds of those transactions, and accept a draft drawn by a person upon the principal and pay it when due.

AFFECTED LIMITED LIABILITY COMPANIES (LLCs)

This Action by Consent appointing the Agent shall be specifically applicable to the following limited liability companies:

HBP 

Initials of President-Manager of each of the named LLCs

Hanlex Apopka, LLC
Hanlex Boggy Creek, LLC
Hanlex Cabell, LLC
Hanlex Civil, LLC
Hanlex Colyer, LLC
Hanlex Cranberry, LLC
Hanlex Deerfield Beach, LLC
Hanlex Development, LLC
Hanlex Englewood, LLC
Hanlex Future Development, LLC
Hanlex Gore, LLC
Hanlex Group, LLC
Hanlex Margate, LLC
Hanlex Memphis, LLC
Hanlex Michigan, LLC
Hanlex North Port, LLC
Hanlex Palmetto, LLC
Hanlex Properties, LLC
Hanlex Reaves, LLC
Hanlex Rummel, LLC
Hanlex Stone Creek, LLC
Hanlex University, LLC
Hanlex Vero, LLC
Hanlex Zephyrhills, LLC
Fitzgerald Construction, L.L.C.
Hilliard Isle Commercial Center Property Owners Association, Inc.
Nadina Capital Group, LLC
Nadina Investments, LLC

I understand that this Power is an important legal document. Before executing this document, my attorney explained to me the following:

- 1. This document provides the Agent with broad powers to encumber the real and personal property of each of the LLCs;**
- 2. The powers granted in this instrument will exist immediately upon my execution and will exist for an indefinite period of time unless to the limit the duration provided below or I revoke this Power by written notice to the Agent and all affected persons; and**
- 3. I have the right to revoke or terminate this Power at any time by written notice to the Agent.**
- 4. This appointment shall terminate automatically, without further action, on 31 December 2015, but all actions taken by the Agent prior to that date shall continue to be**

Initials of President-Manager of each of the named LLCs

2 of 3

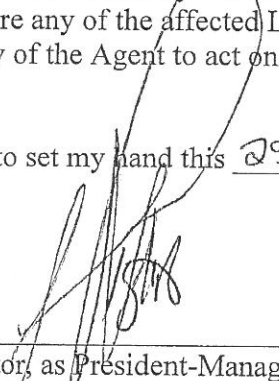
HBP



binding on the affected LLC notwithstanding that any aspect of such action will not occur until subsequent to 31 December 2015, so long as the Agent took such action in writing and notified affected persons on or before 31 December 2015.

The Agent is authorized to make photocopies of this document as frequently and in such quantity as the Agent shall deem appropriate. All photocopies shall have the same force and effect as any original. Further, as and if necessary, this Action by Consent may be recorded in the Public Records of each county in Florida where any of the affected LLCs owns property or conducts business, to reflect the specific authority of the Agent to act on behalf of that LLC in that county.

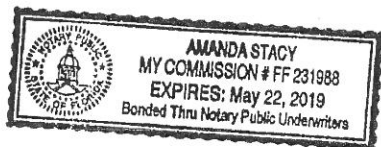
IN WITNESS WHEREOF, I have hereunto set my hand this 25 day of June, 2015.




Hans B. Pistor, as President-Manager of each
the above named limited liability companies

STATE OF FLORIDA
COUNTY OF ORANGE

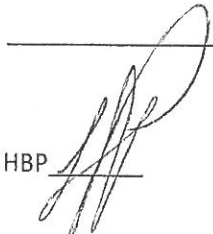
The foregoing instrument was acknowledged before me this 25 day of June, 2015 by Hans B. Pistor who is personally known to me or who has produced _____ as identification.





Notary Public Signature

Print Name: Amanda Stacy



Initials of President-Manager of each of the named LLCs



CITY OF MARGATE

BOARD OF ADJUSTMENT

PUBLIC HEARING NOTICE VARIANCE REQUEST BA-18-15

You are hereby notified of a Public Hearing before the Board of Adjustment of the City of Margate on Tuesday, October 6, 2015, which begins at 7:01 p.m., in the Municipal Building, 5790 Margate Boulevard, Florida 33063, to consider a request of petitioner, to wit:

PETITIONER: Jeremy Anderson, Hanlex Civil, LLC, agent for Dollar General

VARIANCE REQUEST: **BA-18-15**
PERMISSION to build a new retail development within the TOC-C Corridor zoning district that occupies 20% of its primary road frontage. Section 9.7 of the Code requires a minimum build out of 70% of primary road frontage for properties in the TOC-C Corridor zoning district upon development or redevelopment.

SUBJECT PROPERTY: 700 South State Road 7, Margate, FL. TOC-C Corridor District Zoning. North 435.62 feet of Tract "B" Serino Park Section 3, according to the plat thereof as recorded in Plat Book 81, page 46 of the public records of Broward County, Florida.

All interested persons may be present at this public hearing and be heard regarding the above-mentioned matter. All representations made in front of this Board in the granting of any permit shall be deemed a condition of said permit.

If a person decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at this meeting, she/he will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. (Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the transcript). Any person wishing to appeal a decision of the Board of Adjustment to the City Commission must do so in the City Clerk's office within seven (7) days of the written decision of the Board.

Any person with a disability requiring auxiliary aids and services for this meeting may call the City Clerk's office at (954) 972-6454 with their request at least two business days prior to the meeting date.

CITY OF MARGATE, FLORIDA
Joseph J. Kavanagh, City Clerk

PUBLIC HEARING SIGN REMOVAL BOND AGREEMENT
In accordance with Ordinance #1500.485

I, Hanlex Margate, LLC,
Petitioner of record and on behalf of the property
owner, hereby agree that subject public hearing
sign shall be removed within two (2) business days
following a final determination by the governing
body. Further, it is understood that by complying
with this section, the \$150 cash bond will be
returned to the Petitioner of record.

If said public hearing sign is not removed in two
(2) business days, I hereby authorize the
Administration of the City of Margate to remove
said sign, billing the costs of the removal of the
sign to the owner of the property.

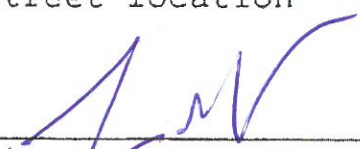
I understand that the \$150 (one hundred fifty
dollar) cash bond shall be forfeited and applied
against the cost of removal to the City of Margate
if said public hearing sign is not removed in two
(2) business days.

Hanlex Margate, LLC

Business Name

SE Corner of State Road 7 and SW 7th St

Street location


Signature

9/11/15
Date

BA-18-15
OFFICE USE ONLY

Date of Decision: 10-6-15

Tabled to date certain? _____

Two Business
Days (after decision) _____

COMPLIED? Y N

If Yes, initiate check request to Finance
(601-0000-220.18-00).

If No, inform Finance to deposit bond
(001-0000-369.90-01).

Signature / Date

Copy to Petitioner, Finance Department
Original to File

City of Margate
*** CUSTOMER RECEIPT ***

Batch ID: RR0DI 9/14/15 00 Receipt no: 179065

Type	Svccd	Description	Amount
EQ		ECDV MISCELLANEOUS	
	Qty	1.00	\$200.00

HANLEX DEVELOPMENT, LLC
1000 COLOR PLACE
APOPKA, FL 32703
RE: VARIANCE REQUEST BA-18-15
SE CORNER OF STATE RD 7 &
S.W. 7TH STREET
BY HANLEX MARGATE, LLC
1000 COLOR PLACE
APOPKA, FL 32703
JEREMY ANDERSON
(321) 200-3606

Tender detail
CK Ref#: 3592 \$200.00
Total tendered: \$200.00
Total payment: \$200.00

Trans date: 9/16/15 Time: 8:54:21

HAVE A GREAT DAY!

City of Margate
*** CUSTOMER RECEIPT ***

Batch ID: RR0DI 9/14/15 00 Receipt no: 179070

Type	SvcCd	Description	Amount
EB		ECDV BANNERS	
		Qty 1.00	\$150.00

HANLEX DEVELOPMENT, LLC
1000 COLOR PLACE
APOPKA, FL 32703
PUBLIC HEARING SIGN BOND
FOR VARIANCE REQ #BA-18-15
SE CORNER STATE ROAD 7 &
S.W. 7TH STREET
BY HANLEX MARGATE, LLC
1000 COLOR PLACE
APOPKA, FL 32703
JEREMY ANDERSON
(321) 200-3606

Tender detail

CK Ref#:	3593	\$150.00
Total tendered:		\$150.00
Total payment:		\$150.00

Trans date: 9/16/15 Time: 8:59:12

HAVE A GREAT DAY!