

BOARD OF ADJUSTMENT  
CITY OF MARGATE, FLORIDA

BA # 18-15  
HEARING DATE 11-3-15

VARIANCE REQUEST

PART I. TO BE COMPLETED BY PETITIONER

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

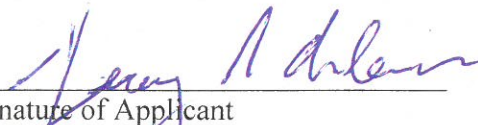
Relationship to Subject Property: Developer / Owner's Agent

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 # (371) 200-3606

J. ANDERSON @ HANLEX. COM

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

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**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 DRC# 07-15-03**  
**APPLICANT RESPONSES TO VARIANCE REQUEST**

Revised October 26, 2015

The variance request outlined below is presented by the applicant to the City of Margate in order to facilitate the successful development of the property located at the southeast corner of State Road 7 and SW 7<sup>th</sup> Street.

LDC Requirement: Article IX, Section 9.7(H) - 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.

Variance Request: To reduce the minimum frontage coverage required along State Road 7 from 70% to 35.4% +/-.

Reason for Request: The provisions of the Transit Oriented Corridor (TOC) Districts are intended to “maximize the development potential of the State Road 7/US 441 Corridor.” However, in order to construct a development that meets the intent of this goal, while still accommodating the development criteria outlined by the Land Development Code and other agencies (i.e. parking, access, retention) and working within the limitations of an unusual lot orientation and exceedingly shallow lot depth, some flexibility in the specific requirement above is needed.

**Hardship Criteria**

Below is a breakdown of each hardship criteria outlined in the City Land Development Code and how it is satisfied by the requested variance:

<b>1. SPECIAL CONDITIONS AND/OR CIRCUMSTANCES:</b>	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.
<b>RESPONSE 1:</b>	<p><b>The subject property is a portion of a longer block that spans between SW 7<sup>th</sup> Street to the north and SW 8<sup>th</sup> Court to the south. The properties within this block, all of which are presently undeveloped, have an unnaturally shallow lot depth, as they are also bound by State Road 7 to the west and a rear alley to the east, leaving a property depth of only 180-feet and buildable depth outside of required easements and sidewalks of less than 140-feet. This is an inadequate depth to construct all necessary infrastructure requirements behind the building in order to accommodate the minimum 70% frontage coverage.</b></p> <p><b>As shown in the Lot Comparison Aerial, a significant majority of the blocks fronting SR 7 within the TOC-C District have an average lot depth above 200-feet. The only comparably shallow lots fronting SR 7 within this district are immediately to the north and south of Atlantic Blvd, with lot depths ranging from 130 to 180 feet, also fronting on an alleyway. None of these sites contain development that meets the development criteria outlined in the TOC Districts. All developments located on these</b></p>

	properties are non-conforming from a building and parking setback, landscaping and retention standpoint and could also not likely meet the 70% frontage requirement, while meeting current setback and infrastructure requirements.
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:	The shallow lot depth existing on the subject property does not result from any actions of the present property owner nor the applicant. The lot depth was defined by the Serino Park subdivision, platted in 1973 (Plat Book 81, Page 46 – see attached), and further restricted by the expansion needs of SR 7. The developer has made no revisions to the lot depth to further exacerbate the existing shallowness of the lot.
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 under Criteria 1 above, there do not appear to be any developments, which have frontage on SR 7 and an equivalent or shallower lot depth than the subject property, that meet the present development requirements of the TOC-C District. The applicant feels that, given the infrastructure needs of the site (i.e. parking, access and stormwater), it is not possible to accommodate all Code requirements and meet the intent of the TOC Districts for similarly shallow properties once they redevelop, unless future infrastructure needs change.
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:	Adherence to the 70% frontage coverage requirement would make the development of the subject property unfeasible from a logistical standpoint. Not only is the property unnaturally shallow, forcing the vast majority of the infrastructure improvements to the side of the building, and a portion of the stormwater treatment pond underground, but it also sits on the corner of 7 <sup>th</sup> Street, so the building is required to be placed on both road frontages. While able to achieve a +/- 70% frontage on 7 <sup>th</sup> street, as the property is oriented to this street from a traditional lot layout perspective, it is not possible to meet this same standard on SR 7, due to the width of the property necessary to accommodate infrastructure, as described above.
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:	The requested variance to +/- 35.4% of lot frontage coverage is the minimum necessary variance to accommodate the successful, long-term use of the property and improvements. In an effort to maximize the proposed building frontage, the Applicant has carved out a second Plot from the parcel, to be developed sometime in the future with a proposed second building and use, in order to maximize the building frontage and utilize important urban design elements such as shared access points and

	<p>shared stormwater pond. Further, as discussed above, the location of the property at an existing intersection forces the building to “hold the corner,” as discussed in the TOC requirements. By necessity, the other required site improvements must be located south of the building. Attempts to increase the frontage coverage on SR 7 above the efforts already made would result in the following scenarios:</p> <p>1. Increasing the size of the building would also increase the amount of parking onsite and the amount of stormwater required due to the increased impervious, limiting any ability to expand the building outward, as these necessary improvements already take up the majority of the remaining developable area onsite.</p> <p>2. Altering the footprint of the building without a size increase would seriously impact the functionality of the interior layout for the proposed tenant, as well as limit opportunities to translate that interior space to suit a future occupant, thereby limiting the future success of the site and its contributions to the surrounding community. This option would also decrease adherence the minimum frontage coverage requirement on 7<sup>th</sup> Street.</p> <p>The proposed orientation and building footprint allow for a development that relates well to the intersection, provides a building layout that will remain viable for a variety of tenants in the future and accommodates all other development requirements, ensuring long term success of the property.</p>
6. PURPOSE AND INTENT	<p>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.</p>
RESPONSE 6:	<p>Approval of the requested variance will allow for a vacant commercial property to be developed with a retail use that is harmonious with the intent of the Code and provides a development intensity appropriate to State Road 7. The successful development of this property in accordance with both the intent and other provisions of the Code will provide a much needed improvement at a location that, due to its orientation and limited depth, has been a long term vacancy within a major corridor. Furthermore, the shared infrastructure installed with this development, including the proposed right-turn lane and access drive along the southern edge, will facilitate the development of the parcels immediately to the south, which will face the same logistical issues.</p> <p>In order to create a pedestrian-friendly development that provides a sense of continuity and comfort to pedestrians travelling this block, the applicant has positioned the building with the front doors oriented to the pedestrian corridor. Furthermore, the applicant has proposed canopy trees with flowering shrubs on both sides of the expanded pedestrian corridor sidewalk, which will provide physical comfort to pedestrians, while visually reducing the length of the block and providing further aesthetic buffer from the necessary site improvements.</p>

	<b>Finally, this development carries with it a long term lease with a national and accredited commercial retail tenant, providing a stable neighborhood commercial use that will have a positive impact on the community.</b>
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.
<b>RESPONSE 7:</b>	<b>The intended use of the property, merchant retail, is a permitted use in the TOC-C Zoning District, as stated in Section 7.3 of the Code. The proposed use meets this Land Use Code Provision.</b>
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.
<b>RESPONSE 8:</b>	<b>Noted.</b>

## Letter of Authorization

I, the undersigned, owner or legal representative of the owner of the properties located at the Southeast corner of SW 7<sup>th</sup> 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*

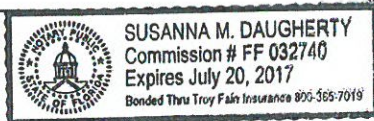
Address:

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

Sworn to and subscribed before me this *23<sup>rd</sup>* 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**

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Initials of President-Manager of each of the named LLCs

2 of 3

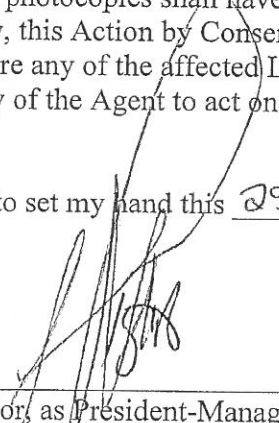
HBP



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.

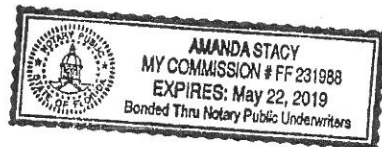
The Agent is authorized to make photocopies of this document as frequently and in such quantity as the Agent shall deem appropriate. All photocopies shall have the same force and effect as any original. Further, as and if necessary, this Action by Consent may be recorded in the Public Records of each 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

3 of 3

HBP 



# 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

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: RRODI      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  
Total tendered: \$150.00  
Total payment: \$150.00  
\$150.00

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

HAVE A GREAT DAY!