

BOARD OF ADJUSTMENT  
CITY OF MARGATE, FLORIDA

BA # 19-15  
HEARING DATE 12-1-15

VARIANCE REQUEST

PART I. TO BE COMPLETED BY PETITIONER

Applicant: Toscana Park Villas, LLC Date: 10/29/15

Relationship to Subject Property: Owner

Address of Property: 3050 Toscana Lane West, Margate, FL 33063

Legal Description: Parcel A of "Newth Plat" according to the Plat thereof,  
as recorded in Plat Book 173, Page 36, of the Public Records of Broward County, Florida

Describe Variance Requested: Variance from Section 39.5(B)(1) & (2)  
to allow a second monument sign on the property and to locate it near area without an entrance.

List Details of Hardship: Please see attached Narrative

Signature of Applicant

Phone # 561-707-3964

1 N. Clematis Street

Address

Fax# 305-714-0128

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

City of Margate  
R E P R I N T  
\*\*\* CUSTOMER RECEIPT \*\*\*

Batch ID: RRODI                      11/04/15 00                      Receipt no:    23920

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

TOSCANA PARK VILLAS, LLC  
1 NORTH CLEMATIS STREET, #200  
WEST PALM BEACH, FL 33401  
RE: SIGN BOND AGREEMENT  
FOR SIGN VARIANCE BA-19-15  
TOSCANA PARK VILLAS, LLC  
3050 TOSCANA LANE WEST  
MARGATE, FL 33063  
BY GREENSPOON MARDER LAW  
200 EAST BROWARD BLVD, #1800  
FT. LAUDERDALE, FL 33301  
DEENA PACELLI GRAY, ESQ  
954-527-2443  
DEENA.GRAY@GMLAW.COM

Tender detail

CK Ref#:	1161	\$150.00
Total tendered:		\$150.00
Total payment:		\$150.00

Trans date: 11/16/15                      Time: 17:39:02

HAVE A GREAT DAY!

City of Margate  
\*\*\* CUSTOMER RECEIPT \*\*\*

Batch ID: RRODI      11/04/15 00      Receipt no: 23896

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

TOSCANA PARK VILLAS, LLC  
1 NORTH CLEMATIS STREET, #200  
WEST PALM BEACH, FL 33401  
RE; VARIANCE REQUEST BA-19-15  
MONUMENT SIGN VARIANCE  
TOSCANA PARK VILLAS, LLC  
3050 TOSCANA LANE WEST  
MARGATE, FL 33063  
BY GREENSPOON MARDER LAW  
200 E. BROWARD BLVD. #1800  
FT. LAUDERDALE, FL 33301  
DEENA PACELLI GRAY, ESQ  
954-491-1120  
DEENA.GRAY@GMLAW.COM

Tender detail

CK Ref#:	1160	\$200.00
Total tendered:		\$200.00
Total payment:		\$200.00

Trans date: 11/16/15      Time: 17:12:33

HAVE A GREAT DAY!

## Toscana Park Villas, LLC Sign Variance Narrative and Justification

Toscana Park Villas, LLC (“Applicant”) owns the property located at 3050 Toscana Lane West (“Property”) in the City of Margate (“City”). The Applicant intends to construct a 240 multi-family development (“Toscana Luxury Apartments”) as depicted on the Applicant’s approved site plan. Pursuant to Section 39.5(B)(1) of the City’s Code of Ordinances (“Code”), the maximum number of subdivision monument signs is limited to one monument sign per entrance and pursuant to Section 39.5(B)(2), the monument sign must be located on common property near the entrance. The Applicant is requesting variances from Sections 39.5(B)(1) & (2) of the Code to allow a second monument sign located near the corner of NW 31<sup>st</sup> Street and State Road 7 where there is no entrance to the Property.

Toscana Luxury Apartments is generally located at the southwest corner of NW 31<sup>st</sup> Street and State Road 7 which is a very busy area in the City. The main entrance into the Toscana Luxury Apartments is along NW 31<sup>st</sup> Street on the northwestern portion of the Property. This entrance is hidden away from the main traffic intersection at NW 31<sup>st</sup> Street and State Road 7. The Applicant is proposing to locate one monument sign at the main entrance on NW 31<sup>st</sup> Street as allowed by Code. As this entrance is out of sight from the main traffic way and therefore not visible from State Road 7, Applicant is requesting to locate a second monument sign at the intersection of NW 31<sup>st</sup> Street and State Road 7.

The Applicant will demonstrate below that the requested variance complies with the City’s established criteria for granting variances:

1. *That special conditions and circumstances exist which are peculiar to land, structures or buildings involved, and which are not applicable to other lands, structures or buildings in the same zoning district.*

There are special conditions and circumstances that exist which are peculiar to land, structures or buildings involved, and which are not applicable to other lands, structures or buildings in the same zoning district. The shape and layout of the Property together with the unique location being situated at the intersection of the major street corridors of State Road 7 and NW 31<sup>st</sup> Street are special conditions and circumstances upon which the request for the variance is based upon

which is not generally applicable to other properties within the vicinity. The layout and shape of the property contributes to the necessity of the proposed signage that is needed for quick and efficient location of the Toscana Luxury Apartments along State Road 7. The monument sign that is permitted by Code is not visible from the main intersection of NW 31<sup>st</sup> Street and State Road 7. In order for the Applicant to provide a safe environment and to better serve the community by offering proper signage that is visible, the Applicant is requesting a variance from the Code to allow a second monument sign on the Property located in area that can be easily seen by passing motorists and pedestrians.

*2. That special conditions and/or circumstances do not result from actions of the applicant*

Special conditions and circumstances that exist are not a result of actions by the Applicant. Due to the nature of the shape and location of the Property, the Applicant is unable to provide proper signage under the existing Code. The City's Code does not have regulations that allow for the necessary signage for the Property. Therefore, it is necessary for Applicant to request these variances which will permit the safest and most effective signage for the Property. The variance request is needed in order to provide safety measures to ensure that motorists are able to adequately identify the Toscana Luxury Apartments and to be able to easily view the signs while causing the least amount of distraction. The proposed signage is not distracting or visually obtrusive to passing motorists. The relief requested from the strict interpretation of the Code will enhance the overall public safety and general welfare of the community.

*3. 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.*

The Property is located within the City's Transit Oriented Corridor ("TOC") with a zoning designation of TOC-G Gateway District ("TOC-G"). The TOC districts generally include properties that are abutting or proximate to State Road 7. As such, this particular Property abuts State Road 7. The proposed location for a second monument sign for the Property is at the intersection of State Road 7 and NW 31<sup>st</sup> Street. Except for this variance request, the proposed monument sign is in compliance with the signage requirements pursuant to the Code. Therefore, the Applicant's proposed second monument sign is in line with the intent of the TOC-G zoning district and will not confer a special privilege to the Applicant upon granting of the variance.

*4. That a 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.*

A literal interpretation of the Code would deprive the Applicant from providing proper signage on the Property which would impose undue hardship and would deprive the Applicant of rights

shared by other property owners in the same zoning district. Except for this variance request, the proposed monument sign is in compliance with the signage requirements pursuant to the Code. Therefore, the Applicant's proposed second monument sign is in line with the intent of the TOC that is shared by other property owners in the TOC zoning district.

5. *That the variance being granted is the minimum variance that will make possible the reasonable use of land, building or structures.*

Due to shape and location of the Property, the entrance of the Toscana Luxury Apartments is not visible from the main traffic way of State Road 7 and NW 31<sup>st</sup> Street. The Code allows one monument sign per entrance to be located near said entrance, however, this location does not provide adequate visible signage for motorists and the community in general. Allowing a second monument sign at the intersection of NW 31<sup>st</sup> Street and State Road 7 is the minimum variance that will allow the Applicant to provide proper signage on the Property as well as enhance the community.

6. *That the approval of the variance will be harmonious with the general intent and purpose of this chapter and that such variance will not degrade the area involved or be detrimental to public welfare.*

The approval of the variance will be harmonious with the general intent and purpose of this chapter and such variance will not degrade the area involved or be detrimental to public welfare. In fact, the proposed monument sign for the Toscana Luxury Apartments will enhance the community with an attractive, appealing, and very compatible signage for the TOC-G zoning district. As described above, the TOC zoning districts generally include properties that are abutting or proximate to State Road 7. As such, this particular Property abuts State Road 7. The proposed location for the second monument sign for the Property is at the intersection of State Road 7 and NW 31<sup>st</sup> Street. Except for this variance request, the proposed monument sign is in compliance with the signage requirements pursuant to the Code. Therefore, the Applicant's proposed second monument sign is in line with the intent of the TOC-G zoning district and will not degrade the area involved or be detrimental to public welfare upon granting of the variance.

7. *That the variance does not serve to permit a use not permitted in the zoning district involved.*

The Property is located within the City's TOC-G zoning district. Subdivision monument signs are permitted under the TOC-G zoning regulations and except for this variance request, the proposed monument sign is in compliance with the signage requirements pursuant to the Code. Therefore, the proposed variance does not serve to permit a use not permitted in the TOC-G zoning district.

8. *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.*

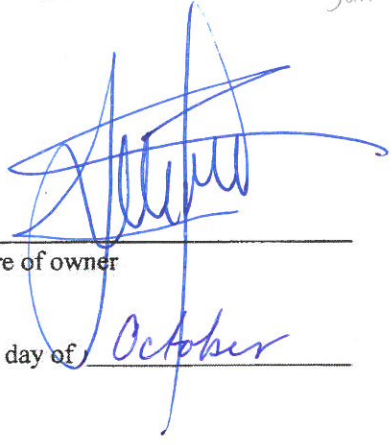
The Applicant acknowledges that conditions and safeguards may be prescribed in connection with the approval of this variance.



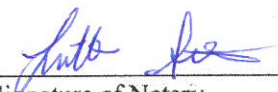
PROPERTY OWNER CERTIFICATION AND PERMISSION TO PROCEED

I hereby certify that I am the owner of the property located at 3050 Toscana Lane West, Margate, FL 33063  
being the subject property for this variance application, and I give authorization to Greenspoon Marder, PA to file this petition for the said variance. JUAN PORRO

Toscana Park Villas, LLC.  
Print owner's name

  
Signature of owner

Subscribed and sworn to before me this 12<sup>th</sup> day of October  
20 15.

  
Signature of Notary

Lissette Saballos  
Print or type name of Notary

☒ Personally known to me

☐ Produced identification \_\_\_\_\_

