



### City Commission

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## REGULAR MEETING OF THE BOARD OF ADJUSTMENT MINUTES

**Tuesday, September 6, 2016**

**7:01 PM**

City of Margate  
Municipal Building

### **PRESENT:**

Frederick Schweitzer, Secretary  
Chad Dangervil  
Ruben Rivadeneira

### **ALSO PRESENT:**

Benjamin J. Ziskal, AICP, CECD, Director of Economic Development  
Michael Sanchez, Managed Land Entitlements

### **ABSENT:**

Edward DeCristofaro, Chair  
Paul Barasch, Vice Chair  
Andrew Pinney, Associate Planner

The regular meeting of the Board of Adjustment of the City of Margate, having been properly noticed, was called to order by Secretary Frederick Schweitzer at 7:01 p.m. on Tuesday, September 6, 2016. The Pledge of Allegiance was recited followed by a roll call of the Board members.

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- 1) **APPROVAL OF THE MINUTES FROM THE JULY 5, 2016 BOARD OF ADJUSTMENT MEETING**

Mr. Dangervil made the following motion, seconded by Mr. Rivadeneira:

**MOTION:** SO MOVE TO APPROVE THE MINUTES AS WRITTEN

**ROLL CALL:** Mr. Dangervil, Yes; Mr. Rivadeneira, Yes; Mr. Schweitzer, Yes; Mr. Barasch, Absent; Mr. DeCristofaro, Absent. The motion passed with a 3-0 vote.

- 2) **NEW BUSINESS**

- 2A) **BA-20-16:** VARIANCE REQUEST FOR PERMISSION TO REDUCE THE BUILDING FRONTAGE ON STATE ROAD 7 FROM THE REQUIRED MINIMUM OF 70 PERCENT TO 49.3 PERCENT FOR THE NUVO MARGATE SELF-STORAGE LOCATED AT 750 SOUTH STATE ROAD.

### **Economic Development Department**

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Ben Ziskal advised that the request was for a frontage build-out variance and that it was very similar to the item the Board previously heard for the Dollar General project. He noted that it had the same site constraints and challenges because this request was directly south of Dollar General on the same stretch of road. He advised that the Zoning Code designation for this district required 70 percent frontage build-out.

Mr. Ziskal showed an aerial view of the subject property via a PowerPoint presentation noting that it was the long narrow strip of undeveloped land to the south while Dollar General was to the north at the corner of S.W. 7<sup>th</sup> Street. He showed the Site Plan and pointed out some of the similarities to the Dollar General property: two distinct buildings with a parking area and a retention pond in the center. He pointed out an existing alley to the east of the property and a 10-foot landscape buffer. On the side of the property facing State Road 7, he pointed out a 35-foot road easement that ran north and south which he said reduced the buildable land to a small narrow stretch which made it very difficult to have buildings that were required to front the property, and provide parking, retention, transportation, and dumpster service, etc. He showed a diagram of how the site would need to be configured in order to comply with the 70 percent frontage build-out and pointed out that there would be virtually no place for parking, retention, and the drive aisles.

Mr. Ziskal displayed the design the petitioner submitted which showed the self-storage facility to the north, the retention area in the center, a parking area, and a second retail building on the south end that was added to increase the building frontage.

Mr. Ziskal said that Staff found that the size and shape of the property provided a hardship and the development of the property could not meet the Code as written. He said there were specific platted reservations including the easements, the landscape buffer, and the alleyway that were not flexible, as well the need for on-site water retention. He said Staff recommended approval, subject to the developer constructing a vanilla shell build-out without interior improvements. He said, however, after submitting the recommendation, he subsequently had a conversation with the developer and learned that they were seeking a development with a specific retailer. Depending on the retailer secured, he said the exterior of the building and the design might be substantially different than the shell that was built. Therefore, he said Staff revised its recommendation to have the developer stub-out the utilities for the retail building and it removed the requirement to build the shell. He said Staff recommended approval with that condition.

Mr. Dangervil made the following motion, seconded by Mr. Rivadeneira for discussion:

**MOTION:**    TO APPROVE

Mr. Schweitzer acknowledged that the same situation existed at the other end [Dollar General] and he said it was reasonable to do the stub-out and wait for the tenant. He said this project would be uniform with what was being done with Dollar General. Mr. Ziskal agreed that it would be a great linear stretch along State Road 7 with four buildings on the same line with the widened sidewalk and increased landscaping.

Mr. Dangervil asked if there would be sufficient parking for all four buildings. Mr. Ziskal said there would be because a limited access self-storage required limited parking. He said the

parking calculations only required five parking spaces plus one handicapped space. He said most of the people would be located in the three loading zones as they tended to park near the facility to load or unload. He said a similar parking calculation was done on the Dollar General site as well.

**ROLL CALL:** Mr. Dangervil, Yes; Mr. Rivadeneira, Yes; Mr. Schweitzer, Yes; Mr. Barasch, Absent; Mr. DeCristofaro, Absent. The motion passed with a 3-0 vote.

2B) **BA-21-16:** VARIANCE REQUEST TO ALLOW FOR A FULLY ENCLOSED SELF-STORAGE BUILDING WITH FIVE (5) INTERIOR LEVELS FOR THE NUVO MARGATE SELF-STORAGE LOCATED AT 750 SOUTH STATE ROAD 7

Ben Ziskal advised that the Code required that buildings could be no more than four stories to a maximum height of 66 feet. He explained the reason for the two different regulations was that different uses had different ceiling heights, citing the example of a Costo store versus an office building. He said this request was the opposite of what the Code was written for; it was for a space with lower ceiling heights that would be built as a five story building but would look like four stories from the outside.

Using PowerPoint, Mr. Ziskal showed a rendering of the exterior of the building which was four stories in appearance but had five interior layers. He said that technically it was five stories and did not meet the Code, but he pointed out that it did not exceed the 66 feet height requirement. He noted that the top of the parapets on the left and right sides of the building face were 55 feet while the top of center parapet was 60 feet which was in line with the intent of the Code.

Mr. Ziskal further explained that when codes relating to height were created it was usually done for compatibility with adjacent property owners. He showed an aerial of the property that showed the building's adjacency to single family homes which was why the building was limited to four stories he said. He pointed out that there was an alley and a landscape buffer that were pushed as far forward away from the residential properties as possible.

He said Staff recommended approval of the variance for the reasons stated.

Mr. Dangervil made the following motion, seconded by Mr. Rivadeneira:

MOTION: TO DISCUSS

Mr. Dangervil asked if there were any fire code regulations that might be needed for the windows being that it was a five story building made to look like four stories. Mr. Ziskal said the Fire Department had reviewed the site plan and elevations and they had apparatus to handle this facility. He said most of the windows were faux and not actual functioning windows.

Mr. Dangervil asked if there were any fencing in the alleyway to protect the residential area. Mr. Ziskal showed the site plan and pointed out that next to the building there was a loading zone and sidewalks, a 24-foot wide two-way driveway, a 10-foot wide landscape buffer, a 20-foot

wide one-way alley, a 10-foot wide utility easement, and then the fencing. In total, he said there was about 74 feet up to fence that separated the residential area.

Mr. Dangervil made the following motion, seconded by Mr. Rivadeneira:

**MOTION:** TO APPROVE

**ROLL CALL:** Mr. Dangervil, Yes; Mr. Rivadeneira, Yes; Mr. Schweitzer, Yes; Mr. Barasch, Absent; Mr. DeCristofaro, Absent. The motion passed with a 3-0 vote.

### 3) **GENERAL DISCUSSION**

Ben Ziskal gave updates on several projects that had come before the Board previously, specifically:

- Dollar General had completed much of the foundation work and they should be going vertical soon;
- Arbor View had been given final site plan approval and they could now move into the permitting phase;
- Wawa had also been given final site plan approval and they could move forward with their demolition permitting. He said he did not have a timeline on their demolition plans.
- Rising Car Wash received a grant from the Margate Community Redevelopment Agency and they should be moving into construction soon.

There being no further business, the meeting was adjourned at 7:56 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Mr. Frederick Schweitzer  
Secretary

cc: City Commission, City Manager, City Attorney, City Clerk, Director of DEES, Engineer, Building Director, Board of Adjustment, Petitioner(s)