

## Variance Narrative and Hardship Statement

LE-PSL LLC c/o Leder Group, Inc. (“Applicant”) owns the property located at 3103 N. State Road 7, Margate, Florida (“Property”). The Property is located at the intersection of North State Road 7 and NW 31<sup>st</sup> Street. Currently on the Property is an existing commercial building and the Applicant is proposing to renovate approximately 2,100 square feet of the existing building for the new Dandee Donut Factory (“Dandee Donuts”) and a drive through window located on the east side of the existing building façade. The Applicant is proposing to renovate the remaining 6,028 square feet of retail space for Blossman Gas (“Blossman”) a large family-owned propane business. The Applicant is also proposing a standalone drive through only ATM (“ATM”) at the Property (collectively “Proposed Development”) in accordance with the Applicant’s site plan. The proposed business entities referenced above provide needed services or produces for convenience of residents and visitors of the City. The zoning for the Property is transit oriented corridor – gateway (TOC-G).

The Property is located within the TOC-G Transit Oriented Corridor – Gateway Zoning District. The Proposed Development is permitted in the TOC-G district with special exception approval required for the drive-through components and the outdoor service use pursuant to Section 8.4(B)(f) and 8.4(B)(j) respectively, of the City Code, and are the subject of another application before the City Commission.

Pursuant to the variance review criteria set forth in Section 2-78(b) of the Code, the Applicant is requesting approval of variances from the following Code provisions in relation to its site plan to allow for redevelopment of the existing commercial building on the Property:

Code Section	Requirement	Proposed	Variance
Appendix A §23-6(B)(1)	<i>In non-residential districts, a strip of land at least ten (10) feet in width, adjacent to and parallel with the right-of-way, shall be landscaped. Within said strip there shall be planted at least one (1) shade tree for every forty (40) lineal feet of frontage or portion thereof. In addition, a hedge shall be planted within the landscape strip and parallel with the street. All hedges must be planted a minimum of two (2) feet back from any public sidewalk. The remaining area of this strip shall be covered with ground covers and turf. Ground covers shall cover at least fifty (50) per cent of the landscaping strip not occupied by trees and shrubs.</i>	0’ 3 shade trees no hedge	10’ hedge

1. *It shall be demonstrated that special conditions and circumstances exist which, if there is a literal and strict enforcement of the provisions of a zoning ordinance, would constitute a hardship or practical difficulty in the use of the property involved.*

Special conditions and circumstances exist which, if there is literal and strict enforcement of the provisions of the zoning ordinance would constitute practical difficulty in the use of the property involved. As stated, the Applicant is proposing to redevelop the existing vacant shopping center without making any major changes to the existing building or to the existing surface parking lot. In order to provide the appropriate lane width and turning radius required for the drive-through facility the space to provide the required 10-foot wide perimeter landscape strip and hedge is inadequate. The Applicant is able to provide within the landscape island two standard parking spaces and three large shade trees and ample ground cover that more than compensates for the deficiency along the perimeter.

2. *The board shall find that the granting of the variance will not be contrary to the public interest or the general purpose sought to be accomplished by the zoning ordinances.*

The granting of the requested variances, as discussed above, will not be contrary to the public interest or the general purposes sought to be accomplished by the zoning ordinances. In the instance of the landscape requirements, the variance would be aligned with the public interest by allowing the existing site to be renovated and to allow for parking and landscaping to be provided within a landscape island area instead of along the perimeter of the site.

3. *The board shall find that the granting of a special exception to the terms of a zoning ordinance will not be contrary to the public interest.*

The granting of a special exception to the terms of the zoning ordinances at hand will not be contrary to the public interest, as discussed above, because the present requests are aligned with and primarily serve the purpose of promoting public safety under the unique circumstances described above that are not anticipated by or directly addressed by the City's Code. A favorable decision in relation to this petition will result in a betterment of conditions within the public realm.

**Exhibit “A”**

Site Plan of Proposed Development

**Exhibit “B”**

Landscape Plan of Proposed Development