



City Commission

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REGULAR MEETING OF THE BOARD OF ADJUSTMENT MINUTES

Tuesday, April 4, 2017

7:01 PM

City of Margate
Municipal Building

PRESENT:

Paul Barasch, Chair
Chad Dangervil, Vice Chair
Julianne Lore, Secretary
Karl Artner
Ruben Rivadeneira

ALSO PRESENT:

Benjamin J. Ziskal, AICP, CEcD, Director of Economic Development
Timothy Finn, Senior Planner
Andrew Pinney, Associate Planner
Steve Wherry, Greenspoon Marder Law
Antonio Quevedo, HSQ Group, Inc.
Angel Ameng, Latin Cafe

The regular meeting of the Board of Adjustment of the City of Margate, having been properly noticed, was called to order by Chair Paul Barasch at 9:11 p.m. on Tuesday, April 4, 2017. The Pledge of Allegiance was recited, followed by a roll call of the Board members.

1) NEW BUSINESS

- 1A) **MOTION:** APPROVING APPOINTMENT OF PAUL BARASCH AS CHAIR OF THE BOARD OF ADJUSTMENT FOR A TERM COMMENCING APRIL 4, 2017 TO MARCH 21, 2018.

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

MOTION: TO APPOINT PAUL BARASCH AS CHAIR

ROLL CALL: Mr. Rivadeneira, Yes; Ms. Lore, Yes; Mr. Artner, Yes; Mr. Dangervil, Yes; Mr. Barasch, Yes. The motion passed with a 5-0 vote.

Economic Development Department

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- 1B) **MOTION:** APPROVING APPOINTMENT OF CHAD DANGERVIL AS VICE CHAIR OF THE BOARD OF ADJUSTMENT FOR A TERM COMMENCING APRIL 4, 2017 TO MARCH 21, 2018.

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

MOTION: TO APPOINT CHAD DANGERVIL AS VICE CHAIR

ROLL CALL: Mr. Rivadeneira, Yes; Ms. Lore, Yes; Mr. Artner, Yes; Mr. Dangervil, Yes; Mr. Barasch, Yes. The motion passed with a 5-0 vote.

- 1C) **MOTION:** APPROVING APPOINTMENT OF JULIANNE LORE AS SECRETARY OF THE BOARD OF ADJUSTMENT FOR A TERM COMMENCING APRIL 4, 2017 TO MARCH 21, 2018.

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

MOTION: TO APPOINT JULIANNE LORE AS SECRETARY

ROLL CALL: Mr. Rivadeneira, Yes; Ms. Lore, Yes; Mr. Artner, Yes; Mr. Dangervil, Yes; Mr. Barasch, Yes. The motion passed with a 5-0 vote.

2) **APPROVAL OF MINUTES**

- 2A) APPROVAL OF THE MINUTES FROM THE JANUARY 3, 2017 BOARD OF ADJUSTMENT MEETING FOR APPROVAL.

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

MOTION: TO APPROVE

ROLL CALL: Mr. Rivadeneira, Yes; Ms. Lore, Yes; Mr. Artner, Yes; Mr. Dangervil, Yes; Mr. Barasch, Yes. The motion passed with a 5-0 vote.

1) NEW BUSINESS (Continued)

- 1D) **BA-07-17** VARIANCE REQUEST TO DEVIATE FROM THE REQUIRED PERIMETER LANDSCAPE STRIP REQUIREMENT AT THE PROPOSED DANDEE DONUTS DRIVE-THROUGH FACILITY LOCATED AT 3101 NORTH STATE ROAD 7.

Andrew Pinney explained that Dandee Donuts had two items before them for consideration that he would present separately using the same PowerPoint presentation. He showed a slide of an aerial view of the subject property. He provided some background on the project noting that the property was located in the northwest corner of State Road 7 and Northwest 31st Street and that it had been vacant for several years. He read the section of the Code that applied which stated, "In non-residential districts and multi-family 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."

He explained that the petitioners had come before the Development Review Committee (DRC) in May, 2016 with a different site plan which he displayed on the Mondopad. He pointed out the various elements of the plan and explained that their plan relied on the common drive aisle in the Penn Dutch plaza to accommodate the stacking and routing for the drive-through. He said that the neighboring properties had an issue with their proposed plan and Dandee Donuts was forced to reconfigure its site plan.

Mr. Pinney showed a slide of their new proposed site plan and highlighted the changes which included removal of the retail addition on the eastern side of the building, and changes to the vehicular circulation. He said Dandee Donuts was relocated from the west side to the east side of the building. He said the circulation of the parking lot also changed from two-way to one-way only. He showed the addition of a drive-through ATM. He pointed out the drive-through loop for Dandee Donuts noting that they needed to bring it all the way out to the eastern property line which diminished the landscape buffer that Code required.

Mr. Pinney said the Staff findings were:

- property had a unique size and shape
- the original design conflicted with neighboring properties
- applicant was required to contain all vehicular circulation on-site

He said Staff's recommendation was to approve with the condition that the applicant provide three category one trees that would be planted in the State Road 7 right-of-way adjacent to the drive-through loop which he pointed out on the Mondopad.

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

MOTION: TO APPROVE

Mr. Artner asked for the definition of a category one tree. Mr. Pinney responded that category one trees, as defined in Section 23.23 of the Landscape Code, were generally larger shady trees like the live oak or gumbo limbo.

Mr. Artner said there were two plans included in the meeting back-up which showed differing traffic circulation patterns.

Steve Wherry, Greenspoon Marder Law, on behalf of the applicant, responded and said that the second one was from an older plan, but the first one which Mr. Pinney presented was the correct plan. Mr. Wherry said that they were in agreement with Staff's findings, as well as the recommended condition to add trees in the adjacent right-of-way; however, he noted that it was the Florida Department of Transportation's (FDOT) right-of-way and it was subject to their approval.

Mr. Artner asked what the criterion was to go with the first plan versus the second plan. Mr. Wherry explained that the second plan had a menu board located very close to the existing building. He said the first plan had the menu board located in the landscape island south of the building and it faced both Northwest 31st Street and State Road 7. In the current configuration it faced only State Road 7. He said the biggest difference between the two plans was the re-

location of the stand-alone ATM. He pointed out that the ATM was located on the south side of the site in the second plan while it was on the eastern part of the site in the first plan. He said it was discussed at the DRC meeting that having the ATM on the south end would require that they provide a turnaround space; the second plan had two parking spaces blocked out to provide that turnaround space. He said they also recognized that the parking spaces that were on the east side were really not very functional and they would not provide for the most efficient or safest circulation within the site. He said that instead of having the overall circulation as proposed in the second plan, they shifted the ATM around and converted to one-way traffic entirely. In addition, he said a "do not block" intersection to the south of the building was created that separated the landscape island from the main building to create a very smooth flow throughout the entirety of the site.

Mr. Artner commented that drivers in South Florida did not respect one-way traffic, citing the Publix parking lot on Coconut Creek Parkway. He said he lived on Royal Palm Boulevard and no one respected the "do not block" intersection between 65th and Rock Island. He expressed a concern about people being in a hurry and ignoring the one-way requirement. He asked how they would prevent someone from ignoring the one-way and the blocked area and jumping the line. Mr. Wherry said there would always be drivers that did not pay attention to the law. He said the area would be well signed and there would be stop bars throughout. He said the right way to get around would be very clear. Those that chose to go against the rules were making that choice he said, adding that peer pressure from those that were following the rules might discourage their behavior. Mr. Wherry reiterated that they would do their best to make it clear as to the correct routing and it would be well signed with pavement markings to describe the "do not block" area. He said they would also ask the tenants to be observant and help moderate if they saw cars not respecting the "do not block" area. He pointed out that the area was small and he anticipated that there would be many regular customers.

Mr. Artner said that he preferred the first plan. He asked if a mechanical barrier like an arm gate would be feasible for the one-way traffic. Mr. Wherry responded that anything was possible but the current plan was one that had evolved over time with input from City departments and by looking at all types of considerations including emergency traffic flow. He said in the case of some type of police or fire rescue situation, having the freest, easiest access was necessary, noting that mechanical gates could fail and present a risk to circulation.

Mr. Dangervil asked about using separation poles like those on I-95 to separate the entrance from the exit. Mr. Wherry said it was also a good idea, but it was a very small site which was constrained because it had only one access on the northwest corner. He said if it were possible to add another access or at least an egress onto State Road 7 that could help simplify the circulation, but FDOT was not granting any more accesses onto State Road 7 in the proximity of the flyover. He said access to the site was very limited.

Ms. Lore said she visited the site the day before and she was happy to see that the site which had been an eyesore for a very long time would be utilized.

No one came forward from the public to speak.

ROLL CALL: Mr. Rivadeneira, Yes; Ms. Lore, Yes; Mr. Artner, Yes; Mr. Dangervil, Yes; Mr. Barasch, Yes. The motion passed with a 5-0 vote.

- 1E) **BA-08-17** VARIANCE REQUEST TO DEVIATE FROM THE REQUIREMENT THAT THE SIGN FACE OF THE MENU BOARD AT THE DANDEE DONUT DRIVE-THROUGH NOT BE VISIBLE FROM THE RIGHT-OF-WAYS OF STATE ROAD 7 AND NORTHWEST 31ST STREET

Andrew Pinney explained that there were specific regulations in the Code that applied to menu signs and he read the applicable code section which stated, "(3) Changeable copy signs for drive-thru establishments: (e) the sign face must not be visible from any portion of right-of-way which abuts the establishment."

He showed a slide of the site and pointed out the proposed location of the menu board. He indicated that it faced and was visible from State Road 7. He explained that there was limited opportunity in terms of where the menu board could be located and be functional, given the one-way circulation and the position of drivers on the left side of the vehicle. He commented that the menu board was a substantial distance from State Road 7, over 100 feet from the edge of the right-of-way, and that there was a free-standing drive-up ATM in between the menu sign and the right-of-way which would provide screening in addition to the peripheral landscaping.

He said the Staff findings were:

- vehicle circulation and limited sign locations
- distance from the right-of-way

Mr. Pinney said Staff recommended approval of the variance.

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

MOTION: TO APPROVE

Mr. Artner commented that he did not see an alternative location given the previous discussion about driving directions.

No one came forward from the public to speak.

ROLL CALL: Mr. Rivadeneira, Yes; Ms. Lore, Yes; Mr. Artner, Yes; Mr. Dangervil, Yes; Mr. Barasch, Yes. The motion passed with a 5-0 vote.

- 1F) **BA-09-2017** VARIANCE REQUEST FOR PERMISSION TO DEVIATE FROM THE REQUIRED SIDEWALK WIDTH OF 12-FEET AND THE ASSOCIATED LANDSCAPE AND STORMWATER SYSTEM MODIFICATIONS IN THE COCONUT CREEK PARKWAY RIGHT-OF-WAY FOR THE PROPERTY LOCATED AT 5185 COCONUT CREEK PARKWAY.

Andrew Pinney advised that the applicant had not met the public hearing sign requirements; therefore, staff requested that the Board table the item to the May 2, 2017 meeting.

Chad Dangervil made the following motion, seconded by Ms. Lore:

MOTION: TO TABLE TO THE NEXT BOARD OF ADJUSTMENT MEETING

ROLL CALL: Mr. Rivadeneira, Yes; Ms. Lore, Yes; Mr. Artner, Yes; Mr. Dangervil, Yes; Mr. Barasch, Yes. The motion passed with a 5-0 vote.

1G) **BA-10-17** VARIANCE REQUEST FOR PARKING MODIFICATIONS FOR THE TOSCANA PROJECT LOCATED AT 3050 TOSCANA PARK WEST

Andrew Pinney, using a PowerPoint presentation, showed an aerial view of the Toscana apartment complex. He said the recently built project consisted of 240 garden apartments and was located on approximately 10 acres. He said variances were being requested to accommodate additional parking on-site. He showed the survey of the property and advised that there were three components to their request: tandem parking; drive aisle dimension; and, parallel parking dimension.

He referenced Section 9.12 of the Code that applied to tandem parking which read, "Access to parking facilities shall be provided from alleyways, rear roads, or driveways..." For drive isle dimension, he referenced Section 33.2(B)(5) which read, "One-way parking for ninety-degree parking shall not be less than twenty-two (22) feet in width." For parallel parking, he referenced Table P within Section 33.2 which he said provided for a parallel parking stall of 9 feet wide by 22 feet deep with a 19 foot parking area at the first spot.

He showed the proposed site plan on the Mondopad and highlighted the areas for proposed modifications; he showed zoomed in views of the existing and proposed conditions. He pointed out that the proposed tandem parking spots would require the relocation of a bike rack and would encroach into the dog park area. He showed the area where five parallel parking spaces were proposed and advised it would require the drive isle to be reduced from 22 feet to 18 feet.

Mr. Pinney said Staff findings were:

- irregular "Z" shape of the lot
- wetland preserve in center
- limited developable land

He showed aerial views of the property and highlighted the irregular shape of the lot and the large wetland preserve in the center which could not be developed.

His said the Staff Recommendation was to deny the request for tandem parking because a person parking in the lead spot would be dependent on the person behind them for ingress and egress which could create safety and management issues. He said Staff recommended approval of the reduced drive aisle width and the reduction of 19-foot "no parking" area for the parallel spaces with the condition that all affected parking spots were labeled for compact vehicles only. He said the apartment management company would be relied upon to enforce the rules.

Tony Quevedo, HSQ Group, said he worked on the original site plan and there was a hardship with the wetland preserve that would have been a nice area for parking but Broward County required a perpetual easement there. He said he understood the reasons for denial of the tandem parking spaces. He said the project had been very successful and they were looking for some relief for the parking. He said they had already started some other approved parking

improvements that did not require variances but these additional five spaces were crucial for the buildings in that area.

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

MOTION: TO APPROVE

Mr. Dangervil asked whether the additional parking spaces were for the residents or for visitors. Mr. Quevedo said that none of the parking spaces is designated; they were open for anybody.

Mr. Barasch asked whether they had an appropriate amount of handicapped parking. Mr. Quevedo said none of the changes affected the handicapped parking. Mr. Barasch said he drove through and did not see many handicapped spots. Mr. Quevedo responded that they had the required handicapped parking spaces throughout the site.

Ms. Lore said she drove in there the day before and she said it was beautiful but it was extremely congested. She commented that putting in more parking spaces was unfair and uncomfortable for the residents. She asked if any of the guest spots would be changed to regular parking spots. Mr. Quevedo said the reason they were adding parking spots was to alleviate some of the congestion. She asked why so many units were put in when it was approved for one and one-half cars three years ago. Mr. Quevedo said the one and one-half parking ratio was in accordance with the City's code for the TOC (Transit Oriented Corridor). She commented that some of the units were two and three bedroom units, and that the parking was not adequate for the number of units that were in there.

Mr. Pinney respectfully encouraged the Board to stay focused on the scope of the variances. He said the amount of parking for the overall site was dealt with years ago and was not part of that evening's agenda.

Mr. Artner commented that he was not comfortable with eliminating the 19 feet requested for the parallel parking as it might be a safety issue with cars coming around the corner too fast. Mr. Quevedo clarified with the reduction in the drive aisle, they also restricted it to be a one-way drive aisle. Mr. Artner commented about visibility problems if larger vehicles parked there. He said the City needed to look ahead so as to prevent having to fix things afterwards. He said he would be willing to reduce it to 15 feet, but he was not comfortable with the zero fee for the parallel parking. Mr. Pinney clarified that it would not be zero feet. He pointed out that there would be curbing that would provide a lead-in and a lead-out that would provide maneuverability for entering and exiting a spot. Mr. Artner asked how many feet that provided. Mr. Quevedo explained and pointed out on the Mondopad that it was actually 27 feet from the curb point to where the car would be turning to the actual parking spot, and about 23 feet from another spot that he pointed out on the plan. Mr. Artner asked if there were any obstructive plants or bushes. Mr. Quevedo said it was just grass. Mr. Artner said it seemed there would be enough view around the corner to avoid an accident, if there was never anything taller than grass.

Having said that, Mr. Artner made the following amendment, seconded by Mr. Dangervil:

AMENDMENT: APPROVE WITH THE CONDITION THAT GREEN AREA WOULD BE NO HIGHER THAN GRASS FOR VISIBILITY PURPOSES

ROLL CALL: Mr. Rivadeneira, Yes; Ms. Lore, No; Mr. Artner, Yes; Mr. Dangervil, Yes; Mr. Barasch, Yes. The amendment passed with a 4-1 vote.

1H) **BA-11-17** VARIANCE REQUEST FOR PERMISSION TO HAVE A 2COP BEER AND WINE LICENSE AT THE LATIN CAFÉ'S NEW LOCATION AT 1011 NORTH STATE ROAD 7

Andrew Pinney referenced the Section 3.22 (VIII) of the Code which read, "No liquor license approval or beer and wine license approval for consumption on the premises shall be issued where the place of business designated in the application therefore is within one thousand (1,000) feet of a house of worship or a public or private elementary, middle or high school, or child care center. The distance shall be measured from the main entrance or front door of such house of worship, school or daycare to the main entrance of such place of business in accordance with subsection (IX)."

He continued with a PowerPoint presentation and showed an aerial view of the subject property which he noted was the former location of the Bei-Jing Express restaurant. He said a new business, Latin Café, would be taking over the location. He then referenced Section 3.22 (IX) which provided the methodology the Code prescribed as to how the distance separations were measured. He showed an aerial view which outlined the actual distance measured by a code officer who visited the property and determined it to be 916 feet.

Mr. Pinney said there were two ideas that he wanted to address. First, he explained that there had been a historical presence of alcohol licenses in the shopping center where the applicant was located; the other had to do with how the zoning lines were drawn. He showed a slide that identified four locations in the shopping center where the City had previously issued approvals for alcohol licenses. He said this location was just outside the 1,000 feet due to the different way the City measured. He pointed out that the business was located in the TOC City Center zoning district and he noted the importance of having a vibrant business community in the downtown city center. He showed an aerial view of the immediate area which outlined the zoning districts and showed the separation between the City Center and R-3 (low density multiple dwelling) where the church was located. He said if the church, which was also a permitted use within the City Center, had been located in the City Center, there would not be an issue. He explained that if the line had been pushed to the outer property line of the church instead of the inner one, it would be in the City Center district. There would not be an issue he said because in the commercial districts where churches and houses of worship were permitted, there was a provision that their right to distance separations from alcohol uses were waived. Since the church was located in a residential zoning district, that same right did not apply.

Mr. Pinney said Staff findings were:

- historical presence of alcohol licenses within the shopping center
- zoning district boundaries

He said the Staff Recommendation was for approval.

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

MOTION: TO APPROVE

Mr. Artner distributed copies of Margate and Broward County's code. He said he found something confusing which he said showed that Margate's code conflicted with Broward County's. Under Margate's Codes, he highlighted the following passages:

Under (VIII) (A) Distance Restrictions, line 3, "...within one thousand (1,000) feet of a house of worship or a public or private elementary, middle or high school, or child care center." On line 10, "The distance shall be measured from the front door of the licensee to the main entrance of the house of worship, school, or child care center. Any proposed use not meeting the specific distance restrictions listed above shall be prohibited."

Under Chapter 1, General Provisions, Section 1-11-County ordinances; conflict; effectiveness. Line 1, "any county ordinance in conflict with a municipal ordinance shall not be effective within the City of Margate to the extent of such conflict..., however, that the county ordinances shall prevail over municipal ordinances...As is further provided in the Broward County Charter, a county ordinance shall prevail over a municipal ordinance in the area of land use planning."

Mr. Artner said that the permitting of a liquor license in a specific place was land use planning.

He referenced Chapter 39, Article XI, of the Broward County code, and stated the following: "(b) The required one thousand (1,000) foot distance shall be measured and computed by following a straight line from the nearest point of the plot or property line of the educational center, place of worship or child care center to the nearest point of the building or structure, or part thereof, in which the alcoholic beverage establishment is proposed to be located." Also, further down the page, under (d)... "the applicant for such use shall furnish a certified survey from a land surveyor registered in the State of Florida, indicating the distance between the proposed establishment and any place of worship, education center, child care center and any existing alcoholic beverage establishment."

Mr. Artner said a copy of the survey was not in the back-up. He said the survey was required because the code read that if there were two different codes that did not conflict each other between the City of Margate and Broward County, they would complement each other. He said even though Margate's code did not require a survey, Broward County's code did, so it should be required particularly if Margate thought its measurement prevailed over Broward County's.

Mr. Pinney said he fully believed in the hierarchy of the government. He said the section of the City's charter that he cited specifically referenced land use planning which he said was jargon in the planning profession that referred to future land use. He referenced Mr. Ziskal's presentation during orientation where he explained the two documents that guided development within the City: the Margate Comprehensive Plan; and the Margate Zoning Code. He said Element 1 of the Comprehensive Plan was land use which also included a map with very general terms like R-4, commercial, industrial, office park, etc. He said it did not provide specific building guidance like height limitations, lot coverage, colors, etc. He said the Zoning Code complemented the Comprehensive Plan and it provided the specifics. He said it was staff's interpretation that use of "land use planning" in the Charter specifically referred to the Comprehensive Plan. He said the County also had a Comprehensive Plan and a Land Use Plan. He said Margate's Comprehensive Plan Land Use Map fit inside the County's Land Use Map. If this was a conflict between those two documents, he said the County would prevail. He said that was the section to which Mr. Artner had referred. With regards to Article XI of the Broward

County Code, he said Broward County had its own zoning code for unincorporated areas of Broward County, i.e., land within Broward County that was not within an incorporated city. He said anything within Margate's 9.2 square miles was subject to Margate's zoning codes.

Mr. Artner asked if that was defined anywhere or whether it was an interpretation. Mr. Pinney responded that it was staff's interpretation but he could look into it and, if necessary, he could have an ordinance created that would eliminate any questions. Mr. Artner said that he found that reading the code sections side-by-side was confusing and certain aspects of them were subject to interpretation. Mr. Pinney said he could appreciate his position. He assured Mr. Artner that this was not the first variance request for alcohol distance that had been heard using the exact same methodology and restriction. He said the City had decades of historical cases like this one that had come before the Board of Adjustment and this was the interpretation that had been used. He said the code could certainly be amended for clarity in the future.

Mr. Artner said his concern was that the restaurant was literally a stone's throw from the church. He said he came up with a distance separation of 340 feet when he applied Broward County's measurement method. He said he could not make a decision because he did not know which code applied.

Mr. Pinney explained that it was the Margate zoning code that applied for this case. He said in 2009, the city planner at that time had done extensive research on alcohol impacts to cities, separations, court cases, etc., and found that the walking measurement as used here held up better in appellate court versus the airline measurement when it went beyond the city's realm.

Mr. Artner said he wanted to make sure his decision was confirmed with the code of the law more so than the impact of the alcohol. Mr. Pinney explained that the code was put in place to throttle the impact of consumption of alcohol.

Angel Ameng, owner of Latin Café, said he had been in Margate three years. He said they acquired this new location to grow their business. He said they never applied for the alcohol license in their current location because they were only open for breakfast and lunch, even though he said they had received a lot of requests. He said they respectfully asked the Board to approve his request considering the added expense and the amount of requests they had at their current location which he said would help them generate revenue. He said they would be open for breakfast, lunch and dinner until no later than 11:00 p.m., even on weekends.

Ms. Lore asked whether the alcohol license was to consume on premises only. Mr. Ameng said they would not be selling alcohol for take-out.

Mr. Artner asked how hardship was defined. Mr. Pinney said he did not have the code section in front of him, but it was typically due to a unique condition on the property. Mr. Artner said that he did not see the proof of hardship. He said it would be understandable if the petitioner had an alcohol license previously and a decent portion of his income was from alcohol sales. Also, he said he had previously been opened for breakfast and lunch, and now he was going to be open for dinner which would provide more opportunity.

Mr. Pinney clarified that the petitioner had been in the city for three years and this was a new location for them. Mr. Ameng explained that the hardship would be measured in terms of lost revenue because he said they had received requests at their current location. He said they were moving because their current location was only 900 square feet, and they were barely breaking even because they had no room for growth and they were not able to provide some of the services. Mr. Ameng said that in retrospect if he had stayed open for dinner and provided alcohol services at their current location, they may have been done much better and would not have considered moving.

Mr. Pinney reiterated the historical presence of alcohol licenses within the shopping center and he said it was important to note the equitable use of the property. He commented that there were four other locations there that had alcohol licenses but because his was 100 feet east, he was not able to provide the same service to his patrons.

Mr. Artner commented that it did not appear that board members had compared the Broward County code against the City code in the past. Also, he stated that the hardship would not be lost income; rather it would be loss of opportunity for additional income. Mr. Pinney clarified that the Broward County zoning code did not apply within the municipal limits of Margate.

ROLL CALL: Mr. Rivadeneira, Yes; Ms. Lore, Yes; Mr. Artner, Yes; Mr. Dangervil, Yes; Mr. Barasch, Yes. The motion passed with a 5-0 vote.

3) **GENERAL DISCUSSION**

Mr. Barasch apologized and explained that his eyeglasses were broken so he asked the Vice Chair to assist him in running the meeting. He thanked everyone for their support.

There being no further business, the meeting was adjourned at 10:13 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Paul Barasch, Chair