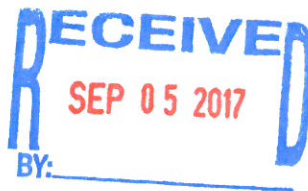


2017-612



BOARD OF ADJUSTMENT
CITY OF MARGATE, FLORIDA

BA # 19-17
HEARING DATE 10-3-17

VARIANCE REQUEST

PART I. TO BE COMPLETED BY PETITIONER

Applicant: Matthew E. Morrall Esq. Date: 9/11/17
Relationship to Subject Property: Attorney
Address of Property: 5350 Sample Road
Legal Description: See Exhibit A
Describe Variance Requested: See Exhibit B
List Details of Hardship: See Exhibit B
Matthew E. Morrall 2850 N. Andrews Ave., Ft. Lauderdale, Fl. 33311
Signature of Applicant Matthew E. Morrall Address
Phone # 954-563-4005 Fax# 954-566-7754
morrall@bellsouth.net
morrall@mattmorrall.com

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

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

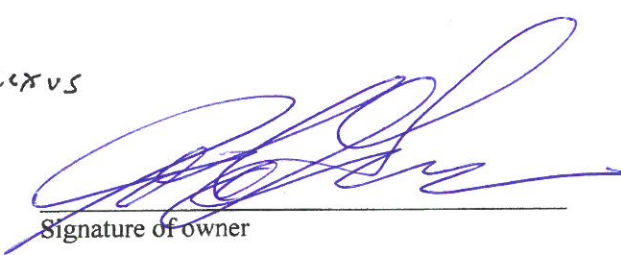
PROPERTY OWNER CERTIFICATION AND PERMISSION TO PROCEED

I hereby certify that I am the owner of the property located at 5350 SAMPLE ROAD, MARIETTA, FL 33073
being the subject property for this variance application, and I give authorization to
Matthew E. Morrell to file this petition for the said
variance.

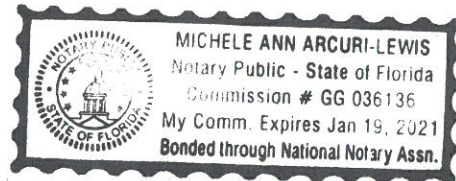
JM Auto, Inc. d/b/a JM Lexus

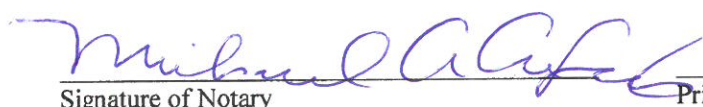
JOHN EVERARD

Print owner's name


Signature of owner

Subscribed and sworn to before me this 5th day of September
2017.




Signature of Notary

Print of type name of Notary

☒ Personally known to me

☐ Produced identification _____

(Notary seal)

EXHIBIT "A"

LEGAL DESCRIPTION

PARCELS 'A', 'B' AND 'C', WESTWOOD PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 140, PAGE 31, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS LYING IN THE CITY OF MARGATE, BROWARD COUNTY, FLORIDA, CONTAINING 17.790 ACRES (774,920 SQUARE FEET), MORE OR LESS.

CAF#358
01/01/04 Revised

8
6

EXHIBIT

City of Margate
*** CUSTOMER RECEIPT ***

Batch ID: RRODI 9/18/17 00 Receipt no: 179697

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

MATTHEW E. MORRALL, P.A.
OPERATING ACCOUNT
2850 N ANDREWS AVE
FT LAUDERDALE, FL 33311
BOA VARIANCE BA-19-17
JM LEXUS
5350 SAMPLE ROAD
BY MATTHEW MORRALL, P.A.
ADDRESS AS ABOVE
954-563-4005
MORRALL@MATTMORRALL.COM

Tender detail

CK Ref#:	3315	\$200.00
Total tendered:		\$200.00
Total payment:		\$200.00

Trans date: 9/18/17 Time: 9:23:22

HAVE A GREAT DAY!

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

Batch ID: RR0DI 9/18/17 00 Receipt no: 179686

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

MATTHEW E. MORRALL, P.A.
OPERATING ACCOUNT
2850 N ANDREWS AVENUE
FT LAUDERDALE, FL 33311
PUBLIC HEARING SIGN BOND
BOA VARIANCE BA-19-17
JM LEXUS
5350 SAMPLE ROAD
BY MATTHEW MORRALL, P.A.
ADDRESS AS ABOVE
MORRALL@MATTMORRALL.COM
954-563-4005

Tender detail
CK Ref#: 3316 \$150.00
Total tendered: \$150.00
Total payment: \$150.00

Trans date: 9/18/17 Time: 9:20:03

HAVE A GREAT DAY!



MARGATE
Together We Make It Great

PUBLIC HEARING SIGN REMOVAL BOND AGREEMENT
In accordance with Ordinance #1500.485

I, Matthew E. Morrell, petitioner of record and on behalf of the property owner, hereby agree that the subject public hearing sign shall be removed within two (2) business days following a final determination by the governing body. Further, it is understood that by complying with this section, the \$150 cash bond will be returned to the petitioner of record.

If said public hearing sign is not removed in two (2) business days, I hereby authorize the administration of the City of Margate to remove said sign, billing the costs of the removal of the sign to the owner of the property.

I understand that the \$150 (one hundred fifty dollar) cash bond shall be forfeited and applied against the cost of removal to the City of Margate if said public hearing sign is not removed in two (2) business days.

JM Auto, Inc.
Business Name

5350 SAMPLE ROAD
Address

Matthew E. Morrell
Signature

9/11/17
Date

OFFICE USE ONLY

Date of Decision: _____

Tabled to date
certain? _____

Two Business Days (after
decision) _____

COMPLIED? Y N

If YES, initiate check request to Finance (603-0000-220.18-00)

If NO, inform Finance to deposit Bond (001-0000-369.90-01)

EXHIBIT "B"

HEIGHT VARIANCE JUSTIFICATION

SUMMARY

JM AUTO, INC. d/b/a JM LEXUS ("JM Lexus") is an automobile dealership located at 5350 Sample Road, Margate, Florida 33073 (the "Property"). The Property is subject to the requirements of the City of Margate Land Development Regulations zoning classification Regional Business B-2A District Section 11.½.5 Height Limitation. JM Lexus is proposing to remove portions of buildings on the Property and add a parking garage structure that exceeds the height requirements of the B-2A zoning district.

REQUEST

Zoning District B-2A Section 11.½.5 limits the height of buildings to ranges from 25 feet to 60 feet depending on the use. Given the unique characteristics of the Property, the City, in 2003, granted an exception to these height limitations. The proposed parking garage requires a zoning variance to allow the following height per the plans submitted by JM Lexus to the Development Review Committee. The granting of the variance would result in three cornerstone towers features (one contains a stairwell) at seventy-nine feet and six inches (79'6") and one cornerstone tower feature at eighty-five feet and six inches (85'6"). This tower houses an elevator and a stairwell. The parking deck is at seventy feet and six inches (70'6") and the parapet wall is seventy-four feet (74') in height. The southeast corner of the garage facing nearby residents begins at sixty-four feet and six inches (64'6") and is gradually raised to sixty-seven feet (67') then seventy feet and six inches (70'6") as it recedes from the residents' property towards Sample Road. The request is to allow the parking garage to be granted a variance to allow the height as set forth above and in Exhibit "C".

REQUIREMENTS TO COMPLY

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

Response: JM Lexus reviewed the site and determined in order to comply with the height limitation most of the site would be a parking garage and as such would not be in compliance with Margate code for traffic circulation, emergency vehicle access and areas available for surface water retention and flow management. Given the size of the site and the physical characteristics of the site the proposed parking garage is a way to solve these issues.

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

Response: JM Lexus continues to be the world's number one volume Lexus dealer and the size limitation and physical shape of the Property limits its ability to store cars to maintain inventory. JM Lexus is also subject to dealership guidelines established by Toyota for the maintenance of its dealership and requirements for the Property. These proposed improvements meet updated

requirements and as such allow JM to continue to maintain its dealership rights with Toyota and comply with Toyota's guidelines. These requirements are not a result of the actions of JM Lexus.

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.

Response: JM Lexus is the only property subject to B-2A zoning in Margate but the B-2 and B-3 properties near the Property have height limitations of 100 feet. Therefore the granting of a variance will not confer any special privileges.

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.

Response: Not applicable as the Property is the only B-2A in the City and the request is for less height than the B-2 and B-3 zoning allowed nearby.

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

Response: The variance requested is the minimum that allows for emergency vehicles unencumbered access, traffic circulation on site and provides for the appropriate water management and retention to be accomplished on site.

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.

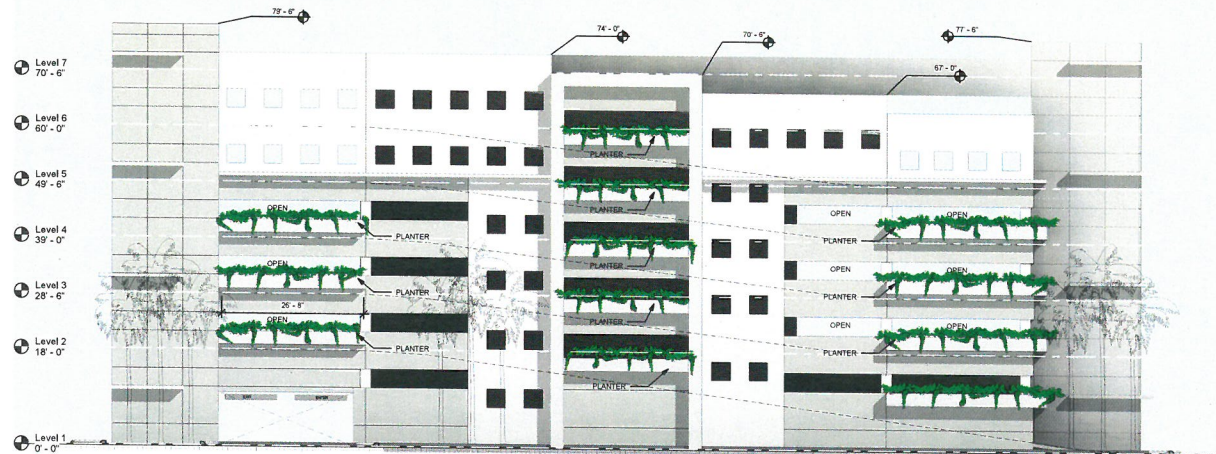
Response: The parking garage improvement will enhance the dealership and the surrounding area and is harmonious with the previous approved variance and the general intent and purpose of the B-2A zoning.

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

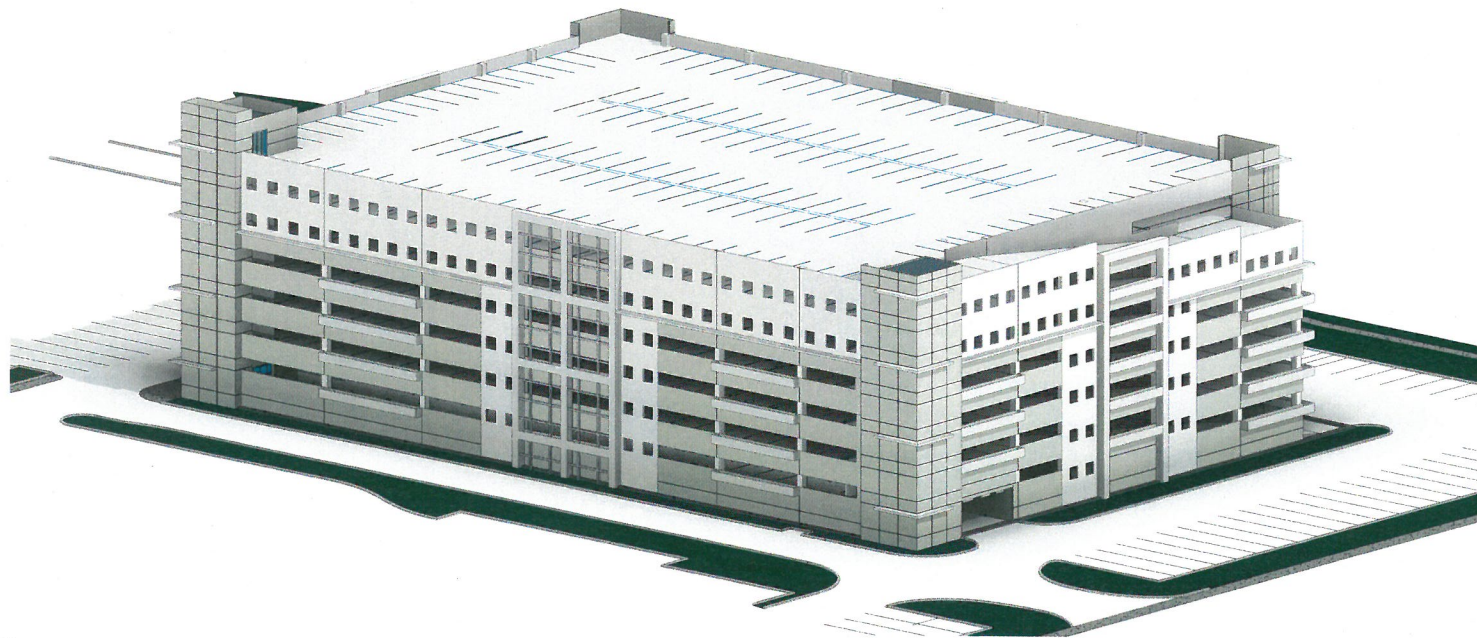
Response: The variance would not permit a use not allowed in a B-2A District.

CLOSING

JM Lexus respectfully requests the grant of the variance to allow JM Lexus to improve its Property to continue to be one of the premier Lexus automobile dealerships in the country and to continue to comply with automobile dealership guidelines associated with Lexus dealerships.



① EXTERIOR ELEVATION-SOUTH
3/32" = 1'-0"



② 3D VIEW 8

REVISIONS		
No.	Description	Date

SEA

CONSULTANT

STILES
ARCHITECTURAL GROUP
301 East Las Olas Blvd.
Fort Lauderdale, FL 33301
954-627-9180
FL REG # AA-26007798

A PROPOSED PARKING GARAGE AND CAR WASH BUILDING

FOR:

JM LEXUS OF MARGATE

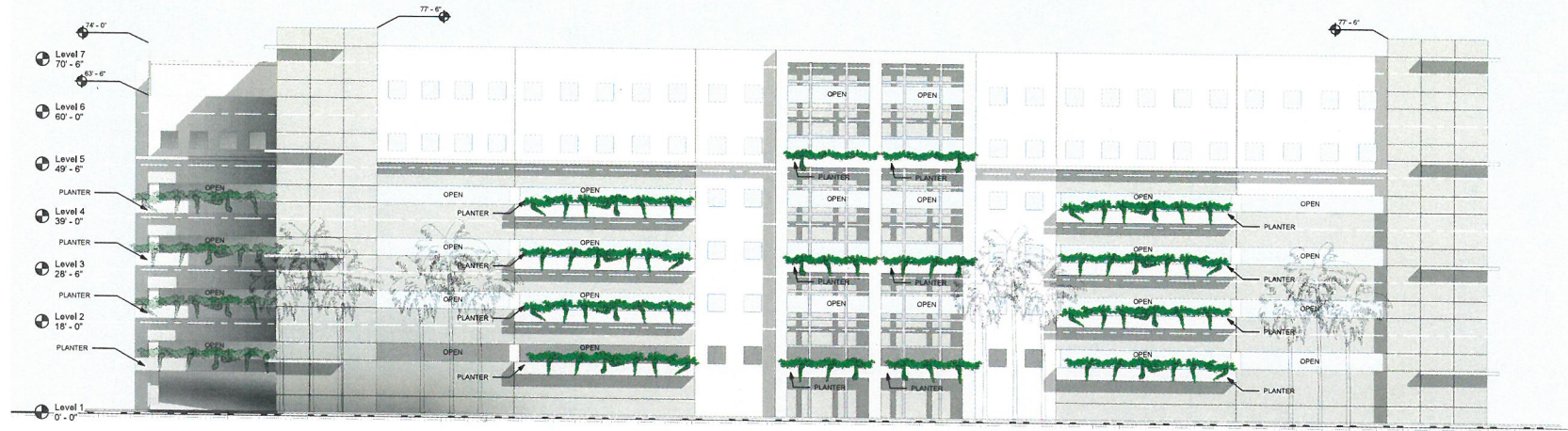
5350 W SAMPLE RD,
MARGATE, FL 33073

EXTERIOR ELEVATION

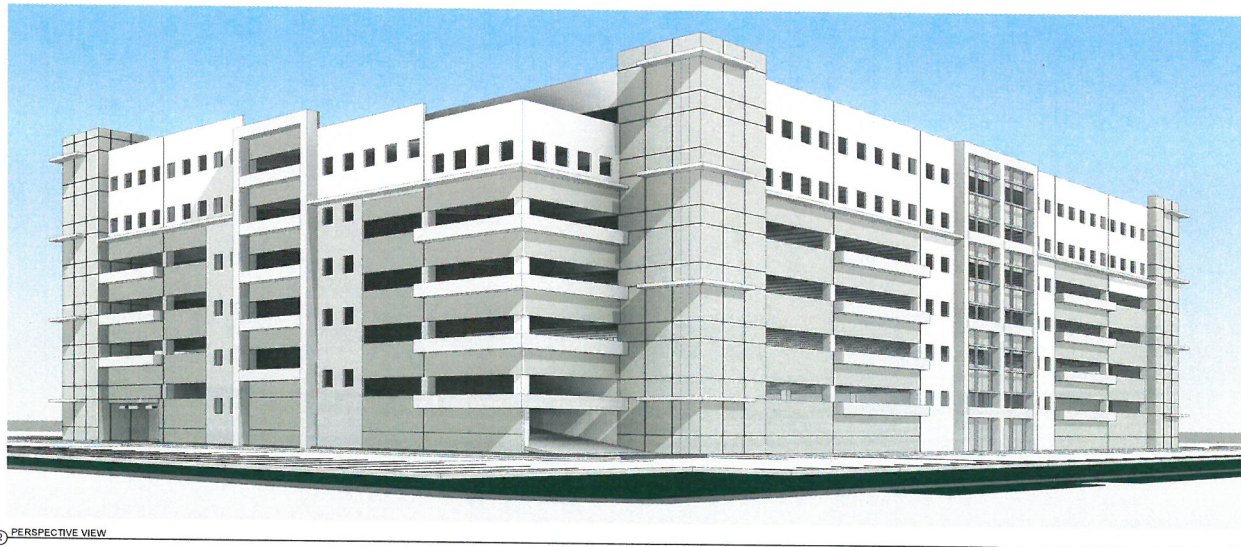
A-6.1

PROJECT NO. Project Number
DRAWN BY: Author
CHECKED BY: Checker
DATE: 04/24/17

Ex C

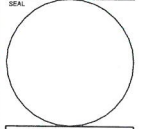


① EXTERIOR ELEVATION-EAST
3/32" = 1'-0"



② PERSPECTIVE VIEW

REVISIONS		
No.	Description	Date



CONSULTANT

STILES
ARCHITECTURAL GROUP
3000 E. Las Olas Blvd.
Fort Lauderdale, FL 33301
954-627-9180
FL REG # AA-2600798

A PROPOSED PARKING GARAGE AND CAR WASH BUILDING
FOR:
JM LEXUS OF MARGATE
5350 W SAMPLE RD,
MARGATE, FL 33073

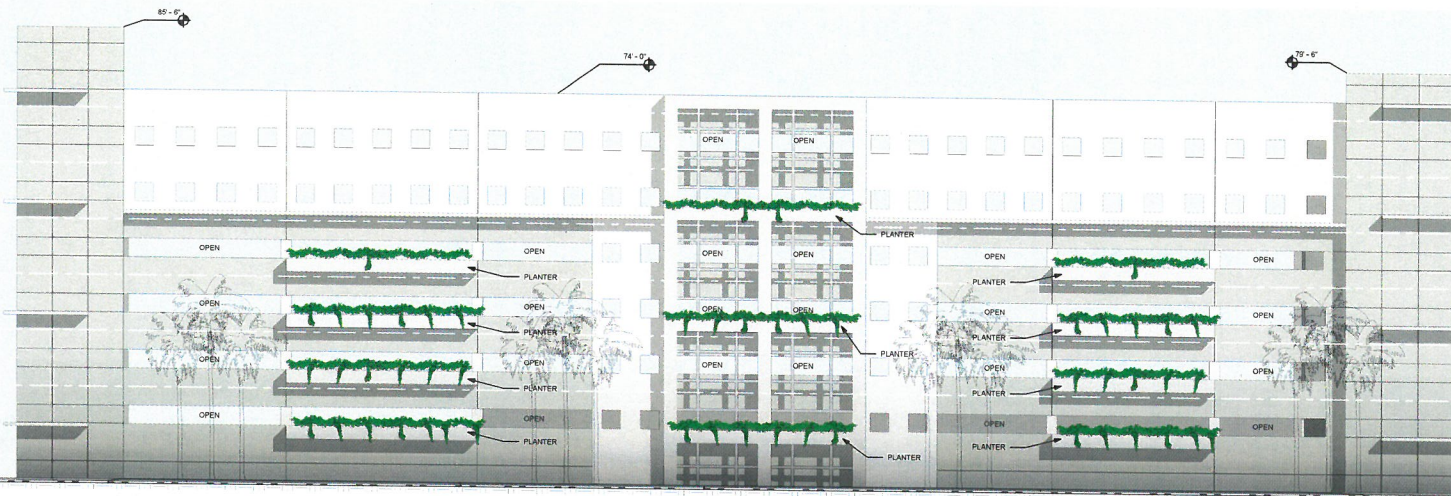
EXTERIOR ELEVATION

A-6.2

PROJECT NO. : Project Number
DRAWN BY : Author
CHECKED BY : Checker
DATE : 04/24/17

- Level 7
70'-6"
- Level 6
60'-0"
- Level 5
49'-6"
- Level 4
39'-0"
- Level 3
28'-6"
- Level 2
18'-0"
- Level 1
0'-0"

CANOPY



1 EXTERIOR ELEVATION-WEST
3/32" = 1'-0"



3 PERSPECTIVE VIEW

REVISIONS		
No.	Description	Date

SEAL

CONSULTANT

STILES
ARCHITECTURAL GROUP
10000 W. Sample Rd., Suite 3300
Fort Lauderdale, Florida 33301
954-427-9180
FL REG # AA-26001798

A PROPOSED PARKING GARAGE AND CAR WASH BUILDING

FOR:

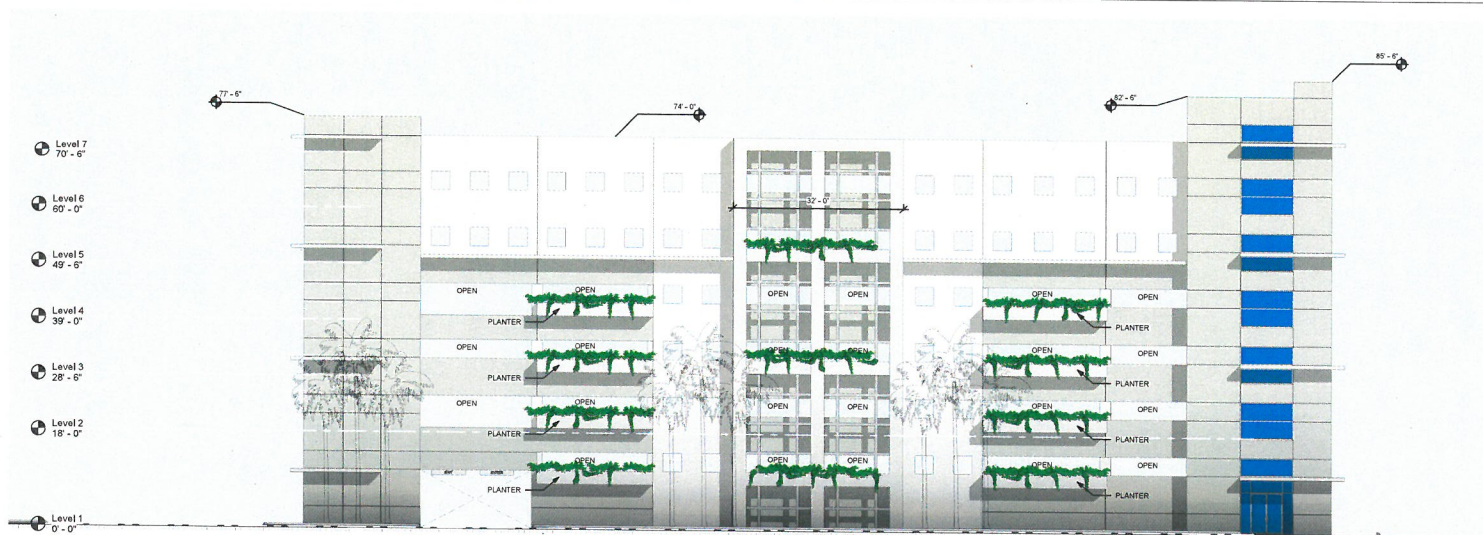
JM LEXUS OF MARGATE

5350 W SAMPLE RD,
MARGATE, FL 33073

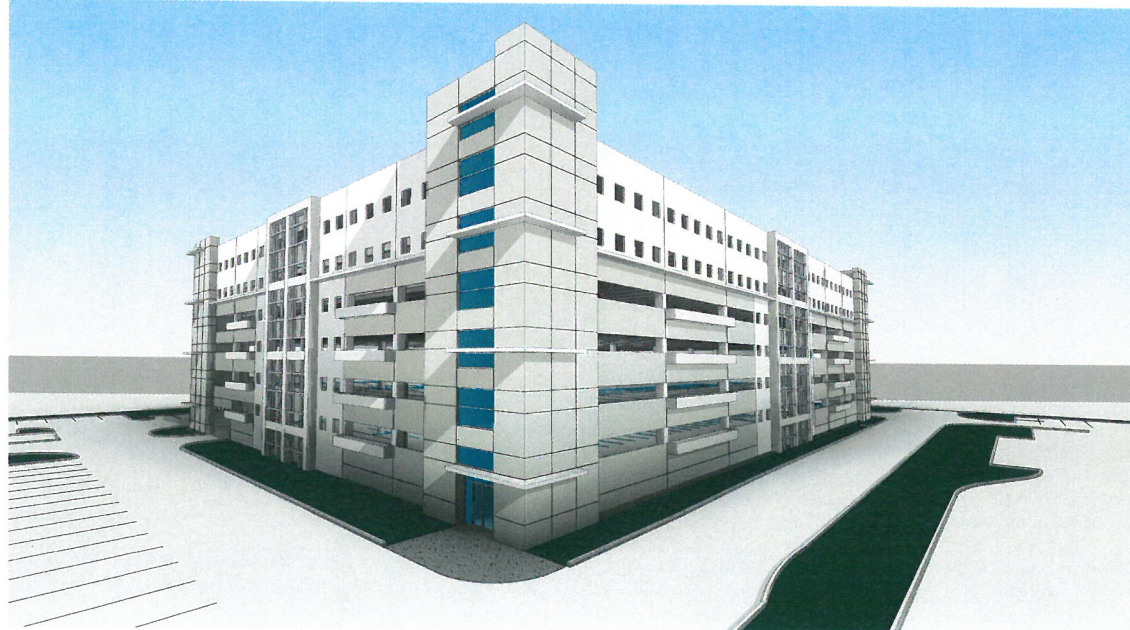
EXTERIOR ELEVATION

A-6.3

PROJECT NO. Project Number
DRAWN BY: Author
CHECKED BY: Checker
DATE: 04/24/17

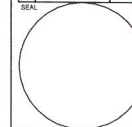


1 EXTERIOR NORTH ELEVATION
3/32" = 1'-0"



2 FRONT PERSPECTIVE VIEW

REVISIONS		
No.	Description	Date



CONSULTANT

STILES
ARCHITECTURAL GROUP
301 East Las Olas Blvd.
Fort Lauderdale, FL 33301
564-627-9180
FL REG # AA-26001798

A PROPOSED PARKING GARAGE AND CAR WASH BUILDING
FOR:

JM LEXUS OF MARGATE

5350 W SAMPLE RD.
MARGATE, FL 33073

EXTERIOR ELEVATION

A-6.4

PROJECT NO. Project Number
DRAWN BY: Author
CHECKED BY: Checker
DATE: 06/02/17

**October 3, 2017 Board of Adjustment Meeting
Staff Recommendation**

PETITIONER: Matthew E. Morrall, Esq. (Agent for JM Auto, Inc., dba JM Lexus)

LOCATION: 5350 West Sample Road, Margate, FL 33063

ZONING: B-2A Regional Business District

INTRODUCTION

JM Lexus is an auto dealership located at 5350 West Sample Road between Banks Road and Northwest 54th Avenue. The facility is undergoing a large-scale site improvement that includes renovations to the driveway entrance from Northwest 54th Avenue, a new full-service car wash facility located in the south central portion of the property, and 7-story parking garage located in the southeast corner. Final site plan approval was granted on August 22, 2017, for the driveway improvements. The proposed parking structure is 85' 6" at its highest point. The auto dealership was approved as a special exception use within the B-2A zoning district at the time of initial development.

The petitioner claims that the height restriction in the B-2A zoning district creates an undue hardship towards compliance with Margate code for traffic circulation, emergency vehicle access, and areas available for surface water retention and flow management. The petitioner also claims that JM Lexus is subject to the dealership requirements established by Toyota and the proposed parking garage expansion is necessary to maintain dealership rights with Toyota. The petitioner has met with the homeowner's association for the neighboring Fiesta townhouses located to the south.

HEARING NO.: BA-19-2017

SECTION OF CODE: Section 11 ½.5. Height limitation.

Code limits all uses permitted in the B-2A Regional Business District, other than retail stores and office buildings, to a maximum height of twenty-five feet. Petitioner is requesting permission to erect a parking structure that is 85' 6" to the highest point.

The subject property has a history of variance approvals associated with building height in the B-2A Regional Business district. Variance BA-29-92 was granted by the Board of Adjustment on October 1, 1992, for permission to construct a showroom building to a height of 34 feet. Variance BA-7-2003 was granted by the Board of Adjustment on March 6, 2003, for permission to construct a service center building to a height of 68 feet. The variance was granted following a claim by JM Lexus that additional vertical height was necessary in order to provide adequate surface area for drainage and site circulation. The petitioner is presenting a similar concern for the currently proposed parking garage. Staff finds that the requested variance is consistent with previous variances granted to the subject property.

The B-2A zoning district is more restrictive on maximum building height than the B-1 Neighborhood Business district, which allows up to 30 feet. The B-2Community Business district and B-3 Liberal Business district allow for a maximum height of 100 feet.

Staff finds that because the subject property is the only property in the City with a B-2A zoning designation, and other commercial zoning designations that permit an automobile dealership allow for a maximum height up to 100 feet, the granting of a variance would not confer a special privilege.

Planning staff finds that the proposed garage structure is consistent with the general intent of the zoning district to serve large-scale commercial uses along arterial highways. Staff also finds that the proposed garage structure is consistent with the scale and general character of existing buildings on the site, and would not detract from the surrounding area. Approval of a height variance is consistent with the intent of the Margate Zoning Code to provide for the highest and best use of the property.

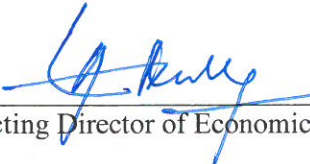
Due to the history of height variances granted for this property and the presence of less restrictive height limitations in nearby commercial zoning districts, staff recommends approval of this variance request.

RECOMMENDATION:

APPROVE

APPROVE WITH
CONDITIONS

DENY



Acting Director of Economic Development.

9/21/17

Date