



**CITY OF DANIA BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

DATE: December 13, 2011

TO: Robert Baldwin, City Manager

VIA: Robert Daniels, Director

FROM: Kristin Dion, AICP, City Planner *KD*
Corinne Lajoie, AICP, LEED Green Associate, Principal Planner *CL*

SUBJECT: **VA-38-11:** The applicant, Attorney Rod Feiner, on behalf of Broward Casting Foundry, Inc, is requesting a parking variance and a landscape variance for property located at 2240 SW 34 Street.

VARIANCE

To allow the following:

1. 17 parking spaces; code requires a minimum of 19 spaces. Section 265-170.
2. Outdoor storage without a landscape buffer; code requires a 10 foot landscape buffer for outdoor storage. Section 115-40.

PROPERTY INFORMATION

EXISTING ZONING: Industrial Research Office Marine – Airport Approach (IROM-AA)

LAND USE DESIGNATION: Industrial

Broward Casting Foundry, Inc. is a family owned and operated business established in the 1960's. Broward Casting produces cast aluminum products such as furniture, mail boxes, street signs, marine products and a variety of ornamental castings. The company has been in its current location, 2240 SW 34th Street, since 1986. At the time, the property was within unincorporated Broward County and had a heavy industrial Broward County zoning designation of M-3, which permitted this use. The use of this property to manufacture and store these products has not changed since its inception.

According to the Code Compliance Manager, there is an active code case on the property from 2007 which consists of several violations including outside storage, prohibited use of parking area, storage container on site and debris. The applicant is now seeking a variance to permit the reduction in parking and the outdoor storage container. The site was inspected by code compliance on September 16, 2011, and there were additional non-permitted outdoor structures that that must be removed. Staff will coordinate with the applicant to ensure that these structures are no longer onsite prior to the scheduled City Commission hearing.

PARKING VARIANCE

The original approved site plan provided 19 parking spaces. After Broward Casting moved into its current location, Florida Power and Light installed two power poles on the property within existing parking area. The location of the poles created a non-navigable area for vehicles. As a result, the property owner lost two parking spaces. This parking reduction did not result from the actions of the applicant. Due to the configuration of the building and parking, the relocation of the two parking spaces is not possible.

LANDSCAPE VARIANCE

After the installation of the FPL poles and loss of parking area, the property owner decided to use this space for extra storage and installed a railroad car to warehouse finished merchandise. The current zoning of IROM-AA permits for accessory outdoor storage provided a 10 foot landscape buffer is installed. The property is already developed and it is not possible to fit both the storage and the landscape buffer in this area. The main building does not have enough storage space for the amount of merchandise produced and the applicant requires extra warehouse space provided by the rail car. The container has been used for approximately 20 years in this location. The storage container is located on the south side of the property and abuts vacant industrial property owned by Broward County. It is partially screened by existing natural vegetation along the southern property line.

In accordance with Section 625-40 of the ULDC, variances may be granted when:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
- (2) The special conditions and circumstances do not result from the actions of the applicant;
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other lands, buildings or structures in this same zoning district;
- (4) Literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this code and would work unnecessary and undue hardship on the applicant;
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
- (6) The variance granted will be in harmony with the general intent and purpose of this Land Development Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

STAFF RECOMMENDATION

Approval with the condition that all other non-permitted structures are removed prior to the City Commission hearing.



City of Dania Beach, Florida
 Department of Community Development
 Planning and Zoning Division
 (954) 924-6805 X3643
 (954) 922-2687 Fax

Standard Development Application

- Administrative Variance
- Land Use Amendment
- Plat
- Rezoning
- Site Plan
- Special Exception
- Variance
- Other: _____ (SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

Date Rec'd: 10-31-2011

Petition No.: YA-38/11

THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS. Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Their failure to attend may impact upon the disposition of your application. As always, the applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division. For more information please reference the **Dania Beach Land Development Code Part 6, Development Review Procedures and Requirements.**

Location Address: 2240 SW 34th Street

Lot(s): 6 Block: 2 Subdivision: Reed A. Bryan

Recorded Plat Name: International Industrial Park (unrecorded)

Folio Number(s): 5042 2000 0665 Legal Description: see attached

Applicant/Consultant/Legal Representative (circle one) Rod A. Feiner, Esq.

Address of Applicant: 1404 S. Andrews Ave. Fort Lauderdale FL 33316

Business Telephone: 954-761-3636 Home: _____ Fax: 954-761-1818

E-mail address: rafeiner@coker-feiner.com

Name of Property Owner: Broward Casting Foundry, Inc.

Address of Property Owner: 2240 SW 34th Street, Dania Beach, FL 33312

Business Telephone: 954-584-6400 Home: _____ Fax: 954-321-0369

Explanation of Request: Variance
 For **Plats** please provide proposed **Plat Name** for **Variations** please attach **Criteria Statement** as per **Section 625.40 of the Land Development Code.**

Prop. Net Acreage: .48 Gross Acreage: .52 Prop. Square Footage: 21,000

Existing Use: light man./machine shop Proposed Use: Light Man/Machine shop with accessory outdoor storage

Is property owned individually, by a corporation, association, or a joint venture? Corporation

APPOINTMENT OF AN AUTHORIZED REPRESENTATIVE

I/we are fully aware of the request being made to the City of Dania Beach. If I/we are unable to be present, I/we hereby authorize Rod A. Feiner, Esq. and Coker & Feiner (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

Ronald J. Gatto Jr.
(Owner / Agent signature*)

(Joint owner signature if applicable)

NOTARY REQUIRED:

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged:

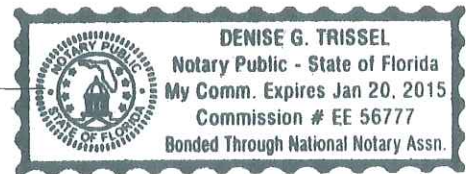
BEFORE ME THIS 10th DAY OF October, 2011 by:

RONALD J. GATTO JR.

(Print the owner(s) or agent name signing acknowledgment)

Who is/are Personally known to me or Produced Identification _____
Type of identification produced: _____ or Drivers License _____

Notary Signature: Denise G. Trissel
Printed name of notary: DENISE G. TRISSEL



*If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).

NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.

ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF BEFORE PROCESSING OCCURS.

REQUEST AND JUSTIFICATION FOR VARIANCE



Request

A. A variance is requested from Section 265-170 of the Code in order to permit a non-conforming parking lot to have 17 parking spaces instead of the 19 parking spaces which were approved on the initial site plan.

B. A variance is requested from Section 115-40 of the Code in order to permit accessory outdoor storage without the required 10 foot landscape buffer.

Justification

Statements common to all criteria.

Broward Casting was first established as a business in Broward County in the 1960s. Since that time the business has been and remains a family owned entity. In 1986, as part of the then Broward County Airport Expansion Project, Broward Casting was relocated to its current location of 2240 SW 34th Street. When Broward Casting was relocated to its current location Broward Casting received both a site plan approval and a variance for its light manufacturing and machine shop use from Broward County. When Broward Casting was relocated to its premises the property was located in Unincorporated Broward County and zoned M-3, which is the heaviest industrial and commercial zoning designation which a property can be given in Broward County.

Broward Casting has always maintained the same type of business and has always been engaged in the same type of business. Almost immediately after moving onto its current property Florida Power & Light installed two power poles on the property. The power poles were installed existing in parking spaces. Pictures of these power poles are included in this variance application.

The installation of the power pole in the rear of the property had an unintended effect with regard to the back area of the property and the two parking spaces behind the power pole. The installation of the power pole made this area unusable for parking. The turn ratio for any vehicle which would use these parking spaces became non-navigable and the backup area also became problematic. As a result of this area not being usable for parking, Broward Casting converted the back area to a storage use. Broward Casting installed a railroad car and used the internal space in the railroad car for storing material. The storage shed makes the rear area of the property usable and also functions to screen the actual storage or material.

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

A&B. The special conditions and circumstances which exist is that Florida Power & Light installed electrical power poles on the subject property in areas which were previously allocated for parking spaces. The installation of the power poles in the rear of the property made the area behind

the power pole non-usable for parking and perfect for accessory outdoor storage. Furthermore, the area in which the outdoor storage is occurring is not capable of supporting both the landscaping that would be required by Code as the area is composed entirely of pavement and there is neither irrigation or soil present on the site.

2. *The special conditions and circumstances do not result from the actions of the applicant.*

A&B. The special conditions and circumstances do not result from the actions of the applicant. Instead they were due to the actions of Florida Power & Light and the installation of power poles on the property in parking spaces.

3. *Granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other lands, buildings or structures in this same zoning district.*

A. Granting the variance will not confer on the applicant any special privilege. A variance for parking does not confer any special privileges as other buildings and structures can also obtain relief for off-street parking issues. In addition, no special privilege is being granted as the building on the property is already existing and the site is built out. To make up for the loss of two parking spaces the owner would have to demolish a part of its existing structure. Furthermore, there is more than sufficient parking for the use which is ongoing on the property as Broward Casting has more than a sufficient number of parking spaces for its employees and customers do not come to the business.

B. Granting the variance will not confer on the applicant any special privilege. Accessory outdoor storage is a permitted use in the IROM-AA zoning district. Furthermore, the property has already been developed and the landscape buffer that is required by Code for the accessory outdoor storage would encompass the area necessary for the accessory outdoor storage and make accessory outdoor storage an impossibility.

4. *Literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this code and would work unnecessary and undue hardship on the applicant.*

A. The literal interpretation of the provisions of the Code would work an unnecessary hardship on Broward Casting. The installation of the FP&L power/electrical pole has rendered these two parking spaces useless. The site has already been constructed and the buildings have been in existence on the site for over 25 years. The only manner in which the property can accommodate the two additional parking spaces required is for Broward Casting to demolish a part of a building which has been in existence for over 25 years and which is necessary for the business operations of the property. The requirement to demolish an already existing building would be a significant and undue hardship.

B. The literal interpretation of the provisions of the Code would deprive the applicant of rights enjoyed by other properties and cause an undue hardship on the applicant. The placement

of the power poles by FP&L in the rear of the property have effectively deprived the applicant of the use of the back portion of its property. The area was previously to be used for parking spaces. However, the installation of the power pole has prevented the rear of the property from being used for this purpose. If the space cannot be used for accessory outdoor storage then the rear of the property has no use whatsoever and that would work an unnecessary and undue hardship on the applicant. Furthermore, a 10 foot landscape buffer would also render the available area for storage minuscule so as to render the area useless. In addition to that, the area is already paved and the installation of both landscaping and the irrigation necessary to serve such landscaping will also cause undue hardship.

5. *The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

A. The granting of the variance is the minimum possible variance. The owner is only seeking a variance for those parking spaces which have been lost due to the imposition of the power poles. In addition, the owner has attempted to place the lost two parking spaces elsewhere on the site. These parking spaces cannot be placed elsewhere because the owner would then have to replace an existing landscape area with parking spaces or the parking spaces would cause a threat to traffic.

B. The granting of the variance is the minimum possible variance. The accessory outdoor storage area is only sought to be located on that area which has been rendered unusable by the installation of the power pole. Since the site had already been constructed there is no available area for landscaping to be placed. Furthermore, if a 10 foot landscape area were added to the proposed accessory outdoor storage area then the storage area would be reduced to a non-existent and non-functional area. In addition, since the site is already developed and the proposed storage area is to be located in area between two buildings, a smaller landscape area with accompanying irrigation is not reasonably possible.

6. *The variance granted will be in harmony with the general intent and purpose of this Land Development Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

A. The proposed variance is in harmony with the general intent and purpose of the land development code. The site currently has a sufficient number of parking spaces so the granting of the variance will not create any deficit in actual parking. In addition, the loss of the two parking spaces is the result of actions taken by FP&L and thus the intent of the Code, to provide sufficient parking spaces, is being met as no additional space on the site can be utilized for parking.

B. The granting of the variance will be in general harmony with the purpose and intent of the Code. The purpose of the landscaping requirement is to screen the accessory outdoor storage from adjacent properties and the road right-of-way. The accessory outdoor storage area will be effectively screened. The storage area is screened from adjacent property by existing buildings. In addition, the proposed storage area is screened from the rear because the rear of the property is owned by Broward County and that property is being used for airport clearance areas. Thus, the rear property is not going to be used. For any developmental purpose and the property to the rear also

acts as a buffer. Finally, the accessory storage area is effectively screened from the adjacent roadway by virtue of its both dead end location and the storage container in which the outdoor storage occurs.

Dion, Kristin

From: Rod A. Feiner [rafeiner@coker-feiner.com]
Sent: Wednesday, November 30, 2011 9:49 AM
To: Dion, Kristin
Cc: bcf@gattofurniture.com
Subject: RE: Broward Casting Variance

Kristin --

A brief little update. I spoke to my client (they are a brother and sister owner).

The goal was to have the machinery that is the reason for the non-compliance removed before the variance hearing. However, the brother of the ownership has had severe medical conditions over the past month. Specifically, he has been in and out of the hospital due to respiratory issues and they even had to put in a trachea to help him breath. Needless to say, these family medical issues with a family run business have caused delays in a wide variety of issues and spectrums, one of which is the removal of the sandblasting machine.

I have spoken to the sister. She is trying to remove the machine before the December 13th hearing. We will know more by the end of next week whether or not this is possible. If it is not possible, then we will agree to continue the variance hearing until the first meeting in January, 2012 (we can continue to a time certain to avoid having to re-advertise). That will give the added sufficient time to remove the sandblasting machine.

Thanks and I will keep you updated. Let me know if you have any questions or if this game plan is not sufficient for you.

Rod

Rod A. Feiner, Esq.
Coker & Feiner
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Fort Lauderdale, Florida 33316
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rafeiner@coker-feiner.com

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From: Dion, Kristin [mailto:kdion@ci.dania-beach.fl.us]
Sent: Monday, November 28, 2011 11:41 AM
To: Rod A. Feiner
Subject: Broward Casting Variance

Good Morning Rod,

As you requested, the staff report is attached for your review. Please relay to your client the importance of removing the other non-permitted structures. Since there are active code

11/30/2011

violations, we cannot support a variance request until the other structures are removed. If they are not removed prior to the commission hearing, we will table this item or recommend denial.

Thank you.

Regards,

Kristin Dion, AICP

Planner

Community Development Department
100 W Dania Beach Blvd
Dania Beach, FL 33004

P: 954-924-6805 x 3793

F: 954-922-2687

"Broward's First City"

400 N. E. 3RD AVENUE
FORT LAUDERDALE, FLORIDA

McLAUGHLIN ENGINEERING CO.
ENGINEERS - SURVEYORS

RECEIVED
OCT 31 2011
Planning Department

LOT 6, BLOCK 2 "INTERNATIONAL INDUSTRIAL PARK" UNRECORDED

INDICATES MARKERS
SCALE 1" = 30'

NOTE: ELEVATIONS SHOWN REFER TO
NATIONAL GEODETIC VERTICAL DATUM (1917)
AND ARE INDICATED IN US FEET.
REFERENCE BENCH MARK: INTERSECTION
PAVEMENT AT RAVENSWOOD RD. (S.W. 21ST AVE.) &
COLLINS RD. (S.W. 32ND ST.) ELEV. = 8.52

This property was not
abstracted for assessment,
revaluation or appraisal
way of record by
McLaughlin Engineering Co.



Surveyed this 12th day of March, 1974.
This survey meets the minimum technical
standards set forth by the Florida
Board of Professional Surveyors, Department
of Professional Regulation.

CERTIFICATE OF SURVEY

The East 100 feet of the West 535
feet of the North 210 feet of the
South 410 feet of the Northwest
one-quarter (NW $\frac{1}{4}$) of the Southeast
one-quarter (SE $\frac{1}{4}$) of the Southeast
one-quarter (SE $\frac{1}{4}$) of Section 20,
Township 50 South, Range 42 East.
Property also known as a portion of
Lot 10, REED A. BRYAN'S SUBDIVISION.

BROWARD COUNTY, FLORIDA

We hereby certify that we have this
day completed a survey of the above
described premises; that markers
have been set as indicated and that
this drawing is a true and correct
delineation thereof.

Dated at Fort Lauderdale, Florida,
this 18th day of March, 1974.

Building staked this 29th day of
April, 1974.

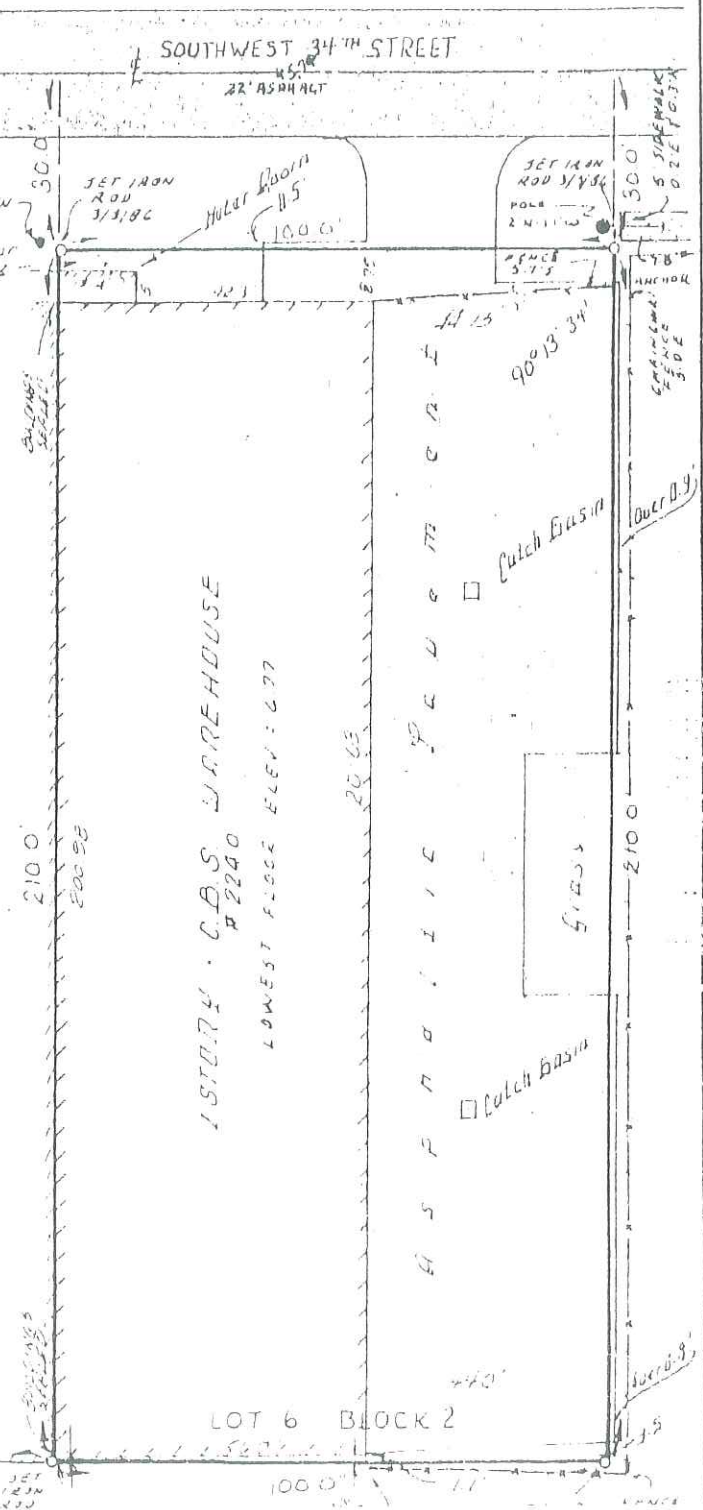
Foundation location made this 17th
day of June, 1974.

Walls located this 13th day of
August, 1974.

Walls located this 22nd day of
August, 1974.

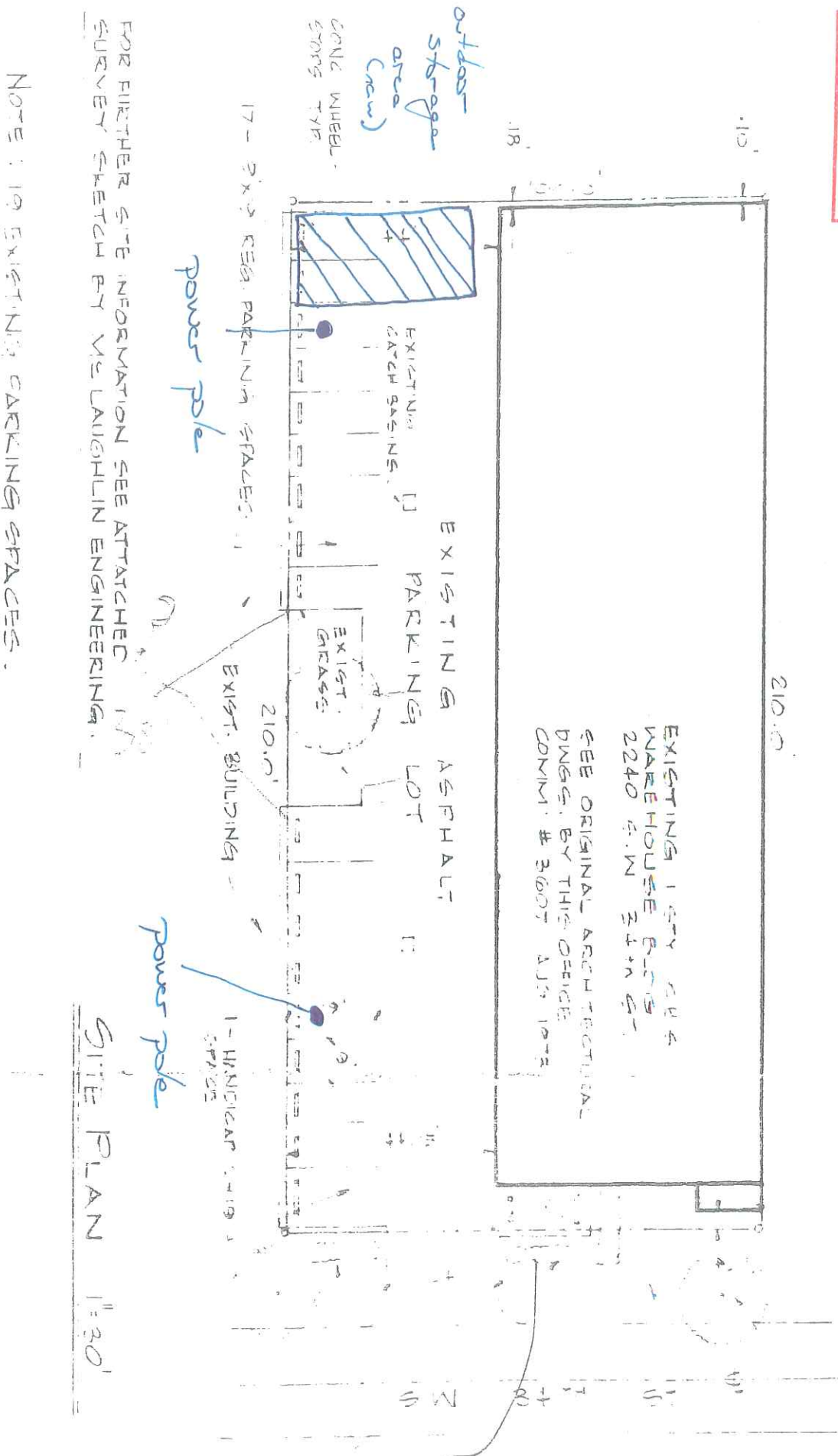
Final building location made this
24th day of June, 1976.

WEST LINE - ALL 1/4 - SE 1/4 - SECTION 20



McLAUGHLIN ENGINEERING CO.

RECEIVED
 OCT 31 2011
 Planning
 Department



NOTE: 17 EXISTING PARKING SPACES.

FOR FURTHER SITE INFORMATION SEE ATTACHED SURVEY SKETCH BY Mc LAUGHLIN ENGINEERING.

SITE PLAN 1"=30'



as of 9/16/11
Sail studies





VA-38-11
NOTICE OF PUBLIC HEARING
CITY OF DANIA BEACH

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Commission, on Tuesday, December 13, 2011, or as soon thereafter as possible in the Dania Beach City Commission Room, Administrative Center, 100 West Dania Beach Blvd., Dania Beach, Florida 33004, for the purpose of hearing any comments which might be made to the following request:

VA-38-11 – Attorney Rod Feiner, representing Broward Casting Foundry, Inc., is requesting the following variances for property located at 2240 SW 34TH Street in the City of Dania Beach:

- 1) 17 parking spaces; (Unified Land Development Code Section 265-170 requires a minimum of 19 spaces.)
- 2) Outdoor storage without a landscape buffer; (Unified Land Development Code Section 115-40 requires a 10 foot landscape buffer for outdoor storage.)

Property is legally described as: 5042 20 00 0665 20-50-42 E 100 OF W 535 OF N 210 OF S 410 OF NW1/4 OF SE1/4 OF SE1/4 AKA LOT 6 BLK 2 INTERNATIONAL PK

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE VARIANCE REQUEST SUBMITTED BY ATTORNEY ROD FEINER ON BEHALF OF BROWARD CASTING FOUNDRY, INC, FROM THE UNIFIED LAND DEVELOPMENT CODE PART 1 USE REGULATIONS SECTION 115-40 SECHDULE OF PERMITTED USES AND PART 2, SECTION 265-170 NONCONFORMING PARKING FACILITIES; FOR PROPERTY LOCATED AT 2240 SW 34TH STREET, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Copies of the proposed request(s) are available for viewing in the Community Development Department, 100 West Dania Beach Blvd., Dania Beach, Florida between the hours of 8:00 a.m. and 4:00 p.m., Monday – Friday please call (954) 924-6805 x3645 for more information. Interested parties may appear at the public hearing and be heard with respect to the proposed petition.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office, 100 W. Dania Beach Blvd, Dania Beach, FL 33004, (954) 924-6800 x3623, at least 48 hours prior to the meeting.

Please be advised that if a person decides to appeal any decision made by the Local Planning Agency, the Planning and Zoning Board or the City Commission with respect to any matter considered at this hearing, such person will need a verbatim record of the proceedings and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to based. The city does not provide or prepare such record pursuant to f.s. 286.0105.

Lou Ann Patellaro
Building and Planning Operations Mgr.

Friday, December 2, 2011



Variance - VA-38-11
2240 SW 34th Street
Broward Casting

