



CITY OF DANIA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT

**DATE:** February 14, 2012

**TO:** Robert Baldwin, City Manager

**VIA:** Robert Daniels, Director *Robert Daniels*

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

**SUBJECT:** **VA-02-12:** The applicant, Jay Mitchell, is requesting approval of a sign variance from Section 505-140(c) for a property located at 1437 South Federal Highway.

**VARIANCE:**

1. To allow a 53 square foot sign; code allows a maximum size of 45 square feet.
2. To allow a 3.5 foot high sign; code allows a maximum height of 2.5 feet.

**PROPERTY INFORMATION**

EXISTING ZONING:	South Federal Mixed Use (SFED-MU)
LAND USE DESIGNATION:	Regional Activity Center (RAC)
OVERLAY DISTRICT	Community Redevelopment Agency (CRA) and Principal Arterial Design Standards

The proposed sign is for a single occupant retail building on the northeast corner of Federal Highway and SE 15<sup>th</sup> Street. Total signage permitted by city regulations is 0.5 square foot per each 1 linear foot of building frontage, with a maximum vertical dimension of 2.5 feet. The subject building has a linear frontage of 90 feet along Federal Highway, allowing a 45 square foot sign. The proposed sign is approximately 53 square feet with a maximum height of 3.5 feet for the first letter, and the remainder of the sign is 2.6 feet in height. The applicant is also installing a sign on the SE 15<sup>th</sup> Street frontage which complies with city sign regulations.

The applicant states that the maximum signage permitted by code is not adequate for such a large building façade. In addition, the applicant feels that literal interpretation deprives the property of rights enjoyed by other properties in the same zoning district because it is not possible to install a monument sign due to the building's proximity to the street. Finally, the applicant feels that the variance request is a minimal amount and notes that McDonald's, which is located in the same area, is also a stand alone building that appears to have signage that exceeds code requirements.

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.

This application has been reviewed by the Community Development Department and the CRA Director. The subject property is the only large (6,100 square foot) stand alone retail building located on South Federal Highway with the exception of Baer's Furniture, which has a large wall sign as well as a monument sign.

#### **STAFF RECOMMENDATION**

Staff recommends approval.



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

RECEIVED  
JAN 09 2012  
Planning Department

### Standard Development Application

- Administrative Variance
- Land Use Amendment
- Plat
- Rezoning
- Site Plan
- Special Exception
- Variance
- Other: \_\_\_\_\_

Date Rec'd: \_\_\_\_\_

Petition No.: VA-02-12

(SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

**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: 1437 S. FEDERAL HIGHWAY DANIA BEACH, FL 33004

Lot(s): 5, 6, 7 Block: 2 Subdivision: ST. JAMES PARK, NORTH

Recorded Plat Name: PLAT BOOK 3, PAGE 33 OF BROWARD CO.

Folio Number(s): \_\_\_\_\_ Legal Description: \_\_\_\_\_

Applicant/Consultant/Legal Representative (circle one) \_\_\_\_\_

Address of Applicant: 525 N. OCEAN BLVD. - POMPANNO BEACH, FL 33069

Business Telephone: 954-766-8476 Home: 404-310-4888 Fax: \_\_\_\_\_

E-mail address: JAYMITCH@BELL SOUTH.NET

Name of Property Owner: T.B. ENTERPRISES REALTY HOLDINGS, LLC

Address of Property Owner: 3201 NE 183<sup>RD</sup> APT 3802 AVENTURA

Business Telephone: 954-647-1371 Home: 305-933-3494 Fax: \_\_\_\_\_ 33160

**Explanation of Request:** \_\_\_\_\_  
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: \_\_\_\_\_ Gross Acreage: \_\_\_\_\_ Prop. Square Footage: 5,800 SF

Existing Use: VACANT Proposed Use: RETAIL SALES OF HOUSEHOLD MERCHANDISE.

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

**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 \_\_\_\_\_ (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.

STATE OF FLORIDA  
COUNTY OF BROWARD  
The foregoing instrument  
was acknowledged

By: [Signature]  
(Owner / Agent signature\*)

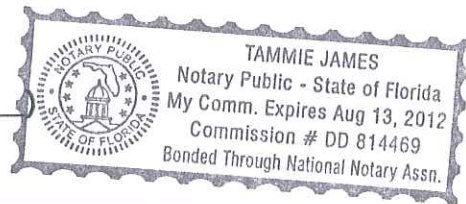
BEFORE ME THIS 05 DAY OF 01, 2012

By:

J.A. Mitchell  
(Print name of person acknowledging)

\_\_\_\_\_  
(Joint owner signature if applicable)

Notary Tammie James  
(Signature of Notary Public - State of FL)



Personally known \_\_\_\_\_ or Produced Identification \_\_\_\_\_

Type of identification produced: \_\_\_\_\_ or Drivers License DL

\*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.**

To: City of Dania

From: Jay Mitchell, Vice President - Halpern LTO.

To whom it may concern,

I respectfully request a variance for the size of our sign at 1437 US1 in Dania from two feet to three and a half feet.

Our building is a large, freestanding structure which was built in the middle 1960's. Buildings built in that era used small windows which create a large façade which, in turn, greatly diminishes the effect of a 2 foot high sign.

It should be noted that the McDonalds' sign, on a freestanding building, does not appear to be within the Code. I might respectfully submit that we should be afforded the same consideration given that we are, also, a freestanding building.

It is understood that the granting of a variance will not confer any special privilege that is denied by the code to other lands, buildings, or structures in this same zoning district.

The literal interpretation of the code would deprive our property of rights enjoyed by other properties in the same zoning district. For example, ours is a free standing structure which doesn't have the benefit of a pylon sign available to other businesses.

We seek a minimum variance (an increase in size of only one and a half feet in height) which will make our use of the building more reasonable for the type of business we conduct.

The variance should be in harmony with the general intent and purpose of the Code and the variance will not be injurious to the area involved or detrimental to the public welfare.

We understand that nonconforming conditions of neighboring lands and structures shall not be considered grounds for the authorization of a variance.

It is understood that in granting any variance, the city may prescribe conditions and safeguards intended to mitigate potential adverse impacts from the variance and ensures that the intent and purpose of the code is maintained.

Thank you for your time and consideration of our request. We look forward to working with the city while rehabilitating the structure.



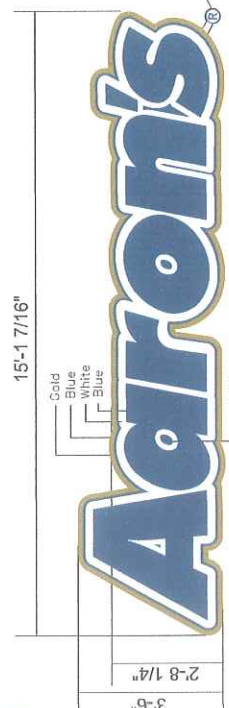
Jay Mitchell, V.P.



**PROPOSED**



**EXISTING**

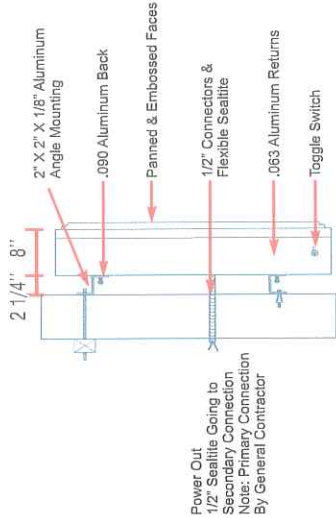


**3'-8" CLOUD SIGN -NEW STYLE ART**  
**TOTAL SQ. FT. : 52.92**

**CONSTRUCTION NOTES:**  
 S/F INTERNALLY ILLUMINATED CLOUD SIGN.  
 PENNED / EMBOSSED CLEAR LEXAN .150".  
 S/YLANIA 6500 T8 LAMPS  
 BACKS- .090" ALUMINUM.  
 RETURNS- .063" ALUMINUM.

TRADE MARK TO BE APPLIED TO CLEAR LEXAN OUT OUT ON ROUTER TABLE W/ FIRST SURFACE BLUE VINYL ORACAL 8542 CARIBIC BLUE VINYL TO BE ATTACHED TO BACK OF SIGN WITH K-LATH SCREWS PRIOR TO CRATING

**COLOR NOTES:**  
 AARON'S COPY- ORACAL 8500-542 CARIBIC BLUE VINYL.  
 PROCESSED WHITE BORDER/OUTLINE.  
 BLUE SECOND OUTLINE ORACAL 8500-542 CARIBIC BLUE VINYL.  
 GOLD THIRD OUTLINE PMS 871 RETURNS- PMS 871 GOLD.



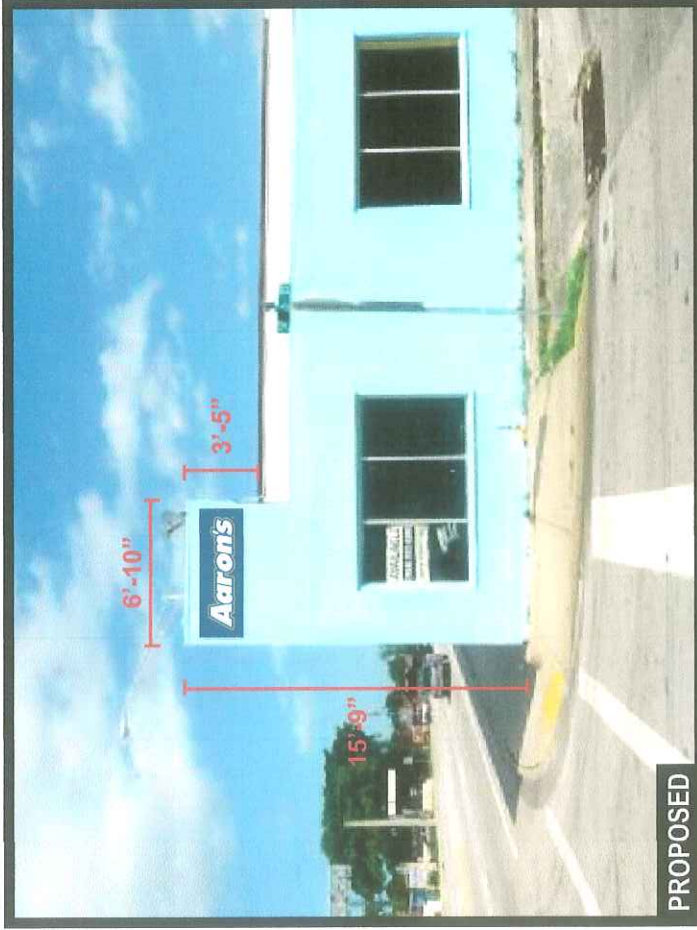
**MOUNTING DETAIL**

3/8" Wedge Anchors or 3/8" Threaded Rods  
 All Hardware Contingent on Actual Wall Construction.  
 (Silicone Caulk Seal At Wall Penetration)  
 \*ALL MOUNTING HARDWARE TO BE NON-CORROSIVE

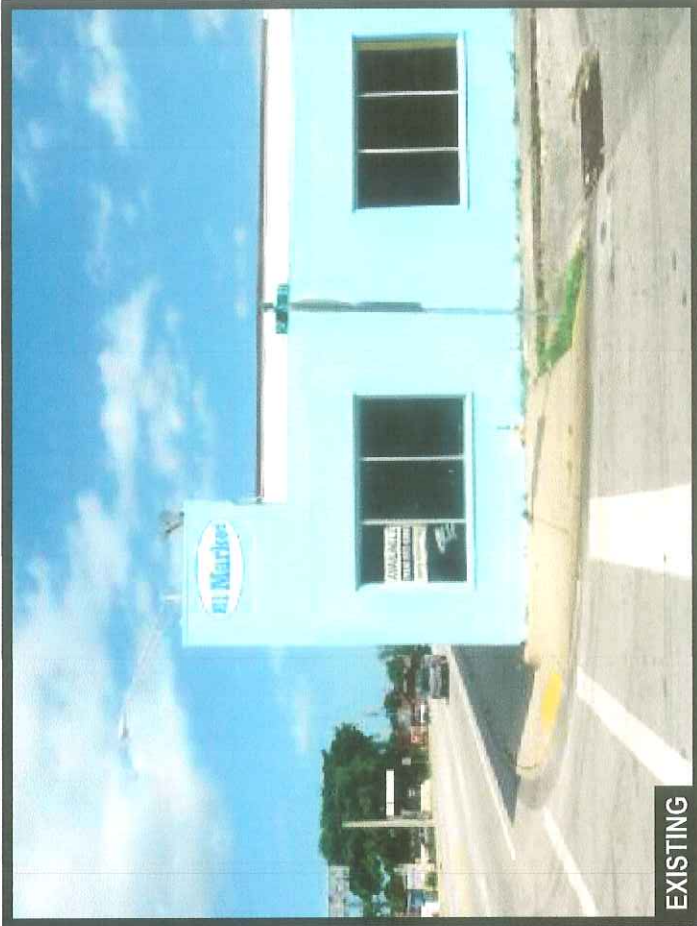
**ALLOWED SQ FT: 45.00**  
**PROPOSED SQ FT: 52.95**

**THIS DRAWING IS FOR CONCEPTION PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS SIZES OR LAYOUT MAY CHANGE.**

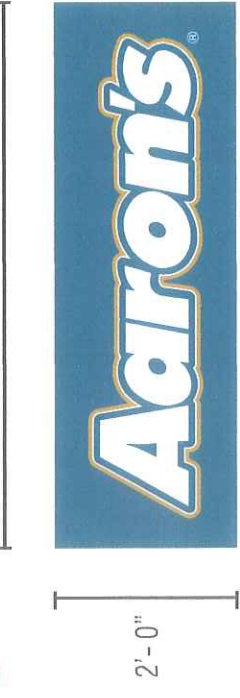
<b>I.D. ASSOCIATES</b>	ACC. REP: <b>LACY BERRY</b>	CLIENT: <b>AARON'S #FTBD</b>	REVISED: <b>11/29/11</b>	
	LOCATION: <b>DANIA BEACH, FL.</b>	SCALE: <b>NTS</b>	REVISED: <b>11/30/11</b>	
	DRAWN BY: <b>DMS</b>	DATE: <b>10/27/11</b>	REVISED: <b>12/06/11</b>	
	1771 INDUSTRIAL ROAD, DOTHAN AL. 36303 PHONE (334) 836-1400 FAX (334) 836-1401	DWG. NO.: <b>AR_FL_DANIA BEACH_FTBD_02</b>	REVISED:	



PROPOSED



EXISTING



**NOTES:**  
 FLAT ALUMINUM W/ GRAPHICS FIRST SURFACE  
 BACKGROUND- ORACAL 8500 542 CARIBIC BLUE  
 AARONS COPY- WHITE  
 FIRST OUTLINE- ORACAL 8500 542 CARIBIC BLUE  
 SECOND OUTLINE- WHITE  
 THIRD OUTLINE- ORACAL 8500-091 GOLD VINYL

ALLOWED SQ FT: 22.50  
 PROPOSED SQ FT: 12.00

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<b>I.I.D.</b> ASSOCIATES	ACC. REP: <b>LACY BERRY</b>	CLIENT: <b>AARON'S #FTBD</b>	REVISED:
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		SCALE: <b>NTS</b>	REVISED:
		DRAWN BY: <b>DMS</b>	REVISED:
		DATE: <b>10/27/11</b>	REVISED:
		DWG. NO.: <b>AR_FL_DANIA BEACH_FTBD_03</b>	REVISED:





VA-02-12  
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, February 14, 2012, 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:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST FOR A SIGN VARIANCE SUBMITTED BY JAY MITCHELL, VICE PRESIDENT HALPERN LTO, LLC. FROM THE DANIA BEACH LAND DEVELOPMENT CODE SECTION 505 "SIGN REGULATIONS"; FOR PROPERTY LOCATED AT 1437 SOUTH FEDERAL HIGHWAY, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Jay Mitchell, Vice President of Halpern LTO, LLC, is requesting the following variances relating to signage in the Community Redevelopment Area (CRA) South Federal Mixed Use (SFED-MU) zoning District:

1. To allow a 53 square foot sign; (Land Development code allows a maximum size of 45 square feet pursuant to Section 505-140(c)).
2. To allow a 3.5 foot high sign; (Land Development code allows a maximum height of 2.5 feet pursuant to Section 505-140(c)).

Property located at 1437 South Federal Highway, in the City of Dania Beach

Property is legally described: ST JAMES PARK NORTH 3-33 B LOT 5 LESS W 7,6 LESS W 7 BLK 2

A copy of the proposed request(s) is 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 x3643 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 be based. The city does not provide or prepare such record pursuant to f.s. 286.0105.

Community Development Department/Planning Division  
Friday, February 3, 2012



# Location Map



Variance VA-02-12  
Jay Mitchell, VP Halpern LTO, LLD  
1437 South Federal Highway



Scale: 1" = 100' (Not to Scale)  
City of Jacksonville, Florida

