

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: \_\_\_\_\_

**RECEIVED**  
 Date Rec'd: DEC 22 2015  
 Petition No.: VA-138-15

BY: \_\_\_\_\_

(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: 400 Gulfstream Way, Dania Beach, FL 33004

Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: The NCL Plat

Recorded Plat Name: The NCL Plat Plat Book 150, Page 50

Folio Number(s): 504233490024 Legal Description: See attached

Applicant/Consultant/Legal Representative (circle one) Heidi Davis Knapik, Esq. c/o Gunster

Address of Applicant: 450 E. Las Olas Blvd., #1400, Fort Lauderdale, FL 33301

Business Telephone: 954-468-1391 Home: \_\_\_\_\_ Fax: 954-523-1722

E-mail address: hdavis@gunster.com

Name of Property Owner: Fort Lauderdale Courtyard, LLC

Address of Property Owner: 1065 Kane Concourse, Suite 201 Bay Harbor Islands, FL 33154

Business Telephone: 305-866-7555 Home: \_\_\_\_\_ Fax: \_\_\_\_\_

**Explanation of Request:** Variance to conform legally non-conforming height due to Code change - Sec. 205-10(D).  
 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: 2.71 Gross Acreage: \_\_\_\_\_ Prop. Square Footage: 118,052

Existing Use: Hotel Proposed Use: Hotel / No change

Is property owned individually, by a corporation, association, or a joint venture? Florida limited liability company

**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 Heidi Davis Knapik, Esq. of Gunster (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 4<sup>th</sup> DAY OF December 20 15

By: Tiffannie Myrick Morris  
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary [Signature]  
(Signature of Notary Public - State of Florida)



Tiffannie Myrick-Morris  
COMMISSION # FF191688  
EXPIRES: January 21, 2019  
WWW.AARONNOTARY.COM

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

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

**\*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.**



**CRITERIA STATEMENT**  
**FORT LAUDERDALE COURTYARD, LLC**

Fort Lauderdale Courtyard, LLC (the "Applicant") is requesting a variance from Dania Beach Land Development Code Section 205-10(D), to conform the height of the existing Courtyard Marriott Hotel located at 400 Gulfstream Way, Dania Beach, Florida, after a code change rendered the height legally, non-conforming.

As such, the Applicant provides the following information which satisfies the City's Variance Criteria set forth in Section 625-40:

**(1) That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city.**

The Courtyard Marriott Hotel was approved on June 25, 2002, under the old zoning code whereby the height requirement was a maximum of 5 stories or 62 feet. The Hotel's site plan was approved at 6 stories, 60 feet and no height variance was required at the time. In fact, a height variance application was submitted by the Applicant, but was returned, as a variance was not needed because the structure was only 60 feet in height. When the Code changed to a form based, tabular structure in 2010, the IROC zoning district dimensional chart indicated that the maximum height was "5/62", referring to stories/feet. According to City Staff, this Code change to the chart format renders the structure legally nonconforming. Because this is an existing structure, the requested height variance to legally conform the structure maintains the basic intent and purpose of the current regulations as it will not adversely affect the stability and appearance of the City. The height of the existing structure will not change.

**(2) That the requested variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.**

Again, the requested variance will not change the height of the existing structure. The Courtyard Marriott Hotel has been in existence since 2002. The structure and its use as a hotel are extremely compatible with the surrounding land uses and are not detrimental to the community in any way. The Hotel is located within Sportsman's Park adjacent to the Tri-Rail Station, I-95, Bass Pro Shops and the Fishing Hall of Fame, and is close proximity to the airport, making this hotel use very compatible with the surrounding land uses.

**(3) That the requested variance is consistent with, and in furtherance of, the goals, objectives and policies of the adopted Comprehensive Plan, as amended from time to time, and all other similar plans adopted by the city.**

Approval of the requested variance is consistent with the comprehensive plan of the City because hotels are permitted uses within the Industrial future land use category and mixed use IROC zoning district (Section III.C.1.k. Industrial Use, Future Land Use Element). Additionally, the

variance is consistent with the goals, objectives and policies of the City's Comprehensive Plan at the time the Hotel was constructed. The development enhances the tax base of the community (Policy 5.1); it creates a quality development (Policy 5.2); its land uses are properly identified and consistent with the comprehensive plan (Policy 5.5); its local land use plan and zoning ordinance establish differing intensities of commercial development compatible with adjacent and surrounding land uses. (B.C.P. #02.04.03) (Policy 5.6); the development is compatible with adjacent land uses (Policy 9.2); the permitted uses of the Comprehensive Plan permit the mixing of land uses consistent with land development. (Policy 10.2).

**(4) That the plight of the petitioner is due to unique circumstances of the property or petitioner which would render conformity with the strict requirements of the subject regulations unnecessarily burdensome.**

At the time the Courtyard Marriott Hotel's site plan was approved and developed, the development was in compliance with the City Code as to land use and zoning requirements. Subsequently adopted amendments which changed the height requirement for the structure have made the structure legally nonconforming. This legally nonconforming status is adversely affecting the Applicant and its ability to refinance the property in order to maintain it in a viable and first class condition. Additionally, if the structure is damaged or destroyed, there may be an inability to reconstruct the structure to its current format, losing an entire floor of the Hotel and many existing hotel rooms. The legally nonconforming status and the strict requirements of the current regulations are creating a hardship for the Applicant, as its lender will not allow the Applicant to refinance the property due to the potential loss or destruction and inability to reconstruct the property, as a result of the change of the Code.

**(5) That the variance requested is the minimum variance that is necessary to afford relief to the petitioner, while preserving the character, health, safety and welfare of the community.**

The requested variance is the minimum necessary to restore the structure to legal conforming status without disrupting the operation of the Hotel which has been in existence for over 12 years. Granting the height variance will not change the structure and will preserve the character, health, safety and welfare of the community.

RESOLUTION NO. 2002- 094

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST SUBMITTED BY GUNSTER, YOAKLEY & STEWART, P.A., REPRESENTING FINVARB HOSPITALITY, INC. (COURTYARD BY MARRIOTT), FOR PROPERTY LOCATED NORTH OF THE BASS PRO SHOPS 200-220 GULFSTREAM WAY AND THE IGFA MUSEUM 230 GULFSTREAM WAY, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 8.4 of Article 1 of Chapter 8 of the Code of Ordinances of the City of Dania Beach, Florida, states that a site plan is required as a condition to the issuance of a building permit; and

WHEREAS, the firm Gunster, Yoakley & Stewart, P.A. representing Finvarb Hospitality, Inc. (Courtyard by Marriott) have applied for site plan approval for the proposed construction of a 174 room hotel to be located North of the Bass Pro Shops 200-220 Gulfstream Way and the IGFA Museum 230 Gulfstream Way, Dania Beach; and

WHEREAS, the Planning & Zoning Board on May 15, 2002, recommended that the City Commission grant the site plan request (SP-23-02), based upon the criteria set forth in Section 8.4 of Article 1 of Chapter 8 of the Code of Ordinances of the City of Dania Beach;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That that certain application (SP-23-02) for site plan approval, a copy of which is attached and made a part of this Resolution as Exhibit "A" is approved, subject to the following conditions:

- a) A \$5,000 contribution to the City's Tree Fund for trees to be placed around the lake.
- b) Substitution of two (2) Gumbo Limbo trees with two (2) Live Oak trees.
- c) Michael Sheridan, Public Works/Utilities Director, shall approve the final drainage calculations for the site.
- d) The name of Dania Beach to be shown wherever the geographic location of the hotel appears.
- e) The project shall include landscaping similar to the roadway treatments at Bass Pro Outdoor World.

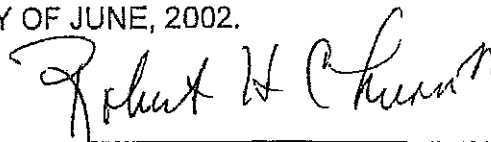
It is further noted that the original Site Plan is maintained in the office of the Growth Management Department of the City of Dania Beach.

Section 2. That based upon the criteria set forth in Section 8-4(p) of Article 1 of Chapter 8, of the Code of Ordinances of the City of Dania Beach, all site plan approvals shall automatically expire and become null and void unless building permits are obtained on or before 18 months from the date of this resolution.

Section 3. That all resolutions or parts of resolutions in conflict with this resolution are repealed to the extent of such conflict.

Section 4. That this resolution shall be in force and take effect immediately upon its passage and adoption.

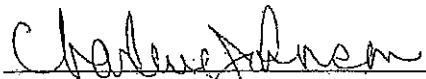
PASSED AND ADOPTED THIS 25<sup>th</sup> DAY OF JUNE, 2002.



---

ROBERT H. CHUNN, JR.  
MAYOR-COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
CHARLENE JOHNSON  
CITY CLERK

ROLL CALL:

COMMISSIONER BERTINO - YES  
COMMISSIONER MCELYEA - YES  
COMMISSIONER MIKES - YES  
VICE-MAYOR FLURY - YES  
MAYOR CHUNN - YES

APPROVED AS TO FORM AND CORRECTNESS:

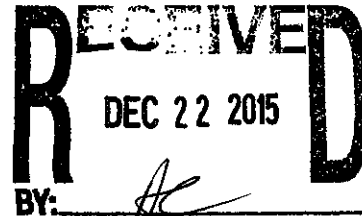
BY:   
\_\_\_\_\_  
THOMAS J. ANSBRO  
CITY ATTORNEY



December 22, 2015

**VIA HAND DELIVERY**

Corinne Lajoie, AICP,  
Principal Planner  
City of Dania Beach, FL  
100 W. Dania Beach Boulevard  
Dania Beach, Florida 33004



**Re: Height Variance Application on behalf of Fort Lauderdale Courtyard, LLC,  
for Property Located at 400 Gulfstream Way, Dania Beach, Florida  
("Application")**

Dear Corinne:

Enclosed please find the following in connection with the Application:

1. Check in the amount of \$2,300.00;
2. Variance Application;
3. Variance Criteria Statement;
4. Resolution No. 2002-094 approving the Courtyard Marriott site plan;
5. Courtyard Marriott site plan;
6. Courtyard Marriott elevations; and
7. Signed and sealed survey dated April 24, 2015.

Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

Heidi Davis Knapik

HDK/mh  
Enclosures  
cc w/o encls via email: Mr. Robert Finvarb

FTL\_ACTIVE 4663904.1