



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

DATE: February 9, 2016

TO: Robert Baldwin, City Manager

VIA: Marc LaFerrier, AICP, Director *[Signature]*

FROM: Corinne Lajoie, AICP, LEED G.A., Planning and Zoning Manager *CA Lajoie*

SUBJECT: **VA-138-15:** The applicant, Heidi David Knapik, Esq. c/o Gunster, on behalf of the property owner, Fort Lauderdale Courtyard, LLC., is requesting a variance for the property located at 400 Gulfstream Way.

**REQUEST
VARIANCE**

To allow a building height of six (6) stories/sixty (60) feet; code permits a maximum height of five (5) stories/sixty-two (62) feet; per Section 205-10.

PROPERTY INFORMATION

EXISTING ZONING: Industrial, Research, Office, Commercial (IROC)

LAND USE DESIGNATION: Commercial

The subject property is the current location of the Fort Lauderdale Courtyard by Marriott hotel located in Sportsman Park. This property is built and operating as a hotel.

VARIANCE

The applicant has identified in their justification statement that the hotel was approved on June 25, 2002 under the old zoning code which allowed a maximum building height of five (5) stories or sixty-two (62) feet.

On September 25, 2002 the City Commission approved the City's new Land Development Code, referred to as OneCode, which changed the maximum height allowed to five (5) stories/Sixty-two (62) feet. This change makes the now built hotel a legal non-conforming structure. The applicant is requesting this variance to restore the property as a legal conforming structure.

Section 625 of the City's LDC states, the City Commission or Planning and Zoning Board, if applicable, shall hold its public hearing and, after consideration of the staff recommendation and public input, if any, may deny, approve or approve with conditions the application for variance, based upon its determination that the request meets the criteria identified in Section 625-40, which are identified below.

(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."

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

(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."

(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."

(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 applicant provided a justification statement identifying how their request is consistent with the Variance criteria.

This application requires one (1) public hearing.

STAFF RECOMMENDATION

Approve the variance request.