



**BOARD OF ADJUSTMENT NOTICE**

October 21, 2019

A Public Hearing will be held before the Board of Adjustment on: **Wednesday, November 13, 2019 at 6:30 P.M.**

In the City Commission Chambers, City Hall, 1<sup>st</sup> Floor, 100 North Andrews Avenue, to determine whether the following application should be granted:

**CASE:** B19033  
**OWNER:** OAKLAND 95 LLC  
**AGENT:** N/A  
**ADDRESS:** 2598 NW 18 TERRACE, FORT LAUDERDALE, FLORIDA 33311  
**LEGAL DESCRIPTION:** OSSWALD PARK 143-29 B PT OF PARCEL A DESC'D AS, BEG AT NE COR OF NW1/4 OF SW1/4 OF SEC 28, W 45, SE 54.78, N 32 TO POB  
**ZONING:** M3 (Broward County Zoning)  
**COMMISSION DISTRICT:** 3  
**REQUESTING:**

**Sec. 39-307. General provisions.**  
**(h) Use of premises without buildings.** Except for vehicle, equipment or bulk material storage yards, all permitted uses shall be conducted from a building on the plot which building shall be a minimum of one hundred fifty (150) square feet in area and which shall contain permanent sanitary facilities.

The applicant is requesting a variance to allow storage of materials and equipment in addition to conducting the actual work process outside of a building.

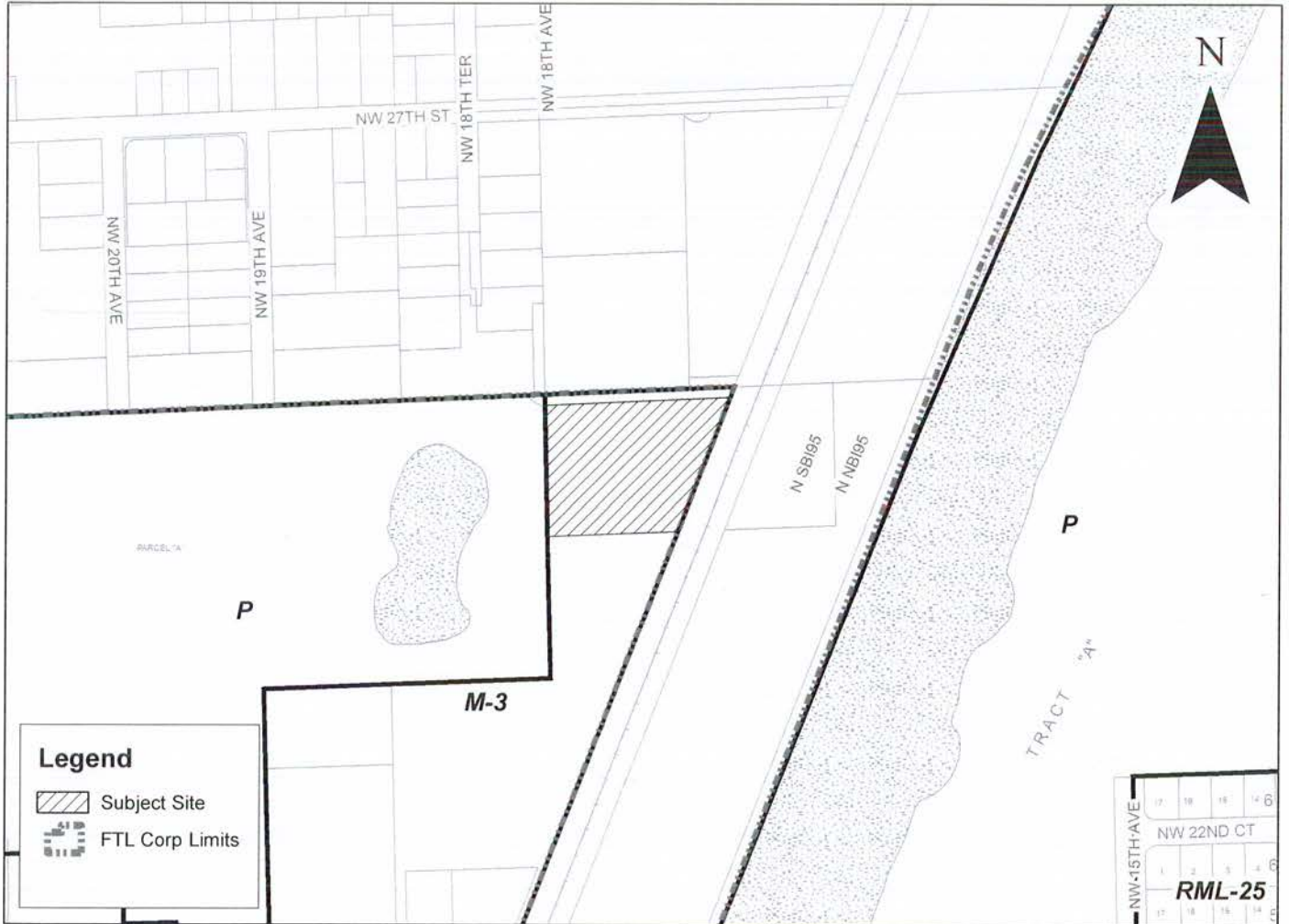
**Sec. 39-307. General provisions.**  
**(i) Use of residentially-zoned property for access.** No privately owned land or public or private street upon which residentially-zoned properties directly abut shall be used for driveway or vehicular access purposes to any plot in a manufacturing and industrial district, except where a public street provides the sole access to the manufacturing and industrial property.

The applicant is requesting a variance to allow access to their property from a privately owned residential property, which is currently owned by the applicant.

**Sec. 39-313. Limitations of uses.**  
**(n) Recycling facilities.** Recycling facilities, except auto salvage yards, shall be located at least five hundred (500) feet from any residentially-zoned district and at least two hundred (200) feet from any business-zoned district. All materials stored, handled or repackaged on the premises shall either be in containers or stored within a building.

The applicant is requesting a variance from the requirement that the recycling facility be located no less than five hundred (500) from any residentially zoned property and no less than two hundred (200) from any business zoned property. These residential and business zones are located within the City of Oakland Park.





**B19033**

Path: J:\DSD\DRCLocationMaps\_16\_RM\ArcMap\New\BOA20191113\B19033LocMap.mxd



Graphic Scale



CITY OF FORT LAUDERDALE  
**PUBLIC NOTICE**

# BOARD OF ADJUSTMENTS MEETING

DATE: NOVEMBER 13, 2019

TIME: 6:30 PM

CASE: B19033

REQUESTING: Sec. 39-307-Use of premises without buildings

The applicant is requesting a variance to allow storage of materials and equipment in addition to conducting the actual work process outside of a building.

REQUESTING: Sec. 39-307. General provisions.

(i) Use of residentially-zoned property for access.

The applicant is requesting a variance to allow access to their property from a privately owned residential property, which is currently owned by the applicant.

REQUESTING: Sec. 39-313. Limitations of uses.

(n) Recycling facilities. Recycling facilities, except auto salvage yards, shall be located at least five hundred (500) feet from any residentially-zoned district and at least two hundred (200) feet from any business-zoned district. All materials stored, handled or repackaged on the premises shall either be in containers or stored within a building.

The applicant is requesting a variance from the requirement that the recycling facility be located no less than five hundred (500) from any residentially zoned property and no less than two hundred (200) from any business zoned property. These residential and business zones are located within the City of Oakland Park.

**LOCATION: CITY COMMISSION CHAMBERS  
CITY HALL, 100 N ANDREWS AVENUE**

**INFORMATION: CONTACT (954) 828-6506  
<http://www.fortlauderdale.gov>**

*This Notice is the property of the City of Fort Lauderdale. In accordance with City Code Section 16-29, It shall be unlawful for any person to injure, cut, break or destroy in any manner any building or other thing belonging to or under the control of the City. Persons marring or removing the Notice may be subject to fine and/or imprisonment.*

*In accordance with City Code Section 47-27.2A. H The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearing by another body. The sign information shall be changed as provided in subsection A.3.a*





## SUSTAINABLE DEVELOPMENT – URBAN DESIGN & PLANNING BOARD OF ADJUSTMENT (BOA) APPLICATION

Rev: 1 | Revision Date: 7/25/2019 | Print Date: 7/25/2019  
I.D. Number: Z&L-BOA

### BOARD OF ADJUSTMENT (BOA) Application

<b>Cover:</b>	Deadline, Notes, and Fees
<b>Page 1:</b>	Applicant Information Sheet
<b>Page 2:</b>	Variance Request Criteria
<b>Page 3:</b>	Required Documentation & Mail Notice Requirements
<b>Page 4:</b>	Sign Notice Requirements & Affidavit
<b>Page 5:</b>	Technical Specifications

**DEADLINE:** Submittals must be received prior to 4:00 PM each business day. Pursuant to Section 47-24.12, the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via e-mail, if plans do not meet the submittal requirements and if changes are required.

**NOTES:** Prior to formal submittal of applications, applicants are encouraged to schedule an appointment with Urban Design & Planning Division staff to obtain feedback regarding proposals. The meetings provide an opportunity for applicants to obtain feedback and general direction, prior to expending significant effort on preparation of submittal documents.

**FEES:** All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

<input checked="" type="checkbox"/>	Variance / Interpretation: Before	\$ 480.00
<input type="checkbox"/>	Variance / Interpretation: After	\$ 600.00
<input type="checkbox"/>	Parking Variance (per space)	\$ 530.00
<input type="checkbox"/>	Request for Continuance	\$ 190.00
<input type="checkbox"/>	Rehearing before the Board	\$ 70.00
<input type="checkbox"/>	Request for Rehearing	\$ 240.00

**INSTRUCTIONS:** The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). While the information requested in this application is the minimum required to proceed please be aware additional information may be required to fully address the variance requested. The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

**NOTE:** To be filled out by Department

Case Number	819033
Date of complete submittal	10/4/19

**NOTE:** For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

Property Owner's Name	Darin Wielan
Property Owner's Signature	<i>[Signature]</i> <small>If a signed Agent letter is provided, no signature is required on the application by the owner.</small>
Address, City, State, Zip	1525 Cleveland St, Hollywood, FL 33020
E-mail Address	DARIN@PAVECO.COM
Phone Number	954-655-6907
Proof of Ownership	<input checked="" type="checkbox"/> Warranty Deed or <input type="checkbox"/> Tax Record

**NOTE:** If **AGENT** is to represent **OWNER**, notarized letter of consent is required

Applicant / Agent's Name	
Applicant / Agent's Signature	
Address, City, State, Zip	
E-mail Address	
Phone Number	
Letter of Consent Submitted	

Development / Project Name	
Existing / New	Existing: <input type="checkbox"/> New: <input checked="" type="checkbox"/>
Project Address	Address: 2598 NW 18 TER, Ft. Lauderdale, FL
Legal Description	See Attached 33311
Tax ID Folio Numbers (For all parcels in development)	<del>#494228300011</del> #49422800310 #494228000390
Request / Description of Project	Repurposing of concrete
Applicable ULDR Sections	47-1.15 # Sec. 39-307 - 39-307 39-313

Current Land Use Designation	Vacant Commercial
Current Zoning Designation	M-3
Current Use of Property	Vacant Land
Site Adjacent to Waterway	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Setbacks (Indicate direction N, S, E, W)	Required	Proposed
Front <input type="checkbox"/>		
Side <input type="checkbox"/>		
Side <input type="checkbox"/>		
Rear <input type="checkbox"/>		

Prepared by and return to:  
Harvey Schneider, Esq.  
Attorney at Law  
All Country Title Agency, Inc.  
5301 North Federal Highway Suite 265  
Boca Raton, FL 33487  
561-367-1919  
File Number: 17-200

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## Warranty Deed \*

**This Warranty Deed** made this 25th day of September, 2017 between BS Toys, LLC, a Florida limited liability company whose post office address is 6345 NW 23rd Court, Boca Raton, FL 33496, grantor, and Oakland 95, LLC, a Florida limited liability company whose post office address is 1525 Cleveland Street, Hollywood, FL 33020, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Broward County, Florida to-wit:

**PARCEL 1:**

THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 49 SOUTH, RANGE 42 EAST, IN BROWARD COUNTY, FLORIDA, LYING WEST OF SEABOARD SYSTEM RAILROAD RIGHT-OF-WAY, LESS THE NORTH 25 FEET THEREOF.

**PARCEL 2:**

THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4), OF SECTION 28, TOWNSHIP 49 SOUTH, RANGE 42 EAST, IN BROWARD COUNTY, FLORIDA, LESS THE NORTH 540 FEET OF THE WEST 142 FEET, LESS THE NORTH 505 FEET OF THE EAST 155 FEET, LESS THE EAST 25 FEET OF THE NORTH 420 FEET OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4), OF SAID SECTION 28 FOR COUNTY ROAD RIGHT-OF-WAY, LESS THE WEST 25 FEET OF THE NORTH 445 FEET OF THE EAST ONE-HALF (E 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4), OF SAID SECTION 28 FOR COUNTY ROAD RIGHT-OF-WAY, AND LESS THE EAST 25 FEET THEREOF.

**PARCEL 3:**

A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 28, TOWNSHIP 49 SOUTH, RANGE 42 EAST IN THE COUNTY OF BROWARD, STATE OF FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 28, THENCE WESTERLY ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 28, A DISTANCE OF 45 FEET TO A POINT; THENCE SOUTHEASTERLY, A DISTANCE OF 54.8 FEET MORE OR LESS TO A POINT IN THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 28; THENCE NORTH ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 28, A DISTANCE OF 32 FEET TO THE POINT OF BEGINNING.  
Parcel Identification Number: 4942 28 00 0332

and

Parcel Identification Number: 4942 28 30 0011

and

Parcel Identification Number: 4942 28 00 0390

Subject to easements, restrictions and reservations of record, which recitals shall not serve to reimpose same, and taxes for the year 2017 and thereafter.

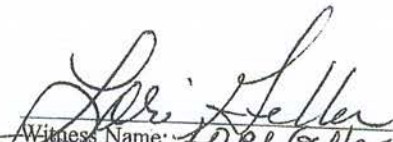
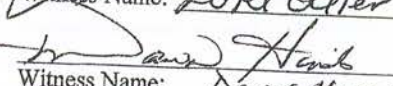
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2016.

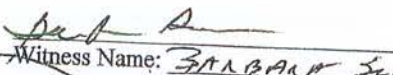
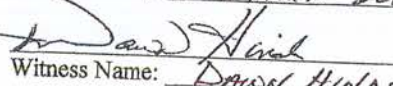
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.


Signed, sealed and delivered in our presence:

  
Witness Name: LORE GELLER  
  
Witness Name: DAWN HIDAS

BS Toys, LLC, a Florida limited liability company

By:   
Lance Schmittman, Manager

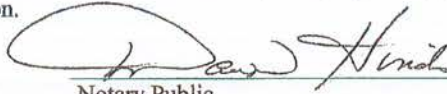
  
Witness Name: BARBARA SCHMITTMAN  
  
Witness Name: DAWN HIDAS

By:   
Shawn Benyo, Manager

\* THIS DOCUMENT IS BEING RE-RECORDED TO CORRECT THE INCOMPLETE LEGAL DESCRIPTION OF PARCEL 3 IN INSTRUMENT RECORDED 9/29/17 UNDER INSTR# 114628447.

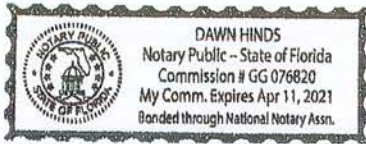
State of Florida  
County of Palm Beach

The foregoing instrument was acknowledged before me this 25 day of September, 2017 by Lance Schnittman, Manager of BS Toys, LLC, a Florida limited liability company, on behalf of the limited liability company. He  is personally known to me or  has produced a driver's license as identification.



[Notary Seal]

Notary Public

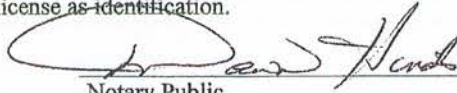


Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

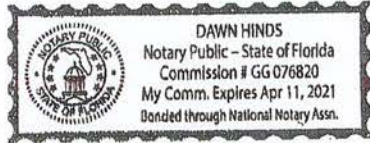
State of Florida  
County of Palm Beach

The foregoing instrument was acknowledged before me this 25 day of September, 2017 by Shawn Benyo, Manager, who  is personally known or  has produced a driver's license as identification.



[Notary Seal]

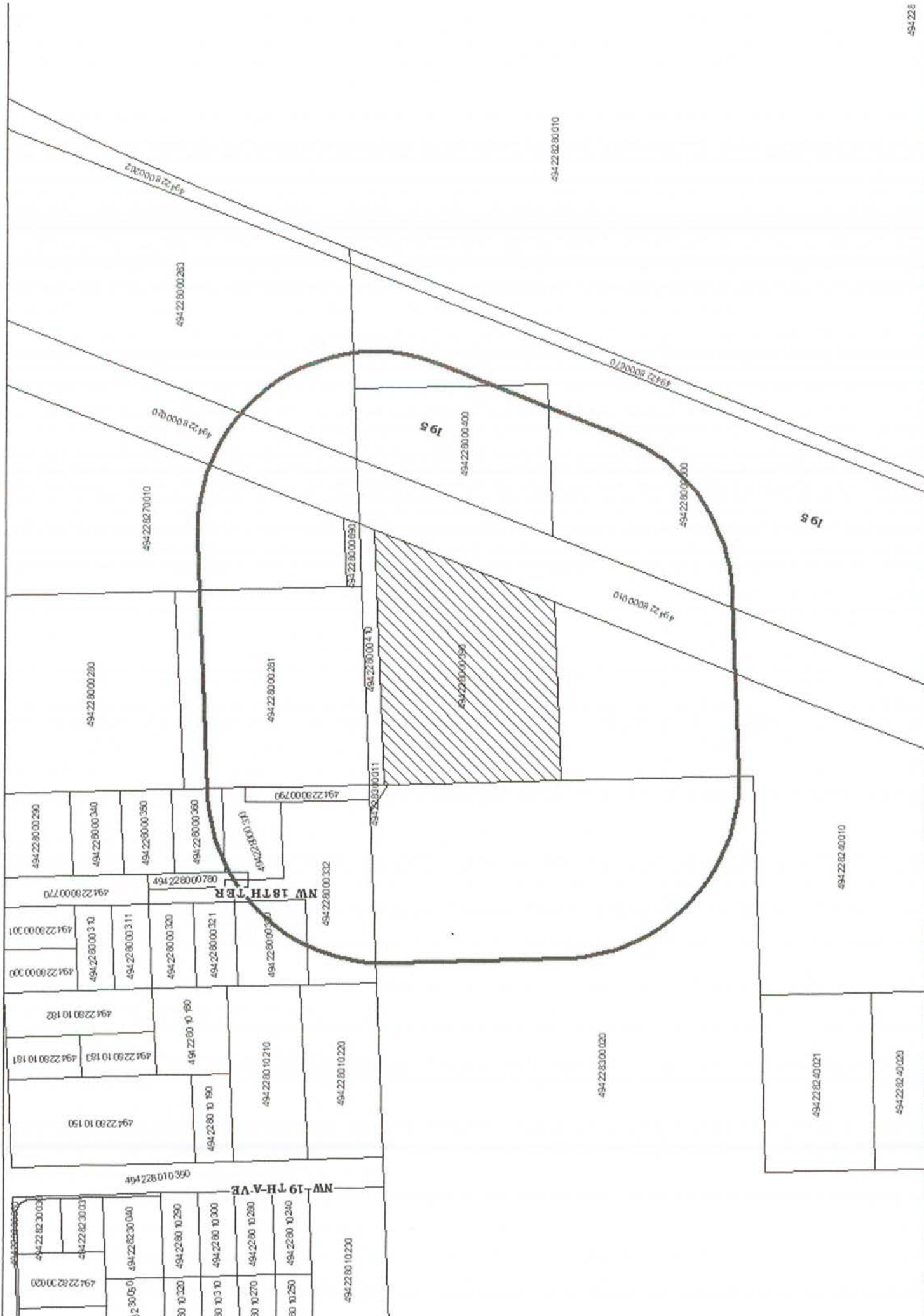
Notary Public



Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_





FOLIO_NUMB	NAME_LINE_	NAME_LINE1	ADDRESS_L1	CITY	ST/ZIP
494228000010	FLORIDA DEPT OF TRANSPORTATION	OFFICE OF RIGHT OF WAY	3400 W COMMERCIAL BLVD	FORT LAUDERDALE	FL 33309
494228000263	FLORIDA DEPT OF TRANSPORTATION	OFFICE OF RIGHT OF WAY	3400 W COMMERCIAL BLVD	FORT LAUDERDALE	FL 33309
494228270010	PEARL,JAMES E,PEARL,DAVID S &	PEARL,DOUGLAS B	2850 RAVENSWOOD ROAD	FORT LAUDERDALE	FL 33312
494228000360	CHAYA VANUNU REV TR	VANUNU,CHAYA TRSTEE	10894 DENVER DR	COOPER CITY	FL 33026
494228000281	FLORIDA POWER & LIGHT CO	ATTN PROPERTY TAX - PSX/JB	700 UNIVERSE BLVD	JUNO BEACH	FL 33408
494228000790	BROWARD COUNTY	BOARD OF COUNTY COMMISSIONERS	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL 33301
494228000690	BROWARD COUNTY	BOARD OF COUNTY COMMISSIONERS	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL 33301
494228000400	FLORIDA DEPT OF TRANSPORTATION	OFFICE OF RIGHT OF WAY	3400 W COMMERCIAL BLVD	FORT LAUDERDALE	FL 33309
494228000390	OAKLAND 95 LLC		1525 CLEVELAND ST	HOLLYWOOD	FL 33020
494228300011	OAKLAND 95 LLC		1525 CLEVELAND ST	HOLLYWOOD	FL 33020
494228300020	CITY OF FORT LAUDERDALE		100 N ANDREWS AVE	FORT LAUDERDALE	FL 33301
494228240010	MAPEI CORP		1144 E NEWPORT CENTER DR	DEERFIELD BEACH	FL 33442
494228000330	DYC LLC		PO BOX 820	HALLANDALE BEACH	FL 33008
494228000020	CSX TRANSPORTATION INC		500 WATER ST	JACKSONVILLE	FL 32202
494228000332	OAKLAND 95 LLC		1525 CLEVELAND ST	HOLLYWOOD	FL 33020
494228000410	BROWARD COUNTY	BOARD OF COUNTY COMMISSIONERS	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL 33301
494228000780	BROWARD COUNTY	BOARD OF COUNTY COMMISSIONERS	115 S ANDREWS AVE RM 501-RP	FORT LAUDERDALE	FL 33301
494228000370	828 LAND TR	GREGORY DURDEN PA TRSTEE	633 SE 3 AVE #4F	FORT LAUDERDALE	FL 33301

Record #	Assigned to Staff	Record Type	Contact Organization Name	Status	Balance	Opened Date	Expiration Date	Street #	Dir	Street Name	Type	Street Suffix	Unit #	First Name	Last Name	Created By	Record ID	Parcel #
PC-819033		Board of Adjustment	PaveCo Inc.	Open	0	10/9/2019		2598	NW		18 TER				Whelan		19HS-00000-0509L	4.94228E+11
PM-19061878		Fence Permit	ADVANCED CONTRACTORS INC	In Process	310.1	6/17/2019		2598	NW		18 TER				OAKLAND 95 LLC	zodes	19HS-00000-05H07	4.94228E+11
WD-CE18091383_3		Violation-CODE Hearing	OAKLAND 95 LLC	Open	0	9/19/2018		2598	NW		18 TER				OAKLAND 95 LLC	johnk	18HS-00000-01NUU	4.94228E+11
CE18091383	Wilson Quiñero	Code Case	OAKLAND 95 LLC	Open	0	9/19/2018		2598	NW		18 TER				OAKLAND 95 LLC	johnk	18HS-00000-03T48	4.94228E+11
BL-1700903		General Business Tax Receipt	WHELAN,DARIN	Active	173.25	1/18/2018	9/30/2019	2598	NW		18 TER				WHELAN,DARIN		18HS-00000-00VVQ	4.94228E+11
WD-CE13070979_1		Violation-CODE Hearing	RICHARD & F LA PONTE LUV TR LA POI	Closed	0	7/13/2017		2598	NW		18 TER				RICHARD & F LA PONTE LUV TR LA POI	bluef	17HS-00000-00RTV	4.94228E+11
CE17070929		Code Case	RICHARD & F LA PONTE LUV TR LA POI	Closed	0	7/13/2017		2598	NW		18 TER				RICHARD & F LA PONTE LUV TR LA POI	bluef	17HS-00000-03S10	4.94228E+11
CE17070977		Violation-CODE Hearing	RICHARD & F LA PONTE LUV TR LA POI	Closed	0	7/13/2017		2598	NW		18 TER				RICHARD & F LA PONTE LUV TR LA POI	bluef	17HS-00000-03S3Y	4.94228E+11
WD-CE18072010_1		Violation-CODE Hearing	RICHARD & F LA PONTE LUV TR LA POI	Closed	0	7/26/2016		2598	NW		18 TER				RICHARD & F LA PONTE LUV TR LA POI	johnk	16HS-00000-01547	4.94228E+11
CE16072011		Code Case	RICHARD & F LA PONTE LUV TR LA POI	Closed	0	7/26/2016		2598	NW		18 TER				RICHARD & F LA PONTE LUV TR LA POI	johnk	16HS-00000-01546	4.94228E+11
CE16072010		Code Case	RICHARD & F LA PONTE LUV TR LA POI	Closed	0	7/26/2016		2598	NW		18 TER				RICHARD & F LA PONTE LUV TR LA POI	johnk	16HS-00000-02N1E	4.94228E+11

Record Type	Record #	Parcel #	Planner
General Business Tax Renewal	BT-GEN-REN-19120903	4.94228E+11	
Board of Adjustment	PL-B19033	4.94228E+11	
Fence Permit	PM-19061878	4.94228E+11	
Violation-CODE Hearing	VIO-CE18091383_1	4.94228E+11	
Code Case	CE18091383	4.94228E+11	Wilson Quintero
General Business Tax Receipt	BL-1700903	4.94228E+11	
Violation-CODE Hearing	VIO-CE17070979_1	4.94228E+11	
Violation-CODE Hearing	VIO-CE17070977_1	4.94228E+11	
Code Case	CE17070979	4.94228E+11	
Code Case	CE17070977	4.94228E+11	
Violation-CODE Hearing	VIO-CE16072011_1	4.94228E+11	
Violation-CODE Hearing	VIO-CE16072010_1	4.94228E+11	
Code Case	CE16072011	4.94228E+11	
Code Case	CE16072010	4.94228E+11	



Street Nar Type	Street Suffix	Unit #	Opened Date	Status
18 TER			12/17/2019	Complete
18 TER			10/9/2019	Open
18 TER			6/17/2019	In Process
18 TER			9/19/2018	Open
18 TER			9/19/2018	Open
18 TER			1/18/2018	Active
18 TER			7/13/2017	Closed
18 TER			7/13/2017	Closed
18 TER			7/13/2017	Closed
18 TER			7/13/2017	Closed
18 TER			7/26/2016	Closed
18 TER			7/26/2016	Closed
18 TER			7/26/2016	Closed
18 TER			7/26/2016	Closed

## Detail by Entity Name

Florida Limited Liability Company  
OAKLAND 95, LLC

### Filing Information

**Document Number** L17000155002  
**FEI/EIN Number** 82-2911942  
**Date Filed** 07/19/2017  
**State** FL  
**Status** ACTIVE

### Principal Address

1525 CLEVELAND STREET  
HOLLYWOOD, FL 33020

### Mailing Address

1525 CLEVELAND STREET  
HOLLYWOOD, FL 33020

### Registered Agent Name & Address

WHELAN, DARIN  
1525 CLEVELAND STREET  
HOLLYWOOD, FL 33020

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

WHELAN, DARIN  
1525 CLEVELAND STREET  
HOLLYWOOD, FL 33020

### Annual Reports

Report Year	Filed Date
2018	04/06/2018
2019	02/13/2019

### Document Images

[02/13/2019 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[04/06/2018 -- ANNUAL REPORT](#)

[View image in PDF format](#)

[07/19/2017 -- Florida Limited Liability](#)

[View image in PDF format](#)

**2019 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT**

DOCUMENT# L17000155002

Entity Name: OAKLAND 95, LLC

Current Principal Place of Business:

1525 CLEVELAND STREET  
HOLLYWOOD, FL 33020

Current Mailing Address:

1525 CLEVELAND STREET  
HOLLYWOOD, FL 33020 US

FBI Number: 82-2911942

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

WHELAN, DARIN  
1525 CLEVELAND STREET  
HOLLYWOOD, FL 33020 US

*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.*

SIGNATURE:

\_\_\_\_\_  
Electronic Signature of Registered Agent

\_\_\_\_\_  
Date

Authorized Person(s) Detail :

Title MGR  
Name WHELAN, DARIN  
Address 1525 CLEVELAND STREET  
City-State-Zip: HOLLYWOOD FL 33020

*I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath, that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.*

SIGNATURE: DARIN WHELAN

PRESIDENT

02/13/2019

\_\_\_\_\_  
Electronic Signature of Signing Authorized Person(s) Detail

\_\_\_\_\_  
Date



Prepared by and return to:  
Harvey Schneider, Esq.  
Attorney at Law  
All Country Title Agency, Inc.  
5301 North Federal Highway Suite 265  
Boca Raton, FL 33487  
561-367-1919  
File Number: 17-200

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 25th day of September, 2017 between BS Toys, LLC, a Florida limited liability company whose post office address is 6345 NW 23rd Court, Boca Raton, FL 33496, grantor, and Oakland 95, LLC, a Florida limited liability company whose post office address is 1525 Cleveland Street, Hollywood, FL 33020, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Broward County, Florida to-wit:

**PARCEL 1:**

THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 28, TOWNSHIP 49 SOUTH, RANGE 42 EAST, IN BROWARD COUNTY, FLORIDA, LYING WEST OF SEABOARD SYSTEM RAILROAD RIGHT-OF-WAY, LESS THE NORTH 25 FEET THEREOF.

**PARCEL 2:**

THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4), OF SECTION 28, TOWNSHIP 49 SOUTH, RANGE 42 EAST, IN BROWARD COUNTY, FLORIDA, LESS THE NORTH 540 FEET OF THE WEST 142 FEET, LESS THE NORTH 505 FEET OF THE EAST 155 FEET, LESS THE EAST 25 FEET OF THE NORTH 420 FEET OF THE WEST ONE-HALF (W 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4), OF SAID SECTION 28 FOR COUNTY ROAD RIGHT-OF-WAY, LESS THE WEST 25 FEET OF THE NORTH 445 FEET OF THE EAST ONE-HALF (E 1/2) OF THE EAST ONE-HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4), OF SAID SECTION 28 FOR COUNTY ROAD RIGHT-OF-WAY, AND LESS THE EAST 25 FEET THEREOF.

**PARCEL 3:**

A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SECTION 28, TOWNSHIP 49 SOUTH, RANGE 42 EAST IN THE COUNTY OF BROWARD, STATE OF FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 28, THENCE WESTERLY ALONG THE NORTH LINE OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 28, A DISTANCE OF 45 FEET TO A POINT; THENCE SOUTHEASTERLY, A DISTANCE OF 54.8 FEET MORE OR LESS TO A POINT IN THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 28; THENCE NORTH ALONG THE EAST LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF S

Parcel Identification Number: 4942 28 00 0332

and

Parcel Identification Number: 4942 28 30 0011

and

Parcel Identification Number: 4942 28 00 0390

Subject to easements, restrictions and reservations of record, which recitals shall not serve to reimpose same, and taxes for the year 2017 and thereafter.

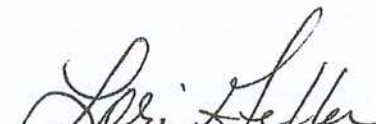
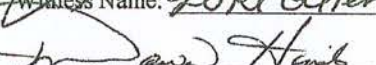
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2016.


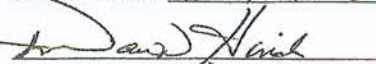
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

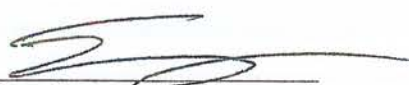
Signed, sealed and delivered in our presence:

  
Witness Name: LORE GELLER  
  
Witness Name: DAWN HINDS

BS Toys, LLC, a Florida limited liability company

By:   
Lance Schnittman, Manager

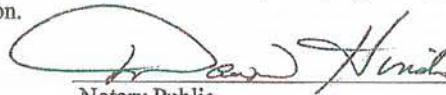
  
Witness Name: BARBARA SCHNECK  
  
Witness Name: DAWN HINDS

By:   
Shawn Benyo, Manager

State of Florida  
County of Palm Beach

The foregoing instrument was acknowledged before me this 25 day of September, 2017 by Lance Schnittman, Manager of BS Toys, LLC, a Florida limited liability company, on behalf of the limited liability company. He  is personally known to me or  has produced a driver's license as identification.

[Notary Seal]



Notary Public



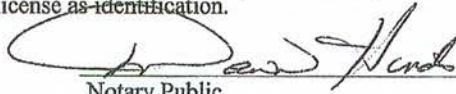
Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

State of Florida  
County of Palm Beach

The foregoing instrument was acknowledged before me this 25 day of September, 2017 by Shawn Benyo, Manager, who  is personally known or  has produced a driver's license as identification.

[Notary Seal]



Notary Public



Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



To: Board of Adjustment  
City of Ft. Lauderdale

November 4, 2019

From: Paveco Inc./Oakland 95 LLC.

We are kindly requesting a **Variance** from the requirement of Sec.39-307. **Uses of premises without building.** Requesting to be able to store all of our process material and operating equipment in our yard. To allow us to operate our business in our open yard, as is the common industry practice.

We are kindly requesting a **Variance** from Sec.39-307. **Use of residentially zoned property for access.** The only access to our site is thru a residentially zone property that **we own** in the abutting city of Oakland Park.

We are kindly requesting a **Variance** from Sec.39-313. **Recycling facilities. Distance requirement.** Even through we disagree that we may be a recycling facility, we are asking for a variance from the distance requirements for the residential and business zones located in the adjoining City of Oakland Park.

We have the **correct zoning** and our business is a **permitted use**. We will be repurposing existing concrete and crushing it into smaller pieces. The process and equipment needed to handle this function is performed out in the open.

The requirement to be within an enclosed building in this case is impractical, if not impossible due to the circumstances and special conditions that are typical with our business. An example of this is the material is delivered by dump trucks that need room and height to maneuver. The material is then moved around the yard for processing to the crushing machine. Once the material is process it is stored in piles awaiting removal off site.

The permitted use and function that we will be operating at this location is very similar and compatible with the adjoining property to our south. Our neighbor to the north is the existing FPL site that is currently expanding a large outdoor storage and equipment yard.

954.256.9300



info@paveco.com



www.paveco.com



2000 Sherman St. Hollywood, FL 33020





**PAVECO.**

Our variances are not related to the use or setbacks requirement, our hardship is related to the proper physical function of our business operation. We believe that our request is of minimal impact to surrounding properties if any.

Our business is in keeping with the goals of the City of Ft Lauderdale to have a more sustainable community and building practices, we take existing concrete pieces and repurpose it to be used again, as opposed to dumping it at a landfill. There is a need for our service in Ft. Lauderdale and Broward County as new building are built and older structures come down. Our service will encourage repurposing methods and practices by others that will on a small-scale help our community meet our sustainability goals.

It is our hope that you will provide us with the relief and variances requested.

Thank You,

**Darin Whelan**  
President

954.256.9300



info@paveco.com



www.paveco.com



2000 Sherman St. Hollywood, FL 33020



(c) A building may be constructed to a height of ten (10) stories, provided the building is located more than five hundred (500) feet from any plot zoned for detached one-family dwellings, two-family dwellings or townhouses.

(d) Flagpoles, airplane beacons, broadcasting towers and antenna for radio and television, chimneys, stacks, tanks and roof structures, used only for ornamental or mechanical purposes, may exceed the permissible height limit by not more than twenty-five (25) percent. Parapet walls may extend not more than five (5) feet above the allowable height of a building.  
(Ord. No. 1999-24, § 2, 5-11-99)

### Sec. 39-313. Limitations of uses.

(a) *Accessory dwellings.* Accessory dwellings shall be permitted only for caretaker or security quarters for the property where the dwelling is located, subject to the availability and allocation of reserve units in accordance with the Future Unincorporated Area Land Use Element. Except as specified for self-storage warehouses in subsection (t) of this section, each dwelling unit shall not exceed one thousand five hundred (1,500) square feet in gross floor area, shall not be less than four hundred (400) square feet in gross floor area, and shall not exceed fifty percent (50%) of the gross floor area of the building where the unit is located, whichever is less. Such dwelling units shall be located within the building to which the dwelling is accessory, on an upper story of the building.

(b) *Auto repair garages.* Any building used for automobile repair, including paint and body shops, and any storage area for vehicles being or to be repaired, shall be located at least fifty (50) feet from any residentially-zoned property and shall be screened from the residentially-zoned property by a fence or hedge as specified in section 39-307(e)(8). Any outside areas used for repairs shall be considered additional work bays which shall be delineated on the approved site plan and which shall require the appropriate amount of offstreet parking.

(c) *Automobile, truck and recreational vehicle salvage or wrecking yards; junkyards.*

- (1) The minimum plot size for any salvage or wrecking yard or junkyard shall be one net acre.
- (2) All operations, activities, display and storage, with the exception of an office building or other enclosed building, shall be completely surrounded by an opaque wall at least six (6) feet in height, with openings only for ingress and egress of pedestrians and vehicles. Such openings shall be equipped with opaque or translucent gates the same height as the wall.
- (3) No salvaged vehicles or parts, or any other scrap or salvaged materials shall be stored in such a manner that exceeds the height of the enclosing wall.
- (4) Required off-street parking shall be maintained on the exterior of any area used for salvage operations, display or storage of parts, vehicles or scrap or salvaged materials and shall comply with all requirements of Article XII, "Off-street Parking and Loading" of this Chapter.
- (5) No salvage or wrecking yard or other junkyard shall be located within three hundred (300) feet of any residentially-zoned district.
- (6) All existing salvage or wrecking yards shall comply with all requirements of this article within two (2) years of the effective date of this article. All existing junkyards shall comply with the requirements of this article by December 31, 2002.

(d) *Boarding or breeding kennels.* Boarding or breeding kennels shall not be permitted on any plot which is contiguous to any residentially-zoned district, or which is separated only by a street, alley, canal, or railroad right-of-way.

(e) *Equipment rental and sales, commercial and contractors.* Any plot upon which an equipment rental business is located, which requires outside storage or display of contractor's equipment or tools, shall be at least three hundred (300) feet from any residentially-zoned plot.

(f) *Fireworks, explosives, firearms and ammunition manufacturing, storage or distribution.* Any plot upon which a facility for the manufacture, storage or distribution of fireworks, explosives, firearms and ammunition is located shall be within two thousand (2,000) feet of any residentially-zoned district. The minimum plot size for any such use shall be five (5) acres.

(g) *Medical waste incineration or sterilization.* Medical waste incinerators or sterilization facilities shall not be located within five hundred (500) feet of any residentially-zoned district.

(h) *Mobile collection centers.*

- (1) No mobile collection center shall be closer than one hundred (100) feet from any residentially zoned plot, nor closer than fifty (50) feet from any street.
- (2) The minimum length of any trailer shall be twenty (20) feet and no trailer shall exceed forty (40) feet in length.
- (3) Only one (1) trailer shall be located on a single plot.
- (4) One (1) sign shall be permitted, mounted on the outside of the trailer. The sign may state the name of the business, address, telephone number and hours of operation.
- (5) All mobile collection centers, with the exception of mechanical depositories, shall be staffed by at least one (1) employee during hours of operation.
- (6) There shall be a one thousand (1,000) foot separation between mobile collection centers. Such separation shall be measured by following a straight line between the points of each mobile collection center closest to each other.

(i) *Mobile food units.*

- (1) Mobile food units, other than those limited to the preparation and sale of frankfurters, shall be permitted to remain on private property for the purpose of selling food products for a maximum of one (1) hour, and shall not return to the same location more than three (3) times in any twelve (12) hour period. Persons in compliance with all requirements of this subsection may make sales from mobile food units temporarily stationary on a street to occupants of abutting property, providing no impediment or hazard to vehicular or pedestrian traffic is created.
- (2) Mobile food units limited to the preparation and sale of frankfurters may be permitted on private property, with the written authorization of the property owner. Such units may not remain at one location for more than eight (8) consecutive hours. Only one (1) unit shall be permitted on any individual plot.
- (3) The owner of a mobile food unit, or mobile food unit limited to the preparation and sale of frankfurters, shall obtain a certificate of use, which shall be renewable on an annual basis. At the time of application for the certificate of use, and for each subsequent renewal, the applicant shall submit proof of general liability insurance coverage in the minimum amount of \$300,000.00 which includes product liability coverage.

(j) *Offices and showrooms.* Offices and showrooms shall be permitted only as an accessory use. Office and showroom space shall not exceed thirty (30) percent of the gross floor area of the principal use. All office and showroom space shall be within the principal building.

(k) *Parts stores, vehicles and boats.* All storage and display of parts in M-1 districts shall be inside a building. No vehicle parts salvage operations shall be permitted except in a salvage or wrecking yard.

(l) *Penal institutions.* Penal institutions shall not be located within two thousand five hundred (2,500) feet of any residentially-zoned district.

(m) *Quarries.* Quarries shall only be permitted in an area designated as "Mining" on the Future Unincorporated Area Land Use Element Map Series.

(n) *Recycling facilities.* Recycling facilities, except auto salvage yards, shall be located at least five hundred (500) feet from any residentially-zoned district and at least two hundred (200) feet from any business-zoned district. All materials stored, handled or repackaged on the premises shall either be in containers or stored within a building.

(o) *Restaurants.*

(1) Restaurants shall only be permitted as an accessory use to an industrial complex and shall be located within the principal building on the premises occupying not more than ten (10) percent of the gross floor area.

(2) Such accessory uses shall comply with separation requirements specified in Article XI, "Alcoholic Beverage and Adult Entertainment Establishments" of this Chapter, if applicable, except that the separation between alcoholic beverage establishments in industrial districts shall not be less than one thousand (1,000) feet.

(3) Outside play areas for children shall not be permitted.

(p) *Sanitation companies.* Plots occupied by a sanitation company storing dumpsters or other waste containers and sanitation vehicles shall not be located closer than five hundred (500) feet to a residentially-zoned district. All dumpsters, waste containers and sanitation vehicles shall be emptied prior to storage on the plot.

(q) *Swimming pool chemicals.* All swimming pool chemicals, including pre-packaged chemicals, but except bulk quantities of sodium hypochlorite, shall be dispensed and stored within a structure or enclosure approved by the Department of Planning and Environmental Protection.

(r) *Trade or vocational schools.* Trade or vocational schools involving vehicle or equipment repair instruction shall be on a plot which is at least two hundred (200) feet from any residentially-zoned district.

(s) *Veterinary hospital.* Veterinary hospitals shall not be permitted on any plot which is contiguous to a residentially-zoned district or which is separated from a residentially-zoned district only by a street, alley or canal.

(t) *Warehouses, self-storage.*

(1) Self-storage warehouses shall only be used for self-service storage. No businesses shall be permitted to operate from, or be licensed at, the facility. No personal activities, such as, but not limited to, hobbies, arts and crafts, woodworking, repair, restoration, or maintenance of vehicles, machinery or equipment, etc. shall be permitted.

(2) Outside storage areas for boats, vehicles, etc. shall be located on the interior of the facility, not visible from any adjacent property or street.

(3) Building height shall not exceed fifty (50) feet.

(4) Storage bay doors on any perimeter building shall not face any abutting property located in a residentially-zoned district.



- (5) One accessory dwelling unit shall be permitted, subject to the availability and allocation of a reserve unit as provided in the Future Unincorporated Area Land Use Element. Such dwelling unit shall not exceed one thousand five hundred (1,500) square feet in floor area, and shall not be less than four hundred (400) square feet in floor area.  
 (Ord. No. 1999-24, § 2, 5-11-99; Ord. No. 2000-36, § 41, 8-22-00)

**Secs. 39-314—39-319. Reserved.**

**ARTICLE XIX. MOBILE HOME DISTRICTS**

**Sec. 39-320. Mobile home zoning districts.**

The following shall constitute Mobile Home zoning districts within the unincorporated areas of Broward County, Florida:

<i>District</i>	<i>Title</i>
T-1	Mobile Home (Unsubdivided Lots) District
R-1T	Mobile Home (Subdivided Lots) District

(Ord. No. 2000-16, § 1, 4-25-00)

**Sec. 39-321. Purpose of districts.**

(a) The T-1 Mobile Home (Unsubdivided Lots) District is intended to apply to existing mobile home developments wherein home sites are not subdivided by a plat of record and are rented or leased by the occupants thereof for a period of one year or more.

(b) The R-1T Mobile Home (Subdivided Lots) District is intended to apply to mobile home developments wherein the home sites have been subdivided by a plat of record.

(Ord. No. 2000-16, § 1, 4-25-00)

**Sec. 39-322. General provisions.**

(a) *Commercial vehicles.* Residents may park or store one (1) commercial vehicle weighing five thousand (5,000) pounds or less within a carport or enclosed building.

(b) *Easements.* No permanent structure except a wood or chain link fence shall encroach upon or into any easement of record. No structure or use shall encroach upon or obstruct access through any easement specifically granted for ingress or egress purposes except that a security gate may be erected at the entrance of a mobile home community.

(c) *Fences and hedges.* Fences and hedges may be erected or maintained along any plot line or around an individual mobile home site to a maximum height of six (6) feet above the ground, except that on a corner, no fence or hedge other than chain link fences shall be erected or maintained to a height exceeding thirty (30) inches above the crown of the street within fifteen (15) feet of the intersection of the front and side home site or plot lines.

(d) *Household pets.* Livestock such as horses, cattle, sheep, goats, hogs, pigs and poultry shall not be permitted as pets.

(e) *Landscaping.* Installation and maintenance of landscaping shall be subject to compliance with Article VIII, "Functional Landscaping and Xeriscaping," of this Code.

**Sec. 39-306. Purpose of districts.**

(a) The M-1 Limited Manufacturing and Industrial District is intended for the manufacture of small articles and products not involving the use of any materials, processes or machinery which would pose a potential environmental or safety hazard for nearby commercial business districts or residential areas. M-1 districts are intended to act as a buffer between commercial business districts and heavier manufacturing and industrial districts or to provide for planned industrial parks located in close proximity to residential areas. All activities relating to permitted uses and the storage of products, equipment and materials is limited to location inside a building.

(b) The M-2 General Manufacturing and Industrial District is intended to meet the general industrial and manufacturing needs of the unincorporated areas, providing for uses which may require open air storage of equipment, materials and products. M-2 districts are not intended for locations in close proximity to residential areas, and are not intended to directly abut commercial business districts.

(c) The M-3 Intense Manufacturing and Industrial District is intended for the heaviest manufacturing and industrial uses, involving the use, handling and storage of hazardous materials, or industrial uses which require a substantial amount of open air storage area. M-3 districts are not intended to be within five hundred (500) feet of any residential area and are not appropriate in close proximity to commercial business districts. M-3 districts should be surrounded by M-2 and M-1 zoning districts.  
(Ord. No. 1999-24, § 2, 5-11-99)

**Sec. 39-307. General provisions.**

(a) *Display of products for sale.* In M-1 districts, all products displayed for sale shall be located within a building. Outside display and storage areas shall be permitted in all other manufacturing and industrial districts, provided such areas are designated on the approved site plan and provided that at least one side of the display and storage area shall be contiguous to the principal building to which it is accessory. Stocking or loading of products, materials or equipment shall be done internally on the premises or through a single gate at a designated off-street loading area.

(b) *Dumpsters and dumpster enclosures.* Dumpsters located on any property in a manufacturing and industrial zoning district as of the effective date of this article and/or which are constructed subsequent to the effective date of this article shall comply with the following:

- (1) Dumpsters, which are visible from any street or from contiguous property, shall be kept within opaque or translucent enclosures and shall be located at least five (5) feet inside any plot line, except that no dumpster or dumpster enclosure shall be located in a required setback area, unless a street or dedicated alley separates the industrial plot from any adjacent residential or commercial business zoned property.
- (2) Dumpsters shall be maintained free of jagged or sharp edges or inside parts which could prevent the free discharge of their contents.
- (3) Dumpsters shall be emptied by a licensed collector at intervals which will preclude overflow. Dumpsters and the area around the dumpster and dumpster enclosure shall not be used for disposal of furniture and major appliances and shall be maintained by the property owner free of overflowing refuse at all times. If a continuous problem of insufficient dumpster capacity is proven to exist, additional or larger capacity dumpsters and enclosures or increased frequency of pick-up shall be required in order to eliminate the overflow problem.
- (4) All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or posts shall be permanently affixed to the pad at least one (1) foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection.

- (5) Dumpsters and dumpster enclosures shall be located in a position accessible for collection by the equipment of the collector.
- (6) The dumpster enclosure shall be constructed so as to accommodate recycling bins, if over forty (40) gallons.
- (7) The gates of the enclosure shall be constructed of a frame with opaque or translucent walls affixed thereto, and both frame and walls shall be of a material of sufficient strength to withstand normal use. Gates shall be attached to metal posts at least three (3) inches in diameter with at least two (2) hinges. Each gate shall have a wheel at the bottom to prevent sagging and shall have drop pins or rods to hold the gates in place in both open and closed positions.
- (8) The base of the enclosure must be poured concrete, in accordance with the requirements of the South Florida Building Code. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.

(c) *Landscaping.* All buildings and uses shall provide landscaping in accordance with Article VIII, "Functional Landscaping and Xeriscaping," of this Chapter.

(d) *Off-street parking.* All buildings and uses shall provide off-street parking, loading areas and lighting in accordance with Article XII, "Off-street Parking and Loading," of this Chapter.

(e) *Setbacks and buffers between industrial and residential or commercial districts.*

- (1) The minimum setback for the construction or erection of any building or structure, except fences and walls, in any manufacturing and industrial zoning district shall be ten (10) feet from a street line, unless a greater setback is required in this article for a specific use or as follows. The setback shall be a landscape buffer as required by Article VIII of this Chapter.
- (2) The minimum setback for the construction or erection of any building or structure, except fences and walls, on a plot in an M-1 district, which is separated from a residentially-zoned plot or a commercial business zoned plot by a street, dedicated alley, canal, water area, railroad right-of-way or public open space, shall be fifteen (15) feet from any such plot line, unless a greater setback is required for a specific use in this article. The entire setback area shall be a landscape buffer as required by article VIII of this Chapter.
- (3) The minimum setback for the construction or erection of any building or structure, except fences and walls, on a plot in M-2 and M-3 districts, which is separated from a residentially-zoned plot or a commercial business zoned plot by a street, dedicated alley, canal, water area, railroad right-of-way or public open space, shall be thirty (30) feet from any such plot line, unless a greater setback is required for a specific use in this article. The first fifteen (15) feet of the setback from the street, alley, canal, water area, railroad right-of-way or public open space shall be a landscape buffer as required by article VIII of this Chapter.
- (4) The minimum setback for the construction or erection of any building or structure, except fences and walls, on a plot in an M-1 district, which is contiguous to any residentially-zoned plot or a commercial business zoned plot, shall be twenty-five (25) feet from such plot line, unless a greater setback is required for a specific use in this article. A landscape buffer as required by Article VIII, Functional Landscaping and Xeriscaping shall be provided within the setback area, including a visual barrier in the form of a fence, wall or hedge constructed or planted and maintained as provided in subsection (8) following.
- (5) The minimum setback for the construction or erection of any building or structure, except fences and walls, or for the storage of any product, material or equipment, or for any activity, in M-2 and M-3 zoning districts, which is contiguous to a residentially-zoned plot, shall be one hundred (100) feet, or which is contiguous to a commercial business district, shall be twenty-five (25) feet. The

- first fifteen (15) feet of the setback from the plot line contiguous to the residential or commercial business zoned plot shall be a landscape buffer in accordance with Article VIII, "Functional Landscaping and Xeriscaping". A visual barrier in the form of a fence, wall or hedge constructed or planted within the setback area as provided in subsection (8) following shall be located within the landscape buffer if the M-2 or M-3 zoned plot is contiguous to a residentially-zoned plot.
- (6) No building or structure shall be erected or maintained within twenty-five (25) feet of the intersection of two (2) streets, nor within fifteen (15) feet of the intersection of any driveway and street, except as permitted in subsection (8) following.
- (7) The setbacks required by this section shall also apply to those unincorporated lands which abut a municipal jurisdiction. Such setbacks shall be applied in the same manner as if the municipal lands were unincorporated lands.
- (8) Fences, walls and hedges may be erected or planted and maintained within a required buffer to a maximum height of eight (8) feet. Fences or walls shall be translucent or opaque. Hedges used as a required visual barrier shall be a minimum of four (4) feet in height at time of planting and shall be of a species which will reach at least the maximum height of eight (8) feet within two (2) years after planting. Open-weave or chain-link type fences may only be used within a required buffer if appropriate landscape material, in accordance with Article VIII, is planted along such fence which, after planting, will obscure the fence and provide a translucent barrier within one year after planting. Within twenty-five (25) feet of the intersection of two (2) streets, or within fifteen (15) feet of the intersection of a private accessway and a street, only chain-link or other such open fencing may be erected or maintained. The use of barbed wire, razor wire or electrified fencing contiguous to commercial business zoning districts or residentially-zoned plots shall be prohibited.
- (f) *Signs.* All buildings and uses shall be subject to provisions in Article VI, "Signs," of this Chapter.
- (g) *Storage yards.* Unless otherwise specified in this article, any permitted open air storage area in an industrial district, which is visible from a residentially-zoned plot, shall be screened from view from such residential plot by an opaque or translucent wall at least six (6) feet in height, located consistent with requirements of subsection (e)(8) above. Open air storage areas shall be delineated on an approved site plan.
- (h) *Use of premises without buildings.* Except for vehicle, equipment or bulk material storage yards, all permitted uses shall be conducted from a building on the plot which building shall be a minimum of one hundred fifty (150) square feet in area and which shall contain permanent sanitary facilities.
- (i) *Use of residentially-zoned property for access.* No privately owned land or public or private street upon which residentially-zoned properties directly abut shall be used for driveway or vehicular access purposes to any plot in a manufacturing and industrial district, except where a public street provides the sole access to the manufacturing and industrial property.
- (j) *Wireless communication facilities.* Wireless communication facilities shall be subject to provisions in section 39-102, "Wireless communication facilities," of this Chapter.
- (k) *Definitions.* Terms used herein are defined in Article II, "Definitions," of this Chapter.
- (l) *Nonconforming uses and structures.* Nonconforming uses and structures are subject to Article VII, "Nonconforming Uses and Structures," of this Chapter.
- (m) *Property maintenance.* Buildings and properties in manufacturing and industrial districts shall be in accordance with Article X, "Property Maintenance and Junk and Abandoned Property," of this Chapter.

(n) *Miscellaneous provisions.* In addition to general provisions herein, buildings and properties in manufacturing and industrial districts shall be subject to requirements of Article IX, "General Provisions," of this Chapter.  
 (Ord. No. 1999-24, § 2, 5-11-99; Ord. No. 2000-36, § 39, 8-22-00)

**Sec. 39-308. Permitted uses.**

Permitted principal uses in all manufacturing and industrial districts shall be limited to those uses specified in the Master Business List following. Any use not specifically listed herein and not specifically, or by inference, listed shall be determined by the zoning official to be permitted in the zoning district specifying the most similar use thereto. All permitted uses shall be subject to section 39-313, "Limitations of uses." Specific subsection references in section 39-313 are included in the Master Business List.

**Master Business List**

*P = Permitted*

*C = Conditional*

*A = Accessory use only*

Use	M-1	M-2	M-3
Accessory dwellings (caretaker or security quarters) [see section 39-313(a)]	A	A	A
Acid and corrosives manufacturing or storage			P
Airports, heliports and other transportation facilities			P
Ammunition reloading (handguns)		P	P
Assembly (pre-manufactured components)	P	P	P
Asphalt manufacturing from raw materials			P
Automobile, truck and equipment auctions		P	P
Automobile detailing or cleaning (other than car washes)	P	P	P
Automobile repair garage (mechanical, paint or body repairs) [see section 39-313(b)]	P	P	P
Automobile storage or transport facility (operable vehicles)	P	P	P
Automobile, truck and recreational vehicle salvage or wrecking yards [see section 39-313(c)]			P
Aviation related uses (sales of planes, parts, ground support equipment, repairs and maintenance)		P	P
Boarding or breeding kennel [see section 39-313(d)]		P	P
Boat sales	P	P	P
Boat building, repair and storage		P	P
Breweries and bottling facilities		P	P
Building and construction materials manufacturing and storage			P
Cabinet shops, woodworking shops	P	P	P
Catering or food delivery service	P	P	P
Chemical and acid manufacturing or storage and distribution			P
Clothing manufacturing	P	P	P
Concrete batching or mixing		P	P
Concrete products manufacturing		P	P
Contractors shops and storage yards		P	P
Cosmetics and pharmaceuticals manufacturing	P	P	P
Courier service	P	P	P
Crematory for human or animal remains (no medical wastes)		P	P
Dry-cleaning and laundry plant		P	P

OCT. 4, 2019

TO: B.O.A.

FROM: DAZIN WHELAN

PAVCO Co.

954-655-6907

REF: 2598 NORTHWEST 18<sup>TH</sup> TERRACE

Ft. Lauderdale FL

NEW STORAGE + REPURPOSING SITE

1. APPLICATION

2. USB

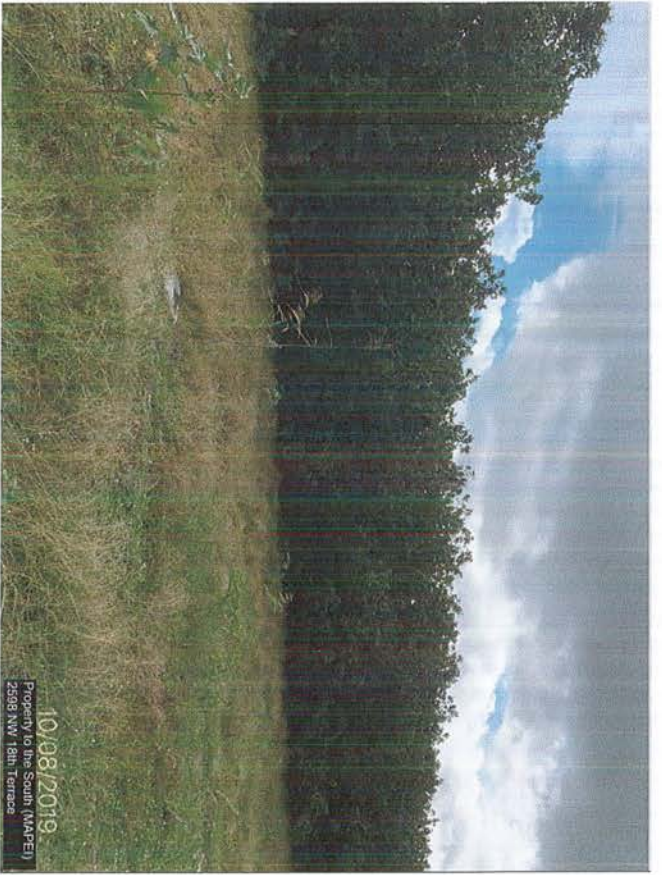
3. PROOF OF OWNERSHIP

4. OWNER NOTARIZED SIGNATURE

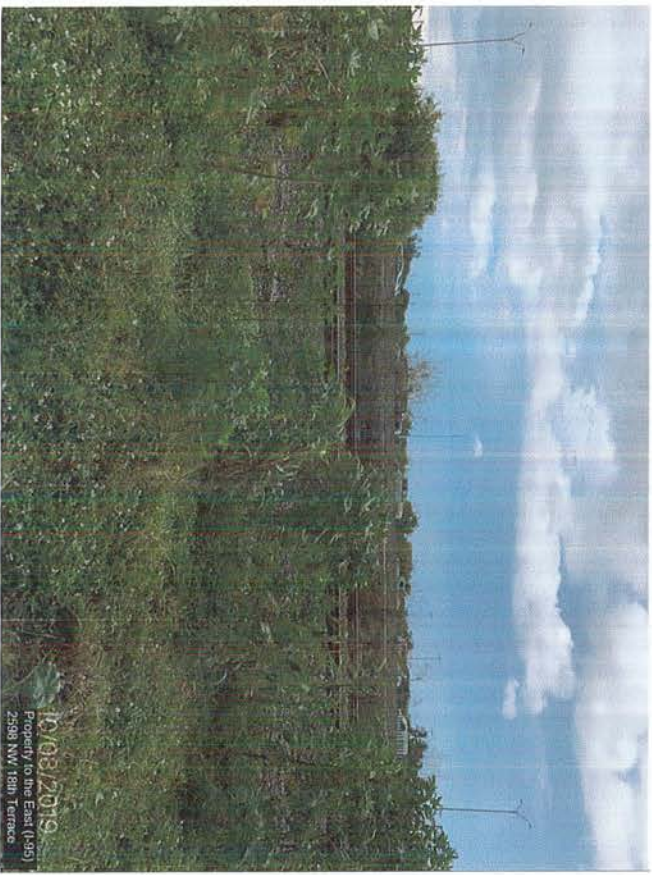
5. PHOTOS

6. 14 COPIES SITE PLAN

1. 1 LARGE COPY SITE PLAN



10/08/2019  
Property to the South (MARFJ)  
2598 NW 18th Terrace



10/08/2019  
Property to the East (J3B)  
2598 NW 18th Terrace



10/08/2019  
Property to the North (FRJ)  
2598 NW 18th Terrace



10/08/2019  
Property to the West (City of  
Fort Lauderdale Park)  
2598 NW 18th Terrace



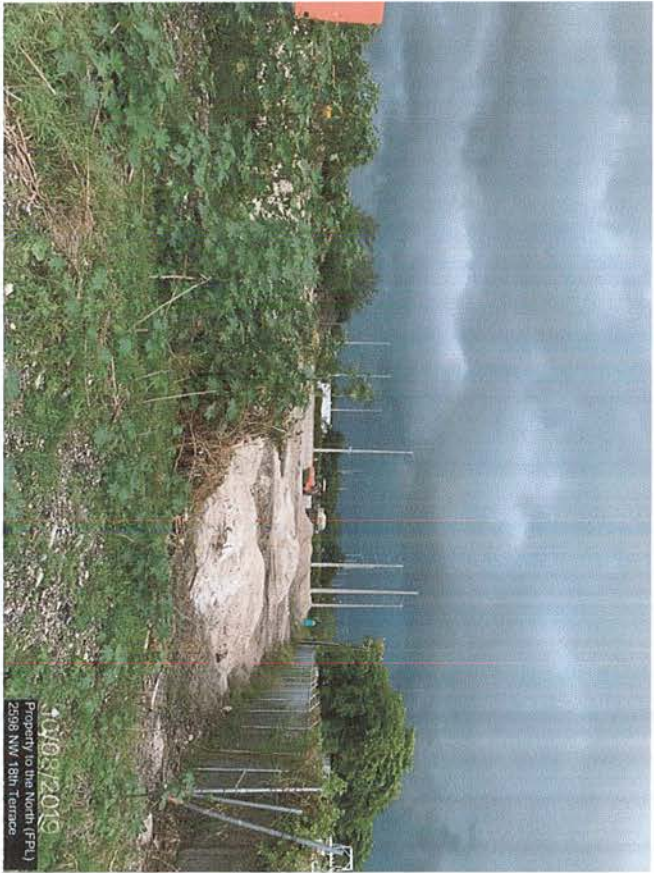
South View - 2598 NW 18th Terrace  
10/08/2019



West View - 2598 NW 18th Terrace  
10/08/2019



East View - 2598 NW 18th Terrace  
10/08/2019



Property to the North (FFU)  
2598 NW 18th Terrace  
10/08/2019





10/08/2019  
North View - 2598 NW 18th Terrace



10/08/2019  
Adjoining Vacant Property to the North - Owned by Applicant  
(Next Fort Lauderdale Property) 2598 NW 18th Terrace



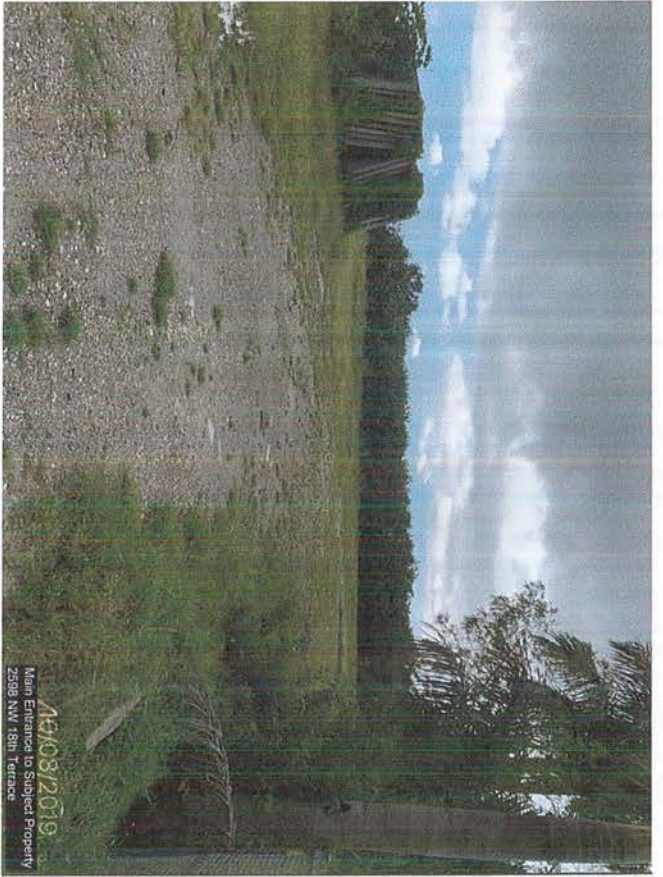
10/08/2019  
Adjoining Vacant Property to the North - Owned by Applicant  
(Next Fort Lauderdale Property) 2598 NW 18th Terrace



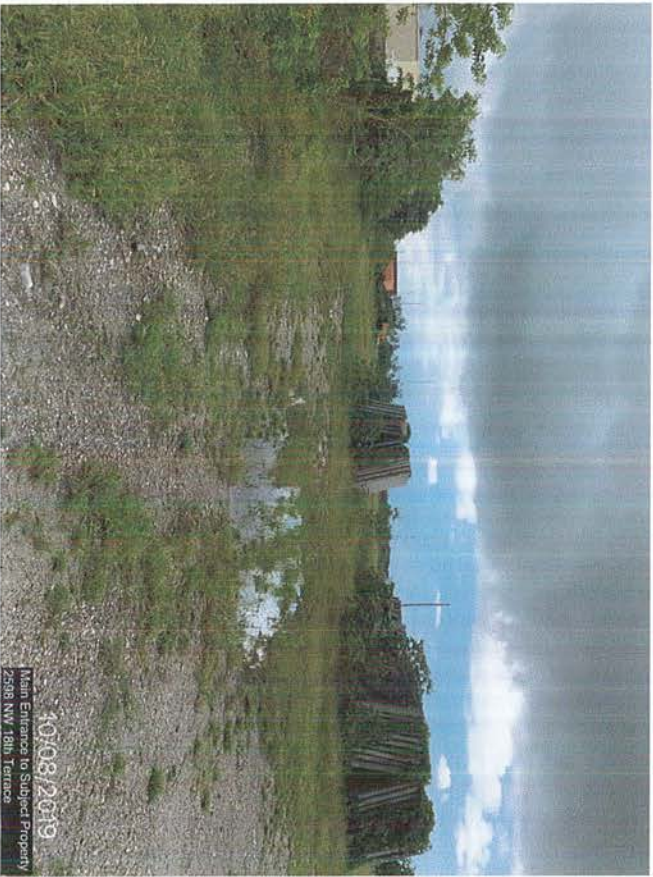
10/08/2019  
Adjoining Vacant Property to the North - Owned by Applicant  
(Next Fort Lauderdale Property) 2598 NW 18th Terrace



East View  
2598 NW 18th Terrace



10/08/2019  
Main Entrance to Subject Property  
2598 NW 18th Terrace



10/08/2019  
Main Entrance to Subject Property  
2598 NW 18th Terrace

RECEIVED OCT 31 2019

**SIGN NOTICE**

Applicant must **POST SIGNS** (for Board of Adjustment) according to Sec. 47-27.2 Types of Public Notice and 47-27.9 Variance, Special Exception, Temporary Non-Conforming Use, Interpretation requires the following notice:

- Sign Notice shall be given by the applicant by posting a sign provided by the City stating the time, date and place of the Public Hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time and place shall be stated on the sign or changed as applicable.
- The sign shall be posted at least fifteen (15) days prior to the date of the public hearing.
- The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
- If the subject property is on more than one (1) right-of-way, as described above, a sign shall be posted facing each right-of-way.
- If the applicant is not the owner of the property that is subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the City.
- If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the City and posting the sign on the property.
- The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as above to reflect any new dates.
- The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of posting of the public notice sign according to this section. If the applicant fails to submit the affidavit the public hearing will be postponed until the next hearing after the affidavit has been supplied.

**AFFIDAVIT OF POSTING SIGNS**

STATE OF FLORIDA

BROWARD COUNTY

BOA CASE NO. B19033

APPLICANT: PaveCo/Oakland 95 LLC

PROPERTY: 2598 NW 18th Terrace Fort Lauderdale, FL

PUBLIC HEARING DATE: Wednesday, November 13, 2019

BEFORE ME, the undersigned authority, personally appeared Darin Whelan, who upon being duly sworn and cautioned, under oath deposes and says:

1. Affiant is the Applicant in the above cited City of Fort Lauderdale **Board or Commission** Case.
2. The Affiant/Applicant has posted or has caused to be posted on the Property the signage provided by the City of Fort Lauderdale, which such signage notifies the public of the time, date and place of the Public Hearing on the application for relief before the **Board or Commission**.
3. That the sign(s) referenced in Paragraph two (2) above was posted on the Property in such manner as to be visible from adjacent streets and waterways and was posted at least **fifteen (15)** days prior to the date of the Public Hearing cited above and has remained continuously posted until the date of execution and filing of this Affidavit. Said sign(s) shall be visible from and within twenty (20) feet of streets and waterways, and shall be securely fastened to a stake, fence, or building.
4. Affiant acknowledges that the sign must remain posted on the property until the final disposition of the case before the **Board or Commission**. **Should the application be continued, deferred or re-heard, the sign shall be amended to reflect the new dates.**
5. Affiant acknowledges that this Affidavit must be executed and filed with the City's Urban Design & Development **five(5)** calendar days prior to the date of Public Hearing and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
6. Affiant is familiar with the nature of an oath or affirmation and is familiar with the laws of perjury in the State of Florida and the penalties therefore.

NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27.2.j of the City of Fort Lauderdale ULDR, I will forfeit my sign deposit.      (initial here)

      
Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 29 day of October, 2019



Matthew Stone  
NOTARY PUBLIC  
MY COMMISSION EXPIRES: 10/09/23



NO TRESPASSING

PUBLIC NOTICE  
BOARD OF ADJUSTMENTS MEETING





# CITY OF FORT LAUDERDALE PUBLIC NOTICE

## BOARD OF ADJUSTMENTS MEETING

DATE: JANUARY 8, 2020

TIME: 6:30 PM

CASE: B19033

REQUESTING: Sec. 39-307-Use of premises without buildings  
The applicant is requesting a variance to allow storage of materials and equipment in addition to conducting the actual work process outside of a building.

REQUESTING: Sec. 39-307-General provisions.  
(i) Use of residentially-zoned property for access.  
The applicant is requesting a variance to allow access to their property from a privately owned residential property, which is currently owned by the applicant.

REQUESTING: Sec. 39-313. Limitations of uses.  
(n) Recycling facilities. Recycling facilities, except auto salvage yards, shall be located at least five hundred (500) feet from any residentially-zoned district and at least two hundred (200) feet from any business-zoned district. All materials stored, handled or packaged on the premises shall either be in containers or stored within a building.  
The applicant is requesting a variance from the requirement that the recycling facility be located no less than five hundred (500) from any residentially-zoned property and no less than two hundred (200) from any business-zoned property. These residential and business zones are located within the City of Oakland Park.

LOCATION: CITY COMMISSION CHAMBERS  
CITY HALL, 100 N ANDREWS AVENUE

INFORMATION: CONTACT (954) 828-6506  
<http://www.fortlauderdale.gov>

This Notice is the property of the City of Fort Lauderdale. In accordance with City Code Section 11-29, it shall be unlawful for any person to injure, cut, smudge or destroy in any manner any sign, poster, notice, or other thing belonging to or under the control of the City. Persons guilty of removing this notice may be subject to fine and/or imprisonment.  
This sign shall remain on the property until the expiration of the application. This sign shall include any defacement, obscuring, or removal of text or graphics by any person. The sign shall not be changed or replaced in violation of Article 3.0.

**NO  
TRESPASSING**

**PUBLIC NOTICE**  
**BOARD OF ADJUSTMENTS MEETING**  
DATE: JANUARY 8, 2020

THE BOARD OF ADJUSTMENTS MEETING IS OPEN TO THE PUBLIC AND WILL BE HELD AT THE BOARD OF ADJUSTMENTS OFFICE, 100 WEST 10TH AVENUE, SUITE 100, DENVER, CO 80202. THE MEETING WILL BE HELD AT 10:00 AM. THE AGENDA IS AS FOLLOWS:

NO.	PROJECT (Y/L/DC/E/R)	APPLICANT
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FOR MORE INFORMATION, CONTACT THE BOARD OF ADJUSTMENTS OFFICE AT (303) 855-4400. THE BOARD OF ADJUSTMENTS OFFICE IS OPEN TO THE PUBLIC AND WILL BE HELD AT THE BOARD OF ADJUSTMENTS OFFICE, 100 WEST 10TH AVENUE, SUITE 100, DENVER, CO 80202. THE MEETING WILL BE HELD AT 10:00 AM. THE AGENDA IS AS FOLLOWS:



# EXHIBIT A

PUBLIC

IN FAVOR/

OBJECTION

LETTER (S)



January 2, 2020

VIA EMAIL

Anthony Greg Fajardo, Director  
City of Fort Lauderdale Department of Sustainable Development  
700 NW 19 Avenue  
Fort Lauderdale, Florida 33311

Dear Mr. Fajardo:

**RE: Board of Adjustment Case No. B19033 – Oakland 95 LLC - 2598 NW 18 Terr., Fort Lauderdale**

The City of Oakland Park previously sent correspondence dated November 13, 2019 with concerns related to the above referenced case, which was scheduled to be heard on that date by the Fort Lauderdale Board of Adjustment for consideration of three variances. The item was deferred at the applicant's request until the January 8, 2020 City of Fort Lauderdale Board of Adjustment meeting.

The Fort Lauderdale property that is the subject of these three requested variances currently can only be accessed through an adjacent parcel also owned by the applicant that is located in the City of Oakland Park. The Oakland Park parcel is zoned R-1, Single-Family Residential District. Neither the proposed use nor the proposed access through the portion of the subject site located in the City of Oakland Park is permitted in that zoning district. Staff has notified the applicant of this determination and suggested that the applicant work to find an alternative point of access to their site.

The City of Oakland Park objects to the three (3) requested variances:

- 39-307(h) Use of premises without buildings – The City of Oakland Park objects to this requested variance as the proposed use will have an adverse impact on the adjacent residential properties located in Oakland Park. The proposed use includes the processing of large pieces of concrete into smaller aggregate material, and may emit excessive dust, noise, odors and vibrations.
- 39-307(i) Use of residentially-zoned property for access – The City of Oakland Park objects to this requested variance as the residentially-zoned property is located in the City of Oakland Park, and such access is prohibited by the Oakland Park Land Development Code. The City of Oakland Park will consider potential legal remedies to enforce its code provisions if necessary.
- 39-313 (n) Recycling facilities - The City of Oakland Park objects to this requested variance, as the proposed use will have an adverse impact on the adjacent residential properties located in Oakland Park.

**Anthony Greg Fajardo**

**January 2, 2020**

**Page Two**

It is Oakland Park staff's opinion that the requested variances do not meet the criteria of Section 47-24.12 of the City of Fort Lauderdale's Unified Land Development Code, specifically 47-24.12(4)(d), as any purported hardship is self-created by the applicant or their predecessors, and 47-24.12(4)(e), as the variance will be incompatible with adjoining properties or the surrounding neighborhood or otherwise detrimental to the public welfare.

Please forward this correspondence to the Fort Lauderdale Board of Adjustment for inclusion in their agenda packages for consideration.

Thank you for your assistance in this matter. If you have any questions you may contact me at 954-630-4348 or [peter.schwarz@oaklandparkfl.gov](mailto:peter.schwarz@oaklandparkfl.gov).

Sincerely,



Peter M. Schwarz, AICP

Assistant Director of Economic and Community Development

Cc: David Hebert, City Manager  
Jennifer Frastai, Assistant City Manager  
Brad Ostroff, Acting Director of Economic and Community Development  
DJ Doody, Esq., City Attorney