

January 14, 2021

VIA ELECTRONIC MAIL

BOARD OF ADJUSTMENT
c/o Chakila Crawford
Department of Sustainable Development
City of Fort Lauderdale
700 N.W. 19th Avenue
Fort Lauderdale, FL 33311

Re: Preste Corp. / Publix Super Market – Variance Extension Request
Final Order of the Board of Adjustment, CASE #PLN-BOA-20030002

Dear Board Members:

On September 9, 2020, the Board of Adjustment approved variances for the proposed Publix Super Market on property located at 2985 N. Ocean Boulevard, Fort Lauderdale, Florida (see attached Final Order). Pursuant to ULDR Section 47-24.12.A.10, we respectfully request a 180-day extension of the variances granted, which are set to expire on March 9, 2021. Publix is working diligently on Final DRC and building permit plans and needs the additional extension of time to secure its building permit. Publix did not receive site plan and rezoning approvals until November 17, 2020, three (3) months after receiving the variance approvals, so this additional 180-days is necessary to apply for and secure the permit.

Accordingly, your consideration of this request for an additional 180-days (until September 8, 2021) is greatly appreciated and will afford Publix the opportunity to obtain the necessary building permit for the project.

If you have any questions, please do not hesitate to contact me at 954.468.1391.

Sincerely,



Heidi Davis Knapik

Enclosure

cc: *Via electronic mail w/enclosure*
Randy Holihan
Ryan Holihan
Bryan Fisher
Nelson Ortiz
D'Wayne Spence, Esquire
Chakila Crawford
Mohammed Malik



FINAL ORDER OF THE BOARD OF ADJUSTMENT REGARDING CASE #PLN-BOA-20030002

This matter was presented to this Board on SEPTEMBER 9, 2020, concerning the application of the owner(s) PRESTE CORP; OCEAN REEF INVESTMENTS LLC; ROYAL QUALITY HOMES OF FL LLC., by and through its agent HEIDI DAVIS KNAPIK regarding the use of real property(s) legally described as: **LAUDERDALE BEACH 4-2 B LOTS 91 & 92 LESS THAT POR OF SAID LOTS LYING W OF FOL DESC LINE, COMM AT NW COR OF LOT 92, ELY 85.38, SLY 100 TO A PT ON S/L OF LOT 91 AND THE PT OF TERMINATION OF THE HEREIN DESC LINE BLK 1; LAUDERDALE BEACH 4-2 B THAT POR OF LOTS 91 & 92 LYING W OF FOL DESC LINE, COMM AT NW COR OF LOT 92, ELY 85.38, SLY 100 TO A PT ON S/L OF LOT 91 AND THE PT OF TERMINATION OF THE HEREIN DESC LINE BLK 1; LAUDERDALE BEACH EXT UNIT B 29-22 B LOT 1 BLK 23; LAUDERDALE BEACH EXT UNIT B 29-22 B LOT 2 BLK 23; LAUDERDALE BEACH 4-2 B LOT 90 BLK 1**

Whereas, the Applicant, pursuant to Section 47-24.12 of the Unified Land Development Regulations ("ULDR") sought a variance request to the following provisions:

Sec. 47-6.20. - Table of dimensional requirements for the CB district. (Note A)

Requesting a variance from the 5 feet minimum front yard (NE 30th street) setback requirement of Section 47.6.20 Table of Dimensional Requirements to allow a structure at a proposed setback of 1 foot 6 inches, a total variance request of 3 feet 6 inches. **Note:** This request is for folio/parcel id: 494330010760, 494330010770 and 494330030800.

Requesting a variance from the 5 feet minimum corner yard (Ocean Boulevard) setback requirement of Section 47.6.20 Table of Dimensional Requirements to allow a proposed structure with a corner yard setback of 0 feet, a total variance request of 5 feet. **Note:** This request is for folio/parcel id: 494330010760.

Sec. 47-5.38. - Table of dimensional requirements for the RMH-60 district. (Note A)

Requesting a variance from the 15 feet minimum rear yard (NE 33 Ave) setback requirement of Section 47-5.38 Table of Dimensional Requirements to allow a proposed structure at a rear yard setback of 10 feet, a total variance request of 5 feet. **Note:** This request is for folio/parcel id: 494330030810.

Requesting a variance from the 5 feet minimum corner yard (N. Ocean Blvd) setback requirement of Section 47-5.38 Table of Dimensional Requirements to allow a proposed structure with a corner yard setback of 0 feet, a total variance request of 5 feet. **Note:** This request is for folio/parcel id: 494330010750 and 494330010760.

And the Board having heard and reviewed the evidence in this matter finds that the applicant has demonstrated by a preponderance of the evidence that the application meets the criteria specified in the ULDR, it is ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF FORT LAUDERDALE THAT THE SAID APPLICATION BE

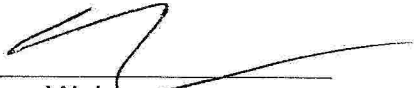
APPROVED by a vote of seven (7) in favor and zero (0) opposed with conditions that changes in zoning would not affect the variance.



Motion made by Mr. Nelson, seconded by Ms. Ellis:

To find that the request was the least variance needed to effectuate the goal of the project and the hardship was not of the applicant's making, that it met the requirements for the variance in the ULDR and to approve the requests for four variances in the application. And that the variance would not be terminated by a zoning change to effectuate this use. In a roll call vote, motion passed 7-0.

Dated this 14th day of October 2020.



Howard Nelson
Chair of the Board of Adjustment

Pursuant to ULDR Sec. 47-24.12. A.8, This order shall be recorded in the public record of Broward County, Florida at the cost and expense of the applicant. Unless a shorter time period is specified above, a building permit to implement the improvements authorized by this Order must be secured within 180 days of the date of entry of this Order. Temporary nonconforming use permits shall expire within the time specified in the final order, which such time may not exceed one (1) year from the date of entry of the final order. Pursuant to ULDR Sec. 47-24.12.A.11, where an application for a variance or special exception or both has been denied by the Board of Adjustment, no new application for the same or a substantially similar variance or special exception or both may be made within a period of two (2) years from the date of such denial. In order to appeal the Board's decision, a Petition for a Writ of Certiorari must be filed (with the Circuit Court) within 30 days of rendition of this Final Order of the Board of Adjustment. Fla. Rules App. Procedure, Rule 9.100 (c).