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December 30, 2019

City Commission
Dean Piper and Christian Zamora
10100 Pines Blvd # 6
Pembroke Pines, FL 33026
Tel: 954-392-2110

RE.: Notice of Appeal ZV 2019-05

Variance File No.: ZV 2019-05
Petitioner: Holiday Showplace Plaza
Subject Property: 9101 – 9163 Taft Street,
Pembroke Pines, FL 33024

To Whom it May Concern:

We have been hired by the above-referenced Petitioner for the appeal of the City Planning and Zoning Board denial of Zoning Variance application ZV 2019-05.

The Zoning Variance ZV 2019-05 requests a variance from § 155.251 of the City of Pembroke Pines Code of Ordinance.

Relevant Facts:

Holiday Showplace Plaza ("Plaza") is a strip mall located in a B-2 Community Business Zoning District. The Plaza was built back in 1976, and it is an existing legal non-conforming property, given its old age. The Plaza currently provides its community with a variety of retail stores and services that are within the permitted uses of a B-2 District, such as a food store, restaurants, beauty salons, an insurance agency, among others.

The Plaza is in compliance with the City Code with respect to the amount of parking spaces and has 124 parking spaces. See City of Pembroke Pines, Fla., Code § 155.251 (2019).

The Plaza wishes to also offer to the community a small church in which to congregate and worship, which is also among its permitted uses. See City of Pembroke Pines, Fla., Code § 155.146(B)(9) (2019). A place of assembly and worship, such as a local church would provide a necessary service to the community, and this Church, has parishes that have been members and would likely desire to follow and remain with the Church. Having a church in the Plaza would satisfy a community need.

However, there is an issue of the Plaza and the limited is unable to provide this service due to the current ordinance requirement for the amount of off-street parking. See City of Pembroke Pines, Fla., Code § 155.251 (2019) (a minimum of 139 parking spaces are required under the ordinance). Strict adherence to City ordinance would require that an additional fifteen (15) parking spaces be built in the premises before it can have a small church, which the Plaza lacks the physical capacity for.

Nevertheless, in practicality, no actual additional parking spaces are needed for the church to operate in the Plaza, as the church's operations would not conflict with the other businesses' operations. Due to the times when the Church would need a higher usage of the parking spaces, the other businesses at the Plaza would not.

Petitioner hereby respectfully requests that a variance is granted in allowing Petitioner to have a church in the Plaza with the existing 124 parking spaces.

Justification for Approving Variance:

1. Variance is not contrary to public interest, health or welfare:

Approving the variance is in harmony with the general purposes of the City of Pembroke Pines zoning ordinances, and not contrary to public interest, health, or welfare.

The purpose of the zoning ordinances is to promote the public health, safety, morals, convenience, and comfort of the community. See City of Pembroke Pines, Fla., Code § 155.003 (2019). Having a church in the Plaza would further the community mental health, morals, convenience, and comfort,

as the people living in the vicinity of the Plaza and even beyond would have a nearby church to go to, and one that many parishioners of the Church have grown accustomed to. Moreover, granting the variance would allow Petitioner to use for a use that is specifically permitted in the Plaza as per City ordinance. See City of Pembroke Pines, Fla., Code § 155.146 (2019).

2. Variance is the minimum variance that will accomplish the intended purpose of the Code:

A. Special circumstances:

Special circumstances apply to the building of the Plaza such that the variance should be granted: The Plaza has existed for some time and cannot conform to every new ordinance without being deprived of reasonable use and profitable business opportunities.

The subject building was built in 1976 to meet the market and community needs of the time, and in compliance with the then applicable ordinances. However, with the passage of time, the market and community tendencies have changed. In order to continue to be of advantage to its community, and a profitable piece of property, the types of businesses the Plaza houses have to change and adapt to current needs and opportunities. The intended church tenant presents a business opportunity to Petitioner consistent with the current needs of the community. Moreover, there is a need for the Church to remain in the vicinity to continue to provide services to its parishioners. This intended tenant has insisted on leasing at the Plaza, as its location and facilities are suitable to the Church's operations, community outreach and services it provides, and a good locality to its parishioners. Moreover, local businesses near the intended Church location would benefit from after services meals sought at nearby restaurants and other business uses in proximity to the location. The parking requirement comes as a hardship, as it prohibits Petitioner from making reasonable use of the premises and from fulfilling a market demand that it can actually supply.

B. No Self-Created Hardship:

The hardship is not self-created by Petitioner, as the Plaza is currently subject to ordinances that it cannot comply with, given its age. The Plaza is currently in legal non-compliance with other ordinances, as exceptions to code compliance have been needed to further the reasonable use of the premises. The present variance request is another exception necessary for the reasonable use

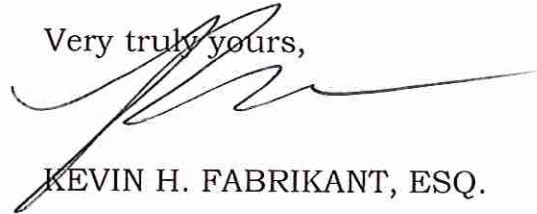
of the Plaza, and a symptom of market demands that the Plaza can fulfill, and which would bring a benefit to the community.

C. Variance Will Not Adversely Affect Other Properties:

The variance will not adversely affect any adjacent property owners, as the Plaza will be supplying the parking spaces needed for the operation of the Church as well as for the operations of all the other businesses therein. The hours of operation of the church would be significantly different from those of the other businesses in the Plaza. The Church would be operative during the weekends and non-work hours of the weekdays, when other businesses are closed. Therefore, there would be no shortage of parking spaces available to the public.

It is respectfully requested that this Commission reconsider its decision, and allow for the requested variance so as to help the Plaza provide a place of worship to the Church and its parishioners, and benefit the community at large. If there are any other information this Commission requires for the approval of the variance, please feel free to direct such inquiries to our office.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Kevin H. Fabrikant', written over a horizontal line.

KEVIN H. FABRIKANT, ESQ.