

Taste's Great I, Inc. dba Mom's Kitchen
1082 NE 45th Street
Oakland Park, FL 33334

October 10th, 2023

Peter M. Schwarz, AICP
City of Oakland Park
Planning & Zoning Department
5399 N. Dixie Highway
Suite #3
Oakland Park, FL 33334

RE: Mom's Kitchen Expansion – Application for Variance Approval

Dear Mr. Schwarz

This letter is submitted on behalf of Taste's Great I, Inc DBA Mom's Kitchen in support of the attached application for variance & Site Plan approval to permit the expansion of the restaurant within the strip plaza, remove the restriction on hours of operation and to install a covered structure over the existing outdoor patio.

Historical Overview:

Mom's Kitchen has operated in its current location and footprint since 1995. Mom's Kitchen has operated primarily as a local breakfast & lunch restaurant under the original proprietor until 2019 when he sold the restaurant to new Ownership. In 1995 a variance was applied for and granted (R-95-96) permitting 1 parking space per 67 square feet of customer service area as well as restricting hours of operation from 6 am to 2pm daily. Due to an increase in popularity of the restaurant within the surrounding community, it has become a necessity to increase seating capacity. Current ownership would also like to offer a dinner service and would like to operate without any hour of operation restriction and would like the current variance amended to that effect. During the COVID pandemic, out of necessity the applicant (also the owner of the property) installed permitted outdoor seating. The outdoor seating was essential to the continuance of the operations for the restaurant due to no distance restrictions. The shade sail is not waterproof. Applicant requests to install a permanent waterproof shade structure within the city R.O.W. and setback.

Justification for Variance - Parking:

(1) That special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of said land, structure or building.

2 items would be considered "special conditions". First, with the current, existing variance in place with a defined parking count it prevents applicant from being able to apply for current provisions that are allowed by the city (24-80 (J)) by submitting a parking study and simply showing that the applicant's property has adequate parking for the current occupants as well as the restaurant expansion. Second, there are 4 parallel parking spaces that were paid for and installed by the applicant that cannot be counted in the overall parking count due to the fact

that they are located in the city R.O.W. Those 4 spaces are only used for the applicant's property. These 2 items are the reason applicant is requesting the existing variance be amended to allow for an additional 9 parking space waiver.

- (2) *That the circumstances which cause the hardship are peculiar to the property, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the district.*

Applicant is not aware of any other property that has a current parking variance that defines the amount of parking spaces

- (3) *That the literal interpretation of the provisions of this chapter would deprive the applicant of a substantial property right that is enjoyed by other property owners in the district. (It is of no importance whatever that the denial of the variance might deny to the property owner some opportunity to use the property in a more profitable way, or to sell it at a greater profit than is possible under the terms of this chapter).*

Due to current variance in place, applicant is deprived of taking advantage of the parking study process 24-80 (J) identifying that there is adequate parking in place. Applicant requests current variance be amended to allow applicant the ability to participate in processes that are enjoyed by other property owners in the district.

- (4) *That the hardship is not self-created or the result of mere disregard for, or ignorance of, the provisions of this chapter.*

The current variance in place was in place back in 1995, decades prior to the current applicant's ownership of both the restaurant or the property, therefore not self-created.

- (5) *That the variance is the minimum variance that will make possible the reasonable use of the property, and that the variance will be in harmony with the general purposes and intent of this chapter and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

Applicant believes that by amending the current variance (R-95-96), applicant will then be allowed to partake in the current provisions of the city and the property will be aligned with the intent of the city and the surrounding neighborhood(s).

- (6) *That granting the variance requested will not be detrimental to adjacent property or adversely affect the public welfare. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be grounds for the issuance of a variance.*

By amending the current variance and allowing applicant the ability to submit a parking study and other items required by the city, the applicant with adequately show, by supporting documents, that the restaurant expansion will not be detrimental to any adjacent properties. The parking study submitted shows that there is adequate parking onsite for all tenants of the property

- (7) Under no circumstances shall the board of adjustment recommend a variance to permit use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

Applicant is already operating a restaurant within the property. No change of use is proposed or intended.

Justification for Variance - Setback:

- (1) *That special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of said land, structure or building.*

The West side of applicants building is built directly on the west property line. The current West property setback is 15ft and North is 10ft. With essentially no buildable property to the west and only 10 ft to the North, the property has a design issue and only allows for one area to create the covered outdoor seating.

- (2) *That the circumstances which cause the hardship are peculiar to the property, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the district.*

Applicant's property sits on a corner of 2 streets. This property in particular presents a hardship as there is no place to create outdoor seating other than within the setback, due to the zero-lot line on the west side of the property

- (3) *That the literal interpretation of the provisions of this chapter would deprive the applicant of a substantial property right that is enjoyed by other property owners in the district. (It is of no importance whatever that the denial of the variance might deny to the property owner some opportunity to use the property in a more profitable way, or to sell it at a greater profit than is possible under the terms of this chapter).*

Significant property owners in the district were forced to create outdoor seating due to the pandemic, to attempt to sustain their business and or tenants. Due to the way the applicant's property was built, the only location to create outdoor seating similar to other property owners, is within the setback.

- (4) *That the hardship is not self-created or the result of mere disregard for, or ignorance of, the provisions of this chapter.*

Applicant's property was built in 1961 and has not been altered in size since then.

- (5) *That the variance is the minimum variance that will make possible the reasonable use of the property, and that the variance will be in harmony with the general purposes and intent of this chapter and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

The variance being requested is a minimal and reasonable change. The permitted outdoor seating currently exists. The only change requested to be made is the install a covered structure to the existing outdoor seating to benefit the neighboring community

(6) That granting the variance requested will not be detrimental to adjacent property or adversely affect the public welfare. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be grounds for the issuance of a variance.

The requested variance would not adversely affect the public welfare.

(7) Under no circumstances shall the board of adjustment recommend a variance to permit use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

Applicant has already permitted the outdoor seating area. No change of use is proposed or intended

Neighborhood Participation Meeting:

As required by the city, a Neighborhood Participation Meeting was held over Zoom on September 7th at 6:30 p.m. A copy of the completed Neighborhood Participation Meeting report is included in the Application submission.

In summation of the above, the applicant respectfully requests that the city approve the items identified in the application.

Should you have any questions or concerns please do not hesitate to contact me.

Respectfully,

Gilbert E. Hyatt
President
Taste's Great I, Inc DBA Mom's Kitchen
Owner
Floranada East, LLC