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Attachment "C"

5940 NW 19th Court Variance Narrative

Ambassador Investment & Realty, LLC (“Applicant”) is the owner of the +/- 0.17 acre property located at 5940 NW 19th Court (folio 494126120180) (“Property”), which is generally located on the southeast corner of NW 59th Way and NW 19th Court in the City of Lauderhill (“City”). The Property has a zoning designation of RM-18 and a land use designation of Medium 16 Residential. Previously existing on the Property was the Morning Breeze Assisted Living Facility, which ceased its operations in 2022. The Applicant is seeking to reestablish an assisted living facility (“ALF”) at this location under the name Ambassador Assisted Living Facility, continuing the Property's longstanding use for senior care services.

The Ambassador Assisted Living Facility is intended to be a 14-bed special residential care facility dedicated to providing high-quality, comprehensive care services to elderly individuals who require assistance with activities of daily living. The facility will support residents by assisting with personal care tasks such as bathing, dressing, and mobility, along with coordinating medical appointments and ensuring proper healthcare. Additionally, the facility will offer services such as nutritious meals, housekeeping, and laundry to maintain a clean and comfortable living space. To further enhance the well-being of residents, an activities program will be provided, promoting social interaction, mental stimulation, and physical health through a variety of recreational and therapeutic activities. The Ambassador Assisted Living Facility seeks to provide a warm, safe, and supportive environment where residents can maintain their independence while receiving the care and attention they need.

As stated above, the Property previously operated as Morning Breeze Assisted Living Facility from 2013 until 2022, providing essential care services to the community for nearly a decade. In January 2022, the Agency for Health Care Administration (“AHCA”) revoked its approval for Morning Breeze, and operations ceased. Hoping to reopen the facility under new ownership, the Applicant requested confirmation from the City in June 2022 that an ALF could operate at the site. City staff confirmed that the use was permitted, but the zoning confirmation was only valid for 45 days. No immediate action was taken, and in May 2023, the Applicant submitted a second zoning confirmation request, again receiving written confirmation from the City that an ALF could operate at the location. Relying on these assurances, the Applicant proceeded with efforts outside of the City to establish the facility. However, in June 2024, the City determined that the lapse in operations exceeded one year and that the presence of another ALF within the 1,200-foot separation requirement now prevented the use from continuing. Given the prior confirmations and the unique circumstances surrounding the Property, the Applicant is seeking a variance to allow the facility to resume operations and continue providing essential services to the community.

Pursuant to the City’s Land Development Regulations (“Code”) Section 1.3.1, in order to obtain variance approval, the Applicant must demonstrate compliance with the following criteria:

- A. That there are unique and special circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district. The matter of economic hardship shall not constitute a basis for the granting of a variance.**

The Property has unique and special circumstances that distinguish it from other properties in the RM-18 zoning district. It previously operated as an assisted living facility for nearly a decade, from 2013 to 2022, under the name Morning Breeze Assisted Living Facility. Unlike other properties in the area, this Property has a history of being used for an ALF, demonstrating its compatibility with the neighborhood and its ability to meet the needs of elderly residents.

A special circumstance particular to the Property arises by virtue of the Applicant's understanding that the use was permitted on the Property and as a result, made plans to reopen the facility. The City's subsequent action of citing the lapse of use as a violation of the separation requirement should not prevent this needed and viable business from operating. The combination of a prior ALF closing and the Applicant's reliance on the City's determination creates special circumstances that do not generally apply to other properties in the RM-18 district.

- B. That any alleged hardship is not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of these regulations or any pertinent Code section.**

The hardship was not self-created by the Applicant, nor did it arise from disregard or ignorance of the zoning regulations. The Applicant took the appropriate steps to confirm the Property's eligibility for use as an ALF by submitting formal Zoning Confirmation Requests in both 2022 and 2023. In response, City staff confirmed on two separate occasions that an ALF was a permitted use at this location, without raising any concerns about the lapse in operations and the 1,200-foot separation requirement. The Applicant reasonably relied on these official confirmations in making decisions regarding the Property.

- C. That strict application of the provisions of these regulations or any pertinent Code section would deprive the property owner of reasonable use of the property for which the variance is sought.**

Strict application of the zoning regulations would deprive the Applicant of reasonable use of the Property as an ALF, a use permitted in the zoning district and specifically operated as for nearly a decade. The Property was utilized and improved to accommodate an ALF, making it uniquely suited for this purpose compared to other commercial or residential uses in the RM-18 district.

Furthermore, City staff confirmed twice that the ALF use was permitted at this location, and the Applicant reasonably relied on these determinations. The distance separation

requirement, triggered only due to a temporary discontinuance of use, now makes it impossible for the Applicant to use the Property for the purpose it was intended for.

D. That the variance proposed is the minimum variance that makes possible the reasonable use of the property.

The variance proposed is the minimum necessary to allow the reasonable use of the Property as an assisted living facility, a use for which it has been historically suited for. The requested variance is only to waive the 1,200-foot separation requirement, which is the only issue preventing the continued use of the Property as an ALF. The Property was originally established and utilized as an ALF, and the requested variance would allow the Applicant to resume this use without requiring significant changes or imposing additional burdens on the surrounding area.

E. That granting the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood or area, or otherwise detrimental to the public welfare.

Granting the variance will be in harmony with the general purpose and intent of the existing zoning regulations, as the Property previously operated as an assisted living facility and has been historically suited as that use. The requested variance, which seeks only to waive the 1,200-foot separation requirement, will allow the Property to resume its use as an ALF without altering the overall character of the area.

The continued operation of an ALF at this location will not be injurious to the neighborhood or area. The Property has already been used for this purpose for nearly a decade, and the return to this use will contribute to the ongoing need for senior care services in the community. Additionally, the surrounding area will not experience any adverse impacts as a result of the variance, as the Property is not introducing a new use but rather continuing an existing, compatible use. Additionally, granting the variance will not be detrimental to the public welfare. In fact, it will help provide essential care services to the community and support the welfare of residents who depend on such facilities for their daily needs.