

**BOARD OF ADJUSTMENT MEETING
WEDNESDAY, JULY 14, 2004 – 7:30 P.M.
1ST FLOOR – CITY HALL
CITY COMMISSION CHAMBERS
100 N. ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

BOARD MEMBERS

	<u>Present</u>	<u>Absent</u>
Stephen Buckley, Vice-Chairman	P	
Gus Carbonell	P	
Fred Stresau	P	
Patricia A. Rathburn, Chairman	P	
E. Birch Willey	P	
Binni Sweeney		A
Don Larson	P	

ALTERNATES

Scott Strawbridge	P
Al Massey	P
Jon Albee	P

STAFF

Sharon Miller, Assistant City Attorney
Greg Brewton, Zoning Administrator
Don Morris, Planning and Zoning
Alan Gavazzi, City of Fort Lauderdale
Charlie Wygant

Margaret A. D'Alessio, Recording Secretary

CALL TO ORDER

Chair Patricia Rathburn called the meeting to order at approximately 7:30 p.m.

Chair Patricia Rathburn proceeded to introduce the Board, along with staff. She then proceeded to explain the procedure that would be used at tonight's meeting.

APPROVAL OF MINUTES – June 9, 2004

Motion made by Don Larson and seconded by Fred Stresau to approve the minutes of the June 9, 2004 meeting.

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Fred Stresau referred the Board to Item #11 and stated that the word "form" should read "**forms**" throughout that item.

Board unanimously approved.

Chair Patricia Rathburn announced that all items were quasi-judicial, and anyone wishing to speak on the issues would be sworn in.

Chair Patricia Rathburn asked if any of the Board members had any sign problems regarding any items on tonight's agenda.

2. APPEAL NO. 04-40

APPLICANT: 2000 NW 50 Street
LEGAL: "Fort Lauderdale Industrial Airpark Section 1",
P.B. 63, P. 10, Lots 3, 4 and 5
ZONING: AIP (Airport Industrial Park)
STREET: 2000 NW 50 Street
ADDRESS: Fort Lauderdale, FL

PURSUANT TO: SEC. 47-24.12.A.6 – Requesting a Temporary Non-conforming Use permit to allow a vocational school within an existing office building within the AIP District, where such use is permitted as a conditional use by Code.

Chair Patricia Rathburn announced that this item had been withdrawn from tonight's agenda.

3. APPEAL NO. 04-45

APPLICANT: Lee and Deborah Sigler
LEGAL: Coral Ridge Galt Addition, P.B. 27, P. 46,
Block 10, Lot 35
ZONING: RS-4.4 (Residential Single Family/Low Density District)
STREET: 2201 Middle River
ADDRESS: Fort Lauderdale, FL

APPEALING: Sec. 47-19.5G – Requesting a variance to permit the construction of a 6' high retaining wall along the rear waterway property line where the Code limits the maximum height to 1 ½' when located within 10' of the wetface of the seawall.

Chair Patricia Rathburn announced that the applicant had withdrawn their application.

All individuals wishing to speak on this item were sworn in.

1. APPEAL NO. 04-38

APPLICANT: City of Fort Lauderdale
LEGAL: Acreage in 13-49-42 less that portion dedicated for Right-of-Way for NE 44 Street as shown on "Coral Ridge Country Club Addition No. 3," P.B. 52, Page 14
ZONING: P (Parks, Recreation and Open Space)
STREET: 4401 Bayview Drive
ADDRESS: Fort Lauderdale, FL

APPEALING: Sec. 47-19.2 (R) and Sec. 47-8.30 – Requesting a variance to allow five (5) light fixtures that are 15' in height to setback 5' from the front property line where 25' is required, and five (5) light fixtures that are 20' in height to setback 15' from the side property line where 25' is required in Bayview Park.

Alan Gavazzi, City of Fort Lauderdale, stated that their original request was to install street lights along the existing parking lot on the south side of Bayview Park, along NE 44th Street. He stated they also wanted to install 5 lights along the existing sidewalk on Bayview Drive. He stated they wanted to withdraw the request regarding Bayview Drive because they had discovered a way to light the sidewalk without installing lights in the setback.

Mr. Gavazzi stated that in regard to the lights along the parking lot on the south side, they had their electrical engineering consultant analyze the situation, and the problem was if they moved the lights back 10' to be outside of the 25' setback, the wattage of the lights would increase. He stated the concern was that glare problems would be created for the properties across the street. Therefore, they were requesting to install 5 lights along the parking lot on the south side 15' back from the property line.

Chair Patricia Rathburn clarified that the City was withdrawing their request for the 5 lights, 15' in height, to be setback 5' from the property line. Mr. Gavazzi confirmed.

Chair Patricia Rathburn proceeded to open the public hearing. There being no individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

Motion made by Fred Stresau and seconded by Al Massey to close the public hearing. Board unanimously approved.

Birch Willey asked what was the hardship. Mr. Gavazzi stated that the hardship was that they were attempting to create a safe condition which could not be done

without creating a glare problem for the neighbors across the way if they complied with the Code and had lights installed behind the setback. Birch Willey asked where that would be in relationship to the nearest street. Mr. Gavazzi proceeded to show the area on the map and stated that NE 44th Street would be

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the nearest roadway. He stated the lights would be 15' back from the property line, and would be about 30' from the street. Birch Willey asked what were the opinions of the property owners across the street regarding 2 less foot candles. Mr. Gavazzi stated they did not know.

Stephen Buckley clarified that this was perpendicular parking and the property line went through the middle. Mr. Gavazzi confirmed. Stephen Buckley stated if one thought of the property line being at the rear end of the parking space, they would probably meet the 25' setback. Mr. Gavazzi confirmed, but stated the problem with that was that there was a sidewalk immediately adjacent to the parking space. The next available space to install the lights would be behind the sidewalk and stated there was a wooden guardrail around the parking. Stephen Buckley asked how wide was the street. Mr. Gavazzi stated it was an average size street probably about 22' to 24'.

Fred Stresau stated that on the site plan it appeared the City was improving the overall south side of the project, and asked if they would be moving the parking spaces more toward the street in order to add the new sidewalk or were they just adding the sidewalk to the front of the existing spaces and removing the wooden railing. Mr. Gavazzi stated they were shifting the railing back and the parking lot would not be modified.

Fred Stresau asked why they would not install 6-7 light fixtures and decrease the wattage. He stated that the City should comply the same as the private developers, and he did not see any hardship involved in this matter. Mr. Gavazzi stated the problem was the amount of the throw of the light. He further explained that the light fixtures would be at the back end of the sidewalk. He stated they could add more lights placed closer together, but it would not increase the throw towards the street, but when they pulled the lights back additional wattage was needed to throw the light into the parking space.

Motion made by Stephen Buckley and seconded by Gus Carbonell to approve this request. Roll call showed: YEAS: Stephen Buckley, Gus Carbonell and Patricia Rathburn. NAYS: Fred Stresau, Don Larson, Birch Willey, and Al Massey. Motion failed 3-4.

“For the Good of the City”

Time Change/Meetings

Birch Willey asked about the status of the time change for the meetings.

Greg Brewton, Zoning Administrator, stated they were in the process of developing the memorandum to be presented to the Planning and Zoning Board and then on to the City Commission. He stated that at the workshop, he had indicated that he was not responsible for taking amendments to the Planning and

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Zoning Board because other staff did that, but discussions had been held and now he would be responsible for such items. Therefore, staff would not be further impacted with such requests. He stated that an ordinance amendment was required and even though it was a minor amendment, information had to be supplied to the Planning and Zoning Board and the City Commission. He stated it would not be heard until September due to the August break for the Commission.

Fred Stresau asked why this item had to go before the Planning and Zoning Board. Greg Brewton explained that all ordinance amendments had to go through the Local Planning Agency. Sharon Miller confirmed.

Meeting Change/September

Greg Brewton stated that the meeting date for this Board had to be changed for September due to the fact that the City Commission would be meeting on that date. He proceeded to supply dates that would be available for the meeting to the Board.

Motion made by Fred Stresau and seconded by Birch Willey that the Board of Adjustment would meet on September 22, 2004 at 6:30 p.m. Board unanimously approved.

Motion made by Al Massey and seconded by Fred Stresau to adjourn the meeting.

There being no further business to come before this Board, the meeting was adjourned at approximately 7:53 p.m.

CHAIRMAN

Patricia Rathburn

ATTEST:

Margaret A. D'Alessio
Recording Secretary

ATTEST:

Debra Giehtbrock
Recording Secretary

A mechanical recording is made of the foregoing proceedings, of which these minutes are a part, and is on file in the Planning & Zoning Offices for a period of two (2) years.
