

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE**

WEDNESDAY, DECEMBER 1, 2004 – 6:30 P.M.

**CITY HALL
CITY COMMISSION CHAMBERS – 1st Floor
100 N. ANDREWS AVENUE
FORT LAUDERDALE, FL**

BOARD MEMBERS

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

ALTERNATES

Scott Strawbridge	P	
Al Massey		A
Jon Albee	P	

STAFF

Robert Dunkel, City Attorney
Don Morris, Acting Zoning Administrator

Debra K. Giehtbrock, Recording Secretary

GUESTS

Jiro Yates	Robert Lochrie
Patrick Gould	Pete Ebersole
Joe Dillard	

CALL TO ORDER

Chair Patricia Rathburn called the meeting to order at approximately 6:42 p.m., and asked the Board Members to introduce themselves. She then proceeded to explain the procedures to be followed for tonight's meeting.

ALL INDIVIDUALS WISHING TO SPEAK ON THE ITEMS ON TONIGHT'S AGENDA WERE SWORN IN.

1. APPEAL NO. 04-55 - Deferred from November 10, 2004 Meeting

APPLICANT: Henry and Minerva Glaston
LEGAL: Brysa Park Extension, P.B. 28, P. 46, Block 2, Lots 12, 13, and 14.
ZONING: CB (Community Business District)
STREET: 3619-3635 W. Davie Blvd.
ADDRESS: Fort Lauderdale, FL

APPEALING: Sec. 47-25.3 A.3.d.v – Requesting a variance to allow an existing wooden fence to remain on a nonresidential property, where Code requires that a 5 ft. wall be constructed.

Chair Patricia Rathburn stated that staff had requested that this item be deferred due to additional information being required regarding the construction of the wall.

Don Morris, Planning and Zoning, stated that staff felt additional information was required regarding the building of the wall.

MOTION made by Don Larson and seconded by Binni Sweeney to defer this matter until the January 12, 2005 Board meeting. Board unanimously approved.

2. APPEAL NO. 04-66 - Deferred from November 10, 2004 Meeting

APPLICANT: Nautix Miami, LLC
LEGAL: Coral Ridge Addition B, P.B. 41, P. 47, Block 12, Lots 18, 19, & 20
ZONING: B-1 (Boulevard Business District)
STREET: 5401 N. Federal Hwy.
ADDRESS: Fort Lauderdale, FL

APPEALING: Sec. 47-23.9.A.1 – Requesting a variance to allow a 4' yard where the Code requires a 20' yard for properties along the North Federal Highway Interdistrict Corridor between Sunrise Boulevard and the northern city limits.

APPEALING: Sec. 47-23.3 – Requesting a variance to allow an existing building to maintain a 1' setback from the property line along the alley, where Code requires a 3' setback from the property line.

APPEALING: Sec. 47-25.3.3.d.i. – Requesting a variance to allow a 4' landscape strip where the Code requires a 10' landscape strip when contiguous to residential property.

APPEALING: Sec. 47-25.3.3.d.iv – Requesting a variance to allow a viburnum hedge to be planted along the property line contiguous to residential property where a minimum of a 5' wall is required with at least a 5' setback from the alley row line.

APPEALING: Sec. 47-25.3.3.b.ii – Requesting a variance from the requirement to screen loading and service facilities so that they are not visible from abutting residential uses. Applicant proposes to plant a viburnum hedge that will only partially screen the loading area from view of the abutting residential property.

Fred Stresau disclosed that he had spoken with Robert Lochrie regarding this matter.

Robert Lochrie provided renderings of the building looking southwest from across Federal Highway and south facing the building. He stated that the building was originally constructed as a furniture showroom and approved by the City. He advised that all Codes had been met at that time. Subsequently, the site was sold and then utilized as a bank and office for many years. The bank use was a more intense use than the furniture store. Nautix Miami, LLC purchased the property in 2004 and was now seeking to return the property to a furniture store with high-end European furniture. He advised the applicant planned on renovating the building in a more modern architectural style with additional landscaping, and extensive enhancements in appearance from Federal Highway and adjoining properties.

Robert Lochrie stated that there were several issues related to the property. The existing building was approximately 14,000 square feet and was essentially centered on the southern portion of the lot, and to the west (rear of the building) was a paved alley with a driveway that ran in front of the building. Parking served the front of the building and was also located on the north side, along with a loading zone off the alley to the west. There was a dumpster that was not enclosed as required by Code.

Mr. Lochrie advised that new rules had been passed by the City regarding the Federal Highway Corridor since the building had first been constructed. A 20' setback was now required where no driveways or parking was permitted. The Code required a 10' buffer between residential and commercial structures. The rear area of the building sat 1' from the property line, and the existing Code required the building to be 3' from the property line if on an alley. Therefore, there was a 2' overhang.

Robert Lochrie further stated that the loading area was not shielded or covered, but they were still required to have a loading zone. The proposal was to provide a new hedge buffer between the residential area and the alley-loading zone. Mr. Lochrie stated that adjacent neighbors had been contacted, and presented a petition in favor of the project.

Mr. Lochrie stated that in reviewing some of the past variances that had been brought before this Board in regard to the Federal Highway Corridor and the open-space requirement, they thought it would be advantageous to eliminate the driveway and parking spaces along the strip, and enhance the landscaping along the Federal Highway area complimenting the elevations of the building. In addition, along 54th there were 90-degree parking spaces that created drainage issues. They are proposing to eliminate such parking entirely, and replace it with landscaping and trees, along with a buffer yard between the street and the building, which they believed would enhance the neighborhood and Federal Highway. In the rear, a portion of the building was 1' from the property line which did not meet the 3' requirement, but actually was further from the property line than the adjacent property. He believed this was a unique situation. In addition, he advised they have shifted the loading area slightly to the east so that a 4' ficus hedge would be installed providing a full buffer. Additional landscaping would be placed at the ends, as well as completely enclosing the dumpster so as to meet Code requirements. He also stated that they planned to change the direction of travel so that traffic could enter off Federal Highway.

Robert Lochrie also stated that this situation was unique since they would be returning the property back to a less active use. He advised they were complying with the Code where possible and were keeping the number of variances being requested to a minimum. He proceeded to show graphics of the subject site. He explained they planned to open the front of the area by adding windows while still keeping within the existing structure, but adding a new façade.

Binni Sweeney asked how much space was in the front of the proposed plan. Mr. Lochrie stated there was 30' in the front and 16' feet on the sides which would not require a variance. Binni Sweeney stated that she did not have a problem regarding the 2' overhang. She stated that she was concerned about the area in the back in case a new neighbor would move in and not be happy with the situation. She asked how much of a variance was being requested, and why they could not screen more of the loading area.

Robert Lochrie explained the alley was not in good shape and the existing buildings ran along the edge of the alleyway. He stated they were required to have a loading zone and if the wall was constructed, then they would not be able to have the loading area in the back and would have to load and unload from Federal Highway. They felt the ficus hedge would provide additional screening for the area and be more attractive than a concrete wall. He further stated that the 10' requirement was not specifically explained in the Code. He suggested that trucks would use the alley to serve the commercial corridor. He felt the 10' would be mitigated by the fact that having the hedge, it would provide a better buffer. He explained the 4' met the Code requirement so a loading zone could still be provided. He explained the height could exceed the cap provided for a concrete wall. The only area not screened in would be where the trucks went in and out. Binni Sweeney indicated she would not have a problem as long as the screening was high enough so as not to bother the adjacent neighborhood.

Fred Stresau stated in speaking with Robert Lochrie, he felt there had not been enough discussion regarding the rear portion of the building.

Chair Patricia Rathburn asked if the ficus hedge was a greater or lesser screen than the viburnum hedge which had been advertised. Robert Dunkel stated that such an analysis came into play when a request was made for a 2' variance from 10', and then later returning requesting 4'. He explained that the Code was not specific with regard to viburnum. Therefore, the Board had the discretion to look at the species of the hedge and as long as there was comparable screening, there should not be a problem.

Birch Willey asked if any consideration had been given to buffer the hedge so that an 18-wheeler would not destroy the hedge when packing out. Mr. Lochrie stated they would have no problem putting in concrete posts where the ficus could grow around them.

Fred Stresau asked if the dumpster could be moved closer to the building on the south side and a wall be installed similar to the one constructed in the shopping center on 17th Street. He explained it was a freestanding 16' high wall. He asked if the trucks would be able to back in from the south, while still shielding the service area from the residential neighborhood, rather than from the business area, which was how it was now laid out.

Jiro Yates, architect, explained that the area where the dumpster was drawn in was actually where a 6' wide access door was located. The rationale of putting the hedge in that location was that by having the vehicles back in, they would then be able to pull straight out versus pulling straight in and backing out into the alley.

Binni Sweeney asked for some additional clarification as to why they felt the hedge would be more advantageous than constructing a wall.

It was stated that they could do both, and that the City wanted a minimum 5' high wall placed 5' back from the alley and property line. The 4' hedge seemed to be a more attractive solution than a solid

wall. Binni Sweeney felt the wall would screen in the area better and even with the posts, the trucks could knock down the hedge.

Robert Lochrie asked if the wall and landscaping could be done in the 4' area. He was informed it could be done.

Binni Sweeney felt it was more important to screen in the area from the neighborhood, than have it look attractive.

Don Larson stated that it was not fair to ask the applicant to install both the hedge and the wall, and the neighbors would prefer looking at a hedge than a wall. He reiterated that a wall would become marred and unsightly.

Chair Patricia Rathburn stated they were going outside the request that had been advertised. Robert Lochrie apologized and stated that he had been informed that the 5' setback would be met if a wall was constructed. Mr. Yates explained they wanted to leave some "breathing room" for the trucks. She asked if a variance was needed to construct the wall.

Don Morris stated that with respect to the required neighborhood compatibility requirement, there must be a 5' setback from the right-away line located closest to the non-residential property. He further advised that the 10' height requirement for hedges was new.

Chair Patricia Rathburn proceeded to clarify what variances were needed by the applicant. She stated that the first request for a variance was not needed, but the second request was needed. The third request for a 4' landscape strip where the Code required a 10' buffer was needed. The fourth request was not to have a wall located 5' from the property line at the alley.

Robert Lochrie stated they could have a 5' wall and landscaping. The wall would be 5' from the residential property, and a 4' landscaping strip would be next to the alley. Their concern was similar to those on the Board regarding the landscaping maintenance at the wall site. The proposal was to do away with the wall and have the 4' landscaping. He stated they were acceptable to providing both.

Chair Patricia Rathburn clarified they could have the wall 5' from the property line, and on the alley side 4' of landscaping. Robert Lochrie confirmed.

Don Morris elaborated on the code requirements that all fences and walls including chain length fencing adjacent to residential areas shall include the planting of hedges, shrubs, ground cover and trees or a combination thereof.

Chair Patricia Rathburn reiterated that with the placing of the wall on the property line and 4' of landscaping along the alley, they would not need the 4th variance. Robert Lochrie agreed they would withdraw the 4th variance.

Gus Carbonell asked if they were there for a change of use, and if the new use was less intense, he thought they would only have to do things within reason and not have to meet all Code requirements. Robert Lochrie stated that he believed there were other issues that had to be addressed besides the legal non-conforming use. Don Morris stated that he had not met with the applicant, and evidently there was a reason they were requesting the variance. Robert Lochrie indicated that the property had been vacant for a while, and it was not necessary to show abandonment issues for the variances requested.

Binni Sweeney asked if sufficient parking would be provided. Mr. Lochrie confirmed. Binni Sweeney asked if the plans reflected the changes shown and was advised that the sketch presented superceded the plans in their packets.

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

MOTION made by Fred Stresau and seconded by Binni Sweeney to close the public hearing. Board unanimously approved.

Chair Patricia Rathburn reiterated that the applicant had voluntarily withdrawn Item Nos. 1 and 4.

MOTION made by Don Larson and seconded by Fred Stresau to approve the request for a variance regarding Sec. 47-23.3.

Birch Willey requested that the motion be clarified to include the sketches presented at this meeting rather than the plans submitted the month prior.

Chair Patricia Rathburn explained that this particular variance applied to the building and did not change on any of the plans submitted, but the other items would need clarification for the record.

Don Larson stated that his motion only applied to the building portion of the plan.

Roll call showed: YEAS: Fred Stresau, Don Larson, Jon Albee, Binni Sweeney, Gus Carbonell, and Patricia Rathburn. NAYS: Birch Willey. Motion carried 6-1.

MOTION made by Binni Sweeney and seconded by Don Larson to approve the request for a variance regarding Sec. 47-25.3.3.d.i with the caveat that it be in accordance with the site plan included as Exhibit 1.

Jon Albee stated that there were no specifications indicating what was going to be planted.

Robert Lochrie stated that for the record the alley landscaping would include a ficus hedge, and the site plan had a vegetation and landscape plan for Federal Highway. He advised that they would be working with City staff to determine what trees and shrubs would be planted.

Roll call showed: YEAS: Fred Stresau, Don Larson, Birch Willey, Binni Sweeney, Gus Carbonell, Jon Albee, and Patricia Rathburn. NAYS: None. Motion carried 7-0.

MOTION made by Don Larson and seconded by Binni Sweeney to grant the variance in regard to Sec. 47-25.3.3.b.ii with the exception of substituting a ficus hedge for the advertised viburnum hedge subject to staff's approval as shown in Exhibit 1.

Roll call showed: YEAS: Birch Willey, Binni Sweeney, Gus Carbonell, Jon Albee, Fred Stresau, Don Larson, and Patricia Rathburn. NAYS: None. Motion carried 7-0.

3. APPEAL NO. 04-64

APPLICANT: Patrick Gould
LEGAL: **Lauderdale Isles No. 2, P.B. 37, P.45, Block 9, Lot 3**
ZONING: **RS-5 (One-Family Detached Dwelling District)**
STREET: **2424 Okeechobee Lane**
ADDRESS: **Fort Lauderdale, FL**

Broward County Zoning Code Sec. 39-275 (3) (c) – Requesting a variance to extend a deck to the rear plot line, where Code allows unenclosed and unroofed patios or decks not higher than the first floor of the principal building to be located in any required yard which is not contiguous to a street to within five (5) feet of a plot line.

Chair Patricia Rathburn summarized the issue confirming with Don Morris that this particular property was annexed into the City from Broward County, and that the City Code differed from the County Code. If the property were located in Broward County, it would not require a variance. Don Morris confirmed.

Patrick Gould, applicant, indicated that he backs up to the canal and many of the neighbors have already done something similar in the area. Don Morris indicated that a railing was permitted, but it had to be 75% opaque.

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 Binni Sweeney to close the public hearing. Board unanimously approved.

MOTION made by Binni Sweeney and seconded by Don Larson to approve the variance as requested.

Roll call showed: YEAS: Binni Sweeney, Gus Carbonell, Jon Albee, Fred Stresau, Don Larson, Birch Willey, and Patricia Rathburn. NAYS: None. Motion carried 7-0.

4. APPEAL NO. 04-69

APPLICANT: Portside Yachting
LEGAL: **Port Everglades Plat No. 2, A portion of Parcel "A" P.B. 108, P. 31**
ZONING: **PEDD (Port Everglades Development District)**
STREET: **1850 SE 17 St**
ADDRESS: **Fort Lauderdale, FL**

APPEALING: Sec. 47-15.23 Table 1, Occupancy Identification – Requesting a variance to allow:

1. Twenty (20) signs where the Code allows one (1) freestanding or flat wall or leaf on window or door and one (1) awning canopy.
2. Each sign to have an aggregate area not to exceed 300 sq. ft. and a total aggregate sq. ft. of all occupant identification signs not to exceed 2090 sq. ft. where the Code allows up to 6 sq. ft. aggregate; 15 sq. ft. aggregate.
3. The height of the letters to be 30 inches where the Code allows 8 inches maximum height for letters of copy.
4. Such occupant identification signs to be installed up to 46 ft. above grade where the Code allows 5 ft.

5. Five (5) corner occupants to have two (2) flat occupant identification wall signs, 1 sign on the north wall and 1 sign on the east or west wall.

APPEALING: Sec. 47-15.23 Table 1, Primary Advertising Sign – Requesting the following variances:

1. To establish one (1) of the three (3) allowable flat wall signs to have a maximum of 300 sq. ft. where the Code only allows a maximum of 200 sq. ft.
2. Two (2) of the primary advertising signs to be freestanding type.

Chair Patricia Rathburn stated that staff had provided information that this property was subject to a previous sign variance granted in 1997, and in order to make the matter a little more understandable for everyone, staff would show the difference between the variance that had been approved in 1997 and the one now being requested.

Fred Stresau stated he was present at the meeting where they had spent hours hashing out the details of the variance and was surprised why they were asking for a change that had been approved in 1997, even though there was probably a different owner and maybe a different use involved.

Robert Dunkel stated that with respect to the first request where the applicant was seeking a variance for 20 signs, he explained that in 1997 they had received a variance for 38 signs, so unless they were looking for 20 additional signs from the 38 they already had, it was not necessary to entertain this item.

Pete Ebersole, Architectural Alliance, indicated he was confused but would be happy to agree to that. Robert Dunkel reiterated that they did not need a variance for the 20 signs since they had been granted a variance for 38 previously. Mr. Ebersole stated that it was his understanding that this request would replace the first variance. Robert Dunkel stated that was not the case. He stated that he wanted them to abandon the difference between the 20 signs and the 38 signs as part of this request, and indicated that if they were not able or prepared to do this, then he suggested to the Board that any other variances approved tonight be conditioned on the relinquishing or abandoning of the 18 variances that the applicant was no longer seeking. Mr. Ebersole stated that was what they wished to do. Robert Dunkel clarified that the Board had the authority to relinquish the 18 signs.

Jon Albee stated that he too was on the board in 1997 and this was a horrendous case and over time we have commented why they had approved this case so as long as they are sure that there will be 20 signs and not 38. Mr. Ebersole confirmed.

Chair Patricia Rathburn suggested that they be sure that the agreement to waive the 38 signs was contingent on the other variances. Mr. Ebersole agreed that there needed to be additional discussion because the signs needed to be larger because there were a lot more trees in the area, and the ramp was interfering with the visibility of the signs. He explained there were not going to be small stores, but rather large yacht sales establishments. Chair Patricia Rathburn clarified that they were comfortable with the fact that 20 signs would be permitted, as long as they obtained the other items being requested. Mr. Ebersole stated they wished to lower the number of signs, and reiterated that they were not requesting 58 signs. The original variance allowed 38 signs at 55 sq. ft. each totaling 2,090 sq. ft., and they wanted to maintain that only 2,090 sq. ft. of signage would be placed on the building at any given time. He explained their goal was to have fewer larger signs.

Fred Stresau clarified that they were not just relinquishing the 18 signs, and the abandonment of the 18 signs was contingent on approval of the other variances being requested tonight. Mr. Ebersole

clarified that they were under the impression that with the approval of the variances, the other variance would go away.

Chair Patricia Rathburn asked Don Morris since he had prepared the package if he could explain. Don Morris stated that in the original variance there had been a stipulation that of the 38 signs, the maximum of any one sign would be 55 sq. ft., which would equate to 2,090 sq. ft. in the aggregate. By requesting the reduction to 20 signs, they wanted to have the flexibility to have individual signs as large as 300 sq. ft. If you add it up, all the signs could not be 300 sq. ft.; they would be of varying sizes with the maximum being 300 sq. ft. Chair Rathburn clarified that some signs would be larger and some smaller, but that the total square footage would be 2,090 sq. ft. no matter how they divided them up.

Pete Ebersole stated that the applicant was attempting to make this building a success. In the past, different uses have been in place at the site, such as restaurants and various types of retail, that had not succeeded. The building was in an odd location, and therefore, the businesses that had been in the building did not succeed. The tenant moving in was attempting a theme of portside yachting and was interested in larger pieces of property more for the yacht broker type of business. One of the things the tenant was interested in was putting their signs on 17th Street because with the building of the new 17th St. Bridge, the access ramp or the up/down ramp had been moved back hundreds of feet closer to the intersection of Eisenhower Boulevard. In attempting to help beautify the City, they put a tremendous amount of landscaping along that side of the street. The visibility to the building had radically changed with the blocking off of the entrance to the Port with the security gate and not allowing non-business related vehicles to go into the Port. There hope was that with the leasing of the space, they would have fewer signs but they would be somewhat more visible to 17th Street through the trees and the changing shape of the roadway. This was why they wanted the changes to the variances in place at this time because 55 sq. ft. signs were very difficult to see. This particular property was the only one, as far Mr. Ebersole knew, in the PEDD zoning. Signage allowances for all the other buildings on 17th Street were better from a retail point of view. The section in the code that addressed signage for PEDD did not contemplate a building that looked or worked like this one. In looking at the existing Code, notwithstanding the variance that presently existed, one would have almost no signage on the front of the building.

Mr. Ebersole stated that the variance granted in 1997 addressed with issues pertaining to the PEDD code and the size code for PEDD doesn't address this building. What they are attempting to do is in keeping with the original variance but modify the way it is written for their client, which is to go from 38 down to 20 and live with the total square footage that was already granted in a different configuration.

Chair Patricia Rathburn proceeded to clarify what the applicant was requesting. She reiterated that they wished to allow 20 signs while the Code permitted one. The previous variance permitted 38 signs, which reduced the number of signs permitted, and each sign was not to exceed 300 sq. ft., which essentially was still needed because of the maximum per sign issue in the second variance request. The original variance permitted lettering to a height of 18", which the applicant wanted to increase to 30", and therefore, the third request and part of the second request was still necessary. The 46' above grade was granted previously, and therefore, not needed under the old variance. The 5 corner occupants were previously granted so that was not needed as part of the variance. Therefore, the applicant needed one of the three allowable flat wall signs to have a maximum of 300 sq. ft. where the Code only permitted a maximum of 200 sq. ft. Don Morris stated that it allowed three of any of the following signs listed, and staff believed that #2 was not necessary and could be accomplished without a variance.

Robert Dunkel confirmed they needed 3 flat wall signs and another freestanding sign. Mr. Ebersole indicated that he would like to be able to give the tenant the option of a free standing sign or a flat wall sign. He recommended that they use a monument sign so it would be more visible to the roadway. Robert Dunkel agreed that #2 could be withdrawn, but recommended a monumental sign rather than a flat wall sign.

Birch Willey asked if a drawing was available showing the locations for the signs. Mr. Ebersole stated he had a drawing of where the signs might be placed which included a disclaimer in the middle. Birch Willey clarified that what he had before him was not necessarily what he was going to get. Mr. Ebersole confirmed. Birch Willey commented that it appeared they were placing the cart before the horse, especially when he compared this to what had been required of hospitals and Bank Atlantic for signage in relation to Commercial Boulevard. Mr. Willey stated he would not be able to vote for the variances without knowing what tenants would be at the site, and which tenant could possibly apply the pressure on them to get the most square footage. He believed the applicant was here too early.

Fred Stresau asked how they would be able to merchandise the building without being able to tell the tenants what type of signage would be permitted. Birch Willey stated that was their problem based on what they told everyone else requesting signage. He reiterated that they normally see the type of sign to be used, including the shape of letters, lighting behind the letters, and where the sign would be placed on the building. Fred Stresau stated that the difference was they had already approved the variance seven years ago. Birch Willey stated that he had already said they wondered why they had granted approval.

Fred Stresau clarified that he asked why they were here tonight, if they couldn't use what they had received previously. He thought they had shown to some extent why they were before the Board tonight. He felt they were not proposing a sign for each tenant on each floor of the building, and were not attempting to carve the building into 38 or 40 different pigeonholes. He stated they wanted to have some major tenants that would allow them to reduce the number of signs. Mr. Ebersole agreed that the tenants were renting larger spaces. Fred Stresau reiterated they were attempting to eliminate the storefronts of before.

Binni Sweeney agreed that they were still going to have the same amount of square footage, but were requesting larger signs. In effect, they were asking for more because of having different types of tenants. She did agree that they needed to know what they were approving. She stated that she had a problem with buildings that were all signs.

Mr. Ebersole stated that he was sure the Board could understand the visibility problems facing the building. Mr. Willey stated that he understood the problems he was having as a retailer, but he also felt that the tenants would be able to do whatever they wanted after receiving the variances. He believed they were asking for too much too soon. He stated that he was willing to support a request for signage once he knew the locations for the signs and how the signs were going to look.

Gus Carbonell stated that the building had a certain shape and certain areas could be used for signage, but he was uncomfortable granting unlimited 300 sq. ft signs. He agreed they needed to market the building that had been empty for a long time, but some of the tenants would not rent until they knew how they could advertise and where. He further stated that the proposed elevation showed four locations along the very top that would probably be for prime tenants. He suggested they do more studying and determine how many signs were needed and of what size. He felt this was an opportunity to correct a mistake that had been made in the past. He agreed they had a

hardship regarding visibility, but the way this was written granting blanket approval was not right, and they probably would not even use all the signs.

Pete Ebersole asked if there was a limitation regarding erecting signs on the areas of the building that had signage bands. He reiterated that there were four fairly large areas that were intended for signs at the top.

Chair Patricia Rathburn suggested that where the board was going was that they were not adverse to what you wanted to do but do want to know is to locate what you are talking about as to the best of your ability where the large signs are going to be, where the smaller signs are going to be so the Board members have something to look at and know what they are approving. As it stands now where they are not going to grant you this as a blanket and listening to the discussion that has already been held, it is not reasonable to ask you to come back every time you have a tenant because you are not going to get the tenants if you are going to do that. There needs to be a meeting somewhere between those two positions, which may not happen at this meeting. She suggested they request deferral and come back with something more definitive.

Gus Carbonell asked if the large rectangles represented approximately 300 sq. ft. at the top. Mr. Ebersole agreed.

Jon Albee stated that this was an opportunity to correct an error that had been made years ago in an attempt to help this building. He emphasized that the building was really in the wrong spot. He continued stating that this could be done across the street in B-1, but could not be done in the PEDD District, which was an anomaly that had to be dealt with. He remarked that this building had often been referred to as the largest billboard in Broward County. A real signage plan was needed so the Board would know for sure what was being presented to them, and if it would be compatible for the area. He further stated that they did not want to detract from the business opportunity that the applicant was attempting to undertake. He remarked that a building that had not done well in the past was a serious risk, and they did not want to make the same mistake once again. He suggested that this item be deferred until next month.

Mr. Ebersole asked if the Board would be amenable to a drawing such as they presented today having the shaded areas represent the size, location and shape of the proposed signs. He added that they were hesitant to agree to this proposal because it had not been reviewed with individual tenants. They felt these were the most visible locations and the signs would look good on the building. He indicated that his intention would be to come back with a drawing that looked similar to the one presented this evening, but one that had been agreed to by the owners. He explained the drawing would represent where the signs would be located and the maximum size that could be placed in any particular area. Mr. Ebersole asked if such a recommendation would be amendable to the Board.

Don Larson stated that he did not have a problem with the 2,090 sq. ft., but he wanted to know the number of signs contained in that square footage and what size the signs would be, along with their locations. He did not object to the signs being reduced from 38 to 20 within the same square footage.

Mr. Ebersole stated that basically the same drawing would be presented to the Board next month, but he wanted to see if the owners would agree to the location and size of the signs.

Chair Patricia Rathburn reiterated that the Board was not prepared to agree to what was being presented at this time because it did not appear to be site specific. Mr. Ebersole indicated that he thought everything had been included in the present drawing.

Gus Carbonell suggested that the Board provide some guidance to the applicant as to what should be included in their presentation next month. He suggested that photographs be shown of various 300 sq. ft. signs because he was having difficulty visualizing them at this time. He added that although some of the signs might be large, they could be done tastefully depending on style, design, lettering and lighting versus box signs that had a light in the back. He also suggested that conditions be placed on the variances in order for the signs to be compatible with the building.

Birch Willey added that since various sizes of signs could be involved, a uniformity problem could exist.

Binni Sweeney agreed with the comments being made, and stated that if they erected various 300 sq. ft. signs, the building would look like one big billboard. She further stated that they wanted the building to do well, but they did not want it to resemble a large billboard.

Mark Eller, one of the partners of the project, stated that he wanted to attempt to clarify this situation. He apologized for the confusion because they wanted to present this as simply as possible. He explained they wanted to take the existing variance and create an opportunity to reduce the billboard effect. He further stated that the problem was that it was difficult to attempt to apply standards because every tenant had a different opinion about what their sign should look like. He emphasized that they were trying to attract more nationally recognized tenants and certainly tenants that had an awareness throughout the yachting industry, such as International Yacht Collection, who were one of the premier yachting firms in the United States. He stated that a brand image such as Nike or McDonald's, was very important. The challenge during negotiations with a tenant who had a lot of flexibility and other options available on 17th Street, including the new Publix Shopping Center, was simply to go into an environment where there was more flexibility to produce their brand consistent with how they had done it at other locations. He believed it was very difficult to stand before this Board tonight and tell them that they could or would return with a rigid standard for tenants, and then begin to impose that standard on the tenants while putting themselves at a competitive disadvantage. He reiterated that this building had been at a competitive disadvantage ever since it existed. and signage did not solve the problem.

Mr. Eller further stated that they were not here in an attempt to add signs to the site, but to provide a prospective tenant a competitive frame of reference to other vacant space on 17th Street, and elsewhere throughout the City. He explained that through their graphic, they were attempting to show possible locations for the signs. He added that their challenge was to provide the tenants with some level of certainty during their negotiations. He stated that 17th Street was a street recognized around the world in the yachting industry, and having exposure was important. He stated they wanted to assert to the tenants that negotiations did not have to be placed in abeyance, while the applicant was continuing to work with the City in regard to their signage needs. He remarked that other landlords on 17th Street did not subject their tenants to such scrutiny. He emphasized that they were trying to create the premier office address on 17th Street. He remarked that his preference would be to not have any signs on the building, but the reality was that 17th Street was a specialty retail corridor. He reiterated that they were attempting to show where signs could be logically located for this long, massive, linear building which was set back adequately from the street, but hidden by a tree canopy that had not existed seven years ago.

Mr. Eller stated that he did not think any further specificity would be shown next month regarding the locations for the signs, and asked that this Board review and endorse the graphic presented tonight. He explained he would then have the ability to market this building and compete with other landlords on 17th Street, and offer prospective tenants some level of certainty regarding the use of a sign. He felt that not every tenant would want a sign.

Chair Patricia Rathburn asked if Mr. Eller had been listening closely to the Board's discussion, and asked if he realized that he needed 5 votes for approval. She stated that it appeared the Board was not willing to grant what was being requested. She suggested that this matter be deferred until next month. She further stated that the Board was not adverse to some of the things the applicant wanted to do, but was adverse to not knowing specific locations for the signs and what types and sizes of signs would be located at what sites. She felt it would not be reasonable to ask the applicant to appear before this Board requesting a variance for each tenant. There needed to be a meeting somewhere between those two positions, and she believed that would not occur tonight.

Fred Stresau stated that if Mr. Eller wanted the Board to vote tonight that could be done. He asked if the shaded areas in each of the elevations indicated where signs would be placed. He continued stating that it appeared that the 5 largest signs would face 17th Street and were in excess of 300 sq. ft. Mr. Eller indicated they were exactly 300 sq. ft. Fred Stresau asked if the area within the dotted lines represented 300 sq. ft. Mr. Eller confirmed.

Jon Albee stated that the applicant needed to understand that the Board would vote on each one of the requests individually, and some might receive a "thumbs up," and some might get a "thumbs down." He continued stating that this was a difficult appeal, and it had not been worded to the applicant's advantage. He suggested that the request be re-crafted in a manner that would be more manageable by the Board, and that the drawing be more site specific regarding locations. He stated that he believed he knew how the vote would go tonight, and if a negative vote would be handed down, the applicant would be out of business for the next two years.

Mr. Eller asked if the matter could be deferred.

Birch Willey stated that the deferral had not been set to a time certain. Chair Patricia Rathburn stated that it was her understanding that this was to be done as quickly as possible, but that it could be deferred until a later date if necessary.

Gus Carbonell stated that he was not in favor of the uniformity adopted by other towns and cities, and he felt that part of Fort Lauderdale's grace was the variety that was present. He stated that he did not want to prohibit a yacht broker from being able to use certain colors, logos, sizes or shapes. He stated that he did not want to see box signs either because 17th Street had high-end tenants.

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 Birch Willey and seconded by Binni Sweeney to defer this matter until January, 2005. Board unanimously approved.

Chair Patricia Rathburn commented that if they needed time past January, they could request it because the Board was certainly sympathetic to their issues.

REPORT and FOR THE GOOD OF THE CITY.

Don Morris announced that this was the last meeting for Charles Wygant since he would be retiring. Everyone agreed that he and his expertise would be greatly missed. Chair Patricia Rathburn also announced that this was Stephen Buckley's last meeting.

Parking Corporation of America

Fred Stresau stated that he had written a letter to the City Attorney requesting a clarification of the City's position regarding the status of Parking Corporation of America with the Special Master. He asked if someone could address the Board to explain why the City was not pursuing the closing of that lot. He reiterated that it was being used almost 24 hours a day, and there was an attendant taking money every day and night regardless of the fact that the owner had been given a one-year extension, and denied the application for additional extensions. He added that they had also been denied any type of variances.

Robert Dunkel stated that he had seen the letter late in the afternoon, and the City Attorney wanted to discuss it. He advised that a response would be given at the Board's next meeting.

Fred Stresau suggested that not only did the Board enjoy having Chuck Wygant attend their meetings and wished him well, but also the record should reflect that he had attended almost every Board meeting the entire time some of the Board Members had served on the Board of Adjustment.

There being no further business to come before this Board, the meeting was adjourned at approximately 8:22 p.m.

Chairperson

Patricia Rathburn

ATTEST:

Jamie Opperlee for Margaret A. D'Alessio
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.
