

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
WEDNESDAY, JULY 13, 2005 – 6:30 P.M.
CITY HALL
CITY COMMISSION CHAMBERS – 1st Floor
100 N. ANDREWS AVENUE
FORT LAUDERDALE, FL**

BOARD MEMBERS

	<u>Present/Absent</u>	<u>Cumulative from January 2005</u>
Gus Carbonell	P	7-1
Don Larson	P	8-0
Fred Stresau	P	6-2
Scott Strawbridge	P	8-0
Binni Sweeney	P	6-2
E. Birch Willey	A	6-2
Patricia A. Rathburn, Chairman	P	6-2

ALTERNATES

Al Massey	P	6-2
Gerald Jordan	P	4-1

STAFF

Robert Dunckel, City Attorney
Don Morris, Acting Zoning Administrator

Margaret A. D'Alessio, Recording Secretary
Jamie Opperlee, Court Reporting Service

GUESTS

Alex Heckler	Jim Stork	Sarah Stewart
Susan Lasky	Rixon Rafter	Ernie Ojito

CALL TO ORDER

Chair Patricia Rathburn proceeded to call the meeting to order at approximately 6:37 p.m. and explained the procedure to be followed for tonight's meeting. The Board was then introduced.

APPROVAL OF MINUTES

Motion made by Binni Sweeney and seconded by Don Larson to approve the minutes of the June 8, 2005 meeting of the Board of Adjustment. Board unanimously approved.

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

2. APPEAL NO. 05-22

APPLICANT: Villaggio Di Las Olas Inc. (Storks)

LEGAL: "Beverly Heights", P.B. 1, P. 30, Blk 21, Lots 3-6 and 13 and 14, together
With a portion of the vacated alley lying between Lots 3 and 14, and between
Lots 4 and 13

ZONING: B-1 (Boulevard Business District)
RMM25 (Residential Mid-Rise Multi-Family/Medium Density District)
X-BOR (Exclusive Use Business/Optional Residential District)

STREET: 1109 East Las Olas Boulevard

ADDRESS: Fort Lauderdale, FL

APPEALING: Sec. 5-26B

Requesting a special exception to allow a restaurant to serve alcoholic beverages at distances of 100' (Rino's Tuscan Grill a/k/a Louie's Oyster) and 122' (Jimmy's Cabaret a/k/a Bistro Las Olas) from existing establishments that serve alcohol where Code requires minimum 300' separation of.

Alex Heckler, attorney for applicant, stated that customers of Storks are requesting beer and wine to be served at the restaurant. He explained that since there are many such establishments located on Las Olas Boulevard and within 300' of the subject restaurant, Code requires that the applicant come before this Board. He further stated that this establishment fit in with the pedestrian friendly atmosphere of the neighborhood. He explained that the restaurant has their CO and all criteria have been met.

Jim Stork, owner, stated that his customers were requesting beer and wine to be served at his restaurant. He stated that they did not have late hours.

Chair Patricia Rathburn stated that the previous restaurant at that location had served beer and wine. Mr. Stork 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 Al Massey and seconded by Binni Sweeney to close the public hearing. The Board approved unanimously.

Chair Patricia Rathburn reminded everyone that this was a request for a special exception.

Motion made by Scott Strawbridge and seconded by Al Massey to approve the request as presented.

Binni Sweeney asked what were the hours of the subject restaurant. Mr. Stork stated they were opened 8:00 a.m. until 9:00 p.m. and 11:00 p.m. on weekends. He explained that in-season, the restaurant stayed open until 11:00 p.m. during the week and closed at midnight on the weekends. He stated they had no intentions of extending their hours.

Don Larson asked if this request is granted would they be setting a precedent for the area.

Robert Dunckel explained that it was a rare occurrence when the Board had denied a special exception for beer and wine in conjunction with a restaurant in the area.

Roll call showed: YEAS: Fred Stresau, Binni Sweeney, Gus Carbonell, Scott Strawbridge, Al Massey, and Patricia Rathburn. NAYS: Don Larson. Motion carried 6-1.

1. APPEAL NO. 05-19

APPLICANT: Max LLC

LEGAL: "Progresso," P.B. 2, P. 19, Block 171, The north 25' of Lot 22, less the west 5' and all of Lot 23 less the west 5'.

ZONING: CB (Central Beach District)

STREET: 1040 NE 15 Avenue

ADDRESS: Fort Lauderdale, FL

APPEALING: Sec. 47-25.3.A.3 – *Parking Restrictions* –

Requesting a variance to locate parking within 5.4' of the rear property line which abuts residential zoning where Code requires a minimum setback of 12' when such yard is contiguous to residential property.

APPEALING: Sec. 47-21.9.A.2.a – *Perimeter Landscape Area* –

Requesting a variance to permit landscaping along the parcel of land that abuts a street that is 2' in depth where Code requires a minimum depth of 5'.

APPEALING: Sec. 47-21.9.A.2.b – *Perimeter Landscape Area* –

Requesting a variance to permit landscaping that is 27" in depth along the perimeter of the parcel of land that does not abut a street where Code requires the minimum depth of the landscape area be 2 ½' (30").

Sarah Stewart stated that she was representing Susan Lasky who is a partner in Lasky, Bigg and Rodriguez who are the contract purchasers of the subject property. She further announced that Ernie Ojito, architect of Ocampo & Associates, was present this evening and would answer any questions the Board might have regarding this matter.

Ms. Stewart stated that this property is located on the east side of 15th Avenue. She explained that at one time the area was residential, but now the property had been rezoned to CB. She explained that most houses in the area had been converted for business use. She explained further that this home was one of the last single-family homes remaining. She stated they wanted to convert the house into a business office for Ms. Lasky. She proceeded to show a floor plan of what was being proposed. She explained that the building was located close to the property line, and they wanted to cut-off some of the building. She stated they were going to remove the garage and a portion of the property located in the rear in order to become Code compliant.

Ms. Stewart explained that the first variance being requested was to locate parking within 5.4' of the rear property line abutting residential property where 12' is required by Code. She proceeded to show the site plan. She explained that in order to put in the parking and have 24' of drive in the rear as required, they could only provide 5.4' of landscaping at the rear of the property.

Ms. Stewart continued stating that the second variance being requested involved 2' of landscaping along the street where 5' is required. She proceeded to show the landscape plan to the Board. She explained that a handicap space had to be provided, along with a walkway to the building. Therefore, the landscaping would have to be reduced.

Ms. Stewart further stated that the third variance requested involved 27" of landscaping along the perimeter of land not abutting the street, where 30" is required by Code. She stated the property had been rezoned and the hardship was not self-imposed. She added that this was a minimum variance being requested to retrofit the building into an office.

Chair Patricia Rathburn proceeded to open the public hearing.

Rixon Rafter, President of Lake Ridge Civic Association, stated that this was one of three buildings remaining south of 11th Street. He stated the neighborhood wanted to preserve the tree canopy and residential facilities where possible. He added that the landscaping between the three buildings north of the liquor store was non-existent, and Code was not being met by the other two buildings. He further stated that 15th Avenue has become a significant entrance into Lake Ridge with the presence of Walgreen's and Publix. He stated the community did not want to lose any beautification in the area. He further stated that their group opposed this project.

Scott Strawbridge stated that given the constraints placed on the area, how did the Association feel as to what should take place in the neighborhood.

Mr. Rafter stated that off-site parking could be provided at the Crown Liquor Store because the lot was being under utilized. Scott Strawbridge stated that the parking lot was designed to meet Code and provide parking for the other buildings in the area. Mr. Rafter stated further that he had no other recommendations at this time, but he was concerned about the residential property located behind the subject building because they were allegedly being developed as townhouses. He stated that the developer might not want his buildings looking down into a parking lot. Scott Strawbridge advised that the property owner had been noticed.

Fred Stresau asked if this matter had been before Planning and Zoning or the Engineering Department. Ms. Stewart stated that they were requesting a change of use, and they had been before DRC yesterday and all comments had been addressed. She stated that the only items that had not met the Code requirements involved the variances being requested.

There being no other individuals who wished to speak on this matter, the public hearing was closed and discussion was brought back to the Board.

Motion made by Binni Sweeney and seconded by Don Larson to close the public hearing. Board unanimously approved.

Binni Sweeney reiterated that they should not grant landscaping variances in redeveloping neighborhoods because things will then never change in the City.

Gus Carbonell stated that the existing condition is like a solid sea of asphalt in the front except for a few existing trees, and in redeveloping about 40% would be landscaped in the front which would be an improvement. He further stated that he would like to see a small buffer such as a hedge between the handicap space and the sidewalk which he felt would soften the impact. He had hoped that the parking could be reduced in the rear, but in counting the offices planned for the building, that would not be possible. He further stated that the mango tree in the rear did not appear in the best shape and might have reached the limit of its life span. He explained that the new landscape plan had species of trees that would probably thrive at the site. He added that such sites were small and impossible to rework unless additional land was assembled.

Ernie Ojito, architect, stated that in order to construct the handicap ramp, there was a small amount of space available in the front setback and additional landscaping could not be provided. He added that the house was elevated and a ramp was necessary.

Gus Carbonell reiterated that he believed there was additional space on other sides of the building for the ramp, and the buffer between the vehicular use area and 15th Avenue would be more appreciated if done in pavers which would be more decorative.

Ms. Stewart asked if pavers were being recommended for the handicap parking space. Gus Carbonell confirmed and advised that they were permitted by Code. Ms. Stewart further stated that if the pavers were used, there would still not be any hedges. Gus Carbonell stated that the pavers would provide the look of an over-sized pedestrian walkway to the front door of the building.

Scott Strawbridge stated that this type of transition for the corner would be a low-intensive use than what is surrounding the building. He believed this would be good for the neighborhood as compared to what could be permitted under the assigned zoning. He added that all criteria had been met and the Board should consider approved this request.

Motion made by Binni Sweeney and seconded by Gus Carbonell to approve the request as submitted with the amendment that the handicap parking would be constructed with pavers. Roll call showed: YEAS: Gus Carbonell, Scott Strawbridge, Al Massey, and Patricia Rathburn. NAYS: Don Larson, Binni Sweeney and Fred Stresau. Motion denied 4-3.

“For the Good of the City”

Don Morris stated that there had been some issues with the Board Secretary due to inaccuracies in the minutes. Therefore, the minutes had been redone and would be provided for approval.

Motion made by Don Larson and seconded by Gus Carbonell to adjourn the meeting.

There being no further business to come before this Board, the meeting was adjourned at approximately 7:10 p.m.

Chair

Patricia Rathburn

ATTEST:

Jamie Opperlee for Margaret A. Muhl (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.
