

**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, OCTOBER 11, 2005 – 6:30 P.M.  
CITY HALL  
CITY COMMISSION CHAMBERS – 1<sup>st</sup> Floor  
100 N. ANDREWS AVENUE  
FORT LAUDERDALE, FL**

**BOARD MEMBERS**

	<b><u>Present/Absent</u></b>	<b><u>Cumulative from January 2005</u></b>
Gus Carbonell	P	10-1
Don Larson	P	10-1
Fred Stresau	P	9-2
Scott Strawbridge	P	11-0
Binni Sweeney	P	9-2
Patricia A. Rathburn, Chairman	P	9-2

**ALTERNATES**

Gerald Jordan	P	7-1
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**STAFF**

Robert Dunckel, City Attorney  
Don Morris, Acting Zoning Administrator

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

**GUESTS**

Leo Hansen                      Stewart Brentlar  
Hope Calhoun                  Joseph Scott

**CALL TO ORDER**

Chair Patricia Rathburn proceeded to call the meeting to order at approximately 6:35 p.m. Roll call was taken. Chair Patricia Rathburn then 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 Fred Stresau to approve the minutes of the September 14, 2005 Board of Adjustment Meeting. Board unanimously approved.

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

**1. APPEAL NO. 05-29**

**APPLICANT:** Panache Properties LLC (Princeton Court Townhomes)

**LEGAL:** "Amended Plat of Hibiscus Gardens," P.B. 16, P. 36, Part of Block C, Formerly known as the East 23 ft. of Lot 7, All of Lot 6, Lot 5 less W 23, "Hibiscus Gardens" P.B. 10, P. 1, Block 6

**ZONING:** RML-25 (Residential Low Rise Multi-Family/Medium High Density District)

**STREET:** 1415 SW 24<sup>th</sup> Court

**ADDRESS:** Fort Lauderdale, FL

**APPEALING: Sec. 47-18.33.B.3 – Townhouse Development**

Requesting a variance to waive the requirement that 25% of the townhouse group's front façade (facing SW 24 Street), to be set back an additional 5' from the rest of the front façade.

**APPEALING: Sec. 47-5.35 – Table of Dimensional Requirements for the RML-25 District**

Requesting a variance to allow a 20' front yard setback (SW 24 Street) where Code requires through lots (interior lots having frontage on two streets), to maintain a 25' front yard setback on both streets.

Chair Patricia Rathburn announced that this item had been withdrawn by staff.

Binni Sweeney disclosed that she had spoken with Robert Lochrie regarding Appeal No. 05-36. Gus Carbonell disclosed that he also had spoken with Robert Lochrie. Don Larson, Scott Strawbridge, and Fred Stresau also disclosed that they had spoken with Robert Lochrie.

**2. APPEAL NO. 05-35**

**APPLICANT:** Sailboat Landings

**LEGAL:** "Bryan Subdivision," P.B. 1, P. 29, Block 33 and 64 Lot 24 (D)

**ZONING:** RML-25 (Residential Low Rise Multi-Family/Medium High Density District)

**STREET:** 709 SW 4<sup>th</sup> Court

**ADDRESS:** Fort Lauderdale, FL 33312

**APPEALING: Sec. 47-5.35 – Table of Dimensional Requirements for the RML-25 District.**

Requesting a variance to allow a 3' 11' side yard setback where Code requires a minimum 5' 0" setback for the construction of an exit stair.

Leo Hansen, architect, stated that he also was the architect for the project immediately to the west of this site. He stated that both of these projects had been submitted to the Historic Preservation Board, and both projects had been unanimously approved. He stated that there was an existing apartment building of a vernacular style that had gone through some modifications over the years. He explained they intended to restore the building to its original character. He further explained that there were porches in the front of the building that had been filled in, and they were going to re-open them. He explained that other minor remodeling work would be done to the building. He stated further that there were 6-8 apartments in the building with one interior stairway that did not meet Code. Therefore, their intention was to create two units which would reduce the density and parking requirements. He stated that in order to solve the stairway problem, they would put an exterior stairway on the east side of the building and a variance would not be needed. He explained that if the exterior stairway was placed on the west side of the building, then a variance would be necessary because they would be encroaching about 1.8' into the

setback. He explained that the encroachment would occur at the bottom of the stairway. He stated there would be a 23' separation between the two projects. He further stated that due to the delicacy of the existing structure and the difficulty of constructing interior stairs, they preferred the outdoor stairway which would not harm the structure. He stated that they were only requesting the minimum variance. He further stated that the special circumstances would be the intent of the neighborhood and the owner to preserve the historic structure. He explained that this was a unique building. He explained further that the owners met with the Sailboat Bend Civic Association regarding both projects, and the Association supported both projects and recommended approval to the Historic Preservation Board. Mr. Hansen stated that they were attempting to improve the building from its present state.

Chair Patricia Rathburn asked when the buildings had been constructed. Mr. Hansen stated that they first appear on the charts in the early 1920's. He added that stairs were needed both at the west and east sides of the building.

Scott Strawbridge asked about the material used in the existing building. Mr. Hansen stated that the building consisted of stucco frame with wood floor joists. He stated the building was narrow and it was not feasible to construct two interior stairways. He explained that the structure itself was divided down the middle. Scott Strawbridge asked if they had considered dividing the building into two horizontally instead of vertically. Mr. Hansen confirmed and stated that in looking at the original structure, it was intended to be two units divided down the middle. In order to maintain the historical integrity of the building, he felt they should follow those guidelines and not do something contrary to them. Scott Strawbridge stated that he felt adding the two exterior stairways would be contrary to the original plans. Mr. Hansen reiterated that the stairways would be located on the sides of the building towards the rear.

Scott Strawbridge asked if the Civic Association had been made aware that the stairways would be encroaching into the side yard. Mr. Hansen believed they had been aware of those facts, but he was not at the meeting, and therefore, could not say for a fact. He added that the plans had been shown to the members. Scott Strawbridge stated that not everyone understood the plans, and sometimes such things had to be pointed out to the members. He asked if the stairs had been discussed at the Historic Preservation Board meeting. Mr. Hansen stated that it had not been a topic of discussion at that Board level. He added that the Board was aware of the location of the stairways. He further stated that meetings had been held with staff regarding the project, and this issue had been discussed.

Gus Carbonell stated that he was familiar with the building and he felt it would be a challenge to remodel it. He continued stating that opening the front porches of the building would be a huge plus for the aesthetics of the street. He stated that he did not have a problem with the request for the variance, and it appeared the encroachment would be to the rear of the property. He felt the improvements to the building would more than offset the encroachment and the impact it would have on the property.

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 Fred Stresau and seconded by Don Larson to approve the request as submitted. Roll call showed: YEAS: Gus Carbonell, Gerry Jordan, Don Larson, Scott Strawbridge, Fred Stresau, Binni Sweeney, and Patricia Rathburn. NAYS: None. Motion carried 7-0.

### **3. APPEAL NO. 05-36**

**APPLICANT:** North Broward Hospital Dist. (Broward General Medical Center)

**LEGAL:** "Broward General Hospital Addition," P.B. 90, P. 2, All of Tract 'C' together with all of Tract 'A', Broward General Hospital, P.B. 60, P. 33, together with all of Lots 1-15, inclusive, of the re-amended Plat Parkway Highlands, P.B. 18, P. 3 together with Lots 1-13, inclusive, together with 15' alley in Block 34 in "Croissant Park," P.B. 4, P. 28, together with a portion of S.E. 15 St. (80' right-of-way) lying west of the southerly extension of the east boundary of said re-amended plat Park Highlands and lying east of the southerly extension of the west boundary of re-amended plat Parkway Highlands, together with a portion of 16 St. lying between Tract 'A,' Broward General Hospital, Block 34, "Croissant Park."

**ZONING:** CF/CB (Community Facility/Community Business District)

**STREET:** 1600 South Andrews Avenue

**ADDRESS:** Fort Lauderdale, FL

#### **APPEALING: Sec. 47-8.30 – Table of Dimensional Requirements**

Requesting a variance from the yard requirements of the CF zoning district (ULDR Sec. 47-8.30) to permit: (i) a yard ranging from 24' 1" to 24' 4" for the North yard where the ULDR Sec. 47-8.30 requires a 25' yard; and (ii) a yard ranging from 24' 4" to 24' 10" for the East yard where the ULDR Sec. 47-8.30 requires a 25' yard.

Hope Calhoun, attorney, stated that the CEO of the North Broward Hospital District, Joseph Scott, was in attendance at tonight's meeting, along with Stewart Brentlar, Project Manager.

Ms. Calhoun stated that recently an article had appeared in the newspaper regarding the Hospital District particularly focusing on the Broward General Medical Center and their opening being scheduled for next month. She stated that in order for that to happen, they needed to appear one last time before this Board. She proceeded to show photographs of the site at 3<sup>rd</sup> Avenue and 14<sup>th</sup> Avenue which would serve as the Energy Center. She explained that the encroachment would be less than 1' of molding around the top of the building and ledge atop the wall at the perimeter. She stated that additional landscaping had been installed to make the building more aesthetically pleasing. She stated that no complaints had been received at their end regarding this project.

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 Don Larson to close the public hearing. Board unanimously approved.

**Motion** made by Binni Sweeney and seconded by Scott Strawbridge to approve the request as presented. Roll call showed: YEAS: Gerry Jordan, Don Larson, Scott Strawbridge, Fred Stresau, Binni Sweeney, Gus Carbonell, and Patricia Rathburn. NAYS: None. Motion carried 7-0.

#### **4. APPEAL NO. 05-37**

**APPLICANT:** Museum of Art/Fort Lauderdale

**LEGAL:** "Town of Fort Lauderdale," P.B. 7, P. 40, Block 26, Lots 14, 15, 16, 17 and 18 less the East 15' thereof and less the North 5' thereof (D), together with "Dade County Bank Subdivision of Lot 13, "Town of Fort Lauderdale" P.B. 3, P. 14, Block 26, Lot 13 – Lots 1, 2, and 3 (D), also Together with the East one-half of that certain 14.00' alley lying west of and adjacent to said Lots 1, 2, 15, 16, 17 and 18.

**ZONING:** RAC-CC (Downtown Regional Activity Center-City Center District)

**STREET:** 305 S. Andrews Avenue

**ADDRESS:** Fort Lauderdale, FL 33001

**APPEALING: Sec. 47-22.3.C – Banner Signs**

Requesting a temporary non-conforming use for a 100' x 100' banner sign to advertise the King Tut Exhibition at the Museum of Art until April 23, 2006.

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 discussed was brought back to the Board.

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

Binni Sweeney stated that she was vehemently opposed to this request. Don Larson added that he also was opposed to the request submitted, and he felt this dealt not only with a sign, but that they would be opening up "Pandora's Box" if this was approved. He felt it would be a detriment to the City. Binni Sweeney further stated that the City would start looking "junky" if such banners were approved.

Chair Patricia Rathburn stated that she had problems in the City regarding leasing signs on buildings. She stated that no one was present from the Museum and she hated to turn them down with no one to speak on their behalf.

Binni Sweeney stated that if they did not have the courtesy to show up, she had a problem with another aspect of this application.

**Motion** made by Fred Stresau and seconded by Binni Sweeney to approve the application as submitted.

Scott Strawbridge stated that he felt this was a unique situation. He stated further that this type of temporary use was a positive and not a negative feature for the City. He stated that there were some issues regarding this request, but he felt the exhibit would contribute some positive things to the City. Roll call showed: YEAS: Scott Strawbridge. NAYS: Don Larson, Fred Stresau, Binni Sweeney, Gus Carbonell, Gerry Jordan and Patricia Rathburn. Motion failed 1-6.

**5. APPEAL NO. 05-38**

**APPLICANT:** John Storelli

**LEGAL:** "Victoria Park," P.B. 10, P. 66, Block 20, Lot 6 and the north 36' of Lot 7

**ZONING:** RS-8 (Residential Single Family/Low Medium Density District)

**STREET:** 631 NE 18 Avenue

**ADDRESS:** Fort Lauderdale, FL

**APPEALING: Sec. 47-5.31 (Table of Dimensional Requirements for the RS-8 District):**

To permit a 6.6' rear yard for the enclosure of an existing 400 sq. ft. carport, to a single family dwelling, where the Code requires a minimum 15' rear yard for a single family dwelling.

Binni Sweeney asked why the attorney representing the applicant was not present at tonight's meeting.

Don Morris, Planning and Zoning, stated that the attorney was Jack Seylor and he was making a presentation in Oakland Park. He stated that the attorney had requested that this matter be placed last on the agenda so he could attempt to be present.

Chair Patricia Rathburn stated that if the applicant wanted to proceed without their attorney, the Board would hear the matter, or the matter could be continued. She stated that she did not want to wait until the attorney appeared.

Chair Patricia Rathburn continued stating that the applicant was requesting that this matter be continued until the Board's November meeting.

The Board unanimously approved to have this matter heard at the November meeting.

**"For the Good of the City"**

No report.

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

Chair

\_\_\_\_\_  
Patricia Rathburn

ATTEST:

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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.

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