

**Board of Adjustment Meeting
City of Fort Lauderdale
Wednesday, February 14, 2007 – 6:30 P.M.
City Hall City Commission Chambers – 1st Floor
100 North Andrews Avenue
Fort Lauderdale, Florida**

<u>Board Members</u>	<u>Attendance</u>	Cumulative 2007	
		<u>Present</u>	<u>Absent</u>
1. Gus Carbonell	P	1	0
2. Gerald Jordan	P	1	0
3. Don Larson	P	1	0
4. Scott Strawbridge	P	1	0
5. Fred Stresau	P	1	0
6. Birch Willey	P	1	0
7. Binni Sweeney, Chair	P	1	0

Alternates

David Goldman	P
William Nielsen	P
Kenneth Strand	P

Staff

Bob Dunckel, Assistant City Attorney
Don Morris, Planning & Zoning
Yvonne Blackman
Sandra Goldberg, Recording Secretary

Guests

Richard Kamiler	Luna Phillips
Stephen Phillips	Janet Escoffery
Horace Escoffery	Robert Lockrie
Scott Flatley	Orlando Carillo
Earl Behre	

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Call to Order

Chair Sweeney called the meeting to order at 6:30 P.M., then proceeded to introduce the members of the Board and explain the procedure that would be followed during tonight's meeting.

Board members disclosed communications they had regarding agenda items.

Approval of Minutes

Motion made by Mr. Larson and seconded by Mr. Willey to approve the minutes of the November 2006 Board of Adjustment meeting. Board unanimously approved.

Motion made by Mr. Willey and seconded by Mr. Larson to approve the minutes of the December 2006 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. 06-39

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APPLICANT: Richard & Joette Kamiler
LEGAL: "Green's Subdivision", P.B. 19, P. 18, Block 1, Lots 15
and the North 5 feet of Lot 16
ZONING: RCS-15 (Residential Single Family/Medium Density District)
STREET: 626 NE 16th Avenue
ADDRESS: Fort Lauderdale, FL

APPEALING: Sec. 47-19-2.A (Accessory building and structures, general)
Requesting a variance to allow an accessory dwelling in the RCS-15 district, where Code prohibits such dwellings.

APPEALING: Sec. 47-19-1.B (General Requirements)
Requesting a variance to allow an accessory dwelling to setback 3.10 feet from the rear property line, where Code requires a 15-foot rear yard setback.

Mr. Richard Kamiler, applicant, explained that when he purchased the home, the seller provided him with a document swearing that there were no violations on the property, and with receipts indicating the City recognized the separate structure on the property. Mr. Kamiler stated the cottage had been present on the property for approximately 30 years.

Mr. Morris said the City could not verify that the property was grand fathered in to allow the detached dwelling in the formerly RC-15 zoning district.

Mr. Dunckel explained that in order to claim a legal non-conforming structure, the owner must have the building permit. Mr. Morris confirmed that there was not record of a building permit for the accessory dwelling.

Mr. Kamiler said there was a permit pulled in 1971 to draw an additional sewer line into the cottage. It was formerly a garage/office that was built with the house in 1953. Mr. Kamiler said the structure appeared on original plans for the property. Mr. Carbonell said this meant that the roof and walls were built legally to that setback; it was the plumbing and kitchen installation for which records could not be found.

Mr. Kamiler offered to request a continuance and he would retrieve the survey from the Building Department that showed the structure on the property.

Motion made by Mr. Larson, seconded by Mr. Willey to continue the case to the Board's April meeting. Board unanimously approved.

2. APPEAL NO. 07-01

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APPLICANT: Gloria J. Ellis
LEGAL: "Dorsey Park", P.B. 19, P. 5, Block 3, Lots 25 and 26
ZONING: RC-15 (Residential Single Family Cluster Dwellings/Medium Density District)
STREET: 639 NW 15th Avenue
ADDRESS: Fort Lauderdale, FL

APPEALING: Sec. 47-5.33 (Table of Dimensional requirements for the RC-15 and RCs-15 districts)

Requesting a variance from Section 47-5.33 to allow a front yard setback of 24.44 feet, where Code requires a 25-foot front yard setback.

Mr. Donald Brown, contractor, explained that the house was at a 24.4-foot setback, and code required 25 feet. He said most older homes in the area were at a 20-foot setback. Mr. Brown said the crew had used old markers and he had not noticed the mistake until the house was complete. A spot survey was done using an old marker as well.

Mr. Stresau noticed that the survey showed the garage had a front yard setback of 20.46 feet, but the drainage plan specified that the garage was behind the 25-foot front yard setback.

Mr. Strawbridge asked if Mr. Brown had delivered his spot surveys to the Zoning Department for approval prior to pouring the tie beams. Mr. Brown said he had not. He said the Building Department had told him he could use special inspectors for all inspections.

Chair Sweeney opened the public hearing. There being no members of the public wishing to speak on this item, Chair Sweeney closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Strawbridge, seconded by Mr. Willey, to approve the variance. Board approved 7 - 0.

3. APPEAL NO. 07-02

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APPLICANT: Luna and Stephen Phillips
LEGAL: "C.J. Hector's Re-Subdivision of Rio Vista", P.B. 1, P. 24, Block 21, Lots 13 and the West ½ of Lot 12
ZONING: RS-8 (Residential Single Family Low Medium Density District)
STREET: 902 SE 8th Street
ADDRESS: Fort Lauderdale, FL

APPEALING: Sec. 47-19.5.B.1d (Fences, Walls and Hedges)

Requesting a variance to replace an existing privacy fence with a 6 foot privacy fence, in the same location, which is set back 0 feet from the western property line (SE 9th Avenue), where the Code requires a minimum average setback of 3 feet, with no more than 30% of the length of said fence being closer than 3 feet to the property line.

Ms. Luna Phillips, applicant, explained that the existing fence, permitted in 1985, was located at a zero setback. They wanted to replace the entire fence in exactly the same location. Ms. Phillips stated there was a wood deck, mature landscaping and a barbeque abutting the fence which must all be removed if they needed to reposition the fence. She presented photos of other fences in the neighbor that were similarly situated.

Ms. Phillips said they had briefed the Rio Vista Civic Association about the issue and they indicated they had no objection to the variance. She presented a petition signed by her neighbors indicating their support of the variance request.

Mr. Strawbridge said he had checked, and the existing fence was permitted in its current location. He felt there was some room for compromise to the north and south of

the deck to create a staggered look. Mr. Phillips said this would leave several trees outside the yard. Ms. Phillips added that there were pavers just inside the fence on the front side.

Chair Sweeney opened the public hearing. There being no members of the public wishing to speak on this item, Chair Sweeney closed the public hearing and brought the discussion back to the Board.

Mr. Stresau wanted to include the condition that the landscaping outside the fence must be maintained.

Motion made by Mr. Strawbridge, seconded by Mr. Carbonell to grant the variance, with the condition that the landscaping on the exterior of the fence must be maintained per the landscape code. Board approved 7 - 0.

4. APPEAL NO. 07-03

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APPLICANT: Horace and Janet Escoffery
LEGAL: "Melrose Park Section 3", P.B. 29, P. 28, Block 1, Lot 13
ZONING: Broward County Code RS-4 (One-Family Detached District)
STREET: 3111 Houston Street
ADDRESS: Fort Lauderdale, FL

APPEALING: **Broward County Code Sec. 39-286 (1)**
Requesting a variance to allow a 6-foot (West) side yard setback, where Code requires a 7.5-foot side yard setback.

Ms. Janet Escoffery said the problem had arisen during the final survey. She noted there were numerous residences in the area with a 6-foot setback.

Mr. Larson clarified that a portion of the garage was located in the setback. Ms. Escoffery confirmed that City staff had performed inspections, not special inspectors.

Chair Sweeney opened the public hearing. There being no members of the public wishing to speak on the item, Chair Sweeney closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Stresau, seconded by Mr. Larson, to approve the variance. Board approved 7 – 0.

5. APPEAL NO. 07-04

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APPLICANT: Sea Urchin, LLC
LEGAL: "Colee Hammock", P.B. 1, P. 17, Block 14, Lot 3 and the West ½ of Lot 2
ZONING: X-P (Exclusive Use Parking Lot)
STREET: 1000 SE 2nd Court
ADDRESS: Fort Lauderdale, FL

APPEALING: Sec. 47-25.3.A.d.i (Neighborhood compatibility requirements)
Requesting a variance to allow an existing parking lot to provide a 7 foot 6 inch bufferyard where Code requires a 10-foot landscape strip.

APPEALING: Sec. 47-25.3.A.d.ii (Neighborhood compatibility requirements)
Requesting a variance to permit parking within 7 feet 6 inches of the property line where Code prohibits parking within 12 feet of the property line.

Mr. Robert Lockrie, representative of the owner, noted that this was a commercial, restaurant, retail and office use area, with parking in the alleys. This parcel was unusual because it was sandwiched between two residential properties, the only two in the area. Mr. Lockrie explained that code dictated a 10-foot buffer yard and a 12-foot setback for parking lots adjacent to residential. This was a request for a 7'6" buffer yard and a 7'6" setback. Mr. Lockrie noted again that the lot's situation was unique. He explained that the owner had already constructed a wall next to the adjacent residential property, as well as a landscape buffer, more that what was required.

Mr. Lockrie said the current parking facility was inadequate. This plan would allow for an additional 7 spaces in an area with a high demand for parking. Mr. Lockrie said they had contacted property owners to the east and west of the site, and on Las Olas, and presented letters of support from them.

Mr. Morris confirmed that this was zoned specifically for parking, and Mr. Lockrie agreed.

Chair Sweeney opened the public hearing. There being no members of the public wishing to speak on the item, Chair Sweeney closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Larson, seconded by Mr. Jordan, to approve both variances. Board approved 7 – 0.

6. APPEAL NO. 07-05

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APPLICANT: TRG&S Las Olas Beach Club Ltd.
LEGAL: "Las Olas By The Sea Re-Amended Plat", P.B. 1, P. 16, Block 4,
Lots 1-6
"Lauderdale Del Mar", P.B. 7, P. 30, Block 1, Lots 1-7
ZONING: PRD (Planned Resort District)
STREET: 101 S. Fort Lauderdale Beach Blvd.
ADDRESS: Fort Lauderdale, FL

APPEALING: **Sec. 47-20.5.C.4 (General design of parking facilities)**
Requesting a variance to allow 32 dead end parking spaces on the 5th level of the parking garage, where Code limits the number of such dead end parking to less than 21 and a turnaround area is provided which will accommodate a two (2) point turn around by a standard passenger car or where the number of parking spaces in the dead end is ten (10) or less (AASHTO "P" Design Vehicle).

Mr. Scott Flatley, representative of the applicant, explained that they were trying to make the parking facility more efficient. They were now requesting a variance for an additional 4 spaces. He indicated on the plans which spots would become a dead end useful for a two-point turnaround. Mr. Flatley explained that the parking facility was for residents, guests and valet use.

Mr. Orlando Carillo explained that the project had been permitted under the South Florida Building Code, which allowed 6'8" of clearance, but in 2001 this had been changed to 7'. When the plans were signed, they were under the new code. Mr. Flatley said the alternative was to cut out a 50' x 100' section of concrete.

Mr. Strawbridge suggested that the spaces should be dedicated to valet parking only.

Motion made by Mr. Willey, seconded by Mr. Jordan, to approve the variance, on the condition that all 25 spaces be dedicated to valet parking only. Board approved 7 – 0.

REQUEST FOR REHEARING

7. APPEAL NO. 06-42

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APPLICANT: Jackie Archer
LEGAL: That portion of the Southwest one-quarter (SW ¼) of section 29, Township 49 South, Range 42 East, described as follows:
Commence at the Northwest corner of said South one quarter (SW ¼); thence Southerly along the West boundary of said Southwest

one-quarter (SW ¼) a distance of 535.1 feet to the point of beginning; thence Easterly and parallel to the North boundary of said Southwest one-quarter (SW ¼) a distance of 154.39 feet to a point; thence Southerly and perpendicular to the last mentioned course a distance of 120 feet to a point; thence Westerly and perpendicular to the last mentioned course a distance of 156.69 feet to a point on the West boundary of said Southwest one-quarter (SW ¼); thence Northerly along the West boundary of said Southwest one-quarter (SW ¼); a distance of 120.02 feet to the point of beginning.

ZONING: Broward County RS-5
STREET: 2420 NW 31 Avenue
ADDRESS: Fort Lauderdale, FL

APPEALING: Broward County Section 39-281(2)

Requesting a variance to allow a non-profit neighborhood social and recreational facility on property with frontage of 145'.03" and 15,000 S.F. area, where Broward County Code requires a minimum frontage of 150'.0" and a minimum area of one (1) acre.

Chair Sweeney announced that the applicant had requested a deferral to the Board's March meeting.

Motion made by Mr. Carbonell, seconded by Mr. Willey, to defer this item to the Board's March meeting Board unanimously approved.

Report and For the Good of the City

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There being no further business to come before the Board, the meeting was adjourned at 7:45 p.m.

Chair

Binni Sweeney

ATTEST:

Sandra Goldberg For Jamie Opperlee,
Recording Secretary

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