

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

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

**Alternates**

David Goldman	P
William Nielsen	A
Kenneth Strand	P

**Staff**

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

**Guests**

Robert Lochrie	Brian Leary
Scott DiStefano	Stephen Brascalla
Curtis T. Miller	Ron Mastriana
Anne Cotter	Art Bengochea
Paul Kennedy	David Parker
Charles Jordan	Mitchell Lambert
Courtney Crush	

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**Call to Order**

Chair Sweeney called the meeting to order at 6:34 p.m., then proceeded to introduce the members of the Board and explain the procedure that would be followed during the meeting.

**Approval of Minutes**

**Motion** made by Mr. Jordan and seconded by Mr. Strawbridge to approve the minutes of the February 2007 Board of Adjustment meeting. Board unanimously approved.

Board members disclosed communications they had regarding agenda items.

**All individuals wishing to speak on the matters listed on tonight's agenda were sworn in.**

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**1. APPEAL NO. 07-06**

**APPLICANT:** Holman Automotive Inc.

**LEGAL:** Lots 25-48, Block 211, less the North 15.00 feet, Progresso, according to the plat thereof as recorded in Plat 2, P. 18, of the public records of Dade County, Florida. Together with: Parcel "a", of the resubdivision of the east one half of Block 211, and the west one half of Block 212, Progresso, according to the plat thereof, as recorded in P. B. 68, P. 10 of the public records of Broward County, Florida. Together with Lots 1-24, block 212, less the north 15.00 feet thereof, Progresso, according to the plat thereof, as recorded in P. B. 2, P. 18, of the public records of Dade County, Florida.

**ZONING:** B-2 (General Business)  
**STREET:** 12 E. Sunrise Boulevard  
**ADDRESS:** Fort Lauderdale, FL

**APPEALING: Sec. 47-22.4.A (Maximum number of signs at one location and special requirements in zoning districts)**

Requesting a variance to allow the installation of three (3) flat signs, in addition to the two (2) free-standing signs and the two (2) flat signs currently existing at the property, increasing the total number of signs at the property to seven (7), where Code limits the number of signs to four (4), with no more than two (2) being free standing signs.

**APPEALING: Sec. 47-22.3.L (Point of purchase signs)**

Requesting a variance to allow three (3) point of purchase signs, where Code requires that no more than two (2) products or services provided on the lot or plot where the sign is located may be advertised on the sign.

Mr. Robert Lochrie, representative of the applicant, Holman Honda, said the site was undergoing a major upgrade. He noted that a property this size usually had many different retail uses with several signs. Mr. Lochrie stated that the dealership had different entities operating at the property.

Mr. Lochrie said they currently had four signs and were requesting additional point of purchase signs. Mr. Lochrie noted that their signs' area totaled significantly less than the maximum 300 square feet. Mr. Lochrie said the signs were in keeping with the neighborhood and the corridor.

Mr. Lochrie confirmed for Mr. Larson that the new sign would replace the existing body shop sign. Mr. Lochrie described the directional signs that existed on the property for Chair Sweeney.

Chair Sweeney opened the public hearing. As there were no members of the public wishing to address the item, Chair Sweeney closed the public hearing and brought the discussion back to the Board.

Mr. Larson suggested the body shop sign be left in place to provide directions on the site. Mr. Dunckel advised that the Board could not add signs to the request.

**Motion** made by Mr. Jordan, seconded by Mr. Carbonell, to approve 47-22.4.A. Board unanimously approved.

Mr. Strawbridge asked if approval would force the removal of the body shop sign. Mr. Dunckel said they must start with a total of four signs.

**Motion** made by Mr. Larson, seconded by Mr. Jordan to approve 47-22.3.L. Board unanimously approved.

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**2. APPEAL NO. 07-07**

**APPLICANT:** Solo Lofts, LLC  
**LEGAL:** "Beverly Heights", P.B. 1, P. 30, Block 15, Lots 7 & 8  
**ZONING:** RMM-25 (Residential Mid Rise Multifamily/Medium High Density District)  
**STREET:** 214 SE 9<sup>th</sup> Avenue  
**ADDRESS:** Fort Lauderdale, FL

**APPEALING:** **Sec. 47-19.2.BB.2 (Accessory Buildings and structures, general)**  
Requesting a variance from Section 47-29.2.BB.2 to allow a swimming pool to setback 4 feet 8 inches from the front property line, where Code requires that swimming pools that are accessory to multifamily dwellings shall be subject to the minimum yard requirement of the zoning district. In this instance, a 25-foot front yard setback is required.

Mr. Robert Vick, architect, explained that the owner wanted to install a swimming pool. He described the property as 6 stories, with a first-floor parking garage and a total of 9 units. Mr. Vick explained that nine parking spaces were required but they had supplied twenty-two. He noted that the elevators would access the foyer of each unit, and the building would have a backup generator to serve the entire building.

Regarding the hardship, Mr. Vick explained that they had been unaware that the pool would not be permitted in the side yard setback. He said City staff had indicated that this was a problem they intended to address in the next ULDR re-write.

Mr. Strawbridge asked Mr. Morris about the City's intent to address this issue in the next ULDR re-write. Mr. Morris said he was not aware of any such plans.

Chair Sweeney opened the public hearing.

Mr. Brian Leary, representative of the Coles family, the next-door neighbor, said the applicant had built out to the setback lines, and was now requesting more. He saw nothing unique about the property, and felt that the hardship was self-created. Mr. Leary added that phone poles located in the shared alley interfered with his client's access to his own property.

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

Mr. Stresau asked Mr. Morris why there was a differentiation between single and multi-family properties. Mr. Morris did not know, but Mr. Dunckel felt this was because in RMM-25, there was greater massing and bulk, and the City therefore desired less density in the footprint to compensate.

Chair Sweeney was perturbed that an architect working in Fort Lauderdale was unaware of the rules regarding structures in setbacks.

Mr. Carbonell said the ongoing problem was that Fort Lauderdale was the only city with a swimming pool setback related to building height. He said virtually every Hendricks Isles project built in the last ten years had been forced to go through this process to be able to build a swimming pool.

Mr. Carbonell said a committee had discussed this issue some time ago, but the Planning and Zoning Board had never reviewed it.

Mr. Morris explained that 25 feet was the minimum setback in the district; additional setbacks were contingent on the height of the building.

Mr. Vick said he had received a letter from Mr. Mancuso, stating the homeowners association's approval of the variance, but had left this at his office. He had anticipated Mr. Mancuso would appear to testify this evening.

Mr. Morris said they had received no response back from the notices sent to neighboring properties.

**Motion** made by Mr. Stresau, seconded by Mr. Larson, to approve the variance. Board denied the request 1 – 6 with only Mr. Carbonell voting in favor.

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### **3. APPEAL NO. 07-08**

**APPLICANT:** William and Karen Amlong  
**LEGAL:** "Rio Vista Isles", P.B. 7, P. 47, Block 23 of Unit 3 including revised Plat Units No. 1 & 2, Lot 35  
**ZONING:** RS-8 (Residential Single Family Low Medium Density District)  
**STREET:** 1343 Ponce De Leon Drive  
**ADDRESS:** Fort Lauderdale, FL

**APPEALING:** **Sec. 47-19.1.H (General Requirements)**  
Requesting a variance to allow a shade structure to set back 12 feet 1 inch from side street property line, where Code requires a 15 foot setback from the side street property line.

**APPEALING: Sec. 47-19.1.H (General Requirements)**

Requesting a variance to allow a generator to set back 4 feet 2 inches from the side street property line, where Code requires a 15 foot setback from the side street property line.

**APPEALING: Sec. 47-19.2.P (Accessory buildings and structures, general)**

Requesting a variance to allow the height of a shade structure to be 16 feet 2 inches above ground where Code allows a maximum height of 12 feet above ground.

Mr. Scott DiStefano, architect for the project, explained that his client wanted to install a shade structure and a generator on the property. He noted that the shape of the property and the criteria for the generator limited where the generator could be located on the property. He said they had researched variances for the property, since the house was located only 12 feet from the side street setback while code required 15 feet, but could find no evidence of a variance, right-of-way taking, or code change.

Mr. DiStefano drew the Board's attention to a rendering he created depicting two areas of the property where the generator could be located, and explained that the site near the water was problematic because the spot was really not large enough to accommodate the generator and also because locating it there would cause it to become the focal point of the back yard. Locating on the street side would eliminate noise issues with the property to the south, and also allow ample space to install camouflaging landscaping.

Mr. DiStefano said the plan now called for a propane-powered generator, but his client was seeking an easement to cross four properties to access a natural gas line.

Mr. DiStefano described for Mr. Carbonell how the shade structure was situated and explained they were requesting the setback variance to match the house line. He noted that they were also requesting a height variance for the shade structure, and admitted that this was for purely aesthetic reasons.

Mr. Stresau explained that circa 1960, code required a setback equal to 25% of the lot. With a standard lot size in Rio Vista of 50 feet, the standard setback on a corner lot was 12.5 feet. The code had later been changed to a 15-foot setback, so every house on a corner lot was now non-conforming.

Chair Sweeney opened the public hearing. As there were no members of the public wishing to address the item, Chair Sweeney closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Jordan, seconded by Mr. Larson to grant the variance for 47-19.1.H for the shade structure. Board approved 7 - 0.

**Motion** made by Mr. Stresau, seconded by Mr. Jordan to grant the variance for 47-19.1.H for the generator. Board denied 1 – 6 with only Mr. Larson voting in favor.

**Motion** made by Mr. Strawbridge, seconded by Mr. Stresau to grant the variance for 47-19.2.P for the shade structure. Board denied 3 - 4 with Mr. Carbonell, Mr. Jordan, Mr. Strawbridge and Chair Sweeney opposed.

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#### **4. APPEAL NO. 07-09**

**APPLICANT:** The Evangelical Foundation For Christian Service Inc.  
**LEGAL:** "C.J. Hector's Resubdivision of Rio Vista", P.B. 1, P. 24, Lots 17S5.5, 18 S5.5 of E 15, 21 Less St. Rd R/W22,23,24 Blk 22  
**ZONING:** CF-HS (Community Facility-House of Worship and School)  
**STREET:** 615 SE 9<sup>th</sup> Street  
**ADDRESS:** Fort Lauderdale, FL

**APPEALING: Sec. 47-22.9 (Permits)**

Requesting a variance from Section 47-22.9 to permit changeable copy on a permitted sign where Code does not provide for changeable copy on a sign.

Ms. Courtney Crush, attorney for the applicant, explained that the sign met all restrictions of the ULDR regarding height, setback, landscape and text. Ms. Crush explained that without the variance, her client would need to apply for a new sign permit every time they wanted to alter the message on the sign. She explained that the sign would not be used for commercial copy, but to convey messages of events to the community. Ms. Crush stated the prohibition of changeable copy was a hardship on schools and churches that needed to communicate with their students and parishioners.

Mr. Jordan noted that many other schools used changeable copy to communicate with the community. Mr. Dunckel noted that there were already revisions to the code pending that would address this.

Chair Sweeney opened the public hearing. As there were no members of the public wishing to address the item, Chair Sweeney closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Strawbridge, seconded by Mr. Carbonell, to approve the variance. Board approved 7 – 0.

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**5. APPEAL NO. 07-10**

**APPLICANT:** New Life Ministries Church Of The Living God Inc.  
**LEGAL:** "Northwest Lauderdale", P.B. 25, P. 25B, Block 5, Lots 6, 7, 8 & 9  
**COUNTY**  
**ZONING:** Broward County Code RD-10  
**STREET:** 2487 NW 21<sup>st</sup> Street  
**ADDRESS:** Fort Lauderdale, FL

**APPEALING: Broward County Code Sec. 39-281 (Plot Size)**

Requesting a variance to construct a new church building on a parcel of land comprising .71 acres, where Broward County Code requires a minimum of one (1) acre for all permitted non-residential uses.

Steve Brascalla, architect for the applicant, explained that there had been a church at this location for over 50 years. The church wanted to build a replacement building for the existing structure, which they feared would not withstand a hurricane. Mr. Brascalla said their hardship was the small size of their property. He explained that they had been able to purchase additional property to increase the lot size, and he had created a design that met all current codes regarding setback, landscaping and parking.

Mr. Brascalla explained to Chair Sweeney that the new building would be more than double the size of the existing one. Mr. Strawbridge pointed out that they could not rebuild a structure exactly the same size without a variance because of the lot size.

Mr. Morris confirmed that with CF zoning, the building would meet City codes. He stated the property owners who had been notified.

Mr. Dunckel explained that they applied the County's code until they adopted the City provisions. Under County code, the church was permitted in an RD-10, so the variance would allow the construction without going through the DRC process.

Mr. Morris said he must investigate further whether DRC approval was required.

Mr. Willey wanted the motion to specify that the variance would be granted only if the building presented by Mr. Brascalla could be built without any additional variances, yard modifications or special exceptions.

Chair Sweeney opened the public hearing. As there were no members of the public wishing to address the item, Chair Sweeney closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Larson, seconded by Mr. Willey, to approve the variance, with the condition that no variances, special exceptions, yard modifications, parking reduction



orders, or any other deviations from the applicable code be required to build the structure as presented in the site plan, and that if such deviations from the code were required, then this variance is null and void, and of no further force and effect. Board approved 7 – 0.

Mr. Jordan left the meeting at 8:15 and Mr. Strand took his place.

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## **6. APPEAL NO. 07-11**

**APPLICANT:** Castillo Grand, LLC

**LEGAL:** Lots 1-8, 12 and 13, Block 3, "Lauder-Del-Mar," according to the plat thereof recorded in P.B. 7, P. 30. Less an except lands contained in O.R. 24212, Page 873, B.C.R. Together with Lot 9, Block 3, Lauderdale-Del-Mar, P.B. 7, P. 30. Less an except lands contained in O.R. 24212, Page 873, B.C.R. Together with that portion of the North one-half (N. ½) of Valencia Avenue, now vacated per City of Fort Lauderdale Ordinance No. C-94-10. Lying adjacent to said Lots 5, 12 and 13. Said lands situate, lying and being the City of Fort Lauderdale, Broward County, Florida, and containing 76,713 square feet or 1.7611 acres more or less.

**ZONING:** PRD (Planned Resort Development District)

**STREET:** 1 North Fort Lauderdale Beach Boulevard

**ADDRESS:** Fort Lauderdale, FL

**APPEALING:** **Sec. 47-20-9.A.3 (Parking Garages)**

Requesting a variance to the allow entry ramp to the garage at a 14.5% slope, where Code requires that ramps in parking garages where the ramp does not directly access a parking space shall not exceed a maximum slope of 12%.

Mr. Ron Mastroiana, representative of the applicant, explained that they had been granted a permit allowing the 14.5% slope in the grade. He explained that the slope was required in order to properly slope from grade to the first level of parking. Mr. Mastroiana noted that this grade also allowed for a longer slope to the entrance that would prevent vehicles' bottoming out.

Mr. Mastroiana said there would be no impact on the public, as only parking valets would use the ramp to the parking area.

Ms. Anne Cotter, architect, explained that relocating the ramp to meet the 12% grade would have required cars to use Castillo to get into the garage, affecting traffic. She noted that all other ramps in the garage were 12% or less.

Mr. Stresau wondered how the project made it through the DRC process with a ramp that was not to code. Mr. Mastroiana confirmed that there was no way to fix this now.

Mr. Morris stated they had not confirmed that DRC had approved this. He reminded the Board that this was a very large project, and occasionally things fell through the cracks. Mr. Mastroiana agreed, and stated that the plans for this project weighed approximately 250 pounds.

Ms. Cotter confirmed for Mr. Strawbridge that a 14.5% grade was acceptable in other areas and she had used it before, and it met professional standards. Mr. Stresau wanted it noted that it had been the architectural firm's decision to design the ramp at 14.5%, and the request was brought to the Board as an "as built." In the event someone was ever hurt on this ramp, he did not want this to be a reflection on the Board of Adjustment.

Chair Sweeney opened the public hearing. As there were no members of the public wishing to address 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 as presented. Board approved 7 – 0.

## **7. APPEAL NO. 07-12**

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**APPLICANT:** Las Olas Courts Ltd.  
**LEGAL:** "Bryan's Subdivision", P.B. 1, P. 28, Block 22, Lots 19, 21, 23 & 25  
**ZONING:** RAC-AS (Regional Activity Center-Arts and Science)  
**STREET:** 700 SW 2<sup>nd</sup> Court  
**ADDRESS:** Fort Lauderdale, FL

**APPEALING:** **Sec. 47-13.11 (List of permitted and conditional uses, Regional Activity Center-Arts and Science – RAC-AS District)**

Requesting a Temporary Non-Conforming Use Permit to allow the placement of an uninhabitable structure for four (4) months without complying with ULDR Section 47-13.20, "Downtown RAC Review Process." Section ULDR 47-17 "Sailboat Bend Historic District Requirements" and Section 47-13.11 "List of Permitted and Conditional uses in the RAC-AS District."

Mr. Dunckel explained that there were unique characteristics about this application. He stated that variances were granted with respect to minimum substantive requirements of the code, not procedural or process issues. Regarding this application's request for a variance "*without complying with ULDR Section 47-13.20, Downtown RAC Review Process*" Mr. Dunckel noted that the Board of Adjustment lacked the jurisdiction with respect to that process.

Regarding the “*Sailboat Bend Historic District Requirements*” Mr. Dunckel explained that a process for a certificate of appropriateness was among those requirements, and the Board lacked the jurisdiction to grant this variance as well.

Mr. Dunckel continued that the “*List of Permitted and Conditional uses in the RAC-AS District*” concerned a deviation from a substantive provision of the code [not a process], but the code required that temporary non-conforming use permit must not be incompatible with adjoining properties or the surrounding neighborhood, or otherwise contrary to the public interest. The certificate of appropriateness in the historic district concerned building materials, finishes and design guidelines appropriate in the historic district, and must be addressed by the Historic Preservation Board. Their decision would determine whether the non-conforming use was compatible with the neighborhood.

Mr. Dunckel stated that most importantly, the Certificate of Appropriateness was a prerequisite to any other permits, so this must be obtained prior to this request’s being presented to the Board of Adjustment.

The applicant must therefore start at the Historic Preservation Board, and Mr. Dunckel advised the Board to deny the first two requests on the basis that the Board lacked the jurisdiction to grant a deviation from the code with regard to a process or a procedure. Regarding the third request, Mr. Dunckel advised the Board to table the application until it was presented to the Historic Preservation Board for a Certificate of Appropriateness.

Mr. Art Bengochea, architect for the project, felt it better to withdraw the application; he was not sure his client wished to go through a lengthy process for a temporary use.

## **REQUEST FOR REHEARING**

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### **APPEAL NO. 06-42**

**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.

**[This item was taken out of order]**

**Motion** made by Mr. Larson, seconded by Mr. Carbonell, to defer this item to the Board's April meeting Board unanimously approved.

**Report and For the Good of the City**

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Mr. Morris reported that they had completed the annexations of Melrose and Riverland, and hoped to have the zoning approved later in the year so they would have a set of standards.

Mr. Stresau suggested they wait for the sign ordinance before hearing any more sign requests for that area.

The Board discussed the evening's pool request, and agreed that there were several solutions that could have been considered during design phase to accommodate the pool but his had not been done. Mr. Strawbridge said, "what we got was a box built to the max."

The Board discussed the ramp request, and Mr. Stresau said his concern had been that in the future, there might not be valet-only parking at the building, and the responsibility for any future issues must stay with the architectural firm.

There being no further business to come before the Board, the meeting was adjourned at 8:58 p.m.

Chair

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Binni Sweeney

ATTEST:

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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.

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