

**Board of Adjustment Meeting
City of Fort Lauderdale
Wednesday, January 9, 2008 – 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>	<u>Cumulative Attendance 1/2008 – 12/2008</u>	
		<u>Present</u>	<u>Absent</u>
1. Scott Strawbridge, Chair	P	1	0
2. Don Larson, Vice Chair	P	1	0
3. Gus Carbonell	P	1	0
4. David Goldman	P	1	0
5. Gerald Jordan	P	1	0
6. Fred Stresau	P	1	0
7. Birch Willey	P	1	0
 <u>Alternates</u>			
Bruce Weihe [6:40]	P	1	0
Diane Waterous Centorino	P	1	0

Staff

Bob Dunckel, Assistant City Attorney
Yvonne Blackman, Secretary
Terry Burgess, Chief Zoning Examiner
Brigitte Chiappetta, Recording Secretary, ProtoType Services

Guests

Todd Stone	James Ross
Jeff Hendricks	Mark Budd
Any Menendez	

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For the Good of the City

Call to Order

Chair Strawbridge called the meeting to order at 6:32 p.m. He introduced the Board members and described the functions of the Board and procedures that would be used for the meeting.

Board members disclosed communications they had regarding agenda items. Mr. Carbonell announced he had a conflict regarding Item 3 and would recuse himself from that case.

Approval of Minutes

Motion made by Mr. Jordan, seconded by Mr. Stresau, to approve the minutes of the Board's December 2007 meeting. Board unanimously approved.

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

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1. **APPEAL NO. 07- 33** (*Deferred from December 12, 2007 meeting*)

APPLICANT: J. Arnold Mittelman

LEGAL: The East one-half (E ½) of the Northeast one-quarter

(NE¼) of the Southeast one-quarter (SE ¼) of Section 9, Township 49 South, Range 42 East, as more particularly described in the application for a variance for Appeal No. 07-33, on file with the Clerk of the City of Fort Lauderdale Board of Adjustment
TOGETHER WITH other lands more particularly described in the application for a variance for Appeal No. 07-33, on file with the Clerk of the City of Fort Lauderdale Board of Adjustment

ZONING: I (General Industrial)

STREET: 6001 NW 9th Avenue

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-22.3(G) (Flat signs/wall signs)

Requesting a variance to permit 622 square feet of wall signs on the east facade, and 2,191 square feet of wall signs on the north facade, where Code provides that the maximum size of a wall sign is 300 square feet.

APPEALING: Section 47-22.4(A)(1) (Maximum number of signs permitted at one location)

Requesting a variance to permit 7 flat signs/wall signs facing east toward Powerline Road and north facing Cypress Creek Road to fully inform the consuming public of its multiple offerings, where Code permits 4 (four) signs on the property.

Mr. Todd Stone, representative of the applicant, explained that the applicant was seeking seven signs rather than four, and was requesting that the signs be larger than 300 square feet. He stated they met the criteria for the variances they were seeking.

Mr. Stone described the building, and explained that it was set back almost 700 feet from Cypress Creek Road, so the oversized signs were needed to allow drivers on Cypress Creek Road to see them. They needed more than four signs because they were advertising four businesses in the building.

Mr. Stone presented renderings of the requested signage and stated they now intended to install three signs on the Powerline Road side of the building, and four signs on the Cypress Creek Road side of the building. Mr. Stone informed the Board that they had obtained letters of support from all the surrounding businesses.

Chair Strawbridge remembered that the Board had previously advised Mr. Stone to present this request as if it were a request for shopping center signage. Mr. Stone confirmed that one of their signs was slightly larger than the shopping center code allowed.

Mr. Burgess stated he had reviewed this signage proposal and had denied the permit because the number of signs exceeded the number allowed on a warehouse-type building [4]. Chair Strawbridge asked Mr. Burgess if this signage design would be permitted at a mall. Mr. Burgess explained that in a shopping complex, center-located stores would be permitted only one sign each, and corner-located businesses would be permitted two signs each. The square footage per sign was based upon the square footage of the building façade and could not exceed 300 square feet aggregate.

Mr. Stone believed that since there were four businesses within the building, each business should be permitted its own sign on the building exterior.

Mr. Willey reminded the Board of two of their previous rulings. The first was the Landmark Bank building which had requested consideration because the sign was located high on the building. He felt they should grant this applicant the same consideration because the signs were located far from the street horizontally instead of vertically. They should also consider how they had ruled regarding the 17th Street Causeway boat stores concerning uniformity of design and sizing.

Mr. Stone described the square footage of each of the signs for Mr. Goldman, and informed Mr. Dunckel he was requesting 375 square feet on the Powerline Road side of the building and 530 square feet on the Cypress Creek Road side of the building.

Mr. Carbonell felt the applicant had complied with the Board's request by spreading the signs out along the façade. He believed this was in keeping with the intent of the ordinance

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

Mr. Stresau said this new design was not in keeping with what he felt appropriate. He did not object to the northern façade signage, but felt the signs that faced Powerline Road were "overkill." Since two of the stores were not actually located on the Powerline side of the building, he was unsure they warranted a sign on that façade.

Chair Strawbridge did not approve of the new design for the signs on the Powerline Road side. He suggested putting "all those names in 150 square feet."

Mr. Willey suggested a compromise, and asked the Board to consider requiring the signs on Powerline Road to be more uniform, like those for a shopping center, and to allow the current design and size for the signs on the parking lot side.

Mr. Burgess confirmed for Mr. Dunckel that if this were a shopping center, two freestanding signs would be permitted, but this building did not meet the code requirements for a shopping center. If the applicant decided to install a freestanding sign on the Powerline side of the building instead of the signs mounted on the building, this request must be presented to the Board.

Mr. Stone said they were willing to leave the Marble World sign as it was, and make the other two signs smaller and more uniform.

Motion made by Mr. Goldman, seconded by Mr. Willey, to defer this item until after the Board heard the next item. In a voice vote, motion passed unanimously.

Chair Strawbridge announced that items 4 and 5 had been tabled.

Upon returning to the case, Mr. Stone presented a graphic depicting the signs on Powerline Road. He proposed making the Brandon sign the same size as the Vida Hot Tubs sign, removing the words "Home Furnishings." This would result in a sign of about 160 – 170 square feet.

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

Motion made by Mr. Goldman, seconded by Mr. Stresau, to approve, with the four north-facing signs as shown on the rendering as follows: the Vida Hot Tubs sign at 83.2 square feet, the Marble of the World sign at 105 square feet, the Brandon sign at 187 square feet and the Florida Plumbing, Kitchen and Appliance sign at 150 square feet, and the east-facing signs as follows: the Marble of the World sign at 105 square feet and the Brandon Home Furnishing and Vida Hot Tubs signs combined would be a total of 180 square feet, plus or minus 5%. The words "Home Furnishings" would be deleted from the east-side signs. In a roll call vote, Board approved unanimously 7 – 0.

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2. APPEAL NO. 07- 41 *(Deferred from December 12, 2007 meeting)*

APPLICANT: Phillipe Ductan
LEGAL: "Progresso" P.B. 2, P. 18, Block 127, Lots 31,32,33,34
ZONING: RD-15 (Residential Single/Duplex/Low Medium Density District)
STREET: 1210 NW 7th Terrace
ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-5.32 (Table of dimensional requirements for the RD-15 district)

Requesting a variance to allow the existing single family house to encroach 3.6 feet into the side yard, resulting in a 1.4 foot side yard, where Code requires a 5 foot side yard.

Mr. James Ross, representative of the applicant, stated he was the builder for the duplex. He explained they had re-filed the variance request to include all four lots.

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

Mr. Dunckel explained that the variance request was for lots 33 and 34, on condition that the duplex sited on lots 31 and 32 maintain at least a 10-foot distance separation from the single-family dwelling on lots 33 and 34. Mr. Ross informed the Board that Mr. Ductan's daughter owned the lot with the duplex. Mr. Dunckel advised that the property must be quitclaimed back to Mr. Ductan in order for this potential solution to work; he must own all four of the lots. After the variance was granted, the property could be conveyed back to Mr. Ductan's daughter. Mr. Dunckel advised that the motion could be worded in such a way to indicate the variance would not take effect until all four parcels were owned by one individual.

Mr. Ross agreed the property would be quitclaimed back to Mr. Ductan.

Motion made by Mr. Larson, seconded by Mr. Stresau, to grant the variance for lots 33 and 34 conditioned upon the duplex being constructed on lots 31 and 32 having at least a 10-foot distance separation from the single-family dwelling on lots 33 and 34 and the variance was not to go into effect until title for all four parcels was unified under one name. In a roll call vote, Board approved unanimously 7 – 0.

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3. APPEAL NO. 07- 44 *(Deferred from December 12, 2007 meeting)*

APPLICANT: Hendricks Developers, Inc.

LEGAL: A portion of Lot 10, Dames & Young Resubdivision of Block “C” of the Subdivision of Blocks “A”, “B”, “C”, & “D”, in the South one-half (S ½) of FRANK STRANAHAN’S SUBDIVISION

ZONING: RC-15 (Residential Single Family/Cluster Dwellings/Low Medium Density District)

STREET: 1208 NE 1st Street

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-19.2.S (Mechanical and plumbing equipment)

Requesting a variance to allow pool equipment (pool heater and pump) to be located 9.45 feet from the front property line (NE 1st), where Code requires that mechanical equipment shall not be located within the required front yard, which in this case is 25 feet.

[Mr. Carbonell had a conflict and stepped down from this case; Ms. Centorino took his place on the Board]

Mr. Jeff Hendricks, applicant, explained that when the building plans were first submitted for the town house, the site plan showed the middle unit townhouse with the spa and equipment location. When plans were submitted for the spa permit, they were at the same location. Mr. Hendricks stated the master plan for the construction of the project and the pool permit had both been approved by the City.

Mr. Hendricks presented a rendering of the front elevation of the three townhouses and explained his design rationale.

After the problem was discovered, Mr. Hendricks said he had approached his neighbors, and not 1 of the 22 neighbors had an objection to his design. Mr. Hendricks

had also spoken with several architects who informed him that the City had granted similar variances.

Mr. Burgess confirmed that the City's Planning and Zoning and Building Departments had issued permits for Mr. Hendricks to construct the spa and equipment in these locations.

Mr. Stresau said every architect who practiced in the City knew that mechanical equipment could not be located in the front yard; they altered building designs to allow it or ran pipes under the building to locate the equipment elsewhere. He did not believe the Zoning Department had signed off on the mechanical equipment's being located in the front yard setback. Mr. Burgess stated there was a signature for the Zoning final inspection. He thought the problem might have been discovered during a final survey review as part of the CO application process.

Mr. Hendricks said he had been unaware that the mechanical equipment could not be located in the front yard.

Ms. Centorino said she had walked by the property and it was a beautiful overall design. She had noticed the mechanical noise at the sidewalk, and was bothered by the fact that it was located adjacent to the sidewalk. Ms. Centorino was concerned about setting a precedent for locating mechanical equipment next to a sidewalk.

Mr. Willey asked Mr. Hendricks if the spa plan had been included in the original plan or added later. Mr. Hendricks said the spa was on the original site plan. Mr. Burgess agreed with Mr. Stresau that the pool equipment could be installed underground in a vault as a possible solution. Mr. Hendricks said he had discussed this with the engineers and they had objected because of the possibility of water intrusion.

Mr. Jordan asked if the mechanical equipment could be moved closer to the doors; Mr. Hendricks did not believe this was workable. Mr. Larson suggested a smaller heater might be adequate. Chair Strawbridge recommended a solar heater.

Mr. Hendricks asked the Board to approve the variance for the filter and allow him time to explore alternatives for the heater. Mr. Stresau said the Board must vote on the application as presented.

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

Chair Strawbridge advised Mr. Hendricks that if the Board voted to deny the variance Mr. Hendricks must wait two years to apply for another variance on the same exact

facts. He had the option of requesting that the Board table the item for him to explore other options.

Mr. Hendricks requested the Board table this item for 30 days.

Motion made by Mr. Larson, seconded by Mr. Goldman, to table the item for 30 days. In a roll call vote . In a voice vote, Board approved unanimously.

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4. APPEAL NO. 07- 47 *(Deferred from December 12, 2007 meeting)*

APPLICANT: Fort Lauderdale Community Redevelopment Agency
LEGAL: "River Gardens", P.B. 19, P. 23, Block 1, Lots 1, 2 and 3, Less N. 10 feet.
ZONING: RM-15 (Residential Multifamily Low Rise/Medium Density District)
STREET: 2130 & 2140 NW 6th Street
ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-5.34 (Table of dimensional requirements for the RM-15 district)

Requesting a variance to allow a 10 foot and 15 foot front yard, where Code requires a 25-foot front yard.

[Tabled]

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5. APPEAL NO. 07- 48 *(Deferred from December 12, 2007 meeting)*

APPLICANT: Sweetling Associates, LLC. (DBA) New Visions CDC
LEGAL: "River Gardens", Block 2, Lots 1,2,3,4,5 & 6, Said parcel being more particularly described particularly described in the application for a variance for Appeal No. 07-48, on file with the Clerk of the City of Fort Lauderdale Board of Adjustment
ZONING: RM-15 (Residential Multifamily Low Rise/Medium Density District)
STREET: 2144 & 2158 NW 6TH Street
ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-5.34 (Table of dimensional requirements for the RM-15 district)

Requesting a variance to allow a 10 foot and 15 foot front yard, where Code requires a 25-foot front yard.

[Tabled]

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6. APPEAL NO. 08 - 01

APPLICANT: Valsin A. Marmillion

LEGAL: "Coral Ridge", P.B. 21, P. 50B, Block 16, Lot 1

ZONING: RS-4.4 (Residential Single Family Low Medium Density District)

STREET: 2701 NE 17th Street

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-5.30 (Table of dimensional requirements)

Requesting a variance to permit a 916 sq. ft. 2nd floor addition to an existing single family dwelling with a 19.81-foot corner yard setback, where Code requires a corner yard of 25% of the lot width, but not greater than 25 feet.

Mr. Mark Budd, architect, explained that another architect had drawn up the first set of plans; these had been denied by Zoning without comments regarding the corner yard setback. That original architect had not responded to the City's comments so the owner had fired him and hired Mr. Budd. Mr. Budd had redesigned the elevations using similar floor plans and he had not noticed the corner yard setback issue.

Mr. Budd explained that half of the second floor addition was located over an existing nonconforming two-car garage which was permitted by code. He stated this issue had been noticed only in final survey review.

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

Mr. Stresau noted that this addition was consistent with the existing building and would have met the side yard setback when the original building was constructed.

Motion made by Mr. Larson, seconded by Mr. Jordan, to approve. In a roll call vote, Board approved unanimously 7 – 0.

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7. APPEAL NO. 08-02

APPLICANT: Michael J. Dellarciprete

LEGAL: "Imperial Point, 4th Section", P.B. 56, P. 11, Block 32, Lot 13

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

STREET: 1840 NE 65th Street

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-5-31 (Table of dimensional requirements for the RS-8 district)

Requesting a variance to convert an existing carport to a garage that sets back 21 feet 2 ½ inches from corner side property line (NE 18th Terrace), where Code requires a setback equivalent to 25% of the width of the lot, which is 21 feet 3 inches.

APPEALING: Section 47-5-31 (Table of dimensional requirements for the RS-8 district)

Requesting a variance to allow the proposed garage to set back 22 feet 1 inch from the front property line (NE 65th Street), where Code requires a minimum front setback of 25 feet.

Mr. Andy Menendez, architect, said this was an existing carport that his client wanted to enclose. When the building was originally constructed in 1964, the carport was built too close to the front property line, therefore his client had not caused the situation. Mr. Menendez reported that several neighbors had enclosed carports into garages without a problem. He said the variance was in harmony with the general purposes and intent of the ULDR and would not be incompatible with the adjoining properties. It would also not be detrimental to the public welfare.

Mr. Goldman wondered if the driveway would accommodate vehicles if the garage were enclosed. Mr. Burgess stated that at 18 feet long, the remaining driveway could accommodate a vehicle.

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

Motion made by Mr. Goldman, seconded by Mr. Jordan, to approve. In a roll call vote, Board approved unanimously 7 – 0.

Report and For the Good of the City

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Mr. Goldman noted that newer town house designs were moving garages into alleyways and utilizing street walls to foster a pedestrian atmosphere, but codes had not “caught up.” He stated that as in case 3, if the pool were located in the back it would be permissible. He wondered if the code might be amended to accommodate this.

Mr. Stresau said he was involved with a project for which the pool equipment was located in the garage and piping was installed under the house.

Mr. Carbonell said there was a group in the City working to address single-family home code revisions.

There being no further business to come before the Board, the meeting was adjourned at 8:25 p.m.

Chair:

Chair Scott Strawbridge

Attest:

ProtoType Inc.

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

Minutes prepared by: J. Opperlee, Prototype Services