

**Board of Adjustment Meeting  
City of Fort Lauderdale  
Wednesday, February 13, 2008 – 6:30 P.M.  
City Hall City Commission Chambers – 1st Floor  
100 North Andrews Avenue  
Fort Lauderdale, Florida**

## Cumulative Attendance 1/2008 through 12/2008

## Board Members

## Attendance

1. Scott Strawbridge, Chair	<b>P</b>	<b>2</b>	<b>0</b>
2. Don Larson, Vice Chair	<b>P</b>	<b>2</b>	<b>0</b>
3. Gus Carbonell	<b>P</b>	<b>2</b>	<b>0</b>
4. David Goldman	<b>P</b>	<b>2</b>	<b>0</b>
5. Gerald Jordan	<b>P</b>	<b>2</b>	<b>0</b>
6. Fred Stresau	<b>A</b>	<b>1</b>	<b>1</b>
7. Birch Willey	<b>P</b>	<b>2</b>	<b>0</b>

## Alternates

Bruce Weihe	<b>A</b>	<b>1</b>	<b>1</b>
Diane Waterous Centorino	<b>P</b>	<b>2</b>	<b>0</b>

## Staff

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

## Guests

Jeff Hendricks  
Don McClosky

George Morgan

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For the Good of the City

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### **Call to Order**

Chair Strawbridge called the meeting to order at 6:35 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.

### **Approval of Minutes**

**Motion** made by Mr. Larson, seconded by Mr. Goldman, to approve the minutes of the Board's January 2008 meeting. In a voice vote, motion passed unanimously.

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

**Motion** made by Mr. Larson, seconded by Ms. Centorino, to defer items 2, 3 and 4 to the Board's March meeting. In a voice vote, motion passed unanimously.

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### **1. APPEAL NO. 07-44** *(Deferred from January 9, 2008 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 1<sup>st</sup> 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 1<sup>st</sup>), where Code requires that mechanical equipment shall not be located within the required front yard, which in this case is 25 feet.

Mr. Carbonell stepped down, citing a conflict.

Chair Strawbridge confirmed with Mr. Jeff Hendricks, the developer, that a vote of 5 out of 6 seated Board members was now required for him to prevail.

Mr. Hendricks explained he had listened to the Board's concerns at the January meeting and had modified his request accordingly. Mr. Hendricks presented information regarding a non-mechanical, tankless spa heater he intended to use that could be installed on a wall. Mr. Burgess confirmed this would not be considered equipment.

Mr. Hendricks said he would install the pool pump equipment in a box/bench to mitigate the visual and sound impact. The bench would be custom designed and insulated, and vented on the house side.

Mr. Willey asked if the wording for the variance would change. Mr. Hendricks advised the pump equipment would still require the variance, but the heater would not.

Even with the modifications, Mr. Jordan still objected to the request. He lived in this neighborhood, and believed the pump noise would be too great when it was located this close to the sidewalk. Mr. Hendricks believed the bench cover would muffle the sound dramatically. He noted that the 25 nearest neighbors had indicated in writing that they did not object to this variance request.

Chair Strawbridge believed the ambient noise in Colee Hammock would never be low enough to allow the pump sounds to be a problem. Mr. Dunckel reminded the Board that any variance they granted would not circumvent the City's noise ordinance. He added the City was considering a new noise control ordinance that would take ambient noise levels into greater account than the current 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.

**Motion** made by Mr. Willey, seconded by Mr. Goldman, to grant a variance to allow a pool pump to be located 9.45 feet from the front property line (NE 1<sup>st</sup>), where Code requires that mechanical equipment shall not be located within the required front yard, which in this case is 25 feet, that this pump shall be enclosed in a sound-control box, as described to the Board, disguised as a bench, the design to be approved by Mr. Burgess's department. In a roll call vote, with Mr. Jordan opposed and Mr. Carbonell abstaining, motion passed 5 - 1.

**2. APPEAL NO. 07-47** *(Deferred from January 9, 2008 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 6<sup>th</sup> 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.

Deferred to the Board's March meeting.

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**3. APPEAL NO. 07-48** *(Deferred from January 9, 2008 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 6<sup>TH</sup> 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.

Deferred to the Board's March meeting.

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**4. APPEAL NO. 08-05**

**APPLICANT:** Jerry Lobel

**LEGAL:** "Amended Plat of Portions of Lauderdale Manor Addition," the W. 46.52 ft. of Lot 12, together with the E. 43.48 ft. of Lot 13, Block H; "Chateau Park Section-B," P.B. 31, P. 26, Block 158

**ZONING:** B-1 (Boulevard Business)  
**STREET:** 1241 W. Sunrise Boulevard  
**ADDRESS:** Fort Lauderdale, FL

**APPEALING: Section 47-18.3.A (Automotive sales dealer, rental agency, new or used)**

Requesting a variance to allow an Auto Rental Agency on a 90-foot wide lot, where the Code requires a minimum lot width of 100 feet for a Auto Rental Agency.

Deferred to the Board's March meeting

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**5. APPEAL NO. 08-06**

**APPLICANT:** Bay Colony Exxon, Inc.

**LEGAL:** All that part of the W ½ of the E ½ of the W ½ of the NE ¼ of Section 13, Township 49 S, Range 42 E, lying E of the E right-of-way line of U.S. Highway No. 1, as more particularly described in the application for a variance for Appeal No. 08-06, on file with the Clerk of the City of Fort Lauderdale Board of Adjustment

**ZONING:** B-1 (Boulevard Business)  
**STREET:** 5556 N. Federal Highway  
**ADDRESS:** Fort Lauderdale, FL

**APPEALING: Section 47-23.9.A.1 (Interdistrict Corridor)**

Requesting a variance to allow the construction of a retail development along the Federal Highway interdistrict corridor with a 10 foot yard, where Code requires a minimum 20 foot interdistrict corridor yard along Federal Highway.

The applicant's attorney explained that the respondent's representatives were running late, and requested this item be moved to the end of the Board's agenda.

**Motion** made by Mr. Goldman, seconded by Mr. Carbonell, to move this item to the end of the Board's agenda. In a voice vote, motion passed unanimously.

Upon returning to the case, Mr. George Morgan, developer, described the property and the surrounding area, and explained they intended to build a Starbucks Coffee Shop with additional space for one other tenant. He presented a site plan and project rendering. Mr. Morgan stated the variance was needed because of the property's irregular shape.

Mr. Morgan informed the Board that they had met with the homeowners association from the condominium directly behind the property, and this group had submitted a letter to the City endorsing this development. Mr. Morgan also believed the City was about to change the 20-foot landscape require to 10 feet.

Mr. Morgan informed Chair Strawbridge he had not spoken with any representative from the nearby church or school.

Mr. Jordan opposed the variance. He suggested shifting the building closer to 56<sup>th</sup> court, or waiting until after the Commission decided whether or not they would reduce the Federal Highway corridor yard.

Mr. Goldman agreed the parcel was an odd shape. He thought the drive-through component would have to be removed to accommodate the additional 10 feet along Federal Highway. Mr. Goldman felt the 10 feet of landscaping Mr. Morgan proposed would be adequate.

Mr. Carbonell felt the developer had done what was possible on this property. He remarked on the problem the City had with properties on commercial corridors that had been widened, leaving the properties so narrow that redevelopment was almost impossible. Mr. Carbonell noted the large swale area between the curb and the sidewalk where Mr. Morgan proposed street trees. He felt the intent of the landscape corridor was being met.

Mr. Willey stated the shape of the property in this case was a hardship, and there was no other way to use the property other than this proposal. Mr. Willey felt they should grant the request.

Ms. Centorino was concerned about traffic flow. Mr. Morgan said this site had more than twice the parking of the Starbucks on Davie Boulevard and Federal Highway. Mr. Morgan described parking and stacking on the property.

Mr. Dunckel cautioned the Board to craft the motion carefully to specify that the variance was requested not for the building but for the parking area.

Chair Strawbridge noted that the Board had tried to enforce the 20-foot requirement in the past, but considering the size of the site and the building, he thought it would be ridiculous to request that the building size be reduced. Chair Strawbridge was concerned about traffic flow and cars stacking up, especially so close to a school and church. Mr. Morgan noted that parking spaces at a Starbucks were typically high turnover, and that Starbucks was one of very few companies that could afford to develop this site.

Mr. Burgess explained to Chair Strawbridge that the parking and stacking for a drive-through business were evaluated in the DRC process.

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 suggested wording the motion to specify the yard reduction was specifically for the parking and landscaping.

**Motion** made by Mr. Jordan, seconded by Mr. Carbonell, to grant a variance to allow encroachment of parking spaces and landscaping along the Federal Highway interdistrict corridor with a 10-foot yard, where Code requires a minimum 20-foot yard, variance to expire when the Starbucks was demolished. In a roll call vote, motion passed 7 - 0.

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**APPEAL NO. 07-15**

**APPLICANT:** Ruach, Inc.

**LEGAL:** "Galt Ocean Mile Resubdivision", P.B. 38, P. 18, Block 16, Lot 9

**ZONING:** CB (Community Business)

**STREET:** 3558 N. Ocean Boulevard

**ADDRESS:** Fort Lauderdale, FL

**APPEALING: Section 5-27(b) (Distances of establishments from Church or School)**

Requesting a special exception to allow alcohol sales that is incidental to the sale of food in a restaurant that is within 232 feet from one place of worship (Chabad Lubavitch of Fort Lauderdale), and 242 feet from another place of worship (Sephardic Synagogue), where Code requires a separation of 500 feet.

**[The Board of Adjustment DENIED this application by a vote of 7 in favor and 0 against on October 10, 2007]**

[This item was heard out of order]

Don McClosky, attorney for the applicant, explained that family issues and rabbinical responsibilities had caused the Rabbi to miss the meetings for which this case was previously scheduled.

Mr. McClosky stated he had new evidence to present regarding the request. He explained there were over 20 street parking spaces available to the restaurant, and additional metered spaces were always available behind the restaurant.

Chair Strawbridge remarked that staff had made significant efforts to contact the applicant and assist him, but their phone messages were not returned. Mr. McClosky

apologized for his client, and promised Mr. Dunckel that he would be present to help his client with the request if the re-hearing were granted.

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. Willey, seconded by Mr. Carbonell, to grant the re-hearing. In a roll call vote, motion passed 7 - 0.

**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 **7:58 p.m.**

Chair:

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Chair Scott Strawbridge

Attest:

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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. Opperee, Prototype Services