

**Board of Adjustment Meeting
City of Fort Lauderdale
Wednesday, April 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> | Cumulative Attendance 6/2007 through 5/2008 | |
|------------------------------|--------------------------|--|----------------------|
| | | <u>Present</u> | <u>Absent</u> |
| 1. Scott Strawbridge, Chair | P | 9 | 2 |
| 2. Don Larson, Vice Chair | A | 10 | 1 |
| 3. Gus Carbonell | P | 11 | 0 |
| 4. David Goldman | P | 10 | 1 |
| 5. Gerald Jordan | A | 9 | 2 |
| 6. Fred Stresau | P | 9 | 2 |
| 7. Birch Willey | P | 11 | 0 |
| <u>Alternates</u> | | | |
| Diane Waterous Centorino | A | 8 | 3 |
| Bruce Weihe | A | 9 | 2 |

Staff

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

Guests

Stephanie Toothaker, Appeal 08-12
David Delgrosso, Appeal 08-16
Kim Delgrosso, Appeal 08-16
Deborah Orshefsky, Appeal 08-17

Index

| | Appeal Number | Applicant | Page |
|----|----------------------|--|-------------------|
| 1. | 07-47 | Fort Lauderdale Community Redevelopment Agency | 3 |
| 2. | 07-48 | Sweetling Associates, LLC. (DBA) New Visions CDC | 3 |
| 3. | 08-07 | TRG New River II, Ltd. | 3 |
| 4. | 08-08 | G.4.A Holdings Corp. | 4 |
| 5. | 08-12 | LHP Intracostal II LLC | 4 |

| | | | |
|-----|--------------|---|--------------------|
| 6. | 08-13 | London Associates Ltd. | 7 |
| 7. | 08-14 | Todd Charles Gilliam | 7 |
| 8. | 08-15 | Mount Hermon African Methodist Episcopal Church | 7 |
| 9. | 08-16 | David & Kim Delgrosso | 8 |
| 10. | 08-17 | Philip and Irene Spiegelman | 9 |
| | | For the Good of the City | 10 |

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.

Chair Strawbridge explained that two Board members were absent and both alternates were absent, and there were cases on the agenda for which one or more present Board members would step down due to a conflict of interest. This would result in loss of quorum, so these cases could not be heard. Chair Strawbridge stated a supermajority affirmative vote was required to prevail, which this evening would require 4 out of the 5 present Board members. He announced he would allow applicants to request deferral if they wished to return at another meeting to have their cases heard.

Approval of Minutes

Mr. Stresau noted an error in his attendance on the March minutes. He also noted that Mr. Battle should be listed as a guest, not as staff, since he was an applicant.

Motion made by Mr. Willey, seconded by Mr. Stresau, to approve the minutes of the Board's March 2008 meeting as amended. In a voice vote, motion passed 5 - 0.

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

Board members disclosed communications they had regarding agenda items.

The Board discussed cases for which they would lack a quorum.

Motion made by Mr. Stresau, seconded by Mr. Willey, to defer items 1, 2, 3, 4, 6 and 8 for lack of a quorum. In a voice vote, motion passed 5 – 0.

Motion made by Mr. Stresau, seconded by Mr. Carbonell, to defer item 7 to the Board's May hearing per the applicant's request. In a voice vote, motion passed 5 – 0.

[Index](#)

1. APPEAL NO. 07-47 *(Deferred from March 12, 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 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.

Deferred for lack of a quorum.

[Index](#)

2. APPEAL NO. 07-48 *(Deferred from March 12, 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 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 al Requesting a variance to allow low a 10 foot and 15 foot front yard, where Code requires a 25 foot front yard.

Deferred for lack of a quorum.

[Index](#)

3. APPEAL NO. 08-07 *(Deferred from March 12, 2008 meeting)*

APPLICANT: TRG New River II, Ltd.

LEGAL: "Town of Lauderdale," P.B. "B", P. 40, Block 41, Lots 18 & 19

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

STREET: 2 South New River Drive

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 5-26(a) (Distance between establishments)

Requesting a variance to allow to allow the sale of alcohol at a distance of 277 feet from another establishment (The Downtowner) that sells alcohol, where Code requires a minimum of 300 feet separating establishments that sells alcoholic or intoxicating beverages.

Deferred for lack of a quorum.

[Index](#)

4. APPEAL NO. 08-08 *(Deferred from March 12, 2008 meeting)*

APPLICANT: G.4.A Holdings Corp.

LEGAL: "Croissant Park South River Section," P.B. 8, P. 20, Block 43, Lots 7 and 8

ZONING: RM-15 (Residential Low Rise Multifamily/Medium Density)

STREET: 1300 SW 4th Avenue

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-19.2.H (Accessory Buildings and Structures, General – Driveways)

Requesting a variance to allow for 13 feet 2 inches driveway length, where the Code requires a minimum of eighteen (18) feet in length when used as a stacking or a parking space.

Deferred for lack of a quorum.

[Index](#)

5. APPEAL NO. 08-12

APPLICANT: LHP Intracostal II LLC

LEGAL: "Progresso", P.B. 2, P. 18, Block 171, Lot 1

ZONING: RMM-25 (Residential Mid-Rise Multifamily/Medium High Density)

STREET: 1514-1518 NE 11th Street

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-5.36 – Note A (Table of dimensional requirements for the RMM-25 district)

Requesting a variance to permit a twelve & one half foot (12.5') corner yard setback where Code requires a twenty-five (25) foot corner yard setback.

APPEALING: Section 47-5.36 – Note B (Table of dimensional requirements for the RMM-25 district)

Requesting a variance to permit a ten (10) foot side yard setback where the Code requires the side yard to be equal to one-half ($\frac{1}{2}$) the height of the building or sixteen (16) feet.

Ms. Stephanie Toothaker, representative of the applicant, LHP Intracoastal, presented an aerial photo of the area, described the surrounding businesses and explained the property was across the street from the Publix to the east. Ms. Toothaker showed other photos of the site and explained the zoning was RMM-25, mid-rise multi-family residences, which provided a nice transition from the single-family residences to the north and the commercial districts west and south.

Ms. Toothaker showed a rendering of the proposed project and reminded the Board that the project met or exceeded the front and rear setbacks. She noted that this was very small for a corner lot, at 50-feet wide. Corner lots had additional setback requirements that in this case could require the building to be only 10 feet wide.

Ms. Toothaker explained that the proposed setbacks were consistent with the surrounding neighborhood and were greater than they had been for the duplex that formerly occupied the site. At the time the duplex was built, there were code provisions allowing modifications to corner lots, especially in this area that had many 50-foot lots.

Ms. Toothaker showed another aerial that illustrated that their requested setbacks were consistent with those of other properties in the area.

Ms. Toothaker stated this was a unique hardship because of the limited buildable area and the additional requirements because this was a corner lot.

Ms. Toothaker reported they had spoken to neighbors in the area and submitted seven letters of support with this application.

Mr. Dunckel said in the Progresso area, the 50-foot residential lot was standard.

Chair Strawbridge opened the public hearing.

Mr. Rixon Rafter, Lake Ridge resident, reported that the project foundations were already poured. He said the Lake Ridge Civic Association opposed this project. Mr. Rafter stated Lake Ridge had upgraded the neighborhood for the past ten years by "attracting builders who build to the new specs and who build relatively expensive houses" and this project did not comply with this.

Chair Strawbridge asked Mr. Rafter how other builders were managing to build 10-foot deep buildings on the other corner lots. Mr. Rafter stated 11th Street was unique in having some 50-foot lots on corners.

Ms. Toothaker reported the project had been granted permits to pour the foundation; when the error was discovered, they applied to the Board of Adjustment.

Mr. Rafter noted that this project was for three residences where there used to be one. He confirmed he was concerned the project was too dense, but chair Strawbridge pointed out that the code allowed for this density here.

Ms. Liz Gilbert, Lake Ridge resident and Board member, remarked that the residents were concerned that in this area, there was insufficient parking for multi-family dwellings. Chair Strawbridge stated the project had not requested a parking reduction. Ms. Toothaker confirmed that the project would comply with parking requirements, and did not propose any street parking.

Mr. Carbonell felt there were other issues with the project, including parking. Ms. Toothaker said the units had one-car garages, each with a second parking space in front of the garage.

Ms. Toothaker offered to make a presentation to the Lake Ridge Civic Association.

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

Mr. Dunckel indicated if the Board approved this, it would be difficult to deny the next request for a variance that was presented with a similar set of facts.

Mr. Stresau was concerned that the applicant had moved ahead without the proper building permits, and that the Building Department had approved foundation plans. Mr. Willey was also concerned that the foundation had been poured already.

Ms. Toothaker again offered to meet with the neighborhood association, and asked to do so before the Board proceeded with a vote.

Mr. Stresau reminded Ms. Toothaker that she had been cautioned before presenting her case that the Board would see it through.

Mr. Carbonell noted that the foundation, as poured, could be used to build a two-family dwelling. He noted the difficulty of actually building three units on a 50-foot lot because of the other requirements.

Motion made by Mr. Goldman, seconded by Mr. Carbonell, to approve. In a voice vote, the vote was as follows: Mr. Carbonell - no; Mr. Goldman – no; Mr. Stresau – no; Mr. Willey – no; Chair Strawbridge - no. Motion failed 0 – 5.

The Board confirmed that their intent was to deny both appeals.

[Index](#)

6. APPEAL NO. 08-13

APPLICANT: London Associates Ltd.

LEGAL: “Progresso”, P.B. 2, P. 18. All block 312, Lots 1-16. Blk 313 less State Rd & that portion vac NE 6th lying between Lot 33 to 48, Blk 312 & 313 & E ½ of vac NE 6 Terr lying W & adjacent to lots 26 to 32 Blk 312 per ord C-01-31 or 31934/1400

ZONING: CB (Community Business District)

STREET: 638 N. Federal Highway

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 5-26(b) (Distance between establishments)

Requesting a special exception to allow a restaurant to sell alcohol that is incidental to the sale of food at a distance of 219 feet from an establishment (Winn Dixie Liquor store) that sells alcohol, where Code requires a minimum of 300 feet separating establishments that sell alcoholic or intoxicating beverages.

Deferred for lack of a quorum.

[Index](#)

7. APPEAL NO. 08-14

APPLICANT: Todd Charles Gilliam

LEGAL: “Boulevard Park Isles Section One”, P.B. 50, P. 6, Lot 29

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

STREET: 1620 NE 63rd Court

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-19.2.P (Freestanding shade structures)

Requesting a variance to allow a free-standing shade structure (tiki hut) that is 392 SF in the required rear yard, where Code stipulates that such structures shall not exceed 200 SF when located in the required yard.

Deferred per the applicant’s request.

[Index](#)

8. APPEAL NO. 08-15

APPLICANT: Mount Hermon African Methodist Episcopal Church

LEGAL: “North Lauderdale”, Parcels 4 and 6 (South ½). Said parcels being more Particularly described in the application for a variance for Appeal No. 08-15, on file with the Clerk of the City of Fort Lauderdale Board of Adjustment.

ZONING: RMM-25 (Residential Mid-Rise Multifamily/Medium High Density)

STREET: 401 NW 7th Terrace

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-25.3.A.3.d.iv (Neighborhood compatibility requirements – *Wall requirements*)

Requesting a variance to allow the omission of the required five (5) foot high wall, where the code requires a wall to be constructed at a minimum of five (5) feet in height when a non-residential use is contiguous to any residential property.

Deferred for lack of a quorum.

[Index](#)

9. APPEAL NO. 08-16

APPLICANT: David & Kim Delgrosso

LEGAL: “Halls Addition of Fort Lauderdale,” P.B. 1, P. 134, Block 2, Lot 22

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

STREET: 532 NE 12th Avenue

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-5.31 (Table of dimensional requirements for the RS-8 district)

Requesting a variance to allow a 14.7-foot rear yard setback, where Code requires a 15 foot rear yard setback.

Mr. David Delgrosso, applicant, explained they wanted the addition to allow his father to live with them. The intended to continue the first floor existing wall up to the second floor.

Ms. Kim Delgrosso, applicant, said many of her neighbors had done this, and most approved of their plan.

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

Mr. Goldman drew the Board's attention to a letter from a neighbor indicating he opposed the appeal. Chair Strawbridge acknowledged that the neighbor was not present, and the letter had not stated the reason[s] for his objection.

Motion made by Mr. Stresau, seconded by Mr. Carbonell, to approve. In a roll call vote, motion passed 5 – 0.

[Index](#)

10. APPEAL NO. 08-17

APPLICANT: Philip and Irene Spiegelman

LEGAL: "Himmarshee Park," P.B. 1, P. 20, Lot 32 & N1/2 VAC SE 4St
abutting said Lot Ord No. C-81-54

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

STREET: 1119 SE 4th Street

ADDRESS: Fort Lauderdale, FL

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

Requesting a variance for a poolside cabana that is set back 8.2 feet from the wet face of the seawall, where Code requires 25 feet when abutting a waterway.

Ms. Debbie Orshefsky, representative of the applicant, displayed a photo of the property and stated they had submitted an extensive application outlining how they complied with the criteria. She explained that "every effort was made to show exactly what this structure was and where it was going; inquiries were made by Zoning staff and responded to...sign offs approved, and it wasn't until the structure was virtually complete...that anyone said 'you have a problem.'"

If the problem had been brought to their attention sooner, Ms. Orshefsky said the owners could have redesigned the project, but that opportunity was lost now; the house was virtually complete and there was no other available location for the cabana building. She noted other changes the owners had made to comply items on the approved plans that were later noted by the Zoning inspector as violations.

Ms. Orshefsky distributed a copy of the site plan, the Zoning review comments, and the response. She noted that the plans clearly showed the cabana building, and the contractor had provided a detail of it on sheet A-10.

In 2007, construction commenced and a spot survey was conducted. Mr. Burgess stated the spot survey at the time did not show the cabana bath. Ms. Orshefsky said the Zoning reviewer at that time must have had sheet A-10 describing the cabana bath; Mr. Burgess agreed.

In December, Mr. Burgess, acting as Zoning Inspector, had noted the violation. Ms. Orshefsky said a neighbor, Mr. DuBet, had written a letter regarding the property. Mr. Spiegelman said in his discussions with Mr. DuBet, he believed he did not object to the

cabana bath. Chair Strawbridge said Mr. DuBet's letter appeared to be threat to the City that if they granted a variance to Mr. Spiegelman, he would expect them to grant one to him.

Mr. Burgess confirmed that the City had approved the cabana wall that was also a waterfall. Ms. Orshefsky agreed the waterfall wall could be brought down to 8 feet. Chair Strawbridge remarked that the waterfall looked "like a drive-in movie" and was out of proportion in scale. He was astonished that the architectural firm and City staff had not picked up on "a very finite rear yard setback." Ms. Orshefsky stated this house was 5,500 square feet and was "kind of the smallest one" in the neighborhood, and in terms of scale, it had no adverse affect. Chair Strawbridge disagreed.

Ms. Orshefsky believed this was a unique situation, and would not set a precedent. She said the owners had proceeded "innocently and in good faith. "

Ms. Irene Spiegelman, owner, said the wall could only be seen from their home, and wondered how the wall could be removed.

Mr. Phil Spiegelman, owner, explained the process the project had gone through since they purchased the property. He had sent letters to and/or spoken with his neighbors and felt he had their approval, and was surprised to discover that any neighbor objected. He noted that they had found ways to mitigate other issues, and would have done so if it were possible regarding this issue.

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

Mr. Carbonell noted that the properties across the river were commercial and would not be disturbed by this, and neighbors had sufficient landscaping to mitigate the situation. Mr. Carbonell felt the cabana building was unobtrusive, but the waterfall wall was too massive. He said he would be in favor of reducing the height and width of the waterfall wall to the height and width of the cabana building, with heavy landscaping on the waterway side. Ms. Orshefsky said her client would agree to this change.

Mr. Willey felt the Structure was "too much, too big, and it shouldn't be there." He understood the need for the cabana, but not for the waterfall wall. He wanted the north side of the building to match the size of the cabana building.

Mr. Stresau said it was apparent there had been mistakes at the Building Department and inspections levels. He felt that landscaping on the waterway side would screen this from the other side of the canal.

Motion made by Mr. Stresau, seconded by Mr. Willey to approve, with the following conditions: that the fountain wall be pared back to the height of the gazebo and to the east and west walls, so it reflected the same size as the cabana; that the walkway on the south side be cut back to 2 ½ feet, and the remaining 2 ½ feet be landscaped

against the neighboring property to the south; that the landscaping installed on the canal side be sufficient to cover up the entire structure from the waterway to the satisfaction of the landscape plans reviewer. In a roll call vote, motion passed 5 – 0.

[Index](#)

Report and For the Good of the City

Mr. Stresau announced he would be leaving the Board of Adjustment and joining the Planning and Zoning Board as of May 2008.

Mr. Carbonell announced that the May Board of Adjustment meeting would be his last.

There being no further business to come before the Board, the meeting was adjourned at **8:23 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