

**Board of Adjustment Meeting
City of Fort Lauderdale
Wednesday, June 11, 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 6/2008 through 5/2009</u> | |
|--------------------------|-------------------|--|---------------|
| | | <u>Present</u> | <u>Absent</u> |
| Scott Strawbridge, Chair | P | 1 | 0 |
| Don Larson, Vice Chair | P | 1 | 0 |
| Diane Centorino | P | 1 | 0 |
| David Goldman | P | 1 | 0 |
| Gerald Jordan | P | 1 | 0 |
| Bruce Weihe [6:40] | P | 1 | 0 |
| Birch Willey | P | 1 | 0 |
| <u>Alternates</u> | | | |
| Michael Madfis | P | 1 | 0 |
| Henry Sniezek | P | 1 | 0 |
| Karl Shallenberger | P | 1 | 0 |

Staff

Bob Dunckel, Assistant City Attorney
Yvonne Blackman, Secretary
Terry Burgess, Chief Zoning Examiner
Greg Brewton, Planning Director
Cheryl Felder, Service Clerk, Planning and Zoning
B. Chiappetta, Recording Secretary, ProtoType Services

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Purpose: Sec. 47-33.1.

The Board of Adjustment shall receive and hear appeals in cases involving the ULDR, to hear applications for temporary nonconforming use permits, special exceptions and variances to the terms of the ULDR, and grant relief where authorized under the ULDR. The Board of Adjustment shall also hear, determine and decide appeals from reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the ULDR, as provided herein.

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.

Approval of Minutes

Chair Strawbridge noted that his name was not on the attendance list in the May minutes.

Motion made by Mr. Jordan, seconded by Ms. Centorino, to approve the minutes of the Board's April 2008 meeting as amended. In a voice vote, motion passed 6 - 0.

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

Chair Strawbridge stated cases 1 and 5 would be deferred.

Motion made by Mr. Larson, seconded by Mr. Goldman, to defer Appeal 1 to July 9, 2008. In a voice vote, motion passed 6 - 0.

Motion made by Mr. Larson, seconded by Mr. Jordan, to defer Appeal 5 to August 13, 2008. In a voice vote, motion passed 6 - 0.

Chair Strawbridge explained to guests that on each of these cases, the applicant had determined there were additional items they needed to prepare to present to the Board.

Mr. Weihe arrived at 6:40.

Board members agreed no one would need to recuse him/herself from any cases, and Chair Strawbridge advised that all but one alternate could leave the meeting.

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1. APPEAL NO. 08-19

APPLICANT: Mr. & Mrs. Orié Legum

LEGAL: Lot 7, Block 24 of "Unit 3 Rio Vista Isles", according to the plat thereof, as recorded in P.B. 5, at P. 23 and amended plat thereof in P.B. 7, P. 47 of Broward County, FL, together with the Southerly ½ of vacated S. Rio Vista Blvd., lying immediately N. of and adjacent to said Lot. 7.

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

STREET: 626 S. Rio Vista Boulevard

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-5.31 (Table of Dimensional Requirements for RS-8 District)

Requesting a variance to install a windmill (wind generator) at 66 feet in height, where the maximum height of a structure in the RS-8 District is limited to 35 feet, and requesting a 20-foot rear yard setback where the Code requires a 25-foot rear yard setback on the waterway.

Deferred to July 9, 2008.

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2. APPEAL NO. 08-20

APPLICANT: Coral Ridge Ministries Inc.

LEGAL: Coral Ridge Commercial Blvd. add No. 1 52-17 B that PT of TR B & VAC alley lying N of A line, said line being 261.88 N of SW Cor Lot 5 Blk 2, Meas Alg E R/W/L of US 1 & Perpend to said E R/W/L

ZONING: B-1 (Boulevard Business)

STREET: 5554 N. Federal Highway

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-22.3.E (General Regulations – Detached freestanding signs and pylon signs)

Requesting a variance to allow sign to be setback 5 feet, where Code requires 20 foot setback when detached signs are located within any zoning district abutting those trafficways subject to the Specific Location Requirements, Interdistrict Corridor Requirements as specified in Section 47-23.9, shall be located a minimum of twenty (20) feet from the property line of the lot or plot on which the sign is located.

Ms. Denise Williams, representative of the applicant, stated the plans for their monument sign had been reviewed and approved, and the sign was subsequently installed and passed foundation and electrical inspections. When Zoning performed their final inspection, the applicant was informed that the setback was incorrect. Ms. Williams noted that the property had been paved and landscaped around the installed sign. She requested a variance to leave the sign in its present location with a 5-foot setback instead of a 20-foot setback.

Chair Strawbridge wondered if a member of the Engineering Department should be present to explain the reason for the required 20-foot setback. He believed one reason was to make it less likely that a passing car could veer into items located so close to the roadway. Ms. Williams explained that the sign was within the car parking area and behind a row of hedges.

Mr. Burgess informed the Board that this sign required a deeper setback because of its height. A smaller sign would have been permitted in a 5-foot setback.

Mr. Dunckel asked if there had been a change in the building use, perhaps indicating a change in the parking requirements. Mr. Burgess stated church parking required 1 space per 4 seats.

Mr. Mike Pritchard explained that this was a seminary/school, not a church. Mr. Burgess stated parking requirements for a school were 1 space per 250 square feet, but he did not know the square footage of the building.

Mr. Burgess clarified for Ms. Centorino that a monument sign could be a maximum of 5-foot tall atop a 3-foot base within the 5-foot setback.

Ms. Williams stated the sign sales representative had consulted a section of the code that indicated this size sign would be permitted in a 5-foot setback.

Mr. Goldman asked Ms. Williams if the applicant would be willing to redesign the sign and reduce the height, if the Board deemed the sign inappropriate in its current form. Ms. Williams stated it could be shortened a bit, but a significant reduction would require a whole new sign.

Mr. Brewton explained that the interdistrict corridor was intended to maintain the level of activity to be consistent with the previous zoning classification, to establish a consistent design for that corridor. This design was intended to be "smaller...more tasteful" as a theme for Federal Highway. Mr. Brewton remarked that the property as it was today was non-conforming regarding the interdistrict corridor. There should be no parking within the 20-foot setback; this should be a landscaped area. The property had been

configured prior to the interdistrict corridor's creation, and so was allowed, but the City did not want to encourage any additional encroachment.

Ms. Williams distributed a photo of the sign at the site and noted it was attractive and behind the hedge and car park area.

Chair Strawbridge opened the public hearing.

Mr. Pritchard stated his property "sort of adjoins the property of the seminary and the Olive Garden." He reported that most of the signs within a mile of the seminary had a 5-foot setback. He admitted the seminary sign was larger than the City allowed. Mr. Pritchard asked the Board to consider allowing the sign.

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. Larson felt the sign could be lowered to 8 feet to improve the situation. He realized this had been a mistake on the part of the seminary. Mr. Burgess clarified that the total height - base plus sign - must be no more than 8 feet.

Motion made by Mr. Goldman, seconded by Mr. Jordan, to approve the request. In a roll call vote, motion **failed** 7 - 0.

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3. APPEAL NO. 08-21

APPLICANT: Cargo Holdings

LEGAL: "Crossroads Shopping Center", P.B. 32, P. 22 B, Lot 9 and portion of 16 Alley lying West of and adjacent to Lot 9

ZONING: B-1 (Boulevard Business)

STREET: 2301 NE 26th Street

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-6.20 (Table of Dimensional Requirements)

Requesting a variance to allow a 0 foot front setback, where Code requires 5 foot.

Mr. Vernon Pierce, project architect, distributed copies of letters in support of the project. Mr. Pierce displayed photos of the project and explained they would replace the existing structure with a larger one. He stated they must accommodate the new 20-foot rear setback, and they wanted to keep the front of the building in line with the other storefronts to continue the sidewalk and canopy line in the shopping center.

Mr. Burgess informed the Board that the new building could be at a 5-foot setback and above 9 feet, the building could project out to the property line to continue the awning effect over the sidewalk.

Ms. Centorino asked if the building would alter the parking requirements for the shopping center. Mr. Pierce said they had a parking engineer addressing these issues with the City. Mr. Dunckel stated they would lose one or two of the public, metered parking spaces to the Bed Bath and Beyond property modification.

Mr. Brewton agreed with Mr. Dunckel, and confirmed that the applicant's project could not meet parking requirements, and in the future intended to seek either a parking reduction or a parking agreement with an adjacent property. Chair Strawbridge felt it would be premature for the Board to grant this variance to increase square footage when the project lacked sufficient parking.

Mr. Pierce explained that during the DRC process, they had discussed whether they should request this variance first, because if this request was denied, they would not have a parking issue. They had therefore decided to make the variance request first. He said they had met several times with City staff, and it was decided that the parking issue could be worked out with the City, not "some landowner within 700 feet."

Chair Strawbridge asked Mr. Pierce to state the hardships. Mr. Pierce said the lots were very small, and accommodating the front and rear setbacks caused them to lose usable area on the site. Mr. Pierce said economics were obviously involved, but it was also a matter of consistent storefront design.

Chair Strawbridge opened the public hearing.

Mr. Robert Prager, property manager of the adjacent property, said the owner of his building was most concerned about parking issues at the shopping plaza. He noted that Egg and You customers filled the parking lots for hours on weekends.

Mr. Goldman asked Mr. Prager's opinion of the setback request. Mr. Prager did not object to the setback request, as this would match adjacent shops.

Chair Strawbridge believed that if the Board granted this request, it would set a precedent for the street.

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.

Despite Mr. Pierce's advice from City staff, Mr. Goldman thought the parking issue could be addressed first, then the Board would no longer be concerned with it. Mr. Burgess explained that the applicant must go through processes at the same time.

Ms. Centorino agreed with Mr. Goldman. The Board had been very concerned about parking, and she felt it made more sense to address the parking issue first.

Motion made by Mr. Jordan, seconded by Mr. Weihe, to approve. In a roll call vote, motion passed 5 - 2.

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4. APPEAL NO. 08-22

APPLICANT: 200 Brickell, Ltd., Jim Stine

LEGAL: "Town of Fort Lauderdale," Lots 1-5 and the E. 70 ft. of Lot 6, and the E. 70 ft of Lot 7 and the N. 20 ft. of the E. 70 ft of Lot 8, Block 26

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

STREET: 200 SW 1st Avenue

ADDRESS: Fort Lauderdale, FL

APPEALING: **Section 47-20.10 (Tandem Parking)**

Requesting a variance to allow the use of two (2) tandem parking spaces within this project to be used only in the event of two high-top accessible vans parking on site at the same time, where Code only allows Tandem parking in connection with single family, duplex and townhouse dwelling units.

APPEALING: **Section 47-20.15 (Backout Parking)**

Requesting a variance to allow one (1) backout parking space where Code prohibits backout parking into public right-of-way.

Mr. Jeff Lis, representative of the applicant, explained that during the final inspection, they had discovered that the handicapped van parking accessibility requirement could not be met because the van parking was located under two structural beams for the building and did not provide proper clearance.

Mr. Lis had met with City building officials to determine how to address this issue and been issued a temporary Certificate of Occupancy. In the interim, they had built temporary accessibility spaces and entered into an agreement to request a waiver from DCA for other spaces in the garage. Mr. Lis distributed copies of the granting of the waiver request from the State of Florida Building Commission.

Once they had the waiver, Mr. Lis stated they needed a building permit to make some modifications to alter the median and slopes to comply. When the plan went to Planning and Zoning, they discovered that there was no provision in a commercial district to allow tandem parking. Mr. Lis stated that the fill-time parking management employee could assist a second handicapped van to back into the second space, so backing out into the right of way would not be necessary.

Mr. Jordan said he felt sorry for the applicant, and felt the ADA requirements were “overblown.” Mr. Lis listed the people who had missed this along the progress of the project, and said they now had a viable solution, and asked the Board to approve it.

Mr. Willey acknowledged that to ensure this solution worked, there must always be 24-hour supervision of the parking garage and he suggested tying the Board’s approval to a requirement that this be in place. Mr. Lis did not object to this, but noted that the entire garage was sometimes closed.

Chair Strawbridge opened the public hearing. 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.

Motion made by Mr. Willey, seconded by Mr. Larson, to approve the request regarding 47-20.10 (Tandem Parking), on the condition that the when the garage was open, the garage must have manned security to comply with the variance as granted. In a roll call vote, motion passed 7 – 0.

Motion made by Mr. Willey, seconded by Mr. Jordan, to approve the request regarding Section 47-20.15 (Backout Parking), on the condition that the when the garage was open, the garage must have manned security to comply with the variance as granted. In a roll call vote, motion passed 7 – 0.

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5. APPEAL NO. 08-24

APPLICANT: Archdiocese of Miami (Cardinal Gibbons High School)

LEGAL: The East 40 feet of W ½ of the NE ¼ of the SE ¼ of the SE ¼ of Section 3, Township 49 South, Range 42 East, said parcel being more particularly described in the application for variance on file with the Clerk of the City of Fort Lauderdale Board of Adjustment

ZONING: CF-HS (Community Facility-House of Worship and School)

STREET: 29 N.E. 47th Street and/or 4601 Bayview Drive

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-8.30 (Table of Dimensional Requirements)
Requesting a variance to allow light fixtures mounted on poles at a height of 65 feet (2 poles) and 95 feet (2 poles), where code limits height to 35 feet.

Deferred to August 13, 2008.

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Report and For the Good of the City

Ms. Centorino wondered why there were no recycling receptacles on the beach or anywhere in the City.

There being no further business to come before the Board, the meeting was adjourned at **8:14 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