

BOARD OF ADJUSTMENT MEETING
City of Fort Lauderdale
Wednesday, August 13, 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</u> <u>6/2008 through 5/2009</u>	
		<u>Present</u>	<u>Absent</u>
Scott Strawbridge, Chair	A	2	1
Don Larson, Vice Chair	P	3	0
Diane Centorino	A	2	1
David Goldman	A	2	1
Gerald Jordan	P	3	0
Bruce Weihe	P	3	0
Birch Willey	P	3	0
 <u>Alternates</u>			
Michael Madfis	P	3	0
Henry Sniezek	P	3	0
Karl Shallenberger	A	2	1

Staff

Bob Dunckel, Assistant City Attorney
Yvonne Blackman, Secretary
Terry Burgess, Zoning Administrator
B. Chiappetta, Recording Secretary, ProtoType Services

Index

	<u>Appeal Number</u>	<u>Applicant</u>	<u>Page</u>
1.	08-24	Archdiocese of Miami (Cardinal Gibbons H.S.)	2
2.	08-26	1200 Club Condominiums Association	3
3.	08-29	Bill and Carol Schmidlin	4
4.	08-30	Charles V. Ricks, Trustee	6
5.	08-31	Nancy B. King	7
6.	08-32	BJ's Wholesale Club	8
7.	08-20	Coral Ridge Ministries Inc.	9
		For the Good of the City	10

Purpose: Section 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

Vice Chair Larson 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 followed for the meeting.

Approval of Minutes

Mr. Weihe stated a quote attributed to him on page nine was inaccurate.

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

Board members disclosed communications they had regarding items on the agenda.

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

[Index](#)

1. **APPEAL NO. 08-24** (*Deferred from June 11, 2008*)

APPLICANT: Archdiocese of Miami (Cardinal Gibbons High School)

LEGAL: The East 40 feet of W 1/2 of the NE 1/4 of the SE 1/4 of the SE 1/4 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: 2900 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.

Ms. Nectaria Chakas, representative for the applicant's attorney, requested this item be deferred to the Board's September meeting, to allow time to conduct additional meetings with the neighborhood to resolve any remaining issues.

Dr. Robert Prager, adjoining property owner, read a prepared statement expressing his disappointment, for himself and for his neighbors, at delaying a decision regarding this matter. He said he would agree to the postponement because Mr. Brewton had assured him by email that the lights could not be turned on until the matter was resolved.

Mr. John Darling, neighboring property owner, confirmed with the Board that their next meeting would be September 10, 2008.

Mr. Willey pointed out that he only approved this deferment because both sides desired it, and he did not want the Board to make this common practice. Mr. Madfis and Vice Chair Larson agreed.

Motion made by Mr. Jordan, seconded by Mr. Sniezek, to defer the item to September 10, 2008. In a roll call vote, the vote was as follows: Mr. Jordan - yes; Mr. Weihe - yes; Mr. Willey – yes; Mr. Madfis – yes; Mr. Sniezek – yes; Vice Chair Larson - yes. Motion **passed** 6 - 0.

[Index](#)

2. APPEAL NO. 08-26 (*Deferred from July 9, 2008*)

APPLICANT: 1200 Club Condominiums Association

LEGAL: The N 150 ft of the following described parcel: A parcel of land in Government Lot 4, Sec. 31, Township 49 S, Range 43 E, described as follows: Beginning at the Low Water mark of the Atlantic Ocean and S Boundary of "Las Olas By The Sea Extension", P.B. 3, P. 8, thence W along said S boundary to the SW Cnr. of Lot 7, thence S at right angles, a distance of 300 ft; thence E and parallel to said S boundary to the Low Water mark of the Atlantic Ocean; thence Northerly along said Low Water mark to the point of beginning.

ZONING: RMH-60 (Residential Multifamily High Rise/High Density District)

STREET: 1200 N. Ft. Lauderdale Beach Boulevard

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-5.38 (Table of Dimensional Requirements for the RMH-60 District)

Requesting a variance to allow 5-foot front yard setback East, where Code requires 25 Feet; requesting 0-foot side yard setback North, where Code requires 10 feet, and requesting 0-foot rear yard setback West, where Code requires 20 feet, and 0-foot South where the code requires 10 feet.

Mr. Keith Poliakoff, attorney for the applicant, distributed the site plan that had been approved in 1955, showing that sheltered parking had been approved for the north/south and east/west parking areas. He then showed photos of the carport area prior to Hurricane Wilma depicting the carport, and after Hurricane Wilma depicting the damaged canopy. Mr. Poliakoff explained that the owners wanted to replace the old system with a more permanent cover, and had been informed by the City that this change would require a variance. Mr. Poliakoff then showed photos of the adjacent property that showed the type of shelters they wanted to construct.

Regarding the requirements for a variance, Mr. Poliakoff stated there were special conditions because there was no underground parking on the site, and the request was necessitated by the hurricane damage. He noted this would not alter any use rights on the property, and the hardship was not self-created. Mr. Poliakoff stated they were not seeking to alter the previous structure except to replace it with more suitable materials.

Mr. Dunckel confirmed with Mr. Poliakoff that the request was to rebuild the shelters in the same location as the original site plan. Mr. Dave Ekison, Coastal Construction, reported one parking spot would be lost on the east side; the same was true of the south boundary. Mr. Ekison reiterated for Mr. Willey that the new structure would be in the same footprint as the old structure. This required reducing the east setback from twenty-feet to five feet. Mr. Poliakoff explained to Mr. Sniezek that they would be permitted to rebuild the structure using the previous materials without a variance, since less than 50% had been destroyed, but because they wanted to use new materials to rebuild the entire structure, the variance was required.

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

Motion made by Mr. Jordan, seconded by Mr. Sniezek, to approve. In a roll call vote, the vote was as follows: Mr. Jordan - yes; Mr. Weihe - yes; Mr. Willey – yes; Mr. Madfis – yes; Mr. Sniezek – yes; Vice Chair Larson - yes. Motion **passed** 6 - 0.

[Index](#)

3. APPEAL NO. 08-29

APPLICANT: Bill and Carol Schmidlin
LEGAL: "Unit 3 of Rio Vista Isles," P.B. 7, P. 47, Block 28, Lots 20 & 21
ZONING: RS-8 (Residential Single Family Low Medium Density District)
STREET: 1124 S. Rio Vista Blvd.
ADDRESS: Fort Lauderdale, FL

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

Requesting a variance to allow a 20 foot setback for the construction of a C.B.S. covered patio, where Code requires 25 feet.

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

Requesting a variance to allow a 21-foot 6-inch setback to enclose a portion of the existing carport as storage/workroom where code requires 25 feet.

Mr. Scott DiStefano, project architect, presented the sign affidavit and a letter from a neighboring property owner in support of the project.

Mr. DiStefano explained the owner wanted to replace the rear porch and enclose a section of the carport. He pointed out that the footprint of the structures would not change.

Mr. DiStefano felt the hardship was caused by the uniqueness of the site. He referred to an aerial photos of the site depicting a "blip in the canal that essentially imposes the 25-foot setback required from the water on two sides of the property" instead of the 5-foot setback on the dry side of the property.

Mr. DiStefano remarked that the house was very sound, even though it was built in 1948. He explained the owners simply wanted a secure place to do laundry and store the lawn mower. Mr. DiStefano said the amenities the owners wanted to accommodate were consistent with neighboring properties.

Mr. DiStefano explained to Mr. Jordan that his clients wanted to reconstruct the existing aluminum porch structure in CBS. He noted that the variance was needed to prevent cutting the porch off, which would mar the aesthetics. Mr. DiStefano stated the existing carport footprint was located in the setback. He speculated there had been a code change in the last 60 years, since there was no variance listed for the carport.

Mr. Madfis said the house, as built, was “respecting standard geometries of a residence,” and it did not make sense to force the owner to cut the structure off. He would therefore support the request.

Mr. DiStefano was surprised to learn that one neighbor had sent a letter in opposition to the request.

Mr. Willey wanted to grant the variance only to cover the amount of property needed to “correct the funny line that we show on the porch” and square it off.

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

Motion made by Mr. Weihe seconded by Mr. Jordan, to approve the request to allow a 20-foot setback for the construction of a C.B.S. covered patio, where Code requires 25 feet, on condition that the variance follow the drawing regarding the limited portion of the structure. In a roll call vote, the vote was as follows: Mr. Jordan - yes; Mr. Weihe - yes; Mr. Willey – yes; Mr. Madfis – yes; Mr. Sniezek – yes; Vice Chair Larson - yes. Motion **passed** 6 - 0.

Motion made by Mr. Jordan seconded by Mr. Madfis, to approve the request to allow a 21-feet 6-inch setback to enclose a portion of the existing carport as storage/workroom where code requires 25 feet. In a roll call vote, the vote was as follows: Mr. Jordan - yes; Mr. Weihe - yes; Mr. Willey – no; Mr. Madfis – yes; Mr. Sniezek – yes; Vice Chair Larson - yes. Motion **passed** 5 - 1.

[Index](#)

4. APPEAL NO. 08-30

APPLICANT: Charles V. Ricks, Trustee
LEGAL: “Laguna Isle”, P.B. 40, P. 1, Lot 24
ZONING: RS-4.4 (Residential Single Family/Low Density District)
STREET: 2501 Laguna Terrace
ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-5-30 (Table of Dimensional Requirements for the RS-4.4 District)

Requesting a variance to allow a 14.88-foot side yard setback abutting a waterway, where Code requires a 25-foot side yard setback when abutting a waterway.

Mr. Adam Beighley, attorney for the applicant, referred to a photo of the parcel and pointed out that a structure existed on the property within 10 feet of the side setback to

the canal. He explained that his clients desired to enlarge the bathroom to accommodate a bathtub. Mr. Beighley stated the hardship was the lack of any bathtub in the home. He did not believe this would create a hardship for any nearby property owners.

Mr. Patrick Noone, contractor, explained that the tub the owner wished to install was a therapeutic Jacuzzi, and there was not room within the current structure to install it.

Mr. Dunckel pointed out that the 25-foot setback was a relatively recent change to the ULDR.

Mr. Jordan said he did not see the hardship; he noted this was a very large house and property, and there were other places the tub could be located that would not require a variance. Mr. Beighley said the family wanted to install the tub close to the bedroom and in the existing bathroom area. Mr. Madfis agreed there was room on the property to be creative regarding the location of the Jacuzzi.

Vice Chair Larson opened the public hearing.

Ms. Joann Ward, neighboring property owner, remarked on the beauty of the home, and said she would hate to see the owner have to create the bath area in some other section of the house, which she felt would harm the aesthetics. She therefore approved the variance request.

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

Mr. Larson agreed with Ms. Ward regarding disrupting the design of the house.

Motion made by Mr. Madfis, seconded by Mr. Jordan, to approve. In a roll call vote, the vote was as follows: Mr. Jordan - no; Mr. Weihe - yes; Mr. Willey – no; Mr. Madfis – no; Mr. Sniezek – no; Vice Chair Larson - yes. Motion **failed** 4 - 2.

[Index](#)

5. APPEAL NO. 08-31

APPLICANT: Nancy B. King
LEGAL: "Imperial Point Fifth Section," P.B. 60, P. 4, the Easterly 5 feet of Lot 10, and all of Lot 11, less the Easterly 5 feet along the northerly and southerly boundaries thereof in Block 46
ZONING: RS-8 (Residential Single Family Low Medium Density District)
STREET: 2133 NE 64th Street

ADDRESS: Fort Lauderdale, FL

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

Requesting a variance to allow a front yard setback of 24.6 feet, where Code requires 25 feet front yard setback.

Ms. Nancy King, applicant, explained she wanted to enclose the carport for her son. She had hired an architect and applied for the permits herself, and discovered after the final inspection that the property had originally been built with the 24.6-foot setback. She confirmed the roof and footprint were unchanged; they had only enclosed the carport in its existing location.

Mr. Madfis noted this was a minor infraction, and he supported the request.

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

Motion made by Mr. Weihe, seconded by Mr. Madfis, to approve. In a roll call vote, the vote was as follows: Mr. Jordan - yes; Mr. Weihe - yes; Mr. Willey – yes; Mr. Madfis – yes; Mr. Sniezek – yes; Vice Chair Larson - yes. Motion **passed** 6 - 0.

6. APPEAL NO. 08-32

[Index](#)

APPLICANT: BJ's Wholesale Club

LEGAL: Parcel "A", Pesco Plat according to the plat thereof, as recorded in P.B. 92, P. 17, and 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: B-3 (Heavy Commercial/Light Industrial Business)

STREET: 5100 NW 9th Avenue

ADDRESS: Fort Lauderdale, FL

APPEALING: Section 47-22.4.A.1 (Maximum number of signs at one location and special requirements in zoning districts)

Requesting a variance to permit three (3) additional signs where the Code limits the number of signs on a parcel with one (1) street, and one (1) or more vehicle travelway to two (2) signs, one (1) being a free standing sign.

Mr. Bill Laystrom, attorney for the applicant, explained that the building abutted Commercial Boulevard and I-95. His client wished to add one additional sign on the I-95 side of the building, and signs indicating the separate entrances to the liquor store and tire store. He noted that these signs would be permitted in any design other than a single-owner with three businesses. He added that all signs were within the size the code required.

Mr. Burgess confirmed that the signs were limited because the individual stores were owned by one entity, not separate tenants.

Mr. Larson asked that the sign for the liquor store that was "half hidden" near the entrance be removed. Mr. Laystrom agreed.

Mr. Willey asked the total square footage of all the signs. Mr. Burgess stated a total signage of 25% of the façade, not to exceed 300 square feet per side, was allowed. He said the total requested did not exceed the total allowed.

Motion made by Mr. Sniezek, seconded by Mr. Madfis, to approve, with the condition that the sign on the west side would not exceed 300 square feet. In a roll call vote, the vote was as follows: Mr. Jordan - yes; Mr. Weihe - yes; Mr. Willey – yes; Mr. Madfis – yes; Mr. Sniezek – yes; Vice Chair Larson - yes. Motion **passed** 6 - 0.

Request for Re-hearing

[Index](#)

7. 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.

The Board of Adjustment DENIED this application by a vote of 0 in favor and 7 against on June 11, 2008

Mr. Dunckel reminded the Board that the request was for a rehearing and the Board should limit their motion and their decision to this issue this evening. If the Board granted the request, the case would be heard at some later date. He explained the applicant must meet one of two criteria to be granted the re-hearing: the re-hearing was necessary to correct an error or the re-hearing was needed to allow the Board to consider new evidence or information of which the applicant had been unaware at the previous hearing.

Vice Chair Larson said he had several conversations with the sign company, who informed him they had tried to meet the Board's requests from the previous meeting to reduce the height of the sign.

Mr. Weihe did not believe this met the criteria. He asked the applicant to explain what error they were seeking to correct or what new information had come to them that they could not have discovered before the previous hearing.

Mr. Lou Finkell, Art Sign Company, explained that the new information was a new plan to try to accommodate the maximum eight-foot height. Mr. Finkell stated the top two feet of the redesigned sign would contain no copy, but simply be a decorative roof cap. The new design was for a ten-foot height, with no copy to appear in the top two feet, so the actual sign portion with lettering would not exceed eight feet. Mr. Finkell admitted this had been his error, which was compounded by the City plans examiner who approved the original design. He said this was the best reduction he could accomplish.

Mr. Weihe asked why the top two feet, that would have no copy, could not be removed. Mr. Finkell explained there was a steel pole welded in the center of the structure for support and there was wiring located in that area as well.

Mr. Willey wondered if the base could be lowered. Mr. Finkell stated this is what they planned to do, but if he reduced it any further, the shrubbery, which was required by code, would obscure some of the sign.

Mr. Madfis did not believe there was sufficient new information to support a re-hearing. Mr. Finkell said he had not been available to attend the previous hearing, so he was unsure exactly what the Board had been told then.

Mr. Weihe did not feel there was an error, but said he would support the request for a new hearing because the Board had heard "a couple new things" and he could not be sure whether these should have been discovered before the previous hearing.

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

Motion made by Mr. Willey, seconded by Mr. Jordan, to grant the re-hearing. In a roll call vote, the vote was as follows: Mr. Jordan - yes; Mr. Weihe - yes; Mr. Willey – yes; Mr. Madfis – yes; Mr. Snieszek – yes; Vice Chair Larson - yes. Motion **passed** 6 - 0.

[Index](#)

Report and For the Good of the City

There being no further business to come before the Board, the meeting was adjourned at **8:18 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