



City of Fort Lauderdale

BOARD OF ADJUSTMENT AGENDA

Meeting Format

The following format shall be used however; the Chairperson in special circumstances may impose variations.

- Identification of item by Chairperson
- Questions to Staff from Board
- Applicant's or Agent's presentation:
(Those associated with a project must speak during the applicant's presentation time).
- Public Hearing – testimony from the public beginning with those in favor, followed by those in opposition.
- Representatives of Associations and Groups.
- Individuals.
- Board Discussion
- Final comments from the applicant or agent
- Public Hearing closed
(No further public comment unless specifically requested by a Board member).
- Return to the board for final comments, motion, second, and vote. (All motions are stated in the positive and include all staff recommendations, unless otherwise noted. A majority-vote plus one is required for approval of all applications).

Duties of the Board

The Board of Adjustment makes decisions on the following items:

- Variance Applications
- Special Exceptions Applications
- Requests for Rehearing
- Parking Requirements Modifications
- Zoning Interpretations

Purpose

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.

Variance Criteria

Each variance request must meet the following criteria as established in **Sec. 47-24.12.A.4**

- a. That special conditions and circumstances affect the property at issue which prevent the reasonable use of such property; and
- b. That the circumstances which cause the special conditions are peculiar to the property at issue, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the same zoning district; and
- c. That the literal application of the provisions of the ULDR would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same zoning district. It shall be of no importance to this criterion that a denial of the variance sought might deny to the owner a more profitable use of the property, provided the provisions of the ULDR still allow a reasonable use of the property; and
- d. That the unique hardship is not self-created by the applicant or his predecessors, nor is it the result of mere disregard for, or ignorance of, the provisions of the ULDR or antecedent zoning regulations; and
- e. That the variance is the minimum variance that will make possible a reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the ULDR and the use as varied will not be incompatible with adjoining properties or the surrounding neighborhood or otherwise detrimental to the public welfare.

Sign-In Sheet

Those who address the Board of Adjustment during the public hearing portion must legibly record their name and address on sign-in sheet at the recording secretary's table while the preceding person is speaking. The primary purpose of the sign-in sheet is to assist staff in recording the minutes.

Minutes

A copy of the official minutes will be available to the public and can be picked up at the Planning and Zoning Division, 700 NW 19 Avenue, after the Board of Adjustment meeting of the following month.

Board of Adjustment Meeting Dates

Meetings are held at City Hall in the Commission Chambers (1st Floor), 100 North Andrews Avenue the 2nd Wednesday of every month at 6:30 p.m. The dates are as follows:

January 14, 2009
February 11, 2009
March 11, 2009
April 8, 2009
May 13, 2009
June 10, 2009

July 8, 2009
August 12, 2009
September 9, 2009
October 14, 2009
*November 11, 2009
December 9, 2009

*Due to observance of Veteran's Day Holiday this meeting will be held on Thursday, November 12, 2009 at 7:00pm.

NOTE: Two or more City Commissioners and/or Advisory Board members may be present at this meeting. If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you desire auxiliary services to assist in viewing or hearing the meetings, or reading meeting agendas and minutes, please contact the City Clerk's Office at 954-828-5002 and arrangements will be made to provide these services for you.

AGENDA

CITY OF FORT LAUDERDALE BOARD OF ADJUSTMENT MEETING

Thursday, November 12, 2009

PLACE OF MEETING: City Hall
City Commission Chambers
100 North Andrews Avenue
Fort Lauderdale, FL 33301

TIME OF MEETING: 7:00 P.M.

Purpose: 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.

Introduction and Roll Call

Approval of the October 14, 2009 Minutes

Public Sign-In/Swearing-in

1. Appeal No. 09-30

APPLICANT: R J D Corporation- Robert J. Davis
LEGAL: Fort Lauderdale Industrial Airpark Sec 1 63-10 B Lot 19
ZONING: AIP (Airport Industrial Park)
ADDRESS: 4987 NW 23 Avenue
DISTRICT: 1

APPEALING: Section 47-14.11 (List of permitted and conditional uses, AIP District)

Requesting a variance to permit product assembly of previously approved materials (steel and miscellaneous) in the Airport Industrial Park District, where the code does not list product assembly of previously approved materials as a permitted use.

2. Appeal No. 09-31

APPLICANT: Rio Vista Plaza LLC & Grove Rio Vista LLC-James E. Archer
LEGAL: CROISSANT PARK 4-28 B LOT 1 LESS R/W FOR U.S. 1, LOTS 2,3,21,22 & 23,
LOT 24 LESS R/W FOR U.S. 1 BLK 62-L
ZONING: B-1 (Boulevard Business District)
ADDRESS: 1571 South Federal Highway
DISTRICT: 4

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 325 feet from a school, where Code requires a separation of 500 feet.

3. Appeal No. 09-32

APPLICANT: LaCuyetunia Seabury Todd
LEGAL: GOLDEN HEIGHTS HOMES 40-28 B LOT 3 BLK 7
ZONING: RS-5 (RESIDENTIAL)
ADDRESS: 2550 NW 16 Court
DISTRICT: 3

APPEALING: Section 39-275 3(g) (Broward County Zoning Code-General provisions)
Requesting a variance to permit a shed located one (1) foot two and three quarter (2 $\frac{3}{4}$) inches from principal structure, where Broward County Zoning Code requires a minimum of ten (10) feet from any principal and accessory buildings on the same plot.

4. Appeal No. 09-33

APPLICANT: Martin L. Zisholtz
LEGAL: FT LAUDERDALE B-40 D LOTS 11 LESS N 18, LOT 12 LESS ST TOGETHER WITH THAT PT OF W1/2 OF VAC'D ALLEY LYING E OF & ADJACENT TO SAID PROP BLK 17
ZONING: H-1 (HISTORIC PRESERVATION DISTRICT)
ADDRESS: 327 SW 2 STREET
DISTRICT: 4

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 within 142 feet from the Entertainment District that sells alcohol, where Code requires a minimum of 300 feet separating establishments that sell alcoholic or intoxicating beverages.

5. Appeal No. 09-34

APPLICANT: SCI OREGON FUNERAL SERV INC-LEE LONGINO
LEGAL: POWERLINE ROAD INDUSTRIAL CENTER 65-8 B LOT 14
ZONING: I - (INDUSTRIAL ZONING DISTRICT)
ADDRESS: 796 NW 57 STREET
DISTRICT: 1

APPEALING: Section 47-3.1.B.1 (Nonconforming use)
Requesting a variance to expand a non-conforming crematory, where code states a nonconforming use shall not be enlarged or extended nor shall the building it occupies be enlarged, extended or rebuilt such that the use would occupy a greater area of land than was occupied by the use on the effective date (June 28, 1997) or amendment of the ULDR which causes the use to become nonconforming, nor altered in any way so as to extend or enlarge the scope or area of its operation.

6. Appeal No. 09-35

APPLICANT: 5691 LLC

LEGAL: CORAL RIDGE ISLES 45-47 B LOT 11 & THAT POR IF PLANTING STRIP
LYING E & ADJ TO NE 14 AVE BET N & S PROP LINES OF LOT 11, 12 N 97
BLK 2

ZONING: I – (INDUSTRIAL ZONING DISTRICT)

ADDRESS: 5691 NE 14 AVENUE

DISTRICT: 1

APPEALING: Section 47-19.9.A.2.a (Outdoor uses)

Requesting a variance to permit a solid opaque fence for a contractor's yard, where code requires outdoor storage of goods and materials must be completely screened from abutting residential property and all public rights-of-way by a wall constructed in accordance with the requirements of Sec. 47-19.5, Fences, Walls and Hedges. Such wall shall be a minimum of six and one-half (6 1/2) feet in height and a maximum of ten (10) feet in height.

APPEALING: Section 47-19.9.A.2.b (Outdoor uses)

Requesting a variance to permit a solid opaque fence for a contractor's yard, where code requires outdoor storage of goods and materials must be completely screened from abutting nonresidential property by a wall in accordance with the requirements of Sec. 47-19.5, Fences, Walls and Hedges. Such wall shall be a minimum of six and one-half (6 1/2) feet in height and a maximum of ten (10) feet in height.

REPORT and FOR THE GOOD OF THE CITY.

The City maintains a Website for the viewing of BOA Agendas and Results at the following e-mail address:

<http://www.fortlauderdale.gov/documents/boa/boaagenda.htm>