

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
THURSDAY, DECEMBER 9, 2009 – 6:30 P.M.
CITY HALL CITY COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

Board Members	Attendance	Cumulative Attendance 6/2009 through 5/2010	
		Present	Absent
Diane Waterous Centorino, Chair	P	4	2
Caldwell Cooper	P	6	0
Gerald Jordan	P	5	1
Michael Madfis	P	6	0
Bruce Weihe	P	6	0
Birch Willey	P	6	0
Henry Sniezek	P	4	2
Alternates			
Mary Graham	A	3	2
Karl Shallenberger	P	5	1

Staff

Bob Dunckel, Assistant City Attorney
Cheryl Felder, Service Clerk
Terry Burgess, Zoning Administrator
B. Chiappetta, Recording Secretary, ProtoType Services

Communication to the City Commission

None

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.

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Call to Order

Chair Centorino called the meeting to order at 6:34 p.m. She introduced Board members and described the functions of the Board and procedures that would be followed for the meeting.

Approval of Minutes – November 2009

Motion made by Mr. Cooper, seconded by Mr. Jordan, to approve the minutes of the Board's November meeting. In a voice vote, motion passed unanimously.

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.

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1. **Appeal No. 09-36**

APPLICANT: School Board of Broward County, Attn: Facility Management
LEGAL: PROGRESSO-REPLAT OF A POR OF BLK 185 41-25 B PARCEL B
ZONING: CF (Community Facility)
ADDRESS: 120 NE 11 Street
DISTRICT: 2

APPEALING: **Section 47-8.30 (Table of dimensional requirements)**
Requesting a variance to permit the west side yard setback of ten (10) feet, where the code requires twenty-five (25) feet.

Mr. Frank Alfieri, Broward County School Board Project Manager, introduced the school's principal, Camille LeChance, the architect Jorge Gutierrez and the consultant Dory Khater.

Mr. Gutierrez presented an aerial view of the property and the site plan and explained that the school was historic, dating back to 1927, which meant that some classrooms were very small by modern standards.

Mr. Gutierrez referred to the site plan that showed the area that would be located in the setback: a portion of an addition of a two-story classroom building and a portion of a staircase. Mr. Gutierrez explained that one of the buildings on site was dilapidated and scheduled for demolition and they intended to open up the courtyard and continue the historic character of the facility by using outdoor loggias around the new courtyard.

Mr. Gutierrez explained that the classrooms in the historic building would be used in the future for resource rooms and skills labs when the classrooms were moved into the two-story addition.

Mr. Gutierrez reported the new buildings would have enhancements such as rainwater harvesting, and the water would be used to irrigate the landscaping in the new courtyard. They would also use solar panels as a learning tool for the students. Mr. Gutierrez said the purpose of the addition was to provide an enhanced learning environment.

Mr. Cooper had visited the site, and had noted that the existing courtyard was not maintained. Mr. Gutierrez explained that the current landscaping was difficult to maintain. Ms. LaChance explained that opening the courtyard would help their water retention issues. Mr. Cooper wanted to be sure there was sufficient money in the budget to maintain the new courtyard. Ms. LaChance said she would make sure the courtyard was maintained.

Mr. Madfis asked Mr. Gutierrez to describe the hardship. Mr. Gutierrez said they could not build the 15-classroom addition within the setback limits. Mr. Gutierrez confirmed for Mr. Madfis that the structure built in the northeast corner of the property in 2002 was built in the setback with a variance, and had passed site plan approval, community association approval and Historic Preservation Board approval.

Mr. Willey asked the length of the variance requested. Mr. Gutierrez showed on the rendering where the variance would apply. He pointed out that the existing buildings had an egress issue that created life safety problems because of the enclosed courtyards. He added that if they removed the old building and created the courtyard, this problem would be resolved.

Mr. Willey believed that after the old building was removed, they could erect the building they wanted by using some of the green space, without encroaching into the setback. He was unsure if the green space they intended to create would be attractive at all; he felt it would look better to have the break in the solid wall.

Mr. Madfis said he was intrigued by the design, but it appeared that the footprint of the existing building was at least as large as the planned addition. He also agreed with Mr. Cooper that there was a maintenance issue. Mr. Madfis said the hardship was weak, and he was not sure that there wasn't another solution that would work just as well. Mr. Gutierrez pointed out that the other solution would provide a much smaller number of classrooms. Mr. Madfis did not understand why they could not replicate the same classroom space in the footprint of the existing building within the setback. Mr. Gutierrez said only six classrooms could be constructed if they adhered to the setback requirements.

Mr. Gutierrez confirmed for Mr., Weihe that current State regulations required larger classrooms than those in the historic portion of the building.

Ms. LeChance informed the Board that a handicapped access elevator was located in the northwest corner of the building; attaching the new building would allow use of this elevator to access the new building as well. She explained the school suffered security issues and the renovation would create an enclosed campus with a single entry. Chair Centorino was concerned about students stampeding through one narrow exit in the event of an emergency. Mr. Gutierrez said this proposal would create a larger courtyard in which kids could assemble to exit in other directions. He explained that there were two ways out of the front of the school and three ways out from the side.

Mr. Willey suggested building the addition with a smaller courtyard, in order to get the same number of classrooms without invading the setback. He said he was fighting the problem of applicants requesting variances when there were other options to achieve their goals without a variance. Mr. Gutierrez stated there were safety, security and accessibility requirements, and moving the building back would result in the loss of classrooms.

Mr. Dunckel asked what life safety code would be violated if the size of the courtyard were reduced. Mr. Gutierrez said he could not cite the specific code, but stated this would result in a dysfunctional layout.

Mr. Weihe did not see that moving the area proposed to be in the setback to the east 15 feet would result in the loss of classrooms. Mr. Gutierrez explained that classrooms required natural light and ventilation.

Mr. Alfieri stated they had spent \$250,000 to correct drainage at the school in anticipation of this project. He was afraid if they returned to the drawing board, the project would be cancelled.

Chair Centorino thought if the wing were moved in 15 feet, the park would remain the same, and they would get all but two new classrooms. Mr. Alfieri clarified that the building would move closer, but would not encroach on park property.

Ms. LeChance stated she had met with the homeowners association, the historical society and the education board, and all had expressed support.

Mr. Madfis felt this was a poorly planned idea. He believed that the other boards that had supported this did not understand that this did not meet the ULDR. If it was explained to them that the project could meet the ULDR with some alterations, they might be just as happy. Mr. Madfis felt the presentation had been very weak in defining what the problem was, and he could imagine a few other solutions that would take all of the restrictions into account. Mr. Madfis added that construction costs had actually decreased recently, so a delay was not necessarily a bad thing.

Mr. Dunckel advised Mr. Alfieri that if the Board voted against the request, it could not be presented again for two years, so he might want to consider requesting a continuance to alter the design. Mr. Dunckel said there was another process available, called Public Purpose, which required the request to be presented to the Planning and Zoning Board and the City Commission.

Mr. Gutierrez said this was for the good of the community's children and perhaps they would go the Public Purpose route.

Mr. Alfieri feared that if they spent any more money on design, they would not have enough money left to build everything they wanted. If they deleted the four-classroom building that was causing the variance issue, he thought they would not need the variance.

Mr. Jordan said he would vote in favor of the variance, and he liked the idea of one courtyard. He advised Mr. Alfieri to work on the design to get the votes of the other Board members.

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

Mr. Gutierrez stated the fact that this was an historic facility required the project to go through the site plan approval process. Otherwise, school boards were not required to go through local governments' approvals. Mr. Burgess said they must go through the

local zoning process. Mr. Dunckel confirmed that the School Board was governed by its own building code, but must abide by the City's zoning regulations.

Mr. Khater asked if a variance would be required if the project was redesigned to completely remove the building from the setback and it was then re-presented to the DRC. Mr. Burgess said if the setback requirements were met, a variance would not be required.

Mr. Gutierrez said they would request a 60-day continuance to investigate the options Mr. Alfieri mentioned.

Motion made by Mr. Madfis, seconded by Mr. Jordan, to grant a 60-day continuance. In a voice vote, motion passed unanimously.

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2. Appeal No. 09-37

APPLICANT: Leon Noel
LEGAL: PROGRESSO 2-18 D LOT 18 BLK 74
ZONING: RDS-15 (Residential Single Family/Medium Density District)
ADDRESS: 1320 NW 7 Terrace
DISTRICT: 2

APPEALING: Section 47-5.32 (Table of dimensional requirements for the RD-15 and RDs-15 District)

Requesting a variance to allow the existing single family house to encroach .3 inches into the side yard resulting in a four (4) feet nine (9) inch side yard, where code requires a minimum of 5 feet.

Mr. Vilez Cherisol, the applicant's agent and contractor, explained that the owner had made repairs after hurricane Wilma and been cited by Code Enforcement. Mr. Noel had hired an architect, who submitted plans that were permitted, but a spot survey had revealed that the work was three inches into the setback. Mr. Cherisol explained that most of the work was done except for stucco and interior work.

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

Motion made by Mr. Weihe, seconded by Mr. Cooper, to approve.

Mr. Madfis noted that even though there was a survey and a general contractor, someone made a mistake.

In a roll call vote, **motion** passed 7 - 0.

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Mr. Cooper asked Mr. Burgess if City staff had any leeway to approve something like Mr. Leon's case without bringing it before the Board. Mr. Burgess said this was not within staff's power. Mr. Dunckel said this had been advocated in the past, but it was anticipated that there would be problems determining where that leeway would end.

Chair Centorino thanked her fellow Board members and noted that everyone worked to try to resolve issues as well and as painlessly as possible. She also thanked former Board members Don Larson, Scott Strawbridge and David Goldman. Chair Centorino thanked all of the citizens who watched the Board on television and wished them happy holidays.

There being no further business to come before the Board, the meeting was adjourned at 8:06 p.m.

Chair:

Chair Waterous Centorino

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