

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
WEDNESDAY, FEBRUARY 10, 2010 – 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	6	2
Caldwell Cooper	P	8	0
Gerald Jordan	P	7	1
Michael Madfis	P	8	0
Bruce Weihe	P	8	0
Birch Willey	A	7	1
Henry Snizek	P	6	2
Alternates			
Mary Graham	P	4	3
Karl Shallenberger	P	7	1
Leo Hansen	P	1	0

Staff

Bob Dunckel, Assistant City Attorney
Cheryl Felder, Service Clerk
Terry Burgess, Zoning Administrator
Mohammed Malik, Chief Zoning Plans Examiner
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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	<u>Appeal Number</u>	<u>Applicant</u>	<u>District</u>	<u>Page</u>
1.	10-01	Cargo Holdings	1	2
2.	10-02	Heather Thomas	2	3
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Call to Order

Chair Centorino called the meeting to order at 6:31 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 – January 2010

Motion made by Mr. Weihe, seconded by Mr. Jordan, to approve the minutes of the Board's January 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. 10-01**

APPLICANT: **Cargo Holdings**

LEGAL: "Crossroads Shopping Center", P.B. 32, P. 22 B, Lots 8 & 9 together with that portion of the 16.00 foot alley lying adjacent to Lots 8 & 9

ZONING: B-1 (Boulevard Business)

STREET: 2301 NE 26th Street

ADDRESS: Fort Lauderdale, FL

DISTRICT: 1

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, architect, distributed a project package to Board members. He informed the Board that the project had been previously approved by the Board, but the approval had expired do to the project's construction delay. He added that on 9/9/09, the parking had been approved by the Planning and Zoning Board.

Mr. Pierce explained that the stores in the shopping center were individually owned. He drew the Board's attention to the site plan, and noted the setback request. On the context images page, Mr. Pierce pointed out that all of the existing stores were in alignment, and he said they wanted to continue this: The proposed building would be at the property line, with an overhang to match the height and depth of the existing overhangs.

Mr. Pierce reminded the Board that the project was originally approved on June 11, 2008.

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. Madfis, to approve. In a roll call vote, motion passed 6 – 1 with Mr. Cooper opposed.

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2. Appeal No. 10-02

APPLICANT: Heather Thomas

LEGAL: "Davie's Addition to Fort Lauderdale", P.B. 3, P. 28, Block 6, Lots 11, 12.

ZONING: CB (Community Business District)

ADDRESS: 723 E. Broward Boulevard

DISTRICT: 2

APPEALING:Section 5-27(b) (Distance 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 with 419 feet from one school (Virginia Shuman Young Elementary School) and 449 feet from another school (Hebrew School and Synagogue), where Code requires a separation of 500 feet.

Ms. Heather Thomas, applicant, said they believed the restaurant would not be able to function as well without a beer and wine license. She reported there were no 4COP [full liquor] licenses available, so they would seek a 2COP for beer and wine, but they wanted to leave it open so that if a 4COP became available they could transfer to it.

Ms. Thomas had not attended the neighborhood association meeting, but had learned that no one present at the meeting opposed the request. The schools had been notified but she had not contacted them directly.

Chair Centorino opened the public hearing.

Mr. Ted Fling, President of the Victoria Park Civic Association, said they had received little notice of this issue, and had not had time to send it to their Development Review Committee to approve or disapprove. At their previous meeting, a vote had been taken, and there had been unanimous agreement to approve this. Mr. Fling said he had received no communication from either of the schools.

Mr. Cooper asked if the neighborhood needed additional time to review this. Mr. Fling did not feel they needed additional time, but he wished they had received earlier notice from the City.

There being no other 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. Madfis thought Victoria Park had acted well, and noted that review by their committee could sometimes take months. They had allowed the owner to avoid unnecessary financial hardship a delay could cause.

Mr. Dunkel reminded the Board that the standard of review was not hardship. This was a special exception, so unless the project was contrary to the public interest, it was incumbent upon the Board to grant it.

Mr. Cooper was concerned about the possibility that the restaurant would later obtain a full liquor license in the vicinity of two schools. He assumed liquor would not be served during school hours. Mr. Dunkel pointed out that the ordinance did not distinguish between a beer and wine and a full liquor license. It assumed that the sale of alcoholic beverages was incidental to the sale of food.

Motion made by Mr. Weihe, seconded by Mr. Jordan, to approve. In a roll call vote, motion passed 7 - 0.

Report and for the Good of the City

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Mr. Jordan asked if homeowners associations could be provided notice earlier. Mr. Burgess explained that the Code required 10 days notice. Chair Centorino suggested advising association members to be alert for the notice postings so they could attend the hearings. Mr. Madfis noted that the applicants usually prepared the applications 30

days prior to the hearings, so perhaps it could be noted in the application form that the applicant should make an attempt to notify the local homeowners association.

Walk-in Extension Request: Case 09-36 School Board of Broward County

Mr. Burgess introduced Mr. Jorge Gutierrez from the School Board to request a 30-day extension. He explained that the Board had requested the applicant return this evening, but the case was not on the agenda. Mr. Dunckel did not believe this presented a problem.

Mr. Gutierrez, project architect, requested another 30 days. He reminded the Board that he represented the Northside Elementary School. At the December meeting, the Board had granted a 60-day extension. He explained that his firm was in the process of a name change.

Motion made by Mr. Jordan, seconded by Mr. Sniezek, to grant a 30-day extension. . In a roll call vote, motion passed 7 - 0.

There being no further business to come before the Board, the meeting was adjourned at 6:58 p.m.

Chair:

Chair Diane 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.