

**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, JUNE 9, 2010 – 6:30 P.M.  
CITY HALL CITY COMMISSION CHAMBERS – 1ST FLOOR  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA**

	<b>Attendance</b>	<b>Cumulative Attendance 6/2010 through 5/2011</b>	
		<b>Present</b>	<b>Absent</b>
<b>Board Members</b>			
Diane Waterous Centorino, Chair	P	1	0
Caldwell Cooper	P	1	0
Gerald Jordan	A	0	1
Michael Madfis	P	1	0
Karl Shallenberger	P	1	0
Henry Sniezek	P	1	0
Birch Willey	P	1	0
<b>Alternates</b>			
Mary Graham	P	1	0
Leo Hansen	P	1	0
Fred Stresau	P	1	0

**Staff**

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

**Communication to the City Commission**

By a 6 – 1 vote with Mr. Willey opposed, the Board recommended that Item 3 be brought to the City Commission to express their concern that some of these interpretations could be made at the staff level and would actually grease the wheels of commerce and sociability in the City. Mr. Madfis stated that as a licensed Architect in the City of Fort Lauderdale for 28 years, in reading the Code, his interpretation was that this would be allowed; it was a combined accessory use within all the requirements of the Code. Mr. Madfis was surprised that it was not permitted as presented.

**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.

**Index**

	<b><u>Appeal</u></b>		<b><u>District</u></b>	<b><u>Page</u></b>
	<b><u>Number</u></b>	<b><u>Applicant</u></b>		
1.	<b>10-11</b>	Douglas R. Hoffman	2	<b><u>3</u></b>
2.	<b>10-16</b>	Daren Gene Hickman	1	<b><u>6</u></b>
3.	<b>10-17</b>	Ben and Marcia Baldanza	4	<b><u>6</u></b>
4.	<b>09-26</b>	SVP Las Olas Limited Partnership	4	<b><u>8</u></b>
5.	<b>10-09</b>	The Housing Authority of City of Fort Lauderdale	4	<b><u>11</u></b>
6.	<b>10-18</b>	Robert N. Prager	1	<b><u>11</u></b>
7.	<b>10-19</b>	Louis James	3	<b><u>12</u></b>
		<b>For the Good of the City</b>		<b><u>14</u></b>

**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 – May 2010**

**Motion** made by Mr. Cooper, seconded by Mr. Willey, to approve the minutes of the Board's May 2010 meeting. In a voice vote, motion passed unanimously.

**Election of Vice Chair**

Mr. Shallenberger nominated Mr. Madfis, seconded by Ms. Graham. In a voice vote, Board approved unanimously.

Chair Centorino announced that appeal 10-18 Robert N. Prager, was being deferred. Mr. Dunckel explained that there had been a question regarding notice that Mr. Dunckel

had since resolved. The Board did not have jurisdiction to hear this appeal and could defer it until their next meeting.

**Motion** made by Mr. Cooper, seconded by Ms. Graham, to defer appeal 10-18. In a voice vote, motion passed 7 – 0.

Chair Centorino stated appeal 10-09 The Housing Authority of City of Fort Lauderdale was also being deferred. Mr. Dunckel stated the applicant had requested the deferral.

**Motion** made by Mr. Sniezek, seconded by Mr. Cooper, to defer appeal 10-09. In a voice vote, motion passed 7 – 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. 10-11**

**APPLICANT:** Douglas R. Hoffman  
**LEGAL:** "Victoria Highlands", P.B. 9, P. 47, Block 5, the S. 40'  
of Lot 6 & the N. 20' of Lot 7  
**ZONING:** RS- 8 (Residential Single Family/Low Medium Density District)  
**STREET:** 729 NE 19th Avenue  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 2

**APPEALING:** **Section 47-5.11 (List of permitted and conditional uses, RS-8 Residential Single Family/Low and Medium Density District)**

Appealing the interpretation of Section 47-5.11, to allow two (2) detached structures to be considered as "A" single Family Dwelling, Standard.

**APPEALING:** **Section 47-5.11 (List of permitted and conditional uses, RS-8 Residential Single Family/Low and Medium Density District)**

Requesting a variance to permit two (2) detached structures to be considered a Standard Single Family dwelling, where the code defines a single family dwelling standard as a building containing one dwelling unit that is not attached to any other dwelling by any means, and is surrounded by open space or yards.

Mr. Don Zimmer, project architect, explained that the finished floor of the house was lower than the FEMA index required, which made an addition impossible without bringing the entire house up to code. A survey had revealed that the finished floor was

10 inches too low. Mr. Zimmer said years ago in cases like this, the City permitted additions if a division wall was built to separate the old building from the new, and he had met with the Chief Building Official, Mr. Augustin, who confirmed this was no longer permitted. Mr. Augustin advised that the addition must be built with no part touching the existing house.

Mr. Zimmer described work already done at the house, including the new, detached "wing" that housed the master bedroom, kitchen, dining room and utility room. He confirmed that permits had been issued for all work. The kitchen had been left in the original house, but when he submitted plans to remove the kitchen in the old house, Zoning had commented, "Only one principal building allowed per lot." Mr. Zimmer had confirmed that the ULDR stated there may be more than one principal building on a parcel. The code sections to which Zoning had referred, 47-5 and 47-19, did not state that there may not be more than one principal building on a parcel. Mr. Terry Burgess, Zoning Administrator, had advised him that for RS-8 zoning, the proper code section was the allowed uses for RS-8, which indicated the only residential use in RS-8 was "One single family dwelling, standard," the definition of which was "a building containing one dwelling unit that is not attached to any other dwelling by any means..."

Mr. Zimmer said the definition of a dwelling unit was, "A space, area, or portion of a building designed for and to be occupied by one family as a dwelling, with cooking facilities." He interpreted this to mean that this was one dwelling with two structures. Mr. Zimmer was asking for an interpretation or a variance to indicate the Board agreed that they were building a single-family dwelling that just happened to comprise two structures.

Mr. Dunckel pointed out that even though RS-8 specified "A single-family dwelling, standard," under accessory dwellings, two buildings were permitted in RS-8.

Mr. Zimmer explained that in order to comply with code, 10 inches of slab must be added to the entire existing house, requiring repositioning of electric outlets, ceilings, doors and windows.

Ms. Graham asked if Mr. Zimmer was concerned about flooding the original building because of the paved area around the addition. Mr. Zimmer reported there was exfiltration in the rear yard. Ms. Graham was concerned about a precedent this could set. She asked about neighborhood input, and Mr. Zimmer said he had met with the Victoria Park Homeowners Association DRC Committee, and the entire Association had voted not in favor of the project. Their biggest fear was that a future owner would reinstall a kitchen illegally and rent the two units separately.

Mr. Zimmer stated the reason he wanted an interpretation instead of a variance was because it created a workable solution for residents whose finished floors were lower than the FEMA index.

Mr. Shallenberger said since the FEMA change he had been concerned that flood insurance concerns were affecting their building procedures.

Chair Centorino opened the public hearing.

Mr. Bob Elke, Victoria Park resident, stated their one concern had been that this could be turned into a duplex down the road. He noted they had voted "not to support" the project, instead of against it. They agreed this would be a workable solution for many homes in the neighborhood and would allow a small building to be expanded, and would agree to such an interpretation.

Mr. Zimmer confirmed for Ms. Graham that there was one water meter, one sewer connection and one FPL connection with one main panel.

Mr. Sniezek confirmed with Mr. Dunckel that the Board could specify that this interpretation would only apply to situations where the FEMA code was not met.

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.

Provided there was only one electric service, one sewer service and one kitchen, Mr. Madfis said he favored this interpretation without restrictions because it provided the opportunity for architects to be creative.

Mr. Cooper agreed this was a good solution but he wondered what sort of problems they could be creating by interpreting the code on this issue. Mr. Dunckel confirmed that an interpretation would apply City-wide and a variance would apply to just this property. He reminded the Board that they must find that the interpretation made by the Zoning Official was "clearly erroneous" and make a motion to support the applicant's interpretation. Five affirmative votes were required to overturn the Zoning Official's interpretation.

Mr. Madfis reiterated that this type design and these types of adjustments to the code were necessary for the future.

Mr. Sniezek stated he was uncomfortable making a City-wide interpretation without additional information, but he felt Mr. Zimmer had made a good case for a variance.

Chair Centorino was uncomfortable voting on an interpretation as well, but favored a variance.

**Motion** made by Mr. Cooper, seconded by Mr. Willey, to grant the **variance** request as stated in the agenda. In a roll call vote, Board approved 7 – 0.

**Motion** made by Ms. Graham, seconded by Mr. Cooper, to find that the Board's vote on the variance rendered the request for an interpretation moot. In a voice vote, Board approved 7 – 0.

[Index](#)

## 2. Appeal No. 10-16

**APPLICANT:** Daren Gene Hickman  
**LEGAL:** "Coral Ridge Isles", P.B. 45, P 47, Block 22, Lot 21  
**ZONING:** RS- 8 (Residential Single Family/Low Medium Density District)  
**ADDRESS:** 5920 NE 14<sup>th</sup> Way  
**DISTRICT:** 1

**APPEALING:** Section 47-5.31 (Table of dimensional requirements for the RS-8 district)

Requesting a variance to allow a 23 foot 10 inches front yard setback, Where Code requires a minimum of 25 feet front yard setback.

Mr. Daren Hickman, applicant, stated he had hired a contractor who had subsequently abandoned the job and Mr. Hickman had completed the job as an owner/builder. The final survey had revealed that the slab had been poured larger than the plans, resulting the house being a few inches closer to the street than it should have been. He was requesting the variance to allow him "not to have to tear out" 15 inches of the front of the house.

Mr. Hickman said he had not checked the contractor's work and measurements. Mr. Malik said the plans had been approved with 25-foot setbacks.

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.

Ms. Graham noted that in the past, variances had been approved for nominal cases such as this, and she would vote in favor of this variance.

**Motion** made by Mr. Madfis, seconded by Mr. Cooper to approve the variance request. In a roll call vote, Board approved 7 – 0.

[Index](#)

**3. Appeal No. 10-17**

**APPLICANT:** Ben and Marcia Baldanza  
**LEGAL:** "Rio Vista Isle Unit 3", P.B. 7, P. 47, Block 7, Lot 1, and the North 40' of Lot 45  
**ZONING:** RS- 8 (Residential Single Family/Low Medium Density District)  
**ADDRESS:** 900 Ponce De Leone Drive  
**DISTRICT:** 4

**APPEALING:** **Section 47-5.11 (List of permitted and conditional uses, RS-8 Residential Single Family/Low and Medium Density District)**

Appealing the interpretation of Section 47-5.11, to allow two (2) detached structures to be considered as "A" single Family Dwelling, Standard.

**APPEALING:** **Section 47-5.11 (List of permitted and conditional uses, RS-8 Residential Single Family/Low and Medium Density District)**

Requesting a variance to permit two (2) detached structures to be considered a Standard Single Family dwelling, where the Code defines a single family dwelling standard as a building containing one dwelling unit that is not attached to any other dwelling by any means, and is surrounded by open space or yards.

Mr. Ben Baldanza, applicant, stated they had appended a piece of land to their property a few years ago to create a backyard, and since then they had worked with the City to unify the properties' titles and with utilities to remove a utility easement. Mr. Baldanza continued that they wished to construct a gazebo with a half-bath. When plans were submitted, the City had informed them that the bath made the gazebo a dwelling.

Mr. Baldanza reported the closest bathroom in the house was over 100 feet away across the driveway, through a house with tile floors. He believed this trip for children would be unsafe. Mr. Baldanza said not allowing the bathroom would deprive them of the use of the pool to its fullest extent. He stated there was no other practical way to install a bath near the pool. Mr. Baldanza said there was no kitchen or air conditioning in the gazebo and no one could live there, and the variance request was the minimum possible under the code.

Mr. Madfis wondered why Mr. Baldanza was here because he interpreted this as two accessory structures together. He noted that if this were a public pool, a bathroom 100 feet away would not be allowed. Mr. Madfis said the structure was less than 200 square feet and met all requirements for an accessory structure.

Mr. Greg Brewton, Planning and Zoning Director, called this structure a “tweener” that could be converted to a unit. In the past, the City had not allowed these unless they were connected to the main building. Mr. Madfis noted that this could not be converted to a unit, and this was one of the reasons why the accessory structure code described the size limitation.

Mr. Brewton said it was up to the City Commission to amend the code to allow accessory structures such as this. Mr. Madfis felt it was a shame this applicant had to apply for a variance for this. He asked that this be presented to the City Commission for consideration. Mr. Sniezek agreed with Mr. Madfis.

Chair Centorino opened the public hearing.

Ms. Stephanie Toothaker, neighbor, said she supported the Baldanza’s request and asked the Board to approve it.

Mr. Sam Koster, neighbor, stated he support the request.

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.

**Motion** made by Mr. Cooper, seconded by Ms. Graham, to approve the variance request. In a roll call vote, Board approved 7 – 0.

**Motion** made by Mr. Cooper, seconded by Ms. Graham, to find that the Board’s vote on the variance rendered the request for an interpretation moot. In a voice vote, Board approved 6 – 1 with Mr. Madfis opposed. In a roll call vote, Board approved 6 – 1 with Mr. Madfis opposed.

Mr. Madfis reiterated his belief that this should have been permitted; it should not have required a variance. Mr. Dunckel agreed that the way the interpretation question had been framed was not the proper way. Mr. Madfis said this type of request required additional attention from staff regarding their presentation so the Board would have the facts, data, conflicts and issues on which to base a decision.

[Index](#)

4. **Appeal No. 09-26** *(Deferred from March 10, 2010 Meeting)*

**APPLICANT:** SVP Las Olas Limited Partnership  
**LEGAL:** “NEW RIVER CENTER” 151-15, B POR PAR A DESC AS BEG  
AT WLY MOST NW COR SAID PAR A NE 42.47 E 220.28 SE  
42.43, S 110, W 280.05 N 109.94 TO POB



**ZONING:** RAC-CC (Regional Activity Center-City Center District)  
**ADDRESS:** 100 E. Las Olas Boulevard  
**DISTRICT:** 4

**APPEALING:** Section 47-20.22.C.3.e (Temporary parking lots-*Standards.*)

**NOTE:** Board did not vote on this Appeal on March 10, 2010, as it was determined the Board does not have jurisdiction, as it falls within the purview of Broward County.

Requesting a variance to allow overflow parking of valet vehicles on a vacant property without providing surface water/drainage plans, where code requires surface water/drainage plans shall be in accordance with the requirements of the Broward County Department of Natural Resource Protection permitting requirements.

**APPEALING:** Section 47-20.22.C.3.g (Temporary parking lots-*Standards.*)

**Note:** This Appeal was denied without prejudice on March 10, 2010

Requesting a variance to allow overflow parking of valet vehicles on a vacant property without providing light fixtures, where code requires any temporary parking lot which will be in operation at any time during the period of one-half (½) hour after dusk to one half (½) hour before dawn shall provide a minimum maintained foot candle illumination of two (2) foot candles throughout the lot during this period of time.

Mr. Justin Toal, attorney for the applicant, reminded the Board that they had requested he return with some further guidance on how the lighting could be improved and for him to work with the County to ensure they were not in violation of any of the County's surface water management issues. The Board had been provide with an email from a representative from the Broward County Environmental Protection and Growth Management Department and an enhanced lighting plan for the site.

Mr. Hugh Johnson, landscape and lighting consultant, stated the average footcandles on the site were well within the code for a parking lot. He stated they proposed to mount adjustable lights on the wall of The River House to reduce the amount of ambient light that would spill onto the road. Mr. Dunckel said once the lighting was installed, they would meet code and not need a variance. Mr. Malik confirmed this was true.

Mr. Toal said the County saw no problem with drainage on the site and there would be no problems regarding drainage and temporary parking. Mr. Dunckel confirmed with Mr.. Malik that a variance for the surface water drainage was not needed and once they installed lighting, no variance would be required for that and they could continue to operate under the variances the Board had already granted.

Mr. Toal wanted permission to operate the lot until the lighting plan was implemented. Mr. Johnson stated it would take one month to implement the lighting plan. Mr. Dunckel suggested limiting operations to daylight hours until the lighting plan was implemented

and Mr. Toal stated this would be a great impediment because many people left their cars overnight. He added that the Special Magistrate had allowed six months to avoid a fine for the lighting situation. Mr. Dunckel remarked Mr. Toal was “confusing the penalty phase that the Magistrate might impose...as to whether, in accordance with zoning you can operate.” He warned Mr. Toal that continued use of the lot could result in additional Code Enforcement action.

Mr. Willey remembered that there was a problem of a “dust bowl” on the property, which had gone away only because they had decided the surface parking drainage and water issues were County problems. The County had disregarded the fact that the surface was dirty, dusty and not safe but Mr. Willey still cared that the lot was a dust bowl, even if it was well-lighted and landscaped. He added that they still did not know how long the situation would last.

Mr. Cooper said County staff had determined that temporary parking on the site was not a violation of the surface water management requirements of the Broward County code. Mr. Cooper felt they needed a definition of the term “temporary.”

Ms. Graham was concerned about the potential liability regarding the lighting. Because the Special Magistrate had granted an extension until December, she feared the problem could continue until then.

Mr. Madfis wondered if mulch could be used instead of gravel to reduce the dust. Mr. Dunckel reminded the Board that in March, the Board had limited the variance to 24 months.

Mr. Shallenberger noted that the lighting was the only item that should come back to the Board; the drainage had been addressed by Broward County. Mr. Dunckel stated the variances granted had not met all of elements the code required to operate a temporary parking lot. Until the drainage and lighting issues were resolved, the property was not completely in compliance.

Mr. Dunckel thought perhaps the County’s opinion left the door open for the City to add a condition regarding the surface water drainage plans.

Mr. Madfis pointed out that a temporary parking lot was only allowed under certain circumstances, and this was not one of those circumstances. Mr. Dunckel stated they had been approving it as such. Mr. Madfis said the code allowed owners of temporary parking lots “to not put down a hard surface.”

Mr. Dunckel stated the Board could grant a variance for the lack of a lighting plan for 30 days [or some other period of time] to allow them to implement their plan.

Mr. Willey wanted to address the surface of the lot; he felt it should be paved. Mr. Toal said the County representative had spent significant time and effort determining whether the lot met the County's surface water management requirements. He reminded the Board that the last time he had appeared before them, they had made very specific requests: enhance the lighting and cover the drainage issue with the County. Mr. Toal noted actions they had taken to ensure the property was not a nuisance or an eyesore in the community. Mr. Toal said they were aware this was a temporary situation he estimated would be an 18-24 month period. After that, if they were not commencing construction, the Board had advised Mr. Toal would return and discuss this with the Board for a possible extension.

Mr. Snizek thought the City code relied on the property meeting the County requirements. He thought meeting County requirements would have resulted in staff telling them they now met the code and did not need to return to the Board.

Mr. Shallenberger stated if the lot were paved, drainage structures would be required. He recommended replacing pavement areas with pervious materials. Mr. Shallenberger asked what violation remained once Mr. Toal handed in the lighting plan. He pointed out that implementation of the plan was an enforcement issue. Mr. Malik said he had not seen the plans with the comments, but if these were the only two issues on the plans, "then that's okay."

Mr. Johnson informed Ms. Graham that they had signed and sealed engineering drawings, but these had not been submitted for permits yet. Ms. Graham felt it would be foolish to ask them to pave the site since they planned to build on the lot. She thought the only issue was whether there would be a time frame requirement to apply for the permit and install the lights.

**Motion** made by Mr. Snizek, seconded by Mr. Madfis, to grant a variance for implementation of the lighting plan for 60 days. In a roll call vote, Board approved 7 – 0.

[Index](#)

**5. Appeal No. 10-09**

**APPLICANT:** The Housing Authority of City of Fort Lauderdale  
**LEGAL:** "Dr. Kennedy Homes Plat", P.B. 15, P. 70, Block 1  
**ZONING:** RMM-25 (Residential Mid-Rise Multifamily/Medium High Density)  
**ADDRESS:** 1004 W. Broward Boulevard  
**DISTRICT:** 4

**APPEALING:** Section 47-20.2.A (TABLE 1: Parking and loading zone requirements)

The BOA on April 14, 2010 approved a variance from ULDR §47-20.2 to allow 149 on site parking spaces, where Code requires 255 residential parking spaces. In its approval, the Board imposed certain conditions of approval. Applicant is requesting to amend condition #4 of the parking variance approved on April 14, 2010.

**Deferred** to the Board's July meeting.

[Index](#)

**6. Appeal No. 10-18**

**APPLICANT:** Robert N. Prager  
**ADDRESS:** 4321 NE 28<sup>th</sup> Avenue  
**DISTRICT:** 1

The Applicant is requesting an appeal from an interpretation, application or determination made by an administrative official in the enforcement of the ULDR of the following sections:

**APPEALING:** **Section 47-19.1.B Accessory Uses, Buildings, and Structures. General requirements.**

Appealing the interpretation of Section 47-19.1.B - No accessory structures to be located in required yard.

**APPEALING:** **Section 47-19.2.R Accessory Uses, Buildings, and Structures. Accessory buildings and structures, general (*Light fixtures, freestanding.*)**

Appealing the interpretation of Section 47-19.2.R - Light fixtures accessory to a nonresidential use shall be subject to yard requirements.

**APPEALING:** **Section 47-25.3.A.2 Neighborhood compatibility requirements. (*Smoke, odor, emissions of particulate matter and noise*)**

Appealing the interpretation of Section 47-25.3.A.2 - Requirement of documentation development will not exceed maximum level of noise.

**APPEALING:** **Section 47-25.3.A.3.c Neighborhood compatibility requirements. (*Design and performance standards. Setback regulations*)**

Appealing the interpretation of Section 47-25.3.A.3.c. - Additional setback requirements.

**Deferred** to the Board's July meeting.

[Index](#)

**7. Appeal No. 10-19**

**APPLICANT:** Louis James  
**LEGAL:** Lots 1-4, less the Right-of-Way for Sistrunk Blvd. together with Lots 47-50, Block 4 of Lincoln Park corrected Plat, according to the Plat thereof, as recorded in Plat Book 5, Page 2.  
**ZONING:** RC-15 (Residential Single Family/Cluster Dwellings/Low Medium Density District) & CB (Community Business District)  
**ADDRESS:** 1447 NW 6<sup>th</sup> Street  
**DISTRICT:** 3

**APPEALING:** **Section 47-21.9.A.4.c (Landscape requirements for vehicular use areas – *Peninsular and island landscape areas*)**

Requesting a peninsular landscape area of a minimum of 5 feet in width on the east side of the property, where Code requires an 8-foot width minimum.

**APPEALING:** **Section 47-21.9.A.2.a (Landscape requirements for vehicular use areas – *Perimeter landscape area*)**

Requesting a perimeter landscape area, which varies between 1 foot 3 inches and 4 foot approximate dimensions along the East and South perimeters, where the parcel abuts the streets, where Code requires a minimum of 5 foot; a maximum of 28 feet; and an average of 10 feet.

Mr. Don Arpin, representative of the applicant, referred to the plans and described the site. Mr. Arpin stated the owner had previously upgraded the property for a restaurant and now wanted to turn it into a convenience store, which required additional parking. This had created the reduction in the landscape area. Mr. Arpin explained he had designed the kitchen when the restaurant was upgraded and he was now designing the convenience store.

Mr. Arpin confirmed that the variances were only needed on City right-of-ways on 14<sup>th</sup> Way and Sistrunk Boulevard.

Mr. Dunkel clarified on the plans which landscape areas needed the variance.

Mr. Arpin stated the green space on the site met code and the Sabal palm plantings were over and above code requirements.

Mr. Arpin confirmed that the handicapped parking space on the plans already existed on site and the door was on the south side. Ms. Graham asked if it would have been easier to have one less parking space and meet the buffer requirement, or this plan, with the landscape reduction. Mr. Arpin said the plan was “strictly to have 18 spaces.”

Mr. Sniezak referred to the variance criteria, and noted that the owner wanted the variance to accommodate more parking for a more profitable use of the property, which was not a criterion. Mr. Arpin asked the Board to consider the tax base.

Mr. Brewton said this item had been a great concern to many people, starting when the owner applied for a use change and the fact that the Sistrunk corridor was projected to be developed in a manner consistent with the code.

Mr. Tarek Bahlawan, tenant, said he had spoken with the neighborhood association president, who gave him her approval. He had also attended neighborhood association meetings and spoken with the District Commissioner. Mr. Cooper said he had not been able to speak with Commissioner DuBose about this and suggested the item be tabled until the applicant could obtain written endorsements and/or get members of the neighborhood association to attend the meeting to speak in support of the request.

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. Cooper, seconded by Ms. Graham, to table this item to the Board's next meeting.

Ms. Graham advised Mr. Arpin to get the approval of the association before he returned the following month.

Mr. Madfis stated the landscape requirement was an average of ten feet, and this was still off by a considerable amount and would not average ten feet anywhere.

Mr. Arpin stated the change of use meant they could no longer have seating for food service.

Mr. Bahlawan informed Mr. Madfis that he did not believe the convenience store would need 18 parking spaces at once. Mr. Madfis felt he should consider pursuing a parking reduction instead of these variances.

Ms. Graham clarified that she wanted Mr. Arpin to solicit and present proof to the Board of positive input from the community and possibly Commissioner DuBose.

In a roll call vote, Board **approved** 7 – 0.

**Communication to the City Commission**

[This item was taken out of order]

**Motion** made by Mr. Madfis, seconded by Mr. Cooper, to bring Item 3 forward to the City Commission to express the concern that some of these interpretations can be made at the staff level and would actually grease the wheels of commerce and sociability in the City. Mr. Madfis stated that as a licensed Architect in the City of Fort Lauderdale for 28 years, in reading the Code, his interpretation is that this would be allowed. It is a combined accessory use within all the requirements of the Code. Mr. Madfis is surprised that it was not permitted as presented. By voice vote, the Motion carried 6 - 1 with Mr. Willey dissenting.

**Report and for the Good of the City**

[Index](#)

None

There being no further business to come before the Board, the meeting was adjourned at 9:18 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.

Minutes prepared by: J. Opperlee, Prototype Services