

## **AGENDA RESULTS**

### **CITY OF FORT LAUDERDALE BOARD OF ADJUSTMENT MEETING**

**WEDNESDAY, July 13, 2011**

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

**TIME OF MEETING:** 6:30 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 May 11, 2011 Minutes**

#### **Public Sign-In/Swearing-in**

#### **1. Appeal No. 11-08 (Deferred from April 13, 2011)**

**APPLICANT:** Urbana Pelican Grand 1, LLC

**LEGAL:** All of Pelican Grand Beach Resort, a Hotel Condominium, according to the Declaration of Condominium recorded in official records Book 43208, Page 647 of the public records of Broward County, Florida, and more particularly described in the application for a variance with the Clerk of the City of Fort Lauderdale Board of Adjustment

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

**ADDRESS:** 2000 N. Atlantic Boulevard

**DISTRICT:** 2

Appeal pursuant to ULDR Section 47-24.12 of City Staff's subsequent withdrawal of Staff's prior approval in 2009 of Pelican Grand Beach Resort's ("Pelican"). Administrative Review Application for a shade structure at the southeast corner of the property as an approved "shade structure" with "outdoor food service area" to be "utilized for special events" including "weddings, parties, brunches, fund-raisers, and private events". Pelican requests an interpretation of the ULDR and Temporary Use Permit pursuant to ULDR Section 47-24.12 for the continued use of the existing shade structure which is permitted use under ULDR Section 47-19.2.P "freestanding shade structures" and pursuant to ULDR Section 47-19.8 which permits hotels with more than 50 guest rooms to have "outdoor food service areas." Pelican maintains that Section 47-19.2.X requiring

Site Plan Level III review of the outdoor food service area is inapplicable because 57-19.2.X applies to "Multifamily dwellings."

Appeal pursuant to ULDR Section 47-24.12 of City Staff's determination that Pelican's existing 11<sup>th</sup> Floor Decks can not continue to be used for "outdoor food service areas" pursuant to ULDR Section 47-19.8 Hotel Accessory Uses and request for the continued use of the existing 11<sup>th</sup> Floor Decks for outdoor food service areas.

**DEFERRED**

**2. Appeal No. 11-07 (Deferred from April 13, 2011)**

**APPLICANT:** Costa Dorada Associates Ltd.

**LEGAL:** "Birch Oceanfront Subdivision" P.B. 19, P. 26 and all of Block D

**ZONING:** ABA (A-1-A Beachfront Area)

**ADDRESS:** 505 N. Fort Lauderdale Beach Boulevard

**DISTRICT:** 2

**APPEALING:** Section 47-12.5.B.5 (List of Permitted Uses, A1A Beachfront Area (ABA) District)

Requesting a variance to permit the installation of fourteen (14) Wind Turbines, 8 at grade level and 6 on the roof, where Code does not list Wind Turbines as a permitted use.

**DEFERRED FOR SIXTY (60) DAYS**

**APPEALING:** Section 47-19.2.Z (Accessory buildings and structures, general roof mounted structures)

Requesting a variance to permit the installation of six (6) Wind Turbines on a roof without screening, where Code requires that roof mounted structures such as air conditioners and satellite dish antennas be screened at least 6 inches above the top most surface of the roof mounted structure.

**DEFERRED FOR SIXTY (60) DAYS**

**APPEALING:** Section 47-19.2.S (Mechanical and Plumbing Equipment)

Requesting a variance to permit the installation of four (4) wind turbines at grade 6 inches from the side yard and 35 feet in height, where the Code requires a 5-foot side yard setback and a limitation of 5 feet in height for mechanical equipment.

**WITHDRAWN BY APPLICANT**

**APPEALING:** Section 47-19.2.S (Mechanical and Plumbing Equipment)

Requesting a variance to permit the installation of four (4) additional 35 foot high wind turbines at grade 6 inches from the front yard property line, where the Code does not allow mechanical equipment in a front yard.

**WITHDRAWN BY APPLICANT**

**3. Appeal No. 11-13**

**APPLICANT:** 6400 Building LLC

**LEGAL:** All of DON L. CLYMER PLAT, according to the Plat thereof, as recorded in Plat Book 100, Page 24 of the Public Records of Broward County, Florida, TOGETHER WITH a portion of Section 10, Township 49 South, Range 42 East, and more particularly described in the application for a variance with the Clerk of the City of Fort Lauderdale Board of Adjustment

**ZONING:** B-3 (Heavy Commercial/Light Industrial Business)

**ADDRESS:** 6400 N. Andrews Avenue

**DISTRICT:** 1

**APPEALING:** Section 47-22.4.A.2 (Maximum number of signs at one location and special requirements in zoning district)

Requesting a variance to permit a building identification ground sign to have different copy/ID from the existing building identification flat wall signs, where the code allows one building identification for a multiple tenant office building.

**APPROVED (7-0)**

**4. APPEAL NO. 11-14**

**APPLICANT:** Michael A. Gagne

**LEGAL:** "Dixie Park", P. B. 9, P. 19. Lot 13, together with S ½ vac alley abutting said Lot Blk. 4

**ZONING:** RMM-25 (Residential Mid-Rise Multifamily/Medium High Density)

**STREET:** 827 NE 14<sup>th</sup> Court

**ADDRESS:** Fort Lauderdale, FL

**DISTRICT:** 2

**APPEALING:** Sec. 47-5-36 (Table of dimensional requirements for the RMM-25 district)

Requesting a variance to allow the carport to be enclosed for a family room with a 3 foot 9 inches side yard setback, where the Code requires a 5-foot side yard setback.

**APPROVED (7-0)**

**5. APPEAL NO. 11-15**

**APPLICANT:** City of Fort Lauderdale

**LEGAL:** All sections, one, two, three and six and seven of Sunset Memorial Gardens, according to the Plat thereof as recorded in Plat Book 55, Page 4

**ZONING:** CF (Community Facility)

**STREET:** 3201 NW 19<sup>th</sup> Street

**ADDRESS:** Fort Lauderdale, FL

**DISTRICT:** 3

**APPEALING: Sec. 47-19.5 (Fences, walls and hedges)**

Requesting a temporary use variance to allow a zero foot setback to replace existing fence, where the Code requires a three-foot setback.

**APPEALING: Sec. 47-19.5.C.2 (Fences, walls and hedges- *Landscape district*)**

Requesting a temporary use variance for relief of landscape requirements, where the Code requires in non-residential districts, all fences and walls, including chain link fence, shall be required to be planted with hedges, shrubs, groundcover, trees, or a combination thereof.

**DEFERRED**

**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>

***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 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.***