

**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, AUGUST 10, 2011 – 6:30 P.M.  
CITY HALL CITY COMMISSION CHAMBERS – 1ST FLOOR  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA**

<b>Board Members</b>	<b>Attendance</b>	<b>Cumulative Attendance 6/2011 through 5/2012</b>	
		<b>Present</b>	<b>Absent</b>
Diana Waterous Centorino, Chair	A	1	1
Michael Madfis, Vice Chair	P	2	0
Caldwell Cooper	P	2	0
Gerald Jordan	A	0	2
Karl Shallenberger	P	2	0
Henry Sniezek	P	2	0
Birch Willey	P	2	0
<b>Alternates</b>			
Jacquelyn Scott	P	2	0
Fred Stresau	A	1	1
Sharon A. Zamojski	P	2	0

**Staff**

Bob Dunckel, Assistant City Attorney  
Terry Burgess, Zoning Administrator  
Yvonne Blackman, secretary  
Mohammed Malik, Chief Zoning Plans Examiner  
B. Chiappetta, Recording Secretary, Prototype Inc.

**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.

**Index**

	<b><u>Appeal Number</u></b>	<b><u>Applicant</u></b>	<b><u>District</u></b>	<b><u>Page</u></b>
1.	11-16	Most Reverend Archbishop Thomas G. Wenski	4	<a href="#">2</a>
2.	11-17	Jean L. Hanna Communication to the City Commission For the Good of the City	4	<a href="#">4</a> <a href="#">5</a> <a href="#">5</a>

**Call to Order**

Mr. Madfis called the meeting to order at 6:30 p.m. He introduced Board members and described the functions of the Board and procedures that would be followed for the meeting.

**Approval of Minutes – July 2011**

**Motion** made by Mr. Cooper, seconded by Mr. Willey, to approve the minutes of the Board's July 2011 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.**

[Index](#)

1. **Appeal No. 11-16**

**APPLICANT:** The Most Reverend Archbishop Thomas G. Wenski  
**LEGAL:** 21-50-42 SE ¼ of NE ¼ & BEG NE COR SEC 21, SLY 491.35 WLY 25 TO POB, CONT WLY 100, SLY 177.75 ELY 100, NLY 177.75 TO POB, LESS RD  
**ZONING:** CF-HS (Community Facility-House of Worship and School)  
**ADDRESS:** 2601 SW 9<sup>th</sup> Avenue  
**DISTRICT:** 4

**APPEALING:** Section 47-24.12 (Variances, special exceptions and interpretation Of Unified Land Development Regulations)

Requesting a temporary use variance to permit the use of a Modular Classroom where the Code does not permit such use.

Mr. Dunckel explained that per Chapter 553, if a manufactured building had DCA approval, as this one did, the City could only regulate location, not construction. He

clarified that this was a request for a temporary, non-conforming use permit with a one-year lifespan. Mr. Burgess stated the project must go through at least a DRC process, and perhaps site plan review, and Mr. Dunckel said this was request was to “jump-start” this process.

Father Michael Grady, administrator of the Church and School, said they needed the extra space for this school year. He said their long-range plan was to build a permanent structure and remove the modular classrooms.

Mr. Dunckel explained to Ms. Scott that the Archdiocese wanted this temporary permission prior to going through the DRC. Mr. Burgess confirmed that staff would verify that the request must meet dimensional and distance requirements.

Mr. Madfis opened the public hearing.

Mr. Peter Parker stated he lived directly across from the church and he objected to the request. He noted that “With children, depending on their age, comes vandalism” and he also feared someone might try to break into the modular unit at night. He asked why the structure would be installed on the south side when there was sufficient space on the north side. He also asked if a fence would surround the units.

Mr. Madfis stated the project would need to conform to all code requirements.

Mr. Andrew Massagee, plant manager, stated the school had kids from pre-K to 8<sup>th</sup> grade and the modular would be used for middle school kids. He said there were 20 cameras on the property and they had experienced no crime. He explained that locating the modular on the north side would raise problems with the parking lot.

Mr. Dunckel stated this permit was for one year with no extensions.

Mr. Massagee stated the President of the Edgewood Civic Association and the membership had approved the request. They had sent letters to neighbors and not received any negative feedback.

David Schopp, project manager, remarked that their application requested two years to allow time to go through the DRC process and get the funds together. Mr. Dunckel questioned whether this was a variance or a permit and took a moment to research it. He determined that the applicant must have intended to apply for a variance, since this could extend beyond one year, at the Board’s discretion.

Mr. Shallenberger asked the applicant’s intent. Ms. Kim Siciliano, Executive Vice President of the school, said they wanted two years, and said they had been fund raising. She said they were aware that “the code calls for one year” but they needed additional time for the DRC process and fundraising.

Mr. Dunckel confirmed for Mr. Sniezek that an extension over one year could not be sought for the permit, but they could seek a variance during the year the permit was in effect.

Mr. Willey felt the applicant should take the one-year permit and at the end of the year, they could seek a variance to use the modular building for additional time while building the permanent structure.

There being no other members of the public wishing to address the Board on this item, Mr. Madfis closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Willey, seconded by Mr. Shallenberger, to grant a temporary, non-conforming use permit.

Mr. Dunckel suggested including the condition that staff determine that all dimensional requirements were met regarding the location. Mr. Madfis noted that the building permit would require the request to meet code requirements. Mr. Dunckel clarified that the Board should make clear that it was not granting any relief from yard or distance separation requirements.

Mr. Willey amended his motion to include the condition that staff must confirm that the project would meet all dimensional requirements. In a roll call vote, motion passed 7-0.

[Index](#)

**2. Appeal No. 11-17**

**APPLICANT:** Jean L. Hanna  
**LEGAL:** "CHULA VISTA", P.B. 22, P. 7, Block 5, Lot 8  
**ZONING:** RS-6.85B (Residential Single Family)  
**ADDRESS:** 1549 SW 28<sup>th</sup> Way  
**DISTRICT:** 4

**APPEALING:** **Section 47-39.A.1.b (5)(d) (General Provisions-Swimming pools and spas)**

Requesting a variance to allow a swimming pool to be constructed in the required front yard, where the Code states for swimming pools and spas located in RS-6.85B, Section 47-19.2.BB shall apply, except that such swimming pools and spas shall not be located in the required front yard.

Mr. Dunckel said it appeared to him that this request need not be presented to the Board, and Mr. Burgess agreed and withdrew the item. He stated the filing fees would be refunded to the applicant.

**Communication to the City Commission**

[Index](#)

None.

**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 7:16 p.m.

Chair:

---

Diana Centorino

Attest:

---

ProtoType Inc.

Minutes prepared by: J. Opperlee, Prototype Inc.