

**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, NOVEMBER 9, 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	P	4	1
Michael Madfis, Vice Chair	P	4	1
Caldwell Cooper	P	5	0
Karl Shallenberger	P	5	0
Henry Sniezek	A	4	1
Fred Stresau	P	4	1
Birch Willey	P	5	0
<b>Alternates</b>			
Roger Bond	P	1	0
Jacquelyn Scott	P	5	0
Sharon A. Zamojski	P	4	1

**Staff**

Bob Dunckel, Assistant City Attorney  
Terry Burgess, Zoning Administrator  
Yvonne Blackman, Secretary  
Anthony Fajardo, Acting Zoning Administrator  
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.

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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 – October 2011**

**Motion** made by Mr. Cooper, seconded by Mr. Stresau, to approve the minutes of the Board's October 2011 meeting. In a voice vote, motion passed unanimously.

**Board members disclosed communications they had and site visits made 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. 11-22**

**APPLICANT:** Bal Harbour Square, LLC  
**LEGAL:** A portion of Parcel A, F.V.S. Plat No. 2, P.B. 123, P. 9  
**ZONING:** B-1 (Boulevard Business)  
**STREET:** 1800 N. Federal Highway  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 2

**APPEALING: Section 47-22.3.P (General regulations- Shopping center or strip store signs)**

Requesting a variance to allow an additional detached freestanding sign, where the Code states that shopping center or strip store signs shall be limited to one (1) detached, freestanding sign for each street front as regulated by this section. The maximum number of detached, freestanding signs shall be two (2) for any single lot or plot.

**APPEALING: Section 47-22.3.P. (General regulations- Shopping center or strip store signs)**

Requesting a variance to allow two (2) additional flat signs, where the Code states that each store, office or place of business shall be permitted no more than one (1) flat sign (excluding freestanding detached signs and eight-inch lettering on awning signs), except when a store, office or place of business faces two (2) street fronts or vehicle travelways, then one (1) flat sign facing on each street front shall be permitted.

Mr. Stresau stated he had a conflict and Ms. Scott took his place on the dais.

Ms. Hope Calhoun, attorney for the tenant, Chase Bank, said they were still seeking one monument sign and two additional building signs. She showed photos of the shopping center and the bank. She explained that two signs were already mounted on the building; they were seeking one monument sign on Federal Highway and two more building signs. Ms. Calhoun said the signs were needed because it was difficult to see the bank from Federal Highway. She showed a photo taken from Federal Highway and pointed out it was difficult to notice the bank.

Mr. Cooper felt this was a “tremendous amount of signage for one building.” Ms. Calhoun said the Pier One Imports on Federal Highway made it difficult to see the bank. The interior sign made the bank identifiable while driving through the shopping center site.

Ms. Scott had driven by the site and said the Chase colors and logo had signaled the bank location to her quite clearly. She did not understand the hardship or the need for the additional signs and said it would be difficult for her to agree to the variance.

Mr. Willey asked the total signage. Ms. Calhoun said they were permitted up to 600 square feet total signage and this request totaled 243 square feet.

Mr. Shallenberger felt it could be difficult to see outparcels on lots not designed for them and he did not think this was excessive.

Chair Centorino remarked that, “You’d have to be blind not to see that sign.” She had passed the site many times and noted how huge the front sign was. Chair Centorino was concerned that the signage for banks was escalating. Ms. Calhoun reiterated that the signs were to allow people looking for the bank to identify it, not for advertising.

Chair Centorino opened the public hearing.

Cindy Temple, Chase employee, said she had been looking for this bank earlier in the day and had missed it; she thought it was not identified properly.

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. Cooper acknowledged that this was a large shopping center, but remarked on the amount of signage already in the area. He agreed the bank needed a monument sign or a sign on the front of the building, but wanted to reduce the size of the existing sign on the west side of the building and eliminate the signage on the north side.

Ms. Scott said she had driven in this area earlier and remarked that this bank had “more signage than any bank I’ve ever seen.” She could not support “going against our code when, in my opinion, there is no issue.”

Mr. Madfis said the atmosphere at this site was very vehicular and he was “looking for something that might create a little bit better character and animate this project more than just plaster it with identifying signage.” He felt the shopping center outparcels could be better integrated into a pedestrian element.

Mr. Cooper wanted to consider a compromise. Ms. Calhoun suggested reducing the size of the monument sign, and leaving signs three and four, and they could then discuss sign five.

Mr. Willey felt what they were asking for was too much. He said he could see granting a variance regarding the number of signs but not to the size of all of the signs. Mr. Willey felt six feet was too tall for the monument sign.

Ms. Calhoun informed Ms. Zamojski that this building was 4,320 square feet and there were perhaps other Chase banks within a five mile radius. Amy Bennett, NW Sign Industries, said by 2014 there would be 14 Chase banks in the area. Ms. Zamojski said it was obvious that this was a bank and she felt this was too much signage for the property.

**Motion** made by Ms. Scott, seconded by Mr. Shallenberger to approve.

Mr. Cooper suggested giving the applicant the opportunity to return with a request for smaller signage. Mr. Willey said the applicant had not asked to come back. Ms. Calhoun requested a deferral to the Board’s next meeting. Mr. Shallenberger withdrew his second. Ms. Zamojski seconded Ms. Scott’s motion. Mr. Dunckel advised that a Board member could make a motion to table the motion; if that motion passed, the Board could consider the applicant’s request to table the item.

**Motion** made by Mr. Cooper, seconded by Mr. Willey, to table the motion to approve. In a roll call vote, motion passed 4 – 3 with Ms. Zamojski, Ms. Scott and Chair Centorino opposed.

**Motion** made by Mr. Cooper, seconded by Mr. Willey to defer the item to the Board's December 2011 meeting. In a roll call vote, motion passed 4 – 3 with Ms. Zamojski, Ms. Scott and Chair Centorino opposed.

Mr. Stresau returned to the dais.

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**2. APPEAL NO. 11-24**

**APPLICANT:** Karen Lehman & Barbara Moody  
**LEGAL:** "C.W. Hector's Re-Subjection of Rio Vista," P.B. 1, P. 24, Block 13, Lot 15  
**ZONING:** RS- 8 (Residential Single Family/Low Medium Density District)  
**STREET:** 907 SE 6<sup>th</sup> Court  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 4

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

Requesting a variance to allow a 4.5-foot side yard setback, where Code requires a minimum of 5-foot side yard setback.

Leo Hansen, architect, explained that 20 years ago, an addition had been built on the house and they were trying to correct some of that work with this application. The current master bath was on the first floor while the bedroom was on the second, and Mr. Hansen said they wanted to extend the master bedroom space out to the north to create a master bedroom suite that was all on one floor. This would require a six-inch variance for the side setback.

Chair Centorino opened the public hearing portion of the meeting. 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. Madfis, seconded by Mr. Stresau, to approve.

Mr. Cooper asked what was being done to contain possible runoff onto the neighbor's yard. Mr. Hansen said when the plans were submitted, the reviewer would ensure that all water would be retained on the property. He explained they would create a swale on the east property line. Mr. Fajardo noted that this requirement must be met for any addition.

Mr. Dunckel cautioned the Board to limit the variance to this building footprint. Mr. Madfis agreed to add this amendment to his motion and Mr. Stresau accepted it.

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

**3. APPEAL NO. 11-25**

**APPLICANT:** Ross Petras  
**LEGAL:** "Sherwood Forest" P.B. 30, P. 28, Block 2, Lot 19  
**ZONING:** RD-15 (Residential Single /Duplex/Low Medium Density District)  
**ADDRESS:** 1605 SW 10<sup>th</sup> Court  
**DISTRICT:** 4  
**APPEALING:** Section 47-5.32 (Table of dimensional requirements for the RD-15 district)

Requesting a variance to allow the Carport/Covered Play Area to extend 4 foot 11 inches into the side yard setback, where Code requires a 5 foot side yard setback.

Ross Petras, owner, said the carport was encroaching into the setback and he needed a variance. He stated the hardship was that this was not a good neighborhood and the carport prevented people from entering the property. Mr. Stresau clarified that the east portion of the carport was one inch from the property line.

Mr. Willey asked if Mr. Petras would leave the carport as it was if he were given the variance. Mr. Petras said he would go for an after-the-fact permit for the existing carport.

Mr. Petras described crime in his neighborhood in the past few years and said the carport prevented anyone from climbing the fence.

Mr. Stresau asked Mr. Madfis to explain why the city had setback requirements. Mr. Madfis explained that access was needed between homes for security, light and air. The fire code also required distance separation. Mr. Stresau said this was not a minor infraction and he could not support the variance. He thought it would affect the property next door. Mr. Petras said that neighbor had sent a letter saying this did not cause a problem for him.

Chair Centorino opened the public hearing portion of the meeting. 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. Fajardo confirmed that the fence was allowed.

Mr. Willey thought the Board could consider a variance with a time limit.

Mr. Cooper said this situation was egregious and he could not believe the Board was even considering approving the request.

Mr. Madfis noted that the City's planning process was not evolving as the area became more urbanized to allow infill development that was more appropriate. He felt the

additional fortification of the spaces between the homes was contributing to the neighborhood blight. Mr. Petras felt the variance would not cause any problems for the neighborhood.

Ms. Zamojski asked what portion of the structure must be removed. Mr. Burgess said the fence could stay, as well as a 20 inch overhang. He noted that there was now a problem with the roof draining onto the adjacent property.

**Motion** made by Mr. Stresau, seconded by Mr. Cooper to approve. In a roll call vote, motion failed 0-7.

Mr. Stresau told Mr. Petras that no Board member wanted to vote against this, but they did not have the right to change the zoning code. He pointed out that this structure was encroaching into the entire side yard, and he could not recall the Board ever approving something like this.

**Communication to the City Commission**

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None.

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

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Mr. Madfis referred to Mr. Petras's case, and said one solution to these problems was to come together as a community to strengthen neighborhoods and make them more secure.

There being no further business to come before the Board, the meeting was adjourned at 8:13 p.m.

Chair:

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Diana Centorino

Attest:

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ProtoType Inc.

Minutes prepared by: J. Opperlee, Prototype Inc.