

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
WEDNESDAY, JANUARY 11, 2012 – 6:30 P.M.
CITY HALL CITY COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

Board Members	Attendance	Cumulative Attendance 6/2011 through 5/2012	
		Present	Absent
Diana Waterous Centorino, Chair	P	6	1
Michael Madfis, Vice Chair	P	5	2
Caldwell Cooper	P	7	0
Karl Shallenberger	P	7	0
Henry Sniezek	P	6	1
Fred Stresau	P	6	1
Birch Willey	P	7	0
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Alternates			
Roger Bond	P	3	0
Sharon A. Zamojski	P	6	1

Staff

Bob Dunckel, Assistant City Attorney
Yvonne Blackman, Secretary
Gail Jaggesar, Administrative Aide
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 6:30 p.m. She introduced Board members and determined a quorum was present.

Approval of Minutes – December 2011

Chair Centorino noted a change to the minutes.

Motion made by Mr. Cooper, seconded by Mr. Stresau, to approve the minutes of the Board's December 2011 meeting as amended. 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. 11-27

APPLICANT: Thomas Tharrington
LEGAL: "Stilwell Isles", P.B. 15, P. 26, Block 2, Lot 2 Less N. 10.58 feet
ZONING: RS-4.4 (Residential Single Family/Low Density District)
ADDRESS: 308 Royal Plaza Drive
DISTRICT: 2

APPEALING: Section 47-5.30 (Residential Single Family/Low Density District)
Requesting a variance to allow the height of the structure along the (North) side yard to extend 27 feet 3 inches where code states where a building exceeds 22 feet in height that portion of the building shall be set back an additional 1 foot per foot of building height above 22 foot.

APPEALING: Section 47-3.2.B.1 (Nonconforming structure)
Requesting a variance to enlarge a non-conforming structure, where code the Code states that a nonconforming structure may not be enlarged or altered in a way which increases its nonconformity, but a nonconforming structure may be altered to decrease its nonconformity.

Thomas Tharrington, applicant, said four conflicting surveys had been done and they wanted to have one more performed. He requested a 30-day deferral.

Motion made by Mr. Stresau, seconded by Mr. Cooper, to defer the application for 30 days. In a roll call vote, motion passed 7-0.

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2. APPEAL NO. 11-23 (Deferred from October 12, 2011)

APPLICANT: Second Avenue Properties
LEGAL: Lauderdale 2-9D, Lot 1S65, 2S65 less W5 Blk 126, Lot 21 E ½,
Lots 22, 23, 24 all less RD R/W Blk 126
ZONING: B-1 (Boulevard Business) / RM-15 (Residential Multifamily Low
Rise/Medium Density District)
STREET: 311 SW 24th Street
ADDRESS: Fort Lauderdale, FL
DISTRICT: 4

APPEALING: Section 47-25.3.A.3.d.iv (Neighborhood compatibility requirements
– wall requirements)

Requesting a variance to eliminate the requirements for a wall on the South edge of the alley, where the Code states that a wall shall be required on the nonresidential property, a minimum of five (5) feet in height.

Steve Baum, owner, explained that the Boat Owner's Warehouse store was trying to remain competitive. They had developed an entirely new plan and were asking for a variance from the wall requirement because this would create a home for vagrants and a crime problem.

John Obarowski, architect, confirmed that the wall from which they were seeking the variance would be located behind the building. Mr. Fajardo explained the wall was required where non-residential zoning met residential zoning. In this case, it was behind the building.

Chair Centorino opened the public hearing.

Michael Keduc, neighbor, asked what hardship the wall requirement caused. He was concerned about property values for homeowners in the area and possible future uses

of the property. Mr. Keduc noted the owner of the parking lot across the street had a wall that he felt was a nice addition to the neighborhood.

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. Baum stated the wall required on his property would create a dead zone between the building and an alley and this would become a problem. He felt the vagrant problem would more adversely affect property values than the installation of a wall would.

Mr. Stresau thought that the current plan provided additional green space and the dumpster would be enclosed. Provided the rear area was lit, Mr. Stresau thought this was a better design solution.

Motion made by Mr. Madfis, seconded by Mr. Stresau to approve.

Mr. Shallenberger suggested making the variance for this business only, to address the neighbors' concerns. Mr. Stresau feared this would affect the owner's ability to sell the property and Mr. Madfis agreed.

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

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3. APPEAL NO. 12-01

APPLICANT: Daniel Grant
LEGAL: "North Ridge", P.B. 30, P. 32, Block 6, Lot 29
ZONING: RS- 8 (Residential Single Family/Low Medium Density District)
STREET: 2012 NE 19th Avenue
ADDRESS: Fort Lauderdale, FL
DISTRICT: 2

APPEALING: **Section 47-35 (Definitions)**

Appealing an interpretation made by the Zoning Administrator of Section 47-35. **Definitions**, where the Code states:

Structure: Anything built or constructed or erected, the use of which requires more or less permanent location on the land, or attached to something having a permanent location on the land, or any composition, artificially built up or composed of parts joined together in some definite manner or any roof-like structure or storage apparatus whether movable or non-movable which may or may not be self-supporting or may or may not be affixed to a "structure," as defined herein, or to a building.

The Zoning Administrator has determined that the car shade is a Structure as defined by the ULDR. The applicant argues that the car shade is not a Structure as defined by the ULDR.

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

Requesting a variance to allow a car shade structure to be located a distance of 4 feet from the front property line where the Code requires a minimum of 25-foot front yard setback.

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

Requesting a variance to allow a car shade structure to be located a distance of 0.6 foot from the side property line where the Code requires a minimum of 5-foot side yard setback.

This item was heard out of order.

Mr. Dunckel stated the code required the department to prepare a report regarding their position on the interpretation question, which had not been done yet. He recommended deferring the case to a later date.

There were no members of the public present to speak regarding this item.

Hope Calhoun, attorney for the applicant, requested a six-month deferral to provide them time to supplement their presentation to address points that would be made in the staff report. Mr. Stresau said they were seeing a proliferation of these structures in front yards and if they deferred for more than 90 days they would have many more like this.

Motion made by Mr. Willey, seconded by Mr. Stresau, to defer the application for 90 days. In a roll call vote, motion passed 7-0.

The following four cases for the same applicant were heard and voted on together:

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4. APPEAL NO. 12-02

APPLICANT: **RJS Property Investments, LLC (Robert Stiegele, Jr.)**
LEGAL: **"Progresso", P.B. 2, P. 18, Block 177, Lots 12 & 13**
ZONING: **RMM-25 (Residential Multifamily Mid Rise/Medium High Density District)**
STREET: **1025 NE 10th Avenue**

ADDRESS: Fort Lauderdale, FL
DISTRICT: 2

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

Requesting a variance to allow five (5) parking spaces for a three-unit building where the Code states that the off-street parking and loading required by this section shall be provided and maintained on the basis of the minimum requirements in Table 1 of Parking and Loading Zone Requirements, which states that multi-family dwelling units shall provide 1.75 parking spaces for each one (1) bedroom unit and 2 parking spaces for each two (2) bedroom unit, and where this calculation would require six (6) spaces for the proposed development.

APPEALING: Section 47-21.9.A.4.b. (Landscape requirements for vehicular use areas)

Requesting a variance to eliminate the requirements for a landscape peninsular island between every 2 parking spaces, where the Code states that when a row of parking spaces is located in a manner where motor vehicles back out directly onto a public right-of-way or alley, as provided by Section 47-20, Parking and Loading Requirements, back-out parking spaces for residential uses and motels shall have one (1) peninsular landscape area for every two (2) parking spaces, and where this calculation would require three (3) peninsular landscape islands for the proposed development.

Mr. Stresau asked Mr. Dunckel to discuss the new Broward County ethics ordinance. Mr. Dunckel said the ordinance currently applied only to elected officials but it would be extended to employees and board members in the future. Mr. Stresau pointed out there was a section in the ordinance that referred to boards and committees that made final decisions.

Scott Bachman, representative of the applicant, said they proposed to redevelop the four properties with four identical multi-family buildings. Mr. Bachman displayed photos of the properties pointed out that NE 10 Avenue was closed, limiting access from Sunrise Boulevard. He noted that the buildings currently on the property were blighted.

Mr. Bachman said the applicant also owned the two properties just north of these and he had renovated those the way he proposed to renovate these. He displayed before and after renovation photos of the properties to the north and said they planned the same development pattern for these four properties.

Mr. Bachman presented the site plan and noted the development pattern. He stated they were requesting a 0.75 space parking reduction and landscape requirements in the parking area. This would allow them to provide five parking spaces and to upgrade the proposed landscape islands. Mr. Bachman believed the availability of public transport along Sunrise Boulevard would more than compensate for the reduction of parking.

Chair Centorino opened the public hearing.

Mayor Seiler said this was a neighborhood where they had worked very hard to make improvements. He was pleased the owner was willing to make this investment in the City and felt this redevelopment would make a huge difference.

Mary Pat Rhodes, adjacent property owner, said the properties had been the site of criminal behavior and the new owner had fixed up the buildings and landscaping and found new tenants. She was in favor of this request.

Mr. Willey wanted to see the area improved, but was concerned about the problems the lack of parking would cause in the future. He asked Ms. Rhodes if she would prefer this project to go forward without parking that he felt would be needed to maintain the property in the future. Ms. Rhodes believed there was sufficient parking on the street, and noted that the parking area for the renovated buildings was never full.

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. Stresau said there would be no guest parking if the request were granted. He remarked that on Cordova Road, there were condos that could not be sold because there was no guest parking. He said this was solvable by reducing the number of units and providing the required parking.

Mr. Sniezek said there was a traffic analysis included in the backup which he accepted. He did not have a problem with the parking issue. Mr. Madfis agreed, and said if they wanted to encourage transit-oriented development in this area they must reduce the demand for automobiles.

Mr. Cooper asked if enhancements to the building would be permitted if the owner did not wish to change the parking area. Mr. Fajardo explained that the owner intended to rebuild the existing buildings to match the type of structures that were currently there. If they did not alter more than 50% of the value or square footage, the parking requirement would not be triggered.

Robert Stiegele, applicant, said they had renovated the first two buildings instead of replacing them, but the plumbing was 50 years old and needed replacing, which could have been avoided if he had rebuilt the units. He remarked that code would allow four units per lot but he was requesting three. He said another option would have been to build a two-story, but he did not feel this would be compatible with the neighborhood. He agreed with Ms. Rhodes that the two existing buildings never suffered a parking shortage.

Mr. Cooper thought this project would be a bonus to the neighborhood. He appreciated the fact that it was low density, compared to the three-story building one block east.

Chair Centorino shared Mr. Willey's concern about the parking, but said she was "willing to chance it" because this was a low density project and Mr. Stiegele was trying to maintain the flavor of the neighborhood.

Mr. Cooper believed the rent would be extremely high and this would ensure a higher quality individual as a tenant. Chair Centorino felt this also meant there would be more cars.

Motion made by Mr. Cooper, seconded by Mr. Stresau to approve all requests for all four items. In a roll call vote, motion passed 5-2 with Mr. Stresau and Mr. Willey opposed.

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5. APPEAL NO. 12-03

APPLICANT: RJS Property Investments, LLC (Robert Stiegele, Jr.)
LEGAL: "Progresso", P.B. 2, P. 18, Block 177, Lots 10 & 11
ZONING: RMM-25 (Residential Multifamily Mid Rise/Medium High Density District)
STREET: 1027 NE 10th Avenue
ADDRESS: Fort Lauderdale, FL
DISTRICT: 2

APPEALING: **Section 47-20.2.A** (Parking and loading zone requirements)
Requesting a variance to allow five (5) parking spaces for a three-unit building where the Code states that the off-street parking and loading required by this section shall be provided and maintained on the basis of the minimum requirements in Table 1 of Parking and Loading Zone Requirements, which states that multi-family dwelling units shall provide 1.75 parking spaces for each one (1) bedroom unit and 2 parking spaces for each two (2) bedroom unit, and where this calculation would require six (6) spaces for the proposed development.

APPEALING: **Section 47-21.9.A.4.b.** (Landscape requirements for vehicular use areas)

Requesting a variance to eliminate the requirements for a landscape peninsular island between every 2 parking spaces, where the Code states that when a row of parking spaces is located in a manner where motor vehicles back out directly onto a public right-of-way or alley, as provided by Section 47-20, Parking and Loading Requirements, back-out parking spaces for residential uses and motels shall have one (1) peninsular

landscape area for every two (2) parking spaces, and where this calculation would require three (3) peninsular landscape islands for the proposed development.

6. APPEAL NO. 12-04

APPLICANT: RJS Property Investments, LLC (Robert Stiegele, Jr.)
LEGAL: "Progreso", P.B. 2, P. 18, Block 177, Lots 8 & 9
ZONING: RMM-25 (Residential Multifamily Mid Rise/Medium High Density District)
STREET: 1031 NE 10th Avenue
ADDRESS: Fort Lauderdale, FL
DISTRICT: 2

APPEALING: **Section 47-20.2.A** (Parking and loading zone requirements)
Requesting a variance to allow five (5) parking spaces for a three-unit building where the Code states that the off-street parking and loading required by this section shall be provided and maintained on the basis of the minimum requirements in Table 1 of Parking and Loading Zone Requirements, which states that multi-family dwelling units shall provide 1.75 parking spaces for each one (1) bedroom unit and 2 parking spaces for each two (2) bedroom unit, and where this calculation would require six (6) spaces for the proposed development.

APPEALING: **Section 47-21.9.A.4.b.** (Landscape requirements for vehicular use areas)
Requesting a variance to eliminate the requirements for a landscape peninsular island between every 2 parking spaces, where the Code states that when a row of parking spaces is located in a manner where motor vehicles back out directly onto a public right-of-way or alley, as provided by Section 47-20, Parking and Loading Requirements, back-out parking spaces for residential uses and motels shall have one (1) peninsular landscape area for every two (2) parking spaces, and where this calculation would require three (3) peninsular landscape islands for the proposed development.

7. APPEAL NO. 12-05

APPLICANT: RJS Property Investments, LLC (Robert Stiegele, Jr.)
LEGAL: "Progreso", P.B. 2, P. 18, Block 177, Lots 6 & 7
ZONING: RMM-25 (Residential Multifamily Mid Rise/Medium High Density District)
STREET: 1035 NE 10th Avenue
ADDRESS: Fort Lauderdale, FL
DISTRICT: 2

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

Requesting a variance to allow five (5) parking spaces for a three-unit building where the Code states that the off-street parking and loading required by this section shall be provided and maintained on the basis of the minimum requirements in Table 1 of Parking and Loading Zone Requirements, which states that multi-family dwelling units shall provide 1.75 parking spaces for each one (1) bedroom unit and 2 parking spaces for each two (2) bedroom unit, and where this calculation would require six (6) spaces for the proposed development.

APPEALING: Section 47-21.9.A.4.b. (Landscape requirements for vehicular use areas)

Requesting a variance to eliminate the requirements for a landscape peninsular island between every 2 parking spaces, where the Code states that when a row of parking spaces is located in a manner where motor vehicles back out directly onto a public right-of-way or alley, as provided by Section 47-20, Parking and Loading Requirements, back-out parking spaces for residential uses and motels shall have one (1) peninsular landscape area for every two (2) parking spaces, and where this calculation would require three (3) peninsular landscape islands for the proposed development.

Communication to the City Commission

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None.

Report and for the Good of the City

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None.

There being no further business to come before the Board, the meeting was adjourned at 7:32 p.m.

Chair:

Diana Centorino

Attest:

ProtoType Inc.

Minutes prepared by: J. Opperee, Prototype Inc.