

AGENDA RESULTS

CITY OF FORT LAUDERDALE BOARD OF ADJUSTMENT MEETING

WEDNESDAY, March 14, 2012

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 February 08, 2012 Minutes

Public Sign-In/Swearing-in

1. APPEAL NO. 11-03 (Deferred from September 14, 2011)

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)

STREET: 1447 NW 6th Street

ADDRESS: Fort Lauderdale, FL

DISTRICT: 3

APPEALING: Section 47-20.11.A (Geometric standards)

Requesting a variance to permit a 23-foot drive aisle width on the East side of the Building, where Code requires a minimum of 24-foot drive aisle width.

DENIED (1-6)

2. APPEAL NO. 12-11

APPLICANT: Martino and Rosetta Petreccia

LEGAL: Bermuda-Riviera sub of Galt Ocean mile, first add 40-12 B Lot 4 Blk L

ZONING: RS-8 (Residential Single Family Low Medium Density District)
STREET: 3333 NE 38 ST
ADDRESS: Fort Lauderdale, FL
DISTRICT: 1

APPEALING: Section 47-19.3 (Boat slips, docks, boat davits, hoists and similar mooring structures)

Requesting a variance to allow a dock to be constructed at an elevation of 9.0' above NGVD 29 where code states that the top surface of a boat slip, seawall or dock shall not exceed five and one-half (5½) feet above NGVD 29, except when the adjacent property is higher than five and one-half (5½) feet above the NGVD 29. When above NGVD 29, the top surface may be of the same elevation as the average grade of the upland property abutting the seawall or dock and properties abutting either side of the upland property.

DENIED (0-7)

3. APPEAL NO. 12-12

APPLICANT: Carlos Gomez
LEGAL: Las Olas by the Sea, Lots 8, less PT lying west of the sea, Plat 1-16B.
ZONING: ABA (A-1-A Beachfront Area)
STREET: 2941 SE 5th St
ADDRESS: Fort Lauderdale, FL
DISTRICT: 2

APPEALING: Section 5-26 (Distance between establishments)

Requesting a special exception to allow a restaurant to sell alcohol that is incidental to the sale of food within 25 feet from another establishment that sells alcohol, where Code requires a minimum of 300 feet separating establishments that sell alcoholic or intoxicating beverages.

APPROVED (6-1)

4. REQUEST FOR EXTENSION OF FINAL ORDER / CASE NO. 11-07

This matter was presented to this Board on September 14, 2011 concerning the appeal of Q Club Hotel, LLC, "Birch Oceanfront Subdivision" P.B. 19, P. 26 and all of Block D, 505 N. Fort Lauderdale Beach Boulevard, Fort Lauderdale, Florida.

Where the Appellant sought a variance from the Board under:

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

Requesting a variance to install fourteen (14) Wind Turbines, 8 at the lower level and 6 on the roof. *(Two (2) are mounted on the front (east side) at the 2nd floor level and extending up to the 3rd floor level. Three (3) are mounted on the South side, at the 3rd floor level and extending approximately 3 feet past the 7th floor level. Three (3) are mounted on the North side at the 3rd*

floor level and extending approximately 3 feet pass the 7th floor level), where the Code does not list Wind Turbines as a permitted use.

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

Requesting a variance to install 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.

And the Board having heard and reviewed the evidence in this matter, it is ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF FORT LAUDERDALE THAT THE SAID APPEAL BE

GRANTED by a vote of five (5) in favor and two (2) opposed as to 6 wind turbines on the roof only, subject to the CONDITION that they meet and continue to meet the minimum specifications as present to the Board of Adjustment on September 14, 2011

DENIED AS TO REMAINDER OF THIS VARIANCE REQUEST (4-3) on the basis that the Applicant failed to prove by a preponderance of the evidence that the application met all the criteria of ULDR § 47-24.12.A.6.a.

Dated, this 12th day of October 2011

Respecting variances, special exceptions, and temporary nonconforming use permits – Pursuant to ULDR Sec. 47-24.12.A.10, unless a shorter time period is specified above, a building permit to implement the improvements authorized by this Order must be secured within **180 days** of the date of entry of this Order.

APPROVED FOR EXTENSION OF 180 DAYS (7-0)

5. APPEAL NO. 12-14

APPLICANT: Leonard Franzblau

LEGAL: Resub of Blks A,B &5 of Gateway, 25-38 B Lot 3 Less W 30, 4,5,6 Less N 25 of W Blk A

ZONING: B-1 (Boulevard Business)

STREET: 1828 E Sunrise Blvd

ADDRESS: Fort Lauderdale, FL

DISTRICT: 1

APPEALING: Section 5-26 (Distance between establishments)

Requesting a variance to allow the sale of alcohol at a distance of 220 feet from another establishment that sells alcohol, where Code requires a minimum of 300 feet separating establishments that sell alcoholic or intoxicating beverages.

APPROVED (7-0)

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.