

**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, FEBRUARY 13, 2013 – 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 6/2012 through 5/2013</b>	
		<b>Present</b>	<b>Absent</b>
Diana Waterous Centorino, Chair	P	7	1
Michael Madfis, Vice Chair	P	8	0
Caldwell Cooper	P	7	1
Kari Shallenberger	P	8	0
Henry Sniezek	P	6	2
Fred Stresau	P	6	2
Sharon A. Zamojski	P	6	2
<b>Alternates</b>			
Roger Bond	P	8	0
Charlie Ladd	P	8	0
Birch Willey	P	8	0

**Staff**

Bob Dunckel, Assistant City Attorney  
Mohammed Malik, Director of Zoning  
Lynda Crase, Administrative Aide  
Brigitte 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 – January 2013**

**Motion** made by Mr. Cooper, seconded by Ms. Zamojski, to approve the minutes of the Board's January 2013 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.**

1. **APPEAL NO. 12-43**

**APPLICANT:** Frank Riccio  
**LEGAL:** LAUDERDALE 2-9 D LOT 13 TO 15 BLK 70  
**ZONING:** RM-15  
**STREET:** 1634 SW 4<sup>th</sup> Avenue  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 4

**APPEALING: Section 47-19.5.B**

After the fact request for a variance to allow a fence to be located on the property line abutting the right-of-way where the code states that a fence or wall exceeding two (2) feet six (6) inches in height must be setback a minimum of three (3) feet from the property line abutting the right-of-way.

(WITHDRAWN)

**2. APPEAL NO. 12-45**

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**APPLICANT:** First Presbyterian Church of Fort Lauderdale  
**AGENT:** Damon Ricks, Flynn Engineering Services, P.A.  
**LEGAL:** COLEE HAMMOCK 1-17 B LOT 11,12 W 33 BLK 39  
**ZONING:** RS-8 (Residential Single Family).  
**STREET:** 1509 SE 4 Street  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 4

**APPEALING:** Section 47-5.11 (List of permitted and conditional uses, RS-8 and RS-8A Residential Single Family/Low Medium Density District)

Requesting a variance to permit an office/meeting space in the RS-8 zoning district where the code does not list office/meeting space as a permitted or conditional use within the RS-8 zoning district.

Nectaria Chakas, attorney for the applicant, requested a one-month deferral to work with the neighborhood on additional conditions.

Mr. Stresau felt it should be communicated to applicants that they should not request their cases be put on the agenda until the application was ready to be heard.

**Motion** made by Mr. Cooper, seconded by Mr. Madfis to grant a deferral to the Board's March meeting. In a voice vote, motion passed 7-0.

**3. APPEAL NO. 13-01**

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**APPLICANT:** Florida SE Inc.  
**AGENT:** Ty Robbins, Site Enhancement Service  
**LEGAL:** 12-49-42 S 205 OF N1/2 OF SW1/4 OF NE1/4 OF SE1/4 LYING E OF ST RD LESS E 25  
**ZONING:** B-1 (Boulevard Business)  
**STREET:** 5950 N FEDERAL HWY  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 1

**APPEALING:** Section 47-22.3.E.1.c (Detached freestanding signs and pylon signs)

Requesting a variance to permit a detached freestanding sign located on Federal Highway at a height of nineteen (19) feet two (2) inches where the code states that a detached freestanding sign shall not exceed fourteen (14) feet in height when located on Federal Highway, north and south.

Shawn Smith, applicant, apologized for the original sign posting that was insufficient. He explained that they were re-branding this Red Lobster location and replacing the signage was part of that. He displayed photos of the building and noted how vegetation obstructed the existing sign. Mr. Smith said the requested sign was a reduction of the non-conformity and noted they were reducing the cabinet size as well.

Chair Centorino opened the public hearing. 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.

Ms. Zamojski felt the height of the bushes could be controlled and a monument sign used instead of the proposed sign. Mr. Smith stated they had driven by the site to determine the best solution, given the existing steel sign foundation. Ms. Zamojski suggested reducing the sign height to six feet and Mr. Smith felt this would be completely blocked by neighboring properties' hedges.

Mr. Stresau said 10 of 14 properties in this area had ground signs that met code and were not obstructed. He felt that reducing the height would make the sign more visible and did not believe there was a hardship.

Chair Centorino agreed that reducing the height would make the sign more visible.

Mr. Cooper thought the sign could be left as it was, using new lettering.

Mr. Smith stated using the existing foundation was a "green initiative" because they were re-using instead of building and wiring a new one.

Mr. Madfis remarked that the building profile stood out on the street. He felt that planned changes to the façade would enhance the visibility. Mr. Madfis did not object to the existing sign and saw no reason to change it; if Mr. Smith insisted on changing it, he should do so with a sign that was compliant.

**Motion** made by Mr. Stresau, seconded by Ms. Zamojski to approve the application. In a roll call vote, motion **failed** 3-4 with Mr. Madfis, Ms. Zamojski, Mr. Stresau and Chair Centorino opposed

4. APPEAL NO. 13-03

**APPLICANT:** Michael A. Novak  
**AGENT:** Jason Ables, A & Y Construction  
**LEGAL:** CORAL RIDGE ISLES 45-47 B LOT 14 BLK 22  
**ZONING:** RS-8 (Residential Single Family).  
**STREET:** 5820 NE 14<sup>th</sup> Way  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 1

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

Requesting a variance to permit the principal structure to extend into the front yard a distance of twenty-four (24) feet eleven (11) inches from the property line where the code states the minimum front yard is twenty-five (25) feet.

Jason Ables, representative for the applicant, explained that the property line was on a radius that appeared to be a straight line and the architect had not noticed that the property line shifted when he drafted the plans.

Chair Centorino opened the public hearing. 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. Cooper to approve the application. In a roll call vote, motion passed 7-0.

Communication to the City Commission

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None.

Report and for the Good of the City

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Mr. Stresau wanted to consider giving staff some latitude to approve some applications administratively when there was a small measurement involved.

Mr. Madfis suggested advertising a de minimis request for a 30-day public call-up period; if the neighborhood did not respond to the posting, staff could approve the application administratively.

Mr. Cooper suggested stating specific measurements for staff to approve administratively.

Mr. Stresau recalled the advice from the City Commission 25 years ago, "If the variance that's being requested doesn't hurt the City, if the neighborhood is not opposed to it, that at least the Board should consider it." He felt the same type of thinking could be used for de minimis applications.

Mr. Shallenberger asked Mr. Malik to draft a proposal to present to the Board.

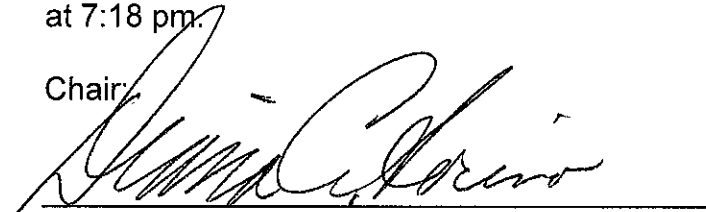
Mr. Dunckel indicated this was not a new idea, and said it had been decided not to try to allow staff to address the problem administratively because there must come a point when everyone would not agree. He liked Mr. Madfis' idea of a 30-day public call-up.

Mr. Willey recalled that the Board had been through this a couple of times. He reminded the Board of an apartment building on the south side of the New River, just east of Third Avenue that was supposed to be built at eight to twelve stories. Staff had made exceptions without the Board's input and the building was subsequently constructed at twenty-two stories. Ever since then, Mr. Willey said it had been more difficult to think that staff should make these decisions.

Mr. Stresau suggested basing administrative approval on a percentage of the variation instead of a specific measurement.

There being no further business to come before the Board, the meeting was adjourned at 7:18 pm.

Chair:



Diana Centorino

Attest:

  
ProtoType Inc.

Minutes prepared by: J. Opperlee, Prototype Inc.