

**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, MARCH 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	8	1
Michael Madfis, Vice Chair	P	9	0
Caldwell Cooper	P	8	1
Karl Shallenberger	P	9	0
Henry Sniezek	P	7	2
Fred Stresau	P	7	2
Sharon A. Zamojski [arr. 6:36]	P	7	2
<b>Alternates</b>			
Roger Bond	P	9	0
Charlie Ladd	P	9	0
Birch Willey	P	9	0

**Staff**

Bob Dunckel, Assistant City Attorney  
 Anthony Fajardo, Planner III  
 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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	<b><u>Appeal Number</u></b>	<b><u>Owner/Applicant</u></b>	<b><u>District</u></b>	<b><u>Page</u></b>
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2.	13-04	Victor Lohmann	4	<u>3</u>
3.	13-05	Barbara Cumbelich/James Cumbelich, POA	4	<u>3</u>
4.	13-06	917 N. Atlantic Blvd. Corp.	2	<u>4</u>
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**Call to Order**

Chair Centorino called the meeting to order at 6:33 p.m. She introduced Board members and determined a quorum was present.

**Approval of Minutes – February 2013**

**Motion** made by Mr. Cooper, seconded by Mr. Stresau, to approve the minutes of the Board's February 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. 12-45**

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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.

**Withdrawn.**

**2. APPEAL NO. 13-04**

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**APPLICANT:** Victor Lohmann  
**AGENT:** Hoyt Holden, Calvin, Giordano & Associates Inc.  
**LEGAL:** Lot 38 South New River Isles Section D (PB 40, pg 5)  
**ZONING:** RS-8 (Residential Single Family)  
**STREET:** 1300 Mandarin Isle  
**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 the structure to be constructed with a rear yard of twenty-three point three (23.3) feet where the code states the minimum rear yard shall be twenty-five (25) feet as measured from the wetface to of the seawall when abutting a waterway.

Mr. Dunckel said the advertisement indicated the variance was being requested for 1.7 feet; the actual request was for 6.7 feet. The request must be re-advertised properly in order to be heard.

**3. APPEAL NO. 13-05**

**APPLICANT:** Barbara Cumbelich/James Cumbelich, POA  
**AGENT:** Leigh Sipper  
**LEGAL:** Lauderdale Harbors Unit 1 Revised 27-42 B, Lot 31, Blk 2  
**ZONING:** RS-8 (Residential Single Family)  
**STREET:** 1216 SE 13 Terrace  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 4

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

Requesting a variance to permit 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.

Leigh Sipper, agent, stated she had lived next door to this property for 30 years and the fence was in disrepair and needed replacing. The original fence had been erected with a permit in 1990. Ms. Sipper informed Chair Centorino that there was a pool and elaborate landscaping inside the fence.

Ms. Sipper said the new fence would still be 5" too close to the property line, in the same position as the existing fence.

Mr. Madfis asked why the fence could not be moved back closer to the pool and Mr. Stresau pointed out there was a 4 ½ -foot mature hedge adjacent to the fence.

Mr. Dunckel informed Mr. Sniezek that he original fence met code when it was built in 1990.

Chair Centorino opened the public hearing.

Bed Bentley, neighbor, said his family did not object to the request, but asked that the variance include a condition that landscaping be maintained in front of the fence and that the owner would be prohibited from installing a "Home Depot shadowbox fence," which he felt would deteriorate in color quickly and have a negative effect on 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. Cooper asked Ms. Sipper about the fence replacement and she replied that the owner intended to replace it with another custom-designed fence and to maintain the landscaping.

**Motion** made by Mr. Cooper, seconded by Mr. Shallenberger to approve the request, with the conditions that the replacement be a custom-built fence and the existing landscaping would be maintained. In a roll call vote, motion passed 7-0.

#### **4. APPEAL NO. 13-06**

**APPLICANT:** 917 N Atlantic Blvd Corp.  
**AGENT:** Courtney Crush, Crush Law  
**LEGAL:** ATLANTIC BEACH DEV-RESUB 29-7 B LOT 1  
**ZONING:** SLA  
**STREET:** 917 N. Fort Lauderdale Beach Blvd.  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 2

**APPEALING:** **Section 5-26(B)**

Requesting a Special Exception to allow the sale of alcohol at a distance of 260 feet from other establishments that sell alcohol, where Code requires a minimum of 300 feet separating establishments that sell alcoholic or intoxicating beverages.

Courtney Crush, agent representing the owners of Plan B Restaurant, explained that the code had an exception to the 300-foot separation provision if a restaurant's sale of alcohol was incidental to the sale of food. The code required that the special exception

not be contrary to the public interest or have an adverse effect on nearby properties. Ms. Crush stated this request met the criteria for the special exception, the use was consistent with the permitted uses in the zoning district and would have no adverse effects.

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 Ms. Zamojski, seconded by Mr. Cooper to approve the request as presented. 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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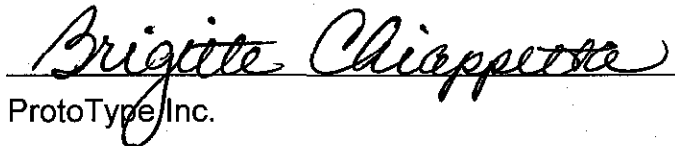
There being no further business to come before the Board, the meeting was adjourned at 6:59 pm.

Chair:



Diana Centorino

Attest:

  
ProtoType Inc.

Minutes prepared by: J. Opperlee, Prototype Inc.