

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
WEDNESDAY, MAY 8, 2013 – 6:30 P.M.
CITY HALL CITY COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

Board Members	Attendance	Cumulative Attendance 6/2012 through 5/2013	
		Present	Absent
Diana Waterous Centorino, Chair	P	10	1
Michael Madfis, Vice Chair	P	11	0
Caldwell Cooper	P	10	1
Karl Shallenberger	A	10	1
Henry Snieszek	P	9	2
Fred Stresau	P	9	2
Sharon A. Zamojski	P	9	2
Alternates			
Roger Bond	P	11	0
Charlie Ladd	P	10	1
Birch Willey	A	9	2

Staff

Ginger Wald, 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 6:31 p.m. She introduced Board members and determined a quorum was present.

Approval of Minutes – April 2013

Mr. Stresau noted a correction to the minutes.

Motion made by Mr. Madfis, seconded by Mr. Stresau, to approve the minutes of the Board's April 2013 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.

1. APPEAL NO. 13-10

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APPLICANT: Southport Gas, Inc.
AGENT: Heidi Davis Knapik, Esq., Gunster Yoakley & Stewart, P.A.
LEGAL: The South 150.00 feet of the West 150.00 feet of Block 6 of Hertzfeld's addition to Lauderdale Harbors Plat, PB 35, P 22 of Public Records of Broward County
ZONING: B-1 (Boulevard Business)
STREET: 1301 SE 17 Street
ADDRESS: Fort Lauderdale, FL
DISTRICT: 4

APPEALING: Section 47-22.3.E (Sign Requirements)

Requesting a variance to allow a detached freestanding sign to be located within the interdistrict corridor of SE 17th Street a distance of 5 feet from the property line where the code states that detached signs located within any zoning district abutting those trafficways subject to the Specific Location Requirements, as specified in

Section 47-23.9 shall be located a minimum of twenty (20) feet from the property line of the lot or plot on which the sign is located.

Heidi Davis, attorney for the applicant, described the property and said the lot was being developed for a 2,800 square-foot PNC Bank with drive-through aisles. The applicant had submitted a detailed narrative regarding the unique hardship on the property and describing how the request satisfied all of the variance criteria.

- a. That special conditions and circumstances affect the property at issue which prevent the reasonable use of such property.

Ms. Davis explained that the property size and location were the special conditions; it was not connected to the adjacent shopping center and it was blocked by bushes, dumpsters and walls. The bank use required adequate circulation, stacking and landscaping and the interdistrict corridor required a 20-foot setback from the property line. With the site conditions and restraints, the sign would need to be located in the middle of the drive aisles or in a parking space.

- b. That the circumstances which cause the special conditions are peculiar to the property at issue, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the same zoning district.

Ms. Davis said the properties along the corridor were clearly a marked exception to other properties in the B-1 zoning district; detached, free-standing signs in any other B-1 zoning district would be permitted to be five feet from the property line. She remarked there were many properties in the corridor with signs similar to the one they were requesting, and presented several photos.

- c. That the literal application of the provisions of the ULDR would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same zoning district. It shall be of no importance to this criterion that a denial of the variance sought might deny to the owner a more profitable use of the property, provided the provisions of the ULDR still allow a reasonable use of the property.

Ms. Davis said other properties on the interdistrict corridor had signs located five feet from the property line and within the 20-foot landscaped yard. She showed a photo of an adjacent property's sign, which was located five feet from the property line.

- d. That the unique hardship is not self-created by the applicant or his predecessors, nor is it the result of mere disregard for, or ignorance of, the provisions of the ULDR or antecedent zoning regulations.

~~Ms. Davis stated not having a free-standing sign would present a hardship for the applicant not caused by the applicant.~~

- e. That the variance is the minimum variance that will make possible a reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the ULDR and the use as varied will not be incompatible with adjoining properties or the surrounding neighborhood or otherwise detrimental to the public welfare.

Ms. Davis said the variance was the minimum needed because the properties were set back so far from the street; this was the only way to notify customers of the bank's presence.

Gina Anderson, Vice President and Project Manager for PNC Bank Realty Services, explained how important the signage was to building the bank here, in order for their customers to locate the bank.

George Balaban, engineer, stated the property was unique and posed site planning issues. He said the sign needed to be located in the proposed spot in order to be visible.

Mr. Madfis stated the applicant was trying to cite the code requirements as the hardship, and remarked that none of this "makes any rational sense." He added that there was nothing unique about the site. He felt the building itself was a sign, and stated if these concerns were so important, they should have been considered prior to construction of the building.

Ms. Davis confirmed for Ms. Zamojski that there was signage on the building. She displayed an aerial photo of the property and said the bank needed a sign on the street. Ms. Zamojski recalled that other PNC banks had come before the Board to request sign variances recently.

Ms. Davis said they had already broken ground on the property and Mr. Cooper pointed out that "Now, in the eleventh hour, you're coming in and saying, 'Oh, by the way, we want a sign.'" Ms. Anderson stated they had been under the impression that they would be allowed to install the sign five feet from the property line until the contractor applied for the permit and was denied. She also thought they would be able to craft a compromise with the Board.

Mr. Madfis said the interdistrict corridor was supposed to be pedestrian friendly. He said this design ignored the intention of the interdistrict corridor.

Chair Centorino did not agree that there would be a visibility issue on the property without this sign. She noted that traffic on 17th Street was typically slow, the bank was on a corner at a traffic light and the building signs were significant. Chair Centorino did not recognize a hardship on this site or a compelling reason to consider a variance.

Ms. Davis insisted there was a hardship to the requirement to place the sign 20 feet from the property line. She said they would be permitted to have a ground sign five feet from the property line, but this was "not what the City would want."

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.

Mr. Stresau said the interdistrict corridor had made a huge difference in the City's streetscape. He had researched other signs in the corridor over the weekend, and described the following signs: Bank United's sign was 6' by 6' and was set back five feet; BB&T's sign was 10' by 7'; TD Bank's sign was 10 feet high; HSBC's sign was 5' by 5' on an 18" base; the Walgreens sign was 3' on a 36" base; Extended Stay's sign was 6.6' tall and Chuck's Steak House's sign was 8'6" tall. All of these signs were no more than 85 square feet. The proposed PNC sign was 10' tall and approximately 120 square feet for the sign and the pylons. He suggested the applicant request tabling this item and return to the Board with a design the Board might consider.

Motion made by Mr. Stresau, seconded by Mr. Cooper, to approve the request.

Ms. Davis requested the item be tabled for one month. Mr. Stresau felt the Board would not approve any sign that was larger than code allowed in the interdistrict corridor. He wondered if a tabling was in order and wanted to vote on this proposal.

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

Communication to the City Commission

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None.

Report and for the Good of the City

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The Board thanked Mr. Ladd for his service.

Ms. Zamojski asked if signage was required as part of the building site plan package. Mr. Malik said if a sign was included in DRC or administrative review, staff would usually inform the applicant if it was non-compliant. Mr. Madfis felt the sign permit was usually not sought until after the building permits and perhaps the permits should be sought simultaneously.

Mr. Stresau felt the project architect had "messed up" and should have told the applicant what was allowed. He was distressed that the City had an expensive sign review ordinance written that had never even been presented to the Planning and Zoning Board or the City Commission because it was "so awful."

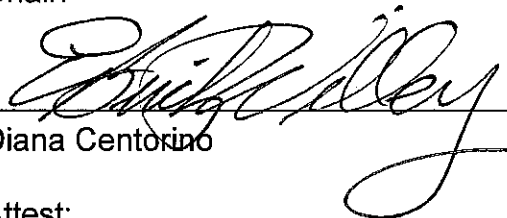
Ms. Zamojski said the City had put the rules in place to ensure a more beautiful city.

Chair Centorino felt if the Board continued to stick to its guns, "maybe people will stop coming in with the requests; they're going to get the idea."

Mr. Stresau recalled the vocational school case for which the Board had denied a variance the previous month and said the Board's vote had distressed him. He had discussed this with land use attorneys, who recommended they examine the City of Hollywood ordinance that "modifies slightly the requirement for meeting a hardship." He agreed to forward this to Board members through staff.

There being no further business to come before the Board, the meeting was adjourned at 7:28 pm.

Chair:


for Diana Centorino

Attest:


ProtoType Inc.

Minutes prepared by: J. Opperlee, Prototype Inc.