

**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, JUNE 12, 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 6/2013 through 5/2014</b>	
		<b>Present</b>	<b>Absent</b>
Diana Waterous Centorino, Chair	A	0	1
Michael Madfis, Vice Chair	A	0	1
Caldwell Cooper	P	1	0
Karl Shallenberger	P	1	0
Henry Sniezek	P	1	0
Fred Stresau	A	0	1
Sharon A. Zamojski	P	1	0
<b>Alternates</b>			
Roger Bond	P	1	0
Charlotte Rodstrom	P	1	0
Birch Willey	P	1	0

**Staff**

Bob Dunckel, Assistant City Attorney  
 Anthony Fajardo, Planner III  
 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>
1.	13-11	Bayshore Villas LLC	2	2
2.	13-12	Aero Shade Technologies, Inc. Communication to the City Commission For the Good of the City	4	3 5 5

By consensus of the Board, Mr. Willey served to Chair the meeting.

**Call to Order**

Mr. Willey called the meeting to order at 6:31 p.m. He introduced Board members and determined a quorum was present.

**Approval of Minutes – May 2013**

**Motion** made by Mr. Cooper, seconded by Mr. Shallenberger, to approve the minutes of the Board's May 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. 13-11**

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**APPLICANT:** Bayshore Villas, LLC

**AGENT:** Courtney Crush, Crush Law, P.A.

**LEGAL:** BIRCH OCEAN FRONT SUB 19-26 B LOTS, 5, 7 BLK 6

**ZONING:** NBRA (North Beach Residential Area District)

**STREET:** 519 Antioch Avenue

**ADDRESS:** Fort Lauderdale, FL

**DISTRICT:** 2

**APPEALING: Section 47-24.12. (Variances, special exceptions and interpretation of Unified Land Development Regulations) requesting a temporary nonconforming use permit.**

Requesting a use temporary nonconforming use permit to use vacant property located at 519 Antioch Avenue as a construction storage area for the ongoing renovation of multiple properties in the immediate area, where the code states in Section 47-19.2.GG, Construction staging areas, states that construction staging areas shall be limited to public purpose construction projects including, but not limited to the construction of public rights-of-ways, utilities and facilities, maybe permitted in all zoning districts as a temporary use, in order to allow for the

safe, efficient completion of the project with minimal distraction to existing residents, businesses and traffic, and to ensure that public services and facilities are available.

Mr. Fajardo said there was a request to withdraw this item from the agenda.

Courtney Crush, attorney for the applicant, explained that they wished to withdraw the application.

**Motion** made by Ms. Rodstrom, seconded by Ms. Zamojski, to accept the request to withdraw the item. In a voice vote, motion passed unanimously.

## **2. APPEAL NO. 13-12**

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**APPLICANT:** Aero Shade Technologies, Inc.  
**AGENT:** Randall C. Sutterfield  
**LEGAL:** LAKEWAY 11-7 B LOT 4, 5 BLK 2  
**ZONING:** RS-8 (Residential Single Family).  
**STREET:** 2514 SW 9th Avenue  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 4

### **APPEALING: Section 47-3-2.B.1 (Nonconforming structure)**

Requesting a variance to allow a carport to be enclosed, where Code states that a nonconforming structure may not be enlarged or altered in a way that increases its nonconformity, but a nonconforming structure may be altered to decrease its nonconformity.

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

Requesting a variance to allow an 18.0-foot corner yard, where Code requires a minimum of 25-foot corner yard.

Randall Sutterfield, Aeroshade Technologies, said he thought the requirement was 25% of the 88 feet, which was 22 feet, not 25. He stated they wanted to complete the enclosure of the existing carport, which was begun when the property was originally built. He assured the Board that this would not increase the footprint. He described other improvements they planned at the property. Mr. Sutterfield thought that this change would decrease the property's non-conformity because it would be more like other nearby houses. He said the owner wanted this to be livable area, not a carport, in order to make the house more rentable and more appealing.

Mr. Willey acknowledged that many people in the area agreed that this should be allowed.

Mr. Sniezek asked if Mr. Sutterfield intended to perform the same type of renovation to other houses in this neighborhood or in the City. Mr. Sutterfield said he did not think so. He informed Mr. Willey that the wall would be built to code and it had been approved with the existing foundation.

Mr. Willey opened the public hearing. There being no members of the public wishing to address the Board on this item, Mr. Willey closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Cooper, seconded by Mr. Bond, to approve.

Ms. Zamojski remarked on the number of properties in the City with carports, and noted that they were not "incomplete"; this was the design of the time. She added that this change would increase the non-conformity of the property and she did not agree with it. Ms. Zamojski also feared this would set a precedent. Mr. Shallenberger agreed. Ms. Zamojski stated there was plenty of room elsewhere on the lot to add onto the building.

John Manchec, Aeroshade Technologies, stated the carport was a heavily built, permanent structure and enclosing it would not increase the encroachment or non-conformity. Finishing the carport would make the property more appealing and would improve the neighborhood. Mr. Manchec reminded the Board that the property had been a crack house for years and the neighborhood was very happy with the work they were doing.

Mr. Fajardo explained that this was a legal, non-conforming structure now and the City had always considered enclosing a carport as an increase in the non-conformity, so a variance was needed. Mr. Dunckel stated if the Board did not grant the variance, the carport could stay as it was, but it could not be converted to living space.

Ms. Rodstrom asked about the original configuration of the carport and Mr. Sutterfield stated it had always been in its current configuration. Mr. Fajardo was unsure if there had been an effort to partially enclose the carport before but there was no record of a permit.

Mr. Dunckel advised the Board that they could vote on the requests separately or together; it was more logical to vote on them together.

Mr. Cooper amended his motion to include both requests and Mr. Bond agreed.

In a roll call vote, motion **failed** 2-5 with Mr. Bond and Ms. Rodstrom voting in favor.

**Communication to the City Commission**

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None.


**Report and for the Good of the City**

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Ms. Zamojski asked that if a request referred to a violation notice that this be indicated on the documents and Mr. Fajardo agreed.

There being no further business to come before the Board, the meeting was adjourned at 7:06 pm.

Chair:

  
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~~Diana Centorino~~ E. Birch Willey

Attest:

  
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ProtoType Inc.

Minutes prepared by: J. Opperlee, Prototype Inc.