

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
WEDNESDAY, JULY 10, 2013 – 6:30 P.M.
CITY HALL CITY COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

Board Members	Attendance	Cumulative Attendance 6/2013 through 5/2014	
		Present	Absent
Diana Waterous Centorino, Chair	P	1	1
Michael Madfis, Vice Chair	P	1	1
Caldwell Cooper	P	2	0
Karl Shallenberger	P	2	0
Henry Sniezek	P	2	0
Fred Stresau	P	1	1
Sharon A. Zamojski	A	1	1
Alternates			
Roger Bond	P	2	0
Charlotte Rodstrom	A	1	1
Birch Willey	P	2	0

Staff

Bob Dunckel, Assistant City Attorney
Mohammed Malik, Director of Zoning
Lynda Crase, Administrative Aide
Cate McCaffrey, Deputy Director of Parks and Recreation
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 6:33 p.m. She introduced Board members and determined a quorum was present.

Approval of Minutes – June 2013

Motion made by Mr. Cooper, seconded by Mr. Bond, to approve the minutes of the Board’s June 2013 meeting. In a roll call vote, motion passed 6-1. Mr. Stresau voted no because he had not been present at the meeting.

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. 13-13

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APPLICANT: City of Fort Lauderdale Parks and Recreation Department
LEGAL: PROGRESSO RESUB PT OF BLKS 293 & 294 26-40 B LOTS 4 TO 12 BLK 293 & LOTS 37 TO 45 BLK 294 & TOGETHER WITH LOTS 13,14,LESS ST RD BLK 293 OF PROGRESSO 2-18 D
ZONING: P (Parks, Recreation and Open Space)
STREET: 730 N FEDERAL HIGHWAY
ADDRESS: Fort Lauderdale, FL
DISTRICT: 2

APPEALING: Section 47-24.4.A.2 (Sign Requirements)

Requesting a variance to allow three (3) different building tenant identification flat signs on two (2) street frontages where the code states any building which contains two (2) or more office tenants will be permitted one (1) building identification flat sign on each street frontage on only one (1) building identification ground sign. However, when located on three (3) street fronts then two (2) building identification ground signs shall

be permitted. Ground signs may contain street number and street name. A wall directory sign will be permitted at each building entrance provided that such directory sign may not exceed a total of eight (8) square feet.

Ms. McCaffrey explained that they wished to install three signs on the Holiday Park Activity Center, a City-owned building. She referred to a map showing the building in question and a handout depicting the sign designs, which had been chosen from submissions from students at the Florida Art Institute. Ms. McCaffrey also showed a plan of where the signs would be installed, under the building overhang.

Mr. Dunckel confirmed for Mr. Cooper that the City was the proper applicant, since it owned the property.

Ms. McCaffrey clarified that there would be three separate signs.

Mr. Madfis stated these were appropriate and he was in favor of the request.

Mr. Cooper wanted to know the exact materials of which the signs would be made. Ms. McCaffrey was unsure of the material that would be used; she thought it would be metal sheet or corrugated material. She agreed to stipulate that the signs would be flat, only two inches deep and composed of one of those materials.

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 request.

Mr. Cooper was uncomfortable voting when he did not know the specific material that would be used for the signs.

Mr. Dunckel explained that per the code definition, a flat wall sign was "a painted sign or any sign erected flat against the face of or not more than 18" from the face of the outside wall of any building and not extending more than 18" above the wall upon which it is placed and supported throughout its length by such wall." Mr. Malik said lighted box signs were also considered flat wall signs.

Mr. Stresau questioned the hardship in this request. He asked Board members to consider whether they would approve of these signs if the request were made by a private entity.

Ms. McCaffrey remarked that a hardship was that the building was located on a major road but there was no signage identifying what was in the building. Mr. Stresau pointed

out that the only time "super graphics" had been allowed on a building was for the IMAX film strip on the side of their building. The sign code did not allow super graphics.

Mr. Madfis said there had been instances when multiple signs had been permitted on one property when the signage supported commerce and activity. He suggested that multiple generic point-of-sale signs indicating the uses in the building could be used instead and Ms. McCaffrey stated they had not considered this. Mr. Malik noted that these signs were for three separate entities; point-of-sale signs were used for one business with different point-of-sales. Ms. McCaffrey agreed to remove the brand names on the signs if the Board wished.

Mr. Shallenberger liked the application as it was; he felt it appropriate to have three signs for three tenants to make the businesses visible from Federal Highway. Chair Centorino agreed.

Chair Centorino suggested the City get more specifics and present renderings of the signs without the brand names.

Chair Centorino re-opened the public hearing.

Marty Kallen, owner of Fort Lauderdale Stars Gymnastics, one of the businesses located in the building, said they had rented from the City and operated privately for fifteen years and they wished to advertise using their name. He stated the businesses had requested the signs with the brands names for public recognition.

Ms. McCaffrey agreed to specify that the signs would be made of metal sheet or a plastic compound and no more than 8" deep.

Mr. Madfis amended the **motion** to indicate the signs would protrude no more than 8" from the wall and would be made of metal or plastic. Mr. Cooper agreed to the amendment.

Peter Bernath, aikido teacher at the facility, said people sought out his school and they had been operating at the facility for over 20 years with very little signage.

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.

In a roll call vote, **motion** passed 6-1 with Mr. Stresau opposed.

2. APPEAL NO. 13-14

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APPLICANT: A1A Clipper LLC
AGENT: FSMY Architects/Jeff Falkanger
LEGAL: HOLIDAY BEACH 2 92-42 B LOT 3
ZONING: RMH-60 (Residential Multifamily High Rise/Medium High Density District)
STREET: 1140 Seabreeze Blvd.
ADDRESS: Fort Lauderdale, FL
DISTRICT: 4

APPEALING: Section 47-5.38 (Table of dimensional requirements for the RMH-60 district)

Requesting a variance to allow a one (1) foot side yard setback for a shade structure associated with a hotel use where the code states a minimum side yard setback of twenty (20) is required from the side property line.

Withdrawn.

3. APPEAL NO. 13-15

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APPLICANT: Pavillion Ltd.
AGENT: Nectaria M. Chakas, Esq., Lochrie & Chakas, P.A.
LEGAL: FT LAUD OFFICE OF HWD FED SAVINGS & LOAN ASSOC 89-14 B GEO M PHIPPENS SUB LOTS 3-6 BLK 1,3-10 BLK 14 FT LAUD B-146D (SE 1/4 OF 0203) PAR A OF 89-14 B LESS POR DESC IN OR 24620/542, TOG WITH LOT 1, LOT 3 E 2.7 OF UNNUMBERED BLK COMMONLY CALLED BLK D IN B-146 D
ZONING: RAC-CC (Regional Activity Center-Arts and Science)
STREET: 35 N. Federal Highway
ADDRESS: Fort Lauderdale, FL
DISTRICT: 4

APPEALING: Section 5-27(b) (Distances of establishments from Church)

Requesting a special exception to allow alcohol sales in a restaurant incidental to the sale and service of food within two hundred and fifty-six (256) feet from a house of worship where the code states a restaurant licensed to sell alcoholic or intoxicating beverages is prohibited in any place of business located within five hundred (500) feet from any established church.

Nectaria Chakas, attorney for the applicant, stated the restaurant, Salsa Fiesta, was located near the First Baptist Church. The restaurant had been open since June 15, 2013 and they wished to sell beer and wine incidental to food sales.

Ms. Chakas said the restaurant was located in the regional activity center, city center, the City's most intensive mixed-use district. She stated one criterion for granting the request was that the sale of alcohol be incidental to food sales, and she displayed a copy of the restaurant menu. Another criterion was that the establishment not be incompatible with adjoining properties and she remarked that there was already a restaurant in the shopping center that had been granted a special exception for the sale of alcohol.

Mr. Dunckel pointed out that the notice used the term "alcoholic beverages" but Ms. Chakas' presentation was limited to beer and wine. She agreed to limit the special exception to beer and wine.

Mr. Bond asked if the First Baptist Church had been contacted and Ms. Chakas replied that her partner, Robert Lochrie, had spoken with a member who indicated the church did not want to take a position.

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. Sniezek, seconded by Mr. Cooper to approve the special exception, limited to beer and wine sales. 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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Chair Centorino said Board members had asked if the TD Bank sign erected on 17 Street that was not code-compliant, but had been issued a permit, could be removed. Mr. Dunckel said this was "up to the discretion of management and Code Enforcement."

There being no further business to come before the Board, the meeting was adjourned at 7:25 pm.


Chair:



Diana Centorino

M. KADFIJ
V. L. C. C. C.

Attest:



ProtoType Inc.

Minutes prepared by: J. Opperlee, Prototype Inc.