

**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, SEPTEMBER 11, 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	P	2	2
Michael Madfis, Vice Chair	P	3	1
Caldwell Cooper	P	4	0
Karl Shallenberger	P	3	1
Henry Sniezek	P	4	0
Fred Stresau	P	2	2
Sharon A. Zamojski	P	3	1
<b>Alternates</b>			
Roger Bond	P	4	0
Charlotte Rodstrom	P	2	2
Birch Willey	P	4	0

**Staff**

Bob Dunckel, Assistant City Attorney  
 Anthony Fajardo, Zoning Administrator  
 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.

	<u>Appeal</u>		<u>District</u>	<u>Page</u>
	<u>Number</u>	<u>Applicant/Agent</u>		
1.	13-16	New Mount Olive Missionary Baptist Church, Inc./Hope Calhoun	3	<u>2</u>
2.	13-18	Lee Feldman/Jiro Yates, FSMY Architects	2	<u>6</u>
3.	13-19	Lee Feldman/Jiro Yates, FSMY Architects	2	<u>7</u>
4.	13-20	Charles E. Falk Sr./Edwin J. Stacker	1	<u>9</u>
		Communication to the City Commission		<u>11</u>
		For the Good of the City		<u>11</u>

**Call to Order**

Chair Centorino called the meeting to order at 6:34 p.m. She introduced Board members and determined a quorum was present.

**Approval of Minutes – August 2013**

**Motion** made by Mr. Cooper, seconded by Ms. Zamojski, to approve the minutes of the Board's August 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. 13-16** Index  
**APPLICANT:** New Mount Olive Missionary Baptist Church, Inc.  
**AGENT:** Hope Calhoun, Esq., Becker & Poliakoff  
**LEGAL:** NORTH LAUDERDALE 1-48 D LOTS 17 THRU 36 BLK 17 &  
 LOTS 25THRU 34 WITH W1/2 OF VAC'D ALLEY LYING E & ADJ  
 SAID LOTS BLK 18  
**ZONING:** CF-H (Community Facility: House of Worship)  
**STREET:** 400 NW 9<sup>th</sup> Avenue  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 3

**APPEALING:** Section 47-8.30 (Table of dimensional requirements for CF-HS)  
 Requesting a front yard setback variance for an entry feature to allow a fifteen (15) foot six (6) inch front setback along NW 4<sup>TH</sup> street, where the code states the minimum front yard setback shall be twenty five (25) feet as measured from property line in the CF-HS zoning district.

**APPEALING:** Section 47-8.30 (Table of dimensional requirements for CF-HS)

Requesting a corner yard setback variance for a chapel to allow a twenty (20) foot corner yard setback along NW 9<sup>TH</sup> Avenue, where the code states the minimum corner yard setback shall be twenty five (25) feet as measured from property line in the CF-HS zoning district.

**APPEALING:** Section 47-8.30 (Table of dimensional requirements for CF-HS)  
Requesting a corner yard setback variance for a choir stand to allow a five (5) foot seven (7) inches corner yard setback along NW 8 AVE, where the code states the minimum corner yard setback shall be twenty five (25) feet as measured from property line in the CF-HS zoning district.

**APPEALING:** Section 47-25.3.A.3.d.i (Neighborhood compatibility requirements)  
Requesting a landscape buffer variance to allow a zero (0) foot landscape strip buffer between a residential and non-residential use, where the code states a minimum ten (10) foot landscape strip shall be required to be located along all property lines which are adjacent to residential property.

Mr. Willey and Mr. Bond took Mr. Shallenberger and Mr. Stresau's places on the dais for this case. Mr. Stresau and Mr. Shallenberger had not been present at the previous meeting when this appeal was first heard and Mr. Willey and Mr. Bond had heard the appeal.

**Motion** made by Mr. Cooper, seconded by Mr. Madfis to allow the alternates who had heard the appeal the previous month hear it again at this meeting. In a voice vote, motion passed unanimously.

Hope Calhoun, attorney for the applicant, gave a Power Point presentation which included the graphics the Board had requested. A copy of this presentation is included with these minutes for the public record. Ms. Calhoun stated they had met with all neighbors who would be affected by the project. She remarked they had been working with staff for some time to develop this version of the project.

Chair Centorino thought the building looked "huge" for the site and asked for a better description of the choir stand projection. Ms. Calhoun referred to a rendering and said this was the equivalent of a second floor and was 17 feet tall. She informed Ms. Zamojski that the choir stand did not extend into the setback on the first floor. Ms. Calhoun confirmed for Mr. Dunckel that the bottom of the choir stand would be 17.5 feet from the ground.

Mr. Madfis was concerned about the trees planned for the buffer yards. Ms. Calhoun said their landscape architect had been working with the City to ensure the right trees were planted in the right location. They had also given up some parking in order to provide a sidewalk the City requested for pedestrian access. Mr. Fajardo stated the

trustee for one of the residential properties had phoned him and informed him that she did not object to the variance as requested.

Ms. Calhoun informed Mr. Sniezek that the church had approximately 4,000 members from Dade, Broward and Palm Beach counties and she estimated 60% of them lived locally.

Mr. Willey asked about landscaping next to the walls adjacent to residences and Ms. Calhoun explained that code required a wall and landscape buffer and the landscaping would only be installed on the church side of the property. She pointed out where the wall would be installed and said landscaping would be sparse. Ms. Calhoun said this would be a concrete block wall. Mr. Fajardo stated code required the wall to be stuccoed and painted.

Mr. Willey suggested the church erect the wall on its property with room to install landscaping between the wall and the property line. Mr. Fajardo explained this could cause maintenance issues; if an adjacent property owner erected his own wall, this could interfere with access to the area between the walls.

Ms. Zamojski asked about the parking requirements and Ms. Calhoun explained that code required 475 spaces; they were providing 425 spaces. They had submitted a parking reduction request that was being considered by staff now. Ms. Calhoun said code required one parking space for every four seats in the church.

Mr. Madfis noted that the church was at the edge of an urbanized area and surface parking was "not a great use of open space." Mr. Fajardo informed the Board that the church was working with the Department of Transportation and Mobility to include improvements to the streetscape to conform with the urban environment.

Ms. Zamojski asked about the project's Floor Area Ratio (FAR) and Ms. Calhoun explained that the permitted height in this district was 35 feet and their project was proposed to be 55 feet. Ms. Zamojski asked if staff had approved the height request and Ms. Calhoun stated they had submitted the plan to Planning and Zoning two months ago and the site plan approval was contingent upon the variances before the Board and staff's approval of the parking and traffic study.

Mr. Cooper asked what other approvals the applicant was seeking. Ms. Calhoun stated they had submitted the following: a plat application going to the City Commission in September or October; two right-of-way vacations that had been approved by the Planning and Zoning Board; four rezoning applications that had been approved by the Planning and Zoning Board and must be approved by the City Commission.

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. Cooper did not have an issue with the variance requests but he was concerned about the wall adjacent to the residential structures. Chair Centorino explained that the wall was meant to protect adjacent properties from headlights in the parking area. Mr. Cooper asked for alternatives to the wall.

Mr. Dunckel asked if Ms. Calhoun would consider deferring the request regarding the wall and amending it to request a variance to eliminate the wall and instead provide a landscape buffer to which he felt the Board would be amenable. Mr. Madfis did not believe there would be room for a hedge, which usually required 30" of depth. He suggested they consider a 30" high wall instead of a 5' wall.

Mr. Cooper asked how the Board could move the project forward now with a change to the wall design. Mr. Dunckel said the change would necessitate an amended application. Ms. Calhoun pointed out that there were areas where sufficient landscaping could not be planted in lieu of the wall. In working with Dave Genarro, Senior Landscape Inspector, they had determined this design was the best option to satisfy the requirements. Mr. Dunckel suggested amending the variance, substituting a fence for the wall.

Mr. Fajardo suggested another option would be to install a panel wall with a thinner profile instead of concrete block. This would not require a variance, as a fence would. Ms. Calhoun stated this was acceptable to the church.

**Motion** made by Mr. Cooper, seconded by Mr. Sniezek to approve the first three variance requests as presented. In a roll call vote, motion passed 6-1 with Ms. Zamojski opposed.

Chair Centorino confirmed that the packet submitted this evening would be included with the variance approval.

**Motion** made by Mr. Madfis, seconded by Mr. Sniezek to approve the fourth request as designed, but the material for the wall should be an opaque post and panel fence. In a roll call vote, motion passed 5-2 with Mr. Cooper and Ms. Zamojski opposed.

**2. APPEAL NO. 13-18**

Index

**APPLICANT:** Lee Feldman  
**AGENT:** Jiro Yates, FSMY Architects  
**LEGAL:** A PORTION OF RIGHT OF WAY AT THE INTERSECTION OF SUNRISE LAND AND NE 9<sup>TH</sup> AVE, LYING WEST AND SOUTH OF LOT 6, BLOCK 1, "ATLANTIC BEACH DEVELOPMENT", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 27, PAGE 1, FORT LAUDERDALE, BROWARD COUNTY, FLORIDA  
**ZONING:** SLA (SUNRISE LANE AREA DISTRICT)  
**STREET:** 901 Sunrise Lane  
**ADDRESS:** Fort Lauderdale, FL 33304  
**DISTRICT:** 2

**APPEALING:** Section 47-35.1 (Definitions: *Sight Triangle*) and Section 47-2.2.Q (*Sight Triangle*)

Requesting a variance to allow a sidewalk café within the required sight triangle, where the code states that a sight triangle is a triangular shaped portion of land established for unobstructed visibility of motorists entering or leaving a street or driveway intersection in which nothing, whether stationary or moveable (i.e., vehicles, vehicular maneuvering area, signs, landscaping or objects of any kind) is permitted to be located between a height of two and one-half (2½) and eight (8) feet above the elevation of the adjoining edge of pavement at the intersection of an alley or street and a driveway, or the intersection of an alley and a street, or the intersection of a street and a street and where a sight triangle is a triangular shaped area of land measured at ten (10) feet from the intersection point of the edge of a driveway and curb, or in the event that there is no curb, the edge of the alley or street pavement; or fifteen (15) feet from the intersection point of the extended property lines at an alley and a street; or twenty-five (25) feet from the intersection point of the extended property lines at a street and a street.

Mr. Stresau and Mr. Shallenberger returned to the dais to hear this request.

Jiro Yates, architect, said this use was consistent with the rest of the neighborhood. He explained that the owner had submitted a permit to the City but the sight triangle was the one remaining issue. He displayed a photo and drawing showing the buildings in the area, which were built to the property line, making it difficult to conform with the sight triangle requirement. A City engineer had suggested they utilize FDOT standards for sight triangles and had sent an email stating he was in favor of the applicant's request. Mr. Yates showed another rendering describing where the FDOT sight triangle was located and pointed out that the tables and chairs did not interfere.

Mr. Cooper feared that the number of tables would grow as the business became successful, and wanted to limit the number of tables allowed. Mr. Yates stated the application for the permit was very specific about the number of tables and chairs, which

was based on the bathroom facilities. Mr. Fajardo noted that per the requirements, this was the only area the chairs and tables could be located near this business.

Mr. Dunckel informed the Board that the permit for a sidewalk café must be renewed every year and part of this process included site plan approval.

Chair Centorino walked in this area often, and said this would be a great addition.

Chair Centorino opened the public hearing.

Eric Kozlowski from the local merchants' association said the owner would comply with the rules regarding tables and chairs. He was pleased this business was here, and noted it attracted families.

Monty Lalwani from the local merchants' association agreed the tables and chairs would be a great addition and said they provided a family atmosphere.

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.

**Motion** made by Mr. Madfis, seconded by Mr. Cooper, to approve the request as presented. In a roll call vote, motion passed 7-0.

**3. APPEAL NO. 13-19**

Index

**APPLICANT:** Lee Feldman/Village Merchant's Association  
**AGENT:** Jiro Yates, FSMY Architects  
**LEGAL:** INTERSECTION OF STATE HIGHWAY A1A AND NORTH EAST  
9<sup>TH</sup> STREET AND THE INTERSECTION OF SUNRISE  
BOULEVARD AND SUNRISE LANE  
**ZONING:** SLA (SUNRISE LANE AREA DISTRICT)  
**STREET:** N/A  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 2

**APPEALING:** Section 47-35.1 (Definitions: *Sight Triangle*) and Section 47-2.2.Q (*Sight Triangle*)

Requesting a variance to allow the installation of four (4) separate entryway structures located at two intersections within the required sight triangle, where the code states that a sight triangle is a triangular shaped portion of land established for unobstructed visibility of motorists entering or leaving a street or driveway intersection in which nothing, whether stationary or moveable (i.e., vehicles, vehicular maneuvering area, signs, landscaping or objects of any kind) is permitted to be located between a height of two and one-half (2½) and eight (8) feet above the elevation of the adjoining edge of

pavement at the intersection of an alley or street and a driveway, or the intersection of an alley and a street, or the intersection of a street and a street and where a sight triangle is a triangular shaped area of land measured at ten (10) feet from the intersection point of the edge of a driveway and curb, or in the event that there is no curb, the edge of the alley or street pavement; or fifteen (15) feet from the intersection point of the extended property lines at an alley and a street; or twenty-five (25) feet from the intersection point of the extended property lines at a street and a street.

Jiro Yates, architect, stated the merchants' association wanted to re-brand the area and install entryway elements. A City engineer had expressed concern about items 2 and 3 on the site plan and Mr. Yates asked to withdraw these items from the request.

**Motion** made by Mr. Sniezek, seconded by Mr. Stresau, to allow the applicant to withdraw items 2 and 3 from the request. In a voice vote, motion passed unanimously.

Mr. Yates displayed exhibits with renderings depicting the entry features and pointed out those that had been withdrawn from the application because they sat within the sight triangle. He said the Property and Right-of-Way Committee was in favor of the request. Mr. Yates stated they still needed to go through the planning process.

Chair Centorino opened the public hearing.

Lee Feldman, applicant, said they wanted to create a destination on the beach, branding this area as "The Village." Their merchants' association paid for maintenance in the area and additional security at night. Mr. Feldman said the signage was very important to identify the area to visitors.

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. Yates informed Ms. Zamojski that the signs would be located in the right-of-way and would avoid utilities in the right-of-way. Mr. Shallenberger asked about liability and Mr. Yates was unsure, but thought they would need insurance and a hold harmless for the City.

Mr. Dunckel recalled that the former Neighborhood Entranceway Program included agreements requiring indemnification and insurance. He was unsure if this practice was continuing in the City. Mr. Dunckel recalled that when the Property and Right-of-Way Committee had considered this two years ago, they had not approved it; they had expressed concern about the mass and scale of the entry features.

Mr. Sniezek appreciated the Engineering Division comments that had been very helpful and encouraged them to do this in the future.



Mr. Yates referred to the minutes of the Property and Right-of-Way Committee meeting from May 17, 2012 when the project was reviewed, and said the motion had been to continue the hearing until the client was ready to re-present the request. This motion had passed.

**Motion** made by Mr. Madfis, seconded by Mr. Cooper, to approve the request as presented. In a roll call vote, motion passed 7-0.

**4. APPEAL NO. 13-20**

Index

**APPLICANT:** Charles E. Falk, Sr.  
**AGENT:** Edwin J. Stacker, Esq., Mastriana & Christiansen, P.A.  
**LEGAL:** PORTO VENEZIA CONDO UNIT PH1 (AKA PH W)  
**ZONING:** RMM-25 (Residential Mid-Rise Multifamily/Medium High Density District)  
**STREET:** 2765 NE 14 Street  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 1

**APPEALING:** Section 47-19.3 (Boat slips, docks, boat davits, hoists and similar mooring structures)

Requesting a variance to allow a third mooring device (boat lift) on a site with two hundred (200) feet of lot width along the waterway, where the code states that only one (1) mooring device may be installed per the first one hundred (100) feet of lot width or portion thereof, and one mooring device for each additional one hundred (100) feet of lot width.

Mr. Stresau had driven by the site on September 9 and sent an email to Mr. Fajardo reporting that the notice signs had not been displayed.

Ed Stacker, attorney for the applicant, stated he had picked up the signs on August 23 and Scott Mello, friend of the owner, had posted the signs on August 27 and submitted an affidavit to the City pursuant to this. Mr. Stacker had received a voice mail from Mr. Bond on September 9 indicating the signs were absent. Mr. Stacker and Mr. Mello had visited the site that day, found the signs had been removed and reposted them. He believed that the signs had been removed by landscapers on the previous Sunday. Mr. Stacker stated 96 flyers had been mailed to nearby property owners. He submitted four letters from Porto Venezia owners who had indicated no objection.

Mr. Stacker said the narrative incorrectly stated the owner was an out of state resident but he was actually a Florida resident.

Mr. Stacker said there were unique reasons why the limit to two boatlifts on the property warranted a variance. The canal width varied from 120 to 124 feet, so there would be

no impact on navigation and the ground floor of the property was parking, so no views would be blocked by an additional lift.

Mr. Stacker explained that the condo association had approved the four boatlifts but they had been built without permits and subsequently cited by the City. He stated the boatlifts on the east and west had been permitted. A third lift had been removed by another owner. Mr. Falk's lift remained, and needed a variance. Mr. Stacker asked the Board to consider the unique reasons he had cited earlier to grant the variance.

Mr. Stacker displayed photos of the property and noted that there were limitations on water coverage so Mr. Falk could not build steps to the boat. He added that Mr. Falk was disabled and could not safely access the boat without a lift.

Mr. Stacker said the literal application of the provision "serves no rational purpose." There was no line of sight issue or intrusion into the waterway. Mr. Madfis argued that there was a line of sight issue that affected views along the canal.

Mr. Cooper favored keeping boats on lifts, but was concerned about the maximum distance this boat could protrude into the waterway. Mr. Stacker said a boat must not protrude more than 36 feet and Mr. Falk's boat was 31 feet.

Mr. Dunckel confirmed that by code, a vessel could not protrude more than 30% the width of the waterway, which in this case was 36 feet.

Mr. Stresau said he had wrestled with this because the Board had been cautioned not to approve variances that changed the zoning code. He was unsure why the limit was one lift per 100 feet and noted that if this were a town home development, each town home could have its own lift within the 200 feet. Mr. Stresau added that the property was permitted for 10 - 12 boat spaces in the waterway. He asked about Mr. Falk's handicap and Mr. Stacker replied it was a knee problem. Mr. Stacker said there were 10 boat slips dedicated to the units.

Chair Centorino opened the public hearing.

Mr. Mello asked the Board to consider the application. He said the boat could be eight feet lower at low tide. When Mr. Falk purchased the property, the boat slips were included in the purchase. He reminded the Board that the condo board had approved the lifts.

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.

**Motion** made by Mr. Stresau, seconded by Mr. Cooper, to approve the request as presented. In a roll call vote, motion **failed** 4-3 with Mr. Madfis, Ms. Zamojski, Mr. Shallenberger opposed.

**Communication to the City Commission**  
None.

Index

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

Index

Chair Centorino thanked Mr. Sniezek for his service on the Board. Mr. Sniezek said it had been an honor to serve on the Board.


There being no further business to come before the Board, the meeting was adjourned at 8:49 pm.

Chair



\_\_\_\_\_  
Diana Centorino

Attest:

  
\_\_\_\_\_  
Brigitte Chiappetta  
ProtoType/Inc.

Minutes prepared by: J. Opperlee, Prototype Inc.