

**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, OCTOBER 9, 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	3	2
Michael Madfis, Vice Chair	P	4	1
Roger Bond	P	5	0
Caldwell Cooper	P	5	0
Karl Shallenberger	P	4	1
Fred Stresau	P	3	2
Sharon A. Zamojski	A	3	2
<b>Alternates</b>			
Charlotte Rodstrom	P	3	2
Matthew Scott	P	1	0
Birch Willey	A	4	1

**Staff**

Bob Dunckel, Assistant City Attorney  
 Anthony Fajardo, Zoning Administrator  
 Mohammed Malik, Director of Zoning  
 Lynda Crase, Administrative Aide  
 Cynthia Everett, City Attorney  
 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</u></b>			
	<b><u>Number</u></b>	<b><u>Applicant/Agent</u></b>	<b><u>District</u></b>	<b><u>Page</u></b>
1.	<b>13-22</b>	6600 North Andrews LLC/Michael E. Wood Communication to the City Commission For the Good of the City	<b>1</b>	<b><u>2</u></b> <b><u>5</u></b> <b><u>5</u></b>

**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 – September 2013**

**Motion** made by Mr. Cooper, seconded by Ms. Rodstrom, to approve the minutes of the Board's September 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. 13-22**

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**APPLICANT:** 6600 North Andrews Avenue LLC, c/o Cardinia Real Estate LLC  
**AGENT:** Michael E. Wood Consulting, Inc., Michael E. Wood  
**LEGAL:** PARK LAKE 106-1 B PARCEL A LESS PARCELS DESC IN OR  
11921/815  
**ZONING:** B-3 ((Heavy Commercial/Light Industrial Business)  
**STREET:** 6600 N ANDREWS AVE  
**ADDRESS:** Fort Lauderdale, FL  
**DISTRICT:** 1

**APPEALING: Section 47-22.3.G (Sign Requirements – Flat Signs / Wall Signs)**

Requesting a variance to allow a flat wall sign of 1,088 square feet where the code states that a flat sign / wall sign shall not exceed twenty-five percent (25%) of the size of the wall or a maximum of (300) feet.

Mr. Stresau stated the notice sign had been posted 150 feet from Andrews Avenue and was therefore unreadable from the right-of-way, which the law required. Ms. Fajardo said he had spoken to Mr. Stresau and the applicant regarding the sign location.

Michael Wood, representing the applicant, showed photos of the signage and a survey and pointed out that there was no frontage on Andrews Avenue on which to post the sign. They had posted the sign on the very edge of their right-of-way, as close to the road as possible. Mr. Stresau remarked that staff should instruct applicants where to post the signage. Mr. Fajardo referred to the ordinance section pertaining to the signs that specified the signs shall be visible from adjacent rights-of-way, including waterways but excepting alleys. The section did not define where that was. Mr. Fajardo felt this applicant had posted the signage as close to the edge of their property as possible. There was a provision for the City to allow signs to be posted in rights-of-way, with City approval, but no one had ever made such a request.

Mr. Dunckel clarified that the applicant wanted to avoid placing the sign in an area "encumbered by an ingress/egress easement in favor of other private parties." He agreed it would be improper to place the sign in that easement. Regarding Andrews Avenue, it was not within the City's jurisdiction to allow signs to be posted in a County public right-of-way.

Mr. Fajardo stated in his opinion, in this situation, the applicant had met the letter of the code.

Mr. Stresau said the purpose of the sign was to notify the public of this hearing and should be readable by the general public. He assumed that notice had been mailed to the neighborhood and this "probably takes most of the argument out of my position." Mr. Dunckel felt the Board needed to consider whether they believed the public had been placed on notice or if there was confusion resulting from posting the sign in a location that would not provide the best notice to the public. Part of this consideration was whether there was another location on the property that could have served that function better. Mr. Dunckel pointed out another part of the section regarding sign notice that stated, "Failure to provide these types of notice in accordance with these provisions shall not be grounds to invalidate the hearing." The City had typically taken the posture that if they felt the notice was not adequate, the hearing was postponed and the applicant would re-post. It was not subject to a collateral attack, after the fact, if a variance or special exception were granted.

Mr. Shallenberger felt the applicant had done the best he could to post the sign as close to the right-of-way as possible.

The Board agreed to allow the applicant to proceed.

Mr. Wood explained the company was relocating from 2200 West Commercial Boulevard and had made a \$26 million investment in the Andrews Avenue property. He remarked, "An advertising company's signage and branding is its stock in trade."

Corey O' Gorman described the location of the building and referred to photos of the

site. He stated the signs needed to be high quality and visible from adjacent roadways. The north and east walls faced other buildings, and the west wall of the building, which faced Andrews Avenue, was "marginally visible" and there was not enough traffic along Andrews Avenue to consider that the primary face for building signage. The most practical alternative was the south face, targeting I-95 and Cypress Creek Road. Because of unique circumstances particular to the property, the building and the surrounding area, they were requesting more square footage than was allowed by code.

Mr. O'Gorman explained that the signage would be vinyl adhered to the building glass, lit by lights from along the roofline. There was no signage proposed for the west, north or east facades. The code limited the area of a flat wall sign to 25% of the wall, or a maximum of 300 square feet. In this case, they were limited to 300 square feet. The propose sign was designed to be approximately 1,100 square feet.

Mr. O'Gorman stated there were special conditions and circumstances pertaining to the site and the building: the distance between the building and I-95, Cypress Creek Road and Andrews Avenue; the adjacent buildings that blocked one's view of the building; the angle of I-95 and the exit ramp to the building and the speed of traffic.

Mr. O'Gorman referred to an aerial of the property and indicated where the sign would be located. He said the distance from the southeast corner of the building to the center of I-95 was approximately 575 feet and from the south building face to Cypress Creek Road was approximately 1,200 feet. Mr. O'Gorman stated the angle of the building and the speed of traffic on I-95 would make a 300-foot wall sign unreadable. He displayed a graphic depicting how a 300-square foot sign would appear to a driver on I-95.

Chair Centorino asked for a comparison of the requested signage and the signage on the nearby Greenspoon Marder building. Mr. O'Gorman stated Greenspoon Marder's signage was 300 square feet. Chair Centorino remarked that the allowed signage was "pretty tiny, but the proposed is pretty gigantic" and wondered if the applicant had explored signage that was somewhat smaller. Mr. Cooper asked for "Plan B."

Scott Gross, architect designer, said they had explored various sizes, and he pointed out that this was a flat sign that did not have the same visual acuity as other nearby signs. Chair Centorino asked why they had not designed a three-dimensional sign like others nearby and Mr. Gross explained that code would not allow that type of sign on this building.

Mr. Madfis did not recognize a hardship and noted that other signs made within the code worked. He felt "a good advertising firm should be able to work with [the] 15 seconds" the sign would be visible from I-95. He also thought that if branding was an important goal, they should consider a different type of graphic that would be visible at a distance.

Mr. Bond had driven by the property on I-95 and said he could "not see that building, past those barriers until you top 62<sup>nd</sup> Street."

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.

Ms. Rodstrom admitted she liked the lettering but said she had been taken aback when she noticed the difference between the permitted square footage and the requested square footage. She was willing to go outside the code, but not to this extent. Mr. Wood explained that the proposed sign represented 8-9% of the façade square footage.

Mr. Stresau pointed out that the nearby buildings met the 300 square foot limit. He said in the past, the Board had approved slightly larger signs, but noted that there were no signs in the vicinity that comparable in size to what was proposed here.

Mr. Madfis thought that signs on the east side of I-95 in the area, such as the Westin Hotel, were over the limit and asked Mr. Fajardo if these had been granted variances. He said it would have been helpful if the application had included information on nearby signs that had been granted variances.

Mr. Shallenberger said it was obvious that this request would not be approved and he asked Mr. Dunckel to advise the applicant.

Mr. Dunckel advised Mr. Wood that if the variance were denied, the applicant could not reapply with the same application for two years and cautioned Mr. Wood that it appeared this request would not pass and perhaps he should request a continuance to present an amended request.

Mr. Wood requested a one-month deferral to the Board's next meeting.

**Motion** made by Mr. Stresau, seconded by Mr. Madfis, to defer the request to the Board's next meeting. In a voice vote, motion passed unanimously.

**Communication to the City Commission**

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None.

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

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Ms. Rodstrom asked for the prior minutes to be corrected to indicate she was present.

Mr. Shallenberger asked Mr. Dunckel if the Board should respond to communications from Mr. Stacker concerning the request the Board had denied in September. Mr. Dunckel replied that Mr. Stacker had filed a request for a re-hearing that the Board would consider in November. If the Board granted the re-hearing, the request would be

heard in December. Ms. Rodstrom asked if the previous meeting could be viewed on video and Ms. Chiappetta confirmed that it was. Mr. Stresau recalled they had discussed at the previous meeting that if possible, members who had originally heard a request would sit on the dais to hear any subsequent re-hearing and he had agreed with this idea. Mr. Shallenberger pointed out that for the re-hearing, the applicant would present information as if it were a new case. Mr. Dunckel agreed.

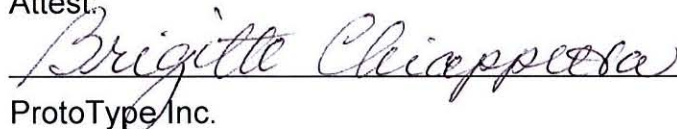
There being no further business to come before the Board, the meeting was adjourned at 7:23 pm.

Chair:



Diana Centorino

Attest:



ProtoType Inc.

Minutes prepared by: J. Opperlee, Prototype Inc.