



CITY OF FORT LAUDERDALE

**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
WEDNESDAY, JANUARY 10, 2018 – 6:30 P.M.  
CITY HALL CITY COMMISSION CHAMBERS  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA**

<b>Board Members</b>	<b>Attendance</b>	<b>Cumulative Attendance 6/2017 through 5/2018</b>	
		<b>Present</b>	<b>Absent</b>
Douglas Reynolds, Chair	P	5	0
Howard Nelson, Vice Chair	P	4	0
Eugenia Ellis	P	5	0
Blaise McGinley	P	5	0
Patrick McTigue	P	5	0
Fred Stresau	P	4	1
S. Carey Villeneuve	P	2	3
<b>Alternates</b>			
John Aurelius	P	1	0

**Staff**

Lynn Solomon, Assistant City Attorney  
Cynthia Everett, City Attorney  
Mohammed Malik, Zoning Administrator  
Burt Ford, Interim Zoning Chief  
Teresa Wright, Admin Aide  
Brigitte Chiappetta, 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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	<u>Case</u>		<u>District</u>	<u>Page</u>
	<u>Number</u>	<u>Owner/Agent</u>		
1.	<b>B17039</b>	1233 Corp. Inc./Keith Long	<b>4</b>	<b><u>2</u></b>
2.	<b>B17040</b>	1501 NW 49 STREET 33309 LLC/ Raul Mesa For the Good of the City Communication to the City Commission Other Items and Board Discussion	<b>1</b>	<b><u>4</u></b> <b><u>6</u></b> <b><u>6</u></b> <b><u>6</u></b>

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.**

**Call to Order**

The meeting was called to order at 6:30 p.m. Ms. Chiappetta called roll and determined a quorum was present.

**Approval of Minutes – December 2017**

**Motion** made by Mr. Nelson, seconded by Mr. Stresau to approve the Board’s December 2017 minutes. In a voice vote, motion passed unanimously.

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- CASE:** **B17039**
- OWNER:** 1233 Corp. Inc.
- AGENT:** Long Law, P.A. – Keith E. Long, Esq.
- ADDRESS:** 1229 E Las Olas Boulevard
- LEGAL DESCRIPTION:** COLEE HAMMOCK 1-17 B THE W 24.2 OF E 42.9 OF S 60 OF PAR OF LAND DESC IN OR 423/50 LESS W 14.2 THERE OF & LESS S 10 FOR RW AKA:POR LOT 13 & 14 BLK 26 OF COLEE HAMMOCK; DESIGNATED AS W 10 OF PAR 2,LESS S 10 FOR RW BLK 26
- ZONING:** B-1
- COMMISSION DIS:** 4
- APPLICATION:**  
**Sec. 47-24.12. - Variances, special exceptions and interpretation of Unified Land Development Regulations.**

Requesting a Temporary Nonconforming Use Permit for the sale of Alcoholic Beverages which states:

*Criteria—Temporary nonconforming use permit.* A temporary nonconforming use permit may be granted upon demonstration by a preponderance of the evidence of the following criteria:

- a. Granting of the temporary nonconforming use permit shall not be incompatible with adjoining properties or the surrounding neighborhood or otherwise contrary to the public interest.

**(Deferred from December 13, 2017 meeting)**

Keith Long, attorney representing the owner, 1233 Corp. Inc., and the tenant, Dirty Penny Vape and Ale, stated they were requesting a temporary, non-conforming use. He said Ms. Solomon had identified a procedural issue. Mr. Malik stated there had been no proper notice because the notice had not been updated with the change of date and the change in the request. He wished to withdraw the case from the agenda. Ms. Solomon confirmed that the public had not received proper notice and Mr. Nelson stated case law indicated that ineffective notice of a quasi-judicial hearing rendered the matter void ab initio.

Mr. Stresau pointed out that the City's code indicated that failure to provide notice would not be grounds to invalidate the hearing and this should be eliminated from the code. He had brought this up at the previous meeting but there was no item on the agenda to discuss it.

Mr. Nelson explained that the "actual notice for the hearing -- the legal notice -- is the publication of our agenda." The code referenced the "supplemental notice," i.e., postings and mailings, and indicated that failure to comply with these requirements shall not, by itself, invalidate the hearing.

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

Mr. Long verified that the agenda reflected the request correctly but the sign did not.

Mr. Nelson said he would be comfortable hearing the case if the applicant wished to go forward. Mr. Long conferred with his client and said they agreed to request the item be deferred to February.



**Motion** made by Mr. Nelson, seconded by Mr. McTigue, to defer to the Board's February 2018 meeting. In a voice vote, motion passed 7-0.

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**CASE:** B17040  
**OWNER:** 1501 NW 49 STREET 33309 LLC  
**AGENT:** Mesa Brothers/ Raul Mesa  
**ADDRESS:** 1501 NW 49 STREET  
**LEGAL DESCRIPTION:** COMMERCE PARK 112-18 B PT OF TRACT B DESC'D AS, COMM AT NE COR OF SAID SUB, SLY 267.14 TO POB, SLY 242.36, SWLY 36.80, WLY 382.56, NWLY 28.77, NWLY 211.62, NWLY 2.07, NELY 74.45, NE & NLY 41.46, ELY 469.58 TO POB  
**ZONING:** AIP  
**COMMISSION DIS:** 1  
**APPEALING:** **Section 47-22.4.C.9 (Maximum number of signs at one location and special requirements in zoning districts)**  
Requesting a variance to allow two additional business identification signs on the main building for a total of three identification signs where the code states that there shall be no ground signs other than a single one facing a public street announcing the name and/or insignia of the business building or establishment location on the same lot or plot. One additional identification sign may be attached to the building to announce the name and/or insignia of the business.

Sergio Carmona, sign contractor, stated they wished to add two more signs to the Sixt Rent-a-Car corporate offices, one facing east and one facing west, because the building was obscured by the adjacent Holiday Inn Express Hotel.

Mr. Malik referred to a rendering and clarified that there was an approved sign facing 49 Street. There was also a freestanding sign on the property. The two signs they were requesting were on the corner of the building.

Mr. Stresau referred to code section C8 regarding airport development, and said it suggested that this entire development might have had an overall site plan describing where signs were permitted. Mr. Malik was unaware of such a site plan. He stated the

airport must approve any sign requests before they went to staff and this approval had already been secured for these two signs.

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

Mr. Nelson was puzzled by the request to add two signs to the side of the property that already had two signs. He wondered what the hardship was, how this could be the minimum variance necessary and what this would benefit the business.

Mr. McGinley thought it would make more sense to replace the two underperforming signs instead of just adding signs.

Ms. Ellis said having Sixt Rent-a-Car move its headquarters to Fort Lauderdale had been a coup for the City and "branding that up" would not harm anyone in this commercial area.

Mr. Stresau feared that approving this would lead to other tenants in this development submitting new sign packages. He explained that the ground sign on NW 49 Street was only one-sided and could not be seen from westbound NW 49 Street. He suggested adding verbiage and landscaping to the blank side of the existing sign. Mr. Stresau felt this was a case of "I want" rather than "I need."

Mr. Carmona stated one of the requested signs would face 15 Avenue and one would face 17 Way. Mr. Nelson said this would provide visible signs on the entry streets.

Chair Reynolds asked why they did not replace the two signs that were not working and Mr. Carmona said this solution would be more aesthetic.

**Motion** made by Mr. Nelson, seconded by Mr. McTigue to find that the application met the minimum criteria for a variance based on the unique situation of the property and the cut-off view from Commercial Boulevard and to approve the two requested wall signs on the east and west sides of the building, on the condition that the applicant removed the existing monument sign.

Mr. Carmona said he was now thinking about removing the monument sign but he felt this would make no sense. Chair Reynolds suggested that someone from Sixt Rent-a-Car come to the next meeting to discuss this.

Jesus Salazar stated he was handling marketing and advertising for Sixt Rent-a-Car. He thought Sixt would agree to removing the lettering but leaving the monument sign intact. Chair Reynolds confirmed that removing the word Sixt from the monument sign would satisfy the condition in Mr. Nelson's motion.



Mr. Nelson modified the condition in his motion: The applicant must remove the advertising mentioning Sixt Rent-a-Car from the monument sign; the applicant may leave the street address on the monument sign. Mr. McTigue seconded the amended motion. In a roll call vote, motion passed 6-1 with Mr. Stresau opposed

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

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None

**Communication to the City Commission**

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Mr. Nelson reiterated the Board's request from last month that the City Commission and staff take a look at the liquor spacing issue in the code. Mr. Malik reported that the Board's January communication to the City Commission would go to the Commission on January 23. He had provided Board members with information regarding updates to the sign code.

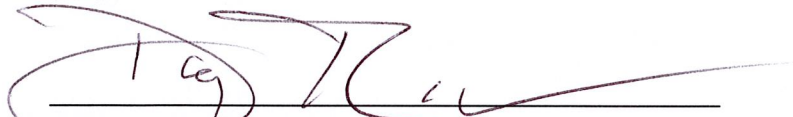
**Other Items and Board Discussion**

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None

There being no further business to come before the Board, the meeting adjourned at 7:10 pm.

Chair:

  
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Douglas Reynolds, Chair

Attest:

  
\_\_\_\_\_  
ProtoType Inc.

Minutes prepared by: J. Opperlee, Prototype Inc.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.