



CITY OF FORT LAUDERDALE

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
WEDNESDAY, APRIL 11, 2018 – 6:30 P.M.
CITY HALL CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

Board Members	Attendance	Cumulative Attendance 6/2017 through 5/2018	
		Present	Absent
Douglas Reynolds, Chair	A	7	1
Howard Nelson, Vice Chair	P	6	1
Eugenia Ellis	P	8	0
Blaise McGinley	P	8	0
Patrick McTigue [Arrived 6:47]	P	8	0
Fred Stresau	P	7	1
S. Carey Villeneuve	A	4	4
Alternates			
John Aurelius	P	4	0
Chadwick Maxey	P	3	0

Staff

Lynn Solomon, Assistant City Attorney
Mohammed Malik, Zoning Administrator
Teresa Wright, Admin Aide
Eric Engmann, Assistant Zoning Administrator
Lian Chan, 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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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. Roll was called and a quorum determined to be present.

Approval of Minutes – March 2018

Motion made by Ms. Ellis, seconded by Mr. Aurelius to approve the Board's March 2018 minutes. In a voice vote, motion passed unanimously.

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CASE:	B17025		
OWNER:	Anthony Dimuzio		
ADDRESS:	2060 NE 64 Street		
LEGAL DESCRIPTION:	IMPERIAL POINT 2 SEC 54-19 B LOT 11 BLK 41		
ZONING:	RS-8		
COMMISSION DISTRICT:	1		
APPEALING:	Section 47-19.5.B.1.A.I (Fences, walls and hedges) Requesting a Variance to reduce the required street to street sight triangle from twenty five (25) feet to fifteen (15) feet, where an opaque fence may not exceed two and one-half (2 1/2) feet in height. The installation of a 48-inch opaque fence is being proposed.		

**(Continuation of vote and deliberation from November 8,
2017 meeting)**

Mr. Nelson advised Mr. Dimuzio, the owner, that the Board only had six members present and he could request a deferral to a later meeting if he wished. Mr. Dimuzio elected to move ahead.

Ms. Solomon stated at the previous hearing, there had been a motion to deny and the vote had been 4-3, which was not a super majority. It was the Board's discretion how to proceed. Mr. Nelson said per the ULDR, a motion to deny that passed by a simple majority denied the application and res judicata took effect. Res judicata could only be overcome by some change in circumstance or a change in the application that made it a new determination. Mr. Nelson asked if there was any change in the application and Mr. Malik said the only change was that Mr. Dimuzio had obtained a determination from the City Engineer that the reduction in the sight triangle Mr. Dimuzio was requesting did not affect the practical line of sight. Mr. Nelson said the Board must decide whether or not this met the requirement to re-hear the request.

Motion made by Ms. Ellis, seconded by Mr. Stresau, to move forward and hear the matter. In a roll call vote, motion passed 6-0.

Mr. Dimuzio said this was a non-opaque, 48" tall wrought iron fence. He had brought a petition around the neighborhood to support his request. Mr. Dimuzio said he needed the fence to protect his son from traffic in the neighborhood.

Mr. Nelson noted a March 15, 2018 email from the City Engineer indicating he did not oppose the request because the fence did not interfere with the line of sight. Mr. Nelson said the City had also received several emails, some in support and some in opposition. Mr. Dimuzio also had a petition with 60 signatures supporting his request.

Vice Chair Nelson opened the public hearing. There being no members of the public wishing to address the Board on this item, but there were two opposition letters that Vice Chair Nelson read to the Board. Vice Chair Nelson closed the public hearing and brought the discussion back to the Board.

Mr. Stresau said he did not see a hardship, which was the first criterion for approving a variance. Mr. Dimuzio recalled he had made the case at the previous hearing that he needed the fence to protect his son.

Motion made by Mr. Aurelius, seconded by Ms. Ellis, to approve. In a roll call vote, motion passed 5-1 with Mr. Stresau opposed.

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CASE: B18006
OWNER: 845 North Atlantic Blvd LLC
ADDRESS: 841 N Fort Lauderdale Beach Boulevard
LEGAL DESCRIPTION: BARCELONA BEACH 29-11 B LOT 3,4 & 1/10 INT IN PARKING & DRIVES AREAS
ZONING: SLA
COMMISSION DISTRICT: 2
APPEALING: Section 5-26(b) (Distance between establishments)
Requesting a special exception to allow the sale of alcohol at a distance of 27 feet from another establishment that sells alcohol, where the Code of Ordinances requires a minimum distance of 300 feet separating establishments that sell alcoholic or intoxicating beverages. This would be a special exception for a total distance of 273 feet.

Mr. McTigue arrived at 6:47.

Jason Crush, attorney, displayed an aerial map and pointed out the location of the business. He said the special exception criteria, that this be a restaurant and that the sale of alcohol was incidental to the sale of food, were met. The Board could grant the special exception after finding that granting the exception would not be contrary to public interests.

Mr. Crush displayed photos of the restaurant and the menu, showing it served full meals, as well as photos of some of the food itself. He said he had spoken with the owners of three nearby establishments and none had any objection to this request.

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

Motion made by Mr. Aurelius, seconded by Mr. McTigue to approve. In a roll call vote, motion passed 7-0.

3.

CASE: B18007

OWNER: Hunter, Javis & Christine

ADDRESS: 1100 NE 4 Avenue

LEGAL DESCRIPTION: PROGRESSO 2-18 D LOTS 25 & 26 LESS W 10 FOR ST BLK 144

ZONING: CB

COMMISSION DISTRICT: 2

APPEALING: Section 5-27(b) (Distance of establishments from church or school)
Requesting a special exception to allow the sale of alcohol at a distance of 442.8 feet from a church or school, where the Code of Ordinances requires a minimum distance of five hundred (500) feet from any established church, or public or private school. This would be a special exception for a total distance of 57.2 feet.

Jason Crush, attorney, distributed a packet containing letters of support from the neighborhood civic association, as well as letters and petitions from approximately 95 people supporting this request.

Mr. Crush said the special exception criterion was that this request must not be contrary to the public interest. This was a full-service restaurant and the alcohol sales were incidental to the sale of food. Mr. Crush stated the church was 442.8 feet away, when the code required it to be 500 feet.

Mr. Aurelius said this area was deficient in quality restaurants. He felt serving beer and wine would help bring people to the area.

Mr. Nelson said there was one "virulently opposed letter" from someone who believed this would be a stepping-stone to a packaged liquor store. Mr. Crush explained that the special exception would be revoked if this were to become a liquor store or a convenience store.

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

Motion made by Ms. Ellis, seconded by Mr. McTigue to approve. 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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Mr. Malik reported the new sign code had been approved by the City Commission.

Regarding the Board's question about voting procedure, Mr. Malik said the Commission had directed them to vote as they always had.

Ms. Solomon had made suggestions to Anthony Fajardo, Director of the Department of Sustainable Development regarding the liquor variances. She said they needed to expand the uses that were eligible.

Mr. Aurelius said he had informed Code Enforcement about very large feather flag signs and been told that the sign ordinance was being held in abeyance and could not be enforced. Mr. Malik said a new business was allowed to have one temporary banner sign for 30 days.

Regarding Case B18-003, a side-yard setback request for a house that was vacant, Mr. Stresau said he had asked Mr. Malik to research at least four different homes in the area to determine why they did not meet the setback. Mr. Malik had spent significant time on the research and Mr. Stresau appreciated it. Mr. Nelson remarked on the amount of excellent research staff performed.

Other Items and Board Discussion

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None


There being no further business to come before the Board, the meeting adjourned at 7:04 pm.

Chair:



Douglas Reynolds, Chair

Attest:



ProtoType Inc.

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