



CITY OF FORT LAUDERDALE

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
WEDNESDAY, JUNE 13, 2018 – 6:30 P.M.
CITY HALL CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

Board Members	Attendance	Cumulative Attendance 6/2018 through 5/2019	
		Present	Absent
Douglas Reynolds, Chair	P	1	0
Howard Nelson, Vice Chair	P	1	0
Eugenia Ellis	P	1	0
Blaise McGinley	P	1	0
Patrick McTigue	A	0	1
S. Carey Villeneuve	P	1	0
<hr/>			
Alternates			
John Aurelius	P	1	0
Chadwick Maxey	P	1	0

Staff

Lynn Solomon, Assistant City Attorney
Mohammed Malik, Zoning Administrator
Teresa Wright, Admin Aide
Burt Ford, Interim Zoning Chief
Nadia Martin, Clerk III
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.

Index

	<u>Case</u>		<u>District</u>	<u>Page</u>
	<u>Number</u>	<u>Owner/Agent</u>		
1.	B18009	BW Cypress Creek and Powerline LLC/Hope Calhoun	1	<u>2</u>
2.	B18010	The Las Olas Company Inc./Jason Crush Communication to the City Commission For the Good of the City Other Items and Board Discussion	4	<u>3</u> <u>5</u> <u>5</u> <u>5</u>

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 6:31 p.m. Roll was called and a quorum determined to be present.

Approval of Minutes – April 2018

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

Elect Chair and Vice Chair

Ms. Ellis nominated Mr. Nelson for Chair, seconded by Mr. Aurelius. Mr. Nelson declined the nomination.

Mr. Nelson nominated Mr. Reynolds for Chair, seconded by Mr. McGinley. In a voice vote, Mr. Reynolds was elected unanimously.

Ms. Ellis nominated Mr. Nelson for Vice Chair, seconded by Mr. Aurelius. In a voice vote, motion passed unanimously.

1.

[Index](#)

CASE: **B18009**
OWNER: BW Cypress Creek and Powerline LLC
AGENT: Hope Calhoun
ADDRESS: 6191 N Powerline Road

LEGAL DESCRIPTION: 9-49-42 BEG AT PT 225 S OF & 67 W OF NE COR OF SE1/4,W 175,N 175, E 149.98 TO P/C,SELY ARC DIST 39.29 TO P/T,SLY 149.98 TO POB

ZONING: B-2

COMMISSION DISTRICT: 1

APPEALING: Section 47-22.4 (1) (Maximum number of signs)
Requesting a variance to allow one (1) additional freestanding ground sign, whereas the code states where there are two (2) streets and two (2) vehicle travel ways the maximum number of signs allowed can be four (4), but no more than one (1) being a freestanding sign. This variance would allow a total of five (5) signs with two (2) of them being freestanding signs.

Hope Calhoun, attorney for the applicant, requested a deferral to the Board's August 8, 2018 meeting.

Motion made by Mr. Nelson, seconded by Mr. Aurelius, to defer the case to the Board's August 8, 2018 meeting. In a voice vote, motion passed unanimously.

2.

[Index](#)

CASE: B18010

OWNER: The Las Olas Company Inc.

AGENT: Jason Crush

ADDRESS: 817 E Las Olas Boulevard

LEGAL DESCRIPTION: COLEE HAMMOCK 1-17 B LOT 13 BLK 9

ZONING: B-1

COMMISSION DISTRICT: 4

APPEALING: Section 5-26 (b) (Distance between establishments)
Requesting a special exception to allow the sale of alcohol at a distance of 5 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 is a special exception of 295 feet.

Jason Crush, attorney for the applicant, introduced the interested parties.

Mr. Nelson asked Mr. Crush 1. Where the door would have been measured from if the façade had not been designed for a full rollup and 2. Where the hostess station was located. Mr. Crush replied that the hostess station was inside the restaurant. If they had not installed the front curtain wall, the distance separation would have been met at 301 feet, as previous restaurants in this location had.

Mr. Crush stated since they had redesigned the front façade of the El Camino Restaurant and Tequila Bar with glass garage doors that were extended out six feet, the distance separation was only 295 feet. He added that this was a very successful restaurant with an extensive menu.

Mr. Crush said their current liquor license, a 4-COP SFS, did not require a liquor distance separation but the sale of alcoholic beverages was pushing over the State required 51% revenue for food and they therefore needed a Quota License, which required a 300-foot distance separation from other establishments.

Mr. Crush stated the criterion for a special exception was that it not be contrary to the public interest. He referred to a map showing the other establishments in a two-block area that served some form of alcohol and noted that granting this special exception would not be contrary to the public interest.

Mr. Aurelius said he considered the Las Olas Company to be the planning agency for this area and Mr. Crush stated the property owners and the association had a vision for this area: to create an active, vibrant Las Olas with a mix of restaurant and retail uses. They had plans to make this section of Las Olas better.

Mr. Aurelius commented that the Board of Adjustment was the "Board of final City approval before it goes to court" and "The Commission has not given us, in my opinion, direction as to why we're doing these things." He did not object to the application, but did not agree with this process. He was frustrated that with the responsibility the Board had, since they had no guidelines from the City Commission.

Chair Reynolds opened the public hearing.

Catherine Maus opposed the application, and opposed granting the change of the liquor license. She mentioned the noise and activity that could be heard on the opposite side of the street from the restaurant. She felt this street was going in a direction that would not benefit the majority of residents of Fort Lauderdale.

Barbara Stern said she had an office across the street and the noise was not a problem. She supported the request.

Anmarie Fox Mancuso said she loved all of the excitement on Las Olas and this restaurant was a great neighbor. She stated there had been no problems and she encouraged more establishments like this to come to Las Olas.

There being no other 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 recalled how dead Las Olas had been in the mid-1980s before the Las Olas Company had released private restrictions to allow more restaurants and closer usage. He said their efforts had been amazing. He remarked that the special exception was needed because the liquor sales had exceeded 51% of the total revenue.

Mr. Crush explained that the State rule was a bit unfair to new businesses because the revenue was measured in the first 60 days of operation, when people came to enjoy happy hours at a new establishment. He anticipated that in a yearlong cycle, they would qualify for an SFS license.

Mr. Maxey acknowledged that the activity at the restaurant sometimes poured out into the street but he felt this was because it was new and would abate over time.

Motion made by Mr. Nelson, seconded by Ms. Ellis to approve. In a roll call vote, motion passed 7-0.

Communication to the City Commission

[Index](#)

None

Report and for the Good of the City

[Index](#)

Mr. Nelson asked about the changes to the ordinance regarding distance requirements for establishments that sold alcohol. Mr. Malik stated staff was working with the City Attorney's office and he anticipated an amendment in a few months. He agreed to keep the Board updated.

Mr. Aurelius recalled that months ago, the Board had approved a variance for a house on Chateau Park Drive and the applicants had promised to clean up the property immediately. Since then, there had been no progress and the property was still a terrible eyesore. Mr. Aurelius had reported the property to Code Enforcement but they had not investigated. Mr. Aurelius intended to ask the City Attorney if the Board could put conditions on a variance and if those conditions were not implemented in a timely manner, the variance would go away.

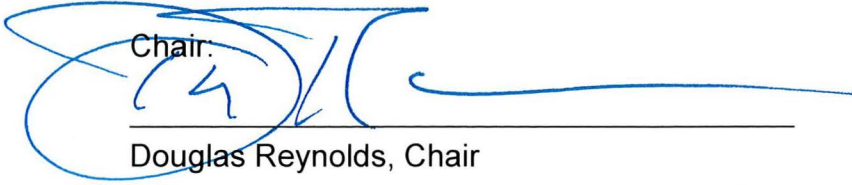
Other Items and Board Discussion

[Index](#)

None

There being no further business to come before the Board, the meeting adjourned at 7:00 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.