



CITY OF FORT LAUDERDALE

BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
TUESDAY, SEPTEMBER 11, 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	2	0
Howard Nelson, Vice Chair	P	2	0
Eugenia Ellis	P	2	0
Blaise McGinley	P	2	0
Patrick McTigue	P	1	1
Fred Stresau	P	1	0
S. Carey Villeneuve	P	2	0
Alternates			
Chip Falkanger	P	1	0
Chadwick Maxey	P	2	0

Staff

Lynn Solomon, Assistant City Attorney
Mohammed Malik, Zoning Administrator
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.	B18015	P D K N P-7 LLC/Jason Crush Communication to the City Commission For the Good of the City Other Items and Board Discussion	4	<u>2</u> <u>3</u> <u>3</u> <u>4</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 6:30 p.m. Roll was called and a quorum determined to be present.

Approval of Minutes – June 2018

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

1.				Index
CASE:	B18015			
OWNER:	P D K N P-7 LLC			
AGENT:	Jason Crush			
ADDRESS:	1309 E Las Olas Boulevard			
LEGAL DESCRIPTION:	COLEE HAMMOCK 1-17 B LOT 11 BLK 33			
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 117 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 special exception results in a reduction of 183 from the required 300 feet.			

Mr. Stresau said he had visited the site twice: on the first visit, he did not see a sign and on the second visit, it was mounted 12 feet up. He suggested staff should instruct applicants where to place the signs.

Mr. Malik said staff relied on the affidavit and photos showing the sign. In this case, the sign was sufficient.

Jason Crush, attorney for the applicant, said the sign was posted this high because it must be visible from the right-of-way.

Mr. Crush said this was The Balcony restaurant, and described the location. They had a full lunch and dinner menu as well as a Sunday brunch menu. Ms. Crush said the restaurant had a 4-COP FSF license to serve full alcoholic beverages. The State required a restaurant with this license to have 51% revenue from food in the first 60 days. In the first 60 days, the restaurant did not make that quota, so the State required them to upgrade to a 4-COP Quota license. The City had a distance separation requirement for Quota licenses, but not for FSF licenses.

Mr. Crush stated the restaurant was 117 feet from Rocco's Tacos and 260 feet from Anthony's Coal Fired Pizza.

Mr. Crush said the Special Exception standard was that it would not be contrary to the public interest. He showed an aerial photo depicting a two-block area of Las Olas showing all of the establishments that sold or distributed alcoholic beverages. Since there were already multiple establishments serving alcoholic beverages in that area, the continued use here was not detrimental to the public interest. They had worked with the Historic Collee Hammock HOA, which supported this application. Mr. Crush pointed out several people in the audience, all of whom were in favor of the application.

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.

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 recalled that the previous City Attorney had provided an oral opinion that the Board of Adjustment did not have the jurisdiction to hear variance requests but they had never seen a written opinion. He asked staff to have the new City Attorney provide a

written opinion. Ms. Solomon agreed to take this to the City Attorney directly and report to the Board.


Other Items and Board Discussion

[Index](#)

None

There being no further business to come before the Board, the meeting adjourned at 6:45 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.