



CITY OF FORT LAUDERDALE

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
TUESDAY, OCTOBER 10, 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	3	0
Howard Nelson, Vice Chair	A	2	1
Eugenia Ellis	P	3	0
Blaise McGinley	P	3	0
Patrick McTigue	P	2	1
Fred Stresau	P	2	0
S. Carey Villeneuve	P	3	0
Alternates			
John Aurelius	P	1	0
Chip Falkanger	P	2	0
Chadwick Maxey	A	2	1

Staff

Lynn Solomon, Assistant City Attorney
Mohammed Malik, Zoning Administrator
Sue Ellen Robertson, Administrative Assistant
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>
	B18016	Sami George Aziz/ Andrew J. Schein, Esq. Communication to the City Commission For the Good of the City Other Items and Board Discussion	4	<u>3</u> <u>7</u> <u>7</u> <u>7</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 – September 2018

Motion made by Ms. Ellis, seconded by Mr. Stresau to approve the Board's September 2018 minutes. 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 owner, described the request for the coming WaWa. She gave a Power Point presentation, a copy of which is attached to these minutes for the public record.

Ms. Calhoun said they wanted to put the prices on a monument sign to make it more visible to drivers.

Chair Reynolds opened the public hearing.

Charles Urso, owner of Marble of the World, the adjacent business, pointed out his property that had been sold to WaWa. He said these signs would block the public's view of his property. He was also concerned that people would need to use his property entrance to access WaWa from Powerline Road north. He wanted to be able to remount his own sign higher so the public could see it. Mr. Urso explained that when he was selling the property, he had not been shown an accurate site plan for the WaWa.

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.

Ms. Calhoun said Mr. Urso had not complained about the signs prior to this evening. She noted that Mr. Urso's building was much higher than the WaWa would be.

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

2.

[Index](#)

CASE:	B18016
OWNER:	Aziz, Sami George
AGENT:	Andrew J. Schein, Esq./ Lochrie & Chakas, P.A.
ADDRESS:	3512 Riverland Road
LEGAL DESCRIPTION:	LAUDERDALE ISLES NO 2 35-33 B LOT 61 BLK 5
ZONING:	RS-6.85A

COMMISSION 4
DISTRICT:
APPEALING:

Section 47-39.A.1.b.(12)(a)(Docks and moorings)

Requesting a variance to allow the dock to project at a measurement of five feet six inches (5' 6") from property line, whereas the code states that no dock shall project more than five feet (5') into the waterway beyond the property line along the waterway or the established bulkhead line. A variance request of six inches (6")

Requesting a variance to allow the dock to extend into the side yard at a measurement of zero feet (0') from another residentially zoned property, whereas the code states that no dock shall extend closer than ten feet (10') to the plot line of another residentially-zoned property. This is a variance of ten feet (10')

Section 47-39.A.1.b.(12)(b)(Docks and moorings)

Requesting variance to allow Two (2) mooring pilings to be installed into the side yards on east and west side lot line of contiguous property, at a measurement of Zero feet (0') whereas the code states that, No mooring piling shall be situated closer than ten (10) feet to any lot line of contiguous property. A variance of Ten feet (10') each on both east and west side.

Section 47-39.A.1.b.(12)(h)(Docks and moorings)

Requesting variance to allow a vessel to be docked, moored or anchored adjacent to residential property in such a manner that it extends 4 feet (4') +/- across the property line of contiguous property on west side, whereas the code states that no vessel shall be docked, moored or anchored adjacent to residential property in such a manner that it extends across the property line of contiguous property. Requesting a variance of 4 feet (4') +/-

Andrew Schein, attorney for the owner, gave a Power Point presentation, a copy of which is attached to these minutes for the public record.

Sami Aziz, owner, said the listing for the property stated there was a dock for a 25-foot boat and the realtor had confirmed it. Mr. Aziz had also paid for a marine inspector who agreed.

Chair Reynolds opened the public hearing.

Norman Thabit, neighbor, said he had lived there for 51 years and remarked that no one living there had ever objected to someone docking a boat that exceeded the property

line. He did object to mooring poles 25 feet into the canal that would adversely affect navigation.

Peter Sheridan, neighbor, explained that the ground under the water was solid rock that needed to be cracked to install pilings. He thought that installing the pilings would make it impossible for some people to have their docks repaired or replaced. It would make it difficult to clean the canal as well.

Dr. John Rafalko, neighbor, said the pilings would make it difficult for him to dock his sailboat. He stated the water was very shallow at Mr. Aziz's property.

Geoff Rames, Chairman of the Lauderdale Isles Water Management District, refuted the owner's narrative that the irregular shape of the parcel would affect the owner's ability to enjoy use of the waterway and noted that there was a free, 24-hour boat ramp a couple of blocks away. He said there were 38 properties in this area with the same conditions and none had mooring pilings. Mr. Rames thought Mr. Aziz should have hired an attorney to investigate the zoning before purchasing the property and not relied on the realtor's statement that a 25-foot boat would be allowed here. Mr. Rames asked the Board to deny the application.

Mr. Rames stated he would agree to the dock running lot line to lot line but he opposed the mooring pilings. He also opposed the variance that would allow Mr. Aziz to park the boat overhanging a lot line. He said, "Everybody else does it on a handshake agreement, on a neighborly basis."

Robert Franks, neighbor, agreed with the previous speakers. He said Mr. Aziz should make this work with the neighbors instead of applying for a variance.

Audrey Edwards, President of the Lauderdale Isles Civic Improvement Association, said they opposed the variance request. They did not feel there was a hardship and asked the Board to deny the variance. Ms. Edwards informed the Board that she was speaking on behalf of the Civic Association. They had held a conference call with three board members to make the decision to oppose the variance request. She said there were approximately 200 members of their association. Ms. Edwards said they did not object to the boat parking lot line to lot line, though this would present a Code Enforcement issue.

Penny Sha, neighbor, agreed with what other neighbors said. She blamed Mr. Aziz for purchasing a boat that was too large and felt he should have asked about a variance prior to purchasing the property. She stated Mr. Aziz could use a cut-in for the boat or launch it from the free boat ramp.

Tom Edwards, neighbor, said the setback requirement was to prevent fires jumping from dock to dock or from boat to boat.

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. Schein stated the boat would be backed up to the seawall, not the dock, so it would be approximately 24 feet from the seawall. He said the only people who could be affected navigationally were the neighbors directly to the east and west of Mr. Aziz, and they both supported the variance requests.

Mr. Schein stated not allowing boating from a property on the water would be a significant curtailing of the owner's property rights.

Regarding the "handshake agreements" for other boats in the neighborhood that encroached into setbacks, Mr. Schein stated the owner wanted to ask for permission instead. He said they were only asking for a variance from the zoning code. Mr. Schein stated Mr. Aziz owned the boat first and purchased a property from which he could enjoy it.

Regarding the request related to Section 47-39.A.1.b.(12)(a)(Docks and moorings), Mr. Schein stated the additional six inches they needed was due to how the dock was designed. If the Board wished, they would reduce the dock to four feet six inches. He clarified that the request for the mooring pilings did not relate to how far they extended into the waterway, which was limited to 33% of the waterway width. It related to the pilings being zero feet from the extension of the neighboring property line. Mr. Schein said they would agree to put a condition on this variance that the mooring pilings would only be at 15 feet.

Motion made by Mr. Villeneuve, seconded by Mr. Stresau, to grant the variance for Section 47-39.A.1.b.(12)(a)(Docks and moorings) to allow the dock to project at a measurement of five feet six inches (5' 6") from property line, whereas the code states that no dock shall project more than five feet (5') into the waterway beyond the property line along the waterway or the established bulkhead line. In a roll call vote motion failed 0-7

Motion made by Mr. Villeneuve, seconded by Ms. Ellis, to grant the variance for Section 47-39.A.1.b.(12)(a)(Docks and moorings) to allow the dock to extend into the side yard at a measurement of zero feet (0') from another residentially zoned property, whereas the code states that no dock shall extend closer than ten feet (10') to the plot line of another residentially-zoned property. In a roll call vote, motion passed 7-0.

Motion made by Mr. Villeneuve, seconded by Mr. Stresau, to grant the variance for Section 47-39.A.1.b.(12)(b)(Docks and moorings) to allow Two (2) mooring pilings to be installed into the side yards on east and west side lot line of contiguous property, at a measurement of Zero feet (0') whereas the code states that, No mooring piling shall be situated closer than ten (10) feet to any lot line of contiguous property. A variance of

Ten feet (10) each on both east and west side. In a roll call vote, motion failed 0-7.

Motion made by Mr. Villeneuve, seconded by Mr. Stresau, to grant the variance for Section 47-39.A.1.b.(12)(h)(Docks and moorings) to allow a vessel to be docked, moored or anchored adjacent to residential property in such a manner that it extends 4 feet (4') +/- across the property line of contiguous property on west side, **whereas the code states that no vessel shall be docked, moored or anchored adjacent to residential property in such a manner that it extends across the property line of contiguous property.** In a roll call vote, motion failed 1-6 with only Mr. Villeneuve voting in favor.

Communication to the City Commission

[Index](#)

None

Report and for the Good of the City

[Index](#)

None

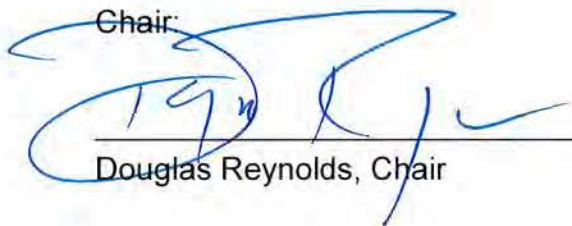
Other Items and Board Discussion

[Index](#)

Ms. Solomon reported the new City Attorney had not altered the City's opinion regarding the distance separation between establishments selling alcoholic beverages. The Board had the option to request the City Commission amend the ordinance.

There being no further business to come before the Board, the meeting adjourned at 8:00 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.

