



CITY OF FORT LAUDERDALE

BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
JANUARY 9, 2019 – 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 6/2018 through 5/2019</b>	
		<b>Present</b>	<b>Absent</b>
Douglas Reynolds, Chair	P	6	0
Howard Nelson, Vice Chair	P	5	1
Eugenia Ellis	P	5	1
Blaise McGinley	P	5	1
Patrick McTigue	P	5	1
S. Carey Villeneuve	A	5	1
<b>Alternates</b>			
Chip Falkanger	P	4	1
Chadwick Maxey	P	4	2

**Staff**

Lynn Solomon, Assistant City Attorney  
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.

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	<b><u>Case</u></b>		<b><u>District</u></b>	<b><u>Page</u></b>
	<b><u>Number</u></b>	<b><u>Owner/Agent</u></b>		
1.	<b>B18-023</b>	Self-Directed IRA Services Inc./Julieta Horner	<b>2</b>	<b><u>2</u></b>
2.	<b>B18-017</b>	OAKLAND CORNER CENTER LLC/ Stephanie J. Toothaker	<b>4</b>	<b><u>3</u></b>
3.	<b>B19-001</b>	Barkan Investments LLC/ Saul Ewing, Arnstein & Lehr	<b>2</b>	<b><u>5</u></b>
		Communication to the City Commission		<b><u>6</u></b>
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		Other Items and Board Discussion		<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. Roll was called and a quorum determined to be present.

**Approval of Minutes – December 2018**

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

Chair Reynolds explained that the notice of the meeting had not been published in the Sun Sentinel. The City Attorney had advised that the City had sufficient notice of the hearing but if any applicant wished, he/she could request a deferral. None did.

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<b>CASE:</b>	<b>B18023</b>	
<b>OWNER:</b>	<b>Self-Directed IRA Services Inc., Julieta Horner</b>	
<b>AGENT:</b>	<b>Juliet A. Horner</b>	
<b>ADDRESS:</b>	<b>1041 NE 9 Ave</b>	
<b>LEGAL DESCRIPTION:</b>	<b>PROGRESSO 2-18 D LOT 4,5 BLK 178</b>	
<b>ZONING:</b>	<b>RMM-25</b>	
<b>COMMISSION</b>	<b>2</b>	
<b>DISTRICT:</b>		

**APPEALING:** Section 47-5.36 – Table of Dimensional Requirements  
Requesting a variance to allow an “After the Fact” enclosed carport, converted into habitable living space/storage, to be located twenty (20) feet from the east front property line where the code requires a minimum of twenty-five (25) feet, a reduction of five (5) feet.

Julieta Horner, owner, said her ex-husband would represent her.

Richard Horner, Ms. Horner’s representative, said the adjacent property also had a five-foot encroachment into the setback.

Ms. Horner said most of the permits for the other work had already been approved. Mr. Horner informed the Board that Ms. Horner was improving the property and working to comply violations.

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 said the enclosing of the garage did not seem to have increased the encroachment from when it was open.

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

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<b>CASE:</b>	<b>B18017</b>
<b>OWNER:</b>	OAKLAND CORNER CENTER LLC
<b>AGENT:</b>	Stephanie J. Toothaker
<b>ADDRESS:</b>	3040 N Federal Hwy.
<b>LEGAL DESCRIPTION:</b>	CORAL CORNER SHOPPING CENTER 34-17 B LOTS 19 THRU 22
<b>ZONING DISTRICT:</b>	B1
<b>COMMISSION DISTRICT:</b>	4
<b>APPEALING:</b>	Section 47-22.3. - General regulations. -- <i>O. Shopping center or strip store signs.</i> Each store, office or place of

**REQUESTING:**

business shall be permitted no more than one (1) flat sign (excluding freestanding detached signs and eight-inch lettering on awning signs), except when a store, office or place of business faces two (2) street fronts or vehicle travel ways, then one (1) flat sign facing on each street front shall be permitted. If two (2) flat signs are to be erected, then the total aggregate area of the two (2) flat signs shall not exceed three hundred (300) square feet. All flat signs may only be permitted when associated with the ground floor tenants or for dedicated ground floor entrances for upper level tenants where the structure exceeds one (1) level. No sign shall be permitted at a height greater than four (4) feet above the ground floor level where the structure exceeds one (1) level in a shopping center or strip store.

Requesting a variance to allow each new, flat wall sign for each business, which will generally be centered along the width of each leased unit, to exceed the code requirement that "No sign shall be permitted at a height greater than four (4) feet above the ground floor level where the structure exceeds one (1) level in a shopping center or strip store" as well as a variance to install three of the flat wall signs a short distance from the building's roofline where the code requires flat wall signs be located at "dedicated ground floor entrance for upper level tenants where the structure exceeds one (1) level." The top of the proposed sign will be close to roof level at 22 feet 10 inches above grade, as per proposed plans

Chair Reynolds recused himself from this case.

Stephanie Toothaker, the owner's attorney, described the need for the signage variance. She stated second floor tenants wanted signage that indicated their location on the second floor. She displayed a rendering of the proposed signage.

Ms. Toothaker amended the application to reduce the request by one area and to limit it to the channel lettering.

Shari Dillard, Art Sign Company, described how the upper level signs would need to be constructed.

Ms. Toothaker said per the variance criteria, this was not a self-created hardship.

Mr. Nelson asked why the signage for the second floor could not be installed within four feet above the eyebrow. Ms. Toothaker stated the tenants wanted the signage mounted higher on the building to make it clearer that they were located on the second floor. She also agreed to limit the height of the lettering to three feet six inches.

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. Nelson, seconded by Ms. Ellis to approve as amended regarding the channel letter signage, the lettering height being no more than three feet six inches and the removal of one of the signs. In a roll call vote, motion passed 6-0 with Chair Reynolds abstaining.

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<b>CASE:</b>	<b>B19001</b>
<b>OWNER:</b>	Barkan Investments LLC
<b>AGENT:</b>	Saul Ewing, Arnstein & Lehr
<b>ADDRESS:</b>	702-704-706 NE 1 <sup>st</sup> Ave.
<b>LEGAL DESCRIPTION:</b>	PROGRESSO 2-18 D LOT 11,12,13,S1/2 OF 14 BLK 288
<b>ZONING DISTRICT:</b>	RAC-UV
<b>COMMISSION DISTRICT:</b>	2
<b>REQUESTING:</b>	Section 47-24.12.A.6 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.  Requesting to allow the sale of alcohol at a distance of 38.5 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 special exception results in a reduction of 261.5 feet from the required 300 feet.

Keith Poliakoff, the applicant's attorney, recalled that one year ago, Jason Crush, attorney, had requested a special exception for alcohol to be served at a barbershop but the City had abruptly announced that it was no longer approving special exceptions for alcohol. The City Commission was currently reviewing legislation to allow the Board of Adjustment to grant special exceptions again as it had in the past. In the meantime, the City had informed this owner that they must get a temporary use permit and come back to the Board of Adjustment once the new legislation was enacted. Mr. Poliakoff showed renderings and described how the property would be configured. He explained they were splitting one building into two establishments, creating the conflict. If this building had been one bar, a special exception would not have been needed.

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 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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Ms. Solomon agreed to provide Board members with copies of the legislation related to the new alcohol distance separation.

**Other Items and Board Discussion**

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None

There being no further business to come before the Board, the meeting adjourned at 7:21 pm.

Chair:

  
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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.