



**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
SEPTEMBER 9, 2020 – 6:30 P.M.**

CITY OF FORT LAUDERDALE

| Board Members | Attendance | Cumulative Attendance 6/2020 through 5/2021 | |
|---------------------------|-------------------|--|---------------|
| | | 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 | P | 1 | 0 |
| S. Carey Villeneuve | P | 1 | 0 |
| Chadwick Maxey | P | 1 | 0 |
| <hr/> | | | |
| Alternates | | | |
| Chip Falkanger | A | 0 | 1 |
| Shelley Eichner | P | 1 | 0 |
| Michael Lambrechts | P | 1 | 0 |

Staff

D' Wayne Spence, Assistant City Attorney

Mohammed Malik, Zoning Administrator

Burt Ford, Zoning Chief

Chakila Crawford-Williams, Administrative Assistant

Brigitte Chiappetta, Recording Secretary, 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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I. Call to Order

The meeting was called to order at 6:30 p.m. Roll was called and a quorum determined to be present.

II. Approval of Minutes – March 2020

Motion made by Mr. Nelson, seconded by Ms. Ellis to approve the Board's March 2020 minutes. In a voice vote, motion passed unanimously.

III. Public Sign-In / Swearing-In

All individuals wishing to speak on the matters listed on tonight's agenda were sworn in.

During each item, Board members disclosed communications they had, and site visits made.

IV. Agenda Items

1.

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CASE: B19032
OWNER: HARBOR BEACH INVESTMENTS LLC
AGENT: LISA PEREZ
ADDRESS: 1147 SEABREEZE BLVD., FORT LAUDERDALE, FL 33316
LEGAL DESCRIPTION: OCEAN HARBOR 26-39 B LOT 19 & STRIP LYING S OF LOT 19
ZONING DISTRICT: RMH-25
COMMISSION DISTRICT: 4
REQUESTING: Sec. 47-19.5. B Table 1 - Fences, walls and hedges.

Walls greater

1. Requesting a variance to allow a wall constructed without a permit at zero feet (0'0") front yard setback whereas the code requires a minimum average of 3'0" to meet the Landscaping requirements as per section 47-19.5. C.1.
2. Requesting a variance to allow a wall constructed without a permit at a height of eight feet (8'0") whereas the code allows a maximum height of six feet six inches (6'6").

Sec.47-19.5. C.1 Landscaping Requirements.

3. Requesting a variance to allow the Landscaping requirements to be exempt.

***Rehearing for this case was approved on 2/12/20.**

Lisa Perez, agent, gave a Power Point presentation regarding the proposed fence installation.

Chair Reynolds had noticed recent installation of concrete block on the back wall, but this was not included in the variance request. There was also a new structure in the southwest corner with a roof attached to the rear wall. He asked if that was part of the variance request.

Sergio Ellis, the owner's representative, stated the rear wall had been permitted by the neighbors, who owned it. They were awaiting a demolition permit to remove the roof touching the wall.

Mr. Nelson asked why they needed the additional height, and how the variance request complied with the variance criteria. Artour Kagulian, contractor, stated a 6'6" wall on the outside of the property would only be a 4-foot wall on the inside and people would be able to jump the wall to the outside. Mr. Nelson asked why they needed the setback to

be at zero feet instead of three feet. Mr. Kagulian explained that they would maintain two walls, keeping the existing wall and one set back to make the property more secure. Mr. Nelson asked why they could not plant landscaping and Mr. Kagulian stated there was an area of landscaping they maintained, but the sidewalk would immediately abut the fence, so there was no room for landscaping.

Mr. Nelson felt the hardship was the owner's making and Mr. Kagulian reiterated their rationale for the variance requests.

Mr. Ellis confirmed that the hotel had been operating with a four-foot wall for many years.

Mr. Kagulian informed Mr. Villeneuve that kids jumping the existing wall was a constant problem. Mr. Ellis said people also tossed trash onto the property from outside.

Chair Reynolds opened the public hearing.

Stamatia Destounis, rear neighbor, said the hotel owner had added to the wall between their properties and it was misshapen. They had also added a structure with a roof, that was 30 feet long and was attached to the wall. She had spoken to Mr. Kagulian, who informed her they had no permit for the additional wall or the structure but needed the shed for a laundry room. Mr. Kagulian had since informed her that they intended to tear down the shed. The meeting moderator displayed photos provided by Ms. Destounis of the structure added to the wall and the shed structure.

Mr. Ellis and Mr. Kagulian admitted to adding the height to the rear wall, as well as the structure.

Manuel Matos, neighbor and Ms. Destounis's husband, stated the hotel owner had built structures without a permit and completely disregarded the City laws. He said their rear wall was six feet tall and had been there many years, but the hotel owner had added approximately five feet to the height.

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. Malik had received a letter from Annette Ross, the president of the Harbor Beach Homeowners Association which Ms. Crawford read into the record. The letter indicated that the association had not been contacted by the hotel regarding the request for additional wall height and the setback change. Ms. Ross was opposed to both requests and noted that the hotel had not shown any hardship that was not self-created to warrant the requests.

Mr. Malik clarified that the variance application only applied to the wall along Seabreeze Boulevard, not rear wall that a survey showed was 3.97 feet into Ms. Destounis and Mr. Matos's property. They were unsure who actually owned the wall. He said there was already a Code Enforcement case regarding the wall addition and structure.

Mr. Ellis said they were in the process of pulling a demolition permit for the structure. Regarding the Seabreeze Boulevard and Harbor Drive walls for which they were requesting the variances, Mr. Ellis said the old wall was overgrown and not well-kept and they wanted to improve it.

Mr. Villeneuve noted the importance of the three-foot setback to the pedestrian experience. He felt that security could be enhanced through landscaping instead of a taller wall.

Motion made by Mr. Nelson, seconded by Ms. Ellis:

To find that the applicant had not met any criteria for a variance on any of the three applications or shown why a literal application of the code could not meet their goals.

In a roll call vote, motion passed 7-0.

2.

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| CASE: | PLN-BOA-19110005 |
| OWNER: | PIERO L. DESIDERIO |
| AGENT: | ANDREW J. SCHEIN, ESQ./ LOCHRIE & CHAKAS, P.A. |
| ADDRESS: | 3025 NE 21 STREET, FORT LAUDERDALE, FL 33305 |
| LEGAL DESCRIPTION: | LAUDERDALE BEACH EXT 27-48 B LOT 3 BLK 11 |
| ZONING DISTRICT: | RS-8 |
| COMMISSION DISTRICT: | 2 |
| REQUESTING: | <u>Sec. 47-19.2. B- Architectural features in residential Districts.</u> <u>Architectural features such as eaves, cornices, unenclosed balconies with open railings, window sills, awnings, chimneys, bay windows, and dormers accessory to a residential use are permitted to extend into a yard area a maximum distance of three (3) feet from the face of the building, or one-third (1/3) of the required yard, whichever is less.</u> |

The applicant is requesting a variance from the maximum distance of three (3) feet from the face of the building, or one-third (1/3) of the required yard, whichever is less, requirement of Section 47-19.2.B. to allow a permitted and constructed overhand to extend an additional three point two (3.2) feet into the required front yard for a total encroachment of six point two (6.2) feet.

Mr. Nelson disclosed that the owner, Mr. Desiderio, was a local attorney with whom he had served as co-counsel and as opposing counsel. He did not believe this presented a conflict.

Andrew Schein, attorney for the owner, gave a Power Point presentation regarding the requests. He described how the requests met the variance criteria.

Mr. Schein was not aware of any plans to widen NE 21 Street and noted that the City did not typically do this in residential areas.

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. Villeneuve:

To find that the unique aspects of the 15-foot additional right-of-way, as well as the City's approval were militating factors and the applicant met the criteria for this being the minimum variance necessary and this not being a hardship of the applicant's making, and to approve the variance requested.

In a roll call vote, motion passed 7-0.

3.

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|-----------------------------|---|
| CASE: | PLN-BOA-20030001 |
| OWNER: | BEAUCHAMP, RICHARD A &; BEAUCHAMP, VICTORIA R |
| AGENT: | RICHARD BEAUCHAMP |
| ADDRESS: | 1152 N. RIO VISTA BLVD., FORT LAUDERDALE, FL 33301 |
| LEGAL DESCRIPTION: | RIO VISTA C J HECTORS RESUB 1-24 B LOT 16 BLK 4 |
| ZONING DISTRICT: | RS-8 |
| COMMISSION DISTRICT: | 4 |
| REQUESTING: | <u>Sec. 47-5.31 Table of dimensional requirements for the RS-8 district.</u> |

Requesting a variance from the 5 feet minimum side yard requirement of Section 47-5.31 Table of Dimensional Requirements to allow an existing permitted covered screened porch into air-conditioned living space to remain at a side yard setback from 4.4 feet to 4.7 feet as per plans, a total maximum variance request of 0.60 feet.

Richard Beauchamp, owner, said the variance was needed to address an encroachment on their west property line they discovered when making plans to do work on their screened porch. The last 21 feet of the existing structure encroached 4.8” to 8” into the west setback. Regarding the criteria Mr. Beauchamp said the special circumstance was the unique shape of the lot and the home was not situated squarely on the lot. Mr. Beauchamp stated they planned only to hurricane proof the porch, which would not change the existing encroachment. He said this variance was the minimum needed to go forward. He stated the adjacent owner had no objection to the variance request.

Mr. Beauchamp informed Mr. Nelson that he believed the 1985 porch permit had been closed out.

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. McGinley:

To find that the application meets the criteria for a variance under the City’s ULDR in that it is the minimum variance required, it is not a hardship of the applicant’s making and denial of the variance would impose a substantial hardship on a long-held property interest and to approve the variance.

In a roll call vote, motion passed 7-0.

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| CASE: | PLN-BOA-20030002 |
| OWNER: | PRESTE CORP; OCEAN REEF INVESTMENTS LLC; ROYAL QUALITY HOMES OF FL LLC |
| AGENT: | HEIDI DAVIS KNAPIK |
| ADDRESS: | 2985 N OCEAN BLVD.; NE 30 STREET; NE 30 STREET; NE 33 AVENUE; N OCEAN BLVD., FORT LAUDERDALE, FL 33308 |
| LEGAL DESCRIPTION: | LAUDERDALE BEACH 4-2 B LOTS 91 & 92 LESS THAT POR OF SAID LOTS LYING W OF FOL DESC LINE, COMM AT NW COR OF LOT 92, ELY 85.38, SLY 100 TO A PT ON S/L OF LOT 91 AND THE PT OF TERMINATION OF THE HEREIN DESC LINE BLK 1; LAUDERDALE BEACH 4-2 B THAT POR OF LOTS 91 & 92 LYING W OF FOL DESC LINE, COMM AT NW COR OF LOT 92, ELY 85.38, SLY 100 TO A PT ON S/L OF LOT 91 AND THE PT OF TERMINATION OF THE HEREIN DESC LINE BLK 1; LAUDERDALE BEACH EXT UNIT B 29-22 B LOT 1 BLK 23; LAUDERDALE BEACH EXT UNIT B 29-22 B LOT 2 BLK 23; LAUDERDALE BEACH 4-2 B LOT 90 BLK 1 |
| ZONING DISTRICT: | CB and RMH-60 |

COMMISSION
DISTRICT:
REQUESTING:

2

Sec. 47-6.20. - Table of dimensional requirements for the CB district. (Note A)

- Requesting a variance from the 5 feet minimum front yard (NE 30th street) setback requirement of Section 47.6.20 Table of Dimensional Requirements to allow a structure at a proposed setback of 1 foot 6 inches, a total variance request of 3 feet 6 inches. **Note:** This request is for folio/parcel id: 494330010760, 494330010770 and 494330030800.
- Requesting a variance from the 5 feet minimum corner yard (Ocean Boulevard) setback requirement of Section 47.6.20 Table of Dimensional Requirements to allow a structure Requirements to allow a proposed structure with a corner yard setback of 0 feet, a total variance request of 5 feet. **Note:** This request is for folio/parcel id: 494330010760.

Sec. 47-5.38. - Table of dimensional requirements for the RMH-60 district. (Note A)

- Requesting a variance from the 15 feet minimum rear yard (NE 33 Ave) setback requirement of Section 47-5.38 Table of Dimensional Requirements to allow a proposed structure at a rear yard setback of 10 feet, a total variance request of 5 feet. **Note:** This request is for folio/parcel id: 494330030810.
- Requesting a variance from the 5 feet minimum corner yard (N. Ocean Blvd) setback requirement of Section 47-5.38 Table of Dimensional Requirements to allow a proposed structure with a corner yard setback of 0 feet, a total variance request of 5 feet. **Note:** This request is for folio/parcel id: 494330010750 and 494330010760.

Heide Knapik, attorney for the applicant, and Nelson Ortiz, engineer, provided a Power Point presentation on the project.

Chair Reynolds opened the public hearing.

William Brown, president of the Central Beach Alliance, said the developer met with the association's membership to discuss the proposal twice and the project had been received very well. The developer listened to FDOT and residents' concerns. The association vote was 135 in favor and 7 opposed to the project.

Pio Ieraci, president of the Galt Mile Community Association, said this project was the kind of product they had wanted for many years.

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. Knapik reported the Lauderdale Beach Association had passed a resolution in favor of the development. She said they had met with hundreds and hundreds of people in the area.

Ms. Ellis said the neighborhood had been seeking a project like this for a very long time.

Mr. Spence suggested including the condition that changes in zoning would not affect the variance.

Motion made by Mr. Nelson, seconded by Ms. Ellis:

To find that the request was the least variance needed to effectuate the goal of the project and the hardship was not of the applicant's making, that it met the requirements for the variance in the ULDR and to approve the requests for four variances in the application. And that the variance would not be terminated by a zoning change to effectuate this use.

In a roll call vote, motion passed 7-0.

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| CASE: | PLN-BOA-20030003 |
| OWNER: | D'OFFAY, DAPHNE C & GERARD M |
| AGENT: | GERARD M. D'OFFAY |
| ADDRESS: | 2730 SW 19 STREET, FORT LAUDERDALE, FL 33312 |
| LEGAL DESCRIPTION: | BEL-TER 42-48 B LOT 28 |
| ZONING DISTRICT: | RS-8 |
| COMMISSION DISTRICT: | 4 |
| REQUESTING: | <u>Sec. 47-5.31 -Table of dimensional requirements for the RS-8 district</u> Requesting a variance from the 15 feet minimum rear yard requirement of Section 47-5.31 Table of Dimensional Requirements to allow a covered patio roof constructed without a permit to remain at a rear yard setback of 2 feet, a total maximum variance request of 13 feet |

Gerard D'Offay, owner, said he was the owner/builder of the patio roof. He said he was duplicating the setback of his garage on the west side of the property.

Mr. D'Offay's connection was dropped temporarily.

Upon returning to the case, Mr. D'Offay said he was unaware that the City owned so much of what he thought was his yard (the setback). He had provided photos of other properties in the area with similar structures, which staff displayed. He described the construction of the cover and its support system. Mr. D'Offay had submitted four

testimonials from neighbors in support of his request. He also had an architect draw plans for the after-the-fact permit.

Mr. D'Offay said he had experience building ships, not buildings. He said he had built the structure after the 2008 crash because he could not afford to hire a builder. He admitted he knew that the proper way to go about it was to hire a contractor and get a permit but decided to wait and apply for an after-the-fact owner/builder permit.

Mr. Villeneuve asked about the neighbor to the east and Mr. D'Offay explained that he had "previous history" with that neighbor. He had not asked for a letter of support because he believed that this neighbor was the one who had complained.

Chair Reynolds opened the public hearing.

Bryan McCallum, adjacent neighbor, said Mr. D'Offay had shown a disregard for the setbacks and the Building Department regulations. Mr. McCallum said the structure was not built to code and there were no wind load calculations or engineering. He added that there was electrical in the structure and Mr. D'Offay was not an electrical contractor. He said this hardship was completely self-imposed. He wanted the structure torn down and rebuilt according to code, with a permit.

Regarding the variance request, Mr. McCallum said the structure extending into the setback was not aesthetically in keeping with the other properties on the water. Even if the structure was deemed sound and eligible for a variance, Mr. McCallum said the structure infringed on his view in its current location.

Christopher Salley, neighbor, said he could see the structure from his property and did not feel it was an eyesore. He noted that several properties in the area had structures right on the lot line or even extending into the water.

Ms. Ellis recalled that many properties in the Riverland area had been annexed into the City with existing non-conformities. Mr. Malik confirmed this and added that other properties in the area had different setback requirements.

Adam Bailie, neighbor across the canal, said he did not like the view of the structure.

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. D'Offay said he did not feel he was above the law but had built the structure to make his family's life more comfortable. He admitted there was electrical work in the structure, but said it was in conduit and used water-proof housings. He noted that the structure was in exact line with the existing wall between his and Mr. McCallum's property and was no higher, so it was not further obstructing Mr. McCallum's view.

Mr. Villeneuve was empathetic to Mr. D'Offay's setback issues, but he felt this "absolutely affects Mr. McCallum's use and enjoyment of his property" and his property's value. He said the Board would not be doing its job if they approved this.

Motion made by Mr. Nelson, seconded by Mr. McGinley:

To find that per the evidence presented, the variance requested did not meet the requirements for a hardship or the minimum variance necessary under the ULDR and to deny the request.

In a roll call vote, motion passed 7-0.

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| CASE: | PLN-BOA-20030004 |
| OWNER: | DIMATTINA, FRANK; DIMATTINA, MARIE-ELAINA |
| AGENT: | VINCENT J. KA FER |
| ADDRESS: | 3201 NE 38 STREET, FORT LAUDERDALE, FL 33308 |
| LEGAL DESCRIPTION: | BERMUDA-RIVIERA SUB OF GALT OCEAN MILE FIRST ADD 40-12 B LOT 13 BLK L |
| ZONING DISTRICT: | RS-8 |
| COMMISSION DISTRICT: | 1 |
| REQUESTING: | <u>Sec. 47-5.31 -Table of dimensional requirements for the RS-8 district</u> |

Requesting a variance from the 25 feet minimum rear yard requirement of Section 47-5.31 Table of Dimensional Requirements to allow an existing structure to remain at a rear yard setback of 24.19 feet.

Vincent Kafer, agent, stated after the building was originally constructed, it was noted that the building deviated from the site plan: the rear yard had a 24.19-foot instead of the required 25-foot setback. He said that previously, a second story had been permitted and built in line with the existing walls, with a 37" deep rear balcony. The balcony had been removed in 2012. The owner wanted to add a balcony but had discovered that because of the deviation, the balcony could only be 26.28" deep. The balcony would be used by the owner's mother, who was in a wheelchair, and this required 36" of depth to maneuver. He said this would not interfere with the neighboring property.

Mr. Nelson clarified that if the rear yard setback was 25 feet, the proposed balcony would be allowed to intrude into it. Legalization of the home construction would allow the balcony.

Mr. Nelson remarked that if the variance was denied, not only would the balcony be denied, but the City could also ask the owners to remove the rear four inches of the house.

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 find that based on the unique circumstances of this property and the prior approvals, the application met the criteria for a variance in that this was not a hardship of the applicant's making and was the minimum variance required to effectuate their desires and to approve the variance.
In a roll call vote, motion passed 7-0.

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| CASE: | PLN-BOA-20050001 |
| OWNER: | HARVARD, AL D |
| AGENT: | N/A |
| ADDRESS: | 1300 NW 5 AVENUE, FORT LAUDERDALE, FL 33311 |
| LEGAL DESCRIPTION: | PROGRESSO 2-18 D LOT 13 LESS S 15 FOR ST BLK 77 |
| ZONING DISTRICT: | RDs-15 |
| COMMISSION DISTRICT: | 2 |
| REQUESTING: | <u>Sec. 47-5.32. - Table of dimensional requirements for the RD-15 and RDs-15 districts. (Note A) Minimum corner yard(ft) for a single-family dwelling is twenty-five (25) percent of lot width but not less than ten (10) feet nor greater than twenty-five (25) feet.</u> |

The applicant is requesting a variance from the 10-foot minimum corner yard requirement of Section 47-5.32 Table of Dimensional Requirements for the RD-15 and RDs-15 Districts to allow the construction of a single-family dwelling with a corner yard of 2 feet.

Kehana Nelson, property manager, explained that the deficiency was caused by land being taken in the past to expand 13th Street.

Al Harvard, owner, said most homes on 13th Street were flush with the sidewalk. He planned to put landscaping in the two-foot strip between the sidewalk and the house.

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 remarked that these lots were virtually unbuildable without this type of variance.

Motion made by Mr. Villeneuve, seconded by Mr. Nelson:

To find that this was unique property, that it met the criteria for the variance, that this was the minimum variance need to effectuate what was being requested and to approve the variance.

In a roll call vote, motion passed 7-0.

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CASE: PLN-BOA-20050002

OWNER: TOWN DEVELOPMENT CO

AGENT: GINA PENNEY

ADDRESS: 333 E SUNRISE BLVD., FORT LAUDERDALE, FL 33304

LEGAL DESCRIPTION: PROGRESSO 2-18 D A POR OF LOTS 14 THRU 25 INCLUSIVE, ALL OF LOTS 26 THRU 34 INCLUSIVE, & A POR OF LOT 35, BLK 183 DESC AS: COMM AT SW COR OF SAID LOT 25, N ALG W/L 15 TO POB, CONT N 249 TO INTERS OF A LN LYING 11 S OF & PARA TO N/L OF LOTS 35 & 14, ELY ALG SAID PARA LN 260 TO INTERS WITH A LN LYING 10 W OF & PARA TO E/L OF SAID BLK 183, S 229.50 TO P/C, SLY & WLY ALG CUR 30.63, WLY 240.50 TO POB

ZONING DISTRICT: B-2 and CB

COMMISSION DISTRICT: 2

REQUESTING: **Sec. 47-22.4. - Maximum number of signs at one location and special requirements in zoning districts.**

1. Requesting a variance to increase the total number of signs per lot from the maximum of four (4) signs with no more than one being a freestanding sign, to a total of Five (5) signs, a total increase of one (1) free standing sign.

Sec. 47-22.3. G - General regulations

2. Requesting a variance to allow a ground sign at a total height of 10 feet from natural grade whereas the code allows a maximum of 8 feet a total increase in height of 2 feet.
3. Requesting a variance to allow a total sign height of 7 feet 11 ¼ inches whereas the code allows a maximum height of 5 feet a total variance request of 2 feet 11 ¼ inches.

Gina Penney, agent, gave a Power Point presentation. She stated they needed the additional sign to capture the attention of travelers on NE 4th Avenue. The additional height would make the sign visible from a greater distance and allow time for customers to turn into the property safely. She stated there was limited visibility on NE 4th Avenue.

Mr. Ford said the message board in Ms. Penney’s presentation was not what had been submitted to the City. What was submitted was a “non-changeable panel with 12” character prices.” Ms. Penney stated they had submitted revisions to the City for the message center.

Chair Reynolds clarified that the documents the Board members had been provided were correct, not the Power Point.

Mr. McGinley was not sure the additional sign and height were warranted.

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. Villeneuve, seconded by Mr. Nelson:
To find that the request met the criteria and was consistent with other variance requests they had granted regarding this type of development and this type of sign and to approve the variance.
In a roll call vote, motion failed 4-3 with Mr. McGinley, Mr. Maxey and Chair Reynolds opposed.

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|-----------------------------|---|
| CASE: | PLN-BOA-20050003 |
| OWNER: | CHRISTINE BRENNEN |
| AGENT: | JEROME SHRIVER GELIN |
| ADDRESS: | 1824 NW 24 TER., FORT LAUDERDALE, FL. 33311 |
| LEGAL DESCRIPTION: | LAUDERDALE MANOR HOMESITES 34-21 B LOT 3 BLK 4 |
| ZONING DISTRICT: | RS-8 |
| COMMISSION DISTRICT: | 3 |
| REQUESTING: | <u>Sec. 47-5.31 -Table of dimensional requirements for the RS-8 district</u> |

Requesting a variance from the 15 feet minimum rear yard requirement of Section 47-5.31 Table of Dimensional Requirements to allow a new structure to remain at a rear yard setback of 14 feet, a total maximum variance request of 1 foot.

Jerome Shriver Gelin, agent, said the variance was needed for a structure in the rear of the property that extended 10” into the setback. He said this was no imposition on the neighbors. Mr. Gelin explained to Mr. Nelson that the structure had already been built and deviated from the plans. He was not aware of a check on the setbacks when the foundation was laid and inspected.

Christina Brennen Taylor, owner, said this had been a screened-in patio and she had gone through the process to enclose it. The contractor had built too close to the property line.

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. McGinley:
To find that this met the variance requirements, was the minimum variance needed and was a hardship not of the owner’s making and to approve the variance as requested.
In a roll call vote, motion passed 7-0.

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|-----------------------------|---|
| CASE: | PLN-BOA-20070001 |
| OWNER: | CAR PROPERTIES LLC |
| AGENT: | MITCH MARKAY |
| ADDRESS: | 444 E SUNRISE BLVD., FORT LAUDERDALE, FL 33304 |
| LEGAL DESCRIPTION: | PROGRESSO 2-18 D LOTS 2,3,4,5,6 & THAT PART OF BLK 215 WHICH LIES S OF LOT 6 & E OF ALLEY BLK 215 |
| ZONING DISTRICT: | NWRAC-MUne |
| COMMISSION DISTRICT: | 2 |
| REQUESTING: | <u>Sec. 47-22.4. - Maximum number of signs at one location and special requirements in zoning districts.</u> |

A. Business, General Aviation, and RMH-60 zoning districts. The following regulations shall apply in all business, general aviation, and RMH-60 zoning districts: 1. Single business buildings. The total number of signs on anyone (1) lot or plot shall not exceed four (4). The signs shall be limited and oriented to be viewed from the streets and vehicle travel ways abutting the lot or plot as follows (streets and vehicle trafficways that are located parallel to one (1) another is considered separate): Two (2) streets and two (2) or more travel ways = Four (4) signs, no more than one (1) being a freestanding sign

The applicant is requesting to increase the total number of signs per lot from the maximum of four (4) signs with no more than one being a freestanding sign, to a total of ten (10) signs, a total increase of six (6) signs. The four (4) signs permitted by right would be signs 1,2,3&4, comprised of three (3) wall signs and one (1) free standing sign per the submittal. The six (6) extra signs requested are all considered wall signs and are numbered 5,6,7,8,9, & 10 per the submittal.

Glenn Welden gave a Power Point presentation. He explained that the service bays were each specific to the one service available there.

Mr. Nelson felt the second sign with the same message on the north elevation (signs 1 and 5) was not needed. If they dropped the request for this sign, they could have the four allowed signs and five bay directional signs that may not be considered advertising. Mitch Markay, agent, said the entrance area was built out from the bay and Jiffy Lube considered this a "signatory entrance" into the facility. Mr. Welden stated they had been granted this same variance for the Broward Boulevard location.

Mr. Welden offered to eliminate the sign from the west elevation, leaving the four signs that were allowed by code and requesting a variance for the five bay directional signs on the south elevation.

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:

On the request as amended by the proffer from Mr. Welden to remove sign #3 from the west elevation so the application would read: four advertising signs and five bay identification signs, which were more directional than advertising, therefore this was the minimum variance necessary for public safety and the use of the property and to approve the variance request as modified by Mr. Welden's proffer.

In a roll call vote, motion passed 7-0.

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|---------------------------|---|
| CASE: | PLN-BOA-20080001 |
| OWNER: | GUMBERG, STANLEY R TR/T-1163 % PROP TAX DEPT TPN-0950 |
| AGENT: | BARBARA A. HALL |
| ADDRESS: | 3200 N FEDERAL HIGHWAY #700, FORT LAUDERDALE FL 33306 |
| LEGAL DESCRIPTION: | CORAL RIDGE GALT ADD NO 2 RESUB OF PORTION 36-15 B A POR OF TR A DESC AS:COMM NE COR SAID TR A;S 258.25 TO POB |

CONT S 686.75, SWLY AN ARC DIST 39.27, W 722.52, NWLY AN ARC DIST 25.24, NW 348.37, NE 379.36, SE 65.04, SELY AN ARC DIST 35.62, SE 21.20, SELY AN ARC DIST 78.64, NE 374.32, NW 53.62, NE 45.80, N 66.33, E 160.62 TO POB, LESS POR DESC IN OR 2234/971
AKA: TARGET TRACT

ZONING DISTRICT: B-1

COMMISSION DISTRICT: 1

REQUESTING:

The applicant is requesting variances from Sections 47-19.2.II and 47-19.5.J.1 to allow the placement of five (5) portable storage units in parking spaces adjacent to the side and rear of the property during the fourth quarter (from October 1st through December 31st) of each year as the followings:

Sec. 47-19.2.II.2. a. Portable storage units. The PSU shall not exceed eight (8) feet in width, sixteen (16) feet in length and nine (9) feet in height.

1. The applicant is requesting a variance from the size limitation for portable storage units (PSU) of 8 feet in width, 16 feet in length and 9 feet in height to increase the length of the PSU to 40 feet.

Sec. 47-19.2.II.2. b. Portable storage units. There shall be no more than one (1) PSU allowed per site.

2. The applicant is requesting a variance from the limitation of one (1) PSU per site to allow five (5) PSU on the subject property, an increase of 4.

Sec. 47-19.2.II.4. b. Portable storage units. Non-residential use.

3. The applicant is requesting a variance from the maximum of thirty (30) calendar days per event and two events per commercial rental unit on a property per calendar year with a limit of sixty (60) days on a property per applicant per calendar year to allow (92) ninety-two consecutive calendar days within a calendar year.

Sec. 47-19.5. J.1-Temporary fences.

4. The applicant is requesting a variance from the restriction permitting temporary construction fences in conjunction with construction to allow the installation of a temporary fence as per plans on existing site in conjunction with the placement of the PSUs. Note: Removal of the fencing and the storage units within one week from December 31 of each year.

Barbara Hall, agent, reported they had held a meeting with homeowners the previous week and as a result, agreed to amend the petition to limit the variance for just the last quarter of 2020, from October 1, 2020 to December 31, 2020, with an additional week to remove the containers. One container would be reduced from 40 feet long to 25 feet to

allow it to fit behind the building wall and not be seen. Ms. Hall then gave a Power Point presentation on the request.

Mr. Nelson clarified that the time period was actually 98 days, not 91: from October 1 to January 7.

Chair Reynolds believed the storage units were not needed because the store had the ability to store more goods inside. Mindy Anderson, Senior Business Partner for Target Store Operations, explained that the backroom storage at the store was not sufficient. She said they had looked at renting space in malls for other stores but not at this location. This would present a security concern transporting the merchandise.

Chair Reynolds was concerned this could set a precedent for others and Ms. Hall said they would need to go through the same process as Target was and they would need to meet the criteria.

Mr. Maxey said containers were usually used during construction. He noted that other large stores may have the same issues regarding storage and was concerned about setting a precedent.

Mr. Villeneuve felt these were very unsightly. He wondered why they could not just restock overnight, each night. If this were granted, he wanted the containers screened on both sides by the temporary fencing, and to ensure that the fencing was not slipshod.

Ms. Ellis said the availability of goods was key and Target was trying to accommodate this desire of their shoppers. She added that mall space was a long-term lease, not month-to-month. She also appreciated that this would not block the cut-through access behind the building. Ms. Ellis added that this would just be for this year; Target was considering how to address this differently in the future.

Ms. Anderson explained that completely enclosing the containers with fencing presented an accessibility issue.

Chair Reynolds opened the public hearing.

Donald Dye, neighbor, felt that this would start a precedent for big-box stores and did not believe this met any of the criteria for a variance. He said this would industrialize an area on the edge of "one of the nicest communities in east Broward County. Mr. Dye said he had already added landscaping to his property to obscure their view of a generator Target installed. He said the rear of the Target property was not maintained now and was an eyesore and this would only add to that. Mr. Dye stated he had met in the past with City Code Enforcement regarding the landscaping on the mall property.

Mr. Maxey stated Target was permitted to have containers on site for two 30-day periods per year. If they granted this variance, it would include beautification of the site. Mr. Malik explained that they were allowed one 8-foot by 16-foot container for 30 days at time, twice per year on commercial properties. This request was for additional, larger containers to be stored for a longer period.

Mr. Villeneuve asked if wrapping the containers in decorative wrap would address Mr. Dye's concern and Mr. Dye pointed out that the six-foot chain-link fence had green vinyl vegetation strips that "looks like crap." He thought if the landscape buffer had been maintained, he would not be so opposed, but that had not and would not happen.

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. Hall pointed out the area where they planned to put the containers and explained that the buffer area was actually City right-of-way. She said Mr. Dye would not be able to see the storage container area from his property.

Ms. Ellis acknowledged that they did not want this to become a practice or to continue past the specified time period. She suggested specifying that this would only apply to this year.

Mr. Villeneuve felt this industrialized the area and externalized Target's business costs. He felt Ms. Ellis had raised good reasons to approve this for this year only and he was adamant he would not approve this again for anyone. He reiterated that Target should consider decorative wrapping for the containers.

Motion made by Mr. Nelson, seconded by Ms. Ellis:

To find that this met the criteria for a variance regarding it being the minimum needed and the hardship issue of layout, and with Ms. Hall's proffer of this being a one-time event, and the clarification that this was for 98 days, not 91 days, and the additional screening on the outside edge, and to approve the variance as modified by the proffer. In a roll call vote, motion passed 5-2 with Mr. McGinley and Mr. Maxey, opposed.

Communication to the City Commission

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Chair Reynolds thanked staff and said Ms. Crawford's efforts coordinating the meeting had been extraordinary.

Report and for the Good of the City

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Election of Officers

Mr. Villeneuve nominated Mr. Nelson for Chair, seconded by Ms. Ellis. In a voice vote, motion passed 6-1 with Mr. Nelson opposed.

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

Other Items and Board Discussion

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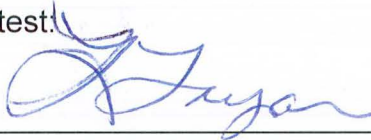
None

There being no further business to come before the Board, the meeting adjourned at 11:59 p.m.

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.