



CITY OF FORT LAUDERDALE

BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
OCTOBER 9, 2019 – 6:30 P.M.  
CITY HALL CITY COMMISSION CHAMBERS  
100 NORTH ANDREWS AVENUE  
FORT LAUDERDALE, FLORIDA

Board Members	Attendance	Cumulative Attendance 6/2019 through 5/2020	
		Present	Absent
Douglas Reynolds, Chair	P	4	0
Howard Nelson, Vice Chair	P	4	0
Eugenia Ellis	P	4	0
Blaise McGinley	P	4	0
Patrick McTigue	P	3	1
S. Carey Villeneuve	A	1	3
Chadwick Maxey [arrived 6:41]	P	3	1
<b>Alternates</b>			
Chip Falkanger	P	3	1
Shelley Eichner	A	2	2
Tim Bascombe	A	1	3

**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.

**Index**

	<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>B19-017</b>	Keystone-Florida Property Hold/Jason Crush	1	<u>2</u>
2.	<b>B19-022</b>	NBIM Outparcel LP/ Mitch Markay	3	<u>5</u>
3.	<b>B19-026</b>	Guzzardo, Paul Lichtenstein, Murray H	1	<u>6</u>
4.	<b>B19-027</b>	1622 Brickell Drive Inc./ Robert Moehring, Domo Studio LLC	4	<u>7</u>
5.	<b>B19-028</b>	Leland Pillsbury/ Deena Gray	2	<u>9</u>
		Communication to the City Commission		<u>11</u>
		For the Good of the City		<u>11</u>
		Other Items and Board Discussion		<u>11</u>

**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 – September 2019**

**Motion** made by Mr. Nelson, seconded by Ms. Ellis to approve the Board’s September 2019 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. [Index](#)

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<b>CASE:</b>	<b>B19017</b>
<b>OWNER:</b>	KEYSTONE-FLORIDA PROPERTY HOLD
<b>AGENT:</b>	CRUSH LAW, P.A., JASON CRUSH
<b>ADDRESS:</b>	2598 E. SUNRISE BLVD., FORT LAUDERDALE, FLORIDA 33304
<b>LEGAL DESCRIPTION:</b>	SUNRISE 28-42 B SUNRISE CENTER TRACT PT TR B DESC AS, S 230 OF N 298 OF W 162 OF E 169 AKA: SAKS FIFTH AVENUE

**ZONING DISTRICT:** B-1

**COMMISSION  
DISTRICT:** 1

**REQUESTING:** **Sec. 47-22 – Sign Requirements.**

Applicant proposes to allow up to five tenants to place flat signs on the north (Sign 1) and east (Sign 2) facades of their building and a flat sign for building identification on the northeast corner of the building (Sign 3). Each tenant will have two signs that are proposed to be displayed in consolidated LED sign faces, one located on each building facade. Pursuant to Section 47-22.3. O each store, office or place of business shall be permitted no more than 1 flat sign unless facing two street fronts or vehicle travel ways in which case one flat sign on each street is permitted with an aggregate area of 300 square feet. Additionally, only ground floor tenants of tenants with dedicated ground floor entrances are permitted to have a flat sign. The variances would:

- Vary from the limitation that only allows ground floor tenants of tenants with dedicated ground floor entrances to have to flat sign to allow other tenants to display on the consolidated flat sign as their flat sign. (Signs 1 and 2)
- Vary from the limitation on the number of permitted flat signs to allow all tenants, regardless location in the mall, to display on the consolidated flat sign on both facades. (Signs 1 and 2)
- Vary from the maximum aggregate area of the sign face from 300 square feet to 432 square feet. (Signs 1 and 2)
- Vary from the limitation on a sign being permitted at a height no greater than four (4) feet above the ground floor level where the structure exceeds one (1) level in a shopping center or strip store (Signs 1,2, and 3).

Courtney Crush, attorney for the owner, provided a Power Point presentation, a copy of which is attached to these minutes for the public record.

Ms. Crush said they proposed two flat signs at the northeast corner of the Galleria Mall and a “Galleria Mall” identification sign at the corner of Sunrise Boulevard and 26 Avenue. One flat sign would be on the north façade and the second would be on the east façade, and each would be 432 square feet or smaller, for a proposed maximum of five tenants on each sign.

Regarding compatibility, Ms. Crush said they had presented the proposal to the Coral Ridge Homeowners Association board of directors in May and September and the comments had been positive. They had also met with the Corinthian Condominium and

Sunrise Intracoastal neighborhood and they had requested the sign borders align with the existing glass frames on the building. Ms. Crush said the applicant had agreed.

Regarding a hardship, Ms. Crush stated the hardship was not self-created; the applicable sections of the code were added after the mall had been built. They believed the variances requested were for the minimum square footage that will make possible a reasonable use of the property.

Ms. Crush said the remaining two variances concerned the tenant content of the flat signs. They were asking for variances to: 1. The limitation allowing only ground floor tenants with dedicated ground floor entrances to have a flat sign and 2. The limitation that a tenant could only be on one sign. For the marquee "Galleria Mall" sign they were proposing, they were asking for relief from the height limitation.

Ms. Crush specified that flat sign #2 on the east façade would be less than 432 square feet when it was made to match the existing glass border. The flat sign #1 on the north façade would also match the glass border, elongating the sign top to bottom. The maximum square footage would still be limited to less than 432 square feet. There would be up to five tenants listed on each of the two flat signs.

Ms. Crush confirmed for Mr. McGinley that this would be a static LED sign; the copy could not be changed without a permit.

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

I move that based upon the uniqueness of the property, both with respect to the architectural aspects of the property where there are very few, if no actual ground floor tenants because of the parking structure under it, as well as the height and the maturity of the vegetation on the property that it meets the requirements for a variance and I would move to approve all four of the variances requested. The Board also accepts the proffer to not change the copy of the sign except with a permit that changes the copy as well as the two proffers with respect to sign dimensioning, per your agreement with the neighboring associations.

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

2.

[Index](#)

**CASE:** B19022  
**OWNER:** NBIM OUTPARCEL LP  
**AGENT:** MITCH MARKAY  
**ADDRESS:** 2640 W. BROWARD BLVD., FORT LAUDERDALE FLORIDA 33312  
RIVERBEND MARKETPLACE 181-111 B POR OF TRACT A DESC  
**LEGAL DESCRIPTION:** AS: COMM SE COR TRACT A, W 660.40, N 92.27, W 500.09, N 166.67, W 107, N 164.88, E 10, N 255.29, E 3, N 169.47 TO POB, N 136.42, NE 8.50, E 154.53, S 121.50, W 45.50, S 20.92, W 115.59 TO POB AKA: OUTPARCEL B  
**ZONING DISTRICT:** B-1  
**COMMISSION DISTRICT:** 3  
**REQUESTING:** **Sec. 47-22.4. - Maximum number of signs at one location and special requirements in zoning districts.**

*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 any one (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 seven (7) signs. The four (4) signs permitted by right would be signs 1,2,3 & 4, comprising 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.

Glen Weldon, representing Jiffy Lube, gave a Power Point presentation, a copy of which is attached to these minutes for the public record.

Mitch Markay, Development Direct for Atlantic Coast Enterprises/Jiffy Lube, explained that customers did not drive cars into the bays, but left their cars on the lot or pulled up to get in line for service at a particular bay.

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. Weldon stated sign #10 was a very small, non-illuminated sign with the Jiffy Lube logo; because it had the logo, it was considered advertising and required a variance. He said they had presented the entire sign program to staff and worked with them to determine which signs needed a variance. Other variances were needed for a five-foot diameter logo icon on the west side of the property; the small welcome sign on the east side of the property and the four bay identifiers, all of which were less than eight square feet each and were non-illuminated.

Mr. Nelson stated he was concerned about the number of signs: 10 instead of three, but Mr. Weldon's explanation minimized his concern.

Mr. Maxey thought sign #10 could be on the glass and would therefore not count toward the total number. He would not object to the other directional signs. Mr. Weldon agreed to change sign #10 to a vinyl graphic applied to a window.

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

Having heard the revised proffer for 10 signs, with sign #10 of the variance request being withdraw as a sign; it can be replaced with a vinyl applique to the window, I believe it not only meets the character and intent of the code but actually deals with the unique nature of the property with respect to directional signage for pulling in and therefore I would move for approval of the variance request as amended to provide only nine signs.

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

**3.**

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<b>CASE:</b>	<b>B19026</b>
<b>OWNER:</b>	GUZZARDO, PAUL LICHTENSTEIN, MURRAY H
<b>AGENT:</b>	N/A
<b>ADDRESS:</b>	2192 IMPERIAL POINT DRIVE, FORT LAUDERDALE, FLORIDA 33308
<b>LEGAL DESCRIPTION:</b>	IMPERIAL POINT 1 SEC 53-44 B LOT 1 BLK 8
<b>ZONING DISTRICT:</b>	RS-8

**COMMISSION** 1  
**DISTRICT:**  
**REQUESTING:** **Sec 47-19.5. B. TABLE 1**

The applicant is requesting a variance from the required average three (3) foot setback from a property line, abutting street, to the proposed fence. They are replacing an existing fence that is a barrier to an existing pool. The variance request would reduce the setback from three (3) feet to zero (0) feet, a total reduction of three (3) feet.

Paul Guzzardo, owner, said he was requesting a variance because his pool was very close to the existing fence. The space between the fence and pool had unground wires and plumbing. Len Mercer, neighbor, said Mr. Guzzardo had replaced the existing fence, which did not meet the code now. He stated it would be a financial hardship if Mr. Guzzardo was forced to move the fence to meet code.

Mr. Nelson stated this neighborhood had several pools that were abutting the property lines. This pool and slab had been in this location for a very long time.

Mr. Guzzardo said the neighbor to the south had not expressed an objection to the request.

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:

I believe that this meets the hardship requirements for a variance; this is a pool that existed since the house was, I believe, built in the 60s. Replacement of a fence that was in the same exact existing location to require the property owner to meet with the code would require him to create a dangerous situation with his pool or to remove and replace a long existing pool. And therefore, I would move approval for the variance. In a roll call vote, motion passed 7-0.

4.

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**CASE:** **B19027**  
**OWNER:** 1622 BRICKELL DRIVE INC  
**AGENT:** ROBERT MOEHRING, DOMO STUDIO LLC  
**ADDRESS:** 1614 BRICKELL DRIVE, FORT LAUDERDALE, FLORIDA 33301  
**LEGAL** COLEE HAMMOCK 1-17 B LOTS 5,6,7,8 BLK 36

**DESCRIPTION:**

**ZONING DISTRICT:** RS-8  
**COMMISSION DISTRICT:** 4  
**REQUESTING:** **Sec. 47-19.2. - Accessory buildings, structures and equipment, general.**

BB. *Swimming pools, hot tubs and spas.*

1. An outdoor swimming pool, hot tub, spa or similar structure and their related architectural features such as waterfalls, when accessory to a standard single-family dwelling, zero lot line dwelling, duplex or two-family dwelling, townhouse, or cluster dwelling may be permitted in the required front, rear and side yard no closer than five (5) feet from any property line. Such outdoor swimming pool or similar structure when located within the required setback shall not exceed the finished floor elevation of the ground floor of the principal building or buildings. The height of a hot tub, spa or similar structure constructed as part of an outdoor swimming pool and within the required setback shall not exceed two and one-half (2½) feet in height above the finished floor elevation of the ground floor of the principal building or buildings.

The applicant is requesting a variance from the code stating a swimming pool can be no higher than the finished floor grade. The proposed finish floor is 6.24 feet NAVD. The applicant is proposing the pool be at an elevation 15.33 feet NAVD, an increase in total height of 9.09 feet.

Robert Moehring, architect, said they needed the variance to install the pool above the finished floor grade because of the grade disparities [slope] on the property, which they had designed the home to address without excavating. He noted that there was an archeological site on the property, and they wanted to minimize digging. There was also a ledge of bedrock on the property. To attain an NAVD of 6.24 feet, the front of the home would be below grade. Mr. Moehring noted that other properties in the area did not have this grade disparity. He explained that one of the owner's daughters was training for the Olympics and needed a pool of this size. He displayed a rendering of the design.

Mr. Moehring said they had discussed their plans with neighbors. The neighbors to the west and across the waterway did not object and the neighbor to the east was selling that home and had not replied to their request for an opinion.

Mr. Moehring stated the variance request was for the pool in the rear yard only. He referred to the appropriate elevation view in the plans and said the primary living level was at 14 feet NAVD, the pool was one step down at 13'4" and the grade of the seawall was at 5-foot NAVD.

David Pain, owner, said they had been working on developing the property for two years. He stated they were avid swimmers and his family operated the largest swimming pool manufacturing business in the world. He stated his daughter needed the pool to swim laps.

Mr. Moehring explained to Mr. Maxey that they had elevated the living areas to address sea level rise. This was a trend in South Florida. Mr. Maxey asked staff to consider the code in light of the City's future.

Mr. Malik explained that the code provision restricting the height elevation of the pool related to a pool that was located within the setbacks; if the pool were moved 25 feet, "they can put it on the third floor." He drew the Board's attention to sheet A 5.0 where they could see the difference.

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. Spence stated the Board could adopt the applicant's rationale in their testimony as the finding of fact.

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

Based on the testimony of the applicant and the applicant's architect, I believe this meets the criteria for the issuance of a variance and I would move approval.

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

**5.**

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<b>CASE:</b>	<b>B19028</b>
<b>OWNER:</b>	LELAND PILLSBURY
<b>AGENT:</b>	DEENA GRAY, ESQ. /GREENSPOON MARDER LLP
<b>ADDRESS:</b>	2650 CASTILLA ISLE, FORT LAUDERDALE, FLORIDA 33301 ASPETUCK POINT 24-12 B POR OF LOT 1 DESC AS: COMM SW COR LOT 1, E 95 TO POB, E 161.31 TO SE COR LOT 1, NE 207.92, W 188.93, SW 80.90 TO P/C, SLY & SWLY ARC DIST 33.29, SE 51.26, S 88.16 TO POB AKA: PARCELS C & D (OR 2833/743)
<b>LEGAL DESCRIPTION:</b>	

**ZONING DISTRICT:** RS-4.4  
**COMMISSION DISTRICT:** 2  
**REQUESTING:** **Sec. 47-19.3. - Boat slips, docks, boat davits, hoists and similar mooring structures.**

(h) No watercraft shall be docked or anchored adjacent to residential property in such a position that causes it to extend beyond the side setback lines required for principal buildings on such property, as extended into the waterway, or is of such length that when docked or anchored adjacent to such property, the watercraft extends beyond such side setback lines as extended into the waterway.

The applicant is requesting the watercraft to be allowed to be docked or anchored within the required side setback. The property is located within a RS-4.4 Zoning District with ten (10) foot required side yards. Applicant proposes to dock or anchor their watercraft zero (0) feet from the property line, as extended into the waterway.

Deena Gray, attorney, provided a Power Point presentation, a copy of which is attached to these minutes for the public record. She stated they needed the variance to allow someone to enter the boat safely. Ms. Gray said the dock had been permitted in 2002 and the lower portion had been in this condition since then. The neighbor to the west had provided a letter of support for this request.

Ms. Gray confirmed for Mr. Nelson that the variance was not for the dock placement but for the mooring of the vessel.

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:

I believe this meets the hardship requirements contained within our code and meets the general requirements, together with Ms. Gray's testimony, for a variance, and I would therefore move approval of the variance.

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](#)

None

**Other Items and Board Discussion**

[Index](#)

None

There being no further business to come before the Board, the meeting adjourned at 7:56 pm.

Chair:



A handwritten signature in blue ink, consisting of a large, stylized initial 'C' followed by a horizontal line extending to the right.

Attest:

  
ProtoType Inc.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.