



### City Commission

Mayor Tommy Ruzzano  
Vice Mayor Arlene R. Schwartz  
Anthony N. Caggiano  
Lesa Peerman  
Joanne Simone

### Interim City Manager

Samuel A. May

### City Attorney

Douglas R. Gonzales

### City Clerk

Joseph J. Kavanagh

## REGULAR MEETING OF THE BOARD OF ADJUSTMENT MINUTES

**Tuesday, July 11, 2017**

**6:01 PM**

City of Margate  
Municipal Building

### PRESENT:

Chad Dangervil, Vice Chair  
Julianne Lore, Secretary  
Karl Artner  
Ruben Rivadeneira  
Fred Schweitzer

### ALSO PRESENT:

Douglas Gonzalez, City Attorney  
Reddy Chitepu, Acting Director of Economic Development; Director of  
Environmental and Engineering Services  
Andrew Pinney, Associate Planner  
Andy Dietz, Associate Planner

The regular meeting of the Board of Adjustment of the City of Margate, having been properly noticed, was called to order by Vice Chair Chad Dangervil at 6:40 p.m. on Tuesday, July 11, 2017. The Pledge of Allegiance was recited, followed by a roll call of the Board members.

Andrew Pinney informed the Board that neither of the petitioners for the two scheduled items was present. He requested that the items be tabled to the August meeting. Shortly thereafter, a representative from Greenspoon Marder arrived, but the second member of their team was on still en route.

Attorney Douglas Gonzalez advised that the positions of Board Chair and Vice Chair were open for the remainder of the one-year term.

Ms. Lore made the following motion, seconded by Mr. Schweitzer:

**MOTION:** TO NOMINATE CHAD DANGERVIL FOR CHAIR

Mr. Pinney clarified that the former Chair, Paul Barash, had submitted his resignation from the Board and the City Commission appointed Fred Schweitzer.

No one from the public came forward to speak

### Economic Development Department

5790 Margate Boulevard, Margate, FL 33063 • Phone: (954) 935-5330 • Fax: (954) 935-5304  
[www.margatefl.com](http://www.margatefl.com) • [edevdirector@margatefl.com](mailto:edevdirector@margatefl.com)

**ROLL CALL:** Mr. Artner, Yes; Ms. Lore, Yes; Mr. Rivadeneira, Yes; Mr. Schweitzer, Yes; Mr. Dangervil, Yes. The motion passed with a 5-0 vote.

Ms. Lore made the following motion, seconded by Mr. Dangervil:

**MOTION:** TO NOMINATE CHARLES ARTNER AS VICE CHAIR

No one from the public came forward to speak.

**ROLL CALL:** Mr. Artner, Yes; Ms. Lore, Yes; Mr. Rivadeneira, Yes; Mr. Schweitzer, Yes; Mr. Dangervil, Yes. The motion passed with a 5-0 vote.

2) **NEW BUSINESS**

- 2A) **BA-14-17** VARIANCE REQUEST FOR PERMISSION TO ALLOW THE ERECTION OF ONE OFF-PREMISE MONUMENT SIGN ON THE EAST PROPERTY LINE OF 3101 NORTH STATE ROAD 7 FOR MARGATE AND PENN DUTCH PLAZAS.

All persons speaking on the item were duly sworn.

Andrew Pinney led with a PowerPoint presentation. He showed an aerial image of the subject property. He referenced Section 39.17 of the Code which stated, "The following signs are those which shall not be installed or displayed within the City unless specifically identified and permitted in other sections of these regulations. (G) Off-premises signs and billboards, including off-premises directional."

Mr. Pinney showed the approved site plan for the Dandee Donuts, Blossman Gas, and Wells Fargo site renovation and he identified the locations for each tenant. He showed a detailed image of the proposed monument sign. He showed an aerial view of the plaza and the location for the requested sign and also pointed out the property lines. He explained that the Penn Dutch name on the proposed sign was considered off-premises because of the property lines, noting that it was a technicality. He said the entire area was considered Penn Dutch Plaza but the property where the proposed sign would be installed was not owned or occupied by Penn Dutch.

He referenced Section 39.19 (B)(1) of the Code which provided sign waiver criteria; it stated, "There is something unique about the building or site configuration that would cause the signage permitted by this article to be ineffective in identifying a use or structure that would otherwise be entitled to a sign." Mr. Pinney explained that Penn Dutch Plaza had two existing identification signs which he identified on an aerial view. He referenced Section 39.6 (A)(1) which stated, "Monuments signs shall not be permitted within one hundred (100) feet of any other monument sign along the same direction of travel of a right-of-way." He showed the aerial of the shopping plaza and pointed out the distance between the existing Penn Dutch Plaza monument signs and noted that there was an additional 400 foot on State Road 7 for more monuments signs if they needed them, plus another 370 foot on Northwest 31<sup>st</sup> Street that could accommodate additional on-premises monument signs.

Mr. Pinney said that the Staff Findings were that the applicant had not fully explored signage opportunities permitted by Code and staff was recommending denial of the application.

Alicia Lewis, Greenspoon Marder, on behalf of the applicant, showed a PowerPoint presentation. She showed a zoomed-in aerial of the property and pointed out that the applicant's property was at the corner of State Road 7 and Northwest 31<sup>st</sup> Street. She said the issue had to do with the fact that their parcel was not owned by Penn Dutch even though it was part of the Penn Dutch Plaza.

Ms. Lewis showed a zoomed-in version of the existing sign. She said the location of the existing sign was next to a former access point that was previously closed by the Florida Department of Transportation with the expansion of State Road 7. She said when traveling down State Road 7, it was possible to pass or miss the sign since there was no direct access way connected to it. She showed an image of the existing sign and the location of the previous access point, noting how the sign's location used to make sense. She said it was more advantageous to have the sign closer to the entranceway to the property. She showed a photograph of how it looked today and she pointed out that there was a "Merge" sign and additional trees and landscaping that blocked the visibility of the sign. She said it was easy to pass the sign particularly if someone were not a local. She showed another photograph and explained how a way finding issue existed because someone traveling along State Road 7 might see the first sign but they would not know exactly where to turn to enter the plaza. She said they may stop abruptly to turn onto Northwest 31<sup>st</sup> Street, but because there was no signage there, they still had to enter the actual site to access either the Penn Dutch Plaza or the Margate Plaza. She said since both plazas shared the same access point, it further supported their contention that they were part of the same unified property.

Ms. Lewis said off-premise signage was intended to keep signs off a property if the signs had no relationship with the property. She said the corner signage was needed to advise drivers that they were in Penn Dutch Plaza and that they could also access Margate Plaza. She showed their approved site plan. She said the additional signage would provide visibility to the smaller tenants. She showed a picture of the proposed sign. She explained that they had an agreement with the property owner of the Penn Dutch Plaza to ensure that they would change the signs if tenant's changed. Ms. Lewis acknowledged that City staff's denial of the request was more of a technicality because, while there were other locations on the property for signage, none provided the prime way finding that was necessary to attract and guide patrons to the plazas. She said they had a unique situation due to the technicality of there being a difference in property ownership which should not keep a unified plaza from being able to have directional signage that would allow its tenants to thrive.

Mr. Schweitzer made the following motion, seconded by Mr. Artnr for discussion:

**MOTION:** TO APPROVE THE SIGN

Mr. Schweitzer commented that there was a visibility problem for drivers coming over the bridge into Margate and most people missed the Penn Dutch Plaza sign. He said it would be advantageous for people traveling southbound on State Road 7 to know that there were three new businesses. He said the sign looked nice and it was functional.

Mr. Artner agreed that it was a technicality because 90 percent of the people that lived in Margate did not know that they were two different plazas.

Ms. Lore said she shopped in the Penn Dutch Plaza and the sign was difficult to see when she traveled southbound on State Road 7.

Mr. Rivadeneira asked if the signs would change when new businesses opened. Ms. Lewis responded that they had an agreement with the other property owner to change the sign when new tenants came in.

Mr. Artner asked who would determine which businesses would appear on the sign. Ms. Lewis said the plaza owner would decide and it would be part of the tenant's lease agreement.

2B) **BA-15-17** VARIANCE REQUEST FOR PERMISSION TO HAVE A 2COP BEER AND WINE LICENSE AT MARIO THE BAKER LOCATED AT 1490 NORTH STATE ROAD 7.

Mr. Pinney asked the Board if the item could be tabled to the August meeting since the applicant was not present.

Mr. Schweitzer made the following motion, seconded by Mr. Lore:

**MOTION:** TO TABLE TO THE AUGUST MEETING

**ROLL CALL:** Mr. Artner, Yes; Ms. Lore, Yes; Mr. Rivadeneira, Yes; Mr. Schweitzer, Yes; Mr. Dangervil, Yes. The motion passed with a 5-0 vote.

3) **GENERAL DISCUSSION**

Andrew Pinney advised that the Planning and Zoning Board agreed to move the August meeting to August 7, 2017 at 7:00 p.m. He asked the Board which night they preferred to meet. The Board members agreed by consensus to meet immediately following the Planning and Zoning Board meeting on August 7, 2017.

There being no further business, the meeting was adjourned at 7:03 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Chad Dangervil, Chair