



City Commission

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REGULAR MEETING OF THE BOARD OF ADJUSTMENT MINUTES

Tuesday, December 1, 2015

7:01 PM

City of Margate
Municipal Building

PRESENT:

Casey Ahlbum, Chair
Edward DeCristofaro, Vice Chair
Frederick Schweitzer, Secretary
Sydney King

ALSO PRESENT:

Benjamin J. Ziskal, AICP, CEcD, Director of Economic Development
Andrew Pinney, Associate Planner
Deena Gray, Esq., Greenspoon Marder Law

ABSENT:

Ruben Rivadeneira, excused

The regular meeting of the Board of Adjustment of the City of Margate, having been properly noticed, was called to order by Chair Casey Ahlbum **at 8:09 p.m. on Tuesday, December 1, 2015**. The Pledge of Allegiance followed. A roll call of the Board members was taken. There were no communications.

- 1) APPROVAL OF THE MINUTES FROM THE NOVEMBER 3, 2015, BOARD OF ADJUSTMENT MEETING

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

MOTION: SO MOVE TO APPROVE THE MINUTES AS WRITTEN.

ROLL CALL: Mr. Rivadeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Yes; Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 4-0 vote.

Economic Development Department

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2) **NEW BUSINESS**

Mr. Schweitzer read the item title.

2A) **BA-19-2015 – PERMISSION TO INSTALL A SECOND MONUMENT SIGN
LOCATED NEAR THE CORNER OF N.W. 31st AND STATE ROAD 7 WHERE THERE
IS NO ENTRANCE TO THE PROPERTY.**

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

MOTION: TO APPROVE

Andrew Pinney explained that Toscana Park Villas was requesting permission to install a second monument sign at their site. He explained that Section 39.5(B) of the Code limited signage to one monument sign per entrance for a residential development and it also stipulated that the monument sign be located near the entrance.

Mr. Pinney proceeded with a PowerPoint presentation and showed an aerial of the property and the approved site plan. He pointed out that the sole entrance to the property was on the western edge of the property on 31st Street. He explained that a second sign was being requested at the corner of State Road 7 and N.W. 31st Street to provide improved visibility and identification of the project. He showed slides of the proposed location of the second sign and the sign details. He showed a picture of the current monument sign and said the proposed sign would be almost identical. He said the unique conditions that staff found were the size and shape of the property as well as a non-vehicular access line recorded on the plat. He explained that the property was configured in an odd "Z" shape and the majority of the massing of the property was located on 31st Street. He said that they were unable to utilize the frontage on State Road 7 due to the recorded non-vehicular access line restriction that was required by the County when it was platted and recorded. This restricted their ability to install a driveway on State Road 7 and have a sign as per the Code he said. Mr. Pinney explained the hardships of not having a driveway and a sign on State Road 7 noting that State Road 7 was where the majority of the traffic occurred, and the project's visibility and identification were lost by not having a sign on the corner. He commented that while the design was consistent with the Transit Oriented Corridor (TOC) which called for a reduction of driveway connections on State Road 7, it hampered their [Toscana's] visibility and opportunity for signage.

Mr. Pinney said that Staff recommended approval of the sign variance.

Mr. Schweitzer said he understood their problem and he recalled discussions about it from a year ago when the driveway was put in.

Mr. DeCristofaro said he lived nearby and he understood their request for signage.

All those wishing to speak were duly sworn.

Mitch Pellecchia, 6890 N.W. 9th Street, stated that the sign that was being requested on State Road 7 had already been constructed and erected.

Ben Ziskal clarified that construction had started on the subject sign but it had not been completed. He said the Building Department had been in contact with the contractor to get the necessary permits and approvals. Mr. Pellecchia said that they were in violation of City Code and he suggested fining them.

Chair Ahlbum advised that the Board of Adjustment was not an enforcement agency. Its function, he said, was to determine whether a hardship existed and whether a variance request should be granted. He said it would be a Code Enforcement matter.

Mr. Ziskal said having the unapproved sign was contrary to City Code and the code enforcement process could be utilized which would consist of a verbal or written notice to correct the action within a designated period of time. In this case, since work had been done without a permit, it would be considered a violation of the Florida Building Code he said. Mr. Ziskal advised that the stronger enforcement tool would be through the Building Department who could "red tag" the property and consider charging a double permit fee. He said if the variance was granted, an active permit could be granted without a City Code violation but the fact that they started work without a permit would still be an issue and they could be held responsible by the Building Department.

Deena Gray, Greenspoon Marder Law, commented that there was not a willful disregard of the City code as there were two proposed monument signs on the approved site plan. She thanked Andrew Pinney for the great Powerpoint presentation. She mentioned that the purpose of the monument sign was for safe wayfinding through the City. She commented that the monument sign on N.W. 31st Street was far enough west that it was not visible from State Road 7 which posed safety and visibility issues. She repeated Mr. Pinney's comments regarding the hardships they faced due to the property shape and access line restrictions, and she asked for their approval.

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

MOTION: SO MOVE TO APPROVE

ROLL CALL: Mr. Rivadeneira, Absent; Mr. Schweitzer, Yes; Mr. King, Yes;
Mr. DeCristofaro, Yes; Mr. Ahlbum, Yes. The motion passed with a 4-0 vote.

Mr. Schweitzer asked whether the Board of Adjustment could meet prior to the Planning and Zoning Board. He said the Board of Adjustment meetings tended to be more focused and shorter. Mr. Ziskal said he believed the meeting parameters for the Board of Adjustment and Planning and Zoning were specified in the City Code and he would need to look into it before a decision could be made.

3) **GENERAL DISCUSSION**

Ben Ziskal referenced the 2016 meeting schedule that had been distributed at the start of the meeting. He noted that the August 2 meeting might be moved to the following Thursday or Tuesday due to National Night Out.

There being no further business, the meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Mr. Casey Ahlbum
Chair

cc: City Commission, City Manager, City Attorney, City Clerk, Director of DEES,
Engineer, Building Official, Board of Adjustment, Petitioner(s).