



City Commission

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REGULAR MEETING OF THE BOARD OF ADJUSTMENT MINUTES

Tuesday, June 6, 2017

7:01 PM

City of Margate
Municipal Building

PRESENT:

Chad Dangervil, Vice Chair

Julianne Lore, Secretary

August Manganey, Planning and Zoning Board member (for Karl Artner)

Antonio Arserio, Planning and Zoning Board member (for Paul Barasch)

Todd Angier, Planning and Zoning Board member (for Ruben Rivadeneira)

ALSO PRESENT:

Douglas Gonzalez, City Attorney

Benjamin J. Ziskal, AICP, CECD, Director of Economic Development

Timothy Finn, Senior Planner

Andrew Pinney, Associate Planner

Christian Cotter, Margate Community Redevelopment Agency

Charles Michelson, principal, Saltz Michelson Architects

ABSENT:

Paul Barasch, Chair

Ruben Rivadeneira

Karl Artner

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 9:09 p.m. on Tuesday, June 6, 2017. The Pledge of Allegiance was recited, followed by a roll call of the Board members.

1) APPROVAL OF MINUTES

1A) APPROVAL OF THE MINUTES FROM THE APRIL 4, 2017 BOARD OF ADJUSTMENT MEETING

1B) APPROVAL OF THE MINUTES FROM THE APRIL 11, 2017 SPECIAL BOARD OF ADJUSTMENT MEETING

1C) APPROVAL OF THE MINUTES FROM THE MAY 2, 2017 BOARD OF ADJUSTMENT MEETING

Economic Development Department

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Mr. Dangervil asked if there was any objection to having the substitute Board members approve the minutes and to having all three of the minutes approved at the same time. Mr. Arserio said he had no objection but asked why there were so many and whether there were any major changes for which they should be aware. Mr. Dangervil explained that a vote had not taken place at the April 4, 2017 meeting so a Special meeting had been held on April 11, 2017.

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

MOTION: SO MOVE TO APPROVE

ROLL CALL: Mr. Manganey, Yes; Ms. Lore, Yes; Mr. Arserio, Yes; Mr. Angier, Yes; Mr. Dangervil, Yes. The motion passed with a 5-0 vote.

2) **NEW BUSINESS**

All parties speaking on the next two items were duly sworn.

2A) **BA-12-17** VARIANCE REQUEST FOR PERMISSION TO REDUCE THE REQUIRED SETBACK TO 25 FEET FOR THE PROPOSED SPORTS FIELD STRUCTURE LOCATED AT 1695 BANKS ROAD.

Andrew Pinney explained that the following two items were requests from the Margate Community Redevelopment Agency. He showed a visual of the subject property on the Mondopad noting it was located directly southeast of the Margate Sports Complex and held the address of 1695 Banks Road. He pointed out the adjacent vacant field which he said would bear the address of 1675 Banks Road when it was developed independently. He said the intent was to develop it as part of the Sports Complex. He noted that the property was located in the M-1A Industrial Park Zoning District. He showed the site plan that was submitted noting that it was for a covered athletic field. He also showed five architectural renderings of the inside and outside of the proposed structure.

Mr. Pinney provided some history on the project. He explained that the Development Review Committee had reviewed a site plan for the structure on November 8, 2016, and that the applicant had filed a plat note amendment to change the recorded restrictions which was heard by the Planning and Zoning Board on April 4, 2017, and approved by the City Commission on May 3, 2017. He said that there was a pending ordinance to rezone the property from M-1A Industrial to S-1 Recreation that would be heard by the City Commission on June 21, 2017 for First Reading and July 12, 2017 for Second Reading.

He referenced Section 3.19 of the Code which read, "No building shall be located closer than thirty-five (35) feet to any trafficway having a right-of-way width of eighty (80) feet or greater." He said the Staff Findings were:

-Existing Conditions-it was located on Banks Road at a roadway curvature which affected the front property line

-Proposal-it was consistent with an average setback which met the intent of the Code. The design (size and shape) limited flexibility on where it could be placed on the property.

-Strict Interpretation-he said he would explain how forcing it to meet the 35-foot setback might compromise the project.

Mr. Pinney showed another view of the site plan that had the property lines highlighted and he pointed out how the curvature on the front property line altered the property's shape and pinched the setback in the front to 27-foot while flaring it out on the south end up to 51-foot. He noted that most of the property was compliant with the 35-foot setback. He said a strict interpretation of the Code to push back the building to meet the 35-foot setback would impact the patio and concession areas.

He said Staff recommended approval of the variance request.

Mr. Arserio commented that he was excited about the project and he asked what activities would be inside.

Cotter Christian, Margate Community Redevelopment Agency, said the design was largely driven by the City's Park and Recreation Department and that it would be multi-purpose with youth baseball and T-ball as primary uses as well as soccer. It said it could also be used for concerts when it was raining.

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

MOTION: TO APPROVE

ROLL CALL: Mr. Manganey, Yes; Ms. Lore, Yes; Mr. Arserio, Yes; Mr. Angier, Yes; Mr. Dangervil, Yes. The motion passed with a 5-0 vote.

2B) **BA-13-17** VARIANCE REQUEST FOR PERMISSION TO ALLOW A SIX-FOOT CHAINLINK FENCE ALONG THE EAST SIDE OF THE PROPOSED SPORTS FIELD STRUCTURE AT 1695 BANKS ROAD.

Andrew Pinney led with a PowerPoint presentation. He read the Section 3.14(16) of the Code which stated, "In commercial, mixed use, and industrial districts, no fence or wall shall be erected or maintained in any front yard..." He said the restriction applied since the parcel was located in the M-1 Industrial Park. He showed a copy of the site plan which highlighted the location of the fence. He said Staff findings were:

-CRA owned the property and was developing it as a public amenity. He noted that the CRA had an absolute sunset date at which time its assets would transfer to City ownership. He said it was being built with the intent of becoming a City owned public facility. He noted that the primary consumer of the public facility would be young children and fencing would provide for enhanced safety.

-There was a pending rezoning, which he pointed out was discussed in the previous item. He said the fence restriction applied to commercial and industrial zoning districts and once the property was rezoned to S-1 on July 12, 2017, the restriction would no longer apply. He said the intent was to help move the project along instead of waiting for the rezoning. He said Staff recommended approval.

Mr. Arserio asked whether the fencing would restrict ingress in and out of the property.

Charles Michelson, Saltz Michelson Architects, said the fencing along Banks Road was continuous and the public would have access to the facility via the driveway and the park. He said the chain link fence was purposely designed for visual security and there would be additional landscaping between the fence and the road as an additional safety buffer for cars that might go off track. He also noted that the fence would prevent a child from chasing a ball into the road.

Mr. Manganey asked why the first foot of the fence was not a wall with the fence above. Mr. Michelson said it would take something like a concrete-filled bollard that was higher to stop a vehicle. He said a 12-18 inch wall would catapult a car if hit at the right angle.

Mr. Angier asked Mr. Pinney if it became a moot point as of July 12, 2017. Mr. Pinney said, "Yes."

Mr. Angier made the following motion, seconded by Mr. Manganey:

MOTION: SO MOVE TO APPROVE

ROLL CALL: Mr. Manganey, Yes; Ms. Lore, Yes; Mr. Arserio, Yes; Mr. Angier, Yes; Mr. Dangervil, Yes. The motion passed with a 5-0 vote.

3) **GENERAL DISCUSSION**

Ben Ziskal advised that a new date and time for the July meeting was discussed at the Planning and Zoning Board meeting. He said that the intent was to move the Board of Adjustment meeting to July 11, 2017 at 6:00 p.m. as well. He asked if that would be acceptable to Mr. Dangervil and Ms. Lore. He said the other three Board members not in attendance would be called and asked about the date and time change. Both Mr. Dangervil and Ms. Lore said there were fine with the change.

Mr. Ziskal introduced Andy Dietz, the new Associate Planner.

There being no further business, the meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Chad Dangervil, Vice Chair