



**REGULAR MEETING OF  
THE BOARD OF ADJUSTMENT  
MINUTES**

**Tuesday, October 3, 2017**

**7:00 PM**

City of Margate  
Municipal Building

**PRESENT:**

Chad Dangervil, Chair  
Karl Artner, Vice Chair  
Julianne Lore, Secretary  
Fred Schweitzer  
Patrick Laffey

**ALSO PRESENT:**

Douglas Gonzales, City Attorney  
Reddy Chitepu, Acting Director of Economic Development and Director of D.E.E.S  
Andy Dietz, Associate Planner  
Steve Wherry, Greenspoon Marder Law, for Rising Tide Car Wash  
Matthew Morrall, attorney for JM Auto, Inc., dba JM Lexus

The regular meeting of the Board of Adjustment of the City of Margate, having been properly noticed, was called to order by Chair Chad Dangervil at 7:05 p.m. on Tuesday, October 3, 2017. A roll call of the Board members was done followed by the Pledge of Allegiance.

**City Commission**

Mayor Tommy Ruzzano

Vice Mayor Arlene R. Schwartz

Anthony N. Caggiano

Lesla Peerman

Joanne Simone

**City Manager**

Samuel A. May

**City Attorney**

Douglas R. Gonzales

**City Clerk**

Joseph J. Kavanagh

- 1A) APPROVAL OF THE MINUTES FROM THE BOARD OF ADJUSTMENT MEETING ON AUGUST 7, 2017

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

**MOTION:** SO MOVE TO APPROVE AS WRITTEN

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

- 2) **NEW BUSINESS**

*ID 2017-575*

- 2A) **BA-18-17** VARIANCE REQUEST FOR PERMISSION TO CONSTRUCT A MAIN IDENTIFICATION MONUMENT SIGN, FOUR MENU BOARD SIGNS WITH PRICING, AND SIX DIRECTIONAL SIGNS THAT DO NOT COMPLY WITH THE REQUIREMENTS OF THE SIGN CODE.

**Economic Development Department**

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Andy Dietz led with a PowerPoint presentation. He explained that the signage variance was for Rising Tide Car Wash and they were requesting four menu board signs, modifications to the main identification monument sign, and six directional signs. He showed a slide of a recent photograph of the car wash and a slide of the site plan that specified the locations of the signs. He proceeded with an explanation of the various types of signs and the applicable sections of the Code for each.

He showed a slide of the main identification sign that he said would be located on the northeast corner of the property about five feet from the property line and the interior property line. He said the section of the Code in question was the advertisement copy that was part of the name of the business and the directional arrow at the base. He said the Code was not set up to allow for those separate provisions. He said the Code did not address how to treat a main identification sign when directional components were added to it. He said Section 39.17 prohibited any sign not specifically permitted by the Sign Code.

He showed a slide of the directional signage and he said all the signs had been reviewed and they met the Sign Code requirements except for the sections of Code that he had outlined. He showed a directional sign but said it showed a lot of the qualities of a general information sign. He said the main issue was that it was larger than four (4) square feet, as provided for in section 39.6 of the Code.

He stated that there were four menu board signs proposed and the Code specifically allowed for one menu board for a drive through establishment. He showed a slide of the proposed signs and a slide of the site plan that showed their placement.

He showed a slide of three (3) additional directional signs and pointed out that sign "G" was much closer to the maximum requirements of the directional sign face area. He said everything had been scaled down to be proportional. He showed the site plan with the locations of the signs. He commented that the landscaping was already in place.

He showed another slide and pointed out that sign "I" was technically a general information sign and the difference was that the Code allowed for a change in height to a maximum of six (6) feet.

He showed two slides: one listed the various sections of the Code for which conflicts existed; the other listed eight variance criteria that were considered. He said staff recommended approval of the variance request based on the following:

- 1) Code did not provide adequate signage opportunities for a full-service car wash facility. He said Rising Tide was the first type of such a use within the City of Margate, and the Code was not written to address that use.
- 2) Granting a variance would not confer a special privilege because it was the only use of that type within the City.
- 3) The proposed signs, apart from the Code sections in question, were consistent with the general character of the signs already approved on the property. He showed a slide of the landscaping and said that staff determined that it would not pose a hazard to the surrounding properties.

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

**MOTION:** TO APPROVE

Mr. Schweitzer said he liked the signs because they were easy to see and they provided quick direction to people depending on their needs, and it listed the prices of the different types of car washes.

Ms. Lore commented that she liked the, "Thank You! Come Back Soon!" sign.

Antonio Arserio commented that the car wash was a great cause. He said he was at the location that day and getting in and out of the parking lot was confusing. He said the signage should be approved.

Steve Wherry, 200 East Broward Boulevard, on behalf of the applicant, had no comments.

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

*ID 2017-612*

2B) **BA-19-17** VARIANCE REQUEST FOR BUILDING HEIGHT TO EXCEED THE MAXIMUM ALLOWABLE IN THE B-2A REGIONAL BUSINESS ZONING DISTRICT FOR PROPOSED SITE MODIFICATIONS AT JM LEXUS LOCATED AT 5350 WEST SAMPLE ROAD

Andy Dietz led with a PowerPoint presentation. He explained that JM Lexus was currently undergoing some redevelopments which included entranceway landscaping improvements on the west side, and the addition of a garage and a car wash facility which he pointed out on the site plan. He said the variance was for the garage component, specifically the height. He said the section of Code for B-2A Regional Business district had been struck from the Code, but the subject property was the only one in the City that was under the B-2A zoning designation.

He said the height for this use was limited to 25 feet, and the proposed structure reached a maximum height of eighty-five (85) feet six (6) inches at the top of the stairwell. He showed slides of the south and west elevations and pointed out the highest point of the garage.

He said staff's research of the property showed two previously approved variances for building height in the B-2A zoning district:

- 1) BA-29-92 was granted for the showroom to a maximum height of 35 feet;
- 2) BA-7-2003 was granted for the service center or tower in the middle for 68 feet.

He said the proposed structure at eighty-five (85) feet six (6) inches was setback 100 feet from the east property line and 92 feet from the south property line. He showed a slide of the south view from the Fiesta townhomes and pointed out the number of mature trees and the fence (wall) at eye level.

Mr. Dietz said staff determined that the building height proposed in the variance was consistent with the previous approved variances for the subject property and it recommended approval. He said staff also recommended approval on the grounds that the structure was sufficiently

setback from the side property lines so it would not pose a hazard to the neighboring properties or degrade the area. He said zoning designations for alternative commercial properties that allowed automobile dealerships permitted a maximum height of 100 feet. There was a discussion about possibly rezoning the subject property but it was determined that the variance request would be the simpler path. He said that the property was undergoing a lot of redevelopment, and the applicant claimed that the variance was necessary to support the functionality of the site for an expanded automobile dealership use.

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

**MOTION:** TO APPROVE

All those speaking on the item were duly sworn.

Mr. Dangervil asked about the rezoning option from B-2A to another district.

Matthew Morrall, 2850 North Andrews Avenue, attorney for JM Auto, Inc., dba JM Lexus, explained that when the property was originally changed to the B-2A zoning in 1997, City staff, the City Attorney, and the City Commission determined that they wanted to maintain the property as B-2A so that if the property owner came back for further improvements, they would have the ability under the special exception requirements to approve or deny them. He said they have operated under that determination since that time.

Mr. Schweitzer commented that it would make a nice looking building and it would enhance the local area.

John Roose, Fiesta Townhomes, commented that the dumpsters in the parking lot on the south side of JM Lexus were located such that every time they were dumped or trash was put in them, it made a very loud noise that resonated off his window and knocked him out of bed. He suggested moving the dumpsters on the other side of the garage or away from the residents.

Mr. Artner said he recalled reading something in last month's meeting minutes that there was a complaint about the landscaping not being up to Code. Douglas Gonzales, City Attorney, clarified that it was not a Code issue; rather, there was a request made at the Development Review Committee meeting for some additional trees as part of the landscaping improvements being made on the overall project.

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

### 3) **GENERAL DISCUSSION**

Douglas Gonzales, City Attorney, commented that it came to his attention while reviewing the Board's rules and procedures, that the Board did not have bylaws. With the Board's approval, he said he would like to bring some proposed bylaws to the Board at the next meeting for review and discussion. The Board gave consensus.

Mr. Dangervil congratulated and welcomed Patrick Laffey to the Board of Adjustment.

There being no further business, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Prepared by Rita Rodi

Chad Dangervil, Chair

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