



REGULAR MEETING OF THE BOARD OF ADJUSTMENT MINUTES

Tuesday, June 5, 2018

6:30 PM

City of Margate
Municipal Building

PRESENT:

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

City Commission

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

City Manager

Samuel A. May

Interim City Attorney

Goren, Cherof,
Doody & Ezrol, P.A.

City Clerk

Joseph J. Kavanagh

ALSO PRESENT:

Julie F. Klahr, law offices of Goren, Cherof, Doody & Ezrol, P.A.
Robert Massarelli, Director of Development Services
Andrew Pinney, Senior Planner
Jake Zunamon Vice President of Development, HTG Arbor View

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 6:40 p.m. on Tuesday, June 5, 2018. The Pledge of Allegiance was recited followed by a roll call of the Board members.

1) APPROVAL OF MINUTES

ID 2018-128

- 1A) APPROVAL OF MINUTES FROM THE BOARD OF ADJUSTMENT MEETING ON MARCH 6, 2018 AND MARCH 20, 2018

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

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 2018-125

- 2A) ELECTION OF CHAIRPERSON OF THE BOARD OF ADJUSTMENT

Economic Development Department

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

MOTION: TO NOMINATE CHAD DANGERVIL FOR CHAIR

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 2018-126

2B) ELECTION OF VICE-CHAIRPERSON OF THE BOARD OF ADJUSTMENT

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

MOTION: TO NOMINATE KARL ARTNER FOR VICE-CHAIRPERSON

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 2018-127

2A) ELECTION OF SECRETARY OF THE BOARD OF ADJUSTMENT

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

MOTION: TO NOMINATE JULIEANNE LORE FOR SECRETARY

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 2018-246

2D) **BA-04-18** VARIANCE REQUEST FOR PERMISSION FOR PERMISSION TO INSTALL A 312 SQUARE FEET MULTI-FAMILY IDENTIFICATION SIGN. CODE LIMITS MULTI-FLMILY IDENTIFICATION TO A MAXIMUM OF 20 SQUARE FEET

All those speaking on the item were duly sworn.

Mr. Andrew Pinney clarified for the record that the sign waiver for Arbor View located at 3100 N. State Road 7 will have no effect on the issuance of the certificate of occupancy for the completion of this building. He then presented a PowerPoint presentation which explained the variance in detail. Mr. Pinney gave a brief summary of the staff findings stating that the application does not satisfy the waiver criteria, and the signage options provided in the code have not been fully explored. Mr. Pinney explained that staff is giving a recommendation of denial.

Mr. Artner expressed his concern with the construction of sign on the wall. Mr. Pinney answered his concern by explaining the building codes which will enforce the stringent adherence to the wind loads and other prescribed methods in the building code.

Mr. Jake Zunamon Vice President of Development, HTG Arbor View, introduced himself to the board. He explained the nature of the project as a 55 and older community, stating the reasons for this particular sign. He explained that the wall did feel a little blank, however after a number of proposals it was decided that this was the one that would best improve the facade. He believed that this particular proposed sign would be something that the residents would be proud of.

Mr. Artner asked if this sign could be painted on the building? Mr. Pinney answered that this was not HTG's first proposal to the City, they originally wanted to do a mural on the wall. He stated that there were two concerns on the staff side. The first was the painted sign is a prohibited sign according to the sign code, and the second concern was the long term maintenance of a mural. Mr. Zunamon explained that the proposed sign will be aluminum and will not rust.

Mr. Dangervil asked if they considered a monument sign. Mr. Zunamon answered "yes", explaining that the permits for the monument sign will be submitted. Mr. Dangervil asked where the location of the monument sign is on the property. Mr. Pinney responded that construction has already begun on the monument sign without a permit. He then pointed to the location of the sign which is located on the corner of the property. He also stated that the sign code for residential properties requires that the monument sign to be located near the entrance.

Ms. Lore asked the petitioner what kind of a hardship this would create if it was not approved. Mr. Zunamon responded that this is not a true hardship, however he wants to create a sense of community for the residences that will be living in this community. He believes that it will improve the development as well as create a stunning look for the City of Margate.

Mr. Laffey shared his concern about how long the developer will own the property and what could happen once another organization purchases the building.

Mr. Artner asked the petitioner if they considered leaving out the tree and only using the name? Mr. Zunamon responded that this option was considered at one point during the process.

Mr. Dangervil asked staff that if this sign was approved by the Board would there be a way to add restrictions to additional signage (on other sides of the building)? Mr. Pinney responded that generally cities can stand on sign regulation and conditions that deal with time, place, and manner; therefore, restricting it to only one sign falls under place and manner. Mr. Dangervil asked if the property was sold, would it would transfer over? Mr. Pinney answered affirmatively, stating that the Board could place conditions to include only one sign on the building which is located on the south elevation. Mr. Zunamon responded that he would be in full support of a conditional approval to allow them to install the sign.

Public Comment:

Richard Zucchini, 380 Lakewood Circle East, stated that without the letters we need to look at the tree as artwork. He went on to say that the applicant should take away the name "Arbor View" and simply apply for artwork on the building. Mr. Zucchini expressed that it would be a shame to deny the artwork on this building.

Arlene Schwartz, resident of Margate, asked the petitioner what happened to the windows that were originally proposed on the building? Mr. Zunamon, answered that this elevation rendering was an initial submittal for a plat note amendment that was brought to City Commission for review during the early stages of development. He clarified that there were no drawings submitted to the City with windows on that wall.

Mr. Laffey asked Mr. Zunamon if he was aware of the City Ordinance on signage? Mr. Zunamon answered "no", clarifying that early on in the project he was not fully versed on the sign code. He stated that he had a number of ideas that he presented to the City and felt that this sign will highlight the development. Discussion ensued.

Mr. Zucchini, 380 Lakewood Circle East, again stated that the representation of the tree is artwork, and appealed to the Board to compromise an approval for the artwork only without the lettering. Mr. Artner responded that even though this is artwork the Board cannot restrict the content. Discussion ensued.

Mr. Bob Massarelli, Director of Development Services, summarized that the staff recommendation is to deny the application.

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

MOTION: MOTION TO DENY

ROLL CALL: Mr. Laffey, No; Mr. Schweitzer, Yes; Ms. Lore, Yes;
Mr. Artner, Yes; Mr. Dangervil, Yes. The motion passed
with a 4-1 vote.

3) **GENERAL DISCUSSION**

Mr. Schweitzer wished everyone a happy 4th of July.

There being no further business, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Prepared by Melissa M. Miller

Chad Dangervil, Chair