



# PLANNING & ZONING ADVISORY BOARD

## Minutes of April 4, 2011

Meeting Called to order at 7:01 p.m.

### 1. **ROLL CALL**

P&Z Board Members

MEMBERS	4/4/11	3/7/11	2/7/11	1/18/11	1/3/11	12/20/10	12/6/10	11/1/10	8/16/10	6/21/10	5/17/10
Marianne McCoy	A	P	P	A	C A N C E L L E D	P	P	P	P	P	P
Diane Sori	P	P	P	P		P	A	P	P	P	A
Helen Cohen	P	***P									
Michelle Keirnan, V/Chair	P	P	P	P		P	A	P	P	P	P
Craig Konhauzer	P	P	P	P		P	P	P	P	P	P
Mark Aronson, Chair	P	P	P	P		P	P	P	P	P	P
Ben Schulman	A	P	P	P		A	P	A	A	P	P
David Nall	A	***P									
John Valenti	P	P	P	P		P	P	P	P	P	P
Bart Roper	P	P	P	P		P	P	A	P	P	P

\* Reappointed \*\* Resigned \*\*\* New appointment

**STAFF PRESENT:** *Matt Wood, Director*  
*Trevor Markley, Senior Planner*  
*Ro Woodward, Administrative Coordinator*

**APPLICANTS:** *Mr. Brian Leiman, Chickee Hut Variance*

2. **P&Z BOARD - MINUTES - WAIVE/APPROVE – MARCH 7, 2011 MOTION TO WAIVE READING OF MINUTES OF 3/7/11:** Motion to waive the reading of the minutes made by Mr. Roper and seconded by Mr. Valenti. All ayes on voice vote. **APPROVE:** Motion to approve made by Mr. Konhauzer and seconded by Mr. Valenti. There were all ayes on voice vote. Motion was approved.

3. **CORRESPONDENCE:**  
None.

4. **NEW BUSINESS:**

A. **\* PUBLIC HEARING – LEIMAN CHICKEE HUT VARIANCE PETITION # V 1-1-11 – LOCATED AT 5841 SOUTHWEST 117 AVENUE**

Mr. Wood explained that this item is a variance application seeking deviation from Section 23-28 (f) (2) of the Municipal Code which requires a 15-foot street side setback in the R-1-A zoning district. The request is to reduce the setback to 8 feet in order to maintain a chickee hut in its present location. The subject site is a corner lot, and the requested deviation is along the street side lot line adjacent to SW 59<sup>th</sup> Street. The property is bound on all three sides of the rear yard by a solid wood shadow box fence.

Mr. Wood then explained the variance request and commented that the applicants have responded to the variance review criteria in an effort to justify approval of the variance. Their justification states, among other things, that there are special and unique conditions which exist that are peculiar to their case and that are not directly attributable to their own actions. They state that they proceeded to build the accessory structure in its present location after consulting with City staff that chickee huts built by Indians do not require a building permit. Whereas it is correct that Florida Building Code exempts chickee huts built by Native Americans from needing a building permit, they are not exempt from City Code and processing to show conformance with Code.

They request the chickee hut be allowed to stay in its present location in lieu of the large cost of relocating it to a conforming location. They feel this would be a reasonable accommodation given the fact that the structure is within a fenced-in rear yard and would not negatively affect surrounding residents.

Mr. Wood commented that Staff has determined that the application meets all the submittal requirements for review and processing of a variance petition and may therefore be recommended for approval.

Mr. Wood concluded that the Planning and Zoning Board is requested to discuss the petition and make a recommendation. Board input will be forwarded to the City Commission for final action.

Mr. Aronson then opened the public hearing at 7:05 p.m. and seeing no one to speak closed the public hearing at 7:05 p.m.

Mr. Leiman remarked that he agreed with the Staff report.

Mr. Konhauzer asked if there was anything that would hinder public works.

Mr. Leiman responded no there was not.

Mr. Wood concurred there were no easements to be concerned with.

Ms. Sori commented that she would like to see it approved because it is in a fenced in yard and doesn't bother anyone else and it has been there. She remarked that chickee huts are part of the tropical landscape for Florida.

**MOTION: TO APPROVE THE LEIMAN CHICKEE HUT VARIANCE PETITION # V 1-1-11 – LOCATED AT 5841 SOUTHWEST 117 AVENUE. MOTION MADE BY MS. SORI AND SECONDED BY MR. VALENTI FOR DISCUSSION.**

Mr. Valenti referred to the paper where Mr. Leiman had his neighbors sign that the chickee hut was okay and asked if there was anyone against it.

Mr. Leiman responded no there was no one against it. He remarked that he had his neighbors from across the street. He sent letters out and there was no one who had a problem with it.

Ms. Keirnan asked how high above the fence was the chickee hut?

Mr. Leiman responded that he thought it was around 8 feet.

Ms. Keirnan commented that it was around 2 feet higher than the shadowbox fence.

Mr. Leiman responded that he thought it was a little more than 2 feet, because his land drops down and slopes from the pool area.

**MOTION: TO APPROVE THE LEIMAN CHICKEE HUT VARIANCE PETITION # V 1-1-11 – LOCATED AT 5841 SOUTHWEST 117 AVENUE. MOTION MADE BY MS. SORI AND SECONDED BY MR. VALENTI. There were all eyes on roll call vote. Motion was approved.**

**5. OLD BUSINESS:**

None.

**6. GROWTH MANAGEMENT DIRECTOR'S REPORT:**

Mr. Wood commented that there is one item scheduled for the next available P&Z Board meeting on Monday April 18<sup>th</sup> and that it is a new development and he explained the site.

Mr. Aronson mentioned that night is Passover and there are several people that won't be present.

Mr. Wood commented that the petition on scheduled for April 18<sup>th</sup> is a rezoning and has been advertised for that date and the property has been posted and if there is no quorum for that evening, they will have to convene for those that are present to postpone it to a time certain date.

Mr. Konhauzer asked that in the future, for those of them who are of the Jewish faith that Staff consider if a date falls on a Jewish religious holiday or other religious holidays that Staff take that into consideration when scheduling a meeting.

Mr. Markley asked the Board how many would be available on April 18<sup>th</sup> and five people voiced that they would not be available, so there would probably not be a quorum.

Mr. Aronson asked that in case there is no quorum could Staff schedule a date for the following week in between the regularly scheduled meetings.

Mr. Markley responded that considering the Commission date is also part of the advertisement, he thought that they would want to have a date in mind as well as being able to tell anyone that comes on April 18<sup>th</sup> what the time certain date is.

Mr. Aronson asked what date that petition was scheduled to come before the Commission.

Mr. Markley responded they are scheduled for May 24<sup>th</sup> for the rezoning. The first reading is scheduled for May 10<sup>th</sup> Commission meeting.

Mr. Aronson asked if they could have the meeting the first of May.

Mr. Wood responded that would be beyond the date that the City Clerks needs the backup and explained the submittal date requirements for the City Clerk's Office.

Ms. Sori commented that this new development was important and thought that more Board members should be present for that petitioner.

Ms. Cohen asked what would be the possibility of changing the time for the meeting.

Mr. Markley responded that he didn't think they could change the meeting time to earlier.

Mr. Wood said that Staff would look at Monday April 25<sup>th</sup> and all the Board members agreed that date would be best.

Mr. Roper commented that he would be here on April 18<sup>th</sup> along with Staff in case someone from the public shows up and that April 25<sup>th</sup> would be the next Board meeting.

**7. BOARD MEMBERS' CONCERNS:**

Mr. Roper commented that he did go back and listen and watch that Commission meeting that Ms. Sori referred to at their last P&Z Board meeting. He remarked that he agreed with everything that Ms. Sori said and thought there were certain members of the Commission that were totally unfair to Staff and were also totally unfair to the P&Z Board. He didn't think that a lot of them really understood what happens when you establish a precedence and because of it he thought they were probably going to have a lot of people coming back before the P&Z Board and before the Commission and applying for a variance and getting it without any problems. He commented that unfortunately when things are done as they were done at that Commission meeting, it leaves the door open for anybody that is affiliated with a business or others to come in and they know they have the upper hand before they even step up to the microphone. He thought that was a dangerous situation. He hoped they stop and take a long look at what they are doing. He said that if code needs to be changed, then he was in favor of taking a look at it.

Mr. Roper thought that when the P&Z Board got together with the Business Advisory Board (BAB) and they discussed with them any changes that they would like to have in code and the only thing they thought to bring up was the "open sign" as far as the windows were concerned. If they had asked for something else, Mr. Roper thought that the P&Z Board would have looked at it. He again commented that he thought they were in dangerous waters and that was something the Board needed to look at. He knew that a lot of effort goes into what they discuss with these meetings. He remarked that he has been affiliated with the P&Z Board for a little less than 20 years. During that time a lot of code is based on a lot of things that have happened in the past. Code is something that they have had to establish and is not something that just happens by the snap of a finger. There is a lot of work that goes into it and they look at code as it relates to all of the neighboring communities, Davie, Pembroke Pines, etc. It is not something that is just put in there. He commented that he didn't like people insinuating that the Board is going against businesses, when they are actually looking at code and trying to abide by it. If they have a valid situation, they try and work it out.

**8. ADJOURNMENT:**

The Meeting adjourned at 7:20 p.m.