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CITY OF MELBOURNE  
MINUTES OF THE REGULAR MEETING OF THE  
ZONING BOARD OF ADJUSTMENT  
MELBOURNE CITY HALL COUNCIL CHAMBER  
APRIL 30, 2012 ♦ 6:30 P.M.

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1. A regular meeting of the Board of Adjustment was held in the City Hall Council Chamber, this date. Chairman Peter Kostrzewa called the meeting to order at 6:30 p.m.
2. All present gave the Pledge of Allegiance to the Flag of the United States of America.
3. **Roll call:** The following members and officials were:

<b>PRESENT:</b>	Peter Kostrzewa	Chairman
	Brenda Burgener	Vice-Chairman
	Charles Jackson	Member
	Ed Kasold	Member
	Dale Young	Member
	James Taylor	Member (6:34 p.m.)
	Tom Herbert	Member
	Haig John	Alternate Member (6:35 p.m.)

<b>ABSENT:</b>	Dennis Mannion	Alternate Member (Excused)
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<b>ALSO PRESENT:</b>	Alison Dawley	Assistant City Attorney
	Cheryl Dean	Planning & Zoning Administrator
	Jeffrey Higgins	Planner
	Kathy Lee	Recording Secretary

4. Chairman Kostrzewa introduced the Board members and City staff. He advised the audience that the meeting was scheduled to end at 10:00 p.m., unless continued by the Board, at its discretion. Unfinished business will be addressed at a meeting to be scheduled approximately two weeks from tonight. Presentations by the applicant should be limited to ten (10) minutes. Presentations or comments by interested parties should be limited to five (5) minutes. Chairman Kostrzewa pointed out that there are only six Board members present; therefore five votes will be necessary to approve a variance.
5. **Requests for Dismissals, Postponements, or Withdrawals**  
  
None
6. **Approval of Minutes – March 26, 2012**

Moved (Burgener/Herbert) to approve the minutes of the March 26, 2012 meeting as submitted.

Motion carried unanimously.

NEW BUSINESS7. V-12-007 MICHAEL DELLA CIOPPA / FLORIDA DISCOUNT MUSIC - 454 NORTH HARBOR CITY BLVD.

In a C-2 zoning district, the following variances are requested:

- (1) **Variance of 5 ft. to allow a ground sign setback 5 ft. from r-o-w.**  
App. D, Ch. 11, Sec. 11.20, B.1.b.i. requires a 10 ft. ground sign setback from R-O-W.
- (2) **Variance of 5 ft. to allow 17 ft. height for a ground sign.**  
App. D, Ch. 11, Sec. 11.20, B.1.c, App D. Ch. 9, Art. 1 Sec 9.02 (b) (l) requires 12 ft. maximum height for ground signs.
- (3) **Variance of landscaping to allow no landscaping with a ground sign.**  
App. D, Ch. 9, Art. 1, Sec. 9.02, (b) (3) requires landscaping with a ground sign.

Michael Della Cioppa and Lisa Della Cioppa, 301 S. Miramar Ave., Apartment 101, Indialantic, Florida, were sworn in, under oath, by Assistant City Attorney Alison Dawley.

Mr. Della Cioppa stated the intent is to improve the layout and overall look of the building; the sign is a big part of the improvements. The proposed sign will adhere to the size requirements, but the height will not. He indicated that should the sign meet height requirements, it will place the actual sign about five feet off the ground. The way the parking lot is situated is more difficult for ingress and egress. He said a lower sign would make this much more difficult. The measurement from the edge of the sign to the first parking space is 17 feet; placing the sign farther out will further exacerbate visibility issues. He said his request for 17 feet would allow for the bottom edge of the sign to remain at its current height. He stated that even an additional three to four feet from the 12 foot height limit would be beneficial for accessibility purposes.

Mr. Della Cioppa indicated that allowing the sign to remain in its current location would also be helpful. As for the landscaping to improve the façade of the building, he believes he has recently worked out some fairly unique plans. He provided the Board with copies of some initial landscaping plans. The plans indicated new landscaping around the east and north sides of the building, as well as the back corner. A small planter is also proposed around the pole sign.

Mr. Della Cioppa referenced the black and white version of the rendering as it included the penciled in areas of the proposed landscaping locations. The color rendering indicates what types of plants will be provided. He said the overall intent is to ensure the least impact on the current parking spaces available.

Summary of Report

Mr. Higgins said the owners of Florida Discount Music wish to make modifications to

the business. Exterior upgrades to the property include façade, landscape, and signage. There is an existing ground sign along US 1 to be demolished and replaced. The new sign, as proposed, will have a greater setback than the zero foot existing ground sign setback, but will not meet the full ten-foot setback requirement. The applicant's variance request also includes additional ground sign height and to not provide landscaping around the base of the sign.

Mr. Higgins continued saying that placing the sign in other locations on the property presents practical difficulties. Other areas along the property frontage would eliminate existing parking spaces or block driveway access to adjacent business/property. A ground sign wider than 3 feet and setback 10 feet from US 1 places the sign in the drive aisle of the parking lot. The current sign location is at the end of a parking row and does not block the existing drive aisle. The new ground sign will eliminate the old sign that is non-conforming in height, sign area, setback, & has no scenic corridor landscaping. Placing the new sign in the same location does not cause conflict with existing parking and drive aisles.

Mr. Higgins said the construction of a new ground sign could meet other code requirements. From a technical standpoint, the new ground sign could be constructed to meet City Code in sign area, height, & scenic corridor landscaping. Sign code allows a 6-foot wide by 12-foot height sign (72 square feet). Safety, visual clearance, and scenic corridor enhancements are primary considerations. Reducing the sign setback by 5 feet does not create a vehicle/pedestrian visual obstruction. The new sign will be setback farther from US 1 than the existing sign.

In addition to the sign setback, visually there is a 5-foot wide sidewalk, along with 5 feet of right-of-way before the edge of pavement to US 1, which provides additional clear area for pedestrians and traffic. A curbed landscaped island could provide a perimeter barrier to protect the sign from being hit by vehicles driving thru the parking lot. A landscape island around the sign should enhance the scenic corridor plantings for the property. Adding this landscape island also would meet code by capping the end of a parking row.

Mr. Higgins said that only a portion of the request is not the minimum variance necessary. A taller sign is requested by the applicant to hang over vehicles in the parking spaces and drive aisles. At the time of application submittal, the applicant preferred to install bollards around the pole sign instead of providing the landscape island. Parking lot re-striping will mark the one way vehicle path from Babcock Street through the parking lot. A landscape island serves a safety purpose and eliminates the need for greater height if customers are accessing the property and following directional arrows, there should be no reason to back into the sign. Vehicles should not be entering the site from US 1 and then drive the wrong way down a one-way aisle. There is an area to create a landscape island around the base of the sign that does not eliminate existing parking or change the drive aisle width. The property is on the corner of 2 major roadways and there are no visual obstructions along US 1 to warrant additional sign height.

Mr. Higgins summarized that staff recommends approval of request #1 for a variance of 5 ft. to allow a 5 ft. sign setback abutting right-of-way (US 1) with the condition that sign width cannot overhang in drive aisle and parking areas and recommends denial of requests #2 & #3 with no hardship established.

Mr. Herbert advised he frequently drives by the subject site. Mr. Taylor stated the same, indicating he saw nothing that would influence his decision.

Mr. Young asked the applicant if the proposed sign has already been ordered or designed and who the sign company is.

Mr. Della Cioppa stated the sign has been designed; however the sign has not been ordered, as he understands the variance may not be approved. If the variance is approved, the sign will be obtained through Patrick Sign Works.

Mr. John questioned the possibility of refurbishing the existing sign.

Mr. Della Cioppa affirmed the condition of the current sign warranted the need for a new sign. Officials from the City Code Department confirmed that the sign needs to be replaced.

Mr. John asked if the applicant had obtained Architectural Review Board approval.

Mr. Della Cioppa replied yes.

Mr. Kasold asked how wide the new sign would be if the 5-foot setback variance is granted and the requirement for not overhanging the drive aisle is met.

Mr. Higgins indicated the size of the sign would depend on the design of the sign. The sign code allows for a 72 square foot sign.

Mr. Kasold stated he is trying to determine the size of the sign proposed by the applicant. The handout provided shows a 5-foot wide by 10-foot high sign, followed by the requested 15-foot high variance request.

Mr. Della Cioppa confirmed this to be correct. The current sign pole is constantly hit by vehicles in the parking lot and he would like to prevent this in the future.

Mrs. Della Cioppa explained that due to the layout of the parking lot, a sign with additional height will eliminate vehicular accidents with the sign and lesson visibility concerns.

Mr. Kasold acknowledged staff's efforts to accommodate the applicant's request. He said he is still trying to determine how wide the sign can be with the 5-foot setback without going into the right-of-way. He questioned the length of the angled parking spaces.

Mr. Della Cioppa said he believed the parking spaces are approximately 11 feet in length and approximately 8 feet in width, which are not in compliance with current City Code. The intent of the requested height variance is to avoid the possibility cars coming in contact with the new sign. Anything more than 5 feet of clearance would be beneficial; and overall sign height of 15 feet would be great. He said he does not wish to have the largest sign on the block, just somewhat higher than what is allotted by code.

Mr. Higgins stated that according to the survey submitted by the applicant, from the front property line to the back edge of the existing sign, measures out to 13 feet. With a 5-foot setback, theoretically the applicant could have an 8-foot wide sign, which will put the sign to the back of the landscape island being requested. He said he is not sure if the applicant wishes to place the sign that close to the back of a landscape island. A protective barrier may be desired.

Mrs. Della Cioppa estimated the existing drive isle at only 12 feet wide; a landscape barrier will reduce this. She said most vehicles are larger than the existing parking spaces.

Mr. Jackson referenced the parking spaces being only 8 feet wide and suggested bringing the site up to Code, as 1-way drive aisles require a minimum 16 feet and the applicant has indicated there is an existing 8-foot drive aisle.

Mrs. Dean explained that the subject site is an existing developed site in the Babcock Street Redevelopment CRA. This is an existing use and the property has not been vacant for more than 90 days. The applicant is trying to reduce the non-conformities where possible. Code Compliance requires replacement of the signage due to more than 50% damage of the existing sign. With the safety concerns, the applicant feels the sign needs to be higher to avoid vehicular damage. She said staff is working with the applicant to provide additional landscaping, which the applicant is proposing to do. She pointed out that the widening of US 1 created many of the issues with this site.

Mr. Jackson questioned the justification of the 8-foot wide parking spaces.

Mrs. Dean stated that if a change of use were proposed, upgrades may be required. Also, if the property were vacant for more than 90 days, the site would be required to be brought up to Code.

Mrs. Della Cioppo advised she did have a parking lot designer take a look at the site, but determined there was not much that could be done. The parking lot will be resurfaced and re-stripped.

Mr. John asked where the planters would be placed on the property.

Mr. Della Cioppo referred to the plan submitted earlier in the meeting for planter locations.

Mr. Kasold stated he is still trying to differentiate staff's recommendation and what has been proposed by the applicant.

Mr. Della Cioppo felt any further requirements for landscaping would obstruct the parking and accessibility. He believes curbing will defeat the purpose of what is proposed; while he wants to make aesthetic improvements, he does not want to have any negative effects on his parking. He said that just to get another 5 additional feet height, or even 3 feet would be beneficial.

Mr. Kasold confirmed the 3-foot landscape proposed around the pole would eliminate the need for a variance for landscaping.

Mr. Higgins replied yes; providing the landscaping around the ground sign would be Code compliant. Staff would have to look more closely at the requirement of a landscape island at the end of a parking row, which is required to be 5 feet in width. He does not believe a landscape variance needs to be decided by this Board if the applicant is willing to provide landscaping around the ground sign, as this will meet the scenic corridor requirement.

Mrs. Dean referenced the diagram provided by the applicant and expressed the possibility of creating a landscape area that would be the curbed landscape island at the end of the parking row. She said the applicant indicated they would have no problem modifying the landscape island to create an end of parking row. This information was confirmed by the applicant,

Chairman Kostrzewa requested confirmation that there would be no need for Variance No. 3.

Mr. Higgins confirmed this to be correct.

Mr. Della Cioppo advised he met with a landscape professional and determined there would be no negative effects on his parking.

Ms. Burgener stated the variance refers to a ground sign, but the proposed sign looks like a pole sign.

Mrs. Dean explained that based upon the new Sign Code, there are building signs or ground signs. A ground sign comes up from the ground and building sign is on the building. Pole signs and monument signs are a type of ground sign.

Mrs. Burgener said the current sign appears to be illuminated and asked if the proposed sign would be illuminated as well.

Mr. Della Cioppo replied yes.

Ms. Burgener indicated she would prefer a sign with a little additional height as an illuminated sign could be distracting in the evening hours. She commended the applicants for their improvements efforts.

Mr. Della Cioppo thanked Ms. Burgener and stated he hoped to be at the subject site for many years to come.

Chairman Kostrzewa questioned what variances could be granted for signage.

Mr. Higgins confirmed variances could be granted for setbacks and additional height, but not for additional square footage.

Chairman Kostrzewa recalled in the past, variances approved and tied to a specific applicant or use, and asked if would still be an option.

Mrs. Dean explained that for a non-conforming sign, if the building goes away, the sign also goes away; however, a variance runs with the land.

Ms. Dawley noted the Board has, in the past, limited the scope of the variance by approving the request as presented. If someone were to bring a site up today, they could keep the exact same layout, but there is a good possibility the site will not be the same and the variance would no longer be applicable.

Mr. Kasold questioned the size of the sign should a variance for height relief be granted. He understands the applicant is requesting a sign height of 10 feet or greater due to parking lot layout, which would allow a sign height of 15 feet. He further questioned the 5-foot setback and what this would leave the applicant in terms of the size of the sign as well.

Mr. Della Cioppo said it has been up in the air to this point as to whether to use the existing pole closest to the road or the building. If the pole closest to building is used, this would allow the 5-foot setback. If the pole closest to the road is used, then a 0-foot setback would be required.

Mr. Kasold stated the sign can be designed to be offset; the sign does not have to be centered on the pole.

Mrs. Della Cioppo noted the final design of the sign has not been done as they are waiting for the outcome of this meeting.

Chairman Kostrzewa confirmed the depiction of the sign shows 5 foot wide by 10 foot high, and asked if the sign included a reader board on the bottom.

Mr. Della Cioppo said the sign is 5 foot wide by 10 foot high; there is a reader board and it is included in the overall size of the sign.

There was no correspondence for this item.

There was no public comment.

Mr. Kasold asked if the landscaping variance was being withdrawn.

Mr. Della Cioppo affirmed this to be correct.

Mr. Kasold believes staff's recommendation if reasonable. He is not sure the applicant will be able to get the 5-foot wide x 10-foot high sign he is hoping for. He questioned the maximum sign height for a pole sign versus a monument sign.

Ms. Dawley explained there are two separate requirements; the first is the area of 72 square feet; this is not being questioned. The second issue is the height of the sign, which is measured to the top of the sign; the applicant has not committed to a pole sign at this time. If the Board wants this to be a pole sign and allow the 17 feet in height, this should be specified in any motion made.

Mr. Kasold stated his question is more related to the height and/or clearance of the sign.

Mrs. Dean advised there are no clearance requirements. Staff does coordinate with the Engineering Department for any visibility issues.

Mr. Kasold indicated he would like to give the applicant some relief, and he is trying to get an understanding of how the sign is measured.

Ms. Dawley noted the application is for a variance of 10 feet or greater. What has been mentioned during this meeting is a variance of 17 feet. She asked the applicant exactly what clearance he would like to obtain for the sign.

Mr. Della Cioppo affirmed he would like to get at least 10 feet of clearance.

**Moved by Kasold/Jackson to approve V-12-007, No. 1 for a variance of 5 ft. to allow a 5 ft. setback as presented; No. 2 for a variance of 3 ft. to allow a 15 ft. height for a ground sign, as presented; and No. 3 was withdraw by the applicant.**

A roll call vote was taken.

**Motion carried unanimously.**

## 11. **ADDITIONAL BUSINESS/GENERAL DISCUSSION**

Mr. Higgins gave a PowerPoint informational presentation on the signage requirements per City Code due to recent updates.

Chairman Kostrzewa reminded the Board of their annual presentation in front of City Council on Tuesday, May 8<sup>th</sup>, at 6:30 p.m.

Mrs. Dean noted that it is always helpful to have other Board members present to support the Chairman during his/her presentation.

**12. ADJOURNMENT**

The meeting was adjourned at 8:03 p.m.

Respectfully submitted,

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Kathy Lee, Recording Secretary