



**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
FEBRUARY 10, 2021 – 6:30 P.M.**

CITY OF FORT LAUDERDALE

Board Members	Attendance	Cumulative Attendance 6/2020 through 5/2021	
		Present	Absent
Howard Nelson, Chair	P	5	1
Patrick McTigue, Vice Chair	P	6	0
Eugenia Ellis	P	5	1
Chadwick Maxey	P	6	0
Blaise McGinley	P	6	0
Douglas Reynolds	P	6	0
S. Carey Villeneuve	A	5	1
Alternates			
Chip Falkanger	P	4	2
Shelley Eichner	P	6	0
Michael Lambrechts	P	6	0

Staff

D' Wayne Spence, Assistant City Attorney
 Burt Ford, Zoning Chief
 Chakila Crawford, Administrative Assistant
 Mohammed Malik, Zoning Administrator
 Brigitte Chiappetta, Recording Secretary, Prototype Inc.

Communication to the City Commission

None

Purpose: Section 47-33.1.

The Board of Adjustment shall receive and hear appeals in cases involving the ULDR, to hear applications for temporary nonconforming use permits, special exceptions and variances to the terms of the ULDR, and grant relief where authorized under the ULDR. The Board of Adjustment shall also hear, determine and decide appeals from reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the ULDR, as provided herein.

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	<u>Case Number</u>	<u>Owner/Agent</u>	<u>District</u>	<u>Page</u>
1.	PLN-BOA-20120001	Robert L Elmore Rev Trust, Pamela Kay Hayes, Trustee	4	<u>4</u>
2.	PLN-BOA-20030002	Preste Corp; Ocean Reef Investments LLC; Royal Quality Homes Of FI LLC Communication to the City Commission For the Good of the City Other Items and Board Discussion	2	<u>2</u> <u>6</u> <u>6</u> <u>6</u>

I. Call to Order

The meeting was called to order at 6:30 p.m. Roll was called and a quorum determined to be present.

II. Approval of Minutes – January 2021

Motion made by Mr. McTigue, seconded by Mr. McGinley to approve the Board’s January 2021 minutes. In a voice vote, motion passed unanimously.

III. Public Sign-In / Swearing-In

All individuals wishing to speak on the matters listed on tonight’s agenda were sworn in.

During each item, Board members disclosed communications they had and site visits made.

IV. Agenda Items

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CASE: **PLN-BOA-20030002**

OWNER: PRESTE CORP; OCEAN REEF INVESTMENTS LLC;
 ROYAL QUALITY HOMES OF FL LLC

AGENT: HEIDI DAVIS KNAPIK

ADDRESS: 2985 N OCEAN BLVD.; NE 30 STREET;
 NE 30 STREET; NE 33 AVENUE; N OCEAN BLVD., FORT LAUDERDALE, FL 33308

LEGAL DESCRIPTION: LAUDERDALE BEACH 4-2 B LOTS 91 & 92 LESS THAT
 POR OF SAID LOTS LYING W OF FOL DESC LINE, COMM AT NW COR OF LOT 92, ELY 85.38, SLY 100 TO A PT ON S/L OF LOT 91 AND THE PT OF TERMINATION OF THE

HEREIN DESC LINE BLK 1; LAUDERDALE BEACH 4-2 B THAT POR OF LOTS 91 & 92 LYING W OF FOL DESC LINE, COMM AT NW COR OF LOT 92,ELY 85.38,SLY 100 TO A PT ON S/L OF LOT 91 AND THE PT OF TERMINATION OF THE HEREIN DESC LINE BLK 1; LAUDERDALE BEACH EXT UNIT B 29-22 B LOT 1 BLK 23; LAUDERDALE BEACH EXT UNIT B 29-22 B LOT 2 BLK 23; LAUDERDALE BEACH 4-2 B LOT 90 BLK 1

ZONING
DISTRICT:
COMMISSION
DISTRICT:
REQUESTING:

CB

2

Sec. 47-24.12.A.10 - Expiration of approval. The variance shall expire and become null and void unless a building permit to implement the improvements authorized by the variance or special exception is secured within one hundred eighty (180) days from the effective date of approval, or within such lesser time as the board may proscribe, which such lesser period of time shall not be less than thirty (30) days from the effective date of approval. Upon a motion for extension of time being filed by an applicant, for good cause shown, the board may grant an additional extension of time beyond the time initially proscribed in the final order, such additional extension of time not to exceed one hundred eighty (180) days, within which the building permit must be secured.

- A request/motion for extension of time for an additional 180 days (until September 8, 2021).

Heidi Davis, attorney, requested an additional 180 days. She said they must remove the easement prior to DRC approval. After this was done they would apply for permits.

Chair Nelson opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Nelson closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. McGinley, seconded by Ms. Ellis:
To grant a 180-day extension to pull the permit.
In a roll call vote, motion passed 7-0.

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CASE: PLN-BOA-20120001
OWNER: ROBERT L ELMORE REV TR
HAYES, PAMELA KAY TRUSTEE
AGENT: DEENA GRAY, ESQ./ GREENSPOON MARDER LLP
ADDRESS: 2980 W STATE ROAD 84; ACCESS RD, FORT
LAUDERDALE, FL 33312

LEGAL DESCRIPTION: 20-50-42 POR OF W1/2 OF SEC 20-50-42 DESC AS COMM AT W1/4 COR OF SEC 20,N 44.58,NE 1018.19 TO POB, NE 126.71,SLY 405.98,SW 32.40 WLY 200.15,NW 55.21,NE 26.62,SE 59.55,NE 182.20,NE 161.66 TO POB; 20-50-42 POR OF SW1/4 SEC 20-50-42 DESC AS BEG AT SW COR OF N1/2 OF SW 1/4 OF SEC 20,E 1233.71,N 209.60 NWLY ARC DIST 626.40,SW 10.10,W 263+/-,SWLY MEANDERING ALG SOUTH BANK OF SOUTH FORK OF NEW RIVER 420+/-,S 160+/- TO POB, LESS R/W DESC IN INSTR#114486609; 20-50-42 PORTION SW1/4 DESC AS COMM AT W 1/4 COR SEC 20,N 44.58,NE 761.59 SE 390,SW 196.80 TO POB, SW 9.70, W 350,NW 47.33,SELY 391.04 TO POB, LESS POR DESC IN INSTR# 114486609 FOR PAR 102 & LESS POR LYING IN THE NEW RIVER CANAL

ZONING DISTRICT: I *Rezoned By Ordinance

COMMISSION DISTRICT: 4

REQUESTING: **Sec. 47-19.3(c) No boat slips, docks, boat davits, hoists, and similar mooring structures**

- Requesting variances to allow for the construction of boat slips, docks, boat davits, hoists, and similar mooring structures, piles, and a seawall without a principal building and to allow such improvements to be constructed, placed, erected or built prior to the construction of a principal building and to allow such improvements to be used if a principal structure is no longer in use.

Sec. 47-19.1.A.1. - No accessory use or structure shall be permitted to be constructed, placed, erected or built on any parcel of land or water,

prior to the start of construction of the principal building, except the following: A fence as permitted by Section 47-19.5. (Temporary Fences).

- Requesting variances to allow for the construction of boat slips, docks, boat davits, hoists, and similar mooring structures, piles, and a seawall without a principal building and to allow such improvements to be constructed, placed, erected or built prior to the construction of a principal building and to allow such improvements to be used if a principal structure is no longer in use.

Sec. 47-19.1.C- No accessory use or structure shall be permitted to be used if the principal structure is no longer in use.

- Requesting variances to allow for the construction of boat slips, docks, boat davits, hoists, and similar mooring structures, piles, and a seawall without a principal building and to allow such improvements to be constructed, placed, erected or built prior to the construction of a principal building and to allow such improvements to be used if a principal structure is no longer in use.

Deena Gray, attorney, said they were requesting a variance to construct boat slips, docks, boat davits, hoists, and similar mooring structures, piles, and a seawall without a principal building. She gave a Power Point presentation, a copy of which is attached to these minutes for the public record.

Eric Metz, the owner's representative, took over the presentation and described how they would use this site.

Ms. Gray addressed the variance criteria:

- a. That special conditions and circumstances affect the property at issue which prevent the reasonable use of such property;

Ms. Gray said the property was very narrow and it was challenging to put a principal structure on it. Also, the access road was an accessway for Police, Fire, FPL and other utilities.

- b. That the circumstances which cause the special conditions are peculiar to the property at issue, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the same zoning district;

Ms. Gray stated there were drainage and environmental issues that needed to be addressed before there were any improvements.

Mr. Nelson asked Mr. Spence why the owner could not execute a unity of title or a declaration in lieu of unity of title tying the two parcels together, obviating the need for a variance. The code did not indicate that the parcel must be in the same city; it only specified that there must be a principal structure on the parcel. Mr. Spence explained that City code did provide for combining parcels into a development site. The issue here was that the development parcel was defined as the parcels that are within the jurisdiction of the City of Fort Lauderdale. The only way he could see that working was to enter into an Interlocal agreement with the City of Dania. Mr. Nelson said this issue could serve as the unique or special circumstance in this case.

Mr. Nelson asked if Ms. Gray was willing to pursue an Interlocal agreement with the City of Dania and she said her client was ready to start construction and did not wish to delay.

Chair Nelson opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Nelson closed the public hearing and brought the discussion back to the Board.

Mr. Maxey wondered what would happen in 10 years if this company sold the site and the subsequent owner decided to sell the boat slips. Mr. Spence said recognizing the hardship, the Board could require a declaration in lieu of unity of title to be associated with this project as a condition of the variance. Ms. Gray said her client would accept a declaration in lieu of unity of title.

Motion made by Mr. Maxey, seconded by Mr. McGinley:
To approve the variance with the condition of a declaration in lieu of unity of title.
In a roll call vote, motion passed 7-0.

Communication to the City Commission

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None

Report and for the Good of the City

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Chair Nelson requested an update on the fence height issue and Mr. Malik said they were still working on it. He would ask the planner if the Board could provide feedback before it went to the City Commission.

Other Items and Board Discussion

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None

There being no further business to come before the Board, the meeting adjourned at 7:07 p.m.

Chair:



Attest:



ProtoType Inc.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.