



**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
MARCH 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 | 6 | 1 |
| Patrick McTigue, Vice Chair | P | 7 | 0 |
| Eugenia Ellis | P | 6 | 1 |
| Chadwick Maxey | P | 7 | 0 |
| Blaise McGinley | P | 7 | 0 |
| Douglas Reynolds | P | 7 | 0 |
| S. Carey Villeneuve | P | 6 | 1 |
| Alternates | | | |
| Chip Falkanger | P | 5 | 2 |
| Shelley Eichner | P | 7 | 0 |
| Michael Lambrechts | P | 7 | 0 |

Staff

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

Communication to the City Commission

Motion made by Ms. Ellis, seconded by Mr. McTigue to request the City Commission consider moving the Board of Adjustment meeting time from 6:30 p.m. to 6:00 p.m. In a voice vote, motion passed unanimously.

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.

| <u>Index</u> | | | | |
|---------------------|---------------------------|--|------------------------|--------------------|
| | <u>Case Number</u> | <u>Owner/Agent</u> | <u>District</u> | <u>Page</u> |
| 1. | PLN-BOA-21020001 | 2426 EAST LAS OLAS LLC/ OLIVE JUDD, PA, KRISTY E. ARMADA | 2 | <u>3</u> |
| 2. | PLN-BOA-21020003 | 3134 NE 9TH LLC/ CRUSH LAW, P.A.- JASON S. CRUSH | 2 | <u>2</u> |
| | | Communication to the City Commission | | <u>5</u> |
| | | For the Good of the City | | <u>5</u> |
| | | Other Items and Board Discussion | | <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 – February 2021

Motion made by Ms. Ellis, seconded by Mr. McGinley to approve the Board’s February 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.

The Board agreed to hear Item 2 first.

IV. Agenda Items

2. [Index](#)

CASE: PLN-BOA-21020002

OWNER: 3134 NE 9TH LLC

AGENT: CRUSH LAW, P.A.- JASON S. CRUSH

ADDRESS: 3134-3146 NE 9 STREET, FORT LAUDERDALE FL 33304
LEGAL DESCRIPTION: BARCELONA BEACH 29-11 B LOT 6 TO 10, 1/10 INT FOR EACH LOT IN PARKING & DRIVES AREAS
ZONING DISTRICT: SLA
COMMISSION DISTRICT: 2
REQUESTING: Sec. 5-26. - Distance between establishments.

(b) The board of adjustment is authorized to grant special exceptions to the distance requirements as established by (a) above where the board finds that such special exception will:

- (1) Not be contrary to the public interests; and**
- (2) Not incompatible with adjoining properties or the surrounding neighborhood. The application for a special exception and the processing and hearing upon such application shall be in accordance with section 47-24.12(A).**

The applicant is requesting a special exception for the required distance separation of three hundred (300) feet between establishments selling alcoholic beverages. The property is 226 feet from the nearest establishment licensed to sell alcoholic beverages. Requesting the distance of separation be reduced from three hundred (300) feet to two-hundred twenty six (226) feet, a total reduction of two hundred sixteen (74) feet.

Jason Crush, attorney, requested the item be deferred to the Board's next meeting.

Motion made by Mr. McGinley, seconded by Ms. Ellis:
To defer the item to the Board's April meeting.
In a voice vote, motion passed 7-0.

1.

[Index](#)

CASE: PLN-BOA-21020001
OWNER: 2426 EAST LAS OLAS LLC
AGENT: OLIVE JUDD, PA, KRISTY E. ARMADA
ADDRESS: 2426 E LAS OLAS BOULEVARD, FORT LAUDERDALE FL 33301
LEGAL DESCRIPTION: RESUB BLKS 13 & 14 IDLEWYLD 7-38 B LOT 1 LESS E 50 & E 30 OF LOT 2 BLK 13
ZONING DISTRICT: CB
COMMISSION DISTRICT: 2

REQUESTING: Sec. 47-6.20. - Table of dimensional requirements. (Note A)

Requesting a variance from the 5 feet minimum front yard requirements of Sec. 47-6.20 Table of Dimensional Requirements (Note A) for the CB zoning district to permit a new store front wall at a setback distance of 2 feet 3 inches, a total variance request of 2 feet 9 inches.

Kristy Armada, agent for the owner, said this was an attorney's office and they wished to expand the conference room by relocating the north wall 2.25 feet from the property line. She said the existing room was very narrow and they had difficulty accommodating handicapped clients. She noted the applicant had already elevated the property to meet code requirements and address flooding issues. They had also moved the north wall in to install an outdoor planter, but this had resulted in the narrow conference room.

Ms. Armada said the applicant had addressed the variance criteria in the narrative and they were all satisfied.

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

Regarding this criterion, Ms. Armada said all north walls on this block were on the property line. She stated this was the only property owner on the 2400 block affected by enforcement of the five-foot setback.

- 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; and

Regarding this criterion, Ms. Armada said moving the north wall five feet in had resulted in a reduction of the building's square footage and reduced the size of the conference room.

- c. That the literal application of the provisions of the ULDR would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same zoning district. It shall be of no importance to this criterion that a denial of the variance sought might deny to the owner a more profitable use of the property, provided the provisions of the ULDR still allow a reasonable use of the property; and

Regarding this criterion, Ms. Armada stated the five-foot setback requirement was meant to establish a uniform development pattern, but she reiterated that all neighboring buildings sat at the property line and enforcing the setback on this property would result in a disparity between this and neighboring buildings.

- d. That the unique hardship is not self-created by the applicant or his predecessors, nor is it the result of mere disregard for, or ignorance of, the provisions of the ULDR or antecedent zoning regulations; and

Regarding this criterion, Ms. Armada said at the time the building was constructed, there were no setback requirements. Considering the locations of the other buildings on the 2400 block, the setback requirement would be a hardship to this building only.

- e. That the variance is the minimum variance that will make possible a reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the ULDR and the use as varied will not be incompatible with adjoining properties or the surrounding neighborhood or otherwise detrimental to the public welfare.

Regarding this criterion, Ms. Armada stated this request was the minimum variance needed to make reasonable use of the improvements. The request would not interrupt the uniform development pattern of Las Olas, as all other buildings in the area were sited on the property line.

Ms. Armada stated the planter wall was on the property line. She displayed the survey.

Mr. Malik stated originally, the west wall was on the property line but the owner had moved the wall back to accommodate the planter. All work had been permitted by the City.

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. McTigue, seconded by Mr. McGinley:

To approve the variance request as presented because it met the requirements of the ULDR.

In a roll call vote, motion passed 7-0.

Communication to the City Commission

[Index](#)

The Board agreed that they would like to move the meeting time to 6:00 p.m.

Motion made by Ms. Ellis, seconded by Mr. McTigue to request the City Commission consider moving the Board of Adjustment meeting time from 6:30 p.m. to 6:00 p.m. In a voice vote, motion passed unanimously.

Report and for the Good of the City

[Index](#)

Mr. Malik had spoken with Anthony Fajardo, Director, Department of Sustainable Development regarding the fence ordinance, and Mr. Fajardo anticipated it would go the

Board of Adjustment
March 10, 2021
Page 6

City Commission in April. After it was presented to the City Commission, it would be brought to the Board. Mr. Malik said the Board's input had been taken into consideration.


Other Items and Board Discussion

[Index](#)

None

There being no further business to come before the Board, the meeting adjourned at 7:02 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.