



BOARD OF ADJUSTMENT MEETING NOTICE

September 27, 2021

A Public Hearing will be held before the Board of Adjustment on:

Wednesday, October 13, 2021 at 6:00 P.M.

This meeting will be held in-person and virtually to determine whether the following application should be granted. To view more information about this item, please visit: www.fortlauderdale.gov/government/BOA

CASE: PLN-BOA-21090001

OWNER: FLORIDA PLACES 4 RENT LLC

AGENT: HOPE CALHOUN, ESQ. - DUNAY, MISKEL AND BACKMAN, LLP

ADDRESS: 2309 BARCELONA DRIVE, FORT LAUDERDALE, FL 33301

LEGAL DESCRIPTION: LOT E, BARCELONA ISLES ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44, PAGE 17, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

ZONING DISTRICT: RS-4.4- RESIDENTIAL SINGLE FAMILY/LOW DENSITY DISTRICT

COMMISSION DISTRICT: 2

REQUESTING: **Sec. 47-19.5. - Fences, walls and hedges.**

Requesting a variance from the 6'-6" Height MAX. Measured from Grade According to Section 47-2.2.G for Fence/Wall in Residential Zoning Districts as provided in Table 1 of Section 47-19.5 – Fences, walls and hedges to allow an eight (9' 8") foot, a total deviation in height of one foot six inches (3' 2").

To Attend In-Person:

City of Fort Lauderdale, City Hall Commission Chambers, 100 N. Andrews Avenue, Fort Lauderdale, FL 33301

To Attend Virtually:

Visit: www.fortlauderdale.gov/FLTV to watch and listen to the meeting

Visit: <https://www.fortlauderdale.gov/government/BOA> to sign up to speak. Should you desire to speak on this item, please fill out the speaker form available at the link on the City's website.

If you have any questions, please feel free to contact me directly at 954-828-6342.

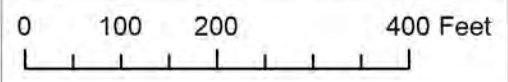
MOHAMMED MALIK
ZONING ADMINISTRATOR

Florida Statutes, Sec. 286.0105

NOTE: If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.



PLN-BOA-21090001



Graphic Scale



CITY OF FORT LAUDERDALE
PUBLIC NOTICE

BOARD OF ADJUSTMENTS MEETING

DATE: OCTOBER 13, 2021

TIME: 6:00 PM

CASE: PLN-BOA-21090001

REQUESTING: Sec. 47-19.5. - Fences, walls and hedges.

Request: Requesting a variance from the 6'-6" Dimensional Requirements for Height MAX. Measured from Grade According to Section 47-2.2.G for Fence/Wall in Residential Zoning Districts as provided in Table 1 of Section 47-19.5 – Fences, walls and hedges to allow an eight (9' 8") foot privacy fence, a total deviation in height of one foot six inches (3' 2").

LOCATION: CITY COMMISSION CHAMBERS
CITY HALL, 100 N ANDREWS AVENUE

CONTACT: 954-828-6506

You Can Still Attend The Meeting Virtually:

Visit www.fortlauderdale.gov/fltv to watch and listen to the meeting.

Visit <https://www.fortlauderdale.gov/government/BOA> to sign up to speak.

This Notice is the property of the City of Fort Lauderdale. In accordance with City Code Section 16-29, It shall be unlawful for any person to injure, cut, break or destroy in any manner any building or other thing belonging to or under the control of the City. Persons marring or removing the Notice may be subject to fine and/or imprisonment.

In accordance with City Code Section 47-27.2A. H The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearing by another body. The sign information shall be changed as provided in subsection A.3.a



BOA

DATE: 10/13/2021

AGENDA ITEM: 6

CASE: 6

PLN-BOA- 21090001



SUSTAINABLE DEVELOPMENT – ZONING & LANDSCAPING

BOARD OF ADJUSTMENT (BOA) APPLICATION

Rev: 3 Revision Date: 05/17/2021 | Print Date: 05/17/2021
I.D. Number: Z&L-BOA

BOARD OF ADJUSTMENT (BOA) APPLICATION

Cover:	Deadline, Notes, and Fees
Page 1:	Applicant Information Sheet
Page 2:	Variance Request Criteria
Page 3:	Required Documentation & Mail Notice Requirements
Page 4:	Sign Notice Requirements & Affidavit
Page 5:	Technical Specifications

DEADLINE: Submittals must be received prior to 4:00 PM each business day. Pursuant to Section 47-24.12, the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via e-mail, if plans do not meet the submittal requirements and if changes are required.

APPLICATION SUBMITTAL: Submit your Board of Adjustment (BOA) application, required documents and fees online by visiting: <https://aca-prod.accela.com/FTL>. After application and document submission, you should receive a case number and will be invoiced for the fee amount due. Prior to formal submittal of applications, applicants are encouraged to schedule an appointment with the Board Liaison and staff to obtain feedback regarding proposals. The meetings provide an opportunity for applicants to obtain feedback and general direction, prior to expending significant effort on preparation of submittal documents. To request a meeting to discuss your variance request, please contact Chakila Crawford at chcrawford@fortlauderdale.gov and/or Stephanie Hughey at shughey@fortlauderdale.gov.

FEES: All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

- Variance/Special Exception/Interpretation (Before): **\$2,200**
- Variance/Special Exception/Interpretation (After): **\$2,800**
- Parking Variance (per space): **\$2,600**
- Variance/Special Exception/Interpretation (Before)- Residential Homesteaded Only- Accessory Structures & Existing Non-Conforming Structures: **\$650**
- Variance/Special Exception/Interpretation (After)- Residential Homesteaded Only- Accessory Structures & Existing Non-Conforming Structures: **\$850**
- Request for Continuance: **\$900**
- Request for Rehearing: **\$300**
- Rehearing before the Board: **\$1,150**

Page 1: BOA - Applicant Information Sheet

INSTRUCTIONS: The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). While the information requested in this application is the minimum required to proceed please be aware additional information may be required to fully address the variance requested. The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

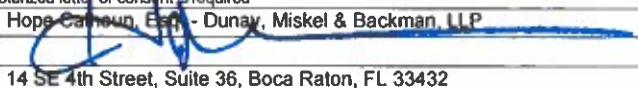
NOTE: To be filled out by Department

Case Number	
Date of complete submittal	

NOTE: For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

Property Owner's Name	FLORIDA PLACES 4 RENT LLC
Property Owner's Signature	If a signed agent letter is provided, no signature is required on the application by the owner
Address, City, State, Zip	5531 N University Drive, Suite 103, Coral Springs, FL 33067
E-mail Address	Please contact Agent
Phone Number	Please contact Agent
Proof of Ownership	<input checked="" type="checkbox"/> Warranty Deed or <input type="checkbox"/> Tax Record

NOTE: If **AGENT** is to represent **OWNER**, notarized letter of consent is required

Applicant / Agent's Name	Hope Cathoun, Esq. - Dunay, Miskel & Backman, LLP
Applicant / Agent's Signature	
Address, City, State, Zip	14 SE 4th Street, Suite 36, Boca Raton, FL 33432
E-mail Address	hcalhoun@dmbblaw.com
Phone Number	561-405-3324
Letter of Consent Submitted	Yes

Development / Project Name	Barcelona Residence		
Existing / New	<input type="checkbox"/> Existing	<input type="checkbox"/> Single Family Residential	<input checked="" type="checkbox"/> New
Project Address	<u>Address</u> , 2309 Barcelona Drive, Fort Lauderdale, FL 33301		
Legal Description	Please see attached		
Tax ID Folio Numbers <small>(For all parcels in development)</small>	504201310050		
Request / Description of Project	Variance from Section 47-19.5 to increase the maximum wall height from 6'-6" to 9'-8", for a total variance of 3'-2".		
Applicable ULDR Sections	Section 47-19.5		

Current Land Use Designation	Low 4.4
Current Zoning Designation	RS-4.4
Current Use of Property	Single Family Residential
Site Adjacent to Waterway	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Setbacks <small>(indicate direction N, S, E, W)</small>	Required	Proposed
Front <input type="checkbox"/>		
Side <input type="checkbox"/>		
Side <input type="checkbox"/>		
Rear <input type="checkbox"/>		

Page 2: Board of Adjustment (BOA) Criteria for Variance Request

Complete this page and an attached narrative.

SPECIFIC REQUEST: State the specific request according to the ULDR or other provisions of the Code.

CRITERIA: Applicant must demonstrate a unique hardship attributable to the land by proving by a preponderance of the evidence for all of the following criteria. Please answer the following criteria completely. While some criteria may seem duplicative the response should be tailored specifically to each. Per section 47-24.12, A.4.

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

- b. 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

- c. 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

- d. 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

- e. 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.

AFFIDAVIT: I, Hope Calhoun, Esq. the Owner/Agent of said property ATTEST that I am aware of the following:

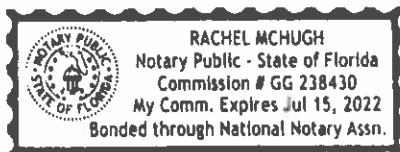
1. In order to be entitled to the relief requested in the application an affirmative vote of a majority plus one of the Board of Adjustment is required;
2. That in granting the relief requested, the Board of Adjustment is limited to the authority vested in the Board by the ULDR and that the Board may not grant the relief requested unless the applicant proves all the criteria specified in the ULDR have been met;
3. That the granting of relief by the Board does not exempt the applicant or owner of record from the responsibilities of obtaining all applicable permits or approvals as may be required by law for both new and existing structures;
4. That if the relief requested is granted by the Board, the applicant must secure a building permit to implement the relief requested within one hundred eighty (180) days of the entry of the final order or the Board, or within such lesser time as the Board may proscribe and that failure to procure the necessary permits within the time so proscribed shall render the variance or special exception null and void;
5. That if the Board denies the request for relief, then no additional application for the same or substantially the same relief may be entertained by the Board within two (2) years of the date of entry of the final order of denial.


(Signature)

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 2 day of Sept., 2021

(SEAL)


NOTARY PUBLIC
MY COMMISSION EXPIRES:



Page 3: Required Documentation & Mail Notice Requirements

One (1) original set, signed and sealed, with plans at 24" x 36"

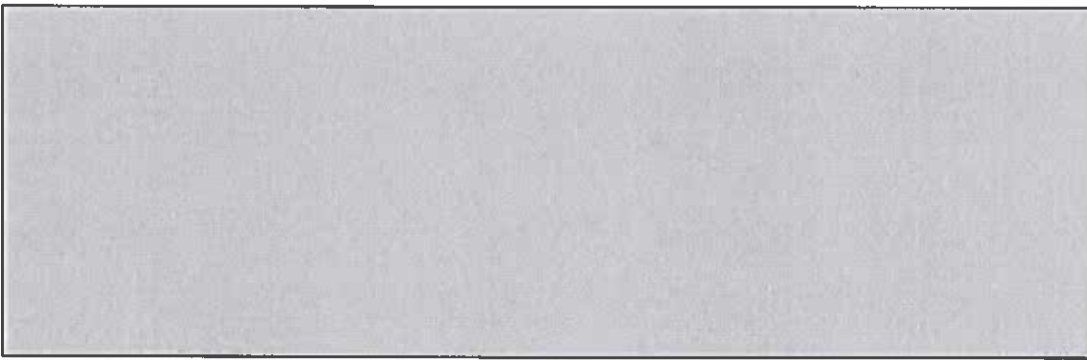
One (1) electronic version (CD or USB) of complete application and plans in PDF format

Fourteen (14) copy sets of each item below and plans at half-size scale 11" x 17"

- Completed application (all pages must be filled out where applicable)
- Mail notification documents (mail notification instructions at bottom of page)
- Proof of ownership (warranty deed, Sunbiz and/or tax record), including corporation documents if applicable
- Property owners original notarized signature and/or notarized agent letter signed by the property owner (if applicable)
- Color photographs of the entire property and all surrounding properties, dated and labeled and identified as to orientation
- Narrative describing specific request and outlining ULDR sections that are applicable. Narratives must be on letterhead, dated, and with author indicated.
- Cover sheet on plan set to state project name and table of contents.
- Current survey(s) of property, signed and sealed, showing existing conditions; survey must be As-Built with Right-of-Way and Easement Vacations Excluded. The survey should consist of the proposed project site alone. Do not include adjacent properties or portions of lands not included in the proposed project unless specifically requested by the City. If the survey is not signed and sealed, a zoning affidavit is required and shall only be used for the structures listed in the affidavit.
- Site Plan (a survey may be substituted if the requested variance is clearly indicated)
- Landscape Plan (if applicable)
- Elevations (if applicable)
- Additional Plan details as needed

Note: All copy sets must be clear and legible.

Note: Plans must be folded to 8 ½" x 11". All non-plan documents should be 8 ½" x 11".



MAIL NOTIFICATION: Pursuant to Section 47-27.2 Types of Public Notice and 47-27.9 Variance, Special Exception, Temporary Non-Conforming Use, Interpretation requires the following notice:

- **MAIL NOTICE:** Mail notice shall be given to owners of land within three hundred (300) feet of the subject site ten (10) days prior to the date set for the public hearing.
 - **TAX MAP:** Applicant shall provide a tax map from the Broward County Property Appraiser of all property within a three hundred (300) foot radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
 - **PROPERTY OWNERS NOTICE LIST:** Applicant shall provide a property owner notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required three hundred (300) foot radius. The list shall also include all homeowners' associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
 - **ENVELOPES:** The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required three hundred (300) foot radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. The return address shall be listed on all envelopes as follows:

City of Fort Lauderdale
Urban Design & Development -BOA
700 NW 19th Avenue, Fort Lauderdale, FL 33311

- **DISTRIBUTION:** The City of Fort Lauderdale, Urban Design & Development will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.
- **HOW TO ORDER A TAX MAP AND MAIL NOTICE LIST:** To order a tax map and notice list, please email Heather Hanson at hhanson@bcpa.net or call 954-357-6855. You may also contact Kenny Gibbs, kgibbs@bcpa.net or call 954-357-5503.

Page 4: Sign Notification Requirements and Affidavit

SIGN NOTICE

Applicant must **POST SIGNS** (for Board of Adjustment) according to Sec. 47-27.2 Types of Public Notice and 47-27.9 Variance, Special Exception, Temporary Non-Conforming Use. Interpretation requires the following notice:

- Sign Notice shall be given by the applicant by posting a sign provided by the City stating the time, date, and place of the Public Hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time, and place shall be stated on the sign or changed as applicable.
- The sign shall be posted at least fifteen (15) days prior to the date of the public hearing.
- The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
- If the subject property is on more than one (1) right-of-way, as described above, a sign shall be posted facing each right-of-way.
- If the applicant is not the owner of the property that is subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the City.
- If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the City and posting the sign on the property.
- The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as above to reflect any new dates.
- The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of posting of the public notice sign according to this section. If the applicant fails to submit the affidavit the public hearing will be postponed until the next hearing after the affidavit has been supplied.

AFFIDAVIT OF POSTING SIGNS

STATE OF FLORIDA

BROWARD COUNTY

BOA CASE NO. _____

APPLICANT: Hope Calhoun, Esq. - Dunay, Miskel & Backman, LLP

PROPERTY: 2309 Barcelona Drive, Fort Lauderdale, FL 33301

PUBLIC HEARING DATE: _____

BEFORE ME, the undersigned authority, personally appeared Hope W. Calhoun, Esq. who upon being duly sworn and cautioned, under oath deposes and says:

1. Affiant is the Applicant in the above cited City of Fort Lauderdale Board or Commission Case.
2. The Affiant/Applicant has posted or has caused to be posted on the Property the signage provided by the City of Fort Lauderdale, which such signage notifies the public of the time, date and place of the Public Hearing on the application for relief before the Board or Commission.
3. That the sign(s) referenced in Paragraph two (2) above was posted on the Property in such manner as to be visible from adjacent streets and waterways and was posted at least fifteen (15) days prior to the date of the Public Hearing cited above and has remained continuously posted until the date of execution and filing of this Affidavit. Said sign(s) shall be visible from and within twenty (20) feet of streets and waterways, and shall be securely fastened to a stake, fence, or building.
4. Affiant acknowledges that the sign must remain posted on the property until the final disposition of the case before the Board or Commission. Should the application be continued, deferred, or re-heard, the sign shall be amended to reflect the new dates.
5. Affiant acknowledges that this Affidavit must be executed and filed with the City's Urban Design & Development five (5) calendar days prior to the date of Public Hearing and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
6. Affiant is familiar with the nature of an oath or affirmation and is familiar with the laws of perjury in the State of Florida and the penalties, therefore.

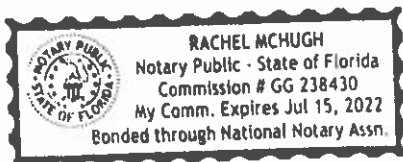
NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27.2.j of the City of Fort Lauderdale U.D.P.R. I will forfeit my sign deposit. HC (initial here)

Hope W. Calhoun, Esq.
Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 2 day of Sept, 2021

(SEAL)

Rachel Mchugh
NOTARY PUBLIC
MY COMMISSION EXPIRES:



Page 5: Technical Specifications

A. SITE PLAN

1. Title Block including project name and design professional's address and phone number
2. Scale (1" = 30' min., must be engineer's scale)
3. North indicator
4. Location map showing relationship to major arterials
5. Drawing and revision dates, as applicable
6. Full legal description
7. Site Plan Data Table
 - Current use of property
 - Land Use designation
 - Zoning designation
 - Site area (sq. ft. and acres)
 - Setback table (required vs. provided)
 - Open space
8. Site Plan Features (graphically indicated)
 - Setbacks and building separations (dimensioned)
 - Project signage (if applicable)
 - Easements (as applicable)

(Please note additional site plan information may be necessary to fully address the requested variance)

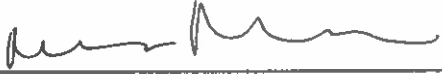
B. BUILDING ELEVATIONS (as applicable)

1. All building facades with directional labels (i.e. North, South) and building names if more than one building
2. Dimensions, including height and width of all structures
3. Dimensions of setbacks and required setbacks from property lines
4. Dimension grade at crown of road, at curb, sidewalk, building entrance, and finished floor
5. Include proposed signage

Statement of Interest in Property and Authorization to File Petitions

FLORIDA PLACES 4 RENT LLC certifies that it is the Owner of property located at 2309 Barcelona Drive in the City of Fort Lauderdale and authorizes DUNAY, MISKEL, & BACKMAN, LLP, as agent, to submit and process any and all applications to the City of Fort Lauderdale and appear at any meetings or public hearings within the City of Fort Lauderdale and Broward County.

Milica Novovic
Print Name


Signature

2309 NE 37th Dr.
Address

Fort Lauderdale FL 33308
City/State/Zip

954.632.5412
Phone

State of Florida

County of Broward

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 1st day of September, 2021, by Milica Novovic, an individual, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC:

Sign: 

Print: _____

My Commission Expires:





**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman

Hope Calhoun
Dwayne Dickerson
Ele Zachariades
Matthew H. Scott

Christina Bilenki
Lauren G. Odom
Nicole Jaeger
Rachael Bond Palmer

Variance Justification Statement
2309 Barcelona Drive

The +/- 0.24-acre property located at 2309 Barcelona Drive (Folio: 504201310050) ("Property"), is generally located north of E Las Olas Blvd and west of A1A within the Seven Isles neighborhood in the City of Fort Lauderdale ("City"). The Property has a future land use designation of Low 4.4 and a zoning designation of RS-4.4, Residential Single Family/Low Density District. The Property is currently vacant as shown on the survey, and the Applicant is proposing to construct a single-family home on the Property ("Project"). At the inception of the Project, Applicant was advised by the City that the Property must be designed in accordance with the anticipated 2021 FEMA flood plain elevations. Accordingly, Applicant raised the elevation of the Property approximately 4 feet, which created a significant elevation difference between the Property and the adjacent parcels.

As a result of the significant difference in elevations, a retaining wall is required along the north and east Property lines. Additionally, the wall must reach an adequate maximum height to create a safe perimeter along the steep slope. The proposed wall height measured from the base of the wall on the Property is only 5'-8" and therefore permitted by the City's Unified Land Development Code ("ULDR"). However, due to the significant difference in elevation, the maximum height measured from the base of the wall on the adjacent property is 9'-8". Applicant is seeking a variance as a safety precaution to remedy the dangerous condition that has been created due to the significant elevation difference. In order to construct the wall, Applicant is seeking the following variance:

Variance from Section 47-19.5 of the ULDR to increase the maximum wall height from 6'-6" to 9'-8", for a total variance of 3'-2".

Section 47-19.5 of the ULDR provides the table of dimensional requirements for fences, walls, and hedges. The table provides that the maximum fence/wall height in residential zoning districts is 6'-6". The table further provides that the maximum height shall be measured from grade according to Section 47.2.2(G)(2). Section 47.2.2(G)(2) provides that when used to measure non-habitable accessory structures, grade shall be the finished ground surface at the base of the accessory structure being measured. If a retaining wall elevates the non-habitable accessory structure, the grade shall be the finished ground surface at the base of the retaining wall. In accordance with this section, the maximum height for the proposed wall shall be measured from the finished ground surface at the base of the wall from the adjacent parcels. As shown on the site plan, the proposed maximum height of the wall measured from the base on the adjacent property is 9'-8". As the ULDR maximum permitted height is 6'-6", Applicant is seeking a total variance of 3'-2".

In accordance with the above outlined request, Applicant will demonstrate that the variance request meets the following criteria enumerated in Section 47-24.12 (A)(4): (1) That special conditions and circumstances affect the property at issue which prevent the reasonable use of such property; and (2) 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 (3) 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 (4) 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 (5) 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.

1. That special conditions and circumstances affect the Property at issue which prevent the reasonable use of such Property.

Special conditions and circumstances affect the Property at issue which prevent the reasonable use of such Property. As mentioned, the City advised the Applicant to design the Project in accordance with the anticipated 2021 FEMA flood plain elevations. As a result, Applicant raised the elevation of the Property approximately 4 feet, which created a significant elevation difference between the Property and the adjacent parcels. The steep slope poses dangerous conditions to occupants and visitors of the Property. To remedy the dangerous condition, a wall with adequate height is required to maintain a safe environment for the Property and adjacent parcels. Without the variance, Applicant would be permitted to construct a wall with a maximum height of 2'-6". Considering the extreme slope of approximately 4 feet, a wall with a maximum height of 2'-6" inches is inadequate and poses a safety hazard to both the Property and adjacent parcels. Applicant is requesting a variance of 3'-2" in order to ensure reasonable and safe use of the Property as a single-family home.

2. 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.

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. The Property was previously a vacant lot surrounded by previously constructed single-family homes. Once the Applicant acquired the Property and proposed to construct a single-family home, Applicant was advised by the City that the Project should be designed in accordance with the anticipated 2021 FEMA flood plain elevations. As a result, the elevation for the proposed single-family home differs substantially from the elevation of the existing homes in the neighborhood surrounding the Property. Considering the foregoing, the current circumstances are peculiar to the Property because it is located in a neighborhood comprised of pre-existing homes that were bound by previous FEMA flood plain elevations. The fact that the Property is 4 feet higher than neighboring properties creates a unique safety concern that requires a perimeter wall to prevent occupants, visitors, and even pets from falling off the Property and into the adjacent yard below.

- 3. 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.**

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. Perimeter walls are permitted in residential zoning districts at a maximum height of 6'-6". As shown on the site plan, the wall measured from the base on the Property is 5'-8" and would otherwise be permitted on the Property. However, the variance is required due to the extreme slope caused by the differing elevations between the adjacent parcels. Without the variance, Applicant would only be permitted to construct a wall with a maximum height of 2'-6". A wall of this height would not be sufficient to create a safe barrier from the extreme slope. As such, 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.

- 4. 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.**

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. In contrast, Applicant has complied with the City's requirement to design the Property in compliance with the anticipated FEMA flood plain elevations, which has resulted in a significant elevation difference. Applicant is attempting to accommodate the elevation difference by implementing necessary safety precautions to ensure the safe and reasonable use of the Property.

- 5. 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.**

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 purpose 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. As previously mentioned, the variance is required to ensure that the height of the wall is adequate for the safety of the Property's occupants and neighbors. Without the variance, Applicant will only be permitted to construct a wall with a maximum height of 2'-6". A wall of this height on the Property is not safe due to the 4-foot difference in elevation between the Property and the adjacent parcels. The variance is not otherwise determinantal to the public welfare because it will promote a safe and functional environment for the newly constructed home and its occupants. Furthermore, the proposed 3'-

2" variance is the minimum variance to ensure a uniform height along the entire length of the wall. Applicant does not have access to a topography survey of the adjacent parcels and has therefore requested the proposed variance to account for any variations in topography on the adjacent properties. Considering the foregoing, the variance is the minimum variance that will make possible a reasonable use of the Property and the variance is in harmony with the general purposes and intent of the ULDR.

Accordingly, for the reasons stated above, the Applicant respectfully requests approval of the above-discussed variance request from the ULDR.

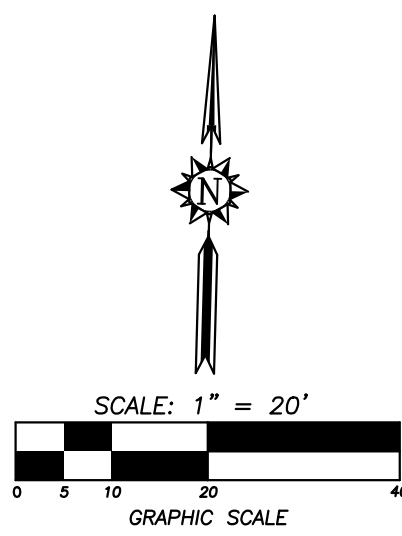
A	B	C	D	E	F	G	H
FOLIO_NUMB	NAME	ADDRESS_LI	CITY	STATE	ZIP	ZIP4	LEGAL
1							
2	504201090550 PUBLIC LAND% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301		NURMI ISLES ISLAND NO 121-29 B/WATERWAY DEDICATED TO THE PUBLIC PER PLAT
3	504201220050 ARTMAN,DARIN S & HEATHER DAWN	2301 SEA ISLAND DR	FORT LAUDERDALE	FL	33301		SEA ISLAND UNIT 1 26-28 BLOT 5
4	504201220070 JANKOV,DUSANEATON,LAURA	2307 SEA ISLAND DR	FORT LAUDERDALE	FL	33301		SEA ISLAND UNIT 1 26-28 BLOT 7
5	504201220090 HOBEN,KEVIN R	2313 SEA ISLAND DR	FORT LAUDERDALE	FL	33301		SEA ISLAND UNIT 1 26-28 BLOT 9
6	504201220110 LEEBOW,DONALD M & JODI	2319 SEA ISLAND DR	FORT LAUDERDALE	FL	33301		SEA ISLAND UNIT 1 26-28 BLOT 11
7	504201220130 GRANT,MARK J	2325 SEA ISLAND DR	FORT LAUDERDALE	FL	33301	1574	SEA ISLAND UNIT 1 26-28 BLOT 13
8	504201250010 PFRANG,PHILIPMORESCO,TERI STEVEN R PATCH REV TRPATICH,STEVEN R TRSTEE	2300 BARCELONA DR	FORT LAUDERDALE	FL	33301	1555	SEA ISLAND UNIT 4 27-50 BLOT 1 BLK 1
9	504201250020 TRSTEE	2306 BARCELONA DR	FORT LAUDERDALE	FL	33301		SEA ISLAND UNIT 4 27-50 BLOT 2 BLK 1
10	504201250030 LAND TRUST 1756-007MEL TRUSTEES LLC	2601 BAYSHORE DR FLR 18	COCONUT GROVE	FL	33133		SEA ISLAND UNIT 4 27-50 BLOT 3 BLK 1
11	504201250040 HASTINGS,SPENCER & CYDNE	2316 BARCELONA DR	FORT LAUDERDALE	FL	33301	1555	SEA ISLAND UNIT 4 27-50 BLOT 4 BLK 1
12	504201250050 MALHOUTRE,MICHEL & DENISEBRINDLE CREST CAMP END RD	ST GEORGES'S HILL	*WEYBRIDGE,SURREY	GB	KT13	ONR	SEA ISLAND UNIT 4 27-50 BLOT 5 BLK 1
13	504201250060 PANGRATZ,KONRAD K	2330 BARCELONA DR	FORT LAUDERDALE	FL	33301	1555	SEA ISLAND UNIT 4 27-50 BLOT 6 BLK 1
14	504201250070 2400 BARCELONA DR LLC	1324 BAYVIEW DR	FORT LAUDERDALE	FL	33004		SEA ISLAND UNIT 4 27-50 BLOT 7 BLK 1
15	504201300010 IMMOBILIARIA GRUPO VILLALOBOSLO LLC	221 NE 23 AVE	FORT LAUDERDALE	FL	33301		BARCELONA ISLE 27-10 BLOT 1,2 S BLK 1
16	504201300020 MULLER,CONCEPCION	227 SEVEN ISLES DR	FORT LAUDERDALE	FL	33301		BARCELONA ISLE 27-10 BLOT 2 N 75 BLK 1
17	504201300030 RUH FAM TRRUH,WILLIAM J TRSTEE ETAL	301 NE 23 AVENUE	FORT LAUDERDALE	FL	33301	1532	BARCELONA ISLE 27-10 BLOT 3 BLK 1
18	504201300040 LEEDER,THOMASLEEDER FAMILY TR	307 NE 23 AVE	FORT LAUDERDALE	FL	33301	1532	BARCELONA ISLE 27-10 BLOT 4 BLK 1
19	504201300050 NDRENA,FELIPE	313 NE 23 AVE	FORT LAUDERDALE	FL	33301		BARCELONA ISLE 27-10 BLOT 5 BLK 1
20	504201300060 LITTLE TIGER IV LLC	50 S POINTE DR #2101	MIAMI BEACH	FL	33139		BARCELONA ISLE 27-10 BLOT 6 BLK 1
21	504201300070 GRABENSTEIN,BRIANBRIAN GRABENSTEIN LIV TR	325 SEVEN ISLES DR	FORT LAUDERDALE	FL	33301		BARCELONA ISLE 27-10 BLOT 7 BLK 1
22	504201300170 LUQUE,SKYE TREVORESSLINGER,LAURA ANNE	2301 BARCELONA DR	FORT LAUDERDALE	FL	33301	1554	BARCELONA ISLE 27-10 BLOT 1 BLK 2
23	504201300180 LOPES,FERNANDA	308 SEVEN ISLES DR	FORT LAUDERDALE	FL	33301		BARCELONA ISLE 27-10 BLOT 2 BLK 2
24	504201300190 KANE,DAVID A	314 NE 23 AVE	FORT LAUDERDALE	FL	33301		BARCELONA ISLE 27-10 BLOT 3 BLK 2
25	504201300200 MASHEK,CAROL M	320 NE 23 AVE	FORT LAUDERDALE	FL	33301		BARCELONA ISLE 27-10 BLOT 4 BLK 2
26	504201300210 DOBRINSKY,JILL	326 NE 23 AVE	FORT LAUDERDALE	FL	33301	1533	BARCELONA ISLE 27-10 BLOT 5 BLK 2
27	504201310010 COMEAUX,ANDRELEON,SARAH J	325 NE 23 TER	FORT LAUDERDALE	FL	33301	1507	BARCELONA ISLES ADD 44-17 BLOT A LESS S 5
28	504201310020 RAMSEY,MARY L	319 NE 23 TER	FORT LAUDERDALE	FL	33301	1507	BARCELONA ISLES ADD 44-17 BLOT A S 5,B
29	504201310030 BUYP,BERNARD K JR & KATHY K	313 NE 23 TER	FORT LAUDERDALE	FL	33301	1507	BARCELONA ISLES ADD 44-17 BLOT C
30	504201310040 SHOSHAN,GUY & VERED	307 NE 23 TER	FORT LAUDERDALE	FL	33301		BARCELONA ISLES ADD 44-17 BLOT D
31	504201310050 FLORIDA PLACES 4 RENT LLC	7900 NOVA DR STE 205	DAVIE	FL	33324		BARCELONA ISLES ADD 44-17 BLOT E
32	504201310060 SHARPE,ORLANDO & SANDRA J	2317 BARCELONA DR	FORT LAUDERDALE	FL	33301		BARCELONA ISLES ADD 44-17 BLOT F
33	504201310070 MARCINCIN,PAUL G	2843 NW 12 AVE	WILTON MANORS	FL	33311	2211	BARCELONA ISLES ADD 44-17 BLOT G
34	504201310080 LANGLEY,FRAZER M & WENDY S	2401 BARCELONA DR	FORT LAUDERDALE	FL	33301		BARCELONA ISLES ADD 44-17 BLOT H
35	504201310110 LOCHRIE,ROBERT B III & BROOKE T	2330 DESOTA DR	FORT LAUDERDALE	FL	33301	1524	BARCELONA ISLES ADD 44-17 BLOTS J LESS E 6 & K
36	504211090070 RICH,BRYAN T H/ERICH,JUDY A	2325 DESOTA DR	FORT LAUDERDALE	FL	33301		LAUDERDALE ISLES REAMEN PLAT15-46 BPOR TR 1 BLK 42 DESC AS COMM ATSELY COR OF LOT 7 BLK 42 OF LAUDERDALE ISLES UNIT A 9- 28B,SE340 ALG CANAL SW/L TO POB,SE 85,SW 126.215,NW 85,NE 126.22 TOPOB,LESS NLY 10 THEREOF & COMMAT SE COR LOT 7,SE 425 TO POB,SE85,SW 126.21,NW 85,NE 126.22 TO

A	B	C	D	E	F	G	H
37	504211090080	CASTRO,ROBERTCASTRO,SOFIA	1314 E LAS OLAS BLVD #1111	FORT LAUDERDALE	FL	33301	1566 LAUDERDALE ISLES RE-AMEND PLATT 5-46 B PART OF TR 1 DESC'D AS COMM ATSE COR OF LOT 7 BLK 42 OF LAUDERDALE ISLES UNIT A,SELY ALG SW/LOF RIO DESOTA CANAL FOR 510 TOPOB,SE 76.03,SELY 4.96 TO NW COROF LOT 20 BLK 42,SWLY ALG S/LOF TR 1,124.20 TO N/L OF DESOTABLVD,NWLY 75.54,NWLY 56.11,NELY
38	504211090100	CASTRO,ROBERTCASTRO,SOFIA	1314 E LAS OLAS BLVD #1111	FORT LAUDERDALE	FL	33301	2334 LAUDERDALE ISLES REAMEN PLATT 5-46 BROR TR 2 BLK 42 DESC AS BEG NWCOR LOT 21 BLK 42 OF LAUDERDALE ISLES UNIT A 9-288,SELY 90 ALGCANAL SW/L,SW 124.57,NW 115 ALGDESOTA BLVD NE R/W/L,NE 129.07 TO POB & TOGETHER WITH LOT 20BLK 42 OF LAUDERDALE ISLES UNIT A OF 9-28 B

SKETCH OF BOUNDARY AND TOPOGRAPHIC SURVEY OF: **2309 BARCELONA DR., FORT LAUDERDALE, FL**

LEGEND:

- B.C.R. BROWARD COUNTY RECORDS
- L.B. LICENSED BUSINESS
- P.B. PLAT BOOK
- PG. PAGE
- ID. IDENTIFICATION
- (C) CALCULATED
- (R) DENOTES INFORMATION BASED ON RECORDED INFORMATION
- (P) DENOTES INFORMATION BASED ON PLAT OF RECORD
- OHW- OVERHEAD WIRES
- ⊕ CENTERLINE
- ☐ CATCH BASIN
- ⊗ WATER METER
- ⊕ WOOD POWER POLE
- ☐ UTILITY BOX ON CONCRETE PAD
- ▲ VIEW 1
- +5.08' SURFACE ELEVATION



LOCATION MAP
NOT TO SCALE



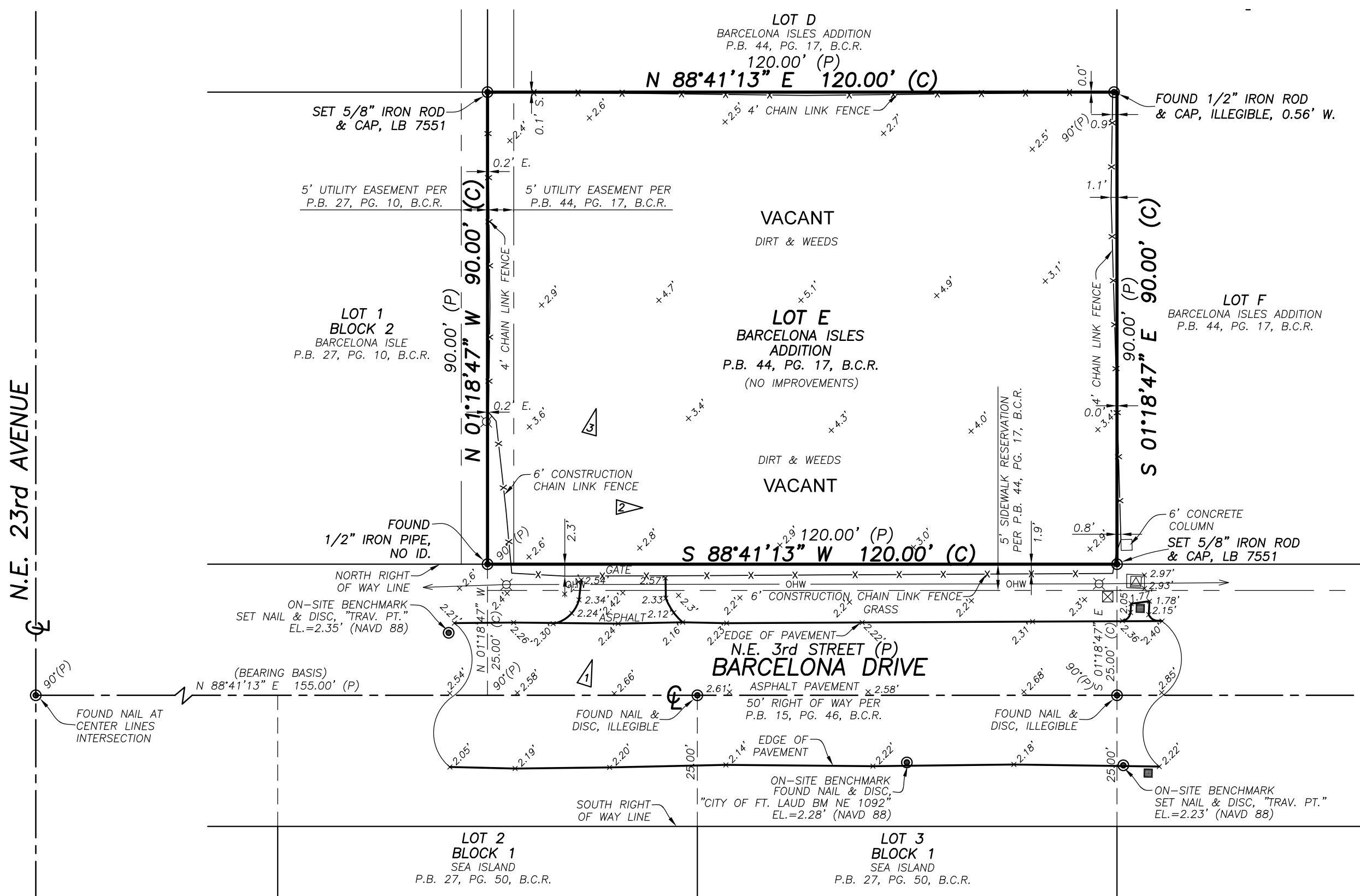
VIEW 1
NOT TO SCALE



VIEW 2
NOT TO SCALE



VIEW 3
NOT TO SCALE



LEGAL DESCRIPTION:

LOT E, BARCELONA ISLES ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 44, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SURVEY NOTES:

1. THIS SURVEY REPRESENTS A BOUNDARY AND TOPOGRAPHIC SURVEY AS DEFINED BY STANDARDS OF PRACTICE FOR SURVEYING AND MAPPING, CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODES. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. THE SYMBOLS REFLECTED IN THE LEGEND AND ON THIS SURVEY MAY HAVE BEEN ENLARGED FOR CLARITY. THE SYMBOLS HAVE BEEN PLOTTED AT THE CENTER OF THE FIELD LOCATION AND MAY NOT REPRESENT THE ACTUAL SHAPE OR SIZE OF THE FEATURE.
3. THE INFORMATION DEPICTED ON THIS SURVEY REPRESENTS THE RESULTS OF A FIELD SURVEY ON THE DATE INDICATED AND CAN ONLY BE CONSIDERED AS A REPRESENTATION OF THE GENERAL CONDITIONS EXISTING AT THAT TIME.
4. THE BEARINGS SHOWN HEREON ARE BASED ON A CALCULATED BEARING OF N 88°41'13" E., ALONG THE CENTERLINE OF BARCELONA DRIVE, AND ARE RELATIVE TO THE FLORIDA STATE PLANE COORDINATES SYSTEM, EAST ZONE, 1983 (1990) ADJUSTMENT.
5. THE SURVEYOR DID NOT INSPECT THE PROPERTY SHOWN HEREON FOR ENVIRONMENTAL HAZARDS.
6. HEDGES, ORNAMENT PLANTS, IRRIGATION EQUIPMENT AND LANDSCAPING NOT LOCATED OR SHOWN HEREON. FENCES AND WALL DIMENSIONS ARE APPROXIMATE.
7. THE SURVEYOR DID NOT DETERMINE OWNERSHIP OF FENCES AND WALLS. SUBSURFACE UTILITIES AND ENCROACHMENTS WERE NOT LOCATED AND ARE NOT SHOWN HEREON.
8. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES ARE PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
9. ECS LAND SURVEYORS, INC. DID NOT SEARCH THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS AFFECTING THE PROPERTY BEING SURVEYED. THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
10. THE PROPERTY SHOWN HEREON LIES WITHIN FLOOD ZONE AE, ELEVATION 5' (NAVD 88), AS SHOWN IN FLOOD INSURANCE RATE MAP 12011C 0388 H, COMMUNITY NUMBER 125105, CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA. MAP EFFECTIVE DATE: AUGUST 18, 2014.

SURVEY NOTES (CONT.):

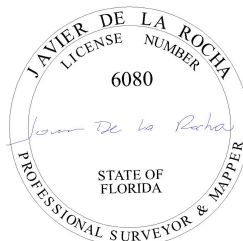
11. THE PROPERTY SHOWN HEREON CONTAINS 0.248 ACRES (10,800 SQUARE FEET), MORE OR LESS.
12. THE INFORMATION CONTAINED IN THIS DOCUMENT WAS PREPARED BY ECS LAND SURVEYORS, INC. ECS HAS TAKEN ALL REASONABLE STEPS TO ENSURE THE ACCURACY OF THIS DOCUMENT. WE CANNOT GUARANTEE THAT ALTERATIONS AND/OR MODIFICATIONS WILL NOT BE MADE BY OTHERS AFTER IT LEAVES OUR POSSESSION. THIS DOCUMENT MUST BE COMPARED TO THE ORIGINAL HARD COPY (WHICH BEARS THE RAISED SURVEYOR'S CERTIFICATION SEAL IF APPLICABLE) TO ENSURE THE ACCURACY OF THE INFORMATION CONTAINED HEREON AND TO FURTHER ENSURE THAT ALTERATIONS AND/OR MODIFICATIONS HAVE NOT BEEN MADE. EXACTA MAKES NO WARRANTIES, EXPRESS OR IMPLIED, CONCERNING THE ACCURACY OF THE INFORMATION CONTAINED IN THIS OR ANY DOCUMENT TRANSMITTED OR REVIEWED BY COMPUTER OR OTHER ELECTRONIC MEANS. CONTACT ECS DIRECTLY FOR VERIFICATION OF ACCURACY.
14. THE ELEVATIONS SHOWN HEREON ARE BASED ON A CITY OF FORT LAUDERDALE BENCHMARK "NE 1092" AND REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88). THE MARK IS A PK NAIL AND BRASS DISC ON THE SOUTH SIDE OF EDGE OF PAVEMENT OF BARCELONA DRIVE, 236' +/- EAST OF THE CENTER LINE OF N.E. 23rd AVENUE. ELEVATION= 2.28' (NAVD 88).

THIS SURVEY IS CERTIFIED TO:

MILIC NOVOVIC

CERTIFICATE:

THIS IS TO CERTIFY THAT THIS BOUNDARY AND TOPOGRAPHIC SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



Digitally signed by
Javier De La Rocha
Date: 2021.03.11
12:53:22 -05'00'

JAVIER DE LA ROCHA
PROFESSIONAL SURVEYOR AND MAPPER NO. 6080
STATE OF FLORIDA

ECS LAND SURVEYORS, INC. L.B. 7551
email:javier@ecssurveyors.com

TELEPHONE NO. 561-314-0769 FAX NO. 561-314-0770



3460 FAIRLANE FARMS ROAD, SUITE 6, WELLINGTON, FL. 33414

SEAL
NOT VALID UNLESS
SEALED HERE
WITH
AN EMBOSSED
SURVEYOR'S SEAL

SKETCH OF BOUNDARY
AND TOPOGRAPHIC SURVEY

LOTE

BARCELONA ISLES ADDITION
PLAT BOOK 44, PAGE 17, B.C.R.

2309 BARCELONA DRIVE, FORT LAUDERDALE, FL 33301

CLIENT: MILIC NOVOVIC

DATE: 03/10/21

DRWN BY: J.E.C.

CHK'D BY: JDLR

LAST FIELD DATE: 03/01/21

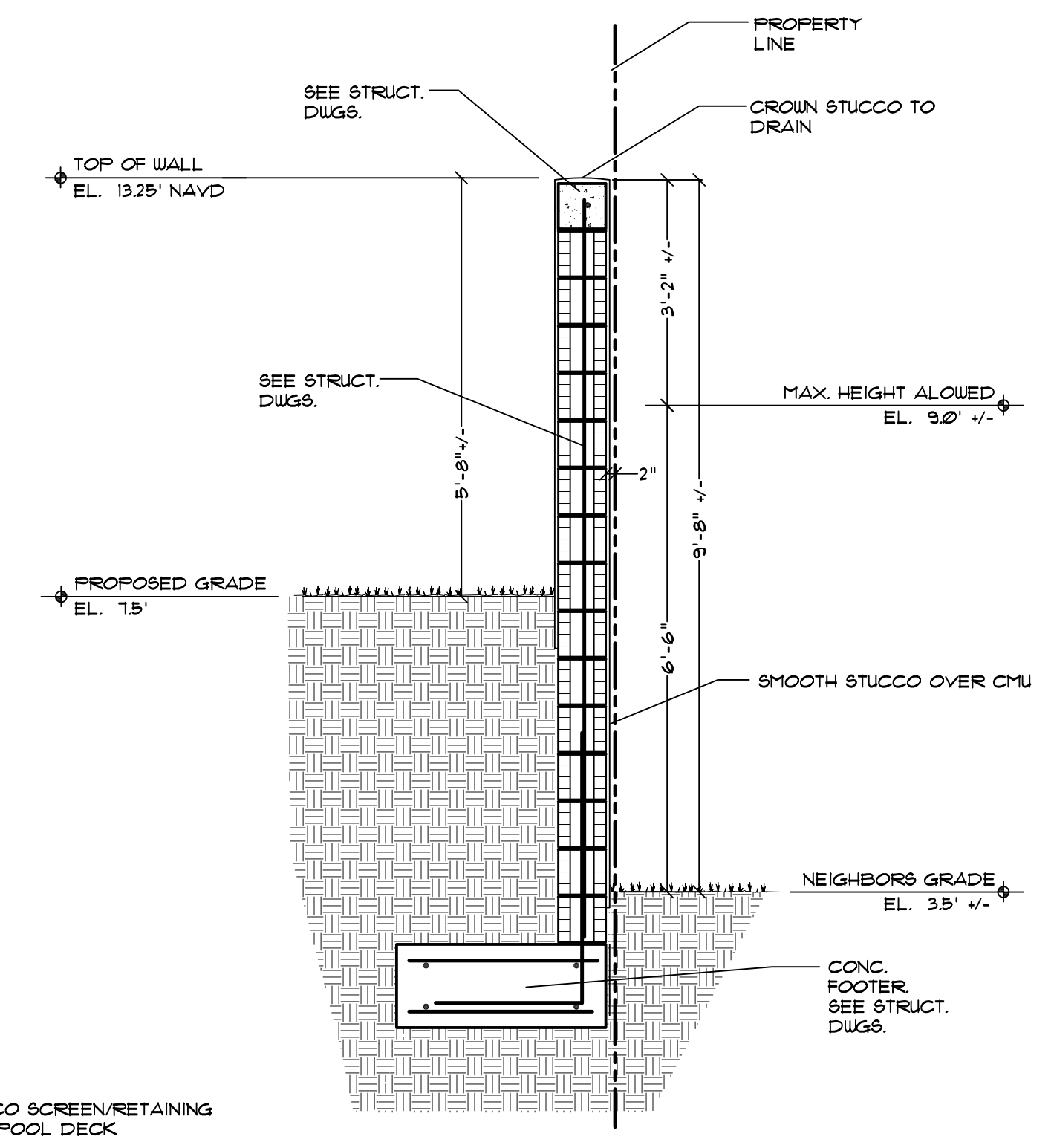
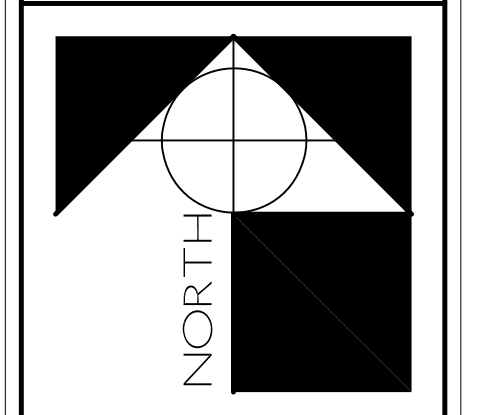
REVISIONS

JOB NO.

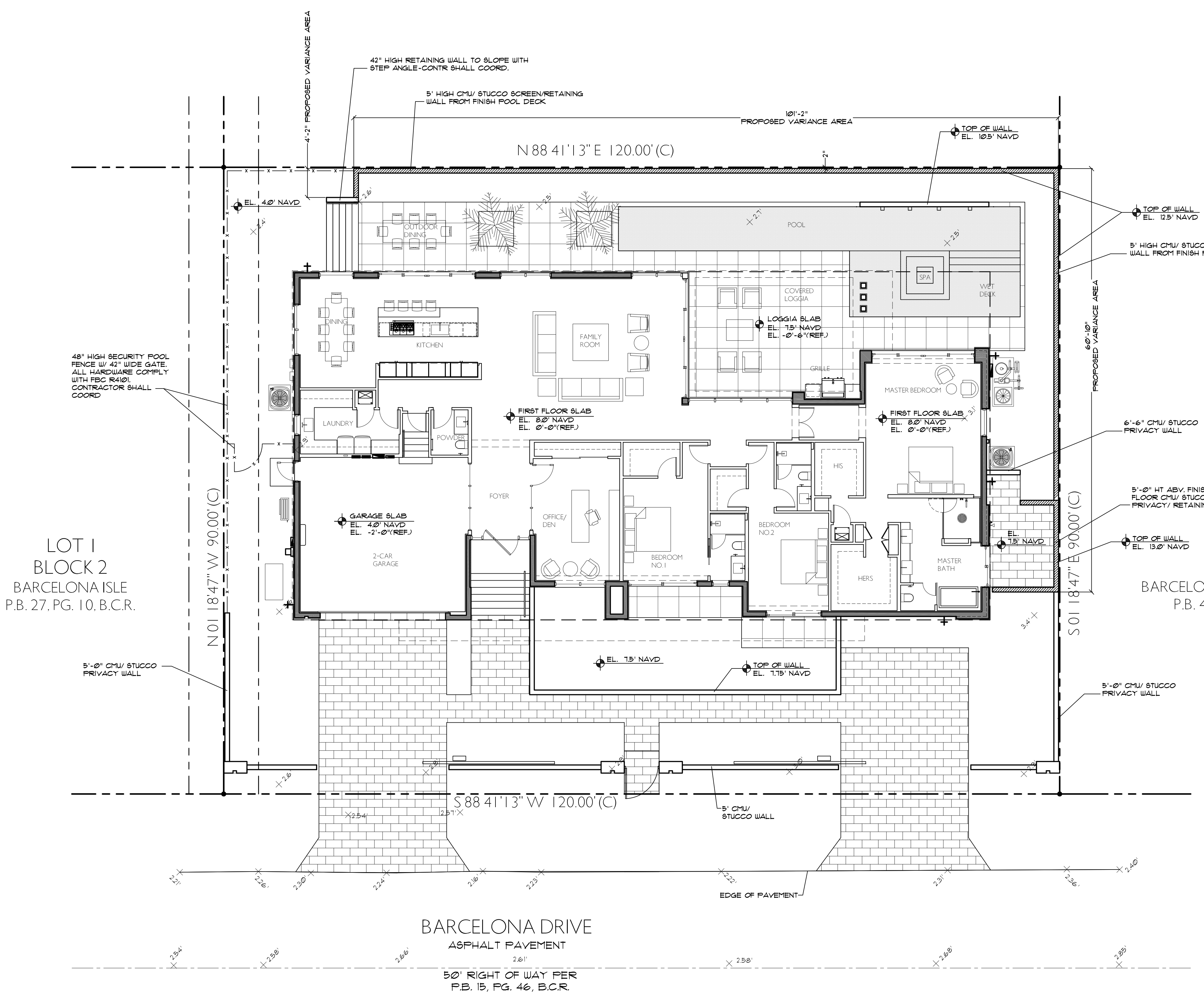
ECS2480

SHEET NO.

01 OF 01



SCREEN/RETAINING WALL @ PROP. LINE
 NTS



SITE PLAN
 1/8" = 1'-0"

Property Photos
2309 Barcelona Drive







Site Address	2309 BARCELONA DRIVE, FORT LAUDERDALE FL 33301	ID #	5042 01 31 0050
Property Owner	FLORIDA PLACES 4 RENT LLC	Millage	0312
Mailing Address	7900 NOVA DR STE 205 DAVIE FL 33324	Use	00
Abbr Legal Description	BARCELONA ISLES ADD 44-17 B LOT E		

The just values displayed below were set in compliance with **Sec. 193.011**, Fla. Stat., and include a reduction for costs of sale and other adjustments required by **Sec. 193.011(8)**.

* 2021 values are considered "working values" and are subject to change.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2021*	\$540,000		\$540,000	\$540,000	
2020	\$540,000		\$540,000	\$540,000	\$10,103.53
2019	\$540,000		\$540,000	\$540,000	\$10,035.74

2021* Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$540,000	\$540,000	\$540,000	\$540,000
Portability	0	0	0	0
Assessed/SOH	\$540,000	\$540,000	\$540,000	\$540,000
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$540,000	\$540,000	\$540,000	\$540,000

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
4/7/2021	SWD-Q	\$1,020,000	117240832	\$50.00	10,800	SF
5/17/2017	WD-E	\$780,000	114402615			
8/30/2016	WD-Q	\$658,000	113907627			
2/24/2015	WD-T	\$100	112863170			
5/6/2008	QCD-T	\$100	45363 / 675			
				Adj. Bldg. S.F.		

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F3		
L								
1						10800		