



BOARD OF ADJUSTMENT MEETING

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

Wednesday, October 12, 2022
6:00 PM

AGENDA

- I. CALL TO ORDER / PLEDGE OF ALLEGIANCE
- II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM
- III. PUBLIC SIGN-IN / SWEARING-IN
- IV. **AGENDA ITEMS: AGENDA ITEMS MAY BE TAKEN OUT OF ORDER TO ACCOMMODATE PUBLIC COMMENT OR AS THE BOARD DEEMS NECESSARY. ALL APPLICANT(S), AGENT(S), AND ANYONE WHO WISHES TO SPEAK ON ANY ITEM ON THE AGENDA, MUST BE PRESENT AT THE BEGINNING OF THE MEETING DUE TO THE POSSIBILITY THAT AGENDA ITEMS MAY BE TAKEN OUT OF ORDER.**

1.	CASE:	PLN-BOA-22070001
	OWNER:	LENNAR HOMES, LLC
	AGENT:	GREENSPOON MARDER LLP/DEENA GRAY, ESQ
	ADDRESS:	SW 20 TH AVENUE, FORT LAUDERDALE, FL 33312
	LEGAL DESCRIPTION:	A PORTION OF LOTS 4, 5 & 6, ALL IN BLOCK E, RIVERSIDE NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 104, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A SOUTHEAST CORNER OF PARCEL 4, "RIVERSIDE PARK TOWNHOUSE AND VILLAS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 141, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE NORTH 21'20'13" WEST, A DISTANCE OF 90.61 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00'48'58" WEST, A DISTANCE OF 54.74 FEET; THENCE NORTH 89'11'02" EAST, A DISTANCE OF 159.17 FEET; THENCE SOUTH 00'48'58" EAST, A DISTANCE OF 54.74 FEET; THENCE SOUTH 89'11'02" WEST, A DISTANCE OF 159.17 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE AND BEING IN THE CITY OF OAKLAND PARK, BROWARD COUNTY, FLORIDA AND CONTAINING 8,712 SQUARE FEET OR 0.20 ACRES, MORE OR LESS. BUILDING 9

ZONING DISTRICT: RM-15 – RESIDENTIAL MULTIFAMILY LOW RISE/MEDIUM DENSITY

COMMISSION DISTRICT: 4

REQUESTING: **Sec. 47-18.33.B.5.c. – Single family dwelling, attached: Townhouses.**

- Requesting a variance to eliminate a 5' by 54.4' pedestrian easement along the east side lot line of Building 9 of the townhouse development not abutting a public street, whereas the code requires a 5' pedestrian easement when not abutting a public street.

This case was Deferred from the September 14, 2022 BOA meeting Agenda.

2. **CASE:** **PLN-BOA-22080001**

OWNER: ADDEPALLI, LAKSHMI P; ALAPATI, KRANTHI

AGENT: MATTHEW ROQUE-PASKOW

ADDRESS: 3025 CENTER AVENUE, FORT LAUDERDALE, FL 33308

LEGAL DESCRIPTION: THE SOUTH 20 FEET OF LOT 24, AND ALL OF LOT 25, BLOCK 10, LAUDERDALE BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 2, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. PROPERTY ADDRESS: 3025 CENTER AVENUE, FORT LAUDERDALE, FLORIDA 33308

ZONING DISTRICT: RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY

COMMISSION DISTRICT: 2

REQUESTING: **Sec. 47-19.2.A.5.a. - Accessory buildings, structures and equipment, general.**

- Requesting a variance to reduce the minimum lot size from 10,890 square feet to 9,003 square feet, a total reduction of 1,887 square feet to allow an existing non-conforming garage to be converted to a Granny flat.

Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district.

- Requesting a variance to reduce the minimum 15 feet rear yard setback to 2.8 feet, a reduction of 12.2 feet to allow an existing non-conforming garage to be converted to a Granny flat.
- Requesting a variance to reduce the minimum 5 feet north side yard setback to 3.77 feet, a reduction of 1.23 feet to allow an existing non-conforming garage to be converted to a Granny flat.

Sec. 47-19.1. B. - General requirements.

- Requesting a variance to allow an existing non-conforming structure to be located within a required yard, whereas the

code states that "No accessory use or structure may be located within a required yard specified by the zoning district where the development site is located, unless specifically permitted by the ULDR."

This is a continuance from the September 14, 2022 BOA meeting Agenda.

3. CASE:	PLN-BOA-22080005
OWNER:	EHMKE, PAULA JEAN & RICHARD
AGENT:	STEPHANIE TOOTHAKER, ESQ.
ADDRESS:	1400 SW 18 th COURT, FORT LAUDERDALE, FL 33315
LEGAL DESCRIPTION:	LOT 1 AND THE EAST 20 FEET OF LOT 2, BLOCK 18, REVISED PLAT OF YELLOWSTONE PARK 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 33, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
ZONING DISTRICT:	RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
COMMISSION DISTRICT:	4
REQUESTING:	<u>Sec. 47-19.2. P.- Freestanding shade structures.</u>

- A variance to request an existing freestanding shade structure with outdoor kitchen to be located in the front yard where the Code allows freestanding shade structures to be located in the rear yard.
- A variance to request an existing freestanding shade structure with outdoor kitchen to be 244 square feet whereas the Code allows a maximum of 200 square feet, variance request of 44 square feet.
- A variance to request an existing freestanding shade structure with outdoor kitchen to have a maximum height of 14.5 feet where the Code allows a maximum height of 12 feet measured from the ground to the top of the structure, variance request of 2.5 feet.
- A variance to request an existing freestanding shade structure with outdoor kitchen to have a full-height wall on one side where the Code allows all sides to be partially enclosed with 42-inch high built-in cabinetry.

Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district. (Note A)

- A variance from the 25 feet minimum front yard requirements of Section 47-5.31 Table of Dimensional Requirements to allow an existing freestanding shade structure to remain at a front yard setback of 2 feet measured from the roof overhang, a total maximum variance request of 23 feet.

This case was Deferred from the September 14, 2022 BOA meeting Agenda.

4. **CASE:** **PLN-BOA-22070003**
- OWNER:** SILVA, ERIC B H/E; HERNANDEZ-SILVA, SILVIA M
- AGENT:** N/A
- ADDRESS:** 2536 WHALE HARBOR LANE, FORT LAUDERDALE, FL 33312
- LEGAL DESCRIPTION:** LOT 14, RESUBDIVISION OF PORTION OF BLOCK 12, OF "LAUDERDALE ISLES NO. 2", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 41, AT PAGE 10, OF THE PUBLIC RECORDS OF BROWARD COUNTY.
- ZONING DISTRICT:** RS-6.85A - IRREGULAR RESIDENTIAL
- COMMISSION DISTRICT:** 4
- APPEALING:** **Appealing the Zoning Administrator's Interpretation that the maximum building or structure height of two (2) stories as provided in Sec.47-39.A.6.D is equivalent to 20 feet pursuant to the definition of story provided in Sec. 47-39.A.2.B:**

Story: A habitable area of a building horizontally enclosed by the exterior walls of the building, with a vertical clearance between the floor and ceiling of at least seven and one-half (7½) feet. Any upper story which does not exceed two-thirds (⅔) of the area of the first-floor level shall not be considered a story except for determining the height of the building. For the purposes of determining the height of a building, a story shall be considered to be every ten (10) feet of building height above first floor level measured from the exterior elevation. For purposes of determining the height of a structure other than a building, a story shall be each ten (10) feet in height of the structure above the established grade. Whereas the applicant has interpreted that the height of a story shall be every 10 feet therefore 30 feet is needed to exceed the 2-story limit.

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5. **CASE:** **PLN-BOA-22080007**
- OWNER:** PALMISANO, JOHN H/E; INDRE, BERNADETTE
- AGENT:** ANDREW J. SCHEIN, ESQ.- LOCHRIE & CHAKAS, P.A.
- ADDRESS:** 2809 NE 24 COURT, FORT LAUDERDALE, FL 33305
- LEGAL DESCRIPTION:** LOT 2, BLOCK 26, OF "CORAL RIDGE GALT ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, AT PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
- ZONING DISTRICT:** RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY

COMMISSION DISTRICT: 1

REQUESTING: Section 19.2.P. - Freestanding shade structures.

- Requesting a variance to permit an approximately 451.54 SF (297.54 sq ft within columns + approximately 154 square feet of thatched overhang = 451.54 square feet) freestanding shade structure at a setback of 2.7 feet (4.7 feet to column -2 feet including thatched overhang = 2.7 feet) from the rear north property line, whereas ULDR Section 47-19.2. P. of the ULDR states that free standing shade structures must be set back 10' from the rear property line and a maximum of 200 gross square feet for the portion of the structure in the rear yard. A total variance request of 251.54 gross square feet and 7.3 feet from rear property line.

Sec. 47-5.30. - Table of dimensional requirements for the RS-4.4 district. (Note A)

- Requesting a variance to permit a freestanding shade structure at a setback of 2.7 feet (4.7 feet to column -2 feet including thatched overhang = 2.7 feet) from the west side property line, whereas ULDR Section 47-5.30 requires a 10' setback from the side property line. A total variance request of 7.3 feet from west side property line.

V. **COMMUNICATION TO THE CITY COMMISSION**

VI. **FOR THE GOOD OF THE CITY OF FORT LAUDERDALE**

Election of Chairperson and Vice-Chairperson for the balance of unexpired terms

PLEASE NOTE THAT TWO-WAY COMMUNICATION BETWEEN MEMBERS OF THE BOARD OF ADJUSTMENTS IS PROHIBITED BY SUNSHINE LAW. PLEASE DO NOT REPLY TO ANY BOARD MEMBER. ALL DISCUSSIONS ON ITEMS RELATIVE TO THE AGENDA SHOULD TAKE PLACE AT SCHEDULED BOARD MEETINGS.

Two or more City Commissioners and/or Advisory Board members may be present at this meeting. If a person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you desire auxiliary services to assist in viewing or hearing the meetings or reading agendas and minutes for the meetings, please contact the City Clerk's office at (954) 828-5002 and arrangements will be made to provide these services for you.

Unless otherwise stated, these items are quasi-judicial. Board members shall disclose any communication or site visits they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on a quasi-judicial matter will be sworn in and will be subject to cross-examination.