



BOARD OF ADJUSTMENT MEETING NOTICE

September 26, 2022

A Public Hearing will be held before the Board of Adjustment on: Wednesday, October 12, 2022, at 6:00 P.M

This meeting will be held in the City Commission Chambers, City Hall, 1st Floor, 100 North Andrews Avenue, Fort Lauderdale, Florida 33301 to determine whether the following application should be granted:

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 2.7feet (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.

Note: To view more information about this item, please visit: www.fortlauderdale.gov/government/BOA

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

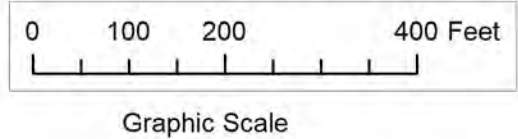
MOHAMMED MALIK
ZONING ADMINISTRATOR

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-22080007





CITY OF FORT LAUDERDALE
PUBLIC NOTICE

BOARD OF ADJUSTMENT MEETING

DATE: OCTOBER 12, 2022

TIME: 6:00 PM

CASE: PLN-BOA-22080007

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

INFORMATION: CONTACT (954) 828-6506
<http://www.fortlauderdale.gov>

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



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. PLN-BOA-22080007

APPLICANT: Andrew J. Schein, Esq.

PROPERTY: 2809 NE 24th Court

PUBLIC HEARING DATE: October 12, 2022

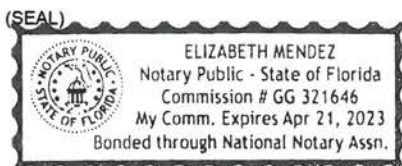
BEFORE ME, the undersigned authority, personally appeared Andrew J. Schein, Esq., who upon being duly sworn and cautioned, under oath deposes and says:

- 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 Zoning & Landscaping Division 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 ULDR, I will forfeit my sign deposit. AS (initial here)

Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 20 day of Sept, 2022



Handwritten signature and blue ink stamp: NOTARY PUBLIC MY COMMISSION EXPIRES:



CITY OF FORT LAUDERDALE
PUBLIC NOTICE

BOARD OF ADJUSTMENT MEETING

DATE: OCTOBER 12, 2022

TIME: 6:00 PM

CASE: PLN-BOA-22080007

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This notice is the property of the City of Fort Lauderdale. In accordance with City Code Section 10.26, it shall be unlawful for any person to reuse, sell, donate, or destroy this sign without the written consent of the City of Fort Lauderdale. Any person who reuses, sells, donates, or destroys this sign without the written consent of the City of Fort Lauderdale shall be liable for the cost of the sign. This sign shall remain on the property until such time as the sign is removed by the City of Fort Lauderdale. The sign shall be removed by the City of Fort Lauderdale at the discretion of the City of Fort Lauderdale. The sign shall be removed by the City of Fort Lauderdale at the discretion of the City of Fort Lauderdale.

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INFORMATION: CONTACT (954) 878-4508
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BOA CASE # PLN-BOA-22080007

Sec. 47-19.2. - Accessory buildings, structures, and equipment, general.

P. Freestanding shade structures. Freestanding shade structures (such as a gazebo, a tiki hut, or a trellis) may be permitted when accessory to residential uses, in the required rear yard but no closer than five (5) feet from the rear property line except where a parcel is abutting a waterway, where they shall be no closer than ten (10) feet from the waterway as measured in accordance with Section 47-2.2.R. Freestanding shade structures shall be open on all sides and shall be no greater in height than twelve (12) feet measured from the ground to the top of the structure, and shall be limited in size to a maximum of two hundred (200) gross square feet in area for that portion of the structure protruding into the required yard area. No more than one (1) freestanding shade structure per plot shall be permitted in the required rear yard.

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

<i>Requirements</i>	<i>RS-4.4</i>
Maximum density	4.4 du/net ac.
Minimum lot size	10,000 sq. ft.
Maximum structure height	35 ft.
Maximum structure length	None
Minimum lot width	75 ft. *100 ft. when abutting a waterway on any side
Minimum floor area	1,250 sq. ft.
Minimum front yard	25 ft. Special minimum front yard setbacks: Coral Isles—15 ft. Nurmi Isles—20 ft. Pelican Isle—20 ft.

Minimum corner yard	25% of lot width, but not greater than 25 ft. 25 ft. when abutting a waterway		
Minimum side yard	10 ft. - up to 22 ft. in height Where a building exceeds 22 ft. in height that portion of the building shall be set back an additional 1 foot per foot of building height above 22 ft. 25 ft. when abutting a waterway		
Minimum rear yard	15 ft. 25 ft. when abutting a waterway		
Minimum distance between buildings	None		
	<i>Lot Size</i>	<i>**Maximum Lot Coverage</i>	<i>**Maximum Floor Area Ratio</i>
	≤10,000 sf	50%	0.75
Lot coverage and FAR	10,001—15,000 sf	45%	0.75
	>15,000 sf	40%	0.60

Note A: Dimensional requirements may be subject to additional regulations, see [Section 47-23](#), Specific Location Requirements, and [Section 47-25](#), Development Review Criteria.

*Allowances for modifications of lot widths may be permitted in accordance with the requirements of [Section 47-23.10](#), Specific Location Requirements.

**An increase in the maximum FAR or lot coverage may be permitted subject to the requirements of a site plan level III, see [Section 47-24.2](#).

(Ord. No. C-97-19, § 1(47-5.4), 6-18-97)

Record, Permit, or Account #	Record Description	Application Name	Record Type	Balance	Planner Name	Street #	Dir	Street Name	Type	Opened Date	Status
PLN-BOA-22080007		2809 NE 24th Court	Z- Board of Adjustment (BOA)	0		2809 NE		24 CT		8/5/2022	Open
BLD-FEN-22070080	ATF-BE22060021 WOOD FENCE AROUND PROPERTY WITH 2 GATES 220FT. X 6' HIGH		Fence Permit	499.5		2809 NE		24 CT		7/26/2022	Awaiting Client Reply
BLD-BDSP-22070037	ATF-BE22060021 WOOD DOCK		Boatlift-Dock-Seawall-Pile Permit	360		2809 NE		24 CT		7/26/2022	In Process
ELE-RES-22070183	ATF-BE22060021 DOCK ELECTRICAL		Electrical Residential Permit	105		2809 NE		24 CT		7/26/2022	In Process
BLD-RPSF-22070011	ATF- BE22060021 SPA ADDED TO EXISTING POOL		Residential Pool-Spa-Fountain Permit	492.5		2809 NE		24 CT		7/11/2022	Awaiting Client Reply
ELE-RES-22070052	ATF, ELECTRICAL FOR NEW HOT TUB		Electrical Residential Permit	105		2809 NE		24 CT		7/11/2022	Awaiting Client Reply
PLB-RES-22070063	ATF- PLUMBING FOR NEW HOT TUB		Plumbing Residential Permit	0		2809 NE		24 CT		7/11/2022	In Process
BE22060021	FENCE WITHOUT A PERMIT		Building Code Case	0	Jorge Martinez	2809 NE		24 CT		6/2/2022	Open
LND-INST-22020035	LANDSCAPING		Landscape Installation Permit	0		2809 NE		24 CT		2/23/2022	Issued
BE21120102	PALM TREE AND PLANTER STRUCTURE IN SWALE AREA WITHOUT PROPER PERMITS		Building Code Case Plumbing Gas Permit	0	Hector Suarez	2809 NE		24 CT		12/16/2021	Closed
PLB-GAS-21100012	Installation of L.P. Tank Underground	Palmisano Tank		0		2809 NE		24 CT		10/11/2021	Complete
BE21100029	24-11(c)- CONSTRUCTION WASTE AND DEBRIS BECOMING AIRBORNE AND CASUING A NUISANCE. 24-11(d)- ALL SOILD WASTE AND CONSTRUCTION DEBRIS SHALL BE REMOVED FROM SITE WITHIN 24 HOURS.		Building Code Case	0	MATTM	2809 NE		24 CT		10/3/2021	Closed
BE21080088	CONSTRUCTION SITE VIOLATIONS		Building Code Case	0	Linda Holloway	2809 NE		24 CT		8/19/2021	Closed
ELE-GEN-21080004	INSTALL STANBY GENERATOR ON CONCRETE SLAB	PALMISANO GENERATOR	Generator Permit	0		2809 NE		24 CT		8/3/2021	Void
PLB-GAS-21080004	INSTALLATION OF 500 GAL UG LP TANK WITH LINE AND CONNECTION FROM TANK TO GENERATOR	PALMISANO TANK INSTALL	Plumbing Gas Permit	0		2809 NE		24 CT		8/3/2021	Void
BLD-RMIS-21080003	INSTALLATION OF CONCRETE PAD FOR ELE-GEN-21080004	PALMISANO CONCRETE PAD	Miscellaneous Permit	0		2809 NE		24 CT		8/3/2021	Issued
CE21050313	WORK W/O PERMIT - BACKYARD, POOL AND LANDSCAPING all dug up for renovations.		Code Case Plumbing Gas Permit	0	Mary Rich	2809 NE		24 CT		5/11/2021	Closed
PLB-GAS-21040036	GAS LINE FOR KITCHEN RANGE BLD-RALT-20010107			0		2809 NE		24 CT		4/16/2021	Complete

18-12(a)~

Overgrowth & Trash.~

It is declared unlawful and a public nuisance for any owner or occupant of any real property, including any lot, tract or parcel of land, improved or unimproved in this city to maintain such property, including swale areas, sidewalks and waterways abutting such real property, or permit such property to be maintained in such a manner that there is any accumulation or untended growth of weeds, undergrowth or other dead or living plant life; any overgrowth of lawn, grass, weeds or foliage; any trash, rubbish, paper, refuse, garbage, yard waste, or debris; any abandoned or derelict motor vehicle or vessel; any discarded machinery, appliances, furniture or similar article; any stagnant water; any other objectionable, unsightly, or unsanitary matter; or to allow any of the conditions as described in Section 18-1 to exist.

~

THERE IS OVERGROWTH, TRASH, RUBBISH AND DEBRIS ON THIS PROPERTY AND/OR ITS SWALE.

~

CUT ALL OVERGROWTH AND REMOVE ALL TRASH, RUBBISH, LITTER AND/OR DEBRIS ON PROPERTY/SWALE AREA AND MAINTAIN AS REQUIRED ON SCHEDULED BASIS.

CV21020252

Violation-CODE
Hearing

0

2809 NE

24 CT

2/23/2021 Closed

Swimming Pools.~

It is declared unlawful and a public nuisance for any owner or occupant of any property in this city which has an active and valid permit for the construction of a swimming pool, or any owner of any unoccupied property without utility services connected to maintain or permit to be maintained any swimming pool, spa, hot tub or similar structure without the appropriate safeguards to prevent any human being or animals from falling into or otherwise having access to the swimming pool; or which contains water which is stagnant; or which has any accumulation of garbage or solid waste.

~

THE SWIMMING POOL LOCATED AT THIS UNOCCUPIED PROPERTY HAS STAGNANT WATER, TRASH AND DEBRIS. THE BUILDING DOES NOT HAVE THE REQUIRED UTILITY SERVICES AND SAFEGUARDS HAVE NOT BEEN TAKEN TO PREVENT HUMAN BEINGS OR ANIMALS FROM FALLING INTO OR HAVING ACCESS TO THE POOL PER CODE ORDINANCE. THE POOL IN THIS CONDITION PRESENTS A HEALTH AND SAFETY ISSUE FOR THE COMMUNITY IN THAT IT MAY BECOME A BREEDING GROUND FOR MOSQUITOS AND IS A PUBLIC NUISANCE.

~

TREAT THE POOL WATER AND COVER WITH A COMMERCIAL TIGHT-FITTING COVER. TAKE THE APPROPRIATE SAFEGUARDS TO PREVENT ANY HUMAN BEING OR ANIMALS FROM FALLING INTO OR OTHERWISE HAVING ACCESS TO THE SWIMMING POOL; OR RESTORE THE POOL TO WORKING ORDER WITH CLEAN, CLEAR, CIRCULATING WATER. TAKE APPROPRIATE ACTION TO PREVENT THE POOL WATER FROM BECOMING STAGNANT AND MAINTAIN ON A SCHEDULED BASIS.

CV21020253

Violation-CODE
Hearing

0

2809 NE

24 CT

2/23/2021 Closed

CE21011038	CHECK FOR CONSTRUCTION DEBRIS AND THE POOL HAS GREEN STANDING WATER AND MAKE SURE THAT IT'S PROTECTED AROUND 2813 OR SO NE 24 COURT, OPEN DITCH NEEDS BARRICADED AND TRASH REMOVED FROM STREET.		Code Case	0 Mario Carrasquel	2809 NE	24 CT	1/29/2021 Closed
CE21010828	PLEASE DRIVE STREET TO DETERMINE LOCATION		Code Case	0 Stephanie Bass	2809 NE	24 CT	1/25/2021 Closed
CE21010555	PORTABLE STORAGE UNIT		Code Case	0 DEANGLISG	2809 NE	24 CT	1/16/2021 Closed
BE20100046	SEDIMENT/SAND DISCHARGING INTO WATERWAY		Building Code Case	0 Mary Rich	2809 NE	24 CT	10/22/2020 Closed
BE20090068	UNSAFE STRUCTURE.	2809 NE 24 CT	Building Code Case	0 Leonardo Martinez	2809 NE	24 CT	9/18/2020 Closed
BE20060224	Loose debris, construction waste, loose dirt and materials obstructing swale.	2809 NE 24 Ct.	Building Code Case	0 Alexander Albores	2809 NE	24 CT	6/19/2020 Closed
BE20060223	Discharging offensive fluids and matter into the street and right of way. Sec. 25-14~ Discharging offensive fluids ~ Discharging offensive fluids and matter into streets; obstructing gutters and sewers. It shall be unlawful to throw or deposit offal or other offensive matter in any street or to discharge or permit to ,be discharged from his premises so much water or other liquids as may put any part of the streets in bad order or to obstruct the gutter or storm sewers with dirt, trash, wood, lumber, brick or other material ~ THERE ARE OFFENSIVE FLUIDS AND MATTER DISCHARGING INTO STREETS AT THIS LOCATION. THERE ARE PILES OF DIRT OR SILT RUNNING OFF INTO THE STREET AND WATERWAY. ~ FIX ANY LEAKS AND CAPTURE ALL FLUIDS COMING FROM TRAILERS. CLEAN PAVEMENT IN PARKING LOT TO THE STREET. MAINTAIN IN A NEAT AND WELL KEPT APPEARANCE. IMPLEMENT PROTECTIVE MEASURES TO AVOID SILT RUN OFF INTO THE RIGHT OF WAY.	CITATION - 2809 NE 24 Ct.	Building Code Case	0 Alexander Albores	2809 NE	24 CT	6/18/2020 Closed
CT20060049	REMOVE EXISTING TILE FROM SLOPED ROOF & REPLACE WITH ALUMINUM STANDING SEAM	Violation-Citation	Violation-Citation	0	2809 NE	24 CT	6/18/2020 Closed
BLD-ROOF-20050031	SINGLE FAMILY RESIDENCE: ADDITION OF A BEDROOM, LAUNDRY ROOM WITH A BATHROOM AND INTERIOR ALTERATIONS	2809 NE 24 CT - REMOVE EXISTIN	Re-Roof Permit	0	2809 NE	24 CT	5/2/2020 Complete
BLD-RALT-20010107	NOC	2809 NE 24 CT - INTERIOR ALTER.	Residential Alteration Permit	-167.62	2809 NE	24 CT	1/28/2020 Complete
ELE-RES-20010158	ELECTRICAL BLD-RALT-20010107		Electrical Residential Permit	0	2809 NE	24 CT	1/28/2020 Complete

PLB-RES-20010191	PLUMBING BLD-RALT-20010107		Plumbing Residential Permit	0	2809 NE	24 CT	1/28/2020 Complete
MEC-RES-20010062	MECHANICAL BLD-RALT-20010107		Mechanical Residential Permit	0	2809 NE	24 CT	1/28/2020 Complete
BLD-PR-19110054		KEVIN .	Property Record	0	2809 NE	24 CT	11/15/2019 Complete
CE-19100688	L/S - ABRAMOWITZ - 0 OPEN CASES reroof 4400 sf shingle to cement tile ~REV 2/28/06		Code Case	0	2809 NE	24 CT	10/29/2019 Closed
PM-06021127		reroof 4400 sf shingle to cement	Re-Roof Permit	0	2809 NE	24 CT	2/10/2006 Complete
PM-02090447	INSTALL BRICK PAVERS ON DRIVEWAY	INSTALL BRICK PAVERS ON DRIVE	Residential Paving Permit	0	2809 NE	24 CT	9/9/2002 Complete



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 by 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.

NOTES: 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. Submit Board of Adjustment (BOA) application, fees and required documents electronically through LauderBuild <https://aca-prod.accela.com/FTL>.

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
- Variance/Special Exception/Interpretation (Before): \$650
Residential (Homesteaded Only) Accessory Structures & Existing Non-Conforming Structures.
- Variance/Special Exception/Interpretation (After): \$850
Residential (Homesteaded Only) Accessory Structures & Existing Non-Conforming Structures.
- Request For Continuance: \$900
- Request for Rehearing: \$300
- Rehearing Request 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	John Palmisano and Bernadette Indre
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	
E-mail Address	
Phone Number	
Proof of Ownership	<input type="checkbox"/> Warranty Deed_or <input checked="" type="checkbox"/> Tax Record

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

Applicant / Agent's Name	Andrew J. Schein, Esq. / Lochrie & Chakas, P.A.
Applicant / Agent's Signature	
Address, City, State, Zip	1401 East Broward Boulevard, Suite 303, Fort Lauderdale, FL 33301
E-mail Address	ASchein@lochrielaw.com
Phone Number	954-617-8919
Letter of Consent Submitted	Yes

Development / Project Name	2809 NE 24th Court		
Existing / New	Existing: <input checked="" type="checkbox"/>	New: <input type="checkbox"/>	
Project Address	Address: 2809 NE 24th Court		
Legal Description	Lot 2, Block 26 of CORAL RIDGE GALT ADDITION, Plat Book 27, Page 46 BCR		
Tax ID Folio Numbers (For all parcels in development)	494225033570		
Variance Request (Describe)	Variance to permit freestanding shade structure in setback area		
Applicable ULDR Sections	47-19.2.P and 47-5.30		

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

Setbacks (Indicate direction N, S, E, W)	Required	Proposed
Front S	25'	21.91' (existing, pre-ULDR)
Side E	10'	10.25' (existing, pre-ULDR)
Side W	10'	10.07' (existing, pre-ULDR)
Rear N	25'	24.95' (existing, pre-ULDR)

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

Answer All questions on this page and attach narrative.

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

Variance to permit a 297 SF freestanding shade structure at a setback of 2.7' from the rear property line and 2.7' from the side property line, where ULDR Section 47-19.2.P of the ULDR states that freestanding shade structures must be 10' from the rear property line and a maximum of 200 gross square feet for the portion of the structure in the rear yard, and where ULDR Section 47-5.30 requires a 10' setback from the side property line, for a variance of 97 SF, 7.3' from the rear property line, and 7.3' from the side property line.

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

See narrative

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:

See narrative

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

See narrative

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

See narrative

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.

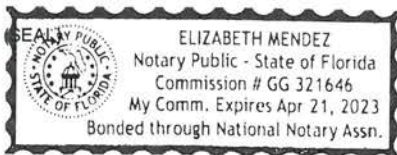
See narrative

AFFIDAVIT: I, Andre Schein 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 of 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 16 day of Sept., 20__



NOTARY PUBLIC
MY COMMISSION EXPIRES:

Page 3: Required Documentation & Mail Notice Requirements

-Submit One (1) Completed (Digital) application submittal through "Lauderbuild" (<https://aca-prod.accela.com/>). Note: The plans and survey must be digitally signed and sealed when submitting through Lauderbuild. * Mailing envelopes are submitted in person.

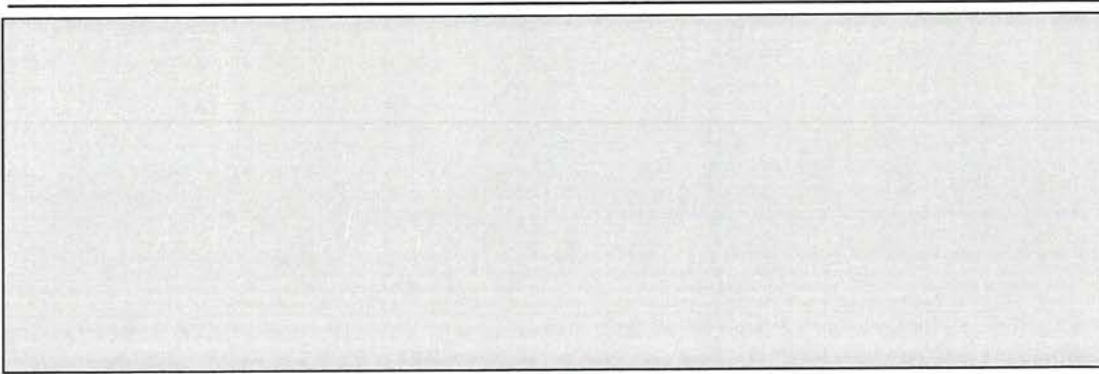
-Submit Fourteen (14) copy sets (stapled) of each item listed below and Plans at half-size scale 11"X17" & One (1) original application submittal.

- Completed application (all pages must be filled, completed, signed and notarized, where applicable).
- Mail notification documents (mail notification instructions at bottom of page) .
- Proof of ownership (Broward County Property Records, warranty deed, and/or Sunbiz), 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.

- 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
Zoning & Landscaping Division -BOA
700 NW 19th Avenue, Fort Lauderdale, FL 33311**

- **DISTRIBUTION:** The City of Fort Lauderdale, Zoning & Landscaping Division will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.
- **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.**

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: _____

PROPERTY: _____

PUBLIC HEARING DATE: _____

BEFORE ME, the undersigned authority, personally appeared _____, 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 Zoning & Landscaping Division **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 ULDR, I will forfeit my sign deposit. _____ (initial here)

Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this _____ day of _____, 20__

(SEAL)

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



Site Address	2809 NE 24 COURT, FORT LAUDERDALE FL 33305-2819	ID #	4942 25 03 3570
Property Owner	PALMISANO, JOHN H/E INDRE, BERNADETTE	Millage	0312
Mailing Address	2809 NE 24 CT FORT LAUDERDALE FL 33305-2819	Use	01-01
Abbr Legal Description	CORAL RIDGE GALT ADD 27-46 B LOT 2 BLK 26		

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)**.

* 2022 values are considered "working values" and are subject to change.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2022*	\$359,240	\$129,400	\$488,640	\$488,640	
2021	\$359,240	\$129,400	\$488,640	\$488,640	\$8,866.62
2020	\$359,240	\$465,980	\$825,220	\$758,680	\$13,806.98

2022* Exemptions and Taxable Values by Taxing Authority

	County	School Board	Municipal	Independent
Just Value	\$488,640	\$488,640	\$488,640	\$488,640
Portability	0	0	0	0
Assessed/SOH 20	\$488,640	\$488,640	\$488,640	\$488,640
Homestead 100%	\$25,000	\$25,000	\$25,000	\$25,000
Add. Homestead	\$25,000	0	\$25,000	\$25,000
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$438,640	\$463,640	\$438,640	\$438,640

Sales History

Date	Type	Price	Book/Page or CIN
12/2/2019	WD-Q	\$1,025,000	116210298
10/1/1993	WD	\$355,000	21324 / 848
10/1/1989	QCD	\$100	
3/1/1989	WD	\$335,000	
6/1/1985	WD	\$262,000	

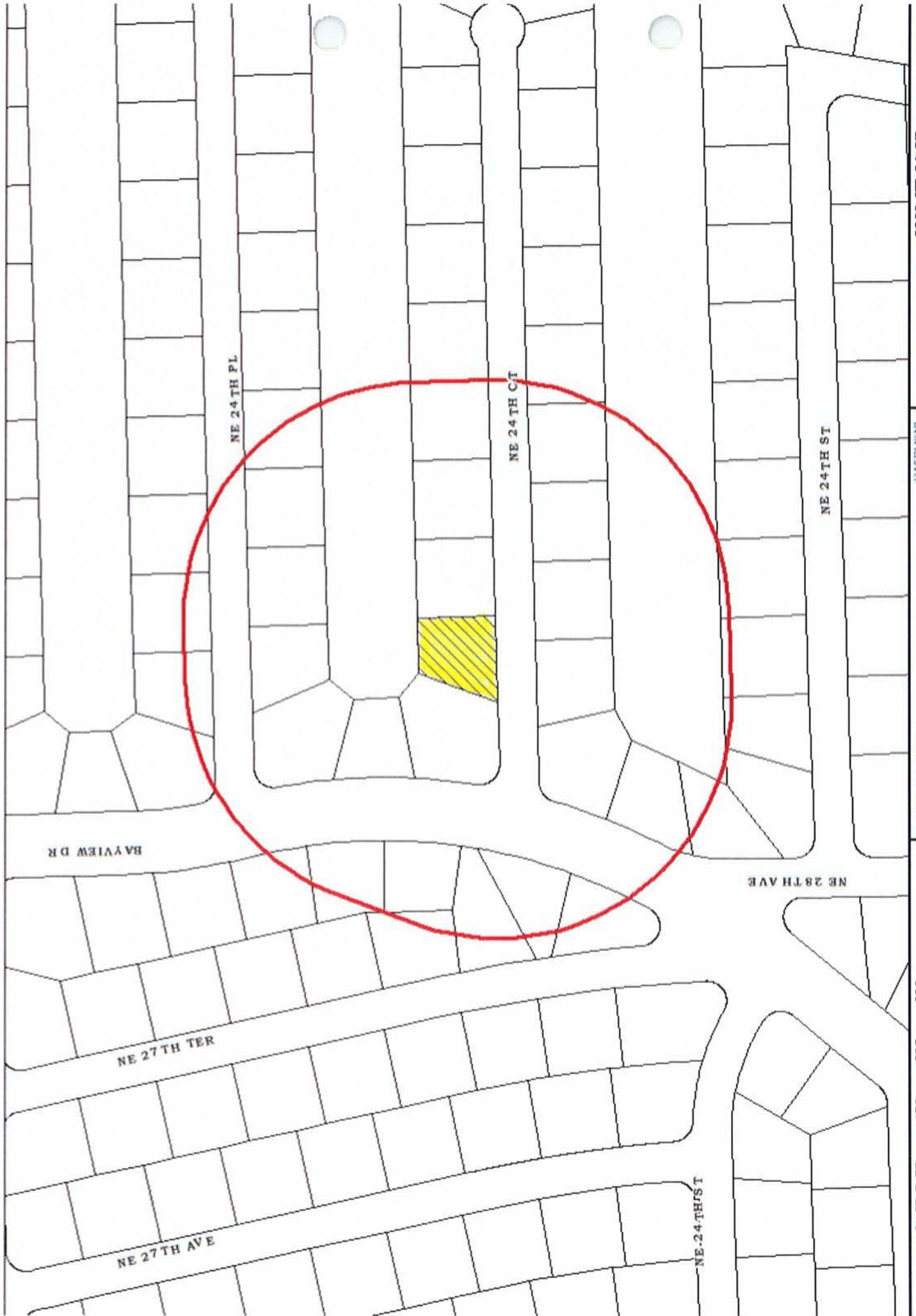
Land Calculations

Price	Factor	Type
\$40.00	8,981	SF
Adj. Bldg. S.F. (Card, Sketch)		3126
Units/Beds/Baths		1/4/3
Eff./Act. Year Built: 1968/1957		

Special Assessments

Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F1		

R								
1						1		



NE 24TH PL

NE 24TH CT

NE 24TH ST

BAYVIEW DR

NE 28TH AVE

NE 27TH TER

NE 27TH AVE

NE-24TH ST



2809 NE 24 CT
DATE OF PRINT: 07/29/2022



MARTY KJAR
BROWARD COUNTY PROPERTY APPRAISER

John Palmisano - 2809 NE 24 Court, FTL
Board of Adjustment
300' Mailing (Alpha Listing)

	FOLIO_NUMB	NAME_LINE_	ADDRESS_LI	CITY	STATE	ZIP	LEGAL_TOTAL
1	494225032240	ALCOCER, RAFAEL SIERRA	2424 NE 27 TER	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 6 BLK 15
2	494225033530	ARAUZ, WILLIAM & HENRIQUEZ, LUIS F	2416 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 11 BLK 25
3	494225033480	BROCK, MATTHEW & JENNIFER	2840 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 6 BLK 25
4	494225033500	CLEARWATER, SCOTT & AMBS, CHRISTOPHER	2824 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 8 BLK 25
5	494225032260	DENNIS MATSON REV TR & MATSON, DENNIS TRSTEE	3350 N OCEAN BLVD	FORT LAUDERDALE	FL	33308	CORAL RIDGE GALT ADD 27-46 BLOT 8 BLK 15
6	494225033800	DEWENTER, DANIEL H & FRANCELY G	2432 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 13 BLK 27
7	494225033510	DISALVO, SCOTT A	2816 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 9 BLK 25
8	494225033320	DOBRAVOLSKIS, TIM H/E & CHERNER, REBECCA	2817 NE 24 ST	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 3 BLK 24
9	494225033820	DOERNER, PETER & BARBARA	2809 NE 24TH PL	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 2 BLK 28
10	494225033590	GUIMEZ, JEAN MICHEL & GUIMEZ, MARTINE BENSOUSSAN	2825 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 4 BLK 26
11	494225033840	JOHASKY, JOHN P & AMY BROOKS	2817 NE 24 PL	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 3 BLK 28
12	494225032290	KHIZHNYAK, PAVEL Y H/E & GONZALEZ, ANJU M	2433 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 11 BLK 15
13	494225032250	KRAUSCHE, PAULO R & SUSAN & KRAUSCHE FAM TR	2416 NE 27 TER	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 7 BLK 15
14	494225033310	LAMBERT, AMANDA LYNN	2809 NE 24 ST	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 2 BLK 24
15	494225033540	LAWRYNUIK, DONALD W OLSON, CATHY A	2408 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 12 BLK 25
16	494225033520	LIHAN, THOMAS A H/E & LIHAN, DANA L	2808 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 10 BLK 25
17	494225032280	LIKAM, JULIE	2425 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 10 BLK 15
18	494225033750	LONGO, SALVATORE A & KATHLEEN M	PO BOX 4331	UTICA	NY	13504	CORAL RIDGE GALT ADD 27-46 BLOT 8 BLK 27
19	494225033850	MANLEY, KELLY	2823 NE 24 PL	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 4 BLK 28
20	494225033790	MCCLINTOCK, BRIAN D	2440 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 12 BLK 27
21	494225033770	MICHAEL EDWARD JONES TR & JONES, MICHAEL EDWARD TRSTEE	3022 NE 20 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 10 BLK 27
22	494225033780	PALKO, STANLEY M & STANLEY PALKO LIV TR	2808 NE 24 PL	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 11 BLK 27
23	494225033570	PALMISANO, JOHN H/E & INDRE, BERNADETTE	2809 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 2 BLK 26
24	494225032300	POLLOCK, MICHAEL	2441 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 12 BLK 15
25	494225030012	PUBLIC LAND % CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301	CORAL RIDGE GALT ADD 27-46 BWATERWAYS AS SHOWN PER PLAT
26	494225030012	PUBLIC LAND % CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301	CORAL RIDGE GALT ADD 27-46 BWATERWAYS AS SHOWN PER PLAT
27	494225030011	PUBLIC LAND % CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
28	494225033810	RIEGER, ERIC & SIER, NANCY A ETAL	2448 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 1 BLK 28
29	494225033330	ROBERT & BARBARA MUSCARA TR & MUSCARA, ROBERT TRSTEE	245 JACKSONVILLE RD	IVYLAND	PA	18974	CORAL RIDGE GALT ADD 27-46 BLOT 4 BLK 24
30	494225033300	ROBINSON, KENNETH D & CURTIS, MARK	2801 NE 24 ST	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 1 BLK 24
31	494225033600	ROTELLA, KATHLEEN	2833 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 5 BLK 26
32	494225033760	SAGGIO, JOHN & REGINA	2824 NE 24 PL	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 9 BLK 27
33	494225033610	SCHAGRIN, RONALD A & JANE C	2841 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 6 BLK 26
34	494225033490	SEGOTA, BRANKO H/E & SEGOTA, ZDENKA	2832 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 7 BLK 25
35	494225032270	UCHIYAMA, EDUARDO H/E & UCHIYAMA, INGRID JACLYN ETAL	2409 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 9 BLK 15
36	494225033560	VANEK, JESSICA & SINGER, STEFAN	2424 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 1 BLK 26
37	494225033580	WELCH, NANCY	2817 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 3 BLK 26
38	494225033550	WHELAN, JOSEPH	2404 NE 28 AVE	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 13 BLK 25

EXHIBIT "A"

ALCOCER, RAFAEL SIERRA
2424 NE 27 TER
FORT LAUDERDALE, FL 33305

ARAUZ, WILLIAM & HENRIQUEZ, LUIS F
2416 BAYVIEW DR
FORT LAUDERDALE, FL 33305

BROCK, MATTHEW & JENNIFER
2840 NE 24 CT
FORT LAUDERDALE, FL 33305

CLEARWATER, SCOTT & AMBS,
CHRISTOPHER
2824 NE 24 CT
FORT LAUDERDALE, FL 33305

DENNIS MATSON REV TR & MATSON,
DENNIS TRSTEE
3350 N OCEAN BLVD
FORT LAUDERDALE, FL 33308

DEWENTER, DANIEL H & FRANCEL Y G
2432 BAYVIEW DR
FORT LAUDERDALE, FL 33305

DISALVO, SCOTT A
2816 NE 24 CT
FORT LAUDERDALE, FL 33305

DOBRAVOLSKIS, TIM H/E & CHERNER,
REBECCA
2817 NE 24 ST
FORT LAUDERDALE, FL 33305

DOERNER, PETER & BARBARA
2809 NE 24TH PL
FORT LAUDERDALE, FL 33305

GUIMEZ, JEAN MICHEL & GUIMEZ,
MARTINE BENSOUSSAN
2825 NE 24 CT
FORT LAUDERDALE, FL 33305

JOHASKY, JOHN P & AMY BROOKS
2817 NE 24 PL
FORT LAUDERDALE, FL 33305

KHIZHNYAK, PAVEL Y H/E & GONZALEZ,
ANJU M
2433 BAYVIEW DR
FORT LAUDERDALE, FL 33305

KRAUSCHE, PAULO R & SUSAN &
KRAUSCHE FAM TR
2416 NE 27 TER
FORT LAUDERDALE, FL 33305

LAMBERT, AMANDA LYNN
2809 NE 24 ST
FORT LAUDERDALE, FL 33305

LAWRYNUIK, DONALD W OLSON,
CATHY A
2408 BAYVIEW DR
FORT LAUDERDALE, FL 33305

LIHAN, THOMAS A H/E & LIHAN, DANA
L
2808 NE 24 CT
FORT LAUDERDALE, FL 33305

LIKAM, JULIE
2425 BAYVIEW DR
FORT LAUDERDALE, FL 33305

LONGO, SALVATORE A & KATHLEEN M
PO BOX 4331
UTICA, NY 13504

MANLEY, KELLY
2823 NE 24 PL
FORT LAUDERDALE, FL 33305

MCCLINTOCK, BRIAN D
2440 BAYVIEW DR
FORT LAUDERDALE, FL 33305

MICHAEL EDWARD JONES TR & JONES,
MICHAEL EDWARD TRSTEE
3022 NE 20 CT
FORT LAUDERDALE, FL 33305

PALKO, STANLEY M & STANLEY PALKO
LIV TR
2808 NE 24 PL
FORT LAUDERDALE, FL 33305

PALMISANO, JOHN H/E & INDRE,
BERNADETTE
2809 NE 24 CT
FORT LAUDERDALE, FL 33305

POLLOCK, MICHAEL
2441 BAYVIEW DR
FORT LAUDERDALE, FL 33305

PUBLIC LAND
% CITY OF FORT LAUDERDALE
100 N ANDREWS AVE
FORT LAUDERDALE, FL 33301

RIEGER, ERIC & SIER, NANCY A ETAL
2448 BAYVIEW DR
FORT LAUDERDALE, FL 33305

ROBERT & BARBARA MUSCARA TR &
MUSCARA, ROBERT TRSTEE
245 JACKSONVILLE RD
IVYLAND, PA 18974

ROBINSON, KENNETH D & CURTIS,
MARK
2801 NE 24 ST
FORT LAUDERDALE, FL 33305

ROTELLA, KATHLEEN
2833 NE 24 CT
FORT LAUDERDALE, FL 33305

SAGGIO, JOHN & REGINA
2824 NE 24 PL
FORT LAUDERDALE, FL 33305

SCHAGRIN, RONALD A & JANE C
2841 NE 24 CT
FORT LAUDERDALE, FL 33305

SEGOTA, BRANKO H/E & SEGOTA,
ZDENKA
2832 NE 24 CT
FORT LAUDERDALE, FL 33305

UCHIYAMA, EDUARDO H/E &
UCHIYAMA, INGRID JACLYN ETAL
2409 BAYVIEW DR
FORT LAUDERDALE, FL 33305

VANEK, JESSICA & SINGER, STEFAN
2424 BAYVIEW DR
FORT LAUDERDALE, FL 33305

WELCH, NANCY
2817 NE 24 CT
FORT LAUDERDALE, FL 33305

WHELAN, JOSEPH
2404 NE 28 AVE
FORT LAUDERDALE, FL 33305

John Palmisano - 2809 NE 24 Court, FTL
Board of Adjustment
300' Mailing (Alpha Listing)

	FOLIO_NUMB	NAME_LINE_	ADDRESS_LJ	CITY	STATE	ZIP	LEGAL_TOTAL
1	494225032240	ALCOCER, RAFAEL SIERRA	2424 NE 27 TER	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 6 BLK 15
2	494225033530	ARAUZ, WILLIAM & HENRIQUEZ, LUIS F	2416 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 11 BLK 25
3	494225033480	BROCK, MATTHEW & JENNIFER	2840 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 6 BLK 25
4	494225033500	CLEARWATER, SCOTT & AMBS, CHRISTOPHER	2824 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 8 BLK 25
5	494225032260	DENNIS MATSON REV TR & MATSON, DENNIS TRSTEE	3350 N OCEAN BLVD	FORT LAUDERDALE	FL	33308	CORAL RIDGE GALT ADD 27-46 BLOT 8 BLK 15
6	494225033800	DEWENTER, DANIEL H & FRANCEL Y G	2432 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 13 BLK 27
7	494225033510	DISALVO, SCOTT A	2816 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 9 BLK 25
8	494225033320	DOBRAVOLS KIS, TIM H/E & CHERNER, REBECCA	2817 NE 24 ST	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 3 BLK 24
9	494225033820	DOERNER, PETER & BARBARA	2809 NE 24TH PL	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 2 BLK 28
10	494225033590	GUIMEZ, JEAN MICHEL & GUIMEZ, MARTINE BENSOUSSAN	2825 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 4 BLK 26
11	494225033840	JOHASKY, JOHN P & AMY BROOKS	2817 NE 24 PL	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 3 BLK 28
12	494225032290	KHIZHNYAK, PAVEL Y H/E & GONZALEZ, ANJU M	2433 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 11 BLK 15
13	494225032250	KRAUSCHE, PAULO R & SUSAN & KRAUSCHE FAM TR	2416 NE 27 TER	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 7 BLK 15
14	494225033310	LAMBERT, AMANDA LYNN	2809 NE 24 ST	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 2 BLK 24
15	494225033540	LAWRYNUIK, DONALD W OLSON, CATHY A	2408 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 12 BLK 25
16	494225033520	LIHAN, THOMAS A H/E & LIHAN, DANA L	2808 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 10 BLK 25
17	494225032280	LIKAM, JULIE	2425 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 10 BLK 15
18	494225033750	LONGO, SALVATORE A & KATHLEEN M	PO BOX 4331	UTICA	NY	13504	CORAL RIDGE GALT ADD 27-46 BLOT 8 BLK 27
19	494225033850	MANLEY, KELLY	2823 NE 24 PL	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 4 BLK 28
20	494225033790	MCCLINTOCK, BRIAN D	2440 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 12 BLK 27
21	494225033770	MICHAEL EDWARD JONES TR & JONES, MICHAEL EDWARD TRSTEE	3022 NE 20 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 10 BLK 27
22	494225033780	PALCO, STANLEY M & STANLEY PALCO LIV TR	2808 NE 24 PL	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 11 BLK 27
23	494225033570	PALMISANO, JOHN H/E & INDRE, BERNADETTE	2809 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 2 BLK 26
24	494225032300	POILLOCK, MICHAEL	2441 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BLOT 12 BLK 15

John Palmisano - 2809 NE 24 Court, FTL
Board of Adjustment
300' Mailing (Folio Listing)

FOLIO_NUMB	NAME_LINE_	ADDRESS_LJ	CITY	STATE	ZIP	LEGAL_TOTAL
27	PUBLIC LAND % CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
25	PUBLIC LAND % CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
26	PUBLIC LAND % CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
1	ALCOCER, RAFAEL SIERRA	2424 NE 27 TER	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
13	KRAUSCHE, PAULO R & SUSAN & KRAUSCHE FAM TR	2416 NE 27 TER	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
5	DENNIS MATSON REV TR & MATSON, DENNIS TRSTEE	3350 N OCEAN BLVD	FORT LAUDERDALE	FL	33308	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
35	UCHIYAMA, EDUARDO H/E & UCHIYAMA, INGRID JACLYN ETAL	2409 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
17	LIKAM, JULIE	2425 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
12	KHIZHNYAK, PAVEL Y H/E & GONZALEZ, ANIU M	2433 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
24	POLLOCK, MICHAEL	2441 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
30	ROBINSON, KENNETH D & CURTIS, MARK	2801 NE 24 ST	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
14	LAMBERT, AMANDA LYNN	2809 NE 24 ST	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
8	DOBRAVOLSIS, TIM H/E & CHERNER, REBECCA	2817 NE 24 ST	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
29	ROBERT & BARBARA MUSCARA TR & MUSCARA, BROCK, MATTHEW & JENNIFER	245 JACKSONVILLE RD	IVYLAND	PA	18974	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
3	BROCK, MATTHEW & JENNIFER	2840 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
34	SEGOTA, BRANKO H/E & SEGOTA, ZDENKA	2832 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
4	CLEARWATER, SCOTT & AMBS, CHRISTOPHER	2824 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
7	DISALVO, SCOTT A	2816 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
16	LIHAN, THOMAS A H/E & LIHAN, DANA L	2808 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
2	ARAUZ, WILLIAM & HENRIQUEZ, LUIS F	2416 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
15	LAWRYNUIK, DONALD W OLSON, CATHY A	2408 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
38	WHELAN, JOSEPH	2404 NE 28 AVE	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
36	VANEK, JESSICA & SINGER, STEFAN	2424 BAYVIEW DR	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
23	PALMISANO, JOHN H/E & INDRE, BERNADETTE	2809 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
37	WELCH, NANCY	2817 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
10	GUIMEZ, JEAN MICHEL & GUIMEZ, MARTINE	2825 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
31	ROTELLA, KATHLEEN	2833 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
33	SCHAGRIN, RONALD A & JANE C	2841 NE 24 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
18	LONGO, SALVATORE A & KATHLEEN M	PO BOX 4331	UTICA	NY	13504	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
32	SAGGIO, JOHN & REGINA	2824 NE 24 PL	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
21	MICHAEL EDWARD JONES TR & JONES, MICHAEL	3022 NE 20 CT	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854
22	PALCO, STANLEY M & STANLEY PALCO LIV TR	2808 NE 24 PL	FORT LAUDERDALE	FL	33305	CORAL RIDGE GALT ADD 27-46 BROAD RIGHT OF WAYS DEDICATED PERPLAT LESS PORTION VACATED IN OR49990/1854

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[Help](#)
[About](#)

Main: Kissel Broward County, Property Appraiser Florida



Parcel Information

Parcel Id: **494225033570**
 Owner: **PALMSANO JOHN HE**
INDRE BERNADETTE
 Site Address: **2809 NE 24 CT FORT**
LAUDERDALE FL 33052919
 Legal: **CORAL RIDGE GALT ADD 27-48**
8 LOT 2 BLK 28
 Map Code: 0312

Land Code: 01
 Land Value: \$ 359,240
 Building Value: \$ 129,400
 Other Value: 0
 Total Value: \$ 488,640
 50% Caprol Value: \$ 488,640
 Nonresidential Esting: \$ 25,000
 WMO Esting: Amt: \$ 0
 Other Esting: Amt: \$ 0

Taxable Value: \$ 408,640
 Sale Date: 1: 12/02/2019
 Sale Price: 1: \$ 1,025,000
 Deed Type: 1: WD
 Sale Date: 2: 10/01/1993
 Sale Price: 2: \$ 355,000
 Deed Type: 2: WD
 Agg Bkg SR: 3126
 Neighborhood: H32
 Land Tag: 11

Price	Factor	Type
4010	\$,981.00	SF



Owner: John Palmisano and Bernadette Indre
Address: 2809 NE 24th Court
Request: Variance from ULDR Sections 47-5.30 and 47-19.2.P

Application for Variance

1. General Information and Variance Request

John Palmisano and Bernadette Indre (“Owner”) are the owners of the single-family house located at 2809 NE 24th Court (“Property”). The Property was originally constructed in 1957, prior to the enactment of the ULDR. The existing rear and front yard setbacks are nonconforming. The Property is partially “pie-shaped” due to its location at the end of a canal.

Owner, whose son has a skin condition that leads to increased sun sensitivity, hired a contractor to construct a tiki hut in the backyard in order to make the backyard useful for the family. Owner was under the impression that tiki huts do not require the issuance of a building permit, which in certain circumstances is true. Section 553.73(10)(i) of the Florida Statutes does not require compliance with the Florida Building Code, including the issuance of permits, for tiki/chickee huts constructed by certain Native American tribes. When dealing with their contractor, Owner was under the impression that this applied to the Property. This section in the Florida Statutes is not entirely clear to those without legal training or experience and does not specify in clear terms that setback requirements must still be adhered to. Owner thought the law was being followed.

After receiving a code violation for the location of the tiki hut, Owner learned that the Florida Statutes do not waive setback provisions. This misunderstanding was not due to ignorance of the ULDR or antecedent zoning regulations, rather it was due to a common misnomer regarding permit requirements for tiki huts.

The tiki hut was constructed at a setback of 4.7’ from the western property line (on the pie-shaped portion of the Property) and 4.7’ from the northern property line. The setback requirements are found in two (2) separate code sections: ULDR Section 47-5.30 and 47-19.2.P. The thatched overhang on the tiki hut is approximately 2’ in width at its widest point, therefore the overall structure, including the thatching, was constructed at a setback of 2.7’ from the western property line and 2.7’ from the northern property line.

ULDR Section 47-5.30 requires a 10’ side setback for structures. ULDR Section 47-19.2(P) requires a 10’ side setback from “the waterway as measured in accordance with Section 47-

2.2.R”. The cross-reference in ULDR Section 47-19.2.P is incorrect – the correct cross-reference should be to ULDR Section 47-2.2.S, not 47-2.2.R, which causes additional confusion. In any case, the tiki hut is set back 2.7’ from the waterway as defined in 47-2.2.S, but is set back approximately 14.5’ from the actual waterway, as the dock attached to the seawall is 9.8’ in width. Additionally, ULDR Section 47-19.2.P limits the size of tiki huts constructed in a rear setback area to 200 square feet, where Owner’s tiki hut is 451.54 square feet (297.54 square feet within the columns, 451.54 square feet including the thatching). As mentioned above, Owner was under the impression that tiki huts are unique in Florida and that they do not require review or approval by the building or zoning department. As also mentioned above, while this impression is true in many cases, the Florida Statutes are not clear in stating that municipal setback requirements are still applicable.

Pursuant to the above, Owner is requesting a variance to permit the existing 451.54 square foot freestanding shade structure to remain with a 2.7’ rear setback (measured to the thatched overhang) and a 2.7’ side setback (measured to the thatched overhang), where ULDR Section 47-19.2.P limits freestanding shade structures to 200 square feet and requires a 10’ rear setback, and ULDR Section 47-5.30 requires a 10’ side setback for a total variance of 251.54 square feet and 7.3’ on the rear and side setbacks.

2. Variance Criteria

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

RESPONSE: The existing rear setback of the house is nonconforming, and the Property is partially “pie-shaped” with a diagonal property line on the western side. These features of the Property are fairly unique and apply to a minority of the properties on various isles throughout the City. These features prevent the Owner from having any reasonably-sized, useful shade structure in their backyard. Even if the increased sun sensitivity of Owner’s son was not taken into account, shade structures are nearly a necessity in South Florida to make any reasonable use of a backyard, particularly backyards that face either north or south (which tend to be in direct sunlight for the entire day).

- 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;

RESPONSE: As mentioned above, the portion of the Property where the shade structure was constructed is “pie-shaped” and significantly limits the backyard

area. The front property line is 40' longer than the rear property line. Additionally, the house itself was constructed closer to the northern property line than would be allowed under today's code. Both of these features are peculiar and significantly limit the buildable area for a shade structure in the backyard.

- 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 to the property;

RESPONSE: On February 15, 2022, the City Commission approved Ordinance No. C-21-33, which enshrined certain property rights into the City's Comprehensive Plan. Of note are two main principles and policies: (1) the predictability principle (explained below) and (2) the right of a property owner to maintain and improve their property for personal use.

(1) The Predictability Principle. The predictability principle in the City's Comprehensive Plan, Property Rights Element, essentially states that real estate investors and residents should be able to read the rules and know whether the City will permit a development proposal, and that residents should be able to read the rules and know what kind of development will occur in the community.

When it comes to tiki huts, this predictability and clarity in the City's code is not sufficient. Section 47-19.2.P states that tiki huts need to be 10' from the waterway "as measured in accordance with Section 47-2.2.R". As stated above, this cross-reference is incorrect – the correct reference is to 47-2.2.S. This creates confusion, as "from the waterway" does not actually mean "from the waterway" – it means from the water-facing edge of the seawall. At the Property, a reasonable person could conclude that the tiki hut is actually 14.5' "from the waterway", as there is an intervening dock. Cleaning up this cross-reference would provide more predictability and clarity. Compounding this issue is the lack of clarity in the Florida Statutes surrounding the need for tiki hut permits and the lack of a clear requirement surrounding municipal setbacks.

(2) Improving Property for Personal Use. Policy 1.1.2 of the Property Rights Element in the City's comprehensive plan recognizes a property owner's right to improve their property for personal use, subject to state law and

local ordinances. The tiki hut was installed to improve the Owner's Property for personal use, providing much-needed shade in the backyard and allowing Owner's son to enjoy the backyard without suffering health consequences. Due to the unique layout of the Property, a useful shade structure could not otherwise be provided while meeting the setback provisions.

This enshrined property right is subject to state law and local ordinances – however, as stated above, the interplay between the state law (which doesn't require permits or zoning review for certain tiki huts) and local ordinances (which do not exempt such tiki huts from setback requirements, though this is not expressly stated in reference to the state law) is not clear.

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

RESPONSE: This hardship (not allowing any useful-sized shade structure in a backyard that experiences 8-10 hours of direct sunlight a day) is not the result of disregard for or ignorance of the provisions of the ULDR. This hardship may be construed to be an ignorance of the Florida Statutes, however this minor ignorance is severely compounded by the lack of clarity and erroneous cross-reference in the ULDR. This hardship is also compounded by the shape of the lot; if the lot was more "square" as most lots in the City are, there would be much more room for a shade structure in the backyard.

- 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.

RESPONSE: Section 47-1.2 of the ULDR recognizes that the general purpose and intent of the ULDR is to adopt minimum standards for the promotion of health, safety, morals, comfort, prosperity, and general welfare of the community. Permitting a shade structure in this unique circumstance is in harmony with these principles, will greatly improve comfort of those using the backyard, and will help stave off health consequences of Owner's son when he uses the backyard.

The tiki hut isn't visible and has no affect on the vast majority of the surrounding neighborhood – it's only visible from abutting properties and properties across the

waterway. Even where visible it is not incompatible; the tiki hut is mostly shielded from the owner to the west by Owner's fence, and the distance from the rear property line has little to no affect on the owners across the water as it is set back 14.5' from the actual waterway.



FRONT ELEVATION - 8/4/2022



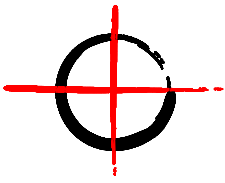
WEST ELEVATION - 8/4/2022



EAST ELEVATION - 8/4/2022



SOUTH ELEVATION - 8/4/2022



PINNELL SURVEY, INC.

5300 W. HILLSBORO BLVD., SUITE 215-A COCONUT CREEK, FLORIDA 33073
PHONE(954)418-4940 FAX(954)418-4941 EMAIL: order@sfland.net
CERTIFICATE NO.: LB6857

SURVEY ADDRESS:

2809 N.E. 24TH COURT
FORT LAUDERDALE, FLORIDA 33305

CERTIFY TO:

1. JOHN PALMISANO AND BERNADETTE INDRE

FLOOD ZONE & ELEVATIONS:

FLOOD ZONE: AE / X(0.2%)
BASE FLOOD ELEVATION: 5'
CONTROL PANEL NO.: 125105-0386-H
DATE OF FIRM INDEX: 08/18/14

REFERENCE BENCHMARK: CITY OF
FORT LAUDERDALE B.M. "NE 875"
ELEVATION = 3.950' (NGVD 1929)
ELEVATION = 2.369' (NAVD 1988)

POTENTIAL ENCROACHMENTS:

1. 6 FOOT WOOD FENCE CROSSES OVER THE WESTERLY PROPERTY LINE.

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.

LEGEND & ABBREVIATIONS:

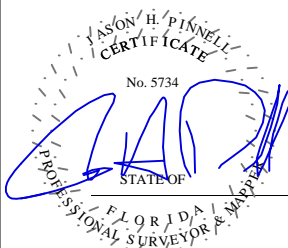
A = ARC	D.E. = DRAINAGE EASEMENT	P.C. = POINT OF CURVATURE
A/C = AIR CONDITIONER	ELEV. = ELEVATION	P.E. = POOL EQUIPMENT
A.E. = ANCHOR EASEMENT	E.S. = ELECTRIC SERVICE	P.I. = POINT OF INTERSECTION
B.M. = BENCHMARK	F.P. & L. = FLORIDA POWER & LIGHT	P.R.C. = POINT OF REVERSE CURVE
B.C.R. = BROWARD COUNTY RECORDS	L.B. = LICENSED BUSINESS	P.O.B. = POINT OF BEGINNING
C.B.S. = CONCRETE BLOCK STRUCTURE	L.P. = LIGHT POLE	P.O.C. = POINT OF COMMENCEMENT
CHATT. = CHATTAHOOCHEE	M.H. = MANHOLE	P.P. = POWER POLE
C.O. = CLEANOUT	(M) = MEASURED	R = RADIUS
CONC. = CONCRETE	NAVD = NORTH AMERICAN VERTICAL DATUM	R/W = RIGHT-OF-WAY
C.L.F. = CHAIN LINK FENCE	NGVD = NATIONAL GEODETIC VERTICAL DATUM	T = TANGENT
C.L.P. = CONCRETE LIGHT POLE	NO. = NUMBER	(TYP.) = TYPICAL
(C) = CALCULATED	O.H. = OVERHANG	U.E. = UTILITY EASEMENT
C.B. = CHORD BEARING	O.R.B. = OFFICIAL RECORDS BOOK	W.F. = WOOD FENCE
C.R. = CABLE RISER	O/S = OFFSET	W.M. = WATER METER
(D) = DEED	(P) = PLAT	Δ = DELTA OR CENTRAL ANGLE
D.B. = DEED BOOK	P.B.C.R. = PALM BEACH COUNTY RECORDS	⊕ = CENTERLINE
M-D.C.R. = MIAMI-DADE COUNTY RECORDS	P.B. = PLAT BOOK	⊕/h = ELEVATION

GENERAL NOTES:

1. TYPE OF SURVEY: BOUNDARY
2. IF THIS SURVEY HAS BEEN REVISED AS INDICATED IN THE REVISION BOX SHOWN HEREON, THEN ANY AND ALL PREVIOUS VERSIONS OF THIS SURVEY PREPARED BY PINNELL SURVEY, INC. ARE NULL & VOID.
3. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY PINNELL SURVEY, INC. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT DEPICTED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY, FOR WHICH THE SUBJECT PROPERTY IS LOCATED IN.
4. UNLESS OTHERWISE NOTED, FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
5. ELEVATIONS SHOWN HEREON (IF ANY) ARE RELATIVE TO NAVD 1988, UNLESS OTHERWISE NOTED.
6. UNDERGROUND IMPROVEMENTS AND UTILITIES ARE NOT LOCATED.
7. FENCE AND WALL OWNERSHIP IS NOT DETERMINED.
8. THIS DRAWING IS THE PROPERTY OF PINNELL SURVEY, INC. AND SHALL NOT BE USED OR REPRODUCED, WHOLE OR IN PART WITHOUT WRITTEN PERMISSION & AUTHORIZATION FROM PINNELL SURVEY, INC.
9. ALL EASEMENTS SHOWN ON THE ATTACHED DRAWING ARE PER THE RECORD PLAT (UNLESS OTHERWISE NOTED).
10. REFERENCE BENCHMARK ELEVATION DATUM WAS CONVERTED FROM NGVD 1929 TO NAVD 1988 USING CORPSCON 6.0.1.

CERTIFICATION:

THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SKETCH AND THAT SAID ABOVE GROUND SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE UNDER RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, UNLESS IT IS ELECTRONICALLY SIGNED AND SEALED.



THE SEAL APPEARING ON THIS DOCUMENT WAS APPROVED BY JASON H. PINNELL, P.S.M. #5734

JASON H. PINNELL
PROFESSIONAL SURVEYOR & MAPPER
LICENSE NO. 5734, STATE OF FLORIDA

FINAL SURVEY (22-0130)	01/21/22	K.M.
REVISE SKETCH	08/28/20	J.P.
REVISIONS	DATE	CHK'D BY

SKETCH NO.: 20-0513

DATE OF SURVEY: 08/13/20

CHECKED BY: O.C.

FIELD BOOK/PAGE: 618/28, FILE

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