



## Memorandum

**Memorandum No: 22-110**

**Date:** October 7, 2022

**To:** Honorable Mayor, Vice Mayor, and Commissioners

**From:** Greg Chavarria, City Manager

**Re:** Appeal of Interpretation- 2536 Whale Harbor Lane

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Pursuant to Section 47-24.12.B.3.b, of the City of Fort Lauderdale's Unified Land Development Regulations (ULDR), this memo is being provided to you five days prior to the Board of Adjustment hearing, which will be held on October 12, 2022.

The item being appealed is in relation to a zoning interpretation or application of unified land development regulations.

The ULDR requires notification to City Manager, City Engineer, City Attorney, and members of the City Commission. However, no further action is required at this time.

Please see the staff report and associated exhibits, attached.

**Attachments:**

October 12, 2022 Board of Adjustment Staff Report

October 12, 2022, Board of Adjustment Agenda

c: Anthony G. Fajardo, Assistant City Manager  
Susan Grant, Assistant City Manager  
Alain E. Boileau, City Attorney  
David R. Soloman, City Clerk  
Patrick Reilly, Interim City Auditor  
Daniel Rey, Land Development Manager, City Engineer  
Department Directors  
CMO Managers

**CITY OF FORT LAUDERDALE  
BOARD OF ADJUSTMENT**

**Appeal of Interpretation or Application of Unified Land  
Development Regulations (ULDR)**

**Staff Report**

**APPEAL NO. PLN-BOA-22070003**

Pursuant to Section 47-24.12.B. *Appeal of interpretation or application of Unified Land Development Regulations (board of adjustment)*, an application has been submitted appealing the interpretation and application of Section 47-39.A.2. and Section 47-39.A.6. D. of the Unified Land Development Regulations ("ULDR").

Pursuant to Section 47-24.12. B.3.b., of the Unified Land Development Regulations (ULDR), a copy of this report is being sent to the City Manager, City Engineer, City Attorney, and members of the City Commission.

This item will appear on the October 12, 2022, BOA agenda.

**Case:** PLN-BOA-22070003  
**Owner:** Silva, Eric B H/E; Hernandez-Silva, Silvia M  
**Agent:** N/A  
**Address:** 2536 Whale Harbor Ln, 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.

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.

### **DEPARTMENT'S RESPONSE TO APPEAL**

Eric B. Silva and Silvia M. Hernandez-Silva ("Silva") own a waterfront lot on the east side of Whale Harbor Lane which is improved with a single-family residence. The folio number is 504219160130 and a copy of the property appraiser's aerial photograph of the parcel is attached hereto as Exhibit "A".

In April of 2022, Silva applied for a permit to construct a new residence at this location. The master permit for the project was assigned the number BLD-RNC-22040038. The plans submitted for review indicate a typical maximum height for the residence to be 24'-0" as measured to the top of the roof deck. The maximum parapet height is 4'-4" above the roof deck.

The plans did not pass the Zoning review on May 3, 2022 with the following comment:

ANNEXED ULDR Sec. 47-39.A.6.D No building or structure, or part thereof, shall be erected or altered to exceed the maximum height of two (2) stories. 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.

### **THE DEPARTMENT'S AGREEMENT AND/OR DISAGREEMENT WITH THE APPLICANT'S STATEMENT OF THE LAW AND FACTS IN QUESTION**

#### **Applicant's Interpretation 1: A Story Is a Habitable Area Between The Floor And Ceiling.**

Agreed in part, disagree in part. Section 47-39.A.2 defines a story as "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" but this section also provides an alternative definition for story when determining the height of a 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."

#### **Applicant Interpretation 2: To determine (not measure) the height of a building, a story is every 10 feet of building.**

Disagree. The term measure is used in Section 47-39.A.2 to describe how the height of the building is determined. Section 47-39.A.2 provides as follows: "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.”

**Applicant Interpretation 3: Ten feet of building is required to meet the definition of a story.**

Disagree. At least seven and one-half (7½) feet is required between the floor and the ceiling to meet the definition of story as a habitable area of a building, 10 feet of height is required for the purposes of determining the height of a building or structure.

**Applicant Interpretation 4: Measured from the exterior elevation. A distinction is made from the first statement which describes a story as a habitable area from floor to ceiling. The exterior elevation includes a second-floor concrete slab, air conditioning ducts, garages, etc., which are not habitable. This is significant because it explains that the purpose is to determine the number of stories. An additional height limit is not to be embedded within the story definition.**

Agree. The height limitation is imposed in Section 47-39.A.6.D whereas the definition of story in Section 47-39.A.2 provides the standard by which a story for the purposes of determining height should be measured. Note again that when measuring height, a story is 10 feet and when determining habitable space, a story is at least seven and one-half (7½) feet is required between the floor and the ceiling. The nearly three (3) foot difference between the two acknowledges the inclusion of a second-floor concrete slab, air conditioning ducts, garages, and other unhabitable spaces.

**Applicant Interpretation 5: The number of stories must be calculated to determine if a building meets the requirements of Section. 47-39.A.6.D. Height.**

Agree.

**Applicant Interpretation 6: A 25-foot house would be two stories which would be permitted.**

Disagree. Section. 47-39.A.6.D provides a maximum height of two stories which Section 47-39.A.6.D states for the purposes of determining height is 10 feet per story, therefore the maximum height is 20 feet.

**Applicant Interpretation 7: A 30-Foot House Would Be Three Stories Which Would Exceed The Two-Story Limit.**

Agree. Noting however, the Department does not agree with the applicant's interpretation that a third story does not begin until 30 feet in height has been reached.

**With the exception of zoning district RM-12.67 to RM-33.5, Section 47-39.A. – “Melrose Park and Riverland Road” of the ULDR provides a maximum height limit of 2 stories within the Melrose Park and Riverland Road areas. A story is considered every ten (10) feet for the purposes of determining height therefore the height limitation is generally 20 feet in this area.**

## **BASIS FOR DEPARTMENT'S INTERPRETATION**

As set forth above, the Department's interpretation is based on the following:

(a) *Per ULDR 47-39.A.2.B. Definitions and Measurements.*

*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.*

(b) *Per ULDR 47-39.A.6.D. Dimensional requirements.*

*Height. No building or structure, or part thereof, shall be erected or altered to exceed the maximum height of two (2) stories: scenery lofts, towers, cupolas, steeples and domes, not exceeding in gross area, at a maximum horizontal section, thirty (30) percent of the roof area, and flag poles, airplane beacons, broadcasting towers, antenna, chimneys, stacks, tanks and roof structures used for ornamental or mechanical purposes, may exceed the permissible height limit in any district by not more than twenty-five (25) percent. Parapet walls may extend not more than five (5) feet above the allowable height of a building. (Inserted from Broward County Code 39-103 entitled "Exclusions from height limits")*

## **REASONS WHY THE DEPARTMENT BELIEVES IT'S INTERPRETATION OF THE ULDR'S WAS CORRECT**

According to Section 47-39.A.6.D. of the ULDR the maximum height of a building and structure, or part thereof in the Melrose Park and Riverland Road areas is two stories, which according to Section 47-39.A.2. is calculated to be 20 feet The section makes clear that this limitation applies to the entire building height by providing specific exception for a number of uninhabitable structures that the code allows to exceed the height limitation under certain circumstances.

Height. No building or structure, or part thereof, shall be erected or altered to exceed the maximum height of two (2) stories: **scenery lofts, towers, cupolas, steeples and domes, not exceeding in gross area, at a maximum horizontal section, thirty (30) percent of the roof area, and flag poles, airplane beacons, broadcasting towers, antenna, chimneys, stacks, tanks and roof structures used for ornamental or mechanical purposes, may exceed the permissible height limit in any district by not more than twenty-five (25) percent.** Parapet walls may extend not more than five (5) feet above the allowable height of a building. (Inserted from Broward County Code 39-103 entitled "Exclusions from height limits").

By implication the proposed interpretation of the applicant is that the maximum height limitation of 2 stories would not be exceeded until any building or structure extends beyond 3 stories or 30 feet. That interpretation would make the above highlighted portion of the Section 47-39.A.6.D moot as well as the last sentence addressing the ability

to extend parapet walls above the allowable height of the building. These exceptions were specifically provided to allow these structures to exceed the maximum building height that the code.

The definition of story does not state that the vertical measurement shall be rounded-up in increments of ten feet. The height of the building is determined by measuring each story which per the code definition is every 10' of building height beginning at the first-floor level.

This measurement is taken from the exterior elevation and therefore inclusion of a second-floor concrete slab, air conditioning ducts, garages, and other unhabitable spaces as opposed to the interior measure of the habitable space which is taken from floor to ceiling.

The concept of "rounding up" as the applicant proposes would result in ridiculous situations as follows:

First-Story 0' – 19' (A total story height of 19'), however when there is a second story the first story would be 0'-10' (a total story height of 10')

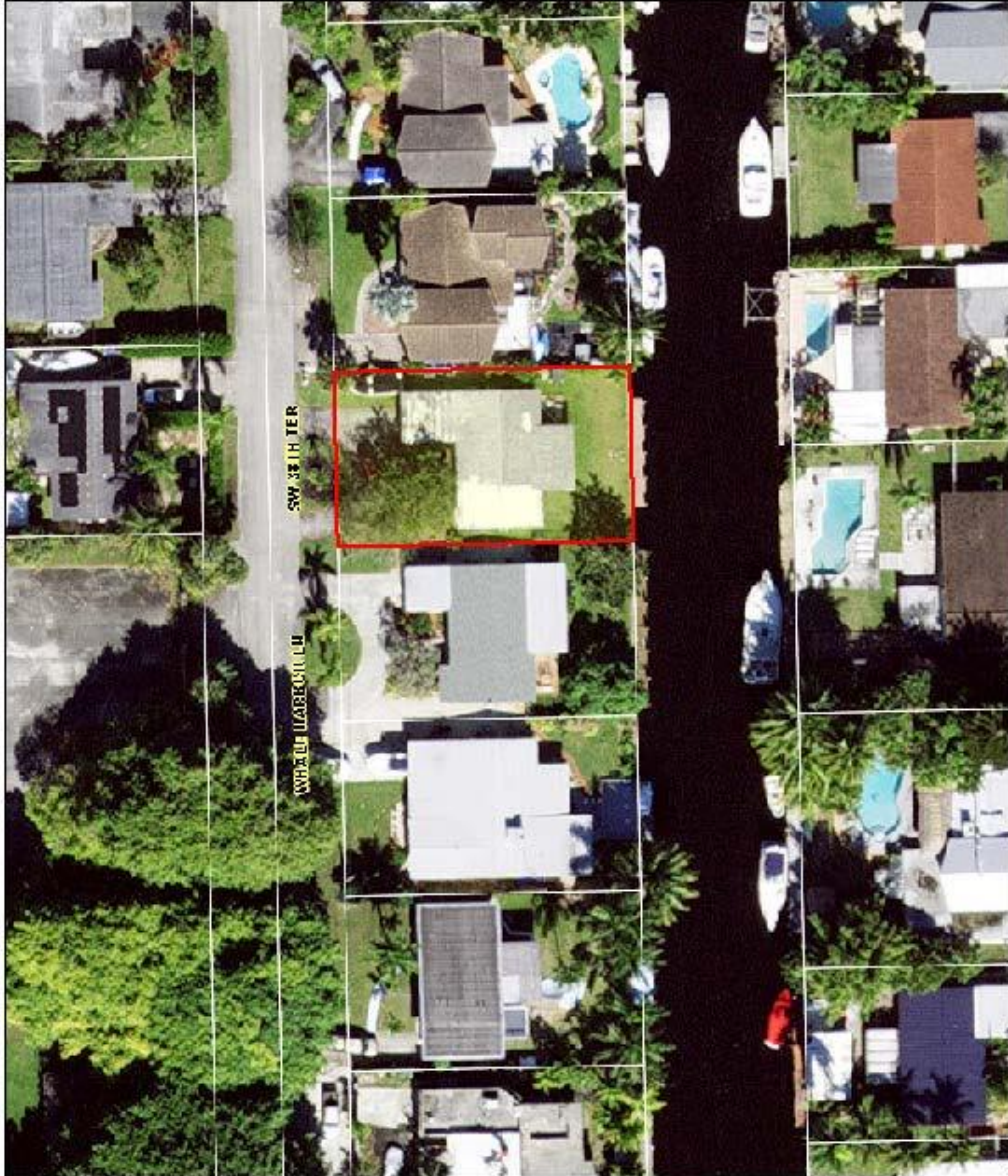
Second-Story + 10' – 29' (A total story height of 29') however when there is a third story the second story would be 10'-20' (a total story height of 20'), etc.

Based on the above, the Zoning Administrator urges the Board to further consider this response with regard to the application for appeal, determine that the appeal is not correct in law or in fact with the criteria set forth in 47-24.12.B.4 ("clearly erroneous standard") approve the Department's interpretation challenged by this appeal.

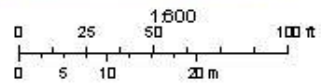
**\*\*\* EXHIBIT A \*\*\***

Property Id: 504219160130

\*\*Please see map disclaimer



September 21, 2022



Flight Date : Jan. 14 to Jan. 20, 2022 Broward County Property Appraiser

**\*\*\* EXHIBIT B \*\*\***

**Code References**

**ULDR Sec. 47-39. A Melrose Park and Riverland Road.**

*This code section pertains to all property located in the annexed area of Melrose Park and Riverland Road, as defined by this section, except as specified herein. Where certain provisions do not appear in this section and appear in other sections of the ULDR, the ULDR shall apply.*

**ULDR Sec. 47-39.A.6 Dimensional Requirements.**

*D. Height. No building or structure, or part thereof, shall be erected or altered to exceed the maximum height of two (2) stories: scenery lofts, towers, cupolas, steeples and domes, not exceeding in gross area, at a maximum horizontal section, thirty (30) percent of the roof area, and flag poles, airplane beacons, broadcasting towers, antenna, chimneys, stacks, tanks and roof structures used for ornamental or mechanical purposes, may exceed the permissible height limit in any district by not more than twenty-five (25) percent. Parapet walls may extend not more than five (5) feet above the allowable height of a building. (Inserted from Broward County Code 39-103 entitled "Exclusions from height limits").*

**ULDR Sec. 47-39.A.2.B Terms defined. (Defined in Sec. 47-35.1)**

*Height of Building: The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.*

*Established Grade: The average elevation of the streets abutting the plot.*

*First Floor Level: The lowest habitable floor area of a building. This definition shall not include parking garages or floor areas devoted exclusively to mechanical equipment used to energize, heat, cool, or otherwise service the building in which it is located. (Defined in [Sec. 47-2.2](#))*

*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 ( $\frac{2}{3}$ ) 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.*



## 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.	<b>CASE:</b>	<del>PLN-BOA-22070001</del>
	<b>OWNER:</b>	LENNAR HOMES, LLC
	<b>AGENT:</b>	GREENSPOON MARDER LLP/DEENA GRAY, ESQ
	<b>ADDRESS:</b>	SW 20 <sup>TH</sup> AVENUE, FORT LAUDERDALE, FL 33312
	<b>LEGAL DESCRIPTION:</b>	<del>A PORTION OF LOTS 4, 5 &amp; 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</del>

**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.

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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<sup>th</sup> 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:** ~~Sec. 47-19.2. P. Freestanding shade structures.~~
- ~~• 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 foot 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.
- 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:** 4

**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

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**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.**