



**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
CITY HALL COMMISSION CHAMBERS  
March 7, 2023 – 6:00 P.M.**

**CITY OF FORT LAUDERDALE**

<b>Board Members</b>	<b>Attendance</b>	<b>Cumulative Attendance 6/2022 through 5/2023</b>	
		<b>Present</b>	<b>Absent</b>
Blaise McGinley, Chair	P	8	1
Howard Elfman, Vice Chair	P	8	1
Bill Kent	A	3	2
Chadwick Maxey	A	7	2
Douglas Meade	P	6	3
Howard Nelson	P	9	0
Robert Wolfe	P	8	1
<u>Alternate</u>			
Fred Stresau	P	2	0

**Staff**

Rhonda Hasan, Assistant City Attorney  
 Chakila Crawford, Senior Administrative Assistant  
 Jazmine Eveillard, Administrative Assistant  
 Mohammed Malik, Zoning Administrator  
 James Hollingsworth, Zoning Plan Examiner  
 Burt Ford, Zoning Chief  
 Jamie Opplerlee, Recording Secretary, Prototype Inc.

**Communication to the City Commission**

None

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	<b><u>Case Number</u></b>	<b><u>Owner/Agent</u></b>	<b><u>District</u></b>	<b><u>Page</u></b>
1.	PLN-BOA-23010002	Hamy Dinh; Khanh Nguyen/Joshua Abrams and Carmen Declercq	4	<a href="#"><u>3</u></a>
2.	PLN-BOA-23020004	Sharon and Steve Armstrong	4	<a href="#"><u>5</u></a>
3.	PLN-BOA-23020005	Janet and Charles Mineo	4	<a href="#"><u>6</u></a>
4.	PLN-BOA-22070002	David Johnson/Eric Slazyk	4	<a href="#"><u>2</u></a>
		Communication to the City Commission		<a href="#"><u>7</u></a>
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**I. Call to Order**

The meeting was called to order at 6:00 p.m. Roll was called and a quorum was determined to be present.

**II. Approval of Minutes – February 8 2023**

**Motion** made by Mr. Nelson, seconded by Mr. Wolfe, to amend the minutes to indicate that for case PLN-BOA-23010004, the intent was to approve all four variance requests. In a roll call vote, motion passed 5-0 with Mr. Meade abstaining because he had not been present.

**Motion** made by Mr. Nelson, seconded by Mr. Wolfe to approve the Board's February 8, 2023 as amended. In a voice vote, motion passed unanimously.

Board members agreed to hear Item 4 first.

**III. Public Sign-In / Swearing-In**

All individuals wishing to speak on the matters listed on tonight's agenda were sworn in.

Before each item, Board members disclosed communications they had and site visits made.

**IV. Agenda Items**

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<b>CASE:</b>	<b>PLN-BOA-22070002</b>
<b>OWNER:</b>	JOHNSTON, DAVID
<b>AGENT:</b>	SLAZYK, ERIC
<b>ADDRESS:</b>	1010 SW 14 <sup>th</sup> TERRACE, FORT LAUDERDALE, FL., 33312
<b>LEGAL DESCRIPTION:</b>	A PORTION OF PARCEL "C" GRIMM-MILLER ADDITION, ACCORDING TO THE PLAT BOOK 51, PAGE 8, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA MORE PARTICULARLY DESCRIBED ON THE SURVEY
<b>ZONING DISTRICT:</b>	RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
<b>COMMISSION DISTRICT:</b>	4

**REQUESTING:**

**Sec. 47-24.12. A.10. - Expiration of approval. The variance shall expire and become null and void unless a building permit to implement the improvements authorized by the variance or special exception is secured within one hundred eighty (180) days from the effective date of approval, or within such lesser time as the board may proscribe, which such lesser period of time shall not be less than thirty (30) days from the effective date of approval. Upon a motion for extension of time being filed by an applicant, for good cause shown, the board may grant an additional extension of time beyond the time initially proscribed in the final order, such additional extension of time not to exceed one hundred eighty (180) days, within which the building permit must be secured.**

- A request/motion for extension of time for an additional 180 days (until September 09, 2023).

Eric Slazyk, the applicant's representative, explained they were encountering scheduling issues.

Chair McGinley opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair McGinley closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Nelson, seconded by Mr. Wolfe:

To grant the 180-day extension to pull the permit. In a roll call vote, motion **passed** 6-0.

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<b>CASE:</b>	<b>PLN-BOA-23010002</b>
<b>OWNER:</b>	DINH, HAMY; NGUYEN, KHANH
<b>AGENT:</b>	JOSHUA ABRAMS/CARMEN DECLERCQ
<b>ADDRESS:</b>	2500 SW 21 STREET, FORT LAUDERDALE, FL., 33312
<b>LEGAL DESCRIPTION:</b>	THE WEST ONE HALF (W ½) OF THE SOUTH 100 FEET OF THE NORTH ONE HALD (N ½) OF LOT 9, BLOCK 10 OF AMENDED MAP OF SUBDIVISION OF SECTION 17, TOWNSHIP 50 SOUTH, RANGE 42 EAST OF BRICKELL'S SUBDIVISION, ACCORDING TO THE PLAT THEROD, AS RECORDED IN PLAT BOOK 1, PAGE 72, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. (SEE SURVEY)
<b>ZONING DISTRICT:</b>	RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY

**COMMISSION DISTRICT:** 4

**REQUESTING:** Sec. 47-19.2. P - Freestanding shade structures

- Requesting a variance to install two (2) free standing temporary shade structures in the front yard, whereas the code limits one (1) freestanding shade structure and only within the required rear yard.
- Requesting a variance to allow two (2) proposed temporary free standing shade structures at 12-foot x 20 foot = 240 square feet each, whereas the code allows a maximum of 200 square feet each, a total increase of 40 square feet per structure.

Mr. Malik confirmed for Mr. Nelson that the Board should use the lesser approval criteria, with no hardship needing to be shown, since this was a temporary use of non-conforming structures. It was an unusual use approval, provided it was consistent with the neighborhood.

Joshua Abrams said he had erected two temporary carport structures unaware that they were not permitted. He anticipated it would take less than one year to rebuild his home and he would remove the structures then. He stated his lease on this property expired in September. Mr. Abrams later explained that the owner of the property had converted the garage into a game room; he could not alter the space to park his cars there.

Chair McGinley opened the public hearing.

Charlie Leikauf, neighbor, said if there was a hurricane, Mr. Abrams should remove the temporary structure and the structure should only be permitted until the lease ended. Mr. Nelson suggested limiting the time the temporary structure could remain as a condition of approval and Ms. Hasan said the Board could impose a time limit.

Ames Friedman, neighbor, was concerned that allowing this would lead to others in the neighborhood doing it as well. He did not see the need, compared to the adverse impact on the aesthetics of the neighborhood. Mr. Nelson said the packet contained photos of other properties in the area with similar shade structures. Mr. Friedman said he had not seen these, but pointed out that at least one of the photos showed a shade structure larger than permitted that should be removed.

Arlene Avellonette, neighbor, distributed a photo of a truck belonging to Mr. Abrams and noted it was within feet of the road, which was very narrow. She thought Mr. Abrams should use the garage.

Stephen Stella, neighbor, said there was a garage on the property that Mr. Abrams should use. He said the owner should “deconvert” the garage from a game room back to a garage.

There being no other members of the public wishing to address the Board on this item, Chair McGinley closed the public hearing and brought the discussion back to the Board.

Mr. Nelson did not see how this would be compatible with the neighborhood as a temporary use. Mr. Stresau thought this was an example of something someone wanted, not needed. Mr. Meade said if Mr. Abrams had wanted to keep his cars covered, he should have rented a different house.

**Motion** made by Mr. Nelson, seconded by Mr. Wolfe:

To grant the temporary use for a period not to exceed September 30, 2023, and the structures must be removed in the event of any major storm. In a roll call vote, motion **failed** 1-5 with only Mr. Wolfe voting in favor.

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<b>CASE:</b>	<b>PLN-BOA-23020004</b>
<b>OWNER:</b>	ARMSTRONG, SHARON H/E; ARMSTRONG, STEVEN
<b>AGENT:</b>	N/A
<b>ADDRESS:</b>	1208 MANDARIN ISLE, FORT LAUDERDALE, FL., 33315-1647
<b>LEGAL DESCRIPTION:</b>	LOT 41, OF “SOUTH NEW RIVER” ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40, AT PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
<b>ZONING DISTRICT:</b>	RS-8 – RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
<b>COMMISSION DISTRICT:</b>	4
<b>REQUESTING:</b>	<u>Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district.</u>

- Requesting a variance to allow a garage and a second floor living space at a front yard setback of 24.10 feet, whereas the code allows a minimum of 25 feet setback, a total variance request to reduce the front setback by 0.90 feet.

Note: This property had an existing non-conforming garage at the same location (24.10 feet) which was demolished.

Steven Armstrong, the applicant, said the garage and second floor would be in the exact same footprint as the originally constructed garage. He said he had not been

aware that the original garage was built within the setback. He stated the original permit indicated the original garage was built 25 feet from the setback. Mr. Armstrong stated the plans had been approved for a permit by the City.

Chair McGinley opened the public hearing.

Leroy Schultz, neighbor, said he had no problem with granting the variance and several other neighbors with whom he had spoken agreed.

There being no other members of the public wishing to address the Board on this item, Chair McGinley closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Nelson, seconded by Mr. Wolfe:

To approve the variance request because it meets the criteria for a variance. In a roll call vote, motion **passed** 6-0.

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<b>CASE:</b>	<b>PLN-BOA-23020005</b>
<b>OWNER:</b>	CHARLES MINEO H/E; JANET H MINEO
<b>AGENT:</b>	N/A
<b>ADDRESS:</b>	1524 SW 18 TERRACE, FORT LAUDERDALE, FL., 33312
<b>LEGAL DESCRIPTION:</b>	LOT 45, LAUDERDALE ISLES NO. 1, ACCORDING TO THE PLAT THEROF, AS RECORDED IN PLAT BOOK 31, PAGE 23, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
<b>ZONING DISTRICT:</b>	RS-8 – RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
<b>COMMISSION DISTRICT:</b>	4
<b>REQUESTING:</b>	<b><u>Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district. (Note A)</u></b>

- Requesting a variance to allow a rear porch at a setback distance of 20.1 feet, whereas the code allows a minimum setback of 25 feet on waterway, a total setback variance request of 4.9 feet.

Charles Mineo, the applicant, said he had drawn the plans himself and they were approved and permitted by the City. He stated the engineer he hired had only submitted a pre-construction site plan. If they had submitted a port-construction site plan, the encroachment would have been noticed. Mr. Mineo stated the roof canopy and columns encroached into the setback. He noted that if this were a free-standing structure, it would be allowed.

Chair McGinley pointed out that the roof would not last forever because it was wood and suggested the Board put a condition on the variance that when the roof needed replacing it must be done to code.

Mr. Malik said since this was an attached structure, it was treated as an extension of the home. He confirmed that if it were freestanding, it would be allowed.

Chair McGinley opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair McGinley closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. Nelson, seconded by Mr. Elfman:

To approve the variance, based upon the permitting approval, notwithstanding the fact that the as-built did not meet the plan set, and the calculation that the non-conformity would have been allowed under a freestanding structure rule, this presents a unique set of circumstances and a hardship, since it is already constructed, that would meet the criteria for a variance.

Mr. Stresau wished the motion to include a condition that the structure could never be enclosed. Mr. Meade suggested a condition that when the structure needed to be materially or substantively replaced, it must be to code. Mr. Nelson and Mr. Elfman accepted the amendments to the motion.

In a roll call vote, the amended motion **passed** 6-0.

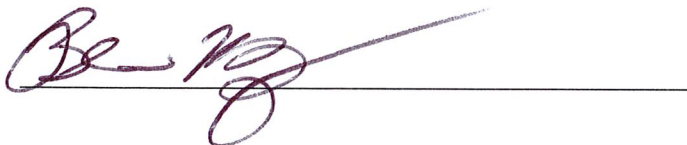
**Communication to the City Commission** [Index](#)  
None

**Report and for the Good of the City** [Index](#)  
None

**Other Items and Board Discussion** [Index](#)  
Chair McGinley asked for clarification regarding a change of seating on the dais. He wanted to ensure that all Board members could sit at the dais if they wished.

There being no further business to come before the Board, the meeting adjourned at 6:58 p.m.

Chair:



A handwritten signature in dark ink, appearing to be 'Be McG', is written over a horizontal line.

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Attest:



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ProtoType Inc.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.