



## **BOARD OF ADJUSTMENT MEETING NOTICE**

May 25, 2023

A Public Hearing will be held before the Board of Adjustment on: **Wednesday, June 14, 2023 at 6:00 P.M.**

This meeting will be held in-person at: Development Services Department (Lobby) 700 NW 19<sup>th</sup> Avenue, Fort Lauderdale, Florida 33311 to determine whether the following application should be granted. To view more information about this item, please visit: [www.fortlauderdale.gov/government/BOA](http://www.fortlauderdale.gov/government/BOA)

<b>CASE:</b>	<b>PLN-BOA-23020001</b>
<b>OWNER:</b>	ALBERT R LEPAGE TR LEPAGE; ALBERT R TRSTEE
<b>AGENT:</b>	JANNA P. LHOTA; HOLLAND & KNIGHT LLP
<b>ADDRESS:</b>	1408 WEST LAKE DRIVE, FORT LAUDERDALE, FL 33316
<b>LEGAL DESCRIPTION:</b>	LOT 31, LUCILLE ISLAND, ACCORDING TO THE PLAT THEROF, AS RECORDED IN PLAT BOOK 37, PAGE 19, OF THE PUBLIC RECORDS BROWARD COUNTY, FLORIDA. (SEE SURVEY)
<b>ZONING DISTRICT:</b>	RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY
<b>COMMISSION DISTRICT:</b>	4
<b>REQUESTING:</b>	<p><b><u>Sec. 47-19.2. R. - Light fixtures, freestanding.</u></b></p> <ul style="list-style-type: none"> <li>Requesting a variance to allow a 29.48-foot light poles for a tennis court whereas the code allows a maximum of 12 feet high light pole a total variance request to increase the height by 17.48 feet.</li> </ul> <p><b><u>Sec. 47-19.2. CC. - Tennis courts.</u></b></p> <ul style="list-style-type: none"> <li>Requesting a variance from the south side yard setback for the two light poles from the property line to be reduced to 7.8 feet and 8.7 feet from the required minimum 10 feet setback a total reduction request of 2.2 feet and 1.3 feet respectively.</li> <li>Requesting a variance from the south side yard setback for a fence from the property line to be reduced to 9 feet from the required minimum 10 feet setback a total reduction of 1 foot.</li> </ul> <p><b><u>Sec. 47-5.30. - Table of dimensional requirements for the RS-4.4 district. (Note A)</u></b></p> <ul style="list-style-type: none"> <li>Requesting a variance from the west front yard setback for tennis court/ Fence to be reduced to 10 feet from the required minimum 25 feet front yard setback a total reduction of 15 feet.</li> </ul>

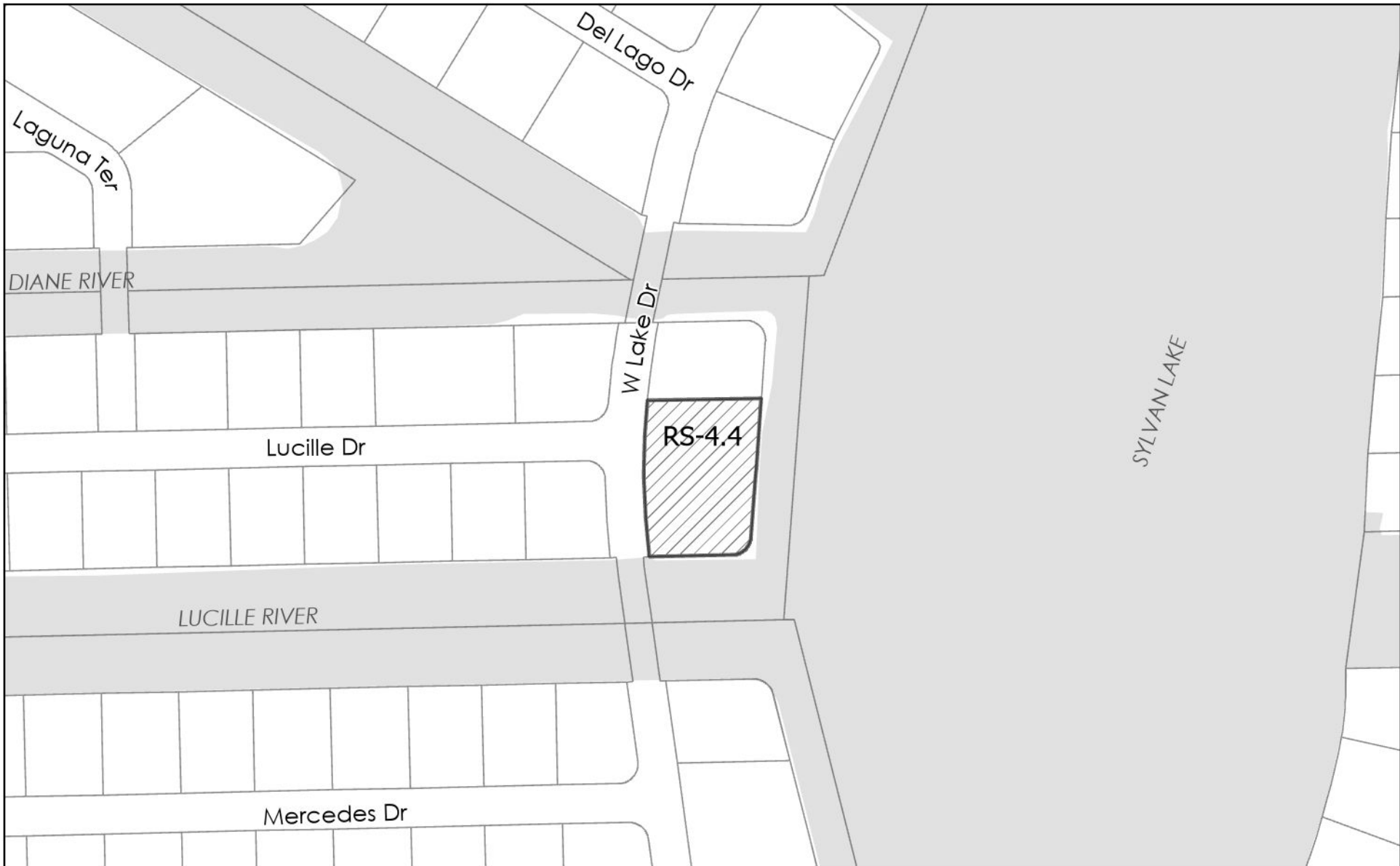
To watch and listen to the meeting, please visit: <https://www.fortlauderdale.gov/governement/BOA>  
[www.youtube.com/cityoffortlauderdale](http://www.youtube.com/cityoffortlauderdale)

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-23020001

**LEGEND**

-  Municipal Boundary
-  Subject Site



0 100 200 US Feet



CITY OF FORT LAUDERDALE  
**PUBLIC NOTICE**

# BOARD OF ADJUSTMENT VIRTUAL MEETING

**DATE: MAY 10, 2023**

**TIME: 6:00 P.M.**

**CASE: PLN-BOA-23020001**

**Requesting: Sec. 47-19.2. R. - Light fixtures, freestanding.**

- Requesting a variance to allow a 29.48-foot light poles for a tennis court whereas the code allows a maximum of 12 feet high light pole a total variance request to increase the height by 17.48 feet.

**Requesting: Sec. 47-19.2. CC. - Tennis courts.**

- Requesting a variance from the south side yard setback for the two light poles from the property line to be reduced to 7.8 feet and 8.7 feet from the required minimum 10 feet setback a total reduction request of 2.2 feet and 1.3 feet respectively.
- Requesting a variance from the south side yard setback for a fence from the property line to be reduced to 9 feet from the required minimum 10 feet setback a total reduction of 1 foot.

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

- Requesting a variance from the west front yard setback for tennis court/ Fence to be reduced to 10 feet from the required minimum 25 feet front yard setback a total reduction of 15 feet.

**LOCATION:** The City of Fort Lauderdale will be hosting the Board of Adjustment meeting Virtually using audio/video conferencing software

Visit <http://www.youtube.com/CityofFortLauderdale> to watch and listen to the Board of Adjustment meeting.

If you wish to sign up and speak on an item visit:

[https://fortlauderdale.zoomgov.com/webinar/register/WN\\_MS\\_m5licWS0CKtC5t\\_RWtFw](https://fortlauderdale.zoomgov.com/webinar/register/WN_MS_m5licWS0CKtC5t_RWtFw)



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



**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-23020001

APPLICANT: Janna P. Lhota, Esq., Holland & Knight LLP

PROPERTY: 1408 West Lake Drive, Fort Lauderdale, FL 33316

PUBLIC HEARING DATE: June 14, 2023

BEFORE ME, the undersigned authority, personally appeared Janna P. Lhota, Esq., who upon being duly sworn and cautioned, under oath deposes and says:

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

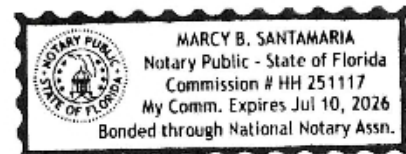
NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27.2.j of the City of Fort Lauderdale ULDR, I will forfeit my sign deposit 100 (initial here)

Affiant Janna P. Lhota

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 30<sup>th</sup> day of May, 2023

(SEAL)

Marcy B. Santamaria  
NOTARY PUBLIC  
MY COMMISSION EXPIRES:



# Photographs of Sign Posting

Case No. PLN-BOA-23020001

## Facing West Lake Drive (West)



# Photographs of Sign Posting

Case No. PLN-BOA-23020001

## Facing Sylvia Lake (East)



**Photographs of Sign Posting**

**Case No. PLN-BOA-23020001**

**Facing Canal (South)**



**Sec. 47-19.2. R Light fixtures, freestanding.**

R. *Light fixtures, freestanding.* Light fixtures may be permitted as an accessory to a residential use and may be located in the required front yard no closer than five (5) feet from the front property line and no greater in height than twelve (12) feet. Light fixtures shall be shielded, angled or both so that any direct or indirect light shall not cause illumination in excess of one (1) footcandle onto any abutting parcel of property except lighting of a parking facility shall comply with the requirements of Section 47-20. All light fixtures accessory to a nonresidential use shall be subject to the yard requirements of the zoning district in which it is located.

**Sec. 47-19.2. CC. TENNIS COURTS.**

CC. *Tennis courts.* Tennis courts accessory to a standard single family dwelling may be permitted within the required side or rear yards but no closer than ten (10) feet from any property line. Any fence enclosing the tennis court shall not exceed ten (10) feet in height and shall be screened with a continuous hedge which is maintained at seventy-five percent (75%) of the height of the fence and is a minimum height of six (6) feet at installation. No glare from lighting onto adjacent properties shall be permitted. Tennis courts that are accessory to a nonresidential use shall be subject to the yard requirements of the zoning district in which it is located.

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

<b>Requirements</b>	<b>RS-4.4</b>
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)

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# Record

Menu Refine Search New GIS Create a Set View Log Reports Help My Filters --Select-- Module Planning

Showing 1-40 of 65

<input type="checkbox"/>	<a href="#">Record, Permit, or Account #</a>	<a href="#">Record Description</a>	<a href="#">Application Name</a>	<a href="#">Record Type</a>	<a href="#">Balance</a>	<a href="#">Planner Name</a>	<a href="#">Street #</a>	<a href="#">Dir</a>	<a href="#">Street Name</a>	<a href="#">Type</a>	<a href="#">Opened Date</a>	<a href="#">Status</a>
<input type="checkbox"/>	<a href="#">BLD-RADD-23030018</a>	Gazebo addition as per drawings - attached and en...	Lepage	Residential Addition Permit	0		1408	W	LAKE	DR	03/27/2023	In Process
<input type="checkbox"/>	<a href="#">PLN-BOA-23020001</a>		Lepage-Tennis Court Lighting...	Z- Board of Adjustment (BOA)	0		1408	W	LAKE	DR	02/01/2023	Open
<input type="checkbox"/>	<a href="#">BLD-FEN-22010012</a>	STUCCO EXISTING PROPERTY LINE WALL AND HORIZONTAL...		Fence Permit	76.25		1408	W	LAKE	DR	01/05/2022	Issued
<input type="checkbox"/>	<a href="#">BLD-RALT-21120052</a>	STUCCO EXISTING PROPERTY LINEWALL/FOOTING FOR MAN...		Residential Alteration Permit	0		1408	W	LAKE	DR	12/14/2021	Void
<input type="checkbox"/>	<a href="#">BLD-RMIS-21120003</a>	STUCCO OVER EXISTING WALL AS PER SURVEY HIGHLIGHT...	LEPAGE	Residential Miscellaneous Permit	0		1408	W	LAKE	DR	12/03/2021	Void
<input type="checkbox"/>	<a href="#">BLD-CMIS-21080006</a>	FOOTERS FOR LIGHT POLES	FOOTERS FOR LIGHT POLES	Commercial Miscellaneous Permit	0		1408	W	LAKE	DR	08/23/2021	Void
<input type="checkbox"/>	<a href="#">ELE-LV-21060037</a>	CCTV INSTALLATION		Electrical Low Voltage Permit	0		1408	W	LAKE	DR	06/21/2021	Complete
<input type="checkbox"/>	<a href="#">BLD-RALT-21040055</a>	DEMO AND REBUILD EXISTING TENNIS COURT	DEMO AND REBUILD EXISTING TE...	Residential Alteration Permit	0		1408	W	LAKE	DR	04/09/2021	Awaiting Client Reply
<input type="checkbox"/>	<a href="#">BLD-FEN-21020098</a>	CHAIN LINK FENCE FOR BLD-RALT-21020026	CHAIN LINK FENCE FOR BLD-RAL...	Fence Permit	0		1408	W	LAKE	DR	02/19/2021	Issued
<input type="checkbox"/>	<a href="#">BLD-CALT-21020026</a>	DEMOLISH AND REBUILD TENNIS COURT 60X120 & INSTAL...	DEMOLISH AND REBUILD TENNIS ...	Commercial Alteration Permit	0		1408	W	LAKE	DR	02/19/2021	Issued
<input type="checkbox"/>	<a href="#">ELE-RES-21020038</a>	WIRE TENNIS COURT LIGHTING noc	WIRE TENNIS COURT LIGHTING	Electrical Residential Permit	0		1408	W	LAKE	DR	02/05/2021	Issued
<input type="checkbox"/>	<a href="#">PLB-RES-20110013</a>	CONNECT TO EXISTING 1" WATER SERVICE TO DOCK + IN...		Plumbing Residential Permit	0		1408	W	LAKE	DR	11/03/2020	Complete
<input type="checkbox"/>	<a href="#">ELE-RES-20060147</a>	ELECT FOR BOATLIFT 100 LF & 40 FT PIER REPLACEMEN...	ELECT FOR BOATLIFT 100 LF & ...	Electrical Residential Permit	0		1408	W	LAKE	DR	06/22/2020	Complete
<input type="checkbox"/>	<a href="#">BLD-BDSP-20060028</a>	100 LF & 40 FT PIER REPLACEMENT AND BOAT LIFT	100 LF & 40 FT PIER REPLACEM...	Boatlift-Dock-Seawall-Pile Permit	0		1408	W	LAKE	DR	06/22/2020	Complete
<input type="checkbox"/>	<a href="#">LS20020116</a>	L/S PROPLOGIX -0- CASE FOUND		Lien Search	0		1408	W	LAKE	DR	02/05/2020	Closed
<input type="checkbox"/>	<a href="#">PM-18111980</a>	GAS FOR BP 18111927	GAS FOR BP 18111927	Plumbing Gas Permit	0		1408	W	LAKE	DR	11/26/2018	Complete
<input type="checkbox"/>	<a href="#">PM-18111927</a>	ELECTRICAL WORK FOR GENERATOR CONNECT TO EXISTING...	ELECTRICAL WORK FOR GENERATO...	Generator Permit	0		1408	W	LAKE	DR	11/21/2018	Complete
<input type="checkbox"/>	<a href="#">PM-18111755</a>	THIRTY DAY TEMP POWER BP 17050282	THIRTY DAY TEMP POWER BP 170...	Electrical Temporary Pole	0		1408	W	LAKE	DR	11/20/2018	Complete
<input type="checkbox"/>	<a href="#">PM-18062739</a>	LOW VOLT ALARM A/V LIGHTING KEYPAD BP 17050282	LOW VOLT ALARM A/V LIGHTING ...	Electrical Low Voltage Permit	0		1408	W	LAKE	DR	06/28/2018	Complete
<input type="checkbox"/>	<a href="#">PM-18010472</a>	NATURAL GAS LINES FOR BP 17050282	NATURAL GAS LINES FOR BP 170...	Plumbing Gas Permit	0		1408	W	LAKE	DR	01/08/2018	Complete
<input type="checkbox"/>	<a href="#">PM-17122501</a>	PLUMBING FOR BP 17122497	PLUMBING FOR BP 17122497	Plumbing Commercial Permit	0		1408	W	LAKE	DR	12/27/2017	Complete
<input type="checkbox"/>	<a href="#">PM-17122499</a>	ELECTRICAL FOR BP 17122497	ELECTRICAL FOR BP 17122497	Electrical Residential Permit	0		1408	W	LAKE	DR	12/27/2017	Complete
<input type="checkbox"/>	<a href="#">PM-17122497</a>	NEW POOL 1906 GAL AND SPA 800 GAL ~ ~ ~NOC ~ ~08/...	NEW POOL 1906 GAL AND SPA 80...	Residential Pool-Spa-Fountain Permit	0		1408	W	LAKE	DR	12/27/2017	Complete
<input type="checkbox"/>	<a href="#">PM-17122099</a>	TEMP FENCE 250LF 2 GATES 6FT HIGH BP 17050282	TEMP FENCE 250LF 2 GATES 6F...	Temporary Construction Barrier Permit	0		1408	W	LAKE	DR	12/20/2017	Complete
<input type="checkbox"/>	<a href="#">CE17101842</a>	DISCOVERED THIS VACANT LOT WITH OVERGROWTH ON THE...	1408 WEST LAKE HOLDINGS LLC	Code Case	0		1408	W	LAKE	DR	10/30/2017	Closed
<input type="checkbox"/>	<a href="#">VIO-CE17101842_1</a>	DISCOVERED THIS VACANT LOT WITH OVERGROWTH ON THE	1408 WEST LAKE HOLDINGS LLC	Violation-CODE Hearing	0		1408	W	LAKE	DR	10/30/2017	Closed
<input type="checkbox"/>	<a href="#">PM-17083007</a>	REMOVE ONE TREE BP 17050282 ~ ~TREES TO BE REMOVE...	REMOVE ONE TREE BP 17050282	Landscape Tree Removal-Relocation Permit	0		1408	W	LAKE	DR	08/31/2017	Complete
<input type="checkbox"/>	<a href="#">CE17080105</a>	DISCOVERED THIS VACANT LOT WITH OVERGROWTH AND, D...	1408 WEST LAKE HOLDINGS LLC	Code Case	0		1408	W	LAKE	DR	08/01/2017	Closed
<input type="checkbox"/>	<a href="#">VIO-CE17080105_1</a>	DISCOVERED THIS VACANT LOT WITH OVERGROWTH AND	1408 WEST LAKE HOLDINGS LLC	Violation-CODE Hearing	0		1408	W	LAKE	DR	08/01/2017	Closed
<input type="checkbox"/>	<a href="#">PL-B17029</a>	BOAV - REQUEST TO REDUCE 10FT LOT WIDTH IN ...	1408 WEST LAKE DR LOT WIDTH ...	Z- Board of Adjustment (BOA)	480		1408	W	LAKE	DR	06/16/2017	Closed
<input type="checkbox"/>	<a href="#">PM-17050302</a>	218LF ALUMINUM FENCE, 2GATES; 1 PEDESTRIAN GATE; ...	218LF ALUMINUM FENCE, 2GATES...	Fence Permit	0		1408	W	LAKE	DR	05/02/2017	Complete
<input type="checkbox"/>	<a href="#">PM-17050301</a>	STORM DRAINAGE ONSITE FOR NEW SFR BP 17050282 ~ ~...	STORM DRAINAGE ONSITE FOR NE...	Plumbing Commercial Permit	0		1408	W	LAKE	DR	05/02/2017	Void
<input type="checkbox"/>	<a href="#">PM-17050300</a>	PLUMBING FOR NEW SFR BP 17050282	PLUMBING FOR NEW SFR BP 1705...	Plumbing Commercial Permit	0		1408	W	LAKE	DR	05/02/2017	Complete
<input type="checkbox"/>	<a href="#">PM-17050299</a>	LAWN IRRIGATIN SYSTEM FOR NEW SFR BP 17050282	LAWN IRRIGATIN SYSTEM FOR NE...	Plumbing Irrigation Permit	0		1408	W	LAKE	DR	05/02/2017	Complete
<input type="checkbox"/>	<a href="#">PM-17050298</a>	3 FIREPLACE PREFAB FOR NEW SFR BP 17050282 ~ ~09/...	3 FIREPLACE PREFAB FOR NEW S...	Mechanical Commercial Permit	0		1408	W	LAKE	DR	05/02/2017	Complete
<input type="checkbox"/>	<a href="#">PM-17050297</a>	MECHANICAL FOR NEW SFR BP 17050282	MECHANICAL FOR NEW SFR BP 17...	Mechanical HVAC New Install Permit	0		1408	W	LAKE	DR	05/02/2017	Complete
<input type="checkbox"/>	<a href="#">PM-17050295</a>	LANDSCAPE GENERAL FOR NEW SFR BP 17050282	LANDSCAPE GENERAL FOR NEW SF...	Landscape Installation Permit	0		1408	W	LAKE	DR	05/02/2017	Complete
<input type="checkbox"/>	<a href="#">PM-17050293</a>	ENGINEERING CONSTR MITIGATION FOR NEW SFR BP ~170...	ENGINEERING CONSTR MITIGATIO...	Site Prep and Erosion Control Permit	0		1408	W	LAKE	DR	05/02/2017	Void
<input type="checkbox"/>	<a href="#">PM-17050292</a>	ELECTRICAL WIRING FOR NEW SFR BP 17050282 ~ ~1/5/...	ELECTRICAL WIRING FOR NEW SF...	Electrical Commercial Permit	0		1408	W	LAKE	DR	05/02/2017	Complete
<input type="checkbox"/>	<a href="#">PM-17050290</a>	ROOF FOR NEW SFR BP 17050282 ~ ~1/5/18- RECCHK-B ...	ROOF FOR NEW SFR BP 17050282	Re-Roof Permit	0		1408	W	LAKE	DR	05/02/2017	Complete



## DEVELOPMENT SERVICES DEPARTMENT – ZONING & LANDSCAPING

### BOARD OF ADJUSTMENT (BOA)

Rev: 5 Revision Date: 07/25/2022 | Print Date: 07/25/2022  
I.D. Number: Z&L-BOA

### BOARD OF ADJUSTMENT (BOA) INFORMATION AND APPLICATION

Cover :	Deadlines, Notes, Fees, and General Information
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

**BOARD OF ADJUSTMENT MEETING REQUEST:** Prior to the submittal of the Board of Adjustment application, applicants are required to schedule a meeting request with Zoning and Landscaping Division staff to obtain feedback regarding the proposed variance, special exception, or other applications. The meeting includes general guidance on the submittal and process for the application type. A meeting can be requested by submitting an email request to the [Board of Adjustment](#).

**APPLICATION DEADLINE:** Submittals must be received by 5:00 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 application, survey, plans and other documentation do not meet the submittal requirements and if changes are required. The applicable deadline dates can be found on the City's website at the [Board of Adjustment](#) webpage.

**ONLINE SUBMITTAL PROCESS:** Submittals must be conducted through the City's online citizen access portal and payment of fees [LauderBuild](#). [LauderBuild](#) requires the creation of an online account to submit a complete application. To access submittal requirements and standards please visit the [LauderBuild Plan Room](#). Staff will provide guidance once an application has been submitted to the City.

**DETERMINATION OF COMPLETENESS:** Submittals are reviewed for completeness to ensure the application submittal contains all the required information including plans, survey, proof of ownership, narratives, and other pertinent documentation. The City will notify the applicant within five (5) business days from submittal with a determination of completeness. The notification will be sent via email and will indicate application completeness or incompleteness with required changes.

**PAYMENT OF 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. Applicants will receive invoices electronically indicating the applicable fee(s). Note, there are fees at various stages of review depending on application type. Fees are paid online.

**PUBLIC SIGN NOTICE:** Board of Adjustment (BOA) application, and certain applications are subject to public sign notice. Affidavits must be completed and submitted to the City stated compliance that such has been completed. The affidavit form can be found in this package on page 4 and on the City's website.

- 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

<b>Case Number</b>	
<b>Date of complete submittal</b>	

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

<b>Property Owner's Name</b>	Albert R. Lepage, as Trustee of the Albert R. Lepage Deed of Trust dated 12/18/2001, as amended
<b>Property Owner's Signature</b>	If a signed agent letter is provided, no signature is required on the application by the owner.
<b>Address, City, State, Zip</b>	1408 West Lake Drive, Fort Lauderdale, Florida 33316
<b>E-mail Address</b>	
<b>Phone Number</b>	
<b>Proof of Ownership</b>	<input checked="" type="checkbox"/> Warranty Deed or <input type="checkbox"/> Tax Record

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

<b>Applicant / Agent's Name</b>	Janna P. Lhota, Holland & Knight LLP
<b>Applicant / Agent's Signature</b>	<i>Janna P. Lhota</i>
<b>Address, City, State, Zip</b>	515 East Las Olas Boulevard, Ste 1200 Fort Lauderdale, FL 33301
<b>E-mail Address</b>	janna.lhota@hklaw.com
<b>Phone Number</b>	954-468-7841
<b>Letter of Consent Submitted</b>	<input checked="" type="checkbox"/>

<b>Development / Project Name</b>	Lepage - Tennis Court
<b>Existing / New</b>	Existing: <input checked="" type="checkbox"/> New: <input type="checkbox"/>
<b>Project Address</b>	Address: 1408 West Lake Drive, Fort Lauderdale, Florida 33316
<b>Legal Description</b>	See Survey included in the Application.
<b>Tax ID Folio Numbers</b> (For all parcels in development)	5042-13-12-0311
<b>Variance Request (Describe)</b>	Requesting a variance to allow two (2) tennis court light poles not to exceed 29.48 feet in overall height; a variance from the south side yard setback for the two (2) light poles from the property line, a variance from the south side yard setback for a fence from the property line and a variance from the west front yard setback for tennis court/fence.
<b>Applicable ULDR Sections</b>	Sec. 47-5.30, Sec. 47-19.2(CC), and Sec. 47-19.2(R) of the ULDR.

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

		Required	Proposed
<b>Front</b>		West - 25' (bldg) / 10' (tennis court)	25' (bldg) / 10' (tennis court)
<b>Side</b>		South - 25' (bldg) / 10' (tennis court)	25' (bldg) / (9', 7.8 & 8.7) (tennis court/lighting)
<b>Side</b>		North - 10' (bldg and tennis court)	12' (bldg) / 140'7" (tennis court)
<b>Rear</b>		East - 25' (bldg) / 10' (tennis court)	25' (bldg) / 11'7" (tennis court)

## 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 from Section 47-19.2(R) to allow lighting associated with a permitted tennis court at an overall height of 23'-6" where 12'-0" is allowed for a total variance of 11'-6".

**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 attached Exhibit "A" - 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 attached Exhibit "A" - 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 attached Exhibit "A" - 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 attached Exhibit "A" - 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 attached Exhibit "A" - Narrative

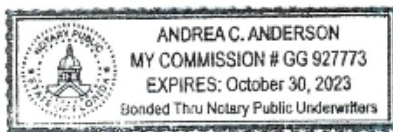
**AFFIDAVIT:** I, Janna Lhota the Owner/Agent of said property ATTEST that I am aware of the following:

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

Janna P. Lhota  
(Signature)

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 31<sup>st</sup> day of January, 2023

(SEAL)



Anderson  
NOTARY PUBLIC  
MY COMMISSION EXPIRES:

### Page 3: Required Documentation & Mail Notice Requirements

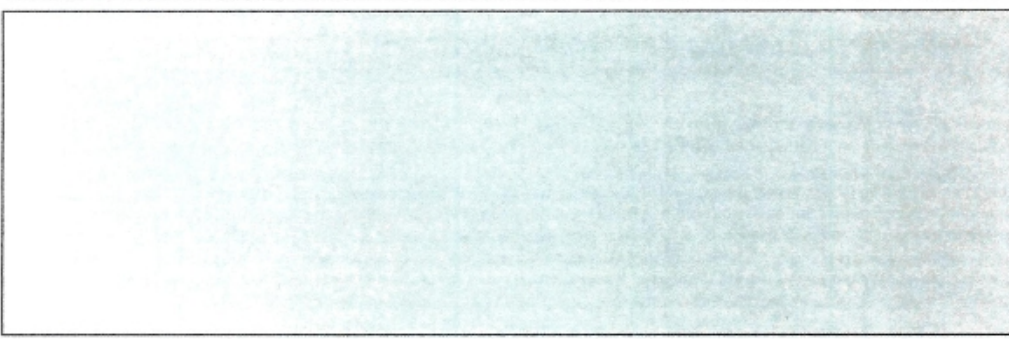
-Submit One (1) Completed (Digital) application submittal through "Lauderbuild" (<https://aca-prod.accela.com/>). Note: The plans and survey must be digitally signed and sealed when submitting through LauderBuild OR One (1) Original set signed and sealed with plans/survey at 24" x 36."

-Submit Fourteen (14) copy sets (stapled) of each item listed below, Survey/Plans at half-size scale 11X17" & One (1) original application submittal AFTER application is deemed complete.

- 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) (Survey)
- Landscape Plan (if applicable)
- Elevations (if applicable)
- Additional Plan details as needed

Note: All 14 copy sets must be clear and legible. Copy sets are due **AFTER** All deficiencies have been MET.

Note: Plans must be folded to 8 1/2" x 11". All non-plan documents should be 8 1/2" 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 19<sup>th</sup> 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](mailto:hhanson@bcpa.net) or call 954-357-6855. You may also contact Kenny Gibbs, [kugibbs@bcpa.net](mailto:kugibbs@bcpa.net) or call 954-357-5503.

**Page 4: Sign Notification Requirements and Affidavit**

**SIGN NOTICE**

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

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

**AFFIDAVIT OF POSTING SIGNS**

STATE OF FLORIDA

BROWARD COUNTY

BOA CASE NO. \_\_\_\_\_

APPLICANT: \_\_\_\_\_

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

Click here to display your 2022 TRIM Notice.

Site Address	1408 W LAKE DRIVE, FORT LAUDERDALE FL 33316	ID #	5042 13 12 0311
Property Owner	ALBERT R LEPAGE TR LEPAGE, ALBERT R TRSTEE	Millage	0312
Mailing Address	1500 OCEAN DR #801 MIAMI BEACH FL 33139	Use	01-01
Abbreviated Legal Description	LUCILLE ISLAND 37-19 B LOTS 31 & 32		

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\(8\)](#).



### IT'S IMPORTANT THAT YOU KNOW:

The 2023 values currently shown are considered "working values" and are subject to change. These numbers will change frequently online as we make various adjustments until they are finalized.

#### Property Assessment Values

Click here to see 2022 Exemptions and Taxable Values as reflected on the Nov. 1, 2022 tax bill.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2023	\$5,187,930	\$8,616,210	\$13,804,140	\$13,804,140	
2022	\$5,187,930	\$8,616,210	\$13,804,140	\$12,728,040	\$242,970.38
2021	\$5,187,930	\$6,383,020	\$11,570,950	\$11,570,950	\$215,184.92

#### 2023 Exemptions and Taxable Values by Taxing Authority

	County	School Board	Municipal	Independent
Just Value	\$13,804,140	\$13,804,140	\$13,804,140	\$13,804,140
Portability	0	0	0	0
Assessed/SOH	\$13,804,140	\$13,804,140	\$13,804,140	\$13,804,140
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$13,804,140	\$13,804,140	\$13,804,140	\$13,804,140

#### Sales History -- Search Subdivision Sales

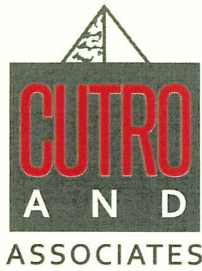
Date	Type	Price	Book/Page or CIN
2/21/2020	WD-E	\$5,000,000	116369490
2/18/2020	WD-E	\$10,900,000	116361934
9/6/2017	TD-E	\$800,000	114604084
12/6/2016	TD-E	\$3,400,000	114082157
4/2/2007	SW*	\$100	44038 / 895

\* Denotes Multi-Parcel Sale (See Deed)

#### Land Calculations

Price	Factor	Type
\$90.00	14,577	SF
\$285.00	13,600	SF
Adj. Bldg. S.F. (Card, Sketch)		7964
Units		1

Eff./Act. Year Built: 2020/2019



**NOTICE AFFIDAVIT**


STATE OF FLORIDA, BROWARD COUNTY  
CITY OF FORT LAUDERDALE

BEFORE ME THIS DAY PERSONALLY APPEARED CHRISTINA MATHEWS  
WHO BEING DULY SWORN, DEPOSES AND SAYS:

1. The attached property owners list is, to the best of my knowledge, a complete and accurate list of all property owners, mailing addresses and property control numbers as recorded in the latest official tax rolls obtained from the Property Appraisers Office for all property within 300 feet of Lots 31 & 32 of Lucille Island Plat as recorded in Plat Book 37 Page 19 of the Public Records of Broward County, Florida, City of Fort Lauderdale. 1408 W. Lake Drive
- 2.
3. The attached property owners list includes, to the best of my knowledge, all affected property owners, municipalities, counties, homeowner associations, and property owner associations in accordance with the requirements of the UDLR and the City of Fort Lauderdale.

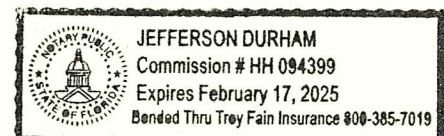
  
\_\_\_\_\_  
Signature

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
Signature of Person Taking Acknowledgement

  
\_\_\_\_\_  
Notary Public

Notary's Seal



1025 Yale Drive  
Hollywood, Florida 33021  
954-920-2205  
Email: [cutroplanning@yahoo.com](mailto:cutroplanning@yahoo.com)

A	B	C	D	E	F	G	H
FOLIO_NUMB	NAME	ADDRESS_LI	CITY	STATE	ZIP	ZIP4	LEGAL
1	HEATON,WILLIAM F III & MARLENE	2573 MERCEDES DR	FORT LAUDERDALE	FL	33316		HARBOR BEACH UNIT 4 35-12 BLOT 1,2 E 5
2	JUSTI,STEVEN A	PO BOX 460426	FORT LAUDERDALE	FL	33346		HARBOR BEACH UNIT 4 35-12 BLOT 2 LESS E 5
3	RAMAZANOVA,GINAY & SEYHUN	2561 MERCEDES DR	FORT LAUDERDALE	FL	33316		HARBOR BEACH UNIT 4 35-12 BLOT 3
4	1612 WEST LAKE DR REAL ESTATE TR	110 SE 6 ST SITE 1500	FORT LAUDERDALE	FL	33301		HARBOR BEACH UNIT 4 35-12 BLOTS 29, 30
5	PAYNE,JOHN KENNETH & GALE C	1600 W LAKE DR	FORT LAUDERDALE	FL	33316	2322	HARBOR BEACH UNIT 4 35-12 BLOT 31
6	PUBLIC LAND% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301		HARBOR BEACH UNIT 4 35-12 BROADS R/W & BRIDGES PER PLAT
7	PUBLIC LAND% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301		HARBOR BEACH UNIT 4 35-12 BCANALS,RIVERS & WATERWAYS R/W PER SAID PLAT
8	PUBLIC LAND% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301		LUCILLE ISLAND 37-19 BLOT 28
9	DEANGELIS,SAMUEL J & DONNA M	1401 W LAKE DR	FORT LAUDERDALE	FL	33316	2319	LUCILLE ISLAND 37-19 BLOT 1,2 E 10
10	SPERRY,CHARLES E & SYLVIA L	2575 LUCILLE DR	FORT LAUDERDALE	FL	33316	2327	LUCILLE ISLAND 37-19 BLOT 2 LESS E 10,3
11	ANTONIK,MARGARET	2560 TELEGRAPH RD	BANNOCKBURN	IL	60015		LUCILLE ISLAND 37-19 BLOT 28
12	BUSH,JOSEPH JR & BRENDA	2578 LUCILLE DR	FORT LAUDERDALE	FL	33316		LUCILLE ISLAND 37-19 BLOT 29
13	FEDLER,RONALD G	2584 LUCILLE DR	FORT LAUDERDALE	FL	33316		LUCILLE ISLAND 37-19 BLOT 30
14	ALBERT R LEPAGE TRLEPAGE,ALBERT R TRSTEE	1500 OCEAN DR #801	MIAMI BEACH	FL	33139		LUCILLE ISLAND 37-19 BLOTS 31 & 32
15	CICCARDO DEVELOPMENT LLC	22 ROYAL PALM WAY #501	BOCA RATON	FL	33432		LUCILLE ISLAND 37-19 BLOT 33
16	PUBLIC LAND% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301		LUCILLE ISLAND 37-19 B STREET'S R/W & BRIDGE PER PLAT
17	PUBLIC LAND% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301		LUCILLE ISLAND 37-19 BCANALS & RIVERS R/W PER PLAT
18	PUBLIC LAND% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301		LAGUNA ISLES 40-1 BCANALS & RIVERS R/W PER PLAT
19	BARTOS,BRUCE L BARTOS TR	1311 W LAKE DR	FORT LAUDERDALE	FL	33316	2313	DEL LAGO ISLE 42-2 BLOT 37
20	ROBSAN FAMILY TRUST LLC	1310 W LAKE DR	FORT LAUDERDALE	FL	33301		DEL LAGO ISLE 42-2 BLOT 38
21	PUBLIC LAND% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301		DEL LAGO ISLE 42-2 BROADS R/W & BRIDGES PER PLAT
22	PUBLIC LAND% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301		DEL LAGO ISLE 42-2 BCANALS & WATERWAYS R/W PER PLAT

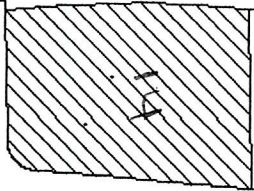
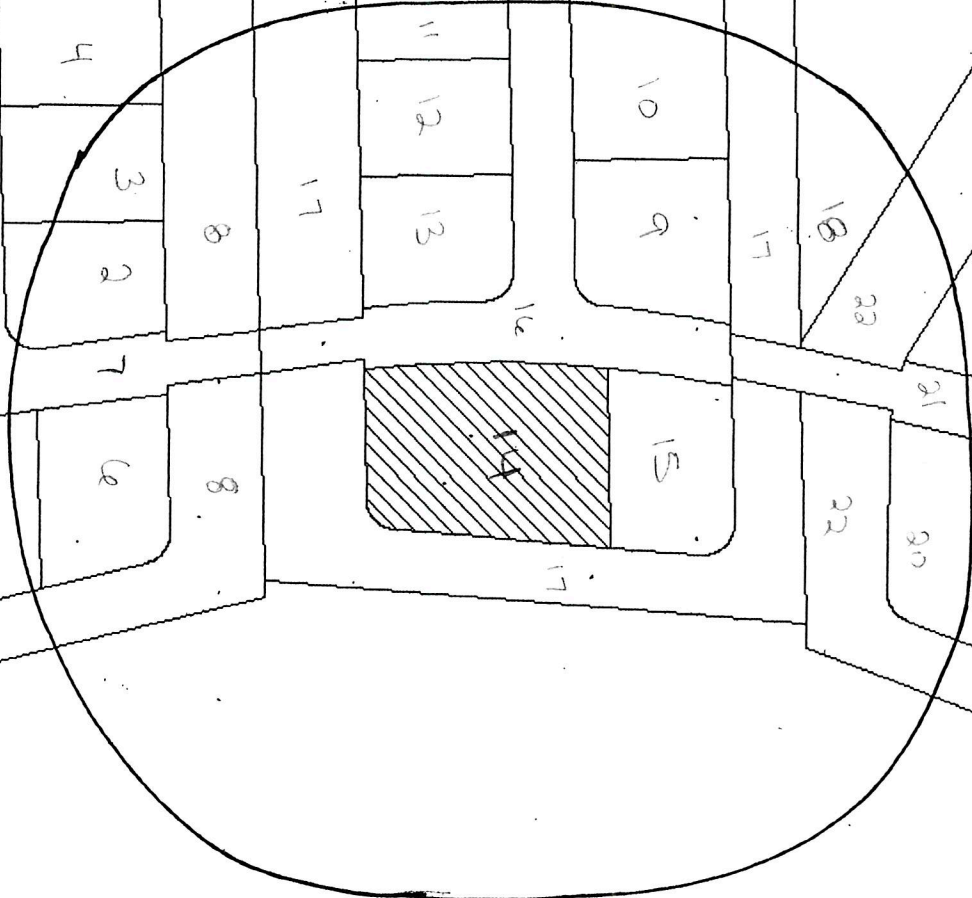
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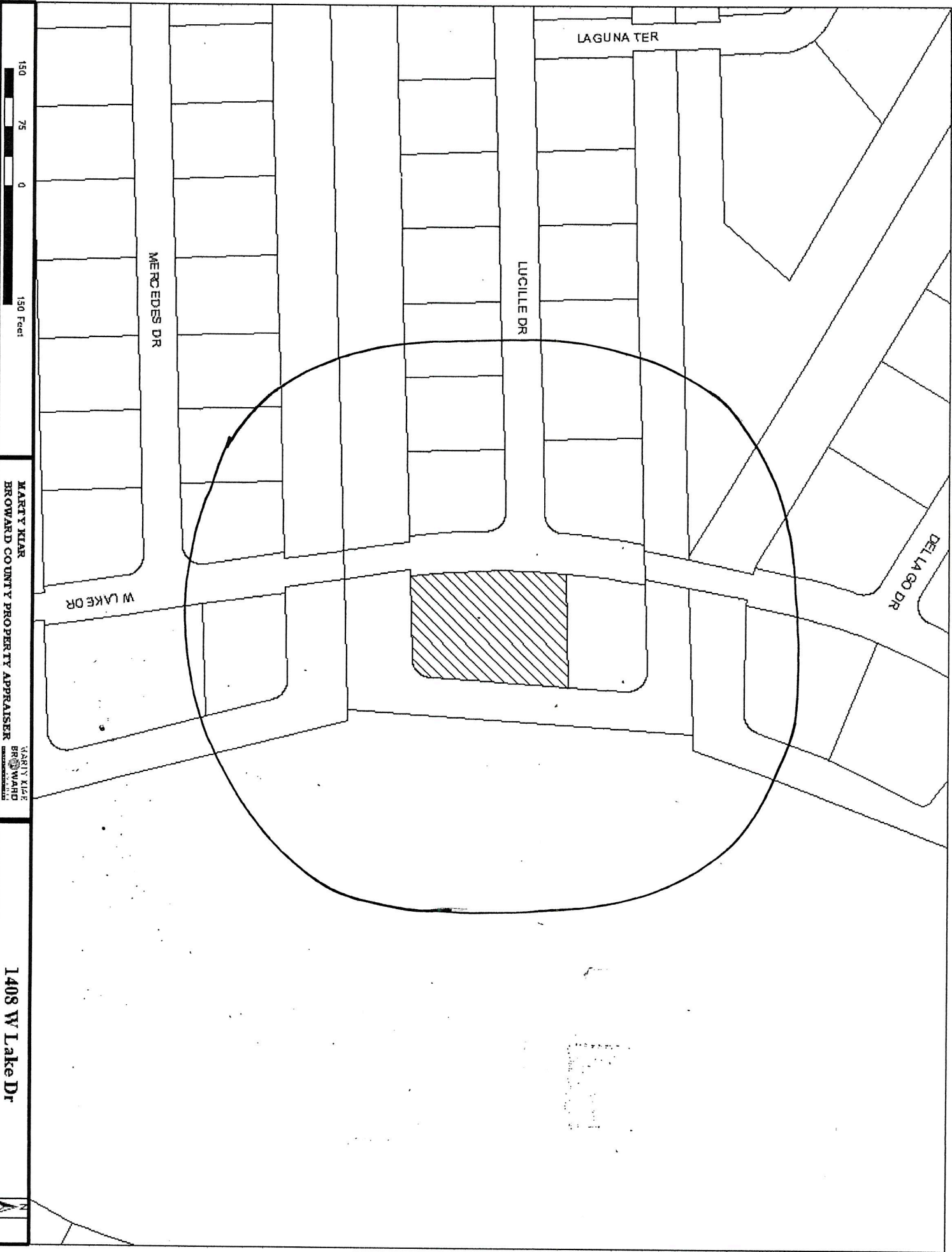
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150  
75  
0  
150 Feet

MARTY KIRK  
BROWARD COUNTY PROPERTY APPRAISER

1408 W Lake Dr





150  
75  
0  
150 Feet

MARTY KIAR  
BROWARD COUNTY PROPERTY APPRAISER

1408 W Lake Dr



**BEFORE PHOTO**



Photo of Tennis Court and Tennis Court Lighting prior to Tennis Court Replacement

**PHOTOS OF REPLACEMENT TENNIS COURT AND LIGHTING**

View from West  
Lake Drive  
looking east





View from West Lake Drive looking west toward Tennis Court

Close-up view  
of Tennis Court  
Lights





Close up view of Tennis Court from West Lake Drive (looking to the southeast)



**PHOTOS OF REPLACEMENT TENNIS COURT AND LIGHTING**

View from West  
Lake Drive  
looking east





View from West Lake Drive looking west toward Tennis Court

Close-up view  
of Tennis Court  
Lights





Close up view of Tennis Court from West Lake Drive (looking to the southeast)

**BEFORE PHOTO**



Photo of Tennis Court and Tennis Court Lighting prior to Tennis Court Replacement



Holland & Knight LLP, on behalf of Albert R. Lepage, as Trustee of the Albert R. Lepage Deed of Trust dated December 18, 2001, as amended, the owner of the single-family home located at 1408 West Lake Drive in the City of Fort Lauderdale, Florida (hereinafter referred to as the "Property") submits this application to the City of Fort Lauderdale requesting approval of four variances set out below for the replacement tennis court located on the Property pursuant to Section 47-24.12 of the Unified Land Development Regulations ("ULDR") for the City of Fort Lauderdale (the "City").

Mr. Lepage purchased the single-family home and the adjacent lot on which a tennis court was constructed several decades ago. As demonstrated by the historical photographs included with the application, the accessory tennis court has always included lights to allow the use of the facility at night. Since purchasing the Property, Mr. Lepage has reconstructed his residence and the adjacent dock and proceeded to replace the existing tennis court and related lighting. After permitting and construction of the tennis court, Mr. Lepage's contractor became aware that a variance would be needed to allow the replacement tennis lights. After discussion with City staff, the instant application was filed.

**b. Variance Request:**

Section 47-19.2 of the ULDR outlines the regulations for accessory buildings, structures and equipment. Section 47-19.2(CC) outlines the regulations associated with accessory tennis courts, including language that allows the tennis court to be illuminated, provided "[n]o glare from lighting onto adjacent properties shall be permitted." However, subsection (CC) does not include any height standards for the tennis court lighting. Light fixtures for residential properties are covered by Section 47.19.2(R) of the ULDR and provides the following:

*Light fixtures, freestanding.* Light fixtures may be permitted as an accessory to a residential use and may be located in the required front yard no closer than five (5) feet from the front property line and no greater in height than twelve (12) feet. Light fixtures shall be shielded, angled or both so that any direct or indirect light shall not cause illumination in excess of one (1) footcandle onto any abutting parcel of property except lighting of a parking facility shall comply with the requirements of Section 47-20. All light fixtures accessory to a nonresidential use shall be subject to the yard requirements of the zoning district in which it is located.

While we do not believe this section is applicable as tennis court lighting, by the nature of its use, must be taller than twelve (12) feet, we are proceeding, at staff's direction, to request a variance to allow the light poles to exceed the 12' height limitation in Section 47-19.2(R) by 17.48 feet to allow the replacement lights for the tennis courts to have an overall height of 29.48 feet. Furthermore, staff has identified three other variances required from the setback requirements for the two south replacement light poles, as well as from the front and side setback requirements of Section 47-5.20 for properties zoned RS-4.4.

The final variances being requested as part of this Application include the following:

**Sec. 47-19.2(R) - Light fixtures, freestanding**

- Requesting a variance to allow the light poles serving the tennis court not to exceed 29.48 feet in overall height whereas the code allows a maximum of height of 12 feet for the tennis court lighting for a total variance request to increase the height of the light poles by 17.48 feet.

**Sec. 47-19.2 (CC) - Tennis courts**

- Requesting a variance from the south side yard setback for the two light poles from the property line to be reduced to 7.8 feet and 8.7 feet from the required minimum 10 feet setback a total reduction request of 2.2 feet and 1.3 feet respectively.
- Requesting a variance from the south side yard setback for a fence from the property line to be reduced to 9 feet from the required minimum 10 feet setback a total reduction of 1 foot.

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

- Requesting a variance from the west front yard setback for tennis court/ Fence to be reduced to 10 feet from the required minimum 25 feet front yard setback a total reduction of 15 feet.

**c. Criteria for Variance:**

Section 47-24.12(A)(4) of the ULDR provides the following criteria that must be met for the granting of a variance<sup>1</sup>:

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

*As noted previously, the tennis court in its present location with related lighting has long existed on the Property. In connection with the redevelopment of his residence, Mr. Lepage also sought to reconstruct and otherwise update the tennis court as well. The variances are being requested to allow the replacement lights for the updated tennis court, but which still exceeds the height limitation provided for accessory light fixtures as outlined in Section 47-19.2(R) of the ULDR. The Applicant is also requesting setback variances associated with the two light poles located south of the tennis court, as well as setback variances from the front yard setback and the setback from the southeast corner of the fence surrounding the tennis court.<sup>2</sup>*

2. 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 the other properties in the same zoning district; and

*Again, the variance for the light poles are being requested in large part due to the fact that the ULDR does not adequately account for the height associated with the lighting which is clearly allowed with an accessory tennis court. Further, in connection with the review of our application for the replacement tennis court lighting, two additional setback variances for the tennis court and fence were identified by staff notwithstanding the prior issuance of the building permits for the tennis court and related fencing and are being requested at this time.*

3. 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; and

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<sup>1</sup> The Applicant's responses to each of the stated criteria is noted in bold and italics.

<sup>2</sup> Please note, the City previously approved Permit Nos. BLD-CALT-21020026 and BLD-FEN-21020098 for the construction of the tennis court and fence in its current location.

***As noted above, the literal application of the provisions of the ULDR given the facts outlined in this Narrative/Justification would deprive the Applicant of the ability to maintain and illuminate its accessory tennis court as allowed by the ULDR.***

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

***This unique hardship is not self-created, but rather is the result of the strict interpretation of the ULDR which occurred, in part, after the tennis court and fencing was constructed.***

5. The variance is the minimum variance that will make possible a reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the ULDR and the use as varied will not be incompatible with adjoining properties or the surrounding neighborhood or otherwise detrimental to the public welfare.

***The variance requested above is the minimum variance required to allow the maintenance and illumination of the permitted tennis court. As the included Photometric Survey demonstrates, there is no light spillage or glare on any of the adjoining properties. Finally, we have already been in contact with the Harbor Beach Property Homeowners Association, Inc. who has indicated their support for this application and we anticipate a letter is forthcoming for consideration by staff and the Board.***

For the foregoing reasons, the property owner respectfully requests a favorable decision from the City Board of Adjustment on its Application for the above described variance.

# Boundary Survey

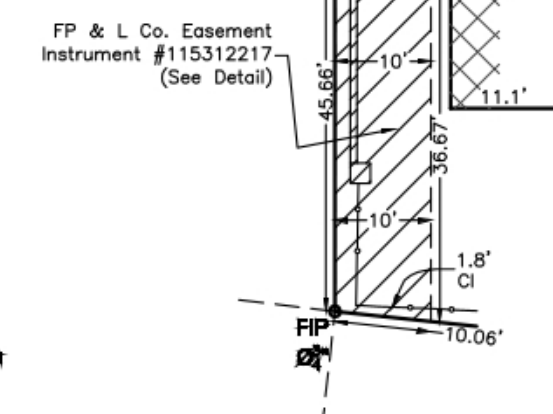
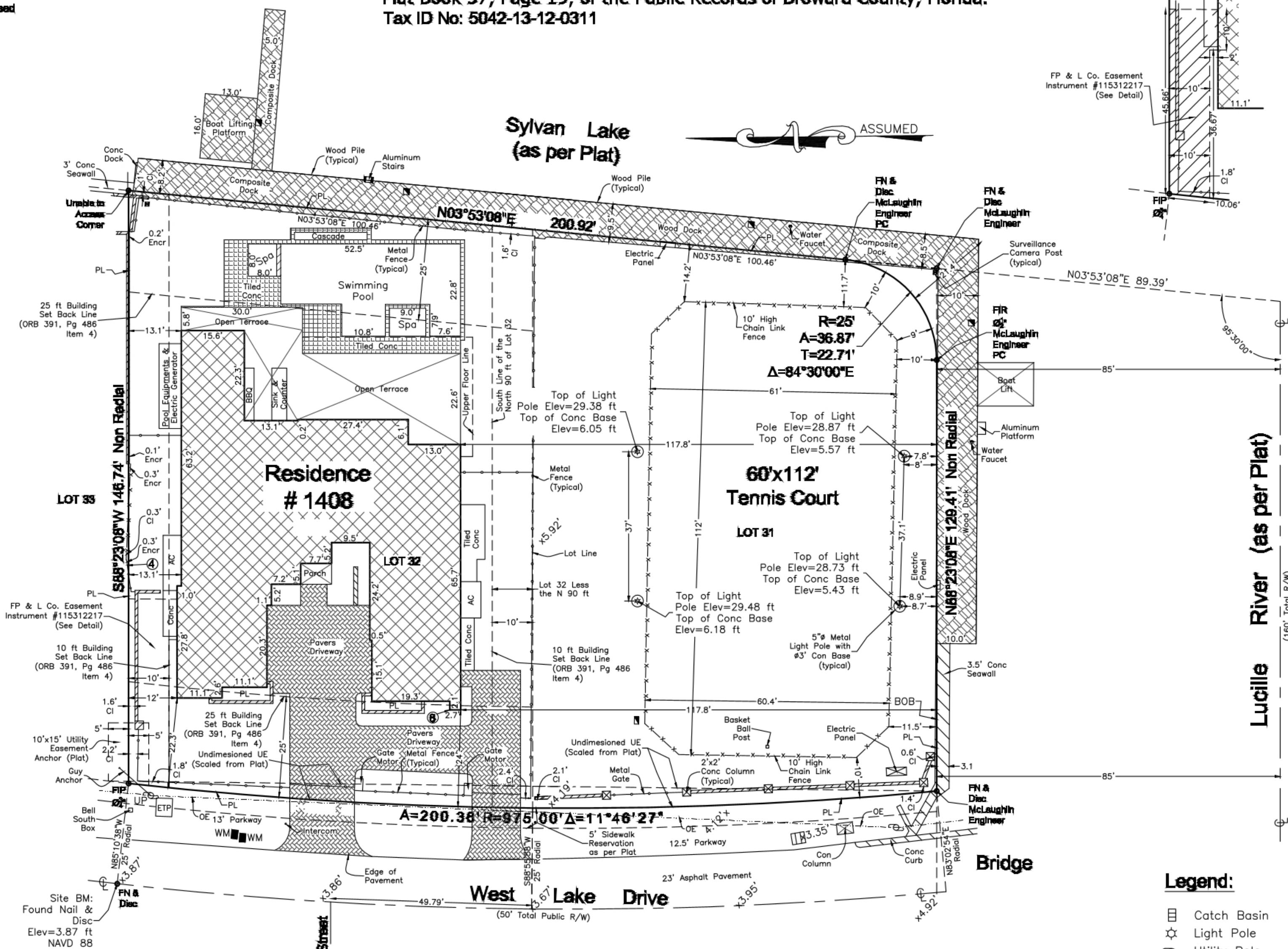
Scale 1"= 20'

**Property Address:**  
 1408 West Lake Drive, Fort Lauderdale, Florida 33316  
**Legal Description:**  
 Lots 31 and 32, Lucille Island, according to the Plat thereof, as recorded in  
 Plat Book 37, Page 19, of the Public Records of Broward County, Florida.  
**Tax ID No:** 5042-13-12-0311

FP & L Co. Easement  
 Detail

**SCHEDULE B, SECTION II of the Title Commitment**

- Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this form. Not a survey matter
- Taxes and assessments for the year 2020 and subsequent years, which are not yet due and payable. Not a survey matter
- Standard Exceptions:
  - Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. Refers to this survey
  - Rights or claims of parties in possession not shown by the public records. Not a survey matter
  - Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records. Not a survey matter
  - Taxes or assessments which are not shown as existing liens in the public records. Not a survey matter
  - Any claim that any portion of the Insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land. Not a survey matter
  - Any lien provided by County Ordinance or by Chapter 169, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the Insured land. Not a survey matter
  - Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Lucille Island, recorded in Plat Book 37, Page 19, of the Public Records of Broward County, Florida. Any matter on the Plat affecting this property is shown on this survey
  - Easements reserved in Restrictive Covenants filed in Official Records Book 391, page 486, of the Public Records of Broward County, Florida. The Building Set Back Lines as per Item No 4 of the document are plotted on the survey
  - Resolution No. A-00-8 filed in Official Records Book 30363, page 1215, of the Public Records of Broward County, Florida. Not a survey matter
  - Revocable License with the City of Fort Lauderdale specific to subject property filed 8/7/1984 in Official Records Book 22470, page 671, of the Public Records of Broward County, Florida. Not a survey matter
  - Easement in favor of Florida Power & Light Company specific to subject property filed 9-7-2018 in Instrument #15312217, of the Public Records of Broward County, Florida. It is plotted on the survey
  - The nature, extent or existence of riparian rights is not insured. Not a survey matter
  - Any and all rights of the United States of America over artificially filled lands in what were formerly navigable waters, arising by reason of the United States of America's control over navigable waters in the interest of navigation and commerce, and any conditions contained in any permit authorizing the filling in of such areas. Not a survey matter



**Flood Plain Information for the Building:**  
 Flood Zone: X and AE, Base Flood 5.0 ft;  
 Panel No: 12011C0576H, effective 08-18-2014;  
 Community Name/No.: City of Fort Lauderdale 125105

**Reference Bench Marks:**  
 City of Fort Lauderdale BM  
 SE 399, Elev=5.35 ft and  
 SE 398, Elev=5.11 ft NAVD 88

**Title Commitment by Chicago Title Insurance Company**  
 Order No.: 8157590  
 Commitment Date: 01-22-2020 at 11:00 PM

Aniano J. Garcia  
 Digitally signed by Aniano J. Garcia  
 Date: 2023.03.27 08:51:18 -04'00'



For:  
 Albert R. Lepage, as Trustee of the  
 Albert R. Lepage Deed of Trust dated  
 December 18, 2001, as amended

LEGEND AND ABBREVIATIONS	LEGAL NOTES
A = Arc Length; AC = Air Conditioner; AE = Anchor Easement; BC = Block Corner; BM = Bench Mark; BOB = Basis of Bearings; (C) = Calculated Dimension; CB = Catch Basin; CBS = Concrete Block Structure; CFW = Concrete Fence Wall; CH = Chord Length; CHB = Chord Bearing; CI = Clear; CML = City Monument Line; CME = Canal Maintenance Easement; Conc = Concrete; DE = Drainage Easement; DME = Drainage & Maintenance Easement; Dr = Drive; E = East; Elev = Elevation; ENCR = Encroached; ETP = Electric Transformer; FDH = Found Drill Hole; FIR = Found Iron Rod; FFE = Finished Floor Elevation; FH = Fire Hydrant; FIP = Found Iron Pipe; FN = Found Nail; FT = Feet; LME = Lake Maintenance Easement; LB = Licensed Business; LFE = Lowest Floor Elevation; LP = Light Pole; (M) = Measured Dimension; ME = Maintenance Easement; MON = Monument; N = North; NAVD 88 = North American Vertical Datum of 1988; NTS = Not To Scale; OE = Overhead Cables; OH = Over Hang; ORB = Official Record Book; O/S = Off Set; Pb = Plat Book; PC = Point of Curvature; PCC = Point Of Compound Curvature; PCOR = Property Corner; PCP = Permanent Control Point; Pg = Page; PL = Planter or Property Line; PLS = Professional Land Surveyor; PLSM = Professional Land Surveyor and Mapper; POB = Point Of Beginning; POC = Point Of Commencement; PRC = Point Of Reverse Curve; PRM = Permanent Reference Monument; PT = Point Of Tangency; R = Radius; (R) = Recorded Dimension; RLS = Registered Land Surveyor and Mapper; R/R = Rail Road; R/W = Right Of Way; Sec = Section; T = Tangent; S = South; SIP = Set Iron Pipe With Cap Stamped PLS 5105; UE = Utility Easement; UP = Utility Pole; UT = Utility; W = West; WF = Wood Fence; WM = Water Meter; WV = Water Valve; C = Centerline; --- = Chain Link Fence; --- = Concrete Wall; ° = Degrees; Δ = Central Angle; Ø = Diameter; --- = Existing Elevation; ' = Minutes; " = Seconds; --- = Wood Fence; Unless otherwise noted, found markers had no identification	This Survey does not reflect or determine ownership; Legal Description provided by Title Commitment; Underground Encroachments, if any, are not shown; This firm has not attempted to locate footing and/or foundations and/or underground improvements of any nature; If shown, Bearings are referred to an Assumed Meridian; If shown, Elevations are referred to North American Vertical Datum of 1988 (NAVD 88)

Date of Field Work 08-01-2020  
 Revised 11-11-2021  
 Updated 02-15-2023  
 Updated 03-10-2023  
**Aniano J. Garcia PLSM 5105**  
 Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper

**Order No 20-0222**

Project:

**1408 WEST  
LAKE DR  
FT. LAUDERDALE,  
FL**

Notes:

Notes:

1. Calculation 3' AFG. Spill at grade.
2. Based on 23' AFG fixture mounting including 20' poles plus 3' davit arms.

Luminaire Location Summary			
LumNo	Label	Z-luminaire height	Tilt
1	A19	23	0
2	A19	23	0
3	A19	23	0
4	A19	23	0

Luminaire Schedule						
Symbol	Qty	Label	Lumens/Lamp	Arrangement	LLF	Description
	4	A19	N.A.	SINGLE	0.900	LSMT-6-C-X-T4-F-S213-SIX BRICK TYPE 4 1400MA LED W/BACK SHLD

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
COURT	Illuminance	Fc	30.76	46.1	15.7	1.96	2.94
SPILL	Illuminance	Fc	0.80	16.9	0.0	N.A.	N.A.



**CUSTOMER APPROVAL**

- Drawing is approved, proceed with production
- Drawing is not approved, make changes as noted

Customer Signature \_\_\_\_\_

Date \_\_\_\_\_

FILE:

1408westlake5.agi

Date:

4-13-22

**- DUE TO CHANGING LIGHTING ORDINANCES IT IS THE CONTRACTORS RESPONSIBILITY TO SUBMIT THE SITE PHOTOMETRICS AND LUMINAIRE SPECS TO THE LOCAL INSPECTOR BEFORE ORDERING TO ENSURE THIS PLAN COMPLIES WITH LOCAL LIGHTING ORDINANCES.**  
 - THIS LIGHTING DESIGN IS BASED ON INFORMATION SUPPLIED BY OTHERS. CHANGES IN ELECTRICAL SUPPLY, AREA GEOMETRY AND OBJECTS WITHIN THE LIGHTED AREA MAY PRODUCE ILLUMINATION VALUES DIFFERENT FROM THE PREDICTED RESULTS SHOWN ON THIS LAYOUT.  
 - THIS LAYOUT IS BASED ON .IES FILES THAT WERE LAB TESTED OR COMPUTER GENERATED. ACTUAL RESULTS MAY VARY.

