



BOARD OF ADJUSTMENT MEETING

City of Fort Lauderdale
Development Services Department (Lobby)
700 NW 19th Avenue, Fort Lauderdale, Florida 33311

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Wednesday, June 14, 2023
6:00 PM

AGENDA

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

1.	CASE:	PLN-BOA-23030001
	OWNER:	831-845 N FEDERAL HIGHWAY LLC
	AGENT:	LASCELLES GONSALVES
	ADDRESS:	845 N FEDERAL HIGHWAY, FORT LAUDERDALE, FL 33304
	LEGAL DESCRIPTION:	LOTS 42,43,44, AND 45, BLOCK 252 PROGRESSO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS RIGHT OF WAY. SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA. (SEE SURVEY)
	ZONING DISTRICT:	RAC-UV - URBAN VILLAGE DISTRICTS
	COMMISSION DISTRICT:	2
	REQUESTING:	<u>Sec. 5-26. - Distance between establishments.</u>

- Requesting a special exception from the required distance separation of three hundred (300) feet between establishments selling alcoholic beverages. The property is two hundred twenty-nine (229) feet and six (6) inches from the nearest establishment licensed to sell alcoholic beverages. Requesting the distance of separation be reduced from three hundred (300) feet to two hundred twenty-nine (229) feet and six (6) inches, a total reduction of seventy feet (70) and four (4) inches.

This case was Deferred from the April 12, 2023, BOA meeting Agenda.

2.	<p>CASE: PLN-BOA-23020001</p> <p>OWNER: ALBERT R LEPAGE TR LEPAGE; ALBERT R TRSTEE</p> <p>AGENT: JANNA P. LHOTA; HOLLAND & KNIGHT LLP</p> <p>ADDRESS: 1408 WEST LAKE DRIVE, FORT LAUDERDALE, FL 33316</p> <p>LEGAL DESCRIPTION: 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)</p> <p>ZONING DISTRICT: RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY</p> <p>COMMISSION DISTRICT: 4</p> <p>REQUESTING: <u>Sec. 47-19.2. R. - Light fixtures, freestanding.</u></p> <ul style="list-style-type: none"> • 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. <p><u>Sec. 47-19.2. CC. - Tennis courts.</u></p> <ul style="list-style-type: none"> • 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. <p><u>Sec. 47-5.30. - Table of dimensional requirements for the RS-4.4 district. (Note A)</u></p> <ul style="list-style-type: none"> • 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.
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3. **CASE:** PLN-BOA-23030006

OWNER: NOOR, MUSTAFA; NEBEKER, GORDON A

AGENT: TIMOTHY MCCLURE

ADDRESS: 2861 NE 23 STREET, FORT LAUDERDALE, FL 33305

LEGAL DESCRIPTION: LOT 9, BLOCK E, OF CORAL RIDGE NORTH ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 37, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)

ZONING DISTRICT: RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY

COMMISSION DISTRICT: 1

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

- Requesting a variance from the 25 feet minimum front yard requirements of Section 47-5.30 Table of Dimensional Requirements to allow a structure at a setback distance of 24.30 feet whereas the code requires a minimum front yard setback of 25 feet a total variance reduction request of 00.70 feet.

4. **CASE:** PLN-BOA-23040001

OWNER: JACKETT, GRAHAM & SIDNEY

AGENT: N/A

ADDRESS: 2513 GULFSTREAM LANE, FORT LAUDERDALE, FL 33312

LEGAL DESCRIPTION: LOT 50, BLOCK 5 OD LAUDERDALE ISLES NO.2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 33, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)

ZONING DISTRICT: RS-6.85A – IRREGULAR RESIDENTIAL

COMMISSION DISTRICT: 4

REQUESTING: **Note: Sec. 47-39. A.1.b - General provisions**
The following general provisions shall apply to all property located in the Melrose Park and Riverland Road areas, 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.

Sec. 47-19.2. P. - Freestanding shade structures.

- A variance to request a proposed freestanding shade structure to have a rear yard setback of 7 feet whereas the code allows a minimum of 10 feet setback a total variance request of 3 feet.
- A variance to allow a freestanding shade structure at Maximum height of 15 feet whereas the code allows a

maximum height of 12 feet a total variance request for 3 feet increase in height.

Sec. 47-39. A.6.F. - Side yards.

- Requesting a variance to allow a proposed freestanding shade structure to have a side yard setback of 5 feet to the overhang, whereas the code allows a minimum side yard setback of 7.5 feet a total side yard variance reduction request of 2.5 feet.

Sec. 47-39. A.1.b.(3)(g) - Yard encroachments.

- Requesting a variance to allow a proposed freestanding shade structure to have a 0 feet separation between proposed accessory structure and existing principle building whereas the code requires a minimum of 10 feet separation, a total variance request of 10 feet.

Sec. 47-39. A.1.b.(3)(h) - Yard encroachments.

- Requesting a variance to allow a proposed freestanding shade accessory structure with a floor area of 8.81 percent of the plot area whereas the code allows a maximum floor area of 5 percent of plot area, A total increase allowable floor area by 3.81 percent.

Note: Maximum allowed 5 percent = 357.5 square feet
Proposed floor area 8.81 percent =630.0 square feet Total increase in floor area 3.81 percent = 272.5 square feet.

5.	CASE:	PLN-BOA-23040003
	OWNER:	817 NW 1ST STREET LLC
	AGENT:	ANDREW J. SCHEIN, ESQ./LOCHRIE & CHAKAS P. A
	ADDRESS:	817 NW 1 STREET, FORT LAUDERDALE, FL 33311
	LEGAL DESCRIPTION:	LOTS 12,13, AND 14, BLOCK B, AMENDED PLAT OF SUBDIVISION OF BLOCK 7, FORT LAUDERDALE, FLORIDA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 60, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. (SEE SURVEY)
	ZONING DISTRICT:	B-3 HEAVY COMMERCIAL/LIGHT INDUSTRIAL BUSINESS
	COMMISSION DISTRICT:	3

REQUESTING:

Sec. 47-20.15.1. - Backout parking.

- Requesting a Variance from ULDR Section 47-20.15.1. to permit backout parking onto a street rather than an unimproved alley.

Sec. 47-20.15.3. - Backout parking.

- Requesting a variance from ULDR Section 47-20.15.3. to allow the existing backout parking to remain with one peninsular landscape island for every eleven (11) spaces.

Sec. 47-20.15.5. e. - Backout parking.

- Requesting a variance from ULDR Section 47-20.15.5. e. to allow the existing backout parking to remain with one peninsular landscape island for every eleven (11) spaces.

Sec. 47-20.15.5. b. - Backout parking.

- Requesting a variance from ULDR Section 47-20.15.5. b. to expand backout parking that was previously legally permitted.

Sec. 47-20.15.5. h. - Backout parking.

- Requesting a variance from ULDR Section 47-20.15.5. h. to allow the existing backout parking to remain without brick decorative pavers.

6.	CASE:	PLN-BOA-23040004
	OWNER:	TERRACES DEVELOPMENT LLC
	AGENT:	ANDREW J. SCHEIN, ESQ./LOCHRIE & CHAKAS P. A
	ADDRESS:	NE 18 AVENUE, FORT LAUDERDALE, FL 33304
	LEGAL DESCRIPTION:	LOT 1, LESS THE NORTH 15 FEET THEREOF; TOGETHER WITH LOTS 2,3,4, AND 5, LESS THE SOUTH 5 FEET OF SAID LOT 5, ALL IN BLOCK 5, LAKE RIDGE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 24, PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
	ZONING DISTRICT:	RC-15 – RESIDENTIAL SINGLE FAMILY AND CLUSTER/MEDIUM DENSITY
	COMMISSION DISTRICT:	2
	REQUESTING:	<u>Sec. 47-18.33. B.5.d. - Yard requirements.</u> <ul style="list-style-type: none">• Requesting a variance to remove the 5-foot pedestrian access easement requirement at the rear of the property, whereas the code requires a 5-foot pedestrian access easement at the rear of the property. <u>Sec. 47-19.2. Z.1. - Roof mounted structures.</u> <ul style="list-style-type: none">• Requesting a variance to allow the existing 1'-10" parapet to serve as adequate mechanical equipment screening in

lieu of the requirements of Section 47-19.2. Z.1 of the ULDR, which requires that the rooftop mechanical equipment be at least six (6) inches high above the topmost surface of the roof mounted structure, for a total variance of a maximum of 2' – 4".

Sec. 47-25.3.A.3.b.iii. - Screening of rooftop mechanical equipment.

- Requesting a variance to allow the existing 1'-10" parapet to serve as adequate mechanical equipment screening in lieu of the requirements of Section 47-25.3.A.3.b.iii of the ULDR, which requires that the rooftop mechanical equipment be at least six (6) inches high above the topmost surface of the roof mounted structure, for a total variance of a maximum of 2' – 4".

7. **CASE:** **PLN-BOA-23030004**

OWNER: PARE FAM TR; PARE, CLAUDE J TRSTEE ETAL

AGENT: N/A

ADDRESS: 808 SW 22 TERRACE, FORT LAUDERDALE, FL 33312

LEGAL DESCRIPTION: LOT 39, BLOCK 5, BRENDALE HEIGHTS. ACCORDING TO THE MAP OR PLAT THEROF, AS RECORDED IN PLAT BOOK 32, PAGE 40, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)

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

COMMISSION DISTRICT: 3

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

- Requesting a variance to allow an existing freestanding shade structure to have a maximum height of 14.6 feet whereas the code allows a maximum height of 12 feet measured from the ground to the top of the structure. A total variance request of 2.6 feet in height.
- Requesting a variance to allow an existing freestanding shade structure to have a total area of 383.52 square feet for the portion of the structure protruding into the required yard area whereas the code allows a maximum of 200 square feet. A total variance request of 183.52 square feet.

8. **CASE:** **PLN-BOA-23040005**

OWNER: BAZZANO, ROBERT; ROBERT BAZZANO LIV TR

AGENT: BRIAN ANDERSON

ADDRESS: 2160 TANBARK LANE, FORT LAUDERDALE FL 33312

LEGAL DESCRIPTION: A PORTION OF PARCEL "A", TANBARK, ACCORDING TO THE PLOT THEREOF, RECORDED IN PLOT BOOK 82, PAGE 12 OF PUBLIC RECORDS OF BROWARD COUNTY FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF LOT 8, TANBARK; THENCE SOUTH OF 01°29'56" EAST, A DISTANCE OF 241.50 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°54'14" EAST, A

DISTANCE OF 138.52 FEET; THENCE NORTH 12°16'49" WEST, A DISTANCE OF 11.40 FEET; THENCE NORTH 77°43'11" EAST, A DISTANCE OF 7.60 FEET; THENCE SOUTH 12°53'42" WEST, A DISTANCE OF 121.71 FEET; THENCE SOUTH 34°49'03" WEST, A DISTANCE OF 4.95 FEET; THENCE NORTH 62°52'31" WEST, A DISTANCE OF 136.63 FEET; THENCE NORTH 27°07'29" EAST. A DISTANCE OF 80.35 FEET TO THE POINT OF BEGINNING; SUBJECT ROAD, DRAINAGE AND UTILITY EASEMENTS OVER THE WEST 20.00 FEET THEROF. SOLD LAND SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 16,602 SQUARE FEET OR 0.3811 ACRES, MORE OR LESS. (SEE SURVEY)

ZONING DISTRICT: RS-3.52 – IRREGULAR RESIDENTIAL

COMMISSION DISTRICT: 4

REQUESTING: **Note: Sec. 47-39. A.1.b - General provisions**
The following general provisions shall apply to all property located in the Melrose Park and Riverland Road areas, 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.

Sec. 47-19.3. b. - Boat slips, docks, boat davits, hoists, and similar mooring structures.

- Requesting a variance to install 20 lineal feet, 6 feet in height, chain link fence on the dock where the code permits mooring structures only.

9. **CASE:** PLN-BOA-23050003

OWNER: 23 ISLA BAHIA DRIVE LLC

AGENT: STEPHANIE TOOTHAKER, ESQ.

ADDRESS: 23 ISLA BAHIA DR, FORT LAUDERDALE, 33316

LEGAL DESCRIPTION: LOT 37 IN ISLA BAHIA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 47, AT PAGE 27, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)

ZONING DISTRICT: RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY

COMMISSION DISTRICT: 4

REQUESTING: **Sec. 47-5.30. - Table of dimensional requirements for the RS-4.4 district.**

- Requesting a variance from ULDR Section 47-5.30 to allow a corner yard setback of 16 feet where the ULDR requires a corner yard setback of 25 feet for a total variance of 9 feet.

V. COMMUNICATION TO THE CITY COMMISSION

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

Elect Chair and Vice Chair as per ULDR Section 47-36.6- Meeting and procedure B. The board shall elect from its members a chairperson and vice-chairperson at an annual election held in June of each year who shall for terms of the one (1) year and who shall be eligible for reelection.

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.