

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, July 12, 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: **Sec. 5-26. - Distance between establishments.**

- 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 June 14, 2023, BOA meeting Agenda.

Motion to approve failed 0-7.

2. CASE: PLN-BOA-23010001

OWNER: CICALÉ, COURTNEY L & BRYAN

AGENT: N/A

ADDRESS: 1724 SW 4 STREET, FORT LAUDERDALE, FL 33312

LEGAL DESCRIPTION: LOT 7, SANFORD D. ADLER SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 76, PAGE 16, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)

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

COMMISSION DISTRICT: 4

REQUESTING: **Sec. 47-19.2.EE. - Utility and tool sheds, residential districts.**

- Requesting a variance to increase the maximum allowable height of a shed from 10 feet high to 12.5 feet high, a total variance request for an increase in height of 2.5 feet.
- Requesting an increase in the maximum allowable area of a shed from 100 square feet to 160 square feet, a total variance request for an increase in area of 60 square feet.
- Requesting an increase from the maximum allowable length of any side of a shed from 12 feet to 16 feet, a total variance request for an increase in length of 4 feet.

Motion to defer passed 7-0.

3. CASE: PLN-BOA-23030003
OWNER: WALTON, MICHAEL RAYMOND; LOFRIA, MICHELE
AGENT: N/A
ADDRESS: 5560 NE 26 AVENUE, FORT LAUDERDALE, FL 33308
LEGAL DESCRIPTION: LOT 2, BLOCK 3, "GOLF ESTATES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 43, PAGE 26, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA (SEE SURVEY)
ZONING DISTRICT: RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
COMMISSION DISTRICT: 1
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 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 feet in height.
- Requesting a variance to allow an existing freestanding shade structure to have a setback of 7 feet FROM WATER WAY whereas the code requires a minimum of 10 feet setback FROM WATERWAY a total variance request of 3 feet.
- Requesting a variance to allow an existing freestanding shade structure to have a total area of 226.08 square feet for that 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 26.08 square feet

Motion to defer passed 7-0.

4. CASE: PLN-BOA-23050004
OWNER: TIBERIO, JOHN & SHARON
AGENT: N/A
ADDRESS: 3304 NE 16 COURT, FORT LAUDERDALE FL 33305
LEGAL DESCRIPTION: LOT 14, BLOCK 11 LAS OLAS BY THE SEA EXTENSION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 8, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LANDS SITUATE LYING AND BEING IN THE CITY OF FORT

LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 6,212 SQUARE FEET OR 0.1426 ACRES, MORE OR LESS (SEE SURVEY)

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

COMMISSION DISTRICT: 2

REQUESTING: **Sec. 47-19.5. - Fences, walls, and hedges.**

- Requesting a variance to allow an 8-foot-high PVC fence, 96 feet in length, along the west side yard property line starting from the southwest corner, whereas the code allows a maximum height of 6 foot 6 inches above grade. A total variance request of 1 foot 6 inches.

Motion to approve with a condition **passed 5-2.**

5. CASE: **PLN-BOA-23050005**

OWNER: RYE, JOSEPH JESSE

AGENT: PRISCILLA ORTIZ; KYLE MAILLOUS

ADDRESS: 1425-1427 NW 4 AVENUE UNIT 101, FORT LAUDERDALE FL 33311

LEGAL DESCRIPTION: THE SOUTH 25 FEET OF LOT 5, ALL OF LOT 6, AND THE NORTH 25 FEET OF LOT 7, BLOCK 66, PROGRESSO, ACCORDING TO THE MAP OR PLAT THEROF AS RECORDED IN PLAT BOOK 2, PAGE 18, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FDLORIDA. (SEE SURVEY)

ZONING DISTRICT: RDS-15 - RESIDENTIAL SINGLE FAMILY/MEDIUM DENSITY

COMMISSION DISTRICT: 2

REQUESTING: **Sec. 47-19.2.A. - Accessory buildings, structures and equipment, general.**

- Requesting a variance to allow a Granny flat in an existing 2 family dwelling in a RDs-15 zoning whereas the code allows a granny flat or a cottage only when accessory to a standard single-family dwelling in a RD 15 Zoning.

Sec. 47-19.2.A .1- Accessory buildings, structures and equipment, general.

- Requesting a variance to allow an existing detached garage being converted to a Granny

Flat to retain the existing 798.53 square foot footprint with a 206 square foot covered patio whereas the code allows a maximum of 600 square feet for a granny flat or a cottage. A total variance request of 198.53 square feet of granny flat and 206 square feet of covered patio.

Sec. 47-5.32. - Table of dimensional requirements for the RD-15 and RDs-15 districts

- Requesting a variance to allow the existing detached garage being converted to a Granny Flat to have a rear setback of 14.3 feet whereas the code requires 15 feet, a total variance reduction request of 0.7 feet.

Motion to approve failed 0-7.

6. CASE:	PLN-BOA-23060001
OWNER:	F & F INVESTMENT GROUP LLC
AGENT:	ELIZABETH SOMERSTEIN ESQ.; JULIAN BOBILEV
ADDRESS:	2935 RIVERLAND ROAD, FORT LAUDERDALE FL 33312
LEGAL DESCRIPTION:	PARCEL A-A PORTION OF THE EAST 195 FEET OF THE WEST 386 FEET OF THE EAST ONE-HALF (E 1/2) OF BLOCK 13, OF THE AMENDED MAP OF SUBDIVISION OF SECTION 17, TOWNSHIP 50 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEROF, RECORDED IN PLAT BOOK 1, AT PAGE 72, OF THE PUBLIC RECORDS OF DADE COUNTY FLORIDA, SAID LANDS LYING AND BEING IN BROWARD COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECT/ON OF THE NORTH RIGHT-OF WAY LINE OF RIVERLAND ROAD (60 FOOT RIGHT-OF-WAY) AND THE WEST LINE OF THE SAID EAST 195 FEET OF THE WEST 386 FEET OF THE EAST ONE-HALF (E 1/2) OF BLOCK 13; THENCE NORTH 83°45'17" EAST A DISTANCE OF 95.12 FEET TO A POINT; THENCE SOUTH 00°00'42" WEST; A DISTANCE OF 106.85 FEET; THENCE SOUTH 78°55'01" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF RIVERLAND ROAD, A DISTANCE OF 96.33 FEET TO THE POINT OF BEGINNING. AND CONTAINING 10,485.39 SQ.FT. OR 0.240 ACRES. (SEE SURVEY)
ZONING DISTRICT:	RS-3.52 – IRREGULAR RESIDENTIAL
COMMISSION DISTRICT:	4

REQUESTING:

Sec. 47-39. A.6.F.1.-Side yards

- Requesting a variance to allow a newly constructed single family residence building, to have an east side yard setback of 4.53 feet whereas the code requires a minimum of 7.5 feet. A total variance reduction request of 2.97 feet, for a length of 22.65 feet on the east side yard.

Motion to defer passed 7-0.

7. CASE:

PLN-BOA-23060003

OWNER:

BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS

AGENT:

JAMES BOWERS

ADDRESS:

1850-1950 EISENHOWER BOULEVARD, FORT LAUDERDALE FL 33316

LEGAL DESCRIPTION:

ALL OF GOVERNMENT LOT 2, LESS THE NORTH 100 FEET THEREOF, TOGETHER WITH ALL OF THE NORTH ONE-HALF (N ½) OF THE SOUTHWEST ONE-QUARTER (SW ¼) OF THE SOUTHEAST ONE-QUARTER (SE ¼). ALL IN SECTION 14. TOWNSHIP 50 SOUTH, RANGE 42 EAST', TOGETHER WITH A PORTION OF GOVERNMENT LOTS 9 AND 10, IN SECTION 13, TOWNSHIP 50 SOUTH, RANGE 42 EAST, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER, OF SAID SECTION 13; THENCE NORTH 01°23'59" WEST, ALONG THE WEST LINE OF SAID SECTION 13, A DISTANCE OF 2596.91 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE SOUTHEAST 17TH STREET CAUSEWAY; THENCE NORTH 88°28'07" EAST, ALONG THE SAID SOUTH RIGHT-OF-WAY LINE. A DISTANCE OF 359.90 FEET; THENCE SOUTH 14°02'34" EAST A DISTANCE OF 243.79 FEET; THENCE NORTH 89°45'59" WEST A DISTANCE OF 198.54 FEET; THENCE NORTH 50°22' 44" WEST A DISTANCE OF 99.82 FEET; THENCE SOUTH 88° 24'34" WEST A DISTANCE OF 101.60 FEET; THENCE SOUTH OF 01' 40'12"611 EAST A DISTANCE OF 2431.18 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 13; THENCE SOUTH 89° 35'28" WEST, ALONG THE SAID SOUTH LINE, A DISTANCE OF 49.53 FEET TO THE POINT OF BEGINNING, ALSO TOGETHER WITH THE EAST 40 FEET OF THE SOUTH ONE-HALF (S ½) OF THE SOUTHWEST ONE QUARTER (S.W ¼). OF THE SOUTHEAST ONE-QUARTER (S.E ¼) OF SAID SECTION 14. (SEE SURVEY)

ZONING DISTRICT: PEDD- PORT EVERGLADES DEVELOPMENT DISTRICT
COMMISSION DISTRICT: 4
REQUESTING: **Sec. 47-15.23 (Table 1) - GENERAL COMMERCIAL AND INDUSTRIAL SIGNS**

- Requesting a variance to allow a proposed flat wall sign (Sign 1) on the east elevation to be more than 614 square feet whereas the code allows a maximum of 200 square feet. A total variance request of 550 square feet.
- Requesting a variance to allow a proposed flat wall sign (Sign 2) on the south elevation to be more than 614 square feet whereas the code allows a maximum of 200 square feet. A total variance request of 550 square feet.

Sec. 47-22.3. F- Flat signs/wall signs.

- Requesting a variance to allow the east facing sign (Sign 1) on the plans, to extend the height of the sign 10 feet 3 inches above the roof whereas the code permits a maximum of 18 inches.

Motion to approve passed 5-2.

8. CASE: PLN-BOA-23060004
OWNER: PRESTON'S HOLDINGS INC
AGENT: JASON S. CRUSH ESQ.
ADDRESS: 715 E LAS OLAS BOULEVARD, FORT LAUDERDALE FL 33301
LEGAL DESCRIPTION: LOT 5, BLOCK 2, COLEE HAMMOCK, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING AND SITUATE IN BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT: RAC-EMU – REGIONAL ACTIVITY CENTER- EAST MIXED-USE DISTRICT
COMMISSION DISTRICT: 4

REQUESTING:

Sec. 5-26 - Distance between establishments.

- Requesting a special exception from the required distance separation of three hundred (300) feet between establishments selling alcoholic beverages. The property is eighty-three (83) feet from the nearest establishment licensed to sell alcoholic beverages. A total reduction of two hundred seventeen (217) feet.

Motion to approve passed 7-0.

V. COMMUNICATION TO THE CITY COMMISSION

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

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.