



**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
CITY HALL COMMISSION CHAMBERS  
June 14, 2023 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

<b>Board Members</b>	<b>Attendance</b>	<b>Cumulative Attendance 6/2023 through 5/2024</b>	
		<b>Present</b>	<b>Absent</b>
Howard Elfman, Chair	P	1	0
Caldwell Cooper	P	1	0
Bill Kent	P	1	0
Douglas Meade	P	1	0
Howard Nelson	P	1	0
Fred Stresau	P	1	0
Robert Wolfe, Vice Chair	P	1	0
Patricia Rathburn, Alternate	P	1	0

**Staff**

Rhonda Hasan, Assistant City Attorney  
Chakila Crawford, Senior Administrative Assistant  
Jazmine Eveillard, Administrative Assistant  
Burt Ford, Zoning Chief  
James Hollingsworth, Zoning Plan Examiner  
J. Opperlee, Recording Secretary, Prototype Inc.

**Communication to the City Commission**

None

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9.	PLN-BOA- 23050003	23 ISLA BAHIA DRIVE LLC/ STEPHANIE TOOTHAKER, ESQ. Communication to the City Commission For the Good of the City Other Items and Board Discussion	4	<a href="#">13</a> <a href="#">14</a> <a href="#">14</a> <a href="#">14</a>

**I. Call to Order**

The meeting was called to order at 6:02 p.m. Roll was called and a quorum was determined to be present.

**II. Approval of Minutes – April 12, 2023**

**Motion** made by Mr. Nelson, seconded by Mr. Wolfe to approve the Board’s April 12, 2023 minutes. In a voice vote, motion passed unanimously.

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

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

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

**IV. Agenda Items**

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<b>CASE:</b>	<b>PLN-BOA-23030001</b>
<b>OWNER:</b>	831-845 N FEDERAL HIGHWAY LLC
<b>AGENT:</b>	MICHAEL DIDICAL
<b>ADDRESS:</b>	845 N FEDERAL HIGHWAY, FORT LAUDERDALE FL 33304
<b>LEGAL DESCRIPTION:</b>	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)
<b>ZONING DISTRICT:</b>	RAC-UV - URBAN VILLAGE DISTRICTS
<b>COMMISSION DISTRICT:</b>	2
<b>REQUESTING:</b>	<u>Sec. 5-26. - Distance between establishments.</u> <ul style="list-style-type: none"> <li>• Requesting a special exception from the required distance</li> </ul>

	<p>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.</p> <p>This case was Deferred from the April 12, 2023, BOA meeting Agenda.</p>
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The applicant was not present.

**Motion** made by Mr. Nelson, seconded by Mr. Wolfe to table the item to the next agenda, with instructions to staff to inform the applicant that if they did not attend that meeting, the case would not be tabled again. In a roll call vote, motion **passed** 7-0.

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<b>CASE:</b>	<b>PLN-BOA-23020001</b>
<b>OWNER:</b>	ALBERT R LEPAGE TR LEPAGE; ALBERT R TRUSTEE
<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 THEREOF, 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

**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.

**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.

Janna Lhota, agent, gave a presentation describing the request, a copy of which is attached to these minutes for the public record.

Ms. Lhota stated the Harbor Beach Homeowners Association and the neighbors across the street, John and Gayle Payne, supported the request, and the owners had agreed to the Payne's request to put a timer on the tennis court lights.

Mr. Ford informed the Board that there was no specific height limit for lights, so they used the requirements for light poles. Mr. Nelson noted if they reoriented the tennis court north-south instead of east/west, there would be no need for a setback variance. Ms. Lhota said the court had originally been permitted by the City and built in this location. She stated the old poles were this height or taller.

Mr. Nelson was concerned about the setback issues but noted that this had been permitted this way in 2020. Mr. Stresau could not detect fencing in the "before" photo. He said the owner could have chosen to move the court to avoid needing a setback variance. Mr. Nelson noted one of the variance requests referred to the fence but Ms. Lhota said she did not believe a variance was needed for the fence.

Mr. Meade was bothered by the lights, which he feared would disturb the neighbor, but Ms. Lhota said this was the neighbor who had stated support for the requests, provided there was a timer for the lights.

Mr. Cooper was concerned about glare from the lights. He wanted to ensure the lighting was truly directional. Ms. Lhota said staff could check this when issuing the permit.

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

Mr. Wolfe was impressed by the support the owners had received from the homeowners association and the neighbor.

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

To grant the variance requests because they meet the criteria for a variance, with the condition that prior to issuance of permits for the light pole footers, a demonstration of both light and glare impact be made to the satisfaction of City staff. In a roll call vote, motion **passed** 5-2 with Mr. Meade and Mr. Stresau opposed.

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<b>CASE:</b>	<b>PLN-BOA-23030006</b>
<b>OWNER:</b>	NOOR, MUSTAFA; NEBEKER, GORDON A
<b>AGENT:</b>	TIMOTHY MCCLURE
<b>ADDRESS:</b>	2861 NE 23 STREET, FORT LAUDERDALE, FL 33305
<b>LEGAL DESCRIPTION:</b>	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)
<b>ZONING DISTRICT:</b>	RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY
<b>COMMISSION DISTRICT:</b>	1
<b>REQUESTING:</b>	<b><u>Sec. 47-5.30. - Table of dimensional requirements for the RS-4.4 district. (Note A)</u></b> <ul style="list-style-type: none"><li>• 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.</li></ul>

Timothy McClure, agent, described the request.

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

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

To grant the variance request because it meets the criteria for a variance. In a roll call vote, motion **passed** 7-0.

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<b>CASE:</b>	<b>PLN-BOA-23040001</b>
<b>OWNER:</b>	JACKETT, GRAHAM & SIDNEY
<b>AGENT:</b>	N/A
<b>ADDRESS:</b>	2513 GULFSTREAM LANE, FORT LAUDERDALE, FL 33312
<b>LEGAL DESCRIPTION:</b>	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:  
COMMISSION DISTRICT:  
REQUESTING:

RS-6.85A – IRREGULAR RESIDENTIAL  
4

**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.

The applicants were not present.

**Motion** made by Mr. Nelson, seconded by Mr. Wolfe to table the item. In a voice vote, motion **passed** 7-0.

Later in the evening, the applicants arrived.

Sidney Jackett, owner, described the request.

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

Ms. Jackett said the structure would have to be approximately 5' X 5' in order to meet the setback requirements.

**Motion** made by Mr. Nelson, seconded by Mr. Stresau:  
To grant the variance requests because they meet the criteria for a variance. In a roll call vote, motion **failed** 1-6 with only Mr. Kent voting in favor.

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<b>CASE:</b>	<b>PLN-BOA-23040003</b>
<b>OWNER:</b>	817 NW 1ST STREET LLC
<b>AGENT:</b>	ANDREW J. SCHEIN, ESQ./LOCHRIE & CHAKAS P. A
<b>ADDRESS:</b>	817 NW 1 STREET, FORT LAUDERDALE, FL 33311
<b>LEGAL DESCRIPTION:</b>	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)
<b>ZONING DISTRICT:</b>	B-3 HEAVY COMMERCIAL/LIGHT INDUSTRIAL BUSINESS
<b>COMMISSION DISTRICT:</b>	3
<b>REQUESTING:</b>	<b><u>Sec. 47-20.15.1. - Backout parking.</u></b> <ul style="list-style-type: none"><li>• Requesting a Variance from ULDR Section 47-20.15.1. to permit backout parking onto a street rather than an unimproved alley.</li></ul> <b><u>Sec. 47-20.15.3. - Backout parking.</u></b> <ul style="list-style-type: none"><li>• 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.</li></ul> <b><u>Sec. 47-20.15.5. e. - Backout parking.</u></b> <ul style="list-style-type: none"><li>• 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.</li></ul>

**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.

Andrew J. Schein Esq., agent, gave a presentation describing the requests, a copy of which is attached to these minutes for the public record.

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

Mr. Nelson questioned the need for a variance from the paver requirement and Mr. Schein said there may be a drainage issue and the pavers would not match the rest of the streetscape. He later stated that if the first variance was approved, it may be that the pavers were not required because they were under the existing non-conforming parking provisions.

Mr. Stresau remarked that this was a huge improvement over what was there. He thought additional landscaping would make it look even better.

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

To grant the variance requests for Sec. 47-20.15.1., Sec. 47-20.15.3., Sec. 47-20.15.5. e. and Sec. 47-20.15.5. b. because they meet the criteria for a variance. In a roll call vote, motion **passed** 7-0.

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

To grant the variance request for Sec. 47-20.15.5. h. because it meets the criteria for a variance. In a roll call vote, motion **passed** 6-1 with Mr. Nelson opposed.

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<b>CASE:</b>	<b>PLN-BOA-23040004</b>
<b>OWNER:</b>	TERRACES DEVELOPMENT LLC
<b>AGENT:</b>	ANDREW J. SCHEIN, ESQ./LOCHRIE & CHAKAS P. A
<b>ADDRESS:</b>	NE 18 AVENUE, FORT LAUDERDALE, FL 33304
<b>LEGAL DESCRIPTION:</b>	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)
<b>ZONING DISTRICT:</b>	RC-15 – RESIDENTIAL SINGLE FAMILY AND

COMMISSION DISTRICT:  
REQUESTING:

CLUSTER/MEDIUM DENSITY  
2

**Sec. 47-18.33. B.5.d. - Yard requirements.**

- 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.

**Sec. 47-19.2. Z.1. - Roof mounted structures.**

- 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".

Andrew J. Schein Esq., agent, gave a presentation describing the requests, a copy of which is attached to these minutes for the public record.

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

Mr. Ford said the project had been approved showing five-foot access and utility easements along the west and south sides. He said the area to the west was not a common area; these were fee simple units and it was all private property. Mr. Schein stated it was common area, per the townhouse declaration.

Mr. Stresau did not understand why the planning department insisted on a five-foot easement and then the developer installed a fence with no gates for access. Mr. Nelson said if they were going to keep the alley, they should install openings so it met the intent of the code, which was to allow access to the backyard without going through the house.

Mr. Schein and Board members discussed workers accessing the rear yards. Mr. Schein said if a repair requiring larger equipment in the rear of the townhouses was needed, the workers would need to access through the easement area.

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

To grant the variance request for Sec. 47-18.33. B.5.d. because it meets the criteria for a variance.

Mr. Meade suggested amending the motion to reduce the 5-foot easement requirement instead of eliminating it as requested. The amendment was not seconded and Mr. Stresau refused it.

In a roll call vote, motion **passed** 5-2 with Mr. Cooper and Mr. Nelson opposed.

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

To grant the variance request for Sec. 47-19.2. Z.1. because it meets the criteria for a variance. In a roll call vote, motion **passed** 6-1 with Mr. Stresau opposed.

Mr. Nelson noted that if they approved the second request, it negated the need for the additional screening in the third variance request. [The Board did not vote on the request regarding Sec. 47-25.3.A.3.b.iii. - *Screening of rooftop mechanical equipment.*]

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<b>CASE:</b>	<b>PLN-BOA-23030004</b>
<b>OWNER:</b>	PARE FAM TR; PARE, CLAUDE J TRUSTEE ET AL.
<b>AGENT:</b>	N/A
<b>ADDRESS:</b>	808 SW 22 TERRACE, FORT LAUDERDALE, FL 33312
<b>LEGAL DESCRIPTION:</b>	LOT 39, BLOCK 5, BRENDALE HEIGHTS. ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 32, PAGE 40, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
<b>ZONING DISTRICT:</b>	RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
<b>COMMISSION DISTRICT:</b>	3
<b>REQUESTING:</b>	<b><u>Sec. 47-19.2. P.- Freestanding shade structures.</u></b> <ul style="list-style-type: none"><li>• 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.</li><li>• 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.</li></ul>

Claude Pare, owner, described the request. Mr. Pare informed the Board that Seminole Tiki Hut had built the hut. There was no electricity and no side setback variance was needed.

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

Mr. Cooper was concerned this would set a precedent, noting the hut exceeded the height of the home. Mr. Nelson felt the Board did not have jurisdiction over the height or size of a Hut built by tribal members, as long as the structure did not have additional elements such as electricity, providing it met zoning setback requirements. Ms. Hasan said the Tiki Hut exemptions applied to the Florida Building Code, unless electrical, plumbing, etc. were added. A municipality could still enforce all zoning codes.

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

To grant the variance requests because they meet the criteria for a variance. In a roll call vote, motion **failed 4-3** with Mr. Cooper, Mr. Meade and Mr. Stresau opposed.

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<b>CASE:</b>	<b>PLN-BOA-23040005</b>
<b>OWNER:</b>	BAZZANO, ROBERT; ROBERT BAZZANO LIV TR
<b>AGENT:</b>	BRIAN ANDERSON
<b>ADDRESS:</b>	2160 TANBARK LANE, FORT LAUDERDALE FL 33312
<b>LEGAL DESCRIPTION:</b>	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 THEREOF. SOLD LAND SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTRY, FLORIDA AND CONTAINING 16,602 SQUARE FEET OR 0.3811 ACRES, MORE OR LESS. (SEE SURVEY)

ZONING DISTRICT:  
COMMISSION DISTRICT:  
REQUESTING:

RS-3.52 – IRREGULAR RESIDENTIAL  
4

**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.

Brian Anderson, Broward County Fence, described the request. He said the fence would be within the property lines because in this case, the homeowner also owned the dock.

Robert Bazzano, owner, said the adjacent property was being used as an Airbnb and tenants from that property were using his dock and his property. He said when he purchased the property, there was a fence in this location but he had removed it. He added that he had an elderly father living with him who he needed to keep from wandering, as well as a large dog he wanted to restrict to his own property.

Mr. Ford said the code specified that only a mooring device could be built on a dock. There were no provisions in the code to distinguish between docks in the right-of-way and on private property, as this one was. He acknowledged this was a unique situation.

Mr. Cooper suggested a nicer fence than chain link so it was not an eyesore from the waterway. Mr. Ford said the code indicated an opaque fence along the property line could not extend the last 10 feet of the property line to prevent obscuring views. That last 10 feet of fence to the waterway must be 75% non-opaque, such as an aluminum picket fence.

Vice Chair Elfman opened the public hearing.

Gunnar Barcomb, the next door neighbor, provided photos of fence structures that had been on his and Mr. Bazzano's properties. He said the chain link fence was not appropriate. He said in November 2022, he had refused to allow Mr. Bazzano to build a boat lift on Mr. Barcomb's property and this was retaliation for that.

Mr. Nelson asked if Mr. Barcomb would object to a different style of fence. Mr. Barcomb said he would prefer there not be a fence.

Mr. Stresau wanted the neighbors to agree on a style of fence.

Mr. Barcomb informed Mr. Cooper that he no longer rented the property and would be moving into it himself.

Mr. Anderson suggested aluminum, vertical slat fencing, which was 75% transparent. Mr. Cooper wanted to limit the height and Mr. Stresau suggested the fence be the same height as the rock wall. Mr. Bazzano agreed.

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

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

To grant the variance request because it meets the criteria for a variance, with the condition that the fence be aluminum vertical slat with 70% porosity and be no taller than the height of the block wall. In a roll call vote, motion **passed** 7-0.

The Board took a brief break.

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<b>CASE:</b>	<b>PLN-BOA-23050003</b>
<b>OWNER:</b>	23 ISLA BAHIA DRIVE LLC
<b>AGENT:</b>	STEPHANIE TOOTHAKER, ESQ.
<b>ADDRESS:</b>	23 ISLA BAHIA DR, FORT LAUDERDALE, 33316
<b>LEGAL DESCRIPTION:</b>	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)
<b>ZONING DISTRICT:</b>	RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY
<b>COMMISSION DISTRICT:</b>	4
<b>REQUESTING:</b>	<b><u>Sec. 47-5.30. - Table of dimensional requirements for the RS-4.4 district.</u></b> <ul style="list-style-type: none"><li>• 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.</li></ul>

Stephanie Toothaker Esq., agent, gave a presentation describing the request, a copy of which is attached to these minutes for the public record. She discussed the letters of

support they had received, including from a neighbor who had initially objected to the request.

Ms. Toothaker confirmed for Mr. Nelson that the existing home was closer to the property line than the proposed new home would be. She did not think the original home had any variances; she thought the code may have changed. Mr. Nelson noted two houses on the other side of the causeway also had this issue.

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

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

To grant the variance request because it meets the criteria for a variance. In a roll call vote, motion **passed** 6-1 with Mr. Stresau opposed.

**Communication to the City Commission** [Index](#)

None

**Report and for the Good of the City** [Index](#)

Election of Chair and Vice Chair

**Motion** made by Mr. Nelson, seconded by Mr. Wolfe to elect Mr. Elfman Chair. Motion **passed** 7-0.

**Motion** made by Mr. Nelson, seconded by Mr. Mead to elect Mr. Wolfe Vice Chair. Motion **passed** 7-0.

**Other Items and Board Discussion** [Index](#)

Mr. Cooper requested a flag be present at the next meeting. Mr. Nelson thought a flag should be present in the building at all times. Mr. Cooper also asked for better speakers at the next meeting, as he was having trouble hearing.

Board members requested a verbiage sheet for motions.

There being no further business to come before the Board, the meeting adjourned at 8:32 p.m.

Chair:



A handwritten signature in black ink, appearing to read "David Stresau", is written over a horizontal line.

Attest:



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ProtoType Inc.

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

**1408 West Lake Drive  
Harbor Beach**

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

**City of Fort Lauderdale  
Board of Adjustment**

**June 14, 2023**

## Variance Request

### **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.

### **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.

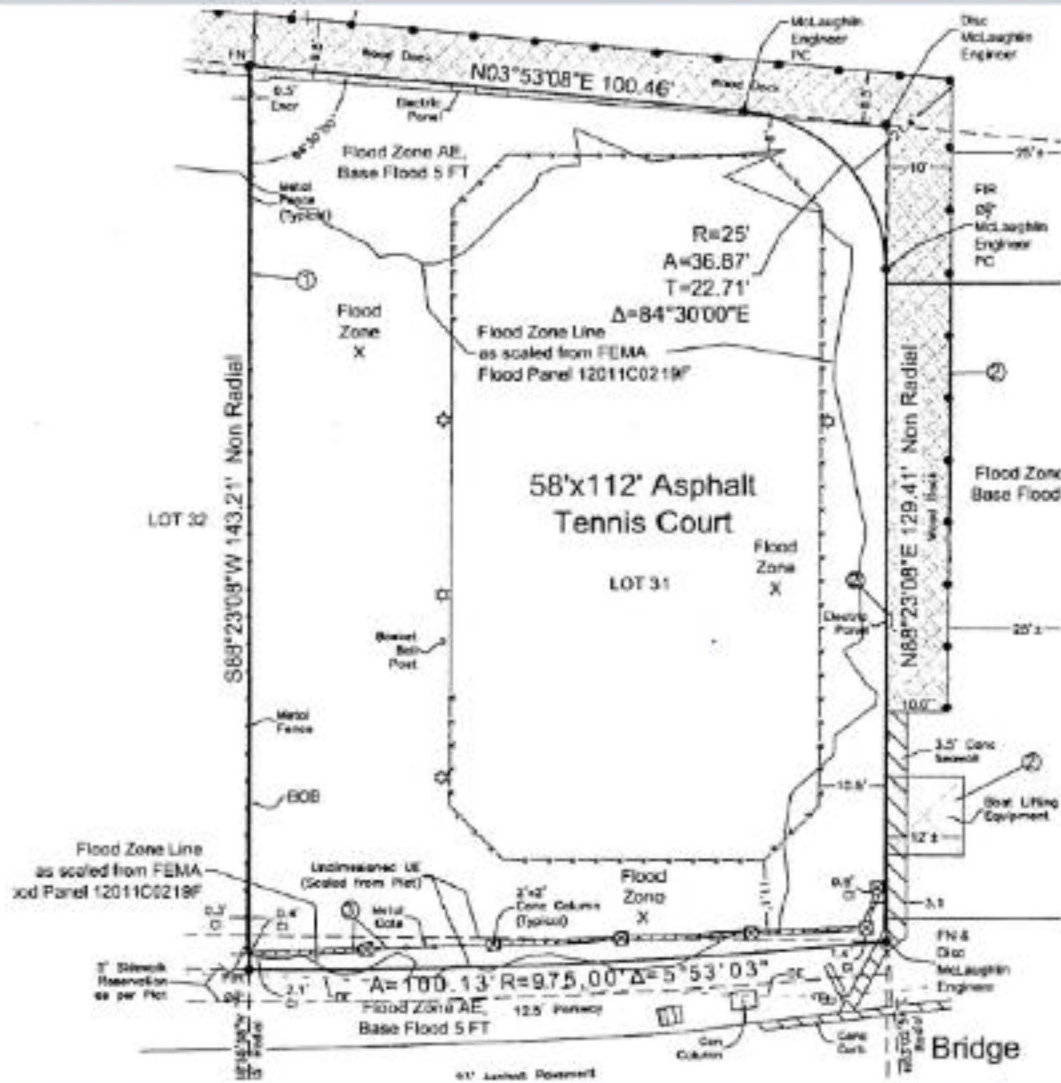
## Aerial - Context



# Aerial



# 2020 - Survey



## Before Photograph



## 2020 Aerial



In 2021, the Owner sought and obtained the following building permits:

- BLD-CALT-21020026 for demolition and reconstruction of the tennis court
- BLD-FEN-20120098 for the fence surrounding the tennis court
- ELE-RES-21020038 for the electrical for tennis court lighting

### **Sec. 47-19.2. Accessory buildings, structures and equipment, general.**

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.

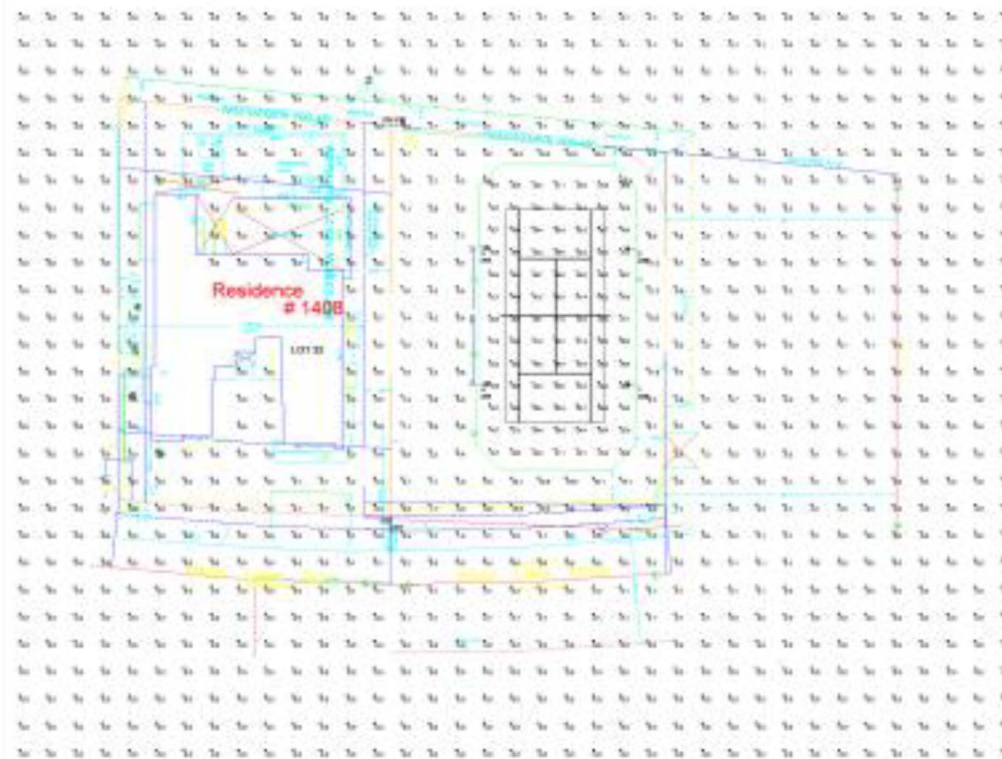
CC. *Tennis courts.* Tennis courts accessory to a standard single family dwelling may be permitted within the required side or rear yards but no closer than ten (10) feet from any property line. Any fence enclosing the tennis court shall not exceed ten (10) feet in height and shall be screened with a 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.



## Photographs



# Photometric



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

Luminaire	Label	Height	Spill
1	A 20	20	0
2	A 20	20	0
3	A 20	20	0
4	A 20	20	0

Quantity	Size	Label	Mounting	Arrangement	CUF	Description
4	20	A 20	20'	SPALL	0.00	20' AFG 2' X 2' X 1' 10" 20' BRK BKX TYP 4 WARM LED 1800K 3000

Label	CUF/Type	Label	Avg	Min	Max	Height	Spill
Control	Maximum	FC	95.95	0.1	95.1	1.00	0.00
SPILL	Maximum	FC	0.00	0.0	0.0	N/A	0.0

**DISCLAIMER:** DUE TO CHANGING LIGHTING CONDITIONS IT IS THE CONTRACTOR'S RESPONSIBILITY TO SUBMIT THE SITE PHOTOMETRICS AND LUMINAIRE SPEC'S TO THE LOCAL INSPECTOR BEFORE ORDERING TO BEBUILT. THIS PLAN COMPLIES WITH LOCAL LIGHTING ORDINANCES. THIS LIGHTING DESIGN IS BASED ON THE CONDITIONS SUPPLIED BY OTHERS. CHANGES IN ELECTRICAL SUPPLY, AREA, GEOMETRY AND OBJECTS WITHIN THE LIGHTED AREA MAY PRODUCE ILLUMINATION VALUES DIFFERENT FROM THE PRACTICED RESULTS SHOWN ON THIS LAYOUT. THIS LAYOUT IS BASED ON 20' POLES THAT WERE LAB TESTED ON COMPLETION. GENERALLY, ACTUAL RESULTS MAY VARY.



**CUSTOMER APPROVAL**

Drawing is approved, proceed with production

Drawing is not approved, make changes as noted

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

**TECHLIGHT**  
2707 SATSUMA  
DALLAS, TX  
75229

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

Notes:

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FILE:  
1408westlake5.agi

Date:  
4-13-22

## Variance Request

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