



**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS
July 12, 2023 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

Board Members	Attendance	Cumulative Attendance 6/2023 through 5/2024	
		Present	Absent
Howard Elfman, Chair	P	2	0
Caldwell Cooper	P	2	0
Bill Kent	P	2	0
Douglas Meade	P	2	0
Howard Nelson	P	2	0
Fred Stresau	P	2	0
Robert Wolfe, Vice Chair	P	2	0
Patricia Rathburn, alternate	P	2	0
Milton Jones, alternate	P	1	0

Staff

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

Communication to the City Commission

None

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I. Call to Order

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

II. Approval of Minutes – June 14, 2023

Mr. Nelson said Mr. Cooper's name was misspelled. He said the last paragraph on the last page should be deleted as well. Ms. Hasan stated there was a question regarding Case 6 at the June meeting.

Motion made by Mr. Nelson, seconded by Mr. Cooper to defer approval of the Board's June 14 2023 minutes until the August meeting so they had clarification regarding Case 6. In a roll call vote, motion passed 7-0.

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

1.

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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:
COMMISSION DISTRICT:
REQUESTING:

RAC-UV - URBAN VILLAGE DISTRICTS
2

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.

The applicant was not present.

Motion made by Mr. Wolfe, seconded by Mr. Cooper to table the item indefinitely because the applicant was not present. In a roll call vote, motion **passed** 6-1 with Mr. Nelson opposed.

Motion made by Mr. Nelson, seconded by Mr. Meade to reconsider. In a voice vote, motion passed unanimously.

Ms. Hasan said she and Mr. Malik had discussed the "indefinite tabling" of the item. She stated a deferral could mean tacit approval if the case was not heard within 180 days, so she suggested the Board could grant a deferral for another month or two or hear the case. Mr. Stresau had mentioned there were no signs on the property prior to the meeting, which meant the case did not meet notice requirements.

In a roll call vote, the **motion** for reconsideration passed 5-2 with Mr. Stresau and Mr. Wolfe opposed

Motion made by Mr. Nelson, seconded by Mr. Cooper to:
Approve the Special Exception because it meets the criteria. In a roll call vote, motion **failed 0-7.**

2.

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CASE:

PLN-BOA-23010001

OWNER:

CICALE, 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.

Bryan and Ed Cicale described the request.

Chair Elfman opened the public hearing.

Michael Mote, adjacent neighbor to the rear, said he did not oppose the shed, but opposed the location, which he said was "in our face." He later said the height bothered him.

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

Bryan Cicale noted the shed would not be easy to relocate because of how they had elevated it to protect it from flooding. Ed Cicale offered to plant hedges to camouflage the shed and Bryan Cicale agreed. Mr. Nelson pointed out that the issue was that the shed was too large, not its location.

Mr. Cooper suggested Mr. Cicale could return with a flood level. Mr. Nelson wanted to know the height of the actual structure. Mr. Ford explained that a shed was for storage and there was no FEMA Base Flood Elevation [BFE] for storage, but the City's ULDR measured height from the finished floor of the *principle* building for accessory

structures. Mr. Stresau suggested Mr. Cicale drop the roof two feet and add landscaping. Ms. Hasan said if this were deferred, Mr. Cicale could be granted an extension when he appeared before the Special Magistrate regarding this structure.

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

To grant a deferral to the next regularly scheduled Board meeting. In a roll call vote, motion **passed 7-0**.

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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:	<u>Sec. 47-19.2. P.- Freestanding shade structures.</u>

- 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

Michael Walton, owner, described the request. He had provided letters from some neighbors indicating their support for the Tiki Hut.

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

Chair Elfman asked about sign placement and Mr. Malik stated it should abut the right-of-way and not be attached to the main house. Mr. Walton said he had put it on the fence because a passer-by could see the Tiki Hut and the notice from there. He said they had also mailed 48 notices to neighbors.

Mr. Nelson asked how the 200 gross square footage “for that portion of the structure protruding into the required yard area” was measured and Mr. Hollingsworth stated it was measured from the outside edge of the overhang. Mr. Malik agreed, and added that the setbacks were measured to the overhang as well. Mr. Hollingsworth said the request was for an additional 26 square feet.

Mr. Wolfe noted the number of Tiki Hut issues brought to the Board and suggested the City look at this issue and put more information on the City’s website. Mr. Stresau said the City could also communicate with the Seminole Tribe.

Mr. Nelson wanted to know the floor of the patio to roof elevation before making a decision. Mr. Walton stated it was 14 feet. Mr. Stresau said it was eight feet from the floor to the point where the horizontal members bore on the top of the columns and another six feet to the peak. He wanted to be sure they measured the overall height from the slab the Tiki Hut sat on to the top of the peaked portion of the roof. He estimated it would be 16 feet, not 14 feet.

Motion made by Mr. Nelson, seconded by Mr. Wolfe:
To grant a deferral to the next regularly scheduled Board meeting. In a roll call vote, motion **passed 7-0**.

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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:	<u>Sec. 47-19.5. - Fences, walls, and hedges.</u>

- 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.

Chair Elfman noted there was one letter of objection regarding the fence material in the file.

John Tiberio, owner, provided a Power Point presentation, a copy of which is attached to these minutes for the public record.

Chair Elfman opened the public hearing.

Brian Donaldson, president of the Birch Park Beach HOA, spoke in favor of the application. He said the proposed fence location was along the "least valuable lot line" for the adjacent property.

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

Mr. Ford stated the property was in an X zone, so the fence height was measured from existing grade.

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

To grant the variance request due to the unique circumstances of this property and its relationship to the adjacent property and the construction, that granting a variance for fence height would meet the letter and intent of the ULDR and the requirements for a variance.

Mr. Stresau referred to the criteria for a variance, specifically :

- D. That 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.

He said, "If I ever saw one, this is a self-created [hardship]." Mr. Wolfe disagreed, and noted that the characteristics of the neighboring property lent itself to some hazards. It also meant a lot to him that the homeowners association was in favor of it. Mr. Stresau noted the adjacent property would be redeveloped and the new owner would be faced with the eight-foot tall fence. Mr. Cooper agreed with Mr. Stresau and felt there were other ways to address the problem, such as adding landscaping.

Mr. Nelson suggested amending the motion to indicate that the variance only applied "so long as the neighboring structure stayed in place." Mr. Wolfe agreed to the

amendment. Mr. Stresau felt this could not be enforced. Mr. Meade agreed with Mr. Cooper that landscaping could hide the adjacent property from view.

Mr. Nelson restated his amendment, to indicate the variance only applied "until the existing adjoining structure is demolished and is replaced."

Mr. Tiberio thought it would take 20 years for a new hedge to grow to a satisfactory height.

Mr. Meade suggested an amendment to indicate that the new neighbor would have the option to replace the fence, at their own expense. Chair Elfman asked if Mr. Tiberio could request to keep the eight-foot fence if the new adjacent owner increased the elevation when the property was redeveloped. Mr. Malik said this was possible.

Mr. Nelson restated his motion:

Because it meets the requirements for a variance under 4724-12, that the variance be granted to allow an eight-foot fence on the property line adjoining the applicant's property and 3300 NE 16th Court, and that fence be allowed to remain until such time as the structure on 3300 NE 16th Court is demolished and rebuilt.

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

5.

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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 THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 18, PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA. (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.

Kyle Maillous, agent, gave a presentation describing the requests, a copy of which is attached to these minutes for the public record.

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

Mr. Malik stated this zoning district used to be RD and when it was converted to RD-S, they were allowed to have whatever had been allowed in RD. New construction was limited to single family. He stated they could also build a granny flat with a new single family. Mr. Maillous said there would only be three units, not four.

Mr. Ford stated he had found a permit for a detached garage, which Mr. Nelson said had subsequently been converted to a granny flat.

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 0-7**.

The Board took a brief break.

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 THEREOF, 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.

Mr. Fawzi Faroun, owner of the property, requested a deferral to the Board's next scheduled meeting.

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

To grant a deferral to the Board's August meeting. In a roll call vote, motion **passed** 7-0.

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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' 4012611 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.

James Bowers, architect, gave a Power Point presentation, a copy of which is attached to these minutes for the public record.

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

Mr. Nelson said residents were pleased to have this cruise line in Fort Lauderdale and appreciated the great work of the Greater Fort Lauderdale Convention and Visitors Bureau. He asked if cruise passengers could potentially get lost in a dangerous area without the signs. Mr. Bowers stated Port Everglades was a very secure area. Mr. Meade said this sign was not directional for cruise passengers; it was advertising. Mr. Bowers said the main garage entrance was at this location and if someone missed this sign, they would miss the entrance to the parking structure.

Mr. Bowers said this was an opportunity to create a sign that would not impact neighbors. He stated terminal 25 had a "massive" sign on its façade, and terminals 2 and 18 had signs, all of which exceeded 20 feet. Mr. Bowers stated the sign was not lighted.

Mr. Stresau felt the signage on the south elevation was acceptable but the east elevation sign, which extended above the roof, was advertising.

Mr. Wolfe acknowledged the economic impact of Port Everglades and said he supported the variance requests.

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 **passed** 5-2 with Mr. Cooper and Mr. Stresau opposed.

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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.

Jason Crush, agent, gave a presentation describing the request, a copy of which is attached to these minutes for the public record. He noted the criteria for a special exception required the business not to be incompatible with adjoining properties or neighborhood or be otherwise contrary to the public interest. He described the surrounding neighborhood and uses, showing this was compatible with other uses and not contrary to the public interest.

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

Mr. Cooper said putting the front door on the back alley would mean they did not need a special exception.

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

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

Communication to the City Commission [Index](#)

Mr. Wolfe wanted the City to revisit the Tiki Hut issue. Mr. Malik stated they could update the website zoning page with sketches, photos and architectural dimensions, and Mr. Ford suggested adding a link to the pertinent ULDR. Mr. Malik pointed out that Tiki Hut contractors “they just do whatever they want to [and] in the end, the owners get stuck.” Mr. Stresau said it would make him feel better for someone from the City to communicate to the Tribe that Tiki Huts must comply with the zoning code.

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

None

Other Items and Board Discussion

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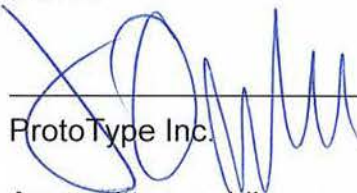
None

There being no further business to come before the Board, the meeting adjourned at 9:01 p.m.

Chair:



Attest:



ProtoType Inc.

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

PLN-BOA-23050004

VARIANCE PLAN FOR 8-FOOT-HIGH SECTION OF FENCE

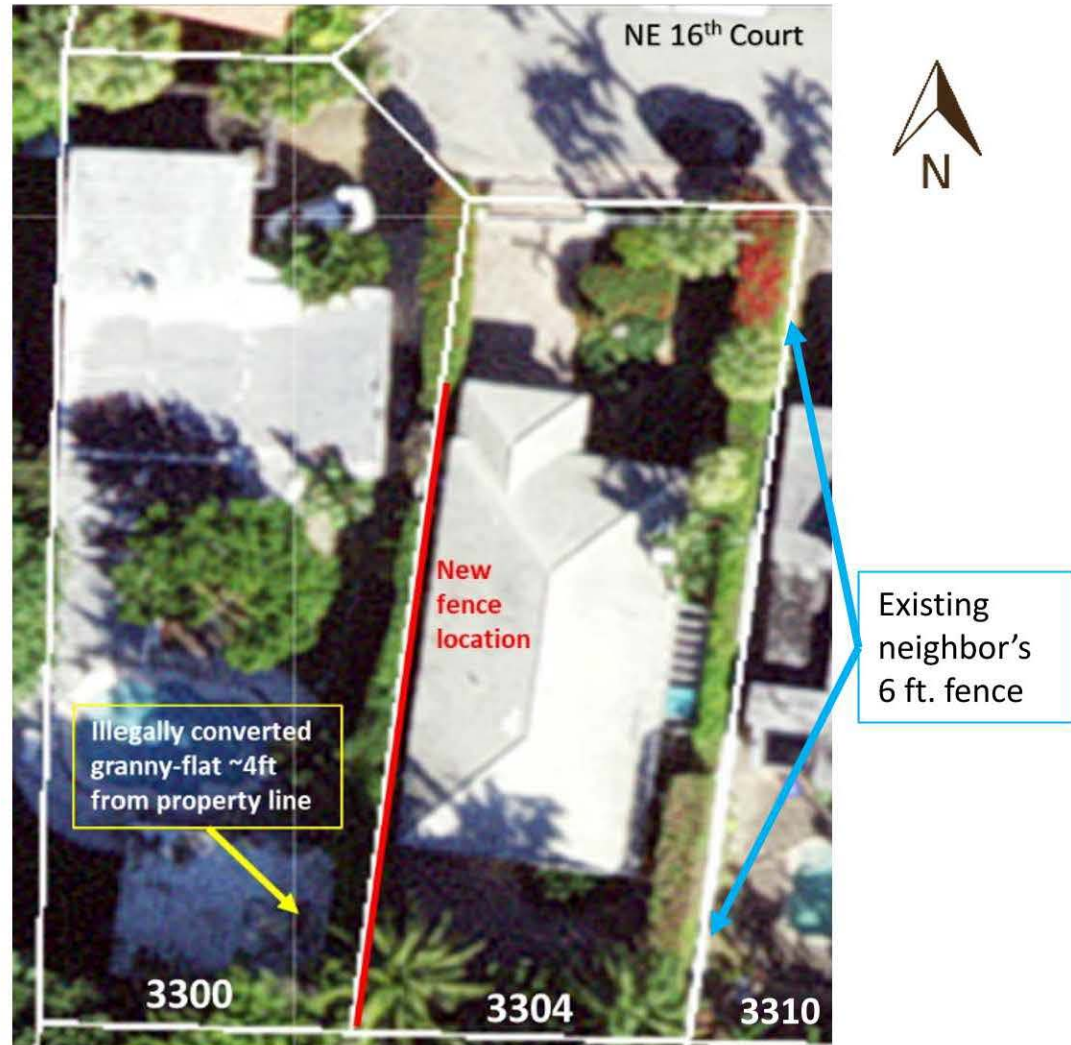
John and Sharon Tiberio
3304 NE 16th Court
Fort Lauderdale, FL 33305

SUMMARY

1. Overview of reasons for request
2. Enlarged survey of our property with detailed measurements supporting our request
3. Interior sight views from our home of neglected next door property
(*our current landscaping is in place which will be removed and replaced with solid privacy fence if approved)
4. Images of the neglected (14-year foreclosure) property next door and proximity to our home
5. Images of proposed fence style (same as our neighbor to the east)

3304 NE 16 Ct Property Overview

- Seeking variance for 8-foot-high fence.
- Tall hedges and plants currently provide a degree of privacy from rundown property at 3300 with Granny-Flat close to property line.
- Hedges are thinning and deteriorating due to age and recurrent white fly disease despite regular treatments; Jasmine trellises failing.
- Due to slope from 3310 to 3300 a 6 ft privacy fence would not be adequate to block view of 3300 from our home.
- New fence would not extend beyond the NW corner of our house and would not impact the front yard or street view.





East Side Back Yard Granny Flat



Their east Side Front Yard

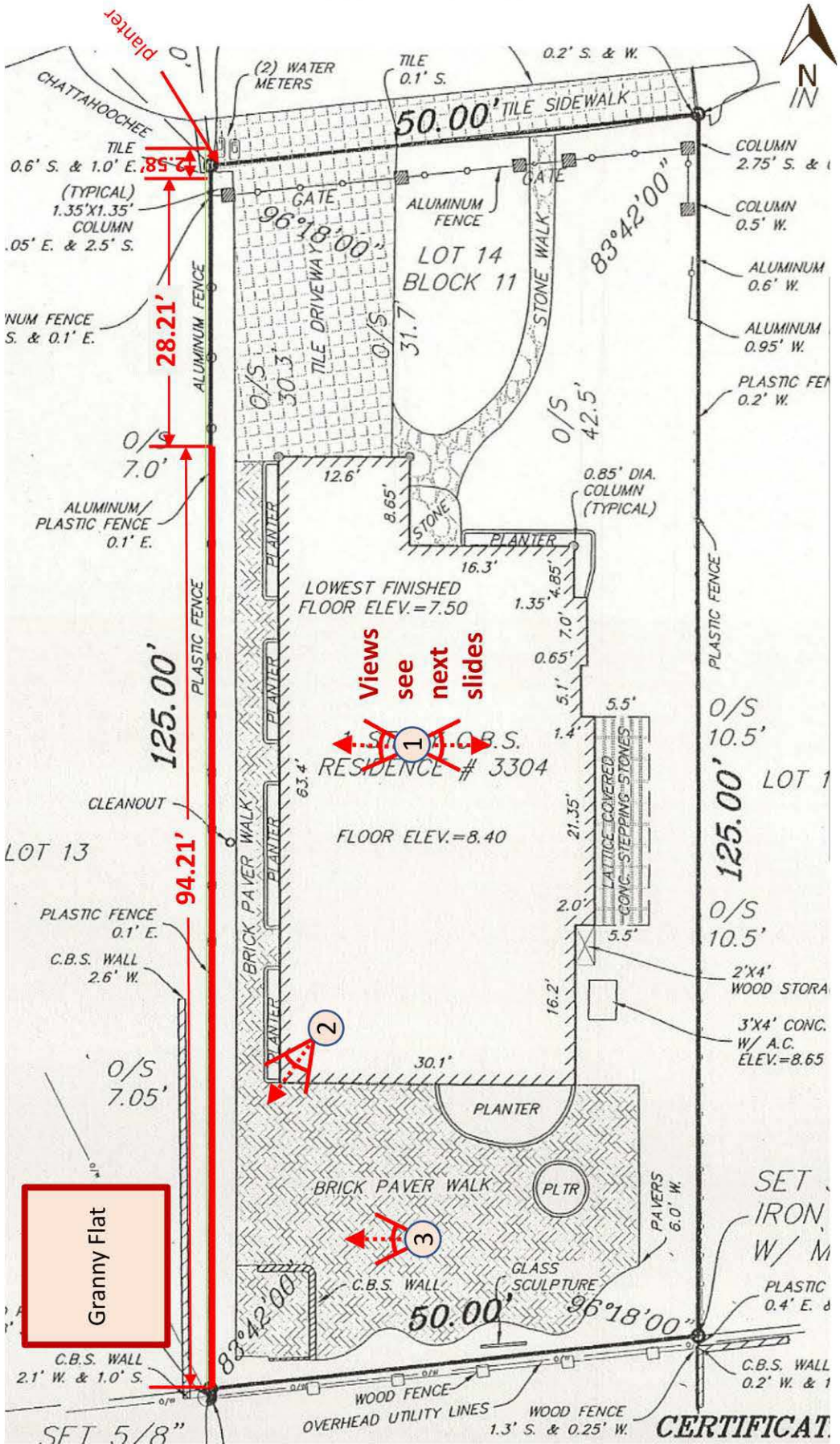
Next Door Neglected Foreclosure Property



3300 NE 16th Court

3304 NE 16th Court

PLN-BOA-23050004



Granny Flat

Views see next slides

RESIDENCE # 3304

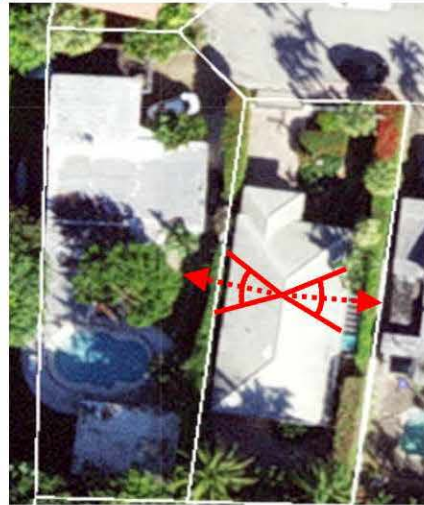
CERTIFICATE

① Interior Sight Views From Our Dining Room

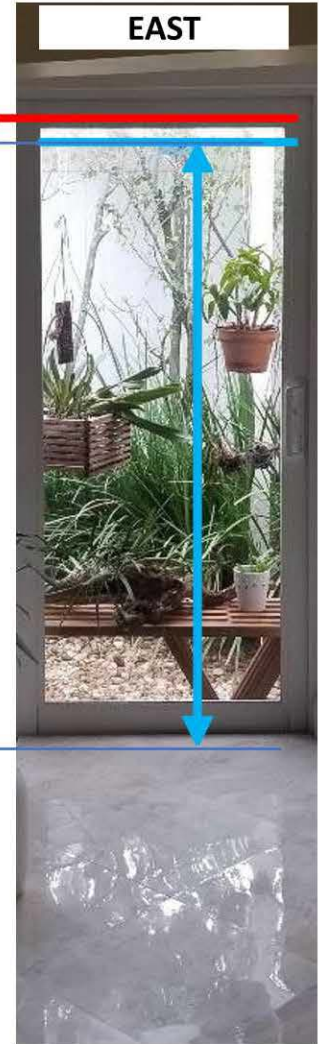


Top of a 6' fence from East side neighbor projected to our West elevation.

Top of a 6' fence from our West elevation.



Top of east neighbor's 6' fence

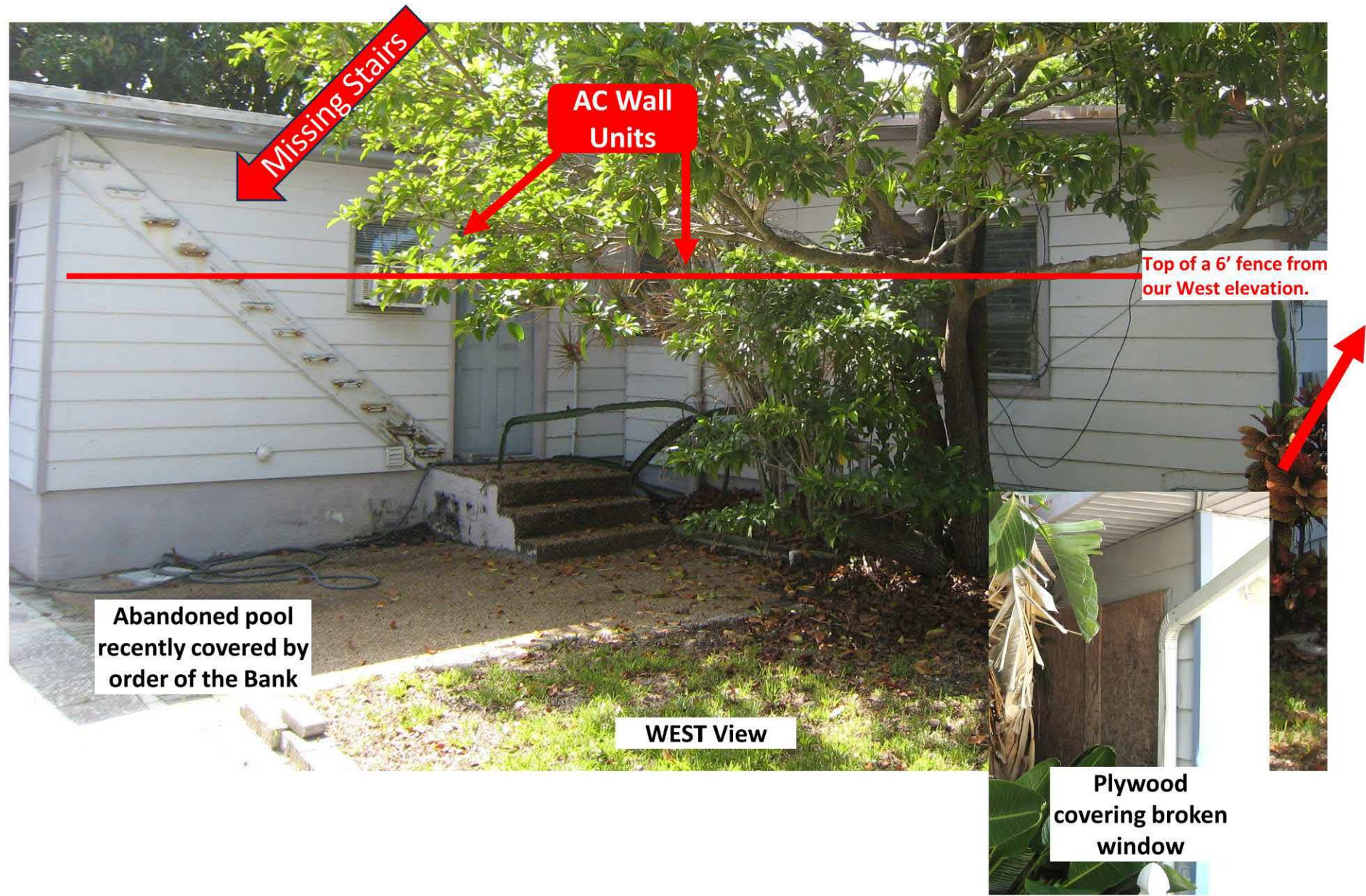


EAST

Blue lines are reference from Lowest Finished Floor Elevation.

West and East Views are from our center of living area. This shows west side drop-off and why a 6 ft fence would not provide adequate privacy.

① 6 Foot view line from our Kitchen



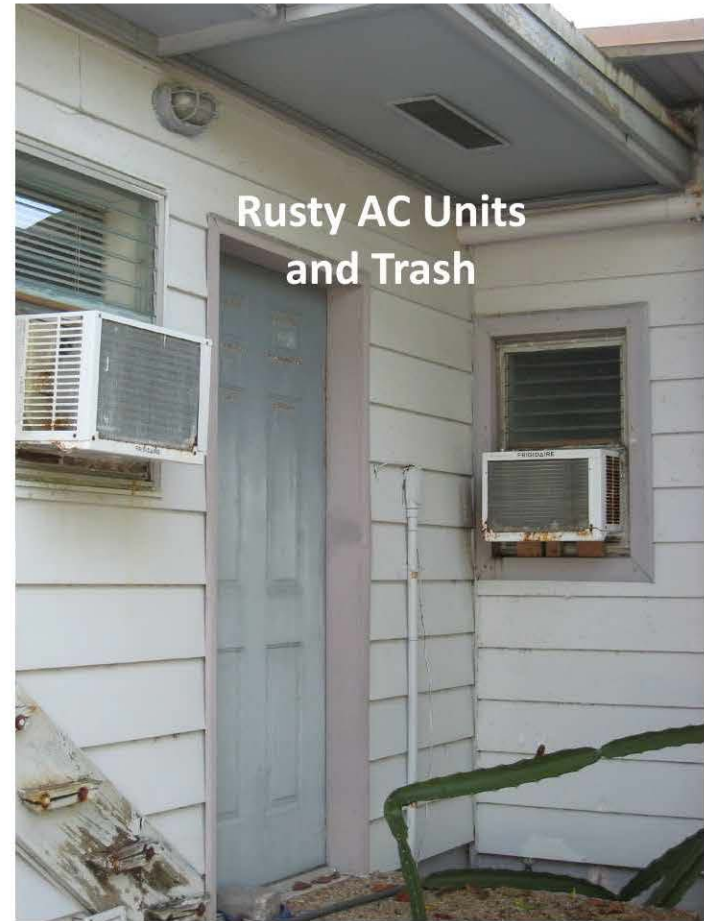
Abandoned pool recently covered by order of the Bank

WEST View

Plywood covering broken window

①

6 Foot view line detail from our Kitchen of main house



WEST View

①

Kitchen “reverse view” (from neglected property looking at our home)

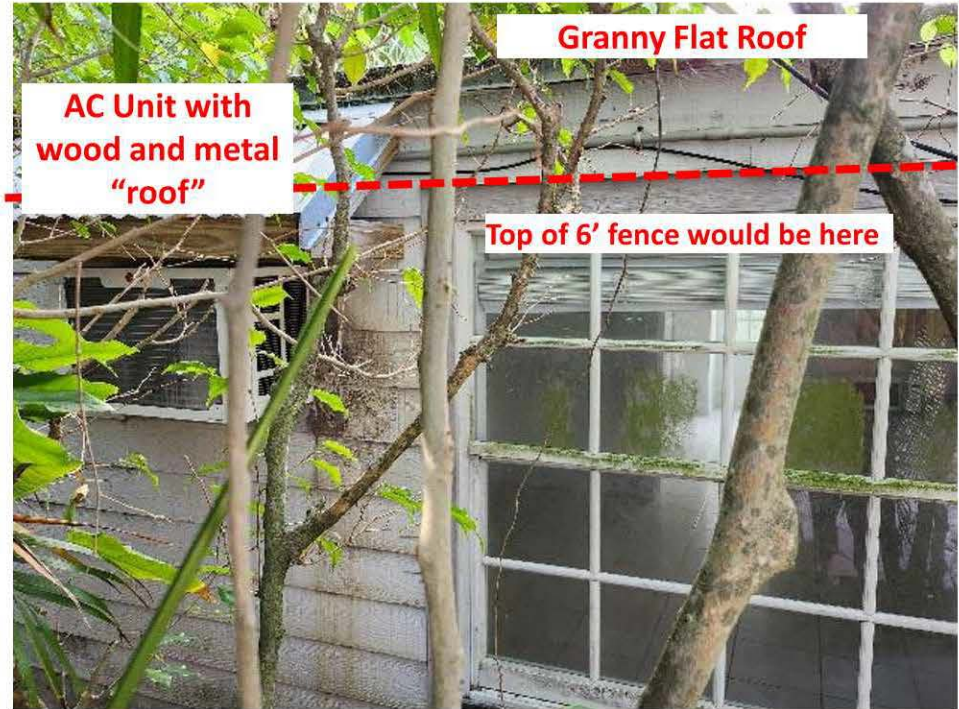
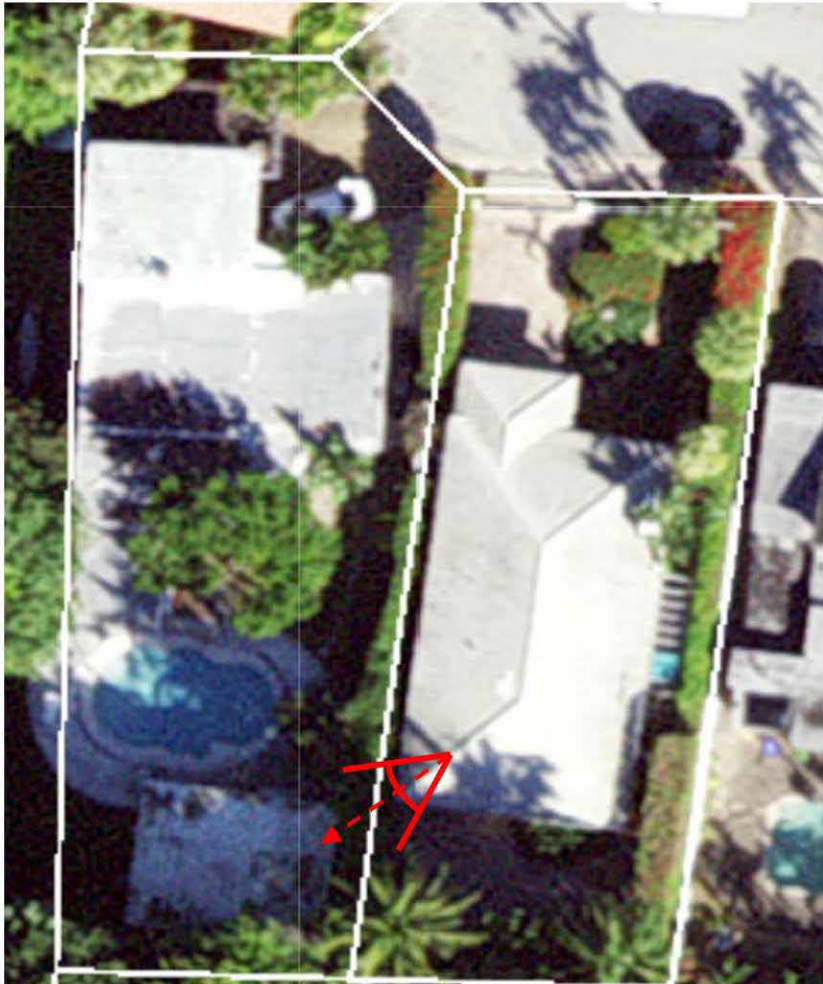


Our
Kitchen
Door

8-foot-high shrubs will be removed and replaced before Fence installation increasing view of the rundown property. Shrub line is overgrown as property owner has denied access for maintenance and trimming.

Abandoned pool recently covered by order of bank

② View From Our West Bedroom



② 6 FT view line Bedroom



Shrubs will be removed

Granny Flat Side is located within 5 ft setback

A/C unit less than 3ft from property line

Building is less than 4 ft from property line

Top of a 6' fence from our West elevation.

Shrubs will be removed

Granny Flat Side is located within 5 ft setback

② Granny Flat Setback

Extra height needed for view and noise abatement

Top of a 6' fence from our West elevation.

Property Line

Less than 3ft

Less than 4 ft

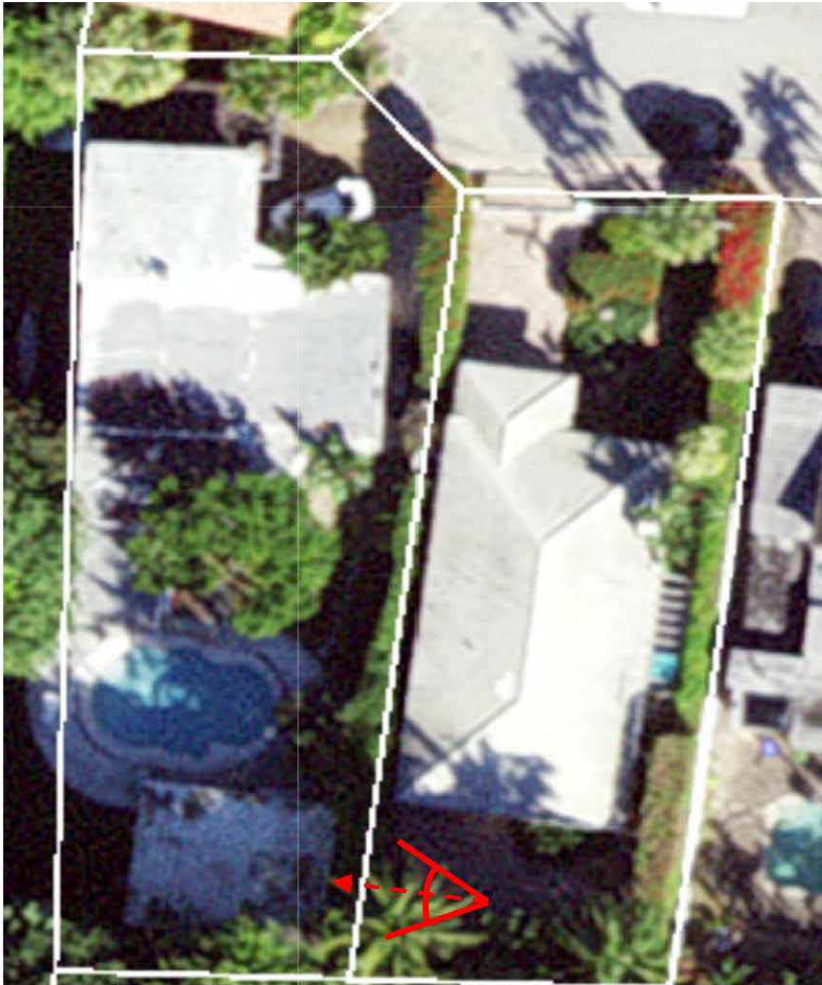
② 6 FT view line Bedroom

Granny Flat Front

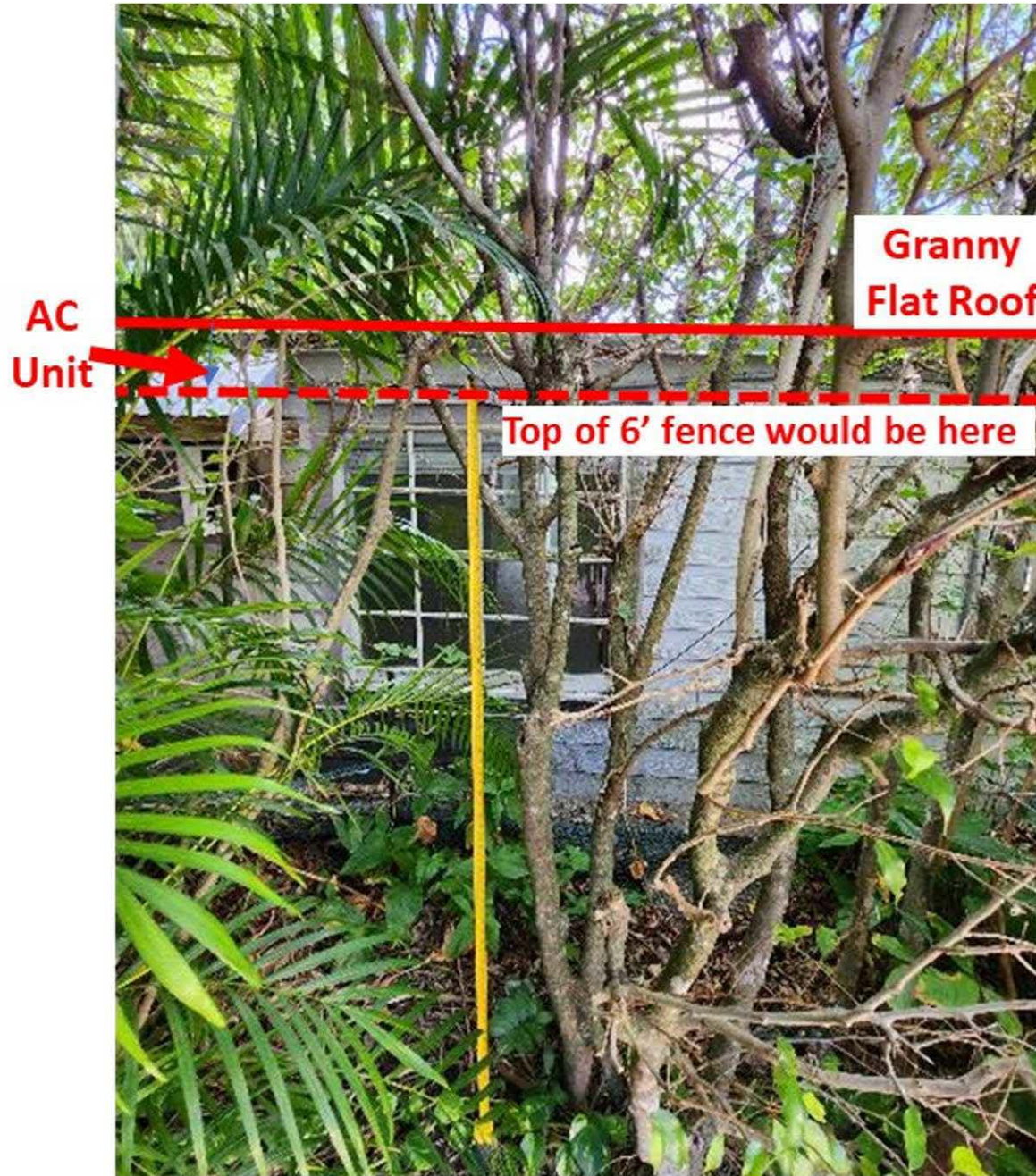


Top of a 6' fence from
our West elevation.

③ View From Our Backyard



**6FT View From
Our Backyard**



Proposed Fence Style Image

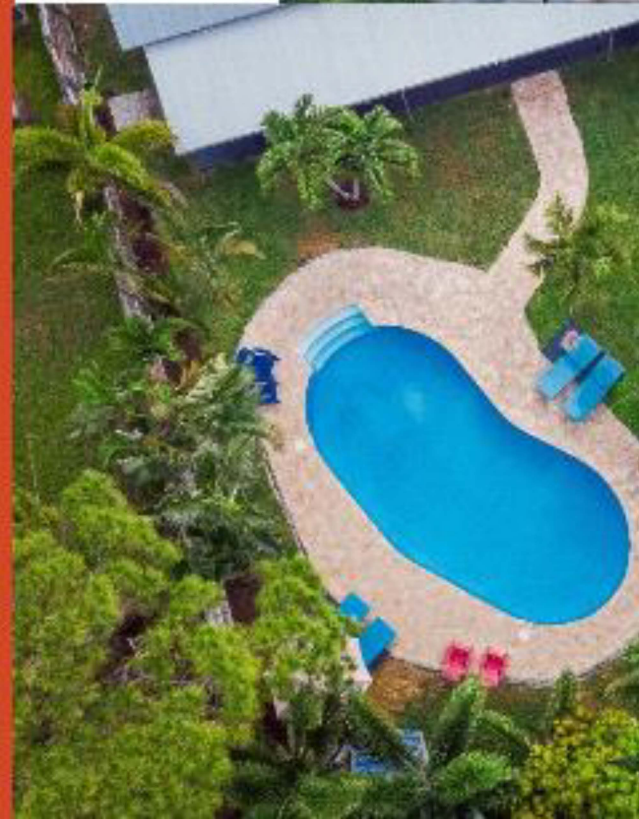


Proposed Fence Style Image Closeup



**1425 NW 4th Ave, Unit 1
Fort Lauderdale, FL 33311**

Granny Fl



Details



Request for variance to Unit 1 - to allow a "Grandfathered" sq of cover patio and to allow 14.3 from rear.

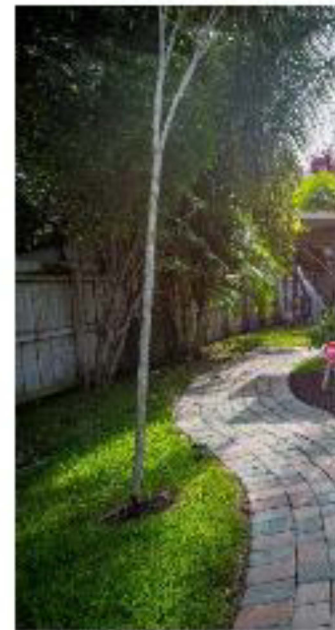
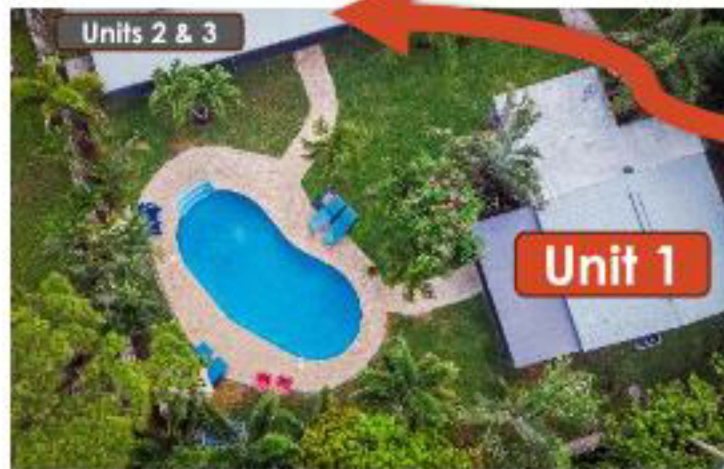
Where we currently live. Unit 2 & Unit 3 are vacant.

When originally purchased in August of 2018 (all units were already being rented long term by the previous owner) advertised before purchase as a livable space, not a third apartment. **This property was sold to us**

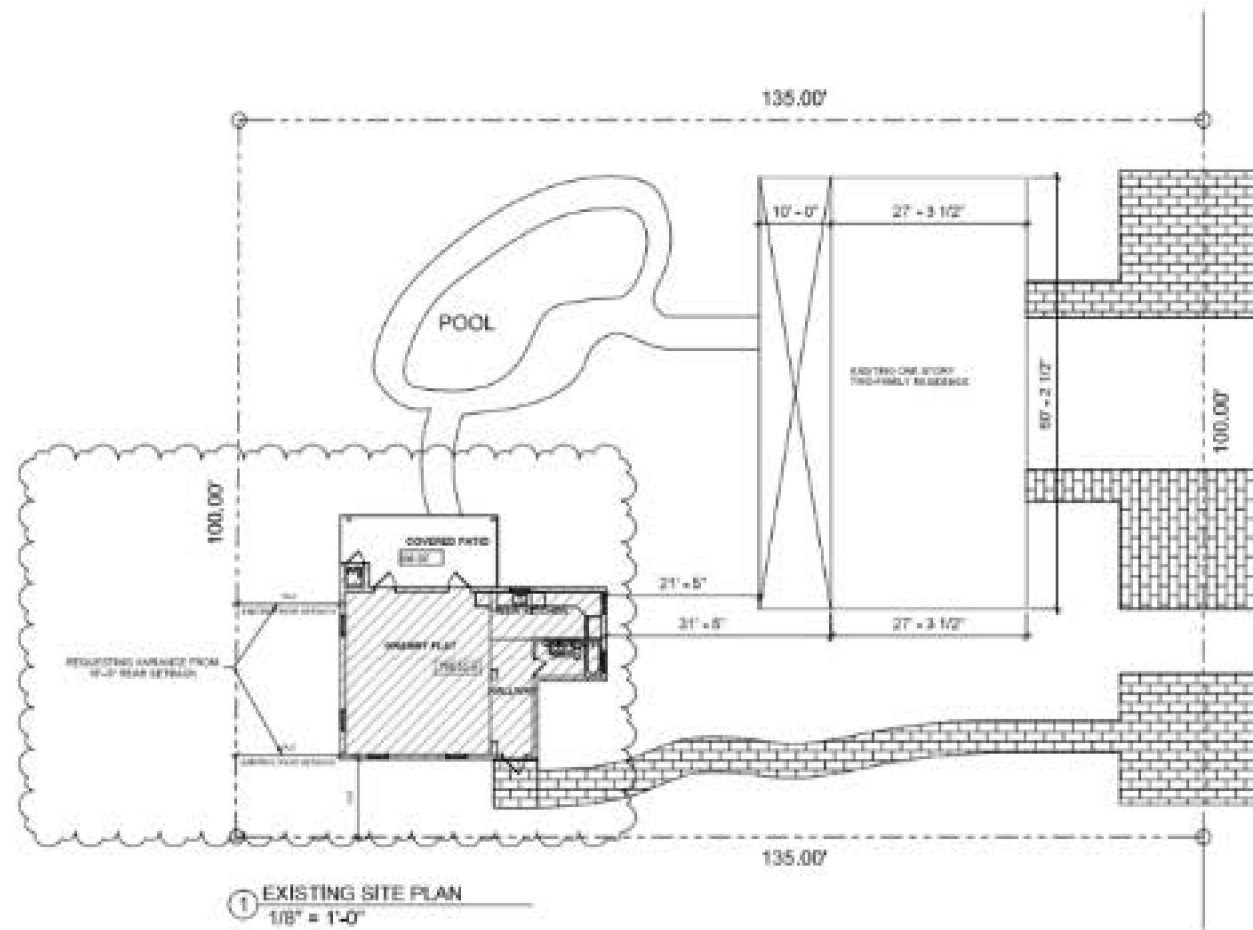
Brought to light when vacation rental permit could not be obtained. The short-term rentals were approved the year before.

If not approved, will need to move into one of the other units, considerably decreasing the income and the ability to pay the mortgage.

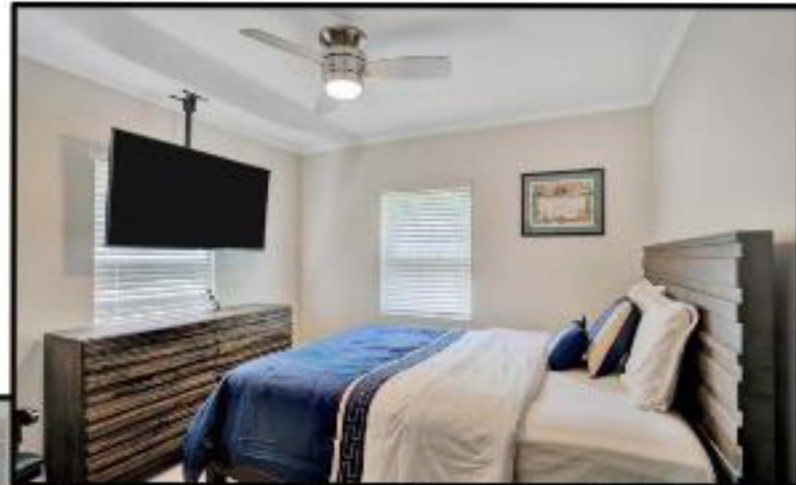
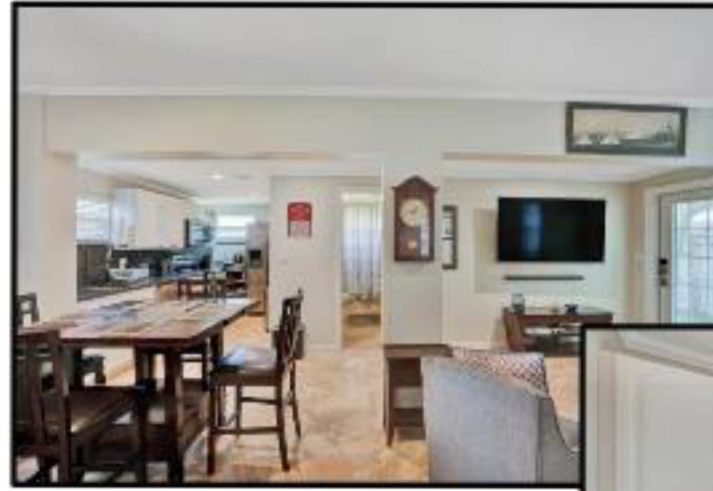
Exterior



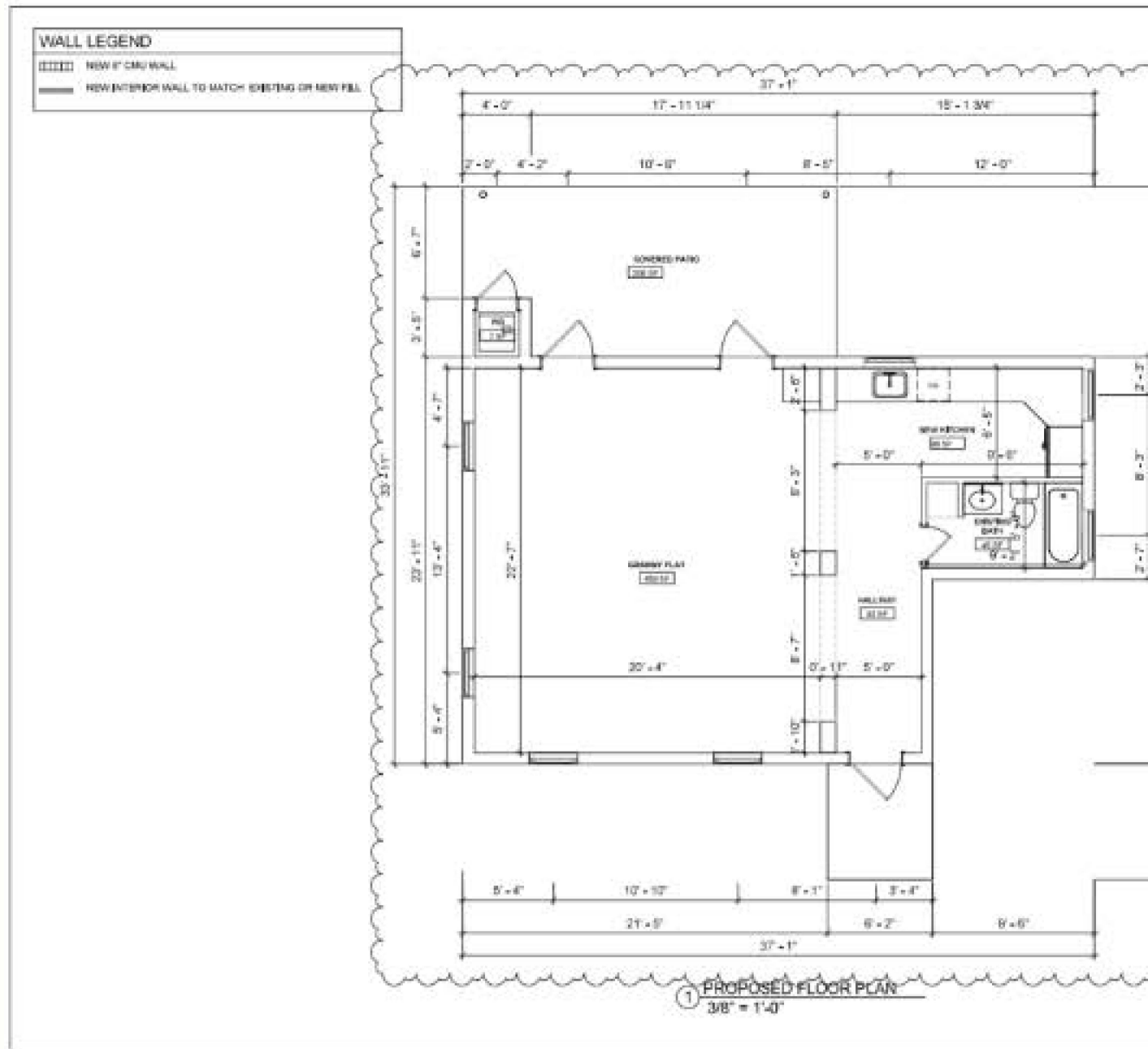
Site Plan



Interior



Proposed Granny Interior





Thank you

Joseph Rye

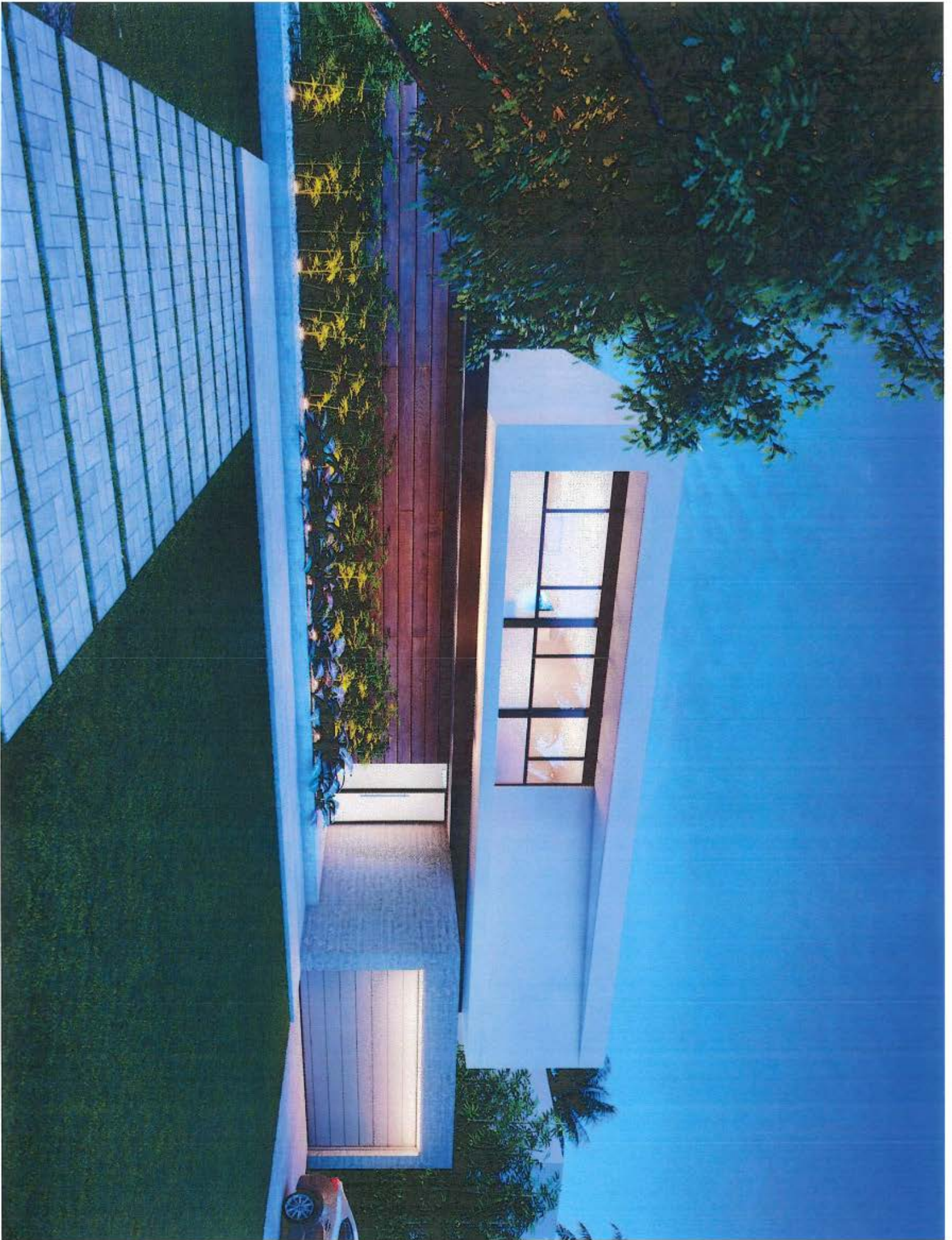
joerbug26@gmail.com

RE: PLN-BOA-23060001

2935 Riverland Road, Fort Lauderdale

PRESENTATION

1. Color Rendering
2. August/September 2022 Status of Construction Photograph
3. Photograph of East Side Yard taken 8/3/2023
4. 3-D Drawing
5. Letter from Architect, Denise Preschel, and email exchange between Denise Preschel and Julian Bobilev, AICP, Land Use Planner, Greenspoon Marder
6. Romar Industries Remediation Cost Estimate
7. Additional Letters of Support







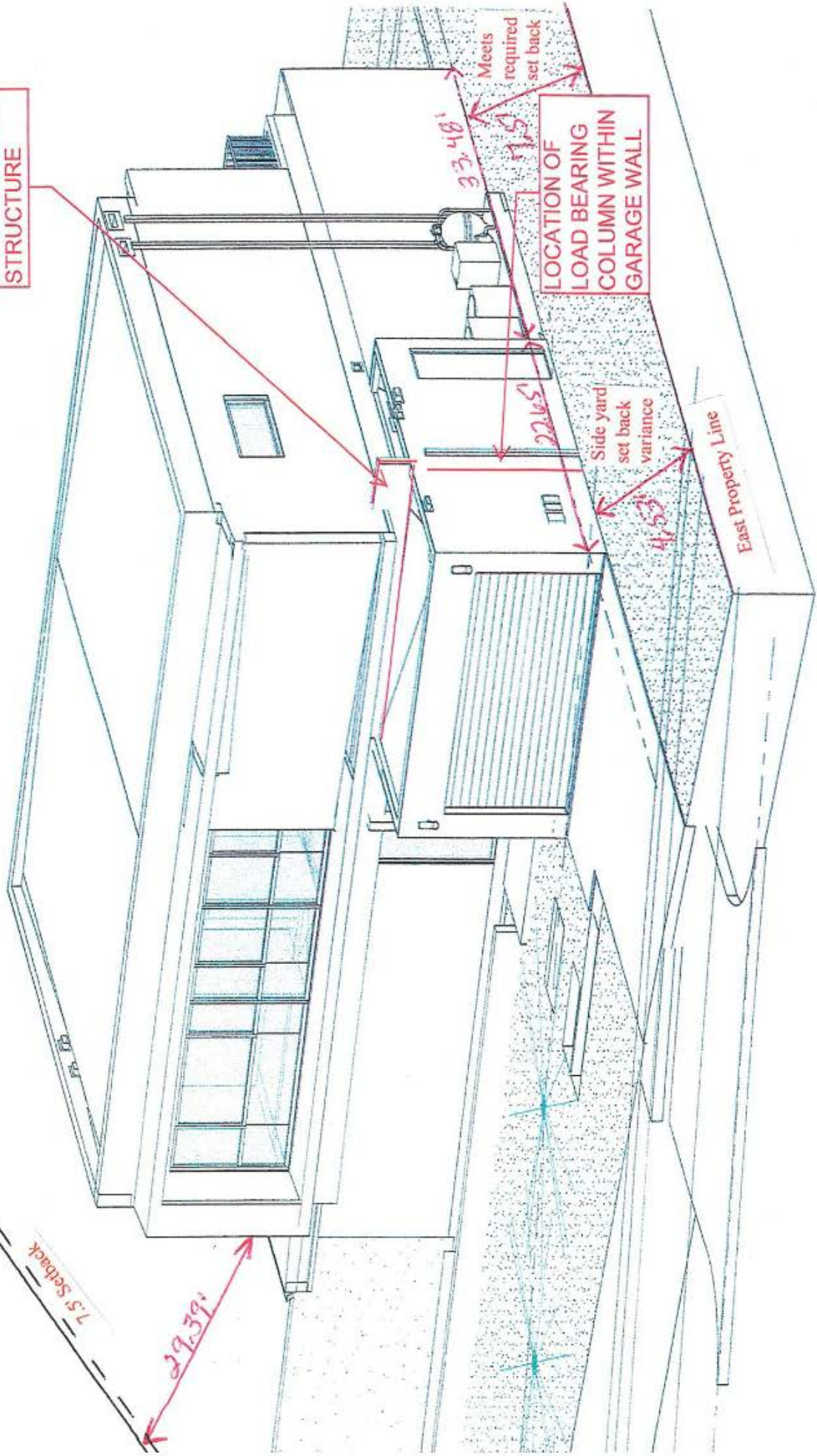
2935 RIVERLAND ROAD

West Property Line

7.5' Setback

29.39'

STRUCTURAL BEAM SUPPORTING SECOND FLOOR STRUCTURE



Meets required set back

LOCATION OF LOAD BEARING COLUMN WITHIN GARAGE WALL

Side yard set back variance

East Property Line

33.48'

7.5'

22.65'

4.53'

PRESCHEL BASSAN STUDIO
800 SE 4th Ave, Suite 616
Hallandale Beach FL 33009
954.477.6750



August 3rd 2023,

To whom it may concern,

RE: 2935 Riverland Road Residence

This letter is in regards to the new single family residential project located at 2935 Riverland Road.

Please find attached a diagram showing the location of a beam that supports the second floor of the house and the location of the load bearing column within the garage wall.

Also attached is the first-floor structural plan, where you can see in the intersection between grid lines H and 1 the location of the column that supports the second-floor structure.

The above referenced structural members are part of the configuration of the house and cannot be removed without causing structural damage to the building.

Please feel free to reach back to me with additional questions or comments,

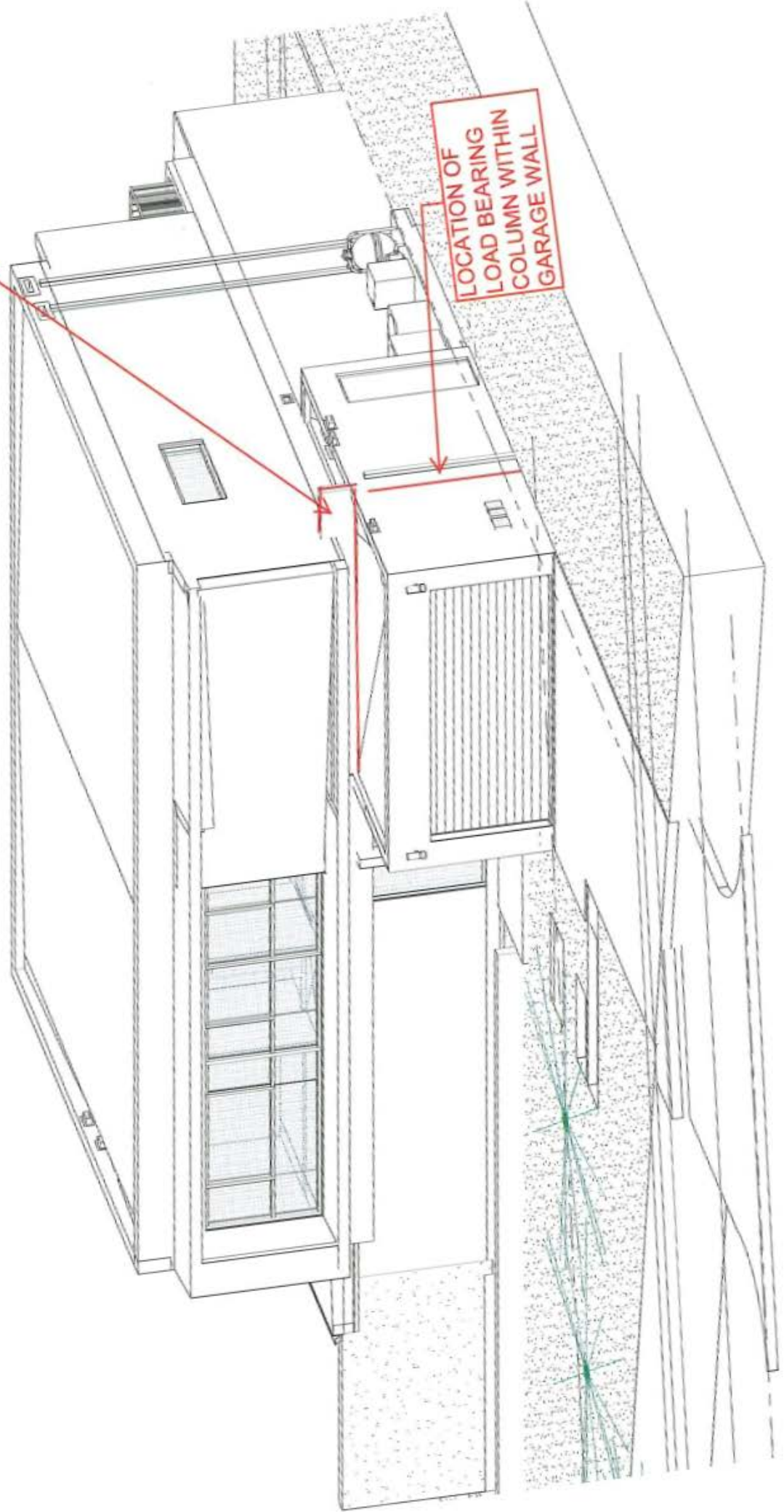
Sincerely,

A handwritten signature in black ink, appearing to read 'Denise Preschel', with a large, stylized flourish at the end.

Denise Preschel
Principal – Preschel Bassan Studio
A.R. 99182
denise@preschelbassan.com
cel: 305.803.5397

STRUCTURAL
BEAM
SUPPORTING
SECOND FLOOR
STRUCTURE

LOCATION OF
LOAD BEARING
COLUMN WITHIN
GARAGE WALL





State Certified General Contractor • Licensed & Insured CGC 150-6211
robert@romarindustriesinc.com
Phone: (786) 295-9198

Re: 2935 Riverland Road

Fort Lauderdale Fl, 33312

Date: August 3, 2023

Upon noticing the problem with the setbacks at 2935 Riverland Rd Fort Lauderdale Fl 33312 at such point our COST TO CURE would have been in excess of \$198,000.00 upwards which include purchasing of rebar, concrete, wood, plywood, 2x4, and all other miscellaneous items as needed.

(Labor/machinery), dump, would have been in excess of \$67,000.00 upwards includes concrete cutting, demolition, tractor, dump, and labor.

The shell of the house was already erected leaving the owner/builder stuck in a very hard situation.

This price does not include architectural design/drawings, engineering cost, city cost, impact fees, new survey of property fees, which could exceed in excess of \$50,000.00.

Any questions or concerns please feel free to contact me

Robert Williams - President/Owner of Romar Industries Inc.

Phone: 786-295-9198

Email: robert@romarindustriesinc.com.

Best Regards,

Robert Williams.

LETTER OF SUPPORT

CASE: PLN-BOA-23060001
Variance from Side Yard Setback

To Whom It May Concern:

I am a neighbor who resides at 2929 Riverkind Rd Fort Lauderdale #1, Fort Lauderdale, Florida. The design and construction of the home being built at 2935 Riverland Road is beautiful and will be an excellent addition and enhancement to the neighborhood. I voluntarily sign this Letter of Support for the Variance request by F & F Investment Group LLC for an east side yard setback from the required 7.5 feet to 4.53 feet (a total variance reduction of 2.97 feet).



Signature

DAVID MASEDA
Print Property Owner Name

July 31, 2023
Date signed

LETTER OF SUPPORT

CASE: PLN-BOA-2306001

Variance from side yard setback

To Staff and Board Members of the Fort Lauderdale Board of Adjustment

I am writing this letter on behalf the variance petition for 2935 Riverland Rd Fort Lauderdale FL, 33312

I am the listing agent for this property, I have market this house as well as the house next door, I can say that these homes have attracted many buyers into the area, I keep getting calls from interested buyers that love the architecture and design of these homes, I believe these as well as other modern homes in the area will be an excellent addition and enhancement to the neighborhood and to property values in the area. The buyers for this house have been patiently waiting for their dream home to be finished, they have spent quite a lot of money in upgrades; and I know they are eager to move in, not granting this variance will not only hurt the owner of the property but the buyer as well.

I voluntarily sign this letter of support for the variance request by F & F Investment Group LLC for an east side setback from the required 7.5 feet to 4.53 feet (a total variance reduction of 2.97 feet)



Karina Meza

Broker Associate

Oceanica Int'l Realty

7.24.23

July 22, 2023

To Staff and Board Members of the Fort Lauderdale Zoning

I am writing this letter on behalf of the petition before you regarding 2935 Riverland Road, Fort Lauderdale, 33312.

My interest in the property is, as the buyer. I was living in Victoria Park in December, 2021 when I came across the above-referenced property which was in the condition of just a foundation and exposed brick. Upon learning more about the property plans from the owner/builder I became very interested in the development plans and eventually presented an offer to purchase, which was accepted in August, 2022. This was a very exciting time for me and my family.

I was born at Holy Cross Hospital in 1966 and have lived my entire life in Broward County, mostly Fort Lauderdale. I have owned homes here and currently own three healthcare-related businesses and employ about 200 people in Broward. Over these last 11 months, I have invested a significant amount of time and in excess \$400,000 of our family savings in working with the owner/builder on the deposits, finishes, upgrades, and many other issues that have come up in the course of building this home.

Recently it came to light that the property line of my home is not accurate. As the consequences of this surveyor error came to light, I was devastated and it has become a source of daily stress for me and my family as this has stalled the completion of construction and preventing our family from moving in to our beautiful home that is all but ready for occupancy.

It is my most sincere hope that your wisdom will bring you to a solution that honors the City's codes and balances them with the circumstances that my family and I find ourselves in.

We look forward to moving into our dream home as soon as possible and remaining Fort Lauderdale residents for many years to come.

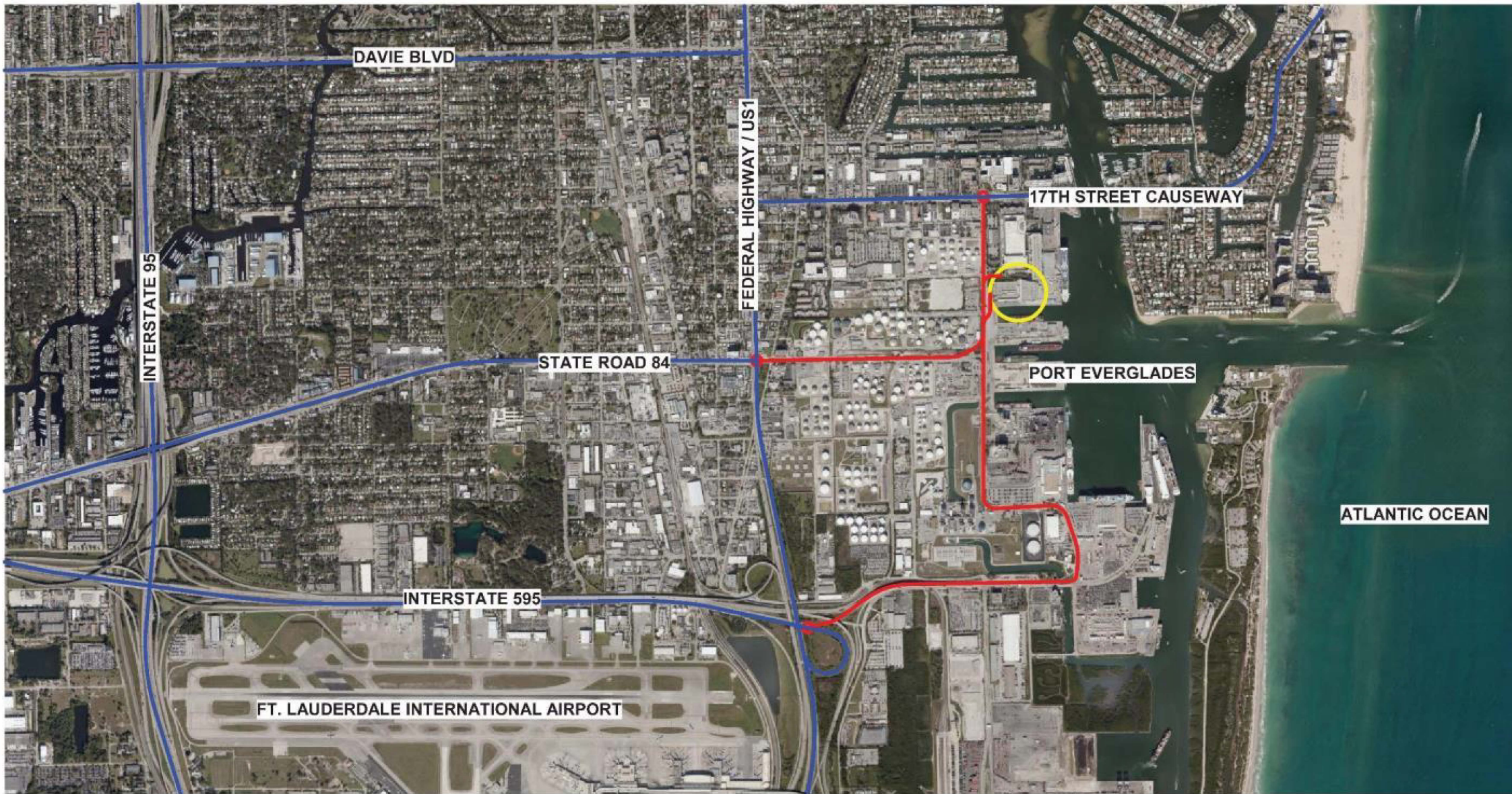
Respectfully,

Harren Family

Port Everglades

Terminal 4 Renovation



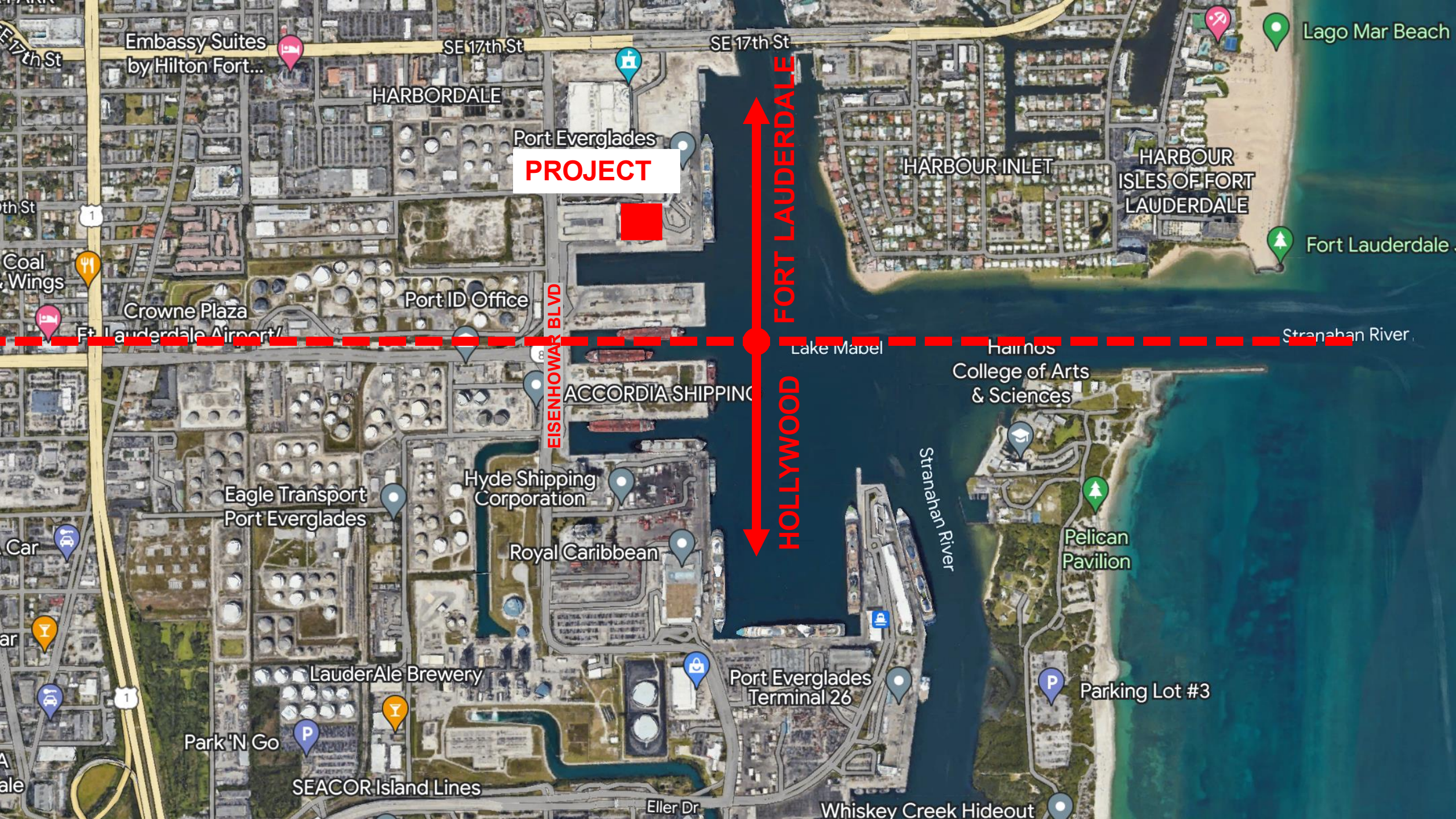


LEGEND

- MAIN STREET ROADS
- ENTRY / EXIT FROM SITE
- SITE LOCATION

LOCATION MAP

N
SCALE: NTS



PROJECT

FORT LAUDERDALE
HOLLYWOOD

EISENHOWER BLVD

Embassy Suites
by Hilton Fort...

HARBORDALE

Port Everglades

HARBOUR INLET

HARBOUR ISLES OF FORT
LAUDERDALE

Lago Mar Beach

Fort Lauderdale

Crowne Plaza
Ft. Lauderdale Airport/

Port ID Office

Lake Mabel

Hainos
College of Arts
& Sciences

Stranahan River

ACCORDIA SHIPPING

Eagle Transport
Port Everglades

Hyde Shipping
Corporation

Royal Caribbean

Pelican
Pavilion

Park 'N Go

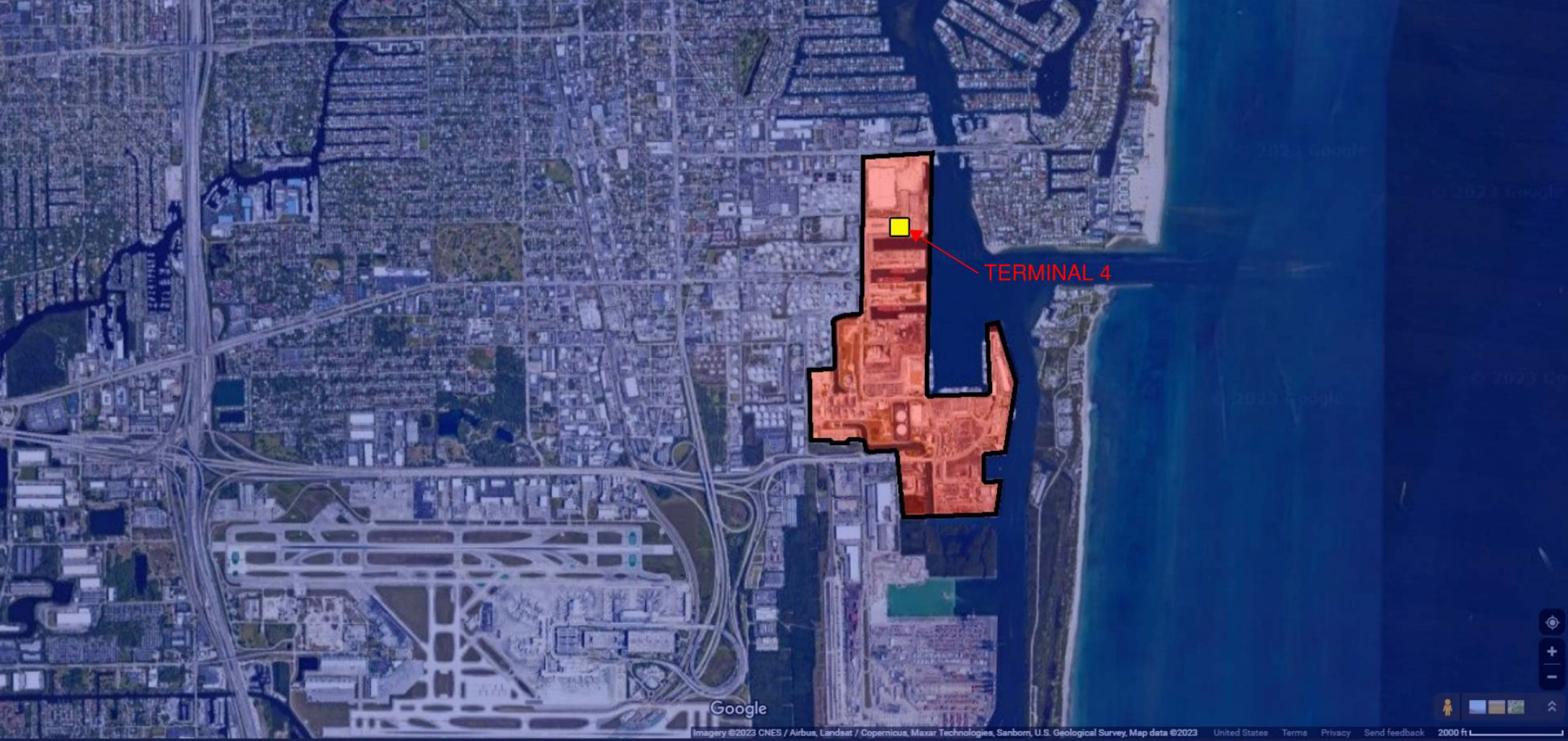
SEACOR Island Lines

Port Everglades
Terminal 26

Parking Lot #3

Eller Dr

Whiskey Creek Hideout



LEGEND

-  URBAN AREA
-  PEDD
-  TERMINAL 4

URBAN FABRIC MAP

N
SCALE: NTS

VIEWPOINTS



N
SCALE: NTS



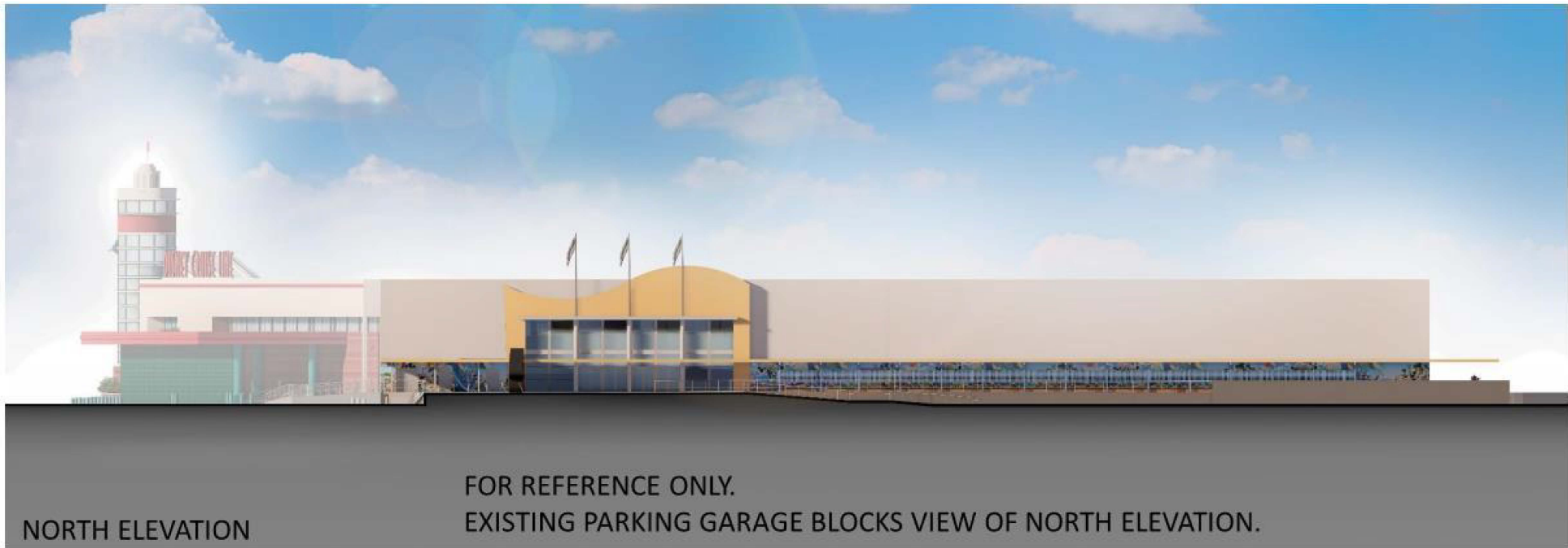


EAST ELEVATION

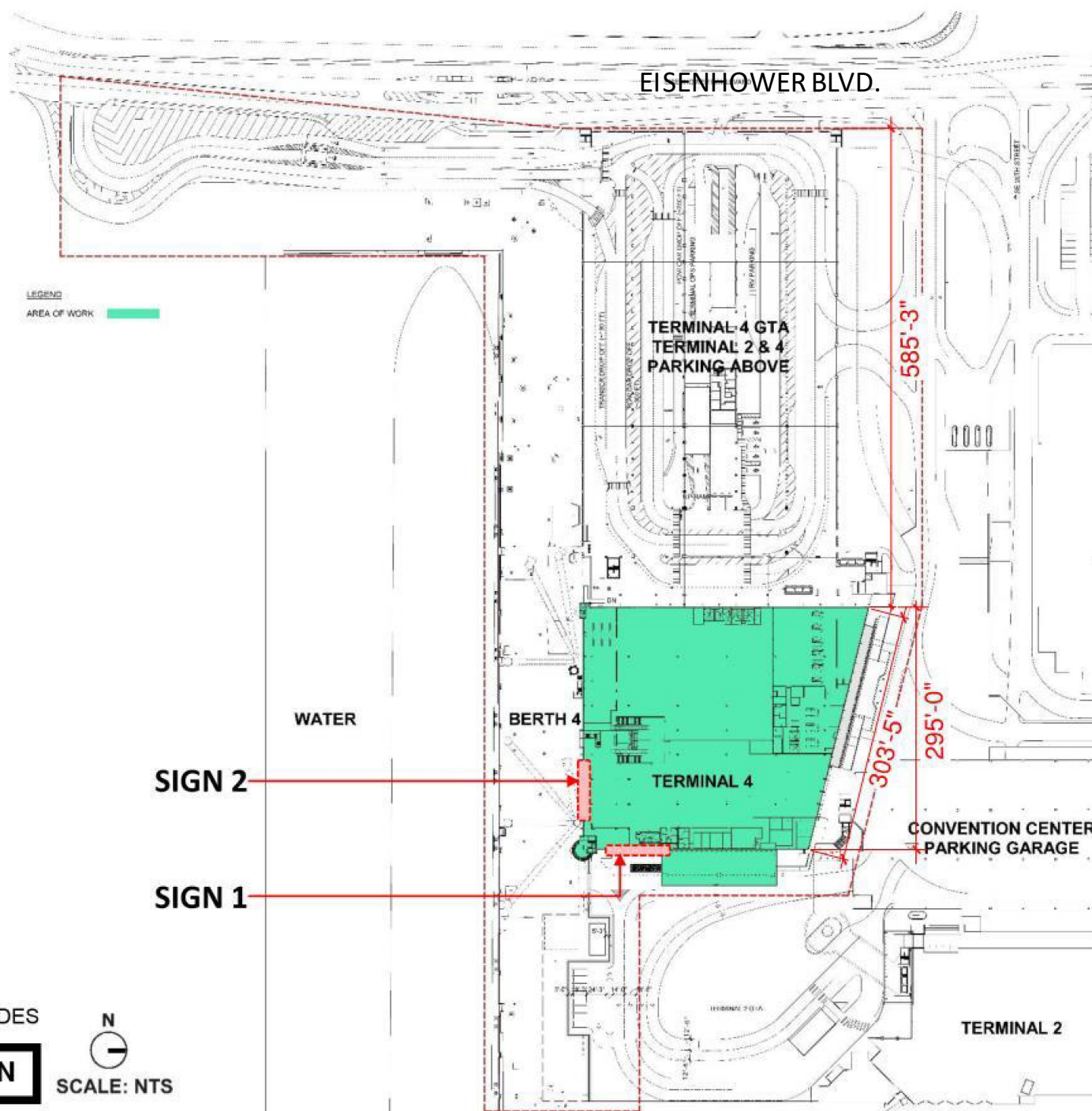


WEST ELEVATION

FOR REFERENCE ONLY.
EXISTING PARKING GARAGE BLOCKS VIEW OF WEST ELEVATION.



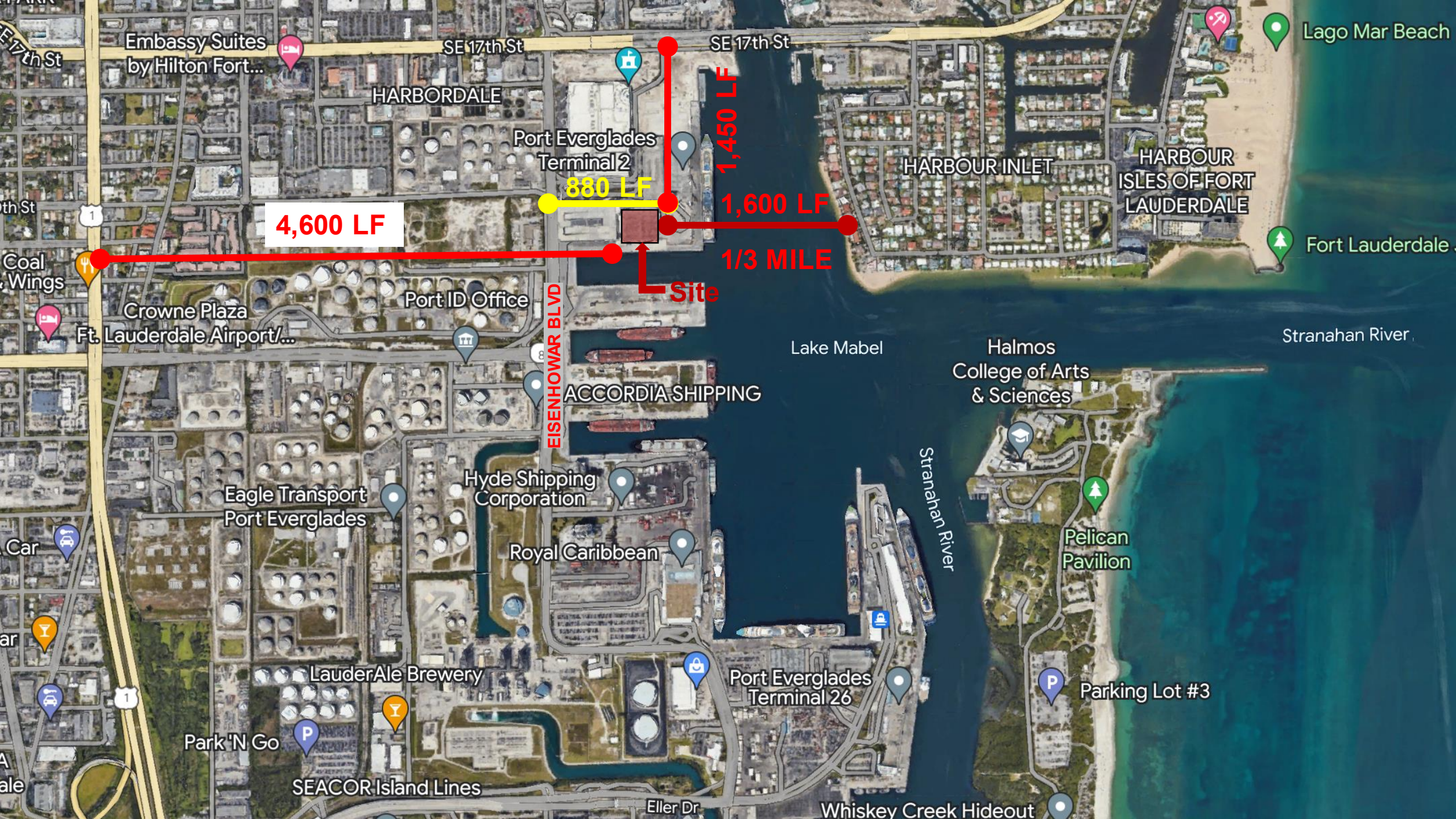
AERIALS



KEY MAP



ARCHITECTURAL SITE PLAN



4,600 LF

880 LF

1,450 LF

1,600 LF

1/3 MILE

Site

EISENHOWER BLVD

Embassy Suites
by Hilton Fort...

SE 17th St

SE 17th St

HARBORDALE

Port Everglades
Terminal 2

HARBOUR INLET

HARBOUR
ISLES OF FORT
LAUDERDALE

Lago Mar Beach

Fort Lauderdale

Coal
Wings

Crowne Plaza
Ft. Lauderdale Airport/...

Port ID Office

Lake Mabel

Halmos
College of Arts
& Sciences

Stranahan River

ACCORDIA SHIPPING

Eagle Transport
Port Everglades

Hyde Shipping
Corporation

Royal Caribbean

Pelican
Pavilion

Parking Lot #3

LauderAle Brewery

Port Everglades
Terminal 26

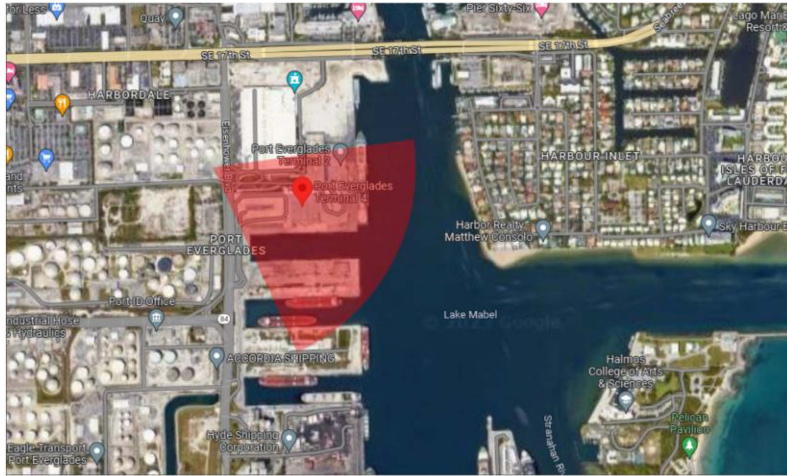
Park 'N Go

SEACOR Island Lines

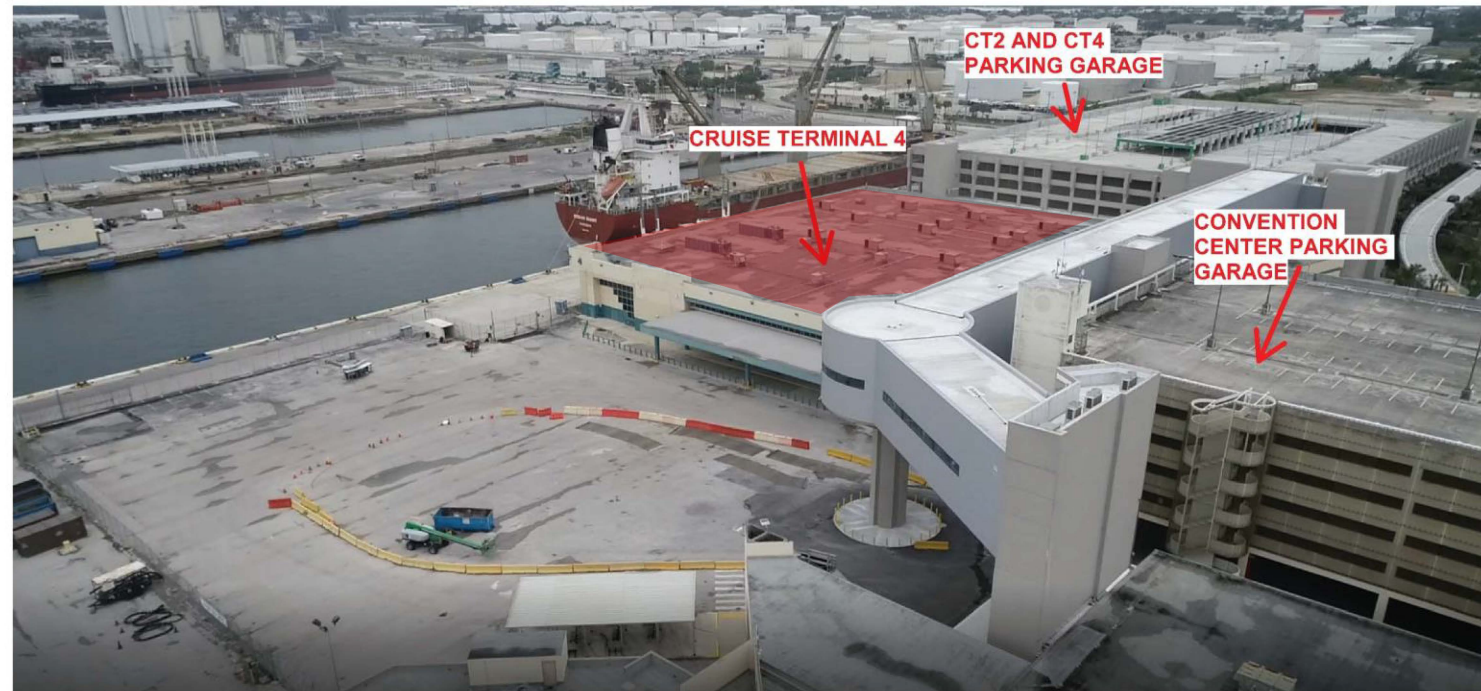
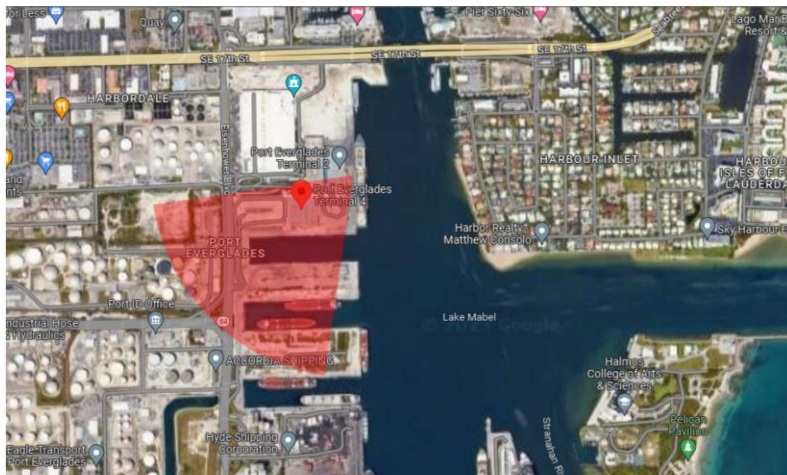
Eller Dr

Whiskey Creek Hideout

SITE CONTEXT



**GREATER FORT LAUDERDALE
BROWARD COUNTY CONVENTION
CENTER**



**CT2 AND CT4
PARKING GARAGE**

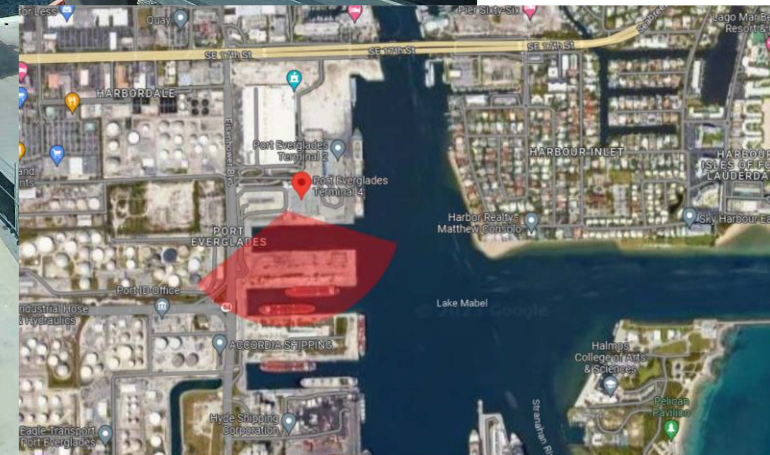
CRUISE TERMINAL 4

**CONVENTION
CENTER PARKING
GARAGE**

SITE CONTEXT



SITE CONTEXT



SITE CONTEXT



SITE CONTEXT

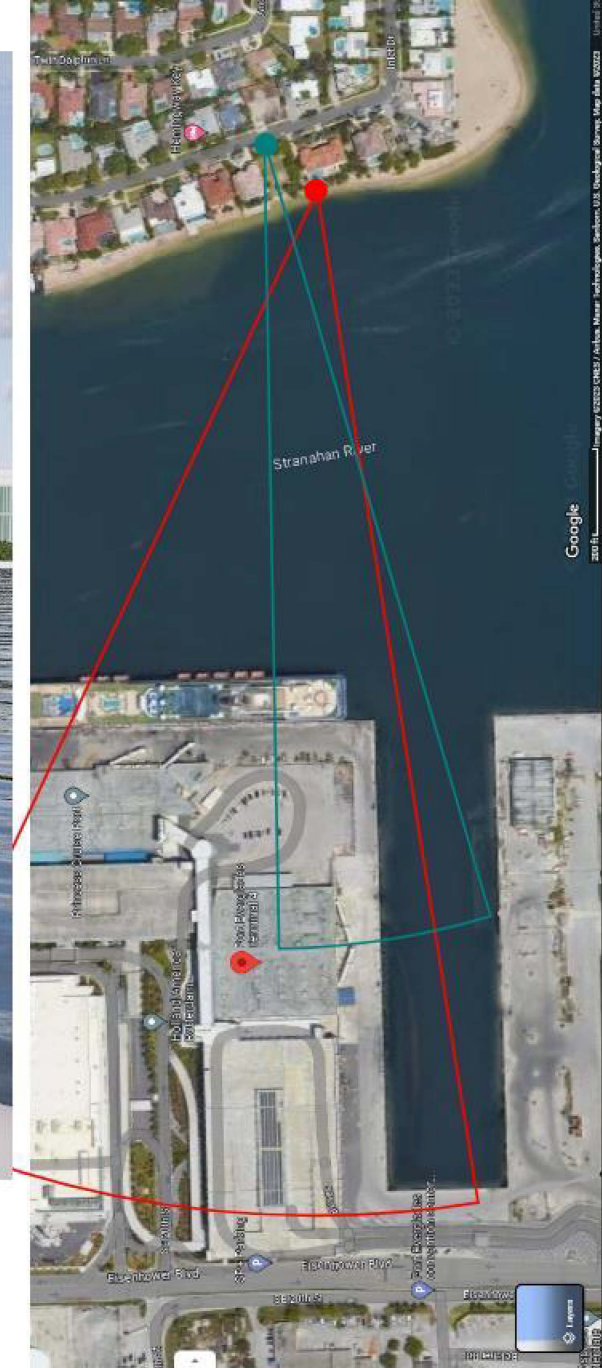




● EXISTING VIEW AS OF
5/30/2023



● VIEW OF EAST ELEVATION
FROM 0.30 MILES

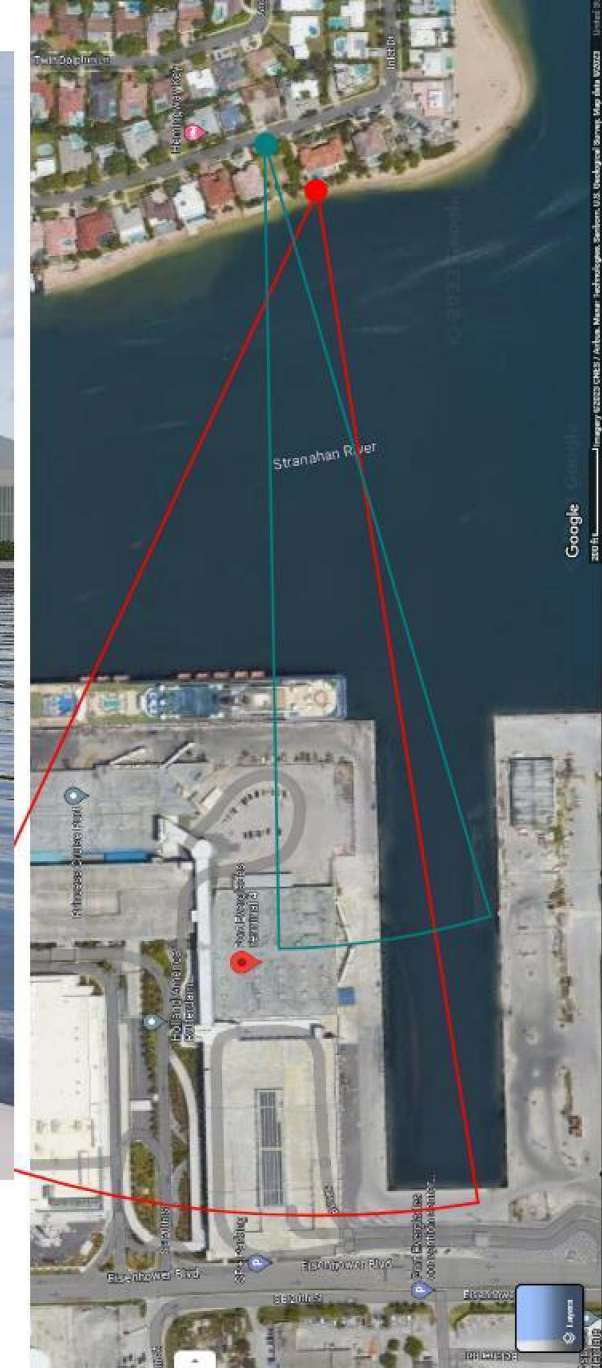




● EXISTING VIEW AS OF
5/30/2023



● VIEW OF EAST ELEVATION
FROM 0.30 MILES
WITH SHIP AT TERMINAL 2



THANK YOU

A neon sign for 'WOODOO \$ DAY' is mounted on a dark wooden structure. The sign features the word 'WOODOO' in a stylized, outlined font, followed by a skull icon, a dollar sign (\$) with a decorative border, and the word 'DAY' in a similar outlined font. The sign is illuminated with a purple/pink glow. In the background, a tall, cylindrical building with a white top section is visible against a clear blue sky at dusk.

WOODOO \$ DAY

**715 E Las Olas Blvd.
Special Exception Application
Board of Adjustment**

SPECIAL EXCEPTION RE

Code of Ordinances Section 5-26

-Requires a 300' distance separation
another establishment that sells A
beverages.

-Voodoo Bayou is located 83 feet f
American Social. A total request of

WOODBO BAYOU

713-U









OPENING ACT

- † **Shakey's Gator Tail** 
 - Chicken-Fried, Charred Lemon & Chipotle Aioli
- Buttermilk Biscuits**
 - Honey Butter & Jalapeno Pear Jam
- † **Hickory Smoked Chicken Wings (6)**
 - Blue Cheese, Buffalo Sauce & Celery
- † **Deviled Eggs**
 - Smoked Trout Roe & Espelette
- † **Fried Green Tomato**
 - Smoked Pork Belly, Pimento Cheese, Tomato Jam & Frites
- Famous Cornbread**
 - Honey Butter & Molasses
- BBQ Shrimp**
 - Junco Shrimp, Garlic, Shallot, NOLA BBQ Sauce & Grilled Baguette
- Cajun Meatball**
 - 10 on Andouille Meatball, Creole Sauce topped with Spicy Chickpea Dux
- Gulf Tuna Crudo**
 - Blackened Seared Tuna, Spicy Tuna Tartare, Cajun Slaw, Aji Amarillo & Jalapeno Chisichurri

SOUP & SALAD

- † **Gumbo Ya Ya** 

11	20
Small	Large

 - Shrimp, Andouille, Chicken, Oera & White Rice
- † **Wedge Salad** 
 - Blue Cheese, Muffaletta Tapenade, Cherry Tomatoes, Huskum Bacon, Cracklins & Jalapeno Ranch
- Southern Street Corn Caesar Salad**
 - House Dressing, Romaire, Grilled Corn, Seasoned Grains Padano, Cornbread Crouton, & Avocado
- Pro Tip Add Fried Oyster for \$7**
- Pear & Pecan Salad**
 - Artisanal Lettuces, Balsamic Dressing, Arisan Pear, Candied Pecan, Black Cherry & Goat Cheese
- Pro Tip Add Grilled Chicken \$6, Shrimp \$7, Steak \$8 or Salmon \$9**

FRIED CHICKEN

- 15 **Chicken and Biscuit**
 - Claxton Farms 4-Spice Fried Chicken, Hot Honey & Buttermilk Biscuit
- 16 **Chicken and Waffle**
 - Cornbread Cheddar Waffle served with Bourbon Maple Syrup
- 12 **† Fried Chicken Sandwich**
 - Brioche, Jalapeno Ranch Elsa, Tomato, Knues pickles & NOLA Remoulade
- 17 **Pro Tip Add Watermelon for \$6, Mac & Cheese for \$14 or Shakey Collards (Contains Pork) for \$9**

YARD & POND

- 22 **Cajun Carbonara**
 - Rigatoni, Smoked Pork Belly, Grana Padano Cheese, Peas & Cured Egg Yolk
- Add Grilled Chicken \$6, Shrimp \$7 or Steak \$8**
- Shrimp & Grits**
 - Junco Shrimp, More Mills Cheddar Grits, Couvillon Sauce, Tomato & Holy Trinity
- † **Shrimp & Crawfish Etouffée** 
 - Spicy Creole Sauce, Holy Trinity & White Rice
- Jambalaya** 
 - Shrimp, Andouille, Chicken, White Rice, Peppers, Tomatoes & Thaus
- Catfish Court-Bouillon** 
 - Chili Butter, White Rice & Spicy Creole Sauce
- Mushroom "Bolognese"**
 - Pasta, Grana Padano Cheese & Herbs (Request No Grains Padano Cheese to make Vegetarian)
- Add Grilled Chicken \$6, Shrimp \$7 or Steak \$8**
- Fish & Grits**
 - Blackened or Fried Grouper, More Mills Cheddar Grits, Couvillon Sauce, Tomato & Holy Trinity

EAT OYSTERS, LOVE LONGER



- | | | |
|--|----------|-----|
| | 15 | 27 |
| | Half Doz | Doz |
| Shuck Yeah! (Raw Oysters) | | |
| Chef's Daily Selection served with all of our favorite fixings | | |
| † Wood-Fired Oysters* (6) | | 17 |
| Chili Butter served with Garlic Bread | | |
| Oysters Rockefeller* (6) | | 17 |
| Rockefeller served with Garlic Bread | | |
| Fried Oysters* (6) | | 17 |
| NOLA Remoulade & Lemon | | |



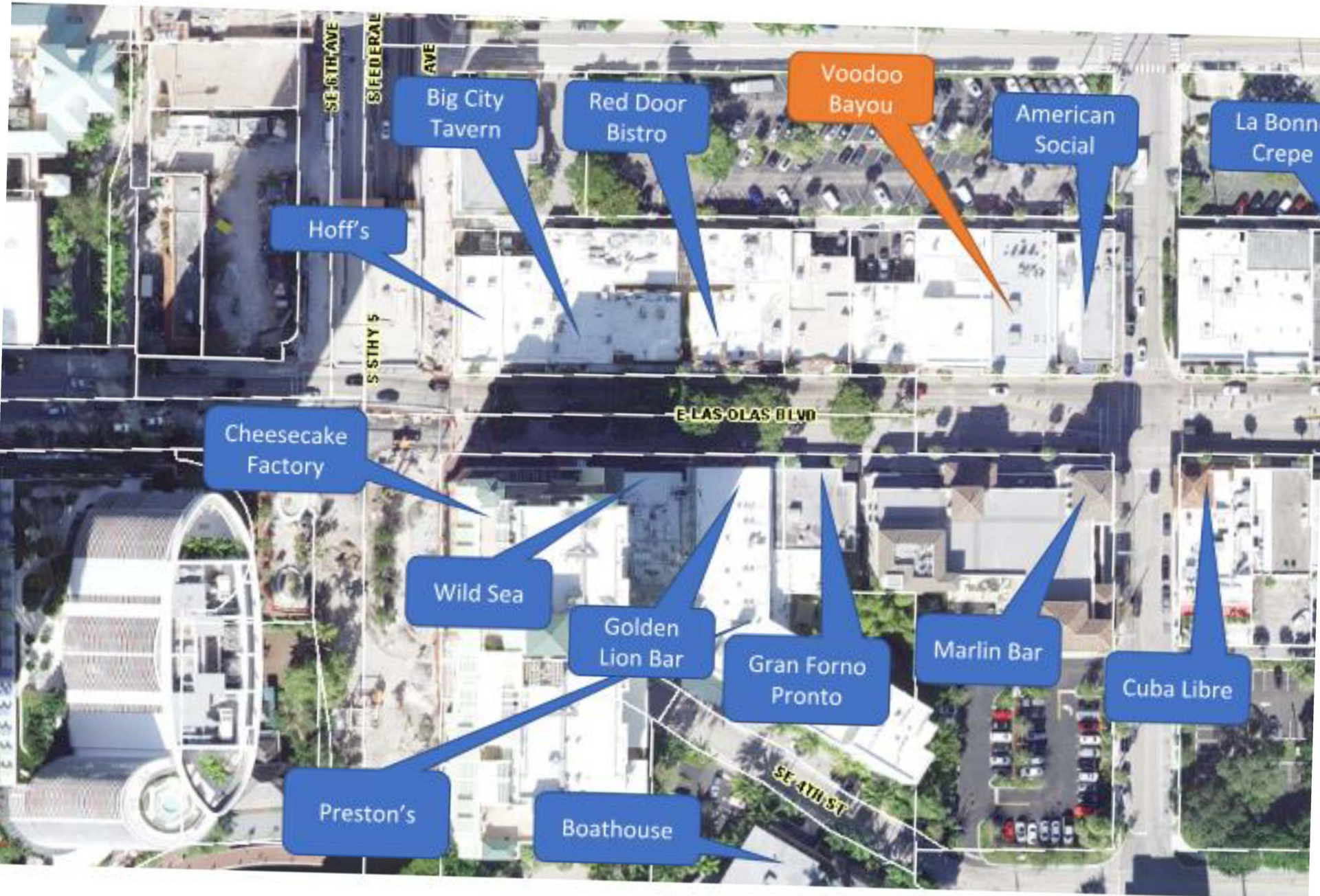
WOOD-FIRED

- Steaks served with Bourbon Au Jus & Chili Butter**
- | | |
|---|----|
| Cajun Ribeye* 18 oz Bone-In | 35 |
| Catfish Black Angus | |
| Filet* 6 oz | 45 |
| Catfish Black Angus | |
| † Redfish | 39 |
| Served on "The Half Shell" with Chili Butter, White Rice, Braised Green Beans & Charred Lemon | |
| Creole Mustard Salmon | 27 |
| Vegetable White Rice & Creole Mustard Sauce | |
| Junco Lump Crab Cakes | 39 |
| Creole Mustard Sauce, Succotash & Frites | |
| Brick Oven Roasted Chicken | 27 |
| Bourbon Jus, Herb Butter, White Rice & Shakey Collards (Contains Has Hook) | |

Pro Tip Add 4oz Crabcake to Steaks \$18

Section 47-24.12.A.5. Criteria – Special Ex

- a. Whether the proposed development meets the requirements for a special exception provided by the ULDR.
- b. Granting of the special exception shall be incompatible with adjoining properties, the surrounding neighborhood or otherwise to the public interest.



Hoff's

Big City Tavern

Red Door Bistro

Voodoo Bayou

American Social

La Bonne Crepe

Cheesecake Factory

Wild Sea

Golden Lion Bar

Gran Forno Pronto

Marlin Bar

Cuba Libre

Preston's

Boathouse

SE 6TH AVE

S FEDERAL AVE

AVE

S 5TH ST

E LAS OLAS BLVD

SE 4TH ST

