



## BOARD OF ADJUSTMENT MEETING NOTICE

**Date:** November 21, 2023

A Public Hearing will be held before the Board of Adjustment on: **December 13, 2023 at 6:00 P.M.**

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

[www.fortlauderdale.gov/government/BOA](http://www.fortlauderdale.gov/government/BOA)

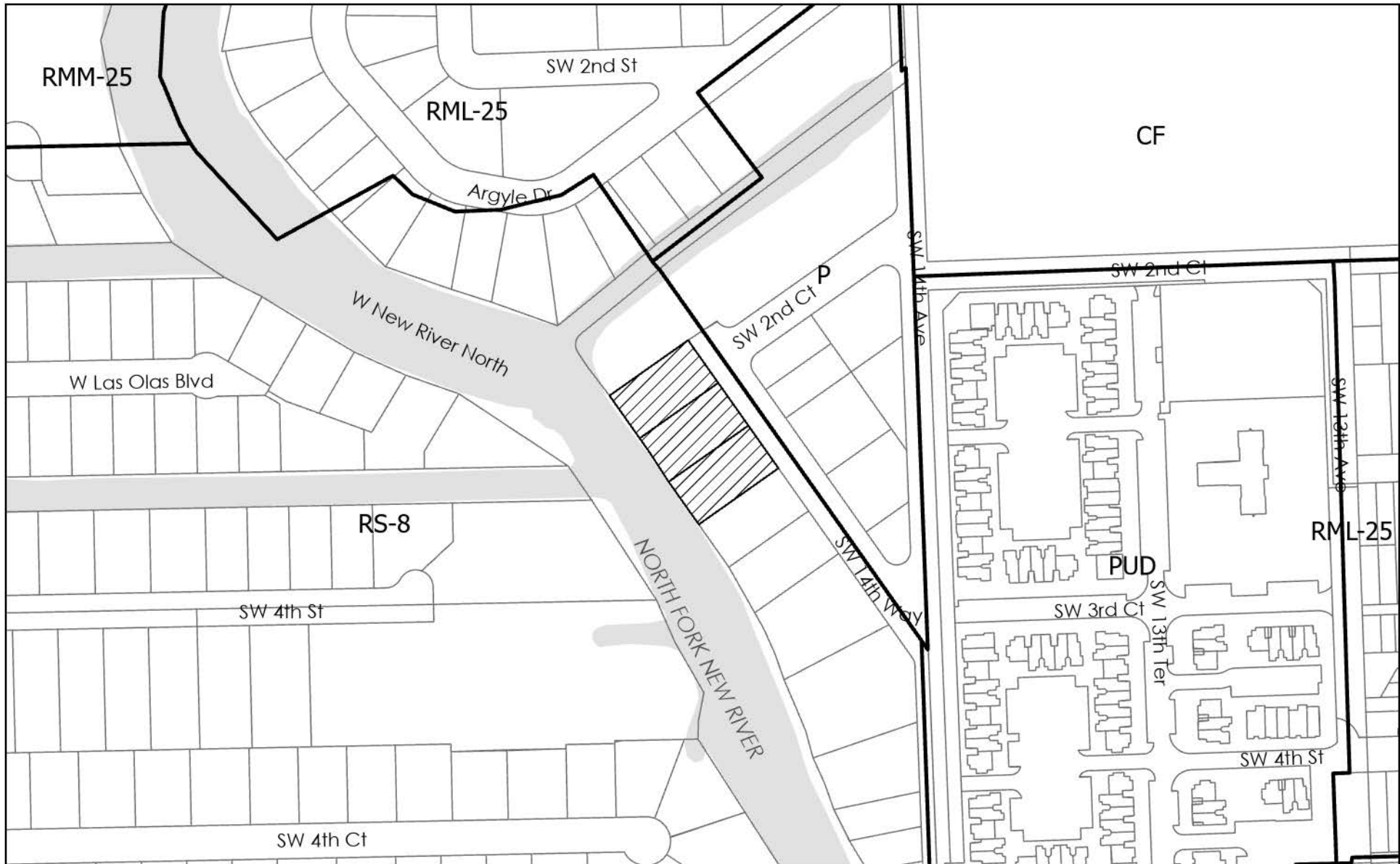
<b>CASE:</b>	<b>PLN-BOA-23110005</b>
<b>OWNER:</b>	FRETHAM, CURT JOHN
<b>AGENT:</b>	ANDREW J. SCHEIN ESQ.; LOCHRIE & CHAKAS, P.A.
<b>ADDRESS:</b>	301 SW 14 WAY, FORT LAUDERDALE FL 33312
<b>LEGAL DESCRIPTION:</b>	LOTS 3,4,5,6 AND THE NORTH-HALF (N ½) OF LOT 7, BLOCK 2, RIVER HIGHLANDS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 3, 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>	2
<b>REQUESTING:</b>	<p><b><u>Sec. 47-24.5. D.3.c.ii - Subdivision regulations.</u></b></p> <ul style="list-style-type: none"> <li>Requesting an amendment, to an approved variance(s) to rearrange the lot width to accommodate the existing structure to remain at the existing location. Amendments include the following: LOT C to be a minimum width of 62 feet whereas the variance was approved to allow a minimum width of 56.25 feet. LOT D to be a minimum width of 50 feet, whereas the variance was approved to allow a minimum width of 56.25 feet.</li> </ul> <p><b><u>Sec. 47-5.31.- Table of dimensional requirements for the RS-8 district.</u></b></p> <ul style="list-style-type: none"> <li>Requesting an amendment to variance(s) granted at the September 21, 2023, Board of Adjustment meeting to change the approved minimum lot width of 56.25 feet for LOT C to be a minimum width of 62 feet and LOT D to be a minimum width of 50 feet, whereas the code requires a minimum lot width of 75 feet on the waterway.</li> <li>Requesting a variance to allow an existing structure on LOT C at a side yard setback of 4.66 feet, whereas the code requires a minimum setback of 5 feet, a total variance request of 0.34 feet.</li> </ul>

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

If you have any questions, please feel free to contact me directly at 954-828-6342.

MOHAMMED MALIK  
ZONING ADMINISTRATOR

Florida Statutes, Sec. 286.0105 NOTE: If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.




PLN-BOA-23110005

**LEGEND**

-  Municipal Boundary
-  Subject Site

N



0      100      200  
US Feet



CITY OF FORT LAUDERDALE  
PUBLIC NOTICE

# BOARD OF ADJUSTMENT MEETING

DATE: DECEMBER 13, 2023

TIME: 6:00 P.M.

CASE: PLN-BOA-23110005

Sec. 47-24.5. D.3.c.ii - Subdivision regulations.

- Requesting an amendment, to variance(s) granted at the September 21, 2023, Board of Adjustment meeting to change the approved minimum lot width of 56.25 feet for LOT C to be a minimum width of 62 feet and LOT D to be a minimum width of 50 feet.

Sec. 47-5.31.- Table of dimensional requirements for the RS-8 district.

- **Requesting an amendment to variance(s) granted at the September 21, 2023, Board of Adjustment meeting to change the approved minimum lot width of 56.25 feet for LOT C to be a minimum width of 62 feet and LOT D to be a minimum width of 50 feet, whereas the code requires a minimum lot width of 75 feet on the waterway.**
- **Requesting a variance to allow an existing structure on LOT C at a side yard setback of 4.66 feet, whereas the code requires a minimum setback of 5 feet, a total variance request of 0.34 feet.**

MEETING LOCATION: DEVELOPMENT SERVICES DEPARTMENT  
700 N.W. 19<sup>TH</sup> AVENUE (LOBBY)  
FORT LAUDERDALE, FL., 33311  
CONTACT: 954-828-6506

TO WATCH AND LISTEN TO THE BOARD OF ADJUSTMENT MEETING VISIT:  
<https://www.fortlauderdale.gov/government/BOA>  
[www.youtube.com/cityoffortlauderdale](http://www.youtube.com/cityoffortlauderdale)



*This Notice is the property of the City of Fort Lauderdale. In accordance with City Code Section 16-29, It shall be unlawful for any person to injure, cut, break or destroy in any manner any building or other thing belonging to or under the control of the City. Persons marring or removing the Notice may be subject to fine and/or imprisonment.*

*In accordance with City Code Section 47-27.2A. H The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearing by another body. The sign information shall be changed as provided in subsection A.3.a*



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## BOA CASE # PLN-BOA-23110005

### Sec. 47-24.5.D.3.c.ii.

3. *Lots.*

- a. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and to the character of surrounding development.
- b. Lot dimensions and areas shall be not less than specified by applicable provisions of the zoning regulations in effect, and shall further conform to these regulations
- c. Lots for detached single family and duplex dwellings shall provide lot sizes not less than the following:
  - i. In the RS-4.4 district, lot area of ten thousand (10,000) square feet and width of one hundred (100) feet.
  - ii. In the RS-8 district, lot area of seven thousand five hundred (7,500) square feet and width of seventy-five (75) feet.
  - iii. In the RD-15, RC-15, RM-15, RML-25, RMM-25, RMH-25 and RMH-60 districts, lot area of seven thousand five hundred (7,500) square feet and width of seventy-five (75) feet.

E. *Required subdivision improvements.*

1. *Preparation of plans.* Receipt of the signed copy of the approved preliminary plat is authorization for the subdivider to proceed with the plans and specification for the minimum improvements required under this section and with the preparation of the final plat. Prior to the construction of any

**BOA CASE # PLN-BOA-23110005**

**Sec. 47-5.31. Table of dimensional requirements for the RS-8 district. (Note A)**

Requirements	RS-8	RS-8A
Maximum density	8.0 du/net ac.	8.0 du/net ac.
Minimum lot size	6,000 sq. ft.	6,000 sq. ft.
Maximum structure height	35 ft.	28 ft.
Maximum structure length	None	None
Minimum lot width	50 ft. *75 ft. when abutting a waterway on any side	50 ft. *75 ft. when abutting a waterway on any side
Minimum floor area	1,000 sq. ft.	1,000 sq. ft.
Minimum front yard	25 ft. Special minimum front yard setbacks: Coral Isles—15 ft. Nurmi Isles—20 ft. Pelican Isles—20 ft.	25 ft. Special minimum front yard setbacks: Coral Isles—15 ft. Nurmi Isles—20 ft. Pelican Isles—20 ft.
Minimum corner yard	25% of lot width but not greater than 25 ft. 25 ft. when abutting a waterway	25% of lot width but not greater than 25 ft. 25 ft. when abutting a waterway
Minimum side yard	5 ft. - up to 22 ft. in height Where a building exceeds 22 ft. in height that portion of the building above 22 ft. shall be set back an additional 1 foot per foot of additional height.	For a building with a height no greater than 12 ft.- 5 ft. For a building with a height greater than 12 ft. - 7.5 ft.

	<p>25 ft. when abutting a waterway</p> <p>Special side yard setbacks 7.5 ft.:</p> <p>Coral Ridge Country Club Addition 4, P.B. 53 P. 29; Block G, Lots 1 thru 22; Block H, Lots 1 thru 10 and 16 thru 26; Block I; Block J. Gramercy Park, P.B. 57, P. 45, Block 1; and Block 2, Lots 1 thru 16.</p> <p>Coral Ridge Country Club Addition 3, P.B. 52 P. 14, Block A, Lots 1 thru 4; Block B, Lots 1 thru 4 and 7 thru 10; Block C, Lots 1 thru 4 and 7 thru 10; Block D, Lots 1 thru 8 and 11 thru 18; Block X, Lots 18 thru 20; Block J; Block K; Block L; Block M; Block N; Block O; Block P; Block Q; Block R; Block S; Block T. Golf Estates, P.B. 43, P. 26; Block 6; Block 7; Block 8; Block 9; Block 10; Block 11; Coral Ridge Country Club Subdivision P.B. 36 P. 30 Block F, Lots 1 thru 14; Block R, Lots 1 thru 8, 11 thru 18; Replat of Lots 11, 12, 13, 14 &amp; 15 of Block H Coral Ridge Country Club Addition 4, P.B. 63 P. 31 Parcels A, B, C; Gramercy Park, PB 57 P. 45 Block 2, Lots 17 and 18; Coral Ridge Country Club Addition No. 2 P.B. 44 PG 21 Block F, Lots 2 thru 19; Block E, Lots 1 thru 6 and 10 thru 16; Block C, Lots 2 thru 11; Block D, Lots 2 thru 4; Block B, Lot 2 and Lots 15 thru 25, and Bermuda-Riviera Subdivision of Galt Ocean Mile, P.B. 38 P. 46; Blocks A, C, D, E, F, G &amp; H; Bermuda-Riviera Subdivision of Galt Ocean, First Addition, P.B. 40 P.12: Blocks J, K, L &amp; M.</p>	<p>That portion of a building exceeding 12 ft. in height shall be set back an additional 2 feet per 1 foot of additional height</p> <p>25 ft. when abutting a waterway</p> <p>Special side yard setbacks as provided in RS-8</p>
<p>Minimum rear yard</p>	<p>15 ft.</p> <p>25 ft. when abutting a waterway</p> <p>Special rear yard setbacks: 15 ft. abutting waterway in the following subdivisions:</p> <p>Coral Ridge Isles Flamingo Pk.—Section "C" &amp; "D" Lakes Estates</p>	<p>25 ft.</p> <p>25 ft. when abutting a waterway</p> <p>Special rear yard setbacks as provided in RS-8</p>

	Golf Estates Imperial Pt.—4th Sec. The Landings Rio Nuevo Isle—Block 1				
Minimum distance between buildings	None			None	
	<i>Lot Size</i>	<i>**Maximum Lot Coverage</i>	<i>**Maximum Floor Area Ratio</i>	<i>**Maximum Lot Coverage</i>	<i>**Maximum Floor Area Ratio</i>
	≤7,500 sf	50%	0.75	40%	0.55
Lot coverage and FAR	7,501—12,000 sf	45%	0.75	35%	0.55
	>12,000 sf	40%	0.60	30%	0.50

Note A: Dimensional requirements may be subject to additional regulations, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.

\*Allowances for modifications of lot widths may be permitted in accordance with the requirements of Section 47-23.10, Specific Location Requirements.

\*\*An increase in the maximum FAR or lot coverage may be permitted subject to the requirements of a site plan level III, see Section 47-24.2.

\*\*\*All other regulations relating to district RS-8 shall apply to RS-8A.

(Ord. No. C-97-19, § 1(47-5.4), 6-18-97; Ord. No. C-99-26, § 1, 4-20-99; Ord. No. C-99-62, § 1, 9-21-99; Ord. No. C-04-67, § 1, 1-4-05; Ord. No. C-08-05, § 3, 2-5-08)

# Records

Showing 1-27 of 27

<input type="checkbox"/>	<a href="#">Record, Permit, or Account #</a>	<a href="#">Record Description</a>	<a href="#">Application Name</a>	<a href="#">Record Type</a>	<a href="#">Balance</a>	<a href="#">Planner Name</a>	<a href="#">Street #</a>	<a href="#">Dir</a>	<a href="#">Street Name</a>	<a href="#">Type</a>	<a href="#">Unit # (start)</a>	<a href="#">Type</a>
<input type="checkbox"/>	<a href="#">PLN-BOA-23110005</a>		Variance Application-301 SW ... e	Z- Board of Adjustment (BOA)	0		301	SW	14	WAY		Open
<input type="checkbox"/>	<a href="#">VR-RENEWAL-23100016</a>			Vacation Rental Registry Renewal	0		301	SW	14	WAY		Partial
<input type="checkbox"/>	<a href="#">PLN-BOA-23080002</a>		Fritham Residential	- Board of Adjustment (BOA)	0		301	SW	14	WAY		Open
<input type="checkbox"/>	<a href="#">UDP-HP23015</a>	Lot 2: New Construction of Two-Story Single Family...	Certification of Appropriation ...	HP- Historic Preservation - Certification of Appropriation	0	Trisha Logan	301	SW	14	WAY		With
<input type="checkbox"/>	<a href="#">UDP-HP23016</a>	Demolition of One-Story Single-Family Residential...	Certification of Appropriation ...	HP- Historic Preservation - Certification of Appropriation	0	Trisha Logan	301	SW	14	WAY		Open
<input type="checkbox"/>	<a href="#">UDP-HP23017</a> e	Lot 3: New Construction of Two-Story Single Family...	Certification of Appropriation ... e	HP- Historic Preservation - Certification of Appropriation	0 e	Trisha Logan e	301	SW	14	WAY		With
<input type="checkbox"/>	<a href="#">CE23010271</a> e	RUNNING A PARTY BOAT BUSINESS FROM PROPERTY. DOC... e		Cod Cas e		MANUEL G e	301	SW	14	WAY		Close
<input type="checkbox"/>	<a href="#">VR-RENEWAL-22060006</a> e			Vacation Rental Registry Renewal e	0		301	SW	14	WAY		Close
<input type="checkbox"/>	<a href="#">VR-22050049</a>		Vacation Rental Registry App... e	Vacation Rental Registry	0		301	SW	14	WAY		Abandoned
<input type="checkbox"/>	<a href="#">BT-GEN-22020009</a> e	VACATION RENTAL e	FRETHAM, CURT JOHN e	General Business Tax Receipt e	0 e		301 e	SW e	14 e	WAY e		Open
<input type="checkbox"/>	<a href="#">VR-APP-22020005</a>			Vacation Rental Registry Application e	0		301	SW	14	WAY		Issued
<input type="checkbox"/>	<a href="#">CE15090686</a>	THE FOLLOWING PERMIT(S) WERE LEFT TO EXPIRE: , B... e	WILKIN, DONALD M & SHARON R	Building Cod Cas			301	SW	14	WAY		Close
<input type="checkbox"/>	<a href="#">VIO-CE15090686_1</a> e	THE FOLLOWING PERMIT(S) WERE LEFT TO EXPIRE:	WILKIN, DONALD M & SHARON R	Violation-BLD H aring	0		301	SW	14	WAY		Close
<input type="checkbox"/>	<a href="#">VIO-CE15090686_2</a> e	THE FOLLOWING PERMIT(S) WERE LEFT TO EXPIRE:	WILKIN, DONALD M & SHARON R	Violation-BLD H aring	0		301	SW	14	WAY		Close
<input type="checkbox"/>	<a href="#">PM-11120330</a>	REROOF 1900 SQF WITH RAS 150 IN KIND REPLACEMENT ...	REROOF 1900 SQF WITH RAS 150... e	R -Roof Permit	0		301	SW	14	WAY		Complete
<input type="checkbox"/>	<a href="#">PM-11101330</a>	SFR ADDITION 1 BEDROOM 1 BATHROOM SERVANT QUARTER... e	SFR ADDITION 1 BEDROOM 1 BAT...	Residential Addition Permit e	0		301	SW	14	WAY		Complete
<input type="checkbox"/>	<a href="#">PM-11101332</a>	ELECTRIC FOR ADDITION BP 11101330	ELECTRIC FOR ADDITION BP 111...	Electrical Residential Permit	0		301	SW	14	WAY		Complete
<input type="checkbox"/>	<a href="#">PM-11101333</a>	PLUMBING FOR ADDITION BP 11101330	PLUMBING FOR ADDITION BP 111...	Plumbing Residential Permit	0		301	SW	14	WAY		Complete
<input type="checkbox"/>	<a href="#">PM-11101334</a>	SFR ADDITION STEEP SHINGLE ROOF BP 11101330	SFR ADDITION STEEP SHINGLE R...	R -Roof Permit	0		301	SW	14	WAY		Complete
<input type="checkbox"/>	<a href="#">PL-5H11SB</a>	H6 -	WILKEN RESIDENCE ACCESSORY S...	HP- Historic Preservation - Certification of Appropriation	0		301	SW	14	WAY		Close
<input type="checkbox"/>	<a href="#">PM-08021711</a>	SEPTIC TO SEWER CONNECTION	SEPTIC TO SEWER CONNECTION	Plumbing Sewer Cap Permit	0		301	SW	14	WAY		Complete
<input type="checkbox"/>	<a href="#">PM-06120979</a>	ELECT SERV CHG TO 300 AMD	ELECT SERV CHG TO 300 AMD	Electrical Service Permit	0		301	SW	14	WAY		Complete
<input type="checkbox"/>	<a href="#">PM-05122299</a>	REPLACE WOOD DOCK 900SF	REPLACE WOOD DOCK 900SF	Boatlift-Dock-S awall-Pil P rmit	0		301	SW	14	WAY		Complete
<input type="checkbox"/>	<a href="#">PM-02040835</a>	INSTALL 18X30 POOL: ~ RENEWAL AND CHG OF CONTR 9/... e	INSTALL 18X30 POOL:	Residential Pool-Spa-Fountain Permit	0		301	SW	14	WAY		Complete
<input type="checkbox"/>	<a href="#">PM-02040836</a>	PLUMBING FOR NEW POOL	PLUMBING FOR NEW POOL	Plumbing Residential Permit	0 e		301 e	SW e	14 e	WAY		Complete
<input type="checkbox"/>	<a href="#">PM-02040837</a>	MECHANICAL FOR NEW POOL	MECHANICAL FOR NEW POOL	Mechanical Residential Permit	0		301	SW	14	WAY		Complete
<input type="checkbox"/>	<a href="#">PM-02040839</a>	ELECTRIC FOR NEW POOL	ELECTRIC FOR NEW POOL	Electrical Residential Permit	0		301	SW	14	WAY		Complete

## Page 1: BOA - Applicant Information Sheet

**INSTRUCTIONS:** The following information is required pursuant to the City's Unified Land Development Regulations (ULDR). While the information requested in this application is the minimum required to proceed please be aware additional information may be required to fully address the variance(s) and/or special exception(s) requested. The application form must be filled out accurately and all applicable sections must be completed. Please print or type and answer all questions. Do Not leave any sections Blank. Indicate N/A if a question does not apply.

Case Number	
Date of complete submittal	

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

Property Owner's Name	Curt Fretham
Property Owner's Signature	If a signed agent letter is provided, no signature is required on the application by the owner.
Address, City, State, Zip	14525 Highway 7, Suite 205, Minnetonka, MN 55345
E-mail Address	CurtF@LWestDev.com
Phone Number	612-720-5690
Proof of Ownership	<input checked="" type="checkbox"/> Warranty Deed or <input type="checkbox"/> Tax Record

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

Applicant / Agent's Name	Andrew J. Schein, Esq. / Lochrie & Chakas, P.A.
Applicant / Agent's Signature	
Address, City, State, Zip	1401 E. Broward Boulevard, Suite 110, Fort Lauderdale, FL 33301
E-mail Address	ASchein@lochrielaw.com
Phone Number	954-617-8919
Agent Authorization Form Submitted	<input checked="" type="checkbox"/>

Permit/code case related to variance(s)	
Existing / New	Existing: <input type="checkbox"/> New: <input checked="" type="checkbox"/>
Project Address	Address: 301 SW 14 Way
Legal Description	See survey
Tax ID Folio Numbers <i>(For all parcels in development)</i>	504209170052, 504209170051, 504209170050
Variance/Special Exception Request <i>(Provide a brief description of your request)</i>	Variance to allow minimum lot widths of 56.25' for lot A and B, and a variance amendment to allow minimum lot widths of 62' for lot C and 50' for lot D, where Section 47-5.31 requires minimum lot widths of 75'
Applicable ULDR Sections <i>(Include all code sections)</i>	47-5.31 and 47-24.5.D.3.c.ii

Current Land Use Designation	Low-Medium Residential
Current Zoning Designation	RS-8
Current Use of Property	Single family and vacant
Site Adjacent to Waterway	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Setbacks (indicate direction N, S, E, W)		Required	Proposed
Front	NE	25'	A: 25'   B: 25'   C: 25'   D: 25'
Side	NW	5'	A: 5'   B: 5'   C: 5'   D: 5'
Side	SE	5'	A: 5'   B: 5'   C: 4.51'   D: 5'
Rear	SW	25'	A: 25'   B: 25'   C: 25'   D: 25'

**Page 2: Board of Adjustment (BOA) Criteria for Variance Request**

Answer All questions on this page and attach narrative. If additional space is needed, attach additional page(s).

**SPECIFIC REQUEST:** State the specific request according to the ULDR or other provisions of the Code.

*See Page 1*

**CRITERIA:** Applicant must demonstrate a unique hardship attributable to the land by proving by a preponderance of the evidence for all of the following criteria. Please answer the following criteria completely. While some criteria may seem duplicative the response should be tailored specifically to each. Per section 47-24.12. A.4,

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

*See ~~the~~ narrative*

b. Circumstances which cause the special conditions are peculiar to the property at issue, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the same zoning district; and:

*See narrative*

c. Literal application of the provisions of the ULDR would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same zoning district. (It shall be of no importance to this criterion that a denial of the variance sought might deny to the owner a more profitable use of the property, provided the provisions of the ULDR still allow a reasonable use of the property; and

*See narrative*

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

*See narrative*

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

*See narrative*

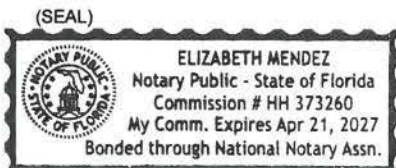
**AFFIDAVIT:** I, Andrew Schein the Owner/Agent of said property ATTEST that I am aware of the following:

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

*[Handwritten Signature]*

(Signature)

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 6 day of November, 2023



*[Handwritten Signature]*  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**Applicant:** Andrew J. Schein / Lochrie & Chakas, P.A.  
**Owner/Developer:** Curt Fretham (“Owner”)  
**Address:** 301 SW 14<sup>th</sup> Way (“Property”)  
**Request:** Variance from ULDR Sections 47-5.31 and 47-24.5.D.3.c.ii

**Attachment to Page 2 of the Variance Application**

**Board of Adjustment Criteria and Narrative**

**1. General Information and Request**

This variance request is an amendment to a variance that was granted on September 21, 2023 pursuant to Case No. PLN-BOA-23080002. The previous variance was to allow minimum lot widths of 56.25 feet, where the ULDR requires a minimum lot width of 75 feet. The purpose of the previous variance was to allow the existing house on the Property to remain, as the existing house is located within the Sailboat Bend Historic District. The Owner was set to move forward with an application for demolition of the existing structure when residents raised concerns about wanting to keep the house. Owner then sought options for keeping the house.

At the September 21, 2023 Board of Adjustment meeting, the owner expressed the desire to relocate the house to the northernmost part of the Property and do construct new residences on the southern 3 lots. After the hearing, it was determined that moving the house would be too risky due to the house being situated on a parcel with such a dense canopy. Keeping the dense canopy surrounding the house and keeping the overall layout of the Property was also important to residents. Rather than demolishing the house or relocating the house, the Owner is now proposing to keep the house in its current location and to create a new lot for the house.

In order to create a new lot for the house, the boundaries of the previously-approved parcels require an amendment. Rather than the approved 56.25’ lot width on Parcel C, Owner is proposing to increase the lot width to 62’. This causes Parcel D to have a minimum lot width of 50’, where 56.25’ was previously approved. Additionally, the existing structure will be set back 4.66’ from the southern property line where the ULDR requires 5’.

The responses to the variance criteria, which are repeated on the following pages, have not changed from the previous application. This request meets the variance criteria for the same reasons that the previous application was approved.

## 2. Code Provisions

*ULDR Section 47-5.31: Minimum lot width: 75 ft. when abutting a waterway on any side and a minimum setback of 5 feet.*

*ULDR Section 47-24.5.D.3.c.ii: "Lots for detached single family and duplex dwellings shall provide lot sizes not less than the following... In the RS-8 district, lot area of seven thousand five hundred (7,500) square feet and width of seventy-five (75) feet."*

## 3. Variance Criteria

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

**RESPONSE:** The reasonable use of the Property, which is a 225' lot in the RS-8 zoning district, is to develop three (3) single-family homes each having a 75' lot width. While still possible as the existing structure meets the criteria for demolition, Owner has opted to work with the interested parties to keep the existing structure.

The reasonable use of the Property cannot be accomplished while meeting the minimum lot width of the ULDR and keeping the existing structure. Getting approval from the Historic Preservation Board to demolish a non-contributing property, then demolishing the non-contributing property, is fairly common. However, getting approval from the Historic Preservation Board to demolish a non-contributing property, then finding ways to keep the structure, is not common. Owner's willingness to keep the structure while acknowledging that they meet the criteria for demolition is very unusual and is a special condition of this Property.

- b. Circumstances which cause the special conditions are peculiar to the property at issue, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the same zoning district;

**RESPONSE:** Applicant is unaware of any other property in Sailboat Bend that received demolition approval from the Historic Preservation Board that did not end up being demolished. Owner's willingness to keep the existing structure, knowing that they likely have every legal right to demolish it, is peculiar to this property and clearly constitutes a marked exception.

- c. Literal application of the provisions of the ULDR would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same zoning district;

**RESPONSE: In 2021, the City adopted the Property Rights Element of the Comprehensive Plan. Among other principles, the City adopted the principle of “Predictability” into the Comprehensive Plan, which states in part:**

**“Predictability means a local government follows rules that are clear and unambiguous. Real estate investors should be able to read the rules and know whether local government will permit a development proposal.”**

**Owner read the rules regarding the Property, including that the Property is non-contributing property in the historic district, meaning that it met the criteria for demolition under the City’s code. Owner intended to demolish the structure on the Property and construct three (3) single-family homes; as mentioned above, developing one’s property under the local government rules is a recognized property right under the City’s comprehensive plan.**

**The City has not yet the Owner of this right as of the date of this application. However, after hearing from interested parties, Owner has decided to submit this variance application to protect the existing structure prior to any final determination being made on the demolition and, if granted, Owner intends to relocate the structure to a different part of the Property and protect said structure.**

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

**RESPONSE: The provisions of the ULDR would allow for demolition of the existing structure, as evidenced by the overwhelming demolition approval from the Historic Preservation Board and the plain language in the ULDR. The hardship of balancing the Owner’s known property rights with the feelings of the third parties was not created by the Owner. Owner is merely attempting to create a “win-win” scenario for both Owner and the neighborhood, rather than only the Owner “winning” by demolishing the house that they likely have every legal right to do.**

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

**RESPONSE: This variance is the minimum necessary that will allow Owner to develop the Property as intended while keeping the existing structure. This variance will also be compatible with the surrounding neighborhood. Single-family structures on lots less than 75’ in width are not unusual in Sailboat Bend – being an older neighborhood, many of the**

**waterfront houses were built on the original single platted lots on the Waverly Place (Plat Book 2, Page 19, Broward County Records) and River Highlands (Plat Book 10, Page 3, Broward County Records) plats, which mainly consisted of 50' platted lots. This includes the Property, which consists of three (3) tax folios on 4.5 platted 50' lots.**

**This variance is not expected to be detrimental to the public welfare, and will be in harmony with the general purposes and intent of the ULDR as well as the Property Rights Element of the City's Comprehensive Plan.**

### Page 3: Checklist for submittal and completeness:

The following information and checklist outlines the necessary items for submittal to ensure the application is deemed complete. Failure to provide the information/documents below will result in your application being deemed incomplete.

- Board of Adjustment (BOA) Application Form:** form must be complete with the applicable information, signatures, and notarizations.
- Proof of Ownership:** warranty deed or tax record including corporation documents and Sunbiz verification name.
- Agent Authorization Form:** Property owner(s) original notarized signature(s) is required (if applicable).
- Narrative:** include the applicable ULDR code sections, specific request and criteria as described in the specifications for submittal by application. Narrative must be dated, titled narrative and indicate the author.
- Color photographs:** Color photos of the entire property and all surrounding properties dated and labeled and identified as to orientation.
- Survey:** The survey of the property must be signed and sealed, showing existing conditions; survey must be As-Built with Right-of-Way and Easement Vacations Excluded. The survey should consist of the proposed project site alone. Do not include adjacent properties or portions of land(s) not included in the proposed project unless specifically requested by the city. \*Survey should be less than 1 year.
- Site Plans:** A full set of plans must be submitted (a survey may be substituted if the requested variance is clearly indicated). Cover sheet on plan set to state project name and table of contents.
- Elevations Required:**
- Floor Plans Required:**
- Landscape Plans Required:**
- Additional Plans:** details as needed.
- Mail notification documents:** Pursuant to Section 47-27.2 Types of Public Notice and 47-27.9 Variance.

Special Exception, Temporary Non-Conforming Use, Interpretation requires the following notice:

• **MAIL NOTICE:** Mail notice shall be given to owners of land within three hundred (300) feet of the subject site ten (10) days prior to the date set for the public hearing.

○ **TAX MAP:** Applicant shall provide a tax map from the Broward County Property Appraiser of all property within a three hundred (300) foot radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.

○ **PROPERTY OWNERS NOTICE LIST:** Applicant shall provide a property owner notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required three hundred (300) foot radius.

The list shall also include all homeowners' associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.

○ **ENVELOPES:** The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted).

Envelopes must be addressed to all property owners within the required three hundred (300) foot radius.

and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. The return address shall be listed on all envelopes as follows:

City of Fort Lauderdale - Zoning & Landscaping Division - BOA  
700 N.W. 19th Avenue  
Fort Lauderdale, Florida 33311

#### How to Order Tax Map and Notice List

To order a tax map and notice list, please Contact Heather Hanson at [hhanson@bcpa.net](mailto:hhanson@bcpa.net) or call 954-357-6855 OR  
Kenny Gibbs at [kgibbs@bcpa.net](mailto:kgibbs@bcpa.net) or call 954-357-5503.

#### DISTRIBUTION

The City of Fort Lauderdale, Zoning & Landscaping Division will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.

#### OVERVIEW FOR ONLINE SUBMITTAL REQUIREMENTS:

Submittals must be conducted through the City's online citizen access portal [LuderBuild](#). No hard copy application submittals are accepted.

Information and items listed on the above checklist are important submittal requirements that applicants must follow and submit online to be deemed complete. View all plan and document requirements at [LuderBuild Plan Room](#).

• **Uploading Entire Submittal:** upload all documents at the time the application is submitted to prevent delays in processing.

• **File Naming Convention:** file names must adhere to the City's [File Naming Convention](#).

• **Reduce File Size:** plan sets, and other large files must be merged or flattened to reduce file size.

• **Plan Sets:** plan sets like site plans, plats, etc. must be submitted as a single pdf file. Staff will instruct when otherwise.

• **Document Categories:** choose the correct document category when uploading.

#### EXAMPLE VARIANCE SUBMITTAL

To view previous Board of Adjustment (BOA) case backup, click [here](#).

#### SUBMIT 14 COPY SETS

14 copy sets of each item listed on the checklist will be due **AFTER** the Application submittal has been Deemed Complete.

All 14 copy sets must be clear and legible. The survey and plans must be at half-size scale 11X17" and all non-plan documents should be 8 1/2" x 11".

Page 4: Sign Notification Requirements and Affidavit

**SIGN NOTICE**

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

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

**AFFIDAVIT OF POSTING SIGNS**

STATE OF FLORIDA

BROWARD COUNTY

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

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

PROPERTY: \_\_\_\_\_

PUBLIC HEARING DATE: \_\_\_\_\_

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_, who upon being duly sworn and cautioned, under oath deposes and says:

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

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

Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

(SEAL)

NOTARY PUBLIC
MY COMMISSION EXPIRES:

## Page 5: Technical Specifications

### A. SITE PLAN

1. Title Block including project name and design professional's address and phone number
2. Scale (1" = 30' min., must be engineer's scale)
3. North indicator
4. Location map showing relationship to major arterials
5. Drawing and revision dates, as applicable
6. Full legal description
7. Site Plan Data Table
  - Current use of property
  - Land Use designation
  - Zoning designation
  - Site area (sq. ft. and acres)
  - Setback table (required vs. provided)
  - Open space
8. Site Plan Features (graphically indicated)
  - Setbacks and building separations (dimensioned)
  - Project signage (if applicable)
  - Easements (as applicable)

(Please note additional site plan information may be necessary to fully address the requested variance)

### B. BUILDING ELEVATIONS (as applicable)

1. All building facades with directional labels (i.e. North, South) and building names if more than one building
2. Dimensions, including height and width of all structures
3. Dimensions of setbacks and required setbacks from property lines
4. Dimension grade at crown of road, at curb, sidewalk, building entrance, and finished floor
5. Include proposed signage

THIS INSTRUMENT WAS PREPARED BY:  
Conrad J. Boyle, Esq.  
Mombach, Boyle, Hardin & Simmons, P.A.  
100 Northeast 3<sup>rd</sup> Avenue, Suite 1000  
Fort Lauderdale, Florida 33301

Parcel ID No. 5042 09 17 0050

**WARRANTY DEED**

**THIS INDENTURE**, executed this 21<sup>st</sup> day of September, 2021, by **Donald M. Wilkin and Sharon R. Wilkin, husband and wife**, whose mailing address is: 14130 Falcon Crest Drive, Jacksonville, Florida 32224, as **Grantor**, in favor of **Curt John Fretham, a single man**, whose mailing address is: 14525 Hwy 7, Suite 265, Minnetonka, MN 55345.

**WITNESSETH:** That the Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, hereby grants, bargains, sells, conveys, remises, releases and transfers unto the Grantee, their heirs and assigns, as the case may be, in fee simple forever, the following described real property lying in the County of Broward, State of Florida, to wit (the "Property"):

**Lots 3, 4, 5, 6 and N1/2 of Lot 7, Block 2, River Highlands, according to the plat thereof as recorded in Plat Book 10, Page 3, Public Records of Broward County, Florida**

**SUBJECT TO:** comprehensive land use plans, zoning, and other land use restrictions, prohibitions and requirements imposed by governmental authority; restrictions and matters appearing on the Plat or otherwise common to the subdivision, however reference thereto shall not cause same to be reimposed; unplatted public utility easements of record; and taxes for the year 2021 and subsequent years.

**TO HAVE AND TO HOLD**, the Property together with all and singular the rights and appurtenances thereunto belonging or in any way appertaining, to Grantee and their heirs and assigns in fee simple forever; and all the estate, right, title, interest, lien, equity, tenements, hereditaments, appurtenances, and claim whatsoever of the Grantor, either in law or equity, to the use and benefit of the Grantee forever, and Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple, that the Grantor has good right and lawful authority to sell and convey said land, and Grantor does hereby fully warrant the title to the Property and will defend same against all lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2020.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, Grantor hereunto sets Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]  
Signature of 1<sup>st</sup> Witness  
Conrad J. Boyle  
Printed Name of 1<sup>st</sup> Witness

[Signature]  
Donald M. Wilkin

[Signature]  
Signature of 2<sup>nd</sup> Witness

Debbie Aurand  
Printed Name of 2<sup>nd</sup> Witness

[Signature]  
Signature of 1<sup>st</sup> Witness

[Signature]  
Sharon R. Wilkin

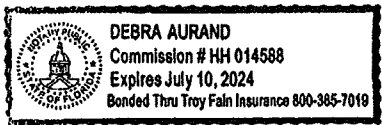
Conrad J. Boyle  
Printed Name of 1<sup>st</sup> Witness

[Signature]  
Signature of 2<sup>nd</sup> Witness

Debbie Aurand  
Printed Name of 2<sup>nd</sup> Witness

STATE OF Florida  
COUNTY OF Broward

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 21<sup>st</sup> day of September, 2021, by Donald M. Wilkin and Sharon R. Wilkin, who are personally known to me, or who have produced their FL Drivers License as identification.



[Signature]  
Signature of the Notary Public

Debra Aurand  
Printed Name of the Notary Public  
My commission expires:



<b>Site Address</b>	301 SW 14 WAY, FORT LAUDERDALE FL 33312-7550 U	<b>ID #</b>	5 42 9 17 5 U
<b>Property Owner</b>	FRIEDMAN C RICHMOND	<b>Millage</b>	312
<b>Mailing Address</b>	14525H U 7 TEL 265U UNNIEOTONKAUU 55345U	<b>Use</b>	1- U
<b>Actual Legal Description</b>	RIVER HIGHLAND U1 LB B LOT 6 & N1/2 LOT 7 BLK DIAMOND ACRES		

The just values displayed below were set in compliance with [Sec. 193.011](#), Fla. Stat., and include a reduction for costs of sale and other adjustments required by [Sec. 193.011\(8\)](#).

\* 24 values are considered "working values" and are subject to change.

Property Assessment Values					
Year U	Land U	Building Improvement U	Just / Market Value	Assessed / SOH Value	Tax
2024 U	\$525,	\$56,21	\$581,21	\$581,21	
2023	\$525, U	\$56,21	\$581,21	\$581,21	\$10,558.86
2022	\$472,5 U	\$109,46 U	\$581,96 U U	\$581,96 U	\$10,36 . 1

2024 Exemptions and Taxable Values by Taxing Authority					
U	County	School Board U	Municipal	Independent U	
<b>Just Value U</b>	\$581,21 U	\$581,21 U	\$581,21 U	\$581,21 U	\$581,21 U
<b>Portability U</b>	0	0	0	0	
<b>Assessed/SOH U</b>	\$581,21 U	\$581,21 U	\$581,21 U	\$581,21 U	\$581,21 U
<b>Homestead U 0 U</b>	0	0	0	0	
<b>Add Homestead U</b>	0 U	0 U	0 U	0 U	
<b>Wid/Vet/Dis 0 U</b>	0	0	0	0	
<b>Senior U</b>	0	0	0	0	
<b>Exempt Type U 0 U</b>	0	0	0	0	
<b>Taxable</b>	\$581,21 U U	\$581,21 U U	\$581,21 U U	\$581,21 U U	\$581,21 U

Sales History			
Date	Type	Price	Book/Page or CIN
9/21/21	W D*E U	\$1,842,	117608751
3/29/1997	QCD UU	\$1U	26264 / 685
12/1/1986	WU D U	\$101,3 U U	14120 / 661
2/1/1969	WU D U U	\$68 U	
U	U	U	

Land Calculations		
Price	Factor	Type
\$5 . U	1 U S U	F
U	U	
<b>Adj Bldg. S.F. (Card, ketch) U</b>		647
<b>Units</b>		1
<b>Eff./Act. Year Built: 1976/1971</b>		

\* Notes: Iti- parcel ale ( le Deed) U

Special Assessments								
Fire	Garb U	Light U	Drain U	Impr U	Safe	Storm U	Clean U	Misc U
3 U		U			U	F1U U		
R U					U	U		
1	U	U	U	U	U	1 U		U



BOARD OF ADJUSTMENT -AGENT AUTHORIZATION FORM

Rev: 0 | Revision Date: 6/02/2023 | Print Date: 0/00/0000
I.D. Number: BOAAAF

AGENT AUTHORIZATION FORM

I, Curt Fretham ("Owner") as the current title owner of the real property located at 301 SW 14 Way, Fort Lauderdale, FL 33312 ("Property"), do hereby authorize

Andrew Schein ("Authorized Agent") to act as my agent regarding the submittal of a variance/special exception application to the City of Fort Lauderdale and appear at any and all scheduled hearings before the Board of Adjustment for the City of Fort Lauderdale, on the date, time and location specified on the Hearing Notice.

I authorize my agent to communicate with the City of Fort Lauderdale regarding my pending variance/special exception application and, by signing this authorization form, I hereby authorize the City of Fort Lauderdale to accept and rely on any and all communications from my Authorized Agent, whether written or oral, regarding all issues related to my pending variance/special exception application.

Notwithstanding the City's receipt of my completed and executed Agent Authorization Form. I understand and agree, the City will mail or deliver all notices relating to my pending variance/special exception application to my property address, as listed on my variance/special exception application. I further understand and agree, the City of Fort Lauderdale and the Board of Adjustment assume no liability for my failure or my Authorized Agent's failure to comply with any terms or conditions outlined in my variance/special exception application, and/or my failure or my Authorized Agent's failure to appear on my behalf at any duly noticed hearings before the Board of Adjustment.

I further agree to INDEMNIFY AND HOLD HARMLESS and hereby RELEASE, WAIVE, DISCHARGE, HOLD HARMLESS AND FOREVER COVENANT NOT TO SUE the City of Fort Lauderdale, its elected officials, employees, servants, representatives, associates, officers, agents, guests, invitees, volunteers, partners, successors and assigns from any and all liability, claims, demands, action, judgments, costs, expenses, court costs, attorney fees and causes of action whatsoever arising out of or related to any loss or damage to property, and/or injury to any person, including death, WHETHER CAUSED BY, ALLEGEDLY CAUSED BY, OR CONTRIBUTED IN WHOLE OR IN PART by the action, failure to act, negligence, breach of contract or other misconduct by my me, my Authorized Agent, my employees, servants, representatives, associates, officers, agents, volunteers, partners, successors and assigns,



DEVELOPMENT SERVICES DEPARTMENT – ZONING & LANDSCAPING DIVISION  
BOARD OF ADJUSTMENT -AGENT AUTHORIZATION FORM

Rev: 0 | Revision Date: 6/02/2023 | Print Date: 0/00/0000  
I.D. Number: BOAAAF

relating in any way to the City of Fort Lauderdale's reliance of the authority granted to my Authorized Agent pursuant to this Form.

BY SIGNING THIS RELEASE AND HOLD HARMLESS AGREEMENT, I ATTEST, AFFIRM, AND REPRESENT THAT I AM THE TITLE OWNER FOR THE PROPERTY AND THAT ALL OF THE FOLLOWING STATEMENTS ARE TRUE AND CORRECT: I am at least eighteen (18) years of age and of sound and competent state of mind at the time executed this Agent Authorization Form; I executed this Agent Authorization Form as an expression of my own free act and deed; There are no oral representations or statements, apart from this Agent Authorization Form and intend to be bound by its terms; and I was not induced by the City, its employees and/or agents, or anyone, to execute this Agent Authorization Form. **\*Please provide proof of ownership. If the property is owned by an Corporation/ Company, please submit proof from Sunbiz.**

WITNESSES:

Stephen Jensen  
Witness Signature

Stephen Jensen 11/6/2023  
Print Name and Date

Kelsey Thompson  
Witness Signature

Kelsey Thompson 11-6-23  
Print Name and Date

[Signature]  
[Owner's Signature]

[Signature]  
[Print Owner's Name]

11/6/23  
[Date]

STATE OF Minnesota  
COUNTY OF Hennepin

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 6 day of November, 2023, by Curt Frethen an individual.

[SEAL]



Mandy Cullen  
(Signature of Notary Public- State of Florida)

Mandy Cullen  
(Print, Type, or Stamp Commissioned Name of Notary Public)

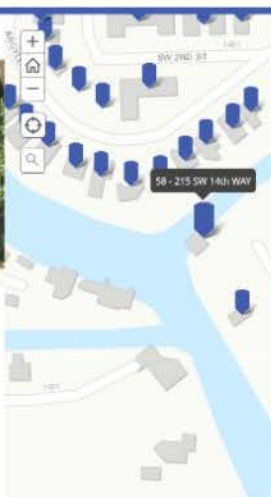



ADDRESS: 215 SW 14 WAY  
FOLIO: 504209170020

DISTANCE FROM PROPERTY:  
~ 180 FEET NW



58 - 215 SW 14th WAY

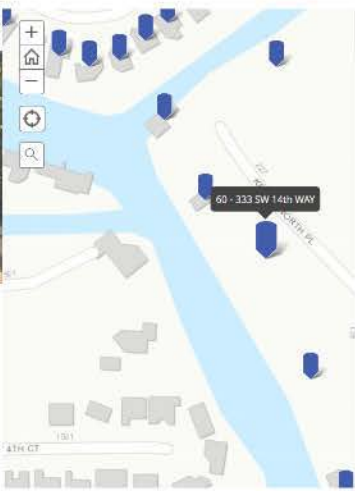



Site Number: 58  
Address: 215 SW 14th WAY  
Status: Non-Contributing  
Folio Number: 504209170020  
Year Built: 1969  
Architect: William Bigoney  
Architectural Style: Modern  
Outside Periods of Significance; Potential Individual Designation

ADDRESS: 333 SW 14 WAY  
FOLIO: 504209170020

DISTANCE FROM PROPERTY:  
~ 150 FEET SE

60 - 333 SW 14th WAY



Site Number: 60  
Address: 333 SW 14th WAY  
Status: Non-Contributing  
Folio Number: 504209170060  
Year Built: 1989  
Architect: William Bigoney  
Architectural Style: None  
Outside Periods of Significance:





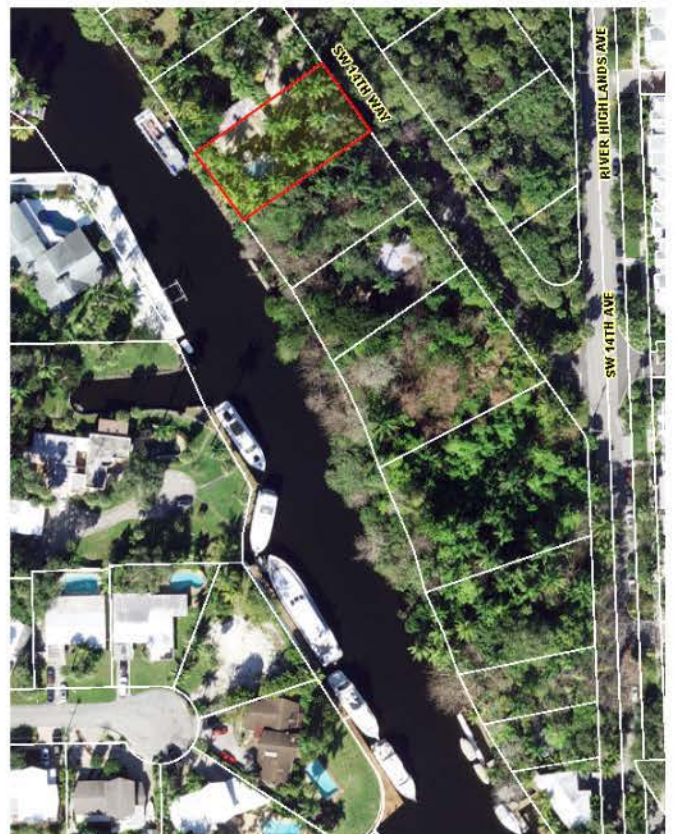
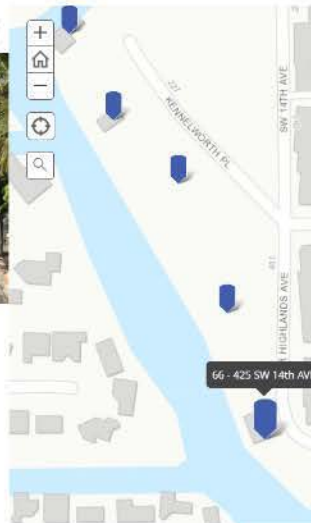
**ADDRESS: 425 SW 14 WAY**  
**FOLIO: 504209170120**

**DISTANCE FROM PROPERTY:**  
**~ 615 FEET SE**

66 - 425 SW 14th AVE



Site Number: 66  
 Address: 425 SW 14th AVE  
 Status: Non-Contributing  
 Folio Number: 504209170120  
 Year Built: 1978  
 Architect: William Bigoney  
 Architectural Style: None  
 Outside Periods of Significance; Potential Individual Designation

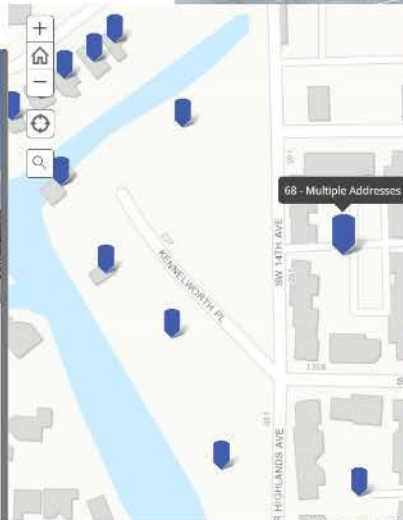




ADDRESS: MULTIPLE  
 FOLIO: MULTIPLE

DISTANCE FROM PROPERTY:  
 ~ 340 FEET E

68 - Multiple Addresses



Site Number: 68  
 Addresses: Multiple  
 Status: Non-Contributing  
 Folio Numbers: Multiple  
 Year Built: 2005  
 Architect: Unknown  
 Architectural Style: None  
 Outside Periods of Significance





ADDRESS: 1600 SW 4 ST  
FOLIO: 504209220410

DISTANCE FROM PROPERTY:  
~135 FEET W



# LAKE WEST DEVELOPMENT, LLC

November 3, 2023

Re: Narrative for 301 SW 14 Way – Approved Variance Application Amendment

## BRIEF SUMMARY

This narrative accompanies the application materials submitted on November 3, 2023 for the recently approved variance as described below:

### Approved Variances:

#### Sec. 47-5.31. – Table of dimensional requirements for the RS-8 district.

- Requesting a variance to allow a minimum lot width of 56.25 feet for each lot, whereas the code requires a minimum lot width of 75 feet on the waterway. A total reduction of 18.75 feet for each lot, as per the plans and narrative.

#### Sec. 47-24.5. D.3.c.ii. – Lots.

- Requesting a variance to allow a minimum lot width of 56.25 feet for each lot, whereas the code requires a minimum lot width of 75 feet. A total reduction of 18.75 feet for each lot, as per attached plans and narrative.

## OVERVIEW OF PLANS AND REQUESTED VARIANCE AMENDMENTS

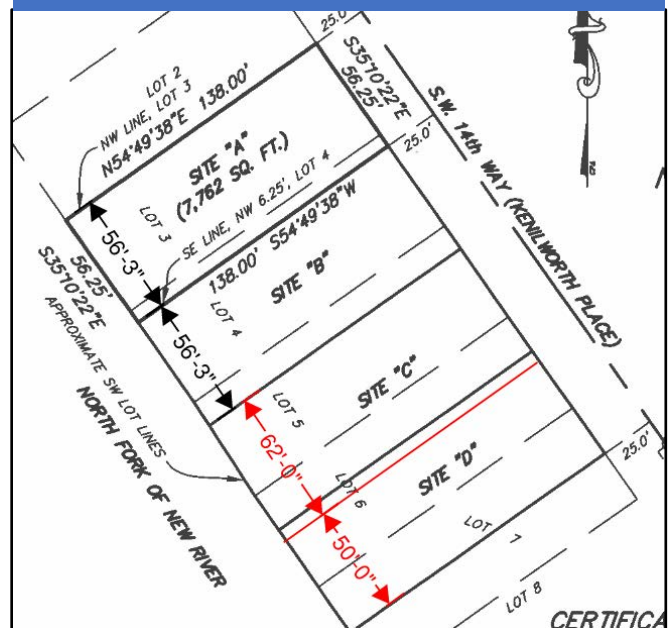
The applicant seeks to amend the variances or to modify a condition to the variance for good cause (whichever is more appropriate) that were approved on 9/21/2023.

The applicant is requesting a variance to allow a minimum lot width of 56.25 feet for lots “A” and “B”, and a variance *modification* to allow a minimum lot width of 62 feet for lot “C” and 50 feet for lot “D”, whereas the code requires a minimum lot width of 75 feet on the waterway. A total reduction of 18.75 feet for lots “A” and “B”, 13 feet for lot “C”, and 25 feet for lot “D”, as per the plans.

**Figure 1 shows the approved variance plans outlined in black in comparison to the revisions outlined in red.**

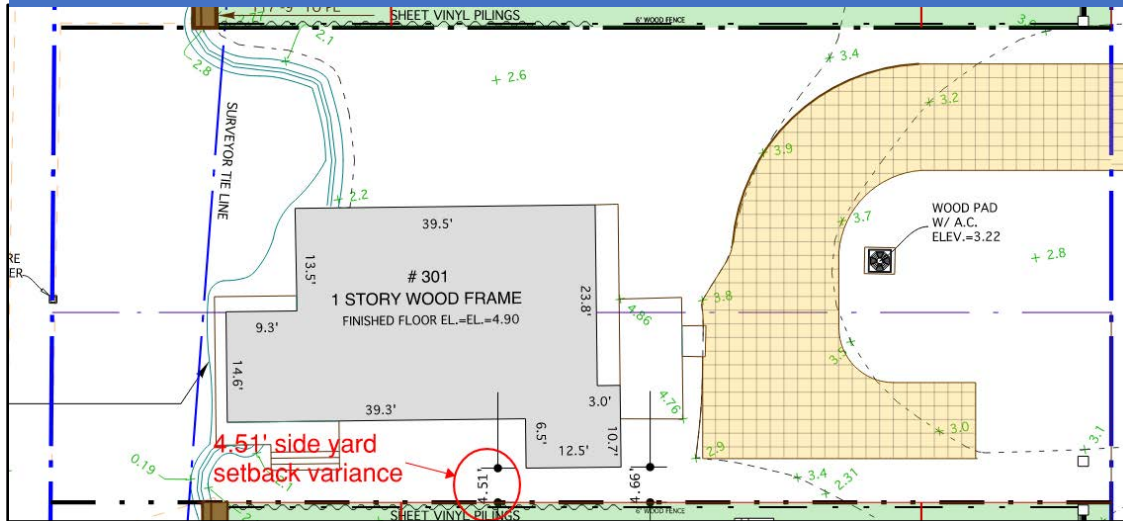
The reason for the amended variance request is to keep the existing structure where it's currently located, creating a 62 foot lot on Site “C” and 50 foot lot on Site “D” (Figure 1). The hardship the developer ran into when seeking to relocate the existing structure is that the home is nestled into the environment growing into the trees and protected mangroves that surround it. Relocating the home would create more mitigation than necessary and would likely change the intention of the home's design “to fit within its natural environment” (HPB Staff Report, May 1, 2023). An additional hardship in relocating the home is meeting potential code compliance items required to move the house.

Figure 1: Survey of the revisions (in red) compared to the approved variance (in black)



A condition of this variance modification is to allow a minimum side yard set back of 4.51 feet for lot "C", whereas the code requires a minimum lot width of 5 feet. A total reduction of 0.49 feet for lot "C", as per the plans.

Figure 2: Site Plan of lot "C" with existing home highlighting the side yard setback condition of variance of 4.51 feet



## CONCLUSION

The main objective in seeking this variance request is to save the existing home and the original intentions of the design. The attributes contributing to the original design are outlined on Pages 13 and 14 in the Historic Preservation Board Staff Report Dated May 1, 2023 when the applicant applied to demolish the structure. To relocate and/or modify the existing home creates challenges to preserve the integrity of the design and meet the intent of saving the existing home. The applicant requests that the modification to the variance is approved along with the condition to this variance.

Sincerely,

Curt Fretham  
CEO, Lake West Development

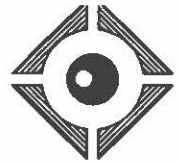
Office: (952) 930-3000  
Cell: (612) 720-5690  
Email: CurtF@LWestDev.com





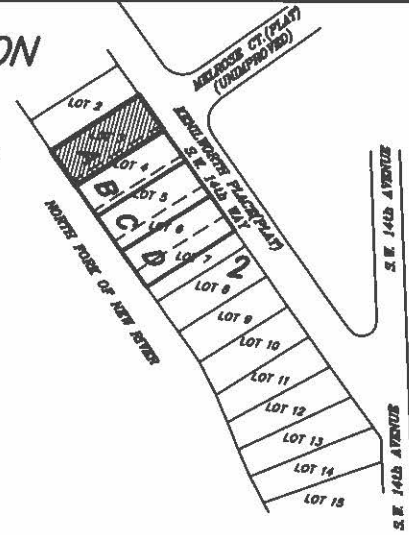
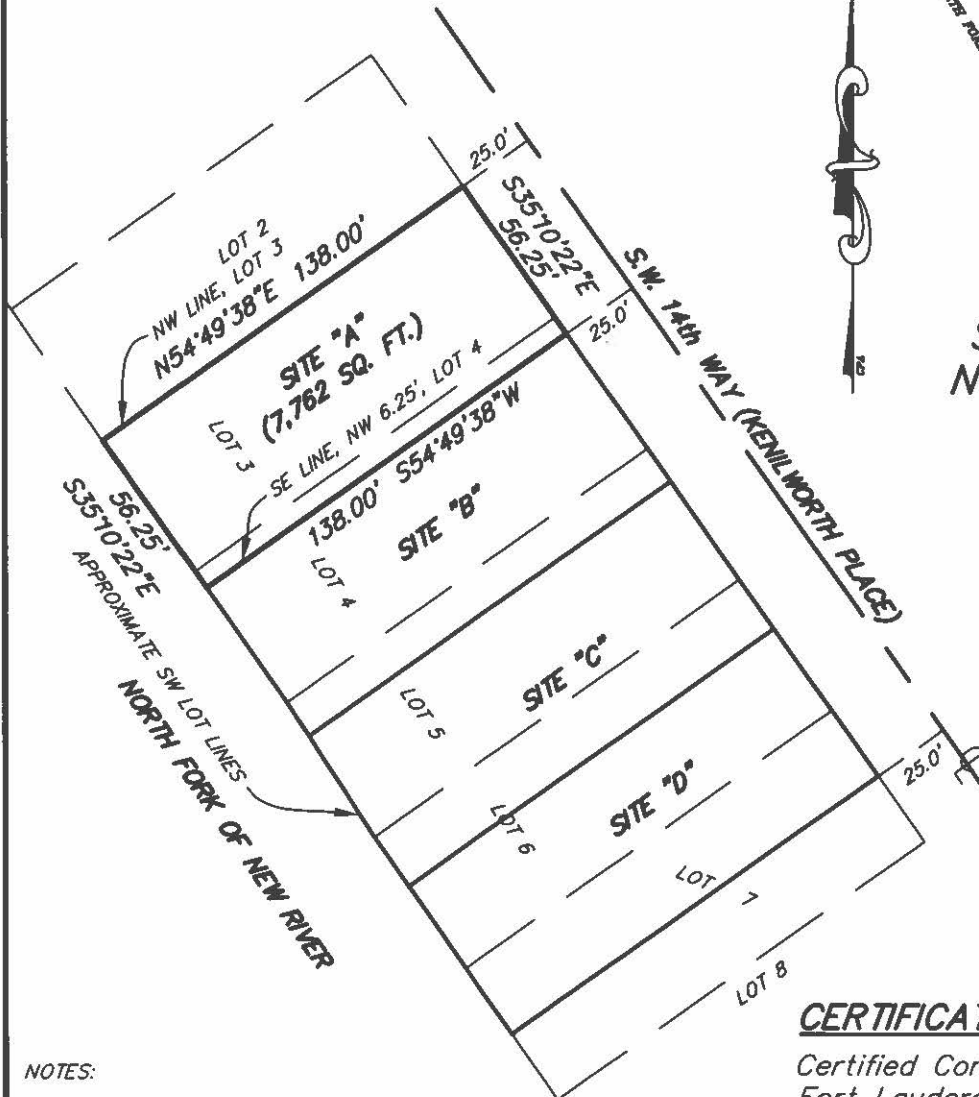
**McLAUGHLIN ENGINEERING COMPANY LB 285**  
**A DIVISION OF CONTROL POINT ASSOCIATES, INC. LB 8137**

CUTTING EDGE SURVEYING \* PLATTING \* LAND PLANNING  
 1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309  
 PHONE: (954) 763-7611 \* EMAIL: JHADDIX@CPASURVEY.COM



SCALE 1" = 60'

**SKETCH AND DESCRIPTION**  
**301 S.W. 14th WAY**  
**FORT LAUDERDALE, FL**  
**SITE "A"**



**SITE LAYOUT**  
**NOT TO SCALE**

**LEGAL DESCRIPTION:**

All of Lot 3; TOGETHER WITH: The Northwesternly 6.25 feet of Lot 4, Block 2, RIVER HIGHLANDS, according to the plat thereof, as recorded in Plat Book 10, Page 3, 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 7,762 square feet or 0.1782 acres more or less.

**NOTES:**

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements, road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an appropriate surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the Northeasterly line of Lots 3 to 7, as South 35°10'22" East.
- 6) The dimensions of the Southerly lines of the Lots are shown as plus or minus, to the nearest foot on record plat.

**CERTIFICATION**

Certified Correct. Dated at Fort Lauderdale, Florida this 26th day of July, 2023.

McLAUGHLIN ENGINEERING COMPANY  
 A DIVISION OF CONTROL POINT ASSOC. INC.

*Jerald A. McLaughlin*  
 JERALD A. McLAUGHLIN  
 Registered Land Surveyor No. LS5269  
 State of Florida.

FIELD BOOK NO. \_\_\_\_\_

DRAWN BY: JMMjr

JOB ORDER NO. 15-230215-00

CHECKED BY: \_\_\_\_\_

REF. DWG.: 22-2-082

C: \JMMjr\2023\15-230215-00



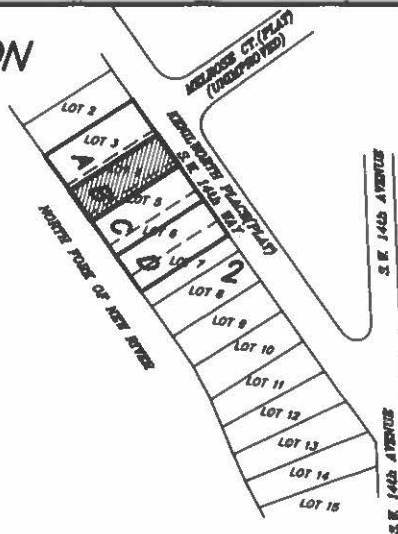
**McLAUGHLIN ENGINEERING COMPANY LB 285**  
**A DIVISION OF CONTROL POINT ASSOCIATES, INC. LB 8137**

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 1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309  
 PHONE: (954) 763-7611 \* EMAIL: JHADDIX@CPASURVEY.COM



SCALE 1" = 60'

**SKETCH AND DESCRIPTION**  
**301 S.W. 14th WAY**  
**FORT LAUDERDALE, FL**  
**SITE "B"**

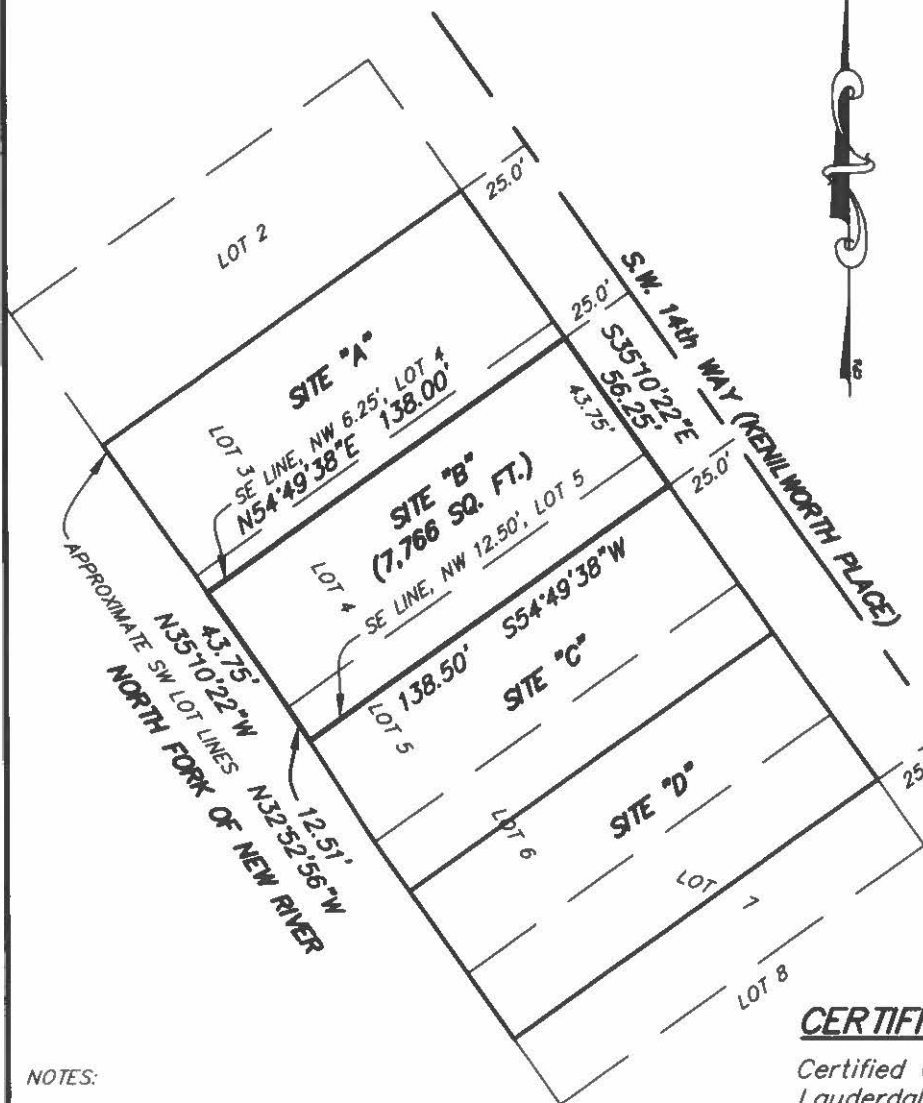


**SITE LAYOUT**  
**NOT TO SCALE**

**LEGAL DESCRIPTION:**

Lot 4, Less the Northwesterly 6.25 feet thereof; TOGETHER WITH: The Northwesterly 12.50 feet of Lot 5, Block 2, RIVER HIGHLANDS, according to the plat thereof, as recorded in Plat Book 10, Page 3, 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 7,766 square feet or 0.1783 acres more or less.



**CERTIFICATION**

Certified Correct. Dated at Fort Lauderdale, Florida this 26th day of July, 2023.

Revised Legal Description this 31st day of July, 2023.

McLAUGHLIN ENGINEERING COMPANY  
 A DIVISION OF CONTROL POINT ASSOC. INC.

JERALD A. McLAUGHLIN  
 Registered Land Surveyor No. 55269  
 State of Florida

**NOTES:**

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements, road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an appropriate surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the Northeasterly line of Lots 3 to 7, as South 35°10'22" East.
- 6) The dimensions of the Southerly lines of the Lots are shown as plus or minus, to the nearest foot on record plat.

FIELD BOOK NO. \_\_\_\_\_

JOB ORDER NO. 15-230215-00

REF. DWG.: 22-2-082

DRAWN BY: JMMjr

CHECKED BY: \_\_\_\_\_

C: \JMMjr\2023\15-230215-00



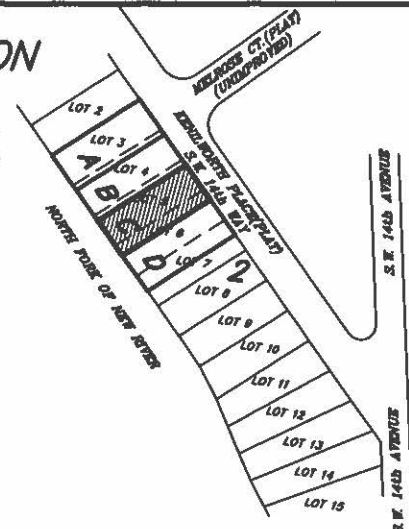
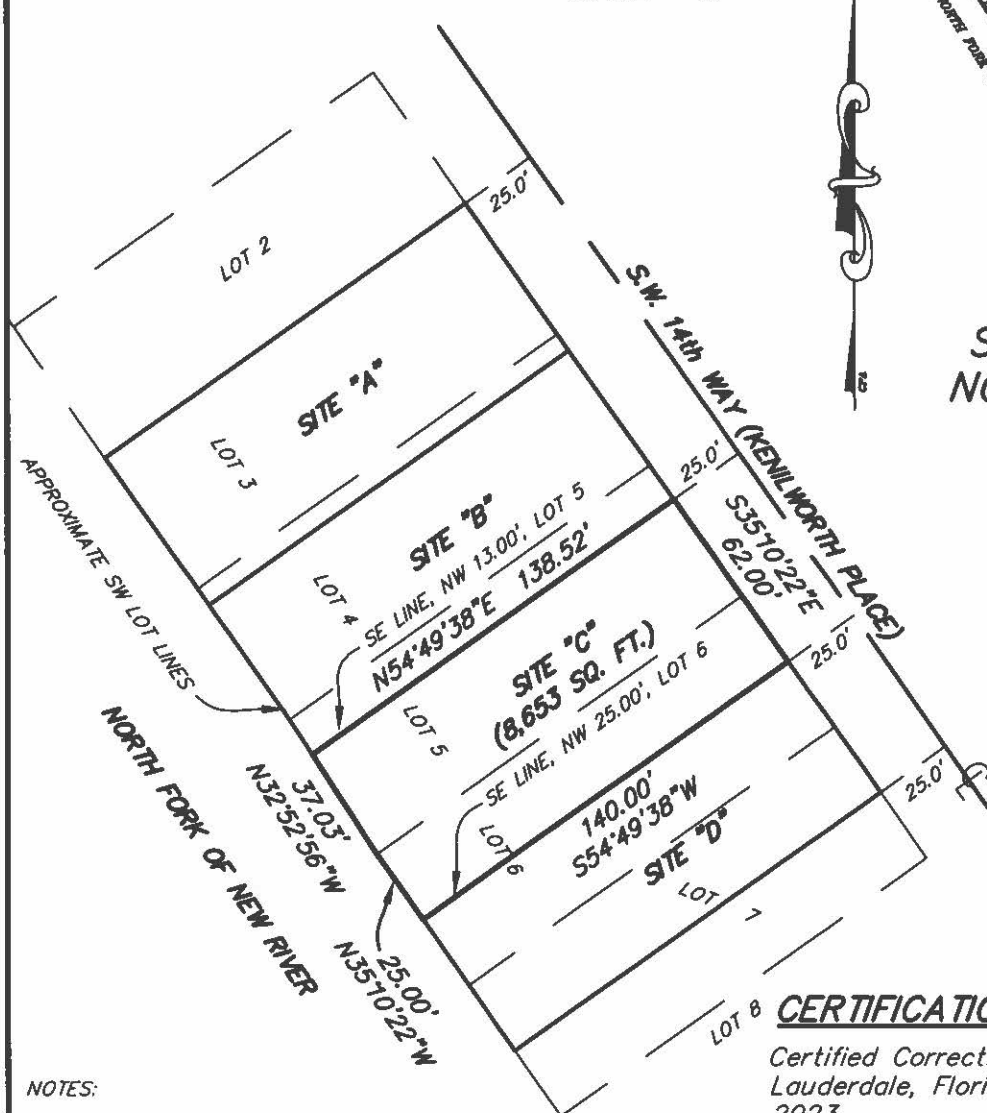
**McLAUGHLIN ENGINEERING COMPANY LB 285**  
**A DIVISION OF CONTROL POINT ASSOCIATES, INC. LB 8137**

CUTTING EDGE SURVEYING \* PLATTING \* LAND PLANNING  
 1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309  
 PHONE: (954) 763-7611 \* EMAIL: JHADDIX@CPASURVEY.COM



SCALE 1" = 60'

**SKETCH AND DESCRIPTION**  
**301 S.W. 14th WAY**  
**FORT LAUDERDALE, FL**  
**SITE "C"**



**SITE LAYOUT**  
**NOT TO SCALE**

**LEGAL DESCRIPTION:**

Lot 5, Less the North 13.00 feet thereof;  
 TOGETHER WITH: The  
 Northwestern 25.00 feet  
 of Lot 6, Block 2, RIVER  
 HIGHLANDS, according to  
 the plat thereof, as  
 recorded in Plat Book  
 10, Page 3, 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 8,653 square  
 feet or 0.1986 acres  
 more or less.

**CERTIFICATION**

Certified Correct. Dated at Fort  
 Lauderdale, Florida this 26th day of July,  
 2023.  
 Revised this 3rd day of November, 2023.

McLAUGHLIN ENGINEERING COMPANY  
 A DIVISION OF CONTROL POINT ASSOC. INC.

SCOTT A. McLAUGHLIN  
 Professional Surveyor and Mapper  
 No. LS5842, State of Florida.

**NOTES:**

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- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an appropriate surveyors seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the Northeasterly line of Lots 3 to 7, as South 35°10'22" East.
- 6) The dimensions of the Southerly lines of the Lots are shown as plus or minus, to the nearest foot on record plat.

FIELD BOOK NO. \_\_\_\_\_

DRAWN BY: JMMjr

JOB ORDER NO. 15-230215-00

CHECKED BY: \_\_\_\_\_

REF. DWG.: 22-2-082

C: \JMMjr/2023/15-230215-00



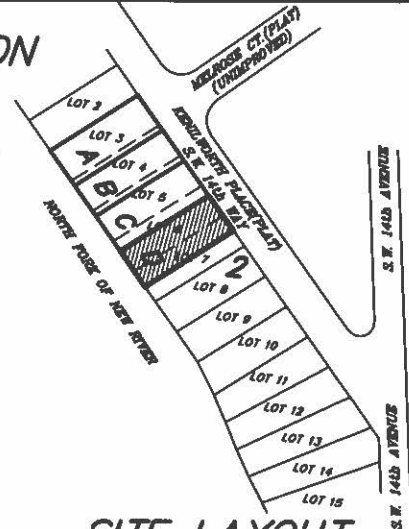
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 1700 N.W. 64th STREET #400, FORT LAUDERDALE, FLORIDA 33309  
 PHONE: (954) 763-7611 \* EMAIL: JHADDIX@CPASURVEY.COM



SCALE 1" = 60'

**SKETCH AND DESCRIPTION**  
**301 S.W. 14th WAY**  
**FORT LAUDERDALE, FL**  
**SITE "D"**

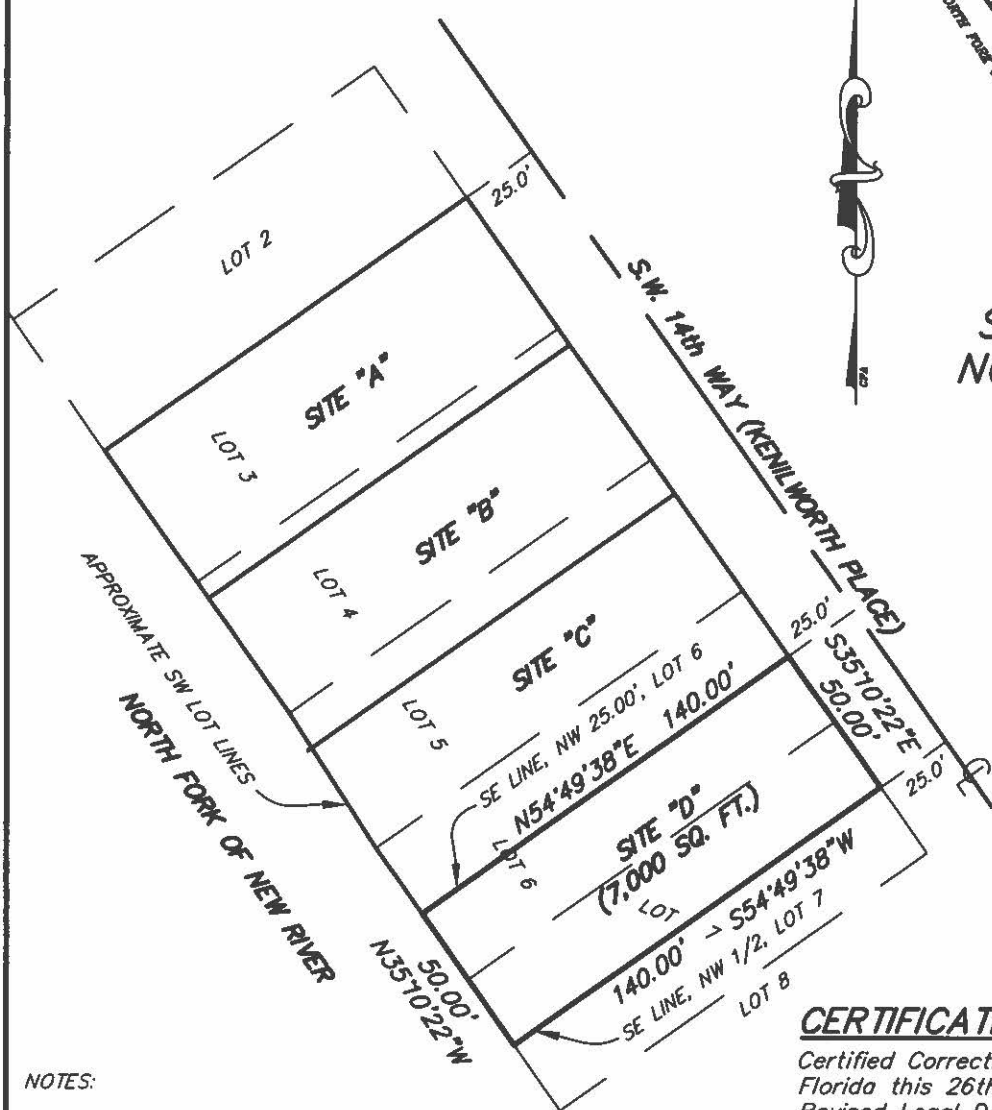


**SITE LAYOUT**  
**NOT TO SCALE**

**LEGAL DESCRIPTION:**

Lot 6, Less the  
 Northwesternly 25.00 feet  
 thereof; TOGETHER WITH:  
 The Northwesternly  
 one-half (NW 1/2) feet  
 of Lot 7, Block 2, RIVER  
 HIGHLANDS, according to  
 the plat thereof, as  
 recorded in Plat Book  
 10, Page 3, 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 7,000 square  
 feet or 0.1607 acres  
 more or less.



**CERTIFICATION**

Certified Correct. Dated at Fort Lauderdale,  
 Florida this 26th day of July, 2023.  
 Revised Legal Description this 31st day of  
 July, 2023.  
 Revised this 3rd day of November, 2023.

McLAUGHLIN ENGINEERING COMPANY  
 A DIVISION OF CONTROL POINT ASSOC. INC.

SCOTT A. McLAUGHLIN  
 Professional Surveyor and Mapper  
 No. LS5842, State of Florida.

**NOTES:**

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FIELD BOOK NO. \_\_\_\_\_

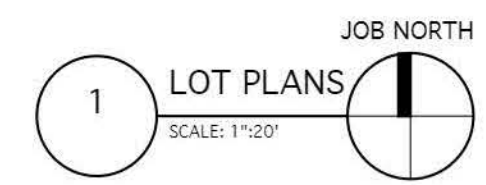
DRAWN BY: JMMjr \_\_\_\_\_

JOB ORDER NO. 15-230215-00 \_\_\_\_\_

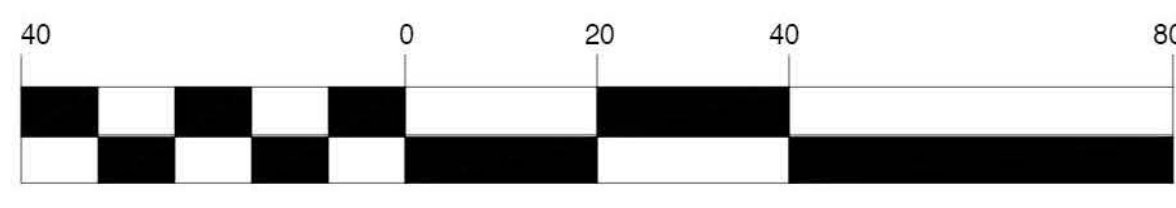
CHECKED BY: \_\_\_\_\_

REF. DWG.: 22-2-082

C: \JMMjr/2023/15-230215-00



GRAPHIC SCALE



( IN FEET )  
1 inch = ft. 20

ANTONINO TREU, REGISTERED ARCHITECT IN THE STATE OF FLORIDA, LICENSE NO. AR 0017510. THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY ANTONINO TREU ON THE DATE INDICATED HERE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.



**ANTONINO TREU**  
Architect  
1501 Coral Ridge Drive  
Fort Lauderdale, FL 33304  
Tel.: 954.563.5472  
Fax: 954.563.2571  
atreu@atadesign.com

Architect License #: AR 0017510

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Comments:  
  
PRELIMINARY

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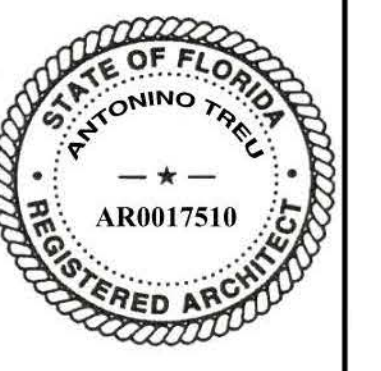
PROJECT: 301 SW 14TH WAY, FORT LAUDERDALE, FL 33312

SHEET TITLE:  
**LOT PLANS**

REVISIONS	
1	
2	
3	
4	
5	

Drawn by: AT  
Scale: AS NOTED  
Date: 10.9.2023

SHEET NO.  
**SP-1**



## Page 4: Sign Notification Requirements and Affidavit

### SIGN NOTICE

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

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

### AFFIDAVIT OF POSTING SIGNS

STATE OF FLORIDA

BROWARD COUNTY

BOA CASE NO. PLN-BOA-23110005

APPLICANT: Andrew J. Schein, Esq.

PROPERTY: 301 SW 14th Way

PUBLIC HEARING DATE: December 13, 2023

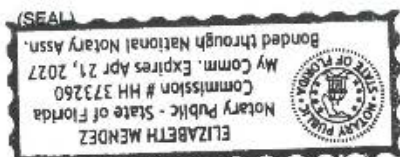
BEFORE ME, the undersigned authority, personally appeared Andrew Schein, who upon being duly sworn and cautioned, under oath deposes and says:

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

NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27.2. of the City of Fort Lauderdale ULDR, I will forfeit my sign deposit. 45 (initial here)

[Signature]  
Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 29 day of November, 2023



[Signature]  
NOTARY PUBLIC  
MY COMMISSION EXPIRES:



Small white sign with a yellow header, likely a property or informational marker.

