



CITY OF FORT LAUDERDALE

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19th AVENUE, FORT LAUDERDALE,
FLORIDA 33311
DECEMBER 13, 2023 – 6:00 P.M.**

Board Members	Attendance	Cumulative Attendance 6/2023 through 5/2024	
		Present	Absent
Howard Elfman, Chair	P	7	0
Caldwell Cooper	P	5	2
Milton Jones	P	6	0
Douglas Meade	P	6	1
Patricia Rathburn	P	7	0
Fred Stresau	A	6	1
Robert Wolfe, Vice Chair	P	6	1
Jason Hagopian [alternate]	P	4	0

Staff

D'Wayne Spence, Deputy City Attorney
 Kailly Linares, Administrative Assistant
 Chakila Crawford, Senior Administrative Assistant
 Karen Ceballo, Administrative Assistant
 Mohammed Malik, Zoning Administrator
 James Hollingsworth, Zoning Plan Examiner
 Michael Rink, Zoning Department
 J. Opplerlee, 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 – November 8, 2023

Motion made by Mr. Jones, seconded by Mr. Meade to approve the Board's November 8, 2023 minutes. In a voice 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-23070003
OWNER:	1201 BAYVIEW CORP
AGENT:	HEATHER GRIMES
ADDRESS:	1201 BAYVIEW DRIVE, FORT LAUDERDALE, FL 33304
LEGAL DESCRIPTION:	LOT 11, IN BLOCK "G", OF BEACHWAY HEIGHTS, UNIT "A". ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, AT PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)

ZONING DISTRICT: RS-4.4 – RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY
COMMISSION DISTRICT: 1
REQUESTING: **Sec. 47-5.30 - table of dimensional requirements for the RS-4.4 district**

Requesting a variance to reduce the corner yard setback to seven (7) feet, five (5) inches, whereas the code requires a minimum of 25% of the lot width at the front yard setback (98 feet x 25% = 24 feet 6 inches), a total variance reduction request of seventeen (17) feet, one (1) inch.

This case was Deferred from the August 9, 2023, BOA meeting Agenda.

The applicant was not present. Mr. Spence recommended deferral.

Motion made by Mr. Wolfe, seconded by Mr. Jones:
To defer the case to the Board's next meeting. **Motion** passed 7-0.

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CASE: PLN-BOA-23070004
OWNER: HAJIANPOUR, MOHAMMAD A & ZOYA
AGENT: JAYSEN MATIAS
ADDRESS: 215 SE 12 AVENUE, FORT LAUDERDALE, FL 33301
LEGAL DESCRIPTION: LOT 15 BLOCK 18 OF BEVERLY HEIGHTS 10, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT: RC-15 – RESIDENTIAL SINGLE FAMILY AND CLUSTER/MEDIUM DENSITY
COMMISSION DISTRICT: 4
REQUESTING: **Sec. 47-3.6. B.3. - Change in structure. *Damage, destruction, or removal of structure.***

Requesting a variance to allow repair and replacement as needed to the existing non-conforming structure by more than 50 % of the total gross floor area (as per provided plans.)

Please Note: Section 47-3.6.B.3 states that, if more than fifty

percent (50%) of the total gross floor area of the building or more than fifty percent (50%) of a structure or more than fifty percent (50%) of its replacement value is damaged, destroyed or removed for any reason the entire building, structure or use thereof shall be required to meet the ULDR.

Sec. 47-5.33. - Table of dimensional requirements for the RC-15 and RCs-15 districts.

Requesting a Variance to reduce the rear yard setback to 2.8 feet of an EXISTING structure, whereas the code requires a minimum setback of 15 feet. A total setback reduction of 12.2 feet (as per provided plans).

Requesting a variance to reduce the EAST corner yard requirement of a PROPOSED ALTERATION OF AN EXISTING STRUCTURE to 11 feet 7 inches, whereas the code requires a minimum of 25 % of lot width at the front yard setback (58 feet 1 inch x 25% = **14 feet 7 inch**). A total reduction request of 3 feet (as per provided plans).

This case was deferred from the September 21, 2023, BOA meeting agenda. The applicant has reduced the number of variance requests since the September 21, 2023 BOA meeting. Code sections 47-3.2. B.1. and 47-3.2. B.2 is no longer being requested by the applicant, code section Sec. 47-3.6. B.3. was added.

Eduardo Torrente, architect, and Zoya Hajianpour, owner, gave a Power Point presentation, a copy of which is attached to these minutes for the public record. Mr. Torrente described how the floor plan had changed since they presented the previous version to the Board in September.

Chair Elfman opened the public hearing.

Joe Felmeth, neighbor, said he opposed this because it was a non-conforming building and the owners were "doing more than 50%" so they were required to bring the home up to code. He stated they did not want to set a precedent. Mr. Felmeth did not think a contractor would add onto a wood and stucco structure and inevitably new plans would be needed for a new structure.

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. Hagopian appreciated the owner's efforts not to exceed the existing intrusions into the setback and had reduced the number of variance requests. He liked the new design as well.

Mr. Malik explained how the plans had changed. The original request added to the non-conformity. The updated plans added no new structure and reduced the non-conformity. The new plans would make the walls slightly higher and install a new roof. He confirmed that the work would exceed the 50% threshold.

Ms. Mohammad informed Mr. Cooper that she and her husband intended to retire in this home. Mr. Cooper wondered when a homeowner would be required to bring a property up to current code if they could keep requesting variances instead. Mr. Spence said the applicant must show a hardship in order to keep the non-conforming use and without making improvements beyond the 50% value threshold.

Mr. Torrente pointed out on a graphic which portions of the home were conforming and non-conforming.

Mr. Malik explained that the improvements planned were more than 50% of the area of the non-conforming structure, not the value of the property. Mr. Spence explained that if a portion of the structure was non-conforming, the entire structure was considered legal, non-conforming and the 50% was calculated based on the entire structure.

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

To approve all variances regarding Sec. 47-3.6. B.3. and Sec. 47-5.33. **Motion** passed 6-1 with Mr. Cooper opposed.

Ms. Rathburn wanted the variance limited to this structure only, so that if a wall fell down during construction, they would be barred from rebuilding that wall 2.8 feet from the property line. Mr. Malik noted the plans were attached to the variance and indicated what they must build to.

Later in the meeting, the Board voted in the affirmative to reconsider their vote.

Ms. Rathburn noted staff had indicated they wanted the variance tied to the plans as presented.

Motion made by Ms. Rathburn, seconded by Mr. Meade:

To grant the variances as requested, subject to it being tied to the size and scope of the plans submitted to staff and included in the packet, with the condition that any additional construction in the future will not exceed the height or size of the currently approved plans. **Motion** passed 6-1 with Mr. Wolfe opposed.

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CASE:	PLN-BOA-23100004
OWNER:	16TH STREET DRYSTACK LLC
AGENT:	MATTHEW BOONE/SOUTHEAST SIGN CO
ADDRESS:	1335 SE 16 ST, FORT LAUDERDALE, FL 33316
LEGAL DESCRIPTION:	THE EAST 390 FEET OF THE WEST 580 FEET, LESS 520 FEET OF BLOCK 6, "HERZFELD'S ADDITION TO LAUDERDALE HARBORS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 22 OF THE PUBLIC RECORDS OF BROWARD COUNTY. (SEE SURVEY)
ZONING DISTRICT:	B-1 - BOULEVARD BUSINESS
COMMISSION DISTRICT:	4
REQUESTING:	<u>Sec. 47-22.4. A.1- Maximum number of signs at one location and special requirements in zoning districts.</u> <ul style="list-style-type: none">• Requesting a variance to allow a proposed sign on the east elevation of the structure, which is not abutting Streets and vehicle travel ways, whereas as the code requires signs shall be limited and oriented to be viewed from the streets and vehicle travel ways abutting the lot or plot.

Matthew Boone, agent, described the request. He noted the building only fronted one travel way, 16th Street. He said the sign would help with wayfinding from the waterway.

Chair Elfman opened the public hearing.

Marilyn Mammano, president of the Harbordale Civic Association, said they had not received notice of this request. She requested a deferral until after the civic association's next meeting on January 3, 2024, to which the applicant would be invited. She recalled they had expressed concerns regarding this in 2018 when the owner was granted a site plan level 2 conditional use for marina waterway use and parking reduction. She said the civic association's concerns regarding neighborhood compatibility expressed by her at the Planning and Zoning Board meeting had been incorporated into the site plan approval. The conditions included limiting hours of operation and prohibiting signs on the north [canal] side of the building. Ms. Mammano referred to the criteria for a variance and said this request did not meet them. She said this sign would be incompatible with the surrounding neighborhood and would be detrimental to the public welfare in setting a precedent.

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. Wolfe wanted to know why the applicant had not contacted the civic association. Mr. Boone said he was not made aware he should do this. Mr. Wolfe suggested the applicant request a deferral to meet with the civic association. Mr. Boone requested a deferral.

Motion made by Mr. Wolf, seconded by Mr. Jones:

To defer the case to the Board's February hearing. **Motion** passed 6-1 with Ms. Rathburn opposed.

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CASE:	PLN-BOA-23110003
OWNER:	CITY OF FORT LAUDERDALE
AGENT:	RONNIE J. HALL
ADDRESS:	1409 NW 6 ST, FORT LAUDERDALE, FL 33311
LEGAL DESCRIPTION:	LOTS 1 THRU 16, INCLUSIVE, AND LOTS 42 THROUGH 50, INCLUSIVE OF BLOCK 2 OF LINCOLN PARK, ACCORDING TO THE PLAT THEREOF (RECORDED IN PLAT BOOK 5, PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY FL). A PORTION OF LOTS 5,6,7 AND 8, BLOCK "2", "LINCOLN PARK", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 2 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	P - PARKS RECREATION AND OPEN SPACE
COMMISSION DISTRICT:	3
REQUESTING:	<u>Sec. 5-27. - Distances of establishments from church or school.</u>

Requesting a special exception to allow the sale of alcohol incidental to the sale and service of food from an establishment less than five hundred (500) feet from a church or school. The establishment is one hundred ninety-five (195) feet from the nearest church or school.

Ronnie J. Hall, agent, described the request. He stated they were 195 feet from the New Hope Baptist Church, from whom they had a letter of support. He described their hours of operation. Samantha Porter said 25% of their revenue was contingent on approval the variance. She said they would only serve beer and wine between Thursday and Sunday at particular times. The space only seated 24 people. Mr. Hall added that

patrons would not be permitted to leave with alcohol and there would be no outdoor seating.

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 supported this, especially since they had the support of the New Hope Baptist Church and the YMCA.

Mr. Meade said the lease prohibited serving alcohol except from 9 PM until closing; it did not say they could serve during the day or on Wednesday. Ms. Porter said the YMCA had indicated Sunday alcohol service would be permissible because there were brunches.

Motion made by Mr. Wolfe, seconded by Mr. Cooper:
To grant the special exception. **Motion** passed 6-1 with Mr. Meade opposed.

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CASE:	PLN-BOA-23110005
OWNER:	FRETHAM, CURT JOHN
AGENT:	ANDREW J. SCHEIN ESQ.; LOCHRIE & CHAKAS, P.A.
ADDRESS:	301 SW 14 WAY, FORT LAUDERDALE FL 33312
LEGAL DESCRIPTION:	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)
ZONING DISTRICT:	RS-8 – RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
COMMISSION DISTRICT:	2
REQUESTING:	<u>Sec. 47-24.5. D.3.c.ii - Subdivision regulations.</u>

- 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.

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.

Andrew Schein Esq., agent, provided a Power Point presentation, a copy of which is attached to these minutes for the public record. He requested amending the variance that had already been granted so the architecturally significant Bigoney home could stay on its current lot. This would allow them to maintain the trees that would have been removed if they moved the home as originally planned. It would also keep the house situated where it was originally built.

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. Schein agreed they would not demolish the Bigoney home.

Motion made by Ms. Rathburn, seconded by Mr. Jones:

To approve the amendment to the variance [case PLN-BOA-23080002] regarding lots C and D only, subject to the architecturally significant house being retained in place because it meets the criteria for a variance. **Motion** passed 7-0.

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CASE:	PLN-BOA-23110006
OWNER:	OLDFIELD POINT HOLDINGS LLC
AGENT:	ANDRE LATTOUF KORBAN
ADDRESS:	1908 SUNRISE KEY BOULEVARD, FORT LAUDERDALE FL 33304
LEGAL DESCRIPTION:	LOT 81, SUNRISE KEY, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 45, PAGE 6 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LANDS SITUATE LYING AND BEING IN THE CITY OF FT. LAUDERDALE, BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY
COMMISSION DISTRICT:	2

REQUESTING: **Sec. 47-19.3. (f) – Boat slips, docks, boat davits, hoists and similar mooring structures.**

- Requesting a variance to allow a new seawall cap and dock elevation to be at 5.5 feet NAVD, whereas code allows the seawall and concrete dock at a maximum Base flood elevation of the property which is 5.0 feet NAVD. A total variance request for 0.5 feet higher.

Andre Lattouf Korban, architect, described the request. He had spoken with the neighbor to the west and another neighbor, who expressed no objection.

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.

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

To approve the variance regarding Sec. 47-19.3. (f) because it meets the criteria for a variance. **Motion** passed 7-0.

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CASE: PLN-BOA-23110007
OWNER: BREWERS HILL DEVELOPMENT GROUP LP
AGENT: DANICA BLAZANOVIC
ADDRESS: 1815-1823 E COMMERCIAL BOULEVARD, FORT LAUDERDALE FL 33308

LEGAL DESCRIPTION: LOTS 9, 9A, 10, 11, 12 AND 12A, BLOCK 2 "CORAL RIDGE-ADDITION 'A'", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 41, PAGE 30, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; TOGETHER WITH THE VACATED ALLEY LYING SOUTH OF LOTS 9 AND 12 AND LYING NORTH OF LOTS 9A AND 12A BLOCK 2, OF SAID "CORAL RIDGE-ADD. 'A'", AS VACATED BY VIRTUE OF ORDINANCE NO. C-93-55 RECORDED IN OFFICIAL RECORDS BOOK 21744, PAGE 79, PUBLIC RECORDS OF BROWARD COUNTY FLORIDA. (SEE SURVEY)

ZONING DISTRICT: CB – COMMUNITY BUSINESS

COMMISSION DISTRICT: 1

REQUESTING: **Sec. 5-27. - Distances of establishments from church or school.**

Requesting a special exception to allow the sale of alcohol incidental to the sale and service of food from an establishment less than five hundred (500) feet from a church or school. The establishment is one hundred seventy-six (176) feet from the nearest church or school.

Danica Blazanovic, agent, described the request. She said the previous restaurant had a special exception. The restaurant owner, Filomeno Giannino, said he did not want to approach the church to request their approval. Mr. Wolfe encouraged the owner to speak to the church.

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.

Motion made by Mr. Hagopian, seconded by Mr. Wolfe:
To grant the special exception because it meets the criteria. **Motion** passed 6-1 with Mr. Cooper opposed.

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CASE: **PLN-BOA-23110008**
OWNER: 3314 BEACH HOUSE LLC
AGENT: IVELISSE GONZALEZ
ADDRESS: 3314 NE 15 COURT, FORT LAUDERDALE FL 33304
LEGAL DESCRIPTION: LOT: 16 BLOCK: 9 SUBDIVISION: LAS OLAS BY THE SEA
EXTENSION ACCORDING TO THE PLAT THEREOF AS
RECORDED IN PLAT BOOK: 3 PAGE: 8 PUBLIC
RECORDS OF BROWARD COUNTY, FLORIDA. (SEE
SURVEY)
ZONING DISTRICT: RS-8 – RESIDENTIAL SINGLE FAMILY/LOW MEDIUM
DENSITY
COMMISSION
DISTRICT: 2
REQUESTING: **Sec. 47-3.2. B.1- Continuation of a nonconforming structure.**

Requesting a variance to allow an existing nonconforming garage at a side yard setback of 4.6 feet to be converted to a livable area, whereas a nonconforming structure may not be enlarged or altered in a way which increases its nonconformity, but a nonconforming structure may be altered to decrease its nonconformity.

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

Requesting an existing non-conforming garage converted to a living space at an east side yard setback of 4.6 feet, whereas the code allows a minimum side yard setback of 5 feet. A total variance request of 0.4 feet.

Luz Schiestel, agent, described the requests.

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.

Ms. Schiestel was not aware of a homeowners association but they had sent letters to neighbors.

Ms. Rathburn asked if this could be converted into something other than a room, making the property a duplex. Ms. Schiestel said this was an existing room. Mr. Malik said if this was just a bedroom, it was not a dwelling unit, which was not allowed. He said the room must remain connected to and accessible from the home.

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

To approve the variances regarding Sec. 47-3.2. B.1 and Sec. 47-5.31. because they meet the criteria for a variance. **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: Request for Rehearing of Final Order/Case PLN-BOA-23030003. This rehearing request is pursuant to ULDR Sec. 47-24.12. A.7 on a denial of the following variance requests:

Sec. 47-19.1. L. - General requirements.

Requesting a variance to allow a free-standing shade structure to be 17.44' high, whereas the code does not allow a freestanding shade structure to exceed the height of the principal structure, which is 14.8' high. A total variance request of 2.64 feet in height.

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

Requesting a variance to allow an existing freestanding shade structure to have a maximum height of 17.44 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 5.44 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.

The applicant was not present.

Mr. Malik said the applicant had met with staff and inquired about options after the Board denied the original request. They had decided to reduce the variances requested, which required this request for a rehearing.

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

To defer the item to the Board's February meeting. **Motion** passed 7-0.

Motion made by Ms. Rathburn, seconded by Mr. Jones:

To reconsider the Board's vote on Item PLN-BOA-23070004. **Motion** passed 5-2 with Mr. Wolfe and Mr. Hagopian opposed.

[See Item PLN-BOA-23070004 above.]

Communication to the City Commission

None

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Report and for the Good of the City

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None

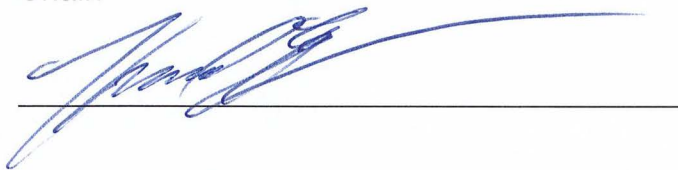
Other Items and Board Discussion

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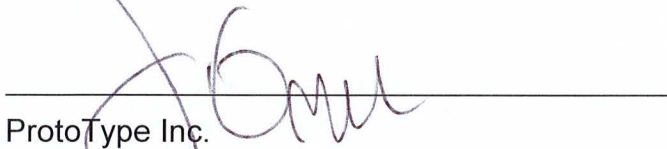
None

There being no further business to come before the Board, the meeting adjourned at 8:15 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.