



CITY OF FORT LAUDERDALE

**MINUTES**  
**BOARD OF ADJUSTMENT MEETING**  
**CITY OF FORT LAUDERDALE**  
**DEVELOPMENT SERVICES DEPARTMENT**  
**700 NW 19<sup>th</sup> AVENUE, FORT LAUDERDALE,**  
**FLORIDA 33311**  
**AUGUST 14, 2024 – 6:00 P.M.**

<b>Board Members</b>	<b>Attendance</b>	<b>Cumulative Attendance 6/2024 through 5/2025</b>	
		<b>Present</b>	<b>Absent</b>
Howard Elfman, Chair	P	2	0
Caldwell Cooper	A	1	1
Milton Jones	P	2	0
Douglas Meade	P	2	0
Patricia Rathburn	P	2	0
Fred Stresau	P	2	0
Robert Wolfe, Vice Chair	P	2	0
Jason Hagopian [alternate]	P	2	0

**Staff**

D'Wayne Spence, Deputy City Attorney  
 Burt Ford, Zoning Chief  
 Karen Ceballo, Administrative Assistant  
 Mohammed Malik, Zoning Administrator  
 Chakila Crawford, Senior Administrative Assistant  
 Mark Koenig, Landscape Architect  
 James Hollingsworth, Zoning Plans Examiner  
 J. Opperlee, Recording Secretary, Prototype Inc.

**Communication to the City Commission**

None

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	<b><u>Case Number</u></b>	<b><u>Owner/Agent</u></b>	<b><u>District</u></b>	<b><u>Page</u></b>
1.	PLN-BOA- 24050002	City of Fort Lauderdale/ Freddy Andres Argudo, Esq.	1	<a href="#"><u>2</u></a>
2.	PLN-BOA- 24050007	Chris W & Barbara J Carney, Carney Family Trust et al./Nicole Perez	1	<a href="#"><u>5</u></a>
3.	PLN-BOA- 24060002	L & A Beach Holdings LLC/David Emma Santiago	2	<a href="#"><u>6</u></a>
4.	PLN-BOA- 24070001	William F Ader Jr Trust; Ader, Robert Trustee/ Andrew Schein Esq.	1	<a href="#"><u>7</u></a>
5.	PLN-BOA- 24070002	Matthew Bertanzetti, Matthew Bertanzetti Revocable Trust/ Andrew Schein Esq.	2	<a href="#"><u>9</u></a>

**I. Call to Order**

The meeting was called to order at 6:04 p.m. Roll was called and a quorum was determined to be present.

**II. Approval of Minutes – July 10, 2024**

Mr. Stresau wished to add something to the minutes.

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

To approve the Board’s July 10, 2024 minutes as amended. **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**

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<b>CASE:</b>	<b>PLN-BOA-24050002</b>
<b>OWNER:</b>	CITY OF FORT LAUDERDALE
<b>AGENT:</b>	FREDDY ANDRES ARGUDO
<b>ADDRESS:</b>	5900 HAWKINS ROAD, FORT LAUDERDALE, FL 33309
<b>LEGAL DESCRIPTION:</b>	A PORTION PF TRACTS “B” AND “C”, “PALM AIRE VILLAGE 4 <sup>TH</sup> SECTION”, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 96, PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
<b>ZONING DISTRICT:</b>	CC - COMMERCE CENTER DISTRICT
<b>COMMISSION DISTRICT:</b>	1
<b>REQUESTING:</b>	<b><u>Sec 47-21.13. B.1.a.- Landscape requirements for all zoned districts.</u></b>

- Requesting a variance to reduce the minimum tree requirement of one (1) tree per 1,000 square feet of net lot area to one (1) tree per 2000 square feet of net lot area, a total variance request of 46 trees.

Note: The Applicant is requesting to place the trees covered by this variance on adjacent property owned by the Applicant to the north of the development site.

Breakdown:           Total required 93,000 sf /1000= 93 trees  
                          Total provided 93,000 sf/ 2000= 47 trees  
                          Total Reduction = 46 trees

**This case was deferred from the July 10, 2024, BOA meeting agenda.**

Janna Lhota, attorney, provided a Power Point presentation, a copy of which is attached to these minutes for the public record.

Ms. Lhota referred to the criteria for a variance:

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

Ms. Lhota noted issues surrounding the site that created a constrained site.

b. That the 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

Ms. Lhota stated this was a unique use, making it unlikely any approval by the Board would set a precedent.

c. That the 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

Ms. Lhota said the nature of the use meant they could not plant the trees.

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

Ms. Lhota remarked that the hardship was not self-created and there was no other appropriate property in the City for this use.

e. That 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.

Ms. Lhota said they believed this was the minimum and were suggesting the trees be planted on an alternate site.

Chair Elfman opened the public hearing.

Michael Ray, Palm Aire Lofts, said they had been ignored at the community meeting. He stated they had informed the City that they wanted flowering trees that bloomed at different times of year. He requested the variance be denied until this was settled. He provided photos of trees that had already been planted.

Mr. Stresau suggested Mr. Ray correspond with the City's landscape architect, Mark Keenen. Ms. Lhota said the trees in Mr. Ray's photos did not count toward the trees that were part of the variance request. Ms. Lhota said they had added a condition that a certain portion of the trees would be flowering, and there would be an irrigation system.

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.

Ms. Lhota said Kiewit, the designer/builder, would be responsible for planting the trees and to maintain them for at least one year, after which they would be the responsibility of the City. They would also install an irrigation system, which she thought could pull water from the lake.

Mr. Wolfe noted that the *types* of trees planted were outside the Board's purview.

Ms. Rathburn asked why they could not plant all 96 required trees off-site and Ms. Lhota noted the number of trees already on the site. Ms. Lhota said the sludge pits would not be needed with the new plant and Ms. Rathburn suggested planting trees there. Ms. Lhota noted this was several years away. They wanted to plant the trees to provide a buffer for neighbors. Ms. Rathburn said they could also plant the other trees elsewhere in the City, such as in a park. Mr. Spence clarified that the trees would be planted on adjacent property the applicant owned. He said the Board should only add a condition if that condition allowed the applicant to meet the variance criteria.

Mr. Stresau said he had spoken with Mr. Keenen regarding his ability to review the tree plan and request changes regarding spacing and species type. Mr. Stresau noted the proposed spacing of the Mahogany and Sabal Palms was inappropriate. He wanted the City to be responsible for approving the plan, not the applicant's landscape architect. Ms. Lhota stated the final plans would be reviewed and approved by the City.

**Motion** made by Mr. Wolfe, seconded by Mr. Jones, to grant the variance to reduce the minimum tree requirement from one (1) tree per 1,000 square feet of net lot area to one (1) tree per 2,000 square feet of net lot area, a total variance request of 46 trees with the condition to satisfy and mitigate our criteria. We request that the additional trees be planted by the City somewhere else either offsite or to the best of your ability.

Mr. Spence said the applicant had proffered to place the number of trees the variance would allow them *not* to plant on site [46] offsite on properties located near this site to mitigate the impact of the variance.

Ms. Rathburn suggested the following amendment: to grant the variance to reduce the minimum tree requirement from one (1) tree per 1,000 square feet of net lot area to one (1) tree per 2,000 square feet of net lot area, with the condition that those trees be located on an adjacent site prior to Certificate of Occupancy and that the balance of the required trees [46] be located on other City property elsewhere in the City within six months of Certificate of Occupancy.

Ms. Lhota clarified that a total of 93 trees were required. They would plant 47 on site and the other 46 trees would be planted north of the lake.

Mr. Wolfe withdrew his motion.

**Motion** made by Mr. Wolfe, seconded by Mr. Jones to grant the variance to reduce the minimum tree requirement from one (1) tree per 1,000 square feet of net lot area to one (1) tree per 2,000 square feet of net lot area, a total variance request of 46 trees.

Mr. Stresau opposed the motion and said Mr. Spence had indicated the Board should include a condition that the 46 trees would be planted on other City properties and Mr. Stresau hoped this would be with the approval of the City's Landscape Architect in the Department of Sustainability.

Mr. Spence referred to the applicant's proffer indicating the 46 trees would be planted on adjacent property owned by the applicant to the north of the development site.

Mr. Wolfe restated his motion:

To grant the variance to reduce the minimum tree requirement from one (1) tree per 1,000 square feet of net lot area to one (1) tree per 2,000 square feet of net lot area, a total variance request of 46 trees, including the applicant's proffer that the 46 trees would be planted on adjacent property owned by the applicant to the north of the development site, with the approval of the City's Landscape Architect in the Department of Sustainability.

**Motion** passed 7-0.

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<b>CASE:</b>	<b>PLN-BOA-24050007</b>
<b>OWNER:</b>	CARNEY, CHRIS W & BARBARA J; CARNEY FAM TR ETAL
<b>AGENT:</b>	NICOLE PEREZ
<b>ADDRESS:</b>	2122 NORTH EAST 67 STREET, FORT LAUDERDALE, FL 33308
<b>LEGAL DESCRIPTION:</b>	LOT 1, BLOCK 45, "IMPERIAL POINT 5 <sup>TH</sup> SECTION", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 60, PAGE 4 OF THE PUBLIC RECORDS OF BROWARD COUNTY,

FLORIDA. (SEE SURVEY)  
**ZONING DISTRICT:** RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY  
**COMMISSION** 1  
**DISTRICT:**  
**REQUESTING:** Sec 47-19.5.B.1.d- Fences, walls and hedges

- Requesting a variance from the 3 feet minimum front yard setback to be reduced to 0 feet to replace a new PVC FENCE IN PLACE OF AN EXISTING WOOD FENCE AROUND A POOL in the front yard, a total reduction of 3 feet.

Chris Carney and Barbara Carney described the request. Ms. Carney explained that the pool was adjacent to the sidewalk and there was no room to set the fence back as required. This new fence would be in the same location as the existing fence.

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. Stresau said the Board must ensure that the variance was the minimum that would make possible a reasonable use of the property. He said the owner should install a four-foot tall chain link fence with landscaping to soften the effect, not a six-foot solid fence against the sidewalk. Mr. Spence said the Board should determine whether the request met the criteria.

Mr. Hagopian stated he would not approve a chain-link fence against the property line, with or without landscaping. Chair Elfman noted the existing fence was six feet tall. He did not feel the PVC fence would be intrusive, based on the location of the pool.

**Motion** made by Mr. Hagopian, seconded by Mr. Jones:

To grant the variance request because it meets the criteria. **Motion passed** 6-1 with Mr. Stresau opposed.

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**CASE:** PLN-BOA-24060002  
**OWNER:** L & A BEACH HOLDINGS LLC  
**AGENT:** DAVID EMMA SANTIAGO  
**ADDRESS:** 225 SOUTH FORT LAUDERDALE BEACH BLVD, FORT LAUDERDALE, FL 33316  
**LEGAL DESCRIPTION:** LOT 7, BLOCK 3, LAS OLAS BY THE SEA, ACCORDING TO R-AMENDED PLAT THEREOF AS RECORDED PLAT BOOK 1, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)  
**ZONING DISTRICT:** PRD - PLANNED RESORT DEVELOPMENT DISTRICT

**COMMISSION** 2  
**DISTRICT:**  
**REQUESTING:**

**Sec. 5-26. - Distance between establishments.**

- Requesting a special exception from the required distance separation of three hundred (300) feet between establishments selling alcoholic beverages. The location of the proposed establishment is two-hundred seventy-six (276) feet from an establishment licensed to sell alcoholic beverages. Requesting a total distance of separation reduction of twenty-four (24) feet, respectfully.

David Santiago, agent for the owner and business operator, described the request.

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 grant the grant the special exception because it meets the criteria. **Motion** passed 7-0.

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**CASE:** PLN-BOA-24070001  
**OWNER:** WILLIAM F ADER JR TR; ADER, ROBERT TRUSTEE  
**AGENT:** ANDREW SCHEIN, ESQ  
**ADDRESS:** 2925 EAST COMMERCIAL BLVD, FORT LAUDERDALE, FL 33308  
**LEGAL DESCRIPTION:** LOT 9, BLOCK 3 OF "CORAL RIDGE COMMERCIAL BOULEVARD ADDITION" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 43, AT PAGE 13 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)  
**ZONING DISTRICT:** CB - COMMUNITY BUSINESS  
**COMMISSION** 1  
**DISTRICT:**

**REQUESTING:**

**Sec. 47-18.21. H.3- Landscaping and open space requirements.**

- Requesting a variance to permit a mixed-use development without a public plaza, whereas the ULDR Section 47-18.21. H.3 requires a 1,400.00 SF public plaza.

**Sec. 47-18.21. I.2- Dimensional requirements.**

- Requesting a variance to permit a mixed-used development on a 3,500.00 SF lot, whereas ULDR Section 47-18.21. I.2 requires a minimum lot size of 10,000.00 SF, a total variance reduction request of 6,500 SF.

**Sec. 47-18.21. I.5- Dimensional requirements.**

- Requesting a variance to permit a mixed-used development on a 35' wide lot, whereas ULDR Section 47-18.21. I.5 requires a minimum lot width of 100 feet, a total variance reduction of 65 feet.

Andrew Schein, attorney, provided a Power Point presentation, a copy of which is attached to these minutes for the public record.

Mr. Ford said this was in plan review and the plans submitted to the Board were not necessarily the final version. The plans presented did not show the required five-foot setback, which the project planner had commented on. Mr. Schein agreed. Mr. Malik said if the setback requirement were not met in the final plans, they would need to return to the Board.

Mr. Hagopian asked if there were any other mixed-use buildings on the block and Mr. Schein stated not on this block but there were some right behind the block. Mr. Hagopian was concerned that this would set a precedent for redeveloping the rest of the block.

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. Ford pointed out that the Board would only be approving the items for which the applicant was requesting a variance, not the entire plans. Mr. Malik said if the property did not meet the five-foot setback [or any other code requirement], the applicant would need to come back to the Board for a variance.

Mr. Meade felt there was no hardship because this was a change of use; there were other things that could be done with the property.

Chair Elfman thought this did not make sense but the owner should be permitted to do as they wished.

**Motion** made by Mr. Hagopian, seconded by Ms. Rathburn:

To grant all three variance requests because they meet the hardship criteria. **Motion** passed 5-2 with Mr. Meade and Mr. Stresau opposed.

Mr. Schein requested an additional 180 days for the project to go through the process and to pull the permit.

**Motion** made by Ms. Rathburn, seconded by Mr. Wolfe:

To add another 180 days for the project to go through the process. **Motion** passed 6-1 with Mr. Meade opposed.

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<b>CASE:</b>	<b>PLN-BOA-24070002</b>
<b>OWNER:</b>	BERTANZETTI, MATTHEW; MATTHEW BERTANZETTI REV TR
<b>AGENT:</b>	ANDREW SCHEIN, ESQ
<b>ADDRESS:</b>	2617 ACACIA COURT, FORT LAUDERDALE, FL 33301
<b>LEGAL DESCRIPTION:</b>	LOT 9, BLOCK 4, THE REVISED PLAT OF BLOCK 4-IDLEWYLD, ACCORDING TO THE PLAT THEREOF; AS RECORDED IN PLAT BOOK 15, PAGE 20 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>	<b><u>Sec. 47-5.31- Table of dimensional requirements for the RS-8 district. (Note A)</u></b>

- Requesting a variance to build a garage at an east side yard setback of 2'9", whereas the code requires a minimum of 5 feet, a total reduction request of 2'3".

Andrew Schein, attorney, provided a Power Point presentation, a copy of which is attached to these minutes for the public record.

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

Chair Elfman said the home to the east had a deep side setback. Mr. Schein thought it was approximately 15 feet.

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

To grant the variance request because it meets the hardship criteria. **Motion** passed 5-2 with Mr. Stresau and Mr. Meade opposed.

**Communication to the City Commission**

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None

**Report and for the Good of the City**

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Ms. Crawford said the October meeting would need to be moved due to the Mayor's State of the City address. She would email Board members with options to vote on at the next meeting.

**Other Items and Board Discussion**

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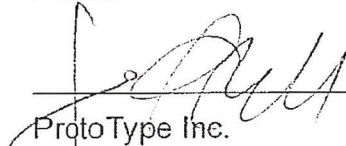
There being no further business to come before the Board, the meeting adjourned at 7:39 p.m.

Chair:



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Attest:



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ProtoType Inc.

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