



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**  
**SEPTEMBER 11, 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	3	0
Milton Jones	P	3	0
Douglas Meade	P	3	0
Patricia Rathburn	P	3	0
Fred Stresau	P	3	0
Robert Wolfe, Vice Chair	A	2	1
Jason Hagopian [alternate]	P	3	0

**Staff**

D'Wayne Spence, Deputy City Attorney  
 Burt Ford, Zoning Chief  
 Mohammed Malik, Zoning Administrator  
 Chakila Crawford, Senior Administrative Assistant  
 James Hollingsworth, Zoning Plans Examiner  
 Karen Ceballo, Administrative Assistant  
 J. Opperee, 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-24040001	Mario & Yelena Tacher	4	<u>2</u>
2.	PLN-BOA-24020002	Annalee M Andrews	4	<u>3</u>
3.	PLN-BOA-24080003	Port Everglades #84 Inc/ Daimian Leslie	4	<u>5</u>
4.	PLN-BOA-24080004	Ryan and Christina Tucker	4	<u>6</u>
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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 – August 14, 2024**

**Motion** made by Mr. Jones, seconded by Mr. Meade:  
To approve the Board’s August 14, 2024 minutes. **Motion** passed 6-0.

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>	PLN-BOA-24040001
<b>OWNER:</b>	TACHER, MARIO & YELENA
<b>AGENT:</b>	N/A
<b>ADDRESS:</b>	2436 CAT CAY LANE, FORT LAUDERDALE, FL 33312
<b>LEGAL DESCRIPTION:</b>	LOT 6, BLOCK 3 OF “LAUDERDALE ISLES NO.2”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, AT PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
<b>ZONING DISTRICT:</b>	RS-6.85A - IRREGULAR RESIDENTIAL
<b>COMMISSION DISTRICT:</b>	4
<b>REQUESTING:</b>	<b><u>Request for Rehearing of Denial of Case PLN-BOA-24040001 pursuant to ULDR Sec. 47-24.12. A.7 regarding the following variance requests:</u></b>  <b><u>Sec. 47-39. A.1.b.(3)(g) General provisions. - Yard encroachments.</u></b> <ul style="list-style-type: none"><li>• Requesting a variance from the minimum 10-foot required distance separation between an accessory building and a principal building to be reduced to a distance of 8.9 feet, a total variance reduction request of 1.1 feet.</li></ul> <b><u>Sec. 47-39. A.1.b.(3)(d) General provisions. - Yard</u></b>

**encroachments.**

- Requesting a variance from the minimum 5 feet rear yard setback requirement for accessory buildings to be reduced to 4.5 feet, a total variance request of 0.5 feet.
- Requesting a variance from the minimum 5 feet side yard setback requirement for accessory buildings to be reduced to 2.0 feet, a total variance request of 3.0 feet.

Mario Tacher, owner, said they had changed their request, limiting it to the carport and shed. He said the shed met the requirements for a hardship, and noted the seller had advertised the shed as living space but they were now using it for storage only. He noted there had been confusion at the previous hearing regarding the Board's vote to consider all the requests at once or separately. He added that they had presented the listing photos of the shed interior at the previous hearing, showing the shed appearing to be living space, but he had current photos showing the shed in its current use for storage.

Mr. Spence stated this was a request for a rehearing. One reason to grant a rehearing was to correct an error; the second was that there was new evidence that was not considered by the Board when they originally reviewed 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.

Ms. Rathburn thought there was a question of whether the Board had erred in hearing all the requests at once because it was possible one could have been approved if the requests had been voted on separately.

**Motion** made by Ms. Rathburn, seconded by Mr. Hagopian, to grant the request for a rehearing. **Motion** passed 6-0.

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<b>CASE:</b>	<b>PLN-BOA-24020002</b>
<b>OWNER:</b>	ANDREWS, ANNALEE M
<b>AGENT:</b>	N/A
<b>ADDRESS:</b>	1820 SOUTH WEST 22 AVENUE, FORT LAUDERDALE, FL 33312
<b>LEGAL DESCRIPTION:</b>	LOT 10, BLOCK 13 OF "FLAMINGO PARK SECTION D". ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 41, AT PAGE 29, 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>	4

**REQUESTING:**

**Sec. 47-19.1.J - General requirements.**

- Requesting a variance to allow the aggregate gross floor area of 2 existing accessory structures (Tiki hut + raised deck) to be 70.23% of the gross floor area of a principal building on the development site whereas the code allows a maximum of 49%. A total variance request of 21.23%.

**BREAKDOWN:**

TIKI	= 616.0 SF
<u>RAISED DECK</u>	<u>= 471.6 SF</u>
TOTAL	1,087.60 SF

**Sec 47-19.2. G.2- Accessory buildings, structures and equipment, general.**

- Requesting a variance to allow an existing 471.6 square foot above-grade viewing deck at a height of 7'6" + 3'6" railing = 11'0" whereas the code allows a maximum height of no greater than 2'6" as measured from the finished floor elevation of the ground floor of the principal building or buildings. A total variance request of 8'6" feet.
- Requesting a variance to allow an existing raised-deck to protrude into the required 5-foot minimum rear yard raised-deck setback a distance of 3.4 feet whereas the minimum rear yard accessory structure setback code requirement is 5 feet. A total variance reduction request of 1.6 feet.

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

- Requesting a variance to allow an existing Tiki hut at a height of 18 feet whereas the code allows a maximum of 12 feet as measured from the ground to the top of the structure, a total variance request for an increase in height of 6 feet.
- Requesting a variance to allow an existing Tiki hut to protrude 375.20 square feet into the required 15' rear yard area whereas the maximum allowed is 200 square feet protruding into the required rear yard area. A total variance request of 175.20 square feet.

**NOTE: The Tiki hut is a total of 616 square feet out of which 375.20 square feet is protruding into the required yard area and only 200 square feet is allowed.**

- Requesting a variance to allow an existing Tiki hut to have a rear setback of 1.4 feet, whereas the minimum rear yard

accessory structure setback requirement is 5 feet. A total variance reduction request of 3.6 feet.

Annalee Hambric, owner, provided a Power Point presentation, a copy of which is attached to these minutes for the public record. She noted the tribe representatives had told them they did not need permits.

Chair Elfman opened the public hearing. Mike Resta, neighbor, supported the request. He said one could barely see the Tiki Hut over the home's roof and he understood why they wanted it. Ms. Hambric read a letter from Noreen Bryan, a neighbor, in support of the request. Ms. Bryan agreed the Tiki Hut was barely visible in the neighborhood. Petra Kaneris, neighbor, also supported the request and said the owners were great neighbors. 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. Meade asked about the "buffer zone" that should have been created by the boatyard. Mr. Hollingsworth said the boatyard had gone through the DRC site plan approval process, which included neighborhood compatibility, and erected the wall as required. Mr. Stresau wondered why there was no landscape buffer and noted the marina lights intruded into the neighborhood. He requested staff explain the lack of a landscape buffer between the commercial and residential developments and if there was a photometric survey. He also wanted the City to check the noise levels from the boatyard.

Mr. Ford said the owners must submit a zoning permit for the Tiki Hut. They also needed a permit for the deck. Ms. Rathburn said the owners' package was complete and addressed the criteria. Mr. Hagopian said he would not approve this if it were abutting another residential property.

**Motion** made by Ms. Rathburn, seconded by Mr. Jones:  
To grant the variance request regarding Sec. 47-19.1.J - General requirements because it meets the criteria. **Motion passed** 6-0.

**Motion** made by Ms. Rathburn, seconded by Mr. Jones:  
To grant both variance requests regarding Sec 47-19.2. G.2- Accessory buildings, structures and equipment, general because they meet the criteria. **Motion passed** 6-0.

**Motion** made by Ms. Rathburn, seconded by Mr. Jones:  
To grant all three variance requests regarding Sec 47-19.2. P- Freestanding shade structures because they meet the criteria. **Motion passed** 6-0.

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**CASE:** PLN-BOA-24080003  
**OWNER:** PORT EVERGLADES #84 INC

**AGENT:** DAIMIAN LESLIE  
**ADDRESS:** 2330 SOUTH FEDERAL HIGHWAY, FORT LAUDERDALE, FL  
33316  
**LEGAL DESCRIPTION:** LOTS 3 AND 4 OF HUMBLE-DEETS SUBDIVISION, ACCORDING  
TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 65,  
PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY,  
FLORIDA, LESS AND EXPECT THAT PORTION OF SAID LOT 4  
BEING MORE PARTICULARLY DESCRIBED. (SEE SURVEY)  
**ZONING DISTRICT:** B-1 - BOULEVARD BUSINESS  
**COMMISSION** 4  
**DISTRICT:**  
**REQUESTING:** Section 47-18.5.C- Automotive service station

- Requesting a variance to allow an Automotive service station from a park at a distance of one hundred (100) feet, whereas the code requires a minimum distance of three hundred (300) feet from the property boundary of an automotive service station to any house of worship, public park, hospital or school. A total reduction request of two hundred (200) feet.

Damian Leslie, consultant, described the request and noted the property had been a gas station for a number of years.

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 current design of the station was a nightmare and the proposed design was an immense improvement.

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

To grant the grant the variance request regarding Section 47-18.5.C- Automotive service station because it meets the criteria. **Motion** passed 6-0.

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**CASE:** PLN-BOA-24080004  
**OWNER:** TUCKER, RYAN & CHRISTINA  
**AGENT:** N/A  
**ADDRESS:** 1612 SOUTH WEST 12 COURT, FORT LAUDERDALE, FL 33312  
**LEGAL DESCRIPTION:** LOT 4, BLOCK 2 OF "RIVERSIDE ESTATES", ACCORDING TO  
THE PLAT BOOK 28, AT PAGE 10 OF THE PUBLIC RECORDS  
OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)  
**ZONING DISTRICT:** RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY  
**COMMISSION** 4  
**DISTRICT:**

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

- Requesting a variance from the minimum front yard setback of an existing enclosed carport from the minimum front yard setback of 25 feet to be reduced to 11.91 feet, a total reduction of 13.09 feet.
- Requesting a variance from the minimum corner yard setback of an existing enclosed carport from the minimum corner yard setback of 18.75 feet to be reduced to 12.18 feet, a total reduction of 6.57 feet.

Ryan Tucker, owner, described the request. He said he would apply for a permit if the variance were granted.

Chair Elfman appreciated that the structure was back far enough to not interfere with the sightline. Mr. Hagopian said this was 13 feet closer to the front setback than it should be. Mr. Stresau said the City had signed off on the carport's location in 1962. Mr. Tucker confirmed the carport was used for storage only.

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 Ms. Rathburn, seconded by Mr. Jones:

To grant both variance requests regarding Section 47-5.31- Table of dimensional requirements for the RS-8 district. (Note A) because they meet the criteria. **Motion** passed 5-1 with Mr. Hagopian opposed.

**Communication to the City Commission**

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Mr. Stresau recalled he had asked if the appropriate City staff person could inform the Seminole Indians regarding the City's zoning requirements for Tiki and Chikee Huts. Mr. Spence agreed to call and then send something to the Seminole and Miccosukee tribes and report back to the Board. Ms. Rathburn agreed they should try, but she did not think the tribe knew every member who was building the huts.

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

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Regular Scheduled Meeting Date Change. The October 9, 2024, BOA meeting date will be rescheduled to Tuesday, October 8, 2024, at 6:00PM.

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

To reschedule the October meeting to October 8. **Motion** passed 6-0.

**Other Items and Board Discussion**

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None

There being no further business to come before the Board, the meeting adjourned at 6:53 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.