

## BOARD OF ADJUSTMENT MEETING

City of Fort Lauderdale  
Development Services Department (Lobby)  
700 NW 19th Avenue, Fort Lauderdale, Florida 33311

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Wednesday, November 13<sup>th</sup>, 2024  
6:00 PM

## AGENDA RESULTS

- I. **CALL TO ORDER / PLEDGE OF ALLEGIANCE**
- II. **APPROVAL OF MINUTES / DETERMINATION OF QUORUM**
- III. **PUBLIC SIGN-IN / SWEARING-IN**
- IV. **AGENDA ITEMS: AGENDA ITEMS MAY BE TAKEN OUT OF ORDER TO ACCOMMODATE PUBLIC COMMENT OR AS THE BOARD DEEMS NECESSARY. ALL APPLICANT(S), AGENT(S), AND ANYONE WHO WISHES TO SPEAK ON ANY ITEM ON THE AGENDA, MUST BE PRESENT AT THE BEGINNING OF THE MEETING DUE TO THE POSSIBILITY THAT AGENDA ITEMS MAY BE TAKEN OUT OF ORDER.**

1.	<b>CASE:</b>	<b>PLN-BOA-24040001</b>
	<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

COMMISSION DISTRICT: 4  
REQUESTING:

**Sec. 47-39. A.1.b.(3)(g) General provisions. - Yard encroachments.**

- 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 request of 1.1 feet.

**Sec. 47-39. A.1.b.(3)(d) General provisions. - Yard 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.

**Motion** to grant the variance request for Sec. 47-39. A.1.b.(3)(g) **failed 3-2.**

**Motion** to reconsider the previous vote **failed 2-3.**

**Motion** to grant the two variance requests regarding Sec. 47-39. A.1.b.(3)(d) **failed 0-5.**

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2. **CASE:** **PLN-BOA-24070003**  
**OWNER:** PERITORE, FRANK  
**AGENT:** FROGNER, JIM  
**ADDRESS:** 720 SOUTH EAST 15 STREET #1-2, FORT LAUDERDALE, FL 33316  
**LEGAL DESCRIPTION:** THE EAST ½ OF LOT 30, AND THE WEST OF LOT 31, IN BLOCK 11 OF EVERGLADE LAND SALES COMPANY'S FIRST ADDITION TO LAUDERDALE FLORIDA, ACCORDING TO THE PLAT THERE OF, AS RECORDED IN PLAT BOOK 2, PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. (SEE SURVEY)  
**ZONING DISTRICT:** RMM-25 - RESIDENTIAL MULTIFAMILY MID RISE/ MEDIUM HIGH DENSITY.  
**COMMISSION DISTRICT:** 4  
**REQUESTING:** **Section 47-5.36. -Table of dimensional requirements for the RMM-25 district. (Note A)**

- Requesting a variance from the minimum 10 feet west side yard setback of an existing structure to be reduced to 8 feet, a total reduction of 2 feet.
- Requesting a variance from the minimum 10 feet east side yard setback of an existing carport structure to be

reduced to 5.25 feet, a total reduction of 4.75 feet.

- Requesting a variance from the minimum 25 feet front yard setback of an existing structure to be reduced to 20 feet, a total reduction of 5 feet.

**Sec. 47-20.10. - Tandem parking.**

- Requesting a variance from the tandem parking requirement for a multifamily unit, whereas the code states that Tandem parking shall only be allowed in connection with single family, duplex and townhouse dwelling units.

**Motion to grant the three variance requests regarding Section 47-5.36 failed 1-4.**

**Motion to grant the variance request regarding Sec. 47-20.10. failed 1-4.**

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<b>3. CASE:</b>	<b>PLN-BOA-24080001</b>
<b>OWNER:</b>	CONTAINER BOX LLC
<b>AGENT:</b>	FREDIANI, LUIZ
<b>ADDRESS:</b>	1110 NORTH EAST 5 AVENUE, FORT LAUDERDALE, FL 33304
<b>LEGAL DESCRIPTION:</b>	LOT 30, BLOCK 145, PROGRESSO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF MIAMI-DADE, FLORIDA; SAID LANDS SITUATE, LYING AND BEING BROWARD COUNTY, FLORIDA. (SEE SURVEY)
<b>ZONING DISTRICT:</b>	RMM-25 - RESIDENTIAL MULTIFAMILY MID RISE/ MEDIUM HIGH DENSITY
<b>COMMISSION DISTRICT:</b>	2
<b>REQUESTING:</b>	<b><u>Sec. 47-5.36.- Table of dimensional requirements for the RMM-25 district. (Note A)</u></b>

- Requesting a variance from the minimum 5-foot north side yard requirement for a two-family dwelling to be reduced to 3 feet 7 inches, a total variance request of 1 foot 5 inches.

**Sec. 47-3.3. B.2. - Nonconforming lot**

- Requesting a variance from the **NON-CONFORMING LOT REQUIREMENT** of a minimum 5 feet north side yard setback requirement for a two-family dwelling to be reduced to 3 feet 7 inches a total variance request of 1 foot 5 inches.

**Please Note:** A nonconforming lot in any residentially zoned district may be used for a standard single family or duplex structure or building only where a permitted use by the ULDR. Minimum five (5) foot side yards shall be required, and front and rear yards shall meet the yard requirements in the zoning district where the parcel is located.





request relief from the provisions of this section by making an application to the board of adjustment. The property owner shall have the burden of demonstrating that a unique circumstance particular to the property at issue exists that would otherwise preclude the installation of a sidewalk in the specified location.

**Motion** to grant the special exception **failed 0-5**.

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8. **CASE:** **PLN-BOA-24090001**  
**OWNER:** 2733 NE 28TH STREET LLC  
**AGENT:** LABALESTRA, VITO  
**ADDRESS:** 2733 NORTH EAST 28<sup>TH</sup> STREET, FORT LAUDERDALE, FL 33306  
**LEGAL DESCRIPTION:** LOT 16, BLOCK 50, OF "CORAL RIDGE CALT ADDITION NO 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, AT PAGE 37, 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. 25-62. (b)(3) - Requirements for new development and site alterations.**

- Requesting a special exception, granting relief from the requirement to install a sidewalk per Sec 25-62.

Please Note: As per Sec. 25-62. (b) (3) Sidewalks shall be constructed on all public streets abutting the property, except as provided herein: Property owners may request relief from the provisions of this section by making an application to the board of adjustment. The property owner shall have the burden of demonstrating that a unique circumstance particular to the property at issue exists that would otherwise preclude the installation of a sidewalk in the specified location.

**Motion** to grant the special exception **failed 2-3**.

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9. **CASE:** **PLN-BOA-24090002**  
**OWNER:** WESTCOME PARTNERS LLC ETAL; % FRESHWATER GROUP LLC  
**AGENT:** CRUSH, JASON ESQ  
**ADDRESS:** 3001 WEST COMMERCIAL BOULVEVARD, FORT LAUDERDALE, FL 33309  
**LEGAL DESCRIPTION:** THE SOUTH 150 (AS MEASURED RADIAL) OF THST PART OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SECTION 17, TOWNSHIP 49 SOUTH, RANGE 42 EAST, LYING NORTHERLY OF THE NORTH RIGHT-OF WAY LINE OF COMMERCIAL BOULEVARD. (SEE SURVEY)  
**ZONING DISTRICT:** B-1 - BOULEVARD BUSINESS

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

1

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

- Requesting a special exception from the required distance separation of three hundred (300) feet between establishments selling alcoholic beverages. The property is two hundred twenty-six (226) feet from the nearest establishment licensed to sell alcoholic beverages, a total reduction of seventy-four (74), respectfully.

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

- Requesting a special exception to allow the sale of alcohol from an establishment less than five hundred (500) feet from a church or school. The establishment is three hundred thirty-five (335) feet from the nearest church or school, a total reduction of one hundred sixty-five (165) feet, respectfully.

**Motion to grant both special exceptions passed 5-0.**

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10. **CASE:** **PLN-BOA-24090003**  
**OWNER:** GUERRERO, JUAN CARLOS  
**AGENT:** N/A  
**ADDRESS:** 817 NORTH EAST 16 STREET, FORT LAUDERDALE, FL 33304  
**LEGAL DESCRIPTION:** LOT 13 AND 14, BLOCK 7, OF LAUDERDALE PARK, ACCORDING TO THE PLAT THREEOF, AS RECORDED IN PLAT BOOK 6, PAGE 33 ½, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)  
**ZONING DISTRICT:** RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY  
**COMMISSION DISTRICT:** 2  
**REQUESTING:** **Sec. 47-3.3. B.3 - Nonconforming lot**

- Requesting a variance to allow two non-conforming lots with continuous frontage which have been joined in a single ownership to be re-divided to their original non-conforming dimensions and used for new individual development permits.

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

- Requesting a variance to allow two lots which are joined in single ownership to be re-divided to their originally platted widths of 47.5 feet each, whereas the code requires a minimum width of 50 feet, a total variance request in width of 2.5 feet per lot.
- Requesting a variance to allow two lots which are joined

in single ownership to be re-divided back to their originally platted lot sizes of 5,225 square feet each, whereas the code requires a minimum lot size of width of 6,000 square feet, a total variance request in size of 775 square feet per lot.

**Motion to grant all three variance requests passed 5-0.**

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11. **CASE:** **PLN-BOA-24090004**  
**OWNER:** DIXAN GONZALEZ KHANT REV TR; EINDAR KHANT REV TR  
**AGENT:** BLAKE KELLY, ROBERT  
**ADDRESS:** 4312 NORTH EAST 23 AVENUE, FORT LAUDERDALE, FL 33308  
**LEGAL DESCRIPTION:** LOT TWENTY-THREE (23), BLOCK "A" OF CORAL RIDGE COUNTY CLUB ADDITION NO.2, ACCORDING TO THE PLAT THEREOF RECORDED IN THE PLAT BOOK 44, PAGE 21, 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. 25-62. (b)(3) - Requirements for new development and site alterations.**

- Requesting a special exception, granting relief from the requirement to install a sidewalk per Sec 25-62.

*Please Note: As per Sec. 25-62. (b)(3) Sidewalks shall be constructed on all public streets abutting the property, except as provided herein: Property owners may request relief from the provisions of this section by making an application to the board of adjustment. The property owner shall have the burden of demonstrating that a unique circumstance particular to the property at issue exists that would otherwise preclude the installation of a sidewalk in the specified location.*

**Motion to grant the special exception passed 5-0.**

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12. **CASE:** **PLN-BOA-24100004**  
**OWNER:** 809 SW 12TH AVE LLC  
**AGENT:** N/A  
**ADDRESS:** 809 SOUTH WEST 12 AVENUE, FORT LAUDERDALE, FL 33312  
**LEGAL DESCRIPTION:** LOT 3, BLOCK 11, OF AMENDED PLAT OF RIVERSIDE ADDITION TO FORT LAUDERDALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 13 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)  
**ZONING DISTRICT:** RD-15 - RESIDENTIAL SINGLE FAMILY AND DUPLEX/MEDIUM DENSITY  
**COMMISSION DISTRICT:** 4  
**REQUESTING:** **Sec. 25-62. (b)(3) - Requirements for new development and site alterations.**

- Requesting a special exception, granting relief from the requirement to install a sidewalk per Sec 25-62.

**Please Note:** As per Sec. 25-62. (b)(3) Sidewalks shall be constructed on all public streets abutting the property, except as provided herein: Property owners may request relief from the provisions of this section by making an application to the board of adjustment. The property owner shall have the burden of demonstrating that a unique circumstance particular to the property at issue exists that would otherwise preclude the installation of a sidewalk in the specified location.

**Motion to grant the special exception passed 5-0.**

- V. **COMMUNICATION TO THE CITY COMMISSION**
- VI. **FOR THE GOOD OF THE CITY OF FORT LAUDERDALE**
- VII. **VOTE FOR 2025 BOARD OF ADJUSTMENT CALENDAR**

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**PLEASE NOTE THAT TWO-WAY COMMUNICATION BETWEEN MEMBERS OF THE BOARD OF ADJUSTMENTS IS PROHIBITED BY SUNSHINE LAW. PLEASE DO NOT REPLY TO ANY BOARD MEMBER. ALL DISCUSSIONS ON ITEMS RELATIVE TO THE AGENDA SHOULD TAKE PLACE AT SCHEDULED BOARD MEETINGS.**

Two or more City Commissioners and/or Advisory Board members may be present at this meeting. If a person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you desire auxiliary services to assist in viewing or hearing the meetings or reading agendas and minutes for the meetings, please contact the City Clerk's office at (954) 828-5002 and arrangements will be made to provide these services for you.

**Unless otherwise stated, these items are quasi-judicial. Board members shall disclose any communication or site visits they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on a quasi-judicial matter will be sworn in and will be subject to cross-examination.**