



CITY OF FORT LAUDERDALE

MINUTES
BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19th AVENUE, FORT LAUDERDALE,
FLORIDA 33311
NOVEMBER 13, 2024 – 6:00 P.M.

Board Members	Attendance	Cumulative Attendance 6/2024 through 5/2025	
		Present	Absent
Howard Elfman, Chair	P	4	0
Milton Jones	P	4	0
Douglas Meade	A	3	1
Patricia Rathburn	P	4	0
Fred Stresau	P	4	0
Robert Wolfe, Vice Chair	A	2	2
Jason Hagopian [alternate]	P	4	0

Staff

D'Wayne Spence, Interim City Attorney
Burt Ford, Zoning Chief
Chakila Crawford, Senior Administrative Assistant
Karen Ceballo, Administrative Assistant
James Hollingsworth, Zoning Plans Examiner
J. Opperee, 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 – September 11, 2024

Motion made by Mr. Stresau, seconded by Mr. Jones:
 To approve the Board’s September 11, 2024 minutes. **Motion** passed 5-0.

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.	Index
CASE:	PLN-BOA-24040001
OWNER:	TACHER, MARIO & YELENA
AGENT:	N/A
ADDRESS:	2436 CAT CAY LANE, FORT LAUDERDALE, FL 33312
LEGAL DESCRIPTION:	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)
ZONING DISTRICT:	RS-6.85A - IRREGULAR RESIDENTIAL

COMMISSION 4
DISTRICT:
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.

Mario Tacher, owner, explained that they had changed the request to concern just the shed; they had applied for a permit for the carport. He said there had been confusion at the first hearing and the Board had granted a re-hearing at the last hearing. Mr. Tacher said the home had been sold with the shed represented as living space but this was not legal. He said the City had approved the existing shed in 2012 for the prior property owner. Mr. Tacher stated they were now using the shed 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.

Mr. Tacher remarked on the hardship this had caused, from requiring them to file a lawsuit against the seller to incurring City fines.

Mr. Ford said the shed permit had been issued with five-foot setbacks but the shed had been incorrectly installed within the setbacks. The permit was also for a smaller shed. He reminded the Board that it was the previous owner who had installed the shed not in compliance with regulations, not Mr. Tacher. He acknowledged that a City Building Inspector had incorrectly approved the shed and Mr. Ford could not say why.

Motion made by Ms. Rathburn, seconded by Mr. Jones, to grant the variance request for Sec. 47-39. A.1.b.(3)(g) General provisions. - *Yard encroachments*. **Motion failed 3-2** with Mr. Jones and Ms. Rathburn opposed.

Ms. Rathburn wished to reconsider the previous motion.

Motion made by Ms. Rathburn, seconded by Mr. Stresau, to reconsider the previous vote. **Motion failed 2-3** with Mr. Jones, Mr. Stresau and Mr. Hagopian opposed.

Motion made by Ms. Rathburn, seconded by Mr. Jones, to grant the two variance requests regarding Sec. 47-39. A.1.b.(3)(d) General provisions - *Yard encroachments*. **Motion failed 0-5.**

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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:	<u>Section 47-5.36. -Table of dimensional requirements for the RMM-25 district. (Note A)</u>

- 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.

Jim Frogner, agent, explained that the owner's father had purchased the property in 1962 and built a duplex. After his father died in 2020, Frank Peritore [now the owner] had discovered his father had at some point converted the building to a fourplex with no permits. The property had been cited for the work without permits and for having too many units. Mr. Frogner stated the RMM-25 zoning allowed up to 3.8 units on this lot so three units were possible and they had submitted plans for a triplex. During plan review, staff had noted the setback issues.

Mr. Ford noted the sign posted on the property only referred to the tandem parking, not the other three variances. Mr. Frogner said he had been given four signs and posted one on each side of the property. Staff confirmed they had photos of all four postings.

Mr. Frogner confirmed that the exterior of the building was the same as it had been in 1962.

Mr. Ford stated the property was built as a duplex, which had less restrictive setbacks than a multi-family in an RMM-25 district. The change of use to a triplex required 10-foot side setbacks and 20-foot rear setbacks. A duplex would not need a variance.

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. Hagopian:

To grant the three variance requests regarding Section 47-5.36. -Table of dimensional requirements. **Motion failed 1-4** with Ms. Rathburn, Mr. Stresau, Mr. Jones and Chair Elfman opposed.

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

To grant the variance request regarding Sec. 47-20.10. - Tandem parking. **Motion failed 1-4** with Mr. Stresau, Mr. Jones, Ms. Rathburn, and Chair Elfman opposed.

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CASE:	PLN-BOA-24080001
OWNER:	CONTAINER BOX LLC
AGENT:	FREDIANI, LUIZ
ADDRESS:	1110 NORTH EAST 5 AVENUE, FORT LAUDERDALE, FL 33304
LEGAL DESCRIPTION:	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)
ZONING DISTRICT:	RMM-25 - RESIDENTIAL MULTIFAMILY MID RISE/ MEDIUM HIGH DENSITY

COMMISSION DISTRICT:
REQUESTING:

2

Sec. 47-5.36.- Table of dimensional requirements for the RMM-25 district. (Note A)

- 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.

Luiz Frediani, agent, described the requests. He said they planned a container home for the site.

Chair Elfman opened the public hearing. Randall Klett, neighbor, opposed the request, stating the building was too large for this non-conforming lot and would not be compatible with the neighborhood. He thought this smaller lot should be combined with another lot for a larger project. 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. Rathburn said the duplex was just too large; she may feel differently about a single-family home on this lot. Mr. Stresau noted this hardship was self-created.

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

To grant the variance request regarding Sec. 47-5.36.- Table of dimensional requirements for the RMM-25 district. **Motion failed 1-4** with Mr. Jones, Ms. Rathburn, Mr. Stresau, and Chair Elfman opposed.

Mr. Spence suggested allowing the applicant to withdraw the second request to consider resubmitting a different request for a single-family home.

Mr. Frediani withdrew the second variance request.

4.

CASE: PLN-BOA-24080007
OWNER: MURPHY, BRIAN P; SEYMOUR, TAMARA A
AGENT: COLBY, TYLER
ADDRESS: 415 NORTH EAST 16 AVENUE, FORT LAUDERDALE, FL 33301
LEGAL DESCRIPTION: ALL OF LOTS 6 AND 7, LESS AND EXCEPTING THEREFROM THE NORTH 62 ½ FEET THEREOF, IN BLOCK, OF "LAS OLAS PARK", ACCORDING TO THE PLAT CORRECTED PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 12, OF THE PUBLIC RECORDS OF BROWARD, COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT: RC-15 - RESIDENTIAL SINGLE FAMILY AND CLUSTER/MEDIUM DENSITY
COMMISSION DISTRICT: 2
REQUESTING: **Sec. 47-19.2. S. - Mechanical and plumbing equipment.**

- Requesting a variance from the minimum 25-foot front yard setback to be reduced to 17 feet to install a generator, a total reduction of 8 feet.

Tyler Colby, agent, described the request, which would allow the installation of a generator.

Ms. Rathburn had noticed that the existing pool equipment was not currently screened. Brian Murphy, owner, promised the generator would be screened. Mr. Colby promised to screen all the equipment as well. Mr. Stresau said he would prefer a low wall, which would be permanent. Mr. Murphy asked if they could use PVC fencing instead of a wall and Mr. Stresau feared that the PVC would break down. Mr. Ford feared a wall may cause an issue but a shorter fence would probably be permissible.

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 reiterated that the existing pool equipment was visible and unattractive. Bryan Murphy, owner, agreed to screen that as well. Mr. Colby agreed to screen the entire area on three sides with Clusia hedges. Mr. Stresau would prefer a wall, which would last longer than a hedge. Mr. Colby doubted there was sufficient space to accommodate a wall. Mr. Ford stated a fence or wall may create another issue requiring a variance.

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

To grant the variance request, based on the applicant's voluntary proffer to screen the existing pool equipment and the proposed generator from the property line to the north and from the street, because it meets the criteria. **Motion** passed 5-0.

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CASE: PLN-BOA-24080008
OWNER: DEVOVE, THIERRY & VALERIE
AGENT: BARTHE, FREDERIC M. ESQ
ADDRESS: 1741 NORTH EAST 58TH STREET/ NORTHEAST 17TH ROAD,
FORT LAUDERDALE, FL 33334
LEGAL DESCRIPTION: LOT 16, AND 17, BLOCK 8, CORAL RIDGE ISLES,
ACCORDING TO THE PLOT THEREOF, AS RECORDED IN
PLOT BOOK 45, PAGE 47 OF THE PUBLIC RECORDS OF
BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT: RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM
DENSITY
COMMISSION DISTRICT: 1
REQUESTING: Sec. 47-24.5. A.4.b.- Resubdivision of lots of record.

- Requesting a variance to allow the Resubdivision of Lots 16 and 17 without replatting such that Lot 16 is increased in size from the platted lot size by 1,178 square feet to 11,754 square feet while lot 17 is decreased in size by 1,178 square feet to 10,391 square feet.

Please Note: As per Sec. 47-24.5.A.4.b.i, in the RS-4.4, RS-8 and RD-15 districts lots or parcels may be recombined without replating provided **the resulting lots are not reduced in size below that in the original subdivision of record**, except that each unit of a duplex in an RD-15 district may be on a separate lot of three thousand (3,000) square feet.

Richard Coker, agent, described the request and distributed additional backup material. He explained how this would affect the square footage of the two lots.

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. Jones:
To grant the variance request because it meets the criteria. **Motion** passed 5-0.

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CASE: PLN-BOA-24080009
OWNER: ACAC 1000 LAND TR; ALFASI, AVRAHAM TRUSTEE
AGENT: ALFASI, AVRAHAM
ADDRESS: 40 NORTH EAST 16th PLACE, FORT LAUDERDALE, FL 33305

LEGAL DESCRIPTION: LOT 16 AND THE WEST 14.52 FEET OF LOT 15, IN THE BLOCK 4 OF PLACIDO PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 11, PAGE 43 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)

ZONING DISTRICT: RDS-15 - RESIDENTIAL SINGLE FAMILY / MEDIUM DENSITY

COMMISSION DISTRICT: 2

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.

Avraham Alfasi, owner, described the request. He said he owned this and the adjoining property. Mr. Alfasi stated there were no other sidewalks on this side of the street but there were sidewalks on the other side. He added that slope of the property meant that the sidewalk would flood.

Chair Elfman opened the public hearing. Hans Kuhlmann said Mr. Alfasi was responsible for positive changes on this street. He added that there were no sidewalks on this side of the street and thought they should complete the sidewalk on the other side of the street to Andrews Avenue. 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. Rathburn thought sidewalks on one side of the street would be sufficient. Mr. Hagopian favored sidewalks but recalled that the Board had not forced anyone to construct a sidewalk in his time on the Board. He felt this code was flawed.

Mr. Stresau said Mr. Alfasi was also developing the adjacent property [case 7 on the agenda] and there was a large oak tree in the swale that would preclude building a sidewalk, but Mr. Alfasi had designed that driveway to require removal of the tree. Mr. Stresau said once Mr. Alfasi developed both these lots, the sidewalks could continue almost to Andrews Avenue.

Mr. Spence said this code had been adopted in 2022. To be granted a special exception, the owner must demonstrate there was a special circumstance unique to the particular property. Mr. Stresau said that special circumstance would no longer exist if the Board required a sidewalk on the adjacent property.

Motion made by Mr. Stresau, seconded by Ms. Rathburn:
To table this item until the Board considered Item 7. **Motion** passed 5-0.

The Board heard Item 7 and then returned to the vote on Item 6.

Motion made by Ms. Rathburn, seconded by Mr. Jones:
To grant the special exception. **Motion failed 0-5.**

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CASE:	PLN-BOA-24080010
OWNER:	ALFASI, AVRAHAM
AGENT:	N/A
ADDRESS:	1629 NORTH EAST 1 ST AVENUE, FORT LAUDERDALE, FL 33305
LEGAL DESCRIPTION:	LOT 14 AND THE EAST 35.53 FEET OF THE LOT 15, IN BLOCK 4 OF PLACIDO PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 11, PAGE 43 OF THE PUBLIC RECORD OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	RDS-15 - RESIDENTIAL SINGLE FAMILY / MEDIUM DENSITY
COMMISSION DISTRICT:	2
REQUESTING:	<u>Sec. 25-62. (b)(3) - Requirements for new development and site alterations.</u>

- 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.

Avraham Alfasi, owner, described the request. He said there was no other sidewalk on this side of the street. If installed, this would be a “sidewalk to nowhere.” He stated the swale often flooded here as well and he thought the sidewalk would be water damaged.

Chair Elfman opened the public hearing. Hans Kuhlmann suggested the sidewalk across the street be completed. 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. Stresau said there was a sidewalk on the north side that paralleled NE16th Place, and on 1st Avenue. There were also sidewalks all along the north side of NE 16th Place and the next block east to west. He thought this was a good example for requiring sidewalks to be built. He thought the large trees on the adjacent lot that seemed to be interfering with building a sidewalk may not have been permitted and may have to be moved. He asked Mr. Spence if the Board approved the sidewalk as shown on the plan, lacking the connection at the intersection of 16th Place and 1st Avenue, would engineering require the handicapped connection. Mr. Spence noted the Board would not approve the location of any sidewalk; that would be determined during development review.

Ms. Rathburn noted there were only three lots on this section of 16th Place between Andrews Avenue and NE 1st Avenue and Mr. Alfasi owned two of them. She therefore felt the special exception was not appropriate.

Motion made by Ms. Rathburn, seconded by Mr. Jones:
To grant the special exception. **Motion failed 0-5.**

The Board took a brief recess.

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CASE:	PLN-BOA-24090001
OWNER:	2733 NE 28TH STREET LLC
AGENT:	LABALESTRA, VITO
ADDRESS:	2733 NORTH EAST 28 TH 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:	<u>Sec. 25-62. (b)(3) - Requirements for new development and site alterations.</u>

- 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.

Eduardo Vera, architect, described the request. He said there were no sidewalks on the block right now. He said they had met with a member of the Coral Ridge Civic Association and discussed the neighborhood transportation plan and where they felt sidewalks would be appropriate, and this street was not one of them. They were concentrating on Bayview Drive, 26th Street and Middle River Drive. Julian Calucci, builder, doubted the practicality of installing sidewalk in front of just one home in the middle of the street.

Chair Elfman opened the public hearing. Tom Conde, neighbor, said the sidewalk would end at his property and was concerned he would be forced to build a sidewalk. 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.

Motion made by Ms. Rathburn, seconded by Mr. Stresau:
To grant the special exception because it meets the criteria. **Motion failed 2-3** with Mr. Hagopian, Mr. Jones and Mr. Stresau opposed.

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CASE:	PLN-BOA-24090002
OWNER:	WESTCOME PARTNERS LLC ET AL; % FRESHWATER GROUP LLC
AGENT:	CRUSH, JASON ESQ
ADDRESS:	3001 WEST COMMERCIAL BOULEVARD, FORT LAUDERDALE, FL 33309
LEGAL DESCRIPTION:	THE SOUTH 150 (AS MEASURED RADIAL) OF THAT 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:	1
REQUESTING:	<u>Sec. 5-26. - Distances between establishments</u>

- 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.

Jason Crush, agent, described the request. He noted that he had visited the Passion for Christ Ministry but there was never anyone available and he was unsure the church was still in business. He noted this was a very dense commercial development. Mr. Crush explained that this had been a restaurant for quite some time and the granting of the special exceptions would not be incompatible with adjoining properties or the surrounding neighborhood and would not be contrary to the public interest.

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. Crush said the code was intended to prevent children playing in church playgrounds being too near establishments selling alcohol.

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

To grant both special exceptions, because they meet the criteria. **Motion** passed 5-0.

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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 THEREOF, 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:	<u>Sec. 47-3.3. B.3 - Nonconforming lot</u>

- 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.

Juan Carlos Gurerro, owner, described the request. He said all properties in the area were 47.5 feet wide, not 50, as the new code required. He said as he was getting older, he would prefer a smaller piece of property to maintain.

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 original plat was from 1929 and he did not think that it had been anticipated then that Fort Lauderdale would change the zoning code to require 50-foot lots. He added that two newly-constructed homes would improve the neighborhood.

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

To grant all three variance requests because they meet the criteria. **Motion** passed 5-0.

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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:	<u>Sec. 25-62. (b)(3) - Requirements for new development and site alterations.</u>

- 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.

Robert Blake Kelly, agent, described the request. He said a sidewalk would conflict with a new FPL pole, and added that this conflict would exist on every property on this side of the street. He thought requiring sidewalks was a good idea that was very poorly thought through.

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. Stresau:
To grant the special exception because it meets the criteria. **Motion** passed 5-0.

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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:	<u>Sec. 25-62. (b)(3) - Requirements for new development and site alterations.</u>

- 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.

Lazaro Dinh, owner, described the request. He said the sidewalk would harm a 100-year-old oak tree on the property.

Ms. Rathburn said Chris Cooper, Acting Assistant City Manager, had indicated that Estelle Brennan, a neighbor, had submitted something indicating this would meet the exemption because of the mobility plan for the neighborhood and head of Transportation and Mobility agreed.

Mr. Spence explained that the regulatory scheme under which the City operated required the sidewalks unless the Board of Adjustment granted a special exception. Per the Acting Assistant City Manager and Transportation and Mobility staff's opinion, he thought the City should formally adopt a plan and spell it out in the code instead of making the Board responsible.

Chair Elfman opened the public hearing.

Estelle Brennan, president of the Riverside Park Residents Association, supported the request. She said sidewalks would wipe out most of their existing tree canopy. As 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.

Motion made by Mr. Hagopian, seconded by Ms. Rathburn:
To grant the special exception because it meets the criteria. **Motion** passed 5-0.

Communication to the City Commission

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None

Report and for the Good of the City

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None

Other Items and Board Discussion

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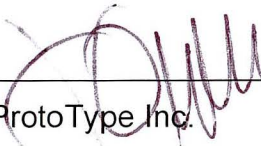
None

There being no further business to come before the Board, the meeting adjourned at 8:16 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.