



CITY OF FORT LAUDERDALE

MINUTES
BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19th AVENUE, FORT LAUDERDALE,
FLORIDA 33311
December 11th, 2024 – 6:00 P.M.

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

Staff

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

Communication to the City Commission

None

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	<u>Case Number</u>	<u>Owner/Agent</u>	<u>District</u>	<u>Page</u>
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I. Call to Order

The meeting was called to order at 6:02 p.m. Roll was called and a quorum was determined to be present.

II. Approval of Minutes – November 13, 2024

Motion made by Mr. Stresau, seconded by Mr. Jones:
To approve the Board’s November 13, 2024 minutes. **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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CASE:	PLN-BOA-24110001
OWNER:	H&M HOUSING LAND DEVELOPMENT LLC
AGENT:	ISAACSON, DAVID, ESQ
ADDRESS:	2950 SW 17 PL, FORT LAUDERDALE, FL 33312
LEGAL DESCRIPTION:	THAT PORTION OF LOT 8, BLOCK 2. “ROHAN ACRES”. ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, AT PAGE43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY).
ZONING DISTRICT:	RS-6.85B - IRREGULAR RESIDENTIAL
COMMISSION DISTRICT:	4
REQUESTING:	<u>Sec. 47-24.5. D.3.e - Subdivision regulations.</u>

- Requesting a variance for the proposed side property line segments of lot 8, per the survey legal description, from the requirement for the side lot lines be substantially at right angles or radial to the street line allowing the 52 foot north segment of the side lot line to turn 90 degrees north to now run parallel to the street line and to allow the 56.60 foot south segment of the side lot line to turn 90 degrees south to now run parallel to the street line.

David Isaacson Esq., the owner's attorney, provided a Power Point presentation, a copy of which is attached to these minutes for the public record. He reviewed the criteria for a variance and how this request complied.

Chair Elfman opened the public hearing. Jesse Alvarez, neighbor, opposed the request and said the owner had created the problem by purchasing the "flag" lot. He felt this would adversely affect the surrounding neighborhood. He provided photos showing flooding and the resulting debris in the neighborhood. He stated this property used to help alleviate the flooding by collecting runoff but this owner had dumped fill on the property, raising the level of the property and exacerbating the flooding. Lisa Alvarez, neighbor, said the documents should be rejected because the owner's spouse, who had a financial interest, had notarized the paperwork. She said the 20-foot strip of property the owner purchased from the adjacent property created a zero lot line situation and now that property did not meet the setback requirements. Martin Kessler, neighbor, said the access road would be close to his bedroom and he also felt the flooding would be an issue. Alfred Salsamendi, neighbor, discussed issues with an Airbnb in the neighborhood and did not want the home(s) built here to be used for vacation rentals.

Mariatne Menendez, neighbor, supported the request and said the City had held a neighborhood meeting the previous day regarding the flooding. She said neighbors had been using the lot for parking their cars.

Hani Levy provided letters from other neighbors in support of the request. She also mentioned the neighborhood meeting regarding flooding the previous evening and noted flooding was not a reason to deny a variance. She provided photos showing the neighbors parking their cars on the property and one using it for his business. She stated neighbors had installed plantings on her land that she needed a permit to remove. She pointed out that she was not married to the other owner, so it was not illegal for her to notarize documents. Michael Pileggi, neighbor, said the neighbors had a conflict of interest because they had used the lot. He noted that flooding was a separate issue.

Mr. Isaacson mentioned the neighbor's conflict because they had used the property to park cars and pump flood water onto. He said the new development would improve property values because it would be maintained. He explained that SW 17th Place was a private road and could not be used for access.

Ms. Rathburn referred to new FEMA elevations, and said at City flood presentations, the Deputy Director of Public Works had indicated that a newly developed property would only be required to retain one inch of water on site and the rest would be "donated" to the neighboring properties. Ms. Rathburn asked if the owners had obtained a survey and title insurance prior to buying the property. She had noticed that the owners claimed the closing agent and the City told them this was a buildable lot but a survey would have

shown it was not, so there was no hardship. She wondered if 1818 was now non-conforming regarding its side setbacks after selling the strip of property to this owner.

Mr. Isaacson said this was H&M's first investment property and they had relied on professionals regarding its suitability for building. The contract indicated "warranted ingress/egress." He said the 47-24 subdivision sections applied to this property after the annexation of this area. Ms. Rathburn said the application included that the owners had visited the City but only spoken to someone at the front desk. Ms. Levy said they had met with a Zoning person on September 11 to ensure the land was developable. She said they had a boundary survey.

Mr. Stresau asked the side yard setback on 30th Terrace in this zoning and Mr. Ford described the existing setbacks and said they complied but for some paving.

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. Spence said the property appraiser would subdivide land to any size, regardless of whether this made it unbuildable. The City had requirements for building and this property needed the variance regarding the lot lines to make the site buildable. Mr. Ford explained that the variance was needed because the property lines of the driveway strip the owners had purchased from the neighbor were parallel instead of perpendicular to the street per City code.

Mr. Jones asked if this could set a precedent and Mr. Spence said it was not his opinion that the Board set precedents but future applicants could make similar arguments and appeal based on those arguments if they were denied.

Ms. Rathburn noted the owners were suing several people involved in the sale and wondered if the Board granted the variance and the suits were successful they would be "double dipping." Mr. Isaacson was not representing the owners in those other lawsuits so he could not comment.

Mr. Stresau said SW 17th Place looked like a dedicated street and had a County sign indicating it was SW 17th Place. Mr. Spence had researched this, and said Broward County identified this as a private easement.

Ms. Rathburn asked about the easement, which abutted this property, and Mr. Isaacson said the easement was 25 feet but the small road was actually on someone's property, not the easement, so the applicant's property did not have access to it. Mr. Salsamendi said this was a private, dedicated easement. Mr. Spence said the easement was not on the applicant's survey or included in the record and staff with knowledge of it were not present. Mr. Jones felt the Board needed more information about the easement.

Mr. Isaacson and the owner was requesting a deferral and Mr. Isaacson agreed to provide the easement document. Mr. Malik said the deadline for the January meeting was December 20.

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

To defer the case to the January meeting, conditioned upon the applicant supplying all required documents to City staff by December 20. If that deadline was not met, the case would be deferred to the next meeting. **Motion passed 7-0.**

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None

Report and for the Good of the City

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Mr. Stresau had received a response from the Deputy Director of Development regarding a request from at least two Board members for the DRC comments on the Marina 32 site. The Deputy Director had indicated that if the BOA wanted that information, it should have been a motion, or a Board member could make a public records request. Mr. Stresau recalled that a couple of Board members had looked at the applicant's property and the marina property prior to hearing the applicant's request for a variance and said it was obvious from the discussion that the Board members were all aware that the lighting on the Marina site does not meet community compatibility requirements regarding glare and the fact that it could be seen from adjacent private properties. Mr. Stresau added that there was also 300 feet of buffer yard missing that was never landscaped on the south end of the marina complex.

Mr. Stresau said this was not a Code Enforcement issue; the developers of the marina had not complied with requirements of community compatibility, unless there was something in the DRC comments indicating they did not need to meet those requirements. Mr. Stresau had also asked the Director in his email how one 40-foot tall Royal Palm tree five feet from the property line met the "heavily vegetated" requirement for community compatibility. Mr. Stresau said the engineering department had required a drainage swale in the buffer yard but when it rained, it eroded the soil from around the trees and the roots were exposed.

Mr. Stresau did not understand why the Board had to make a formal request for information and were not entitled to the DRC comments. Mr. Spence said there were two issues: the communication from the Board and its ability to direct staff and the responsibilities of the BOA. He said the Board acted as a finder of fact and should only consider information presented at the hearing. He stated the issues at the Marina were beyond the jurisdiction of the BOA. Therefore, a Board member could request additional information privately.

Other Items and Board Discussion

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None

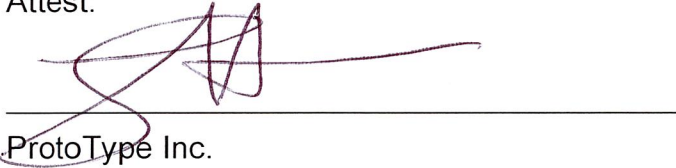
There being no further business to come before the Board, the meeting adjourned at 7:30 p.m.

Chair:



A handwritten signature in blue ink, appearing to be "Edward J. [unclear]", written over a horizontal line.

Attest:



A handwritten signature in red ink, appearing to be "S. [unclear]", written over a horizontal line.

ProtoType Inc.

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