



CITY OF FORT LAUDERDALE

MINUTES
BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19th AVENUE, FORT LAUDERDALE,
FLORIDA 33311
FEBRUARY 12, 2025 – 6:00 P.M.

Board Members	Attendance	Cumulative Attendance 6/2024 through 5/2025	
		Present	Absent
Howard Elfman, Chair	P	7	0
Milton Jones	P	7	0
Douglas Meade	A	5	2
Amy Mergler	P	1	0
Patricia Rathburn	P	7	0
Robert Wolfe, Vice Chair	P	5	2
Jason Hagopian	P	7	0
Samir Yajnik [alternate]	P	2	0
Jarrold Gaylis [alternate]	P	1	0

Staff

Rhonda M. Hasan, Senior Assistant City Attorney
Burt Ford, Zoning Chief
Chakila Crawford, Senior Administrative Assistant
Mohammed Malik, Zoning Administrator
James Hollingsworth, Zoning Plans Examiner
Karen Ceballo, Administrative Assistant
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>
1.	PLN-BOA-24100005	Ahmed & Maryellen Metwalli/Roberto Pena	4	<u>2</u>
2.	PLN-BOA-24120001	Lisa Quarterman/Andrew Schein Esq.	2	<u>3</u>
3.	PLN-BOA-24110002	Fatima Hasan	2	<u>4</u>
4.	PLN-BOA-24110003	Isidro & Catherine Garcia	4	<u>6</u>
5.	PLN-BOA-24120002	1717 Ft Lauderdale Beach; Blvd LLC % David Holmes Jr./Paola West	2	<u>7</u>
6.	PLN-BOA-25010001	Omar Ramos/Andrew Schein Esq.	4	<u>8</u>

Communication to the City Commission
For the Good of the City
Other Items and Board Discussion

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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 – January 8, 2025

Motion made by Mr. Wolfe, seconded by Mr. Jones:
To approve the Board’s January 8, 2025 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-24100005
OWNER:	METWALLI, AHMED & MARYELLEN
AGENT:	PENA, ROBERTO
ADDRESS:	1036 SOUTH EAST 12 TH WAY, FORT LAUDERDALE, FLORIDA 33316
LEGAL DESCRIPTION:	LOT 5 & 5 BLOCK 12 SUBDIVISION RIO VISTA ISLES UNIT 3 PLAT BOOK 7 PAGE 14 OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
COMMISSION DISTRICT:	4
REQUESTING:	<u>Sec. 47-19.5. B.1d.- Fences, walls and hedges.</u>

- Requesting a variance to allow an existing fence to be replaced at a 0 feet corner yard setback from a street property line, whereas the code requires a minimum average of 3 feet setback from the street property line. A total variance request of 3 feet.

Note: This case was deferred from the January 8, 2025, BOA meeting agenda.

Roberto Pena, agent, described the request and said a three-foot setback would put the fence on the pool deck.

Chair Elfman opened the public hearing. Grenville Kirk, neighbor, stated the owner should just comply with the existing setbacks. 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. Ford said the plans showed new foundations and piers but the request was to use the existing piers, so the drawings must be revised to show the existing piers. The contractor agreed.

Motion made by Mr. Hagopian, seconded by Mr. Wolfe:
To approve the variance request because it meets the criteria. **Motion passed 7-0.**

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CASE: PLN-BOA-24120001
OWNER: QUARTERMAN, LISA M
AGENT: SCHEIN, ANDREW J, ESQ.
ADDRESS: 720 ISLE OF PALMS DRIVE, FORT LAUDERDALE, FLORIDA 33301
LEGAL DESCRIPTION: LOT 25, BLOCK 1, SUBDIVISION: STILLWELL ISLES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 34 IN THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY).
ZONING DISTRICT: RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY
COMMISSION DISTRICT: 2
REQUESTING: Sec. 47-5.30. - Table of dimensional requirements for the RS-4.4 district. (Note A)

- Requesting a variance to allow an existing 24.43' front yard setback to remain, whereas ULDR Section 47-5.30 requires a 25-foot front yard setback. A total variance request of 0.57 feet.
- Requesting a variance to allow an existing side yard setback of 9.10 feet to remain, whereas ULDR Section 47-5.30 requires a minimum 10-foot side yard setback. A total variance of 0.90 feet.
- Requesting a variance to allow an existing freestanding shade structure to remain at a side yard setback of 5.22 feet, whereas ULDR Section 47-5.30 requires a 10-foot side yard setback. A total variance request of 4.78 feet.

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

- Requesting a variance to allow an existing freestanding shade structure to remain at an 8.58-foot rear yard setback, whereas ULDR Section 47-19.2. P. requires a 10-foot rear yard setback. A total variance of 1.42 feet.

Note: This case was deferred from the January 8, 2025, BOA meeting agenda.

Andrew Schein Esq., agent, said the survey still required edits and requested a deferral.

Motion made by Ms. Rathburn, seconded by Mr. Wolfe:
To defer the item to the April meeting. **Motion passed 7-0.**

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CASE:	PLN-BOA-24110002
OWNER:	HASAN, FATIMA
AGENT:	N/A
ADDRESS:	414 NORTH EAST 23 AVENUE, FORT LAUDERDALE, FL 33301
LEGAL DESCRIPTION:	LOT 9, BLOCK 2, BARCELONA ISLE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, AT PAGE 10, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY
COMMISSION DISTRICT:	2
REQUESTING:	<u>Sec 47-5.30- Table of dimensional requirements for the RS-4.4 district. (Note A)</u>

- Requesting a variance from the required 25-foot front yard setback for a proposed 2 story addition of a garage with bedroom above to be reduced to 14 feet 8 inches, a total variance request of 10 feet 4 inches.
- Requesting a variance from the required 15-foot rear yard setback for a proposed 2 story addition of a garage with bedroom above to be reduced to 4 feet 6 inches, a total setback variance of 10 feet 6 inches.
- Requesting a variance from the required 15-foot rear yard setback to allow an existing structure to remain at a setback distance of 14.80 feet, a total variance request of 0.20 feet.
- Requesting a variance from the required 25-foot front yard setback to allow a proposed stair enclosure to be reduced to 20 feet 4 inches, a total variance request of 4 feet 8 inches.

Sec 47-19.1.K General Requirements

- Requesting a variance from the minimum 18-foot garage setback to be reduced to 15 feet 9 inches, a total variance request of 2 feet 3 inches.

NOTE: Sec 47-19.1.K General Requirements

When a garage is constructed on a corner lot, the garage must be set back a minimum of eighteen (18) feet from any property line adjacent to a street for the purpose of providing adequate parking or stacking area in the driveway.

Sec. 47-19.2.B Architectural features in residential district.

- Requesting a variance to allow an overhang of 2 feet 10 inches (34 inches) from the face of the building whereas the code permits a maximum of 1 foot 6 inches (18 inches), a total variance request of 1 foot 4 inches (16 inches).

NOTE: 47-19.2.B -Architectural features in residential district.

Architectural features in residential districts. Architectural features such as eaves, cornices, unenclosed balconies with open railings, windowsills, awnings, chimneys, bay windows, and dormers accessory to a residential use are permitted to extend into a yard area a maximum distance of three (3) feet from the face of the building, or one-third (1/3) of the required yard, whichever is less.

Fatima Hasan, owner, described the requests. She said this was needed due to the unique shape of the lot.

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. Malik said usually, variances were for these kinds of lots.

Mr. Hagopian asked if they had considered moving the garage back and the owner said they had not, because it was attached to the existing structure.

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

To approve the four variance requests regarding Sec 47-5.30- Table of dimensional requirements for the RS-4.4 district because they meet the criteria. **Motion passed 5-2** with Ms. Rathburn and Chair Elfman opposed.

Motion made by Mr. Wolfe, seconded by Ms. Mergler:

To approve the variance request regarding Sec 47-19.1.K General Requirements because it meets the criteria. **Motion passed 5-2** with Ms. Rathburn and Chair Elfman opposed.

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

To approve the variance request regarding Sec. 47-19.2.B Architectural features in residential district because it meets the criteria. **Motion passed 5-2** with Ms. Rathburn and Chair Elfman opposed.

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CASE:	PLN-BOA-24110003
OWNER:	GARCIA, ISIDRO & CATHERINE M
AGENT:	N/A
ADDRESS:	241 SOUTH WEST 21 STREET, FORT LAUDERDALE, FL 33315
LEGAL DESCRIPTION:	THE EAST 20 FEET OF LOT 14, AND THE WEST 38 FEET OF LOT 15, IN BLOCK 102 OF, "LAUDERDALE", ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 9, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	RM-15 - RESIDENTIAL MULTIFAMILY LOW RISE/MEDIUM DENSITY
COMMISSION DISTRICT:	4
REQUESTING:	<u>Sec. 47-19.2. P- Freestanding shade structures. (Chickee Hut)</u>

- Requesting a variance to allow a freestanding shade structure (chickee hut) to have a side yard setback of 2 feet whereas the code requires a minimum side yard setback of 5-feet, a total variance request of 3 feet.

NOTE: 47-19.2. P Freestanding shade structures. Freestanding shade structures (such as a gazebo, a tiki hut, or a trellis) may be permitted when accessory to residential uses, in the required rear yard but no closer than five (5) feet from the rear property line except where a parcel is abutting a waterway, where they shall be no closer than ten (10) feet from the waterway as measured in accordance with Section 47-2.2.R. Freestanding shade structures shall be open on all sides and shall be no greater in height than twelve (12) feet measured from the ground to the top of the structure, and shall be limited in size to a maximum of two hundred (200) gross square feet in area for that portion of the structure protruding into the required yard area. No more than one (1) freestanding shade structure per plot shall be permitted in the required rear yard.

Isidro Garcia, owner, described the request. He said the hut's builder had informed him that no permit was needed. He had a letter of support from the affected neighbor. Mr. Garcia noted the hut could not be seen from the street.

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 approve the variance request regarding Sec. 47-19.2. P- Freestanding shade structures. (Chickee Hut) for this structure only because it meets the criteria. **Motion passed 6-1** with Mr. Wolfe opposed.

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CASE:	PLN-BOA-24120002
OWNER:	1717 FT LAUDERDALE BEACH; BLVD LLC % DAVID HOLMES JR
AGENT:	WEST, PAOLA A.
ADDRESS:	1717 NORTH, FORT LAUDERDALE BEACH BLVD, FORT LAUDERDALE, FL 33305
LEGAL DESCRIPTION:	LOT 4 AND 5 LYING WEST OF ROAD RIGHT=OF=WAY, IN BLOCK 14 AS DESCRIBED IN DETAIL IN OFFICIAL RECORD BOOK 2979 AT PAGE 803 AND THE EAST 3 FEET OF THE NORTH 100.00 FEET OF LOT 19 BLOCK 14 OF LAS OLAS BY THE SEA EXTENSION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7 PAGE 25 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. 47-19.5. - Fences, walls and hedges</u>

- Requesting a variance to allow an existing 24.75 inch high block wall, as measured from the finish floor of the principal structure and with 0-foot setbacks from a street property line, to be raised 16 inches in height for a total height of 41.25" above the finish floor of the principal structure to remain at the 0-foot setbacks, whereas the code requires an average 3-foot setback from a street property line when transparency (openness) is less than 75% and height is greater than 30". A total variance setback request of 3 feet.

Paola West, agent, provided a Power Point presentation, a copy of which is attached to these minutes for the public record.

Chair Elfman opened the public hearing. George Werling, HOA vice president, stated the HOA's support for the request, provided the glass was clear. 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. Wolfe felt this might cause a chain reaction with other properties on the street. He thought the City might consider a zoning change.

Ms. Rathburn said her approval would be contingent upon the additional height section being completely transparent, not a continuation of the rock wall and Ms. West agreed. Mr. Yajnik wondered about safety concerns with glass and Mr. Hagopian said this would be impact resistant glass. Mr. Ford stated the code required tempered, impact resistant glass.

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

To approve the variance request regarding Sec. 47-19.5. - Fences, walls and hedges because it meets the criteria. **Motion passed 6-1** with Mr. Hagopian opposed.

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CASE:	PLN-BOA-25010001
OWNER:	RAMOS, OMAR
AGENT:	SCHEIN, ANDREW ESQ
ADDRESS:	2411 ANDROS LANE, FORT LAUDERDALE, FL 33312
LEGAL DESCRIPTION:	LOT 44, BLOCK 1, LAUDERDALE ISLES NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE 20, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	RS-6.85A - IRREGULAR RESIDENTIAL
COMMISSION DISTRICT:	4
REQUESTING:	<u>Sec 47-39.A.6.F(1)- Dimensional requirements.</u>

- Requesting a variance to allow an existing 5.85' side yard setback, whereas ULDR Section 47-39. A.6.F(1) requires a minimum 7.5' side yard setback for a total variance of 1.65 feet.

Andrew Schein Esq., agent, gave a Power Point presentation, a copy of which is attached to these minutes for the public record. He explained that it appeared the property had become legally non-conforming when it was annexed into the City. The presentation reviewed the criteria for a variance and Mr. Schein explained how this request complied.

Chair Elfman opened the public hearing. Grenville Kirk, neighbor, said most houses in this neighborhood had similar setbacks and any new construction should follow the existing setbacks. 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. Schein presented a letter of support from the most affected neighbor.

Mr. Hagopian thought the covered patio needed a variance too and Mr. Schein said this variance request was worded broadly and would allow the existing setbacks to apply. Mr. Ford said approval of the setback variance would affect anything built there in the future, including rebuilding the home. Mr. Schein agreed to limit the variance to what

was existing. He also stipulated that the covered patio would not be enclosed.

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

To approve the variance request regarding Sec 47-39.A.6.F(1)-Dimensional requirements for all of the existing structures, with the condition that it be for this structure only and no further enclosures of any open air portions of the property would be permitted because it meets the criteria. **Motion passed 7-0.**

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Chair Elfman thanked the City for fully staffing the Board.

Report and for the Good of the City

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None

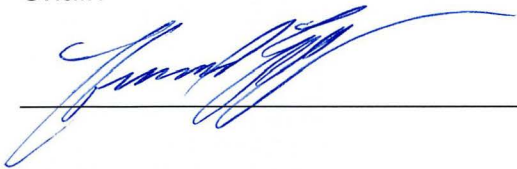
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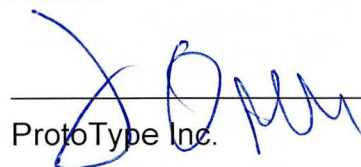
None

There being no further business to come before the Board, the meeting adjourned at 6:58 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.