



CITY OF FORT LAUDERDALE

MINUTES
BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19th AVENUE, FORT LAUDERDALE,
FLORIDA 33311
APRIL 9, 2025 – 6:00 P.M.

Board Members	Attendance	Cumulative Attendance 6/2024 through 5/2025	
		Present	Absent
Howard Elfman, Chair	P	9	0
Milton Jones	P	9	0
Douglas Meade	P	7	2
Amy Mergler	P	3	0
Patricia Rathburn	P	9	0
Robert Wolfe, Vice Chair	P	7	2
Jason Hagopian	P	9	0
Samir Yajnik [alternate]	A	3	1
Jarrold Gaylis [alternate]	P	3	0

Staff

D'Wayne Spence, Interim City Attorney
 Burt Ford, Zoning Chief
 Chakila Crawford, Senior Administrative Assistant
 Mohammed Malik, Zoning Administrator
 James Hollingsworth, Zoning Plans Examiner
 Karen Ceballos, 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-24120001	Lisa Quarterman/Andrew Schein Esq.	2	<u>2</u>
2.	PLN-BOA-25030001	Charles Farrell/Andrew Schein Esq.	1	<u>5</u>
		Communication to the City Commission		<u>5</u>
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		Other Items and Board Discussion		<u>6</u>

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 – March 12, 2025

Motion made by Mr. Wolfe, seconded by Mr. Jones:
To approve the Board's March 12, 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

1.

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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, FL 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 a 2.9-foot rear yard setback from the wet face of seawall (measured as per section 47-2.2. S), whereas ULDR Section 47-19.2. P. requires a 10-foot rear yard setback. A total variance of 7.1 feet.
- Requesting a variance to allow an existing freestanding structure of 324 square feet to remain in the required rear yard setback whereas ULDR code requires a maximum of 200 gross square feet in the required rear yard setback area. A total variance request of 124 square feet.

Note: This case was deferred from February 12th, 2025, BOA meeting agenda.

Andrew Schein Esq., agent, provided a presentation, a copy of which is attached to these minutes for the public record. He explained the owner had been diagnosed with skin cancer two years after purchasing the home and then installed the shade structures.

Chair Elfman opened the public hearing. George Uznis said the “real” property line was the seawall. He noted a permit would never be approved for this because of the encroachment into the setbacks. Maryann Uznis noted the square footage exceeded what was allowed as well. Mr. Uznis said there was another structure in the backyard that was not being addressed. Ms. Uznis stated these were “very large” requests that would have an impact on the Uznis’s privacy and the enjoyment of their home. Mr. Uznis asked the Board to deny the requests. 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 remarked on how much over the size restriction this structure was. Mr. Schein thought this was not an egregious size for a shade structure and noted this additional size restriction applied specifically to the rear yard. Ms. Rathburn said skin cancer was not a unique or special circumstance and the shade structure was for an

outdoor kitchen, not for protection while the owner sat beside the pool. Mr. Schein stated he had not seen Mr. Uznis's email with a photo of the additional structure he mentioned. Ms. Crawford provided Mr. Schein with a copy.

Mr. Meade thought the fact that the shade structure had a wall meant it was enclosed and was not a shade structure. Mr. Ford said that was part of the variance request. He said if this were determined not to be a free standing shade structure, it was not permitted here at all. Mr. Ford confirmed there were no permits issued for the pergola or the outdoor kitchen. Mr. Schein suspected that the additional structure to which Mr. Uznis referred was a kennel and the photo confirmed it.

Mr. Schein stated the property line was not the seawall as Mr. Uznis had stated; the property line was six or so feet outside the seawall.

Board members reviewed their disclosures, including any emails they had received from Mr. Uznis.

Ms. Rathburn noted the first two variance requests under Sec. 47-5.30. related to the front yard, and they were meant to clear up a survey discrepancy.

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

To approve the following requests:

- **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.
- **Sec. 47-5.30. - Table of dimensional requirements for the RS-4.4 district. (Note A)**
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.

because they meet the criteria. **Motion passed 7-0.**

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

To **DENY** the following requests:

- **Sec. 47-5.30. - Table of dimensional requirements for the RS-4.4 district. (Note A)**
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 a 2.9-foot rear yard setback from the wet face of seawall (measured as per section 47-2.2. S), whereas ULDR Section 47-19.2. P. requires a 10-foot rear yard setback. A total variance of 7.1 feet.
- **Sec. 47-19.2. P. Freestanding shade structures** Requesting a variance to allow

an existing freestanding structure of 324 square feet to remain in the required rear yard setback whereas ULDR code requires a maximum of 200 gross square feet in the required rear yard setback area. A total variance request of 124 square feet.

because they do not meet the hardship requirement or the other provisions of the code.

Motion to DENY passed 7-0.

Mr. Ford informed the Board that there was already a Code Enforcement case against the property for the shade structure.

2.

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CASE:	PLN-BOA-25030001
OWNER:	FARRELL, CHARLES W; CHARLES W FARRELL REV TR
AGENT:	SCHEIN, ANDREW ESQ
ADDRESS:	1739 NORTH EAST 18 TH AVENUE, FORT LAUDERDALE, FL 33305
LEGAL DESCRIPTION:	LOT 3 AND THE NORTH 17.0 FEET OF THE LOT 4, BLOCK 11 OF TOWN OF PROGRESSO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; SAID LAND SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
COMMISSION DISTRICT:	1
REQUESTING:	<u>Sec. 47-5.31-Table of dimensional requirements for the RS- 8 district. (Note A)</u>

- Requesting a variance to allow an existing carport at a 13 foot 11 inches front yard setback, whereas the ULDR code requires a minimum front yard setback of 25 feet. A total variance request of 11 feet 1 inch.
- Requesting a variance to allow an existing carport at a 2 feet 6 inches side yard setback, whereas the ULDR code requires a minimum setback of 5 feet 0 inches. A total variance request of 2 feet 6 inches.

Andrew Schein Esq., agent, provided a presentation, a copy of which is attached to these minutes for the public record. He also provided letters of support.

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. Meade noted this did not interfere with anything and fit in with the neighborhood.

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

To approve the two variances related to Sec. 47-5.31-Table of dimensional requirements for the RS-8 district. (Note A) because they meet the criteria. **Motion passed 7-0.**

Communication to the City Commission

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None

Report and for the Good of the City

Index

None

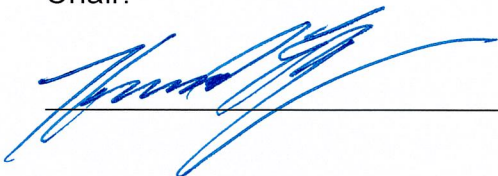
Other Items and Board Discussion

Index

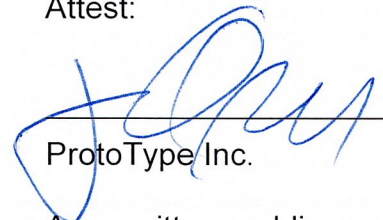
None

There being no further business to come before the Board, the meeting adjourned at 6:41 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.

Fort Lauderdale Board of Adjustment

720 Isle of Palms Drive



LIDO DR

SAN MARCO DR

CORAL WAY

ROYAL PLAZA DR

ISLE OF PALMS

ISLE OF PALMS DR

FLAMINGO DR

SE 23RD AVE

SOLAR ISLE DR

SOLAR DR

RIVIERA ISLE

RIVIERA DR

SE 25TH AVE

PONCIANA DR

SE 26TH AVE



Can't Wait

HISTORY

Ms. Quarterman purchased the property in January of 2021



Dermpath
Diagnostics®
South Florida

PATIENT INFORMATION

LISA QUARTERMAN
Sex: Female
D.O.B. / Age: 07/31/70 (54)
Patient ID: 21861245
Patient Phone:

PHYSICIAN INFORMATION

BLAIR FERGUSON, ARNP
1120 BAYVIEW DRIVE
FT. LAUDERDALE, FL 33304
1-954-537-4106 / 1-954-537-4186
RT: 140

SPECIMEN INFORMATION

Collected: 09/13/23
Received: 09/13/23
Reported: 09/18/23
Accession #: **D24-183481**

**DERMATOPATHOLOGY REPORT
PHOTOMICROGRAPH(S)**

RESULTS

**DIAGNOSIS:
PUNCH BIOPSY, LEFT INFERIOR VERMILLION LIP -
SQUAMOUS CELL CARCINOMA.**

COLETTE D. ROMEO, MD Dermatopathology (ELECTRONIC SIGNATURE)

CLINICAL INFORMATION

LEFT INFERIOR VERMILION LIP - BIOPSY BY PUNCH METHOD - MORPHOLOGY: PAPULE - DDX: NEOPLASM OF UNCERTAIN ETIOLOGY VS. MALIGNANCY VS ACTINIC PRURIGO VS INFLAMMATORY SIGNS SUGGESTIVE OF BULLOUS DISORDER - ICD: D37.01

SPECIMEN DATA

GROSS DESCRIPTION:

Received is a 0.2 cm punch biopsy of skin. Also received is an irregularly-shaped portion of tissue 0.2 cm; submitted complete. The specimen is received in formalin. Due to the nature of the specimen, as observed at grossing, some or all of the fragments may not survive processing.

ICD Codes*: C44.X2X

*Diagnoses must always be documented in the patient's medical record. The ultimate responsibility belongs to the ordering physician to correctly assign the patient's diagnosis based on the patient's history, symptoms and medical condition.

Dermpath Diagnostics, 895 SW 30th Avenue, Suite 101, Pompano Beach, FL 33069 · (800) 330-6770 · 954-633-3387

Medical Director: Carlos H. Nousari, MD · CLIA: 10D0645438

----- **A Division of AmeriPath** -----

***** FINAL REPORT *****

Page: 1 of 1

HISTORY

Ms. Quarterman purchased the property in January of 2021

Skin cancer diagnosis in September of 2023

HISTORY

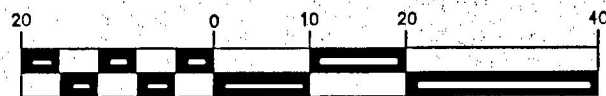
Ms. Quarterman purchased the property in January of 2021

Skin cancer diagnosis in September of 2023

Pergola installed shortly thereafter



GRAPHIC SCALE

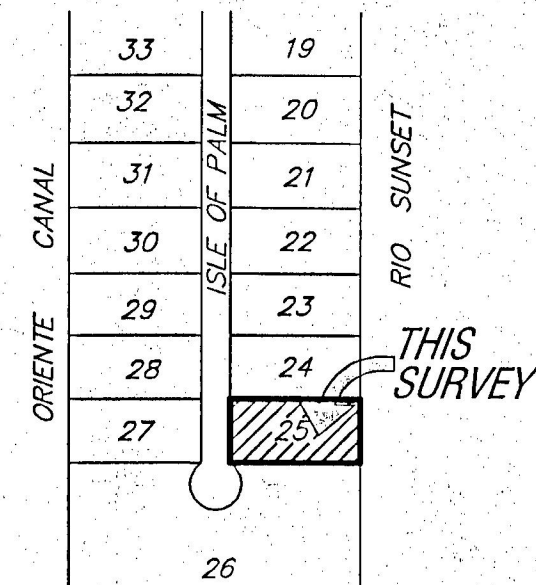
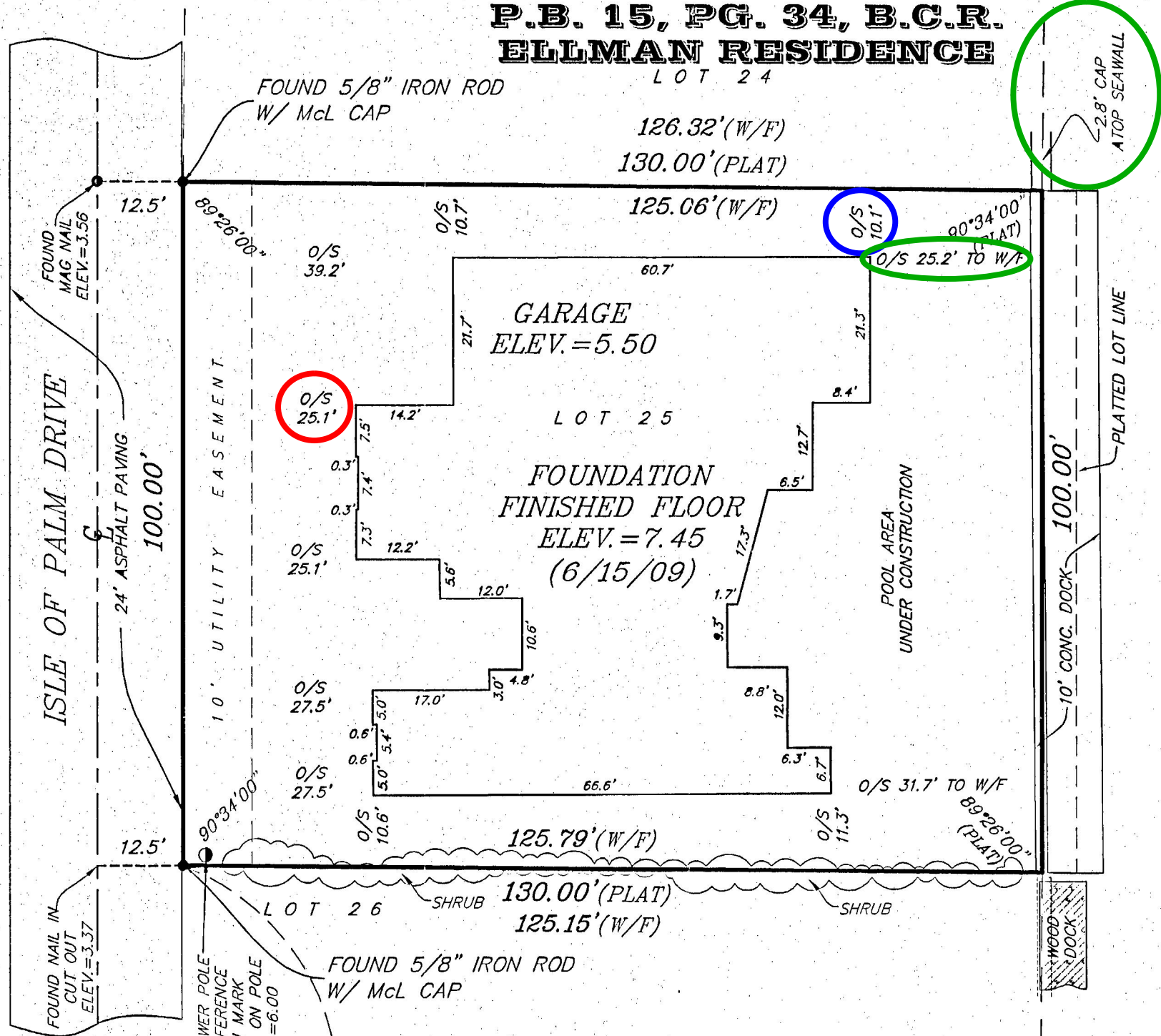


(IN FEET)
 1 inch = 20 ft.



CONSTRUCTION ASBUILT SURVEY

**LOT 25, BLOCK 1,
 STILLWELL ISLES
 P.B. 15, PG. 34, B.C.R.
 ELLMAN RESIDENCE**



Location Sketch
 Not To Scale

LEGAL DESCRIPTION:
 Lots 25, Block 1, STILLWELL ISLES, according to the plat thereof, as recorded in Plat Book 15, Page 34, of the public records of Broward County, Florida.
 Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida.

0901108
 SPOT SURVEY
 ZONING AB 6-18-09
 STRUCTURAL 1999
 MUST COMPLY W/ FEMO OPENINGS # GARAGE EX

NOTES:

- 1) This survey reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Underground improvements if any not located.
- 3) This drawing is not valid unless sealed with an embossed surveyors seal.
- 4) Boundary survey information does not infer Title or Ownership.
- 5) All iron rods 5/8", unless otherwise noted.
- 6) Reference Bench Mark: Square cut in conc. planter at S.E. corner of bridge of Royal Palm Drive and East Las Olas Boulevard. Elev.=5.41
- 7) Elevations shown refer to National Geodetic Vertical Datum (1929), and are indicated thus: 9.87
- 8) This property lies in Flood Zone "AE", Elev.=6.0 Per Flood Insurance Rate Map No. 120110219 F Dated: August 18, 1992. Community Panel No. 125105 Index Map Dated: October 2, 1997.

LEGEND

- Δ = CENTRAL ANGLE (DELTA)
- R = RADIUS
- A OR L = ARC LENGTH
- CH.BRG. = CHORD BEARING
- TAN.BRG. = TANGENT BEARING
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- W/McL. CAP = WITH McLAUGHLIN ENGINEERING CO. CAP
- P.R.M. = PERMANENT REFERENCE MONUMENT
- CONC. = CONCRETE
- C.B.S. = CONCRETE, BLOCK AND STUCCO
- I.C.V. = IRRIGATION CONTROL VALVE
- W.M. = WATER METER
- B.F.P. = BACK FLOW PREVENTOR
- ELEV. = ELEVATION
- O/S = OFFSET
- A/C = AIR CONDITIONING
- CL = CENTERLINE OF RIGHT-OF-WAY
- F.P.L. = FLORIDA POWER AND LIGHT CO.
- S.B.T. = SOUTHERN BELL TELEPHONE
- B.C.R. = BROWARD COUNTY RECORDS
- D.C.R. = DADE COUNTY RECORDS
- P.B.R. = PALM BEACH COUNTY RECORDS
- O.R. = OFFICIAL RECORDS BOOK
- PG. = PAGE
- R/W = RIGHT-OF-WAY
- C.O. = CLEAN OUT
- C.L.F. = CHAIN LINK FENCE

CERTIFICATION:

We hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 19th day of November, 2008.
 Staked building this 7th day of April, 2009.
 Formboard location made and elevations taken this 29th day of April, 2009.
 Foundation location made and elevations taken this 15th day of June, 2009.

McLAUGHLIN ENGINEERING CO. 4185

Carl E. Albrektsen
 Registered Land Surveyor No. 4185
 State of Florida

"NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL"

C:\STEVE\U4011-U5243\U4856.dwg 6/17/2009 1:25:32 PM EDT

STILLWELL ISLES

P.B. 15, PG. 34, B.C.R.
ELLMAN RESIDENCE

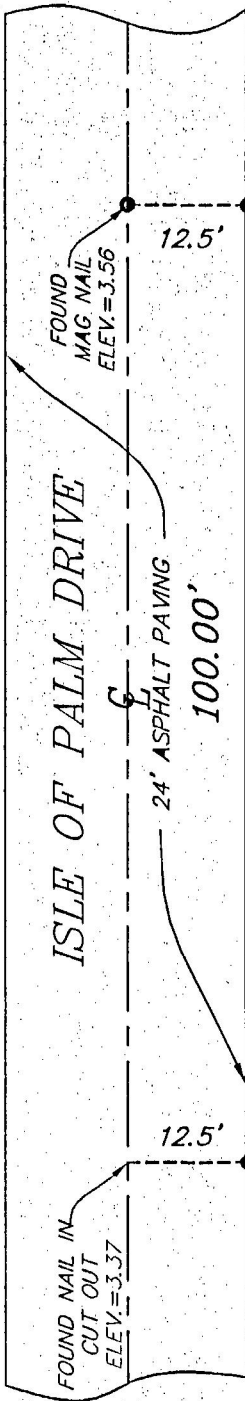
LOT 24

126.32'(W/F)
130.00'(PLAT)

125.06'(W/F)

90°34'00"
(PLAT)
O/S 25.2' TO W/F

2.8' CAP
ATOP SEAWALL



89°26'00"

FOUND 5/8" IRON ROD
W/ McL CAP

O/S
39.2'

O/S
10.7'

O/S
10.1'

GARAGE
ELEV.=5.50

LOT 25

FOUNDATION
FINISHED FLOOR
ELEV.=7.45
(6/15/09)

POOL AREA
UNDER CONSTRUCTION

O/S
25.1'

O/S
25.1'

O/S
27.5'

O/S
27.5'

O/S
10.6'

O/S
11.3'

O/S 31.7' TO W/F
89°26'00"
(PLAT)

125.79'(W/F)

130.00'(PLAT)

125.15'(W/F)

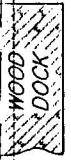
10' UTILITY EASEMENT

12.5'

12.5'

100.00'

10' CONC. DOCK



PLATTED LOT LINE

RIO SUNSET

POWER POLE
REFERENCE
MARK
UB ON POLE
ELEV.=6.00

FOUND 5/8" IRON ROD
W/ McL CAP

SHRUB

SHRUB

LOT 26
BLOCK 1

LOT 27
BLOCK 1

LOT 28
BLOCK 1



ISLE OF PALM DR.

F.N. (BASIS OF BEARING)

24' ASPHALT PAVEMENT

25' TOTAL R/W

N01°35'04"W 100.00'(R/M)

F.I.P 1/2"

12' U.E.

29.0'

F.N. 12.50' 7.0'

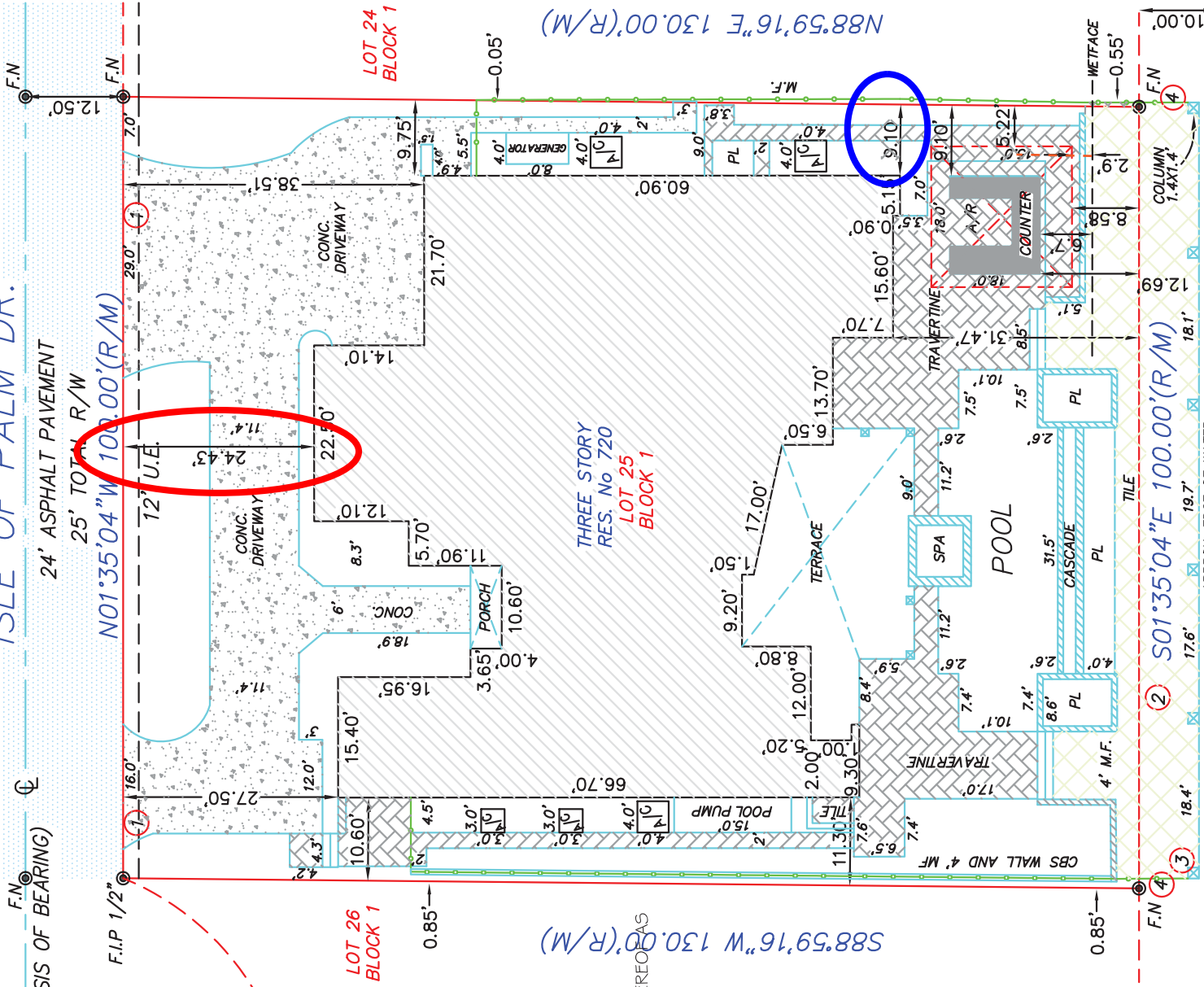
LOT 26
BLOCK 1

LOT 24
BLOCK 1

S88°59'16"W 130.00'(R/M)

N88°59'16"E 130.00'(R/M)

THREE STORY
RES. No 720
LOT 25
BLOCK 1



F.N. (4)

18.4'

17.6'

(2) S01°35'04"E 100.00'(R/M)

18.1'

12.69'

F.N. (4)

10.00'

APPROX. EDGE OF WATER

RIO SUNSET

SURVEYOR'S NOTATIONS:





ULDR Provisions

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.

47-2.2.R: *Transparency, as related to fences, walls and hedges*: See Note B, Table 1, Section 47-19.5.B

ULDR Provisions

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.

47-2.2.R: *Transparency, as related to fences, walls and hedges*: See Note B, Table 1, Section 47-19.5.B

INCORRECT CROSS-REFERENCE; A SEPARATE SECTION OF THE CODE, NOT 47-2.2.R AS CITED, STATES THAT IT SHOULD BE MEASURED TO THE WETFACE OF THE SEAWALL



Experience the Natura Difference

October 1, 2024

To who it may concern,

This letter is in reference to patient Lisa M. Quarterman. Mrs. Quarterman was diagnosed by our office with SQUAMOUS CELL CARCINOMA last September. It has been recommended that Mrs. Quarterman limit all exposure to direct sunlight. She will be undergoing surgery to attempt to remove the cancer cells, however her skin is now very susceptible to re occurrence.

It is our understanding that Mrs. Quarterman installed a shade structure in her backyard so that she can continue to protect herself from re exposure, and we strongly believe that this is in the best interest of the patient. Please take this under serious consideration and advisement in determining the future use of this shade structure in her home.

Sincerely,

A handwritten signature in blue ink that reads "Blair A. Ferguson". The signature is stylized and includes a long horizontal line extending to the right.

Blair A. Ferguson APRN

(954) 537-4106

Doctor@NaturaDermatology.com

800 E Broward Blvd, Ste 507 Fort Lauderdale, FL, USA

Variance Criteria

Surveying discrepancy is a special circumstance and is a marked exception

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Surveying discrepancy is a special circumstance and is a marked exception

Incorrect cross-references in the code related to waterway setbacks is also special and is the opposite of “ignorance of the ULDR”

Variance Criteria

Surveying discrepancy is a special circumstance and is a marked exception

Incorrect cross-references in the code related to waterway setbacks is also special and is the opposite of “ignorance of the ULDR”

Skin cancer hardship rendered backyard unusable during daytime, no other reasonable place for a shade structure









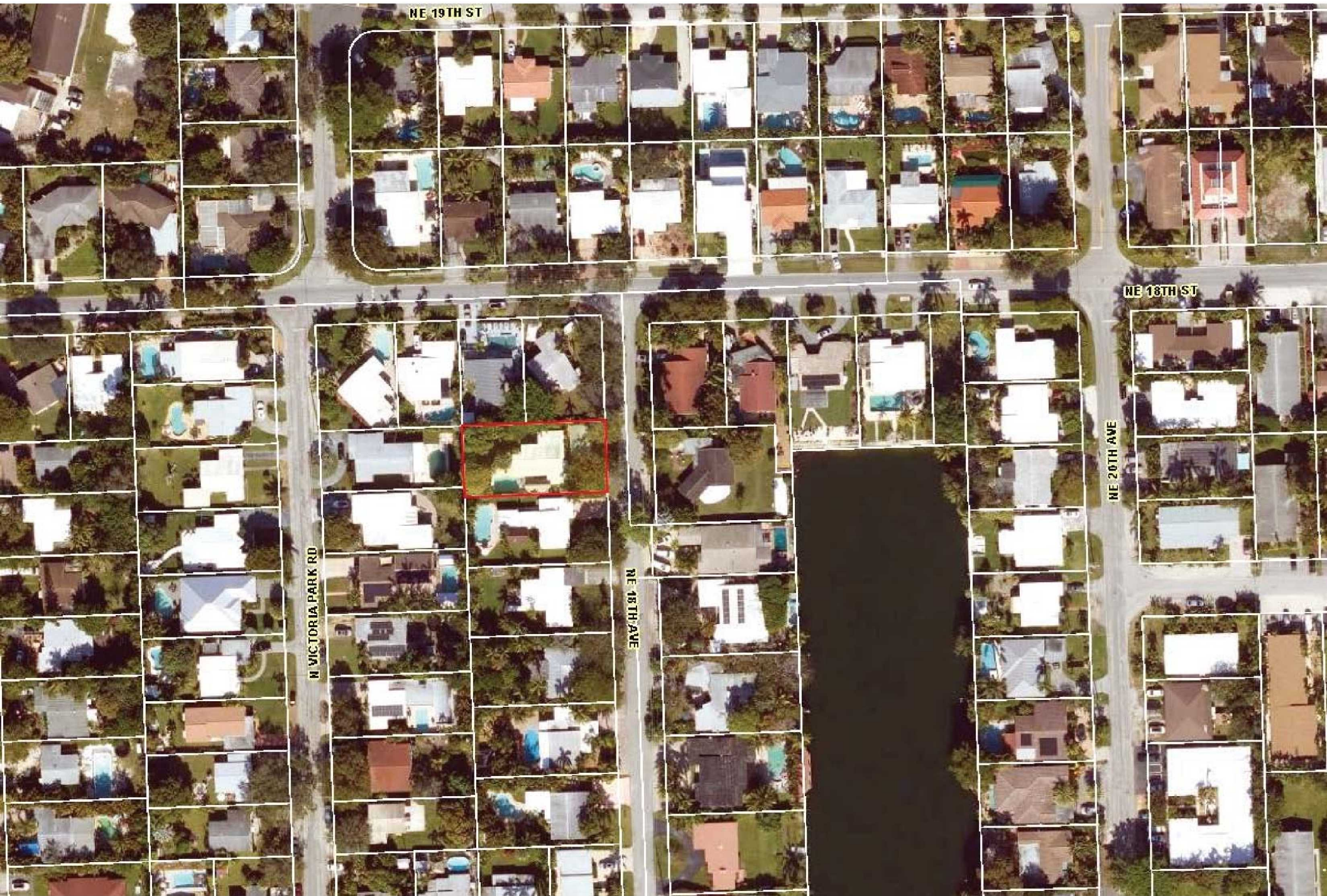
Fort Lauderdale Board of Adjustment

720 Isle of Palms Drive

FORT LAUDERDALE BOARD OF ADJUSTMENT

April 9, 2025

1739 NE 18th Avenue



NE 19TH ST

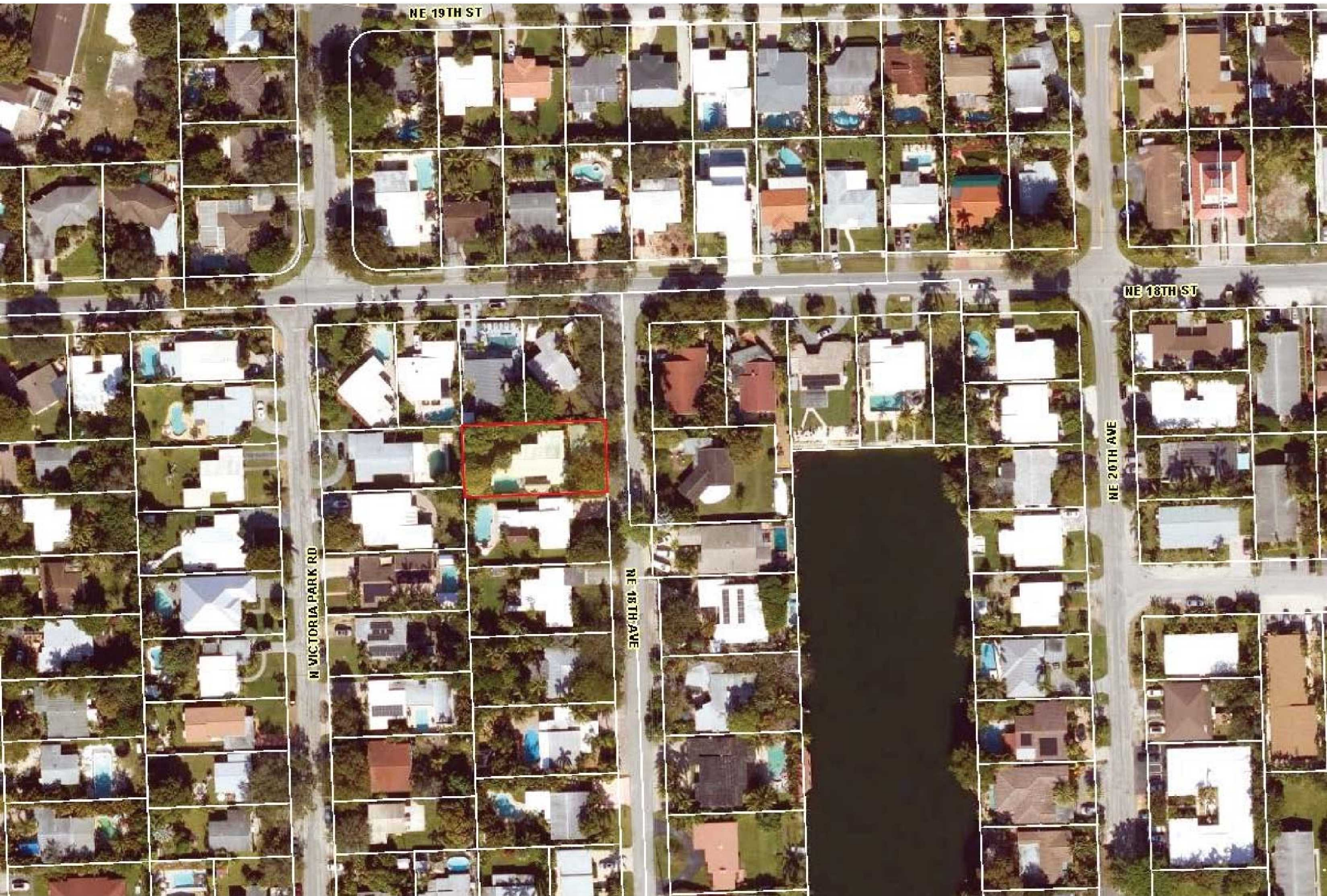
NE 18TH ST

N VICTORIA PARK RD

NE 18TH AVE

NE 20TH AVE





NE 19TH ST

NE 18TH ST

N VICTORIA PARK RD

NE 18TH AVE

NE 20TH AVE



NE 19TH ST

NE 18TH ST

N VICTORIA PARK RD

NE 18TH AVE

NE 20TH AVE

FORT LAUDERDALE BOARD OF ADJUSTMENT

April 9, 2025

1739 NE 18th Avenue