



**BOARD OF ADJUSTMENT MEETING NOTICE**

**Date: June 27<sup>th</sup>, 2025**

A Public Hearing will be held before the Board of Adjustment on: **Wednesday, July 09<sup>th</sup>, 2025**

This meeting will be held in-person at: **Development Services Department, 700 NW 19<sup>th</sup> Avenue, Fort Lauderdale, Florida 33311** to determine whether the following application should be granted.

To view more information about this item, please visit: [www.fortlauderdale.gov/government/BOA](http://www.fortlauderdale.gov/government/BOA)

<b>CASE:</b>	<b>PLN-BOA-25060004</b>
<b>OWNER:</b>	ACS FLAGLER LLC
<b>AGENT:</b>	SCHEIN, ANDREW, ESQ
<b>ADDRESS:</b>	801 & 811 NORTH FEDERAL HWY, FORT LAUDERDALE, FL 33304
<b>LEGAL DESCRIPTION:</b>	LOTS 25 THROUGH 32, INCLUSIVE BLOCK 252 OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA. ( SEE SURVEY).
<b>ZONING DISTRICT:</b>	RAC-UV - URBAN VILLAGE DISTRICTS
<b>COMMISSION DISTRICT:</b>	2
<b>REQUESTING:</b>	<b><u>Sec 47-3.8.A.1 Termination of nonconforming status.</u></b>

- Requesting a variance from ULDR Section 47-3.8.A.1 to allow a legal nonconforming structure that is altered by more than 50% of the replacement value to retain its legal nonconforming status, where ULDR Section 47-3.8.A.1 would terminate its legal nonconforming status, as per permitted plans.

**Sec 47-3.8.A.2 Termination of nonconforming status.**

- Requesting a variance from ULDR Section 47-3.8.A.2 to allow a legal nonconforming structure with a discontinued use to retain its legal nonconforming status, where ULDR Section 47-3.8.A.2 would terminate its legal nonconforming status.

**Sec 47-13.20.G RAC Landscape Requirements.**

- Requesting a variance from ULDR Section 47-13.20.G to allow the existing vehicular use area and parking lot to remain as-is, where ULDR Section 47-21.12.F would require the existing vehicular use

area and parking lot to be brought into conformity with ULDR.

**Sec 47-13.20.H RAC Streetscape Design.**

- Requesting a variance from ULDR 47-13.20.H, to allow the existing streetscape adjacent to the existing building to remain as-is, where ULDR Section 47-13.20.H would require the existing streetscape to comply with Chapter 4 of the Downtown Master Plan design guidelines.

**Sec 47-24.5. D.1 Subdivision layout.**

- Requesting a variance from ULDR 47-24.5. D.1 to allow the existing right-of-way widths adjacent to the property to remain, where ULDR Section 47-24.5. D.1 would require additional right-of-way dedications on Federal Highway, NE 8<sup>th</sup> Street and NE 5<sup>th</sup> Terrace.

**To watch and listen to the Board of Adjustment Meeting:**

**[www.fortlauderdale.gov/fltv](http://www.fortlauderdale.gov/fltv) , [www.youtube.com/cityoffortlauderdale](http://www.youtube.com/cityoffortlauderdale)**

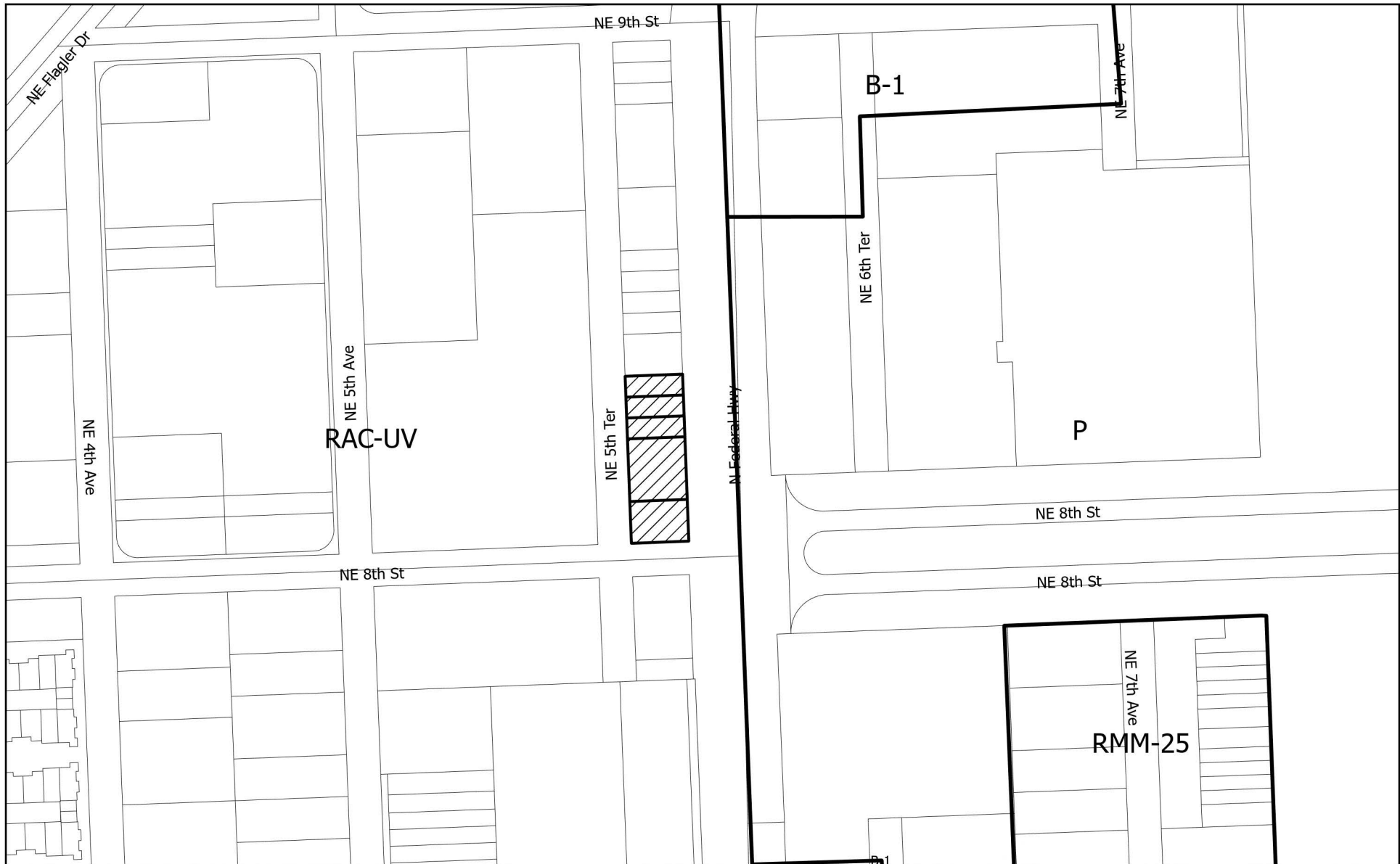
**Cable Television - Comcast Channel 78 and AT&T U-verse Channel 99**

If you have any questions, please feel free to contact me directly at 954-828-6342.

MOHAMMED MALIK  
ZONING ADMINISTRATOR



**Florida Statutes, Sec. 286.0105**

**NOTE: If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.**




PLN-BOA-25060004

**LEGEND**

-  Municipal Boundary
-  Subject Site

N



0      100      200  
US Feet

Graphic Scale

**Sec 47-3.8.A.1 Termination of nonconforming status.**

A. The legal nonconforming status of a nonconforming building or structure or a nonconforming use shall be terminated, and the nonconforming use of the building or structure shall no longer be permitted, except in accordance with the ULDR in effect at the time a use is resumed, upon the occurrence of one of the following:

1. Fifty percent (50%) or more of the replacement value of a nonconforming building or structure is removed, damaged or destroyed or fifty percent (50%) or more of the total area of a building or structure is removed, damaged or destroyed.

**Sec 47-3.8.A.2 Termination of nonconforming status.**

2. a. If a nonconforming building or structure or nonconforming use is discontinued for a continuous period of one hundred and eighty (180) days in accordance with this section, there shall be a presumption of discontinuance of use if any one (1) or more of the following occurs for a continuous period of one hundred and eighty (180) days:

- i. The goods or services previously provided on the premises are no longer provided;
- ii. There is no water or electricity provided to the site and this is not due to natural causes;
- iii. A certificate of occupancy has not been issued for the structures located on the site;
- iv. Other evidence that the use has been discontinued.

**Sec 47-13.20.G RAC Landscape Requirements.**

*RAC Landscape Requirements.* Surface parking lots within the RAC district shall meet the landscape requirements for vehicular use areas as specified in [Section 47-21](#), Landscaping and Tree Preservation Requirements. All other landscape requirements shall comply with the Downtown Master Plan Chapter 4 Design Guidelines

**Sec 47-13.20.H RAC Streetscape Design.**

*RAC Streetscape Design.* All streetscape cross sections shall comply with Chapter 4 of the Design Guidelines of Fort Lauderdale for those streets under City of Fort Lauderdale jurisdiction. Streets not under Fort Lauderdale jurisdiction shall comply with the Downtown Master Plan Chapter 4 Design Guidelines to the greatest extent possible. Alternative streetscape designs may be considered if conflicts with existing utilities prevent placement of street trees and result

in the building being placed more than seven (7) feet away from the build to line as prescribed by the street cross sections of the Design Guidelines.

Development shall meet the following streetscape design requirements:

1. VUA landscaping. Surface parking lots shall meet the landscape requirements for vehicular use areas as provided in [Section 47-21](#), Landscaping and Tree Preservation Requirements.

2. Streetscape improvements. Streetscape improvements are required to be made as a part of a development in accordance with the Downtown Master Plan design standards applicable to the abutting right-of-way. The required streetscape improvements shall be required to be made to that portion of the right-of-way abutting the proposed development site. Developer shall be responsible for making the streetscape improvements in accordance with the Downtown Master Plan design standards applicable to the abutting right-of-way.

## **Sec 47-24.5. D.1 Subdivision layout.**

1. *Streets and alleys.*

a. *Conformity to trafficways plan.* The location, direction and width of all streets, roads and highways shall conform to the official city plan, and to ordinances of city.

b. *Relation to existing street system.* The arrangement of streets in new subdivisions shall make provision for the proper extension of existing dedicated streets in existing subdivisions, where such extension is appropriate. Streets shall bear numerical names, unless waived by the board.

c. *Provision for platting adjoining unplatted areas.* The arrangement of streets in new subdivisions shall be such as to facilitate, and coordinate with the desirable future platting of adjoining unplatted property, and to provide for local circulation and convenient access to neighborhood facilities.

d. *Protection from through traffic.* Minor and collector residential streets shall be laid out and arranged so as to discourage their use by through traffic.

e. *Primary arterial street frontage.* Where a residential subdivision abuts a primary arterial street either existing or proposed in the trafficways plan, the board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with or without rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to assure separation of through and local traffic.

f. *Plats adjacent to railroad or expressway right-of-way.* Where a subdivision borders on or contains a right-of-way for a railroad, expressway, drainage canal or waterway, the board may require a street approximately parallel to and on each side of such right-of-way, at a distance

suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades for future bridges.

g. *Reserve strips.* Reserve strips controlling access to streets shall be prohibited, except where deemed desirable by the board to prevent use of a residential street by business or industrial traffic.

h. *Private streets.* There shall be no private streets platted in any subdivision. Every subdivided lot or property shall be served from a publicly dedicated street. This requirement may be waived by the board in special situations where the board finds public safety, convenience and welfare can be adequately served.

i. *Half streets.* New half or partial streets shall not be permitted, except where it appears reasonable that the owner of adjacent lands will provide the balance of the needed right-of-way upon development of such adjacent lands. Wherever a tract to be subdivided borders on dedicated existing half or partial street the other part of the street shall be taken into consideration in meeting requirements.

j. *Dead-end streets.* Dead-end streets shall be prohibited, except where appropriate as stubs to permit future street extension into adjoining unsubdivided tracts, or when designed as cul-de-sacs.

k. *Cul-de-sac streets.*

i. Cul-de-sacs, permanently designed as such, shall not exceed four hundred (400) feet in length, except on finger islands.

ii. Cul-de-sacs shall be provided at the closed end with a circular dedicated area not less than seventy (70) feet in diameter for turnaround purposes.

# Record

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<input type="checkbox"/>	<a href="#">Record, Permit, or Account #</a>	<a href="#">Record Description</a>	<a href="#">Application Name</a>	<a href="#">Record Type</a>	<a href="#">Balance</a>	<a href="#">Planner Name</a>	<a href="#">Street #</a>	<a href="#">Dir</a>	<a href="#">Street Name</a>	<a href="#">Type</a>	<a href="#">Unit # (start)</a>	<a href="#">Status</a>
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<input type="checkbox"/>	<a href="#">MEC-GEN-24120009</a>	Mechanica Permit for Shader Retail Space	Mechanica Subpermit	Mechanica Permit	0		801	N	FEDERAL	HWY		Awaiting C
<input type="checkbox"/>	<a href="#">PLB-GEN-24120006</a>	Pumping for Commercial Retail	Pumping Subpermit	Pumping Permit	0		801	N	FEDERAL	HWY		Awaiting C
<input type="checkbox"/>	<a href="#">ELE-GEN-24120013</a>	Electrical Permit	Electrical Subpermit	Electrical Permit	0		801	N	FEDERAL	HWY		Awaiting C
<input type="checkbox"/>	<a href="#">BLD-GEN-24110270</a>	ADDITION AND RENOVATION TO EXISTING SHELL- FOR 6 ...	Addition Permit	Structural Permit	1725.8		801	N	FEDERAL	HWY		Awaiting C
<input type="checkbox"/>	<a href="#">CE24080515</a>	GRAFFITI		Code Case	0	Jessica Martinez	801	N	FEDERAL	HWY		Open
<input type="checkbox"/>	<a href="#">CE22100979</a>	BUILDING MAINTENANCE		Code Case	0	Edward Eason	801	N	FEDERAL	HWY		Completed
<input type="checkbox"/>	<a href="#">CE22040580</a>	GRAFFITI		Code Case	0	Gustavo Caracas	801	N	FEDERAL	HWY		Completed
<input type="checkbox"/>	<a href="#">CE22020218</a>	GRAFFITI PAINTED ON EXTERIOR BUILDING WALLS.		Code Case	0	Wilson Quinter...	801	N	FEDERAL	HWY		Completed
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<input type="checkbox"/>	<a href="#">LR21040005</a>			Lien Reduction Application	0		801	N	FEDERAL	HWY		Completed
<input type="checkbox"/>	<a href="#">BLD-CPAV-20120011</a>	(EMAILED) PARKING LOT SEALCOAT AND RESTRIPE	(EMAILED) PARKING LOT SEALCO...	Commercial Paving Permit	0		801	N	FEDERAL	HWY		Completed
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<input type="checkbox"/>	<a href="#">CE17011028</a>	OVERGROWTH, TRASH AND DEBRIS IN AND AROUND THE, V...	AMEIYU INVESTMENTS LLC	Code Case	0		801	N	FEDERAL	HWY		Completed

# Record

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<input type="checkbox"/>	<a href="#">CE15060757</a>	THERE IS GRAFFITI ON A SIGN ON THE SECOND FLOOR O...	AMEIYU INVESTMENTS LLC	Code Case	0		801	N	FEDERAL	HWY		Closed
<input type="checkbox"/>	<a href="#">PL-1PRE12</a>	DRCPRE - FIVE MULTI-FAMILY UNITS AND 5000 SF ...	EUROPEAN ONYX	DRC- Pre-Development	0	YVONNE REDDING	801	N	FEDERAL	HWY		Closed
<input type="checkbox"/>	<a href="#">AB-0076698</a>		EUROPEAN ONYX	Resident/Business Alarm Registration	0		801	N	FEDERAL	HWY		Active
<input type="checkbox"/>	<a href="#">PM-01101223</a>	REROOF SHINGLE 1080 SF & FLAT 3519 SF	REROOF SHINGLE 1080 SF & FLA...	Re-Roof Permit	0		801	N	FEDERAL	HWY		Complete
<input type="checkbox"/>	<a href="#">PM-01082137</a>	LANDSCAPE FOR CODE COMPLIANCE	LANDSCAPE FOR CODE COMPLIANCE	Landscape Installation Permit	0		801	N	FEDERAL	HWY		Complete
<input type="checkbox"/>	<a href="#">FS-23198914</a>		EUROPEAN ONYX LLC	Fire Safety Account	0		801	N	FEDERAL	HWY		Active

# Record

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<input type="checkbox"/>	<a href="#">Record, Permit, or Account #</a>	<a href="#">Record Description</a>	<a href="#">Application Name</a>	<a href="#">Record Type</a>	<a href="#">Balance</a>	<a href="#">Planner Name</a>	<a href="#">Street #</a>	<a href="#">Dir</a>	<a href="#">Street Name</a>	<a href="#">Type</a>	<a href="#">Unit # (start)</a>	<a href="#">Status</a>
<input type="checkbox"/>	<a href="#">PLN-BOA-25060004</a>	A variance from ULDR Section 47-3.8.A.1 to a ow ...	Shader Retail	- Board of Adjustment (BOA)	2382		801	N	FEDERAL	HWY		Open
<input type="checkbox"/>	<a href="#">BLD-ADDVER-25040010</a>			Address Request - Verification	0		801	N	FEDERAL	HWY		Completed
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<input type="checkbox"/>	<a href="#">ENG-CR-25040003</a>		801 N Federal Hwy-Shader Retail	Capacity Request	0		801	N	FEDERAL	HWY		Open
<input type="checkbox"/>	<a href="#">UDP-PDMR-24047</a>	New 4700 Square foot retail building with 20 park...	Commercial Building - 801 N ...	DRC- Preliminary Development Meeting Request	0	Tyler LaForme	801	N	FEDERAL	HWY	2	In Progress
<input type="checkbox"/>	<a href="#">CE24080510</a>	GRAFFITI		Code Case	0	Jessica Martinez	801	N	FEDERAL	HWY		Open
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<input type="checkbox"/>	<a href="#">BLD-CPAV-21030001</a>	1" Asphalt Overlay, approx. 1,400.00 SF	Asphalt Overlay	Commercial Paving Permit	0		801	N	FEDERAL	HWY		Void
<input type="checkbox"/>	<a href="#">BLD-CPAV-20120011</a>	(EMAILED) PARKING LOT SEALCOAT AND RESTRIPE	(EMAILED) PARKING LOT SEALCO...	Commercial Paving Permit	0		801	N	FEDERAL	HWY		Completed
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<input type="checkbox"/>	<a href="#">BLD-PR-20010054</a>	COPIES FOR 801 NE 6 AVE	YUTING CHEN	Property Record	0		801	N	FEDERAL	HWY		Completed
<input type="checkbox"/>	<a href="#">CE18061190</a>	VACANT STRUCTURE NUISANCE	AMEIYU INVESTMENTS LLC	Code Case	0	JOHNSU	801	N	FEDERAL	HWY	2	Closed
<input type="checkbox"/>	<a href="#">VIO-CE18061190_1</a>	VACANT STRUCTURE NUISANCE	AMEIYU INVESTMENTS LLC	Violation-CODE Hearing	0		801	N	FEDERAL	HWY	2	Closed
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<input type="checkbox"/>	<a href="#">VIO-CE18061190_4</a>	VACANT STRUCTURE NUISANCE	AMEIYU INVESTMENTS LLC	Violation-CODE Hearing	0		801	N	FEDERAL	HWY	2	Closed
<input type="checkbox"/>	<a href="#">VIO-CE18061190_5</a>	VACANT STRUCTURE NUISANCE	AMEIYU INVESTMENTS LLC	Violation-CODE Hearing	0		801	N	FEDERAL	HWY	2	Closed
<input type="checkbox"/>	<a href="#">VIO-CE18061190_6</a>	VACANT STRUCTURE NUISANCE	AMEIYU INVESTMENTS LLC	Violation-CODE Hearing	0		801	N	FEDERAL	HWY	2	Closed
<input type="checkbox"/>	<a href="#">CE15111606</a>	L/S LIGHTNING LIEN LETTERS 0-OPEN CASES	AMEIYU INVESTMENTS LLC	Code Case	0		801	N	FEDERAL	HWY		Closed
<input type="checkbox"/>	<a href="#">VIO-CE15111606_1</a>		AMEIYU INVESTMENTS LLC	Violation-CODE Hearing	0		801	N	FEDERAL	HWY		Closed

# Record

Showing 1-8 of 8

<input type="checkbox"/>	<a href="#">Record, Permit, or Account #</a>	<a href="#">Record Description</a>	<a href="#">Application Name</a>	<a href="#">Record Type</a>	<a href="#">Balance</a>	<a href="#">Planner Name</a>	<a href="#">Street #</a>	<a href="#">Dir</a>	<a href="#">Street Name</a>	<a href="#">Type</a>	<a href="#">Unit # (start)</a>	<a href="#">Status</a>
<input type="checkbox"/>	<a href="#">CE23060208</a>	TRASH PLACED ON THE PARKING LOT AREA: TRASH NOT P...		Code Case	0	Gustavo Caracas	811	N	FEDERAL	HWY	PKG1	Closed
<input type="checkbox"/>	<a href="#">CE22020551</a>	TRASH PLACED ON THE PARKING LOT AREA. DUMPSTER OV...		Code Case	0	Gustavo Caracas	811	N	FEDERAL	HWY	PKG1	Closed
<input type="checkbox"/>	<a href="#">CE19081750</a>	L/S - PROPLGIX - 0 OPEN CASES	TEGAL LLC	Code Case	0		811	N	FEDERAL	HWY	PKG1	Closed
<input type="checkbox"/>	<a href="#">VIO-CE19081750_1</a>		TEGAL LLC	Violation-CODE Hearing	0		811	N	FEDERAL	HWY	PKG1	Closed
<input type="checkbox"/>	<a href="#">PM-17062781</a>	ASPHALT REPAIR 185 SF ~ ~07/11/2017 RECHECK L...	ASPHALT REPAIR 185 SF	Commercial Paving Permit	0		811	N	FEDERAL	HWY	PKG1	Void
<input type="checkbox"/>	<a href="#">CE17040764</a>	PARKING AREA IN DISREPAIR - LANDSCAPE AREA NOT, M...	TEGAL LLC	Code Case	0		811	N	FEDERAL	HWY	PKG1	Closed
<input type="checkbox"/>	<a href="#">VIO-CE17040764_1</a>	PARKING AREA IN DISREPAIR - LANDSCAPE AREA NOT	TEGAL LLC	Violation-CODE Hearing	0		811	N	FEDERAL	HWY	PKG1	Complied
<input type="checkbox"/>	<a href="#">VIO-CE17040764_2</a>	PARKING AREA IN DISREPAIR - LANDSCAPE AREA NOT	TEGAL LLC	Violation-CODE Hearing	0		811	N	FEDERAL	HWY	PKG1	Complied

# Record

Menu Refine Search New GIS Create a Set Reports Help My Filters  Module

Showing 1-2 of 2

<input type="checkbox"/>	<a href="#">Record, Permit, or Account #</a>	<a href="#">Record Description</a>	<a href="#">Application Name</a>	<a href="#">Record Type</a>	<a href="#">Balance</a>	<a href="#">Planner Name</a>	<a href="#">Street #</a>	<a href="#">Dir</a>	<a href="#">Street Name</a>	<a href="#">Type</a>	<a href="#">Unit # (start)</a>	<a href="#">Status</a>
<input type="checkbox"/>	<a href="#">CE19081751</a>	L/S - PROPLGIX - 0 OPEN CASES	TEGAL LLC	Code Case	0		811	N	FEDERAL	HWY	PKG2	Closed
<input type="checkbox"/>	<a href="#">VIO-CE19081751_1</a>		TEGAL LLC	Violation-CODE Hearing	0		811	N	FEDERAL	HWY	PKG2	Closed

Page  of 1

# Record

Menu Refine Search New GIS Create a Set Reports Help My Filters  Module

Showing 1-2 of 2

<input type="checkbox"/>	<u>Record, Permit, or Account #</u>	<u>Record Description</u>	<u>Application Name</u>	<u>Record Type</u>	<u>Balance</u>	<u>Planner Name</u>	<u>Street #</u>	<u>Dir</u>	<u>Street Name</u>	<u>Type</u>	<u>Unit # (start)</u>	<u>Status</u>
<input type="checkbox"/>	CE19081752	L/S - PROLOGIX - 0 OPEN CASES	TEGAL LLC	Code Case	0		811	N	FEDERAL	HWY	PKG3	Closed
<input type="checkbox"/>	VIO-CE19081752_1		TEGAL LLC	Violation-CODE Hearing	0		811	N	FEDERAL	HWY	PKG3	Closed

Page  of 1



CITY OF FORT LAUDERDALE

# PUBLIC NOTICE

# 1 OF 2

## BOARD OF ADJUSTMENT MEETING

**DATE: JULY 09, 2025**

**TIME: 6:00 P.M.**

**CASE: PLN-BOA-25060004**

### Sec 47-3.8.A.1 Termination of nonconforming status.

- Requesting a variance from ULDR Section 47-3.8.A.1 to allow a legal nonconforming structure that is altered by more than 50% of the replacement value to retain its legal nonconforming status, where ULDR Section 47-3.8.A.1 would terminate its legal nonconforming status, as per permitted plans.

### Sec 47-3.8.A.2 Termination of nonconforming status.

- Requesting a variance from ULDR Section 47-3.8.A.2 to allow a legal nonconforming structure with a discontinued use to retain its legal nonconforming status, where ULDR Section 47-3.8.A.2 would terminate its legal nonconforming status.

MEETING LOCATION: DEVELOPMENT SERVICES DEPARTMENT  
700 N.W. 19<sup>TH</sup> AVENUE (LOBBY)  
FORT LAUDERDALE, FL., 33311  
CONTACT: 954-828-6506

TO WATCH AND LISTEN TO THE BOARD OF ADJUSTMENT MEETING VISIT:  
<https://www.fortlauderdale.gov/government/BOA>  
[www.youtube.com/cityoffortlauderdale](https://www.youtube.com/cityoffortlauderdale)  
To view more information about this item, please visit:  
[www.fortlauderdale.gov/government/BOA](https://www.fortlauderdale.gov/government/BOA)

*This Notice is the property of the City of Fort Lauderdale. In accordance with City Code Section 16-29, It shall be unlawful for any person to injure, cut, break or destroy in any manner any building or other thing belonging to or under the control of the City. Persons marring or removing the Notice may be subject to fine and/or imprisonment.*

*In accordance with City Code Section 47-27.2A, H The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearing by another body. The sign information shall be changed as provided in subsection A.3.a*





CITY OF FORT LAUDERDALE

# PUBLIC NOTICE

# 2 OF 2

## BOARD OF ADJUSTMENT MEETING

DATE: JULY 09, 2025

TIME: 6:00 P.M.

CASE: PLN-BOA-25060004

### Sec 47-13.20.G RAC Landscape Requirements.

- Requesting a variance from ULDR Section 47-13.20.G to allow the existing vehicular use area and parking lot to remain as-is, where ULDR Section 47-21.12.F would require the existing vehicular use area and parking lot to be brought into conformity with ULDR.

### Sec 47-13.20.H RAC Streetscape Design.

- Requesting a variance from ULDR 47-13.20.H, to allow the existing streetscape adjacent to the existing building to remain as-is, where ULDR Section 47-13.20.H would require the existing streetscape to comply with Chapter 4 of the Downtown Master Plan design guidelines.

### Sec 47-24.5. D.1 Subdivision layout.

- Requesting a variance from ULDR 47-24.5. D.1 to allow the existing right-of-way widths adjacent to the property to remain, where ULDR Section 47-24.5. D.1 would require additional right-of-way dedications on Federal Highway, NE 8th Street and NE 5th Terrace.

MEETING LOCATION: DEVELOPMENT SERVICES DEPARTMENT  
700 N.W. 19<sup>TH</sup> AVENUE (LOBBY)  
FORT LAUDERDALE, FL., 33311  
CONTACT: 954-828-6506

TO WATCH AND LISTEN TO THE BOARD OF ADJUSTMENT MEETING VISIT:  
<https://www.fortlauderdale.gov/government/BOA>  
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*In accordance with City Code Section 47-27.2A. H The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearing by another body. The sign information shall be changed as provided in subsection A.3.a*



**SIGN NOTICE**

Applicant must **POST SIGNS** (for Board of Adjustment) according to Sec. 47-27.2 Types of Public Notice and 47-27.9 Variance, Special Exception, Temporary Non-Conforming Use, Interpretation requires the following notice:

- Sign Notice shall be given by the applicant by posting a sign provided by the City stating the time, date, and place of the Public Hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time, and place shall be stated on the sign or changed as applicable.
- The sign shall be posted at least fifteen (15) days prior to the date of the public hearing.
- The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
- If the subject property is on more than one (1) right-of-way, as described above, a sign shall be posted facing each right-of-way.
- If the applicant is not the owner of the property that is subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the City.
- If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the City and posting the sign on the property.
- The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as above to reflect any new dates.
- The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of posting of the public notice sign according to this section. If the applicant fails to submit the affidavit the public hearing will be postponed until the next hearing after the affidavit has been supplied.

**AFFIDAVIT OF POSTING SIGNS**

STATE OF FLORIDA

BROWARD COUNTY

BOA CASE NO. PLN-BOA-25060004

APPLICANT: Andrew J. Schein, Esq.

PROPERTY: 801-811 N. Federal Highway

PUBLIC HEARING DATE: July 9, 2025

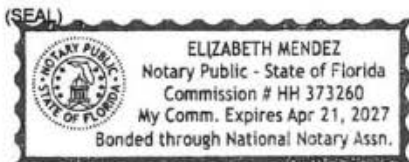
BEFORE ME, the undersigned authority, personally appeared Andrew J. Schein, Esq., who upon being duly sworn and cautioned, under oath deposes and says:

1. Affiant is the Applicant in the above cited City of Fort Lauderdale **Board or Commission Case**.
2. The Affiant/Applicant has posted or has caused to be posted on the Property the signage provided by the City of Fort Lauderdale, which such signage notifies the public of the time, date and place of the Public Hearing on the application for relief before the **Board or Commission**.
3. That the sign(s) referenced in Paragraph two (2) above was posted on the Property in such manner as to be visible from adjacent streets and waterways and was posted at least **fifteen (15)** days prior to the date of the Public Hearing cited above and has remained continuously posted until the date of execution and filing of this Affidavit. Said sign(s) shall be visible from and within twenty (20) feet of streets and waterways, and shall be securely fastened to a stake, fence, or building.
4. Affiant acknowledges that the sign must remain posted on the property until the final disposition of the case before the **Board or Commission**. **Should the application be continued, deferred, or re-heard, the sign shall be amended to reflect the new dates.**
5. Affiant acknowledges that this Affidavit must be executed and filed with the Zoning & Landscaping Division **five (5)** calendar days prior to the date of Public Hearing and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
6. Affiant is familiar with the nature of an oath or affirmation and is familiar with the laws of perjury in the State of Florida and the penalties, therefore.

NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27.2. of the City of Fort Lauderdale ULDR, I will forfeit my sign deposit. AS (initial here)

Affiant [Signature]

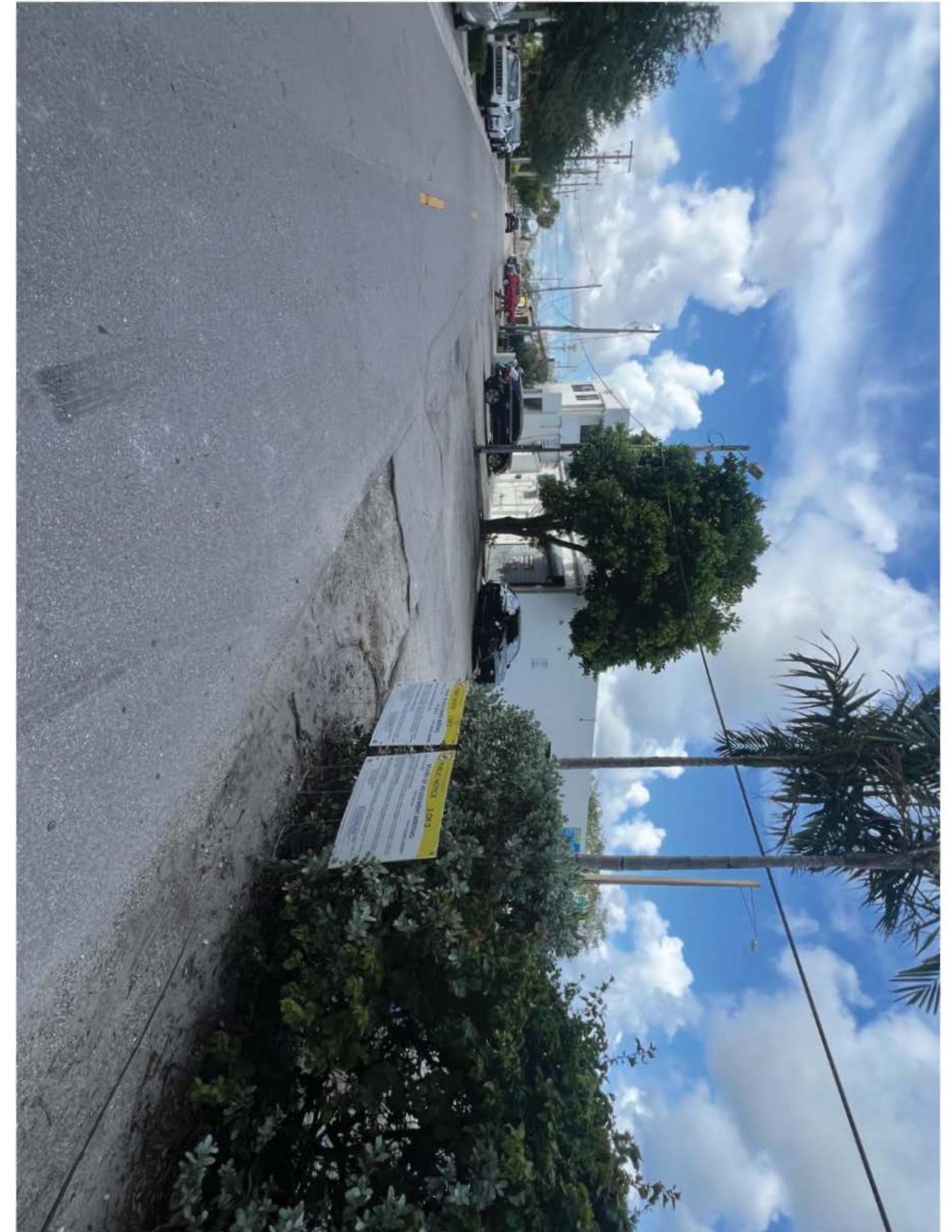
SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 4 day of June, 2025



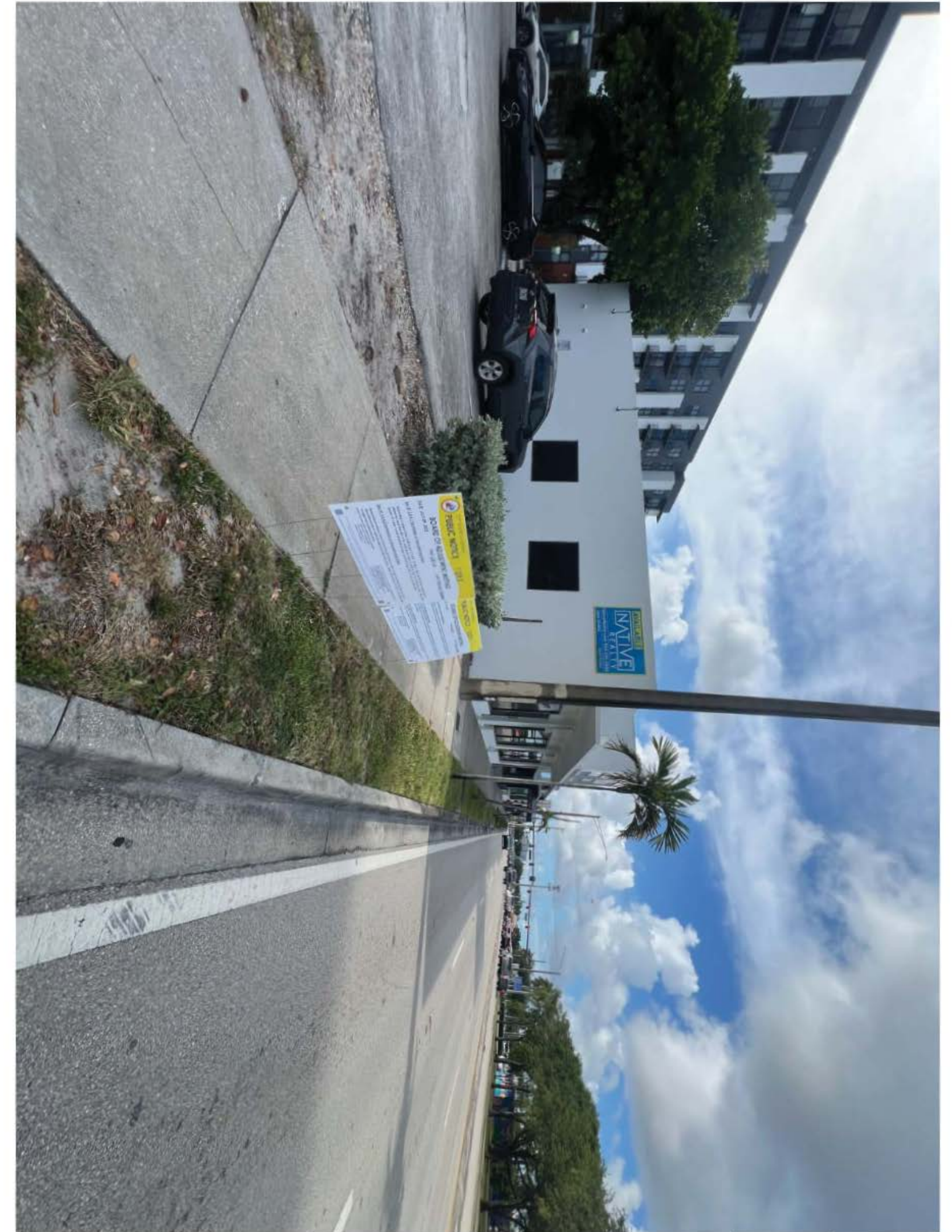
[Signature]  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES:







1042  
1043



INACTIVE REALTY

**PUBLIC HEARING**  
**SCHOOL DISTRICT BOARD**  
The following items will be discussed at the meeting:  
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BOARD OF ADJUSTMENT (BOA) APPLICATION FORM

REV: 03/18/2024 APPLICATION FORM: BOA



GENERAL INFORMATION  
BOARD OF ADJUSTMENT REVIEW PROCESS AND APPLICATION SUBMITTAL

**BOARD OF ADJUSTMENT MEETING REQUEST:** Prior to the submittal of the Board of Adjustment application, applicants are required to schedule a meeting request with Zoning and Landscaping Division staff to obtain feedback regarding the proposed variance, special exception, or other applications. The meeting includes general guidance on the submittal and process for the application type. To request a meeting with staff, [email request to the Board of Adjustment](#).

**APPLICATION DEADLINE:** Submittals must be received by 5:00 PM each business day. Pursuant to Section 47-24.12, the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via e-mail, if application, survey, plans and other documentation do not meet the submittal requirements and if changes are required. The applicable [Meeting Dates and Deadlines](#) can be found on the City's website at the Board of Adjustment webpage. Staff will provide guidance once an application has been submitted to the City.

**ONLINE SUBMITTAL PROCESS:** Submittals must be conducted through the City's [online citizen access portal and payment of fees LauderBuild](#). LauderBuild requires the creation of an online account to submit a complete application. To access submittal requirements and standards please visit the [LauderBuild Plan Room](#). Staff will provide guidance once an application has been submitted to the City.

**DETERMINATION OF COMPLETENESS:** Submittals are reviewed for completeness to ensure the application submittal contains all the required information including plans, survey, proof of ownership, narratives, and other pertinent documentation. The City will notify the applicant within five (5) business days from submittal with a determination of completeness. The notification will be sent via email and will indicate application completeness or incompleteness with required changes. [BOA Flow Chart](#).

**PAYMENT OF FEES:** All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, special advertising, re-advertising and any other costs associated with the application submittal shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit. Applicants will receive invoices electronically indicating the applicable fee(s). Note, there are fees at various stages of review depending on application type. All Fees are paid online.

**PUBLIC SIGN NOTICE:** Board of Adjustment (BOA) application, and certain applications are subject to public sign notice. Affidavits must be completed and submitted to the city stated compliance that such has been completed. The affidavit form can be found in this package on page 4 and on the City's website.

**EXAMPLE VARIANCE SUBMITTAL**  
Click to access the Board of Adjustment (BOA) page to view previous [Board of Adjustment \(BOA\) agendas, case backup, minutes and results](#).

**QUESTIONS:** Questions regarding the Board of Adjustment process or LauderBuild, contact us by phone or email at: [boardofadjustment@fortlauderdale.gov](mailto:boardofadjustment@fortlauderdale.gov)  
Phone: 954-828-6520, Option 5.

**INSTRUCTIONS:** The following information is required pursuant to the City's Unified Land Development Regulations (ULDR). The Board of Adjustment application form must be filled out accurately and all applicable sections must be completed. Complete the sections indicated for application, type N/A for those section items not applicable. Select the application type below and complete entire application form.

Application Type	(Select the application type from the list below and complete pages 1-4 of the application)	FEES
<input checked="" type="radio"/>	Requesting a Variance/Special Exception/Interpretation <b>(Before)</b>	\$2,332
<input type="radio"/>	Requesting a Variance/Special Exception/Interpretation <b>(After)</b>	\$2,968
<input type="radio"/>	Requesting Variance/Special Exception/Interpretation for Residential Accessory Structures & Existing Non-Conforming Structures <b>(Homesteaded Only) (Before)</b>	\$689
<input type="radio"/>	Requesting a Variance/Special Exception/Interpretation for Residential Accessory Structures & Existing Non-Conforming Structures <b>(Homesteaded Only) (After)</b>	\$901
<input type="radio"/>	Request for Continuance	\$954
<input type="radio"/>	Request for Rehearing	\$318
<input type="radio"/>	Rehearing Request before the board	\$1,219

## Page 1: BOA - Applicant Information Sheet

**INSTRUCTIONS:** The following information is required pursuant to the City's Unified Land Development Regulations (ULDR). While the information requested in this application is the minimum required to proceed please be aware additional information may be required to fully address the variance(s) and/or special exception(s) requested. The application form must be filled out accurately and all applicable sections must be completed. Please print or type and answer all questions. Do Not leave any sections Blank. Indicate N/A if a question does not apply.

<b>Case Number</b>	
<b>Date of complete submittal</b>	

**NOTE:** For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

<b>Property Owner's Name</b>	ACS Flagler LLC
<b>Property Owner's Signature</b>	If a signed agent letter is provided, no signature is required on the application by the owner.
<b>Address, City, State, Zip</b>	850 NE 5th Terrace, Fort Lauderdale, FL 33304
<b>E-mail Address</b>	andrews@nhsins.com
<b>Phone Number</b>	954-214-6439
<b>Proof of Ownership</b>	<input type="checkbox"/> Warranty Deed or <input checked="" type="checkbox"/> Tax Record

**NOTE:** If **AGENT** is to represent **PROPERTY OWNER**, an agent authorization form is required (must be notarized)

<b>Applicant / Agent's Name</b>	Andrew J. Schein, Esq. - Florida Bar No. 125742
<b>Applicant / Agent's Signature</b>	
<b>Address, City, State, Zip</b>	699 N. Federal Highway, Suite 400, Fort Lauderdale, FL 33304
<b>E-mail Address</b>	ASchein@lochriellaw.com
<b>Phone Number</b>	954-617-8919
<b>Agent Authorization Form Submitted</b>	<input type="checkbox"/>

<b>Include ANY Related code case/permit #</b>	Planning Case - UDP-A25019
<b>Existing / New</b>	Existing: <input checked="" type="checkbox"/> New: <input type="checkbox"/>
<b>Project Address</b>	Address: 801 N. Federal Highway and 811 N. Federal Highway
<b>Legal Description</b>	See survey
<b>Tax ID Folio Numbers</b> <i>(For all parcels in development)</i>	494234061540, 494234061550, 494234061600, 494234061590 and 494234061580
<b>Variance/Special Exception Request</b> <i>(Provide a brief description of your request)</i>	See "Attachment to Page 2 of the Variance Application"
<b>Applicable ULDR Sections</b> <i>(Include all code sections)</i>	47-3.8.A.1, 47-3.8.A.2, 47-13.20.G, 47-13.20.H, and 47-24.5.D.1

<b>Current Land Use Designation</b>	Downtown RAC
<b>Current Zoning Designation</b>	RAC-UV
<b>Current Use of Property</b>	Commercial
<b>Site Adjacent to Waterway</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Setbacks (indicate direction N, S, E, W)		Required	Proposed
Front	E	70' from centerline	50' - 1" from centerline (EXISTING)
Side	N	0'	76' - 8" (PROPOSED)
Side	W	35' from centerline	27' - 6" from centerline (EXISTING)
Rear	S	35' from centerline	23' from centerline (EXISTING)

**Applicant:** Andrew J. Schein / Lochrie & Chakas, P.A.  
**Owner:** ACS Flagler LLC  
**Address:** 801 and 811 N. Federal Highway (the “Property”)

**Attachment to Page 2 of the Variance Application**

**1. General Information and Request**

ACS Flagler LLC (“Owner”) is the owner of the Property. The Property is on the southern end of a strip of commercial spaces, which were constructed in the late 1950s/early 1960s and which have not received the TLC that they deserve due to major issues in how the zoning code would be applied to these properties.

In an effort to renovate the building to make it functional, attractive and leasable, Owner submitted a site plan amendment renovate the building pursuant to City Case No. UDP-A25019 (the “Project”). The Project quickly ran into issues due to the nonconforming structure. This property has numerous legal nonconformities, including setbacks, backout parking, landscaping, streetscape design, etc.

Legal nonconformities are allowed to exist in perpetuity so long as the structure does not lose its legal nonconforming status. The Project would cause the structure to lose its nonconforming status because the proposed improvements (estimated at over a million dollars) exceed 50% of the market value of the structure. If the structure lost its nonconforming status, the renovation would require a complete demolition of the structure and would require that the new structure be built to the current code requirements, which as explained below, is not feasible due to the dimensions of the Property and the history of development in the area.

This variance application is for variances for the existing structure. It’s important to note that everything “new” in the Project will need to meet today’s code; this variance would only apply to the nonconformities for the existing site features and existing structure.

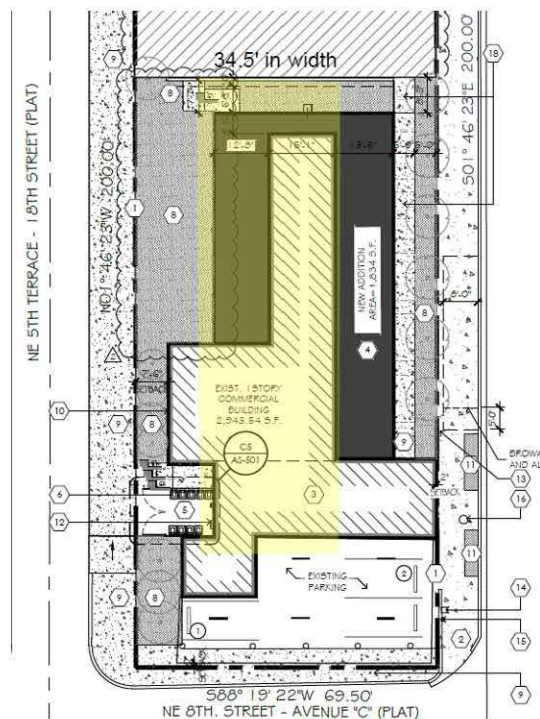
The biggest issue plaguing this Property was caused by the original layout of this block. The existing layout mimicked the layout of all other blocks between NE 5<sup>th</sup> Terrace and Federal Highway, from NE 4<sup>th</sup> Street to NE 8<sup>th</sup> Street. However, developments on the blocks to the south received approval to vacate NE 5<sup>th</sup> Terrace in order to expand the buildable footprint of these substandard blocks, which led to developments including The Manor and The Edge.

The City’s Downtown Master Plan recognized this issue posed by NE 5<sup>th</sup> Terrace’s location, including it as a proposed street to be vacated (see image below).



The vacation of NE 5<sup>th</sup> Street allows the blocks on either side to be consolidated, which eliminated major setback issues that would've made these developments impossible. Unfortunately, the District at Flagler Village development (555 NE 8<sup>th</sup> Street, immediately west of the Property) did not include a vacation of NE 5<sup>th</sup> Terrace, leaving the Property on an island of its own.

This leaves the Property in a position where, without variances, it is essentially undevelopable. The image below shows the existing building (hatched), the proposed addition (dark gray), and the buildable area if the ULDR was strictly enforced (yellow)



In addition to the ULDR's setback requirements causing this issue, the ULDR would require a 10' right-of-way dedication on Federal Highway and a 5' right-of-way dedication on NE 8<sup>th</sup> Street. This provision would also require that portions of the structure be demolished and never rebuilt.

As to nonconforming parking and loading, the ULDR also provides that if a nonconforming structure loses its nonconforming status, the structure may not be reopened unless the parking facility and structure meet the current code requirements. This would cause the existing parking area to be demolished.

As to nonconforming vehicular use area landscaping, the ULDR provides that if a nonconforming structure loses its nonconforming status, the existing vehicular use areas shall be considered as new and brought into conformity with the current code requirements. This would also cause the existing parking area to be demolished.

## **2. Variance Requests**

*A variance from ULDR Section 47-3.8.A.1 to allow a legal nonconforming structure that is altered by more than 50% of the replacement value to retain its legal nonconforming status, where ULDR Section 47-3.8.A.1 would terminate its legal nonconforming status.*

*A variance from ULDR Section 47-3.8.A.2 to allow a legal nonconforming structure with a discontinued use to retain its legal nonconforming status, where ULDR Section 47-3.8.A.2 would terminate its legal nonconforming status*

*A variance from ULDR Section 47-13.20.G to allow the existing vehicular use area and parking lot to remain as-is, where ULDR Section 47-21.12.F would require the existing vehicular use area and parking lot to be brought into conformity with the ULDR.*

*A variance from ULDR Section 47-13.20.H, to allow the existing streetscape adjacent to the existing building to remain as-is, where ULDR Section 47-13.20.H would require the existing streetscape to comply with Chapter 4 of the Downtown Master Plan design guidelines.*

*A variance from ULDR Section 47-24.5.D.1 to allow the existing right-of-way widths adjacent to the property to remain, where ULDR Section 47-24.5.D.1 would require additional right-of-way dedications on Federal Highway, NE 8<sup>th</sup> Street and NE 5<sup>th</sup> Terrace.*

## **3. Variance Criteria**

- a. Special conditions and circumstances affect the property at issue which prevent the reasonable use of such property;

**RESPONSE: Given the location and layout of the Property, commercial uses are the only reasonable uses of the Property. Owner has attempted to lease the Property in its current state, but as it's not a very attractive building and has a unique layout, finding a tenant has**

**been very difficult. Owner wishes to renovate and add to the Property to make it more feasible for commercial tenants, but the renovation cannot be done while maintaining its legal nonconforming status.**

**The layout of the Property is a special condition on its own, being the only substandard block that didn't get to enjoy the benefits of vacating NE 5<sup>th</sup> Terrace.**

- b. Circumstances which cause the special conditions are peculiar to the property at issue, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the same zoning district;

**RESPONSE: The Property was platted in 1911, prior to the City of Fort Lauderdale's incorporation, and was platted as a substandard block by today's criteria. This block was one of five substandard blocks noted in the City's Downtown Master Plan, which is intended to govern the pattern of development in the Downtown Regional Activity Center. The City's solution for these substandard blocks was to support and encourage the vacation of NE 5<sup>th</sup> Terrace in order to combine the development sites on either side of NE 5<sup>th</sup> Terrace.**

**The vacation of NE 5<sup>th</sup> Terrace was approved on four out of the five blocks, leading the way for the development of The Manor, The Edge, and two upcoming developments (Flagler Village Residences and 317 N. Federal). Due to circumstances outside of the Owner or the predecessor's control, the Modera 555 development, now called The District, was developed without vacating NE 5<sup>th</sup> Terrace. This left the Property on an undevelopable island.**

**This is not just a marked exception from other properties in the same zoning district – it is the only block in the entire downtown area that is facing this issue.**

- c. Literal application of the provisions of the ULDR would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same zoning district;

**RESPONSE: Literal application of the ULDR would render the Property undevelopable. If the Property loses its legal nonconforming status and does not receive variances, there is no reasonable way to develop anything on this Property.**

- d. The unique hardship is not self-created by the applicant or his predecessors, nor is it the result or mere disregard for, or ignorance of, the provisions of the ULDR or antecedent zoning regulations; and

**RESPONSE: This hardship is a result of the lot/block layout in the original Progresso Plat, approved in 1911, and the pattern of development in the area. The Downtown Master Plan recognizes this block as a "constrained" block and encouraged future developments to**

**vacate NE 5<sup>th</sup> Terrace. This is unfortunately not an option for the Owner, as it would require approval/consent from all property owners along NE 5<sup>th</sup> Terrace.**

**This hardship was not self-created by the applicant or their predecessors, nor is it a result of mere disregard for, or ignorance of, the provisions of the ULDR or antecedent zoning regulations. Presumably, these buildings met the antecedent zoning regulations.**

- e. The variance is the minimum variance that will make possible a reasonable use of the property, and that the variance will be in harmony with the general purposes and intent of the ULDR and the use as varied will not be incompatible with adjoining properties or the surrounding neighborhood or otherwise detrimental to the public welfare.

**RESPONSE: The Project is an addition to the existing building and a renovation to the existing building. Without the existing building retaining its legal nonconforming status, the entire structure would need to be demolished. This would not be a reasonable outcome. The issuance of this variance would allow the Owner to renovate the Property for a commercial tenant, which is the only reasonable use of this property.**

**Rather than being incompatible with adjoining properties and the surrounding neighborhood, renovation of the Property would allow the Property to finally be updated to today's aesthetic and usability standards, making it even more compatible with the surrounding neighborhood.**

**Page 2a: Board of Adjustment (BOA) Criteria for Variance Request**

Answer **All** questions on this page only *if* you are applying for a **VARIANCE**. If additional space is needed, attach an additional page(s) to this page. *If* you are applying for a Special Exception, print or type N/A for the questions below and complete page 2b of this application form. **Note:** A narrative must be submitted in addition to this page.

**SPECIFIC REQUEST:** State the specific request according to the ULDR or other provisions of the Code.  
See "Attachment to Page 2 of the Variance Application"

**CRITERIA:** Applicant must demonstrate a unique hardship attributable to the land by proving by a preponderance of the evidence for all of the following criteria. Please answer the following criteria completely. While some criteria may seem duplicative the response should be tailored specifically to each. Per section 47-24.12. A.4,

a. Special conditions and circumstances affect the property at issue which prevent the reasonable use of such property; and

See\* Attachment to Page 2 of the Variance Application\*

b. Circumstances which cause the special conditions are peculiar to the property at issue, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the same zoning district; and:

See\* Attachment to Page 2 of the Variance Application\*

c. Literal application of the provisions of the ULDR would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same zoning district. (It shall be of no importance to this criterion that a denial of the variance sought might deny to the owner a more profitable use of the property, provided the provisions of the ULDR still allow a reasonable use of the property; and

See\* Attachment to Page 2 of the Variance Application\*

d. The unique hardship is not self-created by the applicant or his predecessors, nor is it the result of mere disregard for, or ignorance of, the provisions of the ULDR or antecedent zoning regulations; and

See\* Attachment to Page 2 of the Variance Application\*

e. The variance is the minimum variance that will make possible a reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the ULDR and the use as varied will not be incompatible with adjoining properties or the surrounding neighborhood or otherwise detrimental to the public welfare.

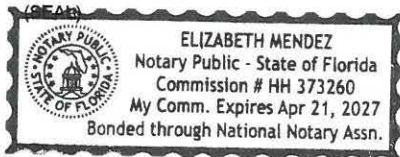
See\* Attachment to Page 2 of the Variance Application\*

**AFFIDAVIT:** I, Andrew J. Schein, Esq. the Owner/Agent of said property ATTEST that I am aware of the following:

1. In order to be entitled to the relief requested in the application an affirmative vote of a majority plus one of the Board of Adjustment is required;
2. That in granting the relief requested, the Board of Adjustment is limited to the authority vested in the Board by the ULDR and that the Board may not grant the relief requested unless the applicant proves all the criteria specified in the ULDR have been met;
3. That the granting of relief by the Board does not exempt the applicant or owner of record from the responsibilities of obtaining all applicable permits or approvals as may be required by law for both new and existing structures;
4. That if the relief requested is granted by the Board, the applicant must secure a building permit to implement the relief requested within one hundred eighty (180) days of the entry of the final order or the Board, or within such lesser time as the Board may proscribe and that failure to procure the necessary permits within the time so proscribed shall render the variance or special exception null and void;
5. That if the Board denies the request for relief, then no additional application for the same or substantially the same relief may be entertained by the Board within two (2) years of the date of entry of the final order of denial.

*Andrew J. Schein*  
(Signature)

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 10 day of June, 2020



*[Signature]*  
NOTARY PUBLIC  
MY COMMISSION EXPIRES:

**Page 2b: Board of Adjustment (BOA) Criteria for Special Exception Request**

Answer All questions on this page only if you are applying for a **SPECIAL EXCEPTION**. If additional space is needed, attach an additional page(s) to this page. If you are applying for a Variance, print or type N/A for the questions below and complete page 2a of this application form. Note: A narrative must be submitted in addition to this page.

**SPECIFIC REQUEST:** State the specific request according to the ULDR or other provisions of the Code.

**CRITERIA:** A special exception shall be granted upon demonstration by a preponderance of the evidence of all of the following criteria: Please answer the following criteria completely. While some criteria may seem duplicative the response should be tailored specifically to each. Per section 47-24.12. A.5,

a. Whether the proposed development or use meets the requirements for a special exception as provided by the ULDR; and

See\* Attachment to Page 2 of the Variance Application\*

b. Granting of the special exception shall not be incompatible with adjoining properties or the surrounding neighborhood or otherwise contrary to the public interest.

See\* Attachment to Page 2 of the Variance Application\*

**AFFIDAVIT:** I, Andrew J. Schein, Esq. the Owner/Agent of said property ATTEST that I am aware of the following:

1. In order to be entitled to the relief requested in the application an affirmative vote of a majority plus one of the Board of Adjustment is required;
2. That in granting the relief requested, the Board of Adjustment is limited to the authority vested in the Board by the ULDR and that the Board may not grant the relief requested unless the applicant proves all the criteria specified in the ULDR have been met;
3. That the granting of relief by the Board does not exempt the applicant or owner of record from the responsibilities of obtaining all applicable permits or approvals as may be required by law for both new and existing structures;
4. That if the relief requested is granted by the Board, the applicant must secure a building permit to implement the relief requested within one hundred eighty (180) days of the entry of the final order of the Board, or within such lesser time as the Board may proscribe and that failure to procure the necessary permits within the time so proscribed shall render the variance or special exception null and void;
5. That if the Board denies the request for relief, then no additional application for the same or substantially the same relief may be entertained by the Board within two (2) years of the date of entry of the final order of denial.

\_\_\_\_\_  
(Signature)

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

(SEAL)

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES:

## Page 3: Checklist for submittal and completeness:

The following information and checklist outlines the necessary items for submittal to ensure the application is deemed complete. Failure to provide the information/items below will result in your application being deemed incomplete. **Note: Fourteen (14) Copy Sets of each item below will be DUE AFTER your application has been DEEMED COMPLETE.** The applicant will need to meet with staff **PRIOR** to submitting the BOA application submittal via **Lauderbuild**.

\*Meeting Request information and the link to schedule a meeting with staff can be found on the cover page of this BOA application.

- **Preliminary BOA Meeting** - The applicant and/or agent met with staff on the following date: June 3, 2025
- **Board of Adjustment Application Form**- The Board of Application form must be complete with the applicable information, signatures, and notarizations. \*Submit the complete application form along with your submittal. **Page 4** of the BOA application is due **AFTER** sign(s) are posted.
- **Proof of Ownership**- Warranty deed or tax record including corporation documents and Sunbiz verification name.
- **Agent Authorization Form**- Authorization from **ALL** Property owner(s) is required. If the Property is owned by an Entity, Sunbiz verification must be included with the authorized agent form.
- **Narrative**- Include the applicable ULDR code sections, Date, specific request, and criteria as described in the specifications for submittal by application. The narrative must be titled "Narrative" and indicate the author).
- **Color Photographs**- Color photos of the entire property and all surrounding properties dated and labeled and identified as to orientation.
- **Survey**- The survey of the property must be digitally signed and sealed, showing existing conditions; survey must be As Built with Right-of-Way and Easement Vacations Excluded. The survey should consist of the proposed project site alone. Do not include adjacent properties or portions of land(s) not included in the proposed project unless specifically requested by the City. \*Must be the most recent survey and the date on the survey should not exceed one (1) year. **Copy sets of Survey must be at half-size scale 11x17"**.
- **Site Plan**- A full set of plans must be submitted a survey may be substituted if the requested variance is clearly indicated. Cover sheet on plan set to state project name and table of contents. **Copy sets of Plans must be at half-size scale 11x17"**.
- **Elevations**- If applicable (Elevations may be required by staff upon application submittal).
- **Landscape Plans**- If applicable (Landscape Plans may be required by staff upon application submittal).
- **Additional Plans**- If applicable (Additional Plans may be required by staff upon application submittal).
- **Mail Notification Documents**- Mail Notice shall be given to owners of land within three hundred (300) feet of the subject site ten (10) days prior to the date set for the public hearing. Please submit the following:
  - **TAX MAP:** Applicant shall provide a tax map from the Broward County Property Appraiser of all property within a three hundred (300) foot radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
  - **PROPERTY OWNERS NOTICE LIST:** Applicant shall provide a property owner notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required three hundred (300) foot radius. The list shall also include all homeowners' associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
  - **ENVELOPES:** The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required three hundred (300) foot radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. The return address shall be listed on all envelopes as follows: **City of Fort Lauderdale- Zoning Division (BOA, 700 N.W. 19<sup>TH</sup> Avenue, Fort Lauderdale, Florida 33311**

**City of Fort Lauderdale- Zoning Division (BOA)  
700 N.W. 19th Avenue  
Fort Lauderdale, Florida 33311**

**How To order a Tax Map and Notice List-** To order a tax map and notice list, please contact Heather Hanson at [hhanson@bcpa.net](mailto:hhanson@bcpa.net) or call 954-357-6855 OR Kenny Gibbs at [kgibbs@bcpa.net](mailto:kgibbs@bcpa.net) or call 954-357-5503. **Distribution:** The City of Fort Lauderdale, Zoning & Landscaping Division will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.

**How to Submit Your Application submittal-** Submittals must be conducted through the City's Online Citizen Access portal- **LauderBuild**. No hard copy application submittals are accepted. View plan and document requirements at [LauderBuild Plan Room](#). View file naming and Convention standards at [File Naming Convention Standards](#)

**Please Note:** All copy sets must be clear, accurate and legible. All non-plan documents should be 8 1/2" x 11". Plans must be **folded** to 8 1/2" x 11".

**SIGN NOTICE**

Applicant must **POST SIGNS** (for Board of Adjustment) according to Sec. 47-27.2 Types of Public Notice and 47-27.9 Variance, Special Exception, Temporary Non-Conforming Use, Interpretation requires the following notice:

- Sign Notice shall be given by the applicant by posting a sign provided by the City stating the time, date, and place of the Public Hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time, and place shall be stated on the sign or changed as applicable.
- The sign shall be posted at least fifteen (15) days prior to the date of the public hearing.
- The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
- If the subject property is on more than one (1) right-of-way, as described above, a sign shall be posted facing each right-of-way.
- If the applicant is not the owner of the property that is subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the City.
- If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the City and posting the sign on the property.
- The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as above to reflect any new dates.
- The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of posting of the public notice sign according to this section. If the applicant fails to submit the affidavit the public hearing will be postponed until the next hearing after the affidavit has been supplied.

**AFFIDAVIT OF POSTING SIGNS**

STATE OF FLORIDA

BROWARD COUNTY

BOA CASE NO. \_\_\_\_\_

APPLICANT: \_\_\_\_\_

PROPERTY: \_\_\_\_\_

PUBLIC HEARING DATE: \_\_\_\_\_

BEFORE ME, the undersigned authority, personally appeared \_\_\_\_\_, who upon being duly sworn and cautioned, under oath deposes and says:

1. Affiant is the Applicant in the above cited City of Fort Lauderdale **Board or Commission Case**.
2. The Affiant/Applicant has posted or has caused to be posted on the Property the signage provided by the City of Fort Lauderdale, which such signage notifies the public of the time, date and place of the Public Hearing on the application for relief before the **Board or Commission**.
3. That the sign(s) referenced in Paragraph two (2) above was posted on the Property in such manner as to be visible from adjacent streets and waterways and was posted at least **fifteen (15)** days prior to the date of the Public Hearing cited above and has remained continuously posted until the date of execution and filing of this Affidavit. Said sign(s) shall be visible from and within twenty (20) feet of streets and waterways, and shall be securely fastened to a stake, fence, or building.
4. Affiant acknowledges that the sign must remain posted on the property until the final disposition of the case before the **Board or Commission. Should the application be continued, deferred, or re-heard, the sign shall be amended to reflect the new dates.**
5. Affiant acknowledges that this Affidavit must be executed and filed with the Zoning & Landscaping Division **five (5)** calendar days prior to the date of Public Hearing and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
6. Affiant is familiar with the nature of an oath or affirmation and is familiar with the laws of perjury in the State of Florida and the penalties, therefore.

NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27.2. of the City of Fort Lauderdale ULDR, I will forfeit my sign deposit. \_\_\_\_\_ (initial here)

\_\_\_\_\_  
Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 20\_

(SEAL)

\_\_\_\_\_  
**NOTARY PUBLIC**  
**MY COMMISSION EXPIRES:**

## Page 5: Technical Specifications

### A. SITE PLAN

1. Title Block including project name and design professional's address and phone number
2. Scale (1" = 30' min., must be engineer's scale)
3. North indicator
4. Location map showing relationship to major arterials
5. Drawing and revision dates, as applicable
6. Full legal description
7. Site Plan Data Table
  - Current use of property
  - Land Use designation
  - Zoning designation
  - Site area (sq. ft. and acres)
  - Setback table (required vs. provided)
  - Open space
8. Site Plan Features (graphically indicated)
  - Setbacks and building separations (dimensioned)
  - Project signage (if applicable)
  - Easements (as applicable)

(Please note additional site plan information may be necessary to fully address the requested variance)

### B. BUILDING ELEVATIONS (as applicable)

1. All building facades with directional labels (i.e. North, South) and building names if more than one building
2. Dimensions, including height and width of all structures
3. Dimensions of setbacks and required setbacks from property lines
4. Dimension grade at crown of road, at curb, sidewalk, building entrance, and finished floor
5. Include proposed signage



<b>Site Address</b>	811 N FEDERAL HIGHWAY, FORT LAUDERDALE FL 33304	<b>ID #</b>	4942 34 06 1600
<b>Property Owner</b>	ACS 817 LLC	<b>Millage</b>	0312
<b>Mailing Address</b>	820 NE 5 TER FORT LAUDERDALE FL 33304-2701	<b>Use</b>	28-01
<b>Abbr Legal Description</b>	PROGRESSO 2-18 D LOT 32 LESS STATE RD BLK 252		

The just values displayed below were set in compliance with **Sec. 193.011, Fla. Stat.**, and include a reduction for costs of sale and other adjustments required by **Sec. 193.011(8)**.

\* 2025 values are considered "working values" and are subject to change.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2025*	\$257,850	\$2,350	\$260,200	\$129,270	
2024	\$257,850	\$2,350	\$260,200	\$117,520	\$3,215.16
2023	\$214,880	\$2,350	\$217,230	\$106,840	\$2,839.41

2025* Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
<b>Just Value</b>	\$260,200	\$260,200	\$260,200	\$260,200
<b>Portability</b>	0	0	0	0
<b>Assessed/SOH</b>	\$129,270	\$260,200	\$129,270	\$129,270
<b>Homestead</b>	0	0	0	0
<b>Add. Homestead</b>	0	0	0	0
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$129,270	\$260,200	\$129,270	\$129,270

Sales History			
Date	Type	Price	Book/Page or CIN
9/18/2019	WD*-E	\$910,000	116071376
6/30/2009	QC*-T	\$100	46341 / 1195
6/26/2009	WD*-D	\$650,000	46341 / 1193
9/22/1995	WD*		23979 / 224

Land Calculations		
Price	Factor	Type
\$150.00	1,719	SF
Adj. Bldg. S.F. (Card, Sketch)		

\* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F2		
L								
1						1719		



<b>Site Address</b>	811 N FEDERAL HIGHWAY, FORT LAUDERDALE FL 33304	<b>ID #</b>	4942 34 06 1590
<b>Property Owner</b>	ACS 817 LLC	<b>Millage</b>	0312
<b>Mailing Address</b>	820 NE 5 TER FORT LAUDERDALE FL 33304-2701	<b>Use</b>	28-01
<b>Abbr Legal Description</b>	PROGRESSO 2-18 D LOT 31 LESS STATE RD BLK 252		

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	County	School Board	Municipal	Independent
<b>Just Value</b>	\$260,200	\$260,200	\$260,200	\$260,200
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<b>Assessed/SOH</b>	\$129,270	\$260,200	\$129,270	\$129,270
<b>Homestead</b>	0	0	0	0
<b>Add. Homestead</b>	0	0	0	0
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$129,270	\$260,200	\$129,270	\$129,270

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Date	Type	Price	Book/Page or CIN
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Price	Factor	Type
\$150.00	1,719	SF
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Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F2		
L								
1						1719		



<b>Site Address</b>	811 N FEDERAL HIGHWAY, FORT LAUDERDALE FL 33304	<b>ID #</b>	4942 34 06 1580
<b>Property Owner</b>	ACS 817 LLC	<b>Millage</b>	0312
<b>Mailing Address</b>	820 NE 5 TER FORT LAUDERDALE FL 33304-2701	<b>Use</b>	28-01
<b>Abbr Legal Description</b>	PROGRESSO 2-18 D LOT 30 LESS STATE RD BLK 252		

The just values displayed below were set in compliance with **Sec. 193.011, Fla. Stat.**, and include a reduction for costs of sale and other adjustments required by **Sec. 193.011(8)**.

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<b>Homestead</b>	0	0	0	0
<b>Add. Homestead</b>	0	0	0	0
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
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Land Calculations		
Price	Factor	Type
\$150.00	1,719	SF
Adj. Bldg. S.F. (Card, Sketch)		

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Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F2		
L								
1						1719		



<b>Site Address</b>	<b>801 N FEDERAL HIGHWAY, FORT LAUDERDALE FL 33304</b>	<b>ID #</b>	4942 34 06 1550
<b>Property Owner</b>	ACS FLAGLER LLC	<b>Millage</b>	0312
<b>Mailing Address</b>	820 NE 5 TER FORT LAUDERDALE FL 33304	<b>Use</b>	11-01
<b>Abbr Legal Description</b>	PROGRESSO 2-18 D LOTS 27 TO 29 LESS ST RD BLK 252		

The just values displayed below were set in compliance with **Sec. 193.011, Fla. Stat.**, and include a reduction for costs of sale and other adjustments required by **Sec. 193.011(8)**.

\* 2025 values are considered "working values" and are subject to change.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2025*	\$773,250	\$297,260	\$1,070,510	\$946,000	
2024	\$257,750	\$602,250	\$860,000	\$860,000	\$16,900.08
2023	\$257,750	\$641,130	\$898,880	\$898,880	\$17,826.54

2025* Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
<b>Just Value</b>	\$1,070,510	\$1,070,510	\$1,070,510	\$1,070,510
<b>Portability</b>	0	0	0	0
<b>Assessed/SOH</b>	\$946,000	\$1,070,510	\$946,000	\$946,000
<b>Homestead</b>	0	0	0	0
<b>Add. Homestead</b>	0	0	0	0
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$946,000	\$1,070,510	\$946,000	\$946,000

Sales History			
Date	Type	Price	Book/Page or CIN
8/2/2021	WD*-E	\$2,000,000	117478319
1/18/2016	WD*-D	\$1,182,200	113465554
6/3/2009	WD*-D	\$740,000	46320 / 793
12/14/1998	WD*	\$185,000	29100 / 1614
10/8/1981	QCD	\$100	9838 / 947

Land Calculations		
Price	Factor	Type
\$150.00	5,155	SF
<b>Adj. Bldg. S.F. (Card, Sketch)</b>		1832
<b>Eff./Act. Year Built: 1963/1961</b>		

\* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F2		
C								
1832						5155		



<b>Site Address</b>	<b>801 N FEDERAL HIGHWAY, FORT LAUDERDALE FL 33304</b>	<b>ID #</b>	4942 34 06 1540
<b>Property Owner</b>	ACS FLAGLER LLC	<b>Millage</b>	0312
<b>Mailing Address</b>	820 NE 5 TER FORT LAUDERDALE FL 33304	<b>Use</b>	11-01
<b>Abbr Legal Description</b>	PROGRESSO 2-18 D LOTS 25,26,LESS STATE RD BLK 252		

**The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).**

\* 2025 values are considered "working values" and are subject to change.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2025*	\$515,250	\$408,930	\$924,180	\$924,180	
2024	\$171,750	\$688,250	\$860,000	\$860,000	\$17,314.67
2023	\$171,750	\$716,830	\$888,580	\$888,580	\$18,076.68

2025* Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
<b>Just Value</b>	\$924,180	\$924,180	\$924,180	\$924,180
<b>Portability</b>	0	0	0	0
<b>Assessed/SOH</b>	\$924,180	\$924,180	\$924,180	\$924,180
<b>Homestead</b>	0	0	0	0
<b>Add. Homestead</b>	0	0	0	0
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$924,180	\$924,180	\$924,180	\$924,180

Sales History			
Date	Type	Price	Book/Page or CIN
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12/14/1998	WD*	\$185,000	29100 / 1614

Land Calculations		
Price	Factor	Type
\$150.00	3,435	SF
<b>Adj. Bldg. S.F. (Card, Sketch)</b>		2047
<b>Eff./Act. Year Built: 1963/1961</b>		

\* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F2		
C								
2047						3435		



<b>Site Address</b>	801 N FEDERAL HIGHWAY, FORT LAUDERDALE FL 33304	<b>ID #</b>	4942 34 06 1540
<b>Property Owner</b>	ACS FLAGLER LLC	<b>Millage</b>	0312
<b>Mailing Address</b>	820 NE 5 TER FORT LAUDERDALE FL 33304	<b>Use</b>	11-01
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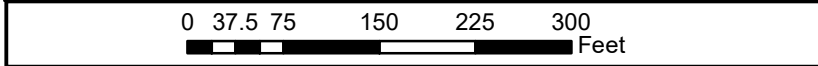
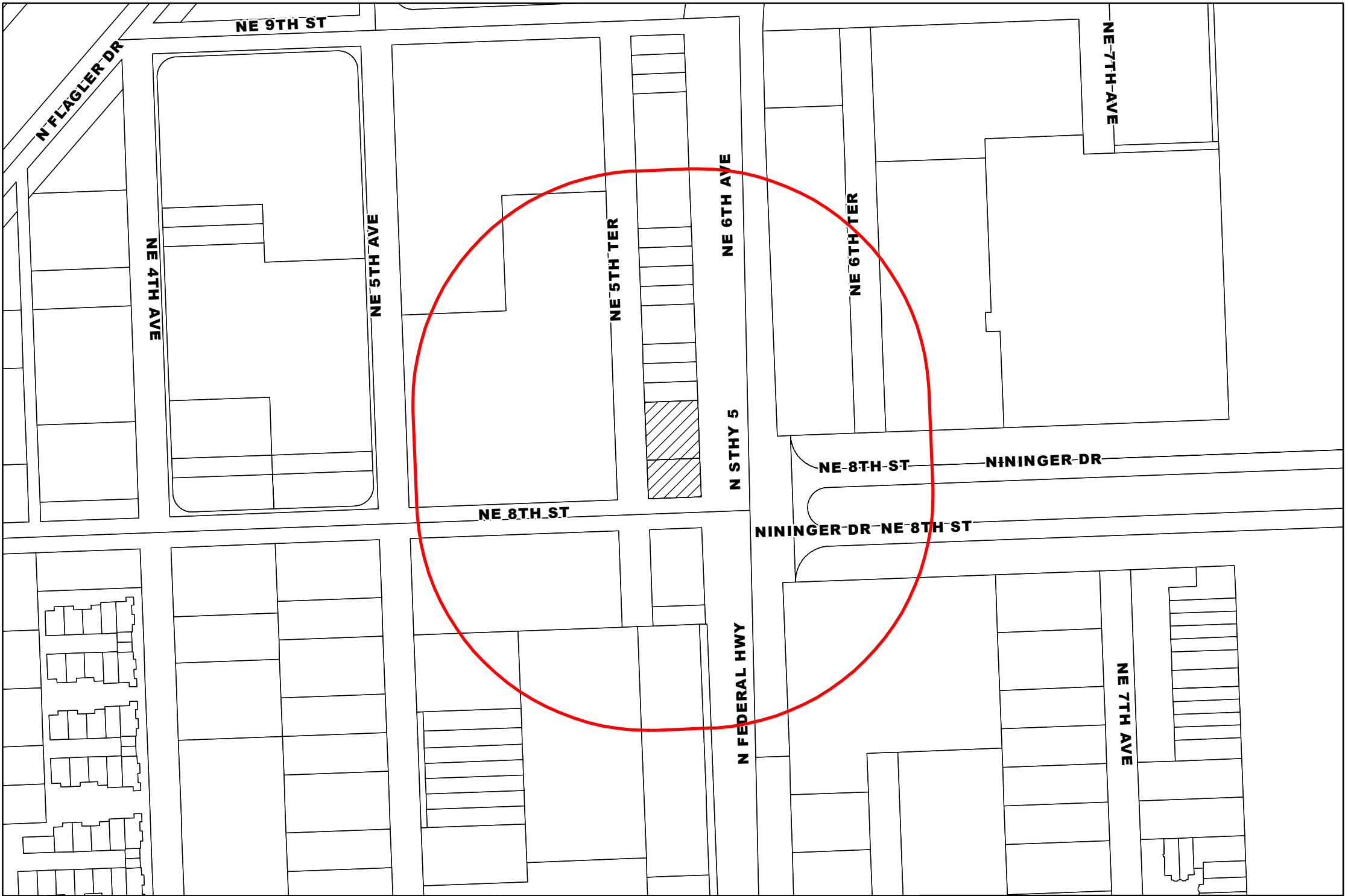
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	County	School Board	Municipal	Independent
<b>Just Value</b>	\$924,180	\$924,180	\$924,180	\$924,180
<b>Portability</b>	0	0	0	0
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<b>Homestead</b>	0	0	0	0
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<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
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<b>Eff./Act. Year Built: 1963/1961</b>		

\* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F2		
C								
2047						3435		



**MARTY KIAR**  
**BROWARD COUNTY PROPERTY APPRAISER**



**ACS FLAGLER LLC**  
**DATE OF PRINT: 06/04/2025**

550 NE 9TH OWNER LLC %AIMCO  
INVESTMENT COMPANY LLC  
4582 S ULSTER ST STE 1450  
DENVER, CO 80237

730 FIFTH LLC  
1201 N FEDERAL HWY #7197  
FORT LAUDERDALE, FL 33304

827 NORTH FEDERAL LLC  
829 N FEDERAL HWY  
FORT LAUDERDALE, FL 33304

831-845 N FEDERAL HIGHWAY LLC  
%BROWARD PROP INC - DON KARNEY  
2014 S ANDREWS AVE  
FORT LAUDERDALE, FL 33316

ACS 817 LLC  
820 NE 5 TER  
FORT LAUDERDALE, FL 33304

CITY OF FORT LAUDERDALE  
528 NW 2 ST  
FORT LAUDERDALE, FL 33311

FLAGLER VILLAGE LAND TR  
GREENFIELD, STEVEN B TRSTEE  
6111 BROKEN SOUND PKWY NW #350  
BOCA RATON, FL 33487

FLAGLER VILLAGE OWNER LLC  
% APARTMENT INCOME REIT CORP  
4582 S ULSTER ST STE 1700  
DENVER, CO 80237

FLORIDA DEPT OF TRANSPORTATION  
OFFICE OF RIGHT OF WAY  
3400 W COMMERCIAL BLVD  
FORT LAUDERDALE, FL 33309

RJD LEASE HOLDINGS LLC  
4109 N FEDERAL HWY  
FORT LAUDERDALE, FL 33308



View Looking North  
6/6/25



View Looking East



COURTYARD



COURTYARD  
by Marriott

JOIN KARLEE  
NATIVE  
REALTY

Syphilis is Curable  
medSTDCheck.org



101



NO PARKING  
ANYTIME

NO PARKING  
ANYTIME

NO PARKING  
ANYTIME



801

Rosanne's

**Applicant:** Andrew J. Schein / Lochrie & Chakas, P.A.  
**Owner:** ACS Flagler LLC  
**Address:** 801 and 811 N. Federal Highway (the “Property”)

### Narrative to Accompany Variance Request

#### 1. General Information and Request

ACS Flagler LLC (“Owner”) is the owner of the Property. The Property is on the southern end of a strip of commercial spaces, which were constructed in the late 1950s/early 1960s and which have not received the TLC that they deserve due to major issues in how the zoning code would be applied to these properties.

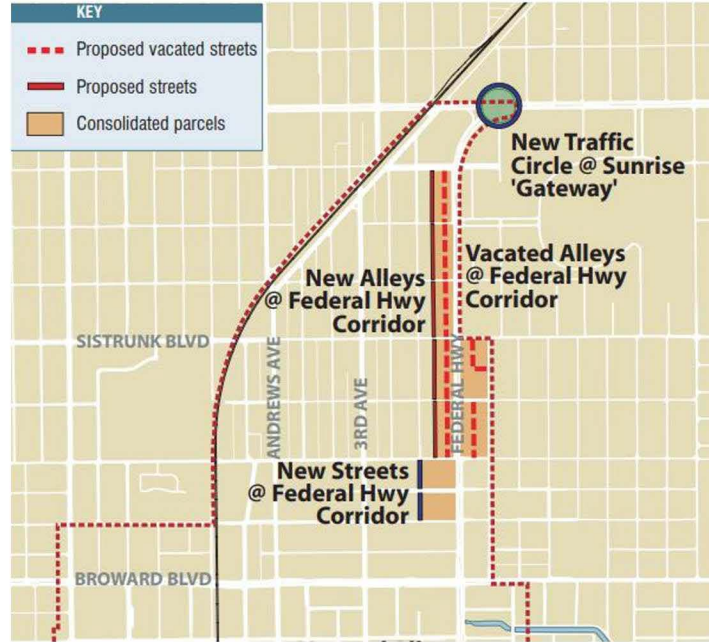
In an effort to renovate the building to make it functional, attractive and leasable, Owner submitted a site plan amendment renovate the building pursuant to City Case No. UDP-A25019 (the “Project”). The Project quickly ran into issues due to the nonconforming structure. This property has numerous legal nonconformities, including setbacks, backout parking, landscaping, streetscape design, etc.

Legal nonconformities are allowed to exist in perpetuity so long as the structure does not lose its legal nonconforming status. The Project would cause the structure to lose its nonconforming status because the proposed improvements (estimated at over a million dollars) exceed 50% of the market value of the structure. If the structure lost its nonconforming status, the renovation would require a complete demolition of the structure and would require that the new structure be built to the current code requirements, which as explained below, is not feasible due to the dimensions of the Property and the history of development in the area.

This variance application is for variances for the existing structure. It’s important to note that everything “new” in the Project will need to meet today’s code; this variance would only apply to the nonconformities for the existing site features and existing structure.

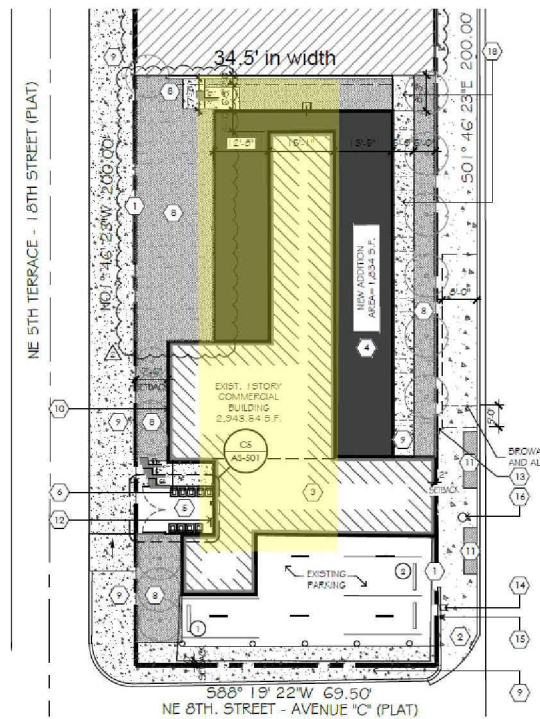
The biggest issue plaguing this Property was caused by the original layout of this block. The existing layout mimicked the layout of all other blocks between NE 5<sup>th</sup> Terrace and Federal Highway, from NE 4<sup>th</sup> Street to NE 8<sup>th</sup> Street. However, developments on the blocks to the south received approval to vacate NE 5<sup>th</sup> Terrace in order to expand the buildable footprint of these substandard blocks, which led to developments including The Manor and The Edge.

The City’s Downtown Master Plan recognized this issue posed by NE 5<sup>th</sup> Terrace’s location, including it as a proposed street to be vacated (see image below).



The vacation of NE 5<sup>th</sup> Street allows the blocks on either side to be consolidated, which eliminated major setback issues that would've made these developments impossible. Unfortunately, the District at Flagler Village development (555 NE 8<sup>th</sup> Street, immediately west of the Property) did not include a vacation of NE 5<sup>th</sup> Terrace, leaving the Property on an island of its own.

This leaves the Property in a position where, without variances, it is essentially undevelopable. The image below shows the existing building (hatched), the proposed addition (dark gray), and the buildable area if the ULDR was strictly enforced (yellow)



In addition to the ULDR's setback requirements causing this issue, the ULDR would require a 10' right-of-way dedication on Federal Highway and a 5' right-of-way dedication on NE 8<sup>th</sup> Street. This provision would also require that portions of the structure be demolished and never rebuilt.

As to nonconforming parking and loading, the ULDR also provides that if a nonconforming structure loses its nonconforming status, the structure may not be reopened unless the parking facility and structure meet the current code requirements. This would cause the existing parking area to be demolished.

As to nonconforming vehicular use area landscaping, the ULDR provides that if a nonconforming structure loses its nonconforming status, the existing vehicular use areas shall be considered as new and brought into conformity with the current code requirements. This would also cause the existing parking area to be demolished.

## **2. Variance Requests**

*A variance from ULDR Section 47-3.8.A.1 to allow a legal nonconforming structure that is altered by more than 50% of the replacement value to retain its legal nonconforming status, where ULDR Section 47-3.8.A.1 would terminate its legal nonconforming status.*

*A variance from ULDR Section 47-3.8.A.2 to allow a legal nonconforming structure with a discontinued use to retain its legal nonconforming status, where ULDR Section 47-3.8.A.2 would terminate its legal nonconforming status*

*A variance from ULDR Section 47-13.20.G to allow the existing vehicular use area and parking lot to remain as-is, where ULDR Section 47-21.12.F would require the existing vehicular use area and parking lot to be brought into conformity with the ULDR.*

*A variance from ULDR Section 47-13.20.H, to allow the existing streetscape adjacent to the existing building to remain as-is, where ULDR Section 47-13.20.H would require the existing streetscape to comply with Chapter 4 of the Downtown Master Plan design guidelines.*

*A variance from ULDR Section 47-24.5.D.1 to allow the existing right-of-way widths adjacent to the property to remain, where ULDR Section 47-24.5.D.1 would require additional right-of-way dedications on Federal Highway, NE 8<sup>th</sup> Street and NE 5<sup>th</sup> Terrace.*

## **3. Variance Criteria**

- a. Special conditions and circumstances affect the property at issue which prevent the reasonable use of such property;

**RESPONSE: Given the location and layout of the Property, commercial uses are the only reasonable uses of the Property. Owner has attempted to lease the Property in its current state, but as it's not a very attractive building and has a unique layout, finding a tenant has**

**been very difficult. Owner wishes to renovate and add to the Property to make it more feasible for commercial tenants, but the renovation cannot be done while maintaining its legal nonconforming status.**

**The layout of the Property is a special condition on its own, being the only substandard block that didn't get to enjoy the benefits of vacating NE 5<sup>th</sup> Terrace.**

- b. Circumstances which cause the special conditions are peculiar to the property at issue, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the same zoning district;

**RESPONSE: The Property was platted in 1911, prior to the City of Fort Lauderdale's incorporation, and was platted as a substandard block by today's criteria. This block was one of five substandard blocks noted in the City's Downtown Master Plan, which is intended to govern the pattern of development in the Downtown Regional Activity Center. The City's solution for these substandard blocks was to support and encourage the vacation of NE 5<sup>th</sup> Terrace in order to combine the development sites on either side of NE 5<sup>th</sup> Terrace.**

**The vacation of NE 5<sup>th</sup> Terrace was approved on four out of the five blocks, leading the way for the development of The Manor, The Edge, and two upcoming developments (Flagler Village Residences and 317 N. Federal). Due to circumstances outside of the Owner or the predecessor's control, the Modera 555 development, now called The District, was developed without vacating NE 5<sup>th</sup> Terrace. This left the Property on an undevelopable island.**

**This is not just a marked exception from other properties in the same zoning district – it is the only block in the entire downtown area that is facing this issue.**

- c. Literal application of the provisions of the ULDR would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same zoning district;

**RESPONSE: Literal application of the ULDR would render the Property undevelopable. If the Property loses its legal nonconforming status and does not receive variances, there is no reasonable way to develop anything on this Property.**

- d. The unique hardship is not self-created by the applicant or his predecessors, nor is it the result or mere disregard for, or ignorance of, the provisions of the ULDR or antecedent zoning regulations; and

**RESPONSE: This hardship is a result of the lot/block layout in the original Progresso Plat, approved in 1911, and the pattern of development in the area. The Downtown Master Plan recognizes this block as a "constrained" block and encouraged future developments to**

**vacate NE 5<sup>th</sup> Terrace. This is unfortunately not an option for the Owner, as it would require approval/consent from all property owners along NE 5<sup>th</sup> Terrace.**

**This hardship was not self-created by the applicant or their predecessors, nor is it a result or mere disregard for, or ignorance of, the provisions of the ULDR or antecedent zoning regulations. Presumably, these buildings met the antecedent zoning regulations.**

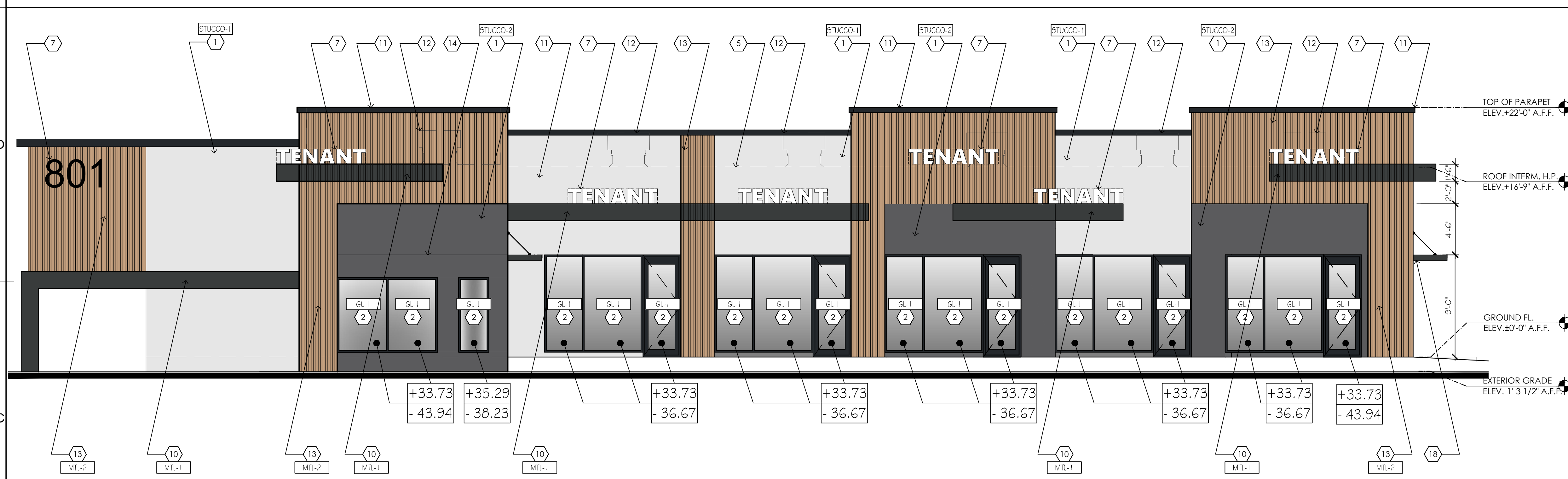
- e. The variance is the minimum variance that will make possible a reasonable use of the property, and that the variance will be in harmony with the general purposes and intent of the ULDR and the use as varied will not be incompatible with adjoining properties or the surrounding neighborhood or otherwise detrimental to the public welfare.

**RESPONSE: The Project is an addition to the existing building and a renovation to the existing building. Without the existing building retaining its legal nonconforming status, the entire structure would need to be demolished. This would not be a reasonable outcome. The issuance of this variance would allow the Owner to renovate the Property for a commercial tenant, which is the only reasonable use of this property.**

**Rather than being incompatible with adjoining properties and the surrounding neighborhood, renovation of the Property would allow the Property to finally be updated to today's aesthetic and usability standards, making it even more compatible with the surrounding neighborhood.**



E1 NOT USED



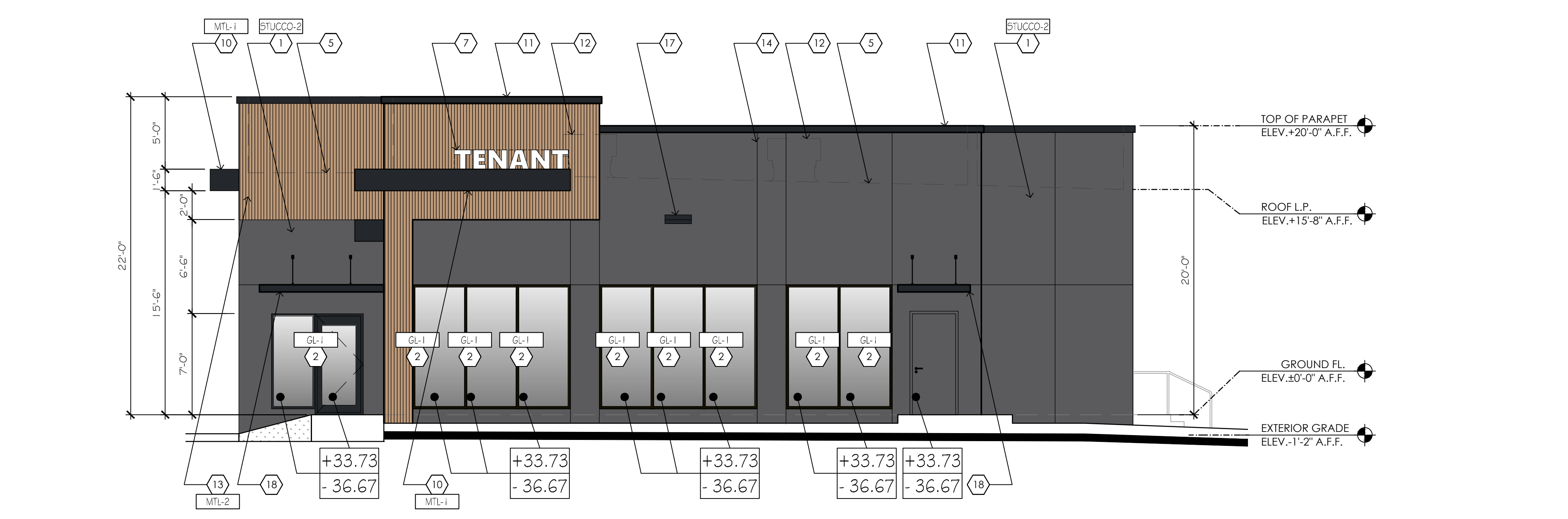
C1 EAST ELEVATION  
3/16" = 1'-0"

- GL-1**  
ALL EXTERIOR GLASS: VITRO SOLARBAN 60 (OR APPROVED EQUAL)  
SOLARBAN 60 (2) + CLEAR - VLT: 70  
SHGC: 0.39  
LSG RATIO: 1.79  
U-VALUE FIXED: .29  
U-VALUE ENTRANCE DOORS (STOREFRONT): .29
- MTL-2**  
NICHHA WALL PANELS
- MTL-1**  
MTL, COPPING, AWNING STRUCT., CANOPIES, EQUIP. SCREENING, ALUMIN. STOREFRONT, SCUPPER + DOWNSPOUTS  
COLOR: TO MATCH RAL#7021 MATTE, MTO028 FLAT BLACK
- STUCCO-2**  
STOREFRONT  
COLOR: SHERWIN WILLIAMS; 'GAUNTLED GREY' / SW 7019
- STUCCO-1**  
STOREFRONT  
COLOR: SHERWIN WILLIAMS; 'FIRST STAR' / SW 7646

ALL COLORS ARE SUBJECT TO BE APPROVED BY OWNER PRIOR TO FINAL SELECTION

C6 COLOR LEGEND

A1 NOT USED



A2 NORTH ELEVATION  
3/16" = 1'-0"

- 1 SMOOTH TEXTURED STUCCO. PAINTED FINISH. SEE COLOR LEGEND.
- 2 IMPACT RESISTANT, ALUMINUM WINDOW / DOOR SYSTEM YKK. (OR APPROVED EQUAL).
- 3 EXISTING STRUCTURAL WOOD BEAM.
- 4 ROOF ACCESS LADDER. SEE DETAIL A4 / A-502.
- 5 DASHED LINE DENOTES ROOF DECK LINE BEYOND.
- 6 ELECTRICAL PANELS. SEE ELECTRICAL PLANS.
- 7 PROPOSED WALL SIGN AREA. UNDER SEPARATE PERMIT.
- 8 DENOTES OVERFLOW SCUPPERS. SEE DETAIL C6 / A-502.
- 9 NOT USED.
- 10 METAL CANOPY. PAINTED FINISH "MTL-1". SEE SECTIONS.
- 11 PRE-FINISHED METAL COPING. PAINTED FINISH "MTL-1". SEE DETAIL B6 / A-502.
- 12 FUTURE MECHANICAL EQUIPMENT BEYOND. REFER TO MECHANICAL PLANS.
- 13 NICHHA WALL PANELS "MTL-2".
- 14 INDICATES STUCCO SCORE LINE / CONTROL JOINT (TYP.) SEE DET C3 / A-501
- 15 METAL DOOR AS SCHEDULED. PAINTED FINISH "MTL-1". REFER TO SHEET A-601.
- 16 DUMPSTER AREA. SEE SHEET AS-501.
- 17 NEW LIGHTING FIXTURE. REFER TO ELECTRICAL LIGHTING SCHEDULE.
- 18 MANUFACTURED RAIN CANOPY.

A6 KEY NOTES



**BUILDING AND SITE IMPROVEMENTS FOR:**  
SHADER RETAIL

FORT LAUDERDALE, FLORIDA

**barranco gonzalez** • architecture • planning • interior design

Fort Lauderdale, FL 33316 phone: (954)961-7675 fax: (954)961-7685 email: info@barrancogon.com



DESIGNED	DRAWN	CHECKED
JPB/RED	RED	JPB
DATE:	09/27/22	COMM: 210713

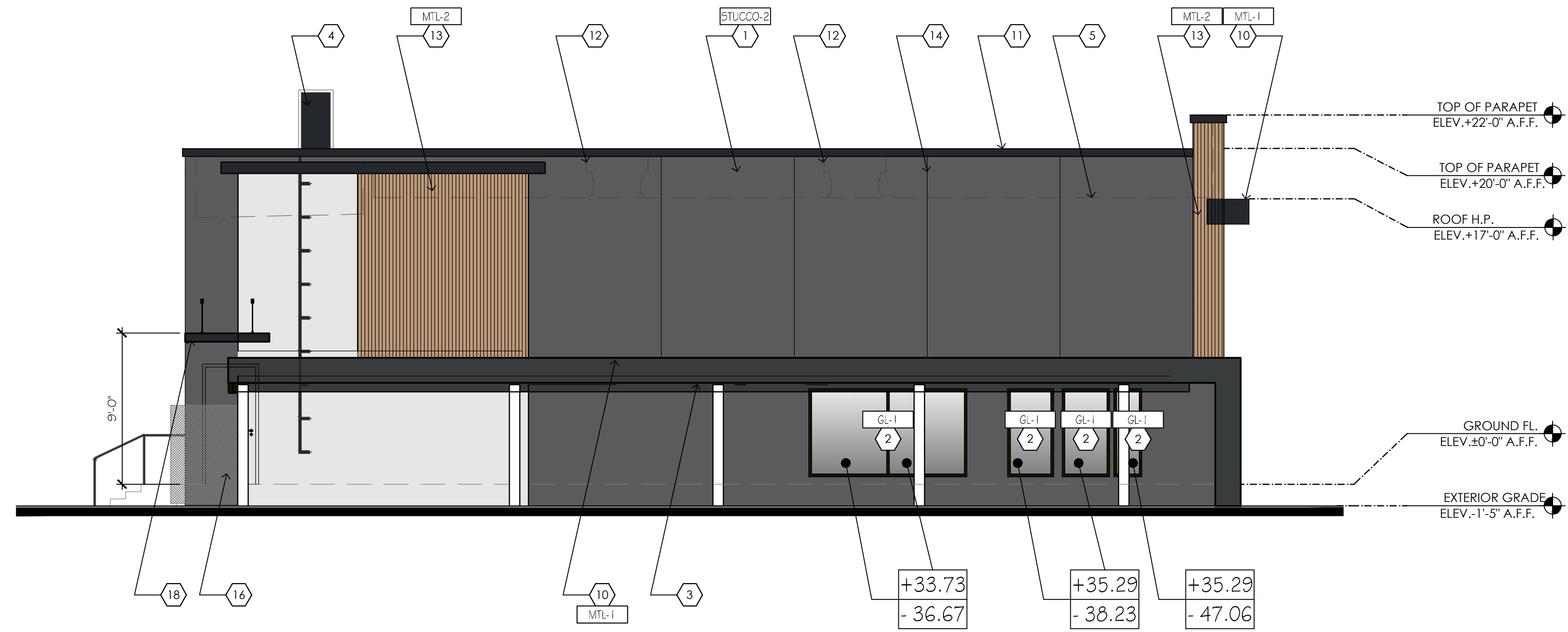
REVISIONS

ELEVATIONS

SITE PLAN APPROVAL

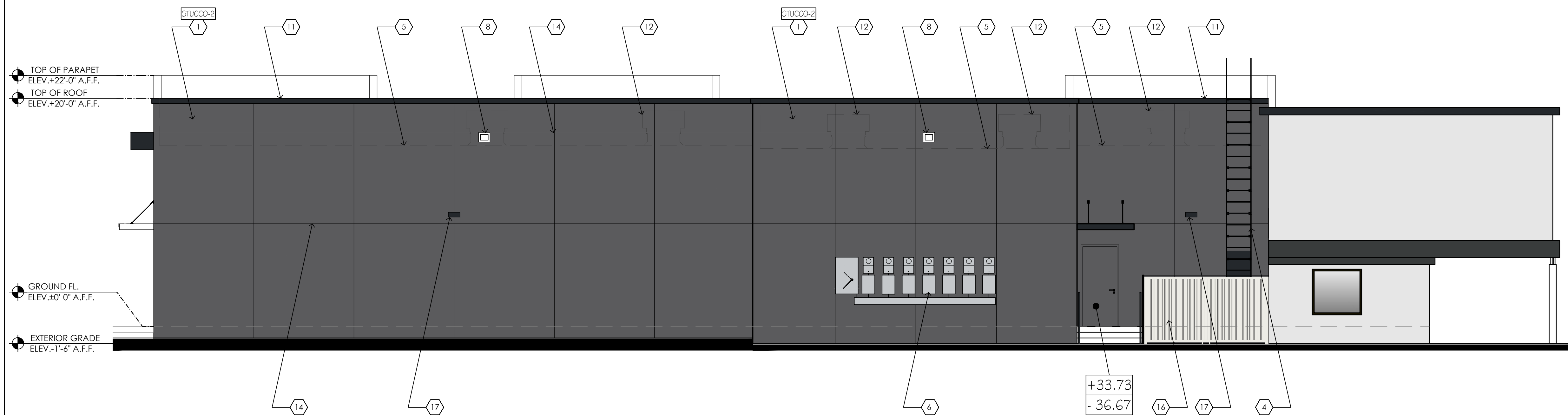
A-201

(E1) NOT USED



(C2) NOT USED

(C3) SOUTH ELEVATION  
3/16" = 1'-0"



(A2) WEST ELEVATION  
3/16" = 1'-0"

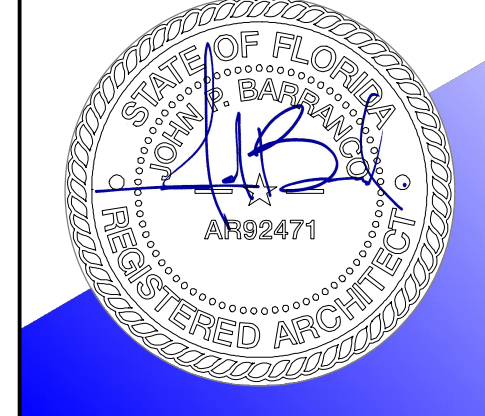
(A1) NOT USED

REFER TO SHEET A-201 FOR KEY NOTES.

REFER TO SHEET A-201 FOR KEY MAT. FINISH SCHEDULE.



BUILDING AND SITE IMPROVEMENTS FOR:  
SHADER RETAIL



FORT LAUDERDALE, FLORIDA  
barranco gonzalez • architecture • planning • interior design

1915 southeast 4th avenue fort lauderdale, fl 33316 phone: (954) 961-7655 fax: (954) 961-7685 email: info@bgararchitecture.com

DESIGNED	DRAWN	CHECKED
JPB/RED	RED	JPB
DATE:	DATE:	DATE:
09/27/22	09/27/22	09/27/22
COMMENTS:	COMMENTS:	COMMENTS:
		210713

REVISIONS

ELEVATIONS

SITE PLAN APPROVAL

A-202

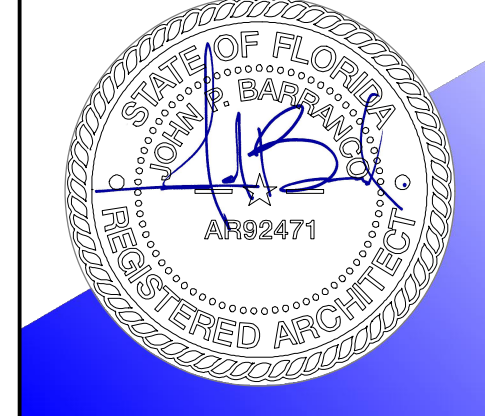


barranco gonzalez  
*architects • planners • interior design*

(A1) 3D VISUALIZATION  
 3/16" = 1'-0"



BUILDING AND SITE IMPROVEMENTS FOR:  
 SHADER RETAIL



FORT LAUDERDALE, FLORIDA  
**barranco gonzalez** • architecture • planning • interior design  
 phone: (954) 961-7675 fax: (954) 961-7685 email: info@bgararchitecture.com

DESIGNED	DRAWN	CHECKED
JPB/RED	RED	JPB
DATE:	COMM:	
09/27/22	210713	

REVISIONS

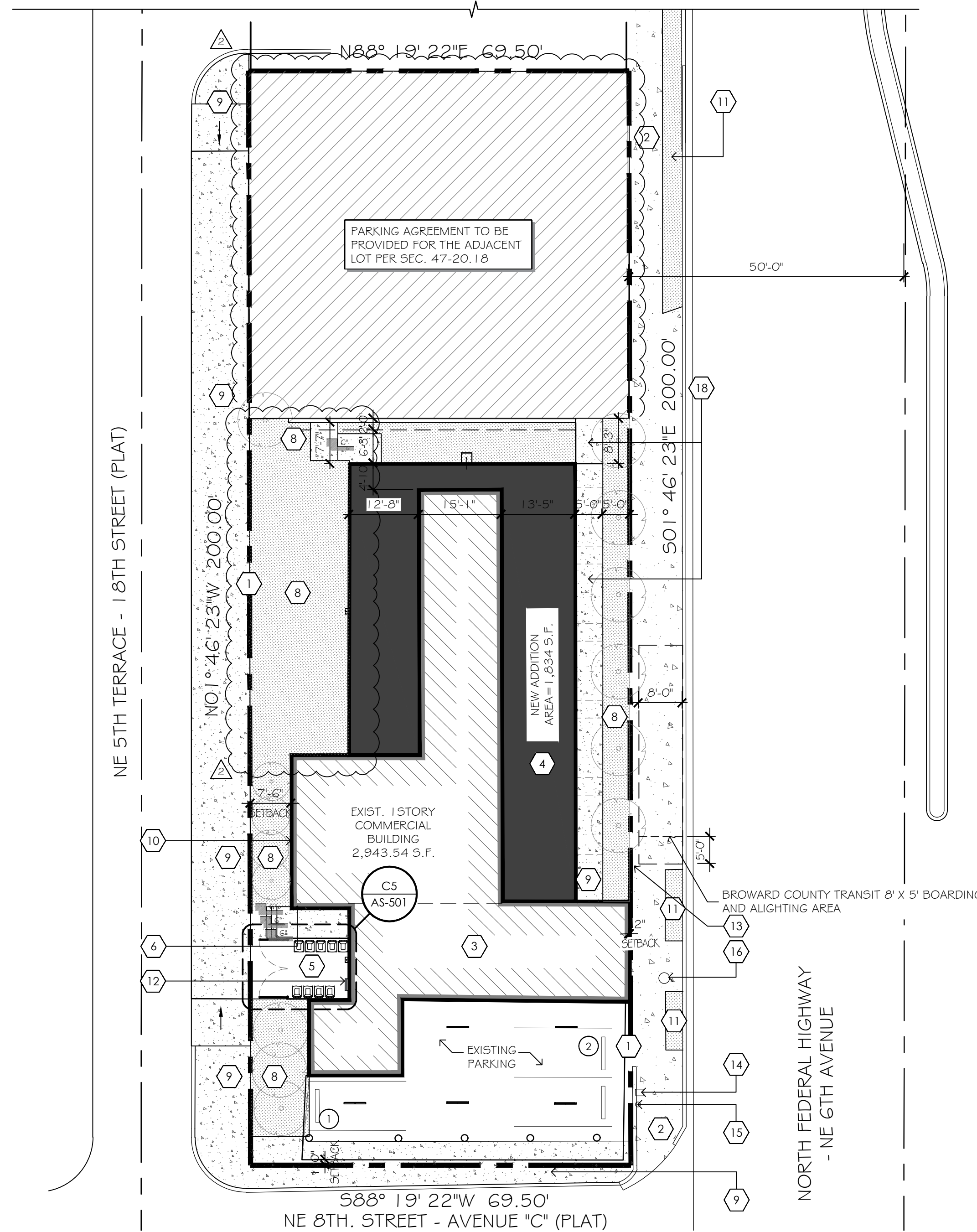
3D VISUALIZATION  
 SITE PLAN APPROVAL

A-205

E1 NOT USED

A1 NOT USED

A2 SITE PLAN  
1/16" = 1'-0"



SITE PLAN BOUNDARY INFORMATION, LEGAL DESCRIPTION AND EASEMENTS SHOWN HEREON, TAKES FROM A SURVEY PREPARED BY COUSINS SURVEYORS & ASSOCIATES INC., DATED: 05/31/23

PROJECT DATA		
LAND USE DESIGNATION	DOWNTOWN REG. ACTIVITY CENTER	
ZONING	RAC-UV	
SITE AREA	13,900.00 SQ. FT. (100%)	
IMPERVIOUS AREA		
	PROPOSED	EXISTING
BUILDING COVERAGE	4,737.20 SQ. FT. (34%)	2,943.54 SQ. FT. (21%)
VEHICULAR USE AREA	7,089.55 SQ. FT. (51%)	0,005.32 SQ. FT. (72%)
TOTAL IMPERVIOUS AREA	11,826.75 SQ. FT. (85%)	2,948.86 SQ. FT. (93%)
PERVIOUS AREA		
LANDSCAPE AREA	2,063.50 S.F. (15%)	951.15 SQ. FT. (7%)
TOTAL PERVIOUS AREA	2,063.50 S.F. (15%)	951.15 SQ. FT. (7%)
BUILDING INFORMATION		
EXISTING BUILDING GROSS AREA	2,953.56 SQ. FT.	
PROPOSED ADDITION BUILD. GROSS AREA	1,783.64 SQ. FT.	
TOTAL BUILDING GROSS AREA	4,737.20 SQ. FT.	
FLOOR GROSS AREA (THE FLOOR GROSS AREA CALCULATION WAS BASED ON CHAPTER 8, SECTION 808.3.4.(d).1 MEASURING THE FLOOR AREA INSIDE THE EXTERIOR WALLS EXCLUDING ELEVATORS, STAIR WELLS, COMMON CORRIDORS, TRASH ROOMS, COMMON LOBBIES, COMMON RESTROOMS, METER ROOMS, ANCILLARY POWER EQUIP. ROOMS.)		
4,737.2 SQ. FT. / 13,900 SQ. FT. =	34.10%	
FLOOR AREA RATIO (FAR)		
FOR THE PURPOSE OF PARKING CALCULATION, FLOOR GROSS AREA WAS USED AS DEFINED ON CHAPTER 8, SECTION 808.3.4.(d)		
PARKING DATA		
PROPOSED USE	RETAIL (1/250 SQ. FT.)	
	4,777.54 SQ. FT. / 250 = 18.95	
PARKING BREAKDOWN		
	REQUIRED PARKING	PROVIDED PARKING
REGULAR SPACES	18 P.S.	0
H.C. PARKING SPACES	1 P.S.	0
LOADING ZONE	N/A	N/A
BUILDING SETBACKS		
	REQUIRED	PROVIDED
FRONT	0'-0"	0'-3" (EAST)
REAR	0'-0"	7'-6" (WEST)
SIDE	0'-0"	7'-8" (NORTH)
SIDE	0'-0"	3'-0" (SOUTH)

B5 SITE DATA

- 1 PROPERTY LINE (TYP.)
- 2 EXISTING SIDEWALK TO REMAIN.
- 3 EXISTING BUILDING TO REMAIN.
- 4 NEW BUILDING ADDITION. SEE FLOOR PLAN.
- 5 PROPOSED DUMPSTER ENCLOSURE. SEE SHEET AS-501
- 6 EXISTING ELECTRICAL PANEL TO BE RELOCATED.
- 7 EXISTING LANDSCAPE TO BE REMOVED.
- 8 NEW LANDSCAPE. SEE LANDSCAPE PLANS.
- 9 NEW SIDEWALK. SEE CIVIL PLANS.
- 10 SUGGESTED AREA TO RELOCATE ELECTRICAL PANELS. SEE ELECTRICAL PLANS.
- 11 EXISTING LANDSCAPE TO REMAIN.
- 12 ROOF ACCESS. SEE SHEET A-502.
- 13 EXISTING BUS STOP SIGN TO REMAIN.
- 14 EXISTING CONCRETE LIGHT POLE TO REMAIN.
- 15 EXISTING CROSS WALK SIGNAL TO REMAIN.
- 16 EXISTING TRAFFIC LIGHT POLE TO REMAIN.
- 17 SIDEWALK EXTENSION FOR PEDESTRIAN USE.
- 18 STRUCTURAL SOIL OR EQUAL. REFER TO LANDSCAPE PLANS.

A5 SITE PLAN KEY NOTES

**SHADER RETAIL**

**barranco gonzalez** • architecture • planning • interior design

FORT LAUDERDALE, FLORIDA

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AS-101

DESIGNED	DRAWN	CHECKED
JPB/RED	RED	JPB
DATE:	DATE:	DATE:
09/27/22		210713

REV	DESCRIPTION
2	DRG REVISIONS 2.25.25

SITE PLAN

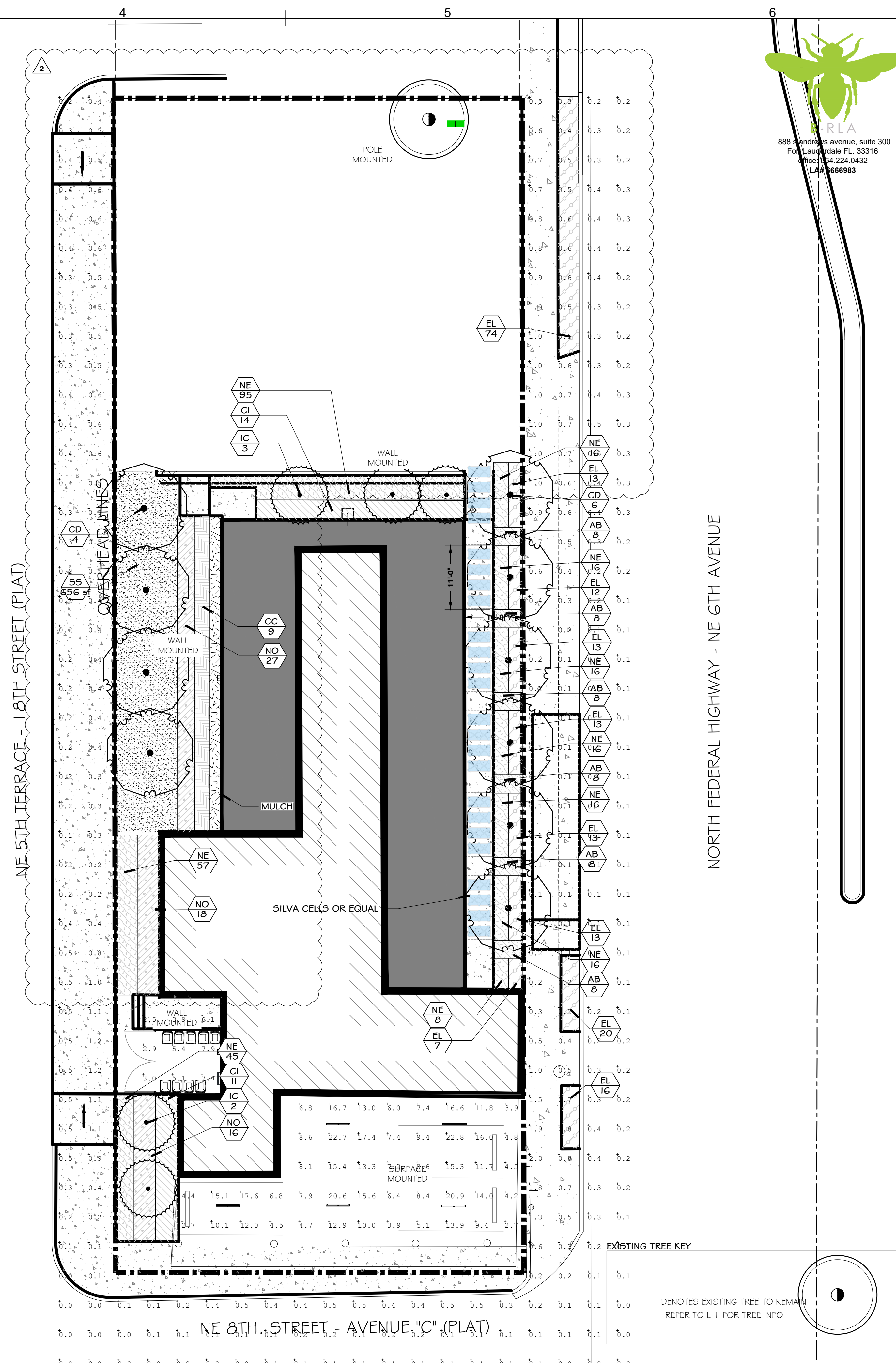
SCHEMATIC DESIGN

AS-101

**PLANT SCHEDULE**

CODE	QTY	BOTANICAL / COMMON NAME	CAL	QUALITY	MIN PLANT SIZE	MATURE SIZE	DROUGHT	NATIVE	
<b>TREES</b>									
CD	10	Coccoloba diversifolia Pigeon Plum	3" Cal.	14-16" HGT X 5" SPR, STD	40" HT X 30" W	NATIVE, FL-FRIENDLY	HIGH	SHADE TREE	
IC	5	Ilex cassine Dahoon Holly	2 IN	12ft HT, 4ft Spr, 3.5" CT	30" x 15"	NATIVE, FL-FRIENDLY, FPL	HIGH TOLERANCE	SMALL TREE	
			TOTAL=40 IN						
CODE	QTY	BOTANICAL / COMMON NAME	NOTE	ADD. INFO	PLANTED SIZE	MATURE SIZE	DROUGHT	NATIVE	SPACING
<b>SHRUB AREAS</b>									
AB	48	Alternanthera dentata 'Brazilian Red' TM Brazilian Red-Hots Alternanthera	14" x 14"	Less than 36"	FL-FRIENDLY	HIGH TOLERANCE	FULL TO BASE		18" o.c.
CC	9	Chamaedorea cataractarum Cat Palm	FL#1 or BETTER	FULL SHRUB	48" x 48"	6" x 6"	MED	FL-FRIENDLY	48" o.c.
CI	25	Chrysobalanus icaco Coco Plum	36" x 36"	Maintain as hedge	NATIVE, FL-FRIENDLY	HIGH TOLERANCE	FULL TO BASE		36" o.c.
EL	194	Erinodes ilitoralis Golden Creeper	FL#1 or BETTER	FULL BUSH	12" X 12"	24" x 24"	HIGH	NATIVE, FL FRIEND	18" o.c.
NE	301	Nephrolepis exaltata Boston Fern	12" x 12"	Less than 36"	NATIVE, FL-FRIENDLY	HIGH TOLERANCE	FULL		16" o.c.
NO	61	Nerium oleander 'Dwarf' Dwarf Oleander	FL#1 or BETTER	FULL BUSH	24" x 24"	4'-6"	HIGH	FL-FRIENDLY	30" o.c.
CODE	QTY	BOTANICAL / COMMON NAME	SIZE	MAINTAIN/MATURE	NATIVE	DROUGHT			SPACING
<b>GROUND COVERS</b>									
SS	656 sf	Stenotaphrum secundatum St. Augustine Grass	---	TURF	NO	MEDIUM TOLERANCE			

LANDSCAPE CALCULATIONS			
SITE AREA		13,900 sf	
BUILDING FOOTPRINT		4,737.2 sf	
Vehicular Use Area VUA see Arch Site plan		7089 sf	
OPEN SPACE	permeable	2,063 sf	
		REQUIRED	PROVIDED
NET LOT AREA (1 tree per 1000sq ft)	2,063	2.00	2.00
STREET TREE (50% must be shade trees)		REQUIRED	PROVIDED
FEDERAL	200'	5.00	5.00
NE 8 street	69.5'	2.00	1.00
NE 15 TERR	200' OVERHEAD LINES	5.00	7.00
TOTAL TREES		REQUIRED	PROVIDED
		14.00	15.00
TREE MITIGATION	Caliper "	6"	40"
Diversity		REQUIRED	PROVIDED
	Tree/Palm Native Proposed	40% Native	100%
	Florida Friendly	50%	100%
	Tree Diversity	3 Species	3 Species
TURF MAX		REQUIRED	PROVIDED
	50% Max with property line	1,100 sf	656 sf



**BUILDING AND SITE IMPROVEMENTS FOR:**  
SHADER RETAIL

FORT LAUDERDALE, FLORIDA

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REGISTERED LANDSCAPE ARCHITECT  
MAYLA B. BARRANCO  
LA 0666083  
STATE OF FLORIDA

DESIGNED: JPB  
DRAWN: YB  
CHECKED: JPB  
DATE: 03/22/23  
COMM: 220713

REVISIONS  
2. 3.27.2025 site coord

LANDSCAPE PLAN  
PERMIT

**L-2.0**