



CITY OF FORT LAUDERDALE

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

Board Members	Attendance	Cumulative Attendance	
		6/2025 through 5/2026	
		Present	Absent
Howard Elfman, Chair	P	2	0
Milton Jones	P	2	0
Douglas Meade	P	1	1
Amy Mergler	A	1	1
Patricia Rathburn	P	2	0
Robert Wolfe, Vice Chair	P	2	0
Jason Hagopian	P	2	0
Jay Schechtman [alternate]	A	1	1
Samir Yajnik [alternate]	P	1	1
Jarrold Gaylis [alternate]	P	2	0

Staff

D'Wayne Spence, Interim City Attorney
 Karlanne Devonish, Acting Urban Design and Planning Manager
 Chakila Crawford, Senior Administrative Assistant
 Mohammed Malik, Zoning Administrator
 James Hoingsworth, Zoning Plans Examiner
 J. Opperlee, Recording Secretary, Prototype Inc.

Communication to the City Commission

None

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I. Call to Order

The meeting was called to order at 6:00 p.m. Roll was called and a quorum was determined to be present.

II. Approval of Minutes – June 11, 2025

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

To approve the Board’s June 11, 2025 minutes. **Motion** passed unanimously.

III. Public Sign-In / Swearing-In

All individuals wishing to speak on the matters listed on tonight’s agenda were sworn in.

Before each item, Board members disclosed communications they had and site visits made.

IV. Agenda Items

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CASE: PLN-BOA-25060002
OWNER: VARTANIAN, JOSEPH
AGENT: SCHEIN, ANDREW, ESQ
ADDRESS: 1225 PONCE DE LEON DRIVE, FORT LAUDERDALE, FL 33316
LEGAL DESCRIPTION: LOT 24, BOCK 23, OF “RIO VISTA ISLES UNIT 3”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 7, AT PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY).
ZONING DISTRICT: RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
COMMISSION DISTRICT: 4
REQUESTING: Sec 47-5.31 Table of dimensional requirements for the RS-8 district. (Note A)

- Requesting a variance to permit an approved garage enclosure at a front setback of 24' - 10" and a side setback of 2' - 11", where ULDR Section 47-5.31 requires a front setback of 25' and a side setback of 5', for a total variance of 2" on the front and 2' - 1" on the side.

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

Chair Elfman opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Elfman closed the public hearing and brought the discussion back to the Board.

Mr. Malik said after the permit had been issued, the owner added to the rear of the building, and this triggered the need for the variance. Mr. Hollingsworth explained that the first permit application included a large open-air porch but it had later been enclosed. Mr. Schein stated the carport/garage footprint had not changed.

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

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CASE: PLN-BOA-25060004
OWNER: ACS FLAGLER LLC
AGENT: SCHEIN, ANDREW, ESQ
ADDRESS: 801 & 811 NORTH FEDERAL HWY, FORT LAUDERDALE, FL 33304
LEGAL DESCRIPTION: 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).
ZONING DISTRICT: RAC-UV - URBAN VILLAGE DISTRICTS
COMMISSION DISTRICT: 2
REQUESTING: 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.

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.

Andrew Schein, agent, provided a presentation, a copy of which is attached to these minutes for the public record. He reviewed the criteria for the variances:

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

Mr. Schein said requiring the property to be demolished would be unreasonable and even if they did, complying with all of the current codes would result in an unreasonable layout and the building would probably continue to be vacant.

- b. That the 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;

Mr. Schein stated there were three other similarly situated properties out of hundreds and hundreds in the downtown.

- c. That the 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;

Mr. Schein said the variance would allow for a more profitable use but the provisions of the ULDR would not allow a reasonable use. He reiterated that the property had not been rented in 10 years.

d. That 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;

Mr. Schein said after the Master Plan, they could no longer vacate 5th Terrace because the property to the west had already been developed.

e. That 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.

Mr. Schein said anything they built new would meet code.

Chair Elfman opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Elfman closed the public hearing and brought the discussion back to the Board.

Mr. Spence recommended addressing the requests separately. He noted the order should reflect the retention of the legal non-confirming status and allow this one-time expansion on this non-confirming structure.

Ms. Rathburn asked about landscape requirements. Mr. Schein said the Master Plan provided for streetscape design, including setbacks, as well as landscaping and right-of-way landscaping. If they had to meet the landscaping requirement, the east portion of the building would need to be demolished and landscaping and sidewalks installed. Mr. Schein stated they needed to work out right-of-way dedications with FDOT.

Mr. Hagopian said it was important to him that honor the Downtown Master Plan and another design would have been preferable. Mr. Schein said the project would comply with all Master Plan guidelines but the setbacks.

Mr. Spence suggesting including language that granting these variances would not affect the legal, non-confirming status of the existing structure, which would remain subject to the provisions governing non-confirming uses and structures with the exception of the additions indicated in the backup.

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

To grant the variance requests regarding Sec 47-3.8.A.1 Termination of nonconforming status and Sec 47-3.8.A.2 Termination of nonconforming status, noting that granting these variances would not affect the legal, non-confirming status of the existing structure, which would remain subject to the provisions governing non-confirming uses and structures with the exception of the additions indicated in the backup. **Motion passed 5-2** with Mr. Hagopian and Mr. Meade opposed.

Motion made by Ms. Rathburn, seconded by Mr. Wolfe to grant the variance requests regarding Sec 47-13.20.G RAC Landscape Requirements, Sec 47-13.20.H RAC Streetscape Design, and Sec 47-24.5. D.1 Subdivision layout as the applicant has set forth the criteria for the granting of the variances per the ULDR. **Motion failed 4-3** with Mr. Jones, Mr. Hagopian, and Mr. Meade opposed.

Mr. Schein wondered if they would need the last three variances since they had the two variances maintaining the non-conforming status and noted he had initially only applied for the first two.

Motion made by Ms. Rathburn, seconded by Mr. Yajnik to grant the variance requests regarding Sec 47-13.20.G RAC Landscape Requirements and Sec 47-24.5. D.1 Subdivision layout because it would be inconsistent to not do so with the previous variances that had been granted, allowing the building to retain its existence as a non-conforming building and because the application met the criteria. Motion was never voted on.

Mr. Spence explained that the first two variances, which the Board had already approved, allowed the applicant to expand without terminating their legal, non-conforming status. The other three variance requests were added to address the site requirements of the new structure with the expanded additions to allow it to be constructed on the site and accommodated based on the existing conditions. Mr. Schein stated there was an addition planned and it would meet all code and comply with the Downtown Master plan. Mr. Malik said if they complied with the code, they would not need the last three variances. Mr. Spence cautioned Mr. Schein not to rely on a conversation at this meeting as an approval without a review of the plans.

Mr. Spence said the denial of the last three requests may trigger the two-year wait to apply for another variance. He said someone on the prevailing side could make a motion to reconsider the denied requests, which would require Ms. Rathburn to withdraw her motion. No one made the motion to reconsider and Ms. Rathburn's motion was never voted on.

Communication to the City Commission

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None

Report and for the Good of the City

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Presentation on Amendments to Board of Adjustments Process

Ms. Devonish provided the presentation, a copy of which is attached to these minutes for the public record. She said staff had brought this recommendation for administrative variances to the City Commission on May 6, 2025.

The two-year wait for successive applications was discussed. Mr. Spence said the language now indicated there was a two-year waiting period before an applicant could

submit an application for the same or a substantially similar application as was initially denied. This was intended to avoid repetitive requests to the Board that were not substantially different. Mr. Meade suggested allowing an applicant to return with a substantially different request. Ms. Rathburn noted how difficult it would be for staff to judge a “substantial” change. Mr. Gaylis suggested limiting the number of times someone could apply. The Board agreed with allowing two subsequent requests.

Mr. Meade suggested allowing a denied applicant to appeal to the Special Magistrate instead of the City Commission. Ms. Devonish stated the City Commission had discussed that and decided against it. Ms. Rathburn thought this would be substituting the Special Magistrate’s opinion for the Board’s.

The Board and staff discussed the administrative variance process and Ms. Rathburn urged staff to include a notice requirement to alert neighbors and give them the opportunity to provide input.

Ms. Devonish said they would bring the ordinance to the Planning and Zoning Board next month and to the City Commission in the fall for two readings.

Other Items and Board Discussion

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None

There being no further business to come before the Board, the meeting adjourned at 7:27 p.m.

Chair:



A handwritten signature in blue ink, appearing to be "James J. Gaylis", is written above a horizontal line.

Attest:



A handwritten signature in red ink, appearing to be "Kare E. Orville", is written above a horizontal line.

ProtoType Inc.

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