



CITY OF FORT LAUDERDALE

MINUTES
BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19th AVENUE, FORT LAUDERDALE,
FLORIDA 33311
AUGUST 13, 2025 – 6:00 P.M.

Board Members	Attendance	Cumulative Attendance	
		6/2025 through 5/2026	
		Present	Absent
Howard Elfman, Chair	P	3	0
Milton Jones	P	3	0
Douglas Meade	P	2	1
Amy Mergler	P	2	1
Patricia Rathburn	P	3	0
Robert Wolfe, Vice Chair	P	3	0
Jason Hagopian	P	3	0
Jay Schechtman [alternate]	P	2	1
Samir Yajnik [alternate]	P	2	1
Jarrold Gaylis [alternate]	P	3	0

Staff

D'Wayne Spence, Interim City Attorney
 Burt Ford, Zoning Chief
 Chakila Crawford, Senior Administrative Assistant
 James Hollingsworth, Zoning Plans Examiner
 K. Cruitt, Recording Secretary, Prototype Inc.

Communication to the City Commission

None

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	<u>Case Number</u>	<u>Owner/Agent</u>	<u>District</u>	<u>Page</u>
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2.	PLN-BOA-25070004	Bradley M. & Sonja H. Lipkowitz/ Dwayne Shaw	2	<u>5</u>
3.	PLN-BOA-24110002	Fatima Hasan	2	<u>6</u>
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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 – July 9, 2025

Motion made by Mr. Wolfe, seconded by Mr. Jones:
To approve the Board’s July 9, 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

1.

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CASE:	PLN-BOA-25070003
OWNER:	GOMEZ & GOMEZ 2020 LLC
AGENT:	ANDREW SCHEIN, ESQ
ADDRESS:	423 MOLA AVENUE, FORT LAUDERDALE, FL 33301
LEGAL DESCRIPTION:	LOT 11, BLOCK 1, OF “VENICE”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN THE PLAT BOOK 6, PAGE 4 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
COMMISSION DISTRICT:	2
REQUESTING:	Sec 47-5.31. - Table of dimensional requirements for the RS-8 district. (Note A)

- Requesting a variance from ULDR Section 47-5.31 to allow a 5-foot front yard setback, whereas the ULDR Section 47-5.31 requires a 25-foot front yard setback, a total variance request of 20 feet.

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

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

- 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 said this was a classic hardship because of the irregular shape of the property. He stated because of the shape, there was restricted buildable depth.

- 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 local ordinance would deprive the owner of a substantial property right. He referred to the buildable area and said it was not a reasonable layout.

- 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 stated an irregularly shaped lot had been recognized as a classic hardship for decades.

- 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 described nearby properties and said this would be consistent with them.

Mr. Schein addressed the concerns submitted by neighbors. Regarding parking, he said there would be parking for five cars on the property. He stated there was plenty of room in the front of the property for equipment during construction. There were concerns regarding drainage and Mr. Schein said all new construction was required to retain all stormwater on site. Regarding view loss, Mr. Schein said neighbors were not legally entitled to prevent a home here to keep the current view.

Chair Elfman opened the public hearing. Ellyn Bogdanoff said flooding in the neighborhood had been caused by variances that had been granted in the past. She said the owner had been aware of the size of the lot when he purchased it and designed something that did not comply with the requirements. She asked the Board to reject the request.

Bradley Tuckman discussed flooding problems caused by other homes built on Mola Ave. He said due to the narrowness of Mola Ave., neighbors had been using five feet of this property as roadway for years, so "technically, it is a right-of-way" and the property had a virtual zero-foot setback. He added that this would be the third home built on speculation in the neighborhood. Mr. Tuckman informed Mr. Jones that emergency vehicles could not

access the street and garbage trucks did not come very often. Sergio La Fratta agreed with Mr. Tuckman's concerns.

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

Mr. Schein clarified that buying a property with setback restrictions did not constitute a self-created hardship. Mr. Wolfe asked how these other properties had received variances and how that affected this case. Mr. Spence stated this had no bearing on the Board's decision; the evidence should show the request met the criteria. Mr. Meade asked the square footage of the home and Mr. Schein said it was approximately 1,000 square feet on the ground floor. Ms. Mergler asked how cars would park on the property and Mr. Schein explained. Ms. Rathburn had experienced the issue on this street of being unable to traverse it with another vehicle present, as well as the flooding problem. She said the owner was "asking for a lot" and the hardship seemed to be that the owner was unable to build a house as large as he wanted.

Mr. Hagopian said there were other possibilities for a home on this property, including building to three stories and pushing the house to the east. Mr. Meade agreed this should be redesigned.

Mr. Spence noted the Board had been discussing design options, focusing on Sub Section e:

- 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.

This indicated that there was a reasonable use of the property and the burden for the variance had not been met. He asked the Board to articulate their concerns as they related to the code provisions and criteria. Ms. Rathburn said, "I don't believe that this is not a self-created hardship" because the owner had spent \$2.6 million and she was certain they had considered the setbacks and what could be built. The claim of hardship was that they could not build the house they wanted; this did not mean they were being denied a reasonable use of the property. The request therefore did not meet the criteria for a variance.

Mr. Schein asked Mr. Spence to explain "what would be considered same or similar" that would be precluded from another variance submission for two years. Mr. Spence said the Zoning Administrator made that determination. He stated he could advise the Zoning Administrator that considering the uniqueness of this property, "same or similar" would be "the same exact request." Ms. Rathburn noted that if Mr. Schein requested a deferral, they could return soon with an altered plan.

Mr. Schein requested a deferral.

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

To defer the request to the November 12, 2025 meeting. **Motion passed 7-0.**

2.

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CASE: PLN-BOA-25070004
OWNER: LIPKOWITZ, BRADLEY M & SONJA H
AGENT: DWAYNE SHAW
ADDRESS: 501 NORTH EAST 10 AVENUE, FORT LAUDERDALE, FL
333011221
LEGAL DESCRIPTION: THE SOUTH 10 FEET OF LOT 24 AND ALL OF LOT 25, BLOCK 1,
HOLMERG & MCKEE'S SUBDIVISION, ACCORDING TO THE
PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 112 OF
THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.
(SEE SURVEY)
ZONING DISTRICT: RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
COMMISSION DISTRICT: 2
REQUESTING: **Sec 47-5.31. - Table of dimensional requirements for the RS-8 district. (Note A)**

Requesting a variance to allow a new attached pergola to be installed in the corner yard setback at a distance of 3.23 feet, whereas the code requires a distance of 15 feet, a total variance request of 11.77 feet.

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

Requesting a variance to allow a proposed corner yard overhang of 1.23 feet from the face of the building, whereas the code permits a maximum overhang of 1.07 feet from the face of the building. A total variance request of 0.16 feet.

NOTE: 47-19.2. B Architectural *features in residential districts*. Architectural features such as eaves, cornices, unenclosed balconies with open railings, windowsills, awnings, chimneys, bay windows, and dormers accessory to a residential use are permitted to extend into a yard area a maximum distance of three (3) feet from the face of the building, or one-third ($\frac{1}{3}$) of the required yard, whichever is less. ($3.23/3 = 1.07$ feet max overhang)

Brad Lipowitz, owner, distributed photos of the property and explained the reasons for the requests. He noted the pergola would have no impact on neighbors. He had spoken with neighbors and no one had expressed an objection.

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.

Chair Elfman said this was in his neighborhood and he was surprised at how far back from the street the house was set.

Mr. Meade asked about the permits and Dwayne Shaw, agent, said the permit application had been rejected because of the setback encroachment and overhang.

Motion made by Mr. Hagopian, seconded by Mr. Wolfe:
To grant both variance requests because they meet the criteria. **Motion passed 7-0.**

3.

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CASE:	PLN-BOA-24110002
OWNER:	HASAN, FATIMA
AGENT:	N/A
ADDRESS:	414 NORTH EAST 23 AVENUE, FORT LAUDERDALE, FL 33301
LEGAL DESCRIPTION:	LOT 9, BLOCK 2, BARCELONA ISLE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, AT PAGE 10, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY
COMMISSION DISTRICT:	2
REQUESTING:	<u>Sec. 47-24.12. A.10. - Expiration of approval.</u> The variance shall expire and become null and void unless a building permit to implement the improvements authorized by the variance or special exception is secured within one hundred eighty (180) days from the effective date of approval, or within such lesser time as the board may proscribe, which such lesser period of time shall not be less than thirty (30) days from the effective date of approval. Upon a motion for extension of time being filed by an applicant, for good cause shown, the board may grant an additional extension of time beyond the time initially proscribed in the final order, such additional extension of time not to exceed one hundred eighty (180) days, within which the building permit must be secured.

A request/motion for extension of time for an additional 180 days (until March 07th, 2026).

Fatima Hasan, owner, requested a six-month extension.

Motion made by Mr. Wolfe, seconded by Mr. Hagopian:
To extend the variance for 180 days. **Motion passed 7-0.**

Communication to the City Commission

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None

Report and for the Good of the City

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Case 2410001

Mr. Spence reported that the three-judge panel on the Circuit Court had granted a petition for certiorari quashing one of Board's orders denying the H&M variance request. The court had opined that the Board's decision was not supported by competent, substantial evidence and pointed to testimony from residents regarding flooding. The quashing had the effect of the Board never issuing an order. All evidence would be part of the record. He said the owner would need to come back to the Board for action.

Mr. Spence said the Circuit Court was being a stickler in terms of the variance criteria and he would help direct the Board's decisions to be clear for the court.

Mr. Spence reminded the Board that a request was required to meet all five of the variance criteria.

Mr. Ford reported staff would go before the Planning and Zoning Board on August 20 to discussed the administrative hearing ordinance.


Other Items and Board Discussion

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None

There being no further business to come before the Board, the meeting adjourned at 7:14 p.m.

Chair:



Attest:



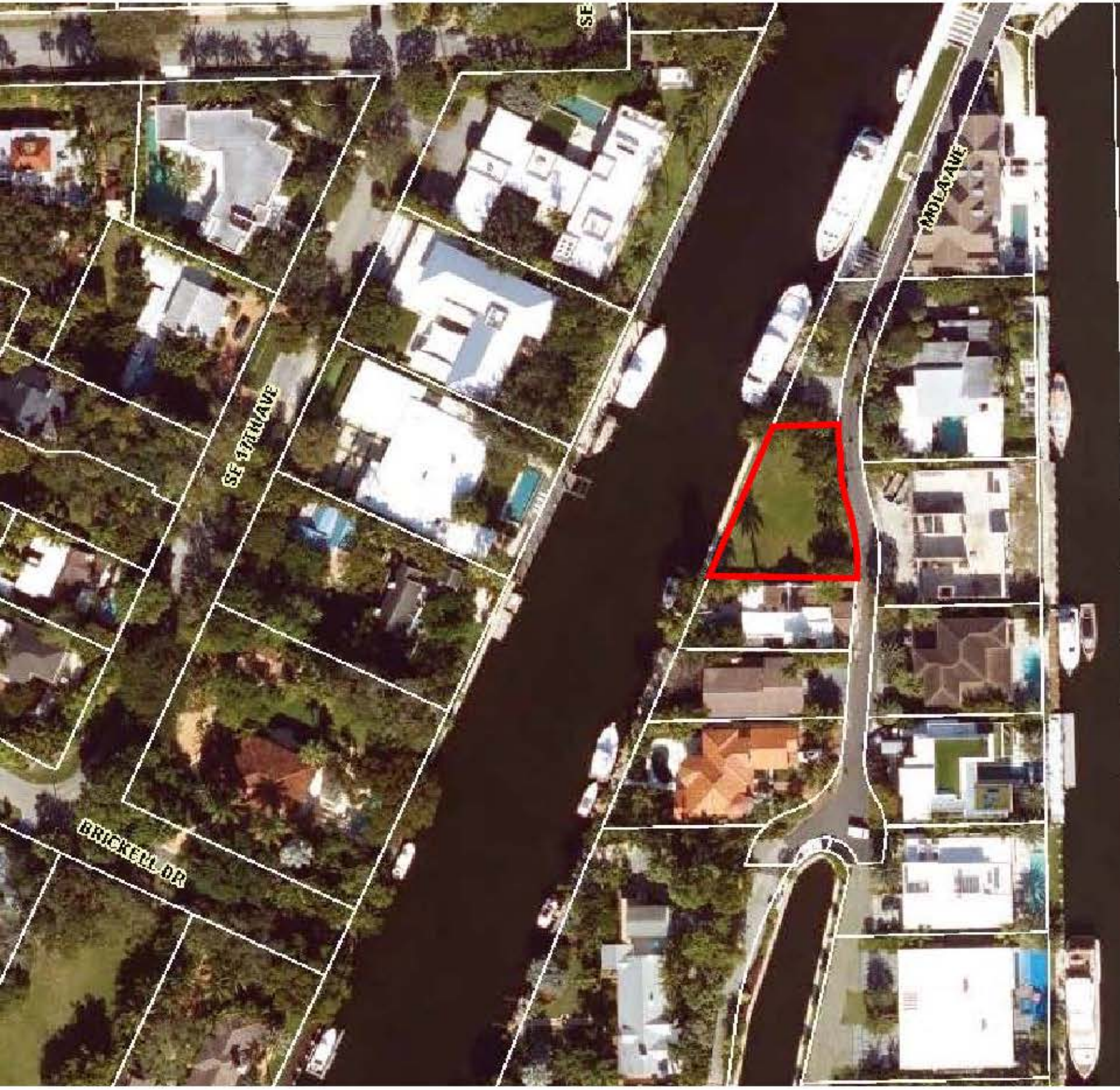
ProtoType Inc.

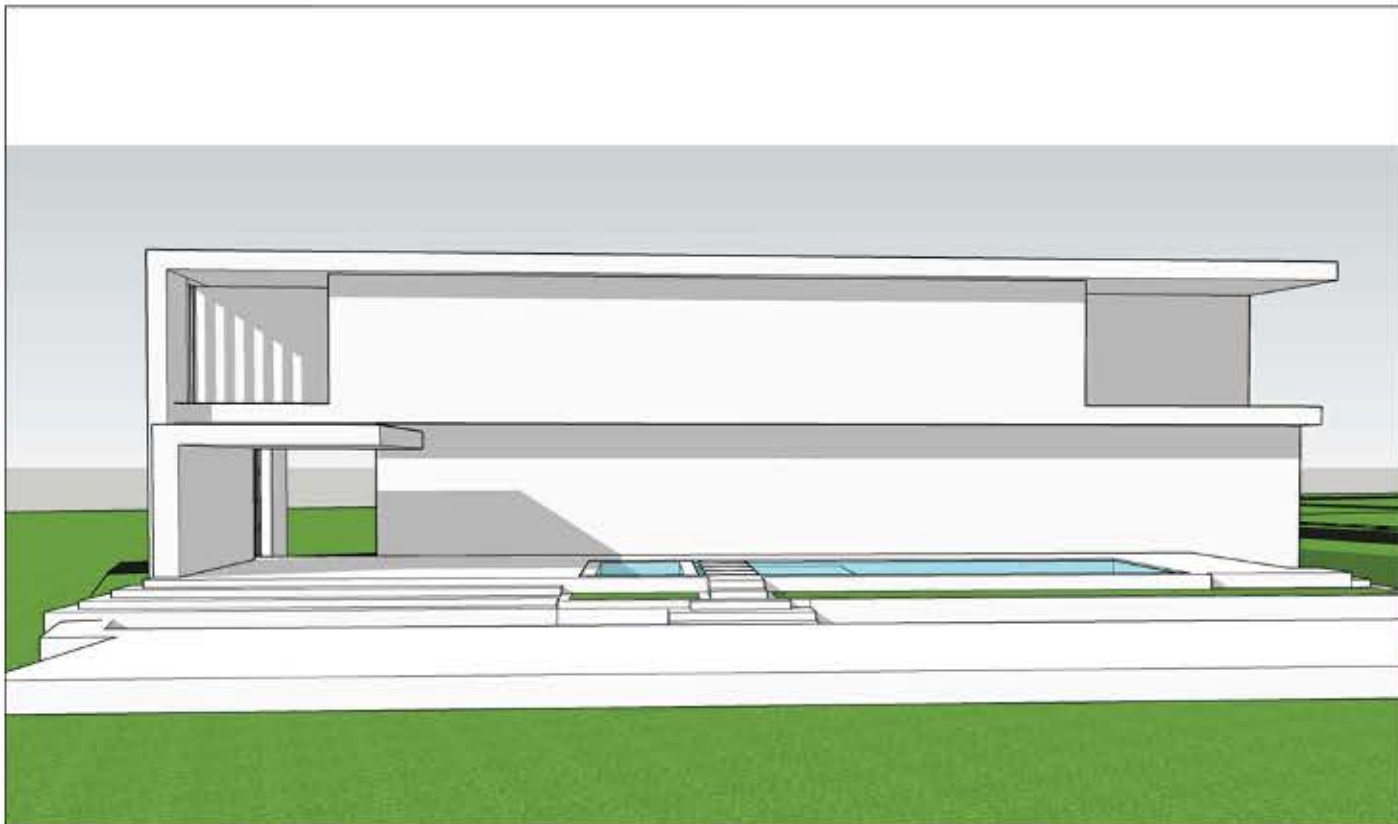
Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

Fort Lauderdale Board of Adjustment

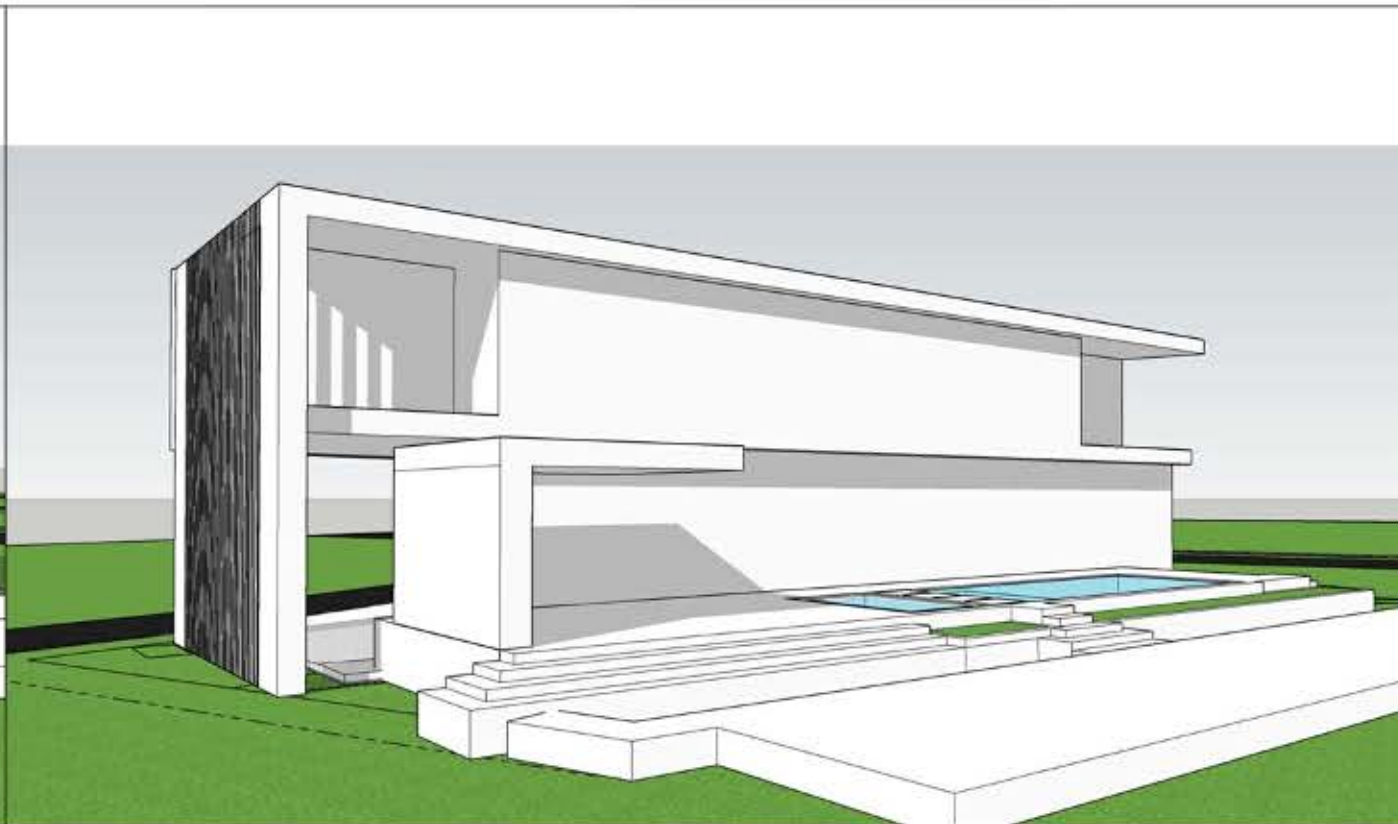
August 13, 2025

423 Mola Avenue

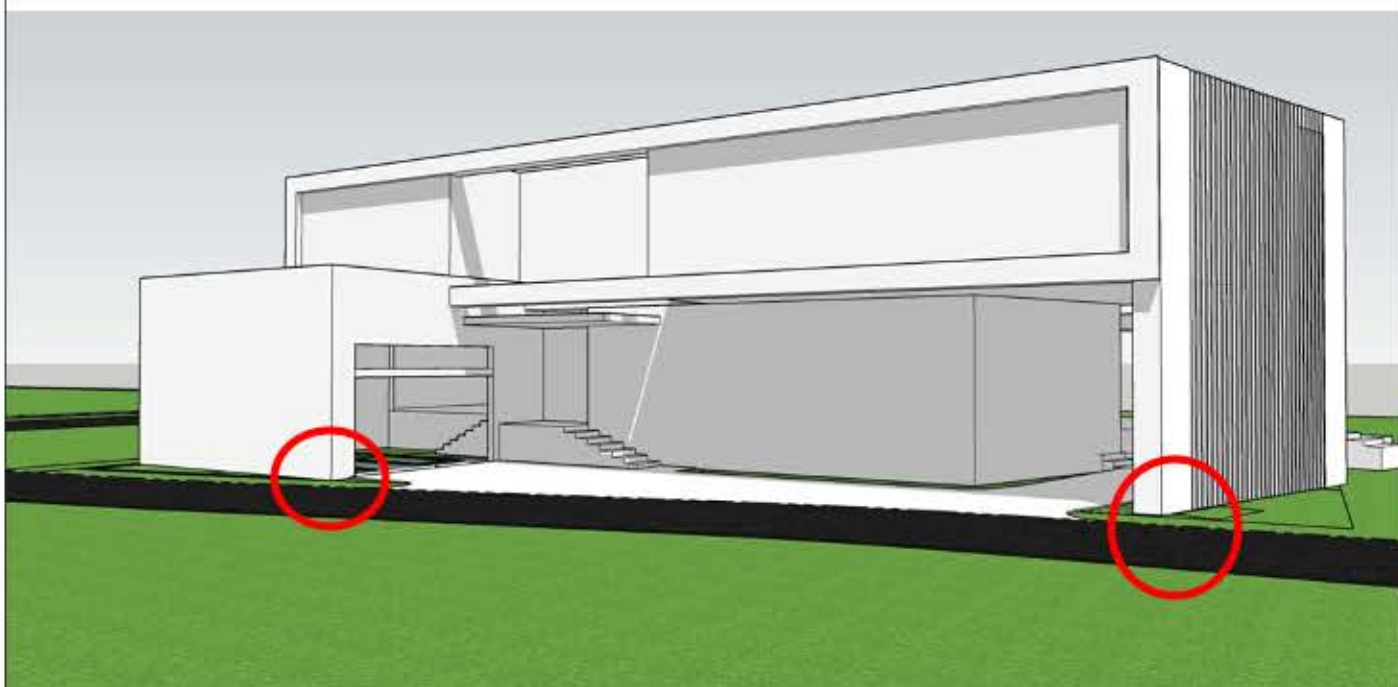




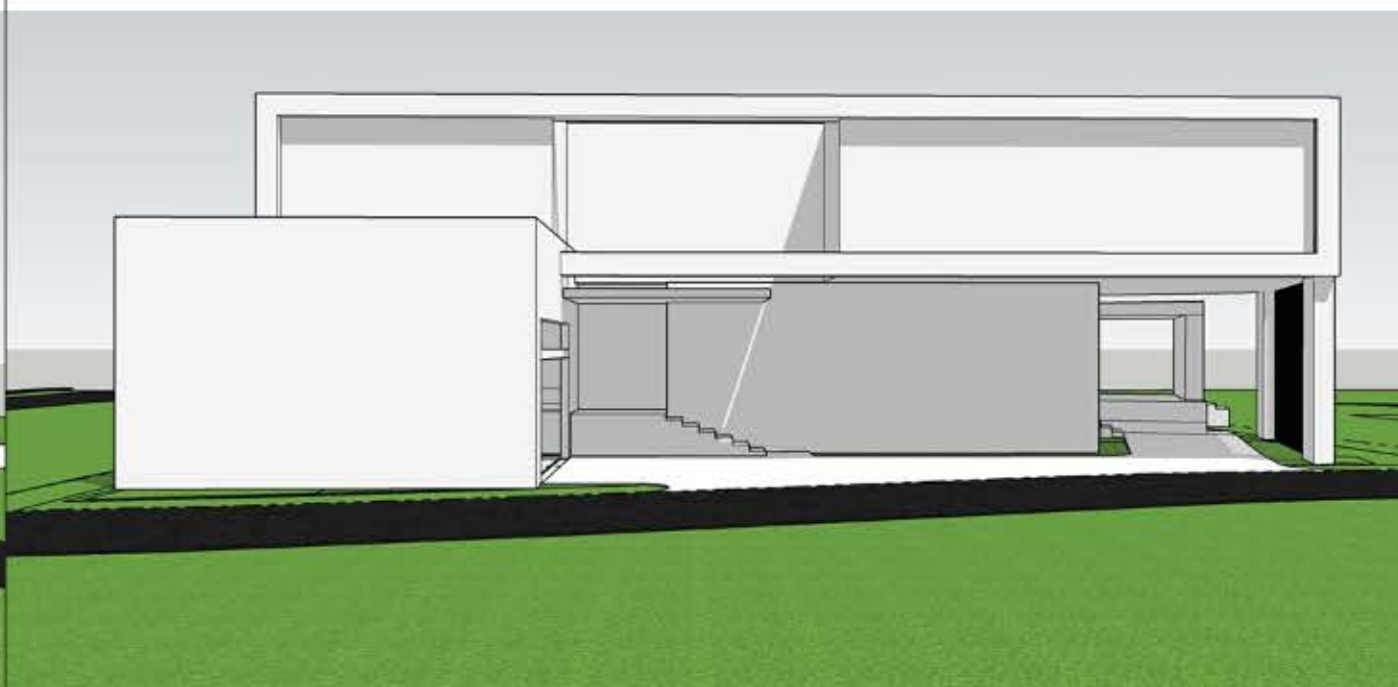
4. REAR SKETCH 2
SCALE: N.T.S.



3. REAR SKETCH 1
SCALE: N.T.S.



2. FRONT SKETCH 2
SCALE: N.T.S.



1. FRONT SKETCH 1
SCALE: N.T.S.



GOMEZ RESIDENCE
432 MOLA AVENUE
FORT LAUDERDALE, FLORIDA 33301

PROJECT NUMBER: 25.001.147

DRAWN BY: MOS

CHECKED BY: MOS

SUBMITTAL:
VARIANCE SUBMISSION

ISSUED DATE: 07/01/25

3D SKETCHES

A-301

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Variance Criteria – Special Conditions

“It is, of course, well-recognized that the irregular shape or other peculiar physical characteristic of a particular parcel constitutes a classic “hardship” unique to an individual owner which justifies, and in some cases requires the granting of a variance.”

Coral Gables v. Geary, 383 So.2d 1127 (3 DCA 1980)



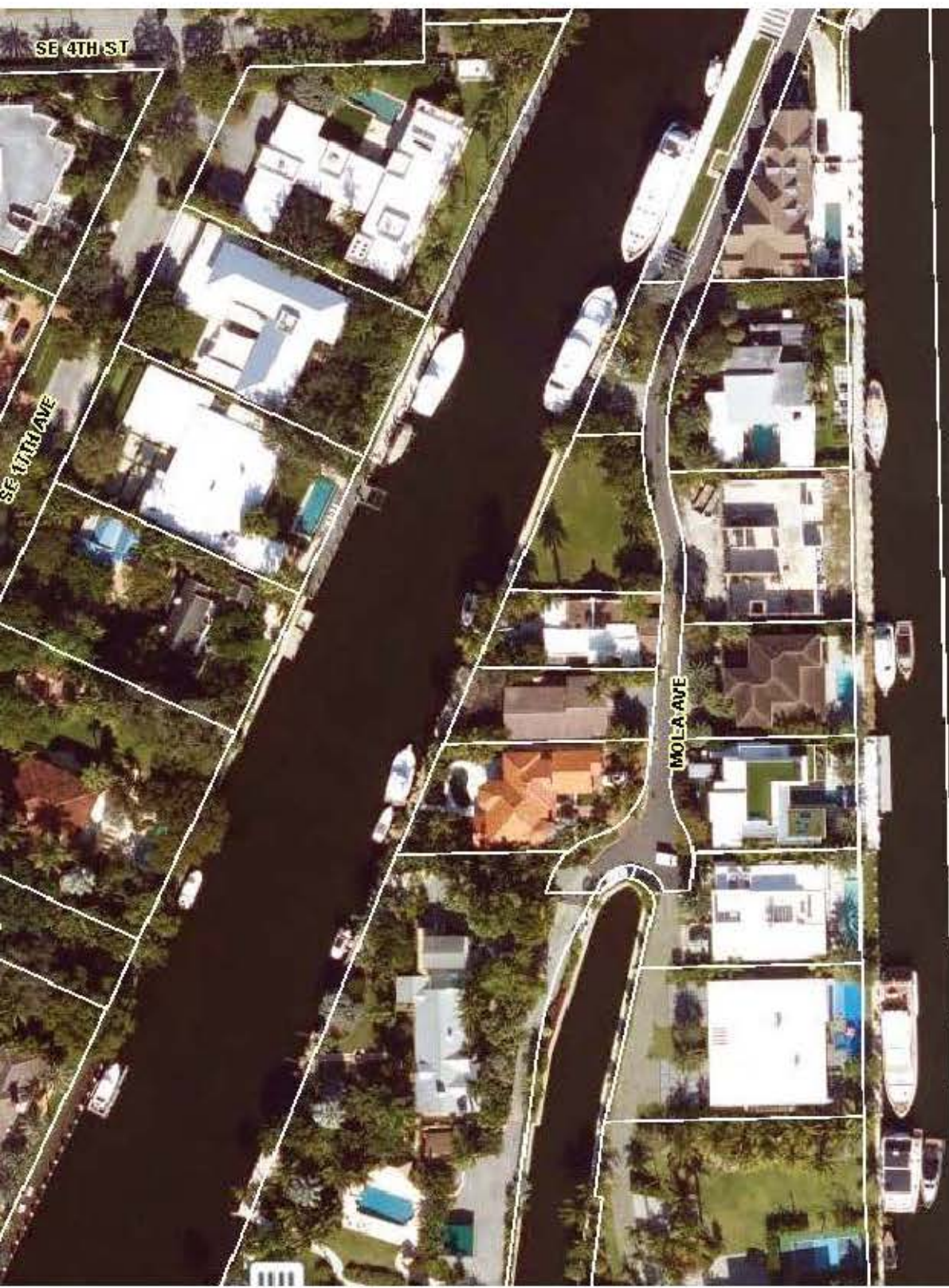
Variance Criteria – Peculiarity

“It is, of course, well-recognized that the irregular shape or other peculiar physical characteristic of a particular parcel constitutes a classic “hardship” unique to an individual owner which justifies, and in some cases requires the granting of a variance.”

Coral Gables v. Geary, 383 So.2d 1127 (3 DCA 1980)

"Typical" RS-8 Neighborhood





110' depth



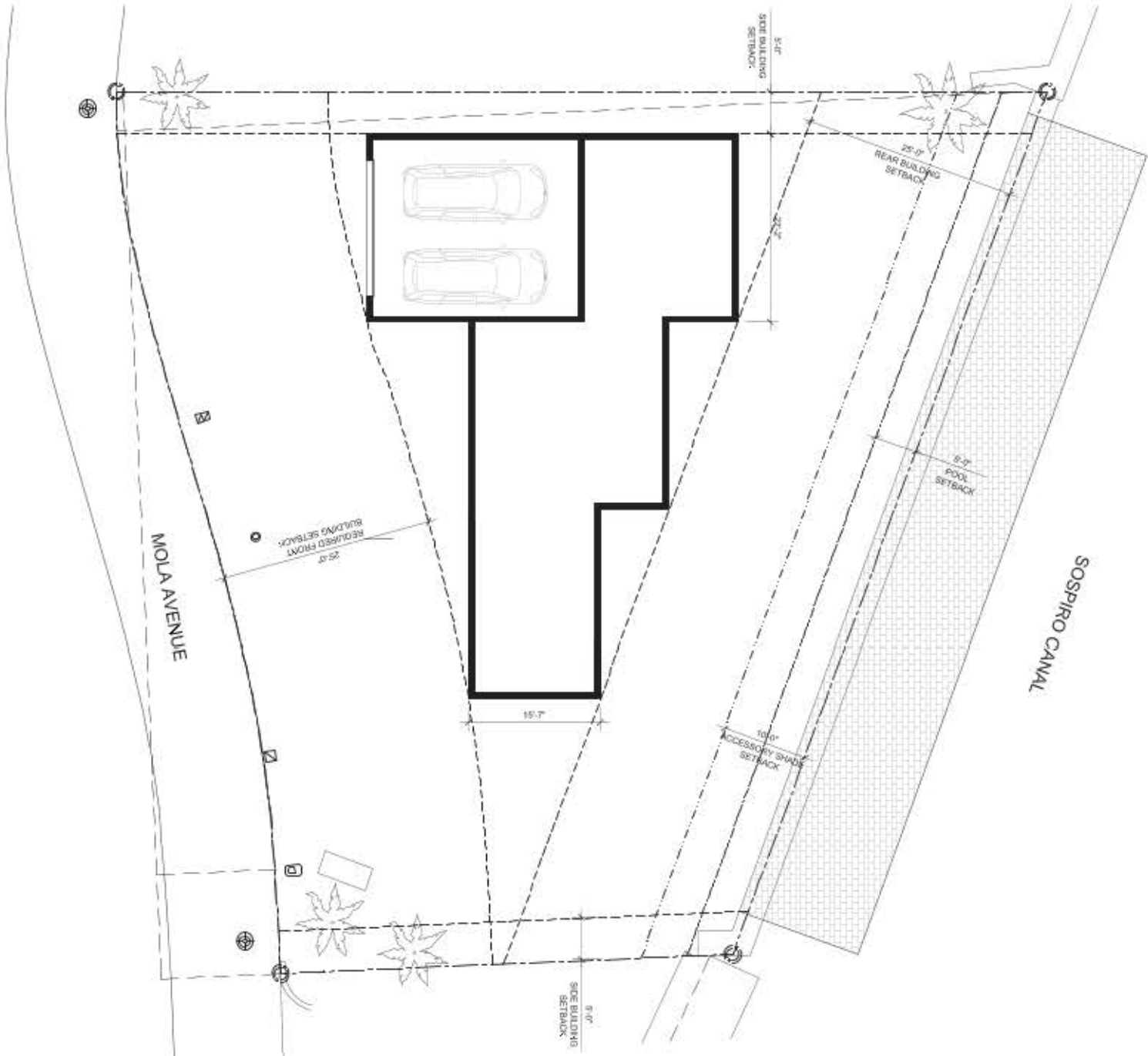


Buildable Depth
The Property: 3' (north), 20' (middle), 57' (south)
RS-8 (non-waterfront): +/- 45' - 95'
RS-8 (waterfront): 60'

Variance Criteria – Deprivation of Substantial Property Right

The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances

~ Policy 1.1.2, Fort Lauderdale Comprehensive Plan, Future Land Use Element and Florida Statute § 163.3177



GOMEZ RESIDENCE
432 MOLA AVENUE
FORT LAUDERDALE, FLORIDA 33301



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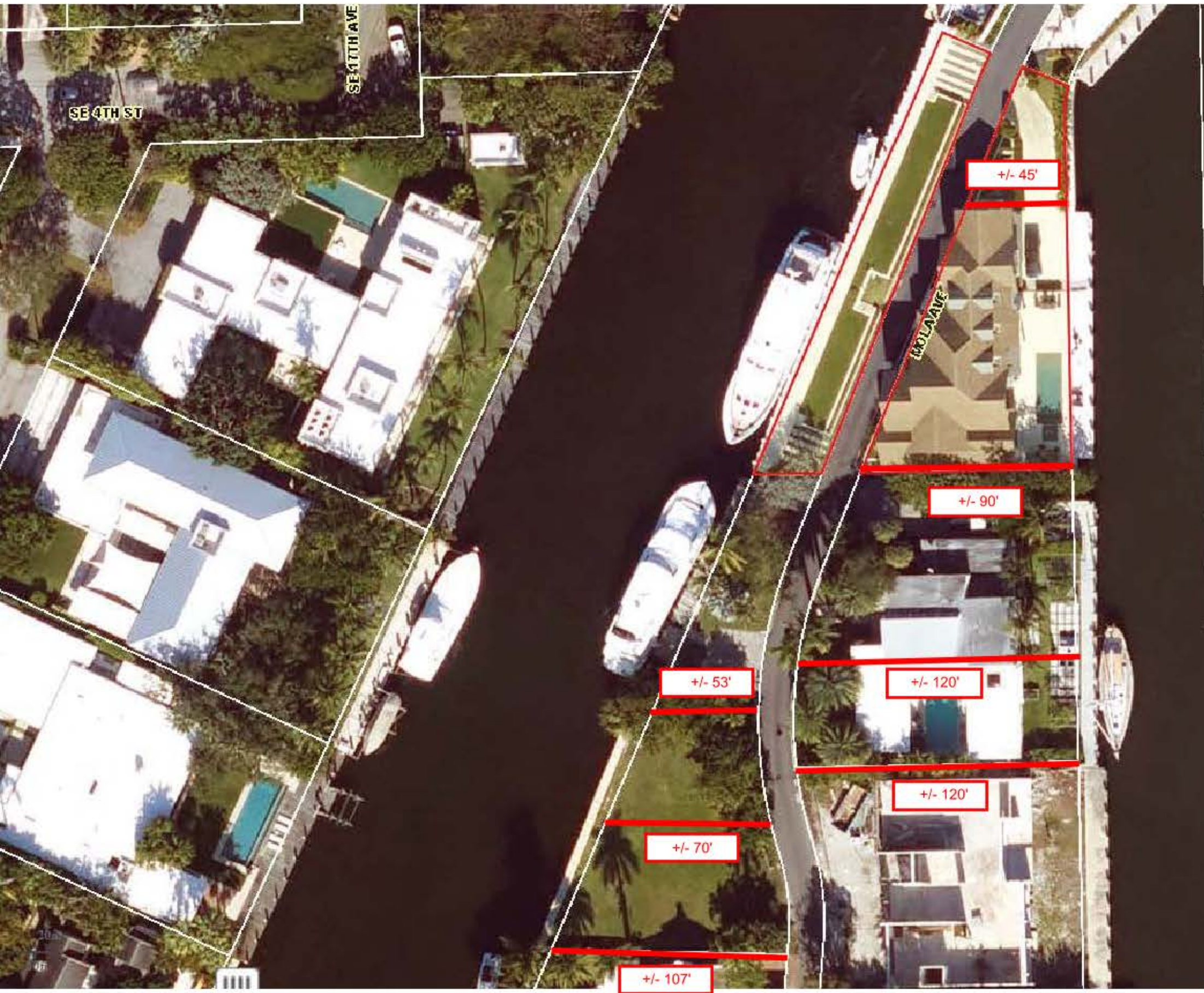
PROJECT NUMBER	25.001.147
DRAWN BY:	MKS
CHECKED BY:	MKS
SUPERVISOR:	
VARIANCE SUBMISSION	
ISSUED DATE:	07/01/26

SITE PLAN WITH NO ENCROACHMENT

AS-104







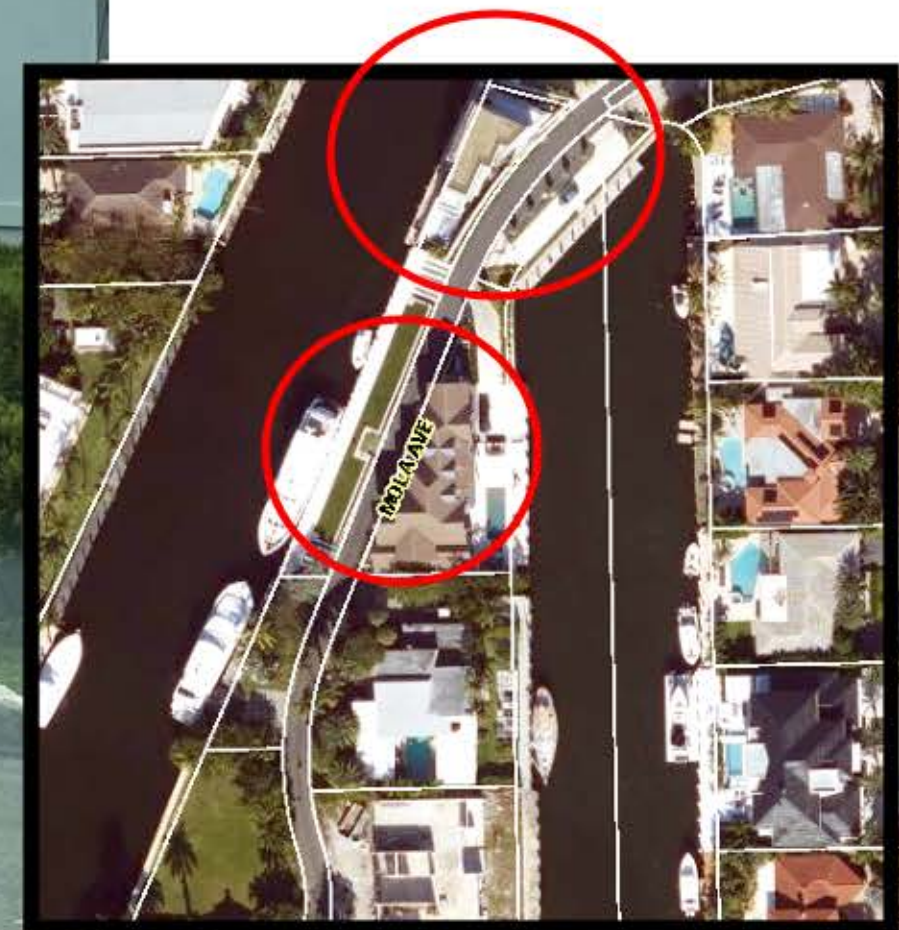
Variance Criteria – Unique Hardship

“It is, of course, well-recognized that the irregular shape or other peculiar physical characteristic of a particular parcel constitutes a classic “hardship” unique to an individual owner which justifies, and in some cases requires the granting of a variance.”

Coral Gables v. Geary, 383 So.2d 1127 (3 DCA 1980)

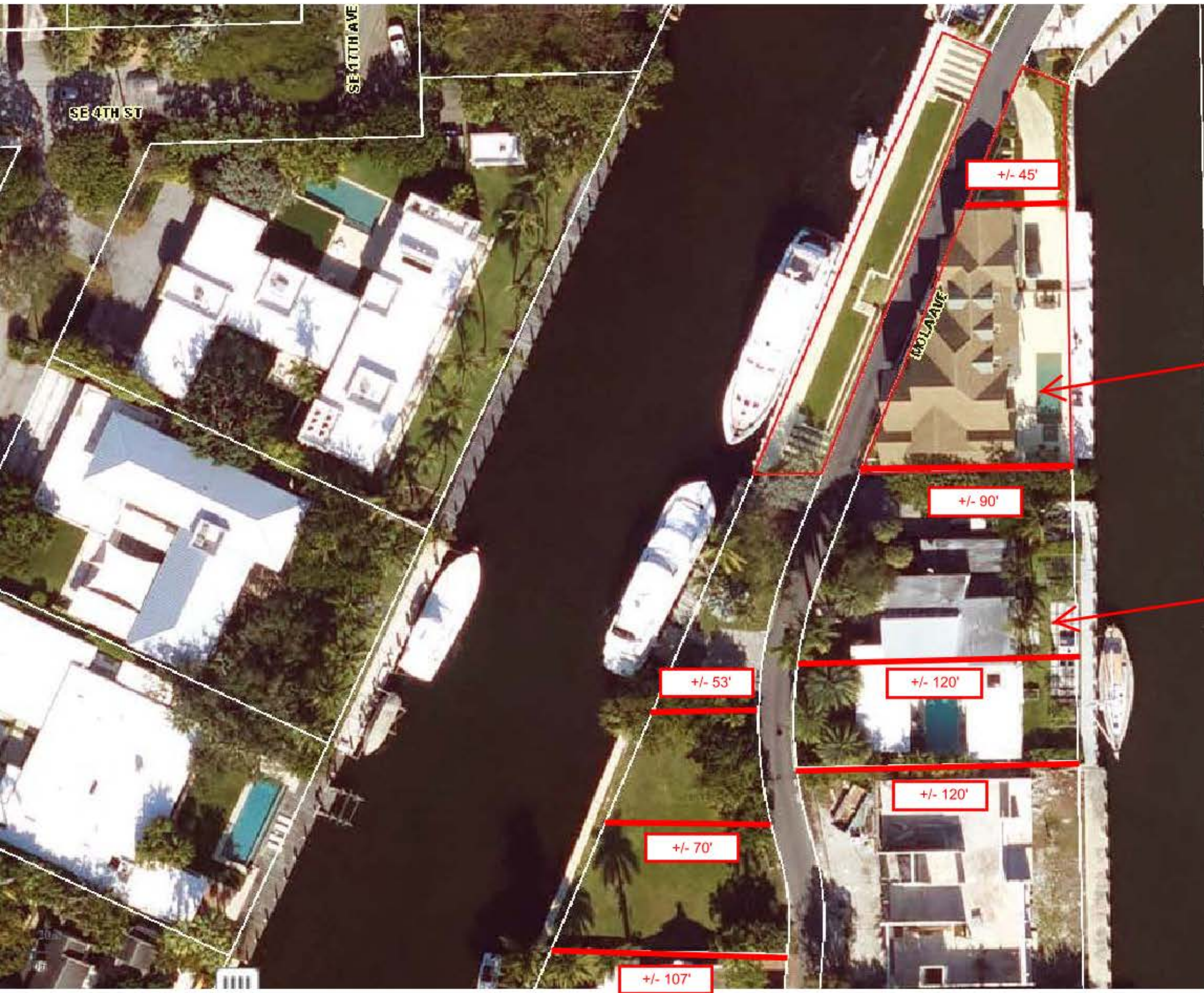
Variance Criteria – Minimum Variance Necessary for Reasonable Use, Harmony with Intent of ULDR and Adjoining Properties





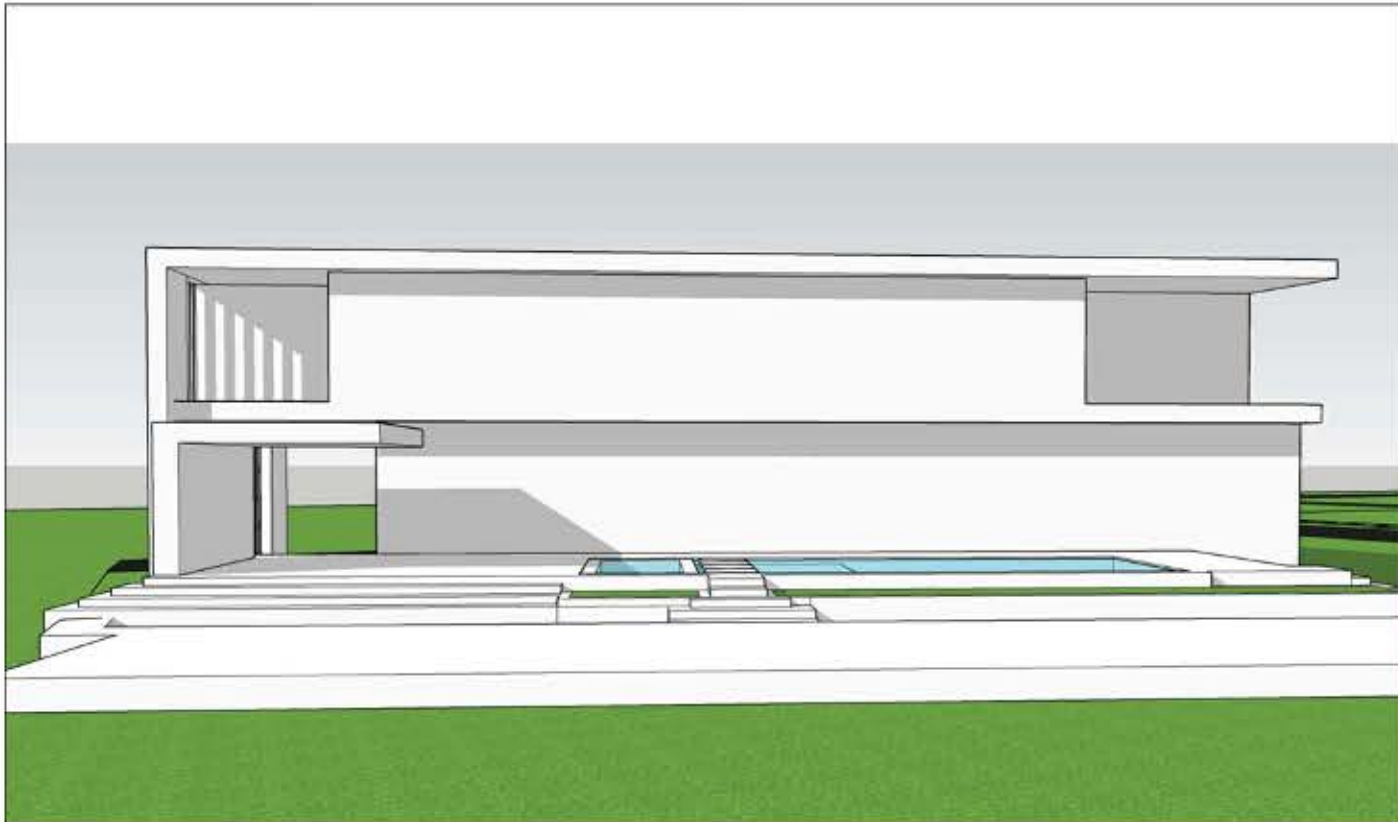
Neighbor Concerns

- 1) Comparisons to 400 and 418 Mola are poor comparisons because they are unusually narrow and bisected by Mola Avenue

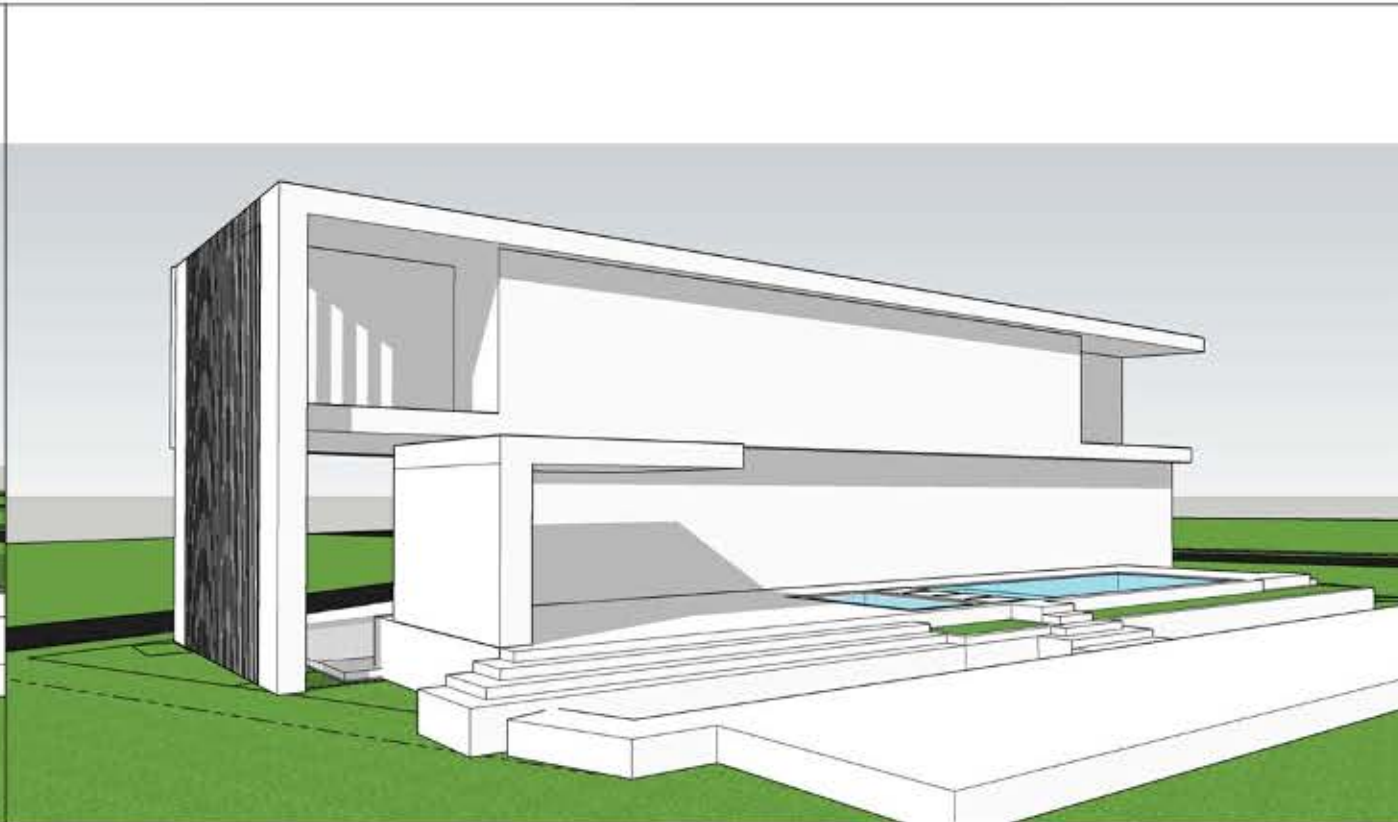


Neighbor Concerns

- 1) Comparisons to 400 and 418 Mola are poor comparisons because they are unusually narrow and bisected by Mola Avenue
- 2) Construction Impacts and Parking



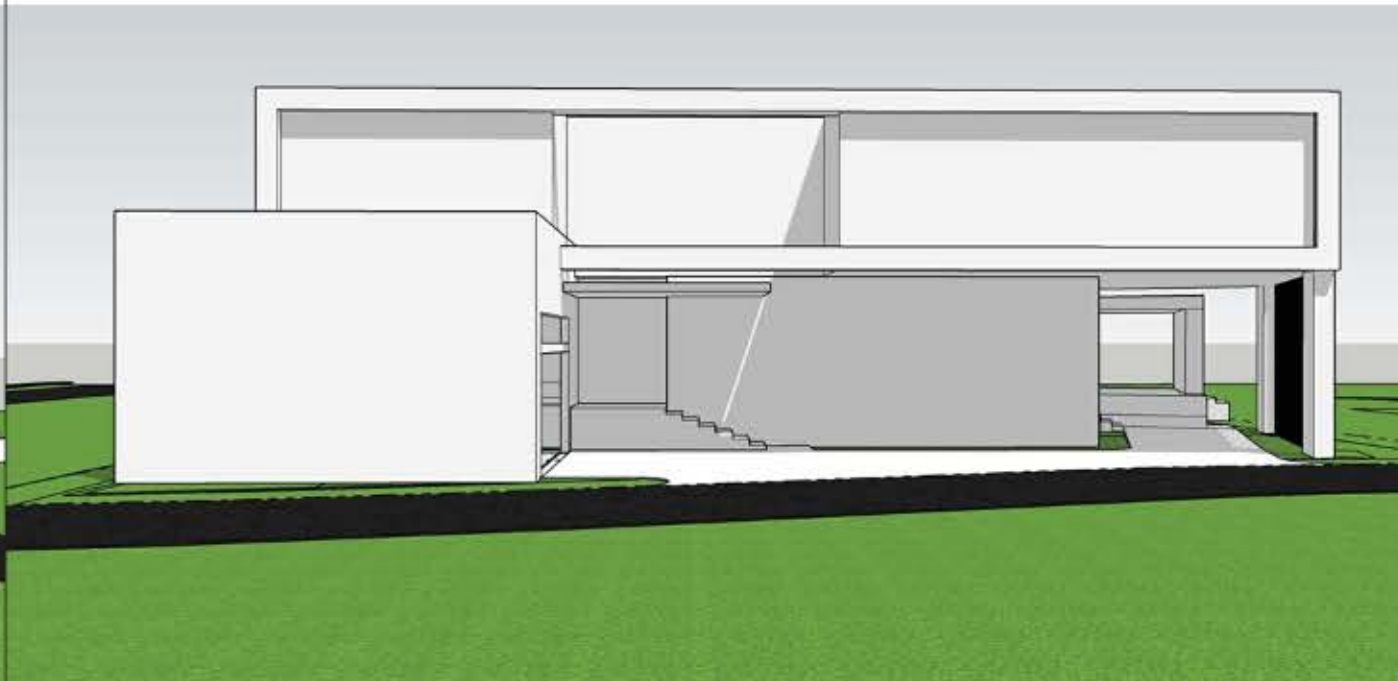
4. REAR SKETCH 2
SCALE: N.T.S.



3. REAR SKETCH 1
SCALE: N.T.S.



2. FRONT SKETCH 2
SCALE: N.T.S.



1. FRONT SKETCH 1
SCALE: N.T.S.



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432 MOLA AVENUE
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3D SKETCHES

A-301

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Neighbor Concerns

- 1) Comparisons to 400 and 418 Mola are poor comparisons because they are unusually narrow and bisected by Mola Avenue
- 2) Construction Impacts and Parking
- 3) Flooding/Drainage

Neighbor Concerns

- 1) Comparisons to 400 and 418 Mola are poor comparisons because they are unusually narrow and bisected by Mola Avenue
- 2) Construction Impacts and Parking
- 3) Flooding/Drainage
- 4) Reduction of open, waterfront feel of the area

Neighbor Concerns

- 1) Comparisons to 400 and 418 Mola are poor comparisons because they are unusually narrow and bisected by Mola Avenue
- 2) Construction Impacts and Parking
- 3) Flooding/Drainage
- 4) Reduction of open, waterfront feel of the area
- 5) “Blank Check” variance

Fort Lauderdale Board of Adjustment

August 13, 2025

423 Mola Avenue



PLN-BOA-25070004

RECEIVED
8/13/2013