



CITY OF FORT LAUDERDALE

MINUTES
BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19th AVENUE, FORT LAUDERDALE,
FLORIDA 33311
DECEMBER 10, 2025 – 6:00 P.M.

Board Members	Attendance	Cumulative Attendance 6/2025 through 5/2026	
		Present	Absent
Howard Elfman, Chair	P	7	0
Douglas Meade	P	5	2
Amy Mergler	A	4	3
Patricia Rathburn	P	7	0
Robert Wolfe, Vice Chair	A	5	2
Jason Hagopian	A	6	1
Danella Williams	P	2	0
Jay Shechtman [alternate]	P	5	2
Samir Yajnik [alternate]	A	4	3
Jarrold Gaylis [alternate]	P	7	0

Staff

D'Wayne Spence, Interim City Attorney
 Burt Ford, Zoning Chief
 Chakila Crawford, Senior Administrative Assistant
 Karen Ceballo, Administrative Assistant
 James Hollingsworth, Zoning Plans Examiner
 N. Day, 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 – November 12, 2025

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

To approve the Board’s November 12, 2025 minutes. **Motion** passed unanimously.

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CASE:	PLN-BOA-25110001
OWNER:	3030 HARBOR DR HOLDINGS LLLP
AGENT:	JASON S. CRUSH, ESQ
ADDRESS:	3030 HARBOR DRIVE, FORT LAUDERDALE, FL 33316
LEGAL DESCRIPTION:	LOT 25, OF OCEAN HARBOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 26, AT PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY).
ZONING DISTRICT:	RMH-60 - RESIDENTIAL MULTIFAMILY HIGH RISE/HIGH DENSITY
COMMISSION DISTRICT:	4
REQUESTING:	<p><u>Sec 47-19.8-Hotel accessory uses.</u></p> <ul style="list-style-type: none"> • Requesting a variance from ULDR Section 47-19.8.A to permit accessory uses, including dining rooms, bars, patio bars, and outdoor food service areas, at an existing hotel with thirty-seven (37) guest rooms, whereas the ULDR permits such accessory uses only in hotels with more than fifty (50) guest rooms. <p>Please Note: The variance requests are not inclusive to parking, signage, FBC requirements, or any Development Requirements as per ULDR.</p>

Chair Elfman said the applicant for case 4 had requested a deferral.

Motion made by Mr. Shechtman, seconded by Mr. Meade:
To defer Case PLN-BOA-25110001 to the Board’s January 14, 2026 meeting. **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-25110002
OWNER:	WEST VILLAGE LLC
AGENT:	GREG BREWTON
ADDRESS:	501 NORTH WEST 7 AVENUE, FORT LAUDERDALE, FL 33311
LEGAL DESCRIPTION:	LOTS 1 AND 2, BLOCK 14, NORTH LAUDERDALE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 48, PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA. (SEE SURVEY).
ZONING DISTRICT:	NWRAC-MUW - NORTHWEST REGIONAL ACTIVITY CENTER-MIXED USE WEST
COMMISSION DISTRICT:	3
REQUESTING:	<p><u>Sec 47-25.3.A.3.b.iii-Neighborhood compatibility requirements.</u></p> <ul style="list-style-type: none"> Requesting a variance to allow six (6) newly installed roof mechanical RTU’s to extend above the parapet wall screening of the new structure varying from 1’ 11” up to 3’ 11” per the submitted plans, where the code requires all equipment to be minimum of 6” below the screening. <p><u>Sec 47-19.2.Z.1- Roof mounted structures.</u></p> <ul style="list-style-type: none"> Requesting a variance to allow six (6) newly installed roof mechanical RTU’s to extend above the parapet wall screening of the new structure varying from 1’ 11” up to 3’ 11” per the submitted plans, where the code requires all equipment to be minimum of 6” below the screening.

Greg Brewton, 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.

Frank Guerra, developer, described the parapet and noted that the air conditioning units were set 30 feet back from the edge of the building so equipment could not be seen from the street. Mr. Meade said the equipment could be seen and Mr. Brewton stated the photo showing the equipment was taken a block away.

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

To grant the variance request from 47-25.3.A.3.b.iii and 47-19.2.Z.1 because the applicant has met the criteria for the granting of a variance in that the circumstances causing special conditions were not caused by the applicant and the rooftop configuration of this project has been ongoing for many years and is different from other buildings in the zoning district which have more flexibility.

Ms. Rathburn added that the variance was the minimum necessary to give them reasonable use of the property.

Mr. Guerra explained to Mr. Meade that to comply with code, they would need to install screening around the entire perimeter of the roof, noting that the project took up an entire city block.

Mr. Guerra confirmed for Mr. Spence that the five-foot parapet was currently in place. Mr. Spence clarified that the code from which they were requesting a variance required the screening to be six inches above the highest point of the rooftop equipment, which would require increasing the five-foot parapet in some cases to over nine feet because the tallest equipment was eight feet eleven inches.

Mr. Ford stated the code had changed in 2020. It used to be that in the RAC, equipment must be screened from view from the street. In 2020, the code changed to require that the screening be six inches above the tallest piece of equipment. This permit was submitted in 2022, two years after that code change.

Ms. Rathburn's **Motion passed 6-0.**

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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:	<p><u>Sec 47-5.31. - Table of dimensional requirements for the RS-8 district. (Note A)</u></p> <ul style="list-style-type: none"> • Requesting a variance to allow a 15' front yard setback whereas the code requires a 25' front yard setback, a total variance request of 10' feet. • Requesting a variance to allow a 15' – 8" rear yard setback whereas the code requires a 25' rear yard setback, a total variance request of 9' – 4". <p><u>Sec 47-19.2.P Freestanding shade structures</u></p> <ul style="list-style-type: none"> • Requesting a variance to allow a freestanding shade structure at a 2' rear yard setback whereas the code requires a 10' rear yard setback, a total variance request of 8'. <p><u>Sec. 47-19.2.BB. Swimming pools, hot tubs and spas.</u></p> <ul style="list-style-type: none"> • Requesting a variance to allow an outdoor swimming pool with spa to be constructed at a rear yard setback of 1' – 3" whereas the code requires it to be a minimum of 5' 0", a total request of 3' – 9". <p>Deferred from the August 13th, 2025 and November 12, 2025 BOA meetings.</p>

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

Chair Elfman opened the public hearing. Rick Plesance said other homes being built on the street did not require variances. He said they wanted more discussion regarding the

Floor Area Ratio [FAR]. He thought it was possible to redesign the home. He was concerned about the house being so close to the narrow street. Sergio Lafratta said the owner had been aware of the lot dimensions when purchasing it and had created his own hardship. He said the narrowness of the street was a hardship now. Mr. Lafratta thought there were other architectural solutions for this lot. He also feared this would create a precedent. Terry Cullen said there would not be room on the property or street to maneuver cars in and out of this driveway. He said it was possible to build a home that conformed with the setbacks. There being no other members of the public wishing to address the Board on this item, Chair Elfman closed the public hearing and brought the discussion back to the Board.

Mr. Schein noted they were not requesting a variance to lot coverage and FAR. He acknowledged that it was possible to design a home that conformed to code but stated the variance request was about "reasonableness." He pointed out that this would not set a precedent because variances were not subject to precedent. He said this was the only lot on Mola Avenue that was shaped like this. Mr. Schein said the owner agreed with adding two more feet on each side of Mola Avenue.

Ms. Rathburn recalled at a previous meeting that a Board member had suggested redesigning the home and the case had been deferred but the design was now the same. Mr. Schein said they had met with neighbors several times. Ms. Rathburn noted this property was unique in shape and so met the hardship criterion.

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

To grant the variance for 47-5.31 Table of Dimensional Requirements for the RS-8 district to allow the 15-foot front yard setback for the garage specifically, and for the second floor overhang that is shown on the plans and to grant a variance to allow the 15-foot 8-inch rear yard setback where the code requires 25 feet. **Motion passed 5-1** with Ms. Williams opposed.

Mr. Schein proffered that the garage would be single story and have no residential component.

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

To grant the variance for 47-19.2.P Freestanding Shade Structures to allow a free standing shade structure to allow a two-foot rear yard setback where the code requires 10 feet based on the same criteria as the first variance approval. **Motion passed 5-1** with Mr. Meade opposed.

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

To grant the variance for 47-19.2.BB Swimming Pools to allow the swimming pool with spa to be constructed in the rear yard setback of one to three feet whereas the code require it to be a minimum of five feet based on the same criteria as the first two variance approvals. **Motion passed 6-0.**

The Board took a brief break.

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CASE:	PLN-BOA-24110001
OWNER:	H&M HOUSING LAND DEVELOPMENT LLC
AGENT:	ISAACSON, DAVID, ESQ
ADDRESS:	2950 SOUTH WEST 17 PLACE, FORT LAUDERDALE, FL 33312
LEGAL DESCRIPTION:	THAT PORTION OF LOT 8, BLOCK 2. "ROHAN ACRES". ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, AT PAGE43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY).
ZONING DISTRICT:	RS-6.85B - IRREGULAR RESIDENTIAL
COMMISSION DISTRICT:	4
REQUESTING:	<p><u>Sec. 47-24.5. D.3.e - Subdivision regulations.</u></p> <ul style="list-style-type: none"> • Requesting a variance for the proposed side property line segments of lot 8, per the survey legal description, from the requirement for the side lot lines be substantially at right angles or radial to the street line allowing the 52 foot north segment of the side lot line to turn 90 degrees north to now run parallel to the street line and to allow the 56.60 foot south segment of the side lot line to turn 90 degrees south to now run parallel to the street line.

Mr. Spence said this case had been to the Board previously and been denied. The applicants had appealed and been granted a writ of certiorari. He read a portion of the order, in which the judge indicated that contrary to the Board’s finding, a unique hardship existed; the property lacked access to a public road, rendering it unbuildable and depriving the petitioner of any reasonable use of the land. The record also showed that the Board had relied solely on lay witness testimony expressing concerns about potential future flooding, a decrease in property values and setback regulations. The witnesses’ objections had cited no factual observations and were based on fears of potential harmful impacts to the community. As such, those fears did not constitute competent, substantial evidence. Other than the lay witness testimony, there was no specific or objective evidence in the record to support the Board’s denial of the variance request. The Board’s order had been quashed but the judge did not have the power to direct a particular course of action, such as granting the variance request.

Mr. Spence said this meant that the matter was returned to the lower tribunal [the Board of Adjustment] as if their order had never been put in place. He stated the evidence and testimony presented at the prior hearing was admissible and could be considered by the Board members. Mr. Spence noted that the composition of the Board had since changed and the new members did not have the benefit of the prior hearing and the minutes of that meeting should not be evidence upon which the Board could make a factual determination. The Board should therefore treat this as a fresh case.

Ms. Rathburn said she had not relied on lay testimony but on the applicant's testimony with regard to their lack of due diligence, lack of a survey and lack of title insurance.

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

Chair Elfman opened the public hearing. Michael Pileggi said he had sold a piece of property to the owners after learning of the hardship and was aware of all of the aspects of the sale, including their due diligence. The applicant distributed photos to Board members. Mariatne Hernandez said untrue statement had been made at the prior hearing, such as that they had not purchased title insurance. She stated neighbors had thrown trash on the property and she now had a restraining order against one neighbor for harassment. Mark Kessler said his was the property most affected by this. He stated there were traffic issues because he would have four roads around his house if the lot were developed, diminishing his property's value. He stated if the owners had proper title insurance, they would have realized the property was landlocked so they had brought the hardship on themselves. He provided a diagram of the area, including the proposed road to access the subject property. Henry Alvarez said the owners would have known the lot was landlocked if they had asked someone in the neighborhood. He said the owners were suing the previous owner and asked the Board to wait to see the results of the litigation. Jesse Alvarez believed the owners had done due diligence, but it had been inadequate. He thought the owners had been defrauded by the prior owner and suggested deferring a decision until the lawsuit against the prior owner was settled. Alfred Salsamendi said 17th Place was too narrow to be made a public street. He was also concerned that the improper address would make it a problem for emergency vehicles. He stated the owner had erected an unsightly chain link fence around the property.

Hani Levy, owner, confirmed she had title insurance and an attorney when she purchased the property. She stated the property was unusable and she could not even maintain it due to the lack of access. She stated Florida law recognized that this was not an inconvenience; it was a deprivation of use. She cited other cases for which the Board had granted variances in the past year, including one in which the builder had made an error with the survey, a self-created hardship. 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. Isaacson stated the civil lawsuit to which neighbors had referred was irrelevant to this case. He said they had asked for easements along 17th Place and all the neighbors had refused, so that was not an option. He stated Mr. Kessler's home would not be surrounded by roads. There would be a driveway for access to a couple of homes, not another road. Regarding due diligence and knowledge, he referred to a case in Coral Gables, in which the owner had knowledge of something but had nothing to do with bringing about the condition, and it had been found improper to say they had created it.

Ms. Rathburn said in the original package, which she did not currently have access to, she recalled the owner had indicated she did not have title insurance and had not obtained a survey. Mr. Isaacson stated the owner had conducted a survey three days prior to the sale. Ms. Rathburn asked if the title insurance made an exception for matters of survey. Mr. Isaacson said it did not and Ms. Rathburn said the title insurance should therefore cover the fact that the lot was landlocked. Mr. Isaacson said the title insurance did not cover it but he could not recall how. Ms. Rathburn said she had never had anyone ask her if a lot was buildable and if they did, she would advise them to conduct a survey. Mr. Spence noted the court had the record to consider, and even though it had not been cited in the review of the writ of certiorari. When they identified the hardship, and determined it was not self-created, some of the pleadings made by the petitioner did include information from the record and they had stated the record was void of evidence that addressed that and the Court had agreed. Mr. Spence said the evidence being presented at this meeting did not seem to be much different from the testimony that had been previously presented and the court had reviewed.

Mr. Isaacson could not recall the language in the title insurance that meant it would not cover the landlocked property.

Motion made by Ms. Rathburn:

To defer the case to the next meeting so the applicant could bring back the rest of the record. Motion died for lack of a second

Ms. Williams noted she was new to the Board and she wondered why it mattered if the owner had title insurance. This was about whether the unbuildable lot was a hardship that led the owner to seek a variance. Mr. Meade said this lot had originally been part of the property at 1769 SW 29th Avenue but it had been cut off and sold by a previous owner. He said this did not constitute a hardship for the current owner. Mr. Spence clarified that the court had already deemed there to be a hardship. The Board must decide if it was a self-created hardship.

Mr. Shechtman said the applicant had not created the lot, they had just bought it. He questioned how due diligence, or the lack thereof, should make the applicant responsible for the hardship. Ms. Rathburn said, "It really, probably doesn't" but she wanted the record to be clear about what the original application contained regarding due diligence and title insurance because that was what she had understood at the prior hearing but it was being contradicted now. She wanted to determine if "my reputation is intact" and therefore requested a deferral. She said in her opinion, the hardship was self-created but that was not relevant.

Chair Elfman recalled the owner had purchased a strip of land from the neighbor to use to access the street and asked if there was a problem with that. Mr. Isaacson said the strip was 20 feet wide and Mr. Ford said the Fire Department requested 15 feet for emergency access.

Mr. Spence explained to Mr. Gaylis that the court had determined there was a hardship but the court could not replace the Board’s judgement, so the responsibility was back to the Board. Mr. Gaylis noted how the applicant had tried to alleviate the problem.

Motion made by Mr. Gaylis, seconded by Ms. Williams:

To grant the variance for Section 47-24.5 D.3.e Subdivision Regulations requesting a variance for the proposed side property line segments of lot 8, per the survey legal description, from the requirement for the side lot lines be substantially at right angles or radial to the street line allowing the 52-foot north segment of the side lot line to turn 90 degrees north to now run parallel to the street line and to allow the 56.60 foot south segment of the side lot line to turn 90 degrees south to now run parallel to the street line.

Motion passed 6-0.

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CASE:	PLN-BOA-25040003
OWNER:	LUXE EMILE
AGENT:	LUKE JOSEPH
ADDRESS:	25 NORTH WEST 11 STREET, FORT LAUDERDALE, FL 33311
LEGAL DESCRIPTION:	BEGUN AT THE N.E. CORNER OF LOT 21, 15 FEET; THENCE SOUTHERLY ALONG A LINE 15 FEET FROM AND PARALLEL TO THE EAST LINE OF LOTS 21, 22, 23 AND 24, 85 FEET TO THE TANGENT. (SEE SURVEY).
ZONING DISTRICT:	RD-15 - RESIDENTIAL SINGLE FAMILY AND DUPLEX/MEDIUM DENSITY
COMMISSION DISTRICT:	2
REQUESTING:	<p><u>Sec. 47-5.32. - Table of dimensional requirements for the RD-15 and RDs-15 districts. (Note A)</u></p> <ul style="list-style-type: none"> Requesting a variance to permit a new lot to be created with an area of 5,952 square feet whereas the code requires a minimum lot area of 6,000 square feet, a total variance request of forty-eight square feet. <p><u>Sec. 47-3.3.B.3. - Nonconforming lot</u></p> <ul style="list-style-type: none"> Requesting a variance to allow existing previously combined lots to be split into two lots, whereas the code states that If two (2) or more lots with continuous frontage are in a single ownership and if any of the lots are nonconforming, the nonconforming lot and the parcel or lot abutting the nonconforming lot shall be deemed by operation of law to be merged and considered to be an undivided plot. No development permit shall thereafter be issued for the use of the nonconforming lot which has been merged with another parcel which recognizes a reduction of the merged parcel below the

	requirement for a lot which meets the ULDR requirements of the zoning district where the lot is located.
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Mr. Ford clarified that the addenda indicated they were asking for a reduction from a 6,000 square foot lot to 5,952 square feet based on a drawing that showed they would split the lot directly in half but now they were requesting the lot to the east be 5,251. The other lot would be 6,300 square feet.

Luke Joseph, agent, described the request.

Chair Elfman opened the public hearing. Olga Zamora said this property was in the Central City CRA, which had been deemed to suffer from slum and blight. She noted the improvements made to the area in response. She said the lot was identified as being over 12,000 square feet and questioned the need for a variance if each lot could be 6,000 square feet. Mr. Ford said they were giving the western lot more land than the eastern lot, which would then be less than the required minimum. There being no other members of the public wishing to address the Board on this item, Chair Elfman closed the public hearing and brought the discussion back to the Board.

Ms. Rathburn asked why they were not splitting the property in half and Mr. Ford said the way they proposed the split would leave the existing structure 5.3 feet from the property line, which was code compliant. Mr. Meade wondered how this was a hardship. Mr. Joseph informed Mr. Gaylis that the property had been reduced from 15,000 square feet to 12,006 square feet when Andrews Avenue was built. Mr. Spence said 15 feet had been taken for Andrews Avenue from the original platted lots.

Mr. Joseph reiterated for Mr. Meade that there would be a setback issue with the existing building if the lot were split evenly in half. He said staff had informed him he could not just split the property in half. Mr. Spence referred to page three of the survey, which outlined the split. Mr. Ford reconsidered the survey and noted the existing building was much more than five feet from the propose split, it was over 20 feet. Chair Elfman advised Mr. Joseph to request a deferral to clarify what could be done with the lot.

Motion made by Ms. Rathburn, seconded by Mr. Meade:
To defer the case to the Board’s next meeting. **Motion passed 6-0.**

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CASE:	PLN-BOA-25110004
OWNER:	DOUGHERTY, JAMES PATRICK
AGENT:	N/A
ADDRESS:	1668 S SOUTH WEST 24 ST #1-2, FORT LAUDERDALE, FL 33315

LEGAL DESCRIPTION:	LOT 7, BLOCK 1, OSBORNE PARK, ACCORDING TO THEREOF, AS RECORDED IN PLAT BOOK 22, PAGE 34, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	RD-15 - RESIDENTIAL SINGLE FAMILY AND DUPLEX/MEDIUM DENSITY
COMMISSION DISTRICT:	4
REQUESTING:	<p><u>Sec 47-5.32-Table of dimensional requirements for the RD-15 and RDs-15 districts. (Note A)</u></p> <ul style="list-style-type: none"> • Requesting a variance to allow a corner yard setback of 5 feet whereas the code requires a minimum corner yard setback of 25% of lot width but not less than 10 feet, a total reduction request of 7 feet 6 inches.

James Dougherty, owner, described the request. He said there had been a flood on the property and subsequently he had discovered significant foundational cracks that led him to decide to demolish the house. The adjacent road had been dirt when he purchased the property but the City had paved it as part of storm remediation. He wished to build a two-unit dwelling and requested a smaller setback to accommodate it. He indicated he was open to other alternatives the Board would approve if they did not approve the request.

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. Dougherty explained that the property line was from 10 -15 feet from the paved road.

Ms. Williams asked how replacing a single family home with a townhome was a hardship. Mr. Dougherty said he intended to move his mother into one unit and his mother-in-law into the second unit. He acknowledged he could build a single-family home on the lot without a variance. Mr. Shechtman noted there were different setbacks for corner lots. He said it would be possible to build a townhome within the setbacks. Mr. Ford said the building would then be narrower and he was unsure this would be practical. Mr. Shechtman said this was not a typical corner lot because one of the roads was not a typical road.

Motion made by Mr. Meade, seconded by Mr. Gaylis:

To grant the variance for section 47-5.32.. **Motion passed 5-1** with Ms. Williams opposed.

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CASE:	PLN-BOA-25110003
OWNER:	SUNSHINE SHIPYARD LLC
AGENT:	STEPHANIE J. TOOTHAKER, ESQ
ADDRESS:	640 NORTH WEST 7 AVENUE, FORT LAUDERDALE, FL 333117
LEGAL DESCRIPTION:	LOT 1, BLOCK 325, PROGRESSO, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA (SEE SURVEY)
ZONING DISTRICT:	NWRAC-MUE - NORTHWEST REGIONAL ACTIVITY CENTER-MIXED USE EAST
COMMISSION DISTRICT:	2
REQUESTING:	<p><u>Section 47-22.3.S Supergraphics Signs</u></p> <ul style="list-style-type: none"> • Requesting a variance to allow the installation of supergraphics measuring approximately 93' x 30'-7" (west elevation) and 75' x 30' (east elevation) that incorporates lettering. Whereas the code defines as per section 47-22.2.A.27 <i>Supergraphics sign</i>: A design or pictorial representation that contains no lettering or business identification or logo used as a sign as defined herein.

Estefania Mayorga, 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.

Ms. Mayorga informed Mr. Meade that the garage screening was compliant with the City's criteria. They also complied with the Supergraphic sign code. Mr. Spence said the issue was that this sign contained lettering and Section 47-22.2.A.27: Supergraphics Sign indicated no lettering, business identification or logos were allowed. Therefore, the variance request related to Section 47-22.2.A.27. Ms. Rathburn said it could be argued that the words could be considered art but "Mr. Brainwash" was a logo. Ms. Mayorga pointed out that this was the artist's signature.

Ms. Rathburn wished to include conditions that the variance applied to these supergraphics only with this exact language and any other writing or words would not be included in the variance. Ms. Mayorga accepted that condition. Mr. Spence recalled this had come about in response to the Supreme Court regarding the first amendment and the constitutionality of regulating words on signage. The City could not regulate what people

put on signage. The Board was determining that the letters were a supergraphic display rather than some other type of lettering and sign. He agreed with Ms. Rathburn that the Board could state that the variance applied to “this artwork only” and not mention the words.

Motion made by Ms. Rathburn, seconded by Mr. Gaylis:
To grant the variance from Sec. 47.22.3S and Sec. 47-22.2.A.27 Supergraphic Sign for the specific artwork presented for the east side frame and the west side frame as contained in the application. **Motion passed 6-0.**

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CASE:	PLN-BOA-25110005
OWNER:	STANGE, KURT PETER
AGENT:	ROB ORCUTT
ADDRESS:	934 WAVERLY ROAD, FORT LAUDERDALE, FL 33312
LEGAL DESCRIPTION:	LOT 8 ½, BLOCK 100, “WAVERLY PLACE”, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE (S) 19, 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:	<p><u>Sec 47-5.31- Table of dimensional requirements for the RS-8 district. (Note A)</u></p> <ul style="list-style-type: none"> • Requesting a variance to build a new Single- Family Residence with a south rear yard setback of 1.7 feet from the property line abutting the waterway whereas the code requires a minimum of 25 feet. A total variance request of 23.3 feet. • Requesting a variance to build a structure at a west side yard setback of 1.7 feet whereas the code requires a minimum of 5 feet, per plan. A total variance request of 3.3 feet. <p><u>Sec 47-19.2.B - Architectural features in residential districts.</u></p> <ul style="list-style-type: none"> • Requesting a variance to allow a roof eave to encroach into the required side yard 1.2 feet where the code allows no more than 0.561 feet, 1/3(one third) the width of the requested side yard of 1.7 feet, a total variance request of 0.639 feet.

Rob Orcutt, agent, said they had posted notice on the front of the property and on the waterway and proof was in the package. He provided a presentation, a copy of which is attached to these minutes for the public record. He noted the project had already been approved by the Historic Preservation Board.

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. Orcutt confirmed the new home would be in the exact same footprint. Ms. Williams said she lived in the neighborhood and had no objection. Mr. Orcutt said they would recreate the same structure on the second floor. The ground floor would be a new, more modern design. He explained that the new floor was required to meet the new flood zone requirements.

Ms. Rathburn said based on the uniqueness of the property, the 1.7 foot setback being something that the Board would not normally grant but noted this was adjacent to a City park so it would not affect any other property owners. She also pointed out the property's historic nature.

Motion made by Ms. Rathburn, seconded by Ms. Williams:

To approve the variance for section 47-5.31 Table of Dimensional Requirements and Sec 47-19.2.B - Architectural Features in Residential Districts. **Motion passed 6-0.**

Communication to the City Commission

Index

None

Approve 2026 Board Meeting Calendar

Index

Ms. Crawford pointed out one change that had been made.

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

To approve the 2026 meeting schedule as presented. **Motion passed 6-0.**

Report and for the Good of the City

Index


Ms. Crawford recalled sending Board members an email regarding switching to using iPads that staff would load with the case packages to use during meetings.

There being no further business to come before the Board, the meeting adjourned at 9:35 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.



BOARD OF ADJUSTMENT

REQUEST TO
MAINTAIN EXISTING SETBACKS



934 WAVERLY RD

TEQUESTA ST

tequesta st.

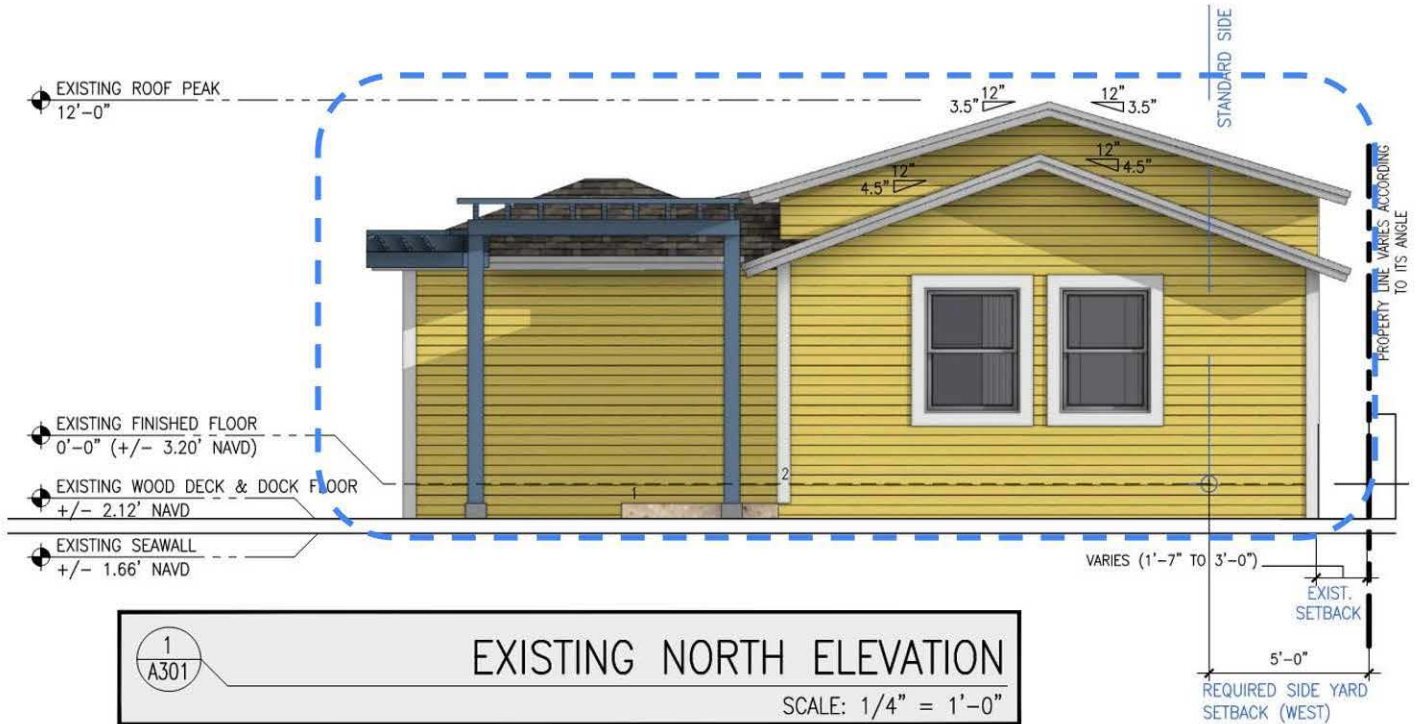
waverly rd.

SW 9TH AVE



north fork new river





1
A301

EXISTING NORTH ELEVATION

SCALE: 1/4" = 1'-0"



1
A301

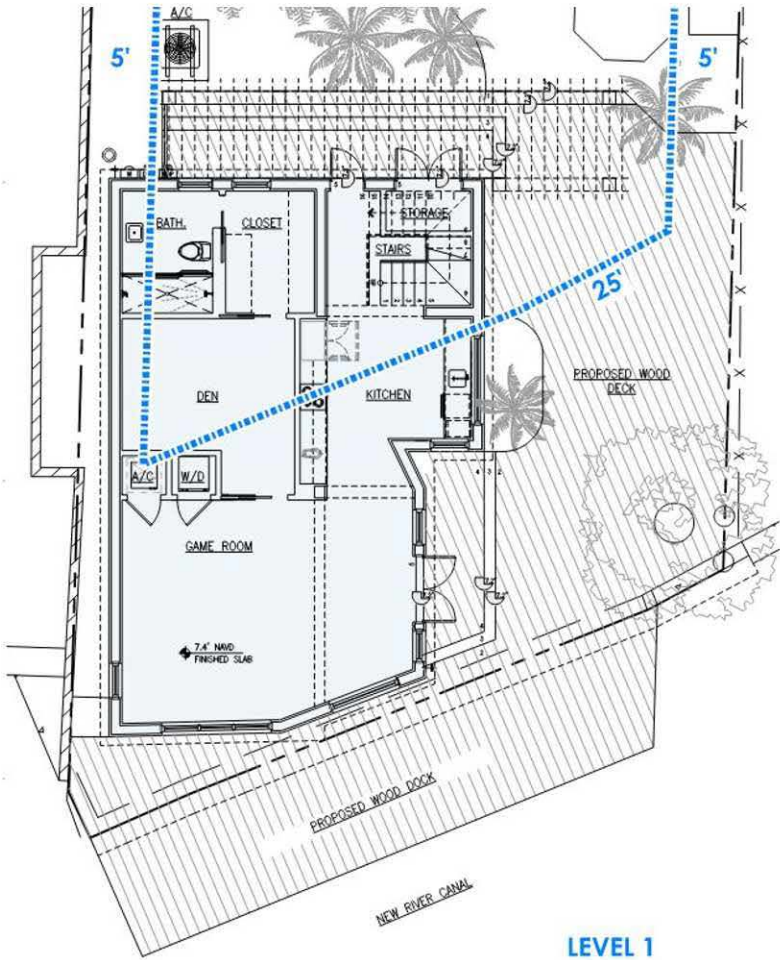
PROPOSED NORTH ELEVATION

SCALE: 1/4" = 1'-0"

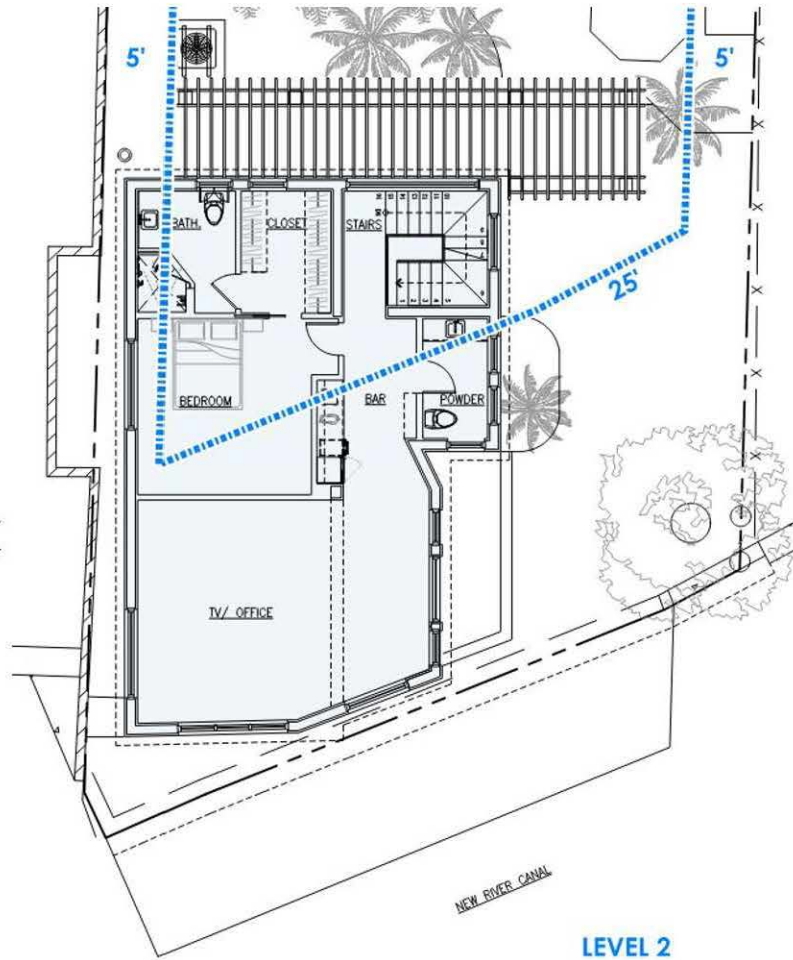
5'-0"
REQUIRED SIDE
YARD SETBACK
(EAST)

5'-0"
REQUIRED SIDE
YARD SETBACK
(WEST)

PROPERTY LINE VARIES ACCORDING
TO ITS ANGLE



LEVEL 1



LEVEL 2

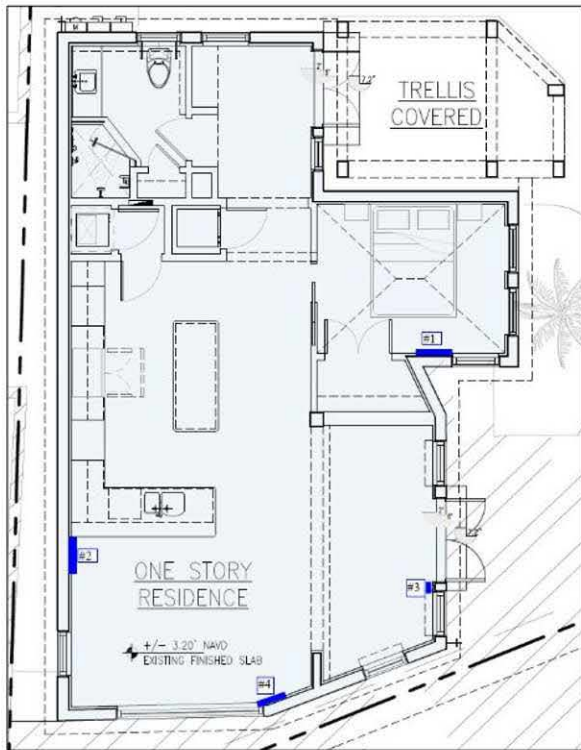
PREVIOUSLY APPROVED

SETBACK WAIVER

UDP-HP24032
NOV. 2024



Page 3 of 7
June 6, 2025
934 Waverly Rd, Fort Lauderdale, FL



Floor Plan for Reference Only



Photo 8: South Window Jamb at Header

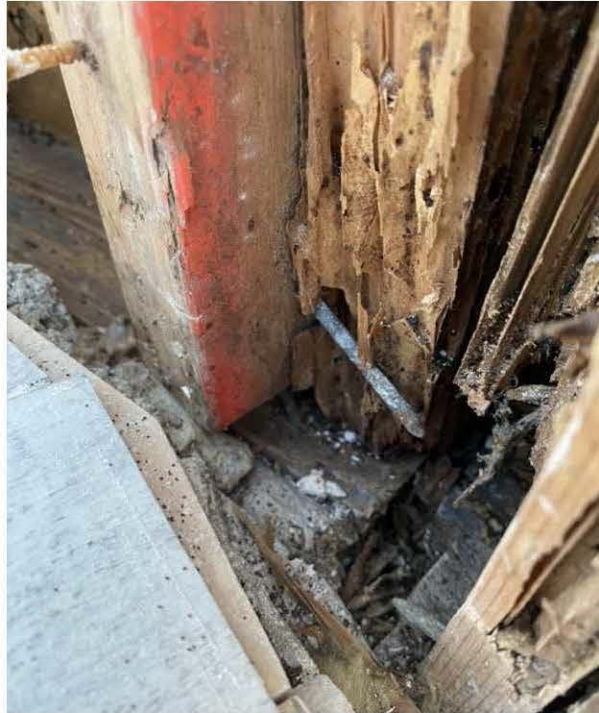


Photo 9: South Window Jamb at Bottom Plate

STRUCTURAL
ANALYSIS

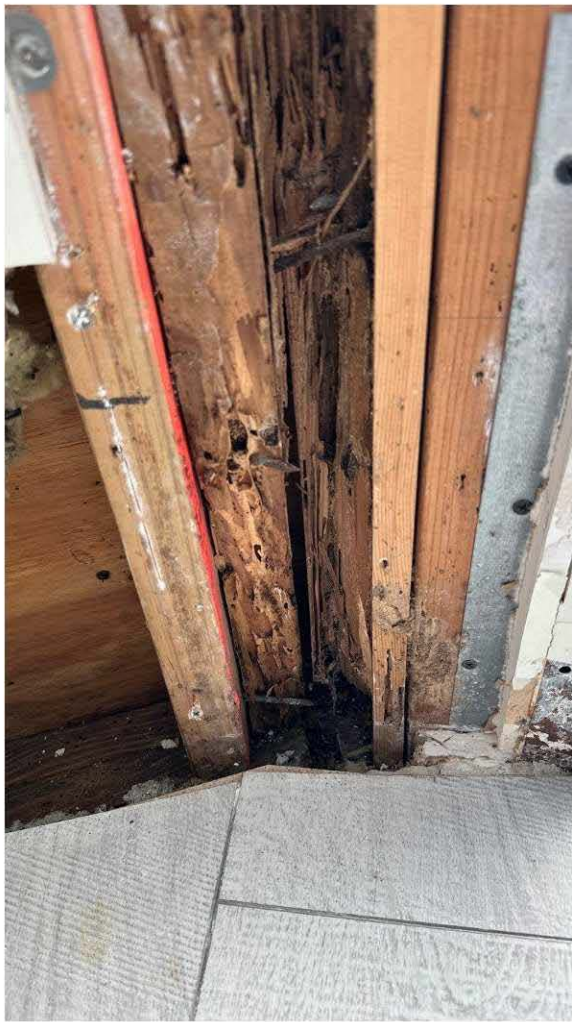
FRAMING





STRUCTURAL
ANALYSIS

FRAMING



STRUCTURAL ANALYSIS

DETERMINATION:

relocating the existing structure would be unsafe and strongly discouraged

FACTORS:

- extent of damaged wood wall framing
- method of framing of the window and door openings
- method of framing of the roof system.



WHY ?



WHO ?

fort lauderdale

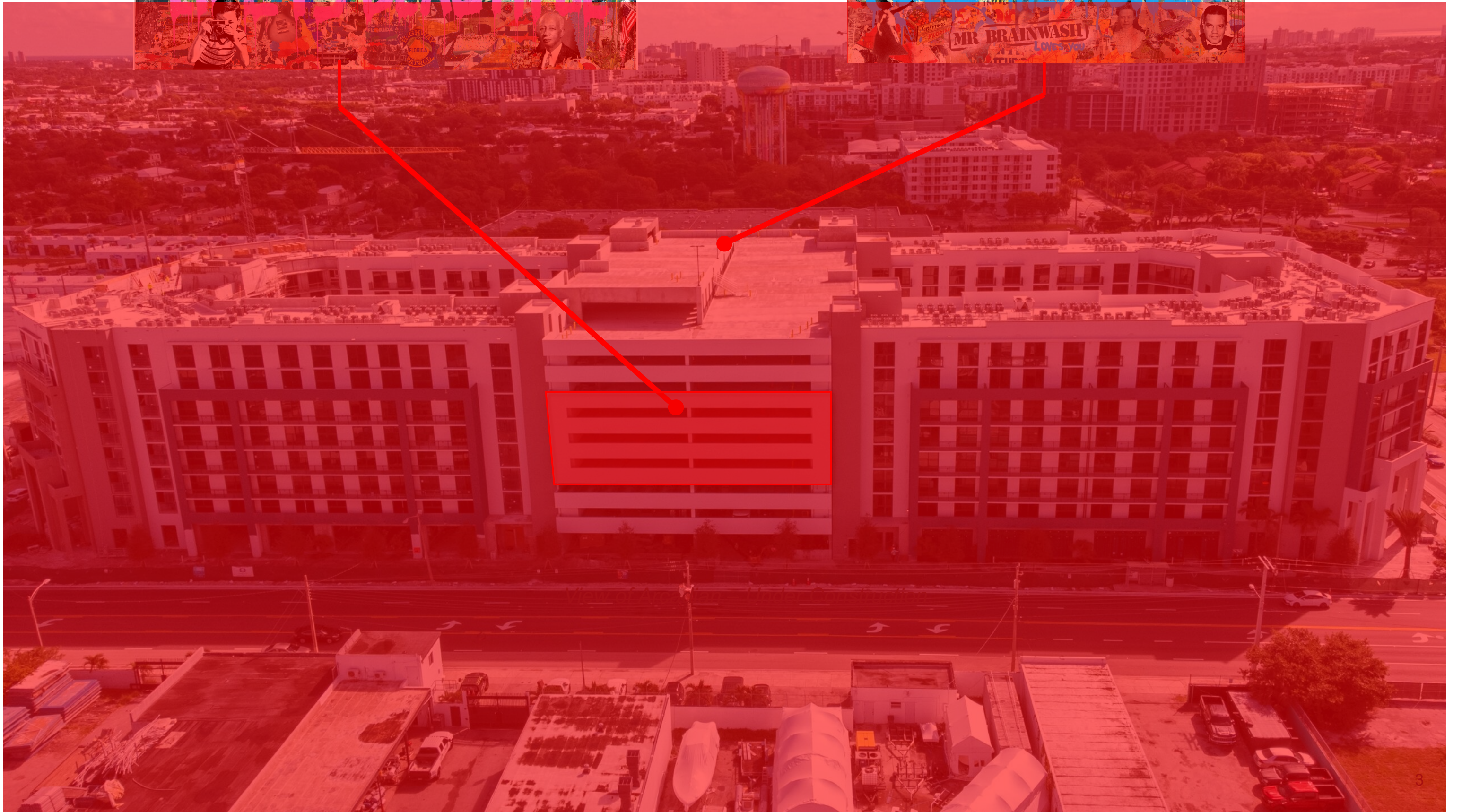


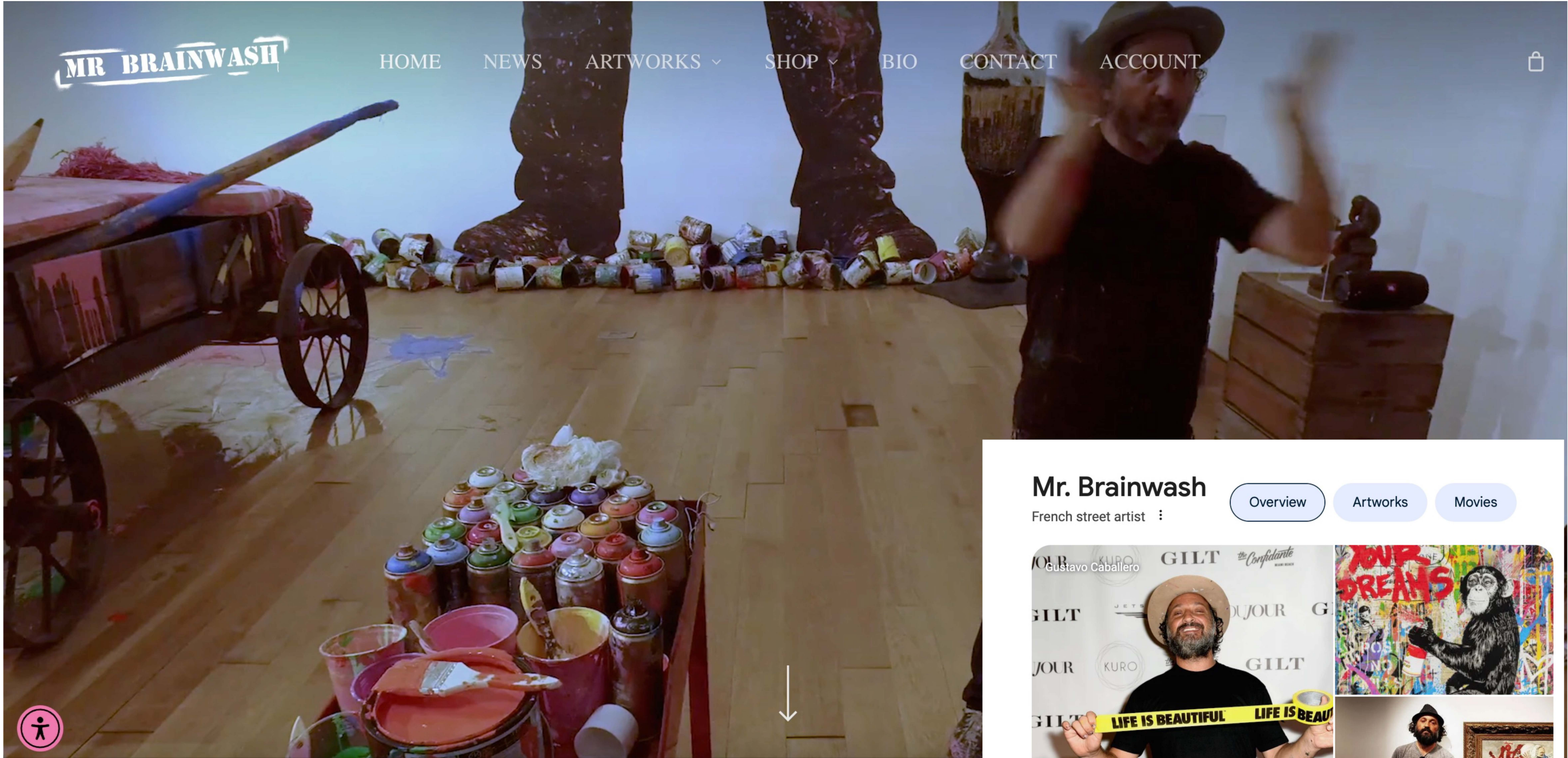
"situated along a curve of the New River, [having] a picturesque presence reminiscent of a traditional boathouse"

THE ARCADIAN

PLN-BOA-25110003

December 10, 2025
Board of Adjustment
City of Fort Lauderdale





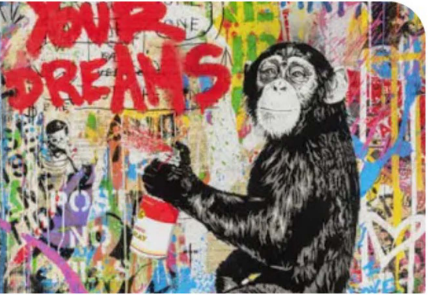
Mr. Brainwash

French street artist

Overview

Artworks

Movies



West side Frame
92'-4" x 29'-11"

Bleed
93' x 30'-7"



Artwork
93' x 30'-7"

East side Frame
74'-9" x 29'-10"

Bleed
75'-1" x 30'-2"



Artwork
75' x 30'

COORDINATION WITH CITY STAFF

City deemed the art display a “sign”

Applicant a submitted a “supergraphics sign permit”

ULDR Sec. 47-.22.2. Definitions

Sign: Any display of characters, ornamentation, letters, or other display such as, but not limited to, a symbol, logo, picture, or other device used to attract attention, or to identify, or as an advertisement, announcement, or to indicate directions, including the structure or frame used in their display.

COORDINATION WITH CITY STAFF

City advised Applicant to submit a Site Plan Level II

The ULDR allows properties within the RAC to seek Site Plan Level II approval for any sign that deviates from the standard sign regulations, subject to the 15-day City Commission Request for Review period.

COORDINATION WITH CITY STAFF

Applicant submitted Site Plan Level II but was advised to request a variance for the lettering

City staff subsequently interpreted that the proposed garage screening does not qualify under this Site Plan Level II process and advised that, due to the inclusion of lettering, the proposed art canvases require a variance from ULDR Section 47-22.3.S (Supergraphics Signs).

REQUESTED VARIANCE

- **Requesting a variance to allow the installation of supergraphics** measuring approximately 93' x 30'-7" (west elevation) and 75' x 30' (east elevation) **that incorporates lettering**, whereas the code defines as per Section 47-22.2.A.27 ***Supergraphics sign***: A design or pictorial representation that **contains no lettering** or business identification or logo used as a sign as defined herein.

PROPOSED ARTWORK



Contains no advertisement or relationship to any product, service or activity provided, offered or available on the premises.

VARIANCE CRITERIA – Special Conditions



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

Special conditions exist – there is no other sign type this type of artwork with lettering qualifies as.

VARIANCE CRITERIA – Peculiarity of Conditions



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; and

The circumstances are peculiar to this Property because the proposed screening includes purely artistic lettering with no advertising associated with the building, yet the ULDR does not contemplate this type of artistic treatment as a permissible supergraphics, creating a code gap not experienced by other properties.

VARIANCE CRITERIA – Deprivation of Substantial Property Right



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; and

Literal application of the ULDR would deprive the Applicant the ability to use the artistic screening as commissioned because the inclusion of the artistic lettering *creates a restriction* not applied to comparable projects, preventing an equivalent screening solution.

VARIANCE CRITERIA – Unique Hardship, Not Self-Created



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; and

The hardship is not self-created because it results from the peculiar circumstance that the proposed artistic screening was recently interpreted to require a variance solely due to the inclusion of artistic lettering, a code gap the Applicant did not create and could not have anticipated.

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



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.

The requested variance is the minimum relief necessary to allow inclusion of artistic lettering within the canvas façade screening, remains fully consistent with the ULDR's intent, and is harmonious with adjoining properties by appropriately screening the parking garage.

THANK YOU.

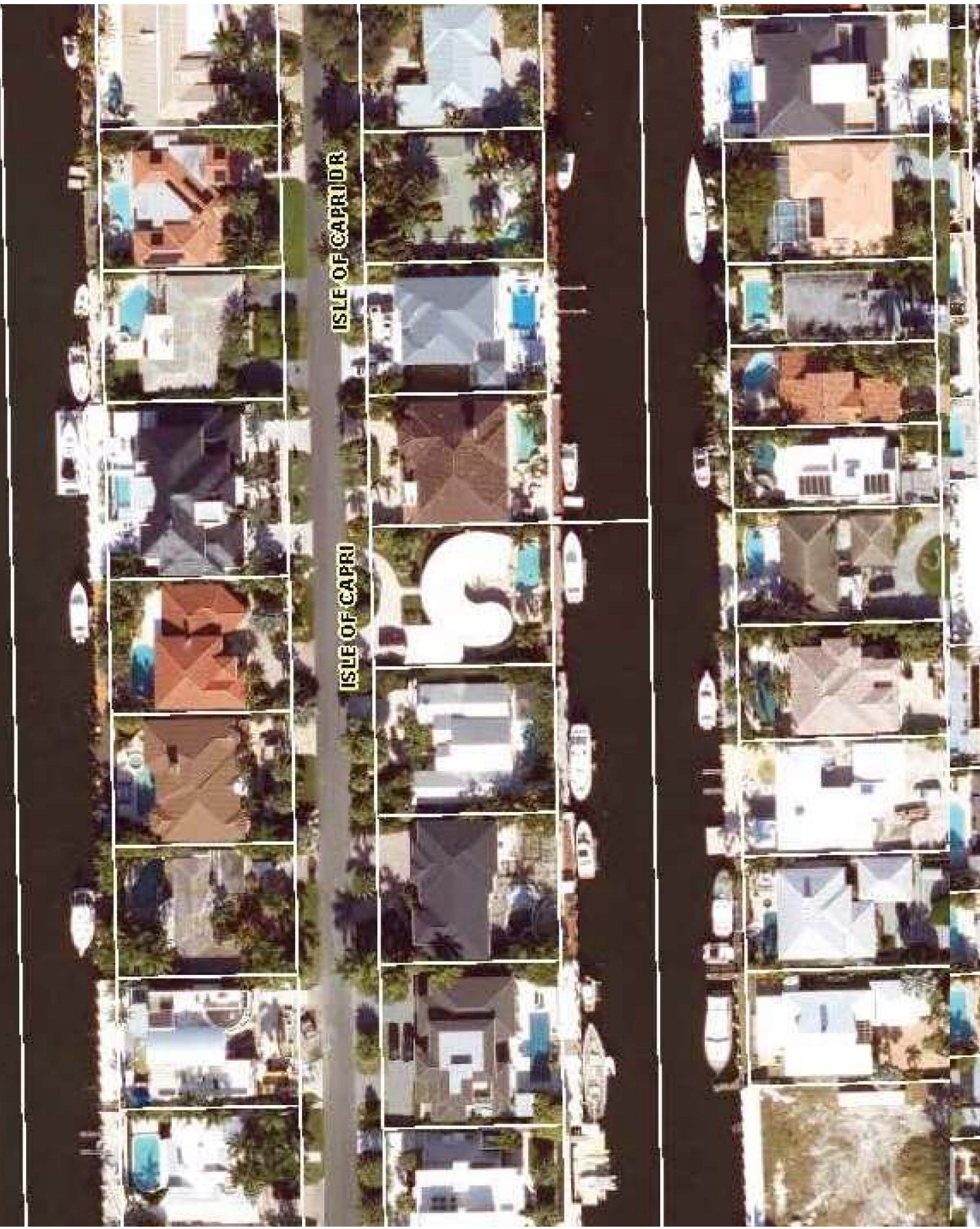
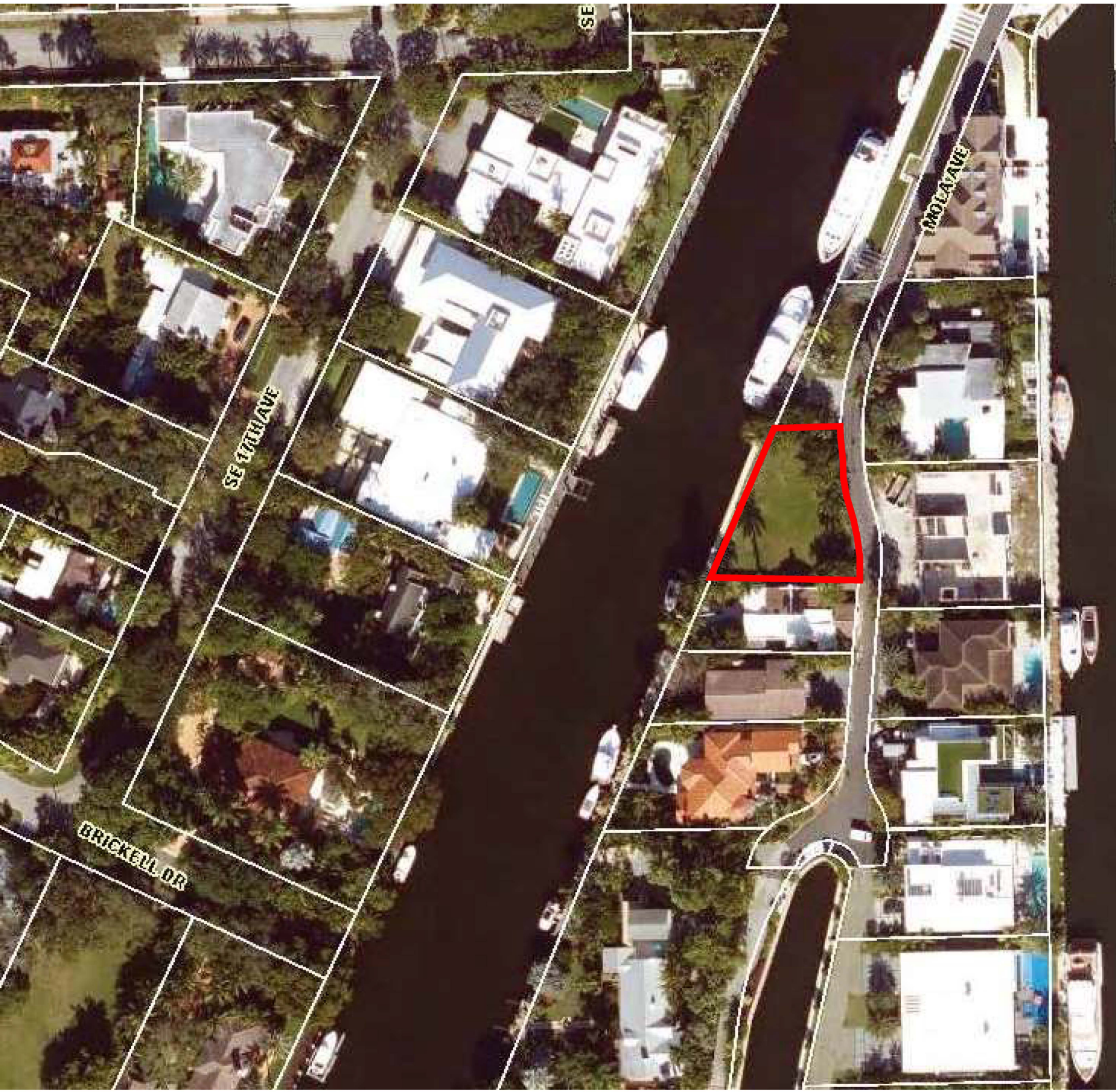


Estefanía Mayorga, Land Planner
Stephanie J. Toothaker, Esq., P.A.
estefania@toothaker.org

Fort Lauderdale Board of Adjustment

December 10, 2025

423 Mola Avenue



PROPERTY SETBACKS:	REQUIRED	PROVIDED
FRONT	25'-0"	5'-0"
REAR	25'-0"	25'-1"
SIDES	5'-0"	5'-0"

REFER TO AS-102 FOR DIAGRAM SHOWING PROPOSED ENCROACHMENT INTO THE FRONT YARD SETBACK.

REFER TO AS-103 FOR EXISTING AND PROPOSED PRELIMINARY SPOT ELEVATIONS.



address : 107 nw 8th avenue
fort lauderdale, florida 33304
phone : 954.337.8614
email : michael@salusarchitects.com

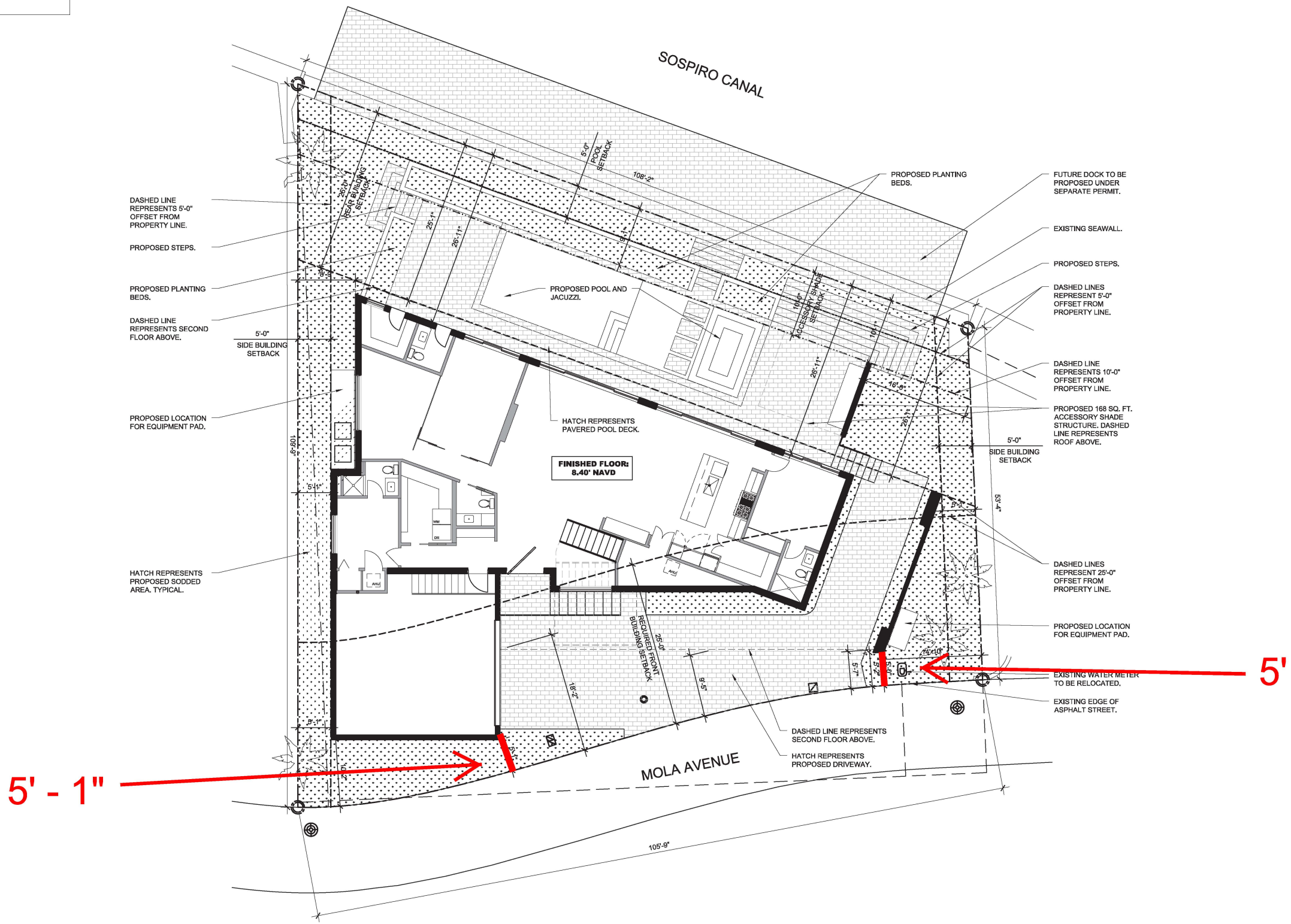
MICHAEL SALUS ARCHITECTS, LLC.
AA26002943



MICHAEL SALUS
AR97219

GOMEZ RESIDENCE
432 MOLA AVENUE
FORT LAUDERDALE, FLORIDA 33301

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PROJECT NUMBER:	25.001.147
DRAWN BY:	MDS
CHECKED BY:	MDS
SUBMITTAL:	VARIANCE SUBMISSION
ISSUED DATE:	07.01.25

PROPERTY SETBACKS:	REQUIRED	PROVIDED
FRONT	25'-0"	15'-0"
REAR	25'-0"	15'-6"
SIDES	5'-0"	5'-0"

REFER TO AS-102 FOR DIAGRAM SHOWING PROPOSED ENCROACHMENT INTO THE 'FRONT YARD' SETBACK.

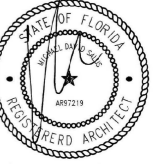
REFER TO AS-103 FOR EXISTING AND PROPOSED PRELIMINARY SPOT ELEVATIONS.

1



address : 107 nw 8th avenue
fort lauderdale, florida 33304
phone : 954.937.6614
email : michael@salusarchitects.com

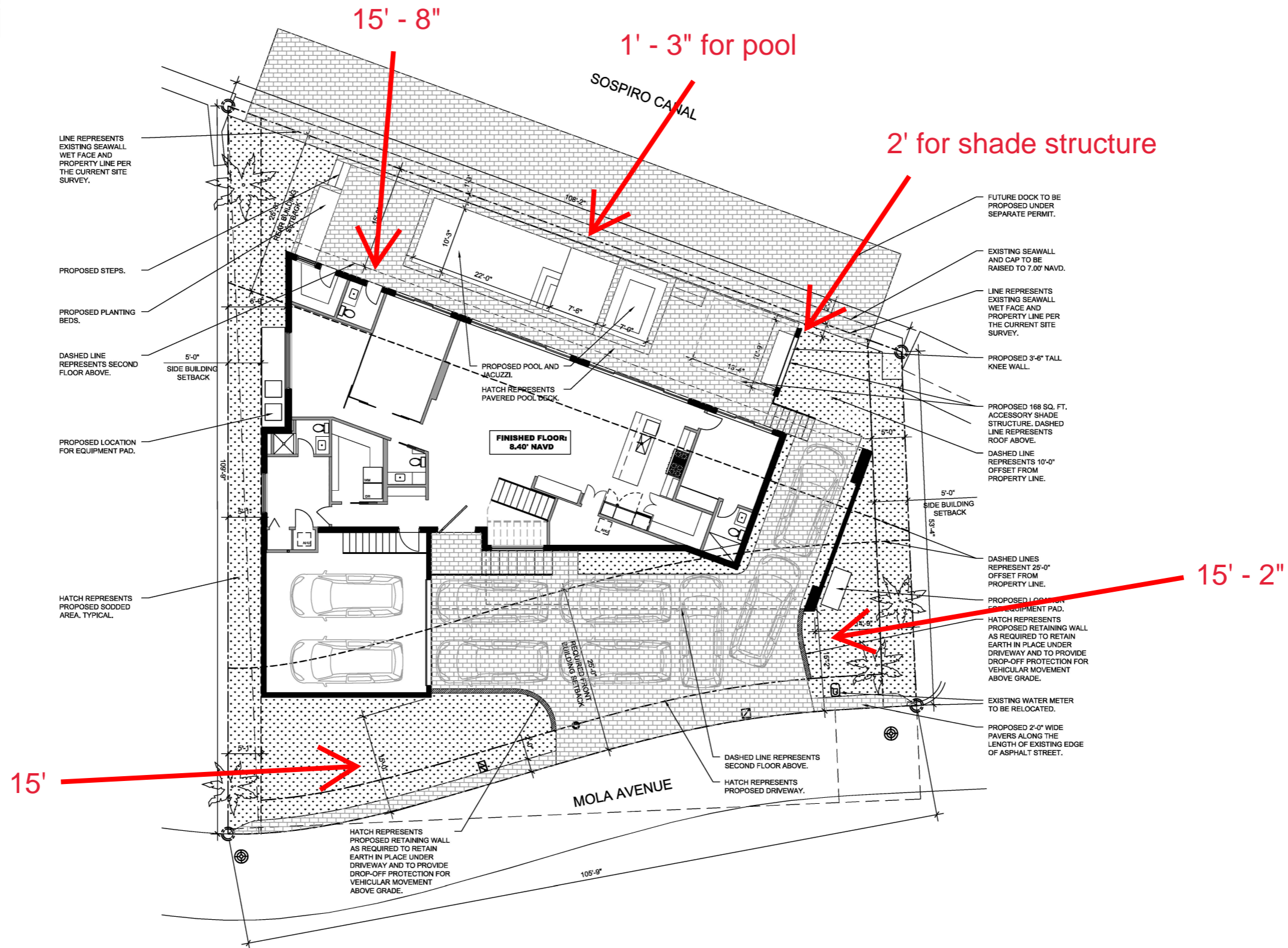
MICHAEL SALUS ARCHITECTS, LLC.
AA28002943



MICHAEL SALUS
AR97219

GOMEZ RESIDENCE
432 MOLA AVENUE
FORT LAUDERDALE, FLORIDA 33301

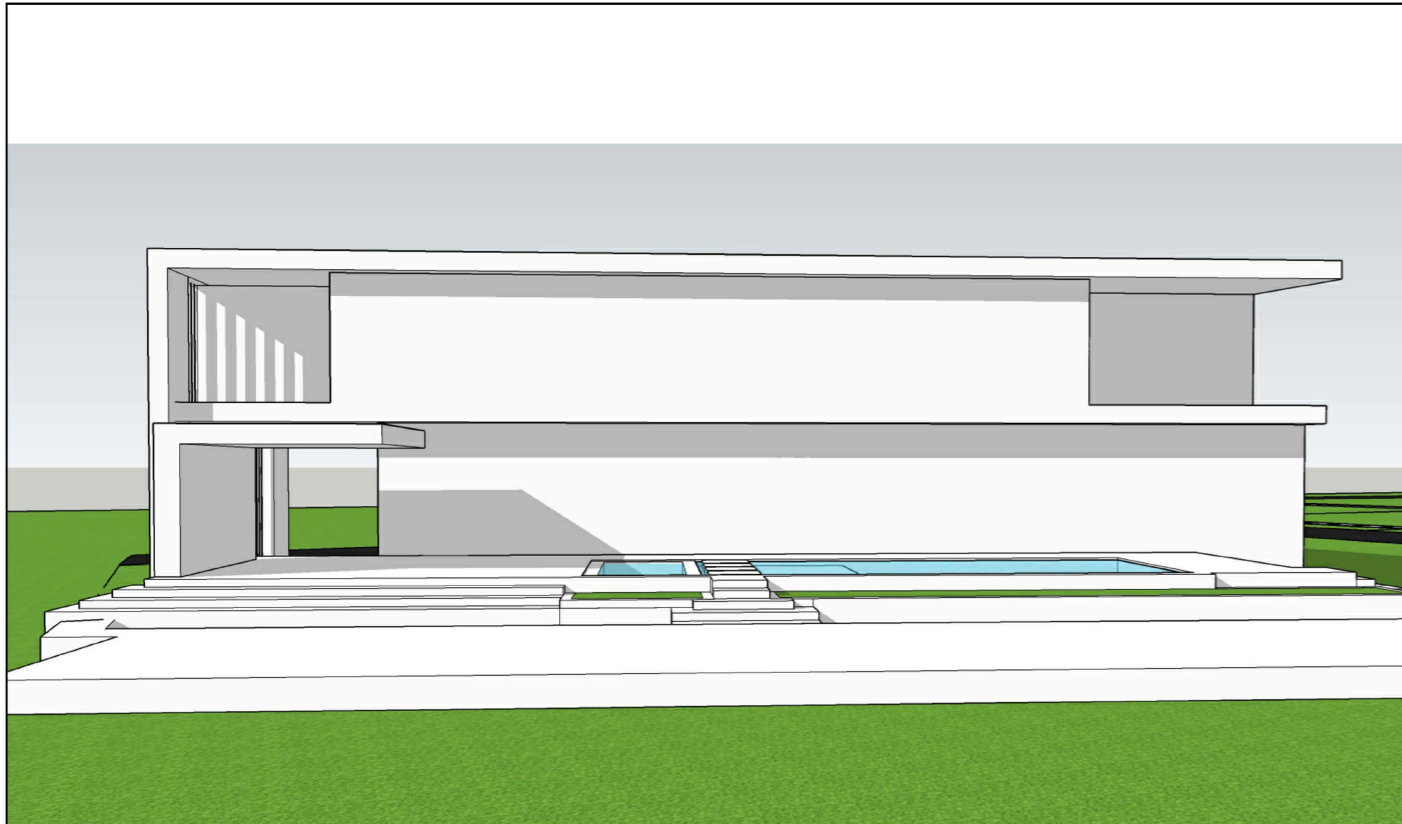
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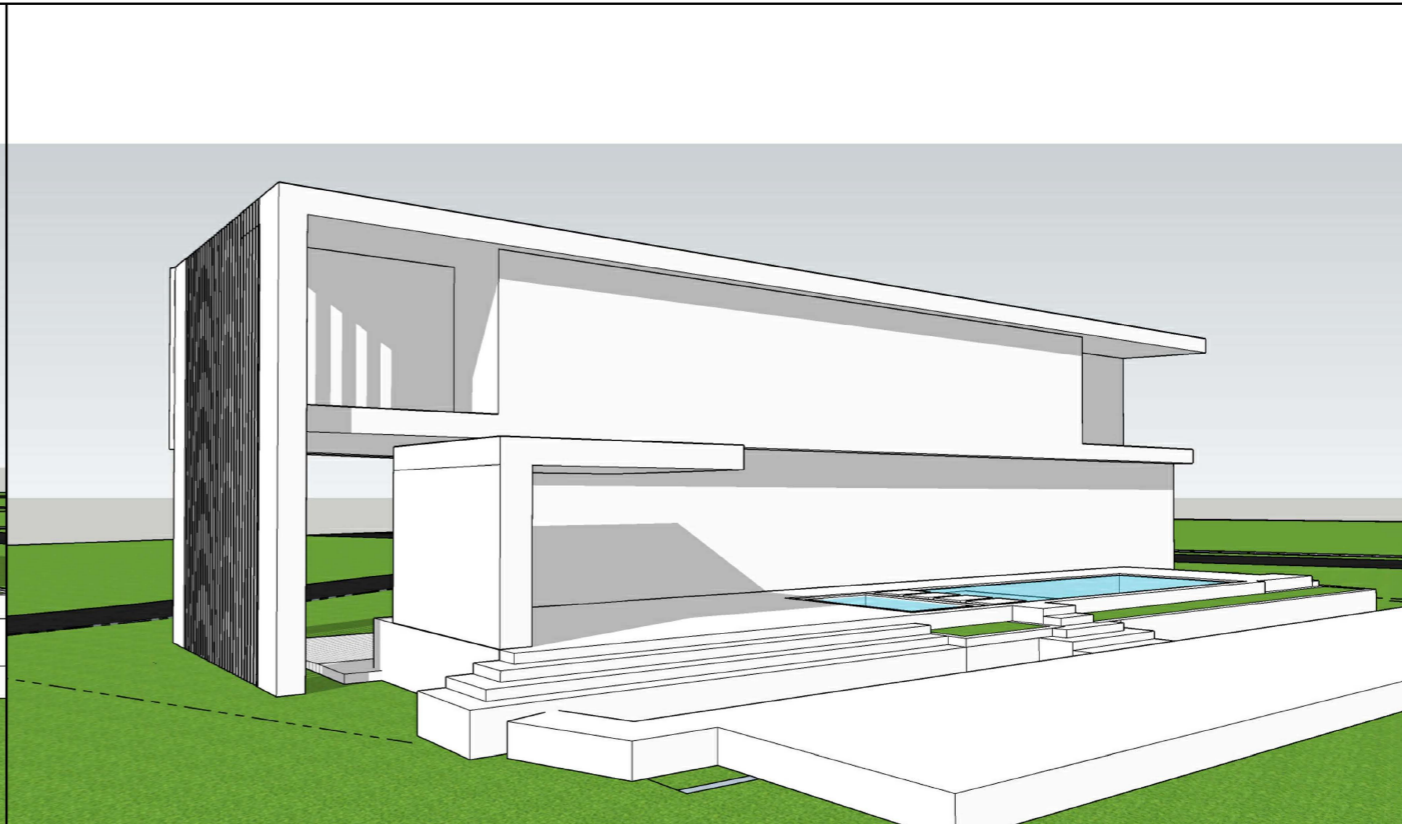
1. SITE PLAN
SCALE: 1/8" = 1'-0"

PROJECT NUMBER:	25.001.147
DRAWN BY:	MDS
CHECKED BY:	MDS
SUBMITAL:	VARIANCE SUBMISSION
ISSUED DATE:	07.01.25
1 VARIANCE REVISION	10.16.25

SITE PLAN
AS-101



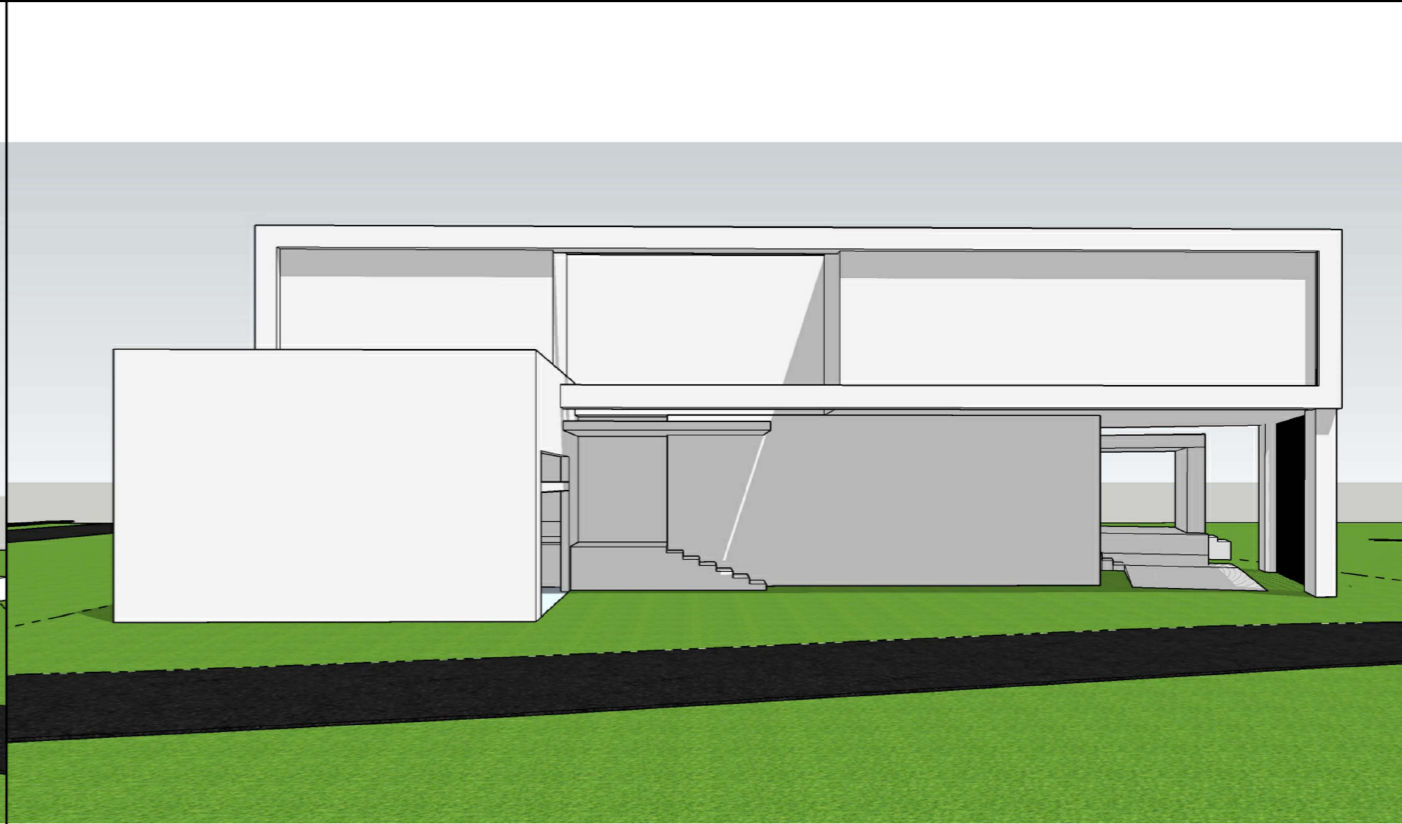
4. REAR SKETCH 2
SCALE: N.T.S.



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



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



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

michael salus architects

address : 107 nw 8th avenue
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MICHAEL SALLUS ARCHITECTS, LLC.
AA26002943



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432 MOLA AVENUE
FORT LAUDERDALE, FLORIDA 33301

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PROJECT NUMBER: 25.001.147

DRAWN BY: MDS

CHECKED BY: MDS

SUBMITTAL:
VARIANCE SUBMISSION

ISSUED DATE: 07.01.25

1 VARIANCE REVISION 08.27.25

3D SKETCHES

A-301

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)

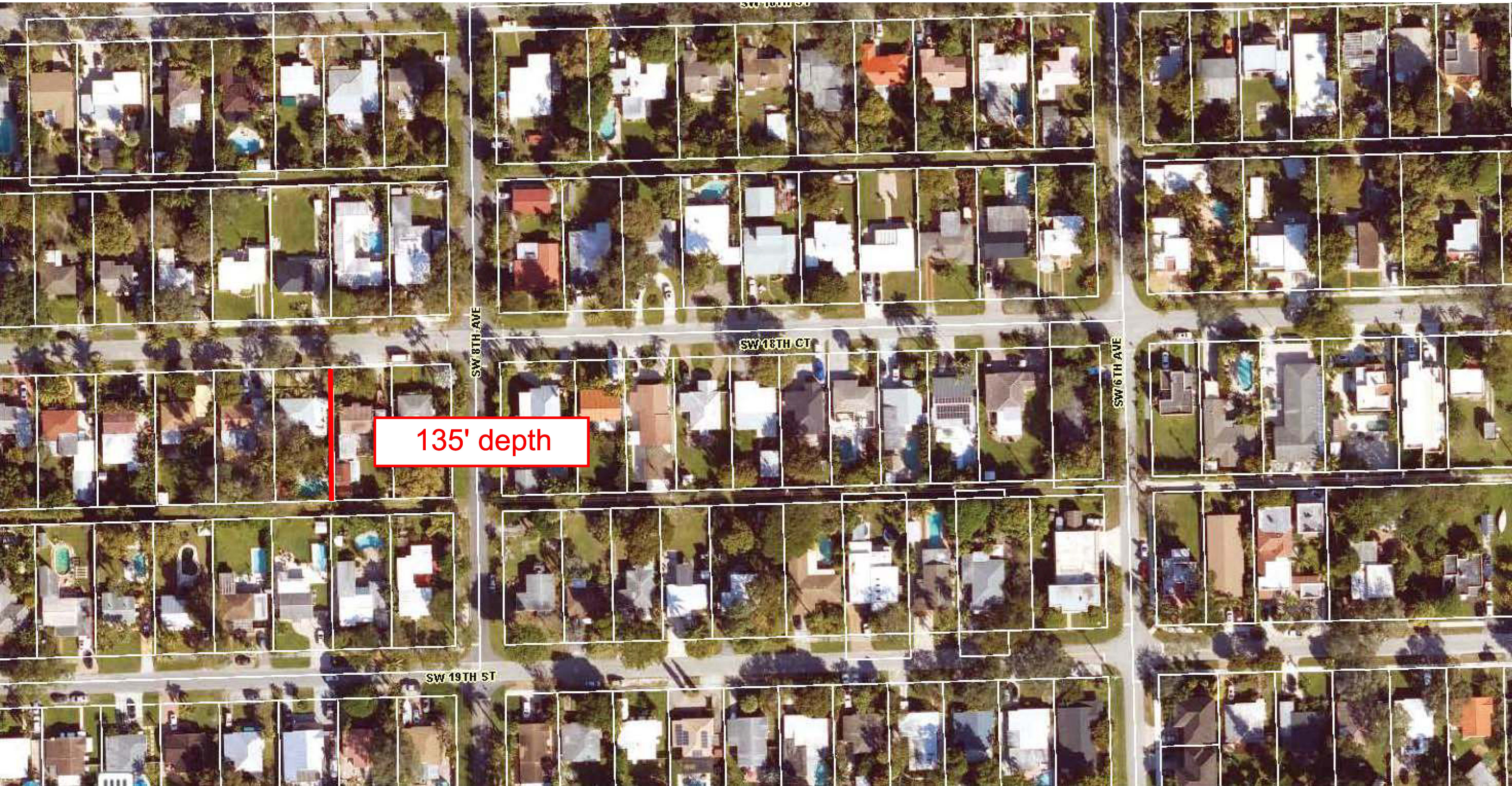


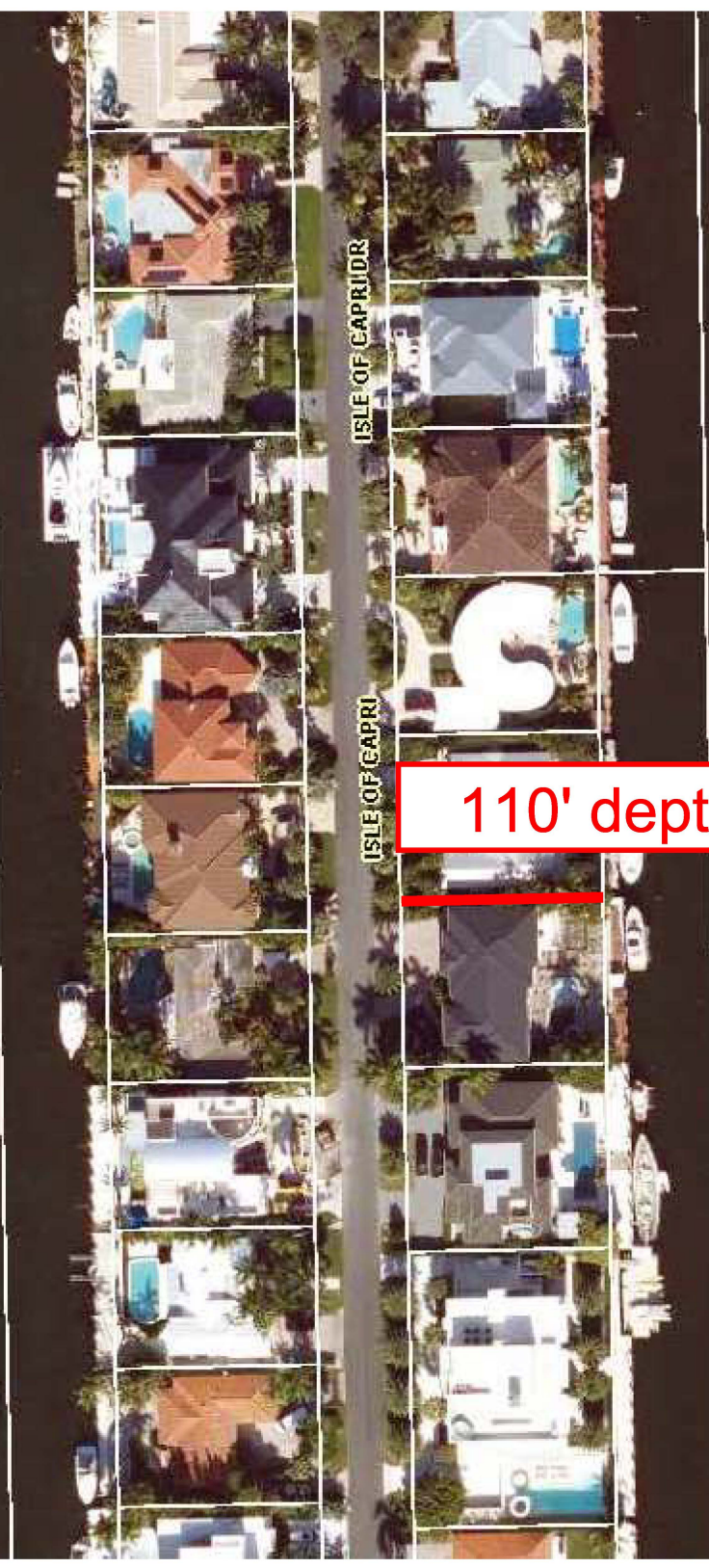
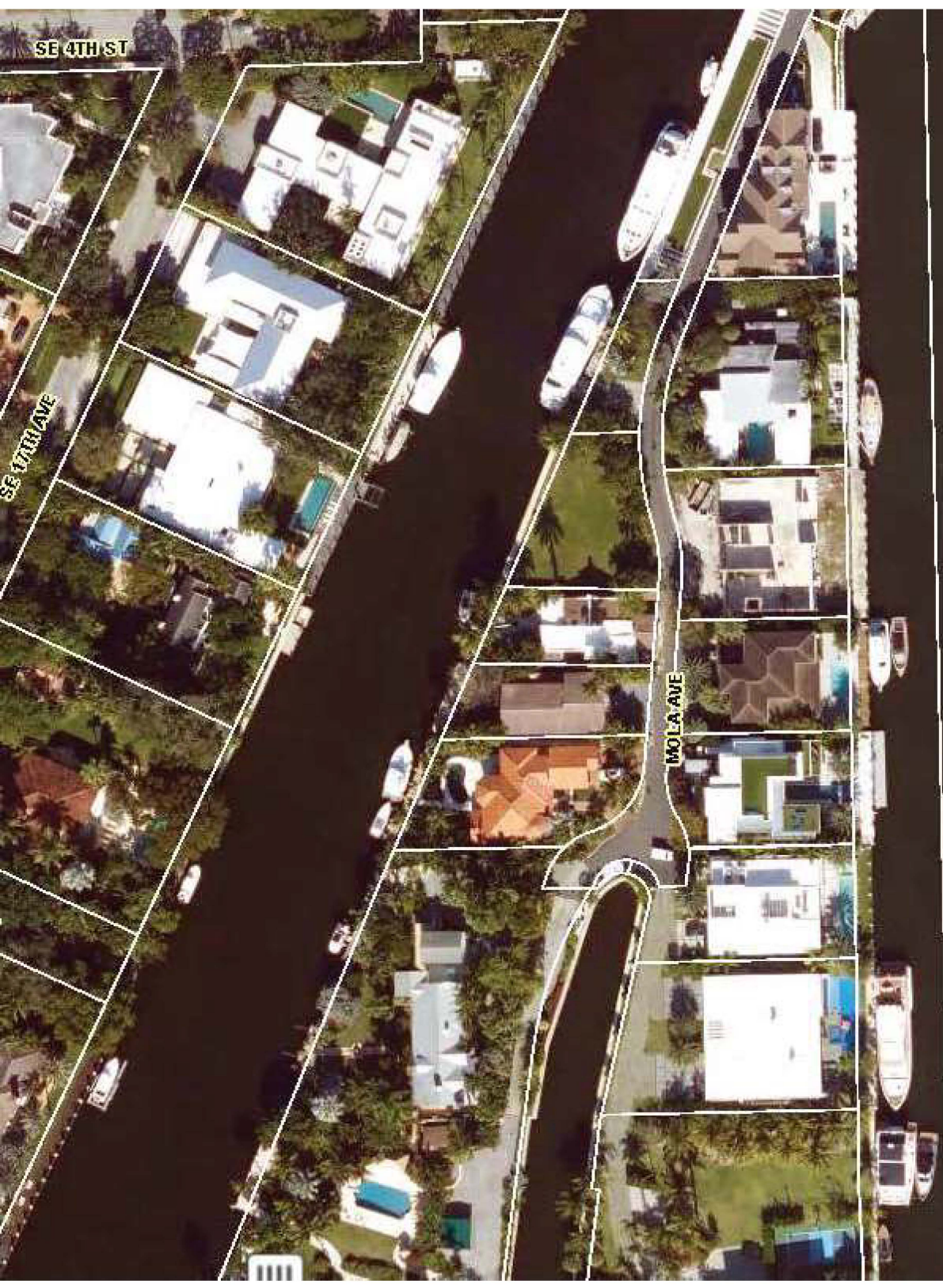
Variance Criteria – Peculiarity

“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



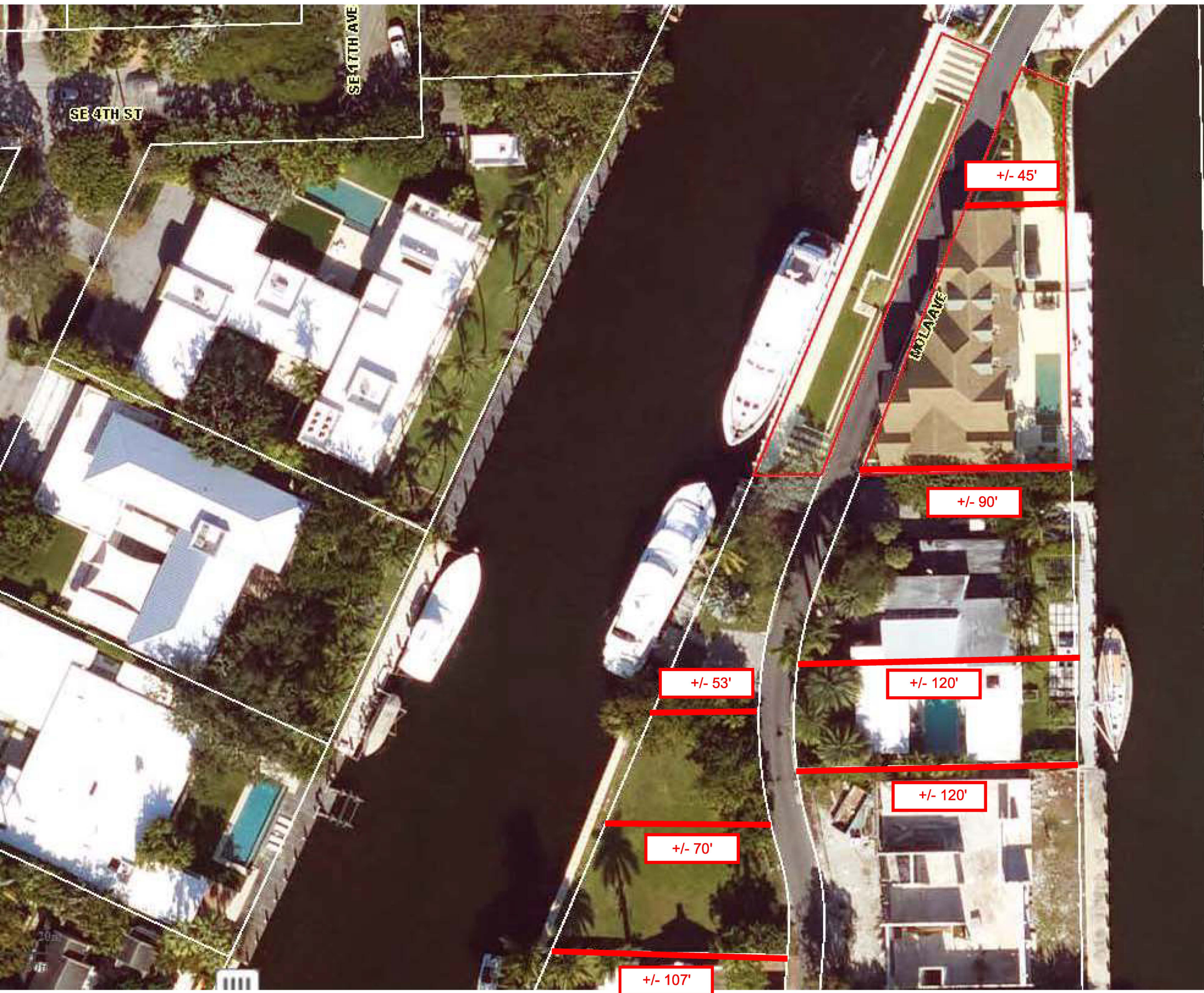




Buildable Depth
The Property: 3' (north), 20' (middle), 57' (south)
RS-8 (non-waterfront): +/- 45' - 95'
RS-8 (waterfront): 60'







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: MDS

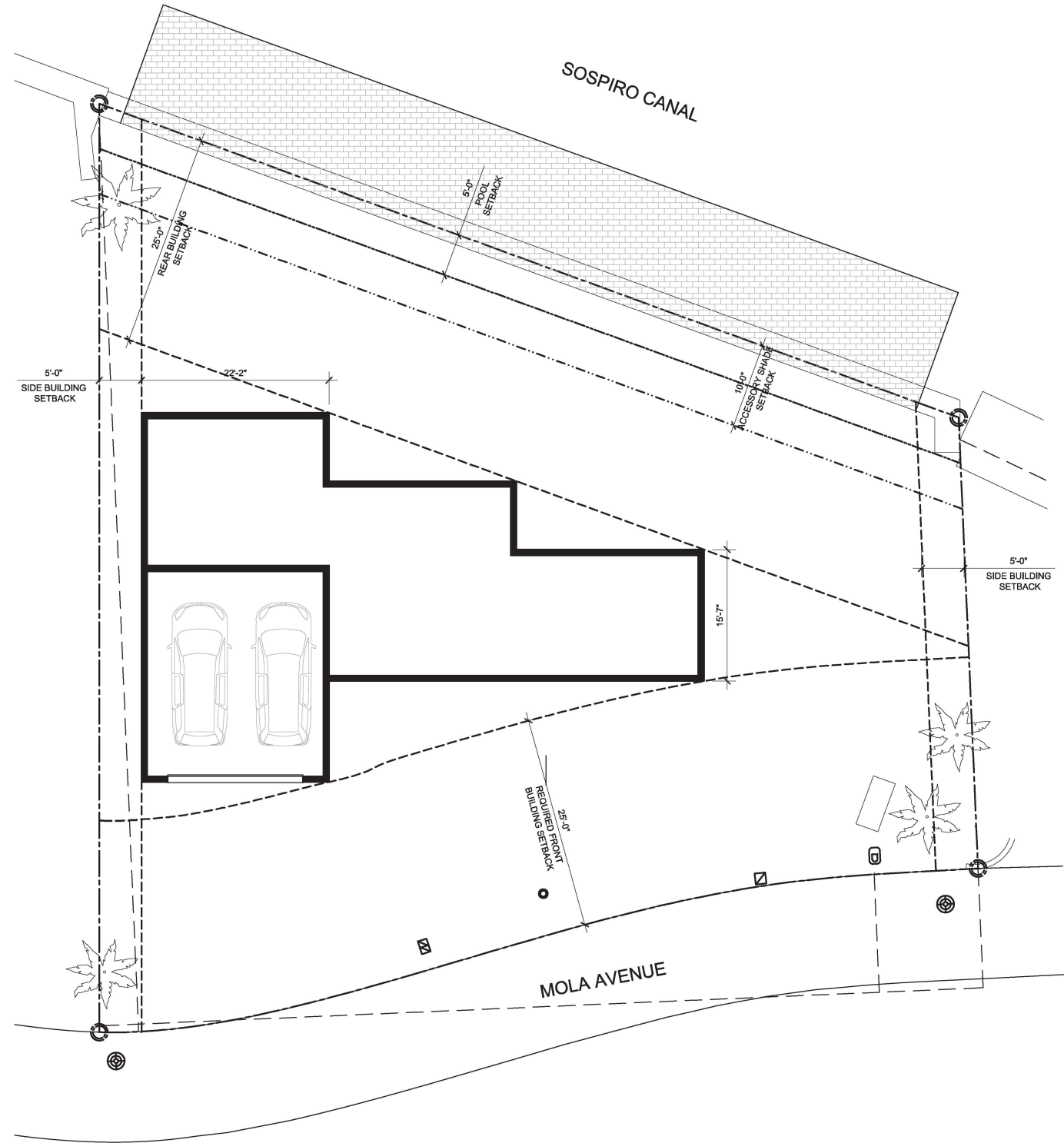
CHECKED BY: MDS

SUBMITTAL:
VARIANCE SUBMISSION

ISSUED DATE: 07.01.25

**SITE PLAN WITH
NO
ENCROACHMENT**

AS-104



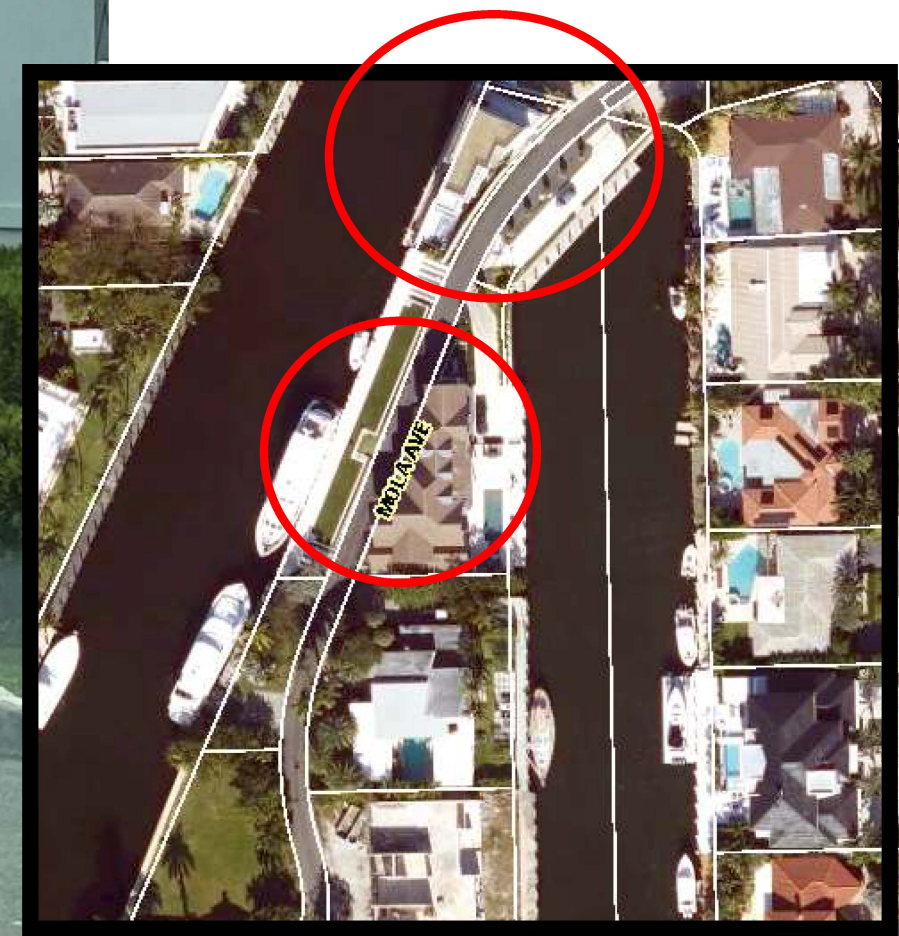
Variance Criteria – Unique Hardship

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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





Fort Lauderdale Board of Adjustment

December 10, 2025

423 Mola Avenue