



CITY OF FORT LAUDERDALE

MINUTES
BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19th AVENUE, FORT LAUDERDALE,
FLORIDA 33311
JANUARY 14, 2026 – 6:00 P.M.

Board Members	Attendance	Cumulative Attendance	
		6/2025 through 5/2026	
		Present	Absent
Howard Elfman, Chair	P	8	0
Douglas Meade	P	6	2
Amy Mergler	P	5	3
Patricia Rathburn	P	8	0
Robert Wolfe, Vice Chair	P	6	2
Jason Hagopian	P	7	1
Danella Williams	A	2	1
Jay Shechtman [alternate]	A	5	3
Samir Yajnik [alternate]	A	4	4
Jarrold Gaylis [alternate]	P	8	0

Staff

D'Wayne Spence, Interim City Attorney
 Mohammed Malik, Zoning Administrator
 Burt Ford, Zoning Chief
 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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	<u>Case Number</u>	<u>Owner/Agent</u>	<u>District</u>	<u>Page</u>
1.	PLN-BOA-25040003	Emile Luxe/Luke Joseph	2	5
2.	PLN-BOA-25110001	3030 Harbor Dr Holdings LLLP/Jason Crush Esq.	4	2
3.	PLN-BOA-25110006	Michael Dunbar/Stephanie Toothaker Esq.	4	3
4.	PLN-BOA-25120003	Cordova Road LLC/Amanda Phillips	2	4
		Communication to the City Commission		6
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		Other Items and Board Discussion		6

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 – December 10, 2025

Motion made by Mr. Wolfe, seconded by Mr. Hagopian:
 To approve the Board’s December 10, 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

2.

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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><u>Please Note:</u> This variance request is not inclusive to parking, signage, FBC requirements, or any Development Requirements as per ULDR.</p> <p>This case was Deferred from the December 10, 2025, BOA Agenda.</p>

Chair Elfman said the applicant had requested a deferral.

Motion made by Ms. Rathburn, seconded by Mr. Wolfe:
To defer Case PLN-BOA-25110001 to the Board's February 11, 2026 meeting. **Motion** passed 7-0.

3.

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CASE:	PLN-BOA-25110006
OWNER:	DUNBAR, MICHAEL
AGENT:	STEPHANIE J. TOOTHAKER, ESQ P.A.
ADDRESS:	2418 CAT CAY LANE, FORT LAUDERDALE, FL 33312
LEGAL DESCRIPTION:	LOT 3, BLOCK 3, LAUDERDALE ISLES, NO 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 35, PAGE 2, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA (SEE SURVEY).
ZONING DISTRICT:	RS-6.85A - IRREGULAR RESIDENTIAL
COMMISSION DISTRICT:	4
REQUESTING:	<u>Sec. 47-39. A.6.A. Dimensional requirements.</u> <ul style="list-style-type: none">• Requesting a variance to allow a north side setback of 5 feet 7 3/4 inches whereas the code requires a minimum setback of 7 feet 6 inches, a total variance request of 1 foot 10 1/4 inches.

Stephanie Toothaker Esq., the owner's agent, provided a presentation, a copy of which is attached to these minutes for the public record. She noted that 70% of homes in this area had the same condition of at least one side setback being less than current code required. She reviewed the variance criteria and said the request met all of them.

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. Hagopian said this did not meet the hardship criteria; he thought it was difficult to justify saying the zoning code was a hardship. Michael Dunbar, owner, pointed out that the houses in the neighborhood were inconsistent regarding the setbacks. He said most of the existing home would remain and there would be an addition, then they would add a second story.

Ms. Rathburn asked if the City considered this a renovation and Mr. Ford said the Building Department allowed the second floor to be considered an addition, provided they maintained the slab and a certain amount of walls.

Considering the neighboring properties' different setbacks, Ms. Mergler thought it would be discriminatory to deny this. Mr. Meade pointed out that there was nothing "weird" about this lot.

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

To deny the variance request for Sec. 47-39. A.6.A. Dimensional requirements because it does not meet the requirements for a variance.

In a voice vote, **Motion failed** 3-4 with Mr. Gaylis, Ms. Mergler, Mr. Wolfe, and Chair Elfman opposed.

Ms. Rathburn offered to make a motion to approve, even though she did not believe the criteria were met. She said her problem with this request was that they were tearing down the wall but they could put it where it used to be.

Mr. Spence advised Ms. Rathburn not to make the motion because she had indicated she did not believe the criteria were met.

Motion made by Mr. Wolfe, seconded by Ms. Mergler:

To grant the variance request for Sec. 47-39. A.6.A. Dimensional requirements because it meets the requirements for a variance.

In a voice vote, **Motion passed** 4-3 with Mr. Hagopian, Ms. Rathburn, and Mr. Meade opposed.

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CASE:	PLN-BOA-25120003
OWNER:	CORDOVA ROAD LLC
AGENT:	AMANDA PHILLIPS
ADDRESS:	1910 EAST SUNRISE BOULEVARD, FORT LAUDERDALE, FL 33304
LEGAL DESCRIPTION:	LOTS 1 AND 2 OF A REPLAT OF BLOCK 4 OF GATEWAY, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 25 AT PAGE 40 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	B-1 - BOULEVARD BUSINESS
COMMISSION DISTRICT:	2
REQUESTING:	<p><u>Sec. 5-26. - Distance between establishments.</u></p> <ul style="list-style-type: none"> Requesting a Special Exception from the 300' separation distance requirement for establishments holding 3COP/4COP liquor licenses to allow an Alcoholic Beverage License to be permitted at a distance of 103 feet and 260 feet, respectively, from two other establishments holding 3COP/4COP liquor licenses. A total separation distance request of 197 feet and 40 feet, respectively.

Amanda Phillips, agent, described the request and requested approval.

Chair Elfman opened the public hearing. Alexander, nearby business owner, said they needed more traffic in the area and he was in favor of the request. 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.

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

To grant the special exception.

Motion passed 7-0.

1.

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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. <p>This case was Deferred from the December 10, 2025, BOA Agenda.</p>

The applicant was not present when the case was first called so the case was moved to the end of the agenda. The applicant arrived later in the meeting.

Luke Joseph, agent, described 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. Joseph said they had reconsidered how to split the lot since the last meeting when Mr. Ford reviewed the survey and noted that the existing building was much more than five feet from the proposed split; it was over 20 feet. This meant they could configure the split differently from the original request.

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

To grant the variance requests because the hardship was not of the owner's making and the requests meet the criteria.

Motion passed 7-0.

Communication to the City Commission

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None

Report and for the Good of the City

Index

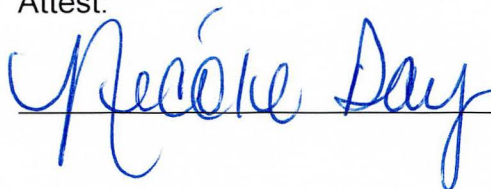
Mr. Spence informed the Board that an appeal to one of the Board's rulings would be heard at the next City Commission meeting.

There being no further business to come before the Board, the meeting adjourned at 6:40 p.m.

Chair:



Attest:



ProtoType Inc.

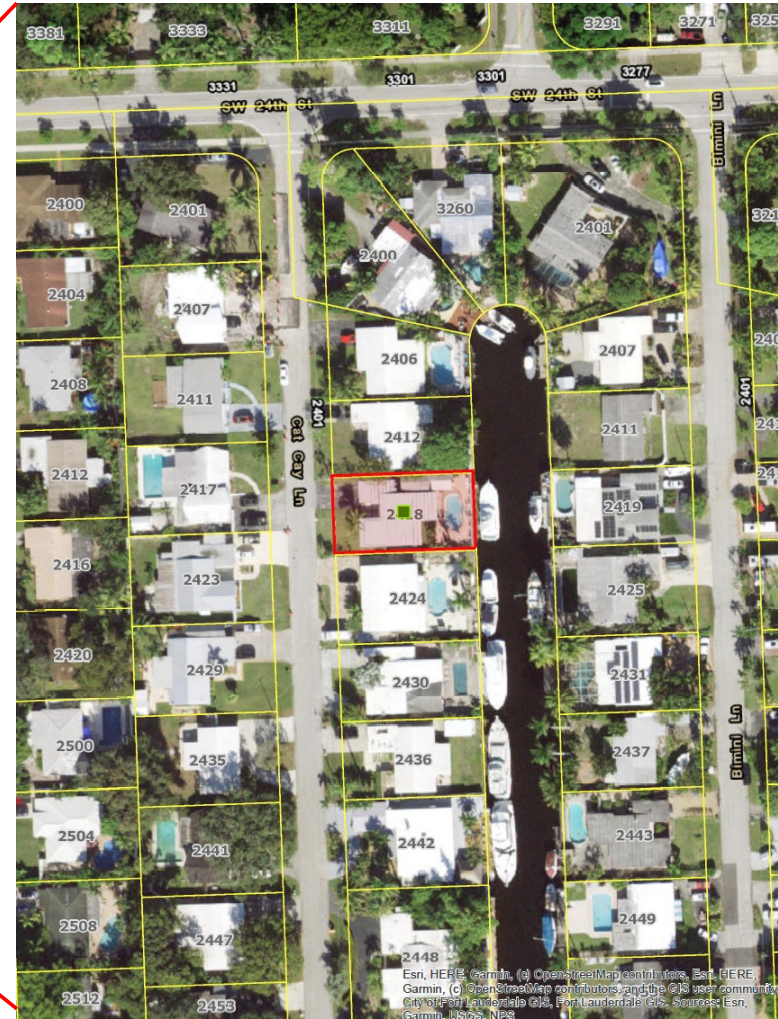
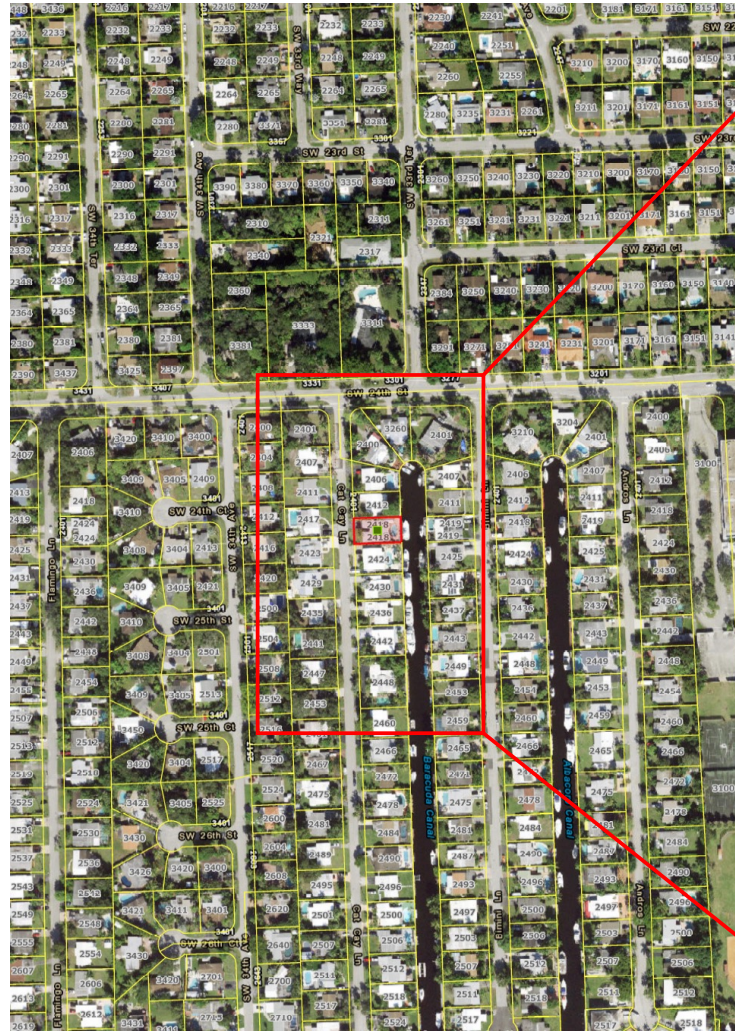
Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

DUNBAR RESIDENCE

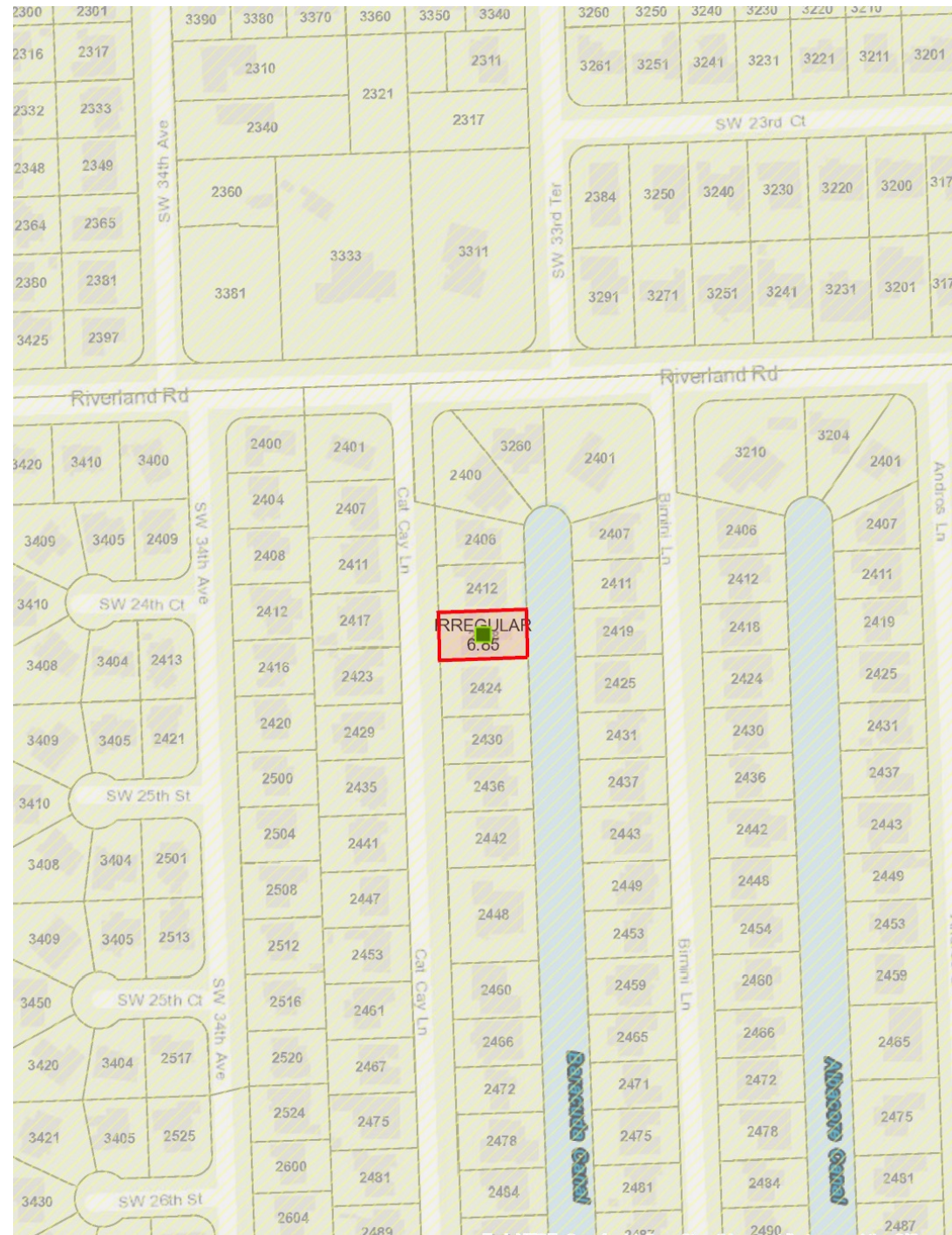
2418 Cat Cay Lane, Fort Lauderdale

PLN-BOA-25110006

January 14, 2026
Board of Adjustment
City of Fort Lauderdale



**2418 Cat Cay Lane
(Lauderdale Isles neighborhood)
Single-Family Detached Dwelling
Constructed in 1954**

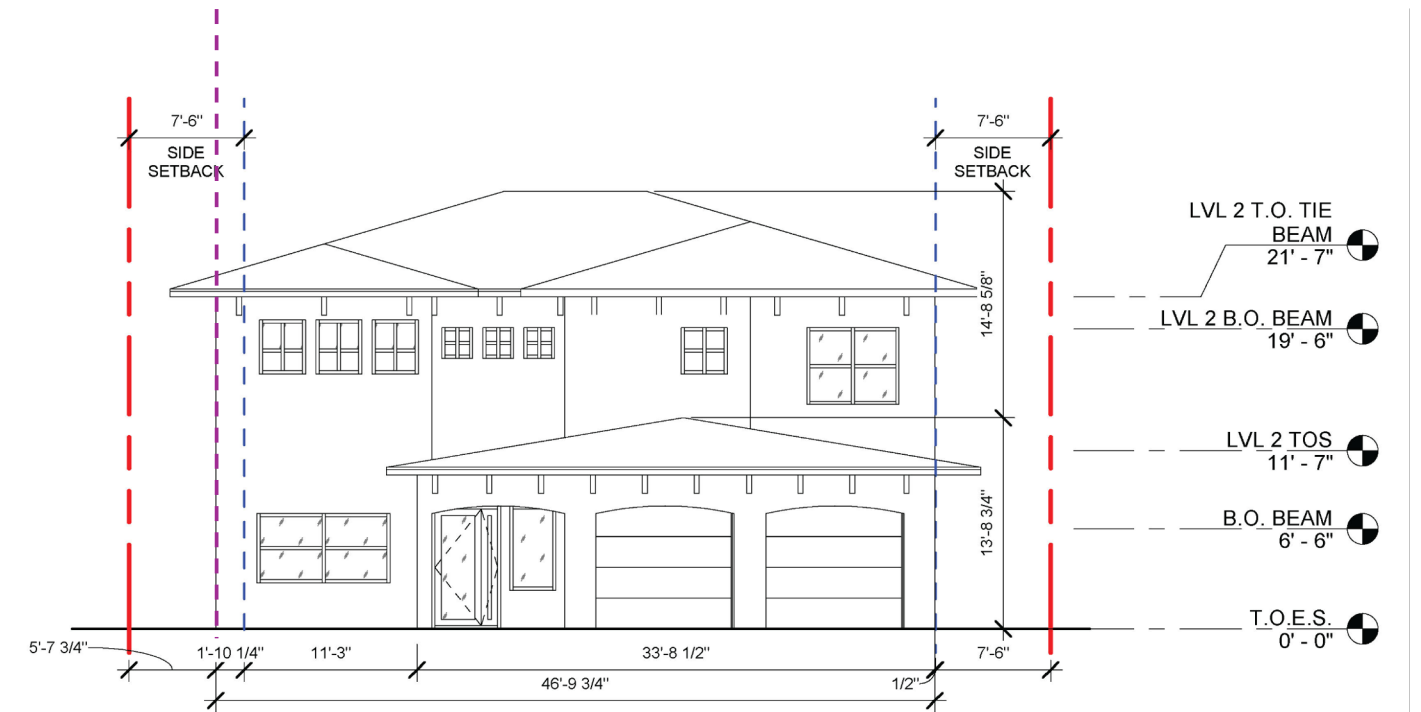


**FUTURE LAND USE:
Irregular 6.65**



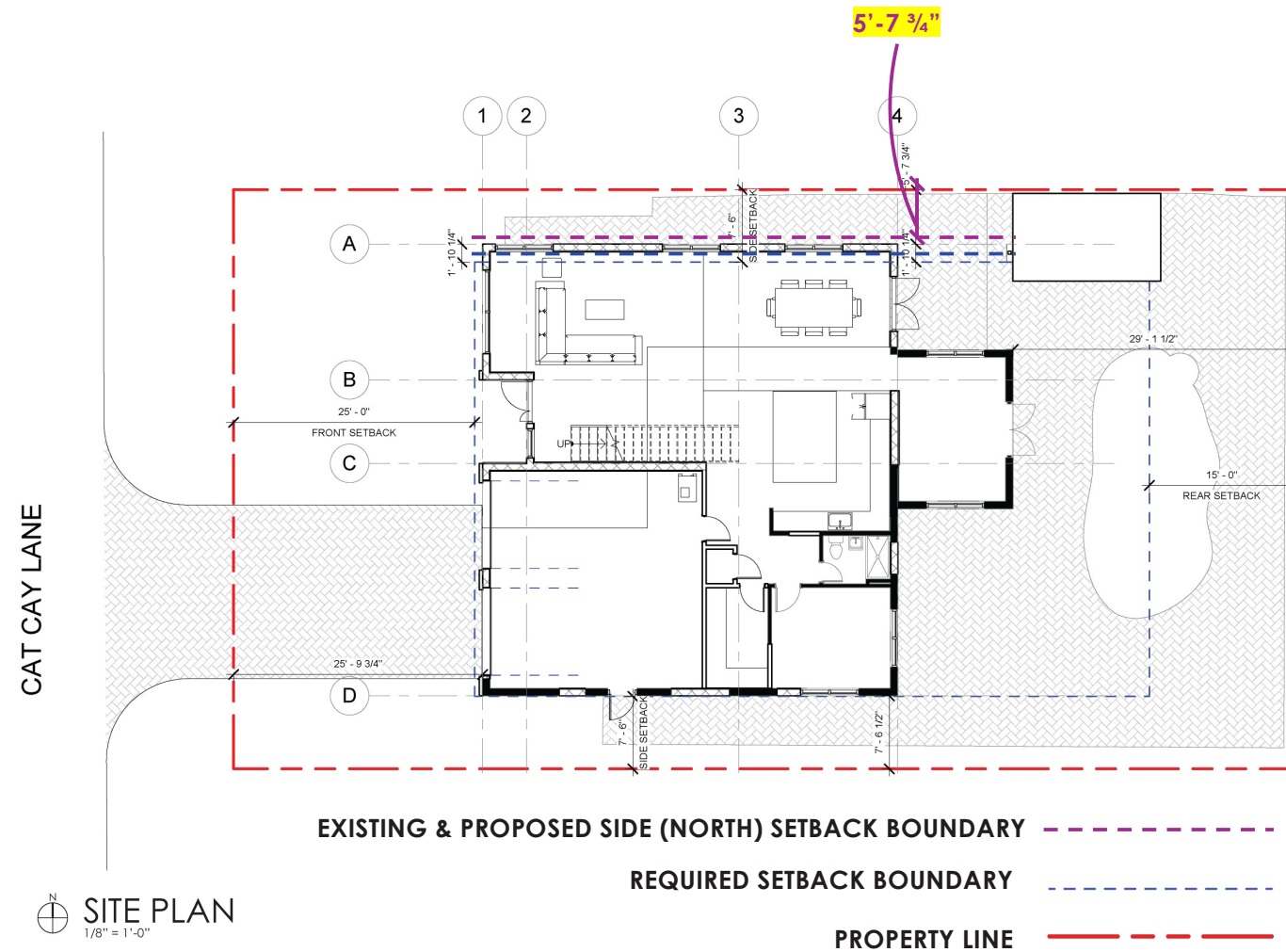
**ZONING:
RS-6.85A
(Annexed zoning district,
formerly County zoning)**

1ST AND 2ND STORY ADDITION



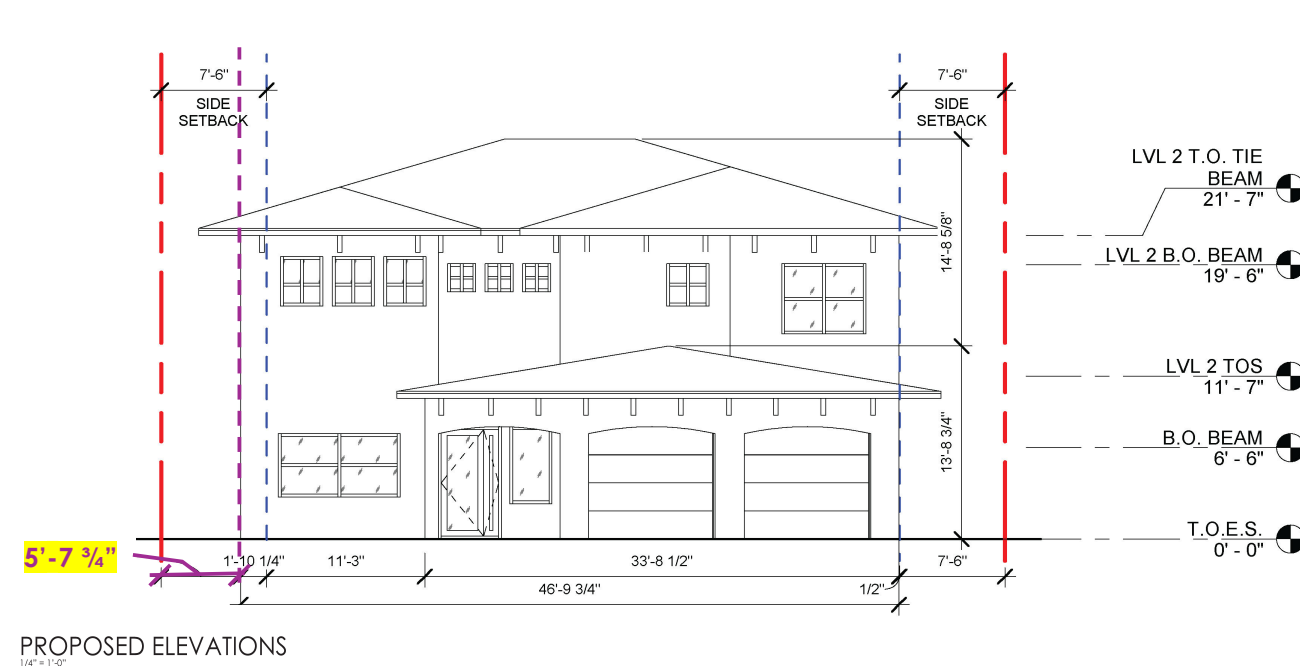
First-story renovation and rebuild with a second-story addition

REQUESTED VARIANCE



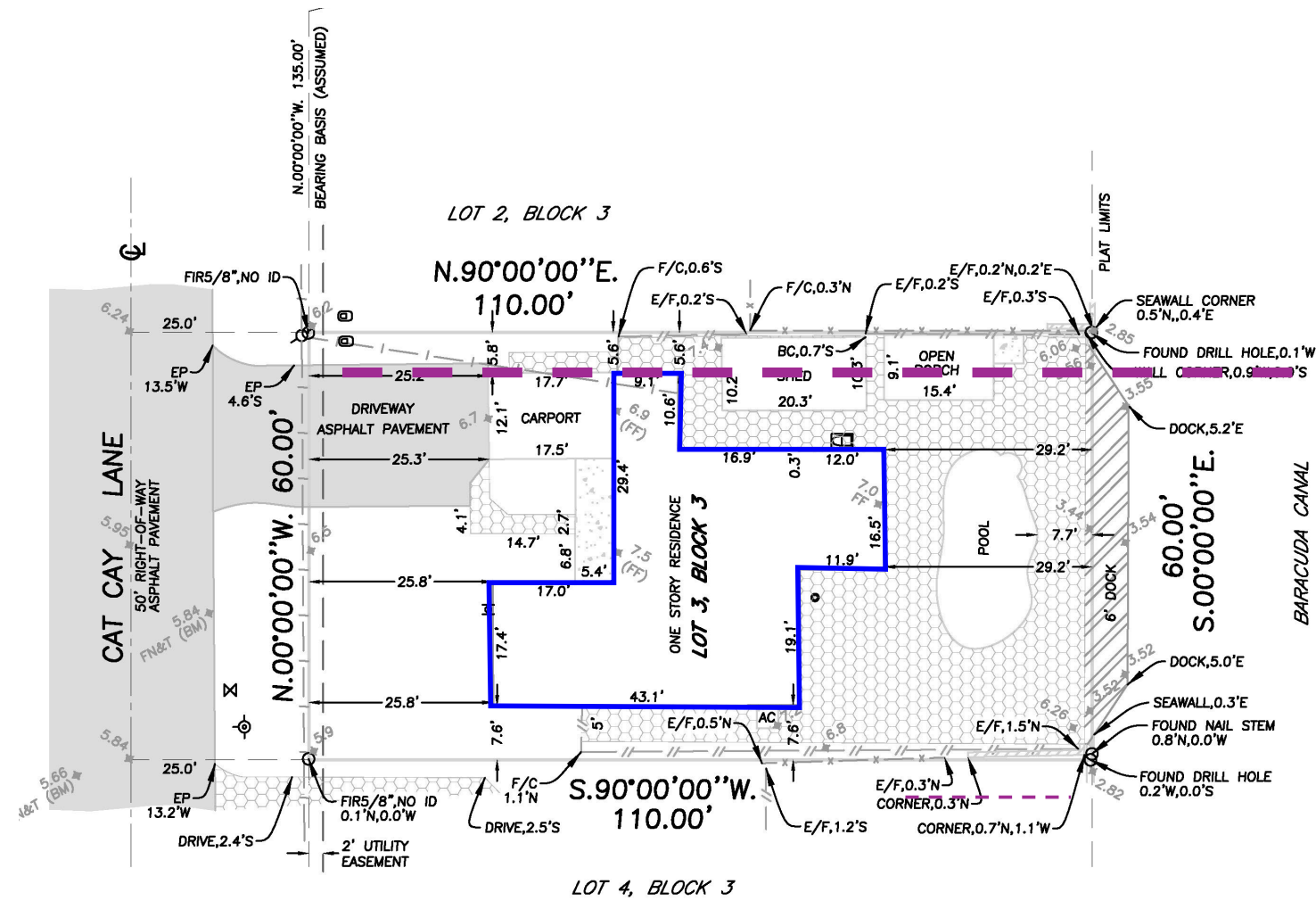
Sec. 47-39.A.6.A. Table of Dimensional Requirements for RS-6.85A Districts

- Requesting a variance to allow a north side setback of 5 feet, 7 3/4 inches whereas the code requires a minimum setback of 7 feet, 6 inches, a total variance request of 1 foot, 10 1/4 inches.



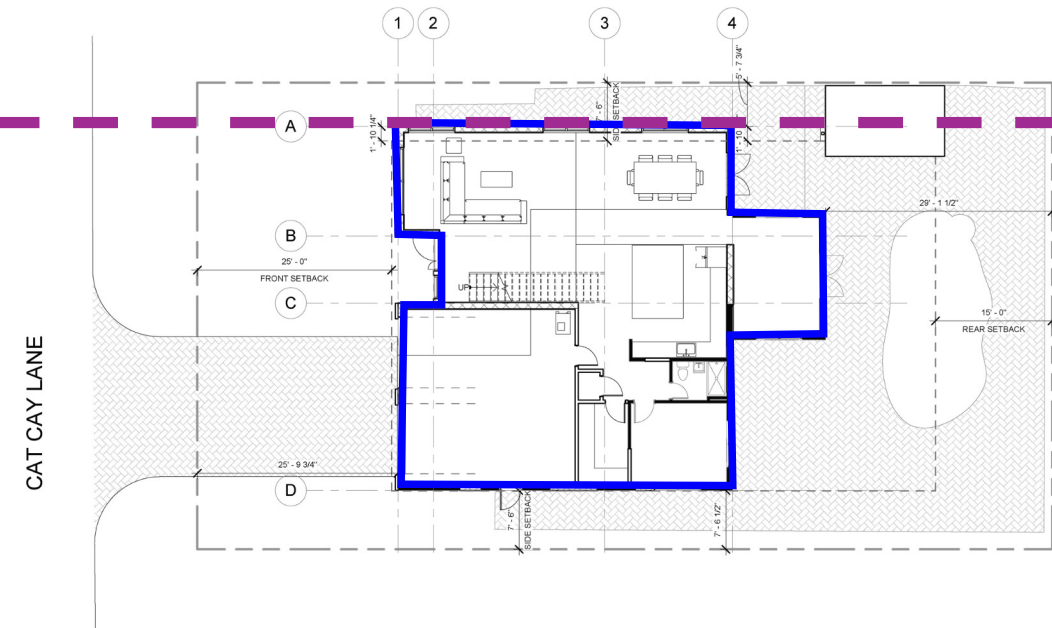
All other setbacks comply with minimum requirements

REQUESTED VARIANCE



EXISTING SURVEY

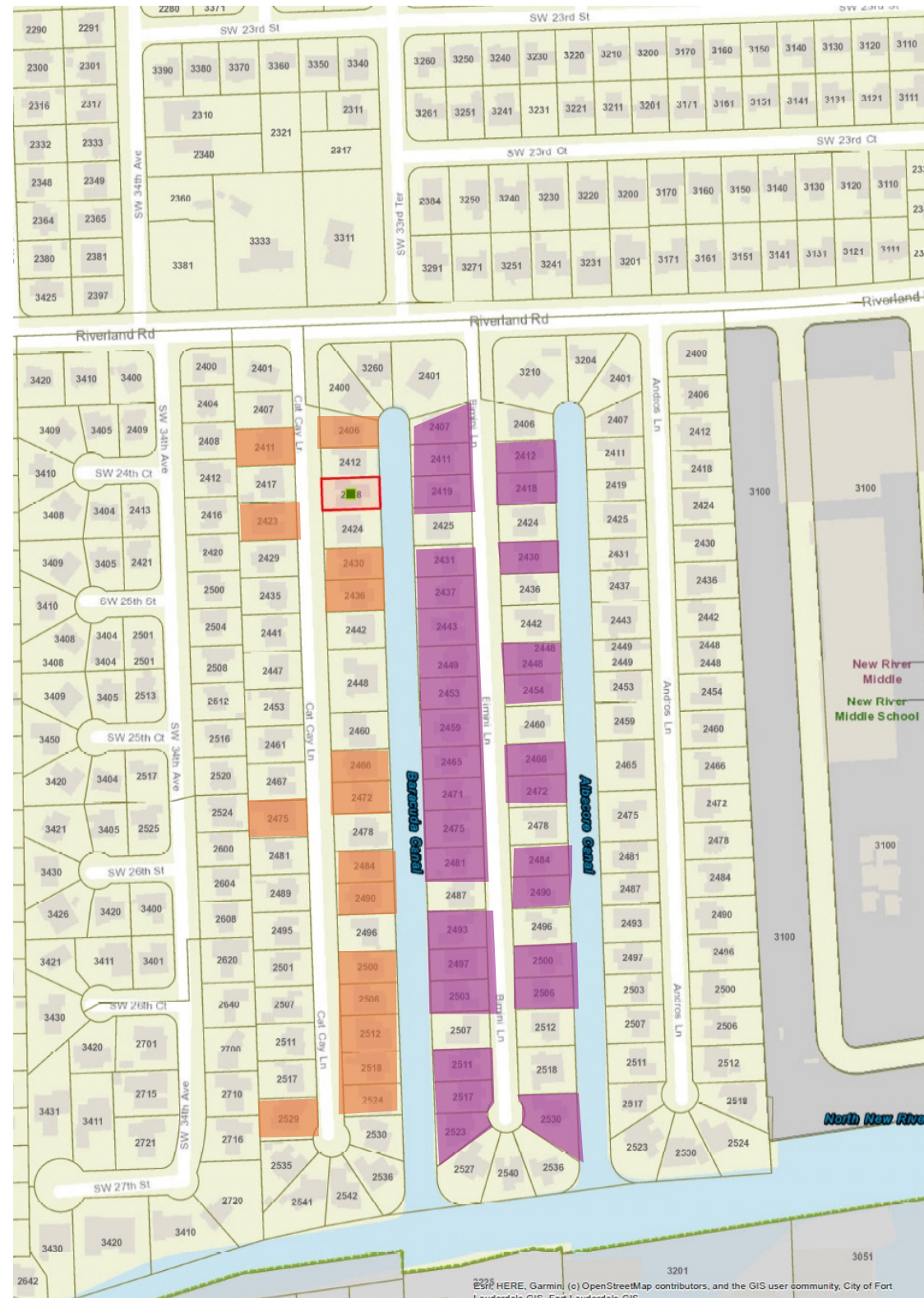
EXISTING AND PROPOSED SIDE (NORTH) SETBACK BOUNDARY - - - - -



PROPOSED SITE PLAN

THE VARIANCE MAINTAINS THE EXISTING SETBACK LINE

NEIGHBORHOOD COMPATIBILITY



The request aligns with the prevailing condition on the same street and surrounding streets.

A field survey of **Cat Cay Lane (subject street)** and **Bimini Lane (street across canal)** identified 49 of 82 homes ($\approx 70\%$) with at least one side setback less than 7'-6".

Cat Cay alone contains numerous homes with side setbacks equal to or less than the subject property's request.

These conditions reflect a long-established development pattern.

The requested variance would be consistent with existing conditions on Cat Cay Lane and would maintain neighborhood character.

COMPARISON TO OTHER RESIDENTIAL ZONING DISTRICTS

Zoning District	Min. Side Yard Requirement
RS-3.52	7'-6"
RS-6.70	7'-6"
RS-6.85B	7'-6"
RS-6.85A	7'-6"
RD 12.22	5'
RM-12.67	5'
RM-16	5'
RM-33.5	5'

The side yard setback requirement for single-family detached dwellings in comparable annexed zoning districts in the City is 5 feet for structures up to 25 feet in height



WEST ELEVATION



EAST ELEVATION



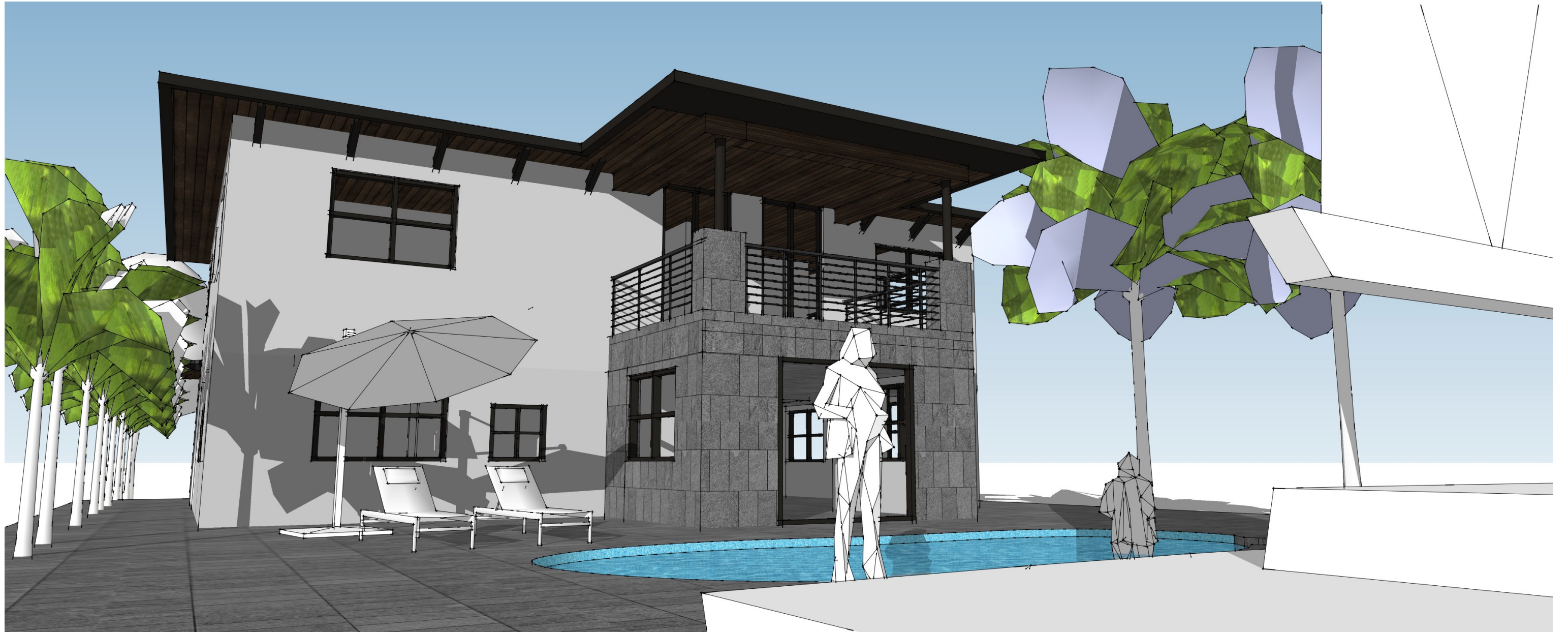
SOUTH ELEVATION



NORTH ELEVATION



WEST FRONT RENDER



EAST FRONT RENDER

VARIANCE CRITERIA – Special Conditions



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

The current house on the Property is a one-story, single-family home constructed prior to adoption of the current ULDR. The existing first-story structure provides a legally nonconforming north side setback of 5 feet, 7 ³/₄ inches, whereas the current ULDR requires a minimum of 7 feet, 6 inches. The Applicant proposes a first-story renovation and rebuild with a second-story addition that will continue this existing side setback building line.

For structural and architectural reasons, the foundation and wall along the north property line will be placed in the same location as today to properly support the new loads associated with the proposed improvements.

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 condition is peculiar to this Property, which was constructed under prior zoning standards that permitted the side setback of 5 feet, 7 ³/₄ inches. Many homes in the neighborhood share similar legally nonconforming setbacks that predate the ULDR.

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

Strict application of the 7.5 foot side setback would deprive the Applicant of the ability to rebuild within the home's existing legally established building boundary, a right enjoyed by other properties with comparable nonconforming setbacks that have been remodeled and have maintained their original legally nonconforming setback. The requested variance allows the Applicant to modernize the Property while remaining compatible with adjacent properties.

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. The residence was originally constructed in 1954 and later annexed into the City of Fort Lauderdale. The current legally nonconforming setback resulted from subsequent amendments to the ULDR that increased side-yard requirements. The proposed first-story expansion and second-story addition will maintain the same alignment as the existing nonconforming setback with new construction limited to the extent necessary to provide proper structural support and meet current Florida Building Code requirements.

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.

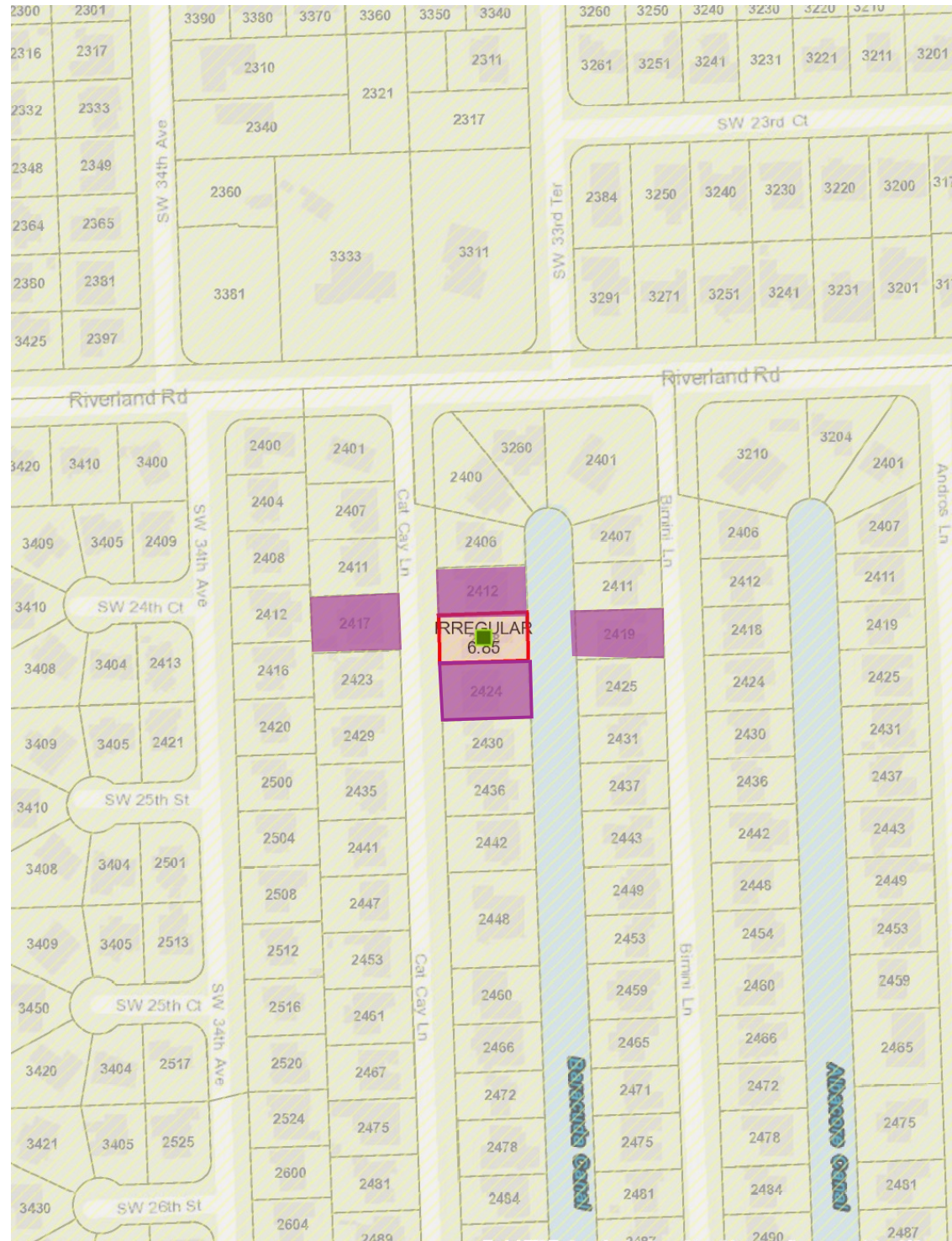
The requested 1 foot, 10 ¼ inch variance represents the minimum relief necessary to allow the use of the existing foundation and wall in the same legally established location to support a structurally sound, architecturally consistent first-story expansion and second-story addition.

The new construction will not expand beyond the existing 5 feet, 7 ¾ inch building line and will not **create new encroachments.**

The resulting design maintains adequate light, air, and separation from adjacent properties and remains compatible with the surrounding single-family neighborhood while supporting reinvestment consistent with the intent of the ULDR.

It is also noted that other residential zoning districts within the City permit minimum side yard setbacks of 5 feet for two-story structures, demonstrating that the requested 5 feet, 7 ¾ inch setback remains consistent with typical residential development standards and will maintain comparable separation between structures.

LETTERS OF SUPPORT FROM ADJACENT AND SURROUNDING NEIGHBORS



December 21, 2025
 Board of Adjustment
 City of Fort Lauderdale

Re: Support for Variance Request at 2418 Cat Cay Lane, Fort Lauderdale, FL 33312

Dear Members of the Board,

I reside at the property adjacent to 2418 Cat Cay Lane, Fort Lauderdale, FL 33312. I am writing in support of the Applicant's request for a minor variance to allow the requested variance below:

- Requesting a variance to allow a north side setback of 5 feet, 7 1/4 inches whereas the code requires a minimum setback of 7 feet, 6 inches, a total variance request of 1 foot, 10 1/4 inches.

The request is consistent with the home's existing legally nonconforming setback. The residence was built in 1954 and has maintained this setback for decades. The proposed first-story expansion and second-story addition will keep this existing setback and will not introduce any new encroachments or impacts beyond what already exists today.

From my perspective as an adjacent neighbor, the proposed improvements will remain compatible with the surrounding single-family neighborhood and will not adversely affect light, air, privacy, or the character of the area. The request is the minimum relief necessary and respects established conditions.

I support approval of the requested variance and urge the Board to consider the same.

Sincerely,
Brittany Huley
 2412 Cat Cay Lane

December 21, 2025
 Board of Adjustment
 City of Fort Lauderdale

Re: Support for Variance Request at 2418 Cat Cay Lane, Fort Lauderdale, FL 33312

Dear Members of the Board,

I reside at the property adjacent to 2418 Cat Cay Lane, Fort Lauderdale, FL 33312. I am writing in support of the Applicant's request for a minor variance to allow the requested variance below:

- Requesting a variance to allow a north side setback of 5 feet, 7 1/4 inches whereas the code requires a minimum setback of 7 feet, 6 inches, a total variance request of 1 foot, 10 1/4 inches.

The request is consistent with the home's existing legally nonconforming setback. The residence was built in 1954 and has maintained this setback for decades. The proposed first-story expansion and second-story addition will keep this existing setback and will not introduce any new encroachments or impacts beyond what already exists today.

From my perspective as an adjacent neighbor, the proposed improvements will remain compatible with the surrounding single-family neighborhood and will not adversely affect light, air, privacy, or the character of the area. The request is the minimum relief necessary and respects established conditions.

I support approval of the requested variance and urge the Board to consider the same.

Sincerely,
Ryan Sewell
 2424 Cat Cay Ln
 Fort Lauderdale, FL 33312

December 21, 2025
 Board of Adjustment
 City of Fort Lauderdale

Re: 2418 Cat Cay Lane Variance Request Support

Dear Members of the Board,

I am a surrounding neighbor of 2418 Cat Cay Lane with a home directly to the east on the opposite side of the canal and wish to express my support for the requested side setback variance of only 1 foot, 10 1/4 inches.

The home was constructed prior to the current zoning regulations and has a long-standing, legally established side setback that predates today's requirements. The proposed improvements simply maintain this existing condition and do not expand the building closer to the property line.

Many homes in this neighborhood were built under similar standards and have been updated over time while retaining their original setbacks. Allowing this modest variance ensures that the Applicant is treated consistently with other property owners who have been permitted to reinvest in and improve their homes under comparable circumstances.

The project appears reasonable, limited in scope, and compatible with the surrounding neighborhood. I do not anticipate any negative impacts to my property and support approval of the variance.

I respectfully ask the Board to grant the requested relief.

Sincerely,
John and Romi DiRoberto
 John and Romi DiRoberto
 Owners, 2419 Bimini Ln, Fort Lauderdale, FL 33312

December 21, 2025
 Board of Adjustment
 City of Fort Lauderdale

Re: 2418 Cat Cay Lane Variance Request Support

Dear Members of the Board,

I am a surrounding neighbor of 2418 Cat Cay Lane with a home directly across the street and wish to express my support for the requested side setback variance of only 1 foot, 10 1/4 inches.

The home was constructed prior to the current zoning regulations and has a long-standing, legally established side setback that predates today's requirements. The proposed improvements simply maintain this existing condition and do not expand the building closer to the property line.

Many homes in this neighborhood were built under similar standards and have been updated over time while retaining their original setbacks. Allowing this modest variance ensures that the Applicant is treated consistently with other property owners who have been permitted to reinvest in and improve their homes under comparable circumstances.

The project appears reasonable, limited in scope, and compatible with the surrounding neighborhood. I do not anticipate any negative impacts to my property and support approval of the variance.

I respectfully ask the Board to grant the requested relief.

Sincerely,
Andrew and Jacqueline Warenius
 Andrew and Jacqueline Warenius
 2417 Cat Cay Ln,
 Fort Lauderdale, FL 33312

THANK YOU.



Stephanie J. Toothaker, Esq.
stephanie@toothaker.org

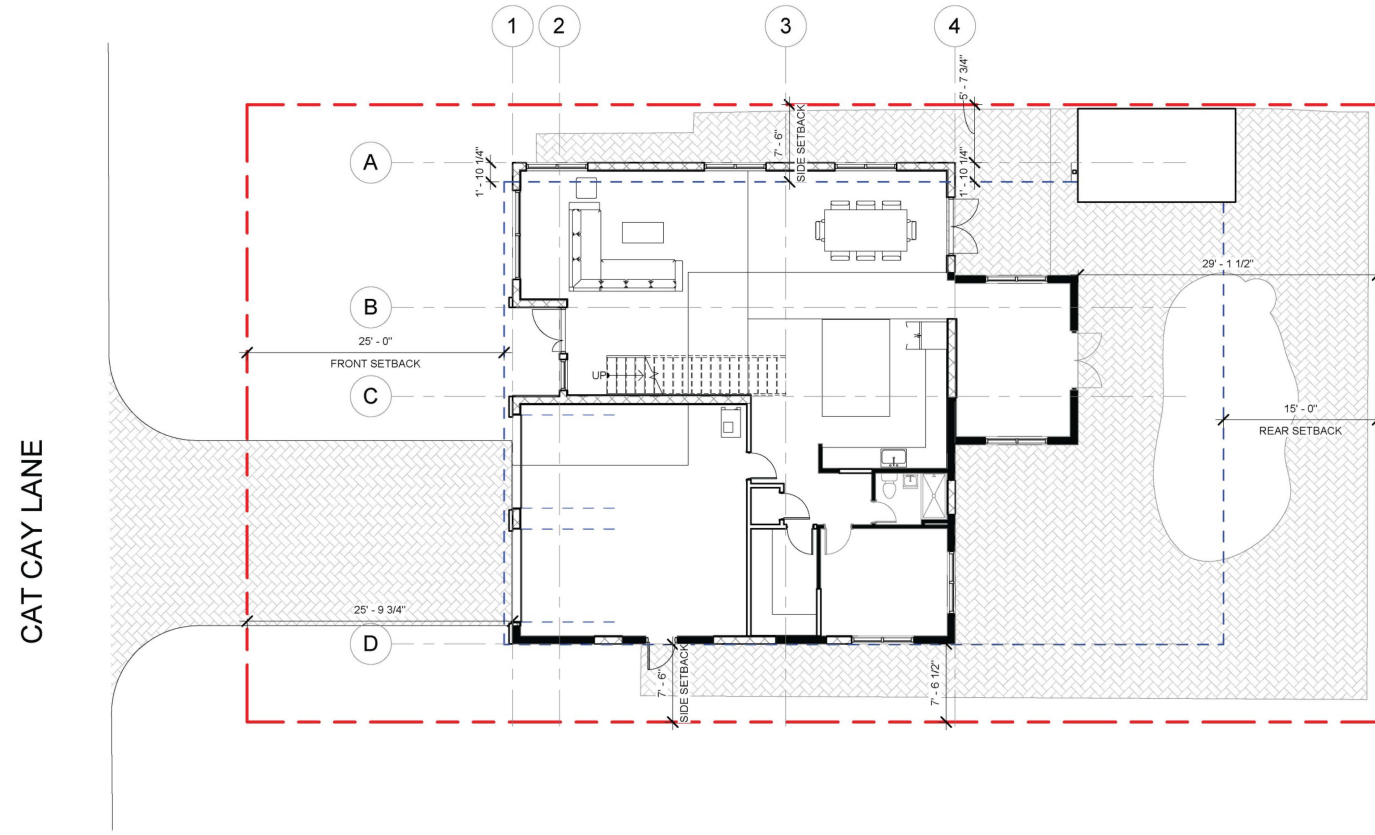
THANK YOU.



Stephanie J. Toothaker, Esq.
stephanie@toothaker.org



SITE PLAN
1/8" = 1'-0"



ZONING INFORMATION
SITE AREA
 6,600 SQFT/.15 ACRE

LEGAL DESCRIPTION
 LAUDERDALE ISLES NO 2 35-2 B LOT 3 BLK 3

LAND USE
 LOW (5) RESIDENTIAL

CURRENT USE OF PROPERTY
 SINGLE FAMILY RESIDENTIAL

SETBACKS	REQUIRED	PROVIDED
FRONT - WEST	25'	25' 9.75"
REAR - EAST	15'	29' 1.5"
SIDE - NORTH	7' 6"	5' 7.75"
SIDE - SOUTH	7' 6"	7' 6.5"



3000 N Federal Highway
 Suite 2008
 Fort Lauderdale, FL 33306
 (754) 207-2002
 www.db3.com

DUNLAP + BOWERS

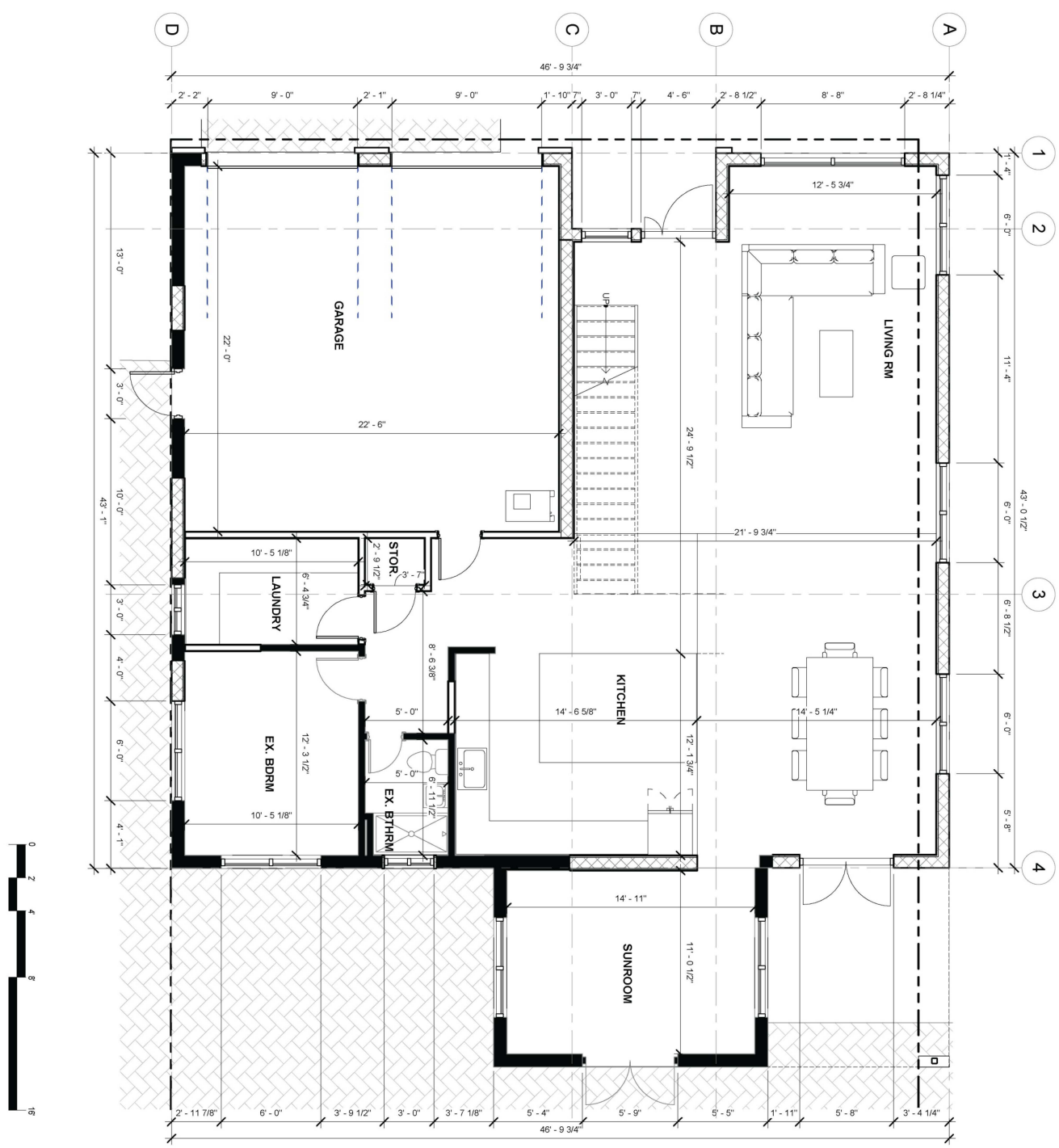
DUNBAR RESIDENCE

2418 CAT CAY LANE FORT LAUDERDALE, FL 33312

PROPOSED SITE PLAN

A-3


PROPOSED FIRST FLOOR PLAN
 1/4" = 1'-0"



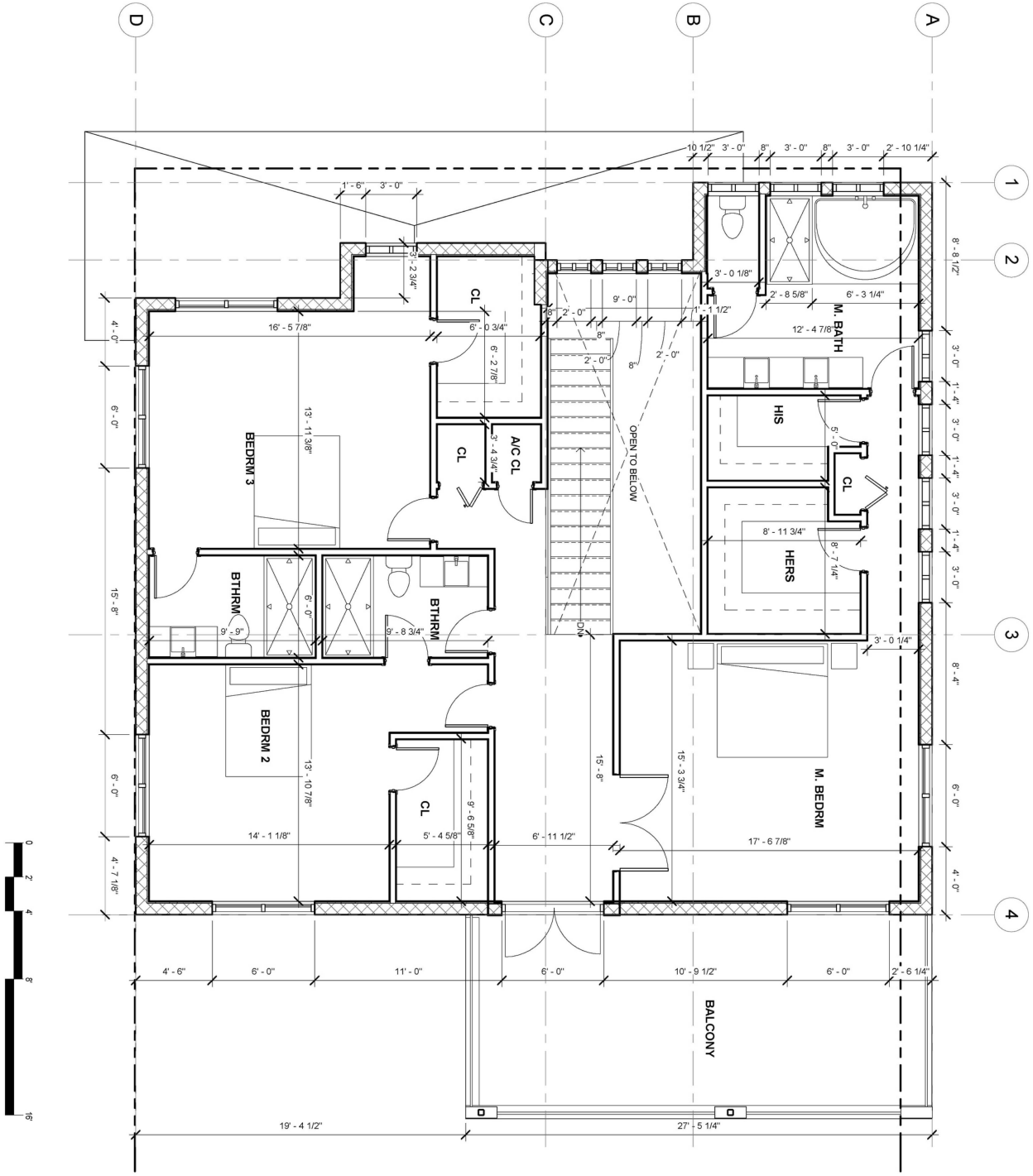
DUNBAR RESIDENCE

2418 CAT CAY LANE FORT LAUDERDALE, FL 33312

3000 N Federal Highway
 Suite 200B
 Fort Lauderdale, FL 33306
 (754) 207 - 2002
 www.d3-b.com




PROPOSED SECOND FLOOR PLAN
 1/4" = 1'-0"

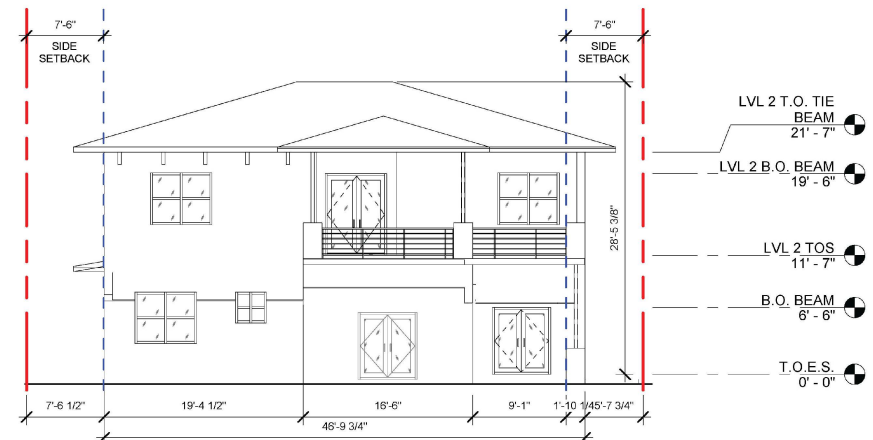
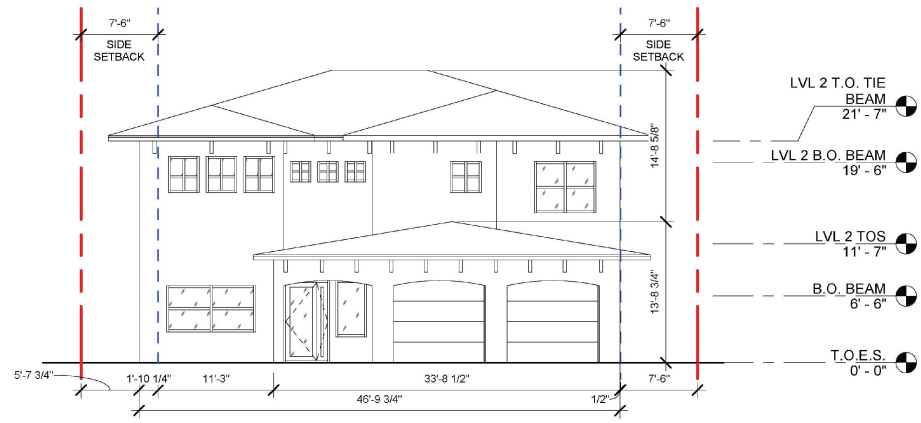
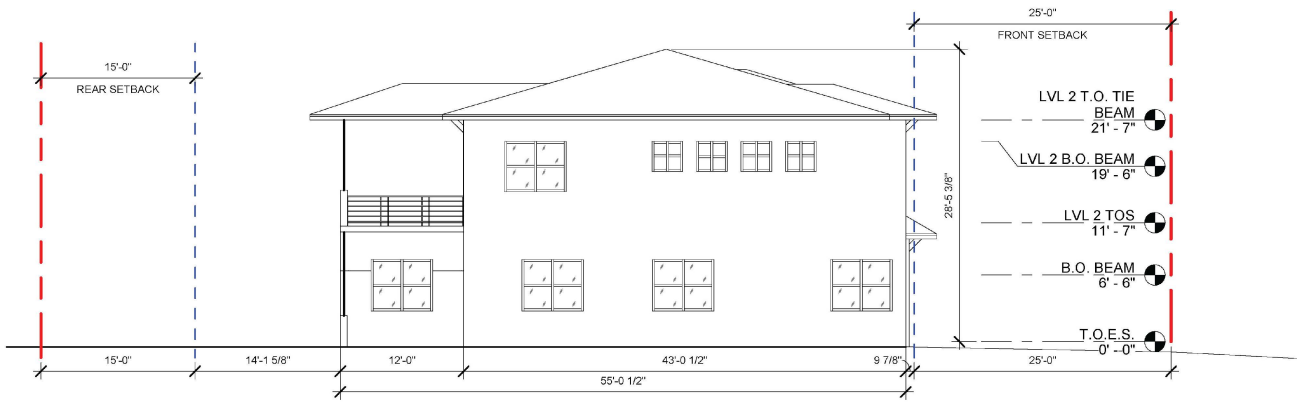


DUNBAR RESIDENCE

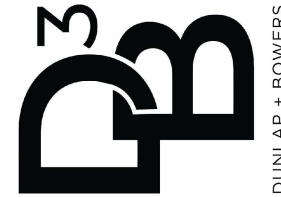
2418 CAT CAY LANE FORT LAUDERDALE, FL 33312

3000 N Federal Highway
 Suite 200B
 Fort Lauderdale, FL 33306
 (754) 207 - 2002
 www.d3-b.com





PROPOSED ELEVATIONS
1/4" = 1'-0"



DUNLAP + BOWERS

3000 N Federal Highway
Suite 200B
Fort Lauderdale, FL 33306
(754) 207-2002
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DUNBAR RESIDENCE

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