



CITY OF FORT LAUDERDALE

MINUTES
BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19th AVENUE, FORT LAUDERDALE,
FLORIDA 33311
MARCH 11, 2026 – 6:00 P.M.

Board Members	Attendance	Cumulative Attendance	
		6/2025 through 5/2026	
		Present	Absent
Howard Elfman, Chair	P	10	0
Douglas Meade	P	8	2
Patricia Rathburn	P	10	0
Robert Wolfe, Vice Chair	P	8	2
Jason Hagopian	P	9	1
Danella Williams	P	4	1
Jay Shechtman [alternate]	P	7	3
Samir Yajnik [alternate]	P	6	4
Jarrold Gaylis [alternate]	P	10	0

Staff

D'Wayne Spence, Interim City Attorney
 Mohammed Malik, Zoning Administrator
 Chakila Crawford, Senior Administrative Assistant
 Karen Ceballo, Senior Administrative Assistant
 James Hollingsworth, Zoning Plans Examiner
 Karlanne Devonish, Principal Urban Planner
 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-25060005	1437 Southwest 4 Ave Florida Land Trust/Eric Kubecka	4	3
2.	PLN-BOA-26020001	Sharon Dunca/Miles Jolley	4	2
		Communication to the City Commission		3
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I. Call to Order

The meeting was called to order at 6:02 p.m. Roll was called and a quorum was determined to be present.

II. Approval of Minutes – February 11, 2026

Motion made by Mr. Wolfe, seconded by Mr. Hagopian:
To approve the Board’s February 11, 2026 minutes. **Motion** passed unanimously.

III. Public Sign-In / Swearing-In

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

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

IV. Agenda Items

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2. CASE:	PLN-BOA-26020001
OWNER:	DUNCAN, SHARON
AGENT:	MILES JOLLEY
ADDRESS:	1017 SOUTH WEST 19 STREET, FORT LAUDERDALE FL, 33315
LEGAL DESCRIPTION:	THE EAST 15’ FEET OF LOT 19, ALL OF LOT 20 AND THE WEST 10’ FEET OF LOT 21, BLOCK 21, OF YELLOWSTONE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE(S) 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA (SEE SURVEY)
ZONING DISTRICT:	RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
COMMISSION DISTRICT:	4
REQUESTING:	<u>Sec 47-19.2. A.5.a Accessory buildings, structures and equipment, general</u> <ul style="list-style-type: none">• Requesting a variance to allow an accessory dwelling unit in an RS-8 zoning district at a lot size of 9,372 gross square feet, whereas the code requires a minimum lot size of 10,890 gross square feet. A total variance request of 1,518 gross square feet. <u>Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district</u> <ul style="list-style-type: none">• Requesting a variance to allow an accessory dwelling unit at a rear yard setback of 5.4 feet whereas the code requires a minimum setback of 15 feet, a total variance request of 9.6 feet

Miles Jolley, the owner’s agent, requested a deferral to the April 8, 2026 hearing.

Motion made by Ms. Rathburn, seconded by Mr. Hagopian:
To defer Case PLN-BOA-26020001 to April 8, 2026.

In a roll call vote, **Motion passed 7-0.**

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1. CASE:	PLN-BOA-25060005
OWNER:	1437 SOUT WEST 4 AVE FLORIDA LAND TR
AGENT:	ERIC KUBECKA
ADDRESS:	1437 SOUTH WEST 4 AVENUE, FORT LAUDERDALE, FL 33315.
LEGAL DESCRIPTION:	LOT 5, 6 AND 7, OF BLOCK, OF LAUDERDALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 9, 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 an existing accessory building to have a rear yard setback distance of 5.18 feet, whereas the code requires a minimum rear yard setback of 15 feet. A total variance request of 9.82 feet. • Requesting a variance to allow an existing accessory building to have a side yard setback distance of 4.29 feet, whereas the code requires a minimum rear yard setback of 5 feet. A total variance request of 0.71 feet.

Eric Kubecka, the owner’s 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. Kubecka said he would maintain the existing structure.

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

To approve the variance requests for PLN-BOA-25060005 because they meet all the criteria for a variance.

In a roll call vote, **Motion passed 7-0.**

Communication to the City Commission

None

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Report and for the Good of the City

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Mr. Meade requested an update on the case that had been appealed and then heard by the City Commission. Mr. Spence said at the de novo hearing, the City Commission had rejected the Board's final order and granted the variance request. He stated another case had been appealed to the Circuit Court but it had been dismissed. Mr. Hagopian asked Mr. Spence what the Board should do to prevent appeals and Mr. Spence stated in order to be successful having their decisions upheld on appeal, they must be clear on the record why a request did or did not meet the criteria.

Mr. Malik said staff wished a Board member to attend the City Commission meeting when their Communication to the City Commission was discussed to offer input.

Mr. Meade noted that some applicants claimed that City staff had indicated that an application was satisfactory but he felt applicants should rely solely on their representatives to determine if an application was satisfactory. Mr. Spence said he advised Board members to consider such statements as hearsay and disregard them when hearing cases. Mr. Meade felt there should be a sign at the Building Department indicating staff was not responsible and applicants should rely on their representatives.

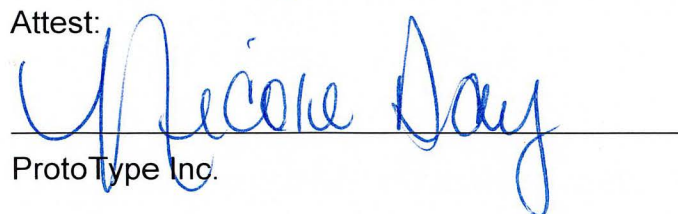
There being no further business to come before the Board, the meeting adjourned at 6:17 p.m.

Vice Chair:



A handwritten signature in blue ink, appearing to be 'B. Spence', written over a horizontal line.

Attest:



A handwritten signature in blue ink, appearing to be 'Michelle Day', written over a horizontal line.

ProtoType Inc.

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

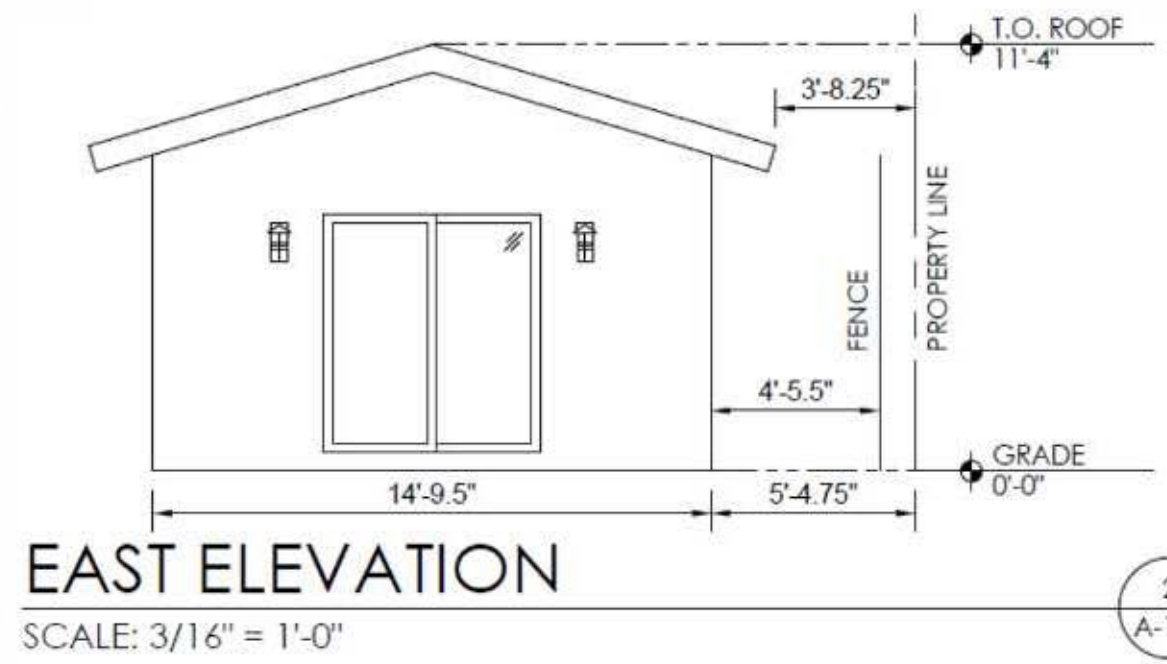
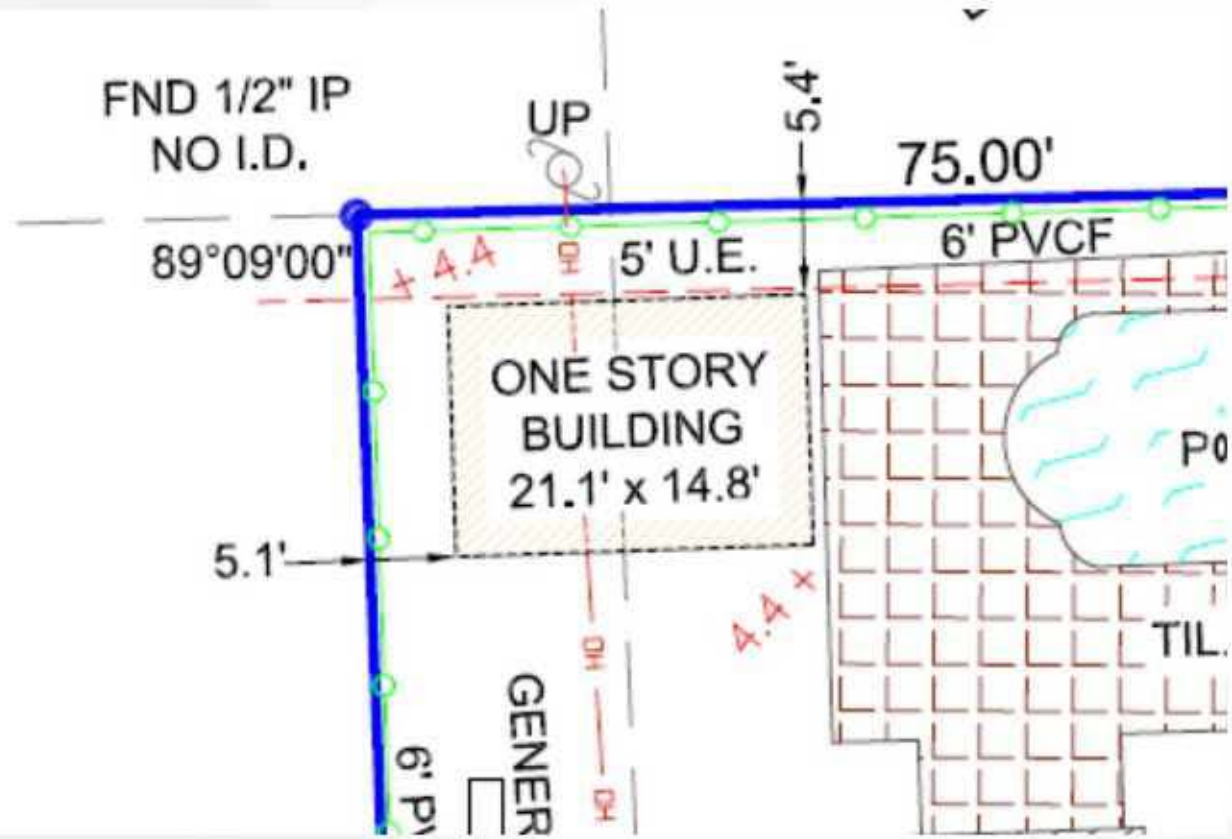
PLN-BOA-26020001

Applicant/Owner: Sharon Duncan

Address: 1017 SW 19th Street

Agent: Miles D. Jolley, Esq. (Smith Currie Oles LLP)

- Sec. 47-19.2. A.5.a Accessory buildings, structures and equipment, general
 - Allow accessory dwelling unit in an RS8 zoning district at a lot size of 9,372 gross square feet, code requires a minimum lot size of 10,890 gross square feet. Total variance of 1,518 gross square feet.
- Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district
 - Allow accessory dwelling unit at a rear yard setback of 5.4 feet, code requires a minimum setback of 15 feet. Total variance of 9.6 feet



- Ms. Duncan hired who she thought was a licensed contractor to perform a renovation and addition to existing home.
- Contractor provided Ms. Duncan with license numbers, but they were from a different contractor.
- Other contractor pulled permits.
- Unlicensed contractor told Ms. Duncan that all work would be permitted.
- Seeing permits, Ms. Duncan believed that all work was approved and legally permissible.



Office of the General Counsel
Roberta F. Katz, Chief Attorney
Unlicensed Activity Enforcement
2601 Blair Stone Road
Tallahassee, FL 32399-2202
Phone: 850 488 0062 - Fax: 850 921 9166

Melanie S. Griffin, Secretary

Ron DeSantis, Governor

APRIL 17, 2025

Sharon Duncan
1017 Sw 19th Street
Fort Lauderdale, FL 33315

RE: DBPR V. ELKIN ALEXANDER HERNANDEZ
DBPR Case No. 2024-057148

Dear Sharon Duncan:

Our prosecution of the above referenced matter has come to a conclusion. After a thorough investigation and legal review, the Department of Business and Professional Regulation filed charges in the form of an Administrative Complaint against the above-named Respondent. **Subsequent prosecution for the unlicensed practice of a regulated profession resulted in the issuance of a final order, imposing administrative fines and investigative costs on the Respondent.**



Office of the General Counsel
Sally Raines, Chief Attorney
Construction Industry Licensing Board
2601 Blair Stone Road
Tallahassee, FL 32399-2202
Phone: 850 488 0062 - Fax: 850 921 9166

Melanie S. Griffin, Secretary

Ron DeSantis, Governor

July 28, 2025

Sharon M Duncan
1017 Sw 19th St
Fort Lauderdale, FL 33315

RE: DBPR vs. Pablo Pensado
Case No: 2024-066570

To Whom It May Concern:

Please be advised, that the complaint you filed against the above referenced contractor, resulted in FINAL disciplinary action by the Florida Construction Industry Licensing Board ('Board'). The Final Order in this matter has been enclosed for your review.

- Unlicensed contractor built accessory structure in backyard but did not include in permit application with rest of work.
- Unlicensed contractor built structure in rear setback.
- Unlicensed contractor did not bother to consult City ULDR regarding lot size requirements for accessory structure.
- Ms. Duncan had no idea. She relied on who she believed was a licensed contractor to abide by these details.
- Ms. Duncan believed she was complying with City code. She was not trying to get away with something.
- No intention to use structure as a residence or dwelling.

- Neighbor to east
- Structure appears to be in setback.
- Structure likely within similar utility easement



- Neighbor to north
- Structure appears to be in setback.
- Structure likely within similar utility easement.



- Part of the structure's roof extends into the 5' utility easement running along rear property line.
- Responses from 811 request confirm no utilities in easement.
- Overhead lines from FPL and AT&T. Formal letters of approval forthcoming.

Ticket : 056603002 Rev:000 Taken: 02/25/26 10:56ET

State: FL Cnty: BROWARD GeoPlace: FT LAUDERDALE
CallerPlace: FORT LAUDERDALE
Subdivision:

Address : 1017
Street : SW 19TH ST

Locat: REAR OF PROPERTY

:

Remarks : NEED TO LOCATE ANY UTILITES LOCATED IN 5' UTILITY EASEMENT ALONG REAR
PROPERTY LINE.

*** LOOKUP BY ADDRESS ***

*** Boundary: n 26.097670 s 26.096520 w -80.157619 e -80.154381

:

Grids : 2605A8009C

Work date: 02/28/26 Time: 23:59ET Hrs notc: 061 Category: 3 Duration: 01 DAY

Due Date : 02/27/26 Time: 23:59ET Exp Date : 03/27/26 Time: 23:59ET

Work type: UTILITY LOCATION Boring: N White-lined: N

Ug/Oh/Both: U Machinery: N Depth: 10 FT Permits: U N/A

Done for : HOMEOWNER

Company : Type: HOME

Co addr : 1017 SW 19TH STREET

City : FORT LAUDERDALE State: FL Zip: 33315

Caller : MILES JOLLEY Phone: 954-769-5334

Contact : MILES JOLLEY Phone: 954-769-5334

BestTime:

Email : MDJOLLEY@SMITHCURRIE.COM

Submitted: 02/25/26 10:56ET Oper: MIL Chan: WEB

Mbrs : CC1279 CFL910 FPLBRO PGSND SBF23

* Responses are current as of 03/09/2026 06:38 AM

<u>Ex. Circum</u>	<u>Service Area</u>	<u>Utility Type(s)</u>	<u>Contact</u>	<u>Alternate Contact</u>	<u>Emergency Contact</u>	<u>Positive Response</u>
No	COMCAST CABLE CC1279	CATV, FIBER	ITG DAMAGE PREVENTION (385) 977-0510		HFC HELP DESK (855) 962-8525	Clear No Facilities Date: 02/26/2026 11:47 AM Respondent: S? BASTIEN, JEAN-FRAN COIS ((CEN) - ITG (F L))
No	CITY OF FT LAUDERDALE CFL910	SEWER, WATER	ANDREW WELLS (954) 828-7829	PAUL BROWN (954) 395-4843	CUSTOMER SERVICE DISPATCH CENTER (954) 828-8000	Unmarked - Privatel y owned facilities on property, contact pri vate facility owner di rectly. Date: 02/25/2026 01:25 PM Respondent: JAC K BERMUDEZ CANNOT LOCATE O N PROPERTY, CFTL D OES NOT HAVE UTIL ITIES IN THE REAR.
No	FLORIDA POWER & LIGHT--BROWARD FPLBRD	ELECTRIC	USIC DISPATCH CENTER (800) 778-9140		USIC DISPATCH CENTER (800) 778-9140	Clear No Facilities Date: 02/27/2026 12:45 PM
No	TECO PEOPLES GAS SOUTH FLORIDA PGSND	GAS	SHELDON RICHARDSON (813) 460-1432	AARON SZACSKA (813) 557-5971	BRIANA VELEZ (813) 275-3700 x8326	No Conflict - utility is outside of the reques ted work site Date: 02/25/2026 11:13 AM Respondent: CA RLOS MARENCO TICKET STATES HOM EOWNER WANTS LO CATES FOR 5 FEET O F REAR EASEMENT A REA, GAS METER AN D GAS SERVICE IS M ORE THAN 10 FEET A WAY FROM REAR EA SEMENT AREA. THER EFORE TICKET WILL BE PLACED AS NO C ONFLICT IF ANY EXC AVATION OCCURS N EAR THE GAS METER PLEASE CONTACT M E AT 786-682-4757.
No	A T & T/ DISTRIBUTION SBF23	TELEPHONE	UTILIQUEST LLC * (888) 357-1922	UTILIQUEST LLC * (888) 357-1922	AT&T NETWORK OPERATIONS CENTER (800) 247-2020	No Conflict - utility is outside of the reques ted work site Date: 02/27/2026 12:36 PM

- Ms. Duncan was deceived by unlicensed contractor who said structure would be legally permitted and approved.
- Ms. Duncan simply wants to get the structure properly permitted and approved. Not trying to get away with it.
- Structure is in harmony with surrounding properties.
- Structure not affecting any underground utilities.
- Ms. Duncan will incur substantial financial hardship if forced to demolish structure she already paid over \$20,000 for.