



CITY OF FORT LAUDERDALE

MINUTES
BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19th AVENUE, FORT LAUDERDALE,
FLORIDA 33311
April 08th, 2026 – 6:00 P.M.

Board Members	Attendance	Cumulative Attendance	
		6/2025 through 5/2026	
		Present	Absent
Howard Elfman, Chair	A	10	1
Douglas Meade	A	8	3
Patricia Rathburn	P	11	0
Robert Wolfe, Vice Chair	P	9	2
Jason Hagopian	P	10	1
Danella Williams	P	5	1
Jay Shechtman [alternate]	A	7	4
Samir Yajnik	P	7	4
Jarrold Gaylis [alternate]	P	11	0

Staff

D'Wayne Spence, Deputy City Attorney
 Mohammed Malik, Zoning Administrator
 Burt Ford, Zoning Chief
 Chakila Crawford, Senior Administrative Assistant
 Karen Ceballo, Senior 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-26020001	Sharon Duncan/Miles Jolley Esq.	4	2
2.	PLN-BOA-26010004	John Lynch and Danielle Panella/Danae Arco	4	4
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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 – March 11, 2026

Motion made by Ms. Rathburn, seconded by Mr. Yajnik:
 To approve the Board’s March 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:	<p><u>Sec 47-19.2. A.5.a Accessory buildings, structures and equipment, general</u></p> <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. <p><u>Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district</u></p> <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 <p><u>Sec. 47-19.2(S) Mechanical and plumbing equipment.</u></p> <ul style="list-style-type: none"> Requesting a variance to allow an existing air conditioning compressor at a setback of 3.4 feet whereas the code requires a

	setback of 5.0 feet, a total variance request of 1.6 feet. This case was Deferred from the March 11th, 2026, BOA Agenda
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Miles Jolley, the owner's agent, provided a presentation, a copy of which is attached to these minutes for the public record. He explained that an unlicensed contractor had informed the owner that the work had been approved and permitted by the City.

Vice Chair Wolfe opened the public hearing. Ted Inserra, president of the River Oaks association, remarked on how Ms. Duncan had been deceived by the contractor and said the civic association did not object to the requests. There being no other members of the public wishing to address the Board on this item, Vice Chair Wolf closed the public hearing and brought the discussion back to the Board.

Mr. Jolley confirmed that the contractor whose license the unlicensed contractor had used had applied for the renovation permit but not the accessory structure permit. Ms. Duncan said the contractor had indicated the accessory structure was included in the permit. Mr. Ford said the records did not indicate there had been a fraudulent contractor. He said in 2024, an application had been submitted for the accessory structure but had never been corrected. Reasons for the failure included the six-foot rear setback issue. Mr. Spence asked the applicant to indicate how the application met the criteria for a variance.

Mr. Hagopian did not feel this met the criteria and felt Ms. Duncan should have been more diligent. Mr. Jolley said one of the most serious hardships his client suffered was that she had paid \$20,000 for the structure, which would have to be demolished if the variance were not granted. Mr. Malik confirmed that FPL must allow the overhang before permits were approved, even with the variances. Mr. Jolley said this was not intended to be a dwelling unit but an accessory structure; it had no plumbing or appliances. Ms. Rathburn asked for a condition that Ms. Duncan would not apply for a plumbing permit. Mr. Spence noted that being granted the variances would not guarantee the building could be permitted; it must still comply with the Building Code.

Mr. Gaylis acknowledged the hardship and he did not object to the request, but said it must comply with the Building Code. Mr. Spence pointed out that financial hardship was not a valid hardship. Ms. Williams asked if Ms. Duncan had researched the requirements before hiring the contractor and Mr. Jolley stated she had relied on the contractor. Ms. Williams found it difficult to believe that Ms. Duncan did not investigate whether the property met the minimum lot size for an accessory structure. She did not want to set a precedent in granting these variances.

Ms. Rathburn asked why this was being referred to as an accessory dwelling unit and not a shed. Mr. Ford said that was the terminology used on the permit application. Mr. Malik stated a shed was only allowed to be up to 100 square feet and was not habitable.

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

To grant the variance request regarding Sec 47-19.2.A.5.a - Accessory buildings, structures and equipment, general, because the hardship was not self-created and denying the variance would deny the applicant the ability to construct a structure on the property that other properties similarly situated on her street and in her neighborhood would be able to do.

In a roll call vote, **Motion passed 5-1** with Ms. Williams opposed.

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

To **deny** the variance request regarding Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district, because the applicant had not shown substantial hardship as required by the criteria.

In a roll call vote, **Motion to DENY passed 5-1** with Mr. Gaylis opposed.

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

To grant the variance request regarding Sec. 47-19.2(S) - Mechanical and plumbing equipment, because the applicant has shown the hardship.

In a roll call vote, **Motion passed 5-1** with Ms. Williams opposed.

2.

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CASE:	PLN-BOA-26010004
OWNER:	LYNCH, JOHN P H/E; PANELLA, DANIELLE C
AGENT:	DANAE ARCO
ADDRESS:	1314 SOUTH WEST 22 TERRACE, FORT LAUDERDALE, FL 33312
LEGAL DESCRIPTION:	LOT 27, BLOCK 2, HOLLAND SUBDIVISION NO 2, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 29, PAGE 41, 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 from the minimum side yard requirements for a single-family dwelling of 5 feet to allow the enclosure of an existing, legally nonconforming carport, portions of which previously enclosed by previous owners without a permit for use as a storage room, with an existing north side yard setback of 1.1 feet, reducing the side yard by 3.9 feet.

John Lynch, owner, said he wished to enclose his carport for office space and added that the footprint would not change. He said there was additional closet space behind the carport that had never been permitted as well, and this had not been disclosed when he purchased the property.

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

Mr. Spence said the storage space to which Mr. Lynch referred had been a section of the carport that was enclosed, so this was a legal, non-conforming structure.

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

To approve the variance request based on the applicant presenting evidence of a hardship in that the original structure had been approved by the City in its current location. He did not create the hardship and enclosing the carport would not further impact the property or the neighboring properties.

In a roll call vote, **Motion passed 6-0.**

Communication to the City Commission

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None

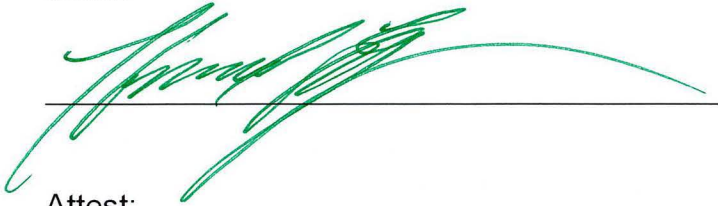
Report and for the Good of the City

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None

There being no further business to come before the Board, the meeting adjourned at 6:59 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.

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
- Section 47-19.2(S): 5 feet setback for mechanical equipment
 - Allow HVAC compressor at a setback of 3.4 feet. Total variance of 1.6 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 did not include structure 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.

- Neighbor to east



- Neighbor to north



- Part of the structure's roof and mechanical equipment 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.
- AT&T has no objection.
- FPL letter forthcoming.



AT & T Florida
600 NW 79th Ave,
Miami, FL, 33126
Mobile 786-593-2450
Email: wa898f@att.com

04/01/2026

Subject: No Objection Easement.
1017 SW 19 St, Ft. Lauderdale, FL 33315

To Whom It May Concern:

AT&T has reviewed your request and raises no objection to the construction of the structure.

If any additional information is required, please contact me at 786-593-2450.

Sincerely,

William Ayala
Mgr. Sr Specialist-OSP Design Engineer
Access-Construction & Engineering

A handwritten signature in black ink, appearing to read "W. Ayala".

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.