



TO: Honorable Mayor & Members of the Fort Lauderdale City Commission

FROM: Rickelle Williams, City Manager

DATE: February 17, 2026

TITLE: Public Hearing - Quasi-Judicial De Novo Hearing – Consideration of a Motion to Reject, Approve, or Amend the Decision of the Board of Adjustment Denying Variance Requests – Case # PLN-BOA-24040001 – 2436 Cat Cay Lane – (Commission District 4)

Recommendation

Staff recommends the City Commission conduct a de novo hearing to consider a motion to reject, approve, or amend the decision of the Board of Adjustment denying an application for variance requests (Case #PLN-BOA-24040001).

Background

Pursuant to ULDR Section 47-26B.1. A., applicants/appellants, Mario and Yelena Tacher appealed the November 13, 2024, final order of the Board of Adjustment denying the variance requests for Case # PLN-BOA-24040001. The subject property contains a principal building and an accessory building that is the subject of the variance requests. The site has an Irregular Residential land use designation and is zoned RS-6.85A. A location map is provided as Exhibit 1.

The Applicants are requesting variances from the following City of Fort Lauderdale Unified Land Development Regulations (ULDR) Sections:

ULDR Section 47-39. A.1.b.(3)(d) Modification of Required Setbacks:

- 47-39. A.1.b.(3)(d) General Provisions – Yard Encroachments, requiring a minimum five (5) foot rear yard setback requirement for accessory buildings. Applicants are seeking to reduce the setback to 4.5 feet, a total variance request of 0.5 feet;
- 47-39.A.1.b.(3)(d) General Provisions – Yard Encroachments, requiring a minimum five (5) foot side yard setback requirement for accessory buildings. Applicants are seeking to reduce the setback to 2.0 feet, a total variance request of 3.0 feet; and

ULDR Section 47-39. A.1.b.(3)(g) Modification of Required Distance Between an Accessory Building and a Principal Building:

- 47-39.A.1.b.(3)(g) General Provisions – Yard Encroachments, requiring a minimum ten (10)-foot distance separation between an accessory building and a principal building. Applicants are seeking to reduce the distance between the accessory building and the principal building to 8.9 feet, a total variance request of 1.1 feet.

The application for appeal of the Board of Adjustment denial of variance request (Case # PLN-BOA-24040001) was reviewed by the City Commission on January 20, 2026. The City Commission determined that competent substantial evidence does not exist to support the BOA decision and adopted Resolution No. 26-18 setting a De Novo Hearing on February 17, 2026.

The BOA final order are attached as Exhibit 2. The Resolution (No. 26-18) are attached as Exhibit 3 and the Application, Applicant's Narrative, Survey, and Site Plan are attached as Exhibit 4.

The Appellants constructed an accessory structure that is subject to following regulations:

Required Setbacks

Pursuant to ULDR Section 47-39. A.1.b.(3)(d) - General provisions, *Yard encroachments*; On a plot containing a one-family detached or two-family dwelling, side and rear yards not abutting a street may be reduced to five (5) feet for accessory uses and buildings. The applicant is requesting to vary from this ULDR requirement in two ways, a variance from the minimum 5 feet rear yard setback requirement for accessory buildings to reduce the setback by 0.5 feet to 4.5 feet, and from the minimum 5 feet side yard setback requirement for accessory buildings to reduce the setback by 3.00 feet to 2.0 feet.

Required Distance Between an Accessory Building and a Principal

Pursuant to ULDR Section 47-39. A.1.b.(3)(g) General provisions. - *Yard encroachments*; One-story accessory buildings shall be at least ten (10) feet from any other accessory building and from any principal building on the same plot. The distance between any principal and accessory buildings on the same plot, where the accessory building is higher than one-story, shall be half the height of the highest principal building. The distance separation between applicant's accessory building and a principal building is 8.9 feet, a total reduction of the distance of separation of 1.1 feet.

The City Commission shall consider the application and the evidence adduced in support of and in opposition to the application at this public hearing and public comment and determined whether the applicant meets its burden of demonstrating by a preponderance of the evidence that the application meets the criteria specified in the ULDR.

Review Criteria

Pursuant to ULDR Section 47-24.12, a variance from the terms of the ULDR shall be granted only upon the applicant demonstrating a unique hardship attributable to the land by proving by a preponderance of the evidence all of the following criteria:

1. That special conditions and circumstances affect the property at issue which prevent the reasonable use of such property; and
2. 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
3. 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
4. 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
5. 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.

If the City Commission determines that the proposed variance requests meet the standards and criteria specified in the ULDR, the City Commission shall approve a motion rejecting or amending the final order of the Board of Adjustment and approve or approve with conditions necessary to ensure compliance with the criteria for approval of a variance criteria the issuance of final order memorializing its decision.

If the City Commission determines that the proposed variance requests fail to meet the criteria specified in the ULDR, the City Commission shall approve a motion approving the final order of the Board of Adjustment for denial of the variance requests.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2029* Strategic Plan, specifically advancing:

- The Infrastructure Focus Area, Goal 3: Be a sustainable and resilient community

This item supports the Advance Fort Lauderdale 2040 Comprehensive Plan specifically advancing:

- The neighborhood Enhancement Focus Area

Attachments

Exhibit 1 – Location Map

Exhibit 2 – BOA Final Order

Exhibit 3 – Resolution No. 26-18

Exhibit 4 – Application, Applicant's Narrative, Survey, and Site Plan

Prepared by: Mohammed Malik, Zoning Administrator, Development Services Department

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