CITY OF FORT LAUDERDALE

PLANNING AND ZONING BOARD MEETING MINUTES
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19 AVENUE, FORT LAUDERDALE, FL 33311
WEDNESDAY, AUGUST 20, 2025 – 6:00 P.M.

Board Members	Attendance	Present	Absent
Patrick McTigue, Chair	P	3	0
Shari McCartney, Vice Chair	P	3	0
Kevin Buckley	A	2	1
Brian Donaldson	P	3	0
Whitney Dutton	P	2	1
Steve Ganon	P	3	0
Jacquelyn Scott	P	2	1

Staff
Ella Parker, Acting Deputy Director, Development Services Department
D'Wayne Spence, Interim City Attorney
Karlanne Devonish, Principal Urban Planner
Tyler Laforme, Urban Planner III
Trisha Logan, Principal Urban Planner
N. Day, Recording Clerk, Prototype, Inc.

Communication to City Commission

None.

I. CALL TO ORDER / PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:01 p.m. and the Pledge of Allegiance was recited. Chair McTigue introduced the Board and Staff members present.

II. DETERMINATION OF QUORUM / APPROVAL OF MINUTES

Motion made by Vice Chair McCartney, seconded by Mr. Donaldson, to approve. In a voice vote, the **motion** passed unanimously.

III. PUBLIC SIGN-IN / SWEARING-IN

Any members of the public wishing to speak at tonight's meeting were sworn in at this time.

IV. AGENDA ITEMS

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Case Number	Applicant
1. UDP-S24055**	Calvary Chapel of Ft Lauderdale, Inc.

As there were no other individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Mr. Ganon characterized the proposed amendment as a positive step forward, but noted that there may be issues related to the Geller Amendment or Florida's Live Local Act which will still require more work in the future, possibly including additional incentives. He emphasized that the City should encourage historic preservation.

Mr. Dutton asked if any future proposed changes would go through the normal channels of communication to the City Commission. Attorney Spence confirmed this.

Motion made by Mr. Donaldson, seconded by Ms. Scott, to recommend approval of Case UDP-T24009, the Board hereby finds the text amendments to the ULDR consistent with the Comprehensive Plan and recommend approval of the changes as brought forward by the City Staff. In a roll call vote, the **motion** passed 6-0.

5. **CASE:** UDP-T25008
   REQUEST: * Amend City of Fort Lauderdale Unified Land Development Regulations Section 47-24.12, Variances, Special Exceptions and Interpretation of Unified Land Development Regulations and Section 47-33, Board of Adjustment; To Update Board of Adjustment Process and Procedures
   APPLICANT: City of Fort Lauderdale
   COMMISSION DISTRICT: City-Wide
   CASE PLANNER: Karlanne Devonish, AICP

Principal Urban Planner, Karlanne Devonish explained that this text amendment addresses the approval and appeal processes for the Board of Adjustment. Items affected would include administrative variances, Board of Adjustment voting requirements, and the Board of Adjustment appeal process.

Ms. Devonish explained that this discussion point was brought to the City Commission's attention in September 2024 with respect to implementation of an administrative variance process. An individual brought the item forward when she was almost required to go through the variance process for approval of a simple gated installation on an existing legal nonconforming wall; when the application was submitted, the individual was informed that the installation would require a variance. After meeting with Staff to discuss the variance process, the individual determined that the process was too burdensome and costly, and requested that the City Commission consider adding an administrative variance process to the Unified Land Development Regulations (ULDR).

The City Commission requested that Staff research the issue further and provide recommendations. Through this research, Staff found that several municipalities have administrative variances within their zoning regulations. These administrative variances typically consider reductions of between 10% and 25% and allow for elements such as

lot area, lot coverage, structure height, number of parking spaces, landscaping requirements, and setbacks for existing principal and accessory structures.

Staff determined that many Florida municipalities provide *de minimis* variance relief in varying percentages or distances. Their recommendation is for the City Commission to apply administrative variances to existing single-family residential dwellings and accessory structures. The process would not be applicable to new structures or after-the-fact permit requests.

Mr. Donaldson asked if duplexes and/or "mini-motels" would be exempt from the administrative variance process. Ms. Devonish confirmed that the process would not apply to commercial properties such as hotels, but would apply to duplexes, as they are considered single-family attached residences.

Ms. Devonish continued that Staff proposes a reduction of up to 10% or 1 ft., whichever is less; however, the City Commission directed Staff to enlarge this to 25% or 3 ft., whichever is less. This measurement would apply to setbacks and structure height.

The administrative process would include review by the Zoning Administrator. Existing criteria applied to variance applications would apply to these variance requests. Notice would be required for adjacent property owners. If an application is denied by the Zoning Administrator, the applicant may appeal to the Board of Adjustment.

Board of Adjustment voting requirements currently require a majority-plus-one vote, which is also applied to other significant decisions within the City, such as sale or lease of City property or rezoning to a planned development district. Staff believes the supermajority voting requirement for variance applications, special exceptions, and temporary nonconforming use permits is because these cases ultimately request variances and are therefore held to higher standards, including a higher approval threshold. Applicants' feedback, however, indicated that they felt the supermajority requirement is excessive, and the City Commission directed Staff to move forward with requiring a majority vote only.

The current Board of Adjustment appeal process allows applicants to file a petition for a Writ of Certiorari with Circuit Court within the prescribed time frame of court rules. There is presently no Statute mandating that Board of Adjustment appeals must go to Circuit Court. The City Commission has directed Staff to have appeals come before the City Commission instead. Ms. Devonish concluded that the number of appeals requested within a year is minimal.

The final element of the proposed amendment addresses successive applications. This item was presented to the Board of Adjustment in July 2025. At present, Code only allows applicants to come forward once within a two-year period for variance applications. This means if the application is denied, they must wait two years before they may reapply. Applicants' feedback indicated that this was too long a time period. Staff brought forward

suggestions for the Board of Adjustment to consider, and the Board of Adjustment voted in favor of allowing applicants to come forward two times within the same two-year period if they can show new evidence or other substantial difference(s) for reconsideration.

Next steps include review and adoption of the proposed amendment upon first reading in either September or October 2025, to take effect in January 2026.

Attorney Spence proposed the following minor adjustments to Subsection 5 of the proposed amendment:

- Clarification that the administrative variance process is approved by the Zoning Administrator and is not a hearing process; the Administrator reviews the application and makes a determination based upon that review
- Change to language stating that failure to receive mail notice shall not be grounds for invalidating the hearing, as there is no hearing; replacement of the word "hearing" with "review and decision on the administrative variance application" is recommended
- Change to Subsection 6 reference to adjacent property owners submitting opposition to the variance application carrying automatic denial of the application; the addition of a time frame of seven business days for the receipt of objection letters is recommended, as well as modification of the response from denial to forwarding the objection to the Board of Adjustment

Mr. Donaldson recommended that the Board member who makes a motion on this Item include the above modifications recommended by Attorney Spence.

Ms. Scott asked when and how adjacent property owners are notified. Ms. Devonish replied that these owners must be notified within 10 days of the application's receipt. The notice requirement would apply to adjacent property owners only in cases of administrative variance requests.

At this time Chair McTigue opened the public hearing.

Debby Eisinger, president of the Hendricks Isle/Isle of Venice Neighborhood Association, advised that her comment did not address administrative variances, but variances in general. She stated that residents in her neighborhood regularly express concerns with overdevelopment, particularly with regard to the City's granting of variances. They are concerned with the long-term effects on property values, traffic, infrastructure, the environment, and quality of life.

Ms. Eisinger continued that Code addressing variances was last updated in 1997 and seems to allow for "unlimited" yard modifications, with dependence upon local neighborhood associations to give input on the approval or denial of variance requests. She pointed out that individuals who provide letters of approval may fear retribution from their neighborhood associations, and recommended that the City take a stronger role in determining realistic and enforceable development standards. She cited the example of

a variance request that came before the Planning and Zoning Board in June which was not supported by the neighborhood association, but was approved by the Board.

Ms. Eisinger concluded that her Association asks the Planning and Zoning Board to move forward with an update to the ULDR which would adopt fair and realistic rules to eliminate excessive variances.

Attorney Spence noted that because the public comment addressed yard modifications, it was not directly related to the Item before the Board at tonight's meeting.

As there were no other individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Mr. Ganon observed that he was pleased with the proposal for an administrative variance review process, as well as the inclusion of a check in the event of objections from adjacent property owners. He cautioned that he had concerns with establishing the City Commission as the body to hear appeals to variance decisions, as they may be less familiar with the specific circumstances of a given case than the Board of Adjustment itself. He concluded, however, that if the Board of Adjustment is comfortable with the proposed amendment, he was willing to accept their recommendation.

Ms. Devonish confirmed that the Board of Adjustment had provided comments on the proposed amendment and some members had expressed concerns regarding appeals to the City Commission as well.

Mr. Donaldson asked if the City Commission would be able to send an appeal they did not wish to address to Circuit Court instead. Attorney Spence replied that this was not an option proposed in the amendment. He recalled that the Board of Adjustment had expressed concern with the potential frequency of appeals, but acknowledged that the Commission's direction indicated their willingness to add appeals to their agendas. He also noted that Circuit Court has overturned some Board of Adjustment decisions which were challenged in the past.

Chair McTigue asked if an appeal could be made first to the City Commission and followed by further appeal to Circuit Court. Attorney Spence confirmed that the role of Circuit Court remains part of the process.

Mr. Donaldson stated that he was pleased with the notification requirement for adjacent neighbors, as many older single-family homes have nonconforming existing setbacks that may require improvements. If an adjacent neighbor objects to the administrative application, the Board of Adjustment process, which triggers notice to all surrounding properties within a 300 ft. radius, would apply.

Motion made by Mr. Ganon to recommend approval of Case Number UDP-T25008, and the Board hereby finds that the text amendment ULDR are consistent with the Comprehensive Plan.

Mr. Ganon confirmed that his **motion** also accepts the amendments proposed by the Interim City Attorney.

Mr. Donaldson **seconded** the **motion.** In a roll call vote, the **motion** passed 6-0.

V. COMMUNICATION TO THE CITY COMMISSION

None.

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

There being no further business to come before the Board at this time, the meeting was adjourned at 7:36 p.m.

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

Chair

Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]