



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#26-0026

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

FROM: Rickelle Williams, City Manager

DATE: January 20, 2026

TITLE: Quasi-Judicial Appeal of Final Order of the Board of Adjustment Regarding
Case # PLN-BOA-24040001 – 2436 Cat Cay Lane — (**Commission
District 4**)

Recommendation

It is recommended the City Commission consider an appeal request and conduct a public meeting to determine whether there was a departure from the essential requirements of law at the July 10, 2024 and November 13, 2024, proceedings before the City of Fort Lauderdale Board of Adjustment or whether competent substantial evidence exists to support the Board of Adjustment's denial of variance request by Mario and Yelena Tacher.

Background

The Board of Adjustment (BOA) variance applicants, Mario and Yelena Tacher, are appealing the denial of a variance request from City of Fort Lauderdale Unified Land Development Regulations (ULDR) Sections:

- 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;
- 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; and
- 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.

The Application and narrative are attached as Exhibit 2.

The variance application was reviewed and denied by the BOA on July 10, 2024. At that meeting, a motion to consider all the requests at once was passed (7-0) and then a motion to grant all (4) four variance requests failed (4-3). A request for rehearing of the denial was reviewed and approved by the Board of Adjustment (BOA) on September 11, 2024, and the rehearing of the variance application was held on November 13, 2024.

On November 13, 2024, a motion to grant the variance request for Sec. 47-39. A.1.b.(3)(g) General provisions - Yard encroachments failed (3-2) and motion to reconsider that vote failed (2-3). A motion to grant the two (2) variance requests regarding Sec. 47-39. A.1.b.(3)(d) General provisions - Yard encroachments failed (0-5). The July 10, 2024, BOA minutes are attached as Exhibit 3 and the November 13, 2024, BOA minutes are attached as Exhibit 4.

On October 23, 2025, the City Commission adopted Ordinance No. C-25-40 providing for appeals of BOA final orders to the City Commission rather than Circuit Court. The ordinance allows an applicant to appeal a final order of the BOA that was issued within one (1) year prior to the adoption of Ordinance No. C-25-40 by providing required notification pursuant to Section 47-26B.1.A by November 22, 2025, which is calculated to be within thirty (30) days of adoption of that ordinance. The City Clerk has received a timely notice to appeal, pursuant to the City of Fort Lauderdale ULDR Section 47-26B.1. The notice of appeal is attached as Exhibit 1.

The final order for the variance application is attached as Exhibit 5. A Site Plan for the proposed variance is provided as Exhibit 6. The signed and sealed Survey, prepared by Pinnell Survey, Inc, is attached as Exhibit 7. The Color Photos are attached as Exhibit 8, and a response/argument from the applicant is attached as exhibit 9.

City Commission Request for Appeal

Pursuant to ULDR, Section 47-26B.1 of the ULDR, an appeal of a final order of the Board of Adjustment (BOA) shall be in accordance with Section 47-26B.1.A.1.b, which provides that an appeal of a Board Adjustment decision, the City Commission shall review the record compiled by the department and Board of Adjustment and hold a public meeting to determine if:

- a. There was a departure from the essential requirements of law in the proceedings appealed; or
- b. Competent substantial evidence does not exist to support the decision.

If the City Commission determines there was not a departure from the essential requirements of law or that competent substantial evidence exists to support the decision, then the Board of Adjustment decision will be upheld.

If the City Commission finds there was departure from the essential requirements of the law or that competent substantial evidence did not exist to support the decision, then the City Commission shall conduct a de novo hearing which may be immediately held or shall

be set by resolution no later than sixty (60) days from the date of adoption of the resolution. At the conclusion of the hearing, the City Commission may reject, approve, or amend the decision of the Board of Adjustment.

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 – Notice of Appeal

Exhibit 2 – Application and Narrative

Exhibit 3 – July 10, 2024, BOA Meeting Minutes

Exhibit 4 – November 13, 2024, BOA Meeting Minutes

Exhibit 5 – Final Order

Exhibit 6 – Site Plan

Exhibit 7 – Survey

Exhibit 8 – Color Photos

Exhibit 9 – Variance Appeal

Exhibit 10 – Resolution Upholding Board of Adjustment Decision

Exhibit 11 – Resolution to Set a De Novo Hearing

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

Department Director: Anthony Greg Fajardo, Development Services Department