



CITY OF FORT LAUDERDALE

COMMUNICATION TO THE CITY COMMISSION  
BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
DEVELOPMENT SERVICES DEPARTMENT  
700 NW 19<sup>th</sup> AVENUE, FORT LAUDERDALE,  
FLORIDA 33311  
OCTOBER 8, 2025 – 6:00 P.M.

| Board Members              | Attendance | Cumulative Attendance<br>6/2025 through 5/2026 |        |
|----------------------------|------------|------------------------------------------------|--------|
|                            |            | Present                                        | Absent |
| Howard Elfman, Chair       | P          | 5                                              | 0      |
| Douglas Meade              | P          | 4                                              | 1      |
| Amy Mergler                | P          | 4                                              | 1      |
| Patricia Rathburn          | P          | 5                                              | 0      |
| Robert Wolfe, Vice Chair   | A          | 4                                              | 1      |
| Jason Hagopian             | P          | 5                                              | 0      |
| Jay Shechtman [alternate]  | P          | 3                                              | 2      |
| Samir Yajnik [alternate]   | P          | 2                                              | 3      |
| Jarrold Gaylis [alternate] | P          | 5                                              | 0      |

**Staff**

D'Wayne Spence, Interim City Attorney  
Burt Ford, Zoning Chief  
Mohammed Malik, Zoning Administrator  
Chakila Crawford, Senior Administrative Assistant  
Karen Ceballo, Administrative Assistant  
James Hollingsworth, Zoning Plans Examiner  
N. Day, Recording Secretary, Prototype Inc.

**Communication to the City Commission**

**Motion** made by Ms. Rathburn, seconded by Mr. Hagopian, To communicate the following to the City Commission:

The Board desires that the following be addressed: that the administrative variance does not apply to any new construction; the City Commission may want to reconsider hearing appeals because of what the Board anticipated would be their sheer volume. **Motion passed 7-0.**



CITY OF FORT LAUDERDALE

**DRAFT MINUTES**  
**BOARD OF ADJUSTMENT MEETING**  
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|----------------------------|-------------------|--------------------------------------------------------|---------------|
|                            |                   | <b>Present</b>                                         | <b>Absent</b> |
| Howard Elfman, Chair       | P                 | 5                                                      | 0             |
| Douglas Meade              | P                 | 4                                                      | 1             |
| Amy Mergler                | P                 | 4                                                      | 1             |
| Patricia Rathburn          | P                 | 5                                                      | 0             |
| Robert Wolfe, Vice Chair   | A                 | 4                                                      | 1             |
| Jason Hagopian             | P                 | 5                                                      | 0             |
| Jay Shechtman [alternate]  | P                 | 3                                                      | 2             |
| Samir Yajnik [alternate]   | P                 | 3                                                      | 2             |
| Jarrold Gaylis [alternate] | P                 | 5                                                      | 0             |

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|    | <b><u>Case Number</u></b> | <b><u>Owner/Agent</u></b>       | <b><u>District</u></b> | <b><u>Page</u></b>       |
|----|---------------------------|---------------------------------|------------------------|--------------------------|
| 1. | <b>PLN-BOA-25070005</b>   | Robert Flowers                  | <b>3</b>               | <b><a href="#">2</a></b> |
| 2. | <b>PLN-BOA-25080002</b>   | 1620 N Federal LLC/David Mikel  | <b>1</b>               | <b><a href="#">4</a></b> |
| 3. | <b>PLN-BOA-</b>           | FTL Lodging Owner LLC/Stephanie | <b>4</b>               | <b><a href="#">5</a></b> |

**25090003**      Toothaker Esq.  
Communication to the City Commission  
For the Good of the City  
Other Items and Board Discussion

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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 – September 10, 2025**

**Motion** made by Mr. Hagopian, seconded by Mr. Shechtman:

To approve the Board's September 10, 2025 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**

1.

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|                             |                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CASE:</b>                | <b>PLN-BOA-25070005</b>                                                                                                                                                                                                                                                                                                             |
| <b>OWNER:</b>               | FLOWERS, ROBERT; ROBERT FLOWERS REV LIV TR                                                                                                                                                                                                                                                                                          |
| <b>AGENT:</b>               | N/A                                                                                                                                                                                                                                                                                                                                 |
| <b>ADDRESS:</b>             | 2021 SOUTH WEST 38 AVENUE, FORT LAUDERDALE, FL 33312                                                                                                                                                                                                                                                                                |
| <b>LEGAL DESCRIPTION:</b>   | LOT 10, IN BLOCK X, OF "FAIRFAX BROLLIAR ADDITION, SECTION 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 37, PAGE 28, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA (SEE SURVEY)                                                                                                                                   |
| <b>ZONING DISTRICT:</b>     | RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY                                                                                                                                                                                                                                                                                 |
| <b>COMMISSION DISTRICT:</b> | 3                                                                                                                                                                                                                                                                                                                                   |
| <b>REQUESTING:</b>          | <b><u>Sec 47-5.31 Table of dimensional requirements for the RS-8 district. (Note A)</u></b> <ul style="list-style-type: none"><li>• Requesting a variance to permit an existing carport to have a side yard setback of 2.3 feet whereas the code requires a side setback of 5 feet, a total variance request of 2.7 feet.</li></ul> |

Robert Flowers described the request. He acknowledged that the poles were intruding into the setback but said placing them correctly would interfere with his driveway. He said the structure provided shelter for his cars and allowed him to go from the protected carport to the rear door, saving his back from having to climb the front stairs. Mr. Flowers stated the adjacent neighbor had no issue with the carport. He said someone from the City had visited the property and informed him of the situation. Mr. Ford clarified that part of the roof was in the setback, so the variance request concerned the entire structure. If the Board approved the variance, the overhang would be in compliance with the code section.

Chair Elfman opened the public hearing. Victor Martin, neighbor, said he did not object to the structure. There being no other 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. Ford stated there was a code enforcement case against the property. He later stated the case was opened pursuant to a complaint.

Ms. Rathburn acknowledged this was a de minimis encroachment, but the applicant had not addressed the criteria for granting a variance.

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

To deny the variance request because the application did not meet the criteria.

Ms. Rathburn discussed the ways the application did not meet the criteria. Mr. Meade said there were no life safety issues and the carport was not bothering anyone, but it did not meet any of the criteria. Ms. Mergler thought the applicant's bad back qualified as a hardship. Mr. Gaylis thought as long as the structure was safe, he would favor the variance. Mr. Meade pointed out that if the adjacent neighbor wished to relocate their fence to the property line, the carport would prevent access to the garage.

**Motion [to deny] failed 3-4** with Ms. Mergler, Mr. Shechtman, Mr. Gaylis and Chair Elfman opposed.

Mr. Spence confirmed that the Board could specify that the variance request applied only to the existing structure.

Board members discussed making a motion to approve and Mr. Spence reminded them that during an appeal in which the applicant had prevailed, the court had indicated that the record "displayed the opposite of what the vote was for the Board," that the Board's stated opinions supported a finding that a variance should have been granted but the Board voted the other way. In another case, the court indicated the Board had "listened to what the neighbors said" and not gone by the criteria. Mr. Spence said Board members should review the criteria and Mr. Flowers's responses and indicate whether or not they agreed with his rationale that he met the criteria.

Ms. Mergler said because the driveway was existing and was consistent with other properties in the neighborhood, the Board could approve the case based on that. There was also another building on the property with the same roof setback. The hardship was also the applicant's back issues.

**Motion** made by Ms. Mergler, seconded by Mr. Shechtman:

To approve the variance request for Case PLN-BOA 25070005 for this existing structure only, finding that it meets the criteria because the driveway has been there for many, many years; that other homes in the neighborhood have similar situations where the carport is encroaching a bit in the side setback; the man stated he has health issues creating a hardship to get closer to the back door. **Motion failed 4 - 3** with Mr. Meade, Ms. Rathburn, Mr. Hagopian opposed.

**2.**

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|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CASE:</b>                | <b>PLN-BOA-25080002</b>                                                                                                                                                                                  |
| <b>OWNER:</b>               | 1620 N FEDERAL LLC                                                                                                                                                                                       |
| <b>AGENT:</b>               | MIKEL, DAVID                                                                                                                                                                                             |
| <b>ADDRESS:</b>             | <u>1620-1622 NORTH FEDERAL HIGHWAY, FORT LAUDERDALE, FL 33305</u>                                                                                                                                        |
| <b>LEGAL DESCRIPTION:</b>   | AN UNDIVIDED TRACK OF LAND WHICH IS DELINEATED UPON THE PLAT OF THE SUBDIVISION OF BAL HARBOUR, WHICH IS RECORDED PLAT BOOK 40, PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY). |
| <b>ZONING DISTRICT:</b>     | B-1 - BOULEVARD BUSINESS                                                                                                                                                                                 |
| <b>COMMISSION DISTRICT:</b> | 1                                                                                                                                                                                                        |
| <b>REQUESTING:</b>          | <b><u>Sec. 47-22.3. O. -Shopping Center or Strip Store Sign</u></b>                                                                                                                                      |

- Requesting a variance from the maximum number of permitted flat wall signs from 2 to 3, a total variance request of 1 additional sign (as per plans).

David Mikel, agent, provided a presentation, a copy of which is attached to these minutes for the public record. He said the third sign would be over the front door, facing the parking area, and would allow clients to identify the entrance.

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. Meade asked about the size of the signage and Mr. Malik stated all of the signage's square footage, including the new sign, was within the limit. Mr. Meade suggested adding the address number to the sign.

**Motion** made by Mr. Hagopian, seconded by Ms. Rathburn:  
To grant the variance request because the application meets all the criteria. **Motion passed 7-0.**

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|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CASE:</b>                | <b>PLN-BOA-25090003</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>OWNER:</b>               | FTL LODGING OWNER LLC                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>AGENT:</b>               | STEPHANIE J. TOOTHAKER, ESQ., P.A.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>ADDRESS:</b>             | 3081 HARBOR DRIVE, FORT LAUDERDALE, FL 33316                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>LEGAL DESCRIPTION:</b>   | LOT 22, OF OCEAN HARBOR, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 26, PAGE 29, OF THE PUBLIC RECORDS OF BROWARD COUNTY (SEE SURVEY).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>ZONING DISTRICT:</b>     | RMH-60 - RESIDENTIAL MULTIFAMILY HIGH RISE/HIGH DENSITY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>COMMISSION DISTRICT:</b> | 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>REQUESTING:</b>          | <b><u>Sec. 47-19.8. A Hotel accessory uses</u></b> <ul style="list-style-type: none"><li>• Requesting a variance from ULDR Section 47-19.8 to allow an existing motel with thirty-nine (39) guest rooms to provide accessory uses, including dining rooms, bars, patio bars, and outdoor food service areas, whereas the ULDR permits such accessory uses only in hotels with a minimum of fifty (50) guest rooms.</li></ul> <b><u>Sec. 47-19.8. A.1 Hotel accessory uses</u></b> <ul style="list-style-type: none"><li>• Requesting a variance from ULDR Section 47-19.8. A.1 to allow access to such accessories uses to be internalized within the site, whereas the ULDR requires that access be limited to the interior of the building through the main lobby.</li></ul> <b><u>Please Note:</u></b> The variance requests are not inclusive to parking, FBC requirements, or any Development Requirements. |

Chair Elfman said the applicant had requested deferral.

**Motion** made by Mr. Shechtman, seconded by Ms. Mergler:  
To defer the case to the November 12, 2025 meeting. **Motion passed 7-0.**

### **Communication to the City Commission**

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Chair Elfman said an ordinance had been heard on first reading by the City Commission the previous evening that would affect the Board. Mr. Spence said the Board had discussed this and provided opinions. The City Commission had requested this ordinance, part of which would reduce the need for a super majority to a simple majority vote for

approval. The ordinance also included instituting an administrative variance process and an appeal process that would go before the City Commission instead of the Circuit Court. The administrative review was an additional criteria that would allow certain items to go to the Zoning Administrator. This criteria would only apply to existing, residential, single-family dwellings or accessory structures, and that the variance would be from a minimum or maximum dimensional requirement for yards, setback or height. He described possible scenarios to which this could be applied. Mr. Meade wanted to be sure this could not be interpreted to apply to any new structures. Mr. Spence felt the existing language indicated this, but said language could be added that this should not be used to grant variances to new construction. The Board could also specify that.

Regarding the appeal procedure change, Chair Elfman was concerned that every applicant who failed at the Board of Adjustment would appeal to the City Commission. Mr. Meade asked if the City Commission would return cases to the Board of Adjustment or approve the variance requests themselves as part of the process. Mr. Spence acknowledged that the ordinance was silent on that question. Ms. Rathburn said the Circuit Court reviewed the existing record and could determine that the Board had not ruled correctly. If an applicant presented his/her case to the City Commission, they would be acting as the Board of Adjustment. Mr. Spence stated this was “100%” the direction of the City Commission: to provide for appeals directly to the City Commission. In deciding an appeal, the City Commission would determine if the Board of Adjustment departed from the central requirements of law in the proceeding being appealed and whether or not competent, substantial evidence existed to support the decision. If they determined that either of those factors existed, they would then conduct a de novo hearing and hear the case themselves.

Mr. Spence said the ordinance included that a successive application could be filed after one year [instead of the current two years]. He said the Board’s input could be to draw the City Commission’s attention to the possible number of applications they may hear, noting they may be inundated by the number and the length of time a de novo review would take. He said the fee for the appeal would be set by a resolution, after the ordinance was adopted. Ms. Rathburn did not want a fee to be punitive but did not want someone to apply to the City Commission without a fee because then it was possible that “politics gets involved.” She noted there had been major developers whose applications were denied by the Board.

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

To communicate the following to the City Commission:

The Board desires that the following be addressed: that the administrative variance does not apply to any new construction; the City Commission may want to reconsider hearing appeals because of what the Board anticipated would be their sheer volume. **Motion passed 7-0.**

Mr. Spence stated the ordinance would be effective when adopted.

**Report and for the Good of the City**  
None

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**Other Items and Board Discussion**  
None

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There being no further business to come before the Board, the meeting adjourned at 7:33 p.m.

Chair:

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Attest:

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ProtoType Inc.

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