



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

#25-0177

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

FROM: Rickelle Williams, City Manager

DATE: May 6, 2025

TITLE: Presentation on Amendments to the Board of Adjustment Process -
Administrative Variance, Vote Threshold, and Appeal Process -
(Commission Districts 1, 2, 3 and 4)

Staff will present amendments to the City's Unified Land Development Regulations (ULDR), to address implementing an administrative variance application as well as changes to the Board of Adjustment (BOA) approval and appeal process. Considerations will include an administrative variance process for minor variations of dimensional requirements for residential homesteaded properties in the City, a reduction of the voting requirement for the approval of final orders, and a first-tier appeal of BOA decisions to the City Commission.

The BOA is a quasi-judicial body established under ULDR Section 47-33 to hear and decide appeals from any administrative decision in the enforcement of the City's ULDR and to grant special exceptions and variances when strict adherence to the letter of the ordinance would produce a unique or special hardship on a property owner.

Administrative Variance Application

The first discussion point is for an administrative variance application. At the September 3, 2024, City Commission Conference Meeting, the City Commission requested that staff develop a recommendation for administrative variances to zoning regulations. Staff conducted research and reviewed variance regulations for municipalities throughout the State of Florida, including the cities of Miami, Jacksonville, Port St. Lucie, and Punta Gorda. These municipalities generally provide administrative variances for dimensional requirements such as reductions for setbacks, lot area, lot coverage, height, parking spaces, and landscaping requirements. The reductions generally range from ten (10) to twenty-five (25) percent of the existing requirement.

BOA Voting Requirements

The next discussion point is for BOA voting requirements. Pursuant to ULDR Section 47-33.7, Quorum, the concurring vote of a majority plus one of those members of the BOA

present and voting is necessary to validate any final order of the Board. The BOA reviews variances, special exceptions and the Zoning Administrator's interpretation of the ULDR. Variances and special exceptions are held to a higher approval threshold due to a high burden of proof. This vote threshold aligns with other significant decisions that are also subject to a higher vote threshold pursuant to the City's Charter and ULDR, including the sale or lease of public property, and requests for rezoning to the Planned Development District (PDD) zoning district. Some applicants have expressed that the super majority requirement is excessive and overly burdensome.

BOA Appeal Process

The final discussion point is regarding the appeal process for BOA. Pursuant to ULDR Section 47-24.12.B.8, Appeal, an applicant aggrieved by a decision of the BOA may seek review of the decision in the Circuit Court by filing a petition for a writ of certiorari within the time prescribed by court rules. This language is likely a carry-over from the former Section 163.175, Florida Statutes (1977), that provided for the review of decisions of the Board of Adjustment in the circuit court. There is presently no statute mandating what entity is authorized to hear appeals from the Board of Adjustment.

Attachment

Exhibit 1 – Presentation

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