

BOARD OF ADJUSTMENT (BOA) APPLICATION FORM

REV: 03/18/2024 APPLICATION FORM: BOA



BOARD OF ADJUSTMENT MEETING REQUEST, APPLICATION DEADLINE, ONLINE SUBMITTAL PROCESS AND APPLICATION FEEING

**BOARD OF ADJUSTMENT MEETING REQUEST:** Prior to the submittal of the Board of Adjustment application, applicants are required to schedule a meeting request with Zoning and Landscaping Division staff to obtain feedback regarding the proposed variance, special exception, or other applications. The meeting includes general guidance on the submittal and process for the application type. To request a meeting with staff, [email request to the Board of Adjustment](#).

**APPLICATION DEADLINE:** Submittals must be received by 5:00 PM each business day. Pursuant to Section 47-24.12, the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via e-mail, if application, survey, plans and other documentation do not meet the submittal requirements and if changes are required. The applicable [Meeting Dates and Deadlines](#) can be found on the City's website at the Board of Adjustment webpage. Staff will provide guidance once an application has been submitted to the City.

**ONLINE SUBMITTAL PROCESS:** Submittals must be conducted through the [City's online citizen access portal and payment of fees Lauderdale](#). Lauderdale requires the creation of an online account to submit a complete application. To access submittal requirements and standards please visit the [LauderBuild Plan Room](#). Staff will provide guidance once an application has been submitted to the City.

**DETERMINATION OF COMPLETENESS:** Submittals are reviewed for completeness to ensure the application submittal contains all the required information including plans, survey, proof of ownership, narratives, and other pertinent documentation. The City will notify the applicant within five (5) business days from submittal with a determination of completeness. The notification will be sent via email and will indicate application completeness or incompleteness with required changes. [BOA Flow Chart](#).

**PAYMENT OF FEES:** All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, special advertising, re-advertising and any other costs associated with the application submittal shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit. Applicants will receive invoices electronically indicating the applicable fee(s). Note, there are fees at various stages of review depending on application type. All Fees are paid online.

**PUBLIC SIGN NOTICE:** Board of Adjustment (BOA) application, and certain applications are subject to public sign notice. Affidavits must be completed and submitted to the city stated compliance that such has been completed. The affidavit form can be found in this package on page 4 and on the City's website.

**EXAMPLE VARIANCE SUBMITTAL**  
Click to access the Board of Adjustment (BOA) page to view previous [Board of Adjustment \(BOA\) agendas, case backup, minutes and results](#).

**QUESTIONS:** Questions regarding the Board of Adjustment process or Lauderdale, contact us by phone or email at: [boardofadjustment@fartlauderdale.gov](mailto:boardofadjustment@fartlauderdale.gov)  
Phone: 954-828-6520, Option 5.

**INSTRUCTIONS:** The following information is required pursuant to the City's Unified Land Development Regulations (ULDR). The Board of Adjustment application form must be filled out accurately and all applicable sections must be completed. Complete the sections indicated for application, type N/A for those section items not applicable. Select the application type below and complete entire application form.

| Application Type (Select the application type from the list below and complete section 7-4 of the application)  | FEES    |
|---|---------|
| <input type="radio"/> Requesting a Variance/Special Exception/Interpretation (Before)   | \$2,332 |
| <input type="radio"/> Requesting a Variance/Special Exception/Interpretation (After)  | \$2,968 |
| <input type="radio"/> Requesting Variance/Special Exception/Interpretation for Residential Accessory Structures & Existing Non-Conforming Structures (Homesteaded Only) (Before)  | \$689   |
| <input type="radio"/> Requesting a Variance/Special Exception/Interpretation for Residential Accessory Structures & Existing Non-Conforming Structures (Homesteaded Only) (After) | \$901   |
| <input type="radio"/> Request for Continuance   | \$954   |
| <input type="radio"/> Request for Rehearing   | \$318   |
| <input checked="" type="radio"/> Rehearing Request before the board   | \$1,219 |

# Page 1: BOA - Applicant Information Sheet

**INSTRUCTIONS:** The following information is required pursuant to the City's Unified Land Development Regulations (ULDR). While the information requested in this application is the minimum required to proceed please be aware additional information may be required to fully address the variance(s) and/or special exception(s) requested. The application form must be filled out accurately and all applicable sections must be completed. Please print or type and answer all questions. Do Not leave any sections Blank. Indicate N/A if a question does not apply.

|   |  |
|---|--|
| Case Number   | PLN-BOA-24040001   |
| Date of complete submittal  | 09/27/2024   |
| <b>NOTE: For purpose of identification, the PROPERTY OWNER is the APPLICANT</b> |  |
| Property Owner's Name   | Mario and Yolena Tacher  |
| Property Owner's Signature  | <i>Mario and Yolena Tacher</i>   |
| Address, City, State, Zip   | 2436 Cat Cay Lane, Fort Lauderdale, Florida 33312  |
| E-mail Address  | mt@tacherlaw.com   |
| Phone Number  | (305)389-5166  |
| Proof of Ownership  | <input type="checkbox"/> Warranty Deed or <input checked="" type="checkbox"/> Tax Record |

**NOTE: If AGENT is to represent PROPERTY OWNER, an agent authorization form is required (must be notarized)**

|                                    |                          |
|------------------------------------|--------------------------|
| Applicant / Agent's Name           |                          |
| Applicant / Agent's Signature      |                          |
| Address, City, State, Zip          |                          |
| E-mail Address                     |                          |
| Phone Number                       |                          |
| Agent Authorization Form Submitted | <input type="checkbox"/> |

**Include ANY Related code case/permit #**

|  |   |
|--|---|
| Existing / New   | Existing: <input checked="" type="checkbox"/> New: <input type="checkbox"/>   |
| Project Address  | Address: 2436 Cat Cay Lane, Fort Lauderdale, Florida 33312  |
| Legal Description  | "See Survey"  |
| Tax ID Folio Numbers<br><i>(For all parcels in development)</i>                            | 5042 19 04 0060   |
| Variance/Special Exception Request<br><i>(Provide a brief description of your request)</i> | TO ALLOW AN EXISTING SHED TO REMAIN IN ITS CURRENT LOCATION IN THE REAR OF THE PROPERTY, AS IT HAS FOR THE PAST 12 YEARS. THE PRIOR OWNER PULLED A PERMIT FOR THE SHED AND IT WAS APPROVED. APPLICANT PURCHASED THE PROPERTY WITH THE EXISTING SHED. NO IMPROVEMENTS HAVE BEEN MADE BY THE APPLICANT. |
| Applicable ULDR Sections<br><i>(Include all code sections)</i>                             | SEC 47-39.A.1.b.(g)-General provision.-yard encroachments SEC 47-39.A.1.b.(d)-General provision - Yard encroachments.   |

|                              |   |
|------------------------------|---|
| Current Land Use Designation | 01-01   |
| Current Zoning Designation   | RESIDENTIAL   |
| Current Use of Property      | HOMESTEAD   |
| Site Adjacent to Waterway    | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

| Setbacks (indicate direction N, S, E, W) | Required | Proposed |
|--|----------|----------|
| Front                                    | 10'      | 9'       |
| Side                                     | 5'       | 4'       |
| Side                                     |          |          |
| Rear                                     | 5'       | 1.5'     |

**Page 2a: Board of Adjustment (BOA) Criteria for Variance Request**

Answer **All** questions on this page only *if* you are applying for a **VARIANCE**. If additional space is needed, attach an additional page(s) to this page. *If* you are applying for a Special Exception, print or type N/A for the questions below and complete page 2b of this application. Note: A narrative must be submitted in addition to this page.

**SPECIFIC REQUEST**: State the specific request according to the ULDR or other provisions of the Code.

**CRITERIA**: Applicant must demonstrate a unique hardship attributable to the land by proving by a preponderance of the evidence for all of the following criteria. Please answer the following criteria completely. While some criteria may seem duplicative the response should be tailored specifically to each. Per section 47-24.12. A.4,

a. Special conditions and circumstances affect the property at issue which prevent the reasonable use of such property; and

APPLICANT PURCHASED THE PROPERTY WITH THE SHED. THE PRIOR OWNER PULLED A PERMIT FOR THE SHED AND IT WAS APPROVED.

b. 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:

THE SHED SITS IN THE EXACT LOCATION AS IT DID WHEN THE PRIOR OWNER PULLED THEIR PERMIT AND WAS APPROVED.

c. 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

BARRING A VARIANCE, THE SHED WOULD HAVE TO BE REMOVED AS IT CANNOT BE RELOCATED WITHIN THE PROPERTY WITHOUT VIOLATING SETBACK RULES.

d. 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

THE APPLICANT PURCHASED THE PROPERTY WITHOUT ANY KNOWLEDGE THAT THE SHED VIOLATED SETBACK RULES.

e. 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.

APPROVING THE VARIANCES WOULD ALLOW THE SHED TO REMAIN ON THE PROPERTY AS IT HAS FOR 12 YEARS.

**AFFIDAVIT**: I, MARIO TACHER AND YELENA TACH the Owner/Agent of said property ATTEST that I am aware of the following:

1. In order to be entitled to the relief requested in the application an affirmative vote of a majority plus one of the Board of Adjustment is required;
2. That in granting the relief requested, the Board of Adjustment is limited to the authority vested in the Board by the ULDR and that the Board may not grant the relief requested unless the applicant proves all the criteria specified in the ULDR have been met;
3. That the granting of relief by the Board does not exempt the applicant or owner of record from the responsibilities of obtaining all applicable permits or approvals as may be required by law for both new and existing structures;
4. That if the relief requested is granted by the Board, the applicant must secure a building permit to implement the relief requested within one hundred eighty (180) days of the entry of the final order of the Board, or within such lesser time as the Board may proscribe and that failure to procure the necessary permits within the time so proscribed shall render the variance or special exception null and void;
5. That if the Board denies the request for relief, then no additional application for the same or substantially the same relief may be entertained by the Board within two (2) years of the date of entry of the final order of denial.

Yelena Tacher  
(Signature)

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 20 day of Sept, 2024

(SEAL)



Ann Alvarez  
NOTARY PUBLIC  
MY COMMISSION EXPIRES:

## Page 3: Checklist for submittal and completeness:

The following information and checklist outlines the necessary items for submittal to ensure the application is deemed complete. Failure to provide the information/items below will result in your application being deemed incomplete. **Note:** Fourteen (14) Copy Sets of each item below will be **DUE AFTER** your application has been **DEEMED COMPLETE**. The applicant will need to meet with staff **PRIOR** to submitting the BOA application submittal via LauderBuild.

\*Meeting Request information and the link to schedule a meeting with staff can be found on the cover page of this BOA application.

- Preliminary BOA Meeting** - The applicant and/or agent met with staff on the following date: \_\_\_\_\_
- Board of Adjustment Application Form**-The Board of Application form must be complete with the applicable information, signatures, and notarizations. \*Submit the complete application form along with your submittal. Page 4 of the BOA application is due **AFTER** sign(s) are posted.
- Proof of Ownership**- Warranty deed or tax record including corporation documents and Sunbiz verification name.
- Agent Authorization Form**- Authorization from ALL Property owner(s) is required. If the Property is owned by an Entity, Sunbiz verification must be included with the authorized agent form.
- Narrative**- Include the applicable ULDR code sections, Date, specific request, and criteria as described in the specifications for submittal by application. The narrative must be titled "Narrative" and indicate the author).
- Color Photographs**- Color photos of the entire property and all surrounding properties dated and labeled and identified as to orientation.
- Survey**- The survey of the property must be digitally signed and sealed, showing existing conditions; survey must be As Built with Right-of-Way and Easement Vacations Excluded. The survey should consist of the proposed project site alone. Do not include adjacent properties or portions of land(s) not included in the proposed project unless specifically requested by the City. \*Must be the most recent survey and the date on the survey should not exceed one (1) year. Copy sets of Survey must be at half-size scale 11x17".
- Site Plan**- A full set of plans must be submitted a survey may be substituted if the requested variance is clearly indicated. Cover sheet on plan set to state project name and table of contents. Copy sets of Plans must be at half-size scale 11x17".
- Elevations**- If applicable (Elevations may be required by staff upon application submittal).
- Landscape Plans**- If applicable (Landscape Plans may be required by staff upon application submittal).
- Additional Plans**- If applicable (Additional Plans may be required by staff upon application submittal).
- Mail Notification Documents**- Mail Notice shall be given to owners of land within three hundred (300) feet of the subject site ten (10) days prior to the date set for the public hearing. Please submit the following:
  - **TAX MAP:** Applicant shall provide a tax map from the Broward County Property Appraiser of all property within a three hundred (300) foot radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
  - **PROPERTY OWNERS NOTICE LIST:** Applicant shall provide a property owner notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required three hundred (300) foot radius. The list shall also include all homeowners' associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
  - **ENVELOPES:** The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required three hundred (300) foot radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. The return address shall be listed on all envelopes as follows: **City of Fort Lauderdale- Zoning Division (BOA, 700 N.W. 19<sup>TH</sup> Avenue, Fort Lauderdale, Florida 33311**

City of Fort Lauderdale- Zoning Division (BOA)  
700 N.W. 19th Avenue  
Fort Lauderdale, Florida 33311

**How To order a Tax Map and Notice List-** To order a tax map and notice list, please contact Heather Hanson at [hhanson@bcpa.net](mailto:hhanson@bcpa.net) or call 954-357-6855 OR Kenny Gibbs at [kgibbs@bcpa.net](mailto:kgibbs@bcpa.net) or call 954-357-5503. Distribution: The City of Fort Lauderdale, Zoning & Landscaping Division will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.

**How to Submit Your Application submittal-** Submittals must be conducted through the City's Online Citizen Access portal- LauderBuild. No hard copy application submittals are accepted. View plan and document requirements at [LauderBuild Plan Room](#). View file naming and Convention standards at [File Naming Convention Standards](#).

**Please Note:** All copy sets must be clear, accurate and legible. All non-plan documents should be 8 1/2" x 11". Plans must be folded to 8 1/2" x 11".

## NARRATIVE

We are seeking variances for the existing rear shed to allow an existing 10 x 20 shed located in the rear of the property to remain on the property as it has for the past 10 years. We are seeking three variances pursuant to:

Sec. 47-39.A.1.b.(g)- General provisions.-Yard encroachments.

Sec. 47-39.A.1.b.(d)- General provisions.-Yard encroachments.

In 2022, my wife and I purchased 2436 Cat Cay Lane, paying \$1.2 million for a 1462 square foot home with a 10 x 20 shed in the rear of the property.

We closed on the property as no violations nor open permits existed.

Months later, we learned the city had violated us for the shed as it was a “non-conforming structure” as it encroached on the required setbacks.

Puzzled, I inquired with the city about the permitted shed and learned that the prior owner had applied for a 10 x 10 shed but the shed installed actually measured 10 x 20. Nonetheless, 10 years ago, the city approved the permit allowing the shed to exist without meeting the necessary setbacks! In the city’s file, photographs depict the exact 10 x 20 shed in the exact location as it sits on the property today.

After further reviewing the city’s file, I learned that despite the discrepancy in the size and location of the shed, the permit was approved by George Oliva, the current head of permitting. Now, 10 years later, the city is requiring us to remove the shed from the property.

As bona fide purchasers, we relied on the city records that no violations existed. We had no way of knowing that the 10- year- old shed was in violation of the code.

It would be a great hardship and an expensive loss for us to have to remove the shed as we would incur additional costs removing it after paying a premium for the house and shed.

Of course, part of the home’s appeal was having an additional 200 square foot shed.

We look forward to providing you with sufficient evidence to allow such a variance.



CAT CAY LANE

(50' RIGHT-OF-WAY)

21.7' ASPHALT PAVEMENT

FOUND 1/2" IRON ROD o/s 1.20'(N) 1.05'(W)

SITE B.M. SET NAIL ELEV.=4.95'

60.00'

SITE B.M. SET NAIL ELEV.=4.77'

965.51'(C)

FOUND 1/2" IRON ROD o/s 0.11'(W)

LOT 6 BLOCK 3

APPROXIMATE LOCATION OF FLOOD ZONE CONTOUR (TYP.)

LOT 5 BLOCK 3

110.00'

1 STORY C.B.S. RESIDENCE #2436

FINISH FLOOR ELEV.=6.53'

LOT 7 BLOCK 3

110.00'

FENCE 0.6'S 0.5'W

SET NAIL AND DISC #5734 0.5'E

4.9' (TO EAST SIDE OF SEAWALL)

1.0' CONC SEAWALL

DOCK 13.7'S 0.5'E

WOOD DOCK 5.0' 2.99'

WOOD DOCK 5.0' 2.91'

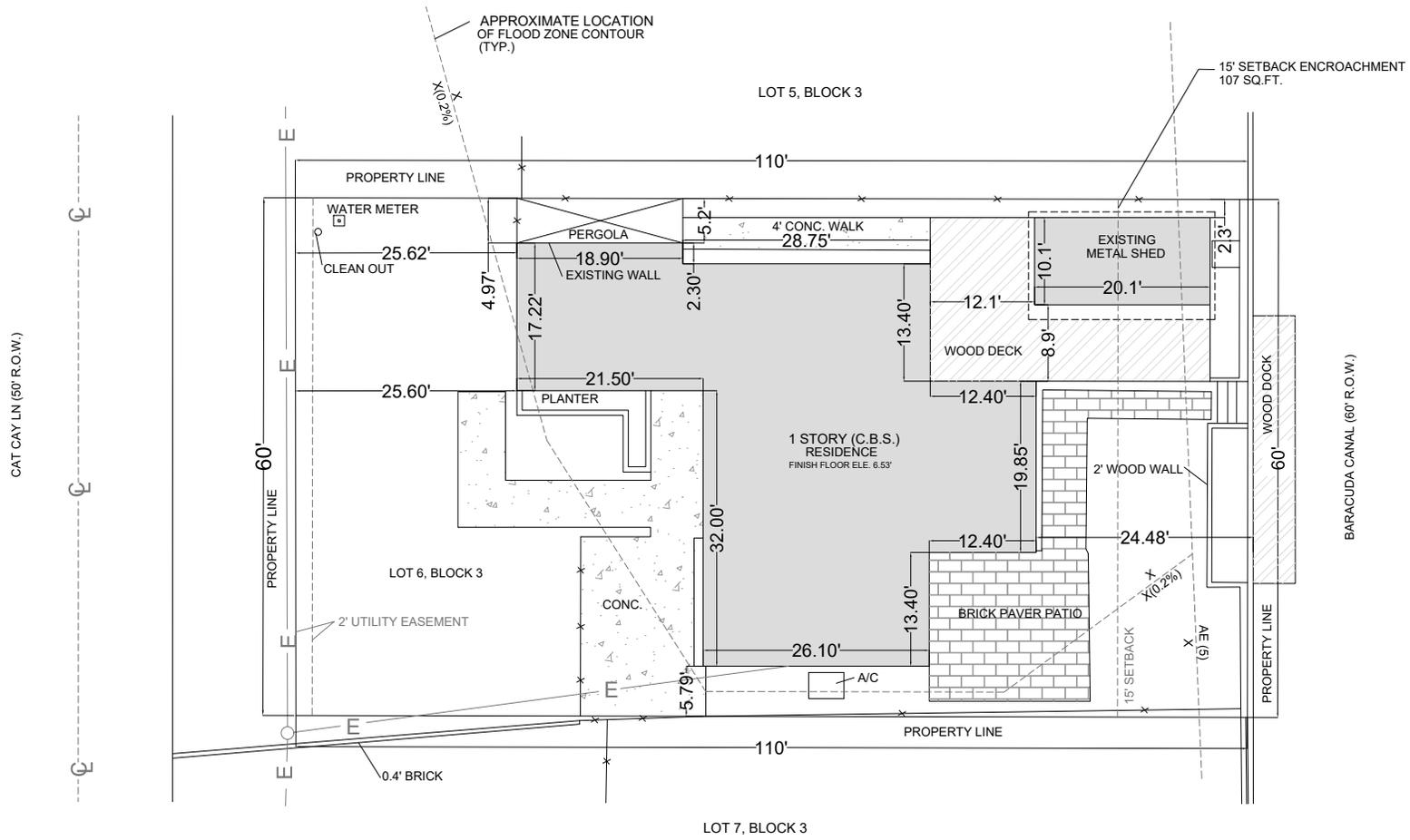
BARACUDA CANAL

(60' RIGHT-OF-WAY)



|                  |                     |
|------------------|---------------------|
| SCALE: 1" = 20'  | SKETCH NO.: 22-2365 |
| DRAWN BY: Q.D.I. | SIDE 2 OF 2         |

**LEGAL DESCRIPTION:**  
 LOT 6, BLOCK 3, OF "LAUDERDALE ISLES NO. 2",  
 ACCORDING TO THE PLAT THEREOF, AS RECORDED  
 IN PLAT BOOK 35, AT PAGE 2, OF  
 THE PUBLIC RECORDS OF BROWARD COUNTY,  
 FLORIDA.



**NOTES:**

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**ADDRESS:**  
 2436 CAT CAY LN  
 FORT LAUDERDALE, FL 33312

**SITE PLAN**  
 LOT AREA: 0.15 ACRES  
 PARCEL ID: 504219040060  
 PLOT SIZE: 8.5" X 11"  
 DRAWING SCALE: 1"=20'

CAM #26-0172  
 Exhibit 4  
 Page 8 of 8

