



CITY OF FORT LAUDERDALE

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS
SEPTEMBER 14, 2022 – 6:00 P.M.**

Board Members	Attendance	Cumulative Attendance 6/2022 through 5/2023	
		Present	Absent
Howard Nelson, Chair	P	4	0
Blaise McGinley, Vice Chair	P	3	1
Howard Elfman	P	4	0
Chadwick Maxey	P	3	1
Douglas Meade	P	4	0
Robert Wolfe	P	4	0

Staff

D'Wayne Spence, Assistant City Attorney
Chakila Crawford, Senior Administrative Assistant
Mohammed Malik, Zoning Administrator
Burt Ford, Zoning Chief
James Hollingsworth, Zoning Plan Examiner
Jamie Opperee, Recording Secretary, Prototype Inc.

Communication to the City Commission

Motion made by Mr. McGinley, seconded by Mr. Wolfe to:

Request the City Commission fill the vacancies on the Board. In a voice vote, motion **passed** unanimously.



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DRAFT MINUTES
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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 determined to be present.

II. Approval of Minutes – August 10, 2022

Motion made by Mr. Wolfe, seconded by Mr. Elfman to approve the Board's August 10, 2022 minutes. In a roll call vote, 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.

Items were heard out of order.

IV. Agenda Items

1.	Index
CASE:	PLN-BOA-22070001
OWNER:	LENNAR HOMES, LLC
AGENT:	GREENSPOON MARDER LLP/DEENA GRAY, ESQ
ADDRESS:	SW 20 TH AVENUE, FORT LAUDERDALE, FL 33312
LEGAL DESCRIPTION:	A PORTION OF LOTS 4, 5 & 6, ALL IN BLOCK E, RIVERSIDE NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 104, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A SOUTHEAST CORNER OF PARCEL 4, "RIVERSIDE PARK TOWNHOUSE AND VILLAS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 141, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA;

THENCE NORTH 21°20'13" WEST, A DISTANCE OF 90.61 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°48'58" WEST, A DISTANCE OF 54.74 FEET; THENCE NORTH 89°11'02" EAST, A DISTANCE OF 159.17 FEET; THENCE SOUTH 00°48'58" EAST, A DISTANCE OF 54.74 FEET; THENCE SOUTH 89°11'02" WEST, A DISTANCE OF 159.17 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE AND BEING IN THE CITY OF OAKLAND PARK, BROWARD COUNTY, FLORIDA AND CONTAINING 8,712 SQUARE FEET OR 0.20 ACRES, MORE OR LESS. BUILDING 9

ZONING DISTRICT:

RM-15 – RESIDENTIAL MULTIFAMILY LOW
RISE/MEDIUM DENSITY
4

**COMMISSION
DISTRICT:
REQUESTING:**

**Sec. 47-18.33.B.5.c.– Single family dwelling, attached:
Townhouses.**

- Requesting a variance to eliminate a 5' by 54.4' pedestrian easement along the east side lot line of Building 9 of the townhouse development not abutting a public street, whereas the code requires a 5' pedestrian easement when not abutting a public street.

**This case was Deferred from the August 10, 2022
Agenda.**

Chair Nelson recused himself from this item.

Deena Gray, attorney, requested a deferral because it would be impossible with Chair Nelson's recusal to have a supermajority.

Motion made by Mr. Wolfe, seconded by Mr. Elfman to defer the item to the next meeting. In a roll call vote, motion **passed** 5-0 with Chair Nelson abstaining.

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CASE:	PLN-BOA-22080005
OWNER:	EHMKE, PAULA JEAN & RICHARD
AGENT:	STEPHANIE TOOTHAKER, ESQ.
ADDRESS:	1400 SW 18 th COURT, FORT LAUDERDALE, FL 33315
LEGAL DESCRIPTION:	LOT 1 AND THE EAST 20 FEET OF LOT 2, BLOCK 18, REVISED PLAT OF YELLOWSTONE PARK 1 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 33, PUBLIC

RECORDS OF BROWARD COUNTY, FLORIDA.

ZONING DISTRICT: RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY

COMMISSION 4

DISTRICT:

REQUESTING:

Sec. 47-19.2. P.- Freestanding shade structures.

- A variance to request an existing freestanding shade structure with outdoor kitchen to be located in the front yard where the Code allows freestanding shade structures to be located in the rear yard.
- A variance to request an existing freestanding shade structure with outdoor kitchen to be 244 square feet whereas the Code allows a maximum of 200 square feet, variance request of 44 square feet.
- A variance to request an existing freestanding shade structure with outdoor kitchen to have a maximum height of 14.5 feet where the Code allows a maximum height of 12 feet measured from the ground to the top of the structure, variance request of 2.5 feet.
- A variance to request an existing freestanding shade structure with outdoor kitchen to have a full-height wall on one side where the Code allows all sides to be partially enclosed with 42-inch high built-in cabinetry.

Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district. (Note A)

- A variance from the 25 feet minimum front yard requirements of Section 47-5.31 Table of Dimensional Requirements to allow an existing freestanding shade structure to remain at a front yard setback of 2 feet measured from the roof overhang, a total maximum variance request of 23 feet.

Roya Edwards requested a deferral on behalf of the applicant.

Chair Nelson opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Nelson closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Wolfe, seconded by Mr. McGinley to defer the item to the next meeting. In a voice vote, motion **passed** 6-0.

Mr. Spence noted the request for deferral constituted a waiver regarding 166.033, the time period for which to grant a development approval permit.

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CASE: PLN-BOA-22080001

OWNER: ADDEPALLI, LAKSHMI P; ALAPATI, KRANTHI

AGENT: MATTHEW ROQUE-PASKOW

ADDRESS: 3025 CENTER AVENUE, FORT LAUDERDALE, FL 33308

LEGAL DESCRIPTION: THE SOUTH 20 FEET OF LOT 24, AND ALL OF LOT 25, BLOCK 10, LAUDERDALE BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 2, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. PROPERTY ADDRESS: 3025 CENTER AVENUE, FORT LAUDERDALE, FLORIDA 33308

ZONING DISTRICT: RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY

COMMISSION 2

DISTRICT:

REQUESTING: **Sec. 47-19.2.A.5.a. - Accessory buildings, structures and equipment, general.**

- Requesting a variance to reduce the minimum lot size from 10,890 square feet to 9,003 square feet, a total reduction of 1,887 square feet to allow an existing non-conforming garage to be converted to a Granny flat.

Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district.

- Requesting a variance to reduce the minimum 15 feet rear yard setback to 2.8 feet, a reduction of 12.2 feet to allow an existing non-conforming garage to be converted to a Granny flat.
- Requesting a variance to reduce the minimum 5 feet north side yard setback to 3.77 feet, a reduction of 1.23 feet to allow an existing non-conforming garage to be converted to a Granny flat.

Sec. 47-19.1. B. - General requirements.

- Requesting a variance to allow an existing non-conforming structure to be located within a required yard, whereas the code states that "No accessory use or structure may be

located within a required yard specified by the zoning district where the development site is located, unless specifically permitted by the ULDR.”

Matthew Roque-Paskow, property manager, said when his clients purchased the property, the detached garage had already been converted to a bedroom. Mr. Roque-Paskow said he did not believe the owners had done additional due diligence to determine if the conversion had been permitted by the City. He stated the flat would be used as an extra bedroom as part of the entire rental property. Chair Nelson asked the hardship and Mr. Roque-Paskow said the hardship was that the property was not as represented when the owners purchased it and this affected the owner’s ability to use it as he had planned. Mr. Maxey said the Broward County Property Appraiser still listed the property as two units with four bedrooms.

Mr. Malik said the structure had been approved in 1959 as a detached garage. The granny flat was not permitted because the setbacks were not in compliance and the lot must be 10,890 square feet. They could convert the flat back to a garage.

Chair Nelson opened the public hearing.

Gary Hudson, neighbor and president of the 3030 Condominium association, said they would prefer the setbacks and lot size requirements be kept in place; he did not want a change to set a precedent.

Mike Rabinovitch, neighbor, agreed with Mr. Hudson and stated he objected to the variance requests.

Steve Ganon, president of the Lauderdale Beach Homeowners Association, the neighborhood in which this property was located, said they opposed any variances that would contribute to additional noise. He said there did not seem to be a hardship and asked the Board to deny the variance requests.

There being no other members of the public wishing to address the Board on this item, Chair Nelson closed the public hearing and brought the discussion back to the Board.

Mr. Roque-Paskow said he had knocked on nearby doors and few people had responded. He had not met with any of the HOAs. He noted that the flat was already constructed and had been used as living space; they just wanted to make the conversion legal.

Chair Nelson asked if Mr. Roque-Paskow would agree to meet with the neighborhood association and condominium association and Mr. Roque-Paskow agreed. Mr. Roque-Paskow requested a deferral. Assistant City Attorney Spence advised the Board to consider a continuance, since the public hearing had already been held.

Chair Nelson re-opened the public hearing.

Mr. Rabinovitch did not feel that talking with Mr. Roque-Paskow would change any minds.

There being no other members of the public wishing to address the Board, Chair Nelson closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Wolfe, seconded by Mr. McGinley to continue the case to the next meeting. In a roll call vote, motion **passed** 6-0

3.

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CASE:	PLN-BOA-22080003
OWNER:	DUNCANSON, DAVID M & CAROL ANNE
AGENT:	N/A
ADDRESS:	937 SW 17 th STREET, FORT LAUDERDALE, FL 33315
LEGAL DESCRIPTION:	THE SOUTH 62.5 FEET OF LOT 12 AND THE SOUTH 62.5 FEET OF THE WEST 40 FEET OF LOT 11, BLOCK 1, YELLOWSTONE PARK, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LANDS LOCATED IN, AND PART OF, BLOCK 1, AMENDED PLAT OF YELLOWSTONE PARK, RECORDED IN PLAT BOOK 15, PAGE 3 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
ZONING DISTRICT:	RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
COMMISSION DISTRICT:	4
REQUESTING:	<u>Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district.</u> <ul style="list-style-type: none">• Requesting a variance to reduce the minimum 25 feet front yard setback to 19.97 feet, a total reduction of 5.03 feet to remove an existing carport (198.8 square feet) and add a bedroom, bathroom and a laundry room (198.8 + 118.05 = 316.85 square feet).

David Duncanson said they wished to rebuild the carport with the same setback as the original structure.

Chair Nelson opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Nelson closed the public hearing and brought the discussion back to the Board.

Chair Nelson pointed out that the corner lot made it more difficult to lay out the structures on the site.

Mr. McGinley said the addition followed the line of the existing house. He added that the corner was not a main intersection but a dead end.

Motion made by Mr. Elfman, seconded by Mr. McGinley to:

Approve the variance request for case **PLN-BOA-22080003** because it meets the criteria for a variance. In a roll call vote, motion **passed** 6-0

4.

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CASE:	PLN-BOA-22080004
OWNER:	SHOPPES AT RIO VISTA LLC; % KENNETH T BARBER
AGENT:	TRACEY DIEHL
ADDRESS:	921 SE 17 th STREET, FORT LAUDERDALE, FL 33316
LEGAL DESCRIPTION:	PARCEL "A" OF "SIXTEEN SUBDIVISION", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 69, PAGE .30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.
ZONING DISTRICT:	B-1 - BOULEVARD BUSINESS MUNICIPAL
COMMISSION DISTRICT:	4
REQUESTING:	<u>Sec. 47-22.3. O. -Shopping center or strip store signs.</u> <ul style="list-style-type: none">• Requesting a variance to allow one (1) additional flat wall sign of 76.02 square feet, whereas the code allows two (2) flat wall signs if an office or place of business faces two (2) street fronts or vehicle travel ways, then one (1) flat sign facing on each street front shall be permitted. If two (2) flat signs are to be erected, then the total aggregate area of the two (2) flat signs shall not exceed three hundred (300) square feet, whereas the total aggregate area of the three (3) signs will be 244.02 square feet (84.0 +84.0+76.02=244.02).

Tracey Diehl, agent, explained on how difficult it was to identify the address for Aspen Dental and this was why a third wall sign was needed. She informed Chair Nelson the

sign would be on the rear of the building, so it was not an advertising sign. She later stated Aspen Dental wanted to ensure that people in dental distress could easily locate their office when they needed it.

Mr. McGinley said people would not be entering the property via SE 16th Court [which the sign would face] because there were no inbound curb cuts there. He said there was already an Aspen Dental sign facing SE 10th Avenue.

Chair Nelson opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Nelson closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. McGinley, seconded by Mr. Elfman to:
Deny the variance request for case **PLN-BOA-22080004** because it did not meet the criteria for a variance.

Chair Nelson suggested making the motion in the affirmative and Mr. McGinley withdrew his motion.

Motion made by Mr. McGinley, seconded by Mr. Maxey to:
Approve the variance request for case **PLN-BOA-22080004** because it meets the criteria for a variance. In a roll call vote, motion **failed 2-4** with Mr. Elfman, Mr. Meade, Mr. McGinley and Chair Nelson opposed.

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CASE:	PLN-BOA-22080006
OWNER:	CITY OF FORT LAUDERDALE
AGENT:	CRUSH LAW, P.A.- JASON S. CRUSH, ESQ.
ADDRESS:	155 SE 2 nd STREET, FORT LAUDERDALE, FL 33301
LEGAL DESCRIPTION:	CITY PARKING GARAGE, SE 2 ND ST LOTS 6 THRU 17 INCLUSIVE BLOCK "B". STRANAHANS SUB LOTS 13 TO 18 BLK 14 FT LAUDERDALE 3-10 D LOTS 6 THRU 17, LESS RD R/WS AS DESC IN OR 8156/401 BLK B TOGETHER WITH: LOTS 18 THRU 25 INCLUSIVE, "EVA A. OLIVER SUBDIVISION BLOCK 28 FORT LAUERDALE". LESS ROAD RIGHT OF WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 8156 PAGE 401 AND OFFICIAL RECORDS BOOK 8219 PAGE 585 (See the provided signed and sealed survey for the complete property description).
ZONING DISTRICT:	RAC-CC - CITY CENTER DISTRICT
COMMISSION	4

DISTRICT:

REQUESTING: **Sec. 5-27. - Distances of establishments from church or school.**

- Requesting a Special Exception to the City's Code of Ordinance Section 5-27 to allow the service of alcoholic beverages at a Restaurant within 500 feet of a house of worship – specifically a Special Exception of 304 feet.

Jason Crush, attorney, provided a presentation, a copy of which is attached to these minutes for the public record. He stated they had a letter of support from the Sr. Pastor of the First United Methodist Church. Mr. Crush said the request met the requirement that this would not be contrary to the public interest.

Chair Nelson opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Nelson closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Meade, seconded by Mr. Wolfe to:

Approve the special exception for case **PLN-BOA-22080006** because it meets the criteria in the Code of Ordinances. In a roll call vote, motion **passed** 6-0

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CASE:	PLN-BOA-22080008
OWNER:	JOSEPH, LARRY H/E; JOSEPH, PATRICE & BONHOMME, MAX
AGENT:	CRUSH LAW, P.A. - JASON S. CRUSH, ESQ.
ADDRESS:	1236 NE 1 st AVENUE, FORT LAUDERDALE, FL 33304
LEGAL DESCRIPTION:	LOTS 42 AND 43, BLOCK 118 "PROGRESSO", AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA.
ZONING DISTRICT:	RD-15 - RESIDENTIAL SINGLE FAMILY AND DUPLEX/MEDIUM DENSITY
COMMISSION DISTRICT:	2
REQUESTING:	<u>Sec. 47-19.2.K.1. -Garages and carports (residential use).</u>

- Requesting a variance from the minimum 20-foot front yard setback to allow an addition of garage at a setback of 15.2 feet, a total variance request of 4.8 feet.

Jason Crush, attorney, provided a presentation, a copy of which is attached to these minutes for the public record.

Mr. Crush said as part of the renovations, Mr. Joseph would continue the sidewalk north to south down 1st Avenue. He stated they had letters of support from several neighbors. Mr. Crush noted this would not adversely affect anyone else if it were approved.

Chair Nelson noted that if the garage were narrower, one would need to pull through the front porch to access it. FPL equipment would prevent entering the garage from the front of the property.

Chair Nelson opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Nelson closed the public hearing and brought the discussion back to the Board.

Mr. McGinley asked about landscaping in front of the garage and Mr. Crush stated they would add landscaping in front of the garage, and noted the garage had double-hung windows to look more like part of the home.

Motion made by Mr. Elfman, seconded by Mr. Meade to:
Approve the variance request for case **PLN-BOA-22080008** because it meets the criteria for a variance. In a roll call vote, motion **passed** 6-0.

Communication to the City Commission

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Motion made by Mr. McGinley, seconded by Mr. Wolfe to:
Request the City Commission fill the vacancies on the Board. In a voice vote, motion **passed** unanimously.

Report and for the Good of the City

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None

Other Items and Board Discussion

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None

There being no further business to come before the Board, the meeting adjourned at 7:16 p.m.

Chair:

Attest:

ProtoType Inc.

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