



CITY OF FORT LAUDERDALE

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19th AVENUE, FORT LAUDERDALE,
FLORIDA 33311
AUGUST 9, 2023 – 6:00 P.M.**

Board Members	Attendance	Cumulative Attendance 6/2023 through 5/2024	
		Present	Absent
Howard Elfman, Chair	P	3	0
Caldwell Cooper	A	2	1
Douglas Meade	A	2	1
Howard Nelson	P	3	0
Fred Stresau	P	3	0
Robert Wolfe, Vice Chair	P	3	0
Patricia Rathburn, alternate	P	3	0
Milton Jones, alternate	P	2	0

Staff

Rhonda Hasan, Assistant City Attorney
Chakila Crawford, Senior Administrative Assistant
Jazmine Eveillard, Administrative Assistant
Mohammed Malik, Zoning Administrator
Burt Ford, Zoning Chief
James Hollingsworth, Zoning Plan Examiner
J. Opperlee, Recording Secretary, Prototype Inc.

Communication to the City Commission

Motion made by Mr. Stresau, seconded by Mr. Nelson to ask the City Commission to ask the Planning and Zoning Board to discuss how to measure grade regarding fences and walls. In a roll call vote, motion passed 4-2 with Mr. Nelson and Ms. Rathburn opposed.



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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 was determined to be present.

II. Approval of Minutes – June 14, 2023 and July 12, 2023

Motion made by Mr. Nelson, seconded by Mr. Wolfe to approve the Board’s June 14 2023 minutes as previously amended. In a voice vote, motion passed 6-0.

Motion made by Mr. Nelson, seconded by Mr. Wolfe to approve the Board’s July 12 2023 minutes as presented. In a voice vote, motion passed 6-0.

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

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CASE: PLN-BOA- 23010001

OWNER: CICALÉ, COURTNEY L & BRYAN

AGENT: N/A

ADDRESS: 1724 SW 4 STREET, FORT LAUDERDALE, FL 33312

LEGAL DESCRIPTION: LOT 7, SANFORD D. ADLER SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 76, PAGE 16, PUBLIC RECORDS OF

BROWARD COUNTY, FLORIDA. (SEE SURVEY)

ZONING DISTRICT: RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
COMMISSION DISTRICT: 4
REQUESTING: **Sec. 47-19.2.EE. - Utility and tool sheds, residential districts.**

- Requesting a variance to increase the maximum allowable height of a shed from 10 feet high to 11.1 feet high, a total variance request for an increase in height of 1.1 feet.
- Requesting an increase in the maximum allowable area of a shed from 100 square feet to 160 square feet, a total variance request for an increase in area of 60 square feet.
- Requesting an increase from the maximum allowable length of any side of a shed from 12 feet to 16 feet, a total variance request for an increase in length of 4 feet.

This case was Deferred from the July 12, 2023, BOA meeting Agenda.

Mr. Malik noted that the variance request for the height increase had been reduced from 2.5 feet in the previous filing to 1.1 feet.

Bryan Cicale, owner, described the request, noting that they had measured from the floor of the home to get the shed's height. He said since the last meeting, the neighbor who had objected had withdrawn his objection when Mr. Cicale agreed to camouflage the shed with landscaping.

Mr. Nelson asked about making the structure physically shorter, and Ed Cicale, the owner's father, described the work that would require. He noted that the roof had been constructed with "hurricane angles" so they would be forced to cut the joists down and remove the entire roof.

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.

Motion made by Mr. Nelson, seconded by Mr. Wolfe:

To grant the three variance requests because they meet the criteria for a variance.
Motion passed 6-0.

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CASE: PLN-BOA-23030003

OWNER: WALTON, MICHAEL RAYMOND; LOFRIA, MICHELE

AGENT: N/A

ADDRESS: 5560 NE 26 AVENUE, FORT LAUDERDALE, FL 33308

LEGAL DESCRIPTION: LOT 2, BLOCK 3, "GOLF ESTATES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 43, PAGE 26, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA (SEE SURVEY)

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

COMMISSION DISTRICT: 1

REQUESTING: **Sec. 47-19.2. P.- Freestanding shade structures.**

Requesting a variance to allow an existing freestanding shade structure to have a maximum height of 14 feet whereas the code allows a maximum height of 12 feet measured from the ground to the top of the structure. A total variance request of 2 feet in height.

Requesting a variance to allow an existing freestanding shade structure to have a setback of 7 feet FROM WATER WAY whereas the code requires a minimum of 10 feet setback FROM WATERWAY a total variance request of 3 feet.

Requesting a variance to allow an existing freestanding shade structure to have a total area of 226.08 square feet for that portion of the structure protruding into the required yard area whereas the code allows a maximum of 200 square feet. A total variance request of 26.08 square feet

This case was Deferred from the July 12, 2023, BOA meeting Agenda.

Mr. Malik stated the height was more than the City had advertised so the case must be deferred. They needed additional information from the engineer or surveyor as well.

Michael Walton, owner, requested a deferral.

Motion made by Mr. Nelson, seconded by Mr. Wolfe:
To defer the case to the October meeting. Motion passed 6-0.

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CASE: PLN-BOA-23060001

OWNER: F & F INVESTMENT GROUP LLC

AGENT: NEAL R. KALIS ESQ.

ADDRESS: 2935 RIVERLAND ROAD, FORT LAUDERDALE FL 33312

LEGAL DESCRIPTION: PARCEL A-A PORTION OF THE EAST 195 FEET OF THE WEST 386 FEET OF THE EAST ONE-HALF (E 1/2) OF BLOCK 13, OF THE AMENDED MAP OF SUBDIVISION OF SECTION 17, TOWNSHIP 50 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, AT PAGE 72, OF THE PUBLIC RECORDS OF DADE COUNTY FLORIDA, SAID LANDS LYING AND BEING IN BROWARD COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECT/ON OF THE NORTH RIGHT-OF WAY LINE OF RIVERLAND ROAD (60 FOOT RIGHT-OF-WAY) AND THE WEST LINE OF THE SAID EAST 195 FEET OF THE WEST 386 FEET OF THE EAST ONE-HALF (E 1/2) OF BLOCK 13; THENCE NORTH 83°45'17" EAST A DISTANCE OF 95.12 FEET TO A POINT; THENCE SOUTH 00°00'42" WEST; A DISTANCE OF 106.85 FEET; THENCE SOUTH 78°55'01" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF RIVERLAND ROAD, A DISTANCE OF 96.33 FEET TO THE POINT OF BEGINNING. AND CONTAINING 10,485.39 SQ.FT. OR 0.240 ACRES. (SEE SURVEY)

ZONING DISTRICT: RS-3.52 – IRREGULAR RESIDENTIAL

COMMISSION DISTRICT: 4

REQUESTING: **Sec. 47-39. A.6.F.1.-Side yards**

- Requesting a variance to allow a newly constructed single family residence building, to have an east side yard setback of 4.53 feet whereas the code requires a minimum of 7.5 feet. A total variance reduction request of 2.97 feet, for a length of 22.65 feet on the east side yard.

This case was Deferred from the July 12, 2023, BOA meeting Agenda.

Mr. Hollingsworth said the spot survey from June 2022 showed compliance with the setbacks. The final survey showed the side setback was too short, so the variance was requested.

Neal Kalis, agent, gave a Power Point presentation, a copy of which is attached to these minutes for the public record. He described the request, explaining that a 2018 survey from when this lot was connected to the adjacent lot had erroneously been used for laying out the west foundation. That 2018 survey had been incorrect, creating a deficiency in square footage and another, corrected survey was done in 2019. Mr. Kalis described the work that would need to be done to make the construction comply and said it would be “economically devastating” to his client if the variance were not granted. He stated the adjacent neighbor had signed a letter of support.

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. Nelson said he could understand how this happened and noted the most affected neighbor’s letter of support.

Mr. Stresau wondered if the architect had visited the site during construction and Fawzi Faroun, owner, said the architect had never visited the site because this was during the pandemic. Mr. Stresau said this problem was due to two survey companies that “didn’t do a very good job.”

Ms. Rathburn noted that no one had caught the mistake during construction.

Mr. Jones asked how to prevent this in the future and Mr. Ford said the City could not prevent it because they relied on the building professionals.

Mr. Stresau asked if the site plan had ever been revised to reflect the errors and Mr. Ford said he had not seen it.

Motion made by Mr. Stresau, seconded by Mr. Wolfe:

To grant the variance request because it meets the criteria for a variance. Motion passed 5-1 with Mr. Jones opposed.

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CASE:	PLN-BOA- 23060002
OWNER:	RIVER REACH INC
AGENT:	DENISE WILLIAMS; ALLIE INBERG
ADDRESS:	949 RIVER REACH DRIVE, FORT LAUDERDALE, FL 33315

LEGAL DESCRIPTION: PARCELS A AND B OF HARBOR ISLAND, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 59, PAGE 29, OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA. (SEE SURVEY)
ZONING DISTRICT: RMH-25 - RESIDENTIAL MULTIFAMILY HIGH RISE/MEDIUM HIGH DENSITY
COMMISSION DISTRICT: 4
REQUESTING: Sec. 47-22.3. G. - Ground sign.

- Requesting a variance to allow a ground sign to be ninety-one (91) square feet, whereas the code allows a maximum of twenty-four (24) square feet, a total variance request of sixty-seven (67) feet.

Allie Inberg and Meliss Weatherwax, agents, described the request.

Ms. Weatherwax confirmed for Mr. Nelson that the total square footage of the requested single sign was less than 50% of the total square footage of the two signs it would replace.

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.

Motion made by Mr. Nelson, seconded by Mr. Wolfe:

To grant the variance request because it meets the criteria for a variance. Motion passed 5-1 with Mr. Stresau opposed.

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CASE: PLN-BOA-23070001
OWNER: J E M LANDMARK LLC; ELSIE CHAN
AGENT: VLADANA ALEHAN-BRIZUELA
ADDRESS: 3337 NE 33 STREET, FORT LAUDERDALE, FL 33308
LEGAL DESCRIPTION: LOT 7, BLOCK 7 OF GALT OCEAN MILE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BLOOK 34, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT: CB- COMMUNITY BUSINESS
COMMISSION DISTRICT: 1

REQUESTING:

Sec. 5-26 - Distance between establishments.

- Requesting a special exception from the required distance separation of three hundred (300) feet between establishments selling alcoholic beverages. The location of the proposed establishment is one hundred eleven (111) feet from one establishment licensed to sell alcoholic beverages and two hundred fifty-five (255) feet from another establishment licensed to sell alcoholic beverages. The special exception reduces the distance between one establishment from three hundred (300) feet to one hundred eleven (111) feet, a total reduction of one hundred eighty-nine (189) feet and from another establishment from three hundred (300) feet to two hundred fifty-five (255) feet, a total reduction of forty-five (45) feet, respectively.

Vladana Alehan-Brizuela, agent, described the request. She said this had been a wine bar for 17 years prior to her ownership.

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.

Motion made by Mr. Nelson, seconded by Mr. Wolfe:

To grant the special exception because it meets the requirements for consistency with the neighborhood character under the ULDR. Motion passed 6-0.

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CASE:	PLN-BOA-23070003
OWNER:	1201 BAYVIEW CORP
AGENT:	HEATHER GRIMES
ADDRESS:	1201 BAYVIEW DRIVE, FORT LAUDERDALE, FL 33304
LEGAL DESCRIPTION:	LOT 11, IN BLOCK "G", OF BEACHWAY HEIGHTS, UNIT "A". ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, AT PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	RS-4.4 – RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY
COMMISSION DISTRICT:	1

REQUESTING:

Sec. 47-5.30 - table of dimensional requirements for the RS-4.4 district

- Requesting a variance to reduce the corner yard setback to seven (7) feet, five (5) inches, whereas the code requires a minimum of 25% of the lot width at the front yard setback (98 feet x 25% = 24 feet 6 inches), a total variance reduction request of seventeen (17) feet, one (1) inch.

Heather Grimes, agent, and Sajeen Bell, architect, described the need for the variance.

Chair Elfman opened the public hearing.

Mary Peloquin, neighbor, distributed a letter to Board members and read it into the record. She opposed the request and noted that she had added to her home and observed the setback requirements. She said all properties on Bayview had a 25-foot front setback and allowing this variance would ruin the look of the neighborhood. Ms. Peloquin also felt the building would disrupt sightlines for traffic and create a safety issue. She was also very concerned this would set a precedent and ruin the community. Ms. Peloquin asked the Board to deny the request.

Doug Coolman read a letter from Abby Laughlin, president of the Coral Ridge Association, which had already been provided to the Board, opposing the variance request. The letter discussed the maximum square footage allowed on the lot and the fact that it could be built without the requested variance. Ms. Laughlin indicated that the variance was needed because of the architect's design choices.

At 7:05, the Board took a brief recess.

Mr. Coolman continued with the letter expressing concern about the precedent this would set for reconfiguring the lots on Bayview Drive. The Coral Ridge Association opposed the request. Mr. Pullman read his own statement, indicating the request did not meet the criteria for a variance.

Mr. Nelson noted that Mr. Coolman was a professional land planner and asked if he agreed with Ms. Laughlin's critique of the planned development regarding lot coverage and usability. Mr. Coolman said he agreed with Ms. Laughlin.

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.

Ms. Rathburn asked when Ms. Grimes purchased the property. Ms. Grimes said the property had been deeded to her two years ago but the deed had not been recorded in her name. She had formed a corporation and transferred the title to that corporation in April of this year.

Mr. Nelson asked the architect if she had considered other design alternatives and Ms. Bell said the owner wanted to preserve the backyard, and that they could consider other designs. Ms. Grimes said she had considered other ways to configure the property but said she was limited by the fact that the home was oriented catty-corner on the lot. Mr. Nelson suggested Ms. Grimes withdraw the request and confer with the neighborhood association.

Mr. Grimes withdrew her request.

Motion made by Mr. Nelson, seconded by Mr. Wolfe:

To defer the case to the December 2023 meeting. Motion passed 5-1 with Ms. Rathburn opposed.

Communication to the City Commission

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Mr. Stresau recalled a case at the previous meeting regarding a fence and where the height of the fence should be measured from. Mr. Malik had provided the ordinance changes regarding how FEMA set the finished first floor as grade to measure the fence height. Mr. Stresau said this could result in a fence being much taller.

Motion made by Mr. Stresau, seconded by Mr. Nelson to ask the City Commission to ask the Planning and Zoning Board to discuss how to measure grade regarding fences and walls.

Mr. Ford stated they were currently re-writing the code, separating accessory structures and requiring the height of fences to be measured from the ground [finished grade] where the fence was being installed. Mr. Nelson noted that this could result in a fence that was effectively shorter relative to a home regarding visual protection. This was why the Board had requested the changes to begin with.

In a roll call vote, motion passed 4-2 with Mr. Nelson and Ms. Rathburn opposed.

Report and for the Good of the City

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Staff indicated the September meeting must be rescheduled to September 21.

Motion made by Mr. Nelson, seconded by Mr. Wolfe, to reschedule the Board's September meeting to Thursday, September 21.

Other Items and Board Discussion

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None

There being no further business to come before the Board, the meeting adjourned at 7:39 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.