



FINAL ORDER OF THE BOARD OF ADJUSTMENT REGARDING CASE# PLN-BOA-25060004

This matter was presented to this Board on July 09th, 2025, concerning the application of the owner ACS FLAGLER LLC through its registered SCHEIN, ANDREW, ESQ regarding the use of real property legally described **LOTS 25 THROUGH 32, INCLUSIVE BLOCK 252 OF "PROGRESSO", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA.**

Whereas, the Applicant, pursuant to Section 47-24.12 of the Unified Land Development Regulations ("ULDR") sought variance requests to the following provisions:

Sec 47-3.8.A.1 Termination of nonconforming status.

- Requesting a variance from ULDR Section 47-3.8.A.1 to allow a legal nonconforming structure that is altered by more than 50% of the replacement value to retain its legal nonconforming status, where ULDR Section 47-3.8.A.1 would terminate its legal nonconforming status, as per permitted plans.

Sec 47-3.8.A.2 Termination of nonconforming status.

- Requesting a variance from ULDR Section 47-3.8.A.2 to allow a legal nonconforming structure with a discontinued use to retain its legal nonconforming status, where ULDR Section 47-3.8.A.2 would terminate its legal nonconforming status.

Sec 47-13.20.G RAC Landscape Requirements.

- Requesting a variance from ULDR Section 47-13.20.G to allow the existing vehicular use area and parking lot to remain as-is, where ULDR Section 47-21.12.F would require the existing vehicular use area and parking lot to be brought into conformity with ULDR.

Sec 47-13.20.H RAC Streetscape Design.

- Requesting a variance from ULDR 47-13.20.H, to allow the existing streetscape adjacent to the existing building to remain as-is, where ULDR Section 47-13.20.H would require the existing streetscape to comply with Chapter 4 of the Downtown Master Plan design guidelines.

Sec 47-24.5. D.1 Subdivision layout.

- Requesting a variance from ULDR 47-24.5. D.1 to allow the existing right-of-way widths adjacent to the property to remain, where ULDR Section 47-24.5. D.1 would require additional right-of-way dedications on Federal Highway, NE 8th Street and NE 5th Terrace.

DEVELOPMENT SERVICES DEPARTMENT

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And the Board, having heard and reviewed the evidence in this matter, is ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF FORT LAUDERDALE THAT THE PORTION OF THE SAID APPLICATION FOR A VARIANCE FROM ULDR SECTION 47-3.8.A.1 AND SECTION 47-3.8.A.2 OF THE ULDR BE **APPROVED**.

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

To grant the variance requests regarding Sec 47-3.8.A.1 Termination of nonconforming status and Sec 47-3.8.A.2 Termination of nonconforming status, noting that granting these variances would not affect the legal, non-conforming status of the existing structure, which would remain subject to the provisions governing non-conforming uses and structures with the exception of the additions indicated in the backup. **Motion** passed 5 yeas-2 nays.

And it is further ORDERED THAT THE PORTION OF THE SAID APPLICATION FOR A VARIANCE FROM SECTION 47-13.20.G, SECTION 47-13.20.H AND SECTION 47-24.5. D.1 OF THE ULDR BE **DENIED**.

Motion made by Ms. Rathburn, seconded by Mr. Wolfe:

To grant the variance requests regarding Sec 47-13.20.G RAC Landscape Requirements, Sec 47-13.20.H RAC Streetscape Design, and Sec 47-24.5. D.1 Subdivision layout as the applicant has set forth the criteria for the granting of the variances per the ULDR. Motion **failed** 4 yeas - 3 nays.

Dated this 13TH day of August 2025



Howard Elfman
Chair of the Board of Adjustment

Pursuant to ULDR Sec. 47-24.12. A.8, This order shall be recorded in the public record of Broward County, Florida at the cost and expense of the applicant. Unless a shorter time period is specified above, a building permit to implement the improvements authorized by this Order must be secured within 180 days of the date of entry of this Order. Temporary nonconforming use permits shall expire within the time specified in the final order, which such time may not exceed one (1) year from the date of entry of the final order. Pursuant to ULDR Sec. 47-24.12.A.11, where an application for a variance or special exception or both has been denied by the Board of Adjustment, no new application for the same or a substantially similar variance or special exception or both may be made within a period of two (2) years from the date of such denial. In order to appeal the Board's decision, a Petition for a Writ of Certiorari must be filed (with the Circuit Court) within 30 days of rendition of this Final Order of the Board of Adjustment. Fla. Rules App. Procedure, Rule 9.100 (c).