



CITY OF FORT LAUDERDALE

**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
JUNE 12, 2019 – 6:30 P.M.
CITY HALL CITY COMMISSION CHAMBERS
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA**

Board Members	Attendance	Cumulative Attendance 6/2019 through 5/2020	
		Present	Absent
Douglas Reynolds, Chair	P	1	0
Howard Nelson, Vice Chair	P	1	0
Eugenia Ellis	P	1	0
Blaise McGinley	P	1	0
Patrick McTigue	P	1	0
S. Carey Villeneuve	A	0	1
Chadwick Maxey	P	1	0
Alternates			
Chip Falkanger	P	1	0
Shelley Eichner	P	1	0
Tim Bascombe	A	0	1

Staff

D Wayne Spence, Assistant City Attorney
Burt Ford, Zoning Chief
Chakila Crawford-Williams, Administrative Assistant
Brigitte Chiappetta, Prototype, Inc.

Communication to the City Commission

Motion made by Mr. Nelson, seconded by Mr. McTigue, to send the following communication to the City Commission:

The Board requests the City Commission look into instituting an administrative variance process based on a de minimis percentage of 5% or based on a survey of neighboring communities to determine what the community standard was. In a voice vote, motion passed unanimously.

Purpose: Section 47-33.1.

The Board of Adjustment shall receive and hear appeals in cases involving the ULDR, to hear applications for temporary nonconforming use permits, special exceptions and variances to the terms of the ULDR, and grant relief where authorized under the ULDR. The Board of Adjustment shall also hear, determine and decide appeals from reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the ULDR, as provided herein.

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	<u>Number</u>	<u>Owner/Agent</u>		
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3.	B19-016	Etienne, Patrick; Etienne, Sherlie Florestal Communication to the City Commission For the Good of the City Other Items and Board Discussion	3	<u>6</u> <u>7</u> <u>7</u> <u>7</u>

Board members disclosed communications they had and site visits made regarding items on the agenda.

All individuals wishing to speak on the matters listed on tonight’s agenda were sworn in.

I. Call to Order

The meeting was called to order at 6:30 p.m. Roll was called and a quorum determined to be present.

II. Approval of Minutes – May 2019

Motion made by Mr. Nelson, seconded by Ms. Ellis to approve the Board’s May 2019 minutes. In a voice vote, motion passed unanimously.

III. Public Sign-In / Swearing-In

Anyone planning to testify was sworn in.

IV. Agenda Items

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CASE:	B19013
OWNER:	GROENEWOLD, GARY & DOREEN K
AGENT:	Gregory A. McAloon
ADDRESS:	908 N RIO VISTA BOULEVARD, FORT LAUDERDALE FL 33301-3038
LEGAL DESCRIPTION:	RIO VISTA C J HECTORS RESUB 1-24 B LOT 11 LESS E 10 BLK 5
ZONING DISTRICT:	RS-8
COMMISSION DISTRICT:	4

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

1. A variance from the 50 feet minimum lot size requirements of Sec. 47-5.31 Table of Dimensional Requirements for the RS-8 district permitting a lot with an existing structure to maintain a lot width of 40.35 feet.
2. A variance from the 6,000 square feet minimum lot size requirements of Sec. 47-5.31 Table of Dimensional Requirements for the RS-8 district permitting a lot with an existing structure to maintain a lot size of 4,811 square feet.
3. A variance from the 5 feet minimum side yard requirements of Sec. 47-5.31 Table of Dimensional Requirements for the RS-8 district to permit an existing residences to remain 2.5 feet, 1.6 feet and 0 feet from the east side yard property line.
4. A variance from the 5 feet minimum side yard requirements of Sec.47-5.31 Table of Dimensional Requirements for the RS-8 district to allow the construction of a new addition 1.5 feet from the east side yard property line.

Chair Reynolds recused himself from this case and stepped off the dais.

Vice Chair Nelson disclosed that Mr. Groenewold's employer was a client of his law firm. Mr. Spence stated Mr. Nelson did not have a conflict.

Greg McAloon, attorney, showed an aerial photo of the property and explained that the property did not meet the lot width and dimension requirements for the RS-8 zoning district, which was typical for properties this neighborhood.

Mr. McAloon showed the site plan and said the addition would provide a modern bathroom, additional room and a front porch façade. He noted that there was an existing one-inch encroachment on the east side of the property, for which there was a 1987 agreement between the two property owners.

Mr. McAloon showed elevations for the proposed addition, which was in the Craftsman Bungalow style, common in the neighborhood. In size and scale, it was also compatible with surrounding properties.

Mr. Nelson asked how this became a 40-foot wide lot, when it was a 50-foot wide platted lot. Mr. McAloon said the earliest deed he found was from 1935, and allowed the 908 North Rio Vista Boulevard property owner to traverse the 10-foot wide strip to access the rear garage, which was constructed straddling 10 feet on each property. In the 1980s, the property owners agreed to use the 10-foot strip as an easement.

Mr. Nelson stated the easternmost 10 feet of 908 North Rio Vista Boulevard was conveyed to 912 North Rio Vista Boulevard, creating a lot that was too small and too narrow per the zoning code, and creating a side yard setback issue from the existing building.

Mr. McAloon addressed the criteria:

a. That special conditions and circumstances affect the property at issue, which prevent the reasonable use of such property.

Mr. McAloon stated they were subject to a smaller width and size. With the prescribed setbacks, they could not construct the addition, because the narrowness of the lot would prohibit them from building anything useful.

b. That the 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.

Mr. McAloon stated he had not found a more peculiar fact pattern since he had been doing land use work.

c. That the 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.

Mr. McAloon said this would maintain the style and character of the area.

d. That 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.

Mr. McAloon explained that this was not in violation of zoning at the time but was the result of conveyances that skewed title searches and muddles legal rights.

e. That 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.

Mr. McAloon stated this was the minimum area for reasonable use and the porch would create more aesthetic appeal.

Mr. McAloon reported they had a letter of support from the adjacent 912 North Rio Vista Boulevard property owner.

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

Mr. Falkanger asked if a survey had been done when the owner purchased the property. Mr. McAloon said at the time of purchase, the one-foot setback and encroachment existed as they did today.

Motion made by Mr. McGinley, seconded by Ms. Eichner, to approve the first three-variance requests. In a roll call vote, motion passed 7-0.

Motion made by Ms. Ellis, seconded by Mr. Falkanger to approve third variance request. In a roll call vote, motion passed 5-2 with Mr. McGinley and Mr. Falkanger opposed.

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CASE:	B19015
OWNER:	KATLIN, ANDREW & GAIL
AGENT:	N/A
ADDRESS:	408 CORAL WAY FORT LAUDERDALE FL 33301
LEGAL DESCRIPTION:	CORAL ISLES 15-47 B LOT 7 BLK 1
ZONING DISTRICT:	RS-4.4
COMMISSION DISTRICT:	2
REQUESTING:	Sec. 47-5.30. - Table of dimensional requirements for the RS-4.4 district. A variance from the 15 feet minimum front yard setback requirements of Sec. 47-5.30 Table of Dimensional Requirements for the RS-4.4 district (Coral Isles) to permit an existing residence to remain 14.52 feet from the property line abutting Coral Way.

Chair Reynolds returned to the dais.

Mr. Maxey left the meeting at 6:57 and both alternates remained on the dais.

Marcello Penso, architect, said the variance would allow them to keep six inches of the garage. Removing that space would be complicated because the house was built on piles. He explained that the house had been built in 1964.

Mr. Ford explained that the 15-foot required front yard setback was incorrect; it was actually 25 feet. This would then be a 10.5-foot variance. Mr. Penso stated Mohammed Malik, Zoning Administrator, had informed him that he had done research and determined the requirement was 15 feet. Mr. Spence explained that code provided a special minimum side yard for Coral Isles, Pelican isles and Nurmi Isles and he suspected that staff assumed that Coral Way was in Coral Isles.

Mark Wallace, contractor, said the owners could not make improvements without the variance. Mr. Nelson clarified that this variance would only legalize the existing structure; any addition in the form of a second floor would require another variance or it would need to conform with the setback requirements.

Mr. Ford said there had been a GIS error and the 15-foot setback requirement applied, not the 25-foot setback requirement.

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

Motion made by Mr. Nelson, seconded by Mr. McGinley to approve the variance request. In a roll call vote, motion passed 7-0.

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CASE:	B19016
OWNER:	ETIENNE, PATRICK; ETIENNE, SHERLIE FLORESTAL
AGENT:	N/A
ADDRESS:	361 CAROLINA AVE FORT LAUDERDALE FL 33312
LEGAL DESCRIPTION:	MELROSE PARK SECT 1 27-6 B LOT 14 BLK 5
ZONING DISTRICT:	RS-6.7
COMMISSION DISTRICT:	3
REQUESTING:	Sec. 47-39.A.6.F. (1) - Dimensional requirements. A variance from the 7.5 feet side yard requirements of Sec. 47-39.A.6.F(1) Dimensional Requirements (RS-6.7) to permit an existing nonconforming garage to remain 7.3 feet from the west side yard property line after renovation.

Patrick Etienne, owner, said they needed the variance to permit the existing garage. The garage had been enclosed when they purchased the property but they wished to convert it to a bedroom//bath.

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

Motion made by Mr. Nelson, seconded by Ms. Ellis to approve the variance request. In a roll call vote, motion passed 7-0.

Communication to the City Commission

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Ms. Eichner asked if administrative approval was possible for very de minimis requests. Mr. Ford recalled that this had been requested of the City Commission in the past and denied. Ms. Ellis noted that the request had not been made of the current City Commission.

The Board and staff discussed what the threshold should be.

Motion made by Mr. Nelson, seconded by Mr. McTigue, to send the following communication to the City Commission:

The Board requests the City Commission look into instituting an administrative variance process based on a de minimis percentage of 5% or based on a survey of neighboring communities to determine what the community standard was. In a voice vote, motion passed unanimously.

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Election of Chair and Vice Chair

Mr. Nelson nominated Mr. Reynolds for Chair, seconded by Mr. Falkanger. In a voice vote, motion passed unanimously.

Ms. Ellis nominated Mr. Nelson for Vice Chair, seconded by Ms. Eichner. In a voice vote, motion passed unanimously.

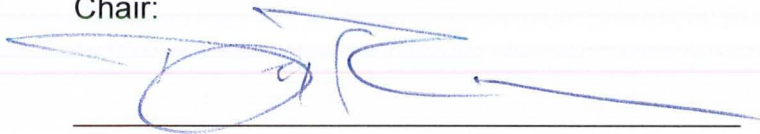
Other Items and Board Discussion

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None

There being no further business to come before the Board, the meeting adjourned at 7:14 pm.

Chair:



Attest:



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