



CITY OF FORT LAUDERDALE

BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
NOVEMBER 13, 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	5	0
Howard Nelson, Vice Chair	P	5	0
Eugenia Ellis	A	4	1
Blaise McGinley	P	5	0
Patrick McTigue	P	4	1
S. Carey Villeneuve	P	2	3
Chadwick Maxey	A	3	2
Alternates			
Chip Falkanger	P	4	1
Shelley Eichner	A	2	3
Tim Bascombe	P	2	3

Staff

D'Wayne Spence, Assistant City Attorney
Mohammed Malik, Zoning Administrator
Burt Ford, Zoning Chief
Chakila Crawford-Williams, Administrative Assistant
Brigitte Chiappetta, Recording Secretary, Prototype Inc.

Communication to the City Commission

None

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.

Index

	<u>Case</u>		<u>District</u>	<u>Page</u>
	<u>Number</u>	<u>Owner/Agent</u>		
1.	B19-025	Robert Larsen	3	4
2.	B19-029	R W L 4 INC./Jason Crush	2	5
3.	B19-031	Las Olas 825 LLC/Jason Crush	4	6
4.	B19-033	Oakland 95 LLC	3	2
		Communication to the City Commission		7
		For the Good of the City		7
		Other Items and Board Discussion		7

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 – October 2019

Motion made by Mr. Nelson, seconded by Mr. McGinley to approve the Board's October 2019 minutes. In a voice 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.

During each item, Board members disclosed communications they had, and site visits made.

IV. Agenda Items

4. [Index](#)

CASE: B19033
OWNER: OAKLAND 95 LLC
AGENT: N/A
ADDRESS: 2598 NW 18 TERRACE, FORT LAUDERDALE, FLORIDA 33311
LEGAL DESCRIPTION: OSSWALD PARK 143-29 B PT OF PARCEL A DESC'D AS, BEG AT NE COR OF NW1/4 OF SW1/4 OF SEC 28, W 45, SE 54.78, N 32 TO POB

ZONING DISTRICT: M3 (Broward County Zoning)

**COMMISSION
DISTRICT:** 3

REQUESTING: **Sec. 39-307. General provisions.**
(h) Use of premises without buildings. Except for vehicle, equipment or bulk material storage yards, all permitted uses shall be conducted from a building on the plot which building shall be a minimum of one hundred fifty (150) square feet in area and which shall contain permanent sanitary facilities.

The applicant is requesting a variance to allow storage of materials and equipment in addition to conducting the actual work process outside of a building.

Sec. 39-307. General provisions.
(i) Use of residentially-zoned property for access. No privately owned land or public or private street upon which residentially-zoned properties directly abut shall be used for driveway or vehicular access purposes to any plot in a manufacturing and industrial district, except where a public street provides the sole access to the manufacturing and industrial property.

The applicant is requesting a variance to allow access to their property from a privately owned residential property, which is currently owned by the applicant.

Sec. 39-313. Limitations of uses.
(n) Recycling facilities. Recycling facilities, except auto salvage yards, shall be located at least five hundred (500) feet from any residentially-zoned district and at least two hundred (200) feet from any business-zoned district. All materials stored, handled or repackaged on the premises shall either be in containers or stored within a building.

The applicant is requesting a variance from the requirement that the recycling facility be located no less than five hundred (500) from any residentially zoned property and no less than two hundred (200) from any business zoned property. These residential and business zones are located within the City of Oakland Park.

Peter Schwarz, Assistant Director, Engineering and Community Development for Oakland Park, wished to defer this item. Darin Whelan, the owner, conferred with Mr. Schwarz while the Board considered other cases.

Upon returning to the case, Mr. Whelan requested the case be continued to January 8, 2020.

Motion made by Mr. Nelson, seconded by Mr. McTigue:
To continue the case to January 8, 2020.
In a roll call vote, motion passed 7-0.

1.

[Index](#)

CASE: B19025

OWNER: ROBERT LARSEN

AGENT: N/A

ADDRESS: 728 NW 3 STREET, FORT LAUDERDALE, FL. 33311

LEGAL DESCRIPTION: FT LAUDERDALE LAND & DEV CO SUB BLK 6 FT LAUD 1-57 D LOT 13 TO 15 BLK D

ZONING DISTRICT: RMM-25

COMMISSION DISTRICT: 3

REQUESTING: **Sec. 47-5.36. - Table of dimensional requirements for the RMM-25 district.**
The RMM-25 Zoning District has a twenty-five (25) foot required front yard.

The applicant is requesting a reduction to the front yard setback from the required twenty-five feet (25) to twenty-four point eight feet (24.8) measured from the front property line, for a total reduction of 0.2 feet or 2.4 inches.

Robert Larsen, owner, said he had moved the house from Flagler Village and without a spot survey, they had not realized that the building was off by 2.4 inches.

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. Falkanger:
To find the request meets the minimum criteria for a variance for a front yard setback and to approve the variance of 2.4 inches.
In a roll call vote, motion passed 7-0.

The Board returned to case #4.

2.

[Index](#)

CASE: B19029
OWNER: R W L 4 INC
AGENT: CRUSH LAW, P.A.- JASON S. CRUSH
ADDRESS: 810 NE 4 AVENUE, FORT LAUDERDALE, FLORIDA 33304
LEGAL DESCRIPTION: PROGRESSO RESUB OF BLK 254 72-2 B LOT 28 TO 30 BLK 254
ZONING DISTRICT: RAC-UV
COMMISSION DISTRICT: 2
REQUESTING: Sec. 5-26. - Distance between establishments.

(b) The board of adjustment is authorized to grant special exceptions to the distance requirements as established by (a) above where the board finds that such special exception will:
(1) Not be contrary to the public interests; and
(2) Not incompatible with adjoining properties or the surrounding neighborhood. The application for a special exception and the processing and hearing upon such application shall be in accordance with section 47-24.12(A).

The applicant is requesting a special exception for the required distance separation of three hundred (300) feet between establishments selling alcoholic beverages. They are requesting the distance separation be reduced from three hundred (300) feet to two hundred sixty-six (266) feet, a total reduction of thirty-four (34) feet.

Jason Crush, attorney for the owner, said the property was part of the MASS District [Music and Art South of Sunrise] in Flagler Village and the City was encouraging art and entertainment uses to supplant the existing industrial uses to create a more resident-friendly area.

He reported this location was 266 feet from the nearest bar, where 300 feet was required. Per the standards, the use was not contrary to the public interest or incompatible with adjoining properties, because of the community's desire to encourage these types of uses. He requested approval.

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. McTigue:

To find that based upon the fact that this was an up and coming arts and entertainment district, the special exception was neither contrary to the public interest or incompatible with the adjoining properties and to approve the special exception.

In a roll call vote, motion passed 7-0.

3.

[Index](#)

CASE: B19031
OWNER: LAS OLAS 825 LLC
AGENT: CRUSH LAW, P.A. - JASON S. CRUSH
ADDRESS: 825 E LAS OLAS BLVD, FORT LAUDERDALE, FLORIDA 33301
LEGAL DESCRIPTION: COLEE HAMMOCK 1-17 B LOT 15,16 LESS E 46.4 BLK 9
ZONING DISTRICT: B-1
COMMISSION DISTRICT: 4
REQUESTING:

Sec. 5-26. - Distance between establishments.

(b) The board of adjustment is authorized to grant special exceptions to the distance requirements as established by (a) above where the board finds that such special exception will:
(1) Not be contrary to the public interests; and
(2) Not incompatible with adjoining properties or the surrounding neighborhood. The application for a special exception and the processing and hearing upon such application shall be in accordance with section 47-24.12(A).

The applicant is requesting a special exception for the required distance separation of three hundred (300) feet between establishments selling alcoholic beverages. They are requesting the distance separation be reduced from three hundred (300) feet to fifty (50) feet, a total reduction of two hundred fifty (250) feet.

Jason Crush, attorney for the owner, said the site was 250 feet from the nearest bar where 300 feet was required. He said this was an entertainment district and in a two-block area, there were 13 liquor licenses. He believed this was therefore not contrary to the public interest or compatible with the adjoining neighborhood. He reported there had been no feedback from the president of the Beverly Heights Civic Association, whom Mr. Crush had notified about the request.

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. Bascombe:

To find that based upon the location on Las Olas Boulevard, this was not contrary to the public interest or incompatible with surrounding uses and to approve the special exception.

In a roll call vote, motion passed 7-0.

Communication to the City Commission

[Index](#)

None

Report and for the Good of the City

[Index](#)

None

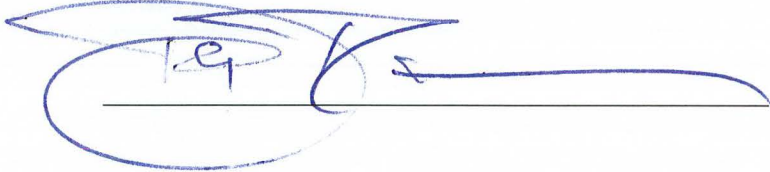
Other Items and Board Discussion

[Index](#)

Motion made by Mr. Nelson, seconded by Mr. Falkanger, to approve the Board's 2020 calendar. In a voice vote, motion passed unanimously.

There being no further business to come before the Board, the meeting adjourned at 6:50 pm.

Chair:

A handwritten signature in blue ink, appearing to read "Reynolds", is written over a horizontal line. The signature is stylized and includes a large flourish that loops back under the line.

Attest:

A handwritten signature in blue ink, reading "Brigitte Chiappetta", is written over a horizontal line. The signature is in a cursive script.

ProtoType Inc.

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