



## BOARD OF ADJUSTMENT MEETING

City Commission Chambers  
City Hall  
100 N Andrews Avenue Fort Lauderdale, FL 33301  
Wednesday, February 12, 2020  
6:30 PM

### AGENDA RESULTS

- I. CALL TO ORDER / PLEDGE OF ALLEGIANCE
- II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM
- III. PUBLIC SIGN-IN / SWEARING-IN
- IV. AGENDA ITEMS:

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1.	<b>CASE:</b>	<b>PLN-BOA-19110005</b>
	<b>OWNER:</b>	PIERO L. DESIDERIO
	<b>AGENT:</b>	CORWIN GUZMAN
	<b>ADDRESS:</b>	3025 NE 21 STREET, FORT LAUDERDALE, FL 33305
	<b>LEGAL DESCRIPTION:</b>	LAUDERDALE BEACH EXT 27-48 B LOT 3 BLK 11
	<b>ZONING DISTRICT:</b>	RS-8
	<b>COMMISSION DISTRICT:</b>	2
	<b>REQUESTING:</b>	<b>Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district. (Note A)</b>

Requesting a variance from the 25 feet minimum front yard requirement of Sec. 47-5.31 Table of Dimensional Requirements to allow the construction of a new carport with a front yard of 17.88 feet, a total variance request of 7.12 feet.

**DEFERRED UNTIL MARCH 11, 2020 MEETING (7-0)**

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2. **CASE:** PLN-BOA-19120001  
**OWNER:** BARKAN INVESTMENTS LLC  
**AGENT:** SAUL EWING AMSTEIN & LEHR- KEITH POLIAKOFF, ESQ.  
**ADDRESS:** 702 NE 1 AVE, FORT LAUDERDALE, FL 33304  
**LEGAL DESCRIPTION:** PROGRESSO 2-18 D LOT 11,12,13,S1/2 OF 14 BLK 288  
**ZONING DISTRICT:** RAC-UV  
**COMMISSION DISTRICT:** 2  
**REQUESTING:** **Section -5-26 (a) (Distance between establishments)**

Requesting to allow the sale of alcohol at 38.5 feet from another establishment that sells alcohol, where the Code of Ordinances requires a minimum distance of 300 feet separating establishments that sell alcoholic or intoxicating beverages. This special exception results in a reduction of 261.5 feet from the required 300 feet.

**Note:** This property was granted a temporary non-conforming use permit by the board of adjustment on January 9, 2019 for Board of Adjustment for case number B19001.

**APPROVED (7-0)**

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3. **CASE:** PLN-BOA-19120002  
**OWNER:** BRILL, JACQUELINE M; SILVERSTEIN, BRUCE A  
**AGENT:** N/A  
**ADDRESS:** 428 NE 17 WAY, FORT LAUDERDALE, FL 33301  
**LEGAL DESCRIPTION:** VICTORIA PARK CORR AMEN PLAT 10-66 B LOT 17 S1/2,18,19 N 40 BLK 12  
**ZONING DISTRICT:** RS-8  
**COMMISSION DISTRICT:** 2  
**REQUESTING:** **Section 47-5.31 Table of dimensional requirements for the RS-8 district.**

1. Requesting a variance from the 15 feet minimum rear yard requirement of Sec. 47.5.31 Table of Dimensional Requirements to allow the existing awning and carport. The carport to be converted into a habitable space (granny cottage) with a rear yard of 3.28 feet, a total variance request of 11.72 feet.
2. Requesting a variance from the 5 feet minimum side yard requirement of Section 47-5.31 Table of Dimensional Requirements to allow an existing awning to remain at a side yard setback of 2.96 feet, a total variance request of 2.04 feet.
3. Requesting a variance from the 15 feet minimum rear yard requirement of Sec. 47.5.31 Table of Dimensional Requirements to allow the existing principle structure with a rear yard setback of 10.70 feet, a total variance request of 4.30 feet.

**APPROVED (7-0)**  
**WITH CONDITIONS THAT (1) THE REHABBED STRUCTURE NOT BECOME A RENTAL PROPERTY**  
**AND THAT (2) THE INTEGRITY OF THE SEPARATING WALL BE MAINTAINED DURING AND**  
**AFTER THE CONSTRUCTION PROCESS**

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**4. CASE:** PLN-BOA-20010001  
**OWNER:** U FACTOR PROPERTIES LLC  
**AGENT:** ROGER PIPER  
**ADDRESS:** 3036 N ATLANTIC BLVD, FORT LAUDERDALE, FL 33308  
**LEGAL DESCRIPTION:** LAUDERDALE BEACH 4-2 B LOT 10 BLK 12  
**ZONING DISTRICT:** RS-8  
**COMMISSION DISTRICT:** 2  
**REQUESTING:** **Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district. (Note A)**

Requesting a variance to reduce the north and south side yard setbacks from the required 5.0 feet to 4.6 feet to match the existing, non-conforming side yard setbacks at the ground and second levels. This request of 0.4 feet is for the first 22.0 feet of building height which then increases on a 45\* angle to a maximum of 5.32 feet at the top of the third level ( an additional 4.92 feet of building height) as the side yard setback is required by code to increase 1 foot for each additional foot of height above 22.0 feet. The request to reduce the side yard setbacks is only for the building addition in the front of the house which is limited to 15'-3" deep at the enclosed study loft and 19'-6" deep at the trellised, rooftop Terrace. The remaining, existing 2-story house depth of approximately 60 feet will remain unchanged. As per provided plans.

**DENIED (0-7)**

**Sec. 47-3.2.B.3 - Nonconforming structure.**  
**B. Continuation of a nonconforming structure. A nonconforming structure may continue in existence subject to the following:**  
**3. In R-zoned districts where the minimum side yard requirement for an existing building is less than specified for the district, but not less than five (5) feet, and where the building is designed and the foundation is built for additional floors, additional floors may be added with the same yard provided that the total height does not exceed the height permitted in the zoning district and all other provisions of the ULDR are met.**

Requesting a variance to allow build additional floors as per attached plans on top of an existing non-conforming structure with a setback 4.6 feet whereas the code requires not less than 5.0 feet

**APPROVED (7-0)**

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5. **CASE:** **PLN-BOA-20010002**

**OWNER:** CITY OF FORT LAUDERDALE

**AGENT:** ANDREW J. SCHEIN, ESQ./ LOCHRIE & CHAKAS, P.A.

**ADDRESS:** 240 E LAS OLAS CIRCLE, FORT LAUDERDALE, FL 33316

**LEGAL DESCRIPTION:** LAS OLAS DEL MAR I 147-20 B PAR A, TOG W A POR OF SAID PAR A TO RD FOR R/W PER R/W MAP 15-200 AS SHOWN ON THE MAP

**ZONING DISTRICT:** PRD

**COMMISSION DISTRICT:** 2

**REQUESTING:** **Section 47-19.3(f) - Boat slips, docks, boat davits, hoists and similar mooring structures.**

Requesting a 2.5 feet variance from Section 47-19.3(f) of the ULDR to allow the seawall to be constructed at 7.5 feet NAVD88 rather than 5 feet NAVD88 as per the provided plans.

**APPROVED (7-0)**

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6. **CASE:** **B19032**

**OWNER:** HARBOR BEACH INVESTMENTS LLC

**AGENT:** YULIYA A. PASHLAVICH

**ADDRESS:** 1147 SEABREEZE BOULEVARD, FORT LAUDERDALE, FL., 33316

**LEGAL DESCRIPTION:** OCEAN HARBOR 26-39 B LOT 19 & STRIP LYING S OF LOT 19

**ZONING DISTRICT:** RMH-25

**COMMISSION DISTRICT:** 4

**REQUESTING:** **Request for Rehearing of Final Order/ Case Number B19032. Rehearing pursuant to ULDR Sec. 47-24.12.A.7 on a denial of a variance from the Unified Land Development Regulations ("ULDR").**

**REHEARING APPROVED (7-0)**

V. COMMUNICATION TO THE CITY COMMISSION

VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE

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**PLEASE NOTE THAT TWO-WAY COMMUNICATION BETWEEN MEMBERS OF THE BOARD OF ADJUSTMENTS IS PROHIBITED BY SUNSHINE LAW. PLEASE DO NOT REPLY TO ANY BOARD MEMBER. ALL DISCUSSIONS ON ITEMS RELATIVE TO THE AGENDA SHOULD TAKE PLACE AT SCHEDULED BOARD MEETINGS.**

Two or more City Commissioners and/or Advisory Board members may be present at this meeting. If a person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you desire auxiliary services to assist in viewing or hearing the meetings or reading agendas and minutes for the meetings, please contact the City Clerk's office at (954) 828-5002 and arrangements will be made to provide these services for you.

**Unless otherwise stated, these items are quasi-judicial. Board members shall disclose any communication or site visits they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on a quasi-judicial matter will be sworn in and will be subject to cross-examination.**