



CITY OF FORT LAUDERDALE

BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
FEBRUARY 12, 2020 – 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	7	1
Howard Nelson, Vice Chair	P	7	1
Eugenia Ellis	P	7	1
Blaise McGinley	P	8	0
Patrick McTigue	P	7	1
S. Carey Villeneuve	P	5	3
Chadwick Maxey	P	6	2
Alternates			
Chip Falkanger	P	6	2
Shelley Eichner	P	5	3
Tim Bascombe	P	5	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.

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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 – January 2020

The Board noted changes to the minutes.

Motion made by Mr. Nelson, seconded by Ms. Ellis to approve the Board's January 2020 minutes as amended. 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

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CASE: PLN-BOA-19110005
OWNER: PIERO L. DESIDERIO
AGENT: CORWIN GUZMAN
ADDRESS: 3025 NE 21 STREET, FORT LAUDERDALE, FL 33305
LEGAL DESCRIPTION: LAUDERDALE BEACH EXT 27-48 B LOT 3 BLK 11
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 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.

Andrew Schein, attorney, requested a continuance to the Board's next hearing.

Motion made by Mr. Nelson, seconded by Ms. Ellis:
To defer the application to the Board's next hearing.
In a roll call vote, motion passed 7-0.

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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.

Keith Poliakoff, attorney, said the City Commission had changed the code since the owner had applied for the Special Exception a year ago and planning staff had asked him to return to the Board to finalize the process.

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. Villeneuve, seconded by Mr. Nelson:
To approve the Special Exception.
In a roll call vote, motion passed 7-0.

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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.

Bruce Silverstein, owner, said the house had been built in 1931 with a separated garage in the rear that they wanted to convert into a granny flat for his wife's mother. They did not intend to install a kitchen. Mr. Silverstein had a letter from the adjacent neighbor stating he did not object to the request.

Jacqueline Brill, owner, clarified that the carport had been there since at least the 1950s.

Mr. Nelson said the rear neighbors had raised two issues, the first was that there was nothing to prevent them from renting the space in the future. Mr. Silverstein agreed to add a "no rental" clause.

Chair Reynolds read the letter sent from the rear neighbors expressing concern that the five-foot wall would be harmed during construction. Ms. Brill said they would not compromise the wall at all.

Chair Reynolds opened the public hearing.

Judy Zarenda, rear neighbor, said she and her husband supported the request and their concerns related to noise and the possibility that someone in the future would rent the unit.

Regarding the integrity of the wall, Mr. McGinley stated as part of the inspection process, City inspectors would ensure it was not damaged. Mr. Silverstein agreed they would maintain the wall's integrity during and after construction.

There being no other 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. Villeneuve:

To approve the variances because they met the requirements under the ULDR, based upon the evidence presented and the two proffers by the applicant: 1. That the rehabbed structure would not become a rental property and 2. That the integrity of the separating wall would be maintained during and after the construction process.

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

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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.

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

John Altori, representative of the owner, and Roger Piper, architect, described their plans.

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.

Mr. Nelson did not think this met the criteria for a variance. Mr. Piper stated the reason for the request was that this was a large, orthodox family that the owner wanted to accommodate. He said he had purchased the property within the last year.

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

To approve the variance as requested, as it meets the requirements for a variance under the ULDR.

Mr. Villeneuve asked if Mr. Nelson felt this was not the least variance required to comply with the "reasonable use of the property" criterion. Mr. Nelson said one of the rooms could be made a bit smaller, reducing the requested variance. Mr. Piper said they felt they were asking for a small amount.

Mr. Nelson suggested they consider the two requests separately and Mr. Piper noted that the second request related to an existing non-conforming condition.

Mr. Nelson withdrew his motion to make separate motions.

Sec. 47-3.2.B.3 - Nonconforming structure

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

To approve the variance regarding Sec. 47-3.2.B.3, because the continuation of the four-inch front yard setback meets the criteria for a variance under the ULDR.

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

Mr. Villeneuve asked the architect why they did not reduce the height of the rooms so they did not trigger the need for the step-back. Mr. Piper stated the second level was a continuation of the existing second floor of the house, the ceiling height of which he felt was “a reasonable amount.” He could do the same on the third level, reducing the height by two feet, but he thought this would reduce the functionality and aesthetic of the house. Mr. Nelson suggested Mr. Piper request a deferral to the Board’s next meeting regarding the Sec. 47-5.31. to allow him to confer with his client regarding changing the plans. Mr. McGinley noted there was some flexibility on the north side of the building regarding the terrace. Mr. Piper was certain his client would not approve any changes.

Mr. Piper reiterated that the hardship was “to give him what he needs for his family” and Chair Reynolds said he did not consider this to be a hardship, especially when the owner purchased the property so recently.

Mr. Piper thought this was similar to the previous case but Mr. Maxey pointed out that in the previous case, the exterior dimensions of the existing building would not be changed.

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

Motion made by Mr. Nelson, seconded by Ms. Ellis:

To approve the variance regarding Sec. 47-5.31., because it meets the criteria for a variance under the ULDR.

In a roll call vote, motion **failed** 0-7.

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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.

Andrew Schein, attorney, invited questions. He displayed a graphic of how the seawall would look if it were built to the current level and remarked there would be a 2.5-foot drop from the public promenade, presenting a safety issue. They could add a fence, but this would ruin the point of a public promenade and would not provide the erosion control that a 7.5-foot wall would provide. He stated this was a maximum of 7.5 feet NAVD.

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 because it meets the requirements for a variance under the ULDR.

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

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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).**

Chair Reynolds explained that the motion to re-hear was made because when the application was scheduled, no one had attended the hearing and the Board had denied it.

Lisa Perez, the applicant's representative, requested a two-month deferral.

Ms. Ellis stated the applicant had a permit for a six-foot high wall, but had built an eight-foot wall.

Artour Kagulian, representing the construction company, said the pool area inside the fence was two feet higher than the property outside the wall, so someone inside could jump the four-foot wall. He said the woman who was supposed to appear at the previous hearing had experienced a death in her family.

Motion made by Mr. Nelson, seconded by Mr. McGinley, to approve the re-hearing on the requested date, based on the fact that the applicant would present new evidence at the second rehearing because she had been unable to attend the first hearing. In a roll call vote, motion passed 7-0.

Mr. Kagulian confirmed that they had stopped the work and it would not continue.

Communication to the City Commission

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None

Report and for the Good of the City

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None

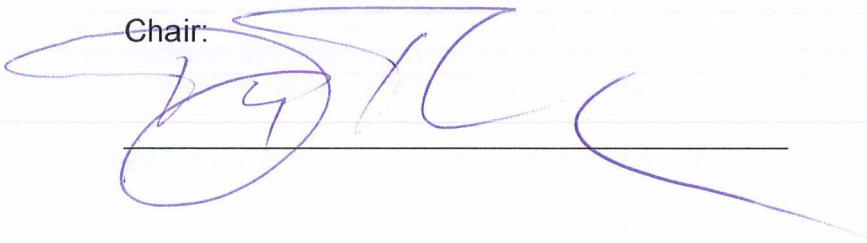
Other Items and Board Discussion

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None

There being no further business to come before the Board, the meeting adjourned at 7:30 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.