

5th October 2020

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APPEAL FOR REHEARING OF VARIANCE REQUEST AT 2730 SW19TH ST, FORT LAUDERDALE, FL 33312.

Case# PLN-20030003

To: The Fort Lauderdale department of Zoning.

Variance board.

To whom it may concern.

Dear Sir/Madam.

My name is Gerrard d'Offay and I am the homeowner at the property in question.

I respectfully request a rehearing of the issue of our variance request for our patio cover. I have multiple very good reasons to go with this request:

With regards to the virtual variance hearing held on September 9th I have several points to make:

- 1) The hearing was delayed by several months due to COVID 19, this in itself was of detriment to my case as the extent of time rendered thought processes diminished.
- 2) The fact that it was "virtual" instead of "in person" was perhaps a necessary solution, but without question created many deficiencies. Technology and the inexperience in it was a problem for me as well as all other parties involved. The 2 trial runs were absolutely failures for me as I had nothing but technical issues. Those technical issues also manifested during the actual hearing on two occasions which once again, interrupted testimony and train of thought.
- 3) My evidence that I submitted for the hearing, evidence in the form of photographs with graphic and written notation, to a great degree were not even seen by the board. At least 90% of them. I collected this evidence over many months and I really feel they have gravity towards my case as a matter of existing example. Foolishly, I conceded in my own mind, not to bog down the proceeding with this evidence as it seemed to me that the virtual hearing was by its own nature challenged for time and on top of that, I was only allotted a small period of time to speak. I really wish I had shown you all that I had regardless of the restraints. I am providing those images as evidence and they are labeled "**Hearing examples of property comparison**".
- 4) Additional to point 3, regarding available time, and the process: I was #5 on the agenda. As instructed, I rushed home after work and got ready for the virtual hearing, I was ready at 5:30 pm. The proceedings really only started to roll out around 6:30 or so. After that build up I then had to watch 4 cases before me. It's hard not to be absorbed into those hearings when sitting in front of a screen, I would say unless totally ignoring what's transpiring, it's totally impossible! Instead I sat riveted in anticipation of my turn. By 9:30 it was my turn! At this time my daughter already in bed and I have not blinked, nor had any dinner, at all! To say I was fatigued is an understatement of epic proportions. I would imagine, by association, the board feeling pretty much the same at this point! My assessment of such conditions (including my technical issues and interruptions) is a rather unfair situation. Me, not being able to truly represent myself 100% and the board, at this point, probably looking to get through the remainder of the agenda as quickly as possible. 11 cases in total, a very long way to go for them and at the sad conclusion of my case the time being about 10:20pm!! With this notion of fatigue, across the board, and the

Notion of getting the 11 cases done before sunrise, I ask you, how could I possibly properly represent and have the reciprocal and fair absorption of a case fairly addressed? I put it to you that the answer is obvious. **It wasn't.**

5) At the start of my case I was asked to “**swear an oath**” to tell the truth, I did, and then I was 100% honest. That’s the truth! Rather than the structured testimony I had envisioned I would make, I found that my thoughts were all over the map and my eloquence out of the window. I made no mention of the sealed and signed Architectural plans etc, when asked by the board chair “who I was and how I came to build the patio cover to such an impressive degree” I gave a very basic description of myself, and when it came to my evidence, I edited it to a point of emaciation! In order to set the record straight I have included a detailed description of myself on **page 6 & 7** noted with “**”. My one saving grace was that I came off very human, admitting that in order to escape “hardship” I had actually created a whole new hardship for myself. I described myself as a homeowner and a family man, all very true. And that I got myself in this situation trying to make good of a bad situation. I explained that by nature I am very private, I enjoy my property and prefer it over city life and its attributes and that by and large, I really keep to myself. All of this is true too. It actually seemed that I struck a chord with a few individuals on the board, including the Chair. I took his direct demeanor and accompanying question as a very positive statement and if I’m honest I was flattered as I really am proud of what I built. At this point or shortly after I will admit I felt as though the hearing was looking good for me. One of my four neighbors who wrote letters of support, actually insisted (and very kindly I might add) to speak on my behalf. I was extremely appreciative. In my mind, simply asking neighbors to write a letter was enough of an intrusion. I could not, and did not consider asking any of them to spend an evening waiting to speak for me. That’s just too much to ask!

6) Where the variance hearing seemed to take a real turn for the worst is when the subject of my next door neighbor came up. One of the board members asked why there was no letter of support from the homeowner directly next door to me. **Bryan McCallum** has recently become the new owner of 2720 SW19th St. I answered that I didn’t even attempt to ask him as I knew for a fact that he was the individual who reported me to code enforcement as a matter of reprisal. What support could I possibly expect from him? Especially since there is a deep-seated situation of “bad blood” between the two of us. It has been that way for about 13 years! Yes he is the new owner of the house next door but we have known each other for a long time prior to that. **I will touch on this point later on.**

I also told the board member that I was aware that Bryan was online and waiting his turn to speak about me, I concluded it would not be anything in my favor. Bryan was then called upon and asked to “**swear an oath**” to tell the truth. He said he would...and then what followed were nothing but **Lies!** Bending of truths, Fabrication of facts and utter slander! He threw so much mud at me it was inevitable that a fair amount would stick and make me look filthy! I now have the job of “Unsticking” all of that mud, and I’m glad to say I will have absolutely zero problem doing this. This is the benefit of taking loads of pictures to support future issues and potential slander. Having a memory like an elephant doesn’t hurt either. Once again, I will address all of these claims following on **page 3**. A luxury I was not afforded during the Variance hearing before judgment was made by the board.

7) The second “thorn in my side” was from verbal testimony put forward by a neighbor whom I have had little to no interaction with over the years. Once again, an individual who was requested to “**swear an oath**” of truth. He did, and then **he lied too!** Why you might ask?, well I was asking myself the same question at the time of his testimony. The individual in question is

Adam Bailie, he owns 2721 SW20th St. A house across the canal, and as it happens, directly across from my next door neighbor Bryan. Now it has come to my understanding that Bryan and Adam are pretty good friends. They are motorcycle buddies. In fact according to my other neighbors, Adam was at Bryan's house for his birthday party a few months back. I don't need to draw any more attention to this relationship as the implications are clear enough when collusion is of consideration. I had to give a lot of thought trying to "place the Face" to figure who Adam Bailie was. The best I could come with was from many years back, before my daughter was even born, so somewhere about 11 years ago. As I recall, Adam had a sinking boat, in terrible condition, tied to the corner of his neighbor's property. It was there for several months, it sank several times and I remember seeing him bailing it out on occasion. Adam then moved the boat (which didn't run) down the canal to his house across the canal. I remember coming out to the seawall to offer him a hand, which he declined. That boat then sat tied to one of his trees, in the water off his property for a year, maybe two. It sank a few more times and then one day it was gone. That's the only recollection I have of the man. Not once did he ever say a word to me, not even in recent years about my patio cover. Not once!

8) I firmly believed that what followed in terms of decision by the board regarding my variance, was directly influenced by the testimony of Bryan and Adam. Testimony, which in any court of law would be found to be **false**, and therefore these individuals would have Perjured themselves. Which should render their testimony **untruthful and inadmissible** to my case! They lied, and their joint attempt to punish me, for personal reasons, reasons of bad blood with Bryan have seemed to have taken the desired effect. This is an injustice. I cannot accept this outcome, particularly when I see several solutions to my case, rather than a Denial of Variance. I have listed these solutions at the end of my report on **page 11**. The whole purpose of Variance hearings is to find a solution and/or resolution of situations that have unique attributes. My property, my patio cover, is in many, many ways a "unique situation" based on the reality of its location, the dynamic of property line in relation to the sea wall and actual land ownership. I would like to reiterate that the hearing seemed to be going well until these two inadmissible testimonies took root. I would have been very reasonable in any fairly judged and further discussed agreement with the city. I am by nature a very reasonable person. I am a natural problem solver, always have been. This characteristic has been invaluable to me in life and business. What I do not abide, what I cannot accept is **injustice**, I do not prescribe it to others and I will not accept it when it befalls me!

This now brings me to the testimonies made "Under Oath" by Bryan and Adam. I will list Bryan's testimony statements first and address them individually, and then I will do the very same with Adams testimony.

Bryan McCallum, who is a self-admitted "General contractor" of 35 years, made the following notable statements. Along with a number of other very personal, out of line and false character references about me that have no bearing to this variance at all. I will not bother to repeat these attacks. I'm not at all surprised he made them and quite honestly I will not grant them gravity in any way. He is a spiteful man of extremely low stature and moral standing. The pertinent points he made are as follows:

- 1) My Patio cover structure is unsafe and is a risk to his property in the event of a hurricane. **FALSE! All one needs to do is look at the photos I have provided labeled "Patio cover construction" along with the signed and sealed plans to know this is patently untrue. All five columns are concreted into the ground and then additional concrete collars keyed into those**

columns 33" tall with an additional grounding weight of 1860lbs in total. All horizontal beams are doubled up. The roof itself consists of a crisscrossed double layer of 1/2" pressure treated ply, forming a 1" thick roof surface. All hurricane straps are doubled up and I have added additional diagonal struts at every support beam to eliminate any "racking" due to high wind. I have a GC's letter to support the structure's integrity.

2) My Patio cover is constructed of 2x4's. FALSE. The only 2x4s used were for intermediary diagonal struts, not even 1% of the structure. Everything else used for timbers were 2x6's, 4x4's, 4x6's and 6x6's. All of which pressure treated.

3) The patio covers electrical points are not to code. FALSE. I went over the top with my electrical. All wiring is solid core and over spec in gauge. All of which running through schedule 80 electrical conduit. All junctions housed within the appropriate junction boxes. All conduit unions are PVC glued. All corners taken by the conduit were heat formed to shape and all electrical points housed in a weathertight housings. All the outlets are GFCI and those outlets with weathertight access. This service has its own service breaker and the amperage was calculated with ample additional allowance for the utilities.

4) The patio cover is an eyesore. FALSE. I don't want "UGLY" on my house, I am somewhat of a perfectionist and therefore I have taste. His opinion with a comment like this is a shallow attempt, mere slander. There are many that will back me up with regards to the aesthetics of the patio cover. Please refer Photos labeled **"Our property from across the canal from a friendly neighbor"**

5) The patio cover obscures his view. FALSE. What view? Over my 8ft fence? I wouldn't want him looking at my family or guests while we are enjoying my patio and pool anyway, hence the fence for privacy and security. He has just as much view of my house and roof when looking West, as I do of his when looking East. I could argue that he is obscuring my view of the East. Please see photos supplied labeled **"Patio roof VS Bryan's roof"** and **"Bryan's property from our next door neighbors looking towards our house"**. We took these pictures of his backyard from our neighbor next to him. Looking across his property to ours. They give you a clear indication of his lies.

6) The patio cover encroaches on his property and that it is only 3 or 4 feet away from his house. FALSE. There is 12ft between my house and his. That 12 feet is divided equally by my fence giving me 6ft to fence and then Bryan 6ft from fence to his house. As I built the patio cover directly in line with my existing roof I put it to you that 12ft is the distance it falls from his Florida room, not 4ft!

7) The patio cover extends all the way down to the seawall. FALSE. The Patio cover extends to the end of my pavers which end 10+ft away from the seawall.

8) Generally speaking I feel that I am above the law and that if the board feels that I had any intention of permitting the patio cover after 13 years that the board members were dreaming. FALSE. ON MANY LEVELS. I have no criminal record so me being above the law doesn't even figure into it. The patio cover was not built 13 years ago, it was built to initial satisfactory degree sometime in 2016. His complaint was made towards the end of 2018. If I truly feel I am above the law then why have I gone to such lengths to make things official? I have always had great interest in the value of my property, after all it is our most valuable investment. With that being said, why wouldn't I want to make it official??

9) That I have complained about all his recent projects since he purchased the house. That I complain about everything and that the code enforcement officer thinks that I am a joke. FALSE. I know for a fact I am one of a few neighbors that have made complaints regarding 2720. I am

not alone. I have gone to the trouble of pulling the public records pertaining to these complaints. As a matter of fact, the code enforcement agent who was involved in my complaints just recently helped me find these records, I guess I'm not that much of a joke then. Maybe, more likable than goofy? Unfortunately computers and government websites are not really my strong suit. Jim was kind enough to help me in the pursuit of fair justice. Can't be good at everything right? It's good to have friends. These are the code complaint records and my relation to them, related to 2720 SW19th St:

05/17/2018 **CE18051425**: COMPLAINT ABOUT A 20FT SHIPPING CONTAINER IN FRONT YARD, BEEN THERE FOR 1 MONTH ALREADY..... **THAT WAS ME!!** THE HOUSE WAS FOR SALE BUT HAD NOT SOLD AT THIS POINT. THEREFORE IT WAS A COMPLAINT AGAINST BARRY HUGHES. I am supplying photos of this shipping container in situ.

07/18/2018 **CE18071420**: COMPLAINT ABOUT OVERGROWN FRONT YARD..... **THAT WAS NOT ME!!** ANOTHER NEIGHBOR I PRESUME, IT'S UNDERSTANDABLE. HOUSE STILL NOT SOLD THEREFORE ANOTHER COMPLAINT AGAINST BARRY.

09/21/2018 **CE18091566**: COMPLAINT ABOUT SHIPPING CONTAINER STILL IN FRONT YARD, NOW THERE FOR 4 MONTHS..... **YES, ME AGAIN!!** CAN ANYONE HONESTLY BLAME ME? HOUSE STILL OWNED BY BARRY.

THE HOUSE THEN SOLD 10/03/2018 TO BRYAN MACCULLUM and the shipping container finally left 10/04/2018. **6 months after it arrived!!!**

I will admit to two other complaints I made regarding this house. These complaints never made it on the record, I really don't know how as they were clear violations that a few of us other neighbors discussed. I'm aware of a couple of them complaining about these items too. Please refer Photos labeled "**Bryans inconsiderate neighborly liberties that I reported to code compliance**"

1. Very shortly after the shipping container was removed it was replaced with a motorhome. Same location next to my fence. That motorhome was then expanded and was connected with electric supply. It occupied most of the existing driveway and even the sidewalk. It was there for +3 weeks. I am supplying photos of this motorhome in situ.

2. Within a month or so of that motorhome leaving, a massive pile of pavers were dumped next to my fence. Always these infractions, next to my fence, my new fence! Now that was an eyesore and with time a potential health risk for vermin which could impact our pets and children. This could easily have been placed out of sight, and neatly down the side of his house. I complained about it, later we were told that Bryan had a permit to repave his driveway and these were the pavers for the job. Those pavers sat there for about 4 months beyond my initial complaint. I am supplying photos I took of those pavers and the progression of growth of vegetation in and around them over the 4 month period that they were there. These pavers then disappeared! And not into his driveway. No, the driveway was paved with something else altogether. And funnily enough, by sheer fluke, I happened across where those pavers wound up! I have friends living on Marathon Lane off of Riverland road. One day while I was visiting them, low and behold I saw a familiar site next door to them. A house under remodel, recently purchased. In the driveway of that house are utility trailers bearing the mark of Bryan McCullum's company "Watermark Construction". Inside the trailers were the pavers that were

next to my fence. The very same, unmistakable! And the timing fit perfectly. Turns out, Bryan owns that house too. Turns out, Bryan bends the rules of permitting for storage purposes. He would know, he's in the business and has been for 35 years. He knows exactly how to play the system. I am supplying photos of this other property with those pavers in the trailer.

06/17/2019 **CE19061175**: COMPLAINT ABOUT AN INCORRECTLY INSTALLED FENCE..... **THAT WAS NOT ME!!** I ASSUME THE NEIGHBOR IT DIRECTLY AFFECTED. IT IS MY UNDERSTANDING THAT HE HAD NOT PERMITTED THIS PROJECT YET. THAT FOLLOWED SHORTLY AFTER. I do recall mentioning to someone, I forget who, that I was concerned that he had attached the other smaller portion of his new fence to mine. As it so turns out, he has.

06/18/2019 **CE19061364**: COMPLAINT ABOUT PARKING ON THE LAWN.....**THAT WAS NOT ME EITHER!!** I ASSUME THE COMPLAINT ABOUT HIS BOAT OR WORK TRAILERS ON THE SECTION OF YARD CLOSER TO OUR NEIGHBOR EAST OF 2720.

SO, IN CONCLUSION TO THE ABOVE COMPLAINTS PERTAINING TO BRYAN, I CAN ONLY OWN UP TO TWO ITEMS RELATED DIRECTLY TO HIM AND THEY WERE NOT EVEN A MATTER OF RECORD ALTHOUGH THEY SHOULD HAVE BEEN! I'M BEING HONEST ABOUT THEM BECAUSE HE WAS OUT OF LINE, HE DID AS HE PLEASD AND MADE NO APOLOGY FOR IT. YES, DARN RIGHT I MADE COMPLAINTS TO CODE ENFORCEMENT.

Adam Bailie made the following statements in his testimony:

- 1) My patio cover is an eyesore. **FALSE. Our patio cover is anything but an eyesore. A weak, yet seemingly plausible reason for contesting its existence. And I would submit to the board, the sheer fact that Adams list of complaints was so short was due to the fact that he was simply playing wingman for his buddy Bryan.**
- 2) He stated that he deliberately grew his bushes along the canal in order to hide my patio cover from view. **FALSE. In the 14 years we have lived in our house, we have never been able to see Adams house because of his trees and bushes. Please refer photos labeled "**Adam Bailie 2721 SW20TH ST across the canal**". How could the appearance of my property be an issue at all for him, when we have no idea what their backyard or his house look like. The answer is obvious, he can't. He's lying! I have no idea what his family looks like, although we have heard them so we know they exist. We have even heard their late and loud parties from our living room. We have never complained about those late night events. Not once. I would not even know what he vaguely looks like if it wasn't for his boat and its sad history in the canal. His bushes and trees are so out of control (and we are talking a decade of growth) that they actually occlude the canal by 2/3rds. They even occlude his next door neighbor's property. Neighbors further up that canal have told me on multiple occasions that they wish he would take care of those trees and free up the canal. They haven't officially complained because they don't want to make waves. Well, that's their business and I have not gotten involved. I am supplying pictures of Adams waterfront jungle for this appeal.**

****Description of myself:** In order for anyone to understand my rationale, one must first understand me, who and what I am! I think this personal description is prudent as it was during my variance hearing

the **Chair** of the board actually asked me to describe myself and how I came to build such an impressive structure. Unfortunately, with the constraints of the “virtual hearing” I gave a very abridged and simplified description so I take this opportunity to illustrate a clearer insight.

My expertise, extensive training and experience in life, come from my career in the marine industry. I have 25 plus years of life experience in and around yachting, ship building, vessel restoration and maintenance. I have been a professional captain for 15 of those years. I have crossed many oceans as crew and as Master of vessels ranging from 35ft to 300ft. In all instances as Master, not only have I been responsible for private property valued in the tens of millions of dollars but at the very same time responsible for every soul onboard, crew, guests and owners alike. I have personally experienced the effects of many life threatening storms and severe ocean conditions, while in the middle of the ocean. On two occasions Hurricanes! I do not take anything I do in life lightly, preventative maintenance is a way of life for me, over spec construction is a “nautical necessity” and this is how I tackle life on land too. I have knowledge in Shipbuilding relating to Structural, mechanical, electrical and cosmetic applications. I would like to add, anything built to withstand severe ocean conditions is far more “Dimensional” in consideration and construction than anything terrestrial borne, that is a fact! One of my subjects at Maritime College was “Ships stability and Construction”. In Addition to that in my 3 years at college my other incredibly in depth subjects included Maritime law, Ocean Navigation, Marine radar, Ship captain's medical, Marine firefighting and a host of other subjects related to Nautical conduct and etiquette. An extremely well rounded syllabus and I might add with far reaching benefits to life in any environment. During, and at the end of my studies I was subject to examination, none of which were multiple choice! 70% were essay type questions and the final 30% were Oral examinations! The subject matter I had to absorb and memorize was a stack of manuals that sat 2ft high on a desk. Aside from my current business, those studies and examinations were probably the toughest gambit I have ever faced. Oral examinations were in front of a board of Master Mariners in full uniform, I myself had to wear a suite. My point in all of this, is that I am no idiot, I'm well educated and I have the intelligence to compliment that education, my efforts in study and examination awarded me a Masterclass IV Captain's license with the Maritime and Coastguard agency which has jurisdiction over most of the Global waters as we know them. My Captains license is rated to 3000 gross tons. To put it into perspective a 300ft vessel is typically anywhere from 1500 to 1800 gross tons. So having said all of this I would like to confirm in your mind that I am an extremely capable individual.

Today I own a land-based Marine related business; I build very specific and custom Marine items. I build things others dream of. I have a very specific, and to date unchallenged Skill set. A skill set worthy of 4 successfully granted United States Utility patents!! I have been building my business for years, regardless of the difficulties of business thanks to a long and drawn out recovery for 2008. As a result of this Business enterprise I have borne many daily responsibilities, first of which is to keep the business alive, not only for the sake of income, but for the sake of family, my employees and in general, Business development and growth. All of which are extremely difficult with limited resources. We pay our taxes on time and we obey the law. I contribute to this country as a US citizen, I consider the USA my home. I work hard and I do the right thing, because it is the only thing a moral and respectful individual would do!

So, enough about me, let's get down to some further facts regarding my patio cover. As mentioned at the hearing, I had every intention to apply for my **“after the fact” permit**, my only excuse as to why I had not done it by the end of 2018 when I was reported to code by my neighbor's complaint is simple: life got in the way and sometimes with all that life entails, one simply puts off till tomorrow to deal with

what takes priority today. Unfortunately the priorities are in constant need of reshuffle as they do not diminish, they only increase. I hope that the architectural plans, the Structural engineer's signature and the additional General contractor's affidavit attest to my over-spec construction and serious commitment to making this right in the eyes of the city. That and all my efforts to supply the city with all that they asked of me and as timely as humanly possible. I have the best of intentions and I have spared zero expense regarding the issue. The patio cover truly is an asset to the house. It has made it a far more livable environment. It has great value to me, my wife and child included.

Along with all the paperwork and fees, the other expenses, the plans, the visits to the city and magistrates court, I also supplied 4 affidavits of support from neighbors. I could probably have gotten more however I figured 4 would be enough to support my case.

This has been an extremely costly, trying and stressful 2 year long process to get to this point. Countless emails and trips to all City Departments involved, Several additions to applications due to incorrect instruction or lack of instruction and many last minute requests from the City to add to paperwork required, regardless of all of my email and telephone requests for exact instruction. All of these surprises were extremely inconvenient to correct in a short span of time, while at the same time trying to run a business. In Addition to that, I had to appear in front of the magistrate's court twice in order to obtain the necessary extensions in order to collect all requirements necessary and I will add, not due to tardiness on my part, purely a matter of unreasonable timeline. Nevertheless, I have accepted all of these shortcomings purely as a matter of "**Process**", I understand that nothing in life is perfect and so I accept these trials as a "**penance**" with the situation I created for myself, with the hope that all my efforts will set the record straight and subsequently be resolved, and Fairly! Unfortunately, my hopes at the end of the hearing were dashed, due to the unfair actions of a few.

As a recount of events I will state the honest truth. I built my patio cover as a necessary accessory to my house. Florida is incredibly uncomfortable due to its climate and as a result I suffer terribly as I was born in South Africa, where the climate is far different. I met my wife 20 years ago in the Professional Megayacht industry, we married and purchased our house in 2006, we have lived here ever since. The Real estate induced economic crash then occurred in 2008 which left us "House Poor " and struggling to make money to live and pay our mortgage. All of our home renovations were put on hold for time to come, a great disappointment for us as we had plans, the house really needed an upgrade, and still does. Our daughter was born in 2011 and we found ourselves cooped up in the house in the summer months as the elements were too uncomfortable to bear and too dangerous for a newborn, in fact the uncomfortable weather conditions extend far beyond summer! When my daughter was 3, I decided I had to do something and expand our living facilities to make our backyard and existing patio with a swimming pool available. I made my enquiries into building a cover however the expense was nothing we could afford. As a result, after doing as much research as I could, I took matters into my own hands as a "builder owner" with the intention of obtaining an "after the fact" permit down the line once my patio cover was perfected and "Proven" sound! What I mean by "proven" is monitoring the structure with a little time and making any adjustments if necessary. For the record, Hurricane Irma managed to knock down my wooden fence however did not affect the patio cover at all. After Irma, we rebuilt the fence and I took it upon myself to add an additional 1860lbs of concrete pillar sleeves to the patio covers support posts. Those sleeves are keyed into the posts with stainless steel thread bar inside. Over spec, upon the additional over spec of original construction!! It was an ongoing project for some time. The initial construction took me several months as I did it in my spare time, which puts the finish on the initial build somewhere in 2016. The supplemental came after Irma. I took great lengths to look at our

property as it stands, and has stood since it was built in 1965. My existing patio was built a little over 10ft from my seawall and our garage which is a part of our original house being closer to 11ft from the adjacent seawall, we live on a corner canal plot therefore we have two seawalls. Considering the "reality" of our garage I decided I would do the same and build the patio cover to the edge of our pavers, in congruence with the garage.

The patio cover as it stands today was built with great thought and over-spec nature as I am fully aware of the extreme weather conditions in Florida, namely Hurricanes! Anyone who has enjoyed or inspected the patio cover in the years it has been there, from friends and guests to architects, general contractors and mechanical engineers have all agreed that it is built to last, far beyond code! And build with "taste" to complement our existing house and its surroundings.

Finding out from zoning about the "setbacks" from seawall or property line (whichever closest) was a total surprise to me, despite my research I missed that detail, however I want to remind you that I built the patio cover in accordance with the existing lay of my house, with direct reference to my garage. It also came as a surprise to me that my property line does not extend to the seawall. I'm still not sure I understand the reasoning for this. In the 14 years we have owned the house we considered it our property; we have irrigated, sod and re-sod, maintained its appearance and enjoyed the extent of our yard. After all, who else could possibly own it!?! The fact that 9ft of our yard relative to that portion of our property is public land makes zero sense to me. In fact if we truly owned that land then our variance request would be for 12ft from setback instead of 2.5ft. Far less of a stretch!! This point will come up again later.

Further description of My Past and Present neighbors at 2720 sw19th St: Now I am perfectly aware that Bryan is in construction. His prowess as a GC is questionable at best. I've looked into the requirements to obtain a GC's license, I was quite surprised at the trivia of the thing! His character as an individual is all too familiar to me. You will recall I have known him for 13 years. I will now explain the "bad blood" between us. Bryan was introduced to me by my next door neighbor Barry Hughes. Barry owned the house next door (2720) when my wife and I purchased 2730. Being neighborly Daphne and I introduced ourselves to Barry and Barbara. We had them over a couple of times and vice versa. During this time we picked up on a few things we didn't quite like so we became less frequent. I won't go into detail as it has no bearing in this case, bottom line is it was nothing to be associated with. I knew that Barry did electrical work, I asked him if he knew anyone that was a paver, enter Bryan, close friend of Barry. The introduction was made, we seemed to hit it off, agreed on a price for a new driveway and I gave Bryan a deposit. The project seemed to lag for several weeks and then Bryan said he would have a crew come over and do the work over a weekend. It took a Saturday and Sunday and the job was done. Bryan came to my house unannounced the very next day, Monday. He came demanding the balance for the job. I apologized and said that I had just got home from work, I didn't know he was coming so soon and didn't have it with me. He then launched a verbal attack full of slurs and threats of violence. To say I was shocked in that moment and somewhat shaken is to this day an understatement. It troubled me that entire evening. I made sure I got his money the very next day, not out of fear but simply to be done with him and any further interaction with him. I told Barry of my experience and he apologized. It was some time after that Bryan apologized however the damage was done, and he knew it. It wasn't too long after that my wife and I began to learn how low in moral standing and character our neighbor Barry actually was. Several incidents that pushed us apart, and that's how we remained, apart but next door. I have no doubt that our relationship with Barry only added to the bad blood with Bryan. But that's how it

goes. Bird of a feather flock together. This is the way it will always be. I want no part of that type of individual, my distancing actions all but certainly sent this message.

Many years after 2008 of Barry not paying his mortgage the bank finally came to collect, just recently the property was offered on short sale, shortly after that Bryan purchased it. It was during this transition that all the fun and games began again and now here we are.

Back to Bryan and his property as it stands. I'm glad he renovated the house, it needed it direly. Do we need to be friends, absolutely not, we have absolutely nothing in common. However it is my opinion that people who take advantage of situations, and take liberties at their neighbor's expense will likely do the same time and again. Case in point being all the previously mentioned infractions in front of his property. I say neighbors plural because it didn't only affect me, I can suggest several who made comments. What I draw attention to now are a couple of things in his backyard:

- 1) His Florida room. An extension of the house is 4ft shorter than my patio cover. I will certainly suggest that if Barry built it, there will be no permit for it. By chance, if his Florida room is permitted then it must have been granted a Variance. Please bear in mind That Bryans property line will be similar if not the same as mine therefore a setback of 15ft would apply to him too! This being said, how could Bryan be so stupid as to open this can of worms? If my patio cover, that isn't even a livable structure considering it has no walls, and according to my architect should not even be considered an extension to structure because of this, is such a problem then surely Bryan is now similarly in the same boat as I. My patio cover is the same height as his Florida room. It is no wider, it is however 4ft longer. Based on the pictures I have submitted to you, you can see that this Florida room seems to be in a state of incompletion.
- 2) Bryan recently had his roof replaced. Another healthy attribute to the renovation of his house. This happened probably 12 months ago now. It was a couple days' worth of work and I recall the evening of its completion, I happened to be fishing off the seawall, the sun had already gone down, dusk. While I was fishing I could hear there were still crew next door cleaning up rubble, I suspect left overs of the roof replacement. I can only imagine what that consisted of: old pieces of wood, metal scraps, nails, Old roof tiles (which if I'm not mistaken comprise of a healthy dose of creosote), roofing nails etc etc etc... I heard bucket after bucket, probably seven or so, being dumped into the canal. Heavy splashes in the canal, directly from his seawall. I know the difference between the splash of water on water, this was not that, this was debris! I'm not sure of the exact items dumped but I can say that Creosote is toxic. Not a great idea for the flora and fauna of that canal. I would also suggest that that evidence will still be there as I have only uttered this to a very few people. I never told Bryan that I knew, I already had my case to deal with thanks to him and I wanted it to be dealt with first.

This is the man that came off as a righteous individual during my variance hearing. **The way he described me, in truth, was a description of himself!**

In conclusion and finally, I have **four possible solutions** to my situation, my **Variance application**:

- 1. First prize** for me, my family and my home aesthetics is the salvation for my patio cover, in its entirety! Perhaps the board can look past the false testimonies of two individuals revealed in this appeal and pay closer attention to the 4 honest support letters and 1 testimonial in my favor. The hardship that I worked around with the intent of later obtaining my after the fact permit. Have a good look at the signed and sealed plans by architect and engineer and the affidavit of a fair and honest GC. Consider the unusual dynamic of the property line relative to

the seawall. Note the very real reality of the distance of the garage from the other seawall and how I synchronized the patio cover with that. Consider the very over spec construction nature, functionality and aesthetic finish of the patio cover. Know that I have done absolutely everything I possibly could, and then some, to set the record straight, satisfy the board of my intent...and please grant me my variance. It will be the highlight of the coming decade for me.

2. Second prize would be the city granting me the opportunity to purchase the land between my property line and the seawall. This would eliminate the need for such a heavy variance request. We are talking about 9ft of land. I really fail to see the reasoning for this to be public land, after all it is our yard. There are zero public utilities on this land, no member of the city has ever asked to access it. Even if the purposes were for the widening of the canal this will never happen for one very good reason: these canals are not classified as navigable waterways. They are classified as outfall drainage canals. Strictly for the utility of drainage during heavy storms. I know this in depth as I have made enquiries into raising Riverland Bridge, in order to make these Waterways navigable to the new river. I have emailed Commissioner Ben Sorrenson and been in contact with his colleagues. I can tell you with great disappointment, the city has absolutely zero interest in raising the bridge. Therefore, if not for navigable reasons then these canals will never be improved. They have never been dredged, not once since their construction in the 1960s, as there is no access for a barge to enter and perform these services. I would be happy to buy this land, if that's what it took.

3. Third prize would be further alteration to my patio cover. My architect has suggested that the outermost supports could be replaced with a cantilever system of support. The timbers for that cantilevered support could be set further towards the house and possibly out of setback.

4. Fourth prize would be reducing the overall length of the patio cover by 4ft. To the same line as my neighbor Bryans Florida room. This is my least favorite solution as we use every inch of the cover, the space below is occupied by furniture and a BBQ.

I really hope that this appeal/rebuttal report for a rehearing of my case has been read in its entirety. I know it was long, and I truly thank you for reading it, I had a lot to say and it needed to be heard. It offers a far better perspective of the facts

I thank you for your time and consideration for a rehearing in this matter. I appeal to the board for a reasonable and fair solution.

Yours Truly

Gerard d'Offay

2730 SW19th Street.

Fort Lauderdale.FL, 33312.

954 439 4549.

October 8, 2020

To Whom It May Concern,

I was asked to provide an experienced opinion as a Licensed General Contractor on the structure built outside as a pool canopy at Gerard and Daphne d'Offay's house located at 2730 SW 19th St., Ft. Lauderdale, FL 33312.

The structure was built per engineered plans dated 11/07/2019 by MaTcad Design. Upon immediate review, the primary support posts are 6 x 6, intermediary 4 x 4 and the smallest beams 2 x 6. Hurricane strapping is included on the inside and outside of all beams which appear to be double the straps and ties required per Florida Building Code. Concrete bases are approximately 10 inches square by approximately 3 feet high and disclosed as further supported by more than 2 feet below ground poured concrete. All outlets are enclosed in watertight GFI boxes with front covers and no exposed wiring, along with PVC conduit. The structure is fully painted and looks to be a seamless extension of the house, including the gutter system continuation. There is no obstruction of any of the neighbors views because of the canopy is open.

I found that this is a sound structure and built according to the plans, specifications and the Florida Building Code. The pool canopy is clearly an improvement to the property.

If you have any questions, I can be reached at 954-913-3302.

Lori Douvris CC#18-CGC-A-20722-X