



BOARD OF ADJUSTMENT MEETING NOTICE:

December 21, 2020

A Public Hearing will be held before the Board of Adjustment on Wednesday, **January 13, 2021 at 6:30 P.M.**

This meeting will be held in-person and virtually to determine whether the following application should be granted. To view more information about this item, please visit: www.fortlauderdale.gov/government/BOA.

CASE:	PLN-BOA-20030003
OWNER:	D'OFFAY, DAPHNE C & GERARD M
AGENT:	STEPHANIE J. TOOTHAKER, ESQ.
ADDRESS:	2730 SW 19 STREET, FORT LAUDERDALE, FL., 33312
LEGAL DESCRIPTION:	BEL-TER 42-48 B LOT 28
ZONING:	RS-8
COMMISSION DISTRICT:	4
REQUESTING:	<u>Sec. 47-5.31 -Table of dimensional requirements for the RS-8 district</u>

- Requesting a variance from the 15 feet minimum rear yard requirement of section 47-5.31 Table of Dimensional Requirements to allow a covered patio roof, for which an after-the-fact permit is sought, to remain at a rear yard setback of 2 feet, a total maximum variance request of 13 feet.

To Attend In-Person:

City of Fort Lauderdale, City Hall Commission Chambers, 100 N. Andrews Avenue, Fort Lauderdale, FL 33301

To Attend Virtually:

Visit: www.fortlauderdale.gov/FLTV to watch and listen to the meeting

Visit: <https://www.fortlauderdale.gov/government/BOA> to sign up to speak. Should you desire to speak on this item, please fill out the speaker form available at the link on the City's website.

If you have any questions, please feel free to contact me directly at 954-828-6342.

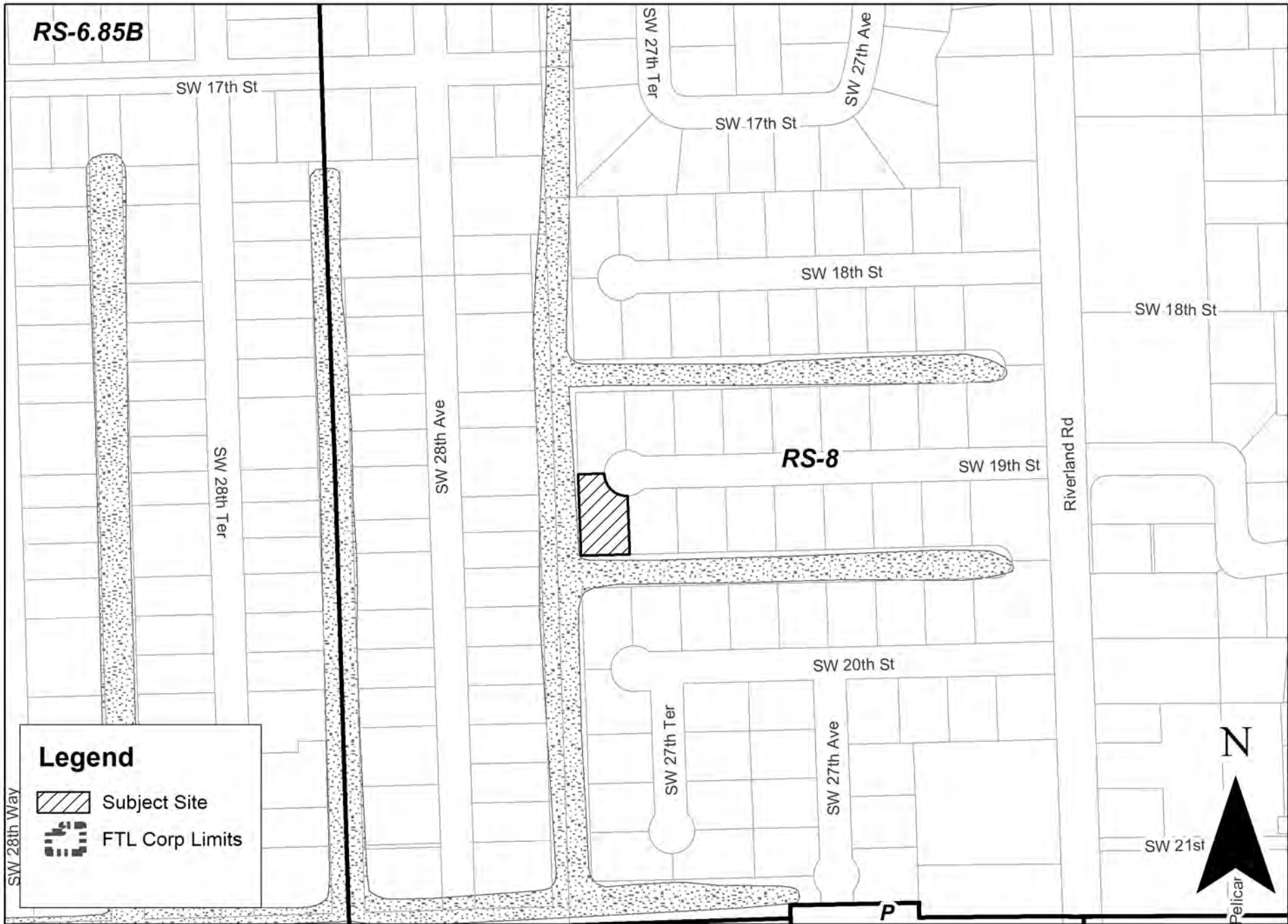
**MOHAMMED MALIK
ZONING ADMINISTRATOR**

Florida Statutes, Sec. 286.0105

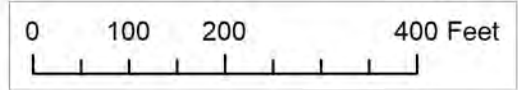
NOTE: If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.



RS-6.85B



PLN-BOA-20030003



Graphic Scale



CITY OF FORT LAUDERDALE
PUBLIC NOTICE

BOARD OF ADJUSTMENTS MEETING

DATE: JANUARY 13, 2021

TIME: 6:30 PM

CASE: PLN-BOA-20030003

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

Requesting a variance from the 15 feet minimum rear yard requirement of section 47-5.31 Table of Dimensional Requirements to allow a covered patio roof, for which an after-the-fact permit is sought, to remain at a rear yard setback of 2 feet, a total maximum variance request of 13 feet.

LOCATION: CITY COMMISSION CHAMBERS
CITY HALL, 100 N ANDREWS AVENUE
CONTACT: 954-828-6506

You Can Still Attend The Meeting Virtually:
Visit www.fortlauderdale.gov/fltv to watch and listen to the meeting.
Visit <https://www.fortlauderdale.gov/government/BOA> to sign up to speak.

This Notice is the property of the City of Fort Lauderdale. In accordance with City Code Section 16-29, It shall be unlawful for any person to injure, cut, break or destroy in any manner any building or other thing belonging to or under the control of the City. Persons marring or removing the Notice may be subject to fine and/or imprisonment.

In accordance with City Code Section 47-27.2A. H The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearing by another body. The sign information shall be changed as provided in subsection A.3.a



Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district. (Note A)

Requirements	RS-8	RS-8A
Maximum density	8.0 du/net ac.	8.0 du/net ac.
Minimum lot size	6,000 sq. ft.	6,000 sq. ft.
Maximum structure height	35 ft.	28 ft.
Maximum structure length	None	None
Minimum lot width	50 ft. *75 ft. when abutting a waterway on any side	50 ft. *75 ft. when abutting a waterway on any side
Minimum floor area	1,000 sq. ft.	1,000 sq. ft.
Minimum front yard	25 ft. Special minimum front yard setbacks: Coral Isles—15 ft. Nurmi Isles—20 ft. Pelican Isles—20 ft.	25 ft. Special minimum front yard setbacks: Coral Isles—15 ft. Nurmi Isles—20 ft. Pelican Isles—20 ft.
Minimum corner yard	25% of lot width but not greater than 25 ft. 25 ft. when abutting a waterway	25% of lot width but not greater than 25 ft. 25 ft. when abutting a waterway
Minimum side	5 ft. - up to 22 ft. in height	For a building with a height no

<p>yard</p>	<p>Where a building exceeds 22 ft. in height that portion of the building above 22 ft. shall be set back an additional 1 foot per foot of additional height.</p> <p>25 ft. when abutting a waterway</p> <p>Special side yard setbacks 7.5 ft.:</p> <p>Coral Ridge Country Club Addition 4, P.B. 53 P. 29; Block G, Lots 1 thru 22; Block H, Lots 1 thru 10 and 16 thru 26; Block I; Block J.</p> <p>Gramercy Park, P.B. 57, P. 45, Block 1; and Block 2, Lots 1 thru 16.</p> <p>Coral Ridge Country Club Addition 3, P.B. 52 P. 14, Block A, Lots 1 thru 4; Block B, Lots 1 thru 4 and 7 thru 10; Block C, Lots 1 thru 4 and 7 thru 10; Block D, Lots 1 thru 8 and 11 thru 18; Block X, Lots 18 thru 20; Block J; Block K; Block L; Block M; Block N; Block O; Block P; Block Q; Block R; Block S; Block T.</p> <p>Golf Estates, P.B. 43, P. 26; Block 6; Block 7; Block 8; Block 9; Block 10; Block 11; Coral Ridge Country Club Subdivision P.B. 36 P. 30 Block F, Lots 1 thru 14; Block R, Lots 1 thru 8, 11 thru 18; Replat of Lots 11, 12, 13, 14 & 15 of Block H Coral Ridge Country Club Addition 4, P.B. 63 P. 31 Parcels A, B, C; Gramercy Park, PB 57 P. 45 Block 2, Lots 17 and 18; Coral Ridge Country Club Addition No. 2 P.B. 44 PG 21 Block F, Lots 2 thru 19; Block E, Lots 1 thru 6 and 10 thru 16; Block C, Lots 2 thru 11; Block D, Lots 2 thru 4; Block B, Lot 2 and Lots 15 thru 25, and Bermuda-Riviera Subdivision of Galt Ocean Mile, P.B. 38 P. 46; Blocks A, C, D, E, F, G & H; Bermuda-Riviera Subdivision of Galt Ocean, First Addition, P.B. 40 P.12: Blocks J, K, L & M.</p>	<p>greater than 12 ft.- 5 ft.</p> <p>For a building with a height greater than 12 ft. - 7.5 ft.</p> <p>That portion of a building exceeding 12 ft. in height shall be set back an additional 2 feet per 1 foot of additional height</p> <p>25 ft. when abutting a waterway</p> <p>Special side yard setbacks as provided in RS-8</p>
<p>Minimum rear yard</p>	<p>15 ft.</p> <p>25 ft. when abutting a waterway</p> <p>Special rear yard setbacks: 15 ft. abutting waterway in the following subdivisions: Coral Ridge Isles</p>	<p>25 ft.</p> <p>25 ft. when abutting a waterway</p> <p>Special rear yard setbacks as</p>

	Flamingo Pk.—Section "C" & "D" Lakes Estates Golf Estates Imperial Pt.—4th Sec. The Landings Rio Nuevo Isle—Block 1			provided in RS-8	
Minimum distance between buildings	None			None	
	<i>Lot Size</i>	<i>**Maximum Lot Coverage</i>	<i>**Maximum Floor Area Ratio</i>	<i>**Maximum Lot Coverage</i>	<i>**Maximum Floor Area Ratio</i>
	≤7,500 sf	50%	0.75	40%	0.55
Lot coverage and FAR	7,501—12,000 sf	45%	0.75	35%	0.55
	>12,000 sf	40%	0.60	30%	0.50

Note A: Dimensional requirements may be subject to additional regulations, see Section 47-23, Specific Location Requirements, and Section 47-25, Development Review Criteria.

*Allowances for modifications of lot widths may be permitted in accordance with the requirements of Section 47-23.10, Specific Location Requirements.

**An increase in the maximum FAR or lot coverage may be permitted subject to the requirements of a site plan level III, see Section 47-24.2.

***All other regulations relating to district RS-8 shall apply to RS-8A.

(Ord. No. C-97-19, § 1(47-5.4), 6-18-97; Ord. No. C-99-26, § 1, 4-20-99; Ord. No. C-99-62, § 1, 9-21-99; Ord. No. C-04-67, § 1, 1-4-05; Ord. No. C-08-05, § 3, 2-5-08)

Record #	Description	Application Name	Record Type	Balance	Planner	Street #	Dir	Street Name	Type	Opened Date	Status
BLD-BDSP-20120008	ATF - FLOATING DOCK		Boatlift-Dock-Seawall-Pile Permit	391		2730 SW		19 ST		12/10/2020	Awaiting Client Reply
BLD-FEN-20120044	ATF - 93' OF 6' WOOD FENCE		Fence Permit	343		2730 SW		19 ST		12/10/2020	Awaiting Client Reply
BLD-BDSP-20120009	ATF - INSTALL BOAT DAVITT		Boatlift-Dock-Seawall-Pile Permit	193		2730 SW		19 ST		12/10/2020	In Process
PLN-BOA-20030003	Request Relief from rear setback for Patio Roof	Patio Reroof	Z- Board of Adjustment (BOA)	-480		2730 SW		19 ST		3/6/2020	Open
BLD-RADD-19110014	2730 SW 19 ST-COVERED PATIO COVERED PATIO ADDITION - WOOD FENCE REPLACED - IN, THE BACK YARD A BOAT LIFT INSTALLED AND A NEW DOCK, WAS BUILT - ALL THE WORK W/O PERMITS., COVERED PATIO ADDITION - WOOD FENCE REPLACED - IN, THE BACK YARD A BOAT LIFT INSTALLED AND A NEW DOCK, WAS BUILT - ALL THE WORK W/O PERMITS.	2730 SW 19 ST-COVERED PATIO	Residential Addition Permit	0		2730 SW		19 ST		11/20/2019	Void
CE19061352	COVERED PATIO ADDITION - WOOD FENCE REPLACED - IN	D'OFFAY,DAPHNE C & GERARD M	Building Code Case	0	Jose Saragusti	2730 SW		19 ST		6/18/2019	Special Magistrate
VIO-CE19061352_1	COVERED PATIO ADDITION - WOOD FENCE REPLACED - IN	D'OFFAY,DAPHNE C & GERARD M	Violation-BLD Hearing	0		2730 SW		19 ST		6/18/2019	Open
VIO-CE18102076_1	TRAILER PARKED ON THE SIDEWALK FOR 5 DAYS,, BLOCKING THE WALK WAY	D'OFFAY,DAPHNE C & GERARD M	Violation-CODE Hearing	0		2730 SW		19 ST		10/24/2018	Closed
CE18102076	FENCE IS PAST THE SETBACK , SHED IS RUSTY .	D'OFFAY,DAPHNE C & GERARD M	Code Case	0		2730 SW		19 ST		10/24/2018	Closed
VIO-CE18081615_1	FENCE IS PAST THE SETBACK , SHED IS RUSTY .	D'OFFAY,DAPHNE C & GERARD M	Violation-CODE Hearing	0		2730 SW		19 ST		8/21/2018	Closed
VIO-CE18081615_2	FENCE IS PAST THE SETBACK , SHED IS RUSTY .	D'OFFAY,DAPHNE C & GERARD M	Violation-CODE Hearing	0		2730 SW		19 ST		8/21/2018	Closed
CE18081615	FENCE IS PAST THE SETBACK , SHED IS RUSTY ., FENCE IS PAST THE SETBACK , SHED IS RUSTY . RIVER RUN-BULK TRASH OUT EARLY. POSTED THE, PROPERTY AND TOOK PHOTOS. ISSUED 48 HRS TO COMPLY.	D'OFFAY,DAPHNE C & GERARD M	Code Case	0		2730 SW		19 ST		8/21/2018	Closed
CE15032252	RIVER RUN-BULK TRASH OUT EARLY. POSTED THE	D'OFFAY,DAPHNE C & GERARD M	Bulk Trash Case	0		2730 SW		19 ST		3/31/2015	Closed
VIO-CE15032252_1	TILE AND FLAT REROOF 1900 SF ~ ~ ~ ~	D'OFFAY,DAPHNE C & GERARD M	Bulk Trash Case	0		2730 SW		19 ST		3/31/2015	Closed
PM-13110493	~noc rcvd	TILE AND FLAT REROOF 1900 SF	Re-Roof Permit	0		2730 SW		19 ST		11/7/2013	Complete

PM-07121551	ABANDON SEPTIC CONNECT TO SEWER	ABANDON SEPTIC CONNECT TO SEWER	Plumbing Sewer Cap Permit	0	2730 SW	19 ST	12/27/2007 Complete
PM-06012348	REPLACE 17 WINDOWS IMPACT	REPLACE 17 WINDOWS IMPACT	Window and Door Permit	0	2730 SW	19 ST	1/25/2006 Complete
PM-05090425	RE-ROOF 1940SQ.FT. OF STEEP SLOPE SHINGLE ROOF	RE-ROOF 1940SQ.FT. OF STEEP SLOPE SHINGLE ROOF	Re-Roof Permit	0	2730 SW	19 ST	9/7/2005 Complete



MARTY KIAR
BROWARD COUNTY PROPERTY APPRAISER



2730 SW 19th St



FOLIO_NUMB	NAME_LINE_	NAME_LINE1	ADDRESS_LI	CITY	ST/ZIP
504217280640	PUBLIC LAND	% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL 33301
504217280090	TERRY, RAYMOND J III & MINDY		2731 SW 18 ST	FORT LAUDERDALE	FL 33312
504217280650	PUBLIC LAND	% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL 33301
504217060020	RIVERA, HECTOR M & JUDITH		1850 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217280100	BOZA, STEVEN &	BOZA, JANNETTE	2730 SW 18 ST	FORT LAUDERDALE	FL 33312
504217280130	OWENS, DANA E & CLAYTON R		6 HOMEWOOD AVE	NORWALK	OH 44857
504217280120	METCALF, JESSE S & MARILYN A LE	JESSE S & M A METCALF REV LIV TR	2710 SW 18 ST	FORT LAUDERDALE	FL 33312
504217280110	CERBERUS SFR HOLDINGS II LP		1850 PARKWAY PLACE SUITE 900	MARIETTA	GA 30067
504217060030	LICKTEIG, BRETT M	MOORE, WILLIAM A	1854 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217060420	BOUCHARD, GERALD E		1857 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217060430	FLATLEY, ANTHONY S H/E	OLIVIERI, ANTHONY	1869 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217280230	SHEA, STEPHEN G & ASHLEY N		2651 SW 19 ST	FORT LAUDERDALE	FL 33312
504217280240	BREJTFUS, RICHARD S		2701 SW 19 ST	FORT LAUDERDALE	FL 33312
504217280250	GUNN, NICHOLAS S H/E	TZINIS, MARIA CHRISTINA	2711 SW 19 ST	FORT LAUDERDALE	FL 33312
504217280260	JOHNSON, ROBIN		2721 SW 19 ST	FORT LAUDERDALE	FL 33312
504217060040	BOSTOCK, DAVID L		1872 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217280270	2018-2 IH BORROWER LP	% INVITATION HOMES - TAX DEPT	1717 MAIN ST #2000	DALLAS	TX 75201
504217060050	LIEB, LORA A	HOREN, HUNTER	1896 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217060450	TALLON, DANIEL		1897 SW 28 ST	FORT LAUDERDALE	FL 33312
504217280280	D'OFFAY, DAPHNE C & GERARD M		2730 SW 19 ST	FORT LAUDERDALE	FL 33312
504217280330	BARR, IAN & MARIANNE		2640 SW 19 ST	FORT LAUDERDALE	FL 33312
504217280310	SHUMANIS, DAVID P & LORI H		2700 SW 19 ST	FORT LAUDERDALE	FL 33312
504217280300	DAVIDS, WILLIAM & MARIA ILSE		2710 SW 19 ST	FORT LAUDERDALE	FL 33312
504217280290	MCCALLUM, BRYAN P		2720 SW 19 ST	FORT LAUDERDALE	FL 33312
504217060060	SALLEY, CHRISTINA S	SALLEY, CHRISTOPHER A	1910 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217060070	CAREY, BRIAN		1920 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217060190	WALLS, B L & ELLEN M		1965 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217060080	WALKER, WILLIAM	CAPTAIN'S LAND TR	1966 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217280410	RASH, RANDAL &	CHANNELL, MARIA C	2651 SW 20 ST	FORT LAUDERDALE	FL 33312
504217280420	BARBOUR, BARBARA		209 LINCOLN PL #10A	BROOKLYN	NY 11217
504217280430	VOET, CHRISTOPHER M & LYNDE SUE		2711 SW 20 ST	FORT LAUDERDALE	FL 33312
504217280440	BAILIE, ADAM		2721 SW 20 ST	FORT LAUDERDALE	FL 33312
504217280450	GUINEY, AONGUS		2731 SW 20 ST	FORT LAUDERDALE	FL 33312
504217060200	LIVINGSTON, RYAN		1967 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217060210	BERTHELSEN, LASSE		MAKEKOLLEN 46	*KRAKEROY 1679	NO
504217280460	KLENDWORTH, JAMES J &	KLENDWORTH, JOYCE S	2730 SW 20 ST	FORT LAUDERDALE	FL 33312
504217280540	WYCHOCKI, MCKENNA		2017 SW 27 AVE	FORT LAUDERDALE	FL 33312
504217280530	HIDALGO, EDGAR	HIDALGO, CHRYSTAL	2016 SW 27 TER	FORT LAUDERDALE	FL 33312
504217060110	FOXX, KENNETH R		2020 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217060120	OGLE, BRYAN S		2044 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217280520	GONZALEZ, ANA MARIA		912 SW 22 AVE #1	FORT LAUDERDALE	FL 33312
504217280470	FULLER, ROBERT S & BLANCA		2049 SW 27 TER	FORT LAUDERDALE	FL 33312
504217060081	JR BLOCKCHAIN WORLD CORP		2000 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217060090	LOPEZ, MARIA		2000 SW 28 AVE	FORT LAUDERDALE	FL 33312
504217280640	PUBLIC LAND	% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL 33301
504217280640	PUBLIC LAND	% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL 33301
504217060182	CHIPILOVA, TATIANA		1550 VAN BUREN ST	HOLLYWOOD	FL 33020
504217061130	PUBLIC LAND	% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL 33301
504217061120	PUBLIC LAND	% CITY OF FORT LAUDERDALE	100 N ANDREWS AVE	FORT LAUDERDALE	FL 33301
504217060180	GOMEZ, QUENTIN JR	SOTO, ALEXANDRA MARIA	1947 SW 28 AVE	FORT LAUDERDALE	FL 33312

PROPERTY SUMMARY

Tax Year: 2021	Property Use: 01 - Single family	Deputy Appraiser: Vincent Brazzale
Property Id: 504217280280	Millage Code: 0312	Contact Number: 954-357-6831
Property Owner/s: D'OFFAY,DAPHNE C & GERARD M	Adj. Bldg. S.F: 1744	Email: realprop@bcpa.net
Mailing Address: 2730 SW 19 ST FORT LAUDERDALE, FL 33312-4490	Bldg Under Air S.F: 1567	Zoning : RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
Physical Address: 2730 SW 19 STREET FORT LAUDERDALE, 33312-4490	Effective Year: 1961	Abbr. Legal Des.: BEL-TER 42-48 B LOT 28
	Year Built: 1960	
	Units/Beds/Baths: 1 //	

2020 values are considered "working values" and are subject to change.

PROPERTY ASSESSMENT

Year	Land	Building / Improvement	Agricultural Saving	Just / Market Value	Assessed / SOH Value	Tax
2021	\$92,490	\$205,720	0	\$298,210	\$233,890	
2020	\$92,490	\$205,720	0	\$298,210	\$233,890	\$4,124.65
2019	\$92,490	\$204,890	0	\$297,380	\$228,640	\$3,799.45

EXEMPTIONS AND TAXING AUTHORITY INFORMATION

	County	School Board	Municipal	Independent
Just Value	\$298,210	\$298,210	\$298,210	\$298,210
Portability	0	0	0	0
Assessed / SOH 07	\$233,890	\$233,890	\$233,890	\$233,890
Granny Flat				
Homestead 100%	\$25,000	\$25,000	\$25,000	\$25,000
Add. Homestead	\$25,000	\$25,000	\$25,000	\$25,000
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exemption Type	0	0	0	0
Affordable Housing	0	0	0	0
Taxable	\$183,890	\$208,890	\$183,890	\$183,890

SALES HISTORY FOR THIS PARCEL

Date	Type	Price	Book/Page or Cin
10/20/2006	Warranty Deed	\$425,000	42989 / 1792
06/11/1998	Quit Claim Deed	\$100	28656 / 611
03/01/1994	Quit Claim Deed	\$100	22372 / 311
03/01/1994	Warranty Deed	\$120,000	
10/01/1986	Warranty Deed	\$80,000	

LAND CALCULATIONS

Unit Price	Units	Type
\$11.00	8,408 SqFt	Square Foot

RECENT SALES IN THIS SUBDIVISION

Property ID	Date	Type	Qualified/ Disqualified	Price	CIN	Property Address
504217280320	11/06/2020	Warranty Deed	Qualified Sale	\$464,100	116853568	2650 SW 19 ST FORT LAUDERDALE, FL 33312
504217280030	10/12/2020	Warranty Deed	Qualified Sale	\$346,000	116802741	2631 SW 18 ST FORT LAUDERDALE, FL 33312
504217280540	11/18/2019	Warranty Deed	Qualified Sale	\$295,000	116199281	2017 SW 27 AVE FORT LAUDERDALE, FL 33312
504217280090	10/24/2019	Warranty Deed	Qualified Sale	\$345,000	116141192	2731 SW 18 ST FORT LAUDERDALE, FL 33312
504217280620	10/21/2019	Warranty Deed	Qualified Sale	\$250,000	116132182	2620 SW 20 ST FORT LAUDERDALE, FL 33312

SPECIAL ASSESSMENTS

Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
Ft Lauderdale Fire-rescue (03)						(F1)		

SCHOOL

Riverland Elementary: C
New River Middle: C
Stranahan High: C

Page 4: Sign Notification Requirements and Affidavit

SIGN NOTICE

Applicant must **POST SIGNS** (for Board of Adjustment) according to Sec. 47-27.2 Types of Public Notice and 47-27.9 Variance, Special Exception, Temporary Non-Conforming Use, Interpretation requires the following notice:

- Sign Notice shall be given by the applicant by posting a sign provided by the City stating the time, date and place of the Public Hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time and place shall be stated on the sign or changed as applicable.
- The sign shall be posted at least fifteen (15) days prior to the date of the public hearing.
- The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
- If the subject property is on more than one (1) right-of-way, as described above, a sign shall be posted facing each right-of-way.
- If the applicant is not the owner of the property that is subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the City.
- If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the City and posting the sign on the property.
- The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as above to reflect any new dates.
- The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of posting of the public notice sign according to this section. If the applicant fails to submit the affidavit the public hearing will be postponed until the next hearing after the affidavit has been supplied.

AFFIDAVIT OF POSTING SIGNS

STATE OF FLORIDA

BROWARD COUNTY

BOA CASE NO. PLN-BOA-20030003

APPLICANT: GERARD M. B'OFFAY

PROPERTY: 2730 SW 19th STREET, FORT LAUDERDALE, FL 33312

PUBLIC HEARING DATE: WEDNESDAY JANUARY 13th 2021

BEFORE ME, the undersigned authority, personally appeared GERARD D'OFFAY, who upon being duly sworn and cautioned, under oath deposes and says:

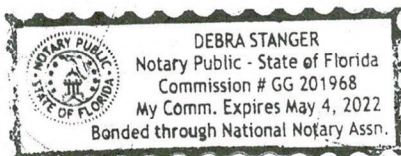
1. Affiant is the Applicant in the above cited City of Fort Lauderdale **Board or Commission** Case.
2. The Affiant/Applicant has posted or has caused to be posted on the Property the signage provided by the City of Fort Lauderdale, which such signage notifies the public of the time, date and place of the Public Hearing on the application for relief before the **Board or Commission**.
3. That the sign(s) referenced in Paragraph two (2) above was posted on the Property in such manner as to be visible from adjacent streets and waterways and was posted at least **fifteen (15)** days prior to the date of the Public Hearing cited above and has remained continuously posted until the date of execution and filing of this Affidavit. Said sign(s) shall be visible from and within twenty (20) feet of streets and waterways, and shall be securely fastened to a stake, fence, or building.
4. Affiant acknowledges that the sign must remain posted on the property until the final disposition of the case before the **Board or Commission**. **Should the application be continued, deferred or re-heard, the sign shall be amended to reflect the new dates.**
5. Affiant acknowledges that this Affidavit must be executed and filed with the City's Urban Design & Development **five (5)** calendar days prior to the date of Public Hearing and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
6. Affiant is familiar with the nature of an oath or affirmation and is familiar with the laws of perjury in the State of Florida and the penalties therefore.

NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27.2.j of the City of Fort Lauderdale ULDR, I will forfeit my sign deposit. GMB (initial here)


Gerard B'offay
Affiant

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 6 day of January, 2021

(SEAL)



Relic Stang
NOTARY PUBLIC
MY COMMISSION EXPIRES: 5/4/2022

 CITY OF FORT LAUDERDALE
PUBLIC NOTICE

BOARD OF ADJUSTMENTS MEETING

DATE: JANUARY 13, 2021 TIME: 6:30 PM CASE: PLN-BOA-20030003

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

Requesting a variance from the 15 feet minimum rear yard requirement of section 47-5.31 Table of Dimensional Requirements to allow a covered patio roof, for which an after-the-fact permit is sought, to remain at a rear yard setback of 2 feet, a total maximum variance request of 13 feet.

LOCATION: CITY COMMISSION CHAMBERS
CITY HALL, 101 N ANDREWS AVENUE
CONTACT: TIM BOELEN

You Can Attend the Meeting Virtually:
Visit www.fortlauderdale.gov/20 to watch and listen to the meeting.
Visit www.fortlauderdale.gov/adjustment/BOA to sign up to speak.

Notice is hereby given that the City of Fort Lauderdale, Florida, is holding a public hearing on the proposed variance request. The public hearing will be held on the date and time specified above. The public hearing will be held at the location specified above. The public hearing will be held at the location specified above. The public hearing will be held at the location specified above.







SUSTAINABLE DEVELOPMENT – URBAN DESIGN & PLANNING

BOARD OF ADJUSTMENT (BOA) APPLICATION

Rev: 2 | Revision Date: 10/2/2020 | Print Date: 10/2/2020
I.D. Number: Z&L-BOA

BOARD OF ADJUSTMENT (BOA) Application

Cover:	Deadline, Notes, and Fees
Page 1:	Applicant Information Sheet
Page 2:	Variance Request Criteria
Page 3:	Required Documentation & Mail Notice Requirements
Page 4:	Sign Notice Requirements & Affidavit
Page 5:	Technical Specifications

DEADLINE: Submittals must be received prior to 4:00 PM each business day. Pursuant to Section 47-24.12, the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via e-mail, if plans do not meet the submittal requirements and if changes are required.

NOTES: Prior to formal submittal of applications, applicants are encouraged to schedule an appointment with Urban Design & Planning Division staff to obtain feedback regarding proposals. The meetings provide an opportunity for applicants to obtain feedback and general direction, prior to expending significant effort on preparation of submittal documents.

FEES: All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

- Variance/Special Exception/Interpretation: Before \$2,200
- Variance/Special Exception/Interpretation: After \$2,800
- Parking Variance (per space): \$2,600
- Variance/Special Exception/Interpretation Before- Residential Homesteaded Only- Accessory Structures & Existing Non-Conforming Structures: \$650
- Variance/Special Exception/Interpretation After- Residential Homesteaded Only- Accessory Structures & Existing Non-Conforming Structures: \$850
- Request for Continuance: \$900
- Rehearing before the Board: \$1,150
- Request for Rehearing: \$300

Page 1: BOA - Applicant Information Sheet

INSTRUCTIONS: The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). While the information requested in this application is the minimum required to proceed please be aware additional information may be required to fully address the variance requested. The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

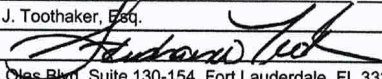
NOTE: To be filled out by Department

Case Number	
Date of complete submittal	

NOTE: For purpose of identification, the **PROPERTY OWNER** is the **APPLICANT**

Property Owner's Name	d'Offay, Daphne & Gerard M
Property Owner's Signature	If a signed agent letter is provided, no signature is required on the application by the owner.
Address, City, State, Zip	2730 SW 19th Street, Fort Lauderdale, FL 33312
E-mail Address	
Phone Number	
Proof of Ownership	<input type="checkbox"/> Warranty Deed or <input checked="" type="checkbox"/> Tax Record

NOTE: If **AGENT** is to represent **OWNER**, notarized letter of consent is required

Applicant / Agent's Name	Stephanie J. Toothaker, Esq.
Applicant / Agent's Signature	
Address, City, State, Zip	401 E. Las Olas Blvd, Suite 130-154, Fort Lauderdale, FL 33301
E-mail Address	stephanie@toothaker.org / cc:estefania@toothaker.org
Phone Number	954-648-9376
Letter of Consent Submitted	See attached

Development / Project Name	2730 SW 19 Street
Existing / New	Existing: <input checked="" type="checkbox"/> New: <input type="checkbox"/>
Project Address	Address: 2730 SW 19 Street, Fort Lauderdale, FL 33312
Legal Description	BEL-TER 42-48 B LOT 28
Tax ID Folio Numbers (For all parcels in development)	5042-17-28-0280
Request / Description of Project	Rehearing re: PLN-BOA-20030003
Applicable ULDR Sections	ULDR Sec. 47-5.31

Current Land Use Designation	Low-Medium
Current Zoning Designation	RS-8
Current Use of Property	Single-family residential
Site Adjacent to Waterway	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Setbacks (indicate direction N,S,E,W)	Required	Proposed
Front []	n/a	
Side []	n/a	
Side []	n/a	
Rear [S]	25'	2' FROM PROPERTY LINE, 8'-8" FROM SEAWALL (existing)

Page 2: Board of Adjustment (BOA) Criteria for Variance Request

This page must be filled in. An attached narrative may be included if additional space is required.

SPECIFIC REQUEST: State the specific request according to the ULDR or other provisions of the Code.

CRITERIA: Applicant must demonstrate a unique hardship attributable to the land by proving by a preponderance of the evidence for all of the following criteria. Please answer the following criteria completely. While some criteria may seem duplicative the response should be tailored specifically to each. Per section 47-24.12.A.4,

a. Special conditions and circumstances affect the property at issue which prevent the reasonable use of such property; and

b. 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; and:

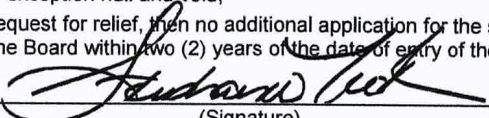
c. Literal application of the provisions of the ULDR would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same zoning district. (It shall be of no importance to this criterion that a denial of the variance sought might deny to the owner a more profitable use of the property, provided the provisions of the ULDR still allow a reasonable use of the property; and

d. 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; and

e. 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.

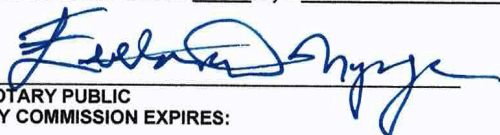
AFFIDAVIT: I, Stephanie J. Toothaker the Owner/Agent of said property ATTEST that I am aware of the following:

1. In order to be entitled to the relief requested in the application an affirmative vote of a majority plus one of the Board of Adjustment is required;
2. That in granting the relief requested, the Board of Adjustment is limited to the authority vested in the Board by the ULDR and that the Board may not grant the relief requested unless the applicant proves all the criteria specified in the ULDR have been met;
3. That the granting of relief by the Board does not exempt the applicant or owner of record from the responsibilities of obtaining all applicable permits or approvals as may be required by law for both new and existing structures;
4. That if the relief requested is granted by the Board, the applicant must secure a building permit to implement the relief requested within one hundred eighty (180) days of the entry of the final order or the Board, or within such lesser time as the Board may proscribe and that failure to procure the necessary permits within the time so proscribed shall render the variance or special exception null and void;
5. That if the Board denies the request for relief, then no additional application for the same or substantially the same relief may be entertained by the Board within two (2) years of the date of entry of the final order of denial.


(Signature)

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this 16 day of December, 2020




NOTARY PUBLIC
MY COMMISSION EXPIRES:

Page 3: Required Documentation & Mail Notice Requirements

One (1) original set, signed and sealed, with plans at 24" x 36"

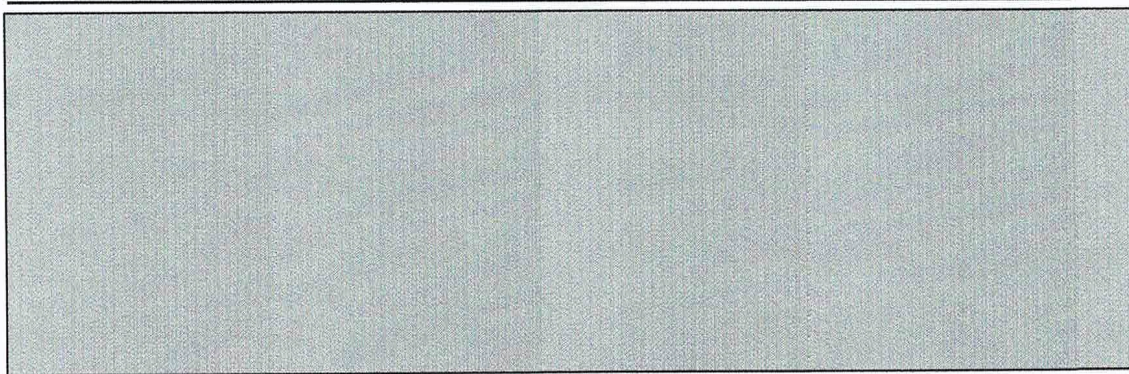
One (1) electronic version (CD or USB) of complete application and plans in PDF format

Fourteen (14) copy sets of each item below and plans at half-size scale 11" x 17"

- Completed application** (all pages must be filled out where applicable)
- Mail notification documents** (mail notification instructions at bottom of page)
- Proof of ownership** (warranty deed or tax record), including corporation documents if applicable
- Property owners notarized signature** and/or notarized agent letter signed by the property owner (if applicable).
- Color photographs** of the entire property and all surrounding properties, dated and labeled and identified as to orientation.
- Narrative** describing specific request and outlining ULDR sections that are applicable. Narratives must be on letterhead, dated, and with author indicated.
- Cover sheet** on plan set to state project name and table of contents.
- Current survey(s)** of property, signed and sealed, showing existing conditions; survey must be As-Built with Right-of-Way and Easement Vacations Excluded. The survey should consist of the proposed project site alone. Do not include adjacent properties or portions of lands not included in the proposed project unless specifically requested by the City. If the survey is not signed and sealed, a zoning affidavit is required and shall only be used for the structures listed in the affidavit.
- Aerial photo** indicating all properties within 700 ft. of the subject property. Must be clear and current with site highlighted.
- Site Plan (a survey may be substituted if the requested variance is clearly indicated)**
 - Landscape Plan (if applicable)**
 - Elevations (if applicable)**
 - Additional plan details as needed**

Note: All copy sets must be clear and legible.

Note: Plans must be folded to 8 1/2" x 11". All non-plan documents should be 8 1/2" x 11".



MAIL NOTIFICATION: Pursuant to Section 47-27.2 Types of Public Notice and 47-27.9 Variance, Special Exception, Temporary Non-Conforming Use, Interpretation requires the following notice:

- **MAIL NOTICE:** Mail notice shall be given to owners of land within three hundred (300) feet of the subject site ten (10) days prior to the date set for the public hearing.
 - **TAX MAP:** Applicant shall provide a tax map from the Broward County Property Appraiser of all property within a three hundred (300) foot radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
 - **PROPERTY OWNERS NOTICE LIST:** Applicant shall provide a property owners notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required three hundred (300) foot radius. The list shall also include all homeowners associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
 - **ENVELOPES:** The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required three hundred (300) foot radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. The return address shall be listed on all envelopes as follows:

City of Fort Lauderdale
Urban Design & Development -BOA
700 NW 19th Avenue, Fort Lauderdale, FL 33311.
 - **DISTRIBUTION:** The City of Fort Lauderdale, Urban Design & Development will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.

December 16, 2020

VIA HAND DELIVERY

BOARD OF ADJUSTMENT
C/O MOHAMMED MALIK, ZONING ADMINISTRATOR/LIAISON
DEPARTMENT OF SUSTAINABLE DEVELOPMENT
CITY OF FORT LAUDERDALE
700 NW 19TH AVENUE
FORT LAUDERDALE FL 33311

**RE: REHEARING OF PLN-BOA-20030003
2730 SW 19th Street, Fort Lauderdale**

Dear Honorable Members of the Board of Adjustment:

I represent Daphne and Gerard d'Offay (the "Applicant"), owners of the real property located at 2730 SW 19th Street, Fort Lauderdale, FL 33312 (the "Property"). At the December 9, 2020 meeting, the Board of Adjustment unanimously granted a rehearing of Case Number PLN-BOA-20030003 which was originally before the Board of Adjustment on September 9, 2020.

The Property is located in the Riverlands area. The building was constructed in 1961 prior to the codification of today's RS-8 dimensional requirements. This has created special circumstances in which the location of the existing residence limits the area in which an accessory shade structure may be located to cover the extent of the existing patio which is otherwise exposed to the elements. The Applicant is accordingly requesting a variance from the 15 feet minimum rear yard requirement of Section 47-5.31 Table of Dimensional Requirements for the RS-8 zoning district to allow a constructed covered patio roof, for which an after-the-fact permit is sought, to remain at a rear yard setback of 2 feet for a total maximum variance request of 13 feet.

Variance applications are reviewed in accordance with the criteria of ULDR Sec. 47-24-12.A.4. Where evidence has been provided by the applicant to demonstrate compliance with those criteria and in absence of evidence that the requests fails to meet any of those criteria, a variance application must be approved. At the September 9, 2020 Board of Adjustment meeting, the Applicant presented evidence supported by the application materials that demonstrated the Application met the variance criteria of ULDR Sec. 47-24-12.A.4. As the minutes attached as **Exhibit A** reflect, the adjacent neighbor located at 2720 SW 19th Street alleged that in relation to this variance request the patio cover was not in keeping with other properties on the water and infringed on his view in its current location.

Without reiterating herein the entirety of Applicant's appeal/rebuttal report, which is attached as **Exhibit B** certain items merit mentioning. ***First***, the patio cover is compatible with this residential neighborhood where similar shade structures and rear setback encroachments exist along the isles adjacent to Riverland Road where the Property is located and in the Riverland Road Annexation area. Photos of surrounding properties with similar conditions are included in **Exhibit C**. ***Second***, the patio cover is not in the way of any pre-existing views between the adjacent neighbor and the canal. The images attached as **Exhibit D** clearly show the patio cover roof is in line with the existing building's roof. The existing landscaping and fencing obscure views only into the Applicant's property to protect privacy and security. The patio cover does not extend to the seawall. ***Third***, the patio cover does not encroach into the adjacent neighbor's property and is separated approximately 8'-0" from the Applicant's east property line.

Stephanie J. Toothaker, Esq.
land use development political strategy procurement

In sum, we do not believe this variance request in anyway affects the adjacent neighbor's use, enjoyment or value of their property. The Application is consistent with other similar variance requests that the BOA has historically granted in regards to these types of accessory shade structures for these purposes.

This variance request is further supported by the professional opinion of a licensed general contractor, attached as **Exhibit E**, who stated "[t]he 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" and further found "... this 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."

Attached as **Exhibit F** are letters of support from the adjacent neighbors located at 2731 SW 20th Street and 2700 SW 19th Street.

We respectfully request the Board to review the extensive evidence provided herein that demonstrates Case Number PLN-BOA-20030003 meets the variance criteria and ask that the Board reconsider the variance request accordingly.

Respectfully submitted,

/s/ Stephanie J. Toothaker

Stephanie J. Toothaker, Esq.

Exhibit A
Board of Adjustment September 9, 2020 Meeting Minutes

Ms. Knapik reported the Lauderdale Beach Association had passed a resolution in favor of the development. She said they had met with hundreds and hundreds of people in the area.

Ms. Ellis said the neighborhood had been seeking a project like this for a very long time.

Mr. Spence suggested including the condition that changes in zoning would not affect the variance.

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

To find that the request was the least variance needed to effectuate the goal of the project and the hardship was not of the applicant's making, that it met the requirements for the variance in the ULDR and to approve the requests for four variances in the application. And that the variance would not be terminated by a zoning change to effectuate this use.

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

5.

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CASE:	PLN-BOA-20030003
OWNER:	D'OFFAY, DAPHNE C & GERARD M
AGENT:	GERARD M. D'OFFAY
ADDRESS:	2730 SW 19 STREET, FORT LAUDERDALE, FL 33312
LEGAL DESCRIPTION:	BEL-TER 42-48 B LOT 28
ZONING DISTRICT:	RS-8
COMMISSION DISTRICT:	4
REQUESTING:	<u>Sec. 47-5.31 -Table of dimensional requirements for the RS-8 district</u> Requesting a variance from the 15 feet minimum rear yard requirement of Section 47-5.31 Table of Dimensional Requirements to allow a covered patio roof constructed without a permit to remain at a rear yard setback of 2 feet, a total maximum variance request of 13 feet

Gerard D'Offay, owner, said he was the owner/builder of the patio roof. He said he was duplicating the setback of his garage on the west side of the property.

Mr. D'Offay's connection was dropped temporarily.

Upon returning to the case, Mr. D'Offay said he was unaware that the City owned so much of what he thought was his yard (the setback). He had provided photos of other properties in the area with similar structures, which staff displayed. He described the construction of the cover and its support system. Mr. D'Offay had submitted four

testimonials from neighbors in support of his request. He also had an architect draw plans for the after-the-fact permit.

Mr. D'Offay said he had experience building ships, not buildings. He said he had built the structure after the 2008 crash because he could not afford to hire a builder. He admitted he knew that the proper way to go about it was to hire a contractor and get a permit but decided to wait and apply for an after-the-fact owner/builder permit.

Mr. Villeneuve asked about the neighbor to the east and Mr. D'Offay explained that he had "previous history" with that neighbor. He had not asked for a letter of support because he believed that this neighbor was the one who had complained.

Chair Reynolds opened the public hearing.

Bryan McCallum, adjacent neighbor, said Mr. D'Offay had shown a disregard for the setbacks and the Building Department regulations. Mr. McCallum said the structure was not built to code and there were no wind load calculations or engineering. He added that there was electrical in the structure and Mr. D'Offay was not an electrical contractor. He said this hardship was completely self-imposed. He wanted the structure torn down and rebuilt according to code, with a permit.

Regarding the variance request, Mr. McCallum said the structure extending into the setback was not aesthetically in keeping with the other properties on the water. Even if the structure was deemed sound and eligible for a variance, Mr. McCallum said the structure infringed on his view in its current location.

Christopher Salley, neighbor, said he could see the structure from his property and did not feel it was an eyesore. He noted that several properties in the area had structures right on the lot line or even extending into the water.

Ms. Ellis recalled that many properties in the Riverland area had been annexed into the City with existing non-conformities. Mr. Malik confirmed this and added that other properties in the area had different setback requirements.

Adam Bailie, neighbor across the canal, said he did not like the view of the structure.

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.

Mr. D'Offay said he did not feel he was above the law but had built the structure to make his family's life more comfortable. He admitted there was electrical work in the structure, but said it was in conduit and used water-proof housings. He noted that the structure was in exact line with the existing wall between his and Mr. McCallum's property and was no higher, so it was not further obstructing Mr. McCallum's view.

Mr. Villeneuve was empathetic to Mr. D'Offay's setback issues, but he felt this "absolutely affects Mr. McCallum's use and enjoyment of his property" and his property's value. He said the Board would not be doing its job if they approved this.

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

To find that per the evidence presented, the variance requested did not meet the requirements for a hardship or the minimum variance necessary under the ULDR and to deny the request.

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

6.

[Index](#)

CASE:	PLN-BOA-20030004
OWNER:	DIMATTINA, FRANK; DIMATTINA, MARIE-ELAINA
AGENT:	VINCENT J. KAFER
ADDRESS:	3201 NE 38 STREET, FORT LAUDERDALE, FL 33308
LEGAL DESCRIPTION:	BERMUDA-RIVIERA SUB OF GALT OCEAN MILE FIRST ADD 40-12 B LOT 13 BLK L
ZONING DISTRICT:	RS-8
COMMISSION DISTRICT:	1
REQUESTING:	<u>Sec. 47-5.31 -Table of dimensional requirements for the RS-8 district</u>

Requesting a variance from the 25 feet minimum rear yard requirement of Section 47-5.31 Table of Dimensional Requirements to allow an existing structure to remain at a rear yard setback of 24.19 feet.

Vincent Kafer, agent, stated after the building was originally constructed, it was noted that the building deviated from the site plan: the rear yard had a 24.19-foot instead of the required 25-foot setback. He said that previously, a second story had been permitted and built in line with the existing walls, with a 37" deep rear balcony. The balcony had been removed in 2012. The owner wanted to add a balcony but had discovered that because of the deviation, the balcony could only be 26.28" deep. The balcony would be used by the owner's mother, who was in a wheelchair, and this required 36" of depth to maneuver. He said this would not interfere with the neighboring property.

Mr. Nelson clarified that if the rear yard setback was 25 feet, the proposed balcony would be allowed to intrude into it. Legalization of the home construction would allow the balcony.

Exhibit B
Applicant's October 5th, 2020 Rehearing Request/Rebuttal Letter

5th October 2020

Page 1

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 PLEASSED 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.

Exhibit C
Contextual Photos of Surrounding Properties

Google Maps



SEA WALL

<https://www.google.com/maps/@26.0963253,-80.1782724,46m/data=!3m1!1e3>

12/12/2019

Google Maps



SEAWALL WITH COVER 5 FT OFF

<https://www.google.com/maps/@26.0993394,-80.1785011,46m/data=!3m1!1e3>

12/12/2019

Google Maps



COVER ALL THE WAY TO SEAWALL

<https://www.google.com/maps/@26.0983796,-80.1767758,46m/data=!3m1!1e3>

12/12/2019

Google Maps



<https://www.google.com/maps/@26.0975184,-80.1763446,46m/data=!3m1!1e3>

12/12/2019

Google Maps



Map data ©2019, Map data ©2019 20 ft

Google Maps



Map data ©2019, Map data ©2019 20 ft

<https://www.google.com/maps/@26.0981477,-80.1768033,46m/data=!3m1!1e3>

12/12/2019

Google Maps

Page 1 of 1

<https://www.google.com/maps/@26.0971473,-80.1814371,46m/data=!3m1!1e3>

12/12/2019

Google Maps

Page 1 of 1

Google Maps

SEANOW
8 FT
FROM LOWER



Map data ©2019, Map data ©2019 20 ft

Google Maps



Map data ©2019, Map data ©2019 20 ft

<https://www.google.com/maps/@26.0888241,-80.1877671,46m/data=!3m1!1e3>

12/12/2019

Google Maps

Page 1 of 1

<https://www.google.com/maps/@26.0897837,-80.1837191,46m/data=!3m1!1e3>

12/12/2019

Google Maps

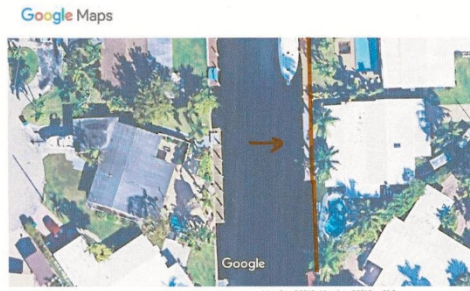
Page 1 of 1



↑
SEAWALL
10FT FROM ROOF

<https://www.google.com/maps/@26.0893793,-80.1881277,46m/data=!3m1!1e3>

12/12/2019



↑
SEAWALL
5FT FROM COVER

<https://www.google.com/maps/@26.0878062,-80.1887683,46m/data=!3m1!1e3>

12/12/2019



↑
SEAWALL
MAYBE 8-10FT
FROM
SEAWALL

<https://www.google.com/maps/@26.0930027,-80.1769823,91m/data=!3m1!1e3>

12/12/2019



↑
COVER OVERHANG
SEAWALL. PROBABLY
ON STILTS.

<https://www.google.com/maps/@26.0936807,-80.176818,46m/data=!3m1!1e3>

12/12/2019



COVER TO SEAWALL

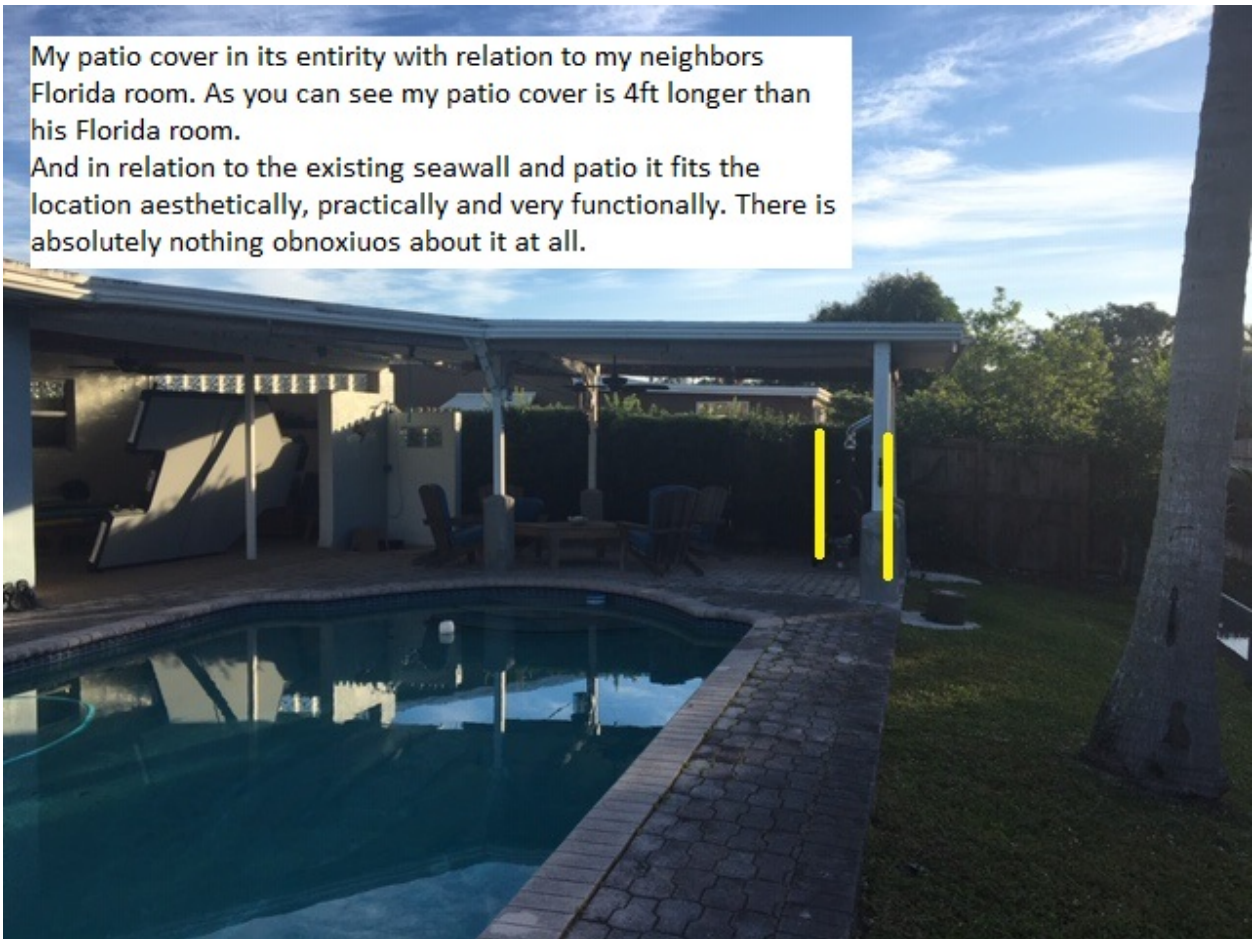


MY HOUSE!
 ORIGINAL HOUSE WEST SIDE IS
 SAME SETBACK AS PATIO COVER!

Exhibit D
Patio Cover Photos



Entire patio cover. Built to the same distance from seawall as my garage on other seawall. The patio cover fits the space. Not an Eyesore!



My patio cover in its entirety with relation to my neighbors Florida room. As you can see my patio cover is 4ft longer than his Florida room. And in relation to the existing seawall and patio it fits the location aesthetically, practically and very functionally. There is absolutely nothing obnoxious about it at all.

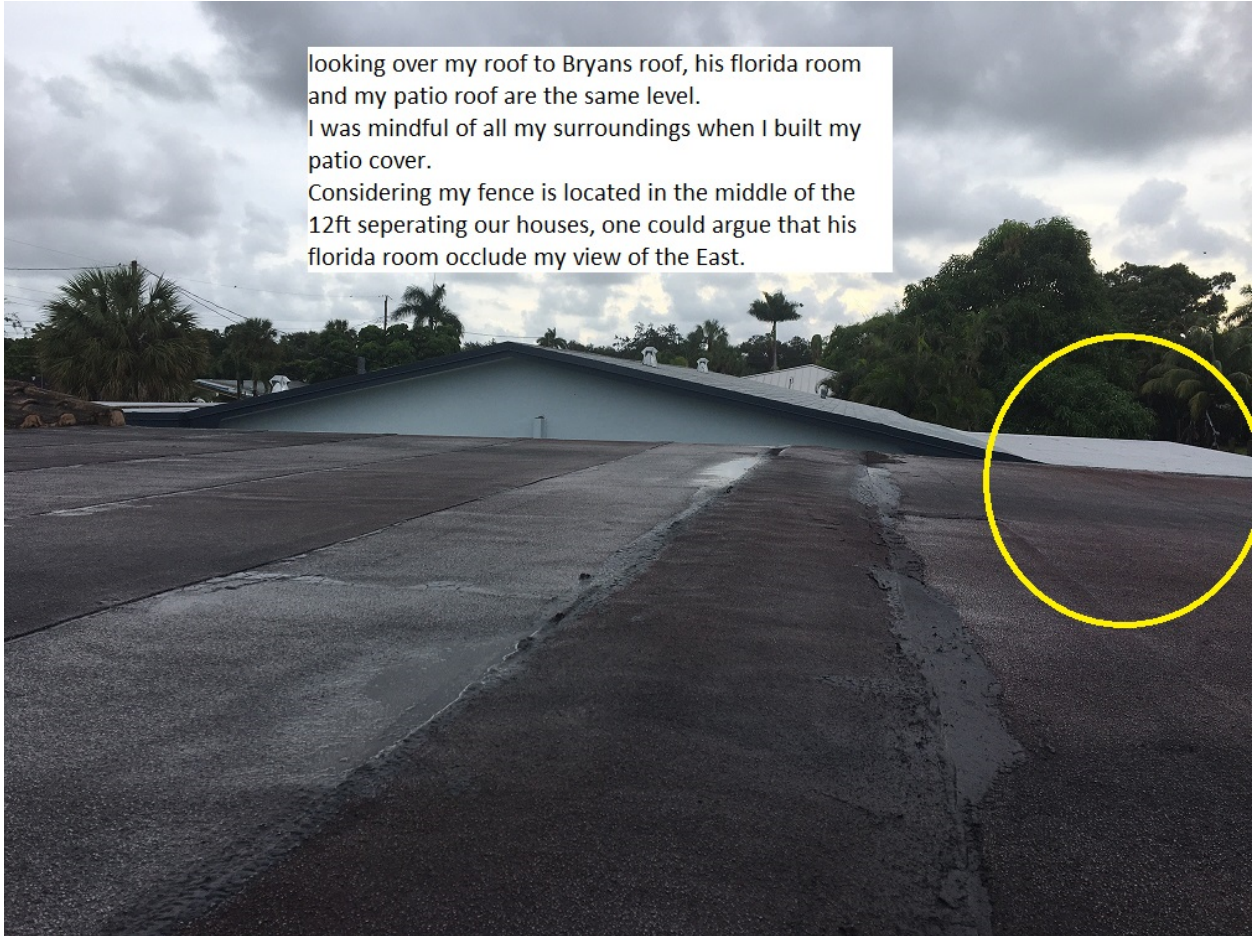


Exhibit E
Professional Opinion from Licensed General Contractor

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

Exhibit F
Letters of Support

Aongus Guiney
2731 SW 20th St.
Ft. Lauderdale
FL, 33312

03/05/2020

City of Fort Lauderdale
Building Services
700 NW 19 Ave.
Fort Lauderdale, FL 33311

RE: Variance Request for 2730 SW 19th St. Fort Lauderdale, 33312.

To Whom It May Concern:

I'm writing on behalf of Gerard d'Offay regarding his request for a variance on his patio cover.

I live directly across the canal from Gerard and have a good view of his cover.

It is of no detriment to my property or my view.

I see no issues with it at all, in fact I see how it compliments his property and it looks to be extremely well built.

My contact details as follows:

BlacktieAongus@aol.com

954 609 2880.

truly,

Aongus Guiney

David Shumanis
2700 SW 19th St.
Fort Lauderdale, FL 33312
Shumanis@comcast.net & 954-316-9131

15Jan2020

City of Fort Lauderdale
Building Services
700 NW 19 Ave.
Fort Lauderdale, FL 33311

RE: Variance Request for 2730 SW 19th St. Fort Lauderdale, 33312

To Whom It May Concern:

I'm writing on behalf of Gerard & Daphne D'Offay.

It is my understanding the D'Offays are seeking a variance for a shade structure on the south side of their property, adjacent to their pool.

My family's residence is three lots to the east of the D'Offays located at 2700 SW 19th St. We have no issue with the D'Offay's request. We respectfully ask the City of Fort Lauderdale's representatives to approve the D'Offay's variance request.

We have enjoyed spending time at the D'Offay's since they bought their home in 2006. The majority of our time together has been spent outside BBQing and swimming. Our summertime outdoor activities would be unbearable without the shade structure in question.

Feel free to contact me with any questions.

Regards,

David Shumanis

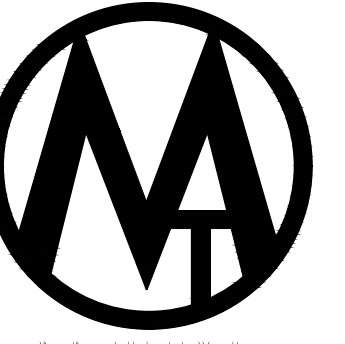
Patio Roof

Gerard d'Offay

2730 Southwest 19th Street
Fort Lauderdale, FL 33312

Sheet No.	Description
Cover	Cover Sheet
SP.100	Aerial Map
SP.101	Site Plan
SP.102	Site Photograph Plan
SP.103	Tax Map
A.101	Foundation Plan, Details, and Schedules

SHEET INDEX



**MATCAD
DESIGNS**

Limited Company
Michael A. Talotta

605 Southwest 4th Ave.
Dania Beach, Florida 33004
Phone: (954) 921-8966

Email: MatCAD_Designs@comcast.net

Charles O. Buckalew

Consultant Engineering Services, Inc.
801 South Ocean Drive, Suite 201
Hollywood, Florida 33019
COAF# 6255

Tele.: (954) 568-1189



Patio Roof and Wood Fence
2730 Southwest 19th Street
Fort Lauderdale, FL 33312

Gerard d'Offay
2730 Southwest 19th Street
Fort Lauderdale, FL 33312

Revisions:

Seal:

Charles O. Buckalew
FL PE # 24842

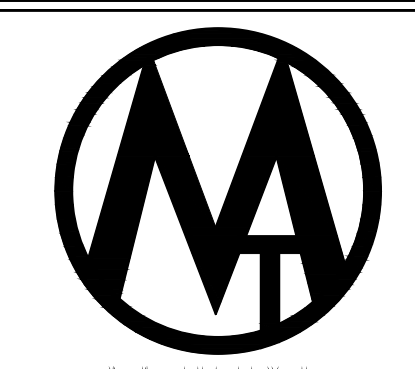
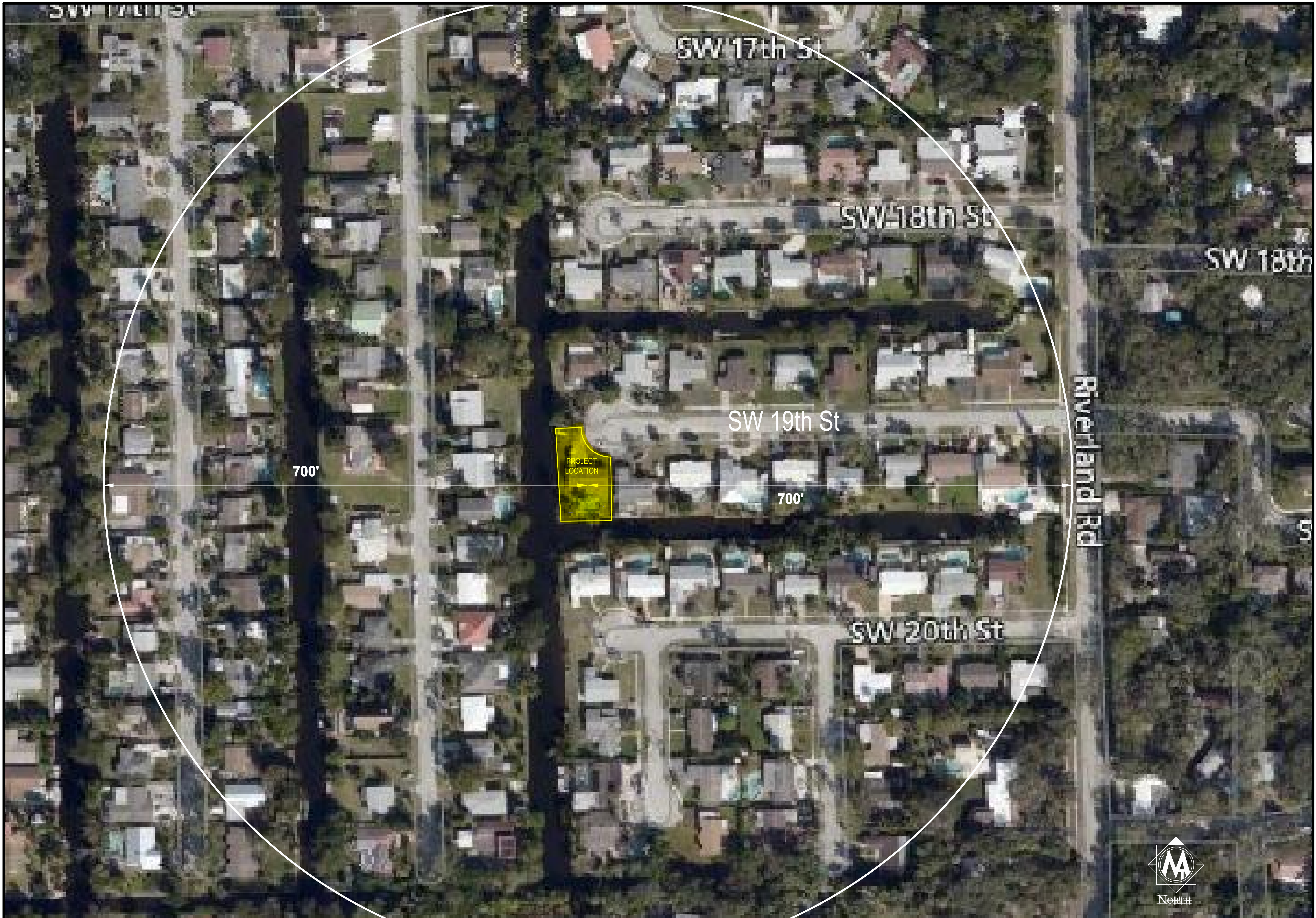
Cover Sheet

Drawn:

Date Issued: March 4, 2020

COVER

NOTE: ERRORS OR OMISSIONS FROM THESE PLANS DO NOT RELIEVE CONTRACTORS, SUBCONTRACTORS OR MANUFACTURERS FROM ANY RESPONSIBILITY FROM COMPLYING WITH CODE OR JURISDICTIONAL AUTHORITY REQUIREMENTS. ANY DISCREPANCIES OR ADDITIONAL REQUIREMENTS MUST BE REPORTED TO THE ARCHITECT IMMEDIATELY FOR APPROPRIATE ACTION.



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DESIGNS**

Limited Company
 Michael A. Talotta
 605 Southwest 4th Ave.
 Dania Beach, Florida 33004
 Phone: (954) 821-3366
 Email: MatCAD_Design@comcad.net

Charles O. Buckalew
 Consultant Engineering Services, Inc.
 801 South Ocean Drive, Suite 201
 Hollywood, Florida 33019
 COAH 6255
 Tele.: (954) 558-1189



Patio Roof and Wood Fence
 2730 Southwest 19th Street
 Fort Lauderdale, FL 33312
 I.C.D.
Gerard d'Offay
 2730 Southwest 19th Street
 Fort Lauderdale, FL 33312

Revisions:

Seal:

 Charles O. Buckalew
 FL PE # 24842

Aerial Map

Drawn:
 Date Issued: March 5, 2020

SP + 100

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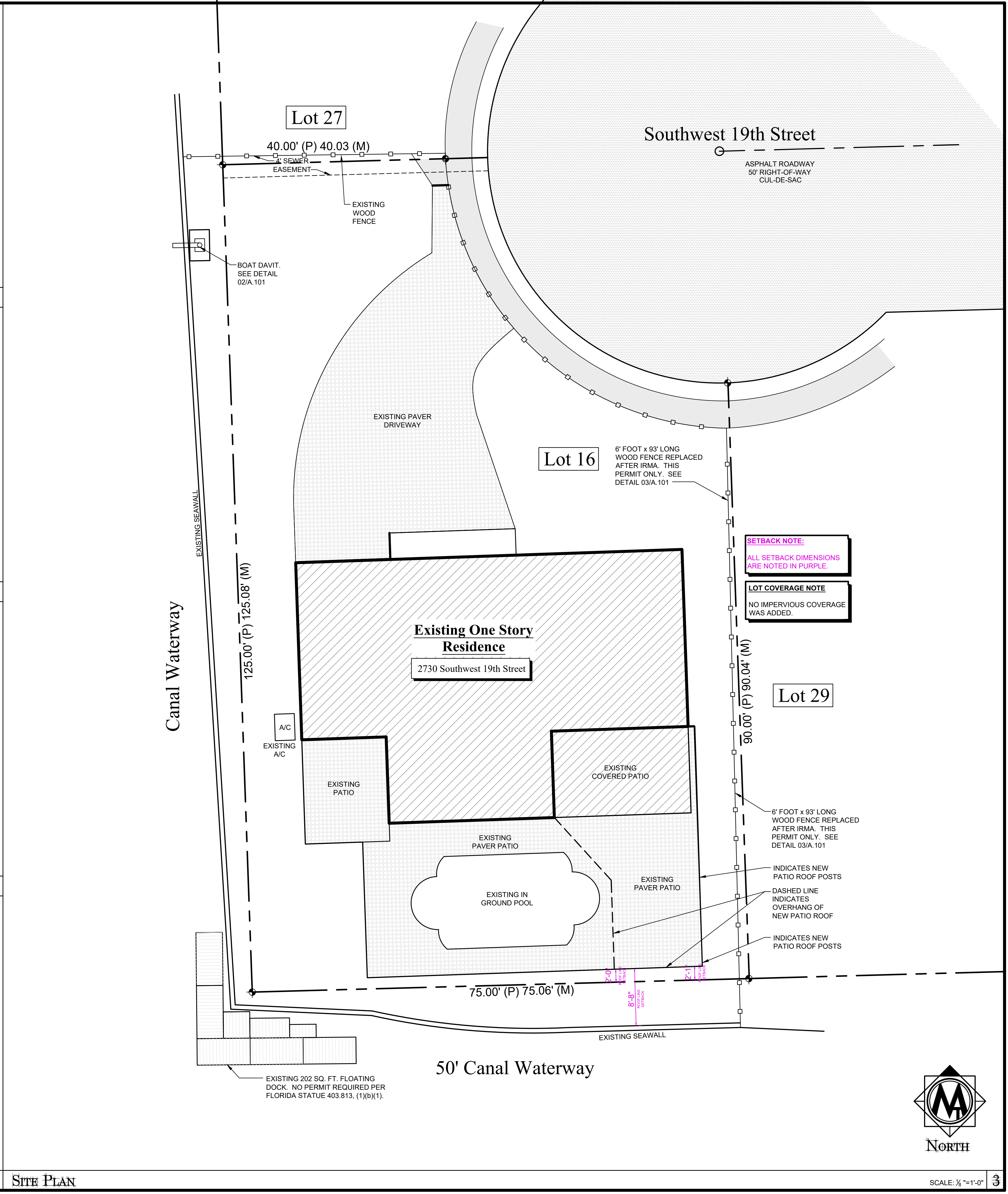
GENERAL DATA	
NEW ADDITION CONSTRUCTION OCCUPANCY GROUP: RESIDENTIAL GROUP: R-3 CONSTRUCTION TYPE: III	
BUILDING AREA CALCULATIONS: NEW PATIO ROOF 350 SQ.FT.	
BUILDING CODES:	
THESE PLANS HAS BEEN DESIGNED IN ACCORDANCE TO THE FOLLOWING CODES:	
FLORIDA BUILDING CODE (FBC) 2017, 6TH ED. FLORIDA BUILDING CODE (FBC) 2017, 6TH ED. : RESIDENTIAL ALTERATION LEVEL: ADDITION	
GENERAL DESIGN NOTES:	
FBC 2017 SECTION 310 CLASSIFICATION OF WORK: ADDITION, RESIDENTIAL FBC 2010, ASCE 7-10 FBC CHAPTER 3 AND CHAPTER 4, HV/H2 WINDLOAD CALCULATIONS AS PER ASCE 7-10 170 MPH WIND VELOCITY, 3 SECOND GUST, EXPOSURE C, CATAGORY II FBC 2017, TABLE = LRFD (LOAD RESISTANCE FACTOR DESIGN).	

PROJECT DATA	SCALE: N.T.S. 8	NOT USED	SCALE: N.T.S. 9

LOCATION MAP	SCALE: N.T.S. 6	NOT USED	SCALE: N.T.S. 7
<p>403.813 Permits issued at district centers; exceptions—</p> <p>(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:</p> <p>(a) The installation of overhead transmission lines, with support structures which are not constructed in waters of the state and which do not create a navigational hazard.</p> <p>(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers and the installation of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, any of which docks:</p> <ol style="list-style-type: none"> Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters; Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings; Shall not substantially impede the flow of water or create a navigational hazard; Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. <p>Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.</p>			

FLORIDA STATUE CHAPTER 403	SCALE: N.T.S. 4	NOT USED	SCALE: N.T.S. 5
<p>NOT USED</p>			

NOT USED	SCALE: N.T.S. 1	NOT USED	SCALE: N.T.S. 2	SITE PLAN	SCALE: 1/8" = 1'-0"
----------	-----------------	----------	-----------------	------------------	---------------------



MATCAD DESIGNS
Limited Company
Michael A. Talota
605 Southwest 4th Ave.
Dania Beach, Florida 33004
Phone: (954) 921-8966
Email: MatCAD_Designs@comcast.net

Charles O. Buckalew
Consultant Engineering Services, Inc.
801 South Ocean Drive, Suite 201
Hollywood, Florida 33019
COAF 6255
Table: (954) 558-1189

Patio Roof and Wood Fence
2730 Southwest 19th Street
Fort Lauderdale, FL 33312

Gerard d'Offay
2730 Southwest 19th Street
Fort Lauderdale, FL 33312

Revisions:

Seal:

Charles O. Buckalew
FL. PE # 24842

Site Plan

Drawn:

Date Issued: March 4, 2020

SP + 101

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SOUTH OF PROPERTY TO S.W. CANAL



PATIO ROOF



WEST ACROSS CANAL



FRONT GATE TO CULDESAC



SOUTH ACROSS CANAL



WEST NORTH WEST PROPERTY ACROSS CANAL



WEST TO PATIO ROOF



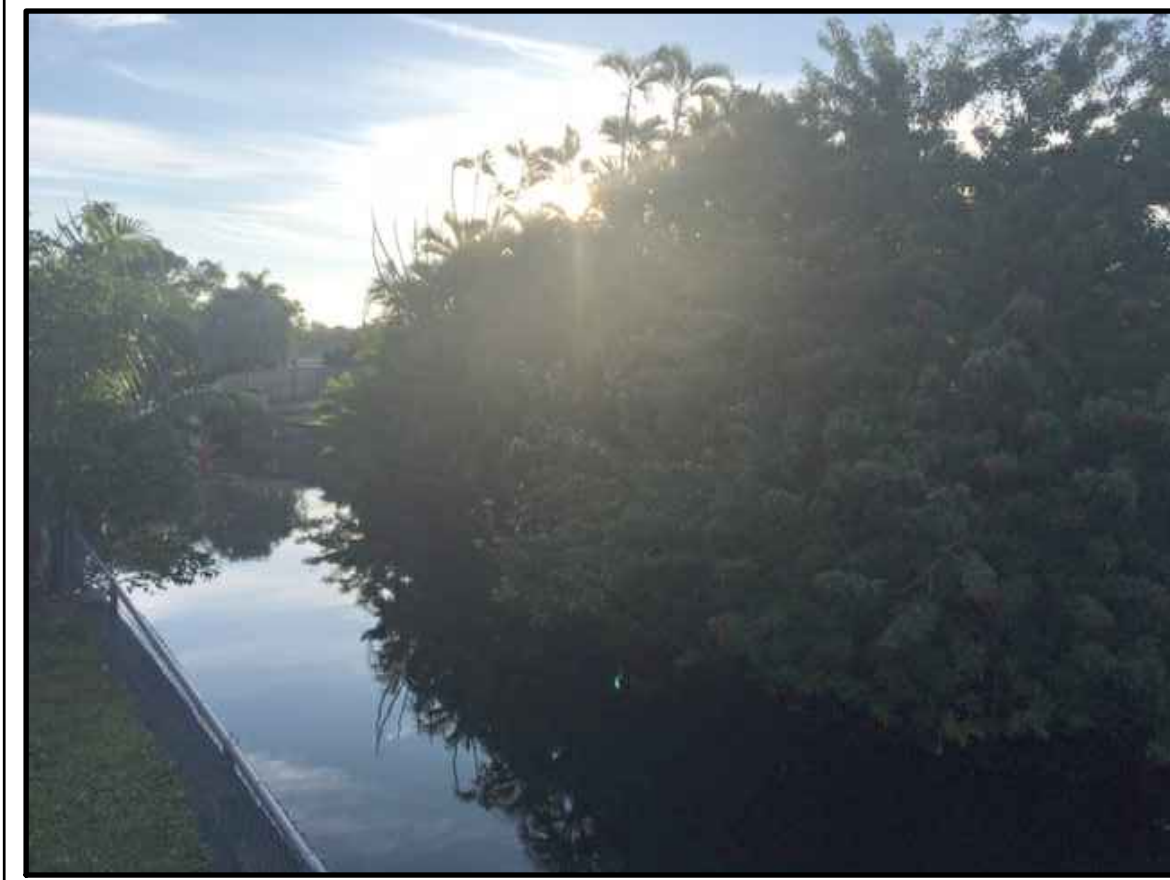
SOUTH WEST ACROSS CANAL



NORTH EAST CORNER OF PROPERTY



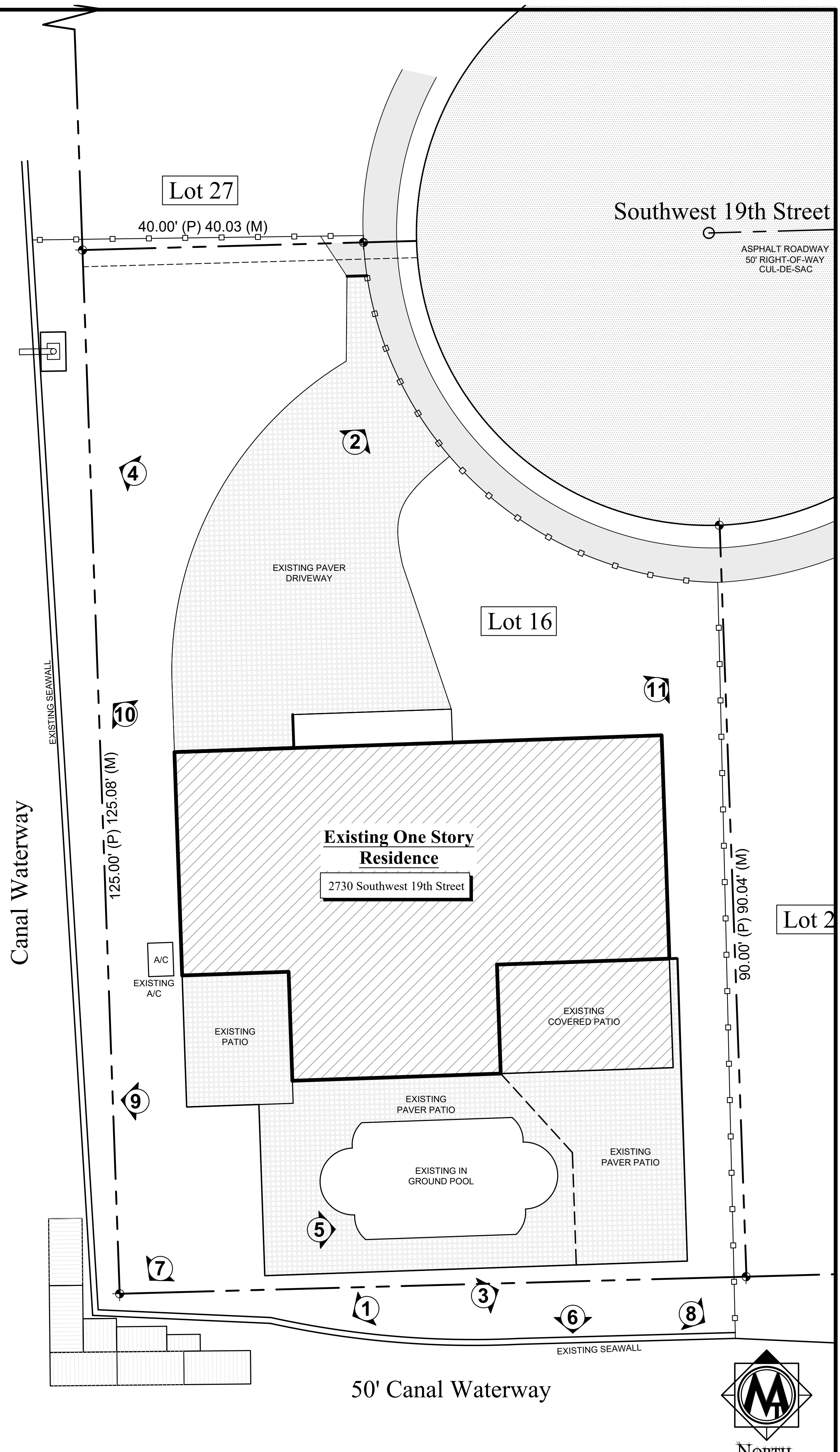
NORTH WEST ACROSS CANAL



SOUTH EAST

NOT USED

SITE PHOTO KEY PLAN



MATCAD
DESIGNS
Michael A. Talotta
605 Southwest 4th Ave.
Dania Beach, Florida 33004
Phone: (954) 921-3866
Email: MatCAD_Designs@comcast.net

Charles O. Buckalew
Consultant Engineering Services, Inc.
801 South Ocean Drive, Suite 201
Hollywood, Florida 33019
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Patio Roof and Wood Fence
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Fort Lauderdale, FL 33312
ICOB
Gerard d'Offay
2730 Southwest 19th Street
Fort Lauderdale, FL 33312

Revisions:

Seal:

Charles O. Buckalew
FL PE # 24842

Site Photographs Plan

Drawn:
Date Issued: March 4, 2020

SP + 102

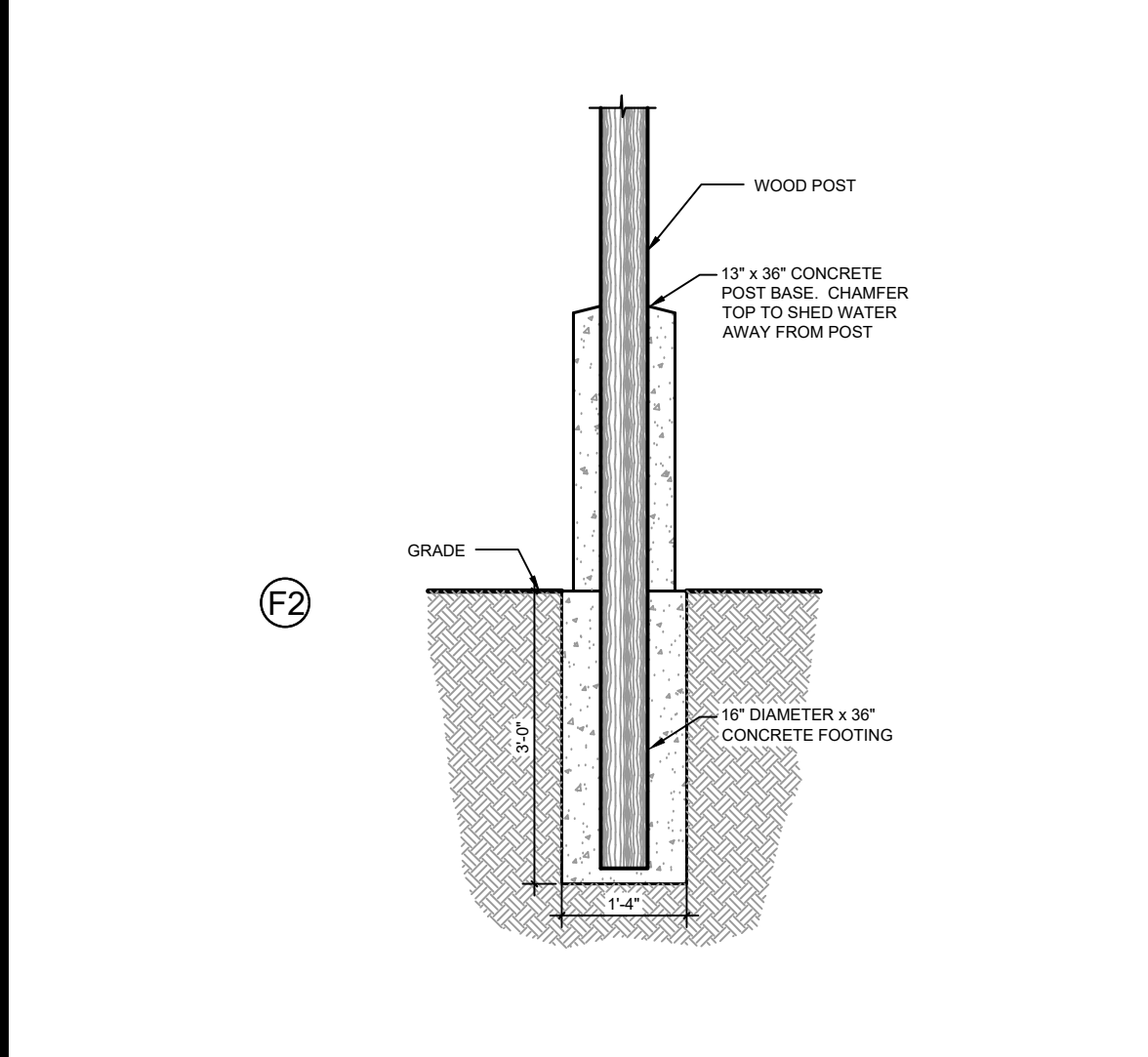
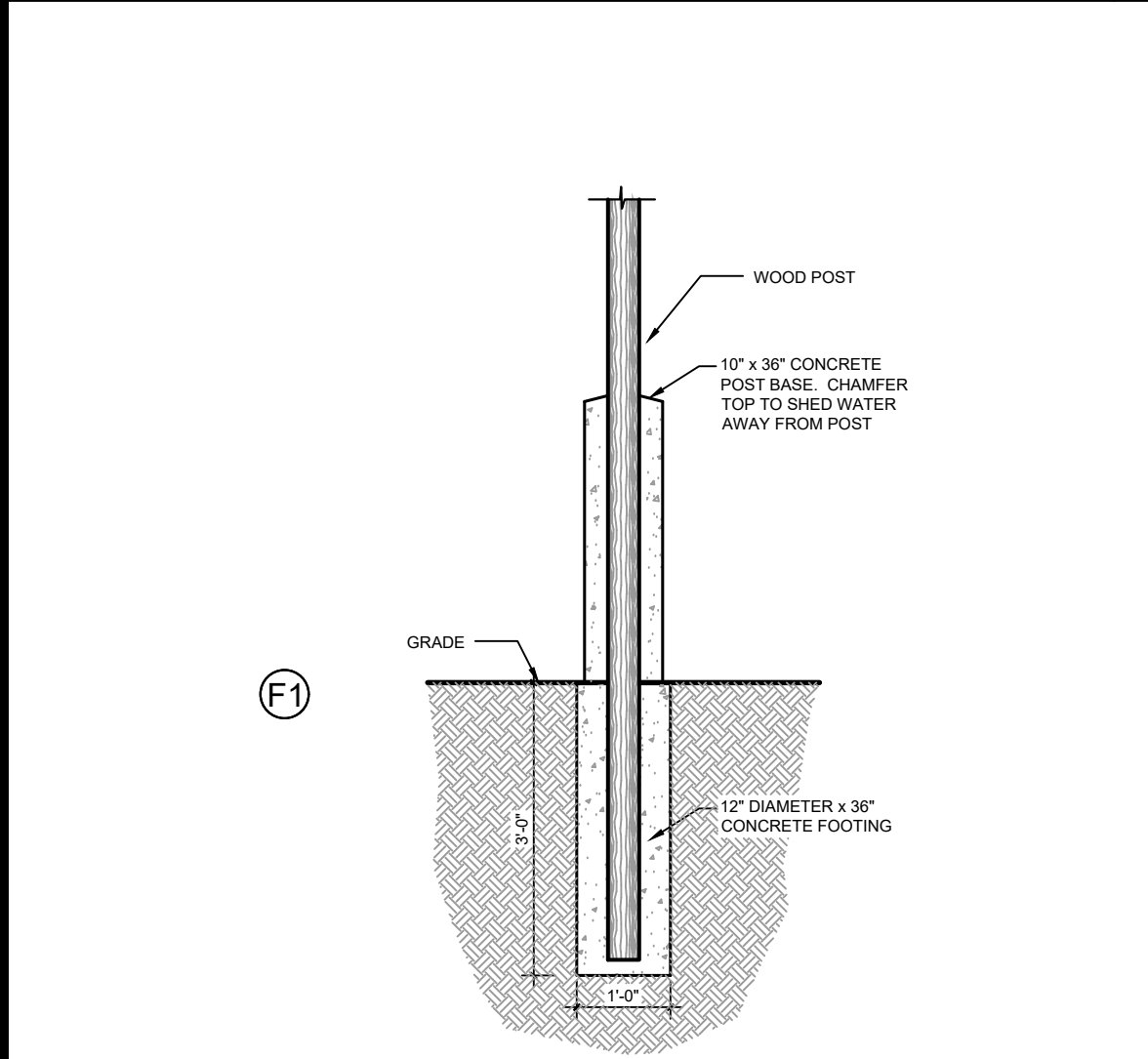
SCALE: 1/8" = 1'-0"

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FOOTING SCHEDULE				
MARK	SIZE	REINFORCEMENT	TRANSVERSE	REMARKS
F1	12" x 36"			
F1	16" x 36"			

COLUMN SCHEDULE					
MARK	TYPE	SIZE	REINFORCEMENT	TIES	SYMBOL
C1	PRESSURE TREATED WOOD POST	4 x 4			□
C2	PRESSURE TREATED WOOD POST	6 x 6			□

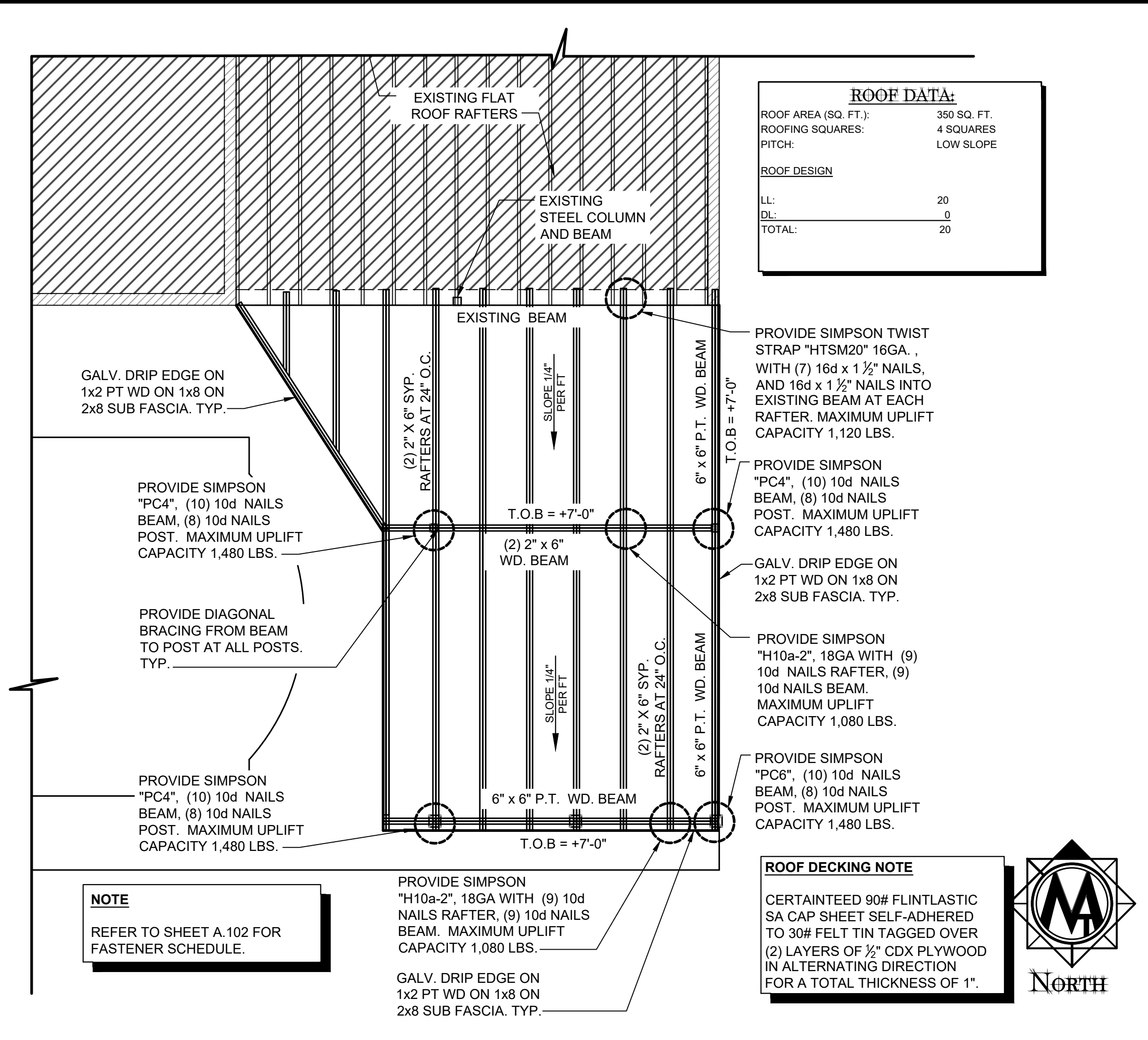
FOUNDATION SCHEDULES SCALE: N.T.S. 7



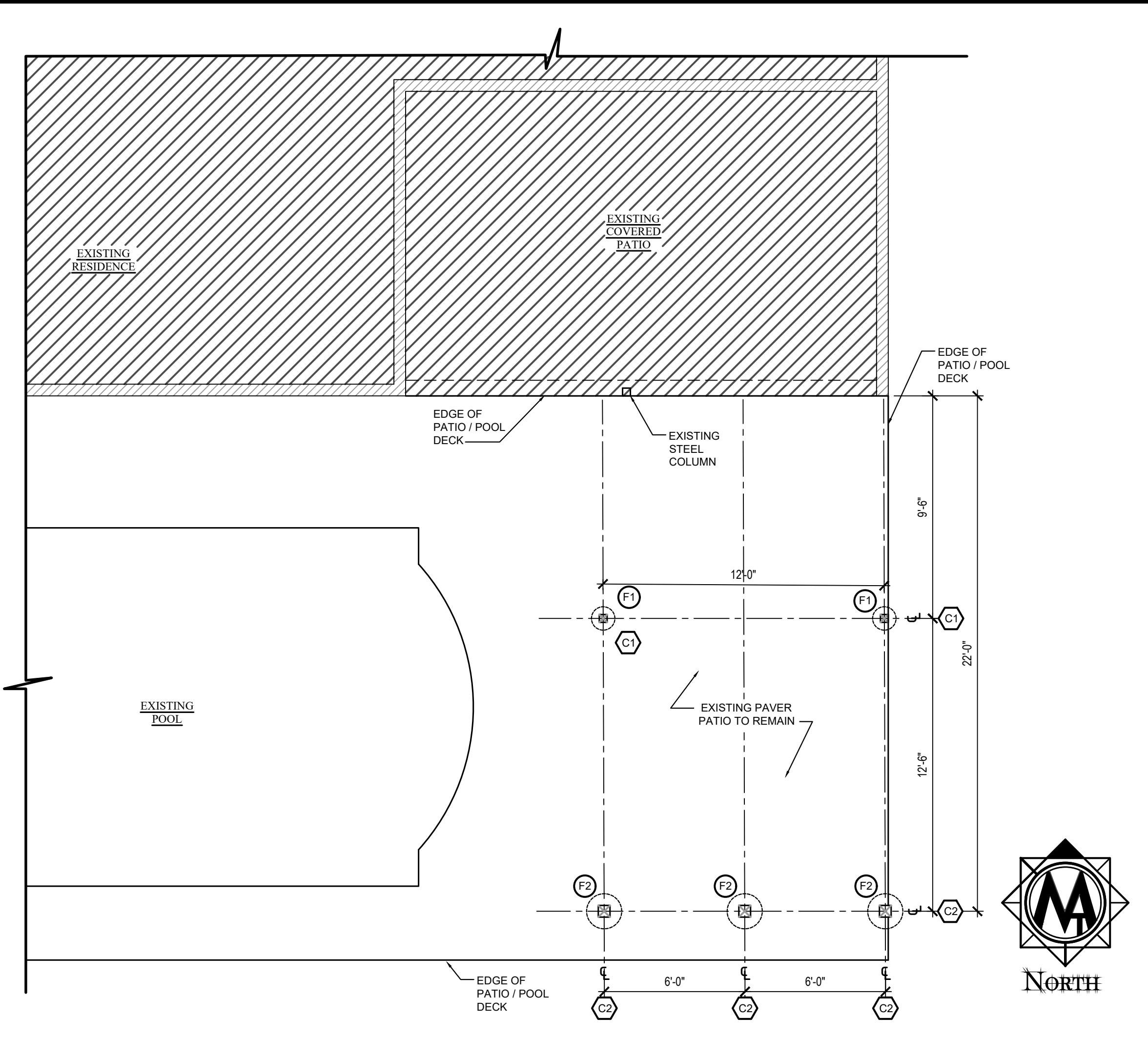
FOUNDATION DETAILS SCALE: N.T.S. 4



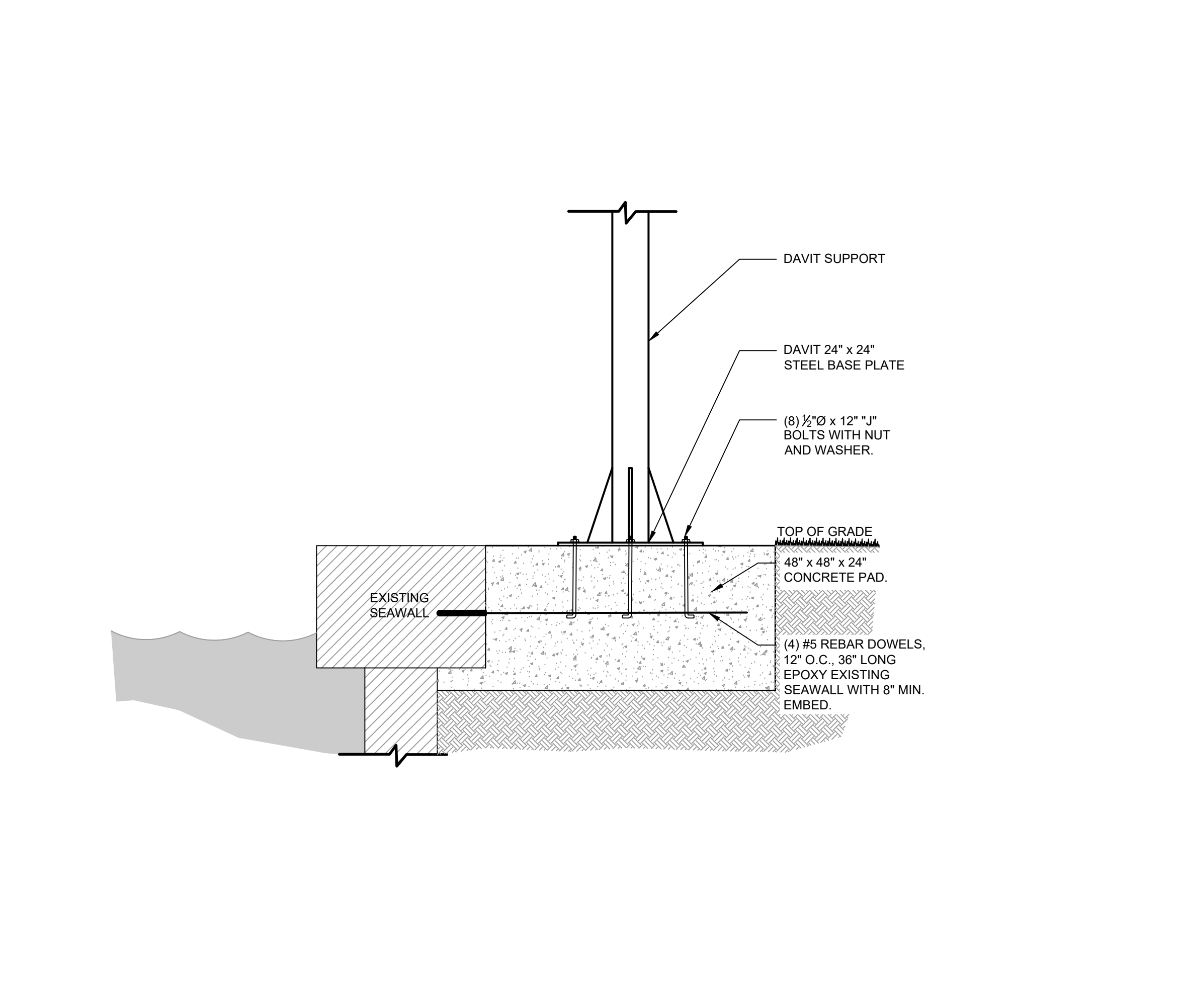
DAVIT DETAIL SCALE: N.T.S. 1



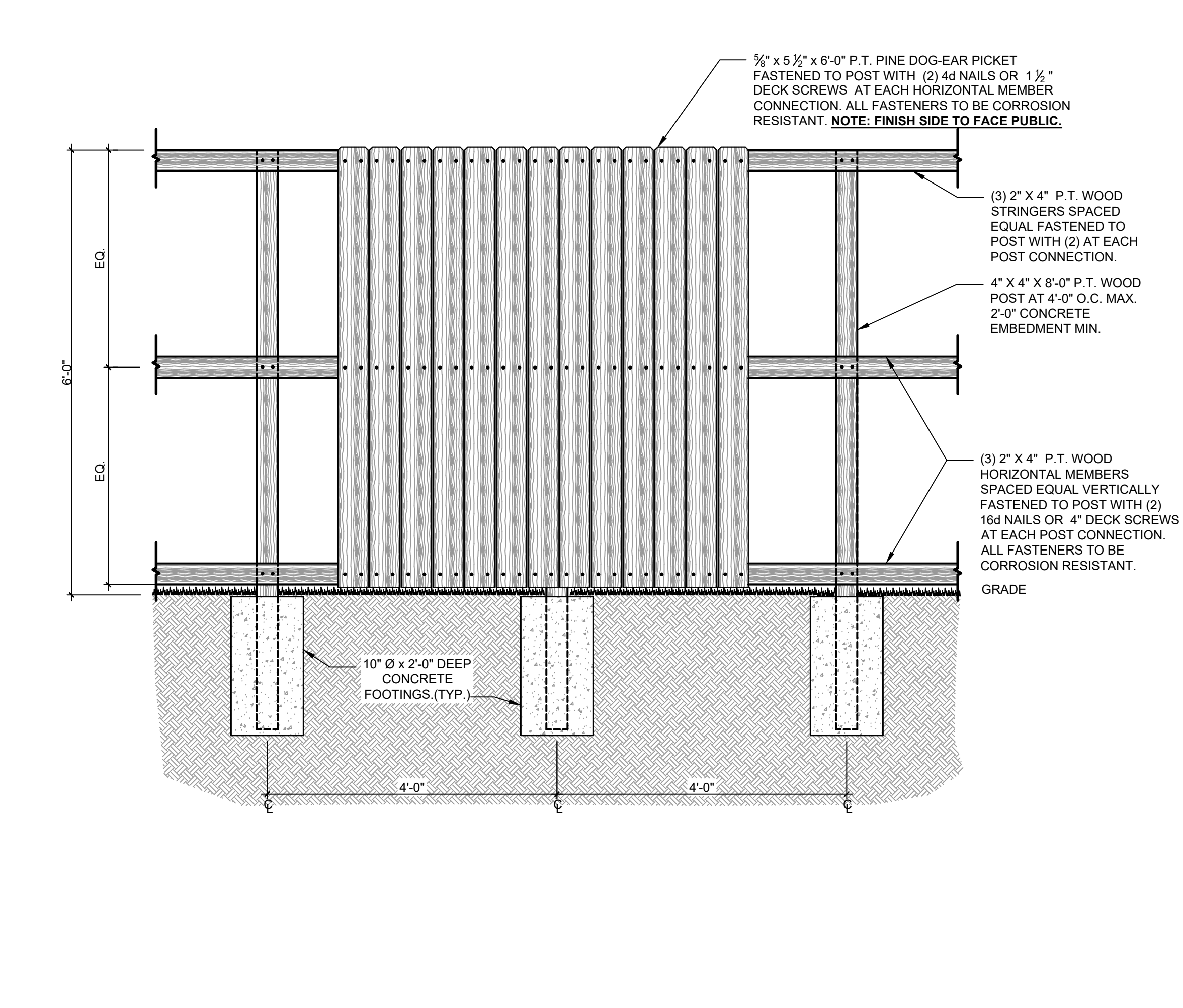
ROOF FRAMING PLAN SCALE: 1/4" = 1'-0" 5



FOUNDATION PLAN SCALE: 1/4" = 1'-0" 6



WOOD FENCE DETAIL SCALE: 3/4" = 1'-0" 2



WOOD FENCE DETAIL SCALE: 3/4" = 1'-0" 3

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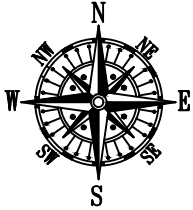
Charles O. Buckalew
FL PE # 24842

Foundation Plan, Details, and Schedules

Drawn:
Date Issued: March 4, 2020

A + 101

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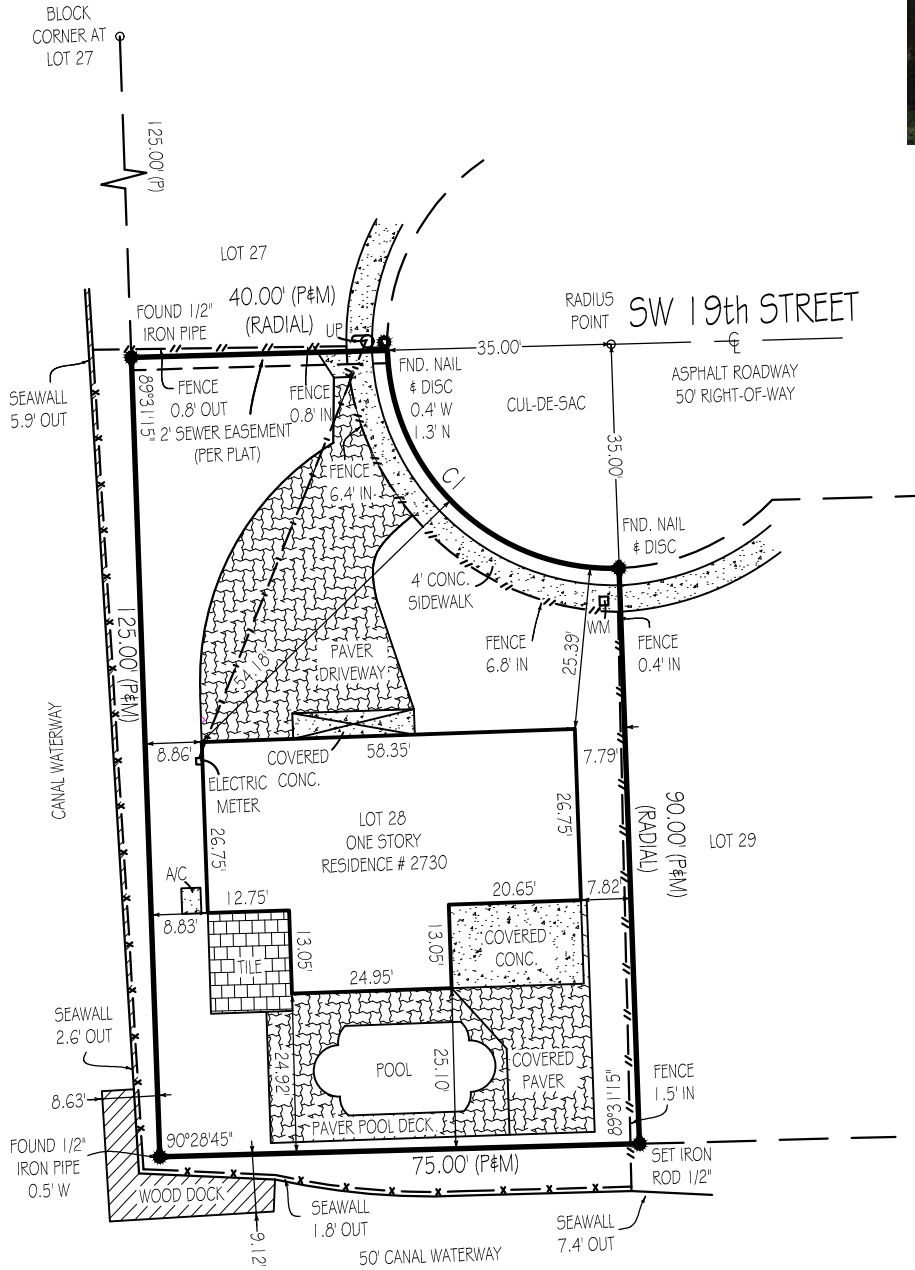


SCALE: 1"=30'

BEARING REFERENCE:
 NONE. RECORD INFORMATION RELIANT UPON ANGULAR DATA ONLY.
 ALL ANGULAR DATA SHOWN HEREON REFERENCED THERETO.



AERIAL PHOTOGRAPH
 (MAY NOT SHOW LATEST IMPROVEMENTS)
 (NOT-TO-SCALE)



CURVE TABLE			
	RADIUS	LENGTH	DELTA
C1(P)	35.00'	55.26'	90°28'40"
C1(M)	35.00'	56.52'	92°31'41"

Platted Easements, Notable or Adverse Conditions (unplatted easements also listed if provided by client): IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN HEREON AND THEIR RELATIONSHIP TO THE BOUNDARY LINE

- 2' SEWER EASEMENT ALONG NORTHERLY BOUNDARY LOT LINE. - FENCE EXTEND THROUGH THE NORTHERLY EASEMENT.
- CONCRETE SIDEWALK EXTEND THROUGH NORTHERLY EASEMENT.
- COMMUNITY CONCRETE SIDEWALK CROSSES THE BOUNDARY LINE ON NORTHEASTERLY SIDE OF LOT
- WOOD DOCK CROSSES THE BOUNDARY LOT LINE ON SOUTHERLY AND WESTERLY SIDES OF LOT.

This survey has been issued by the following Landtec Surveying office:
 481 E. Hillsboro Blvd. Ste 100-A
 Deerfield Beach, FL. 33441
 Office: (561) 367-3587 Fax: (561) 465-3145
 www.LandtecSurvey.com

PLEASE NOTE:
 SUBJECT PROPERTY IS SERVICED BY PUBLIC UTILITIES.
 APPROVAL FOR CONSTRUCTION HAS BEEN MADE BY THIS OFFICE.

Job Number: 101080-SE Rev.:
 Drawn By: C.G. Rev.:
 Date of Field Work: 01/09/2020 Rev.:

