



### **BOARD OF ADJUSTMENT MEETING NOTICE**

#### **JANUARY 20, 2022**

A Public Hearing will be held before the Board of Adjustment on:

#### Wednesday, February 9, 2022 at 6:00 P.M

This meeting will be held in the City Commission Chambers, City Hall, 1st Floor, 100 North Andrews Avenue, to determine whether the following application should be granted:

PLN-BOA-21120006 CASE:

KITCHEN, DIANA H/E; KITCHEN, RUSSELL OWNER:

STEPHANIE J. TOOTHAKER, ESQ. AGENT:

2657 NE 37 DRIVE, FORT LAUDERDALE, FL 33308 ADDRESS:

LOT 14, BLOCK G OF CORAL RIDGE COUNTRY CLUB SUBDIVISION, ACCORDING TO **LEGAL DESCRIPTION:** 

THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 36, PAGE 30, OF THE PUBLIC

RECORDS OF BROWARD COUNTY, FLORIDA.

**ZONING DISTRICT:** RS-4.4 - Residential Single Family/Low Density District.

**COMMISSION DISTRICT:** 

**REQUESTING:** Sec. 47-19.2.P. Free Standing Shade Structures

- 1. Requesting a variance to allow an existing freestanding shade structure with outdoor kitchen to be partially enclosed on three sides with 36-inch high built-in cabinetry where the Code requires all sides to be open.
- 2. Requesting a variance to allow an existing freestanding shade structure with outdoor kitchen to have a maximum height of 13 feet where the Code allows a maximum height of 12 feet measured from the ground to the top of the structure.

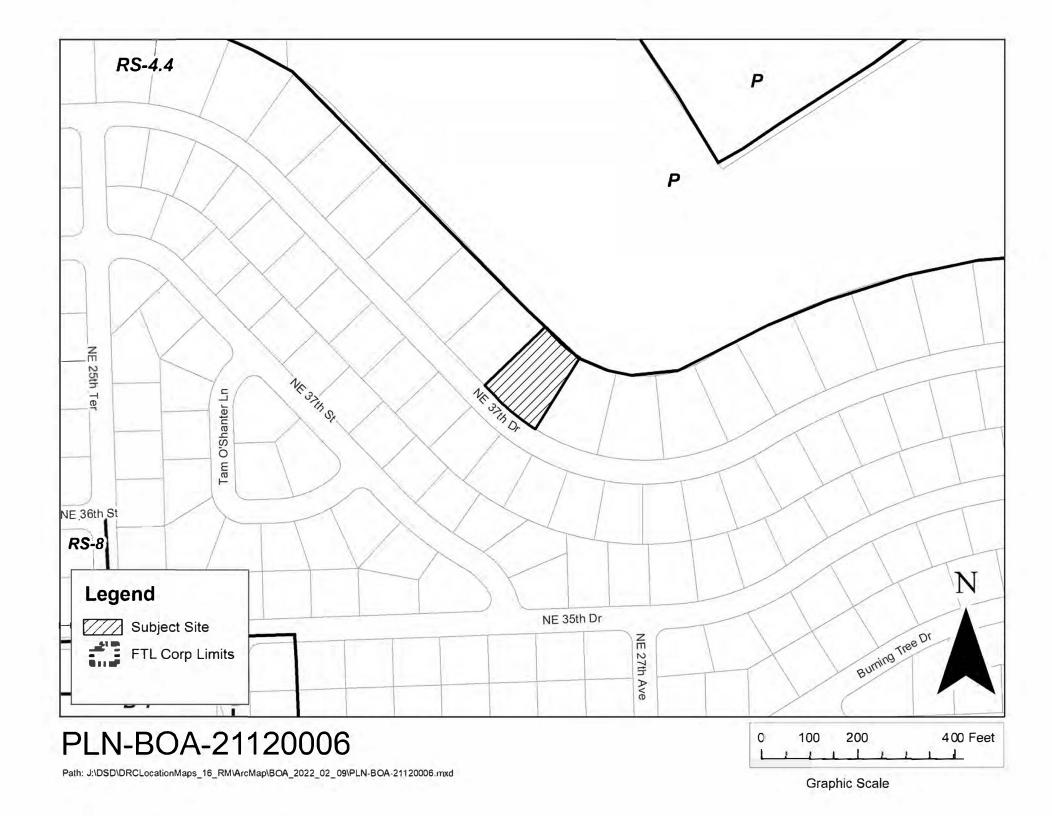
Note: To view more information about this item, please visit: www.fortlauderdale.gov/government/BOA

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.





# BOARD OF ADJUSTMENT MEETING

DATE: <u>FEBRUARY 09, 2022</u> TIME: <u>6:00 PM</u> CASE: <u>PLN-BOA-21120006</u>

REQUESTING: Sec. 47-19.2.P. Free Standing Shade Structures

- 1. Requesting a variance to allow an existing freestanding shade structure with outdoor kitchen to be partially enclosed on three sides with 36-inch high built-in cabinetry where the Code requires all sides to be open.
- 2. Requesting a variance to allow an existing freestanding shade structure with outdoor kitchen to have a maximum height of 13 feet where the Code allows a maximum height of 12 feet measured from the ground to the top of the structure.

LOCATION: CITY COMMISSION CHAMBERS
CITY HALL, 100 N ANDREWS AVENUE

INFORMATION: CONTACT (954) 828-6506

http://www.fortlauderdale.gov





## **BOA**

DATE: 02/09/2022
AGENDA ITEM: 5
CASE:

PLN-BOA-21120006



#### SUSTAINABLE DEVELOPMENT – ZONING & LANDSCAPING

#### **BOARD OF ADJUSTMENT (BOA) APPLICATION**

Rev: 4 Revision Date: 08/23/2021 | Print Date: 08/23/2021

I.D. Number: Z&L-BOA

## BOARD OF ADJUSTMENT (BOA) APPLICATION

Cover: Deadline, Notes, and Fees
Page 1: Applicant Information Sheet
Variance Request Criteria

Page 3: Required Documentation & Mail Notice Requirements

Page 4: Sign Notice Requirements & Affidavit

Page 5: Technical Specifications

<u>DEADLINE</u>: Submittals must be received by 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 the Board Liaison and 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. Submit Board of Adjustment (BOA) application, fees and required documents electronically through LauderBuild <a href="https://aca-prod.accela.com/FTL">https://aca-prod.accela.com/FTL</a>.

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
	Variance/Special Exception/Interpretation (Before): \$650 Residential (Homesteaded Only) Accessory Structures & Existing Non-Conforming Structures.
✓	Variance/Special Exception/Interpretation (After): \$850 Residential (Homesteaded Only) Accessory Structures & Existing Non-Conforming Structures. Request For Continuance: \$900
	Request for Rehearing: \$300
	Rehearing Request Before The Board: \$1,150



#### 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 is 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 PR	ROPERTY OWNER is the APPLICANT				
Property Owner's Name	Diana Kitchen and Russell Kitchen				
Property Owner's Signature	If a signed agent letter is provided, no signal	ture is required on the application by the owner.			
Address, City, State, Zip	2657 NE 37 Dr	ive, Fort Lauderdale, FL 33308			
E-mail Address		N/A			
Phone Number		N/A			
Proof of Ownership	Warranty Deed or ✓ Tax Record				
NOTE: If AGENT is to represent OWNER,	notarized letter of appeant is required				
Applicant / Agent's Name	Stephanie J. Taothaker, Esq.	/			
Applicant / Agent's Signature	Hadam /w				
Address, City, State, Zip	501 SW 2nd Ave, Suite A, Fort Lauderdale,	FL 33301			
E-mail Address	stephanie@toothaker.org / cc: estefania@to				
Phone Number	954-648-9376				
Letter of Consent Submitted	Yes				
Development / Project Name	Outdoor Summer Kitchen				
Existing / New	Existing: ✓	New:			
Project Address	Address: 2657 NE 37 Drive, Fort Laud	erdale, FL 33308			
Legal Description					
	CORAL RIDGE COUNTR	Y CLUB SUB 36-30 B LOT 14 BLK G			
Tax ID Folio Numbers					
(For all parcels in development)	4942	224071470			
Variance Request (Describe)					
	Refer to a	ttached narrative			
Applicable ULDR Sections					
	Sec. 47-19.2.P				
Current Land Use Designation	Low Density Residential				
Current Zoning Designation	RS-4.4 - Residential of Single Family	/Low Density			
Current Use of Property	Single-Family				
Site Adjacent to Waterway	Yes	No			
Pothocks (indicate discation N. C. E. M.)	Beautied	Drenged			
Setbacks (indicate direction N, S, E, W)  Front SW	•	Proposed			
Front SW	25 ft. (RS-4 Zoning District)	N/A			
Side W	10 ft	Structure = 10 ft, Overhang = 7.8 ft			
Rear NE	10 ft	N/A			
IVE	5 ft. (Accessory Structure)	+/- 22 ft			

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

Answer All questions on this page and attach narrative.

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

Please refer to attached narrative.

<u>CRITERIA</u>: 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

Please refer to attached narrative.

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:

Please refer to attached narrative.

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

Please refer to attached narrative.

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

Please refer to attached narrative.

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.

Please refer to attached narrative.

AFFIDAVIT: I, Stephanie J. Toothaker, Esq. 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;
- 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 day of partry of the final order of denial.

(Signature)

SWORN TO AND SUBSCRIBED before me in the County and State above aforesaid this

of December

20 **2**1

(SEAL)



NOTARY PUBLIC\*
MY COMMISSION EXPIRES:

#### Page 3: Required Documentation & Mail Notice Requirements

One (1) Completed (Digital) application submittal through "Lauderbuild" (https://acaprod.accela.com/). The Plans and Survey must be digitally signed and sealed AND

Fourteen (14) copy sets of each item listed below and Plans at half-size scale 11"X17"

✓	,,,
<b>✓</b>	, , , , , , , , , , , , , , , , , , , ,
<b>✓</b>	Proof of ownership (Broward County Property Records, warranty deed, and/or Sunbiz), including corporation documents if applicable.  Property owners original notarized signature and/or notarized agent letter signed by the property owner (if applicable).
<u> </u> √	
ı⊻ √	Nametha de militar en sife e mande discina III DD e disce de de mande de la Nametha en la Mande de de de de la
LV	and with author indicated.
✓	Cover sheet on plan set to state project name and table of contents.
<b>✓</b>	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.
<b>~</b>	Site Plan (a survey may be substituted if the requested variance is clearly indicated)
	Landscape Plan (if applicable)
V	Elevations (if applicable)
	Additional Plan details as needed
Note: Note:	All copy sets must be clear and legible. Plans must be folded to 8 ½" x 11". All non-plan documents should be 8 ½" 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 owner 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 19<sup>th</sup> Avenue, Fort Lauderdale, FL 33311

- <u>DISTRIBUTION</u>: 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.
- To order a tax map and notice list, please email Heather Hanson at <a href="mailto:hhanson@bcpa.net">hhanson@bcpa.net</a> or call 954-357-6855. You may also contact Kenny Gibbs, <a href="mailto:kgibbs@bcpa.net">kgibbs@bcpa.net</a> or call 954-357-5503.

#### Page 4: Sign Notification Requirements and Affidavit

#### **SIGN NOTICE**

**AFFIDAVIT OF POSTING SIGNS** 

Applicant must <u>POST SIGNS</u> (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.

STATE	OF FLORIDA
BROW	ARD COUNTY
воа с	ASE NO
APPLIC	CANT:
PROPE	ERTY:
PUBLIC	C HEARING DATE:
	RE ME, the undersigned authority, personally appeared, who upon being duly sworn and ed, under oath deposes and says:
1.	Affiant is the Applicant in the above cited City of Fort Lauderdale <b>Board or Commission</b> 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 <b>Board or Commission</b> .
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 <b>fifteen (15)</b> 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 <b>Board</b> 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 <b>five (5)</b> 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.
	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 dale ULDR, I will forfeit my sign deposit(initial here)
	Affiant
SWOR	N TO AND SUBSCRIBED before me in the County and State above aforesaid thisday of, 20
(SEAL	
	NOTARY PUBLIC MY COMMISSION EXPIRES:

#### **Page 5: Technical Specifications**

#### A. SITE PLAN

- 1. Title Block including project name and design professional's address and phone number
- 2. Scale (1" = 30' min., must be engineer's scale)
- 3. North indicator
- 4. Location map showing relationship to major arterials
- 5. Drawing and revision dates, as applicable
- 6. Full legal description
- 7. Site Plan Data Table
  - Current use of property
  - Land Use designation
  - Zoning designation
  - Site area (sq. ft. and acres)
  - Setback table (required vs. provided)
  - Open space
- 8. Site Plan Features (graphically indicated)
  - Setbacks and building separations (dimensioned)
  - Project signage (if applicable)
  - Easements (as applicable)

(Please note additional site plan information may be necessary to fully address the requested variance)

#### B. BUILDING ELEVATIONS (as applicable)

- 1. All building facades with directional labels (i.e. North, South) and building names if more than one building
- 2. Dimensions, including height and width of all structures
- 3. Dimensions of setbacks and required setbacks from property lines
- 4. Dimension grade at crown of road, at curb, sidewalk, building entrance, and finished floor
- 5. Include proposed signage

December 3, 2021

#### VIA ELECTRONIC SUBMISSION

BOARD OF ADJUSTMENT C/O MOHAMMED MALIK, ZONING ADMINISTRATOR/LIAISON CITY OF FORT LAUDERDALE 100 NORTH ANDREWS AVENUE FORT LAUDERDALE, FL 33311

RE: Variance Request for 2657 NE 37th Drive, Fort Lauderdale, FL 33308

Dear Honorable Members of the Board of Adjustment:

I represent Diana and Russell Kitchen (the "Applicants"), owners of the real property located at 2657 NE 37<sup>th</sup> Drive, Fort Lauderdale, Folio No. 4942-24-07-1470 (the "Property"). Applicants respectfully request an after-the-fact variance from ULDR Section 47-19.2.P – Free Standing Shade Structures as described below.

#### 1. PROJECT DESCRIPTION

The Property comprises 0.13 acres (5,870 square feet) and is located within the Coral Ridge Country Club Estate neighborhood. The Property is zoned Residential Single Family/Low Density ("RS-4.4") and has an underlying land use designation of Low Residential. The Property has a one-story single-family residence. Freestanding shade structures with outdoor kitchens are permitted as an accessory structure to a principal building pursuant to the City's interpretation of ULDR Section 47-19.2.P dated August 4, 2015 attached hereto as **Exhibit 1**.

The Applicants obtained a building permit for the construction of a freestanding shade structure with outdoor kitchen (Building Permit No. PM-18110650). In the process of submitting a revision to obtain an after-the-fact building permit for the built-in cabinetry with countertops and kitchen appliances on three sides of the accessory structure, it was noted that the City allows a one-side only partial enclosure with maximum 42-inch high cabinetry.

The accessory structure is 13 feet tall measured from the ground to the top roof ridge. Three sides are partially enclosed with 36-inch high built-in cabinetry with countertops and kitchen appliances. The accessory structure complies with all required setbacks as depicted in the survey included in this submittal.

#### 2. REQUESTED VARIANCE

ULDR Section 47-19.2.P states that:

"...freestanding shade structures may be permitted when accessory to residential uses in the required rear yard but no closer than five (5) feet from the rear property line except where a parcel is abutting a waterway, where they shall be no closer than ten (10) feet from the waterway as measured in accordance with Section 47-2.2.R. Freestanding shade structures shall be open on all sides and shall be no greater in height than twelve (12) feet measured from the ground to the top of the structure, and shall be limited in size to a maximum of two hundred (200) gross square feet in area for that portion of the structure protruding into the required yard area. No more than one (1) freestanding shade structure per plot shall be permitted in the required rear yard."

Stephanie J. Toothaker, Esq.

land use development political strategy procurement

However, pursuant to the City's interpretation, which reevaluated the aspects of the zoning code in relation to the Code's intent, an outdoor kitchen incorporated into a shade structure is permitted "[g]iven that South Florida has a favorable climate for outdoor activities and the clear intent behind the section indicated above." The zoning interpretation provides that:

"An outdoor kitchen/BBQ may incorporate electrical and plumbing for an outdoor sink, refrigeration and gas lines (or similar uses commonly included in an outdoor kitchen) and shall be limited to a maximum height of forty-two (42) inches. The height limitation does not include the lid of the BBQ or grill. A typical grill or BBQ shall be permitted, however no accessories shall be permitted that exceed the height of a typical BBQ or grill lid. An outdoor kitchen/BBQ may be incorporated into a shade structure as long as no one side of the structure is enclosed, and all sides remain open to the outside."

We have been advised by the City that the City allows a one-side only partial enclosure of an outdoor kitchen with maximum 42-inch high cabinetry.

As such, we are requesting a variance to allow a freestanding shade structure with outdoor kitchen to be partially enclosed on three sides with 36-inch high built-in cabinetry where the Code allows only a one-side partial enclosure with maximum 42-inch high cabinetry. Additionally, we are requesting a variance to allow a maximum height of 13 feet where the Code allows a height up to 12 feet measured from the ground to the top of the structure.

#### 3. CRITERIA FOR APPROVAL OF BOA VARIANCE REQUEST (SEC. 47-24.12.A.4)

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

RESPONSE: The freestanding shade structure with outdoor kitchen is permitted pursuant to the City's zoning interpretation of ULDR Section 47-19.2.P. The interpretation states that "[a]n outdoor kitchen/BBQ may be incorporated into a shade structure as long as no one side of the structure is enclosed, and all sides remain open to the outside." The structure is partially enclosed in those areas where built-in cabinetry is provided that allows for full use of the kitchen appliances and effectively provides and conceals all electrical, plumbing, and refrigeration equipment. The cabinetry also provides the proper surface area for storage and food preparation purposes. We believe that the partial openings still meet the intent of the Code while allowing for full usage of the outdoor kitchen. The grant of this variance is necessary to avoid practical difficulties or unnecessary hardship and enable the Applicants to maintain the freestanding shade structure with outdoor kitchen.

b. That the 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

RESPONSE: The accessory freestanding shade structure with outdoor kitchen is located on private property and will only affect the subject property. Approval of the variance would not alter the character of the neighborhood or be detrimental to the public welfare.

c. That the 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

RESPONSE: The grant of this variance is necessary to avoid practical difficulties or unnecessary hardship and enable the Applicants to maintain the freestanding shade structure with outdoor kitchen. Given South Florida's favorable climate, freestanding shade structures with outdoor kitchens and seating are common and enjoyed by many other property owners in the Coral Ridge Country Club neighborhood and RS-4.4 zoning district. The adjacent properties have similar accessory structures which include outdoor kitchens, preparation surfaces, and seating.

d. That 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

RESPONSE: The City's zoning interpretation provides that "an outdoor kitchen/BBQ may be incorporated into a shade structure as long as no one side of the structure is enclosed, and all sides remain open to the outside". We believe the accessory structure meets the intent of this interpretation by providing three partially opened sides and one fully open side in order to "remain open to the outside" while the built-in cabinetry is intended to provide adequate concealment, storage, and installation of all electrical, plumbing, and refrigeration equipment associated with the outdoor kitchen appliances.

e. That 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.

RESPONSE: The grant of this minimum variance is necessary to avoid practical difficulties or unnecessary hardship and to enable the Applicants to maintain the existing structure. Such an accessory structure may not be essential to the use of a residentially-zoned property, but the structure is meant to meet the intent of the City's code by providing three partially opened sides and one fully open side. The accessory structure is within the Property and complies with the required minimum setbacks. The accessory structure is designed to complement the principal building and is in continuity with the surrounding neighborhood character. Freestanding shade structures with outdoor kitchens are allowed in single-family zoning districts and are harmonious with the Coral Ridge Country Club Estate resident's lifestyle. Therefore, the impact on adjacent properties is *de minimus*.

We believe denial of this request would create an unnecessary hardship under the facts of this case. Thank you for your consideration and should you have any questions, please do not hesitate to let me know.

Respectfully,

Stephanie J. Toothaker, Esq.

/s/Stephanie J. Toothaker

## Exhibit 1

#### **MEMORANDUM**

Date: August 4, 2015

To: Urban Design & Planning Staff

From: Anthony G. Fajardo, Zoning Administrator

Subject: Section 47-19, Accessory Uses, Buildings and Structures

Topic: Outdoor Kitchens/BBQ

Note: This interpretation rescinds the previous interpretation dated December 18, 2002,

Subject: Interpretation – Sec. 47-19.2.P – Free Standing Shade Structures

#### **Zoning Interpretation:**

In recent years there have been several requests for BBQ grills/outdoor kitchens as well as fire pits. Often these are in conflict with the zoning regulations because the principal building is constructed to such an extent that side and rear yard setbacks are maxed out and space is not available. While the intent of the yard setbacks is to control the size of development and to mitigate such development on neighboring properties it is not intended to create a situation where the remainder of the yard becomes unusable. This is evidenced by Section 47-19, Accessory uses, buildings and structures, which permits certain accessory structures to be located within the yard setback subject to certain criteria.

Under specific language in Section 47-19.2, *Accessory buildings, structures and equipment, general,* certain accessory structures are permitted to encroach into the side and rear yards with limitations on area and height. However, as no zoning code can address every situation and permutation of each site and as uses evolve over time it is necessary to reevaluate the aspects of the zoning code in relation to the intent. Given that South Florida has a favorable climate for outdoor activities and the clear intent behind the section indicated above please accept this interpretation regarding the following:

#### 1. Outdoor Kitchens/BBQ:

Whereas Section 47-19.2.P, *Freestanding shade structures* permits structures such as gazebos, tiki huts or trellises no closer than 5-feet from the rear property line or 10-feet when abutting a waterway; and,

Whereas Section 47-19.2.P, *Freestanding shade structures* permits these shade structures to encroach in the rear yard when open on all sides and no more than two hundred (200) gross square feet in area; and,

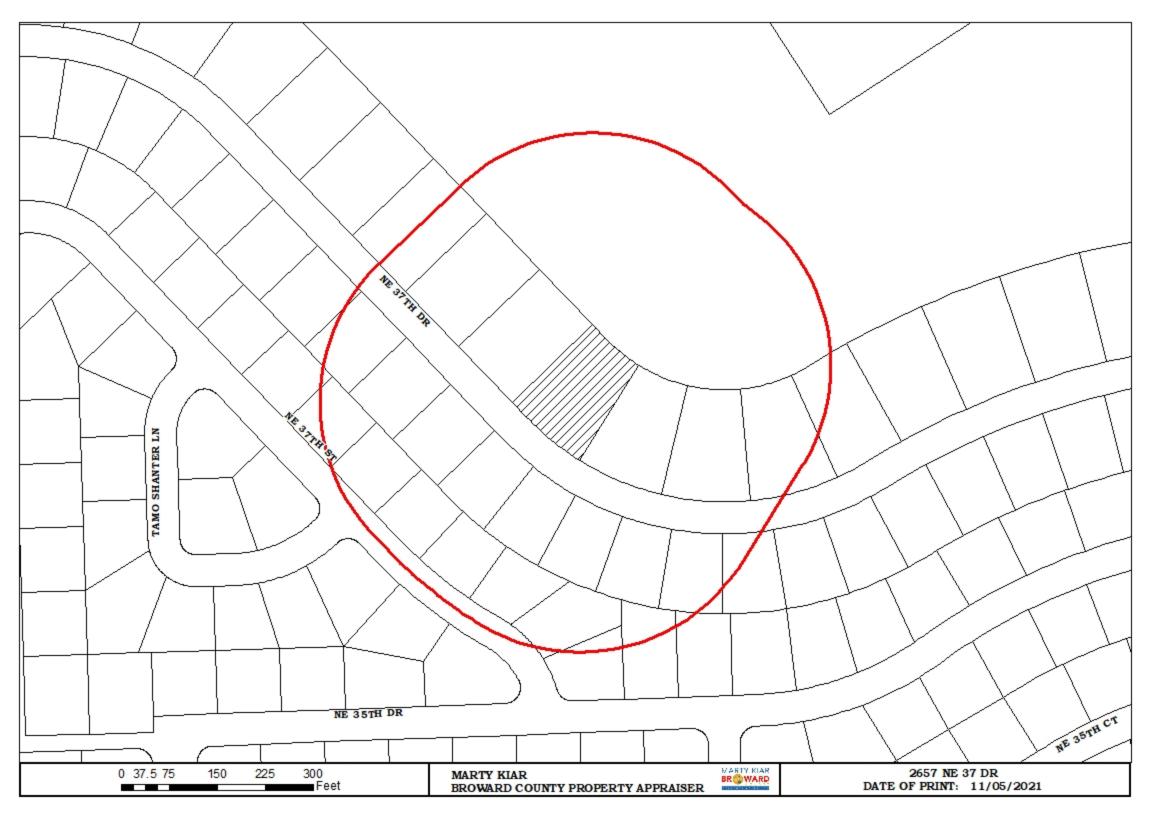
Whereas Section 47-19.5, *Fences, walls and hedges* permits an opaque fence or wall up to six (6) feet six (6) inches when located a minimum of ten (10) feet from the waterway; and,

Whereas an outdoor kitchen/BBQ have less of an impact than shade structures from a bulk and massing standpoint and tend to be lower than a fence or wall; and,

Whereas an outdoor kitchen/BBQ when incorporated into a shade structure would not enclose the shade structure an outdoor kitchen/BBQ shall be permitted subject to the following standards:

• An outdoor kitchen/BBQ shall be permitted to encroach into the rear yard five (5) feet from the rear property line or ten (10) feet into the rear property line when abutting a waterway. The maximum square footage permitted to encroach shall be no greater than two hundred (200) square feet. An outdoor kitchen/BBQ may incorporate electrical and plumbing for an outdoor sink, refrigeration and gas lines (or similar uses commonly included in an outdoor kitchen) and shall be limited to a maximum height of forty-two (42) inches. The height limitation does not include the lid of the BBQ or grill. A typical grill or BBQ shall be permitted, however no accessories shall be permitted that exceed the height of a typical BBQ or grill lid. An outdoor kitchen/BBQ may be incorporated into a shade structure as long as no one side of the structure is enclosed, and all sides remain open to the outside.

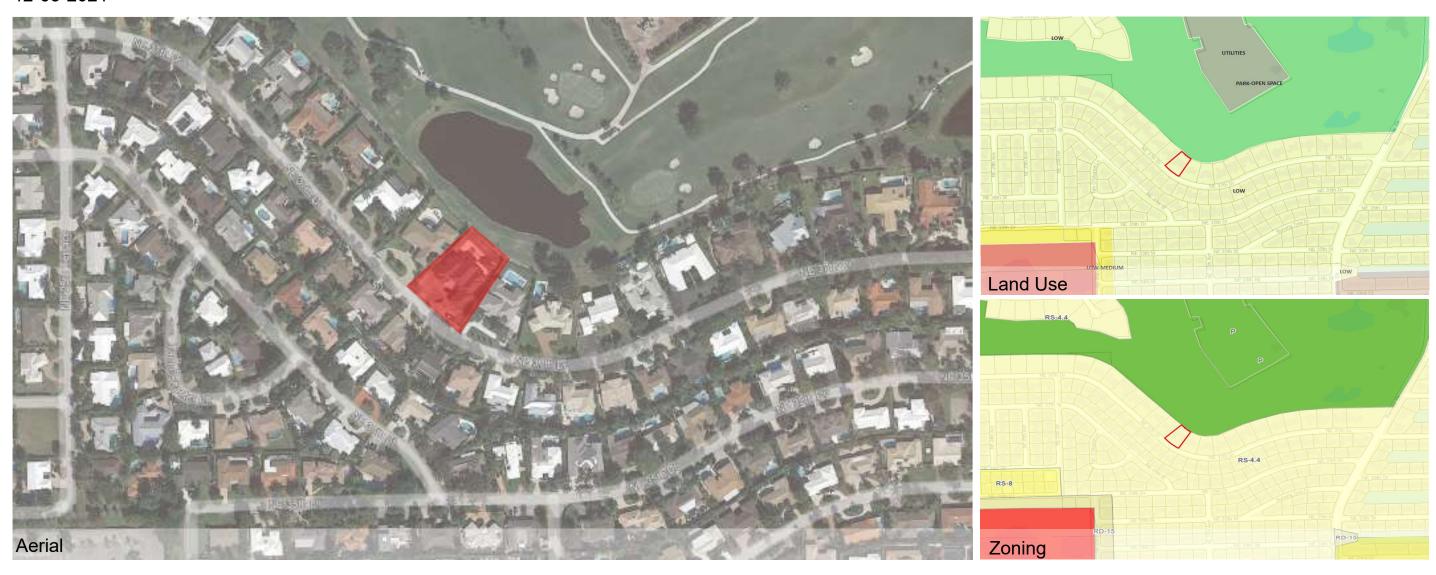
FOLIO_NUMB	NAME_LINE_	NAME_LINE1	ADDRESS_LI	CITY	STAT	TE ZIP
494224071500 KURAMOTO,CURTIS & CATHERIN	E		2633 NE 37 DR	FORT LAUDERDALE	FL	33308
494224071490 ARGENZIANO,GUY		SILBON,BRIAN	2641 NE 37 DR	FORT LAUDERDALE	FL	33308
494224071880 KENNEDY, PETER M & PATRICIA A	NN		2626 NE 37 DR	FORT LAUDERDALE	FL	33308
494224071480 PALOMBO,MAX & MEAGAN			2649 NE 37 DR	FORT LAUDERDALE	FL	33308
494224071870 DOBBINS,CYNTHIA T			2628 NE 37 DR	FORT LAUDERDALE	FL	33308
494224071470 KITCHEN,DIANA H/E		KITCHEN,RUSSELL	6061 NE 14 AVE	FORT LAUDERDALE	FL	33334
494224072000 WEST,LIBBY L & MICHAEL A			2617 NE 37 ST	FORT LAUDERDALE	FL	33308
494224071860 TIEDT,RODNEY J			2644 NE 37 DR	FORT LAUDERDALE	FL	33308
494224071440 HOOPER,ALAN C & KRISTEN M			2719 NE 37 DR	FORT LAUDERDALE	FL	33308
494224071471 TAUBER,ANDREW D H/E		TAUBER, FRANCESCA L	2665 NE 37 DR	FORT LAUDERDALE	FL	33308
494224071450 MOFFA,JOSEPH & CATHY			2701 NE 37 DR	FORT LAUDERDALE	FL	33308
494224072010 WILKERSON, ERIC C & JENNIFER L			2621 NE 37 ST	FORT LAUDERDALE	FL	33308
494224071850 PEICHER,ANABEL			2648 NE 37 DR	FORT LAUDERDALE	FL	33308
494224071460 DAVEY,LYNDA & TIMOTHY			2673 NE 37 DR	FORT LAUDERDALE	FL	33308
494224072020 SHIR,MENO & NILI		SHIR REV TR	2625 NE 37 ST	FORT LAUDERDALE	FL	33308
494224071840 REESER,MORGAN		COLE-REESER,LOUISE	2656 NE 37 DR	FORT LAUDERDALE	FL	33308
494224071830 HUMBLE,KAREN			2660 NE 37 DR	FORT LAUDERDALE	FL	33308
494224072030 SARMIENTO,GERMAN O		WILSON, WILLIAM A	2629 NE 37 ST	FORT LAUDERDALE	FL	33308
494224071820 HURST,ROBERT W & MARILYN			112 RINGWOOD RD	BRYN MAWR	PA	19010
494224072040 WILLIAM J COVIELLO REV TR			2633 NE 37 ST	FORT LAUDERDALE	FL	33308
494224071810 LUNDT,ERIC L H/E		WILLARD, JEREMY P	2668 NE 37 DR	FORT LAUDERDALE	FL	33308
494224071800 O'MAHONEY,PAIGE & BRIAN			2672 NE 37 DR	FORT LAUDERDALE	FL	33308
494224071790 FRIEDLAND,ALAN		FRIEDLAND,PHYLLIS A ETAL	2700 NE 37 DR	FORT LAUDERDALE	FL	33308
494224072050 GREGORY,TODD W & HOLLY N			2637 NE 37 ST	FORT LAUDERDALE	FL	33308
494224072060 THOMAS,R GEOFFREY		R GEOFFREY THOMAS REV TR	2641 NE 37 ST	FORT LAUDERDALE	FL	33308
494224072080 DAVIS, JAMES B &		FLUTIE-DAVIS,PIA	2653 NE 35 DR	FORT LAUDERDALE	FL	33308
494224072090 SCHIFF, JANIS BOYARSKY		SCHIFF, PHILIP DAVID	2659 NE 35 DR	FORT LAUDERDALE	FL	33308
494224072070 BUEROSSE,MARCUS & ANN			2645 NE 35 DR	FORT LAUDERDALE	FL	33308
494224000040 CORAL RIDGE GOLF COURSE INC		ATTN: CONTROLLER	3801 BAYVIEW DR	FORT LAUDERDALE	FL	33308



## **2657 NE 37 Drive** FORT LAUDERDALE, FL 33308

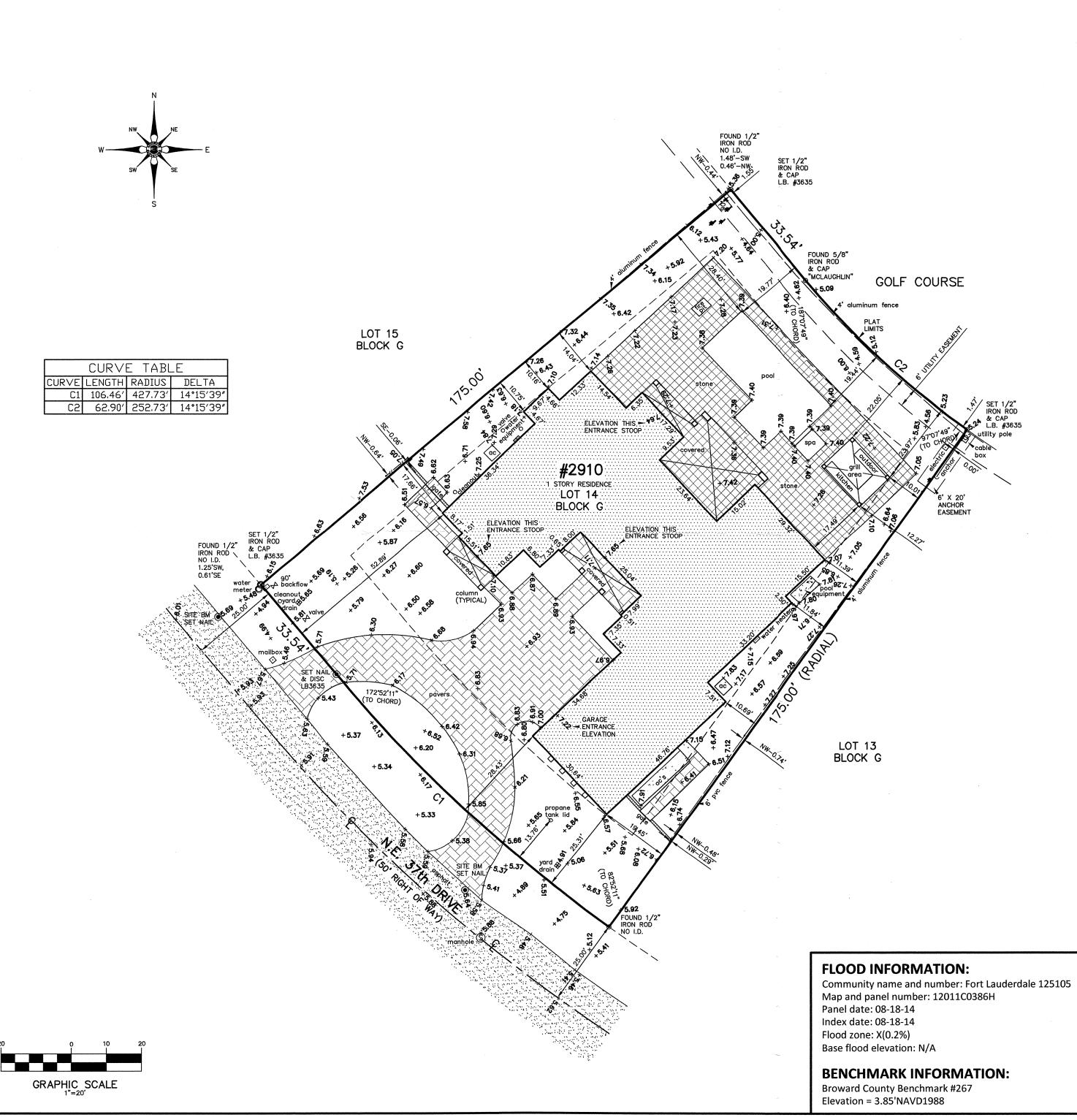
**BOA Variance Application** 

12-03-2021



### Index

- 1. Survey
- 2. Current Photos
- 3. Site Plan
- 4. Elevations





1150 E. ATLANTIC BLVD. POMPANO BEACH, FLORIDA 33060

EL. (954) 782-1441

## BOUNDARY & TOPOGRAPHIC SURVEY

		<u>SY</u>	<b>MBOLS</b>	&	<b>LEGEN</b> [	OF	<b>ABBREVIATIONS</b>	• •
R/W	=	RIGHT OF W	ΆΥ		×7.00'	=	ELEVATIONS BASED O	N N.A.V.D.
N	==	NORTH			SQ. FT.	=	SQUARE FEET	
s	=	SOUTH			P.B.C.R.	==	PALM BEACH COUNTY	RECORDS
Е	=	EAST			M.D.C.R.	=	MIAMI-DADE COUNTY F	RECORDS
W	=	WEST			P.O.C.	=	POINT OF COMMENCE	MENT
D.B.	==	DEED BOOK			P.O.B.	=	POINT OF BEGINNING	
ENCH.	=	<b>ENCROACH</b>			CHATT.	=	CHATTAHOOCHEE	
F.F.	==	FINISHED FL	.00R		F.P.L.	=	FLORIDA POWER & LIG	
GAR.	=	GARAGE			B.C.R.	=	BROWARD COUNTY RE	
C/L	=	CENTERLIN	Ē		O.R.B.	=	OFFICIAL RECORDS BO	
МН	=	MANHOLE			F.D.O.T.	=		T OF TRANSPORTATION
(M)	==	MEASURED			D.E.P.	=		RONMENTAL PROTECTION
P.B.	=	PLAT BOOK			D.N.R.	=	DEPARTMENT OF NAT	
A/C	=	AIR CONDIT	IONER		P.R.M.	=	PERMANENT REFEREN	
Р	***	PLAT			N.A.V.D.	=	NORTH AMERICAN VE	RTICAL DATUM
M	VALVE		⊡	UTILI	TY BOX			PARKING STRIPE
S	MANHOL	E	*	HYDF	RANT		· · · · · · · · · · · · · · · · · · ·	OVERHEAD UTILITY LINES
<b>#</b>	BASIN		0	UTILI	TY POLE	•		6' CONCRETE WALL
<b>@</b>	WELL		$\boxtimes$	VAUI	_T			COVERED AREA
<u> </u>	WATER I	METER	$\Diamond$	LIGH	Т	۵	b D b	CONCRETE
•	MONITER	RING WELL	•	BOLL	.ARD			BRICK PAVERS
0	PROPER	TY CORNER	ac AIR	CON	DITIONER	4.74		ASPHALT
							,	

#### **STREET ADDRESS:**

2657 NE 37TH DRIVE FORT LAUDERDALE, FL 33308

#### **LEGAL DESCRIPTION:**

LOT 14, BLOCK G OF CORAL RIDGE COUNTRY CLUB SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 36, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

#### **NOTES:**

- 1. Unless otherwise noted field measurements are in agreement with record measurements.
- 2. Bearings shown hereon are based on a bearing of N/A.
- 3. The lands shown hereon were not abstracted for ownership, rights of way, easements, or other matters of records by Accurate Land Surveyors, Inc.
- 4. Ownership of fences and walls if any are not determined.
- 5. This survey is the property of Accurate Land Surveyors, Inc. and shall not be used or reproduced in whole or in part without written authorization.
- 6. The flood zone information shown hereon is for the dwellable structure only unless otherwise indicated.
- 10. The location of overhead utility lines are approximate in nature due to their proximity above ground. size, type and quantity must be verified prior to design or construction.
- 11. Accuracy statement: This survey meets or exceeds the horizontal accuracy for SUBURBAN LINEAR: 1 FOOT IN 7,500 FEET.

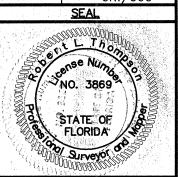
DATE OF FIELD SURVEY: 10-30-00	DRAWN BY: Q.D.I.	
FIELD BOOK: 699-32	CHECKED BY: S.V.	
REVISIONS & SURVEY UPDATES	DATE OF SURVEY & REVISIONS	BY
FINAL SURVEY 21-0731	06-21-2021	MLW
RELOCATE SUMMER KITCHEN COLUMNS (20-0168)	01-30-20	MLW
SPOT SURVEY 19-2910	12-17-19	MLW
FORMBOARD LOCATIONS 19-2701	11-21-19	MLW
4 CORNER SQUAREOUT 19-2361	10-10-19	MLW
UPDATE/TOPO SURVEY SU-18-1800	07-02-18	AL/MLW
RE-SURVEY SU-17-1586	05-09-17	OIM/CCC

#### **CERTIFY TO:**

Russell and Diana Kitchen

#### **CERTIFICATION:**

This is to certify that this above ground sketch of boundary survey was made under my responsible charge and is accurate and correct to the best of my knowledge and belief. I further certify that this sketch meets the current Standards of Practice, established by the Board of Professional Surveyors and Mappers, Chapter 5J-17, Florida Administrative Codes, pursuant to current Section 472.027, Florida Statutes.



Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.



SHEET 1 OF 1 SCALE 1"=20' SKETCH NUMBER SU-00-5412



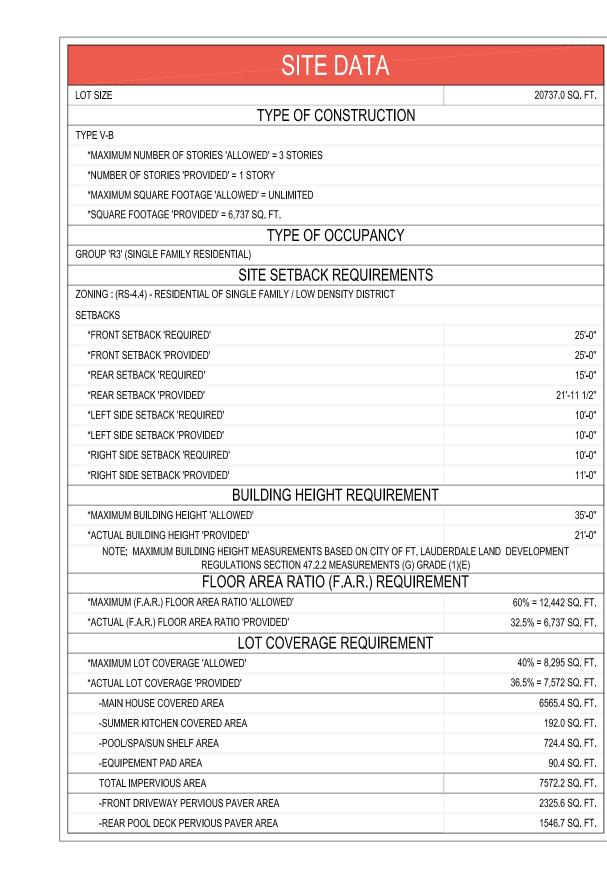




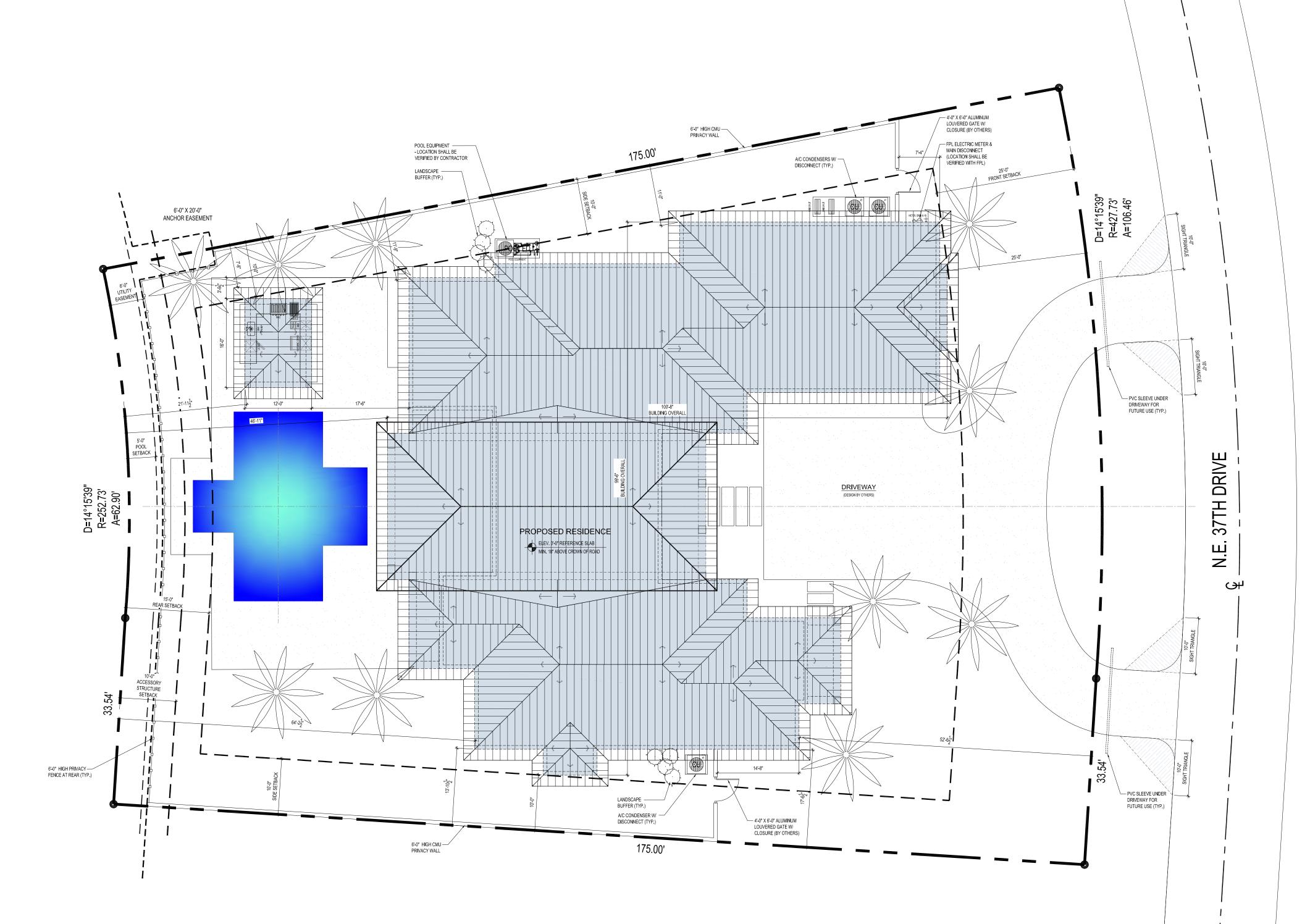




Side Views Interior View



	WII	NDO	W &	DOC	R	S	Cł	HEDULE
			XTEF	RIOR V	VIN	ID(	NC	/S
(W-##)	TYPE	EACH WIN	DOW SIZE	TRANSOM	COLONIAL	AMA TERS	PA EP	NOTES
VV-##	ITFE	WIDTH	HEIGHT	IKANSOW	SHUT	BAH. SHUT	LOUN NEW	NOTES
W-01	FIXED	3'-0"	8'-0"	3'-0"X3'-0"	Х			W/ 6-PANEL MUNTINS W/ 8-PANEL MUNT
W-02	SINGLE HUNG	3'-0"	5'-0"	1'-8"X3'-0"				W/ 6 / 0 MUNTINS W/ 3-PANEL MUNTIN
W <b>-</b> 03	SINGLE HUNG	3'-0"	5'-0"	1'-8"X3'-0"				W/ 6 / 0 MUNTINS W/ 3-PANEL MUNTIN
W-04	SINGLE HUNG	3'-0"	5'-0"	1'-8"X3'-0"	Х	Х		W/ 6 / 0 MUNTINS W/ 3-PANEL MUNTIN
W-05	SINGLE HUNG	3'-0"	5'-0"	1'-8"X3'-0"				-
W-06	SINGLE HUNG	3'-0"	5'-0"	1'-8"X3'-0"				-
W-07	SINGLE HUNG	3'-0"	5'-0"	1'-8"X3'-0"				-
W-08	FIXED	3'-0"	5'-0"	-				-
W <b>-</b> 09	FIXED	2'-8"	5'-0"	-				<del>-</del>
W-10	CASEMENT	3'-0"	5'-0"	-				-
W-11	CASEMENT	3'-0"	5'-0"	_				<u> </u>
W-12	CASEMENT	2'-8"	5'-0"	_				<u>-</u>
W-12	CASEMENT	2'-8"	5'-0"	_				
W-14	3-PANEL FIXED	3'-0"	8'-0"	-				W/ DOUBLE HEIGHT SILL FRAM
W-14 W-15	FIXED	3'-0"	4'-0"	-			\ \ \	W/ DOUBLE HEIGHT SILL FRAIM
		3'-0"	4'-0"	-			X	-
W-16	FIXED			-			X	-
W-17	2-PANEL FIXED	6'-0"	4'-0"	-			Х	-
W-18	FIXED	3'-0"	5'-0"	-				-
W-19	DOUBLE CASEMENT	6'-0"	5'-0"	-				-
W <b>-</b> 20	FIXED	3'-0"	5'-0"	-				-
W <b>-</b> 21	FIXED	3'-0"	3'-0"	-				-
W-22	FIXED	3'-0"	3'-0"	-				-
W <b>-</b> 23	SINGLE HUNG	3'-0"	5'-0"	1'-8"X3'-0"	Х	Χ		W/ 6 / 0 MUNTINS W/ 3-PANEL MUNTIN
W <b>-</b> 24	SINGLE HUNG	3'-0"	5'-0"	1'-8"X3'-0"	Х	Χ		W/ 6 / 0 MUNTINS W/ 3-PANEL MUNTIN
W-25	SINGLE HUNG	3'-0"	5'-0"	1'-8"X3'-0"				W/ 6 / 0 MUNTINS W/ 3-PANEL MUNTIN
W-26	SINGLE HUNG	3'-0"	5'-0"	1'-8"X3'-0"				W/ 6 / 0 MUNTINS W/ 3-PANEL MUNTIN
W-27	FIXED	3'-0"	8'-0"	3'-0"X3'-0"	Х			W/ 6-PANEL MUNTINS W/ 8-PANEL MUN
W-28								
NOTES:								
#1	ALL ROUGH OPE	VINGS SHA	ALL BE FIE	LD VERIFIEI	D BY	MAN	JFAC	TURER PRIOR TO WINDOW FABRICATI
#2	ALL WINDO	OW OPENI	NG ASSEM	IBLIES SHAL	L BE	IMP/	CT R	ATED UNLESS OTHERWISE NOTED
			EXTE	ERIOR	D(	00	RS	
D-##	TYPE	WIDTH	HEIGHT	TRANSOM	COLONIAL SHUTTERS			
D-01	ENTRY SWING DOOR	3'-6"	8'-0"	3'-0"X3'-0"	- 03	- W	X	W/ 1'-6" SIDELITES & 3-MUNTINS W/ 8-PANEL MU
D-02	GARAGE DOOR	18'-0"	8'-0"	-			<u> </u>	W/ 12-PANEL LOUVERED INLAY
D-02	GARAGE DOOR	9'-0"	8'-0"					W/ 8-PANEL LOUVERED INLAY
D-03	SWING DOOR	3'-0"	8'-0"	-				
D-04 D-05	HALF LITE SWING DOOR	2'-8"	8'-0"				\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	-
		2'-8"	8'-0"	-			Х	W/ 2-PANEL LOUVERED INLAY
D-06	SWING DOOR			(4) El Olivol Oli				
	SLIDING GLASS DOOR	20'-0"	8'-0"	(4) 5'-0"X3'-0"				4-PANEL DOOR
	SLIDING GLASS DOOR	12'-0"	8'-0"	-				3-PANEL DOOR
D-09 NOTES:	DOUBLE FULL LITE DOOR	6'-0"	8'-0"	-				W/ 3'-0"X8'-0" SIDELITES W/ 6-MUN



SUMMER KITCHEN REAR ELEVATION

TOP OF PAVERS
ELEV. (-)I'-O"

3

4

1

12

SUMMER KITCHEN LEFT ELEVATION

TOP OF PAVERS

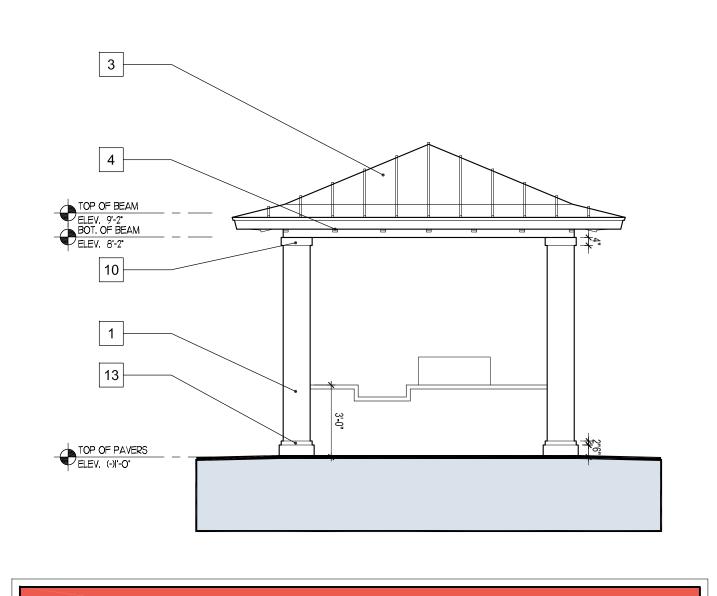
ELEV. (-)I'-O'

100000

/ ROOF PITCH

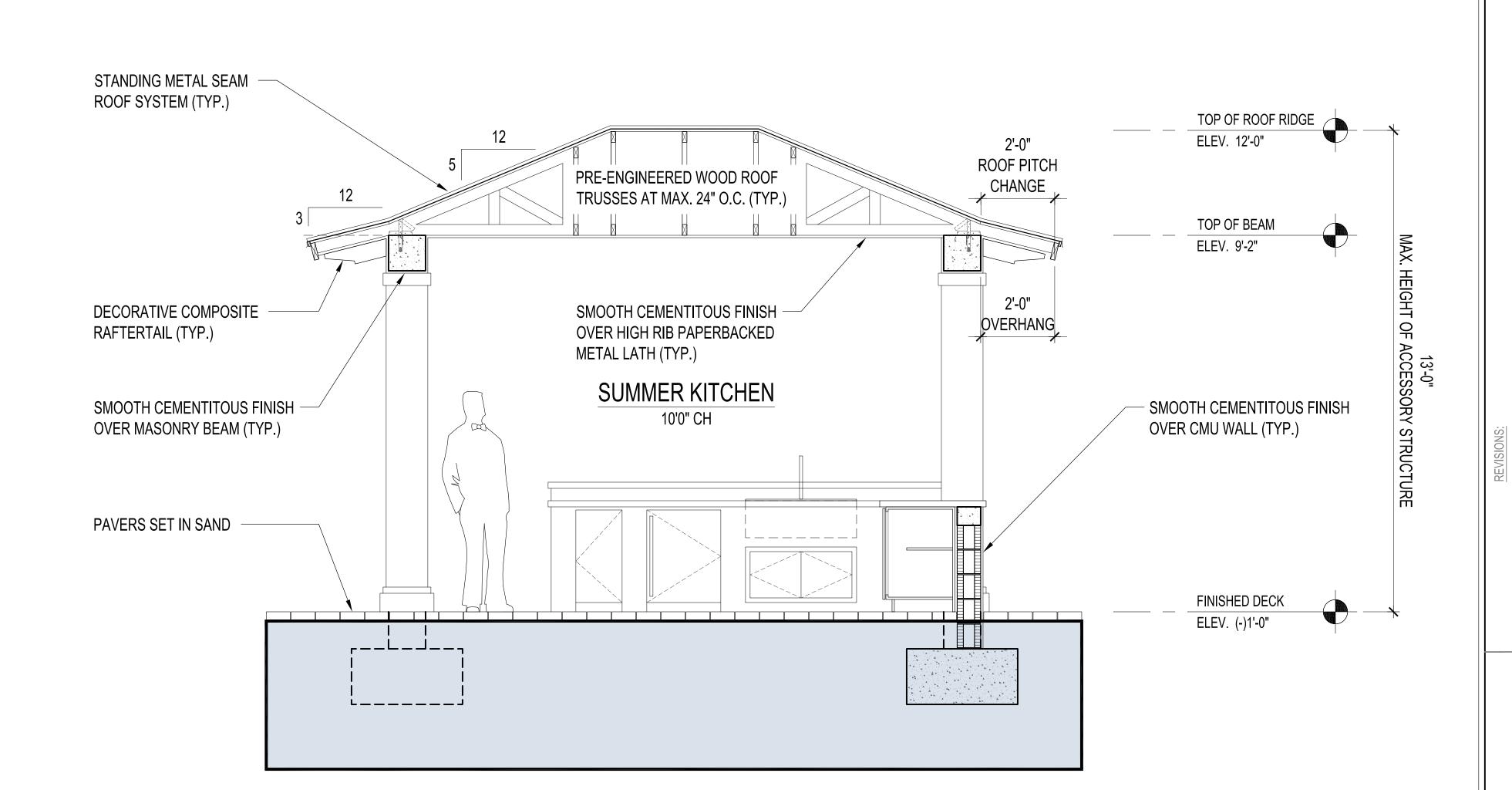
/ ROOF PITCH TOP OF PAVERS
ELEV. (-)I'-O"

SUMMER KITCHEN FRONT ELEVATION
SCALE: 1/4" = 1'-0"



SUMMER KITCHEN RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



SUMMER KITCHEN BUILDING SECTION

0

3/4" RAISED SMOOTH CEMENTITOUS TRIM BAND DOUBLE TRIM BAND; 1-1/4" RAISED SMOOTH CEMENTITOUS TOP TRIM BAND W/3/4" RAISED SMOOTH CEMENTITOUS BOTTOM TRIM BAND

DOUBLE TRIM BAND: 3/4 RAISED SMOOTH CEMENTITOUS TOP TRIM BAND W/ " 1-1/4"RAISED SMOOTH CEMENTITOUS BOTTOM TRIM BAND

DECORATIVE COMPOSITE LOUVER INLAY BELOW WINDOW

SIDE KITCHEN RES 2657 N.E. 37TH DRIVE FT.LAUDERDALE, FL

REVISI A CIT 2 CIT 3 CLI A AS-

#### PLN-BOA-21120006

#### Sec. 47-19.2.P. Free Standing Shade Structures

(P.) Freestanding shade structures. Freestanding shade structures (such as a gazebo, a tiki hut, or a trellis) may be permitted when accessory to residential uses, in the required rear yard but no closer than five (5) feet from the rear property line except where a parcel is abutting a waterway, where they shall be no closer than ten (10) feet from the waterway as measured in accordance with Section 47-2.2.R. Freestanding shade structures shall be open on all sides and shall be no greater in height than twelve (12) feet measured from the ground to the top of the structure, and shall be limited in size to a maximum of two hundred (200) gross square feet in area for that portion of the structure protruding into the required yard area. No more than one (1) freestanding shade structure per plot shall be permitted in the required rear yard.



Site Address	2657 NE 37 DRIVE, FORT LAUDERDALE FL 33308	ID#	4942 24 07 1470
1 1 1 1 1 1 1 1	KITCHEN, DIANA H/E	Millage	0312
	KITCHEN, RUSSELL	Use	01
Mailing Address	6061 NE 14 AVE FORT LAUDERDALE FL 33334-5007		
Abbr Legal Description	CORAL RIDGE COUNTRY CLUB SUB 36-30 B LOT 14 BLK G		

## The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

	* 2022 values are considered "working values" and are subject to change.								
	Property Assessment Values								
Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax				
2022	\$619,620	\$10	\$619,630	\$619,630					
2021	\$619,620	\$10	\$619,630	\$619,630	\$10,995.78				
2020	\$619,620	\$10	\$619,630	\$619,630	\$10,941.08				
		2022 Exemptions and	Taxable Values by Tax	ing Authority					
		County	School Board	Municipal	Independent				
Just Val	ue	\$619,630	\$619,630	\$619,630	\$619,630				
Portability		0	0	0	0				
Assesse	d/SOH 18 \$619,630		\$619,630	\$619,630	\$619,630				
Homeste	ead 100%	\$25,000	\$25,000	\$25,000	\$25,000				
Add. Ho	mestead	\$25,000	0	\$25,000	\$25,000				
Wid/Vet/	Dis	0	0	0	0				
Senior	enior 0 0		or 0 C		0	0			
Exempt	npt Type 0		0	0	0				
Taxable	sable \$569,630		\$594,630	\$569,630	\$569,630				
	S	Sales History	Land Calcu	lations					

Sales History								
Date	Туре	Price	Book/Page or CIN					
6/23/2017	DRR-T		114477685					
5/15/2017	WD-Q	\$1,070,000	114387403					
4/3/2012	QCD-T		48681 / 1293					
4/24/2007	QCD-T	\$100	43969 / 186					
9/29/2005	WD	\$1,600,000	40638 / 108					

Land Calculations							
Price	Factor	Туре					
\$30.00	20,654	SF					
Adj. Bl							

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F3		
L								
1						20654		

1 of 1 11/30/2021, 12:26 PM