



**HYBRID BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS
DECEMBER 8, 2021 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

Board Members	Attendance	Cumulative Attendance 6/2021 through 5/2022	
		Present	Absent
Howard Nelson, Chair	A	5	1
Patrick McTigue, Vice Chair	P	6	0
Howard Elfman	P	6	0
Eugenia Ellis	P	6	0
Chadwick Maxey	P	5	1
Blaise McGinley	P	6	0
Douglas Reynolds	A	4	2

Alternates

Michael Lambrechts	A	5	1
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Staff

D' Wayne Spence, Assistant City Attorney
Stephanie Hughey, Senior Administrative Assistant
Burt Ford, Zoning Chief
Mohammed Malik, Zoning Administrator
Jamie Opperlee, Recording Secretary, Prototype Inc.

Purpose: Section 47-33.1.

The Board of Adjustment shall receive and hear appeals in cases involving the ULDR, to hear applications for temporary nonconforming use permits, special exceptions and variances to the terms of the ULDR, and grant relief where authorized under the ULDR. The Board of Adjustment shall also hear, determine and decide appeals from reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the ULDR, as provided herein.

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I. Call to Order

The meeting was called to order at 6:00 p.m. Roll was called and a quorum determined to be present.

II. Approval of Minutes – November 10, 2021

Motion made by Ms. Ellis, seconded by Mr. Maxey, to approve the Board’s November 10, 2021 minutes. In a voice vote, motion passed unanimously.

III. Public Sign-In / Swearing-In

All individuals wishing to speak on the matters listed on tonight’s agenda were sworn in.

Before each item, Board members disclosed communications they had and site visits made.

IV. Agenda Items

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CASE: PLN-BOA-21070002

OWNER: Kelly A. Reutenauer

AGENT: N/A

ADDRESS: 3150 NW 66 ST, FORT LAUDERDALE, FLORIDA 33309
LOT 8, BLOCK 12, PALM-AIRE VILLAGE 2ND SECTION ADDITION
2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN
LEGAL DESCRIPTION: PLAT BOOK 74, PAGE 25, OF THE PUBLIC RECORDS OF
BROWARD COUNTY, FLORIDA

ZONING DISTRICT: RS-5 – BROWARD COUNTY ZONING*

COMMISSION DISTRICT: 1

REQUESTING: Sec. 39-275.(1) Easements, Broward County Zoning Code*

1. Requesting a variance to allow a shed in an easement whereas the code states No permanent structure except a wood or chain link fence shall encroach upon or into any easement of record. No structure or use shall encroach upon or obstruct access through any easement specifically granted for ingress or egress purposes.

Sec. 39-275.(3)(d) Yard encroachments, Broward County Zoning Code*

2. Requesting a variance to allow a shed at a setback distance of 2.4 feet from the southeast property line and 1.9 feet from the southwest property line whereas the code states On a plot containing a one-family detached or two family dwelling, side and rear yards not abutting a street may be reduced to five (5) feet for accessory uses and buildings. A total reduction of 2.6 feet from the southeast property line and 3.1 feet from the southwest property lines.

Sec. 39-275.(3)(g) Yard encroachments, Broward County Zoning Code*

3. Requesting a variance to allow a one story accessory building at a setback distance of 6.9 feet from the principal building whereas the code states One-story accessory buildings shall be at least ten (10) feet from any other accessory building and from any principal building on the same plot. A total reduction 3.1 feet.

**This area was annexed into the City of Fort Lauderdale in the year 2000 and remains subject to the Broward County Zoning Code in effect at the time of annexation until such time as the area is rezoned by the City of Fort Lauderdale.*

Kelly Reutenauer and Tom Reutenauer, owners, said they had built a shed three years ago and needed a variance for the location. Ms. Reutenauer stated this was the only place on the property that a shed would fit because the property was wedge-shaped. Ms. Reutenauer said several neighbors had submitted letters of support. She said she had not been able to contact all utility companies regarding the use of the easement. They had not been aware they needed a permit for the shed.

Mr. Malik explained that even if the variances were granted, the owners must still have approval in writing from all utilities regarding the easement.

Mr. Spence stated the variances would also not affect the rights of the utilities to access and use the easement and they would have the right to demolish the shed if needed. He added that this would not set a precedent.

Ms. Reutenauer said she had no success contacting ATT, Comcast or FPL. Mr. Spence said the Department of Sustainable Development could provide the contact information for the utility companies. Mr. McGinley advised the Reutenauers that it may be appropriate to hire a civil engineer who specialized in property development.

Vice Chair McTigue opened the public hearing.

Nichlas Cacchione, neighbor, said he had no objections to the shed. He stated there were other sheds in the neighborhood.

Carolyn Bustamante, neighbor, said the shed looked as nice as the Reutenauers' home.

There being no other members of the public wishing to address the Board on this item, Vice Chair McTigue closed the public hearing and brought the discussion back to the Board.

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

To approve the variance requests for case PLN-BOA-21070002 because they met the criteria for a variance.

In a roll call vote, motion passed 5-0.

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CASE:	PLN-BOA-21100003
OWNER:	1415 SW LLC
AGENT:	Michael A. Rajtar, ESQ., and Ebryonna Wiggins, ESQ.,
ADDRESS:	1415 SW 27 TH COURT, FORT LAUDERDALE, FLORIDA 33315
LEGAL DESCRIPTION:	LOT 4, BLOCK 2, OF HIBISCUS GARDENS AS RECORDED IN PLAT BOOK 10 AT PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
ZONING DISTRICT:	RS-8, RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
COMMISSION DISTRICT:	4
REQUESTING:	Note: The subject lot is a formerly legally nonconforming lot that lost its status in accordance with Section 47-3.3.B.3 of the ULDR which provides: "If two (2) or more lots with continuous frontage are in a single ownership and if any of the lots are

nonconforming, the nonconforming lot and the parcel or lot abutting the nonconforming lot shall be deemed by operation of law to be merged and considered to be an undivided plot. No development permit shall thereafter be issued for a use of the nonconforming lot which has been merged with another parcel which recognizes a reduction of the merged parcel below the requirement for a lot which meets the ULDR requirements of the zoning district where the lot is located”.

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

1. Requesting a variance regarding lot 4, to allow the existing structure to be at a setback distance of 4.4 feet on West side yard whereas the code requires a minimum setback of 5 feet a total variance request of 0.60 feet.
2. Requesting a variance from the minimum front yard setback of 25 feet to 16.26 feet
3. Requesting a variance from the minimum lot size requirements of 6000 square feet to 4738 square feet a total reduction of 1262 square feet.
4. Requesting a variance from the minimum lot width requirements of 50 feet to 46 feet a total reduction of 4 feet.

Michael A. Rajtar, agent presented the requests.

Mr. McGinley asked the intent and Mr. Rajtar stated the goal was to re-plat the property back to its original state.

Vice Chair McTigue opened the public hearing. There being no members of the public wishing to address the Board on this item, Vice Chair McTigue closed the public hearing and brought the discussion back to the Board.

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

To approve the variance requests for case PLN-BOA-21100003 because they met the criteria for a variance.

In a roll call vote, motion passed 5-0.

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CASE: PLN-BOA-21110006

OWNER: 1415 SW LLC

AGENT: MICHAEL A. RAJTAR, ESQ., and EBRYONNA WIGGINS, ESQ.,

ADDRESS: 1417 SW 27TH COURT, FORT LAUDERDALE, FLORIDA 33315

LEGAL DESCRIPTION: LOT 5, OF BLOCK 2, OF HIBISCUS GARDENS, AS RECORDED IN PLAT BOOK 10 AT PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

ZONING DISTRICT: RS-8, RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY

COMMISSION DISTRICT: 4

REQUESTING: **Note: The subject lot is a formerly legally nonconforming lot that lost its status in accordance with Section 47-3.3.B.3 of the ULDR which provides: "If two (2) or more lots with continuous frontage are in a single ownership and if any of the lots are nonconforming, the nonconforming lot and the parcel or lot abutting the nonconforming lot shall be deemed by operation of law to be merged and considered to be an undivided plot. No development permit shall thereafter be issued for a use of the nonconforming lot which has been merged with another parcel which recognizes a reduction of the merged parcel below the requirement for a lot which meets the ULDR requirements of the zoning district where the lot is located".**

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

1. Requesting a variance from the minimum lot size requirements of 6000 square feet to 4738 square feet a total reduction of 1262 square feet.
2. Requesting a variance from the minimum lot width requirements of 50 feet to 46 feet a total reduction of 4 feet.

Sec. 47-19.2.S - Accessory buildings, structures and equipment, general.

3. Requesting a variance for an existing air conditioner compressor located on the east side, from the minimum 5 feet side yard requirement to be reduced to 1.67 feet, a total reduction of 3.33 feet

Michael A. Rajtar, agent presented the requests.

Vice Chair McTigue opened the public hearing. There being no members of the public wishing to address the Board on this item, Vice Chair McTigue closed the public hearing and brought the discussion back to the Board.

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

To approve the variance requests for case PLN-BOA-21110006 because they met the criteria for a variance.

In a roll call vote, motion passed 5-0.

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CASE:	PLN-BOA-21110002
OWNER:	Luis & Aleida Ramirez
AGENT:	N/A
ADDRESS:	2525 BAYVIEW DRIVE, FORT LAUDERDALE, FLORIDA 33305
LEGAL DESCRIPTION:	LOT 1, BLOCK 2, OF CORAL RIDGE GALT ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, AT PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA
ZONING DISTRICT:	RS-4.4 - Residential of Single Family/Low Density
COMMISSION DISTRICT:	1
REQUESTING:	Sec. 47-5.30. - Table of dimensional requirements for the RS-4.4 district. (Note A)

1. Requesting a variance to allow a one story carport structure at a setback distance of 8 feet 8 inches from North corner yard setback, Whereas the code requires a 25 feet corner yard setback A total reduction 16 feet 4 inches.

Luis & Aleida Ramirez, owners, presented the request. Ms. Ramirez said they wished a carport to shelter their vehicle and they felt this was the least obtrusive location. She informed Mr. Maxey they were aware that several neighbors opposed their request.

Vice Chair McTigue opened the public hearing.

Gregory Kooyumjian, neighbor, said he adamantly opposed the request. He felt this would not be compatible with other homes in the area. He pointed out that there was a parking facility on the side of the home.

Ellen Avery, neighbor, said the structure would block her view. She remarked that whenever there was redevelopment, elevations changed and this was causing flooding on her property.

There being no other members of the public wishing to address the Board on this item, Vice Chair McTigue closed the public hearing and brought the discussion back to the Board.

Ms. Ellis asked if there were any other structures like this in the neighborhood. Mr. Ramirez stated he was not sure.

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

To approve the variance request for case PLN-BOA-21110002 because it met the criteria for a variance.

In a roll call vote, motion **failed** 0-5.

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CASE:	PLN-BOA-21110004
OWNER:	Spectrum Investors LLC
AGENT:	Andrew J Schein, ESQ./LOCHRIE & CHAKAS, P.A.
ADDRESS:	2050 SPECTRUM BLVD, FORT LAUDERDALE, FLORIDA 33309
LEGAL DESCRIPTION:	A PORTION OF TRACT "J", COMMERCE PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 112, PAGE 18, TOGETHER WITH A PORTION OF THAT CERTAIN CANAL EASEMENT IN THE NORTHWEST ONE-QUARTER (NW. PAGE 18, TOGETHER WITH A PORTION OF THAT CERTAIN CANAL EASEMENT IN THE NORTHWEST ONE-QUARTER (NW. 1/4) OF THE SOUTHWEST ONE-QUARTER (S. W. 1/4) OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 42 EAST, RECORDED IN OFFICIAL RECORD BOOK 3223, PAGE 810, ALL OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID TRACT "J", THENCE NORTH 01"30'00" WEST ALONG THE WEST LINE OF SAID TRACT "J" AND THE EAST RIGHT OF WAY LINE OF N.W. 21ST AVENUE AS SHOWN ON SAID COMMERCE PARK

PLAT, A DISTANCE OF 504.96 FEET, THENCE NORTH 88.30'00" EAST, A DISTANCE OF 37.50 FEET, THENCE NORTH 07'30'00" WEST, A DISTANCE OF 74.44 FEET; THENCE NORTH 43'32'56" EAST, A DISTANCE OF 21.95 FEET; THENCE NORTH 88.35'51" EAST, A DISTANCE OF 7.97 FEET; THENCE NORTH 01'24'09" WEST, A DISTANCE OF 25.00 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT "J" AND THE SOUTH RIGHT OF WAY LINE OF N. W. 49TH STREET, AS SHOWN ON SAID COMMERCE PARK PLAT, THENCE NORTH 88'35'57" EAST, ALONG THE NORTH LINE OF SAID TRACT "J" AND SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 426.04 FEET, THENCE SOUTH 01'24'09" EAST, ALONG A LINE PARALLEL WITH AND 33.92 FEET WEST OF AS MEASURED AT RIGHT ANGLES TO THE EAST LINE OF SAID TRACT "J" AND A SOUTHERLY PROJECTION THEREOF, A DISTANCE OF 640.00 FEET TO A POINT ON THE SOUTH LINE OF SAID CERTAIN CANAL EASEMENT AND THE SOUTH LINE OF THE SAID NORTHWEST ONE-QUARTER (N.W. 1/4) OF THE SOUTHWEST ONE-QUARTER (S.W. 1/4) OF SECTION 16; THENCE SOUTH 88'35'51" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 479.99 FEET TO THE EAST RIGHT OF WAY LINE OF SAID N.W. 21ST AVENUE AND A SOUTHERLY PROJECTION OF THE WEST LINE OF SAID TRACT "J", THENCE NORTH 07'30'00" WEST ALONG SAID SOUTHERLY PROJECTION, A DISTANCE OF 80.00 FEET TO THE POINT OF BEGINNING. TOGETHER WITH: A PORTION OF TRACTS "I" AND "J" OF COMMERCE PARK ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 112, PAGE 18 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH A PORTION OF THAT CERTAIN 80 FOOT CANAL EASEMENT, RECORDED IN OFFICIAL RECORDS BOOK 3223, PAGE 810 THROUGH 811 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID EASEMENT LYING IN THE SOUTHWEST ONE-QUARTER (S. W. 1/4) OF SECTION 16, TOWNSHIP 49 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT "I", THENCE NORTH 88'35'51" EAST, ALONG THE NORTH LINE OF SAID TRACT "I", A DISTANCE OF 102.08 FEET, THENCE SOUTH 01'24'09" EAST, ALONG A LINE 702.08 FEET EAST OF AND PARALLEL WITH AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID TRACT "I" AND A SOUTHERLY

PROJECTION THEREOF, A DISTANCE OF 640.00 FEET, THENCE SOUTH 88'35'51" WEST, ALONG THE SOUTH LINE OF THAT SAID 80 FOOT CANAL EASEMENT, A DISTANCE OF 136.00 FEET, THENCE NORTH 01'24'09" WEST, ALONG A LINE 33.92 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACT "I", A DISTANCE OF 640.00 FEET, THENCE NORTH 88'35'51" EAST, ALONG THE NORTH LINE OF SAID TRACT "J", A DISTANCE OF 33.92 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

**ZONING
DISTRICT:
COMMISSION
DISTRICT:
REQUESTING:**

AIP - Airport Industrial Park District

1

Sec. 47-14.22.A.1 - Minimum design standards. Fences and walls.

1. Requesting a variance to permit a metal picket fence instead of a chain-link fence, where the code requires that metal fences be open-weave chain-link fences.

Sec. 47-14.22.A.5 - Minimum design standards. Fences and walls.

2. Requesting a variance to permit a 6 feet fence within the north setback where ULDR Section 47-14.22.A.5 limits fences within a street-side setback to 3 feet a total increase in height of 3 feet.

Andrew J Schein, agent, gave a Power Point presentation, a copy of which is attached to these minutes for the public record.

McGinley asked how this variance would affect a future request for major renovation. Mr. Malik said the variance would stand alone.

Vice Chair McTigue opened the public hearing. There being no members of the public wishing to address the Board on this item, Vice Chair McTigue closed the public hearing and brought the discussion back to the Board.

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

To approve the variance requests for case PLN-BOA-21110004 because they met the criteria for a variance.

In a roll call vote, motion passed 5-0.

Communication to the City Commission

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None

Report and for the Good of the City

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None

Other Items and Board Discussion

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Mr. Spence explained there had been some confusion regarding the Board making motions in the affirmative for approval or denial. His opinion now was that if a motion to approve failed, the Board did *not* need to make another motion to deny. If a motion for denial failed, there *should* be a motion for approval.

Vice Chair McTigue announced that the City Commission had approved an ordinance the Board requested to clarify elevations of fences. He thanked staff.

There being no further business to come before the Board, the meeting adjourned at 6:45 p.m.

Chair:



Attest:



ProtoType Inc.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.