



**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS
MARCH 9, 2022 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

Board Members	Attendance	Cumulative Attendance 6/2021 through 5/2022	
		Present	Absent
Howard Nelson, Chair	P	7	1
Patrick McTigue, Vice Chair	P	8	0
Howard Elfman	P	7	1
Eugenia Ellis	P	7	1
Chadwick Maxey	P	7	1
Blaise McGinley	P	8	0
Douglas Reynolds	P	5	3

Alternates

Michael Lambrechts	P	7	1
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Staff

D' Wayne Spence, Assistant City Attorney
Stephanie Hughey, Administrative Assistant
Chakila Crawford, Senior Administrative Assistant
Burt Ford, Zoning Chief
Jamie Opperee, 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 – February 9, 2022**

Motion made by Mr. McGinley, seconded by Ms. Ellis, to approve the Board’s February 9, 2022 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.

Items were heard out of order.

Andrew Schein, attorney, requested a deferral for items 4, 5 and 6

Motion made by Ms. Ellis, seconded by Mr. McTigue, to defer items 4, 5 and 6 to the Board’s April meeting. In a voice vote, motion passed unanimously.

IV. **Agenda Items**

Items 1 and 2 were presented, discussed, and voted on together:

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1. CASE: PLN-BOA-21120001
OWNER: RIDGE HOUSES 2 LLC
AGENT: EDEWAARD, CABOT

ADDRESS: 629 N.E. 18TH AVENUE, FORT LAUDERDALE, FL
33304

LEGAL DESCRIPTION: LOT 8, BLOCK 20, VICTORIA PARK, ACCORDING TO
THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK 10, PAGE 66, OF THE PUBLIC RECORDS OF
BROWARD COUNTY, FLORIDA

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

COMMISSION DISTRICT: 2

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)

- Requesting a variance from the minimum lot width requirements of 50 feet to 48 feet, a total reduction of 2 feet.

This case was Deferred from the February 9, 2022 Agenda

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

Chair Nelson asked how this would be grandfathered in if there had only been a single home on the lot. Mr. Schein said if the house were demolished, and the lot was sold to two different owners, two homes would be permitted. He confirmed that the lot had always had two tax folios.

Mr. Maxey asked about building plans and Mr. Schein stated drawings for the proposed homes were in the backup.

Mr. Maxey asked about the hardship and Mr. Schein said there was one deed with two lots and two tax folios. This was a function of how the lots were platted.

Chair Nelson recalled the owner had requested a deferral at the previous meeting to confer with neighbors. Mr. Schein said this had occurred and the neighbors with whom the owner had met were still opposed to the request.

Chair Nelson opened the public hearing.

Skeet Jernigan said the two non-conforming lots had been merged by the City and the applicant was requesting a variance. He said the variance criteria required the applicant demonstrate a unique hardship. He reviewed the five criteria, and said the request met none. Mr. Jernigan stated all neighbors on the 600 block of NE 18th Avenue opposed the requests. He noted the owner proposed to build a total of 9,000 square feet of living space where the previous home had been 2,500 square feet, an overwhelming impact on the surrounding neighborhood.

Mr. Elfman asked how Mr. Jernigan knew the neighbors opposed the requests. Mr. Jernigan said they had met several times and all had signed a letter.

Stephen Lehman, neighbor, said the applicant had not tried to contact him. He acknowledged that the lot size was not as much of an issue as there being two houses proposed in this location instead of one. He said this was an area with larger lots and this would change the character of the neighborhood.

Other neighbors stood to indicate they opposed the request: Marcia Beard, Teresia Lima, Jeff Lowe, and Connie Dee.

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

Ms. Ellis asked if the neighborhood association had been contacted and Mr. Schein said he was not aware if it had. He stated there was "no meeting of the minds" with the neighbors. He had no letters of support.

Chair Nelson asked if the grandfathered use could be reclaimed if it had been discontinued. Mr. Spence said when a lot had been combined, it was the intent of the non-conforming use section of the code to bring everything into conformity with the new code.

Chair Nelson thought the proposal in the application to reorient the two homes from east/west to north/south would cross lot lines and would not be legally conforming lots by plat. Mr. Spence said it was lawful to subdivide without re-platting when

redeveloping three or fewer residential lots. Mr. Ford said a section of the relevant code indicated the orientation of the lots must be “in sync” with the rest of the neighborhood.

Mr. Maxey asked if the lot owner to the north had been approached to buy a portion or all of that property. Mr. Schein was not aware if that had been done.

Chair Nelson said he was troubled by this application. He could not determine a hardship in this circumstance. He said this had always been a single family home and this owner had purchased it as one. He noted the owner could reorient the houses to locate two homes on the lots, or he could split the lots to two owners. He stated this ran completely against the City’s goal of make more conforming lots.

Mr. McGinley said the ordinance, as written, indicated an intent to limit density and this was counter to that goal.

Mr. Elfman disclosed that he was the Planning and Zoning Chair for the neighborhood and he was also a real estate agent. He confirmed that this project had not come to him in either capacity and his association had taken no position on this request. Mr. Spence said Mr. Elfman must recuse himself if there could be an economic gain or loss to him. It was at his discretion to recuse himself if he felt his position would jeopardize the hearing by showing bias for the case at hand. Mr. Elfman decided to recuse himself.

Ms. Ellis felt the request was sorely lacking.

Chai Nelson confirmed that five yes votes would be needed to pass and Mr. Schein requested a deferral to the next hearing.

Mr. Jernigan opposed the request for a deferral. He pointed out the applicant had been asked to meet with neighbors since the last deferral. The owner had been given the opportunity and not done it.

Motion made by Mr. Reynolds, seconded by Ms. Ellis to defer Items 1 and 2 to the Board’s April meeting. In a roll call vote, motion passed 5-1 with Chair Nelson opposed and Mr. Elfman abstaining.

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2. CASE:	PLN-BOA-21120002
OWNER:	RIDGE HOUSES 2 LLC
AGENT:	EDEWAARD, CABOT
ADDRESS:	1765 N.E. 6 TH COURT, FORT LAUDERDALE, FL 33304

**LEGAL
DESCRIPTION:**

LOT 9, BLOCK 20, VICTORIA PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 66, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. CONTAINING 6,215 SQUARE FEET OR 0.1426 ACRES, MORE OR LESS.

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

RS-8 -RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY

2

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)

- Requesting a variance from the minimum lot width requirements of 50 feet to 48 feet a total reduction of 2 feet.

This case was Deferred from the February 9, 2022 Agenda

Deferred to the Board's April meeting.

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3. CASE: PLN-BOA-22020001
OWNER: MANAGENEST LLC
AGENT: LAUDY FLORENTINO

ADDRESS: 1463 SW 29 AVE, FORT LAUDERDALE, FL 33312
LEGAL DESCRIPTION: CHULA VISTA, according to the plat thereof as recorded in Plat Book 22, Page(s) 7, of the Public Records of Broward County, Florida.
ZONING DISTRICT: RS-6.85B - Irregular Residential
COMMISSION DISTRICT: 4
REQUESTING: **Sec. 47-39.A.6.F. - Dimensional requirements.**

- Requesting a variance to allow an existing after the fact addition at a side yard setback (South Side) distance of 6.7 feet whereas the code requires a setback of 7.5 feet, a total decrease in setback of 0.80 feet.

Sec. 47-3.2.B.1 - Nonconforming structure.

- A nonconforming structure may not be enlarged or altered in a way which increases its nonconformity, but a nonconforming structure may be altered to decrease its nonconformity. The applicant seeks a variance to allow the alteration of a nonconforming structure that increases its nonconformity by adding 349 square feet to an existing non-conforming rear unit.

Laudy Florentino, owner, explained that he was requesting a variance to allow the existing addition, which was eight inches into the setback, and a variance to increase the non-conforming structure by 349 square feet. He stated the hardship was that the structure was built slightly different from the plans.

Ms. Ellis noted that this property, in Chula Vista, was annexed from the County in 2002. Mr. Ford said there was new construction, which was not annexed in. There was no proof of permit supplied to the City.

Mr. Florentino said he had poured the foundation for the non-conforming wall, under a permit. He had not asked for a spot survey and found out when the permit was inspected that the wall was in the setback.

Chair Nelson noted the plans showed the wall in the acceptable side yard, but in the field, the wall was one foot over. Mr. Spence said the second variance was for the rear

structure listed as an existing one-story building, as a legal, non-conforming use, for which Mr. Florentino had increased the square footage. This structure was also encroaching into the side yard. The first variance referred to the new addition that was incorrectly built, and the existing one-story building that encroached into the rear. The second variance request related to the rear structure.

Mr. Florentino said the building had been encroaching into the side yard before the addition. He pointed out that the modification actually reduced the encroachment. Mr. McGinley said an attempt was made at remediation and then a construction error had occurred.

Chair Nelson opened the public hearing.

Chad Krazman, neighbor, said his home was in a similar situation, and wanted to be able to do what Mr. Florentino was doing with his property. Chair Nelson reminded Mr. Krazman that each variance request stood on its own. Mr. Krazman said he did not object to this variance request.

Mr. Spence referred to a recent change in State Statute that allowed accessory structures to be used for affordable housing. Broward County had amended the land use plan to indicate that density calculations did not apply to these structures. He said the City had not adopted an ordinance to allow this yet.

Jody Hill asked if this was considered an addition or a separate structure because the old structure in the rear had been demolished and this had replaced it. Mr. Ford said the plans showed it as an addition to an existing structure.

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

Mr. Florentino said the new structure was on the same foundation as the previous structure. Mr. Ford said the plans showed this as an addition to an existing structure.

Mr. Florentino said he wanted to move his mother into the rear of the property. He stated the lot was 8,500 square feet and the buildings covered 30% of the property. Mr. Maxey pointed out this would serve as something like affordable housing if Mr. Florentino used it as a dwelling for his mother.

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

To approve the variance request regarding Sec. 47-39.A.6.F.-Dimensional requirements for case **PLN-BOA-22020001** because it met the criteria for a variance.

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

Motion made by Mr. McGinley, seconded by Mr. Maxey:
To approve the variance request regarding Sec. 47-3.2.B.1-Nonconforming structure for case **PLN-BOA-22020001** because it met the criteria for a variance.
In a roll call vote, motion passed 5-2 with Mr. McTigue and Mr. Elfman opposed.

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4. CASE: **PLN-BOA-22020003**

OWNER: **10 COLEE LLC- CABOT EDEWAARD**

AGENT: N/A

ADDRESS: 10 SE 17 AVE, FORT LAUDERDALE, FL 33301
Lot 22, Block 2, Amended Plat of OAK RIDGE, according to the plat of recorded in Plat Book 10, Page 48, of the Public Records of Broward County, Florida.

LEGAL DESCRIPTION: Said land situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 6,729 square feet or 0.1545 acres, more or less.

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)

- Requesting a variance from the minimum lot width requirements of 50 feet to 48 feet 8 inches, a total reduction of 1 feet 4 inches.

Deferred to the Board's April meeting.

5.

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CASE: PLN-BOA-22020004

OWNER: 10 COLEE LLC- CABOT EDEWAARD

AGENT: N/A

ADDRESS: 10 SE 17 AVE, FORT LAUDERDALE, FL 33301
Lot 23, Block 2, Amended Plat of OAK RIDGE, according to the plat of recorded in Plat Book 10, Page 48, of the Public Records of Broward County, Florida.

LEGAL DESCRIPTION: Said land situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 6, 957 square feet or 0.1597 acres, more or less.

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)

- Requesting a variance from the minimum lot width requirements of 50 feet to 48 feet 8 inches, a total reduction of 1 feet 4 inches.

Deferred to the Board's April meeting.

6.

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CASE: PLN-BOA-22020005

OWNER: 10 COLEE LLC- CABOT EDEWAARD

AGENT: N/A

ADDRESS: 10 SE 17 AVE, FORT LAUDERDALE, FL 33301
Lot 24, Block 2, Amended Plat of OAK RIDGE,
according to the plat of recorded In Plat Book 10,
Page 48, of the Public Records of Broward County,
Florida.

LEGAL DESCRIPTION: Said land situate, lying and being in the City of Fort
Lauderdale, Broward County, Florida and containing
7,105 square feet or 0.1631 acres, more or less.

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)**

- Requesting a variance from the minimum lot width requirements of 50 feet to 48 feet 3 inches, a total reduction of 1 feet 9 inches.

Deferred to the Board’s April meeting.

Communication to the City Commission
None

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Report and for the Good of the City
None

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Other Items and Board Discussion
None

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There being no further business to come before the Board, the meeting adjourned at 7:37 p.m.

Vice 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.