



## BOARD OF ADJUSTMENT MEETING

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

Wednesday, May 11, 2022  
6:00 PM

### AGENDA

- I. CALL TO ORDER / PLEDGE OF ALLEGIANCE
- II. APPROVAL OF MINUTES / DETERMINATION OF QUORUM
- III. PUBLIC SIGN-IN / SWEARING-IN
- IV. AGENDA ITEMS: AGENDA ITEMS MAY BE TAKEN OUT OF ORDER TO ACCOMMODATE PUBLIC COMMENT OR AS THE BOARD DEEMS NECESSARY. ALL APPLICANT(S), AGENT(S), AND ANYONE WHO WISHES TO SPEAK ON ANY ITEM ON THE AGENDA, MUST BE PRESENT AT THE BEGINNING OF THE MEETING DUE TO THE POSSIBILITY THAT AGENDA ITEMS MAY BE TAKEN OUT OF ORDER.

1.	<b>CASE:</b>	<b>PLN-BOA-22030003</b>
	<b>OWNER:</b>	TERRANCE BOYNTON & JULIE BOYNTON
	<b>AGENT:</b>	STEPHANIE J. TOOTHAKER, ESQ.
	<b>ADDRESS:</b>	2873 N.E. 24 <sup>TH</sup> STREET, FORT LAUDERDALE, FL., 33305
	<b>LEGAL DESCRIPTION:</b>	LOT 10, BLOCK 24 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.
	<b>ZONING DISTRICT:</b>	RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY
	<b>COMMISSION DISTRICT:</b>	1

**REQUESTING:**

**Section 47-19.2.BB.1- Swimming pools, hot tubs and spas.**

- Requesting a variance to allow an After the Fact swimming pool be located 3.8 feet from the rear property line where the code requires a minimum of 5 feet from the rear property line. A total reduction of 1.2 feet.

**This case was Deferred from the April 13, 2022 Agenda.**

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<b>2. CASE:</b>	<b>PLN-BOA-22030005</b>
<b>OWNER:</b>	770 FT. LAUDERDALE, L.L.C.
<b>AGENT:</b>	GRAHAM PENN, ESQ.
<b>ADDRESS:</b>	210 S. ANDREWS AVENUE, #R-D1, RD-2 and RD-3, FORT LAUDERDALE, FL., 33301
<b>LEGAL DESCRIPTION:</b>	CONDOMINIUM UNIT NO(S). R-D1, R-D2, AND R-D3, OF MUSEUM PLAZA, A COMMERCIAL CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM, BY NRI PLAZA LLC, A FLORIDA LIMITED LIABILITY COMPANY, RECORDED APRIL 3, 2006, IN BOOK 41742, PAGES 368 THROUGH 461 OF OFFICIAL RECORDS; AS AFFECTED BY FIRST AMENDMENT TO DECLARATION OF MUSEUM PLAZA, A COMMERCIAL CONDOMINIUM, RECORDED APRIL 27, 2006, IN BOOK 41907, PAGE 694 OF OFFICIAL RECORDS; AS AFFECTED BY SECOND AMENDMENT TO DECLARATION OF MUSEUM PLAZA, A COMMERCIAL CONDOMINIUM RECORDED JULY 6, 2006, IN BOOK 42348 PAGE 1117 OF OFFICIAL RECORDS; AS AFFECTED BY THIRD AMENDMENT TO DECLARATION OF MUSEUM PLAZA, A COMMERCIAL CONDOMINIUM, RECORDED AUGUST 14, 2006, IN BOOK 42589, PAGE 344 OF OFFICIAL RECORDS; AS AFFECTED BY FOURTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF MUSEUM PLAZA, A COMMERCIAL CONDOMINIUM, RECORDED NOVEMBER 16, 2006, IN BOOK 43129, PAGE 643 OF OFFICIAL RECORDS; AS AFFECTED BY FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF MUSEUM PLAZA, A COMMERCIAL CONDOMINIUM, RECORDED AUGUST 11, 2008, IN BOOK 45604, PAGE 525 OF OFFICIAL RECORDS; AS AFFECTED BY CERTIFICATE OF AMENDMENT TO THE DECLARATION OF CONDOMINIUM OF MUSEUM PLAZA, A COMMERCIAL CONDOMINIUM RECORDED FEBRUARY 24, 2009 IN BOOK 46007, PAGE 970 OF OFFICIAL RECORDS; AS AFFECTED BY SIXTH AMENDMENT TO DECLARATION OF CONDOMINIUM OF MUSEUM PLAZA, A COMMERCIAL CONDOMINIUM, RECORDED AUGUST 5, 2010, IN BOOK 47280, PAGE 1574 OF OFFICIAL RECORDS; AS AFFECTED BY CERTIFICATE OF AMENDMENT TO DECLARATION OF MUSEUM PLAZA, A COMMERCIAL CONDOMINIUM, RECORDED JANUARY 28, 2011, IN BOOK 47681, PAGE 1231 OF OFFICIAL RECORDS; AS AFFECTED BY

CERTIFICATE OF AMENDMENT TO BY-LAWS, RECORDED JUNE 25, 2003, IN BOOK 49923, PAGE 1596 OF OFFICIAL RECORDS, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. AS AMENDED, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS APPURTENANT THERETO.

**ZONING DISTRICT:** RAC-CC- CITY CENTER DISTRICT

**COMMISSION DISTRICT:** 4

**REQUESTING:** **Section 47-18.8. I.1.- Outdoor space requirements.**

- Requesting a variance to waive the outdoor space requirements per ULDR 47-18.8. (I).1. Except as expressly provided in subsections I.2 and 3, there shall be fifty (50) square feet of usable ground level outdoor space per child with a minimum of one thousand five hundred (1,500) square feet of which three hundred (300) square feet shall be landscaping. Usable outdoor space shall not include parking areas and vehicular use or sidewalks and shall be calculated by multiplying the minimum outdoor square footage requirement by one-half the licensed capacity of the facility. This facility is proposing an occupancy of 108 children requiring a total of 2,700 square feet of outdoor space. The applicant is requesting reducing the required 2,700 square feet of outdoor space, of which 300 square feet is landscaping to 0 (Zero) square feet.

**Section 47-18.8. J.2.- Dispersal requirements.**

- Requesting a variance to waive the dispersal requirements per ULDR 47-18.8. (J).2  
The dispersal requirements shall not apply to family day care homes, on-site corporate/employer sponsored child day care facilities or to child day care facilities located in nonresidential districts. However, a child day care facility proposed to be located in a nonresidential district shall be one thousand five hundred (1,500) feet from any existing child day care facility or any existing social service residential facility (SSRF), as defined in [Section 47-18.32](#), excluding level I SSRF located in a residential district. As per the City GIS Map there are Three child day care centers within 1500 feet radius.

**Section 47-18.8. L.- Buffer requirements.**

- Requesting a variance to waive the buffer wall or landscaped fence requirements, for 1-3 below.

*Buffer requirements.* In addition to all other applicable landscaping requirements provided in the ULDR, the following requirements shall apply to parcels of land on which child day care facilities exist:

1. Where the ground level outdoor play area of a child day care facility is within fifty (50) feet of any other property, the following physical barriers will be required:
  - a. A wall in accordance with the requirements of [Section 47-19.5](#), Fences, Walls and Hedges, located along the property line between the outdoor space and adjacent residential property; and
  - b. A landscaped fence, between the outdoor space and adjacent nonresidential property.
2. Where the ground level outdoor play area of a child day care facility is within fifty (50) feet of any street, a landscaped fence or wall shall be required, in accordance with the requirements of [Section 47-19.5](#), Fences, Walls and Hedges, to be located along the property line between the outdoor space and the adjacent street.
3. A landscape fence or wall as required in this section shall be constructed in accordance with the following requirements:
  - a. A landscape fence shall be constructed of wood or chainlink fence six (6) feet in height with a landscape strip at least two (2) feet wide between the fence and the adjoining property and include densely planted shrubs or trees at least four (4) feet high at the time of planting and attaining maturity at a minimum height of six (6) feet.
  - b. A wall six (6) feet in height, opaque with no open areas viewed from any angle, shall be installed in accordance with the standards provided in [Section 47-19.5](#).

**This case was Deferred from the April 13, 2022 Agenda.**

<b>3.</b>	<p><b>CASE:</b> PLN-BOA-22040001</p> <p><b>OWNER:</b> HARVARD@SHANE INVESTMENT GROUP LLC</p> <p><b>AGENT:</b> AL HARVARD</p> <p><b>ADDRESS:</b> 1300 NW 1<sup>ST</sup> AVENUE, FORT LAUDERDALE, FL., 33311</p> <p><b>LEGAL DESCRIPTION:</b> LOT 13, LESS THE SOUTH 15 FEET THEREOF, BLOCK 81, PROGRESSO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.</p> <p><b>ZONING DISTRICT:</b> RDS-15 -RESIDENTIAL SINGLE FAMILY / MEDIUM DENSITY</p> <p><b>COMMISSION DISTRICT:</b> 2</p>
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**REQUESTING:**

**Sec. 47-5.32. - Table of dimensional requirements for the RD-15 and RDs-15 districts. (Note A) Minimum corner yard(ft) for a single-family dwelling is twenty-five (25) percent of lot width but not less than ten (10) feet nor greater than twenty-five (25) feet.**

- The applicant is requesting a variance from the 10-foot minimum corner yard requirement of Section 47-5.32 Table of Dimensional Requirements for the RD-15 and RDs-15 Districts to allow the construction of a single-family dwelling with a corner yard of 2 feet. A total reduction of 8 feet.

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**4. CASE:** **PLN-BOA-22040003**

**OWNER:** BEVERLY HEIGHTS TH, LLC

**AGENT:** ANDREW J. SCHEIN, ESQ., LOCHRIE & CHAKAS, P.A.

**ADDRESS:** 5-11 SE 11<sup>th</sup> AVENUE, FORT LAUDERDALE, FL., 33301, 13-15 SE 11<sup>th</sup> AVENUE, FORT LAUDERDALE, FL., 33301, 17-19 SE 11<sup>th</sup> AVENUE, FORT LAUDERDALE, FL., 33301 and 10-14 SE 10<sup>th</sup> AVENUE, FORT LAUDERDALE, FL., 33301

**LEGAL DESCRIPTION:** LOTS 3, 4 AND 5, BLOCK 17 BEVERLY HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 30 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. AND LOT 18 AND THE NORTH ONE-HALF (N1/2) OF LOT 17, BLOCK 17, RESUBDIVISION OF THE EAST ONE-HALF (E1/2) OF BLOCK 16 AND THE WEST ONE-HALF (W1/2) OF BLOCK 17 IN BEVERLY HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 36, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA AND CONTAINING 32,970 SQUARE FEET OR 0.7569 ACRES, MORE OR LESS

**ZONING DISTRICT:** RC-15 -RESIDENTIAL SINGLE FAMILY & CLUSTER/MEDIUM DENSITY

**COMMISSION DISTRICT:** 4

**REQUESTING:** **Sec. 47-18.33.B.5 - Yard requirements.**

- Requesting a variance from Section 47-18.33. B.5 to allow trees within an access easement.

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**5. CASE:** **PLN-BOA-22040002**

**OWNER:** STEPHEN CAREY VILLENEUVE & STEPHANIE LAVIGNE  
VILLENEUVE

**AGENT:** N/A

**ADDRESS:** 400 NE 9TH AVENUE, FORT LAUDERDALE, FL., 33301

**LEGAL DESCRIPTION:** LOT 23 AND THE SOUTH 10 FEET OF LOT 22, BLOCK 8, OF  
HOLMBERG & MC KEE'S SUBDIVISION, ACCORDING TO THE  
PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 112, OF  
THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA; SAID  
LANDS SITUATE, LYING AND BEING IN BROWARD

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

**COMMISSION DISTRICT:** 2

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

- Requesting a variance from the 5 feet minimum side yard requirement of Section 47-5.31 Table of Dimensional Requirements to allow an existing structure to remain at a side yard (North) setback of 2.88 feet, a total reduction request of 2.12 feet.
- Requesting a variance from the 15 feet minimum corner yard requirement (25% of lot width but not greater than 25 ft.) of Section 47-5.31 Table of Dimensional Requirements to allow an existing structure to remain at a corner yard (South) setback of 12.63 feet, a total reduction request of 2.37 feet.

**V. COMMUNICATION TO THE CITY COMMISSION**

**VI. FOR THE GOOD OF THE CITY OF FORT LAUDERDALE**

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**PLEASE NOTE THAT TWO-WAY COMMUNICATION BETWEEN MEMBERS OF THE BOARD OF ADJUSTMENTS IS PROHIBITED BY SUNSHINE LAW. PLEASE DO NOT REPLY TO ANY BOARD MEMBER. ALL DISCUSSIONS ON ITEMS RELATIVE TO THE AGENDA SHOULD TAKE PLACE AT SCHEDULED BOARD MEETINGS.**

Two or more City Commissioners and/or Advisory Board members may be present at this meeting. If a person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you desire auxiliary services to assist in viewing or hearing the meetings or reading agendas and minutes for the meetings, please contact the City Clerk's office at (954) 828-5002 and arrangements will be made to provide these services for you.

**Unless otherwise stated, these items are quasi-judicial. Board members shall disclose any communication or site visits they have had pursuant to Section 47-1.13 of the ULDR. All persons speaking on a quasi-judicial matter will be sworn in and will be subject to cross-examination.**