



**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS
APRIL 13, 2022 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

Board Members	Attendance	Cumulative Attendance 6/2021 through 5/2022	
		Present	Absent
Howard Nelson, Chair	A	7	2
Patrick McTigue, Vice Chair	P	9	0
Howard Elfman	P	8	1
Eugenia Ellis	P	8	1
Chadwick Maxey	P	8	1
Blaise McGinley	P	9	0
Douglas Reynolds	P	6	3
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Alternates			
Michael Lambrechts	A	7	2

Staff

D' Wayne Spence, Assistant City Attorney
Stephanie Hughey, Administrative Assistant
Chakila Crawford, Senior Administrative Assistant
James Hollingsworth, Zoning Plan Examiner
Mohammed Malik, Zoning Administrator
Burt Ford, Zoning Chief
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.

Items 3, 4 and 5 were withdrawn by the applicant.

II. Approval of Minutes – March 9, 2022

Motion made by Ms. Ellis, seconded by Mr. Elfman to approve the Board's March 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.

IV. Agenda Items

1.

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CASE: PLN-BOA-21120001
OWNER: RIDGE HOUSES 2, LLC
AGENT: LOCHRIE & CHAKAS, P.A.
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 March 9, 2022 Agenda.

Andrew Schein, attorney, provided a Power Point presentation, a copy of which is attached to these minutes for the public record. He stated he had met with 10-12 neighbors since the last Board meeting. He read text messages from people who had attended the meeting and supported the project.

Regarding the hardship, Mr. Schein said it would be borne by the future owners of these residences. If the homes faced south [which would not require a variance] the back-out parking would present a safety issue. The developer proposed orienting the homes so the back-out parking would be on a less busy side street.

Vice Chair McTigue opened the public hearing.

Skeet Jernigan said neighbors were committed in their opposition. He stated the Board's responsibility was to determine if there was a hardship on the applicant. Mr. Jernigan noted the owner was aware of the issue with the property width when he purchased it. He pointed out the applicant could turn the homes sideways and he would not need a variance. Six people in the audience stood to agree with Mr. Jernigan.

Mr. McGinley asked Mr. Spence about the text messages Mr. Schein had read and Mr. Spence replied that the Board should evaluate the evidence presented and determine if it was competent and substantial to support the criteria or if it was irrelevant.

Lucien Fredrick LePoutre, neighbor, said the developer had already built two homes with the same traffic situation Mr. Schein had discussed as a hardship.

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.

Mr. Schein stated there were other 48-foot lots on NE 18th Avenue. He added that the hardship did not need to be on the current owner, and in this case it would be on the future owners of these homes. He remarked to Mr. Reynolds on the vitriol from the neighbors opposed to the project.

Mr. Reynolds noted Mr. Schein had presented no expert to testify so the parking issue was subjective.

Motion made by Mr. McGinley, seconded by Mr. Reynolds to:
Deny the variance request for case PLN-BOA-21120001 because it does not meet the criteria for a variance.
In a roll call vote, motion passed 6-0.

2.

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CASE:	PLN-BOA-21120002
OWNER:	RIDGE HOUSES 2, LLC
AGENT:	LOCHRIE & CHAKAS, P.A.
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:** 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 March 9, 2022 Agenda.

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 Mr. Reynolds to:
Deny the variance request for case PLN-BOA-21120002 because it does not meet the criteria for a variance.
In a roll call vote, motion passed 6-0.

3.

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CASE:	PLN-BOA-22020003
OWNER:	10 COLEE, LLC
AGENT:	CABOT EDEWAARD
ADDRESS:	10 S.E. 17 th AVENUE, FORT LAUDERDALE, FL., 33301
LEGAL DESCRIPTION:	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. 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:	<p>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”.</p> <p><u>Sec. 47-5.31. – Table of dimensional requirements for the RS-8 district. (Note A)</u></p> <ul style="list-style-type: none">• Requesting a variance from the minimum lot width requirements of 50 feet to 48 feet 8 inches, a total reduction of 1 foot 4 inches.

This case was Deferred from the March 9, 2022 Agenda.

Withdrawn

4.

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CASE:	PLN-BOA-22020004
OWNER:	10 COLEE, LLC
AGENT:	CABOT EDEWAARD
ADDRESS:	10 S.E. 17 TH AVENUE, FORT LAUDERDALE, FL., 33301
LEGAL DESCRIPTION:	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. 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:	<p>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".</p> <p><u>Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district. (Note A)</u></p> <ul style="list-style-type: none">• 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.

This case was Deferred from the March 9, 2022 Agenda.

Withdrawn by the applicant

5.

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CASE:	PLN-BOA-22020005
OWNER:	10 COLEE, LLC
AGENT:	CABOT EDEWAARD
ADDRESS:	10 S.E. 17 TH AVENUE, FORT LAUDERDALE, FL., 33301
LEGAL DESCRIPTION:	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. 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:	<p>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".</p> <p><u>Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district. (Note A)</u></p> <ul style="list-style-type: none">• 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.

This case was Deferred from the March 9, 2022 Agenda.

Withdrawn by the applicant

6.

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CASE:	PLN-BOA-22020002
OWNER:	NELSON & JASMIN FERNANDEZ
AGENT:	STEPHANIE J. TOOTHAKER, ESQ.
ADDRESS:	1342 PONCE DE LEON DRIVE, FORT LAUDERDALE, FL., 33316
LEGAL DESCRIPTION:	THE NORTH HALF <N 1/2) OF LOT 14 AND LOT 15, BLOCK 22, RESUBDIVISION IN · BLOCK 22 - RIO VISTA ISLES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. TOGETHER WITH: ALL OF LOT 21 AND THAT PORTION OF LOT 22, BLOCK 22, RIO VISTA ISLES, ACCORDING TO THE PLAT OF A RESUBDIVISION IN BLOCK 22. - RIO VISTA ISLES, RECORDED IN PLAT BOOK 23 AT PAGE 30 OF THE PUBLIC RECORDS OF BROWARD COUNTY; FLORIDA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 21 AND RUNNING THENCE SOUTHERLY, ALONG THE EASTERLY BOUNDARY OF LOTS 21 AND 22, A DISTANCE OF 75 FEET TO A POINT; THENCE WESTERLY A DISTANCE OF 114.68 FEET TO THE MIDPOINT ON THE EASTERLY BOUNDARY LINE OF LOT 14, BLOCK 22; THENCE NORTHERLY, ALONG THE WESTERLY BOUNDARY LINE OF SAID LOTS 22 AND 21, BLOCK 22, A DISTANCE OF 95 FEET TO THE NORTHWEST CORNER OF SAID LOT 21; THENCE EASTERLY, ALONG THE NORTHERLY LINE OF SAID LOT 21, A DISTANCE OF 109.99 FEET TO THE POINT OF BEGINNING.
ZONING DISTRICT:	RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
COMMISSION DISTRICT:	4
REQUESTING:	<u>Section 47-2.2. G.1.a. -Grade</u> <ul style="list-style-type: none">• Requesting a variance to determine the grade of the primary, habitable, structure by calculating eighteen (18) inches above the crown of road at Ponce de Leon abutting the property, (At the highest point), where the Code states average grade shall be derived by selecting a minimum of two (2) elevation points on each adjoining property line and calculating the average of all the selected elevation points. As per submitted plans.

Estefania Mayorga, planner, provided a Power Point presentation, which is attached to these minutes for the public record. She clarified that the applicant's request was not to calculate grade from the highest point of the crown of the road but rather the average height of the crown of Ponce de Leon Drive.

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 request for case PLN-BOA-22020002 because it meets the criteria for a variance. In a roll call vote, motion passed 6-0.

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CASE:	PLN-BOA-22030003
OWNER:	TERRANCE BOYNTON & JULIE BOYNTON
AGENT:	STEPHANIE J. TOOTHAKER, ESQ.
ADDRESS:	2873 N.E. 24 TH STREET, FORT LAUDERDALE, FL., 33305
LEGAL DESCRIPTION:	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.
ZONING DISTRICT:	RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW DENSITY
COMMISSION DISTRICT:	1
REQUESTING:	<u>Section 47-19.2.BB.1- Swimming pools, hot tubs and spas.</u> <ul style="list-style-type: none">• 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.

Roya Edwards, the applicant's representative, requested a deferral.

Motion made by Ms. Ellis, seconded by Mr. Reynolds to:
Defer this item to the Board's next meeting.
In a voice vote, motion passed 6-0.

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CASE:	PLN-BOA-22030004
OWNER:	JAMES VERRILLO
AGENT:	DEENA GRAY, ESQ.
ADDRESS:	3095 N.E. 42 ND STREET, FORT LAUDERDALE, FL., 33308

LEGAL DESCRIPTION: LOT 12, BLOCK L, OF "CORAL RIDGE COUNTRY CLUB ADDITION NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 52, AT PAGE 14, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

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

COMMISSION DISTRICT: 1

REQUESTING: Sec. 47-19.3. - Boat slips, docks, boat davits, hoists and similar mooring structures.

- Requesting a variance to allow a glass panel fence/guard to be installed between the pilings on the dock where the code permits only mooring devices be installed/attached to a dock or seawall.

Deena Gray, attorney, provided a Power Point presentation, a copy of which is attached to these minutes for the public record. She had submitted letters of support from all neighbors who would be affected by the request.

Mr. Elfman pointed out the glass did not need to be on the dock to provide a safety feature. Ms. Gray said it would prevent someone on the dock from falling into the Intracoastal. She told Mr. Reynolds she believed another such variance had been granted in the past. Ms. Gray noted that other municipalities in Florida allowed the glass. Mr. Reynolds felt that granting this request would allow all homes on the Intracoastal or on a canal to request the same variance. Ms. Gray noted that variances were granted on a case-by-case basis, and said this property was special because there were young children in the home, as well as the owner's wheelchair-bound mother.

Mr. Malik confirmed that the City had granted one or two such variances in the past.

Mr. McGinley wanted to be sure the glass wall would comply with all applicable authorities, such as the South Florida Water Management District, since this was at the water's edge. Ms. Gray stated it did.

Vice Chair McTigue opened the public hearing.

Kim Sweers, neighbor, said she supported the request. She said the Board had granted such a variance for her home in 2005.

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.

Mr. Maxey felt the fact that this would limit the owner to keeping one boat at the dock made the request unique. He doubted many owners would want a dock with just one point of access.

Mr. Elfman asked about safety if someone did fall in the water and James Verrillo, owner, agreed to install a ladder on the seawall.

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

Approve the variance request for case PLN-BOA-22030004 because it meets the criteria for a variance.

In a roll call vote, motion passed 5-1 with Mr. Reynolds opposed.

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CASE:	PLN-BOA-22030005
OWNER:	770 FT. LAUDERDALE, L.L.C.
AGENT:	GRAHAM PENN, ESQ.
ADDRESS:	210 S. ANDREWS AVENUE, #R-D1, RD-2 and RD-3, FORT LAUDERDALE, FL., 33301
LEGAL DESCRIPTION:	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. RAC-CC- CITY CENTER DISTRICT
4

ZONING DISTRICT:
COMMISSION
DISTRICT:
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 chain link 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](#).

Graham Penn, the applicant's representative, requested a deferral.

Motion made by Mr. McGinley, seconded by Mr. Reynolds to:
Defer the item to the Board's next meeting.
In a voice vote, motion passed 6-0.

Items 10 and 11 were heard together.

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CASE:	PLN-BOA-22030006
OWNER:	THRIVE DEVELOPMENT GROUP LLC
AGENT:	CRUSH LAW, P.A. – JASON S. CRUSH, ESQ.
ADDRESS:	710-726 N.W. 5 TH AVENUE, FORT LAUDERDALE, FL., 33311
LEGAL DESCRIPTION:	PARCEL 5 LOTS 22, 23, AND 24, BLOCK 282, “PROGRESSO”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SOLD LANDS NOW SITUATE, LYING AND BEING BROWARD COUNTY, FLORIDA. PARCEL 6 LOTS 25, 26, AND 27, BLOCK 282, OF “PROGRESSO”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 15, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SOLD LANDS NOW SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA. PARCEL 7 LOTS 21, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 AND THE EAST ½ OF LOTS 38, 39, 40, 41, AND 42, BLOCK 282, OF “PROGRESSO”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI DADE COUNTY, FLORIDA; SOLD LANDS NOW SITUATE, LYING AND BEING BROWARD COUNTY, FLORIDA. PARCEL 8 THE WEST ½ OF LOTS 38, 39, 40, 41, AND 42 AND ALL OF LOTS 43, 44, 45, 46, 47 AND 48, BLOCK 282, OF “PROGRESSO”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SOLD LANDS NOW SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA; SOLD LANDS NOW SITUATE IN BROWARD COUNTY, FLORIDA.
ZONING DISTRICT:	B-3 - HEAVY COMMERCIAL/LIGHT INDUSTRIAL BUSINESS
COMMISSION DISTRICT:	2
REQUESTING:	<u>Sec. 47-19.2. Z.1.- Roof mounted structures.</u> <ul style="list-style-type: none">• Requesting a variance to omit the required roof top equipment screening required to be of materials matching the construction of the building. The Developer wishes to paint murals matching the motif of the muralized building and roof.

Jason Crush, attorney, provided a Power Point presentation, a copy of which is attached to these minutes for the public record. Mr. Crush had provided letters of support for neighboring properties and the Progresso Village Civic Association.

Mr. Crush confirmed that this related to painting all of the air conditioning equipment and the roof.

Mr. McGinley asked staff if the City could cite the property when a mural was faded. Mr. Malik said this would be a judgement call on behalf of Code Enforcement.

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 request for case PLN-BOA-22030006 because it meets the criteria for a variance.

In a roll call vote, motion passed 6-0.

11.

[Index](#)

CASE:	PLN-BOA-22030007
OWNER:	THRIVE DEVELOPMENT GROUP LLC
AGENT:	CRUSH LAW, P.A. – JASON S. CRUSH, ESQ.
ADDRESS:	701-745 N.W. 5 TH AVENUE, FORT LAUDERDALE, FL., 33311
LEGAL DESCRIPTION:	PARCEL 1 LOTS 7, 8, 9, 10, AND 11, BLOCK 281, OF “PROGRESSO”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SOLD LANDS NOW SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA. PARCEL 2 LOTS 12, 13, 14, 15 AND 16, BLOCK 281, OF “PROGRESSO”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SOLD LAND NOW SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA. PARCEL 3 LOTS 17, 18, 19, AND 20, BLOCK 281, “PROGRESSO”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SOLD LAND NOW SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA. PARCEL 4 LOTS 21, 22, 23, AND 24, BLOCK 281, OF “PROGRESSO”, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 18, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; SOLD LANDS

NOW SITUATE, LYING AND BEING IN BROWARD COUNTY,
FLORIDA.

ZONING DISTRICT: B-3 - HEAVY COMMERCIAL/LIGHT INDUSTRIAL BUSINESS
COMMISSION 2
DISTRICT:
REQUESTING: Sec. 47-19.2. Z.1.- Roof mounted structures.

- Requesting a variance to omit the required roof top equipment screening required to be of materials matching the construction of the building. The Developer wishes to paint murals matching the motif of the muralized building and roof.

Motion made by Mr. McGinley, seconded by Ms. Ellis to:
Approve the variance request for case PLN-BOA-22030007 because it meets the criteria for a variance.
In a roll call vote, motion passed 6-0.

Communication to the City Commission Index
None

Report and for the Good of the City Index
None

Other Items and Board Discussion Index
None

There being no further business to come before the Board, the meeting adjourned at 7:30 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.