



**BOARD OF ADJUSTMENT MEETING  
CITY OF FORT LAUDERDALE  
CITY HALL COMMISSION CHAMBERS  
MAY 11, 2022 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

<b>Board Members</b>	<b>Attendance</b>	<b>Cumulative Attendance 6/2021 through 5/2022</b>	
		<b>Present</b>	<b>Absent</b>
Howard Nelson, Chair	P	8	2
Patrick McTigue, Vice Chair	P	10	0
Howard Elfman	P	9	1
Eugenia Ellis	P	9	1
Chadwick Maxey	P	9	1
Blaise McGinley	P	10	0
Douglas Reynolds	P	7	3

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<b>Alternates</b>			
Michael Lambrechts	P	8	2

**Staff**

D' Wayne Spence, Assistant City Attorney  
 Stephanie Hughey, Administrative Assistant  
 Chakila Crawford, Senior Administrative Assistant  
 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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	<b><u>Case Number</u></b>	<b><u>Owner/Agent</u></b>	<b><u>District</u></b>	<b><u>Page</u></b>
1.	<b>PLN-BOA-22030003</b>	Terrance Boynton & Julie Boynton/ Stephanie Toothaker, Esq.	<b>1</b>	<b><u>2</u></b>
2.	<b>PLN-BOA-22030005</b>	770 Ft. Lauderdale, L.L.C./ Graham Penn, Esq.	<b>4</b>	<b><u>3</u></b>
3.	<b>PLN-BOA-22040001</b>	Harvard@Shane Investment Group LLC	<b>2</b>	<b><u>6</u></b>
4.	<b>PLN-BOA-22040002</b>	Stephen Carey Villeneuve & Stephanie Lavigne Villeneuve	<b>2</b>	<b><u>8</u></b>

Communication to the City Commission  
For the Good of the City  
Other Items and Board Discussion

6/16/19

**I. Call to Order**

The meeting was called to order at 6:03 p.m. Roll was called and a quorum determined to be present.

**II. Approval of Minutes – April 13, 2022**

**Motion** made by Ms. Ellis, seconded by Mr. McGinley to approve the Board’s April 13, 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.**

**IV. Agenda Items**

<b>1.</b>	<a href="#">Index</a>
<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.**

Stephanie Toothaker, attorney, provided a Power Point presentation, a copy of which is attached to these minutes for the public record. She explained that the outer edge of the pool coping was 4.4 – 4.5 feet from the wet face of the seawall. The wet face of the inside of the pool was five feet from the wet face of the seawall. The permit documents indicated the pool was five feet from the wet face of the seawall because they assumed it was measured from the inside of the pool.

Ms. Toothaker said neighbors had sent letters objecting not to the pool but to the height of the home, which was dictated by FEMA. She had provided letters of support for the pool variance from some neighbors.

Chair Nelson opened the public hearing.

John Aurelius, neighbor, said he was disappointed that the four-foot wall between the pool and the seawall would not be landscaped to camouflage it. He said they were laying pipes in that space now and he feared there would be no landscaping. Since this was a “manmade error” he felt there was no justification for granting a variance.

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. Elfman asked staff if there were any physical consequences to the pool being that close to the water and Mr. Malik did not know of any.

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

Approve the variance request for case **PLN-BOA-22030003** because it meets the criteria for a variance.

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

**2.**

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<b>CASE:</b>	<b>PLN-BOA-22030005</b>
<b>OWNER:</b>	770 FT. LAUDERDALE, L.L.C.
<b>AGENT:</b>	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.

**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 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](#).

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

**Withdrawn**

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<b>CASE:</b>	<b>PLN-BOA-22040001</b>
<b>OWNER:</b>	HARVARD@SHANE INVESTMENT GROUP LLC
<b>AGENT:</b>	N/A

**ADDRESS:** 1300 NW 1<sup>ST</sup> AVENUE, FORT LAUDERDALE, FL., 33311

**LEGAL DESCRIPTION:** 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.

**ZONING DISTRICT:** RDS-15 -RESIDENTIAL SINGLE FAMILY / MEDIUM DENSITY

**COMMISSION DISTRICT:** 2

**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.

Al Harvard, applicant, described the request. He said the setback had been reduced when the City gave property to the County for a road. Mr. Malik said per the survey, approximately 15 feet was taken from the lot for the road. The original lot was 50 feet wide and it was now 35 feet wide.

Chair Nelson opened the public hearing.

Hernando Salas said he also owned a lot that was less than 50 feet wide, so he was interested in this case. Chair Nelson confirmed that the City required a lot to be 50 feet to build a home on.

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. McGinley asked if the City should not take an entire lot instead of leaving a lot that would become unbuildable. Mr. Nelson said in eminent domain law, the impact to the residual lot should be taken into account in the valuation of the taking, but this was rarely the case unless the owner had an astute eminent domain attorney.

Mr. Harvard said he had purchased the property in July 2021.

Mr. Malik said the sight triangle was not an issue. He said the road had been widened at least 25 years ago.

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

Approve the variance request for case **PLN-BOA-22040001** because it meets the criteria for a variance.

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

**4.**

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<b>CASE:</b>	<b>PLN-BOA-22040002</b>
<b>OWNER:</b>	STEPHEN CAREY VILLENEUVE & STEPHANIE LAVIGNE VILLENEUVE
<b>AGENT:</b>	N/A
<b>ADDRESS:</b>	400 NE 9TH AVENUE, FORT LAUDERDALE, FL., 33301
<b>LEGAL DESCRIPTION:</b>	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
<b>ZONING DISTRICT:</b>	RS-8 -RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
<b>COMMISSION DISTRICT:</b>	2
<b>REQUESTING:</b>	<b><u>Sec. 47-5.31 -Table of dimensional requirements for the RS-8 district</u></b>

- 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.



Stephen Carey Villeneuve, owner, provided a Power Point presentation, a copy of which is attached to these minutes for the public record. He had submitted two letters of support from neighbors.

Chair Nelson opened the public hearing. There being no 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.

**Motion** made by Mr. Maxey, seconded by Ms. Ellis to:  
Approve the two variance requests for case **PLN-BOA-22040002** because they meet the criteria for a variance.  
In a voice vote, motion passed 7-0.

**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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Chair Nelson noted that three Board members were leaving the Board. He thanked them for their service to the City.

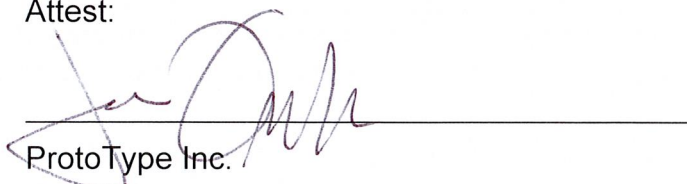
Mr. Malik thanked Ms. Ellis, Mr. McTigue and Mr. Reynolds for their service.

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.