



**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS
JUNE 8, 2022 – 6:00 P.M.**

CITY OF FORT LAUDERDALE

Board Members	Attendance	Cumulative Attendance 6/2022 through 5/2023	
		Present	Absent
Howard Nelson, Chair	P	1	0
Howard Elfman	P	1	0
Michael Lambrechts	P	1	0
Chadwick Maxey	P	1	0
Blaise McGinley, Vice Chair	P	1	0
Doug Meade	P	1	0
Robert Wolfe	P	1	0

Staff

Shari Wallen, Assistant City Attorney
 Stephanie Hughey, Administrative Assistant
 Chakila Crawford, Senior Administrative Assistant
 James Hollingsworth, Zoning Plan Examiner
 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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	<u>Case Number</u>	<u>Owner/Agent</u>	<u>District</u>	<u>Page</u>
1.	PLN-BOA- 22040003	Beverly Heights TH, LLC/Andrew Schein Esq.	4	<u>2</u>
2.	PLN-BOA- 22050001	BRD Realty, inc./Jason Crush Esq.	1	<u>4</u>
		Communication to the City Commission		<u>5</u>
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		Other Items and Board Discussion		<u>5</u>

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 – May 11, 2022

Motion made by Mr. McGinley, seconded by Mr. Elfman to approve the Board’s May 11, 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

1.

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CASE:	PLN-BOA-22040003
OWNER:	BEVERLY HEIGHTS TH, LLC
AGENT:	ANDREW J. SCHEIN, ESQ., LOCHRIE & CHAKAS, P.A.
ADDRESS:	5-11 SE 11 th AVENUE, 13-15 SE 11 th AVENUE, 17-19 SE 11 th AVENUE, and 10-14 SE 10 th 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 to reduce the usable width of the five (5) foot pedestrian access easement required under Section 47-18.33.B.5. from five (5) feet to a minimum of 3' – 3 " to permit tree plantings within the required five (5) foot pedestrian easement area.

Andrew Schein, attorney, provided a Power Point presentation, a copy of which is attached to these minutes for the public record. He presented nine letters of support for the request from unit buyers. He pointed out on a photo where the trees would be planted and said there would be sufficient space for someone to bring equipment through the remaining space, which would be from 3.5 to 5 feet wide.

Jim Spear said it would cost tens of thousands of dollars to remove existing trees [which had already been done] and replace them if the variance were granted. He noted the AC units were on the roof and were accessed from the end of the building.

Mr. Ford said the intent of the access easement was to allow pedestrians to walk around the building; there was not supposed to be any plantings.

Mr. McGinley asked if there had been an emergency services review and Mr. Schein said emergency services could access the buildings.

Mr. Lambrechts wondered who would manage the foliage and Mr. Schein said the association would manage the landscaping.

Chair Nelson pointed out that the landscape requirements for the property were met without the proposed trees. The association could choose to remove these trees in the future if they wished. He did not feel the code was specific enough to prohibit planting trees here. Ms. Wallen referred to the DRC comments from 1/23/18, which indicated the easement at that time was encumbered with plant material and the applicant was required to remove it. The association declaration documents stated the five-foot pedestrian access easement required by the City's ULDR was established on the property. The documents also stated that no landscaping, improvements or structures may be placed in the easement that would hinder or inhibit unobstructed pedestrian use.

Chair Nelson felt as long as the landscaping did not hinder pedestrian access it was permitted.

Mr. Schein stated the association's attorney was working on an amendment to the association's declaration language. Mr. Ford requested a condition that the recorded document would be amended if the variance were granted.

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 Mr. Wolfe to:
Approve the variance request for case **PLN-BOA-22040003** because it meets the criteria for a variance, with the condition that the recorded declaration document be amended to be consistent.

In a roll call vote, motion **failed** 4-3.

2.

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CASE:	PLN-BOA-22050001
OWNER:	BRD REALTY, INC
AGENT:	CRUSH LAW, P.A. – JASON S. CRUSH
ADDRESS:	3414 N. OCEAN BLVD., FORT LAUDERDALE, FL., 33308
LEGAL DESCRIPTION:	LOTS 8 AND 9 IN BLOCK 8 OF RESUBDIVISION OF LOTS 3 TO 12 INCLUSIVE IN BLOCK 8 AND ALL OF BLOCK 16 GALT OCEAN MILE, ACCORDING TO THE PLAT OF SAID RESUBDIVISION, RECORDED IN PLAT BOOK 38, PAGE 18 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
ZONING DISTRICT:	CB - COMMUNITY BUSINESS
COMMISSION DISTRICT:	1
REQUESTING:	<u>Sec. 5-27. - Distances of establishments from church or school.</u> <ul style="list-style-type: none">• Requesting a special exception to allow the sale of alcohol from a property within 349 feet of a Chabad and school, whereas Section 5-27 requires a distance of 500 feet from any established church, or public or private school, other than a pre-kindergarten school, nursery school or day care center, or adult education center.

Jason Crush, attorney, provided a Power Point presentation, a copy of which is attached to these minutes for the public record. He stated they had received letters of support from the Chabad Rabbi and from nearby residents. They had received no letters of objection.

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 Mr. Wolfe to:
Approve the special exception request for case PLN-BOA-22050001 because it meets the criteria for a special exception.
In a roll call 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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Election of Officers

Motion made by Mr. Elfman, seconded by Mr. Wolfe, to elect Mr. Nelson Chair. In a roll call vote, motion passed 7-0.

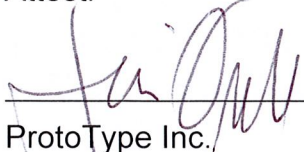
Motion made by Mr. Elfman, seconded by Mr. Maxey, to elect Mr. McGinley Vice Chair. In a roll call vote, motion passed 7-0.

There being no further business to come before the Board, the meeting adjourned at 6:38 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.