



**BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS
JULY 13, 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	2	0
Blaise McGinley, Vice Chair	A	1	1
Howard Elfman	P	2	0
Michael Lambrechts	A	1	1
Chadwick Maxey	P	2	0
Douglas Meade	P	2	0
Robert Wolfe	P	2	0

Staff

D'Wayne Spence, Assistant City Attorney
 Stephanie Hughey, Administrative Assistant
 Chakila Crawford, Senior Administrative Assistant
 Mohammed Malik, Zoning Administrator
 James Hollingsworth, Zoning Plan Examiner
 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-22050002	69 TH Street Properties, LP /Andrew Schein Esq.	1	<u>4</u>
2.	PLN-BOA-22060004	Anthony L Frederici, and Dana Marie Stumpf	4	<u>2</u>
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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 – June 8, 2022

Motion made by Mr. Elfman, seconded by Mr. Maxey to approve the Board's June 8, 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

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CASE:	PLN-BOA-22060004
OWNER:	FREDERICI, ANTHONY L H/E, STUMPF, DANA MARIE
AGENT:	N/A
ADDRESS:	2666 GULFSTREAM LANE, FORT LAUDERDALE FL 33312
LEGAL DESCRIPTION:	LOT 28, BLOCK 5, OF LAUDERDALE ISLES NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE(S) 33, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
ZONING DISTRICT:	RS-6.85A - IRREGULAR RESIDENTIAL
COMMISSION DISTRICT:	4

REQUESTING:

Sec. 47-39.A.1.b.(5)(b) On plots containing a one- or two-family dwelling, swimming pools and spas may be placed in required side or rear yards subject to the limitations of Section 47-39.A.1.b.(3)(d). For purposes of this subsection, the minimum setback from a plot line shall be measured beginning three (3) feet from the outermost edge of the waterline of the swimming pool.

- Requesting a variance to construct a new pool at a setback distance of five (5) feet from east and south property lines, whereas the code requires a minimum setback of eight (8) feet, a total reduction of three (3) feet from south and east property lines.

Note: **Section 47-39.A.1.b.(3)(d)** as referenced above states: On a plot containing a one-family detached or two-family dwelling, side and rear yards not abutting a street may be reduced to five (5) feet for accessory uses and buildings.

Anthony Frederici, owner, provided a presentation, a copy of which is attached to these minutes for the public record. He described their desire for a pool and how they designed it to conform with a five-foot setback, not realizing an additional three feet was required. This affected the south and east sides of the property.

Mr. Meade asked if walking space around the pool was required by code and Mr. Malik stated it was not required by zoning, but there could be a Florida Building Code issue. Mr. Spence explained the additional three feet referred to the requirement to measure the setback from three feet from the water's edge. This only applied to annexed areas.

Mr. Maxey asked the current state of construction and Mr. Frederici said they had not begun any construction yet.

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-22060004** because it meets the criteria for a variance.

In a roll call vote, motion passed 5-0.

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CASE:	PLN-BOA-22050002
OWNER:	69 TH STREET PROPERTIES, LP
AGENT:	ANDREW J. SCHEIN, ESQ., LOCHRIE & CHAKAS, P.A.
ADDRESS:	1701-1781 E COMMERCIAL BOULEVARD, FORT LAUDERDALE FL 33334
LEGAL DESCRIPTION:	ALL OF LOTS 5, 6, 7, 8, 9 AND 10, BLOCK 39, AND PARCEL "B" OF CORAL RIDGE ISLES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLOT BOOK 45, PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TOGETHER WITH ALL THAT CERTAIN 20 FOOT ALLEY LYING BETWEEN LOTS 9 AND 10, OF SOLD BLOCK 39; LESS THE PARCELS FURTHER DESCRIBED IN THE OFFICIAL LEGAL DESCRIPTION OF THE PROPERTY.
ZONING DISTRICT:	CB - COMMUNITY BUSINESS
COMMISSION DISTRICT:	1
REQUESTING:	<u>Sec. 47-22.3.O - General regulations - Shopping center or strip store signs.</u> <ul style="list-style-type: none">• Requesting a variance to permit two (2) additional freestanding detached signs on the property for a total of four (4) detached freestanding signs, with two (2) of the signs facing Commercial Boulevard, where ULDR Section 47-22.3.O permits a total of two (2) detached freestanding signs and one (1) sign per street front.

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

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.

Mr. Schein stated this would be an urgent care health clinic and patients would be dropped off and picked up. He stated the sign was primarily for Wellmax and would bear their name and logo. Chair Nelson said if the tenant left, the variance would expire. Mr. Spence stated if the variance expired, this would require removal of the structure, not just the lettering.

Mr. Meade suggested a smaller sign, since this was for just one tenant. Chair Nelson suggested the monument sign should be more obviously directional. Mr. Maxey suggested the sign should have an arrow or some form of instruction to distinguish it from the monument signs. Mr. Schein cautioned using the term “directional sign” because the code defined the style of a directional sign and they wanted this sign to have the look of a monument sign.

Mr. Schein described the proposed sign placement. The sign on the corner of 18th Avenue and Commercial Boulevard was to put them on a level playing field with other shopping centers. The sign on 17th Avenue was to direct patients to the Wellmax entrance. He stated the sign on the corner of 18th Avenue and Commercial Boulevard was not as necessary as the other sign and he would agree to bifurcate the requests.

Mr. Schein proffered that the number of tenant panels on the NE 17 Avenue sign would be limited to the number of businesses that had their main client entrance on the west side of the shopping center on NE 17 Avenue.

Motion made by Chair Nelson, seconded by Mr. Maxey to:

Approve the variance request for case **PLN-BOA-22050002** for the sign on NE 17th Avenue only, incorporating the restrictive proffer that the number of tenants listed would be identical to the number of tenants whose main entrance was facing NE 17th Avenue, because it meets the criteria for a variance. The variance would be self-effectuating so that when a new tenant came in, they would not need to return to the Board for another variance.

In a roll call vote, motion **passed** 5-0

Motion made by Chair Nelson, seconded by Mr. Elfman to:

Deny the variance request for case **PLN-BOA-22050002** for the sign on the Northwest corner of NE 18th Avenue and Commercial Boulevard only because it does not meet the criteria for a variance. In a roll call vote, motion to **deny passed** 5-0

Communication to the City Commission

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Chair Nelson asked about the Board’s suggestion regarding fence heights. Mr. Spence said it had been implemented. He asked to staff to look into applicants who had been denied variances who would be affected by this change.

Report and for the Good of the City

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None

Other Items and Board Discussion

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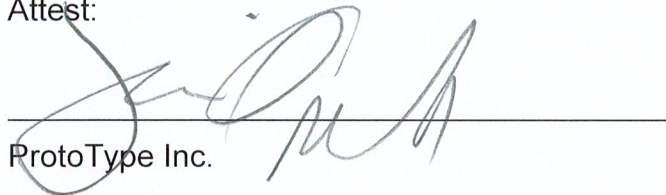
None

There being no further business to come before the Board, the meeting adjourned at 6:44 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.