



BOARD OF ADJUSTMENT MEETING NOTICE

August 25, 2022

A Public Hearing will be held before the Board of Adjustment on: Wednesday, September 14, 2022 at 6:00 P.M.

This meeting will be held in the City Commission Chambers, City Hall, 1st Floor, 100 North Andrews Avenue, Fort Lauderdale, Florida 33301 to determine whether the following application should be granted:

CASE: PLN-BOA-22080008

OWNER: JOSEPH, LARRY H/E; JOSEPH, PATRICE & BONHOMME, MAX

AGENT: CRUSH LAW, P.A. - JASON S. CRUSH, ESQ.

ADDRESS: 1236 NE 1st AVENUE, FORT LAUDERDALE, FL 33304

LEGAL DESCRIPTION: LOTS 42 AND 43, BLOCK 118 "PROGRESSO", AS RECORDED IN PLAT

BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY,

FLORIDA.

2

ZONING DISTRICT: RD-15 - RESIDENTIAL SINGLE FAMILY AND DUPLEX/MEDIUM DENSITY

COMMISSION

DISTRICT:

REQUESTING: Sec. 47-19.2.K.1. - Garages and carports (residential use).

 Requesting a variance from the minimum 20-foot front yard setback to allow an addition of garage at a setback of 15.2 feet, a total variance request of 4.8 feet.

Note: To view more information about this item, please visit: www.fortlauderdale.gov/government/BOA

If you have any questions, please feel free to contact me directly at 954-828-6342.

MOHAMMED MALIK ZONING ADMINISTRATOR

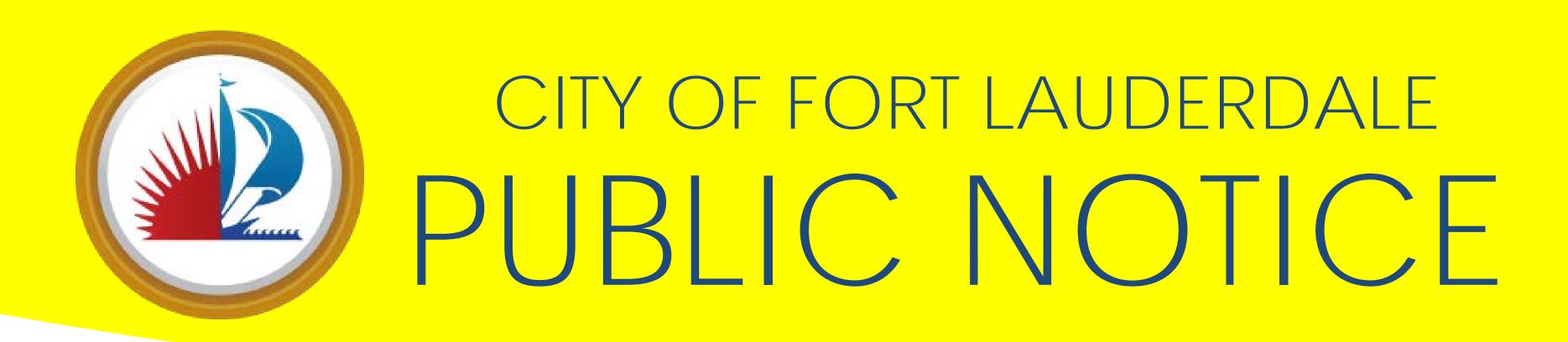
Florida Statutes, Sec. 286.0105

NOTE: If any person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.



Path: J:\DSD\DRCLocationMaps_16_RM\ArcMap\BOA_2022_09-14\PLN-BOA-22080006.mxd

Graphic Scale



BOARD OF ADJUSTMENT MEETING

DATE: SEPTEMBER 14, 2022

TIME: <u>6:00 PM</u> CASE: <u>PLN-BOA-22080008</u>

Requesting: Sec. 47-19.2.K.1. -Garages and carports (residential use)

• Requesting a variance from the minimum 20-foot front yard setback to allow an addition of garage at a setback of 15.2 feet, a total variance request of 4.8 feet.

LOCATION: CITY COMMISSION CHAMBERS CITY HALL, 100 N ANDREWS AVENUE

INFORMATION: CONTACT (954) 828-6506 http://www.fortlauderdale.gov





Page 4: Sign Notification Requirements and Affidavit

SIGN NOTICE

Applicant must POST SIGNS (for Board of Adjustment) according to Sec. 47-27.2 Types of Public Notice and 47-27.9 Variance, Special Exception, Temporary Non-Conforming Use, Interpretation requires the following notice:

- Sign Notice shall be given by the applicant by posting a sign provided by the City stating the time, date, and place of the Public Hearing on such matter on the property which is the subject of an application for a development permit. If more than one (1) public hearing is held on a matter, the date, time, and place shall be stated on the sign or changed as applicable.
- The sign shall be posted at least fifteen (15) days prior to the date of the public hearing.
- The sign shall be visible from adjacent rights-of-way, including waterways, but excepting alleys.
- If the subject property is on more than one (1) right-of-way, as described above, a sign shall be posted facing each right-of-way.
- If the applicant is not the owner of the property that is subject of the application, the applicant shall post the sign on or as near to the subject property as possible subject to the permission of the owner of the property where the sign is located or, in a location in the right-of-way if approved by the City.
- If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the City and posting the sign on the property.
- The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, request for review or hearings by another body. The sign information shall be changed as above to reflect any new dates.
- The applicant shall, five (5) days prior to the public hearing, execute and submit to the department an affidavit of proof of posting of the public notice sign according to this section. If the applicant fails to submit the affidavit the public hearing will be postponed until the next hearing after the affidavit has been supplied.

AFFIDAVIT OF POSTING SIGNS
STATE OF FLORIDA BROWARD COUNTY BOA CASE NO. PLN-BOA-2208008
APPLICANT: JOSEPH, LARRY H/E JOSEPH, PATRICE & BONHOMME, MAX
PROPERTY: 1236 NE 1 Avenue, Fort Lauderdale, FL 33304
PUBLIC HEARING DATE: September 14, 2022
BEFORE ME, the undersigned authority, personally appeared Jason S Crush , who upon being duly swom and cautioned, under oath deposes and says:
1. Affiant is the Applicant in the above cited City of Fort Lauderdale Board or Commission Case.

- The Affiant/Applicant has posted or has caused to be posted on the Property the signage provided by the City of Fort Lauderdale, which such signage notifies the public of the time, date and place of the Public Hearing on the application for relief
- 3. That the sign(s) referenced in Paragraph two (2) above was posted on the Property in such manner as to be visible from adjacent streets and waterways and was posted at least fifteen (15) days prior to the date of the Public Hearing cited above and has remained continuously posted until the date of execution and filing of this Affidavit. Said sign(s) shall be visible from and within twenty (20) feet of streets and waterways, and shall be securely fastened to a stake, fence, or building.
- Affiant acknowledges that the sign must remain posted on the property until the final disposition of the case before the Board or Commission. Should the application be continued, deferred, or re-heard, the sign shall be amended to reflect the
- 5. Affiant acknowledges that this Affidavit must be executed and filed with the Zoning & Landscaping Division five (5) calendar days prior to the date of Public Hearing and if the Affidavit is not submitted, the Public Hearing on this case shall be cancelled.
- 6. Affiant is familiar with the nature of an oath or affirmation and is familiar with the laws of perjury in the State of Florida and the penalties, therefore.

NOTE: I understand that if my sign is not returned within the prescribed time limit as noted in Sec. 47.27.2.j of the City of Fort _(initial here) Lauderdale ULDR: I will forfel my sign deposit. Affiant SWORN TO AND SUBSCRIBED before me in the County and State bove aforesaid this 1 September 20 2 LAUREN NICOLE RAMOS Notary Public - State of Florida NOTARY PUBLIC Commission # GG 968815 Y COMMISSION EXPLOSES: MOWCh 16, 2074 My Comm. Expires Mar 16, 2024 Bonded through National Notary Assn.



BOA CASE # PLN-BOA-22080008

Sec. 47-19.2.K.1. -Garages and carports (residential use).

- K. *Garages and carports (residential use)*. Garages and carports may extend into a required front yard in RD, RC and RM zoning districts when accessory to a single family dwelling subject to the following requirements:
- 1. Garages that are accessory to a standard single family dwelling shall have minimum front yard setback of twenty (20) feet from the front property line.

Record, Permit, or Account # PLN-BOA-22080008	Record Description	Application Name 1236 - Variance	Record Type Z- Board of Adjustment (BOA)	Balance Planner Nan	Street # Dir 1236 NE	Street Name Type 1 AVE	Opened Date Status 8/5/2022 Open
	PRE-CAST WALL		,				-7-7
BLD-FEN-21060039	~6/11/2021 NOC REC	PRE-CAST WALL	Fence Permit	350	1236 NE	1 AVE	6/11/2021 Awaiting Client Reply
AB-0084511		JOSEPH LARRY/ANNELIA	Resident/Business Alarm Registi	0	1236 NE	1 AVE	6/8/2015 Active
	NEW 800 SF FLAT ROOF FOR ADDITION BP	NEW 800 SF FLAT ROOF FOR					
PM-07021824	03081277	ADDITION BP 03081277	Re-Roof Permit	0	1236 NE	1 AVE	2/22/2007 Complete
DNA 0C022742	INSTALL MECH SYSTS FOR ADDITION BP	INSTALL MECH SYSTS FOR	Marchania IIIVA C Navy Install De		422C NE	4 41/5	2/22/2006 6
PM-06032712	03081277	ADDITION BP 03081277	Mechanical HVAC New Install Pe		1236 NE	1 AVE	3/23/2006 Complete
PM-04030283	SHUTTERS	SHUTTERS PLUMBING FOR ADDITION BP	Shutter Permit	0	1236 NE	1 AVE	3/3/2004 Void
PM-03091474	PLUMBING FOR ADDITION BP 03081277	03081277	Plumbing Residential Permit	0	1236 NE	1 AVE	9/17/2003 Complete
		ELECTRIC FOR ADDITION BP					5/11/1000 complete
PM-03091473	ELECTRIC FOR ADDITION BP 09081277	09081277	Electrical Residential Permit	0	1236 NE	1 AVE	9/17/2003 Complete
	SFR ADD:MASTER BED/BATH						
	~						
	~						
	~SIGNED CO P/U 1/5/09						
	~						
	~SPOT SURVEY & ELEV CERT						
	APPROVED 10/23/06 K.R						
	~						
	~RENEWAL PERMIT ISSUED ON 10/10/2007 ~	7					
PM-03081277	~B-NEW PLANS 6/11/04 Z-B-E-M-P	SFR ADD:MASTER BED/BATH	Residential Addition Permit	0	1236 NE	1 AVE	8/15/2003 Complete
PM-03040702	REROOF SHINGLES 1200	REROOF SHINGLES 1200	Re-Roof Permit	0	1236 NE	1 AVE	4/8/2003 Complete



DEVELOPMENT SERVICES DEPARTMENT - ZONING & LANDSCAPING

BOARD OF ADJUSTMENT (BOA) APPLICATION

Rev: 4 Revision Date: 05/03/2022 | Print Date: 05/03/2022

I.D. Number: Z&L-BOA

BOARD OF ADJUSTMENT (BOA) APPLICATION

Cover: Deadline, Notes, and Fees
Page 1: Applicant Information Sheet
Variance Request Criteria

Page 3: Required Documentation & Mail Notice Requirements

Page 4: Sign Notice Requirements & Affidavit

Page 5: Technical Specifications

<u>DEADLINE</u>: Submittals must be received by 4:00 PM each business day. Pursuant to Section 47-24.12, the Department will review all applications to determine completeness within five (5) business days. Applicants will be notified via e-mail, if plans do not meet the submittal requirements and if changes are required.

NOTES: Prior to formal submittal of applications, applicants are encouraged to schedule an appointment with the Board Liaison and staff to obtain feedback regarding proposals. The meetings provide an opportunity for applicants to obtain feedback and general direction, prior to expending significant effort on preparation of submittal documents. Submit Board of Adjustment (BOA) application, fees and required documents electronically through LauderBuild https://aca-prod.accela.com/FTL.

FEES: All applications for development permits are established by the City Commission, as set forth by resolution and amended from time to time. In addition to the application fee, any additional costs incurred by the City including review by a consultant on behalf of the City, or special advertising costs shall be paid by the applicant. Any additional costs, which are unknown at the time of application, but are later incurred by the City, shall be paid by the applicant prior to the issuance of a development permit.

Variance/Special Exception/Interpretation (Before): \$2,200
Variance/Special Exception/Interpretation (After): \$2,800
Variance/Special Exception/Interpretation (Before): \$650 Residential (Homesteaded Only) Accessory Structures & Existing Non-Conforming Structures.
Variance/Special Exception/Interpretation (After): \$850 Residential (Homesteaded Only) Accessory Structures & Existing Non-Conforming Structures. Request For Continuance: \$900
Request for Rehearing: \$300
Rehearing Request Before The Board: \$1,150



Page 1: BOA - Applicant Information Sheet

INSTRUCTIONS: The following information is requested pursuant to the City's Unified Land Development Regulations (ULDR). While the information requested in this is application is the minimum required to proceed please be aware additional information may be required to fully address the variance requested. The application must be filled out accurately and completely. Please print or type and answer all questions. Indicate N/A if does not apply.

NOTE: To be filled out by Department			
Case Number			
Date of complete submittal			
NOTE: For purpose of identification, the PI	ROPERTY OWNER is the APPLICANT		
Property Owner's Name	JOSEPH, LARRY H/E JOSEPH, PATRICE & BO	ONHOMME, MAX	
Property Owner's Signature	If a signed agent letter is provided, no signature		
Address, City, State, Zip	1236 NE 1 AVE FORT	LAUDERDALE FL 33304-1907	
E-mail Address	jcrush@	②crushlaw.com	
Phone Number	98	545222010	
Proof of Ownership	Warranty Deed_or √ Tax Record		
NOTE: If ACENT is to represent OWNER	notorized letter of concept is required		
NOTE: If AGENT is to represent OWNER, Applicant / Agent's Name	Crush Law, P.A Jason S. Crush, Esq.		
Applicant / Agent's Signature	Jason S. Crush		
Address, City, State, Zip	600 SE 2nd Court, Fort Lauderdale, FL 33301		
E-mail Address	jcrush@crushlaw.com		
Phone Number	9545222010		
Letter of Consent Submitted	YES		
	1.20		
Development / Project Name	1236 NE 1 Avenue		
Existing / New	Existing: ✓ 1236 NE 1 Avenue	New:	
Project Address	Address: 1236 NE 1 Avenue, Fort Lauderda	le, FL 33304	
Legal Description	DD00DE000 0 40	D I OT 40 40 DI I/ 440	
	PROGRESSO 2-18	D LOT 42,43 BLK 118	
Tax ID Folio Numbers			
(For all parcels in development)	4942 3	4 03 3140	
Variance Request (Describe)			
	A variance of four and eight tenths (4.8) feet to allow the addition of a twenty (20)	foot by twenty (20) foot garage on the west side of the existing single-family home is requested.	
Applicable ULDR Sections			
	Sec. 4	47-19.2.K.1	
Current Land Use Designation	Medium		
Current Zoning Designation	RD-15		
Current Use of Property	Single Family Residences		
Site Adjacent to Waterway	Yes Ves)	
Cathardre (1 E. v. E. C. N.O. E. W.	Dominod.	Dunnand	
Setbacks (indicate direction N, S, E, W	•	Proposed	
Front Side	Required 20' for Garage	Garage 15.2'	
Side	5 ft up to 22 ft. in height	Existing - No Change	
	5 ft up to 22 ft. in height	Existing - No Change	
Rear	15' Existing - No Change		

Page 2: Board of Adjustment (BOA) Criteria for Variance Request

Answer All questions on this page and attach narrative.

SPECIFIC REQUEST: State the specific request according to the ULDR or other provisions of the Code.

See attached narrative.

CRITERIA: Applicant must demonstrate a unique hardship attributable to the land by proving by a preponderance of the evidence for all of the following criteria. Please answer the following criteria completely. While some criteria may seem duplicative the response should be tailored specifically to each. Per section 47-24.12. A.4,

a. Special conditions and circumstances affect the property at issue which prevent the reasonable use of such property; and

See attached narrative.

b. Circumstances which cause the special conditions are peculiar to the property at issue, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the same zoning district; and:

See attached narrative.

c. Literal application of the provisions of the ULDR would deprive the applicant of a substantial property right that is enjoyed by other property owners in the same zoning district. (It shall be of no importance to this criterion that a denial of the variance sought might deny to the owner a more profitable use of the property, provided the provisions of the ULDR still allow a reasonable use of the property; and

See attached narrative

d. The unique hardship is not self-created by the applicant or his predecessors, nor is it the result of mere disregard for, or ignorance of, the provisions of the ULDR or antecedent zoning regulations; and

See attached narrative.

e. The variance is the minimum variance that will make possible a reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the ULDR and the use as varied will not be incompatible with adjoining properties or the surrounding neighborhood or otherwise detrimental to the public

See attached narrative.

AFFIDAVIT: I, Jason S. Crush	the Owner/Agent of said property ATTEST that I am aware of the following
------------------------------	--

- 1. In order to be entitled to the relief requested in the application an affirmative vote of a majority plus one of the Board of Adjustment is required;
- 2. That in granting the relief requested, the Board of Adjustment is limited to the authority vested in the Board by the ULDR and that the Board may not grant the relief requested unless the applicant proves all the criteria specified in the ULDR have been met;
- 3. That the granting of relief by the Board does not exempt the applicant or owner of record from the responsibilities of obtaining all applicable permits or approvals as may be required by law for both new and existing structures;
- 4. That if the relief requested is granted by the Board, the applicant must secure a building permit to implement the relief requested within one hundred eighty (180) days of the entry of the final order or the Board, or within such lesser time as the Board may proscribe and that failure to procure the necessary permits within the time so proscribed shall render the variance or special exception null and void;
- 5. That if the Board denies the request for relief, then no additional application for the same or substantially the same relief may be entertained by the Board within two (2) years of the date of entry of the final order of denial.

ason S. Crush (Signature)

SWORN TO AND SUBSCRIBED before me in the County and State at

NOTARY PUBLIC
MY COMMISSION EXPIRES: MARCH

"TOLE RAMOS Commission ! :74 My Comm. Expires Max Bonded through National Notary 16550

Page 3: Required Documentation & Mail Notice Requirements

-Submit One (1) Completed (Digital) application submittal through "Lauderbuild" (https://aca-prod.accela.com/). Note: The plans and survey must be digitally signed and sealed when submitting through Lauderbuild. * Mailing envelopes are submitted in person.

-Submit Fourteen (14) copy sets (stapled) of each item listed below and Plans at half-size scale 11"X17" & One (1) original application submittal.

documents (mail notification instructions at bottom of page).
ip (Broward County Property Records, warranty deed, and/or Sunbiz), including corporation documents if applicable.
original notarized signature and/or notarized agent letter signed by the property owner (if applicable).
s of the entire property and all surrounding properties, dated and labeled and identified as to orientation.
ng specific request and outlining ULDR sections that are applicable. Narratives <u>must be on letterhead, dated, licated.</u>
an set to state project name and table of contents.
of property, signed and sealed, showing existing conditions; survey must be As-Built with Right-of-Way and s Excluded. The survey should consist of the proposed project site alone. <u>Do not</u> include adjacent properties on the proposed project unless specifically requested by the City.
y may be substituted if the requested variance is clearly indicated)
if applicable)
licable)
etails as needed
st be clear and legible. Ided to 8 ½" x 11". All non-plan documents should be 8 ½" x 11".

<u>MAIL NOTIFICATION</u>: Pursuant to Section 47-27.2 Types of Public Notice and 47-27.9 Variance, Special Exception, Temporary Non-Conforming Use, Interpretation requires the following notice:

- MAIL NOTICE: Mail notice shall be given to owners of land within three hundred (300) feet of the subject site ten (10) days prior to the date set for the public hearing.
 - o <u>TAX MAP:</u> Applicant shall provide a tax map from the Broward County Property Appraiser of all property within a three hundred (300) foot radius, with each property clearly shown and delineated. Each property within the notice area must be numbered (by Folio ID) on the map to cross-reference with property owners notice list.
 - PROPERTY OWNERS NOTICE LIST: Applicant shall provide a property owner notice list with the names, property control numbers (Folio ID) and complete addresses for all property owners within the required three hundred (300) foot radius. The list shall also include all homeowners' associations, condominium associations, municipalities and counties noticed, as indicated on the tax roll.
 - o **ENVELOPES**: The applicant shall provide business size (#10) envelopes with first class postage attached (stamps only, metered mail will not be accepted). Envelopes must be addressed to all property owners within the required three hundred (300) foot radius, and mailing addresses must be typed or labeled; no handwritten addresses will be accepted. The return address shall be listed on all envelopes as follows:

City of Fort Lauderdale Zoning & Landscaping Division -BOA 700 NW 19th Avenue, Fort Lauderdale, FL 33311

- DISTRIBUTION: The City of Fort Lauderdale, Zoning & Landscaping Division will mail all notices prior to the public hearing meeting date, as outlined in Section 47-27.
- To order a tax map and notice list, please email Heather Hanson at hhanson@bcpa.net or call 954-357-6855. You may also contact Kenny Gibbs, kgibbs@bcpa.net or call 954-357-5503.



Site Address	1236 NE 1 AVENUE, FORT LAUDERDALE FL 33304-1907	ID#	4942 34 03 3140
	JOSEPH, LARRY H/E	Millage	0312
	JOSEPH, PATRICE & BONHOMME, MAX	Use	01-01
Mailing Address	1236 NE 1 AVE FORT LAUDERDALE FL 33304-1907		
Abbr Legal Description	PROGRESSO 2-18 D LOT 42,43 BLK 118		

The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

* 2022 va l u	es are conside	ed "working v	/a <mark>la₆₆₆p</mark> @l	ng aveseubjaatite v	Zhange .				
Year	Land	Build Improv	_	Just / Mai Value	Just / Market Value		Assessed / SOH Value		x
2022*	\$37,130	\$414,	730	\$451,860		\$330,090			
2021	\$37,130	\$326,	620	\$363,750)	\$320,4	80	\$5,832	2.36
2020	\$37,130	\$296,	770	\$333,900)	\$298,380		\$5,405	5.96
	2	2022* Exemp	tions an	d Taxable Values	by Tax	ing Authori	ty		
		(County	School I	3oard	Munic	ipal	Indep	endent
Just Value		\$4	51,860	\$45	1,860	\$451,	,860	\$	451,860
Portability			0		0		0		0
Assessed/	SOH 18	\$3	30,090	\$33	0,090	\$330,	,090 \$330		330,090
Homestead	100%	\$	25,000	\$2	5,000	\$25,	000 \$25,		\$25,000
Add. Home	estead	\$	25,000		0	\$25,	000 \$25,0		\$25,000
Wid/Vet/Dis	S		0		0		0		0
Senior			0		0		0		0
Exempt Ty	ре		0		0		0		
Taxable		\$2	280,090	\$30	5,090	\$280,	,090	\$	280,090
	\$	ales History				Land Calculations			
Date	Туре	Price	Book	/Page or CIN		Price		Factor	Туре
2/23/2021	QCD-T	\$100	1	17135785	\$	55.50	6	6,751	SF
10/5/2018	QCD-T	\$100	1	15543714					
7/31/2006	QCD	\$100	42	581 / 1690					
9/1/1992	QCD	\$100	19	9882 / 659					
3/1/1987	WD	\$56,000			Adj	. Bldg. S.F.	(Card,	Sketch)	1867

Units 1

Eff./Act. Year Built: 1953/1946

			Spe	cial Assess	ments			
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F1		
R								
1						1		

August 10, 2022

David Soloman
City Clerk
100 N. Andrews Avenue
City of Fort Lauderdale, FL 33301

Re: Property Located 1236 NE 1st Avenue, in the City of Fort Lauderdale, Florida (the "<u>Property</u>")

Dear Mr. Soloman,

Crush Law, P.A., specifically Courtney Callahan Crush and Jason Crush are authorized to represent me, as the Property Owner for the purpose of submitting a variance application for the Property in the City of Fort Lauderdale.

Sincerely,

STATE OF FLORIDA COUNTY OF BROWARD

Sworn to and subscribed before me this <u>10</u> day of <u>August</u> 2022 by <u>Lavry Joseph</u> who is:

Personally known to me____

OR Produced Identification X

Type of Identification Produced Driver's License

(SEAL)

Notary, Public, State of Florida

LAUREN NICOLE RAMOS
Notary Public - State of Florida
Commission # GG 968815
My Comm. Expires Mar 16, 2024
Bonded through National Notary Assn.

Print, type or stamp

name of notary

Commission Expires: March 16, 2024

My

Second Signature on Page 2	ر
Name: Patrice Joseph	

STATE OF FLORIDA COUNTY OF BROWARD

Sworn to and subscribed before me this <u>10</u> day of
AUGUST 2022 by
August 2022 by Patrice Joseph who is:
Personally known to me
OR Produced Identification X
Type of Identification Produced Driver's License

(SEAL)

Notary Public, State of Florida

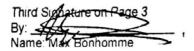
LAUREN NICOLE RAMOS
Notary Public - State of Florida
Commission # GG 968815
My Comm. Expires Mar 16, 2024
Bonded through National Notary Assn.

Print, type or stamp

name of notary

Му

Commission Expires: March 16, 2024



STATE OF FLORIDA COUNTY OF BROWARD

Sworn to and subscribed before me this 10 day of August 2022 by Max Bonhomme who is:
Personally known to me_ <u></u> OR Produced Identification Type of Identification Produced
(SEAL)
Notan Public, State of Shrida

Му

Print, type or stamp

Commission Expires: 36 May 2026





CONTACT:

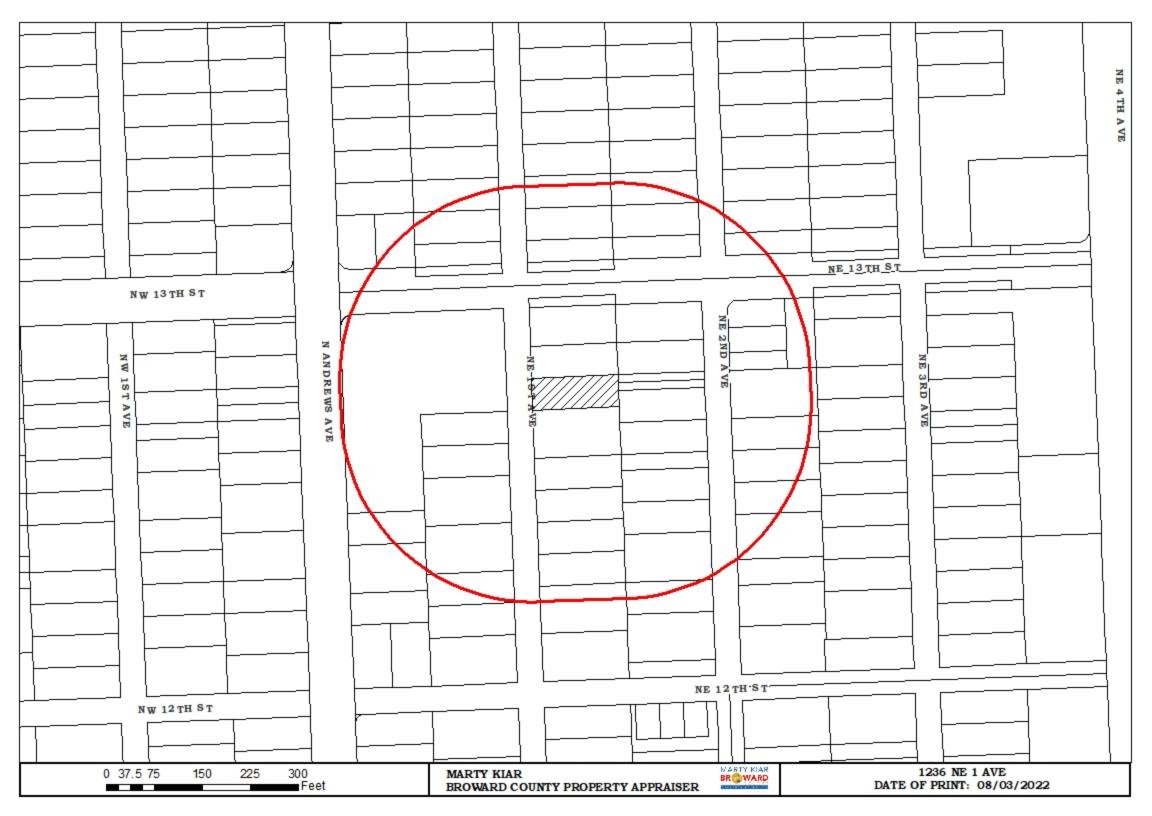
CITY OF FORT LAUDERDALE

DEPARTMENT OF SUSTAINABLE DEVELOPMENT • BUILDING SERVICES DIVISION

ADDRESS VERIFICATION

Devon Anderson

	Ph	one: 954-828-5233						
	Em	nail: DAnderson@fortlauderdale.gov						
PROJECT ADDRESS:		1236 NE 1 AVE, 33304						
PREVIOUS	ADDRESS:	1236 NE 1 AVE, 33304						
NOTES:	VARIANCE							
ZONING:	RD-15							
FOLIO #:	49423403	3140						
LEGAL DES	CRIPTION	PROGRESSO 2-18 D LOT 42,43 BLK 118						
LLUAL DL	CKII HOIV.	1 NOCKESSO 2 10 D EOT 42, 13 DEN 110						
DRC #:								
AUTHORIZ	ZED SIGNAT	URE:						
DATE:	08/02/202	22						



TOD NUMB NAME LINE	A	В	С	D	E	F	G	Н			\neg
2 349242005400 WINNING, CARRETTE I/WE HISRREAG, GUILLERMINA 1305 ME I AVE FORT LAUDERDALE FL. 33304 FORT LAUDERDALE FL. 33305 FO	1 FOLIO NUME	NAME LINE	NAME LINE1		CITY	STATE	ZIP A			LEGAL LINE	
3 393-39025-30 CRUZ_VENEW HEMPHILLIYSANDERA 130S NET AVE FORT LAUDERDALE 1, 3300 FORT LAUDERDALE 1, 3, 300 FORT LAUDERDALE 1, 3, 3, 3, 300 FORT LAUDERDALE 1, 3, 3, 3, 300 FORT LAUDERDALE 1, 3, 3, 3, 300 FOR			_		FORT LAUDERDALE	FL			FL33304		
4 9942402640 SILVA, MARTINI 130 N. E. 1AVE FORT LAUDERDALE FL. 3330 FORT LAUDERDALE FL. 3340 FORT LAUDERDALE FL. 3						FL					
5 49423402641 CITY OF FORT LAUDERDALE 13301 FORT LAUDERDALE 13306 FORT	4 49423402644	0 SILVA,MARTIN I		1301 NE 1 AVE	FORT LAUDERDALE	FL	33304 F	ORT LAUDERDALE	FL33304	PROGRESSO 2-18 D	
7 49234026655 SPINELL, ROBERTO PO BOX 4234 DEERFIELD BEACH FL 33442 PROGRESSO 2-18 D	5 49423402644	1 CITY OF FORT LAUDERDALE		100 N ANDREWS AVE	FORT LAUDERDALE	FL	33301 F	ORT LAUDERDALE	FL33301	PROGRESSO 2-18 D	
8 94234007650 PRUZE, DOANNE 1300 NW 129 AVE 500 N	6 49423402645	0 SPINELLI,ROBERTO J		911 NW 45 AVE	COCONUT CREEK	FL	33066 C	OCONUT CREEK	FL33066	PROGRESSO 2-18 D	
9 49242402660 CONTTEC, CYNTHIA	7 49423402645	1 SPINELLI,ROBERTO		PO BOX 4234	DEERFIELD BEACH	FL	33442 D	EERFIELD BEACH	FL33442	PROGRESSO 2-18 D	
10 49242405661 SETTON_JOHN	8 49423402665	0 ELIZE,ODANIE		1300 NW 129 AVE	SUNRISE	FL	33323 S	UNRISE FL33	3323	PROGRESSO 2-18 D	
11 49234026670 CHRISTIANSEN, XATHY	9 49423402666	0 GOYETTE,CYNTHIA		1812 NE 19 ST	FORT LAUDERDALE	FL	33305 F	ORT LAUDERDALE	FL33305	PROGRESSO 2-18 D	
12 49423402697 CITY OF FORT LAUDERDALE 1300 PROGRESSO 2-18 D 130 PROGRESSO 2-18 D	10 49423402666	1 SETTON,JOHN		5356 NE 5 AVE	FORT LAUDERDALE	FL	33334 F	ORT LAUDERDALE	FL33334	PROGRESSO 2-18 D	
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15 494234028870 SUNGOLD PROPERTIES & LLC	13 49423402668	0 NUNEZ,AURA L H/E	NUNEZ,GERALDO	1304 NE 1 AVE	FORT LAUDERDALE	FL	33304 F	ORT LAUDERDALE	FL33304	PROGRESSO 2-18 D	
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1236 NE 1st Avenue Board of Adjustment – Variance Requests Section 47-19.2.K.1 of the Unified Land Development Regulations ("ULDR")

Section 1 – Variance Request

Section 2 - Section 47-24.12.A.4 - Criteria - Variance

Section 3 – Section 47-19.2.K – Garage and Carports (Residential Use)

Background:

The owner of the property located at 1236 NE 1st Avenue ("Property") respectfully requests a variance to ULDR Section 47-19.2.K.1. ULDR Section 47-19.2.K.1 allows garages to extend into a required front yard in certain residential zoning districts provided that the garages have a minimum front yard setback of twenty (20) feet from the front property line. The Property is located within the City's Residential Single-Family Duplex/Medium Density District ("RD-15") residential zoning district. The Property is located north of Sunrise Boulevard and just south of northwest 13th Street along northeast 1st Avenue. The Property is facing a church parking lot to the west.

Of particular note, ULDR Section 47-19.2.K also allows carports to extend into the front yard setback to a minimum of fifteen (15) feet rather than twenty (20) feet required for garages. The property owner requests to meet the minimum front yard setback for a carport and believes it will not create a visual barrier for its neighbors, including the church parking lot to the west.

As such, a variance of four and eight tenths (4.8) feet to allow the addition of a twenty (20) foot by twenty (20) foot garage on the west side of the existing single-family home is requested.

Section 2 – Section 47-24.12.A.4 – Criteria – Variance

A variance from the terms of the ULDR shall be granted upon demonstration of a unique hardship attributable to the land by proving by a preponderance of evidence the following criteria:

1. Special conditions and circumstances affect the property at issue which prevent the reasonable use of such property; and

RESPONSE: As provided in ULDR Section 47-19.2.K, within the RD-15 residential zoning district a minimum front yard setback for a garage is twenty (20) feet. Interestingly, a minimum front yard setback for a carport is fifteen (15) feet. In fact, it is preferential by design to have an enclosed garage rather than an open unscreened carport. This variance request seeks to allow a residential garage to meet the carport minimum front yard setback.

2. Circumstances which cause the special conditions are peculiar to the property at issue, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the same zoning district; and:

RESPONSE: The owner's house on the Property was built in 1946 without a garage or a carport. The property owner would like to build a garage on the Property that is four and eight tenths (4.8) feet less than the twenty (20) foot minimum garage front yard setback but is in compliance with the fifteen (15) foot minimum carport front yard setback. Unlike many of the neighborhood properties that are currently being demolished and redeveloped as new duplexes and townhomes (since RD-15 permits multifamily structures), this property has an existing single family home that the resident-owner is currently remodeling and desires to provide for secure vehicle storage which would screen its contents from the neighborhood.

3. Literal application of the provisions of the ULDR would deprive the Applicant of a substantial property right that is enjoyed by other property owners in the same zoning district. (It shall be of no importance to this criterion that a denial of the variance sought might deny to the owner a more profitable use of the property, provided the provisions of the ULDR still allow a reasonable use of the property; and

RESPONSE: Literal application of the ULDR would eliminate the ability of the property owner to build a garage rather than a carport and restricts the owner's ability to provide secure storage for his home. A garage would be preferential for the surrounding neighbors and provide secure vehicle storage that provides screening from neighborhood view.

4. The unique hardship is not self-created by the Applicant or his predecessors, nor is the result of mere disregard for, or ignorance of, the provisions of the ULDR or antecedent zoning regulations; and

RESPONSE: There is no self-created hardship, in fact the extension into the front yard setback is written into the code and it includes both a twenty (20) foot and fifteen (15) foot setbacks. However, the code does not contemplate a garage with a minimum fifteen (15) foot setback -- just a carport, which is less preferential overall. The impact of adding a garage or a carport at a 15-foot setback is equivalent – if not a lesser impact for a garage.

5. The variance is the minimum variance that will make possible a reasonable use of the property and that the variance will be in harmony with the general purposes and intent of the ULDR and the use as varied will not be incompatible with adjoining properties or the surrounding neighborhood or otherwise detrimental to the public welfare.

RESPONSE: Granting a variance of four and eight tenths (4.8) feet to allow the construction of a garage vs a carport is the minimum variance possible and the variance will be in harmony with the general purposes and intent of the ULDR – as a garage needs to be 20 feet deep. The residential garage will not be incompatible with the adjoining properties or surrounding neighborhood or detrimental to the public welfare.

Section 3 – Section 47-19.2.K – Garage and Carports (Residential Use)

K. Garages and carports (residential use). Garages and carports may extend into a required front yard in RD, RC and RM zoning districts when accessory to a single family dwelling subject to the following requirements:

- 1. Garages that are accessory to a standard single family dwelling shall have minimum front yard setback of twenty (20) feet from the front property line.
- 2. Carports may extend into a required front yard, when they are accessory to a standard single family dwelling, and shall have a minimum front yard setback of fifteen (15) feet from the front property line, a maximum height of ten (10) feet, a maximum of two hundred (200) square feet of roof area within the required front yard, and
- 3. Any portion of a carport encroaching into a required front yard shall be open on all sides, except where attached to the principal building.

<u>RESPONSE:</u> A garage constructed at the same minimum front yard setback as allowed for a carport produces a better design for the property owner and the neighborhood as a whole.

1236 NE 1st Avenue Fort Lauderdale, FL 33304

Variance Request Board of Adjustment



Table of Contents:

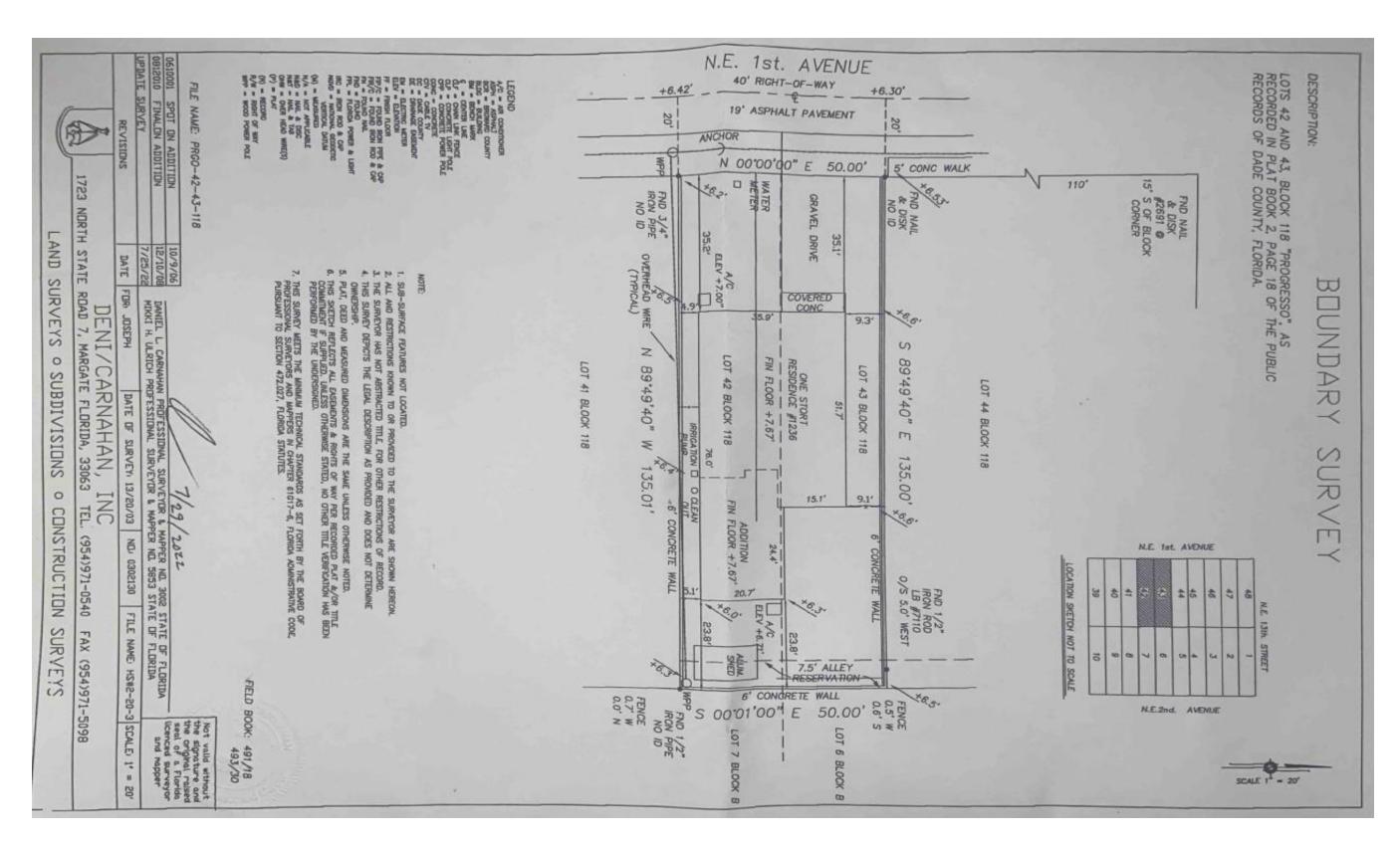
Page 1 Aerial
Page 2 Survey
Page 3 Depiction of Variance Request

Page 4 Property Photos

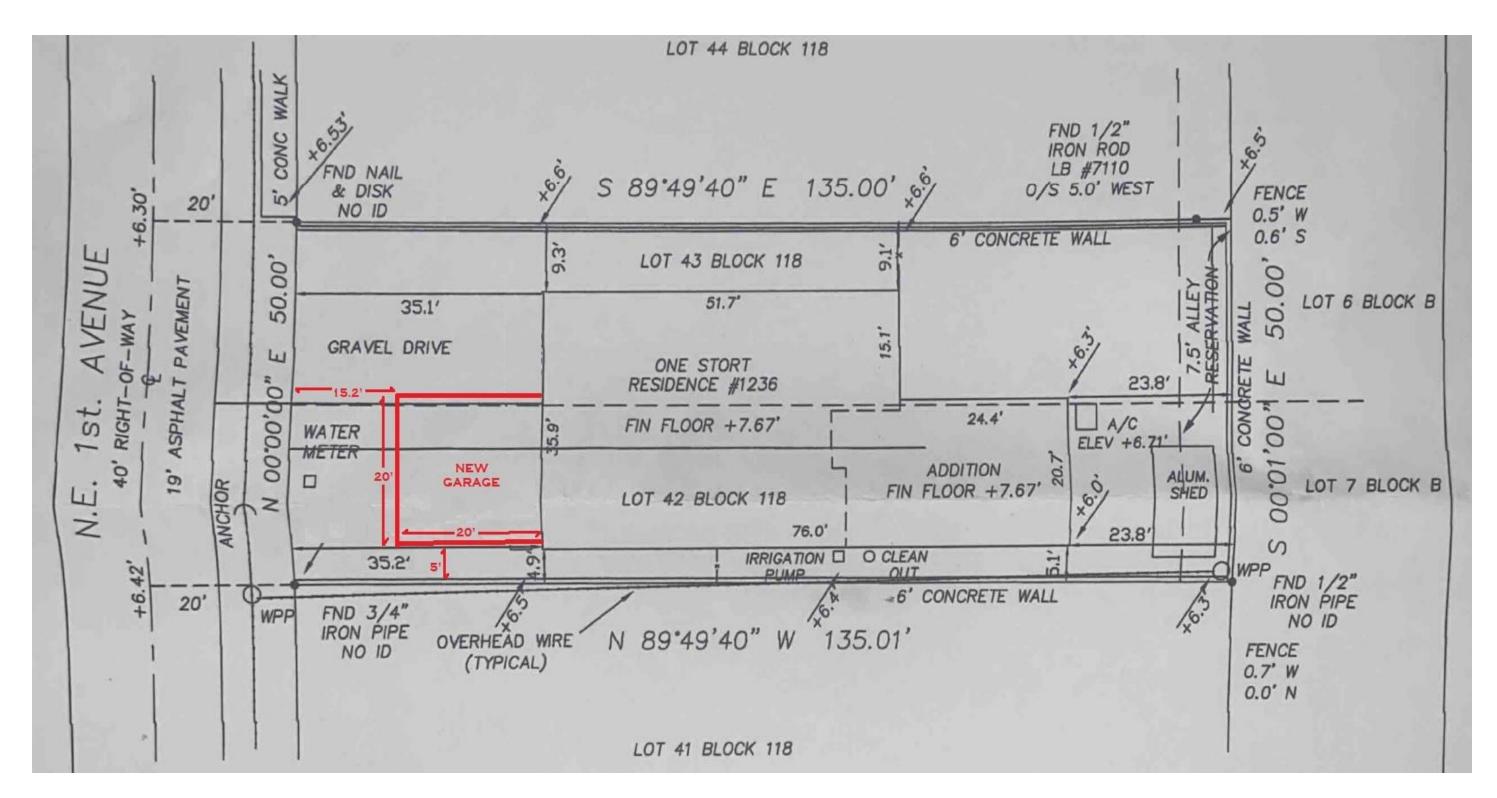
Jason S. Crush, Esq.
Crush Law, P.A.
600 SE 2nd Court
Fort Lauderdale, FL 33301



Aerial P-1



Survey P-2



Site Plan P-3







View to the South





Property to the West

Property

BOUNDARY SURVEY DESCRIPTION: LOTS 42 AND 43, BLOCK 118 "PROGRESSO", AS RECORDED IN PLAT BOOK 2, PAGE 18 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA. N.E. 13th. STREET 47 46 3 AVENUE AVENUE 44 & DISK #2691 @ fat S OF BLOCK CORNER 15' B 41 40 9 10 39 110 LOCATION SKETCH NOT TO SCALE LOT 44 BLOCK 118 WALK FND 1/2" IRON ROD LB #7110 O/S 5.0' WEST CONC FND NAIL & DISK NO ID 135.00' 8 S 89'49'40" E FENCE +6.30 20 20 0.5' W 0.6' S CONCRETE WALL 9.3 AVENUE 9.1 LOT 43 BLOCK 118 ,00 00 7.5' ALLEY PAVEMEN LOT 6 BLOCK B 50 WALL 35.1 50. RIGHT-OF-WAY 15.1 GRAVEL DRIVE CONC ш GRETE ONE STORT RESIDENCE #1236 41 ASPHALT ,,00,00,00 1st. ,00, FIN FLOOR +7.67 24.4 LA/C ELEV +6.7 CON WATER FIN FLOOR +7.67' 10.00 40, ALUM. 19, نبا LOT 7 BLOCK B A/C ELEV +7.00 LOT 42 BLOCK 118 Z Z 76.0 5 IRRIGATION O CLEAN 5.1 42 FND 1/2" IRON PIPE 46' CONCRETE WALL 20 FND 3/4" IRON PIPE OVERHEAD WIRE 16 WP NO ID N 89'49'40" 135.01 FENCE NO ID (TYPICAL) 0.7' W 0.0' N LOT 41 BLOCK 118

LEGEND

WAY WER POLE

NOTE:

- 1. SUB-SURFACE FEATURES NOT LOCATED.
- 2. ALL AND RESTRICTIONS KNOWN TO OR PROVIDED TO THE SURVEYOR ARE SHOWN HEREON.
- 3. THE SURVEYOR HAS NOT ABSTRACTED TITLE, FOR OTHER RESTRICTIONS OF RECORD.
 4. THIS SURVEY DEPICTS THE LEGAL DESCRIPTION AS PROVIDED AND DOES NOT DETERMINE
- OWNERSHIP.
 5. PLAT, DEED AND MEASURED DIMENSIONS ARE THE SAME UNLESS OTHERWISE NOTED.
- 6. THIS SKETCH REFLECTS ALL EASEMENTS & RIGHTS OF WAY PER RECORDED PLAT &/OR TITLE COMMITMENT IF SUPPLIED. UNLESS OTHERWISE STATED, NO OTHER TITLE VERIFICATION HAS BEEN PERFORMED BY THE UNDERSIGNED.
- THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61617-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

FIELD BOOK: 491/18 493/30

FILE NAME: HS#2-20-3 SCALE: 1' = 20'

FILE NAME: PRGO-42-43-118

REVISIONS

0610001 SPOT ON ADDITION 10/9/06 12/10/08 0812010 FINALON ADDITION 7/25/22 UPDATE SURVEY

7/29/2022

DANIEL L. CARNAHAN PROFESSIONAL SURVEYOR & MAPPER NO. 3002 STATE OF FLORIDA MIKKI H. ULRICH PROFESSIONAL SURVEYOR & MAPPER NO. 3853 STATE OF FLORIDA

Not valld without the signature and the original raised seal of a Florida licenced surveyor and napper

1723 NORTH STATE ROAD 7, MARGATE FLORIDA, 33063 TEL. (954)971-0540 FAX (954)971-5098

DATE

DENI/CARNAHAN, INC

NO. 0302130

LAND SURVEYS . SUBDIVISIONS . CONSTRUCTION SURVEYS

DATE OF SURVEY: 13/20/03