

## BOARD OF ADJUSTMENT MEETING CITY OF FORT LAUDERDALE DEVELOPMENT SERVICES DEPARTMENT 700 NW 19<sup>th</sup> AVENUE, FORT LAUDERDALE, FLORIDA 33311 AUGUST 9, 2023 – 6:00 P.M.

		Cumulative Attendance 6/2023 through 5/2024		
<b>Board Members</b>	<b>Attendance</b>	Present	Absent	
Howard Elfman, Chair	Р	3	0	
Caldwell Cooper	Α	2	1	
Douglas Meade	Α	2	1	
Howard Nelson	Р	3	0	
Fred Stresau	Р	3	0	
Robert Wolfe, Vice Chair	Р	3	0	
Patricia Rathburn, alternate	Р	3	0	
Milton Jones, alternate	Р	2	0	

#### Staff

Rhonda Hasan, Assistant City Attorney Chakila Crawford, Senior Administrative Assistant Jazmine Eveillard, Administrative Assistant Mohammed Malik, Zoning Administrator Burt Ford, Zoning Chief James Hollingsworth, Zoning Plan Examiner J. Opperlee, Recording Secretary, Prototype Inc.

#### Communication to the City Commission

**Motion** made by Mr. Stresau, seconded by Mr. Nelson to ask the City Commission to ask the Planning and Zoning Board to discuss how to measure grade regarding fences and walls. In a roll call vote, motion passed 4-2 with Mr. Nelson and Ms. Rathburn opposed.



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Chakila Crawford, Senior Administrative Assistant
Jazmine Eveillard, Administrative Assistant
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	23030003	LOFRIA		-
3.	PLN-BOA-	F & F INVESTMENT GROUP LLC/Neal Kalis	2	5
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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 was determined to be present.

#### II. Approval of Minutes – June 14, 2023 and July 12, 2023

**Motion** made by Mr. Nelson, seconded by Mr. Wolfe to approve the Board's June 14 2023 minutes as previously amended. In a voice vote, motion passed 6-0.

**Motion** made by Mr. Nelson, seconded by Mr. Wolfe to approve the Board's July 12 2023 minutes as presented. In a voice vote, motion passed 6-0.

#### 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

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CASE: PLN-BOA- 23010001

OWNER: CICALE, COURTNEY L & BRYAN

AGENT: N/A

ADDRESS: 1724 SW 4 STREET, FORT LAUDERDALE, FL 33312

LEGAL DESCRIPTION: LOT 7, SANFORD D. ADLER SUBDIVISION, ACCORDING

TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 76, PAGE 16, PUBLIC RECORDS OF

BROWARD COUNTY, FLORIDA. (SEE SURVEY)

ZONING DISTRICT:

RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM

DENSITY

COMMISSION DISTRICT: REQUESTING: 4

Sec. 47-19.2.EE. - Utility and tool sheds, residential districts.

- Requesting a variance to increase the maximum allowable height of a shed from 10 feet high to 11.1 feet high, a total variance request for an increase in height of 1.1 feet.
- Requesting an increase in the maximum allowable area of a shed from 100 square feet to 160 square feet, a total variance request for an increase in area of 60 square feet.
- Requesting an increase from the maximum allowable length of any side of a shed from 12 feet to 16 feet, a total variance request for an increase in length of 4 feet.

This case was Deferred from the July 12, 2023, BOA meeting Agenda.

Mr. Malik noted that the variance request for the height increase had been reduced from 2.5 feet in the previous filing to 1.1 feet.

Bryan Cicale, owner, described the request, noting that they had measured from the floor of the home to get the shed's height. He said since the last meeting, the neighbor who had objected had withdrawn his objection when Mr. Cicale agreed to camouflage the shed with landscaping.

Mr. Nelson asked about making the structure physically shorter, and Ed Cicale, the owner's father, described the work that would require. He noted that the roof had been constructed with "hurricane angles" so they would be forced to cut the joists down and remove the entire roof.

Chair Elfman opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Elfman closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Nelson, seconded by Mr. Wolfe:

To grant the three variance requests because they meet the criteria for a variance. Motion passed 6-0.

2.

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CASE:

PLN-BOA-23030003

OWNER:

WALTON, MICHAEL RAYMOND; LOFRIA, MICHELE

AGENT:

N/A

ADDRESS:

5560 NE 26 AVENUE, FORT LAUDERDALE, FL 33308

LEGAL

DESCRIPTION:

LOT 2, BLOCK 3, "GOLF ESTATES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 43. PAGE 26, OF THE PUBLIC RECORDS OF BROWARD

COUNTY, FLORIDA (SEE SURVEY)

ZONING DISTRICT:

RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM

DENSITY

1

COMMISSION DISTRICT:

REQUESTING:

Sec. 47-19.2. P.- Freestanding shade structures.

Requesting a variance to allow an existing freestanding shade structure to have a maximum height of 14 feet whereas the code allows a maximum height of 12 feet measured from the ground to the top of the structure. A total

variance request of 2 feet in height.

Requesting a variance to allow an existing freestanding shade structure to have a setback of 7 feet FROM WATER WAY whereas the code requires a minimum of 10 feet setback FROM WATERWAY a total variance request of 3 feet.

Requesting a variance to allow an existing freestanding shade structure to have a total area of 226.08 square feet for that portion of the structure protruding into the required yard area whereas the code allows a maximum of 200 square feet. A total variance request of 26.08 square feet

This case was Deferred from the July 12, 2023, BOA meeting Agenda.

Mr. Malik stated the height was more than the City had advertised so the case must be deferred. They needed additional information from the engineer or surveyor as well.

Michael Walton, owner, requested a deferral.

Motion made by Mr. Nelson, seconded by Mr. Wolfe: To defer the case to the October meeting. Motion passed 6-0.

3.

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CASE:

PLN-BOA-23060001

OWNER:

F & F INVESTMENT GROUP LLC

AGENT:

NEAL R. KALIS ESQ.

ADDRESS:

2935 RIVERLAND ROAD, FORT LAUDERDALE FL 33312

LEGAL DESCRIPTION:

PARCEL A-A PORTION OF THE EAST 195 FEET OF THE WEST 386 FEET OF THE EAST ONE-HALF (E 1/2) OF BLOCK 13, OF THE AMENDED MAP OF SUBDIVISION OF SECTION 17, TOWNSHIP 50 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, AT PAGE 72, OF THE PUBLIC RECORDS OF DADE COUNTY FLORIDA. SAID LANDS LYING AND BEING IN BROWARD COUNTY. FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECT/ON OF THE NORTH RIGHT-OF WAY LINE OF RIVERLAND ROAD (60 FOOT RIGHT-OF-WAY) AND THE WEST LINE OF THE SAID EAST 195 FEET OF THE WEST 386

FEET OF THE EAST ONE-HALF (E 1/2) OF BLOCK 13; THENCE NORTH 83°45'17" EAST A DISTANCE OF 95.12 FEET TO A POINT: THENCE SOUTH 00°00'42" WEST: A DISTANCE OF 106.85 FEET; THENCE SOUTH 78°55'01" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF RIVERLAND ROAD, A DISTANCE OF 96.33 FEET TO THE POINT OF BEGINNING. AND CONTAINING 10,485.39 SQ.FT. OR 0.240

ACRES. (SEE SURVEY)

ZONING DISTRICT:

RS-3.52 - IRREGULAR RESIDENTIAL

COMMISSION DISTRICT:

4

REQUESTING:

#### Sec. 47-39. A.6.F.1.-Side yards

Requesting a variance to allow a newly constructed single family residence building, to have an east side yard setback of 4.53 feet whereas the code requires a minimum of 7.5 feet. A total variance reduction request of 2.97 feet, for a length of 22.65 feet on the east side yard.

This case was Deferred from the July 12, 2023, BOA meeting Agenda.

Mr. Hollingsworth said the spot survey from June 2022 showed compliance with the setbacks. The final survey showed the side setback was too short, so the variance was requested.

Neal Kalis, agent, gave a Power Point presentation, a copy of which is attached to these minutes for the public record. He described the request, explaining that a 2018 survey from when this lot was connected to the adjacent lot had erroneously been used for laying out the west foundation. That 2018 survey had been incorrect, creating a deficiency in square footage and another, corrected survey was done in 2019. Mr. Kalis described the work that would need to be done to make the construction comply and said it would be "economically devastating" to his client if the variance were not granted. He stated the adjacent neighbor had signed a letter of support.

Chair Elfman opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Elfman closed the public hearing and brought the discussion back to the Board.

Mr. Nelson said he could understand how this happened and noted the most affected neighbor's letter of support.

Mr. Stresau wondered if the architect had visited the site during construction and Fawzi Faroun, owner, said the architect had never visited the site because this was during the pandemic. Mr. Stresau said this problem was due to two survey companies that "didn't do a very good job."

Ms. Rathburn noted that no one had caught the mistake during construction.

Mr. Jones asked how to prevent this in the future and Mr. Ford said the City could not prevent it because they relied on the building professionals.

Mr. Stresau asked if the site plan had ever been revised to reflect the errors and Mr. Ford said he had not seen it.

Motion made by Mr. Stresau, seconded by Mr. Wolfe:

To grant the variance request because it meets the criteria for a variance. Motion passed 5-1 with Mr. Jones opposed.

4.

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CASE:

PLN-BOA- 23060002

OWNER:

RIVER REACH INC

AGENT:

DENISE WILLIAMS; ALLIE INBERG

ADDRESS:

949 RIVER REACH DRIVE, FORT LAUDERDALE, FL 33315

**LEGAL DESCRIPTION:** PARCELS A AND B OF HARBOR ISLAND, ACCORDING TO THE

PLAT THEREOF, AS RECORDED IN PLAT BOOK 59, PAGE 29, OF THE PUBLIC RECORDS OF BROWARD COUNTY FLORIDA. (SEE

SURVEY)

ZONING DISTRICT:

RMH-25 - RESIDENTIAL MULTIFAMILY HIGH RISE/MEDIUM HIGH

DENSITY

4

COMMISSION

DISTRICT:

REQUESTING:

Sec. 47-22.3. G. - Ground sign.

 Requesting a variance to allow a ground sign to be ninetyone (91) square feet, whereas the code allows a maximum of twenty-four (24) square feet, a total variance request of sixty-seven (67) feet.

Allie Inberg and Meliss Weatherwax, agents, described the request.

Ms. Weatherwax confirmed for Mr. Nelson that the total square footage of the requested single sign was less than 50% of the total square footage of the two signs it would replace.

Chair Elfman opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Elfman closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Nelson, seconded by Mr. Wolfe:

To grant the variance request because it meets the criteria for a variance. Motion passed 5-1 with Mr. Stresau opposed.

5.

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CASE:

PLN-BOA-23070001

OWNER:

JEM LANDMARK LLC; ELSIE CHAN

AGENT:

VLADANA ALEHAN-BRIZUELA

ADDRESS:

3337 NE 33 STREET, FORT LAUDERDALE, FL 33308

LEGAL DESCRIPTION:

LOT 7, BLOCK 7 OF GALT OCEAN MILE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BLOOK 34, PAGE 16, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)

ZONING DISTRICT:

**CB- COMMUNITY BUSINESS** 

COMMISSION DISTRICT:

1

REQUESTING:

#### Sec. 5-26 - Distance between establishments.

Requesting a special exception from the required distance separation of three hundred (300) feet between establishments selling alcoholic beverages. The location of the proposed establishment is one hundred eleven (111) feet from one establishment licensed to sell alcoholic beverages and two hundred fifty-five (255) feet from another establishment licensed to sell alcoholic beverages. The special exception reduces the distance between one establishment from three hundred (300) feet to one hundred eleven (111) feet, a total reduction of one hundred eighty-nine (189) feet and from another establishment from three hundred (300) feet to two hundred fifty-five (255) feet, a total reduction of forty-five (45) feet, respectively.

Vladana Alehan-Brizuela, agent, described the request. She said this had been a wine bar for 17 years prior to her ownership.

Chair Elfman opened the public hearing. There being no members of the public wishing to address the Board on this item, Chair Elfman closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Nelson, seconded by Mr. Wolfe:

To grant the special exception because it meets the requirements for consistency with the neighborhood character under the ULDR. Motion passed 6-0.

6.

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CASE:

PLN-BOA-23070003

OWNER:

1201 BAYVIEW CORP

AGENT:

**HEATHER GRIMES** 

ADDRESS:

1201 BAYVIEW DRIVE, FORT LAUDERDALE, FL 33304

LEGAL DESCRIPTION:

LOT 11, IN BLOCK "G", OF BEACHWAY HEIGHTS, UNIT

"A". ACCORDING TO THE PLAT THEREOF, AS

RECORDED IN PLAT BOOK 22, AT PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

(SEE SURVEY)

**ZONING DISTRICT:** 

RS-4.4 - RESIDENTIAL OF SINGLE FAMILY/LOW

DENSITY

COMMISSION DISTRICT:

1

#### REQUESTING:

### Sec. 47-5.30 - table of dimensional requirements for the RS-4.4 district

 Requesting a variance to reduce the corner yard setback to seven (7) feet, five (5) inches, whereas the code requires a minimum of 25% of the lot width at the front yard setback (98 feet x 25% = 24 feet 6 inches), a total variance reduction request of seventeen (17) feet, one (1) inch.

Heather Grimes, agent, and Sajeen Bell, architect, described the need for the variance.

Chair Elfman opened the public hearing.

Mary Peloquin, neighbor, distributed a letter to Board members and read it into the record. She opposed the request and noted that she had added to her home and observed the setback requirements. She said all properties on Bayview had a 25-foot front setback and allowing this variance would ruin the look of the neighborhood. Ms. Peloquin also felt the building would disrupt sightlines for traffic and create a safety issue. She was also very concerned this would set a precedent and ruin the community. Ms. Peloquin asked the Board to deny the request.

Doug Coolman read a letter from Abby Laughlin, president of the Coral Ridge Association, which had already been provided to the Board, opposing the variance request. The letter discussed the maximum square footage allowed on the lot and the fact that it could be built without the requested variance. Ms. Laughlin indicated that the variance was needed because of the architect's design choices.

At 7:05, the Board took a brief recess.

Mr. Coolman continued with the letter expressing concern about the precedent this would set for reconfiguring the lots on Bayview Drive. The Coral Ridge Association opposed the request. Mr. Pullman read his own statement, indicating the request did not meet the criteria for a variance.

Mr. Nelson noted that Mr. Coolman was a professional land planner and asked if he agreed with Ms. Laughlin's critique of the planned development regarding lot coverage and usability. Mr. Coolman said he agreed with Ms. Laughlin.

There being no other members of the public wishing to address the Board on this item, Chair Elfman closed the public hearing and brought the discussion back to the Board.

Ms. Rathburn asked when Ms. Grimes purchased the property. Ms. Grimes said the property had been deeded to her two years ago but the deed had not been recorded in her name. She had formed a corporation and transferred the title to that corporation in April of this year.

Mr. Nelson asked the architect if she had considered other design alternatives and Ms. Bell said the owner wanted to preserve the backyard, and that they could consider other designs. Ms. Grimes said she had considered other ways to configure the property but said she was limited by the fact that the home was oriented catty-corner on the lot. Mr. Nelson suggested Ms. Grimes withdraw the request and confer with the neighborhood association.

Mr. Grimes withdrew her request.

Motion made by Mr. Nelson, seconded by Mr. Wolfe:

To defer the case to the December 2023 meeting. Motion passed 5-1 with Ms. Rathburn opposed.

#### **Communication to the City Commission**

Index

Mr. Stresau recalled a case at the previous meeting regarding a fence and where the height of the fence should be measured from. Mr. Malik had provided the ordinance changes regarding how FEMA set the finished first floor as grade to measure the fence height. Mr. Stresau said this could result in a fence being much taller.

**Motion** made by Mr. Stresau, seconded by Mr. Nelson to ask the City Commission to ask the Planning and Zoning Board to discuss how to measure grade regarding fences and walls.

Mr. Ford stated they were currently re-writing the code, separating accessory structures and requiring the height of fences to be measured from the ground [finished grade] where the fence was being installed. Mr. Nelson noted that this could result in a fence that was effectively shorter relative to a home regarding visual protection. This was why the Board had requested the changes to begin with.

In a roll call vote, motion passed 4-2 with Mr. Nelson and Ms. Rathburn opposed.

#### Report and for the Good of the City

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Staff indicated the September meeting must be rescheduled to September 21.

**Motion** made by Mr. Nelson, seconded by Mr. Wolfe, to reschedule the Board's September meeting to Thursday, September 21.

#### Other Items and Board Discussion

Index

None

There being no further business to come before the Board, the meeting adjourned at 7:39 p.m.

Chair:

Attest:

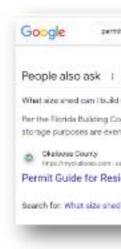
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Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

## Explanation for Need for Variance (Sec. 47-19.2.EE at 1724 SW 4<sup>th</sup> Street)



- Home does not have a garage (eliminated prior to purchase) and has limited interior storage (appx 60 sq ft of closet space)
- Believed that sheds under 200 square feet used exclusively for storage did not require a permit. Shed is at 160 square feet
  - Google Search Result
  - Home Depot Display of 10X16 sheds for sale at Sunrise Blvd location





## Explanation for Need for Variance (Sec. 47-19.2.EE at 1724 SW 4th Street)

- Our property is prone to flooding.
- The 3 adjacent properties higher elevation from pools with runoff into our yard
- Shed built off the ground to allow for flooding and eliminate the potential of substantial water damage
- Most recent flooding of the yard was in May 2023





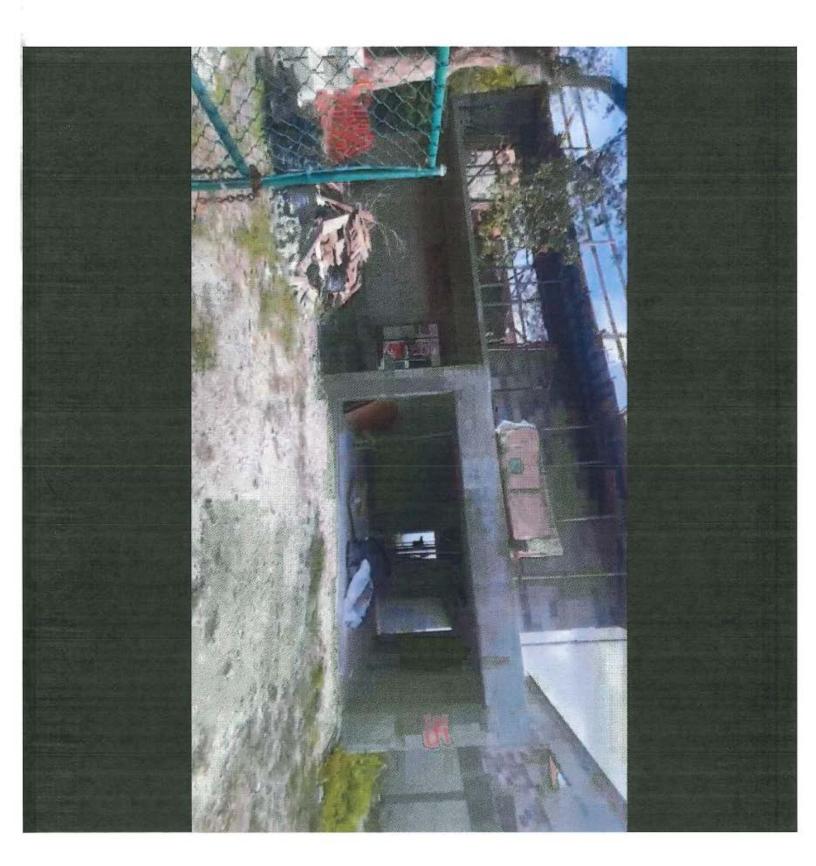
RE: PLN-BOA-23060001

2935 Riverland Road, Fort Lauderdale

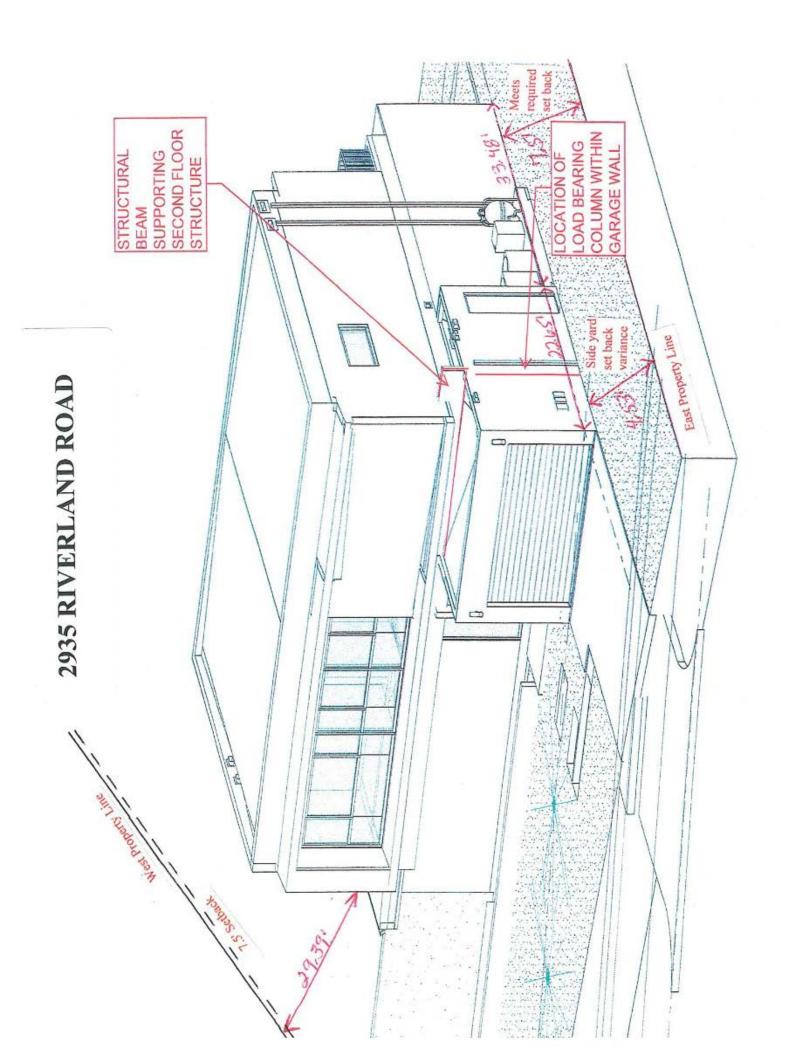
#### PRESENTATION

- 1. Color Rendering
- 2. August/September 2022 Status of Construction Photograph
- 3. Photograph of East Side Yard taken 8/3/2023
- 4. 3-D Drawing
- Letter from Architect, Denise Preschel, and email exchange between Denise Preschel and Julian Bobilev, AICP, Land Use Planner, Greenspoon Marder
- 6. Romar Industries Remediation Cost Estimate
- 7. Additional Letters of Support









PRESCHEL BASSAN STUDIO 800 SE 4<sup>th</sup> Ave, Suite 616 Hallandale Beach FL 33009 954.477.6750



August 3rd 2023,

To whom it may concern,

#### RE: 2935 Riverland Road Residence

This letter is in regards to the new single family residential project located at 2935 Riverland Road.

Please find attached a diagram showing the location of a beam that supports the second floor of the house and the location of the load bearing column within the garage wall.

Also attached is the first-floor structural plan, where you can see in the intersection between grid lines H and 1 the location of the column that supports the second-floor structure.

The above referenced structural members are part of the configuration of the house and cannot be removed without causing structural damage to the building.

Please feel free to reach back to me with additional questions or comments,

Sincerely,

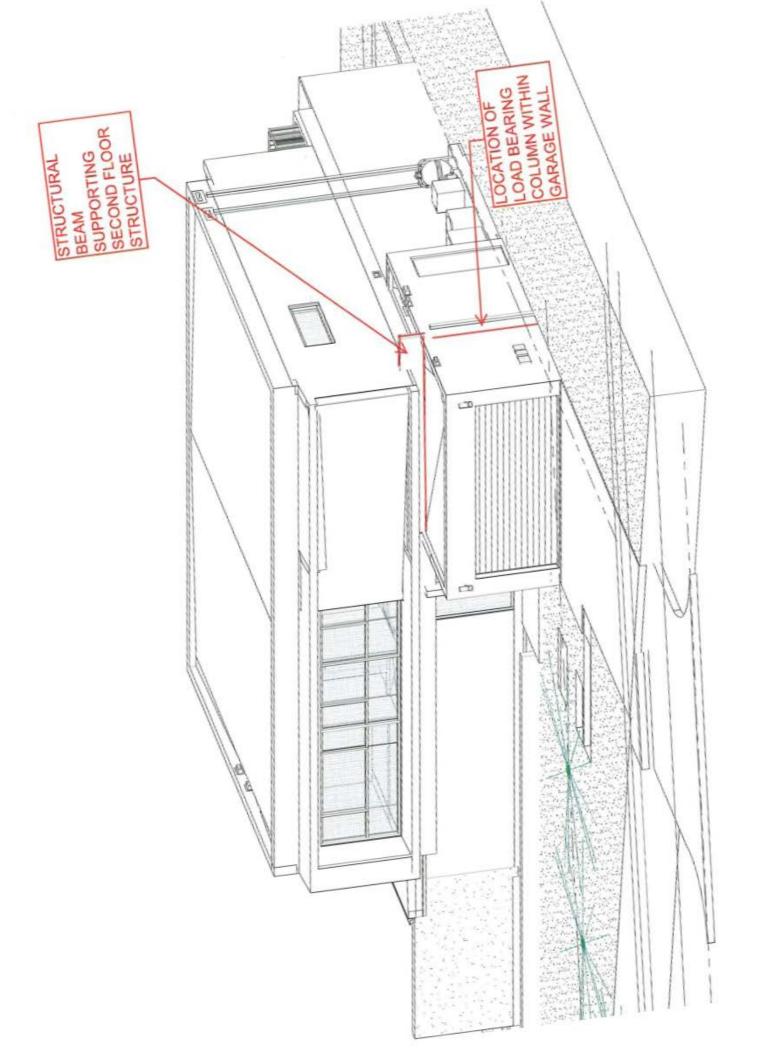
Denise Preschel

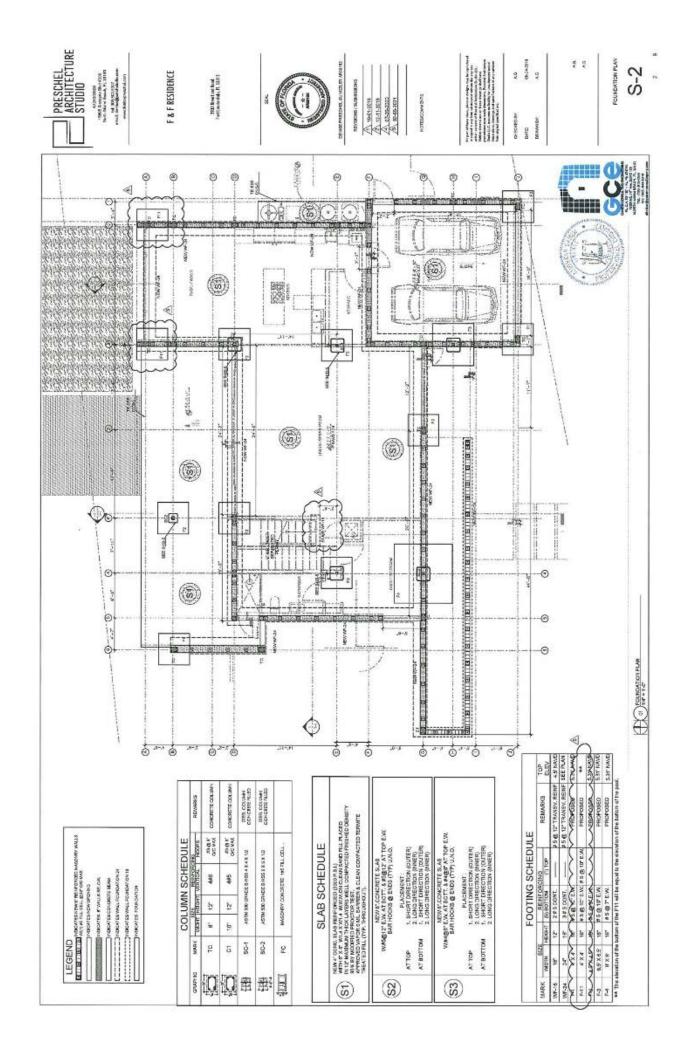
Principal - Preschel Bassan Studio

A.R. 99182

denise@preschelbassan.com

cel: 305.803.5397







State Certified General Contractor • Licensed & Insured CGC 150-6211 robert@romarindustriesinc.com
Phone: (786) 295-9198

Re: 2935 Riverland Road

Fort Lauderdale Fl, 33312

Date: August 3, 2023

Upon noticing the problem with the setbacks at 2935 Riverland Rd Fort Lauderdale Fl 33312 at such point our COST TO CURE would have been in excess of \$198.000.00 upwards which include purchasing of rebar, concrete, wood, plywood, 2x4, and all other miscellaneous items as needed.

(Labor/machinery), dump, would have been in excess of \$67.000.00 upwards includes concrete cutting, demolition, tractor, dump, and labor.

The shell of the house was already erected leaving the owner/builder stuck in a very hard situation.

This price does not include architectural design/drawings, engineering cost, city cost, impact fees, new survey of property fees, which could exceed in excess of \$50.000.00.

Any questions or concerns please feel free to contact me

Robert Williams - President/Owner of Romar Industries Inc.

Phone: 786-295-9198

Email: robert@romarindustriesinc.com.

Best Regards,

Robert Williams.

#### LETTER OF SUPPORT

CASE: PLN-BOA-23060001

Variance from Side Yard Setback

To Whom It May Concern:

I am a neighbor who resides at 2929 Riverand Rd Fort Jacob 47, Fort Lauderdale, Florida. The design and construction of the home being built at 2935 Riverland Road is beautiful and will be an excellent addition and enhancement to the neighborhood. I voluntarily sign this Letter of Support for the Variance request by F & F Investment Group LLC for an east side yard setback from the required 7.5 feet to 4.53 feet (a total variance reduction of 2.97 feet).

Signature

DAVID MASEDA

Print Property Owner Name

Date signed

#### LETTER OF SUPPORT

CASE: PLN-BOA-2306001

Variance from side yard setback

To Staff and Board Members of the Fort Lauderdale Board of Adjustment

I am writing this letter on behalf the variance petition for 2935 Riverland Rd Fort Lauderdale FI, 33312

I am the listing agent for this property, I have market this house as well as the house next door, I can say that these homes have attracted many buyers into the area, I keep getting calls from interested buyers that love the architecture and design of these homes, I believe these as well as other modern homes in the area will be an excellent addition and enhancement to the neighborhood and to property values in the area. The buyers for this house have been patiently waiting for their dream home to be finished, they have spent quite a lot of money in upgrades; and I know they are eager to move in, not granting this variance will not only hurt the owner of the property but the buyer as well.

I voluntarily sign this letter of support for the variance request by F & F Investment Group LLC for an east side setback from the required 7.5 feet to 4.53 feet (a total variance reduction of 2.97 feet)

Karina Meza

Broker Associate

Oceanica Int'l Realty

7.24.23

July 22, 2023

To Staff and Board Members of the Fort Lauderdale Zoning

I am writing this letter on behalf of the petition before you regarding 2935 Riverland Road, Fort Lauderdale, 33312.

My interest in the property is, as the buyer. I was living in Victoria Park in December, 2021 when I came across the above-referenced property which was in the condition of just a foundation and exposed brick. Upon learning more about the property plans from the owner/builder I became very interested in the development plans and eventually presented an offer to purchase, which was accepted in August, 2022. This was a very exciting time for me and my family.

I was born at Holy Cross Hospital in 1966 and have lived my entire life in Broward County, mostly Fort Lauderdale. I have owned homes here and currently own three healthcare-related businesses and employ about 200 people in Broward. Over these last 11 months, I have invested a significant amount of time and in excess \$400,000 of our family savings in working with the owner/builder on the deposits, finishes, upgrades, and many other issues that have come up in the course of building this home.

Recently it came to light that the property line of my home is not accurate. As the consequences of this surveyor error came to light, I was devastated and it has become a source of daily stress for me and my family as this has stalled the completion of construction and preventing our family from moving in to our beautiful home that is all but ready for occupancy.

It is my most sincere hope that your wisdom will bring you to a solution that honors the City's codes and balances them with the circumstances that my family and I find ourselves in.

We look forward to moving into our dream home as soon as possible and remaining Fort Lauderdale residents for many years to come.

Respectfully,

Harren Family