



CITY OF FORT LAUDERDALE

**MINUTES**  
**BOARD OF ADJUSTMENT MEETING**  
**CITY OF FORT LAUDERDALE**  
**DEVELOPMENT SERVICES DEPARTMENT**  
**700 NW 19<sup>th</sup> AVENUE, FORT LAUDERDALE,**  
**FLORIDA 33311**  
**OCTOBER 11, 2023 – 6:00 P.M.**

<b>Board Members</b>	<b>Attendance</b>	<b>Cumulative Attendance 6/2023 through 5/2024</b>	
		<b>Present</b>	<b>Absent</b>
Howard Elfman, Chair	P	5	0
Caldwell Cooper	A	3	2
Milton Jones	P	4	0
Douglas Meade	P	4	1
Patricia Rathburn	P	5	0
Fred Stresau	P	5	0
Robert Wolfe, Vice Chair	A	4	1
Jason Hagopian [alternate]	P	2	0

**Staff**

Rhonda Hasan, Assistant City Attorney  
 Chakila Crawford, Senior Administrative Assistant  
 Burt Ford, Zoning Chief  
 James Hollingsworth, Zoning Plan Examiner  
 J. Opperee, Recording Secretary, Prototype Inc.

**Communication to the City Commission**

None

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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>
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2.	PLN-BOA- 23070005	JUAREZ, ERNESTO J & ADDIS D	4	<u>4</u>
3.	PLN-BOA- 23080004	2500 RIVERLAND LLC/ NICOLLE DELGADO	4	<u>5</u>
4.	PLN-BOA- 23090001	PALM MEADOW HOLDINGS LLC; %SF PROPERTY MANAGEMENT/RIME GROUP MANAGEMENT, LLC/ RICK PENA Communication to the City Commission For the Good of the City Other Items and Board Discussion	1	<u>5</u> <u>7</u> <u>7</u> <u>7</u>

**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 – September 21, 2023**

**Motion** made by Mr. Jones, seconded by Mr. Stresau to approve the Board's September 21, 2023 minutes. 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.**

Mr. Ford pulled Item 3 from the agenda.

**Before each item, Board members disclosed communications they had and site visits made.**

**IV. Agenda Items**

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<b>CASE:</b>	<b>PLN-BOA-23030003</b>
<b>OWNER:</b>	WALTON, MICHAEL RAYMOND; LOFRIA, MICHELE
<b>AGENT:</b>	N/A
<b>ADDRESS:</b>	5560 NE 26 AVENUE, FORT LAUDERDALE, FL 33308
<b>LEGAL DESCRIPTION:</b>	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)
<b>ZONING DISTRICT:</b>	RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY
<b>COMMISSION DISTRICT:</b>	1
<b>REQUESTING:</b>	<b><u>Sec. 47-19.1. L. - General requirements.</u></b>

- Requesting a variance to allow a free-standing shade structure to be 17.44' high, whereas the code does not allow a freestanding shade structure to exceed the height of the principal structure, which is 14.8' high. A total variance request of 2.64 feet in height.

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

- Requesting a variance to allow an existing freestanding shade structure to have a maximum height of 17.44 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 5.44 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.

**This case was Deferred from the August 9, 2023, BOA meeting Agenda.**

Michael Walton, owner, described the request. He said the Tiki Hut replaced a shade structure to allow them to use the back yard.

Chair Elfman opened the public hearing.

Walter Dynow said he could see the Tiki Hut from across the canal and he did not object to the request.

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.

Mr. Ford explained what a “free standing” structure was. Mr. Walton confirmed this was not attached to the house in any way. He said they had applied for a permit after the fact.

**Motion** made by Mr. Stresau, seconded by Ms. Rathburn:

To grant the variance request for Sec. 47-19.1. L. General Requirements regarding the structure’s overall height. **Motion** failed 0-6.

**Motion** made by Mr. Stresau, seconded by Ms. Rathburn:

To grant the two variance requests for Sec. 47-19.2. P.- Freestanding Shade Structures regarding the structure’s maximum height and setback from the waterway. **Motion** failed 0-6.

Mr. Stresau recalled advising the City to inform the Seminole tribe that the Tiki Huts must meet zoning requirements. He said it was a shame that the Seminoles were not held accountable. Mr. Ford clarified that Tiki Huts were exempt from a structural building

permit complying with the Florida Building Code but State Statute did not exempt a Tiki Hut from local zoning codes regarding size and setbacks.

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**CASE:** PLN-BOA-23070005

**OWNER:** JUAREZ, ERNESTO J & ADDIS D

**AGENT:** N/A

**ADDRESS:** 2825 SW 13 COURT, FORT LAUDERDALE FL 33312

**LEGAL DESCRIPTION:** LOT 10, BLOCK 12 OF THE "GILLCREST", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, AT PAGE 12, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)

**ZONING DISTRICT:** RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY

**COMMISSION DISTRICT:** 4

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

- Requesting a variance to allow an existing Utility and tool shed to have a total area of 212.37 square feet, whereas the code allows a maximum of 100 square feet. A total variance request of 112.37 square feet.
- Requesting a variance to allow an existing Utility and tool shed to have a maximum side length of 19.8 feet, whereas the code allows a maximum side length of 12 feet. A total variance request of 7.8 feet.
- Requesting a variance to allow an existing Utility and tool shed to have a maximum height of 10'-2" above the finish floor of the principal structure, whereas the code allows a maximum height of 10'-0" above the finish floor of the principal structure. A total variance request of 0'-2".

Ernesto Juarez, owner, described the request. He said he had replaced a smaller shed and was not aware that a permit was required.

Mr. Juarez said the shed was used for general storage but also had electricity and he had an office there.

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. Hagopian asked if Mr. Juarez could make the shed smaller and Mr. Juarez said it was prefabricated in this size.

**Motion** made by Mr. Stresau, seconded by Mr. Jones:  
To grant the three variance requests for Sec. 47-19.2.EE - Utility and Tool Sheds, Residential Districts regarding the shed's size, length and height. **Motion** failed 0-6.

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<b>CASE:</b>	<b>PLN-BOA-23080004</b>
<b>OWNER:</b>	2500 RIVERLAND LLC
<b>AGENT:</b>	NICOLLE DELGADO
<b>ADDRESS:</b>	2500 RIVERLAND RD, FORT LAUDERDALE, FL 33312
<b>LEGAL DESCRIPTION:</b>	LOT 7, PALM GROVE ACRES, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 30, PAGE 38, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA (SEE SURVEY)
<b>ZONING DISTRICT:</b>	RS-3.52 - IRREGULAR RESIDENTIAL
<b>COMMISSION DISTRICT:</b>	4
<b>REQUESTING:</b>	<b><u>Sec. 47-39. A.6.D.- Height.</u></b> <ul style="list-style-type: none"><li>• Requesting a variance to allow a new single-family residence to have a maximum height of 29 feet, whereas the code allows a maximum height of 20 feet (2 Stories) as measured from the finish floor at the exterior elevation. A total variance request of 9 feet.</li></ul>

The City withdrew this item from the agenda.

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<b>CASE:</b>	<b>PLN-BOA-23090001</b>
<b>OWNER:</b>	PALM MEADOW HOLDINGS LLC; %SF PROPERTY MANAGEMENT
<b>AGENT:</b>	PRIME GROUP MANAGEMENT, LLC/ RICK PENA
<b>ADDRESS:</b>	640 INTRACOASTAL DR, FORT LAUDERDALE, FL 33304
<b>LEGAL DESCRIPTION:</b>	LOT 12 AND THEAT PART OF LOT 11, BLOCK 6, SUNRISE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 42, 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 allow a new rooftop trellis to have a maximum height to the top of the structure of 36 feet above the first level finish floor, whereas the code allows a maximum height of 35 feet above the first level finish floor. A total variance request of 1 foot.

Rick Pena and Kobi Karp provided a Power Point presentation, a copy of which is attached to these minutes for the public record.

Mr. Karp said when they submitted the shop drawings they were informed the trellis would be six inches off. Mr. Pena said the trellis had been permitted under the master permit but when they submitted the sub-permit the reviewer had noted the trellis inside the beam would be out of compliance. He said the trellis had a gutter system, so lowering it would present a clearance issue.

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. Hagopian noted the trellis was behind the beam, which was compliant. He suggested the trellis and gutter be moved down so it would only be four inches too tall. Mr. Pena stated they could do that.

Mr. Stresau read from the code regarding measurements, which said there were structural elements or exceptions which may exceed the 35-foot height limitation, such as parapet walls, machine rooms, elevators towers, not designed for human occupancy. Mr. Stresau thought this trellis, as designed, fell into this category because it was not designed for occupancy. Mr. Meade believed the trellis was not in that exempt category.

**Motion** made by Mr. Hagopian, seconded by Ms. Rathburn:

To grant the variance request with the condition that the applicant will bring the gutter down to the minimum height allowed by code: 6'8", lowering the trellis by that amount. Motion passed 6-0.

**Communication to the City Commission**  
None

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**Report and for the Good of the City**  
None

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**Other Items and Board Discussion**  
None

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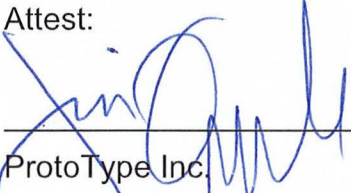
There being no further business to come before the Board, the meeting adjourned at 6:41 p.m.

Chair:



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Attest:



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ProtoType Inc.

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