



CITY OF FORT LAUDERDALE

MINUTES
BOARD OF ADJUSTMENT MEETING
CITY OF FORT LAUDERDALE
DEVELOPMENT SERVICES DEPARTMENT
700 NW 19th AVENUE, FORT LAUDERDALE,
FLORIDA 33311

January 10, 2024 – 6:00 P.M.

Board Members	Attendance	Cumulative Attendance 6/2023 through 5/2024	
		Present	Absent
Howard Elfman, Chair	P	8	0
Caldwell Cooper	P	6	2
Milton Jones	P	7	0
Douglas Meade	P	7	1
Patricia Rathburn	P	8	0
Fred Stresau	A	6	2
Robert Wolfe, Vice Chair	P	7	1
Jason Hagopian [alternate]	P	5	0

Staff

D'Wayne Spence, Deputy City Attorney
Burt Ford, Zoning Chief
Chakila Crawford, Senior Administrative Assistant
Karen Ceballo, Administrative Assistant
Mohammed Malik, Zoning Administrator
James Hollingsworth, Zoning Plan Examiner
J. Opperlee, Recording Secretary, Prototype Inc.

Communication to the City Commission

Motion made by Mr. Wolfe, seconded by Mr. Hagopian:
To encourage the City Commission to appoint another alternate to the Board. **Motion**
passed 7-0.



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I. Call to Order

The meeting was called to order at 6:02 p.m. Roll was called and a quorum was determined to be present.

Chair Elfman reported Mr. Stresau had sent a letter indicating he would be absent from the Board's January and February meetings.

II. Approval of Minutes – December 13, 2023

Motion made by Mr. Jones, seconded by Mr. Meade to approve the Board's December 13, 2023 minutes. In a voice vote, motion passed 7-0.

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-23110001

OWNER: 1700 N ANDREWS LLC

AGENT: JANNA P. LHOTA, ESQ.

ADDRESS: 1700 N ANDREWS AVE, FORT LAUDERDALE, FL 33305

**LEGAL
DESCRIPTION:**

THAT PART OF TRACT "A" OF MERRIT ISLE, A RESUBDIVISION IN LAUDERDALE ISLES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 45, AT PAGE 38, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY).

ZONING DISTRICT:

RM-15 - RESIDENTIAL MULTIFAMILY LOW RISE/MEDIUM DENSITY/CB COMMUNITY BUSINESS

**COMMISSION
DISTRICT:**

2

REQUESTING:

Sec. 47-25.3. A.3.d(i) - Neighborhood compatibility requirements, Buffer yard requirements

- Requesting a variance from a requirement for a 10 foot landscape strip located along all property lines which are adjacent to a residential property and which shall extend to the property lines for the total required_a distance of 306.5 feet adjacent to residential property_to be reduced to 80 feet, for_a total variance request of 226.5 feet as depicted on plans sheet X-9.

Sec.47-25.3. A.3.d(ii) - Neighborhood compatibility requirements, Parking restrictions

- Requesting a variance to allow parking within 2.9 feet of the property line of a contiguous residential property for a length of 165' feet of the 306.5 feet of property length adjacent to a residential property line, whereas the code requires a minimum setback of 12 feet, a total variance request of 9.1 feet for a length of 165' feet, as depicted on the plans (sheet X-9). Please Note: Of the 306.5', 141.5' will have no parking and complies.

Sec.47-25.3. A.3.d(iii) - Neighborhood compatibility requirements, Dumpster regulations

- Requesting a variance to allow a dumpster to be located 4 feet from a residential property line whereas 12 feet is required for a total variance request of 8 feet.

Sec.47-25.3. A.3.d.iv(b) - Neighborhood compatibility requirements, Wall requirements.

- Requesting a variance to reduce the total lineal foot

requirement of a wall abutting a residential property line from the required 306.5 feet to 138 feet, a total variance request of 168.5 feet. As depicted on plans sheet X-9.

Janna Lhota requested a deferral to February 14, 2024 and waived the statutory deadlines.

Motion made by Mr. Wolfe, seconded by Mr. Cooper:
To defer the case to the Board's February 14 hearing. **Motion** passed 7-0.

1.

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CASE: PLN-BOA-23080004
OWNER: 2500 RIVERLAND LLC
AGENT: NICOLLE DELGADO
ADDRESS: 2500 RIVERLAND RD, FORT LAUDERDALE, FL 33312
LEGAL DESCRIPTION: 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)
ZONING DISTRICT: RS-3.52 - IRREGULAR RESIDENTIAL
COMMISSION DISTRICT: 4
REQUESTING: Sec. 47-39. A.6.D.- Height.

- 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.

•

This case was deferred from the November 8, 2023, BOA agenda.

The owner's agent was not present.

Motion made by Ms. Rathburn, seconded by Mr. Wolfe:
To defer the case to the Board's February 14 hearing. **Motion** passed 7-0.

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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.

This case was Deferred from the December 13, 2023, BOA meeting Agenda.

The owner's agent was not present.

Mr. Spence recalled at the last hearing the Board had heard public input.

Mr. Wolfe said at the last meeting, the Board had encouraged the owner to meet with neighbors but it appeared he had not.

Ms. Crawford said at the last meeting, the applicant had requested a deferral to February but the Board had deferred to January.

Motion made by Ms. Rathburn, seconded by Mr. Jones:

To **deny** the variance because the application did not meet the criteria and there was no hardship. **Motion** passed 7-0.

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CASE:	PLN-BOA-23070002
OWNER:	OSTROVSKY, STEVE
AGENT:	N/A
ADDRESS:	3000 RIVERLAND ROAD, FORT LAUDERDALE FL 33312
LEGAL DESCRIPTION:	LOT 1, OF BLOCK 2, OF RIVERLAND MANORS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, PAGE 49, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	RS-3.52 – IRREGULAR RESIDENTIAL
COMMISSION DISTRICT:	4
REQUESTING:	<u>Sec. 47-39. A.1.b.(3). (h). - General provisions.</u> <ul style="list-style-type: none">• Requesting a variance to allow the total aggregate floor area of all accessory buildings to 13.46 percent, whereas the code allows a maximum of 5 percent of the plot area, a total increase of 8.46 percent. <u>Sec. 47-39. A.1.b.(3) – General provisions.</u> <ul style="list-style-type: none">• Requesting a variance to allow an accessory building to encroach into the required 25-foot front yard. The accessory building will be setback 5.2 feet from the front plot line.• Requesting a variance to allow an accessory building to encroach into the required 15-foot Street side yard. The accessory building will be setback 5.5 feet from the street side plot line. <u>Sec. 47-2.2. Q.3.- Sight triangle.</u> <ul style="list-style-type: none">• Requesting a variance to reduce the sight triangle requirements from Twenty-five (25) feet from the intersection point of the extended property lines at a street and a street to 15 feet.

Steve Ostrovsky said he needed the accessory buildings to protect his property [cars] from large trees on the property.

Chair Elfman opened the public hearing.

Ted Jagustyn, Vice President of the Riverland Manors Association, said their board recommended Mr. Ostrovsky clear the sight triangle, per code, remove any structures not allowed by code and retain an engineer to devise a drainage plan for the property. Once this was accomplished, Mr. Ostrovsky could apply for a variance for any remaining structure that needed one. Mr. Jagustyn noted the intersection sight triangle obstruction was a serious code violation. There was also significant water runoff from the property onto neighboring properties. The accessory buildings already existed, in violation of the code.

Mr. DeStefano noted there was no hardship. He suggested the Board ask Code Enforcement about work done on the property for which Mr. Ostrovsky had been cited. He implored the Board to direct Mr. Ostrovsky to tear down the structures that were in violation.

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. Hagopian said some things in the package were incorrect and pointed out that there was a problem with the survey.

Mr. Ostrovsky said there was no obstruction on the corner of his property. He said all work on the property had been permitted.

Mr. Jones referred to a photo of the property and said there was a visibility issue with hedges in the sight triangle.

Mr. Ford said the City had issued a Stop Work Order on the property for building the second story without a permit. The owner had then hired a special inspector, pulled a permit and the Stop Work Order was lifted and the work completed. The front carport had been built without a permit and cited. Mr. Ford and Mr. Hollingsworth had visited the property when the carport on the side of the property was under construction without a permit. Mr. Ford had told Mr. Ostrovsky to stop construction and apply for a variance because if a variance was not issued, Mr. Ostrovsky should not waste his money building it because it might need to be removed. Mr. Ford had been alerted that the carport was now finished. Mr. Hollingsworth displayed photos of the property.

Mr. Ford agreed that the variance requests were only for the front carport. Mr. Spence noted the variance request referred to the aggregate floor area for all accessory buildings but the owner had submitted evidence of only one accessory structure. He stated the issue was not whether the work was permitted, but that the work that was done was in violation of code sections. These violations would have been identified during the permitting process reviews.

Motion made by Ms. Rathburn, seconded by Mr. Hagopian:
To **deny** the variance regarding 47-2.2. Q.3.- Sight triangle because it does not meet the criteria. **Motion** passed 7-0.

Motion made by Mr. Wolfe, seconded by Mr. Jones:
To **deny** the variances regarding Sec. 47-39. A.1.b.(3) and Sec. 47-39. A.1.b.(3).(h). because they do not meet the criteria. **Motion** passed 7-0.

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CASE:	PLN-BOA-23100003
OWNER:	1551 SISTRUNK LLC
AGENT:	KEVIN RODRIGUEZ
ADDRESS:	1551 NW 6 ST, FORT LAUDERDALE, FL 33311
LEGAL DESCRIPTION:	DORSEY PARK 19-5 B LOT 13 BLK 1, LESS POR OF LOT 3 DESC AS: BEG SE COR OF SAID LOT 3, W 55, N 10.95, E 55, S 11.07 TO POB, TOG WITH LOT 14 BLK 1, LESS POR OF SAID LOT 14 DESC AS: BEG SE COR LOT 14, W 55, N 10.83, E 55, S 10.95. (SEE SURVEY)
ZONING DISTRICT:	NWRAC-MU _w – NORTHWEST REGIONAL ACTIVITY CENTER-MIXED USE WEST
COMMISSION DISTRICT:	3
REQUESTING:	<u>Sec. 5-27. - Distances of establishments from church or school.</u>

Requesting a special exception to allow the sale of alcohol incidental to the sale and service of food from an establishment less than five hundred (500) feet from a church or school. The establishment is four-hundred twenty-seven (427) feet from the nearest church or school.

Kevin Rodriguez described the request. He said he had tried to contact the church several times but received no response. He stated they had received a CRA grant to open in this community and they wanted to be a part of development in the Sistrunk area.

Mr. Jones said he would not vote in favor unless Mr. Rodriguez contacted the church.

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 Ms. Rathburn, seconded by Mr. Hagopian:
To approve the special exception because it meets the criteria. **Motion** passed 6-1 with Mr. Jones opposed.

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CASE: PLN-BOA-23110002
OWNER: ENGEL, MARK D & HEIDI L; MARK D & HEIDI L ENGEL REV TR
AGENT: N/A
ADDRESS: 2418 SW 30 AVE, FORT LAUDERDALE, FL 333124722
LEGAL DESCRIPTION: LOT 2, BLOCK 1, RIVERLAND MANORS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, PAGE 49, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FL. (SEE SURVEY)
ZONING DISTRICT: RS-3.52 - IRREGULAR RESIDENTIAL
COMMISSION DISTRICT: 4
REQUESTING: **Sec 47-39. A.1.b.(5)(b)**

- Requesting a variance to allow a pool at a setback of 3 feet, whereas the code requires at a minimum of 15 feet that may be reduced to 5 feet for side and rear yards not abutting a street, a total variance request of 2 feet from the 5 feet required by the reduction.

NOTE: Sec 47-39. A.1.b.(5)(b). 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 or spa. **Sec. 47-39. A.1.b.(3)(d).** 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.

Mark Engle described the request. He said they wished to install a pool and what they were requesting was consistent with the rest of the City.

Chair Elfman opened the public hearing.

Ted Jagustyn, Vice President of the Riverland Manors Association, supported 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.

Ms. Rathburn said the hardship was that if this property had originally been in Fort Lauderdale, they would not need the variance.

Motion made by Mr. Wolfe, seconded by Mr. Hagopian:
To approve the variance because it meets the criteria. **Motion** passed 7-0.

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CASE:	PLN-BOA-23110004
OWNER:	BRADLEY M & SONJA H LIPKOWITZ
AGENT:	DWAYNE SHAW
ADDRESS:	501 NE 10 AVE, FORT LAUDERDALE, FL 33301
LEGAL DESCRIPTION:	THE SOUTH 10 FEET OF LOT 24 AND ALL OF LOT 25, BLOCK 1, HOLMBERG & MCKEE'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 112 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA. (SEE SURVEY)
ZONING DISTRICT:	RS-8 - RESIDENTIAL SINGLE FAMILY/LOW MEDIUM DENSITY DISTRICT.
COMMISSION DISTRICT:	2
REQUESTING:	<u>Sec. 47-23.15. - Location of buildings and structures in a sight triangle.</u> <ul style="list-style-type: none">• Requesting a variance to allow a fence to be installed in a sight triangle , whereas the code states that no building or structure shall be permitted within a sight triangle. <u>Sec. 47-19.5. B. - Dimensional Requirements.</u> <ul style="list-style-type: none">• Requesting a variance to allow a new fence to be installed at a 1-foot setback from a street property line, whereas the code requires a minimum average setback of 3 feet from a property line. A total variance request of 2 feet from the property line.

Dwayne Shaw, contractor, described the request. He said the existing fence had been permitted and they wished to rebuild in the same spot. If they followed the current code, part of the fence would be over the pool deck. Regarding the sight triangle, he said they wished to install a fence and gate across the driveway. He explained there were two

sight triangles and one was on a seldom-used alley. Mr. Ford later said the setback was 15 feet on an alley. He noted the sight triangle requirement was for backing out of the driveway, not for traffic.

Bradley Lipkowitz, owner, said they wished the fences to provide safety and security for his young children. He noted there had been home and car break-ins in the neighborhood.

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. Shaw confirmed that the existing fence and pool deck had been permitted.

Mr. Hagopian noted that extending the fence to cross over the driveway required a variance due to the sight triangle. Mr. Meade and Mr. Cooper thought they could install a see-through fence instead of an opaque fence to avoid the sight triangle issue. Mr. Shaw explained where the replacement fence and new fence would be installed.

Mr. Malik explained the sight triangle requirements for this property.

Motion made by Mr. Wolfe, seconded by Mr. Hagopian:
To approve the variance regarding Sec. 47-23.15. because it meets the criteria. **Motion** passed 6-1 with Mr. Meade opposed.

Motion made by Mr. Wolfe, seconded by Mr. Hagopian:
To approve the variance regarding Sec. 47-19.5.B. because it meets the criteria. **Motion** passed 7-0.

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CASE:	PLN-BOA-23120001
OWNER:	DEZER POWERLINE LLC
AGENT:	CRUSH LAW, P.A.- JASON S. CRUSH, ESQ.
ADDRESS:	5300 POWERLINE RD #4, FORT LAUDERDALE, FL 33309
LEGAL DESCRIPTION:	THAT PART OF THE NORTHWEST ¼ OF SECTION 15, TOWNSHIP 49 SOUTH, RANGE 42 EAST, LYING WEST OF SEABOARD COASTLINE RAILROAD COMPANY (FORMERLY KNOWN AS SEABOARD AIR LINE RAILROAD COMPANY) RIGHT-OF-WAY; LESS THE WEST 35 FEET THEREOF; LESS THE OF WAY FOR NW 9 TH AVENUE AS DESCRIBED IN OFFICIAL RECORDS BOOK 3988, PAGE 648, PUBLIC RECORDS OF BROWARD, COUNTY. (SEE

SURVEY)

ZONING DISTRICT: CR – COMMERCIAL RECREATION

**COMMISSION
DISTRICT:** 1

Sec 47-22.3. O.-Shopping center or strip store signs.

- Requesting a variance to permit an additional sign to be erected on the main building.

Jason Crush Esq., agent, gave a Power Point presentation, a copy of which is attached to these minutes for the public record. He said the sign would be backlit but would not affect neighbors.

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. Wolfe, seconded by Mr. Cooper:
To approve the variance because it meets the criteria. **Motion** passed 7-0.

Communication to the City Commission

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Chair Elfman encouraged the City Commission to appoint another alternate.

Motion made by Mr. Wolfe, seconded by Mr. Hagopian:
To encourage the City Commission to appoint another alternate to the Board. **Motion** passed 7-0.

Report and for the Good of the City

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Mr. Wolfe requested a photo be taken with Board members and staff.

Other Items and Board Discussion

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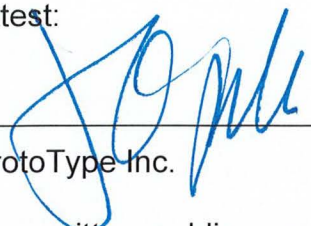
None

There being no further business to come before the Board, the meeting adjourned at 7:30 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.