



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**  
**February 14, 2024 – 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	9	0
Caldwell Cooper	A	6	3
Milton Jones	P	8	0
Douglas Meade	A	7	2
Patricia Rathburn	P	9	0
Fred Stresau	A	6	3
Robert Wolfe, Vice Chair	P	8	1
Jason Hagopian [alternate]	P	6	0

**Staff**

D'Wayne Spence, Deputy City Attorney  
 Burt Ford, Zoning Chief  
 Chakila Crawford, Senior Administrative Assistant  
 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.	<b>PLN-BOA-23100004</b>	16 <sup>th</sup> Street Drystack LLC/ Matthew Boone/Southeast Sign Co	4	<a href="#"><u>3</u></a>
3.	<b>PLN-BOA-23080004</b>	2500 Riverland LLC/ Nicolle Delgado	4	<a href="#"><u>6</u></a>
4.	<b>PLN-BOA-23110001</b>	700 N Andrews LLC/Janna P. Lhota, Esq.	2	<a href="#"><u>7</u></a>
5.	<b>PLN-BOA-24010001</b>	Winfred J Porter Jr.	3	<a href="#"><u>9</u></a>
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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 – January 10, 2024**

**Motion** made by Mr. Jones, seconded by Mr. Wolfe to approve the Board’s January 10, 2024 minutes. In a voice vote, motion passed 5-0.

**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-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

**COMMISSION DISTRICT:** 1

**REQUESTING:** Request for Rehearing of Final Order/Case PLN-BOA-23030003. This rehearing request is pursuant to ULDR Sec. 47-24.12. A.7 on a denial of the following variance requests:

**Sec. 47-19.1. L. - General requirements.**

- 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.

Note: This case was deferred from the December 13, 2023, BOA meeting agenda.

The applicant had requested a deferral.

**Motion** made by Mr. Wolfe, seconded by Ms. Rathburn, to defer the item. In a roll call vote, motion passed 5-0.

Later in the meeting, Ms. Crawford said the applicant had requested the deferral to the Board's April meeting. Mr. Wolfe and Ms. Rathburn agreed to amend the previous motion to indicate the deferral was to their April meeting. The amendment passed 5-0.

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<b>CASE:</b>	<b>PLN-BOA-23100004</b>
<b>OWNER:</b>	16TH STREET DRYSTACK LLC
<b>AGENT:</b>	MATTHEW BOONE/SOUTHEAST SIGN CO
<b>ADDRESS:</b>	1335 SE 16 ST, FORT LAUDERDALE, FL 33316
<b>LEGAL DESCRIPTION:</b>	THE EAST 390 FEET OF THE WEST 580 FEET, LESS 520 FEET OF BLOCK 6, "HERZFELD'S ADDITION TO LAUDERDALE HARBORS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 22 OF THE PUBLIC RECORDS OF BROWARD COUNTY. (SEE SURVEY)
<b>ZONING DISTRICT:</b>	B-1 - BOULEVARD BUSINESS
<b>COMMISSION DISTRICT:</b>	4



**REQUESTING:**

**Sec. 47-22.4. A.1- Maximum number of signs at one location and special requirements in zoning districts.**

- Requesting a variance to allow a proposed sign on the east elevation of the structure, which is not abutting Streets and vehicle travel ways, whereas as the code requires signs shall be limited and oriented to be viewed from the streets and vehicle travel ways abutting the lot or plot.

Note: The case was deferred from the December 13, 2023, BOA meeting agenda.

Matthew Boone, agent, provided a presentation, a copy of which is attached to these minutes for the public record. Mr. Ford clarified that the variance request was for a sign on the east side of the building only, not on the waterway side.

Chair Elfman opened the public hearing.

Marilin Mammano, President of the Harbordale Civic Association, said the applicant had made a presentation at the association's January 3 meeting and the association had subsequently voted unanimously against it. She reviewed the criteria for a variance and stated this did not meet those criteria.

- That special conditions and circumstances affect the property at issue which prevent the reasonable use of such property

Ms. Mammano said the owner already had a very profitable business here and there was no reason for this signage because it was a contract facility, not a transient one. She noted that the lights went out at 8 PM and this had been a condition from the Planning and Zoning Board when the marina was originally approved.

- That the 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

Ms. Mammano stated there were no circumstances or condition peculiar to this property.

- That the 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

Ms. Mammano said this was already a profitable business and wanting to attract more business was not a criterion.

- That 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

Ms. Mammano noted the owner was aware of the sign and lighting limitations when the site plan was approved.

- That 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

Ms. Mammano said there was already reasonable use of the property.

Ms. Mammano said the variance request was incompatible with the surrounding neighborhood. The approved site plan prohibited nighttime illumination and signage facing residential uses. She said neighbors opposed the variance because it would interfere with their enjoyment of their properties and also because it did not meet the criteria. It would set a very bad precedent City-wide.

Michelle Kain, neighbor, said she could see this building from her home. She informed the Board that there had been serious discussion at the civic association meeting with the applicant. She noted the number of marinas along this canal and feared if this were approved, the other marinas would all want similar signs.

Chair Elfman said the City had received several letters regarding this application.

Amy Schimelfenyg, neighbor, indicated there had been discussion regarding the neighbors' concerns at the civic association meeting. She said she opposed this because she would be able to see it from her townhouse.

Barbara Magill, neighbor, recalled that the conditional use approval included a provision that there would be no signage. She said at the civic association meeting, the applicant had said the sign was needed because people coming from the beach could not find the building, but she remarked that "you could see this building from space."

Mr. Boone said he understood the neighbor's stance but believed the applicant was entitled to the sign on the east façade. He offered to dim the illumination or even to use a non-illuminated sign.

Mr. Wolfe did not feel the proposal was concrete enough to vote on; the applicant was proposing too many options.



Hunter Spitler, Director of Operations of the marina, said the sign was needed to attract new customers. He believed the illuminated sign would not adversely affect neighboring residential properties.

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 stated the request must meet the criteria, and wanting more business was not one of them. She did not feel this request met any of the criteria.

Mr. Hagopian appreciated the applicant suggesting changes that might be acceptable but said the code was clear about signs only being on vehicle travel ways.

Mr. Spence informed that Board that a decision from the BOA in December 2022 had been quashed because the record did not show a finding that the request met the criteria.

Mr. Jones agreed that the request did not meet the criteria.

**Motion** made by Mr. Jones, seconded by Mr. Wolfe:

To approve the variance request because it meets the criteria. **Motion** failed 0-5.

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<b>CASE:</b>	<b>PLN-BOA-23080004</b>
<b>OWNER:</b>	2500 RIVERLAND LLC
<b>AGENT:</b>	N/A
<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>

- 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.

**Sec. 47-39. A.1.b.(3). (e). - Yard encroachments**

- Requesting a variance to allow a second story addition to the existing detached garage whereas the code prohibits accessory building to exceed one (1) story.

This case was deferred from the January 10, 2024, BOA meeting agenda.

The applicant was not present.

Mr. Ford confirmed that a variance was needed because this property had been annexed from the County. He stated there were other issues as well such as setbacks.

Ms. Crawford said the prior agent had withdrawn from the case, and the new agent had requested information but the owner had not provided an authorization letter. They had also not provided the waiver.

Mr. Hagopian stated the height limit created a unique character in this area and the City may or may not ever make the requirements align with the rest of the City. He lived in this neighborhood in a newer home that had been built within these limits.

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. Hagopian, seconded by Mr. Wolfe to deny the requests because they do not meet the criteria. **Motion** passed 5-0.

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<b>CASE:</b>	<b>PLN-BOA-23110001</b>
<b>OWNER:</b>	1700 N ANDREWS LLC
<b>AGENT:</b>	JANNA P. LHOTA, ESQ.
<b>ADDRESS:</b>	1700 N ANDREWS AVE, FORT LAUDERDALE, FL 33305
<b>LEGAL DESCRIPTION:</b>	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).
<b>ZONING DISTRICT:</b>	RM-15 - RESIDENTIAL MULTIFAMILY LOW RISE/MEDIUM DENSITY/ CB -COMMUNITY BUSINESS
<b>COMMISSION DISTRICT:</b>	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.

Note: This case was deferred from the January 10, 2024, BOA meeting agenda.

The applicant had requested a deferral.



**Motion** made by Mr. Wolfe, seconded by Mr. Jones, to defer the item. In a roll call vote, motion passed 5-0.

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<b>CASE:</b>	<b>PLN-BOA-24010001</b>
<b>OWNER:</b>	PORTER, WINFRED J JR
<b>AGENT:</b>	N/A
<b>ADDRESS:</b>	NW 5 ST, FORT LAUDERDALE, FL 33311
<b>LEGAL DESCRIPTION:</b>	LOTS 1 AND 2, BLOCK 6, DORSEY PARK FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BLOCK 21, PAGE 30, 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>	3
<b>REQUESTING:</b>	<b><u>Sec. 47-5.31. - Table of dimensional requirements for the RS-8 district.</u></b>

- Requesting a variance to allow a minimum lot size of 5,062 square feet for each lot, whereas the code requires a minimum lot size of 6,000 square feet. A total reduction of 938 square feet for each lot, as depicted on provided plans and narrative.

Winfred Porter, owner, provided a presentation and described the request.

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. Porter informed Mr. Hagopian that a few properties with the same circumstances were on the next street over.

Mr. Wolfe asked if the other properties that were less than 6,000 square feet needed City approval. Mr. Ford said the lots in this case had been two legal non-conforming lots and once they were combined, they needed a variance to build a single-family home on. Other properties in this district that were less than 6,000 square feet could have single-family homes built on them as long as they had the original plat.

Ms. Rathburn said the two lots being combined had led to the loss of the non-conforming status and therefore the hardship was not self-created and the request met the criteria.

**Motion** made by Ms. Rathburn, seconded by Mr. Jones:  
To approve the variance because it meets the criteria. **Motion** passed 5-0.

**Communication to the City Commission**

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None

**Report and for the Good of the City**

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Mr. Spence said the 17<sup>th</sup> judicial court had quashed the Board's final order and granted a writ of certiorari regarding a Board decision from December 2022. The opinion indicated the Board had discussed a chickee hut's location and setbacks, as well as potential noise and safety issues, which were not germane to the variance criteria. The Board had stated in the motion that the request met the criteria, but the court did not find that the application met the criteria. Mr. Spence advised Board members to examine the evidence and ask the questions to determine if the request met the criteria. He said when cases were contentious and likely to be challenged, the Board should go through the criteria for the case.

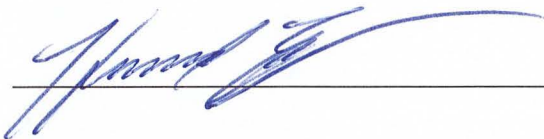
**Other Items and Board Discussion**

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None

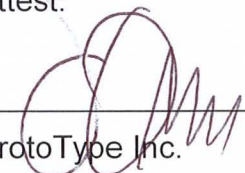
There being no further business to come before the Board, the meeting adjourned at 7:06 p.m.

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.