

## AGENDA RESULTS

### BOARD OF ADJUSTMENT MEETING CITY OF FORT LAUDERDALE

WEDNESDAY, November 12, 2008 – 6:30 P.M.  
CITY HALL

CITY COMMISSION CHAMBERS – 1<sup>st</sup> Floor  
100 N. ANDREWS AVENUE  
FORT LAUDERDALE, FL

#### **Sec. 47-33.1. Purpose.**

The board of adjustment shall receive and hear appeals in cases involving the ULDR, to hear applications for temporary nonconforming use permits, special exceptions and variances to the terms of the ULDR, and grant relief where authorized under the ULDR. The board of adjustment shall also hear, determine and decide appeals from reviewable interpretations, applications or determinations made by an administrative official in the enforcement of the ULDR, as provided herein.

#### **1. APPEAL NO. 08-35** *(Deferred from October 8, 2008)*

**APPLICANT:** Christopher and Jenessa Stearns

**LEGAL:** “Progresso”, P.B. 2, P. 18, Block 235, Lots 12 and 13

**ZONING:** RMM-25 (Residential Multifamily Mid Rise/Medium High Density District)

**STREET:** 1801 NE 8<sup>th</sup> Street

**ADDRESS:** Fort Lauderdale, FL

#### **APPEALING: Section 47-18.8.8 (J) (Child day care facilities – *Dispersal requirements*)**

Requesting a variance to permit a childcare facility to exist 508 feet where Code requires that no childcare facility exist within 1,500 feet of an SSFR (Social Service Residential Facility) above a Level 1 facility.

#### **APPEALING: Section 47-5.36 (Table of dimensional requirements for the RMM-25 district)**

Requesting a variance to permit a side setback of 6 feet 10 inches, where Code requires 20 feet.

#### **APPEALING: Section 47-5.36 (Table of dimensional requirements for the RMM-25 district)**

Requesting a variance to permit a rear setback of 19 feet 10 inches, where code requires 20 feet.

**APPEALING: Section 47-5-36 (Table of dimensional requirements for the RMM-25 district)**  
Requesting a variance to permit front setback of 15 feet, where Code requires 25 feet.

**DEFERRED FOR THIRTY (30) DAYS**

**2. APPEAL NO. 08-38**

**APPLICANT: Andrew and Millie Wright**  
**LEGAL: "Coral Ridge Country Club Add No. 3," P.B. 52, P. 14, Block L, Lot 2**  
**ZONING: RS-8 (Residential Single Family Low Medium Density District)**  
**STREET: 3010 NE 42<sup>nd</sup> Street**  
**ADDRESS: Fort Lauderdale, FL**

**APPEALING: Section 47-19.2.S (Accessory buildings and structures, general – *Mechanical and plumbing equipment*)**

Requesting a variance to allow an Air conditioning Unit to remain in the front yard, where Code states that Mechanical and plumbing equipment, such as air conditioner compressors, generators, lawn irrigation pumps, and swimming pool accessories shall not be located in the required 25 foot front yard.

**DENIED (4-3)**

**3. APPEAL NO. 08-40**

**APPLICANT: Michel, LLC**  
**LEGAL: All that portion of the S ½ of the SW ¼ of the SE ¼ of the NE ¼ of Section 12, Township 49 S, Range 42 E, said parcel being more particularly described in the application for variance on file with the Clerk of the City of Fort Lauderdale Board of Adjustment**  
**ZONING: B-1 (Boulevard Business)**  
**STREET: 6241 N. Federal Highway**  
**ADDRESS: Fort Lauderdale, FL**

**APPEALING: Section 5.26(b) (Distance between establishments)**

Requesting a special exception to allow a restaurant to sell alcohol that is incidental to the sale of food at a distance of 50.10 feet from an establishment (Legends Pub) that sells alcohol, where Code requires a minimum of 300 feet separating establishments that sell alcoholic or intoxicating beverages.

**APPROVED (7-0)**

**4. APPEAL NO. 08-41**

**APPLICANT:** Nick Motosko

**LEGAL:** "Lauderdale Isles, No. 2," P.B. 34, P. 3, Block 2, Lot 26

**BROWARD  
COUNTY**

**ZONING:** RS 5 (One-Family Detached Dwelling District)

**STREET:** 2523 Bimini Lane

**ADDRESS:** Fort Lauderdale, FL

**APPEALING COUNTY CODE:** Sec. 39-287, Rear yard

Requesting a variance to build a bedroom addition with a 8.5-foot rear yard setback, where Code requires 15-foot rear yard setback.

**DENIED (0-7)**

**REQUEST FOR EXTENSION OF FINAL ORDER**

**5. APPEAL NO. 08-05**

This matter was presented to this Board on March 12, 2008 concerning the appeal of Jerry Lobel, "Amended Plat of Portions of Lauderdale Manor Addition," the W. 46.52 ft. of Lot 12, together with the E. 43.48 ft. of Lot 13, Block H; "Chateau Park Section-B," P.B. 31, P. 26, Block 158, 1241 W. Sunrise Boulevard, Fort Lauderdale, FL

Where the Appellant sought a variance from the Board under:

**APPEALING: Section 47-18.3.A (Automotive sales dealer, rental agency, new or used)**

Requesting a variance to allow a Auto Rental Agency on a 90-foot wide lot, where the Code requires a minimum lot width of 100 feet for a Auto Rental Agency.

And the Board having heard and reviewed the evidence in this matter, it is ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF FORT LAUDERDALE THAT THE SAID APPEAL BE

**GRANTED by a vote of seven (7) in favor and zero (0) opposed, conditioned on the following:**

- 1. The variance is limited to the use of the property by Enterprise Rent A Car. In the event the property is no longer being used by Enterprise Rent A Car, this variance will expire. The Applicant stipulated that for the Applicant and Applicant's successors and assigns, that Applicant waives any right to contest, challenge or appeal this condition number 1.**
- 2. The variance shall run with the property as long as the property is being used in accordance with the site plan shown to the Board on March 12, 2008 ("Site Plan"), which is on file with the Clerk of the Board of Adjustment. In the event the property is no longer used in accordance with that Site Plan, this variance shall expire.**

**Dated, this 3rd of June, 2008.**

Respecting variances, special exceptions, and temporary nonconforming use permits – Pursuant to ULDR Sec. 47-24.12.A.10, unless a shorter time period is specified above, a building permit to implement the improvements authorized by this Order must be secured within **180 days** of the date of entry of this Order.

**DEFERRED FOR THIRTY (30) DAYS**

**REPORT and FOR THE GOOD OF THE CITY.**

*The City maintains a Website for the viewing of BOA Agendas and Results at the following e-mail address:*

<http://www.fortlauderdale.gov/documents/boa/boaagenda.htm>

***NOTE: Two or more City Commissioners and/or Advisory Board members may be present at this meeting. 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 to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you desire auxiliary services to assist in viewing or hearing the meetings, or reading agendas and minutes, please contact the City Clerk's Office at 954-828-5002 and arrangements will be made to provide these services for you.***