



City of Fort Lauderdale

BOARD OF ADJUSTMENT AGENDA

Meeting Format

The following format shall be used however; the Chairperson in special circumstances may impose variations.

- Identification of item by Chairperson
- Questions to Staff from Board
- Applicant's or Agent's presentation:
(Those associated with a project must speak during the applicant's presentation time).
- Public Hearing – testimony from the public beginning with those in favor, followed by those in opposition.
- Representatives of Associations and Groups.
- Individuals.
- Board Discussion
- Final comments from the applicant or agent
- Public Hearing closed
(No further public comment unless specifically requested by a Board member).
- Return to the board for final comments, motion, second, and vote. (All motions are stated in the positive and include all staff recommendations, unless otherwise noted. A majority-vote plus one is required for approval of all applications).

Duties of the Board

The Board of Adjustment makes decisions on the following items:

- Variance Applications
- Special Exceptions Applications
- Requests for Rehearing
- Parking Requirements Modifications
- Zoning Interpretations

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.

Variance Criteria

Each variance request must meet the following criteria as established in **Sec. 47-24.12.A.4**

- a. That special conditions and circumstances affect the property at issue which prevent the reasonable use of such property; and
- b. 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; and
- c. 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; and
- d. 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; and
- e. 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.

Sign-In Sheet

Those who address the Board of Adjustment during the public hearing portion must legibly record their name and address on sign-in sheet at the recording secretary's table while the preceding person is speaking. The primary purpose of the sign-in sheet is to assist staff in recording the minutes.

Minutes

A copy of the official minutes will be available to the public and can be picked up at the Planning and Zoning Division, 700 NW 19 Avenue, after the Board of Adjustment meeting of the following month.

Board of Adjustment Meeting Dates

Meetings are held at City Hall in the Commission Chambers (1st Floor), 100 North Andrews Avenue the 2nd Wednesday of every month at 6:30 p.m. The dates are as follows:

January 14, 2009
February 11, 2009
March 11, 2009
April 8, 2009
May 13, 2009
June 10, 2009

July 8, 2009
August 12, 2009
September 9, 2009
October 14, 2009
November 11, 2009
December 9, 2009

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 meeting 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.

AGENDA

CITY OF FORT LAUDERDALE BOARD OF ADJUSTMENT MEETING

WEDNESDAY, July 8, 2009

PLACE OF MEETING: City Hall
City Commission Chambers
100 North Andrews Avenue
Fort Lauderdale, FL 33301

TIME OF MEETING: 6:30 P.M.

Approval of the June 10, 2009 Minutes

1. Richard Martell (Deferred from June 10, 2009) 09-16

Request: **APPEALING: Section 47-5.31 (Table of dimensional requirements for the RS-8 District)**
Requesting a variance to allow a side yard setback of 15 feet, where Code requires side yard shall be a minimum of twenty-five (25) feet when abutting a waterway.

Legal Description: "River Vista" P.B. 22, P. 38, Parcel G, Block 2, Lot 12 as described in OR 3030/106

Address: 1700 W. Las Olas Boulevard

Zoning: RS-8 (Residential Single Family Low Medium Density District)

District: 4

2. David Mesiti 09-17

Request: **APPEALING: Section 47-5-30 (Table of requirements for the RS-4.4 district)**
Requesting a variance to permit a sixteen (16) foot front yard setback for the installation of a generator, where the Code requires a twenty-five (25) foot minimum front yard setback.

APPEALING: Section 47-19.2(S) (Accessory buildings and structures, general-Mechanical and equipment)
Requesting a variance to allow a generator in the front yard where the code states that mechanical equipment, such as generators, shall not be allowed in the front yard.

Legal Description "Coral Ridge Country Club," P.B. 36, P. 30, Lot 21, Block "A"

Address: 2839 NE 35th Street

Zoning: RS-4.4 (Residential Single Family Low Medium Density District).

District: 1

3. **Birch Crest Condominium Board of Association** **09-20**

Request: **APPEALING: Section 47-12.5.B.1.b.ii (District requirements and limitations)**

Requesting a variance to permit zero (0) rear yard setback for new parking canopy, where Code requires 20 foot rear yard setback

Legal Description: Portions of Section 1, Township 50 South, Range 42 East and Section 6, Township 50 South, Range 43 East, as more particularly described in the application for a variance for Appeal No. 09-20, on file with the Clerk of the City of Fort Lauderdale Board of Adjustment

Address: 336 N. Birch Road

Zoning: ABA (A-1-A Beachfront Area)

District: 2

4. **5th Street FTL Partners, LLC** **09-21**

Request: **APPEALING: Section 47-13.14 (List of permitted and conditional uses, Regional Activity Center – Transitional Mixed Use (RAC-TMU) District)**

Requesting a variance to permit a hand car wash in a RAC-EMU zoning district, where Code does not permit this use

Legal Description: "Holmburg & McKees Subdivision", P.B. 1, P. 112, Block 5 less road right-of-way, Lots 2, 3, 6 & 7

Address: 490 N. Federal Highway

Zoning: RAC-EMU (Regional Activity Center- East Mixed Use)

District: 2

5. **Tom & Anne Utterback** **09-22**

Request: **APPEALING: Section 47-5.30 - (Table of dimensional requirements for the RS-4.4 district)**

Requesting a variance to allow a 17.65 foot corner yard setback, Where Code requires 1/4 of lot width which is equal to 22½ foot

Legal Description: The East 90 feet of lot 1 "Sea Island," Unit 5, according to the Plat thereof, as recorded in Plat Book 29, Page 50 of the Public Records of Broward County, Florida

Address: 2552 Aqua Vista Boulevard

Zoning: RS-4.4 (Residential Single Family Low Medium Density District)

District: 2

6. Amor Fort Lauderdale, LLC

09-11

Request: **APPEALING: Section 47-6.20 (Table of dimensional requirements)**
Requesting a variance to allow a rear yard setback of 14 foot 9 inches, where Code requires a minimum of 25 foot rear yard setback when contiguous to residential property

Legal Description: A portion of the Southwest one-quarter (S.W. ¼) of Section 35, Township 49 South, Range 42 East, Broward County, Florida, being more particularly described in the application for a variance for Appeal No. 09-11, on file with the Clerk of the City of Fort Lauderdale Board of Adjustment

Address: 1375-1379 Progresso Drive

Zoning: B-3 (Heavy Commercial/Light Industrial Business)

District: 2

7. 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>