



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 13, 2010
February 10, 2010
March 10, 2010
April 14, 2010
May 12, 2010
June 9, 2010

July 14, 2010
August 11, 2010
September 8, 2010
October 13, 2010
November 10, 2010
December 8, 2010

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, January 13, 2010

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

TIME OF MEETING: 6:30 P.M.

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.

Introduction and Roll Call

Approval of the December 9, 2009 Minutes

Public Sign-In/Swearing-in

1. Appeal No. 09-38

APPLICANT: BRENDA L. FLOWERS
LEGAL: LAKE AIRE ESTATES 54-15 B LOT19 BLK 2
ZONING: RS- 8(Residential Single Family/Low Medium Density District
ADDRESS: 1801 NW 27 TERRACE
DISTRICT: 2

APPEALING: Section 47-5.31 (Table of dimensional requirements for the RS-8 District.)

Requesting a variance to permit a thirteen (13) feet, seven (7) inch rear yard setback, where the code requires fifteen (15) feet.

2. Appeal No. 09-39

APPLICANT: 101 EAST SUNRISE LLC, ATTN GARRETT HAYIM
LEGAL: HOYS BUSINESS CENTER 39-11 B LOT 5 LESS S 10 BLK 1
ZONING: B-1 (BOULEVARD BUSINESS DISTRICT)
ADDRESS: 5750 N FEDERAL HIGHWAY
DISTRICT: 1

APPEALING: Section 47- 6.11 List of permitted and conditional uses, Boulevard Business (B-1) District.

Requesting a variance to permit major automotive repair on property zoned B-1, where the code prohibits this use.

APPEALING: Section 47-19.5 Fences, walls and hedges.

Requesting a variance to permit construction of a wall with a setback of zero (0) feet along NE 27 Avenue, where the code requires three (3) feet.

REQUEST FOR REHEARING

APPEAL NO. 09-30

APPLICANT: R J D Corporation- Robert J. Davis
LEGAL: Fort Lauderdale Industrial Airpark Sec 1 63-10 B Lot 19
ZONING: AIP (Airport Industrial Park)
ADDRESS: 4987 NW 23 Avenue
DISTRICT: 1

APPEALING: Section 47-14.11 (List of permitted and conditional uses, AIP District)
Requesting a variance to permit product assembly of previously approved materials (steel and miscellaneous) in the Airport Industrial Park District, where the code does not list product assembly of previously approved materials as a permitted use.

The Board of Adjustment DENIED this application by a vote of 3 in favor and 4 against on November 12, 2009.

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>