



3650 N.E. 12th Avenue • Oakland Park, Florida 33334 • 954.630.4200 • www.oaklandparkfl.org

**MINUTES
BOARD OF ADJUSTMENT MEETING
February 26, 2013 6:30 P.M.**

CALL TO ORDER

The regular meeting of the Board of Adjustment of the City of Oakland Park, Florida was called to order at 6:30 PM by Chair, Caryl Stevens.

ROLL CALL

Present:

Board Chair Caryl Stevens
Board Vice Chair Linda Martin
Board Member James Weaver
Board Member Carnell Gadson
Board Member Robin Bodiford
Board Member Betty Twyman (Alternate)

Also Present:

Senior Planner Christopher Gratz
Recording Secretary Janet Sinclair

1. MINUTES

1. Approval of the minutes from the meeting of November 27, 2012.

Board Member Stevens made a motion to approve the minutes as written; the motion was seconded by Board Member Martin and prevailed by the following vote:

Board Member Vice Chair Martin	YES
Board Member Weaver	YES
Board Member Gadson	YES
Board Chair Stevens	YES
Board Member Bodiford	YES

2. PUBLIC HEARING ITEMS

2. #CD13-05V Jedd Plat, an application for a variance from §24-106(C)(3) which requires storage yards to be completely enclosed with a six and one-half (6 ½) foot masonry wall, to reduce the requirement from approximately 1,260 linear feet of masonry wall to zero linear feet, for the property located at 1700 N.W. 27th Street. Area one (1) space for every 40 square feet of customer area), for a total of 106 spaces required on the property, to reduce the requirement to 93 spaces.

Senior Planner Gratz made staff presentation to board. The applicant proposes to use two (2) grass areas of the property for outdoor storage, to construct a secure compound with a paved area for outdoor storage and relocate a dry retention area and construct an access drive. The code requires that all permitted storage yards shall be completely enclosed, except for necessary ingress and egress, by a six and one-half (6½) foot unpierced masonry wall. Any ingress and egress shall be completely enclosed with vision-obscuring gates. The applicant requested not to construct a masonry wall on the property so that all can be used for outdoor storage.

Based on the findings, staff recommends the denial of the request. Allowing an unscreened storage yard that is within three hundred and fifty feet (350) of single family residential properties is contrary to the purpose of the use of the code. Granting of the variance will be detrimental to the adjacent property, and adversely affect the public welfare.

Applicant Steve Cissel, 2850 Ravenswood Road, Ft. Lauderdale FL., made a presentation to the board.

PUBLIC HEARING OPEN

Emma Black, 2991 NW 24th Avenue, Oakland Park, FL spoke against approval of variance, and therefore requested denial of variance.

Shalanda Giles Nelson, 2250 NW 28th Street, Oakland Park, FL spoke against approval of variance, and therefore requested denial of variance.

Doris Giles, 1871 NW 27th Street, Oakland Park, FL spoke against approval of variance, and therefore requested denial of variance.

George Griffin, 2511 NW 26th Street, Oakland Park, FL, spoke in favor of approval of variance, and therefore hopes Oakland Park makes a good decision.

Barbara Pearl, 608 Four Key Drive, Ft. Lauderdale FL, 33304, husband and brothers own the property, and spoke in favor of approval of variance therefore requested acceptance of variance.

PUBLIC HEARING CLOSED

Board Member Bodiford made a motion to deny the request for a variance, from Sections #CD13-05V and §24-106(C) (3), of the Code of Ordinances, did not provide sufficient evidence to support the requested variance. The motion was seconded by Vice Chair Martin and the motion prevailed 4 – 1, with Board Member Gadson in dissent.

The motion was seconded by Vice Chair Martin and prevailed by the following vote.

Board Vice Chair Martin	YES
Board Member Weaver	YES
Board Member Gadson	NO

Board Chair Stevens	YES
Board Member Bodiford	YES

Board Member Stevens: Requested staff to go forth with the enforcement of the code on the west side of the property.

3.0 OTHER BUSINESS

There being no further business, the meeting was adjourned at 7:30 PM, by Board Chair Caryl Stevens.

Janet Sinclair, Recording Secretary

Caryl Stevens Board Chair

CITY OF OAKLAND PARK, FLORIDA
BOARD OF ADJUSTMENT AGENDA ITEM REPORT

AGENDA ITEM NO. _____

MEETING DATE: JANUARY 26, 2016

PREPARED BY: JUSTIN PROFFITT, AICP
SENIOR PLANNER

ENGINEERING & COMMUNITY
DEVELOPMENT DIRECTOR: _____

SUBJECT: Board of Adjustment Case # CD16-02V Silverberg Pool Variance, 3880 NE 15th Avenue

Issue: Variance requested to permit a swimming pool in the 25 foot front yard setback.

Issue Solution: Recommend approval of the variance based upon the findings of fact in the staff report.

1. BACKGROUND

Ellen Silverberg and Robin Kaplan, applicants/property owners, filed for a building permit to construct a swimming pool on the north side of their house within the 25 foot front yard setback. The building permit was denied because the Land Development Code prohibits swimming pools from being constructed in the front yard setback. Subsequently, they filed an application for a variance.

The subject property is located at 3880 NE 15th Avenue in The Corals neighborhood. The property is within the R-1, Single Family Residential zoning district and is completely surrounded with the same zoning. The property itself is 7,250 square feet in area and developed with a 1,857 (under roof) square foot single family home. The remainder of the property has a six (6) foot wood fence with gates, driveway/walkways, and a shed. The fence and gates would be adjusted to completely surround the pool if the variance is approved.

APPLICABLE CODES:

- §24-69 (B) Swimming pools.
 - (1) Unenclosed pools. Unenclosed pools may be located in a required side or rear yard, provided the following conditions are met.
 - (a) The pool shall be located a minimum of five (5) feet from any side or rear property line.
 - (b) The pool shall not be placed within a utility or drainage easement.
 - (c) Measurements shall be taken from the inner edge or water line of the pool.
 - (d) Pools may not be located in a required front yard.
 - (e) Water in any swimming pool shall be maintained in a clear and sanitary condition.

- §24-245(95). Yard, front: A yard extending between the front property line and the front line of any main or accessory building, measured at its least dimension and extending from one (1) side yard to the other exclusive of steps and open terraces.

NEIGHBORHOOD PARTICIPATION:

The applicant satisfied the Neighborhood Participation Meeting program ordinance requirements. The Neighborhood Meeting Report is attached.

2. FINDINGS OF FACT

What is a front yard setback?

The code defines the front yard setback as the yard between the property line and the main building line measured at its least dimension. Front yard setbacks are 25 feet in length, but for properties that are 40 feet in width or less, the front yard setback is 35 feet. For this property and many other corner lots, the code defined 25 foot front yard setback is along the north property line and north side of the house.

Although visually this appears to be the home's side yard, it is defined by the Land Development Code as their required 25 foot front yard setback. There is nothing in the Land Development Code that prevents a home from having their front façade face the corner side yard setback. The narrow width of this lot makes it is more desirable to construct the home with the front façade facing the corner side yard setback.

Where are swimming pools permitted and why?

Unenclosed swimming pools are permitted in a side, corner side, or rear yard setback as long as they are setback 5 feet from those property lines and not within a utility or drainage easement. They are not permitted in the foot front yard setback. The front yard setback prohibition for unenclosed swimming pools came about during the community appearance ordinances in 2008. One of many recommendations adopted by the City Commission to improve the City's appearance was to no longer allow unenclosed swimming pools to be placed in a front yard setback. The appearance of a single family home's front façade and front door blocked off with a five foot fence surrounding a swimming pool was considered aesthetically unpleasing presenting a significant visual impact on the neighborhood.

However, this code prohibition does not account for corner lots where a home's front façade faces the corner side yard setback instead of the front yard setback. The front yard setback is faced with the home's north side façade. It is in this situation where the code does not meet reality. It would permit the homeowner to construct a swimming pool in the rear, side, or the corner side yard setbacks along the front façade of the home. Constructing the pool in the side or rear yard setbacks is precluded because of the small size of the side yard setback and the utility lines and shed in the rear yard setback. Therefore, the remaining location would be to construct the pool in the corner side yard setback facing NE 15th Avenue and the front façade. Even though constructing the pool here is fully legal, it is not consistent with the intent and purpose of this code section, which is to not block the view of a home's front façade with a pool and the required fencing.

What is the justification for the variance?

The Land Development Code instructs the Board of Adjustment to approve a variance only after the applicant has demonstrated a basis for a variance pursuant to the review criteria. After reviewing the variance application and applicable Land Development Code sections, the following findings of fact are provided for city staff's recommendation. Each variance criterion (bold text) is followed by a brief staff analysis.

§24-232(C) Basis for a variance.

1. That special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of said land, structure or building.

Special conditions and circumstances exist on the property preventing the reasonable use of the land. In this case, the applicant's home was constructed with the front façade facing the corner side yard setback of the property unlike most homes in the neighborhood. Constructing the pool in the rear yard setback (south side of the property) is not possible because there are overhead power lines, gas lines, and a shed. The side yard setback (east side of the property) is too small for a pool. And finally, constructing of the pool in the corner side yard setback is not possible because of existing driveways, walkways, and small size of this area. It also would block the view of the home's front façade from the neighborhood. The orientation and existing development conditions leave the front yard setback as the only place to construct the pool.

2. That the circumstances which cause the hardship are peculiar to the property, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the district.

The circumstances are peculiar to this property and to the small number of corner properties citywide that were constructed with their front façade facing the corner side yard setback. The majority of the homes in the R-1 zoning district have their front facades facing the front yard setback.

3. That the literal interpretation of the provisions of this chapter would deprive the applicant of a substantial property right that is enjoyed by other property owners in the district. (It is of no importance whatever that the denial of the variance might deny to the property owner some opportunity to use the property in a more profitable way, or to sell it at a greater profit than is possible under the terms of this chapter).

A swimming pool is a substantial property right within the R-1 zoning district that is enjoyed by most single family homeowners. Section 24-69 of the Land Development Code outlines the swimming pool development regulations, which prohibit pools in front yard setbacks. The literal interpretation of this code section would deprive the property owner a substantial property right to construct a swimming pool on the property. As stated in this report, the other portions of the property have constraints that preclude the construction of the pool leaving the front yard setback as the only place to construct it. In this neighborhood alone, the aerial

photography shows that the majority of homes enjoy the right to have swimming pools.

4. That the hardship is not self-created or the result of mere disregard for, or ignorance of, the provisions of this chapter.

The home was constructed in 1959 long before the Land Development Code had any regulations of swimming pools in front yard setbacks. The code changed in 1990 to prohibit unenclosed pools from the front yard setback. It changed again in 2008 to prohibit all swimming pools from the front yard setback.

5. That the variance is the minimum variance that will make possible the reasonable use of the property, and that the variance will be in harmony with the general purposes and intent of this chapter and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The variance would permit the homeowner to construct the swimming pool within the 25 foot front yard setback subject to the all other code requirements. For health reasons, the applicants/property owners are only proposing a 195 square foot lap pool, which is much smaller than typical pools. For this property, constructing the swimming pool in the front yard setback would be consistent with the intent and purpose of the code section. The front façade of the house faces the corner side yard setback and is visible from NE 15th Avenue. The pool would be located along the north side of the house with a six foot wood fence surrounding it. The code's purpose was to avoid placing pools along the front facade of homes, but not the side façade.

6. That granting the variance requested will not be detrimental to adjacent property or adversely affect the public welfare. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be grounds for the issuance of a variance.

The granting of the variance will not be detrimental to adjacent property or adversely affect the public welfare. The pool is not proposed in a location that would block off the front façade of the home from the street. Again, placing the pool in the corner side yard setback would defeat the purpose of the code, which is to prevent the negative visual impact of a pool and fencing in the front of a home. The property is developed with a single family home in compliance with all the zoning district regulations pertaining to setbacks, lot size, and building coverage.

7. Under no circumstances shall the board of adjustment recommend a variance to permit a use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

Swimming pools are permitted by right subject to design criteria in the R-1 zoning district.

3. ATTACHMENTS

Yard Setback Diagram
Location Map
Aerial map
Zoning map
Property Notification map
Property Notification list
Application
Neighborhood Meeting Report
Plans

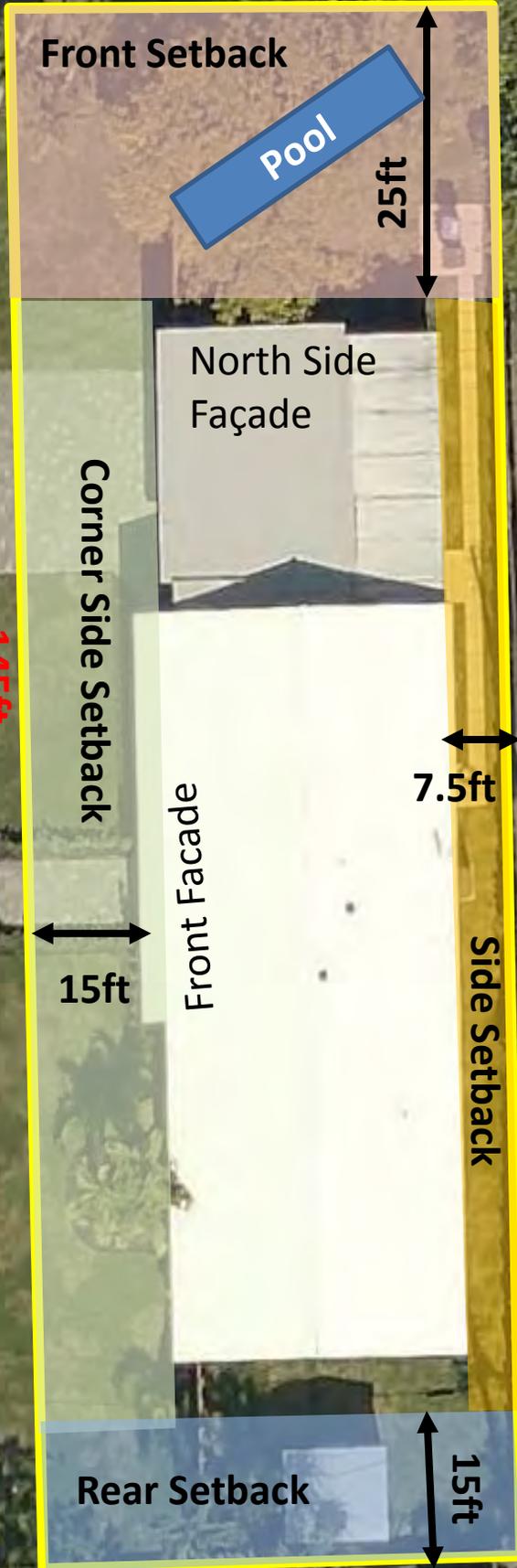
4. RECOMMENDATION

Staff recommends *approval* of the variance based upon the Findings of Fact.

NE 39th Street

Yard Setback Diagram

NE 15th Avenue





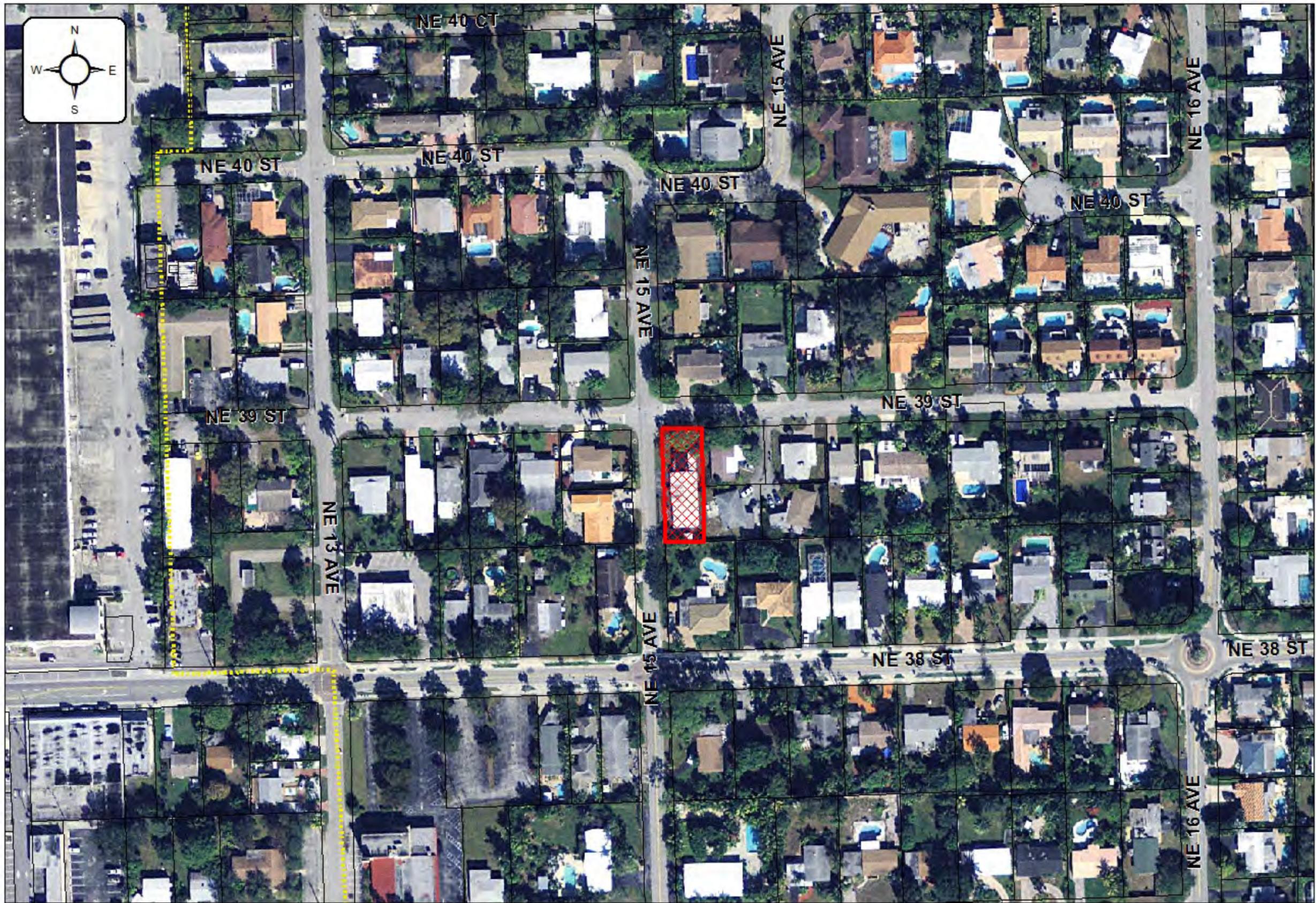
**City of Oakland Park
Location Map**

**3880 NE 15th Avenue (Hatched Area)
Silverberg Pool Variance**



1 inch = 125 feet 0 40 80 160 240 320 Feet

Source: City of Oakland Park GIS

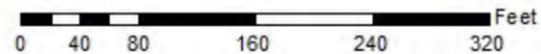


Silverberg Variance Case #CD16-02V
Subject Property: 3880 NE 15th Avenue

Aerial Map



1 inch = 125 feet



Source: City of Oakland Park GIS

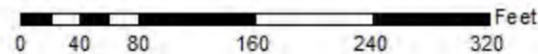


Silverberg Variance Case #CD16-02V
Subject Property: 3880 NE 15th Avenue

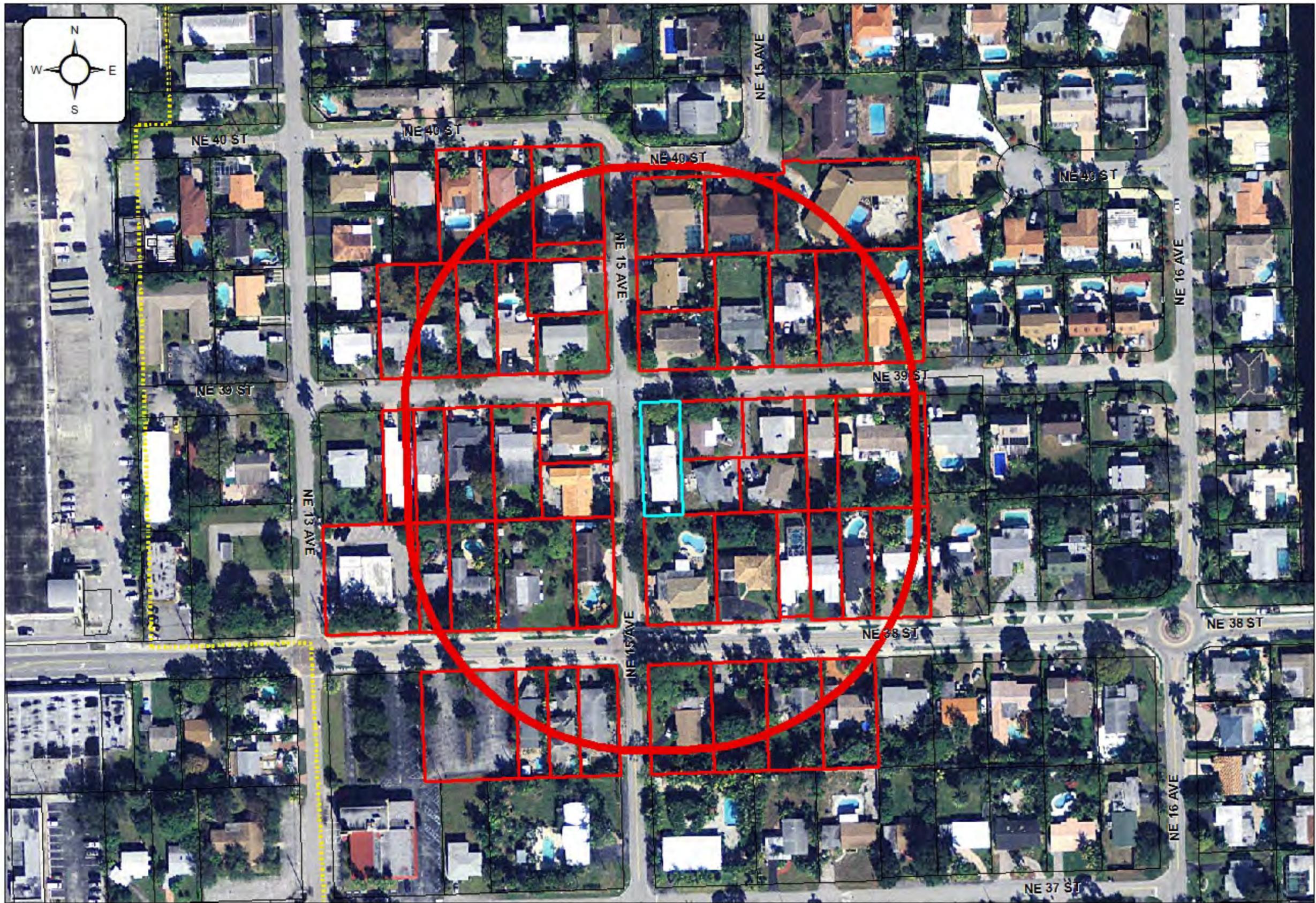
Zoning Map



1 inch = 125 feet



Source: City of Oakland Park GIS

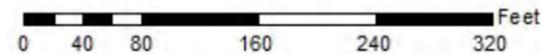


**City of Oakland Park
Property Notification Map**

**300ft Radius (Single-Family)
Silverberg Pool Variance**



1 inch = 125 feet



Source: City of Oakland Park GIS

Property Owner Notification List

Case CD16-02V Silverberg Pool Variance
300 Foot Radius (Single-Family)

FOLIO	NAME_LINE	NAME_LINE1	ADDRESS_LI	CITY	STATE	ZIP
494223061930	MARMO,RICHARD E		267 HUTTON ST	JERSEY CITY	NJ	07307
494223061940	ZILVETI,JUAN		1539 NE 38TH ST	OAKLAND PARK	FL	33334
494223061920	THORSEN,ERIC B & BARBARA		1556 NE 39 ST	OAKLAND PARK	FL	33334
494223032190	LEAL,JUAN J & MARTA M		1436 NE 39TH ST	OAKLAND PARK	FL	33334
494223032220	WATERHOUSE,MARGARET H/E	WATERHOUSE,TIMOTHY C	1435 NE 38 ST	OAKLAND PARK	FL	33334
494223032431	NICKAS,MICHAEL F H/E	NICKAS,KATHLEEN A	1400 NE 40 ST	OAKLAND PARK	FL	33334
494223062022	WRIGHT,MATTHEW M & AMY S		1523 NE 39 ST	OAKLAND PARK	FL	33334
494223061810	GERAGHTY,BRIAN		1586 NE 38 ST	OAKLAND PARK	FL	33334
494223310010	GALLARDO SANTAMARIA LLC		604 NE 10 AVE	FORT LAUDERDALE	FL	33304
494223061901	BLACK,MARCAS & ALEXANDRA P		1520 NE 39 ST	OAKLAND PARK	FL	33334
494223061900	CORI,DAVID H/E	CORI,LEON	1510 NE 39 ST	OAKLAND PARK	FL	33334
494223061950	LEON,YEE YEAT MAE	LEON,YIT LEONG	1515 NE 38TH ST	OAKLAND PARK	FL	33334
494223061960	CINELLI LIPUMA LLC		3430 GALT OCEAN DR APT 1711	FORT LAUDERDALE	FL	33308
494223032214	LANG,JOSEPH J & DARICE J		3801 NE 15TH AVE	OAKLAND PARK	FL	33334
494223032230	SHEA,TIMOTHY JOSEPH		1399 NE 38TH ST	OAKLAND PARK	FL	33334
494223032240	PAVKOVICH,ROBERT A		4780 NE 17TH TER	OAKLAND PARK	FL	33334
494223031190	ADEBOYEJO,GHEA E		3517 DEL MAR AVE	DAVIE	FL	33328
494223000051	RISON,RICHARD P	TOLLEY,JOHN W	1555 NE 39 ST	OAKLAND PARK	FL	33334
494223032480	BLACK,JANET D		1401 NE 39TH ST	OAKLAND PARK	FL	33334
494223032180	DEHN,CORRINA S		1398 NE 39TH ST	OAKLAND PARK	FL	33334
494223032432	SKOLNICK,GARY S		1332 NE 40 ST	OAKLAND PARK	FL	33334
494223310020	DELEGAL,DONNA S		1502 NE 40 ST	OAKLAND PARK	FL	33334
494223032160	RECALT,ARNALDO & GEORGINA		1366 NE 39TH ST	OAKLAND PARK	FL	33334
494223061880	SILVERBERG, ELLEN	KAPLAN, ROBIN	3880 NE 15 AVE	OAKLAND PARK	FL	33334
494223061904	RISOLA,JOSEPH V		1532 NE 39 ST	OAKLAND PARK	FL	33334
494223062010	MARSHALL,SHARI S		1531 NE 39 ST	OAKLAND PARK	FL	33334
494223032440	FERWERDA,ROBERT A & PEGGY		3941 NE 15TH AVE	OAKLAND PARK	FL	33334
494223062001	WATTS,WILLIAM J		1547 NE 39 ST	OAKLAND PARK	FL	33334
494223061820	RADTKE,GERALD P		1532 NE 38 ST	OAKLAND PARK	FL	33334
494223061800	LAURA,JOSEPH III & KIMBERLEY A		1502 NE 38TH ST	OAKLAND PARK	FL	33334
494223032470	LAPIER,KIMBERLYN D		1435 NE 39TH ST	OAKLAND PARK	FL	33334
494223032490	BLACK,JANET D		1401 NE 39TH ST	OAKLAND PARK	FL	33334
494223310029	DELEGAL,LAURIE LE	DELEGAL,BRYANT & DELEGAL,S ETAL	3998 NE 15 AVE	OAKLAND PARK	FL	33334
494223032500	STADTFELD,THELMA		1365 NE 39 ST	OAKLAND PARK	FL	33334
494223032433	ARTIEDA,LUIS JAVIER & FLORA M		1352 NE 40 ST	OAKLAND PARK	FL	33334
494223032250	OAKLAND PARK CONGREGATION	OF JEHOVAH'S WITNESSES	322 NE 1ST COURT	DANIA BEACH	FL	33004
494223061941	BOWEN,JOANNE		1531 NE 38 ST	OAKLAND PARK	FL	33334
494223062020	DI LIDDO,CYNTHIA & SABINO		1501 NE 39 ST	OAKLAND PARK	FL	33334
494223061910	DIPAULO,CYNTHIA		1540 NE 39 ST	OAKLAND PARK	FL	33334
494223061902	SCANLON,JOHN & LISA		1516 NE 39TH ST	OAKLAND PARK	FL	33334
494223061830	BERRY,BRENDA K H/E	BERRY,BRYAN E	1548 NE 38 ST	OAKLAND PARK	FL	33334
494223032460	J TINA CARRIUOLO TRUST	CARRIUOLO,J TINA TRUSTE	5929 149 AVE SE	BELLEVUE	WA	98006
494223032210	BANK OF AMERICA NA		950 E PACES FERRY RD STE 1900	ATLANTA	GA	30326
494223031180	ALVAREZ,HUMBERTO		2109 NE 27 DR	WILTON MANORS	FL	33306
494223032200	BOSTROM,PETER B		3861 NE 15 AVE	OAKLAND PARK	FL	33334
494223000070	MANN,JOSEPH A	EASTMAN,JENNIFER	1559 NE 38 ST	OAKLAND PARK	FL	33334
494223032450	FERWERDA,PEGGY		3941 NE 15TH AVE	OAKLAND PARK	FL	33334
494223031181	BLOMMESTYN,ALBERT		1460 NE 38 ST	OAKLAND PARK	FL	33334
494223031170	WOODSIDE RESIDENTIAL AT OAKLAND	PARK INC	PO BOX 70488	FORT LAUDERDALE	FL	33307
494223062021	MIKUS,JEFFREY		3940 NE 15 AVE	OAKLAND PARK	FL	33334
494223032170	ALTMAN,ELIZABETH EST		1384 NE 39TH ST	OAKLAND PARK	FL	33334

DEVELOPMENT PERMIT APPLICATION

The type of development permits for which this form is used and a fee schedule are listed on page 5. Application requirements and required separate attachments for each request type are on page 7. **Prior to the application submittal contact the Planning Division for an appointment at 954-630-4339.**

STAFF USE ONLY	
Date Submitted: 12/3/15	Application No. CD16-02V
Project Name: Silverberg Pool Variance	
Folio No(s):	

GENERAL DATA – Please type or print information - COMPLETE ALL SECTIONS		
Address of property: 3880 NE 15th Avenue		
Legal Description: (or attach description) 4942 23 06 1880 Oakland Park 2nd Add 2-40 Lot 1 Block 27		
Gross Acres:	Net Acres:	
Title to this Property has been held since: 8/27/2015	Existing Zoning: R-1	
Existing Use of Property (include no. and sq. ft. of proposed structure(s): SFR		
Proposed Use of Property (include no. and sq. ft. of proposed structure(s): SFR with Swimming Pool		
Type of Development Permit(s) requested: New swimming pool with relocation of existing fence		

OWNER/APPLICANT INFORMATION		
(The undersigned has reviewed all instructions concerning the application and understands the application must be complete and accurate prior to staff review or Public Hearing(s). Attach proof of ownership and owner's authorization for representative.		
Name of Property Owners: ROBIN KAPLAN ELLEN R SILVERBERG	Title:	
Address: 3880 NE 15TH AVE.		
City: OAKLAND PARK	State: FL	Zip Code: 33334
Phone: 954 908 1261	Fax:	
Signature: [Signature]	Signature: [Signature]	
Email Address: rkaplan@elliman.com	Email Address: ellensilverbergen@gmail.com	
Name of Applicant's Representative: For technical information regarding Pool Plans: Signature Pools & Spas, Inc.		
Address: Signature Pools & Spas, Inc. 1091 NE 45 Street		
City: Oakland Park	State: FL	Zip Code: 33334
Office Phone: 954 351 2001	Cell Phone: 954 868 0230	Fax: 954 351 2001
Email Address: info@signaturepools-spasinc.com		

**CITY OF OAKLAND PARK
COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR A VARIANCE**

INSTRUCTIONS FOR FILING A VARIANCE APPLICATION

1. You may file an application for a variance if:
 - a. Special circumstances exist that affect the property, structure or building which prevent their reasonable use.
 - b. Circumstances that cause the hardship are unique to the property.
 - c. The hardship is not self-created.
 - d. The hardship is not solely financial
 - e. The literal interpretations of the provisions of Chapter 24 deprives you of a substantial property right enjoyed by other property owners in that zoning district.
 - f. The variance requested is the minimum variance required to allow reasonable use of the property.

2. Two (2) public hearings are required: one before the Board of Adjustment and one before the City Commission. Due to advertising requirements a minimum of 30 days is required between the application date and the first public hearing.

3. Public notice signs must be posted on your property prior to both the Board of Adjustment and City Commission hearing. Public notice signs and affidavits of posting will be provided.

4. You or your appointed representative will be responsible for presenting your case and answering any questions directed to you at both the Board of Adjustment and the City Commission hearing.

5. You and anyone speaking on your behalf are required to complete and sign the attached quasi-judicial procedure form. The form **MUST be submitted to the City Clerk at least two (2) days prior to the City Commission hearing.** (Make additional copies if necessary.)

DOCUMENTS REQUIRED FOR FILING A VARIANCE APPLICATION:

1. 16 copies of current survey; two (2) of which are signed and sealed.
2. 16 copies of project plans.


Signature



ENGINEERING & COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING RECEIPT

NAME: Ellen Silverberg

DATE: 1/13/16

ADDRESS: _____

CASHIER KEY	DESCRIPTION OF FEE	REFERENCE NUMBER	AMOUNT (\$)
005	Permit Application Fee/Credit	_____	_____
005	Permit Fee	_____	_____
025	Training & Certification Fee	_____	_____
124	Broward County Surcharge	_____	_____
087	Inspector Trust Fund	_____	_____
087	Radon Surcharge	_____	_____
027	CO/CC Fee	_____	_____
039	Plan Review Fee	_____	_____
179	Fire Plan Review Fee	_____	_____
005	Shop/Truss/NOA Review	_____	_____
166	Public Safety Impact Fee	_____	_____
029	Reinspection Fee	_____	_____
029	Overtime/Pre-Inspection	_____	_____
027	Plan Revision	_____	_____
027	Permit Renewal Fee	_____	_____
027	Change of Contractor	_____	_____
027	Permit Card Replacement	_____	_____
039	40 Year Building Safety Cert	<u>CK# 114</u>	_____
240	Backflow Rectification	_____	_____
027	Copies	_____	_____
038	Miscellaneous	<u>Variance 026-02V</u>	<u>572.00</u>
TOTAL CHARGES:			\$ <u>572.00</u>

JAN 12 2016

026

Permitting & Licensing

Cashier

THIS INSTRUMENT PREPARED BY AND RETURN TO:

Danny Cohen, Esq.
Cohen Legal Group of Florida, PLLC
1250 South Pine Island Rd., Ste. 375
Plantation, FL 33324
Our File No.: 15-0091
Property Appraisers Parcel Identification (Folio) Number: 49-42-23-06-1880

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED

THIS WARRANTY DEED, made the 27 day of August, 2015 by RJ Connections, LLC., a Florida limited liability company, whose post office address is 1431 NE 54 STREET, FORT LAUDERDALE, FL 33334, herein called the Grantor, to Robin Kaplan and Ellen Silverberg, a married couple, whose post office address is 3880 NE 15th Avenue, Oakland Park, FL 33334 hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in Broward County, State of Florida, viz.:

Lot 1, Block 27, of SECOND ADDITION TO OAKLAND PARK, according to the Plat thereof, as recorded in Plat Book 2, Page 40, of the Public Records of Broward County, Florida.

Subject to easements, restrictions and reservations of record and taxes for the year 2015 and thereafter.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2014.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Witness #1 Signature

RJ Connections LLC., a Florida limited liability company

Yoleidy Perez
Witness #1 Printed Name

[Signature]
By: Rene Barcelo
Its: Managing Member

[Signature]
Witness #2 Signature

Danny Cohen
Witness #2 Printed Name

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 27 day of August 2015 by Rene Barcelo as Managing Member of RJ Connections LLC., a Florida limited liability company who has/have produced DL as identification.

SEAL

[Signature]
Notary Public
Yoleidy Perez



CITY OF OAKLAND PARK
COMMUNITY DEVELOPMENT DEPARTMENT
APPLICATION FOR A VARIANCE

Ellen Silverberg and Robin Kaplan are requesting a variance from Chapter 24, article V, Section 24-69 (B) (1) (d), for our corner property at 3880 NE 15th Ave. Oakland Park, because the literal interpretation of the provisions of Chapter 24 deprives us of a substantial property right enjoyed by other property owners in our zoning district. The literal interpretation of Chapter 24 states that a pool cannot be sited in the front yard of a home, however after preparing various site plans, and attempting to site the pool in an area which complies with required setbacks, we find that the only possible place a pool can be built, on our property, is in a side yard which the city of Oakland Park considers a front yard because it is the shortest side of the structure.

In addition, there is a medical necessity for a swimming pool on our property. Ellen Silverberg suffers from a form of peripheral neuropathy in her legs which limits her ability to walk. The only effective strengthening exercises, that alleviate some of her pain, must be performed in a pool. We have attached a note from her physician explaining this.



Ellen Silverberg



Robin Kaplan



November 2, 2015

To Whom It May Concern:

Mrs. Ellen Silverberg is currently under my medical care. Based on her current medical condition, I have highly recommended that Mrs. Silverberg swim on a daily basis to improve muscle strength and range of motion. A home swimming pool would be an ideal means to promote improvement in her current medical condition. Any questions or concerns, please do not hesitate in contacting me.

Sincerely,

A handwritten signature in black ink that reads "Charles D. Stinson, D.O.".

Charles D. Stinson, D.O.

Family Practice

Signature Pools & Spas Inc.

CPC 056853
1091 NE 45th Street
Oakland Park, FL 33334
PHONE: 954-351-2001 • FAX: 954-351-1120 • WEB: www.signaturepools-spasinc.com

November 13, 2015

City of Oakland Park
Community Development Department
Application for a Variance

Job Name & Address:
Robin Kaplan & Ellen Silverberg
3880 NE 15 Avenue
Oakland Park, FL 33334

To whom it may concern,

Once we were informed that the pool project for the above mentioned address could not be started without a variance, we immediately re-evaluated the property site to look for another location for the pool. The only other open land area on this property is the south side to the right of the front door.

Even though the land may *look* to be ideal for a pool construction, it **cannot** be placed there due to NEC (National Electric Code). The pool will be located to close to the overhead power lines. In addition, there is an existing gas service.

As we have already been contracted to build a pool for Robin Kaplan & Ellen Silverberg, if not approved it will be a financial loss to our company in addition to the loss of Oakland Park in improvement to local projects. We have permitted and completed many projects in Oakland Park along with many that are on corner/front lots. We are so proud and amazed of how many compliments these projects have received.

Thank you for your attention to this matter.

Sincerely,



Scott Taggart*Signature Pools & Spas, Inc.
CPC056853









Neighborhood Participation Meeting Sign-In Sheet

Proposed Project Name: KAPLAN/SILVERBERG POOL
Meeting Location & Date: 3880 NE 15TH AVE, OAKLAND PARK, 12/3/15
Project Description: CONSTRUCTION OF POOL IN YARD

To HOA Group/Individual: Signing this sign-in sheet does not imply approval or support of the project, just confirmation that a meeting was held pursuant to the ordinance.

Participant Signatures:

- | | |
|-----------------------------------|------------------------------|
| 1. <u>Eric Birkh</u> | 17. <u>Delina D. Tidwell</u> |
| 2. <u>Eric Birkh</u> | 18. <u>Gynthia Di Lillo</u> |
| 3. <u>Joe Curran</u> | 19. <u>David J.</u> |
| 4. <u>John Mitchell</u> | 20. <u>John B.</u> |
| 5. <u>John McPherson</u> | 21. <u>Matt Paul</u> |
| 6. <u>John Alva</u> | 22. _____ |
| 7. <u>Barbara Thorsen</u> | 23. _____ |
| 8. <u>Ch. Buzyn</u> | 24. _____ |
| 9. <u>Liane Emanuel (Lidwell)</u> | 25. _____ |
| 10. <u>Cherise Williams</u> | 26. _____ |
| 11. <u>Ch. A. G.</u> | 27. _____ |
| 12. <u>Eric Thorsen</u> | 28. _____ |
| 13. <u>CRISTY BOYD</u> | 29. _____ |
| 14. <u>Michelle Diamond</u> | 30. _____ |
| 15. <u>JUAN LOPEZ</u> | 31. _____ |
| 16. <u>Marta Lial</u> | 32. _____ |

Applicant/Property Owner Attendee or Representative Signature(s) (print names below):

Ellen Silverberg, Robin Kaplan ; ELLEN SILVERBERG
ROBIN KAPLAN

THIS PROPOSED DEVELOPMENT IS NOT ENDORSED BY THE CITY OF OAKLAND PARK AND IF SUBMITTED WILL BE REVIEWED FOR COMPLIANCE WITH ALL APPLICABLE CODES AND THE COMPREHENSIVE PLAN.

Neighborhood Participation Meeting Program Affidavits of Compliance

I certify that:

The Report on Neighborhood Participation Meeting Program submitted herewith is complete and accurate. I understand that I am solely responsible for the accuracy and completeness of this report and that any errors and/or omissions may result in the rejection of my Development Permit Application on grounds that it is incomplete or not accurate.

Complete Affidavits (A) or (B) depending on your circumstances:

Affidavit A

(A) Homeowners Association, Individual, or Executive Officer Meeting Verification & Signatures to Confirm Meeting (must attach sign-in sheet as verification):

Meeting Date: 12/3/15 Time: 5:00-6:30
Location: 3660 NE 15TH AVE, OAKLAND PARK, FL 33334

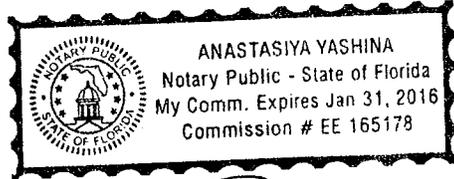
Applicant/Property Owner Signature(s):

ROBIN KAPLAN [Signature]
Print Name(s): ELLEN SILVERBERG [Signature]

STATE OF FLORIDA)
COUNTY OF BROWARD)

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared Ellen R Silverberg to me known or who produced FLDL as identification, who signed the foregoing instrument and he acknowledged the execution thereof to be his free act and deed for the uses and purposes therein mentioned and acknowledged before me that he executed same. Witness my hand and official seal in County and State last aforesaid this 02 day of December, 2015

****Meeting Verification & Sign-In sheet form must be attached.**



[Signature]

Affidavit B

(B) The individual or executive officer of the homeowners association was unavailable or refused to sign this certification. I am attaching a statement as to the efforts to contact them and, in the event of unavailability, the reasons as to why they did not sign the certification:

Meeting Date: 12/3/15 Time: 5:00-6:30
Location: 3880 NE 15TH AVE., OAKLAND PARK, FL 33334

Applicant/Property Owner Signature(s):

ROBIN KAPLAN
Print Name(s): ELLEN SILVERBERG

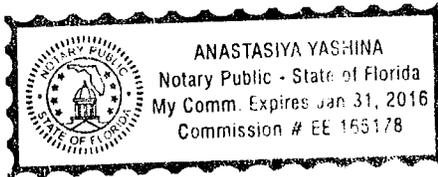
Robin Kaplan
Ellen Silverberg

STATE OF FLORIDA)
COUNTY OF BROWARD)

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared Robin Kaplan to me known or who produced FLDL as identification, who signed the foregoing instrument and he acknowledged the execution thereof to be his free act and deed for the uses and purposes therein mentioned and acknowledged before me that he executed same.

Witness my hand and official seal in County and State last aforesaid this 02 day of December, 2015.

****Statement must be attached.**



Anastasiya Yashina



Ellen Silverberg <ellensilverbergeh@gmail.com>

Re: Neighborhood Participation Meeting Notice

David Bowles <ddbinvestments@yahoo.com>

Sat, Nov 21, 2015 at 8:59 PM

Reply-To: David Bowles <ddbinvestments@yahoo.com>

To: Justin Proffitt <JUSTINP@oaklandparkfl.gov>

Cc: "rkaplan@elliman.com" <rkaplan@elliman.com>, Ellen Silverberg <ellensilverbergeh@gmail.com>

Hello Justin, Long time and good to hear from you. I spoke to Ellen and am perfectly fine with their installation of a pool. I wish them well.

Take care

David D. Bowles, LCAM, LEED Green Associate
Board Treasurer, Azul Condominium Assoc.
President, DDB Investments
President, Modda (Meeting of Design, Development & Architecture) Investments
Board member, City of FTL Community Appearance Board
CEO, elite home staging
cl. [954-857-6302](tel:954-857-6302) website. www.elitestagers.com

Please consider the environment before printing this email.

From: Justin Proffitt <JUSTINP@OAKLANDPARKFL.GOV>**To:** "ddbinvestments@yahoo.com" <ddbinvestments@yahoo.com>**Cc:** "rkaplan@elliman.com" <rkaplan@elliman.com>; Ellen Silverberg <ellensilverbergeh@gmail.com>**Sent:** Friday, November 20, 2015 11:38 AM**Subject:** RE: Neighborhood Participation Meeting Notice

Copying Robin and Ellen on the email. Thank you.



Justin Proffitt, AICP
Senior Planner
Engineering & Community Development
City of Oakland Park
5399 North Dixie Highway; Suite 3
Oakland Park, FL 33334
[954-630-4348](tel:954-630-4348), Fax: [954-229-0568](tel:954-229-0568)
justinp@oaklandparkfl.gov | www.oaklandparkfl.org

Please Note: Florida has very broad public records law. Most written communications to or from local officials regarding official business are public records available to the public and media upon request. Your e-mail communications may, therefore, be subject to public disclosure.



Ellen Silverberg <ellensilverbergeh@gmail.com>

invitation re: variance application

Matt Fischer <matt.t.fischer@gmail.com>
To: Ellen Silverberg <ellensilverbergeh@gmail.com>
Cc: Tony Tella <ttella27@gmail.com>

Sun, Nov 22, 2015 at 5:36 PM

Ellen,

I think I can speak for Tony and myself when I say we really don't have any issue with your community building a pool. If you would like to forward this email to the City of Oakland Park, please feel free to do so.

Being that its Thanksgiving weekend, Tony and I will not be available. Hope this email is sufficient for the City

Thanks

Matt Fischer

[Quoted text hidden]

*Signature & Spas
Pools & Inc.*
CPC 056853
1091 NE 45th Street
Oakland Park, FL 33334
PHONE: 954-351-2001 • FAX: 954-351-1120 • WEB: www.signaturepools-spasinc.com

November 13, 2015

Proposed Pool Construction
at
residence of

Robin Kaplan & Ellen Silverberg
3880 NE 15th Avenue
Oakland Park, FL 33334

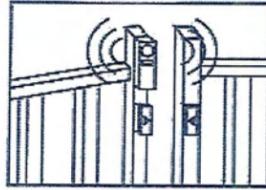
SAFETY & SECURITY

TECHKO Safe Pool™

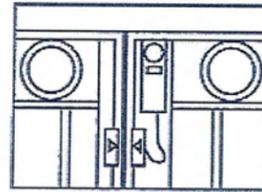
MODEL S187D & S189D

THE SAFE POOL PROVIDES ALARM PROTECTION TO OUTDOOR GATES OR HOME DOORS LEADING TO POTENTIALLY DANGEROUS POOL & SPA AREAS. THE SAFE POOL FEATURES WEATHER RESISTANT CONSTRUCTION AND MOUNTS DIRECTLY TO EITHER WOOD OR METAL DOORS/WINDOWS/GATES. (PLASTIC HOUSINGS ARE PROVIDED FOR THE INSTALLATION ON METAL OPENINGS)

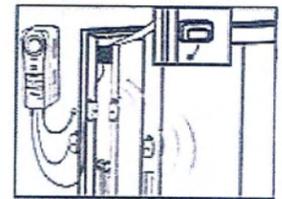
WHEN CHILDREN OPEN THE PROTECTED DOOR WINDOW/GATE BY MORE THAN 1 INCH, THE UNIT WILL SOUND IT'S BUILT-IN 110-150 DB HIGH OUTALARM, NOTIFYING NEARBY ADULTS OF THE ATTEMPTED ENTRY. THE BYPASS BUTTON ALLOWS ENTRY OR EXIT FOR ADULTS WITHOUT SOUNDING THE ALARM. ONCE THE DOOR/WINDOW/GATE IS CLOSED, THE UNIT WILL RESET AUTOMATICALLY TO RESUME PROTECTION.



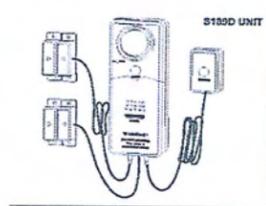
Sensors detect opening and sound the alarm within 3-7 seconds when the BYPASS button is used



Use on both indoor or outdoor entry areas



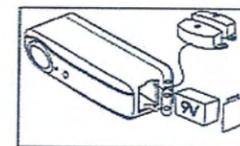
Mounting indoors on entry or screen door



Model S189D



COMPLIES WITH
UL 2017



Use on 9 volt battery
(not included)

Model S187D

THIS SAFE POOL ALARM IS EXTREMELY LOUD. TO YOUR EARS TO TEST THE ALARM DIRECT THE UNIT AWAY FROM YOU AT ARMS LENGTH AND ACTIVATE.

FEATURES

- HIGH OUTPUT 110-150 DB ALARM SIREN
- DEPENDING ON MODEL: STANDARD 9 VOLT BATTERY OPERATION OR 3 AAA BATTERY
- INCLUDES MOUNTING HARDWARE FOR BOTH WOOD AND METAL DOORS/GATES
- WEATHER AND WATER RESISTANT CONSTRUCTION
- BYPASS BUTTON PROVIDES CONVENIENT ADULT PASS-THROUGH BUTTON FOR DELAYED ENTRY FROM EITHER SIDE OF DOOR OR FENCE
- ADDITIONAL MAGNETIC SENSOR FOR SCREEN DOOR EXIT/ENTRY
- 3 YEAR WARRANTY

ORDERED BY:



PO Box 19070 | Plantation, Florida 33318 | 954.349.8550



PROPERTY ADDRESS: 3880 NE 15TH AVENUE OAKLAND, FLORIDA 33334

SURVEY NUMBER: FL1507.3428

FIELD WORK DATE: 8/5/2015
FL1507.3428
BOUNDARY SURVEY
BROWARD COUNTY

REVISION DATE(S): (REV.1 8/6/2015)

TABLE:

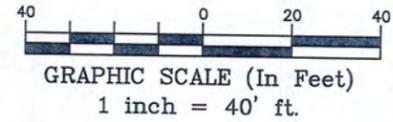
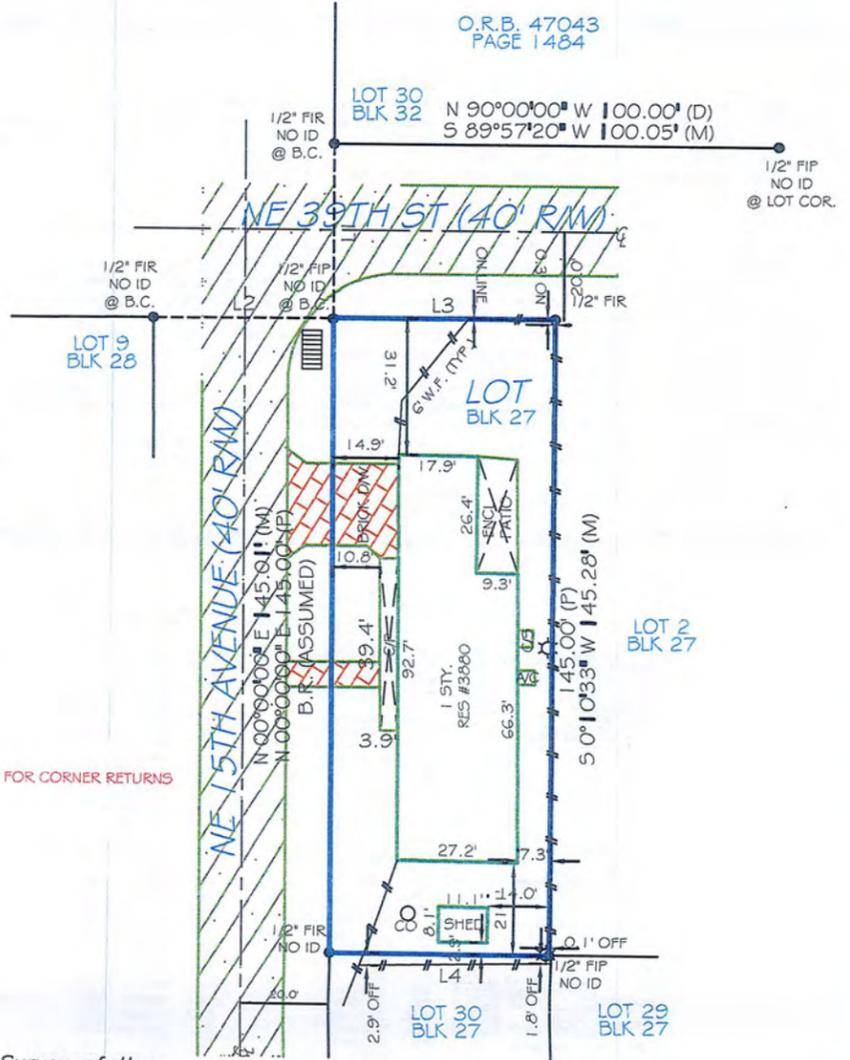
- L1 S 0°05'24" E 40.00' (P)
- S 0°00'03" E 39.94' (M)
- L2 N 89°54'36" E 40.00' (P)
- N 89°40'43" E 40.68' (M)
- L3 50.00' (P)
- N 89°51'54" E 50.04' (M)
- L4 50.00' (P)
- N 89°49'51" W 49.60' (M)

NOTES:
FENCE OWNERSHIP NOT DETERMINED
NO RADIUS INFORMATION GIVEN ON PLAT FOR CORNER RETURNS

I hereby certify that this Boundary Survey of the hereon described property has been made under my direction and to the best of my knowledge and belief, it is a true and accurate representation of a survey that meets the Standards of Practice set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17 of the Florida Administrative Code.

RONALD W. WALLING
State of Florida Professional Surveyor and Mapper
License No. 6473

Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing hereon shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.



FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE AH (WITH A BASE FLOOD ELEVATION OF 5 & 6). THIS PROPERTY WAS FOUND IN THE CITY OF OAKLAND PARK, COMMUNITY NUMBER 120050, DATED 08/18/14.

POINTS OF INTEREST
NONE VISIBLE

CLIENT NUMBER: 15-0091

DATE: 8/6/2015

BUYER: ROBIN KAPLAN AND ELLEN SILVERBERG

SELLER: RJ CONNECTIONS LLC

CERTIFIED TO: ROBIN KAPLAN AND ELLEN SILVERBERG; COHEN LEGAL GROUP OF FLORIDA; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

This is page 1 of 2 and is not valid without all pages.



AFFILIATE MEMBERS

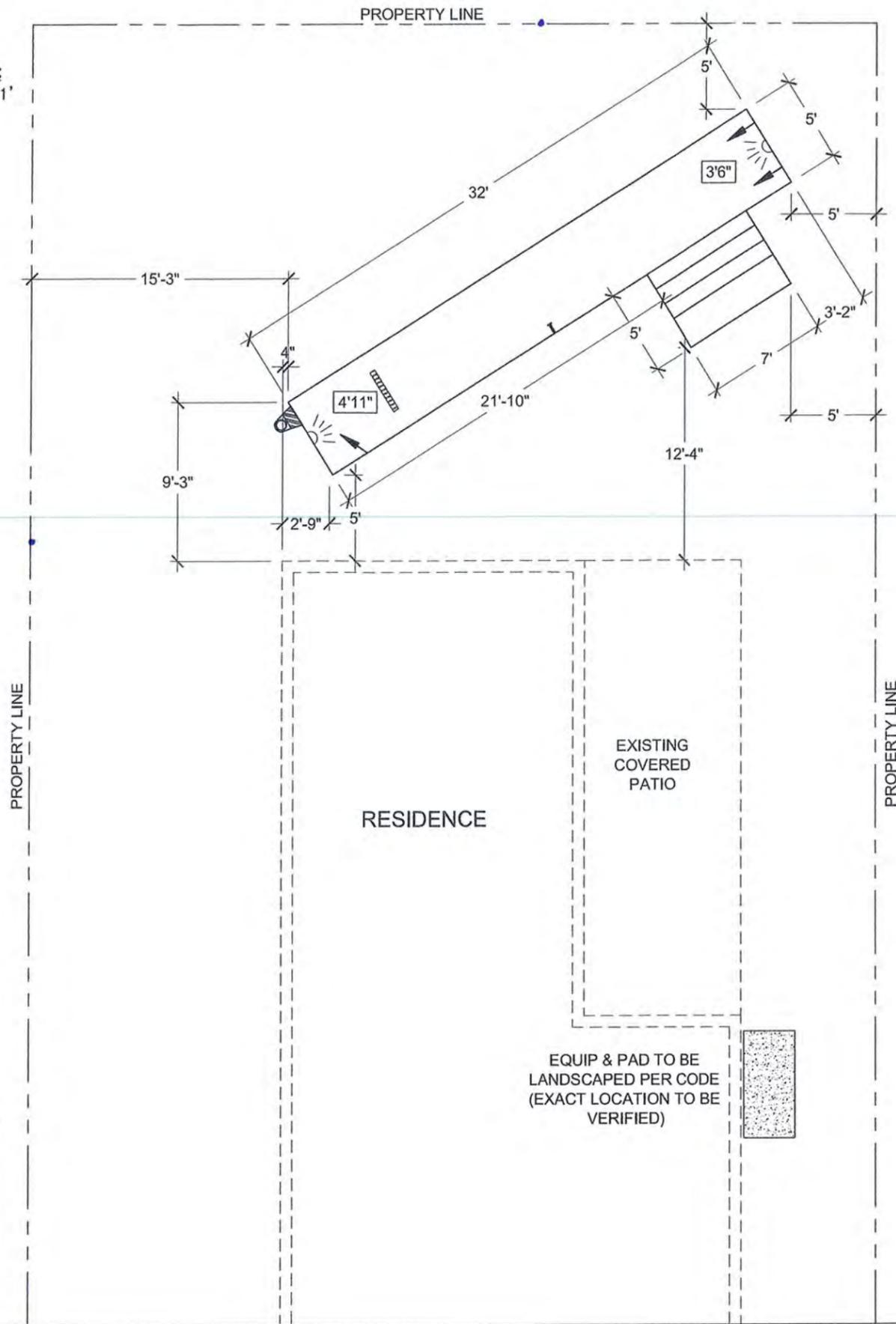


LB# 7337

www.exactaland.com
P.866-735-1916 • F.866-744-2882
11940 Fairway Lakes Drive, Suite 1• Ft. Myers, FL 33913



SCALE:
1/8" = 1'



PER FBC-RESIDENTIAL R4501.17:
ALL DOORS AND WINDOWS PROVIDING
DIRECT ACCESS FROM THE HOME TO THE
POOL SHALL BE EQUIPPED WITH AN EXIT
ALARM COMPLYING WITH UL 2017.

THE POOL SHALL BE LOCATED IN A MANOR
THAT COMPLIES WITH N.E.C. 680.8 FOR
OVERHEAD CONDUCTORS AND N.E.C.
680.10 FOR ALL UNDERGROUND
CONDUCTORS AND FBC E4203.6.

FENCE WITH GATES W/SELF-CLOSING,
SELF-LATCHING DEVICE LOCATED MIN.
54" ABOVE GRADE

SPECIFICATIONS

POOL SIZE:	5' X 32'	POOL DEPTH:	3'-6" x 4'-11"
PERIMETER:	84'	VOLUME (GALLONS):	5800
TURNOVER RATE:	2.6 HRS±	SURFACE AREA SQ. FT.:	195

POOL EQUIPMENT

POOL PUMP #1 TYPE:	PENTAIR VSP	WALL INLETS:	3
POOL PUMP #1 SIZE:	3/4 HP	LED POOL LIGHT:	2
POOL FILTER #1 TYPE:	150 SQ.FT.	SALT GENERATOR:	YES
POOL HEATER TYPE:	STUB-OUT	SUCTION LINE W/VAC LOCK:	YES
SKIMMER:	1		

FINISH ITEMS

COPING:	12 X 24	DECK TYPE:	NONE
TILE:	STANDARD		
DIAMOND BRITE:	YES		

SPECIAL NOTES

PILING POOL:	NO	POOL ENCLOSURE:	FENCE
ELECTRIC:	BY OTHERS		

LEGEND	
	LIGHT
	CHANNEL DRAIN
	SKIMMER
	VACUUM LINE
	WALL INLET



Fernando Morales, P.E.
5201 S.W. 162 Place
Miami, Florida 33185
786-380-9739
License #51441

DATE: 11/10/15 SHEET 1: POOL PLAN & SPECIFICATIONS

Signature Pools & Spas, Inc.
1091 N.E. 45 STREET, OAKLAND PARK, FLORIDA 33334 ~ 954-351-2001

KAPLAN & SILVERBERG
3880 N.E. 15 AVENUE
OAKLAND PARK
33334

LEGAL: LOT 1, BLOCK 27
OAKLAND PARK
SECOND ADD

JOB NO. 9286