

NON-APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
BOARD OF ADJUSTMENT MINUTES**

Jarvis Hall

Wednesday, April 3, 2019 at 6:00 P.M.

CALL TO ORDER

Vice Chair Ferrante called the Board of Adjustment (BOA) meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at 6:00PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL

Members present were Alan Bluestein, William Ferrante, Jeffrey Whyte, Bernard Petreccia, and 1st Alternate Howard Goldberg. Members absent were John Lanata and 2nd Alternate Emeline Savidge. Also present were Town Attorney James White, Development Services Director Linda Connors, Planner Jhanelle Campbell and Clerk Kaliah Lewis.

APPROVAL OF MINUTES

i. Previous BOA Meeting Minutes – March 19, 2019

Bernard Petreccia made a motion to approve the minutes of March 19, 2019. The motion was seconded by Jeffrey Whyte. The motion carried 5-0.

PUBLIC COMMENTS

The Vice Chair opened the meeting up to the public for comments not specific to the agenda item but there were no members of the public who wished to speak. The Vice Chair closed this public comments portion of the meeting at this time

NEW BUSINESS

- i. Case Number 2019-V-01: Thomas Breza. (Applicant) – Requests a Variance from Town Code Section 30-313 (d)(1)(h), “General Provisions,” to permit two (2) existing chain-linked fences to be replaced with one (1) aluminum fence and one (1) aluminum retractable gate, constructed six (6) inches from the property line: where Town Code provides that no fences shall be constructed within 25 feet of the property line. (Jhanelle Campbell, Planner)

The Vice Chair introduced Development Services Director Linda Connors who said that tonight is a variance request for 4341 Bougainvilla Drive which would be presented by Planner Jhanelle Campbell. Ms. Connors said that the applicant is in the audience to answer any questions after Ms. Campbell’s PowerPoint presentation. Ms. Campbell explained that the current use of the property is a medical office, Dermatology By-The-Sea. The request is to replace two existing chain link fences with one aluminum fence and one aluminum retractable gate to be constructed six inches from the property line where the Town Code provides that no fences shall be constructed within 25 feet of the property line. The property is split between two zoning districts (B-1 and RM-25). The existing gate and fence have been permitted since 1980 and the applicant purchased the property eight years later. The gate is closed after business hours prohibiting the public from parking on the property. The existing gate and fence have

deteriorated and are in severe disrepair. The current Code does not allow a replacement fence or gate six inches from the property line but the existing gate and fence are six inches from the property line now. Notice was sent to the property owners within 300 feet of the property on March 22, 2019. The property was posted and the notice was also posted on the Town website. To date, there have been no responses to the notice. She showed the board members the section of the Code from which the variance is requested. The planner explained the reason the fence could not be installed at the required twenty-five feet is because it would require the applicant to lose parking spaces he is already deficient in.

Ms. Campbell explained that there are seven criteria for each variance application. The Town feels that the applicant met all but one, number 7, because it was not applicable. Staff believes that the applicant has justified granting of the variance based on the requirements of the Town Code. The Town suggests a condition that the gate remains open during business hours so that stacking of cars during office business hours does not occur. The next step is that this application would go before the Town Commission on April 9, 2019. She called for any questions but before that, she spoke about a second condition that the Town suggests the fence should be a picket-style fence to cut down on any visibility issues when cars are backing up. Bernard Petreccia wanted to know that when the original permit was granted, if the street was not there and was the street was widened. Ms. Connors said that they would look into that.

Thomas Breza, one of the owners of the property, said that since they have owned the property there has not been an addition of a sidewalk and the street was not widened. He explained about the filling in recently of the middle turning lane on Bougainvillea Drive. Alan Bluestein asked if the reason this is being done is because the fence and gate are deteriorating. The owner answered that the gates are still functional and necessary but it is mainly being done for beautification. Instead of a cantilever gate, it would now become a sliding gate in an aluminum picket-style fence. Ms. Connors added that chain link fence is not allowed in this zoning district. This would remove a non-conforming issue. It would be in the setback but that is why he was requesting a variance. Mr. Breza explained about another chain link fence that would be replaced with the match to this aluminum picket-style fence.

Mr. Petreccia wanted to know the width of the entrance at the present time and would it be changed. Mr. Breza answered that the opening would remain the same but the south side gate would be shortened and the north side would be lengthened. Mr. Petreccia said that when the gate is open, the north side would cover the grass up to the first parking space. He also wanted to know what are the plans for the future with the parking on the street next to the grass – if the grass could be made any wider? Mr. Breza said that it is dirt right now because they removed the Chattahoochee which was creating a hazard. Through a separate permit, it would be replaced by pavers. Ms. Connors pointed out where they are adding new landscaping. Mr. Whyte thought this would look much better than the existing chain link fence.

Alan Bluestein made a motion to recommend approval of the variance to the Town Commission. The motion to recommend approval was seconded by 1st Alternate Howard Goldberg. The motion to recommend approval for 2019-V-01 to the Town Commission carried 5-0.

OLD BUSINESS

There was no old business to discuss.

UPDATES/BOARD MEMBER COMMENTS

Ms. Connors spoke about the next meeting (Planning and Zoning on Thursday, April 18, 2019) and the application for a multi-family project located on the vacant land across from the church. The site plan was approved and they were working on getting the building permit when it was realized that their site plan expired. She thanked the board members for their willingness to meet so the owner does not have to reschedule its contractor.

ADJOURNMENT

Jeffrey Whyte made a motion to adjourn at 6:15 PM. The motion to adjourn was seconded by 1st Alternate Howard Goldberg. The motion to adjourn carried 5-0.

Vice Chair William Ferrante

ATTEST:

Date Accepted: _____

LC