

TOWN OF LAUDERDALE-BY-THE-SEA

BOARD OF ADJUSTMENT MINUTES

Town Commission Meeting Room

Tuesday, December 7, 2011, at 6:30 P.M.

I. ELECTION OF OFFICERS

Not discussed.

II. CALL TO ORDER

Chairperson Swinghammer called the meeting to order at 6:30 p.m. Members present were Arthur Franczak, Henry Overton, Helen Swinghammer and Arthur Wolowicz. Also present were Town staff Budd Bentley, Assistant Town Manager/Acting Department Director of Development Services, Acting Town Planner Linda Connors, and Town Attorney Kathryn Mehaffey. Sandra Roberts was present to record the minutes of the meeting.

III. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

IV. APPROVAL OF MINUTES

Regular Board of Adjustment Minutes of October 4, 2011

Chairperson Swinghammer wished to correct the language in the minutes under the item "Election of Officers" to reflect that she volunteered for the position of chairperson not vice chairperson of the Board.

Mr. Wolowicz made a motion to approve the above minutes as corrected. The motion was seconded by Chairperson Swinghammer. In a roll call vote, the motion passed 4 – 0.

V. NEW BUSINESS

A.. Applicant: Steven Dobrofsky
Location: 3280 Oleander Way
Request: Description of Variance request:
The Applicant is requesting a variance from the Town's Zoning Code, Chapter 30-313 (29) and 30-313 (32), so they can maintain a pool deck and generator within the front setback.

Acting Town Planner Linda Connors reviewed the backup information on the proposed application. Town staff recommended approval with staff conditions.

Ms. Roberts collectively swore in all persons wishing to speak on the subject item.

Steven Dobrofsky, the applicant, added while there were differences between Town staff's and his interpretation of the Town ordinance pertaining to the location of the pool, he was satisfied with Town staff's findings. Staff agreed with the applicant's findings that the latter had a pool and a deck that was constructed pursuant to permit since the early 1990s and the deck had deteriorated. He said when he applied for a permit to make renovations, they included their intention to replace the wood deck with travertine pavers. At that time, Town staff informed him 12 and a half feet of the existing deck extending north of the pool violated the local ordinance. It was the applicant's position that the Town ordinance was unclear in its definition of a pool for purposes of measurement, but they did not prevail on this point with either the Town staff or the Broward County plan examiner. The applicant hoped the extra wall was within 25-foot area of the pool, as nothing other than the inside water surfaces was considered in the relevant ordinance. Thus, while the applicant respectfully disagreed with Town staff, they applied for the

variance to allow the 12 and a half feet that extended north of inside of the 25-foot setback, that it should be uniform with the remaining portion of the deck that would be changed to travertine pavers. Mr. Dobrofsky commented as to the generator; the generator would be closest to their neighbors' bedrooms. Though it was a generator for use only in the event power was lost, such as during a hurricane, he thought it best to place the generator as far away from any dwelling as possible, particularly bedrooms, so as not to present a noise nuisance. They wished to place the generator on the north side of the property inside the fenced in area within the 25-foot setback. Theirs was a corner lot, and the configuration of their lot was unusual, as part of their backyard was considered a part of their front yard; they did not create the situation, but they were trying to improve the property and bring its structures up to code. He reiterated they were satisfied with Town staff's findings and conditions.

Chairperson Swinghammer opened the discussion to the public and received no input.

A male Board member asked about code requirements.

Town Attorney Mehaffey replied the code requirement was for a fence around the pool, so the existing fence would have to remain; all the structures discussed earlier in the meeting were behind the fence and not visible from the public right-of-way.

(The audio quality was poor and the dialog was inaudible in portions of the recording at this point in the meeting.)

Town Attorney Mehaffey clarified there was a discussion but no condition had been added. The normal procedure was for a motion to be made, and whoever made the motion could include the desired condition as part of the approval of the application. If the motion was made without the condition, the condition could be added later as an amendment to the original motion.

Mr. Franczak made a motion to approve the proposed variance application with staff conditions as written. The motion was seconded by Mr. Wolowicz. In a roll call vote, the motion passed 4 – 0.

VI. UPDATES/BOARD MEMBER COMMENTS

Acting Town Planner Connors added she did not receive any variance applications, so there would be no January 2012 Board of Adjustments meeting.

VII. ADJOURNMENT

Having nothing further to discuss, Chairperson Swinghammer's motion to adjourn the meeting was seconded at 6:53 p.m.


Helen Swinghammer, Chairperson

ATTEST:

Date Accepted: 6/6/12

Colleen Tyrrell, Board Secretary

CT/cc