

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

Jarvis Hall

Thursday, December 5, 2013 at 6:30 P.M.

I. CALL TO ORDER

Town Planner Linda Connors called the Town of Lauderdale-By-The-Sea Board of Adjustment (BOA) meeting to order at 6:36 PM. Members present were Chairperson Gerri Ann Capotosto, Verenice Rapaport, Helena Wetherington, Arthur Franczak, and 1st Alternate Bonita Myers. Member absent was Sandra Green. Besides Town Planner Linda Connors, also present was Assistant Town Attorney Kathryn Mehaffey. Clerk Idalia Gutierrez was present to record the minutes of the meeting.

II. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

III. APPROVAL OF MINUTES – Previous BOA Meeting Minutes dated July 10, 2013

Gerri Ann Capotosto made a motion to approve the minutes of July 10, 2013 as presented. The motion was seconded by Verenice Rapaport. The motion carried 4-1 with Arthur Franczak voting against.

IV. PUBLIC COMMENTS

Public Comments were opened. As no one wished to speak, Public Comments were closed.

V. TOWN PLANNER REPORT

VI. NEW BUSINESS

- i Case Number 2013-AA-01 – Administrative Adjustment Request
to allow a 5' encroachment into each side setback for the Property
Located at 4126 N. Ocean Drive (RM-25 Zoning District)

Town Planner Linda Connors explained the Administrative Adjustment process because it was new to the Land Development Code. It was approved last month at the Commission Meeting. She explained tonight's variance request. She described the documents in the Board's packet. She informed the Board that a representative for the applicant was present, Rex Nichols, Architect. Town Planner Linda Connors said that Staff has reviewed the criteria for this Administrative Adjustment and felt that the petitioner met the requirements. Staff recommended approval of the Administrative Adjustment with three conditions that she read into the record. The three conditions were contained in the Sea Lord Administrative Adjustment Staff Report.

Rex Nichols gave a history of the family-owned hotel. He said the new facility would be a supplement to the Sea Lord Hotel. He spoke about the rooms, amenities and the resort version of the Mid-Century Modern architecture. He stated that the Administrative Adjustment was very

good for the Town. Mr. Nichols was asked by Chair Capotosto if the portico was a drive through. He answered that it was and showed on the plans where you drive in and out. He also explained why this project was more pedestrian-friendly. They have areas for bikes and have included a surplus of green space. There are fourteen parking spaces. He answered that the setbacks requested are only for the sides. Town Planner Linda Connors stated that the 5' setbacks were due to the height of the building. Verenice Rapaport stated that she was very excited about this project. She noticed this project passed Planning and Zoning and would go before the Town Commission. She wanted to know if there were negatives to this project. Town Planner Linda Connors stated there were no negatives. The meetings are advertised and give the public more time to comment. Mr. Nichols said that it is a very special project that would be an icon for the Town. He said it was possible because of the help he had from the Town Planner and Staff. They talked about the beautiful view seen while driving, biking or walking. Mr. Nichols answered that they were thinking of gas lanterns for night lighting. When Board Member Arthur Franczak mentioned a possible conflict of interest, Assistant Town Attorney Kathy Mehaffey asked for a five-minute recess (at approximately 7:00 PM) so she could evaluate the situation by talking to Arthur Franczak. All microphones were shut off but the video remained active. The meeting re-convened at approximately 7:08 PM with everyone present and the microphones turned back on. Assistant Town Attorney Kathryn Mehaffey explained ex-parte and requested disclosure of any ex-parte conversations by any Board Members regarding this application. Arthur Franczak disclosed that he spoke with his dad who is an owner of a competitive hotel who expressed concern about the five-foot setback. The other Board Members stated that they did not have ex-parte conversations about this application.

Mr. Nichols said that he spoke with FDOT and all traffic would back out to A1A. He said FDOT was very pleased with what they were doing. He was surprised that someone who owns a business in this neighborhood would think of this project as a negative. Board Member Arthur Franczak said he had utmost respect for the Sea Lord owners and the architect but felt that they were building a new building not according to the rules. He feels that the two five foot setbacks make a substantial difference and wanted to know if this building could be built without the setbacks. Mr. Nichols said that there would not be enough density to make it a viable project. They are playing by the rules because Administrative Adjustment is the rule that allows them to be here. Chairperson Gerri Ann Capotosto asked for public comments. There were none so the public comments portion of this item was closed.

When asked by Helena Wetherington if the petitioner spoke to the property owners on both sides, Town Planner Linda Connors said that she has not spoken to either property owner on the sides. There is a significant distance and one side is on the poolside of the condominium. The other side is the old Holiday Inn which is a derelict property. Arthur Franczak wanted to know if they were voting on Class 1 or Class 2. Ms. Connors said it was a Class 2 request which was brought to this Board for review and recommendation and then would go to the Town Commission. Board Member Arthur Franczak wanted to have two different votes. One would be for or against the project and the other would be for or against the Administrative Adjustment going to the Commission. Assistant Town Attorney Kathy Mehaffey explained that this must go in front of the Town Commission on December 10th with the knowledge of whether this Board recommended or not the 5 foot on either side of the side setbacks. Chairperson Gerri Ann Capotosto said that Arthur Franczak was just suggesting that there should be some fairness. She felt that this process should be objective enough to improve the Town and get maximum use of the property. It should not be arbitrary but rather it should be an objective opportunity to apply to the Board of Adjustment for an objective approval. Town Planner Linda Connors agreed and read into the record from the Ordinance starting on line 149 a list of criteria for

Administrative Adjustment approval. Ms. Rapaport said it met the criteria and Bonita Myers thought it was a very exciting project and an enhancement to the Town. Chairperson Capotosto thought that the appearance of Mid-Century Modern architecture should be stricken and just include quality architecture. Town Planner Linda Connors explained the height requirements. As there were no other questions or comments from the Board, and no one came forward from the public, a motion was brought forward.

Verenice Rapaport made a motion to recommend to the Commission the acceptance of the five foot of easement on either side of the side setback. The motion was seconded by Bonita Myers. Upon discussion, Helena Wetherington suggested amending the original motion to include approval with the three conditions recommended by staff. Verenice Rappaport who made the original motion and Bonita Myers who was the second both agreed to vacate original and amend their motion to include the three conditions for approval. The amended motion recommends to the Commission the acceptance of the five foot of easement on either side of the side setback with the three conditions recommended by staff carried 4-1 with Arthur Franczak voting against.

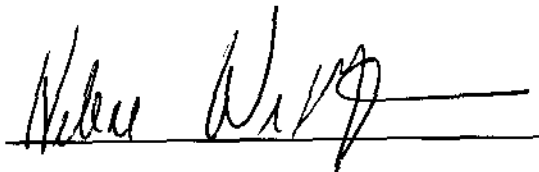
VII. OLD BUSINESS

VIII. UPDATES/BOARD MEMBER COMMENTS

Town Planner Linda Connors commented that she has not received any applications for the January meeting. There will not be a January meeting.

IX. ADJOURNMENT

With no other business to discuss and without objection, the meeting was adjourned at 7:32 PM.



Chairperson: _____

ATTEST:

Date Accepted: 8/6/2014

Linda Connors
LC