Special Town Commission Meeting
4112 El Mar Drive Conditional Use
Jarvis Hall
4505 N. Ocean Drive,

Special Town Commission

Special Town Commission

Monday, January 10, 2022, 6:30 PM
Jarvis Hall
4505 N. Ocean Drive,

1. CALL TO ORDER, MAYOR CHRIS VINCENT

2. PLEDGE OF ALLEGIANCE

3. QUASI-JUDICIAL

3.a. Pursuant to Town Code Section 30-126, "Conditional Uses Review" the Applicant has requested Level 2 Conditional Use approval to construct a single-family dwelling unit in the RM-25 zoning district.

1-11-22 AM 2021-CU-01 Conditional Use .pdf
EX 1- APPLICATION AND PLANS_redacted-FINAL.pdf
EX 2 Sec._30_139.___Notice_of_Public_Hearings.pdf
Composite Exhibit 3a- Planning and Zoning Board Materials, Public Comments and Minutes.pdf
Composite Exhibit 3b- Public Comments and Public Records Received After PZB.pdf
EX 4 ORDINANCE 2021-09 RM-25.pdf
EX 5-Sec._30_126.___Conditional_uses_review.pdf
EX 6-TOWN CHARTER.pdf
EX 7- ARCHITECTURAL REVIEW STANDARDS, SUBMISSIONS, COMMENTS AND APPROVALS.pdf
EX 8-Revised Redline 4112 EL MAR DRIVE Conditional Use Development Order.pdf

4. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO INSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:
Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

Agenda Item No: 3a.

Town Commission Agenda Item Report

Meeting Date: January 10th, 2022
Submitted By: Jhanelle Campbell, Development Services Director
Submitting Department: Development Services
Item Type: Quasi-Judicial
Agenda Section: Quasi-Judicial

Subject Title: 2021-CU-01: 4112 El Mar Drive - Conditional Use Request to construct a single-family home in the RM-25 zoning district.

Explanation: The purpose of this report is to provide findings and recommendations regarding the Conditional Use application (**Exhibit 1, the Application**) submitted to the Town of Lauderdale-by-the-Sea (the "Town") for a proposed single-family home to be located at 4112 El Mar Drive in the RM-25 zoning district **(Diagram 1**) (the "Property"). The Property is a currently vacant 10,177 square foot (.23 acre) parcel, and the Applicant, David Staudacher, is requesting Conditional Use approval to construct a single-family home. The Applicant has paid the appropriate fee and submitted the required documents.

Diagram 1

Notice of this Hearing
Mailed notice was provided to all property owners located within a three hundred (300) foot radius of the Property. The Property was posted, notice placed on the Town's website, and the public hearing concerning the Application has been advertised, all pursuant to Section 30-139 of the Town Code of Ordinances (the "Town Code") **(Exhibit 2)**. In addition, Staff placed signs at the ends of El Mar Drive to alert the public of the January 10, 2022 Town Commission meeting.

Public Comment
Several written and oral comments and questions about the Application have been received from the public and from the owner of the abutting property to the north ("abutting property"), in the months since the application was filed **(Composite Exhibit 3a.)**. There were also several comments and public records requests filed by members of the public and a law firm representing

the abutting property owner regarding this Application and any prior conditional uses in RM-25 for single-family dwellings. These correspondences are attached as **Composite Exhibit 3b.**

Background and Request

The Property is located within the RM-25 zoning district and has a future land use classification of Medium High (25) Residential. At the time of receipt of the Application, property owners could request approval of a conditional use for a single-family home throughout the RM-25 zoning district.

Subsequently, the Town Commission passed Ordinance 2021-09 **(Exhibit 4)** on second reading at its October 12, 2021 meeting; the Ordinance now prohibits single-family homes adjacent to El Mar Drive. The Ordinance specifically provides that the single-family prohibition only applies to applications received **after** the time that this Application was received. The Application was received and reviewed by the Town Staff and the Town PZB several months prior to adoption of the Ordinance and, as a result, is not subject to the prohibition.

The Town Commission also adopted a Citizen Participation Ordinance at that meeting, intended to enhance the public participation process and establish new requirements for a citizen participation meeting to be held on conditional use applications as part of the Town's overall development review process. However, it is important to note the newly adopted procedures and requirements established in the Citizen Participation Ordinance do not apply to the Application.

Town Code Section 30-114(c)(1)(f) provides that "a written summary setting forth the details and results of the citizen participation meeting shall be submitted to the DSD or designee for approval by the Town Manager or designee **at least twenty-one (21) days prior to the Planning and Zoning Board's review of the proposed application**, in accordance with the requirements of this section." The Application was reviewed by the PZB on July 7, 2021, which predates the citizen participation meeting requirements and procedures adopted by the Town Commission on October 12, 2021 by several months. Accordingly, the Citizen Participation Ordinance is not applicable to the pending Application, and no citizen participation meeting will be held prior to review and consideration by the Town Commission.

Staff has reviewed the Application and documents submitted pursuant to the requirements of the Town Code. In addition to the documents listed in the PZB staff report, Staff also reviewed the following additional documents:

1. Architectural review application materials, renderings, approved plans approvals as further described below in the Architectural Review section.

Rules Governing Conditional Use Applications (Section 30-126)

Section 30-126 of the Town Code **(Exhibit 5)** provides a process by which conditional uses may be granted. Conditional use for a single-family home requires review by the Town Staff, the Town Architect, PZB, and final review and consideration by the Town Commission. Conditional uses are not permitted as of right, but may be approved by the Town Commission if substantial competent evidence presented during the public hearing demonstrates that the Application meets the criteria for conditional use listed in the Town Code.

Code Criteria, Applicant's Justification and Staff Analysis

Pursuant to Town Code Section 30-126(d) Specific criteria for approving a conditional use **(Exhibit 5),** the Applicant must demonstrate how the following criteria for Conditional Use are satisfied by the Application. The criteria are in the first column, the Applicant's analysis is shown in the second column and staff's analysis is outlined in the third column for each criterion:

Town Code Section 30-126(d)		
Criteria for Conditional Use	Analysis by Applicant	Staff Analysis
(1) *Land use compatibility*. The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses	(1) *Land use compatibility*: The single-family residence is proposed based on scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with	**Type of Use:** The ability to seek a conditional use to construct a single-family home is authorized by the Town's Code.

and shall not adversely impact land use activities and residential areas in the immediate vicinity. For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics, which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. The Town Manager shall recommend whether the conditional use is compatible. Compatibility shall be measured based on all of the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area: i. Permitted uses, structures and activities allowed within the land use category; ii. Building location, dimensions, height, and floor area ratio; iii. Location and extent of parking, access drives and service areas;	adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity. The proposed home is compatible with the existing MH land use, which supports multifamily residence at a maximum of 25 dwelling units per acre. Introducing a single-family home to this site is compatible and less intensive than the permitted multifamily and hotel uses. The permitted multi-family residence would allow a maximum of 25 dwelling units per acre while the proposed single-family home is only 1 unit on the .23 acres. This single-family residence is compatible with the surrounding area in terms of density proposing 1 unit on the .23 acres and height at 33 feet. The general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances are significantly less impactful on the proposed single-family home than a multifamily residence on the property in any iteration. Further, the proposed single-family use shall be compatible with the adjacent land uses and surrounding development in the immediate area in the following terms: i. The single-family use is designed to be compatible with the adjacent permitted uses, structures and activities allowed within the land use category, which are multifamily, hotel, and beach recreational uses; ii. The single-family residence is designed to be compatible in terms of building location just west of the beach with multifamily to the north, and vacant property to the south and west. Further, the dimensions, height, and floor area ratio of the home were designed to meet the criteria set forth in the Town of Lauderdale-by-the-Sea's Code of Ordinances; iii. The single-family use will be compatible in terms of the location and extent of parking for a single-family residence with	**Density:** Future development of the Property with a single-family residential home (1 du/.23 ac) is significantly less dense and intensive than the maximum permitted density of 25 du/ ac which may potentially result in the future development of multi-family dwelling units or hotel uses on the Property. **Height:** The height of the proposed single-family home is based upon the definition established in the Town Charter and implementing Town Code provisions, which requires building height to be measured from the first habitable floor. The building elevation plans for the proposed single-family home indicate a maximum building height of thirty-three (33) feet. The building elevation for the proposed single-family home is required based upon the Florida Department of Environmental Protection (FDEP) 100-year storm elevation. This elevation is also referred to as the breaking wave-crest elevation in the Florida Building Code for all coastal counties with an established coastal construction control line. The 100-year breaking wave-crest elevation for the property is 17.52 ft. NAVD (North American Vertical Datum). Pursuant to the above referenced FBC and floodplain regulations, the first habitable floor of a building is established at the wave-crest elevation. This approach to measuring height has been followed consistently in the Town since approximately 2013, based on the Town Attorney's plain English interpretation of Section 7.2 of the Town Charter, and was the basis for the approval of at least one other oceanfront project in the Town **(Exhibit 6)**. See section 2 below.

iv. Traffic generation, hours of operation, noise levels and outdoor lighting; v. Alteration of light and air; vi. Setbacks and buffers such as fences, walls, landscaping and open space treatment; vii. The architectural and site design are compatible with the character of the surrounding area; and viii. Any existing or proposed signs or lighting will not adversely affect surrounding areas or vehicular traffic.	the appropriate access drives, and as a single-family residence does not contain a service area; iv. The single-family use is designed to be compatible in terms of traffic generation, which will be less impactful than the permitted hotel and multifamily uses, with no hours of operation, and noise levels and outdoor lighting that is consistent with a single-family residence; v. The single-family use is designed to be compatible in terms of alteration of light and air; vi. The single-family residence will be compatible in terms of setbacks and buffers such as fences, walls, landscaping and open space treatment. The proposed single-family residence shall meet the setback and development regulations for the zoning (and for single-family residences in general). vii. The single-family residence is designed to be compatible with the architectural features and site design character of the surrounding beach area, as depicted in the proposed plans and elevations; AND viii. The single-family use does not propose any signs will affect the existing signs. Any lighting proposed for the single-family residence is proposed to comply with the Town's Code of Ordinances.	**Aesthetics:** The plans for the proposed single-family residential home have been reviewed by the Town's Architect and were found to be compliant with the Town's preferred architectural style (Mid Century Modern). The Mid Century Modern architecture and design of the proposed single-family home is not only consistent with the Town's preferred architectural style and design standards, but also with the buildings located on El Mar Drive and the surrounding areas. **Odors, noise, smoke, vibration, traffic generation and nuisances:** Staff agrees with the Analysis provided by the Applicant. The proposed single-family home is not anticipated to generate and/or cause negative impacts associated with odors, noise, smoke, vibration, traffic and nuisances. The proposed single-family home is compatible with, and less intensive than permitted family and hotel uses in RM-25. **Compatibility:** Staff agrees with the Analysis provided by the Applicant. The requested conditional use to construct a single-family home, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts are compatible and harmonious with adjacent land uses and do not adversely impact land use activities within the immediate vicinity. The proposed single-family residential use can coexist with other permitted land uses located on El Mar Drive, as well as within the surrounding area, without negatively impacting adjacent and neighboring properties. As referenced above, numerous development characteristics associated with development of the proposed single-family residential

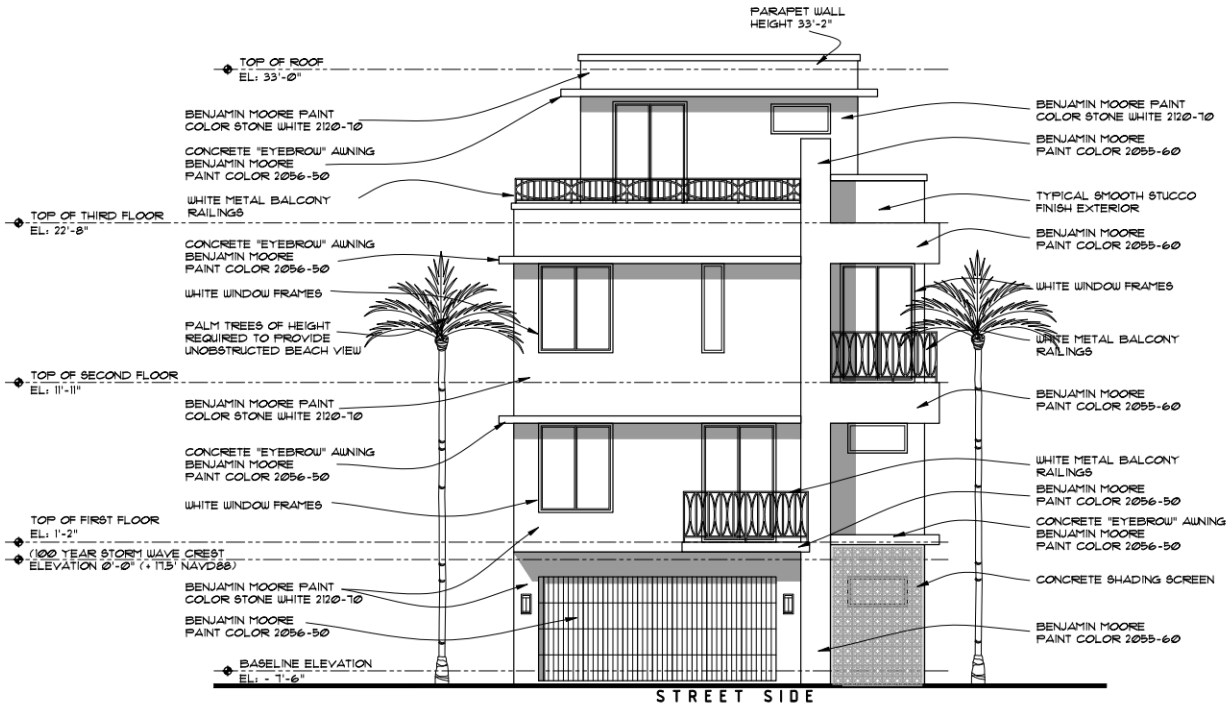
		use were analyzed to ensure compatibility with adjacent and surrounding uses, as well as to ensure adjacent and surrounding uses were not adversely impacted. See Section 1 below.
(2) *Sufficient site size, site specifications, and infrastructure to accommodate the proposed use.* The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.	(2) The single-family use has a sufficient site size of 10,177 square feet of vacant land with, site specifications, and infrastructure, which appropriately accommodates the proposed single-family use. The size and shape of the site, the proposed access and internal circulation, and the urban design are designed to accommodate the proposed scale and intensity of the single-family residence proposed. The residence is designed with sufficient size on the 10,177 square foot site to provide adequate screening, buffers, landscaping, open space, parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts a single-family residence might have on the surrounding area. As previously stated, the proposed single-family residence is of lesser impact to the above criteria than a multi-family residence or hotel use on the site.	Staff agrees with the Analysis provided by the Applicant. The property is of sufficient size to provide adequate screening, buffers, landscaping, open space, off street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use. The Mid Century Modern design and scale of the proposed single-family home is compatible with the adjacent and surrounding properties and has minimal impact on the aforementioned criteria when compared to a multi-unit property.
(3) *Compliance with the Comprehensive Plan and Code of Ordinances.* The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances and shall be consistent with the Comprehensive Plan.	(3) The proposed single-family use is designed to be in compliance with the Comprehensive Plan and Code of Ordinances. As designed, the single-family residence complies with the environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances.	Staff agrees with the Analysis provided by the Applicant. The requested Conditional Use to construct a single-family home on the property is in compliance with the Town's Comprehensive Plan and Code.
(4) *Proper use of mitigative techniques.* The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.	(4) The proposed single-family residence demonstrates proper use of mitigative techniques. Although, no adverse impacts are anticipated on adjacent properties, the single-family residence design scheme appropriately addresses off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened by the addition of the single-family home.	Staff agrees with the analysis provided by the Applicant. The requested Conditional Use to construct a single-family home demonstrates proper use of mitigative techniques, such as the glass railings for the ocean-front balconies. The proposed single-family residence design scheme and plans appropriately addresses off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened

		with adverse impacts detrimental to the general public health, safety and welfare of the community.

Additional Staff Analysis

1. Town Manager's Recommendation: After review of the Conditional Use application submitted by David Staudacher, I find the request meets the following conditional use criteria:
    a. Land Use Compatibility - The conditional use request, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts is compatible and harmonious with adjacent land uses and will not adversely impact land use activities and residential areas in the immediate vicinity.
    b. Sufficient Site Size, Site Specifications, and Infrastructure - The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site is of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use. The height of the building is such that it meets the federal requirements and is no more massive than some of the properties in its general vicinity.
    c. Compliance with the Comprehensive Plan and Code of Ordinances - The conditional use complies comply with environmental, zoning, concurrency and other applicable regulations of the Town's Code of Ordinances and is consistent with the Comprehensive Plan.
    d. Proper Use of Mitigative Techniques - The conditional use and site plan incorporates mitigative techniques, architectural review, needed to prevent adverse impacts to adjacent land uses such as the choice to use glass railings on the ocean front balconies. The design scheme is consistent with other properties on the street, and it was reviewed and approved to be consistent with the Town's preferred architectural style. In addition, the single-family home will not require the addition of off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

2. As referenced above, the single-family building is proposed to be constructed at thirty-three feet (33') above the wave crest elevation. The adjacent abutting property to the north ("abutting property") was constructed at a much lower elevation. The proposed elevation for the Property is required based on the Florida Department of Environmental Protection (FDEP)' 100-year storm elevation. This elevation is also referred to as the breaking wave crest elevation in the 2020 Florida Building Code for all coastal counties with an established coastal construction control line. The 100-year breaking wave crest elevation is established as 17.52 ft NAVD (North American Vertical Datum) for the Property. The abutting property is not required to meet this regulation because it was built before the regulation was adopted. However, if the abutting property is significantly improved or a new building is constructed, the elevation of the improved/new building would be required to meet this requirement.



2. The conditional use requirements are meant to ensure that a project is not approved that has an adverse impact on the neighboring properties. While those opposed to this request have stated that a single-family home is not consistent with the neighboring properties, staff believes that there are no potential negative impacts to the community with the construction of a single-family home on the Property. Although, a single-family home use on the Property will have less density than a hotel or multi-family dwelling unit, such use will generate less traffic and have potentially fewer people utilizing the surrounding beach, which will not be a detriment to the community.

3. As referenced herein, the proposed single-family home is unique, and the architecture is in keeping with the Town's preferred architectural style, Mid-Century Modern. It also reflects many of the same architectural characteristics, design and style as some of the smaller Mid-Century Modern boutique hotels located on El Mar Drive. One example of a Mid Century Modern building having very similar architecture to the proposed single-family home is located at 4241 El Mar Drive (Figure 1). Another example, highlighting similar architecture of a Mid-Century Modern building is located at 4317 El Mar Drive, which is designed with a garage facing the street (Figure 2).

Contextual Pictures

Figure 1- 4241 El Mar Drive

Figure 2- 4317 El Mar Drive

<u>Planning and Zoning Board (PZB") Recommendation</u> (Composite Exhibit 3A)

At its July 7, 2021 meeting, Town Staff presented its review of the Application and findings to the PZB, recommending approval of the Application. After discussion, input from the Property owner and his representatives, presentation from the abutting property owner, and public comment,the PZB recommended approval of the request by a 4-1 vote.

<u>Architectural Review</u> (Composite Exhibit 7)

Town Code Section 30-51(c) (a) requires that architectural review be completed for single-family homes in the RM-25 zoning district. After the July 7 PZB meeting, architectural review of the proposed structure was completed.

The Town's Architect, Leo Hansen, found that the initially proposed design was incompatible with the preferred architectural style (Mid Century Modern) of the Town. The Applicant subsequently requested additional clarification of the comments provided in the first architectural review and was provided additional information as to the requirements of the Town's Architectural Standards. The Applicant then requested an in person meeting to discuss a redesign of the project with the Town's Architect and subsequently submitted revised architectural drawings.

At the meeting, the Applicant's representative discussed the Town's architectural requirements and presented an alternative design option. Subsequently, a revised design was submitted to the Town for review by the Town's Architect and was approved.

Initial Architectural Review Submission

Proposed Building (Street Side)

Proposed Building (Beach Side)

Revised Architectural Review Submission

Proposed Building Streetside

Proposed Building Oceanside

Inquiries Concerning the Review Process

Several inquiries and comments have been raised from the public and the neighboring Seaward property, requesting that the Application be sent back to the PZB for further review after the architectural review process was completed. Staff and the Town Attorney have reviewed the Town Code on this issue, along with the processing of the Application.

It is first important to note that architectural review is a separate review process, and the Town Code does not require it to occur prior to the PZB's review of a conditional use request. Therefore, a re-review of the design of the structure by the PZB is neither necessary nor prescribed by the Town Code processes. The PZB's recommendation was for approval of the conditional use request to construct a single-family home, and therefore reflected a determination that all of the requirements of conditional use review were met, including section 30-126(d)(1)vii. regarding the architecture of the proposed structure.

The Town Architect originally determined that the design recommended for approval by the PZB was not compatible with the Town's preferred architectural style and raised concerns as to color, overall scale and scale of forms, and the absence or incompatibility of architectural detailing, as further detailed in his additional review. Ultimately, the Town Architect concluded that the Applicant's changes to the design addressed his concerns, satisfied the preferred Mid-Century Modern style, and met the requirements of the Code that the design be compatible with the essential character of the Town and mitigate the impact of the scale of the structure on surrounding properties. In other words, the revised design has been determined to be more compatible; greater compatibility would not be a basis to reconsider the Board's prior finding that the Application was compatible and should be approved.

The Town Architect's determination of the architectural review is final since it was not timely appealed to the Town Commission. The Applicant has met the requirements of the Town Code as it pertains to the processing of the conditional use request and the architectural review.

Summary Findings and Recommendations by Staff

The proposed plans submitted by the Applicant are consistent with the Town Code. Staff has reviewed and analyzed the Conditional Use application for compliance with the Town Code and has determined that the application meets the criteria for approval of the request. The Application complies with the development standards of the RM-25 zoning district and no variances from Town Code are being requested. As such, Staff recommends approval of the conditional use application.

Town staff recommends approval of the Conditional Use request, subject to compliance with the following conditions:

1. Adequate storm water facilities shall be provided to meet regulatory requirements. No off-site drainage will be allowed.
2. Landscape plan may be amended to take into consideration plant availability and final site conditions, subject to approval by the Development Services Director or designee, provided that in no instance will the landscape plan be allowed to fall below the minimum standards, criteria and requirements established within the Town Code.
3. The Applicant shall secure a building permit for the project and begin construction within eighteen (18) months of the effective date of the development order approval. Additional extensions may be granted upon request to the Town Manager at least 45 days prior to expiration of the approved Development Order.
4. The construction shall be in accordance with the plans submitted for this Conditional Use Application, which have been incorporated into and made part of this development order as referenced in **Exhibit 1**, except as modifications may be required by this Approval and any changes required as part of the building permit process.
5. The Conditional Use Approval does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency and does not create liability on the part of the Town for issuance of the approval if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
6. The principles of CPTED shall be incorporated into the approved plans prior to the submission of the building permit.
7. All applicable state and federal permits shall be obtained prior to commencement of construction.
8. Prior to issuance of a building permit, the Town Clerk shall certify that there are no outstanding fines, moneys, fees, taxes, or other charges owed to the Town by the current or past owners or operators of the property in which the building permit is being issued. If fees are related to a code violation that requires a building permit to correct the violation, only the building permits required by the Town for correction of the violation may be issued. No other building permits will be issued until all outstanding debts to the Town are paid in full.

Recommendation: Staff has reviewed the application and concludes the application as conditioned herein meets the Town Code requirements. Staff recommends approval of the Application for conditional use for a single-family home, with the revised architectural design as approved by the Town's Architect.

Exhibits

1. Application with narrative, plans, renderings and survey
2. Town Code Sec. 30-139 Conditional Use Procedures and Requirements
3. Composite Exhibit 3a- Planning and Zoning Board Review Documentation (Staff Report, Minutes, Public Comments)
   Composite Exhibit 3b- Comments and public records requests received after the July 7, 2021 meeting
4. Ordinance 2021-09
5. Town Code Section 30-126
6. Town Charter
7. Town Code Section 30-51 Architectural review and documentation of architectural review process
8. Development Order

exhibit 1

stephenbrasgalla architect, p.a.

CONDITIONAL USE REQUEST

Date: **March 31, 2021**

To: **City and Building Officials**
Town of Lauderdale-By-The-Sea
4501 North Ocean Drive
Lauderdale By The Sea, Florida 33308

Re: **Conditional Use, Level 2 Request**
Administrative Adjustment, Level 2 Request
4112 El Mar Drive
Lauderdale-By-The-Sea, Florida 33308

Dear City and Building Officials,

I am the Architect for the prospective Owners of 4112 El Mar Drive, a vacant property on the beach in the Town of Lauderdale-By-The-Sea.

This property is zoned RM-25. The Land Use Designation is MH. There is a two story apartment building adjacent to the north and a vacant property to the south.

We are informed that this property was somehow separated from a larger parcel which would have made it more feasible for the designated use of apartment or hotel, Multi-Family. Because it is relatively small, it is no longer well suited for any sort of true Multi-Family application.

The Owners (under contract) would hereby like to respectfully pursue a ***Conditional Use Level 2 Request*** application to allow the construction of a Single Family Residence on the property. This home would be their primary residence and would be custom constructed to their specifications. The Conditional Use aspect then is to request Town permission to permit and construct a Single Family Residence on the site.

Please note the following: Per Code of Ordinances Section 30-126 *Conditional Use Review* that

(1) Land use compatibility: Please be advised that the Conditional Use (Single Family Residence) including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity. A single family residence will introduce a much smaller impact than the approved use of multifamily.

6991 West Broward Boulevard Suite 100 Plantation, Florida 33317 954.614.3801
Florida License No. AR12239

The proposed single family use shall coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. This single family residence shall be compatible with the surrounding area in terms of density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. The impact of a Conditional use single family home would be considerably less than the impact of the approved use of multifamily, in any iteration.

Further, the proposed single family use shall be compatible with the adjacent land uses and surrounding development in the immediate area in the following terms:

i. The single family use shall be compatible with the adjacent permitted uses, structures and activities allowed within the land use category;

ii. The single family use shall be compatible in terms of building location, dimensions, height, and floor area ratio;

iii. The single family use shall be compatible in terms of the location and extent of parking, access drives and service areas;

iv. The single family use shall be compatible in terms of traffic generation, hours of operation, noise levels and outdoor lighting; All of these items would be a much smaller impact with single family use in contrast to the approved use of multifamily.

v. The single family use shall be compatible in terms of alteration of light and air;

vi. The single family use shall be compatible in terms of setbacks and buffers such as fences, walls, landscaping and open space treatment. The proposed use will demonstrate compliance with the Town codes and ordinances that govern these items.

vii. The single family use shall be compatible with the architectural and site design character of the surrounding area, as depicted in the proposed plans and elevations, AND

viii. The single family use shall be compatible with any existing or proposed signs or lighting will not adversely affect surrounding areas or vehicular traffic. No signs are proposed and all lighting shall be in conformance with the codes and ordinances of the Town.

(2) The proposed single family use shall be of sufficient site size, site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design shall be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use. The proposed design shall in conformance with the codes and ordinances of the Town.

(3) The proposed single family use shall be in compliance with the Comprehensive Plan and Code of Ordinances. The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances and shall be consistent with the Comprehensive Plan.

(4) The proposed single family use shall demonstrate proper use of mitigative techniques. The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. Please note that no adverse impacts are proposed or anticipated. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

We have prepared designs to show the configuration and style of the proposed home. We expect to be able to comply with all codes and ordinances EXCEPT the additional building height setback requirements. In order to make the site buildable and the proposed home livable, we would be practically unable to comply with the additional side yard setbacks above the 22' height, which generates increased setback dimension, thus narrowing the structure to an untenable dimension. Simply said, we need the basic ground level setback dimension to extend full height in order to develop adequate living space. Therefore, we are also respectfully requesting an **Administrative Adjustment Level 2 Request** for relief from the Town Code of Ordinances Section 30-241(h)(6)b. which remands us to increase the side yard setbacks an additional one foot for every two feet by which the height of the building exceeds 22 feet. You will note from the attached designs that the 10' side yard setback shall be observed to the full height of the building, to the 33' maximum height limit.

Please see sheet A-5 showing the third floor plan as well as the front and rear elevations of the home to see a graphic depiction of the areas for which we are requesting Administrative Adjustment. This would provide for 1,070 square feet of usable upper floor area, per the graphical areas shown.

In all other respects, the proposed residence shall meet the setback and development regulations for the zoning (and for single family residences in general). The base floor of the structure (garage level, non inhabited space) shall be at 10.5' NAVD88 (which is the basic average existing grade, per the survey). The second floor (which is the first living spaces) shall be set to a minimum elevation of 17.5' NAVD 88, which we are informed by Flynn Engineering is the 100 year storm elevation for this site. The building shall conform to a maximum height of 33' above grade, which is 43.5' NAVD 88. The building shall conform to the maximum development length on the site of 146.0' from the west property line along El Mar Drive, per Town Code of Ordinances Section 30-241(h)(3)a., south of Pine Avenue.

Please note the following: Per Code of Ordinances Section 30-128(e)(1) *Building Standards* that

a. The Administrative Adjustment does not result in an increase in allowable density. No such increase is proposed.

b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards, except to the extent that we are requesting relief, per this submittal.

c. In no way does the Administrative Adjustment allow a structure's footprint to encroach upon an established recorded or platted easement and/or the Town's right-of-way. No such encroachment is proposed.

d. The Administrative Adjustment furthers a minimum of one of the following conditions:

i. Required to compensate for some unusual aspect of the development site or the proposed development; This site is long and narrow, arguably unsuitable for the purpose of constructing a multi-family structure, per the current zoning.

iv. Supports Mid-Century Modern Architecture; This design intentionally does support this style of architecture.

e. The Administrative Adjustment will not substantially interfere with the convenient and enjoyable use of adjacent lands, and will not pose a danger to the public health or safety. The proposed design will not interfere with such.

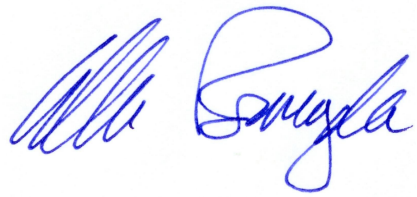
f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area, and will not result in incompatible uses. The proposed design is significantly compatible.

g. Any adverse impacts, including but not limited to reductions in view corridors, resulting from the Administrative Adjustment will be mitigated to the maximum extent practicable. No adverse impacts are proposed and required view corridors shall be provided and maintained.

h. The Administrative Adjustment is consistent with the comprehensive plan. The proposed design is consistent.

Thank you for your kind consideration of these matters. If you have questions or comments, please contact me directly. We look forward to a favorable judgment in this application process.

Best regards,



Steve Brasgalla

TOWN OF LAUDERDALE-BY-THE-SEA
CREDIT CARD AUTHORIZATION

Payment date 3/16/2021

Reason for payment Administrative Adjustment / Conditional Use

Payment Amount Conditional Use Level 2 $150.00 application fee & $400.00 deposit
~~Administrative Adjustment Level 2 $350.00 application fee &~~$400.00 deposit

Credit Card # [redacted]

Name on Card DAVID J STAUDACHER

Expiration Date [redacted]

Security Code [redacted]

Phone Number 425 471 4491

Email Address dStaudacher@vandermeerFP.com

Signature

DEVELOPMENT SERVICES (CASH RECEIPTS)

REVENUE SOURCE: **Administrative Adjustment and Conditional Use (4112 El Mar Drive)**

DATE	CHECK# or CC	CHECK or CC AMOUNT	CASH	TOTAL AMOUNT RECEIVED	ACCT #	REVENUE	AMOUNT TO POST
					[redacted]	**RIGHT OF WAY**	
						ENGINEERING FEES	
						R.O.W. SIDEWALK CAFÉ	
						BUSINESS TAX RECEIPTS	
						LICENSE TAX	
						PENALTY FEE	
						SIGN FEE	
						DEFERRED LICENSE/SIGN (FY 2013)	
						FIRE INSPECTION FEES	
						FIRE FEES (FIRE FUND)	
						DEFERRED FIRE FEE (FIRE FUND 2013)	
						ZONING	
						ZONING PERMIT & FEE	
						ZONING RESEARCH/LETTER	
						DEPOSIT	
						CODE FINES	
						CODE FINES	
						MISC. REVENUE	
04.05.2021	xx-3189					APPLICATION FEES	1,300.00
						MISC. REVENUE (Lien Log)	
						PILOP	
						SPECIAL EVENT PARKING	
						ACE/DIMCO – Copy of Records	
						TOTAL GENERAL FUND 001	
						TOTAL FIRE INSPECTION FEES	
TOTAL CASH AND RECEIPTS						**GRAND TOTAL PAYMENT**	1,300.00

PREPARED BY: Sydney Ramirez REVIEWED BY:_____

Notes for Development Services:

Administrative Adjustment and Conditional Use (4112 El Mar Drive)

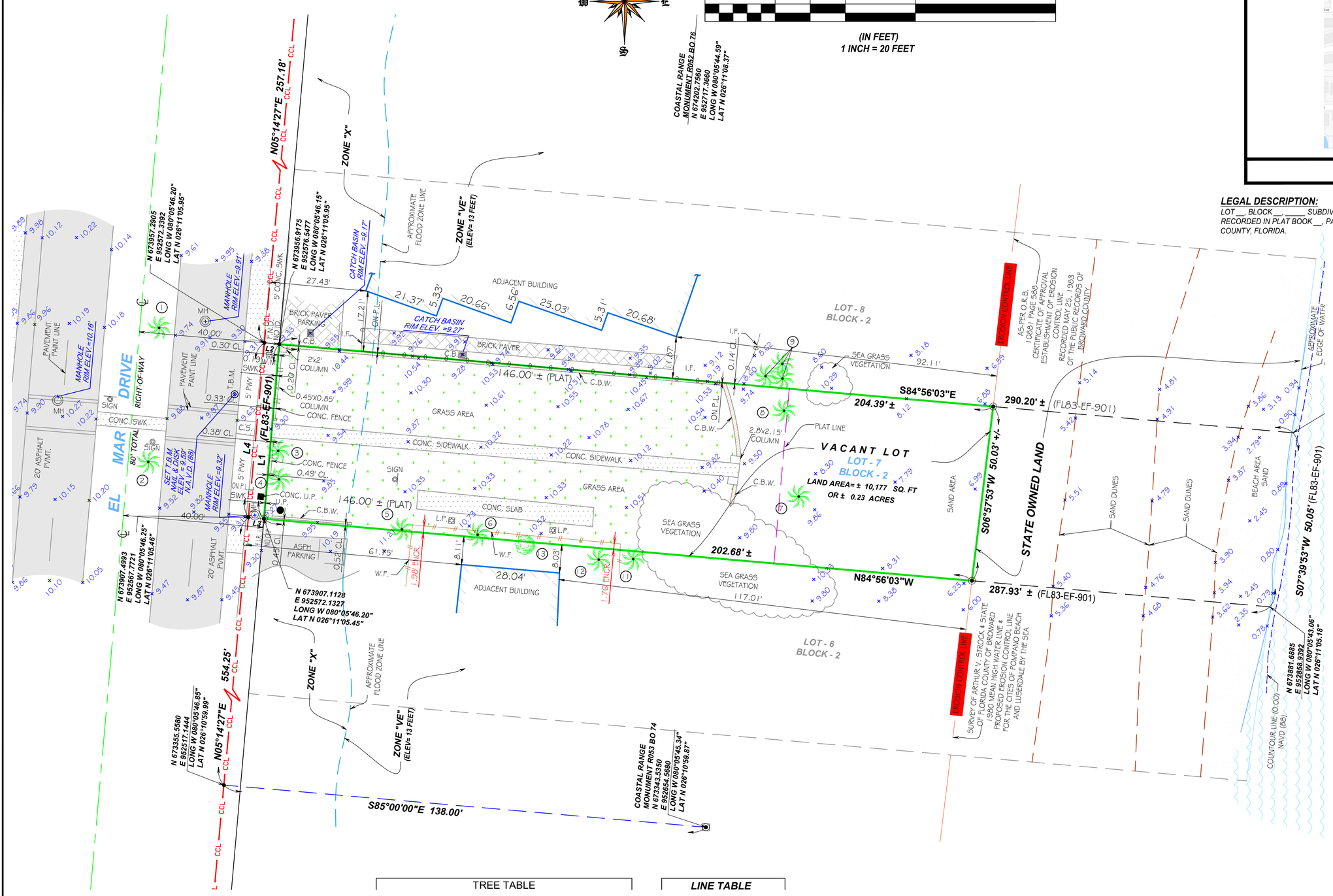
Note: Conditional Use: 150 (application fee) & 400 (deposit)
Administrative Adjustment: 350 (application fee) & 400 (deposit)

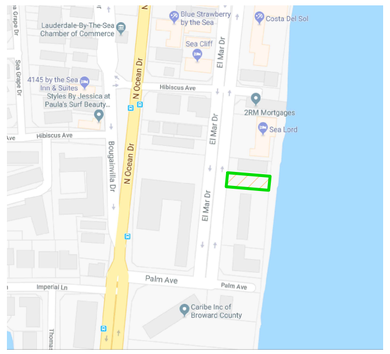
JOHN IBARRA & ASSOCIATES, INC.
Professional Land Surveyors & Mappers
WWW.IBARRALANDSURVEYORS.COM
777 N.W. 72nd AVENUE
SUITE 3025
MIAMI, FLORIDA 33126
PH: (305) 262-0400
FAX : (305) 262-0401

4851 TAMIAMI TRAIL NORTH
SUITE # 200
NAPLES, FL 34103
PH: (239) 540-2660
FAX: (239) 540-2664

MAP OF BOUNDARY SURVEY

GRAPHIC SCALE
-20 0 10 20 40 80
(IN FEET)
1 INCH = 20 FEET





LOCATION SKETCH
SCALE = N.T.S.

LEGAL DESCRIPTION:
LOT __, BLOCK __, _____ SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK __, PAGE __, OF THE PUBLIC RECORDS OF _____ COUNTY, FLORIDA.

PROPERTY ADDRESS:
STREET,
CITY, FLORIDA, ZIP CODE

CERTIFICATION:
BUYER
TITLE AGENCY
UNDERWRITER
LENDER,
ITS SUCCESSORS AND OR ASSIGNS, AS THEIR INTEREST MAY APPEAR

LEGAL NOTES TO ACCOMPANY SKETCH OF SURVEY :
- THERE MAY BE EASEMENTS RECORDED IN THE PUBLIC RECORDS NOT SHOWN ON THIS SURVEY.
- THE PURPOSE OF THIS SURVEY IS FOR USE IN OBTAINING TITLE INSURANCE AND FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
- EXAMINATIONS OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY.
- THIS SURVEY IS SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR EASEMENTS OF RECORD.
- LEGAL DESCRIPTIONS PROVIDED BY CLIENT OR ATTESTING TITLE COMPANY.
- BOUNDARY SURVEY MEANS A DRAWING AND/ OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE; THE WALLS OR FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.
- EASEMENTS AS SHOWN ARE PER PLAT BOOK, UNLESS DEPICTED OTHERWISE.
- THE TERM "ENCROACHMENT" MEANS VISIBLE AND ABOVE GROUND ENCROACHMENTS.
- ARCHITECTS SHALL VERIFY ZONING REGULATIONS, RESTRICTIONS, SETBACKS AND WILL BE RESPONSIBLE FOR SUBMITTING PLOT PLANS WITH CORRECT INFORMATION FOR "APPROVAL FOR AUTHORIZATION" TO THE PROPER AUTHORITIES IN NEW CONSTRUCTION.
- UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTING AND/OR FOUNDATIONS.
- **FENCE OWNERSHIP NOT DETERMINED.**
- THIS PLAN OF SURVEY, HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON, THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.

FLOOD ZONE INFORMATION:
THE NFIP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE SITUATED IN:

FLOOD ZONE:	"SEE NOTE 4"
BASE FLOOD ELEVATION:	"SEE NOTE 4"
COMMUNITY:	125123
PANEL:	0386
SUFFIX:	H
DATE OF FIRM:	08/18/2014

THE SUBJECT PROPERTY DOES LIE IN A SPECIAL FLOOD HAZARD AREA.

SURVEYOR' S NOTES:
1. IF SHOWN, BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN, BY SAID PLAT IN THE DESCRIPTION OF THE PROPERTY, IF NOT, BEARINGS ARE THEN REFERRED TO COUNTY, TOWNSHIP MAPS.
2. THE CLOSURE IN THE BOUNDARY SURVEY IS ABOVE 1:7500 FT.
3. CERTIFICATE OF AUTHORIZATION LB # 7806.

SURVEYOR'S CERTIFICATION:
I HEREBY CERTIFY: THIS "BOUNDARY SURVEY" OF THE PROPERTY DESCRIBED HEREON, HAS RECENTLY BEEN SURVEYED AND DRAWN UNDER MY SUPERVISION, AND COMPLIES WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES.

BY: _____ 01/23/2018
JOHN IBARRA (DATE OF FIELD WORK)

PROFESSIONAL LAND SURVEYOR NO.: 5204 STATE OF FLORIDA
(NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER).

REVISED ON: _____
REVISED ON: _____

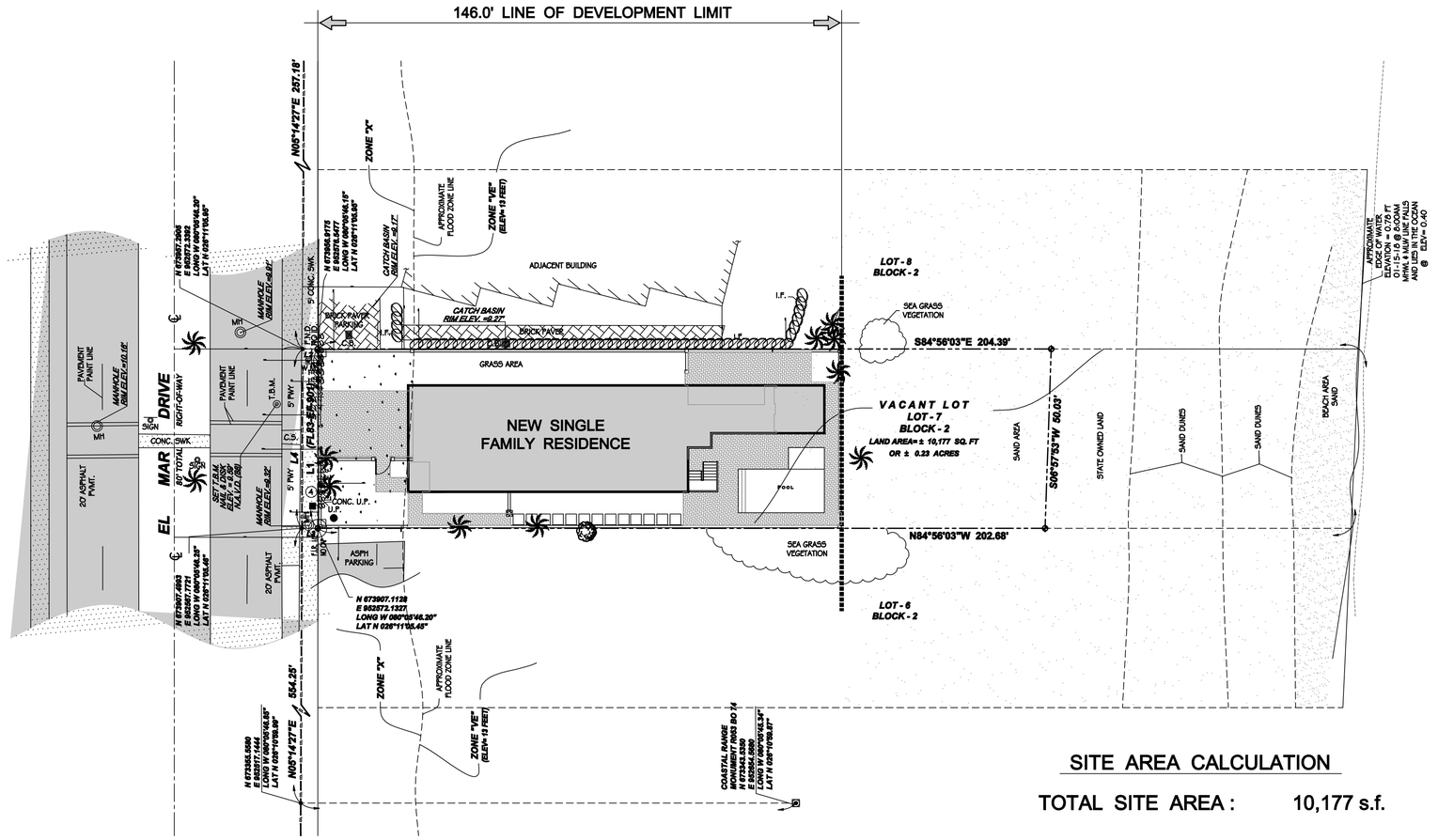
TREE TABLE

LINE TABLE

LEGEND
- = OVERHEAD UTILITY LINES
- = CONCRETE BLOCK WALL
- = CHAIN LINK FENCE
- = IRON FENCE
- = WOOD FENCE
- = BUILDING SETBACK LINE
- = UTILITY EASEMENT
- = LIMITED ACCESS R/W
- = NON-VEHICULAR ACCESS R/W
- × 0.00 = EXISTING ELEVATIONS

DRAWN BY:	AS
FIELD DATE:	01/23/2018
SURVEY NO:	18-000327-1
SHEET:	1 OF 1

JOHN IBARRA CERTIFICATE NO. 5204 STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR
L.B.# 7806 SEAL



SITE AREA CALCULATION

TOTAL SITE AREA :	10,177 s.f.
RESIDENCE FOOTPRINT :	2,847 s.f.
DECKS & HARDSCAPE :	2,564 s.f.
TOTAL IMPERVIOUS :	5,411 s.f. = 53%
TOTAL PERVIOUS :	4,766 s.f. = 47%

SITE PLAN / GROUND FLOOR PLAN

SCALE: 1" = 20'-0"

1 / SP-1

north

Revisions:

1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT
STATE OF FLORIDA REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317

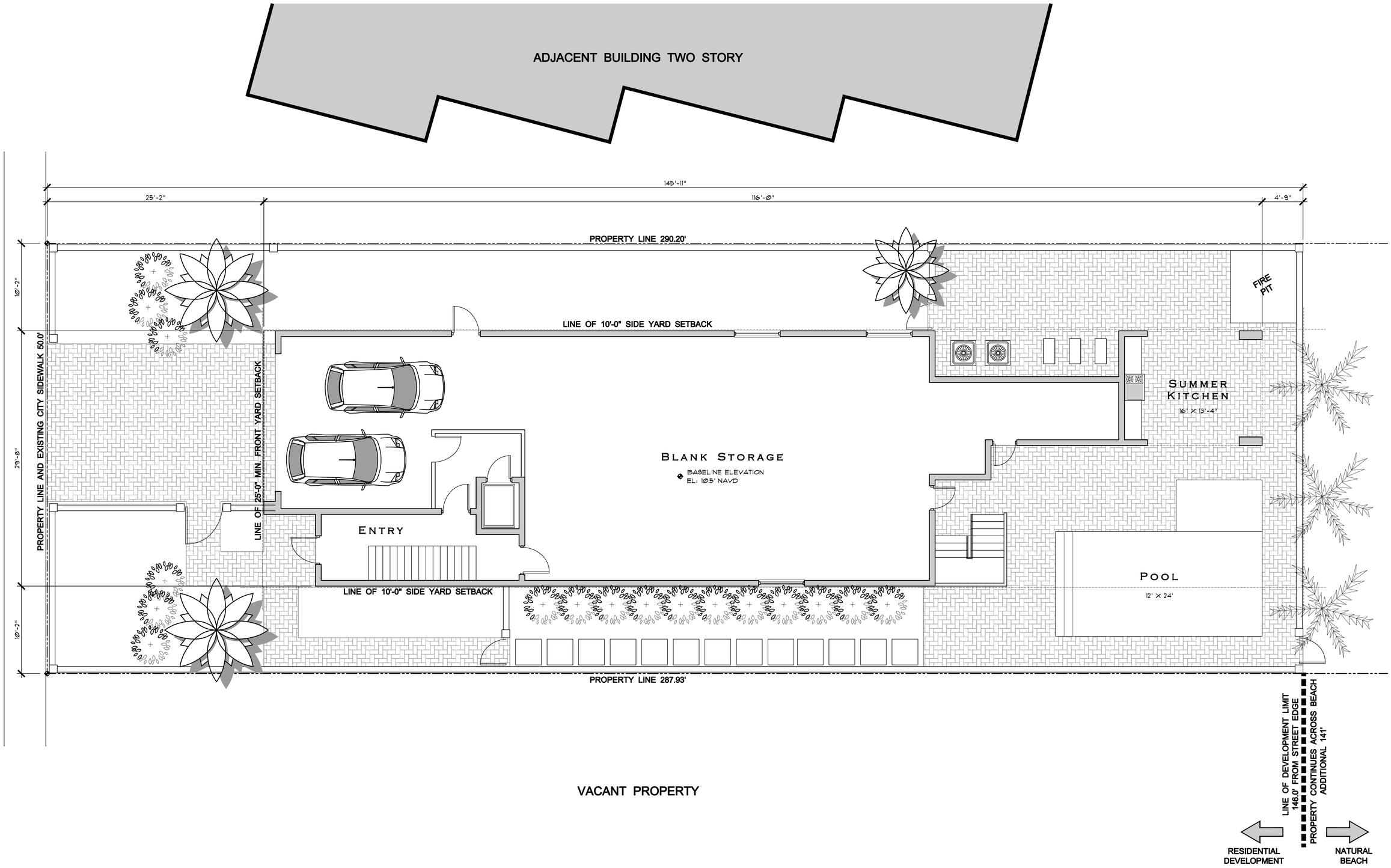
TELEPHONE 954.614.3801
TELEFAX 954.208.0600

ARCHITECT@DESIGN23.NET

Drawn By: ES	Checked By: STB
Scale: SHOWN	Date: 3-30-21

Project Number
210203

Sheet:
SP-1



SITE PLAN / GROUND FLOOR PLAN

SCALE: 3/16" = 1'-0"

1 / A-1

2,437sf ENCLOSED AREA
(NO OCCUPIED SPACE)

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT

STATE OF FLORIDA
REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317

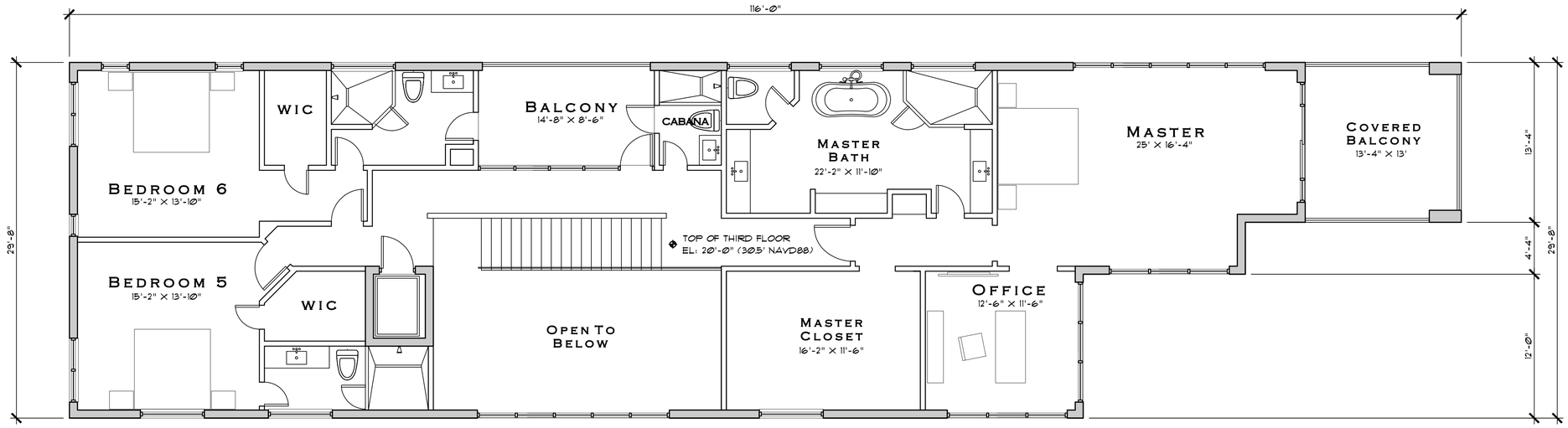
TELEPHONE 954.614.3801
TELEFAX 954.208.0600

ARCHITECT@DESIGN23.NET

Drawn By:	Checked By:
ES	STB
Scale: SHOWN	Date: 3-16-21

Project Number
210203

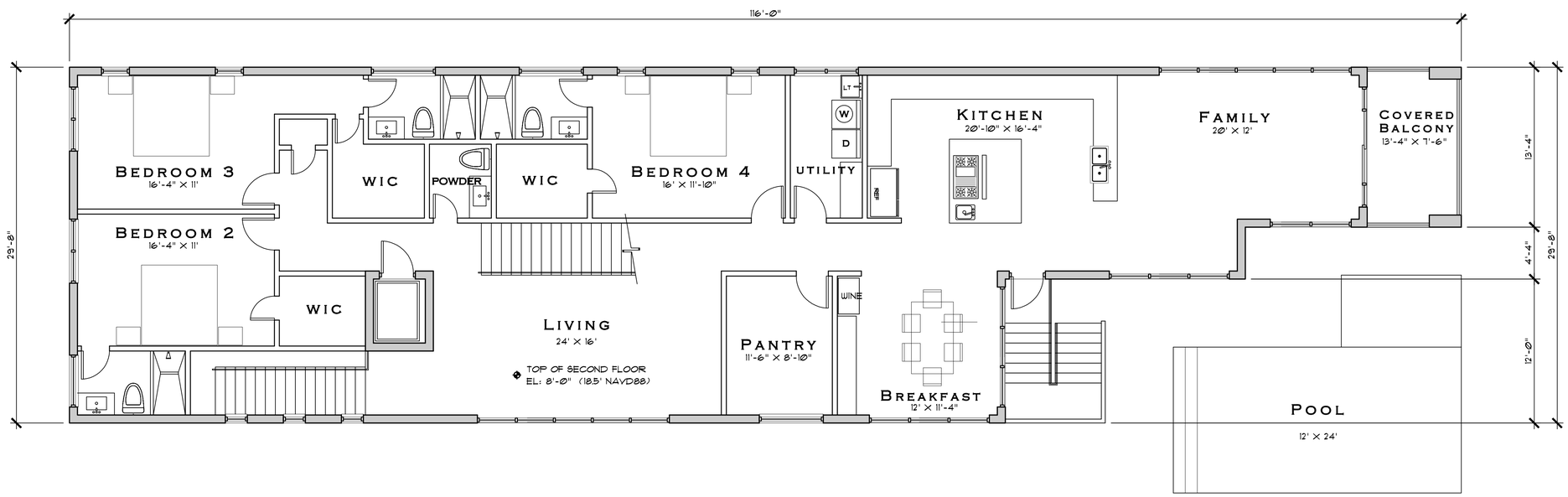
Sheet:
A-1



THIRD FLOOR PLAN

SCALE: 3/16" = 1'-0" 2,812 sf ENCLOSED AC AREA (2 / A-2)

north



SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0" 2,802 sf ENCLOSED AC AREA (1 / A-2)

north

Revisions:
1
2
3
4
5

Project Number
210203

Conditional Use Request

New Single Family Residence

4112 El Mar Drive
Lauderdale By The Sea, Florida 33308

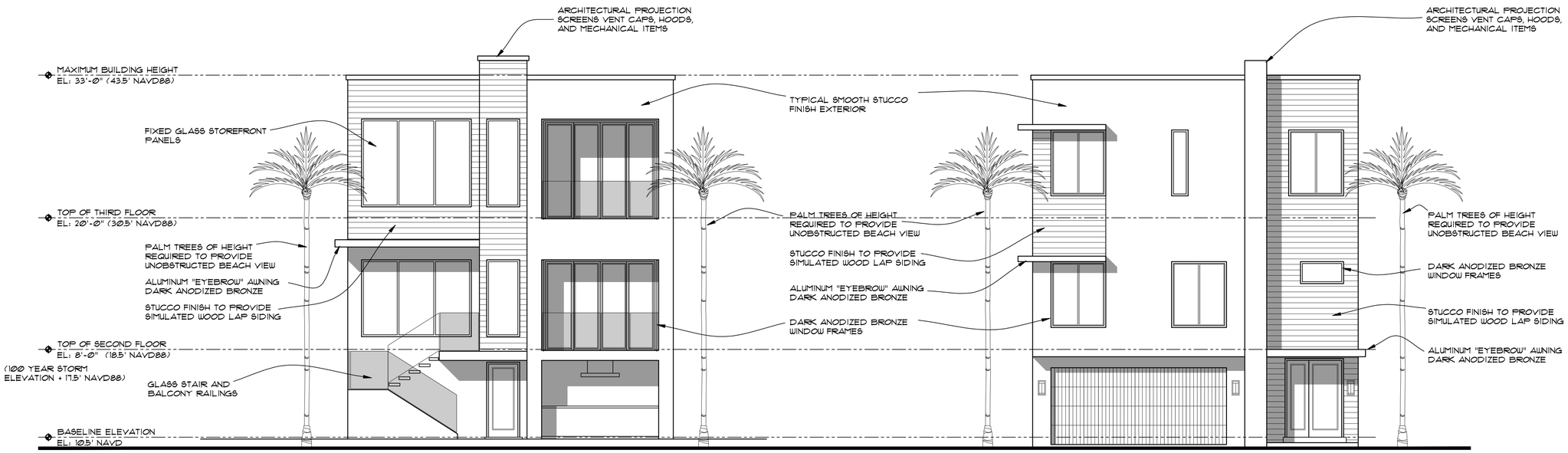
Project Name
Conditional Use Request

Stephen Brasgalla, Architect
State Of Florida
Registration No. AR12239
6991 West Broward Boulevard
Suite 100
Plantation, Florida 33317
Telephone 954.614.3801
Telefax 954.208.0600
architect@design23.net

Drawn By:	Checked By:
ES	STB
Scale: SHOWN	Date: 3-16-21

Project Number
210203

Sheet:
A-2



BEACH SIDE

STREET SIDE

EAST ELEVATION

SCALE: 3/16" = 1'-0"

2 / A-3

WEST ELEVATION

SCALE: 3/16" = 1'-0"

1 / A-3

Revisions:

1
2
3
4
5

Project Number
210203

Conditional Use Request

New Single Family Residence

4112 El Mar Drive

Lauderdale By The Sea, Florida 33308

Project Name
Conditional Use Request

Stephen Brasgalla, Architect

State of Florida
Registration No. AR12239

6991 West Broward Boulevard
Suite 100
Plantation, Florida 33317

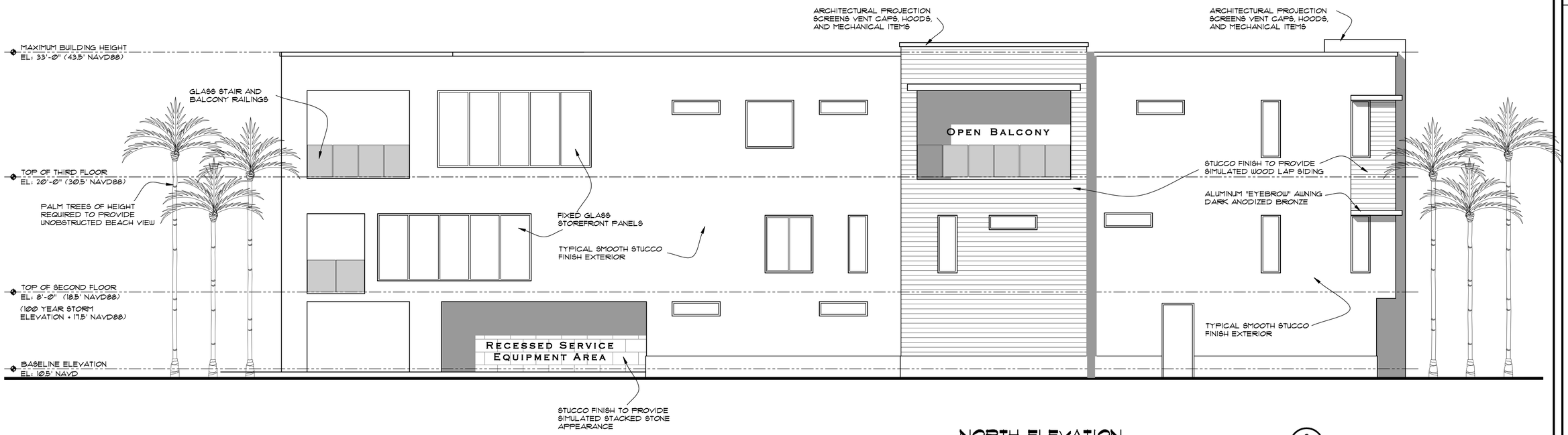
Telephone 954.614.3801
Telefax 954.208.0600

architect@design23.net

Drawn By: ES	Checked By: STB
Scale: SHOWN	Date: 3-16-21

Project Number
210203

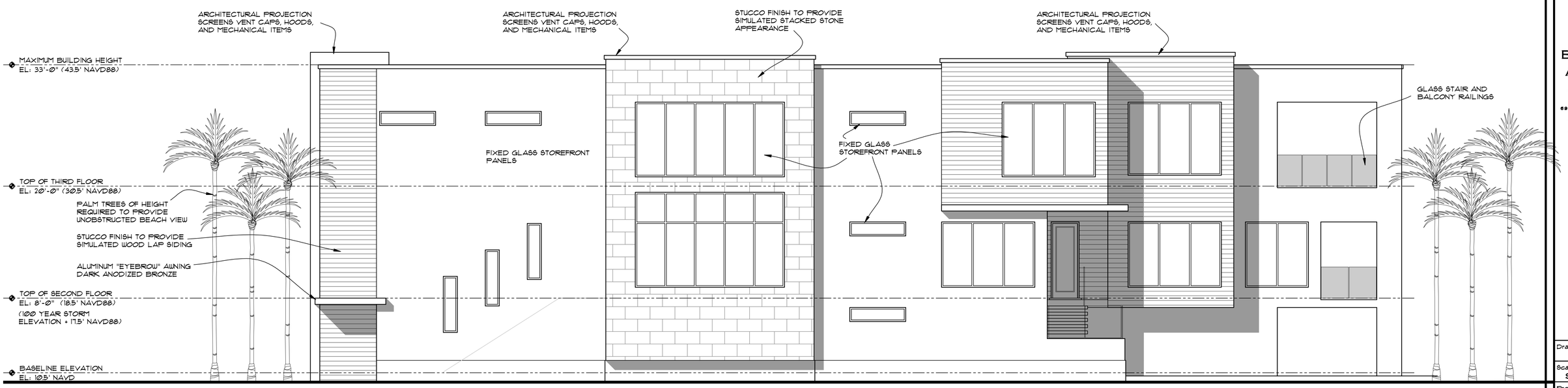
Sheet:
A-3



NORTH ELEVATION

SCALE: 3/16" = 1'-0"

2 / A-4



SOUTH ELEVATION

SCALE: 3/16" = 1'-0"

1 / A-4

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT

STATE OF FLORIDA
REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317

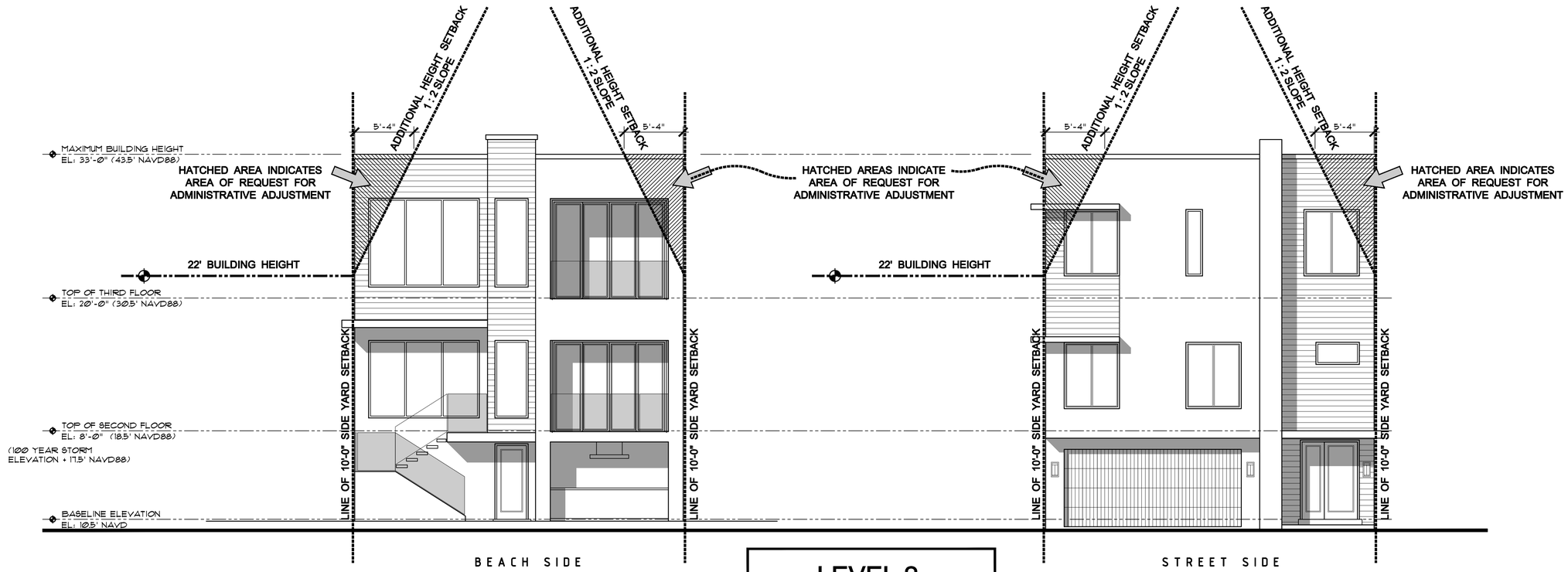
TELEPHONE 954.614.3801
TELEFAX 954.208.0600

ARCHITECT@DESIGN23.NET

Drawn By:	Checked By:
ES	STB
Scale:	Date:
SHOWN	3-16-21

Project Number
210203

Sheet:
A-4



EAST ELEVATION

SCALE: 3/16" = 1'-0"

3 / A-5

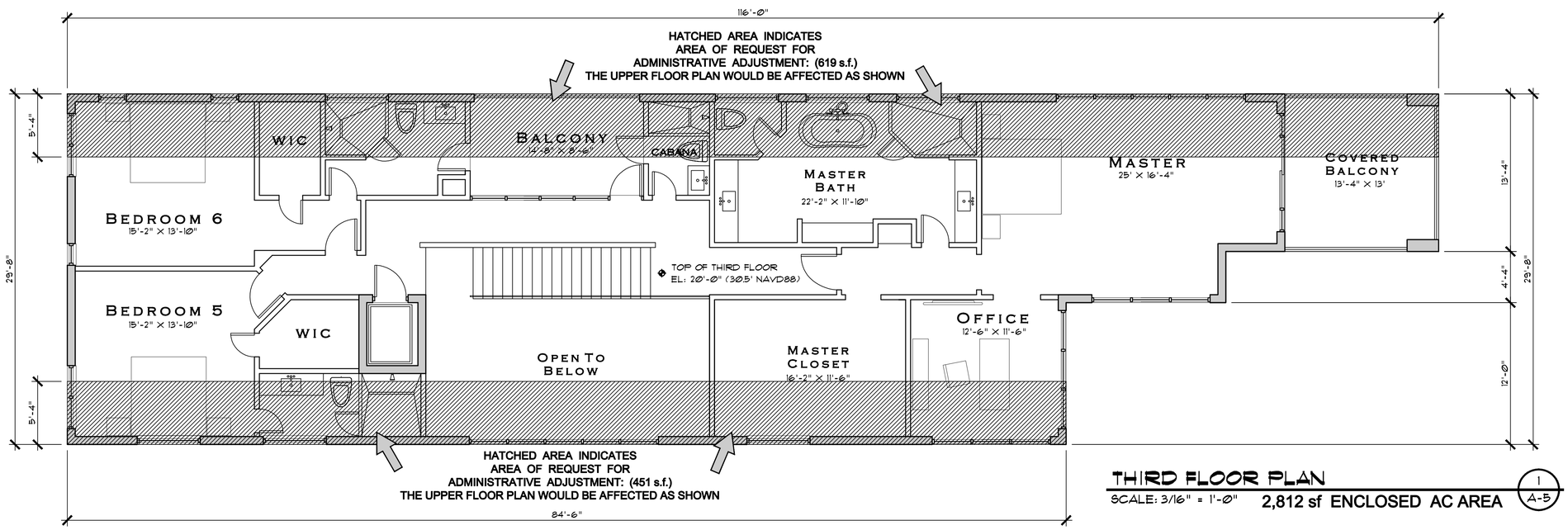
LEVEL 2 ADMINISTRATIVE ADJUSTMENT REQUEST

TOWN CODE OF ORDINANCES SECTION 30-241(H)(6)B. INCREASE THE SIDE YARD SETBACKS AN ADDITIONAL ONE FOOT FOR EVERY TWO FEET BY WHICH THE HEIGHT OF THE BUILDING EXCEEDS 22 FEET.

WEST ELEVATION

SCALE: 3/16" = 1'-0"

2 / A-5



THIRD FLOOR PLAN

SCALE: 3/16" = 1'-0"

2,812 sf ENCLOSED AC AREA

1 / A-5

north

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT
STATE OF FLORIDA REGISTRATION NO. AR12239
6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317
TELEPHONE 954.614.3801
TELEFAX 954.208.0600
ARCHITECT@DESIGN23.NET

Drawn By: ES	Checked By: STB
Scale: SHOWN	Date: 3-22-21

Project Number
210203

Sheet:
A-5

EXHIBIT 1

LAUDERDALE·BY·THE·SEA

Universal Development Application

4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

Administrative Purpose

Application Number: 2021-CU-01

BTR #: _____

Date Application Submitted: 6/1/2021

Date Application found Completed: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

In accordance with Section 30.111-30.113 of the Town's Unified Land Development Regulations: Development applications are required to be provided before any development permit is issued. Please refer to the Town's website to obtain a copy of the corresponding Application Checklist and Fee Schedule.

Check appropriate application and block:

- ☐ Appeal of Administrative Decision
- ☐ Site Plan
- ☐ Site Plan Level 1 Modification
- ☐ Site Plan Level 2 Modification
- ☒ Conditional Use _____
- ☐ Conditional Use Modification _____
- ☐ Administrative Adjustment _____
- ☐ Variance _____
- ☐ Plat _____
- ☐ Architectural Review_____
- ☐ Historic Designation
- ☐ Certificate of Appropriateness
- ☐ Zoning Relief
- ☐ Rezoning
- ☐ Right-of-Way Vacation
- ☐ Comprehensive Plan Amendment
- ☐ Payment in Lieu of Parking
- ☐ Parking Reduction _____
- ☐ Other:_____

Project Name: Conditional Use Request: New Single Family Residence

Folio Numbers: 4943 18 01 0040

Street Address: 4112 EL MAR DRIVE, LAUDERDALE BY THE SEA FL 33308

Legal Description: LAUDERDALE BY THE SEA 6-2 B LOT 7 BLK 2

Name of Property Owner: David and Sherri Staudacher Property Owner's Phone #: 425.471.4491

Address of Property Owner: 5500 NE 31st Avenue Fort Lauderdale, FL 33308

Property Owner's Email Address: dstaudacher@vandermeerfp.com

Name of Applicant: Dave Staudacher Applicant's Phone #: 425.471.4491

Applicant's Address: 5500 NE 31st Avenue Fort Lauderdale, FL 33308

Applicant Email Address: dstaudacher@vandermeerfp.com

Name of Agent (e.g. Contractor Representing the Project): Architect Representing the Project

Agent's Email Address: architect@design23.net Agent's Phone #: 954.614.3801

Agent's Address: 6991 West Broward Boulevard Suite 100, Plantation, FL 33317

Land Use Plan Designation: MH (Multifamily Residence) Zoning District: RM-25

Existing Use of the Subject Property: Vacant Land

Proposed Use of the Subject Property: Single Family Residence

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property Owner

Print Name of Property Owner: Dave Staudacher Date: 6/1/2021

Signature of Property Owner: _____

State of Florida:

County:

SWORN AND SUBSCRIBED before me by means of ■ physical presence or ☐ online notarization, this day 1 of June, 20 21.

The person signing is ■ personally known to me or has ☐ produced identification

Print Notary Name: Elise Paine-Velasquez My Commission Expires: 10/21/2022

Notary Signature: _____

Notary Public State of Florida
Elise Paine-Velasquez
My Commission GG 261530
Expires 10/21/2022

Applicant

Print Name of Property Owner: Dave Staudacher Date: 6/1/2021

Signature of Property Owner: _____

State of Florida:

County:

SWORN AND SUBSCRIBED before me by means of ■ physical presence or ☐ online notarization, this day 1 of June, 20 21.

The person signing is ■ personally known to me or has ☐ produced identification

Print Notary Name: Elise Paine-Velasquez My Commission Expires: 10/21/2022

Notary Signature: _____

Notary Public State of Flor
Elise Paine-Velasquez
My Commission GG 261
Expires 10/21/2022

LAUDERDALE·BY·THE·SEA

CONDITIONAL USE APPLICATION

4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

For Administrative Purpose Only

Application Number: 2021-CU-01

BTR #: _____

Date Application Submitted: 6/1/2021

Date Application Found Complete: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

LAUDERDALE•BY•THE•SEA

CONDITIONAL USE

In accordance with the Town of Lauderdale-By-The-Sea Unified Land Development Regulations Section 30-126, the following is a list of the documentation required for a Conditional Use Development Application.

Items for Initial Submittal:

Note: Please submit digital copies with the hard copy application via email or thumb drive

- Fee for Conditional Use and Consultant Deposit (See fee schedule)
- A completed Development Application signed and notarized for a Conditional Use application
- A boundary survey (if applicable)
- Two (2) hard copies of architectural elevations with the applicable dimensions
- A site plan drawn to scale (if required). Please include the following
    - proposed setbacks
    - landscape specifications
- A traffic impact study meeting the requirements of section 30-71(c)(14)d (if applicable)
- The square feet designated inside and out of each specific use
- The number of estimated employment
- The estimated number and type of service vehicles (if applicable)
- Any unique facilities or structures proposed as part of site improvements
- A description of any mitigative techniques to abate any possible adverse impacts of the proposed use on properties in the immediate vicinity including smoke, odor, noise, and other impacts

If a resubmittal is requested, please submit the amended documents, the previous comments received from the Town, and the applicant's response to those comments.

Need assistance or clarification?
Please contact us at (954)-640-4210 or email Zoning@lbts-fl.gov

AMENDED CONDITIONAL USE REQUEST

Date: **June 6, 2021**

To: **City and Building Officials**
Town of Lauderdale-By-The-Sea
4501 North Ocean Drive
Lauderdale By the Sea, Florida 33308

Re: **Conditional Use – 2021-L2-CU-01**
Administrative Adjustment – 2021-L2-AA-01
4112 El Mar Drive
Lauderdale-By-The-Sea, Florida 33308

Dear City and Building Officials,

I am the Architect for David and Sherri Staudacher ("the Owners") of 4112 El Mar Drive, a vacant property along the beach in the Town of Lauderdale-By-The-Sea.

This property is zoned RM-25. The Land Use Designation is MH. There is a two-story apartment building adjacent to the north and a vacant property to the south.

Originally, the Owners submitted two applications for the proposed single-family residence. The first application is a Conditional Use application for the single-family residence and the second application submitted was an Administrative Adjustment to allow an encroachment into the side setback above 22 feet in height. As the proposed design has been refined and there is no longer a need to encroach into the setback. Therefore, the Owners hereby respectfully withdraws their request for Administrative Adjustments pursuant to case number 2021-L2-AA-01.

The Owners would hereby like to respectfully request a ***Conditional Use*** approval from the Town to allow the construction of a Single-Family Residence on the property. This home would be the Owners' primary residence and would be constructed to meet the Town's Code of Ordinances, as well as, the Owners' specifications.

Please note the following: Per Code of Ordinances Section 30-126 *Conditional Use Review* that

(1) Land use compatibility: The single-family residence is proposed based on scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity. The proposed home is compatible with the existing MH land use, which supports multifamily residence at a maximum of 25 dwelling units per acre.

Introducing a single-family home to this site is compatible and less intensive than the permitted multifamily and hotel uses. As previously stated, the permitted multi-family residence would allow a maximum of 25 dwelling units per acre while the proposed single-family home is only 1 unit on the .23 acres.

This single-family residence is compatible with the surrounding area in terms of density proposing 1 unit on the .23 acres and height at 33 feet. The general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances are significantly less impactful on the proposed single family home than a multifamily residence on the property in any iteration.

Further, the proposed single-family use shall be compatible with the adjacent land uses and surrounding development in the immediate area in the following terms:

i. The single-family use is designed to be compatible with the adjacent permitted uses, structures and activities allowed within the land use category, which are multifamily, hotel, and beach recreational uses;

ii. The single family residence is designed to be compatible in terms of building location just west of the beach with multifamily to the north, and vacant property to the south and west. Further, the dimensions, height, and floor area ratio of the home were designed to meet the criteria set forth in the Town of Lauderdale-by-the-Sea's Code of Ordinances;

iii. The single-family use will be compatible in terms of the location and extent of parking for a single-family residence with the appropriate access drives, and as a single-family residence does not contain a service area;

iv. The single family use is designed to be compatible in terms of traffic generation, which will be less impactful than the permitted hotel and multifamily uses, with no hours of operation, and noise levels and outdoor lighting that is consistent with a single family residence;

v. The single-family use is designed to be compatible in terms of alteration of light and air;

vi. The single-family residence will be compatible in terms of setbacks and buffers such as fences, walls, landscaping and open space treatment. The proposed single-family residence shall meet the setback and development regulations for the zoning (and for single family residences in general).

vii. The single-family residence is designed to be compatible with the architectural features and site design character of the surrounding beach area, as depicted in the proposed plans and elevations; AND

viii. The single-family use does not propose any signs will affect the existing signs. Any lighting proposed for the single-family residence is proposed to comply with the Town's Code of Ordinances.

(2) The single-family use has a sufficient site size of 10,177 square feet of vacant land with, site specifications, and infrastructure, which appropriately accommodates the proposed single-family use. The size and shape of the site, the proposed access and internal circulation, and the urban design are designed to accommodate the proposed scale and intensity of the single-family residence proposed. The residence is designed with sufficient size on the 10,177 square foot site to provide adequate screening, buffers, landscaping, open space, parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts a single-family residence might have on the surrounding area. As previously stated, the proposed single-family residence is of lesser impact to the above criteria than a multi-family residence or hotel use on the site.

(3) The proposed single-family use is designed to be in compliance with the Comprehensive Plan and Code of Ordinances. As designed, the single-family residence complies with the environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances.

(4) The proposed single-family residence demonstrates proper use of mitigative techniques. Although, no adverse impacts are anticipated on adjacent properties, the single-family residence design scheme appropriately addresses off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened by the addition of the single-family home.

The proposed single-family residence has been intentionally designed with a "MIMO" sensibility and aesthetic. The proportions and detailing are compatible and inspired by an interpretation of MIMO design conventions and "vibe". This single-family home will be harmonious with other projects in the beach area, as well as in alignment with the design priorities and directions of the Town.

Thank you for your kind consideration of these matters. If you have questions or comments, please contact me directly. We look forward to a favorable judgment in this application process.

Best regards,

Steve Brasgalla

6991 West Broward Boulevard Suite 100 Plantation, Florida 33317 954.614.3801
Florida License No. AR12239

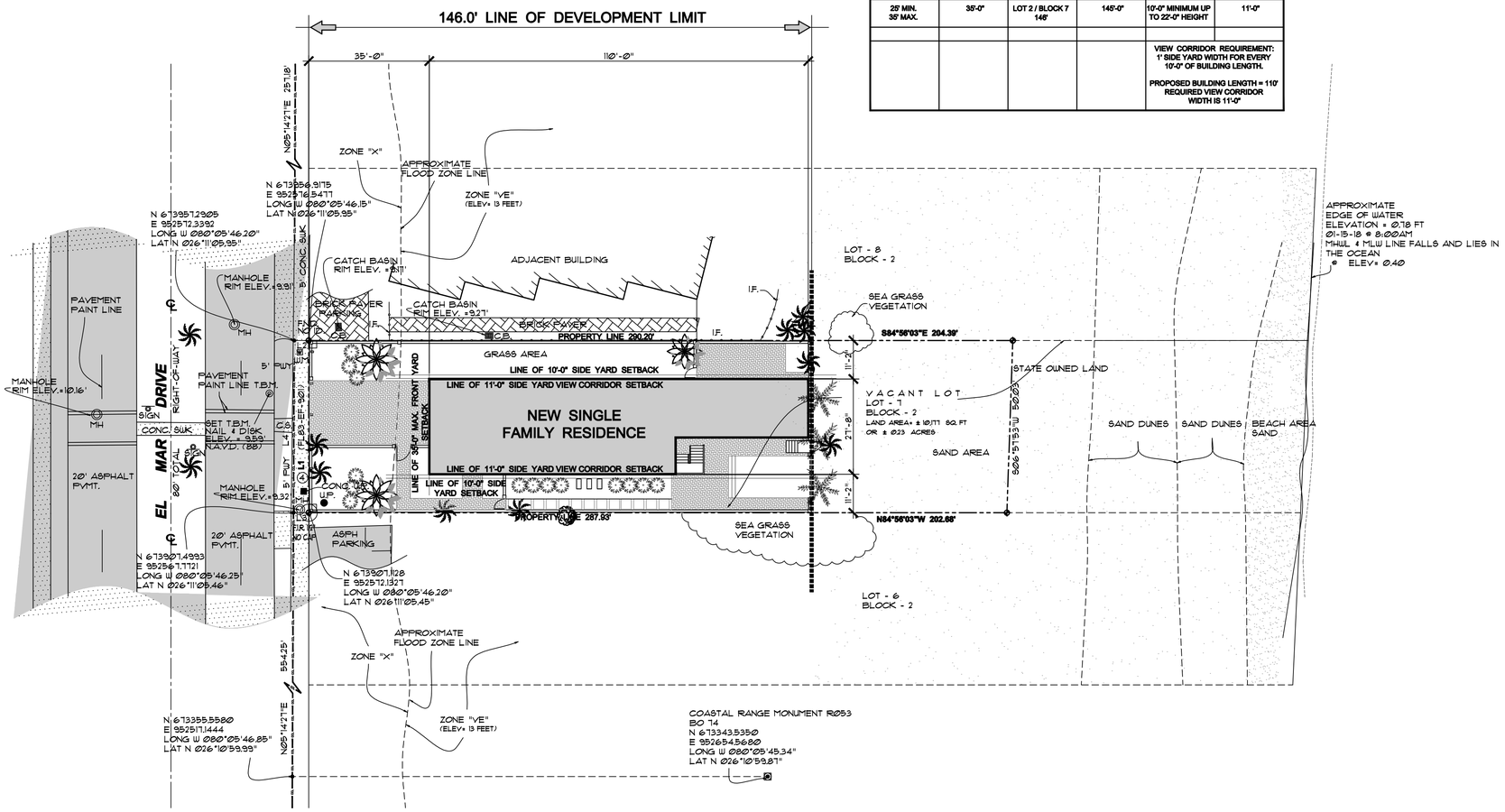
EXHIBIT 2

DIMENSIONAL REQUIREMENTS — RM-25 ZONING

	REQUIRED / PERMITTED	PROPOSED
LOT SIZE	N/A	10,177 S.F.
LOT DENSITY	25 UNITS / ACRE	N/A - SINGLE FAMILY HOME
LOT WIDTH	N/A	50'-0"
BUILDING SIZE	1,200 S.F. MINIMUM	6,226 S.F.
BUILDING HEIGHT	33'-0" MAXIMUM HEIGHT	33'-0" (TOP OF ROOF DECK)
STRUCTURAL LENGTH	200' MAX. 121'-0" PER LOT SIZE	110'-0"
LOT COVERAGE	MAXIMUM 40%	2,689 = 26.4 %
OPEN AREA	MINIMUM 60%	5,105 S.F.
LANDSCAPE AREA		2,146 S.F
PERVIOUS AREA IMPERVIOUS AREA		PERVIOUS = 5,105 s.f. = 51% IMPERVIOUS = 5,072 s.f. = 49%
TOTAL PAVED AREA		2,440 S.F.
PARKING SPACES	MINIMUM 2	2

SETBACK REQUIREMENTS — RM-25 ZONING

FRONT		REAR / BEACH (STRUCTURES EAST OF EL MAR) MEASURED FROM FRONT PROPERTY LINE		SIDE	
REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
25' MIN. 35' MAX.	35'-0"	LOT 2 / BLOCK 7 146'	145'-0"	10'-0" MINIMUM UP TO 22'-0" HEIGHT	11'-0"
				VIEW CORRIDOR REQUIREMENT: 1' SIDE YARD WIDTH FOR EVERY 10'-0" OF BUILDING LENGTH. PROPOSED BUILDING LENGTH = 110' REQUIRED VIEW CORRIDOR WIDTH IS 11'-0"	



SITE PLAN / GARAGE LEVEL PLAN

SCALE: 1" = 20'-0"

1 / SP-1

north

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST
NEW SINGLE FAMILY RESIDENCE
4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

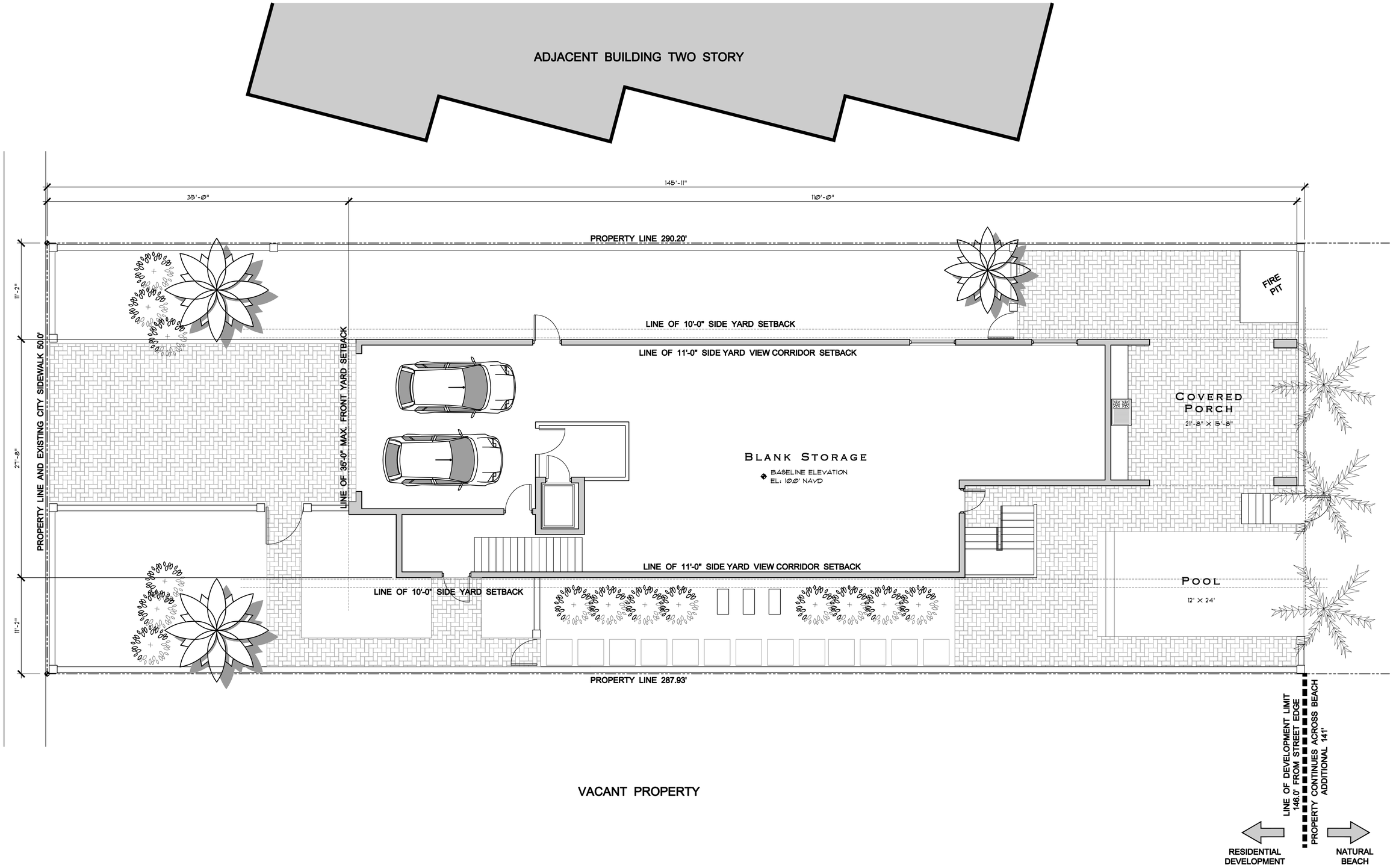
Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT
STATE OF FLORIDA REGISTRATION NO. AR12239
6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317
TELEPHONE 954.614.3801
TELEFAX 954.208.0600
ARCHITECT@DESIGN23.NET

Drawn By: ES	Checked By: STB
Scale: SHOWN	Date: 6-8-21

Project Number
210203

Sheet:
SP-1



SITE PLAN / GROUND FLOOR PLAN

SCALE: 3/16" = 1'-0"

(NO OCCUPIED SPACE)

1 / A-1

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE

LAUDERDALE BY THE SEA, FLORIDA 33308

Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT

STATE OF FLORIDA REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317

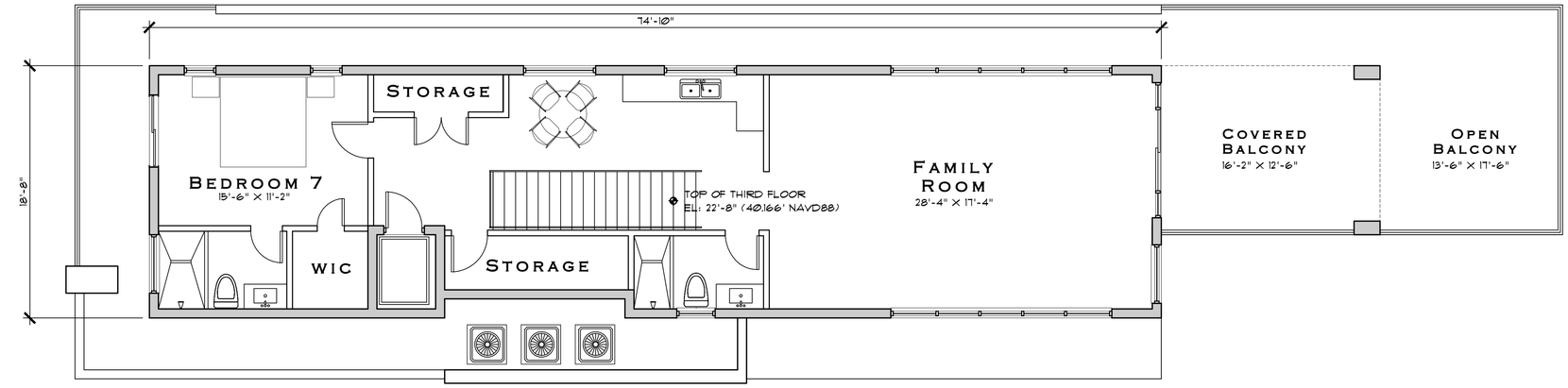
TELEPHONE 954.614.3801
TELEFAX 954.208.0600

ARCHITECT@DESIGN23.NET

Drawn By: ES	Checked By: STB
Scale: SHOWN	Date: 6-8-21

Project Number
210203

Sheet:
A-1

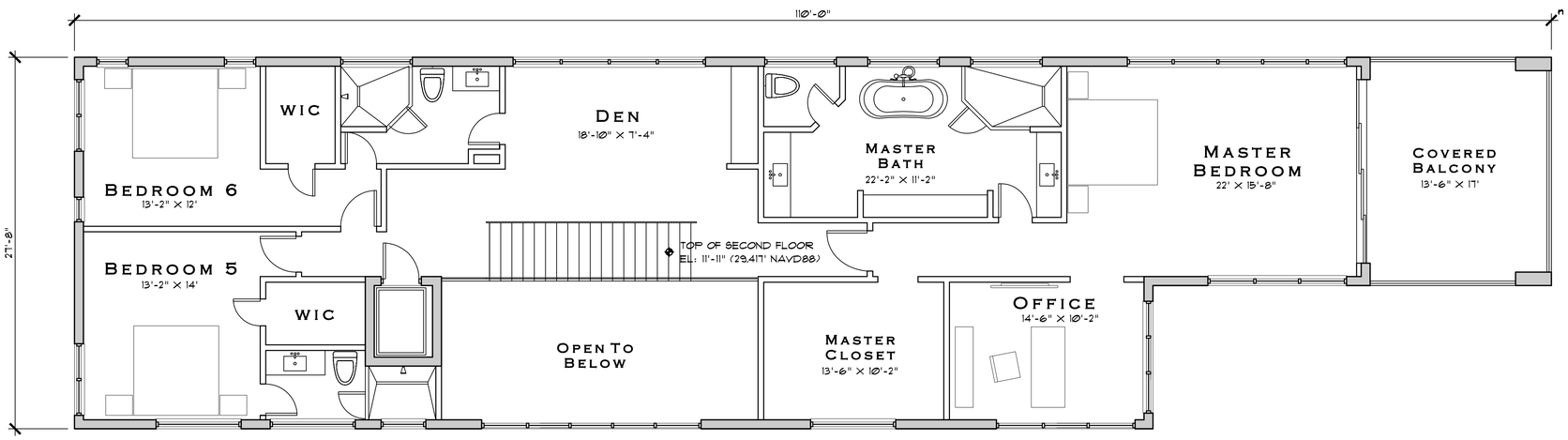


THIRD FLOOR PLAN

SCALE: 3/16" = 1'-0"

2 A-2

north

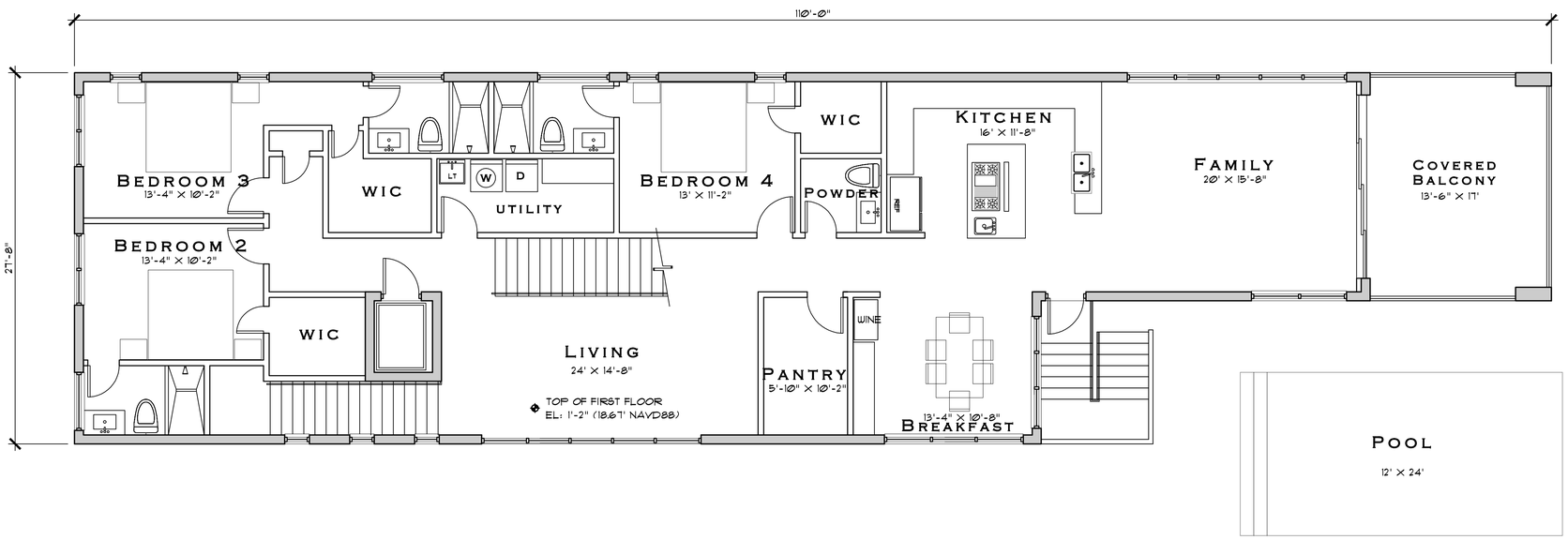


SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"

2 A-2

north



FIRST FLOOR PLAN

SCALE: 3/16" = 1'-0"

1 A-2

north

Revisions:

1
2
3
4
5

Project Number
210203

Conditional Use Request

New Single Family Residence

4112 El Mar Drive
Lauderdale By The Sea, Florida 33308

Project Name
Conditional Use Request

Stephen Brasgalla, Architect

State Of Florida
Registration No. AR12239

6991 West Broward Boulevard
Suite 100
Plantation, Florida 33317

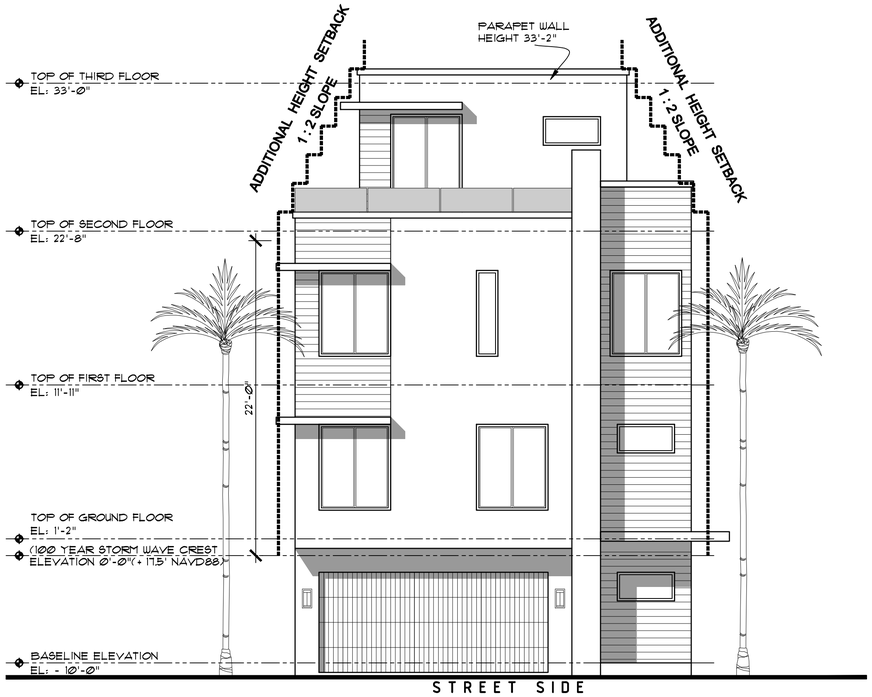
Telephone 954.614.3601
Telefax 954.208.0600

architect@design23.net

Drawn By:	Checked By:
ES	STB
Scale:	Date:
SHOWN	6-8-21

Project Number
210203

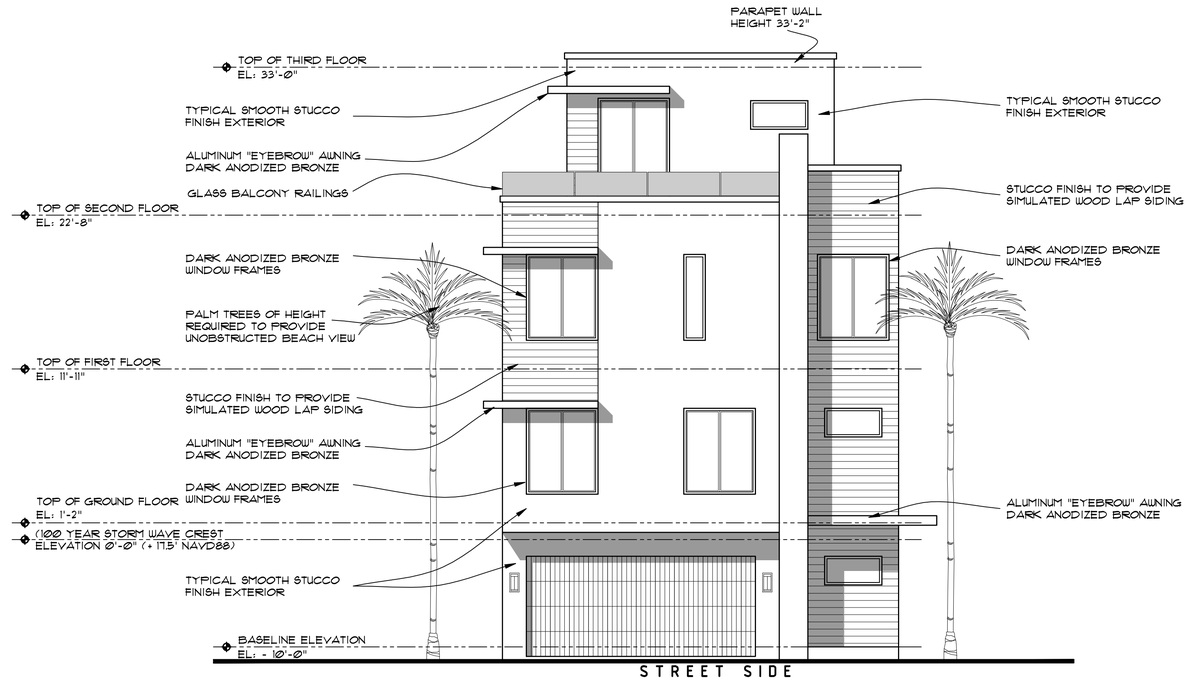
Sheet:
A-2

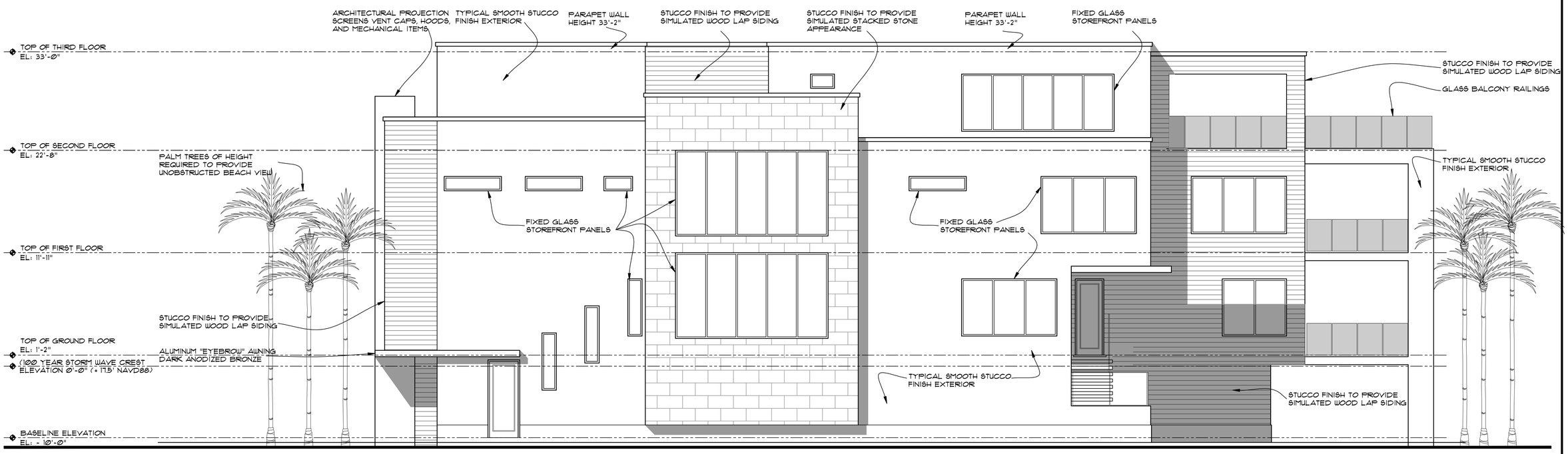


WEST ELEVATION

SCALE: 3/16" = 1'-0"

1
A-3





SOUTH ELEVATION

SCALE: 3/16" = 1'-0"

1
A-3

Revisions:

1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT

STATE OF FLORIDA
REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317

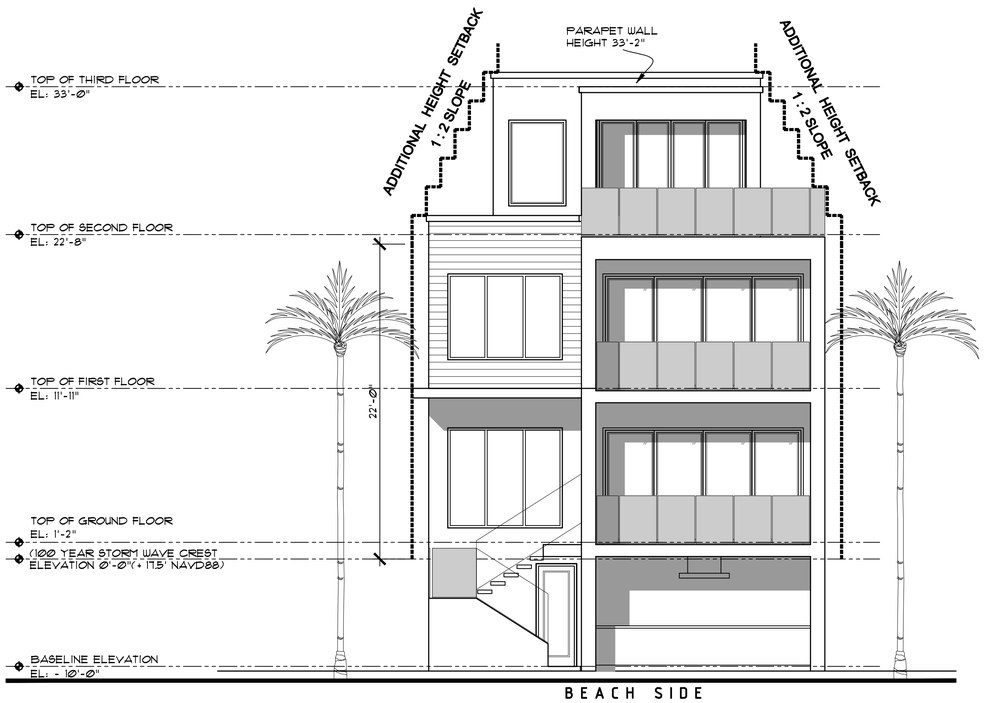
TELEPHONE 954.614.3801
TELEFAX 954.208.0600

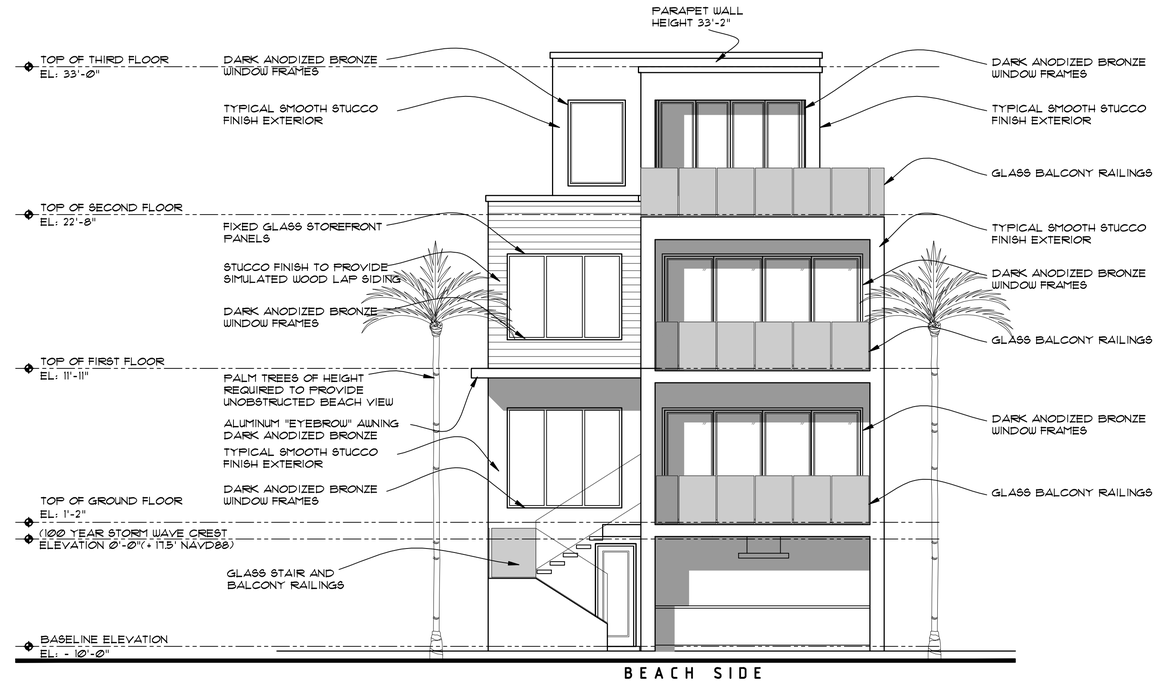
ARCHITECT@DESIGN23.NET

Drawn By:	Checked By:
ES	STB
Scale:	Date:
SHOWN	6-8-21

Project Number
210203

Sheet:
A-3

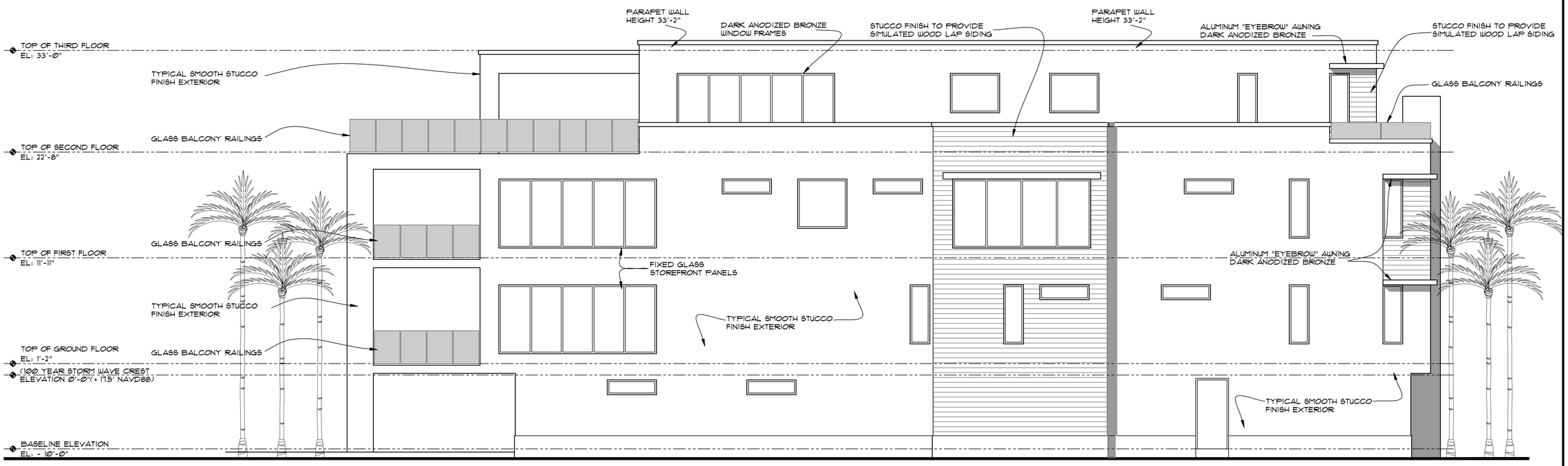




EAST ELEVATION

SCALE: 3/16" = 1'-0"

2
A-4



NORTH ELEVATION

SCALE: 3/16" = 1'-0"

2
A-4

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

STEPHEN BRASGALLA, ARCHITECT

STATE OF FLORIDA
REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317

TELEPHONE 954.614.3801
TELEFAX 954.208.0600

ARCHITECT@DESIGN23.NET

Project Name
CONDITIONAL USE REQUEST

Drawn By:	Checked By:
ES	STB
Scale:	Date:
SHOWN	6-8-21

Project Number
210203

Sheet:
A-4

JOHN IBARRA & ASSOCIATES, INC.

Professional Land Surveyors & Mappers

WWW.IBARRALANDSURVEYORS.COM

777 N.W. 72nd AVENUE
SUITE 3025
MIAMI, FLORIDA 33126
PH: (305) 262-0400
FAX : (305) 262-0401

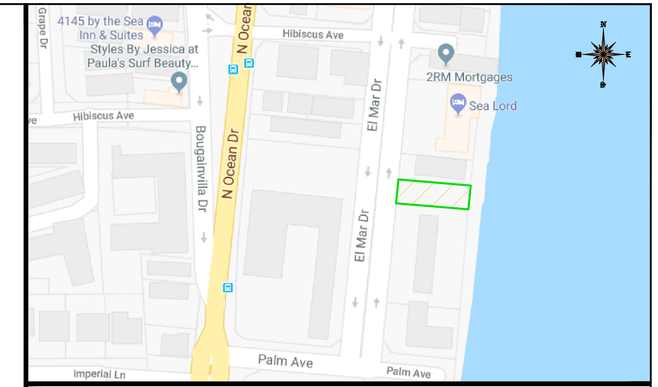
4851 TAMIAMI TRAIL NORTH
SUITE # 200
NAPLES, FL 34103
PH: (239) 540-2660
FAX: (239) 540-2664

MAP OF BOUNDARY SURVEY

GRAPHIC SCALE

-20 0 10 20 40 80

(IN FEET)
1 INCH = 20 FEET



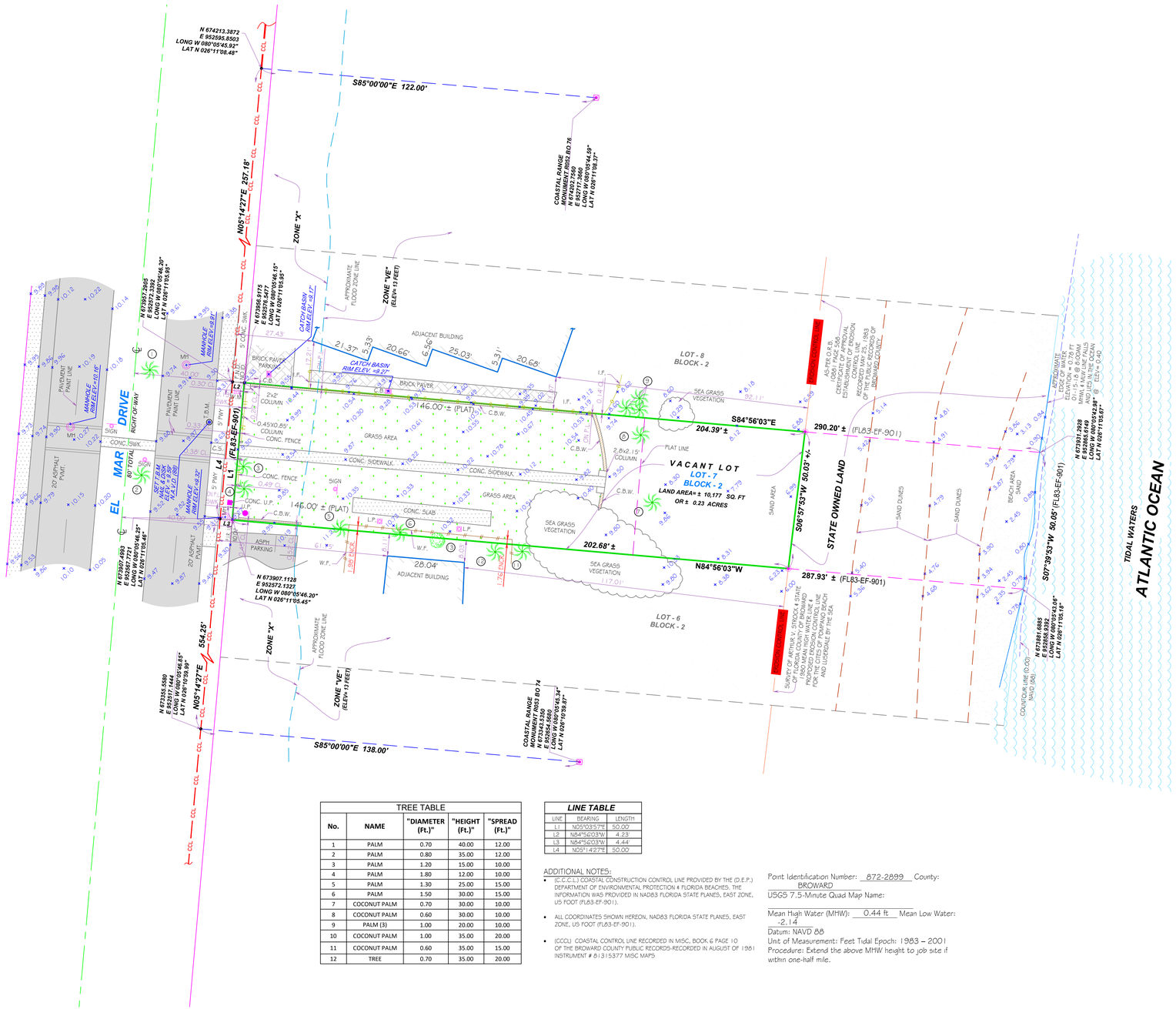
LOCATION SKETCH
SCALE = N.T.S.

ABBREVIATIONS

A = ARC.
A/C = AIR CONDITIONER PAD
A.E. = ANCHOR EASEMENT
A.R. = ALUMINUM ROOF
A.S. = ALUMINUM SHED
ASPH. = ASPHALT
B.C. = BLOCK CORNER
BLDG. = BUILDING
B.M. = BENCH MARK
B.C.R. = BROWARD COUNTY RECORDS
B.O.B. = BASIS OF BEARING
B.S.L. = BUILDING SETBACK LINE
(C) = CALCULATED
C.B. = CATCH BASIN
C.B.S. = CONCRETE BLOCK STRUCTURE
C.B.W. = CONCRETE BLOCK WALL
CH. = CHORD
CH.B. = CHORD BEARING
CH.L. = CHORD LENGTH
CL. = CLEAR
C.O. = CLEAN OUT
C.L.F. = CHAIN LINK FENCE
C.M.E. = CANAL MAINTENANCE EASEMENT
CONC. = CONCRETE
C.U.P. = CONCRETE UTILITY POLE
C.P. = CONCRETE PORCH
C.S. = CONCRETE SLAB
C.W. = CONCRETE WALK
D.E. = DRAINAGE EASEMENT
D.M.E. = DRAINAGE MAINTENANCE EASEMENT
DRIVE = DRIVEWAY
° = DEGREES
E.B. = ELECTRIC BOX
E.T.P. = ELECTRIC TRANSFORMER PAD
ELEV. = ELEVATION
ENCR. = ENCROACHMENT
F.H. = FIRE HYDRANT
F.I.P. = FOUND IRON PIPE
F.I.R. = FOUND IRON ROD
F.F.E. = FINISHED FLOOR ELEVATION
F.N.D. = FOUND NAIL & DISK
FT. = FEET
FNIP = FEDERAL NATIONAL INSURANCE PROGRAM
F.N. = FOUND NAIL
H. = HIGH OR (HEIGHT)
IN.&E/S = INGRESS AND EGRESS EASEMENT
I.C.V. = IRRIGATION CONTROL VALVE
I.F. = IRON FENCE
L.B. = LICENSED BUSINESS
L.P. = LIGHT POLE
L.F.E. = LOWEST FLOOR ELEVATION
L.M.E. = LAKE MAINTENANCE EASEMENT
' = MINUTES
(M) = MEASURED DISTANCE
M.B. = MAIL BOX
M.D.C.R = MIAMI DADE COUNTY RECORDS
M.E. = MAINTENANCE EASEMENT
M.H. = MANHOLE
N.A.P. = NOT A PART OF
NGVD = NATIONAL GEODETIC VERTICAL DATUM
N.T.S. = NOT TO SCALE
# or NO. = NUMBER
O/S = OFFSET
O.H. = OVERHEAD
O.H.L. = OVERHEAD UTILITY LINES
O.R.B. = OFFICIAL RECORDS BOOK
O.V.H. = OVERHANG
PVMT. = PAVEMENT
PL. = PLANTER
P.L. = PROPERTY LINE
P.C.C. = POINT OF COMPOUND CURVATURE
P.C. = POINT OF CURVATURE
P.O.T. = POINT OF TANGENCY
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
P.R.C. = POINT OF REVERSE CURVATURE
PWY. = PARKWAY
P.R.M. = PERMANENT REFERENCE MONUMENT
PLS. = PROFESSIONAL LAND SURVEYOR
P.P. = POWER POLE
P.P.S. = POOL PUMP SLAB
P.U.E. = PUBLIC UTILITY EASEMENT
(R) = RECORD DISTANCE
R.R. = RAIL ROAD
RES. = RESIDENCE
R/W = RIGHT-OF-WAY
RAD. = RADIUS OR RADIAL
RGE. = RANGE
R.O.E. = ROOF OVERHANG EASEMENT
SEC. = SECTION
STY. = STORY
SWK. = SIDEWALK
S.I.P. = SET IRON PIPE
S = SOUTH
S.P. = SCREENED PORCH
S.V. = SEWER VALVE
" = SECONDS
T = TANGENT
TB = TELEPHONE BOOTH
T.B.M. = TEMPORARY BENCHMARK
T.U.E. = TECHNOLOGY UTILITY EASEMENT
TSB = TRAFFIC SIGNAL BOX
T.S.P. = TRAFFIC SIGNAL POLE
TWP. = TOWNSHIP
UTIL. = UTILITY
U.E. = UTILITY EASEMENT
U.P. = UTILITY POLE
W.M. = WATER METER
W.F. = WOOD FENCE
W.P. = WOOD PORCH
W.R. = WOOD ROOF
W.V. = WATER VALVE
M = MONUMENT LINE
℄ = CENTER LINE
Δ = DELTA

LEGEND

= OVERHEAD UTILITY LINES
= CONCRETE BLOCK WALL
= CHAIN LINK FENCE
= IRON FENCE
= WOOD FENCE
= BUILDING SETBACK LINE
= UTILITY EASEMENT
= LIMITED ACCESS R/W
= NON-VEHICULAR ACCESS R/W
× 0.00 = EXISTING ELEVATIONS
CCL = COASTAL CONSTRICTION CONTROL LINE



TREE TABLE				
No.	NAME	"DIAMETER (Ft.)"	"HEIGHT (Ft.)"	"SPREAD (Ft.)"
1	PALM	0.70	40.00	12.00
2	PALM	0.80	35.00	12.00
3	PALM	1.20	15.00	10.00
4	PALM	1.80	12.00	10.00
5	PALM	1.30	25.00	15.00
6	PALM	1.50	30.00	15.00
7	COCONUT PALM	0.70	30.00	10.00
8	COCONUT PALM	0.60	30.00	10.00
9	PALM (3)	1.00	20.00	10.00
10	COCONUT PALM	1.00	35.00	20.00
11	COCONUT PALM	0.60	35.00	15.00
12	TREE	0.70	35.00	20.00

LINE TABLE		
LINE	BEARING	LENGTH
L1	N05°03'57"E	50.00'
L2	N84°56'03"W	4.23'
L3	N84°56'03"W	4.44'
L4	N05°14'27"E	50.00'

ADDITIONAL NOTES:

- (C.C.C.L.) COASTAL CONSTRUCTION CONTROL LINE PROVIDED BY THE (D.E.P.) DEPARTMENT OF ENVIRONMENTAL PROTECTION & FLORIDA BEACHES. THE INFORMATION WAS PROVIDED IN NAD83 FLORIDA STATE PLANES, EAST ZONE, US FOOT (FL83-EF-901).
- ALL COORDINATES SHOWN HEREON, NAD83 FLORIDA STATE PLANES, EAST ZONE, US FOOT (FL83-EF-901).
- (CCCL) COASTAL CONTROL LINE RECORDED IN MISC. BOOK 6 PAGE 10 OF THE BROWARD COUNTY PUBLIC RECORDS-RECORDED IN AUGUST OF 1981 INSTRUMENT # 81315377 MISC MAPS

Point Identification Number: 872-2899 County: BROWARD
USGS 7.5-Minute Quad Map Name: _____
Mean High Water (MHW): 0.44 ft Mean Low Water: -2.14
Datum: NAVD 88
Unit of Measurement: Feet Tidal Epoch: 1983 – 2001
Procedure: Extend the above MHW height to job site if within one-half mile.

LEGAL DESCRIPTION:

LOT 7, BLOCK 2, LAUDERDALE BY THE SEA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PROPERTY ADDRESS:

4112 EL MAR DRIVE,
LAUDERDALE BY THE SEA, FLORIDA, 33308

CERTIFICATION:

ALLEGIANT EQUITIES LLC

LEGAL NOTES TO ACCOMPANY SKETCH OF SURVEY :

- THERE MAY BE EASEMENTS RECORDED IN THE PUBLIC RECORDS NOT SHOWN ON THIS SURVEY.
- THE PURPOSE OF THIS SURVEY IS FOR USE IN OBTAINING TITLE INSURANCE AND FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
- EXAMINATIONS OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY.
- THIS SURVEY IS SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR EASEMENTS OF RECORD.
- LEGAL DESCRIPTIONS PROVIDED BY CLIENT OR ATTESTING TITLE COMPANY.
- BOUNDARY SURVEY MEANS A DRAWING AND/ OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE; THE WALLS OR FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.
- EASEMENTS AS SHOWN ARE PER PLAT BOOK, UNLESS DEPICTED OTHERWISE.
- THE TERM "ENCROACHMENT" MEANS VISIBLE AND ABOVE GROUND ENCROACHMENTS.
- ARCHITECTS SHALL VERIFY ZONING REGULATIONS, RESTRICTIONS, SETBACKS AND WILL BE RESPONSIBLE FOR SUBMITTING PLOT PLANS WITH CORRECT INFORMATION FOR "APPROVAL FOR AUTHORIZATION" TO THE PROPER AUTHORITIES IN NEW CONSTRUCTION.
- UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTING AND/OR FOUNDATIONS.
- **FENCE OWNERSHIP NOT DETERMINED.**
- THIS PLAN OF SURVEY, HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON, THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.

FLOOD ZONE INFORMATION:

THE NFIP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE SITUATED IN:

FLOOD ZONE:	*SEE NOTE 4*
BASE FLOOD ELEVATION:	*SEE NOTE 4*
COMMUNITY:	125123
PANEL:	0386
SUFFIX:	H
DATE OF FIRM:	08/18/2014

THE SUBJECT PROPERTY DOES LIE IN A SPECIAL FLOOD HAZARD AREA.

SURVEYOR' S NOTES:

1. IF SHOWN, BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN, BY SAID PLAT IN THE DESCRIPTION OF THE PROPERTY, IF NOT, BEARINGS ARE THEN REFERRED TO COUNTY, TOWNSHIP MAPS.
2. THE CLOSURE IN THE BOUNDARY SURVEY IS ABOVE 1:7500 FT.
3. CERTIFICATE OF AUTHORIZATION LB # 7806.
4. *THE SUBJECT PROPERTY LIES WITHIN TWO FLOOD ZONES, "X" AND "VE" ELEV. 13 FEET.*
5. *ALL ELEVATIONS SHOWN ARE REFERRED TO NORTH AMERICAN VERTICAL DATUM OF 1988; BROWARD BENCH MARK #: BM 1910; ELEVATION IS 11.606 FEET OF N.G.V.D. OF 1929; CONVERTED TO NAVD (88) BY USING VERTCON.*

TITLE COMMITMENT NOTES:

THAT I HAVE REVIEWED THE COMMITMENT AND ALL ITEMS ARE SHOWN ON THE SURVEY. THE ITEMS SHOWN HERE FORTH ARE PER SCHEDULE B-II OF TITLE COMMITMENT NO. 6781418, DATED JAN 18, 2018; 11:00 P.M.

ITEM NO.6 AFFECTS SUBJECT PROPERTY, NOT PLOTTIABLE , AS RECORDED IN O.R.B. 12446 PG. 201.

ITEM NO. 7 AFFECTS SUBJECT PROPERTY, NOT PLOTTABLE. AS RECORDED IN O.R.B. 40038 PG 1639.

ITEM NO. 8 AFFECTS SUBJECT PROPERTY, AND PLOTTED ON SURVEY . AS RECORDED IN O.R.B. 10881 PG. 588. (EROSION CONTROL LINE).

ITEM NO. 9 AFFECTS SUBJECT PROPERTY, NOT PLOTTABLE. BLANKET IN NATURE AS RECORDED IN O.R.B. 34145 PG 1891.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THIS "BOUNDARY SURVEY" OF THE PROPERTY DESCRIBED HEREON, HAS RECENTLY BEEN SURVEYED AND DRAWN UNDER MY SUPERVISION, AND COMPLIES WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES.

BY _____ 01/23/2018
JOHN IBARRA (DATE OF FIELD WORK)

PROFESSIONAL LAND SURVEYOR NO.: 5204 STATE OF FLORIDA
(NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER).

REVISED ON: _____
REVISED ON: _____
REVISED ON: _____
REVISED ON: _____

DRAWN BY:	AS
FIELD DATE:	01/23/2018
SURVEY NO:	18-000327-1
SHEET:	1 OF 1

JOHN IBARRA CERTIFICATE NO. 5204 STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR

L.B.# 7806 SEAL

DocuSign Envelope ID: 34AB993C-4DD9-435B-88BA-58358E06AAC8

JOSEPH W. SCHULKE, P.E.
JODAH B. BITTLE, P.E.
WILLIAM P. STODDARD, Ph.D., P.E.

SCHULKE, BITTLE & STODDARD, L.L.C.

CIVIL & STRUCTURAL ENGINEERING · LAND PLANNING · ENVIRONMENTAL PERMITTING

Mr. Stephen Brasgalla
Stephen Brasgalla, Architect
6991 West Broward Boulevard
Plantation, FL 33317

Re: 100 Year Breaking Wave Crest Elevation
4112 El Mar Drive, Lauderdale-By-the-Sea, Florida

Dear Mr. Brasgalla:

The Floridan Department of Environmental Protection (FDEP) has established 100 year storm elevation which is also referred to as the breaking wave crest elevation in the 2020 Florida Building Code for all coastal counties with an established coastal construction control line. For the site located at 4112 El Mar Drive, Lauderdale-By-the-Sea, Florida the 100 year breaking wave crest elevation is established as:

Site Location:	4112 El Mar Drive, Lauderdale-By-the-Sea, Florida
Nearest FDEP Range Monument:	R-052 Broward County
Breaking Wave Crest Elevation:	"One-Hundred-Year Storm Elevation requirements for Habitable Structures Located Seaward of a Coastal Construction Control Line", Prepared by Florida Department of Environmental Protection, Division of Water Resource Management, Dated November 1999, Revised February 2002, Reformatted May 2017 19.1 ft NGVD Conversion from NGVD to NAVD using NOAA Vertcon -0.483 meters (-1.58 ft) 19.1 ft NGVD – 1.58 ft = **17.52 ft NAVD**

If you have any questions of need any additional information please feel free to contact me.

DocuSigned by:

Sincerely,

DocuSigned by:
William Stoddard
0F7A57CA9D3345A...

William Stoddard
FL Reg No. 57605

1717 Indian River Blvd., Suite 201 VERO BEACH, FLORIDA 32960
TEL 772 / 770-9622 FAX 772 / 770-9496 EMAIIL info@sbsengineers.com

Beaches | Florida Departm | Map Direct Gallery | Beaches and Coastal Syst | Untitled map | One-Hundred-Year Storm | state of florida range mor | 4112 El Mar Dr - Google | broward county northing

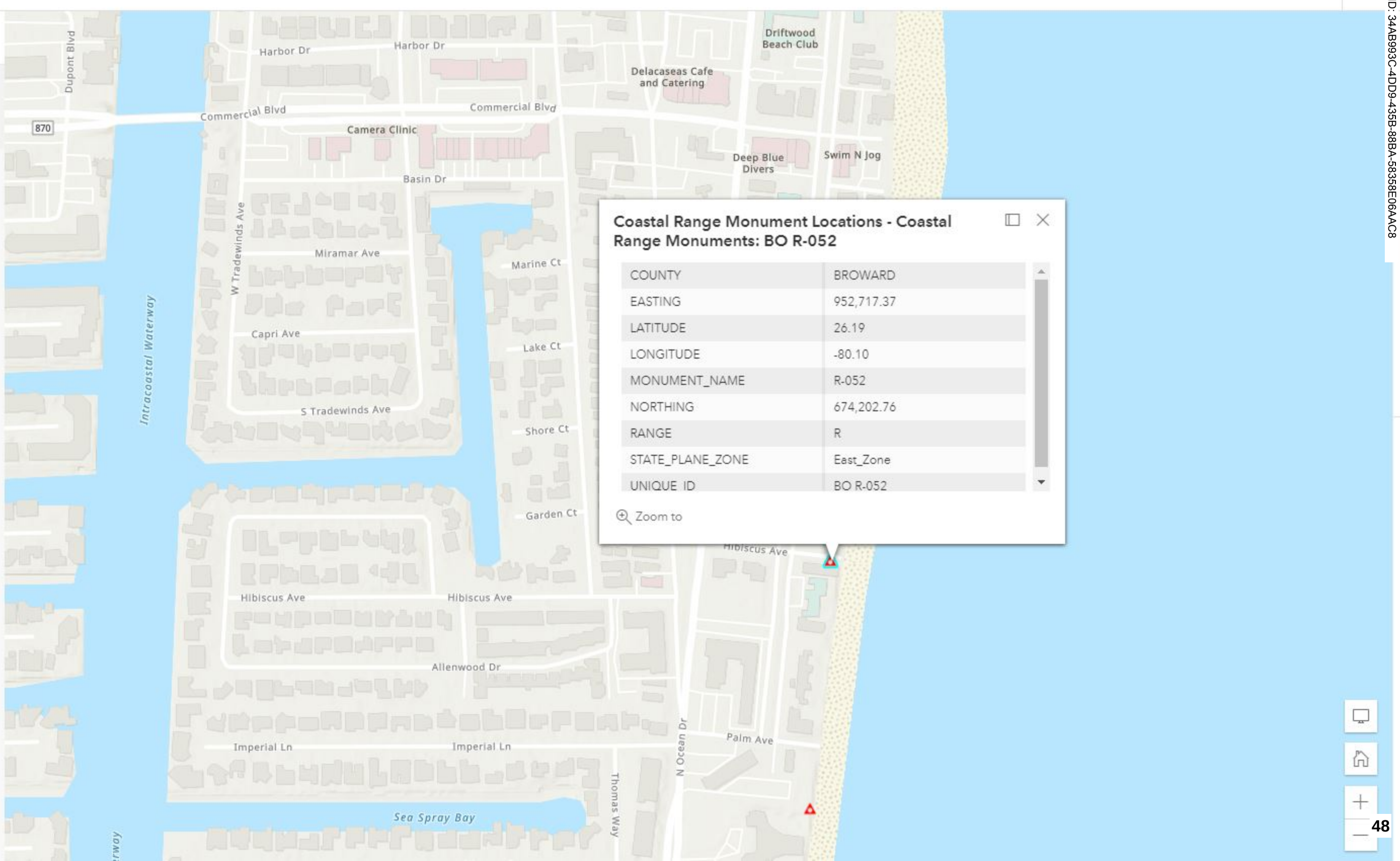
arcgis.com/apps/mapviewer/index.html?layers=33f95056912b4364acd1ded1ae153fd3

Untitled map

Open in Map Viewer Classic

Layers

Coastal Range Monument Locations - Coastal Range Monuments



Coastal Range Monument Locations - Coastal Range Monuments: BO R-052

COUNTY	BROWARD
EASTING	952,717.37
LATITUDE	26.19
LONGITUDE	-80.10
MONUMENT_NAME	R-052
NORTHING	674,202.76
RANGE	R
STATE_PLANE_ZONE	East_Zone
UNIQUE_ID	BO R-052

Zoom to

DocuSign Envelope ID: 34AB993C-4DD9-435B-88BA-58358E06AAC8

DocuSign Envelope ID: 34AB993C-4DD9-435B-88BA-58358E06AAC8

One-Hundred-Year Storm Elevation Requirements for Habitable Structures Located Seaward of a Coastal Construction Control Line

ELEVATION CERTIFICATE
AND
INSTRUCTIONS

PREPARED BY:

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WATER RESOURCE MANAGEMENT

2600 BLAIR STONE ROAD

TALLAHASSEE, FLORIDA 32399-3000

November 1999 (published)
February 2002 (revised)
May 2017 (reformatted)

DocuSign Envelope ID: 34AB993C-4DD9-435B-88BA-58358E06AAC8

Palm Beach	---	County Wide	---	---	15.4	5.0
Broward	---	R001	723264.945	802830.123	16.0	5.6
Broward	---	R002	722313.673	802791.537	16.1	5.6
Broward	---	R003	721290.445	802729.729	16.1	5.6
Broward	---	R004	720281.094	802669.975	16.1	5.6
Broward	---	R005	719380.514	802663.106	16.2	5.6
Broward	---	R006	718346.336	802491.555	16.2	5.6
Broward	---	R007	717283.768	802438.629	16.3	5.6
Broward	---	R008	716404.034	802359.250	16.3	5.6
Broward	---	R009	715372.114	802159.429	16.4	5.6
Broward	---	R010	714363.707	802089.854	16.4	5.6
Broward	---	R011	713365.520	802029.080	16.4	5.6
Broward	---	R012	712371.051	802008.137	16.5	5.6
Broward	---	R013	711370.025	801911.483	16.5	5.6
Broward	---	R014	710355.534	801861.752	16.6	5.6
Broward	---	R015	709388.161	801760.516	16.6	5.6
Broward	---	R016	708381.879	801637.878	16.6	5.6
Broward	---	R017	707400.158	801608.908	16.7	5.6
Broward	---	R018	706394.165	801568.683	16.7	5.6
Broward	---	R019	705379.976	801511.209	16.8	5.6
Broward	---	R020	704369.228	801464.353	16.8	5.6
Broward	---	R021	703386.555	801399.806	16.9	5.6
Broward	---	R022	702011.402	801308.099	16.9	5.6
Broward	---	R023	701353.683	801281.344	16.9	5.6
Broward	---	R024	700760.040	801240.191	17.0	5.6
Broward	---	R025	700399.147	800669.539	17.0	5.6
Broward	---	R026	699645.447	800158.872	17.1	5.6
Broward	---	R027	698650.371	799975.154	17.1	5.6
Broward	---	R028	697614.706	799739.872	17.2	5.6
Broward	---	R029	696784.036	799561.652	17.2	5.6
Broward	---	R030	695793.653	799332.432	17.2	5.6
Broward	---	R031	694853.554	799095.545	17.3	5.6
Broward	---	R032	693679.858	798770.173	17.3	5.6
Broward	---	R033	692905.177	798643.645	17.4	5.6
Broward	---	R034	691869.990	798478.640	17.4	5.6
Broward	---	R035	690860.669	798398.665	17.4	5.6
Broward	---	R036	689716.136	798347.113	17.5	5.6
Broward	---	R037	688828.044	798295.955	17.5	5.6
Broward	---	R038	687886.061	798295.701	17.6	5.6
Broward	---	R039	686931.793	798242.430	17.6	5.6
Broward	---	R040	685901.197	798018.672	17.7	5.6
Broward	---	R041	685018.397	797921.772	17.7	5.6
Broward	---	R042	684032.049	797772.153	17.7	5.6

DocuSign Envelope ID: 34AB993C-4DD9-435B-88BA-58358E06AAC8

Broward	---	R043	683019.391	797569.843	17.8	5.6
Broward	---	R044	682206.337	797415.227	17.8	5.6
Broward	---	R045	681056.033	797175.779	17.9	5.6
Broward	---	R046	680151.863	797150.191	17.9	5.6
Broward	---	R047	679496.785	796983.774	18.0	5.6
Broward	---	R048	678227.410	796832.627	18.0	5.6
Broward	From	R049	677099.613	796734.350	19.1	5.6
Broward	To	R066	660260.928	794646.654	19.1	5.6
Broward	From	R067	659282.973	794486.288	16.9	5.6
Broward	To	R084	641774.537	793364.665	16.9	5.6
Broward	From	R086	639983.080	792583.244	19.0	5.6
Broward	To	R128	597482.108	789511.966	19.0	5.6
Dade	From	R001	597480.764	789512.467	18.2	6.8
Dade	To	R050	545963.700	789523.040	18.2	6.8
Dade	From	R053	542755.065	789248.715	20.4	3.2
Dade	To	R113	485961.703	778137.044	20.4	3.2

*Collier R-090 to R-127A inserted May 2017 from “Addendum to 100-Year Storm Report - Adds Elevations for Keewaydin Island,” FDEP (BSRC) March 4, 2003.

DocuSign Envelope ID: 34AB993C-4DD9-435B-88BA-58358E06AAC8

Questions concerning the VERTCON process may be mailed to NGS

Latitude: 26 11 05.61

Longitude: 080 05 45.41

NGVD 29 height:

Datum shift(NAVD 88 minus NGVD 29): -0.483 meter

Sec. 30-139. Notice of Public Hearings.

(a) *Generally.* When an application for development approval is subject to a public hearing, the DSD shall ensure that the necessary public hearing is scheduled for the decision-making body reviewing the application and that proper notice of the public hearing is provided, as set forth herein. All notices for public hearings shall include the following information:

(1) Applicant's name;

(2) The date, time, and place of the public hearing;

(3) A description of the property involved by street address or by legal description, and area of the subject property. A map may be substituted for the legal description or as required by State law;

(4) The nature, scope and purpose of the proposal being noticed;

(5) The Town departments where the public may inspect the application, staff report and related materials during normal business hours;

(6) A statement that affected parties may appear at the public hearing, be heard and submit evidence with respect to the application; and

(7) Other information as may be required by law.

(b) *Mailed notice.*

(1) Where mailed notice is required, pursuant to Table XXX, it shall be provided to all property owners within a 300 foot radius of the subject property, and shall include the subject property owner(s) and Town Development Services Department.

(2) Distances for purposes of mailed notice requirements shall be measured from the perimeter of the property subject to development approval, except that where the owner of the subject property owns contiguous property, the distance shall be measured from the perimeter of the boundary of the contiguous property.

(3) Property owners shall be determined by the ad valorem tax records of Broward County.

(4) The DSD shall prepare the written notice and provide said notice to the Town Clerk who shall be responsible for mailing the notices.

(5) Mailed notice shall be deemed given when a notice has been properly addressed, stamped and deposited in a U.S. Postal depository or collected by an employee of the U.S. Postal Service.

(6) Notice by mailing is a courtesy only and no action taken by the Town shall be voided by the failure of any individual property owner to receive such notice.

(c) *Published notice.* When the provisions of this chapter require published notice, the DSD shall provide that the notice be:

(1) Published in the non-legal section of the local newspaper of general circulation that has been selected by the Town and in accordance with applicable Florida Statutes.

(2) Follow the timelines and ad type established in Table XXX in this article.

(3) For the purposes of this section and Table XXX:

a. "Display ad" shall be no less than two columns wide by ten inches long and the headline of the required notice shall be in a type no smaller than 18 point font size. If the ad is for a zoning map amendment, it shall also include a map pursuant to Florida Statutes 166.041(3)(c)2.

b. "Standard ad" shall be shall be in the legal ad section of the classified ads of the newspaper and shall be in a type no smaller than 5 point font size.

(d) *Posted notice.* When the provisions of this chapter require that notice be posted on the property subject to the application, the DSD shall provide the required sign to the applicant who will be responsible for posting the property, as set forth below:

(1) Signs shall be placed on the property that is the subject of the application in accordance with timelines prescribed in Table XXX in this article prior to a required or requested hearing.

(2) If the subject property fronts on more than one right-of-way, then a sign shall be posted facing each right-of-way.

(3) Signs shall be placed no more than five feet from the street or if there is a sidewalk, no more than two feet beyond the property side edge of the sidewalk, so that the lettering is visible from the street.

(4) If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the Town and posting the new sign on the property.

(5) The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, or requirement for review or hearing by another body. The sign information shall be updated to include any additional public hearings or public hearing deferrals consistent with Table XXX.

(6) No less than five days prior to the public hearing, the applicant shall execute and submit to the Department an affidavit of proof of the posting of the public notice sign in accordance with the provisions of this section. Updates as provided in (5) above shall also require such affidavit. If the applicant fails to submit the required affidavit, the DSD may postpone the application until the next public hearing after the affidavit has been supplied.

(e) *Town Website Posting.* Notice of all development applications shall be provided on the Town's Website no later than ten days prior to any public hearing related to the application. Website Notice is a courtesy only and no action taken by the Town shall be voided by the failure of such notice to be posted.

(f) *Re-noticing.* All costs of re-noticing the public hearing shall be borne by the party failing to comply with the applicable notice requirements, requesting the deferral or continuance, or whose actions are responsible for the deferral or continuance which may require re-noticing of the hearing. Continuances to a date certain, announced at the originally noticed meeting, shall not require re-notice of the new public hearing date. Continuances to unspecified dates, substantive changes to an application request during the period an application has been continued, or more than two continuances on the application, shall require re-noticing for the new public hearing date.

(g) *Development applications requiring public hearing.* Public hearings on applications for development permit approvals other than rezoning, including, but not limited to administrative adjustments, appeals from administrative decisions, conditional uses, plats, site plans, vacations and variances shall be noticed as follows in accordance with Table XXX.

(h) *Applicant bears burden of costs.* When the provisions of this chapter require that notice be provided, the costs of Town staff preparing the content of the notice and providing such notice shall be billed through cost recovery.

(i) *Provisions of Florida Statutes to prevail.* Where provisions of the Florida Statutes conflict with provisions of this chapter, the Florida Statutes shall prevail except where this chapter contains supplementary requirements not in conflicting with the Florida Statutes.

Table XXX. Notice Requirements

Application Type	Florida Statute Reference	Board Notice Date (as applicable)	Commis-sion Notice Date	Type of Notice			
				Website	Posted	Mailed 300'	Published (Ad Type)
Other development permits: administrative adjustments, appeals from administrative decisions, conditional uses, plats, site plans, variances		10 days	10 days	X	X	X	n/a
Administrative decisions: Architectural Review, Conditional Use Level 1 Modification, Site Plan Level 1 Modification				n/a	n/a	n/a	n/a
Comprehensive Development Master Plan - Text	163.3184	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Comprehensive Development Master Plan - Map	163.3184	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X	X	X	X (Display)
Land Development Code - Text Amendments changes to actual list of permitted, conditional, or prohibited uses within a zoning category).	166.041(3)(c)2	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Land Development Code - all other Text Amendments	166.041	10 days	10 days	X			X (Standard)

Zoning Map Change (chapter 30)—Town (less than 10 contiguous acres)	166.041(3)(c)1	10 days	30 days	X		X	X (Standard)
Zoning Map Change (chapter 30)—Town (10 or more contiguous acres)	166.041(3)(c)2	10 days	7 days - 1st public hrg 5 days - 2nd public hrg	X	X	X*	X* (Display, with map)
Zoning Map Change (chapter 30)—Owner	166.041(3)(a)	10 days	10 days	X	X	X	X (Standard)

(Ord. No. 2014-08, § 3, 7-7-2014)

COMPOSITE EXHIBIT 3 A

Town of Lauderdale-by-the-Sea
Development Services Department

To:	Planning and Zoning Board
From:	Jhanelle Campbell, Acting Development Services Director
Date:	June 8, 2021
Meeting Date:	July 7, 2021
Project:	Case Number 2021-CU-01: Conditional Use 4112 El Mar Drive to construct a single-family home in the RM-25 zoning district

---

The purpose of this memorandum is to provide findings and recommendations regarding the Conditional Use application (**Exhibit 1**) submitted to the Town of Lauderdale-by-the-Sea (the "Town") for a proposed single-family home to be located at 4112 El Mar Drive in the RM-25 zoning district **(Diagram 1**) (the "Property"). The Applicant, David Staudacher, is requesting Conditional Use approval to construct a single-family home on the Property.

Diagram 1

The Applicant has paid the appropriate fee and submitted the required documents. Notice has been provided to all property owners located within a three hundred (300) foot radius of the Property. The Property has been posted and the public hearing concerning the Conditional Use application has been advertised, pursuant to Section 30-139 of the Town Code of Ordinances (the "Town Code") (**Exhibit 2**). Several comments and questions have been received from an abutter to the property and an architect associated with the abutter. There was also a public records request filed by a law firm regarding prior conditional uses in RM-25 for single-family dwellings. These correspondences are attached as **Exhibit 3**.

Background and Request

The Property, a vacant 10,177 square foot (.23 acre) parcel, is located within the RM-25 zoning district and has a future land use classification of Medium High (25) Residential. It should be noted that there is a difference

between the lot area shown on the survey submitted with the application and the lot are shown on the Broward County Property Appraiser's ("BCPA") website (which shows the lot as 10,284 square feet). The Applicant is currently working with BCPA to come to agreement on the correct area for the lot. The difference in the lot area (107 square feet) and the Applicant has used the lower number for all calculations. A memo regarding the difference in lot area is provided as **Exhibit 4**.

Single-family homes are permitted in the RM-25 zoning district as a conditional use; as such, the Applicant has submitted a Conditional Use application to construct a single-family home on the Property.

Conditional Use

Documents

Staff has reviewed the documents submitted pursuant to the requirements of the Town Code. This review is based on the following plat, surveys and plans submitted by Stephen Brasgalla, Architect:

1. Site Plan/Garage Level Plan, prepared by Stephen Brasgalla, Architect, dated June 4, 2021, Sheet SP-1.
2. Site Plan/Ground Floor Plan, prepared by Stephen Brasgalla, Architect, dated June 4, 2021, Sheet A-1.
3. First, Second and Third Floor Plans, prepared by Stephen Brasgalla, Architect, dated June 4, 2021, Sheet A-2.
4. South and West Elevations, prepared by Stephen Brasgalla, Architect, dated June 8, 2021, Sheet A-3.
5. East and North Elevations, prepared by Stephen Brasgalla, Architect, dated June 8, 2021, Sheet A-4.
6. East and West Elevations and Third Floor Plan showing Administrative Adjustment Request, prepared by Stephen Brasgalla, Architect, dated March 16, 2021, revised April 26, 2021, Sheet A-5.
7. Survey, Prepared by John Ibarra & Associates, dated January 23, 2018.
8. Beach Side Rendering, prepared by Stephen Brasgalla, Architect, no date.
9. Street Side Rendering, prepared by Stephen Brasgalla, Architect, no date.

Town Code Provision

Section 30-126 of the Town Code **(Exhibit 5)** provides a process by which conditional uses may be granted. Conditional uses require review by the Town Staff, Planning and Zoning Board and final review and consideration by the Town Commission.

Review

The plans have been reviewed by one of the Town's Planners, Susan Leven. Comments are discussed below.

Conditional Use Requirements (30-126)

Pursuant to Town Code Section 30-126 (d) (Specific criteria for approving a conditional use) the Applicant must demonstrate the following:

(1) *Land use compatibility.* The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity.

For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics, which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. The Town Manager shall recommend whether the conditional use is compatible. Compatibility shall be measured based on all of the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:

i. Permitted uses, structures and activities allowed within the land use category;

ii. Building location, dimensions, height, and floor area ratio;

iii. Location and extent of parking, access drives and service areas;

iv. Traffic generation, hours of operation, noise levels and outdoor lighting;

v. Alteration of light and air;

vi. Setbacks and buffers such as fences, walls, landscaping and open space treatment;

vii. The architectural and site design are compatible with the character of the surrounding area; and

viii. Any existing or proposed signs or lighting will not adversely affect surrounding areas or vehicular traffic.

(2) *Sufficient site size, site specifications, and infrastructure to accommodate the proposed use.* The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

(3) *Compliance with the Comprehensive Plan and Code of Ordinances.* The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances and shall be consistent with the Comprehensive Plan.

(4) *Proper use of mitigative techniques.* The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

The applicant has presented the following information regarding the criteria for the Conditional Use:

(1) Land use compatibility: The single-family residence is proposed based on scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity. The proposed home is compatible with the existing MH land use, which supports multifamily residence at a maximum of 25 dwelling units per acre.

Introducing a single-family home to this site is compatible and less intensive than the permitted multifamily and hotel uses. As previously stated, the permitted multi-family residence would allow a maximum of 25 dwelling units per acre while the proposed single-family home is only 1 unit on the .23 acres. This single-family residence is compatible with the surrounding area in terms of

density proposing 1 unit on the .23 acres and height at 33 feet. The general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances are significantly less impactful on the proposed single family home than a multifamily residence on the property in any iteration.

Further, the proposed single-family use shall be compatible with the adjacent land uses and surrounding development in the immediate area in the following terms:

i. The single-family use is designed to be compatible with the adjacent permitted uses, structures and activities allowed within the land use category, which are multifamily, hotel, and beach recreational uses;
ii. The single family residence is designed to be compatible in terms of building location just west of the beach with multifamily to the north, and vacant property to the south and west. Further, the dimensions, height, and floor area ratio of the home were designed to meet the criteria set forth in the Town of Lauderdale-by-the-Sea's Code of Ordinances;
iii. The single-family use will be compatible in terms of the location and extent of parking for a single-family residence with the appropriate access drives, and as a single-family residence does not contain a service area;
iv. The single family use is designed to be compatible in terms of traffic generation, which will be less impactful than the permitted hotel and multifamily uses, with no hours of operation, and noise levels and outdoor lighting that is consistent with a single family residence;
v. The single-family use is designed to be compatible in terms of alteration of light and air;
vi. The single-family residence will be compatible in terms of setbacks and buffers such as fences, walls, landscaping and open space treatment. The proposed single-family residence shall meet the setback and development regulations for the zoning (and for single family residences in general).
vii. The single-family residence is designed to be compatible with the architectural features and site design character of the surrounding beach area, as depicted in the proposed plans and elevations; AND
viii. The single-family use does not propose any signs will affect the existing signs. Any lighting proposed for the single-family residence is proposed to comply with the Town's Code of Ordinances.

(2) The single-family use has a sufficient site size of 10,177 square feet of vacant land with, site specifications, and infrastructure, which appropriately accommodates the proposed single-family use. The size and shape of the site, the proposed access and internal circulation, and the urban design are designed to accommodate the proposed scale and intensity of the single-family residence proposed. The residence is designed with sufficient size on the 10,177 square foot site to provide adequate screening, buffers, landscaping, open space, parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts a single family residence might have on the surrounding area. As previously stated, the proposed single-family residence is of lesser impact to the above criteria than a multi-family residence or hotel use on the site.

(3) The proposed single-family use is designed to be in compliance with the Comprehensive Plan and Code of Ordinances. As designed, the single-family residence complies with the environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances.

(4) The proposed single-family residence demonstrates proper use of mitigative techniques. Although, no adverse impacts are anticipated on adjacent properties, the single-family residence design scheme appropriately addresses off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened by the addition of the single-family home.

Summary Findings and Recommendations

The proposed plans submitted by the Applicant are consistent with the Land Development Code.

Town staff recommends approval of the Conditional Use request, subject to compliance with the following conditions:

1. Adequate storm water facilities shall be provided to meet regulatory requirements. No off-site drainage will be allowed.
2. Landscape plan may be amended to take into consideration plant availability and final site conditions, subject to approval by the Development Services Director or designee, provided that in no instance will the landscape plan be allowed to fall below the minimum standards, criteria and requirements established within the Town Code.
3. The Applicant shall secure a building permit for the project and begin construction within twelve (12) months of the effective date of the development order approval.
4. The construction shall be in accordance with the submitted plans for the hearing incorporated into this document as **Exhibit 2**, except as modifications may be required by the approved Site Plan and any changes required as part of the building permit and/or architectural review process.
5. The approved plan does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency and does not create liability on the part of the Town for issuance of the approval if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
6. All applicable state and federal permits shall be obtained before commencement of construction.
7. Prior to issuance of a building permit, the Town Clerk shall certify that there are no outstanding fines, moneys, fees, taxes, or other charges owed to the Town by the current or past owners or operators of the property in which the building permit is being issued. If fees are related to a code violation that requires a building permit to correct the violation, only the building permits required by the Town for correction of the violation may be issued. No other building permits will be issued until all outstanding debts to the Town are paid in full.

Summary Findings

Staff has reviewed the application and concludes the application as conditioned herein meets the Town Code requirements.

Procedure

Following the Planning and Zoning Board's review, staff will schedule the Town Commission's review of the application at its July 27, 2021 meeting.

Exhibits

1. Application with narrative
2. Plans, survey, and renderings
3. Correspondence
4. Memo on lot area difference
5. Town Code Sec. 30-126 Conditional Use Procedures and Requirements

EXHIBIT 1

LAUDERDALE·BY·THE·SEA

Universal Development Application

4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

Administrative Purpose

Application Number: 2021-CU-01

BTR #: _____

Date Application Submitted: 6/1/2021

Date Application found Completed: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

In accordance with Section 30.111-30.113 of the Town's Unified Land Development Regulations: Development applications are required to be provided before any development permit is issued. Please refer to the Town's website to obtain a copy of the corresponding Application Checklist and Fee Schedule.

Check appropriate application and block:

- ☐ Appeal of Administrative Decision
- ☐ Site Plan
- ☐ Site Plan Level 1 Modification
- ☐ Site Plan Level 2 Modification
- ☒ Conditional Use _____
- ☐ Conditional Use Modification _____
- ☐ Administrative Adjustment _____
- ☐ Variance _____
- ☐ Plat _____
- ☐ Architectural Review_____
- ☐ Historic Designation
- ☐ Certificate of Appropriateness
- ☐ Zoning Relief
- ☐ Rezoning
- ☐ Right-of-Way Vacation
- ☐ Comprehensive Plan Amendment
- ☐ Payment in Lieu of Parking
- ☐ Parking Reduction _____
- ☐ Other:_____

Project Name: Conditional Use Request: New Single Family Residence

Folio Numbers: 4943 18 01 0040

Street Address: 4112 EL MAR DRIVE, LAUDERDALE BY THE SEA FL 33308

Legal Description: LAUDERDALE BY THE SEA 6-2 B LOT 7 BLK 2

Name of Property Owner: David and Sherri Staudacher Property Owner's Phone #: 425.471.4491

Address of Property Owner: 5500 NE 31st Avenue Fort Lauderdale, FL 33308

Property Owner's Email Address: dstaudacher@vandermeerfp.com

Name of Applicant: Dave Staudacher Applicant's Phone #: 425.471.4491

Applicant's Address: 5500 NE 31st Avenue Fort Lauderdale, FL 33308

Applicant Email Address: dstaudacher@vandermeerfp.com

Name of Agent (e.g. Contractor Representing the Project): Architect Representing the Project

Agent's Email Address: architect@design23.net Agent's Phone #: 954.614.3801

Agent's Address: 6991 West Broward Boulevard Suite 100, Plantation, FL 33317

Land Use Plan Designation: MH (Multifamily Residence) Zoning District: RM-25

Existing Use of the Subject Property: Vacant Land

Proposed Use of the Subject Property: Single Family Residence

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property Owner

Print Name of Property Owner: Dave Staudacher Date: 6/1/2021

Signature of Property Owner: _____

State of Florida:

County:

SWORN AND SUBSCRIBED before me by means of ■ physical presence or ☐ online notarization, this day 1 of June, 20 21.

The person signing is ■ personally known to me or has ☐ produced identification

Print Notary Name: Elise Paine-Velasquez My Commission Expires: 10/21/2022

Notary Signature: _____

Notary Public State of Florida
Elise Paine-Velasquez
My Commission GG 261530
Expires 10/21/2022

Applicant

Print Name of Property Owner: Dave Staudacher Date: 6/1/2021

Signature of Property Owner: _____

State of Florida:

County:

SWORN AND SUBSCRIBED before me by means of ■ physical presence or ☐ online notarization, this day 1 of June, 20 21.

The person signing is ■ personally known to me or has ☐ produced identification

Print Notary Name: Elise Paine-Velasquez My Commission Expires: 10/21/2022

Notary Signature: _____

Notary Public State of Flor
Elise Paine-Velasquez
My Commission GG 261
Expires 10/21/2022

LAUDERDALE·BY·THE·SEA

CONDITIONAL USE APPLICATION

4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308
(954)-640-4210
ZONING@LBTS-FL.GOV
M-F 8:30-4:30 PM

For Administrative Purpose Only

Application Number: 2021-CU-01

BTR #: _____

Date Application Submitted: 6/1/2021

Date Application Found Complete: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

LAUDERDALE•BY•THE•SEA

CONDITIONAL USE

In accordance with the Town of Lauderdale-By-The-Sea Unified Land Development Regulations Section 30-126, the following is a list of the documentation required for a Conditional Use Development Application.

Items for Initial Submittal:

Note: Please submit digital copies with the hard copy application via email or thumb drive

- Fee for Conditional Use and Consultant Deposit (See fee schedule)
- A completed Development Application signed and notarized for a Conditional Use application
- A boundary survey (if applicable)
- Two (2) hard copies of architectural elevations with the applicable dimensions
- A site plan drawn to scale (if required). Please include the following
    - proposed setbacks
    - landscape specifications
- A traffic impact study meeting the requirements of section 30-71(c)(14)d (if applicable)
- The square feet designated inside and out of each specific use
- The number of estimated employment
- The estimated number and type of service vehicles (if applicable)
- Any unique facilities or structures proposed as part of site improvements
- A description of any mitigative techniques to abate any possible adverse impacts of the proposed use on properties in the immediate vicinity including smoke, odor, noise, and other impacts

If a resubmittal is requested, please submit the amended documents, the previous comments received from the Town, and the applicant's response to those comments.

Need assistance or clarification?
Please contact us at (954)-640-4210 or email Zoning@lbts-fl.gov

AMENDED CONDITIONAL USE REQUEST

Date: **June 6, 2021**

To: **City and Building Officials**
Town of Lauderdale-By-The-Sea
4501 North Ocean Drive
Lauderdale By the Sea, Florida 33308

Re: **Conditional Use – 2021-L2-CU-01**
Administrative Adjustment – 2021-L2-AA-01
4112 El Mar Drive
Lauderdale-By-The-Sea, Florida 33308

Dear City and Building Officials,

I am the Architect for David and Sherri Staudacher ("the Owners") of 4112 El Mar Drive, a vacant property along the beach in the Town of Lauderdale-By-The-Sea.

This property is zoned RM-25. The Land Use Designation is MH. There is a two-story apartment building adjacent to the north and a vacant property to the south.

Originally, the Owners submitted two applications for the proposed single-family residence. The first application is a Conditional Use application for the single-family residence and the second application submitted was an Administrative Adjustment to allow an encroachment into the side setback above 22 feet in height. As the proposed design has been refined and there is no longer a need to encroach into the setback. Therefore, the Owners hereby respectfully withdraws their request for Administrative Adjustments pursuant to case number 2021-L2-AA-01.

The Owners would hereby like to respectfully request a ***Conditional Use*** approval from the Town to allow the construction of a Single-Family Residence on the property. This home would be the Owners' primary residence and would be constructed to meet the Town's Code of Ordinances, as well as, the Owners' specifications.

Please note the following: Per Code of Ordinances Section 30-126 *Conditional Use Review* that

(1) Land use compatibility: The single-family residence is proposed based on scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity. The proposed home is compatible with the existing MH land use, which supports multifamily residence at a maximum of 25 dwelling units per acre.

Introducing a single-family home to this site is compatible and less intensive than the permitted multifamily and hotel uses. As previously stated, the permitted multi-family residence would allow a maximum of 25 dwelling units per acre while the proposed single-family home is only 1 unit on the .23 acres.

This single-family residence is compatible with the surrounding area in terms of density proposing 1 unit on the .23 acres and height at 33 feet. The general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances are significantly less impactful on the proposed single family home than a multifamily residence on the property in any iteration.

Further, the proposed single-family use shall be compatible with the adjacent land uses and surrounding development in the immediate area in the following terms:

i. The single-family use is designed to be compatible with the adjacent permitted uses, structures and activities allowed within the land use category, which are multifamily, hotel, and beach recreational uses;

ii. The single family residence is designed to be compatible in terms of building location just west of the beach with multifamily to the north, and vacant property to the south and west. Further, the dimensions, height, and floor area ratio of the home were designed to meet the criteria set forth in the Town of Lauderdale-by-the-Sea's Code of Ordinances;

iii. The single-family use will be compatible in terms of the location and extent of parking for a single-family residence with the appropriate access drives, and as a single-family residence does not contain a service area;

iv. The single family use is designed to be compatible in terms of traffic generation, which will be less impactful than the permitted hotel and multifamily uses, with no hours of operation, and noise levels and outdoor lighting that is consistent with a single family residence;

v. The single-family use is designed to be compatible in terms of alteration of light and air;

vi. The single-family residence will be compatible in terms of setbacks and buffers such as fences, walls, landscaping and open space treatment. The proposed single-family residence shall meet the setback and development regulations for the zoning (and for single family residences in general).

vii. The single-family residence is designed to be compatible with the architectural features and site design character of the surrounding beach area, as depicted in the proposed plans and elevations; AND

viii. The single-family use does not propose any signs will affect the existing signs. Any lighting proposed for the single-family residence is proposed to comply with the Town's Code of Ordinances.

(2) The single-family use has a sufficient site size of 10,177 square feet of vacant land with, site specifications, and infrastructure, which appropriately accommodates the proposed single-family use. The size and shape of the site, the proposed access and internal circulation, and the urban design are designed to accommodate the proposed scale and intensity of the single-family residence proposed. The residence is designed with sufficient size on the 10,177 square foot site to provide adequate screening, buffers, landscaping, open space, parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts a single-family residence might have on the surrounding area. As previously stated, the proposed single-family residence is of lesser impact to the above criteria than a multi-family residence or hotel use on the site.

(3) The proposed single-family use is designed to be in compliance with the Comprehensive Plan and Code of Ordinances. As designed, the single-family residence complies with the environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances.

(4) The proposed single-family residence demonstrates proper use of mitigative techniques. Although, no adverse impacts are anticipated on adjacent properties, the single-family residence design scheme appropriately addresses off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened by the addition of the single-family home.

The proposed single-family residence has been intentionally designed with a "MIMO" sensibility and aesthetic. The proportions and detailing are compatible and inspired by an interpretation of MIMO design conventions and "vibe". This single-family home will be harmonious with other projects in the beach area, as well as in alignment with the design priorities and directions of the Town.

Thank you for your kind consideration of these matters. If you have questions or comments, please contact me directly. We look forward to a favorable judgment in this application process.

Best regards,

Steve Brasgalla

6991 West Broward Boulevard Suite 100 Plantation, Florida 33317 954.614.3801
Florida License No. AR12239

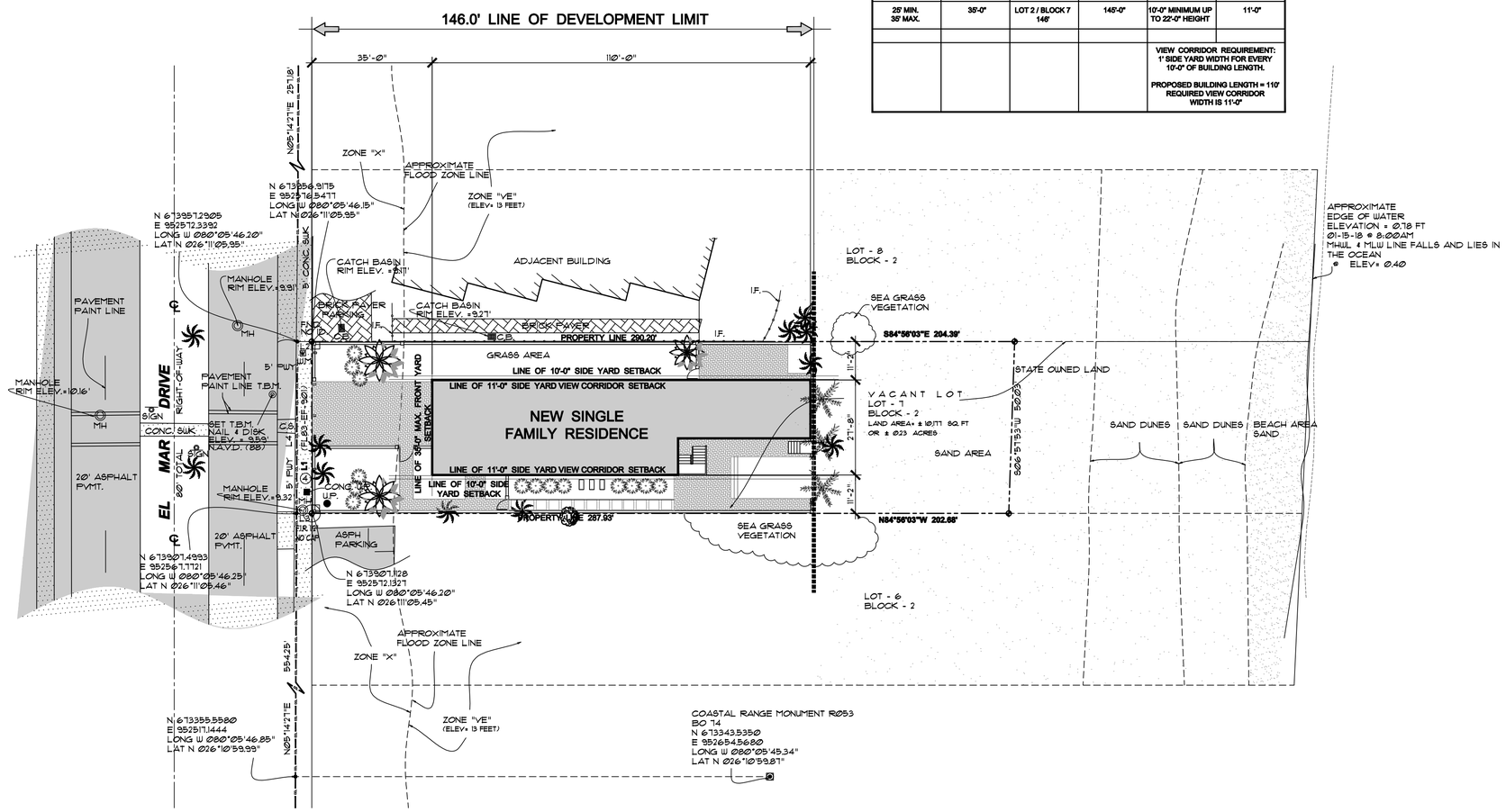
EXHIBIT 2

DIMENSIONAL REQUIREMENTS — RM-25 ZONING

	REQUIRED / PERMITTED	PROPOSED
LOT SIZE	N/A	10,177 S.F.
LOT DENSITY	25 UNITS / ACRE	N/A - SINGLE FAMILY HOME
LOT WIDTH	N/A	50'-0"
BUILDING SIZE	1,200 S.F. MINIMUM	6,226 S.F.
BUILDING HEIGHT	33'-0" MAXIMUM HEIGHT	33'-0" (TOP OF ROOF DECK)
STRUCTURAL LENGTH	200' MAX. 121'-0" PER LOT SIZE	110'-0"
LOT COVERAGE	MAXIMUM 40%	2,689 = 26.4 %
OPEN AREA	MINIMUM 60%	5,105 S.F.
LANDSCAPE AREA		2,146 S.F
PERVIOUS AREA IMPERVIOUS AREA		PERVIOUS = 5,105 s.f. = 51% IMPERVIOUS = 5,072 s.f. = 49%
TOTAL PAVED AREA		2,440 S.F.
PARKING SPACES	MINIMUM 2	2

SETBACK REQUIREMENTS — RM-25 ZONING

FRONT		REAR / BEACH (STRUCTURES EAST OF EL MAR) MEASURED FROM FRONT PROPERTY LINE		SIDE	
REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
25' MIN. 35' MAX.	35'-0"	LOT 2 / BLOCK 7 146'	145'-0"	10'-0" MINIMUM UP TO 22'-0" HEIGHT	11'-0"
				VIEW CORRIDOR REQUIREMENT: 1' SIDE YARD WIDTH FOR EVERY 10'-0" OF BUILDING LENGTH. PROPOSED BUILDING LENGTH = 110' REQUIRED VIEW CORRIDOR WIDTH IS 11'-0"	



SITE PLAN / GARAGE LEVEL PLAN

SCALE: 1" = 20'-0"

1 / SP-1

north

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST
NEW SINGLE FAMILY RESIDENCE
4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

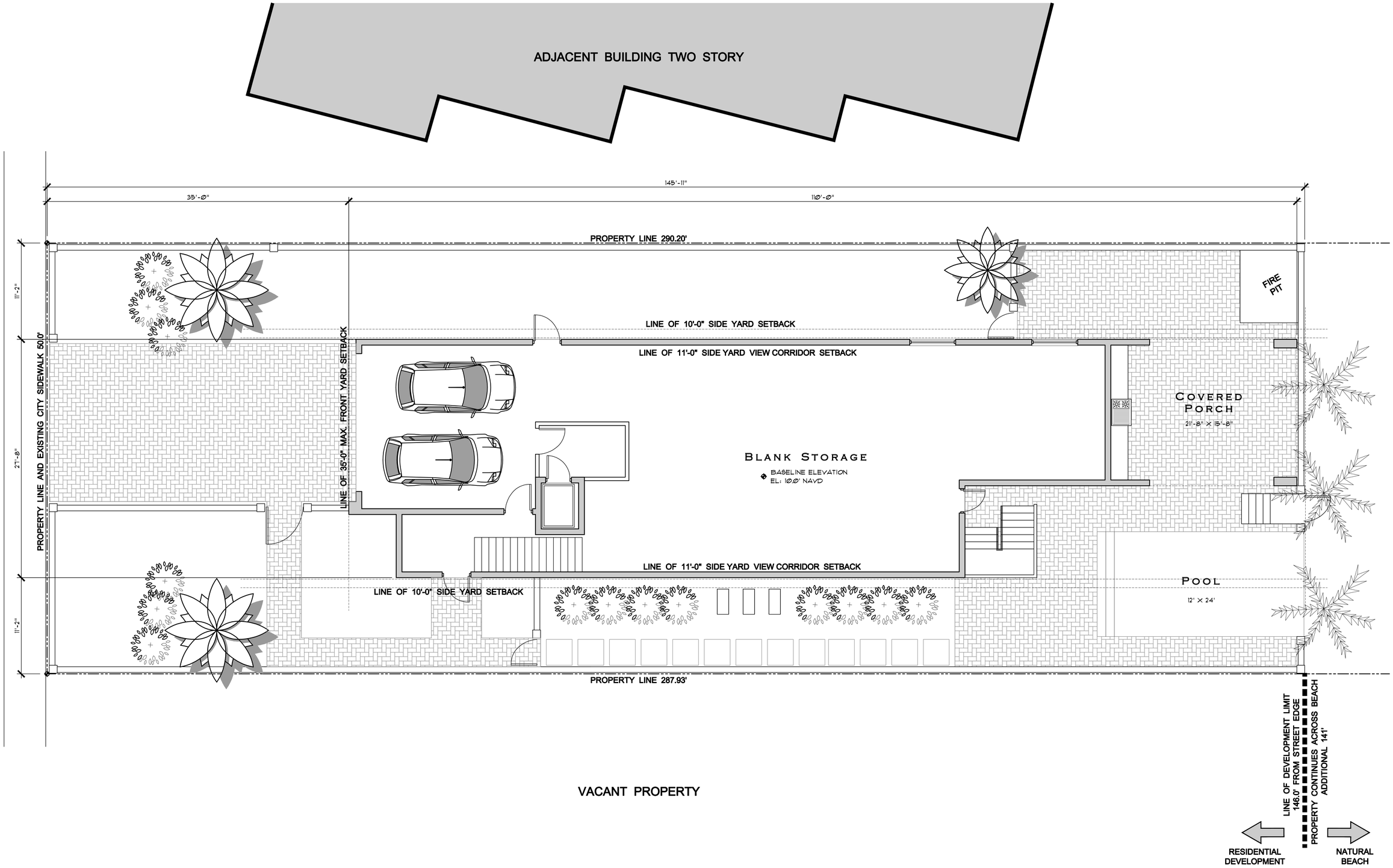
Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT
STATE OF FLORIDA REGISTRATION NO. AR12239
6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317
TELEPHONE 954.614.3801
TELEFAX 954.208.0600
ARCHITECT@DESIGN23.NET

Drawn By: ES	Checked By: STB
Scale: SHOWN	Date: 6-8-21

Project Number
210203

Sheet:
SP-1



SITE PLAN / GROUND FLOOR PLAN

SCALE: 3/16" = 1'-0"

(NO OCCUPIED SPACE)

1 / A-1

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE

LAUDERDALE BY THE SEA, FLORIDA 33308

Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT

STATE OF FLORIDA REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317

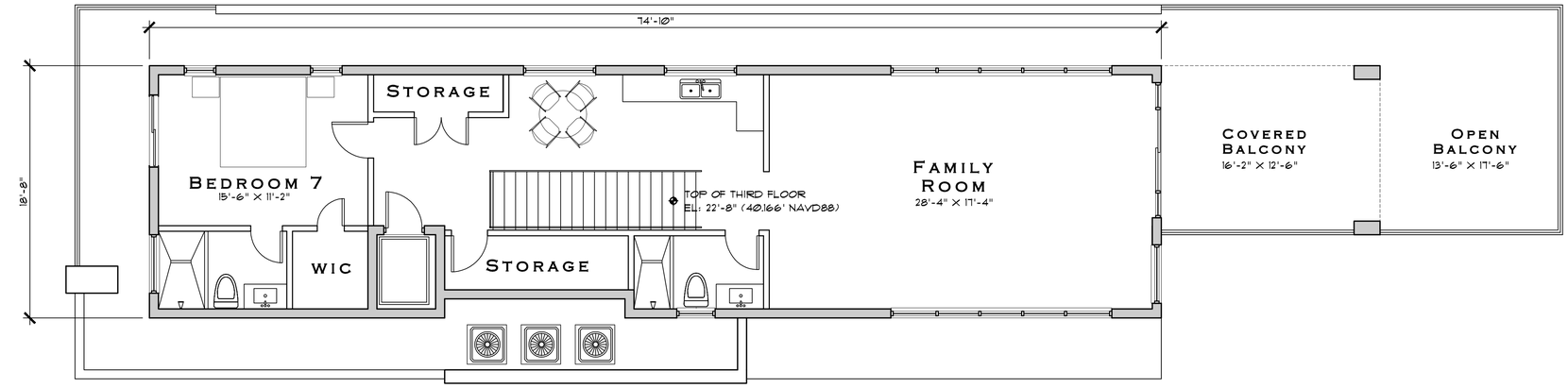
TELEPHONE 954.614.3801
TELEFAX 954.208.0600

ARCHITECT@DESIGN23.NET

Drawn By: ES	Checked By: STB
Scale: SHOWN	Date: 6-8-21

Project Number
210203

Sheet:
A-1

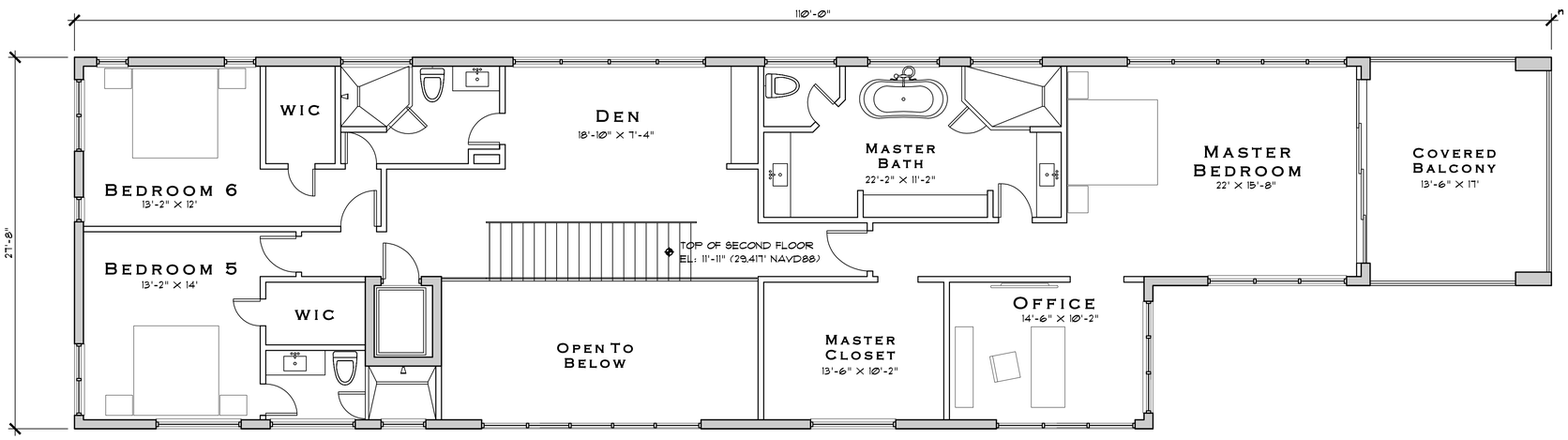


THIRD FLOOR PLAN

SCALE: 3/16" = 1'-0"

2 A-2

north

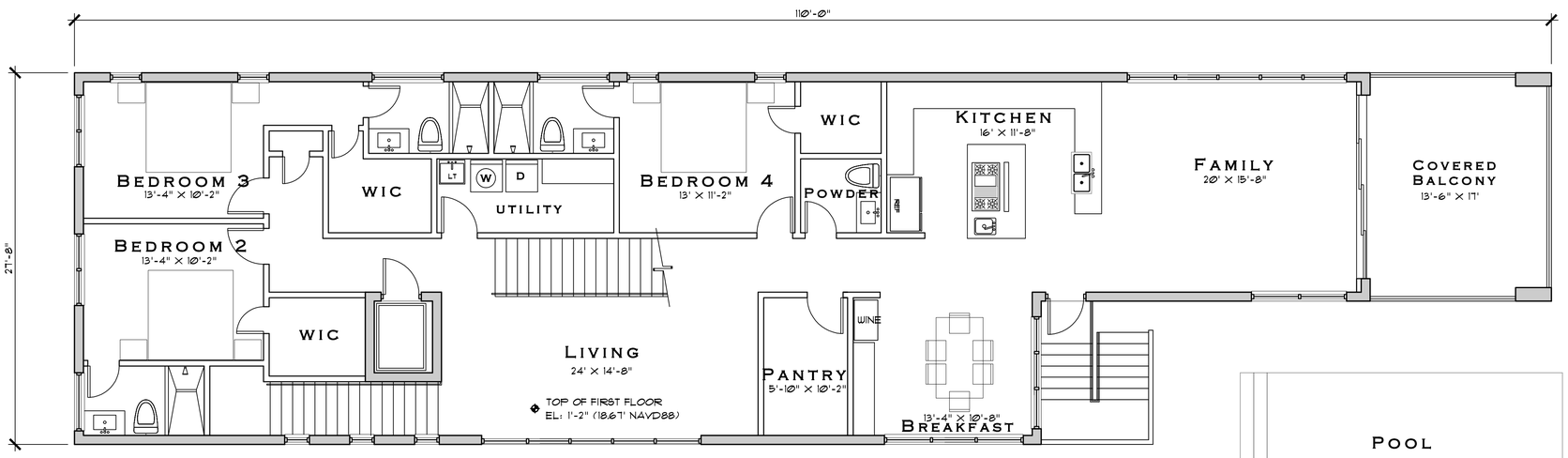


SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"

2 A-2

north



FIRST FLOOR PLAN

SCALE: 3/16" = 1'-0"

1 A-2

north

Revisions:

1
2
3
4
5

Project Number
210203

Conditional Use Request

New Single Family Residence

4112 El Mar Drive
Lauderdale By The Sea, Florida 33308

Project Name
Conditional Use Request

Stephen Brasgalla, Architect

State Of Florida
Registration No. AR12239

6991 West Broward Boulevard
Suite 100
Plantation, Florida 33317

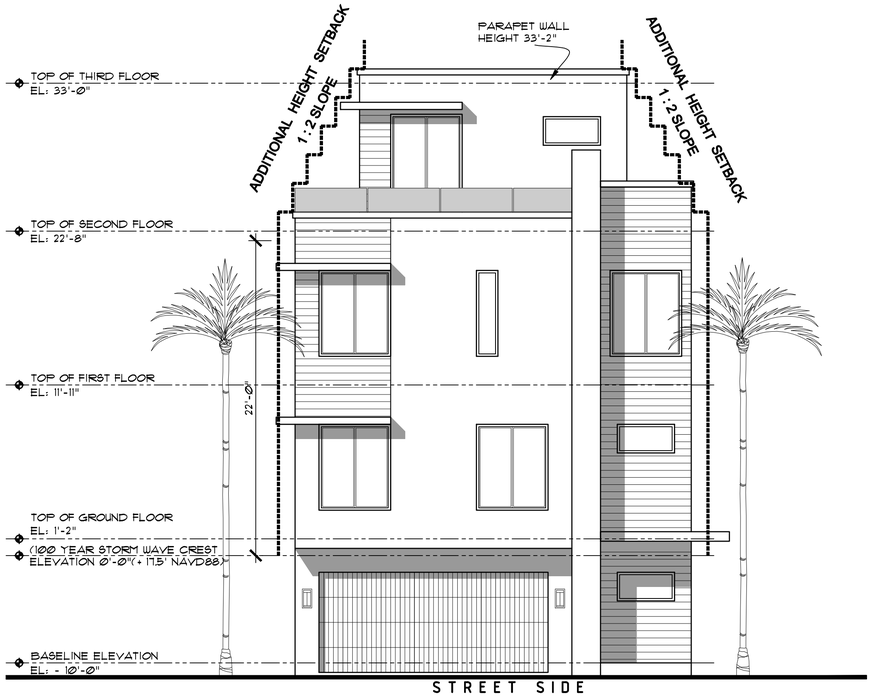
Telephone 954.614.3601
Telefax 954.208.0600

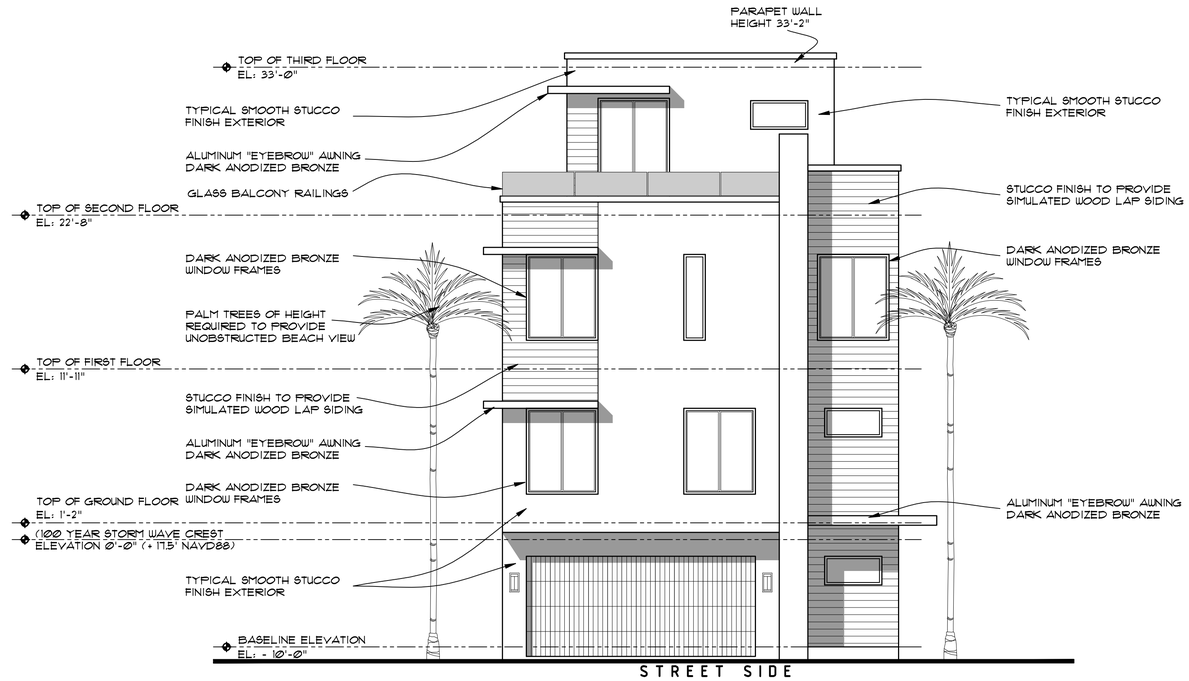
architect@design23.net

Drawn By:	Checked By:
ES	STB
Scale:	Date:
SHOWN	6-8-21

Project Number
210203

Sheet:
A-2

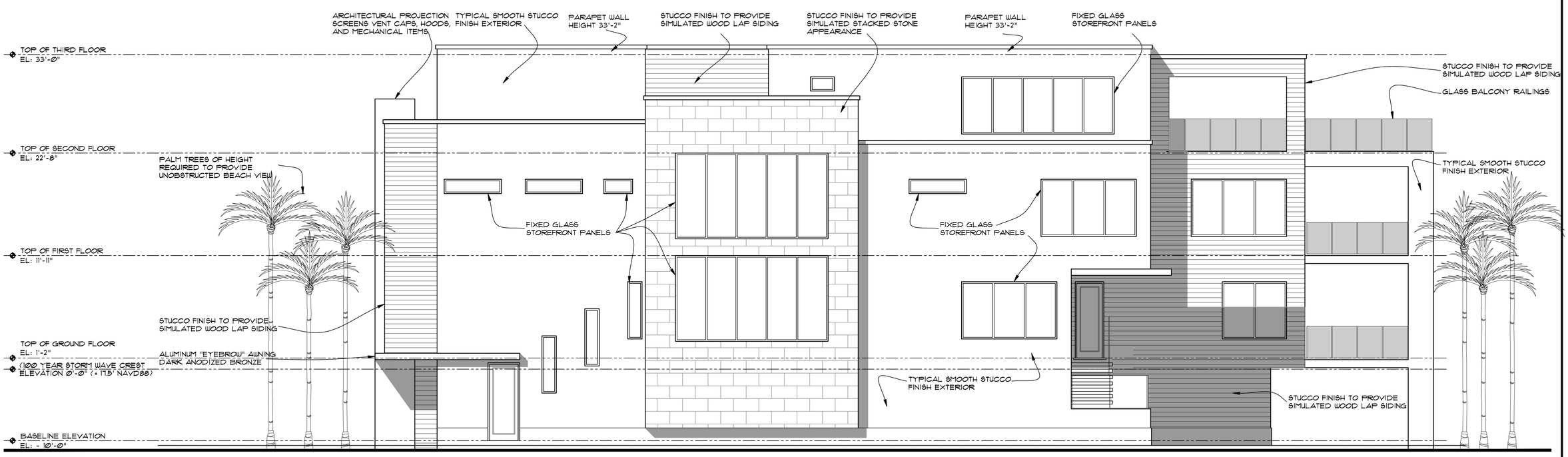




WEST ELEVATION

SCALE: 3/16" = 1'-0"

1 / A-3



SOUTH ELEVATION

SCALE: 3/16" = 1'-0"

1 / A-3

Revisions:

1
2
3
4
5

Project Number
210203

Conditional Use Request

New Single Family Residence

4112 El Mar Drive

Lauderdale By The Sea, Florida 33308

Project Name
Conditional Use Request

Stephen Brasgalla, Architect

State Of Florida
Registration No. AR12239

6991 West Broward Boulevard
Suite 100
Plantation, Florida 33317

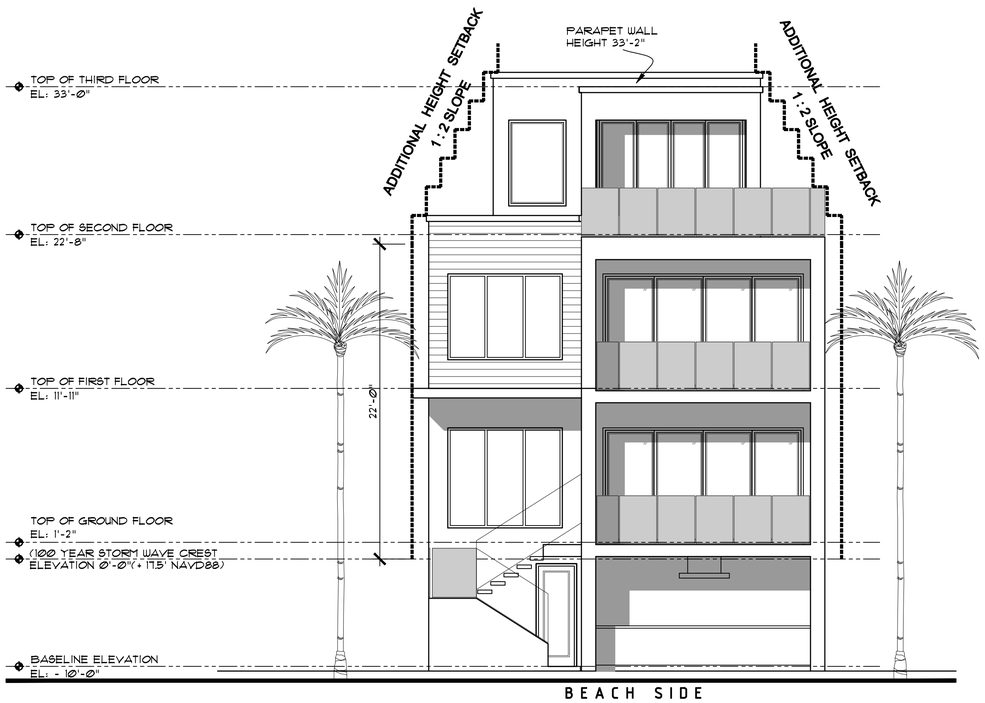
Telephone 954.614.3801
Telefax 954.208.0600

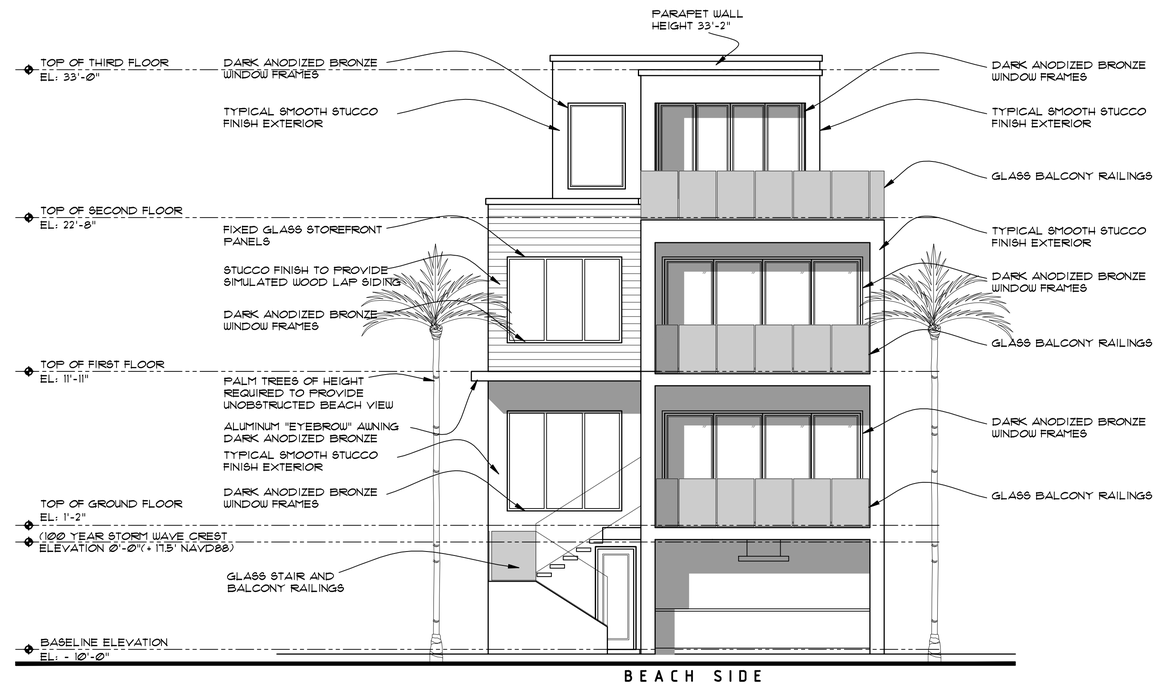
architect@design23.net

Drawn By:	Checked By:
ES	STB
Scale: SHOWN	Date: 6-8-21

Project Number
210203

Sheet:
A-3

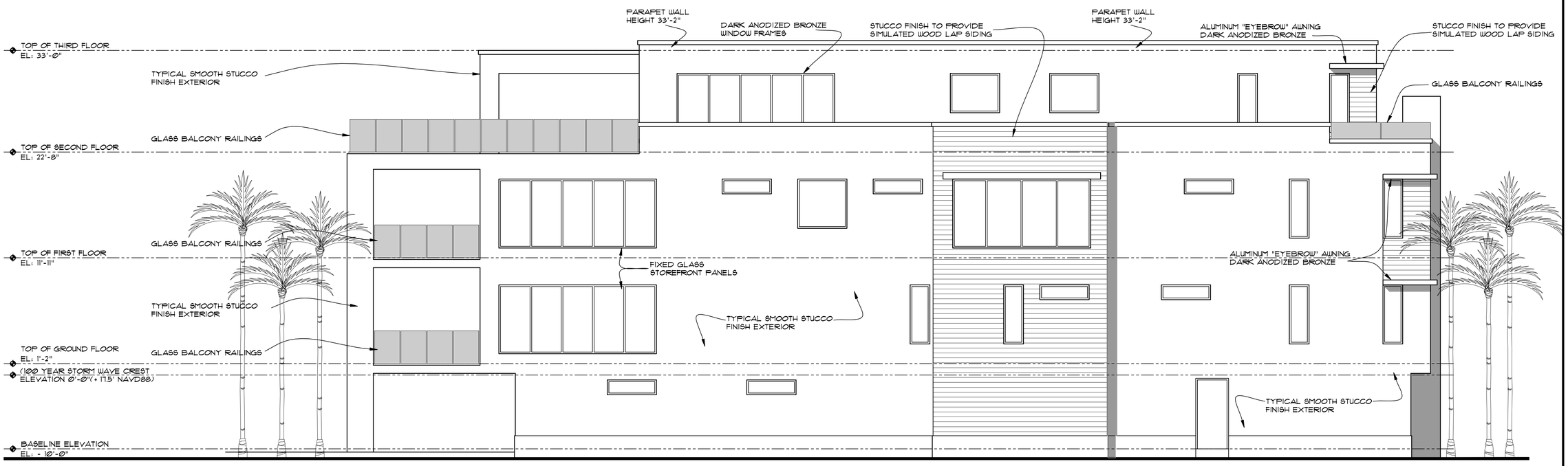




EAST ELEVATION

SCALE: 3/16" = 1'-0"

2
A-4



NORTH ELEVATION

SCALE: 3/16" = 1'-0"

2
A-4

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

STEPHEN BRASGALLA, ARCHITECT

STATE OF FLORIDA
REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317

TELEPHONE 954.614.3801
TELEFAX 954.208.0600

ARCHITECT@DESIGN23.NET

Project Name
CONDITIONAL USE REQUEST

Drawn By:	Checked By:
ES	STB
Scale:	Date:
SHOWN	6-8-21

Project Number
210203

Sheet:
A-4

JOHN IBARRA & ASSOCIATES, INC.

Professional Land Surveyors & Mappers

WWW.IBARRALANDSURVEYORS.COM

777 N.W. 72nd AVENUE
SUITE 3025
MIAMI, FLORIDA 33126
PH: (305) 262-0400
FAX : (305) 262-0401

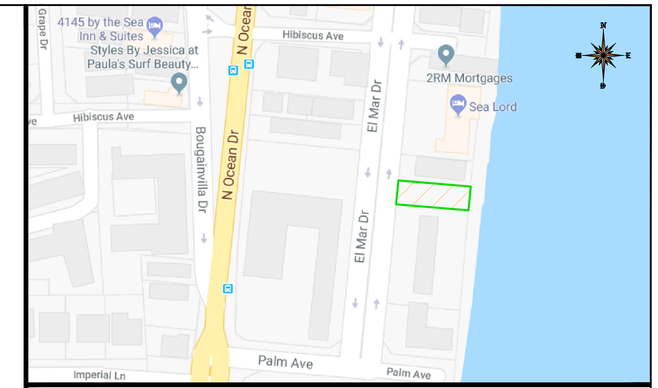
4851 TAMIAMI TRAIL NORTH
SUITE # 200
NAPLES, FL 34103
PH: (239) 540-2660
FAX: (239) 540-2664

MAP OF BOUNDARY SURVEY

GRAPHIC SCALE

-20 0 10 20 40 80

(IN FEET)
1 INCH = 20 FEET



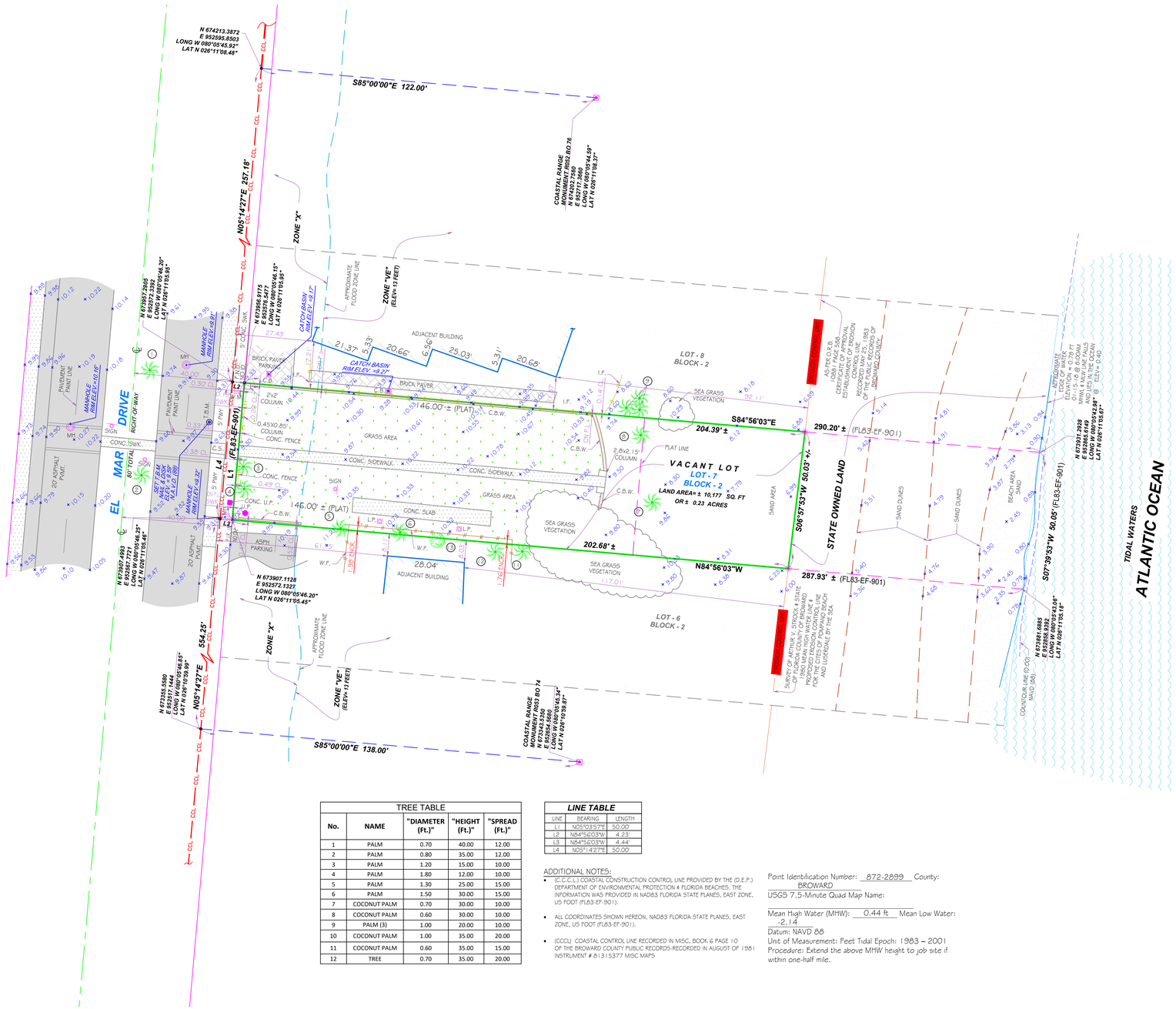
LOCATION SKETCH
SCALE = N.T.S.

ABBREVIATIONS

A = ARC.
A/C = AIR CONDITIONER PAD
A.E. = ANCHOR EASEMENT
A.R. = ALUMINUM ROOF
A.S. = ALUMINUM SHED
ASPH. = ASPHALT
B.C. = BLOCK CORNER
BLDG. = BUILDING
B.M. = BENCH MARK
B.C.R. = BROWARD COUNTY RECORDS
B.O.B. = BASIS OF BEARING
B.S.L. = BUILDING SETBACK LINE
(C) = CALCULATED
C.B. = CATCH BASIN
C.B.S. = CONCRETE BLOCK STRUCTURE
C.B.W. = CONCRETE BLOCK WALL
CH. = CHORD
CH.B. = CHORD BEARING
CH.L. = CHORD LENGTH
CL. = CLEAR
C.O. = CLEAN OUT
C.L.F. = CHAIN LINK FENCE
C.M.E. = CANAL MAINTENANCE EASEMENT
CONC. = CONCRETE
C.U.P. = CONCRETE UTILITY POLE
C.P. = CONCRETE PORCH
C.S. = CONCRETE SLAB
C.W. = CONCRETE WALK
D.E. = DRAINAGE EASEMENT
D.M.E. = DRAINAGE MAINTENANCE EASEMENT
DRIVE = DRIVEWAY
° = DEGREES
EB = ELECTRIC BOX
E.T.P. = ELECTRIC TRANSFORMER PAD
ELEV. = ELEVATION
ENCR. = ENCROACHMENT
F.H. = FIRE HYDRANT
F.I.P. = FOUND IRON PIPE
F.I.R. = FOUND IRON ROD
F.F.E. = FINISHED FLOOR ELEVATION
F.N.D. = FOUND NAIL & DISK
FT. = FEET
FNIP = FEDERAL NATIONAL INSURANCE PROGRAM
F.N. = FOUND NAIL
H. = HIGH OR (HEIGHT)
IN.&ES = INGRESS AND EGRESS EASEMENT
I.C.V. = IRRIGATION CONTROL VALVE
I.F. = IRON FENCE
L.B. = LICENSED BUSINESS
L.P. = LIGHT POLE
L.F.E. = LOWEST FLOOR ELEVATION
L.M.E. = LAKE MAINTENANCE EASEMENT
' = MINUTES
(M) = MEASURED DISTANCE
M.B. = MAIL BOX
M.D.C.R = MIAMI DADE COUNTY RECORDS
M.E. = MAINTENANCE EASEMENT
M.H. = MANHOLE
N.A.P. = NOT A PART OF
NGVD = NATIONAL GEODETIC VERTICAL DATUM
N.T.S. = NOT TO SCALE
# or NO. = NUMBER
O/S = OFFSET
O.H. = OVERHEAD
O.H.L. = OVERHEAD UTILITY LINES
O.R.B. = OFFICIAL RECORDS BOOK
O.V.H. = OVERHANG
PVMT. = PAVEMENT
PL. = PLANTER
P.L. = PROPERTY LINE
P.C.C. = POINT OF COMPOUND CURVATURE
P.C. = POINT OF CURVATURE
P.O.T. = POINT OF TANGENCY
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
P.R.C. = POINT OF REVERSE CURVATURE
PWY = PARKWAY
P.R.M. = PERMANENT REFERENCE MONUMENT
PLS. = PROFESSIONAL LAND SURVEYOR
P.P. = POWER POLE
P.P.S. = POOL PUMP SLAB
P.U.E. = PUBLIC UTILITY EASEMENT
(R) = RECORD DISTANCE
R.R. = RAIL ROAD
RES. = RESIDENCE
R/W = RIGHT-OF-WAY
RAD. = RADIUS OR RADIAL
RGE. = RANGE
R.O.E. = ROOF OVERHANG EASEMENT
SEC. = SECTION
STY. = STORY
SWK. = SIDEWALK
S.I.P. = SET IRON PIPE
S = SOUTH
S.P. = SCREENED PORCH
S.V. = SEWER VALVE
" = SECONDS
T = TANGENT
TB = TELEPHONE BOOTH
T.B.M. = TEMPORARY BENCHMARK
T.U.E. = TECHNOLOGY UTILITY EASEMENT
TSB = TRAFFIC SIGNAL BOX
T.S.P. = TRAFFIC SIGNAL POLE
TWP = TOWNSHIP
UTIL. = UTILITY
U.E. = UTILITY EASEMENT
U.P. = UTILITY POLE
W.M. = WATER METER
W.F. = WOOD FENCE
W.P. = WOOD PORCH
W.R. = WOOD ROOF
W.V. = WATER VALVE
M = MONUMENT LINE
℄ = CENTER LINE
Δ = DELTA

LEGEND

O.H. = OVERHEAD UTILITY LINES
= CONCRETE BLOCK WALL
= CHAIN LINK FENCE
= IRON FENCE
= WOOD FENCE
= BUILDING SETBACK LINE
= UTILITY EASEMENT
= LIMITED ACCESS R/W
= NON-VEHICULAR ACCESS R/W
× 0.00 = EXISTING ELEVATIONS
CCL = COASTAL CONSTRICTION CONTROL LINE



TREE TABLE				
No.	NAME	"DIAMETER (Ft.)"	"HEIGHT (Ft.)"	"SPREAD (Ft.)"
1	PALM	0.70	40.00	12.00
2	PALM	0.80	35.00	12.00
3	PALM	1.20	15.00	10.00
4	PALM	1.80	12.00	10.00
5	PALM	1.30	25.00	15.00
6	PALM	1.50	30.00	15.00
7	COCONUT PALM	0.70	30.00	10.00
8	COCONUT PALM	0.60	30.00	10.00
9	PALM (3)	1.00	20.00	10.00
10	COCONUT PALM	1.00	35.00	20.00
11	COCONUT PALM	0.60	35.00	15.00
12	TREE	0.70	35.00	20.00

LINE TABLE		
LINE	BEARING	LENGTH
L1	N05°03'57"E	50.00'
L2	N84°56'03"W	4.23'
L3	N84°56'03"W	4.44'
L4	N05°14'27"E	50.00'

ADDITIONAL NOTES:

- (C.C.C.L.) COASTAL CONSTRUCTION CONTROL LINE PROVIDED BY THE (D.E.P.) DEPARTMENT OF ENVIRONMENTAL PROTECTION & FLORIDA BEACHES. THE INFORMATION WAS PROVIDED IN NAD83 FLORIDA STATE PLANES, EAST ZONE, US FOOT (FL83-EF-901).
- ALL COORDINATES SHOWN HEREON, NAD83 FLORIDA STATE PLANES, EAST ZONE, US FOOT (FL83-EF-901).
- (CCCL) COASTAL CONTROL LINE RECORDED IN MISC. BOOK 6 PAGE 10 OF THE BROWARD COUNTY PUBLIC RECORDS-RECORDED IN AUGUST OF 1981 INSTRUMENT # 81315377 MISC MAPS

Point Identification Number: 872-2899 County: BROWARD
USGS 7.5-Minute Quad Map Name:
Mean High Water (MHW): 0.44 ft Mean Low Water: -2.14
Datum: NAVD 88
Unit of Measurement: Feet Tidal Epoch: 1983 – 2001
Procedure: Extend the above MHW height to job site if within one-half mile.

LEGAL DESCRIPTION:

LOT 7, BLOCK 2, LAUDERDALE BY THE SEA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PROPERTY ADDRESS:

4112 EL MAR DRIVE,
LAUDERDALE BY THE SEA, FLORIDA, 33308

CERTIFICATION:

ALLEGIANT EQUITIES LLC

LEGAL NOTES TO ACCOMPANY SKETCH OF SURVEY :

- THERE MAY BE EASEMENTS RECORDED IN THE PUBLIC RECORDS NOT SHOWN ON THIS SURVEY.
- THE PURPOSE OF THIS SURVEY IS FOR USE IN OBTAINING TITLE INSURANCE AND FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
- EXAMINATIONS OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY.
- THIS SURVEY IS SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR EASEMENTS OF RECORD.
- LEGAL DESCRIPTIONS PROVIDED BY CLIENT OR ATTESTING TITLE COMPANY.
- BOUNDARY SURVEY MEANS A DRAWING AND/ OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE; THE WALLS OR FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.
- EASEMENTS AS SHOWN ARE PER PLAT BOOK, UNLESS DEPICTED OTHERWISE.
- THE TERM "ENCROACHMENT" MEANS VISIBLE AND ABOVE GROUND ENCROACHMENTS.
- ARCHITECTS SHALL VERIFY ZONING REGULATIONS, RESTRICTIONS, SETBACKS AND WILL BE RESPONSIBLE FOR SUBMITTING PLOT PLANS WITH CORRECT INFORMATION FOR "APPROVAL FOR AUTHORIZATION" TO THE PROPER AUTHORITIES IN NEW CONSTRUCTION.
- UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTING AND/OR FOUNDATIONS.
- **FENCE OWNERSHIP NOT DETERMINED.**
- THIS PLAN OF SURVEY, HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON, THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.

FLOOD ZONE INFORMATION:

THE NFIP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE SITUATED IN:

FLOOD ZONE:	*SEE NOTE 4*
BASE FLOOD ELEVATION:	*SEE NOTE 4*
COMMUNITY:	125123
PANEL:	0386
SUFFIX:	H
DATE OF FIRM:	08/18/2014

THE SUBJECT PROPERTY DOES LIE IN A SPECIAL FLOOD HAZARD AREA.

SURVEYOR' S NOTES:

1. IF SHOWN, BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN, BY SAID PLAT IN THE DESCRIPTION OF THE PROPERTY, IF NOT, BEARINGS ARE THEN REFERRED TO COUNTY, TOWNSHIP MAPS.
2. THE CLOSURE IN THE BOUNDARY SURVEY IS ABOVE 1:7500 FT.
3. CERTIFICATE OF AUTHORIZATION LB # 7806.
4. *THE SUBJECT PROPERTY LIES WITHIN TWO FLOOD ZONES, "X" AND "VE" ELEV. 13 FEET.*
5. *ALL ELEVATIONS SHOWN ARE REFERRED TO NORTH AMERICAN VERTICAL DATUM OF 1988; BROWARD BENCH MARK #: BM 1910; ELEVATION IS 11.606 FEET OF N.G.V.D. OF 1929; CONVERTED TO NAVD (88) BY USING VERTCON.*

TITLE COMMITMENT NOTES:

THAT I HAVE REVIEWED THE COMMITMENT AND ALL ITEMS ARE SHOWN ON THE SURVEY. THE ITEMS SHOWN HERE FORTH ARE PER SCHEDULE B-II OF TITLE COMMITMENT NO. 6781418, DATED JAN 18, 2018; 11:00 P.M.

ITEM NO.6 AFFECTS SUBJECT PROPERTY, NOT PLOTTIABLE , AS RECORDED IN O.R.B. 12446 PG. 201.

ITEM NO. 7 AFFECTS SUBJECT PROPERTY, NOT PLOTTABLE. AS RECORDED IN O.R.B. 40038 PG 1639.

ITEM NO. 8 AFFECTS SUBJECT PROPERTY, AND PLOTTED ON SURVEY . AS RECORDED IN O.R.B. 10881 PG. 588. (EROSION CONTROL LINE).

ITEM NO. 9 AFFECTS SUBJECT PROPERTY, NOT PLOTTABLE. BLANKET IN NATURE AS RECORDED IN O.R.B. 34145 PG 1891.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THIS "BOUNDARY SURVEY" OF THE PROPERTY DESCRIBED HEREON, HAS RECENTLY BEEN SURVEYED AND DRAWN UNDER MY SUPERVISION, AND COMPLIES WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES.

BY _____ 01/23/2018
JOHN IBARRA (DATE OF FIELD WORK)

PROFESSIONAL LAND SURVEYOR NO.: 5204 STATE OF FLORIDA
(NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER).

REVISED ON: _____
REVISED ON: _____
REVISED ON: _____
REVISED ON: _____

DRAWN BY:	AS
FIELD DATE:	01/23/2018
SURVEY NO:	18-000327-1
SHEET:	1 OF 1

JOHN IBARRA CERTIFICATE NO. 5204 STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR

L.B.# 7806 SEAL

Exhibit 3

Susan Leven

From: Susan Leven
Sent: Monday, May 3, 2021 2:54 PM
To: James Sellitti
Cc: Jhanelle Campbell
Subject: RE: 4112 El Mar

Hi Jim –

I am confirming receipt of your e-mail. The Planning and Zoning Board meeting for May 5, 2021 has been canceled, however, since there are other items on the Commission's agenda for May 25, 2021 that meeting will still take place, but the application for 4112 El Mar Drive will not be on the agenda.

I will send you any new information regarding the applications including when they will go to the Planning and Zoning Board and the Commission.

Regards --

Sue

From: James Sellitti <sfreelaw@aol.com>
Sent: Monday, May 3, 2021 2:48 PM
To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Subject: Re: 4112 El Mar

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Sue
Per our conversation today it is my understanding that the meetings scheduled to take place on May 5 and May 25, 2021 are canceled. Please forward any modifications to the plans and requests for adjustments, if any, along with any new dates for the meetings that may be set in the future. Thank you
Jim

James J. Sellitti
Sellitti, Nogay,& McCune
3125 Pennsylvania Ave.
Weirton, WV 26062
(304)723-1400
sfreelaw@aol.com

On Apr 30, 2021, at 3:51 PM, Susan Leven <susanl@lauderdalebythesea-fl.gov> wrote:

I believe the meeting is being postponed, but I will be able to confirm that on Monday.

From: James Sellitti <sfreelaw@aol.com>
Sent: Friday, April 30, 2021 3:49 PM
To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Subject: Re: 4112 El Mar

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Sue

As I was just made aware of the meeting and the requested adjustments, I would like to request that the meetings be postponed . Thank you

James J. Sellitti
Attorney at Law

On Apr 30, 2021, at 3:37 PM, Susan Leven <susanl@lauderdalebythesea-fl.gov> wrote:

Hi Jim –

If you could put your question in an e-mail I would appreciate it. That way I can research it and respond in writing.

Thanks –

Sue

From: James Sellitti <sfreelaw@aol.com>
Sent: Friday, April 30, 2021 2:32 PM
To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Subject: Re: 4112 El Mar

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Sue
No problem I'm sorry to be such a pest but I wasn't aware any of this was going on until I arrived here on Sunday and saw the sign posted on the property. If you have a minute to call my cell at 304-670-8002 I have another quick question. Thank you
Jim
James J. Sellitti
Attorney at Law

On Apr 30, 2021, at 1:38 PM, Susan Leven
<susanl@lauderdalebythesea-fl.gov> wrote:

Hi Jim –

Sorry I wasn't able to answer your calls, but I have been in meetings most of the day. I have nothing definitive to report yet on your question. Once I have specific information to share I will call you. That may not be until Monday.

Regards –

Sue

<image001.png>

<image002.jpg>

Susan Leven

From: Susan Leven
Sent: Friday, May 21, 2021 12:22 PM
To: James Sellitti
Cc: vsellitti@comcast.net; Jhanelle Campbell
Subject: RE: 4112 El Mar

Hi Jim –

They are looking at being ready for the July Planning & Zoning Board meeting (July 7th), but I have not received updated plans yet.

Regards –

Sue

From: James Sellitti <sfreelaw@aol.com>
Sent: Friday, May 21, 2021 12:17 PM
To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Cc: James Sellitti <sfreelaw@aol.com>; vsellitti@comcast.net
Subject: Re: 4112 El Mar

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Hi Susan

Any updates on new plans or dates?

Thank you, Jim

James J. Sellitti
Sellitti, Nogay and Nogay
3125 Pennsylvania Ave
Weirton, WV 26062
Office (304)723-1400
Cell (304) 670-8002
sfreelaw@aol.com
Confidentiality Note: This e-mail is covered by the Electric Communications Privacy Act, 18 U.S.C. 2510-2521, and is legally privileged. This message, together with any attachments, is intended only for the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use or any action or reliance on this communication is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by telephone (304-723-1400) or by return e-mail and delete this message along with any attachments. Thank you for your cooperation.

-----Original Message-----
From: Susan Leven <susanl@lauderdalebythesea-fl.gov>
To: James Sellitti <sfreelaw@aol.com>
Sent: Fri, Apr 30, 2021 3:51 pm
Subject: RE: 4112 El Mar

I believe the meeting is being postponed, but I will be able to confirm that on Monday.

From: James Sellitti <sfreelaw@aol.com>
Sent: Friday, April 30, 2021 3:49 PM
To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Subject: Re: 4112 El Mar

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Sue

As I was just made aware of the meeting and the requested adjustments, I would like to request that the meetings be postponed . Thank you

James J. Sellitti
Attorney at Law

On Apr 30, 2021, at 3:37 PM, Susan Leven <susanl@lauderdalebythesea-fl.gov> wrote:

Hi Jim –

If you could put your question in an e-mail I would appreciate it. That way I can research it and respond in writing.

Thanks –

Sue

From: James Sellitti <sfreelaw@aol.com>
Sent: Friday, April 30, 2021 2:32 PM
To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Subject: Re: 4112 El Mar

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Sue
No problem I'm sorry to be such a pest but I wasn't aware any of this was going on until I arrived here on Sunday and saw the sign posted on the property. If you have a minute to call my cell at 304-670-8002 I have another quick question. Thank you
Jim
James J. Sellitti
Attorney at Law

On Apr 30, 2021, at 1:38 PM, Susan Leven <susanl@lauderdalebythesea-fl.gov> wrote:

Hi Jim –

Sorry I wasn't able to answer your calls, but I have been in meetings most of the day. I have nothing definitive to report yet on your question. Once I have specific information to share I will call you. That may not be until Monday.

Regards –

Sue

<image001.png>

<image002.jpg>

Susan Leven

From: Susan Leven
Sent: Tuesday, June 8, 2021 12:53 PM
To: 'James Sellitti'
Cc: Jhanelle Campbell
Subject: 4112 El Mar Drive
Attachments: 2021-CU-01 Application 6-7-21.pdf; 2021-CU-01 Beach Side rendering.jpg; 2021-CU-01 Description of Request 6-7-21.pdf; 2021-CU-01 Street Side Rendering 6-7-21.jpg; 2021-CU-01 Survey 6-7-21.pdf; 2021-CU-01 Plan Set 6-8-21.pdf

Hi Jim –

I've attached the following information for 4112 El Mar:

1. Revised application materials
2. Revised plans
3. Survey
4. Beach side rendering
5. Street side rendering
6. Description of request

Please feel free to contact me with any questions.

Regards –

Sue

Susan M. Leven AICP
Planner
4501 N. OCEAN DRIVE
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4221 • Fax: 954-634-4654 •
susanl@lbts-fl.gov • www.lbts-fl.gov • www.lbtsevents.com

Please note: Florida has a very broad public records law. Written communications to the Town, including emails, are Public Record available to the public upon request. Your email communication is therefore subject to public disclosure.

SHOP STAY DINE PLAY

Susan Leven

From: James Sellitti <sfreelaw@aol.com>
Sent: Tuesday, June 8, 2021 3:24 PM
To: Susan Leven
Subject: Re: 4112 El Mar Drive

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thank you

James J. Sellitti
Sellitti, Nogay,& McCune
3125 Pennsylvania Ave.
Weirton, WV 26062
(304)723-1400
sfreelaw@aol.com

On Jun 8, 2021, at 2:51 PM, Susan Leven <susanl@lauderdalebythesea-fl.gov> wrote:

It should be July 7. If that changes, I'll let you know.

From: James Sellitti <sfreelaw@aol.com>
Sent: Tuesday, June 8, 2021 2:22 PM
To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Cc: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Re: 4112 El Mar Drive

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thank you Sue I received the revised plans. Please let me know when the meeting will be held

James J. Sellitti
Attorney at Law

On Jun 8, 2021, at 1:14 PM, Susan Leven <susanl@lauderdalebythesea-fl.gov> wrote:

Hi Jim –

I've attached the following information for 4112 El Mar:

1. Revised application materials
2. Revised plans
3. Survey
4. Beach side rendering
5. Street side rendering
6. Description of request

Please feel free to contact me with any questions.

Regards –

Sue

<image001.png>

<image002.jpg>

<2021-CU-01 Application 6-7-21.pdf>
<2021-CU-01 Beach Side rendering.jpg>
<2021-CU-01 Description of Request 6-7-21.pdf>
<2021-CU-01 Street Side Rendering 6-7-21.jpg>
<2021-CU-01 Survey 6-7-21.pdf>
<2021-CU-01 Plan Set 6-8-21.pdf>

Susan Leven

From: Susan Leven
Sent: Wednesday, June 23, 2021 1:01 PM
To: James Sellitti
Cc: Jhanelle Campbell
Subject: RE: 4112 El Mar Drive

Yes. The meeting starts at 6pm.

From: James Sellitti <sfreelaw@aol.com>
Sent: Wednesday, June 23, 2021 1:00 PM
To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Subject: Re: 4112 El Mar Drive

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thanks Sue Is it at 6PM?

James J. Sellitti
Sellitti, Nogay and Nogay
3125 Pennsylvania Ave
Weirton, WV 26062
Office (304)723-1400
Cell (304) 670-8002
sfreelaw@aol.com
Confidentiality Note: This e-mail is covered by the Electric Communications Privacy Act, 18 U.S.C. 2510-2521, and is legally privileged. This message, together with any attachments, is intended only for the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use or any action or reliance on this communication is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by telephone (304-723-1400) or by return e-mail and delete this message along with any attachments. Thank you for your cooperation.

-----Original Message-----
From: Susan Leven <susanl@lauderdalebythesea-fl.gov>
To: James Sellitti <sfreelaw@aol.com>
Cc: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Sent: Wed, Jun 23, 2021 12:24 pm
Subject: RE: 4112 El Mar Drive

Hi James –

The meeting is still scheduled for July 7.

Regards –

Sue

From: James Sellitti <sfreelaw@aol.com>
Sent: Wednesday, June 23, 2021 12:24 PM

To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Subject: Re: 4112 El Mar Drive

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Hi Sue

I haven't received anything regarding meeting. Is it still scheduled for July 7? Thank you

James J. Sellitti
Sellitti, Nogay and Nogay
3125 Pennsylvania Ave
Weirton, WV 26062
Office (304)723-1400
Cell (304) 670-8002
sfreelaw@aol.com
Confidentiality Note: This e-mail is covered by the Electric Communications Privacy Act, 18 U.S.C. 2510-2521, and is legally privileged. This message, together with any attachments, is intended only for the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use or any action or reliance on this communication is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by telephone (304-723-1400) or by return e-mail and delete this message along with any attachments. Thank you for your cooperation.

-----Original Message-----
From: Susan Leven <susanl@lauderdalebythesea-fl.gov>
To: James Sellitti <sfreelaw@aol.com>
Sent: Tue, Jun 8, 2021 2:51 pm
Subject: RE: 4112 El Mar Drive

It should be July 7. If that changes, I'll let you know.

From: James Sellitti <sfreelaw@aol.com>
Sent: Tuesday, June 8, 2021 2:22 PM
To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Cc: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Re: 4112 El Mar Drive

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thank you Sue I received the revised plans. Please let me know when the meeting will be held

James J. Sellitti
Attorney at Law

On Jun 8, 2021, at 1:14 PM, Susan Leven <susanl@lauderdalebythesea-fl.gov> wrote:

Hi Jim –

I've attached the following information for 4112 El Mar:

1. Revised application materials
2. Revised plans
3. Survey
4. Beach side rendering

5. Street side rendering
6. Description of request

Please feel free to contact me with any questions.

Regards –

Sue

<image001.png>

<image002.jpg>

<2021-CU-01 Application 6-7-21.pdf>
<2021-CU-01 Beach Side rendering.jpg>
<2021-CU-01 Description of Request 6-7-21.pdf>
<2021-CU-01 Street Side Rendering 6-7-21.jpg>
<2021-CU-01 Survey 6-7-21.pdf>
<2021-CU-01 Plan Set 6-8-21.pdf>

Susan Leven

From: Susan Leven
Sent: Friday, June 25, 2021 11:07 AM
To: James Sellitti
Cc: Jhanelle Campbell
Subject: RE: Planning_and_Zoning_Board_Update_06.02.2021_-_final_.pdf

Hi James –

That update was sent to the Planning & Zoning Board prior to their June 5, 2021 meeting. The revised plans and request to withdraw the administrative adjustment application were not received until later that week. Until we had the actual paperwork in hand, we could only refer to the application we had on file.

Sorry for the confusion.

Sue

From: James Sellitti <sfreelaw@aol.com>
Sent: Friday, June 25, 2021 10:25 AM
To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Subject: Planning_and_Zoning_Board_Update_06.02.2021_-_final_.pdf

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

James J. Sellitti
Sellitti, Nogay,& McCune
3125 Pennsylvania Ave.
Weirton, WV 26062
(304)723-1400
sfreelaw@aol.com

Susan Leven

From: Susan Leven
Sent: Friday, June 25, 2021 8:35 AM
To: James Sellitti
Cc: Jhanelle Campbell
Subject: RE: 4112 El Mar Drive

Hi James –

Could you let me know where you saw that? They have withdrawn the administrative adjustment since it is no longer needed.

Thanks –

Sue

From: James Sellitti <sfreelaw@aol.com>
Sent: Thursday, June 24, 2021 6:50 PM
To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Subject: Re: 4112 El Mar Drive

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Sue
I noticed in the Lauderdale-by-the-Sea development updates they are also requesting an administrative adjustment for relief from the side set backs. Please email me that application also. Thank you. Jim

James J. Sellitti
Attorney at Law

On Jun 23, 2021, at 1:01 PM, Susan Leven <susanl@lauderdalebythesea-fl.gov> wrote:

Yes. The meeting starts at 6pm.

From: James Sellitti <sfreelaw@aol.com>
Sent: Wednesday, June 23, 2021 1:00 PM
To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Subject: Re: 4112 El Mar Drive

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thanks Sue Is it at 6PM?

James J. Sellitti
Sellitti, Nogay and Nogay

3125 Pennsylvania Ave
Weirton, WV 26062
Office (304)723-1400
Cell (304) 670-8002
sfreelaw@aol.com
Confidentiality Note: This e-mail is covered by the Electric Communications Privacy Act, 18 U.S.C. 2510-2521, and is legally privileged. This message, together with any attachments, is intended only for the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use or any action or reliance on this communication is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by telephone (304-723-1400) or by return e-mail and delete this message along with any attachments. Thank you for your cooperation.

-----Original Message-----
From: Susan Leven <susanl@lauderdalebythesea-fl.gov>
To: James Sellitti <sfreelaw@aol.com>
Cc: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Sent: Wed, Jun 23, 2021 12:24 pm
Subject: RE: 4112 El Mar Drive

Hi James –

The meeting is still scheduled for July 7.

Regards –

Sue

From: James Sellitti <sfreelaw@aol.com>
Sent: Wednesday, June 23, 2021 12:24 PM

To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Subject: Re: 4112 El Mar Drive

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Hi Sue

I haven't received anything regarding meeting. Is it still scheduled for July 7? Thank you

James J. Sellitti
Sellitti, Nogay and Nogay
3125 Pennsylvania Ave
Weirton, WV 26062
Office (304)723-1400
Cell (304) 670-8002
sfreelaw@aol.com
Confidentiality Note: This e-mail is covered by the Electric Communications Privacy Act, 18 U.S.C. 2510-2521, and is legally privileged. This message, together with any attachments, is intended only for the addressee. It may contain information which is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, use or any action or reliance on this communication is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately by telephone (304-723-1400) or by return e-mail and delete this message along with any attachments. Thank you for your cooperation.

-----Original Message-----
From: Susan Leven <susanl@lauderdalebythesea-fl.gov>

To: James Sellitti <sfreelaw@aol.com>
Sent: Tue, Jun 8, 2021 2:51 pm
Subject: RE: 4112 El Mar Drive

It should be July 7. If that changes, I'll let you know.

From: James Sellitti <sfreelaw@aol.com>
Sent: Tuesday, June 8, 2021 2:22 PM
To: Susan Leven <susanl@lauderdalebythesea-fl.gov>
Cc: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Re: 4112 El Mar Drive

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thank you Sue I received the revised plans. Please let me know when the meeting will be held

James J. Sellitti
Attorney at Law

On Jun 8, 2021, at 1:14 PM, Susan Leven <susanl@lauderdalebythesea-fl.gov> wrote:

Hi Jim –

I've attached the following information for 4112 El Mar:

1. Revised application materials
2. Revised plans
3. Survey
4. Beach side rendering
5. Street side rendering
6. Description of request

Please feel free to contact me with any questions.

Regards –

Sue

<image001.png>

<image002.jpg>

<2021-CU-01 Application 6-7-21.pdf>
<2021-CU-01 Beach Side rendering.jpg>
<2021-CU-01 Description of Request 6-7-21.pdf>
<2021-CU-01 Street Side Rendering 6-7-21.jpg>
<2021-CU-01 Survey 6-7-21.pdf>
<2021-CU-01 Plan Set 6-8-21.pdf>

Susan Leven

From: William Schenck <wschenck@hcarchitects.com>
Sent: Monday, June 28, 2021 9:39 AM
To: Susan Leven
Cc: zoning; sfreelaw@aol.com; Jhanelle Campbell; Tony
Subject: RE: 4112 El Mar - Zoning Clarifications
Attachments: Setback Diagram_210614.pdf

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Susan,

Good morning. Are you able to assist in answering our question below regarding the height of the proposed residence? Thank you.

William Schenck, AIA, LEED AP BD+C
Associate, Project Designer
D: 314.529.4015, C: 314.504.8242

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If you received this email in error, please immediately notify info@hcarchitects.com. No part of this document may be used or reproduced in any form or by any means, or stored in a database or retrieval system, without the prior written permission of Hastings+Chivetta Architects. © 2020 Hastings+Chivetta.

From: William Schenck <wschenck@hcarchitects.com>
Sent: Tuesday, June 22, 2021 2:13 PM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>; Tony <vsellitti@comcast.net>
Cc: zoning <zoning@lauderdalebythesea-fl.gov>; Christopher Chivetta <cchivetta@hcarchitects.com>; sfreelaw@aol.com
Subject: RE: 4112 El Mar - Zoning Clarifications

Jhanelle,

Good afternoon. Have you had a chance to review the below questions from last Monday? Thanks.

William Schenck, AIA, LEED AP BD+C
Associate, Project Designer
D: 314.529.4015, C: 314.504.8242

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If you received this email in error, please immediately notify info@hcarchitects.com. No part of this document may be used or reproduced in any form or by any means, or stored in a database or retrieval system, without the prior written permission of Hastings+Chivetta Architects. © 2020 Hastings+Chivetta.

From: William Schenck <wschenck@hcarchitects.com>
Sent: Monday, June 14, 2021 10:15 AM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>; Tony <vsellitti@comcast.net>
Cc: zoning <zoning@lauderdalebythesea-fl.gov>; Christopher Chivetta <cchivetta@hcarchitects.com>;

sfreelaw@aol.com
Subject: RE: 4112 El Mar - Zoning Clarifications

Jhanelle,

Thank you for the reply. I've reattached the sketch in pdf format.

We are still in need of some clarification on the how the height is to be measured in my first question #1. The attached plan shows the proposed residence that is 36 feet tall as measured from the baseline elevation (18" above crown of roadway), but it is only 29 feet tall as measured from the 100 Year Storm Wave Crest Elevation. In this example, is this building height considered to be less than 33 feet in height or greater than 33ft in height in order to apply the definition of grade?

In our opinion, since the residence is physically taller than 33ft we should use the definition of grade as defined in 30-11 Grade, a(2)ii.

Thank you.

Grade.

a. For the purpose of calculating building height or structure, grade level shall mean:
   1. The maximum height of buildings that are less than or equal to 33 feet in height shall be measured
      i. Above grade, as defined in the Florida Building Code, or
      ii. Above a horizontal plane 18 inches above the crown of the roadway at the highest point adjoin
      iii. Above the minimum elevation for a habitable, finished floor permitted under applicable Federa
   2. The maximum height of buildings that are greater than 33 feet in height shall be measured from w
      i. Above grade, as defined in the Florida Building Code, or
      ii. Above a horizontal plane 18 inches above the crown of the roadway at the highest point adjoin

William Schenck, AIA, LEED AP BD+C
Associate, Project Designer
D: 314.529.4015, C: 314.504.8242

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If you received this email in error, please immediately notify info@hcarchitects.com. No part of this document may be used or reproduced in any form or by any means, or stored in a database or retrieval system, without the prior written permission of Hastings+Chivetta Architects. © 2020 Hastings+Chivetta.

From: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Sent: Sunday, June 13, 2021 4:46 PM
To: Tony <vsellitti@comcast.net>; William Schenck <wschenck@hcarchitects.com>
Cc: zoning <zoning@lauderdalebythesea-fl.gov>; Christopher Chivetta <cchivetta@hcarchitects.com>; sfreelaw@aol.com
Subject: RE: 4112 El Mar - Zoning Clarifications

Good afternoon,

Please see below.

1. **Allowable Height:** 30-241(c) states that the maximum height above normal grade is 33 feet. The applicant for 4112 El Mar is using the 100 Year Storm Wave Crest to determine "Grade" rather than a horizontal plane 18 inches above the highest road crest. This appears to be in line with Sec 7.1(1)(c). Please confirm the use of the higher 100 Year Storm Crest is allowable per the ULDR and is an acceptable interpretation of the term "grade." This makes a big difference in the actual height of a structure relative to its neighbors.

   From Section 30-11 Definitions

   Grade.

   a. For the purpose of calculating building height or structure, grade level shall mean:

      1. The maximum height of buildings that are less than or equal to 33 feet in height shall be measured from whichever of the following three levels is highest:

         i. Above grade, as defined in the Florida Building Code, or

         ii. Above a horizontal plane 18 inches above the crown of the roadway at the highest point adjoining the property on which the building is located, or

         iii. Above the minimum elevation for a habitable, finished floor permitted under applicable Federal or Florida State regulations.

      2. The maximum height of buildings that are greater than 33 feet in height shall be measured from whichever of the following two levels is highest:

         i. Above grade, as defined in the Florida Building Code, or

         ii. Above a horizontal plane 18 inches above the crown of the roadway at the highest point adjoining the property on which the building is located.

   b. For the purpose of calculating the height of fences and privacy walls, grade shall mean the actual elevation of the ground adjacent to the exterior face of such fence or privacy wall.

2. **Rear Setbacks:** The proposed 4112 El Mar Dr residence extends approximately 153 ft from the curb line of El Mar Dr. This is 7 feet beyond the allowable 146ft listed in 30-241(h)(3). However, the zoning code does not clearly identify the start of El Mar Dr. For example, is this point measured from the street curb, sidewalk, or edge of property? The measurement is taken from the point at which El Mar Drive (the right-of-way of El Mar Drive) meets the property (at the property line). The plans submitted show the distance from the right-of-way of El Mar Drive to the rear setback line as 146 feet.

3. **Side Setbacks:** The proposed 4112 El Mar Dr residence has a side setback of 10ft. The setback needs to increase by 1 foot horizontal for everyone 2 feet vertical above 22 feet in height. 30-241(h)(6)b.

   a. Can the 22 feet height be measured from the established "grade" level, such as the 100 Year Storm Wave Crest, or should it start from the from the grade line 18 inches above the highest road crest? The measurement of height begins at grade. Please see definition above.

b. The code is not clear if the increased side setback starts at ground level or if the setback can start to step back at 22ft as proposed by the architect for the new residence. Can you please confirm which interpretation of a side setback is correct based on the attached sketch? Per our Counsel's opinion, the view corridor, which requires the additional setback based on the length of the building, is only required to 12-feet in height, since the view corridor has a specific height stated in the Code. The setbacks which begin at 22 feet are measured from the required 10-foot side setback. Since that height is not subject to the view corridor requirements. Please note that no sketch was provided with the e-mail.

Sent from Mail for Windows 10

From: Tony
Sent: Monday, June 7, 2021 12:31 PM
To: William Schenck
Cc: Jhanelle Campbell; zoning; Christopher Chivetta; sfreelaw@aol.com
Subject: Re: 4112 El Mar - Zoning Clarifications

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thx William

Sent from my iPhone

On Jun 7, 2021, at 10:34 AM, William Schenck <wschenck@hcarchitects.com> wrote:

Jhanelle,

Good morning. I am assisting the owners of the 4128 El Mar Seaward property with a review of the new proposed residence, 4112 El Mar, that sits directly south of their lot. We believe the proposed plans may be in violation of the ULDR and will interfere with the use of 4128 El Mar. In the process of reviewing the proposed 4112 plans and the ULDR I have generated a list of questions that are in need of some basic confirmation/clarification:

4. **Allowable Height:** 30-241(c) states that the maximum height above normal grade is 33 feet. The applicant for 4112 El Mar is using the 100 Year Storm Wave Crest to determine "Grade" rather than a horizontal plane 18 inches above the highest road crest. This appears to be in line with Sec 7.1(1)(c). Please confirm the use of the higher 100 Year Storm Crest is allowable per the ULDR and is an acceptable interpretation of the term "grade." This makes a big difference in the actual height of a structure relative to its neighbors.

5. **Rear Setbacks:** The proposed 4112 El Mar Dr residence extends approximately 153 ft from the curb line of El Mar Dr. This is 7 feet beyond the allowable 146ft listed in 30-241(h)(3). However, the zoning code does not clearly identify the start of El Mar

Dr. For example, is this point measured from the street curb, sidewalk, or edge of property?

6. **Side Setbacks:** The proposed 4112 El Mar Dr residence has a side setback of 10ft. The setback needs to increase by 1 foot horizontal for everyone 2 feet vertical above 22 feet in height. 30-241(h)(6)b.

    a. Can the 22 feet height be measured from the established "grade" level, such as the 100 Year Storm Wave Crest, or should it start from the from the grade line 18 inches above the highest road crest?
    b. The code is not clear if the increased side setback starts at ground level or if the setback can start to step back at 22ft as proposed by the architect for the new residence. Can you please confirm which interpretation of a side setback is correct based on the attached sketch?

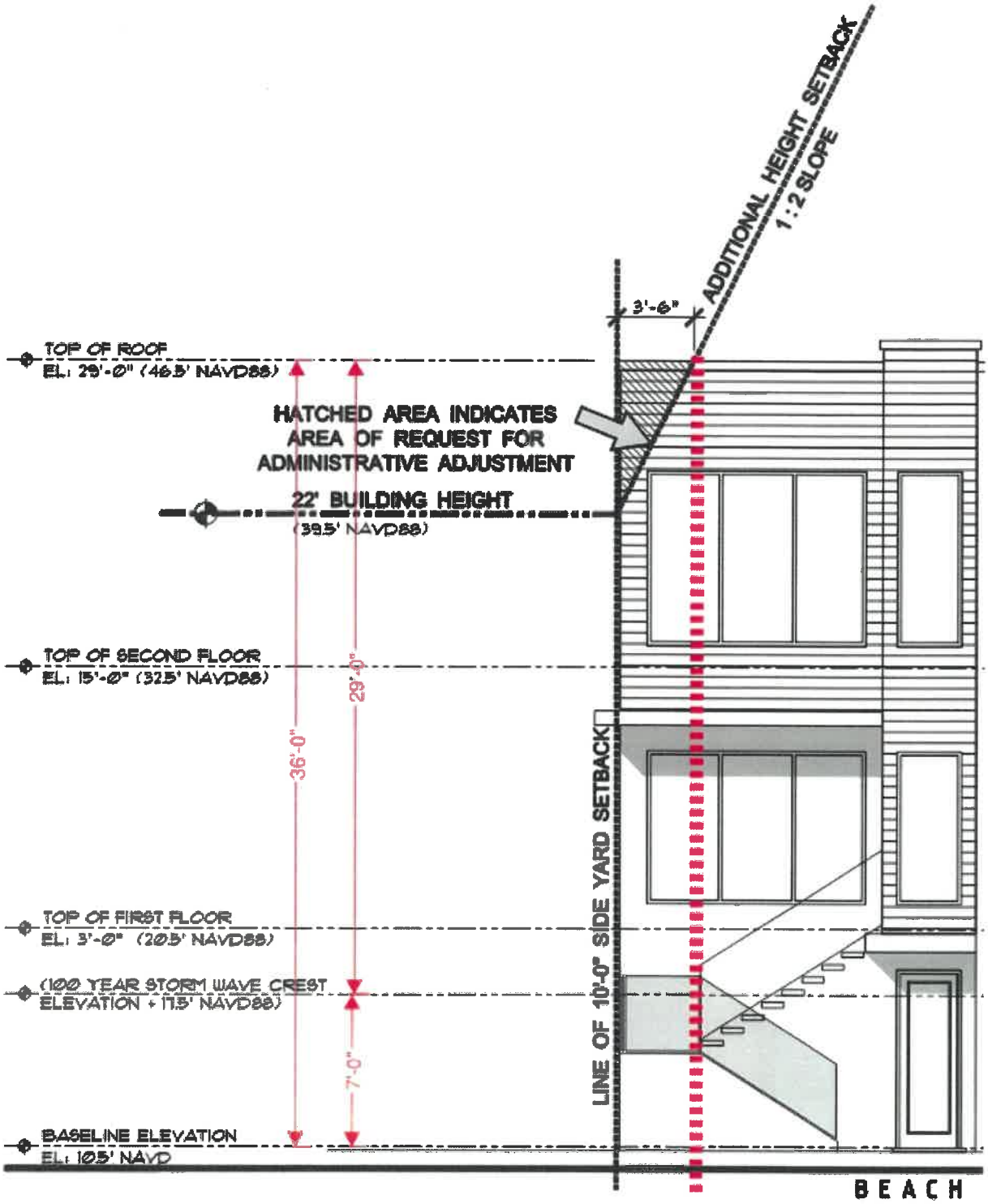
Thank you for your time.
<image001.png>

William Schenck, AIA, LEED AP BD+C
Associate, Project Designer

Hastings+Chivetta Architects
2464 West Port Plaza Drive, Suite 200
Saint Louis, Missouri 63146
D: 314.529.4015, C: 314.504.8242
wschenck@hcarchitects.com

ARCHITECTURE, PLANNING, ENGINEERING

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If you received this email in error, please immediately notify info@hcarchitects.com. No part of this document may be used or reproduced in any form or by any means, or stored in a database or retrieval system, without the prior written permission of Hastings+Chivetta Architects. [v05072020] © 2020 Hastings+Chivetta.



EAST ELEVATION

SCALE: 3/16" = 1'-0"

William Schenck, AIA, LEED AP BD+C
Associate, Project Designer

Hastings+Chivetta Architects
2464 West Port Plaza Drive, Suite 200
Saint Louis, Missouri 63146
D: 314.529.4015, C: 314.504.8242
wschenck@hcarchitects.com

ARCHITECTURE, PLANNING, ENGINEERING

This email and any files transmitted with it are confidential and are intended solely for the use of the individual or entity to which they are addressed. If you received this email in error, please immediately notify info@hcarchitects.com. No part of this document may be used or reproduced in any form or by any means, or stored in a database or retrieval system, without the prior written permission of Hastings+Chivetta Architects. [v05072020] © 2020 Hastings+Chivetta.

Susan Leven

From: [redacted]
Sent: Friday, July 2, 2021 2:37 PM
To: Susan Leven
Subject: Fwd: Online Form Submittal: Lauderdale-By-The-Sea Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Sent from my iPhone

Begin forwarded message:

> **From:** Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>
> **Date:** July 2, 2021 at 11:10:44 AM EDT
> **To:** David Lee <dlee@capfla.com>, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>, Sue Leven [redacted]
> **Subject: FW: Online Form Submittal: Lauderdale-By-The-Sea Public Records Request**
>
> Good morning,
>
> Please see below public records request PRR 07-10,
>
> Thanks,

Tedra Allen, CMC
Town Clerk
4501 N. Ocean Drive
Lauderdale-By-The-Sea, Fl. 33308
Phone (954)640-4201 Fax (954)533-9546
tedraa@lbts-fl.gov www.lbts-fl.gov

Note: *Florida Public Records Law provides that most written communications to or from Municipal employees regarding town business are public records and are available to the public and media upon request. Therefore, this e-mail message may be subject to public disclosure.*

> **From:** noreply@civicplus.com <noreply@civicplus.com>
> **Sent:** Wednesday, June 30, 2021 12:57 PM
> **To:** Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>
> **Subject:** Online Form Submittal: Lauderdale-By-The-Sea Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Lauderdale-By-The-Sea Public Records Request

Name	Henry B Handler
Date	06/30/21
Address 1	2255 Glades Road, Suite 205-East
City	Boca Raton
State	FL
Zip	33431
Phone Number	5619979995
Email Address	hbh@whcfla.com
Records Requested and Applicable Fees	1. Outside of Application 2021-CU-01 each request for a Level 2 Conditional Use approval to construct a single family dwelling unit in the RM-25 Zoning District; 2. Since 2015, each instance in which Planning & Zoning or the Town Commission has determined a single family residence not to comply with the land use compatibility standard of Code of Ordinance 30-126 as part of a Conditional Use Review; 3. Since 2015, each instance in which Planning & Zoning or the Town Commission determined in a Code of Ordinance Section 30-126 Conditional Use Review that a single family use as designed was not compatible in terms of alteration of light and air; 4. Since 2015, each instance in which Planning & Zoning or the Town Commission determined in a Code of Ordinance Section 30-126 Conditional Use Review that a single family use as designed was compatible in terms of alteration of light and air; and 5. Since 2015, each instance in which Planning & Zoning or the Town Commission determined in a Code of Ordinance Section 30-119 Mandatory Site Plan Approval that a Single Family Home on an Existing Single Lot was not an exempt development; and 6. Since 2015, each instance in which Planning & Zoning or the Town Commission determined in a Code of Ordinance Section 30-122 Site Plan Requirements that a Single Family Home,

	Apartment House, or Hotel use as designed was not compatible in terms of alteration of light and air.
Name of person submitting request	Henry B Handler

Time

Using this form allows us to better track records requests. Completing this form is not required to obtain a public record. Records will be provided in a timely manner. Older Town records are stored off-site and may take extra time to retrieve.

Costs

Costs shall be prepaid as allowed by Florida Statute 119.07. Single copies cost .15 cents. Double-sided copies are .20 cents. Building Plan copies require a $30 deposit plus any extra copying costs. CDs are $7.99. DVDs are $7.99. Tapes are $3.00. Costs are projected. Additional fees may also be due upon receipt. Any request requiring more than 15 minutes of staff time is considered extensive and you will be charged for the clerical time needed to research and process your request.

Email not displaying correctly? View it in your browser.

Total Control Panel

Log

To: tedraa@lbts-fl.gov
From: noreply@civicplus.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block civicplus.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

LOCHRIE & CHAKAS P.A.

1401 East Broward Boulevard, Suite 303
Fort Lauderdale, Florida 33301
Direct Dial: 954.779.1123
Email: NChakas@LochrieLaw.com
Main Phone: 954.779.1119
Fax: 954.779.1117

Exhibit 4

April 23, 2021

VIA E-MAIL: SusanL@lauderdalebythesea-fl.gov

Susan Leven, AICP
Town of Lauderdale-by-the-Sea
4501 N. Ocean Drive
Lauderdale-by-the-Sea, FL 33308

RE: 4112 El Mar Dr. – Lot calculations

Dear Ms. Leven,

Please consider this letter as our explanation for the calculations of lot area shown on the site plan for the above referenced property. The Broward County Property Appraiser has calculated the lot square footage as 10,284 sf. The survey and site plan submitted for the above conditional use approval shows the square footage of the property as 10,177 square feet. This is a difference of 107 square feet. The Broward County Property Appraiser was contacted, and they indicated that they establish the lot line based on the erosion control line. The applicant has elected to proceed with the smaller square footage of 10,177 sf, which is more conservative than the Broward County Property Appraiser. All calculations are based off the more conservative calculation.

Please let me know if you need anything further.

Sincerely,

Nectaria Chakas

Nectaria M. Chakas, Esq.

cc: Bernie Paine, JBP General Contracting, via e-mail: bpaine@jbpgc.com
David Staudacher, via e-mail: dstaudacher@vandermeerfp.com

EXHIBIT 5

DIVISION 3. - CONDITIONAL USE PROCEDURES AND REQUIREMENTS

Sec. 30-126. - Conditional uses review.

(a) *Defined.* A conditional use is a use that would not be appropriate without restriction throughout the land use district, but which, if controlled as to number, area, location, hours of operation, and relation to the neighborhood or impacted vicinity, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood.

(b) *Intent, purpose and effect.* The purpose of this section is to ensure that a conditional use shall only be permitted on specific sites as provided in a particular zoning district or as provided in this Code. where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.

This section sets forth the procedures and criteria for approval of conditional uses on specific sites. A conditional use is quasi-judicial, and shall be permitted only upon a finding that the proposed use satisfies the specific review criteria of this section and other requirements of this Code.

An approval of a conditional use does not eliminate the need for other approvals, which may be required under this Code, including but not limited to site plan review.

(c) *Application.* A conditional use application shall provide the following information unless waived by the DSD:

(1) Traffic impact study meeting the requirements of section 30-71(c)(14)d;

(2) Square feet designated (indoors or out) for each specific use;

(3) Estimated employment;

(4) Estimated number and type of service vehicles;

(5) Any unique facilities or structures proposed as part of site improvements; and

(6) A description of any mitigative techniques to abate any possible adverse impacts of the proposed use on properties in the immediate vicinity including smoke, odor, noise, and other impacts.

(d) *Specific criteria for approving a conditional use.* A conditional use shall be permitted upon a finding by the Town Commission that the proposed use, as proposed or with additional conditions or modifications, satisfies the criteria herein specified. A conditional use shall be denied if the Town Commission determines that the proposed use does not meet the criteria herein provided or is adverse to the public interest. The Board and/or Commission may impose conditions and safeguards, in addition to those prescribed in the Code, as they determine are necessary for the protection of the surrounding area and to preserve the spirit and intent of the Town Code and Comprehensive Plan. The applicant shall demonstrate the following:

(1) *Land use compatibility.* The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity.

For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics, which may impact adjacent or surrounding uses. They include: type of use, density, intensity,

height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. The Town Manager shall recommend whether the conditional use is compatible. Compatibility shall be measured based on all of the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:

i. Permitted uses, structures and activities allowed within the land use category;

ii. Building location, dimensions, height, and floor area ratio;

iii. Location and extent of parking, access drives and service areas;

iv. Traffic generation, hours of operation, noise levels and outdoor lighting;

v. Alteration of light and air;

vi. Setbacks and buffers such as fences, walls, landscaping and open space treatment;

vii. The architectural and site design are compatible with the character of the surrounding area; and

viii. Any existing or proposed signs or lighting will not adversely affect surrounding areas or vehicular traffic.

(2) *Sufficient site size, site specifications, and infrastructure to accommodate the proposed use.* The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

(3) *Compliance with the Comprehensive Plan and Code of Ordinances.* The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances and shall be consistent with the Comprehensive Plan.

(4) *Proper use of mitigative techniques.* The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

(e) *Conditional use approval amendments.* A conditional use approval is specific to the density and intensity of the proposed use, the particular site plan and any supplemental conditions approved. Unauthorized modification to a site plan or any of the specifics or conditions of the conditional use approval is a violation of the Town Code and subject to code enforcement action and/or revocation of the conditional use approved. Any proposed modification to the conditional use that affects density, intensity or minimum code requirements of the site development plan will require review and approval by the Town Commission.

(1) The Town Manager shall determine if the request is a Level 1 Amendment or a Level 2 Amendment. In deciding whether an application is a Level 1 or Level 2 Amendment, the Town Manager shall consider the requirements of section 30-123(a)—(c) of the Code.

a. Level 1 Amendment: Shall be processed pursuant to the requirements for a Level 1 Review-Administrative Approval as set forth in section 30-113.

b. Level 2 Amendment: Shall be processed pursuant to the requirements for a Level 2 Review - Town Commission Approval as set forth in section 30-113.

(f) *Continuing jurisdiction.* The Town Commission hereby reserves to itself the jurisdiction and authority to review and revoke conditional use permits where the use or the continuation of the use:

(1) Violates the conditions set forth by the Town Commission as a requirement for the granting of the use;

(2) Is injurious to the health, safety or welfare of the community or of the public;

(3) Tends to attract vagrants, loiterers or habitually intoxicated persons; or

(4) Has a history of repeated Code violations.

(Ord. No. 2014-08, § 3, 7-7-2014)

APPROVED

TOWN OF LAUDERDALE-BY-THE SEA

PLANNING AND ZONING BOARD MEETING MINUTES

LIVE STREAMED FROM JARVIS HALL

Wednesday, July 7, 2021

1. CALL TO ORDER

Chair David Chanon called the Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:04PM.

ROLL CALL

Members present were Ron Piersante, Vice Chair Christina Buerosse, Chair David Chanon, Charles Wayne Dillistin and 2nd Alternate Karen Sylvester. The absentee members were Alan Bluestein and 1st Alternate Patricia Omana. Also present were Town Attorney James White, Acting Development Services Director Jhanelle Campbell, Planner Susan Levin, and Planning Technician Sydney Ramirez.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

3. APPROVAL OF MINUTES

a. Previous Planning & Zoning (P&Z) Meeting Minutes – June 2, 2021

Discussion ensued about the presentation of the Development Services Report at the June Meeting and Acting Development Services Director Jhanelle Campbell would bring back information regarding her presentation of the report at the next meeting. Without objection, the Board unanimously deferred voting on the June 2nd minutes until the next meeting in August.

4. PUBLIC COMMENTS N/A

5. TOWN PLANNER REPORT N/A

6. NEW BUSINESS

a. REQUEST – 2021-CU-01

Pursuant to the Town Code Section 30-126, Conditional Uses Review, the Applicant has requested Level 2 Conditional Use approval to construct a single-family dwelling unit in the RM-25 zoning district. ADDRESS: 4112 EL MAR DIRVE

Planner Susan Levin gave a PowerPoint presentation explaining that the applicant, David Staudacher, has submitted a conditional use application because a conditional use was required in order to construct a single-family dwelling in the RM-25 zoning district. The location of the property in the RM-25 zoning district was 4112 El Mar Drive. She showed the plans of the house explaining each floor and she also showed elevations and renderings. The proposed structure met all setback and height requirements. She explained about the specific criteria in Section 30-126 of the Town Code for approval of the Conditional Use. Conditional criteria had to be met by the applicant. She said that the applicant has provided responses which were in the Board Packet. Staff's recommendation was to approve the conditional use application. The next step would be to go before the Town Commission at their July 27, 2021 Meeting. Chair Chanon asked about side setbacks. Ms. Leven explained about the required view corridor because it was on El

Mar Drive. Then she said one foot for every ten feet of length of the building making the view corridor setback 11½ feet at ground level. Ms. Levin then explained the additional setbacks for the upper levels of the building. Wayne Dillistin asked if this was for a switch of use of the property and the planner explained that a conditional use was required to construct a single-family home in the RM-25 zoning district. She spoke about the conditional use criteria. She talked about the proposed home's design change so that an administrative adjustment was not needed now and was withdrawn. Ms. Leven spoke with Vice Chair Christina Buerosse about compatibility. Town Attorney James White clarified that Staff recommended approval as all criteria were met but emphasized that the Planning and Zoning Board Members must listen to all evidence and testimony presented this evening. The board members must weigh everything offered this evening (e.g., agenda materials, staff report, presentations, etc.) in their decision to recommend approval or denial of the request for the conditional use. As there were no further board questions/comments at this time, the applicant was invited to present.

Attorney Courtney Crush, Crush Law, representing David and Sherri Staudacher, stated that the architect and home builder were also here this evening to answer any questions. She requested to reserve a few minutes later on in the meeting to respond to any public comments that might be raised this evening. A PowerPoint presentation was given and some of the items she spoke about were that the property right now was a vacant lot. Apartment houses and hotels were permitted uses in the RM-25 zoning district. Conditional uses in the RM-25 district located south of Pine Avenue were provided for. She also explained about other conditional uses (e.g., group foster homes, churches, etc.). Tonight's presentation was because the Staudachers were seeking a conditional use in the RM-25 zoning district for a single-family home. There would be no Administrative Adjustments and no Variances. They also met all applicable dimensional requirements of the Code stating how this project met all the criteria for a conditional use. She showed the elevations of the dwelling unit and how the architecture fit into the area. She went over setbacks, step backs, landscaping and the view corridor buffer which she said were all compliant. They were seeking the same permitted use essentially in the RM-25 zoning district but with fewer families living at that location. There would not be signage at this property. With a conditional use approval, this one family could reside in the proposed home. All of Staff's recommendations and conditions were acceptable to the Staudachers. They respectfully request that the Board approve the conditional use application to allow a residential use with one single family residing in the RM-25 zoning district. The Board did not have any questions for Attorney Crush.

The Chair opened up the hearing for public comment. Planning Technician Sydney Ramirez read into the record emails that were all in opposition and the reasons for their opposition to Case Number 2021-CU-01 from Michael and Kimberly Santo, Steven and Louann Goldring, Mary Welsh, Carla Snyder and Leslie Tatum.

Attorney Henry Handler (Weiss, Handler & Cornwell) represented the Sellitti Family Limited Partnership, owner of the boutique hotel, Seaward. He was joined by James Sellitti, representing the owner, and Architect Erik Kocher, Hastings+Chivetta. On behalf of their client, they oppose application 2021-CU-01. A PowerPoint presentation was given and the following were some of the items presented. Mr. Kocher and Mr. Handler shared reasons for not granting the conditional use approval. Mr. Kocher discussed the adverse impact of the architectural site design and character on their client's property and Mr. Handler spoke about the incompatibility of introducing a large, multi-story, single-family residence in the RM-25 zoning district. Per a public records request, this type of request was never made before. Mr. Kocher showed how their renderings demonstrated how the proposed building would look next to what was existing. It was projecting significantly in front of all of the adjacent properties to the north. It was not relating to the other

structures along the beach. Just in height alone, it towered over the adjacent property by almost twenty feet. He felt that shadow studies/light studies should have been part of their submission. This would have pointed out when the hotel's pool would now be entirely in the shade/shadow and when there would be light between the two buildings. He also pointed out the view corridor reduction, if this home was to be built. He felt that there should have been alternate designs submitted that mitigated problems regarding sun, air, light and shade.

Karen Sylvester asked if the Seaward was aware that the property was recently for sale. Mr. Sellitti answered in the affirmative. Ms. Sylvester further questioned the architect about consideration for flipping the floor plan and Stephen Brasgalla, architect for the Staudacher's project, said they were thinking of flipping the building and making it more amenable to the neighbors. It was a design process and they were very open to adjusting it in a favorable way. Chair Chanon asked about the Mid-Century Modern architectural style the Town was focused on and could this style be incorporated. Planner Levin explained why that was not the issue. Acting Development Services Director Campbell clarified that the Town Code did not require that single-family homes were to be Mid-Century Modern in style. She further answered the Chair that if this was a multi-family building, it would go through an architectural review. The statement that there would not be an architectural review process if they moved forward with the conditional use was corrected later on in the meeting that there would be an architectural review process if they moved forward with this conditional use. Mr. Piersante inquired if the architect's statement regarding an alternate plan would satisfy the people for the Seaward. Attorney Crush stated for clarification that the application before the Board this evening was as proposed and in the backup. She thought that what Mr. Brasgalla indicated was the Staudachers were always happy to talk to their neighbors but were not proposing to alter the proposed plan this evening. Tonight's plan was compliant. Mr. Dillistin wanted to know if the proposed property would be homesteaded or would it be a guest home and Vice Chair Christina Buerosse wanted to know if it would be a VRBO (vacation rentals by owner). Attorney Crush answered that it would be the Staudachers' primary home but unsure if it would be homesteaded. Mr. Sellitti answered Mr. Dillistin that the Seaward was not up for sale. Town Attorney James White asked anyone who spoke tonight to identify themselves for the court reporter for the purpose of the record. Vice Chair Christina Buerosse felt that since the building design was very rough on the Seaward, would the Board be able to ask to see another design. Town Attorney James White stated that according to the Code, the Board did not have that ability to mandate another design and the Board was currently left tonight with what was being requested. He informed that the Board did not have the ability to mandate the applicant to come back with a revised architectural plan in this case.

Jim Sellitti was granted time to speak by the Chair. He testified that he was one of the owners of the Seaward Hotel along with his two sisters and his brother. Their parents bought the Seaward back in the '70s. When it started, it was an eight-unit small efficiency motel but then Hurricane Wilma took it down. They renovated it and turned it into four luxury units that they rent. There were numerous clients who come back every year. The presentation by his architect, Erik Kocher, demonstrated the effect this proposed home would have on the Seaward. It would devastate it. He was for progress but objected to someone coming in and taking away from his property which has been In this community for almost fifty years. They pay taxes and bring tourists to this area who support local businesses and restaurants. Tonight's proposal would affect their views, the air, and the light/sunlight. The balconies would not get sun and would severely impact the amount of business they get. They were asking for consideration to the fact that they have been a member of this community for almost fifty years and what this would do to their business would be devastating. He could not understand when you consider a side setback, the Code says anything over 22 feet was required to have an additional setback of one foot for each two feet above twenty-two feet. He could not understand why that was not being taken at ground level but rather being

considered at the twenty-two feet level. This was going to impact the view corridor that the Town Council and the Town have preserved over the years. They were asking the Planning and Zoning Board to deny the conditional use request and consider the impact this was to have on the rest of the community. All of a sudden, El Mar Drive instead of having multi-family units, hotels and motels, could become a residential neighborhood. There was a sidewalk that went down the center of that property and was used since the '70s to gain beach access until recently when it was gated. He thought the Town had a prescriptive easement that would have prevented anything from being built there because there was a walkway. For the Town to now allow a four-story building to be built on that property would be a detriment to the community. He urged the Board to recommend denial of the conditional use.

Attorney Crushing thanked the Chair and the Board for the opportunity to respond to any public input they heard. She said comments about the property and its size were previously discussed. However, she showed an aerial demonstrating that the property was comparably sized to its neighbor to the north. This was a vacant RM-25 property which was listed for $1,000,000 with zoning and building opportunities for apartments or hotel making it consistent in size to some of the neighbors further up El Mar Drive. The discussion about the compatibility, setbacks and view corridor did not seem to have anything to do with the use. They were before the Board this evening asking that Sherri and Dave Staudacher be allowed to have a single-family residence on this property by approval of a conditional use. From the context site plan, one could see that the property met the current zoning code and provided a more regulated view corridor. The Staudachers met all the criteria set forth in the land development regulations for a building. They were here tonight seeking the conditional use for single family versus apartment home with fewer people, fewer impacts, and less traffic. The building as designed was compliant whether it was a hotel or apartment building and they were seeking to use it as a single-family home. The fact that there may not have been applications before this Board for a single-family home was because the price of beachfront property was dear. The Town put into its Code the opportunity for a single-family home there through a conditional use. This speaks to the Town's character. The RM-25 zoning district was codified consistent with its comprehensive plan. The building was designed to not have any adverse impacts to the neighbors. There was a board member asking about the orientation to the building and the attorney spoke about the original administrative adjustment which seemed consistent with the development pattern along El Mar Drive. She explained about hearing concerns from the neighbor to the north, so they modified their plans and did not need an administrative adjustment and it was withdrawn. They believe that the building design was code compliant and the request to have a single family instead of two or three families met all of the land development criteria. They still plan to reach out to their neighbors and discuss specific context. They urge the Board to recommend approval of the conditional use for a single-family home.

Attorney Henry Handler pointed out that in the application for approval this evening, the architect on behalf of the applicant (Stephen Brasgalla) recited code provisions and argued that the application and the proposal including the design shall not adversely impact land use activities and residential areas in the immediate vicinity. Further reciting that the single-family use shall be compatible in terms of alteration of light and air and concluded that the single-family use shall demonstrate proper use of mitigative techniques. The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses and note that no adverse impacts were proposed or anticipated. Attorney Handler said that they believe the application actually failed in that regard. Chair Chanon said that as he interpreted Code, the provisions and the criteria, mitigated techniques, light and air, etc., relative to what was a by right development, he was not sure, in his opinion, if he agreed with the Seaward's attorney's (Henry Handler) assessment. The Chair pointed out that if this was a six-unit building, we would

have all the same objectionable issues which would impact the property to the north. However, with a hotel or apartment building, there would be no approval requirement. The Board had a very specific set of criteria (compatibility, size, comprehensive plan and mitigation techniques) from which to base their approval. He did not feel that it failed on any of those accounts. His biggest challenge was for a required architectural review with this conditional use. He felt the Code failed because sanctioning this conditional use should allow for a required architectural component with this conditional use of a single-family building as it would be a required component with a multi-family building. Acting Development Services Director Campbell informed him that, if a conditional use was approved for this single-family home in the RM-25 zoning district, there would be an architectural review of the single-family home per the Town's Code.

Vice Chair Christina Buerosse inquired about protecting existing properties (like the Seaward) going forward and Mr. Dillistin wanted to know if they could get 25 units on that residential plot. Ms. Campbell said that it was 25 units per acre but to keep in mind that there were setback requirements, parking requirements, and all the other things that go into the feasibility of the project. Karen Sylvester said she felt sorry for the Seaward but what was brought forward today met the criteria. Jim Sellitti was granted speaking time. He said that consideration must be taken for adverse impact, (e.g., alteration of light and sun and air) on the adjoining property when granting a conditional use. Therefore, it did not follow the Code requirements necessary for a conditional use. Chair Chanon said the same negative impacts would affect the Seaward from this exact building whether it was a multi-family building or a single-family building. The only difference would be that the exact building would not need a conditional use as a multi-unit building. The challenge was would these negative impacts affect the Seaward more if they came from the same building used as a single-family home or used as a multi-unit building. We need to take a look at our Code to ensure it was written in a way that we want the Town to feel and to keep the Town's desired characteristics the same. There did not seem to be a tool available to the Board to not approve this conditional use even if we understand there were negative impacts to an established property like the Seaward. This Board was just the recommending body to the Town Commission and maybe they would have more leverage. There was a very clear mandate that this Board had to follow. Mr. Sellitti said that they were here tonight just for the conditional use for a single-family home changing the dynamics of El Mar Drive from multi-family hotels/motels to a single-family residence. One of the criteria to recommend a conditional use was whether or not it affected or altered the light and air to the adjoining property. That, in Mr. Sellitti's opinion, was sufficient to recommend against a conditional use.

Town Attorney James White said opinions could keep going back and forth. In his opinion, it would be best to open up for any questions or concluding remarks from either of the parties and then to conclude the public hearing and enter into a discussion and debate among the board members. If needed, staff and/or those who presented/spoke this evening could be called back for questions. Evidence was presented and staff analyzed and recommended approval of this particular conditional use for this single-family home on this location within the RM-25 zoning district. However, if a board member felt differently from the evidence presented or to what staff said, it was appropriate for the members to discuss it. The Board's decision must be based on competent and substantial evidence from the testimony heard and seen. This won't be an easy decision with all that has to be considered. As no one else wished to speak, the Chair asked for final comments. Attorney Handler said that they were concluded. Attorney Crush just wanted to emphasize that the building itself was compliant, they were seeking a conditional use for a single-family home, and staff evaluated the criteria with respect to the use. The Chair closed public comments and board discussion commenced.

Ron Piersante said that in the future, something would be built next to this house and he wondered if they would come in here saying their light was being blocked They could come back then changing their tune. Wayne Dillistin wanted to discuss the fact that if this building was being used as a hotel, they would not be in front of this Board requesting a conditional use. Acting Development Services Director Campbell said it would not be in front of this Board for a conditional use application but rather for a site plan application. Chair Chanon felt that the conditional use (single-family building) would not impact adversely beyond what would have been a by right structure (multi-family building) going on the site. Vice Chair Christina Buerosse felt that approving this could create a domino effect on how we would move forward. Chair Chanon felt that we might want to revisit the Code to lessen impacts on adjacent property owners but right now this building met the criteria. Wayne Dillistin said this was a hotel district but it was being changed and flipped. There were designated areas for specific reason and Mr. Dillistin felt that was important to keep them that way and not to keep manipulating things. Chair Chanon felt his biggest concern for a single-family home in this district was noise complaints from residents in a single-family house who were now in a multi-unit district having certain noise levels like traffic. Mr. Dillistin was not for this change and felt that the Town Commission would do what they felt was the best thing to do no matter what the Board recommended.

Town Attorney White said for the record that the Planning and Zoning Board's recommendation and consideration were important to the Town Commission in their decision making process. They may not agree with the recommendation sometime but it was still important to them and they take it into consideration when they make their decisions. Ron Piersante said that when they built the condos north of here, he could remember people complaining about blocking the sun. While there was sympathy, they met the Code and we were still blocking the sunlight when we built. Chair Chanon said that this would always happen until we change the Code or do something about it. The Town Attorney said that each application stood on its own and was reviewed on the conditions and circumstances relevant to the application. Today's agenda item was allowed in the RM-25 zoning district as a conditional use and the intent and purpose of a conditional use were, among other things, if something was worthy of a special consideration of circumstances relative to its impact on the surrounding neighboring properties in the area. There were certain things on the site that could be mitigated to address some of the Board's concerns and issues brought up tonight. Maybe some might think some of the criteria have not been satisfied while others did. Vice Chair Christina Buerosse felt that they did meet all the criteria but she still had concerns about selling vacant lots for a single-family home not in a residential area. She was against that and also wanted to know if this passed, could the homeowners go to Broward County to try to make the public beach behind their home a private beach. The Town Attorney said that there was a distinction in our Code as to what was a public beach and what was property. Karen Sylvester also felt they met Code but was not in favor of a single-family home there but we were not asked to vote on what we want built. As there was nothing further to add, this agenda item was closed.

Karen Sylvester made a motion to recommend approval of 2021-CU-01 to the Town Commission. The motion was seconded by Chair Chanon. The motion carried 4-1 (Wayne Dillistin opposed).

The Chair felt the Board should revisit this or have a workshop to determine whether we even agree with the way the Code was written. Town Attorney James White reminded that this was a recommendation and the item would proceed to the July 27, 2021 Town Commission Meeting at 6:30PM. Karen Sylvester asked if the Town Commission would get notes about our discussions and concerns. Acting Development Services Director Jhanelle Campbell said that it went to the Commission with the minutes and the Staff Report attached to exhibits to the Town Commission Report.

7. OLD BUSINESS

Planning Technician Sydney Ramirez reminded to listen to the video of the June meeting so that at the August P&Z Meeting, the deferred June 2nd minutes could be voted upon. She would send a link.

Town Attorney James White said there were changes on the Board with a new appointment. He asked Staff to circulate a memo he prepared on the Sunshine Law and a PowerPoint presentation out of the Attorney General's Office on Public Records and the Sunshine Law. If there were any questions or concerns, just let him know. He was happy to answer any questions.

8. UPDATES/BOARD MEMBER COMMENT N/A

9. ADJOURNMENT

Ron Piersante made a motion to adjourn at approximately 7:44PM. The motion was seconded by Vice Chair Christina Buerosse. The motion carried 5-0.

_____

Chair David Chanon

ATTEST: Date Accepted: _____

Acting Development Services Director Jhanelle Campbell

_____

COMPOSITE EXHIBIT 3B

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Wednesday, September 8, 2021 12:59 PM
To: Jhanelle Campbell; Town Manager; Susan Trevarthen; Chris Vincent; Randy Strauss; Buz Oldaker; Edmund Malkoon; Elliot Sokolow
Subject: Re: 4112 El Mar Drive

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Good Afternoon,
I received a response back from my email to you all yesterday from Commissioner Malkoon that informed me that the Quasi Judicial Hearing for 4112 El Mar Drive would not be taking place on September 13,2021.
I would appreciate a formal response back from the Town and an email alert sent to the many residents who planned on participating at that hearing.
Commissioner Malkoon stated in his email that this hearing was known to be no longer on the agenda for Sept. 13,2021 in August!
I would like to know why the Interim Town Manager, Town Attorney, Interim Director of Development and Town Attorney White did not inform the Planning & Zoning Board at their September 1,2021 meeting?
They were all in Jarvis Hall and actively participating and directing the board.
The board was being asked to deliberate on Ordinance 2021-09 which now includes no more single family homes on El Mar Drive and to grandfather in the 4112 El Mar Drive applicant.
The insertion of this to the changes for short term rentals ordinance was a surprise due to it not going back to the commission first to discuss and to make a Zoning in Progress if accepted by the commission as is the normal process when a request for change has been asked for from the commission to the Town Attorney.
Suddenly, it is sent straight to Ordinance 1st read with the grandfather addendum for 4112 El Mar Drive?
The P&Z should have been instructed about this unusual fast tracking and should have been told that this ordinance and the grandfathering for 4112 El Mar Drive would be before the Quasi Judicial Hearing.
Commissioner Malkoon stated in his responses that the Town Architect (contracted), Leo Hansen reviewed and asked for architectural and material changes to the applicant's design which in turn delayed the September 13,2021 hearing.
On July 7,2021 a P& Z Board member asked about the architectural review process and was met with no viable response from Town staff.
This was scheduled to go to the commission on July 27,2021 and was pulled per the applicant's request.
If this had gone on that July 27,2021 agenda as planned does this mean the commission would have possibly approved a design our Town Architect found did not meet his architectural review on the Town's behalf thus resulting in a Conditional Use single family home that did not meet the requirements beyond its adverse impact on the Seaward Hotel and the neighborhood?
To not inform P& Z and residents well before seeing there was no public notice sign on the 4112 property prompting me to inquire by email to the Town is just more of the same epic failures I have seen with this 4112 El Mar Drive Single Family Home Condition Use application process!
I await a Town response and alerts,
Barbara Cole

Sent from my iPhone

> On Sep 7, 2021, at 3:45 PM, Barbara Cole <barbarafcole@gmail.com> wrote:
>
> Good Afternoon,
> On Monday September 13, 2021 the commission is scheduled to have a quasi judicial hearing for a Single Family Home Conditional Use Application for 4112 El Mar Drive.
> There is currently no sign on the property with this hearing taking place with the date/time/ place which I believe is usually provided to neighbors and others in town to participate as it was on the property last spring.
> Was a Public Notice made anywhere?
> We are now 6 days away from this hearing.
> The Town should be making every effort to provide public information for this application hearing to our town residents.
> Separate from this hearing are Ordinances 2021-08/ 2021-09/2021-11 which also require the Town to make every effort to alert residents asap for participation on equally longterm impactful changes.
> Thank you,
> Barbara Cole
>
>
> Sent from my iPhone

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 13
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Tuesday, September 7, 2021 3:45 PM
To: Jhanelle Campbell; Town Manager; Susan Trevarthen; Chris Vincent; Randy Strauss; Buz Oldaker; Edmund Malkoon; Elliot Sokolow
Subject: 4112 El Mar Drive

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Good Afternoon,
On Monday September 13, 2021 the commission is scheduled to have a quasi judicial hearing for a Single Family Home Conditional Use Application for 4112 El Mar Drive.
There is currently no sign on the property with this hearing taking place with the date/time/ place which I believe is usually provided to neighbors and others in town to participate as it was on the property last spring.
Was a Public Notice made anywhere?
We are now 6 days away from this hearing.
The Town should be making every effort to provide public information for this application hearing to our town residents.
Separate from this hearing are Ordinances 2021-08/ 2021-09/2021-11 which also require the Town to make every effort to alert residents asap for participation on equally longterm impactful changes.
Thank you,
Barbara Cole

Sent from my iPhone

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Tuesday, September 14, 2021 3:08 PM
To: Town Manager; Susan Trevarthen; Jhanelle Campbell; Chris Vincent; Randy Strauss; Buz Oldaker; Edmund Malkoon; Elliot Sokolow
Subject: Re: A Good Night for LBTS

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Further correction-of dates.

Sent from my iPhone

> On Sep 14, 2021, at 8:20 AM, Barbara Cole <barbarafcole@gmail.com> wrote:
>
> Corrected-
>
> Good Morning,
> The results of last night's marathon budget/ commission meetings proved to be a good night for those you represent in our town! The hope is it can be even more- so on the 28th and going forward!
> We saw real back and forth exchanges on the dais which has been sorely lacking for quite some time and far too long!
> For the 2nd Budget Hearing please spend time going over the removal or delay items blamed on the rollback and any changes that can be made to those items as you began to discuss last night.
> I would like to know and was remiss in my comments last night , the following-
> Throughout the budget it is stated the rollback alone causing these changes is $285 thousand- But- the actual rollback shown in the budget message and provided advalorem table is $149 thousand.
> Why the difference of $130 thousand?
> If the impact of the actual rollback includes some other additional loss combined with the $149 thousand that should be specified and used with each use of the rollback reasoning for each item being impacted for 2022.
> Please take the the time to explain this at the next meeting.
> There are a few issues that need more attention for 2nd reading.
> The grandfather conclusions were in error in my opinion. They are being based on incorrect information either given by staff or those commissioners who did not look at the P&Z 7/7 & 9/1 videos and minutes with board members explaining their valid votes. Re- read the 9/8 email sent by Jhanelle per Linda Conner's instruction showing the attorney for the applicants on 8/26 refuted the architect's findings, wanted to proceed with the 9/13 quasi hearing and stated the applicant would not engage further- counter to the the applicants and their attorney comments last night!
> Why did Town staff not go ahead with the hearing as the applicants wanted and do what I believe was their role to then present the Conditional Uses and Architect Review findings while letting them use their " dream home" to get the fair outcome based on the facts?

> It was disturbing to see commissioners and others blame the Seaward for not buying the easement property as if they brought this on themselves- really?!
> To -Commissioner Malkoon and Vice Mayor Oldaker who have not met with the Seaward owners -in 2017-18 you both stated at the Tradewinds Quasi Hearing you met with the impacted neighbors so your excuses not to now are inexcusable.
> At that same hearing for that overbuilt mansion on January 23,2018 and at each delay of it the Town Attorney stated ALL interested parties were notified- not just the applicants! Why not with this property?
> This grandfathering is not like the one we faced for heights from the north. Threats of Bert J Harris fall flat due to the purchase of this property in June being $2.8 million and 2 months later it is shown increasing in value to $3.3 million.
> Do not fall for Bert J Harris fearmongering again resulting in millions of taxpayer funds being used as a result!
> It is not too late to rectify your decision to grandfather 4112 for 2021-09 2nd reading by doing your due-diligence in advance!
> Ordinance 2021-11 on 2nd reading needs to be amended to relax some of the perceived over- reach involvement of the meetings by own staff and with the compiled results passed on to the board and commission.
> Finally, with the fallout last night on Ord. 2021-08 and it failing to get a motion along with the retention of our lobbyist we can be assured we will be privy to all future legislative issues from the start rather than after it is too late!
> Once again, thanks to you all for your active participation!
> Barbara Cole
>
> Sent from my iPhone
>
> Sent from my iPhone
>
>> On Sep 14, 2021, at 7:46 AM, Barbara Cole <barbarafcole@gmail.com> wrote:
>>
>> Good Morning,
>> The results of last night's marathon budget/ commission meetings proved to be a good night for those you represent in our town! The hope is it can be even more- so on the 28th and going forward!
>> We saw real back and forth exchanges on the dais which has been sorely lacking for quite some time and far too long!
>> For the 2nd Budget Hearing please spend time going over the removal or delay items blamed on the rollback and any changes that can be made to those items as you began to discuss last night.
>> I would like to know and was remiss in my comments last night , the following-
>> Throughout the budget it is stated the rollback alone causing these changes is $285 thousand- But- the actual rollback shown in the budget message and provided advalorem table is $149 thousand.
>> Why the difference of $130 thousand?
>> If the impact of the actual rollback includes some other additional loss combined with the $149 thousand that should be specified and used with each use of the rollback reasoning for each item being impacted for 2022.
>> Please take the the time to explain this at the next meeting.
>> There are a few issues that need more attention for 2nd reading.
>> The grandfather conclusions were in error in my opinion. They are being based on incorrect information either given by staff or those commissioners who did not look at the P&Z 97/7 & 9/1 videos and minutes with board members explaining their valid votes. Re- read the 9/8 email sent by Jhanelle per Linda Conner's instruction showing the attorney for the applicants on 8/19 refuted the architect's findings, wanted to proceed with the 9/13 quasi hearing and stated the

applicant would not engage further- counter to the the applicants and their attorney comments last night!
>> Why did Town staff not go ahead with the hearing as the applicants wanted and do what I believe was their role to then present the Conditional Uses and Architect Review findings while letting them use their " dream home" to get the fair outcome based on the facts?
>> It was disturbing to see commissioners and others blame the Seaward for not buying the easement property as if they brought this on themselves- really?!
>> To -Commissioner Malkoon and Vice Mayor Oldaker who have not met with the Seaward owners -in 2017-18 you both stated at the Tradewinds Quasi Hearing you met with the impacted neighbors so your excuses not to now are inexcusable.
>> At that same hearing for that overbuilt mansion on January 23,2018 and at each delay of it the Town Attorney stated ALL interested parties were notified- not just the applicants! Why not with this property?
>> This grandfathering is not like the one we faced for heights from the north. Threats of Bert J Harris fall flat due to the purchase of this property in June being $2.8 million and 2 months later it is shown increasing in value to $3.3 million.
>> Do not fall for Bert J Harris fearmongering again resulting in millions of taxpayer funds being used as a result!
>> It is not too late to rectify your decision to grandfather 4112 for 2021-09 2nd reading by doing your due-diligence in advance!
>> Ordinance 2021-11 on 2nd reading needs to be amended to relax some of the perceived over- reach involvement of the meetings by own staff and with the compiled results passed on to the board and commission.
>> Finally, with the fallout last night on Ord. 2021-08 and it failing to get a motion along with the retention of our lobbyist we can be assured we will be privy to all future legislative issues from the start rather than after it is too late!
>> Once again, thanks to you all for your active participation!
>> Barbara Cole
>>
>> Sent from my iPhone

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Tuesday, September 14, 2021 8:20 AM
To: Town Manager; Susan Trevarthen; Jhanelle Campbell; Chris Vincent; Randy Strauss; Buz Oldaker; Edmund Malkoon; Elliot Sokolow
Subject: Re: A Good Night for LBTS

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Corrected-

Good Morning,
The results of last night's marathon budget/ commission meetings proved to be a good night for those you represent in our town! The hope is it can be even more- so on the 28th and going forward!
We saw real back and forth exchanges on the dais which has been sorely lacking for quite some time and far too long!
For the 2nd Budget Hearing please spend time going over the removal or delay items blamed on the rollback and any changes that can be made to those items as you began to discuss last night.
I would like to know and was remiss in my comments last night , the following-
Throughout the budget it is stated the rollback alone causing these changes is $285 thousand- But- the actual rollback shown in the budget message and provided advalorem table is $149 thousand.
Why the difference of $130 thousand?
If the impact of the actual rollback includes some other additional loss combined with the $149 thousand that should be specified and used with each use of the rollback reasoning for each item being impacted for 2022.
Please take the the time to explain this at the next meeting.
There are a few issues that need more attention for 2nd reading.
The grandfather conclusions were in error in my opinion. They are being based on incorrect information either given by staff or those commissioners who did not look at the P&Z 7/7 & 9/1 videos and minutes with board members explaining their valid votes. Re- read the 9/8 email sent by Jhanelle per Linda Conner's instruction showing the attorney for the applicants on 8/19 refuted the architect's findings, wanted to proceed with the 9/13 quasi hearing and stated the applicant would not engage further- counter to the the applicants and their attorney comments last night!
Why did Town staff not go ahead with the hearing as the applicants wanted and do what I believe was their role to then present the Conditional Uses and Architect Review findings while letting them use their " dream home" to get the fair outcome based on the facts?
It was disturbing to see commissioners and others blame the Seaward for not buying the easement property as if they brought this on themselves- really?!
To -Commissioner Malkoon and Vice Mayor Oldaker who have not met with the Seaward owners -in 2017-18 you both stated at the Tradewinds Quasi Hearing you met with the impacted neighbors so your excuses not to now are inexcusable.
At that same hearing for that overbuilt mansion on January 23,2018 and at each delay of it the Town Attorney stated ALL interested parties were notified- not just the applicants! Why not with this property?
This grandfathering is not like the one we faced for heights from the north. Threats of Bert J Harris fall flat due to the purchase of this property in June being $2.8

million and 2 months later it is shown increasing in value to $3.3 million.
Do not fall for Bert J Harris fearmongering again resulting in millions of taxpayer funds being used as a result!
It is not too late to rectify your decision to grandfather 4112 for 2021-09 2nd reading by doing your due-diligence in advance!
Ordinance 2021-11 on 2nd reading needs to be amended to relax some of the perceived over- reach involvement of the meetings by own staff and with the compiled results passed on to the board and commission.
Finally, with the fallout last night on Ord. 2021-08 and it failing to get a motion along with the retention of our lobbyist we can be assured we will be privy to all future legislative issues from the start rather than after it is too late!
Once again, thanks to you all for your active participation!
Barbara Cole

Sent from my iPhone

Sent from my iPhone

> On Sep 14, 2021, at 7:46 AM, Barbara Cole <barbarafcole@gmail.com> wrote:
>
> Good Morning,
> The results of last night's marathon budget/ commission meetings proved to be a good night for those you represent in our town! The hope is it can be even more- so on the 28th and going forward!
> We saw real back and forth exchanges on the dais which has been sorely lacking for quite some time and far too long!
> For the 2nd Budget Hearing please spend time going over the removal or delay items blamed on the rollback and any changes that can be made to those items as you began to discuss last night.
> I would like to know and was remiss in my comments last night , the following-
> Throughout the budget it is stated the rollback alone causing these changes is $285 thousand- But- the actual rollback shown in the budget message and provided advalorem table is $149 thousand.
> Why the difference of $130 thousand?
> If the impact of the actual rollback includes some other additional loss combined with the $149 thousand that should be specified and used with each use of the rollback reasoning for each item being impacted for 2022.
> Please take the the time to explain this at the next meeting.
> There are a few issues that need more attention for 2nd reading.
> The grandfather conclusions were in error in my opinion. They are being based on incorrect information either given by staff or those commissioners who did not look at the P&Z 97/7 & 9/1 videos and minutes with board members explaining their valid votes. Re- read the 9/8 email sent by Jhanelle per Linda Conner's instruction showing the attorney for the applicants on 8/19 refuted the architect's findings, wanted to proceed with the 9/13 quasi hearing and stated the applicant would not engage further- counter to the the applicants and their attorney comments last night!
> Why did Town staff not go ahead with the hearing as the applicants wanted and do what I believe was their role to then present the Conditional Uses and Architect Review findings while letting them use their " dream home" to get the fair outcome based on the facts?
> It was disturbing to see commissioners and others blame the Seaward for not buying the easement property as if they brought this on themselves- really?!
> To -Commissioner Malkoon and Vice Mayor Oldaker who have not met with the Seaward owners -in 2017-18 you both stated at the Tradewinds Quasi Hearing you met with the impacted neighbors so your excuses not to now are inexcusable.

> At that same hearing for that overbuilt mansion on January 23,2018 and at each delay of it the Town Attorney stated ALL interested parties were notified- not just the applicants! Why not with this property?
> This grandfathering is not like the one we faced for heights from the north. Threats of Bert J Harris fall flat due to the purchase of this property in June being $2.8 million and 2 months later it is shown increasing in value to $3.3 million.
> Do not fall for Bert J Harris fearmongering again resulting in millions of taxpayer funds being used as a result!
> It is not too late to rectify your decision to grandfather 4112 for 2021-09 2nd reading by doing your due-diligence in advance!
> Ordinance 2021-11 on 2nd reading needs to be amended to relax some of the perceived over- reach involvement of the meetings by own staff and with the compiled results passed on to the board and commission.
> Finally, with the fallout last night on Ord. 2021-08 and it failing to get a motion along with the retention of our lobbyist we can be assured we will be privy to all future legislative issues from the start rather than after it is too late!
> Once again, thanks to you all for your active participation!
> Barbara Cole
>
> Sent from my iPhone

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Tuesday, September 14, 2021 7:47 AM
To: Town Manager; Susan Trevarthen; Jhanelle Campbell; Chris Vincent; Randy Strauss; Buz Oldaker; Edmund Malkoon; Elliot Sokolow
Subject: A Good Night for LBTS

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Good Morning,
The results of last night's marathon budget/ commission meetings proved to be a good night for those you represent in our town! The hope is it can be even more- so on the 28th and going forward!
We saw real back and forth exchanges on the dais which has been sorely lacking for quite some time and far too long!
For the 2nd Budget Hearing please spend time going over the removal or delay items blamed on the rollback and any changes that can be made to those items as you began to discuss last night.
I would like to know and was remiss in my comments last night , the following-
Throughout the budget it is stated the rollback alone causing these changes is $285 thousand- But- the actual rollback shown in the budget message and provided advalorem table is $149 thousand.
Why the difference of $130 thousand?
If the impact of the actual rollback includes some other additional loss combined with the $149 thousand that should be specified and used with each use of the rollback reasoning for each item being impacted for 2022.
Please take the the time to explain this at the next meeting.
There are a few issues that need more attention for 2nd reading.
The grandfather conclusions were in error in my opinion. They are being based on incorrect information either given by staff or those commissioners who did not look at the P&Z 97/7 & 9/1 videos and minutes with board members explaining their valid votes. Re- read the 9/8 email sent by Jhanelle per Linda Conner's instruction showing the attorney for the applicants on 8/19 refuted the architect's findings, wanted to proceed with the 9/13 quasi hearing and stated the applicant would not engage further- counter to the the applicants and their attorney comments last night!
Why did Town staff not go ahead with the hearing as the applicants wanted and do what I believe was their role to then present the Conditional Uses and Architect Review findings while letting them use their " dream home" to get the fair outcome based on the facts?
It was disturbing to see commissioners and others blame the Seaward for not buying the easement property as if they brought this on themselves- really?!
To -Commissioner Malkoon and Vice Mayor Oldaker who have not met with the Seaward owners -in 2017-18 you both stated at the Tradewinds Quasi Hearing you met with the impacted neighbors so your excuses not to now are inexcusable.
At that same hearing for that overbuilt mansion on January 23,2018 and at each delay of it the Town Attorney stated ALL interested parties were notified- not just the applicants! Why not with this property?
This grandfathering is not like the one we faced for heights from the north. Threats of Bert J Harris fall flat due to the purchase of this property in June being $2.8 million and 2 months later it is shown increasing in value to $3.3 million.
Do not fall for Bert J Harris fearmongering again resulting in millions of taxpayer funds being used as a result!

It is not too late to rectify your decision to grandfather 4112 for 2021-09 2nd reading by doing your due-diligence in advance!
Ordinance 2021-11 on 2nd reading needs to be amended to relax some of the perceived over- reach involvement of the meetings by own staff and with the compiled results passed on to the board and commission.
Finally, with the fallout last night on Ord. 2021-08 and it failing to get a motion along with the retention of our lobbyist we can be assured we will be privy to all future legislative issues from the start rather than after it is too late!
Once again, thanks to you all for your active participation!
Barbara Cole

Sent from my iPhone

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Monday, October 4, 2021 4:36 PM
To: Tedra Allen; Jhanelle Campbell
Subject: File opened

Categories: Read and Completed

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Hi, my IT guy opened Citrix Files.
Thx!

Sent from my iPhone

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Thursday, November 18, 2021 10:25 AM
To: Jhanelle Campbell
Subject: Re: P&Z

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Please send me an opinion if provided for not going back to P&Z for changes for 4112 El Mar.
If you require public records request I will make it.
Thank you,
Barbara Cole

Sent from my iPhone

> On Nov 15, 2021, at 3:27 PM, Barbara Cole <barbarafcole@gmail.com> wrote:
>
> Can you explain why it is not going back to P& Z as emails indicated would be required for material changes?
> Barbara
>
> Sent from my iPhone
>
>> On Nov 15, 2021, at 3:23 PM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:
>>
>> Good afternoon Barbara,
>>
>> 4112 El Mar Drive will be presented to the Town Commission on December 14.
>>
>> Thank you
>>
>> Jhanelle Campbell
>> Development Services Director
>> 4501 N. OCEAN DRIVE,
>> LAUDERDALE-BY-THE-SEA, FL 33308
>> Phone: 954-640-4219 * JhanelleC@lbts-fl.gov www.lbts-fl.gov *

>> www.lbtsevents.com
>>
>>
>>
>>
>>
>>
>> -----Original Message-----
>> From: Barbara Cole <barbarafcole@gmail.com>
>> Sent: Saturday, November 13, 2021 10:48 AM
>> To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
>> Subject: P&Z
>>
>> [CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.
>> _____
>>
>> Good Morning,
>> Please inform me if 4112 El Mar Drive is going to the December P&Z meeting or will be on Dec. 14,2021 Commission meeting.
>> Thank you,
>> Barbara Cole
>>
>> Sent from my iPhone

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Monday, November 15, 2021 3:28 PM
To: Jhanelle Campbell
Subject: Re: P&Z

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.
_____

Can you explain why it is not going back to P& Z as emails indicated would be required for material changes?
Barbara

Sent from my iPhone

> On Nov 15, 2021, at 3:23 PM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:
>
> Good afternoon Barbara,
>
> 4112 El Mar Drive will be presented to the Town Commission on December 14.
>
> Thank you
>
> Jhanelle Campbell
> Development Services Director
> 4501 N. OCEAN DRIVE,
> LAUDERDALE-BY-THE-SEA, FL 33308
> Phone: 954-640-4219 * JhanelleC@lbts-fl.gov www.lbts-fl.gov *
> www.lbtsevents.com
>
>
>
>
>
>
> -----Original Message-----
> From: Barbara Cole <barbarafcole@gmail.com>

> Sent: Saturday, November 13, 2021 10:48 AM
> To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
> Subject: P&Z
>
> [CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.
> _____
>
> Good Morning,
> Please inform me if 4112 El Mar Drive is going to the December P&Z meeting or will be on Dec. 14,2021 Commission meeting.
> Thank you,
> Barbara Cole
>
> Sent from my iPhone

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Saturday, November 13, 2021 10:48 AM
To: Jhanelle Campbell
Subject: P&Z

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Good Morning,
Please inform me if 4112 El Mar Drive is going to the December P&Z meeting or will be on Dec. 14,2021 Commission meeting.
Thank you,
Barbara Cole

Sent from my iPhone

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Monday, January 3, 2022 6:22 PM
To: Jhanelle Campbell
Cc: Tedra Allen; Neysa Herrera
Subject: Re: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thank you. Barbara

On Mon, Jan 3, 2022 at 4:50 PM Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good afternoon,

Please see a link to the emails below as per your request.

https://giaspace.sharefile.com/d-sa97726141e2f42c6a2b1ece43ecdf628

Thank you,

Jhanelle Campbell
Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

-----Original Message-----
From: Barbara Cole <barbarafcole@gmail.com>
Sent: Sunday, January 2, 2022 9:51 AM

To: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>; Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

I am making a public Records Request for all emails concerning 4112 El Mar Drive from 12/9/2021 to date of receipt of my request.
Please reply you received this request.
Thank you,
Barbara Cole

Sent from my iPhone

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Monday, January 3, 2022 3:15 PM
To: Tedra Allen; Jhanelle Campbell; Neysa Herrera
Subject: Re: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Since Tedra is leaving I am re- sending my request to include Neysa as Tedra emailed will be taking over until a new Town Clerk is hired.
Jhanelle, please reply you have received this PRR.
Thank you,
Barbara Cole

Sent from my iPhone

> On Jan 2, 2022, at 9:51 AM, Barbara Cole <barbarafcole@gmail.com> wrote:
>
> I am making a public Records Request for all emails concerning 4112 El Mar Drive from 12/9/2021 to date of receipt of my request.
> Please reply you received this request.
> Thank you,
> Barbara Cole
>
> Sent from my iPhone

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Sunday, January 2, 2022 9:51 AM
To: Tedra Allen; Jhanelle Campbell
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

I am making a public Records Request for all emails concerning 4112 El Mar Drive from 12/9/2021 to date of receipt of my request.
Please reply you received this request.
Thank you,
Barbara Cole

Sent from my iPhone

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Thursday, December 9, 2021 8:53 AM
To: Tedra Allen; Jhanelle Campbell
Subject: Re: Public Records Request

Follow Up Flag: Follow up
Flag Status: Completed

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Please let me know you are in receipt of my records request.
Barbara Cole

Sent from my iPhone

> On Dec 8, 2021, at 8:37 AM, Barbara Cole <barbarafcole@gmail.com> wrote:
>
> Good Morning,
> I am making a Public Records Request for all emails concerning 4112 El Mar Drive from 11/20/2021 to the date you are complying with my request.
> Please reply you are in receipt of this request.
> Thank you,
> Barbara Cole
>
> Sent from my iPhone

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Monday, November 22, 2021 8:14 AM
To: Tedra Allen; Jhanelle Campbell
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk,
I am making a Public Records Request for all emails for 4112 El Mar Drive from 11/16/2021 to when you are able to send them to me.
I previously inquired to the Acting Director of Development about the applicant not returning to P& Z as seen was required in prior email requests I received.
I see the next door neighbor has inquired on this and the Town Attorneys state they are responding to that so therefore I am making another request.
Thank you,
Barbara Cole

Sent from my iPhone

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Friday, November 19, 2021 1:49 PM
To: Jhanelle Campbell
Subject: Re: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

It shows invalid link. Unable to open as the past received documents. Barbara Cole

On Fri, Nov 19, 2021 at 12:29 PM Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good afternoon Barbara,

Please see below link as per your request.

https://giaspace.sharefile.com/d-s7442...

Thank you

Jhanelle Campbell
Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 * JhanelleC@lbts-fl.gov
www.lbts-fl.gov * www.lbtsevents.com

-----Original Message-----
From: Barbara Cole <barbarafcole@gmail.com>

Sent: Friday, November 19, 2021 8:02 AM
To: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>; Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk,
I am making a Public Records Request for all emails concerning 4112 El Mar Drive from 11/5/2021 to the date of my receiving them.
Please reply you are in receipt of this request.
Thank you,
Barbara Cole

Sent from my iPhone

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Friday, November 19, 2021 8:02 AM
To: Tedra Allen; Jhanelle Campbell
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk,
I am making a Public Records Request for all emails concerning 4112 El Mar Drive from 11/5/2021 to the date of my receiving them.
Please reply you are in receipt of this request.
Thank you,
Barbara Cole

Sent from my iPhone

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Monday, October 25, 2021 8:23 PM
To: Jhanelle Campbell
Subject: Re: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Jhanelle,
I was able to open it!
The emails show a request for 10/26/2021 Commission meeting / P & Z requirement/ Architectural approval.
Do you have an update on the process to be followed with dates yet?
Thanks,
Barbara Cole

Sent from my iPhone

On Oct 25, 2021, at 7:30 PM, Barbara Cole <barbarafcole@gmail.com> wrote:

Thank you.
I am hoping I can open it - will let you know.
Barbara

Sent from my iPhone

On Oct 25, 2021, at 6:34 PM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good afternoon Barbara

Please see below link to the emails you requested. Kindly confirm receipt of this email.

https://giaspace.sharefile.com/d-sb7e22f88e5114c3d8ad57bf808eb8e45

Thank you

Jhanelle Campbell

Sent from my iPhone

On Oct 22, 2021, at 3:11 PM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Understood.

Thank you,

<image001.png>

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Friday, October 22, 2021 3:10 PM
To: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>; Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk,

Thank you for answering you are in receipt of my Public Records Request for 4112 El Mar Drive.
I understand it may take longer so I am therefore asking to extend the request timeline from 9/13/2021 to the date of the Public Records Request being sent to me.
Thank you,
Barbara Cole

Total Control Panel

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Total Control Panel

Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 50
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Monday, October 25, 2021 7:30 PM
To: Jhanelle Campbell
Subject: Re: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thank you.
I am hoping I can open it - will let you know.
Barbara

Sent from my iPhone

On Oct 25, 2021, at 6:34 PM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good afternoon Barbara

Please see below link to the emails you requested. Kindly confirm receipt of this email.

https://giaspace.sharefile.com/d-sb7e22f88e5114c3d8ad57bf808eb8e45

Thank you

Jhanelle Campbell

Sent from my iPhone

On Oct 22, 2021, at 3:11 PM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Understood.

Thank you,

<image001.png>

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Friday, October 22, 2021 3:10 PM
To: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>; Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk,
Thank you for answering you are in receipt of my Public Records Request for 4112 El Mar Drive.
I understand it may take longer so I am therefore asking to extend the request timeline from 9/13/2021 to the date of the Public Records Request being sent to me.
Thank you,
Barbara Cole

Total Control Panel

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender

High (60): Pass
Medium (75): Pass
Low (90): Pass

Block gmail.com

This message was delivered because the content filter score did not exceed your filter level.

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 50
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Sunday, October 24, 2021 10:27 AM
To: Tedra Allen; Jhanelle Campbell
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk,
I am making a Public Records Request for current and in-process Vacation Rental Properties in our town both in the south and north.
I also want to know if single owners/ corporations own multiple houses in certain areas and neighborhood streets.
Are they listed somewhere for businesses on town website?
What has been the increase in the last 2 years?
Are condominiums included for required licensing?
Are the ones that do allow vacation rentals known to the town?
Please reply you are receipt of this request.
Thank you,
Barbara Cole
Sent from my iPhone

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Friday, October 22, 2021 3:10 PM
To: Tedra Allen; Jhanelle Campbell
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk,
Thank you for answering you are in receipt of my Public Records Request for 4112 El Mar Drive.
I understand it may take longer so I am therefore asking to extend the request timeline from 9/13/2021 to the date of the Public Records Request being sent to me.
Thank you,
Barbara Cole

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Wednesday, October 20, 2021 11:38 AM
To: Jhanelle Campbell
Cc: Tedra Allen
Subject: Re: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Many Thanks!

Sent from my iPhone

On Oct 20, 2021, at 11:17 AM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good morning . Message received. We will provide as soon as the information requested is compiled.

Sent from my iPhone

On Oct 20, 2021, at 10:47 AM, Barbara Cole <barbarafcole@gmail.com> wrote:

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Did you receive my Public Records request?
Please reply.
Barbara Cole

On Tue, Oct 19, 2021 at 1:32 PM Barbara Cole <barbarafcole@gmail.com> wrote:

Town Clerk,
I am making a Public Records Request for all 4112 El Mar Drive emailed or submitted in- person inquiries received by the Town Development Department for what would be allowed and what would be required to build a single family home on the property from September 13, 2021 to 10,19,2021 and all responses to these inquiries from department staff.
Please acknowledge you received this request.

Thank you,
Barbara Cole

Total Control Panel

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Total Control Panel

Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Wednesday, October 20, 2021 10:48 AM
To: Tedra Allen; Jhanelle Campbell
Subject: Re: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Did you receive my Public Records request?
Please reply.
Barbara Cole

On Tue, Oct 19, 2021 at 1:32 PM Barbara Cole <barbarafcole@gmail.com> wrote:

> Town Clerk,
> I am making a Public Records Request for all 4112 El Mar Drive emailed or submitted in- person inquiries received by the Town Development Department for what would be allowed and what would be required to build a single family home on the property from September 13, 2021 to 10,19,2021 and all responses to these inquiries from department staff.
> Please acknowledge you received this request.
> Thank you,
> Barbara Cole

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Tuesday, October 19, 2021 1:33 PM
To: Tedra Allen; Jhanelle Campbell
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk,
I am making a Public Records Request for all 4112 El Mar Drive emailed or submitted in- person inquiries received by the Town Development Department for what would be allowed and what would be required to build a single family home on the property from September 13, 2021 to 10,19,2021 and all responses to these inquiries from department staff.
Please acknowledge you received this request.
Thank you,
Barbara Cole

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Friday, October 1, 2021 5:14 PM
To: Jhanelle Campbell; Tedra Allen
Subject: Public records request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Hi, I have not heard back on my public records request concerning both not being able to open the Citrus Sharefiles and the request limited to inquiries that I sent to Jhanelle last week.
Please reply,
Thank you,
Barbara Cole

Sent from my iPhone

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Tuesday, September 28, 2021 10:04 PM
To: Jhanelle Campbell
Subject: Re: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Jhanelle,
What my request was for was all inquiries to the Development Department concerning selling and building 4112 El Mar from 2018-2021 and responses back.
I believe there were 2 realtors and/ or property owners before the current owners so there should not be many inquiries concerning what is allowed for building on that site to inform buyers and to proceed with applications.
The sharefile size looks like much more than needed.
Barbara Cole

Sent from my iPhone

On Sep 28, 2021, at 6:12 PM, Barbara Cole <barbarafcole@gmail.com> wrote:

Jhanelle,
I am unable to open these.
Is there another way to get them?
I am on Mac/ iPhone.
Thank you,
Barbara

Sent from my iPhone

On Sep 28, 2021, at 5:24 PM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good afternoon Barbara,

Please see below link to the information requested. Please let me know if this information meets your request.

https://giaspace.sharefile.com/d-s2cc3...

Thank you,

<image002.png>

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Monday, September 20, 2021 9:39 PM
To: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk,
I am making a Public Records Request for all 4112 El Mar Drive emailed or submitted in- person inquiries received by the Town Development Department for what would be allowed and what would be required to build a single family home on the property from 2018-2021 and all responses to these inquiries from department staff.
Please acknowledge you received this request.

Thank you,
Barbara Cole

Sent from my iPhone

Total Control Panel

To: tedraa@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 50
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Tuesday, September 28, 2021 6:12 PM
To: Jhanelle Campbell
Subject: Re: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Jhanelle,
I am unable to open these.
Is there another way to get them?
I am on Mac/ iPhone.
Thank you,
Barbara

Sent from my iPhone

On Sep 28, 2021, at 5:24 PM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good afternoon Barbara,

Please see below link to the information requested. Please let me know if this information meets your request.

https://giaspace.sharefile.com/d-s2cc3...

Thank you,

<image002.png>

Jhanelle Campbell

Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Monday, September 20, 2021 9:39 PM
To: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk,
I am making a Public Records Request for all 4112 El Mar Drive emailed or submitted in- person inquiries received by the Town Development Department for what would be allowed and what would be required to build a single family home on the property from 2018-2021 and all responses to these inquiries from department staff.
Please acknowledge you received this request.
Thank you,
Barbara Cole

Sent from my iPhone

Total Control Panel Login

To: tedraa@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 50
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Friday, January 7, 2022 5:50 AM
To: Jhanelle Campbell; Neysa Herrera
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

I am making a public Records Request for all emails concerning 4112 El Mar Drive from 1/3/2021 to date of receipt of my request.
Please reply you received this request.
Thank you,
Barbara Cole

Sent from my iPhone

Sent from my iPhone

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Wednesday, December 8, 2021 8:38 AM
To: Tedra Allen; Jhanelle Campbell
Subject: Public Records Request

Follow Up Flag: Follow up
Flag Status: Completed

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Good Morning,
I am making a Public Records Request for all emails concerning 4112 El Mar Drive from 11/20/2021 to the date you are complying with my request.
Please reply you are in receipt of this request.
Thank you,
Barbara Cole

Sent from my iPhone

Jhanelle Campbell

From: Susan Leven
Sent: Thursday, August 5, 2021 11:02 AM
To: Henry B. Handler
Cc: Jhanelle Campbell; James E. White; Susan Trevarthen; Town Manager
Subject: Public Records Request dated July 13, 2021 #1

Mr. Handler

As a follow-up to our previous discussions and correspondence concerning the first of your public records request dated 7/13/21 (as referenced below), I wanted to ensure this public records request has been completed based upon the information I previously provided you. As you may recall, we discussed the fact that you were interested in a 2009 variance application on El Mar Drive, as well as the supporting documentation associated with the Commission's 2012 approval of an ordinance for Code amendments including the change of single-family uses in RM-25 from a permitted use to a conditional use. Please advise if the previous information received and response to this public records request is complete, and if not, what additional information you feel is outstanding. Additionally, please note we are in receipt of your subsequent public records requests filed with the Town and they are currently under review.

Thank you for your assistance.

Regards –

Sue Leven

Susan M. Leven AICP
Planner
4501 N. OCEAN DRIVE
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4221 • Fax: 954-634-4654 •
susanl@lbts-fl.gov • www.lbts-fl.gov • www.lbtsevents.com

Please note: Florida has a very broad public records law. Written communications to the Town, including emails, are Public Record available to the public upon request. Your email communication is therefore subject to public disclosure.

SHOP STAY DINE PLAY

Lauderdale-By-The-Sea Public Records Request

Name	Henry B Handler
Date	07/13/21
Address 1	2255 Glades Road, Suite 205-East
City	Boca Raton
State	Florida
Zip	33432
Phone Number	5619979995
Email Address	hbh@whcfla.com
Records Requested and Applicable Fees	1. Each and every document reviewed by the Town of Lauderdale By-The-Sea (the "Town") in Case No. 2021-CU-01 for conditional use approval of a single family residence and relied upon by the Town Staff in recommending approval to the Planning and Zoning Board. 2. Each and every document reviewed by the Town of Lauderdale By-The-Sea (the "Town"), including but not limited to, any application for conditional use, seeking the Town's consent for the construction of a single family residence on El Mar Drive and the Town's final action on each such application. 3. Each and every document concerning litigation in which the Town is/was a party involving a dispute over height restrictions, including but not limited to, any settlement document concluding any such litigation.
Name of person submitting request	Henry B. Handler

Jhanelle Campbell

From: Susan Leven
Sent: Thursday, August 5, 2021 11:02 AM
To: Henry B. Handler
Cc: Jhanelle Campbell; James E. White; Susan Trevarthen; Town Manager
Subject: Public Records Request dated June 30, 2021

Mr. Handler

As a follow-up to our previous discussions and correspondence concerning your public records request dated 6/30/21 (as referenced below), I wanted to ensure this public records request has been completed based upon the information I previously provided you. As you may recall, we discussed the fact that there were no responsive documents to your below request, including your verbal follow-up request to expand the applicable time frame from 2015 back to 2003. Please advise if the previous information received and response to this public records request is complete, and if not, what additional information you feel is outstanding. Additionally, please note we are in receipt of your subsequent public records requests filed with the Town and they are currently under review.

Thank you for your assistance.

Regards –

Sue Leven

Susan M. Leven AICP
Planner
4501 N. OCEAN DRIVE
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4221 • Fax: 954-634-4654 •
susanl@lbts-fl.gov • www.lbts-fl.gov • www.lbtsevents.com

Please note: Florida has a very broad public records law. Written communications to the Town, including emails, are Public Record available to the public upon request. Your email communication is therefore subject to public disclosure.

SHOP STAY DINE PLAY

Lauderdale-By-The-Sea Public Records Request

Name	Henry B Handler
Date	06/30/21
Address 1	2255 Glades Road, Suite 205-East
City	Boca Raton
State	FL
Zip	33431
Phone Number	5619979995
Email Address	hbh@whcfla.com
Records Requested and Applicable Fees	1. Outside of Application 2021-CU-01 each request for a Level 2 Conditional Use approval to construct a single family dwelling unit in the RM-25 Zoning District; 2. Since 2015, each instance in which Planning & Zoning or the Town Commission has determined a single family residence not to comply with the land use compatibility standard of Code of Ordinance 30-126 as part of a Conditional Use Review;

	3. Since 2015, each instance in which Planning & Zoning or the Town Commission determined in a Code of Ordinance Section 30-126 Conditional Use Review that a single family use as designed was not compatible in terms of alteration of light and air; 4. Since 2015, each instance in which Planning & Zoning or the Town Commission determined in a Code of Ordinance Section 30-126 Conditional Use Review that a single family use as designed was compatible in terms of alteration of light and air; and 5. Since 2015, each instance in which Planning & Zoning or the Town Commission determined in a Code of Ordinance Section 30-119 Mandatory Site Plan Approval that a Single Family Home on an Existing Single Lot was not an exempt development; and 6. Since 2015, each instance in which Planning & Zoning or the Town Commission determined in a Code of Ordinance Section 30-122 Site Plan Requirements that a Single Family Home, Apartment House, or Hotel use as designed was not compatible in terms of alteration of light and air.
Name of person submitting request	Henry B Handler

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Friday, November 5, 2021 7:13 AM
To: Jhanelle Campbell
Subject: Re: Public Records Rquest

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Jhanelle,
Thanks! Received and opened. I see there were some Zoom meetings and that since you asked about the P&Z requirement as well as Mr. Silletti there are no emailed responses in this records request.
I had sent you an inquiry about it after my last request was received and asked you after the commission meeting.
It appears from the architect, architectural review requirements etc... A return to P & Z is required for even material changes as are shown in the new plans submitted by the applicants for 4112.
The architect previously stated the size was not in his purview and it appears as such he has approved it for the changes made to the materials from contemporary to mid-century.
It is also quite deceiving that the renderings show from the street side an appearance that their single family home is aligned with the Seaward after using the Seaward in their renderings which they did not in the first plans.
A close look shows the size and impact is exactly the same.
They merely changed the materials.
The sides and ocean side renderings show it is still massive. As such it still fits the issues found with conditional use requirements of adverse impact of adjacent property (Seaward) and the neighborhood.
This will now be the only single family home allowed on El Mar Drive with the new ordinance in place for no others being allowed and it must not be allowed to ruin the life and livelihood of the Seaward.
The process to return to P & Z must be adhered to in order to ensure this property is based on the input from the P & Z and Conditional Use as the commission stated would be the basis along with architectural review requirements when they grandfathered them in.
The applicants should welcome this process as to not do so and to build this huge single family home as shown will surely result in them being the pariahs of El Mar Drive, in my opinion.
Please let me know when this property is to go to P & Z or if they will not and will be allowed to go straight to the commission. If that is the decision of your department and our attorneys I would like to know what it is based on.
Thank you,
Barbara Cole

On Thu, Nov 4, 2021 at 11:02 PM Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:
> Good evening

Please see the link below to the requested information.

https://giaspace.sharefile.com/d-s4e727f20a5f94aea955544d9794b8bab

Thank you

Sent from my iPhone

On Nov 4, 2021, at 2:17 PM, Barbara Cole <barbarafcole@gmail.com> wrote:

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thank you.

Sent from my iPhone

On Nov 4, 2021, at 2:15 PM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good afternoon,

We are in receipt of this request and will forward a link to the emails as soon as we receive it from IT.

Thank you,

<image001.png>

Jhanelle Campbell

Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308

Phone: 954-640-4219 • JhanelleC@lbts-fl.gov

www.lbts-fl.gov • www.lbtsevents.com

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Thursday, November 4, 2021 7:43 AM
To: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>; Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Public Records Rquest

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk-
I am making Public Records Request fir all emails received and sent concerning 4112 El Mar Drive from 10/20/2021 to the date my request can be sent to me.
Thank you,
Barbara Cole

Please reply you are in receipt of my request.

Sent from my iPhone

Total Control Panel

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Total Control Panel

Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 50
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Total Control Panel

Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 50
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Thursday, November 4, 2021 2:17 PM
To: Jhanelle Campbell
Cc: Tedra Allen
Subject: Re: Public Records Rquest
Attachments: ATT00001.htm

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thank you.

Sent from my iPhone

On Nov 4, 2021, at 2:15 PM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good afternoon,

We are in receipt of this request and will forward a link to the emails as soon as we receive it from IT.

Thank you,

Jhanelle Campbell
Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Thursday, November 4, 2021 7:43 AM
To: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>; Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Public Records Rquest

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk-
I am making Public Records Request fir all emails received and sent concerning 4112 El Mar Drive from 10/20/2021 to the date my request can be sent to me.
Thank you,
Barbara Cole
Please reply you are in receipt of my request.

Sent from my iPhone

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 50
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Thursday, November 4, 2021 7:43 AM
To: Tedra Allen; Jhanelle Campbell
Subject: Public Records Rquest

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk-
I am making Public Records Request fir all emails received and sent concerning 4112 El Mar Drive from 10/20/2021 to the date my request can be sent to me.
Thank you,
Barbara Cole
Please reply you are in receipt of my request.

Sent from my iPhone

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Monday, November 29, 2021 10:54 AM
To: Jhanelle Campbell
Subject: Re: Ticket #128714/Town of Lauderdale-by-the-Sea/Public Records Request -- has been updated/ PUBLIC RECORDS REQUEST

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thank you.

On Mon, Nov 29, 2021 at 10:39 AM Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good morning Barbara,

I hope you had a wonderful Thanksgiving as well. Please see the email attached as per your request.

Thank you,

Jhanelle Campbell

Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308

Phone: 954-640-4219 • JhanelleC@lbts-fl.gov

www.lbts-fl.gov • www.lbtsevents.com

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Sunday, November 28, 2021 5:51 PM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Re: Ticket #128714/Town of Lauderdale-by-the-Sea/Public Records Request -- has been updated/ PUBLIC RECORDS REQUEST

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Hi, Jhannelle, I hope your Thanksgiving was wonderful. In my last Public Records Request I was looking for the Town Attorney response to Mr. Sellitti on the question asked for the reasons 4112 El Mar Drive was not going back to P & Z. I do not see that in my request and ask that you send me the response.

Thank you, Barbara Cole

On Tue, Nov 23, 2021 at 9:15 AM Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Same to you!

Jhanelle Campbell

Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308

Phone: 954-640-4219 • JhanelleC@lbts-fl.gov

www.lbts-fl.gov • www.lbtsevents.com

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Tuesday, November 23, 2021 8:28 AM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Re: Ticket #128714/Town of Lauderdale-by-the-Sea/Public Records Request -- has been updated/ PUBLIC RECORDS REQUEST

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thanks- will try to open later in the week on my laptop when I return.

Happy Thanksgiving!

Barbara

Sent from my iPhone

On Nov 22, 2021, at 2:20 PM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good morning Barbara,

Please see below link to the emails requested.

Thank you,

Jhanelle Campbell

Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308

Phone: 954-640-4219 • JhanelleC@lbts-fl.gov

www.lbts-fl.gov • www.lbtsevents.com

From: Helpdesk <Helpdesk@giaspace.com>
Sent: Monday, November 22, 2021 10:43 AM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Cc: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>; Town Manager <townmanager@lauderdalebythesea-fl.gov>
Subject: Ticket #128714/Town of Lauderdale-by-the-Sea/Public Records Request -- has been updated

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

--REPLY above this line to respond--

Summary:

Public Records Request

Status:	In Progress
Ticket #	128714
Company:	Town of Lauderdale-by-the-Sea
Contact:	Jhanelle Campbell
Phone:	(954) 640-4219
Address:	4501 N OCEAN DRIVE Fort lauderdale, FL 33308

Discussion

Patrick Bowe
11/22/2021 10:28 AM

Logged into the Barracuda email archiver
Performed the specified search
Exported out the results to a ZIP file
Uploaded the ZIP file to our Citrix Sharefile system

You may download the ZIP file using the link below:

https://giaspace.sharefile.com/d-sf1e7...

Ticket completed

Jhanelle Campbell
11/22/2021 10:26 AM

Good morning,

Please provide a link to all emails referencing 4112 El Mar Drive to the date of delivery of the link.

Thank you,

Jhanelle Campbell
Development Services Director
4501 N. OCEAN DRIVE,

LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 * JhanelleC@lbts-fl.gov
www.lbts-fl.gov * www.lbtsevents.com

-----Original Message-----
From: Barbara Cole <barbarafcole@gmail.com>
Sent: Monday, November 22, 2021 8:14 AM
To: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>; Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

_____

Town Clerk,
I am making a Public Records Request for all emails for 4112 El Mar Drive from 11/16/2021 to when you are able to send them to me.
I previously inquired to the Acting Director of Development about the applicant not returning to P& Z as seen was required in prior email requests I received.

I see the next door neighbor has inquired on this and the Town Attorneys state they are responding to that so therefore I am making another request.
Thank you,
Barbara Cole

Sent from my iPhone

VIEW TICKET

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Sunday, November 28, 2021 5:51 PM
To: Jhanelle Campbell
Subject: Re: Ticket #128714/Town of Lauderdale-by-the-Sea/Public Records Request -- has been updated/ PUBLIC RECORDS REQUEST

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Hi, Jhannelle, I hope your Thanksgiving was wonderful. In my last Public Records Request I was looking for the Town Attorney response to Mr. Sellitti on the question asked for the reasons 4112 El Mar Drive was not going back to P & Z. I do not see that in my request and ask that you send me the response.
Thank you, Barbara Cole

On Tue, Nov 23, 2021 at 9:15 AM Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Same to you!

Jhanelle Campbell

Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308

Phone: 954-640-4219 • JhanelleC@lbts-fl.gov

www.lbts-fl.gov • www.lbtsevents.com

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Tuesday, November 23, 2021 8:28 AM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Re: Ticket #128714/Town of Lauderdale-by-the-Sea/Public Records Request -- has been updated/ PUBLIC RECORDS REQUEST

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thanks- will try to open later in the week on my laptop when I return.

Happy Thanksgiving!

Barbara

Sent from my iPhone

On Nov 22, 2021, at 2:20 PM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good morning Barbara,

Please see below link to the emails requested.

Thank you,

Jhanelle Campbell

Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308

Phone: 954-640-4219 • JhanelleC@lbts-fl.gov

www.lbts-fl.gov • www.lbtsevents.com

From: Helpdesk <Helpdesk@giaspace.com>
Sent: Monday, November 22, 2021 10:43 AM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>

Cc: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>; Town Manager <townmanager@lauderdalebythesea-fl.gov>
Subject: Ticket #128714/Town of Lauderdale-by-the-Sea/Public Records Request -- has been updated

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

--REPLY above this line to respond--

Summary:

Public Records Request

Status:	In Progress
Ticket #	128714
Company:	Town of Lauderdale-by-the-Sea
Contact:	Jhanelle Campbell
Phone:	(954) 640-4219
Address:	4501 N OCEAN DRIVE Fort lauderdale, FL 33308

Discussion

Patrick Bowe
11/22/2021 10:28 AM

Logged into the Barracuda email archiver
Performed the specified search
Exported out the results to a ZIP file
Uploaded the ZIP file to our Citrix Sharefile system

You may download the ZIP file using the link below:

https://giaspace.sharefile.com/d-sf1e7...

Ticket completed

Jhanelle Campbell
11/22/2021 10:26 AM

Good morning,

Please provide a link to all emails referencing 4112 El Mar Drive to the date of delivery of the link.

Thank you,

Jhanelle Campbell
Development Services Director
4501 N. OCEAN DRIVE,

LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 * JhanelleC@lbts-fl.gov
www.lbts-fl.gov * www.lbtsevents.com

-----Original Message-----
From: Barbara Cole <barbarafcole@gmail.com>
Sent: Monday, November 22, 2021 8:14 AM
To: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>; Jhanelle Campbell

<JhanelleC@lauderdalebythesea-fl.gov>
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Town Clerk,
I am making a Public Records Request for all emails for 4112 El Mar Drive from 11/16/2021 to when you are able to send them to me.
I previously inquired to the Acting Director of Development about the applicant not returning to P& Z as seen was required in prior email requests I received.
I see the next door neighbor has inquired on this and the Town Attorneys state they are responding to that so therefore I am making another request.
Thank you,
Barbara Cole

Sent from my iPhone

VIEW TICKET

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Tuesday, November 23, 2021 8:28 AM
To: Jhanelle Campbell
Subject: Re: Ticket #128714/Town of Lauderdale-by-the-Sea/Public Records Request -- has been updated/ PUBLIC RECORDS REQUEST

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thanks- will try to open later in the week on my laptop when I return.
Happy Thanksgiving!
Barbara

Sent from my iPhone

On Nov 22, 2021, at 2:20 PM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good morning Barbara,

Please see below link to the emails requested.

Thank you,

Jhanelle Campbell
Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Helpdesk <Helpdesk@giaspace.com>
Sent: Monday, November 22, 2021 10:43 AM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Cc: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>; Town Manager <townmanager@lauderdalebythesea-fl.gov>
Subject: Ticket #128714/Town of Lauderdale-by-the-Sea/Public Records Request -- has been updated

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

--REPLY above this line to respond--

Summary:

Public Records Request

Status:	In Progress
Ticket #	128714
Company:	Town of Lauderdale-by-the-Sea
Contact:	Jhanelle Campbell
Phone:	(954) 640-4219
Address:	4501 N OCEAN DRIVE Fort lauderdale, FL 33308

Discussion

Patrick Bowe
11/22/2021 10:28 AM

Logged into the Barracuda email archiver
Performed the specified search
Exported out the results to a ZIP file
Uploaded the ZIP file to our Citrix Sharefile system

You may download the ZIP file using the link below:

https://giaspace.sharefile.com/d-sf1e7...

Ticket completed

Jhanelle Campbell
11/22/2021 10:26 AM

Good morning,

Please provide a link to all emails referencing 4112 El Mar Drive to the date of delivery of the link.

Thank you,

Jhanelle Campbell
Development Services Director
4501 N. OCEAN DRIVE,

LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 * JhanelleC@lbts-fl.gov
www.lbts-fl.gov * www.lbtsevents.com

-----Original Message-----
From: Barbara Cole <barbarafcole@gmail.com>
Sent: Monday, November 22, 2021 8:14 AM
To: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>; Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

_____

Town Clerk,
I am making a Public Records Request for all emails for 4112 El Mar Drive from 11/16/2021 to when you are able to send them to me.
I previously inquired to the Acting Director of Development about the applicant not returning to P& Z as seen was required in prior email requests I received.
I see the next door neighbor has inquired on this and the Town Attorneys state they are responding to that so therefore I am making another request.
Thank you,
Barbara Cole

Sent from my iPhone

VIEW TICKET

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Thursday, December 9, 2021 10:53 AM
To: Jhanelle Campbell
Cc: Tedra Allen
Subject: Re: Ticket #129149/Town of Lauderdale-by-the-Sea/Public Records Request -4112 EL MAR DRIVE -- has been updated

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Thank you / much appreciated!

Sent from my iPhone

On Dec 9, 2021, at 10:14 AM, Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov> wrote:

Good morning,

Please see below link to the information requested.

Thank you

Jhanelle Campbell
Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Helpdesk <Helpdesk@giaspace.com>
Sent: Thursday, December 9, 2021 8:27 AM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Ticket #129149/Town of Lauderdale-by-the-Sea/Public Records Request -4112 EL MAR DRIVE -- has been updated

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

--REPLY above this line to respond--

Summary:

Public Records Request -4112 EL MAR DRIVE

Status:	Completed
Ticket #	129149
Company:	Town of Lauderdale-by-the-Sea
Contact:	Jhanelle Campbell
Phone:	(954) 640-4219
Address:	4501 N OCEAN DRIVE Fort lauderdale, FL 33308

Discussion

Serdar Sirin
12/9/2021 8:02 AM

Good morning,

Please see the link below to access the requested emails.

https://giaspace.sharefile.com/d-s503b...

Thank you

Jhanelle Campbell
12/8/2021 5:03 PM

Good afternoon,

Please provide a link to all emails referencing 4112 EL Mar Drive from 11-20-2021 to the present.

Thank you,

Jhanelle Campbell
Development Services Director
4501 N. OCEAN DRIVE,

LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 * JhanelleC@lbts-fl.gov
www.lbts-fl.gov * www.lbtsevents.com

-----Original Message-----
From: Barbara Cole <barbarafcole@gmail.com>
Sent: Wednesday, December 8, 2021 8:38 AM
To: Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>; Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Public Records Request

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

_____

Good Morning,
I am making a Public Records Request for all emails concerning 4112 El Mar Drive from 11/20/2021 to the date you are complying with my request.
Please reply you are in receipt of this request.
Thank you,
Barbara Cole

Sent from my iPhone

VIEW TICKET

Jhanelle Campbell

From: Jhanelle Campbell
Sent: Thursday, September 2, 2021 7:45 PM
To: 'Henry B. Handler'
Cc: Susan Leven; Tedra Allen
Subject: RE: PR Request

Good afternoon Mr. Handler,

Please see below link. Please advise the Town if the information provided satisfies the below request.

Link: https://giaspace.sharefile.com/d-sf849...

Lauderdale-By-The-Sea Public Records Request

Name	Henry B Handler
Date	07/13/21
Address 1	2255 Glades Road, Suite 205 East
City	Boca Raton
State	Florida
Zip	33432
Phone Number	5619979995
Email Address	hbh@whcfla.com
Records Requested and Applicable Fees	Since 2011, any and all documents showing or relating to Town's calculation of allowable building height either from ground level or wave crest, rear setbacks, and/or side setbacks in the RM-25 Zoning District.
Name of person submitting request	Henry B Handler
Time	

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Jhanelle Campbell
Sent: Sunday, August 29, 2021 1:37 PM
To: Henry B. Handler <hbh@whcfla.com>
Cc: Susan Leven <susanl@lauderdalebythesea-fl.gov>; Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>
Subject: RE: PR Request

Good afternoon Mr. Handler,

We are completing your request with the updated 2016 date. The search has yielding 16,000 results. Our IT department is compiling them into a ZIP folder for your access. As soon as the documents become available, I will be sure to forward the link for your review.

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Jhanelle Campbell
Sent: Friday, August 20, 2021 1:41 PM
To: Henry B. Handler <hbh@whcfla.com>
Cc: Susan Leven <susanl@lauderdalebythesea-fl.gov>; Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>
Subject: PR Request

Good afternoon Mr. Handler,

An email search based on the below request has yielded 72,000 results. Kindly advise if you would like to continue with the request as outlined below or if you would like to narrow down the search criteria.

Lauderdale-By-The-Sea Public Records Request

Name	Henry B Handler
Date	07/13/21
Address 1	2255 Glades Road, Suite 205 East
City	Boca Raton
State	Florida
Zip	33432
Phone Number	5619979995
Email Address	hbh@whcfla.com
Records Requested and Applicable Fees	Since 2011, any and all documents showing or relating to Town's calculation of allowable building height either from ground level or wave crest, rear setbacks, and/or side setbacks in the RM-25 Zoning District.
Name of person submitting request	Henry B Handler
Time	

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

Jhanelle Campbell

From: Jhanelle Campbell
Sent: Sunday, August 29, 2021 1:37 PM
To: Henry B. Handler
Cc: Susan Leven; Tedra Allen
Subject: RE: PR Request

Good afternoon Mr. Handler,

We are completing your request with the updated 2016 date. The search has yielding 16,000 results. Our IT department is compiling them into a ZIP folder for your access. As soon as the documents become available, I will be sure to forward the link for your review.

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

From: Jhanelle Campbell
Sent: Friday, August 20, 2021 1:41 PM
To: Henry B. Handler <hbh@whcfla.com>
Cc: Susan Leven <susanl@lauderdalebythesea-fl.gov>; Tedra Allen <Tedraa@lauderdalebythesea-fl.gov>
Subject: PR Request

Good afternoon Mr. Handler,

An email search based on the below request has yielded 72,000 results. Kindly advise if you would like to continue with the request as outlined below or if you would like to narrow down the search criteria.

Lauderdale-By-The-Sea Public Records Request

Name	Henry B Handler
Date	07/13/21
Address 1	2255 Glades Road, Suite 205 East
City	Boca Raton
State	Florida
Zip	33432
Phone Number	5619979995
Email Address	hbh@whcfla.com
Records Requested and Applicable Fees	Since 2011, any and all documents showing or relating to Town's calculation of allowable building height either from ground level or wave crest, rear setbacks, and/or side setbacks in the RM-25 Zoning District.
Name of person submitting request	Henry B Handler
Time	

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

Jhanelle Campbell

From: Jhanelle Campbell
Sent: Friday, August 20, 2021 1:41 PM
To: Henry B. Handler
Cc: Susan Leven; Tedra Allen
Subject: PR Request

Good afternoon Mr. Handler,

An email search based on the below request has yielded 72,000 results. Kindly advise if you would like to continue with the request as outlined below or if you would like to narrow down the search criteria.

Lauderdale-By-The-Sea Public Records Request

Name	Henry B Handler
Date	07/13/21
Address 1	2255 Glades Road, Suite 205 East
City	Boca Raton
State	Florida
Zip	33432
Phone Number	5619979995
Email Address	hbh@whcfla.com
Records Requested and Applicable Fees	Since 2011, any and all documents showing or relating to Town's calculation of allowable building height either from ground level or wave crest, rear setbacks, and/or side setbacks in the RM-25 Zoning District.
Name of person submitting request	Henry B Handler
Time	

Thank you,

Jhanelle Campbell
Acting Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov
www.lbts-fl.gov • www.lbtsevents.com

(6)

Henry B. Handler

From: noreply@civicplus.com
Sent: Monday, July 26, 2021 12:47 PM
To: Henry B. Handler
Subject: Online Form Submittal: Lauderdale-By-The-Sea Public Records Request

CAUTION: This email originated from outside of your organization.

Lauderdale-By-The-Sea Public Records Request

Name	Henry B Handler
Date	7/26/21
Address 1	2255 Glades Road, Suite 205-East
City	Boca Raton
State	FL
Zip	33431
Phone Number	5619979995
Email Address	hbh@whcfla.com
Records Requested and Applicable Fees	All letters, emails, and communications from Dave and Sherri Staudacher or their registered lobbyist, including but not limited to Courtney Crush and Jason Crush, requesting a deferral of consideration of Case No. 2021-CU-01 from the July 22, 2021 Town Commission meeting and all documents commenting on or referring to their (the Staudachers' or their agent's) communications with their neighbor or owner of The Seaward.
Name of person submitting request	Henry B. Handler

Time
Using this form allows us to better track records requests. Completing this form is not required to obtain a public record. Records will be provided in a timely manner. Older Town records are stored off-site and may take extra time to retrieve.

Costs
Costs shall be prepaid as allowed by Florida Statute 119.07. Single copies cost .15 cents. Double-sided copies are .20 cents. Building Plan copies require a $30 deposit plus any extra copying costs. CDs are $7.99. DVDs are $7.99. Tapes are $3.00. Costs are projected. Additional fees may also be due upon receipt. Any

7

Henry B. Handler

From: noreply@civicplus.com
Sent: Wednesday, August 11, 2021 3:17 PM
To: Henry B. Handler
Subject: Online Form Submittal: Lauderdale-By-The-Sea Public Records Request

CAUTION: This email originated from outside of your organization.

Lauderdale-By-The-Sea Public Records Request

Name	Henry B Handler
Date	8/11/21
Address 1	2255 Glades Road, Suite 205-East
City	Boca Raton
State	Florida
Zip	33432
Phone Number	5619979995
Email Address	hbh@whcfla.com
Records Requested and Applicable Fees	From January 1, 2000 to the present, each and every document evidencing or concerning any contract between the Town of Lauderdale By-The-Sea (the "Town") and Cecelia Ward and/or J.C. Consulting, Inc. and/or consulting reports from Cecelia Ward and/or J.C. Consulting, Inc., about or commenting on the Town's Comprehensive Plan, conditional use approval for single family residential construction in the RM-25 zoning district, and/or any development study.
Name of person submitting request	Henry B. Handler

Time

Using this form allows us to better track records requests. Completing this form is not required to obtain a public record. Records will be provided in a timely manner. Older Town records are stored off-site and may take extra time to retrieve.

Costs

Costs shall be prepaid as allowed by Florida Statute 119.07. Single copies cost .15 cents. Double-sided copies are .20 cents. Building Plan copies require a $30 deposit plus any extra copying costs. CDs are $7.99. DVDs are $7.99. Tapes are

(8)

Henry B. Handler

From: noreply@civicplus.com
Sent: Tuesday, August 17, 2021 3:05 PM
To: Henry B. Handler
Subject: Online Form Submittal: Lauderdale-By-The-Sea Public Records Request

CAUTION: This email originated from outside of your organization.

Lauderdale-By-The-Sea Public Records Request

Name	Henry B Handler
Date	8/17/21
Address 1	2255 Glades Road, Suite 205-East
City	Boca Raton
State	FL
Zip	33431
Phone Number	5619979995
Email Address	hbh@whcfla.com
Records Requested and Applicable Fees	All studies and other work product produced by Scott Bush for the Town in connection with the proposed Amendment to Chapter 30 of the Unified Land Development Regulations to support Hotel Uses, and all letters, emails and communications relating thereto from and around 2011-2013.
Name of person submitting request	Henry B. Handler

Time

Using this form allows us to better track records requests. Completing this form is not required to obtain a public record. Records will be provided in a timely manner. Older Town records are stored off-site and may take extra time to retrieve.

Costs

Costs shall be prepaid as allowed by Florida Statute 119.07. Single copies cost .15 cents. Double-sided copies are .20 cents. Building Plan copies require a $30 deposit plus any extra copying costs. CDs are $7.99. DVDs are $7.99. Tapes are $3.00. Costs are projected. Additional fees may also be due upon receipt. Any request requiring more than 15 minutes of staff time is considered extensive and

Jhanelle Campbell

From: Jhanelle Campbell
Sent: Wednesday, November 24, 2021 11:38 AM
To: James Sellitti
Cc: Susan Leven; Tedra Allen
Subject: RE: 1978 to 1980 Request to add 3rd story on Seaward at 4128 El Mar Drive

Good morning Mr. Sellitti,

I hope this email finds you well. I am unable to locate any information pertaining to this request.

Thank you,

Jhanelle Campbell
Development Services Director
4501 N. OCEAN DRIVE,
LAUDERDALE-BY-THE-SEA, FL 33308
Phone: 954-640-4219 • JhanelleC@lbts-fl.gov www.lbts-fl.gov • www.lbtsevents.com

-----Original Message-----
From: James Sellitti <Sfreelaw@aol.com>
Sent: Monday, November 22, 2021 10:19 AM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: 1978 to 1980 Request to add 3rd story on Seaward at 4128 El Mar Drive

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.
_____

Jhanelle

I previously requested all information the Town has on a prior application to add a third story on the Seaward When we talked a while ago you indicated you would provide. However as of today's date I have not received. It is my understanding the request to add a third story was denied due to the impact on the property to the North. Please provide all requested information as soon as possible. Thank you

James J. Sellitti
Attorney at Law
Sellitti, Nogay & Nogay
3125 Pennsylvania Ave.
Weirton, West Virginia 26062
C (304)670-8002
O (304)723-1400

July 13, 2021
Town Commission Meeting
Public Comment

***

2) **Peggy Mohler, resident, business owner**
Please do not allow single family homes on El Mar Drive, this is the heart of the Downtown Business and Hotel District.

3) **Wayne Dillistin, resident**
statement sent from me to the Commissioners to serve as A RQUEST TO SEND THIS ITEM BACK TO THE P&Z Board for further discussion as I feel I was not provided HISTORIC Data and backup by Town Staff. I would like the opportunity to have a more open dialog and fact-finding mission as this can set a precedent moving forward with regards to a decision on this parcel.

I also feel there needs to be more discussion regarding the proposed plan for the parcel, such as set-backs, neighboring impacts and so forth. I understand that was not the issue before me, however I want to be assured that they come back for further discussion and consideration.

July 27, 2021
Town Commission Meeting
Public Comments

1. Kathy Holoman, Resident
   Dear Lauderdale by the Sea Council Members:
   As owner of 5000 N. Ocean Blvd. Apt 1706, I will be unable to attend the July 27, 2021, 6:30pm meeting. Please let it go on record that I am vehemently opposed to permitting an 8000 sq. ft.+, 4 story mansion to be built at 4112 El Mar Drive. I wish for my voice to be heard/vote to be counted.

   The Town Code requires that a "conditional use be compatible and harmonious with adjacent land uses and [that it] shall not adversely impact land use activities in the immediate area". This proposed use – a home that will be completely out of phase with what has for decades been a peaceful community beach, a collection of small homes, and quaint boutique motels – certainly IS NOT harmonious with the current character of the area. This giant structure will adversely impact wildlife habitats, destroy the quiet neighborhood vibe, and hamper the unobstructed leisure activities of neighbors. What's more, this proposed use IS adverse in its potential for setting future precedent for additional oversized new-builds in the area.

   Thank you for your time and careful consideration in declining to issue a permit for this inappropriate and inharmonious land use.

2. Stuart Dodd, Resident
   When I was up on the dais (2008 – 2016) we could always judge whether there was a problem. Look around you today, two ex-mayors and an ex-vice mayor planning on turning up to object to the way an item on the agenda is being handled. Unprecedented in the town's history. Can I respectfully point out that a conditional use is not designed to assist a developer to maximize to the last inch what they can do? Just in case anyone missed that point. Can I ask why with something as important as the 2012 Ordinance has been forgotten. The purpose of the conditional use wasn't explained properly to the P & Z board. You only have to review the video to see the problem. The P & Z were left in the dark over the purpose and deliberations back in 2012 when Linda Connors, Susan Trevarthen, Connie Hoffmann and Cecelia Ward spent a lot of town money, time and effort fixing the code, so the 2009 single family application didn't happen again. At that time Vice Mayor Oldaker you were the chairman of P & Z. It appears P & Z had a "stand-in" attorney who also hadn't been updated on the importance of the 2012 deliberations to adequately advise the board. Not worth the money we paid as he was ill-informed.!

   Do I have to remind you that the Ordinance was designed specifically to make it very difficult for single family homes to get approval. This was the advice from the panel as to how to fix the code back then. How come staff now seem to be in support of this monstrosity. My own personal recommendation for a conditional use permit would be same height, same footprint. The style, height, density is all established over a 40-year history. Villa Caprice was only two stories as is Sea Ward. The town attorney can easily argue this. Tell the developer that his "Tweet of the plans" might involve removing the third story and downsizing.

Can I recommend this be passed back to the P & Z and they be given the correct legal guidance on the 2012 Ordinance. Can I further ask that a Zoning in progress and moratorium be established if the code needs further review and single-family homes are to be excluded once and for all from the RM25 district.

3. Roseann Minnet, Resident, Former Mayor, and Former P&Z Member
   I ask you think about the decision to allow the Single-Family Home that has been approved by the P&Z to be built on 4112 El Mar Drive. If your direction is to allow a single-family home, it should be compatible and Harmonious with adjacent land uses and shall not adversely impact the land use activities in the immediate area.

   Currently this structure, the way it is designed, does not meet any of the above criteria. Yes, it may meet the height requirement, but it lacks in any design that is complimentary to El Mar Drive. We all know the small hotels and motels along El Mar Drive have had a rough time. By allowing this single-family residence you are opening the doors to further dismantlement of our already existing struggling small hotels and motels.

   You may want to ask yourself what the residents will remember you for, will it be for keeping taxes low, maybe, or will it be for allowing "El Mar Drive" to go the way of cookie cutter, 3 over 1 houses what will stand like concrete barriers to the ocean. I would also like to ask why the Town did not purchase this parcel. Walkways to the beach have long been something our residents keep near and dear?

   Will our elected officials, who represent the residents and business owners of LBTS, allow a structure, such as the one proposed at 4112 El Mar Drive? It will be your vote that determines this direction. Please read the code:

   "Compatible and Harmonious with adjacent land use and Shall Not adversely impact land use activities in the immediate area".

   The Adjacent Landowner has already spoken up against this project. The property to the South is up for sale. I wonder if this is just a beginning. If this is allowed will the land use for the former Holiday Inn site also be used for single family homes? That is another question? The residents and businesses of LBTS do not want to see El Mar Drive go the way of a Concrete Barrier.

4. Paul Novak, Business Owner
   Am a long-time owner of motel properties on El Mar Drive, residential housing should not be allowed in this zoning area. It should remain a tourist area throughout.

5. Scot Sasser, resident
   I regret that I am unable to attend the meeting in person tonight, but I would like to encourage you to move forward, quickly, in preventing any more applications for single family homes on El Mar Drive. At the last meeting I expressed my concern over the current application and its effect to the surrounding properties as well as it's departure from previous Commission's priorities. I was disappointed, to say the least, at the inability for transparency and open discussion on this topic as the Town Attorney instructed otherwise due to the nature of the quasi-judicial proceedings. My concern at the time was that the P&Z Board nor the Commission were being told what powers or

controls they DID have via the Conditional Use process. If the Conditional Use Process is a rubber stamp, then why have them at all? It certainly doesn't meet with the intended purpose of installing the Conditional Use which was to encourage and protect hotel usage on El Mar Drive. This is why it is extremely important to reassess how you, the Commission, as the decision and legislative body of the town, can effectively protect the priority and maintain the clear goal of preserving hotels on El Mar Drive.

Please deliberate immediately on a moratorium or a zoning in process to temporarily halt applications for single family homes on El Mar. Hopefully this will allow you time to determine if a zoning change can be made by the Commission. I have not spoken with anyone who is in favor of any single-family home development on El Mar Drive. While the current application has been post-poned please do not waste any time in putting future plans in place. If you are wondering why 2 Ex-Mayors and a Vice Mayor (who have not traditionally agreed on every issue) are reaching out on this it's because preservation of the hotels, the look, the feel, and the sense of place on El Mar was always a top priority. There was a lot of time, energy and teamwork done by previous commissions to improve and protect what makes Lauderdale-By-The-Sea special. Please continue this legacy that seems to be fading with the allowances of unwanted businesses and development that threaten the core values established for our town as much as height limits.

August 9, 2021
Town Commission Meeting
Public Comments

1. Barbara Cole, resident
   As you leave this Commission Meeting for August, I am hopeful you will each take the time to reach out to your constituents to find out how they want you to represent them on September 13, 2021 when you will be approving, denying, or sending back to P&Z the application for a single-family home on El Mar Drive.

   Despite the false assertions I have heard that a commissioner cannot talk to a lobbyist's attorney you should not deny a longtime hotel family the assurance that their elected representatives would listen to their plight either with or without their attorney present. Your fellow Commissioners followed their predecessors by being readily available to do so.

   Watch he July 7, 2021 P&Z meeting video archived on the Town's website. Then move forward with a Zoning in Progress directive and approval to retain our Hotel District on El Mar Drive from single family homes being built. Two Mayors and a Vice Mayor spoke loud and clear last month and it is time this Commission did as well to protect our Town. As former Mayor Minnet stated – what will you be remembered for? We will be watching, and we will remember.

Town Commission Meeting
Public Comments

1. **Scot Sasser, resident**

   I would like to thank each of you, staff, and the members of the P&Z board for listening, presenting, and supporting Ordinances 2021-09 and 2021-11. I previously came before and you and reiterated all the hard work of previous Commissions to protect and preserve our special sense of place in LBTS, especially downtown and El Mar Drive. These Ordinances tonight go a long way in protecting the unique identity and balance LBTS has that makes us special. I trust you will make the proper decisions and do what is right and fair for the applicant currently in process. In the meantime, please pass Ordinance 2021-09 and 2021-11 to ensure proper public participation and to protect El Mar Drive. Thank you again for listening to the concerns and acting swiftly with these Ordinances.

   ***

   Ordinance 2021-09 – I would like to voice my support for all parts of this ordinance EXCEPT for the GRANDFATHERING portion. In my personal opinion this applicant has gone from being Neighborly and showing good faith to VICTIM with threats of lawsuits upon the Town. When this happens no further negotiating, grandfathering or acceptations should be made with these applicants. Our government doesn't negotiate with threats against our country, and we shouldn't negotiate with threats against our Town as they are not acting in good faith. That's not how this Town or its people operate and would hope the Commission would stand with the WILL OF THE PEOPLE no matter what the outcome is.

seasonings, and the like. The Towns agreement SHOULD take priority in RESPECTING its local restaurants and retailers. If the Farmers Market is not able to be sustainable doing such then so be it. I respectfully ask all parties from staff to the Commission to keep the Town's businesses its priority and not leave this statement so vague and specifically list

***

4. **Marc & Cristie Furth, resident**
   Please vote yes on Ordinance 2021-09 to prevent over-built, McMansions that overpower their neighbors and block our most prized El Mar Drive Ocean views. The current McMansion applicant should either be denied or undergo strict conditional use and architectural review criteria to lessen the impact.

   A big yes on Ordinance 2021-11 that requires community outreach before starting major development projects. A lot of expense in time, money and good will could have been saved if this process has been followed with the El Mar Project.

   Lastly, adverse issues such as Ordinance have 2021-08, that change allowable Home Businesses should have been brought to the attention of Town residents early in order for us to have a voice in the outcome las did many other Florida communities. Shame on those on our Town Staff for dropping the ball on an issue as important as this that could severely impact the quality of life in our residential neighborhoods forever.

5. **Kelly Byron, resident**
   As a long-time resident of Lauderdale by the Sea, I am asking that you vote in favor of both Ordinance 2021-09 and 2021-11 to preserve the hotels on El Mar Drive and stop single family McMansions, and to include the home up for discussion this evening under said ordinance as well, to allow citizens the ability to actively participate in the Town's major developments long before they reach Planning & Zoning. The suggestion of including this important information within the Town's Code Red System for "hot topics" issues would be a great resource to inform residents and businesses.

6. **Diana Kugler**
   I am asking that you vote no to allowing single family homes on El Mar Drive. I am speaking specifically about the proposed over 8,000 sq. ft. 4 story mansion to be built on 4112 El Mar Drive. This is a small 50 ft lot which has been used for public and beach access for over 40 years. If this is approved, this will open the doors to future developers and will drastically change the landscaper of the "quaint seaside Town".

***

8. **Roseann Minnet, resident**

You have the future of the "Town's Character" in your decision. Please ask yourself: Are you listening to the residents who care and love this Town, or are you listening to the people who say what is the difference, change is inevitable. Of course, "change is inevitable", we change every day. It is in your decision can affect a multitude of issues. Do not let your decisions be swayed by "interpretations" of Town Staff or the Town Attorney. Ultimately YOU are the casting votes. They are advisors, you are elected by the people to represent the people. Either reject or accept the undesirable "mega-projects" in our beloved Town. There are Rules of Urban Design, and this community has fought long and hard to maintain them. Allowing the "mega-project" without proper vetting is a dangerous slippery slope.

***

Town Commission Meeting
Public Comments
October 11, 2021

Stuart Dodd, resident (180 words)

I have said it before, but it is my last chance to say it again in the hope you all will listen.

1) Please observe the correct procedure for the selection of a new Town Manager. I would actively encourage Linda Connors to submit her resume and she may well end up as the final choice but at least you obeyed the charter.
2) When considering grandfathering the application for the single-family home at 4112 El Mar, do not give up the ability to stipulate conditions that all of you accept. You have the ability to stipulate same height, same footprint. Do not let the ordinance take away your final ability to be the decision makers.
3) Parking – I was the only one (I think) that voted against the 3 million purchase for 35 spaces. We don't have a problem and didn't need the spaces. With the extra spaces on A1A and private lots such the Sun Trust site there are plenty spaces. By all means update the 2014 study after you have

***

Cristie and Marc Furth, resident (194 words)

Please vote yes on Ordinance 2021-09 to prevent over-built, McMansions that overpower their neighbors and block our most prized El Mar Drive ocean views. The current McMansion applicant should either be denied or undergo strict conditional use and Architectural Review criteria to lessen the impact. Future El Mar development should be geared toward the boutique resort concept which, historically, has made Lauderdale by the Sea a worldwide tourist destination as well as a much-desired place to live.

Please also vote yes on Ordinance 2021-11 requiring community outreach before starting major development projects. This is the only way our unique seaside oasis can be protected from over-zealous Staff with personal visions of grandeur. Additionally, giving away prime downtown parking space to restaurants and then proposing that we spend millions of tax dollars because we are now in need of more parking for downtown restaurants is beyond incredulous. Lastly, under Old Business 12.a, you must vote for option 2 to extend the Interim for Linda Connors in order to allow the next commission to make this decision by conducting a search.

Your constituents are watching if you are protecting and preserving our town. Thank you

***

Jhanelle Campbell

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Thursday, July 8, 2021 6:26 AM
To: Linda Connors; Chris Vincent; Randy Strauss; Elliot Sokolow; Edmund Malkoon; Buz Oldaker; Susan Trevarthen; Jhanelle Campbell
Subject: Single Family Home El Mar Drive

Categories: Read and Completed

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Good Morning-

At the 7/7/2021 P & Z meeting a few disturbing incidents occurred in my opinion.
The neighbor to the north (The Seaward)of the applicant had counsel who stated he could find no record of any single family homes that came before the town prior to this applicant.
Below you will see that is incorrect, under archives on the Town website was the commission quasi judicial agenda item of a single family home in 2009.
An applicant came in who had bought the Buena Vista Hotel and the hotel on the east at 4312 El Mar Drive to turn it in to a single family home.
I am sure staff can locate the board meetings, videos leading up to the Jan. 27,2009 commission meeting as well.
That P & Z Board came together a few times with much input on the style, setbacks etc…
That P & Z Board were acting as the advisory board they were appointed to be offering up their concerns to the applicant, town and commission to preserve the property impact on El Mar being stewards of the town.
I believe missing from the Atty. and the Development Dept. at the current P & Z Board meeting was stressing to the board members that they too are there to voice their concerns and inject changes to the same entities culminating with a compiled list to be read by the chair and /or the Development Dept. at the end of the meeting to accompany their decision to the commission or for the applicants to come back to the board for another meeting based on the changes put forth by the board.
The board absolutely could have taken in to account the impact of this design on both the Seaward and the ocean frontage extension beyond neighboring properties as well as design to discuss and advise the applicants, town and commission.
Although the home never came to fruition contained in the presentation was the attorney for the applicant speaking specifically of changing the plans as to not impact setbacks and their small hotel neighbor to the south!
The P & Z is not tied to staff recommendations or town code to rubber stamp a vote with their hands tied as it appeared all but one member alluded to on 7/7/2021.
The conditional use portion of this item before them was not accurately put forth to them to allow them to address and perhaps change their vote if a single family home was not wanted on El Mar.

As far as side setbacks, I thought we had protection and preservation in place for vistas to the ocean which will not happen with this property design plan as well as making for wind tunnel impacts for the neighbor north as well as the pedestrians and properties west.
Finally, once again backup materials were not provided to include historical references resulting in a poor outcome.
Barbara Cole

https://lbts.granicus.com/MediaPlayer.php?view_id=4&clip_id=171&meta_id=24629

a. A Variance request to allow setback requirements from Section 30-242 of the Towns Zoning Code opposed to the applicable 30-241 to construct a single family home within the RM-25 Zoning District. Property is located at 4312 El Mar Dr. - Staff recommends tabling to January 13, 2009 - This item was tabled until December 17, 2008 at which time the Board will consider the application. The applicant agreed and is to provide revised plans increasing the setbacks for the board to review (Assistant Manager Olinzock) Tabled at the December 16, 2008 Commission meeting to allow BOA to review revised plans - BOA recommended approval with conditions - Applicant requesting Table to January 27, 2009 - Tabled at the January 13, 2007 Commission meeting by Commissioner Silverstone

January 27,2009

Sent from my iPhone

Total Control Panel Login

To: jhanellec@lauderdalebythesea-fl.gov
From: barbarafcole@gmail.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block gmail.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

Subject: FW: P& Z 7/8/2021

From: Barbara Cole <barbarafcole@gmail.com>
Sent: Wednesday, July 7, 2021 7:20 PM
To: Linda Connors <lindac@lauderdalebythesea-fl.gov>; Chris Vincent <ChrisVincent@lauderdalebythesea-fl.gov>; Randy Strauss <randys@lbts-fl.gov>; Elliot Sokolow <ESokolow@lauderdalebythesea-fl.gov>; Edmund Malkoon <edmundm@lauderdalebythesea-fl.gov>; Buz Oldaker <BuzOldaker@lauderdalebythesea-fl.gov>; Susan Trevarthen <strevarthen@wsh-law.com>
Subject: Re: P& Z 7/8/2021

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Follow- up
Interim Director of Development misspoke concerning architectural requirement.
That being said, single family homes on El Mar and the impact to neighbor allowing setback- light needs new implementation codes.
Barbara Cole

Sent from my iPhone

> On Jul 7, 2021, at 7:09 PM, Barbara Cole <barbarafcole@gmail.com> wrote:
>
> Interim Town Manager, Mayor, Vice Mayor , Commission, Town Attorney-
> The P & Z at their 7/7/2021 meeting discussing the proposed single family home on El Mar Drive brought forth some very important code issues that need immediate attention!
> This proposed single family home is the first to built on El Mar Drive changing the makeup of the street.
> More importantly, according to current code a single family home does not require architectural approval which means this property if approved can start an avalanche of single family homes that do not need to meet our MIMO preferred style!
> We do not want to be a bedroom community.
> The impact to the next property is a travesty!
> This needs to be on the agenda with some remedy and protection to preserve El Mar Drive asap!
> Barbara Cole
>
> Sent from my iPhone

Total Control Panel Login

To: lindac@lauderdalebythesea-fl.gov

From: barbarafcole@gmail.com

Message Score: 30

My Spam Blocking Level: Medium

Block this sender

Block gmail.com

High (60): Pass

Medium (75): Pass

Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

Subject: FW: Case 2021-CU-01

From: Kimberly Santo <kimberlysanto31@gmail.com>
Sent: Tuesday, July 6, 2021 2:05 PM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Case 2021-CU-01

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

July 6, 2021

Case number 2021-CU-01 condition use

4112 El Mar Drive to construct a single-family home in the RM- 25 zoning district.

We are residents of Lauderdale by the Sea and oppose the construction of a building built on the small narrow space that currently serves only as a walkway, it will hinder a gem of a five-star boutique building called the Seaward.

I have taken the following paragraph from Lauderdale by the Sea's Planning and Zoning responsibilities to reiterate the purpose of this meeting. We need to preserve the quality of life for our existing residents. The building in question can't accommodate the separation from Seaward's existing structure and pool without causing a hardship.

Thank you in advance for taking this situation seriously and doing what's in the best interest of the community.

Best regards,

Michael and Kimberly Santo

4117 Bougainvilla Drive

“Responsibilities

The Planning and Zoning Division is committed to preserving and enhancing the quality of life within Town by offering professional solutions and ensuring that all new construction projects or new businesses within the Town positively affect the quality of life for our residents, businesses and visitors.

This aim is achieved by the Division's primary responsibility of administering the Town's Zoning and Land Development Regulations, which are commonly known as the "Zoning Code." The Zoning Code outlines specific requirements regarding permitted uses, building setbacks, use separations, density, height and location as well as parking, landscaping, signage, etc.”

Jhanelle Campbell

Subject: FW: El Mar Dr. and Seaward

From: Carla Snyder <culinartistic@yahoo.com>
Sent: Tuesday, July 6, 2021 8:43 PM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Cc: Leslie Tatum <latatum214@gmail.com>
Subject: El Mar Dr. and Seaward

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Hello Janelle,
My sister and I own a condo at 4117 Bougainvilla and we are opposed to this new structure to be built next the the Seaward. This little gem is what LBTS is all about and a hulking structure so close to it and blocking views is a serious hardship to the owners. Please prohibit this structure from being built as it is planned. The lot is too small and it will take away from the structures already there.

Thank you,
Carla Snyder
Leslie Tatum

Sent from Mail for Windows 10

Total Control Panel Login

To: jhanellec@lbts-fl.gov
From: culinartistic@yahoo.com

Message Score: 1
My Spam Blocking Level: Medium

Block this sender
Block yahoo.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

Subject: FW: Case number 2021-CU-01

From: Mary Welsh <maryliverpool@me.com>
Sent: Tuesday, July 6, 2021 2:16 PM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>
Subject: Fwd: Case number 2021-CU-01

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Sent from my iPad

Begin forwarded message:

> **From:** Mary Welsh <MARYLIVERPOOL@me.com>
> **Date:** July 6, 2021 at 1:12:38 PM EDT
> **To:** JhanellC@lbts.gov
> **Subject: Case number 2021-CU-01**
>
> Case number 2021-CU-01 conditional use
> 4112 El Mar Drive to construct a single-family home in the RM- 25 zoning district
>
> I live in 4117 Bougainvilla Drive Leisure East on Bougainvilla Drive.
>
> Please note we oppose this building being built.
> There are no open spaces in Lauderdale By The Sea, every piece of land is being built on. We do not need anymore buildings or car parks . We are not a big city we are a small town ..let's keep it that way
>
> A building to be built on such a small piece of land would be devastating to the Seaward. Please consider these owners when you make your decision…Be more considerate to owners who have owned here for years not new investors who just want to build and sell for maximum profit.

Mary Welsh
4117 Bougainvilla Drive
L.B.T.S

Sent from my iPad

Total Control Panel Login

To: jhanellec@lbts-fl.gov
From: maryliverpool@me.com

Message Score: 15
My Spam Blocking Level: Medium

Block this sender
Block me.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

Jhanelle Campbell

Subject: FW: 2021-CU-01

From: The Pup Camp <pupcamp@yahoo.com>
Sent: Monday, July 5, 2021 4:07 PM
To: Jhanelle Campbell <JhanelleC@lauderdalebythesea-fl.gov>; Susan Leven <susanl@lauderdalebythesea-fl.gov>
Subject: 2021-CU-01

[CAUTION] This external e-mail originated outside the Town. Do not open links or attachments unless you are certain they are safe.

Case Number 2021-CU-01: Conditional Use 4112 El Mar Drive to construct a single-family home in the RM-25 zoning district

We vehemently oppose this building .
We own and live in two condominiums that will lose view of the ocean, dunes, palm trees and sea vegetation .

I could not live comfortably in my own home (no matter how many millions of dollars I spend to build it) knowing I have taken away views, sun, breeze, quality of life and property value from my neighbors …. I hope you feel the same .

We will attend the meeting on July 7th and wish this email to be read .

Steven Goldring
Louann Goldring

Sent from Yahoo Mail for iPhone

Total Control Panel Login

To: jhanellec@lbts-fl.gov
From: pupcamp@yahoo.com

Message Score: 50
My Spam Blocking Level: Medium

Block this sender
Block yahoo.com

High (60): Pass
Medium (75): Pass
Low (90): Pass

This message was delivered because the content filter score did not exceed your filter level.

January 10, 2022
Town Commission Special Meeting
Public Comments

Diana Kugler, resident
I write you to echo the comments made by Barbara Cole. And I thank her for her due diligence and efforts to preserve this Town. The proposed home at 4112 El Mar Drive is still not in line with the conditional use requirement based on the size, setbacks, and adverse impact to its neighbor the Seaward an the El Mar Drive neighborhood and it must be denied based on those requirements and not accepted due to fears of Bert J. Harris or preferential treatment from the town.

EXHIBIT 4

Ordinance 2021-09

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 "UNIFIED LAND DEVELOPMENT REGULATIONS," ARTICLE I, "IN GENERAL," SECTION 30-11 "DEFINITIONS;" AMENDING ARTICLE V "ZONING," SECTION 30-241, "RM-25 DISTRICT—APARTMENTS AND LODGING," TO MODIFY CONDITIONAL USE REGULATIONS SOUTH OF PINE AVENUE AND CREATE PROHIBITED USE REGULATIONS ON EL MAR DRIVE; AMENDING SECTION 30-242, "RM-25 DISTRICT—REGULATIONS FOR THE REDEVELOPMENT OF EXISTING LOTS OF 60 FEET IN WIDTH OR LESS IN THE RM-25 DISTRICTS SOUTH OF PINE AVENUE" TO MODIFY REQUIREMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND FOR AN EFFECTIVE DATE

WHEREAS, the Town of Lauderdale-By-The-Sea (the "Town") Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the Town's regulations are current and consistent with the Town's planning and regulatory needs; and

WHEREAS, the Town Commission desires to amend Section 30-11 "Definitions" to add a definition; and

WHEREAS, the Town Commission desires to amend Section 30-241, "RM-25 District—Apartments and Lodging" to modify conditional use regulations south of Pine Avenue and create prohibited use regulations for properties on El Mar Drive; and

WHEREAS, the Town Commission desires to amend Section 30-242, "RM-25 District—Regulations for the Redevelopment of Existing Lots of 60 Feet In Width or Less In the RM-25 Districts South of Pine Avenue" to modify the use and landscape strip regulations; and

WHEREAS, the Planning and Zoning Board, sitting as the Local Planning Agency, has reviewed the contents of this Ordinance at a duly noticed public hearing on August 20, 2021, and recommended the amendments be approved; and

DocuSign Envelope ID: FBE0A76E-584A-4751-80EF-5A839F7871DB

Ordinance 2021-09

WHEREAS, the Town Commission conducted first and second reading of this Ordinance at duly noticed public hearings, as required by law, and after having received input from and participation by interested members of the public and staff, the Town Commission has determined that this Ordinance is consistent with the Town's Comprehensive Plan and in the best interest of the Town, its residents, and its visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, THAT:

SECTION 1. Recitals. The preceding "Whereas" clauses are ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2. Amendment. Chapter 30, "Unified Land Development Regulations," Article I, "In General," "Definitions," Article V "Zoning," Division 2, "Districts," Subdivision I, "RM-25 District Regulations," Sections 30-241, "RM-25 District—Apartments and Lodging" and 30-242, "RM-25 district—Regulations for the Redevelopment of Existing Lots of 60 Feet In Width or Less In the RM-25 Districts South of Pine Avenue" of the Town Code of Ordinances, are hereby amended as follows[1]:

Chapter 30 - UNIFIED LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE I. IN GENERAL

* * *

Sec. 30-11. - Definitions.

(a) *Purpose*. The purpose of this subsection is to provide rules of interpretation of words and phrases, and to define words, phrases and abbreviations contained within this chapter.

* * *

(2) *Terms defined*.

[1] Additions to existing text are shown in underline. Deletions are shown in ~~strikethrough~~.

DocuSign Envelope ID: FBE0A76E-584A-4751-80EF-5A839F7871DB

* * *

Apartment building. A residential ~~rental~~ property with four or more dwelling units.

~~*Apartment house.* See apartment building.~~

Awning. Any movable or non-movable roof-like structure that is cantilevered from or otherwise entirely supported by a building.

* * *

ARTICLE V. – ZONING

* * *

DIVISION 2. – DISTRICTS

* * *

Subdivision I. – RM-25 District Regulations

* * *

Sec. 30-241. - RM-25 district—Apartments and lodging.

(a) *Use*. No building or premises shall be used and no building with the usual accessories shall be erected or altered other than a building or premises arranged, intended or designed for any one or more of the following uses:

(1) *Permitted uses south of Pine Avenue*.

a. Apartment house; and

b. Hotel.

(2) *Permitted uses north of Pine Avenue*.

a. Multiple-family dwelling.

b. Hotel, motel or timeshare apartment.

c. Townhouse.

(3) *Prohibited uses for properties adjacent to El Mar Drive*.

a. Single-family residence.

b. Duplex.

DocuSign Envelope ID: FBE0A76E-584A-4751-80EF-5A839F7871DB

c. Church or parish building.

(4)~~(3)~~ *Conditional uses south of Pine Avenue*. The following uses may be permitted, subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code:

a. Single-family residence~~ unless exempted by section 30-242(a)(4)~~;

b. Duplex,~~ unless exempted by section 30-242(a)(4); duplex development is~~ subject to the notice requirement of section 30-221(f) (the reconstruction of a split lot duplex property is subject to section 30-137, nonconforming uses);

c. Group or foster homes (as defined in the Town's land use plan as special residential facilities category 1 and 2);

d. Church or parish building;

~~e. Office of professional person residing on premises, such as architect, real estate broker, physician, dentist, engineer, lawyer, and customary home occupations when conducted on the premises, such as dressmaker, millinery and sewing, provided there is no display of goods or advertising other than a small name plate, and that area for such occupation shall not constitute more than one-third of the area of such residential building~~.

(5)~~(4)~~ *Conditional uses north of Pine Avenue*. The following uses may be permitted, subject to the requirements for conditional use review as set forth in section 30-126 of the Town Code:

a. Adult day care.

b. Nursing home.

(6)~~(5)~~ *Temporary uses*. A temporary real estate sales office may be permitted on a site under the following conditions:

a. The parcel has an active Town Commission approved site plan or building permit;

b. There are adequate parking spaces for the sales use based upon the office parking requirements established in section 30-318 of the Town Code;

c. The office does not exceed 1,000 square feet;

d. The office is approved by the Town Commission in conjunction with the Commission's approval of the site plan, or by other separate consideration;

e. The office shall not be allowed to remain in use for more than six months from the effective date of the temporary office approval or, if applicable, the related temporary office building permit, whichever is later, unless time extensions are granted by the Town Commission.

DocuSign Envelope ID: FBE0A76E-584A-4751-80EF-5A839F7871DB

(7)~~(6)~~ *Special accessory uses*.

a. Hotels, motels and apartment hotels located south of Pine Avenue, with a minimum of 100 dwelling units or more may provide restaurants and gift shops when the uses are an ancillary use to the primary hotels or residential use, subject to the following:

1.The maximum size of floor area of said uses, either individually or in total, shall not exceed 4,000 square feet or five percent of the total building floor area.

b. Hotels and motels located north of Pine Avenue may have the following accessory uses:

1. Hotels and motels having 50 or more units may have restaurants and gift shops. Such uses shall be located within the principal building(s) although outside seating may be provided in conjunction with a restaurant.

2. Hotels, motels and community residential facilities having 100 or more units may provide retail stores, personal service shops and convention facilities for guests or residents. Such uses shall be located within the principal building(s) and shall only be accessed through the main lobby of the facility.

3. The aggregate gross floor area of all permitted accessory uses shall not exceed 30 percent of the gross floor area of the principal building(s) on the lot.

c. Parking shall be permitted as an accessory use.

d. Bicycle parking when accessory to a hotel or apartment hotel use, shall be permitted in lieu of providing required off-street parking, as specified in section 30-318, minimum parking requirements, (i)~~(c)~~ hotels, ~~and~~ motels, and apartment hotels.[2]

e. Vacation rental is a permitted accessory use if a vacation rental certificate is first obtained pursuant to section 30-327.

* * *

Sec. 30-242. - RM-25 district—Regulations for the redevelopment of existing lots of 60 feet in width or less in the RM-25 districts south of Pine Avenue.

~~These provisions are intended to encourage the redevelopment of property within the Town.~~ These provisions shall apply only to ~~existing~~ lots or plots of 60 feet or less in width west of or fronting on Bougainvilla Drive that existed as of September 13, 2000. These provisions shall not be applicable to lots or plots that are created by the subdivision of wider lots or plots after September 13, 2000. ~~The~~ All other provisions of the Town's Land Development Code shall continue to apply~~, especially those pertaining to the development within an RM-25 district~~, except that the provisions

[2] Corrects a typographical error in the current Code.

DocuSign Envelope ID: FBE0A76E-584A-4751-80EF-5A839F7871DB

herein set forth shall apply to ~~the redevelopment of~~ lots or plots 60 feet in width or less in the RM-25 district to the extent of a conflict.

(a) ~~*Density*.~~*Use.*

~~(1) Lots or plots with less than or equal to 140 feet in depth shall be limited to two dwelling units per lot or plot with a minimum of 1,800 square feet of living area in each dwelling unit.~~

~~(2) Lots or plots greater than 140 feet in depth shall be limited to three dwelling units per lot or plot with a minimum of 2,000 square feet of living area in each dwelling unit.~~

~~(3) Hotel, motel or short-term tenancy units are a prohibited use for such lots or plots west of Bougainvilla Drive.~~

~~(4)~~(1) Single family and duplex dwellings are permitted. ~~exempt from the conditional use approval requirements established in section 30-241(a)(2), but are subject to the notice requirement of section 30-221(f)~~.

~~(5)~~(2) The reconstruction of a split lot duplex property is subject to section 30-137, nonconforming uses and structures.

* * *

~~(e) *Landscape strip*. There shall be a landscape strip abutting all pavement adjacent to the property line measuring a minimum of two and one-half feet in width, except for permitted driveway connections to the street.~~

* * *

SECTION 3. Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-By-The-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

DocuSign Envelope ID: FBE0A76E-584A-4751-80EF-5A839F7871DB

Ordinance 2021-09

SECTION 5. Conflicting Ordinances. All prior ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage on second reading. This Ordinance shall not apply to any application that was initially submitted to the Town prior to April 1, 2021, which shall continue to be governed by the conditional use process and all other requirements of the Code prior to enactment of this Ordinance.

Passed on the first reading, this 13th day of September, 2021.

Passed and adopted on the second reading, this 12th day of October, 2021.

DocuSigned by:

B0A8AE8CC88D4A1...

MAYOR CHRIS VINCENT

	First Reading	Second Reading
Mayor Vincent	Aye	Aye
Vice-Mayor Oldaker	Aye	Aye
Commissioner Sokolow	Aye	Aye
Commissioner Strauss	Aye	Aye
Commissioner Malkoon	Aye	Aye

ATTEST:

DocuSigned by:

Tedra Allen, CMC

F79938A3F45D42E...

Tedra Allen, Town Clerk

APPROVED AS TO FORM:

DocuSigned by:

Susan L. Trevarthen

7651C1375CC5435...

Susan L. Trevarthen, Town Attorney

Sec. 30-126. Conditional uses review.

(a) *Defined.* A conditional use is a use that would not be appropriate without restriction throughout the land use district, but which, if controlled as to number, area, location, hours of operation, and relation to the neighborhood or impacted vicinity, would promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood.

(b) *Intent, purpose and effect.* The purpose of this section is to ensure that a conditional use shall only be permitted on specific sites as provided in a particular zoning district or as provided in this Code. where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.

This section sets forth the procedures and criteria for approval of conditional uses on specific sites. A conditional use is quasi-judicial, and shall be permitted only upon a finding that the proposed use satisfies the specific review criteria of this section and other requirements of this Code.

An approval of a conditional use does not eliminate the need for other approvals, which may be required under this Code, including but not limited to site plan review.

(c) *Application.* A conditional use application shall provide the following information unless waived by the DSD:

(1) Traffic impact study meeting the requirements of section 30-71(c)(14)d;

(2) Square feet designated (indoors or out) for each specific use;

(3) Estimated employment;

(4) Estimated number and type of service vehicles;

(5) Any unique facilities or structures proposed as part of site improvements; and

(6) A description of any mitigative techniques to abate any possible adverse impacts of the proposed use on properties in the immediate vicinity including smoke, odor, noise, and other impacts.

(d) *Specific criteria for approving a conditional use.* A conditional use shall be permitted upon a finding by the Town Commission that the proposed use, as proposed or with additional conditions or modifications, satisfies the criteria herein specified. A conditional use shall be denied if the Town Commission determines that the proposed use does not meet the criteria herein provided or is adverse to the public interest. The Board and/or Commission may impose conditions and safeguards, in addition to those prescribed in the Code, as they determine are necessary for the protection of the surrounding area and to preserve the spirit and intent of the Town Code and Comprehensive Plan. The applicant shall demonstrate the following:

(1) *Land use compatibility.* The conditional use, including its proposed scale and intensity, traffic generating characteristics, and off-site impacts shall be compatible and harmonious with adjacent land uses and shall not adversely impact land use activities and residential areas in the immediate vicinity.

For purposes of a conditional use review, compatibility is defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility of land uses is dependent on numerous development characteristics, which may impact adjacent or surrounding uses. They include: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, vibration, traffic generation and nuisances. The Town Manager shall recommend whether the conditional use is compatible. Compatibility shall be measured based on all of the following characteristics of the proposed use or development in relationship to surrounding development in the immediate area:

i. Permitted uses, structures and activities allowed within the land use category;

ii. Building location, dimensions, height, and floor area ratio;

iii. Location and extent of parking, access drives and service areas;

iv. Traffic generation, hours of operation, noise levels and outdoor lighting;

v. Alteration of light and air;

vi. Setbacks and buffers such as fences, walls, landscaping and open space treatment;

vii. The architectural and site design are compatible with the character of the surrounding area; and

viii. Any existing or proposed signs or lighting will not adversely affect surrounding areas or vehicular traffic.

(2) *Sufficient site size, site specifications, and infrastructure to accommodate the proposed use.* The size and shape of the site, the proposed access and internal circulation, and the urban design must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to provide adequate screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.

(3) *Compliance with the Comprehensive Plan and Code of Ordinances.* The conditional use shall comply with environmental, zoning, concurrency and other applicable regulations of this Code of Ordinances and shall be consistent with the Comprehensive Plan.

(4) *Proper use of mitigative techniques.* The conditional use and site plan shall incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.

(e) *Conditional use approval amendments.* A conditional use approval is specific to the density and intensity of the proposed use, the particular site plan and any supplemental conditions approved. Unauthorized modification to a site plan or any of the specifics or conditions of the conditional use approval is a violation of the Town Code and subject to code enforcement action and/or revocation of the conditional use approved. Any proposed modification to the conditional use that affects density, intensity or minimum code requirements of the site development plan will require review and approval by the Town Commission.

(1) The Town Manager shall determine if the request is a Level 1 Amendment or a Level 2 Amendment. In deciding whether an application is a Level 1 or Level 2 Amendment, the Town Manager shall consider the requirements of section 30-123(a)—(c) of the Code.

a. Level 1 Amendment: Shall be processed pursuant to the requirements for a Level 1 Review-Administrative Approval as set forth in section 30-113.

b. Level 2 Amendment: Shall be processed pursuant to the requirements for a Level 2 Review - Town Commission Approval as set forth in section 30-113.

(f) *Continuing jurisdiction.* The Town Commission hereby reserves to itself the jurisdiction and authority to review and revoke conditional use permits where the use or the continuation of the use:

(1) Violates the conditions set forth by the Town Commission as a requirement for the granting of the use;

(2) Is injurious to the health, safety or welfare of the community or of the public;

(3) Tends to attract vagrants, loiterers or habitually intoxicated persons; or

(4) Has a history of repeated Code violations.

(Ord. No. 2014-08, § 3, 7-7-2014)

EXHIBIT 6

PLAIN ENGLISH VERSION OF TOWN CHARTER
ARTICLE VII. - PLANNING AND ZONING.

Sec. 7.1. - Maximum height for buildings established; referendum vote required for increases in zoned residential-district height limits.

(1) ***Limit on height and number of stories of buildings***.

(a) *Definition.* For purposes of this section, "roofline" is defined as follows:

(i) the highest point on a flat roof, or
(ii) the median elevation between the peak of a sloped roof and the lowest edge of the sloped roof.

(b) *Limits applicable to buildings constructed on or prior to March 20, 2006*. All buildings shall have no more than four stories and shall not exceed 44 feet. The number of stories and the height shall be measured from grade to the roofline. As used in this subsection (1)(b), "grade" is defined as the higher of the following two alternatives:

(i) grade as defined in the Florida Building Code, or
(ii) the level of the crown of the adjacent road plus eighteen inches.

(c) *Limits applicable to buildings constructed after March 20, 2006*. All buildings shall not exceed 33 feet in height. The height shall be measured from the highest of the following locations to the roofline:

(i) grade as defined in the Florida Building Code, or
(ii) the level of the crown of the adjacent road plus eighteen inches, or
(iii) the minimum elevation for a habitable, finished floor permitted under applicable federal or Florida state regulations.

(d) *Measurement of height of roof structures*. The following are excluded from the measurements of height under subsections (b) and (c):

(i) bulkheads and penthouses used solely to enclose stairways,
(ii) tanks,
(iii) elevator machinery or shafts, and
(iv) ventilation or air conditioning apparatus.

All other roof structures, including parapet walls, are permitted to exceed the applicable height limit by up to four feet.

(e) *Preservation of more restrictive Code provisions*. The height limits established herein supersede any existing zoning ordinance or land development regulation to the extent that it establishes any greater maximum building height limit. This section shall not be construed to affect any existing zoning ordinance or land development regulation that establishes any lower maximum building height limit.

(f) *Prohibition on Town Commission granting variances or amending by ordinance*. The Town Commission may not increase, by ordinance or by variance, the height limits established herein.

(2) ***Limits on use of stories and parking for buildings over three stories or 33 feet in height***. Buildings over three stories or 33 feet in height are subject to the following limitations.

(a) *Level of first story*. The first story shall be at grade. "At grade" means that the floor is at or below grade and the ceiling is above grade, or that the floor and ceiling are both above grade.

(b) *Use in residential zoning districts*. At least one half of the square footage of the first story must be used for parking. The remainder of the first story may only be used for one or more of the following uses:

1. parking, either with or without toll collection booths,
2. storage,
3. refuse,
4. security,
5. registration,
6. maintenance,
7. access, either with or without a lobby.

(c) *Use in business zoning districts*. The first story may be used for any of the uses listed in (b). It may also be used for commercial uses if the Code-required off-street parking is provided on or adjacent to the property.

(d) *Underground stories*. Underground stories are allowed, but their uses are limited in accordance with the applicable zoning district, as detailed above in (b) and (c).

(e) *Off-site parking*. If the Code required parking is not provided on the property, the building must have dedicated off-street parking adjacent to the property.

(f) *Back-out parking*. All parking must be designed to allow parked vehicles to leave the parking space without having to back out into traffic.

(g) *Prohibition on Town Commission granting variances or amending by ordinance*. The Town Commission may not increase, by ordinance or by variance, the use and parking requirements established herein.

(3) ***Nonconforming buildings***.

(a) *Definition*. For purposes of this section, "nonconforming buildings" means all buildings within the Town that were legally in existence on March 20, 2006, and that either:

(i) exceed the applicable height limit established in (1) or
(ii) fail to comply with the use requirements of (2).

(b) *Limitation on replacement of nonconforming buildings*.

(i) *Definitions*.

A. "Habitable story" means any story or part thereof that is used as a home or place of abode, either permanent or temporary, by one (1) or more persons.

B. "Habitable square feet" means any square footage that is used as a home or place of abode, either permanent or temporary, by one (1) or more persons.

C. "Replacement building" means a new building that is allowed to be constructed without full compliance with this section, as provided herein.

(ii) *Eligibility*. Nonconforming buildings generally must come into compliance with this section if replaced. However, a nonconforming building may be replaced with a replacement building if either:

A. *Destruction.* The existing non-conforming building has been destroyed by fire, natural disaster, or other act of God, and construction of the replacement building is commenced within twelve (12) months of the date of destruction; or

B. *Redevelopment*. The existing non-conforming building is demolished as part of a Town approved redevelopment of the property; and construction of the replacement building is commenced within six (6) months of the date of site plan approval.

(iii) *Procedure*. The property owner must apply for and receive Town approval of a site plan depicting the replacement building (prior to planned demolition, if any).

(iv) *Use and parking*. The replacement building must comply, where applicable, with the restrictions on use and parking of subsection (2).

(v) *Extensions of time*. The applicant may seek one (1) or more six (6) month extensions to the time periods for commencement of construction of a replacement building from the Town Commission by submitting a written application to the Town Clerk prior to the expiration of the original (or extended) timeframe.

(vi) *Height*. The maximum allowable height of any replacement building shall not exceed the original height of the non-conforming building which it replaces, plus any additional height which (because of the requirements of state or federal law, or because of the restrictions on use established in paragraph (2)) may be necessary to obtain the same number of habitable stories as was contained in the original non-conforming building. The Town Commission may not increase, by ordinance or by variance, the height limits established herein.

(vii) *Square footage*. The maximum allowable square footage of any replacement building shall not exceed the original square footage of the non-conforming building which it replaces, plus any additional square footage which (because of the requirements of state or federal law, or because of the restrictions on use established in paragraph (2)) may be necessary to obtain the same number of habitable square feet as was contained in the original non-conforming building. The Town Commission may not increase, by ordinance or by variance, the square footage limits established herein.

(viii) *Reductions in size*. A replacement building may be shorter or have fewer square feet than the original nonconforming building without coming fully into compliance with this section.

(4) ***Resident standing to enforce.*** Every resident of the Town shall have the standing to enforce the maximum building height limits and the maximum allowable square footage established in this section of the Charter by bringing a lawsuit in equity seeking mandamus and prohibition. This section shall not be construed to:

(a) create a cause of action at law for money damages, or

(b) authorize a court of equity to award money damages as an incident to equitable relief, or

(c) authorize an award of attorney's fees to the prevailing party or to any other party.

(5) ***Limit on Town Commission power to amend land development regulations***.

(a) *Definition*. "Residential zoning districts" shall include but not be limited to, R-5, RS-4, RS-5, RD-10, RM-15, RM-16, RM-25 and PUD in the Town's land development code as of March 20, 2006.

(b) *Referendum required*. A referendum vote, in the manner established in Article IV, Section 4.7 of this Charter for the repeal or amendment of initiated ordinances, is required to make the following changes to the Town's land development regulations:

(i) *Residential zoning district height limits*. The maximum height limits established for residential zoning districts may be increased only by a referendum.

(ii) *Rezoning of districts to another use*. A property in a residential zoning district may be rezoned to a different zoning district only by a referendum.

(iii) *Creation of new categories of zoning*. New zoning districts, including all the regulations related to those districts, may be adopted only by a referendum.

(iv) *Addition of uses to a zoning category*. New uses may be added to existing residential zoning districts only by a referendum.

(6) ***Limitation on amendments to this section of the Charter by the voters.*** This section of the Charter may be amended or repealed only by a majority vote of the registered voters of the Town at a referendum election held either on the same day as a regularly scheduled November general election or a March municipal general election. If a provision of this section of the Charter is finally adjudged by a court of competent jurisdiction, after all appeals have been exhausted, to violate the State or Federal Constitution or any valid state or federal law, then a special election may be held for the sole purpose of correcting, to the minimum practicable extent, such violation. Such special election may be held on a different day, or may be conducted by mail.

(7) ***Preservation of stricter Code provisions***. Pending amendment of any portion or portions of the Town's Code of Ordinances inconsistent with this section of the Charter, the more stringent provisions of this section shall apply.

Sec. 7.1. Maximum height for buildings established; referendum vote required for increases in zoned residential-district height limits.

(1) No building within the jurisdictional boundaries of the Town, as they existed on March 20, 2006, shall have more than four (4) stories above grade, and the maximum height of buildings within the Town that have four (4) stories above grade shall be forty-four (44) feet above grade, as defined in the Florida Building Code, or above a horizontal plane eighteen inches above the crown of the roadway at the highest point adjoining the property on which the building is located, whichever of those two levels is higher. The maximum height for all other buildings within the Town shall be thirty-three (33) feet

(a) Above grade, as defined in the Florida Building Code, or

(b) Above a horizontal plane eighteen inches above the crown if the roadway at the highest point adjoining the property on which the building is located, or

(c) Above the minimum elevation for a habitable, finished floor permitted under applicable federal or Florida state regulations,

Whichever of those three levels is highest. Height shall be measured from the applicable base level specified above to the highest point on a flat roof, or to the median elevation between the peak of a sloped roof and the lowest edge of the sloped roof. In accordance with the Florida Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height; all other roofs structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height.

(2) In any building within the Town that has more than three (3) stories above grade, the first story shall be at grade level and shall be used for parking, either with or without toll collection booths. The first story may also be used for storage, refuse, security, registration, maintenance, and/or access, either with or without a lobby, provided that at least one-half (½) of the square footage of the first story is used for parking. Only within districts of the Town zoned for business ("B") use, the first story of buildings having more than three (3) stories above grade may also be devoted to non-residential commercial uses, provided that dedicated parking required by Town ordinance or code for the proposed buildings is provided off-street at a location on or adjacent to the property on which the buildings are situate, and designed so as to enable the parked vehicles to egress the parking space without having to back out into traffic. In any building within the Town that has more than three (3) stories above grade, the first story shall be restricted to the above enumerated uses, and may be used for no other purpose whatsoever. For the purposes of this provision of the Charter, a story is at grade level if its floor is at or below grade and its ceiling is above grade; a story that is at grade level is also above grade. Nothing in this paragraph shall be construed so as to prohibit any building within the Town that has more than three (3) stories above grade from also having one (1) or more subterranean stories below grade, provided, however, that in any building within the Town that has more than three (3) stories above grade, all subterranean stories shall be subject to the same restrictions on use as are established in this paragraph for the first story.

(3) Buildings which exceed thirty three (33) feet above grade, and which exceed thirty three (33) feet above the horizontal plane eighteen inches above the crown of the roadway at the highest point adjoining the property on which the building is located, but which are nevertheless allowed under subparagraph (1)(c) of this Section, and which do not include a non-habitable first floor with ample parking as required by Town ordinance or code, in accordance with the number and type of units in those buildings, must have dedicated off-street parking at a location on or adjacent to the property on which the buildings are situate. Parking for buildings in this category must be designed so as to enable the parked vehicles to egress the parking space without having to back out into traffic.

(4) All existing buildings within the Town that were legally in compliance with existing height and use restrictions on March 20, 2006, or were grandfathered on that date, but that either exceed the maximum building height limit established in paragraph (1), above, of this section of the Charter, or that fail to comply, where applicable, with the restrictions on use established in paragraph (2), above, of this section of the Charter, (hereinafter referred to as "Non-conforming Buildings") shall be considered legal, but non-conforming.

(5) Notwithstanding the maximum building height limit established in paragraph (1), above, of this section of the Charter, an existing non-conforming building may be replaced by a new nonconforming building when, and only when:

(a) The existing non-conforming building has:

(i) Been destroyed by fire, natural disaster, or other act of God; and

(ii) The property owner has submitted and received Town approval of a site plan depicting the replacement building; and

(iii) Construction of the replacement building is commenced within twelve (12) months of the date of destruction; or

(b) The existing non-conforming building is:

(i) Demolished as part of a Town approved redevelopment of the property; and

(ii) Prior to demolition, the property owner has submitted and received Town approval of a site plan depicting the replacement building; and

(iii) Construction of the replacement building is commenced within six (6) months of the date of site plan approval.

(c) The Town Commission may grant one (1) or more six (6) month extensions to the time periods for commencement of construction established in paragraphs (5)(a)(iii) and (5)(b)(iii), above, provided a written request for extension is filed with the Town Clerk prior to (in the case of a first request for extension) the expiration of the initial applicable time period for commencement of construction or prior to (in the case of a subsequent request for extension) the expiration of the most recent extension of the applicable time period for commencement of construction.

(d) All new non-conforming buildings constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall comply, where applicable, with the restrictions on use established in paragraph (2), above, and the provisions for parking availability established in paragraph (3), above, of this section of the Charter.

(e) The maximum allowable height of any new non-conforming building constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall not exceed the original height of the non-conforming building which it replaces, plus any additional height which (because of the requirements of state or federal law, or because of the restrictions on use established in paragraph (2), above, of this section of the charter) may be necessary to obtain the same number of habitable stories as was contained in the original non-conforming building. Nothing in this section of the Charter shall be construed to prevent a new non-conforming building from being constructed to a lesser height or from containing fewer habitable stories than that of the original non-conforming building which it replaces. For the purposes of this provision of the Charter, the term "habitable story" means any story or part thereof that is used as a home or place of abode, either permanent or temporary, by one (1) or more persons.

(f) The maximum allowable square footage of any new nonconforming building constructed pursuant to the provisions of either paragraph (5)(a) or (5)(b), above, shall not exceed the original square footage of the non-conforming building which it replaces, plus any additional square footage which (because of

the requirements of state or federal law, or because of the restrictions on use established in paragraph (2), above, of this section of the Charter) may be necessary to obtain the same number of habitable square feet as was contained in the original non-conforming building. Nothing in this section of the Charter shall be construed to prevent a new nonconforming building from being constructed either with less total square footage or with less habitable square footage than that of the original non-conforming building which it replaces. For the purposes of this section of the Charter, the term "habitable square footage" means the square footage of that portion of a building that is used as a home or place of abode, either permanent or temporary, by one (1) or more persons.

(6) The maximum building height limits, the restrictions on use and the maximum allowable square footage, and the provisions governing parking established in paragraphs (1), (2), (3) and (5), above, of this section of the Charter, shall be applicable to all real property located within the boundaries of the Town as the boundaries exist on March 20, 2006.

(7) Every resident of the Town shall have the standing to enforce the maximum building height limits and the maximum allowable square footage established in paragraphs (1), (2) and (5), above, of this section of the Charter, by means of a suit in equity seeking either mandamus; prohibition; or any combination thereof, but nothing in this provision of the Charter shall he construed to either create a cause of action at law for money damages, or to authorize a court of equity to award money damages as an incident to equitable relief, or to authorize an award of attorney's fees to the prevailing party or to any other party.

(8) The maximum building height limit established in paragraph (1), above, of this section of the Charter, supersedes any existing zoning ordinance or land development regulation to the extent that said zoning ordinance or land development regulation establishes anywhere within the Town a maximum building height limit greater than that established in paragraph (1), above, of this section of the Charter, but nothing in this section of the Charter shall be construed to supersede, modify or repeal any existing zoning ordinance or land development regulation that establishes anywhere within the Town a maximum building height limit lower than that established in paragraph (1), above, of this section of the Charter.

(9) The Town Commission may not increase, by ordinance or by variance, the maximum building height limits established in paragraphs (1) and (5), above, of this section of the Charter, nor may the Town Commission modify, amend or repeal, by ordinance or by variance, the restrictions on use established in paragraph (2), above, or the provisions for parking availability established in paragraphs (2), (3) or (5), above, of this section of the Charter, nor may the Town Commission increase, by ordinance or by variance, the maximum allowable square footage established in paragraph (5), above, of this section of the Charter. The maximum height limits established for residential zoning districts including, but not limited to, R-5, RS-4, RS-5, RD-10, RM-15, RM-16, RM-25 and PUD in the Town's land development code as of March 20, 2006, may be increased, or such districts re-zoned for any other use whatsoever, only by a referendum vote of the registered voters of the Town in the manner established in Article IV, Section 4.7 [50] of this Charter for the repeal or amendment of initiated ordinances. The Town may not create new categories of zoning without approval of such categories by a similar referendum vote; and all provisions of such new categories of zoning must be submitted to the voters for approval.

(10) The maximum building height limits established in paragraphs (1) and (5), above, of this section of the Charter, may be increased only by an amendment to or by repeal of this section of the Charter. The restrictions on use established in paragraph (2), above, and the provisions governing parking availability established in paragraphs (2), (3) and (5), above, of this section of the Charter, may be modified, amended or repealed only by an amendment to or by repeal of this section of the Charter. The maximum allowable square footage established in paragraph (5), above, of this provision of the Charter, may be increased only by an amendment to, or by repeal of this section of the Charter. Except as expressly provided below, this section of the Charter may be amended or repealed only by means of a majority vote of the registered voters of the Town at a referendum election held either on the same day as a regularly scheduled November general election or on the same day as a regularly scheduled March municipal general election. The

amendment or repeal of this section of the Charter at a special election held on a day other than a regularly scheduled November general election or on a day other than a regularly scheduled March municipal general election is expressly prohibited, except that a special election or special election by mail may be held to correct, to the minimum practicable extent, a provision adjudged by a court of competent jurisdiction to violate the State or Federal Constitution or any valid state or federal law, but only after such adjudication is affirmed on appeal. Amendments approved at a special election may include no elements not directly related to such court adjudication.

(11) These provisions of the Charter shall be effective immediately upon adoption by a majority of the registered voters of the Town voting in a referendum to amend the Charter so as to include these provisions. Upon adoption, the maximum building height limits, the restrictions on use, the maximum allowable square footage and the provisions governing parking availability established in paragraphs (1), (2, (3) and (5), above, of this section of the Charter, shall immediately apply to all real property located within the boundaries of the entire Town. Upon adoption of these provisions, and pending amendment of any portion or portions of the Town's Code of Ordinances inconsistent with this section of the Charter, the more stringent provisions of this section shall apply.

EXHIBIT 7

Sec. 30-51. Architectural review standards.

(a) *Purpose and intent.* The purpose of this section and the Town's Architectural Design Standards (sometimes referred to as the "Town ADS") is to encourage the local adaptation of the Mid-century Modern architectural style as the preferred architectural style of the Town, in that such architectural style is compatible with the essential character of the Town, supportive of efficient development, is architecturally and visually appealing, and fosters a sense of place in the preservation of the architectural and design characteristics of the Town's existing built environment.

(b) *Incorporation by reference of Town Architectural Design Standards.* The Town Architectural Design Standards manual (also known as the Town ADS manual), as adopted by resolution of the Town Commission and as may be amended from time to time, is hereby incorporated into this article II, division 1. Architectural Review Requirements. All provisions of this section shall be interpreted in conformance with the Town ADS. In the event of conflict between the ADS and the Code, the Code governs.

(c) *Applicability.*

(1) The following shall be reviewed for compliance with the architectural standards and architectural review requirements provided by this section and the Town ADS:

a. All development, including new construction, reconstruction, alterations and additions within the B-1-A, B-1, RM-25, and RM-50 Town zoning districts;

b. The exterior renovation, rebuilding, or restoration of a duplex unit, consistent with the requirements of section 30-137(d) for consistency in form and style with the remaining duplex unit to which the reconstructed duplex unit will be attached;

c. An application for a COA for any exterior construction or alteration, relocation or demolition of a designated historic structure or site, or a contributing structure in a historic district.

(2) Alterations and additions to existing buildings with design elements that are associated with the Mid-century Modern style of architecture shall conform to that architectural style.

(3) Alterations and additions to existing buildings with design elements that are not associated with the Mid-century Modern style of architecture shall conform to the architectural style of the existing building.

(4) The Town ADS further defines the requirements of the Mid-century Modern style and alternative architectural styles, and the various elements of design that are encouraged and discouraged in the Town.

(d) *Architectural styles.*

(1) *Mid-century Modern.* The preferred architectural style of the Town shall be in accordance with the Mid-century Modern or similar harmonious architecture, except that any buildings the Town Commission has designated as a "historical landmark" shall conform to the architecture of the existing building.

(2) *Alternative architectural styles.*

a. While the Mid-century Modern architectural style is the Town's preferred architectural style, it is not intended to be the exclusive architectural style of the Town. Alternative architectural styles and design concepts may be considered during the development review process. However, it shall be the applicant's burden to show that the proposed alternative architectural style and design concepts, to the maximum extent practical, are compatible with the architectural style of

adjacent existing or approved development on the same or adjacent properties and street frontages.

b. Alternative architectural styles may be considered appropriate if it is found that:

1. The proposed alternative style is compatible with the architectural style of adjacent existing or approved development on the same or adjacent property; and

2. The architectural style of proposed development incorporates a scale, massing, and sufficient number of the same or similar design elements (e.g., horizontal or vertical building facade articulation, building facade articulation elements, facade materials, roof design, use and design of balconies, window design, door design, use and design of window or door shading devices, railing design, etc.) to create a clear and affirmative relationship or transition between the architectural styles of existing buildings or of approved development on the same or adjacent properties and street frontages.

c. "Adjacent," when used herein, shall mean a lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land, or a lot or parcel of land that is separated from another lot or parcel of land by a right-of-way or park.

(e) *Review of architectural design.*

(1) To ensure that any application for a development approval or permit, as required by this chapter, complies with architectural design review provisions, the Town Manager shall:

a. Designate staff with appropriate levels of education or expertise; and/or

b. Retain the services of a consultant with appropriate levels of education or expertise.

(2) If the Town Manager retains the services of a consultant to conduct the architectural design review, then the Town shall recover the costs for such services in accordance with the provisions of this chapter.

(3) The primary purpose of the architectural design review shall be:

a. To determine whether or not the plans submitted comply with the architectural design features and materials typical of the Mid-century Modern architectural style. Alternatively, if the plans submitted are of an alternative architectural style that complies with the requirements of the Town ADS, to determine whether those plans comply with the architectural design features and materials typical of that style; and

b. To suggest to the applicant such changes as may be necessary to bring the plans into conformity with the relevant architectural style.

(f) *Compliance with all other applicable code provisions.*

(1) The plans and specifications required to be submitted for the proposed development approval or permit shall be designed in accordance with all other applicable code provisions.

(2) In the architectural design review, compliance with all applicable building and life-safety codes shall prevail over any conflicting provisions of other applicable codes or standards.

(g) *Application for architectural design review.* An application for architectural design review shall be submitted to the Department on a form provided by the Town with such exhibits as may be required by the Town, accompanied by a fee to be provided by resolution.

(h) *Approval of architectural design.* The Town shall determine whether the plans submitted substantially conform to the provisions of this section and the Town ADS in preserving the traditional aesthetic treatment

of the community, and shall include such findings as part of the documentation required for development review and approval.

(i) *Revisions to approved plans.* Modification to the approved plans shall be subject to the provisions for modifications to approved site plans as provided in section 30-123.

(j) *Appeals.* The applicant may appeal the administrative determination regarding the compliance of plans submitted for a development permit with the provisions of this section and the Town ADS, as follows:

(1) *Process for review and hearing of appeals.* Appeals shall be submitted to the Town Commission on a form provided by the Town accompanied by a fee to be provided by resolution.

(2) *Timing and components of appeal.* All appeals shall be filed within 30 days of the administrative determination of compliance or non-compliance. The appeal shall be based on the application file and plans submitted up to the date of the determination being appealed, including the Architectural Design Review Report and any relevant documents, and the applicant's appeal form and the staff's response thereto.

(3) *Appeal hearings.* The Town Commission shall consider the appeal on the record at a regularly scheduled public meeting held within 55 calendar days of the filing date of the appeal. Arguments may be made to the Town Commission supporting or opposing the appeal, but no additional written information or testimony, beyond a procedural history provided by staff, shall be submitted at the hearing by the applicant or the Town staff/consultant.

(4) *Decisions on appeals.* The Town Commission may approve, approve with modifications or conditions, or deny the application. Approval with modifications or conditions shall be subject to further Town review of revised plans for compliance with the modifications or conditions imposed by the Town Commission. For the purpose of appeal, the Town Commission's decision shall be considered a final development order.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2016-03, § 3, 7-26-2016)

Application #: 2021-AR-04
BTR#:

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
Department of Development Services
4501 N. Ocean Boulevard Lauderdale-By-The-Sea, FL 33308
Phone: 954-640-4210 Fax: 954-640-4654
www.lbts-fl.gov

DEVELOPMENT APPLICATION

In accordance with Section 30.111-30.113 of the Town's Unified Land Development Regulations: Development applications are required to be provided before any development permit is issued. Please refer to the Town's website to obtain a copy of the corresponding Application Checklist. Please also refer to the Fee Schedule, updated annually by the Town, as provided on the website which will indicate the cost per application type. Please check the development approval being requested:

- ○ Abandonment
- ○ Administrative Adjustment-Level 1
- ○ Administrative Adjustment-Level 2
- ☒ Architectural Review-Preliminary
- ○ Architectural Review-Final
- ○ Bicycle Racks
- ○ Conditional Use
- ○ Conditional Use Amendment-Level 1
- ○ Conditional Use Amendment-Level 2
- ○ Conditional Use-Sign
- ○ Conditional Use-Transfer Fee
- ○ Construction Time Extension
- ○ Development Order Extension
- ○ Encroachment Application
- ○ Landscape Plan
- ○ Landscape Plan Amendment
- ○ Parking Reduction-Level 1
- ○ Parking Reduction-Level 2
- ○ Preliminary Site Plan
- ○ Sidewalk Cafe
- ○ Sidewalk Cafe Modification
- ○ Site Plan
- ○ Site Plan Modification-Level 1
- ○ Site Plan Modification-Level 2
- ○ Tree Removal
- ○ Variance-Single Family
- ○ Variance - Other
- ○ Other _____

Based on approval being requested, refer to the corresponding checklist and supplemental requirements.

Project Name: Staudacher Residence Folio Number(s): 4943 18 01 0040

Street Address: 4112 El Mar Drive Lauderdale By The Sea, FL 33308

Subdivision Name: LAUDERDALE BY THE SEA 6-2 B Block(s): 2 Lot(s): 7

Name of Property Owner: DAVID J STAUDACHER FLORIDA RESIDENCE TR ETAL Address of Property Owner: Same as Above

Property Owner's Phone Number: (425)471-4491 Property Owner's Email Address: dstaudacher@vandermeerfp.com

Name of Applicant: David Staudacher Address of Applicant: 5500 NE 31st Avenue Fort Lauderdale, FL 33308

Applicant Phone Number: (425) 471-4491 Applicant Email Address: dstaudacher@vandermeerfp.com

Name of Agent (e.g. Contractor) Representing the Project: Stephen Brasgalla, Architect

Agent's Address: 6991 West Broward Blvd. #100 Plantation, FL 33317 Agent's Phone: 954.614.3801 Email Address: architect@design23.net

Land Use Plan Designation: MH Zoning District: RM25

Existing/Type of Use of the Subject Property: Vacant Land

Proposed Use of the Subject Property: Single Family Home

As applicable, answer the following:

Existing Number of Units: 0 Proposed Number of Units: 1

Existing Square Footage: 0 Proposed Square Footage: 6226

DEVELOPMENT APPLICATION SIGNATURE PAGE

Print Name of Property Owner: David Staudacher Date: 7/28/2021

Signature of Property Owner: _____

State of Florida: _____

County: Broward

SWORN AND SUBSCRIBED before me this JULY day of 28, 2021

The person signing is X personally known to me or ____ has produced identification _____

Print Notary Name: Elise Paine-Velasquez

Notary Signature: _____

My Commission expires:

Notary Public State of Florida
Elise Paine-Velasquez
My Commission GG 261530
Expires 10/21/2022

Print Name of Applicant: David Staudacher Date: 7/28/2021

Signature of Property Applicant: _____

State of Florida: _____

County: Broward

SWORN AND SUBSCRIBED before me this JULY day of 28, 2021

The person signing is ____ personally known to me or ____ has produced identification _____

Print Notary Name: Elise Paine-Velasquez

My Commission expires: _____

Notary Signature: _____

Notary Public State of Florida
Elise Paine-Velasquez
My Commission GG 261530
Expires 10/21/2022

FOR ADMINISTRATIVE USE ONLY:

Date Application submitted: _____

Date Application found complete: _____

Pre-Application meeting date: _____

Non-refundable Application Fee: _____

Cost Recovery Fee: _____

Proposed □uilding (Street Side)

Proposed □uilding (□each Side)

Existing Site

Aerial of existing site

Front view of existing site

Aerial of existing site (south angle)

Aerial of existing site (west angle)

Image of existing site with image of neighboring property to the □orth (front)

Aerial of existing site (SE)

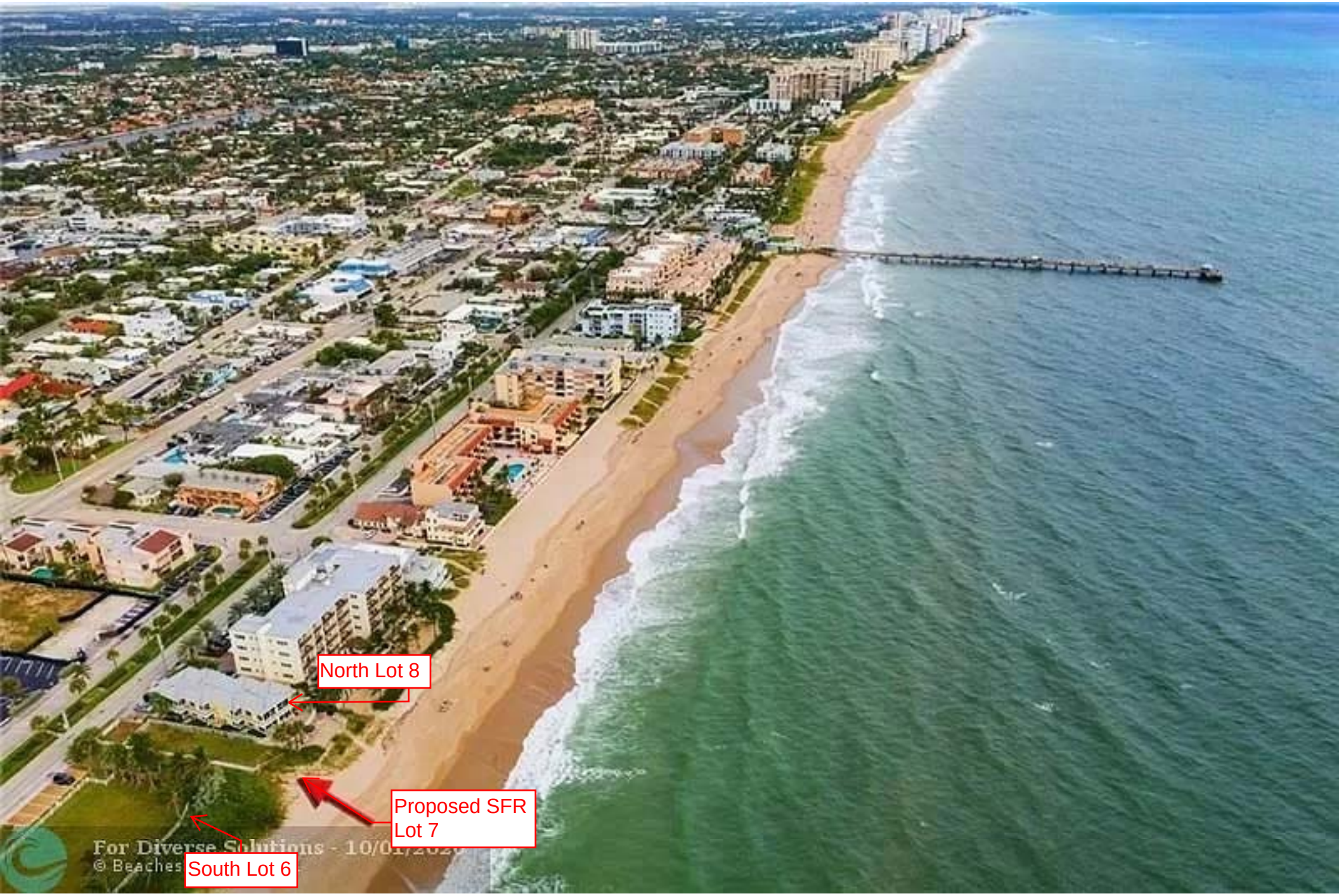


Image of site (with property to south labeled)

Property to South Labeled (no structure on site)

Existing Property to north

JOHN IBARRA & ASSOCIATES, INC.

Professional Land Surveyors & Mappers

WWW.IBARRALANDSURVEYORS.COM

777 N.W. 72nd AVENUE
SUITE 3025
MIAMI, FLORIDA 33126
PH: (305) 262-0400
FAX : (305) 262-0401

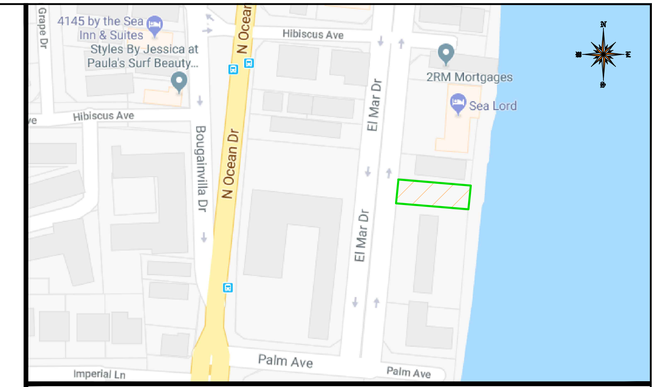
4851 TAMIAMI TRAIL NORTH
SUITE # 200
NAPLES, FL 34103
PH: (239) 540-2660
FAX: (239) 540-2664

MAP OF BOUNDARY SURVEY

GRAPHIC SCALE

-20 0 10 20 40 80

(IN FEET)
1 INCH = 20 FEET



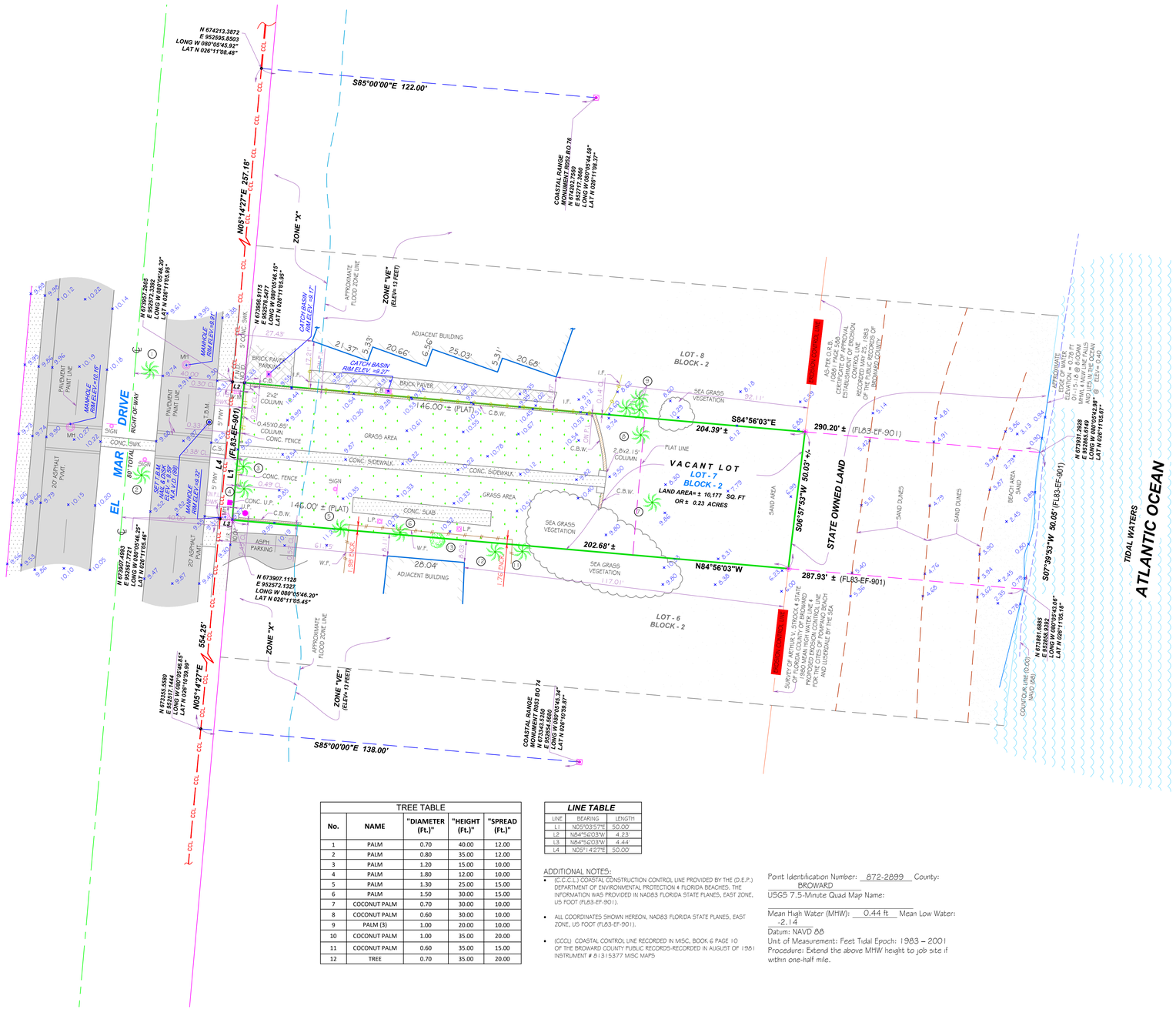
LOCATION SKETCH
SCALE = N.T.S.

ABBREVIATIONS

A = ARC.
A/C = AIR CONDITIONER PAD
A.E. = ANCHOR EASEMENT
A.R. = ALUMINUM ROOF
A.S. = ALUMINUM SHED
ASPH. = ASPHALT
B.C. = BLOCK CORNER
BLDG. = BUILDING
B.M. = BENCH MARK
B.C.R. = BROWARD COUNTY RECORDS
B.O.B. = BASIS OF BEARING
B.S.L. = BUILDING SETBACK LINE
(C) = CALCULATED
C.B. = CATCH BASIN
C.B.S. = CONCRETE BLOCK STRUCTURE
C.B.W. = CONCRETE BLOCK WALL
CH. = CHORD
CH.B. = CHORD BEARING
CH.L. = CHORD LENGTH
CL. = CLEAR
C.O. = CLEAN OUT
C.L.F. = CHAIN LINK FENCE
C.M.E. = CANAL MAINTENANCE EASEMENT
CONC. = CONCRETE
C.U.P. = CONCRETE UTILITY POLE
C.P. = CONCRETE PORCH
C.S. = CONCRETE SLAB
C.W. = CONCRETE WALK
D.E. = DRAINAGE EASEMENT
D.M.E. = DRAINAGE MAINTENANCE EASEMENT
DRIVE = DRIVEWAY
° = DEGREES
E.B. = ELECTRIC BOX
E.T.P. = ELECTRIC TRANSFORMER PAD
ELEV. = ELEVATION
ENCR. = ENCROACHMENT
F.H. = FIRE HYDRANT
F.I.P. = FOUND IRON PIPE
F.I.R. = FOUND IRON ROD
F.F.E. = FINISHED FLOOR ELEVATION
F.N.D. = FOUND NAIL & DISK
FT. = FEET
FNIP = FEDERAL NATIONAL INSURANCE PROGRAM
F.N. = FOUND NAIL
H. = HIGH OR (HEIGHT)
IN.&E/S = INGRESS AND EGRESS EASEMENT
I.C.V. = IRRIGATION CONTROL VALVE
I.F. = IRON FENCE
L.B. = LICENSED BUSINESS
L.P. = LIGHT POLE
L.F.E. = LOWEST FLOOR ELEVATION
L.M.E. = LAKE MAINTENANCE EASEMENT
' = MINUTES
(M) = MEASURED DISTANCE
M.B. = MAIL BOX
M.D.C.R = MIAMI DADE COUNTY RECORDS
M.E. = MAINTENANCE EASEMENT
M.H. = MANHOLE
N.A.P. = NOT A PART OF
NGVD = NATIONAL GEODETIC VERTICAL DATUM
N.T.S. = NOT TO SCALE
# or NO. = NUMBER
O/S = OFFSET
O.H. = OVERHEAD
O.H.L. = OVERHEAD UTILITY LINES
O.R.B. = OFFICIAL RECORDS BOOK
O.V.H. = OVERHANG
PVMT. = PAVEMENT
PL. = PLANTER
P.L. = PROPERTY LINE
P.C.C. = POINT OF COMPOUND CURVATURE
P.C. = POINT OF CURVATURE
P.O.T. = POINT OF TANGENCY
P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
P.R.C. = POINT OF REVERSE CURVATURE
PWY = PARKWAY
P.R.M. = PERMANENT REFERENCE MONUMENT
PLS. = PROFESSIONAL LAND SURVEYOR
P.P. = POWER POLE
P.P.S. = POOL PUMP SLAB
P.U.E. = PUBLIC UTILITY EASEMENT
(R) = RECORD DISTANCE
R.R. = RAIL ROAD
RES. = RESIDENCE
R/W = RIGHT-OF-WAY
RAD. = RADIUS OR RADIAL
RGE. = RANGE
R.O.E. = ROOF OVERHANG EASEMENT
SEC. = SECTION
STY. = STORY
SWK. = SIDEWALK
S.I.P. = SET IRON PIPE
S = SOUTH
S.P. = SCREENED PORCH
S.V. = SEWER VALVE
" = SECONDS
T = TANGENT
TB = TELEPHONE BOOTH
T.B.M. = TEMPORARY BENCHMARK
T.U.E. = TECHNOLOGY UTILITY EASEMENT
TSB = TRAFFIC SIGNAL BOX
T.S.P. = TRAFFIC SIGNAL POLE
TWP = TOWNSHIP
UTIL. = UTILITY
U.E. = UTILITY EASEMENT
U.P. = UTILITY POLE
W.M. = WATER METER
W.F. = WOOD FENCE
W.P. = WOOD PORCH
W.R. = WOOD ROOF
W.V. = WATER VALVE
M = MONUMENT LINE
℄ = CENTER LINE
Δ = DELTA

LEGEND

= OVERHEAD UTILITY LINES
= CONCRETE BLOCK WALL
= CHAIN LINK FENCE
= IRON FENCE
= WOOD FENCE
= BUILDING SETBACK LINE
= UTILITY EASEMENT
= LIMITED ACCESS R/W
= NON-VEHICULAR ACCESS R/W
× 0.00 = EXISTING ELEVATIONS
CCL = COASTAL CONSTRICTION CONTROL LINE



TREE TABLE				
No.	NAME	"DIAMETER (Ft.)"	"HEIGHT (Ft.)"	"SPREAD (Ft.)"
1	PALM	0.70	40.00	12.00
2	PALM	0.80	35.00	12.00
3	PALM	1.20	15.00	10.00
4	PALM	1.80	12.00	10.00
5	PALM	1.30	25.00	15.00
6	PALM	1.50	30.00	15.00
7	COCONUT PALM	0.70	30.00	10.00
8	COCONUT PALM	0.60	30.00	10.00
9	PALM (3)	1.00	20.00	10.00
10	COCONUT PALM	1.00	35.00	20.00
11	COCONUT PALM	0.60	35.00	15.00
12	TREE	0.70	35.00	20.00

LINE TABLE		
LINE	BEARING	LENGTH
L1	N05°03'57"E	50.00'
L2	N84°56'03"W	4.23'
L3	N84°56'03"W	4.44'
L4	N05°14'27"E	50.00'

ADDITIONAL NOTES:

- (C.C.C.L.) COASTAL CONSTRUCTION CONTROL LINE PROVIDED BY THE (D.E.P.) DEPARTMENT OF ENVIRONMENTAL PROTECTION & FLORIDA BEACHES. THE INFORMATION WAS PROVIDED IN NAD83 FLORIDA STATE PLANES, EAST ZONE, US FOOT (FL83-EF-901).
- ALL COORDINATES SHOWN HEREON, NAD83 FLORIDA STATE PLANES, EAST ZONE, US FOOT (FL83-EF-901).
- (CCCL) COASTAL CONTROL LINE RECORDED IN MISC. BOOK 6 PAGE 10 OF THE BROWARD COUNTY PUBLIC RECORDS-RECORDED IN AUGUST OF 1981 INSTRUMENT # 81315377 MISC MAPS

Point Identification Number: 872-2899 County: BROWARD
USGS 7.5-Minute Quad Map Name: _____
Mean High Water (MHW): 0.44 ft Mean Low Water: -2.14
Datum: NAVD 88
Unit of Measurement: Feet Tidal Epoch: 1983 – 2001
Procedure: Extend the above MHW height to job site if within one-half mile.

LEGAL DESCRIPTION:

LOT 7, BLOCK 2, LAUDERDALE BY THE SEA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 2, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

PROPERTY ADDRESS:

4112 EL MAR DRIVE,
LAUDERDALE BY THE SEA, FLORIDA, 33308

CERTIFICATION:

ALLEGIANT EQUITIES LLC

LEGAL NOTES TO ACCOMPANY SKETCH OF SURVEY :

- THERE MAY BE EASEMENTS RECORDED IN THE PUBLIC RECORDS NOT SHOWN ON THIS SURVEY.
- THE PURPOSE OF THIS SURVEY IS FOR USE IN OBTAINING TITLE INSURANCE AND FINANCING AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.
- EXAMINATIONS OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THE PROPERTY.
- THIS SURVEY IS SUBJECT TO DEDICATIONS, LIMITATIONS, RESTRICTIONS, RESERVATIONS OR EASEMENTS OF RECORD.
- LEGAL DESCRIPTIONS PROVIDED BY CLIENT OR ATTESTING TITLE COMPANY.
- BOUNDARY SURVEY MEANS A DRAWING AND/ OR A GRAPHIC REPRESENTATION OF THE SURVEY WORK PERFORMED IN THE FIELD, COULD BE DRAWN AT A SHOWN SCALE AND/OR NOT TO SCALE; THE WALLS OR FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.
- EASEMENTS AS SHOWN ARE PER PLAT BOOK, UNLESS DEPICTED OTHERWISE.
- THE TERM "ENCROACHMENT" MEANS VISIBLE AND ABOVE GROUND ENCROACHMENTS.
- ARCHITECTS SHALL VERIFY ZONING REGULATIONS, RESTRICTIONS, SETBACKS AND WILL BE RESPONSIBLE FOR SUBMITTING PLOT PLANS WITH CORRECT INFORMATION FOR "APPROVAL FOR AUTHORIZATION" TO THE PROPER AUTHORITIES IN NEW CONSTRUCTION.
- UNLESS OTHERWISE NOTED, THIS FIRM HAS NOT ATTEMPTED TO LOCATE FOOTING AND/OR FOUNDATIONS.
- **FENCE OWNERSHIP NOT DETERMINED.**
- THIS PLAN OF SURVEY, HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE ENTITIES NAMED HEREON, THE CERTIFICATE DOES NOT EXTEND TO ANY UNNAMED PARTY.

FLOOD ZONE INFORMATION:

THE NFIP FLOOD MAPS HAVE DESIGNATED THE HEREIN DESCRIBED LAND TO BE SITUATED IN:

FLOOD ZONE:	*SEE NOTE 4*
BASE FLOOD ELEVATION:	*SEE NOTE 4*
COMMUNITY:	125123
PANEL:	0386
SUFFIX:	H
DATE OF FIRM:	08/18/2014

THE SUBJECT PROPERTY DOES LIE IN A SPECIAL FLOOD HAZARD AREA.

SURVEYOR' S NOTES:

1. IF SHOWN, BEARINGS ARE REFERRED TO AN ASSUMED MERIDIAN, BY SAID PLAT IN THE DESCRIPTION OF THE PROPERTY, IF NOT, BEARINGS ARE THEN REFERRED TO COUNTY, TOWNSHIP MAPS.
2. THE CLOSURE IN THE BOUNDARY SURVEY IS ABOVE 1:7500 FT.
3. CERTIFICATE OF AUTHORIZATION LB # 7806.
4. *THE SUBJECT PROPERTY LIES WITHIN TWO FLOOD ZONES, "X" AND "VE" ELEV. 13 FEET.*
5. *ALL ELEVATIONS SHOWN ARE REFERRED TO NORTH AMERICAN VERTICAL DATUM OF 1988; BROWARD BENCH MARK #: BM 1910; ELEVATION IS 11.606 FEET OF N.G.V.D. OF 1929; CONVERTED TO NAVD (88) BY USING VERTCON.*

TITLE COMMITMENT NOTES:

THAT I HAVE REVIEWED THE COMMITMENT AND ALL ITEMS ARE SHOWN ON THE SURVEY. THE ITEMS SHOWN HERE FORTH ARE PER SCHEDULE B-II OF TITLE COMMITMENT NO. 6781418, DATED JAN 18, 2018; 11:00 P.M.

ITEM NO.6 AFFECTS SUBJECT PROPERTY, NOT PLOTTIABLE , AS RECORDED IN O.R.B. 12446 PG. 201.

ITEM NO. 7 AFFECTS SUBJECT PROPERTY, NOT PLOTTABLE. AS RECORDED IN O.R.B. 40038 PG 1639.

ITEM NO. 8 AFFECTS SUBJECT PROPERTY, AND PLOTTED ON SURVEY . AS RECORDED IN O.R.B. 10881 PG. 588. (EROSION CONTROL LINE).

ITEM NO. 9 AFFECTS SUBJECT PROPERTY, NOT PLOTTABLE. BLANKET IN NATURE AS RECORDED IN O.R.B. 34145 PG 1891.

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY: THIS "BOUNDARY SURVEY" OF THE PROPERTY DESCRIBED HEREON, HAS RECENTLY BEEN SURVEYED AND DRAWN UNDER MY SUPERVISION, AND COMPLIES WITH THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO 472.027, FLORIDA STATUTES.

BY _____ 01/23/2018
JOHN IBARRA (DATE OF FIELD WORK)

PROFESSIONAL LAND SURVEYOR NO.: 5204 STATE OF FLORIDA
(NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER).

REVISED ON: _____
REVISED ON: _____
REVISED ON: _____
REVISED ON: _____

DRAWN BY:	AS
FIELD DATE:	01/23/2018
SURVEY NO:	18-000327-1
SHEET:	1 OF 1

JOHN IBARRA CERTIFICATE NO. 5204 STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR

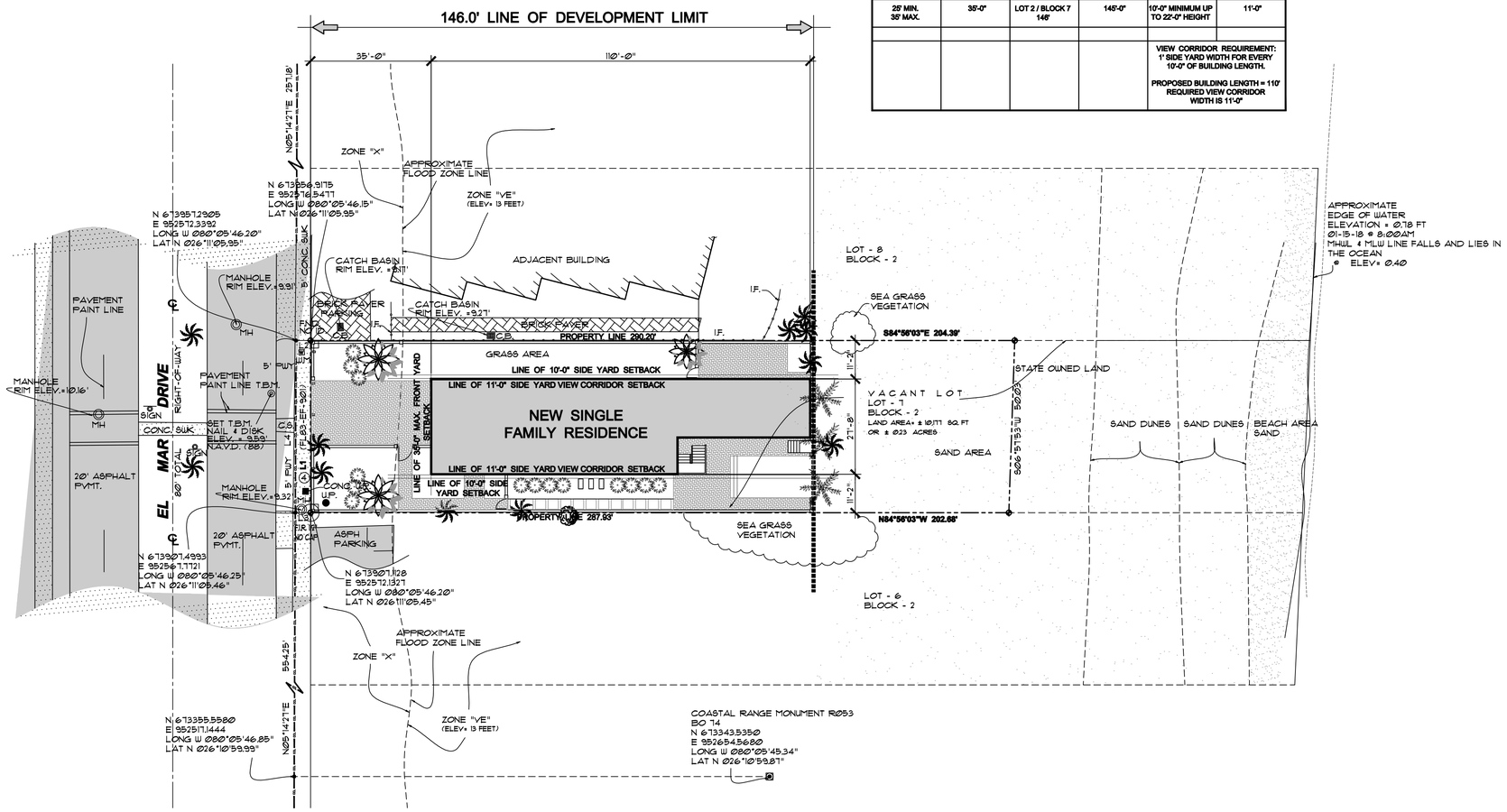
L.B.# 7806 SEAL

DIMENSIONAL REQUIREMENTS — RM-25 ZONING

	REQUIRED / PERMITTED	PROPOSED
LOT SIZE	N/A	10,177 S.F.
LOT DENSITY	25 UNITS / ACRE	N/A - SINGLE FAMILY HOME
LOT WIDTH	N/A	50'-0"
BUILDING SIZE	1,200 S.F. MINIMUM	6,226 S.F.
BUILDING HEIGHT	33'-0" MAXIMUM HEIGHT	33'-0" (TOP OF ROOF DECK)
STRUCTURAL LENGTH	200' MAX. 121'-0" PER LOT SIZE	110'-0"
LOT COVERAGE	MAXIMUM 40%	2,689 = 26.4 %
OPEN AREA	MINIMUM 60%	5,105 S.F.
LANDSCAPE AREA		2,146 S.F
PERVIOUS AREA IMPERVIOUS AREA		PERVIOUS = 5,105 s.f. = 51% IMPERVIOUS = 5,072 s.f. = 49%
TOTAL PAVED AREA		2,440 S.F.
PARKING SPACES	MINIMUM 2	2

SETBACK REQUIREMENTS — RM-25 ZONING

FRONT		REAR / BEACH (STRUCTURES EAST OF EL MAR) MEASURED FROM FRONT PROPERTY LINE		SIDE	
REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED
25' MIN. 35' MAX.	35'-0"	LOT 2 / BLOCK 7 146'	145'-0"	10'-0" MINIMUM UP TO 22'-0" HEIGHT	11'-0"
				VIEW CORRIDOR REQUIREMENT: 1' SIDE YARD WIDTH FOR EVERY 10'-0" OF BUILDING LENGTH. PROPOSED BUILDING LENGTH = 110' REQUIRED VIEW CORRIDOR WIDTH IS 11'-0"	



SITE PLAN / GARAGE LEVEL PLAN

SCALE: 1" = 20'-0"

1 / SP-1

north

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST
NEW SINGLE FAMILY RESIDENCE
4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

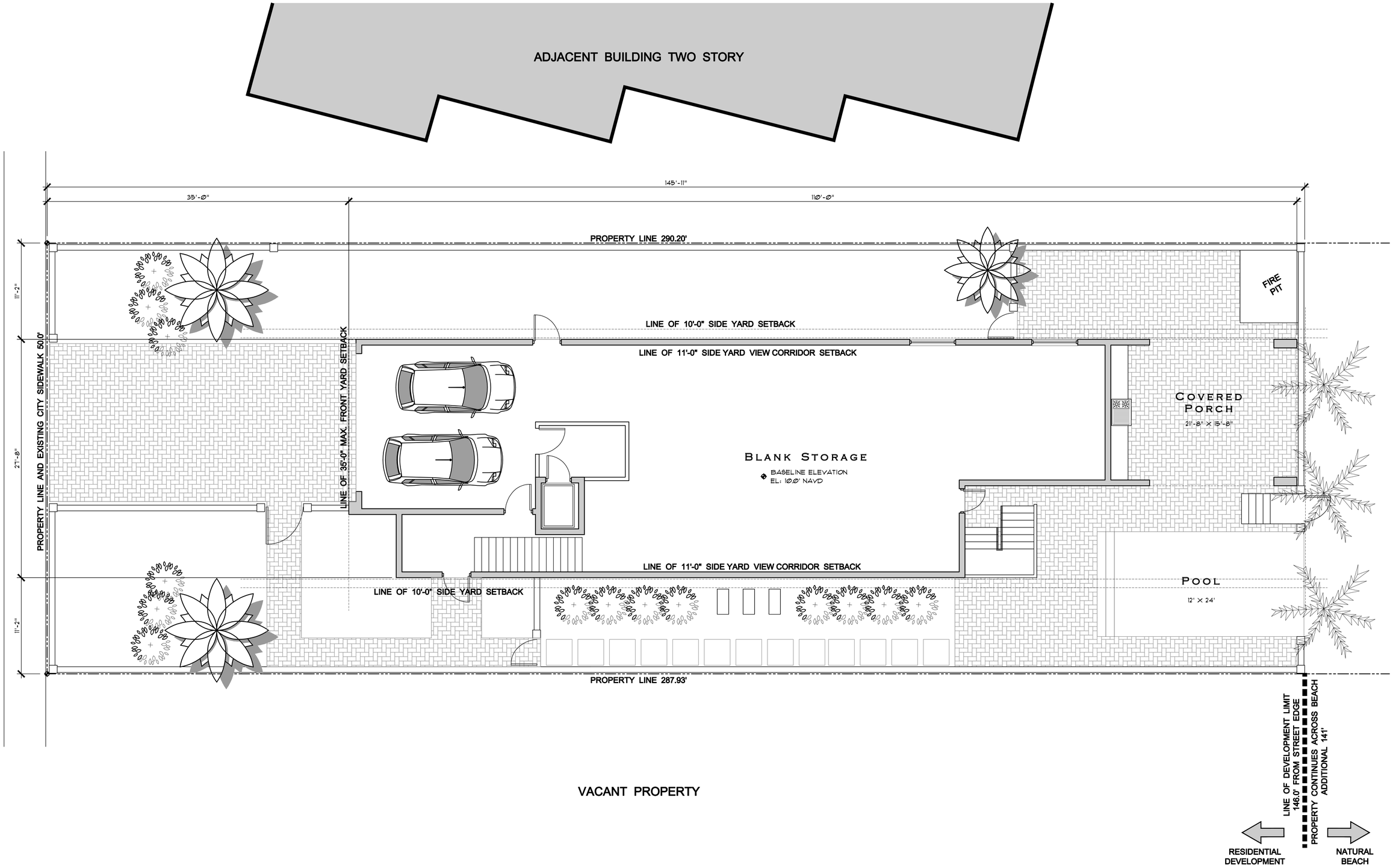
Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT
STATE OF FLORIDA REGISTRATION NO. AR12239
6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317
TELEPHONE 954.614.3801
TELEFAX 954.208.0600
ARCHITECT@DESIGN23.NET

Drawn By: ES	Checked By: STB
Scale: SHOWN	Date: 6-8-21

Project Number
210203

Sheet:
SP-1



SITE PLAN / GROUND FLOOR PLAN

SCALE: 3/16" = 1'-0"

(NO OCCUPIED SPACE)

1 / A-1

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE

LAUDERDALE BY THE SEA, FLORIDA 33308

Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT

STATE OF FLORIDA REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317

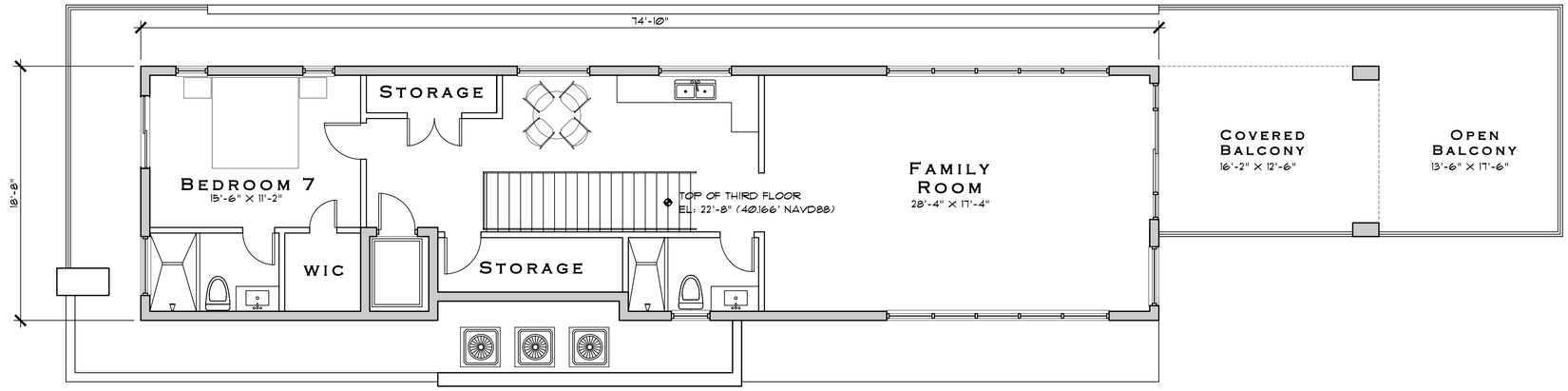
TELEPHONE 954.614.3801
TELEFAX 954.208.0600

ARCHITECT@DESIGN23.NET

Drawn By: ES	Checked By: STB
Scale: SHOWN	Date: 6-8-21

Project Number
210203

Sheet:
A-1

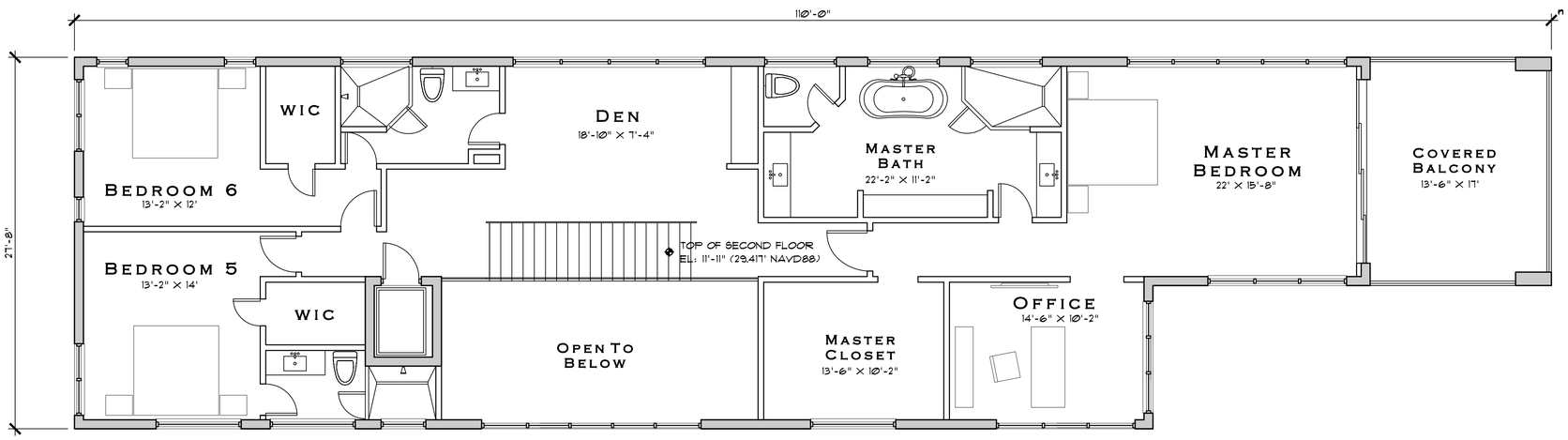


THIRD FLOOR PLAN

SCALE: 3/16" = 1'-0"

2 A-2

north

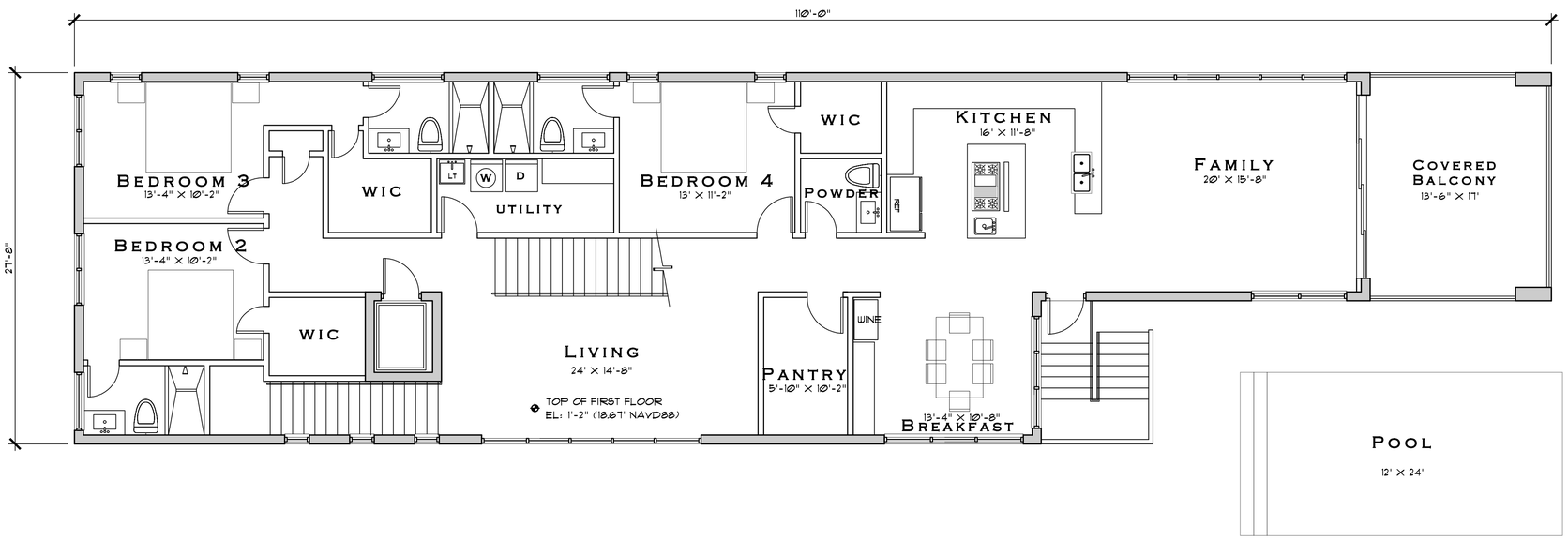


SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"

2 A-2

north



FIRST FLOOR PLAN

SCALE: 3/16" = 1'-0"

1 A-2

north

Revisions:

1
2
3
4
5

Project Number
210203

Conditional Use Request

New Single Family Residence

4112 El Mar Drive
Lauderdale By The Sea, Florida 33308

Project Name
Conditional Use Request

Stephen Brasgalla, Architect

State Of Florida
Registration No. AR12239

6991 West Broward Boulevard
Suite 100
Plantation, Florida 33317

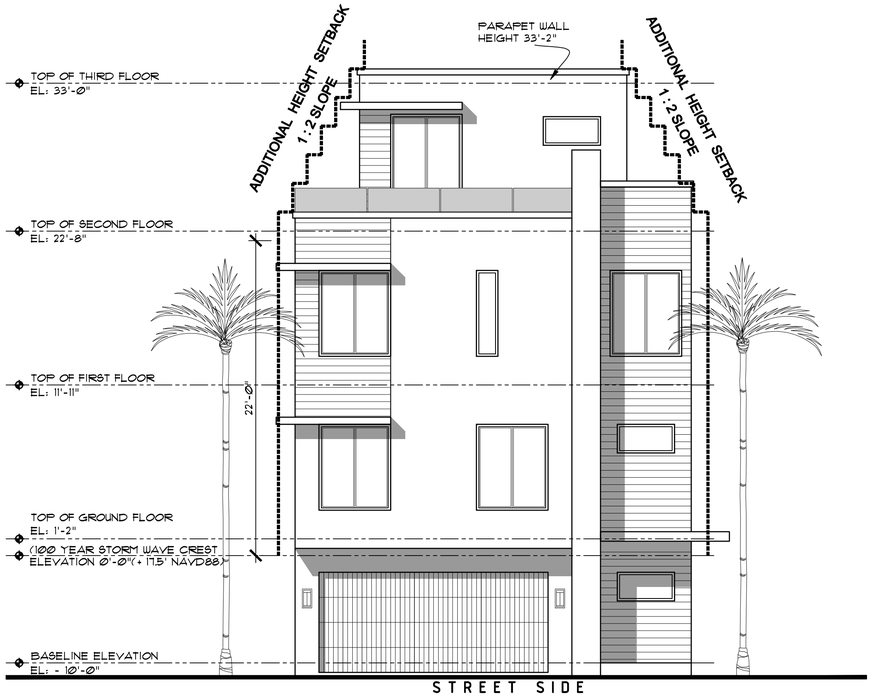
Telephone 954.614.3601
Telefax 954.208.0600

architect@design23.net

Drawn By:	Checked By:
ES	STB
Scale:	Date:
SHOWN	6-8-21

Project Number
210203

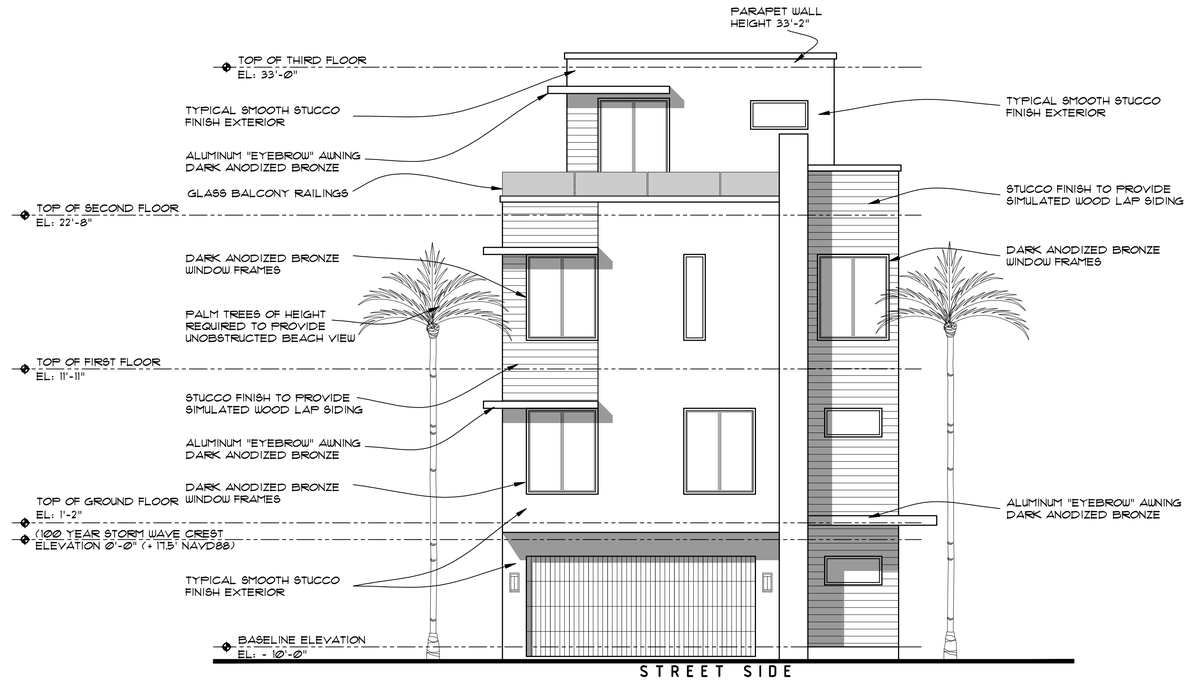
Sheet:
A-2

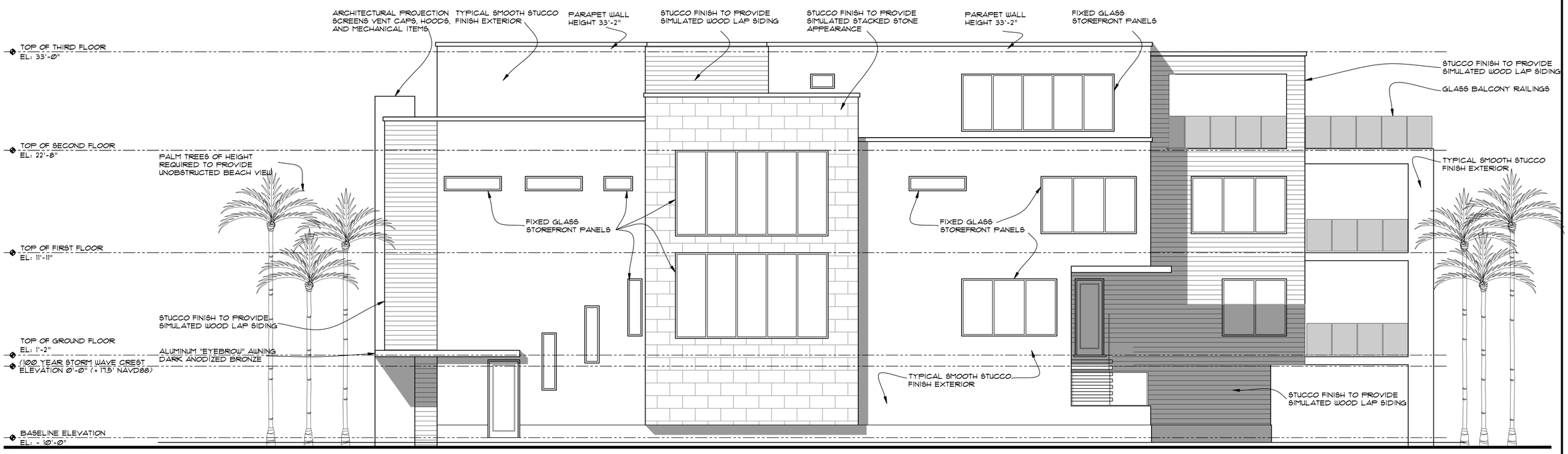


WEST ELEVATION

SCALE: 3/16" = 1'-0"

1 / A-3





SOUTH ELEVATION

SCALE: 3/16" = 1'-0"

1 / A-3

Revisions:

1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE

LAUDERDALE BY THE SEA, FLORIDA 33308

Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT

STATE OF FLORIDA
REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317

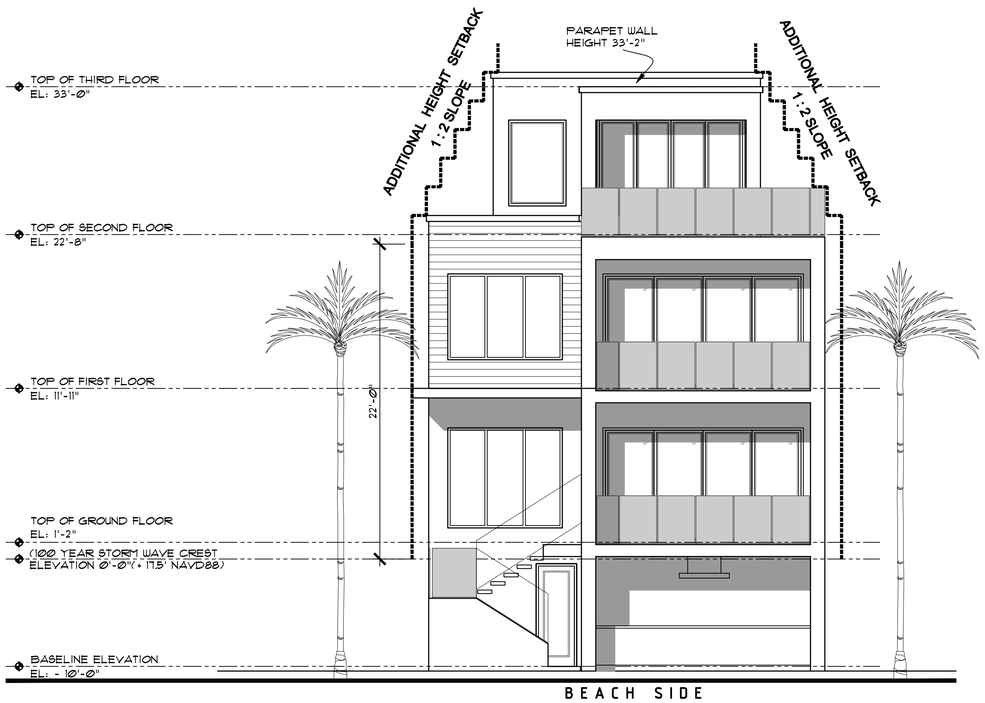
TELEPHONE 954.614.3801
TELEFAX 954.208.0600

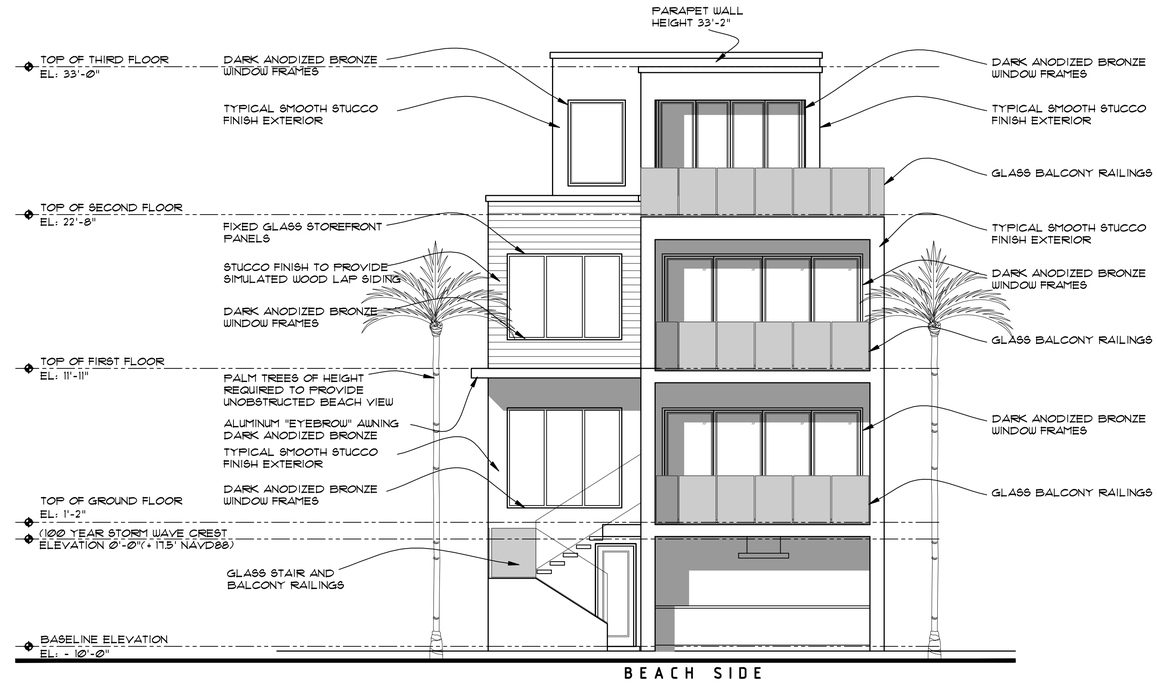
ARCHITECT@DESIGN23.NET

Drawn By:	Checked By:
ES	STB
Scale: SHOWN	Date: 6-8-21

Project Number
210203

Sheet:
A-3

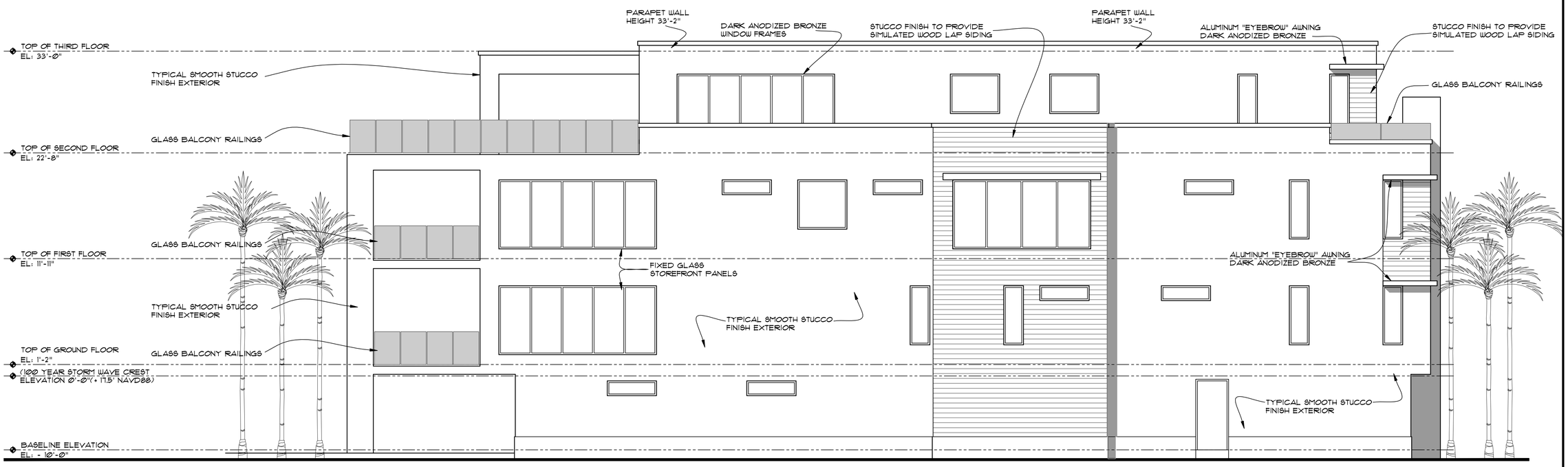




EAST ELEVATION

SCALE: 3/16" = 1'-0"

2
A-4



NORTH ELEVATION

SCALE: 3/16" = 1'-0"

2
A-4

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

STEPHEN BRASGALLA, ARCHITECT

STATE OF FLORIDA
REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317

TELEPHONE 954.614.3801
TELEFAX 954.208.0600

ARCHITECT@DESIGN23.NET

Project Name
CONDITIONAL USE REQUEST

Drawn By:	Checked By:
ES	STB
Scale:	Date:
SHOWN	6-8-21

Project Number
210203

Sheet:
A-4

LEO HANSEN, A.I.A., ARCHIETCT
330 Himarshee Street Fort Lauderdale, FL 33312 954-462-8925 lchaia9093@gmail.com

MEMORANDUM: ARCHITECTURAL REVIEW

To: Jhanelle Campbell, Acting Development Services Director
Town of Lauderdale-by-the-Sea
Email: JhanelleC@lauderdalebythesea-fl.gov
Re: Architectural Review (ULDR Sec. 30-51)
Project: Marina-by-the-Sea
Review No.: 2021-AR-04
Project Address: 4112 El Mar Drive
Date: August 10, 2021

ARCHITECTURAL REVIEW COMMENTARY

I have reviewed the submittal for the above referenced project and my comments are as follows:

Re: Sec. 30-51. - Architectural review standards. modified (a) :
Purpose and intent. The purpose of this section and the Town's Architectural Design Standards (sometimes referred to as the "Town ADS") is to encourage the local adaptation of the Mid-Century Modern architectural style as the preferred architectural style of the Town, in that such architectural style is compatible with the essential character of the Town, supportive of efficient development, is architecturally and visually appealing, and fosters a sense of place in the preservation of the architectural and design characteristics of the Town's existing built environment.

The building is not compatible with the preferred architectural style of the Town, Mid-Century Modern and does not foster a sense of place in the preservation of the architectural and design characteristics of the Town's existing built environment. The primary concerns are:

- Color tones
- Overall scale and scale of individual forms
- The absence or incompatibility of characteristic architectural detailing

Re: 30-51 (d) (2)
Alternative architectural styles may be considered appropriate if it is found that:

1. *The proposed alternative style is compatible with the architectural style of adjacent existing or approved development on the same or adjacent property; and*

The adjacent buildings (to the north) are exemplary examples of the Mid-Century Modern style and have been noted as such in a previous study by this office. The proposed project is not compatible for the same issues cited above (color, scale, and detailing)

2. The architectural style of proposed development incorporates a scale, massing, and sufficient number of the same or similar design elements (e.g., horizontal or vertical building facade articulation, building facade articulation elements, facade materials, roof design, use and design of balconies, window design, door design, use and design of window or door shading devices, railing design, etc.) to create a clear and affirmative relationship or transition between the architectural styles of existing buildings or of approved development on the same or adjacent properties and street frontages.
"Adjacent," when used herein, shall mean a lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land, or a lot or parcel of land that is separated from another lot or parcel of land by a right-of-way or park.

The articulation of the proposed building, including the scale, massing, architectural details and elements, are of a style currently in vogue throughout the region, and bears little resemblance to the modern style common to Lauderdale-by-the-Sea.

It is my recommendation that the project be redesigned and resubmitted for approval.

- -
Leo Hansen
Leo Hansen, A.I.A., Architect

LEO HANSEN, A.I.A., ARCHITECT
330 Himarshee Street Fort Lauderdale, FL 33312 954-462-8925 lchaia9093@gmail.com

MEMORANDUM: ARCHITECTURAL REVIEW ADDENDUM

To: Jhanelle Campbell, Acting Development Services Director
Town of Lauderdale-by-the-Sea
Email: JhanelleC@lauderdalebythesea-fl.gov
Re: Architectural Review (ULDR Sec. 30-51)
Project: Staudacher Residence
Review No.: 2021-AR-04
Project Address: 4112 El Mar Drive
Date: September 7, 2021

The previous review and commentary raised issues regarding the compliance of the proposed project with the Lauderdale-by-the-Sea Architectural Design Standard (2015). Since it was clearly not the intent of the applicant to adhere to Mid-Century Modern principles, this document will focus on the issue of the proposed "Contempory" style, which, according to the standards, must be "an alternative style that is compatible with the architectural style of adjacent existing or approved development on the same or adjacent property." It is not the intent of this review to comment on the compliance of the project with zoning issues such as maximum height, minimum setbacks, etc., which are beyond the scope of the architectural review process for the town.

The Lauderdale-by-the-Sea Architectural Design Standard (2015) is clear in its statement that a proposed architectural style be "compatible with the essential character of the Town". Some of the essential characteristics of the town, described on the town's website as "beachside", "resort", "quaint", "charming", and "romantic". The color scheme of the building -- gray, white, and brown – does not evoke any of these characteristics. The Lauderdale-by-the-Sea Architectural Design Standard (2015) suggests for contemporary alternatives to Mid-Century modern:

White is the current trend for contemporary buildings, just like Mid-Century Modern. Vibrant color/hues or materials should be used to highlight significant architectural features.

The scale of the proposed structure, both in its parts and its whole, is more massive than adjacent structures and other characteristic buildings in the town. When this disparity of scale occurs, the Lauderdale-by-the-Sea Architectural Design Standard (2015) offers suggestions to mitigate its impact:

Contemporary architecture best succeeds when it continues the ongoing Town traditions of engaging pedestrian-compatible scale, front yard setbacks, and low building heights with neighborhood compatible architecture. Lauderdale-By-The-Sea encourages architecture of our time that reflects the specific needs of the site as well as architecture that complements the adjacent architectural context.

The proposed design uses material changes on the façade in broad areas which do not mitigate its scale issues, they intensify it. The large areas of glazing, together with the fact the fenestrations lack shading devices and other design elements, also aggravates, not helps, the same sense of the inappropriateness of scale. The façade lacks or has minimal design elements, which, according to the Lauderdale-by-the-Sea Architectural Design Standard (2015).

create a clear and affrmative relationship or transition between the architectural styles of existing buildings or of approved development on the same or adjacent properties and street frontage, as further provided herein.

The standards for the acceptance of an alternative style, according to the Lauderdale-by-the-Sea Architectural Design Standard (2015) are as follows:

1. The proposed alternative style is compatible with the architectural style of adjacent existing or approved development on the same or adjacent property, as further provided herein; and 2. The architectural style of proposed development incorporates a scale, massing, and sufficient number of the same or similar design elements (e.g., horizontal or vertical building facade articulation, building facade articulation elements, facade materials, roof design, use and design of balconies, window design, door design, use and design of window or door shading devices, railing design, etc.) to create a clear and affirmative relationship or transition between the architectural styles of existing buildings or of approved development on the same or adjacent properties and street frontage, as further provided herein. c. Adjacent when used herein, shall mean a lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land or a lot or parcel of land that is separated from another lot or parcel of land by a right-of-way or park.

In the proposed design:

1. The adjacent property has a scale that is consistent with the town character. The proposed design does not adequately mitigate the impact of the relative size of the project. Such a mitigation is possible; a consideration of some features described in the Lauderdale-by-the-Sea Architectural Design Standard (2015) may resolve this issue.

2. The massing of street façade is too severe. Instead of smaller forms and details, large masses are emphasized. The only balcony is on the top floor, which will not have a lot of effect from the street level. Most of the windows have no delineating features. When overhangs are employed, their effect is muted by the color scheme. It is not a design that is friendly to pedestrians. Other uses, such as, hotels have an opportunity for signage and other features to articulate the façade. Since this is not appropriate for this project, other means of articulation may be necessary. The railing design, which often contributes to a Mid-Century design or compatible designs, in this project only further emphasizes the lack of articulation.

3. The proposed design lacks sufficient design details. According to the Lauderdale-by-the-Sea Architectural Design Standard (2015):

Architectural details enhance buildings by adding articulation, color, shadows, and interesting forms. Important architectural details include the building façade and entry, windows and doors, railings and rooflines. The selection and placement of architectural details should provide visual interest at the pedestrian level. Also important to the character of the Town is the building's interaction with adjacent properties.

It is my recommendation the applicant study the Lauderdale-by-the-Sea Architectural Design Standard (2015) carefully and propose changes that reflect its intentions. If the applicant would like to discuss architectural review issues, a meeting may be arranged to do so. It is customary to meet to resolve any issues that result from such a review. It is a process that has been very successful in the past. Please contact the Development Services Department 954-640-4120 if you wish to arrange a meeting. It is not the intent, however, of this review to offer any suggestions or in any way try to influence the design of the project. The intent is solely to determine whether the proposed design is "compatible with the essential character of the Town, supportive of efficient development, is architecturally and visually appealing, and fosters a sense of place in the preservation of the architectural and design characteristics of the Town's existing built environment," which is the stated intention of the standard.

To summarize, the size of the building is not in question by this review. The Lauderdale-by-the-Sea Architectural Design Standard (2015) is applicable to all structures in the town, from dog houses to (relatively) tall buildings. Design elements that are described in the standard can be used to mitigate the the issue of the disparity of scale. A contemporary style can be submitted as an acceptable alternative to Mid-Century modern, but it must adhere to the intentions clearly stated in the standard.

Leo Hansen

- -

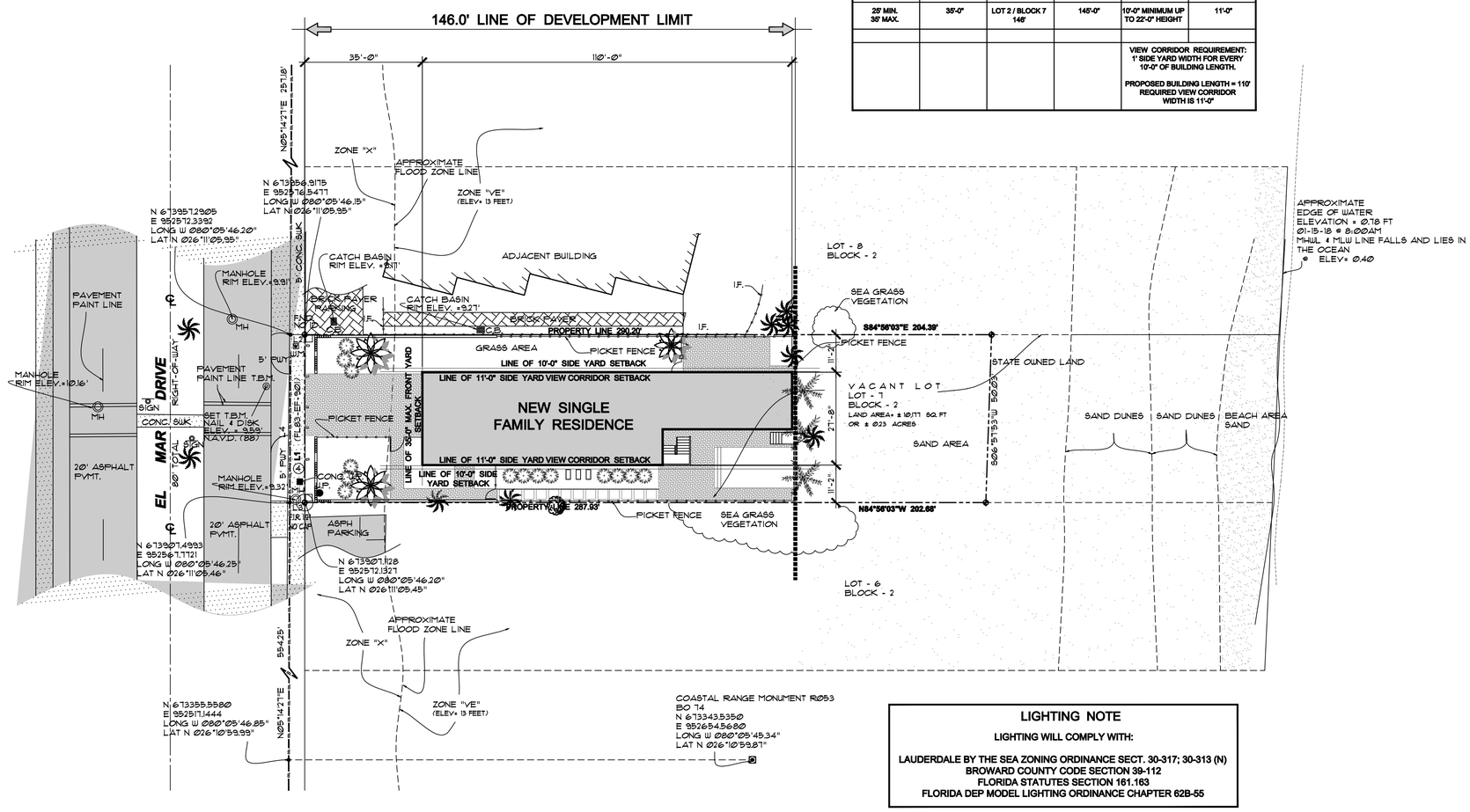
Leo Hansen
Leo Hansen, A.I.A., Architect

DIMENSIONAL REQUIREMENTS — RM-25 ZONING

	REQUIRED / PERMITTED	PROPOSED
LOT SIZE	N/A	10,177 S.F. (.23 ACRES)
LOT DENSITY	25 UNITS / ACRE	ONE UNIT
LOT WIDTH	N/A	50'-0"
BUILDING SIZE	1,200 S.F. MINIMUM	6,226 S.F.
BUILDING HEIGHT	33'-0" MAXIMUM HEIGHT	33'-0" (TOP OF ROOF DECK)
STRUCTURAL LENGTH	200' MAX. 121'-0" PER LOT SIZE	110'-0"
LOT COVERAGE	N/A	2,689 = 26.4 %
LANDSCAPE AREA		2,146 S.F
PERVIOUS AREA IMPERVIOUS AREA		PERVIOUS = 5,105 s.f. = 51% IMPERVIOUS = 5,072 s.f. = 49%
TOTAL PAVED AREA		2,440 S.F.
PARKING SPACES	MINIMUM 2	2

SETBACK REQUIREMENTS — RM-25 ZONING

FRONT		STRUCTURES EAST OF EL MAR: MEASURED FROM FRONT PROPERTY LINE		SIDES	
REQUIRED	PROVIDED	MAXIMUM	PROVIDED	REQUIRED	PROVIDED
25' MIN. 35' MAX.	35'-0"	LOT 2 / BLOCK 7 146'	145'-0"	10'-0" MINIMUM UP TO 22'-0" HEIGHT	11'-0"
				VIEW CORRIDOR REQUIREMENT: 1' SIDE YARD WIDTH FOR EVERY 10'-0" OF BUILDING LENGTH. PROPOSED BUILDING LENGTH = 110' REQUIRED VIEW CORRIDOR WIDTH IS 11'-0"	



LIGHTING NOTE

LIGHTING WILL COMPLY WITH:

LAUDERDALE BY THE SEA ZONING ORDINANCE SECT. 30-317; 30-313 (N)
BROWARD COUNTY CODE SECTION 39-112
FLORIDA STATUTES SECTION 161.163
FLORIDA DEP MODEL LIGHTING ORDINANCE CHAPTER 62B-55

SITE PLAN / GARAGE LEVEL PLAN

SCALE: 1" = 20'-0"

1 / SP-1

north

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST
NEW SINGLE FAMILY RESIDENCE
4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

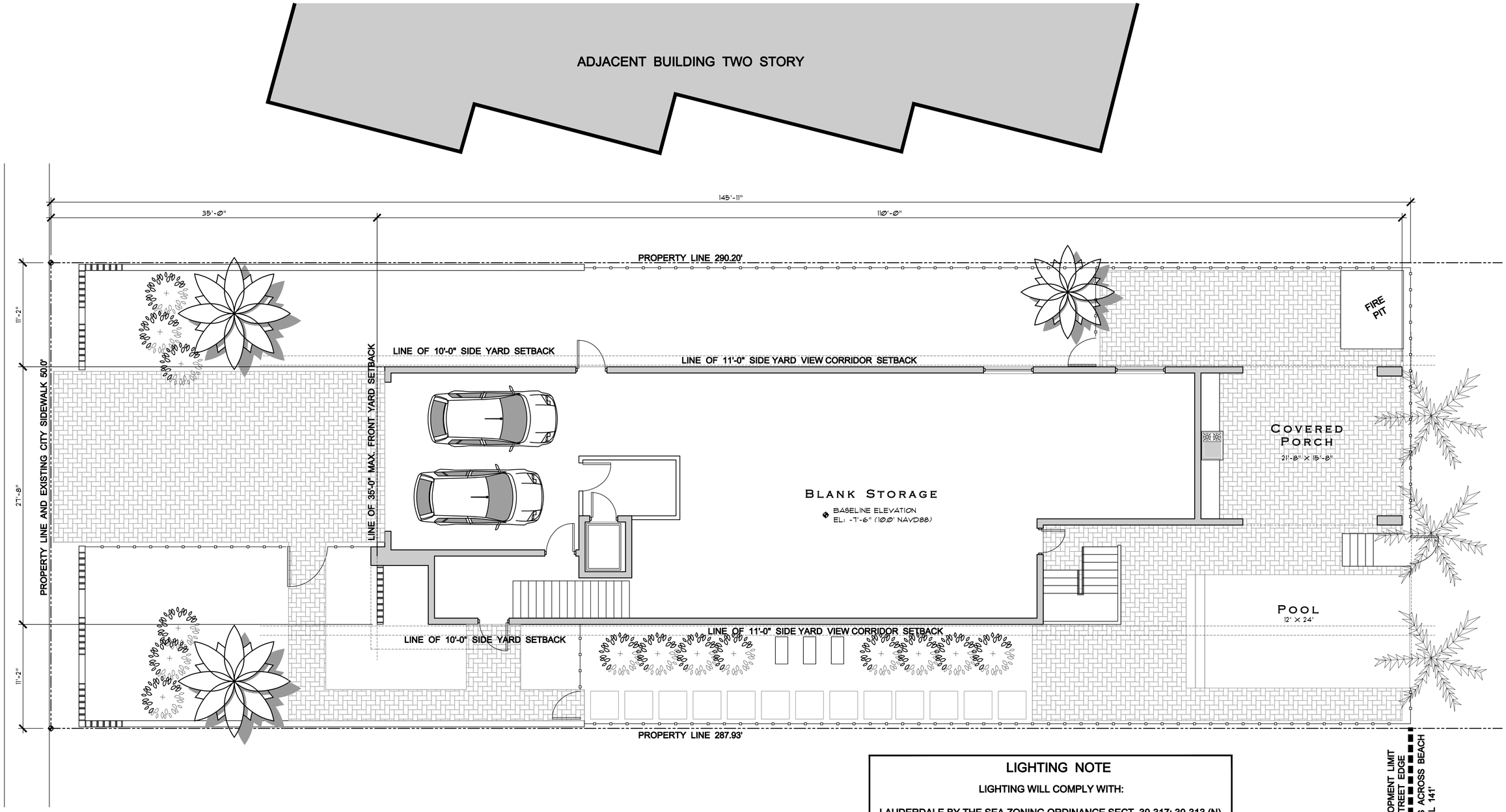
Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT
STATE OF FLORIDA REGISTRATION NO. AR12239
6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317
TELEPHONE 954.614.3801
TELEFAX 954.208.0600
ARCHITECT@DESIGN23.NET

Drawn By: ES	Checked By: STB
Scale: SHOWN	Date: 10-19-21

Project Number
210203

Sheet:
SP-1



LIGHTING NOTE

LIGHTING WILL COMPLY WITH:

LAUDERDALE BY THE SEA ZONING ORDINANCE SECT. 30-317; 30-313 (N)
BROWARD COUNTY CODE SECTION 39-112
FLORIDA STATUTES SECTION 161.163
FLORIDA DEP MODEL LIGHTING ORDINANCE CHAPTER 62B-55

SITE PLAN / GROUND FLOOR PLAN

SCALE: 3/16" = 1'-0"

(NO OCCUPIED SPACE)

1 / A-1

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

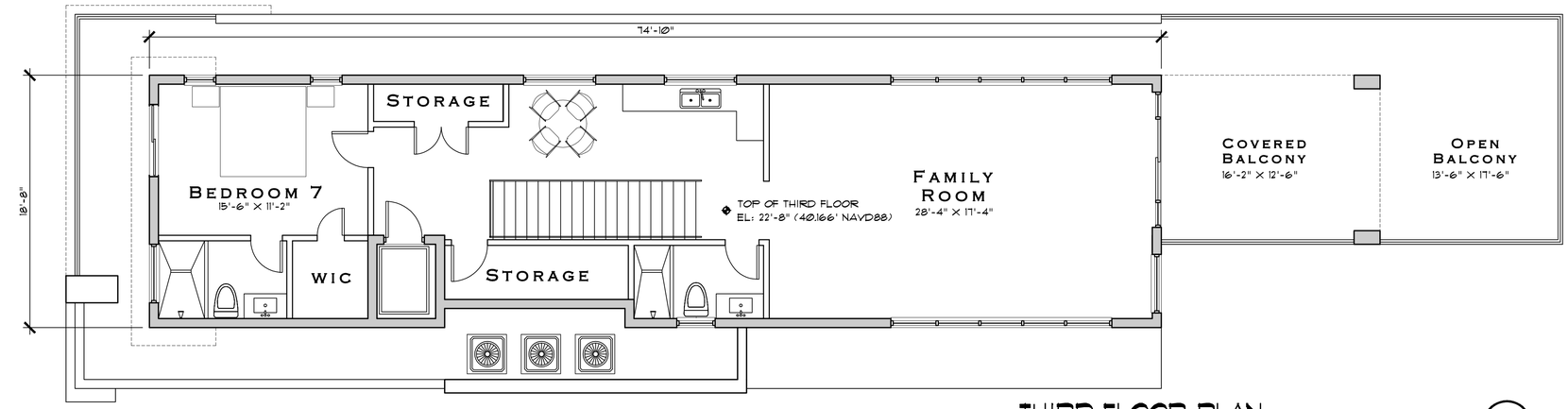
Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT
STATE OF FLORIDA REGISTRATION NO. AR12239
6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317
TELEPHONE 954.614.3601
TELEFAX 954.208.0600
ARCHITECT @ DESIGN23.NET

Drawn By: ES	Checked By: STB
Scale: SHOWN	Date: 10-19-21

Project Number
210203

Sheet:
A-1

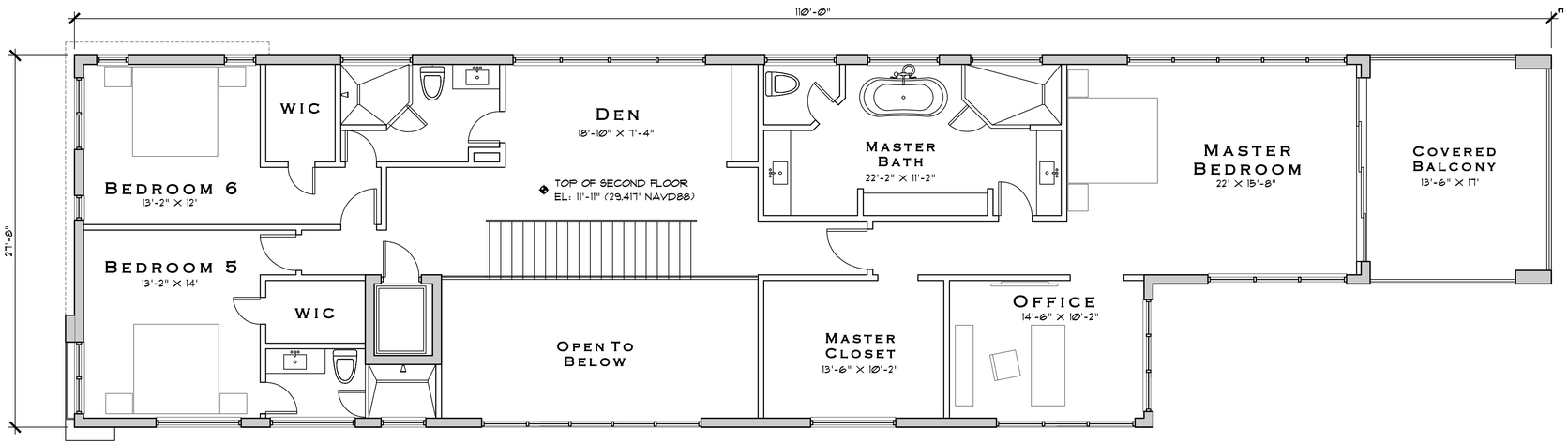


THIRD FLOOR PLAN

SCALE: 3/16" = 1'-0"

2 / A-2

north

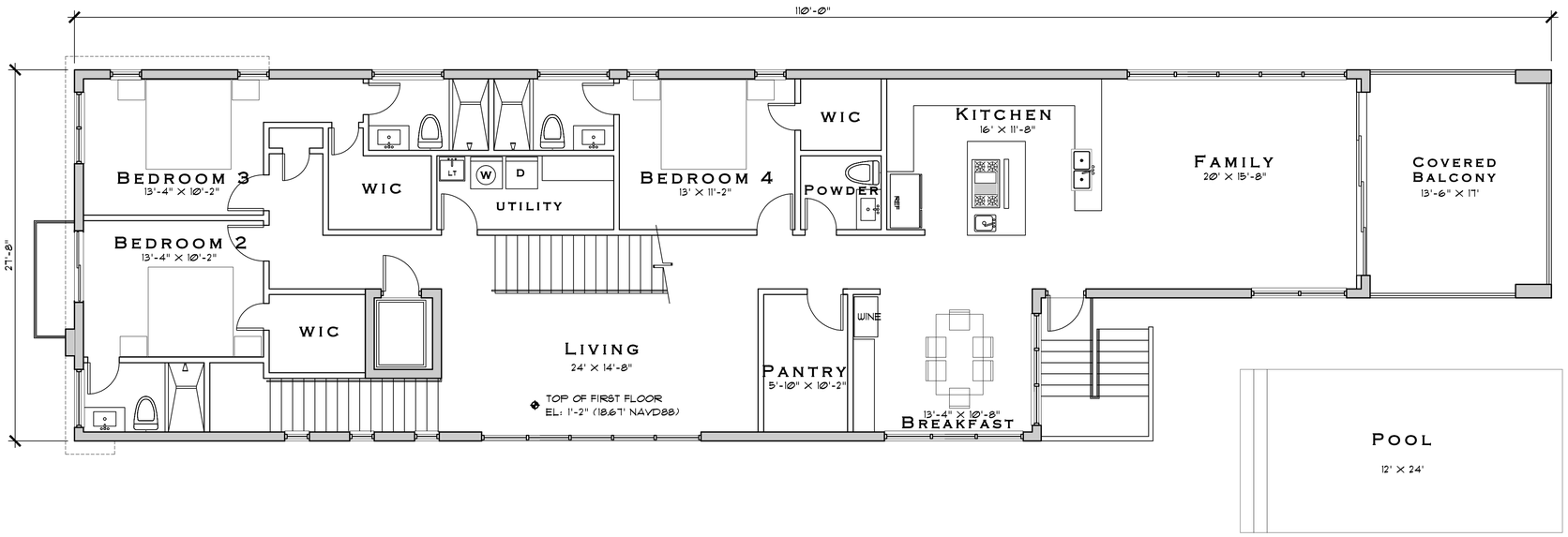


SECOND FLOOR PLAN

SCALE: 3/16" = 1'-0"

2 / A-2

north



FIRST FLOOR PLAN

SCALE: 3/16" = 1'-0"

1 / A-2

north

Revisions:

1
2
3
4
5

Project Number
210203

Conditional Use Request

New Single Family Residence

4112 El Mar Drive
Lauderdale By The Sea, Florida 33308

Project Name
Conditional Use Request

Stephen Brasgalla, Architect

State Of Florida
Registration No. AR12239

6991 West Broward Boulevard
Suite 100
Plantation, Florida 33317

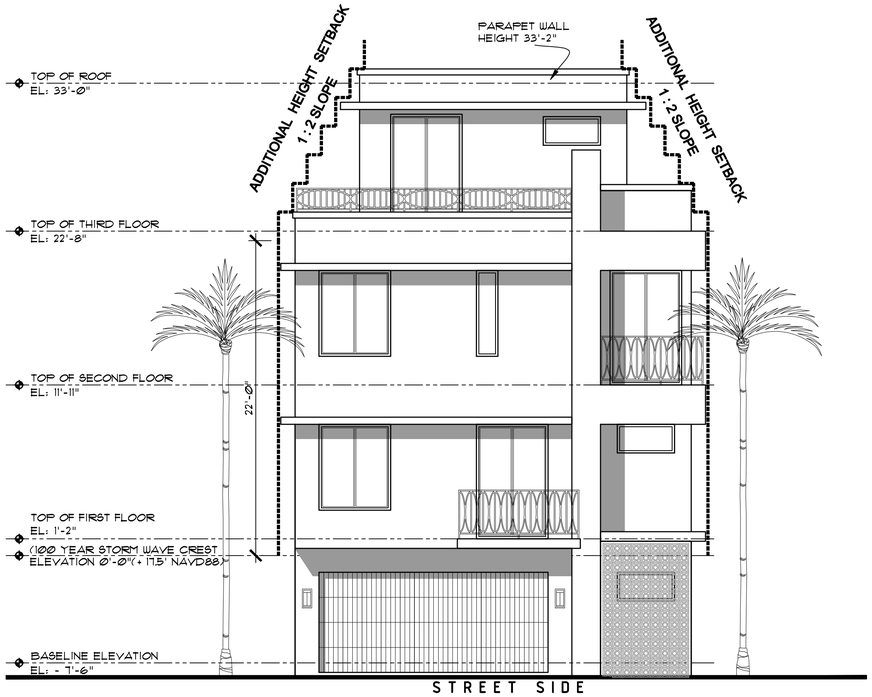
Telephone 954.614.3601
Telefax 954.208.0600

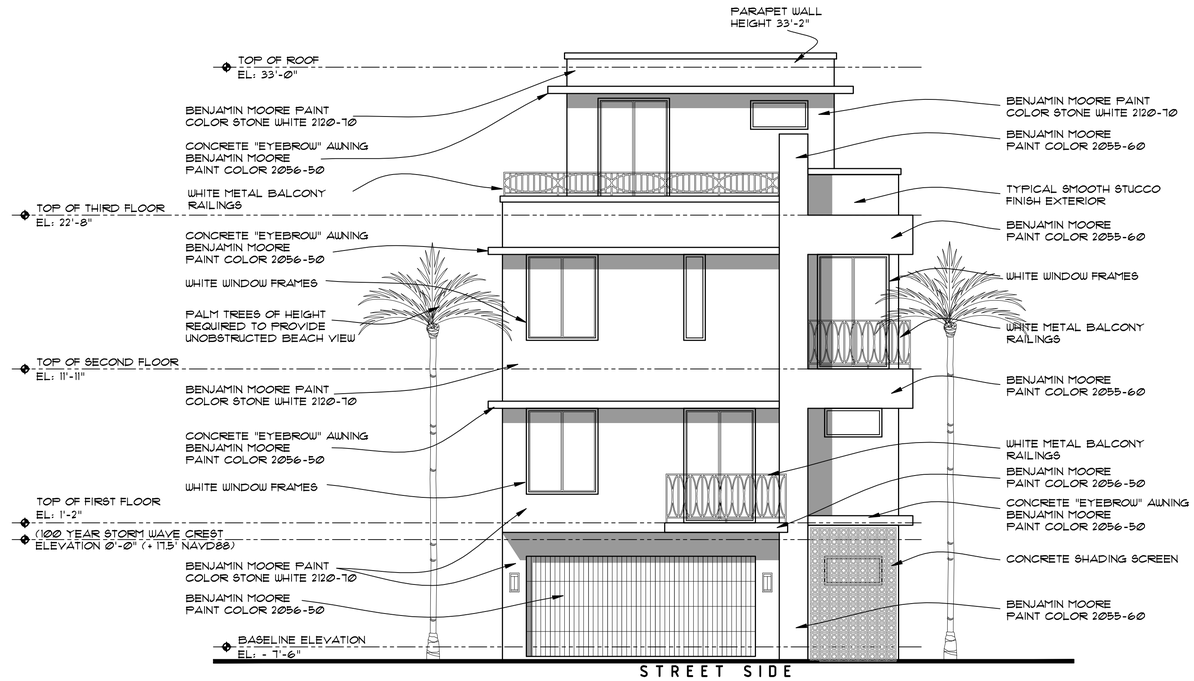
architect@design23.net

Drawn By:	Checked By:
ES	STB
Scale:	Date:
SHOWN	10-19-21

Project Number
210203

Sheet:
A-2

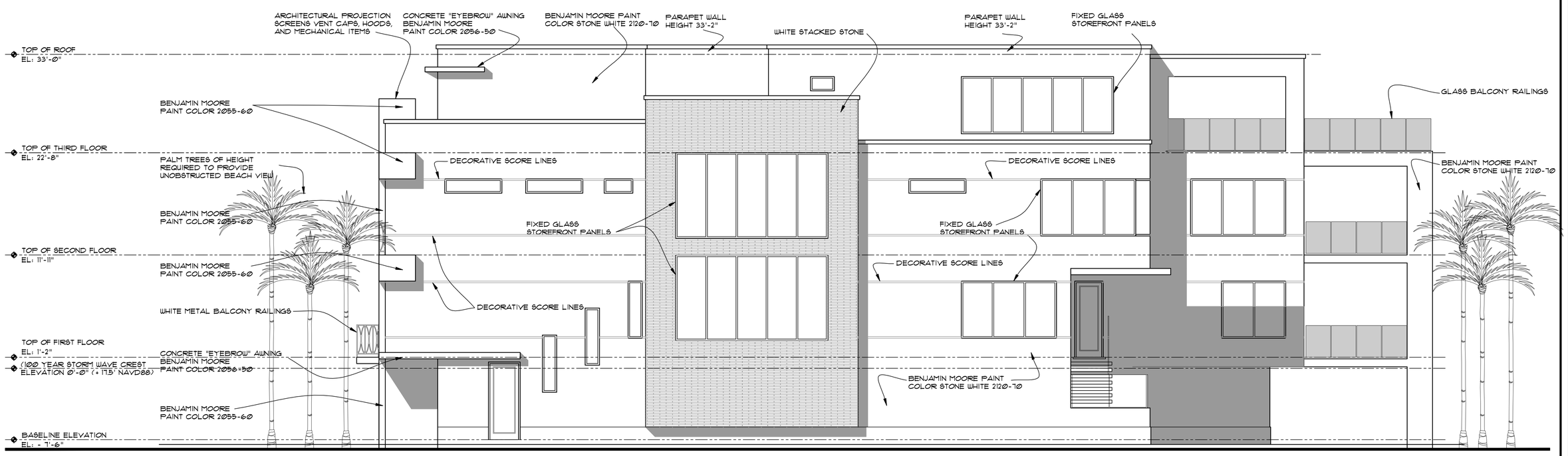




WEST ELEVATION

SCALE: 3/16" = 1'-0"

1 / A-3



SOUTH ELEVATION

SCALE: 3/16" = 1'-0"

1 / A-3

Revisions:

1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE

LAUDERDALE BY THE SEA, FLORIDA 33308

Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT

STATE OF FLORIDA
REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317

TELEPHONE 954.614.3801
TELEFAX 954.208.0600

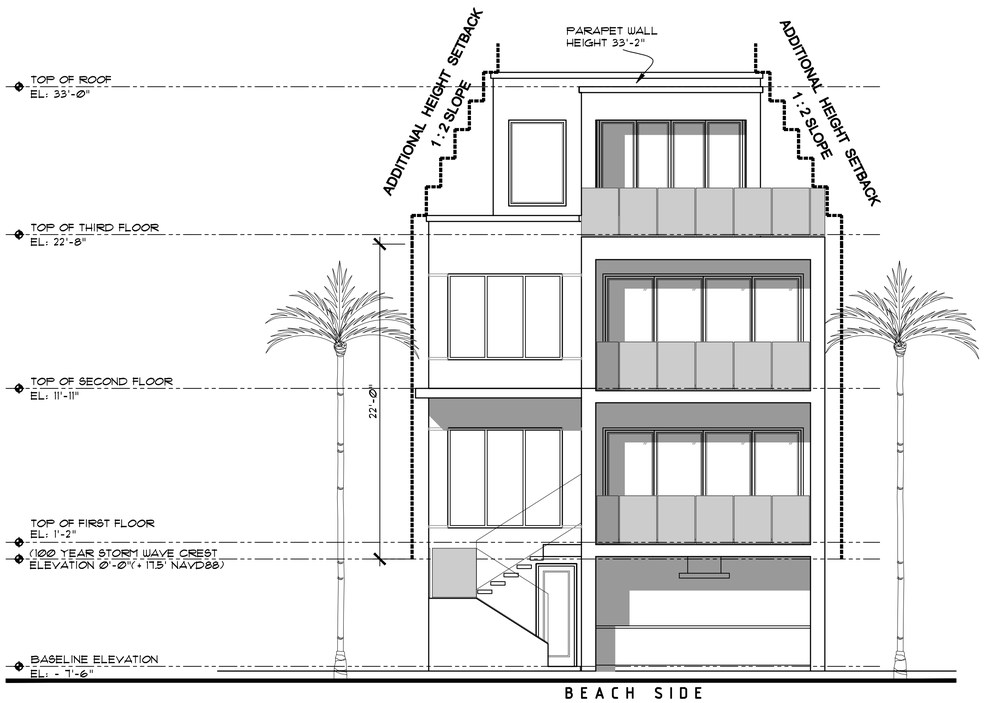
ARCHITECT@DESIGN23.NET

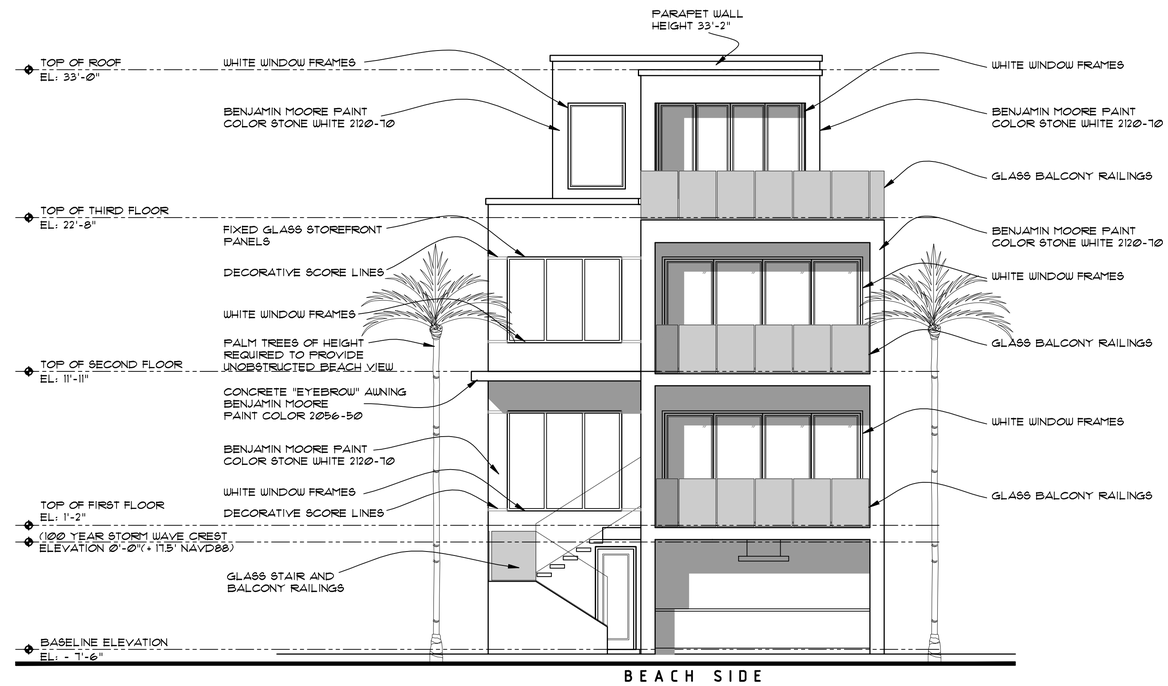
Drawn By:	Checked By:
ES	STB
Scale: SHOWN	Date: 10-19-21

Project Number
210203

Sheet:

A-3

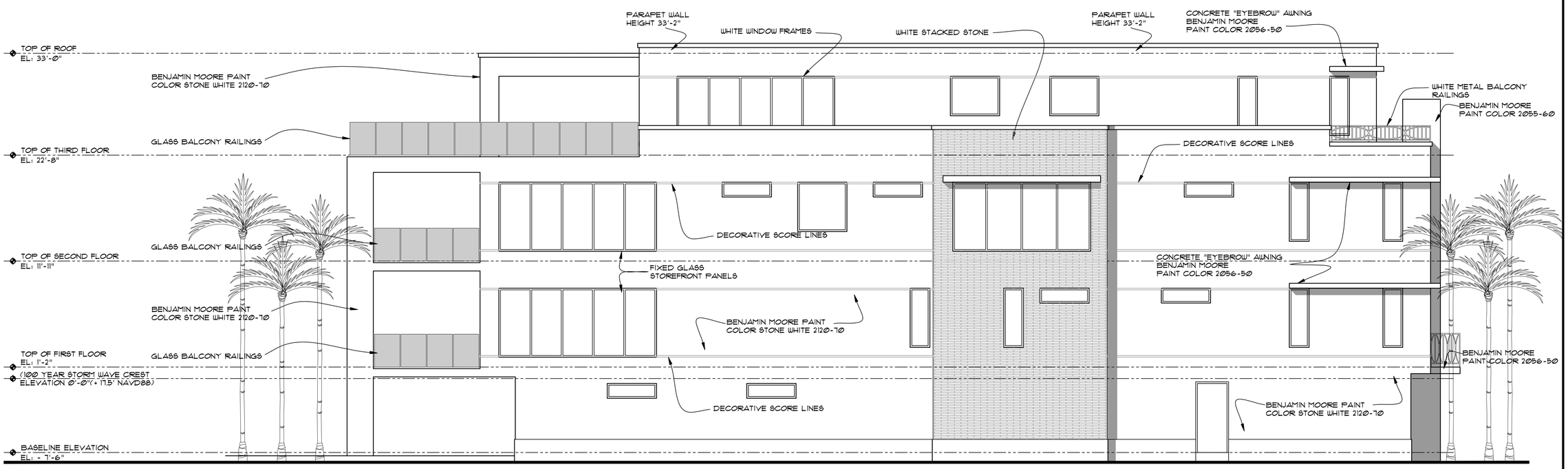




EAST ELEVATION

SCALE: 3/16" = 1'-0"

2
A-4



NORTH ELEVATION

SCALE: 3/16" = 1'-0"

2
A-4

Revisions:
1
2
3
4
5

Project Number
210203

CONDITIONAL USE REQUEST

NEW SINGLE FAMILY RESIDENCE

4112 EL MAR DRIVE
LAUDERDALE BY THE SEA, FLORIDA 33308

Project Name
CONDITIONAL USE REQUEST

STEPHEN BRASGALLA, ARCHITECT

STATE OF FLORIDA
REGISTRATION NO. AR12239

6991 WEST BROWARD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317

TELEPHONE 954.614.3801
TELEFAX 954.208.0600

ARCHITECT@DESIGN23.NET

Drawn By:	Checked By:
ES	STB
Scale: SHOWN	Date: 10-19-21

Project Number
210203

Sheet:
A-4

FUTURE
DEVELOPMENT
FUTURE
DEVELOPMENT
FUTURE
DEVELOPMENT

FUTURE
DEVELOPMENT

Proposed SFR
Lot 7
North Lot 8
South Lot 6
For Diverse Solutions - 10/01/2020
© BeachesMLS - I523021

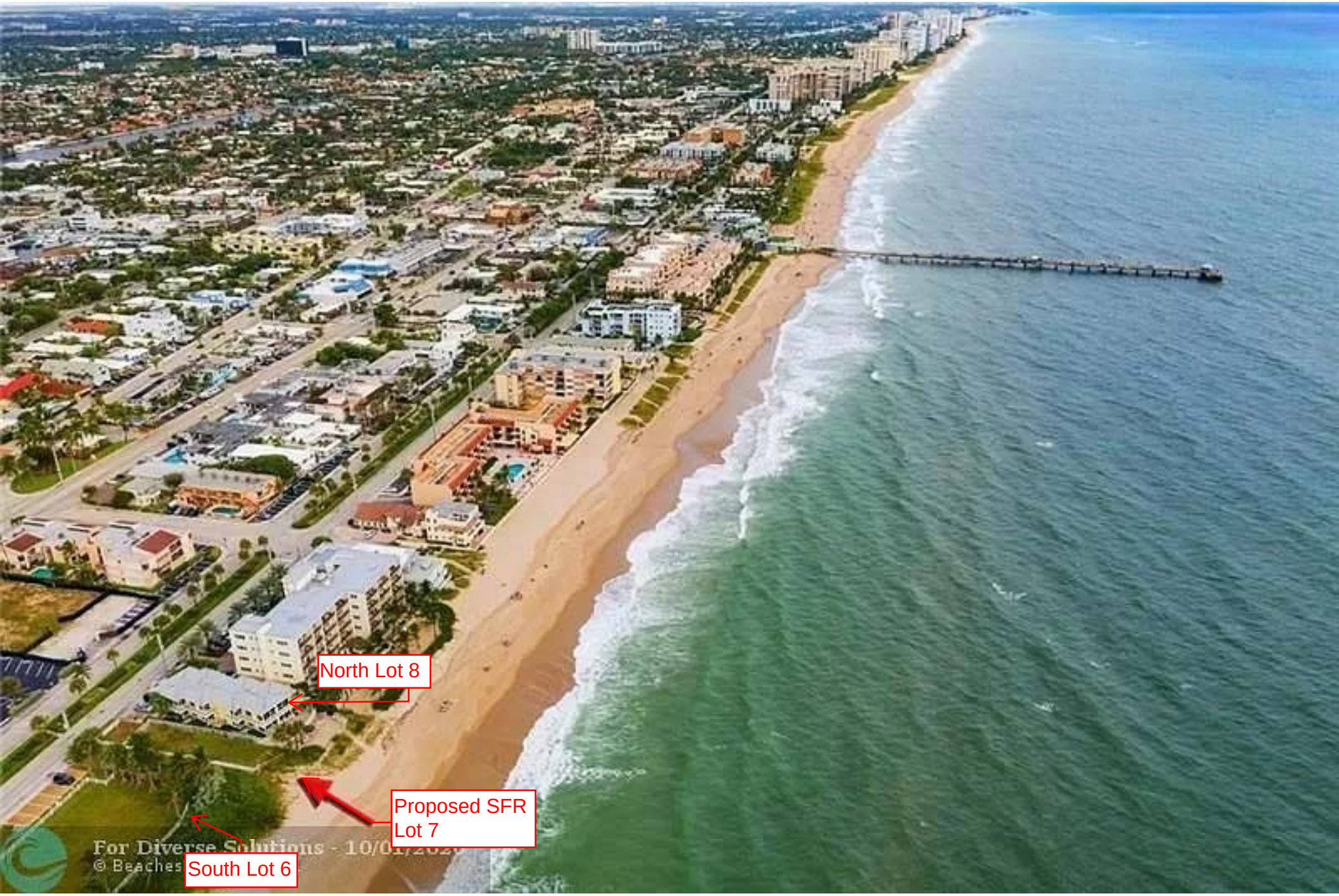
North Lot 8
Proposed SFR
Lot 7
South Lot 6
For Diverse Solutions - 10/01/2020
© BeachesMLS - 1527021

North Lot 8
Proposed SFR
Lot 7
South Lot 6

Proposed SFR
Lot 7
North Lot 8
South Lot 6
For Diverse Solutions - 10/01/2020
© BeachesMLS - 1527021

Proposed SFR
Lot 7
North Lot 8
South Lot 6

North Lot 8
Proposed SFR
Lot 7
South Lot 6


North Lot 8
Proposed SFR
Lot 7
South Lot 6
For Diverse Solutions - 10/01/2020
© Beaches

South Lot 6
Proposed SFR
Lot 7
For Diverse Solutions - 10/01/2020

South Lot 6
North Lot 8
Proposed SFR
Lot 7

View
North Lot 8
Signage
SEAWARD
4128

LEO HANSEN, A.I.A., ARCHITECT
330 Himarshee Street Fort Lauderdale, FL 33312 954-462-8925 lchaia9093@gmail.com

MEMORANDUM: ARCHITECTURAL REVIEW ADDENDUM

To: Jhanelle Campbell, Acting Development Services Director
Town of Lauderdale-by-the-Sea
Email: JhanelleC@lauderdalebythesea-fl.gov
Re: Architectural Review (ULDR Sec. 30-51)
Project: Staudacher Residence
Review No.: 2021-AR-04
Project Address: 4112 El Mar Drive
Date: October 22. 2021

The applicant has made significant revisions to the previously submitted plans and has addressed concerns raised in the previous two letters concerning this project. The applicant's design incorporates many of the guidelines and suggested details of Mid-Century modern design found in the Lauderdale-by-the-Sea Architectural Design Standard (2015).

We recommend approval of the architectural design for this project.

- -
Leo Hansen
Leo Hansen, A.I.A., Architect

Exhibit 8

CONDITIONAL USE DEVELOPMENT ORDER 2021-CU-01
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

ADDRESS OF PROPERTY:	4112 El Mar Drive
FOLIO #:	494318010040
LEGAL DESCRIPTION:	LAUDERDALE BY THE SEA 6-2 B LOT 7 BLK 2
PROPERTY OWNER:	David J Staudacher
APPLICANT:	David J Staudacher
APPLICANT ADDRESS:	5500 NE 31st Ave Fort Lauderdale, FL 33308

REQUEST: Pursuant to Town Code Section 30-126, "Conditional Uses," the applicant has requested a Conditional Use to allow the construction of a single-family home in the RM-25 zoning district on property located at 4112 El Mar Drive (the "Application").

SECTION 1. FINDINGS. THIS MATTER came before the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, on **January 10, 2022** following a duly noticed public hearing provided in accordance with law. The Town Commission having considered the public testimony, evidence in the record, the testimony of the applicant, and the recommendation of the Planning and Zoning Board and administrative staff, finds that the Application, as conditioned herein, will promote the public health, safety, welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood and further, that the Application meets all of the specific criteria set forth in Section 30-126(d) of the Town Code for approving a Conditional Use.

SECTION 2. APPROVAL. The request to approve Conditional Use Development Order

#2021-CU-01 to allow the construction of a single-family home in the RM-25 zoning district is hereby APPROVED, except as modifications may be required by this approval or the Building Official.

SECTION 3. CONDITIONS. The APPROVAL granted herein is subject to the following conditions:

1. Adequate storm water facilities shall be provided to meet regulatory requirements. No off-site drainage will be allowed.
2. Landscape plan may be amended to take into consideration plant availability and final site conditions, subject to approval by the Development Services Director or designee, provided that in no instance will the landscape plan be allowed to fall below the minimum standards, criteria and requirements established within the Town Code.
3. The Applicant shall secure a building permit for the project and begin construction within eighteen (18) months of the effective date of the development order approval. Additional extensions may be granted upon request to the Town Manager at least 45 days prior to expiration of the approved Development Order.
4. The construction shall be in accordance with the plans submitted for this Conditional Use Application, which have been incorporated into and made part of this development order as referenced in **Exhibit 1**, except as modifications may be required by this Approval and any changes required as part of the building permit process.
5. The Conditional Use Approval does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency and does not create liability on the part of the Town for issuance of the approval if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
6. The principles of CPTED shall be incorporated into the approved plans prior to the submission of the building permit.
7. All applicable state and federal permits shall be obtained prior to commencement of construction.
8. Prior to issuance of a building permit, the Town Clerk shall certify that there are no outstanding fines, moneys, fees, taxes, or other charges owed to the Town by the current or past owners or operators of the property in which the building permit is being issued. If fees are related to a code violation that requires a building permit to correct the violation, only the building permits required by the Town for correction of the violation may be issued. No other building permits will be issued until all outstanding debts to the Town are paid in full.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Order shall be considered a violation of the Town Code and persons found violating the conditions

shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Order. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Order may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code or the conditions of this Approval.

SECTION 5. APPEAL. In accordance with Section 30-140(d)(11) of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Commission in the Circuit Court of Broward County, Florida, in accordance with the Florida Rules of Appellate Procedure.

SECTION 6. EFFECTIVE DATE. This Development Order shall become effective upon Approval by the Commission.

APPROVED this ____ day of _____**,** 2022.

_____
MAYOR CHRIS VINCENT

ATTEST:

_____
Town Clerk

Approved as to form:

_____

Exhibit 8

Susan L. Trevarthen, Town Attorney