

Town of Lauderdale-By-The-Sea
Regular Planning and Zoning Board

Agenda

Wednesday, January 3, 2024

6:00 PM



Jarvis Hall 4505 N. Ocean Drive
www.Lauderdalebythesea-fl.gov

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Regular Planning and Zoning Board

Wednesday, January 3, 2024, 6:00 PM
Jarvis Hall 4505 N. Ocean Drive, 33308

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE TO THE FLAG**

3. **APPROVAL OF MINUTES**

3.a. December Minutes

4. **PUBLIC COMMENTS**

5. **NEW BUSINESS**

5.a. 231 Shore Court 2023-L2-AA-04/ Administrative Adjustment

5.b. 241 Shore Court 2023-L2-AA-05/ Administrative Adjustment

6. **OLD BUSINESS**

7. **UPDATES/BOARD MEMBER COMMENTS**

8. **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 ENSURE 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.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual

needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



Agenda Item No: 3.a.

Planning and Zoning Board Agenda Item Report

Meeting Date: January 3, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: APPROVAL OF MINUTES

Subject Title: December Minutes

Explanation:

Recommendation:

Exhibits:

1. December Minutes

NON APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
LIVE STREAMED FROM JARVIS HALL
Monday, December 4, 2023

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chair Piersante called the in-person Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:00PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL & WELCOME

Board Clerk Megan Small called the roll and present in-person were Chair Ron Piersante, Vice Chair Howard Goldberg, and Board Members Wayne Dillistin, Patricia Omana, and Denise Lambert. Also attending was 2nd Alternate Karen Blake. The absent member was 1st Alternate Karen Sylvester. Present in person were Town Attorney James White, Development Services Director Jhanelle Campbell, Assistant Development Services Director Muriel Bryan Ramirez, Planner Sue Leven, and Board Clerk Megan Small.

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – November 1, 2023

Vice Chair Goldberg made a motion to approve the minutes of the P&Z Meeting of November 1, 2023 as written. The motion was seconded by Board Member Omana. The motion to approve the November 1, 2023 minutes as written carried 5-0.

4. PUBLIC COMMENTS

Chair Piersante opened the meeting to the public for any comments on items not on the agenda. When an agenda item was presented, public comments regarding that item would be heard at that time. As there was a gentleman from the public present who wanted to speak when the item was presented, the Chair closed this portion of Public Comments.

5. NEW BUSINESS

5.a. Case Number: 2023-L2-AA-03. Pursuant to Chapter 30 "Unified Land Development Regulations", Article IV "Development Permits – Applications, Requirements And Review Procedures", Division 4 "Adjustments To The Code – Procedures And Requirements," Section 30-128 "Administrative Adjustments: of the Town's Code of Ordinances ("Town Code") the Applicant has requested a Level 2 Administrative Adjustment to permit a 1.7 foot extension of the existing garage into the required 25 foot front setback for the subject property located at 291 Imperial Lane.

Planner Sue Leven presented this item stating that the applicant's contractor was ill and prepared additional information that the Board Members had this evening. Meeting discussions/actions were notated but were not limited to what was typed. Planner Leven stated that the applicant purchased a vehicle that did not fit in the single-family house's garage and was requesting a maximum of 1.7 foot encroachment into the 25 foot required front setback. A Level 2 Administrative Adjust was required for that and she went over the criteria for approval

(Section 30-128) which were met. She reminded that the applicant was present but his representative was home ill and that staff was recommending approval of this application. The Town Commission Meeting this application would go in front of was Tuesday, December 12, 2023.

Chair Piersante called for Board questions/comments and Vice Chair Goldberg asked the owner of the property why he wanted to do this and Edward Maslanka explained. 2nd Alternate Karen Blake commented that it looked like it would not extend on the right-hand side past the existing driveway nor extend any closer than the existing garage area and the owner clarified. As no one else requested to speak or comment, the Chair called for a motion.

Vice Chair Goldberg made a motion to approve this agenda item as presented with staff's recommendation. The motion was seconded by Board Member Lambert. The motion to approve carried 5-0.

6. OLD BUSINESS

None.

7. UPDATES/BOARD MEMBER COMMENTS

Vice Chair Goldberg wished everyone a Happy and Healthy Holiday Season. He reminded that the Tree Lighting Ceremony Downtown was on December 6th, Friday night was the Chamber's Christmas Party, and the Sunday Market was now open. Chair Piersante thanked Planner Leven for her presentation tonight and also wished everyone a Merry Christmas.

8. ADJOURNMENT

Board Member Omana made a motion to adjourn at approximately 6:13PM. The motion was seconded by Board Member Dillistin. The motion to adjourn carried 5-0,

Chair Ron Piersante

ATTEST:

Date Accepted: _____



Agenda Item No: 5.a.

Planning and Zoning Board Agenda Item Report

Meeting Date: January 3, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: NEW BUSINESS

Subject Title: 231 Shore Court 2023-L2-AA-04/ Administrative Adjustment

Explanation: See attached report.

Recommendation: The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the property.

Exhibits:

1. 2023-L2-AA-04 Staff Report 231 Shore Court_ FINAL RVS 47X4439
2. Ex 1 231 Shore Court App and Plans
3. Ex 2 Public Notice 30-139
4. Ex 3 30-313 Accessory buildings and structures
5. Ex 4 Sec 30-128 Administrative Adjustments
6. Ex 5 231 Shore Ct Applicant Narrative



Town of Lauderdale-by-the-Sea
Development Services

To: Planning & Zoning Board

From: Jhanelle Campbell, Development Services Director

Meeting Date: January 3, 2024

Re: Case Number 2023-L2-AA-04: Pursuant to Chapter 30 "Unified Land Development Regulations," Article IV "Development Permits – Applications, Requirements And Review Procedures," Division 4 "Adjustments To The Code – Procedures And Requirements," Section 30-128 "Administrative Adjustments" of the Town's Code of Ordinances ("Town Code"), the Applicant has requested a Level 2 Administrative Adjustment (2023-L2-AA-04) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the subject property located at 231 Shore Court.

The purpose of this memorandum is to provide findings and recommendations regarding the Level 2 Administrative Adjustment application (**Exhibit 1**) submitted to the Town of Lauderdale-By-The-Sea (the "Town") by Sky 360 Development LLC (the "Applicant") to allow a 1.5-foot encroachment into the 5-foot required rear setback for an accessory structure (freestanding wall) for property located at 231 Shore Court (the "Property") (**Diagram 1**).

Diagram 1



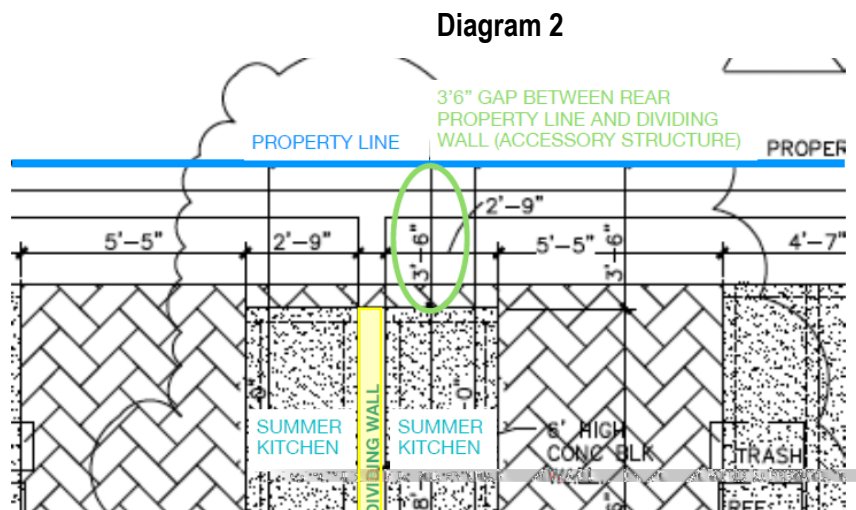
The Applicant has paid the appropriate fee and submitted the required documents. Notice has been given to all property owners located within a three hundred (300) foot radius of the Property. The Property has been posted and the public hearing concerning the Level 2 Administrative Adjustment

has been advertised, pursuant to Section 30-139 of the Town Code(**Exhibit 2**). Staff has not received comments from the public regarding this request.

Background and Request

The Property is a parcel of land under construction, located within the RD-10 zoning district (**Exhibit 3**). The property is 8,671 SF (.20 acres) in size. The proposal seeks to allow a 1.5-foot encroachment into the required 5-foot rear setback for an accessory structure (freestanding wall).

Diagram 2 shows the location of the constructed additions. The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved in July of 2022. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Section 30-128 of the Town Code requires a setback of five (5) feet from the rear property line. The proposed encroachment of 1.5 feet will bring the rear setback to three point five (3.5) feet for a total encroachment of one point five (1.5) feet. The Code allows an encroachment of up to thirty percent (30%) of the required setback which in this case is 1.5 feet.



Town Code Provision

Section 30-128 of the Town Code (**Exhibit 4**) establishes Level 1 and Level 2 Administrative Adjustment standards that allow the Town Manager and Town Commission, respectively, to approve a reduction in parking standards and/or setback requirements. A Level 2 Administrative Adjustment is permitted for setback encroachments of up to thirty percent (30%) or five (5) feet of the required setback, whichever is less (**Table 1**). The Town Code requires review by the Town Staff, Planning & Zoning Board, and Town Commission.

Table 1

Administrative Adjustment Thresholds			
Building Standards that May be Adjusted	<u>Maximum Level 1 Adjustment</u>	<u>Maximum Level 2 Adjustment</u>	<u>231 Shore Court</u>
Setbacks	n/a	30% or 5 feet, whichever is less	1.5 foot encroachment 30% of the 5 foot required setback is 1.5'

Criteria and Analysis

Section 30-128 of the Town Code states that an encroachment into the required setbacks shall be approved if the requested relief is within the limits specified in the Administrative Adjustments Thresholds Table and the decision maker finds that there is competent substantial evidence in the record that all of the following standards are met:

- a. The Administrative Adjustment does not result in an increase in allowable density;
Applicant response: The administrative adjustment is to extend the dividing wall between two duplexes by 1.5 feet. This has no impact on density.
Staff response: The criterion has been met.
- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;
Applicant response: The Administrative Adjustment is to extend the dividing wall between two duplexes. This dividing wall is not attached to the main structure and is thus an accessory structure. Sec 30-313(s)(3) states that "Accessory buildings and structures may not exceed 12 feet in height on any lot". The proposed dividing wall is 6 feet high.
Staff response: The criterion has been met.
- 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;
Applicant response: There is no recorded or platted easement, or a Town right-of-way, in the rear of the property where the proposed dividing wall is located (please see survey provided for reference).
Staff response: The criterion has been met.
- 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; or

Applicant Response: The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved on 7/15/2022. When it was brought to our attention that this aspect of our design is not code compliant, the wall had already been completed. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Without the wall, the outdoor kitchens become dysfunctional. While we are able to overcome this on other duplex projects of ours with the same issue (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending into the 5-foot rear setback for accessory structures. It is the phase of construction that this project is in as well as the lack of available space in the rear of the property that makes this case unique.

- ii. Supports an objective from the purpose statements of the zoning district where located; or

Applicant Response: Before this project, SKY360 Development had exclusively designed townhomes for properties zoned RM-25. When creating this design for the RD-10 district, we were very cognizant of a key difference between the two zoning codes, that is, for RM-25 we were able to provide recreational space with a Summer kitchen on the rooftop, whereas for RD-10 recreational use of the rooftop is strictly prohibited. Our solution to this was to create an enticing 'private courtyard' area on the first floor with a Summer kitchen. We have, since the ordinance change, also relocated our AC mechanical equipment to the rooftop. The goal was to create a clearly designated recreational space on the first floor, and a clearly utilitarian non-recreational space on the rooftop. This design was permitted on 7/15/2022. In October of 2023 it was brought to our attention that the dividing wall between the two duplex units is not code compliant. This dividing wall is required for the Summer kitchen design. We have reduced the length of the wall and detached it from the main structure, but the Administrative Adjustment is necessary for us to deliver the design that we have contractually obligated ourselves to, and which serves to support the RD-10 zoning code re: recreational use of the units.

- iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
- iv. Supports Mid-Century Modern Architecture; or
- v. Utilized to create a view corridor or other benefit to the Community; or
- vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
- vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves or exterior balconies; or

- viii. Required for an expansion, addition or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.

Applicant response: As mentioned in the response to item d(i) above, the dividing wall that we are seeking an administrative adjustment for has already been constructed because it was part of our permitted set of plans approved before we or the City realized that it was not code compliant. The proposed adjustment reduces the length of the wall that was originally approved, so it will reduce (not increase) the footprint of the wall already constructed.

Staff response: The criterion has been met.

- 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,

Applicant response: The proposed adjustment extends the dividing wall 1.5 feet further than what is allowed by code. It will still be entirely located on the property of the proposed development and will not be seen by adjacent properties (there will be a 6-foot fence surrounding the property and landscaping providing privacy). The extension of the wall poses no danger to public health or safety.

Staff response: The criterion has been met.

- f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.

Applicant response: The surrounding area is zoned RD-10. Extending the dividing wall between the two duplex units by 1.5 feet is still consistent with the overall nature and purpose of the area's development. Furthermore, the requested adjustment will not result in activities that are inconsistent or conflicting with the intended or established uses of the surrounding area. As explained in the response to item d(i), extending the wall and thus allowing the construction of the approved outdoor kitchen serves to support the use of the 1st floor for recreational use, as opposed to the rooftop which is prohibited under RD-10 zoning.

Staff response: The criterion has been met.

- 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.

Applicant response: There are not adverse impacts to mitigate.

Staff response: The criterion has been met.

- h. The Administrative Adjustment is consistent with the comprehensive plan.

Staff Response: The criterion has been met.

Summary Findings and Recommendations

The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.

Exhibits

Exhibit 1 – Level 2 Administrative Adjustment Application with Plans

Exhibit 2 – Town Code Section 30-139 Public Notice

Exhibit 3 – Town Code Section 30-313 (s) Accessory Buildings and Structures

Exhibit 4 – Town Code Section 30-128 Administrative Adjustments

Exhibit 5 – Applicant Narrative

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2



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: 2023-I 2-AA-04

BTR #: _____

Date Application Submitted: November 17, 2023

Date Application Found Complete: November 21, 2023

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: \$350.00

Cost Recovery Fee: \$400.00

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2

In accordance with Town Code Section 30-128, a Level 2 Administrative Adjustment may be requested for:

- Setback adjustments up to 30% or 5 feet, whichever is less
- Overhangs, roof cornices and eaves and exterior balconies and all other requests up to five (5) feet, whichever is less
- More than three (3) parking spaces or more than 10% of the minimum parking requirement (for residential zoning districts only)

SECTION A: PROJECT DETAILS

Project Name: 231 Shove Court New Construction

Code Section from which Administrative Adjustment is sought: Sec 30-313 (s)

SECTION B: ITEMS FOR SUBMITTAL

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

- The Fee for Administrative Adjustment Level 2 + Deposit ([See Fee Schedule](#))
- A description of the request
- Two (2) current surveys, signed and sealed.
- Two (2) hard copies of a sketch that identifies the following:
 - All improvements and structures on the subject parcel
 - Proposed improvements which necessitates the adjustment
 - Distance of improvement from property line
 - Overhang distance from the building
- For parking reductions, submit a parking report that identifies the following:
 - Available parking within distance to the subject property
 - Pedestrian public route(s) from public parking to subject parking
- For building adjustments, explain how the administrative adjustment request meets the criteria as established in Town Code Section 30-128 (see Section C)

SECTION C: CRITERIA FOR APPROVAL

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
- 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.
- 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; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves, or exterior balconies; or
 - viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
- 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.
- f) The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.
- 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.
- h) The Administrative Adjustment is consistent with the comprehensive plan.
- i) An administrative adjustment to parking standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.

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



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: _____

BTR #: _____

Date Application Submitted: _____

Date Application found Completed: _____

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: _____

Cost Recovery Fee: _____

Check appropriate application and block:

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

Project Name: 231 Shore Court New Construction

Folio Numbers: 4943 1827 0313

Street Address: 231 Shore Ct, Lauderdale by the Sea, FL, 33308

Legal Description: SILVER SHORES UNIT A 28-39 B LOT 3 BLK 4

Name of Property Owner: SKY 360 Development LLC Property Owner's Phone #: 954-696-3304

Address of Property Owner: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Property Owner's Email Address: kaistadler@gmail.com

Name of Applicant: Kylie Kuhl Applicant's Phone #: 954-740-3160

Applicant's Address: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Applicant Email Address: kyliekuhl33@gmail.com

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

Agent's Email Address: stephan@smhconstructionllc.com Agent's Phone #: 954-394-4020

Agent's Address: 218 Commercial Blvd, Suite 106, LBTs, FL, 33308

Land Use Plan Designation: Duplex Zoning District: RD-10

Existing Use of the Subject Property: Under Construction

Proposed Use of the Subject Property: Duplex

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

I Kai Stadler (Applicant/ Property Owner) hereby waive my rights as to the required review time stated in House Bill 7103 as it relates to time limits to review applications for approval of a development permit or development order.

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

DEVELOPMENT APPLICATION SIGNATURE SECTION

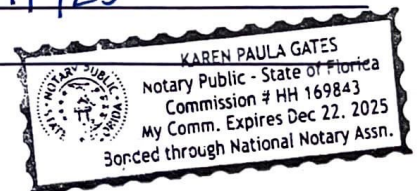
Property Owner

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

State of Florida:

County: Broward



SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day 17 of Nov, 2023.

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

Print Notary Name: Karen Gates My Commission Expires: 12.22.25

Notary Signature: Karen Gates

Applicant

Print Name of Applicant Kylie Kuhl Date: 11/17/23

Signature of Applicant _____

State of Florida:

County: Broward

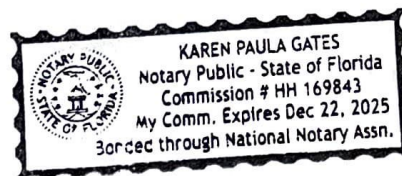


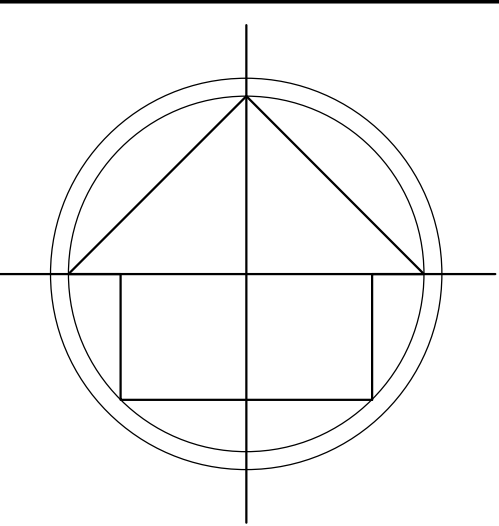
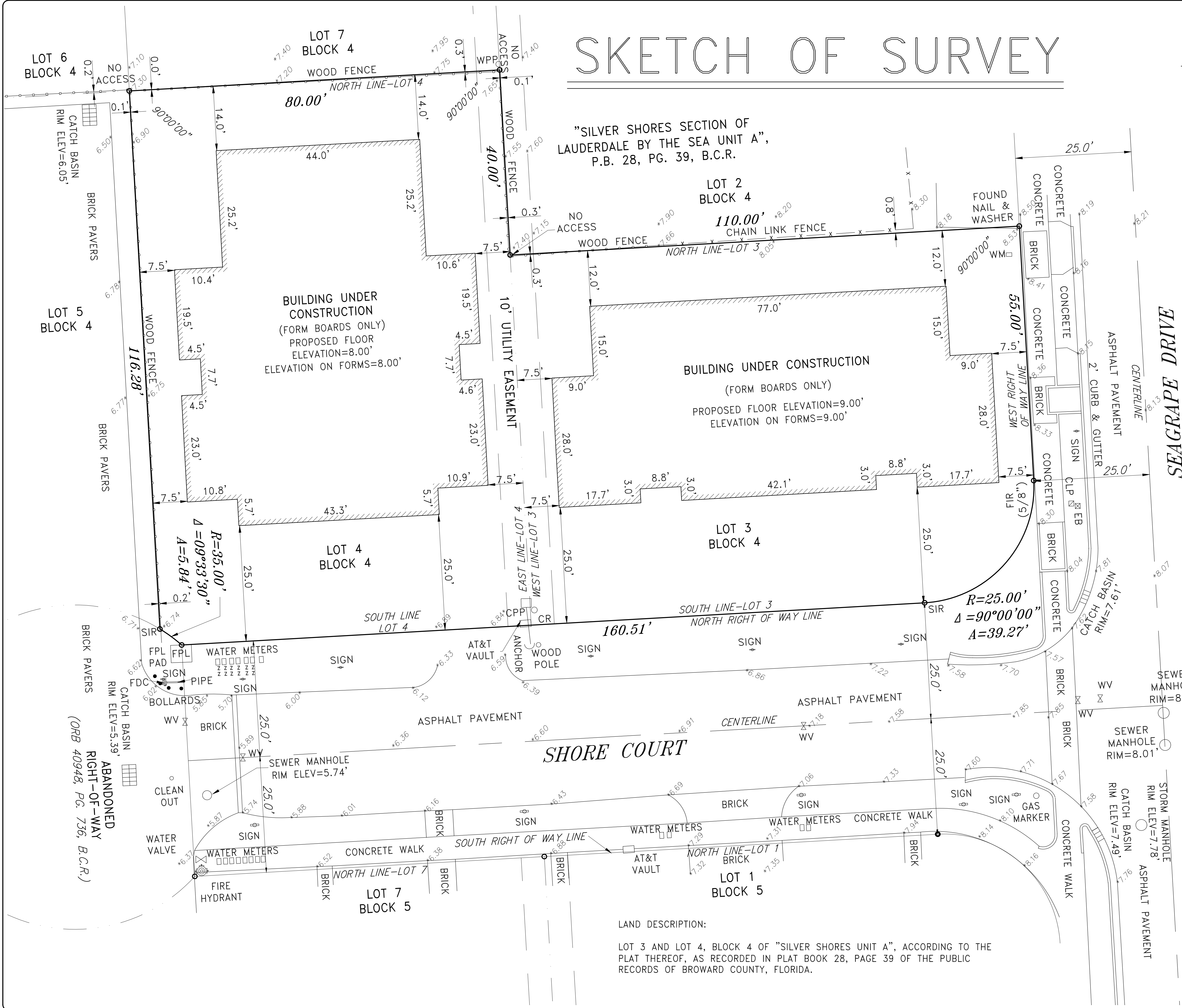
SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day
17 of NOV, 2023

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

Print Notary Name: Karen Gates My Commission Expires: 12.22.25

Notary Signature: Karen Gates





FLOOD ZONE INFORMATION	
COMMUNITY NUMBER	120055
PANEL NUMBER	0378 H
ZONE	X
BASE FLOOD ELEV	N/A
EFFECTIVE DATE	08/18/14

- LEGEND:
- | | |
|--------|--------------------------|
| CKD | CHECKED BY |
| CONC | CONCRETE |
| DWN | DRAWN BY |
| FB/PG | FIELD BOOK AND PAGE |
| SIR | SET IRON ROD & CAP #6448 |
| SNC | SET NAIL AND CAP #6448 |
| FIR | FOUND IRON ROD |
| FIP | FOUND IRON PIPE |
| FNC | FOUND NAIL AND CAP |
| FND | FOUND NAIL & DISC |
| P.B. | PLAT BOOK |
| B.C.R. | BROWARD COUNTY RECORDS |
| -X- | CHAIN LINK/ WOOD FENCE |
| ELEV | ELEVATION |
| EB | ELECTRIC BOX |
| CBS | CONCRETE BLOCK STRUCTURE |
| -E- | OVERHEAD UTILITY WIRES |
| A/C | AIR CONDITIONER |
| WPP | WOOD POWER POLE |
| CLP | CONCRETE LIGHT POLE |
| CPP | CONCRETE POWER POLE |
| CR | CABLE RISER |
| BFP | BACK FLOW PREVENTER |
| CO | CLEAN OUT |
| *3.85 | ELEVATIONS |
| A | ARC DISTANCE |
| R | RADIUS |
| Δ | CENTRAL ANGLE |

- NOTES :
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
 - THIS SURVEY WAS DONE SOLELY FOR BOUNDARY PURPOSES AND DOES NOT DEPICT THE JURISDICTION OF ANY MUNICIPAL, STATE, FEDERAL OR OTHER ENTITIES.
 - THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
 - UNDERGROUND IMPROVEMENTS NOT SHOWN.
 - ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 - BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK # 0961A ELEVATION= 4.32' (NAVD88)

I HEREBY CERTIFY THAT THE "SKETCH OF SURVEY" OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED IN THE FIELD UNDER MY DIRECTION IN DECEMBER, 2022. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: Richard E. Cousins

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

SURVEY DATE : 12/27/22

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 689-7766 FAX (954) 689-7799

CLIENT :

SKY 360

227 SHORE COURT
4229 SEAGRAPE DRIVE
LAUDERDALE BY THE SEA, FLORIDA

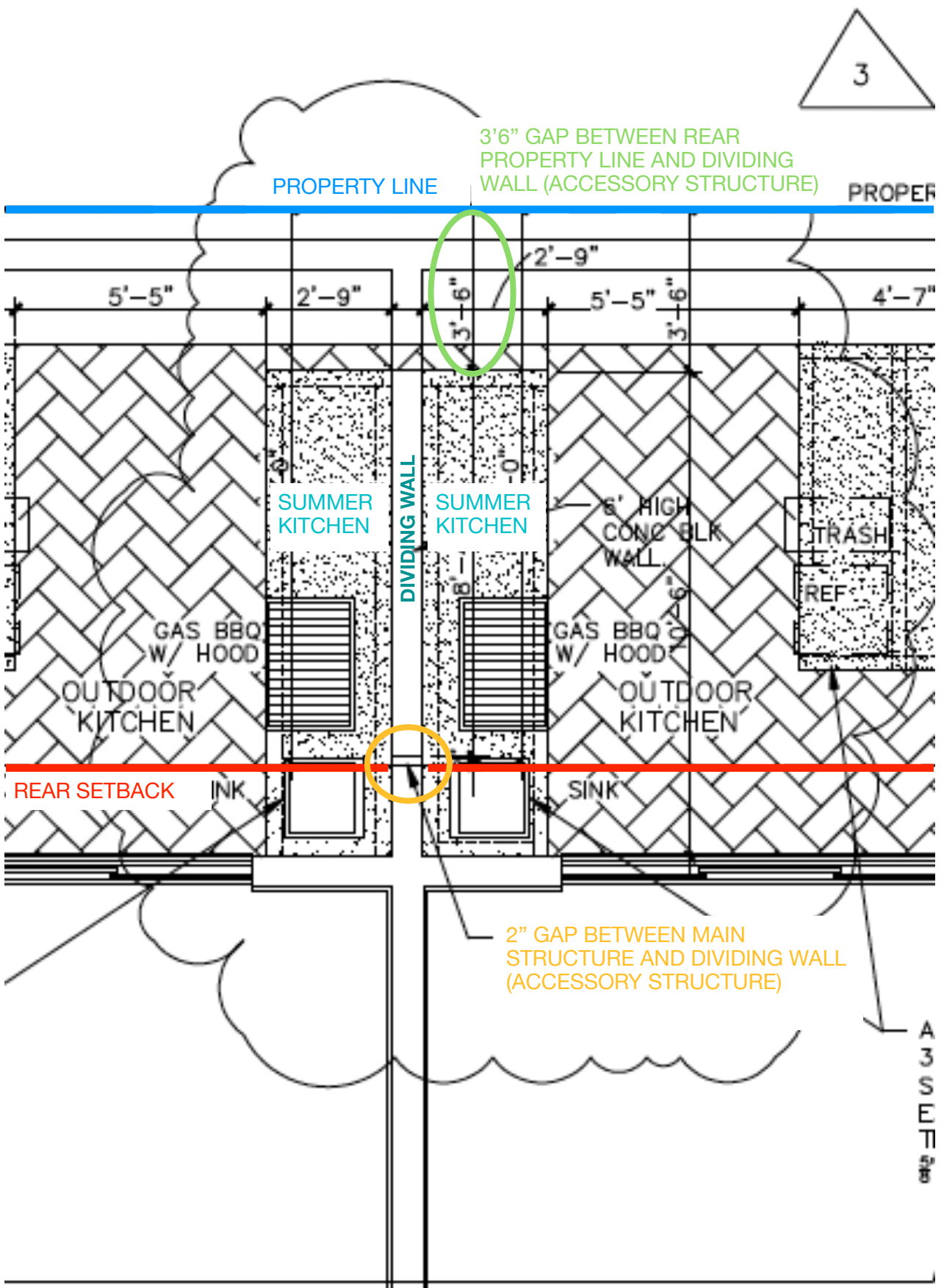
SKETCH OF SURVEY

REVISIONS	DATE	FB/PG	DWN	CKD
BOUNDARY & IMPROVEMENTS SURVEY	07/01/21	DATA/COLL	AM	REC
ADDITIONAL ELEVATIONS ADDED	04/27/22	DATA/COLL	JD	REC
FORM BOARD SURVEY	12/27/22	SKETCH	JD	REC

PROJECT NUMBER: 9587-21

SCALE : 1" = 10'

SHEET
1
OF
1
SHEET



LIST OF DRAWINGS:

COV COVER SHEET

SITE

SD1 SITE PLAN

SD2 SITE DETAILS

L1 LANDSCAPE PLAN

L2 IRRIGATION PLAN

CIVIL

C-1 EROSION CONTROL PLAN

C-2 P,D&G PLAN

C-3 DETAILS

ARCHITECTURAL

A1 FIRST FLOOR PLAN

A1.1 SCHEDULES, OUTDOOR KITCHEN

A2 SECOND FLOOR PLAN

A3 THIRD FLOOR PLAN

A4 ELEVATIONS

A4.1 ELEVATIONS

A5 TYPICAL WALL SECTIONS

A6 TYPICAL WALL SECTIONS

A7 TYPICAL WALL SECTIONS

STRUCTURAL

S1.0 FOUNDATION PLAN

S1.1 FOUNDATION NOTES AND SCHEDULES

S1.2 FIRE RATING DETAILS

S2.0 SECOND FLOOR SLAB

S2.1 SECOND FLOOR SLAB NOTES /SCHEDULES

S3.0 ROOFTOP PLAN

S4.0 PENTHOUSE ROOF PLAN

MECHANICAL

M1 FIRST FLOOR MECHANICAL PLAN

M2 SECOND FLOOR/ ROOFTOP MECHICAL PLAN

M3 NOTES AND SCHEDULES

ELECTRICAL

E1 FIRST FLOOR ELECTRICAL PLAN

E2 SECOND FLOOR/ ROOFTOP ELECTRICAL PLAN

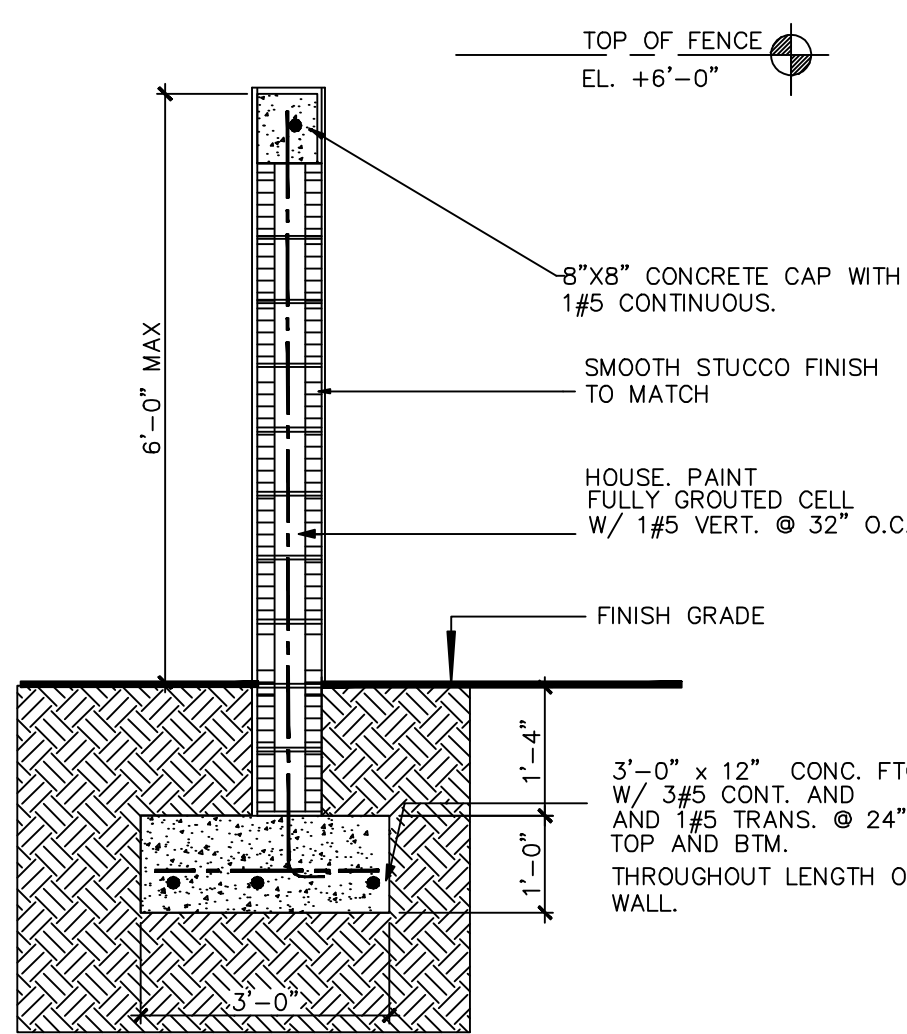
E3 SCHEDULES

PLUMBING

P1 FIRST FLOOR PLUMBING GAS/ PLAN

P2 SECOND FLOOR PLUMBING/ GAS PLAN

P3 RISER DIAGRAMS



COMMON PRIVACY WALL

SITE INFORMATION- UNIT A

CITY OF LAUDERDALE-BY-THE-SEA

251 SHORE COURT, L.B.T.S.

LEGAL DESCRIPTION

THE WEST 1/2 OF LOT 04, BLOCK 4, OF "SILVER SHORES SECTION OF LAUDERDALE BY THE SEA UNIT A" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 39 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

FOLIO # 4943 18 05 0520

MAP NUMBER 125105 0557H

CONSTRUCTION & OCCUPANCY TYPE

TYPE VB- CONSTRUCTION

OCCUPANCY TYPE : GROUP RESIDENTIAL

FLORIDA BUILDING CODE 2020

ZONING DATA

ZONING CATEGORY		RD-10
FLOOD ZONE		FLOOD ZONE 'X'
DESCRIPTION	REQUIREMENT	PROVIDED ON SITE
SET BACKS		
FRONT	25'-0" MIN.	25'-0"
SIDE	7'-6" MIN.	7'-6"
REAR	12'-0" MIN.	12'-0"
MIN LOT SIZE		4,791 S.F.
HEIGHT PER SECTION 30.221-(B) PENTHOUSES TO ENCLOSE ELEVATOR MACHINERY SHALL NOT BE INCLUDED IN HEIGHT.	MAX. 33'-0"	36'-3" TO PENTHOUSE 25'-4" TO ROOF

SITE CALCULATIONS

ZONING & COVERAGE PERCENTAGES :		
NET LAND AREA :	4,791.0 SQ.FT.	100.0 %
FOOTPRINT (UNDER ROOF) :	2,549 SQ.FT.	
DRIVES & WALKS:	2,549 SQ.FT.	
POOL AND DECKING	627 SQ.FT.	
SIDE WALKWAY	344 SQ.FT.	
	52 SQ.FT.	
TOTAL IMPERVIOUS AREAS :	3,572 SQ.FT.	74.55%
GREEN AREA :	1,219 SQ.FT.	25.44%

SITE INFORMATION- UNIT B

CITY OF LAUDERDALE-BY-THE-SEA

241 SHORE COURT, L.B.T.S.

LEGAL DESCRIPTION

THE EAST 1/2 OF LOT 04, BLOCK 4, OF "SILVER SHORES SECTION OF LAUDERDALE BY THE SEA UNIT A" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 39 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

FOLIO # 4943 18 05 0520

MAP NUMBER 125105 0557H

CONSTRUCTION & OCCUPANCY TYPE

TYPE VB- CONSTRUCTION

OCCUPANCY TYPE : GROUP RESIDENTIAL

FLORIDA BUILDING CODE 2020

ZONING DATA

ZONING CATEGORY		RD-10
FLOOD ZONE		FLOOD ZONE 'X'
DESCRIPTION	REQUIREMENT	PROVIDED ON SITE
SET BACKS		
FRONT	25'-0" MIN.	25'-0"
SIDE	7'-6" MIN.	7'-6"
REAR	12'-0" MIN.	12'-0"
MIN LOT SIZE		4,800 S.F.
HEIGHT PER SECTION 30.221-(B) PENTHOUSES TO ENCLOSE ELEVATOR MACHINERY SHALL NOT BE INCLUDED IN HEIGHT.	MAX. 33'-0"	36'-3" TO PENTHOUSE 25'-2" TO ROOF

SITE CALCULATIONS

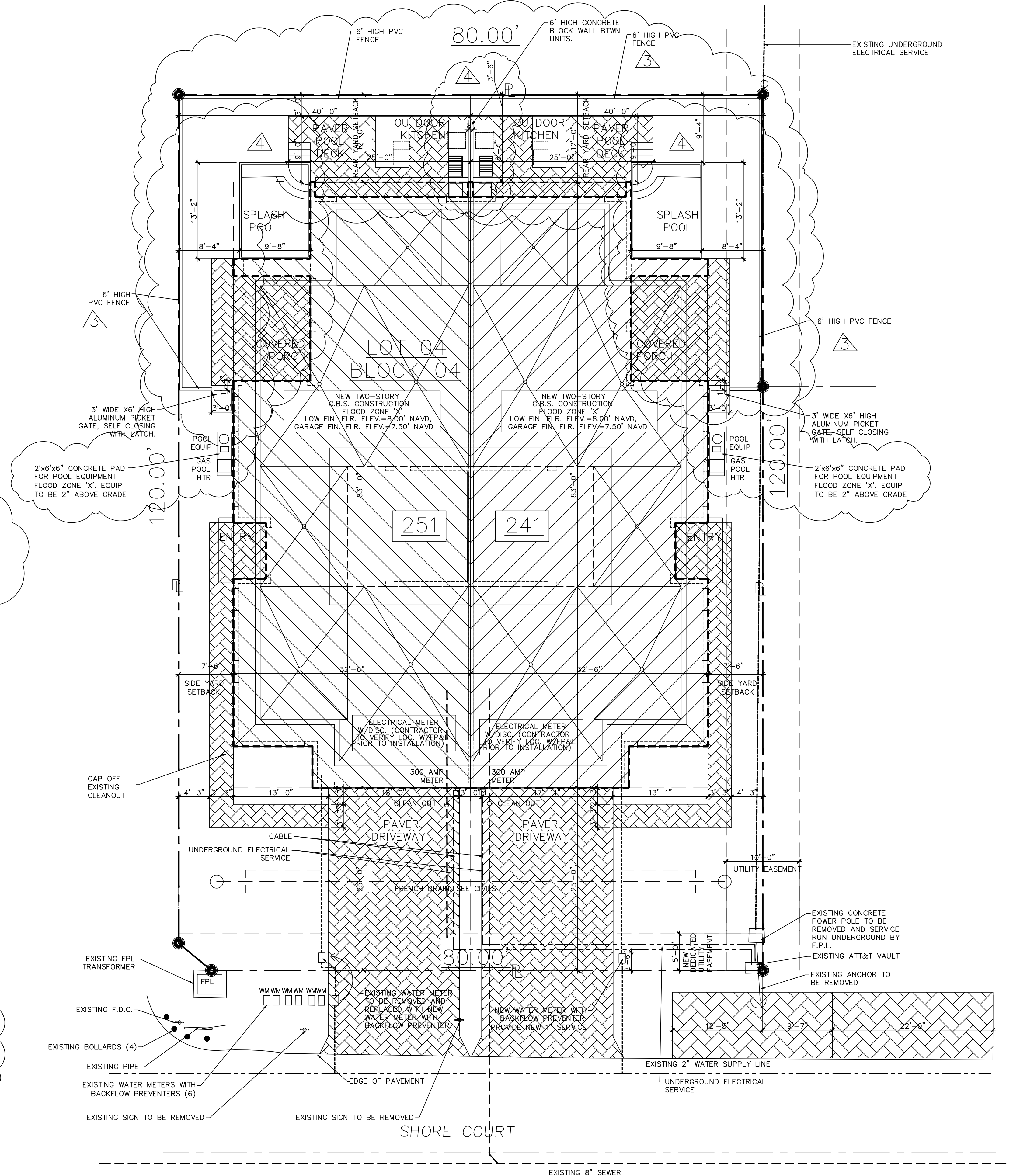
ZONING & COVERAGE PERCENTAGES :		
NET LAND AREA :	4,800 SQ.FT.	100.0 %
FOOTPRINT (UNDER ROOF) :	2,549 SQ.FT.	
DRIVES & WALKS:	627 SQ.FT.	
POOL AND DECKING	344 SQ.FT.	
SIDE WALKWAY	52 SQ.FT.	
TOTAL IMPERVIOUS AREAS :	3,572 SQ.FT.	74.41%
GREEN AREA :	1,228 SQ.FT.	25.59%

GENERAL NOTES:

1. SURVEY DATA IS BASED ON INFORMATION PROVIDED BY COUSINS SURVEY
2. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL GIVE TIMELY NOTIFICATION TO ALL UTILITY COMPANIES WITH FACILITIES IN THE AREA.
3. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO SAFEGUARD ALL EXISTING STRUCTURES, UTILITIES, AND SURVEY MAKERS.
4. CONTRACTOR SHALL COORDINATE CIVIL PLAN WITH LANDSCAPE PLAN.

DRAINAGE NOTES:

1. DRAINAGE SHALL BE INSTALLED AS PER CIVIL DRAWINGS



SITE PLAN NOTES

1. CONTRACTOR TO VERIFY ALL UTILITY CONNECTIONS

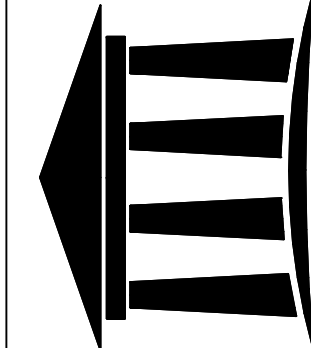
SITE PLAN

SCALE: 1/8"=1'-0"

SEAL

REVISIONS

GERALD BELGRAVE DESIGNS, LLC



BUILDING #2

NEW DUPLEX AT:
241, 251 SHORE COURT
LAUDERDALE-BY-THE-SEA

Job No. XXX

Date: 5-18-2021

Drawn by: JB

Checked: GB

ARCHITECTURE

Drawing No.

SD1

Page 24 of 64

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, with the exception of public participation meetings which shall be the responsibility of the applicant as set forth in section 30-114 of this Code.
 - (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 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	Public Participation Meeting	Board Notice Date (as applicable)	Commission Notice Date	Type of Notice			
					Website	Posted	Mailed 300'	Published (Ad Type)
Administrative adjustments, appeals from administrative decisions, plats, site plans, variances		n/a	10 days	10 days	X	X	X	n/a
Conditional uses for signs		10 days	n/a	10 days	X	X	X	n/a
A variance for a single-family home		n/a	10 days	10 days	X	X	X	n/a
Conditional uses, site plans, Level 2 site plan modifications, variances		10 days	10 days	10 days	X	X	X	n/a
Right-of-way vacations		10 days	10 days	10 days	X			X (Standard)
Architectural Review, Conditional Use Level 1 Modification, Site Plan Level 1 Modification		n/a			n/a	n/a	n/a	n/a
Comprehensive Plan - Text	163.3184	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Comprehensive Plan - Map	163.3184	10 days	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	166.041(3)(c)2	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)

prohibited uses within a zoning category).								
Land Development Code - all other Text Amendments	166.041	n/a	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	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	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	10 days	X	X	X	X (Standard)

(Ord. No. 2022-05, § 3, 8-24-2022)

Section 30-313

(s) *Accessory buildings and structures.*

- (1) On a non-waterfront lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory buildings and structures.
- (2) On a waterfront lot, side and rear setbacks abutting the water shall be the same as for the primary structure.
- (3) Accessory buildings and structures may not exceed 12 feet in height on any lot.
- (4) The aggregate floor area of all accessory buildings or land area under an accessory structure shall not exceed five percent of the plot area.
- (5) No accessory building shall contain more than 50 percent of the floor area of the principal building.
- (6) Accessory buildings and structures in commercial zoning districts may be allowed, subject to Town Commission approval. Staff shall apply the standards listed above as best as possible before the Town Commission reviews the accessory buildings and structures in the commercial zoning district.

Exhibit 4

Sec. 30-128. - Administrative adjustments.

- (a) *Purpose.* The purpose of this section is to establish standards for review of applications for Administrative Adjustments. As defined in the Administrative Adjustment Thresholds Table below, Level 1 Administrative Adjustments may be approved by the Town Manager, and Level 2 Administrative Adjustments require Town Commission approval.

Administrative Adjustments are available for certain limited variations or adjustments to building or parking standards of the Code based on specific criteria, where the application of the standard creates practical difficulties in allowing development or redevelopment that otherwise advances the purposes served by the standards of this Code and the comprehensive plan, and is compatible with surrounding development.

Administrative Adjustments can also support flexibility in development and redevelopment efforts encouraging design and compatibility equal to or better than that resulting from the strict application of the Code, in furtherance of the Architectural Design Standards of the Town and the desired Mid-Century Modern architectural style.

- (b) *Eligibility.* Developments located within any zoning district are eligible to apply for an Administrative Adjustment except that adjustments to the parking standards are not permitted in the B-1 or B-1-A zoning districts. The thresholds applicable to Level 1 and Level 2 Administrative Adjustments are shown in the following table, Administrative Adjustment Thresholds.

Administrative Adjustment Thresholds		
Building Standards that May be Adjusted	Maximum Level 1 Adjustment	Maximum Level 2 Adjustment
Setbacks	n/a	30% or 5 feet, whichever is less
Overhangs, roof cornices and eaves and exterior balconies	n/a	All other requests up to 5 feet, whichever is less
Parking standards (only permitted in residential zoning districts, see section 30-321 for relief in the B1/B1-A zoning districts)	Up to 3 spaces or 10% of the minimum parking requirement, whichever is greater	All other

- (c) *Level 1 Administrative Adjustments.*

- (1) *Review.* A Level 1 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Board of Adjustment.

- (d) *Level 2 Administrative Adjustments.*

- (1) *Review of adjustment of parking.* An application for a Level 2 Administrative Adjustment for Parking shall be accompanied by a parking report, prepared by the Town, analyzing existing and future parking demands, the availability of underutilized public parking spaces, and traffic circulation.
- (2) *Review of adjustment of building standards.* A Level 2 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Planning and Zoning Board.

- (e) *Criteria for Approval.*

- (1) *Building Standards.* An Administrative Adjustment to Building Standards shall be approved only if the requested relief is within the limits specified in Administrative Adjustments Thresholds Table,

and if the decision maker finds that there is competent substantial evidence in the record that all of the following standards are met:

- a. The Administrative Adjustment does not result in an increase in allowable density;
- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;
- 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;
- 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; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves or exterior balconies; or
 - viii. Required for an expansion, addition or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
- 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,
- f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area, and will not result in incompatible uses.
- 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.
- h. The Administrative Adjustment is consistent with the comprehensive plan.

(2) *Parking Standards.* An Administrative Adjustment to Parking Standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.

(f) *Reporting.* The Town Manager shall file a quarterly report on Administrative Adjustments with the Town Commission.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2017-01, § 2, 1-16-2017; Ord. No. 2017-04, § 2, 4-25-2017)

Administrative Adjustment Level 2
231 Shore Ct, Lauderdale by the Sea, FL, 33308

Description of the Request

The applicant is requesting an Administrative Adjustment for the property located at 231 Shore Ct, Lauderdale by the Sea, FL, 33308. On 7/15/2022 the new construction permit for the subject property was approved. The set of permitted plans included a dividing wall between the two duplex units extending to the rear property line. In October of 2023, it was brought to our attention that this component of our design is not code compliant. This was the case for four of our duplex projects in Lauderdale by the Sea. We have been able to resolve this issue on two of the four projects (4524 Seagrape Dr and 4306 E Tradewinds Ave). The issue is more difficult to resolve with the two duplexes located on Shore Ct. These two projects are significantly further along in the construction process, and the dividing walls have thus already been built. We are unable to remove the dividing wall between the duplex units for the following reasons:

- The wall has been constructed and contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. While we are able to overcome this on the other duplex projects (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending to the rear property line.
- All four units have been sold, and all four buyers expect us to deliver the product that we sold them, which includes the outdoor kitchens that were originally approved and permitted. The outdoor kitchens were a very key component of our marketing of these units. Additionally, creating an elaborate outdoor space on the first floor is one of the key ways that our design prevents homeowners from using their rooftops for recreational purposes which the code for RD-10 properties prohibits. A lot of thought went into this design, informed by market demands as well as code compliance considerations, and the permitted design was viewed by all as acceptable.

Sec 30-313 (s)(1) states that “On a non-waterfront lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory buildings and structures”. Our proposed site plan revision separates the dividing wall from the main structure, classifying it as an accessory structure. This Administrative Adjustment requests that we be allowed to have a dividing wall that is 3.5 feet from the rear property line, rather than 5 feet. This is in line with the Level 2 threshold, which applies to setback adjustments that or 30% or 5ft, whichever is less. 30% of the 5-foot setback for accessory structures in 1.5 feet, which leaves a setback of 3.5 feet between the dividing wall (accessory structure) and the rear property line.

Administrative Adjustment Criteria

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
 ⇒ The Administrative Adjustment is to extend the dividing wall between two duplexes by 1.5 feet. This has no impact on density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
 ⇒ The Administrative Adjustment is to extend the dividing wall between two duplexes. This dividing wall is not attached to the main structure and is thus an accessory structure. Sec 30-313(s)(3) states that “Accessory buildings and structures may not exceed 12 feet in height on any lot”. The proposed dividing wall is 6 feet high.
- 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.
 ⇒ There is no recorded or platted easement, or a Town right of way, in the rear of the property where the proposed dividing wall is located (please see the survey provided for reference).
- 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; or
 ⇒ The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved on 7/15/2022. When it was brought to our attention that this aspect of our design is not code compliant, the wall had already been completed. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Without the wall, the outdoor kitchens become dysfunctional. While we are able to overcome this on other duplex projects of ours with the same issue (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending into the 5-foot rear setback for accessory structures. It is the phase of construction that this project is in as well as the lack of available space in the rear of the property that makes this case unique.
 - ii. Supports an objective from the purpose statements of the zoning district where located; or

⇒ Before this project, SKY360 Development had exclusively designed townhomes for properties zoned RM-25. When creating this design for the RD-10 district, we were very cognizant of a key difference between the two zoning codes, that is, for RM-25 we were able to provide recreational space with a Summer kitchen on the rooftop, whereas for RD-10 recreational use of the rooftop is strictly prohibited. Our solution to this was to create an enticing ‘private courtyard’ area on the first floor with a Summer kitchen. We have, since the ordinance change, also relocated our AC mechanical equipment to the rooftop. The goal was to create a clearly designated recreational space on the first floor, and a clearly utilitarian non-recreational space on the rooftop. This design was permitted on 7/15/2022. In October of 2023 it was brought to our attention that the dividing wall between the two duplex units is not code compliant. This dividing wall is required for the Summer kitchen design. We have reduced the length of the wall and detached it from the main structure, but the Administrative Adjustment is necessary for us to deliver the design that we have contractually obligated ourselves to, and which serves to support the RD-10 zoning code re: recreational use of the units.

- iii. Proposed to protect sensitive natural resources or save existing trees; or
- iv. Supports Mid-Century Modern Architecture; or
- v. Utilized to create a view corridor or other benefit to the Community; or
- vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
- vii. Required to allow a setback which meets the existing building’s current side or rear setback. Overhangs, roof cornices, eaves, or exterior balconies; or
- viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.

⇒ As mentioned in the response to item d(i) above, the dividing wall that we are seeking an administrative adjustment for has already been constructed because it was part of our permitted set of plans approved before we or the City realized that it was not code compliant. The proposed adjustment reduces the length of the wall that was originally approved, so it will reduce (not increase) the footprint of the wall already constructed.

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

⇒ The proposed adjustment extends the dividing wall 1.5 feet further than what is allowed by code. It will still be entirely located on the property of the proposed development and will not be seen by adjacent properties (there will be a 6-foot fence surrounding

the property and landscaping providing privacy). The extension of the wall poses no danger to public health or safety.

- 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 surrounding area is zoned RD-10. Extending the dividing wall between the two duplex units by 1.5 feet is still consistent with the overall nature and purpose of the area's development. Furthermore, the requested adjustment will not result in activities that are inconsistent or conflicting with the intended or established uses of the surrounding area. As explained in the response to item d(i), extending the wall and thus allowing the construction of the approved outdoor kitchen serves to support the use of the 1st floor for recreational use, as opposed to the rooftop which is prohibited under RD-10 zoning.
- 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.
 - ⇒ There are not adverse impacts to mitigate.
- h) The Administrative Adjustment is consistent with the comprehensive plan.
- i) An Administrative Adjustment to parking standards may be approved, in whole or in part, upon finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.
 - ⇒ N/A (not applying for a parking reduction).



Planning and Zoning Board Agenda Item Report

Meeting Date: January 3, 2024

Submitted By: Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Presentation

Agenda Section: NEW BUSINESS

Subject Title: 241 Shore Court 2023-L2-AA-05/ Administrative Adjustment

Explanation: See attached report.

Recommendation: The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.

Exhibits:

1. 2023-L2-AA-05 Staff Report 241 Shore Court
2. Ex 1 241 Shore Court App and Plans
3. Ex 2 Public Notice 30-139
4. Ex 3 30-313 Accessory buildings and structures
5. Ex 4 Sec 30-128 Administrative Adjustments
6. Ex 5 Applicant narrative



Town of Lauderdale-by-the-Sea
Development Services

To: Planning & Zoning Board

From: Jhanelle Campbell, Development Services Director

Meeting Date: January 3, 2024

Re: Case Number 2023-L2-AA-05: Pursuant to Chapter 30 "Unified Land Development Regulations," Article IV "Development Permits – Applications, Requirements And Review Procedures," Division 4 "Adjustments To The Code – Procedures And Requirements," Section 30-128 "Administrative Adjustments" of the Town's Code of Ordinances ("Town Code"), the Applicant has requested a Level 2 Administrative Adjustment (2023-L2-AA-05) to permit the encroachment of an accessory structure (freestanding wall) 1.5 feet into the required 5-foot rear setback for the property located at 241 Shore Court.

The purpose of this memorandum is to provide findings and recommendations regarding the Level 2 Administrative Adjustment application (**Exhibit 1**) submitted to the Town of Lauderdale-By-The-Sea (the "Town") by Sky 360 Development LLC (the "Applicant") to allow a 1.5-foot encroachment into the 5-foot required rear setback for an accessory structure (freestanding wall) for property located at 241 Shore Court (the "Property") (**Diagram 1**).

Diagram 1



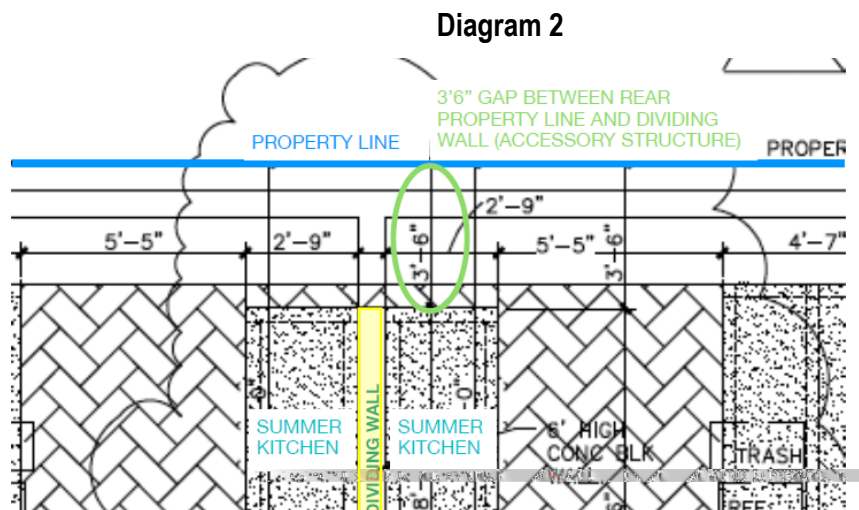
The Applicant has paid the appropriate fee and submitted the required documents. Notice has been given to all property owners located within a three hundred (300) foot radius of the Property. The Property has been posted and the public hearing concerning the Level 2 Administrative Adjustment

has been advertised, pursuant to Section 30-139 of the Town Code (**Exhibit 2**). Staff has not received comments from the public regarding this request.

Background and Request

The Property is a parcel of land under construction, located within the RD-10 zoning district (**Exhibit 3**). The property is 9,597 SF (.22 acres) in size. The proposal seeks to allow a 1.5-foot encroachment into the required 5-foot rear setback for an accessory structure (freestanding wall).

Diagram 2 shows the location of the additions. The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved in July of 2022. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Section 30-128 of the Town Code requires a setback of five (5) feet from the rear property line. The proposed encroachment of 1.5 feet will bring the rear setback to three point five (3.5) feet for a total encroachment of one point five (1.5) feet. The Code allows an encroachment of up to thirty percent (30%) of the required setback, which in this case is 1.5 feet.



Administrative Adjustment

Town Code Provision

Section 30-128 of the Town Code (**Exhibit 4**) establishes Level 1 and Level 2 Administrative Adjustment standards that allow the Town Manager and Town Commission, respectively, to approve a reduction in parking standards and/or setback requirements. A Level 2 Administrative Adjustment is permitted for setback encroachments of up to thirty percent (30%) or five (5) feet of the required setback, whichever is less (**Table 1**). The Town Code requires review by the Town Staff, Planning & Zoning Board, and Town Commission.

Table 1

Administrative Adjustment Thresholds			
Building Standards that May be Adjusted	<u>Maximum Level 1 Adjustment</u>	<u>Maximum Level 2 Adjustment</u>	<u>231 Shore Court</u>
Setbacks	n/a	30% or 5 feet, whichever is less	1.5 foot encroachment 30% of the 5 foot required setback is 1.5'

Criteria and Analysis

Section 30-128 of the Town Code states that an encroachment into the required setbacks shall be approved if the requested relief is within the limits specified in the Administrative Adjustments Thresholds Table and the decision maker finds that there is competent substantial evidence in the record that all of the following standards are met:

- a. The Administrative Adjustment does not result in an increase in allowable density;
Applicant response: The administrative adjustment is to extend the dividing wall between two duplexes by 1.5 feet. This has no impact on density.
Staff response: The criterion has been met.
- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;
Applicant response: The Administrative Adjustment is to extend the dividing wall between two duplexes. This dividing wall is not attached to the main structure and is thus an accessory structure. Sec 30-313(s)(3) states that "Accessory buildings and structures may not exceed 12 feet in height on any lot". The proposed dividing wall is 6 feet high.
Staff response: The criterion has been met.
- 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;
Applicant response: There is no recorded or platted easement, or a Town right-of-way, in the rear of the property where the proposed dividing wall is located (please see survey provided for reference).
Staff response: The criterion has been met.
- 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; or

Applicant Response: The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved on 7/15/2022. When it was brought to our attention that this aspect of our design is not code compliant, the wall had already been completed. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Without the wall, the outdoor kitchens become dysfunctional. While we are able to overcome this on other duplex projects of ours with the same issue (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending into the 5-foot rear setback for accessory structures. It is the phase of construction that this project is in as well as the lack of available space in the rear of the property that makes this case unique.

- ii. Supports an objective from the purpose statements of the zoning district where located;
or

Applicant Response: Before this project, SKY360 Development had exclusively designed townhomes for properties zoned RM-25. When creating this design for the RD-10 district, we were very cognizant of a key difference between the two zoning codes, that is, for RM-25 we were able to provide recreational space with a Summer kitchen on the rooftop, whereas for RD-10 recreational use of the rooftop is strictly prohibited. Our solution to this was to create an enticing 'private courtyard' area on the first floor with a Summer kitchen. We have, since the ordinance change, also relocated our AC mechanical equipment to the rooftop. The goal was to create a clearly designated recreational space on the first floor, and a clearly utilitarian non-recreational space on the rooftop. This design was permitted on 7/15/2022. In October of 2023 it was brought to our attention that the dividing wall between the two duplex units is not code compliant. This dividing wall is required for the Summer kitchen design. We have reduced the length of the wall and detached it from the main structure, but the Administrative Adjustment is necessary for us to deliver the design that we have contractually obligated ourselves to, and which serves to support the RD-10 zoning code re: recreational use of the units.

- iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
iv. Supports Mid-Century Modern Architecture; or
v. Utilized to create a view corridor or other benefit to the Community; or
vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves or exterior balconies; or
viii. Required for an expansion, addition or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.

Applicant response: As mentioned in the response to item d(i) above, the dividing wall that we are seeking an administrative adjustment for has already been

constructed because it was part of our permitted set of plans approved before we or the City realized that it was not code compliant. The proposed adjustment reduces the length of the wall that was originally approved, so it will reduce (not increase) the footprint of the wall already constructed.

Staff response: The criterion has been met.

- 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,

Applicant response: The proposed adjustment extends the dividing wall 1.5 feet further than what is allowed by code. It will still be entirely located on the property of the proposed development and will not be seen by adjacent properties (there will be a 6-foot fence surrounding the property and landscaping providing privacy). The extension of the wall poses no danger to public health or safety.

Staff response: The criterion has been met.

- f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.

Applicant response: The surrounding area is zoned RD-10. Extending the dividing wall between the two duplex units by 1.5 feet is still consistent with the overall nature and purpose of the area's development. Furthermore, the requested adjustment will not result in activities that are inconsistent or conflicting with the intended or established uses of the surrounding area. As explained in the response to item d(i), extending the wall and thus allowing the construction of the approved outdoor kitchen serves to support the use of the 1st floor for recreational use, as opposed to the rooftop which is prohibited under RD-10 zoning.

Staff response: The criterion has been met.

- 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.

Applicant response: There are not adverse impacts to mitigate.

Staff response: The criterion has been met.

- h. The Administrative Adjustment is consistent with the comprehensive plan.

Staff Response: The criterion has been met.

Summary Findings and Recommendations

The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.

Exhibits

Exhibit 1 – Level 2 Administrative Adjustment Application with Plans

Administrative Adjustment
241 Shore Court
Meeting January 3, 2024

Exhibit 2 – Town Code Section 30-139 Public Notice

Exhibit 3 – Town Code Section 30-313 (s) Accessory Buildings and Structures

Exhibit 4 – Town Code Section 30-128 Administrative Adjustments

Exhibit 5 – Applicant Narrative

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2



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: 2023-L2-AA-05

BTR #: _____

Date Application Submitted: November 17, 2023

Date Application Found Complete: November 21, 2023

Pre-Application Meeting Date: _____

Non-Refundable Application Fee: \$350.00

Cost Recovery Fee: \$400.00

LAUDERDALE•BY•THE•SEA

ADMINISTRATIVE ADJUSTMENT LEVEL 2

In accordance with Town Code Section 30-128, a Level 2 Administrative Adjustment may be requested for:

- Setback adjustments up to 30% or 5 feet, whichever is less
- Overhangs, roof cornices and eaves and exterior balconies and all other requests up to five (5) feet, whichever is less
- More than three (3) parking spaces or more than 10% of the minimum parking requirement (for residential zoning districts only)

SECTION A: PROJECT DETAILS

Project Name: 241 Shore Court New Construction

Code Section from which Administrative Adjustment is sought: Sec 30-313 (s)

SECTION B: ITEMS FOR SUBMITTAL

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

- The Fee for Administrative Adjustment Level 2 + Deposit ([See Fee Schedule](#))
- A description of the request
- Two (2) current surveys, signed and sealed.
- Two (2) hard copies of a sketch that identifies the following:
 - All improvements and structures on the subject parcel
 - Proposed improvements which necessitates the adjustment
 - Distance of improvement from property line
 - Overhang distance from the building
- For parking reductions, submit a parking report that identifies the following:
 - Available parking within distance to the subject property
 - Pedestrian public route(s) from public parking to subject parking
- For building adjustments, explain how the administrative adjustment request meets the criteria as established in Town Code Section 30-128 (see Section C)

SECTION C: CRITERIA FOR APPROVAL

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
- 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.
- 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; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves, or exterior balconies; or
 - viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
- 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.
- f) The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area and will not result in incompatible uses.
- 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.
- h) The Administrative Adjustment is consistent with the comprehensive plan.
- i) An administrative adjustment to parking standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.

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



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: _____

BTR #: _____

Date Application Submitted: _____

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

Project Name: 231 Shore Court New Construction

Folio Numbers: 4943 1827 0313

Street Address: 231 Shore Ct, Lauderdale by the Sea, FL, 33308

Legal Description: SILVER SHORES UNIT A 28-39 B LOT 3 BLK 4

Name of Property Owner: SKY 360 Development LLC Property Owner's Phone #: 954-696-3304

Address of Property Owner: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Property Owner's Email Address: kaistadler@gmail.com

Name of Applicant: Kylie Kuhl Applicant's Phone #: 954-740-3160

Applicant's Address: 218 Commercial Blvd, Suite 106, LBTS, FL, 33308

Applicant Email Address: kyliekuhl33@gmail.com

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

Agent's Email Address: stephan@smhconstructionllc.com Agent's Phone #: 954-394-4020

Agent's Address: 218 Commercial Blvd, Suite 106, LBTs, FL, 33308

Land Use Plan Designation: Duplex Zoning District: RD-10

Existing Use of the Subject Property: Under Construction

Proposed Use of the Subject Property: Duplex

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

I Kai Stadler (Applicant/ Property Owner) hereby waive my rights as to the required review time stated in House Bill 7103 as it relates to time limits to review applications for approval of a development permit or development order.

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

DEVELOPMENT APPLICATION SIGNATURE SECTION

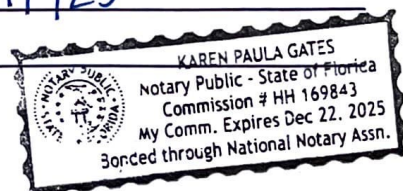
Property Owner

Print Name of Property Owner: Kai Stadler Date: 11/17/23

Signature of Property Owner: _____

State of Florida:

County: Broward



SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day 17 of Nov, 2023.

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

Print Notary Name: Karen Gates My Commission Expires: 12.22.25

Notary Signature: Karen Gates

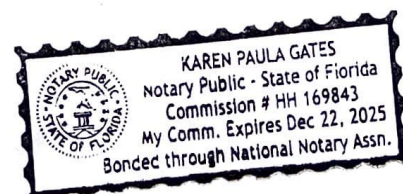
Applicant

Print Name of Applicant Kylie Kuhl Date: 11/17/23

Signature of Applicant Kylie Kuhl

State of Florida:

County: Broward

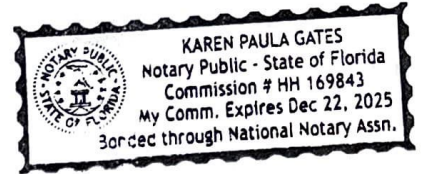


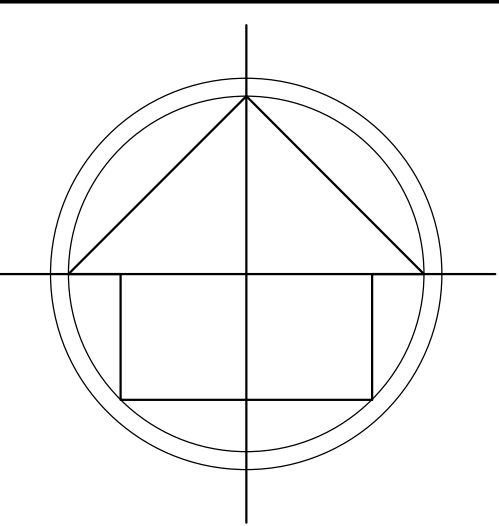
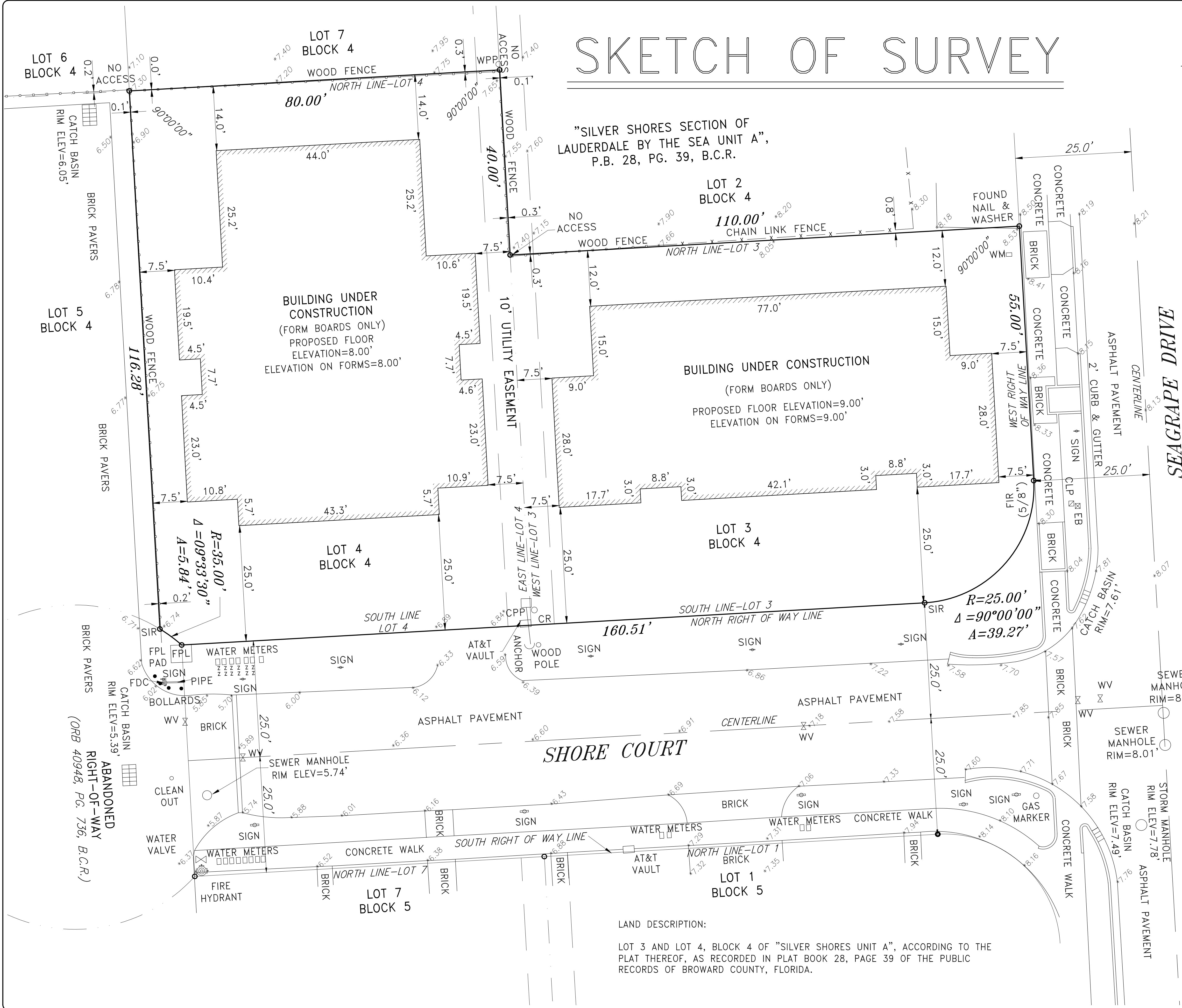
SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day
17 of NOV, 2023

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

Print Notary Name: Karen Gates My Commission Expires: 12.22.25

Notary Signature: Karen Gates





FLOOD ZONE INFORMATION	
COMMUNITY NUMBER	120055
PANEL NUMBER	0378 H
ZONE	X
BASE FLOOD ELEV	N/A
EFFECTIVE DATE	08/18/14

- LEGEND:
- | | |
|--------|--------------------------|
| CKD | CHECKED BY |
| CONC | CONCRETE |
| DWN | DRAWN BY |
| FB/PG | FIELD BOOK AND PAGE |
| SIR | SET IRON ROD & CAP #6448 |
| SNC | SET NAIL AND CAP #6448 |
| FIR | FOUND IRON ROD |
| FIP | FOUND IRON PIPE |
| FNC | FOUND NAIL AND CAP |
| FND | FOUND NAIL & DISC |
| P.B. | PLAT BOOK |
| B.C.R. | BROWARD COUNTY RECORDS |
| -X- | CHAIN LINK/ WOOD FENCE |
| ELEV | ELEVATION |
| EB | ELECTRIC BOX |
| CBS | CONCRETE BLOCK STRUCTURE |
| -E- | OVERHEAD UTILITY WIRES |
| A/C | AIR CONDITIONER |
| WPP | WOOD POWER POLE |
| CLP | CONCRETE LIGHT POLE |
| CPP | CONCRETE POWER POLE |
| CR | CABLE RISER |
| BFP | BACK FLOW PREVENTER |
| CO | CLEAN OUT |
| *3.85 | ELEVATIONS |
| A | ARC DISTANCE |
| R | RADIUS |
| Δ | CENTRAL ANGLE |

- NOTES :
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
 - THIS SURVEY WAS DONE SOLELY FOR BOUNDARY PURPOSES AND DOES NOT DEPICT THE JURISDICTION OF ANY MUNICIPAL, STATE, FEDERAL OR OTHER ENTITIES.
 - THE LAND DESCRIPTION SHOWN HEREON WAS PROVIDED BY THE CLIENT.
 - UNDERGROUND IMPROVEMENTS NOT SHOWN.
 - ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 - BENCHMARK REFERENCE: BROWARD COUNTY BENCHMARK # 0961A ELEVATION= 4.32' (NAVD88)

I HEREBY CERTIFY THAT THE "SKETCH OF SURVEY" OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED IN THE FIELD UNDER MY DIRECTION IN DECEMBER, 2022. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE. PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THERE ARE NO ABOVE GROUND ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY: Richard E. Cousins

RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

SURVEY DATE : 12/27/22

COUSINS SURVEYORS & ASSOCIATES, INC.



3921 SW 47TH AVENUE, SUITE 1011
DAVIE, FLORIDA 33314
CERTIFICATE OF AUTHORIZATION : LB # 6448
PHONE (954) 689-7766 FAX (954) 689-7799

CLIENT :

SKY 360

227 SHORE COURT
4229 SEAGRAPE DRIVE
LAUDERDALE BY THE SEA, FLORIDA

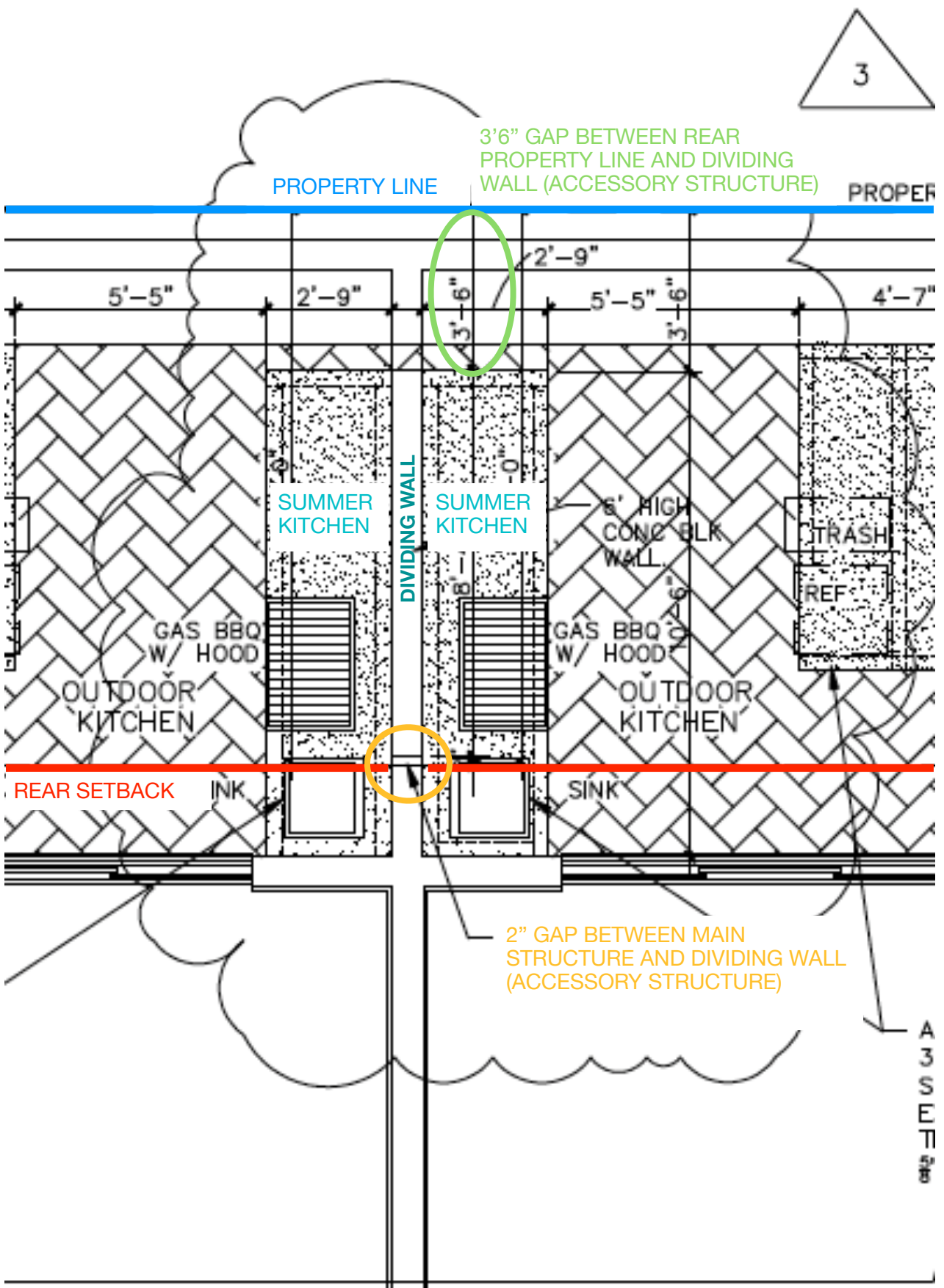
SKETCH OF SURVEY

REVISIONS	DATE	FB/PG	DWN	CKD
BOUNDARY & IMPROVEMENTS SURVEY	07/01/21	DATA/COLL	AM	REC
ADDITIONAL ELEVATIONS ADDED	04/27/22	DATA/COLL	JD	REC
FORM BOARD SURVEY	12/27/22	SKETCH	JD	REC

PROJECT NUMBER: 9587-21

SCALE : 1" = 10'

SHEET
1
OF
1
SHEET



LIST OF DRAWINGS:	
COV	COVER SHEET
SITE	
SD1	SITE PLAN
SD2	SITE DETAILS
L1	LANDSCAPE PLAN
L2	IRRIGATION PLAN

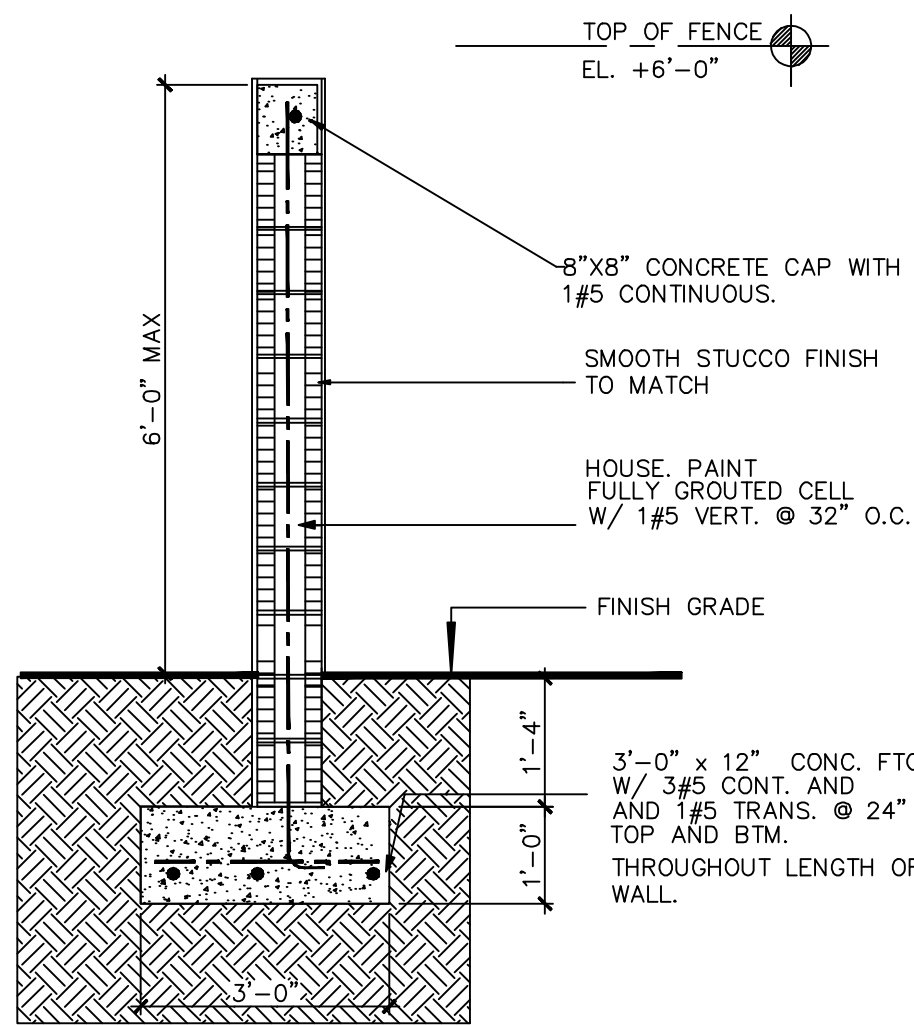
CIVIL	
C-1	EROSION CONTROL PLAN
C-2	P,D&G PLAN
C-3	DETAILS

ARCHITECTURAL	
A1	FIRST FLOOR PLAN
A1.1	SCHEDULES, OUTDOOR KITCHEN
A2	SECOND FLOOR PLAN
A3	THIRD FLOOR PLAN
A4	ELEVATIONS
A4.1	ELEVATIONS
A5	TYPICAL WALL SECTIONS
A6	TYPICAL WALL SECTIONS
A7	TYPICAL WALL SECTIONS
STRUCTURAL	
S1.0	FOUNDATION PLAN
S1.1	FOUNDATION NOTES AND SCHEDULES
S1.2	FIRE RATING DETAILS
S2.0	SECOND FLOOR SLAB
S2.1	SECOND FLOOR SLAB NOTES /SCHEDULES
S3.0	ROOFTOP PLAN
S4.0	PENTHOUSE ROOF PLAN

MECHANICAL	
M1	FIRST FLOOR MECHANICAL PLAN
M2	SECOND FLOOR/ ROOFTOP MECHICAL PLAN
M3	NOTES AND SCHEDULES

ELECTRICAL	
E1	FIRST FLOOR ELECTRICAL PLAN
E2	SECOND FLOOR/ ROOFTOP ELECTRICAL PLAN
E3	SCHEDULES

PLUMBING	
P1	FIRST FLOOR PLUMBING GAS/ PLAN
P2	SECOND FLOOR PLUMBING/ GAS PLAN
P3	RISER DIAGRAMS



COMMON PRIVACY WALL

SITE INFORMATION- UNIT A
CITY OF LAUDERDALE-BY-THE-SEA

251 SHORE COURT, L.B.T.S.
LEGAL DESCRIPTION
THE WEST 1/2 OF LOT 04, BLOCK 4, OF "SILVER SHORES SECTION OF LAUDERDALE BY THE SEA UNIT A" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 39 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
FOLIO # 4943 18 05 0520
MAP NUMBER 125105 0557H
CONSTRUCTION & OCCUPANCY TYPE
TYPE VB- CONSTRUCTION
OCCUPANCY TYPE : GROUP RESIDENTIAL
FLORIDA BUILDING CODE 2020

ZONING DATA		
ZONING CATEGORY	RD-10	
FLOOD ZONE	FLOOD ZONE 'X'	
DESCRIPTION	REQUIREMENT	PROVIDED ON SITE
SET BACKS		
FRONT	25'-0" MIN.	25'-0"
SIDE	7'-6" MIN.	7'-6"
REAR	12'-0" MIN.	12'-0"
MIN LOT SIZE		4,791 S.F.
HEIGHT PER SECTION 30.221-(B) PENTHOUSES TO ENCLOSE ELEVATOR MACHINERY SHALL NOT BE INCLUDED IN HEIGHT.	MAX. 33'-0"	36'-3" TO PENTHOUSE 25'-4" TO ROOF
SITE CALCULATIONS ZONING & COVERAGE PERCENTAGES :		
NET LAND AREA :	4,791.0 SQ.FT.	100.0 %
FOOTPRINT (UNDER ROOF) :	2,549 SQ.FT.	
DRIVES & WALKS:	2,549 SQ.FT.	
POOL AND DECKING	627 SQ.FT.	
SIDE WALKWAY	344 SQ.FT.	
TOTAL IMPERVIOUS AREAS :	3,572 SQ.FT.	74.55%
GREEN AREA :	1,219 SQ.FT.	25.44%

SITE INFORMATION- UNIT B
CITY OF LAUDERDALE-BY-THE-SEA

241 SHORE COURT, L.B.T.S.
LEGAL DESCRIPTION
THE EAST 1/2 OF LOT 04, BLOCK 4, OF "SILVER SHORES SECTION OF LAUDERDALE BY THE SEA UNIT A" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 39 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.
FOLIO # 4943 18 05 0520
MAP NUMBER 125105 0557H
CONSTRUCTION & OCCUPANCY TYPE
TYPE VB- CONSTRUCTION
OCCUPANCY TYPE : GROUP RESIDENTIAL
FLORIDA BUILDING CODE 2020

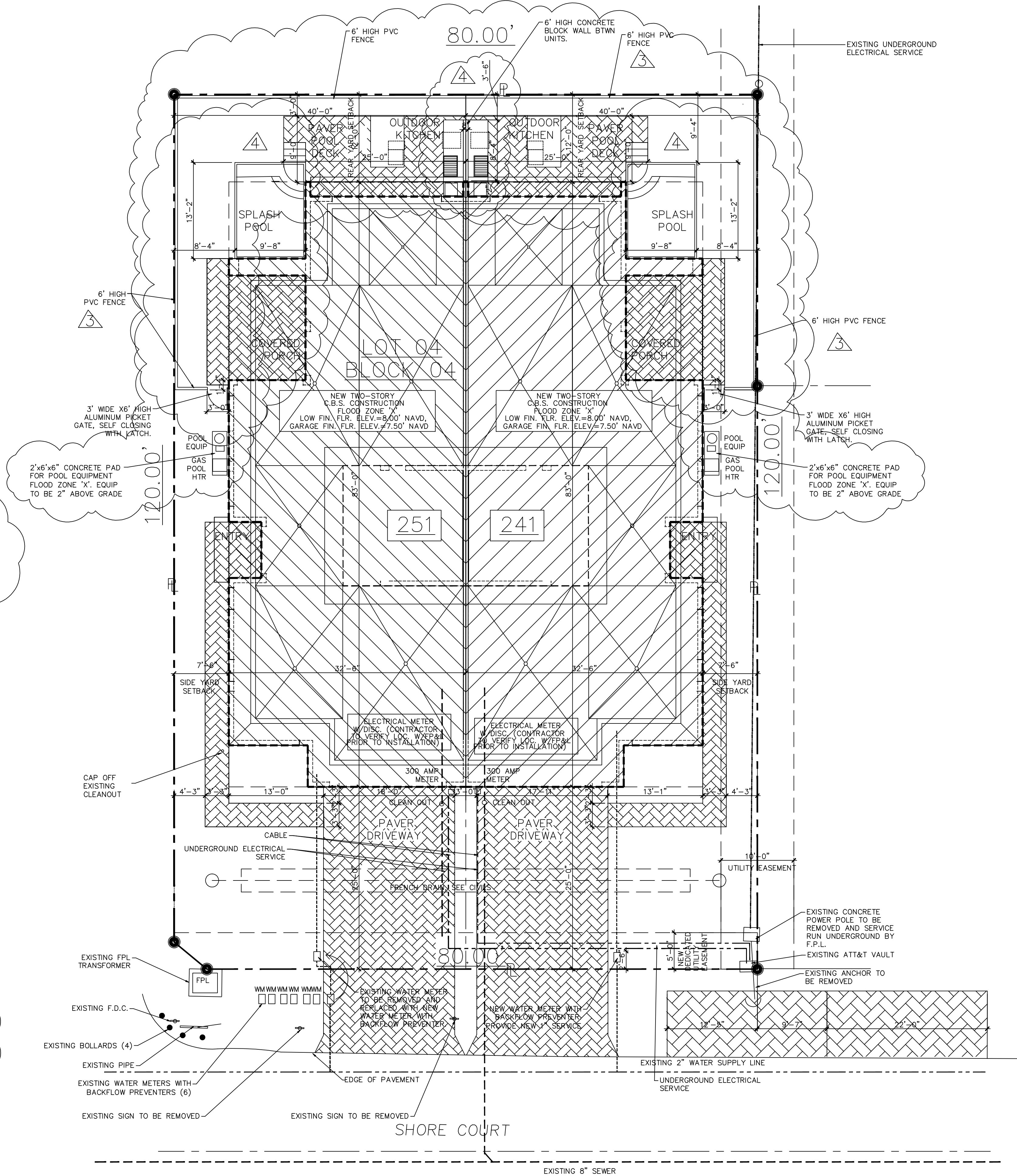
ZONING DATA		
ZONING CATEGORY	RD-10	
FLOOD ZONE	FLOOD ZONE 'X'	
DESCRIPTION	REQUIREMENT	PROVIDED ON SITE
SET BACKS		
FRONT	25'-0" MIN.	25'-0"
SIDE	7'-6" MIN.	7'-6"
REAR	12'-0" MIN.	12'-0"
MIN LOT SIZE		4,800 S.F.
HEIGHT PER SECTION 30.221-(B) PENTHOUSES TO ENCLOSE ELEVATOR MACHINERY SHALL NOT BE INCLUDED IN HEIGHT.	MAX. 33'-0"	36'-3" TO PENTHOUSE 25'-2" TO ROOF
SITE CALCULATIONS ZONING & COVERAGE PERCENTAGES :		
NET LAND AREA :	4,800 SQ.FT.	100.0 %
FOOTPRINT (UNDER ROOF) :	2,549 SQ.FT.	
DRIVES & WALKS:	627 SQ.FT.	
POOL AND DECKING	344 SQ.FT.	
SIDE WALKWAY	52 SQ.FT.	
TOTAL IMPERVIOUS AREAS :	3,572 SQ.FT.	74.41%
GREEN AREA :	1,228 SQ.FT.	25.59%

GENERAL NOTES:

1. SURVEY DATA IS BASED ON INFORMATION PROVIDED BY COUSINS SURVEY
2. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL GIVE TIMELY NOTIFICATION TO ALL UTILITY COMPANIES WITH FACILITIES IN THE AREA.
3. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO SAFEGUARD ALL EXISTING STRUCTURES, UTILITIES, AND SURVEY MAKERS.
4. CONTRACTOR SHALL COORDINATE CIVIL PLAN WITH LANDSCAPE PLAN.

DRAINAGE NOTES:

1. DRAINAGE SHALL BE INSTALLED AS PER CIVIL DRAWINGS



SITE PLAN NOTES

1. CONTRACTOR TO VERIFY ALL UTILITY CONNECTIONS

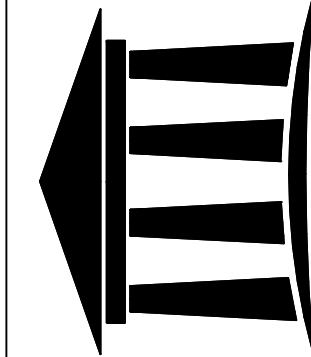
SITE PLAN

SCALE: 1/8"=1'-0"

SEAL

REVISIONS

GERALD BELGRAVE DESIGNS, LLC
Architect . Planner . Interior Designer
2601 E. OAKLAND PARK BLVD, SUITE 203,
FORT LAUDERDALE, FLA., 33306
Phone (954) 298-2540
Arch. Reg. No. 15,085



BUILDING #2
NEW DUPLEX AT:
241, 251 SHORE COURT
LAUDERDALE-BY-THE-SEA

Job No:
XXX

Date:
5-18-2021

Drawn by:
JB

Checked:
GB

ARCHITECTURE

Drawing No.

SD1

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, with the exception of public participation meetings which shall be the responsibility of the applicant as set forth in section 30-114 of this Code.
 - (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 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	Public Participation Meeting	Board Notice Date (as applicable)	Commission Notice Date	Type of Notice			
					Website	Posted	Mailed 300'	Published (Ad Type)
Administrative adjustments, appeals from administrative decisions, plats, site plans, variances		n/a	10 days	10 days	X	X	X	n/a
Conditional uses for signs		10 days	n/a	10 days	X	X	X	n/a
A variance for a single-family home		n/a	10 days	10 days	X	X	X	n/a
Conditional uses, site plans, Level 2 site plan modifications, variances		10 days	10 days	10 days	X	X	X	n/a
Right-of-way vacations		10 days	10 days	10 days	X			X (Standard)
Architectural Review, Conditional Use Level 1 Modification, Site Plan Level 1 Modification		n/a			n/a	n/a	n/a	n/a
Comprehensive Plan - Text	163.3184	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)
Comprehensive Plan - Map	163.3184	10 days	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	166.041(3)(c)2	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)

prohibited uses within a zoning category).								
Land Development Code - all other Text Amendments	166.041	n/a	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	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	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	10 days	X	X	X	X (Standard)

(Ord. No. 2022-05, § 3, 8-24-2022)

Section 30-313

(s) *Accessory buildings and structures.*

- (1) On a non-waterfront lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory buildings and structures.
- (2) On a waterfront lot, side and rear setbacks abutting the water shall be the same as for the primary structure.
- (3) Accessory buildings and structures may not exceed 12 feet in height on any lot.
- (4) The aggregate floor area of all accessory buildings or land area under an accessory structure shall not exceed five percent of the plot area.
- (5) No accessory building shall contain more than 50 percent of the floor area of the principal building.
- (6) Accessory buildings and structures in commercial zoning districts may be allowed, subject to Town Commission approval. Staff shall apply the standards listed above as best as possible before the Town Commission reviews the accessory buildings and structures in the commercial zoning district.

Exhibit 4

Sec. 30-128. - Administrative adjustments.

- (a) *Purpose.* The purpose of this section is to establish standards for review of applications for Administrative Adjustments. As defined in the Administrative Adjustment Thresholds Table below, Level 1 Administrative Adjustments may be approved by the Town Manager, and Level 2 Administrative Adjustments require Town Commission approval.

Administrative Adjustments are available for certain limited variations or adjustments to building or parking standards of the Code based on specific criteria, where the application of the standard creates practical difficulties in allowing development or redevelopment that otherwise advances the purposes served by the standards of this Code and the comprehensive plan, and is compatible with surrounding development.

Administrative Adjustments can also support flexibility in development and redevelopment efforts encouraging design and compatibility equal to or better than that resulting from the strict application of the Code, in furtherance of the Architectural Design Standards of the Town and the desired Mid-Century Modern architectural style.

- (b) *Eligibility.* Developments located within any zoning district are eligible to apply for an Administrative Adjustment except that adjustments to the parking standards are not permitted in the B-1 or B-1-A zoning districts. The thresholds applicable to Level 1 and Level 2 Administrative Adjustments are shown in the following table, Administrative Adjustment Thresholds.

Administrative Adjustment Thresholds		
Building Standards that May be Adjusted	Maximum Level 1 Adjustment	Maximum Level 2 Adjustment
Setbacks	n/a	30% or 5 feet, whichever is less
Overhangs, roof cornices and eaves and exterior balconies	n/a	All other requests up to 5 feet, whichever is less
Parking standards (only permitted in residential zoning districts, see section 30-321 for relief in the B1/B1-A zoning districts)	Up to 3 spaces or 10% of the minimum parking requirement, whichever is greater	All other

- (c) *Level 1 Administrative Adjustments.*

- (1) *Review.* A Level 1 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Board of Adjustment.

- (d) *Level 2 Administrative Adjustments.*

- (1) *Review of adjustment of parking.* An application for a Level 2 Administrative Adjustment for Parking shall be accompanied by a parking report, prepared by the Town, analyzing existing and future parking demands, the availability of underutilized public parking spaces, and traffic circulation.
- (2) *Review of adjustment of building standards.* A Level 2 Administrative Adjustment application shall be reviewed and evaluated by the DSD, any other Town departments or staff the DSD determines are applicable, and the Planning and Zoning Board.

- (e) *Criteria for Approval.*

- (1) *Building Standards.* An Administrative Adjustment to Building Standards shall be approved only if the requested relief is within the limits specified in Administrative Adjustments Thresholds Table,

and if the decision maker finds that there is competent substantial evidence in the record that all of the following standards are met:

- a. The Administrative Adjustment does not result in an increase in allowable density;
- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;
- 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;
- 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; or
 - ii. Supports an objective from the purpose statements of the zoning district where located; or
 - iii. Proposed to protect sensitive natural resources or save healthy existing trees; or
 - iv. Supports Mid-Century Modern Architecture; or
 - v. Utilized to create a view corridor or other benefit to the Community; or
 - vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
 - vii. Required to allow a setback which matches the existing building's current side or rear setback, overhangs, roof cornices, eaves or exterior balconies; or
 - viii. Required for an expansion, addition or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.
- 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,
- f. The requested Administrative Adjustment is not incompatible with the character of development in the surrounding area, and will not result in incompatible uses.
- 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.
- h. The Administrative Adjustment is consistent with the comprehensive plan.

(2) *Parking Standards.* An Administrative Adjustment to Parking Standards may be approved, in whole or in part, upon a finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.

(f) *Reporting.* The Town Manager shall file a quarterly report on Administrative Adjustments with the Town Commission.

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2017-01, § 2, 1-16-2017; Ord. No. 2017-04, § 2, 4-25-2017)

Administrative Adjustment Level 2 241 Shore Ct, Lauderdale by the Sea, FL, 33308

Description of the Request

The applicant is requesting an Administrative Adjustment for the property located at 241 Shore Ct, Lauderdale by the Sea, FL, 33308. On 7/18/2022 the new construction permit for the subject property was approved. The set of permitted plans included a dividing wall between the two duplex units extending to the rear property line. In October of 2023, it was brought to our attention that this component of our design is not code compliant. This was the case for four of our duplex projects in Lauderdale by the Sea. We have been able to resolve this issue on two of the four projects (4524 Seagrape Dr and 4306 E Tradewinds Ave). The issue is more difficult to resolve with the two duplexes located on Shore Ct. These two projects are significantly further along in the construction process, and the dividing walls have thus already been built. We are unable to remove the dividing wall between the duplex units for the following reasons:

- The wall has been constructed and contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. While we are able to overcome this on the other duplex projects (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending to the rear property line.
- All four units have been sold, and all four buyers expect us to deliver the product that we sold them, which includes the outdoor kitchens that were originally approved and permitted. The outdoor kitchens were a very key component of our marketing of these units. Additionally, creating an elaborate outdoor space on the first floor is one of the key ways that our design prevents homeowners from using their rooftops for recreational purposes which the code for RD-10 properties prohibits. A lot of thought went into this design, informed by market demands as well as code compliance considerations, and the permitted design was viewed by all as acceptable.

Sec 30-313 (s)(1) states that “On a non-waterfront lot containing a single-family, duplex or townhouse dwelling, side and rear yard setbacks not abutting a street may be reduced to five feet for accessory buildings and structures”. Our proposed site plan revision separates the dividing wall from the main structure, classifying it as an accessory structure. This Administrative Adjustment requests that we be allowed to have a dividing wall that is 3.5 feet from the rear property line, rather than 5 feet. This is in line with the Level 2 threshold, which applies to setback adjustments that or 30% or 5ft, whichever is less. 30% of the 5-foot setback for accessory structures in 1.5 feet, which leaves a setback of 3.5 feet between the dividing wall (accessory structure) and the rear property line.

Exhibit 5

Administrative Adjustment Criteria

Section 30-128 of the Code of Ordinances states an Administrative Adjustment to Building Standards shall be approved only if all of the following standards are met:

- a) The Administrative Adjustment does not result in an increase in allowable density.
 - ⇒ The Administrative Adjustment is to extend the dividing wall between two duplexes by 1.5 feet. This has no impact on density.
- b) The Administrative Adjustment does not provide for building height that exceeds the zoning code standards.
 - ⇒ The Administrative Adjustment is to extend the dividing wall between two duplexes. This dividing wall is not attached to the main structure and is thus an accessory structure. Sec 30-313(s)(3) states that “Accessory buildings and structures may not exceed 12 feet in height on any lot”. The proposed dividing wall is 6 feet high.
- 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.
 - ⇒ There is no recorded or platted easement, or a Town right of way, in the rear of the property where the proposed dividing wall is located (please see the survey provided for reference).
- 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; or
 - ⇒ The dividing wall between these two duplex units has already been constructed. It was part of the permitted plan set approved on 7/18/2022. When it was brought to our attention that this aspect of our design is not code compliant, the wall had already been completed. The constructed wall contains the essential gas and plumbing lines needed to support the attached outdoor kitchens. Without the wall, the outdoor kitchens become dysfunctional. While we are able to overcome this on other duplex projects of ours with the same issue (4524 Seagrape Dr and 4306 E Tradewinds Ave) because of differences in the backyard land available, the outdoor kitchen for the Shore Ct duplexes is not possible without the dividing wall extending into the 5-foot rear setback for accessory structures. It is the phase of construction that this project is in as well as the lack of available space in the rear of the property that makes this case unique.
 - ii. Supports an objective from the purpose statements of the zoning district where located; or

Exhibit 5

⇒ Before this project, SKY360 Development had exclusively designed townhomes for properties zoned RM-25. When creating this design for the RD-10 district, we were very cognizant of a key difference between the two zoning codes, that is, for RM-25 we were able to provide recreational space with a Summer kitchen on the rooftop, whereas for RD-10 recreational use of the rooftop is strictly prohibited. Our solution to this was to create an enticing ‘private courtyard’ area on the first floor with a Summer kitchen. We have, since the ordinance change, also relocated our AC mechanical equipment to the rooftop. The goal was to create a clearly designated recreational space on the first floor, and a clearly utilitarian non-recreational space on the rooftop. This design was permitted on 7/15/2022. In October of 2023 it was brought to our attention that the dividing wall between the two duplex units is not code compliant. This dividing wall is required for the Summer kitchen design. We have reduced the length of the wall and detached it from the main structure, but the Administrative Adjustment is necessary for us to deliver the design that we have contractually obligated ourselves to, and which serves to support the RD-10 zoning code re: recreational use of the units.

- iii. Proposed to protect sensitive natural resources or save existing trees; or
- iv. Supports Mid-Century Modern Architecture; or
- v. Utilized to create a view corridor or other benefit to the Community; or
- vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or
- vii. Required to allow a setback which meets the existing building’s current side or rear setback. Overhangs, roof cornices, eaves, or exterior balconies; or
- viii. Required for an expansion, addition, or modification to an existing structure where that expansion, addition, or modification will not increase the footprint of the existing structure.

⇒ As mentioned in the response to item d(i) above, the dividing wall that we are seeking an administrative adjustment for has already been constructed because it was part of our permitted set of plans approved before we or the City realized that it was not code compliant. The proposed adjustment reduces the length of the wall that was originally approved, so it will reduce (not increase) the footprint of the wall already constructed.

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

⇒ The proposed adjustment extends the dividing wall 1.5 feet further than what is allowed by code. It will still be entirely located on the property of the proposed development and will not be seen by adjacent properties (there will be a 6-foot fence surrounding

Exhibit 5

the property and landscaping providing privacy). The extension of the wall poses no danger to public health or safety.

- 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 surrounding area is zoned RD-10. Extending the dividing wall between the two duplex units by 1.5 feet is still consistent with the overall nature and purpose of the area's development. Furthermore, the requested adjustment will not result in activities that are inconsistent or conflicting with the intended or established uses of the surrounding area. As explained in the response to item d(i), extending the wall and thus allowing the construction of the approved outdoor kitchen serves to support the use of the 1st floor for recreational use, as opposed to the rooftop which is prohibited under RD-10 zoning.
- 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.
 - ⇒ There are not adverse impacts to mitigate.
- h) The Administrative Adjustment is consistent with the comprehensive plan.
 - ⇒ Yes.
- i) An Administrative Adjustment to parking standards may be approved, in whole or in part, upon finding that there is sufficient available parking that is open to the public and is judged adequate to accommodate the parking reduction request within a reasonable walking distance of the subject property along a practical and usable pedestrian route.
 - ⇒ N/A (not applying for a parking reduction).