

APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
LIVE STREAMED FROM JARVIS HALL
Wednesday, November 1, 2023

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Vice Chair Goldberg 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 6:25PM.

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 Vice Chair Howard Goldberg, and Board Members Wayne Dillistin, Patricia Omana, and Denise Lambert. Also attending were 1st Alternate Karen Sylvester and 2nd Alternate Karen Blake. Present in person were Town Attorney James White, Development Services Director Jhanelle Campbell, Assistant Development Services Director Muriel Bryan Ramirez, and Board Clerk Megan Small.

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – September 19, 2023

Board Member Dillistin made a motion to approve the minutes of the P&Z Meeting of September 19, 2023 as written. The motion was seconded by Board Member Omana. The motion to approve September 19, 2023 minutes as written carried 4-0.

4. PUBLIC COMMENTS

Vice Chair Goldberg 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 no one from the public present, the Vice Chair closed this portion of Public Comments.

5. NEW BUSINESS

5.a. Case Number 2023-V-02: Variance to allow encroachments into both the required side yard setback and the rear yard setback for an accessory structure and to permit the erection of a wall that exceeds the maximum height per Town Code to an existing single-family dwelling.

Susan Leven, Town Planner, presented this item via a Slide Presentation for Variance Request for 1900 E Terra Mar Drive. This would allow for encroachment into both the required side and rear yard setback. The applicant, who has owned the property for 10 years, wished to construct a wall with a canopy to provide privacy in the rear of the property. The proposed canopy would encroach on the side and rear setbacks and the wall would exceed the maximum 6-foot height for a wall. The application did not meet most of the criteria for a variance. Town Staff

recommended denial of the application. This agenda item would go before the Town Commission at their November 14, 2023 Meeting.

The Applicant, Michael Trevor Armstrong, addressed the Board. He stated the following:

1. The location is unique – on a corner at the end of a bridge and on the canal.
2. Code is different from when the house was built in the 1950's – it is challenging to maintain usable space.
3. He maintains the easement to the south of the property.
4. There is a sidewalk that runs over the bridge and by his house.
5. A new dock was put in and a retaining wall is proposed.
6. Security – anyone on the bridge can see into the property.
7. Many people who do not live in the neighborhood fish and walk in the area.
8. Privacy is important to them.
9. Sound and light screening – there is light and noise pollution from headlights, car noise, and noise from the electrical boxes adjacent to the property.
10. His goal is to improve the appeal and appearance of the property, the neighborhood and Lauderdale-By-The-Sea.
11. He realized there was a privacy issue when the retaining wall was removed to replace the dock.

When asked how tall the retaining wall was, Mr. Armstrong stated it was 4-5 feet.

Victor Ballon, architect for the project, presented several photos and plans to the Board, stating:

1. He conducted a visual and Code study.
2. The house does not comply with any setbacks.
3. The Pool would not exist under current Code.
4. A higher elevation would be required to meet the flood zone requirements, and a six-foot fence would do nothing.
5. People hang out under the trees in the easement.
6. People walking by can see into the entire house.
7. The wall and canopy at 10 feet and halfway across the back of the property would cover most of the house.
8. The proposed wall would be built entirely on their property.
9. Landscaping was considered but takes up too much space.

Ms. Sylvester stated that a lifestyle change (recent marriage and birth of a child) is not a reason for a variance.

Mr. Goldberg asked if the neighbors have any concerns about the proposal. Mr. Armstrong stated that they support the application.

Ms. Sylvester asked why they wanted to do a canopy in one area when the property will still be visible over the adjacent 8-foot wall.

Mr. Ballon asked for a 9-foot wall instead of 10-foot.

Mr. Goldberg asked if they considered any alternatives to the proposed wall and canopy. Mr. Ballon said he suggested razing the house and rebuilding.

Ms. Sylvester asked for an explanation of the setbacks for accessory structures on a waterway.

Ms. Leven explained that on a waterway, accessory structures need to have the same setback as is required for the primary structure.

Mr. Ballon emphasized the need for privacy and security.

Mr. Goldberg asked for comments from the public – there were none.

Mr. Dillistin made a motion to accept Staff's recommendation and recommend denial of the project to the Commission. Vote was unanimous in favor of denial.

6. OLD BUSINESS

None.

7. UPDATES/BOARD MEMBER COMMENTS

Vice Chair Goldberg said that tomorrow the Chamber of Commerce has a social event and everyone was welcome to come. He gave the time and location for the event.

8. ADJOURNMENT

As all business was finished and without objection, the meeting was adjourned at approximately 6:28PM.


Chair Ron Piersante

ATTEST:

Date Accepted: 12-4-23