

APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
JARVIS HALL, 4505 N OCEAN DRIVE, 33308
Thursday, July 10, 2025**

1. CALL TO ORDER

Chair Karen Sylvester 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 6:01 PM.

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 Karen Sylvester, Board Members Ron Piersante, Leslie Richardson, Jeff Goldman, William (Bill) Ferrante and 1st Alternate MaShawn Simpson. No member was absent. Present in person were Town Attorney Susan Trevarthen, Development Services Director Jhanelle Campbell, Assistant Development Services Director – Building, Planning Zoning David Lee, Planner Alex Battle, and Board Clerk Megan Small.

The discussions and actions taken, etc. during the meeting were not limited to what was typed.

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – October 2, 2024

Board Member Piersante made a motion to approve the P&Z Minutes of October 2, 2024 as written. The motion was seconded by Board Member Ferrante. The motion to approve carried 5-0.

4. PUBLIC COMMENTS

Chair Sylvester opened the meeting to the public for any comments but if a member of the public wished to speak on a specific agenda item, that person could choose to wait until public comments opened on that item.

Tracy Gabriel, resident, explained that she would be speaking on one of the agenda items but wanted to take a moment now to thank the P&Z Board for all their help with the parade. She then spoke about having goals she wanted to achieve while living her dream in L-B-T-S. Chair Sylvester clarified that staff, not the P&Z Board, should be thanked for the parade and she agreed with Ms. Gabriel that the parade was a great event.

5. NEW BUSINESS

5.a. 2025-LVL2-AA-03: Pursuant to Chapter 30 “Unified Land Development Regulations,” Section 30-128 “Administrative adjustments of the Town’s Code of Ordinances, the Applicant has requested an administrative adjustment from Section 30-313 (t)(2) “Permanent Generators” of the Town’s Code of Ordinances, to permit the encroachment of a generator one (1) foot into the required 5-foot side setback for the property located at 228 Imperial Lane.

Development Services Director (DSD) Jhanelle Campbell presented this item by reminding what an Administrative Adjustment was. She explained where this was written in the Town’s Code of Ordinances and that these administrative adjustment rules allowed for limited and controlled deviations from building and parking standards. Level 1 adjustments may be approved by the Town Manager for minor parking

adjustments in residential zoning districts only. Level 2 adjustments required Town Commission approval and that was why this application was passing through this Board tonight. This applied to building setbacks, roofs, cornices and things of this nature. All applications were reviewed by the Development Services Department and any relevant staff and department. The P&Z Board would evaluate the request and make recommendation(s) to the Town Commission. An Administrative Adjustment must stay within the allowed limits, not increase density or building height and not encroach on easements or right-of-way. The DSD explained that it must improve certain conditions which she read into the record.

DSD Campbell then spoke about the application before them which was a request for the encroachment of a permanent generator installed one foot into the required five foot side setback. She spoke about the size of the property and its zoning district. The property was under construction and did not have its permanent CO, only a temporary one due to this issue. The generator was already installed on the western side of the property. In February and April 2024, initial site plan reviews denied this installation due to setback violation. Upon the third review, the zoning plan reviewer at that time had a conversation with the applicant, and approved the installation with a note on the approval in the file. This was included in the Board's packet. In October 2024, DSD Campbell saw the generator on the slab and thought it looked a little too close. She had David Lee, who was now the Assistant Director of Development Services, reach out to the applicant for evidence that it met the requirements of code as she felt the slab and the generator were too close to the side property.

DSD Campbell read into the record the criteria that met the code (e.g., no increase in allowable density and no increase in building height, etc.). She said that the applicant explained in his paperwork that the location was required due to manufacturer's spacing and fire code requirements, etc. She spoke about the partially met requirement and potential noise to neighboring property due to the generator's closeness. The DSD explained conditions for approval like screening, exhaust direction, etc., if the Board recommended approval of this item. She informed that staff was not recommending approval. However, if the Board did recommend approval, she read into the record staff's recommended conditions. She then called for Board questions.

Board Member (BM) Richardson asked if the applicant was required to demonstrate hardship for this application and the DSD answered that it was not required for this type of application but for variances that answer would be yes. BM Richardson then asked if that was the only generator they could have put on the property. Barron Development was in attendance and would be able to answer.

BM Goldman asked about the generator meeting the requirement for noise level and DSD Campbell explained. 1st Alternate Simpson asked about fencing on that side around the generator and the DSD answered that fencing was allowed at the property line so a barrier would not be a problem. Board Member Ferrante said that when generators kick on, they were very noisy. This generator would be between two buildings and would be very noisy with echoes bouncing off the buildings. If this should get reviewed, he would suggest to set the self-testing for some time in the afternoon in order not to interfere with people sleeping at night. He felt that a generator between two buildings would exceed the Town's noise level. 1st Alternate Simpson asked what would happen when the generator needed fixing/maintenance? DSD Campbell explained. Chair Sylvester said she drove by the property and saw the generator, then space (about 1.5 feet) and then bushes, and then the neighbor's property began. She felt a repair person could get in there. BM Piersante wanted to know what the one foot encroachment was doing for the homeowner and the DSD explained. As there were no further board questions/comments, the Chair opened the floor for public comments.

Jim Barron, contractor, explained about all the site plans that were drawn up. The last site plan depicted where the generator was now four feet from the property line and not the required five feet. If they got a foot closer, they would not meet the fire safety code which required twenty inches. There was now four

feet to the property line and seven and one-half feet to the neighbor's house which was a solid wall on that side. This allowed for service and the exhaust system was pointed toward the back of the house to help prevent noise between the houses. This was the smallest generator. The other side of the house had the same setback and the front yard would probably "not fly". Chair Sylvester asked about installation in the back of the house but Mr. Barron said it was on an angle and was all pool. BM Richardson said that they knew they were installing the generator one foot into the setback and wanted to know if there was nothing smaller. He explained why that was not possible and that load calculations were presented to L-B-T-S.

David Lee, Assistant Director Development Services, said he performed zoning inspections for the Town under his previous assignment. The plan went through review multiple times and was denied multiple times. They did not receive any other revisions, modifications, or relocation plans to review until they received the final survey where the generator was installed in the same location. Chair Sylvester asked what it meant from the note that requirements were being reviewed in the field and David Lee explained. The contractor commented that he did not know that his permit was voided and the Chair felt he could address that outside of this meeting.

Stuart Dodd, resident, lived next door and was not here to object. He spoke about the code being addressed as it was physically impossible to install a generator in the side setback without being too close to the property line. He explained the concession that allowed previously installed generators to be in the side setback was not intended to be allowed for new construction. He did not know who measured but he believed the encroachment should read 2 feet 2 inches into the required five foot setback. He felt that this was new construction with ample room to construct a generator room which was properly ventilated on the side of the property. He asked for the board to consider his request to address the code so no one else would have to put up with a generator this close to the boundary. This generator would be installed right outside his main bedroom window. He thanked the board for their consideration. DSD Campbell said for clarification that the one foot measurement was from the final survey they received. As there were no other public comments, the Chair closed public comments. Chair Sylvester thought that the neighbor had a wonderful suggestion for clarification in the code for new construction. DSD Campbell said that the Board tonight was making a recommendation to the Town Commission and the suggestion for clarification in the code for new construction could be part of the recommendation. 1st Alternate Simpson asked how could the encroachment amount be off by 100% as one said it was one foot and the other said it was off by two feet. DSD Campbell explained that the Town utilized the survey and Mr. Dodd went out and measured. Mr. Dodd agreed that he measured and the gap is two feet two inches and the slab is much further out in order to provide for the airgap and width of the generator.

Chair Sylvester did not think this should be approved going forward due to the possible encroachment and that the generator was installed without the request for review again with the knowledge of going against what would have been typically approved.

Board Member Goldman made a motion to recommend to the Town Commission to accept staff's suggestion not to approve this request. The motion was seconded by Board Member Ferrante. Motion carried 5-0 to recommend denial to the Town Commission (1st Alternate Simpson was able to participate in discussion but was not able to vote on this item).

Chair Sylvester asked if anyone would object to the suggestion of updating the code for new construction and no one had an objection. DSD Campbell then explained the next step after tonight's recommendation for denial would be the presentation of this item to the Town Commission on July 22nd at their 6:30 Meeting.

5.b. Application Number:2024-CU-01-Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements And Review Procedures,” Division 3 “Conditional Use Procedures And Requirements” of the Town Code of Ordinances (“Town Code”), the Applicant has requested Conditional Use Approval (2023-CU-01) to construct a residential duplex within the RM-25 zoning district at the property located at 4628 Bougainvilla Drive.

Development Services Director (DSD) Campbell presented this item by reminding what a Conditional Use was. She explained that it was a use not appropriate without restrictions throughout a district but which may be allowed with controls on number, area, location and impact. The purpose was to protect public health, safety, welfare and neighborhood character. The intent, purpose and effect were to ensure conditional uses would only be allowed on certain sites where they could be accommodated without adverse impact. These uses were quasi-judicial and subject to specific criteria and potential additional review requirements. There were several application requirements listed in the code that were at the discretion of the DSD. She went over the specific criteria for approving a conditional use and mentioned that the Town Commission could revoke a conditional use if approval conditions were violated and she gave four examples. For this agenda item, the applicant requested a conditional use to construct a two-story residential duplex replacing a one-story single family home. In this zoning district, RM-25, conditional uses could be used for duplexes. They received this request from SAAD Remodeling Custom Homes. All documentation was done, application fees paid and a Citizens Participation Meeting was held on June 19th. Architectural Review was also required and the Town Architect at the time approved the design contingent on the approval of a companion application, which would come before the Board next. It was an Administrative Adjustment for side setbacks. Notice was provided to property owners within 300 feet, property posted and public hearing advertised. The applicant’s responses to this Conditional Use request were in the Staff Report. She showed slides of the different types of buildings in the area and said that this property would not add extra density to the area. Staff recommended approval of the application. The DSD called for questions.

Board Member (BM) Goldman asked if the Board did not approve one application, then the next one would not get approved. The DSD explained that this application approved the conditional use and the following (next application) would determine if the setback encroachment would be allowed. There were no other board questions/comments.

John Coleman read a petition of concern regarding this property signed by people who were full-time residents on Bougainvilla Drive or in close proximity to this property. They expressed their strong opposition to this application to redevelop this property requiring demolition of the one-story single-family home and construction of a two-story duplex requiring a two-foot encroachment into the mandated twelve-foot side setback. They believe this would negatively affect the quality of their lives in the neighborhood. The addition of a second floor would affect the privacy of adjacent residents to the north, south, and across the street. They cited environmental and infrastructure concerns. There was the potential of short-term rental / Airbnb and problems caused by transient guests. This was a family-oriented, peaceful environment that the residents strive to maintain. The petitioners requested that L-B-T-S and its Commissioners deny the request of the demolition, variance, and construction approval for this property. They requested that their concerns be given full and fair consideration. He spoke about the concerns specifically for those residing on the south side of the property. He said that the balconies on the side of the property at second floor level would impede their tranquility and privacy as he spoke about situations with past Airbnb renters. He further showed pictures of how the tall palm trees were currently maintained on the property and spoke about those concerns and for concerns for the maintenance of future palm trees. The Chair thanked the speaker and said there was not much the Board could do about Airbnb’s.

DSD Campbell wanted to clarify that the request was for an Administrative Adjustment and not a Variance. This was a different set of criteria. The Town Architect recommended approval of the architectural design based on the Administrative Adjustment less than 50% of the building would be encroaching into the side setback, which would be spoken about in the next application. Now it was just conditional use for this particular application.

Tracy Gabriel was a full-time resident living north of this property. She understood that Conditional Use was the first hurdle but they kind of go together with Administrative Adjustments. Her question at the Community Meeting was, "What were the alternatives to be built on this property instead of a two-story duplex?" She wanted to know why it could not be a one-story home or a multi-unit? Her concern was adding a duplex of that size and square footage was not consistent with any portion of Bougainvilla. DSD Campbell explained that replacing a duplex with a single-family home would also require a conditional use in RM-25. She answered the Chair that replacing a single-family home with a single-family home would also require a conditional use in the RM-25 zoning district. Chair Sylvester said she drove to the property which was a single-family home with multi-family houses all around it. Board Member Ferrante did not see a problem and discussion ensued about parking spaces. Ms. Gabriel agreed with him regarding parking but her position was that it did not have to be an eight-unit building constructed on that spot. She was not talking density just of people but of the density of the building itself.

George, the architect/designer, said that he was working for months with staff. The building was just a two-story house. The owner wanted to use density to have a more residential approach to the property. They were trying to make it better for the community because of this development. Board Member Ferrante asked the total square footage of living area and George answered. There were no other public comments so it was closed and the Chair called for a motion.

Board Member Richardson made a motion to recommend to the Town Commission to approve this conditional use application. The motion was seconded by BM Ferrante. Motion carried 5-0 (1st Alternate Simpson was able to participate in discussion but was not able to vote on this item).

5.c. Application Number 2025-L2-AA-02- Pursuant to Chapter 30 "Unified Land Development Regulations," Section 30-128 "Administrative adjustments of the Town's Code of Ordinances, the Applicant has requested an administrative adjustment from Section 30-241 (h) (6) (b) "Side Setbacks" of the Town's Code of Ordinances, to permit an encroachment of (2) feet into the required 12-foot side setback for the property located at 4628 Bougainvilla Drive.

Development Services Director (DSD) Campbell presented this requested Administrative Adjustment to permit an encroachment of two feet into the required twelve-foot side setback. She informed that this request was for both sides of the property. She clarified for Chair Sylvester that it was a two-foot encroachment request for each of the two sides of the property. Because the median height of the duplex would be twenty-five feet 5½ inches, the required setback was twelve feet. She reminded that the Town Code allowed for requests for deviations for setbacks through the Administrative Adjustment process with criteria that had to be met. Staff reviewed the application and felt the criteria was met and it was consistent with the Comprehensive Plan, therefore, met the requirements for a recommendation of approval for this request with the standard requirement that the Administrative Adjustment expired with the expiration of the building permit. The Chair called for questions.

1st Alternate Simpson was answered that if the building was not over twenty-two feet, it would only need a ten-foot setback. The taller the building is, the bigger the setback. They were proposing a building higher than twenty-two feet, resulting in the ten foot setback becoming twelve feet. The DSD answered BM Piersante that only the back portion of the building would encroach because the building had a slanted roof. Where the slanted roof was 22 feet and shorter, the setback remained ten feet so only a portion building

would encroach. The average height of the duplex was twenty-five feet 5½ inches. The DSD displayed what she was explaining by showing the diagram of the building. She also pulled up a picture of the building with its pitched roof that was architectural in nature. Board Member Richardson commented that if the roof was not as inflated as it is, this request would not be necessary. She felt that people should design to the building code and not ask for exceptions. If there was a hardship, then the person should seek remedy for the hardship. Chair Sylvester felt that BM Richardson brought up a good point. She felt they should listen to public comment and then the board should discuss.

Tracy Gabriel, resident, had questions/concerns. She wanted to know with the pitch in the roof, where did the rain and debris go as it was two feet closer to the two properties on either side. She did not see a drainage plan. This would create less of an airflow for her unit and the other units whose front doors were in line with the two feet of encroachment. She also noticed during the generator presentation that two a/c units would encroach as well. So there would also be noise besides encroachment. She was not opposed to a duplex. She was opposed to a two-story duplex. DSD Campbell clarified that building plans would be reviewed to ensure it met the Town Code. Ms. Gabriel spoke about her concern about the amount of landscape being planted on the property. She wanted to know if it would be kept up.

George, the architect/designer, explained that they thought the Code ambiguous and explained why they were asking for an adjustment. The Chair asked him if the roof could be lowered so there would not be an adjustment issue. He answered they could lower the slope so the encroachment would be a little less and used the same diagram to help with his explanation. BM Richardson spoke about using a different kind of roof that did not encroach. The Chair suggested that the walls could have been moved in. BM Richardson felt that new construction could have been built exactly to code. It was bothersome to her that this could be a precedent setting issue. BM Goldman said that what they were asking for was in the Town Code. BM Richardson questioned at what point do you enforce the code, if you allow exceptions. This was answered by DSD Campbell. George said that the encroachment was in just a portion of the side of the building and not the whole side. DSD Campbell explained that applications were sent to all disciplines in the Town and in answer to drainage, engineering did review the application. Town Attorney Susan Trevarthen read from the Code the answer to BM Richardson's question about the purpose of the Administrative Adjustment. 1st Alternate Simpson asked why if a building was taller, the setback size changed and the Town Attorney spoke about that pointing out that today's Administrative Adjustment was not for the building itself but for the two foot overhang. BM Richardson asked the architect what was under the roof and George answered that it was attic space. In the Chair's opinion, there seemed to be very little impact considering the bulk was in the center and discussion ensued. When there were no further questions/comments, a motion was made.

Board Member Ferrante made a motion to recommend approval to the Town Commission of this administrative adjustment application in accordance with staff's recommendation to approve. The motion was seconded by Board Member Goldman. Motion carried 4-1 (Board Member Richardson voted against and 1st Alternate Simpson was able to participate in discussion but was not able to vote on this item).

The next step, per DSD Campbell, was for this item to go before the Town Commission for final approval or denial on July 22, 2025.

DSD Campbell asked the Clerk to clarify by restating what the Board would like Staff to recommend to the Town Commission about an ordinance change for generators regarding new construction – *the request to address the code*. Town Attorney Trevarthen clarified that they just wanted to understand what the Board preferred about generators for new construction. BM Goldman wanted to check with other cities to see what they do. The Board was unanimous in their decision to have Staff present to them what other neighboring cities allowed and the Board could make their recommendation to the Town Commission after Staff's presentation.

Town Attorney Trevarthen said that Karen Blake, the Board's vice chair, moved and that was why she was not here tonight. The Town was very appreciative of her contribution. As there was now a vacancy, DSD Campbell would pursue a new nominee to be the 2nd Alternate following 1st Alternate MaShawn Simpson. The floor was opened for nominations for Vice Chair. Chair Sylvester nominated BM Leslie Richardson for Vice Chair. BM Leslie Richardson accepted the nomination. Board Member Goldman seconded the nomination. The motion carried 5-0 (1st Alternate Simpson could not vote this evening). Leslie Richardson declared Vice Chair by acclamation.

6. OLD BUSINESS

None.

7. UPDATES/BOARD MEMBER COMMENTS

None.

8. ADJOURNMENT

Vice Chair Richardson made a motion to adjourn at approximately 7:30PM. The motion was seconded by Board Member Piersante. The motion to adjourn carried 5-0 (1st Alternate Simpson could not vote this evening).


Chair Karen Sylvester

ATTEST:

Date Accepted: 9/3/25