

APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
LIVE STREAMED FROM JARVIS HALL
Monday, January 3, 2024

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 6:01PM.

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 Patricia Omana, Denise Lambert, 1st Alternate Karen Sylvester, and 2nd Alternate Karen Blake. The absent member was Wayne Dillistin. 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. *For the record, 2nd Alternate Karen Blake could participate but would not vote tonight as a quorum was present.*

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – December 4, 2023

Vice Chair Goldberg made a motion to approve the minutes of the P&Z Meeting of December 4, 2023 as written. The motion was seconded by Board Member Lambert. The motion to approve the December 4, 2023 minutes as written carried 5-0. *(2nd Alternate Karen Blake could not vote)*

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 one gentleman from the public present who requested to speak when the item was presented, the Chair closed this portion of Public Comments.

5. NEW BUSINESS

5.A. 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.

Planner Sue Leven asked Chair Piersante to please read the next agenda item into the record, as both 231 Shore Court and 241 Shore Court would be talked about together. Town Attorney James White explained for the record that the two agenda items each had a duplex dealing with the freestanding wall in the back. He said that the Board would hear each agenda item

and at the conclusion of the discussions, there would have to be a separate vote on each agenda item (5A and 5B).

Planner Leven said this was a presentation for two applications for Administrative Adjustments (one for 231 Shore Court and one for 241 Shore Court). They were adjacent lots and each contained a duplex under construction. The reason they were here was because the Town did not allow in its Code, the construction of a fence or wall in the area between the structure and the rear wall. She explained that there was a freestanding wall that was built a couple of inches off the actual structure and was proposed to be three and one-half (3.5) feet from the rear property line. An Administrative Adjustment would allow for a 30% encroachment which would be a one and one-half (1.5) foot encroachment. Both properties were requesting the one and one-half (1.5) foot encroachment into the five (5) foot required setback between the wall and the rear property line. The planner spoke about the criteria for an approval for an Administrative Adjustment (Section 30-128) and how the applicant answered. She said that the applicant/representative was here to answer any questions. She further stated that Staff has recommended approval of both applications and they were due to go before the Town Commission at their next meeting on January 9, 2024. The Chair called for Board questions.

Vice Chair Goldberg asked if they had the plans and it was built, why were they here a year later wanting to put up a wall? Planner Leven explained that the wall was already in place and there was some confusion with the review. The Town was trying to work out something so that it could be done within the code. Vice Chair Goldberg further wanted to know who built the wall and was it legal. The Planner said that the applicant built the wall and explained how it would be legal. Development Services Director Jhanelle Campbell clarified that in the application the Town received, the wall was in the plan but there was confusion in the review process. In order to remedy the situation, this was the workaround that the applicant was presenting. It would be deemed code compliant with a minor Administrative Adjustment. Vice Chair Goldberg felt that as this was Staff's error, we had to correct that fault.

Chair Piersante said that he went to look at that project. What he understood from the narrative was that the wall divided the kitchens between the two apartments and there were both electrical and plumbing in that wall. He felt that if they were to approve this, there would be no problem in doing that. He also wanted to know if there was going to be a new, six-foot concrete wall along the back of the property. Planner Leven said there was a wall along the back by the rear property line. The Chair also inquired about the wood fencing along the back of the property. Craig Lowy from Sky360 Development testified that was the old fence which was removed before Christmas. Chair Piersante said he was there three days ago and the wood fence was still across the back and on the west side. Craig Lowy apologized and said that the wood fence was on the west side of the building. He did not believe the wood fence on the north side (back) of the property was still there. It was clarified that a PVC fence would be installed in the back of the building and on the west side. There were no other public comments and there were no other Board questions. Chair Piersante closed this section.

Vice Chair Goldberg made a motion to approve the application as presented with the Level 2 Administrative Adjustment (2023-L2-AA-04) expiring concurrently with the Building Permit approved for this property (231 Shore Court). The motion was seconded by Board Member Sylvester. The motion to approve carried 5-0 (*2nd Alternate Karen Blake could not vote*).

5.B. 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 subject property located at 241 Shore Court.

Vice Chair Goldberg made a motion to approve the application as presented with the Level 2 Administrative Adjustment (2023-L2-AA-05) expiring concurrently with the Building Permit approved for this property (241 Shore Court). The motion was seconded by Board Member Sylvester. The motion to approve carried 5-0 (2nd Alternate Karen Blake could not vote).

6. OLD BUSINESS

None.

7. UPDATES/BOARD MEMBER COMMENTS

None.

8. ADJOURNMENT

Vice Chair Goldberg made a motion to adjourn at approximately 6:21PM. The motion was seconded by Board Member Lambert. The motion to adjourn carried 5-0 (2nd Alternate Karen Blake could not vote).



Chair Ron Piersante

ATTEST:

Date Accepted: 5/1/2024