

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

**Agenda**

Wednesday, April 1, 2026

6:00 PM



Jarvis Hall 4505 N. Ocean Drive  
[www.Lauderdalebythesea-fl.gov](http://www.Lauderdalebythesea-fl.gov)

**LAUDERDALE-BY-THE-SEA TOWN COMMISSION**

# Regular Planning and Zoning Board

Wednesday, April 1, 2026, 6:00 PM  
Jarvis Hall 4505 N. Ocean Drive, 33308

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1. **CALL TO ORDER**

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

3. **APPROVAL OF MINUTES**

3.a. February 4, 2026 Minutes

4. **PUBLIC COMMENTS**

5. **NEW BUSINESS**

5.a. Pursuant to Chapter 30 “Unified Land Development Regulations,” Section 30-128 “Administrative Adjustments,” of the Town’s Code of Ordinances (the “Town Code,” the Applicant has requested an administrative adjustment from Section 30-313 (t)(2)(b)(1) “Permanent Generators” of the Town’s Code, to permit the encroachment of a generator one (1) foot , four (4) and one-quarter (1/4) inches into the required 5-foot side setback for the property located at 228 Imperial Lane (the “Property”)

6. **OLD BUSINESS**

7. **UPDATES/BOARD MEMBER COMMENTS**

8. **ADJOURNMENT**

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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:**

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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:** April 1, 2026

**Submitted By:** Jhanelle Campbell, Development Services Director

**Submitting Department:** Development Services

**Item Type:** Presentation

**Agenda Section:** APPROVAL OF MINUTES

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**Subject Title:** February 4, 2026 Minutes

**Explanation:**

**Recommendation:**

**Exhibits:**

1. Unapproved February P & Z Minutes

**NON APPROVED**

**TOWN OF LAUDERDALE-BY-THE SEA  
PLANNING AND ZONING BOARD MEETING MINUTES  
JARVIS HALL, 4505 N OCEAN DRIVE, 33308  
Wednesday, February 4, 2026**

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 6:04PM.

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, Vice Chair Leslie Richardson, Board Member Ron Piersante, Board Member Jeff Goldman, Board Member MaShawn Simpson and new board member 1<sup>st</sup> Alternate Gregory Maloney. Present in person were Town Attorney James White, Development Services Director (DSD) Jhanelle Campbell, Assistant Development Services Director David Lee, Planner Alex Battle, and Board Clerk Megan Small.

The Oath of Office was administered to Board Member Gregory Maloney by Board Clerk 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 – December, 2025

Board Member Simpson made a motion to approve the P&Z Minutes of December 10, 2025 as written and was seconded by Board Member Goldman. The motion to approve carried 5-0 (1<sup>st</sup> Alternate Maloney did not vote).

4. PUBLIC COMMENTS

Chair Sylvester opened the meeting to the public for comments and closed this agenda item as there was no one present from the public.

5. NEW BUSINESS

5.A.

ORDINANCE 2026-03: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30 “UNIFIED LAND DEVELOPMENT REGULATIONS,” ARTICLE IV, “DEVELOPMENT PERMITS, APPLICATIONS, REQUIREMENTS AND REVIEW PROCEDURES,” DIVISION 9 “ZONING RELIEF PROCEDURES,” SECTION 30-138 “ZONING RELIEF PROCEDURES” OF THE TOWN’S CODE OF ORDINANCES TO RENAME DIVISION 9 AND SECTION 30- 138, AND CREATE SECTION 30-138(b) TO ESTABLISH PROCEDURES FOR THE REVIEW AND APPROVAL OF, AND REASONABLE ACCOMMODATION FOR, CERTIFIED RECOVERY RESIDENCES IN ACCORDANCE WITH STATE LAW; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE, AND PROVIDING FOR AN EFFECTIVE DATE.

Development Services Director (DSD) Campbell explained that this Ordinance was required to be adopted by the State to establish a clear, legally compliant administrative process for reviewing certified recovery residences and a legally required request for reasonable accommodations. She gave some background and

stated that the Town Commission saw this Ordinance on January 27, 2026 for 1<sup>st</sup> Reading and voted to adopt the Ordinance with a few suggestions from the Mayor. Those suggestions were in the Board packet. As long as the revisions were legally compliant, they would be added to the Ordinance and presented for 2<sup>nd</sup> Reading on February 10, 2026 to the Town Commission. The Director called for Board Questions.

Board Member (BM) Simpson asked where in the Code anything was written about certified recovery residences and the Director explained and said how this was handled in the past. She further asked if this was a commercial institute and she was answered that it was treated as a residence. For the record, the Director advised that the Town did not get a lot of these applications. Chair Sylvester asked and was answered how many were in Town. Board Member Goldman asked if there was a distance factor and he was answered that there was no distance requirement. He asked if this was a change and the Director reminded that these would just be residences as treatment did not take place in recovery residences. Board Member Piersante asked about a facility and Board Member Simpson wanted to know if it was standard to treat this type of facility as a resident. Town Attorney White gave background information and explained that this was like a group home. The Chair clarified that this was all required by a Florida Senate Bill. There were no other board questions and no public comments. There were no requests to make any additional board comments.

Vice Chair Richardson made a motion to approve Ordinance 2026-03 as presented and was seconded by Board Member Piersante. The motion to approve carried 5-0 (1<sup>st</sup> Alternate Maloney did not vote).

7. UPDATES/BOARD MEMBER COMMENTS

None.

8. ADJOURNMENT

Vice Chair Richardson made a motion to adjourn at approximately 6:15PM and the motion was seconded by Board Member Piersante. The motion to adjourn carried 5-0 (1<sup>st</sup> Alternate Maloney did not vote).

\_\_\_\_\_  
Chair Karen Sylvester

ATTEST:

Date Accepted: \_\_\_\_\_



## Planning and Zoning Board Agenda Item Report

**Meeting Date:** April 1, 2026

**Submitted By:** Jhanelle Campbell, Development Services Director

**Submitting Department:** Development Services

**Item Type:** Presentation

**Agenda Section:** NEW BUSINESS

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**Subject Title:** Pursuant to Chapter 30 “Unified Land Development Regulations,” Section 30-128 “Administrative Adjustments,” of the Town’s Code of Ordinances (the “Town Code,” the Applicant has requested an administrative adjustment from Section 30-313 (t)(2)(b)(1) “Permanent Generators” of the Town’s Code, to permit the encroachment of a generator one (1) foot , four (4) and one-quarter (1/4) inches into the required 5-foot side setback for the property located at 228 Imperial Lane (the “Property”)

**Explanation:** 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 Scott Phillips (the “Applicant”) to allow a one (1) foot, four (4) and one-quarter (1/4) inches encroachment into the 5-foot required side setback for a generator for property located at 228 Imperial Lane (the “Property”) (**Diagram 1**). The application was previously presented to the Planning and Zoning Board at its July 10, 2025 meeting (**Exhibit 2- Original Application**), where the Board recommended denial of the request (**Exhibit 3- Minutes**).

Following denial of the original application, the Planning & Zoning Board directed staff to seek Town Commission input on a potential code amendment to prohibit generator placement within required side setbacks for new single-family and duplex construction. Subsequently, staff presented this request to the Town Commission at its December 2025 meeting (**Exhibit 4- Minutes**); however, after consideration, the Commission declined to move forward with the proposed amendment, and no changes to the generator regulations (Sec. 30-313(t)) were pursued.

Following the Planning and Zoning Board’s recommendation, the Applicant elected to pause the process and evaluate alternative options before proceeding to the Town Commission. The Applicant is now requesting an Administrative Adjustment of (1) foot, four (4) and one-quarter (1/4) inches into the required five foot side setback (**Exhibit 5- Revised Application**).



**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 Administrative Adjustment has been advertised, pursuant to Section 30-139 of the Town Code of Ordinances (the "Town Code") (**Exhibit 6**). Staff received one public comment regarding this request. The adjacent property owner, Stuart Dodd, previously objected to the proposed generator location at the July 2025 Planning and Zoning Board meeting; however, he has since withdrawn his objection and submitted a letter expressing support for the proposed location (**Exhibit 7**).

### **Background and Request**

The subject property is a 9,473-square-foot parcel currently under construction within the RS-5 zoning district. The Applicant requests approval of an Administrative Adjustment to allow a (1) foot, four (4) and one-quarter (1/4) inches encroachment into the required 5-foot side setback for a generator installed along the western property line.

The generator was subject to multiple plan reviews in 2024 and was initially denied due to noncompliance with the required side setback. Subsequent review resulted in conditional approval (**Exhibit 8**), with the understanding that compliance would be verified during inspection. However, a later field inspection revealed that the generator installation did not meet the required setback. Staff subsequently requested revised plans, and a final survey confirmed the continued encroachment. As a result, staff advised that an Administrative Adjustment, subject to review by the Planning and Zoning Board and approval by the Town Commission, is required prior to issuance of a Certificate of Occupancy.

The application was previously presented to the Planning and Zoning Board at its July 10, 2025 meeting (**Exhibit 2 – Original Application**), at which time the Board recommended denial (**Exhibit 3 – Minutes**). Following this action, the Applicant suspended the application to evaluate alternative compliance options. The Applicant has now resubmitted the request with additional mitigation measures intended to address prior concerns. The current application seeks approval of the Administrative Adjustment to permit the limited encroachment into the required side setback.

The generator is equipped with a manufacturer-installed sound-attenuating enclosure (Kohler Model 48 RCLC). In addition, following consultation with the adjacent property owner, the Applicant has incorporated supplemental noise mitigation measures, including the installation of a spray foam-insulated wall panel along the residence, finished to match the primary structure, and a green screen affixed to the adjacent aluminum fence. These measures are intended to minimize potential noise impacts and enhance compatibility with the surrounding residential context.

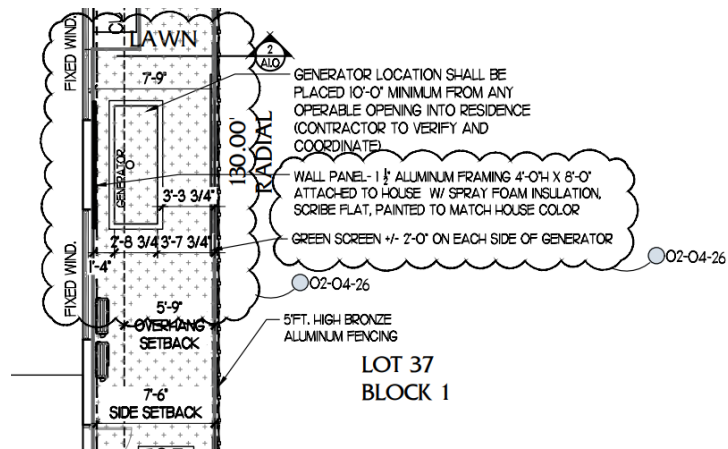


Diagram 2

**Administrative Adjustment**

**Town Code Provision**

Section 30-128 of the Town Code (**Exhibit 9**) 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

Building Standards that May be Adjusted	Administrative Adjustment Thresholds		
	Maximum Level 1 Adjustment	Maximum Level 2 Adjustment	228 Imperial Lane
Setbacks	n/a	30% or 5 feet, whichever is less	1- foot 4 1/4 inch encroachment request where 30% of the 5 foot required setback is 1'-6"

**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 the following standards are met:

1. The Administrative Adjustment does not result in an increase in allowable density;

**Applicant response:**The Administrative Adjustment does not result in an increase in allowable density. It is limited to an adjustment of setback standards related to the generator.

**Staff response:** The criterion has been met.

2. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;

**Applicant response:** The Administrative Adjustment does not result in an increase in building height. It is limited to an adjustment of setback requirements related to the generator.

**Staff response:** The criterion has been met.

3. 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:** The Administrative Adjustment does not allow any portion of the generator or its pad to encroach upon a recorded easement or the Town's right-of-way. The installation is entirely within the Property's boundaries.

**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 adjustment is needed to compensate for the requirements to provide clearance from the building to the generator per consultation with the generator manufacturer and the City's Building Official.  
**Staff response:** The criterion has been met.
- ii. Supports an objective from the purpose statements of the zoning district where located; or  
**Applicant Response:** The Administrative Adjustment supports the purpose of the RS-5 zoning district by enabling the installation of equipment that provides emergency backup power to a single-family residence. The request does not alter the residential character or intensity of the Property.  
**Staff response:** The criterion has been met.
- iii. Proposed to protect sensitive natural resources or save healthy existing trees; or  
**APPLICANT'S RESPONSE: N/A**
- iv. Supports Mid-Century Modern Architecture; or  
**APPLICANT'S RESPONSE: N/A**
- v. Utilized to create a view corridor or other benefit to the Community; or  
**APPLICANT'S RESPONSE: N/A**
- vi. Required to legalize the existing nonconforming footprint, overhangs, roof cornices, eaves or exterior balconies; or  
**APPLICANT'S RESPONSE: N/A**
- 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  
**APPLICANT'S RESPONSE: N/A**
- 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'S RESPONSE: N/A**

- 5. 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:** Since the previous submittal, mitigation measures have been incorporated to ensure the generator will not substantially interfere with the convenient and enjoyable use of adjacent lands. The selected generator model includes a factory installed sound-attenuating enclosure designed to maintain compliance with the Town's maximum noise level of 70 decibels measured at 25 feet from the generator, in accordance with Section 30-313(t)(2)(b)(3). In addition, supplemental soundproofing insulation will be installed along the residence wall and on the adjacent fence to further reduce potential noise impacts. A 1-1/2" thick aluminum frame measuring 4' x 8' will be attached to the wall of the residence and will include spray foam insulation painted to match the color of the residence. Additionally, a green screen will be installed on the fence adjacent to the generator for further sound and visual mitigation. The applicant has also met with the neighboring homeowner and obtained a letter of support from the homeowner, which is included in this application submittal. The generator will comply with all applicable fire and safety code requirements and will only operate during power outages or brief maintenance testing as permitted by Section 30-313(t)(2)(b)(8). Exhaust will also be directed away and upwards from the adjacent property. These measures ensure the generator will not pose a danger to public health or safety.  
**Staff response:** This criterion has been met.

- 6. 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 requested adjustment is not incompatible with the character of development in the surrounding area. The Property and adjacent parcels are developed with single-family residences within an RS-5 zoning district where standby generators would be a common accessory use. The generator location is fully screened from 4 view by a five (5) foot fence that encloses the side yard from street view and a five (5) foot fence along the west property line.  
**Staff response:** The criterion has been met.

- 7. 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:** To mitigate additional noise impacts of a generator being placed closer to the property line, the Applicant has agreed to install supplemental soundproofing along the residence wall and the adjacent fence, ensuring that any noise is mitigated to the maximum extent possible. The generator will only be run, if necessary, during power outages or for routine maintenance testing at a maximum once per week for 30 minutes between the hours of 8 a.m. and 5:30 p.m. A letter of support from the neighboring homeowner is included in this amended application submittal.  
**Staff response:** The criterion has been met.

8. The Administrative Adjustment is consistent with the comprehensive plan.

**Applicant response: The requested adjustment is consistent with the intent and objectives of the comprehensive plan by supporting residential development. The adjustment maintains the low-density residential character of the RS-5 zoning district and enhances the Property's resilience by allowing for the safe installation of emergency power equipment without altering its land use, density, or intensity.**

**Staff Response: The criterion has been met.**

**Recommendation: Summary Findings and Recommendations**

The proposed plans and narrative submitted by the Applicant meet the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions (**Exhibit 10 - Development Order**):

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.
2. The generator must be fully screened from public view and neighboring properties with either: A solid opaque fence or wall, or Landscaping material planted at a minimum of 18 inches and maintained to the height of the generator or four feet, whichever is greater.
3. The generator must comply with the noise level requirement of less than or equal to 70 decibels at 25 feet from the generator in any direction.
4. The generator's exhaust must be directed upward and away from adjacent properties where practically feasible.

**Exhibits:**

1. Exhibit 1 - Level II Administrative Adjustment Application - 228 Imperial Lane
2. Exhibit 2 - Original Lvl 2 Admin Adjustment Submittal
3. Exhibit 3- July 10th Planning and Zoning Board Meeting mins
4. Exhibit 4 - 12.9.2025 Town Commission Minutes
5. Exhibit 5 - Revised Application
6. Exhibit 6 - Sec. 30-139. - Notice of Public Hearings
7. Exhibit 7 - Letter of Support Stuart Dodd
8. Exhibit 8 - Denied Reviews and Conditional Approval - 228 Imperial Lane
9. Exhibit 9 - Sec. 30-128. Administrative Adjustments
10. Exhibit 10 - 2025-LVL2-AA-03-228 Imperial Lane (Development Order)

# LAUDERDALE • BY • THE • SEA

MAY 27 '25 15:42

## ADMINISTRATIVE ADJUSTMENT LEVEL 2



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

### For Administrative Purpose Only

Application Number: \_\_\_\_\_ 2025-WL2-PA-03

BTR #: \_\_\_\_\_

Date Application Submitted: \_\_\_\_\_ 05/27/2025

Date Application Found Complete: \_\_\_\_\_

Pre-Application Meeting Date: \_\_\_\_\_

Non-Refundable Application Fee: \_\_\_\_\_ \$400.00

Cost Recovery Fee: \_\_\_\_\_

# 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: Phillips Residence

Code Section from which Administrative Adjustment is sought: D # i, ii

### 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) \$400 ATTACHED.
- A description of the request GENERATOR REQUEST APPROVAL ENCREACHING
- Two (2) current surveys, signed and sealed. APPROX. 1'-0" INTO SETBACK.
- 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](mailto:Zoning@lbts-fl.gov)**



# LAUDERDALE • BY • THE • SEA

## Universal Development Application

MAY 27 25 15:43



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308  
 (954)-640-4210  
[ZONING@LBTS-FL.GOV](mailto: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:

- |  |   |
|--|---|
| <input type="checkbox"/> Appeal of Administrative Decision                   | <input type="checkbox"/> Historic Designation           |
| <input type="checkbox"/> Site Plan   | <input type="checkbox"/> Certificate of Appropriateness |
| <input type="checkbox"/> Site Plan Level 1 Modification                      | <input type="checkbox"/> Zoning Relief                  |
| <input type="checkbox"/> Site Plan Level 2 Modification                      | <input type="checkbox"/> Rezoning                       |
| <input type="checkbox"/> Conditional Use _____                               | <input type="checkbox"/> Right-of-Way Vacation          |
| <input type="checkbox"/> Conditional Use Modification _____                  | <input type="checkbox"/> Comprehensive Plan Amendment   |
| <input checked="" type="checkbox"/> Administrative Adjustment <u>LEVEL 2</u> | <input type="checkbox"/> Payment in Lieu of Parking     |
| <input type="checkbox"/> Variance _____                                      | <input type="checkbox"/> Parking Reduction _____        |
| <input type="checkbox"/> Plat _____  | <input type="checkbox"/> Other: _____                   |
| <input type="checkbox"/> Architectural Review _____                          |   |

Project Name: Phillips Residence

Folio Numbers: 4943 18 04 0390

Street Address: 228 Imperial Lane

Legal Description: LAUDERDALE SURF & YACHT ESTATES 22-46 B LOT 37 BLK 1

Name of Property Owner: Scott and Rosa Phillips Property Owner's Phone #: 412-680-1394

Address of Property Owner: 228 Imperial Lane, Lauderdale by the Sea, FL 33308

Property Owner's Email Address: scott@phillips.bz

Name of Applicant: Scott Phillips Applicant's Phone #: 412-680-1394

Applicant's Address: 228 Imperial Lane, Lauderdale by the Sea, FL 33308

Applicant Email Address: scott@phillips.bz

Name of Agent (e.g. Contractor Representing the Project): James M. Barron

Agent's Email Address: jim@barrondevelopment.com Agent's Phone #: 954-249-4250

Agent's Address: 2890 Marina Mile Blvd Ste 115, Ft Lauderdale, FL 33312

Land Use Plan Designation: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Existing Use of the Subject Property: Single family residence

Proposed Use of the Subject Property: Single family residence

**APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION**

I \_\_\_\_\_ (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: SCOTT PHILLIPS Date: 5/23/25

Signature of Property Owner: Scott Phillips

**DEVELOPMENT APPLICATION SIGNATURE SECTION**

Property Owner

Print Name of Property Owner: Scott Phillips Date: 5/23/25

Signature of Property Owner: Scott Phillips

State of Florida:

County:

SWORN AND SUBSCRIBED before me by means of  physical presence or  online notarization, this day 23 of MAY, 2025

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

Print Notary Name: CINDY CORREA

Notary Signature: Cindy Correa



Applicant

Print Name of Property Owner: Scott Phillips Date: 5/23/25

Signature of Property Owner: Scott Phillips

State of Florida:

County:



SWORN AND SUBSCRIBED before me by means of  physical presence or  online notarization, this day 23 of MAY, 2025.

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

Print Notary Name: CINDY CORREA My Commission Expires: \_\_\_\_\_

Notary Signature: Cindy Correa





# PINNELL SURVEY, INC.

EXHIBIT 1

5300 W. HILLSBORO BLVD., SUITE 215-A COCONUT CREEK, FLORIDA 33073  
PHONE(954)418-4940 FAX(954)418-4941 EMAIL: order@sfland.net  
CERTIFICATE NO.: LB6857

**SURVEY ADDRESS:**

228 IMPERIAL LANE  
LAUDERDALE BY THE SEA, FLORIDA 33308

**CERTIFY TO:**

1. ROSA AND SCOTT PHILLIPS

**FLOOD ZONE & ELEVATIONS:**

FLOOD ZONE: X / X(0.2%) / AB  
BASE FLOOD ELEVATION: 6' 7"  
CONTROL PANEL NO.: 125123-0386-J  
DATE OF FIRM INDEX: 07/31/24

REFERENCE BENCHMARK: CITY OF FORT  
LAUDERDALE B.M. @ DUPONT BOULEVARD  
AND ALLEY S. OF COMMERCIAL BOULEVARD  
ELEVATION = 5.598' (NGVD 1929)  
ELEVATION = 4.013' (NAVD 1988)

**POTENTIAL ENCROACHMENTS:**

1. RETAINING WALL CROSSES OVER THE EASTERLY PROPERTY LINE.

**LEGAL DESCRIPTION:**

LOT 37, BLOCK 1, OF "LAUDERDALE SURF & YACHT ESTATES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, AT PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

**LEGEND & ABBREVIATIONS:**

A = ARC	D.E. = DRAINAGE BASEMENT	P.C. = POINT OF CURVATURE
A/C = AIR CONDITIONER	ELEV. = ELEVATION	P.E. = POOL EQUIPMENT
A.E. = ANCHOR EASEMENT	E.S. = ELECTRIC SERVICE	P.I. = POINT OF INTERSECTION
B.M. = BENCHMARK	F.P. & L. = FLORIDA POWER & LIGHT	P.R.C. = POINT OF REVERSE CURVE
B.C.R. = BROWARD COUNTY RECORDS	L.B. = LICENSED BUSINESS	P.O.B. = POINT OF BEGINNING
C.B.S. = CONCRETE BLOCK STRUCTURE	L.P. = LIGHT POLE	P.O.C. = POINT OF COMMENCEMENT
CHATT. = CHATTAHOOCHEE	M.H. = MANHOLE	P.P. = POWER POLE
C.O. = CLEANOUT	(M) = MEASURED	R = RADIUS
CONC. = CONCRETE	NAVD = NORTH AMERICAN VERTICAL DATUM	R/W = RIGHT-OF-WAY
C.L.F. = CHAIN LINK FENCE	NGVD = NATIONAL GEODETIC VERTICAL DATUM	T = TANGENT
C.L.P. = CONCRETE LIGHT POLE	NO. = NUMBER	(TYP.) = TYPICAL
(C) = CALCULATED	O.H. = OVERHANG	U.E. = UTILITY BASEMENT
C.B. = CHORD BEARING	O.R.B. = OFFICIAL RECORDS BOOK	W.F. = WOOD FENCE
C.R. = CABLE RISER	O/S = OFFSET	W.M. = WATER METER
(D) = DEED	(P) = PLAT	Δ = DELTA OR CENTRAL ANGLE
D.B. = DEED BOOK	P.B.C.R. = PALM BEACH COUNTY RECORDS	⊥ = CENTRLINE
M-D.C.R. = MIAMI-DADE COUNTY RECORDS	P.B. = PLAT BOOK	$\frac{c}{a^2}$ = ELEVATION

**GENERAL NOTES:**

1. TYPE OF SURVEY: BOUNDARY
2. IF THIS SURVEY HAS BEEN REVISED AS INDICATED IN THE REVISION BOX SHOWN HEREON, THEN ANY AND ALL PREVIOUS VERSIONS OF THIS SURVEY PREPARED BY PINNELL SURVEY, INC. ARE NULL & VOID.
3. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY PINNELL SURVEY, INC. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT DEPICTED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY, FOR WHICH THE SUBJECT PROPERTY IS LOCATED IN.
4. UNLESS OTHERWISE NOTED, FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
5. ELEVATIONS SHOWN HEREON (IF ANY) ARE RELATIVE TO NAVD 1988, UNLESS OTHERWISE NOTED.
6. UNDERGROUND IMPROVEMENTS AND UTILITIES ARE NOT LOCATED.
7. FENCE AND WALL OWNERSHIP IS NOT DETERMINED.
8. THIS DRAWING IS THE PROPERTY OF PINNELL SURVEY, INC. AND SHALL NOT BE USED OR REPRODUCED, WHOLE OR IN PART WITHOUT WRITTEN PERMISSION & AUTHORIZATION FROM PINNELL SURVEY, INC.
9. ALL EASEMENTS SHOWN ON THE ATTACHED DRAWING ARE PER THE RECORD PLAT (UNLESS OTHERWISE NOTED).
10. REFERENCE BENCHMARK ELEVATION DATUM WAS CONVERTED FROM NGVD 1929 TO NAVD 1988 USING CORPSCON 6.0.1.

**CERTIFICATION:**

THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FORGOING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SKETCH AND THAT SAID ABOVE GROUND SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE UNDER RULE 53-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, UNLESS IT IS ELECTRONICALLY SIGNED AND SEALED.

  
5/1/25

JASON H. PINNELL  
PROFESSIONAL SURVEYOR & MAPPER  
LICENSE NO. 5734, STATE OF FLORIDA

REVISIONS	DATE	CHK'D BY
FINAL SURVEY (25-0710)	04/22/25	K.M.
UPDATE SURVEY & ELEVATIONS (25-0295)	02/18/25	K.M.
POOL SPOT SURVEY (23-1358)	08/18/23	S.A.
SPOT SURVEY (22-2245)	11/09/22	S.A.
FORM BOARD SURVEY (22-2179)	10/29/22	J.P.
UPDATE SURVEY & ADD SITE ELEVATIONS (21-1050)	05/18/21	K.M.

SKETCH NO.: 07-2807

DATE OF SURVEY: 11/16/07

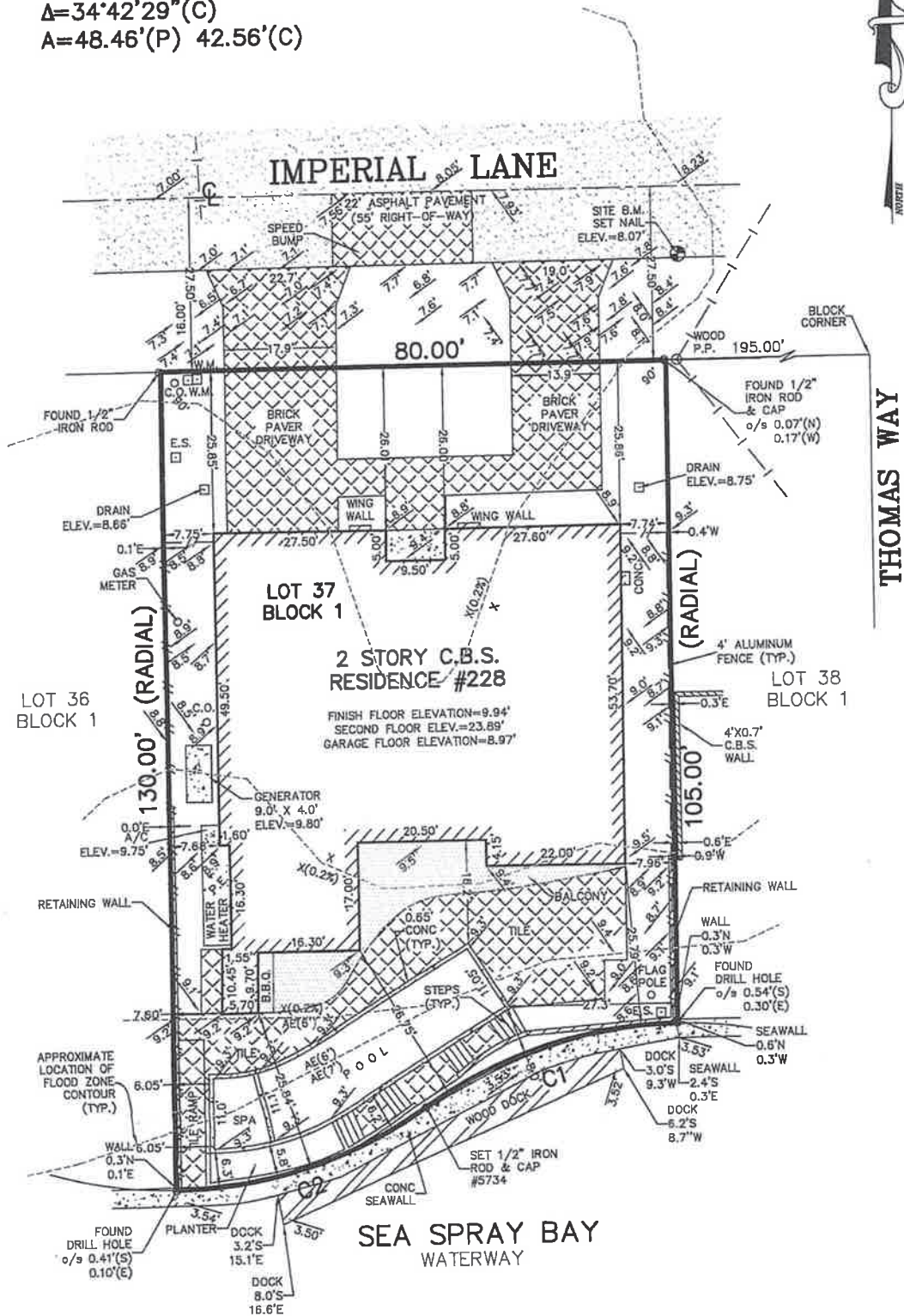
CHECKED BY: S.A.

FIELD BOOK/PAGE: 289/74, FILE

SIDE 1 OF 2

C1: R=80.00'(P) 70.25'(C)  
 $\Delta=34^{\circ}42'29''(C)$   
 A=48.46'(P) 42.56'(C)

C2: R=80.00'(P) 70.25'(C)  
 $\Delta=34^{\circ}42'29''(C)$   
 A=48.46'(P) 42.56'(C)



SCALE: 1" = 20'	SKETCH NO.: 07-2807
DRAWN BY: K.W.	SIDE 2 OF 2

**ELEVATION CERTIFICATE**

**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11**

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION	FOR INSURANCE COMPANY USE
<p>A1. Building Owner's Name: <u>ROSA AND SCOTT PHILLIPS</u></p> <p>A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  <u>228 IMPERIAL LANE</u></p> <p>City: <u>LAUDERDALE BY THE SEA</u> State: <u>FL</u> ZIP Code: <u>33308</u></p> <p>A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number:  <u>LOT 37, BLOCK 1, PLAT BOOK 22, PAGE 46, B.C.R. (ID# 4943 18 04 0390)</u></p> <p>A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>RESIDENTIAL</u></p> <p>A5. Latitude/Longitude: Lat. <u>26.183821°</u> Long. <u>-80.098823°</u> Horiz. Datum: <input type="checkbox"/> NAD 1927 <input type="checkbox"/> NAD 1983 <input checked="" type="checkbox"/> WGS 84</p> <p>A6. Attach at least two and when possible four clear color photographs (one for each side) of the building (see Form pages 7 and 8).</p> <p>A7. Building Diagram Number: <u>1A</u></p> <p>A8. For a building with a crawlspace or enclosure(s):</p> <p>a) Square footage of crawlspace or enclosure(s): <u>N/A</u> sq. ft.</p> <p>b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade:                      Non-engineered flood openings: <u>N/A</u> Engineered flood openings: <u>N/A</u></p> <p>d) Total net open area of non-engineered flood openings in A8.c: <u>N/A</u> sq. in.</p> <p>e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instructions): <u>N/A</u> sq. ft.</p> <p>f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): <u>N/A</u> sq. ft.</p> <p>A9. For a building with an attached garage:</p> <p>a) Square footage of attached garage: <u>590</u> sq. ft.</p> <p>b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade:                      Non-engineered flood openings: <u>0</u> Engineered flood openings: <u>2</u></p> <p>d) Total net open area of non-engineered flood openings in A9.c: <u>0</u> sq. in.</p> <p>e) Total rated area of engineered flood openings in A9.c (attach documentation – see Instructions): <u>400</u> sq. ft.</p> <p>f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): <u>0</u> sq. ft.</p>	<p>Policy Number: _____</p> <p>Company NAIC Number: _____</p>
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION	
<p>B1.a. NFIP Community Name: <u>LAUDERDALE BY THE SEA</u> B1.b. NFIP Community Identification Number: <u>125123</u></p> <p>B2. County Name: <u>BROWARD</u> B3. State: <u>FL</u> B4. Map/Panel No.: <u>12011C0386</u> B5. Suffix: <u>J</u></p> <p>B6. FIRM Index Date: <u>07/31/2024</u> B7. FIRM Panel Effective/Revised Date: <u>07/31/2024</u></p> <p>B8. Flood Zone(s): <u>X / X(0.2%)</u> B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>N/A</u></p> <p>B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9:  <input type="checkbox"/> FIS <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other: _____</p> <p>B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____</p> <p>B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                      Designation Date: <u>N/A</u> <input type="checkbox"/> CBRS <input type="checkbox"/> OPA</p> <p>B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	

**ELEVATION CERTIFICATE**

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 228 IMPERIAL LANE	<b>FOR INSURANCE COMPANY USE</b>
City: LAUDERDALE BY THE SEA State: FL ZIP Code: 33308	Policy Number: _____ Company NAIC Number: _____

**SECTION E – BUILDING MEASUREMENT INFORMATION (SURVEY NOT REQUIRED)  
FOR ZONE AO, ZONE AR/AO, AND ZONE A (WITHOUT BFE)**

For Zones AO, AR/AO, and A (without BFE), complete Items E1–E5. For Items E1–E4, use natural grade, if available. If the Certificate is intended to support a Letter of Map Change request, complete Sections A, B, and C. Check the measurement used. In Puerto Rico only, enter meters.

Building measurements are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction  
 \*A new Elevation Certificate will be required when construction of the building is complete.

- E1. Provide measurements (C.2.a in applicable Building Diagram) for the following and check the appropriate boxes to show whether the measurement is above or below the natural HAG and the LAG.
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is: \_\_\_\_\_  feet  meters  above or  below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is: \_\_\_\_\_  feet  meters  above or  below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (C2.b in applicable Building Diagram) of the building is: \_\_\_\_\_  feet  meters  above or  below the HAG.
- E3. Attached garage (top of slab) is: \_\_\_\_\_  feet  meters  above or  below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is: \_\_\_\_\_  feet  meters  above or  below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?  Yes  No  Unknown The local official must certify this information in Section G.

**SECTION F – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION**

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge*

Check here if attachments and describe in the Comments area.

Property Owner or Owner's Authorized Representative Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Ext.: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

**ELEVATION CERTIFICATE**

**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11**

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 228 IMPERIAL LANE	<b>FOR INSURANCE COMPANY USE</b>
City: LAUDERDALE BY THE SEA      State: FL      ZIP Code: 33308	Policy Number: _____ Company NAIC Number: _____

**SECTION H – BUILDING'S FIRST FLOOR HEIGHT INFORMATION FOR ALL ZONES  
(SURVEY NOT REQUIRED) (FOR INSURANCE PURPOSES ONLY)**

The property owner, owner's authorized representative, or local floodplain management official may complete Section H for all flood zones to determine the building's first floor height for insurance purposes. Sections A, B, and I must also be completed. Enter heights to the nearest tenth of a foot (nearest tenth of a meter in Puerto Rico). *Reference the Foundation Type Diagrams (at the end of Section H Instructions) and the appropriate Building Diagrams (at the end of Section I Instructions) to complete this section.*

H1. Provide the height of the top of the floor (as indicated in Foundation Type Diagrams) above the Lowest Adjacent Grade (LAG):

a) For Building Diagrams 1A, 1B, 3, and 5–8. Top of bottom \_\_\_\_\_  feet     meters     above the LAG floor (include above-grade floors only for buildings with crawlspaces or enclosure floors) is:

b) For Building Diagrams 2A, 2B, 4, and 6–9. Top of next \_\_\_\_\_  feet     meters     above the LAG higher floor (i.e., the floor above basement, crawlspace, or enclosure floor) is:

H2. Is all Machinery and Equipment servicing the building (as listed in Item H2 instructions) elevated to or above the floor indicated by the H2 arrow (shown in the Foundation Type Diagrams at end of Section H instructions) for the appropriate Building Diagram?  
 Yes     No

**SECTION I – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION**

The property owner or owner's authorized representative who completes Sections A, B, and H must sign here. *The statements in Sections A, B, and H are correct to the best of my knowledge. Note: If the local floodplain management official completed Section H, they should indicate in Item G2.b and sign Section G.*

Check here if attachments are provided (including required photos) and describe each attachment in the Comments area.

Property Owner or Owner's Authorized Representative Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Ext.: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

**ELEVATION CERTIFICATE**

**EXHIBIT 1**

**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11**

**BUILDING PHOTOGRAPHS**

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
228 IMPERIAL LANE

**FOR INSURANCE COMPANY USE**

Policy Number: \_\_\_\_\_

City: LAUDERDALE BY THE SEA State: FL ZIP Code: 33308

Company NAIC Number: \_\_\_\_\_

Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo One

Photo One Caption: FRONT VIEW

04/22/25

Clear Photo One



Photo Two

Photo Two Caption: RIGHT SIDE VIEW

04/22/25

Clear Photo Two

ELEVATION CERTIFICATE  
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11  
BUILDING PHOTOGRAPHS

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
228 IMPERIAL LANE

FOR INSURANCE COMPANY USE

Policy Number: \_\_\_\_\_

City: LAUDERDALE BY THE SEA State: FL ZIP Code: 33308

Company NAIC Number: \_\_\_\_\_

Insert the third and fourth photographs below. Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo Three

Photo Three Caption: LEFT SIDE VIEW

04/22/25

Clear Photo Three



Photo Four

Photo Four Caption: REAR VIEW

04/22/25

Clear Photo Four

MAY 1<sup>ST</sup>, 2025



Pinnell Survey, Inc.  
5300 W. Hillsboro Blvd., Suite 215-A  
Coconut Creek, FL 33073  
Ph: 954-418-4940  
[order@sfland.net](mailto:order@sfland.net)

Property Address: 228 IMPERIAL LANE LAUDERDALE BY THE SEA, FLORIDA 33308  
**RE: Extra Photos for Elevation Certificate**



**2 SMART VENTS MODEL 1540-510 =**  
**200 SQ. FT. OF COVERAGE PER VENT**  
**TOTAL NET AREA = 400 SQ. FT. OF**  
**COVERAGE**



Most Widely Accepted and Trusted

# ICC-ES Evaluation Report

## ESR-2074

ICC-ES | (800) 423-6587 | (562) 699-0543 | www.icc-es.org

Reissued 02/2025

This report is subject to renewal 02/2027.

DIVISION: 08 00 00—OPENINGS

SECTION: 08 95 43—VENTS/FOUNDATION FLOOD VENTS

REPORT HOLDER:

**SMART VENT PRODUCTS, INC.**

EVALUATION SUBJECT:

**SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520;  
#1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514  
FLOOD VENT SEALING KIT #1540-526**



*"2014 Recipient of Prestigious Western States Seismic Policy Council (WSSPC) Award in Excellence"*



*ICC-ES Evaluation Reports are not to be construed as representing aesthetics or any other attributes not specifically addressed, nor are they to be construed as an endorsement of the subject of the report or a recommendation for its use. There is no warranty by ICC Evaluation Service, LLC, express or implied, as to any finding or other matter in this report, or as to any product covered by the report.*



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# ICC-ES Evaluation Report

ESR-2074

Reissued February 2025


This report also contains:

- CA Supplement
- FL Supplement

Subject to renewal February 2027

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<p><b>DIVISION: 08 00 00— OPENINGS</b></p> <p><b>Section: 08 95 43— Vents/Foundation Flood Vents</b></p>	<p><b>REPORT HOLDER:</b></p> <p><b>SMART VENT PRODUCTS, INC.</b></p>	<p><b>EVALUATION SUBJECT:</b></p> <p><b>SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540- 520; #1540-521; #1540- 510; #1540-511; #1540- 570; #1540-574; #1540- 524; #1540-514</b></p> <p><b>FLOOD VENT SEALING KIT #1540-526</b></p>	
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## 1.0 EVALUATION SCOPE

Compliance with the following codes:

- 2024, 2021, 2018, 2015, 2012, 2009 and 2006 International Building Code® (IBC)
- 2024, 2021, 2018, 2015, 2012, 2009 and 2006 International Residential Code® (IRC)
- 2024, 2021 and 2018 International Energy Conservation Code® (IECC)
- 2013 Abu Dhabi International Building Code (ADIBC)<sup>†</sup>

<sup>†</sup>The ADIBC is based on the 2009 IBC. 2009 IBC code sections referenced in this report are the same sections in the ADIBC.

Properties evaluated:

- Physical operation
- Water flow

## 2.0 USES

The Smart Vent® units are engineered mechanically operated flood vents (FVs) employed to equalize hydrostatic pressure on walls of enclosures subject to rising or falling flood waters. Certain models also allow natural ventilation.

## 3.0 DESCRIPTION

### 3.1 General:

When subjected to rising water, the Smart Vent® FVs internal floats are activated, then pivot open to allow flow in either direction to equalize water level and hydrostatic pressure from one side of the foundation to the other. The FV pivoting door is normally held in the closed position by a buoyant release device. When subjected to rising water, the buoyant release device causes the unit to unlatch, allowing the door to rotate out of the way and allow flow. The water level stabilizes, equalizing the lateral forces. Each unit is fabricated from stainless steel. Smart Vent® Automatic Foundation Flood Vents are available in various models and sizes as described in **Table 1**. The SmartVENT® Stacking Model #1540-511 and FloodVENT® Stacking Model #1540-521 units each contain two vertically arranged openings per unit.



### 3.2 Engineered Opening:

The FVs comply with the design principle noted in Section 2.7.2.2 and Section 2.7.3 of ASCE/SEI 24-14 [Section 2.6.2.2 of ASCE/SEI 24-05 (2012, 2009, 2006 IBC and IRC)] for a maximum rate of rise and fall of 5.0 feet per hour (0.423 mm/s). In order to comply with the engineered opening requirement of ASCE/SEI 24, Smart Vent FVs must be installed in accordance with Section 4.0.

### 3.3 Ventilation:

The SmartVENT® Model #1540-510 and SmartVENT® Overhead Door Model #1540-514 both have screen covers with 1/4-inch-by-1/4-inch (6.35 by 6.35 mm) openings, yielding 51 square inches (32 903 mm<sup>2</sup>) of net free area to supply natural ventilation. The SmartVENT® Stacking Model #1540-511 consists of two Model #1540-510 units in one assembly, and provides 102 square inches (65 806 mm<sup>2</sup>) of net free area to supply natural ventilation. Other FVs described in this report do not offer natural ventilation.

### 3.4 Flood Vent Sealing Kit:

The Flood Vent Sealing Kit Model #1540-526 is used with SmartVENT® Model #1540-520. It is a Homasote 440 Sound Barrier® (ESR-1374) insert with 21 – 2-inch-by-2-inch (51 mm x 51 mm) squares cut in it. See [Figure 4](#).

## 4.0 DESIGN AND INSTALLATION

### 4.1 SmartVENT® and FloodVENT®:

SmartVENT® and FloodVENT® are designed to be installed into walls or overhead doors of existing or new construction from the exterior side. Installation of the vents must be in accordance with the manufacturer's instructions, the applicable code, and this report. Installation clips allow mounting in masonry and concrete walls of any thickness. In order to comply with the engineered opening design principle noted in Section 2.7.2.2 and 2.7.3 of ASCE/SEI 24-14 [Section 2.6.2.2 of ASCE/SEI 24-05 (2012, 2009, 2006 IBC and IRC)], the Smart Vent® FVs must be installed as follows:

- With a minimum of two openings on different sides of each enclosed area.
- With a minimum of one FV for every 200 square feet (18.6 m<sup>2</sup>) of enclosed area, except that the SmartVENT® Stacking Model #1540-511 and FloodVENT® Stacking Model #1540-521 must be installed with a minimum of one FV for every 400 square feet (37.2 m<sup>2</sup>) of enclosed area.
- Below the base flood elevation.
- With the bottom of the FV located a maximum of 12 inches (305.4 mm) above the higher of the final grade or floor and finished exterior grade immediately under each opening.

### 4.2 Flood Vent Sealing Kit

The Flood Vent Sealing Kit Model 1540-526 is used in conjunction with FloodVENT® Model #1540-520. When installed and tested in accordance with ASTM E283, the FV and Flood Vent Sealing Kit assembly have an air leakage rate of less than 0.2 cubic feet per minute per lineal foot (18.56 l/min per lineal meter) at a pressure differential of 1 pound per square foot (50 Pa) based on 12.58 lineal feet (3.8 lineal meters) contained by the Flood Vent Sealing Kit.

## 5.0 CONDITIONS OF USE:

The Smart Vent® FVs described in this report comply with, or are suitable alternatives to what is specified in, those codes listed in Section 1.0 of this report, subject to the following conditions:

- 5.1 The Smart Vent® FVs must be installed in accordance with this report, the applicable code and the manufacturer's installation instructions. In the event of a conflict, the instructions in this report govern.
- 5.2 The Smart Vent® FVs must not be used in the place of "breakaway walls" in coastal high hazard areas, but are permitted for use in conjunction with breakaway walls in other areas.

## 6.0 EVIDENCE SUBMITTED

- 6.1 Data in accordance with the ICC-ES Acceptance Criteria for Mechanically Operated Flood Vents (AC364), dated August 2015 (editorially revised February 2024).
- 6.2 Test report on air infiltration in accordance with ASTM E283.

## 7.0 IDENTIFICATION

- 7.1 The ICC-ES mark of conformity, electronic labeling, or the evaluation report number (ICC-ES ESR-2074) along with the name, registered trademark, or registered logo of the report holder must be included in the product label.
- 7.2 The Smart VENT® models and the Flood Vent Sealing Kit described in this report must be identified by a label bearing the manufacturer's name (Smartvent Products, Inc.), the model number, and the evaluation report number (ESR-2074).
- 7.3 The report holder's contact information is the following:

**SMART VENT PRODUCTS, INC.**  
**19 MANTUA ROAD**  
**MOUNT ROYAL, NEW JERSEY 08061**  
**(877) 441-8368**  
**[www.smartvent.com](http://www.smartvent.com)**  
**[info@smartvent.com](mailto:info@smartvent.com)**

TABLE 1—MODEL SIZES

MODEL NAME	MODEL NUMBER	MODEL SIZE (in.)	COVERAGE <sup>1</sup> (ft <sup>2</sup> )
FloodVENT®	1540-520	15 <sup>3</sup> / <sub>4</sub> " X 7 <sup>3</sup> / <sub>4</sub> "	200
SmartVENT®	1540-510	15 <sup>3</sup> / <sub>4</sub> " X 7 <sup>3</sup> / <sub>4</sub> "	200
FloodVENT® Overhead Door	1540-524	15 <sup>3</sup> / <sub>4</sub> " X 7 <sup>3</sup> / <sub>4</sub> "	200
SmartVENT® Overhead Door	1540-514	15 <sup>3</sup> / <sub>4</sub> " X 7 <sup>3</sup> / <sub>4</sub> "	200
Wood Wall FloodVENT®	1540-570	14" X 8 <sup>3</sup> / <sub>4</sub> "	200
Wood Wall FloodVENT® Overhead Door	1540-574	14" X 8 <sup>3</sup> / <sub>4</sub> "	200
SmartVENT® Stacker	1540-511	16" X 16"	400
FloodVent® Stacker	1540-521	16" X 16"	400

For SI: 1 inch = 25.4 mm; 1 square foot = m<sup>2</sup>

<sup>1</sup>The coverage area in square feet for each model is equivalent to the performance of the same number of square inches of non-engineered openings.

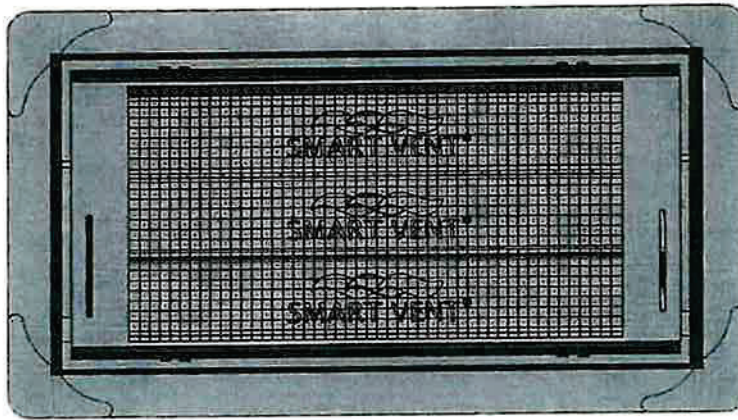


FIGURE 1—SMART VENT: MODEL 1540-510

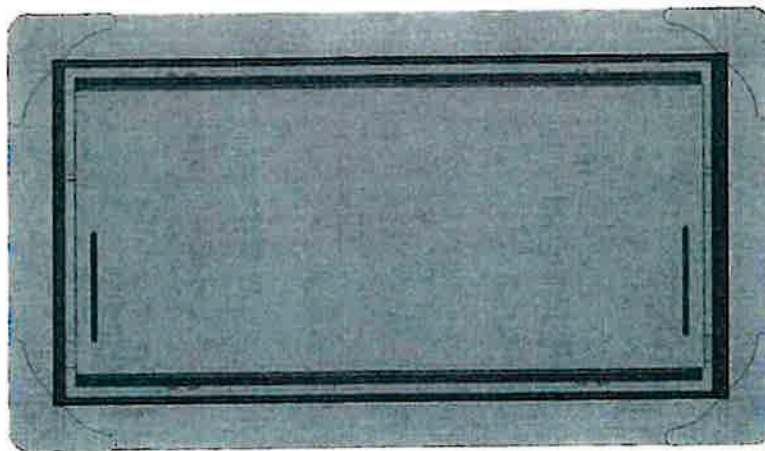


FIGURE 2—SMART VENT MODEL 1540-520

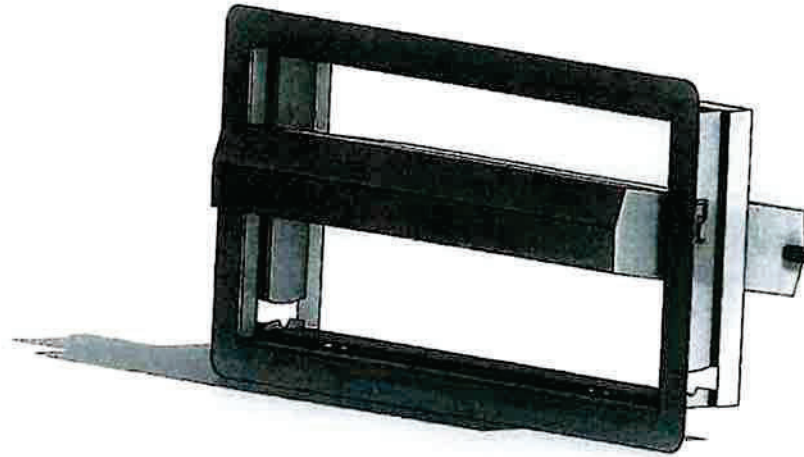


FIGURE 3—SMART VENT: SHOWN WITH FLOOD DOOR PIVOTED OPEN

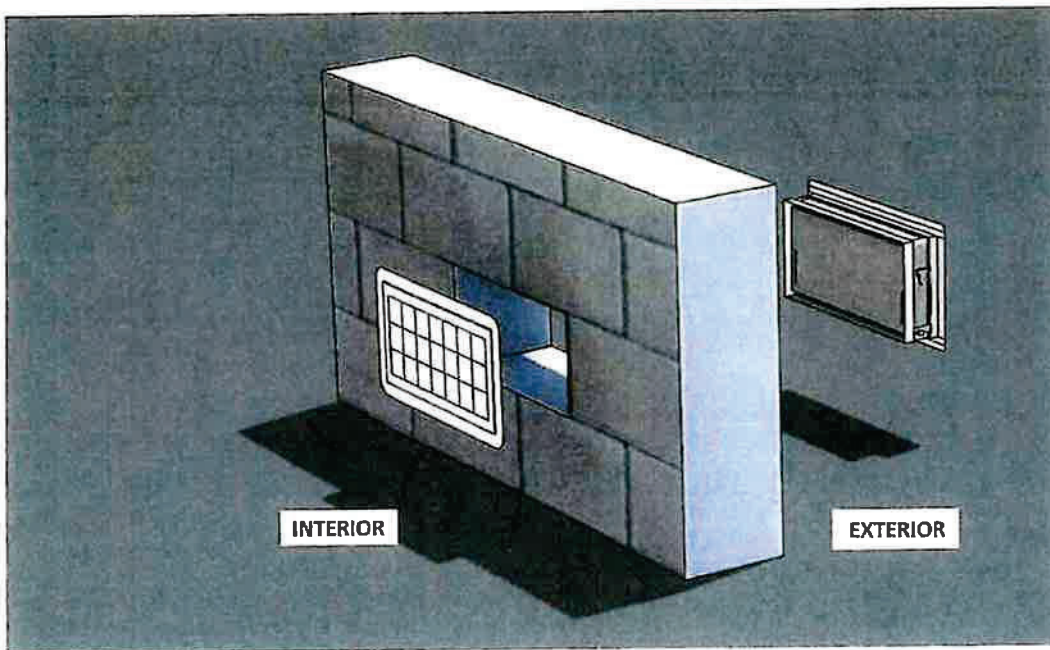


FIGURE 4—FLOOD VENT SEALING KIT



## ICC-ES Evaluation Report

## ESR-2074 CA Supplement

Reissued February 2025

This report is subject to renewal February 2027.

[www.icc-es.org](http://www.icc-es.org) | (800) 423-6587 | (562) 699-0543

A Subsidiary of the International Code Council®

DIVISION: 08 00 00—OPENINGS  
Section: 08 95 43—Vents/Foundation Flood Vents

### REPORT HOLDER:

SMART VENT PRODUCTS, INC.

### EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514  
FLOOD VENT SEALING KIT #1540-526

### 1.0 REPORT PURPOSE AND SCOPE

#### Purpose:

The purpose of this evaluation report supplement is to indicate that Smart Vent® Automatic Foundation Flood Vents, described in ICC-ES evaluation report ESR-2074, have also been evaluated for compliance with codes noted below.

#### Applicable code editions:

- 2022 California Building Code (CBC)

For evaluation of applicable chapters adopted by the California Office of Statewide Health Planning and Development (OSHPD) AKA: California Department of Health Care Access and Information (HCAI) and the Division of State Architect (DSA), see Sections 2.1.1 and 2.1.2 below.

- 2022 California Residential Code (CRC)

### 2.0 CONCLUSIONS

#### 2.1 CBC:

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with CBC Chapter 12, provided the design and installation are in accordance with the 2021 *International Building Code*® (IBC) provisions noted in the evaluation report and the additional requirements of CBC Chapters 12 and 16, as applicable.

##### 2.1.1 OSHPD:

The applicable OSHPD Sections and Chapters of the CBC are beyond the scope of this supplement.

##### 2.1.2 DSA:

The applicable DSA Sections and Chapters of the CBC are beyond the scope of this supplement.

#### 2.2 CRC:

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with the CRC, provided the design and installation are in accordance with the 2021 *International Residential Code*® (IRC) provisions noted in the evaluation report.

This supplement expires concurrently with the evaluation report, reissued February 2025.

ICC-ES Evaluation Reports are not to be construed as representing aesthetics or any other attributes not specifically addressed, nor are they to be construed as an endorsement of the subject of the report or a recommendation for its use. There is no warranty by ICC Evaluation Service, LLC, express or implied, as to any finding or other matter in this report, or as to any product covered by the report.





## ICC-ES Evaluation Report

## ESR-2074 FL Supplement

Reissued February 2025

This report is subject to renewal February 2027.

[www.icc-es.org](http://www.icc-es.org) | (800) 423-6587 | (562) 699-0543

A Subsidiary of the International Code Council®

DIVISION: 08 00 00—OPENINGS

Section: 08 95 43—Vents/Foundation Flood Vents

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514  
FLOOD VENT SEALING KIT #1540-526

### 1.0 REPORT PURPOSE AND SCOPE

#### Purpose:

The purpose of this evaluation report supplement is to indicate that Smart Vent® Automatic Foundation Flood Vents, described in ICC-ES evaluation report ESR-2074, have also been evaluated for compliance with the codes noted below.

#### Applicable code editions:

- 2023 Florida Building Code—Building
- 2023 Florida Building Code—Residential

### 2.0 CONCLUSIONS

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with the *Florida Building Code—Building* and the *Florida Building Code—Residential*, provided the design requirements must be determined in accordance with the *Florida Building Code—Building* or the *Florida Building Code—Residential*, as applicable. The installation requirements noted in ICC-ES evaluation report ESR-2074 for 2021 *International Building Code*® meet the requirements of the *Florida Building Code—Building* or the *Florida Building Code—Residential*, as applicable.

Use of the Smart Vent® Automatic Foundation Flood Vents has also been found to be in compliance with the High-Velocity Hurricane Zone provisions of the *Florida Building Code—Building* and the *Florida Building Code—Residential*.

For products falling under Florida Rule 61G20-3, verification that the report holder's quality assurance program is audited by a quality assurance entity approved by the Florida Building Commission for the type of inspections being conducted is the responsibility of an approved validation entity (or the code official when the report holder does not possess an approval by the Commission).

This supplement expires concurrently with the evaluation report, reissued February 2025.

ICC-ES Evaluation Reports are not to be construed as representing aesthetics or any other attributes not specifically addressed, nor are they to be construed as an endorsement of the subject of the report or a recommendation for its use. There is no warranty by ICC Evaluation Service, LLC, express or implied, as to any finding or other matter in this report, or as to any product covered by the report.



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Page 7 of 7



**APPLICATION NUMBER:****APPLICANT NARRATIVE****ADDRESS: 228 Imperial Lane, Lauderdale by the Sea****REQUEST: Administrative Variance for Generator encroaching 12” into side yard****EXPLANATION: Due to generator size and manufacturer specifications and fire safety code the generator encroaches 12” into the side yard when complying with these specifications.****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: no it does not**

- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;

**Applicant response: no it does not**

- 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: no it does not**

- 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: manufacturer requirements for spacing for safe operation and servicing in case of emergency and complying with the towns fire safety requirements on spacing next to the home.**

**APPLICATION NUMBER:**

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

**Applicant Response: Provides backup power services to residence in case of emergency**

- 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: VI and VIII – this is my understanding but not 100% clear as we have a detached item required to meet the legal fire safety requirements and manufacturer requirements**

- 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: correct – poses no danger to the public and does not affect any adjacent lands – none of the above**

- 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: I believe this would be a yes answer – does not compromise or make the home incompatible or out of character with this adjustment.**

# LAUDERDALE • BY • THE • SEA

MAY 27 '25 15:42

## ADMINISTRATIVE ADJUSTMENT LEVEL 2



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

### For Administrative Purpose Only

Application Number: \_\_\_\_\_ 2025-WL2-PA-03 \_\_\_\_\_  
 BTR #: \_\_\_\_\_  
 Date Application Submitted: \_\_\_\_\_ 05/27/2025 \_\_\_\_\_  
 Date Application Found Complete: \_\_\_\_\_  
 Pre-Application Meeting Date: \_\_\_\_\_  
 Non-Refundable Application Fee: \_\_\_\_\_ \$400.00 \_\_\_\_\_  
 Cost Recovery Fee: \_\_\_\_\_

# 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: Phillips Residence

Code Section from which Administrative Adjustment is sought: D # i, ii

### 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](#)) \$400 ATTACHED.
- A description of the request GENERATOR REQUEST APPROVAL ENCR OACHING
- Two (2) current surveys, signed and sealed. APPROX. 1'-0" INTO SETBACK.
- 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](mailto:Zoning@lbts-fl.gov)



# LAUDERDALE • BY • THE • SEA

## Universal Development Application

MAY 27 '25 15:43



4501 N. OCEAN DRIVE, LAUDERDALE-BY-THE-SEA, FL 33308  
(954)-640-4210  
[ZONING@LBTS-FL.GOV](mailto: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
- Site Plan
- Site Plan Level 1 Modification
- Site Plan Level 2 Modification
- Conditional Use \_\_\_\_\_
- Conditional Use Modification \_\_\_\_\_
- Administrative Adjustment LEVEL 2
- Variance \_\_\_\_\_
- Plat \_\_\_\_\_
- Architectural Review \_\_\_\_\_
- Historic Designation
- Certificate of Appropriateness
- Zoning Relief
- Rezoning
- Right-of-Way Vacation
- Comprehensive Plan Amendment
- Payment in Lieu of Parking
- Parking Reduction \_\_\_\_\_
- Other: \_\_\_\_\_

Project Name: Phillips Residence

Folio Numbers: 4943 18 04 0390

Street Address: 228 Imperial Lane

Legal Description: LAUDERDALE SURF & YACHT ESTATES 22-46 B LOT 37 BLK 1

Name of Property Owner: Scott and Rosa Phillips Property Owner's Phone #: 412-680-1394

Address of Property Owner: 228 Imperial Lane, Lauderdale by the Sea, FL 33308

Property Owner's Email Address: scott@phillips.bz

Name of Applicant: Scott Phillips Applicant's Phone #: 412-680-1394

Applicant's Address: 228 Imperial Lane, Lauderdale by the Sea, FL 33308

Applicant Email Address: scott@phillips.bz

Name of Agent (e.g. Contractor Representing the Project): James M. Barron

Agent's Email Address: jim@barrondevelopment.com Agent's Phone #: 954-249-4250

Agent's Address: 2890 Marina Mile Blvd Ste 115, Ft Lauderdale, FL 33312

Land Use Plan Designation: \_\_\_\_\_ Zoning District: \_\_\_\_\_

Existing Use of the Subject Property: Single family residence

Proposed Use of the Subject Property: Single family residence

**APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION**

I \_\_\_\_\_ (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: SCOTT PHILLIPS Date: 5/23/25

Signature of Property Owner: Scott Phillips

**DEVELOPMENT APPLICATION SIGNATURE SECTION**

Property Owner

Print Name of Property Owner: Scott Phillips Date: 5/23/25

Signature of Property Owner: Scott Phillips

State of Florida:

County:

SWORN AND SUBSCRIBED before me by means of  physical presence or  online notarization, this day 23 of MAY, 2025.

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

Print Notary Name: CINDY CORREA

Notary Signature: Cindy Correa



Applicant

Print Name of Property Owner: Scott Phillips Date: 5/23/25

Signature of Property Owner: Scott Phillips

State of Florida:

County:



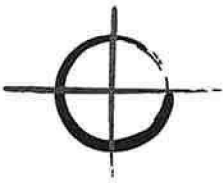
SWORN AND SUBSCRIBED before me by means of  physical presence or  online notarization, this day 23 of MAY, 2025.

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

Print Notary Name: CINDY CORREA My Commission Expires: \_\_\_\_\_

Notary Signature: Cindy Correa





# PINNELL SURVEY, INC.

5300 W. HILLSBORO BLVD., SUITE 215-A COCONUT CREEK, FLORIDA 33073  
 PHONE(954)418-4940 FAX(954)418-4941 EMAIL: order@sfland.net  
 CERTIFICATE NO.: LB6857

### SURVEY ADDRESS:

228 IMPERIAL LANE  
 LAUDERDALE BY THE SEA, FLORIDA 33308

### CERTIFY TO:

1. ROSA AND SCOTT PHILLIPS

### FLOOD ZONE & ELEVATIONS:

FLOOD ZONE: X / X(0.2%) / AE  
 BASE FLOOD ELEVATION: 6' / 7'  
 CONTROL PANEL NO.: 125123-0386-J  
 DATE OF FIRM INDEX: 07/31/24

REFERENCE BENCHMARK: CITY OF FORT  
 LAUDERDALE B.M. @ DUPONT BOULEVARD  
 AND ALLEY S. OF COMMERCIAL BOULEVARD  
 ELEVATION = 5.598' (NGVD 1929)  
 ELEVATION = 4.013' (NAVD 1988)

### POTENTIAL ENCROACHMENTS:

1. RETAINING WALL CROSSES OVER THE EASTERLY PROPERTY LINE.

### LEGAL DESCRIPTION:

LOT 37, BLOCK 1, OF "LAUDERDALE SURF & YACHT ESTATES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, AT PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

### LEGEND & ABBREVIATIONS:

A = ARC	D.E. = DRAINAGE EASEMENT	P.C. = POINT OF CURVATURE
A/C = AIR CONDITIONER	ELEV. = ELEVATION	P.E. = POOL EQUIPMENT
A.E. = ANCHOR EASEMENT	E.S. = ELECTRIC SERVICE	P.I. = POINT OF INTERSECTION
B.M. = BENCHMARK	F.P. & L. = FLORIDA POWER & LIGHT	P.R.C. = POINT OF REVERSE CURVE
B.C.R. = BROWARD COUNTY RECORDS	L.B. = LICENSED BUSINESS	P.O.B. = POINT OF BEGINNING
C.B.S. = CONCRETE BLOCK STRUCTURE	L.P. = LIGHT POLE	P.O.C. = POINT OF COMMENCEMENT
CHAT. = CHATTAHOOCHEE	M.H. = MANHOLE	P.P. = POWER POLE
C.O. = CLEANOUT	(M) = MEASURED	R = RADIUS
CONC. = CONCRETE	NAVD = NORTH AMERICAN VERTICAL DATUM	R/W = RIGHT-OF-WAY
C.L.F. = CHAIN LINK FENCE	NGVD = NATIONAL GEODETIC VERTICAL DATUM	T = TANGENT
C.L.P. = CONCRETE LIGHT POLE	NO. = NUMBER	(TYP.) = TYPICAL
(C) = CALCULATED	O.H. = OVERHANG	U.E. = UTILITY EASEMENT
C.B. = CHORD BEARING	O.R.B. = OFFICIAL RECORDS BOOK	W.F. = WOOD FENCE
C.R. = CABLE RISER	O/S = OFFSET	W.M. = WATER METER
(D) = DEED	(P) = PLAT	Δ = DELTA OR CENTRAL ANGLE
D.B. = DEED BOOK	P.B.C.R. = PALM BEACH COUNTY RECORDS	⊕ = CENTERLINE
M-D.C.R. = MIAMI-DADE COUNTY RECORDS	P.B. = PLAT BOOK	⊕ <sub>8.2'</sub> = ELEVATION

### GENERAL NOTES:

1. TYPE OF SURVEY: BOUNDARY
2. IF THIS SURVEY HAS BEEN REVISED AS INDICATED IN THE REVISION BOX SHOWN HEREON, THEN ANY AND ALL PREVIOUS VERSIONS OF THIS SURVEY PREPARED BY PINNELL SURVEY, INC. ARE NULL & VOID.
3. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY PINNELL SURVEY, INC. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT DEPICTED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY, FOR WHICH THE SUBJECT PROPERTY IS LOCATED IN.
4. UNLESS OTHERWISE NOTED, FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
5. ELEVATIONS SHOWN HEREON (IF ANY) ARE RELATIVE TO NAVD 1988, UNLESS OTHERWISE NOTED.
6. UNDERGROUND IMPROVEMENTS AND UTILITIES ARE NOT LOCATED.
7. FENCE AND WALL OWNERSHIP IS NOT DETERMINED.
8. THIS DRAWING IS THE PROPERTY OF PINNELL SURVEY, INC. AND SHALL NOT BE USED OR REPRODUCED, WHOLE OR IN PART WITHOUT WRITTEN PERMISSION & AUTHORIZATION FROM PINNELL SURVEY, INC.
9. ALL EASEMENTS SHOWN ON THE ATTACHED DRAWING ARE PER THE RECORD PLAT (UNLESS OTHERWISE NOTED).
10. REFERENCE BENCHMARK ELEVATION DATUM WAS CONVERTED FROM NGVD 1929 TO NAVD 1988 USING CORPSCON 6.0.1.

### CERTIFICATION:

THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SKETCH AND THAT SAID ABOVE GROUND SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE UNDER RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, UNLESS IT IS ELECTRONICALLY SIGNED AND SEALED.



5/1/25

JASON H. PINNELL  
 PROFESSIONAL SURVEYOR & MAPPER  
 LICENSE NO. 5734, STATE OF FLORIDA

REVISIONS	DATE	CHK'D BY
FINAL SURVEY (25-0710)	04/22/25	K.M.
UPDATE SURVEY & ELEVATIONS (25-0295)	02/18/25	K.M.
POOL SPOT SURVEY (23-1358)	08/18/23	S.A.
SPOT SURVEY (22-2245)	11/09/22	S.A.
FORM BOARD SURVEY (22-2179)	10/29/22	J.P.
UPDATE SURVEY & ADD SITE ELEVATIONS (21-1050)	05/18/21	K.M.

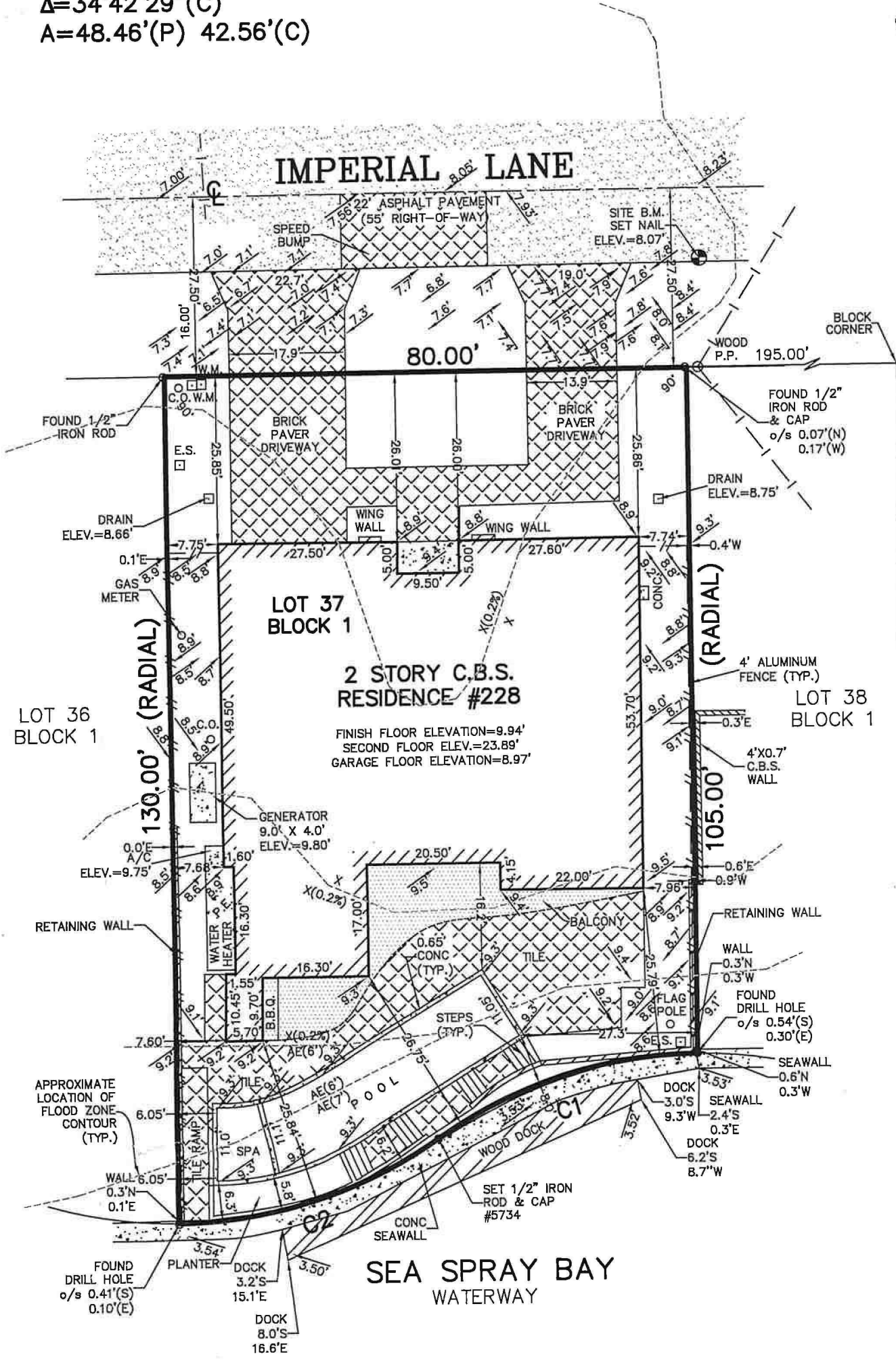
SKETCH NO.: 07-2807
DATE OF SURVEY: 11/16/07
CHECKED BY: S.A.
FIELD BOOK/PAGE: 289/74, FILE
SIDE 1 OF 2

C1: R=80.00'(P) 70.25'(C)  
 $\Delta=34^{\circ}42'29''(C)$   
 A=48.46'(P) 42.56'(C)

C2: R=80.00'(P) 70.25'(C)  
 $\Delta=34^{\circ}42'29''(C)$   
 A=48.46'(P) 42.56'(C)



THOMAS WAY



SCALE: 1" = 20'	SKETCH NO.: 07-2807
DRAWN BY: K.W.	SIDE 2 OF 2

**ELEVATION CERTIFICATE**

**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11**

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION	FOR INSURANCE COMPANY USE
A1. Building Owner's Name: <u>ROSA AND SCOTT PHILLIPS</u> A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>228 IMPERIAL LANE</u>	Policy Number: _____ Company NAIC Number: _____
City: <u>LAUDERDALE BY THE SEA</u> State: <u>FL</u> ZIP Code: <u>33308</u>	
A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: <u>LOT 37, BLOCK 1, PLAT BOOK 22, PAGE 46, B.C.R. (ID# 4943 18 04 0390)</u>	
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>RESIDENTIAL</u>	
A5. Latitude/Longitude: Lat. <u>26.183821°</u> Long. <u>-80.098823°</u> Horiz. Datum: <input type="checkbox"/> NAD 1927 <input type="checkbox"/> NAD 1983 <input checked="" type="checkbox"/> WGS 84	
A6. Attach at least two and when possible four clear color photographs (one for each side) of the building (see Form pages 7 and 8).	
A7. Building Diagram Number: <u>1A</u>	
A8. For a building with a crawlspace or enclosure(s): a) Square footage of crawlspace or enclosure(s): <u>N/A</u> sq. ft. b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>N/A</u> Engineered flood openings: <u>N/A</u> d) Total net open area of non-engineered flood openings in A8.c: <u>N/A</u> sq. in. e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instructions): <u>N/A</u> sq. ft. f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): <u>N/A</u> sq. ft.	
A9. For a building with an attached garage: a) Square footage of attached garage: <u>590</u> sq. ft. b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>0</u> Engineered flood openings: <u>2</u> d) Total net open area of non-engineered flood openings in A9.c: <u>0</u> sq. in. e) Total rated area of engineered flood openings in A9.c (attach documentation – see Instructions): <u>400</u> sq. ft. f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): <u>0</u> sq. ft.	

**SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION**

B1.a. NFIP Community Name: <u>LAUDERDALE BY THE SEA</u> B1.b. NFIP Community Identification Number: <u>125123</u>	
B2. County Name: <u>BROWARD</u> B3. State: <u>FL</u> B4. Map/Panel No.: <u>12011C0386</u> B5. Suffix: <u>J</u>	
B6. FIRM Index Date: <u>07/31/2024</u> B7. FIRM Panel Effective/Revised Date: <u>07/31/2024</u>	
B8. Flood Zone(s): <u>X / X(0.2%)</u> B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>N/A</u>	
B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: <input type="checkbox"/> FIS <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other: _____	
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____	
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: <u>N/A</u> <input type="checkbox"/> CBRS <input type="checkbox"/> OPA	
B13. Is the building located seaward of the Limit of Moderate Wave Action (LiMWA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

# ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:

228 IMPERIAL LANE

City: LAUDERDALE BY THE SEA State: FL ZIP Code: 33308

FOR INSURANCE COMPANY USE

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

## SECTION E – BUILDING MEASUREMENT INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO, ZONE AR/AO, AND ZONE A (WITHOUT BFE)

For Zones AO, AR/AO, and A (without BFE), complete Items E1–E5. For Items E1–E4, use natural grade, if available. If the Certificate is intended to support a Letter of Map Change request, complete Sections A, B, and C. Check the measurement used. In Puerto Rico only, enter meters.

Building measurements are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction

\*A new Elevation Certificate will be required when construction of the building is complete.

E1. Provide measurements (C.2.a in applicable Building Diagram) for the following and check the appropriate boxes to show whether the measurement is above or below the natural HAG and the LAG.

a) Top of bottom floor (including basement, crawlspace, or enclosure) is: \_\_\_\_\_  feet  meters  above or  below the HAG.

b) Top of bottom floor (including basement, crawlspace, or enclosure) is: \_\_\_\_\_  feet  meters  above or  below the LAG.

E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (C2.b in applicable Building Diagram) of the building is: \_\_\_\_\_  feet  meters  above or  below the HAG.

E3. Attached garage (top of slab) is: \_\_\_\_\_  feet  meters  above or  below the HAG.

E4. Top of platform of machinery and/or equipment servicing the building is: \_\_\_\_\_  feet  meters  above or  below the HAG.

E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?  Yes  No  Unknown The local official must certify this information in Section G.

## SECTION F – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge*

Check here if attachments and describe in the Comments area.

Property Owner or Owner's Authorized Representative Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Ext.: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments:

# ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:

228 IMPERIAL LANE

City: LAUDERDALE BY THE SEA State: FL ZIP Code: 33308

## FOR INSURANCE COMPANY USE

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

### SECTION H – BUILDING'S FIRST FLOOR HEIGHT INFORMATION FOR ALL ZONES (SURVEY NOT REQUIRED) (FOR INSURANCE PURPOSES ONLY)

The property owner, owner's authorized representative, or local floodplain management official may complete Section H for all flood zones to determine the building's first floor height for insurance purposes. Sections A, B, and I must also be completed. Enter heights to the nearest tenth of a foot (nearest tenth of a meter in Puerto Rico). *Reference the Foundation Type Diagrams (at the end of Section H Instructions) and the appropriate Building Diagrams (at the end of Section I Instructions) to complete this section.*

H1. Provide the height of the top of the floor (as indicated in Foundation Type Diagrams) above the Lowest Adjacent Grade (LAG):

a) For Building Diagrams 1A, 1B, 3, and 5–8. Top of bottom \_\_\_\_\_  feet  meters  above the LAG floor (include above-grade floors only for buildings with crawlspaces or enclosure floors) is:

b) For Building Diagrams 2A, 2B, 4, and 6–9. Top of next higher floor (i.e., the floor above basement, crawlspace, or enclosure floor) is: \_\_\_\_\_  feet  meters  above the LAG

H2. Is all Machinery and Equipment servicing the building (as listed in Item H2 instructions) elevated to or above the floor indicated by the H2 arrow (shown in the Foundation Type Diagrams at end of Section H instructions) for the appropriate Building Diagram?

Yes  No

### SECTION I – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and H must sign here. *The statements in Sections A, B, and H are correct to the best of my knowledge.* **Note:** If the local floodplain management official completed Section H, they should indicate in Item G2.b and sign Section G.

Check here if attachments are provided (including required photos) and describe each attachment in the Comments area.

Property Owner or Owner's Authorized Representative Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Ext.: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments:

**ELEVATION CERTIFICATE**  
**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11**  
**BUILDING PHOTOGRAPHS**

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
228 IMPERIAL LANE

City: LAUDERDALE BY THE SEA State: FL ZIP Code: 33308

**FOR INSURANCE COMPANY USE**

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo One

Photo One Caption: FRONT VIEW

04/22/25

Clear Photo One



Photo Two

Photo Two Caption: RIGHT SIDE VIEW

04/22/25

Clear Photo Two

**ELEVATION CERTIFICATE**  
**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11**  
**BUILDING PHOTOGRAPHS**

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.:  
 228 IMPERIAL LANE

City: LAUDERDALE BY THE SEA State: FL ZIP Code: 33308

**FOR INSURANCE COMPANY USE**

Policy Number: \_\_\_\_\_

Company NAIC Number: \_\_\_\_\_

Insert the third and fourth photographs below. Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo Three

Photo Three Caption: LEFT SIDE VIEW

04/22/25

Clear Photo Three



Photo Four

Photo Four Caption: REAR VIEW

04/22/25

Clear Photo Four

MAY 1<sup>ST</sup>, 2025



**PINNELL**  
SURVEY, INC.

Pinnell Survey, Inc.  
5300 W. Hillsboro Blvd., Suite 215-A  
Coconut Creek, FL 33073  
Ph: 954-418-4940  
[order@sfland.net](mailto:order@sfland.net)

Property Address: 228 IMPERIAL LANE LAUDERDALE BY THE SEA, FLORIDA 33308  
**RE: Extra Photos for Elevation Certificate**



**2 SMART VENTS MODEL 1540-510 =**

**200 SQ. FT. OF COVERAGE PER VENT  
TOTAL NET AREA = 400 SQ. FT. OF  
COVERAGE**



Most Widely Accepted and Trusted

# ICC-ES Evaluation Report

## ESR-2074

ICC-ES | (800) 423-6587 | (562) 699-0543 | www.icc-es.org

Reissued 02/2025  
This report is subject to renewal 02/2027.

DIVISION: 08 00 00—OPENINGS

SECTION: 08 95 43—VENTS/FOUNDATION FLOOD VENTS

REPORT HOLDER:

**SMART VENT PRODUCTS, INC.**

EVALUATION SUBJECT:

**SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520;  
#1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514  
FLOOD VENT SEALING KIT #1540-526**



*"2014 Recipient of Prestigious Western States Seismic Policy Council (WSSPC) Award in Excellence"*



*ICC-ES Evaluation Reports are not to be construed as representing aesthetics or any other attributes not specifically addressed, nor are they to be construed as an endorsement of the subject of the report or a recommendation for its use. There is no warranty by ICC Evaluation Service, LLC, express or implied, as to any finding or other matter in this report, or as to any product covered by the report.*



# ICC-ES Evaluation Report

ESR-2074

Reissued February 2025

This report also contains:

- CA Supplement

Subject to renewal February 2027

- FL Supplement

ICC-ES Evaluation Reports are not to be construed as representing aesthetics or any other attributes not specifically addressed, nor are they to be construed as an endorsement of the subject of the report or a recommendation for its use. There is no warranty by ICC Evaluation Service, LLC, express or implied, as to any finding or other matter in this report, or as to any product covered by the report.

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<p><b>DIVISION: 08 00 00— OPENINGS</b></p> <p><b>Section: 08 95 43— Vents/Foundation Flood Vents</b></p>	<p><b>REPORT HOLDER:</b></p> <p><b>SMART VENT PRODUCTS, INC.</b></p>	<p><b>EVALUATION SUBJECT:</b></p> <p><b>SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540- 520; #1540-521; #1540- 510; #1540-511; #1540- 570; #1540-574; #1540- 524; #1540-514</b></p> <p><b>FLOOD VENT SEALING KIT #1540-526</b></p>	
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## 1.0 EVALUATION SCOPE

### Compliance with the following codes:

- 2024, 2021, 2018, 2015, 2012, 2009 and 2006 [International Building Code® \(IBC\)](#)
- 2024, 2021, 2018, 2015, 2012, 2009 and 2006 [International Residential Code® \(IRC\)](#)
- 2024, 2021 and 2018 [International Energy Conservation Code® \(IECC\)](#)
- 2013 *Abu Dhabi International Building Code (ADIBC)*<sup>†</sup>

<sup>†</sup>The ADIBC is based on the 2009 IBC. 2009 IBC code sections referenced in this report are the same sections in the ADIBC.

### Properties evaluated:

- Physical operation
- Water flow

## 2.0 USES

The Smart Vent® units are engineered mechanically operated flood vents (FVs) employed to equalize hydrostatic pressure on walls of enclosures subject to rising or falling flood waters. Certain models also allow natural ventilation.

## 3.0 DESCRIPTION

### 3.1 General:

When subjected to rising water, the Smart Vent® FVs internal floats are activated, then pivot open to allow flow in either direction to equalize water level and hydrostatic pressure from one side of the foundation to the other. The FV pivoting door is normally held in the closed position by a buoyant release device. When subjected to rising water, the buoyant release device causes the unit to unlatch, allowing the door to rotate out of the way and allow flow. The water level stabilizes, equalizing the lateral forces. Each unit is fabricated from stainless steel. Smart Vent® Automatic Foundation Flood Vents are available in various models and sizes as described in [Table 1](#). The SmartVENT® Stacking Model #1540-511 and FloodVENT® Stacking Model #1540-521 units each contain two vertically arranged openings per unit.

### 3.2 Engineered Opening:

The FVs comply with the design principle noted in Section 2.7.2.2 and Section 2.7.3 of ASCE/SEI 24-14 [Section 2.6.2.2 of ASCE/SEI 24-05 (2012, 2009, 2006 IBC and IRC)] for a maximum rate of rise and fall of 5.0 feet per hour (0.423 mm/s). In order to comply with the engineered opening requirement of ASCE/SEI 24, Smart Vent FVs must be installed in accordance with Section 4.0.

### 3.3 Ventilation:

The SmartVENT® Model #1540-510 and SmartVENT® Overhead Door Model #1540-514 both have screen covers with 1/4-inch-by-1/4-inch (6.35 by 6.35 mm) openings, yielding 51 square inches (32 903 mm<sup>2</sup>) of net free area to supply natural ventilation. The SmartVENT® Stacking Model #1540-511 consists of two Model #1540-510 units in one assembly, and provides 102 square inches (65 806 mm<sup>2</sup>) of net free area to supply natural ventilation. Other FVs described in this report do not offer natural ventilation.

### 3.4 Flood Vent Sealing Kit:

The Flood Vent Sealing Kit Model #1540-526 is used with SmartVENT® Model #1540-520. It is a Homasote 440 Sound Barrier® (ESR-1374) insert with 21 – 2-inch-by-2-inch (51 mm x 51 mm) squares cut in it. See Figure 4.

## 4.0 DESIGN AND INSTALLATION

### 4.1 SmartVENT® and FloodVENT®:

SmartVENT® and FloodVENT® are designed to be installed into walls or overhead doors of existing or new construction from the exterior side. Installation of the vents must be in accordance with the manufacturer's instructions, the applicable code, and this report. Installation clips allow mounting in masonry and concrete walls of any thickness. In order to comply with the engineered opening design principle noted in Section 2.7.2.2 and 2.7.3 of ASCE/SEI 24-14 [Section 2.6.2.2 of ASCE/SEI 24-05 (2012, 2009, 2006 IBC and IRC)], the Smart Vent® FVs must be installed as follows:

- With a minimum of two openings on different sides of each enclosed area.
- With a minimum of one FV for every 200 square feet (18.6 m<sup>2</sup>) of enclosed area, except that the SmartVENT® Stacking Model #1540-511 and FloodVENT® Stacking Model #1540-521 must be installed with a minimum of one FV for every 400 square feet (37.2 m<sup>2</sup>) of enclosed area.
- Below the base flood elevation.
- With the bottom of the FV located a maximum of 12 inches (305.4 mm) above the higher of the final grade or floor and finished exterior grade immediately under each opening.

### 4.2 Flood Vent Sealing Kit

The Flood Vent Sealing Kit Model 1540-526 is used in conjunction with FloodVENT® Model #1540-520. When installed and tested in accordance with ASTM E283, the FV and Flood Vent Sealing Kit assembly have an air leakage rate of less than 0.2 cubic feet per minute per lineal foot (18.56 l/min per lineal meter) at a pressure differential of 1 pound per square foot (50 Pa) based on 12.58 lineal feet (3.8 lineal meters) contained by the Flood Vent Sealing Kit.

## 5.0 CONDITIONS OF USE:

The Smart Vent® FVs described in this report comply with, or are suitable alternatives to what is specified in, those codes listed in Section 1.0 of this report, subject to the following conditions:

- 5.1 The Smart Vent® FVs must be installed in accordance with this report, the applicable code and the manufacturer's installation instructions. In the event of a conflict, the instructions in this report govern.
- 5.2 The Smart Vent® FVs must not be used in the place of "breakaway walls" in coastal high hazard areas, but are permitted for use in conjunction with breakaway walls in other areas.

## 6.0 EVIDENCE SUBMITTED

- 6.1 Data in accordance with the ICC-ES Acceptance Criteria for Mechanically Operated Flood Vents (AC364), dated August 2015 (editorially revised February 2024).
- 6.2 Test report on air infiltration in accordance with ASTM E283.

## 7.0 IDENTIFICATION

- 7.1 The ICC-ES mark of conformity, electronic labeling, or the evaluation report number (ICC-ES ESR-2074) along with the name, registered trademark, or registered logo of the report holder must be included in the product label.
- 7.2 The Smart VENT® models and the Flood Vent Sealing Kit described in this report must be identified by a label bearing the manufacturer's name (Smartvent Products, Inc.), the model number, and the evaluation report number (ESR-2074).
- 7.3 The report holder's contact information is the following:

**SMART VENT PRODUCTS, INC.**  
**19 MANTUA ROAD**  
**MOUNT ROYAL, NEW JERSEY 08061**  
**(877) 441-8368**  
[www.smartvent.com](http://www.smartvent.com)  
[info@smartvent.com](mailto:info@smartvent.com)

TABLE 1—MODEL SIZES

MODEL NAME	MODEL NUMBER	MODEL SIZE (in.)	COVERAGE <sup>1</sup> (ft <sup>2</sup> )
FloodVENT®	1540-520	15 <sup>3</sup> / <sub>4</sub> " X 7 <sup>3</sup> / <sub>4</sub> "	200
SmartVENT®	1540-510	15 <sup>3</sup> / <sub>4</sub> " X 7 <sup>3</sup> / <sub>4</sub> "	200
FloodVENT® Overhead Door	1540-524	15 <sup>3</sup> / <sub>4</sub> " X 7 <sup>3</sup> / <sub>4</sub> "	200
SmartVENT® Overhead Door	1540-514	15 <sup>3</sup> / <sub>4</sub> " X 7 <sup>3</sup> / <sub>4</sub> "	200
Wood Wall FloodVENT®	1540-570	14" X 8 <sup>3</sup> / <sub>4</sub> "	200
Wood Wall FloodVENT® Overhead Door	1540-574	14" X 8 <sup>3</sup> / <sub>4</sub> "	200
SmartVENT® Stacker	1540-511	16" X 16"	400
FloodVent® Stacker	1540-521	16" X 16"	400

For SI: 1 inch = 25.4 mm; 1 square foot = m<sup>2</sup>

<sup>1</sup>The coverage area in square feet for each model is equivalent to the performance of the same number of square inches of non-engineered openings.

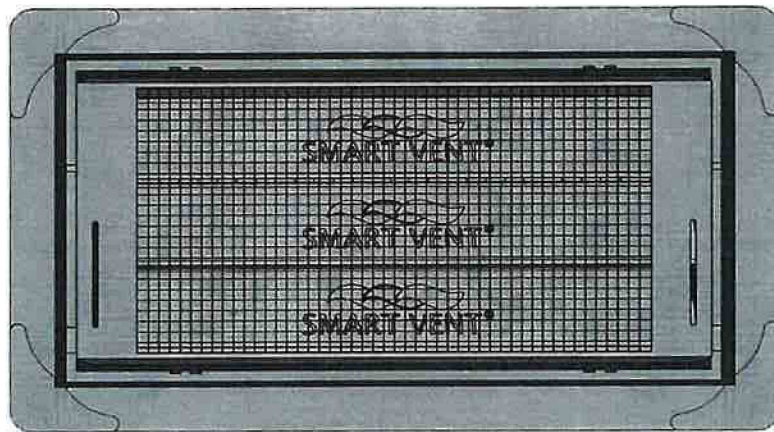


FIGURE 1—SMART VENT: MODEL 1540-510

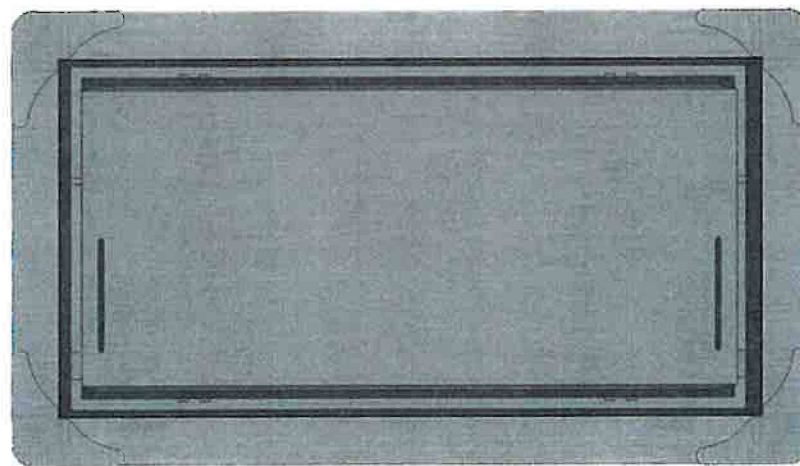


FIGURE 2—SMART VENT MODEL 1540-520

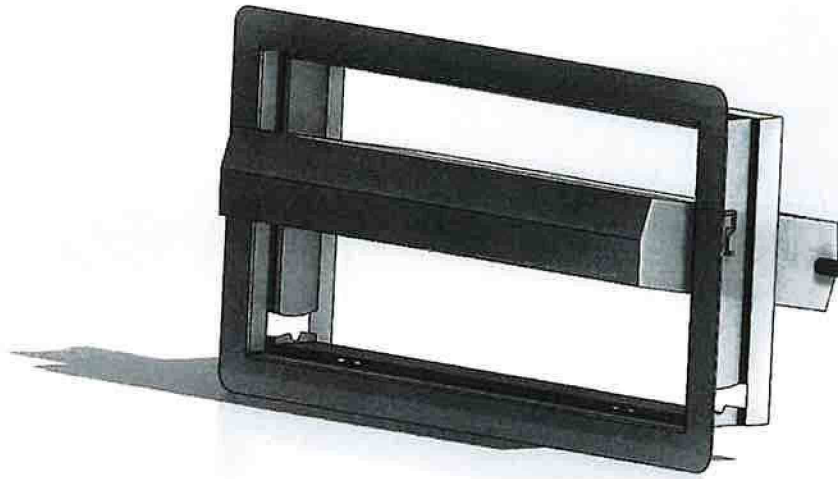


FIGURE 3—SMART VENT: SHOWN WITH FLOOD DOOR PIVOTED OPEN

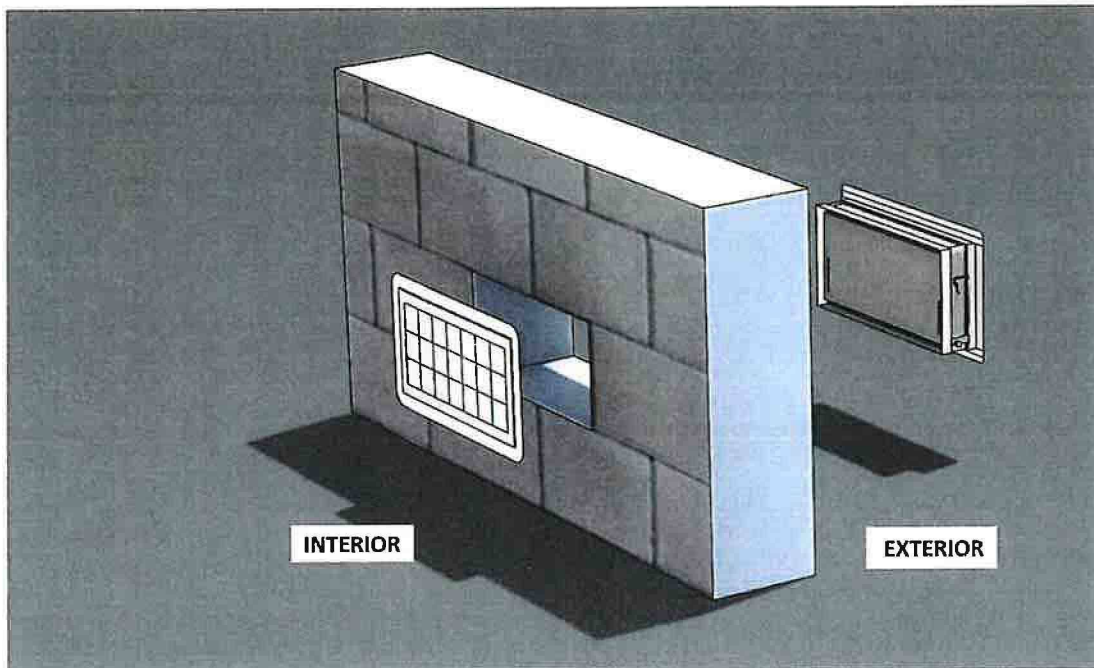


FIGURE 4—FLOOD VENT SEALING KIT

DIVISION: 08 00 00—OPENINGS

Section: 08 95 43—Vents/Foundation Flood Vents

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511;  
#1540-570; #1540-574; #1540-524; #1540-514  
FLOOD VENT SEALING KIT #1540-526

## 1.0 REPORT PURPOSE AND SCOPE

### Purpose:

The purpose of this evaluation report supplement is to indicate that Smart Vent® Automatic Foundation Flood Vents, described in ICC-ES evaluation report ESR-2074, have also been evaluated for compliance with codes noted below.

### Applicable code editions:

- 2022 California Building Code (CBC)

For evaluation of applicable chapters adopted by the California Office of Statewide Health Planning and Development (OSHPD) AKA: California Department of Health Care Access and Information (HCAI) and the Division of State Architect (DSA), see Sections 2.1.1 and 2.1.2 below.

- 2022 California Residential Code (CRC)

## 2.0 CONCLUSIONS

### 2.1 CBC:

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with CBC Chapter 12, provided the design and installation are in accordance with the 2021 *International Building Code*® (IBC) provisions noted in the evaluation report and the additional requirements of CBC Chapters 12 and 16, as applicable.

#### 2.1.1 OSHPD:

The applicable OSHPD Sections and Chapters of the CBC are beyond the scope of this supplement.

#### 2.1.2 DSA:

The applicable DSA Sections and Chapters of the CBC are beyond the scope of this supplement.

### 2.2 CRC:

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with the CRC, provided the design and installation are in accordance with the 2021 *International Residential Code*® (IRC) provisions noted in the evaluation report.

This supplement expires concurrently with the evaluation report, reissued February 2025.

DIVISION: 08 00 00—OPENINGS

Section: 08 95 43—Vents/Foundation Flood Vents

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514  
FLOOD VENT SEALING KIT #1540-526

## 1.0 REPORT PURPOSE AND SCOPE

**Purpose:**

The purpose of this evaluation report supplement is to indicate that Smart Vent® Automatic Foundation Flood Vents, described in ICC-ES evaluation report ESR-2074, have also been evaluated for compliance with the codes noted below.

**Applicable code editions:**

- 2023 Florida Building Code—Building
- 2023 Florida Building Code—Residential

## 2.0 CONCLUSIONS

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with the *Florida Building Code—Building* and the *Florida Building Code—Residential*, provided the design requirements must be determined in accordance with the *Florida Building Code—Building* or the *Florida Building Code—Residential*, as applicable. The installation requirements noted in ICC-ES evaluation report ESR-2074 for 2021 *International Building Code*® meet the requirements of the *Florida Building Code—Building* or the *Florida Building Code—Residential*, as applicable.

Use of the Smart Vent® Automatic Foundation Flood Vents has also been found to be in compliance with the High-Velocity Hurricane Zone provisions of the *Florida Building Code—Building* and the *Florida Building Code—Residential*.

For products falling under Florida Rule 61G20-3, verification that the report holder's quality assurance program is audited by a quality assurance entity approved by the Florida Building Commission for the type of inspections being conducted is the responsibility of an approved validation entity (or the code official when the report holder does not possess an approval by the Commission).

This supplement expires concurrently with the evaluation report, reissued February 2025.



**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 6:01PM.

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 Karen Sylvester, Board Members Ron Piersante, Leslie Richardson, Jeff Goldman, William (Bill) Ferrante and 1<sup>st</sup> 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. 1<sup>st</sup> 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. 1<sup>st</sup> 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. 1<sup>st</sup> 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 (1<sup>st</sup> 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 22<sup>nd</sup> 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 19<sup>th</sup>. 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 Bougainvillea. 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 (1<sup>st</sup> 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 Bougainvillea 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.

1<sup>st</sup> 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. 1<sup>st</sup> 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 1<sup>st</sup> 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 2<sup>nd</sup> Alternate following 1<sup>st</sup> 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 (1<sup>st</sup> 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 (1<sup>st</sup> Alternate Simpson could not vote this evening).

  
Chair Karen Sylvester

ATTEST:

Date Accepted: 9/3/25



**TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION  
Jarvis Hall  
4505 N. Ocean Drive  
Tuesday, December 9, 2025  
6:30 PM**

**1. CALL TO ORDER, MAYOR EDMUND MALKOON**

Mayor Edmund Malkoon called the meeting to order at 6:35 p.m. Also present were Commissioner Richard DeNapoli, Commissioner John A. Graziano, Commissioner Theo Pouloupoulos, Town Manager Ken Rubach, Town Attorney James White, Finance Director Lucila Lang, Assistant Finance Director Edner Saint-Jean, Development Services Director Jhanelle Campbell, Acting Town Clerk/Assistant to Town Manager Courtney Easley, and Events and Marketing Manager Katie Anderson.

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

**3. INVOCATION**

Pauline Brooks McGuinness gave the Invocation.

**4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**

**Commissioner Pouloupoulos made a motion, seconded by Commissioner DeNapoli, to excuse Vice Mayor Strauss's absence. Motion carried 4-0.**

Mayor Malkoon requested that Item 18.a be heard immediately following the portal design presentation.

**5. PRESENTATIONS**

**a. Proclamation for "Tiana Ganswith Day"**

Mayor Malkoon read a Proclamation recognizing December 9, 2025 as Tiana Ganswith Day in Lauderdale-By-The-Sea.

**b. Datura and Hibiscus Portal Design Presentation**

Alex Fenech, representing Hitchcock Design Group, provided an update on the redesign process for the Datura Avenue and Hibiscus Avenue beach portals. A community input

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meeting was held in November 2025 to provide an opportunity for input on potential changes to these portals. Suggestions included the following:

- Umbrellas and chairs
- Maintenance of ocean views
- Shade and seating
- Possible incorporation of art or murals
- Making the portals more diver-friendly

Mr. Fenech characterized the proposed changes as enhancements rather than redevelopment. Concepts are related to the infrastructure already in place, including backflow prevention, electrical utilities, and other items.

The proposed conceptual designs for the Datura portal include:

- Retaining landscape areas in the same location
- New pavers, benches, and seating
- New showers
- Custom SCUBA gear racks
- Shade structure
- Bike racks
- Adirondack chairs
- Mural

Two options were presented for the Datura portal including these components. As this portal area is prone to flooding, a civil engineer would be brought in to work with the Town to address this need.

Proposed designs for the Hibiscus portal include:

- Maintain ocean views
- Provide landscaping
- New lighting, pavers, showers, and furniture

Only one concept is proposed for the Hibiscus portal, as the team was very constrained with respect to the changes that could be made.

Commissioner Pouloupoulos asked if there were significant cost differences between the two Datura options. Mr. Fenech replied that the differences are not significant, noting that the two portals would be bid as a single project. The current budget for the construction

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of both portals is \$750,000, which includes the cost of drainage improvements to mitigate flooding.

Commissioner Graziano advised that due to the potential cost of the project, he would be comfortable with adding only Americans with Disabilities Act (ADA) compliance, drainage, and lighting improvements to the portals, without the addition of other enhancements.

The Commissioners agreed by consensus to proceed with Option 2.

Mr. Fenech stated that next steps include the presentation of a single refined plan for the portals, focusing on Option 2. He acknowledged the Commissioners' concerns with costs, concluding that a rough outline and total costs for both portals would be presented at a subsequent meeting.

The following Item was taken out of order on the Agenda.

## **18. RESOLUTIONS – PUBLIC COMMENTS**

- a. Resolution 2025-54: A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, SELECTING A FINANCIAL ADVISORY FIRM TO ASSIST THE TOWN WITH EVALUATING AND NEGOTIATING A P3 PROPOSAL FOR THE DEVELOPMENT OF A NEW PUBLIC SAFETY FACILITY; AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH PFM FINANCIAL ADVISORS LLC; AND PROVIDING FOR AN EFFECTIVE DATE.**

At this time Mayor Malkoon opened public comment, which he closed upon receiving no input.

Finance Director Lucila Lang stated that the Town has received a public-private partnership (P3) proposal for the delivery of a new public safety facility. A project of this magnitude will include a long-term financial commitment, as well as risk allocation and complex financing structures requiring specific expertise. To ensure a thorough and objective evaluation, the Town is seeking to engage an independent financial advisor.

Staff reached out to three firms for this purpose and received proposals from two, with representatives available at tonight's meeting via communications technology. Their proposals are included in the Commissioners' Agenda packets.

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Julie Santamaria, representing PFM Financial Advisors (via Zoom), advised that the firm serves as municipal advisor to several Florida governmental entities. They offer a full scope of services, including economic development, P3s, and full financial advisory services in the event the Town chooses to issue its own debt. Their strategic services include the following:

- Monitoring of legislative opportunities
- Monitoring of regulatory changes
- All aspects of capital improvement planning
- Ratings and preliminary evaluation of the Town's financial position
- Training for Staff and elected officials

PFM is a leading financial advisor both nationally and in Florida and works with P3s for clients ranging from Panama City to the Miami Beach area. They evaluate P3 proposals, prices associated with bond issuance, and bank loan proposals, regularly assisting clients with requests for proposal (RFPs) for bank loans. They have resources which specialize in real estate evaluation and market analysis, and can assist with tax increment revenue projections as well as cash flow modeling and analyses.

Commissioner Pouloupoulos asked if the Town is required by Florida Statutes to undertake value for money (VFM) review or study. Ms. Santamaria replied that a similar analysis can be achieved by evaluating feasibility and cash flow options. VFM is not included in the scope of the firm's proposal, although it can be incorporated as an additional step.

Commissioner DeNapoli asked what PFM would charge for their services. Ms. Santamaria replied that the proposal is divided into two tasks, the first of which carries a flat fee of \$10,000 and evaluates the Town's financing options, estimates cash flows, projects the costs included in the unsolicited proposal, and provides alternative options for the borrowing of funds on a tax-exempt basis using the Town's credit without going through a conduit issuer.

Town Manager Rubach confirmed that CORE, the entity proposing the P3, has also proposed a financing arrangement. Commissioner DeNapoli asked how PFM's proposed financing mechanisms would differ from those offered by CORE. Ms. Santamaria advised that CORE's proposal suggested conduit financing, which would establish a special purpose entity. The simplest and lowest cost would occur if the Town issues a bond or bank loan itself. PFM's fiduciary responsibility would include reviewing all the options for the Town, making a recommendation, and assisting the Town in determining its best option.

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Commissioner DeNapoli asked if PFM has experience in working without debt financing in the event the Town chooses not to take on any debt. Ms. Santamaria replied that if the Town has cash on hand, PFM would look at the opportunity costs of using those funds in comparison to borrowing. She also noted that long-term borrowing could be a better choice, as it would retain some of the cash on hand.

Commissioner DeNapoli asked if PFM earns fees from the arrangement of debt offerings. Ms. Santamaria confirmed this is the case if PFM is working with the Town on an additional debt issue; the fee for a bank loan listed in the firm's proposal is \$15,000. There would be no additional fees based on the loan itself.

Commissioner Graziano asked which specific company the Town would be hiring. Ms. Santamaria explained that this would be PFM Financial Advisors, LLC, as stated in the proposed agreement; while the firm has affiliated companies that can perform additional tasks, those companies' work would be subject to a separate fee that is not included in PFM's cost proposal. She emphasized that PFM is registered with the Securities and Exchange Commission (SEC) and would have the fiduciary obligation of representing the Town's best interests from a financial perspective.

Commissioner Graziano recalled that he had originally been under the impression that when the Town received the unsolicited P3 proposal, all costs would be paid by CORE as the proposing entity. Town Manager Rubach advised that under CORE's proposal, any costs associated with the project itself would be paid for initially by CORE; however, the Town would need to pay for the financial advisor itself, which would be either the \$25,000 proposal by PFM or the \$38,000 proposal by Taft Infrastructure Advisors.

Commissioner Graziano stated that he did not expect PFM's contract to remain at \$25,000. Town Manager Rubach replied that there are chances the contract would increase if the Commission opts into "add-ons" outside the proposed scope.

Commissioner Pouloupoulos pointed out that the materials provided to the Commission by Staff state that, pursuant to Florida law, P3 proposals require the completion of a VFM analysis to determine whether or not the P3 approach provides greater cost-effectiveness than conventional financing and delivery options. He requested clarification of whether this analysis, which is not listed as part of PFM's proposal, is a requirement.

Audrey Nelson, representing Taft Infrastructure Advisors (via Zoom), stated that her firm offers its services not only as financial consultants but as the Town's strategic partner in protecting the public interest. The P3 triggers a specific legal process under Florida

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Statute 255.065 which involves long-term financing, maintenance obligations, and risk transfer.

Taft is a specialized firm which focuses exclusively on infrastructure and P3s and has been involved in P3 projects across the United States. They have worked with North Miami, West Palm Beach, and Fort Lauderdale and are backed by a platform which provides access to 1,300 attorneys and other resources.

Taft proposes a three-step evaluation process:

- Statutory proposal financial and risk analysis
- Project affordability
- Value for money (VFM) analysis

Ms. Nelson characterized the VFM analysis as a test in which the P3 proposal is quantitatively compared against a traditional delivery model to prove which option saves taxpayer money over the long term.

Taft's fees are structured to maximize flexibility. The mandatory statutory financial analysis carries a fixed fee; for the affordability report and VFM analysis, each is priced hourly on an as-needed basis and capped. This places the Town in control of the process. If the proposal is determined not to be viable, the process stops and the Town is not locked into a lump sum contract.

Commissioner DeNapoli requested additional information regarding the VFM analysis. Town Manager Rubach advised that while Florida Statute 255.065 does not require this analysis, CORE has indicated it would be beneficial for the Town to use the VFM process. Taft's fee of \$38,500 includes the VFM analysis; if this task were broken out separately, it would be charged on an hourly basis with a cap of \$14,300. The financial risk analysis would cost \$10,250 as a flat fee, and the project affordability analysis would also cost \$14,300.

Commissioner DeNapoli also requested clarification of whether the firm is affiliated with Taft Law. Ms. Nelson explained that Taft Infrastructure Advisors, which is its own LLC, is a wholly owned subsidiary of Taft Law and has access to the resources of that entity. They would offer support for the negotiation of a contract with the P3 entity.

Town Manager Rubach clarified that if the VFM analysis is removed from the proposal, Taft's services would cost \$24,550, which brings its cost closer to the rate offered by PFM.

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Commissioner Pouloupoulos stated that he would like clarification of whether or not VFM analysis is required by law. Town Manager Rubach replied that his understanding of the P3 Statute is that VFM is recommended but not required. Ms. Nelson added that Taft's understanding of the Florida Statute is that it aligns with the principles of VFM analysis, ensuring that the public entity receives an equivalent or better outcome than traditional procurement. It is not explicitly cited in the Statute but is included in the requirement of cost-effectiveness.

Umer Yaqib, also representing Taft Infrastructure Advisors, stated that Statute 255.065 does not clearly require VFM analysis; however, a majority of the large municipalities with which the firm has worked have specifically required VFM analysis when evaluating a P3. The analysis is recommended if a municipality is comparing multiple proposals, as it provides a clearer comparison; in the case of a single proposal, evaluation would touch upon almost all of the same areas as a VFM assessment.

Mr. Yaqib continued that the firm's affordability analysis would look at the proposal from a long-term ownership perspective, including whether or not the Town can afford the project. It would also identify areas in which the Town may make amendments to the project to make it more affordable.

Commissioner DeNapoli observed that Statute 255.065 refers only to "an independent analysis," which could be defined differently by different providers. Town Manager Rubach stated that inclusion of VFM analysis would be at the Commission's discretion.

Ms. Santamaria further clarified that the first two steps of Taft's three-step approach are included in PFM's first task at a cost of \$10,000. PFM's second task would only be applied if the Town chooses to proceed with its own financing.

Commissioner DeNapoli asked if the Town would want to view alternatives including financing, bond issuance, or a combination of the two. Town Manager Rubach confirmed this.

Commissioner Graziano requested clarification that VFM analysis would carry a separate fee under PFM's proposal. Ms. Santamaria confirmed this. It was noted by another representative of Taft Infrastructure Advisors that the firm's response to the Town's request offers an initial analysis, with additional services available on an as-needed hourly basis.

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Mayor Malkoon requested additional information on how Staff evaluated the firms and came to recommend PFM. Finance Director Lang replied that the evaluation was based on the information provided by the firms as well as costs. The firms to which Staff reached out were recommended by the Town Attorney's Office, which has worked with both.

Mayor Malkoon commented that the services offered by the firms appear more similar if they are asked to provide a range of services. Town Manager Rubach confirmed that this would bring the firms' costs within a few hundred dollars of one another, absent the VFM analysis. He characterized VFM analysis as an additional layer of vetting.

Ms. Santamaria stated that PFM's first task includes a full affordability analysis, evaluation of revenues and ability to pay for the financing, and credit rating analysis. The second task would only follow if the Town decides to issue its own debt, at which time PFM would serve as municipal advisor on that specific financing transaction.

Commissioner DeNapoli asked what the Town would receive from PFM at the proposed cost of \$10,000. Ms. Santamaria replied that the firm would review the P3 proposal with the Town, including all financing options, and provide an estimate of the Town's credit rating based on criteria used by municipal bond rating agencies. They would identify the pros and cons of the proposal, as well as the pros and cons of the Town issuing its own tax-exempt bond or a bank loan, and would review the affordability of these options.

Commissioner DeNapoli asked what Taft would provide for \$10,250. Mr. Yaqib replied that this would differ slightly from what would be offered by PFM, as Taft specializes in P3s. They would review the proposal from all aspects, including its impacts to the Town, its sustainability, ownership costs, and the effects of the P3's structure on the Town over the long term. He characterized this as a deeper analysis of the P3 proposal itself, as it could identify areas in which the proposal's structure could be improved.

Commissioner DeNapoli requested clarification of Taft's "second level" costs, which carry a \$14,300 cap. Mr. Yaqib replied that this would include a detailed affordability analysis, which reviews the Town's financials and provides a projection for the next 30 to 35 years. Costs of construction would also be considered in terms of the consumer price index (CPI), as construction would not begin right away and these adjustments would have an impact on costs.

Mayor Malkoon cautioned that very long-term projections can be concerning, pointing out that there is the potential that the Town may lose over \$4 million in ad valorem taxes, depending upon actions taken by the Florida Legislature in 2026. Commissioner

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Poulopoulos agreed, noting that this possibility should be included in any analysis performed by either entity.

**Commissioner Poulopoulos made a motion to move forward with PFM.**

Commissioner DeNapoli stated that PFM's materials show their proposal is in the amount of \$25,000. Town Manager Rubach noted that the proposal is broken down into two tasks. Commissioner DeNapoli added that both the proposals seemed to be the same, with one carrying a cap and one without, according to the firm's written materials.

**Commissioner Graziano seconded the motion. Motion carried 4-0.**

## **6. PUBLIC COMMENTS**

At this time Mayor Malkoon opened public comment, which he closed upon receiving no input.

## **7. PUBLIC SAFETY DISCUSSION**

### **a. BSO November 2025 Public Safety Report**

Broward Sheriff's Office (BSO) Captain Christopher Sutter reported that three employees were nominated for Employee of the Month in November 2025 for their collaborative work on auto thefts. These were Deputy Christopher Cathcart, CSIA Giovanna Anderson, and former Detective Glen Genovese, who recently transferred to another district. Their work secured a warrant for the arrest of a suspect in an auto theft which occurred in the Bel Air community. Other suspects may still be at large.

Captain Sutter thanked Citizen Observer Patrol (COP) participants for their assistance in events throughout 2025, including the recent Veterans Day event.

Captain Sutter continued that there was an incident of criminal mischief caught on video on November 10, 2025, which resulted in a damaged gate arm. On November 20, a bitcoin scam occurred. Captain Sutter emphasized that residents with questions about the legality of offers such as this one should reach out to BSO for assistance.

A Senior Seminar is scheduled for Wednesday, January 28, 2026 from 12 p.m. to 3 p.m. The event will be open to all ages and will include representatives from the Broward County Property Appraiser's Office, the Internal Revenue Service (IRS), and other local

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and federal governmental agencies. Captain Sutter strongly encouraged residents to attend and participate in this event.

Commissioner Pouloupoulos advised that his law firm has received several phone calls regarding unpaid toll scams. He emphasized the importance of not responding to these texts or providing credit card or other personal information.

Commissioner Pouloupoulos also addressed an incident which occurred on November 22, 2025, requesting clarification of the crosswalk involved. Captain Sutter replied that pedestrians were crossing from the north to the south side of Commercial Boulevard on the west side of the intersection. Speed was not a factor. He concluded that he would bring more information on the incident to a later meeting.

Commissioner DeNapoli also addressed the bitcoin scam incident, noting that this is becoming common and can involve fake trading sites that appear real. He added that many scams arise within WhatsApp groups.

## **8. TOWN MANAGER REPORT**

### **a. Town Manager Report**

Town Manager Rubach reported that there have now been over 100,000 Circuit riders within Lauderdale-By-The-Sea. The Town continues to partner with Circuit and look for ways to increase ridership.

Christmas-By-The-Sea was the final event of 2025 and was very successful. Town Manager Rubach thanked Events and Marketing Manager Katie Anderson, BSO, Pompano Beach Fire Rescue (PBFR), and others who assisted and sponsored the event.

The first Party in the Park event is scheduled for Thursday, December 18, 2025 between 5:30 and 7:30 p.m. in Friedt Park. The event will feature the movie "Frozen," as well as character appearances and treats.

The community has voted on the proposed Friedt Park mural designs, with nearly 46% indicating support for concept #2. Work is expected to begin in January 2026 and is estimated to require two weeks for completion.

The parking rate pilot study has concluded. In 2024, there were 32,518 transactions, while there were 31,739 transactions in 2025, representing a decrease of 779. There was also

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a decrease in revenue of roughly \$82,000 from the same period. Town Manager Rubach requested Commission direction on whether or not to return to normal rates going forward.

Mayor Malkoon recalled that he had encouraged businesses to inform their customers about reduced parking rates, but had received no responses.

Commissioner DeNapoli requested clarification of the difference in revenue between regular and special rates. Town Manager Rubach replied that it is difficult to determine the length of time of individual transactions due to the overall decrease in transactions. He estimated that the difference would be roughly \$20,000 to \$30,000.

Commissioner Pouloupoulos recommended that parking rates be returned to previous levels. There was Commission consensus on this change.

Town Manager Rubach continued that the position of Town Clerk has been posted and Staff is undertaking in-house recruitment as well. He recognized Assistant to the Town Manager Courtney Easley for her work in that position in addition to the responsibilities of her own job. He hoped to fill the position within the first quarter of 2026.

Town Hall will operate on a half-day on December 24 and 31, 2025 and will be closed on December 25, 2025 and January 1, 2026. It will reopen on the Fridays following these holidays.

**b. September 2025 Finance Report**

Finance Director Lang noted that the figures in this report may be adjusted as the Town undergoes its audit process, as there may be items that have not yet come through or which may have depreciated.

All Department revenues in the General Fund exceeded their budgeted amounts with the exception of Intergovernmental Revenues, which was 8% below budget. The Building Fund is below budget, most likely due to a slowing economy and fewer large projects. Some large items are anticipated in the coming fiscal year.

Sewer Fund revenues were below budget. Finance Director Lang recalled that a rate increase was implemented in May 2025, and the full effects of this increase have not yet been seen. Fire Fund revenues were slightly higher than normal, with expenses below budget.

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The Capital Improvement Program (CIP) has received some grant approvals, which are listed as revenues; however, those funds were not received in fiscal year (FY) 2025 and are anticipated in FY 2026. Some CIP projects were not completed in FY 2025 and were carried over into FY 2026, resulting in variances. Two projects were slightly over budget. Parking revenues exceeded expectations and expenses were roughly 30% below budget.

Finance Director Lang recalled that at a previous meeting, the Commission had requested that \$3 million from the Parking Fund be invested. This has been done.

Commissioner DeNapoli noted a surplus totaling roughly \$5 million across the General, Parking, and Capital Improvement Funds.

Commissioner Graziano requested an update on negotiations related to the Town's anniversary garden. Town Manager Rubach replied that the Town is still waiting to undertake this project, which may be carried out as part of the El Prado Park upgrades. No decisions have been made yet, pending possible changes to the Town Hall campus.

**c. Development Services Report**

Development Services Director Jhanelle Campbell reported that from May through September 2025, 18 new businesses have been approved, including vacation and short-term rentals. Projects have also been approved, including a new hotel on El Mar Drive.

The Town has had several lien search requests. Code Compliance remains busy, having completed 485 inspections during the time period stated above.

The Building Department has received several applications for projects over \$100,000 in value, although not as many as in previous reporting periods.

Development Services Director Campbell advised that Staff continues to convert Building Department files to paperless status. She estimated that 35% of large format plans have been converted. The Town's vacation rental software has launched and a link placed on the Town's Business Tax Receipt (BTR) page which allows for annual digital registrations. The software continues to scrub vacation rental websites.

**9. TOWN ATTORNEY REPORT**

None.

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## **10. APPROVAL OF MINUTES**

### **a. Approval of Minutes for Regular Town Commission Meetings held on September 10, 2025; September 2024, 2025; and November 10, 2025.**

Mayor Malkoon noted that the approval of minutes by the Commission did not include the reopening of discussion of any topic addressed in those minutes.

Kimberly Bertsch, resident, advised that when she had signed up to provide public comment at tonight's meeting, she had not realized her comments would be limited to the approval of previous meeting minutes only. She referred to the public comments included in the September 10 and September 24, 2025 minutes, requesting clarification of whether or how the number of residents' comments were tallied or determined.

Mayor Malkoon noted that the information referred to by Ms. Bertsch was not part of the meeting minutes presented for approval. Ms. Bertsch asserted that she felt she was being silenced.

Town Attorney James White confirmed that in the absence of a motion to reconsider, the Commission was not obligated to hear comments on past actions.

Town Manager Rubach requested that Item 13.b, which addresses the A1A marathon, be heard as Item 12.b instead, which would mean the discussion of Charter review would be heard as Item 12.c.

**Commissioner Pouloupoulos made a motion, seconded by Commissioner DeNapoli, to approve the minutes. Motion carried 4-0.**

## **11. CONSENT AGENDA**

None.

## **12. OLD BUSINESS**

### **a. Wild Berry Santa Paws Special Event**

Events and Marketing Manager Katie Anderson recalled that at the October 14, 2025 meeting, the Commission approved a special event application for the Wild Berry Salon's

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Santa Paws events. Since that time, the permit holder has requested revisions that exceed Staff's approval threshold. Staff requests Commission direction or approval on these requests.

The originally approved dates were December 12 and December 19, 2025. The newly requested date is Saturday, December 20, 2025. The initial event was scheduled from 4 p.m. to 6 p.m., with breakdown to follow; the new event would be from 12 p.m. to 5 p.m., with setup beginning at 10 a.m. and breakdown complete by 7 p.m.

The initial events were to be held in the breezeway between two businesses as well as in front of Wild Berry Salon and Big Cat Bikes. The newly proposed location would be in the parking lot of 262 Commercial Boulevard. The permit holder has received approval from this private property owner.

Photo booths for individuals and pets will be a main feature of the event, with additional vendors to be set up throughout the parking lot. Tables will be provided and a final site plan will be requested from the permit holder. Two food trucks will be located at the south end of the building, and a small bar with complimentary wine will be present as well. Staff requests approval of any or all of the requested revisions.

**Commissioner DeNapoli made a motion, seconded by Commissioner Pouloupoulos, to approve.**

Commissioner Graziano expressed concern with the approval process for the Item, stating that the proposed event significantly differs from the event on which the Commission had voted earlier. While he was in favor of the event, he emphasized the importance of following the Town's required procedures.

Town Manager Rubach explained that he had allowed the event to come back to the Commission as a courtesy to the business, as Staff is mindful of the need to work with the Town's businesses. While the proposal is outside the normal time frame for approval, he recalled that exceptions have been made in the past to allow items to come back.

**Motion carried 4-0.**

The following Item was taken out of order on the Agenda.

**b. Special Event Application: 2026 A1A Marathon**

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Events and Marketing Manager Anderson stated that a portion of the annual A1A marathon has historically been run through Lauderdale-By-The-Sea. The upcoming marathon is scheduled for Sunday, February 15, 2026 and is expected to include approximately 1,500 participants. Much of this year's race course will be condensed into one lane with runner traffic in both directions.

The race course through the Town will include the northernmost curve of A1A starting at Palm Avenue. Runners will turn north onto El Mar Drive with a turnaround between Hibiscus Avenue and Datura Avenue. Signage will mark the turnaround, after which runners will return south and exit the Town's boundaries. Race personnel will coordinate directly with BSO to clear traffic cones and signage and reopen roadways.

Setup will begin at 4 a.m. on the morning of February 15, with the race beginning at 6 a.m. in Fort Lauderdale. The last runner through the Town is anticipated at roughly 11 a.m.

The Applicant will meet with public safety personnel, BSO, PBFR, and/or other medical personnel to ensure safety. This will be scheduled if the event is approved by the Commission at tonight's meeting.

Resolution 2024-29 requires that any road impacts or closures for groups of over 200 individuals will carry fees set by the Commission. Historically, the Commission has not charged the event holder for the marathon. The Applicant has paid all application fees. Staff recommends approval of the Application with the conditions outlined in the exhibit for permit, and continuing the waiver of any additional charges related to road closures.

**Commissioner DeNapoli made a motion, seconded by Commissioner Graziano, to approve. Motion carried 4-0.**

**c. Charter Review Board Final Report**

Judelande Jeune, representing Weiss Serota Helfman Cole & Bierman, explained that she had assisted the Town Attorney with the activities of the Charter Review Board (CRB), which met earlier in the year. In order to place an Item on the November 3, 2026 ballot, ballot questions must be submitted by approximately June 2026. The Commission may discuss the CRB's proposals and bring back an Ordinance with the proposed ballot questions for a vote, or may postpone discussion of the Item until 2026.

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Commissioner DeNapoli recommended moving consideration of this Item past January 2026, noting that he would also like more information regarding the CRB's proposal to change residency requirements for public office candidacy from six months to one year. He requested a review of the time frames used by other Broward municipalities, noting that most require six months' residency while Pompano Beach requires one year.

Commissioner DeNapoli also addressed term limits, requesting that these requirements also be compared across Broward County municipalities. He suggested that the Commission may also wish to discuss and/or propose Charter issues among themselves.

**Commissioner DeNapoli made a motion to consider the CRB's proposals at the second meeting in March.**

Commissioner Graziano agreed that the discussion of proposed Charter changes should be postponed, stating that one reason is because candidates for mayor in 2026 would not know whether they might be elected to a two- or four-year term until the election is over. He also recommended discussing the proposals when Vice Mayor Strauss is present to participate in the conversation.

Commissioner Pouloupoulos noted that the CRB's proposals include substantive issues which should be researched and considered in depth. He also agreed to postpone the Item to a date certain.

Commissioner DeNapoli amended his motion as follows: **Motion to consider the proposals at the second Commission meeting in February.**

Attorney Jeune advised that the requested backup materials can be forwarded to the Commission, along with any other materials they would like to see.

**Commissioner Pouloupoulos seconded the motion. Motion carried 4-0.**

### **13. NEW BUSINESS**

#### **a. Direction on Generator Placement Regulations (Sec. 30-313)**

Development Services Director Campbell recalled that at a recent Planning and Zoning Board meeting, the Town heard an application for an administrative adjustment relating to placement of a generator within a side setback. After the item was heard, the Planning

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and Zoning Board requested that the Commission consider eliminating the placement of permanent generators in side setbacks for all new construction in the future.

Staff requests Commission direction on the following:

- Consider allowing placement of permanent generators on rooftops in all zoning districts, which is not currently allowed
- Consider enacting an Ordinance that would prohibit permanent generator placement in required side setbacks for new single-family and duplex homes
- Grandfathering all existing generators placed within side setbacks

Commissioner Pouloupoulos noted that it may be unsightly to place generators on the rooftops of single-family homes, and asked if this is common in other municipalities. Development Services Director Campbell replied that there would be screening requirements for mechanical equipment on rooftops.

Development Services Director Campbell further clarified that the request arose from an application that has since been withdrawn.

Commissioner Graziano requested clarification of the difference between placing a generator in a side setback or on a rooftop. Development Services Director Campbell explained that the primary concern raised by the Planning and Zoning Board was for noise rather than safety. Commissioner Graziano observed that some new generators are very quiet and would be screened.

Development Services Director Campbell continued that generators are allowed in back yards. She emphasized that if regulations are changed, they would apply only to new construction. Commissioner Graziano concluded that he was in favor of allowing generator placement either in side setbacks or on rooftops.

Commissioner Pouloupoulos asked if other rooftop mechanical equipment typically requires fuel as generators do. Development Services Director Campbell replied that she was not aware of any such equipment. Commissioner Pouloupoulos expressed concern for how fuel for generators would be carried to rooftops, noting that most tanks are underground.

Town Manager Rubach also noted that new construction is required to build above the floodplain, which means generators would have to be placed at a certain height. This could mean generators would be placed in the line of sight for adjacent homes.

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Mayor Malkoon asked if other municipalities allow generators on rooftops. Development Services Director Campbell replied that many municipalities allow general equipment on roofs. She emphasized the consideration of side setbacks, noting that this was the main concern of the Planning and Zoning Board.

Commissioner DeNapoli asked if the Planning and Zoning Board had expressed an opinion on rooftop generators. Development Services Director Campbell replied that the Board had not taken a position on permanent rooftop placement. The Town currently allows placement of temporary generators on rooftops in emergencies.

Commissioner DeNapoli commented that some homeowners may prefer to place generators in side setbacks, as newer homes often take up more space on their lots. He noted that this would depend on the equipment's size and the noise it would create. Development Services Director advised that sound testing must be completed as a Code requirement.

It was clarified that current Code allows the placement of permanent generators within side or rear setbacks with a 5 ft. minimum setback and screening. Current Code also prohibits permanent rooftop generators but allows temporary generators on rooftops. The decision to be made by the Commissioners would only apply to new construction in single-family and duplex zoning districts.

There was Commission consensus not to allow permanent generators on rooftops. The Commission was also in favor of leaving current Code in place with regard to placement of generators in side setbacks of new single-family and duplex construction.

#### **14. COMMISSIONER PRESENTATIONS**

None.

#### **15. COMMISSIONER COMMENTS**

Commissioner DeNapoli advised that under *Robert's Rules of Order*, a motion and second do not end debate on an item, but technically constitute the beginning of debate. He also referred to the Florida Statutes governing public comments, noting that a single public comment period is required before a decision is made by the Commission; public comment does not occur after a vote has taken place. He concluded that Commissions are not required to hear repetitive comments about past votes.

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Commissioner DeNapoli recognized the Proclamation for Tiana Ganswith Day and the Town's recent Christmas-By-The-Sea event, and anticipated the upcoming Chanukah celebration. He encouraged residents to visit the Town's small businesses and urged support of new businesses.

Commissioner Pouloupoulos thanked his fellow Commissioners for their work in 2025 and looked forward to working with them and with Staff in 2026.

Commissioner Graziano recommended that future Christmas-By-The-Sea events include signage directing attendees toward restrooms. He also suggested looking into how the Town can help with lighting for the building on which a mural is located. He emphasized the importance of the mural to the Town's branding, and recommended use of solar lighting. The owner of the building is in favor of the idea.

Commissioner Graziano concluded that Florida Power and Light (FPL) has agreed to meet with residents again in January 2026 as well as with State Senator Jason Pizzo and State Representative Chip LaMarca. He hoped to be able to provide an update on the possibility of underground utilities at the second Commission meeting in January.

Mayor Malkoon recognized BSO and Town Staff for their work following the Christmas-By-The-Sea event and encouraged residents to bring their children to the upcoming Party in the Park event.

All the Commissioners wished happy holidays to those present and at home.

## **16. ORDINANCES 1<sup>ST</sup> READING**

- a. Ordinance 2025-05: AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 20, "UTILITIES," ARTICLE II, "SANITARY SEWER SYSTEM," SECTION 20-19 "RATES AND CHARGES," OF THE TOWN'S CODE OF ORDINANCES BY AMENDING TO AMEND/ADOPT REVISIONS TO THE SCHEDULE OF RATES AND CHARGES FOR SANITARY SEWER COLLECTION, TRANSMISSION, AND DISPOSAL SERVICE; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

At this time Mayor Malkoon opened public comment, which he closed upon receiving no comment.

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Finance Director Lang explained that Ordinance 2025-05 would update sewer rates for residents and businesses served by the Town-owned sewer system. This includes properties located south of Pine Avenue. The Town transmits wastewater to Pompano Beach for treatment and disposal under a master sewer agreement, and is billed for these services. Rates are recalculated annually based on actual costs.

For calendar year 2026, the recalculated charges received from Pompano Beach would reflect a 2.2% increase in the monthly fixed rate and a 4.3% increase in the volumetric rate. To align these rates with the increased costs and ensure the ongoing sustainability of the Town's Sewer Fund, Staff recommends a 6% adjustment to the Town's consumption and base rates as well as the administrative charge.

For a single-family home, based on a usage of roughly 9,000 gallons per month, the impact of the proposed increase is approximately \$5.79 per month. For a multi-family property with 34 units which uses 270,000 gallons per month, the monthly impact would be \$160.70. A commercial account using 247,000 gallons per month would see a monthly impact of \$132.02, while a commercial account using 85,000 gallons per month would be impacted monthly at a rate of \$54.96.

Staff recommends approval of the Ordinance as presented upon first reading.

Town Manager Rubach further clarified that if a 34-unit multi-family property broke the additional costs down by unit, each unit would see an impact of approximately \$4.73 per month. With the exceptions of heavy single users, the increases would be roughly \$6-\$7 per month. He noted that rates were raised by both Broward County and the city of Pompano Beach.

Commissioner DeNapoli recalled that the budget report provided earlier in the meeting had shown a Sewer Fund with a favorable variance of over \$107,000. Town Manager Rubach replied that Staff did not spend any money from the Sewer Fund in 2025 due to the size of that year's increase. He added that while Pompano Beach maintains the Town's force mains and lift stations, the Town pays them for this service. The Town maintains its own pipes and has been lining sanitary sewer mains and laterals as preventative maintenance. Most of the equipment used is more than 20 years old.

Commissioner DeNapoli asked how much of the \$107,000 Sewer Fund overage is expected to be used in 2026. Town Manager Rubach replied that \$200,000 to \$300,000

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is budgeted from the Capital Improvement Fund and the Town will spend the \$107,000 overage as well, both toward maintenance issues.

The Item died for lack of motion.

### **17. ORDINANCES 2<sup>ND</sup> READING**

None.

### **18. RESOLUTIONS – PUBLIC COMMENTS**

- b. Resolution 2025-55: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING A FIRST AND SECOND ALTERNATE TO THE PLANNING AND ZONING BOARD; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.**

At this time Mayor Malkoon opened public comment, which he closed upon receiving no input.

Development Services Director Campbell explained that Resolution 2025-55 would appoint a first and second alternate to the Planning and Zoning Board.

The Commissioners proposed and discussed appointment of the following individuals to the Planning and Zoning Board: Justin Bartholomew, Robert Knoll, Greg Moloney, and Frank Petkunas.

**Commissioner DeNapoli made a motion to appoint Justin Bartholomew and Greg Moloney. (The motion died for lack of second.)**

**Commissioner Pouloupoulos made a motion, seconded by Commissioner Graziano, to appoint Greg Moloney and Frank Petkunas. Motion carried 4-0.**

### **19. QUASI JUDICIAL PUBLIC HEARINGS**

None.

### **20. ADJOURNMENT**

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With no other business to come before the Commission at this time, the meeting was adjourned at 9:33 p.m.

*Mayor Edmund Malkoon*

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Mayor Edmund Malkoon

ATTEST:

*Courtney Easley*

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Courtney Easley, Acting Town Clerk

1/28/2026 | 4:54 PM EST

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Date

REVISED APPLICATION

FEB 23 '26 16:20

# 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](mailto:ZONING@LBTS.FL.GOV)  
M-F 8:30-4:30 PM

**For Administrative Purpose Only**

Application Number: \_\_\_\_\_ 2025-WL2-PP-03

BTR #: \_\_\_\_\_

Date Application Submitted: \_\_\_\_\_ 05/27/2025

Date Application Found Complete: \_\_\_\_\_

Pre-Application Meeting Date: \_\_\_\_\_

Non-Refundable Application Fee: \_\_\_\_\_ \$400.00

Cost Recovery Fee: \_\_\_\_\_

# 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: Phillips Residence

Code Section from which Administrative Adjustment is sought: D # i, ii

### 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) \$400 ATTACHED.
- A description of the request GENERATOR REQUEST APPROVAL ENCROACHING
- Two (2) current surveys, signed and sealed. APPROX. 1'-0" INTO SETBACK.
- 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@lbtz-fl.gov](mailto:Zoning@lbtz-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](mailto: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
- Site Plan
- Site Plan Level 1 Modification
- Site Plan Level 2 Modification
- Conditional Use \_\_\_\_\_
- Conditional Use Modification \_\_\_\_\_
- Administrative Adjustment LEVEL 2
- Variance \_\_\_\_\_
- Plat \_\_\_\_\_
- Architectural Review \_\_\_\_\_
- Historic Designation
- Certificate of Appropriateness
- Zoning Relief
- Rezoning
- Right-of-Way Vacation
- Comprehensive Plan Amendment
- Payment in Lieu of Parking
- Parking Reduction \_\_\_\_\_
- Other: \_\_\_\_\_

Project Name: Phillips Residence

Folio Numbers: 4943 18 04 0390

Street Address: 228 Imperial Lane

Legal Description: LAUDERDALE SURF & YACHT ESTATES 22-46 B LOT 37 BLK 1

Name of Property Owner: Scott and Rosa Phillips Property Owner's Phone #: 412-680-1394

Address of Property Owner: 228 Imperial Lane, Lauderdale by the Sea, FL 33308

Property Owner's Email Address: scott@phillips.bz

Name of Applicant: Scott Phillips Applicant's Phone #: 412-680-1394

Applicant's Address: 228 Imperial Lane, Lauderdale by the Sea, FL 33308

Applicant Email Address: scott@phillips.bz

Name of Agent (e.g. Contractor Representing the Project): James M. Barron

5/28/2020  
Universal Application



SWORN AND SUBSCRIBED before me by means of  physical presence or  online notarization, this day

23 of MAY, 2025

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

Print Notary Name: CINDY CORREA My Commission Expires: \_\_\_\_\_

Notary Signature: Cindy Correa





# PINNELL SURVEY, INC.

5300 W. HILLSBORO BLVD., SUITE 215-A COCONUT CREEK, FLORIDA 33073  
 PHONE(954)418-4940 FAX(954)418-4941 EMAIL: order@sfland.net  
 CERTIFICATE NO.: LB6857

61919202001

**SURVEY ADDRESS:**

228 IMPERIAL LANE  
 LAUDERDALE BY THE SEA, FLORIDA 33308

**CERTIFY TO:**

1. ROSA AND SCOTT PHILLIPS

**FLOOD ZONE & ELEVATIONS:**

FLOOD ZONE: X / X(0.2%) / AE  
 BASE FLOOD ELEVATION: 6' / 7'  
 CONTROL PANEL NO.: 125123-0386-J  
 DATE OF FIRM INDEX: 07/31/24

REFERENCE BENCHMARK: CITY OF FORT  
 LAUDERDALE B.M. @ DUPONT BOULEVARD  
 AND ALLEY S. OF COMMERCIAL BOULEVARD  
 ELEVATION = 5.598' (NGVD 1929)  
 ELEVATION = 4.013' (NAVD 1988)

**POTENTIAL ENCROACHMENTS:**

1. RETAINING WALL CROSSES OVER THE EASTERLY PROPERTY LINE.

**LEGAL DESCRIPTION:**

LOT 37, BLOCK 1, OF "LAUDERDALE SURF & YACHT ESTATES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, AT PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

**LEGEND & ABBREVIATIONS:**

A = ARC	D.E. = DRAINAGE EASEMENT	P.C. = POINT OF CURVATURE
A/C = AIR CONDITIONER	ELEV. = ELEVATION	P.E. = POOL EQUIPMENT
A.E. = ANCHOR EASEMENT	E.S. = ELECTRIC SERVICE	P.I. = POINT OF INTERSECTION
B.M. = BENCHMARK	F.P. & L. = FLORIDA POWER & LIGHT	P.R.C. = POINT OF REVERSE CURVE
B.C.R. = BROWARD COUNTY RECORDS	L.B. = LICENSED BUSINESS	P.O.B. = POINT OF BEGINNING
C.B.S. = CONCRETE BLOCK STRUCTURE	L.P. = LIGHT POLE	P.O.C. = POINT OF COMMENCEMENT
CHATT. = CHATTAHOOCHEE	M.H. = MANHOLE	P.P. = POWER POLE
C.O. = CLEANOUT	(M) = MEASURED	R = RADIUS
CONC. = CONCRETE	NAVD = NORTH AMERICAN VERTICAL DATUM	R/W = RIGHT-OF-WAY
C.L.F. = CHAIN LINK FENCE	NGVD = NATIONAL GEODETIC VERTICAL DATUM	T = TANGENT
C.L.P. = CONCRETE LIGHT POLE	NO. = NUMBER	(TYP.) = TYPICAL
(C) = CALCULATED	O.H. = OVERHANG	U.E. = UTILITY EASEMENT
C.B. = CHORD BEARING	O.R.B. = OFFICIAL RECORDS BOOK	W.F. = WOOD FENCE
C.R. = CABLE RISER	O/S = OFFSET	W.M. = WATER METER
(D) = DEED	(P) = PLAT	Δ = DELTA OR CENTRAL ANGLE
D.B. = DEED BOOK	P.B.C.R. = PALM BEACH COUNTY RECORDS	⊕ = CENTERLINE
M-D.C.R. = MIAMI-DADE COUNTY RECORDS	P.B. = PLAT BOOK	⊕ = ELEVATION

**GENERAL NOTES:**

1. TYPE OF SURVEY: BOUNDARY
2. IF THIS SURVEY HAS BEEN REVISED AS INDICATED IN THE REVISION BOX SHOWN HEREON, THEN ANY AND ALL PREVIOUS VERSIONS OF THIS SURVEY PREPARED BY PINNELL SURVEY, INC. ARE NULL & VOID.
3. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY PINNELL SURVEY, INC. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT DEPICTED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY, FOR WHICH THE SUBJECT PROPERTY IS LOCATED IN.
4. UNLESS OTHERWISE NOTED, FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
5. ELEVATIONS SHOWN HEREON (IF ANY) ARE RELATIVE TO NAVD 1988, UNLESS OTHERWISE NOTED.
6. UNDERGROUND IMPROVEMENTS AND UTILITIES ARE NOT LOCATED.
7. FENCE AND WALL OWNERSHIP IS NOT DETERMINED.
8. THIS DRAWING IS THE PROPERTY OF PINNELL SURVEY, INC. AND SHALL NOT BE USED OR REPRODUCED, WHOLE OR IN PART WITHOUT WRITTEN PERMISSION & AUTHORIZATION FROM PINNELL SURVEY, INC.
9. ALL EASEMENTS SHOWN ON THE ATTACHED DRAWING ARE PER THE RECORD PLAT (UNLESS OTHERWISE NOTED).
10. REFERENCE BENCHMARK ELEVATION DATUM WAS CONVERTED FROM NGVD 1929 TO NAVD 1988 USING CORPSCON 6.0.1.

**CERTIFICATION:**

THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SKETCH AND THAT SAID ABOVE GROUND SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE UNDER RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, UNLESS IT IS ELECTRONICALLY SIGNED AND SEALED.



JASON H. PINNELL  
 PROFESSIONAL SURVEYOR & MAPPER  
 LICENSE NO. 5734, STATE OF FLORIDA

REVISIONS	DATE	CHK'D BY
REVISED GENERATOR PAD/ EQUIPMENT	10/14/25	K.M.
FINAL SURVEY (25-0710)	04/22/25	K.M.
UPDATE SURVEY & ELEVATIONS (25-0295)	02/18/25	K.M.
POOL SPOT SURVEY (23-1358)	08/18/23	S.A.
SPOT SURVEY (22-2245)	11/09/22	S.A.
FORM BOARD SURVEY (22-2179)	10/29/22	J.P.
UPDATE SURVEY & ADD SITE ELEVATIONS (21-1050)	05/18/21	K.M.

SKETCH NO.: 07-2807  
 DATE OF SURVEY: 11/16/07  
 CHECKED BY: S.A.  
 FIELD BOOK/PAGE: 289/74, FILE  
 SIDE 1 OF 2



Project Number:  
21011

Phillips Residence  
228 Imperial Lane,  
Lauderdale by the Sea, FL 33308

5100 Broken Sound Pkwy, NW - Suite B - Boca Raton FL - 33487

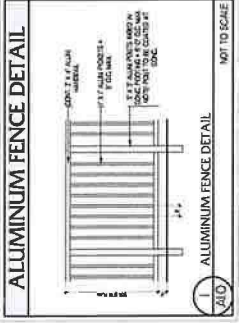
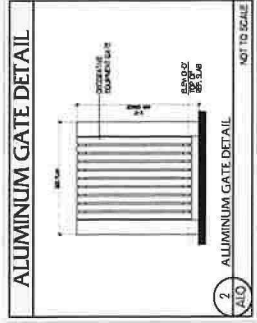
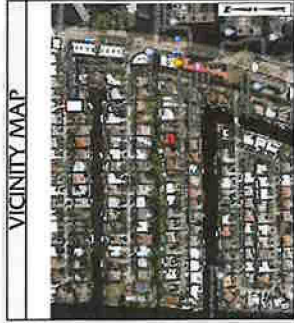
AF E I N I T I  
ARCHITECTS

Revisions:  
City Comments - 01.03.21  
City Comments - 04.16.21  
City Request - 01.05.23  
City Comments - 08.11.23  
City Comments - 08.21.23  
City Comments - 08.10.24  
City Comments - 01.05.24  
City Comments - 03.15.25  
City Comments - 05.16.25  
City Comments - 02.04.26

Date: 09/16/2025  
Drawn Checked: CERN JC  
Date: Approved: CERN JC  
Date: Construction: CERN JC  
Scale:

A410001349 © 2016

A1



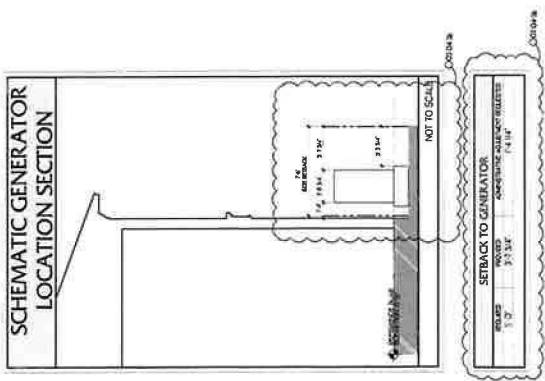
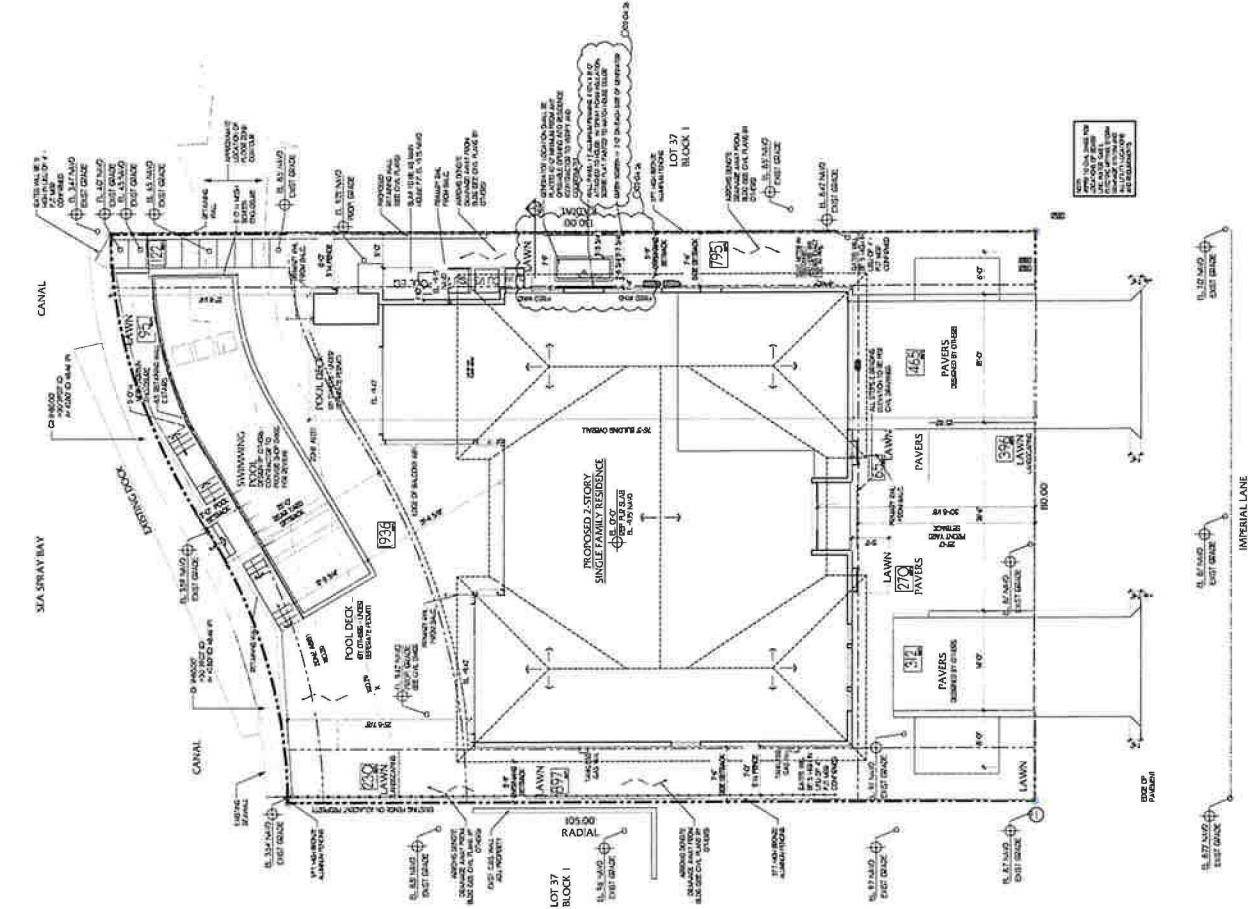
GRADE DETERMINATION  
GRADE - 0.75' NAD  
BASED ON SECTION 7 10-CITY ADOPTED GRADE AS BEING  
MEASURED EIGHTEEN INCHES ABOVE THE CROWN OF ROAD.

LOT AREA CALCULATION

LOT AREA	1300.93 FT <sup>2</sup>
PAVED	1000.93 FT <sup>2</sup>
PAVED PERCENTAGE	77%
PAVED PERCENTAGE	77%
PAVED PERCENTAGE	77%
PAVED PERCENTAGE	77%

SITE NOTES  
SEE ATTACHED SURVEY FOR  
LEGAL DESCRIPTION  
VERIFY PROPERTY LINE  
DIMENSIONS WITH SURVEY  
PROFESSIONAL ENGINEER  
PLANS FOR ANY ADDITIONAL  
INFORMATION REGARDING  
PAVING, LANDSCAPE, LIGHTING,  
DESIGN AND ANY OTHER SITE  
SPECIFIC INFORMATION.  
SITE DRAINAGE BY CIVIL  
ENGINEER

SITE PLAN  
1/8" = 1'-0"



FOR 23' 26' 16' 19'

## 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		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 prohibited uses within a zoning category	166.041(3) (c) 2	n/a	10 days	7 days— 1st public hrg and 5 days— 2nd public hrg	X			X (display)
Land Development Code—All other text amendments	166.041	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. 2014-08, § 3, 7-7-2014; Ord. No. 2022-05, § 3, 8-24-2022)

232 Imperial Lane,  
Lauderdale by the Sea  
FL 33308.

EXHIBIT 7

Mobile 954 612 1600 :  
E-Mail : Stu4boats@bellsouth.net

P & Z Committee members  
Town Commission  
Code department  
Nectaria Chakas

29<sup>th</sup> Jan 2026

**Genest at 228 Imperial Lane**

Dear All,


While the genset at the above address has been installed in contravention of the town's code and in the interests of resolving this issue I am withdrawing my objection to the installation. To help mitigate any disruption to his neighbor the homeowner has agreed to apply sound insulation to the wall of the house, move the genset closer to the wall on the existing plinth leaving 16 inches between the wall and the genset and also install sound insulation on the boundary fence.

Can I ask the P & Z to consider the existing code as it is physically impossible to install a genset in the side setback while maintaining the required air gap on the house and setback from the property boundary.

For new construction there needs to be an alcove in the outside wall of the house in order to accommodate a two foot required air gap between generator and the house, a generator 2 feet wide and a 5 foot setback from the property boundary all within 7 feet 6 inches required by the code.

Can I ask that staff who approve new construction plans not to pass site plans with – “plinth for future generator” or similar wording or that the builder is informed that under our current code a minimum of 5 feet must exist between the generator and the boundary line.

Many thanks



# LAUDERDALE • BY • THE • SEA

## Plan Review Hold Sheet



Plan Reviewer: Susan Leven *SML*  
 Date: February 2, 2024  
 Plan Type: Revision (Generator)  
 Property Address: 228 Imperial Lane  
 Case #: 22-12317



Comments:

*EM*

1. Please show how the generator as proposed meets the highlighted requirements of Town Code section 30-313 (t)(2):

(2) *Permanent generators.*

a. *Permit required.* The property owner shall obtain a building permit from the Town for the installation of a permanent generator unit. The Town shall review all such permit applications to minimize the visual and acoustical impact on adjacent and neighboring properties.

b. *Permanent generators not exceeding 60 KW output.* One permanent generator with an output of not more than 60 KW shall be allowed in a required side or rear yard setback provided said generator meets the following conditions:

1. The generator is set back a minimum of five feet from the side or rear property line.
2. Prior to the final inspection of the permit, the Town shall test the generator under load to ensure it does not exceed 70 decibels as measured 25 feet in any direction from the generator.
3. The generator shall not, at any time or for any purpose, exceed 70 decibels when measured 25 feet in any direction from the generator.
4. The highest point on the generator shall not exceed a maximum of five feet above grade.
5. Screening.
  - (i) The generator shall be completely screened from the public right-of-way and adjacent properties.
  - (ii) Properties with solid opaque landscaping or a solid opaque fence or wall enclosure that acts to completely screen the generator consistent with the requirements of subsection 5.(i) above, will be considered sufficient to meet the screening requirement. Removal of the landscaping, fence or wall will require screening as required in subsection (iii) below.
  - (iii) Properties without solid opaque landscaping or a solid opaque fence or wall enclosure shall screen the generator from the public right-of-way and adjacent properties with landscape material, subject to approval by the Town, that:
    - i. Surrounds the generator on three sides;
    - ii. Is offset no greater than one foot from the permanent generator pad; and
    - iii. Stands a minimum of 18 inches at time of planting, installed with irrigation and shall be maintained at a height of at least four feet or the height of the generator itself, whichever is greater.
6. The permanent generator's exhaust shall be, as much as practically feasible, vented upwards and directed away from neighboring properties.
7. The permanent generator shall be utilized only during periods of power outages, periods of power reductions resulting from the exercise of utility load control programs or for periodic testing

and necessary maintenance operation and shall not be used to return power back to a power company.

8. The permanent generator may be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes or occur before 8:00 a.m. or after 5:30 p.m. There shall be no testing on legal holidays or Sundays.

9. Generators are not permitted on the roof of a building in single-family and duplex zoning districts. In all other zoning districts, generators may be located on the roof if screened from the right-of-way, set back at least five feet from any roof edge that faces a private property line shared with a detached building and approved as a site plan amendment.

2. Will an underground storage tank be part of the generator installation?

# LAUDERDALE • BY • THE • SEA

## Plan Review Hold Sheet



**Plan Reviewer: Susan Leven *SKL***  
**Date: April 18, 2024**  
**Plan Type: Revision (Generator)**  
**Property Address: 228 Imperial Lane**  
**Case #: 22-12317**



### Comments:

**PLEASE NOTE: These are the same comments that were provided in February. None of these comments have been addressed. If you wish to discuss these comments, you can reach me at [susanl@lbts-fl.gov](mailto:susanl@lbts-fl.gov), or 954-640-6221.**

1. Please show how the generator as proposed meets the highlighted requirements of Town Code section 30-313 (t)(2):

(2) *Permanent generators.*

a. *Permit required.* The property owner shall obtain a building permit from the Town for the installation of a permanent generator unit. The Town shall review all such permit applications to minimize the visual and acoustical impact on adjacent and neighboring properties.

b. *Permanent generators not exceeding 60 KW output.* One permanent generator with an output of not more than 60 KW shall be allowed in a required side or rear yard setback provided said generator meets the following conditions:

1. The generator is set back a minimum of five feet from the side or rear property line.
2. Prior to the final inspection of the permit, the Town shall test the generator under load to ensure it does not exceed 70 decibels as measured 25 feet in any direction from the generator.
3. The generator shall not, at any time or for any purpose, exceed 70 decibels when measured 25 feet in any direction from the generator.
4. The highest point on the generator shall not exceed a maximum of five feet above grade.
5. Screening.
  - (i) The generator shall be completely screened from the public right-of-way and adjacent properties.
  - (ii) Properties with solid opaque landscaping or a solid opaque fence or wall enclosure that acts to completely screen the generator consistent with the requirements of subsection 5.(i) above, will be considered sufficient to meet the screening requirement. Removal of the landscaping, fence or wall will require screening as required in subsection (iii) below.
  - (iii) Properties without solid opaque landscaping or a solid opaque fence or wall enclosure shall screen the generator from the public right-of-way and adjacent properties with landscape material, subject to approval by the Town, that:
    - i. Surrounds the generator on three sides;
    - ii. Is offset no greater than one foot from the permanent generator pad; and

iii. Stands a minimum of 18 inches at time of planting, installed with irrigation and shall be maintained at a height of at least four feet or the height of the generator itself, whichever is greater.

6. The permanent generator's exhaust shall be, as much as practically feasible, vented upwards and directed away from neighboring properties.

7. The permanent generator shall be utilized only during periods of power outages, periods of power reductions resulting from the exercise of utility load control programs or for periodic testing and necessary maintenance operation and shall not be used to return power back to a power company.

8. The permanent generator may be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes or occur before 8:00 a.m. or after 5:30 p.m. There shall be no testing on legal holidays or Sundays.

9. Generators are not permitted on the roof of a building in single-family and duplex zoning districts. In all other zoning districts, generators may be located on the roof if screened from the right-of-way, set back at least five feet from any roof edge that faces a private property line shared with a detached building and approved as a site plan amendment.

2. Will an underground storage tank be part of the generator installation?

Approved

EXHIBIT 7

RECEIVED

APR 05 2024

CORRECTION - FILE COPY  
BUILDING DEPARTMENT

Generator (2nd Review)

	DATE	APPROVED
PLANNING		
ENGINEERING		
STRUCTURAL	4-11-24	G
ELECTRICAL	4-10-24	780
MECHANICAL		
PLUMBING	6/25/24	[Signature]
FIRE		
ZONING	6/21/24	(PL)
LOT		
BLOCK		
ADDRESS		
PERMIT No.	22-012317	

SETBACK, HEIGHT, & SCREENING -  
WILL BE VERIFIED  
UPON ZONING  
ROUGH INSPECTION  
(PL)

**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 Planning and Zoning Board.

- (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; Ord. No. 2020-08, § 4, 10-13-2020)



**ADMINISTRATIVE ADJUSTMENT DEVELOPMENT ORDER  
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA  
Development Order 2025-LVL2-AA-03**

PROJECT NAME: 228 Imperial Lane

ADDRESS OF PROPERTY: 228 Imperial Lane

FOLIO #: 494318040390

PROPERTY OWNER: Scott Phillips and Rosa Phillips

APPLICANT: Scott Phillips

APPLICANT ADDRESS: 228 Imperial Lane, Lauderdale-By-The-Sea, FL 33308

REQUEST: Pursuant to Chapter 30 “Unified Land Development Regulations,” Section 30-128 “Administrative Adjustments,” of the Town’s Code of Ordinances (the “Town Code,” the Applicant has requested an administrative adjustment from Section 30-313 (t)(2)(b)(1) “Permanent Generators” of the Town’s Code, to permit the encroachment of a generator one (1) foot , four (4) and one-quarter (1/4) inches into the required 5-foot side setback for the property located at 228 Imperial Lane (the “Property”).

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN OF LAUDERDALE-BY-THE-SEA, Florida, on April 28, 2026, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the Applicant, and the recommendation of the TOWN Planning and Zoning Board and TOWN Staff, finds that the application, as conditioned herein, is in compliance with the applicable standards and minimum requirements of Chapter 30 of the Town Code.

SECTION 2. APPROVAL. The request to APPROVE a site plan is hereby approved as shown on the plans submitted by Scott Phillips, attached as **Exhibit 1**, except as modifications may be required by this approval or the Building Official.

SECTION 3. CONDITIONS. The APPROVAL granted herein is subject to the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.
2. The generator must be fully screened from public view and neighboring properties with either: A solid opaque fence or wall, or landscaping material planted at a minimum of 18 inches and maintained to the height of the generator or four feet, whichever is greater.
3. The generator must comply with the noise level requirement of less than or equal to 70 decibels at 25 feet from the generator in any direction.
4. The generator's exhaust must be directed upward and away from adjacent properties where practically feasible.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Development Order shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Development Order. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may commence construction or operation, and that the foregoing approval in this Development Order may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code or the conditions of this Approval.

SECTION 5. APPEAL. In accordance with Section 30-140(d)(11) of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Commission in the Circuit Court of Broward County, Florida, in accordance with the Florida Rules of Appellate Procedure.

SECTION 6. EFFECTIVE DATE. This Development Order shall become effective upon Approval by the Commission.

**APPROVED** this \_\_\_\_ day of April, 2026

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**MAYOR EDMUND MALKOON**

**ATTEST:**

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Town Clerk

**Approved as to form:**

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Susan L. Trevarthen, Town Attorney





# PINNELL SURVEY, INC.

5300 W. HILLSBORO BLVD., SUITE 215-A COCONUT CREEK, FLORIDA 33073  
 PHONE(954)418-4940 FAX(954)418-4941 EMAIL: order@sfland.net  
 CERTIFICATE NO.: LB6857

### SURVEY ADDRESS:

228 IMPERIAL LANE  
 LAUDERDALE BY THE SEA, FLORIDA 33308

### CERTIFY TO:

I. ROSA AND SCOTT PHILLIPS

### FLOOD ZONE & ELEVATIONS:

FLOOD ZONE: X / X(0.2%) / AE  
 BASE FLOOD ELEVATION: 6' / 7'  
 CONTROL PANEL NO.: 125123-0386-J  
 DATE OF FIRM INDEX: 07/31/24

REFERENCE BENCHMARK: CITY OF FORT  
 LAUDERDALE B.M. @ DUPONT BOULEVARD  
 AND ALLEY S. OF COMMERCIAL BOULEVARD  
 ELEVATION = 5.598' (NGVD 1929)  
 ELEVATION = 4.013' (NAVD 1988)

### POTENTIAL ENCROACHMENTS:

1. RETAINING WALL CROSSES OVER THE EASTERLY PROPERTY LINE.

### LEGAL DESCRIPTION:

LOT 37, BLOCK 1, OF "LAUDERDALE SURF & YACHT ESTATES", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 22, AT PAGE 46, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

### LEGEND & ABBREVIATIONS:

A = ARC	D.E. = DRAINAGE EASEMENT	P.C. = POINT OF CURVATURE
A/C = AIR CONDITIONER	ELEV. = ELEVATION	P.E. = POOL EQUIPMENT
A.E. = ANCHOR EASEMENT	E.S. = ELECTRIC SERVICE	P.I. = POINT OF INTERSECTION
B.M. = BENCHMARK	F.P. & L. = FLORIDA POWER & LIGHT	P.R.C. = POINT OF REVERSE CURVE
B.C.R. = BROWARD COUNTY RECORDS	L.B. = LICENSED BUSINESS	P.O.B. = POINT OF BEGINNING
C.B.S. = CONCRETE BLOCK STRUCTURE	L.P. = LIGHT POLE	P.O.C. = POINT OF COMMENCEMENT
CHATT. = CHATTAHOOCHEE	M.H. = MANHOLE	P.P. = POWER POLE
C.O. = CLEANOUT	(M) = MEASURED	R = RADIUS
CONC. = CONCRETE	NAVD = NORTH AMERICAN VERTICAL DATUM	R/W = RIGHT-OF-WAY
C.L.F. = CHAIN LINK FENCE	NGVD = NATIONAL GEODETIC VERTICAL DATUM	T = TANGENT
C.L.P. = CONCRETE LIGHT POLE	NO. = NUMBER	(TYP.) = TYPICAL
(C) = CALCULATED	O.H. = OVERHANG	U.E. = UTILITY EASEMENT
C.B. = CHORD BEARING	O.R.B. = OFFICIAL RECORDS BOOK	W.F. = WOOD FENCE
C.R. = CABLE RISER	O/S = OFFSET	W.M. = WATER METER
(D) = DEED	(P) = PLAT	Δ = DELTA OR CENTRAL ANGLE
D.B. = DEED BOOK	P.B.C.R. = PALM BEACH COUNTY RECORDS	⊕ = CENTERLINE
M-D.C.R. = MIAMI-DADE COUNTY RECORDS	P.B. = PLAT BOOK	⊕ = ELEVATION

### GENERAL NOTES:

1. TYPE OF SURVEY: BOUNDARY
2. IF THIS SURVEY HAS BEEN REVISED AS INDICATED IN THE REVISION BOX SHOWN HEREON, THEN ANY AND ALL PREVIOUS VERSIONS OF THIS SURVEY PREPARED BY PINNELL SURVEY, INC. ARE NULL & VOID.
3. THE PROPERTY SHOWN HEREON WAS NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS OR OTHER MATTERS OF RECORD BY PINNELL SURVEY, INC. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT DEPICTED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY, FOR WHICH THE SUBJECT PROPERTY IS LOCATED IN.
4. UNLESS OTHERWISE NOTED, FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
5. ELEVATIONS SHOWN HEREON (IF ANY) ARE RELATIVE TO NAVD 1988, UNLESS OTHERWISE NOTED.
6. UNDERGROUND IMPROVEMENTS AND UTILITIES ARE NOT LOCATED.
7. FENCE AND WALL OWNERSHIP IS NOT DETERMINED.
8. THIS DRAWING IS THE PROPERTY OF PINNELL SURVEY, INC. AND SHALL NOT BE USED OR REPRODUCED, WHOLE OR IN PART WITHOUT WRITTEN PERMISSION & AUTHORIZATION FROM PINNELL SURVEY, INC.
9. ALL EASEMENTS SHOWN ON THE ATTACHED DRAWING ARE PER THE RECORD PLAT (UNLESS OTHERWISE NOTED).
10. REFERENCE BENCHMARK ELEVATION DATUM WAS CONVERTED FROM NGVD 1929 TO NAVD 1988 USING CORPSCON 6.0.1.

### CERTIFICATION:

THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SKETCH AND THAT SAID ABOVE GROUND SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE UNDER RULE 5J-17, FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA STATE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, UNLESS IT IS ELECTRONICALLY SIGNED AND SEALED.

JASON H. PINNELL  
 PROFESSIONAL SURVEYOR & MAPPER  
 LICENSE NO. 5734, STATE OF FLORIDA

REVISIONS	DATE	CHK'D BY
REVISED GENERATOR PAD/ EQUIPMENT	10/14/25	K.M.
FINAL SURVEY (25-0710)	04/22/25	K.M.
UPDATE SURVEY & ELEVATIONS (25-0295)	02/18/25	K.M.
POOL SPOT SURVEY (23-1358)	08/18/23	S.A.
SPOT SURVEY (22-2245)	11/09/22	S.A.
FORM BOARD SURVEY (22-2179)	10/29/22	J.P.
UPDATE SURVEY & ADD SITE ELEVATIONS (21-1050)	05/18/21	K.M.

SKETCH NO.: 07-2807

DATE OF SURVEY: 11/16/07

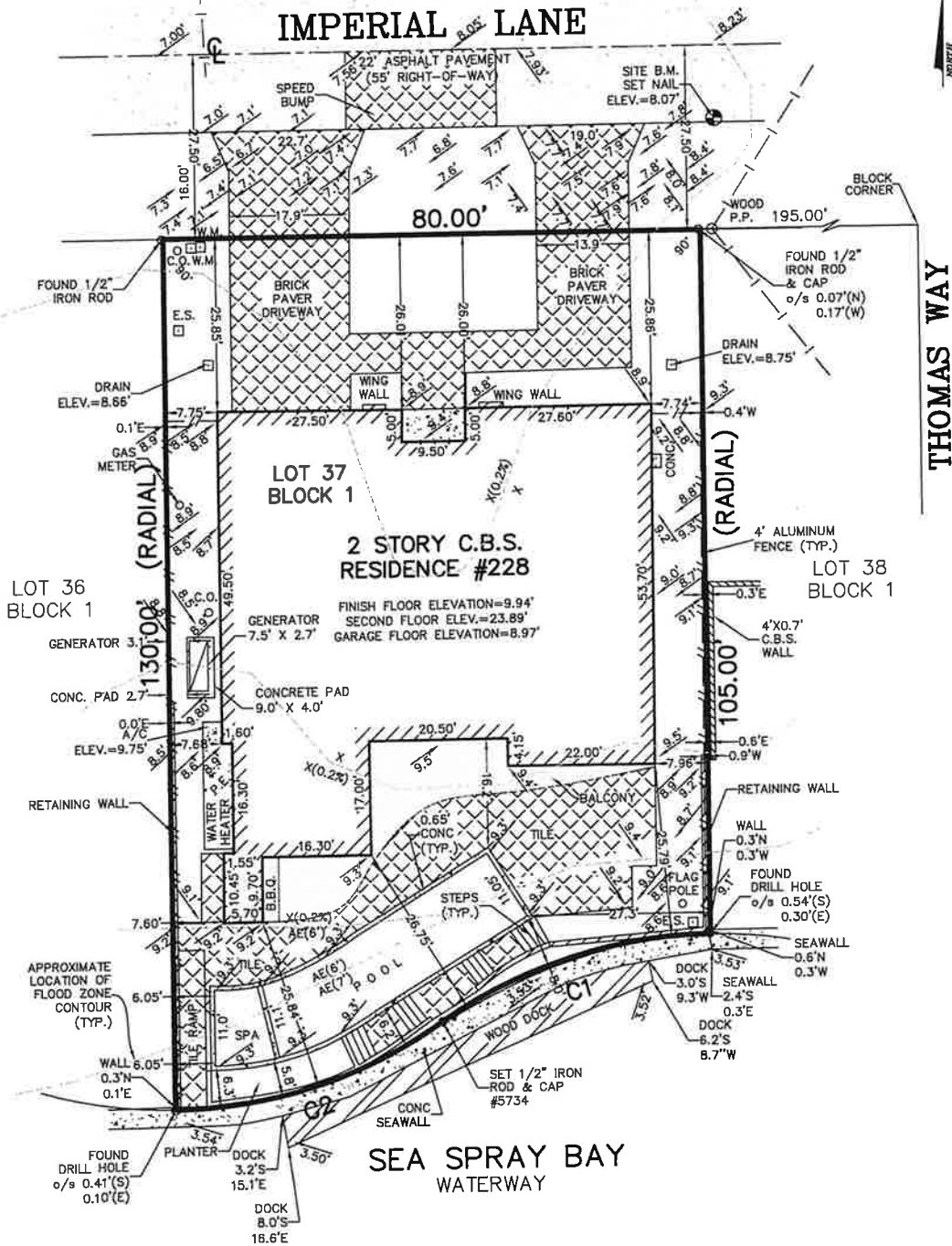
CHECKED BY: S.A.

FIELD BOOK/PAGE: 289/74, FILE

SIDE 1 OF 2

C1: R=80.00'(P) 70.25'(C)  
 $\Delta=34^{\circ}42'29''(C)$   
 A=48.46'(P) 42.56'(C)

C2: R=80.00'(P) 70.25'(C)  
 $\Delta=34^{\circ}42'29''(C)$   
 A=48.46'(P) 42.56'(C)



SCALE: 1" = 20'	SKETCH NO.: 07-2807
DRAWN BY: K.W.	SIDE 2 OF 2