

APPROVED

**TOWN OF LAUDERDALE-BY-THE SEA
BOARD OF ADJUSTMENT MINUTES**

Jarvis Hall

Wednesday, October 17, 2018 at 6:00 P.M.

CALL TO ORDER

Chair Lanata called the Board of Adjustment (BOA) meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at 6:03PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL

Members present were John Lanata, William Ferrante, Jeffrey Whyte, Bernard Petreccia, Alan Bluestein, 1st Alternate Howard Goldberg and 2nd Alternate Emeline Savidge. There were no absent members. (As seven members are present, 1st Alternate Howard Goldberg and 2nd Alternate Emeline Savidge can participate in discussions but could not vote.) Also present were Assistant Town Attorney Kathy Mehaffey, Development Services Director Linda Connors, Planner Jhanelle Campbell and Clerk Kaliah Lewis.

APPROVAL OF MINUTES

i. Previous BOA Meeting Minutes – October 3, 2018

William Ferrante made a motion to approve the minutes of October 3, 2018. The motion was seconded by Bernard Petreccia. The motion carried unanimously 5-0.

PUBLIC COMMENTS

The Chair opened the meeting up to the public for comments. As no one from the public wished to speak now, the chair closed this public comment portion of the meeting.

NEW BUSINESS

- i. **Case Number 2018-L2-AA-01: Pursuant to Section 30-128, "Administrative Adjustments," of the Town's Code of Ordinances, Adolph Munoz (Applicant) is requesting an after-the-fact administrative adjustment to Section 30-313 (s) to allow an AC unit to encroach 1 foot and 4 inches into the required 5 foot setback.**

Planner Jhanelle Campbell gave a PowerPoint presentation. She explained that the applicant was requesting an after-the-fact administrative adjustment to Section 30-313(s) to allow an air conditioning unit to encroach 1 foot and 4 inches into the required 5 foot setback at 227 Avalon Ave in the RS-5 zoning district. The subject property is a single-family home with a residential land use designation. She said that the request meets the level 2 administrative adjustment threshold. Public notice was sent to all properties within 300 feet of the subject property and was published on the Town's website. She explained the section of the code for which the adjustment was being requested. Planner Campbell testified that the side setback requirement for structures in the RS-5 zoning district is 7.5 feet and the setback for mechanical equipment from the property line is 5 feet. The existing structure meets the Town's setback requirements; however, the air conditioning unit was placed within the 5 foot setback area established for mechanical equipment.

She showed where the request does not meet the location of the AC unit because it is not within 5 feet of the adjacent property line.

She gave some background information for this home regarding a permit to demolish and construct a new home which was issued in 2015. During the review, the zoning reviewer noted on the plans that a 5 foot setback would be required for the air conditioning unit. At the final zoning inspection, the inspector noted that the air conditioning unit was placed within the setback area contrary to the approved permit. To remediate this issue, the applicant is requesting an after-the-fact adjustment to permit the air conditioning unit to encroach into the side setback 1 foot 4 inches where the requirement is 5 feet. The request is for the air conditioning unit and the concrete slab on which it sits.

Ms. Campbell explained the set of eight criteria for an administrative adjustment that have to be met and staff's findings on each one of the eight. As staff found that the criteria to grant the request have been met, staff recommends approval of the administrative adjustment. She explained that the next step after this is for the board to list its findings and conclusion to support their recommendation to the Town Commission. The administrative adjustment request is scheduled for the Town Commission's November 13, 2018 meeting. Adolph Munoz, applicant, is here to answer any board questions. As there were no further board questions, the Chair opened the floor to public comments but there were none. The Chair asked for board comments but there were none.

William Ferrante made a motion to recommend approval of the after-the-fact administrative adjustment to Town Commission. The motion to recommend approval was seconded by Alan Bluestein. The motion to recommend approval for 2018-L2-AA-01 to the Town Commission carried 5-0.

Ms. Connors explained that at the November 13th Town Commission Meeting, it would be decided whether this is approved or not.

OLD BUSINESS

There was no old business to discuss.

UPDATES/BOARD MEMBER COMMENTS

There were no updates or board member comments.

ADJOURNMENT

William Ferrante made a motion to adjourn at 6:11 PM. The motion to adjourn was seconded by Bernard Petreccia. The motion to adjourn carried unanimously 5-0.


Chair John Lanata

ATTEST:

Date Accepted: 3/19/19


LC