

**APPROVED**

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

*Jarvis Hall*

*Wednesday, October 3, 2018 at 5:00 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 6:00 PM.

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, and 2<sup>nd</sup> Alternate Emeline Savidge. The absent member was 1<sup>st</sup> Alternate Howard Goldberg. Also present were Assistant Town Attorney Kathy Mehaffey, Development Services Director Linda Connors, Planner Susan Leven, Planner Jhanelle Campbell and Clerk Kaliah Lewis.

Development Services Director Linda Connors welcomed Emeline Savidge to her first meeting and swore her in for both the Board of Adjustment and Planning and Zoning Board by administering the Oath of Office.

APPROVAL OF MINUTES

i. Previous BOA Meeting Minutes – June 20, 2018

William Ferrante made a motion to approve the minutes of June 20, 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-V-02: Claudio Arena (Applicant) – Requests an after-the-fact variance from Section 30-313 (u)(2)(b)(9), of the Town Code to allow a generator to be placed on the rooftop of the property located at 238 Shore Court where rooftop generators are not permitted in single-family and duplex districts. (Linda Connors, Development Services Director)**

Development Services Director Linda Connors explained that six members are present and that 2<sup>nd</sup> Alternate Emeline Savidge can participate in discussions but could not vote this evening.

Planner Susan Leven gave a PowerPoint presentation. She explained that the applicant was requesting a zoning variance to allow a generator on the rooftop of this property located at 238 Shore Court, Sky 230 Townhome Development, located in an RD-10 (duplex) district. Section 30-313 (u)(2)(b)(9) does not permit generators on rooftops in single-family and duplex districts.

She clarified for the Board that the generator was not there yet and that this building is in a duplex district even though it is a townhouse. She was able to show the Board where the generator would be placed on the rooftop.

Since this is a townhouse, the only place a generator could go is at ground level behind the unit in an area that is very nicely landscaped right now. There is room on the rooftop for this natural gas generator. There is a natural gas line that runs up to the outdoor kitchen already on the rooftop. Staff is recommending approval of the variance with standard conditions that go with it. This case is scheduled to go in front of the Town Commission on October 23, 2018. Ms. Leven said that she would answer any questions and that the applicant and his agent are also here to answer questions.

Chair Lanata asked for a review of the generator code and Ms. Leven answered him reminding the Board that generally a home generator could be used only in a time of outage. She said that the generator would be behind a parapet wall on the rooftop. She answered William Ferrante that it is a non-demand automatic throw over generator. As there were no further Board questions, the Chair opened the floor to public comments but there were none. Chair Lanata said that he has not heard any comments about this rooftop generator.

John Whyte made a motion to recommend approval (with Staff's conditions) of the variance to Town Commission. The motion to recommend approval was seconded by Alan Bluestein. The motion to recommend approval, with Staff's conditions, for 2018-V-02 to the Town Commission carried 5-0.

- ii. **Case Number 2018-V-03: Jay and Kim Flynn (Applicants) – Requests (1) a variance to Section 30-478(b)(2) of the Town's Code of Ordinances, to allow 0' of vehicular use area (UVA) landscaping where 2½ feet is required and (2) a variance to Section 30-122(a)(1)b.2.iii to permit a minimum separation between parking spaces and property line of 0' where 5' is required. (Linda Connors, Development Services Director)**

Planner Susan Leven gave a PowerPoint presentation. She explained that the applicants were requesting a zoning variance for their property located at 241 Commercial Boulevard and explained that the applicants are looking to re-configure the parking area and to formalize an agreement for maintenance of Town-owned property. The reason for this agreement is that through a previous owner in 2002, there was an application for a site plan modification and Ms. Leven explained what that entailed.

The applicants have submitted a site plan amendment to reconfigure the parking from angled to 90-degree parking. She showed the Board the current and proposed plan. The reconfiguration would increase the minimum parking setback nonconformity that existed in 2002 as well as the minimum VUA landscaping on site required along this non-street frontage - minimum 2.5 feet. Now the applicant would be able to replace an existing handicap space that does not comply with current dimensional requirements with a conforming space, as well as increase the overall pervious landscaped area in the VUA. As part of the proposed site plan amendment, Town staff required that the applicants submit a variance application to specifically establish that the off-site landscaping and its maintenance is being provided in lieu of the required parking setback and VUA perimeter landscape buffer. Ms. Leven said that Staff is recommending approval of the requested variance and there are conditions associated with the site plan modification but none with this. She asked the Board for any questions and said that Jay and Kim Flynn are here to answer any questions. Ms. Leven answered Mr. Whyte that they are going from ten

spots to twelve spots. She answered Mr. Petreccia that there is sufficient room to turn in and back out when they go to perpendicular parking. As there were no further Board questions, the Chair opened the floor to public comments but there were none. Chair Lanata summarized about the parking, maintenance agreement, compliant handicap parking space, increased parking from ten to twelve, and that Staff recommends this.

John Whyte made a motion to recommend approval of the variances to Town Commission. The motion to recommend approval was seconded by Alan Bluestein. The motion to recommend approval of 2018-V-03 to the Town Commission carried 5-0.

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 6:17 PM. The motion to adjourn was seconded by Bernard Petreccia. The motion to adjourn carried unanimously 5-0.

  
\_\_\_\_\_  
Chair John Lanata

Date Accepted: 10/17/18

ATTEST:

  
\_\_\_\_\_  
LC