

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

Agenda

Wednesday June 7, 2023

6:00 PM



Jarvis Hall 4505 N. Ocean Drive 33308
www.Lauderdalebythesea-fl.gov

Planning and Zoning Board

Wednesday, June 7, 2023, 6:00 PM

Jarvis Hall 4505 N. Ocean Drive 33308

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. APPROVAL OF MINUTES

- 3.a. Minutes
[Minutes- May Planning and Zoning Board.pdf](#)

4. PUBLIC COMMENTS

5. TOWN PLANNER REPORT

6. NEW BUSINESS

- 6.a. Level 2 Administrative Adjustment Request to allow encroachments into the side setbacks for additions to an existing single-family dwelling.
[2023-L2-AA-01 Staff Report 234 Avalon Avenue.pdf](#)
[Ex 1 Application and Plans.pdf](#)
[Ex 2 Notice of Public Hearings 30-139.pdf](#)
[Ex 3 RS-5 Text.pdf](#)
[Ex 4 Sec 30-128 Administrative Adjustments.pdf](#)

7. OLD BUSINESS

8. UPDATES/BOARD MEMBER COMMENTS

9. ADJOURNMENT

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:

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.

NON APPROVED
TOWN OF LAUDERDALE-BY-THE SEA
PLANNING AND ZONING BOARD MEETING MINUTES
LIVE STREAMED FROM JARVIS HALL
Wednesday, May 3, 2023

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Chair Piersante called the in-person Planning and Zoning (P&Z) Board meeting for the Town of Lauderdale-By-The-Sea (L-B-T-S) to order at approximately 6:15PM.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

ROLL CALL & WELCOME

Board Clerk Megan Small called the roll and present in-person were Chair Ron Piersante, Vice Chair Howard Goldberg, Patricia Omana, Denise Lambert and Wayne Dillistin. For the record, Karen Sylvester arrived 6 minutes late. Also present in person were Town Attorney James White, Development Services Director Jhanelle Campbell, Town Planner Susan Leven, and Board Clerk Megan Small.

3. APPROVAL OF MINUTES

a. Planning & Zoning (P&Z) Meeting Minutes – February 16, 2023

Board Member Lambert made a motion to approve the minutes of the P&Z Meeting of February 16, 2023 as written. The motion was seconded by Vice Chair Goldberg. The motion to approve the February 16, 2023 minutes as written carried 5-0.

4. PUBLIC COMMENTS

Chair Piersante opened the meeting to the public for any comments on items not on the agenda. When an agenda item was presented, public comments regarding that item would be heard at that time. As there were no public comments for items not on the agenda, the Chair closed this portion of Public Comments.

5. TOWN PLANNER REPORT

There was no report for this evening.

6. NEW BUSINESS

6.a Conditional Use (2023-CU-01) request to construct a duplex dwelling within the RM-25 Zoning District for property located at 4200 N Ocean Drive.

Susan Leven, Town Planner, presented this item with the application to construct a new duplex dwelling within the RM-25 Zoning District which required a conditional use to construct the duplex. The lot was presently vacant. She gave a PowerPoint presentation showing amongst other things, site plan, floor plan, criteria for conditional use and the responses from the applicant, etc. which were also in the Staff Report. The project went through architectural review and she explained the Town Architect's request. The owner's architect was in attendance tonight and the property owner was available via Zoom.

Karen Sylvester arrived.

It was explained that the next step was the Commission Meeting on May 23, 2023 for final approval. The Town Planner said staff recommended approval of the conditional use application. Questions were called for with Chair Piersante asking for the location of the garbage totes which was answered by John Kovry. Vice Chair Goldberg commented that this was a beautiful looking property. The architect did a beautiful job. The Chair called for public comment but no one from the public wished to speak on this matter and this portion of public comment was closed. As no one else requested to speak or comment, the Chair called for a motion.

Vice Chair Goldberg made a motion to recommend approval to the Town Commission of Case Number 2023-CU-01 subject to the seven conditions as outlined by the staff. The motion was seconded by Board Member Dillistin. The motion to recommend approval with conditions to the Town Commission carried 5-0 and one abstention. (Five "Yea" Votes, Zero "Nay" Votes, and One Abstention by Board Member Sylvester who said her reason for abstaining was she was not in attendance for the presentation).

6.b Case Number 2023-V-01: Edward Maslanka (Applicant) – Requests a Variance from Section 30-313(d)(1)h of the Town's Code of Ordinances, to permit the construction of a fence and gate within the required front setback for the property located at 291 Imperial Lane.

Susan Leven, Town Planner, presented this item for a variance to permit a fence and driveway gate within the required front setback for 291 Imperial Lane. She gave a PowerPoint presentation giving a brief history of the home, the location, the proposal, etc. which were also in the Staff Report. She explained why the variance was required. She mentioned that both the properties, left and right of tonight's property, received variances in the 1990s for a fence and gate. She showed the listing of the criteria for a variance and mentioned that the applicant was in attendance and would speak to the board. She said that the applicant felt that since they were the only property without a fence and gate, their property would be used as a cut through to the intracoastal, etc. However, Staff had no choice but to recommend denial because of the way the code was written that a variance required specific findings related to the criteria. The project only met one of the criteria. She said that this item would go to the Town Commission on May 23, 2023 with the board's recommendation. She called for board questions and the Chair also called for questions. Board Member Sylvester wanted to know how long the owner lived there and was told twelve years. As there were no further questions, the property owner presented.

Edward Maslanka introduced himself and said that he was a resident of Lauderdale-By-The-Sea for twenty-five years. He loves this Town and did what he could for the community. He was getting older and was thinking about security. He gave some examples of why he felt his place was not secure. He also pointed out that in 1995, a variance was approved but that owner backed out of the installation. He explained about the vehicles using his driveway and breaking his pavers that he had to replace. A fence would not allow that. He needed the board's help on this. Chair Piersante said staff deemed the granting of this variance was not justified based on the requirements of the Town, however, in his personal opinion he saw no reason why this board should not approve this. The fence would complete the cul-de-sac with three beautiful fences plus no came forward from the public to dispute this variance request. Vice Chair Goldberg said he saw no problem with putting an electric fence up now when it was allowed over twenty years ago. He was for it. Board Member Dillistin did not have a problem but said that he spoke with Development Services Director Campbell who spoke about this quaint community changing with fences and compounds. However, he was for fences and

compounds because of what was happening. Development Services Director Campbell clarified for the record that she followed the code and in this case there was a requirement for a twenty-five foot setback. Board Member Dillistin was answered by the property owner that the fence he would install would be metal (aluminum) and you could see through it. Board Member Sylvester felt that the code should be followed and that the property was purchased twelve years ago without a fence. However, the decision of allowing the variance in 1995 should be grandfathered for this one situation. Board Member Dillistin said it was a unique situation. Development Services Director Campbell said that the owner did have a peculiar shaped property at the end of the cul-de-sac and that was why that criteria was met. Chair Piersante spoke about staff's recommendation to the board and the board's three options. He read the three options into the record. He acknowledged staff's denial based on their report but he believed overall that there were sufficient reasons to approve the variance. He was in favor of the second option to recommend approval with conditions. The Chair called for public comment but no one from the public wished to speak on this matter and this portion of public comment was closed. As no one else requested to speak or comment, the Chair called for a motion. For the record, Development Services Director Campbell read the conditions into the record.

Vice Chair Goldberg made a motion to recommend approval to the Town Commission of Case Number 2023-V-01 subject to the four conditions as outlined by staff. The motion was seconded by Board Member Sylvester. The motion to recommend approval with conditions to the Town Commission carried 6-0.

7. OLD BUSINESS

8. UPDATES/BOARD MEMBER COMMENTS

Vice Chair Goldberg reminded about next Tuesday night at 5:15 in the Square, the Grand Ribbon Cutting of the new circuit shuttle. The Mayor, Chamber, and various members of the community would be there. Come on down!

9. ADJOURNMENT

Board Member Dillistin made a motion to adjourn at approximately 6:44PM. The motion was seconded by Board Member Lambert. The motion to adjourn carried unanimously.

Chair Ron Piersante

ATTEST:

Date Accepted: _____



Town of Lauderdale-by-the-Sea
Development Services

To: Planning & Zoning Board
From: Jhanelle Campbell, Development Services Director
Meeting Date: June 7, 2023
Re: Case Number 2023-L2-AA-01: Level 2 Administrative Adjustment Request to allow encroachments into the side setbacks for additions to an existing single-family dwelling.

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 234 Avalon Ave LLC (the "Applicant") for additions to an existing single-family home located at 234 Avalon Avenue (the "Property") (**Diagram 1**). The Applicant is requesting an Administrative Adjustment to allow encroachments into the side setbacks.

Diagram 1



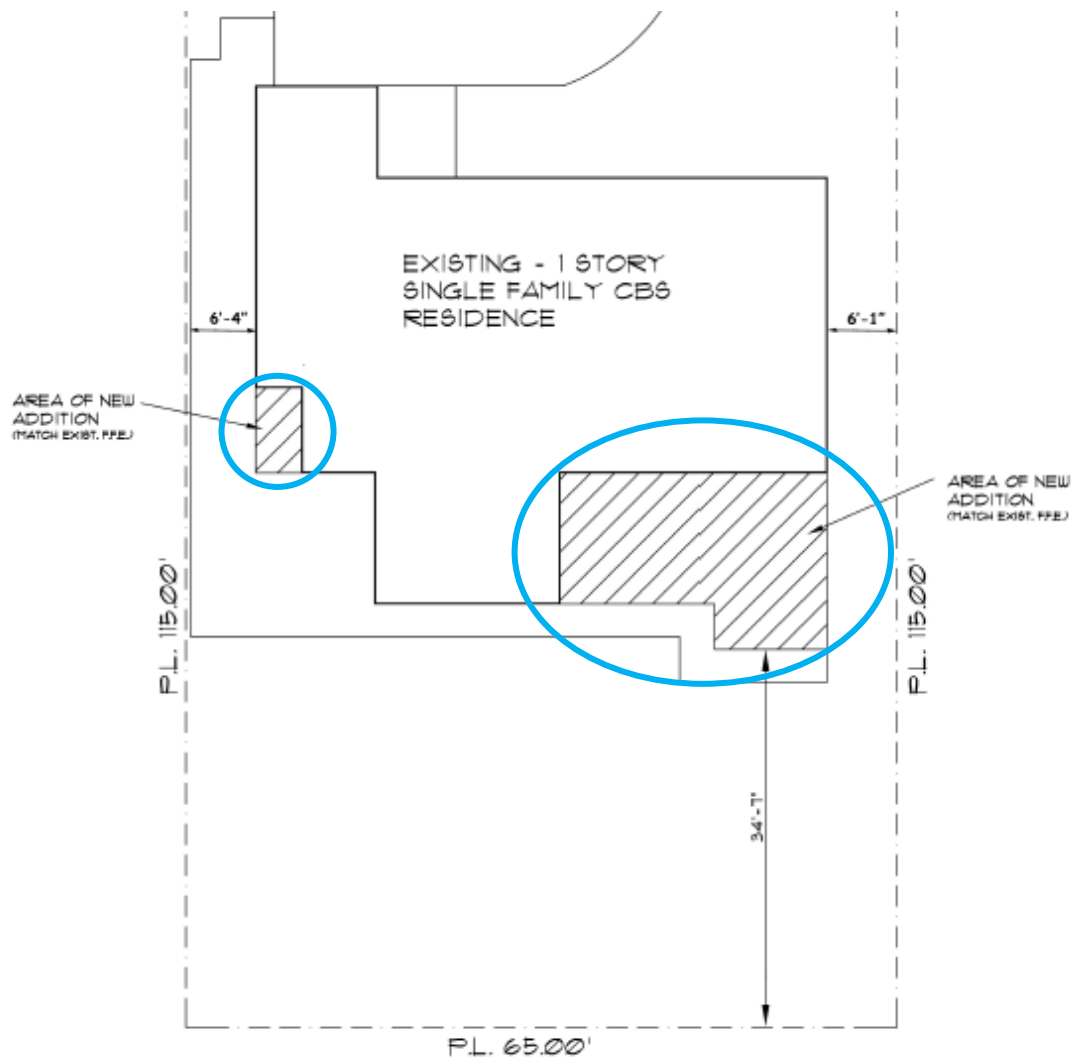
The Applicant has paid the appropriate fee and submitted the required documents. Notice has been given to all property owners located within a three hundred (300) foot radius of the Property. The Property has been posted and the public hearing concerning the Administrative Adjustment has been advertised, pursuant to Section 30-139 of the Town Code of Ordinances (the "Town Code") (**Exhibit 2**). Staff has not received comments from the public regarding this request.

Background and Request

The Property is a developed parcel of land located within the RS-5 zoning district (**Exhibit 3**). The existing single-family home was originally constructed in the mid-1950's. The Applicant proposes the construction of two additions on the rear sides of the existing dwelling to extend the kitchen and create a master suite. The proposed additions would fall in line with the original side walls of the existing dwelling with no additional encroachment into the existing side setback. The existing dwelling is legally non-conforming as it does not meet the current Code requirement of seven and one-half (7.5) feet for the side yard setback.

Diagram 2 shows the location of the proposed additions. Section 30-212(c)(2) of the Town Code requires a side setback of seven and one-half (7.5) feet. The west side of the Property has a side setback of six feet four inches (6'4") and the east side of the Property has a side setback of six feet one inch (6'1").

Diagram 2



Administrative Adjustment

Town Code Provision

Section 30-128 of the Town Code (**Exhibit 4**) 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

Administrative Adjustment Thresholds			
Building Standards that May be Adjusted	<u>Maximum Level 1 Adjustment</u>	<u>Maximum Level 2 Adjustment</u>	<u>234 Avalon Avenue</u>
Setbacks	n/a	30% or 5 feet, whichever is less	East side is 1'1" West side is 1'4" 5 feet (30% of the setback is 2.25 feet)

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: The proposed building adjustments do not result in increased density.
Staff response: The criterion has been met.
- b. The Administrative Adjustment does not provide for building height that exceeds the zoning code standards;
Applicant response: The proposed building adjustments do not result in increased height.
Staff response: The criterion has been met.
- 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: The proposed building adjustments do not encroach upon easements or rights-of-way.

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
 - 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.

Applicant response: We do meet at least 2 of the conditions. Vii. Required to allow a setback which matches the existing buildings current side setback, overhangs, roof cornices, eaves and viii. Required for an expansion, addition, or modification to an existing structure where that the expansion, addition, or modification will not increase the footprint of the existing structure.

Staff response: The criterion has been met.

- 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: Does not interfere with the convenient and enjoyable use of adjacent lands, no danger to the public.

Staff response: The criterion has been met.

- 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: Is not incompatible with the character of development in the surrounding area.

Staff response: The criterion has been met.

- 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.

Applicant response: There are no adverse impacts.

Staff response: The criterion has been met.

- h. The Administrative Adjustment is consistent with the comprehensive plan.

Applicant Response: The adjustment is consistent with the comprehensive plan.

Summary Findings and Recommendations

The proposed plans and narrative submitted by the Applicant have met the criteria within the Land Development Code and Staff recommends approval of the Level 2 Administrative Adjustment with the following conditions:

1. If approved, the Level 2 Administrative Adjustment expires concurrently with the building permit approved for the Property.

Exhibits

Exhibit 1 – Level 2 Administrative Adjustment Application with Plans

Exhibit 2 – Town Code Section 30-139 Public Notice

Exhibit 3 – Town Code Section 30-212(c)(2) (RS-5)

Exhibit 4 – Town Code Section 30-128 Administrative Adjustments

U:\0 Properties\Avalon\Avalon 234\2023-L2-AA-01\P&Z\2023-L2-AA-01 Staff Report 234 Avalon Avenue 46K4021.docx

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
M-F 8:30-4:30 PM

For Administrative Purpose Only

Application Number: 2023-L2-AA-01

BTR #: _____

Date Application Submitted: April 12, 2023

Date Application Found Complete: April 18, 2023

Pre-Application Meeting Date: N/A

Non-Refundable Application Fee: \$350.00 paid

Cost Recovery Fee: \$400.00 paid

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: 234 AVALON AVE

Code Section from which Administrative Adjustment is sought: 30-128 d.) vii & viii

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](#))
- A description of the request
- Two (2) current surveys, signed and sealed.
- 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)

East Side 19% or 1'-5"
West Side 15% or 1'-2"

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





LAUDERDALE•BY•THE•SEA

Universal Development Application



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

Administrative Purpose

Application Number: 2023-L2-AA-01

BTR #: _____

Date Application Submitted: April 12, 2023

Date Application found Completed: April 18, 2023

Pre-Application Meeting Date: N/A

Non-Refundable Application Fee: \$350.00 paid

Cost Recovery Fee: \$400.00 paid

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 | ☐ Historic Designation |
| ☐ Site Plan | ☐ Certificate of Appropriateness |
| ☐ Site Plan Level 1 Modification | ☐ Zoning Relief |
| ☐ Site Plan Level 2 Modification | ☐ Rezoning |
| ☐ Conditional Use _____ | ☐ Right-of-Way Vacation |
| ☐ Conditional Use Modification _____ | ☐ Comprehensive Plan Amendment |
| ☐ Administrative Adjustment _____ | ☐ Payment in Lieu of Parking |
| ☐ Variance _____ | ☐ Parking Reduction _____ |
| ☐ Plat _____ | ☐ Other: _____ |
| ☐ Architectural Review _____ | |

Project Name: 234 AVALON AVE

Folio Numbers: 494318072120

Street Address: 234 AVALON AVE

Legal Description: SILVER SHORES SEC OF LAUDERDALE BY THE SEA UNIT B 31-3 B LOT 4 BLK 25

Name of Property Owner: 234 AVALON AVE LLC Property Owner's Phone #: 908-338-7578

Address of Property Owner: 12 SHORT HILLS LN, SCOTCH PLAINS, NJ 07076

Property Owner's Email Address: AMOLS_99@YAHOO.COM

Name of Applicant: MIKE TRIFUNOVIC Applicant's Phone #: 954-552-0827

Applicant's Address: 1250 SW 70TH TER, PLANTATION, FL 33317

Applicant Email Address: TRIFKE@BELLSOUTH.NET

Name of Agent (e.g. Contractor Representing the Project): CONTRACTOR REPRESENTING THE PROJECT

Agent's Email Address: trifke@bellsouth.net Agent's Phone #: 954-552-0827

Agent's Address: 1250 SW 70th Ter., Plantation, FL 33317

Land Use Plan Designation: 01- SINGLE FAMILY Zoning District: RESIDENTIAL

Existing Use of the Subject Property: SINGLE FAMILY HOME

Proposed Use of the Subject Property: SINGLE FAMILY HOME

APPROVAL OF WAIVER OF TIME ALLOWED TO REVIEW APPLICATION

I MIKE TRIFUNOVIC (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: AMOL SAHASRABUDHE Date: 3/28/2023

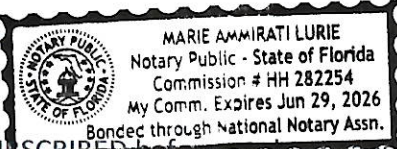
Signature of Property Owner: Amol Sahasrabudhe

DEVELOPMENT APPLICATION SIGNATURE SECTION

Property Owner

Print Name of Property Owner: AMOL SAHASRABUDHE Date: 03/28/2023

Signature of Property Owner: Amol Sahasrabudhe

State of Florida: 
County: _____

SWORN AND SUBSCRIBED before me by means of ☐ physical presence or ☒ online notarization, this day 28 of March, 2023

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

Print Notary Name: Marie A. Lurie My Commission Expires: _____

Notary Signature: Marie Ammirati Lurie

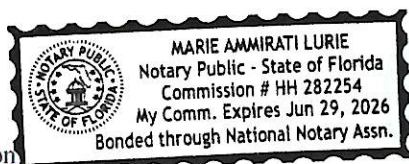
Applicant

Print Name of Property Owner: MIKE TRIFUNOVIC Date: 03/28/2023

Signature of Property Owner: Mike Trifunovic

State of Florida: _____

County: _____
5/28/2020
Universal Application

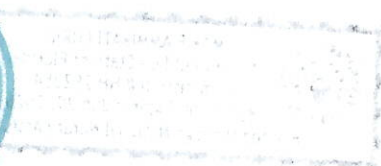


SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization, this day
28 of March, 2023

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

Print Notary Name: Marie A. Lurie My Commission Expires: _____

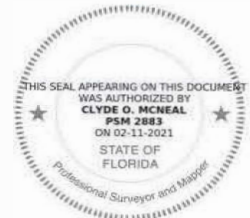
Notary Signature: *Marie A. Lurie*



[illegible]

Removed
Permit
#LBS22-012154
added by Mike
Trifunovic 4/11/23

NEXGEN
SURVEYING, LLC.



LEGAL DESCRIPTION OF: 234 AVALON AVE, LAUDERDALE BY THE SEA, FL, 33308

LOT 4, BLOCK 25, SILVER SHORES SECTION OF LAUDERDALE BY THE SEA, UNIT B, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE(S) 3, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

CERTIFIED TO:

AMARILIS ADORNO ESQ PA
AMOL A. SAHASRABUDHE
PLAZA HOME MORTGAGE INC. ISAOA
FIDELITY NATIONAL TITLE INS. CO.

FLOOD ZONE:

12011C0378H
ZONE: AE
EL: 5 FT.
EFF: 08/18/2014

SURVEY NOTES:

- DRIVEWAY CROSSES THE BOUNDARY LINE ON NORTHERLY SIDE OF LOT AS SHOWN.
- FENCES LIE NEAR BOUNDARY LINES AS SHOWN, OWNERSHIP NOT DETERMINED.
- FENCES EXTEND THROUGH UTILITY EASEMENT ALONG SOUTHERN BOUNDARY LINE AS SHOWN.
- FENCES CROSS THE BOUNDARY LINES ON EASTERLY AND WESTERLY SIDES OF LOT AS SHOWN.
- SHED CROSSES THE BOUNDARY LINE ON EASTERLY SIDE OF LOT AS SHOWN.
- SHEDS EXTEND THROUGH UTILITY EASEMENT ALONG SOUTHERN BOUNDARY LINE AS SHOWN.

LEGEND

A/C	-AIR CONDITIONER
WM	-WATER METER
AL	- ARC LENGTH
(C)	-CALCULATED
(M)	-MEASURED
P.O.B.	-POINT OF BEGINNING
P.O.C.	-POINT OF COMMENCEMENT
&	-AND
P.B.	-PLAT BOOK
PG	-PAGE
U.E.	-UTILITY EASEMENT
D.E.	-DRAINAGE EASEMENT
P.U.E.	- PUBLIC UTILITY EASEMENT
L.A.E.	-LIMITED ACCESS EASEMENT
L.M.E.	-LAKE MAINTENANCE EASEMENT
O.H.E.	-OVERHEAD EASEMENT
R	-RADIUS
(R)	-RECORD
O.R.B.	-OFFICIAL RECORDS BOOK
Sq.Ft.	-SQUAREFEET
Ac.	-ACRES
DB	-DEED BOOK
(D)	-DEED
(P)	-PLAT
EOW	-EDGE OF WATER
TOB	-TOP OF BANK
OHL	-OVERHEAD LINE
C/O	-CLEAN OUT
ELEV	-ELEVATION
FF	-FINISHED FLOOR
LS	-LICENSED SURVEYOR
LB	-LICENSED BUSINESS
PSM	-PROFESSIONAL SURVEYOR & MAPPER
— x —	-FENCE
#	-NUMBER
±	-PLUS OR MINUS
	-ASPHALT
	-CONCRETE
	-PAVER/BRINCK
	-WOOD
	-LIGHT POLE
	-WELL
	-WATER VALVE
	-CENTER LINE
	-CATCH BASIN
	-FIRE HYDRANT
	-UTILITY POLE
	-MANHOLE
	-ELEVATION

SOME ITEMS IN LEGEND MAY NOT
APPEAR ON DRAWING.

GENERAL NOTES:

- 1) THIS SURVEY IS BASED UPON RECORD INFORMATION BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
- 2) IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM NEXGEN SURVEYING, LLC. NEXGEN SURVEYING, LLC, ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
- 3) ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
- 4) GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS.
- 5) DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
- 6) UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
- 7) ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988).
- 8) ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
- 9) CORNERS SHOWN AS "SET" ARE 5/8" IRON RODS IDENTIFIED WITH A PLASTIC CAP MARKED LS (LICENSED SURVEYOR)

WINDOW SCHEDULE

MARK	UNIT SIZE	TYPE	FASTENER TYPE/SIZE	REMARKS
1	9'-2" X 5'-2"	HORIZ. SLIDING	PER N.O.A.	
2	3'-0" X 2'-1"	HORIZ. SLIDING	PER N.O.A.	OBSCURE GLASS
3	3'-0" X 2'-1"	HORIZ. SLIDING	PER N.O.A.	OBSCURE GLASS
4	6'-1" X 5'-2"	HORIZ. SLIDING	PER N.O.A.	
5	3'-0" X 5'-2"	SINGLE HUNG	PER N.O.A.	
6	3'-0" X 3'-0"	HORIZ. SLIDING	PER N.O.A.	OBSCURE GLASS
7	4'-8" X 3'-4"	HORIZ. SLIDING	PER N.O.A.	

a MIN. CLEAR DIMENSIONS FOR BEDROOM WINDOWS TO BE 20"W X 24"H W/ NET CLEAR OPENING OF 5.7 SQ. FT. FOR EGRESS.
G.C. VERIFY W/ WINDOW MANUF. SELECTED PRIOR TO ORDERING/FABRICATION OF WINDOWS.

G.C. VERIFY W/ WINDOW MANUF. SELECTED PRIOR TO ORDERING/FABRICATION OF WINDOWS.

WIND DESIGN WIND SPEED = 170 MPH, 3-SECOND GUST
(ASCE 7-10, EXPOSURE C, CATEGORY II)

CONTRACTOR TO VERIFY ALL OPENING SIZING WITH MANUFACTURER PRIOR TO BLOCKING OUT OPENING AND INSTALLATION

CONTRACTOR TO VERIFY ALL EXISTING MASONRY OPENINGS PRIOR TO ORDERING AND/OR FABRICATION OF WINDOWS

ALL EXTERIOR WINDOWS TO BE LARGE MISSILE IMPACT RATED.

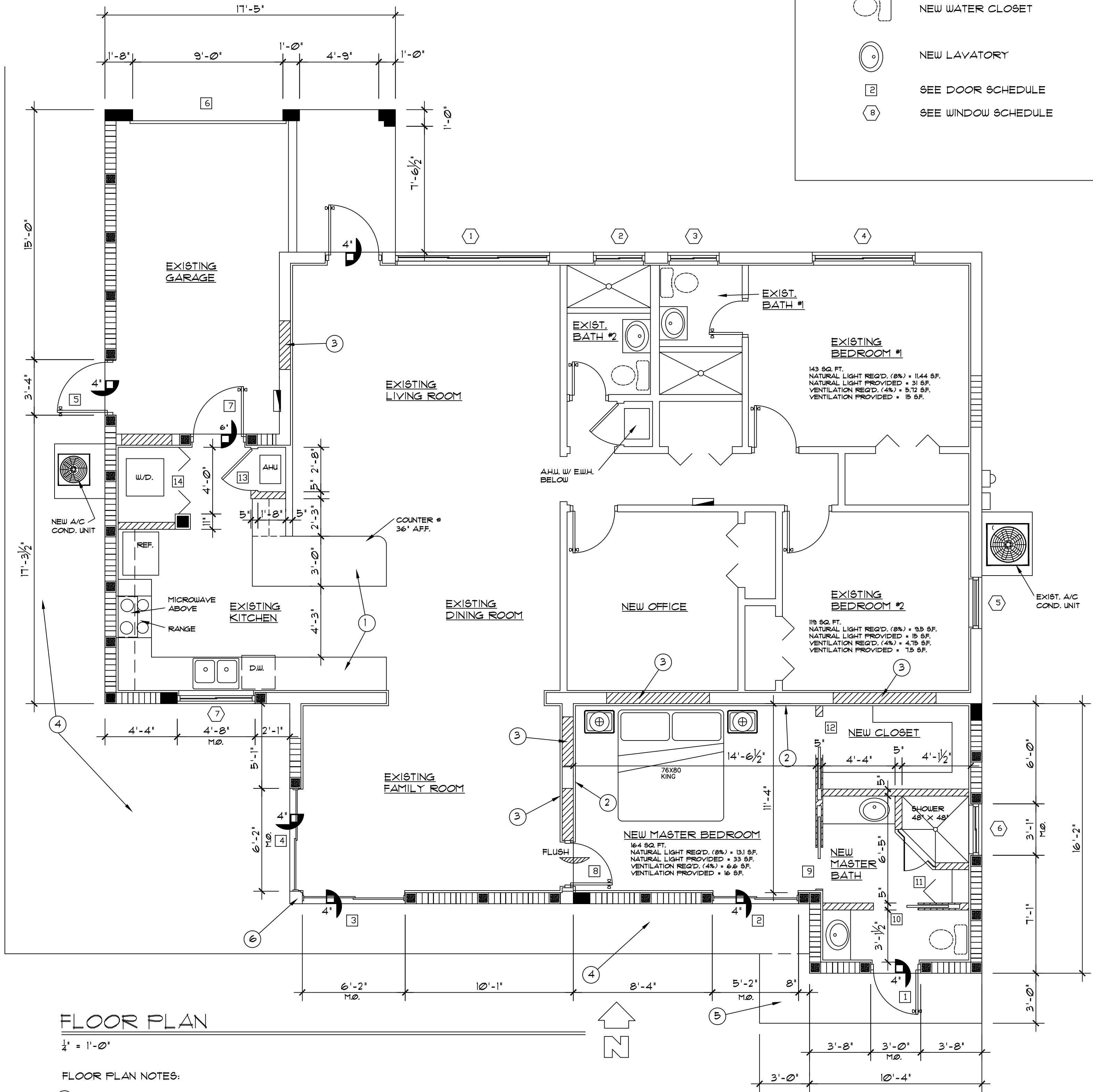
DOOR SCHEDULE

NO	SIZE	DESCRIPTION	REMARKS
1	2'-8" X 6'-8" X 1 3/4"	ALUM. DOOR W/ OBSCURE GLASS	
2	5'-0" X 6'-8"	SLIDING GLASS DOOR	
3	6'-0" X 6'-8"	SLIDING GLASS DOOR	
4	6'-0" X 6'-8"	SLIDING GLASS DOOR	
5	3'-0" X 6'-8" X 1 3/4"	ALUM. FLUSH DOOR	
6	9'-0" X 7'-0"	GARAGE DOOR	
7	3'-0" X 6'-8" X 1 3/4"	METAL CLAD W/ CLOSER	
8	2'-6" X 6'-8" X 1 3/4"	HOLLOW CORE WOOD	
9	2'-6" X 6'-8" X 1 3/4"	WOOD POCKET DOOR	
10	2'-8" X 6'-8" X 1 3/4"	WOOD POCKET DOOR	
11	2'-0" X 6'-8" X 1 3/4"	WOOD BIFOLD DOOR	
12	2'-6" X 6'-8" X 1 3/4"	WOOD POCKET DOOR	
13	2'-6" X 6'-8" X 1 3/4"	HOLLOW CORE WOOD DOOR	
14	(2) 2'-0" X 6'-8" X 1 3/4"	WOOD BIFOLD DOOR	

DOOR NOTES:
1. ALL DOORS SHALL BE SUITABLE FOR PAINTING AS SELECTED BY OWNER.
2. EXTERIOR DOORS: LARGE MISSILE IMPACT RATED - SUBMIT N.O.A. FOR APPROVAL

GENERAL NOTES:

- A. PROVIDE CERAMIC TILE OVER MIN. 1/2" CEMENT BOARD FULL HEIGHT ON ALL WET WALLS IN SHOWERS.
- B. PROVIDE BATT SOUND INSULATION IN ALL BATHROOM AND TOILET ROOM WALLS.
- C. PROVIDE SAFETY GLASS SHOWER ENCLOSURE AND DOORS AT NEW BATHROOM AS SELECTED BY OWNER.
- D. ALL FINISHES (CERAMIC WALL TILE, FLOOR TILE, PAINT, ETC.) SHALL BE SELECTED BY OWNER.
- E. ALL KITCHEN CABINETS, COUNTERS, ISLAND, ETC. DESIGN BY OTHERS.
- F. PROVIDE 1/2" DRYWALL OVER MIN. 1 X 2 P.T. WOOD FURRING @ 16" O.C. WITH R-4 RIGID INSULATION AT NEW EXTERIOR MASONRY WALLS. INCREASE FURRING SIZE AS REQUIRED FOR INSULATION.



FLOOR PLAN

1/4" = 1'-0"

FLOOR PLAN NOTES:

- 1 NEW KITCHEN CABINETS - DESIGN BY OTHERS.
- 2 FURR EXISTING WALL WITH 1/2" DRYWALL OVER P.T. 1 X 2 WOOD FURRING @ 16" O.C.
- 3 CLOSE EXISTING OPENING WITH 1/2" DRYWALL OVER GALV. METAL OR WOOD STUD FRAMING AS REQUIRED. (FILL CAVITY WITH BATT SOUND INSULATION).
- 4 EXISTING CONCRETE TO REMAIN.
- 5 NEW CONCRETE TO MATCH EXISTING.
- 6 EXISTING CONCRETE COLUMN TO REMAIN UNDISTURBED.

ADDITION & RENOVATION TO:
SAHASRABUDHE RESIDENCE
234 AVALON AVENUE
LAUDERDALE-BY-THE-SEA, FLORIDA 33308

LEWARS DESIGN I, LLC
Bertram C.A. Lewars, Architect
AR 0017820
18242 N.W. 20th Street
Pembroke Pines, Florida 33029
(954) 701-0228 fx(954) 443-1440
bcalewars@comcast.net

REVISIONS:

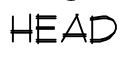
FLOOR PLAN

Sheet Title:

FILE NAME: AVALON AVE.
PROJECT NO. 20220420

DATE: 06 JULY 2022
DRAWN BY: L.D.
CHECKED BY: B.L.

A.3



CBS WINDOW DETAILS N.T.S.

NOTE: PROFILES MAY VARY DEPENDING ON MANUF. SELECTED. INSTALL IN ACCORDANCE WITH CURRENT APPROVED N.O.A. OR FL. PRODUCT APPROVAL


$$\frac{1}{4} = 1 - \frac{3}{4}$$

 = SEE WINDOW SCHEDULE (TYPICAL)

WIND ZONE PRESSURES:
(WIND ZONE = 3'-7')

ZONE 4 = +38.0 / -41.0
ZONE 5 = +38.0 / -51.0
GARAGE DOOR = +37.0 / -49.0


$$\frac{1}{4}'' = 1' - \emptyset''$$

$$\frac{1}{4}'' = 1' - \emptyset''$$

$$\frac{1}{4}'' = 1'-0''$$

ADDITION & RENOVATION TO:

SAHASRABUDHE RESIDENCE

234 AVALON AVENUE

LAUDERDALE-BY-THE-SEA, FLORIDA 33308

LEWARS DESIGN I, LLC

Bertram C.A. Lewars, Architect
A.B. 0017880

AK 0017620
18242 N.W. 20th Street

Pembroke Pines, Florida 33029
(954) 701-0228 fx(954) 443-1440

bcalewars@comcast.net

REVISIONS:

EXT. ELEVATIONS

Sheet Title:

FILE NAME: AVALON AVE.

PROJECT NO. 20220420

DATE: 06 JULY 2022

DRAWN BY: L.D.

CHECKED BY: B.L.

Lauderdale By The Sea

Administrative Adjustment Level 2 - Zoning

3/11/2023

234 Avalon Ave, LBTS 33318 Building Permit# LBS23-013716

Folio# 494318072120

SILVER SHORES SEC OF LAUDERDALE BY THE SEA UNIT B 31-3 B LOT 4 BLK 25

To Whom it Concerns,

Request for building adjustments to match existing structures side setbacks. Single family home built in 1954 existing side setback is 6'-1" on East side of property and 6'-4" on the west side of the property. We would like for the 2 additions proposed in the permit application LBS23-013716 to maintain that set back established with original home setbacks.

We are in compliance with Section 30-128 a) does not result in increased density. b) does not exceed building height zoning. c) does not encroach upon town easements or right of ways.

d) We do meet at least 2 of the conditions. Vii. Required to allow a setback which matches the existing buildings current side setback, overhangs, roof cornices, eaves and Viii. Required for an expansion, addition, or modification to an existing structure where that the expansion, addition, or modification will not increase the footprint of the existing structure.

e) Does not interfere with the convenient and enjoyable use of adjacent lands, no danger to public f) Is not incompatible with the character of the development in the surrounding area. g) No adverse impacts h) Administrative adjustment is consistent with the comprehensive plan i) Does not effect parking.

Addresses of example additions consistent with the proposed project at the subject property.

242 Avalon Ave, 250 Avalon Ave, 254 Avalon Ave, 266 Avalon Ave and to rear of subject property 237 Lombardy Ave as well as countless other examples in the Silver Shores area.

We greatly appreciate all the help and consideration. Thank you.

Warm regards,

Milos "Mike" Trifunovic, Qualifier

Blue Gate Construction LLC

1250 SW 70th Terrace

Plantation, Fl. 33317

954-552-0827 cell

trifke@bellsouth.net

Fl Lic #CBC1258130



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, site plans, variances		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	166.041(3)(c)2	10 days	10 days	7 days - 1st public hrg and 5 days - 2nd public hrg	X			X (Display)

prohibited uses within a zoning category).								
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. 2022-05, § 3, 8-24-2022)

Exhibit 3

Subdivision D. - RS-5 District Regulations

Sec. 30-212. - RS-5 district—South residential single-family dwellings.

- (a) *Permitted uses.* No building or premises shall be used, and no building with its usual accessories shall be erected or altered other than a building or premises used exclusively for a single-family dwelling.
 - a. Construction on lots of 80 feet or less in width shall be limited to one building to a lot.
 - b. Vacation rental is a permitted accessory use if a vacation rental certificate is first obtained pursuant to section 30-327.
- (b) *Height.* No building shall be erected or altered exceeding two stories, which shall not be higher than 33 feet above normal grade level. As provided in section 7.1(1) of the Charter, in accordance with the Florida Building Code, bulkheads and penthouses used solely to enclose stairways, tanks, elevator machinery or shafts or ventilation or air conditioning apparatus shall not be included in determining building height. All other roof structures, including parapet walls, shall not exceed four feet in height above the maximum allowed building height.
- (c) *Residence setbacks.*
 - (1) *Front setback.* No residence shall have a front setback of less than 25 feet or more than 35 feet from the front lot line.
 - (2) *Side setback.* Except as provided in subsection (c)(4) below, no residence or any part thereof shall be erected on any lot closer than seven and one-half feet to either side lot line.
 - (3) *Rear setback.* Except as provided in subsection (c)(4) below, no residence or any part thereof shall have a rear setback of less than ten feet for a single story and less than 12 feet for two stories.
 - (4) *Waterfront setback.*
 - a. No residence or any part thereof shall have a rear or side setback, abutting the Intracoastal or an inland waterway, of less than 25 feet from the lot line.
 - b. Any structure legally constructed between September 26, 2007, and October 13, 2015, shall be allowed to continue as a legal nonconformity subject to the nonconforming provisions of this Code.
 - (5) *Roof overhangs.* Front and rear roof overhangs, cornices, or eaves, may project or extend no more than 36 inches into a required setback except side roof overhangs may only extend within five feet from the property line.
 - (6) *Corner lot side setbacks.* Corner lot side setbacks abutting a street shall be 15 feet excepting all that area on the east side of West Tradewinds Avenue between South Tradewinds and North Tradewinds where the west exposure setback shall be 20 feet.
 - (7) *Roof construction.* Gravel roof construction shall be prohibited.
- (d) *Density.* Dwelling units constructed shall not exceed a net density of five dwelling units per acre.
- (e) *Minimum building size.* No building shall be erected on any lot, not a waterfront lot, which does not comprise at least 1,200 ground floor square feet of floor space, exclusive of utility rooms, porches, garages and/or carports; and no building shall be erected on any waterfront lot, the main structure of which does not comprise at least 1,300 ground floor square feet of floor space, exclusive of utility rooms, porches, garages, and/or carports.

(Ord. No. 316, § 1, 1-9-90; Ord. No. 357, § 1, 11-8-94; Ord. No. 2004-05, § 2, 5-11-04; Ord. No. 2005-16, § 2, 1-10-06; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2009-10, § 4, 7-28-09; Ord. No. 2009-19, § 5, 5-26-09; Ord. No. 2009-30, § 4, 12-1-09; Ord. No. 2012-15, § 3, 10-9-2012; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2015-12, § 2, 10-13-2015; Ord. No. 2017-05, § 3, 4-25-2017; Ord. No. 2017-12, § 2(Exh. A), 11-14-2017; Ord. No. 2018-23, § 2, 6-12-2018.

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 Board of Adjustment.

- (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)