

TOWN OF LAUDERDALE-BY-THE-SEA

BOARD OF ADJUSTMENT MINUTES

Town Commission Meeting Room

Wednesday, June 6, 2012, at 6:30 P.M.

I. ELECTION OF OFFICERS

Town Planner Connors indicated the Board needed to select members to fill the positions of chairperson and vice chairperson.

Ms. Capotosto expressed a desire to serve as chairperson for the Board of Adjustments (BOA).

Mr. Overton stated he wished to serve as vice chairperson.

Ms. Capotosto made a motion to approve her appointment to the position of Chairperson of the BOA, seconded by Mr. Overton. In a roll call vote, the motion passed 3 – 0.

Mr. Overton made a motion to approve his appointment to the position of Vice Chairperson of the BOA, seconded by Ms. Rapaport. In a roll call vote, the motion passed 3 – 0.

II. CALL TO ORDER

Town Planner Linda Connors called the Town of Lauderdale-By-The-Sea Board of Adjustment (BOA) meeting to order at 6:30 p.m. Members present were Chairperson Geri Ann Capotosto, Vice Chairperson Henry Overton and Vernice Rapaport. Also present were Town Planner Linda Connors and Assistant Town Attorney Kathryn Mehaffey. Assistant Town Clerk Glen McCormick was present to record the meeting. BOA members Arthur Franczak, Helene Wetherington and Helen Swinghammer were absent.

III. PLEDGE OF ALLEGIANCE TO THE FLAG

The Pledge of Allegiance was recited.

IV. APPROVAL OF MINUTES

Regular Board of Adjustment Minutes of July 15, 2009, December 7, 2011, and May 2, 2012

Chairperson Capotosto made a motion to approve the above stated minutes as presented by Town staff, seconded by Vice Chairperson Overton. In a roll call vote, the motion passed 3 – 0.

V. PUBLIC COMMENTS

Chairperson Capotosto opened the meeting to public comments on issues unrelated to any agenda items and received no input.

VI. TOWN PLANNER REPORT

None

VII. NEW BUSINESS

A.. Applicant: Leisure Towers Association, Inc.
Location: 1500 South Ocean Boulevard

Request: Lauderdale-By-The-Sea, FL 33062
Description of Variance request:
The Applicant is requesting a variance from the Town's Zoning Code, Chapter 30-21(k)(1) to allow the alteration of a structure in a manner that increases its nonconformity, and from Section 30-341(b)(6) to allow the removal of three parking spaces from the nonconforming parking lot to accommodate the installation of an air conditioner cooling tower.

Town Planner Connors reviewed the subject application as detailed in the backup, noting staff recommended approval with the conditions as stated.

Irvin Frye, the applicant's representative, stated his firm was responsible for designing the cooling tower installation at Leisure Tower. He concurred with the information provided in the backup, mentioning the various options they explored prior to settling on the subject design that required the proposed variance application. He stated that its proposed location would limit any impact on landscaping and view from the street, and they selected a cooling tower that was lowest in height with the smallest footprint possible to keep the enclosure as low and small as possible.

Vice Chairperson Overton asked if the applicant received the DB noise level from the manufacturers.

Mr. Frye answered yes, in the brochure included in the backup, the last page on the drawings indicated the maximum noise levels of the cooling tower, per the manufacturer's specs, specifically page SP03, and they showed their noise levels would fall below the maximum based on level of expected usage.

Ms. Rapaport wondered, in reference to the three parking spaces that would be lost, what resolutions the applicant was offering to offset the loss of parking.

Mr. Frye replied the three spaces could not be recovered, referring to page 17 of the report that showed a picture of the property; a bird's eye view of the property's layout showed there was no additional space available on which to relocate lost parking. Some five years ago the Town paved the service area, as the Town took away parking spaces upfront where the Florida, Power & Light (FP&L) power box was installed. Paving the area gave three additional parking spaces, but those spaces were not counted officially due to the turning radius of those spaces not meeting Town code requirements. However for service purposes, parking was possible.

Ms. Rapaport asked if there had been any complaints or discomforts expressed by neighboring residents.

Mr. Frye responded not to his knowledge.

Chairperson Capotosto inquired if the height was 37 feet.

Mr. Frye answered no, the total height of the enclosure wall, as indicated in the backup on page SP02, would be 13 feet, 10 inches from the ground.

Chairperson Capotosto questioned if the tower would be painted the same color as the building or in some nondescript color to blend in with the surroundings.

Mr. Frye indicated it would, and there would be holes in the tower for ventilation, which the tower needed to function.

Chairperson Capotosto queried if the housing for the tower would be done in some form of decorative format.

Mr. Frye directed the Board's attention to the relevant pictures located in the backup.

Chairperson Capotosto opened the discussion to public comment.

Ms. Rapaport commented one of the three parking spaces that would be eliminated belonged to her; she asked where would the spaces that were designated to owners for many years be located.

Mr. Frye remarked they would reduce guest parking to ten spaces; there would be no parking spaces lost to the owners.

Chairperson Capotosto closed the public comment portion of the meeting.

Ms. Rapaport questioned, in reference to the lost guest parking spaces, if their removal would be detrimental for the residents.

Town Planner Connors pointed it out one had to weigh what was more important: guest parking or air conditioning.

Chairperson Capotosto wished to know if, with the holes necessary for the air conditioning to function properly, there would be steps taken to ensure birds or any other animals did not nest in the tower

Mr. Frye responded the cooling tower where the air went into the equipment had a plastic web, and there was no danger for birds to get caught in there or be damaged by the cooling tower vent. Where the air came out of the cooling tower on top, there was a protective grate to prevent birds going into the tower.

Chairperson Capotosto clarified her concern was not with the wellbeing of the birds, it was with their nesting in the tower and compromising the equipment, as well as what the protective screening would look like, if it would blend in with the surroundings.

Mr. Frye stated, at present, there were no plans to put any screening on the block wall, as the cooling tower was a piece of equipment that had to be inspected and maintained constantly.

Vice Chairperson Overton made a motion to approve the subject variance application with staff recommendations as written, seconded by Chairperson Capotosto. In a roll call vote, the motion passed 3 – 0.

VIII. BOARD MEMBER COMMENTS

Town Planner Connors informed the Board there would be no July meeting, as there were no applications for consideration.

VII. ADJOURNMENT

Having nothing further to discuss, Chairperson Capotosto adjourned the meeting at 7:15 p.m.


Chairperson Geri Ann Capotosto

ATTEST:


LC

Date Accepted: 12/5/2013