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.

Ron Piersante

Chair Ron Piersante

ATTEST:

Date Accepted: June 7, 2023