

AGENDA
LANTANA TOWN PLANNING COMMISSION
sitting as the
ZONING BOARD OF APPEALS
March 27th, 2024
6:30 p.m.

Lyn Tate (Chairperson)	_____	Joseph Farrell	_____
Rosemary Mouring (Vice-Chair)	_____	Edward Shropshire	_____
Michelle Donahue	_____	Jorge Velzquez (Alternate)	_____
Annemarie Joyce (Alternate)	_____		

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1. CALL TO ORDER
 2. ROLL CALL
 3. AGENDA APPROVAL:
 - a) Additions, Deletions, Substitutions
 - b) Agenda Approval
 4. APPROVAL OF MINUTES:
 - a) Consideration of minutes for the November 29, 2023 ZBA meeting.
 5. NEW BUSINESS:
 - a) **VAR24-0001**
Consideration of a Variance request from Section 23-92(e), Code of Ordinances, to allow a 5-foot side setback for the placement of a ground mounted generator where the Code requires a minimum of 10 feet, for the property located at 613 South Atlantic Drive.

Applicant: Erica Wald
 6. ADJOURN

MINUTES
LANTANA TOWN PLANNING COMMISSION
sitting as the
ZONING BOARD OF APPEALS
November 29, 2023
6:30 p.m.

1. CALL TO ORDER: Mr. Farrell called the meeting to order at 6:31 PM.
2. ROLL CALL: Ms. Eassa called the roll and noted there was a quorum.
 - a. PRESENT: Joseph Farrell (Chairperson); Michelle Donahue, Erica Wald; Rosemary Mouring; Lyn Tate. Edward Shropshire (Alternate).
 - b. ALSO PRESENT: Nicole Dritz, Development Services Director; Elizabeth Eassa, Assistant Development Services Director; Jeffery Jones, Legal Counsel
3. AGENDA APPROVAL:
 - a. Mr. Farrell inquired if there were any additions, deletions, or substitutions to be made.
 - b. Ms. Mouring made a motion to approve the agenda. Ms. Tate seconded and the motion passed unanimously.
4. APPROVAL OF MINUTES:
 - a. Ms. Donahue made a motion to approve the minutes for the October 25, 2023, meeting. Mr. Shropshire seconded and the motion passed unanimously.
5. NEW BUSINESS:
 - a. **VAR23-0017:**
 1. Request for a variance from Section 23-81(j)(3), Code of Ordinances, to allow a 6-foot-tall fence with an additional 1-foot of barbed wire in the front setback area, where a maximum fence height of 4-feet is permitted, for the properties located at 604 Hillbrath Drive, 606 Hillbrath Drive, the property with the associated Parcel Control Number 40-43-44-34-00-000-7100, and the property with the associated Parcel Control Number 40-43-44-34-00-000-7070. (**NOTE:** Postponed from October 25, 2023).

Applicant: Johnson-Davis, Inc.

Ms. Dritz gave an overview of the variance requests.

The applicant, William Clark Cryer of Johnson Davis, presented regarding the item.

The Chair opened the item for question from the Planning Commission members.

Mr. Farrell asked if they were replacing existing fencing.

The Chair opened the item for public comment. No public comments were made.

Ms. Donahue made a motion to recommend approval of the Variance request. Mr.

Shropshire seconded.

Ms. Eassa called the roll and the motion passed 5-0.

b. **VAR23-0028:**

1. Request for a variance from Section 23-81(j)(1), Code of Ordinances, to allow a 6-foot-tall fence in the front setback area, where a maximum fence height of 4-feet is permitted, for the property located at 350 East Ocean Avenue.

Applicant: Peter Russo, Metro Design Group, inc.

Mr. Shropshire disclosed he drove by subject property; Mr. Farrell disclosed he searched the property on the internet; there were no other board disclosures related to the item.

Ms. Dritz gave an overview of the variance requests.

The applicant, Peter Russo, Metro Design Group, inc., presented regarding the item.

The Chair opened the item for question from the Planning Commission members.

Ms. Tate clarified the location of the property and asked if the homeowner would be eliminating a driveway. Ms. Tate also asked about the requirement for a 4-foot-tall fence in the front setback.

Mr. Shropshire indicated that there were no other homes with 4-foot-tall fences in the area and that other homes utilized landscaping for privacy instead.

Ms. Donahue indicated the property was unique due to having a driveway off Ocean Avenue.

Mr. Farrell asked if they were replacing existing fencing.

The Chair opened the item for public comment. No public comments were made.

Ms. Tate made a motion to recommend approval of the Variance request. Ms. Donahue seconded.

Ms. Eassa called the roll and the motion passed 4-1. Mr. Shropshire was the dissenting vote, citing that it would create a precedent.

c. **VAR23-0028:**

1. Request for a variance from Section 23-95(e) of the Town Code of Ordinances to allow a 3-foot side setback for the placement of mechanical equipment where a minimum 7.5-foot setback is required, for the property located at 626 Minnesota Street.

Applicant: Blake Balsara

Mr. Shropshire disclosed he drove by subject property; there were no other board disclosures related to the item.

Ms. Dritz gave an overview of the variance requests.

The applicant, Blake Balsara, presented regarding the item.

The Chair opened the item for question from the Planning Commission members.

Ms. Mouring asked if the applicant was replacing an existing unit or adding a new unit.

Mr. Shropshire asked if the applicant intended to update the property.

Ms. Tate asked if certified mailers had been sent out for the variance request.

The Chair opened the item for public comment. No public comments were made.

Ms. Mouring made a motion to recommend approval of the Variance request. Ms.

Donahue seconded.

Ms. Eassa called the roll and the motion passed 5-0.

6. **REORGANIZATION:**

Ms. Dritz gave an overview of the Board reorganization.

- a. Ms. Donahue made a motion for consideration of a new chairperson and Mr. Farrell seconded the motion. Lyn Tate was elected as the new chairperson by a unanimous vote.
- b. Ms. Tate made a motion for consideration of a new Vice-Chairperson and Mr. Farrell seconded the motion. Rosemary Mouring was elected as the new Vice-Chairperson by a unanimous vote.

Ms. Dritz gave an overview of the Boards' powers and duties.

PUBLIC COMMENTS: The Chair opened the floor for public comments. There was no public comment.

7. ADJOURN: Ms. Tate made a motion for adjournment. The meeting was adjourned unanimously at 7:23 PM.

If a person decides to appeal any decision made by the Town Council or Zoning Board of Appeals with respect to any matter considered at such meeting or hearing, that person will need a record of the proceedings, and for such purpose, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The Town of Lantana does not provide such a record.

Chairperson Lyn Tate

Date



TOWN OF LANTANA
504 Greynolds Circle
Lantana, FL 33462
(561) 540-5034

CASE #: VAR23-0001
SUBMITTAL DATE: 02/12/24

VARIANCE APPLICATION

Property Name: Wald Residence
Property Location (Address): 613 S ATLANTIC DR
Property Control Number (PCN): 40-43-45-03-01-0-00-0511
Existing Zoning Category: _____

Type of Variance (Circle All that Apply):

- ☒ Setback (front ☒ side ☐ rear)
- ☐ Height
- ☐ Lot (width, coverage, size)
- ☐ Subdivision Regulations

Other: _____

Property Owner

Name: ERICA + Allan Wald
Address: 613 S ATLANTIC DR
LANTANA FL 33462
Phone: 561 512 5371
Email: _____

Applicant/Agent

☒ Check here if same as owner

Name: _____
Address: _____
Phone: _____
Email: _____

DO NOT WRITE BELOW THIS LINE

FOR DEPARTMENT USE ONLY

ACCEPTED FOR REVIEW

Town Official: Justin Colman
Fee(s) Paid: \$750

Date: 02/12/2024

TOWN ACTION

Town Council: _____ Date: _____
Condition(s) of Approval: _____

GENERAL DATA

Proposed Zoning:

RIA

Existing Use of Property:

SFR

Proposed Use of Property:

SFR

Total Site Area: _____ Sq. Ft. OR _____ Acres

RESIDENTIAL

Total Number of Dwelling Units: 1 | 1
Existing Proposed

Density (Units per Acre): 4.36 | 4.36
Existing Proposed

COMMERCIAL

Total Square Footage: N/A

Number of Buildings: N/A

A variance is requested relative to Section # 23.92 e of the Town of Lantana

Zoning Code of Ordinance to allow:

placement of a standby electrical generator within the side south setback when it is currently 10' requesting a side setback of 5' but only for a span of 10' not for the entire length of the lot.

Where the Zoning Ordinance requires:

Mechanical equipment and the like to be setback within 10 ft of the property line

JUSTIFICATION STATEMENT

Please address the following criteria contained in Section 23-63 of the Zoning Code for Zoning Variance requests:

1. **Special Conditions and Circumstances** - Please describe any special circumstances which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures, or buildings in the same district.

Due to the narrow width of the lot, the footprint of the existing home provides minimal space on the sides for equipment. Placement of any new mechanical items will not be conducive to promoting quiet living conditions for the homeowner and surrounding neighbors. *The back is at sea level, drops 5 feet from home and will disturb neighbors.*

2. **Not Self Created Condition** - Explain how the special conditions and circumstances do not result from the actions of the applicant.

A standby generator was not included in the plans for the construction of the home. *In 1991* Homeowner would like the opportunity to add a generator as is common in the neighborhood.

3. **No Special Privilege** - Explain how the grant of this variance request will not confer any special privilege upon the applicant that is denied by the zoning ordinance to other lands, structures or buildings in the same district. *applicant is in need of electricity for medical device*

The proposed location of the generator is not a special privilege. Existing homes with mechanical or otherwise similar equipment located within the side setbacks are currently allowed to replace them in their same location, if necessary, per Section 23.81(k)(3).

4. **Deprivation of Rights Enjoyed by Others** - Explain how the literal interpretation of the provisions of the zoning ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district.

Placement of the generator in any other location on the property will promote excessive noise and disturbance allowing the unit to echo thereby depriving neighboring residents and passersby of general peace and quiet while the generator is running.

5. **Minimum Variance** - Explain how the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

The variance request is the minimum variance to make possible the placement of the generator and limited to a small, confined area. The request seeks to reduce the side setback from 10' to *5'* on the south side of the home for a length of only *10'*

6. **Code's Intent** - Explain how the grant of this variance will be in harmony with the general purpose and intent of this ordinance. *owner need electricity for medical equipment*

The purpose of this code is to promote the public health, safety, morals, convenience, comfort, amenities, prosperity, and general welfare of the community. More specifically, it is the intent of code section 23.92 (e) to provide distance from neighboring properties in order to limit noise and maximize privacy. Granting this variance is in harmony with the general purpose and intent of this ordinance in that it seeks to allow the placement of the standby generator in the least obtrusive location on the property allowing immediate neighbors to enjoy the use of their property by limiting noise and shielding unsightly equipment.

EXACT LEGAL DESCRIPTION OF PROPERTY:

(Attach if insufficient space)

PROPERTY DETAIL

LOCATION ADDRESS	613 S ATLANTIC DR
MUNICIPALITY	LANTANA
PARCEL CONTROL NUMBER	40-43-45-03-01-000-0511
SUBDIVISION	HYPOLUXO ISLAND ADD IN
OFFICIAL RECORDS BOOK/PAGE	16584 / 1508
SALE DATE	JAN-2004
LEGAL DESCRIPTION	HYPOLUXO ISLAND ADD S 1/2 OF LT 51 & LT 52

As applicable, please provide the name, address and telephone number for the following persons or firms who are involved in this development:

AGENT [if different from Owner(s)]	DEVELOPER
Name: ERICA WALD	Name:
Company Name:	Company Name:
Address: 613 S ATLANTIC DR LANTANA FL 33462	Address:
Phone:	Phone:

PLANNER	ARCHITECT
Name:	Name:
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:
	Florida Registration No.:

ENGINEER	LANDSCAPE ARCHITECT
Name:	Name:
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:
Florida Registration No.:	Florida Registration No.:

SURVEYOR	ATTORNEY
Name:	Name:
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:

CURRENT OCCUPANT OF BUILDING OR PROPERTY
Name: Alan + ERICA WALD
Company Name (If Applicable):
Address: 613 S ATLANTIC DR LANTANA FL 33462
Phone: 561 512 5371

APPLICANT'S CERTIFICATION

(I) (We) affirm and certify that (I) (We) understand and will comply with all provisions and regulations of the Town of Lantana, Florida. (I) (We) understand that if this Application is approved by the Town, the aforementioned real property described herein will be considered, in every respect, to be a part of the Town of Lantana (if not already) and will be subjected to all applicable laws, regulations, taxes and police powers of the Town including the Comprehensive and Zoning Ordinance. (I) (We) further certify that all statements and diagrams submitted herewith are true and accurate to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this Application and attachments become part of the Official Records of the Town of Lantana, Florida, and are not returnable.

Witness

Erica Wals
Signature of Applicant

Witness

ERICA WALSH
Printed Name of Applicant

Date:

Applicant is:

☒ Owner

____ Optionee

____ Lessee

____ Agent

____ Contract Purchaser

Address:

613 S ATLANTIC DR
LANTANA FL 33462

Telephone Number: 561 540 5125 371

Fax Number: 561 540 8175

OWNER'S AUTHORIZATION

I/We affirm and certify that ERICA WALSH, the Applicant, is hereby authorized to represent me/us in all dealings regarding this petition with the Town of Lantana.

Justin L. Cannon
Witness

Erica Wals
Signature of Owner

Witness

ERICA WALSH
Printed Name of Owner

02/12/2024
Date:

