

Hallandale Beach
PROGRESS. INNOVATION. OPPORTUNITY.

A

January 22, 2014

SUBJECT: NOTICE OF ADMINISTRATIVE VARIANCE
APPLICATION: #58-14-A
APPLICANT NAME: Alberto Romano and Emma Penjos
SUBJECT PROPERTY: 654 Oleander Drive

Planning and Zoning Division
Althea P. Jefferson
Manager

This letter is to inform you of a request for an Administrative Variance concerning the following:

Application #58-14-A is an Administrative Variance from Section 32-151(d)(3) of the Hallandale Beach City Code regarding the maximum height of a single-family residence and Section 32-151(d)(4) regarding the minimum yard setbacks required in the Residential Single-Family (RS-5) Zoning District. The applicant is requesting 22 additional inches in building height and to encroach 9 feet and 6 inches into the required rear yard setback.

The referenced application is available for review in the Development Services Department, City of Hallandale Beach City Hall during normal business hours, 8:00 AM to 5:00 PM, Monday through Friday.

Notification of any protest to the proposed request by a noticed property owner must be submitted in writing to the Development Services Department within 10 working days from the date of this notice.

For further information on the subject application, please call the City of Hallandale Beach, Development Services at (954) 457-2220.

JOY F. COOPER
Mayor

ALEXANDER LEWY
Vice Mayor

WILLIAM JULIAN
Commissioner

MICHELE LAZAROW
Commissioner

ANTHONY SANDERS
Commissioner

Sincerely,

Vanessa Leroy
Associate Planner

400 S. Federal Highway
Hallandale Beach, FL 33009
Ph (954) 457-3036
Fax (954) 457-1488

HALLANDALE BEACH CITY COVENANTS:

A-4. BUILDING LOCATION. No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 25 feet to the front lot line, or nearer than 10 feet to any side street line. No building shall be located nearer than 10 feet to an interior lot line. No dwelling shall be located on any interior lot nearer than 40 feet measured from the edge of the waterway. No building, or part of building, or any shelter, permanent or temporary, shall be erected in this 40-foot setback area. For the purposes of this covenant, eaves, steps, and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building, on a lot to encroach upon another lot.

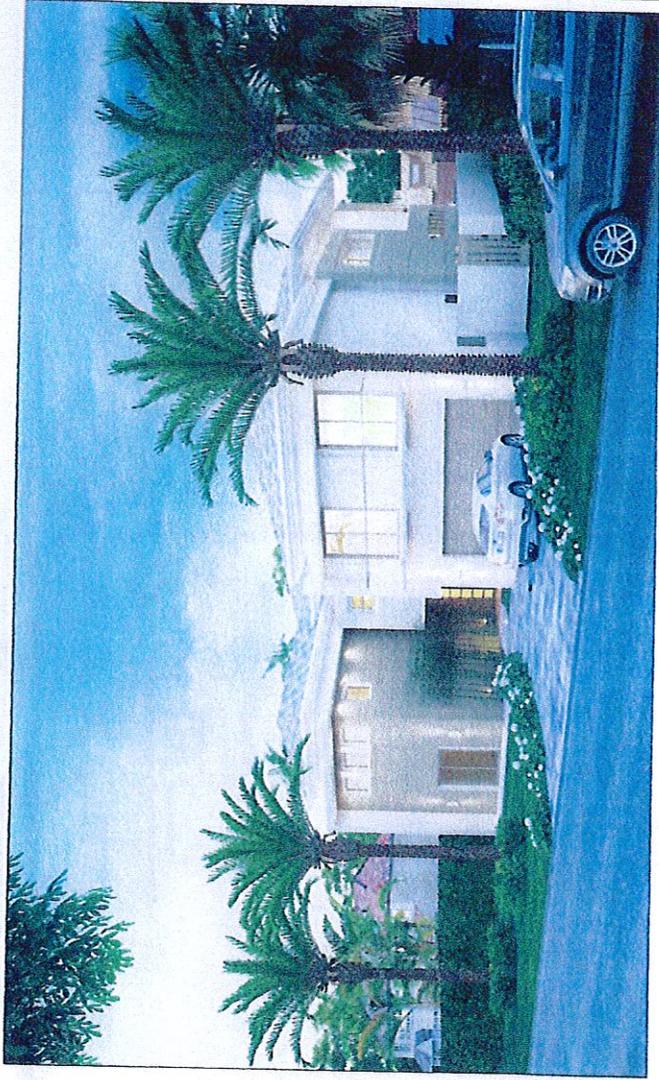
A-17. EXCEPTIONS TO SETBACK RESTRICTIONS. Terraces, walls, fences, low platforms or steps, swimming pools and similar low unroofed, and unscreened construction may be erected outside of setback lines, provided such construction shall not interfere with the exposure or view, or reasonable privacy of adjoining, or facing property, as shall be determined by the subdivider and shall be in compliance with prevailing City Zoning Regulations.

No construction of this type may be erected without written approval of the subdivider, and where construction is within easement areas, the approval of the owner of the easement must also be obtained. Subject to variations because of differences of natural and finished ground elevations, walls and fences beyond street and waterfront setback lines shall not exceed four feet in height, and in other setback areas, six feet in height.

City of Hallandale Beach Minor Development Review
Variance Request

Project: NEW 2 STORIES RESIDENCE **ROMANOS RESIDENCE**

654 OLEANDER DRIVE,
Golden Isles
HALLANDALE, FLORIDA 33009



3x5 space for plan review authority



AUBREY DAVIS ARCHITECT
ARCHITECTS
1100 S. W. 15th Ave., Suite 100
Hallandale Beach, FL 33009
Tel: 305.944.1100
Fax: 305.944.1101
www.aubreydavis.com

Professional Seal
Professional Stamp

Using good judgment

EXHIBIT/PROJECT/DATE

Project
ROMANOS RESIDENCE
654 OLEANDER DRIVE
GOLDEN ISLES
HALLANDALE BEACH, FL 33009

Client Name
Mr. and Mrs. Romanos
12345 Ocean Parkway, Suite 100
Hallandale Beach, FL 33009
Tel: 305.944.1100
Fax: 305.944.1101

Architect
Aubrey Davis
1100 S. W. 15th Ave., Suite 100
Hallandale Beach, FL 33009
Tel: 305.944.1100
Fax: 305.944.1101

Scale
1" = 1'-0"

Drawn By

G-100

Architect Seal 04-15-2014



ALPHABETIC ARCHITECT
 1000 UNIVERSITY AVENUE, SUITE 100
 ANN ARBOR, MI 48106
 TEL: 734.769.8300
 FAX: 734.769.8301
 WWW.AAARCHITECTS.COM

ALPHABETIC ARCHITECT (LLP)
 STATE OF MICHIGAN
 LICENSE NO. 065123

SETBACK

COMPLETION DATE

PROJECT

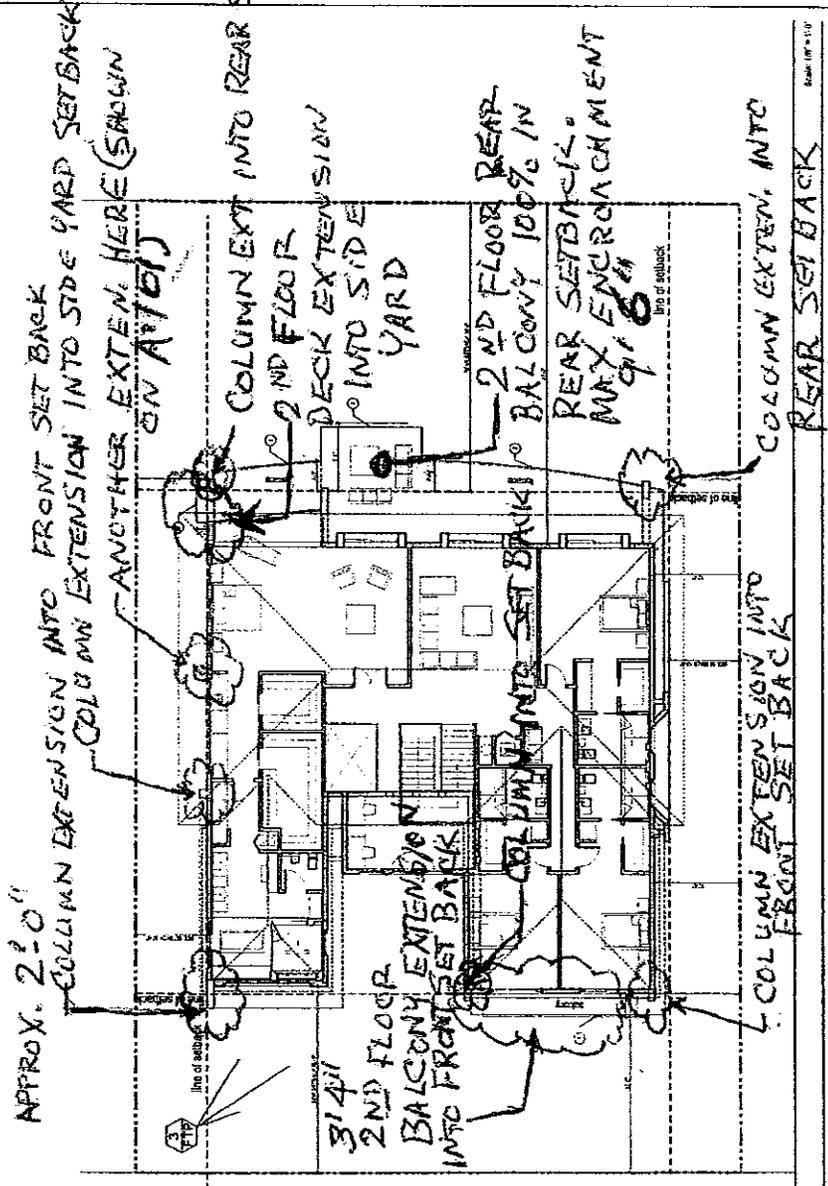
HOMANOS RESIDENCE
 14251 HIGHLAND DRIVE
 ANN ARBOR, MI 48106
 PROJECT NO. 2012-001

DATE

SCALE

G-102

22



2 Site plan - Second floor

Symbol Description
 Structure
 Column
 Curb Cut

1. Vertical for 2nd Floor Setback (column) is 15'-1"
2. Vertical for 2nd Floor Setback (column) is 15'-1"
3. Vertical for 2nd Floor Setback (column) is 15'-1"
4. Vertical for 2nd Floor Setback (column) is 15'-1"

key notes variance request

Legend

3x5 space for plan review authority

D

DRS. PAUL G. & LYNDA FLEISHER

642 OLEANDER DRIVE

HALLANDALE BEACH, FL. 33009

954-454-1158

Re: Notice of Administrative Variance
Subject: Application #58-14-A
To: Planning and Zoning Division
ATTN: Althea P. Jefferson/ Manager and Vanessa Leroy Assoc. Planner

January 27, 2014

My wife and I adamantly and totally reject the concept of a massive 9 ½ foot request to exceed the seawall setback requirements for private homes in our beautiful area of Golden Isles. Setbacks that have the potential of producing a 'wind tunnel' effect during times of high winds, destroying the view laterally from a neighbor's home, and potentially effect the drainage and green belt requirements in our area should not be permitted.

A second story patio is also part of the stated required setbacks!!! This in itself reduces privacy of neighbors. It must be supported by pillar supports that can easily be 'closed in' in the future supporting the problem already stated as a detriment to neighbor view obstruction and wind tunnel effect.

Also, a roof design 22 inches higher than the height that is already permitted will produce the appearance of living in a neighborhood that permits homes similar to 3 story homes with standard 8'3" ceiling heights. The shadow line will be enormous and the added height will be disproportionate to the lot size available. It will be an eye sore. These lots are 85 feet wide and when many of us bought and/or renovated existing homes we stayed within guidelines so as not to offend neighbors. We expected these to continue to be honored so that we still have the appearance of spaciousness, openness, and privacy in our homes. That is one of the main reasons many of us live in this neighborhood of Golden Isles

If the City of Hallandale permits such a gross extension of setbacks, REDUCING PRIVACY of neighbors, then why not just **cancel ALL** requirements altogether and let chaos reign. If the City permits this massive extension, then there is no purpose for city requirements? Why has he City presented requirements if not to protect it's citizens and the environment?

PLEASE DO NOT APPROVE THIS VARIANCE- IT IS TOTALLY INAPPROPRIATE AND WILL OPEN THE GATES THAT WILL SEVERELY DAMAGE OUR NEIGHBORHOOD AND FURURE PRICE VALUES.

Sincerely, Drs. Paul G. and Lynda Fleisher

DRS. PAUL & LYNDY FLEISHER
642 OLEANDER DRIVE
HALLANDALE BEACH, FL. 33009
954-454-1158

RE: Notice of Administrative Variance

Subject: Application #58-14-A

To: Planning and Zoning Division

ATTN: Althea P. Jefferson, Manager and Ms. Vanessa Leroy, Assoc. Planner

February 1, 2014

Please consider this correspondence an addendum to our 1st response to this variance request dated January 27, 2014. This correspondence will be hand delivered at City Hall, Dept. of Planning and Zoning at 8:00 AM to meet your 10 day time limit requirement!

According to your letter transmission dated Jan. 22, 2014 I assumed that ALL the information in your communication was the total of the variance requested according to the application listed above. Today, Saturday, Feb. 1, 2014, I have been informed that the variance requested not only is regarding a 22" height and 9' 6" into the sea seawall rear variance, but, a side extension of 3'4" into the side variance

1. Why were neighbors not informed of this in your notice dated January 22, 2014?
2. Does the Planning and Zoning Board understand that this exceeds the side to side border by approximately 40% beyond that which would protect the privacy of its neighbors?

This variance exception request borders on total disregard for neighbors and the those borders established to protect a neighborhood community that probably has one of the highest tax millage rates in Broward County due to its water front and proximity to the Intracoastal Waterway, its privacy from extraneous auto traffic, and personal privacy due to past protections established by both the City of Hallandale and the Golden Isles Home Owners Association (which was established to protect these qualities). IF THIS COMBINATION OF VARIANCE IS PERMITTED THE CITY WILL HAVE OPENED THE DOOR FOR TERRIBLE DISREGARD FOR THIS COMMUNITY FOR INDIVIDUAL GAIN. PLEASE DO NOT KILL THE GOOSE THAT LAID THE GOLDEN ISLES.

If this variance is permitted the city will open the door to massive disregard for the personality that developed this beautiful community.

Sincerely and Respectfully, Drs. Paul and Lynda Fleisher

This letter will be HAND DELIVERED on Monday Feb 3rd at 8:00 AM due to weekend mail. Thank you for your consideration.

CC. Mayor Joy Cooper

648 Oleander Drive
Hallandale Beach FL 33009
January 27, 2014

Page 1 of 2

Ms. Vanessa Leroy, Associate Planner
Planning and Zoning Division
City of Hallandale Beach
400 S. Federal Highway
Hallandale Beach FL 33009

Re: Notice of Administrative Variance.
#58-14-A. 654 Oleander Drive (new construction)

Dear Ms. Leroy:

We received the above-referenced notice from your office on the 25th. It states that "Notification of any protest to the proposed request by a noticed property owner must be submitted within 10 days of this notice." We are hereby registering our protest. The applicant is requesting "22 additional inches in building height and to encroach 9 feet and 6 inches into the required rear yard setback."

In keeping with the personality of the neighborhood, all purchasers of Golden Isles property agreed to the City Codes and Covenants which make our neighborhood the beautiful community that it is. **We do not condone any variance from these Codes and Covenants.**

We are in the final stages of completing our new home next door with a beautiful unobstructed view of the sky and the canals. We observed all required setback and height restrictions as did all of our current neighbors.

We strongly protest the subject variance request. Should this request be granted by the City, our quality of life will be severely negatively affected as follows:

- Our view of the canal and the sky from our patio, pool deck and balconies will be acutely obstructed.
- Our privacy and enjoyment of personal space will be critically diminished.
This "balcony" will provide a direct view onto our patio, and directly into the interior of our home!
- If approved, the variances could become permanent; and building out to the extent of the new setback line could ensue. This "balcony" could be expanded into a 9 foot 6 addition to the house.

- Nothing could prevent this "balcony" having a canvas awning which, in addition to the pillars holding up the "balcony" from the ground, would further obstruct our view.
- The 22 inch height variance will block out more of the sun and add to the massiveness of the structure from all directions.
- The integrity of our beautiful neighborhood will be jeopardized, as this variance sets a dangerous precedent for future variance requests.

This variance is in direct violation of the Golden Isles Covenants, and has not been even presented, let alone approved, by the Golden Isles Architectural Committee.

When we applied for permits for the building of our home (less than 2 years ago), approval of our plans by the Architectural Committee was **required before** the City Building Department would consider our application for permits.

We are told that protest letters will not affect the City's decision in this matter. Why are we being asked for our input if it will not make a difference? Should the City proceed with this approval, we request a hearing so that we can present our positions to the City Council.

Thank you for considering these issues. Should you have any questions, our number is (954)457-0320.

Sincerely

Handwritten signatures of JoAnne Zeigler and Jacob Zeigler. The signature of JoAnne Zeigler is on the left and the signature of Jacob Zeigler is on the right.

Jacob and JoAnne Zeigler

cc: Mayor Joy Cooper

cc: Ms. Althea P. Jefferson, Manager

649 Oleander Drive
Hallandale Beach FL 33009

January 29, 2014

Planning and Zoning Division
City of Hallandale Beach
400 S. Federal Highway
Hallandale Beach FL 33009

Attn: Ms. Althea P. Jefferson, Manager and
Ms. Vanessa Leroy, Associate Planner

Re: Notice of Administrative Variance,
#58-14-A. 654 Oleander Drive

Dear Ms. Jefferson and Ms. Leroy:

I hereby express my opposition to approval of this variance request. I have lived in my home in this beautiful neighborhood for 39 years. The existing Hallandale Beach city codes have protected residents over the years from overbuilding, decreasing landscape, and other factors which threaten the enjoyment of life here.

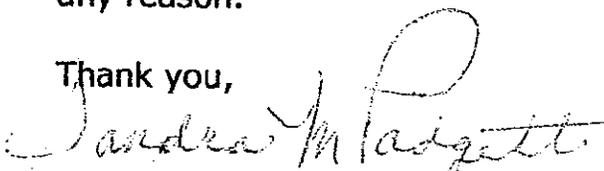
This variance, if granted, will affect me directly since I live directly across Oleander from 654.

Easing of the height restrictions will contribute to the massiveness of the structure which is inconsistent with the personality of the neighborhood and certainly of most of the original homes, which, like mine are single story.

Even though I am not directly affected by the request for a narrowing of the rear setback from 40 feet to 30 feet for a balcony, if this is approved, it would certainly lead to other similar requests by Golden Isles property owners which would directly affect me and my property.

I believe we should not alter these codes or allow non compliance of any kind for any reason.

Thank you,



Ms. Sandra M. Padgett

cc Mayor Joy Cooper

655 Oleander Drive
Hallandale Beach FL 33009

January 31, 2014

Planning and Zoning Division
Hallandale Beach
400 S. Federal Highway
Hallandale Beach FL 33009

SUBJECT NOTICE OF ADMINISTRATIVE VARIANCE
APPLICATION: #58-14-A
APPLICANT NAME: Alberto Romono and Emma Penjos
SUBJECT PROPERTY: 654 Oleander Drive

Attention: Ms. Althea P. Jefferson
Ms. Vanessa Leroy:

Per your letter of January 22, 2014, I am notifying you of, and documenting my protest to, the proposed request.

I have recently purchased my home immediately across the street from the subject property. My one story home currently has beautiful views of the canal and the skies.

I strongly object to both requests, height and setback. The increase in height will, of course, diminish the view from the front of my house. The decrease in setback, even for a second floor balcony will certainly violate the Section 32-151(d)(3) of the Hallandale Beach City Code.

When I purchased my property, I agreed to abide by all the city Covenants and Codes. A granting of this request will set a precedent for future such requests and approvals and will certainly affect our quality of life, privacy, and property values.

I would not want any of my neighbors on my side of the street constructing a balcony overlooking my back patio, pool deck and dock and affecting my views.

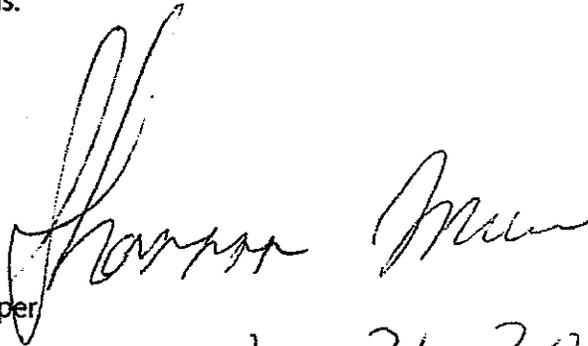
I am told that there will not be a hearing scheduled to present the community opposition to this egregious violation of the Code.

Should a hearing be scheduled, I know you will let all Golden Isles residents know so we can present our positions and objections.

Very truly yours,

Shannon Miller
655 Oleander Drive

Copy to Mayor Joy Cooper



1-31-2014

661 Oleander Drive
Hallandale Beach FL 33009

January 27, 2014

Althea Jefferson, Manager
Planning and Zoning Division
City of Hallandale Beach
400 S. Federal Highway
Hallandale Beach FL 33009

Re: Notice of Administrative Variance, #58-14-A. 654 Oleander Drive

Dear Ms. Jefferson:

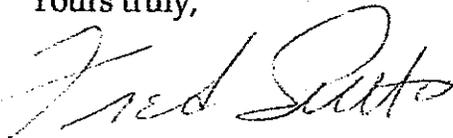
We have lived in and loved this neighborhood since 1989 when we built our home here. The Hallandale Beach Codes and Covenants have ensured that Golden Isles remains a quiet residential neighborhood without excessive overbuilding and diminishing green spaces.

These restrictions have been observed by all residents over the years, and allowing excessive variance such as this 9 foot 6 inch rear easement and 22 inch increased height will surely affect the residents and set precedent for other such requests in the future.

We wish to formally voice our protest to the approval of this variance. It is in violation of the Covenants, and, as far as we know, has not been approved by the Golden Isles Architectural Committee.

If there is a City Council hearing, we are certainly willing to express verbally our opposition to this variance request.

Yours truly,



Mr. and Mrs. Fred Sultan

cc: Joy Cooper, Mayor
Vanessa Leroy, Associate Planner

660 Oleander Drive
Hallandale, FL 33009
Phone: 954.456.2206

January 28, 2014

Re: Notice of Administrative Variance
Application #58-14-A
Property: 654 Oleander Drive

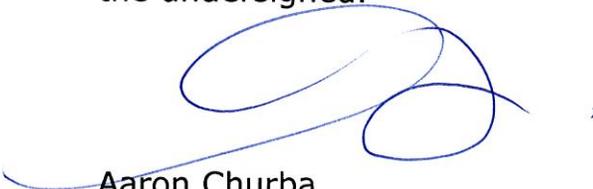
To Whom It May Concern:

We are in receipt of your letter concerning the above referenced matter.

Please be advised that we cannot accept this variance because regulations for Homeowners properties are to keep the community as it was originally designed and designated.

To reiterate, we respectfully will not accept this variance.

Should you require any additional information, please feel to contact the undersigned.


Aaron Churba

To: Mayor Joy Cooper
Vice Mayor Alexander Lewey
Commissioner Anthony Sanders
Commissioner William "Bill" Julian
Commissioner Michelle Lazarow

From: Drs. Paul and Lynda Fleisher 642 Oleander Drive
Mr. and Mrs. Jacob Zeigler 648 Oleander Drive
Ms. Sandra Padgett 649 Oleander Drive
Mr. and Mrs. Fred Sultan 661 Oleander Drive

Date: February 10, 2014

Subject Notice of Administrative Variance, #58-14-A
654 Oleander Drive, dated January 22, 2014

We are requesting that the above referenced Notice of Administrative Variance (Attachment A) be denied per Clause A-4 and A -17 of The Hallandale Beach City Covenants (Attachment B). The plans were not approved by the Golden Isles Home Owners Association before submitting to the City Zoning Board. Apparently plans for this structure were submitted in September of 2013, then altered to incorporate violations to the code and resubmitted to the City bypassing the approval of the Golden Isles Home Owners Association.

The official Halladale Beach Notice proposes only two variances: 22 additional inches in building height and 9 feet 6 inches into the required rear yard setback. After our initial responses were delivered to the City during the ten day period as requested we learned that there are more variances to the setbacks proposed.

Attachment C is two pages from the project blueprints.. The second page shows more setback variations which were not mentioned in the Notice of Administrative Variance. The second page of Attachment C is a marked up copy of the site plan, second floor. The "bubbled" areas (except at the rear balcony) indicate where the plan goes over the setback lines in violation of the Covenants. Our original letters of protest were hand delivered on January 30th and were also mailed via certified mail on the same day.

When we visited the City planning office, we asked how many letters of protest are required to be filed to convince the board to deny the variances. We were told, that the protest letters didn't matter, since the variance would be considered with or without our response to the Notice B.

The variances set forth in the architect's site plan are as follows:

1. Variance for 25' Front setback balcony encroaches into the setback 1' 7" (actually drawings show 3'-4")
2. Variance for 40' Rear Setback terrace encroaches into setback 9'6"
3. Variance for 10' Side Setback blacony encroaches into setback 3'-4".
4. Variance for height from 30' req, to 31'-9

The plan does not illustrate specifically the exact incursions in all cases but we have labeled them as best we could. It appears as if the Architect did not consider the lot setback lines as being important.

In addition to setting a dangerous precedent for future variance requests, these variances will severely affect our individual privacy and will significantly diminish most of our views

Please ask the owners to rethink the design so the house will be built within the setback lines.

We would like to have a cordial relationship with our new neighbors, but if any of these variances are granted, we will definitely seek legal council.

Attachments::

- A. Notice of Administrative Variance.
- B. Hallandale Beach City Covenants
- C. Page 1 of the Variance Request
Site Plan, Second Floor
- D. Letters solicited by the city from neighbors.

To: Mayor Joy Cooper
Vice Mayor Alexander Lewey
Commissioner Anthony Sanders
Commissioner William "Bill" Julian
Commissioner Michelle Lazarow
Ms. Vanessa Leroy, City of Hallandale Beach, Associate Planner

From: Mr. and Mrs. Jacob Zeigler 648 Oleander Drive

Date: March 8, 2014

Subject Notice of Administrative Variance, #58-14-A
654 Oleander Drive, dated January 22, 2014

Attached are two photos and a diagram which delineate two of the most egregious variance requests by the owners of the property at 654 Oleander Drive. These proposed variances are in violation of the building restriction (setback) lines. This property is adjacent to and south of our property. Not only should their request for variances be denied at these two locations, but it should be denied at all of their numerous locations around the proposed home.

Attachment A was taken from the rear of 648 Oleander Drive at the edge of our most westerly patio/balcony which is 42 feet from the canal (2 feet behind the 40 foot setback restriction). As you can see, our balcony is only a small percentage of the rear of our house. The majority of our house sets back another 14 feet east or 56 feet from the canal. The white pole on the left at the dividing property line is the 40 foot rear building restriction setback line. The white pole on the right is 9' 6" toward the canal from 40 foot building restriction setback line. To allow this variance, decreasing the 40 foot rear setback restriction by nearly 10 feet, would constitute an intolerable invasion of our privacy, negatively affecting our enjoyment of the most important entertainment area of our home

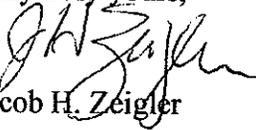
Attachment B shows the proposed balcony projection over their garage of 3'4" east into the front building restriction line. This is also unacceptable. It is 20 feet from our first floor front master bedroom and should not be allowed for privacy reasons. The photo is approximately to scale and shows where the balcony would be relative to our master bedroom. Due to the difficulty of getting a mockup at the proposed height, this photo shows the balcony mockup approximately four feet lower than the probable height. We have another master bedroom window on an angle facing southeast which will look directly out at this balcony. We built in conformance with the established building restrictions, and our bedroom should not be subjected to obvious privacy invasion for any reason including simply that they thought that they could get away with it.

Attachment C is the plan of the proposed home highlighting the numerous violations of the legally established building restrictions (setback) lines.

All of their requests for encroaching upon the building restriction lines should be denied. The building restriction setback lines were established, among other reasons, to protect each individual inhabitant's privacy and to ensure uniformity in home sizes.

We recently completed our home and complied with all established building restriction lines. The restrictions are established for good reason, not the least of which is assurance of each individual owner's right to privacy, and they should not be ignored.

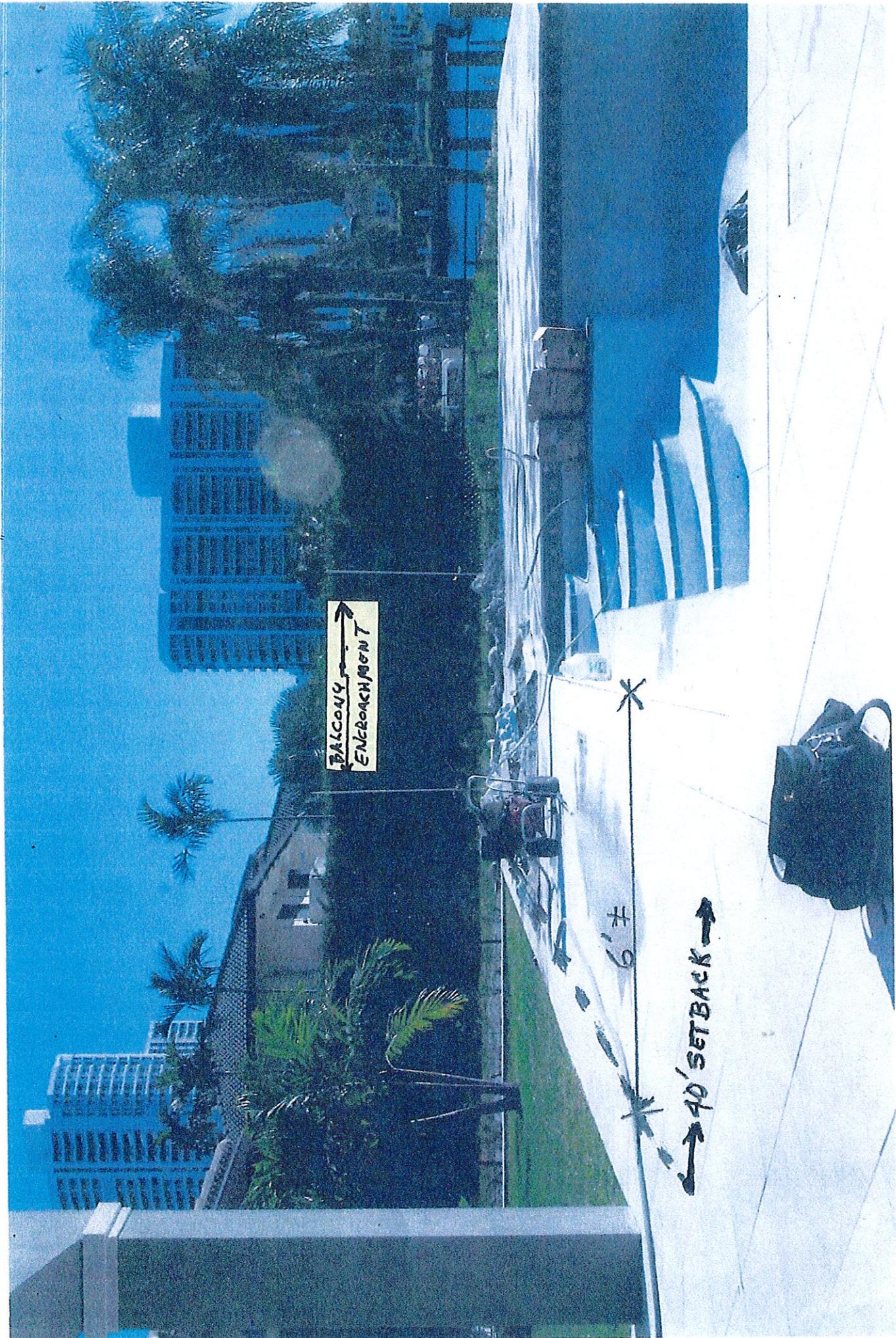
Very truly yours,


Jacob H. Zeigler

Attachments: 3

cc: Drs. Paul and Lynda Fleisher 642 Oleander Drive
Mr. and Mrs. Jacob Zeigler 648 Oleander Drive
Ms. Sandra Padgett 649 Oleander Drive
Mr. Shannon Miller 655 Oleander Drive
Mr. and Mrs. Aaron Churba 660 Oleander Drive
Mr. and Mrs. Fred Sultan 661 Oleander Drive
Ms. Fran Markowitz, Chairman, Golden Isles Architectural Committee

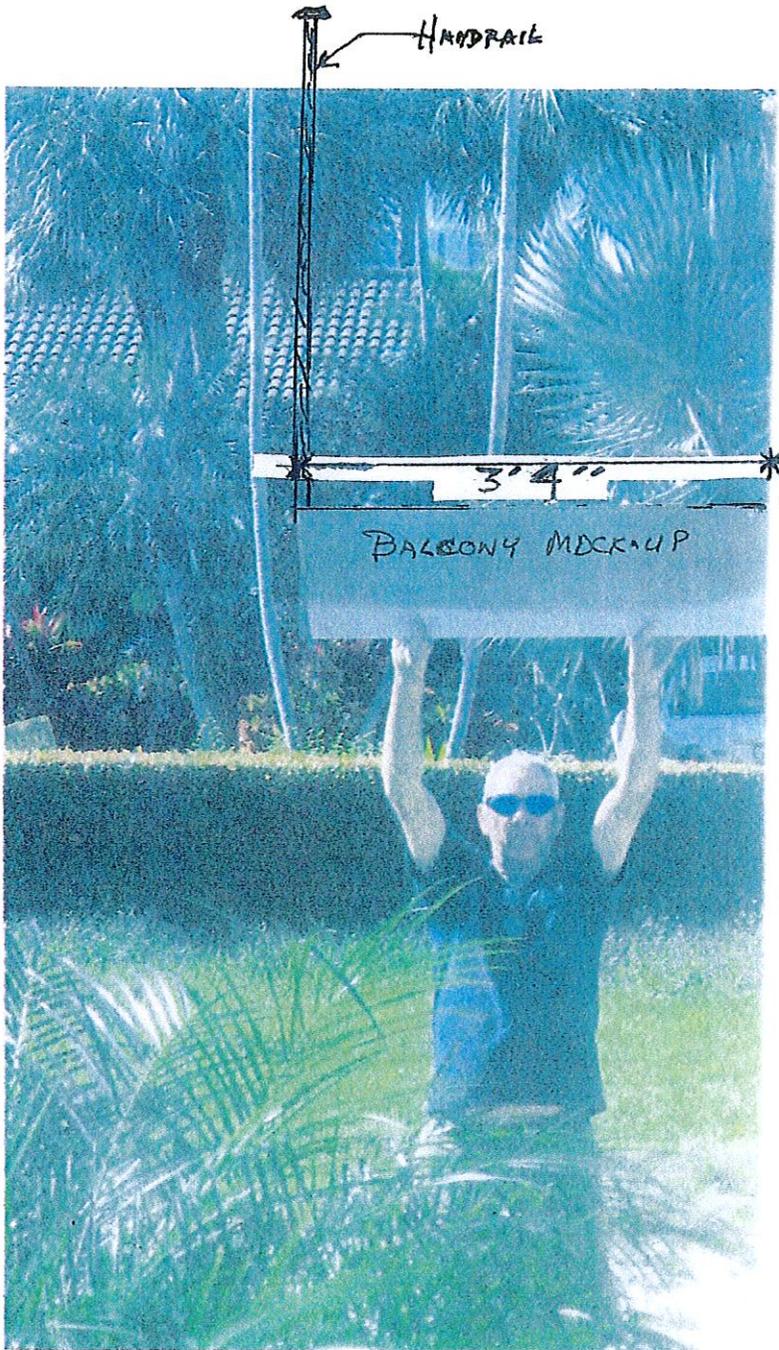
A



BALCONY ENCROACHMENT →

6' ±

→ 40' SETBACK →

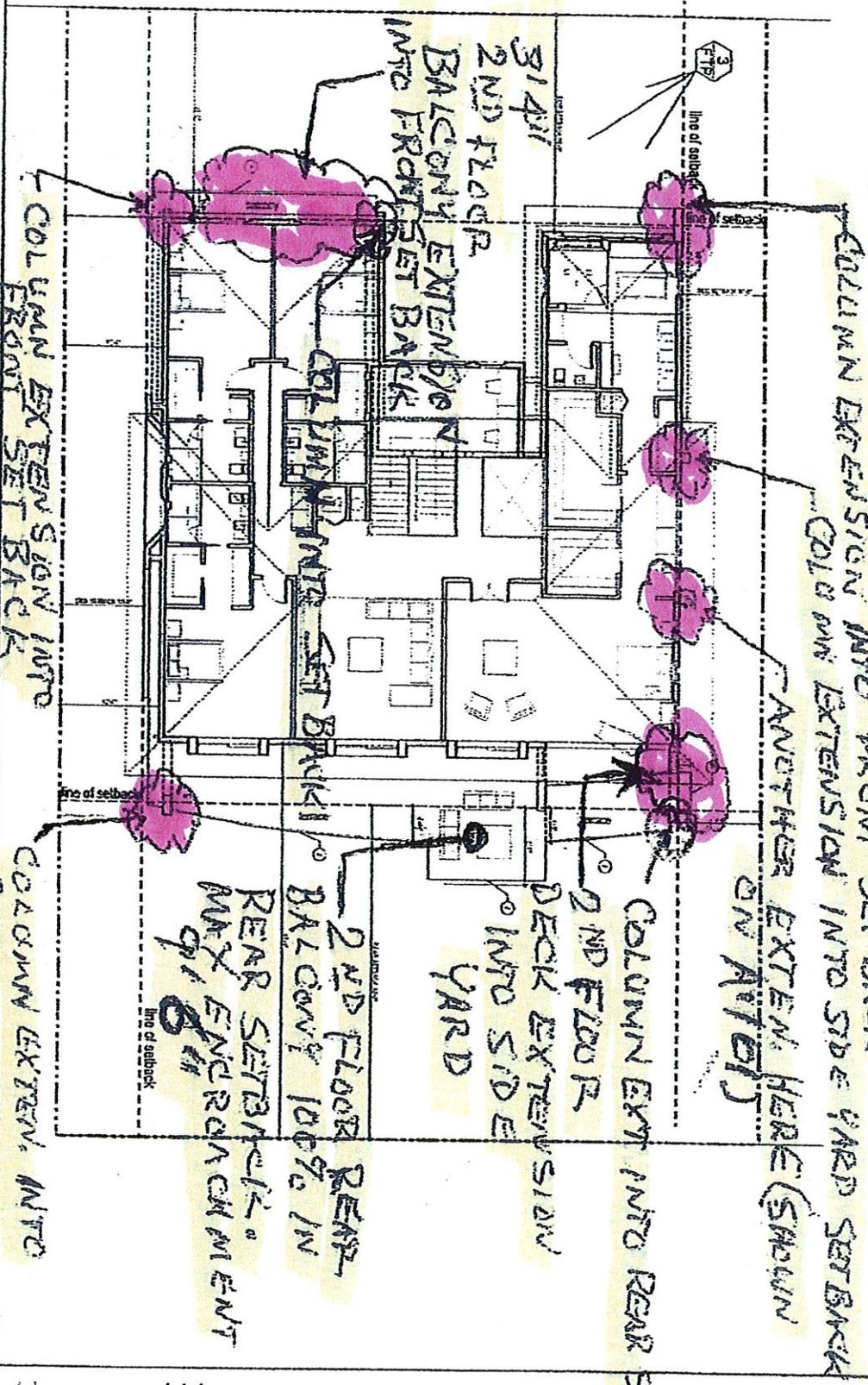


7 TO 7 1/2 FEET
ABOVE GRADE

BOARD IS POSITIONED
10 FT SOUTH OF
OUR PROPERTY
LINE; AT THE
ADJACENT PROPERTY
BLDG. RESTRICTION
LINE

C

APPROX. 22'0"



n - Second floor

Scale: 1/8" = 1'-0"

Symbol	Description
====	Sheetrock wall
=====	GLU wall
□	Concrete Column

1. Valance for 25" Front General Library windows to top of head 157"
2. Valance for 42" High General living room windows to top of head 60"
3. Valance for 17" High General Library windows to top of head 74"
4. Valance for niches from 31" net to 31x31" last elevation (ADU, ADU, ADU)

ADU
 ALTHAM ARCHITECT
 1200 N. 10th St.
 Phoenix, AZ 85006
 Phone: 602.944.1234
 Fax: 602.944.1234
 Email: info@althamarchitect.com

ALTHAM ARCHITECT, INC.
 1200 N. 10th St.
 PHOENIX, AZ 85006

DATE: 01/15/2014

PROJECT: ROMANOS RESIDENCE

Project
 ROMANOS RESIDENCE
 1200 N. 10th St.
 PHOENIX, AZ 85006

DATE: 01/15/2014
 PROJECT: ROMANOS RESIDENCE
 1200 N. 10th St.
 PHOENIX, AZ 85006

NO.	REVISION	DATE
1	ISSUED FOR PERMITS	01/15/2014
2	REVISED PER PERMIT COMMENTS	01/20/2014
3	REVISED PER PERMIT COMMENTS	01/25/2014
4	REVISED PER PERMIT COMMENTS	02/05/2014