



**CITY OF COCONUT CREEK
PLANNING AND ZONING BOARD MINUTES**

**Government Center
4800 W. Copans Road
Coconut Creek, Florida**

**Date: September 9, 2020
Time: 7:00 p.m.
Meeting No. 2020-0909**

1. CALL TO ORDER

The meeting was called to order by Chair Doug Young at 7:00 p.m.

2. PRESENT UPON ROLL CALL:

Chair Doug Young
Vice Chair Jerry Poole
Thomas Casey
Steven Hall
Debra Voorhees
Jeffrey Barker, Alternate

Also present: Assistant City Attorney Eve Lewis, Sustainable Development Director Scott Stoudenmire, and Deputy City Clerk Marianne Bowers.

Chair Young explained that Governor Ron DeSantis' Executive Orders 20-52 and 20-69, as continuously extended, and Section 252.38, Florida Statutes, authorized all local governments to waive procedures and formalities otherwise required by both state and local law as necessary to allow local governments to continue to perform public work and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community. He noted that the meeting was being conducted live with a quorum physically present. Assistant City Attorney Eve Lewis explained the procedures for public participation and comment for the meeting.

3. APPROVAL OF MINUTES

A MOTION APPROVING THE MINUTES FROM PREVIOUS PLANNING AND ZONING BOARD MEETING(S). (2020-0812)

MOTION: Hall/Poole - To approve the Minutes of the August 12, 2020, meeting.

Upon roll call, the Motion passed by a 5-0 vote.

AGENDA ITEMS

Assistant City Attorney Lewis gave an overview of the quasi-judicial procedures that would be applied to Agenda Item 4. Deputy City Clerk Bowers confirmed that the public notice requirements were met and swore in the witnesses.

Chair Young introduced the agenda item. Assistant City Attorney Lewis asked if there were any disclosures and/or ex parte communications from the Board, and there were none.

4. 3920 NW 23 PLACE: A VARIANCE APPLICATION FROM SECTION 13-379 OF THE CITY OF COCONUT CREEK LAND DEVELOPMENT CODE TO PERMIT A FENCE WITHIN A REQUIRED FRONT YARD WHERE ONE IS NOT ALLOWED. (QUASI-JUDICIAL) (PUBLIC HEARING)

Sustainable Development Director Scott Stoudenmire gave a brief presentation on the item. He noted that the property owners, Randolph and Gina Nelson, were requesting a variance to permit a fence within their front yard. He stated the property was in a unique situation, where the property owners had virtually no street frontage and the front yard faces the neighbor's side yard. He explained the yard gets frequently mistaken for common property.

Mr. Stoudenmire pointed to the standards for approving a variance and noted the applicants had done a thorough job of addressing the standards. He stated staff was recommending approval of the application subject to outstanding DRC comments. Mr. Stoudenmire stated the property owners had a *PowerPoint* presentation, which included images to outline the uniqueness of the situation. Discussion ensued regarding setback requirements and the area considered to be the front yard on the property.

The applicant, Randolph Nelson, 3920 NW 23 Place, Coconut Creek, explained that the variance was being requested to disallow access to neighbors who traverse the yard for recreational fishing and other purposes. He shared a *PowerPoint* presentation, outlining the existing site conditions and proposed fence location. He stated that he had safety concerns of children drowning in the canal. Mr. Nelson explained the request included a chain-link fence across the back of the property at the water line with a gate to provide access for maintenance, and shadow box fencing along the front yard. Discussion ensued regarding the applicant's proposal to provide gate access for maintenance.

Co-applicant Gina Nelson, 3920 NW 23 Place, Coconut Creek, expanded on the safety concerns, noting that the neighbors have small children and they have a small child, and the fencing provided an added precaution regarding alligators. She noted the City had requested access to the maintenance easement, which is why they were proposing to include a gate on the rear fence.

Chair Young opened the public hearing.

Deputy City Clerk Bowers read three emails received on the matter.

Samia Osbourne, 3841 NW 23 Place, stated she was against the variance request, commenting that once one person receives approval, others would follow.

Maria Yeager, NW 23 Place, stated she was opposed to the shadow box fence but was not opposed to a chain-link fence.

Meredith Dubrow, Property Manager for Centura Parc, explained the rules for the community and stated the architectural committee would only approve a green chain-link fence because the shadow box blocks the view of the water from other residents.

Deputy City Clerk Bowers then played a voicemail received on the matter.

David Daniels, 3910 NW 23 Place, said he was the neighbor of the Randolph and Gina Nelson and greatly supported the variance request. He stated there was previously a barrier and sign to keep people from driving into the canal and it had been removed or lost in a

hurricane. He noted it would be an improvement, and the City should also look at it for safety.

There were no further questions or comments from the public, and Chair Young closed the public hearing.

Mr. Nelson stated he had evidence of the application process he and his wife had gone through with the homeowner's association architectural committee and photos of the shadowbox fences on neighboring properties if the Board wanted to see them.

Mrs. Nelson asserted the homeowner's association architectural committee had approved the request with the shadowbox fence and that she would follow up with the Property Manager.

Board Member Hall asked if there was a code requirement for tying in with neighboring fences and maintaining the same height. Mr. Stoudenmire stated he was not aware of such a code requirement and that the issue was not raised by building staff during the development review. He commented that some Planned Unit Development (PUD) standards may have that requirement and said he would research the matter.

Board Member Hall asked the homeowner for clarification on how the shadowbox fence contributed to safety. He expressed concern that the fence provided a benefit that no one else could have. Mr. Nelson stated that the shadowbox portion of the fence was more for privacy, and the other chain-link section was more about safety, and explained it was his understanding the shadowbox was allowed in the areas it was proposed. Board Member Voorhees agreed that it was common to have the different fences on different sides when facing the water.

Mr. Stoudenmire followed up on the previous question about maintaining heights of fences and stated he did not believe it applied in this situation.

MOTION: Voorhees/Casey – Moved to approve Agenda Item 4.

Upon roll call, the Motion passed by a 5-0 vote.

5. COMMUNICATIONS AND REPORTS

There were no communications or reports.

6. ADJOURNMENT

The meeting was adjourned at 7:34 p.m.

Transcribed by: C. Parkinson, Prototype, Inc.

Leslie Wallace May, MMC
City Clerk

Date