

**City of West Palm Beach • Zoning Board of Appeals
December 2, 2021 Meeting Minutes
Commission Chambers**

MEMBERS PRESENT:

- Christopher Heggen, Chairperson
- Christopher Kammerer, Vice-Chairperson
- Michael Wood, Member
- Alfred Fields, 1st Alternate

MEMBERS ABSENT:

- Malaika Barlow, Member
- Michael Hyman, Member
- Jonathan Burgess, 2nd Alternate

Important: Due to the absence of Ms. Malaika Barlow and Mr. Michael Hyman, Mr. Alfred Fields was a voting member for the duration of the meeting.

STAFF PRESENT:

- John Roach, AICP, Principal Planner
- Alana Wooten, Planner
- Hope White, Board Secretary

BOARD ATTORNEY

- Samuel Thomas, Senior Assistant City Attorney

I. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Chairperson Christopher Heggen called the regular meeting of the Zoning Board of Appeals (ZBA) to order at 1:30 p.m. Ms. Hope White, Board Secretary, called the roll and it was determined that a quorum was present.

Board members recited the Pledge of Allegiance.

II. APPROVAL OF THE MINUTES

Mr. Michael Wood made a motion to APPROVE the minutes from November 4, 2021.

Mr. Alfred Fields seconded the motion; the motion PASSED, 4-0.

III. REPORT FROM PLANNING AND ZONING STAFF

Mr. John Roach, Principal Planner, provided an update regarding Zoning Board of Appeals Case No. 3396, for 330 Southern Boulevard [presented at the November 2021 meeting]. He stated that the applicant revised the plans to comply with the Zoning and Land Development Regulations (ZLDRs) and that the permit had been issued. Mr. Roach indicated the applicant would be moving forward with the work and that it would be completed shortly.

IV. REMARKS BY THE CHAIRPERSON

Chairperson Heggen stated that the matters before the public are quasi-judicial in nature. Anyone wishing to speak, including members of the public who wished to offer public comment, would need to be sworn in. The applicant(s) would then make a presentation and answer questions from the Board, followed by Staff presentations. Members of the public would then be given the opportunity to provide comment, with each person receiving up to three (3) minutes. City Staff will also insert any public comment received in advance of the meeting (emails, voicemails, etc.) into the record. The applicant(s) would have time for a rebuttal at the discretion of the Chairperson. The floor would then be closed and the Board would go into Executive Session for discussion, a motion and decision. The Chairperson reminded everyone that four (4) votes were required for approval.

V. EX-PARTE COMMUNICATION

- Mr. Michael Wood: None.
- Vice-Chairperson Christopher Kammerer: None.
- Mr. Alfred Fields: None.
- Chairperson Christopher Heggen: None.

VI. PUBLIC HEARING

A. SWEARING IN OF THE SPEAKERS

Ms. White, Board Secretary, swore in everyone who wished to speak on the cases on the agenda.

B. CONTINUED CASES

None.

C. ZONING BOARD OF APPEALS CASES

1. Zoning Board of Appeals Case No. 3402

Ms. White, Board Secretary, read into the record the case description for Zoning Board of Appeals Case No. 3402:

A request by Larry Rowe, of L.B. Rowe, Inc, on behalf of Helen Walper, for a Class B Special Use Permit to obtain a waiver from the requirements of Sec. 94-304(e)(2) of the City's Zoning and Land Development Regulations for the installation of a swimming pool within the required front setback.

The applicant, Mr. Larry Rowe, gave a presentation on behalf of Helen Walper.

Ms. Alana Wooten, Planner, gave a presentation on behalf of the City's Planning Division.

Staff recommended APPROVAL with conditions - based on the finding that the petition met all the required standards found in Sections 94-36(e)(3) through (5), Section 94-273(a)(2) and Section 94-304(d)(2) of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs).

The recommendation was made subject to the following condition(s):

1. The existing six (6) foot landscape hedges along the east side of the pool shall remain, screening the pool area from public view. If the landscape screening is removed, another form of screening is to be provided, subject to Staff approval.

See the Staff Report for Staff's detailed history, background and analysis information pertaining to this case.

The members of the Board discussed the following with Staff:

- Inquiry of whether the hedge condition would require a 6-foot fence.
- Inquiry of what would be the difference if the hedges were not present.
- Inquiry of whether there would be additional requirements beyond the fence.

Chairperson Heggen opened the floor to public comment.

There were no members of the public providing public comments.

Vice-Chairperson Christopher Kammerer made the following motion to APPROVE Zoning Board of Appeals Case No. 3402:

I move that the Zoning Board of Appeals grant ZBA Case No. 3402, a request by Larry Rowe, of L.B. Rowe, Inc, on behalf of Helen Walper, for a Class B Special Use Permit to obtain a waiver from the requirements of Sec. 94-304(e)(2) of the City's Zoning and Land Development Regulations for the installation of a swimming pool within the required front setback. The motion is based upon the testimony presented along with the application

submitted and the staff report, which constitute competent, substantial evidence. The Board hereby makes findings of fact that each of the criteria in Section 94-36(e)(3) through 5., Section 94-273(a)(2), and Section 94-304(d)(2) of the City of West Palm Beach Zoning and Land Development Regulations ZLDRs have been met.

In addition, the granting of the Class B Special Use Permit is made conditional upon the following restrictions, stipulations and/or safeguards that I move are necessary to ensure compliance with the purpose and intent of the Zoning and Land Development Regulations and consistent with the Comprehensive Plan of the City of West Palm Beach:

1. *The existing six (6) foot landscape hedges along the east side of the pool shall remain, screening the pool area from public view. If the landscape screening is removed, another form of screening is to be provided, subject to Staff approval.*

Mr. Michael Wood seconded the motion. The motion PASSED, 4-0.

D. ADMINISTRATIVE APPEALS

None.

VII. UNFINISHED BUSINESS

None.

VIII. NEW BUSINESS

None.

IX. OTHER BUSINESS

None.

X. ADJOURNMENT

Chairperson Heggen adjourned the meeting at 1:47 P.M.

Please be advised the minutes are not verbatim. A recording of the meeting may be requested through the City of West Palm Beach City Clerk's office at 822-1210. There is a fee.

* * * * *

This signature is to attest that the undersigned is the Chairperson, or designee, of the **Zoning Board of Appeals** and that the information provided herein is the true and correct Minutes for the **December 2, 2021** meeting of the **Zoning Board of Appeals**, dated this 10 day of February, 2022.

A handwritten signature in blue ink, appearing to read "Christy W. Hays", written over a horizontal line.

Chairperson (or designee)