

**City of West Palm Beach • Zoning Board of Appeals
November 5, 2020 Meeting Minutes**

Due to the COVID-19 virus, and pursuant to City of West Palm Beach’s Executive Orders 2020-05 and 2020-09, the November 5, 2020, Zoning Board of Appeals meeting was held virtually with Board members, staff, and applicants participating via Zoom video conferencing.

The Public Hearing was streamed live and available for viewing in the City Commission Chambers located at City Center - 401 Clematis Street, and the ability to make public comment was available in the adjacent Flagler Gallery.

Access to the meeting was also available remotely through Zoom, as well as the City’s other usual media channels. Those participating remotely and wishing to make public comment were able to do so through voicemail, email, online form submittal, or directly through Zoom.

MEMBERS PRESENT (via video conference):

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

MEMBERS ABSENT:

- None

STAFF PRESENT (via video conference):

- Angella Vann, AICP, Planning & Zoning Administrator
- John Roach, AICP, Principal Planner
- Hope White, Board Secretary

BOARD ATTORNEY (via video conference):

- Samuel Thomas, Senior Assistant City Attorney

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

Vice-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.

II. APPROVAL OF THE MINUTES

Ms. Malaika Barlow made a motion to APPROVE the minutes from May 7, 2020.

Mr. Christopher Kammerer seconded the motion; the motion PASSED, 5-0.

III. REPORT FROM PLANNING AND ZONING STAFF

Mr. John Roach, Principal Planner, thanked the Board for their patience and understanding as the City continues with virtual meetings. He indicated the City Commission has transitioned to in-person meetings in the Council Chambers, with protocols in place for safety concerns. Mr. Roach stated Mayor Keith James had directed to move forward with all Boards and Commissions, such as the ZBA, Planning Board, Downtown Action Committee and Historic Preservation meetings, in a virtual format until further notice.

Mr. Roach indicated that in the upcoming year he and Board members would be working to update the ZBA's Bylaws, in addition to Staff updating some of the Administrative items of the zoning regulations. He stated this would provide consistency between the zoning regulations and the bylaws. Mr. Roach stated he would also be meeting with the Board Attorney to provide refresher training for Board members of items the Board was instructed on during the Orientation process.

Mr. Roach reminded Board members that the end of the Agenda included an item to nominate and vote for the ZBA's officers for the upcoming year.

Mr. Roach indicated that former Chairperson James Carman submitted his resignation in September. He stated that Mr. Carman was attending the meeting as a private citizen. Mr. Roach presented Mr. Carman with a Certificate of Appreciation, on behalf of the City. He stated that Mr. Carman had served the Board for more than 17 years and thanked him for serving on the Zoning Board of Appeals Board. Mr. Roach indicated that Mr. Michael Woods would move up to a voting member position and Mr. Alfred Fields would become the 1st Alternate. He stated the City was seeking to fill the vacancy of the 2nd Alternate.

IV. REMARKS BY THE CHAIRPERSON

Vice-Chairperson Heggen read into the record the Script for the Virtual Public Meeting (*this is an excerpt from the Script*):

Pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron DeSantis on March 20, 2020, and Mayor Keith A. James' Executive Order No. 2020-05 issued on April 2nd, 2020, the City of West Palm Beach's Boards and Committees are conducting meetings through media technology and have released the requirements to have a quorum of its members physically present at City Hall. He stated that on April 14th, 2020, Mayor Keith A. James issued Executive Order No. 2020-09, which specifically provides the rules of procedure for conducting City Meetings, including requirements for quasi-judicial hearings.

After the applicant presents their case, Staff will provide a presentation and then the public will have an opportunity to speak or have their comments read into the record from previously received correspondence; the Board will then go into Executive Session. Prior to rendering a decision, the Board will confirm no additional public comments have been received by Staff.

Vice-Chairperson Christopher Heggen expressed his prayers and thoughts of good health and safety for Staff members, Board members, and members of the public during COVID-19.

V. EX-PARTE COMMUNICATION

None.

VI. PUBLIC HEARING

A. SWEARING IN OF THE SPEAKERS

With the video conferencing procedures in place, Ms. White, Board Secretary, swore in the applicants, Staff, and members of the public who wished to speak prior to the start of each case.

B. CONTINUED CASES

None.

C. ZONING BOARD OF APPEALS CASES

1. Zoning Board of Appeals Case No. 3387

Ms. White, Board Secretary, swore in the Applicant and Ms. Angella Jones-Vann, Planning and Zoning Administrator, for the case.

Ms. White, Board Secretary, read into the record the case description for Zoning Board of Appeals Case No. 3387: A request by Louis J. Schwartz, for a variance from the requirements of Sec. 94-309 of the City’s Zoning and Land Development Regulations, specifically regarding the 15 foot rear setback requirement for the primary structure, in order to install an insulated roof/pergola over his rear patio.

The applicant, Louis Schwartz, gave a presentation.

Mr. Kammerer asked if there was a neighbor to the north, of which the applicant indicated there was not.

Ms. Vann, Planning and Zoning Administrator, gave a presentation on

behalf of the City's Planning Division.

Staff recommended APPROVAL based on the finding that the petition meets all the required Variance Standards found in Section 94-38.d.6. of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs).

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

Vice-Chairperson Heggen opened the floor to public comment. No members of the public came forward for public comments.

Mr. Michael Hyman made a motion to APPROVE Zoning Board of Appeals Case No. 3387, a request by Louis J. Schwartz, for a variance from the requirements of Sec. 94-309 of the City's Zoning and Land Development Regulations, specifically regarding the 15 feet rear setback requirement for the primary structure, in order to install an insulated roof/pergola over his rear patio. The motion is based upon the testimony presented along with the application submitted and Staff report, which constitute competent, substantial evidence. The Board hereby makes findings of fact that each of the criteria in Article II, Section 94-38.d.6. of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs) have been met.

Mr. Michael Wood seconded the motion; the motion PASSED, 5-0.

D. ADMINISTRATIVE APPEALS

None.

VII. UNFINISHED BUSINESS

None.

VIII. NEW BUSINESS

A. Organizational Meeting – Election of Officers

Vice-Chairperson Heggen requested nominations for Chairperson of the Board.

Ms. Barlow asked Vice-Chairperson Heggen if he would accept a nomination as Chairperson of the Board. Vice-Chairperson Heggen accepted the nomination.

Ms. Barlow made a motion to nominate Vice-Chairperson Heggen for Chairperson of the Board.

Mr. Christopher Kammerer seconded the motion; the motion PASSED, 4-0.

Vice-Chairperson Heggen requested nominations for Vice-Chairperson of the Board.

Mr. Hyman asked Ms. Barlow if she would accept a nomination for Vice-Chairperson. Ms. Barlow declined the nomination.

Ms. Barlow asked Mr. Kammerer if he would accept a nomination for Vice-Chairperson of the Board. Mr. Kammerer accepted the nomination.

Ms. Malaika Barlow made a motion to nominate Mr. Christopher Kammerer for Vice-Chairperson of the Board.

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

IX. OTHER BUSINESS

Ms. Barlow asked Mr. Roach if the Mayor's Office was looking for nominations to fill the 2nd Alternate's vacant position of the Board, or if the Planning Division had already vetted a candidate. Mr. Roach stated it was his belief that the Mayor's Office was going through the candidates who were interested in serving on the Board. Ms. Barlow then inquired if the Planning Division would need any Board members to solicit candidates for the Board's vacant position to share with the Mayor. Mr. Roach indicated that he was not aware of the absence of interest, but if there was the City would make that announcement. He stated the Mayor's Office was screening potential applicants and that hopefully a decision would be made not more than a month or so from now.

X. ADJOURNMENT

Chairperson Heggen adjourned the meeting at 2:07 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 **November 5, 2020** meeting of the **Zoning Board of Appeals**, dated this 18 day of February, 2021.

Chairperson (or designee)