

**City of West Palm Beach • Zoning Board of Appeals
December 3, 2020 Meeting Minutes**

Due to the COVID-19 virus, and pursuant to the City of West Palm Beach's Executive Orders 2020-05 and 2020-09, the December 3, 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, Chairperson
- Christopher Kammerer, Vice-Chairperson
- Malaika Barlow, Member
- Michael Hyman, Member
- Alfred Fields, 1st Alternate

MEMBERS ABSENT:

- Michael Wood, Member

STAFF PRESENT (via video conference):

- Rick Greene, Development Services Director
- Rafaela Thermidor, Associate Planner
- 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

Chairperson Christopher Heggen called the regular meeting of the Zoning Board of Appeals (ZBA) to order at 1:35 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 Hyman made a motion to APPROVE the minutes from November 5, 2020.

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

Due to the absence of Mr. Michael Wood, Mr. Alfred Fields became a voting member for the duration of the meeting.

III. REPORT FROM PLANNING AND ZONING STAFF

Mr. John Roach, Principal Planner, indicated he had nothing to report for this meeting. He stated the Zoning Board of Appeals would continue with Zoom meetings until directed otherwise. Mr. Roach advised Board members to contact him, via email, for any issues or problems with accessing the electronic Board packets.

IV. REMARKS BY THE CHAIRPERSON

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

Pursuant to 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.

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. 3386

Ms. White, Board Secretary, swore in the following for the case:

- Ms. Ashley Core, Applicant/Owner;
- Mr. Richard Greene, Director of Development Services;
- Mr. John Roach, Principal Planner; and
- Ms. Rafaela Thermidor, Associate Planner.

Ms. White, Board Secretary, read into the record the case description for Zoning Board of Appeals Case No. 3386: A request by Ashley Core, for a variance from the requirements of Sec. 94-304.e.2. of the City's Zoning and Land Development Regulations, specifically regarding the 25 feet front setback requirement for an accessory structure, in order to install a swimming pool.

The applicant, Ashley Core, gave a presentation.

Mr. Hyman asked the applicant about the following, of which the applicant provided clarification:

- Two (2) sheds shown on the survey, but only one (1) appears to exist currently; and
- Placement and direction of the pool.

Ms. Rafaela Thermidor 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.

Chairperson Heggen inquired about the setback if the west property line

were considered a side of the property (not the front).

Ms. Thermidor stated it would be ten (10) feet and confirmed that if that were the case a variance wouldn't be necessary.

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

Vice-Chairperson Christopher Kammerer made a motion to APPROVE Zoning Board of Appeals Case No. 3386, a request by Ashley Core, for a variance from the requirements of Sec. 94-304(e)(2) of the City's Zoning and Land Development Regulations (ZLDRs) to allow a ten (10) foot pool front setback where 25 feet is required. 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 have been met.

Mr. Alfred Fields seconded the motion; the motion PASSED, 5-0.

D. ADMINISTRATIVE APPEALS

None.

VII. UNFINISHED BUSINESS

None.

VIII. NEW BUSINESS

None.

IX. OTHER BUSINESS

None.

X. ADJOURNMENT

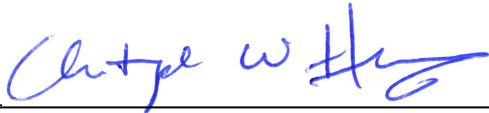
Chairperson Heggen adjourned the meeting at 2:03 P.M.

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 3, 2020** meeting of the **Zoning Board of Appeals**, dated this 11 day of

March, 2021.

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

Chairperson (or designee)