

**City of West Palm Beach • Zoning Board of Appeals
June 3, 2021 Meeting Minutes
Commission Chambers**

MEMBERS PRESENT:

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

MEMBERS ABSENT:

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

STAFF PRESENT (via video conference):

- Rick Greene, AICP, Development Services Director
- Angella Jones-Vann, AICP, Planning and 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

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. Alfred Fields made a motion to APPROVE the minutes from April 1, 2021.

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

Due to the absence of Ms. Malaika Barlow, 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, welcomed members of the Board back to the live meetings in the Council Chambers. He indicated that Staff was able to conduct virtual meetings through Zoom conferencing during the COVID-19 pandemic. Mr. Roach thanked everyone for their patience as they adapted through those circumstances. He stated that Staff would be setting up laptops for Board members for future meetings and would continue to distribute packets and supplemental material electronically.

Mr. Roach indicated that the second item on the agenda [ZBA Case No. 3390] was being removed from the agenda [no mailers were sent, and no preservation of advertisements was necessary]. Mr. Roach reiterated that the item would be pulled until the applicant was ready to move forward; at which time, the advertisement and mailers would be prepared [item would then be placed on the Agenda]. No action from the Board was required.

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 wish 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.

Chairperson Heggen reminded everyone that the Mask Ordinance was still in effect for conducting public meetings. He thanked Staff for keeping Board meetings running smoothly during the pandemic [while meetings were conducted remotely/virtually].

V. EX-PARTE COMMUNICATION

- Mr. Michael Hyman disclosed that approximately two (2) months ago he did have conversation with a member of the West Palm Beach Golf Community Trust, parties of ZBA Case No. 3394, without knowledge of the case being presented at this meeting. He indicated this would not impact his ability to render a decision on the case.
- Vice-Chairperson Christopher Kammerer: None.
- Mr. Michael Wood: None.
- Mr. Alfred Fields: None.
- Chairperson Heggen disclosed that on June 2, 2021, he had a telephone conversation with Joni Brinkman [ZBA Case No. 3394]. He indicated the meeting was informational in nature and would not impact his ability to render a decision

on the case based on the competent substantial evidence of testimonies and the material in the Staff report.

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. 3394

Ms. White, Board Secretary, read into the record the case description for Zoning Board of Appeals Case No. 3394: A request by Joni Brinkman, of Urban Design Studio, on behalf of West Palm Golf Community Trust, Inc., for variances from Sec. 94-302.c.1. and Sec. 94-204.5 of the City's Zoning and Land Development Regulations (ZLDRs), specifically relating to the height of fencing within the setback as well as the height of poles, netting, and lights associated with the proposed driving range.

The applicant, Joni Brinkman, gave a presentation on behalf of West Palm Beach Golf Community Trust, Inc.

The members of the Board discussed the following with the applicant:

- Community outreach and input from neighbors along Maddock Street and the Dreher Park Neighborhood Association;
- Mahogany trees along Maddock Street;
- Fence height; and
- Lighting of the driving range.

Mr. John Roach gave a presentation on behalf of the City's Planning Division.

Staff recommended APPROVAL based on the findings that the petition meets all of 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 opened the floor to public comment. There were no members of the public offering public comments.

Vice-Chairperson Christopher Kammerer made a motion to APPROVE Zoning Board of Appeals Case No. 3394, a request by Joni Brinkman, of Urban Design Studio, on behalf of West Palm Golf Community Trust, Inc., for variances from Sec. 94-302.c.1. and Sec. 94-204.5 of the City's Zoning and Land Development Regulations (ZLDRs), specifically relating to the height of fencing within the setback as well as the height of poles, netting, and lights associated with the proposed driving range. 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.

2. Zoning Board of Appeals Case No. 3390

This item was removed from the agenda; no action from the Board was needed as the case had not been advertised. At the time when the case is ready to go before the Board, that it will be placed on an agenda and advertised accordingly.

D. ADMINISTRATIVE APPEALS

None.

VII. UNFINISHED BUSINESS

None.

VIII. NEW BUSINESS

None.

IX. OTHER BUSINESS

Chairperson Heggen stated the Board was expecting Item #2 [ZBA Case No. 3390] to be presented at the July 1, 2021 meeting. He indicated that for the July 1st meeting, he would be out-of-town and requested a poll for a quorum.

Mr. Hyman indicated that for the July 1st meeting he would not be in attendance.

Mr. Roach stated that Staff would determine the availability of Board members. He inquired if Board member would be willing to consider an alternate meeting date.

X. ADJOURNMENT

Chairperson Heggen adjourned the meeting at 2:05 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 **June 3, 2021** meeting of the **Zoning Board of Appeals**, dated this July 14 day of July, 2021.

Chairperson (or designee)