

**City of West Palm Beach • Zoning Board of Appeals
February 3, 2022 Meeting Minutes
Commission Chambers**

MEMBERS PRESENT:

- Christopher Heggen, Chairperson
- Christopher Kammerer, Vice-Chairperson
- Michael Wood, Member
- Alfred Fields, 1st Alternate
- Jonathan Burgess, 2nd Alternate

MEMBERS ABSENT:

- Malaika Barlow, Member
- Michael Hyman, Member

Important: Due to the absence of Ms. Malaika Barlow and Mr. Michael Hyman, Mr. Alfred Fields and Mr. Jonathan Burgess were voting members for the duration of the meeting.

STAFF PRESENT:

- John Roach, AICP, Principal Planner
- Linda Louie, AICP, Senior Planner
- Tonya Way, Clerical Specialist

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 1:32 p.m. Ms. Tonya Way, Clerical Specialist, 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 December 2, 2021.

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

III. REPORT FROM PLANNING AND ZONING STAFF

Mr. John Roach, Principal Planner, introduced Tonya Way, Clerical Specialist, sitting in on meetings until the position of Board Secretary is filled. Mr. John Roach then provided an update regarding Zoning Board of Appeals Case No. 3397, for 204 S. Chillingworth Drive. He stated that the application is being pulled from the agenda, and when the case is ready to proceed, it will be placed on a future agenda and re-advertised; new public notices will also be mailed accordingly.

IV. REMARKS BY THE CHAIRPERSON

Chairperson Heggen started off by welcoming Tonya Way, Clerical Specialist, to the meeting. Chairperson Heggen then 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. Alfred Fields: None.
- Mr. Michael Wood: None.
- Vice-Chairperson Christopher Kammerer: None.
- Mr. Jonathan Burgess: None
- Chairperson Christopher Heggen: None.

VI. PUBLIC HEARING

A. SWEARING IN OF THE SPEAKERS

Mr. Samuel Thomas, Senior Assistant City Attorney, 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. 3404

Ms. Way, Clerical Specialist, read into the record the case description for Zoning Board of Appeals Case No. 3404:

A request by Cherokee Group, LLC, for the approval of a Class B Special Use Permit to grant a waiver to the 60-foot lot width requirement for the construction of an accessory apartment within the Sing-Family High Density (SF14) Residential zoning district.

The applicant, Mr. Ray Ransom, gave a presentation on behalf of Cherokee Group LLC.

Ms. Linda Louie, Senior 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 94-303 of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs).

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

1. An opaque privacy fence/wall shall be provided along the entire side east and west) and rear (north) property lines. The height of the fence/wall shall be six (6) feet, except for that portion that extends into the front setback [first 25 feet of the front (south) property line], which shall not exceed four (4) feet in height.

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 permits for the first construction had been obtained.

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. 3404:

I move that the Zoning Board of Appeals grant ZBA Case No. 3404, a request by Ray Ransom, of Cherokee Group, LLC, on behalf of Cherokee Group, LLC, for a Class B Special Use Permit to grant a waiver to the 60-foot wide lot width requirement for the construction of an accessory apartment within the Single-Family High Density (SF14) Residential zoning district. 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 94-303 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. An opaque privacy fence/wall shall be provided along the entire side (east and west) and rear (north) property lines. The height of the fence/wall shall be six (6) feet, except for that portion that extends into the front setback [first 25 feet of the front (south) property line], which shall not exceed four (4) feet in height.*

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

D. ADMINISTRATIVE APPEALS

None.

VII. UNFINISHED BUSINESS

None.

VIII. NEW BUSINESS

None.

IX. OTHER BUSINESS

None.

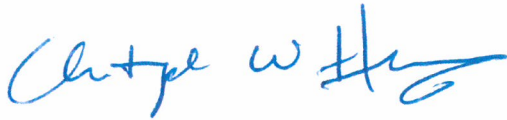
X. ADJOURNMENT

Chairperson Heggen adjourned the meeting at 2:00 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 **February 3, 2022**, meeting of the **Zoning Board of Appeals**, dated this 29 day of April, 2022.



Chairperson (or designee)