

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

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

- Malaika Barlow, Member
- Jonathan Burgess, 2<sup>nd</sup> Alternate

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

**STAFF PRESENT:**

- Richard Green, AICP, Development Services Director
- Angella Jones-Vann, AICP, Planning and Zoning Administrator
- John Roach, AICP, Principal Planner
- Eric Schneider, AICP, Principal 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 1:30 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 February 3, 2022.

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

**III. REPORT FROM PLANNING AND ZONING STAFF**

Mr. John Roach, Principal Planner, stated there were no updates to provide. However, he did give a brief reminder to the board members to take note of the attendance record that is provided each month in their packets and reiterated how important attendance is, along with the policy regarding too many absences.

**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.
- Mr. Michael Hyman: 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 Nos. 3379A and 3379B**

Ms. Way, Clerical Specialist, read into the record the case description for Zoning Board of Appeals Case No. 3379A and 3379B:

*A two-part request by Joni Brinkman of Urban Design Studio, on behalf of Children's Place at HomeSafe, Inc., for approval of the following:*

***ZBA 3379A:*** *A Class Be Special Use Permit to grant a waiver from Section 94-23(d)(11)(2)(c)(3) of the City's Zoning and Land Development Regulations (ZLDR) to allow signage for a Type II Community Residential Home located within a residential district; and*

***ZBA 3379B:*** *Variances from Sections 94-407(3)(b) and 94-407(3)(c) of the City's ZLDR, specifically regarding the permitted size and number of identification signs for nonresidential uses.*

*The approximately 3.7-acre property is located at 5130 47<sup>th</sup> Place North, within Commission District No. 4 – Commissioner Joseph Peduzzi.*

Mr. Lentzy Jean-Louis gave a presentation on behalf of the applicant, Joni Brinkman of Urban Design Studio.

Mr. Eric Schneider, AICP, Principal Planner, gave a presentation on behalf of the City's Planning Division.

**Staff recommended APPROVAL of ZBA 3379A** - based on the finding that the petition met all the required standards found in Sections 94-36(e)(3), (4) and (5), and the standards found in Section 94-273(a)(2) and Section 94-273(d)(11)(2)(c)(3) of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs).

**Staff recommended APPROVAL of ZBA 3379B** - based on the finding that the petition met all the required Variance Standards found in Sections 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.**

The members of the Board discussed the following:

- Whether or not there were any conditions to be met for approval; Staff indicated there were none.
- Whether or not there was any communication received from the neighborhood; Staff indicated no communication was received from the community in regards to the mailers the Applicant sent out and the notice placed in the newspaper.

Chairperson Heggen opened the floor to public comment.

There were no members of the public providing public comments.

Mr. Michael Wood made the following motion to **APPROVE** Zoning Board of Appeals Case No. 3379A:

*I move that the Zoning Board of Appeals grant ZBA Case No. 3379A, a request by Joni Brinkman of Urban Design Studio, on behalf of Children's Place at HomeSafe, Inc., for a Class B Special Use Permit to grant a waiver from Section 94-273(d)(11)(2)(c)(3) of the City's Zoning and Land Development Regulations to allow signage for a Type II Community Residential Home located within a residential district. 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 Sections 94-36(e)(3), (4) and (5) and the standards in Section 94-273(a)(2) and Section 94-273(d)(11)(2)(c)(3) 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.**

Mr. Michael Wood made the following motion to **APPROVE** Zoning Board of Appeals Case No. 3379B:

*I move that the Zoning Board of Appeals grant ZBA Case No. 3379B, a request by Joni Brinkman, of Urban Design Studio, on behalf of Children's Place at HomeSafe, Inc., for variances from Sections 94-407(3)(b) and 94-407(3)(c) of the City's Zoning and Land Development Regulations, specifically regarding the permitted size and number of identification signs for nonresidential uses. The motion is based upon the testimony presented along with the application submitted and staff report, which constitute competent, substantial evidence. The Zoning Board of Appeals 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 Nos. 3397**

Ms. Way, Clerical Specialist, read into the record the case description for Zoning Board of Appeals Case No. 3397.

*A request by Tomazini Group, for a variance from Section 94-72 and Section 94-44(c) of the City's Zoning and Land Development Regulations to allow the construction of three (3) single family homes within a Single-*

*Family Low Density (SF7) Residential zoning district.*

*The approximately 0.606-acre property is located at 204 S. Chillingworth Drive, with Commission District No. 2 – Commissioner Shalonda Warren.*

Mr. Rod Feiner, Attorney with Coker & Feiner, gave a presentation on behalf of Tomazini Group.

Ms. Angella Vann, AICP, Planning and Zoning Administrator, gave a presentation on behalf of the City's Planning Division.

**Staff recommended APPROVAL of ZBA 3397** - based on the finding that the petition met all the required Variance Standards found in Sections 94-38(d)(6) of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs).

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

The members of the Board had a lengthy discussion with the applicant and Staff regarding utilities

Chairperson Heggen opened the floor to public comment.

There were no members of the public providing public comments.

Mr. Michael Wood made the following motion to **APPROVE** Zoning Board of Appeals Case No. 3397:

*I move that the Zoning Board of Appeals grant ZBA Case No. 3397, a request by Tomazini Group for variances from Section 94-72(a)(2)(a) and Section 94-443(c) of the City's Zoning and Land Development Regulations for construction of three (3) single family residences with a front setback of 20 feet where code requires a setback of 25 feet for a residential lot and providing a zero (0) foot landscape buffer adjacent to the vehicular use areas where code requires five (5) feet. 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 2:36 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 **March 3, 2022** meeting of the **Zoning Board of Appeals**, dated this 5<sup>th</sup> day of May, 2022.

  
\_\_\_\_\_  
Chairperson (or designee)