

**City of West Palm Beach • Zoning Board of Appeals  
April 2, 2020 Meeting Minutes  
Commission Chambers**

**MEMBERS PRESENT:** Christopher Heggen, Vice-Chairperson  
Malaika Barlow, Member (via Teleconference)  
Christopher Kammerer, Member (via Teleconference)  
Michael Hyman, Member (via Teleconference)  
Alfred Fields, 2<sup>nd</sup> Alternate (voting)

**MEMBERS ABSENT:** James Carman, Chairperson  
Michael Wood, 1<sup>st</sup> Alternate

**STAFF PRESENT:** Angella Vann, AICP, Planning & Zoning Administrator  
John Roach, AICP, Principal Planner  
Linda Louie, AICP, Senior Planner  
Rachel Falcone, Associate Planner  
Hope White, Board Secretary

**BOARD ATTORNEY:** Samuel Thomas, Senior Assistant City Attorney

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

The regular meeting of the Zoning Board of Appeals (ZBA) was called to order at 1:30 p.m. by Vice-Chairperson Christopher Heggen. Ms. Hope White, Board Secretary, called the roll and it was determined that a quorum was present with three (3) members participating via video conference.

Vice-Chairperson Heggen requested that everyone stand for the Pledge of Allegiance. He then asked for a moment of silence and reflection for persons affected by COVID-19, and those on the front lines fighting against it.

Vice-Chairperson Heggen indicated that pursuant to Executive Order 20-69, signed by Florida Governor Ron DeSantis, members would be allowed to participate in the meeting, virtually, via Zoom video conferencing. He stated this provision was allowed by this Executive Order. Vice-Chairperson Heggen added that earlier on this day, Mayor Keith James signed Executive Order 2020-05 that waived by-laws for City committees requiring a quorum to be present in person. He stated, for the record, the meeting was being performed in accordance with both Executive Orders.

**II. APPROVAL OF THE MINUTES**

**Mr. Alfred Fields made a motion to APPROVE the minutes from January 9, 2020.**

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

### III. REPORT FROM PLANNING AND ZONING STAFF

Mr. John Roach, Principal Planner, expressed appreciation of the Board for their dedication and participation during the challenges of COVID-19. He reiterated the need for roll call votes for each case presented on the agenda. Mr. Roach reminded members participating via video conferencing to be muted when they were not speaking, and to announce their names in order for the Board Secretary to capture the correct vote count. He indicated that for ZBA Case No. 3380 on the agenda, the applicant requested a continuance to the May meeting; a motion for continuance would be needed.

### IV. REMARKS BY THE CHAIRPERSON

Vice-Chairperson Heggen stated that the matters before the public are quasi-judicial in nature. The applicant(s) would then make a presentation and answer questions from the Board, followed by Staff presentations. Members of the audience who wished to speak in favor of the application would be sworn in and their case would be heard, followed by anyone in opposition or in favor of the project. The applicant(s) would have time for a rebuttal at the discretion of the Vice-Chairperson. The floor would then be closed and the Board would go into Executive Session for a motion and decision. The Vice-Chairperson reminded everyone that four (4) votes were required for approval.

### V. EX-PARTE COMMUNICATION

None.

### VI. PUBLIC HEARING

#### A. SWEARING IN OF THE SPEAKERS

Ms. White, Board Secretary, swore in all members of the public and the Staff who wished to speak.

#### B. CONTINUED CASES

None.

#### C. ZONING BOARD OF APPEALS CASES

##### 1. Zoning Board of Appeals Case No. 3381

Ms. White, Board Secretary, read into the record the case description for Zoning Board of Appeals Case No. 3381: A request by Lorenzo Rivero, Special Projects Manager, with the City of West Palm Beach Engineering Services Department, for variances to the required front and corner side setbacks within the Recreation and Open Space (ROS) zoning district to expand the existing Pleasant City Community Center.

The applicant, Mr. Lorenzo Rivero, Special Projects Manager, City of West Palm Beach Engineering Services Department, and Mr. Alfonso Hernandez, of Alfonso Hernandez Architect, LLC, made presentations.

The members of the Board asked the applicant about neighborhood feedback. Ms. Leah Rockwell, Director of Parks & Recreation, responded accordingly.

Ms. Linda M. Louie, Senior Planner, gave a presentation on behalf of the City's Planning Division.

**Staff recommended APPROVAL** based on the finding 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.**

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

#### **EXECUTIVE SESSION**

**Mr. Alfred Fields made a motion to APPROVE Zoning Board of Appeals Case No. 3381**, a request by Lorenzo Rivero, Special Projects Manager, with the City of West Palm Beach Engineering Services Department, for variances from the requirements of Section 94-204(2) a. and c. of the City's Zoning and Land Development Regulations, in the expansion of the existing Pleasant City Community Center building. 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. Christopher Kammerer seconded the motion; the motion PASSED, 5-0.**

#### **2. Zoning Board of Appeals Case No. 3384**

Ms. White, Board Secretary, read into the record the case description for Zoning Board of Appeals Case No. 3384: A request by Josh Nichols, of Schmidt Nichols, on behalf of Sil Fir Corp, for a variance from Sec. 94- 312(1)(a) of the City's Zoning and Land Development Regulations to allow for two (2) access points on the right-of-way (Electronics Way).

The applicant, Mr. Josh Nichols of Schmidt Nichols, made a presentation.

The members of the Board asked the applicant about the following:

- Gates; and
- Design of the proposed north driveway.

Ms. Rachel Falcone, Associate Planner, gave a presentation on behalf of the City's Planning Division.

**Staff recommended APPROVAL with conditions** 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.**

There was discussion between the Board, the applicant, and Staff regarding hours of operation/deliveries.

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

#### **EXECUTIVE SESSION**

**Mr. Alfred Fields made a motion to APPROVE Zoning Board of Appeals Case No. 3384**, a request by Josh Nichols, of Schmidt Nichols, on behalf of Sil Fir Corporation, for a variance from Sec. 94-312(1)(a) of the City's Zoning and Land Development Regulations to allow for two (2) access points on the right-of-way (Electronics Way). 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. In addition, the granting of the variance is made conditional upon the following restrictions, stipulations and/or safeguards that I move are necessary to insure 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. The conditions included the following:

1. The two (2) access points shall be designed such that one (1) access point is for ingress only and the second access point is for egress only.

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

3. **Zoning Board of Appeals Case No. 3380:** A request by Mark Elawadi and Ylva Bergehed for a variance from Section 94-72(a)(2)(a) and (d) of the City's Zoning and Land Development Regulations for front and side yard setbacks for a residential lot.

**[THE APPLICANT HAS REQUESTED A CONTINUANCE TO THE MAY 7, 2020, ZBA MEETING]**

**Mr. Alfred Fields made a motion to CONTINUE Zoning Board of Appeals Case No. 3380, to the May 2020 meeting.**

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

**D. ADMINISTRATIVE APPEALS**

None.

**VII. UNFINISHED BUSINESS**

None.

**VIII. NEW BUSINESS**

None.

**IX. OTHER BUSINESS**

Mr. John Roach asked for feedback, from Board members, on the effectiveness of how the virtual meeting was conducted. He also inquired if Board members preferred receiving an electronic packet or a printed version. There was a consensus, from Board members, that the virtual meeting went well; members preferred receiving packets electronically.

Vice-Chairperson Heggen inquired if there could be a split screen or two monitors; one for the PowerPoint presentation and the other monitor for the Board packet.

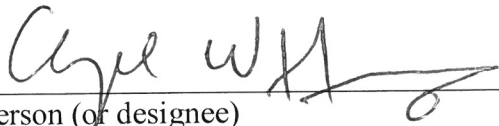
**X. ADJOURNMENT**

Vice-Chairperson Heggen adjourned the meeting at 2:25 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 **April 2, 2020** meeting of the **Zoning Board of Appeals**, dated this 13 day of MAY, 2020.

  
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Chairperson (or designee)