

**City of West Palm Beach • Zoning Board of Appeals**

**May 5, 2022 Meeting Minutes**

**Commission Chambers**

**MEMBERS PRESENT:**

- Christopher Heggen, Chairperson
- Christopher Kammerer, Vice-Chairperson
- Michael Hyman, Member
- Alfred Fields, 1<sup>st</sup> Alternate
- Jonathan Burgess, 2<sup>nd</sup> Alternate

**MEMBERS ABSENT:**

- Michael Wood, Member
- Malaika Barlow, Member

*Important: Due to the absence of Mr. Michael Wood and Ms. Malaika, Mr. Alfred Fields and Mr. Jonathan Burgess were voting members 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
- Alexander Fowlkes, Planner
- Valentina Broglia, Associate Planner

- Alicia Coke- Maloney, Board Secretary

## **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 1:31 p.m. Mrs. Alicia Coke-Maloney, 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 March 3, 2022.

Mr. Alfred Fields 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 that the mask mandate has been lifted, and it's optional if the board members would like to wear a mask. Mr. Roach also introduced to the board members the new Board Secretary, Mrs. Alicia Coke-Maloney.

## **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 comments, 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**

- Vice-Chairperson Christopher Kammerer: None.
- Mr. Alfred Fields: None.
- Mr. Michael Hyman: None
- Chairperson Christopher Heggen: None.
- Mr. Jonathan Burgess: None.

**VI. PUBLIC HEARING**

**A. SWEARING IN OF THE SPEAKERS**

Mrs. Alicia Coke-Maloney, 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. 3410**

Mrs. Coke-Maloney, Board Secretary, read into the record the case description for Zoning Board of Appeals Case No. 3410:

*A request by E. Austin Depree, on behalf of Northworks Architects & Planners, for variances from Sec. 94-305(b)(4) of the City's Zoning and Land Development Regulations (ZLDRs), specifically relating to the setbacks of a generator projecting more than four (4) feet into a required rear setback.*

*The approximately 0.29-acre site is located at 239 Murray Road, within Commission District No. 5 – Commissioner Christina Lambert.*

Mr. Garrett Harabedian, RA, LEED AP, Senior Architect gave a presentation on behalf of the applicant, E. Austin Depree of Northworks Architects & Planners.

The members of the board requested the following clarifications from the applicant:

- Support from adjacent property owners; and
- No impact on existing vegetation.

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

**Staff recommended APPROVAL of ZBA Case No. 3410** based on the finding that the petition met all the required 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.**

Chairperson Heggen opened the floor to public comment.

There were no members of the public providing public comments.

There was a brief discussion regarding the placement of the proposed generator and its separation from adjacent structures.

Mr. Johnathan Burgess made the following motion to **APPROVE** Zoning Board of Appeals Case No. 3410:

*I move that the Zoning Board of Appeals grant ZBA Case No. 3410, a request by E. Austin Depree, of Northworks Architects & Planners, on behalf of the property owners, for a variance from Sec. 94-305(b)(4) of the City's Zoning and Land Development Regulations to allow a generator to encroach four (4) feet and nine (9) inches into the required rear setback. 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.*

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

2. **Zoning Board of Appeals Case No. 3406**

Mrs. Coke-Maloney, Board Secretary, read into the record the case description for Zoning Board of Appeals Case No. 3406:

*A request by ATB Management, LLC, for a Class B Special Use Permit to grant a waiver to the 60-foot lot width requirement to allow an accessory dwelling unit on a lot less than 60 ft. wide within the Single-Family High Density (SF14) Residential zoning district.*

*The approximately 0.16-acre site is located at 1132 11<sup>th</sup> Street, within Commission District No. 3 – Christy Fox*

Mr. Jose Perera gave a presentation on behalf of ATB Management, LLC.

Mrs. Coke-Malone, Board Secretary, swore in Mr. Alexander Fowlkes, Planner, who then gave a presentation on behalf of the City's Planning Division.

**Staff recommended APPROVAL with Conditions of ZBA Case No. 3406** based on the finding that the petition meets all of the required standards found in Section 94-36(e)(3) through (5) and Section 94-273(a)(2) of the City of West Palm Beach Zoning and Land Development Regulations.

This recommendation is made subject to the following condition:

1. An opaque privacy fence/wall shall be provided along the entire east side and rear (south) 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 (north) property line], which shall not exceed four (4) feet in height.

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

The members of the board discussed the following matters:

- Driveways;

- Fence height and setback requirements; and
- Presence of other accessory structures in the area.

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. 3406:

*I move that the Zoning Board of Appeals grant ZBA Case No. 3406, a request by ATB Management, 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 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) 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 this 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 east side and rear (south) 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 (north) property line], which shall not exceed four (4) feet in height.*

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

3. **Zoning Board of Appeals Case No. 3407**

Mrs. Coke-Maloney, Board Secretary, read into the record the case description for Zoning Board of Appeals Case No. 3407:

*A request by ATB Management, LLC, for a Class B Special Use Permit to grant a waiver to the 60-foot lot width requirement to allow an accessory dwelling unit on a lot less than 60 ft. wide within the Single Family High Density (SF14) Residential zoning district.*

*The approximately 0.14 -acre site is located at 1027 8<sup>th</sup> Street, within Commission District No. 3 – Christy Fox*

Mr. Jose Perera gave a presentation on behalf of ATB Management, LLC.

Mr. Alexander Fowlkes, Planner, gave a presentation on behalf of the City's Planning Division.

**Staff recommended APPROVAL with Conditions of ZBA Case No. 3407** Based on the finding that the petition meets all of the required standards found in Section 94-36(e)(3) through (5) and Section 94-273(a)(2) of the City of West Palm Beach Zoning and Land Development Regulations.

This recommendation is made subject to the following condition:

1. An opaque privacy fence/wall shall be provided along the entire east side 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 detailed history, background and analysis information pertaining to this case.**

The members of the board requested clarification regarding the proposed condition requiring installation of a fence/wall.

Chairperson Heggen opened the floor to public comment.

There were no members of the public providing public comments.

Mr. Michael Hyman made the following motion to **APPROVE** Zoning Board of Appeals Case No. 3407:

*I move that the Zoning Board of Appeals grant ZBA Case No. 3407, a request by ATB Management, 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 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) 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 this 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. Alfred Fields seconded the motion. **The motion PASSED, 5-0.**

**4. Zoning Board of Appeals Case No. 3408**

Mrs. Coke-Maloney, Board Secretary, read into the record the case description for Zoning Board of Appeals Case No. 3408:

*A request by Cherokee Group, LLC, for a Class B Special Use Permit to grant a waiver to the 60-foot lot width requirement to allow an accessory dwelling unit on a lot less than 60 ft. wide within the Single Family High Density (SF14) Residential zoning district.*

*Location: The approximately 0.14 -acre site is located at 1126 9<sup>th</sup> Street, within Commission District No. 3 – Christy Fox*

*The board went into a 2-minute recess and resumed the board meeting at 2:24 pm.*

Dr. Ray Ransom gave a presentation on behalf of Cherokee Group, LLC.

Mr. Alexander Fowlkes, Planner, gave a presentation on behalf of the City's Planning Division.

**Staff recommended APPROVAL with Conditions of ZBA Case No. 3408** Based on the finding that the petition meets all of the required standards found in Section 94-36(e)(3) through (5) and Section 94-273(a)(2) of the City of West Palm Beach Zoning and Land Development Regulations.

This recommendation is made subject to the following condition:

1. An opaque privacy fence/wall shall be provided along the entire side (east and west) and rear (south) 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 (north) property line], which shall not exceed four (4) feet in height.

**See the Staff Report for 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 providing public comments.

Mr. Alfred Fields made the following motion to **APPROVE** Zoning Board of Appeals Case No. 3408:

*I move that the Zoning Board of Appeals grant ZBA Case No. 3408, a request by 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 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) 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 this 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 (south) 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.*

Vice-Chairperson 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**

None.

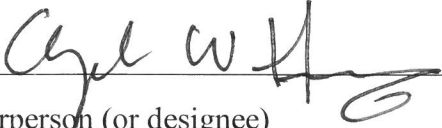
**X. ADJOURNMENT**

Chairperson Heggen adjourned the meeting at 2:39 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 **May 5, 2022** meeting of the **Zoning Board of Appeals**, dated this 2 day of JUNE, 2022.

  
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Chairperson (or designee)