

**City of West Palm Beach • Zoning Board of Appeals  
June 2, 2022 Meeting Minutes  
Commission Chambers**

**MEMBERS PRESENT:**

- Christopher Heggen, Chairperson
- Christopher Kammerer, Vice-Chairperson
- Michael Wood, Member
- Alfred Fields, Member

**MEMBERS ABSENT:**

- Jonathan Burgess, 1<sup>st</sup> Alternate
- Michael Hyman, Member

*Important: Mr. Alfred Fields has moved from 1<sup>st</sup> Alternate to a voting member. Mr. Jonathan Burgess has moved from 2<sup>nd</sup> Alternate to 1<sup>st</sup> Alternate.*

**STAFF PRESENT:**

- Angella Jones-Vann, AICP, Planning and Zoning Administrator
- John Roach, AICP, Principal 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. Alfred Fields made a motion to **APPROVE** the minutes from May 5, 2022.

Mr. Christopher Kammerer seconded the motion; **the motion PASSED, 4-0.**

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

Mr. John Roach, Principal Planner, congratulated Mr. Alfred Fields on becoming a full voting member and due to this promotion, Mr. Jonathan Burgess will move up to the 1<sup>st</sup> Alternate position. Therefore, the City is looking for potential applicants to fill the 2<sup>nd</sup> Alternate position.

Mr. Roach advised the board of updated procedures for Declaration of Ex-Parte Communication in that all board members are to use the standard format.

Mr. Roach mentioned the Planning Officials Training Workshop that is open to board members if they are interested in attending. The training is being held on August 4, 2022, Thursday from 8:00 am – 5:00 pm located at the Jupiter Community Center. This workshop takes place every year.

### **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 Wood: 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. 3412**

Mrs. Coke-Maloney, Board Secretary, read into the record the case description for Zoning Board of Appeals Case No. 3412:

*A request by Tatyana Polnyi for a variance from Sec. 94-304(b)(2) of the City's Zoning and Land Development Regulations (ZLDRs), specifically relating to the required front and side setbacks for a prefabricated carport.*

*Location: The approximately 0.10-acre site is located at 718 Tuscaloosa Street, within Commission District No. 5 – Commissioner Christina Lambert.*

Ms. Tatyana Polnyi represented herself as the applicant and gave a presentation.

The members of the board discussed the dimension of the carport with the applicant and Staff.

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

**Staff recommended APPROVAL WITH CONDITIONS of ZBA Case No. 3412** 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).

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

1. The prefabricated carport shall be removed if at any time it is determined that accommodations for mobility assistance are no longer required for the residents at the subject property.
2. The carport shall be a maximum of 18 feet in length and the front overhang shall be at least 4.5 feet from the front property line.

**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 items with Staff and the applicant:

- Staff's recommendation of approval regarding removal of the carport;

- Monitoring/enforcement of the proposed conditions of approval;
- Permit requirements; and
- Meet hurricane requirements.

Ms. Polnyi indicated that she was not in support of Staff's condition of approval regarding removal of the carport.

Chairperson Heggen opened the floor to public comment.

There were no members of the public providing public comments.

There was lengthy discussion regarding condition #1 of Staff's recommendation of approval; a revised condition was eventually proposed by Staff and discussed by the Board.

Mr. Alfred Fields made the following motion to **APPROVE** Zoning Board of Appeals Case No. 3412:

*I move that the Zoning Board of Appeals grant ZBA Case No. 3412, a request by Tatyana Polnyi, for a variance from Sec. 94-304(b)(2) of the City's Zoning and Land Development Regulations to allow a carport with a seven (7) foot front setback and a two (2) foot side 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.*

*In addition, the granting of the variance 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. *The prefabricated carport shall be removed prior to the sale of the property by the current resident/applicant. A deed restriction shall be recorded in the Public Records of Palm Beach County prior to the issuance of a building permit.*
2. *The carport shall be a maximum of 18 feet in length and the front overhang shall be at least 4.5 feet from the front property line.*

Vice-Chairperson Christopher Kammerer seconded the motion. **The motion PASSED, 4-0.**

**D. ADMINISTRATIVE APPEALS**

None.

**VII. UNFINISHED BUSINESS**

None.

**VIII. NEW BUSINESS**

None.

**IX. OTHER BUSINESS**

None.

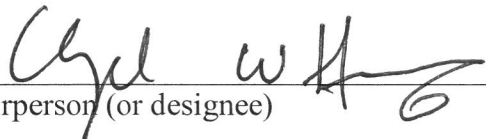
**X. ADJOURNMENT**

Chairperson Heggen adjourned the meeting at 2:41 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     1     day of SEPTEMBER, 2022.

  
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Chairperson (or designee)