



MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, JULY 01, 2026 -- 6:01 PM

ROLL CALL and RECORDING OF ABSENCES: Present: Jackson Stahl; Daniela Amador Darryl Shatto; Greg Richter; Lisa Amara; Henry Pawski-Chair. Absent: Daniel Walesky. Also present: Karina Maldonado, Senior Community Planner; Rosy Escobar, Community Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

A. Swearing in of new member- The oath of office was administered to Lisa Amara.

PLEDGE OF ALLEGIANCE:

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA:

APPROVAL OF MINUTES:

A. June 3, 2026, Regular Meeting Minutes

Motion: G. Richter motions to accept the June 3, 2026, regular meeting minutes as presented; D. Shatto 2nd.

Vote: Ayes all, unanimous.

CASES:

SWEARING IN OF STAFF AND APPLICANTS Board Secretary administered oath to those wishing to give testimony.

PROOF OF PUBLICATION Provided in the meeting packet.

1) PZB 26-01500003 - 1521 North Palmway

WITHDRAWALS / POSTPONEMENTS None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

NEW BUSINESS:

A. PZB Project Number 26-01500003: Consideration of three variance requests for building lot coverage, impervious surface coverage, and structure setbacks for a new addition to the existing residence at 1521 North Palmway. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR)

Staff: K. Maldonado provides a brief history of previous additions, garage addition and improvements including a pool (2021). At that time the impermeable surface coverage was within the allowed parameters.

The site now includes a large, unpermitted deck area resulting in excess impermeable surface coverage. Staff met with the applicant on several occasions to discuss the proposal. Three variances are requested: an increase to lot coverage from 30% >35.5%; an increase in impermeable surface coverage from 50% to 70.76%; and, with the demolition of a portion of the structure, rebuilding with a second story addition on the now legal non-conforming setback. The requested variance sought is approximately 3 feet 5 inches thus increasing the non-conformity. Although the structure may have been built with conforming setbacks, they are now non-conforming. In addition the second floor requires additional step back setbacks. Land Development Regulations state that non-conformities shall not be expanded or increased. The proposal would further increase the non-conforming aspects. According to staff, the four variance criteria cannot be met for each of the three separate variance requests. Only criteria #4 can be met.

Criteria #1- The special circumstances associated with the land are not peculiar to the land and not the result of the action of the applicant. Until recently, the parcel was a legal non-conforming parcel. The criteria cannot be met due to the addition of the unpermitted deck by the applicant.

Criteria #2 -The strict application of the LDR's would deprive the applicant of any reasonable use of the land or building. Although the applicant would like to expand the structure, the use of the property as a single-family residence can/could continue within the single-family residential district where located.

Criteria #3 – The proposed variance is the minimum required to make reasonable use of the land or building. As previously cited, the reasonable use of the land and structure as a single-family dwelling can continue without increasing the non-conformities.

Criteria #4 – The proposal would not be unduly injurious or detrimental to the neighborhood and surrounding properties. Staff states this criterion has been met.

Applicant-Kirsten Schultz- Is hoping to move her mother in with her family. She has tried to maintain the architectural and structural integrity and consulted with an architect.

Board: L. Amara- Questions if the lots were combined by Unity of Title as the parcel is 1 ½ lots. Does the decking meet side setback code for drainage? **Staff:** It does not appear to meet the 18-inch setback requirement and is not reflected in the survey. **Response from the applicant:** A rock perimeter around the deck to aid in drainage. **To the applicant:** Was consideration given to putting the addition over the garage? **Response:** yes, but not feasible. **Board:** When the deck was added without permit, the code requirement of 50% impermeable coverage was pushed to 70% and that is of concern. Could the pool deck be made smaller? **Applicant response:** The father-in-law is quadriplegic and that would make the turn around the pool difficult. **Board to staff:** Was it reviewed for a hardship? **Response:** The project does not meet hardship criteria.

Public Comment: Carol Nefzger- 1515 N Palmway has known the applicant since she was 16. All the neighbors feel as family and hope to keep it that way.

Five additional letters of support were read into the record from:

Amy Saleeby – 1529 N Lakeside Dr

Michael Anderson – 1531 N Palmway

Joshua Lukinovich – 1571 N Palmway

Rebecca Hargreaves – 1519 N Lakeside Dr

JoEllen Paine – 1515 N Palmway

Board: L. Amara- Believes the problem to be with code if a resident has to request a variance to rebuild on the same footprint. The property was built in 1949 on 1 ½ lots; as individual lots the required setback would be five (5) feet. Would be in support with the condition that the decking be setback from the property line.

D. Amador- The city has endless potential. It is an old city filled with old cottages and if the desire is to bring in families and keep residents here for decades, flexibility is important.

H. Pawski- These are requests to vary the structure(s) from Code; the Board must follow the Land Development Regulations, Ordinances and Regulations set forth by the City.

Motion: L. Amara moves to approve with staff recommended Conditions of Approval as it meets the variance criteria for the following reasons:

Criteria #2- Applicant has justified due to medical necessity the need for extra impermeable surfaces.

L. Amara inquires as to why a reasonable accommodation was not provided?

Staff: Multiple avenues were explored with the applicant, such as administrative adjustment to resolve at staff level, however, a variance is the only way forward. It is only anticipated that the mother will move in at this time. Neither the mother nor the father-in-law currently reside at the location.

Chair: Exercise caution to not inject ideas or suggestions into the motion. Please start the motion again.

Board: L. Amara inquires if it is difficult to go against staff's recommendations? To justify the criteria a new staff report would need to be written.

Board Attorney Explains there are four criteria for each of the three (3) variance requests. There is an avenue for reasonable accommodation which has not been requested and is only applicable to someone living on the property. In a quasi-judicial setting, if findings are contrary to those found in the staff report which is considered competent substantial evidence, then evidence must be put on the record in order to meet the variance criteria.

Board: Why was ADA not considered if there was a quadriplegic parent. **Staff:** This is the first time the applicant has mentioned that information, the applicant previously only mentioned the mother.

When queried by the Board Attorney if the father-in-law lives at the property, Applicant responded no, the father-in-law does not live there.

Staff: The applicant provides the documents and supporting evidence to be reviewed. Efforts by staff to cover various aspects are generally above and beyond, however the survey depicting the tile decking is what the applicant provided with no measurements. The pool permit did not reflect any decking.

Motion: L. Amara moves to approve PZB 26-01500003 variances #1(building lot coverage) and #3 (reduce the southside setback) with staff recommended conditions of approval 1&2 as it meets the criteria for the following reasons:

#1Special Circumstance – Maximum allotment for impermeable building coverage has been met as code has changed since 1949 . It is not extending closer to property line. Current code

eliminates the ability for the structure to be re-built on the footprint; Staff is unable to demonstrate what the max impermeable lot coverage was at that time the structure was originally built.

#2 Reasonable use of the land – in order to utilize the property to the fullest extent, the strict application would eliminate the ability to utilize.

#3 In the context it is reasonable use of the land; if they were going closer to the southern property line, it could not be supported.

#4 The granting of the variances will be in the spirit and intent of the chapter and not injurious to either the public or surrounding properties.

G. Richter 2nd.

Vote: 5/1 motion carries; H. Pawski dissenting.

Variance for an increase to the impermeable coverage for the entire lot (the tile decking)

Board: No evidence exists of the lots ever having been united in title.

Staff: A lot measuring 50x 135 the max coverage would be 55%; the coverage was met when the pool was permitted.

Board: Definition of parcel versus lot definition. Code seems to penalize the merging of lots. Why is City treating it as one lot instead of two lots?

Staff: It is reviewed as a parcel.

Board: How big is the deck? **Staff:** No measurements were provided on drawing but roughly 1,557 impermeable square feet over.

Board Attorney: A parcel is any designated portion of land excluding streets, alleys, and R-O-W of land; a plot is more than one lot.

Board is not comfortable without sufficient information.

Applicant offers to remove deck as the new construction is of utmost importance.

Board: Calculations in the table do not seem correct. Applicant should have pulled a permit for the deck. **Response:** The data provided in the site data table was provided by the applicant.

Board Attorney: Options are to request a postponement for more information, withdrawal the variance request or request the Board to make a determination. It is likely that a variance will be needed related to the addition even if the entire deck is removed.

Board: J. Stahl would like to motion to approve based upon aerial photo and based upon neighboring properties. Believes the math is wrong and it's presented on a hunch.

Board Attorney: If proper calculations and measurements show under 50%, a variance will not be needed. The Board, the applicant and staff would be in the best position with new calculations.

Board: If the deck were to be removed and replaced with sod. Perhaps a new survey.

Motion: L. Amara moves to approve PZB 26-01500003, including the Conditions of Approval 1& 2, the variance related to the increased impermeable surface coverage for the addition only. A building permit is required for the addition. This approval is based upon the addition only, and does not include or consider the tile decking around the pool. This approval does not include the pool deck; J. Stahl 2nd.

The criteria are met as follows:

1. Special circumstances exist in part driven by variances just approved and structure.
2. Deprivation of use of land would result in addition not added and access to the pool.
3. It is the minimum variance required.
4. It is in the spirit and purpose of the chapter.

Vote: Ayes all, unanimous.

B. PZB Project Number 26-00000010: A sculpture installation request for the property located at 1919 North Dixie Highway. The property is zoned Mixed Use – Dixie Highway (MU-DH) and has a Mixed Use – East (MU-E) future land use designation.

Staff: R. Escobar provides history and background. The City Commission recently approved Ordinance 2026-02 amending LDR's which clarifies public art regulations. The memorabilia (dinosaur holding a cluster of bananas) was acquired from Cox Science Center & Aquarium. This is before the Board as approval is required since it is facing a major thoroughfare and must otherwise meet the Major Thoroughfare Design Guidelines. As it is consistent with the Land Development Regulations, Comprehensive Plan and Strategic Plan, staff recommends approval.

Board: Inquiry as to when the sculpture crosses the line from sculpture to commercial signage?
Response: Typically, it would advertise the specific business, it is more related to the name of the bar.

Applicant: Louis DeStout

Board members generally approve and find it does not hinder the neighborhood.

Public Comment: None

Motion: J. Stahl moves to approve PZB 26-00000010 for the sculpture installation on the east facade of the building with staff recommended Conditions of Approval as it meets the mural criteria based on the data and analysis in the staff report; D. Shatto 2nd.

Vote: Ayes all, unanimous.

C. PZB Project Number 26-00000009: A mural installation request for the property located at 1121 Lucerne Avenue. The property is zoned Public Recreation and Open Space (PROS) and has a Transit Oriented Development (TOD) future land use designation.

Staff: R. Escobar provides case analysis of the new mural proposal. As the proposed mural is visible from a major thoroughfare it must come before the Board to determine if the mural complies with the Major Thoroughfare Design Guidelines. The artist has provided installations in other cities. As it is consistent with the Land Development Regulations, Comprehensive Plan and Strategic Plan, staff recommends approval.

Public Comment: None

Motion: J. Stahl moves to approve PZB 26-00000009 with staff recommended Conditions of Approval for the mural installation on the north façade of the structure at 1121 Lucerne Avenue.

Vote: Ayes all, unanimous.

D. Ordinance 2026-10: Consideration of an ordinance amending Chapter 23 "Land Development Regulations" related to artificial turf, associated definitions, and installation standards.

Staff: S. Rodriguez presents updates to the Land Development Regulations in light of the 2024 Florida Statutes which establishes limitations on local government regulation of synthetic turf. The material is considered semi-pervious.

Board: Are there maintenance plans or provisions for inspections? The Ordinance is well written and comprehensive.

Board Attorney: It regulates all properties that are not Single Family of one acre or less. The language does address maintenance if the material fades or becomes loose; there is criteria.

Motion: J. Stahl moves to recommend adoption of Ordinance 2026-10 to the City Commission; G. Richter 2nd.

Vote: Ayes all, unanimous.

E. Ordinance 2026-09: Consideration of an ordinance amending Chapter 23 “Land Development Regulations” related to vacation rentals, transient public lodging, residential uses, and associated definitions.

Staff: S. Rodriguez presents the proposed Ordinance which updates definitions related to residential uses, vacation rentals, transient public lodging and dwelling units. The Use Tables and various sections of the Land Development Regulations have also been updated for consistency with the language found in the Ordinance. This would remove the restriction on residential rentals of less than thirty (30) days in effect from prior to 2010.

Board: Many municipalities have prohibited this in Single-Family residential districts. Suggestion to review some definitions of mobile home, manufactured home and household.

Board Attorney: At the direction of the City Commission, this applies citywide and not zoning district specific. Definitions include the accessory dwelling unit and guest house. Guest homes are not intended as dwellings. As far as renting a room in a home, the definition of family arises.

Motion: D. Shatto moves to recommend adoption of Ordinance 2026-09 to the City Commission; J. Stahl 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES:

A. June 17, 2026, Joint Workshop Summary & Potential Policy Discussion Items

PUBLIC COMMENTS: (3-minute limit) None

DEPARTMENT REPORTS: The previously mentioned/proposed a July special meeting will not occur. The timeframe suggested is August at the earliest.

BOARD MEMBER COMMENTS: H. Pawski thanks staff for holding the Joint workshop.

ADJOURNMENT: 7:55 PM