



MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 03, 2025 -- 6:25 PM

ROLL CALL and RECORDING OF ABSENCES: Present were: Dan Walesky, Vice-Chair; Mark Humm; Dave Mathews; Henry Pawski. **Absent:** Juan Contin. Also present were: Karina Maldonado, Senior Community Planner; Anne Hamilton, Senior Preservation Planner; Annie Greening, Principal Planner; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

A. August 6, 2025 Regular Meeting Minutes

Motion: M. Humm moves to accept August meeting minutes as presented; D. Mathews 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

- 1) PZB 25-01500006 - 1919 N. Dixie Hwy- not heard
- PZB 25-01500005 - 1708 N. Lakeside Dr.
- PZB 25-01500003 - 1918 Notre Dame Dr.
- PZB 25-01000001 - Madison Terrace - Ordinance 2025-12

WITHDRAWALS / POSTPONEMENTS None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. Ordinance 2025-12 (PZHP Main Project Number 25-01000001): Consideration of a request for a Major Planned Development Amendment for the project commonly referred to as "Madison Terrace," including amendments to the following associated applications: Mixed Use Urban Planned Development (residential only), Major Site Plan, Conditional Use Permit, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development

Rights. The subject parcels are located in the Transit Oriented Development - East (TOD-E) zoning district and have a future land use designation of Transit Oriented Development (TOD).

Board Attorney: E. Lenihan reads the Ordinance 2025-12 by Title.

Staff: A. Greening – This amendment will increase the number of units from 176 to 182. The six (6) additional units will be one-bedroom units. There will be two (2) platted parcels according to phase lines. The acquisition of the additional lot has allowed the developer to provide more standard size parking spaces as compared to the previous plan. They are providing 129 spaces, one more than the required amount.

With these changes to the previously approved project, the applicants are continuing to request two (2) waivers, Transfer of Development Rights fee and parking rate. The height, previously granted to 68 feet, is now at 71 feet with a TDR fee of \$12,930.00. With the Sustainable Bonus fee, the applicants are providing 100% affordable housing. The value of the additional 6 units equates to \$274,401.00 in excess of the required fee/value.

Applicant: Mike Oliver thanks staff and Board. Phase II should begin in a few months.

Public Comment: None

Motion: H. Pawski moves to recommend approval to City Commission with staff recommended Conditions of Approval for Ordinance 2025-12 PZB 25-0100001 based on competent substantial evidence in the staff report and in the testimony at the public hearing; D. Mathews 2nd.

Vote: Ayes all, unanimous

- B. Ordinance 2025-13: Consideration of a privately-initiated ordinance amending Chapter 23, Article 4, Section 23.4-13(c)(5) "Single destination retail uses including stand alone retail and single destination commercial uses."

Staff: A. Greening – The use is best described as a single-destination commercial use. Currently the applicant could not meet the minimum site area and width. Therefore a privately initiated text amendment to Land Development Regulations was requested affecting the following:

1. minimum site area
2. lot width;
3. being located on a Major Thoroughfare;
4. glazing requirements
- and 5. window display requirements.
6. landscape requirements.

Staff does not support changes to the glazing requirements, window display requirements or landscape requirements.

Board: A question arises about which part of Major Thoroughfare requirements are requested to be changed? Single destination retail commercial is required to be along a major thoroughfare. Staff considered under 2500 sq ft to be an acceptable size.

Applicant: Max Lohman, PRMS- was not aware the requests would entail a city-wide change. The intent is not to escape the landscape code rather they would welcome the opportunity to work with staff. A revised landscape request was not provided in sufficient time to allow staff review prior to this meeting.

Discussion about delegating to staff the ability to work with applicants on existing sites where a five (5) foot perimeter landscape would be required.

Public Comment: Leon Dixon – 1911 Notre Dame Dr – Would the parking requirement be reduced with reduced lot size? **Board:** The parking requirement is tied to the lot sq footage of building, everything scales.

Board: Would like staff to be empowered for reasonable adjustments.

Motion: M. Humm moved to recommend approval of Ordinance 2025-13 to the City Commission with the amendment granting staff the ability to provide flexibility with respect to the perimeter landscape requirement; H. Pawski 2nd.

Vote: Ayes all, unanimous

- C. PZB Project Number 25-01500005: Consideration of two variance requests for 1708 North Lakeside Drive to encroach into the side setback and to exceed the maximum wall height at side setback. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR)

Staff: K. Maldonado- A building permit for new construction of a single-family residence on a vacant lot has resulted in incorrect setbacks for the 2-story structure. The City was provided a formboard survey in March 2025. In June the applicant contacted Planning & Zoning to discuss a setback issue discovered during construction. A variance was applied for side setback and wall height setback due to second-story. There is a greater setback requirement when a wall reaches a certain height. The setback should be 10 feet 4 inches for the highest portion of the structure; a nine (9) foot setback is required for a portion. The structure was built to an eight (8) foot setback.

Variance criteria is not met:

Criteria 1(Special circumstances as it is newly constructed, no hardship), 2 (Strict application of the LDR's would deprive the applicant of reasonable use of the land or building), 3 (The proposed variance is the minimum required which makes possible the reasonable use of the land or building).

Criteria #4 is met as the granting of the variance would not be unduly injurious to the neighborhood or contiguous property. The property to the south being the most affected.

Permit Coordinator and Contractor (Streamline): Originally submitted a survey with the Site Plan review package showing a 10'6 side setback with a vacant lot survey.

A survey was done with an eight (8) foot setback and a permit was issued with no request to see that proposed survey. The formboard survey prior to slab inspection which showed the 8 foot setback.

In June the contractor realized the error and contacted staff and requested the variance. Staff does not review the survey, only with respect to the property lines. Applied for variance July 3rd.

Failure of the City inspector to properly complete the formboard survey should be grounds to grant the variance. Admits the mistake with the survey is that of the applicant, disagrees with the staff report that the City holds no responsibility as the inspector's sole responsibility is to ensure work matches plans.

To date no stop work order has been issued and applicant continues to work and pass inspections. To undo the mistake would require near demolition of structure with associated costs to correct. Property owner is the brother of the Contractor.

Board: D. Walesky- Recap of survey process. The proposed, revised, survey (not formboard) shows the building placed on the vacant lot survey, inaccurately so and then staked according to those plans. Subsequently built according to those stakes. Saying the City is responsible for this error doesn't make sense. The formboard survey, surveyor checks it, the surveyor provided that to the builder, the problem is compounded. The responsibility is the on the contractor to QC the work. Board does not discuss liability, only the variance criteria. Suggests the building process should stop regardless of whether the City issues a stop work order. To say that the contractor and owner have subsequently spent more money and time doesn't make the City responsibility. D. Mathews – this is an investment property?

Response: Yes. D. Walesky – there do not seem to be any fire code separation issues, mostly a zoning and aesthetics issue as the City does not wish to promulgate non-conformities.

Public Comment: 1711 N. Lakeside – Glen Bayer –Retired Construction superintendent, lives across the street and finds it inconceivable how it happened. It seems like a big structure for the site. It doesn't affect his life but it is a big error. Wouldn't want to be the surveyor. Does not believe the City is liable in any way.

Board: Recent variance training suggests this is not a hardship, this is self-created issue. In general it is wasteful to have it torn down, there will be insurance claims. Question if there was any give and take between applicant and staff to resolve the issue. The variance solution was the only pathway.

Board Attorney: Board would need to state and put on record how the variance does or does not meet all four (4) criteria.

Board: Criteria 1 – Special Circumstance – despite being unintentional and not willful, it remains a result of the action of the applicant/contractor.

Board Attorney: The goal of all code is that you meet code when you can. Variance process exist for properties that cannot, despite the best efforts, meet the code. The variance would allow to come as close as possible to meet the code.

Criteria 2- Applicant would be deprived of the reasonable use of the land. Chair believes Criteria 2 to met as the variance is required in order to make use of the existing building. As all four criteria cannot be met the variance cannot be granted. Appeal would be to the Circuit Court

Motion: H. Pawski moves to disapprove PZB 25-01500005, a request for two variances, as the request does not meet the variance criteria based on the data and analysis in the staff report. M. Humm 2nd.

Vote: Ayes all, unanimous

- D. **PZB Project Number 25-01500003:** Consideration of a variance request for 1918 Notre Dame Drive to exceed the maximum allowable front yard impermeable coverage. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Staff: A. Hamilton provides background information of the request. An application was received for repaving of existing front driveway area. The permit was denied due to age of survey, unpermitted artificial turf and pavers in the rear yard, and exceeding the allowable front yard impermeable coverage. The subject of the request is the front driveway and walkways, not the rear. A large circular drive is included in the request. Land Development Regulations calls for 610 square feet of coverage, the applicant is requesting 1,142 square feet or double the allowable amount. When the property was developed in 2000, there were no front yard permeable requirements; as of 2013 that changed. The non-conformities could continue if no change were requested however with the request comes the requirement to meet the existing code.

With respect to the Variance criteria, staff finds none of the criteria can be met as follows:

1. No special circumstances exist- with the removal of the older pavers the non-conformity would no longer exist and the site could be brought to code with a re-design/layout. The circular drive could be eliminated while continuing to provide access to the 3-car garage. The applicant could construct a drive with 610 sq ft of pavers. Tire strips could be utilized.
2. The strict application of code would not deprive the applicant from utilizing the structures as intended. The circular drive could be eliminated
3. The variance request is not the minimum request to make possible use of the land. The denial of the request does not make the land unusable as a single-family residence.
4. The granting of the variance would be detrimental to the surrounding neighborhood and properties with increased water runoff onto neighboring properties, increased heat island effect and reduced greenspace in the neighborhood.

Board: could permeable pavers be utilized? **Response:** Yes, that would assist with overall coverage, it would not however satisfy the landscape coverage for the front yard.

Deck & Drive- Contractor: Juliana; Steven Pappas 4020 Thor Dr. Boynton Beach- requested to replace current footprint. Presented evidence that the existing was permitted in 2000.

Applicant: Jay Sussman- would like to change color, root damage. The incline (8 feet) prevents walking up (vertically) to the structure, must park parallel to the house in order to get to the structure therefore the circular drive should be preserved.

Board discusses repair versus remove & replace; increase/decrease in non-conformity. Board member believes the issue of non-conformities is recurring and burdensome due to code changes. Cannot grant a variance to code that has changed. Suggests speaking to City about a repair.

Public Comment: Jonathan Nicholas 3 Auburn Drive provided written comment in support of the request.

Motion: H. Pawski moves to disapprove PZB 25-01500003 as it does not meet the variance criteria based on the data and analysis in the staff report; M. Humm 2nd.

Vote: Ayes all, unanimous.

PLANNING ISSUES: Summer LDR's going to City Commission for first reading on Sept. 16.. Be advised recent legislation prohibits changes to LDR's making restrictions more burdensome to development until October 2027. Parking changes and integral generators locations are the items being pulled from the Ordinance.

If the primary use is residential, the second use should be at least 10% of principal use. i.e. 10% retail (2nd use) will be required to get the 25 % reduction in parking.

October 15 will be a special meeting provided quorum can be met.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 8:15 pm