



**MINUTES  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, MAY 01, 2024 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were: Juan Contin, Chair; Mark Humm; Dave Mathews; Henry Pawski; Evelyn Urcuyo; Daniel Walesky, Vice-Chair; Absent: Zade Shamsi-Basha. Also present were: Karina Campos, Community Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA** None

**APPROVAL OF MINUTES:**

- A. March 6, 2024 Meeting Minutes
- April 3, 2024 Meeting Minutes

**Motion:** M. Humm moves to accept the March 6, 2024 and April 3, 2024 meeting minutes as presented;

**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) 2141 10th Ave N
- 3 18th Ave S

**WITHDRAWALS / POSTPONEMENTS:** New Business Item B has been withdrawn at the request of the applicant.

**CONSENT:** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

- A. Consideration of a variance to allow an electronic gate to be set back 5 feet from the front property line at 3 18<sup>th</sup> Avenue South. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

**Staff:** K. Campos presents case findings and analysis of request. The lot is currently vacant with the intent to build a home in the future. The variance is not consistent with the variance criteria found in LDR Section 23.2-26(b). LWB code states the gates/keypads/callboxes shall be set back a minimum of 25 feet from the property line/ right-of-way to prevent queuing/ stacking in the right-of-way. It may be increased with an analysis performed by a certified traffic engineer.

In order for the variance to be granted, all four variance criteria must be met. In this instance the analysis does not support that result.

1. Special Circumstances exist peculiar to the land or building which do not generally apply to nearby land and are not the result of the applicant.

Analysis: A waterfront property is typical of the area along the eastern edge of the City including the immediate and adjacent neighbors. Secondly, the contention that the Base Flood Elevation within the flood zone affects the ability of the applicant to place the fence according to the code. BFE height regulations do not alter fence placement requirements. These same circumstances apply to nearby properties and the proposed location would be the result of the applicant.

2. The strict application of the LDR's would deprive the applicant of any reasonable use of the land.

Analysis: The installation of a gate is not required for the reasonable use of the property as a single-family residence.

3. The proposed variance is the minimum variance which makes possible the reasonable use of the land.

Analysis: Alternative gate configurations could be utilized to eliminate the need for a variance i.e. comply with electronic gate setback or utilize a manual gate.

4. The granting of the variance will be in the spirit and intent of the chapter of the Code and not unduly injurious to contiguous properties, surrounding neighborhood, nor detrimental to public welfare.

Analysis: LDR's adopted in 2013 provided that the location of electronic gates would address potential issues with traffic and vehicle stacking; further the preliminary site plan indicates the front setback to be 5 feet from the front property line and 6 feet from the southern side property line with the potential for conflict to the egress/ingress to both the subject property and the adjacent south property.

The request does not meet any variance criteria; a hardship has not established; the property owner would not be deprived of the reasonable use of the land and alternative gate types and placement options are available.

**Architect for the applicant:** Yianni Varnava- Code allows for a manually operated gate and wall to be placed on the property line. All issues would still be in place. The reasons for the request is to allow a landscape buffer to hide a wall and the proposed Base Flood Elevation at 10 feet would create a steep incline for the wait while the gate is opening on approach and departure. A manual gate will affect the southerly neighbor more than an electronic gate as the queuing will exist to a greater extent.

**Board:** J. Contin, the fence location will not change the elevation of the structure. D. Mathews- the manual gate will take longer to open. H. Pawski – the queuing will be in the street.

**Public Comment:** Georgia Kelmetsmo - 75 18<sup>th</sup> Ave S- Will be a hardship on the entire neighborhood. Ongoing flood construction project with traffic has generated concerns for emergency vehicles and safety. Believes the applicant is using the base flood elevation as an excuse for reducing the setback.

Four other comments against approving the variance were received and read into the record.

**Staff:** Staff explains the nearby gates on the property lines are unpermitted and may also require a variance.

**Board:** The hammerhead driveway has had 10 feet removed to facilitate the lift station. The driveway location to the south will not impact the site as much as the lift station location. D. Waleskey disagrees with Criteria analysis #1, he believes that there is a special circumstance due to the lift station. Believes the bar is too high to meet the criteria; also disagrees with the analysis of Criteria #4 as the neighboring property can be construed as just as injurious to the applicant as vice-versa.

**Board Attorney:** The standards are strict and a high standard. They are intended to be strict, and are fairly consistent throughout the State. The granting of a variance should be to alleviate an issue that was not self-created.

**Board:** J. Contin- creating another wrong is not the right thing to do. The elevation issue is moot as that elevation can be manipulated by the architect.

Suggestion to change the manual gate setback requirement to 25 feet in an upcoming LDR revision.

**Motion:** D. Waleskey moves to disapprove **PZB 24-01500002** based on the code as currently written as the project does not meet the variance criteria based on the data and analysis in the staff report; M. Humm 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

B. Consideration of a Conditional Use Permit for the establishment of a ±9,000 square foot laser adapted dry shooting range designated as indoor commercial recreation and accessory training facility uses located at 2141 10<sup>th</sup> Avenue North, Suite 1. The property is zoned Mixed Use - West (MU-W). **Item withdrawn per request of applicant.**

**PLANNING ISSUES:** Karina Campos will be presenting more projects.

**PUBLIC COMMENTS** (3 minute limit) None

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** E. Urcuyo reminds all to join in on May 4, 2024 for a fundraiser. She has partnered with Lilo's and NAPC at South K Street, there will be a band and auction.

**ADJOURNMENT:** 6:55 PM