



**MINUTES  
CITY OF LAKE WORTH BEACH  
PLANNING & ZONING BOARD MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, AUGUST 07, 2024 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were- Juan Contin, Chair; Daniel Walesky, Vice-Chair; Mark Humm; Zade Shamsi-Basha; Dave Mathews; Henry Pawski. Absent: Evelin Urcuyo. Also present were: Karina Campos, Senior 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. July 17, 2024 Regular Meeting Minutes

**Motion:** M. Humm moves to accept July 17, 2024 meeting minutes as presented; D. Mathews 2<sup>nd</sup>.

**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) a.714 Barnett Dr

b.1724 N Lakeside Dr

**WITHDRAWALS / POSTPONEMENTS** None

**CONSENT** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

**A. PZB Project Number 24-01500006:** Consideration of a variance to allow the placement of a standby generator between the principal structure and the right of way at 1724 North Lakeside Drive. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

**Staff:** K. Campos provides brief synopsis of ongoing activities at the location. According to current code (Section 23.4-17) generators may be located in the side and rear setbacks although limited by height, setbacks, screened from view, and not in an alley. The proposal is to install in the front yard.

Of the four variance criteria, staff has concluded that only one of four criteria has been met: The granting of the variance would not be unduly injurious to the contiguous property, surrounding neighborhood or detrimental to public welfare.

All other criteria are not met.

1. There is no special circumstance or condition peculiar to the parcel that does not exist on other properties and not created by the action of the applicant. The generator can be placed in the southeast area.
2. The strict application of the LDR's will not deprive the applicant of continued use of the land as a Single-Family residence. The generator may be placed in a different location.
3. The variance proposed is the minimum which makes possible the reasonable use of the land; the southeast area appears to be a suitable location where no variance would be required.

**Applicant/owner** – Barbara Campbell gave reasons why the generator cannot be located elsewhere on the property. The Southeast corner of the property, as proposed by staff, would be in an area with combustible material nearby i.e. hedge and fence; contends it would not be readily accessible to first responders; to set it in the rear of the property, there would be a height issue with a two (2) foot pad and 29-inch high generator. The strict application does preclude reasonable use of the property for medicare age persons. Believes the southeast location would be injurious to neighboring properties.

**Board:** Data shows with base flood elevation the generator would not sit as high as suggested, there would not be a height issue (as the new pool will also meet base flood elevation).

**Applicant** states it's hard to get electric there.

**Board:** Difficult but not impossible, just more costly. The elevation would be higher in the front and lower in the back. There seems to be plenty of room on the southeast side and sufficient distance from the property line. The A/C is already in the front yard and not in the setback.

Discussion ensued with respect to the current base flood elevations versus forthcoming FEMA flood elevations; definitions of front yard; front yard setbacks; rear yard outside of setbacks and what structures can be permitted and inclusionary code.

**Board Attorney:** Advised per code In SFR zoning district –Accessory structures shall be allowed in rear or side yards. (double frontage lots and corner lots being different), between main structure and street provided minimum setback is maintained. Otherwise they are not permitted in the front yard between the road and house, in the front yard or front setback. But it can go in the setbacks of the side and rear.

**Board:** Distinction or lack of distinction between Mechanical equipment and accessory structures.

**Motion:** D. Walesky moves to continue to September 4, 2024 meeting (next meeting); H. Pawski 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**B. PZB Project Number 24-00500004:** A Blanket Conditional Use request for multiple uses as provided for in LDR Section 23.3-6 for LZC Holdings, LLC, an existing industrial development at 714 Barnett Drive. The property is zoned Industrial - Park of Commerce (I-POC) and has an Industrial (I) Future Land Use (FLU) designation.

**Staff:** S. Rodriguez provides analysis of request for uses on the site. Three auto repair businesses with current up-to-date business licensing. One current tenant does not meet that requirement. Those businesses that are non-conforming with current up-to-date business licensing may continue to operate provided they maintain licensing.

**Board:** Questions about the lien and why the one business was operating without a business license.

**Staff:** Those are questions and discussion points with the Code Compliance Division, not zoning district use related questions.

**Motion:** D. Walesky moves to approve PZB 24-00500004 with staff recommended Conditions of Approval base upon competent substantial evidence provided in the staff report and testimony at the public hearing; D. Mathews 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**C. Ordinance 2024-11:** Consideration of an ordinance amending Chapter 23 "Land Development Regulations," Article 4 "Development Standards," Section 23.4-25 "Micro-units" to provide minor changes to the development standards for Micro-Units.

**Board Attorney** reads Ordinance Title.

**Staff:** This is a revision to the previous Ordinance. Line 59 reduction in percentage from 20% to 15% and an exception on page 2 line 103. Private sector parties would like to see additional flexibility.

**Board:** The exception (conversion of existing structures) provides small housing and exterior common space, which could be seen as a nuisance. If designed correctly, it can be nice, it is easier than a 20-unit design. The definition of a micro-unit size is 250-750 square feet with a fully functional kitchen and bath.

**Motion:** D. Walesky recommends approval of Ordinance 2024-11 to the City Commission subject to H. Exception shall require a minimum 10% interior common space and 5% exterior; H. Pawski 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** None

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

**DEPARTMENT REPORTS:**

Staff inquired about quorum for September 4, 2024 meeting. It may be a busy meeting with possibly three Land Development Regulation changes in addition to two continuances.

Several members state September 18 would be a preferred date.

**BOARD MEMBER COMMENTS:** None

**ADJOURNMENT:** 7:30 PM