



TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on September 13, 2023

I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order on September 13, 2023, at 9:30 a.m. On roll call, all elected officials were found to be present.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Acting Town Clerk Churney gave the invocation. Council President Zeidman led the Pledge of Allegiance.

III. COMMENTS OF MAYOR DANIELLE H. MOORE

Mayor Moore stated that on October 12, 2023, there would be a presentation on the new financial reporting form, Form 6. She recommended that anyone who needs this information attend the meeting.

IV. COMMENTS OF TOWN COUNCIL MEMBERS

Council Member Crampton stated that during the October Town Council Meeting, there would be a detailed recap of the 7-point parking program. He stated that the Town planned to implement as much of this plan as possible by January.

Council Member Araskog offered thoughts and prayers for those experiencing the storm in the Northeast.

V. COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE

No one indicated a desire to speak.

VI. APPROVAL OF AGENDA

Wayne Bergman, Director of Planning, Zoning and Building, stated there were a couple of modifications to the agenda. Item VIII. A. ZON-23-07, was moved from the consent agenda. At the end of the meeting, an additional agenda item would be heard, Waiver of Town Code Section 18-237, for Building permit Extension at 250 Algoma Road.

Motion made by Council Member Araskog and seconded by Council President Pro Tem Lindsay to approve the agenda as amended. Motion carried unanimously, 5-0.

VII. CONSENT AGENDA

- A. **ZON-23-087 625 CREST RD—VARIANCES** The applicant, 625 Crest Road, LLC, a Delaware limited liability company (Jim Hoffman, Agent), has filed an application requesting Town Council review and approval for (2) variances for a boat dock which (1) exceeds maximum dock widths (walkways and platforms) and (2) which is greater than 30% of the width of the parcel.

Motion made by Council Member Araskog and seconded by Council Member Crampton to approve the consent agenda. Motion carried unanimously, 5-0.

VIII. REGULAR BUSINESS

A. **Items Pulled From Consent Agenda**

ZON-23-071 (ARC-23-093) 220 ARABIAN RD (COMBO) - SPECIAL EXCEPTION The applicant, 206 CARIBBEAN LLC (Robert Frisbie), has filed an application requesting Town Council approval for a Special Exception for the construction of new two-story single-family residence on an existing nonconforming parcel which is deficient in lot width required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application. [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative impact to the subject property. The Architectural Review Commission approved this project. Carried 7-0.]

Council Members Araskog, Cooney, Crampton, and Council President Pro Tem Lindsay declared ex-parte communications.

Maura Ziska, attorney for the applicant, and Lauren Urquhart from Dailey Janssen Architects presented an overview of the project and the zoning requirements for the project.

Council President Zeidman called for public comment. No one indicated a desire to speak.

Council Member Araskog requested that the wall be high enough to hide all the equipment necessary for this project. Ms. Urquhart confirmed they would return to the town council if the equipment exceeded this height.

Motion made by Council Member Crampton and seconded by Council Member Araskog to approve Special Exception No. ZON-23-071, 220 Arabian Road, as said applications meet the criteria set forth in sections 134-299 and

134-329, respectively of the Town Code and finding that approval of the Site Plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made concerning items (1) through (11) of section 134-329, and with the condition that if the height of the generator and A/C equipment is not covered by the wall enclosure, the applicant must return to the Town Council with a variance request for a higher wall height. Motion carried unanimously, 5-0.

B. Update on Royal Poinciana Playhouse

Maggie Zeidman, Town Council President; Wayne Bergman, Director of Planning, Zoning and Building

Council President Zeidman began the discussion by pointing out that Palm Beach was set apart from other cities due to the history and culture preserved through the significant architecture in the Town. She impressed the importance of the collaborative relationship between the Landmarks program and the Preservation Foundation of Palm Beach, which has the common goal of preservation. She asked the Town to move forward, focusing on correcting the process so that the Town's vital architecture continues to be preserved. Council President Zeidman discussed the history of the Royal Poinciana Playhouse, the opening, the closing, WS Development's current 99-year lease of the playhouse, and the importance of the 1979 Agreement, which outlines how the Playhouse must remain a theater for the performing arts. She further discussed the Glazer Family, how they were the right fit as an operator after a long and exhaustive search, and their efforts to renovate the theater. When construction began, the building was found structurally unsound for the public after the review of two different engineering firms and Wayne Bergman, on behalf of the Town as the building official. Council President Zeidman stated that Mr. Bergman made the decision to send the project back to the Landmarks Preservation Commission (LPC) as an update. She acknowledged that while the update was provided, it was not as clear or explicit as it could have been, leaving many unaware of the plans for significant demolition. Council President Zeidman said that while the Code outlines the review of demolition and reconstruction by the LPC, it does not explicitly state how the review is to be processed. She thought the Town Council, with the assistance of the LPC and staff, should consider amending the Code to detail the demolition process so there are no future missteps. She asked the Town Council to consider the two legal concepts of equitable estoppel and the lack of an appeal when listening to the discussion.

Town Attorney Skip Randolph provided a legal overview of the issue. He made several points in response to some of the allegations and questions raised concerning the subject. Attorney Randolph believed that Wayne Bergman, the Town's Planning and Zoning Director and Building Official, had properly handled the matter using his best judgment. He also believed it would make little sense to send this matter back to the Landmarks Preservation Commission to readdress the issuance of the Certificate of Appropriateness because that would only further delay the reinstallation of exterior walls, which had been demolished. He said the Town's goal and the property owner's goal was to bring the structure substantially back to its original form. He said the Landmarks Preservation Commission had thoroughly vetted the matter at their last meeting and had made no recommendation to readdress the propriety of issuing a Certificate of Appropriateness for the project. Instead, the Landmarks Preservation Commission

chose to work with staff to come up with potential code amendments and procedures necessary to avoid these types of issues with future applications. Presently, this matter remains in the jurisdiction of the Landmarks Preservation Commission, and Attorney Randolph advised it should remain as such. He rebutted some of the allegations against the Town's Landmarks Preservation Commission and staff by the Preservation Foundation and others, as they were not as clear as they were made out to be. Lastly, the matter has come before the Town Council today as an update, not to request Council action.

Planning, Zoning, and Building Director Wayne Bergman spoke about the importance of his role as a building official in ensuring the safety of buildings. He said that sometimes safety must be considered over preservation efforts, although preservation is important, too. He stated that there was no unlawful expansion of demolition for this project. In his view, there was no need for a Certificate of Appropriateness modification under the requirements of the Town's rules. Mr. Bergman stated the level of demolition and reconstruction at the Playhouse was approved under the original Certificate of Appropriateness on February 16, 2022, or during the updated presentation made on November 16, 2022. In his determination, the project scope, demolition, and construction were within the Certificate of Appropriateness 22-003. He stated that there had been no unlawfully expanded scope of demolition work at the Playhouse. Mr. Bergman reiterated that the Playhouse was a Design Class 3 Commercial Building, which meant that the building would pose a high risk to the public or significantly disrupt the community should the building be damaged. It was also classified as a threshold building, as defined by Florida Statute 553, a state designation that means a building that must meet the highest level of safety and structural integrity. When designed and constructed, threshold buildings can only be inspected by structural engineers. He asserted that this project was never considered rehabilitation or alteration under the Florida Building Code.

The attorney representing the applicant, Jamie Crowley, with Gunster Law Firm, spoke on the applicant's behalf. He did not think it was appropriate to revisit Mr. Bergman's decision. He stated that the process provided to the developer had been followed. He agreed that the process could use some clarification. Council Member Crampton asked why the new information regarding the walls was not first shared with the Preservation Foundation before the demolition. Mr. Crowley responded that perhaps this should have been done. Council Member Araskog asked if any staff member told him that he needed to get a modification to the Certificate of Appropriateness. She questioned why there was no clear presentation of what would happen with the demolition.

Samantha David, WS Development, gave an overview of the project. Ms. David confirmed in response to Council Member Araskog's question that they explored other alternatives.

Clerk's note: A short break was taken, and the meeting reconvened promptly.

Council Member Araskog suggested the applicant return to the Landmarks Preservation Commission (LPC) for an informal hearing. The applicant stated that she would like to do anything to put the public at ease but would not like to put the project at further risk. She feared the ramifications of an informal hearing, considering the consequences of the last one.

Mr. Crowley confirmed that he had advised his client against moving backward with the project. He understood the Town Council's desire to have this project be heard again by the Landmarks Preservation Commission. However, he reiterated the project was being done under a valid permit.

Council President Zeidman supported the project being returned to the Landmarks Preservation Commission for further discussion and direction. She stated that it was the responsibility of the Landmarks Preservation Commission to decide on reconstruction projects.

Council Member Cooney discussed the importance of the character-defining details in a historic building. He understood the intent and commitment to fully reconstruct the building but thought many details needed to remain faithful to the original design of the building.

Betsy Shiverick, Chairman of the Preservation Foundation of Palm Beach, disagreed with Mr. Randolph and Mr. Bergman's interpretation of the Code and felt that the project should have returned to the Landmarks Preservation Commission. She stated that she believed the project should return to the Landmarks Preservation Commission so they could review and approve how the building would look upon completion. She stated that the goal of the Preservation Foundation of Palm Beach is to ensure that going forward, there would be no harm to the Landmarks program, or any other landmark, and that the playhouse be rebuilt in as sensitive and authentic manner as possible. Amanda Skier, with the Preservation Foundation of Palm Beach, also shared her thoughts on the issue, referencing past similar preservation examples when she felt the proper process was followed and demolition was avoided. She stressed the importance of transparency. Ms. Skier stated that from the examples she had provided, it was clear that demolition had always required a Certificate of Appropriateness for approval, even if that meant bringing it back to the LPC for modification. She noted that perhaps it needed to be codified so that the intent of the code would never be misinterpreted again. Ms. Shiverick and Ms. Skier answered questions from the Council Members.

Sue Patterson, Landmarks Preservation Commission (LPC) Chair, spoke about possible solutions for the future. She said the Landmarks Preservation Commission had already discussed and would be able to come up with more solutions. The Council Members responded to her comments. They agreed on the importance of finding solutions and keeping the process as simple as possible to not overburden developers and property owners.

Council Member Cooney expressed concern about overcorrecting and applying too much bureaucracy in the quest for solutions.

Council Member Crampton agreed with Council Member Cooney. Council member Cooney thought the Town could learn from the recent mistakes; he thought the LPC was doing that by looking for new solutions. Council Member Crampton asked to see the list of ideas for improving the process.

Mayor Moore suggested a tutorial on reading plans and thought it would benefit both the Landmarks Preservation and Architectural Review Commissions. Mayor Moore stated she was not shocked to see the condition of the theater, especially

since it had sat vacant for many years. She was also not surprised that the building needed pilings. Mayor Moore wanted to ensure that changes to the program would not hurt or make the program obsolete.

Council President Pro Tem Lindsay thought that residents needed to accept where they were in this situation. She felt the changes Chair Patterson recommended would help eliminate any future surprises. She admitted that she was unclear on the amount of demolition over 50% granted with the variance and stated she could not visualize the demolition. She thought the presentations never made it clear or explained the amount of demolition that would occur. She thought future visualizations and qualifying the amount of demolition would be important for the public. Council President Pro Tem Lindsay spoke about her meeting with the Glaziers and their intentions to give back to the community. She also spoke about the WS Development team and how they had always followed through on doing what they stated they would do at the Royal Poinciana Plaza.

Council Member Araskog liked the suggestions by Ms. Patterson. She wondered if an architect should also look at the changes for review by the staff and the Chair of LPC. She thought having a separate review of the engineering reports was important.

Council President Zeidman called for public comment.

Martin Klein, 116 North Ocean Blvd, stated that he believed the Code had been followed. He felt that changes were being made to the Playhouse to preserve it due to the decay that had caused much disrepair and contributed to the Playhouse being closed for decades. He advocated for trusting the process and believed that staff had acted with the best intentions.

K.T. Catlin, 265 Fairview Road, advocated for updating the review process and increasing oversight of the Playhouse to avoid similar surprises in the future.

Kay Gilman, 44 Cocconut Row, advocated withholding judgment until the project completion.

Jane Day, a preservation consultant, expressed her opinion that this project should return to the Landmarks Preservation Commission. She provided examples of projects that have returned to the Landmarks Preservation Commission in the past, stating there are precedents for this, as deemed necessary.

Dave Lawrence, President and CEO of the Cultural Council for Palm Beach County, stated that this project would provide urgently needed space for performers in the community. He was not in favor of slowing this process down. He stated there is a real need for flexible space for performers to rehearse and perform.

Cheryl Mendelson, the newly appointed Executive Director of The Innovate, urged against delays to the project. She stated that now is the time to reimagine the Poinciana Playhouse into a world-class Cultural Arts Center, a new symbol of pride for the Town of Palm Beach where community and culture will converge.

Mary Lewis Moews, Senior Director of Philanthropy at The Innovate, spoke. She advocated for continuing the project without further delay.

Robert Hamon, President and CEO of the Center for Creative Innovation, the Foundation School, and the Blue Planet Global Classroom in West Palm Beach. He expressed interest in the future possibilities the Playhouse would offer their students.

Anne Pepper, 333 Seaspray Ave, advocated making the process more explicit so this situation does not repeat itself. She believed that more oversight on projects should be put in place to preserve Palm Beach.

Council President Pro Tem Lindsay thought this project should return to the Landmarks Preservation Commission, which had great leadership and participants. She felt that the LPC would understand that they had the Town Council's blessing in coming up with solutions for improving the process. Council President Pro Tem Lindsay stated she would be following the situation closely.

Council Member Araskog discussed the previous quality of the Playhouse and the artists that performed there. She felt that the project should have gone back in front of the Landmarks Preservation Commission. She also wondered why the soil investigation took so long.

Council Member Cooney stated that he felt the public was owed transparency in the future and advocated for a focus on rebuilding the Playhouse structure and restoring best practices for the preservation program. He did not want to slow progress on this project. However, he believed the demolition decision should have been made with the Landmarks Preservation Commission.

Council Member Crampton believed that the Preservation Foundation should have been included earlier and thought evaluating these projects could improve from this current situation. He stressed how this project had demonstrated how important preservation is to the community.

Mayor Moore did not feel it was necessary to take the project back to the Landmarks Preservation Commission. She felt it best for the project to move forward. Mayor Moore expressed the waste of time and money thus far.

Council President Pro Tem Lindsay suggested more oversight over future projects to ensure there would not be further surprises.

Council Member Araskog reiterated her suggestion to have another informal hearing before the Landmarks Preservation Commission.

Council President Zeidman stated that the preservation processes should be improved, and the Landmarks Preservation Commission should have more meaningful participation going forward. She thought the project should have gone back to the Landmarks Preservation Commission, and the recommendations should go back to the Landmarks Preservation Commission now.

Mr. Randolph said no direction was being provided by the Town Council for this item to return to the Landmarks Preservation Commission. They had already said they would look for solutions at their next meeting.

Clerk's note: A lunch break was taken, and the meeting reconvened promptly.

C. **Discussion Regarding Revisiting Properties Once Considered for Landmarks but Not Designated**

1. Developing the Policy on When to Revisit a Property That Was Not Designated in the Past as a Landmark
2. List of Properties That Have Been Previously Reviewed for Landmarking
3. Letter to Properties

Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman questioned whether the Council would be interested in putting together a policy for property owners that had been considered but were never designated landmarks. This program would be voluntary. Director Bergman suggested that the trigger to send the invitation be a change in ownership. He provided an updated list of approximately 97 properties.

Mr. Randolph suggested that the letter be written and sent by the Mayor.

Council President Pro Tem Lindsay and Mayor Moore thought this was a good idea. Council Member Cooney did as well but was hesitant about a policy or a guideline at this time. He was uncomfortable approving this concept and allowing it to go to the Landmarks Preservation Commission. He was supportive of a letter being sent by the mayor. Council Member Cooney was also comfortable with the Town Council being involved in the process, as discussed. Council Member Araskog agreed that it should be a voluntary process for new owners and that the mayor should send the letter. She suggested that the Council review about 5 per month. Council President Zeidman agreed that this policy should be for new property owners.

D. **2023/2024 Designation Dates**

Wayne Bergman, Director of Planning, Zoning and Building

Council President Zeidman wondered if setting a day aside for designation hearings would be possible. Director Bergman suggested picking one day in April for particularly time-consuming designation hearings. However, when a property owner was willing and ready to be designated, that hearing could occur on any agenda. Council Member Cooney was opposed as he thought getting applicants to agree to one day would be difficult. Council Member Araskog was in favor of choosing one day. Council President Pro Tem Lindsay thought that those who may oppose a landmark designation might negatively influence those who may favor it, and for this reason, she thought it best to not have one day set aside. Council President Zeidman agreed with this, and the Council agreed to leave the process as is, with dissent from Council Member Araskog.

E. **Discussion Regarding Declaration of Use Agreement Templates**

Wayne Bergman, Director of Planning, Zoning and Building

Mr. Bergman suggested having a Declaration of Use Agreement prepared in advance to help save applicants and the Town Council some time in the future. He said the draft document needed further review and editing with Attorney Randolph. The draft template was created by merging numerous Declaration of Use Agreements together.

Mr. Randolph thought this was a good idea. Council Member Cooney supported this idea and thought this would bring more consistency into the review of applications and would create a stronger starting point that could eliminate potential issues. Council Member Araskog thought the template was a good idea but had suggestions for modifications. Council President Pro Tem Lindsay questioned whether this would apply to hotels and clubs and noted that this does not happen often. Council Member Araskog thought these templates could be used for various types of properties.

F. **Discussion Regarding Permit Time Extensions**

1. Notification to Neighbors
2. Administrative Extensions
3. Duration of Permits

Wayne Bergman, Director of Planning, Zoning and Building

Director Bergman presented information about permit time extensions. He stated that nothing in the code mandated a contractor to notify neighbors not adjacent to the subject property when a permit extension was requested. In addition, he would like to be able to give an extension of several weeks without having to send the contractor before the Town Council, and perhaps this could be codified. Mr. Bergman wanted to compare the Town's current permit durations to other communities and potentially modify them.

Council President Pro Tem Lindsay noted that there were still issues with supply chains due to the COVID-19 pandemic, particularly with custom homes. For this reason, she thought this was a good idea. Council Member Araskog thought that the amount of time extension should be flexible. Council Member Cooney liked the idea of notifying neighbors beyond just the abutting houses and supported the short-term extensions. He was concerned about the residents having construction fatigue. Council President Zeidman asked how they would know whether the neighbors had been notified.

Leigh Dunston, 282 Monterey Road, stated that at least five projects were happening on Monterey Road simultaneously and asked whether the neighbors could receive notice when the permit nears expiration so they could express their views about what they have observed. President Zeidman asked what could be done if these projects go longer than their permit allows. Mr. Randolph responded. Mr. Dunston stated that the current conditions do not allow people to peacefully enjoy their homes. He would like an opportunity to meet with Attorney Randolph and Mr. Bergman to help figure out a way to incentivize people to get their construction

projects to completion in a reasonable amount of time. Council President Pro Tem Lindsay asked if there was any legal way for the town to limit the number of permits on one street. Mr. Bergman would reach out to Mr. Dunston.

The consensus of the Town Council was to allow Mr. Bergman a short extension time, and to formalize the notice on notification to neighbors beyond those who are adjacent to the subject property.

G. **Review the Administrative Approval Policy for Landmarked Buildings**

Julie Araskog, Council Member

Council Member Araskog requested a hold be placed on staff approvals for two months and, instead, have the chair of the Landmarks Preservation Commission and the architect be present. Director Bergman reminded the Town Council that the approvals referred to as staff approvals for the Landmarks Preservation Commission were technically administrative approvals, which include the Town's consultants and the chair of the Landmarks Preservation Commission, Sue Patterson. Council Member Cooney stated that involvement by the Chair was defined in Chapter 54 of the Code. He stated that the Code already allowed an architect to be designated if the chair preferred not to be part of the review team. He thought any type of hold sounded too much like a moratorium. He did not believe that landmarked property owners should be singled out. He did not favor changing the staff approval process as he believed it works.

IX. **DEVELOPMENT REVIEWS**

A. **Variances, Special Exceptions, and Site Plan Reviews**

1. **Old Business**

- a. **ZON-22-021 (ARC-22-022) 160 SEAVIEW AVE (COMBO) – VARIANCES** The applicant, Coral Beach Corporation (Angela Feldman, President) and Seaview Holdings, Inc. (David Feldman, Director), has filed an application requesting Town Council review for variances to exceed the point of measurement elevation higher than allowed to be measured from and to reduce the required street side yard setback for a new guest house on combined parcels at 160 and 170 Seaview Avenue. ARCOM will perform design review of the application. This item shall be deferred pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

- b. **ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO) - VARIANCES** The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval Variances (1) to exceed the maximum amount of lot coverage, (2) to exceed the maximum amount of Cubic Content Ratio (CCR),

(3) to exceed the maximum allowable building height, and (4) to exceed the maximum allowable overall building height, in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new clerestory. The Architectural Commission will perform design review of the application. This item shall be deferred pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

- c. **ZON-23-063 (ARC-23-039) 599 S COUNTY RD (COMBO) – VARIANCES** The applicant SAS Realty Enterprises LLC (Greg Simonian, President), has filed an application requesting Town Council review and approval for a variance to exceed the maximum overall building height, as part of the construction of a new two-story single-family dwelling. The Architectural Commission shall perform design review of the application. This item shall be withdrawn, variance no longer needed.

Please note: This item was withdrawn at the Approval of the Agenda, Item V.

- d. **ZON-23-059 (ARC-23-063) 1265 N LAKE WAY (COMBO)– SITE PLAN REVIEW** The applicant, 1265 N Lake Way LLC (Maura Ziska, Manager), has filed an application requesting Town Council Site Plan Review for development of single-family dwelling on a lot deficient in lot width in the R-B zoning district. The Architectural Commission shall perform design review of the application. This item shall be deferred pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

- e. **ZON-23-054 (ARC-23-064) 1473 N OCEAN BLVD (COMBO) – VARIANCES** The applicants, William C. Powers & Marianne Elaine Elmasri, have filed an application requesting Town Council review and approval for (2) variances from (1-2) north and southside setback requirements. The Architectural Commission shall perform design review of the application. This item shall be deferred, pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

- f. **ZON-23-086 (ARC-23-088) 292 ORANGE GROVE RD (COMBO) – VARIANCE** The applicants, Stephen and Kerri Meyers, have filed an application requesting Town Council review and approval for (1) variance to exceed the maximum Cubic Content Ratio (CCR) for the construction of a new two-story single-family residence. The Architectural Commission shall perform the design review component of the application. This item shall be deferred pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

2. New Business

- a. **ZON-23-068 (ARC-23-090) 206 CARIBBEAN RD (COMBO) - SITE PLAN REVIEW** The applicant, Walter Wick, has filed an application requesting Town Council review and approval for Site Plan Review to allow development of a new single-family residence on a platted nonconforming parcel deficient in lot width and lot area required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application. This item shall be deferred pending Architectural Commission action.
Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.
- b. **ZON-23-070 (ARC-23-092) 217 BAHAMA LN (COMBO) - SITE PLAN REVIEW** The applicant, James and Sarah McCann, have filed an application requesting Town Council review and approval for Site Plan Review for the construction of new two-story single-family residence on a non-conforming platted lot which is 90 feet in depth in lieu of the 100-foot minimum depth required in the R-B Zoning District. The Architectural Commission shall perform the design review component of the application. This item shall be deferred pending Architectural Commission action.
Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.
- c. **ZON-23-077 (ARC-23-108) 162 E INLET DR (COMBO) - VARIANCE** The applicants, David and Jill Shulman, have filed an application requesting Town Council review and approval for a variance to (1) exceed the maximum allowable Cubic Content Ratio (CCR) for the construction of enclosed additions and a rear awning to the single-family residence. The Architectural Commission shall perform the design review component of the application. This item shall be deferred pending Architectural Commission action.
Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.
- d. **ZON-23-084 (ARC-23-109) 600 TARPON WAY (COMBO) — SPECIAL EXCEPTION AND VARIANCES** The applicants, Frank and Annie Falk, have filed an application requesting Town Council review and approval for 7 variances, including (1-2) for building height plane reductions, (3- 6) to locate mechanical equipment within the front yard, (7) to exceed maximum site wall height within the front yard, and a Special Exception for reduced vehicular gate setbacks on a dead-end street, for the construction of a new two-story single-family residence over 10,000 SF and sitewide landscape and hardscape improvements. The Architectural Commission shall perform the design review component of the

application. This item shall be deferred pending Architectural Commission action.

Please note: This item was deferred to the October 11, 2023, meeting at the Approval of the Agenda, Item V.

B. Time Extensions and Waivers

1. Waiver of Town Code Section 18-237, For Building Permit Extension at 2320 S Old Ocean Blvd.

Wayne Bergman, Director of Planning, Zoning and Building Department, described the building permit extension request.

Council Member Cooney declared a conflict of interest because the applicant was his former employer. He left the room during the discussion.

Joshua Berkoff, Berkoff Builders, LLC, spoke on behalf of Lawrence Moens. He stated that he had sent out notices to all neighbors and had received no complaints. He stated that the owner had changed the plan, and there were some supply delays. He requested another extension of one year.

Mayor Moore confirmed with Mr. Berkoff that this was his second time requesting an extension. Council President Pro Tem Lindsay recommended an extension of 32 weeks. Council Member Araskog suggested they continue working until the season starts by Thanksgiving, then break during the season, and resume on April 1. This would give the neighbors a break during the season prior to the contractor resuming work.

Motion made by Council Member Araskog and seconded by Council Member Zeidman to grant an extension of 32 weeks, with the condition that the contractor shall be allowed to work until the Monday before Thanksgiving and shall not resume work until April 1, 2024. Motion carried unanimously, 4-0.

2. Waiver of Town Code Section 18-237, For Building Permit Extension at 250 Algoma Rd

Wayne Bergman, Director of Planning, Zoning and Building Department, described the building permit extension request.

Travis Radak spoke on behalf of Mark Radak of Lauren Mar Builders and requested a 3-month extension to finish the project and close out permits. Council President Pro Tem Lindsay noted that the permit expired in June and asked why it took this long for him to request the extension. The applicant responded that he was not notified that the permit had expired and was unaware that there was a set expiration date. She was concerned that this extension would overlap with the upcoming season. Council Member Cooney noted that other work would still be occurring on this property during the season due to a second permit being active until 2024, so he did not believe that not extending this permit would affect the neighbors much. Council Member Araskog stated that she was inclined to grant this approval so long as the street was not obstructed, and all cars parked on the property.

Motion made by Council Member Araskog and seconded by Council Member Crampton to grant an extension of 3 months provided that all cars for interior and exterior work shall park on the property. Motion

carried unanimously, 5-0.

X. ANY OTHER MATTERS

Council President Zeidman thanked staff members, the BIS team, and the Town's IT Department for being present to make sure the meeting went smoothly utilizing the new technology.

XI. ADJOURNMENT

Motion made by Council President Pro Tem Lindsay and seconded by Council Member Cooney to adjourn the meeting at 4:47 p.m. Motion carried unanimously, 5-0.

APPROVED:

Margaret A. Zeidman, Town Council President

ATTEST:

Kelly Churney, Acting Town Clerk
Date: _____