



# TOWN OF PALM BEACH

Minutes of the Development Review

Town Council Meeting

Held on February 14, 2024

I. [CALL TO ORDER AND ROLL CALL \(00:46\)](#)

The Development Review Town Council Meeting was called to order on February 14, 2024, at 9:32 a.m. On roll call, all elected officials were found to be present.

II. [INVOCATION AND PLEDGE OF ALLEGIANCE \(01:08\)](#)

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

III. [COMMENTS OF MAYOR DANIELLE H. MOORE \(01:54\)](#)

Mayor Moore reminded the community that beeping horns does not contribute to the community's peace. She added a reminder that a valid driver's license was needed to operate a dirt bike or a golf cart.

IV. [COMMENTS OF TOWN COUNCIL MEMBERS \(08:18\)](#)

Council Member Araskog reminded everyone to drive slower and obey the speed limit.

Council Member Cooney thought there was a need for Code Enforcement to step up in the commercial districts, especially with the sandwich boards that were increasing in these areas. Mayor Moore had received complaints about the restaurants in the 300 block of Peruvian Avenue. Council Member Araskog thought Code Enforcement also needed to look at balloon displays.

Council President Zeidman spoke about the traffic study and the items that were missing from the study, including future data and the development in West Palm Beach and Palm Beach. She suggested that the Town Council speak with the Chief of Police about an ordinance addressing the people's lack of clothing when leaving the beach and walking through the Town. She also asked Mr. Bergman if he could produce a map of the major construction sites that would allow Code Enforcement to visit the sites twice a day.

V. COMMUNICATIONS FROM CITIZENS – 3-MINUTE LIMIT, PLEASE (16:17)

KT Catlin, 265 Fairview Road, asked the Town Council to consider recent discussions about the comprehensive plan, codes, traffic studies, and proposed projects when asked to approve agenda items. She said residents wanted the zoning codes and the comprehensive plan enforced.

Clay Lifflander, 2770 S. Ocean Avenue, opposed the proposed text amendment for the Palm Beach Ambassador. He believed the development would increase density in the Town.

Barry Esrig, 2580 S. Ocean Blvd., opposed the proposed text amendment for the Palm Beach Ambassador.

VI. APPROVAL OF AGENDA (24:31)

**A motion was made by Council Member Cooney and seconded by Council President Pro Tem Lindsay to approve the agenda as amended. The motion was carried unanimously, 5-0.**

VII. CONSENT AGENDA (30:10)

- A. **ZON-23-068 (ARC-23-090) 206 CARIBBEAN RD. (COMBO)—SITE PLAN REVIEW(32:50)** 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. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved this project 7-0 with conditions.]*

**A motion was made by Council Member Cooney and was seconded by Council President Pro Tem Lindsay to approve Site Plan Review No. ZON-23-068, as said applications, meet the criteria set forth in Sections 134-229 and 134-329, respectively, of the Town Code and finding based upon the finding that approval of the site plan will not adversely affect the public interest and 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. The motion was carried unanimously, 5-0.**

- 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. *[The Architectural Review Commission approved this project 4-3.]*

***This item was pulled from consent and heard under X.A.1.***

- C. **ZON-24-029 230 ROYAL PALM WAY – SPECIAL EXCEPTION AND VARIANCE** The applicant, Flagstar Bank, has filed an application requesting Town Council review and approval for a (1) Special Exception for

a bank and a Site Plan Review for a use greater than 2,000 SF in the C- OPI zoning district for first floor and third floor in an existing four-story office building. Additionally, a Variance is being requested to not provide the 6 additional parking spaces required as a change of use from office space to banking space.

*This item was pulled from consent and heard under X.A.1.*

- D. **ZON-24-030 400 ROYAL PALM WAY, SUITE 100 and 300—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** The applicant, Citizens Bank NA, has filed an application requesting Town Council review and approval for a (1) Special Exception for a bank and a Site Plan Review for a use greater than 2,000 SF in the C-OPI zoning district for first floor and previously approved third floor in an existing four- story office building. Additionally, a Variance is being requested to not provide 2 additional parking spaces required as a change of use from office space to banking space.

*This item was pulled from consent and heard under X.A.1.*

- E. **ZON-24-032 250 BRADLEY PL – VARIANCE(S)** The applicant, Lake Towers Condo and Andrew Schilling, has filed an application requesting Town Council review and approval of the installation of a boatlift requiring (2) variances, (1) to encroach into the north side setback and (2) for a boat lift projection further than 150’ from land.

*This item was pulled from consent and heard under X.A.1.*

#### **VIII. REGULAR BUSINESS**

- A. **[Society of the Four Arts, Inc., Comprehensive Plan Amendments / Zoning Code Amendments - Review & Feedback \(1:58:07\)](#)**  
**TIME CERTAIN 11:30 AM**

Harvey Oyer, the attorney for the applicant, presented the proposed amendments and requested the Town Council’s feedback.

Mr. Bergman discussed the proposed changes to the Code. He thought the three stories by right and four stories by request were two items for discussion.

Council Member Cooney provided feedback on the proposed changes. He expressed concerns about some of the requests.

Council Member Araskog was against moving forward with the item. She provided feedback on the proposed changes.

Council Member Crampton supported moving the changes forward to the Planning and Zoning Commission for review. He recognized the benefits that the Society of the Four Arts brought to Palm Beach.

Council President Pro Tem Lindsay thought the applicant was asking for a lot. She provided feedback on the proposed changes. She mentioned the size and frequency of events and restaurant hours and was concerned about the intensification of use.

Mayor Moore supported the proposal but agreed that the changes suggested by Town Council members were valid. She thought the applicant should make changes based on the discussion.

Council President Zeidman thought the new cultural district was needed. She agreed with the changes presented by her fellow members. She asked Mr. Oyer about why the changes were brought to the Town Council at this time before the changes to the code.

Council Member Crampton wondered if any changes were proposed for the Lake Trail. Mr. Oyer responded.

Council President Zeidman called for public comment.

The following individuals spoke in favor of the changes:

Patrick Henry, 630 Crest Road  
John Koch, 100 Royal Palm Way  
Bob Guthrie, 140 El Mirasol  
Barry Hoyt, 133 Banyan Road  
Robert Forbes, 171 Clarke Avenue  
Rick McIntosh, N. Lake Way  
Dr. Phillip Rylands, President and CEO of the Four Arts  
Bob Donnelley, 190 Via Palma  
Christina Aylward, 117 Casa Bendita

Council Member Cooney recommended Mr. Oyer look at the requirements of the sculpture garden during the revisions.

*Clerk's note: A lunch break was taken at 1:31 p.m. The meeting resumed at 2:06 p.m.*

B. [Palm Beach Ambassador Fee Borrower LLC - Zoning Code Amendments - Review & Feedback \(5:37:20\)](#)

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

Ken Miller, Oko Group, presented opening comments and gave a brief overview of the Oko Group. Nelo Freijomel, with Spina O'Rourke Architects, presented the architectural plans for the commercial buildings. Harvey Oyer, the applicant's attorney, discussed why the applicant was seeking the path of a zoning text amendment.

Council Member Araskog was not in favor of the text amendment.

Council Member Cooney thought a community-based approach was needed to determine the neighborhood's best interests. He thought the zoning code review, led by ZoneCo, was the best approach. Council Member Crampton agreed.

Mr. Oyer stated that a green roof would need a text amendment. He urged the Town Council to consider a change to rooftop use.

Council President Pro Tem Lindsay agreed with Council Members Cooney

and Crampton.

Council Member Cooney understood the need for different uses and stated he would keep an open mind during the Code Review.

Council President Zeidman called for public comment.

The following individuals voiced concern and/or objections to the changes:

Ronald Matzner, 3120 S. Ocean Blvd., on behalf of the Citizens Association of Palm Beach

Gerald Heller, 2770 S. Ocean Blvd.

Ellen Howe, 2295 S. Ocean Blvd.

Joanne Sorkin, 2770 S. Ocean Blvd.

Dick Kleid, 2660 S. Ocean Blvd., was pleased that his condominium was getting communication.

Council Member Araskog clarified why she did not support the text amendment.

**The Town Council's consensus was not to support the Zoning Text Amendment.**

C. [Tutto Mare Revised, Amended & Restated 1979 Agreement \(34:04\)](#)

Jamie Crowley, the attorney for the applicant, stated the declaration of use was completed last month, had been revised and submitted to staff. He said all developments approved since the 1979 agreement was originally enacted were captured, and a parking baseline was established for the entire facility. When the application was approved, 220 seats in the restaurant were requested, but the applicant was asking for 200 seats. He stated that the applicant was trying to reserve the already approved 20 seats in connection to the theater. That was specifically outlined in the amended and restated agreement approved in 2022. Two of those spots were removed because when Marissa Collections was approved, the office was converted to retail, which required additional parking. The applicant was trying to restore seven seats while taking away two allocated to Marissa Collections. Mr. Crowley said the Town Council had previously approved all of this. Mr. Crowley noted that no parking spaces were being taken away. He said referrals to seats were appropriate because seats trigger the number of required parking spaces.

Mayor Moore was supportive but was not keen on the previous approvals from past Town Councils. She acknowledged it was necessary to work with what existed.

Mr. Bergman provided staff comments.

Council Member Cooney thought this parking plan underparked the site. He did not endorse the request.

Council Member Araskog stated she was opposed to the request. She did not understand how parking spaces could be returned when there was already a shortage of parking.

Council Member Crampton said the applicant would be held accountable for managing the site.

Council President Zeidman asked about remediation. Mr. Crowley said the applicant must return to the Town Council one month after a violation. The Town Council would have the right to request corrective measures. If the violations continued, the Town Council could invalidate the agreement and remove some of the initial rights granted.

James Murphy, Assistant Director of Planning, Zoning, and Building stated that he and Mr. Bergman had looked more stringently at the applications to identify concerns. He recommended the Town Council pay attention to the staff's concerns regarding future applications.

Council Member Cooney disagreed and thought the Town Council could have been tougher, knowing the project would create more intensity.

Council President Pro Tem Lindsay clarified the request.

Council President Zeidman called for public comment.

Anne Pepper, 333 Seaspray Avenue, thought a remediation plan was needed.

Dena Spudnuts, 44 Cocoanut Row, discussed the current issues with the parking lot, including large trucks making early morning deliveries.

**A motion was made by Council Member Crampton and was seconded by Council President Pro Tem Lindsay to approve the revised and restated 1979 agreement for Tutto Mare. The motion was carried by a vote of 3-2, with Council Member Araskog and Council Member Cooney dissenting.**

D. [Discussion on Staff-Initiated Draft Zoning Text Amendments – Screening Walls / Mechanical Equipment and Docks \(1:03:59\)](#)

Mr. Bergman stated the Town Council was asked to review proposed changes to the Zoning Code sections related to mechanical equipment and docks. Staff was directed to review and propose changes to the code to primarily remove the need for zoning variances relating to screening wall height when FEMA required mechanical equipment to be raised and the multiple variances required for new docks and dock expansions. The staff had taken the liberty to clean up some language in the code that had proved problematic.

Council Member Cooney favored raising a wall to attenuate sound and mitigate impact to neighbors. He supported removing the requirement for pool equipment.

Council Member Araskog provided her feedback on the text amendments. She liked the idea of enclosures but thought specific guidelines should be developed. She suggested leaving the decisions to the Architectural Commission (ARCOM). She did not think landscaping requirements were adequate.

Council President Pro Tem Lindsay agreed with raising the walls.

Council President Zeidman thought the wall and the hedge should include



the requirements to screen equipment.

Mr. Bergman discussed the changes regarding docks.

Mr. Murphy further discussed the increase in variances for docks since the ordinance changed in the last few years.

Bradley Falco, Design & Preservation Planner, explained the proposed changes to the Code regarding docks.

Council Member Cooney thought the proposed language would resolve the issues. He suggested capturing in the language that a structure could not extend over the water. He asked Council President Pro Tem Lindsay about the new platform docks being used in Town. She explained it looked more like a platform than a dock and was a nice feature.

Council Araskog wondered if staff could send an application to the Town Council if they thought it inappropriate, to which Mr. Murphy provided confirmation.

Council President Zeidman called for public comment.

Maura Ziska, an attorney in the Town, supported the change to the language relating to docks.

E. [Zoning in Progress – Restaurants, Bars, Night Clubs, Lounges and Private Clubs \(6:53:00\)](#)

Council President Zeidman stated that zoning in progress should be used when there was a problem and should not be used unless there was a problem with supporting data. She noted that no data supported zoning in progress for restaurants in the evening. The data showed that there were no traffic issues during evening hours. She suggested the Town Council review the Special Exception list and use it more. She reviewed tools available to the Town Council for protecting the town.

Council Member Araskog asked Ms. O'Connor to explain the difference between an applicant approaching the Town Council under zoning in progress (ZIP) versus a special exception. Ms. O'Connor explained. Council Member Araskog thought denying requests under a zoning in progress would be better. Ms. O'Connor said that may be true, but the Town Council would have to be cautious about the reasons for allowing some applicants to be exempted from the ZIP and not others.

Council President Pro Tem Lindsay said the comprehensive plan was clear that intensifying existing uses or intensification on a block were not desired. She noted that zoning in progress could always be put into place. She did not want to alienate businesses but would prefer they take part in finding solutions.

Council Member Crampton thought implementing zoning in progress would be too much at this time. He said every proposal was presented to the Town Council and could be controlled on a case-by-case basis.

Council Member Araskog noted that the lunchtime hours also present problems.

Council President Zeidman called for public comment.

Anne Pepper, 333 Seaspray Avenue, supported approving zoning in progress.

**The Town Council's consensus was not to support the renewal of the zoning in progress.**

## IX. RESOLUTIONS

- A. [A resolution to landmark the property at 2505 S. Ocean Blvd., known as The President of Palm Beach Condominium. \(1:40:14\)](#)

**RESOLUTION NO. 012-2024:** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As **2505 S. Ocean Blvd.** Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach, And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. *The property owners are in support of this designation. The Landmarks Preservation Commission voted 5-2 to recommend the property for designation as a landmark.*

Ex-parte communications were disclosed.

Janet Murphy, with MurphyStillings, presented background information on the project and historical information on the property. She outlined how the property met Criteria 1, 3, and 4 for Landmark Designation.

Ms. Churney, Acting Town Clerk, provided proof of publication.

Steve Darlington, 2505 S. Ocean Blvd., spoke in support of the designation.

**A motion was made by Council Member Cooney and was seconded by Council President Pro Tem Lindsay to make the designation report part of the record. The motion was carried unanimously, 5-0.**

Council Member Cooney complemented Ms. Murphy on her report. He thought the history provided was valuable.

Friederike Mittner, Design & Preservation Manager, spoke in support of the request.

**A motion was made by Council Member Araskog and seconded by Council Member Crampton to adopt Resolution No. 012-2024, designating the property at 2505 S. Ocean Boulevard as a landmark of the Town of Palm Beach on the basis that it meets criteria Numbers 1, 3 and 4 of Section 54-161 of the Town of Palm Beach Code and in the Landmarks Preservation Ordinance No. 2-84. The motion was carried unanimously, 5-0.**

- B. [A resolution to landmark the property at 262 Sunset Ave. \(6:41:31\)](#)

**RESOLUTION NO. 148-2023:** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As **262 Sunset Ave.** Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach. *The property owner is opposed to this designation. The Landmarks Preservation Commission voted*



7-0 to recommend the property for designation as a landmark.

Council President Zeidman stated that the owner's attorney asked to defer the resolution for one month.

**A motion was made by Council Member Cooney and was seconded by Council President Pro Tem Lindsay to defer the resolution to the meeting on March 13, 2024. The motion was carried unanimously, 5-0.**

C. [A request for tax abatement at 137 Seaspray Ave. \(6:42:55\)](#)

**RESOLUTION NO. 022-2024:** A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions for the Property Hereinafter Described and Stating that the Subject Property Meets the Criteria Set Forth in Chapter 54, Article V of the Code of Ordinances of the Town of Palm Beach, Relating to Landmarks Preservation and Titled "Tax Exemptions."

There was no presentation on this item. The Town Council reviewed the item and felt comfortable with approval.

**A motion was made by Council Member Cooney and was seconded by Council Member Araskog to approve Resolution No. 022-2024. The motion was carried unanimously, 5-0.**

X. DEVELOPMENT REVIEWS

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

1. **Matters Pulled From Consent If Needed**

- A. [ZON-23-070 \(ARC-23-092\) 217 BAHAMA LN \(COMBO\) - SITE PLAN REVIEW \(6:43:50\)](#) 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. *[The Architectural Review Commission approved this project 4-3.]*

Council Member Cooney declared ex parte communication.

Maura Ziska, the attorney for the applicant, outlined the zoning requests and provided an overview of the project. Roger Janssen with Dailey Janssen Architects presented the architectural plans for the project.

**A motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Site Plan Review No. ZON-23-070, as said applications meet the criteria set forth in sections 134-229 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. The motion was carried unanimously, 5-0.**

- B. [ZON-24-029 230 ROYAL PALM WAY – SPECIAL EXCEPTION AND VARIANCE \(6:48:33\)](#) The applicant, Flagstar Bank, has filed an application requesting Town Council review and approval for a (1) Special Exception for a bank and a Site Plan Review for a use greater than 2,000 SF in the C- OPI zoning district for first floor and third floor in an existing four-story office building. Additionally, a Variance is being requested to not provide the 6 additional parking spaces required as a change of use from office space to banking space.

Council Member Cooney declared ex parte communication.

Maura Ziska, the attorney for the applicant, outlined the zoning requests and provided an overview of the project.

**A motion was made by Council Member Cooney and seconded by Council Member Crampton to approve Special Exception No. ZON-24-029, as said applications meet the criteria set forth in sections 134-229 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. The motion was carried unanimously, 5-0.**

**A motion was made by Council Member Cooney and seconded by Council Member Crampton that Variance No. ZON-24-029 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7, have been met. The motion was carried unanimously, 5-0.**

- C. [ZON-24-030 400 ROYAL PALM WAY, SUITE 100 and 300 - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE \(1:55:09\)](#) The applicant, Citizens Bank NA, has filed an application requesting Town Council review and approval for a (1) Special Exception for a bank and a Site Plan Review for a use greater than 2,000 SF in the C-OPI zoning district for first floor and previously approved third floor in an existing four- story office building. Additionally, a Variance is being requested to not provide 2 additional parking spaces required as a change of use from office space to banking space.

Maura Ziska, the applicant's attorney, outlined the zoning requests and provided an overview of the project.

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

There was no ex parte communication disclosed.

**A motion was made by Council Member Araskog and was seconded by Council Member Cooney that Variance No. ZON-24-030 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A) items 1 through 7 have been met. The motion was carried unanimously, 5-0.**

**A motion was made by Council Member Cooney and was seconded by Council Member Crampton that Special Exception & Site Plan Review No. ZON-24-030 be approved as said applications meet the criteria set forth in sections 134-229 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. The motion was carried unanimously, 5-0.**

*Clerk's note: A short break was taken at 11:29 a.m. The meeting resumed at 11:40 a.m.*

- D. **ZON-24-032 250 BRADLEY PL – VARIANCE(S) (6:51:25)** The applicant, Lake Towers Condo and Andrew Schilling, has filed an application requesting Town Council review and approval of the installation of a boatlift requiring (2) variances, (1) to encroach into the north side setback and (2) for a boat lift projection further than 150' from land.

There were no ex-parte communications declared.

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

**A motion was made by Council Member Cooney and was seconded by Council Member Crampton that Variance No. ZON-24-032 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7, have been met. The motion was carried unanimously, 5-0.**

*Clerk's note: A short break was taken at 5:31 p.m. The meeting resumed at 5:38 p.m. Council Member Araskog and Mayor Moore left at 5:31 p.m.*

## **2. Old Business**

- a. **ZON-23-077 (ARC-23-117) 162 E INLET DR. (COMBO) - VARIANCE (7:13:41)** 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. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Architectural Review Commission approved this project. Motion carried, 5-2.] At the December 13, 2023, Town Council Meeting, the project variance was denied. At the January 10, 2024, Town Council Meeting, a motion to reconsider the above-mentioned project was approved. Therefore, this project will be reheard.*

Council Members Cooney, Crampton, Council President Pro Tem Lindsay, and Council President Zeidman declared ex parte communication.

M. Timothy Hanlon, the applicant's attorney, outlined the zoning

requests and provided an overview of the project.

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

Council Member Cooney stated after visiting the site, he supported the request.

**A motion made by Council Member Cooney and seconded by Council Member Crampton that Variance No. ZON-23-077 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. The motion was carried unanimously, 4-0.**

- b. [ZON-23-109 \(COA-23-040\) 134 EL VEDADO RD \(COMBO\) - VARIANCE \(5:35:31\)](#) The applicants, Elizabeth and Jeffrey Leeds, have filed an application requesting Town Council review and approval for (1) Variance to provide vehicle queuing space deficient in depth between the driveway gate and edge of roadway. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact on the subject landmark property. Motion carried, 7-0.] [The Landmarks Commission approved the project. Motion carried, 7-0.] Applicant is prepared to request a deferral of this item at the meeting.*

Chris Simon, with Nievera Williams Design, stated that the applicants requested a one-month deferral and discussed the reasons for the deferral.

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

**A motion was made by Council President Pro Tem Lindsay and was seconded by Council Member Cooney to defer the project to the March 13, 2024, meeting. The motion was carried unanimously, 5-0.**

- c. [ZON-23-072 \(ARC-23-094\) 247-251 WORTH AVE \(COMBO\) - SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES \(3:48:46\)](#) The applicant, Holbrook Real Estate LLC, has filed an application requesting Town Council review and approval for three (3) Special Exception requests, (1) for permitted use (retail) over 4,000 SF of leasable area in the C-WA zoning district, (2) for a second floor in the C-WA zoning district, and (3) for a third story as a Special Allowance in accordance with the Worth Avenue Design Guidelines. Additionally, the applicant is requesting Site Plan Review for a building with additions greater than 2,000 SF. The applicant is also requesting six (6) Variance requests: (1) to exceed the maximum lot coverage of 69% in lieu of the 35% maximum allowed for the second floor using the Worth Avenue Design Guidelines for a 2nd story addition, (2) to not provide the required 27 parking spaces for new commercial and residential additions, (3) to not provide the required 25% landscape open space to have 5% open space for a three-story building, (4) to not provide the required on-site loading space, (5) to allow residential

uses above the second floor mercantile/office space, and (6) to exceed the maximum floor area of 15,000 SF to allow a structure with +/- 18,250 SF, in conjunction with a new two-story addition to an existing one-story commercial building on a site with two existing one and two-story buildings. The Architectural Commission will perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 5-1.] [The Architectural Review Commission approved this project with items to return to February 28, 2024, ARCOM meeting. Motion carried, 4-2.] [The Architectural Review Commission made an affirmative finding that the subject redevelopment project is consistent with the adopted urban design goals for Worth Avenue, the MID Avenue Development Area objectives, and more specifically the criteria for approval for granting the Special Allowances for the third floor, as identified within the adopted Worth Avenue Design Guidelines. Motion carried/supported, 4-2.]*

**TIME CERTAIN 2:00PM**

Council Members Araskog, Cooney, Crampton, Council President Pro Tem Lindsay, and Council President Zeidman declared ex parte communication.

Maura Ziska, the attorney for the applicant, outlined the zoning requests and provided an overview of the project. Roger Janssen, with Dailey Janssen Architects, presented the architectural plans for the project.

Council President Pro Tem Lindsay asked about the front elevation design. Mr. Janssen responded.

Mr. Bergman provided staff comments. He noted ARCOM approved the project. The project was an intensification of the site's current use, building size, and height.

Council Member Araskog explained her concerns about the request.

Council President Zeidman called for public comment.

Anne Pepper, 333 Seaspray Avenue, asked about the allowances for Ralph Lauren. Mr. Murphy responded.

Maisie Grace, 247 Seaspray Avenue, expressed concern about the proposed application. She mentioned parking and the intensification of use.

Council President Pro Tem Lindsay asked if the employees would be parking in the Apollo Parking Lot. Ms. Ziska responded, yes.

Mary Hilliard, 325 S. Lake Drive, was concerned about a request to waive 27 parking spaces.

Aimee Sunny, Preservation Foundation of Palm Beach, weighed in on the architecture and the design details. She thought the design improvements were significant and positive. She thought everyone needed to see renderings on Worth Avenue that clearly show the building from different views.

Council President Zeidman asked for more renderings of the street view.

Mr. Murphy clarified the proposed uses for the second and third floors. He said the Worth Avenue Design Guidelines state that all uses above the first floor shall be residential. The variance is being sought to allow the residents to be only on the third floor.

Barry Kean, 400 S. Ocean Blvd., expressed concern about the proposed application.

Council Member Araskog asked Ms. Sunny about her recommendation. Ms. Sunny stated that the Town Council should see a rendering of the building further down the street to determine how the building will look.

A representative from Brioni spoke about the need for additional space for an on-site tailor.

Sarah Cecil, 330 Cocconut Row, expressed concern about the proposed application. She wanted to know where construction vehicles would be parked.

Robert Rosinski, representing the owners of 237 and 243 Worth Avenue, provided comments supporting the request.

Jane Holzer, owner of the building and parking lot, stated that there were very few vehicles parked starting in May, June, and July. She also referred to a building across the street with commercial and residential on the second floor.

Mayor Moore confirmed that most places on Worth Avenue would have parking issues.

Council President Zeidman asked how many parking spaces would be needed according to the code. Mr. Murphy said parking regulations require one space for every 200 square feet of retail space. The 5,000 sq ft of commercial space yielded a 25-parking space requirement.

Council Member Araskog asked staff if this request was an intensification in use. Mr. Bergman stated it was an intensification. Council Member Araskog believed that the Town Council should consider the views recommended by Ms. Sunny.

Alice Howard, 2295 S. Ocean Blvd., expressed concern about the proposed application.

**A motion was made by Council Member Araskog and seconded by Council Member Crampton to defer the request for one month to allow the Architectural Commission to weigh in on the plans and obtain renderings of different street angles. The motion died for lack of a second.**

**A motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Variance No. ZON-23-072 be approved, with a condition relating to a utility easement as well as the following conditions: the applicant must obtain a parking agreement with the Apollo Parking Lot allocating the 27 parking spaces, all construction**



vehicles must park in the Apollo Parking Lot, the applicant will present additional renderings to the Architectural Commission that show the building from different perspectives on Worth Avenue, and potted plants will be added to the landscaping at the front of the building, and find in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met and providing that the property owner did voluntarily commit that prior to the issuance of a building permit to either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures a recorded easement will be granted, if necessary, to underground utilities in the area. The motion was carried 3-2, with Council Members Araskog and Cooney dissenting.

A motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay to approve Special Exception and Site Plan No. ZON-23-072, as said applications meet the criteria set forth in sections 134-229 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. The motion was carried 3-2, with Council Members Araskog and Cooney dissenting.

Anita Seltzer, 44 Cocoanut Row, expressed her disappointment that the Town Council approved an item contrary to the Town's Comprehensive Plan.

- d. [ZON-23-118 \(ARC-23-140\) 2278 IBIS ISLE RD \(COMBO\) – VARIANCE \(7:20:48\)](#) The applicant, Angel Arroyo, has filed an application requesting Town Council review and approval for a Variance (1) to eliminate the required garage enclosure for two vehicles in the R-B district. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 5-2.] [The Architectural Review Commission approved this project with conditions. Motion carried, 5-2.]*

Council Members Cooney, Crampton, Council President Pro Tem Lindsay, and Council President Zeidman declared ex parte communication.

Kyle Fant, with Bartholemew + Partners, presented the architectural plans for the project. Dustin Mizell, with Environment Design Group, presented the landscape and hardscape plans for the project.

Council President Zeidman called for public comment.

Lawrence Kaplan, 2299 Ibis Isle Road, representing many surrounding neighbors, stated there was no hardship for the requested variance. He discussed his concern for safety with the limited visibility due to on-street parking.

Council Member Crampton supported the neighbors' concerns and did

not support the variance.

Council Member Cooney asked about the removal of the garage. Mr. Fant outlined the interior space gained with the garage's removal. Council Member Cooney also did not support the variance.

Angel Arroyo, 215 S. County Road, discussed why he was requesting the garage removal.

Council President Zeidman asked about building the garage at the rear of the property. Mr. Fant responded.

Council President Pro Tem Lindsay asked about removing the screened porch. Mr. Fant said they would lose the backyard if they removed the screen porch.

Mr. Kaplan stated that the Architectural Commission suggested adding a curb cut in the rear of the property so they could access the garage in the rear of the property.

**A motion was made by Council Member Crampton and seconded by Council President Pro Tem Lindsay that Variance No. ZON-23-118 be denied for the reason that the application does not meet the criteria set forth in Section 134-201 (a), items 1 through 7. The motion was carried unanimously, 4-0.**

- e. **ZON-24-009 (ARC-23-167) 350 SEABREEZE AVE (COMBO) - SPECIAL EXCEPTION w/ SITE PLAN REVIEW & VARIANCE (7:43:40)** The applicant, Judith Goodman (Contract Purchaser, Justin Besikof / Rep. Maura Ziska), has filed an application requesting Town Council review and approval for (1) variance to not provide garage parking and a Special Exception with Site Plan Review for the redevelopment of an R-B lot deficient in area and width requirements with a new single-family residence and sitewide landscape and hardscape improvements. The Architectural Commission shall perform a design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Architectural Review Commission approved this project with conditions. Motion carried, 6-1.]*

Council Member Cooney and Council President Zeidman declared ex parte communication.

Maura Ziska, the attorney for the applicant, outlined the zoning requests and provided an overview of the project. Patrick Segraves, with SKA Architect + Planner, presented the architectural rendering of the project.

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

Council Member Cooney thought the application, which did not include a garage, was consistent with the neighborhood.

**A motion was made by Council Member Cooney and was seconded by Council President Pro Tem Lindsay that Variance No. ZON-24-009 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201**

(A), items 1 through 7 have been met. The motion was carried unanimously, 4-0.

A motion was made by Council Member Cooney and was seconded by Council President Pro Tem Lindsay that Special Exception and Site Plan Review No. ZON-24-009 be approved as said applications meet the criteria set forth in sections 134-229 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. The motion was carried unanimously, 4-0.

- f. **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 project shall be deferred to the March 13, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

***Please note: This item was deferred to March 13, 2024, meeting at the Approval of the Agenda, Item VI.***

- g. **ZON-23-105 (ARC-23-123) 1186 N OCEAN WAY (COMBO) - VARIANCES** The applicant, Martha Lee Johnson 2012 Exempt Trust (Stan Johnson), has filed an application requesting Architectural Commission review and approval for the design of a new two-story residence with sitewide landscape and hardscape improvements, requiring setback and separation distance variances for the location of the pool equipment and a variance to exceed allowable chimney height. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval. *[This project shall be deferred to the March 13, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

***Please note: This item was deferred to March 13, 2024, meeting at the Approval of the Agenda, Item VI.***

- h. **ZON-23-113 (ARC-23-145) 123 CHILEAN AVE (COMBO) - SPECIAL EXCEPTION AND VARIANCES** The applicant, Robert & Perri Bishop, has filed an application requesting Town Council review and approval for Special Exception to develop a parcel comprised of portions of platted lots which is deficient in minimum required lot width and lot area in the R-B district, and (3) Variances including (1 and 2) to reduce the required east and west side-yard setbacks and (3) to exceed the maximum permitted cubic content ratio (CCR) permitted, in conjunction with a new two-story single-family residence and one-story accessory cabana

structure. The Architectural Commission shall perform design review of the application. *[This project shall be deferred to the March 13, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

***Please note: This item was deferred to March 13, 2024, meeting at the Approval of the Agenda, Item VI.***

- i. **ZON-23-092 (ARC-23-052) 300 COLONIAL LN (COMBO) - VARIANCE(S)** The applicants, Dragana & Richard Connaughton, have filed an application requesting Town Council review and approval for seven (7) variances including (1-2) to construct an accessory slat house structure in the south rear-yard and west street side-yard setback, (3) to exceed maximum angle of vision, (4) to exceed maximum lot coverage, (5-6) to construct a new- single family residence with reduced one-story and two-story east side-yard setbacks, and (7) to exceed the maximum number of pieces of air-conditioning equipment permitted in the east side- yard setback. The Architectural Commission shall perform design review of the application. *[This project shall be deferred to the March 13, 2024, Town Council meeting pending review by the Architectural Review Commission.]*

***Please note: This item was deferred to March 13, 2024, meeting at the Approval of the Agenda, Item VI.***

### 3. New Business

- a. **ZON-23-076 (ARC-23-104) 1295 S OCEAN BLVD (COMBO) - SPECIAL EXCEPTION(S) AND VARIANCE (7:48:52)** The applicant, WEMIO LLC (Tom Waller, Chief Operating Officer), has filed an application requesting Town Council review and approval for two (2) special exceptions, (1) for the installation of a new tennis court and (2) for supplemental parking and one (1) variance for reduced tennis enclosure height. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Architectural Review Commission approved this project. Motion carried, 7-0.]*

Council Member Cooney declared ex parte communication.

Dustin Mizell, with Environment Design Group, presented the hardscape and landscape plans for the project.

Mr. Bergman provided staff comments.

Council Member Cooney asked to see a picture of the stabilized grass. Mr. Mizell showed the Town Council a photograph of the material.

**A motion was made by Council Member Cooney and was seconded by Council Member Crampton that Variance No. ZON-23-076 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A),**

items 1 through 7, have been met. The motion was carried unanimously, 4-0.

A motion was made by Council Member Cooney and was seconded by Council Member Crampton to approve Special Exception Use No. ZON-23-076, as said applications meet the criteria set forth in sections 134-229 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. The motion was carried unanimously, 4-0.

- b. [ZON-24-006 \(ARC-23-161\) 129 CHILEAN AVE \(COMBO\) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCE\(S\) \(7:53:34\)](#) The applicant, Ch1129 LLC (George Mykoniatis), has filed an application requesting Town Council review and approval of Special Exception with Site Plan review for development of an existing nonconforming parcel composed of portions of platted lots and (3) variances to (1-2) construct a new single-family residence within required east and west side-yard setbacks and (3) to forgo provision of required garage parking. The Architectural Commission shall perform design review of the application. *[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Architectural Review Commission approved this project. Motion carried, 7-0.]*

Council Member Cooney declared ex parte communication.

M. Timothy Hanlon, the applicant's attorney, outlined the zoning requests and provided an overview of the project. Kyle Fant, with Bartholomew + Partners, presented the architectural plans for the project.

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

A motion was made by Council Member Cooney and was seconded by Council Member Crampton that Variance No. ZON-24-006 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. The motion was carried unanimously, 4-0.

A motion was made by Council Member Cooney and was seconded by Council Member Crampton to approve Special Exception and Site Plan Review No. ZON-24-006, as said applications meet the criteria set forth in sections 134-229 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. The motion was carried unanimously, 4-0.

- c. [ZON-24-007 \(ARC-23-162\) 223 SUNSET AVE \(COMBO\) - SPECIAL](#)

**EXCEPTION AND VARIANCE (7:59:37)** The applicant, 223 SUNSET HOLDINGS LLC, has filed an application requesting Town Council review and approval for a modification to a previously approved Special Exception for shared on-site parking associated with a change of use from office to residential and a Variance to reduce the overall landscape open space to accommodate a new accessible ramp in the rear of the property. The Architectural Commission shall perform design review of the application.

There were no ex-parte communications disclosed.

Maura Ziska, the attorney for the applicant, outlined the zoning requests and provided an overview of the project.

Mr. Murphy provided staff comments.

Council Member Cooney asked about the change of use. Ms. Ziska responded.

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

**A motion was made by Council President Pro Tem Lindsay and was seconded by Council Member Crampton that Variance No. ZON-24-007 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. The motion was carried unanimously, 4-0.**

**A motion was made by Council Member Cooney and was seconded by Council President Pro Tem Lindsay to approve Special Exception No. ZON-24-007, as said applications meet the criteria set forth in sections 134-229 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. The motion was carried unanimously, 4-0.**

- d. **ZON-24-014 (ARC-24-004) 334 CHILEAN AVE (COMBO) – VARIANCES (8:07:59)** The applicant, Overflow Pad Too LLC (Bradley McPherson, Authorized Representative), has filed an application requesting Town Council review and approval for four (4) variances related to modifications to previously approved hardscape and landscape plans for construction of a new residence, including: (1–3) variances to exceed maximum site wall heights in the east, west and south yard areas and (4) a variance to provide a reduced pool heater equipment setback. The Architectural Commission shall perform design review of the application.

Council Member Cooney declared ex parte communication.

Dustin Mizell, with Environment Design Group, presented the landscape and hardscape plans for the project.

Mr. Bergman asked for confirmation that all the equipment would be behind the walls, to which Mr. Mizell provided confirmation.

*Clerk's note: Council President Pro Tem Lindsay left at 6:39 p.m.*



**A motion was made by Council Member Cooney and was seconded by Council Member Crampton that Variances No. ZON-24-014 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. The motion was carried unanimously, 3-0.**

- e. **ZON-24-016 281 ROYAL POINCIANA WAY - SPECIAL EXCEPTION AND VARIANCE (8:14:43)** The applicant, Field of Greens, has filed an application requesting Town Council review and approval of a Special Exception for a restaurant use and a Variance to not provide the required on-site parking for a change of use from retail to restaurant use.

Maura Ziska, the attorney for the applicant, outlined the zoning requests and provided an overview of the project.

Mr. Murphy provided staff comments.

Council Member Cooney expressed his concerns about the proposed location. He wondered if the building owner would create a shared parking agreement to assist with parking. Ms. Ziska stated she could ask the owner.

Council Member Cooney declared ex parte communication.

**A motion was made by Council Member Cooney and was seconded by Council Member Crampton that Variance No. ZON-24-016 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met and conditioned on the applicant entering into a shared parking agreement with the owner. The motion was carried unanimously, 3-0.**

**A motion was made by Council Member Cooney and was seconded by Council Member Crampton to approve Special Exception No. ZON-24-016, as said applications meet the criteria set forth in sections 134-229 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. The motion was carried unanimously, 3-0.**

- f. **ZON-24-020 (COA-24-001) 930 S OCEAN BOULEVARD (COMBO) - VARIANCE(S) (8:24:05)** The applicant, 930 S Ocean Trust (Maura Ziska, Trustee), has filed an application requesting Town Council review and approval for pool heaters variances including (1) the reduction of the west side-yard setback for a building addition (Section 134-843), (2) to exceed maximum separation of pool equipment from swimming pool Sec. 134-1728, (3) to exceed the maximum number of air-conditioning units in the south rear-yard setback Sec. 134-1728, and (4) for pool heaters with a 6' rear yard setback, in lieu of the 10' minimum setback required Sec. 134-1728. The Landmarks Preservation Commission shall perform design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 7-0.] [The Landmarks Preservation Commission*

*approved this project. Motion carried, 7-0.]*

Council Member Cooney declared ex parte communication.

Maura Ziska, the attorney for the applicant, outlined the zoning requests and provided an overview of the project.

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

**A motion was made by Council Member Cooney and was seconded by Council Member Crampton that Variance No. ZON-24-020 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. The motion was carried unanimously, 3-0.**

- g. **ZON-24-021 (COA-24-003) 800 S COUNTY ROAD (COMBO) - VARIANCE(S) (8:27:13)** The applicant, DesRuisseaux Land Trust (Maura Ziska, Trustee), has filed an application requesting Town Council review and approval for two (2) variances including (1) the reduction of the north side-yard setback for construction of bridge and (2) to exceed maximum lot coverage for construction of bridge. The Landmarks Preservation Commission shall perform a design review of the application. *[Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause a negative architectural impact to the subject property. Motion carried, 6-0.] [The Landmarks Preservation Commission approved this project. Motion carried, 6-0.]*

There was no ex parte communication declared.

Maura Ziska, the attorney for the applicant, outlined the zoning requests and provided an overview of the project. Ann DesRuisseaux, the property owner, explained the reason for the proposed bridge.

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

**A motion was made by Council Member Crampton and was seconded by Council Member Cooney that Variance No. ZON-24-021 shall be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201 (A), items 1 through 7 have been met. The motion was carried unanimously, 3-0.**

- h. **ZON-23-117 (COA-23-043) 235 BANYAN RD (COMBO) – VARIANCES** The applicant, Richard Kurtz, has filed an application requesting Town Council approval for three (3) variances in accordance with Section 134-201 for: 1. building height plane requirement found in Section 134-843(7) which would allow relief from a building height plane requirement of two feet of front setback for each one foot of building height per the R-A Zoning District., 2. exemption of the building height of approximately 32.13' NAVD proposed vs. 25' NAVD permitted per Section 134-841(b)(1), and 3. exemption of the number of guest houses permitted per property Section 134-841 (5). The Landmarks Preservation Commission shall

provide design review of the application. *[This project shall be deferred to the March 13, 2024, Town Council meeting, pending review by the Landmarks Preservation Commission.]*

***Please note: This item was deferred to March 13, 2024, meeting at the Approval of the Agenda, Item VI.***

**B. Time Extensions, Waivers, & Three Strike Matters**

1. [Waiver of Town Code Section 24-199, For Construction Work Hour Extension at 140 N County Rd \(8:30:30\)](#)

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

Jeff Wolff, with Marand Builders, stated that there would only be interior work and discussed the location for the construction parking.

Council Member Cooney expressed concern about the proposed night work. He asked what the expected duration was, to which Mr. Wolff said 30 weeks.

**A motion was made by Council Member Crampton and seconded by Council Member Cooney to approve the construction work hours, with the revised request to limit work hours from 5 pm to midnight, Monday through Friday, standard Saturday Hours during the summer, and with the condition that if any complaints are received by the Director of Planning, Zoning, and Building, a stop work order will be issued. The motion was carried unanimously, 3-0.**

2. [Waiver of Town Code Section 18-237 For Building Permit Extension for 236 Phipps Plaza \(8:38:40\)](#)

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

Scott Butler, BCC Residential, stated this project has been difficult due to a contractor change. There were four units in the building, with only one remaining to be completed.

**A motion was made by Council Member Crampton and seconded by Council Member Cooney to approve the extension as requested. The motion was carried unanimously, 3-0.**

3. [Waiver of Town Code Section 18-237 For Building Permit Extension for 238 Phipps Plaza \(8:40:09\)](#)

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

Scott Butler, BCC Residential, explained the purpose of the request.

**A motion was made by Council Member Crampton and seconded by Council Member Cooney to approve the extension as requested. The motion was carried unanimously, 3-0.**

4. [Waiver of Town Code Section 18-237 For Building Permit Extension for 205 Via Tortuga \(8:41:19\)](#)

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

Bruce Malasky, Malasky Homes, explained the purpose of the request. He expected to complete the job within 30 days.

Council Member Cooney asked if the asphalt and grass strip on the abandoned driveway would be removed. Mr. Malasky responded that they would be removed. Council Member Cooney asked about the painting of a stone wall. Mr. Malasky responded.

**A motion was made by Council Member Crampton and seconded by Council Member Cooney to approve the extension as requested. The motion was carried unanimously, 3-0.**

5. [Waiver of Town Code Section 18-237 For Building Permit Extension for 212 Australian Avenue \(8:44:35\)](#)

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

Scott Butler, BCC Residential, explained the purpose of the request.

**A motion was made by Council Member Crampton and seconded by Council President Zeidman to approve the extension as requested. The motion was carried unanimously, 3-0.**

6. [Waiver of Town Code Section 18-237 For Building Permit Extension for 1540 S Ocean Blvd. \(8:46:30\)](#)

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

Sean Ford, Seagate Capital Construction, explained the purpose of the request.

**A motion was made by Council Member Crampton and seconded by Council Member Cooney to approve the extension as requested. The motion was carried unanimously, 3-0.**

7. [Waiver of Town Code Section 18-237 For Building Permit Extension for 1118 N Lake Way \(8:48:41\)](#)

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

Mike Eison, Eison Construction Company, Inc., explained the purpose of the request.

**A motion was made by Council Member Crampton and seconded by Council President Zeidman to approve the extension as requested. The motion was carried unanimously, 3-0.**

XI. ANY OTHER MATTERS

There were no additional matters to discuss.

XII. [ADJOURNMENT \(8:50:44\)](#)

**A motion was made by Council Member Cooney and seconded by Council Member Crampton to adjourn the meeting at 7:16 p.m. The meeting adjourned without the benefit of a roll call vote.**

APPROVED:

\_\_\_\_\_  
Margaret A. Zeidman, Town Council President

ATTEST:

\_\_\_\_\_  
Kelly Churney, Acting Town Clerk  
Date: \_\_\_\_\_