

TOWN OF PALM BEACH SHORES
PLANNING AND ZONING BOARD
REGULAR MEETING

October 25, 2011

Rick Ziegler, Chairman

Carol Hurst, member
Janet Kortenhous, member
Jason Prince, member

Jody Samanich, member
Pamela Murray, alternate member

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1. **CALL TO ORDER**
 - a. Pledge to the flag
 - b. Roll call
 2. **APPROVAL OF MINUTES:**
 - a. September 27, 2011 regular meeting
 3. **AGENDA APPROVAL:**

Additions, substitutions, deletions.
 4. **STAFF REPORTS:**
 - a. *Town Zoning Official*
 - 1) Current construction projects report
 - 2) Construction timetable – 130 Sandal Lane addition
 - b. *Town Clerk*
 - 1) Recap of October 5, 2011 DRC meeting
 5. **MISCELLANEOUS BUSINESS:**
 - a. **SPR11-8 & A/AR 11-8 Robert and Mary Ann Hoffman, 238 Bamboo Road, lot 367.**

Applicants propose construction of new rear porch, interior remodeling and roof reconfiguration to an existing single family residence.
 - b. **Discussion: proposed changes to Section 78-77.1 (b)**
 6. **PUBLIC COMMENTS:**
 7. **ADJOURNMENT.**

MINUTES

The regular monthly meeting of the Planning and Zoning Board was called to order at 7:08 pm by Chairman Rick Ziegler, who led the meeting attendees in the pledge to the flag.

The Clerk read the roll: all members were present. Also in attendance were Assistant Town Attorney Abigail Jorandby, Town Zoning Official Manuel Palacios and Town Clerk Carolyn Gangwer.

APPROVAL OF MINUTES: Janet Kortenhaus noted that her name was incorrect on the bottom of page 4 of the September 27, 2011 meeting minutes. “Joanne” should be “Janet”. Ms. Gangwer will make the correction. Carol Hurst moved to **approve the September 27, 2011 minutes as amended**. After a second by Jason Prince, the motion carried unanimously.

AGENDA APPROVAL: Jody Samanich asked that a discussion of requiring vegetative cover for walls and fences higher than 3 feet along town roadways be added to tonight’s agenda. After brief discussion, Ms. Samanich moved to **approve the meeting agenda with the addition of 5.c “discussion of vegetative requirements for walls and fences higher than 3 feet”**. The agenda was approved unanimously after a second by Carol Hurst.

STAFF REPORTS:

a. Town Zoning Official:

Mr. Palacios reviewed the Construction Projects report, noting that he had updated the report somewhat from October 17th:

- 126 Tacoma Lane: interior wall framing is completed; mechanical and air conditioning ductwork being installed.
- 131 Cascade Lane: Mr. Palacios met with the owner today at the site, and everything looks good. Mr. Silberstein plans on installing insulation and drywall next week. The landscaping and fencing will be done at the end of the project. A 6 foot high fence is proposed for the west side of the property, along Atlantic Avenue.
- 218 Sandal Lane: same status.
- 319 Blossom Lane: Certificate of Occupancy issued.
- 331 Bravado Lane: building permit application has been submitted by owner.
- 241 Bravado Lane: same status.
- 130 Sandal Lane: several building plan revisions; fence permit has been applied for.
- 155 Ocean Avenue: this property is on tomorrow’s Code Enforcement Special Magistrate hearing agenda tomorrow. Mr. Palacios explained how the CESM process works – an order finding violation will be sought, so that if the property ever falls into disrepair as it has in the past, fines begin immediately. Mr. Palacios opined that he hopes to find out when landscaping will go in and when a permit for fence/gate/columns will be applied for. He spoke with the property manager, Jaime Valdivia working for Star Residential about the time frame. Mr. Valdivia informed Mr. Palacios that landscaping should be complete and permits pulled by next week. Mr. Palacios stated that he will continue to keep a close eye on this property.
- 330 Tacoma Lane: A formal construction timetable will be brought before the board next month. The building permit was issued October 13, 2011, and this project is moving forward very quickly.

Chairman Ziegler thanked the Zoning Officer for his report. He then raised the issue of when storm shutters can be put up, and then left on for an extended period of time. Chairman Ziegler’s recollection is that shutters can be put up on all windows except the front for periods of time. He noted that there is currently a house on Sandal Lane that is completely boarded up. Mr. Palacios responded that there are several issues at play here. The first issue is fire safety – when people are living in a house, there must be egress and ingress to every room, and this is not possible when some of the windows are shuttered. However, if no one is living in the house for a period of time, Mr. Palacios doesn’t know of any problem with leaving the house shutters up.

Carol Hurst recalled discussions about having to remove storm shutters at the end of hurricane season.

Jody Samanich noted that there are some properties where shutters are up with people living in the house, and opined that this is a fire code violation.

Officer Palacios concurred that shutters should not be installed on houses when people are living in the house, except during a named emergency. However, shutters can be put up over the summer, when people leave for the north, in case of storms while they're gone. Mr. Palacios noted that the new shutter code, adopted in 2009, does have aesthetic requirements, requiring shutters made of wood to be painted to match the color of the walls or trim of the house.

Attorney Jorandby read the applicable code, Section 14-338, (a) and (b). She noted that corrugated aluminum or other metallic panels or shutters need not be painted to match the building, but must be properly maintained. When wood panels or shutters are used, they must be painted to match the building or building trim. Under no circumstances can shutters or panels be installed when the house is occupied other than for an impending storm.

Chairman Ziegler recalled discussion about folks being allowed to put up shutters or panels on the sides and back of the house, but not the front, before they left for the summer. Carol Hurst concurred, adding that Vice Mayor Tropepe was in favor of not boarding up the front of the house. Jody Samanich recalled the same discussions.

Zoning Official Palacios explained that he interprets current code on storm shutters to allow people to put shutters up for the summer, if the house is going to be empty. He does *not* allow shutters to stay up when the house is occupied (other than in an emergency). Mr. Palacios noted that he has spoken with the owner of the house referenced on Sandal Lane about painting the panels to match the façade of the house.

Chairman Ziegler reiterated that he thought the intent of the new shutter code was that houses could not just be boarded up and left that way for the summer. If there is a storm or a storm watch, the absent owner would need to have someone local put up their shutters, reasoned the Chairman.

There was general consensus to put the issue of storm shutters on next month's agenda.

Chairman Ziegler asked what constitutes a "lawn", noting that there are quite a few properties in town with weeds as the main portion of the lawn. Mr. Palacios explained that he looks for ground cover that is maintained versus bare ground. Mr. Ziegler asked what happens when the lawn, weeds, etc are brown? Mr. Palacios responded that when this occurs and is not addressed with irrigation, it becomes a code violation, and can be brought before the magistrate.

b. Town Clerk:

Ms. Gangwer gave a brief review of the discussion at last week's Commission meeting about the Planning and Zoning Board's recommendation to require planting of trees on the town's ten foot strip "per platted lot". The Commission agreed that this is an important loophole to fill, and asked the Planning and Zoning Board to proceed with working on a draft ordinance. Ms. Gangwer added that there was no discussion at last week's Commission meeting about considering requiring landscaping for walls and fences over 3 feet high along the town's 10 and 15 foot strips.

The October DRC meeting recap was filed. Ms. Gangwer noted that all of the issues raised about the upcoming plan review have been taken care of. The board was provided a construction time line in a more detailed format, but the regular form with proposed dates will be provided during the board's review of 238 Bamboo Road, explained Clerk Gangwer.

MISCELLANEOUS BUSINESS:

a. **SPR11-8 & A/AR 11-8 Robert and Mary Ann Hoffman, 238 Bamboo Road, lot 367.**

Attorney Jorandby swore in all wishing to participate in the upcoming public hearing. There were no ex parte discussions disclosed.

Stephan Yeckes, architect for the project stated that he had been sworn in. At the Chairman's request, he proceeded to give an overview of the proposed project:

- A great deal of existing flat roof will be removed with this project.
- A new porch with a sloped (vs. flat) roof will be constructed in the back.
- The only remaining flat roof area will be over the entry way, to maintain that portion of the original design of the house.
- The roof will be higher, overall.
- Existing screened area in rear is slightly encroaching into the rear setback, but the new porch will be compliant.
- The only other structural change will be to convert the existing open air carport to an enclosed garage.
- The existing driveway will be enlarged to help with the turning radius.
- Lot coverage and height are well under the maximum allowed.

Mr. Yeckes presented a black ink rendering of the 'new' house, after proposed renovations, and provided a picture of the current house for reference. The house will remain white, and the new seamed metal roof will also be white. Mr. Yeckes reviewed the 4 elevation drawings with the board. The existing jalousie windows will be replaced with impact resistant windows, and the existing shutters will be removed.

Carol Hurst asked if there will be any trim around the windows, to offer some contrast to the solid white house, with a white roof? Mr. Yeckes responded that Mr. Hoffman has asked for some type of contrast, and he will provide this.

Jody Samanich asked if a landscape plan is required for this plan? The answer was no, the existing landscape is lush, and will not be removed. There was brief discussion regarding when a landscape plan is required.

Chairman Ziegler briefly reviewed the proposed construction schedule, which shows completion in March 2012.

SPR-11-8 was approved on a motion by Jody Samanich and second by Janet Kortenhaus.

Carol Hurst moved for **approval of A/AR1-8**, opining that the project would look better with some black shutters. Jody Samanich offered the second, and the motion carried unanimously.

The **construction timetable for 238 Bamboo Road was approved** conditioned on notarization with stamp.

b. **Discussion: proposed changes to Section 78-77.1 (b).**

Chairman Ziegler gave a brief history of these proposed changes. With several recent projects on double lots and corner lots, the issue arose of where and how many town trees were required. With all other lots, three trees were required along the front of the property, but what about building sites comprised of two lots, or lots situated at corners? So, the wording in this section will be changed, with the term “platted” added, which will capture both lots, and make the code more consistent.

Ms. Jorandby explained that this change will be put into ordinance form for LPA review next month.

Jody Samanich moved to **direct the Town Attorney to draft an ordinance amending Section 78-77.1(b) as discussed.** After a second by Janet Kortenhaus, the motion carried unanimously.

The Chairman reiterated his concern about the applicant proposing to remove 4 town trees (along Atlantic Avenue)) at the new house project at 126 Tacoma Lane. He asked if this needs town approval. Ms. Gangwer responded that removal of any town tree needs town approval, and adding that the Environmental Committee will be asked to offer their input on this.

c. Discussion of fence height and required landscaping.

Chairman Ziegler recapped the issue – recent code changes require substantial landscaping for fences and walls installed along town roadways, if the fences/walls are 5 feet or higher.

Jody Samanich mentioned that this issue arose with the new house project at 124 Tacoma Lane where a 3 foot high wall was originally proposed. However, now, the developer informs the town that the owner would like to increase the height of that wall along Tacoma Lane. However, the new code only requires substantial landscaping for fences and walls **over** 5 feet. Ms. Samanich opined that this loophole needs to be closed.

Attorney Jorandby noted that she spoke with Town Attorney Keith Davis about this issue. When the ordinance was being drafted, the 5 foot high number was a random choice, and can certainly be changed. Until the applicant came through last month with the suggestion of a wall higher than 3 feet, this eventuality really had not been anticipated.

There was discussion about the size of the new house at 126 Tacoma Lane, the fact that it is completely code compliant, and that the wall shown on the approved site plan was only 3 feet high. However, now a 4 or 5 foot high wall may be requested. If the developer does request the increase in wall height, this will need to come back to the Planning and Zoning Board for approval, confirmed Ms. Jorandby.

Jody Samanich asked what would happen if the developer came back to the Planning and Zoning Board for the higher wall before the code is amended? Ms. Jorandby responded that the request would need to be considered under the town’s current code. But, if new code is approved when they come in, then their request would be reviewed using that code. Attorney Jorandby reminded the board that this code change would affect the entire community, not just this one property.

Chairman Ziegler concluded that this is something that should be fixed, and suggested two positive results of such a change:

- Some folks may decide to stay with a 3 foot high fence/wall so they don’t have to install the landscaping, or
- There will be nice landscaping added along the town’s roadways, in front of fences.

Carol Hurst asked if walls could be considered separately from fences, as they are more dense and solid? Ms. Jorandby reviewed Pf. 9.2 “Walls, fences and hedges” with the board, noting that town code groups these together. She suggested changing Pf. 9.2 (c) 2 from “any wall or fence located in a yard

that abuts either the 10 or 15 foot strip of Town property and that is at least five feet or taller shall be fully landscaped on the street side . . .” to “any wall or fence and that is at least three feet or taller . . .”

There was general agreement that this change would close the loophole.

Ms. Samanich reiterated her concern about the possibility of seeing 6 foot high walls along Atlantic Avenue (130 Sandal Lane and 131 Cascade Lane given as examples). Carol Hurst opined that corner lot owners want their privacy, too. Janet Kortenhaus added that individual property owners’ rights must be weighed against the larger, overall vision of the town – just need to find the right balance, she opined.

Jody Samanich moved to **ask the town Commission to direct the Planning and Zoning Board to move ahead with a slight change to current code covering fences and walls on corner lots so that walls and fences three feet and above must be landscaped.** After a second by Janet Kortenhaus, the motion carried unanimously.

OTHER BUSINESS:

Attorney Jorandby suggested that the board consider adding some specific requirements for drainage with new and substantially improved buildings. Ms. Jorandby and Zoning Official Palacios will take a look at what other towns do in this respect, speak with a civil engineer and report back. After brief discussion, the board was open to having this discussion put on a future meeting agenda.

PUBLIC COMMENTS:

Chuck Platner of Tacoma Lane spoke about the issue of storm shutters. He noted that he leaves for the north in May and returns in October. Before the Platners head north, they put up their shutters for the summer. He opined that it helps with the cost of insurance, provides safety for the house in the event of a hurricane. Mr. Platner opined that it is nearly impossible to find someone from long distance to put shutters up before a storm.

On another subject, Mr. Platner reaffirmed that the POA Environmental Committee wants to see foxtail palms planted in the town’s property.

Mr. Platner spoke to the issue of types of fencing. He characterized white plastic fence panels as ‘ugly’. Mr. Platner stated his concern about landscape planted on the outside of fencing growing so much that it might cause sight distance problems.

There was additional discussion about the issue of storm shutters. Chairman Ziegler reiterated that he recalled the Planning and Zoning Board recommending that, after storms, shutters and panels in the front of houses must be taken down within 30 days after the storm. Several members concurred with the Chairman. However, apparently this recommendation was never codified.

Chairman Ziegler urged the Platners to attend the November Planning and Zoning Board meeting, where this issue will be discussed more in depth, and with possible recommendations to the Town Commission for changes to the shutter code.

The meeting adjourned at 8:30 pm.

Carolyn J. Gangwer, Town Clerk

Rick Ziegler, Chairman