

**TOWN OF PALM BEACH SHORES, FLORIDA  
REGULAR COMMISSION MEETING MINUTES  
July 16, 2018**

**Mayor Koutzen** called the meeting to order at 6:00 pm. The meeting was held at Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

**Town Clerk Browning** called the roll and those present were Mayor Myra Koutzen, Vice Mayor Roby DeReuil, Commissioner Gil Gilgallon, Commissioner Robert Stanton, and Commissioner Brian Tyler. Also present were Police Chief Langevin, Fire Chief Steedman, Public Works Director Welch, Town Accountant Wendy Wells, and Town Attorney Keith Davis.

2. **APPROVAL OF MEETING AGENDA** (Additions, substitutions, deletions)

**MOTION:** Commissioner Gilgallon moved to approve the meeting agenda as presented

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:**     **Gilgallon:** YES

**DeReuil:** YES

**Tyler:**     YES

**Stanton:** YES

**Koutzen:** YES         **The Motion Passed Unanimously**

3. **CONSENT AGENDA** (Items that do not need discussion, but require a vote)

a. June 18, 2018 Commission Meeting Minutes

**MOTION:** Commissioner Gilgallon moved to approve the consent agenda as presented

**SECOND:** Commissioner Tyler seconded the motion.

**VOTE:**     **Gilgallon:** YES

**DeReuil:** YES

**Tyler:**     YES

**Stanton:** YES

**Koutzen:** YES         **The Motion Passed Unanimously**

4. **PRESENTATIONS/UPDATES:** None at this time.

5. **PUBLIC HEARINGS**

a. **Variance Request: 224 Inlet Way**

**VAR18-4**, Miller Land Planning, Inc., Agent for the owner of 224 Inlet Way, requests two variances related to building height and modification to the building elevations. First, the applicant seeks a variance and relief from Appendix A. Zoning Ordinance., Section IV. Basic Restrictions for All Districts., Pf. 4.6. Grade Elevations. in order to allow a first-floor elevation of 16.42' (where the code allows a maximum of 15.25'). Second, the applicant seeks a variance and relief from Appendix A. Zoning Ordinance., Section VII. District C Regulations., Pf. 7.3. Building Height. in order to allow a total building height of 54.21' (where the code allows a maximum of 53.25') and a top of beam height of 49.81' (where the code allows a maximum of 48.25'). The address of the property is 224 Inlet Way, Palm Beach Shores, Florida 33404. The legal descriptions for the property are ADDISON AT SINGER ISLAND CONDO UNIT 1A, ADDISON AT SINGER ISLAND CONDO UNIT 1B, ADDISON AT SINGER ISLAND CONDO UNIT 2A,

ADDISON AT SINGER ISLAND CONDO UNIT 2B, and ADDISON AT SINGER ISLAND CONDO UNIT 3. The property is located in Zoning District C.

1. Bradley Miller presented the request for 2 variances as a representative for the applicant.

**MOTION:** After the presentation and hearing the evidence Vice Mayor DeReuil moved to approve the 2 variances as he believes the criteria has been met.

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES      **The Motion to Approve the variances passed unanimously.**

**b. Variance Request: 236 Cascade Lane**

**VAR18-3**, Kimberly Waugh, Owner of 236 Cascade Lane, requests a variance and relief from Appendix A. Zoning Ordinance., Section V. District A Regulations., Pf. 5.2. Building Height in order to allow a total building height of 30.16' (where the code allows a maximum of 29.0') and a top of beam height of 23.50' (where the code allows a maximum of 22.0'). The address of the property is 236 Cascade Lane, Palm Beach Shores, Florida 33404. The legal description for the property is PALM BEACH SHORES LT 241. The property is located in Zoning District A.

1. Guy Bartels presented the request for 2 variances on behalf of the Owner, Kimberly Waugh.

**MOTION:** After the presentation and hearing the evidence, Commissioner Gilgallon moved to deny the request for 2 variances.

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES      **The Motion to Deny the variances passed Unanimously**

**6. DEPARTMENT AND BOARD REPORTS**

**MOTION:** Commissioner Gilgallon moved to approve the financial report.

**SECOND:** Commissioner Tyler seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES      **The Motion Passed Unanimously**

- b. Staff Reports: Police Department, Fire Department, Public Works, Town Clerk, Town Attorney.



- c. Planning & Zoning Report: Janet Kortenhaus stated she has had telephone calls with the Marine Engineer and plans for the P&Z Board to bring some recommendations to the Commission within the next couple of meetings.

7. **COMMISSION REPORTS**

Commissioner Gilgallon said he did an inspection tour with the Building Official and he recommends that all the Commissioners do this. It was really interesting.

8. **PUBLIC COMMENTS** None at this time.

10. **PROJECT UPDATES/DISCUSSIONS** (*Non-voting items*) None at this time

11. **ORDINANCES AND RESOLUTIONS**

- a. Ordinance O-2-18 (Fences): Amend Appendix A, Zoning Ordinance at Section II. Definitions. To add definitions for the terms fence, Chain-link Fence, Stockage Fence and Wall. (*1<sup>st</sup> reading*)

**MOTION:** Commissioner Gilgallon moved to approve the 1<sup>st</sup> reading of Ordinance O-2-18.

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES

**The Motion Passed Unanimously**

- b. Ordinance O-3-18 (Pool, Pool Decks, slabs, screened enclosures, et al): Amend Chapter 14, Buildings and Building Regulations. Article II, Administration. Division 3 Building Construction and Site Plan Review, Approval. At Section 14-62. Procedure. (*1<sup>st</sup> reading*)

**MOTION:** Commissioner Gilgallon moved to approve the 1<sup>st</sup> reading of Ordinance O-3-18 with changes given to the Town Attorney (i.e. A/C replacements, modification of existing pool equipment.)

**SECOND:** Commissioner Tyler seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES

**The Motion Passed Unanimously**

- c. Ordinance O-4-18: (Moratorium on docks) Amend Chapter 2. Administration. Article III. Boards and Commissions. Division 2. Code Enforcement; (*2<sup>nd</sup> Reading*)

**MOTION:** Commissioner Gilgallon moved to approve the 2<sup>nd</sup> reading of Ordinance O-2-18.

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES

**The Motion Passed Unanimously**

- d. Ordinance O-5-18: Amending Chapter 78. Vegetation. Article III. Landscaping by creating an entirely new Division 3 entitled "Florida-friendly Fertilizer use; (*1<sup>st</sup> reading*)

**MOTION:** Commissioner Gilgallon moved to approve the 1<sup>st</sup> reading of Ordinance O-2-18.

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES

**The Motion Passed Unanimously**

- e. Resolution R-7-18: Honoring Fifty (50) Years of Municipal Home Rule in the Florida Constitution.

**MOTION:** Commissioner Gilgallon moved to approve the Resolution R-7-18.

**SECOND:** Commissioner Tyler seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

Koutzen: YES

**The Motion Passed Unanimously**

12. **OTHER BUSINESS** (Any regular business requiring a vote)

- a. Tree Removal Permit, Application, and Fees. (*Myra Koutzen, Mayor*)

**MOTION:** Commissioner Tyler moved to send item 12a to the Planning and Zoning Board for their review and recommendations.

**SECOND:** Commissioner Stanton seconded the motion.

**VOTE:** Gilgallon: YES

DeReuil: YES

Tyler: YES

Stanton: YES

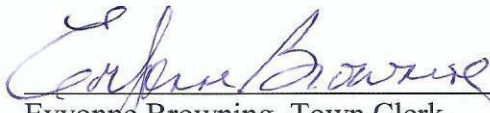
Koutzen: YES

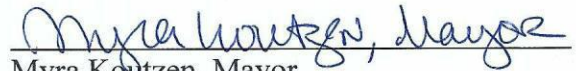
**The Motion Passed Unanimously**

13. **ADJOURNMENT** Mayor Koutzen adjourned the meeting at 7:30 pm.

APPROVED this 20<sup>th</sup> day of August 2018

ATTEST:

  
Evyonne Browning, Town Clerk  
(Seal)

  
Myra Koutzen, Mayor



**ORDER OF THE TOWN COMMISSION  
TOWN OF PALM BEACH SHORES**

**CASE NO. V-18-4**

**IN RE: URE 224 Inlet Way, LLC, *Owner / Miller Land Planning, Inc., Applicant***

**VARIANCE REQUESTED:**

Variance from Pf. 4.6 of the Town of Palm Beach Shores Zoning Ordinance, to permit a first floor elevation of 16.42 feet where the code limits the maximum elevation to 15.25 feet; and to permit a variance from Pf. 7.3 of the Town of Palm Beach Shores Zoning Ordinance, to permit a total building height of 54.21 feet and a top of beam height of 49.81 feet where the code limits the maximum building height to 53.25 feet and the top of beam height to 48.25 feet.

**SUBJECT PROPERTY LOCATION:**

224 Inlet Way, Palm Beach Shores, Florida 33404

**LEGAL DESCRIPTION:**

Addison at Singer Island Condo Units 1A, 1B, 2A, 2B and 3.

**ORDER APPROVING VARIANCE APPLICATION**

This cause came on to be heard upon the above application and the Town Commission of the Town of Palm Beach Shores, having considered the evidence presented by the applicants and other interested persons at a hearing called and properly noticed and the Town Commission, having considered the recommendations of the Town Planning and Zoning Board and being otherwise duly advised,

THEREUPON, THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES FINDS AS FOLLOWS:

1. The property which is the subject of said application is located within Town Zoning District C in accordance with the Zoning Ordinance of the Town of Palm Beach Shores.
2. The Applicant seeks a variance from Pf. 4.6 of the Town of Palm Beach Shores Zoning Ordinance, to permit a first floor elevation of 16.42 feet where the code limits the maximum elevation to 15.25 feet; and a variance from Pf. 7.3 of the Town of Palm Beach Shores Zoning Ordinance, to permit a total building height of 54.21 feet and a top of beam height of 49.81 feet where the code limits the maximum building height to 53.25 feet and the top of beam height to 48.25 feet.
3. The application and all supporting materials considered by the Town Commission at its July 16, 2018 hearing, upon which the variance application is based, are hereby

incorporated into this Order as if fully set forth herein.

4. Under the provisions of Pf. 15.4 of the Town Zoning Ordinance, the Town Commission has the right, power and authority to act upon the application herein made.

**IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AS FOLLOWS:**

The application for variances in Case Number V-18-4 with reference to the above-described property within the Town of Palm Beach Shores, Palm Beach County, Florida, to permit the following:

a first floor elevation of 16.42 feet where the code limits the maximum elevation to 15.25 feet; and a total building height of 54.21 feet and a top of beam height of 49.81 feet where the code limits the maximum building height to 53.25 feet and the top of beam height to 48.25 feet

is hereby **APPROVED** since the Town Commission hereby finds that in accordance with the evidence and testimony produced at the hearing, that the applicant meets all standards set forth at Pf. 15.3. of the Town Zoning Ordinance.

A construction permit must be obtained within 6 months from the approval of this variance. A single renewable 6 month period to obtain construction permits may be allowed at the discretion of the Town Commission pursuant to Pf. 15.4 of the Town Zoning Ordinance.

**DONE AND ORDERED THIS 16 DAY OF JULY, 2018.**

Myra Koutzen, Mayor  
Mayor Myra Koutzen

ATTEST:

Evynne Browning  
Evynne Browning, Town Clerk

(Seal)





**ORDER OF THE TOWN COMMISSION  
TOWN OF PALM BEACH SHORES**

**CASE NO. V-18-3**

**IN RE: Kimberly Waugh, *Owner* / *Guy Bartels, Applicant***

**VARIANCE REQUESTED:**

Variance from Pf. 5.2 of the Town of Palm Beach Shores Zoning Ordinance, to permit a total building height of 29.5 feet and a top of beam height of 23 feet where the code limits the maximum building height to 29 feet and the top of beam height to 22 feet.

**SUBJECT PROPERTY LOCATION:**

236 Cascade Lane, Palm Beach Shores, Florida 33404

**LEGAL DESCRIPTION:**

Plat of Palm Beach Shores Lot 241.

**ORDER DENYING VARIANCE APPLICATION**

This cause came on to be heard upon the above application and the Town Commission of the Town of Palm Beach Shores, having considered the evidence presented by the applicant and other interested persons at a hearing called and properly noticed and the Town Commission, having considered the recommendations of the Town Planning and Zoning Board and being otherwise duly advised,

THEREUPON, THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES FINDS AS FOLLOWS:

1. The property which is the subject of said application is located within Town Zoning District A in accordance with the Zoning Ordinance of the Town of Palm Beach Shores.
2. The Applicant seeks a variance from Pf. 5.2 of the Town of Palm Beach Shores Zoning Ordinance, to permit a total building height of 29.5 feet and a top of beam height of 23 feet where the code limits the maximum building height to 29 feet and the top of beam height to 22 feet.
3. The application and all supporting materials considered by the Town Commission at its July 16, 2018 hearing, upon which the variance application is based, are hereby incorporated into this Order as if fully set forth herein.
4. Under the provisions of Pf. 15.4 of the Town Zoning Ordinance, the Town Commission has the right, power and authority to act upon the application herein made.

**IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AS FOLLOWS:**

The application for variances in Case Number V-18-3 with reference to the above-described property within the Town of Palm Beach Shores, Palm Beach County, Florida, to permit the following:

a total building height of 29.5 feet and a top of beam height of 23 feet where the code limits the maximum building height to 29 feet and the top of beam height to 22 feet

is hereby **DENIED** since the Town Commission hereby finds that in accordance with the evidence and testimony produced at the hearing, that the applicant fails to meet all standards set forth at Pf. 15.3. of the Town Zoning Ordinance. The applicant testified that the requested variances are aesthetic in nature and therefore are not necessary for the applicant to enjoy a reasonable use of the land without undue hardship.

A construction permit must be obtained within 6 months from the approval of this variance. A single renewable 6 month period to obtain construction permits may be allowed at the discretion of the Town Commission pursuant to Pf. 15.4 of the Town Zoning Ordinance.

**DONE AND ORDERED THIS 18 DAY OF JULY, 2018.**

*Myra Koutzen, Mayor*  
Mayor Myra Koutzen

ATTEST:

(Seal)

*Evyonne Browning*  
Evyonne Browning, Town Clerk

