

**PLANNING AND ZONING BOARD  
REGULAR MEETING MINUTES  
May 26, 2021**

**1. CALL TO ORDER**

The regular meeting was called to order at 6:30 p.m. by Chairman Jerald Cohn. The meeting was held in the commission chambers of Town Hall located at 247 Edwards Lane, Palm Beach Shores, FL 33404.

Town Clerk Browning called the roll and present were Chairman Jerald Cohn, Vice Chairman Timothy Blash, Member Kevin Banks, Member Steven Smith, and Alternate Tom Martin who sat in for Member Jason Prince. Town Clerk Browning stated there was a quorum present. Also, present were Town Attorney Mitty Barnard, Zoning Official Josh Nichols, and Engineer Rob Rennebaum.

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

**MOTION:** Member Kevin Banks moved to approve the meeting agenda as written.

**SECOND AND VOTE:** Vice Chairman Tim Blash seconded the motion, which passed unanimously.

**1. CONSENT AGENDA:**

- a. Approval of the April 28, 2021, Planning and Zoning Board Reorganization Meeting Minutes. - - - - -
- b. Approval of the April 28, 2021, Planning and Zoning Board Meeting Minutes *as amended to reflect the motion to approve passed 4-1 with Member Kevin Banks dissenting.*

**MOTION:** Member Steven Smith moved to approve the consent agenda as amended.

**SECOND AND VOTE:** Member Kevin Banks seconded the motion which passed unanimously.

**2. ACTION ITEMS:**

- a. **SPR21-2/AAR21-02**, Dimitri Nicholas, Owner of 315 Inlet Way, requests Site Plan and Architectural and Aesthetic Review to install an inground swimming pool with paver deck in the rear of the property.

**MOTION:** Member Kevin Banks moved to SPR21-2/AAR21-02 with the following conditions:

1. The Applicant shall submit a revised Site Plan depicting the relocated pool equipment on the east side of the property for review and approval by the Town Zoning Official.
2. The Applicant shall depict screening for the pool equipment as required by Pf. 12.3 of the Town Code; and
3. The Applicant shall provide a drainage plan specifying 156 cubic feet for review and approval by the Town Engineer.

**SECOND AND VOTE:** Alternate Member Tom Martin seconded the motion which passed unanimously.

- b. **SPR21-10/AAR-21-11**, Molly Fleming, Owner of 170 Lake Drive, requests Site Plan Review and Architectural Review to install a new sea wall with construction of a new steel sheet pile wall, concrete batter piles, and a concrete seawall cap on the property.

**MOTION:** Member Kevin Banks moved to SPR21-10/AAR21-11 with the following conditions:

Install a new seawall with construction of a new steel sheet pile wall, concrete batter piles, and a concrete seawall cap on the property as depicted and described on *Exhibit A* attached hereto and made a part hereof.

**SECOND AND VOTE:** Vice Chairman Tim Blash seconded the motion which passed unanimously.

- c. **SPM21-11/AAR21-12**, Doug Owen, Owner of 222 Edwards Lane, requests Site Plan Modification and Architectural Review to revise the previously approved site plan and landscape plan to reflect revisions to the site and landscaping installed on the property.

**MOTION:** Member Kevin Banks moved to SPR21-11/AAR21-12 with the following conditions:

The Applicant shall provide a revised Site Plan depicting the modifications to the site for review and approval by the Town Zoning Official.

**SECOND AND VOTE:** Alternate Member Tom Martin seconded the motion which passed unanimously.

- d. **VAR21-01**, 115 Cascade Lane, LLC, Owner of 115 Cascade Lane, requests Variances from: 1) Sec. Pf. 6.9(b) to allow for required parking spaces to be located in the 10' Town Strip where such parking is not allowed; 2) Sec. Pf. 6.7 to allow for the second story addition to have a rear yard setback of 10.35 feet where the Code requires 15 feet; 3) Sec. Pf. 6.8 to allow for the second story addition to have a 6.5 foot side yard setback (west) and 6.92 foot side yard setback (east) where the Code requires 10 foot setbacks; 4) Sec. Pf. 6.12 to allow the 10' Town Strip to be used for required parking spaces where the Code does not allow parking to be counted in the 10' Town Strip; 5) Sec. 78-72(b) to allow the parking lot to be visible where the Code requires it to be effectively screened from public view and adjacent property; and 6) Sec. 78-73(1) to allow zero feet of landscaping abutting the right-of-way and the off-street parking where the Code requires a strip of land 5 feet in depth between the right-of-way and off-street parking area.

**MOTION:** Member Kevin Banks moved to VAR21-01 with the following conditions:

Four (4) variances, including: 1) variance from Pf. 6.9(b) to allow for required parking spaces to be located in the 10' Town Strip where such parking is not allowed; 2) variance from Pf. 6.12 to allow the 10' Town Strip to be used for required parking spaces where the Code does not allow parking to be counted in the 10' Town Strip; 3) variance from Section 78-72(b) to allow the parking lot to be visible where the Code requires it to be effectively screened from public view and adjacent property; and 4) variance from Section 78-73(1) to allow zero feet of landscaping abutting the right-of-way and the off-street parking where the Code requires a strip of land 5 feet in depth between the right-of-way and off-street parking area., in accordance with *Exhibit A* attached hereto and made a part hereof

**SECOND AND VOTE:** Member Steven Smith seconded the motion which passed unanimously.

**3. DISCUSSION ITEMS:**

- a. District "B" properties (continuation from previous meeting) (*Josh Nichols, Zoning Official and Mitty Barnard, Town Attorney*)
- b. Draft ordinance governing air conditioning equipment and emergency generators (continuation from previous meeting) (*Josh Nichols, Zoning Official and Mitty Barnard, Town Attorney*)


**4. PUBLIC COMMENT:** None


**5. ADJOURNMENT:**

**MOTION AND SECOND:** Member Kevin Banks moved to adjourn the meeting with Vice Chairman Tim Blash seconded. The meeting was adjourned at 8:22 pm.

**APPROVED** this 23<sup>rd</sup> day of June, 2021.

ATTEST:

  
Evyonne Browning, Town Clerk

  
Gerald Cohn, Chairman



(Seal)

**ORDER OF THE PLANNING & ZONING BOARD  
TOWN OF PALM BEACH SHORES  
ARCHITECTURAL AND AESTHETIC REVIEW**

**CASE NO.    AAR 21-02**

**IN RE:**            *Dimitri Nicholas, as Owner*

**PROPERTY ADDRESS:**    315 Inlet Way, Palm Beach Shores, Florida 33404

**LEGAL DESCRIPTION:**    **PALM BEACH SHORES LOT 18 & E ½ OF LOT 19**

**ORDER APPROVING ARCHITECTURAL AND AESTHETIC REVIEW**

This cause was heard by the Planning and Zoning Board of the Town of Palm Beach Shores acting under its authority to conduct Architectural and Aesthetic Review on May 26, 2021. Having considered the evidence presented by the Applicant and other interested persons at a hearing called and properly noticed and the Town Planning and Zoning Board being otherwise duly advised,

**THEREUPON, THE PLANNING AND ZONING BOARD 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 submitted all documents required by Section 14-86 of the Code of Ordinances of the Town of Palm Beach Shores, and the Applicant's request for Architectural and Aesthetic Review meets all standards as set forth in Sections 14-87 and 78-77.1 of the Town Code of Ordinances.
3. Under the provisions of Chapter 14. Buildings and Building Regulations. at Article II. Division 5. Architectural and Aesthetic Review of the Code of Ordinances of the Town of Palm Beach Shores, and Pf. 17.2. of the Town Zoning Code, the Planning and Zoning Board has the right, power and authority to act upon the application herein made.
4. In the judgment of the Planning and Zoning Board, the public convenience and welfare will best be served by APPROVING the application.

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

The application for Architectural and Aesthetic Review with reference to the above-described property within the Town of Palm Beach Shores, Palm Beach County, Florida, to permit the following:

Install an inground swimming pool and paver deck in the rear of the property; as depicted

and described on *Exhibit A* attached hereto and made a part hereof

**IS HEREBY APPROVED** with the following conditions:

1. The Applicant shall submit a revised Site Plan depicting the relocated pool equipment on the east side of the property for review and approval by the Town Zoning Official;
2. The Applicant shall depict screening for the pool equipment as required by Pf. 12.3 of the Town Code; and
3. The Applicant shall provide a drainage plan specifying 156 cubic feet for review and approval by the Town Engineer.

**DONE AND ORDERED** on May 26, 2021.

  
By: Jerald Cohn, Chair

ATTEST:

  
Evyonne Browning, Town Clerk

(SEAL)

**ORDER OF THE PLANNING & ZONING BOARD  
TOWN OF PALM BEACH SHORES  
SITE PLAN REVIEW**

**CASE NO.    SPR 21-2**

**IN RE:**            *Dimitri Nicholas, as Owner*

**PROPERTY ADDRESS:**    315 Inlet Way, Palm Beach Shores, Florida 33404

**LEGAL DESCRIPTION:**    **PALM BEACH SHORES LOT 18 & E ½ OF LOT 19**

**ORDER APPROVING SITE PLAN REVIEW**

This cause was heard by the Planning and Zoning Board of the Town of Palm Beach Shores acting under its authority to conduct Site Plan Review on May 26, 2021. Having considered the evidence presented by the Applicant and other interested persons at a hearing called and properly noticed and the Town Planning and Zoning Board being otherwise duly advised,

**THEREUPON, THE PLANNING AND ZONING BOARD 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 submitted all documents required by the Town Code of Ordinances for site plan review, and the Applicant's request for site plan approval meets all standards as set forth in the Town Code of Ordinances.
3. Under the provisions of the Town Zoning Ordinance at Pf. 17.2, the Planning and Zoning Board has the right, power and authority to act upon this application.
4. In the judgment of the Planning and Zoning Board, the public convenience and welfare will best be served by APPROVING the application for site plan approval.

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

The application for Site Plan Review with reference to the above-described property within the Town of Palm Beach Shores, Palm Beach County, Florida, to permit the following:

Install an inground swimming pool and paver deck in the rear of the property; as depicted and described on *Exhibit A* attached hereto and made a part hereof

**IS HEREBY APPROVED** with the following conditions:

1. The Applicant shall submit a revised Site Plan depicting the relocated pool equipment on the east side of the property for review and approval by the Town Zoning Official;
2. The Applicant shall depict screening for the pool equipment as required by Pf. 12.3 of the Town Code; and
3. The Applicant shall provide a drainage plan specifying 156 cubic feet for review and approval by the Town Engineer.

Please note:

1. If a building permit application (including construction cost estimate) is not received by the Town within six (6) months of the date of this Order, the site plan approval shall be null and void. One (1) six (6) month extension may be granted by the Planning and Zoning Board if submitted in writing prior to expiration.
2. Any subsequent modifications to the approved plan, attached hereto as *Exhibit A*, shall be submitted to the Planning and Zoning Board for review and approval.

**DONE AND ORDERED** on May 26 2021.

  
By: Jerald Cohn, Chair

ATTEST:

  
Evyonne Browning, Town Clerk

(SEAL)



**ORDER OF THE PLANNING & ZONING BOARD  
TOWN OF PALM BEACH SHORES  
ARCHITECTURAL AND AESTHETIC REVIEW**

**CASE NO.**    AAR 21-11

**IN RE:**        *Molly Fleming, as Owner*

**PROPERTY ADDRESS:**    170 Lake Drive, Palm Beach Shores, Florida 33404

**LEGAL DESCRIPTION:**    **PALM BEACH SHORES REPL LTS A THRU C & LT D  
(LESS S 92 FT) IN OR22495P1965**

**ORDER APPROVING ARCHITECTURAL AND AESTHETIC REVIEW**

This cause was heard by the Planning and Zoning Board of the Town of Palm Beach Shores acting under its authority to conduct Architectural and Aesthetic Review on May 26, 2021. Having considered the evidence presented by the Applicant and other interested persons at a hearing called and properly noticed and the Town Planning and Zoning Board being otherwise duly advised,

**THEREUPON, THE PLANNING AND ZONING BOARD 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 submitted all documents required by Section 14-86 of the Code of Ordinances of the Town of Palm Beach Shores, and the Applicant's request for Architectural and Aesthetic Review meets all standards as set forth in Sections 14-87 and 78-77.1 of the Town Code of Ordinances.
3. Under the provisions of Chapter 14. Buildings and Building Regulations. at Article II. Division 5. Architectural and Aesthetic Review of the Code of Ordinances of the Town of Palm Beach Shores, Pf. 17.2. of the Town Zoning Code and Section 4.7 of the Town Charter, the Planning and Zoning Board has the right, power and authority to act upon the application herein made.
4. In the judgment of the Planning and Zoning Board, the public convenience and welfare will best be served by APPROVING the application.

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

The application for Architectural and Aesthetic Review with reference to the above-described property within the Town of Palm Beach Shores, Palm Beach County, Florida, to permit the following:

Install a new seawall with construction of a new steel sheet pile wall, concrete batter piles, and a concrete seawall cap on the property; as depicted and described on *Exhibit A* attached hereto and made a part hereof

**IS HEREBY APPROVED.**

**DONE AND ORDERED** on May 26, 2021.

  
By: Jerald Cohn, Chair

ATTEST:

  
Evyonne Browning, Town Clerk

(SEAL)



**ORDER OF THE PLANNING & ZONING BOARD  
TOWN OF PALM BEACH SHORES  
SITE PLAN REVIEW**

**CASE NO.    SPR 21-10**

**IN RE:**            *Molly Fleming, as Owner*

**PROPERTY ADDRESS:**    170 Lake Drive, Palm Beach Shores, Florida 33404

**LEGAL DESCRIPTION:**    **PALM BEACH SHORES REPL LTS A THRU C & LT D  
(LESS S 92 FT) IN OR22495P1965**

**ORDER APPROVING SITE PLAN REVIEW**

This cause was heard by the Planning and Zoning Board of the Town of Palm Beach Shores acting under its authority to conduct Site Plan Review on May 26, 2021. Having considered the evidence presented by the Applicant and other interested persons at a hearing called and properly noticed and the Town Planning and Zoning Board being otherwise duly advised,

**THEREUPON, THE PLANNING AND ZONING BOARD 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 submitted all documents required by the Town Code of Ordinances for site plan review, and the Applicant's request for site plan approval meets all standards as set forth in the Town Code of Ordinances.
3. Under the provisions of the Town Zoning Ordinance at Pf. 17.2 and Town Charter at Section 4.7, the Planning and Zoning Board has the right, power and authority to act upon this application.
4. In the judgment of the Planning and Zoning Board, the public convenience and welfare will best be served by APPROVING the application for site plan approval.

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

The application for Site Plan Review with reference to the above-described property within the Town of Palm Beach Shores, Palm Beach County, Florida, to permit the following:


Install a new seawall with construction of a new steel sheet pile wall, concrete batter piles, and a concrete seawall cap on the property; as depicted and described on *Exhibit A* attached hereto and made a part hereof

**IS HEREBY APPROVED.**

Please note:

1. If a building permit application (including construction cost estimate) is not received by the Town within six (6) months of the date of this Order, the site plan approval shall be null and void. One (1) six (6) month extension may be granted by the Planning and Zoning Board if submitted in writing prior to expiration.
2. Any subsequent modifications to the approved plan, attached hereto as *Exhibit A*, shall be submitted to the Planning and Zoning Board for review and approval.

**DONE AND ORDERED** on May 26 2021.

  
By: Gerald Cohn, Chair

ATTEST:

  
Evyonne Browning, Town Clerk

(SEAL)

**ORDER OF THE PLANNING & ZONING BOARD  
TOWN OF PALM BEACH SHORES**

**CASE NO.**     **VAR 21-01**

**IN RE:**           ***115 Cascade Lane, LLC, as Owner and Applicant***

**PROPERTY ADDRESS:**   115 Cascade Lane, Palm Beach Shores, Florida 33404

**LEGAL DESCRIPTION:**   **PALM BEACH SHORES LT 256**

**ORDER RECOMMENDING APPROVAL OF VARIANCE APPLICATION**

This cause was heard by the Planning and Zoning Board of the Town of Palm Beach Shores upon the application described above. Having considered the evidence presented by the Applicant and other interested persons on May 26, 2021 at a hearing called and properly noticed, the Town Planning and Zoning Board being otherwise duly advised,

**THEREUPON, THE PLANNING AND ZONING BOARD 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 B in accordance with the Zoning Ordinance of the Town of Palm Beach Shores.
2.     The Applicant originally requested six variances but agreed at the public hearing on May 26, 2021 to withdraw two previously requested setback variances (rear and side yard). As modified, the Applicant now seeks four (4) variances, including: 1) variance from Pf. 6.9(b) to allow for required parking spaces to be located in the 10' Town Strip where such parking is not allowed; 2) variance from Pf. 6.12 to allow the 10' Town Strip to be used for required parking spaces where the Code does not allow parking to be counted in the 10' Town Strip; 3) variance from Section 78-72(b) to allow the parking lot to be visible where the Code requires it to be effectively screened from public view and adjacent property; and 4) variance from Section 78-73(1) to allow zero feet of landscaping abutting the right-of-way and the off-street parking where the Code requires a strip of land 5 feet in depth between the right-of-way and off-street parking area. These variances are requested in accordance with the application attached hereto as *Exhibit A*.
3.     The Applicant submitted all documents required by the Town Code of Ordinances for variance review, and the Applicant's request for variance approval meets all standards as set forth in the Town Code of Ordinances.
4.     Under the provisions of the Town Zoning Ordinance at Pf. 15.4, the Planning and Zoning Board has the right, power and authority to review the application and provide its recommendation to the Town Commission.

5. In the judgment of the Planning and Zoning Board, the public convenience and welfare will best be served by recommending that the Town Commission APPROVE the requested variances.

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

The application for variance requests with reference to the above-described property within the Town of Palm Beach Shores, Palm Beach County, Florida, to permit the following:

Four (4) variances, including: 1) variance from Pf. 6.9(b) to allow for required parking spaces to be located in the 10' Town Strip where such parking is not allowed; 2) variance from Pf. 6.12 to allow the 10' Town Strip to be used for required parking spaces where the Code does not allow parking to be counted in the 10' Town Strip; 3) variance from Section 78-72(b) to allow the parking lot to be visible where the Code requires it to be effectively screened from public view and adjacent property; and 4) variance from Section 78-73(1) to allow zero feet of landscaping abutting the right-of-way and the off-street parking where the Code requires a strip of land 5 feet in depth between the right-of-way and off-street parking area., in accordance with *Exhibit A* attached hereto and made a part hereof

**IS HEREBY recommended for APPROVAL by the Town Commission.**

**DONE AND ORDERED** on May 26, 2021.

  
By: Gerald Cohn, Chair

ATTEST:

  
Evyonne Browning, Town Clerk  
(SEAL)