

PLANNING AND ZONING BOARD
TOWN OF PALM BEACH SHORES
247 EDWARDS LANE

Regular Meeting

**Tuesday, July 22, 2008
7:00 p.m.**

Roby DeReuil, Chairman X

Jason Prince, member X

Carol Hurst, Vice Chairman X

Richard Laabs, alternate member X

Scott McCranels, member X

Jack McDevitt, alternate member

Rick Ziegler, member X

Keith W. Davis, Attorney X

1. **ROLL CALL**
2. **APPROVAL OF MINUTES:**
Minutes of June 24, 2008 LPA hearing and June 24, 2008 regular meeting.
3. **AGENDA APPROVAL:**
Additions, substitutions, deletions.
4. **STAFF REPORTS:**
 - a. **Town Zoning Official/Code Enforcement Officer**
 - b. **Town Clerk**
5. **MISCELLANEOUS BUSINESS:**
 - a. **SPR08-11 & A/AR08-11 Bret Worcester, 131 Tacoma Lane, Lot 175. PUBLIC HEARING**
Applicant proposes an entirely new two story single family residence.
 - b. **SPR08-12 & A/AR08-12 Rutherford & Nan Spessard, 215 Linda Lane, lot 55. PUBLIC HEARING**
Applicant proposes construction of an addition to an existing one story single family residence.
 - c. **SPM08-13 PB Shores Ocean Avenue LLC, 155 Ocean Avenue, lots 623-624.**
Applicant proposes modification of previously approved dune walkover.
6. **BOARD COMMENTS:**
7. **PUBLIC COMMENTS:**
8. **ADJOURNMENT.**

MINUTES

The meeting was called to order by Chairman Roby DeReuil at 7 p.m.

Roll call revealed that alternate member Jack McDevitt was absent. All other members were present along with Town Attorney Keith Davis, Zoning Official Manuel Palacios, Town Clerk Carolyn Gangwer, and Assistant Clerk Sue Franklin.

The minutes were unanimously approved as written for the June 24, 2008 LPA and Planning and Zoning Board meetings.

The agenda was unanimously approved as written.

4. STAFF REPORTS:

a. Town Zoning Official/Code Enforcement Officer

Code Enforcement Officer Manuel Palacios had referred to a list of current Code Enforcement cases. He explained that the bricks and construction material that had been stacked in front of 112 Edwards Lane would soon be used, and the property owner had stated he would furnish a construction timetable. If not, the case will be brought to the August Special Master Hearing.

The property owner at 118 Linda Lane removed the boat that was improperly parked, so the case is closed.

Chairman DeReuil asked about the second trailer at 106 Inlet Way, belonging to the DolceVita. Coincidentally, the representatives for DolceVita were at the meeting for agenda item 5 c. Mr. Palacios informed them that any overgrowth on the property would have to be cut and any debris removed, and that one of the trailers will have to be removed. Chairman DeReuil added that the remaining trailer should be tied down in case of storms.

b. Town Clerk

Town Clerk Carolyn Gangwer asked the Board to take a look at the illustrations in Appendix A of the Code Book. Chairman DeReuil had been kind enough to produce these a few years ago, however the Code has changed dramatically since their creation. Ms. Gangwer stated that these drawings would be updated to reflect new code.

5. MISCELLANEOUS BUSINESS:

a. SPR08-11 & A/AR08-11 Bret Worcester, 131 Tacoma Lane, Lot 175.

PUBLIC HEARING

Applicant proposes an entirely new two story single family residence.

Attorney Davis explained that the applicant was unable to be ready in time for tonight's meeting.

Carol Hurst moved to have the SPR08-11 & A/AR08-11 appear at the August 26th Planning and Zoning Board meeting agenda, and with Scott McCranels' second, it was approved unanimously.

b. SPR08-12 & A/AR08-12 Rutherford & Nan Spessard, 215 Linda Lane, lot 55. PUBLIC HEARING

Applicant proposes construction of an addition to an existing one story single family residence.

All parties were sworn in, and there were no ex parte discussions.

Rob Schialla from RJS Builders stated that he represented the applicants. Also present were the property owners Mr. & Mrs. Spessard. Mr. Schialla explained that the project consists of removing the existing flat roof on the west side of the home, adding a garage space toward the front of the home and a family room toward the rear. All additions are well within the setbacks, especially on the west side which remains at around 11'. The new section of roof will be a pitched roof matching the existing. The driveway will be replaced with brick pavers, the landscaping will be enhanced according to the submitted plans, and the entire house will be repainted with the existing colors.

Dr. McCranels and Mr. Prince had no questions. Chairman DeReuil opined that he liked the fact that the slope is matching and that the new concrete tiles are similar to the existing tiles from the 50's. He added his appreciation for the submission of a complete package.

Attorney Davis stated that the Development Review Committee found everything within code and there were no negative comments regarding aesthetics, this was an easy project.

Carol Hurst asked if the roof was a mansard style, and Mr. Schialla responded that there are gabled sections on the existing roof, so there is a matching gable on the west side. The front (south) side is slanted.

Mr. Ziegler opined that it is an attractive addition.

Mr. DeReuil asked if there was a pump house in the rear, and Mr. Schialla responded that it is an outdoor shower which will be removed. When asked about putting the power underground, Mr. Schialla stated that there were no plans to do so. Mr. DeReuil asked them to consider adding this to the project.

Attorney Davis mentioned that the location of air conditioning had been discussed at the DRC meeting, and the applicant plans to move it to the side yard, well within the setbacks. Mr. Spessard explained that his neighbor already has pool equipment and A/C on the same side, and has no problem with the proposed location of the Spessard's A/C. It will be well-screened.

Scott McCranels stated that there has been much discussion about requiring underground electric during new construction or renovations. It is not yet mandatory but highly recommended. Chairman DeReuil added that it is not very expensive, and FPL will give them the conduit.

Scott McCranels moved to approve SPR08-12 & A/AR08-12, Jason Prince seconded the motion, and it passed unanimously.

- c. **SPM08-13 PB Shores Ocean Avenue LLC, 155 Ocean Avenue, lots 623-624.**
Applicant proposes modification of previously approved dune walkover.

Architect Luis Piedra explained that their first site plan approval included a rendering of a wooden dune walkover. The DEP requires any structure to be at least 4' above the

natural vegetation, and since the vegetation itself is at least 4' high, this would put any structure at least 8' above the dune. The DEP approved a crushed shell path, and this is what the applicant is proposing. Jim Payne, representing the applicant, added that the crushed shell path will follow a natural worn path that already exists caused by people walking to the beach, so it will not be a straight line.

When Carol Hurst asked how this will be done, Mr. Piedra explained that the path will be excavated to about 8", crushed shell will be poured in and it will be graded, so it will look natural.

Dr. McCranels opined that the DEP used to promote a walkover structure, and this was the first time he'd heard of this change in requirements.

When Mr. Ziegler asked if they had a copy of the DEP approval, Mr. Payne responded that they had received written approval and a Notice of Commencement from the DEP but he did not have copies with him.

Jason Prince asked if the applicant would have to widen the existing path, and Mr. Payne responded yes. It will vary in width from 3 or 4' to 5'. There will be a rope rail at the beach end to guide people to the path.

When asked about path lighting, Mr. Piedra responded that because of sea turtle nesting, there will be no lighting beyond the pool area. He added that the south gate lines up with the natural path, so the path will lead to the south gate instead of the north gate as originally proposed.

Chairman DeReuil opined that the crushed shell is probably a good idea rather than a structure that requires more maintenance and can create more debris in a storm.

Carol Hurst moved to approve SPM08-13 with the caveat that copies of the Department of Environmental Protection approval must be provided, and also a copy of the as-built drawings of the proposed crushed shell path. Dr. McCranels seconded and the motion passed unanimously.

6. BOARD COMMENTS:

Carol Hurst asked about mold at 307 Bravado Lane, and Mr. Palacios responded that the owner Mr. Pawley is deceased. Mr. Palacios sent a Notice of Violation the previous Friday regarding the exterior appearance of the property, and about the pool with stagnant water which draws mosquitoes and vermin. The next move is to notify the Health Department. They will initiate further action if necessary. Regarding mold, it cannot be seen from the outside but Mr. Palacios was notified by potential buyers who had seen it during an Open House.

Ms. Hurst stated that she had missed the previous Planning and Zoning Board meeting, and asked if there had been any discussion about tiering landscape for buffering in

District B. Attorney Davis responded that it had been discussed at the recent Commission Meeting, and the Commission would like the Planning and Zoning Board to study the issue.

Dr. McCranels stated that he had been at the meeting and the Commission had said they did not want a “cookie cutter” version of District A code. He added that there are different plants that grow to different heights, and possibly the Board could recommend a selection.

Chairman DeReuil opined that Delray Beach’s code has excellent illustrations of tiering with precise guidelines for landscaping. Maybe the Board could take a look at that code. He added that in reviewing Ordinance O-8-08 regarding corner lot setbacks, it does not look to be the same as he recalls it. Town Clerk Gangwer explained that although the Planning and Zoning Board had recommended a 15’ setback for the street side, the Commission had opted for 15’ for a one-story or for the first floor of a two-story building (as long as the beam height is 15’ or less), and 20’ for the second story. She added that she had emailed the Silbersteins to inform them that their project on Cascade Lane meets the new criteria. Mr. DeReuil opined that he wished he had been at the Commission meeting when this was discussed.

Rick Ziegler suggested that there should always be a member of the Planning and Zoning Board at the Commission meetings, maybe the Board members could take turns attending, and the other Board members agreed. Mr. Ziegler offered to attend the August Commission meeting.

Scott McCranels mentioned that the Commission wanted the Planning and Zoning Board to discuss underground utilities, so as remodeling and building is being done, the Board should be able to recommend the relocation of utilities. Mr. DeReuil agreed that the Board should not only be reactive, but should also look to the future.

With no public comment, the meeting was adjourned at 8:00 p.m.

Sue Franklin, Assistant Clerk

Roby DeReuil, Chairman