

**PALM BEACH COUNTY**  
**BOARD OF ADJUSTMENT**

Thursday, February 16, 2006  
9:05 a.m. - 9:20 a.m.  
100 Australian Avenue  
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny) Springer  
Notary Public

A T T E N D E E S

Ms. Chelle Konyk, Chairperson

Mr. Robert E. Basehart, Vice Chairman

Ms. Nancy Cardone

Mr. William Sadoff

Mr. Joseph Jacobs

Annie Helfant, Assistant County Attorney

Alan Seaman, Senior Site Planner

C. Larry Roberts, P.E., Senior Registered Engineer

Oscar Gamez, Site Planner I

Timothy Sanford, Site Planner I

Juanita James, Zoning Tech

Annette Stabilito, Secretary

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CHAIRPERSON KONYK: I'd like to call the February 16th, 2006, Board of Adjustment meeting to order, starting with the roll call and declaration of quorum.

MS. STABILITO: Mr. William Sadoff.  
(No response.)

MS. STABILITO: Mr. Raymond Puzzitiello.  
(No response.)

MS. STABILITO: Mr. Bart Cunningham.  
(No response.)

MS. STABILITO: Chairperson, Ms. Chelle Konyk.

CHAIRPERSON KONYK: Here.

MS. STABILITO: Vice-Chairman, Mr. Robert Basehart.

VICE-CHAIRMAN BASEHART: Here.

MS. STABILITO: Ms. Nancy Cardone.

MS. CARDONE: Here.

MS. STABILITO: Mr. Joseph Jacobs.

MR. JACOBS: Here.

MS. STABILITO: Mr. Stanley Misroch.  
(No response.)

MS. STABILITO: Mr. Donald Mathis.  
(No response.)

CHAIRPERSON KONYK: Next item on the agenda is the opening prayer.

May we approach today's business as tasks of faith to do our best within our power to provide positive leadership on behalf of our community and those who live and work here, and that all our decisions meet the standards of divine compassion for all. Amen.

Pledge of Allegiance. Please stand.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON KONYK: For those of you who are not familiar with how this Board conducts this business, the meeting is divided into two parts, the Consent and the Regular Agenda.

Items on the Consent Agenda are items that have been recommended for approval by staff. The applicant agrees with any conditions that may be imposed, there's no opposition from the public and no Board member feels the item warrants a full hearing.

In the case of an opposition from the public or an applicant not agreeing with the conditions or a Board member requesting a full hearing, that application will be re-ordered to the Regular Agenda and there will be a full hearing.

After all the items on Consent are read into the record, we will vote and once the Consent Agenda has been approved, you are free to leave.

Items that are not on the Consent Agenda that are on the Regular Agenda, those items will be introduced by staff, we'll hear from the applicant.

After the applicant makes their presentation, staff will make theirs. At this point, we'll hear from the public. When the public portion of the

hearing is closed, the Board will vote.

Everyone received the Minutes from the last meeting. Does anybody have any corrections or additions?

(No response.)

CHAIRPERSON KONYK: Seeing none, may I have a motion for approval?

VICE-CHAIRMAN BASEHART: So moved.

MR. SEAMAN: Madam Chairman, I think perhaps you need to give the proof of publication.

CHAIRPERSON KONYK: I did. Okay. Do I have it?

MR. SEAMAN: You do.

CHAIRPERSON KONYK: I have before me proof of publication in the January 29th, 2006, Palm Beach Post.

Mr. Basehart made a motion to approve the Minutes.

MR. JACOBS: Second.

CHAIRPERSON KONYK: Second by Mr. Jacobs. All those in favor?

BOARD: Aye.

CHAIRPERSON KONYK: Opposed?

(No response)

CHAIRPERSON KONYK: Motion carries unanimously.

Any remarks of the Zoning Director?

MR. SEAMAN: Just that next month if it's the Board's pleasure we'll have our annual BofA workshop.

CHAIRPERSON KONYK: Make it short because I don't think we have any new members, and you're trying to abolish us anyway. Well, not you, Jon, right?

VICE CHAIRMAN BASEHART: I don't think it's him.

MR. SEAMAN: I'll be happy to have the workshop next month.

CHAIRPERSON KONYK: Okay. Anything else?

(No response)

CHAIRPERSON KONYK: Any changes to the Agenda?

MR. SEAMAN: Yes. Item BOFA2006-0010, which is on a postponed item. It needs to be moved to the Consent Agenda.

VICE-CHAIRMAN BASEHART: Instead of being postponed, it's being consented?

MR. SEAMAN: Yes.

VICE-CHAIRMAN BASEHART: Okay.

MR. SEAMAN: There was an issue with a lien issue.

CHAIRPERSON KONYK: Anything else?

MR. SEAMAN: That's it.

CHAIRPERSON KONYK: Okay.

CHAIRPERSON KONYK: The first item on the agenda is a postponed item, BOFA2005-01448. Is that by right?

MR. SEAMAN: No, it's by vote. This is the second 30-day postponement that has been requested, and it's pending -- they need to file for a variance through engineering, so they need to reapply through engineering for that variance so it will all come together next month.

CHAIRPERSON KONYK: Is this Dave Cuffe's fault?

MR. SEAMAN: No.

CHAIRPERSON KONYK: Okay. I'm just kidding. So that is postponed not by right, so I need a motion to postpone.

VICE-CHAIRMAN BASEHART: So moved.

CHAIRPERSON KONYK: Motion by Mr. Basehart.

MR. JACOBS: Second.

CHAIRPERSON KONYK: Second by Mr. Jacobs. All those in favor?

BOARD: Aye.

CHAIRPERSON KONYK: Motion carries unanimously.

CHAIRPERSON KONYK: Next item is a consent item that was moved from postponed, BOFA2006-00010, Land Design South for Ocean Avenue LLC. Is the applicant present?

MR. KURBANSADE: Good morning. Mark Kurbansade, Land Design South.

CHAIRPERSON KONYK: Is there any conditions on this?

MR. KURBANSADE: Yes.

CHAIRPERSON KONYK: Okay. How many? It doesn't say here.

MR. SEAMAN: Oh, yes, this was done -- there were two --

MR. GAMEZ: Two.

CHAIRPERSON KONYK: Two conditions. Do you understand and agree with those?

MR. KURBANSADE: Yes, ma'am.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response.)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: There are none.

CHAIRPERSON KONYK: Any Board member feel this item warrants a full hearing?

(No response.)

CHAIRPERSON KONYK: Seeing none, this item will remain on consent.

MR. KURBANSADE: Thank you.

**BOARD OF ADJUSTMENT CONDITIONS**

1. By **02/16/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)

2 Prior to the issuance of any Building Permit for the site, the owner shall resolve the lien associated with the property. (EVENT: BUILDING: ZONING)

CHAIRPERSON KONYK: Next item on consent is Basem Bishai, owner, to allow an existing single family dwelling to encroach into both the required side interior setbacks. That's BOFA2005-01683.

Applicant, your name for the record? Speak in the mic.

MR. BISHAI: My name is Basem Bishai.

CHAIRPERSON KONYK: Okay. The staff has recommended conditions. Do you agree -- one condition. Do you understand and agree with that condition?

MR. BISHAI: Yes.

CHAIRPERSON KONYK: Okay. Any member of the public here to speak against this item?

(No response.)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: There are none.

CHAIRPERSON KONYK: Any Board member feel this item warrants a full hearing?

(No response.)

CHAIRPERSON KONYK: Seeing none, you may have a seat. Your item will remain on the Consent. You may sit down.

MR. BISHAI: Okay.

**BOARD OF ADJUSTMENT CONDITIONS**

Prior to the Development Order expiration (**02/16/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: Okay. Next item on consent is BOFA2005-01706, Land Design South, agent for Gulfstream Polo.

Name for the record?

MR. BROPHY: Good morning, Jeff Brophy with Land Design South.

CHAIRPERSON KONYK: Okay. Staff has recommended one condition. Do you understand and agree with that?

MR. BROPHY: Yes, we do.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response.)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: There are none.

CHAIRPERSON KONYK: Any Board member feel this item warrants a full hearing?

(No response.)

CHAIRPERSON KONYK: Seeing none, this item will remain on consent.

MR. BROPHY: Thank you.

#### **BOARD OF ADJUSTMENT CONDITIONS**

Prior to DRO approval, the variance approval pursuant to **BA2005-1706** shall be reflected on the approved site plan. (DRO: EVENT: ZONING)

CHAIRPERSON KONYK: Next item on consent is BOFA2006-00001, John and Cynthia Brady, to allow a proposed screen enclosure to encroach into the required side interior setback.

Name for the record?

MRS. BRADY: Cynthia Brady.

CHAIRPERSON KONYK: And the staff has recommended three conditions. Do you understand and agree with those?

MRS. BRADY: Yes.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response.)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: There are none.

CHAIRPERSON KONYK: Any Board member feel this item warrants a full hearing?

VICE-CHAIRMAN BASEHART: I just have a question. Does she get anything special for being the first application of the year?

CHAIRPERSON KONYK: Oh.

MRS. BRADY: I hope so.

CHAIRPERSON KONYK: Yeah.



MR. SEAMAN: We gave her support I think for a variance, didn't we?

VICE CHAIRMAN BASEHART: Okay.

CHAIRPERSON KONYK: I don't know, I think -- doesn't the Vice-Chair take that person out to lunch?

MR. SEAMAN: And staff.

CHAIRPERSON KONYK: Yeah, and staff goes along.

Okay. Your item will remain on consent.

MRS. BRADY: Thank you.

### BOARD OF ADJUSTMENT CONDITIONS

1. By **02/16/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment letter and a copy of the site plan presented to the Board, simultaneously with the building permit application. (BUILDING: DATE: ZONING)

2. Prior to the Development Order expiration (**02/16/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

3. By **02/16/2007**, the approved site plan for South Road PUD (P-00-80) shall be amended by the DRO to reflect the variance approval pursuant to BA-2006-01. (DRO: DATE: ZONING)

CHAIRPERSON KONYK: BOFA2006- -- I know now why they are abolishing this Board -- -00003, Rosemeri and Alonzo Andrade, to allow a proposed pool to encroach into the required rear setback. Your name for the record?

MRS. ANDRADE: Rosemeri Andrade.

CHAIRPERSON KONYK: Staff has recommended three conditions. Do you understand and agree with those?

MRS. ANDRADE: Yes.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response.)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: There are none.

CHAIRPERSON KONYK: Any Board member feel this item warrants a full hearing?

(No response.)

CHAIRPERSON KONYK: Seeing none, your item

will remain on consent. You may have a seat.

**BOARD OF ADJUSTMENT CONDITIONS**

1. By **04/16/2006**, the approved site plan for Smith Dairy East PUD (95-87) shall be amended through the DRO section of the Zoning Division to reflect the variance approval pursuant to BA-2006-3. (DRO: DATE: ZONING)

2. By **06/16/2006**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan presented to the Board, simultaneously with the building permit application. (BUILDING: DATE: ZONING)

3. Prior to the Development Order expiration (**02/16/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: BOFA2006-0006, Clayton and Kim Dunn, owners, to allow a proposed room addition to encroach into the required side interior setback.

Name for the record?

MR. DUNN: Clayton Dunn.

CHAIRPERSON KONYK: Staff has recommended two conditions. Do you understand and agree with those?

MR. DUNN: Yes, I do.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response.)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: There are none.

CHAIRPERSON KONYK: Any Board member feel this item warrants a full hearing?

(No response.)

CHAIRPERSON KONYK: Seeing none, this item will remain on consent. You may have a seat.

**BOARD OF ADJUSTMENT CONDITIONS**

1. By **08/16/2006**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan presented to the Board, simultaneously with the building permit application. (BUILDING: DATE:

ZONING)

2. Prior to the Development Order expiration (02/16/2008), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: BOFA2006-00007, Corporate Property Services, agent, for Wayjohn, Inc., owner, to allow a reduction in the width of the right-of-way and compatibility buffers and to reduce the required foundation plantings, et cetera.

MS. McDONALD: Dawn McDonald, of Corporate Property Services.

CHAIRPERSON KONYK: The staff has recommended two conditions. Do you understand and agree with those?

MS. McDONALD: Yes.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response.)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: No.

CHAIRPERSON KONYK: Any Board member feel this item warrants a full hearing?

(No response.)

CHAIRPERSON KONYK: Seeing none, this item will remain on consent.

#### **BOARD OF ADJUSTMENT CONDITIONS**

1. By 02/16/2007, the applicant shall have the terminal island adjacent to the existing handicap parking space and east side of the building widened to approximately 11 feet.

2. By 02/16/2097, the Approved Site Plan for the Shoppes at Cresthaven MUPD (P-80-41) shall be amended by the DRO to reflect the variance approval pursuant BA-2006-07. (DRO: DATE: ZONING)

CHAIRPERSON KONYK: BOFA2006-00008, Corporate Property Services, to allow a reduction in the width of the ROW buffer, et cetera. Oh, it's you again?

MS. McDONALD: Yes, Dawn McDonald, Corporate Property Services.

CHAIRPERSON KONYK: And one condition. You agree with that?

MS. McDONALD: Yes.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response.)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: None.

CHAIRPERSON KONYK: Any Board member feel this item warrants a full hearing?

(No response.)

CHAIRPERSON KONYK: Seeing none, this item will remain on consent.

#### **BOARD OF ADJUSTMENT CONDITION**

1. By **02/16/2007**, the Approved Site Plan for the World Savings Bank MUPD (P-85-137) shall be amended by the DRO to reflect the variance approval pursuant BA-2006-08. (DRO: DATE: ZONING)

CHAIRPERSON KONYK: BOFA2006-00009, Julian Bryan & Associates, agent, for Jog & Belvedere Development, et cetera, to allow a reduction on the requirement of open space.

Name for the record?

MR. BRYAN: Julian Bryan.

CHAIRPERSON KONYK: Staff has recommended one condition. You understand and agree with that?

MR. BRYAN: Yes, ma'am, we do.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response.)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: None.

CHAIRPERSON KONYK: Any Board member feel this item warrants a full hearing?

(No response.)

CHAIRPERSON KONYK: Seeing none, this item will remain on consent.

MR. BRYAN: Thank you.

#### **BOARD OF ADJUSTMENT CONDITIONS**

1. Prior to DRO approval, the applicant shall have the approved variance, pursuant to **BA-2006-9**, labeled on the Approved Site Plan. (DRO: EVENT: ZONING)

CHAIRPERSON KONYK: BATE2006-00102, Gary and Renee Tong, to allow a 6 month time extension. I'm going to go through this even though Mr. Basehart is going to tell me it's not advertised, but I'm still going to do it.

Any member of the public here to speak against this item?

(No response.)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: No.

CHAIRPERSON KONYK: Any Board member feel this item does not warrant a time extension?

(No response.)

CHAIRPERSON KONYK: Seeing none, your item will remain on consent.

Your name for the record?

MR. TONG: Gary Tong.

CHAIRPERSON KONYK: Thank you.

#### **DEVELOPMENT ORDER**

The development order for this particular variance shall lapse on **10/20/2006**, one year from the approval date. (DATE: MONITORING: ZONING)

#### **BOARD OF ADJUSTMENT CONDITIONS**

1. By **01/20/2006**, the applicant shall obtain a building permit to install a privacy fence along the south property line. The fence shall be installed at the maximum allowable height according to the ULDC. (BUILDING: DATE: ZONING) (COMPLETED B06000571)

2. By **01/20/2006**, the applicant shall obtain a building permit for the existing solid roof screen enclosure. (BUILDING: DATE: ZONING)

#### **IS HEREBY AMENDED TO READ:**

2. By **07/20/2006**, the applicant shall obtain a building permit for the existing solid roof screen enclosure. (BUILDING: DATE: ZONING)

3. By **01/20/2006**, the applicant shall provide

the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan presented to the Board, simultaneously with the building permit application. (BUILDING: DATE: ZONING)

**IS HEREBY AMENDED TO READ:**

3. By **07/20/2006**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan presented to the Board, simultaneously with the building permit application. (BUILDING: DATE: ZONING)

4. Prior to the Development Order expiration (**10/20/2006**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: BATE2006-00132, Kilday & Associates, 24 month time extension.

Name for the record?

MS. CONOVER: Shayne Conover from Kilday & Associates.

CHAIRPERSON KONYK: Any public here against this?

(No response.)

CHAIRPERSON KONYK: Letters?

MR. SEAMAN: No.

CHAIRPERSON KONYK: Board against it?

(No response.)

CHAIRPERSON KONYK: Seeing none, this item will remain on consent.

MS. CONOVER: Thank you.

**DEVELOPMENT ORDER**

The development order for this particular variance shall lapse on **February 17, 2008**, one year from the approval date. (DATE: MONITORING: ZONING)

**BOARD OF ADJUSTMENT CONDITIONS**

1. By **February 17, 2006**, or prior to DRO certification, the applicant shall amend the site plan to reflect the variance approval pursuant to BA-2005-0006.

**IS HEREBY AMENDED TO READ:**

1. By **February 17, 2008**, or prior to DRO certification, the applicant shall amend the site plan to reflect the variance approval pursuant to BA-2005-0006.

2. Zoning - All plant material required by the ULDC within the 50 feet perimeter landscape buffer shall be installed within the approved condensed 15 feet perimeter landscape buffer.

CHAIRPERSON KONYK: BATE2006-00151, Marda Zimring, 12 month time extension for Sunshine Wireless, Inc.

MR. MESSING: David Messing, agent for Sunshine Wireless.

CHAIRPERSON KONYK: Okay. Any member of the public here against this time extension?

(No response.)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: No.

CHAIRPERSON KONYK: Any Board member feel this isn't warranted?

(No response.)

CHAIRPERSON KONYK: Seeing none, this item will remain on consent.

#### **DEVELOPMENT ORDER**

The development order for this particular variance shall lapse on **02/17/2006**, one year from the approval date. (DATE: MONITORING: ZONING)

#### **IS HEREBY AMENDED TO READ:**

The development order for this particular variance shall lapse on **02/17/2007**, one year from the approval date. (DATE: MONITORING: ZONING)

#### **BOARD OF ADJUSTMENT CONDITIONS**

1. By **February 17, 2006**, the applicant shall obtain a building permit for the proposed development in order to vest the variance approved pursuant to BA2004-994.

#### **IS HEREBY AMENDED TO READ:**

1. By **February 17, 2007**, the applicant shall obtain a building permit for the proposed

development in order to vest the variance approved pursuant to BA2004-994.

CHAIRPERSON KONYK: Let me recap for us here. We have the following items -- they don't have to be sworn in for that. They only have to be sworn in if they're going to give a presentation. We never swear them in for this.

BOFA2006-000010; BOFA2005-01683; BOFA2005-01706; BOFA2006-00001; BOFA2006-00003; BOFA2006-00006; BOFA2006-00007; BOFA2006-00008; BOFA2006-00009; BATE2006-00102; BATE2006-00132; BATE2006-00151 all remain on consent.

May I have a motion for approval?

VICE-CHAIRMAN BASEHART: Madam Chair, I'd like to make a motion that the list that you just read of consent items be approved on consent, and I'd like the record to reflect that the staff report for each and every one of these applications be the record of hearing.

CHAIRPERSON KONYK: We have a motion by Mr. Basehart.

MS. CARDONE: Second.

CHAIRPERSON KONYK: Second by Ms. Cardone. All those in favor?

BOARD: Aye.

CHAIRPERSON KONYK: Opposed?

(No response)

CHAIRPERSON KONYK: Motion carries unanimously.

Are the letters going to be mailed or are they ready?

MS. STABILITO: Mailed.

CHAIRPERSON KONYK: Mailed. Okay. The letters will be mailed. You're all free to leave. You've all gotten your variances. Thank you.

The meeting is adjourned.

(Whereupon, the meeting was concluded at 9:20 a.m.)

\* \* \* \* \*



C E R T I F I C A T E

THE STATE OF FLORIDA )

COUNTY OF PALM BEACH )

I, Sophie M. Springer, Notary Public, State of Florida at Large,

DO HEREBY CERTIFY that the above-entitled and numbered cause was heard as hereinabove set out; that I was authorized to and did report the proceedings and evidence adduced and offered in said hearing and that the foregoing and annexed pages, numbered 4 through 16, inclusive, comprise a true and correct transcription of the Board of Adjustment hearing.

I FURTHER CERTIFY that I am not related to or employed by any of the parties or their counsel, nor have I any financial interest in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3rd day of March, 2006.

\_\_\_\_\_  
Sophie M. (Bunny) Springer