

**PLANNING AND ZONING BOARD MINUTES  
THURSDAY, FEBRUARY 2, 2023 - 1:30 PM  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**PRESENT:** Chairman, Jeb Bittner; **Members:** Robin Pelensky, Jeff Stassi, Jason Ground, Alternate Member, Elliесе Shaughnessy and Alternate Member, Jake McCrae **Also Present:** Senior Planner, Gayle Lafferty; Principal Planner, Cheri Fitzgerald (arrived at 1:56 p.m.); Planning Director, Jason Jeffries; City Attorney, John Turner and Deputy City Clerk, Sherri Philo

**Excused Absence:** Jose Prieto

Today's meeting was called to order at 1:30 p.m.

**I. PRELIMINARY MATTERS**

**A. Agenda Additions and/or Deletions**

Mr. Jason Jeffries, Planning Director, reported that he would be giving the Board an overview on a recent City Council workshop that was held under item V – Discussions on today's agenda.

**II. APPROVAL OF MINUTES**

**A. Regular Meeting – January 12, 2023**

**Mrs. Pelensky made a motion to approve the minutes of the January 12, 2023 Planning and Zoning Board meeting. Mr. Stassi seconded the motion and it passed unanimously.**

**III. PUBLIC COMMENT**

None

**IV. PUBLIC HEARINGS**

**[Quasi-Judicial]**

- A. Variance Application Submitted by Danna Small, DLS Environmental Services on Behalf of Joaquin Zalazar, to Reduce the Required Side Property Line (Riparian) Setback for Docks in Section 31.05 (A)(5) from 15 Feet to 0 Feet on the West Property (Riparian) Line and from 15 Feet to 11 Feet on the East Property (Riparian) Line Located at 75 Cache Cay Drive (V22-000007)**

The Chairman read Variance Application submitted by Danna Small, DLS Environmental Services on Behalf of Joaquin Zalazar for the property located at 75 Cache Cay Drive, #V22-000007 by title only.

There were no ex parte communications reported.

The Deputy City Clerk swore in staff and those present for today's hearing en masse.

Mr. Jason Jeffries, Planning Director, who has been sworn in, explained that it is the Board's decision to grant or deny a variance and staff does not take a position on it.

Ms. Gayle Lafferty, Senior Planner, who has been sworn in, went over staff's report accompanied by a Power Point presentation with the Board members (attached to the original minutes).

Mr. Jeffries said this is located in a cove and the strict interpretation of the Code regarding the 15-foot setback could cause an exceptional and unique hardship. He said it is compatible with the neighborhood.

Mrs. Pelensky asked if they heard from the neighbors.

Ms. Lafferty said they do have signatures from the neighbors that they did not object to the proposed improvements.

Mr. Jeffries reported that this public hearing was noticed and posted on the property.

Ms. Danna Small, of LS Environmental Services, who has been sworn in, stated that she was the applicant's agent. She said the cove does present a unique hardship. She explained that they were trying to be sensitive of the mangroves and the way the lines pie at the end of the cove the further you get away from the mangroves the lower it gets. She said this is a very unique situation.

Mr. Bittner said the Board has approved a few of these in the last year and a half that had similar circumstances and he did not recall any of them being reduced to a zero setback. He asked what is the purpose of the small finger pier.

Ms. Small explained that the property owners were avid kayakers and that is the only place they would be able to launch their kayaks without going into the mangroves.

Mr. Bittner said they would be entering directly into their adjoining neighbor's property.

Ms. Small answered no. She explained that there would be a ladder to get down to the kayaks.

Mr. Bittner asked why they would have the ladder on the outside of the bigger dock and not on the finger pier.

Ms. Small said there wasn't any room because of the boatlift.

Mr. Bittner asked why couldn't they put the kayak at the bottom of the stairs where the kayak would point out into the water.

Ms. Small said you can't board a kayak that is pointed out into the water because you have to board it from the side.

Mr. Bittner asked if it would be a hardship if they left two (2) feet so they would have an eight (8) foot finger pier so that it is not flush against the property line.

The Deputy City Clerk swore in Mr. Joaquin Zalazar.

Mr. Joaquin Zalazar, property owner, who has been sworn in, said there is no room. He said they would not be able to launch the boat without hitting the platform. He said that his neighbor is crossing the riparian line. It is not that his neighbor didn't get the zero setback, it

is that he is past it.

Mr. Bittner asked Mr. Zalazar if he could operate it if there was some easement or gap between the property lines. He asked if they could make the finger pier eight (8) feet without it being a hardship.

Ms. Small said it would be very difficult because the kayak is 12-feet.

Mr. Bittner said so the kayak would be sitting up against the finger pier and the tail end of it would be under the boatlift.

Ms. Small said that is correct.

The Chairman opened and closed the public hearing at 1:50 p.m., with no one wishing to be heard.

Mrs. Pelensky said putting the kayak arm at an angle would not work. It was her opinion that this was the most functional way to get a kayak in.

Mr. Bittner agreed. He said it was just that it was flushed up against the property line.

**Mr. Stassi made a motion on Variance Application submitted by Danna Small, DLS Environmental Services on behalf of Joaquin Zalazar, to reduce the required side property line (Riparian) setback for docks in Section 31.05 (a)(5) from 15-feet to 0-feet on the west property (Riparian) line and from 15-feet to 11-feet on the east property (Riparian) line located at 75 Cache Cay Drive, #V22-000007 be approved based on competent substantial evidence. The motion was seconded and it passed 5-0 with Ms. Shaughnessy voting yes, Mr. Ground voting yes, Mrs. Pelensky yes, Mr. Stassi yes, Mr. and Mr. Bittner yes.**

## **V. DISCUSSIONS**

Mr. Jeffries reported that the City Council held a workshop last week on commercial districts, neighborhood protection, a proposed beachside overlay district, the Old Dixie land use study and the downtown master plan. He reported that staff is proceeding with the neighborhood protection issue and the revisions to commercial zoning districts as priority projects.

### **A. Permitted Uses In Commercial Districts**

Mr. Jeffries went over the slide on Commercial District Next Steps in his Power Point presentation with the Board members (attached to the original minutes). He reported that he would be bringing back before the Board at their March meeting some proposed definitions and more details on how the uses would be redefined.

Mr. Bittner asked that the Board receive notice when the City Council holds workshop meetings on planning matters.

### **B. Neighborhood Protection**

Mrs. Cheri Fitzgerald, Principal Planner, went over staff's report accompanied by a Power Point presentation (attached to the original minutes).

## **VI. PLANNING DEPARTMENT MATTERS**

Mr. Jeffries reported that the next Planning and Zoning Board meeting would be held on Thursday, March 16, 2023.

## **VII. BOARD MEMBERS' MATTERS**

Mr. Stassi reported that he was resigning from the Board because he was moving out of the City. He said that he has enjoyed serving on the Board.

At this time, Mr. McCrae and Mr. Ground introduced themselves to the Board members.

## **VIII. ADJOURNMENT**

Today's meeting adjourned at 2:35 p.m.

/sp