

IN THE CIRCUIT COURT OF THE 15TH  
JUDICIAL CIRCUIT, IN AND FOR  
PALM BEACH COUNTY, FLORIDA

ALLEN SHUTT AND JULIE SHUTT,

Plaintiffs/Petitioners,

CASE NO.:

v.

CITY OF WEST PALM BEACH and  
BARKING DOG FLORIDA LLC,

Defendants/Respondents.

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**VERIFIED COMPLAINT FOR ISSUANCE OF  
WRIT OF MANDAMUS AND INJUNCTIVE RELIEF**

Plaintiffs, Allen Shutt and Julie Shutt ("**Plaintiffs**"), by and through undersigned counsel, sue Defendant, City of West Palm Beach ("**City**") and Barking Dog Florida LLC ("**Barking Dog**"), and state as follows:

1. This is an action for mandamus and injunctive relief.
2. Plaintiffs seek a writ of mandamus to compel the City to perform an indisputable ministerial duty required by law – to enforce Barking Dog’s violation of Section 94-82(b)(2)(e)(2) of the City’s Zoning and Land Development Regulations ("**ZLDRs**"), as confirmed by the Historic Preservation Board’s denial of Barking Dog’s variance request for the construction of a single-family residence encroaching within the cumulative side setback of the Subject Property (defined herein), by requiring the City to order Barking Dog to remove any portion of the new single-family residence being constructed within the cumulative side setback of the Subject Property.
3. Plaintiffs seek an injunction to: (a) prevent Barking Dog from continuing construction of a new single-family residence within the cumulative side setback in violation of 94-82(b)(2)(e)(2) of the ZLDRs and the Historic Preservation Board’s denial of the variance

request for construction of a single-family residence within the cumulative side setback; (b) prevent the City from issuing any additional permits or a certificate of occupancy as long as any portion of the new single-family residence is located within the cumulative side setback; and (c) require the removal of any portion of the new single-family residence being constructed within the cumulative side setback of the Subject Property in violation of section 94-82(b)(2)(e)(2) of the ZLDRs and the Historic Preservation Board's denial of Barking Dog's variance request.

#### **JURISDICTION & VENUE**

4. The circuit court has jurisdiction as this Complaint is for a writ of mandamus and injunctive relief. See §§ 26.012(2)(a) and (c), Fla. Stat.; Art. V, §5(b), Fla. Const.; and Rule 9.030(c)(3), Fla. R. App. P.

5. Venue is proper in Palm Beach County, Florida, because it is where the cause of action accrued, where the property at issue is located, where the City is located, and where the City has, or usually keeps, an office for transaction of its customary business.

#### **PARTIES**

6. Plaintiffs are individuals who own real property located in the City of West Palm Beach who will be negatively impacted and suffer special injuries as a result of the City's failure to enforce Barking Dog's continuing violation of section 94-82(b)(2)(e)(2) of the ZLDRs and the Historic Preservation Board's denial of the variance for construction of a new single-family residence within the cumulative side setback of the Subject Property (defined herein).

7. The City is a Florida Municipal Corporation that operates a municipality in Palm Beach County, Florida.

8. Barking Dog is a Florida Limited Liability Company which does business in Palm Beach County, Florida, and owns the real property at issue in this action which is located in Palm Beach County, Florida.

### **GENERAL ALLEGATIONS**

#### ***City Has Continuing Obligation to Enforce Violations of ZLDRs***

9. The City is responsible for regulating all land use and development within its boundaries pursuant to section 163.3167(1), Florida Statutes. All powers of the City except those vested in the City's mayor are vested in the City Commission pursuant to section 2.03, City Charter. In order to fulfill these powers and responsibilities, the City has created multiple boards and committees to make decisions and recommendations to the City commission regarding urban planning, zoning, and land development throughout the City.

10. The City's Historic Preservation Board is authorized to approve, with or without conditions, or deny applications for variances, special exceptions and class B special use permits in the City's historic districts. See Section 94-31(e) of the ZLDRs.

11. To apply for a variance, the applicant must file an application for a variance with the building and zoning department containing: (a) identification of the specific provisions of this chapter from which a variance is sought and the decision of the planning and zoning administrator which requires the application, (b) the nature and extent of the variance requested and an explanation of why it is necessary, and (c) the grounds relied upon to justify the proposed variance. See Section 94-38(d)(2) of the ZLDRs.

12. In all variance proceedings held before the Historic Preservation Board, the planning and zoning administrator shall review each application and the planning and zoning

administrator shall file a recommendation on each application. See Section 94-38(d)(3) of the ZLDRs.

13. Notice shall be required for a public hearing regarding a request for a variance. See Section 94-38(d)(4) of the ZLDRs. Public notice shall be advertised in a newspaper of general circulation in the City at least ten days in advance of the public hearing, and written notice shall be provided by mail at least 14 days in advance of the public hearing to, *inter alia*, all persons who own real property within 500 feet of the property to be affected by the proposed action and whose addresses are known by reference to the latest approved ad valorem tax roll. See Section 94-39(j) of the ZLDRs.

14. After the application is deemed complete, the application shall be scheduled for the next available plans and plats review committee (PPRC) meeting agenda. After the comments from the PPRC have been addressed, the application shall be scheduled for the Historic Preservation Board meeting agenda. At a public meeting, the Historic Preservation Board shall receive testimony regarding the application from the planning and zoning administrator, applicant, or any other person having an interest in the proceedings. See Section 94-38(d)(5) of the ZLDRs.

15. Any persons aggrieved by a decision of the Historic Preservation Board for a variance, special exception or class B special use permit may appeal by common law writ of certiorari to a court of competent jurisdiction for judicial relief within 30 days after a decision by the historic preservation board. See Sections 94-31(e) and 94-38(h) of the ZLDRs.

16. The City has a continuing affirmative duty to enforce violations of the ZLDRs.

Pursuant to Section 94-34(b)(2) of the ZLDRs:

Where it is determined that a violation of this chapter exists, the planning and zoning administrator or his designee *shall* notify the violator in writing and order compliance. The planning and zoning administrator or his designee *shall* order discontinuance of an illegal use of land, buildings, or

structures; removal of illegal buildings or structures, or additions, alterations, or structural changes thereof; or discontinuance of any illegal work being done. If a violation of these regulations continues. The planning and zoning administrator or his designee *shall* commence appropriate legal action.

(Emphasis added).

***Barking Dog's New Construction on Subject Property within Cumulative Side Setback Violates the City's ZLDRs and the Historic Preservation Board's Denial of Variance***

17. Barking Dog owns the real property located at 3015 Washington Road, West Palm Beach Florida, with Parcel Control Number 74-43-43-34-05-014-0030 ("**Subject Property**").

18. The Subject Property is located in the Historic Single-Family High Density residential, context 3 (SF 14-C3) zoning district.

19. The minimum side setback (one side only) for lots up to 9,999 square feet is 5 feet in the SF14-C3 Zoning District. See Section 94-82(b)(2)(d) of the ZLDRs.

20. The minimum cumulative side setback (both sides) for lots 7,500 to 9,999 square feet is 20 feet in the SF14-C3 zoning district. See Section 94-82(b)(2)(e) of the ZLDRs.

21. The total lot size of the Subject Property is 8,450 square feet.

22. Therefore, the Subject Property has a minimum side setback of 5 feet and a minimum cumulative side setback of 20 feet.

23. In 2016, Barking Dog's predecessor-in-interest applied for a Certificate of Appropriateness for Demolition and New Construction under Historic Preservation Board Case No. 16-86 ("**COA Application**").

24. The proposed new construction of a single-family residence on the Subject Property in the COA Application did not comply with the ZLDRs relating to the minimum required cumulative side setback, but no variance was requested at that time.

25. City Staff failed to conduct a review of the applicable zoning requirements in conjunction with its review of the COA Application, and erroneously approved the COA Application (“**COA Approval**”) without evaluating zoning considerations, including the required setbacks.

26. Because Barking Dog’s predecessor-in-interest failed to request a variance from the minimum cumulative side setback required under section 94-82(b)(2)(e)(2) of the ZLDRs, and the City erroneously issued the COA Approval without evaluating zoning considerations and requiring a variance from the cumulative side setback, Plaintiffs and the other affected property owners never received the requisite notice and opportunity to be heard prior to issuance of the COA Approval.

27. On or about June 16, 2024, Barking Dog purchased the Subject Property and thereafter proceeded to obtain building permits for the development of the Subject Property.

28. In early 2025, Barking Dog commenced construction of the new single-family residence on the Subject Property.

29. Either during the building permit review or after building permit issuance, City Staff discovered that the proposed new construction did not meet required minimum side setbacks and found no record of an approved variance. City Staff found that although the COA Application indicated the encroachment on the plans, the request for the variance was not discussed or presented in conjunction with the COA Application.

30. City Staff thereafter informed Barking Dog that: (a) the proposed new construction failed to meet the required cumulative side setback, (b) the COA Application did not include a request for a variance, and (c) a variance was needed for the proposed new construction to encroach within the cumulative side yard setback.

31. Barking Dog subsequently submitted an application for a variance to construct a previously approved single-family residence on the Subject Property within the cumulative side setback in order to bring the development into compliance with the ZLDRs and the applicable Florida Statutes, under Historic Preservation Board Case No. 25-58 ("**Variance Request**").

32. The Variance Request was initially scheduled to be heard at the September 30, 2025 Historic Preservation Board Meeting.

33. In advance of the September 30, 2025 Historic Preservation Board Meeting, City Staff issued a Staff Report addressing the Variance Request ("**September Staff Report**"). A copy of the September Staff Report is attached hereto as **Exhibit A**.

34. In the September Staff Report, City Staff acknowledged that when Barking Dog's predecessor-in-interest submitted COA Application, declaring:

The new construction was not in compliance with the ZLDRs relating to the minimum required side setback, but the variance was not requested at the time. The COA application was ultimately approved, however, the variance had not been evaluated.

See Exhibit A, September Staff Report at p. 2.

35. In the September Staff Report, City Staff also conceded that:

During the building permit review, staff discovered the proposed new construction did not meet required side setback and found no record of an approved variance. Staff found that though the application indicated the encroachment on the plans, the request for the variance was not discussed or presented in conjunction with the COA application. The applicant was notified and has formally submitted the application for the variance request to construct the previously approved new construction within the required side setback, bringing the development into compliance with the ZLDRs and applicable State Statutes.

See Exhibit A, September Staff Report at p. 2.

36. At Barking Dog's request, the Variance Request was deferred to the October 28, 2025 Historic Preservation Board meeting.

37. In advance of the October 28, 2025 Historic Preservation Board Meeting, City Staff issued a revised Staff Report addressing the Variance Request (“**October Staff Report**”). A copy of the October Staff Report is attached hereto as **Exhibit B**.

38. The October Staff Report was substantially similar to the prior September Staff Report, with a few notable modifications. For instance:

- a. Whereas the September Staff Report states that City Staff discovered “*[d]uring the building permit review*” that the proposed new construction did not meet the required side setback and found no record of an approved variance, the October Staff Report provides that City Staff made this discovery “*[a]fter the building permit issuance.*” (Emphasis added).
- b. Whereas the September Staff Report notes that the new construction has a 4.77-foot south side setback (violating the single side setback and cumulative side setback), the October Staff Report states that the new construction has a 5-foot south side setback, which still violates the cumulative side setback.

39. At the October 28, 2025 Historic Preservation Board Meeting (“**October HPB Meeting**”), the Historic Preservation Board considered Barking Dog’s Variance Request.

40. During this meeting, City Planner Anne Volcy summarized the Variance Request as follows:

The request is for a variance from section 94-82(b)(2)(e)(2) of the ZLDR’s for the construction of a previously approved single-family residence to encroach within the cumulative side yard setback. The cumulative requirement, per the Code, is 20 feet. The Applicant is providing five feet to the south, 10.85 feet to the north for a total of 15.85 feet; and the variance request is for 4.15 feet applied towards the north side of the property.

See October HPB Transcript at page 5, lines 10-18. A copy of the October HPB Meeting Transcript is attached as **Exhibit C**.

41. City Planner Volcy further testified, under oath, that the City had erroneously issued the COA Approval as well as building permits in violation of the Section 94-82(b)(2)(e)(2) of the ZLDRs, which required a minimum cumulative side setback of 20 feet, stating:

So as for the background, so this application came in after the approval because the permit had already issued under HPB 2016 as stated in the Staff report. It also got approval at the building permit level. In 2024, the permit is issued. We had a call in from the neighbor on south end requesting that we either pull back or look into the plans because they felt that there was an encroachment. So when Staff looked into the plans, we realized that there was – that we had missed the 20 foot cumulative setback where there was a setback encroachment happening within the property by this new structure. So we reached out to the Applicant and the Applicant said we can move ahead with the submittal. So, as a courtesy, Staff did do the application with all of the documents that had been previously submitted just to alleviate some of that stress on the Applicant because at this point we've already gotten – issued the approval and their building permit's approved. The neighbor to the south had requested more information and to be kept in the loop with what's going on with this project moving forward, since they were parties who were concerned about this request. That pretty much concludes Staff's presentation.

See Exhibit C, October HPB Hearing Transcript at page 6, line 12 through page 7, line 11.

42. After hearing the testimony presented and considering the record evidence, Historic Preservation Board Member James Murphy moved to deny the variance request, stating:

I'm going to move that the Historic Preservation Board deny case 25-58, request by Anthony Harrington of Design Methods, Inc., on behalf of Barking Dog Florida, LLC for a variance from Section 94-82(b)(2)(e)(2) of the City Zoning and Land Development Regulations for the construction of a previously approved new construction. The motion is based on the testimony presented, along with the application submitted and the Staff report, which constitutes competent substantial evidence. The Board hereby makes findings of fact that not all out of the criteria in Article 2, Section 94-38(d)(6) of the City of West Palm Beach Zoning and Land Development Regulations have been met.

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The standards that have not been met include the following: Variance standard A, peculiar to land structure or building. I do not believe that there are special conditions and circumstances that exist that are peculiar to the land structure or building involved. B, the actions of the Applicant, that there are not special conditions and circumstances that did not result from

the Applicant; and this is not the minimum variance request that will make possible the reasonable use of the land.

See Exhibit C, October HPB Hearing Transcript at page 23, lines 1-14; page 23, line 21 through page 24, line 5.

43. The Historic Preservation Board thereafter approved the motion to deny the Variance Request by a vote of 6 to 1.

44. The written denial of the Variance Request by the Historic Preservation Board is reflected in the executed Meeting Minutes of the October HPB Meeting, a copy of which is attached as **Exhibit D**.

45. Barking Dog did not appeal the Historic Preservation Board's denial of the Variance Request by common law writ of certiorari within 30 days after the decision by the Historic Preservation Board.

46. There are no further administrative appeals available or pending.

47. The City has expressly acknowledged – in its September Staff Report, its October Staff Report and through City Planner Volcy's testimony at the October HPB Meeting – that Barking Dog is in violation of Section 94-82(b)(2)(e)(2) of the ZLDRs by constructing the new single-family residence within the cumulative side setback of the Subject Property.

48. By denying the Variance Request, the City's Historic Preservation Board verified and confirmed that Barking Dog is in violation of section 94(82(b)(2)(e)(2) of the ZLDRs.

49. Under Section 94-34(b)(2), once a violation has been determined, the City's planning and zoning administrator has no discretion and is required by law to (i) notify the violator in writing, (ii) order compliance, and (iii) order removal of the illegal structure encroaching within the cumulative side setback. Each of these ministerial acts is non-discretionary and required by the plain language of the Code.

50. To date, the City's planning and zoning administrator has failed to order Barking Dog to remove the portion of the new single-family residence being constructed on the Subject Property that improperly encroaches within the cumulative side setback in violation of Section 94-82(b)(2)(e)(2) of the ZLDRs and the Historic Preservation Board's denial of the Variance Request.

51. The City's planning and zoning administrator's failure to act is in direct violation of a specific, non-discretionary mandate established by the City Code.

***Plaintiffs Will Suffer Special Injuries Due to City's Failure to Enforce ZLDRs and Historic Preservation Board's Denial of Variance***

52. Plaintiffs own the real property located at 3019 Washington Road, West Palm Beach, Florida, with Parcel Control Number 74-43-43-34-05-014-0040 ("**Shutts Property**"), which is adjacent to and directly south of the Subject Property.

53. Because Plaintiffs are the adjacent neighbor to the south of the Subject Property, any construction or development within the cumulative side setback of the Subject Property has a material negative impact on Shutts Property, separate and distinct from the general public.

54. Despite being the adjacent neighbor to the south of the Subject Property and the most affected party by the construction of the new single-family residence in the cumulative side setback, Plaintiffs were not afforded due process during the COA Approval process.

55. Because Barking Dog's predecessor-in-interest failed to apply for a variance from the cumulative side setback when the COA Application was submitted in 2016, and the City erroneously granted the COA Approval without evaluating the zoning considerations and requiring a variance from the cumulative side setback, Plaintiffs never received notice that the proposed construction on the Subject Property did not comply with the City's ZLDRs.

56. Because no variances had been sought in connection with the COA Approval, Plaintiff's understanding was that the Developer was required to construct the new residence on

the same footprint as the prior structure that the Historic Preservation Board had authorized to be demolished, and that any new construction would not encroach within the side setbacks.

57. Plaintiffs first discovered that the construction of the new single-family residence on the Subject Property encroached within the side setback after Barking Dog commenced construction of the new single-family residence in early 2025.

58. On April 9, 2025, Plaintiffs sent a public records request to the City requesting the plans for the proposed new single-family residence on the Subject Property. The City responded by email on April 22, 2025, stating: "Plans are not available at this time please resubmit request at a later date." A copy of Plaintiffs' April 9, 2025 public records request and the City's response are attached as **Exhibit E**.

59. On May 23, 2025, Plaintiffs sent another email to the City requesting the plans and any other development information for the proposed new single-family residence on the Subject Property. A copy of Plaintiffs' May 23, 2025 email is attached as **Exhibit F**. The City never responded to, otherwise acknowledged, Plaintiffs' May 23, 2025 email.

60. On August 4, 2025, Plaintiffs contacted the City's Code Compliance Division to question whether the proposed new single-family residence on the Subject Property complied the minimum required setbacks. The City's Code Compliance Division referred the matter to Development Services, who sent a building inspector to meet with Plaintiffs and assess the new construction on the Subject Property. The City's Chief Building Inspector, Richard Brunelle, ultimately informed Plaintiffs that he would need to obtain more information from the contractor before following up with Plaintiffs. However, Plaintiffs never heard anything further from the City on this issue.

61. In early September 2025, Plaintiffs received a mailer noticing a public hearing on September 30, 2025 before the Historic Preservation Board regarding a variance for 3015 Washington Road (“**September Notice Mailer**”). This September Notice Mailer simply referenced a “variance related to the construction of a single family home,” with no other information describing the variance being sought. A copy of the September Notice Mailer is attached as **Exhibit G**.

62. On September 19, 2025, September 23, 2025 and September 25, 2025, Plaintiffs sent three separate emails to the City Case Manager identified in the September Notice Mailer requesting more information concerning the Variance Request. Copies of these emails are attached as **Exhibit H**. The City did not respond to any of these emails from Plaintiff.

63. On September 26, 2025, Plaintiffs visited the City’s Planning Division office in person to request additional information. During this in person visit, the City finally informed Plaintiffs that Barking Dog was seeking a 5.23-foot side yard setback variance, explaining that the proposed setback is 4.77 feet and the minimum required setback is 10 feet.

64. On September 30, 2025, the City sent Plaintiffs an email stating that the “the applicant has requested to continue their request to the next month’s meeting as they are now unable to attend tonight.” A copy of this September 30, 2025 email is attached as **Exhibit I**.

65. On October 14, 2025, the Assistant City Attorney sent Plaintiffs an email stating that “[t]he Historic Preservation Board meeting is scheduled for **November 28, 2025, at 4:30pm** in the City Commission Chambers.” (Emphasis in original). A copy of this October 14, 2025 email is attached as **Exhibit J**.

66. On October 22, 2025, the Assistant City Attorney sent Plaintiffs an email with the Historic Preservation Board Meeting Agenda, which indicated that the Variance Request was

scheduled for October 28, 2025 – not November 28, 2025. A copy of this October 22, 2025 email is attached as **Exhibit K**.

67. Plaintiffs attended the October HPB Meeting and objected to Barking Dog's Variance Request on the basis that the Variance Request did not meet the variance criteria set forth in Section 94-38 of the City Code.

68. At the October HPB Meeting, City Planner Volcy acknowledged that Plaintiffs initially made City Staff aware of the encroachment into the side setback, stating:

We had a call in from the neighbor on south end requesting that we either pull back or look into the plans because they felt there was an encroachment. So when Staff looked into the plans, we realized that there was – that we had missed the 20 foot cumulative setback where there was a setback encroachment happening within the property by this new structure.

See Exhibit C, October HPB Hearing Transcript at page 6, lines 17-24.

69. Plaintiffs will suffer special injuries, separate and distinct from the general public, as a result of the City's failure to enforce this violation of the City's ZLDRs and the Historic Preservation Board's denial of the Variance Request, as the encroachment into the south side setback will create privacy issues and negatively impact Plaintiffs' enjoyment of their house.

70. Plaintiffs have expended significant time and expense renovating their house and installing vegetation and landscaping to enhance their property.

71. The construction of the new single-family residence within the cumulative side setback looms over the Shutts Property and makes it difficult to effectively landscape between the properties, which reduces the curb appeal and value of the Shutts Property which Plaintiffs have invested significant time and expense enhancing through renovations and improvements.

**COUNT I – WRIT OF MANDAMUS  
(Against the City)**

72. Plaintiffs reassert and reallege each and every allegation contained in Paragraphs 1 through 71 of the Complaint as if fully restated herein.

73. This is an action for a writ of mandamus to compel the City to enforce Barking Dog's violation of Section 94-82(b)(2)(e)(2) of the City's ZLDRs and the Historic Preservation Board's denial of the Variance Request for construction of a new single-family residence within the cumulative side setback of the Subject Property, and order Barking Dog to remove the portion of the new single-family residence being constructed on the Subject Property that improperly encroaches within the cumulative side yard setback in violation of Section 94-82(b)(2)(e)(2) of the City's ZLDR's and the Historic Preservation Board's denial of the Variance Request.

74. The City has already determined that Barking Dog is in violation of section 94-82(b)(2)(e)(2) of the ZLDRs by constructing the new single-family residence within the cumulative side setback of the Subject Property, which the City expressly conceded in its September Staff Report, its October Staff Report, and through City Planner Volcy's testimony at the October HPB Meeting.

75. Further, by denying the Variance Request, the Historic Preservation Board verified and confirmed that Barking Dog is in violation of section 94-82(b)(2)(e)(2) of the ZLDRs by constructing the new single-family residence within the cumulative side setback of the Subject Property.

76. Pursuant to Section 94-34(b)(2) of the ZLDRs, where it is determined that a violation of Chapter 94 of the City Code exists, the City's planning and zoning administrator has a non-discretionary, ministerial duty to notify the violator in writing and order compliance, and order discontinuance of an illegal use of land, buildings, or structures; removal of illegal buildings,

or structures, or additions, alterations, or structural, changes thereof; or discontinuance of any illegal work being done.

77. The City, through its planning and zoning administrator, has failed to perform its non-discretionary, ministerial duty of enforcing violations of the City's ZLDRs and the Historic Preservation Board's denial of the Variance Request.

78. Absent a writ of mandamus from this Court, no adequate remedy exists at law to compel the City to enforce Barking Dog's violation of Section 94-82(b)(2)(e)(2) of the ZLDRs and the Historic Preservation Board's denial of the Variance Request for construction of a new single-family residence within the cumulative side setback of the Subject Property, and require the City to order Barking Dog to remove the portion of the new single-family residence being constructed on the Subject Property that improperly encroaches within the cumulative side setback in violation of Section 94-82(b)(2)(e)(2) of the City's ZLDR's and the Historic Preservation Board's denial of the Variance Request.

WHEREFORE, Plaintiffs respectfully request that this Court issue a writ of mandamus to compel Defendant, City of West Palm Beach, to enforce Barking Dog's violation of Section 94-82(b)(2)(e)(2) of the ZLDRs and the Historic Preservation Board's denial of the Variance Request, and to require the City to order Barking Dog to remove the portion of the new single-family residence being constructed within the cumulative side yard setback of the Subject Property in violation of Section 94-82(b)(2)(e)(2) of the ZLDR's and the Historic Preservation Board's denial of the Variance Request.

**COUNT II – INJUNCTION  
(Against City and Barking Dog)**

79. Plaintiffs reassert and reallege each and every allegation contained in Paragraphs 1 through 71 of the Complaint as if fully restated herein.

80. This is an action for injunctive relief to prevent Barking Dog from continuing construction of a new single-family residence within the cumulative side setback in violation of 94-82(b)(2)(e)(2) of the ZLDR's and the Historic Preservation Board's denial of the Variance Request, to prevent the City from issuing any additional permits or certificate of occupancy as long as the new single family residence is located within the cumulative side setback of the Subject Property, and to require the removal of any portion of the new single-family residence being constructed within the cumulative side setback of the Subject Property.

81. Plaintiffs will suffer irreparable harm if the portion of the new single-family residence being constructed within the cumulative side setback of the Subject Property, in violation of Section 94-82(b)(2)(e)(2) of the ZLDRs and the Historic Preservation Board's denial of the Variance Request, is not removed from the cumulative side setback.

82. The irreparable harm Plaintiffs will suffer if an injunction is not granted substantially outweighs any possible harm to the City or Barking Dog.

83. Plaintiffs do not have an adequate remedy at law to compel Barking Dog to remove the portion of the new single-family residence being constructed on the Subject Property that improperly encroaches within the cumulative side yard setback in violation of Section 94-82(b)(2)(e)(2) of the ZLDRs and the Historic Preservation Board's denial of the Variance Request.

84. Plaintiffs have a substantial likelihood of success on the merits.

85. The grant of this injunction will serve the public interest as the public is entitled to a Historic Preservation Board decision that is enforced by the City through its planning and zoning administrator.

WHEREFORE, Plaintiffs respectfully request this Court issue an injunction to prevent Barking Dog from continuing construction of a new single-family residence within the cumulative side setback in violation of 94-82(b)(2)(e)(2) of the City's ZLDR's and the Historic Preservation Board's denial of the Variance Request, and to require the removal of any portion of the new single-family residence being constructed within the cumulative side setback of the Subject Property in violation of Section 94-82(b)(2)(e)(2) of the City's ZLDR's and the Historic Preservation Board's denial of the Variance Request.

Dated: January 27, 2026

**SHUTTS & BOWEN LLP**

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**VERIFICATION OF JULIE SHUTT**

STATE OF FLORIDA                    )  
  ) ss.  
COUNTY OF PALM BEACH         )

BEFORE ME, the undersigned authority, personally appeared **Julie Shutt**, who after being duly sworn, deposes and states as follows:

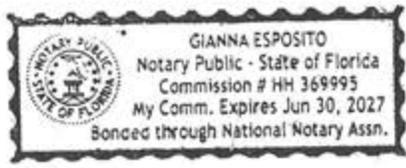
Under penalties of perjury, I declare that I have read the foregoing Complaint and that the facts stated in it are true to the best of my knowledge and belief.

  
\_\_\_\_\_  
**Julie Shutt**

Sworn and subscribed before me on this the 27 day of January, 2026.

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:



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**EXHIBIT "A"**

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PLANNING & ZONING DEPARTMENT  
HISTORIC PRESERVATION BOARD CASE NO. 25-58  
HPB-000343-2025

3015 Washington Road  
Variance



<b>CASE NO.:</b>	25-58
<b>DATE:</b>	September 30, 2025
<b>APPLICANT:</b>	Anthony Harrington of Design Methods, Inc
<b>OWNER:</b>	Barking Dog Florida, LLC
<b>ADDRESS:</b>	3015 Washington Road
<b>REQUEST:</b>	Variance
<b>HISTORIC DISTRICT:</b>	Prospect/Southland Park
<b>DISTRICT:</b>	Commission District 5- Christina Lambert
<b>NOTIFICATION:</b>	Palm Beach Post: September 20, 2025
<b>HISTORY:</b>	1925

## **I. REQUEST:**

A request by Anthony Harrington of Design Methods Inc, on behalf of Barking Dog Florida, LLC for the following:

1. Variance from Sec. 94-82(b)(2) of the City's Zoning and Land Development Regulations (ZLDRs) for the construction of a previously approved new construction.

## **II. BACKGROUND & ANALYSIS:**

The subject property, located at 3015 Washington Road, is a contributing garage structure built in 1925. The subject property is located within the Prospect/Southland Park Historic District and is zoned Historic Single-Family High Density residential, context 3 (SF14-C3). The property previously had a contributing primary structure which was approved for a Certificate of Appropriateness for a Demolition and New Construction in 2016 under HPB Case No. 16-86. The survey and site plan include the previously approved main structure for reference in **Attachments A and B**.

At the time, Staff did not conduct a review of the applicable zoning requirements in conjunction with the review of the Certificate of Appropriateness (COA). The focus of the COA review was limited to the project's compliance with historic preservation standards, as outlined in the Secretary of Interior's Standards and Additional Criteria. As a result, zoning considerations such as setbacks were not evaluated during that process. The new construction was not in compliance with the ZLDRs relating to the minimum required side setback, but the variance was not requested at that time. The COA application was ultimately approved, however, the variance had not been evaluated.

Based on the COA approval, the applicant proceeded to obtain building permits for the development of the site. During the building permit review, staff discovered the proposed new construction did not meet required side setback and found no record of an approved variance. Staff found that though the application indicated the encroachment on the plans, the request for the variance was not discussed or presented in conjunction with the COA application. The applicant was notified and has formally submitted the application for the variance to construct the previously approved new construction within the required side setback, bringing the development into compliance with the ZLDRs and applicable State Statutes. The analysis outlines the need for reduced setback. Additional supporting documentations are provided in **Attachments C through E**.

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Zoning Code Section	Applicable Location	Requirement (Minimum)	Provided	Variance
Section 94-81(b)(2): Minimum Setback for Principal Building	Side Setback Cumulative (along south property line)	10 feet	4.77 feet	5.23 feet

The proposed new construction has a 4.77 feet building line setback which is close to the usual minimum side setback requirement of 5 feet for principal structures in the residential zoning district, with a total of 15 feet. Due to the lot size of 8,450 square feet, the Zoning and Land Development Regulations requires the minimum cumulative side setback to be 20 feet, with one side at 10 feet. The size of the lot requires the applicant to comply with more stringent setbacks. The applicant is therefore, seeking a 5.23-foot variance since the proposed setback is 4.77 feet. The proposal aligns with the intent of the zoning code by balancing property use with neighborhood character, and therefore, staff finds the requested variance reasonable. The image below shows the Site Aerial outlined in red:

#### SITE AERIAL



### **III. RECOMMENDATION**

Based on the findings that the petition meets all the required Variance Standards found in Section 94-38(d)(6) of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs) (see section IV below) therefore, staff is recommending **APPROVAL** of this request:

1. The variance shall only apply to the proposed principal structure.

### **IV. STANDARDS FOR CODE COMPLIANCE**

#### **Variance Standards - Section 94-38(d)(6)**

A variance is a departure from the dimensional or numerical requirements of the Regulations, where such variance will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as a result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship. A variance is authorized only for height, area and size of structure or size of yards, open spaces, or landscape requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted due to the presence of nonconformities in the zoning district or adjoining zoning districts. To obtain a variance, a landowner must comply with all the following standards.

#### **A. PECULIAR TO LAND, STRUCTURE, OR BUILDING:**

The design of the property and its orientation, Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

Findings

**COMPLIES**

Special circumstances exist which are peculiar to the land, structure, and building. The size of the lot requires the applicant to comply with more stringent setback requirements.

#### **B. ACTIONS OF THE APPLICANT:**

The special conditions and circumstances do not result from action of the applicant.

Findings

**COMPLIES**

The special conditions and circumstances do not result from the action of the applicant but from the size of the lot.

#### **C. SPECIAL PRIVILEGES:**

Granting the variance requested will not confer on the applicant any special privilege that is denied to the other lands, buildings, or structures in the same zoning district.

Findings

**COMPLIES**

The approval of the variance will not confer any special privileges upon the applicant; and all the other requirements of the Zoning and Land Development Regulations will be met.

D. LITERAL INTERPRETATION:

Literal interpretation of the provisions of the regulations would deprive the applicant rights commonly enjoyed by other properties in the same zoning district.

Findings

**COMPLIES**

The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

E. MINIMUM REQUEST:

The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.

Findings

**COMPLIES**

The variance requested is the minimum variance that will make possible reasonable use of the land and structure. It is staff's professional analysis that the variance request is necessary to facilitate the construction of the new construction.

F. COMPREHENSIVE PLAN:

The granting of the variance will be in harmony with the general intent and purpose of these regulations and the comprehensive plan.

Findings

**COMPLIES**

The Zoning and Land Development Regulations are adopted to assist in carrying the goals and objectives of the Comprehensive Plan, including the protection of the general public welfare and enjoyment of residents' individual properties. The proposed variance has been found not to violate any of the Goals, Objectives, or Policies within the City's Comprehensive Plan. The request is not inconsistent with these regulations and the Comprehensive Plan's intent and purpose.

G. PUBLIC WELFARE:

The variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Findings

**COMPLIES**

Staff has determined that the requested variance to encroach within the side setback will not impede use of the property or negatively impact adjacent properties. As a result, the requested variance will not be injurious or detrimental to the area or public welfare.

H. REASONABLE USE:

The property cannot be put to a reasonable use which fully complies with the requirement of this code.

Findings

**COMPLIES**

The requested variance is logical given the factors previously outlined, making the variance necessary to have a fully enjoyable and reasonable use of the subject property.

I. PERMITTED USES IN THE SAME DISTRICT:

Nonconforming use of neighboring lands, structures or buildings in the same zoning districts shall not be considered grounds for the authorization of a variance.

Findings

**COMPLIES**

The applicant has not used neighboring lands, structure, or buildings in the same zoning district as justification for their request.

J. FINANCIAL HARDSHIP:

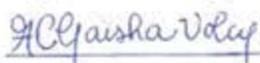
Financial hardship is not the only evidence of hardship considered in the authorization of a variance.

Findings

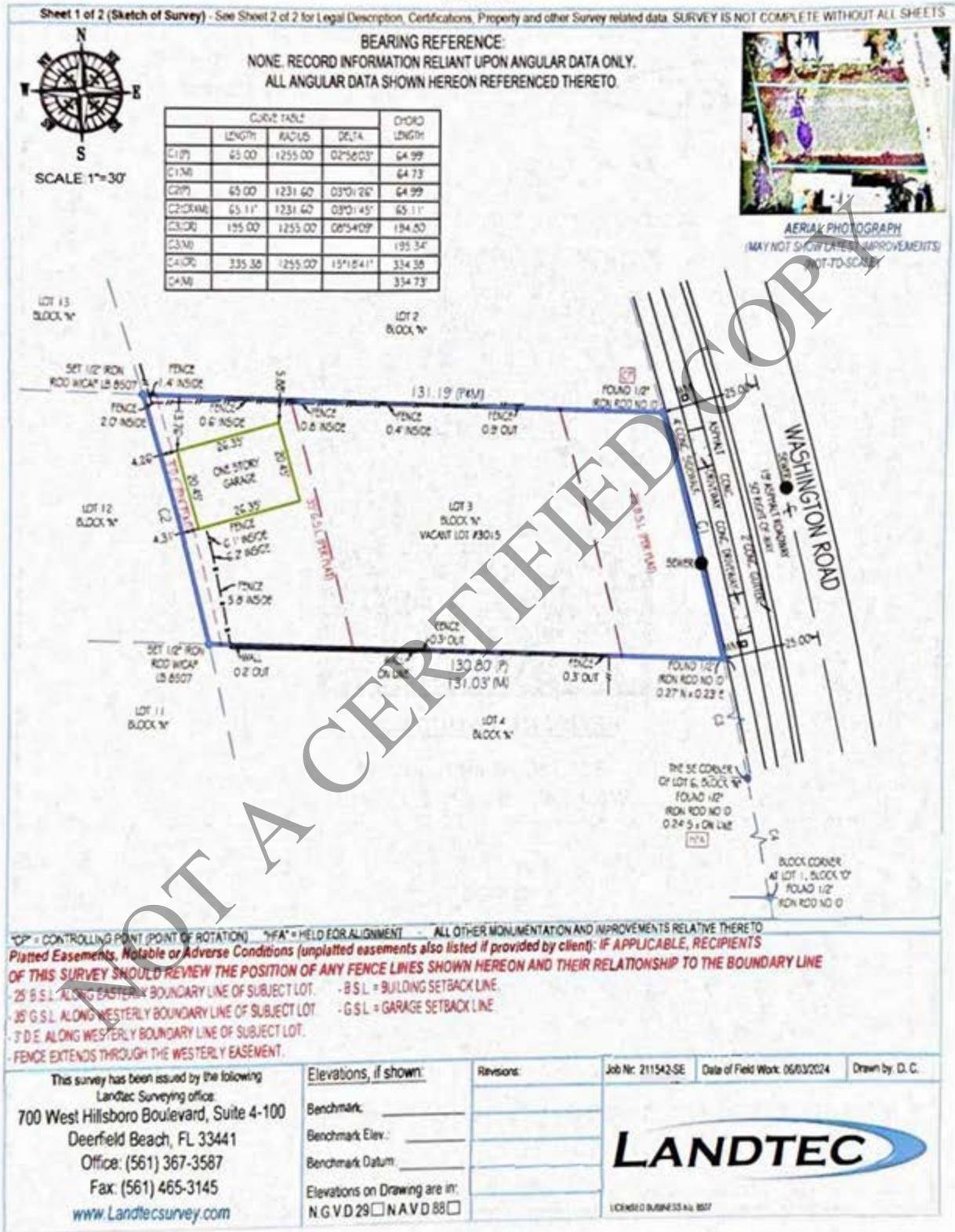
**COMPLIES**

The applicant has not used financial hardship as the sole basis for this request.

Prepared and respectfully submitted by:

  
\_\_\_\_\_  
Anne Clerisse Gaisha Volcy  
Planner

# ATTACHMENT A Survey

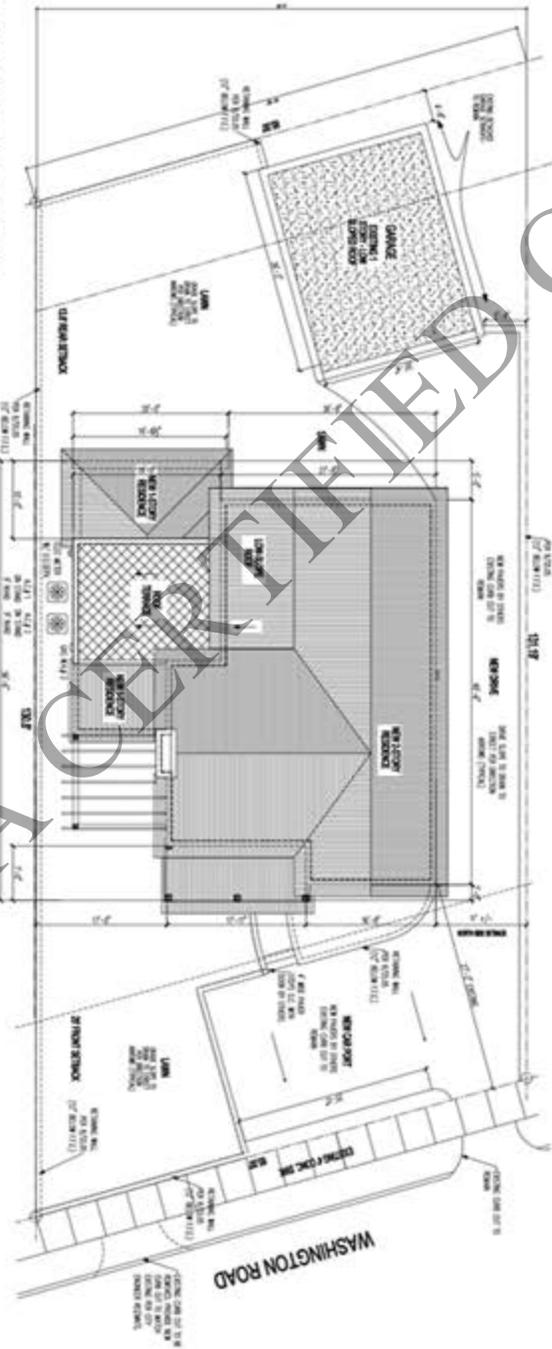


# ATTACHMENT B

## Approved Site Plan

01 EXISTING - HISTORICALLY APPROVED SITE PLAN (MAIN HOUSE UNDER CONSTRUCTION)

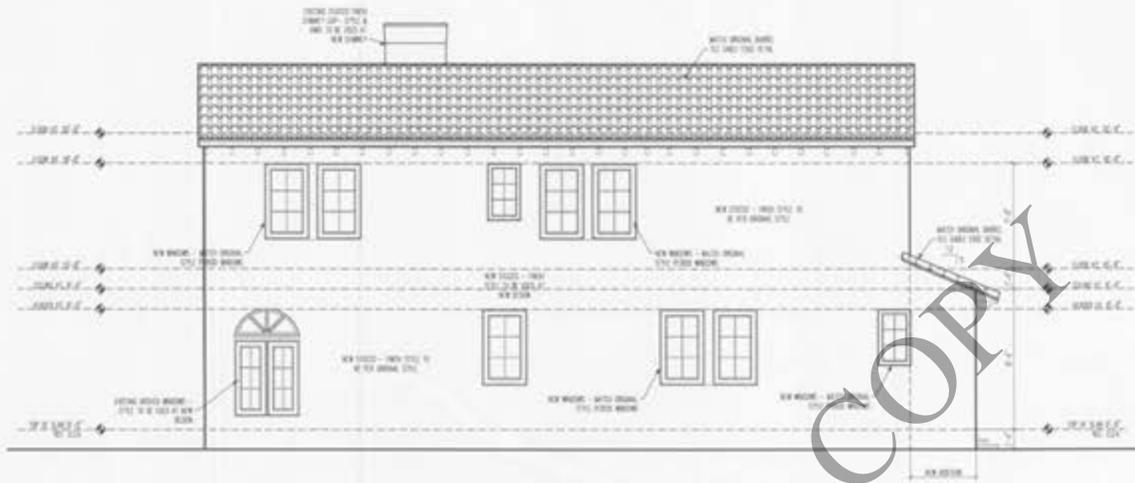
AS2 SITE PLAN & MAIN HOUSE UNDER CONSTRUCTION - 3015 WASHINGTON ROAD, WASHINGTON, DC 20007



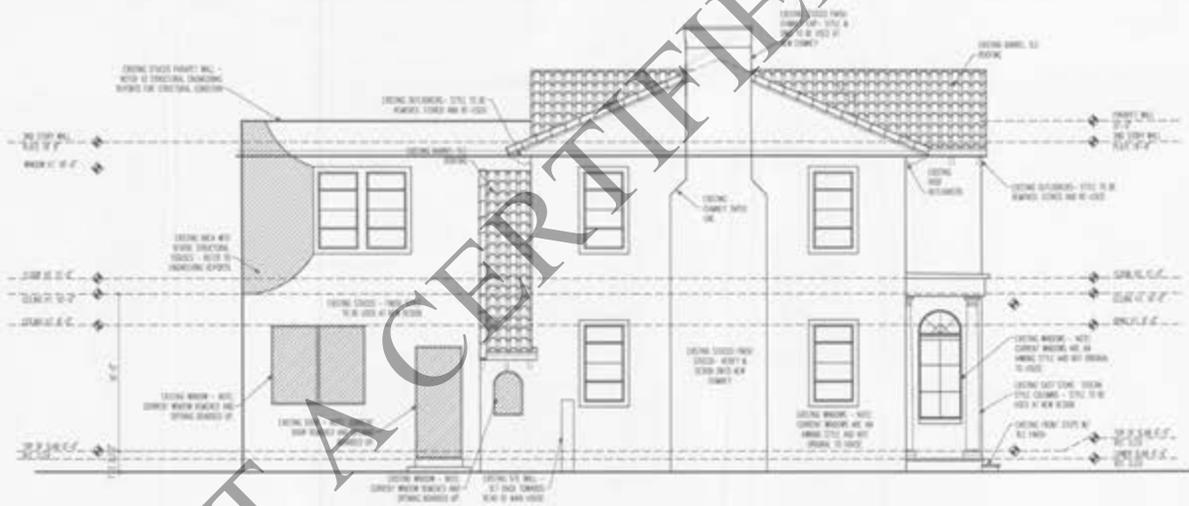
NOT A CERTIFIED COPY



ATTACHMENT C (Continued)



PROPOSED SIDE ELEVATION (NORTH)



EXISTING SIDE ELEVATION (SOUTH)



PROPOSED WASHINGTON ROAD STREET SCAPE

### **GRANTING THE VARIANCE**

I move that the Historic Preservation Board grant HPB Case No. 25-58, A request by Anthony Harrington of Design Methods Inc, on behalf of Barking Dog Florida, LLC for a variance from Sec. 94-82(b)(2) of the City's Zoning and Land Development Regulations (ZLDRs) for the construction of a previously approved new construction. The motion is based upon the testimony presented along with the application submitted and staff report, which constitute competent, substantial evidence. The Board hereby makes findings of fact that each of the criteria in Article II, Section 94-38 (d)(6) of the City of West Palm Beach Zoning and Land Development Regulations have been met.

### **READ ONLY IF CONDITIONS ARE IMPOSED:**

In addition, the granting of the variance is made conditional upon the following restrictions, stipulations and/or safeguards that I move are necessary to ensure compliance with the purpose and intent of the Zoning and Land Development Regulations and consistent with the Comprehensive Plan of the City of West Palm Beach.

1. The variance shall only apply to the proposed principal structure.

### **DENYING THE VARIANCE**

I move that the Historic Preservation Board deny HPB Case No. 25-58, A request by Anthony Harrington of Design Methods Inc, on behalf of Barking Dog Florida, LLC for a variance from Sec. 94-82(b)(2) of the City's Zoning and Land Development Regulations (ZLDRs) for the construction of a previously approved new construction. The motion is based upon the testimony presented along with the application submitted and staff report, which constitute competent, substantial evidence. The Board hereby makes findings of fact that not all of the criteria in Article II, Section 94-38 (d)(6) of the City of West Palm Beach Zoning and Land Development Regulations (ZLDR) have not been met. The standards that have not been met include the following (*list all applicable standards that have not been met and specify why*):

## Variance Standards

- A. PECULIAR TO LAND, STRUCTURE, OR BUILDING Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
- B. ACTIONS OF THE APPLICANT The special conditions and circumstances do not result from action of the applicant.
- C. SPECIAL PRIVILEGES Granting the variance requested will not confer on the applicant any special privilege that is denied to the other lands, buildings, or structures in the same zoning district.
- D. LITERAL INTERPRETATION Literal interpretation of the provisions of the regulations would deprive the applicant rights commonly enjoyed by other properties in the same zoning district.
- E. MINIMUM REQUEST The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- F. COMPREHENSIVE PLAN The granting of the variance will be in harmony with the general intent and purpose of these regulations and the comprehensive plan.
- G. PUBLIC WELFARE The variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- H. REASONABLE USE The property cannot be put to a reasonable use which fully complies with the requirement of this code.
- I. PERMITTED USES IN THE SAME DISTRICT Nonconforming use of neighboring lands, structures or buildings in the same zoning districts shall not be considered grounds for the authorization of a variance.
- J. FINANCIAL HARDSHIP Financial hardship is not the only evidence of hardship considered in the authorization of a variance.

**EXHIBIT "B"**

NOT A CERTIFIED COPY

PLANNING & ZONING DEPARTMENT  
HISTORIC PRESERVATION BOARD CASE NO. 25-58  
HPB-000343-2025

3015 Washington Road  
Variance



<b>CASE NO.:</b>	25-58
<b>DATE:</b>	October 28, 2025
<b>APPLICANT:</b>	Anthony Harrington of Design Methods, Inc
<b>OWNER:</b>	Barking Dog Florida, LLC
<b>ADDRESS:</b>	3015 Washington Road
<b>REQUEST:</b>	Variance
<b>HISTORIC DISTRICT:</b>	Prospect/Southland Park
<b>DISTRICT:</b>	Commission District 5- Christina Lambert
<b>NOTIFICATION:</b>	Palm Beach Post: September 20, 2025
<b>HISTORY:</b>	1925

## **I. REQUEST:**

A request by Anthony Harrington of Design Methods Inc, on behalf of Barking Dog Florida, LLC for the following:

1. Variance from Sec. 94-82(b)(2)(e)(2) of the City's Zoning and Land Development Regulations (ZLDRs) for the construction of a previously approved single-family residence to encroach within the cumulative side yard setback.

## **II. BACKGROUND & ANALYSIS:**

The subject property, located at 3015 Washington Road, is a contributing garage structure built in 1925. The subject property is located within the Prospect/Southland Park Historic District and is zoned Historic Single-Family High Density residential, context 3 (SF14-C3). The property previously had a contributing primary structure which was approved for a Certificate of Appropriateness for a Demolition and New Construction in 2016 under HPB Case No. 16-86. The survey, site plan and Elevation Certificate include the previously approved main structure for reference in **Attachments A through C**.

At the time, Staff did not conduct a review of the applicable zoning requirements in conjunction with the review of the Certificate of Appropriateness (COA). The focus of the COA review was limited to the project's compliance with historic preservation standards, as outlined in the Secretary of Interior's Standards and Additional Criteria. As a result, zoning considerations such as setbacks were not evaluated during that process. The new construction was not in compliance with the ZLDRs relating to the minimum required cumulative side setback, but the variance was not requested at that time. The COA application was ultimately approved.

Based on the COA approval, the applicant proceeded to obtain building permits for the development of the site. After the building permit issuance, staff discovered the proposed new construction did not meet required cumulative side setback and found no record of an approved variance. Staff found that though the application indicated the encroachment on the plans, the request for the variance was not discussed or presented in conjunction with the COA application. The applicant was notified and has formally submitted the application for the variance to construct the previously approved new construction within the required side setback, bringing the development into compliance with the ZLDRs and applicable State Statutes. The analysis outlines the need for reduced setback. The elevations are provided as additional supporting documentation in **Attachment D**.

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Zoning Code Section	Applicable Location	Requirement (Cumulative Both Sides)	Provided	Variance
Section 94-82(b)(2)(c)(2): Minimum Setback for Principal Building	Side Setback (cumulative)	20 feet	5 feet (south) 10.85 feet (north) <b>15.85 feet (total)</b>	<b>4.15 feet</b>

The total lot size is 8,450 square feet. Per ZLDR Section 94-82(b)(2)(d), the minimum side setback requirement, for one side only, for lots up to 9,999 square feet is 5 feet. This requirement is met on the south side of the property and confirmed by a foundation survey (ATTACHMENT A). Additionally, Section 94-82(b)(2)(c) of the ZLDRs requires a cumulative side setback of 20 feet for lots from 7,500 to 9,999 square feet. The provided north side setback is 10.85 feet, making the cumulative setback 15.85 feet, therefore, a variance of 4.15 feet is required. The size of the lot requires the applicant to comply with more stringent setbacks. The applicant is therefore seeking a 4.15-foot variance to accommodate the proposed new construction which was approved through the COA and building permit. The proposal aligns with the intent of the zoning code by balancing property use with neighborhood character, and therefore, staff finds the requested variance reasonable. The image below shows the Site Aerial outlined in red:

#### SITE AERIAL



### **III. RECOMMENDATION**

Based on the findings that the petition meets all the required Variance Standards found in Section 94-38(d)(6) of the City of West Palm Beach Zoning and Land Development Regulations (ZLDRs) (see section IV below) therefore, staff is recommending **APPROVAL w/ Condition(s)** of this request:

1. The variance shall only apply to the proposed principal structure.

### **IV. STANDARDS FOR CODE COMPLIANCE**

#### **Variance Standards - Section 94-38(d)(6)**

A variance is a departure from the dimensional or numerical requirements of the Regulations, where such variance will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as a result of the actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship. A variance is authorized only for height, area and size of structure or size of yards, open spaces, or landscape requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted due to the presence of nonconformities in the zoning district or adjoining zoning districts. To obtain a variance, a landowner must comply with all the following standards.

#### **A. PECULIAR TO LAND, STRUCTURE, OR BUILDING:**

The design of the property and its orientation, Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

Findings

**COMPLIES**

Special circumstances exist which are peculiar to the land, structure, and building. The size of the lot requires the applicant to comply with more stringent setback requirements.

#### **B. ACTIONS OF THE APPLICANT:**

The special conditions and circumstances do not result from action of the applicant.

Findings

**COMPLIES**

The special conditions and circumstances do not result from the action of the applicant but from the size of the lot.

#### **C. SPECIAL PRIVILEGES:**

Granting the variance requested will not confer on the applicant any special privilege that is denied to the other lands, buildings, or structures in the same zoning district.

Findings

**COMPLIES**

The approval of the variance will not confer any special privileges upon the applicant; and all the other requirements of the Zoning and Land Development Regulations will be met.

D. LITERAL INTERPRETATION:

Literal interpretation of the provisions of the regulations would deprive the applicant rights commonly enjoyed by other properties in the same zoning district.

Findings

**COMPLIES**

The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

E. MINIMUM REQUEST:

The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure.

Findings

**COMPLIES**

The variance requested is the minimum variance that will make possible reasonable use of the land and structure. It is staff's professional analysis that the variance request is necessary to facilitate the construction of the new construction.

F. COMPREHENSIVE PLAN:

The granting of the variance will be in harmony with the general intent and purpose of these regulations and the comprehensive plan.

Findings

**COMPLIES**

The Zoning and Land Development Regulations are adopted to assist in carrying the goals and objectives of the Comprehensive Plan, including the protection of the general public welfare and enjoyment of residents' individual properties. The proposed variance has been found not to violate any of the Goals, Objectives, or Policies within the City's Comprehensive Plan. The request is not inconsistent with these regulations and the Comprehensive Plan's intent and purpose.

G. PUBLIC WELFARE:

The variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Findings

**COMPLIES**

Staff has determined that the requested variance to encroach within the side setback will not impede use of the property or negatively impact adjacent properties. As a result, the requested variance will not be injurious or detrimental to the area or public welfare.

H. REASONABLE USE:

The property cannot be put to a reasonable use which fully complies with the requirement of this code.

Findings

**COMPLIES**

The requested variance is logical given the factors previously outlined, making the variance necessary to have a fully enjoyable and reasonable use of the subject property.

I. PERMITTED USES IN THE SAME DISTRICT:

Nonconforming use of neighboring lands, structures or buildings in the same zoning districts shall not be considered grounds for the authorization of a variance.

Findings

**COMPLIES**

The applicant has not used neighboring lands, structure, or buildings in the same zoning district as justification for their request.

J. FINANCIAL HARDSHIP:

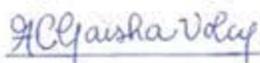
Financial hardship is not the only evidence of hardship considered in the authorization of a variance.

Findings

**COMPLIES**

The applicant has not used financial hardship as the sole basis for this request.

Prepared and respectfully submitted by:

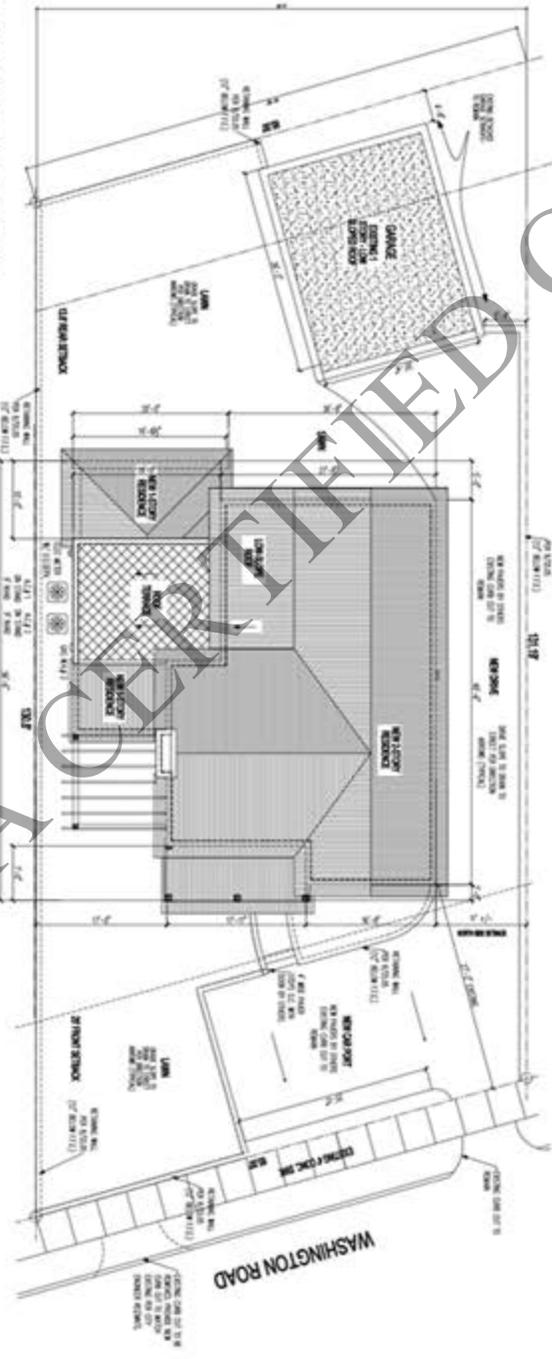
  
\_\_\_\_\_  
Anne Clerisse Gaisha Volcy  
Planner



# ATTACHMENT B

## Approved Site Plan

01 EXISTING - HISTORICALLY APPROVED SITE PLAN (MAIN HOUSE UNDER CONSTRUCTION)



NOT A CERTIFIED COPY

# ATTACHMENT C

## Building Elevation Certificate

U.S. DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
National Flood Insurance Program

OMB Control No. 1660-0008  
Expiration Date: 06/30/2026

### ELEVATION CERTIFICATE

**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11**

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION	FOR INSURANCE COMPANY USE
A1. Building Owner's Name: <u>BARKING DOG FLORIDA LLC</u>	Policy Number: _____
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: <u>3015 WASHINGTON ROAD</u>	Company NAIC Number: _____
City: <u>WEST PALM BEACH</u> State: <u>FL</u> ZIP Code: <u>33406</u>	
A3. Property Description (e.g., Lot and Block Numbers or Legal Description) and/or Tax Parcel Number: <u>PCN # 74-43-43-34-05-014-0030</u>	
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.): <u>RESIDENTIAL</u>	
A5. Latitude/Longitude: Lat. - <u>N 26.685619</u> Long. - <u>W 80.050353</u> Horiz. Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> NAD 1983 <input type="checkbox"/> WGS 84	
A6. Attach at least two and when possible four clear color photographs (one for each side) of the building (see Form pages 7 and 8).	
A7. Building Diagram Number: <u>1B</u>	
A8. For a building with a crawlspace or enclosure(s):	
a) Square footage of crawlspace or enclosure(s): <u>N/A</u> sq. ft.	
b) Is there at least one permanent flood opening on two different sides of each enclosed area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
c) Enter number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>N/A</u> Engineered flood openings: <u>N/A</u>	
d) Total net open area of non-engineered flood openings in A8.c: <u>N/A</u> sq. in.	
e) Total rated area of engineered flood openings in A8.c (attach documentation – see Instructions): <u>N/A</u> sq. ft.	
f) Sum of A8.d and A8.e rated area (if applicable – see Instructions): <u>N/A</u> sq. ft.	
A9. For a building with an attached garage:	
a) Square footage of attached garage: <u>N/A</u> sq. ft.	
b) Is there at least one permanent flood opening on two different sides of the attached garage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
c) Enter number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade: Non-engineered flood openings: <u>N/A</u> Engineered flood openings: <u>N/A</u>	
d) Total net open area of non-engineered flood openings in A9.c: <u>N/A</u> sq. in.	
e) Total rated area of engineered flood openings in A9.c (attach documentation – see Instructions): <u>N/A</u> sq. ft.	
f) Sum of A9.d and A9.e rated area (if applicable – see Instructions): <u>N/A</u> sq. ft.	
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION	
B1.a. NFIP Community Name: <u>CITY OF WEST PALM BEACH</u>	B1.b. NFIP Community Identification Number: <u>120229</u>
B2. County Name: <u>PALM BEACH COUNTY</u>	B3. State: <u>FL</u> B4. Map/Panel No.: <u>12099C0591</u> B5. Suffix: <u>G</u>
B6. FIRM Index Date: <u>12/20/2024</u>	B7. FIRM Panel Effective/Revised Date: <u>12/20/2024</u>
B8. Flood Zone(s): <u>AE</u>	B9. Base Flood Elevation(s) (BFE) (Zone AO, use Base Flood Depth): <u>7.0</u>
B10. Indicate the source of the BFE data or Base Flood Depth entered in Item B9: <input type="checkbox"/> FIS <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Other: _____	
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____	
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA	
B13. Is the building located seaward of the Limit of Moderate Wave Action (LIMWA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

SUBMITTAL

CITY OF WEST PALM BEACH  
BUILDING DIVISION

MASTER # 25080637-DC

OFFICIAL PERMIT RECORD

09/23/2025

FEMA Form FF-206-FY-22-152 (formerly 086-0-33) (6/23)

Form Page 2 of 8

SUBMITTAL # 25080637-DC

ATTACHMENT C (Continued)

ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 3015 WASHINGTON ROAD
City: WEST PALM BEACH State: FL ZIP Code: 33405
FOR INSURANCE COMPANY USE
Policy Number:
Company NAIC Number:

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: [ ] Construction Drawings\* [X] Building Under Construction\* [ ] Finished Construction
C2. Elevations - Zones A1-A30, AE, AH, AO, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, A99. Complete Items C2.a-h below according to the Building Diagram specified in Item A7. In Puerto Rico only, enter meters.
Benchmark Utilized: FLORIDA DOT NETWORK Vertical Datum: N.A.V.D. 1988
Indicate elevation datum used for the elevations in items a) through h) below.
Datum used for building elevations must be the same as that used for the BFE. Conversion factor used? [ ] Yes [X] No
If Yes, describe the source of the conversion factor in the Section D Comments area.
Check the measurement used:
a) Top of bottom floor (including basement, crawlspace, or enclosure floor): 9.00 [X] feet [ ] meters
b) Top of the next higher floor (see Instructions): 20.0 [X] feet [ ] meters
c) Bottom of the lowest horizontal structural member (see Instructions): N/A [ ] feet [ ] meters
d) Attached garage (top of slab): N/A [X] feet [ ] meters
e) Lowest elevation of Machinery and Equipment (M&E) servicing the building (describe type of M&E and location in Section D Comments area): N/A [X] feet [ ] meters
f) Lowest Adjacent Grade (LAG) next to building: [X] Natural [ ] Finished 6.30 [X] feet [ ] meters
g) Highest Adjacent Grade (HAG) next to building: [X] Natural [ ] Finished 5.60 [X] feet [ ] meters
h) Finished LAG at lowest elevation of attached deck or stairs, including structural support: N/A [ ] feet [ ] meters

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by state law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.
Were latitude and longitude in Section A provided by a licensed land surveyor? [X] Yes [ ] No
[X] Check here if attachments and describe in the Comments area.
Certifier's Name: GINO FURLANO License Number: 5044
Title: SURVEYOR
Company Name: GT SURVEYOR SERVICES INC
Address: 3650 SOUTHERN BLVD UNIT K
City: WEST PALM BEACH State: FL ZIP Code: 33406
Telephone: (561) 752-0353 Ext.: Email: GTSURVEYING@GMAIL.COM
Signatures: Gino Furlano Date: 08/12/2025
Gino Furlano Digitally signed by Gino Furlano Date: 2025.08.19 20:48:43 -04'00'
GINO FURLANO CERTIFICATE NO. 5044 STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR & MAPPER
Place Seal Here
Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.
C2(e) NONE - SUVEY ATTACHED - CROWN OF ROAD ELEVATION 2.71 N.A.V.D.
THE PROJECT WAS PERMITTED UNDER THE FIRM WITH AN EFFECTIVE DATE OF 10/05/2018. THAT ESTABLISHED THE (BFE) OF 6.0 N.A.V.D. AND THE DATA IN SECTION "B" IS FROM THE FIRM EFFECTIVE DATE OF 12-20-2024. WITH A "BFE" OF 7.0 N.A.V.D. DATE OF PERMIT APPLICATION WAS 09/12/2024.
OFFICIAL PERMIT RECORD

FEMA Form FF-206-FY-22-152 (formerly 066-0-33) (8/23)
SUBMITTAL # 25080637-DC

## ATTACHMENT C (Continued)

### ELEVATION CERTIFICATE

**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11**

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 3015 WASHINGTON ROAD	<b>FOR INSURANCE COMPANY USE</b>
City: <u>WEST PALM BEACH</u> State: <u>FL</u> ZIP Code: <u>33405</u>	Policy Number: _____ Company NAIC Number: _____

#### SECTION E – BUILDING MEASUREMENT INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO, ZONE AR/AO, AND ZONE A (WITHOUT BFE)

For Zones AO, AR/AO, and A (without BFE), complete Items E1–E5. For Items E1–E4, use natural grade, if available. If the Certificate is intended to support a Letter of Map Change request, complete Sections A, B, and C. Check the measurement used. In Puerto Rico only, enter meters.

- Building measurements are based on:  Construction Drawings\*  Building Under Construction\*  Finished Construction  
 \*A new Elevation Certificate will be required when construction of the building is complete.
- E1. Provide measurements (C.2.a in applicable Building Diagram) for the following and check the appropriate boxes to show whether the measurement is above or below the natural HAG and the LAG.
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is: \_\_\_\_\_  feet  meters  above or  below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is: \_\_\_\_\_  feet  meters  above or  below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (C2.b in applicable Building Diagram) of the building is: \_\_\_\_\_  feet  meters  above or  below the HAG.
- E3. Attached garage (top of slab) is: \_\_\_\_\_  feet  meters  above or  below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is: \_\_\_\_\_  feet  meters  above or  below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?  Yes  No  Unknown The local official must certify this information in Section G.

#### SECTION F – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge*

Check here if attachments and describe in the Comments area.

Property Owner or Owner's Authorized Representative Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Ext.: \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SUBMITTAL

CITY OF WEST PALM BEACH  
BUILDING DIVISION

  
 WEST PALM BEACH

MASTER # 24090656-RES-BLDG

09/23/2025

OFFICIAL PERMIT RECORD

## ATTACHMENT C (Continued)

### ELEVATION CERTIFICATE

**IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11**

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 3015 WASHINGTON ROAD	<b>FOR INSURANCE COMPANY USE</b>
City: <u>WEST PALM BEACH</u> State: <u>FL</u> ZIP Code: <u>33405</u>	Policy Number: _____ Company NAIC Number: _____
<b>SECTION G – COMMUNITY INFORMATION (RECOMMENDED FOR COMMUNITY OFFICIAL COMPLETION)</b>	
The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Section A, B, C, E, G, or H of this Elevation Certificate. Complete the applicable item(s) and sign below when:	
G1. <input type="checkbox"/> The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by state law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)	
G2.a. <input type="checkbox"/> A local official completed Section E for a building located in Zone A (without a BFE), Zone AO, or Zone AR/AO, or when item E5 is completed for a building located in Zone AO.	
G2.b. <input type="checkbox"/> A local official completed Section H for insurance purposes.	
G3. <input type="checkbox"/> In the Comments area of Section G, the local official describes specific corrections to the information in Sections A, B, E and H.	
G4. <input type="checkbox"/> The following information (Items G5–G11) is provided for community floodplain management purposes.	
G5. Permit Number: _____ G6. Date Permit Issued: _____	
G7. Date Certificate of Compliance/Occupancy Issued: _____	
G8. This permit has been issued for: <input type="checkbox"/> New Construction <input type="checkbox"/> Substantial Improvement	
G9.a. Elevation of as-built lowest floor (including basement) of the building: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum: _____	
G9.b. Elevation of bottom of as-built lowest horizontal structural member: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum: _____	
G10.a. BFE (or depth in Zone AO) of flooding at the building site: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum: _____	
G10.b. Community's minimum elevation (or depth in Zone AO) requirement for the lowest floor or lowest horizontal structural member: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters Datum: _____	
G11. Variance issued? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach documentation and describe in the Comments area.	
The local official who provides information in Section G must sign here. <i>I have completed the information in Section G and certify that it is correct to the best of my knowledge. If applicable, I have also provided specific corrections in the Comments area of this section.</i>	
Local Official's Name: _____ Title: _____	
NFIP Community Name: _____	
Telephone: _____ Ext.: _____ Email: _____	
Address: _____	
City: _____ State: _____ ZIP Code: _____	
Signature: <b>BUILDING DIVISION</b> _____ Date: _____	
Comments (including type of equipment and location, per C2.e; description of any attachments; and corrections to specific information in Sections A, B, D, E, or H): _____	

SUBMITTAL

CITY OF WEST PALM BEACH

MASTER # 24090656-RES-BLDG

09/23/2025

OFFICIAL PERMIT RECORD

## ATTACHMENT C (Continued)

### ELEVATION CERTIFICATE

IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 3015 WASHINGTON ROAD	<b>FOR INSURANCE COMPANY USE</b>
City: WEST PALM BEACH      State: FL      ZIP Code: 33405	Policy Number: _____ Company NAIC Number: _____

#### SECTION H – BUILDING'S FIRST FLOOR HEIGHT INFORMATION FOR ALL ZONES (SURVEY NOT REQUIRED) (FOR INSURANCE PURPOSES ONLY)

The property owner, owner's authorized representative, or local floodplain management official may complete Section H for all flood zones to determine the building's first floor height for insurance purposes. Sections A, B, and I must also be completed. Enter heights to the nearest tenth of a foot (nearest tenth of a meter in Puerto Rico). *Reference the Foundation Type Diagrams (at the end of Section H Instructions) and the appropriate Building Diagrams (at the end of Section I Instructions) to complete this section.*

H1. Provide the height of the top of the floor (as indicated in Foundation Type Diagrams) above the Lowest Adjacent Grade (LAG):

a) For Building Diagrams 1A, 1B, 3, and 5–8. Top of bottom \_\_\_\_\_  feet  meters  above the LAG floor (include above-grade floors only for buildings with crawlspaces or enclosure floors) is:

b) For Building Diagrams 2A, 2B, 4, and 6–9. Top of next higher floor (i.e., the floor above basement, crawlspace, or enclosure floor) is: \_\_\_\_\_  feet  meters  above the LAG

H2. Is all Machinery and Equipment servicing the building (as listed in Item H2 instructions) elevated to or above the floor indicated by the H2 arrow (shown in the Foundation Type Diagrams at end of Section H instructions) for the appropriate Building Diagram?

Yes  No

#### SECTION I – PROPERTY OWNER (OR OWNER'S AUTHORIZED REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and H must sign here. *The statements in Sections A, B, and H are correct to the best of my knowledge.* Note: If the local floodplain management official completed Section H, they should indicate in Item G2.b and sign Section G.

Check here if attachments are provided (including required photos) and describe each attachment in the Comments area.

Property Owner or Owner's Authorized Representative Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Ext. \_\_\_\_\_ Email: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_

SUBMITTAL

CITY OF WEST PALM BEACH  
BUILDING DIVISION



WEST PALM BEACH

MASTER # 24090656-RES-BLDG

09/23/2025

OFFICIAL PERMIT RECORD

FEMA Form FF-206-P1-22-152 (formerly 066-0-33) (6/23)

Form Page 6 of 8

SUBMITTAL # 25080637-DC

## ATTACHMENT C (Continued)

### ELEVATION CERTIFICATE IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11 BUILDING PHOTOGRAPHS

See Instructions for Item A6.

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 3015 WASHINGTON ROAD	<b>FOR INSURANCE COMPANY USE</b>
City: <u>WEST PALM BEACH</u> State: <u>FL</u> ZIP Code: <u>33405</u>	Policy Number: _____ Company NAIC Number: _____

Instructions: Insert below at least two and when possible four photographs showing each side of the building (for example, may only be able to take front and back pictures of townhouses/rowhouses). Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." Photographs must show the foundation. When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo One

Photo One Caption: FRONT VIEW 08-12-2025

Clear Photo One



Photo Two

Photo Two Caption: REAR VIEW 08-12-2025

Clear Photo Two

SUBMITTAL

CITY OF WEST PALM BEACH  
BUILDING DIVISION

WEST PALM BEACH

MASTER # 24090656-RES-BLDG

09/23/2025

OFFICIAL PERMIT RECORD

SUBMITTAL # 25080637-DC

**ATTACHMENT C (Continued)**

**ELEVATION CERTIFICATE  
IMPORTANT: MUST FOLLOW THE INSTRUCTIONS ON INSTRUCTION PAGES 1-11  
BUILDING PHOTOGRAPHS**

Continuation Page

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.: 3015 WASHINGTON ROAD	<b>FOR INSURANCE COMPANY USE</b>
City: <u>WEST PALM BEACH</u> State: <u>FL</u> ZIP Code: <u>33405</u>	Policy Number: _____
	Company NAIC Number: _____

Insert the third and fourth photographs below. Identify all photographs with the date taken and "Front View," "Rear View," "Right Side View," or "Left Side View." When flood openings are present, include at least one close-up photograph of representative flood openings or vents, as indicated in Sections A8 and A9.



Photo Three

Photo Three Caption: LEFT SIDE 08-12-2025

Clear Photo Three



Photo Four

Photo Four Caption: RIGHT SIDE 08-12-2025

Clear Photo Four

**SUBMITTAL**

**CITY OF WEST PALM BEACH**  
BUILDING DIVISION

  
 WEST PALM BEACH

**MASTER # 24090656-RES-BLDG**

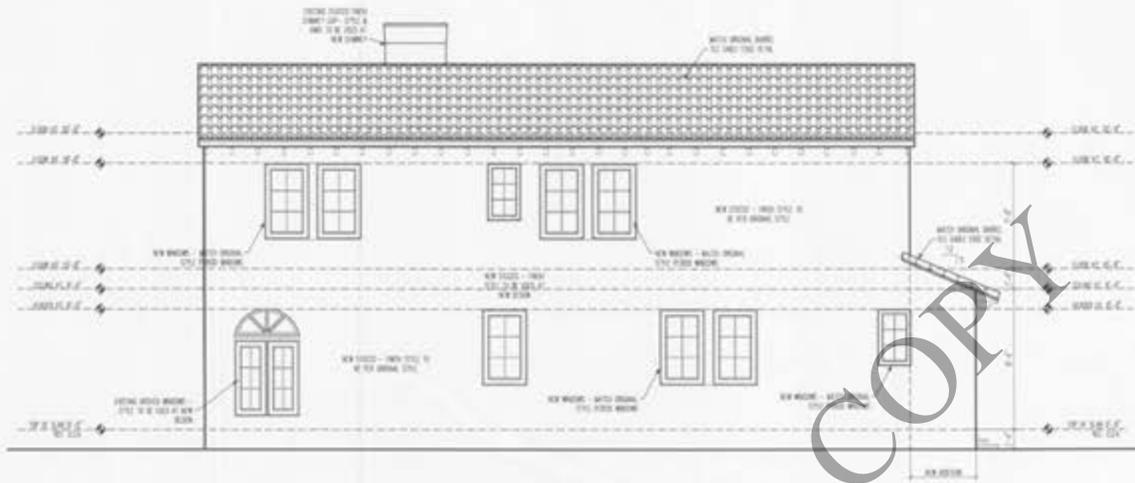
09/23/2025

**OFFICIAL PERMIT RECORD**

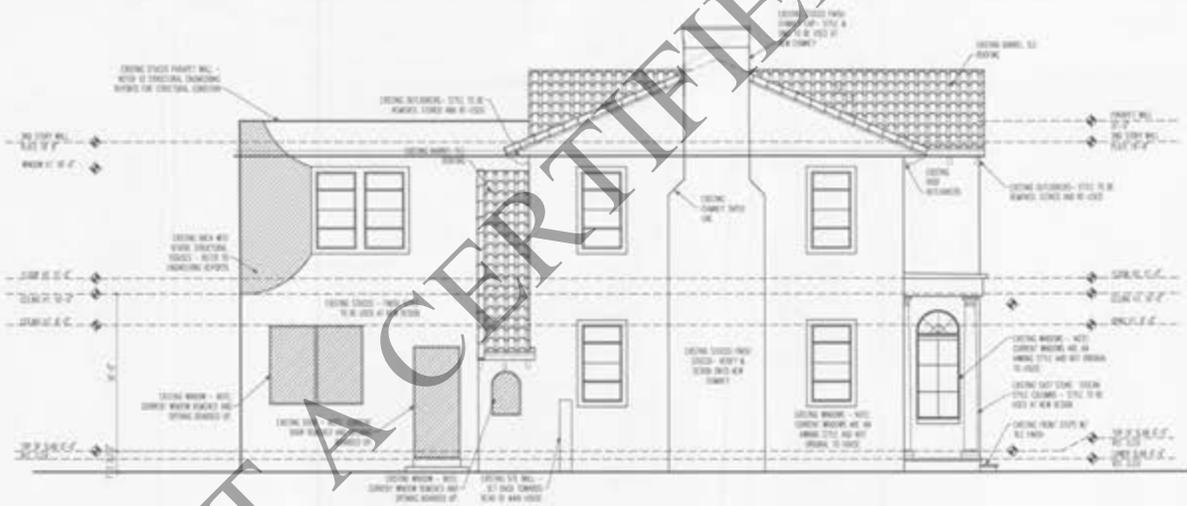
**SUBMITTAL # 25080637-DC**



ATTACHMENT D (Continued)



PROPOSED SIDE ELEVATION (NORTH)



EXISTING SIDE ELEVATION (SOUTH)



PROPOSED WASHINGTON ROAD STREET SCAPE

### **GRANTING THE VARIANCE**

I move that the Historic Preservation Board grant HPB Case No. 25-58, A request by Anthony Harrington of Design Methods Inc, on behalf of Barking Dog Florida, LLC for a variance from Sec. 94-82(b)(2)(e)(2) of the City's Zoning and Land Development Regulations (ZLDRs) for the construction of a previously approved new construction. The motion is based upon the testimony presented along with the application submitted and staff report, which constitute competent, substantial evidence. The Board hereby makes findings of fact that each of the criteria in Article II, Section 94-38 (d)(6) of the City of West Palm Beach Zoning and Land Development Regulations have been met.

### **READ ONLY IF CONDITIONS ARE IMPOSED:**

In addition, the granting of the variance is made conditional upon the following restrictions, stipulations and/or safeguards that I move are necessary to ensure compliance with the purpose and intent of the Zoning and Land Development Regulations and consistent with the Comprehensive Plan of the City of West Palm Beach.

1. The variance shall only apply to the proposed principal structure.

### **DENYING THE VARIANCE**

I move that the Historic Preservation Board deny HPB Case No. 25-58, A request by Anthony Harrington of Design Methods Inc, on behalf of Barking Dog Florida, LLC for a variance from Sec. 94-82(b)(2)(e)(2) of the City's Zoning and Land Development Regulations (ZLDRs) for the construction of a previously approved new construction. The motion is based upon the testimony presented along with the application submitted and staff report, which constitute competent, substantial evidence. The Board hereby makes findings of fact that not all of the criteria in Article II, Section 94-38 (d)(6) of the City of West Palm Beach Zoning and Land Development Regulations (ZLDR) have not been met. The standards that have not been met include the following (*list all applicable standards that have not been met and specify why*):

## Variance Standards

- A. PECULIAR TO LAND, STRUCTURE, OR BUILDING Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
- B. ACTIONS OF THE APPLICANT The special conditions and circumstances do not result from action of the applicant.
- C. SPECIAL PRIVILEGES Granting the variance requested will not confer on the applicant any special privilege that is denied to the other lands, buildings, or structures in the same zoning district.
- D. LITERAL INTERPRETATION Literal interpretation of the provisions of the regulations would deprive the applicant rights commonly enjoyed by other properties in the same zoning district.
- E. MINIMUM REQUEST The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- F. COMPREHENSIVE PLAN The granting of the variance will be in harmony with the general intent and purpose of these regulations and the comprehensive plan.
- G. PUBLIC WELFARE The variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- H. REASONABLE USE The property cannot be put to a reasonable use which fully complies with the requirement of this code.
- I. PERMITTED USES IN THE SAME DISTRICT Nonconforming use of neighboring lands, structures or buildings in the same zoning districts shall not be considered grounds for the authorization of a variance.
- J. FINANCIAL HARDSHIP Financial hardship is not the only evidence of hardship considered in the authorization of a variance.

**EXHIBIT "C"**

*NOT A CERTIFIED COPY*

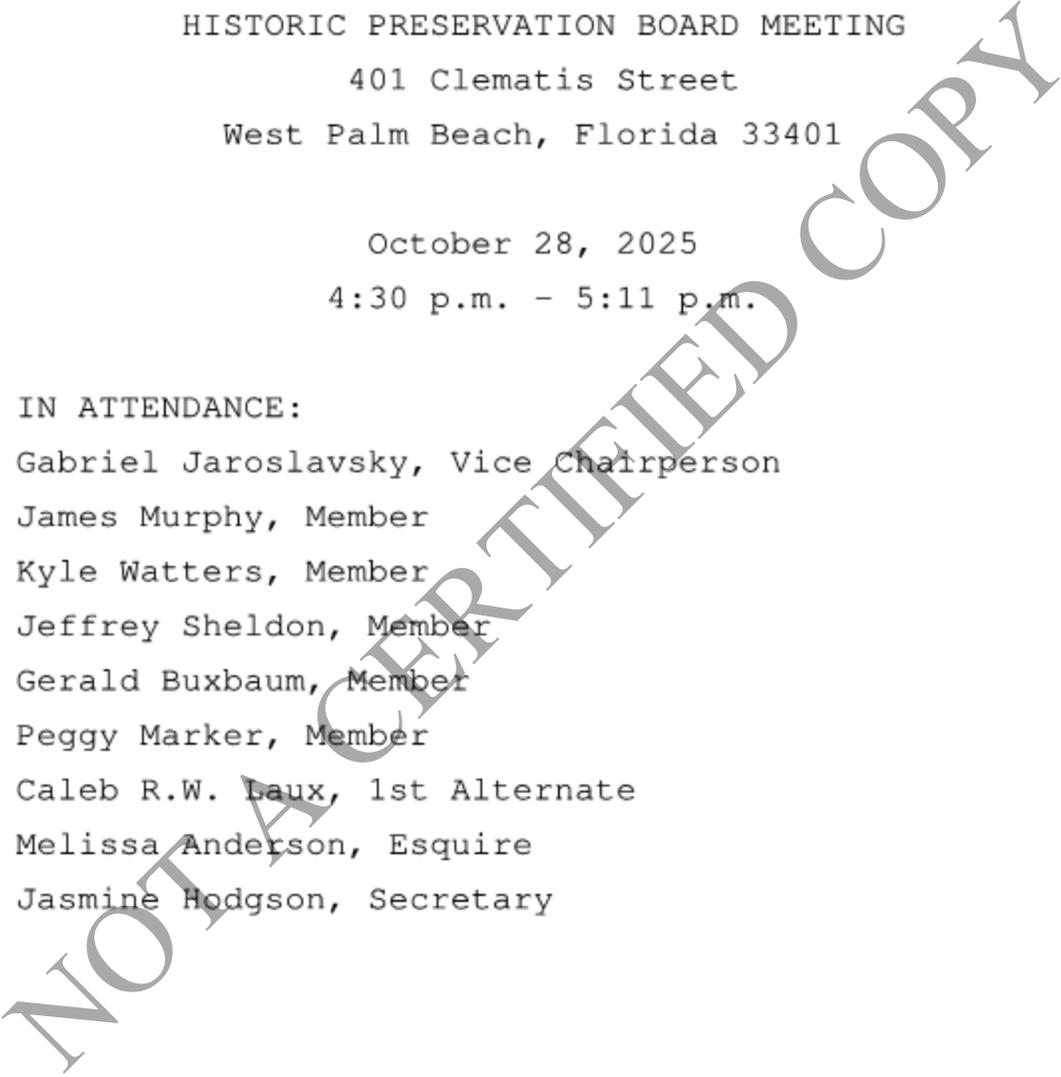
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HISTORIC PRESERVATION BOARD MEETING  
401 Clematis Street  
West Palm Beach, Florida 33401

October 28, 2025  
4:30 p.m. - 5:11 p.m.

IN ATTENDANCE:

- Gabriel Jaroslavsky, Vice Chairperson
- James Murphy, Member
- Kyle Watters, Member
- Jeffrey Sheldon, Member
- Gerald Buxbaum, Member
- Peggy Marker, Member
- Caleb R.W. Laux, 1st Alternate
- Melissa Anderson, Esquire
- Jasmine Hodgson, Secretary



1 P R O C E E D I N G S

2 MR. JAROSLAVSKY: Good evening. I'd like to  
3 call to order the October 28, 2025 meeting of the City  
4 of West Palm Beach Historic Preservation Board. Can  
5 we please begin with a roll call.

6 THE SECRETARY: Peggy Marker.

7 MS. MARKER: Present.

8 THE SECRETARY: Kyle Waters.

9 MR. WATTERS: Present.

10 THE SECRETARY: Caleb R.W. Laux.

11 MR. LAUX: Present.

12 THE SECRETARY: James Murphy.

13 MR. MURPHY: Here.

14 THE SECRETARY: Jeffrey Sheldon.

15 MR. SHELDON: Here.

16 THE SECRETARY: Gerald Buxbaum.

17 MR. BUXBAUM: Here.

18 THE SECRETARY: And Gabriel Jaroslavsky.

19 MR. JAROSLAVSKY: Here.

20 THE SECRETARY: Let the record reflect that  
21 Kristin Kellogg is not present.

22 MR. JAROSLAVSKY: We have a number of  
23 consent cases on tonight's agenda. I don't know if  
24 anybody wants to discuss them or can we please have a  
25 motion to approve.

1 MR. MURPHY: If there's no discussion, I  
2 motion to approve all items on the consent agenda.

3 MR. BUXBAUM: Second.

4 MR. JAROSLAVSKY: All those in favor?

5 MR. BUXBAUM: Aye.

6 MR. WATTERS: Aye.

7 MR. SHELDON: Aye.

8 MR. MURPHY: Aye.

9 MS. MARKER: Aye.

10 MR. JAROSLAVSKY: Opposed. The motion  
11 carries. So if you are here for case number 25-72,  
12 3115 Washington Road or 25-73, 227 Greymon Drive;  
13 25-76, 237 Monroe Drive and 25-77, 230 Lytton Court,  
14 your cases have been approved.

15 So we have somebody in the public who wishes  
16 to speak on one of the cases, on one of the consent  
17 cases that we approved so.

18 MS. ANDERSON: Well, they can't -- We're  
19 supposed to allow public speaking. So there's  
20 nothing -- It's already been approved but --

21 MR. JAROSLAVSKY: We didn't vote yet.

22 MS. ANDERSON: Oh, you didn't vote yet. All  
23 right. Well, that person has a right to speak.

24 MR. JAROSLAVSKY: Mr. Shutt, if you would  
25 like to speak.

1 MR. SHUTT: Did you have other procedures or  
2 we can start with this?

3 MR. JAROSLAVSKY: Yeah, you can come to the  
4 podium.

5 MS. ANDERSON: Oh, your item is not on the  
6 consent.

7 MR. SHUTT: No. My item is 3015 Washington  
8 Road.

9 MS. ANDERSON: Right. Staff is going to put  
10 on their presentation, as they do, first. I was --  
11 Staff is going to tell me or they told me that the  
12 architect for this matter decided not to show up  
13 because they had a disagreement with Staff about the  
14 Staff report. But my opinion, as an attorney, is they  
15 obviously received notice of this hearing and if they  
16 wanted to speak to the issue, they should come and  
17 speak to the issue. We have people here, other people  
18 who want to speak to it. So it's up to the Board what  
19 you want to do. I just wanted to provide that  
20 information.

21 MR. JAROSLAVSKY: Okay. Perfect. Thank  
22 you. So we will have the Staff presentation in this  
23 case.

24 MS. VOLCY: Anne Volcy, for the record,  
25 Planner, Development Services. This is a variance

1 request at 3015 Washington Road, case number 25-58.

2 So this property -- I'll go over more of the  
3 background information after I have the presentation  
4 for variance. So this is at 3015 Washington Road. It  
5 is a new structure in Prospect/Southland Park Historic  
6 District. The subject property is .19 acres. It's in  
7 single-family, high-density residential context  
8 (SF14-C3), and the surrounding uses are all  
9 residential historic.

10 The request is for a variance from Section  
11 94-82(b)(2)(e)(2) of the ZLDR's for the construction  
12 of a previously approved single-family residence to  
13 encroach within the cumulative side yard setback. The  
14 cumulative requirement, per the Code, is 20 feet. The  
15 Applicant is providing five feet to the south, 10.85  
16 feet to the north for a total of 15.85 feet; and the  
17 variance request is for 4.15 feet applied towards the  
18 north side of the property.

19 Next, we have a survey, which is a survey of  
20 the site when it was vacant, which was submitted to  
21 the Historic Preservation Board at the time of the  
22 meeting in 2016.

23 Next, we have the approved site plan, which  
24 shows the encroachment on the north side at 10.85; and  
25 the south side is set back at five feet. In red here

1 you see the encroachment that I was talking about  
2 where the structure encroaches the four feet and  
3 fifteen into it.

4 Next, I just have the approved elevations as  
5 they were submitted in the building permit.

6 And Staff is recommending approval of this  
7 request based on the finding that it meets the  
8 variance standards found in Section 94-38(d)(6) of the  
9 West Palm Beach Zoning and Land Development  
10 Regulations. The condition is that the variance shall  
11 only apply to the proposed new construction.

12 So as for the background, so this  
13 application came in after the approval because the  
14 permit had already been issued under HPB 2016 as  
15 stated in the Staff report. It also got approval at  
16 the building permit level. In 2024, the permit is  
17 issued. We had a call in from the neighbor on the  
18 south end requesting that we either pull back or look  
19 into the plans because they felt that there was an  
20 encroachment. So when Staff looked into the plans, we  
21 realized that there was -- that we had missed the  
22 20 foot cumulative setback where there was a setback  
23 encroachment happening within the property by this new  
24 structure. So we reached out to the Applicant and the  
25 Applicant said we can move ahead with the submittal.

1 So, as a courtesy, Staff did do the application with  
2 all of the documents that had been previously  
3 submitted just to alleviate some of that stress on the  
4 Applicant because at this point we've already  
5 gotten -- issued the approval and their building  
6 permit's approved.

7 The neighbor to the south had requested more  
8 information and to be kept in the loop with what's  
9 going on with this project moving forward, since they  
10 were parties who were concerned about this request.  
11 That pretty much concludes Staff's presentation.

12 MR. JAROSLAVSKY: Any questions for Staff?

13 MR. MURPHY: I have a question for Staff.  
14 If this had come in as a clean application, would  
15 Staff be supporting the variance request?

16 MS. VOLCY: So they view -- It depends,  
17 because there are a few -- The only site constraint  
18 that currently exists is the proposed driveway,  
19 because in the rear they have a garage structure, and  
20 the access they are granting it would be towards that  
21 existing curb cut and that would allow them to have  
22 the 11 foot setback in order to do --

23 MR. MURPHY: A driveway in rear?

24 MS. VOLCY: Towards the rear of the  
25 property.

1 MR. MURPHY: But it's all new construction  
2 on a vacant site in theory?

3 MS. VOLCY: Yes. They're required to have  
4 five feet and then twenty total so. And I believe at  
5 the meeting in 2016 they were told to keep the same  
6 elevation for the structure, which they kept, but the  
7 addition that they had made essentially pushed the  
8 building out more towards the property that's on the  
9 south side.

10 For new construction, I believe if a  
11 thorough review of the zoning had been done, Staff  
12 would have asked for that. Otherwise, we would have  
13 requested for a variance application simultaneously,  
14 which we did not do.

15 MR. LAUX: This might be just to  
16 double-check the Applicant. Basically, from my  
17 understanding, this house is a replication of the  
18 original house that was demolished. Basically it was  
19 built back what was there.

20 MS. VOLCY: Just on the front.

21 MR. LAUX: Just on the front?

22 MS. VOLCY: Yes.

23 MR. LAUX: So did the footprint from the  
24 original house move?

25 MS. VOLCY: It increased.

1 MR. LAUX: To the north and the south?

2 MR. SHUTT: To the south towards my  
3 property.

4 MR. LAUX: It increased to the south?

5 MS. VOLCY: Correct.

6 MR. LAUX: So the north setback was  
7 original?

8 MS. VOLCY: Yes.

9 MR. LAUX: Then the one story at the bottom  
10 is the encroachment?

11 MS. VOLCY: Yes. So the bottom -- We have  
12 three. In the middle, there's a port -- like an  
13 elevated second story and here -- So this is a new  
14 portion, this is a new terrace and this. So all of  
15 this was new.

16 MR. LAUX: So technically the variance -- So  
17 the north -- So you have highlighted in red the north  
18 setback, but that -- wouldn't it be the south setback  
19 that would have caused this problem?

20 MS. VOLCY: So for Section 94-82, based on  
21 the lot size of 8,450 square feet, they can have a  
22 five-foot setback.

23 MR. LAUX: And that's on --

24 MR. MURPHY: On one side.

25 MR. LAUX: That's on one side.

1 MS. VOLCY: On one side. And cumulative --

2 MR. LAUX: Twenty.

3 MS. VOLCY: -- twenty.

4 MR. LAUX: It's not really shown here.

5 What's the setback right now; do you know? So the  
6 south side is five feet and the north side --

7 MS. VOLCY: -- is 10.85.

8 MR. LAUX: That's 10.85 of the primary  
9 structure?

10 MS. VOLCY: Yes. Where it's required to be  
11 a total of twenty. So it would have been five and  
12 fifteen.

13 MR. LAUX: And the 10.5 is exactly where it  
14 was?

15 MS. VOLCY: Yes.

16 MR. LAUX: And the five. Okay, so I see --  
17 Now I understand.

18 MS. MARKER: So the south side was  
19 originally 15 feet or more?

20 MS. VOLCY: Right.

21 MR. LAUX: Or like if this was new  
22 construction, the south side should have been like  
23 nine point --

24 MS. VOLCY: They could do ten and ten,  
25 whichever, cumulative of twenty.

1 MR. LAUX: If they were to hold the original  
2 north setback, which was the intention of the  
3 approval, they would have had to push -- they would  
4 have had to have a 9.15 setback on the south side.  
5 Okay.

6 MR. WATTERS: Clarify, it's currently  
7 sitting the way it is right now after City Planning  
8 Zoning, permit's issued, they built. At this point,  
9 they've said you've done everything appropriate to  
10 this point, but we have an issue now because --

11 MS. VOLCY: Yes.

12 MR. WATTERS: Okay.

13 MS. VOLCY: And within the Staff report, we  
14 have the floor board survey, which is pretty much done  
15 after the fact, which doesn't necessarily come to  
16 Planning. It goes through the Building Department.  
17 So once we had that conversation with the Applicant,  
18 he did provide this is where we're at, even the  
19 elevation certificate, which is also included, which  
20 shows the walls going up, so on and so forth.

21 MR. LAUX: That structure is currently  
22 built?

23 MR. JAROSLAVSKY: Or it's being built?

24 MR. LAUX: Walls are already up.

25 MS. ANDERSON: This is an after-the-fact

1 variance.

2 MR. JAROSLAVSKY: When you mentioned before  
3 that the Applicant was not in agreement with the Staff  
4 recommendation, what --

5 MS. ANDERSON: It wasn't that he wasn't in  
6 agreement with the Staff recommendation. It was that  
7 he wasn't in agreement with a portion of the Staff  
8 report. I want to mention what I've told Staff and  
9 what I would tell the Board is that this variance  
10 needs to be considered separate from the fact that  
11 they've already built the structure. It needs to be  
12 evaluated on the variance criteria. We can't -- you  
13 know, we cannot give them a break because the  
14 building's already built. I just wanted to make that  
15 abundantly clear on the record.

16 Anne, do you want to tell him what portion  
17 of the Staff report he had an issue with?

18 MS. VOLCY: Yes. So he had an issue with  
19 the portion where I stated that it was not a thorough  
20 review of the Zoning and Land Development Regulations.

21 MR. JAROSLAVSKY: Because he assumed it  
22 was --

23 MS. VOLCY: It was missed. That he had gone  
24 through the proper process of getting it approved.

25 MS. ANDERSON: But he's not here to tell us

1 that, so we don't know because he --

2 MR. JAROSLAVSKY: Now, can you expand on  
3 what Caleb just said that the -- I don't think none of  
4 us was here in 2016. So I want to know more about the  
5 background of this case. So what happened? This was  
6 a contributing structure?

7 MS. VOLCY: It was a contributing structure.  
8 They were allowed to demolish it. I'm not sure if you  
9 remember they came a few months ago for the rear  
10 garage to be demolished and Kristin, our Chair, said,  
11 I remember this case.

12 By neglect, we did allow for the main house  
13 to be demolished, but we had to keep the one in the  
14 rear. So, at this point, that's why we're here. So  
15 this structure is a contributing, but it was allowed  
16 to be demolished and they did a new one.

17 MR. JAROSLAVSKY: It was allowed to be  
18 demolished because it was unsafe?

19 MS. VOLCY: Did not keep it -- There was no  
20 good upkeep of it. So it was determined that it could  
21 be demolished. It was not salvageable.

22 MR. WATTERS: The garage, if that is  
23 demolished, would that rectify this variance or will  
24 we still have an issue regarding this?

25 MS. VOLCY: No. The garage came in as a

1 request and was denied ultimately.

2 MR. WATTERS: Curious.

3 MR. MURPHY: No, no. Because it's an  
4 accessory structure. So it hasn't been any setbacks.

5 MR. JAROSLAVSKY: The violation is on the  
6 setbacks of the main structure.

7 MS. VOLCY: I believe, Kyle, you're  
8 mentioning it because I mentioned the driveway  
9 portion.

10 MR. JAROSLAVSKY: All right. Thank you.  
11 Any other questions for Staff?

12 MR. LAUX: I'm sorry, what was the threshold  
13 for the setbacks, the square footage setbacks, like,  
14 how big is the lot? When does it turn from 15 to  
15 20 feet cumulative?

16 MS. VOLCY: So 7,499.

17 MR. LAUX: And this --

18 MS. VOLCY: And this is 8,450. So from  
19 7,500 to 9,999, it's 20 feet. If it's a 10,000 square  
20 foot lot and over, it's 25.

21 MR. JAROSLAVSKY: And this was designed by  
22 an applicant, correct?

23 MS. VOLCY: Yes.

24 MR. JAROSLAVSKY: So ultimately the  
25 architect also bears some responsibility for not

1 checking the setbacks, right?

2 MS. MARKER: So basically everybody kinda  
3 missed it?

4 MS. VOLCY: Yes.

5 MR. JAROSLAVSKY: We go now to public  
6 comment. So I think that you would like to speak on  
7 this. Please say your name, address in the mic,  
8 please.

9 MR. SHUTT: My name is Allen Shutt. I live  
10 at 3019 Washington, which is the property just south.  
11 My apologies for my outburst earlier. My wife and I  
12 are a little disturbed over the whole process.

13 When we first saw this house going up, we  
14 first started reaching out to the City in April. I  
15 have all the email communications. We sent multiple  
16 communications asking for plans, asking for  
17 information. We never received any responses. We  
18 saw -- In August, I finally got told by somebody they  
19 sent an inspector out and they said, yes, there seems  
20 to be something amiss. I heard nothing more. A flier  
21 was posted or was put in our mailbox in September  
22 about a hearing. Strangely, the flier said nothing  
23 about the variance itself. Somebody's trying to hide  
24 what's going.

25 I sent multiple email request asking for

1 more information before the hearing. Never received a  
2 response. I finally went in the office, the Planning  
3 Commission Office several days before and I got some  
4 information. So I became clear at the time the  
5 September variance was actually to seek the 10 feet  
6 from my south side property. They were seeing a  
7 variance of 10 feet -- or down to five feet then and  
8 not seeking a variance on the north side.

9 They've since revised this, but it doesn't  
10 change the fact this is a cumulative variance. The  
11 only reason they need a variance is because the  
12 addition on the south side with looms over my house.  
13 There is no other property on Flagler or Washington,  
14 which has a five-foot setback. I understand this is  
15 allowed, but they still have to meet the cumulative  
16 setback. They're building a house too big. You've  
17 got a developer trying to get more square footage.  
18 It's just not right. It's taking value from us.

19 The worst part is, to me and my wife, we  
20 look at the application and there's absolutely nothing  
21 that makes sense on the criteria. It's only  
22 increase -- We get the house is built. There are a  
23 lot of structures built. If I go through the  
24 criteria, I'd love to have the Applicant explain  
25 tonight, please defend this criteria. I can't

1 understand what's special about it. All these  
2 criteria that must be met, you've got special  
3 condition circumstances that did not result from the  
4 actual Applicant. The only reason they're seeking a  
5 variance is by building this extension towards my  
6 property.

7 Granting a variance will not confirm the  
8 Applicant special privilege. Absolutely it will. The  
9 special condition circumstances exist which appear to  
10 the land structure building. The only thing that  
11 exist, they already built the project back in 2016.  
12 They didn't get a variance and they're professionals.  
13 They know they need a variance. It doesn't relieve  
14 them of that obligation to go and say we didn't get a  
15 variance and we're building. I'm shocked.

16 I can go onto the criteria, but I don't if  
17 tonight you can have them explain the criteria.  
18 There's really no explanation how they met this  
19 criteria. I could go through all the criteria.  
20 There's nothing rational there.

21 I know time is short, so I summarized all  
22 these thoughts. You know, my last comment is we rely  
23 on the City to protect the values of our house. Like  
24 I said, there's no other property with a five foot  
25 setback. How could we allow them to take -- Fine,

1 they do have the right, due to the size of the lot, to  
2 have a five-foot setback, but they can't then go ask  
3 for a variance on the other side of the property to  
4 have a bigger property. That impacts our value. We  
5 got a well-connected developer, influential developer  
6 who's transferring value from my property to my  
7 neighbor.

8 MS. ANDERSON: Sir, you had three minutes  
9 and you've gone over.

10 MR. SHUTT: Okay. Thank you.

11 MR. JAROSLAVSKY: Thank you so much.

12 Anybody else in the public wish to speak on  
13 this case? Seeing none. We move on to executive  
14 session.

15 MR. MURPHY: I'm sorry, I have another  
16 question for Staff. So I'm trying -- I'm sorry. I'm  
17 trying to forget the history of the site. Your team  
18 meets with an architect tomorrow to build a house on  
19 this vacant site. You would tell them the setback  
20 requirements are a cumulative setback -- now you would  
21 tell them the cumulative setback is 20 feet, of which  
22 you can divide it in any manner you see fit, provided  
23 that one side is no less than five feet. I'm correct?

24 MS. VOLCY: Yes.

25 MR. MURPHY: And the other side would have

1 to be 15 feet. How you choose to divide that is up to  
2 you and your client. So the neighbor to the south,  
3 their side of the setback complies with half of the  
4 requirement, that it is at least five feet.

5 Furthermore, it's only one-story portion, if I'm  
6 reading the plans correctly. It's a two-story house  
7 and the one-story portion is the closest to the  
8 neighbor at five feet, right? Great, that's it.

9 MS. VOLCY: This is an aerial view. The  
10 house been demoed and they're building back now.

11 MR. JAROSLAVSKY: Do you have a picture of  
12 the existing condition today?

13 MS. VOLCY: In the Staff report.

14 MR. JAROSLAVSKY: In the Staff report?

15 MS. VOLCY: Yes. And the elevations are  
16 there.

17 MR. JAROSLAVSKY: So your question was  
18 because -- to kind of demonstrate it, that the south  
19 setback is compliant, but the north neighbor is the  
20 one that is more impacted because the combination of  
21 the two setbacks?

22 MR. MURPHY: Right. We're in executive now?

23 MR. JAROSLAVSKY: Yes.

24 MS. ANDERSON: Yes.

25 MR. MURPHY: Obviously, it would be

1 easier -- to remedy the situation it'd be easier to  
2 demolish a one-story portion than a two-story portion.  
3 And while I'm only one vote, I think historically my  
4 record shows I'm very reluctant to support the  
5 variance and to rely on a staff report on this. I  
6 just don't find the justification or the metrics for  
7 granting the variance. That said, I really am trying  
8 to make it clear to people sitting there that someone  
9 could -- if these plans were to be abandoned, someone  
10 could build a two-story portion at five feet to your  
11 house. So, in that regard, a one-story portion is  
12 pretty lucky. There are lots of nonconformances in  
13 the City. I think your site might have a  
14 nonconforming setback.

15 So the fight five setback is in the zoning  
16 code because it's probably the result of a built  
17 condition in the City and that's why they say it can  
18 be no less than five feet. But my thoughts are, I  
19 can't support it.

20 MS. ANDERSON: You cannot support the  
21 variance?

22 MR. JAROSLAVSKY: I can have kind of the  
23 same position, right. If this would have been a new  
24 application, I wouldn't support the variance because  
25 there's no reason for the variance in new

1 construction, because they have to comply with the  
2 current setbacks. The architect should have known the  
3 setbacks that he had to abide by.

4 But there are other explanations. With that  
5 decision, somebody could go to the City Commission --

6 MS. ANDERSON: No, they would -- They would  
7 not, not in this instance. Variances go to circuit  
8 court on appeal, not to the City Commission.

9 MS. MARKER: For me, I find the fact that it  
10 was, like, torn down problematic, like, because it was  
11 neglect. I feel like we made a point of trying to  
12 salvage everything. So that's problematic for me.  
13 And the fact that neither the Applicant or the  
14 architect are here to state their position and defend  
15 that they should be given this variance is a problem  
16 for me, too. So I'm in line with you guys.

17 MR. LAUX: This project's got a bad name. I  
18 kind of agree regarding the Applicant. I feel like I  
19 want to -- I feel like when they came before for the  
20 garage, I understood their position a lot better than  
21 this one. But I can see what -- in a certain sense --  
22 you know, in a certain sense, the Applicant should  
23 have picked up on the setbacks.

24 Say if we were to grant this variance, say  
25 we're covering the architect, we're also covering for

1 the City staff of whenever this went through, which  
2 was nine -- eight, nine years ago. I should -- It  
3 should have been picked up then. I think a lot of  
4 this got picked up when there was a turnover from this  
5 project from the previous owner of the property.

6 So just based on -- like, if this was a new  
7 project, I couldn't support it. Just based on that, I  
8 can't support -- cannot, not ignoring the fact that  
9 it's built. I think that's how we're being asked to  
10 view it anyway.

11 MR. MURPHY: I really feel horrible for City  
12 Staff to be in the position. This is the worst  
13 scenario. That building permit has been issued. And  
14 then I feel bad for a neighbor that they have play  
15 code compliance and call Building Department to say  
16 this doesn't look right and have someone come out and  
17 do a spot measurement survey to see the dimensionality  
18 and it's a burden on residents. I know that there was  
19 a lot of changes going on in the Department, but it  
20 seemed like there were multiple opportunities to catch  
21 this that were unfortunately missed. But I don't  
22 think that is a criteria for granting the variance.

23 MS. ANDERSON: Sounds like we're ready for a  
24 motion.

25 MR. JAROSLAVSKY: Ready for a motion.

1 MR. MURPHY: I'll try one. I'm going to  
2 move that the Historic Preservation Board deny case  
3 25-58, request by Anthony Harrington of Design  
4 Methods, Inc, on behalf of Barking Dog Florida, LLC  
5 for a variance from Section 94-82 (b) (2) (e) (2) of the  
6 City Zoning and Land Development Regulations for the  
7 construction of a previously approved new  
8 construction. The motion is based on the testimony  
9 presented, along with the application submitted and  
10 the Staff report, which constitutes competent  
11 substantial evidence. The Board hereby makes findings  
12 of fact that not all the criteria in Article 2,  
13 Section 94-38(d) (6) of the City of West Palm Beach  
14 Zoning and Land Development Regulations have been met.

15 MS. ANDERSON: James, can you tell me at  
16 least one which has not been met, please, for the  
17 record.

18 MR. MURPHY: Yeah, I'm going to read all  
19 three.

20 MS. ANDERSON: Okay. Thank you.

21 MR. MURPHY: The standards that have not  
22 been met include the following: Variance standard A,  
23 peculiar to land structure or building. I do not  
24 believe that there are special conditions and  
25 circumstances that exist that are peculiar to the land

1 structure or building involved. B, the actions of the  
2 Applicant, that there are not special conditions and  
3 circumstances that did not result from the Applicant;  
4 and this is not the minimum variance request that will  
5 make possible the reasonable use of the land.

6 MR. JAROSLAVSKY: Thank you. Have a second?

7 MR. BUXBAUM: Second.

8 MR. JAROSLAVSKY: All those in favor?

9 MS. MARKER: Aye.

10 MR. LAUX: Aye.

11 MR. SHELDON: Aye.

12 MR. JAROSLAVSKY: Any opposed?

13 MR. WATTERS: Nay.

14 MR. JAROSLAVSKY: Would you like to express  
15 why?

16 MR. WATTERS: Sure. So I'm looking at it in  
17 the eyes of the City, the City Building Department  
18 that's at issue. They've gone through the proper  
19 channels. I don't feel it's a very good look on  
20 behalf of the owner, builder, developer, architects,  
21 et cetera, that's a terrible look to not show here and  
22 plead your case. Yet, I'm still looking at a sense of  
23 we've gone years with this project. A structure is  
24 now built.

25 I did want to comment on going back to the

1 garage. That garage is, which is a structure rightly  
2 so, it's only four-foot eight inches from the west  
3 neighbor. So to say that you're the only structure  
4 that's there five feet away is absolutely incorrect.  
5 It does go to the west neighbor.

6 So I'm only looking at it in the lens of  
7 here we are. Yes, it's had a horrible history, but I  
8 have to look at it in a sense of there's a structure  
9 built. They followed every possible way that they did  
10 through City, Code, et cetera, and here we are. It's  
11 an unfortunate situation.

12 MR. JAROSLAVSKY: Thank you very much. The  
13 case failed, so the variance is denied.

14 So we now move on to new business.

15 (Thereupon at 5:11 p.m., the portion of the  
16 meeting was concluded.)  
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<b>1</b>	<b>28</b> 1:9 2:3	<b>abide</b> 21:3	18:8 19:24
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FLORIDA RULES OF CIVIL PROCEDURE

Rule 1.310

(e) Witness Review. If the testimony is transcribed, the transcript shall be furnished to the witness for examination and shall be read to or by the witness unless the examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness wants to make shall be listed in writing by the officer with a statement of the reasons given by the witness for making the changes. The changes shall be attached to the transcript. It shall then be signed by the witness unless the parties waived the signing or the witness is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within a reasonable time after it is furnished to the witness, the officer shall sign the transcript and state on the transcript the waiver, illness, absence of the witness, or refusal to sign with any reasons given therefor. The deposition may then be used as fully as though signed unless the court holds that the reasons given for the refusal to sign require rejection of

the deposition wholly or partly, on motion under rule 1.330(d)(4).

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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**EXHIBIT "D"**

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MEETING MINUTES

October 28, 2025  
Commission Chambers  
401 Clematis Street | West Palm Beach, FL 33401

*These minutes are a summary of the meeting events and may not reflect all the discussions that occurred. Copies of the agenda, backup material and presentations may be obtained from the City of West Palm Beach Planning Division. Recordings of the meeting are available for review at [www.youtube.com/WestPalmTV](http://www.youtube.com/WestPalmTV).*

1. CALL TO ORDER / ROLL CALL

Vice Chair Gabriel Jaroslavsky called the meeting to order at 4:30 pm.

Ms. Jasmine Hodgson, Board Secretary, called the roll, and it was determined that a quorum was present, as depicted in the table below.

Board Members:	Present	Absent
Kristin Kellogg   Chairperson	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gabriel Jaroslavsky   Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
James Murphy   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jeff Sheldon   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kyle Watters   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gerald Buxbaum   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peggy Marker   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Caleb R. W. Laux   1 <sup>st</sup> Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff Members Present:
Melissa Anderson   Sr. Assistant City Attorney
Ana Maria Aponte   Development Services Director
Jordan Hodges   City Historic Preservation Planner
Anne Clorisse Gaisha Volcy   Planner
Anthony Mendez   Historic Planner
Jasmine Hodgson   Administrative Assistant II

2. APPROVAL OF...

A. AGENDA FOR October 28, 2025.

Mr. Gerald Buxbaum motioned to **APPROVE** the agenda for October 28, 2025, as amended on the floor.

Mr. James Murphy seconded the motion; the motion was **APPROVED (7-0)**, as depicted in the table below.

<b>Board Members:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Recused</b>	<b>Non-Voting</b>
Kristin Kellogg   Chairperson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gabriel Jaroslavsky   Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Murphy   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Sheldon   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kyle Watters   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gerald Buxbaum   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peggy Marker   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Caleb R. W. Laux   1 <sup>st</sup> Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**B. MINUTES FOR September 30, 2025.**

Mr. Gerald Buxbaum motioned to **APPROVE** the Minutes for September 30, 2025.

Mr. James Murphy seconded the motion; the motion was **APPROVED (7-0)**, as depicted in the table below.

<b>Board Members:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Recused</b>	<b>Non-Voting</b>
Kristin Kellogg   Chairperson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gabriel Jaroslavsky   Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Murphy   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Sheldon   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kyle Watters   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gerald Buxbaum   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peggy Marker   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Caleb R. W. Laux   1 <sup>st</sup> Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3. REPORT OF THE HISTORIC PRESERVATION PLANNER**

Jordan Hodges, City Historic Preservation Planner, gave his report to the board. Since the last meeting, Jordan commented:

- A. No new updates for today's meeting.

**4. REMARKS BY THE CHAIRPERSON / DECLARATION OF EX-PARTE COMMUNICATION**

Vice Chair, Gabriel Jaroslavsky outlined the procedures for the meeting.

<b>Board Members:</b>	<b>Ex-Parte Communication</b>
Kristin Kellogg   Chairperson	Absent
Gabriel Jaroslavsky   Vice Chairperson	None
James Murphy   Member	None

<b>Board Members:</b>	<b>Ex-Parte Communication</b>
Jeff Sheldon   Member	Recused from HPB Case No. 25-70
Kyle Watters   Member	None
Gerald Buxbaum   Member	None
Peggy Marker   Member	None
Caleb R. W. Laux   1 <sup>st</sup> Alternate	Spoke with applicant HPB 25-70

**5. SWEARING IN OF THE SPEAKERS**

Ms. Jasmine Hodgson, Board Secretary, swore in those who wished to speak at today's hearing.

**6. Consent Cases**

- 6.1 25-72 3115 Washington Road**
- Requested Action: Ad Valorem Tax Exemption – Pt. 2 Post Construction Certification  
Location: 3115 Washington Road  
Property Owner: Katherine White  
Applicant: Tyson White, Bennett White Construction  
Commission District: District 5, Commissioner Christina Lambert  
Historic District: Prospect/Southland Park  
Case Manager: Jordan Hodges, City Historic Preservation Planner  
Ph: 561-822-1457; Email: [jhodges@wpb.org](mailto:jhodges@wpb.org)
- 6.2 25-73 227 Greymon Drive**
- Requested Action: Ad Valorem Tax Exemption – Pt. 2 Post Construction Certification  
Location: 227 Greymon Drive  
Property Owner: Falcon Endeavors Inc.  
Applicant: Elizabeth Carpio, Smith Kellogg Architecture Inc.  
Commission District: District 5, Commissioner Christina Lambert  
Historic District: Prospect/Southland Park  
Case Manager: Jordan Hodges, City Historic Preservation Planner  
Ph: 561-822-1457; Email: [jhodges@wpb.org](mailto:jhodges@wpb.org)
- 6.3 25-76 237 Monroe Drive**
- Requested Action: Ad Valorem Tax Exemption – Pt. 2 Post Construction Certification  
Location: 237 Monroe Drive  
Property Owner: Linear Allocation II LLC  
Applicant: Anthony Polera, Vitcar  
Commission District: District 5, Commissioner Christina Lambert  
Historic District: Prospect/Southland Park  
Case Manager: Jordan Hodges, City Historic Preservation Planner  
Ph: 561-822-1457; Email: [jhodges@wpb.org](mailto:jhodges@wpb.org)
- 6.4 25-77 230 Lytton Court**
- Requested Action: Ad Valorem Tax Exemption – Pt. 2 Post Construction Certification  
Location: 230 Lytton Court  
Property Owner: Kristopher & Wendy Soderman  
Applicant: Kristopher Soderman

Commission District: District 5, Commissioner Christina Lambert  
 Historic District: Central Park  
 Case Manager: Jordan Hodges, City Historic Preservation Planner  
 Ph: 561-822-1457; Email: [jhodges@wpb.org](mailto:jhodges@wpb.org)

Mr. James Murphy motioned to **APPROVE** the consent agenda.

Mr. Gerald Buxbaum seconded the motion; The motion was **APPROVED (7-0)** as depicted in the table below.

<b>Board Members:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Recused</b>	<b>Non-Voting</b>
Kristin Kellogg   Chairperson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gabriel Jaroslavsky   Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Murphy   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Sheldon   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kyle Watters   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gerald Buxbaum   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peggy Marker   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Caleb R. W. Laux   1 <sup>st</sup> Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**7. Continued Cases**

**7.1 Case No. 25-58 3015 Washington Road**

The applicant was not present to make a presentation to the board.

Anne Clerisse Gaisha Volcy, Planner, gave a presentation on behalf of staff.

The Board had questions of staff, including

- If this had come in as a clean application would staff be supporting this request?
- Is this house a replication of the original house that was demolished?
- Has the structure been built?
- Clarification on the applicants issue with the staff report

Executive Session

- Very reluctant in general to support a variance especially for new construction
- Board finds it problematic that the original historic structure was demolished to begin with

Mr. James Murphy motioned to **DENY** Case No. 25-58.

Mr. Gerald Buxbaum seconded the motion; The motion was **APPROVED (6-1)** as depicted in the table below.

<b>Board Members:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Recused</b>	<b>Non-Voting</b>
Kristin Kellogg   Chairperson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gabriel Jaroslavsky   Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Murphy   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Sheldon   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kyle Watters   Member	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gerald Buxbaum   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peggy Marker   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Caleb R. W. Laux   1 <sup>st</sup> Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**8. New Business**

**8.1 Case No. 25-61 229 Plymouth Road**

**CONTINUED to the December 9<sup>th</sup>, 2025, meeting.**

Mr. Gerlad Buxbaum motioned to **CONTINUE** Case No. 25-61.

Mr. James Murphy seconded the motion; The motion was **APPROVED (7-0)** as depicted in the table below.

<b>Board Members:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Recused</b>	<b>Non-Voting</b>
Kristin Kellogg   Chairperson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gabriel Jaroslavsky   Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Murphy   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Sheldon   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kyle Watters   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gerald Buxbaum   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peggy Marker   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Caleb R. W. Laux   1 <sup>st</sup> Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**8.2 Case No. 25-70 258 Granada Road**

Kyle Fant, on behalf of the applicant, made a presentation to the board.

The Board had questions of the applicant, including:

- Questions on the thought process and discussion of the large plate glass window proposed for the structure

Anthony Mendez, Historic Planner, gave a presentation on behalf of staff.

The Board had no questions of staff.

Executive Session

- Discussion on what conditions need to be added to the motion
- Discussion on proposed design changes

Mr. Caleb R.W. Laux motioned to **APPROVE W/ Conditions** Case No. 25-70.

Mr. Kyle Watters seconded the motion; The motion was **APPROVED (7-0)** as depicted in the table below.

<b>Board Members:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Recused</b>	<b>Non-Voting</b>
Kristin Kellogg   Chairperson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gabriel Jaroslavsky   Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Murphy   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Sheldon   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kyle Watters   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gerald Buxbaum   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Peggy Marker   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Caleb R. W. Laux   1 <sup>st</sup> Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**8.3 Case No. 25-71 2301 Georgia Avenue**

Richard Davis, on behalf of the applicant, made a presentation to the board.

The Board had questions of the applicant, including:

- Has the applicant reviewed all conditions of approval proposed by staff?

Jordan Hodges, City Historic Preservation Planner, gave a presentation on behalf of staff.

The Board had no questions of staff.

Executive Session

- Not in support of the sliding glass door.

Mr. Caleb R.W. Laux motioned to **APPROVE W/ Conditions** Case No. 25-71.

Mr. James Murphy seconded the motion; The motion was **APPROVED (7-0)** as depicted in the table below.

<b>Board Members:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	<b>Recused</b>	<b>Non-Voting</b>
Kristin Kellogg   Chairperson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gabriel Jaroslavsky   Vice Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James Murphy   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeff Sheldon   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kyle Watters   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gerald Buxbaum   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Board Members:	Yes	No	Absent	Recused	Non-Voting
Peggy Marker   Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Caleb R. W. Laux   1 <sup>st</sup> Alternate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The meeting adjourned at 6:12 p.m.

Please be advised the minutes are not verbatim. A recording of the meeting may be requested through the City of West Palm Beach City Clerk's office at 822-1210. There is a fee.

\*\*\*\*\*

This signature is to attest that the undersigned is the Chairperson, or designee, of the **Historic Preservation Board** and that the information provided herein is the true and correct minutes for October 28, 2025, meeting of the **Historic Preservation Board**, dated this 9 day of DECEMBER, 2025.

  
 \_\_\_\_\_  
 Chair person (or designee)

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**EXHIBIT "E"**

NOT A CERTIFIED COPY

**From:** [Perry Shutt](mailto:Perry.Shutt@perrywalkercollective.com)  
**To:** [allen.shuttfamily5.com](mailto:allen.shuttfamily5.com)  
**Subject:** Fwd: [Records Center] Property Records Request :: R078138-040925  
**Date:** Monday, September 29, 2025 6:39:49 AM

---

----- Forwarded message -----

**From:** West Palm Beach Records Center <[westpalmbeachfl@govqa.us](mailto:westpalmbeachfl@govqa.us)>  
**Date:** Tue, Apr 22, 2025 at 2:14 PM  
**Subject:** [Records Center] Property Records Request :: R078138-040925  
**To:** [Perry.shutt@perrywalkercollective.com](mailto:Perry.shutt@perrywalkercollective.com) <[Perry.shutt@perrywalkercollective.com](mailto:Perry.shutt@perrywalkercollective.com)>

--- Please respond above this line ---



---

RE: PUBLIC RECORDS REQUEST of April 09, 2025., Reference # R078138-040925.

Dear Perry Shutt,

The City of West Palm Beach received a public records request from you on April 09, 2025. Your request mentioned:

**"They are building a house next to me and I want to know what is going to look like"**

Plans are not available at this time please resubmit request at a later date

If you have any questions or need additional information, please feel free to contact my office at 561-805-6684.

Sincerely,

Craig McPherson  
Construction Services Customer Service Associate  
Building Department

---

To monitor the progress or update this request please log into the [Public Records Center](#)

--



**Perry Shutt**  
410.419.0026  
[@perrywalkercollective](mailto:perrywalkercollective.com)  
[www.perrywalkercollective.com](http://www.perrywalkercollective.com)

**EXHIBIT ‘F’**

NOT A CERTIFIED COPY

**From:** [allen\\_shuttfamily5.com](mailto:allen_shuttfamily5.com)  
**To:** [abomgraber@wpb.org](mailto:abomgraber@wpb.org)  
**Subject:** 3015 Washington  
**Date:** Friday, May 23, 2025 10:01:00 AM

---

Hello Aaron

I own the property at 3019 Washington Rd. I recently received a communication from the city regarding development at another property in my block where you were listed as the contact for information. Hoping you could help us or point us to the right person within the city to get information as to the site plan and other development information for a different project on the street, the empty lot located at 3019 Washington, which is adjacent to my property. A builder has placed signs in the lot so clearly plans to start work. We are trying to get information on the building plans, mainly the location and footprint of the building so we can plan landscaping to give us some privacy from the new structure.

Thanks for your help.

Allen Shutt  
443 415 8582

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**EXHIBIT "G"**

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WEST PALM BEACH

Development Services

# NOTICE OF PUBLIC HEARING

## Historic Preservation Board Case No. 25-58 HPB-000343-2025

3015 Washington Road  
Variance



Property Highlighted in Red

Please be advised that the Historic Preservation Board of the City of West Palm Beach will conduct a Public Hearing on:

**Tuesday, September 30, 2025, at 4:30 p.m.**  
**City Commission Chambers**  
**401 Clematis Street**  
**West Palm Beach, FL**

to consider the request described in this notice. Please note that the hearing may be continued from time to time as may be necessary.

PLANNING DIVISION  
401 CLEMATIS STREET  
P.O. BOX 3147  
WEST PALM BEACH, FL 33402

*(Continued on the back)*

## DESCRIPTION OF REQUEST(S):

**HPB Case No. 25-58 (HPB-000343-2025):** A request by Anthony Harrington of Design Methods Inc, on behalf of Barking Dog Florida, LLC for a variance related to the construction of a single-family home within the Historic Single-Family High Density Residential, Context 3 (SF14-C3) zoning district.

Location: This 0.19-acre site at 3015 Washington Road is located within the Prospect/Southland Park Historic District, within Commission District No. 5 - Commissioner Christina Lambert.

---

Notice of this Public Hearing is sent to the applicant and owners of property within 500 feet of the property involved in the request. Should an interested party seek to appeal any decision made by the Historic Preservation Board with respect to any matter considered at such meeting or hearing, such person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be used.

---

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three working days prior to any proceeding, contact the City Clerks' Office, 401 Clematis Street, West Palm Beach, Florida 33401, {(561) 822-1210}.

---

For further information, please contact:

Case Manager: Anne Clerisse Gaisha Volcy, Planner  
Phone: (561) 822.1552  
E-mail: [Avolcy@wpb.org](mailto:Avolcy@wpb.org)

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**EXHIBIT "H"**

**From:** [allen\\_shuttfamily5.com](mailto:allen_shuttfamily5.com)  
**To:** "[avolcy@wpb.org](mailto:avolcy@wpb.org)"  
**Cc:** "[Perry Walker Collective](mailto:Perry Walker Collective)"  
**Subject:** RE: Historic Preservation Board Case No.25-58  
**Date:** Thursday, September 25, 2025 1:53:00 PM

---

Anne,

Following up again on this since the meeting is Mon evening. As the neighbor we have a keen interest in the variance. If you can not provide any further information, please let me know whom I should talk to.

Allen Shutt

---

**From:** allen\_shuttfamily5.com  
**Sent:** Tuesday, September 23, 2025 3:38 PM  
**To:** 'avolcy@wpb.org' <avolcy@wpb.org>  
**Cc:** 'Perry Walker Collective' <perry.shutt@perrywalkercollective.com>  
**Subject:** RE: Historic Preservation Board Case No.25-58

Anne,

Following up to the below. We would like to review the variance information in advance of Monday's hearing.

Regards,  
Allen Shutt

---

**From:** allen\_shuttfamily5.com  
**Sent:** Friday, September 19, 2025 11:49 AM  
**To:** [avolcy@wpb.org](mailto:avolcy@wpb.org)  
**Cc:** Perry Walker Collective <[perry.shutt@perrywalkercollective.com](mailto:perry.shutt@perrywalkercollective.com)>  
**Subject:** Historic Preservation Board Case No.25-58

Hello Anne,

I live at 3019 Washington. I saw the upcoming hearing for a variance at 3015 Washington Rd, the neighboring property to mine. Can you send me information in advance as to the specifics of what the variance request is, I only saw a broad description that it was related to construction of a home. Id like to be prepared in advance.

Regards,

NOT A CERTIFIED COPY

**EXHIBIT “I”**

NOT A CERTIFIED COPY

**From:** [Anne Volcy](#)  
**To:** [allen.shuttfamily5.com](mailto:allen.shuttfamily5.com)  
**Cc:** [Perry Walker Collective](#)  
**Subject:** RE: Historic Preservation Board Case No.25-58  
**Date:** Tuesday, September 30, 2025 1:37:37 PM  
**Attachments:** [HPB 25-58 3015 Washington Rd Variances- Staff Report.pdf](#)

---

Good afternoon,

I have attached the Variance Staff Report for 3015 Washington Road. Please let me know if you have any questions.

Also, the applicant has requested to continue their request to the next month's meeting as they are now unable to attend tonight.

Thank you,

Gaisha (Anne Clerisse) Volcy

Planner

(561)822-1552 [✉ avolcy@wpb.org](mailto:avolcy@wpb.org)

[West Palm Beach Land Regulations Zoning Code](#)

[City of West Palm Beach](#) | Development Services Department | Planning & Zoning Division

401 Clematis Street, 2<sup>nd</sup> Floor, West Palm Beach, FL 33401



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According to Florida Public Records Law, email correspondence to and from the City of West Palm Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempt by the Public Records Law. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity.

---

**From:** allen.shuttfamily5.com <allen@shuttfamily5.com>  
**Sent:** Thursday, September 25, 2025 2:53 PM  
**To:** Anne Volcy <avolcy@wpb.org>  
**Cc:** Perry Walker Collective <perry.shutt@perrywalkercollective.com>  
**Subject:** RE: Historic Preservation Board Case No.25-58

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

Anne,

Following up again on this since the meeting is Mon evening. As the neighbor we have a keen

interest in the variance. If you can not provide any further information, please let me know whom I should talk to.

Allen Shutt

---

**From:** allen shuttfamily5.com  
**Sent:** Tuesday, September 23, 2025 3:38 PM  
**To:** 'avolcy@wpb.org' <[avolcy@wpb.org](mailto:avolcy@wpb.org)>  
**Cc:** 'Perry Walker Collective' <[perry.shutt@perrywalkercollective.com](mailto:perry.shutt@perrywalkercollective.com)>  
**Subject:** RE: Historic Preservation Board Case No.25-58

Anne,

Following up to the below. We would like to review the variance information in advance of Monday's hearing.

Regards,  
Allen Shutt

---

**From:** allen shuttfamily5.com  
**Sent:** Friday, September 19, 2025 11:49 AM  
**To:** [avolcy@wpb.org](mailto:avolcy@wpb.org)  
**Cc:** Perry Walker Collective <[perry.shutt@perrywalkercollective.com](mailto:perry.shutt@perrywalkercollective.com)>  
**Subject:** Historic Preservation Board Case No.25-58

Hello Anne,

I live at 3019 Washington. I saw the upcoming hearing for a variance at 3015 Washington Rd, the neighboring property to mine. Can you send me information in advance as to the specifics of what the variance request is, I only saw a broad description that it was related to construction of a home. Id like to be prepared in advance.

Regards,  
Allen Shutt

**EXHIBIT “J”**

NOT A CERTIFIED COPY

**From:** [Anne Volcy](#)  
**To:** [allen\\_shuttfamily5.com](mailto:allen_shuttfamily5.com)  
**Cc:** [Perry Walker Collective](#); [Melissa Anderson](#); [Jordan Ryan Hodges](#); [Ana Maria Aponte](#)  
**Subject:** RE: Historic Preservation Board Case No.25-58  
**Date:** Tuesday, October 14, 2025 2:31:09 PM

---

Good afternoon,

The Historic Preservation Board meeting is scheduled for **November 28<sup>th</sup>, 2025, at 4:30PM** in the City Commission Chambers.

Please let me know if you have any questions.

Thank you,

Gaisha (Anne Clerisse) Volcy

Planner

(561)822-1552 [✉ avolcy@wpb.org](mailto:avolcy@wpb.org)

[West Palm Beach Land Regulations Zoning Code](#)

[City of West Palm Beach](#) | Development Services Department | Planning & Zoning Division

401 Clematis Street, 2<sup>nd</sup> Floor, West Palm Beach, FL 33401



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---

**From:** allen\_shuttfamily5.com <[allen@shuttfamily5.com](mailto:allen@shuttfamily5.com)>

**Sent:** Tuesday, October 14, 2025 2:31 PM

**To:** Anne Volcy <[avolcy@wpb.org](mailto:avolcy@wpb.org)>

**Cc:** Perry Walker Collective <[perry.shutt@perrywalkercollective.com](mailto:perry.shutt@perrywalkercollective.com)>; Melissa Anderson <[manderson@wpb.org](mailto:manderson@wpb.org)>; Jordan Ryan Hodges <[jhodges@wpb.org](mailto:jhodges@wpb.org)>; Ana Maria Aponte <[AAponte@wpb.org](mailto:AAponte@wpb.org)>

**Subject:** RE: Historic Preservation Board Case No.25-58

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

Anne,

Following up to your communication regarding the hearing for 3015 Washington Rd. You reference the hearing being held on next months meeting in your previous email. Its not clear from the city website when next months hearing will be held. Please advise what day that is scheduled for so Im prepared to attend and voice my concerns.

Regards,  
Allen Shutt

---

**From:** Anne Volcy <[avolcy@wpb.org](mailto:avolcy@wpb.org)>  
**Sent:** Tuesday, September 30, 2025 3:06 PM  
**To:** allen shuttfamily5.com <[allen@shuttfamily5.com](mailto:allen@shuttfamily5.com)>  
**Cc:** Perry Walker Collective <[perry\\_shutt@perrywalkercollective.com](mailto:perry_shutt@perrywalkercollective.com)>  
**Subject:** Re: Historic Preservation Board Case No.25-58

Good afternoon,

That is correct. Discussion on the variance request at 3015 Washington Rd has been postponed.

Thank you,

Anne Clerisse Gaisha Volcy  
Planner

Get [Outlook for iOS](#)

---

**From:** allen shuttfamily5.com <[allen@shuttfamily5.com](mailto:allen@shuttfamily5.com)>  
**Sent:** Tuesday, September 30, 2025 3:38:14 PM  
**To:** Anne Volcy <[avolcy@wpb.org](mailto:avolcy@wpb.org)>  
**Cc:** Perry Walker Collective <[perry\\_shutt@perrywalkercollective.com](mailto:perry_shutt@perrywalkercollective.com)>  
**Subject:** RE: Historic Preservation Board Case No.25-58

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

Anne

Please confirm that no discussion on 3015 variance request will occur at tonight's meeting. This issue is very important to us so I want to be abundantly clear that we are not missing an opportunity to voice our concerns.

Allen

---

**From:** Anne Volcy <[avolcy@wpb.org](mailto:avolcy@wpb.org)>  
**Sent:** Tuesday, September 30, 2025 1:37 PM  
**To:** allen shuttfamily5.com <[allen@shuttfamily5.com](mailto:allen@shuttfamily5.com)>  
**Cc:** Perry Walker Collective <[perry\\_shutt@perrywalkercollective.com](mailto:perry_shutt@perrywalkercollective.com)>  
**Subject:** RE: Historic Preservation Board Case No.25-58

Good afternoon,

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Also, the applicant has requested to continue their request to the next month's meeting as they are now unable to attend tonight.

Thank you,

Gaisha (Anne Clerisse) Volcy  
Planner  
(561)822-1552 [✉ avolcy@wpb.org](mailto:avolcy@wpb.org)  
[West Palm Beach Land Regulations Zoning Code](#)  
[City of West Palm Beach](#) | Development Services Department | Planning & Zoning Division  
401 Clematis Street, 2<sup>nd</sup> Floor, West Palm Beach, FL 33401



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---

**From:** allen shuttfamily5.com <[allen@shuttfamily5.com](mailto:allen@shuttfamily5.com)>  
**Sent:** Thursday, September 25, 2025 2:53 PM  
**To:** Anne Volcy <[avolcy@wpb.org](mailto:avolcy@wpb.org)>  
**Cc:** Perry Walker Collective <[perry\\_shutt@perrywalkercollective.com](mailto:perry_shutt@perrywalkercollective.com)>  
**Subject:** RE: Historic Preservation Board Case No.25-58

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

Anne,

Following up again on this since the meeting is Mon evening. As the neighbor we have a keen interest in the variance. If you can not provide any further information, please let me know whom I should talk to.

Allen Shutt

---

**From:** allen shuttfamily5.com  
**Sent:** Tuesday, September 23, 2025 3:38 PM  
**To:** 'avolcy@wpb.org' <[avolcy@wpb.org](mailto:avolcy@wpb.org)>  
**Cc:** 'Perry Walker Collective' <[perry.shutt@perrywalkercollective.com](mailto:perry.shutt@perrywalkercollective.com)>  
**Subject:** RE: Historic Preservation Board Case No.25-58

Anne,

Following up to the below. We would like to review the variance information in advance of Monday's hearing.

Regards,  
Allen Shutt

---

**From:** allen shuttfamily5.com  
**Sent:** Friday, September 19, 2025 11:49 AM  
**To:** [avolcy@wpb.org](mailto:avolcy@wpb.org)  
**Cc:** Perry Walker Collective <[perry.shutt@perrywalkercollective.com](mailto:perry.shutt@perrywalkercollective.com)>  
**Subject:** Historic Preservation Board Case No.25-58

Hello Anne,

I live at 3019 Washington. I saw the upcoming hearing for a variance at 3015 Washington Rd, the neighboring property to mine. Can you send me information in advance as to the specifics of what the variance request is, I only saw a broad description that it was related to construction of a home. Id like to be prepared in advance.

Regards,  
Allen Shutt

**EXHIBIT "K"**

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**From:** [Melissa Anderson](#)  
**To:** [allen.shutofffamily5.com](#); [Anne Volcy](#)  
**Cc:** [Perry Walker Collective](#); [Jordan Ryan Hodges](#); [Ana Maria Aponte](#)  
**Subject:** RE: Historic Preservation Board Case No.25-58  
**Date:** Wednesday, October 22, 2025 11:28:04 AM  
**Attachments:** [Final Packet HPB 10.28.25 \(2\).pdf](#)

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I have attached the October 28 agenda for your convenience.

**Melissa P. Anderson, Senior Assistant City Attorney**  
**City of West Palm Beach**  
**Office of the City Attorney**



401 Clematis Street, West Palm Beach Florida 33401  
P: 561.822.1357 | F: 561.822.1373 | [manderson@wpb.org](mailto:manderson@wpb.org)

---

**From:** allen.shutofffamily5.com <[allen@shutofffamily5.com](mailto:allen@shutofffamily5.com)>  
**Sent:** Wednesday, October 22, 2025 12:06 PM  
**To:** Anne Volcy <[avolcy@wpb.org](mailto:avolcy@wpb.org)>  
**Cc:** Perry Walker Collective <[perry.shutt@perrywalkercollective.com](mailto:perry.shutt@perrywalkercollective.com)>; Melissa Anderson <[manderson@wpb.org](mailto:manderson@wpb.org)>; Jordan Ryan Hodges <[jhodges@wpb.org](mailto:jhodges@wpb.org)>; Ana Maria Aponte <[AAponte@wpb.org](mailto:AAponte@wpb.org)>  
**Subject:** RE: Historic Preservation Board Case No.25-58

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Anne,

Following up to your email below, please confirm the status of the the Historic Preservation Board case for 3015 Washington relating to the variance application. I had assumed the hearing for this case would be held during the meeting on Nov 28<sup>th</sup> since it was postponed from the Sept meeting. However a 3<sup>rd</sup> party told me the variance was already approved at this point. Seeking clarity so Im aware of what options I have at this point. While I may not be a direct party to the variance application process, Im an interested party since the structure abuts my property and impacts my property value.

Regards,

Allen Shutt

---

**From:** Anne Volcy <[avolcy@wpb.org](mailto:avolcy@wpb.org)>

**Sent:** Tuesday, October 14, 2025 2:31 PM

**To:** allen shuttfamily5.com <[allen@shuttfamily5.com](mailto:allen@shuttfamily5.com)>

**Cc:** Perry Walker Collective <[perry.shutt@perrywalkercollective.com](mailto:perry.shutt@perrywalkercollective.com)>; Melissa Anderson <[manderson@wpb.org](mailto:manderson@wpb.org)>; Jordan Ryan Hodges <[jhodges@wpb.org](mailto:jhodges@wpb.org)>; Ana Maria Aponte <[AAponte@wpb.org](mailto:AAponte@wpb.org)>

**Subject:** RE: Historic Preservation Board Case No.25-58

Good afternoon,

The Historic Preservation Board meeting is scheduled for **November 28<sup>th</sup>, 2025, at 4:30PM** in the City Commission Chambers.

Please let me know if you have any questions.

Thank you,

Gaisha (Anne Clerisse) Volcy

Planner

(561)822-1552 ✉[avolcy@wpb.org](mailto:avolcy@wpb.org)

[West Palm Beach Land Regulations Zoning Code](#)

[City of West Palm Beach](#) | Development Services Department | Planning & Zoning Division

401 Clematis Street, 2<sup>nd</sup> Floor, West Palm Beach, FL 33401



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**To:** Anne Volcy <[avolcy@wpb.org](mailto:avolcy@wpb.org)>

**Cc:** Perry Walker Collective <[perry.shutt@perrywalkercollective.com](mailto:perry.shutt@perrywalkercollective.com)>; Melissa Anderson <[manderson@wpb.org](mailto:manderson@wpb.org)>; Jordan Ryan Hodges <[jhodges@wpb.org](mailto:jhodges@wpb.org)>; Ana Maria Aponte <[AAponte@wpb.org](mailto:AAponte@wpb.org)>

**Subject:** RE: Historic Preservation Board Case No.25-58



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Anne,

Following up to your communication regarding the hearing for 3015 Washington Rd. You reference the hearing being held on next months meeting in your previous email. Its not clear from the city website when next months hearing will be held. Please advise what day that is scheduled for so Im prepared to attend and voice my concerns.

Regards,  
Allen Shutt

---

**From:** Anne Volcy <[avolcy@wpb.org](mailto:avolcy@wpb.org)>  
**Sent:** Tuesday, September 30, 2025 3:06 PM  
**To:** allen shuttfamily5.com <[allen@shuttfamily5.com](mailto:allen@shuttfamily5.com)>  
**Cc:** Perry Walker Collective <[perry.shutt@perrywalkercollective.com](mailto:perry.shutt@perrywalkercollective.com)>  
**Subject:** Re: Historic Preservation Board Case No.25-58

Good afternoon,

That is correct. Discussion on the variance request at 3015 Washington Rd has been postponed.

Thank you,

Anne Clerisse Gaisha Volcy  
Planner

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**From:** allen shuttfamily5.com <[allen@shuttfamily5.com](mailto:allen@shuttfamily5.com)>  
**Sent:** Tuesday, September 30, 2025 3:38:14 PM  
**To:** Anne Volcy <[avolcy@wpb.org](mailto:avolcy@wpb.org)>  
**Cc:** Perry Walker Collective <[perry.shutt@perrywalkercollective.com](mailto:perry.shutt@perrywalkercollective.com)>  
**Subject:** RE: Historic Preservation Board Case No.25-58

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Anne

Please confirm that no discussion on 3015 variance request will occur at tonight's meeting. This issue is very important to us so I want to be abundantly clear that we are not missing an opportunity to voice our concerns.

Allen

---

**From:** Anne Volcy <[avolcy@wpb.org](mailto:avolcy@wpb.org)>  
**Sent:** Tuesday, September 30, 2025 1:37 PM  
**To:** allen shuttfamily5.com <[allen@shuttfamily5.com](mailto:allen@shuttfamily5.com)>  
**Cc:** Perry Walker Collective <[perry.shutt@perrywalkercollective.com](mailto:perry.shutt@perrywalkercollective.com)>  
**Subject:** RE: Historic Preservation Board Case No.25-58

Good afternoon,

I have attached the Variance Staff Report for 3015 Washington Road. Please let me know if you have any questions.

Also, the applicant has requested to continue their request to the next month's meeting as they are now unable to attend tonight.

Thank you,

Gaïsha (Anne Clerisse) Volcy  
Planner  
(561)822-1552 ✉ [avolcy@wpb.org](mailto:avolcy@wpb.org)  
[West Palm Beach Land Regulations Zoning Code](#)  
[City of West Palm Beach](#) | Development Services Department | Planning & Zoning Division  
401 Clematis Street, 2<sup>nd</sup> Floor, West Palm Beach, FL 33401



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