

RESOLUTION NO. R-89-1453

RESOLUTION DENYING ZONING PETITION NO. 87-82(A)
PETITION OF DON S. AND BOBBYE G. LYONS

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code have been satisfied; and

WHEREAS, Petition No. 87-82(A) was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on May 1, 1989; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, pursuant to the criteria set forth in the Zoning Code of Palm Beach County, Florida, Sections 102 and 402.5, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners, sitting as the Zoning Authority, made the following findings of fact:

1. This proposal is not consistent with the requirements of the Comprehensive Plan and local land development regulations.
2. This proposal is not consistent with the present and future development of the area and not an appropriate use in this location.
3. The petitioner has failed to meet the requirements of his prior rezoning and special exception, which have been revoked.
4. This petition does not meet the zoning code requirements.
5. The proposed use is too intense for the size of the site.
6. This proposal does not promote the health, safety and welfare of the public.

WHEREAS, 402.5 of the Zoning Code requires that the action of the Board of County Commissioners, sitting as the Zoning Authority, be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 87-82 (A) the petition of DON S. AND BOBBYE G. LYONS, by Paul S. Pefley, Agent, for a MODIFICATION OF COMMISSION REQUIREMENTS on a parcel of land lying on Lot 17 and the West 60.00 feet of Lot 32, Okeechobee Garden Estates in Section 24, Township 43 South, Range 42 East, recorded in Plat Book 23, Page 181; together with an easement for ingress and egress over the North 20.00 feet of the East 78.60 feet of said Lot 32, as recorded in Official Record Book 5025, Page 0219 and Lots 18 and 19 of Okeechobee Garden Estates, recorded in Plat Book 23, Page 181, and as recorded in Official Record Book 4438, Page 0698, being located on the east side of Spafford Avenue, approximately .13 mile north of Okeechobee Road, in a RS-Single Family Residential Zoning District in part, and IL-Light Industrial Zoning District in part, was denied on May 1, 1989, with prejudice.

Commissioner Marcus moved for adoption of the Resolution.

The motion was seconded by the Commissioner Howard and, upon being put to a vote, the vote was as follows:

Carol J. Elmquist, Chair	--	AYE
Karen T. Marcus	--	AYE
Carol Roberts	--	AYE
Ron Howard	--	AYE
Carole Phillips	--	AYE

The Chair thereupon declared the resolution was duly passed and adopted this 1st day of August 1989.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: *Robert Altman*
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY: *Jane P. Williams*
DEPUTY CLERK

