

RESOLUTION NO. ZR-2019- 020

RESOLUTION APPROVING ZONING APPLICATION ZV-2018-01037
CONTROL NO. 2011-00348
TYPE 2 VARIANCE (*STAND ALONE*)
APPLICATION OF Totally Glass & Blinds, LLC
BY Land Research Management, Inc., AGENT
(TOTALLY GLASS & BLINDS)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC Supplement 24 have been satisfied;

WHEREAS, Zoning Application ZV-2018-01037 was presented to the Zoning Commission at a public hearing conducted on July 3, 2019;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV-2018-01037, the Application of Totally Glass & Blinds, LLC, by Land Research Management, Inc., Agent, for a Type 2 Variance to reduce: front, side and rear setbacks, lot size, frontage, depth, terminal island width and planting material, interior landscaping material, Right-of-Way (R-O-W) buffer width and planting material, Compatibility Buffer width and planting material, and required parking; and, to eliminate dumpster, loading space, and Foundation Planting and planting materials, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 3, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and Variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Kern moved for the approval of the

Resolution.

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

Sheri Scarborough, Chair	- Yes
Sam Caliendo, Vice Chair	- Yes
Amir Kanel	- Yes
John Kern	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Yes
Robert Currie	- Yes

The Chair thereupon declared the resolution was duly passed and adopted on July 3, 2019.

This resolution is effective when filed with the Palm Beach County Zoning Division on July 3, 2019.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY:



COUNTY ATTORNEY

BY:



CHAIR

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE PLAT OF WESTOVER, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 72, AS REPLATTED IN REPLAT OF WESTOVER, RECORDED IN PLAT BOOK 18, PAGE 23, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 140, PLAT OF WESTOVER, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT RECORDED IN PLAT BOOK 4, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 63.40 FEET NORTH OF THE INTERSECTION OF THE WEST LINE OF MILITARY TRAIL AND THE NORTH LINE OF HAZARD STREET AS SHOWN ON THE REPLAT OF WESTOVER, RECORDED IN PLAT BOOK 18, PAGE 23, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA THENCE WEST PARALLEL TO THE NORTH LINE OF HAZARD STREET, A DISTANCE OF 100 FEET TO THE EAST LINE OF SERVICE LANE; THENCE NORTH ALONG THE EAST LINE OF SERVICE LANE, A DISTANCE OF 31.70 FEET; THENCE EAST PARALLEL WITH THE SAID NORTH LINE OF HAZARD STREET, A DISTANCE OF 100 FEET TO THE WEST LINE OF MILITARY TRAIL; THENCE SOUTH ALONG MILITARY TRAIL, A DISTANCE OF 31.70 FEET TO THE POINT OF BEGINNING; LESS THE EAST 3 FEET THEREOF CONVEYED TO THE STATE OF FLORIDA, IN OFFICAL RECORD BOOK 670, PAGE 546, PUBLIC RECORDS OF PALM BEACH COUNTY, FLOIRDA.

AND

LOT 141, PLAT OF WESTOVER, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT RECORDED IN PLAT BOOK 4, PAGE 72, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 95.10 FEET NORTH OF THE INTERSECTION OF THE WEST LINE OF MILITARY TRAIL AND THE NORTH LINE OF HAZARD STREET AS SHOWN ON THE REPLAT OF WESTOVER, RECORDED IN PLAT BOOK 18, PAGE 23, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE WEST PARALLEL TO THE NORTH LINE OF HAZARD STREET A DISTANCE OF 100 FEET TO EAST LINE OF SERVICE LANE; THENCE NORTH ALONG THE EAST LINE OF SERVICE LANE, A DISTANCE OF 31.70 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF HAZARD STREET, A DISTANCE OF 100 FEET TO THE WEST LINE OF MILITARY TRAIL; THENCE SOUTH ALONG MILITARY TRAIL, A DISTANCE OF 31.70 FEET TO THE POINT OF BEGINNING; LESS THE EAST 3 FEET THEREOF CONVEYED TO THE STATE OF FLORIDA IN OFFICAL RECORD BOOK 670, PAGE 546, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. TOGETHER WITH THE EAST 1/2 OF VACATED SERVICE STREET LYING WEST OF AND ADJACENT TO THE ABOVE DESCRIBED LOTS.

THE ABOVE DESCRIBED PARCEL BEING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. TOGETHER WITH EASEMENT RIGHTS FOR ACCESS AND VEHICULAR INGRESS/EGRESS AS SET FORTH IN REVISED DECLARATION OF EASEMENT AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 11804, PAGE 1715, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 0.152 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

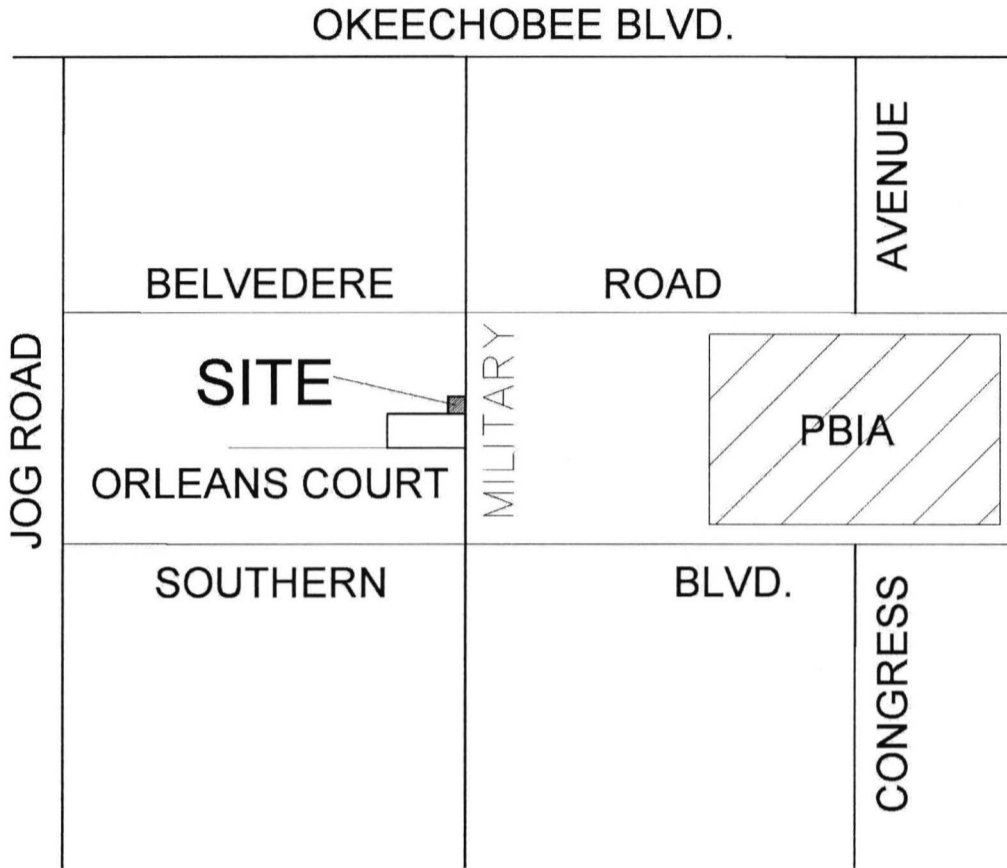


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Standalone

VARIANCE

1. This Variance is approved based on the layout as shown on the Preliminary Site Plan dated June 10, 2019. Only minor modifications shall be permitted provided the changes are consistent with the Preliminary Site Plan. (ONGOING: ZONING - Zoning)
2. At time of application for a Building Permit, the Property Owner shall provide copy of this Variance approval to the Building Division. (BLDGPM: ZONING - Zoning)
3. The Development Order for this non-concurrent Variance shall be valid till July 3, 2020, a period of one year from the date of the Zoning Hearing. The Property Owner must secure a Building Permit or a Commencement of Development to vest this Variance (DATE: MONITORING - Zoning)

SITE DESIGN-DUMPSTER

1. All dumpsters, trash cans or any refuse containers shall be stored indoors, with exception to placement outdoors on the day of scheduled trash collection provided by the SWA or other. (ONGOING: CODE ENF - Zoning)

USE LIMITATIONS

1. This Variance is approved for a maximum of 616 s.f. Retail Sales and/or Office uses, and 1000 s.f. Storage use, in accordance with the June 6, 2019, Parking Statement prepared by Andrea Troutman, P.E., PTC Transportation Consultants. Any change to the use(s) shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Zoning Commission for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
 - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,
 - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section

2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by the Development Permit.

EXHIBIT D

REQUEST

TYPE II VARIANCE SUMMARY

	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V.1	Table 3.B.9.F, PBAIO Setbacks	50 foot rear setback	41.4 feet (existing)	-8.6 feet
V.2, Table 3.D.1.A, Property Development Regulations				
V.2.a	Lot Size	One acre	0.152 acre (existing)	-0.848 acre
V.2.b	Width/Frontage	100 feet	63.4 feet (existing)	-36.6 feet
V.2.c	Depth	200 feet	104.5 feet (existing)	-95.5 feet
V.2.d	Front setback	50 feet	12 feet (existing)	-38 feet
V.2.e	Side Setback	15 feet	0 feet (existing north facade)	-15 feet
V.3	Art. 5.B.1.A.8, Dumpsters:	One per non-residential development	None (existing)	No dumpster
V.4, Table 6.A.1.B, Minimum Off-Street Parking and Loading Requirements				
V.4.a	Table 6.A.1.B Parking	8 space required	4	-4 spaces
V.4.b	Table 6.A.1.B Loading:	1 space required	None (existing)	No space
V.5, Table 7.C.2.A, Right of Way Buffer – East Property Line				
V.5.a	Width	20 feet minimum	12 feet (existing)	-8 feet
V.5.b	Groundcover	37 l.f. of Groundcover (one per linear feet)	0 groundcover	-37 l.f. of groundcover
V.5.c	Small Shrubs	19 shrubs (one per two linear feet)	16 shrubs	-3 shrubs
V.5.d	Medium Shrubs	10 shrubs (one per four linear feet)	8 shrubs	-2 shrubs
V.5.e	Large Shrubs	10 shrubs (one per four linear feet)	0 shrubs	-10 shrubs
V.6, Table 7.C.2.B, Compatibility Buffer - North Property Line North (51 LF. of 104.5 ft. total)				
V.6.a	Width	8 feet minimum	0 feet	-8 feet
V.6.b	Trees	2 trees (one canopy tree per 25 linear feet)	0 tree	-2 trees
V.6.c	Shrubs	13 shrubs (one per four linear feet)	0 tree	-13 shrubs
V.7, Table 7.C.2.B, Compatibility Buffer - South Property Line North (51 LF. of 104.5 ft. total)				
V.7.a	Width	8 feet minimum	0 feet	-8 feet
V.7.b	Trees	2 trees (one canopy tree per 25 linear feet)	0 tree	-2 trees
V.7.c	Shrubs	13 shrubs (one per four linear feet)	0 tree	-13 shrubs
V.8, Table 7.C.3.A, Interior Landscaping				
V.8.a	Trees	3 trees 1 tree x 2,000 sq. ft.	0 tree	-3 trees
V.8.b	Shrubs	10 shrubs 3 shrubs x 2,000 sq. ft	0 shrubs	-10 shrubs
V.9, Table 7.C.4.A, Landscape Terminal islands ()				
V.9.a	Width and Groundcover	8 feet Grass or Groundcover	5.4 feet Exclude the Ex. AC unit elec. Box	-2.6 feet To exclude the Ex. AC unit elec. Box
V.9.b	Width	8 feet	4 feet	-4 feet
V.9.c	Width and Tree	8 feet 1 tree	0 feet 0 tree	-8 feet No tree

	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V.9.d		8 feet 1 tree	0 feet 0 tree	-8 feet No tree
V.10, Table 7.C.3.B, Foundation Planting – North, South And East Facades				
V.10.a.	Width	8 feet	0 feet	-8 feet
V.10.b	Trees	7 trees	0 trees	-7 trees
V.10.c	Trees	104 shrubs	0 shrubs	-104 shrubs