

RESOLUTION NO. ZR-2019- 028

RESOLUTION APPROVING ZONING APPLICATION ZV-2019-00158
CONTROL NO. 1979-00156
TYPE 2 VARIANCE (*STAND ALONE*)
APPLICATION OF Holy Church Of Grace
BY Land Research Management, Inc., AGENT
(HOLY CHURCH OF GRACE)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code (ULDC), Ordinance 2003-067, Supplement 25, 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 have been satisfied;

WHEREAS, Zoning Application ZV-2019-00158 was presented to the Zoning Commission at a public hearing conducted on September 5, 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-2019-00158, the Application of Holy Church Of Grace, by Land Research Management, Inc., Agent, for a Type 2 Variance to reduce: lot size and depth; front, side and rear setbacks; dumpster setback; number of parking spaces; and, the width of the Incompatibility Buffer, landscape island, and foundation planting, 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 September 5, 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 Caliendo moved for the approval of the Resolution.

The motion was seconded by Commissioner Kern 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
Philip L. Barlage	- Absent
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 September 5, 2019.

This resolution is effective when filed with the Palm Beach County Zoning Division on September 5, 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

LOTS 7 AND 8, BLOCK 2, LESS THE WEST 75 FEET THEREOF, BUSH & MOHNEY'S ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGE 49, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; EXCEPT THE EAST 20 FEET OF SAID LOTS 7 AND 8 WHICH WAS CONVEYED TO THE STATE OF FLORIDA IN OFFICIAL RECORDS BOOK 1024, PAGE 72, AND TO PALM BEACH COUNTY, IN MINUTES CIRCUIT BOOK 56, PAGE 111.
CONTAINING 21.329 SQUARE FEET, OR 0.4897 ACRES, MORE OR LESS

EXHIBIT B
VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Standalone

ALL PETITIONS

1. The approved Preliminary Plan is dated May 28, 2019. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)

2. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPM: BUILDING DIVISION - Zoning)

3. This Variance is approved for the Place of Worship use. Any change to the use shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: CODE ENF - Zoning)

LANDSCAPE - PERIMETER BUFFER ALONG THE SOUTH PROPERTY LINE

1. Prior to approval by the Development Review Officer, the Site Plan shall be revised to remove references to Variance V9, and related Incompatibility Buffer labeling along the south property line. (DRO: ZONING - Zoning)

2. The required Compatibility Buffer along the south property line shall be upgraded to include:

- a. a minimum of fourteen (14) foot in width; and,
- b. a six (6) foot high vinyl coated chain link fence with a six (6) foot high hedge to be planted on the exterior side of the fence. (BLDGPM/DRO: ZONING - Zoning)

LANDSCAPE – INTERIOR

3. In addition to Code requirements, additional foundation planting along the east side of the Place of Worship building shall be a minimum of 48 feet in length and six (6) feet in width. (BLDGPM/DRO: 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 this Development Permit.

EXHIBIT D

REQUEST

ULDC Article	Required	Proposed	Variance
V – 1: 3.D.1.A, Property Development Regulations - Minimum Lot Dimensions - Size	1 acre	0.49	-0.51
V – 2: 3.D.1.A, Property Development Regulations - Minimum Lot Dimensions - Depth	200 ft.	135 ft.	-65 ft.
V – 3: 3.D.1.A, Property Development Regulations - Minimum Setbacks - Front	50 ft.	21.3 ft.	-28.7 ft.
V – 4: 3.D.1.A, Property Development Regulations - Minimum Setbacks - Side	15 ft.	14.55 ft.	-0.45 ft.
V – 5: 3.D.1.A, Property Development Regulations - Minimum Setbacks - Rear	15 ft.	14.63 ft.	-0.37 ft.
V – 6: 5.B.1.A.8.C.2, Dumpsters - Setback	25 ft.	22.4 ft.	-2.6 ft.
V – 7: 6.A.1.B, Minimum Off-Street Parking and Loading Requirements - Place of Worship	17 parking spaces	15 parking spaces	-2 parking spaces
V – 8: 7.C.2.C.3, Incompatibility Buffer - along west property line	15 ft.	14.55 ft.	-0.45 ft.
V – 9: 7.C.3.B., Foundation Planting	8 ft. wide.	6 ft. wide	-2 ft. wide
V – 10: 7.C.4.A., Landscape Islands	8 ft. wide.	5.53 ft. wide	-2.47 ft. wide

SITUS ADDRESS:	2145 S Military Trail, West Palm Beach 33415	
OWNER NAME & ADDRESS:	Holy Church of Grace 1233 45th St, Ste A7 West Palm Beach, FL 33407-2161	
PCN:	00-42-44-13-03-002-0071	
ZONING DISTRICT:	CG	
BCC DISTRICT:	2	
PROJECT MANAGER:	Carolina Valera, Senior Site Planner	
LAND USE:	CH	S/T/R: 13-44-42
CONTROL #:	1979-00156	
LOT AREA:	0.49 acres +/-	
APPLICANT REQUEST:	to reduce: lot size and depth; front, side and rear setbacks; dumpster setback; number of parking spaces; and, the width of the Incompatibility Buffer, landscape island, and foundation planting.	