

RESOLUTION NO. ZR-2020- 010

RESOLUTION APPROVING ZONING APPLICATION ZV-2019-01992
CONTROL NO. 2019-00082
TYPE 2 VARIANCE (*STAND ALONE*)
APPLICATION OF David and Sandra Getz
BY Cotleur & Hearing, Inc., AGENT
(GETZ SUBDIVISION)

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 26, 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-2019-01992 was presented to the Zoning Commission at a public hearing conducted on June 4, 2020;

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-2019-01992, the Application of David and Sandra Getz, by Cotleur & Hearing, Inc., Agent, for a Type 2 Variance to eliminate the requirement for lot frontage, 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 June 4, 2020, 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 Calinedo 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
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Yes
Mark Beatty	- Absent
Jess Sowards	- Yes

The Chair thereupon declared the resolution was duly passed and adopted on June 4, 2020.

This resolution is effective when filed with the Palm Beach County Zoning Division on June 23, 2020.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

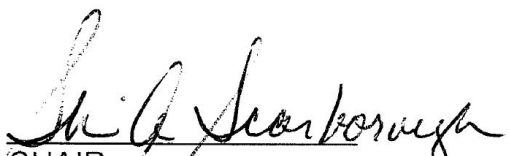
BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PROCEED DUE WEST, ALONG THE SOUTH LINE OF SAID SECTION 35, A DISTANCE OF 1507.89 FEET; THENCE N 01°09'00" E, A DISTANCE OF 30 FEET TO THE NORTH LINE OF CENTER STREET AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°02'00" EAST, A DISTANCE OF 170.62 FEET; THENCE NORTH 18°30'10" WEST, A DISTANCE OF 207.45 FEET; THENCE NORTH 89°18'00" WEST, A DISTANCE OF 96.19 FEET; THENCE DUE SOUTH A DISTANCE OF 368.48 FEET, MORE OR LESS, TO SAID NORTH LINE OF CENTER STREET; THENCE DUE EAST, ALONG SAID NORTH LINE OF CENTER STREET, A DISTANCE OF 158.94 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

A PARCEL OF LAND IN GOVERNMENT LOT 6, SECTION 35, TOWNSHIP 40 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF SECTION 35 PROCEED ON AN ASSUMED BEARING BASE FOR ALL BEARINGS IN THIS DESCRIPTION OF DUE WEST 1,682.62 FEET; THENCE NORTH 30 FEET TO THE POINT OF BEGINNING; THENCE DUE NORTH 368.68 FEET; THENCE SOUTH 89° 18' 00" EAST 16 FEET; THENCE DUE SOUTH 368.48 FEET; THENCE DUE WEST 16 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

CONTAINING 58,726 SQUARE FEET, OR 1.348 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

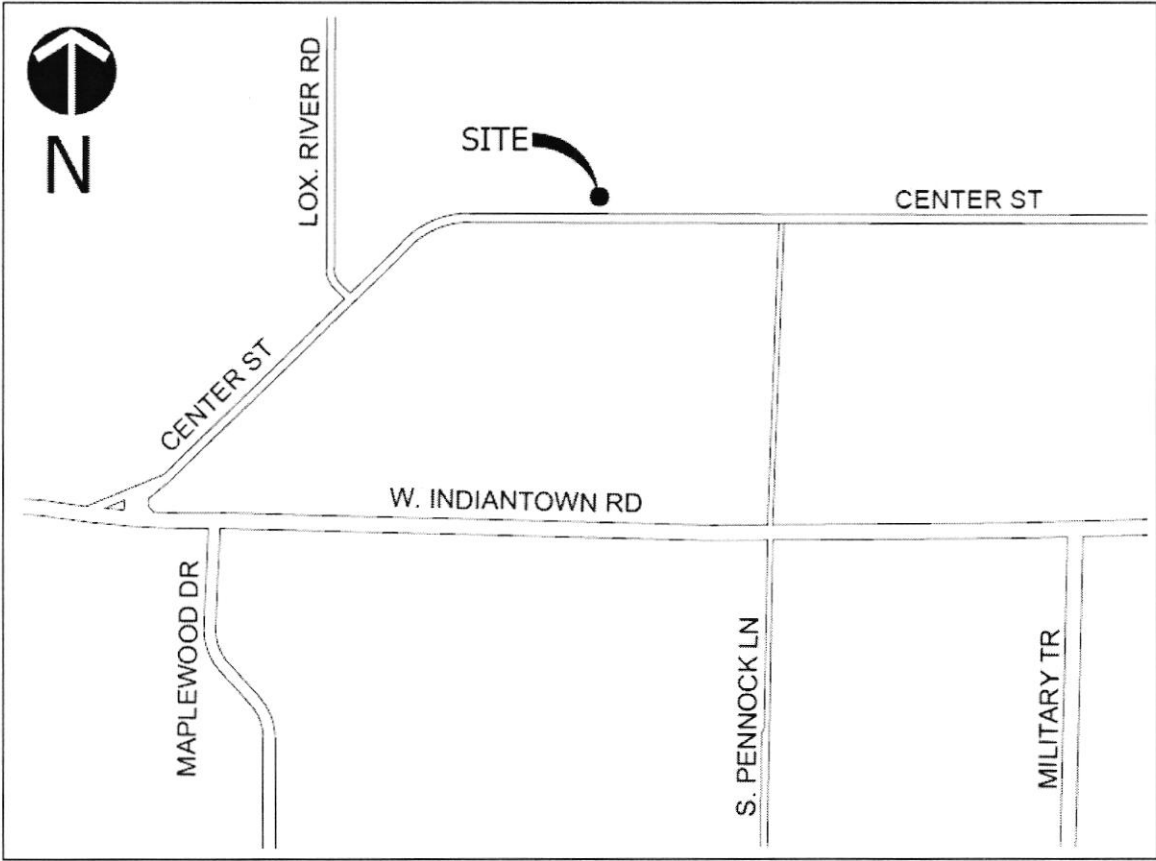


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Standalone

VARIANCE

1. This Variance is approved for the development of a Single Family home on Lot 2, as further indicated on the Preliminary Subdivision Plan dated February 10, 2020. Any change to the use shall require reconsideration of the variance by the Zoning Commission. (ONGOING: CODE ENF - Zoning)
2. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for DRO-2019-01127. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - Zoning)
3. Prior to Final Approval by the Development Review Officer, the approved Variances shall be shown on the Final Subdivision Plan. (DRO: ZONING - Zoning)
4. Prior to Final Approval by the Development Review Officer, the Property Owner shall record a Cross Access Agreement, in a form and manner that is acceptable to the County Attorney's office, with the abutting property to the west (Lot 1) to provide access to Center Street. (DRO: ZONING - Zoning)
5. 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)

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

TYPE 2 VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
Table 3.D.1.A, Property Development Regulations - Lot Width	65 ft.	0 ft.	-65 ft.