

RESOLUTION NO. ZR-2020- 046

RESOLUTION APPROVING ZONING APPLICATION ZV-2020-00825

CONTROL NO. 2019-00176

TYPE 2 VARIANCE (*STAND ALONE*)

APPLICATION OF HRY Development, LLC

BY Schmidt Nichols, AGENT

(HANKIN TOWNHOMES)

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 27, 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-2020-00825 was presented to the Zoning Commission at a public hearing conducted on December 3, 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-2020-00825, the Application of HRY Development, LLC, by Schmidt Nichols, Agent, for a Type 2 Variance to eliminate a Right-of-Way Buffer; and, to reduce side street setbacks, 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 December 3, 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 Beatty 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
VACANT, Vice Chair	- N/A
Amir Kanel	- Yes
John Kern	- Yes
Michael Kelley	- Yes
Marcelle Griffith Burke	- Yes
Alex Brumfield III	- Absent
Mark Beatty	- Yes
Jess Sowards	- Yes

The Chair thereupon declared the resolution was duly passed and adopted on December 3, 2020.

This resolution is effective when filed with the Palm Beach County Zoning Division on December 3, 2020.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY


BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1:

THE NORTH 154 FEET OF THE SOUTH 308 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; SUBJECT TO AN EXCLUSIVE EASEMENT FOR PRIVATE ROAD PURPOSES OVER THE WEST 15 FEET THEREOF, AND TOGETHER WITH A ROAD EASEMENT FOR INGRESS/EGRESS ACROSS THE WEST 50 FEET OF THE SOUTH 154 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24.

PARCEL 2:

THE WEST 65 FEET OF THE SOUTH 154 FEET OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 24, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS:

A PARCEL OF LAND IN THE WEST ONE-HALF (W.1/2) OF THE SOUTHEAST QUARTER (S.E.1/4) OF THE NORTHWEST QUARTER (N.W.1/4) OF THE SOUTHWEST QUARTER (S.W.1/4) OF SECTION 24, TOWNSHIP 44 SOUTH, RANGE 42 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE SAID WEST ONE-HALF (W.1/2), ALSO BEING THE SOUTHEAST CORNER OF THE PLAT OF WHITNEY PARK, RECORDED IN PLAT BOOK 122, PAGE 164, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF THE SAID WEST ONE-HALF (W.1/2) AND ALONG THE EAST BOUNDARY OF SAID PLAT, N01°42'43"E FOR 308.03 FEET TO THE NORTH LINE OF THE SOUTH 308.00 FEET OF THE SAID WEST ONE-HALF (W.1/2); THENCE ALONG SAID NORTH LINE, S87°32'02"E FOR 332.89 FEET TO THE EAST LINE OF THE SAID WEST ONE-HALF (W.1/2), AND THE WEST BOUNDARY OF MIL-LAKE ESTATES II, RECORDED IN PLAT BOOK 46, PAGE 42, OF SAID PUBLIC RECORDS; THENCE ALONG SAID EAST LINE, AND WEST PLAT BOUNDARY, S01°41'52"W FOR 154.01 FEET TO THE SOUTH LINE OF THE NORTH 154.00 FEET OF THE SAID SOUTH 308.00 FEET OF THE SAID WEST ONE-HALF (W.1/2); THENCE ALONG SAID SOUTH LINE, N87°32'02"W FOR 267.92 FEET TO THE EAST LINE OF THE WEST 65.00 FEET OF THE SAID WEST ONE-HALF (W.1/2); THENCE ALONG SAID EAST LINE, S01°42'43"W FOR 154.01 FEET TO THE SOUTH LINE OF THE SAID WEST ONE-HALF (W.1/2); THENCE ALONG SAID SOUTH LINE, N87°32'02"W FOR 65.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 61,278 S.F. (1.407 ACRES) MORE OR LESS

EXHIBIT B

VICINITY SKETCH

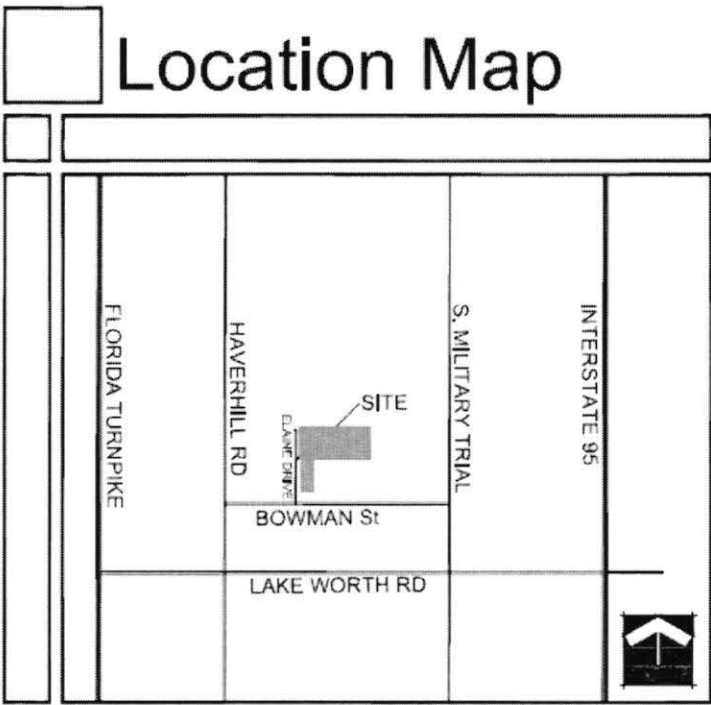


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Standalone

ALL PETITIONS

1. The approved Preliminary Site Plan is dated September 28, 2020. 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, shall require reconsideration of the Variance(s) by the Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

1. 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)

2. Prior to final approval by the Development Review Officer, the Applicant shall amend the Subdivision or Site Plan to reflect the approved Variances. (DRO: ZONING - Zoning)

3. The Development Order for this Standalone Variance shall be tied to the Time Limitations of the Development Order for Application DRO-2019-02311 (Control No. 2019-00176). The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: MONITORING - 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 of Approval; 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
V.1	Art. 7.C.2.A, R-O-W Buffer	10 foot (ft.) Right-of-Way (R.O.W) Landscape Buffer	To eliminate the required R-O-W Buffer	100 percent
V.2	Table 3.D.2.A, Townhouse Property Development Regulations	25 ft. Side Street Setback (west side of TH Unit No. 1 towards Elaine Drive)	22 ft. Side Street Setback	-3 ft.
		25 ft. Side Street Setback (east of TH Unit No. 8 towards Durand Road Fire Turn Radius)	7 ft. Side Street Setback	-18 ft.