

RESOLUTION NO. ZR-2021- 014

RESOLUTION APPROVING ZONING APPLICATION SV-2020-02121  
CONTROL NO. 2018-00029  
SUBDIVISION VARIANCE (*STAND ALONE*)  
APPLICATION OF New Testament Church of God Word of Hope Ministries, Inc.  
BY **Timothy White**, AGENT  
(NEW TESTAMENT CHURCH OF GOD WORD OF HOPE MINISTRIES)

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 have been satisfied;

WHEREAS, Zoning Application SV-2020-02121 was presented to the Zoning Commission at a public hearing conducted on May 6, 2021;

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 Subdivision 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 SV-2020-02121, the Application of New Testament Church of God Word of Hope Ministries, Inc., by Timothy White, Agent, for a Type II Variance to allow access from existing 40-foot and 50-foot rights-of-way with no sidewalks, 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 May 6, 2021, 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 Scarborough moved for the approval of the Resolution.

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

John Kern, Chair	- Yes
Marcelle Griffith Burke, Vice Chair	- Yes
Cheri Pavlik	- Yes
Sam Caliendo	- Yes
Michael Kelley	- Yes
Sheri Scarborough	- Yes
Alex Brumfield III	- Absent
Mark Beatty	- Yes
Jess Sowards	- Yes

The Chair thereupon declared the resolution was duly passed and adopted on May 6, 2021.

This resolution is effective when filed with the Palm Beach County Zoning Division on May 6, 2021.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
COUNTY ATTORNEY

BY:   
CHAIR



## EXHIBIT A

### LEGAL DESCRIPTION

STARTING AT THE NE CORNER OF THE NW 1/4, NE 1/4, SW 1/4, OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, RUN WEST ON THE QUARTER SECTION LINE A DISTANCE OF 503.4 FEET; THENCE SOUTHWARD MAKING AN INCLUDED ANGLE OF 90 DEGREES 32 MINUTES WITH THE LAST NAMED COURSE A DISTANCE OF 370 FEET TO THE POINT OF BEGINNING, FROM THE POINT OF BEGINNING RUN EASTWARD A DISTANCE OF 150 FEET ON A COURSE MAKING AN INCLUDED ANGLE OF 89 DEGREES 28 MINUTES WITH THE LAST NAMED COURSE, THENCE IN A NORTHERLY DIRECTION MAKING AN INCLUDED ANGLE OF 90 DEGREES 32 MINUTES WITH THE LAST NAMED COURSE A DISTANCE OF 50 FEET; THENCE IN A WESTERLY DIRECTION MAKING AN INCLUDED ANGLE OF 89 DEGREES 28 MINUTES WITH THE LAST NAMED COURSE A DISTANCE OF 150 FEET; THENCE IN A SOUTHERLY DIRECTION MAKING AN INCLUDED ANGLE OF 90 DEGREES 32 MINUTES WITH THE LAST NAMED COURSE A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING; LOT 7, BLOCK 2 IN HARTLEY ADDITION TO MILITARY PARK, AN UNFILED PLAT.

AND

STARTING AT THE NE CORNER OF THE NW 1/4, NE 1/4, SW 1/4, OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, RUN WEST ON THE QUARTER SECTION LINE A DISTANCE OF 504.4 FEET; THENCE SOUTHWARD MAKING AN INCLUDED ANGLE OF 90° 32' WITH THE LAST NAMED COURSE A DISTANCE OF 424.05 FEET TO THE POINT OF BEGINNING WHICH IS A POINT ON THE NORTHERN BOUNDARY OF THE R/W OF THE F.E.C. RAILROAD, FROM THE POINT OF BEGINNING RUN EASTWARD ALONG THE NORTHERN BOUNDARY OF THE F.E.C. RAILROAD R/W A DISTANCE OF 150 FEET ON A COURSE MAKING AN INCLUDED ANGLE OF 89° 10' WITH THE LAST NAMED COURSE; THENCE IN A NORTHERLY DIRECTION MAKING AN INCLUDED ANGLE OF 90° 50' WITH THE LAST NAMED COURSE A DISTANCE OF 53.25 FEET; THENCE IN A WESTERLY DIRECTION MAKING AN INCLUDED ANGLE OF 89°28' WITH THE LAST NAMED COURSE A DISTANCE OF 150 FEET; THENCE IN A SOUTHERLY DIRECTION MAKING AN INCLUDED ANGLE OF 90° 32' WITH THE LAST NAMED COURSE A DISTANCE OF 54.05 FEET TO THE POINT OF BEGINNING AND ON THE NORTHERN BOUNDARY OF THE F.E.C. RAILROAD R/W, BEING LOT 8, BLOCK 2, IN HARTLEY ADDITION TO MILITARY PARK, AN UNRECORDED PLAT.

AND

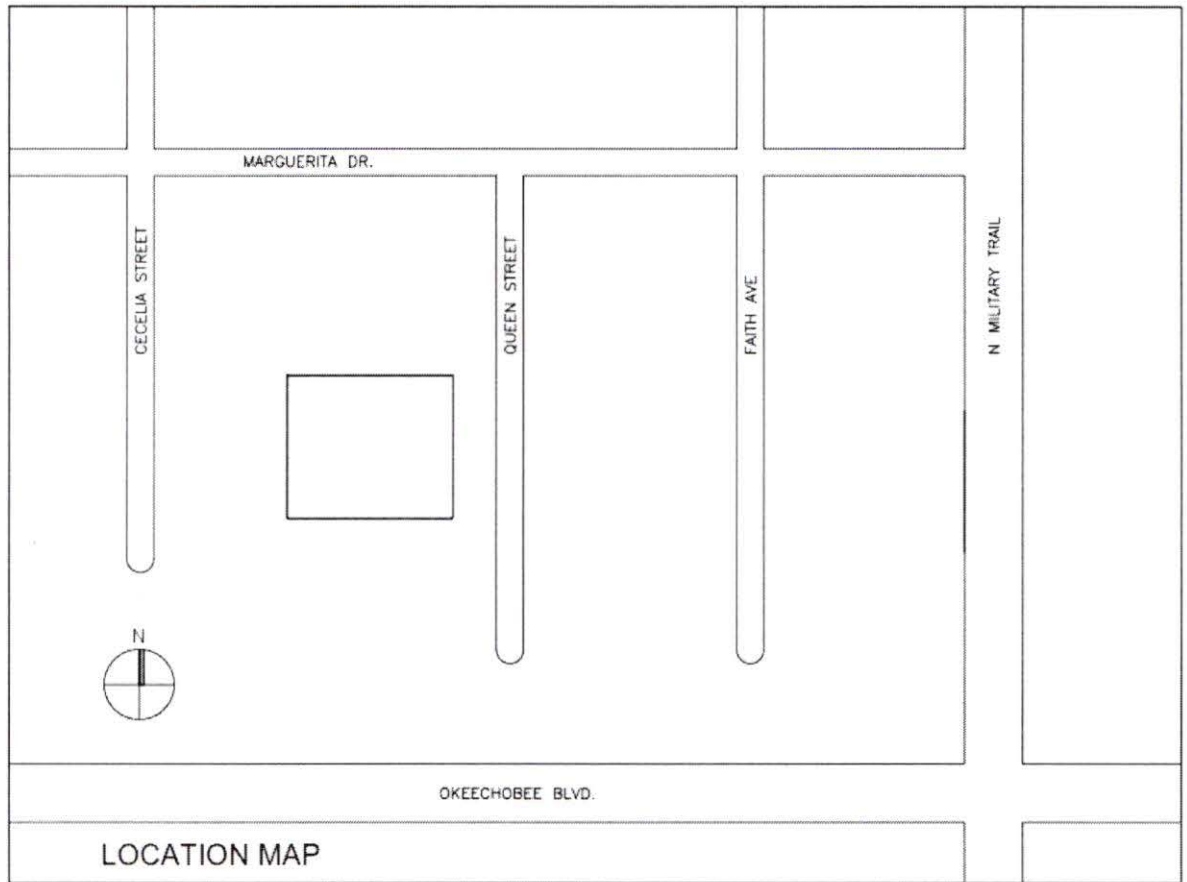
THE SOUTH HALF (S 1/2) OF LOT 6, BLOCK 2, HARTLEY'S ADDITION TO MILITARY PARK, AS SHOWN BY AN UNFILED PLAT SAID ADDITION

AND

THE NORTH ONE-HALF (N 1/2) OF LOT 6, BLOCK 2, OF HARTLEY'S SUBDIVISION OF THE COUNTY OF PALM BEACH.

CONTAINING TOTAL 23,055 SQUARE FEET 0.53 ACRE MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Subdivision Variance - Standalone

##### ENGINEERING

1. Property Owner shall construct a minimum 5 foot wide concrete sidewalk on one side of the road from this site to the Old Military Trail right-of-way. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The sidewalk shall be completed prior to the issuance of the first certificate of occupancy. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (CO: MONITORING-Engineering)

##### VARIANCE

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 Board of County Commissioners for review under the compliance Condition of this Approval. (ONGOING: MONITORING - Zoning) (ONGOING: LAND DEVELOPMENT - 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) (ONGOING: LAND DEVELOPMENT - 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

SUBDIVISION VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Minimum Legal Access	80 foot right-of-way	40-foot and 50-foot rights-of-way	30 feet and 40 feet of right-of-way