

RESOLUTION NO. ZR-2021- 015

RESOLUTION APPROVING ZONING APPLICATION SV-2021-00127  
CONTROL NO. 2020-00060  
SUBDIVISION VARIANCE (STAND ALONE)  
APPLICATION OF Gregory Rice  
BY **Wallace Surveying, Inc.**, AGENT  
(RICE PROJECT)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedure)s 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-2021-00127 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-2021-00127, the Application of Gregory Rice, by Wallace Surveying, Inc., Agent, for a Type II Variance to allow access to a residential home from a 20-foot easement, 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 Caliendo moved for the approval of the Resolution.

The motion was seconded by Commissioner Burke 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

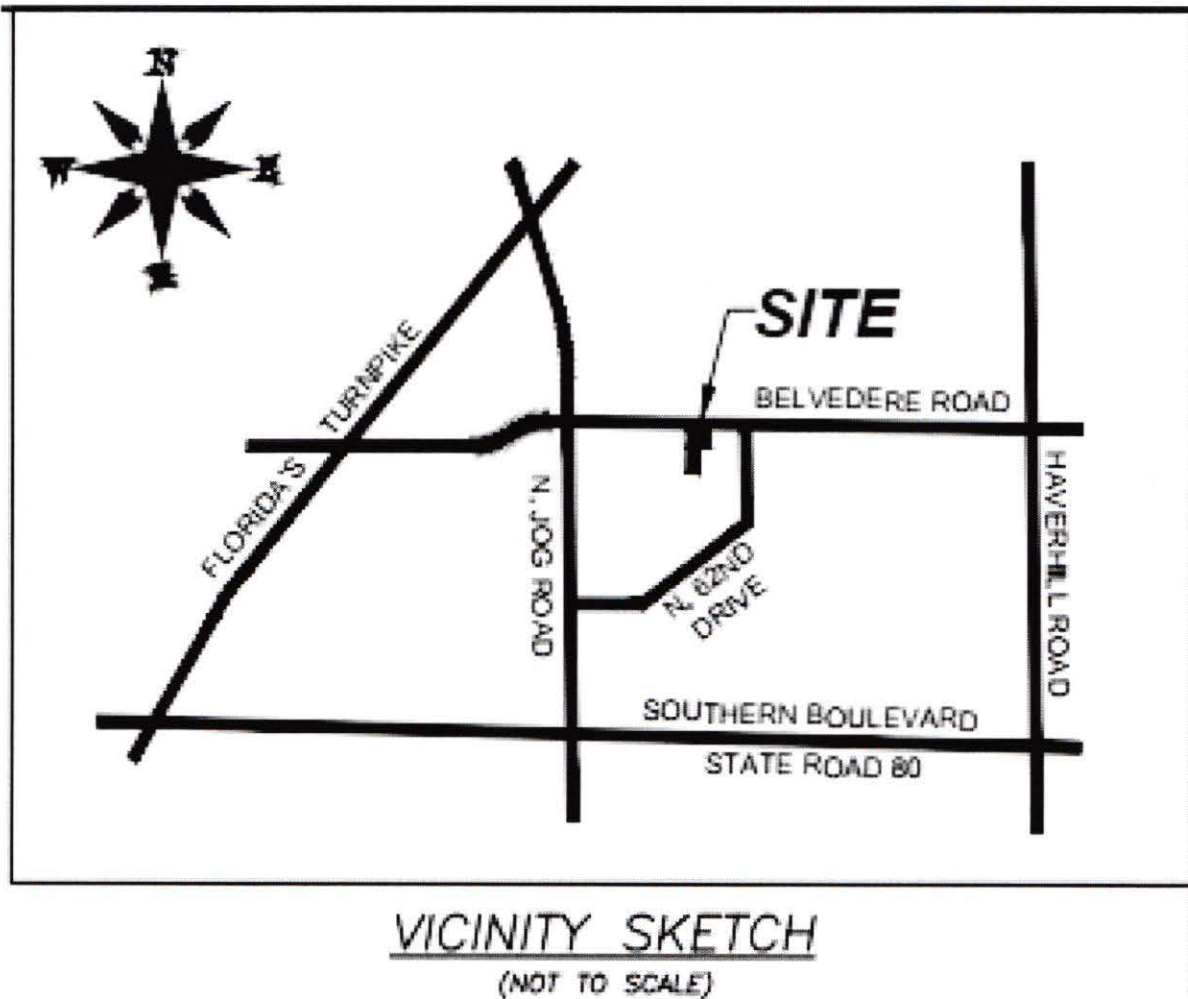
*A parcel of land in Tract 3, Block 5, **THE PALM BEACH FARMS CO., PLAT NO.3**, as recorded in Plat Book 2, Pages 45 through 54, inclusive, Public Records of Palm Beach County, Florida said parcel being a portion of the West 5 acres (West 262.0 feet) of said Tract 3, and being particularly described as follows:*

*From the Southwest Corner of said Tract 3, Block 5, run thence Northerly on the West line of said Tract 3 a distance of 332 feet to the **POINT OF BEGINNING** of the parcel herein described; thence continue Northerly on the same course a distance of 501.02 feet to the Northwest corner of said Tract 3; thence run Easterly, angling 87 degrees, 41 minutes, 30 seconds from South to East, on a line parallel to and 55 feet Southerly from (measured at right angles) the center-line of Belvedere Road, as now laid out and in use (said parallel line being also the approximate center-line of existing Lake Worth Drainage District Lateral Canal No., 1, and being 25 feet Southerly from and parallel to the North line of Section 34, Township 43 South, Range 42 East), a distance of 262.20 feet; thence run Southerly, parallel to said West line of Tract 3, a distance of 247.43 feet; thence run Westerly, at right angles to the preceding course, a distance of 131.0 feet, thence run southerly, parallel to said West line Tract 3, a distance of 245.0 feet; thence run Westerly at right angles to the preceding course, a distance of 131.0 feet to the **POINT OF BEGINNING**; Less and except right of way of Lake Worth Drainage District Canal No.1 and right of way for Belvedere Road.*

*Subject to: easement for road purposes over the South 20 feet of the North 76 feet of the East 46 feet of the West 187 feet of said Tract 3 and over the East 20 feet of the West 141 feet of the North 497.73 feet of said Tract 3.*

*Containing in all 2.081 acres, more or less.*

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Subdivision Variance - Standalone

##### ENGINEERING

1. Prior to May 31, 2022, the property owner shall create a minimum 20-foot wide access and general utility easement from Belvedere Road to provide legal access to the adjacent parcels with parcel control numbers 00424327050050031, 00424327050050035 and 00424327050050034, as required by the County Engineer. The property owner shall not record this easement until it has been approved by the County Engineer. (DATE: LAND DEVELOPMENT - Land Development)

##### 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 Chart of Minor Streets	40-foot residential access street	20-foot access easement	20 feet in width and access to easement instead of ROW