

RESOLUTION NO. ZR-2021- 027

RESOLUTION APPROVING ZONING APPLICATION SV-2021-00649
CONTROL NO. 2020-00096
SUBDIVISION VARIANCE (*STAND ALONE*)
APPLICATION OF 4704 Maine Street LLC
BY Insite Studio, AGENT
(MAINE ST. MULTI-FAMILY)

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 as amended, 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-2021-00649 was presented to the Zoning Commission at a public hearing conducted on October 7, 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-2021-00649, the Application of 4704 Maine Street LLC, by Insite Studio, Agent, for a Subdivision Variance to allow access from a 30-foot Right-of-Way, 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 October 7, 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 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	-	Absent
Michael Kelley	-	Yes
Sheri Scarborough	-	Yes
Alex Brumfield III	-	Yes
Mark Beatty	-	Yes
Jess Sowards	-	Yes

The Chair thereupon declared the resolution was duly passed and adopted on October 7, 2021.

This resolution is effective when filed with the Palm Beach County Zoning Division on October 7, 2021.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

THE FOLLOWING DESCRIBED PARCEL OF LAND IN SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM REACH COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SECTION CENTER OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, WHICH POINT IS IN THE CENTER LINE OF MILITARY TRAIL, 2678.33 FEET SOUTH OF THE NORTH QUARTER SECTION CORNER OF SECTION 25 AND 2664.35 FEET WEST OF THE EAST QUARTER SECTION CORNER OF SECTION 25; THENCE RUNNING EASTERLY ALONG THE QUARTER SECTION LINE A DISTANCE OF 2175 FEET; THENCE RUNNING SOUTHERLY, PARALLEL TO THE QUARTER SECTION LINE, A DISTANCE OF 224.64 FEET TO THE NORTHWEST CORNER OF THIS TRACT AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY PARALLEL TO THE QUARTER SECTION LINE 224.64 FEET TO THE SOUTHWEST CORNER OF THIS TRACT. THENCE RUNNING EASTERLY A DISTANCE OF 156.10 FEET TO THE SOUTHEAST CORNER OF THIS TRACT; THENCE RUNNING NORTHERLY A DISTANCE OF 224.64 FEET TO THE NORTHEAST CORNER OF THIS TRACT; THENCE RUNNING WESTERLY A DISTANCE OF 156 00 FEET TO THE POINT OF BEGINNING.

LESS THE WEST 10 FEET, LESS THE NORTH 10 FEET AND LESS THE SOUTH 10 FEET THEREOF RESERVED FOR ROAD EASEMENT

CONTAINING 31,946 SQUARE FEET/0.7334 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

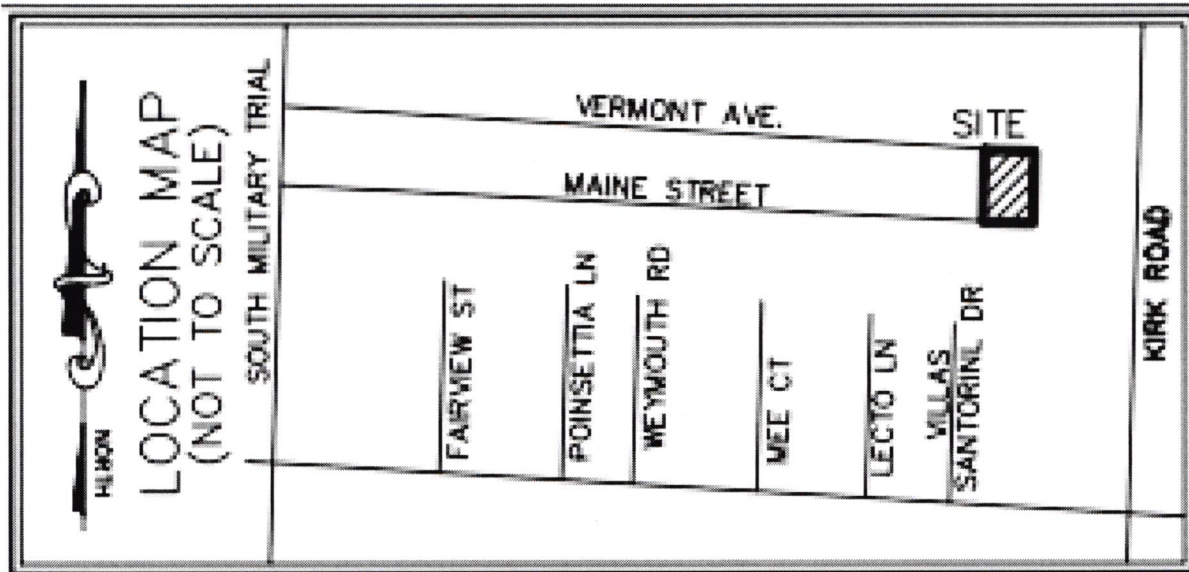


EXHIBIT C

CONDITIONS OF APPROVAL

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	40-foot right-of-way (ROW)	Existing 30-foot ROW	10-feet of ROW