

RESOLUTION NO. ZR-2022- 007

RESOLUTION APPROVING ZONING APPLICATION ZV-2021-01737
CONTROL NO. 1993-00009
TYPE II VARIANCE (*STAND ALONE*)
APPLICATION OF Young Israel Of Boca Raton Inc.
BY JMorton Planning & Landscape Architecture, AGENT
(YOUNG ISRAEL OF BOCA RATON)

WHEREAS, the Zoning Commission, pursuant to Article 2 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 of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV-2021-01737 was presented to the Zoning Commission at a public hearing conducted on March 3, 2022;

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 Process) 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-2021-01737, the Application of Young Israel Of Boca Raton Inc, by JMorton Planning & Landscape Architecture, Agent, for a Type 2 Variance to allow 100 percent overlap of an easement in a Compatibility Buffer; to eliminate the canopy trees within a Compatibility Buffer and Landscape Islands; and, to reduce the width of Landscape Islands, 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 March 3, 2022, 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	- Absent
Sheri Scarborough	- Yes
Michael Kelley	- Yes
Sam Caliendo	- Yes
Alex Brumfield III	- Absent
Mark Beatty	- Abstain
Jess Sowards	- Absent

The Chair thereupon declared the resolution was duly passed and adopted on March 3, 2022.

This resolution is effective when filed with the Palm Beach County Zoning Division on March 3, 2022.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY


BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

ALL OF PARCEL A, YOUNG ISRAEL OF BOA CRATON, AS RECORDED IN PLAT BOOK 126, PAGES 12 & 13 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 21, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 152,530 SQUARE FEET, OR 3.5016 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

LOCATION MAP

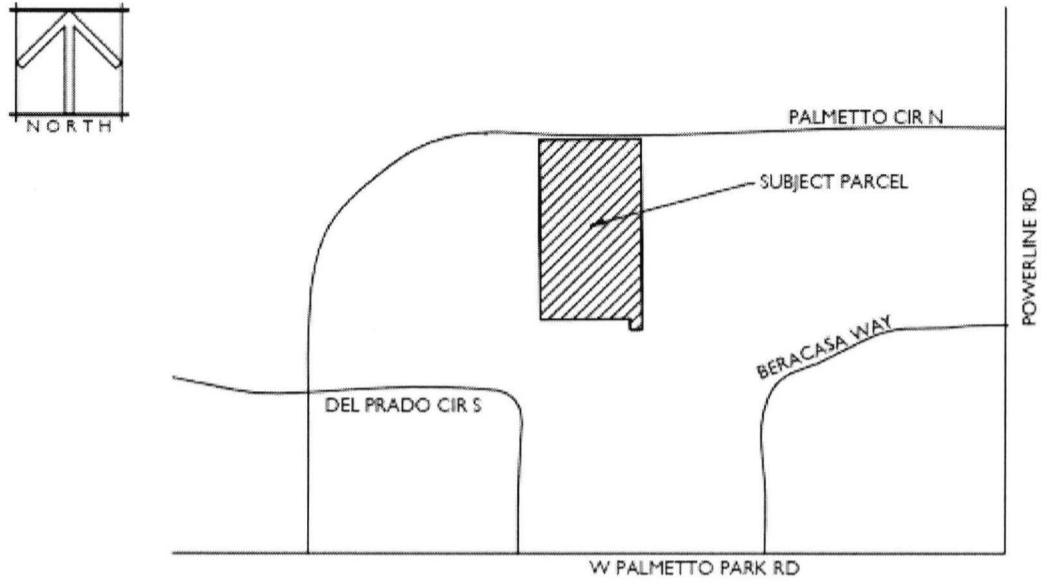


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance – Standalone Variances V1, V2, V4 and V5

ALL PETITIONS

1. Development of the site is limited to the site design approved by the Zoning Commission. The approved Site Plan is dated December 13, 2021 and the Regulating Plans dated December 13, 2021 and December 28, 2021. All modifications to the Development Order must be approved by the Zoning Commission, unless the proposed changes are required to meet Conditions of Approval. (BLDGPMT/DRO/ONGOING: ZONING - Zoning)

2. 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. (BLDGPMT: BUILDING DIVISION - Zoning)

LANDSCAPE - GENERAL

1. Prior to issuance of a Building Permit, the Applicant shall submit executed Easement Consent Form(s) from the easement holders, allowing the proposed landscaping, as described in the building permit, within the easement that overlaps the landscape buffer. (BLDGPMT: ZONING - 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 II VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
7.C.2.B Compatibility Buffer	5 foot Compatibility Buffer	To allow 100% overlap of a utility easement with a 5' Compatibility Buffer	To allow 100% overlap of a utility easement with a 5' Compatibility Buffer
7.C.2.B Compatibility Buffer	1 canopy tree per 25 lineal feet	To eliminate 5 trees within the western 118 feet of a Compatibility Buffer	To eliminate 5 trees within the western 118 feet of a Compatibility Buffer
7.C.4.A Landscape Islands	Landscape Island minimum width of 8 feet	Landscape Islands with width of 1 foot (at two islands)	-7 feet (per island)
7.C.4.A Landscape Islands	1 tree per Landscape Island	Eliminate 1 tree per landscape island (at two islands, two trees total)	Eliminate 1 tree per landscape island (at two islands, two trees total)

SITUS ADDRESS:	7200 Palmetto Cir N Boca Raton 33433 7204 Palmetto Cir N Boca Raton 33433	
OWNER NAME & ADDRESS:	Young Israel Of Boca Raton Inc 7200 Palmetto Cir N Boca Raton, FL 33433-1047	
PCN:	00-42-47-21-45-000-0020	
ZONING DISTRICT:	CG	
BCC DISTRICT:	4	
PROJECT MANAGER:	Emelia Fischer, Site Planner II	
LAND USE:	CH/8	S/T/R: 21-47-42
CONTROL #:	1993-00009	
LOT AREA:	3.5 acres +/-	
APPLICANT REQUEST:	to allow 100 percent overlap of an easement in a Compatibility Buffer; to eliminate the canopy trees within a Compatibility Buffer and Landscape Islands; and, to reduce the width of Landscape Islands	