

RESOLUTION NO. ZR-2023-004

RESOLUTION APPROVING LAND DEVELOPMENT APPLICATION SV-2022-01014
CONTROL NO. 2022-00044
SUBDIVISION VARIANCE (*STAND ALONE*)
APPLICATION OF Adam Kharbech
(ADAM'S FIVEPLEX)

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 of the ULDC have been satisfied;

WHEREAS, Land Development Application SV-2022-01014 was presented to the Zoning Commission at a public hearing conducted on January 5, 2023;

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-2022-01014, the Application of Adam Kharbech, for a Subdivision Variance to allow access from a 30-foot Right-of-Way with no swales or gutters, 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 January 5, 2023, 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:

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

The Chair thereupon declared the resolution was duly passed and adopted on January 5, 2023.

This resolution is effective when filed with the Palm Beach County Zoning Division on January 5, 2023.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF TRACT 5, BLOCK 3, PALM BEACH PLANTATIONS PLAT NO.1 OF SECTION1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, AS RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. A/K/A THE NORTH 150 FEET OF THE WEST ONE HALF (W1/2) OF THE EAST ONE HALF (E ½) OF THE SOUTHEAST ONE- QUARTER (SE ¼) OF THE NORTHWEST ONE-QUARTER (NW ¼) OF THE SOUTHWEST ONE-QUARTER (SW ¼) , LESS THE EAST 15 FEET OF THE SOUTH 83.58 FEET FOR MANGO DRIVE RIGHT OF WAY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTH HALF OF THE EAST HALF OF TRACT 5, BLOCK 3, SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PLAT NO. 1, PALM BEACH PLANTATIONS (MODEL LAND COMPANY), PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 10, PAGE 20; THENCE SOUTH 01 DEGREE, 24 MINUTES AND 30 SECONDS WEST ALONG THE WEST LINE OF SAID EAST HALF FOR A DISTANCE OF 66.42 FEET; THENCE NORTH 88 DEGREES, 53 MINUTES AND 03 SECONDS WEST LEAVING SAID WEST LINE 15.00 FEET TO THE EAST RIGHT-OF-WAY OF MANGO DRIVE; THENCE SOUTH 01 DEGREE, 24 MINUTES AND 30 SECONDS WEST ALONG SAID RIGHT-OF-WAY 83.58 FEET; THENCE NORTH 88 DEGREES, 53 MINUTES AND 03 SECONDS WEST LEAVING SAID RIGHT-OF-WAY AND PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF OF SAID TRACT 5, BLOCK 3 FOR A DISTANCE OF 151.95 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTH HALF OF SAID TRACT 5, BLOCK 3; THENCE NORTH 01 DEGREE, 24 MINUTES AND 19 SECONDS EAST ALONG SAID EAST LINE 150.00 FEET TO THE SOUTH LINE OF THE NORTH HALF OF SAID TRACT 5, BLOCK 3; THENCE SOUTH 88 DEGREES, 53 MINUTES AND 03 SECONDS EAST LEAVING SAID EAST LINE AND ALONG SAID SOUTH LINE 166.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 23,789.37 SQUARE FEET OR 0.55 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

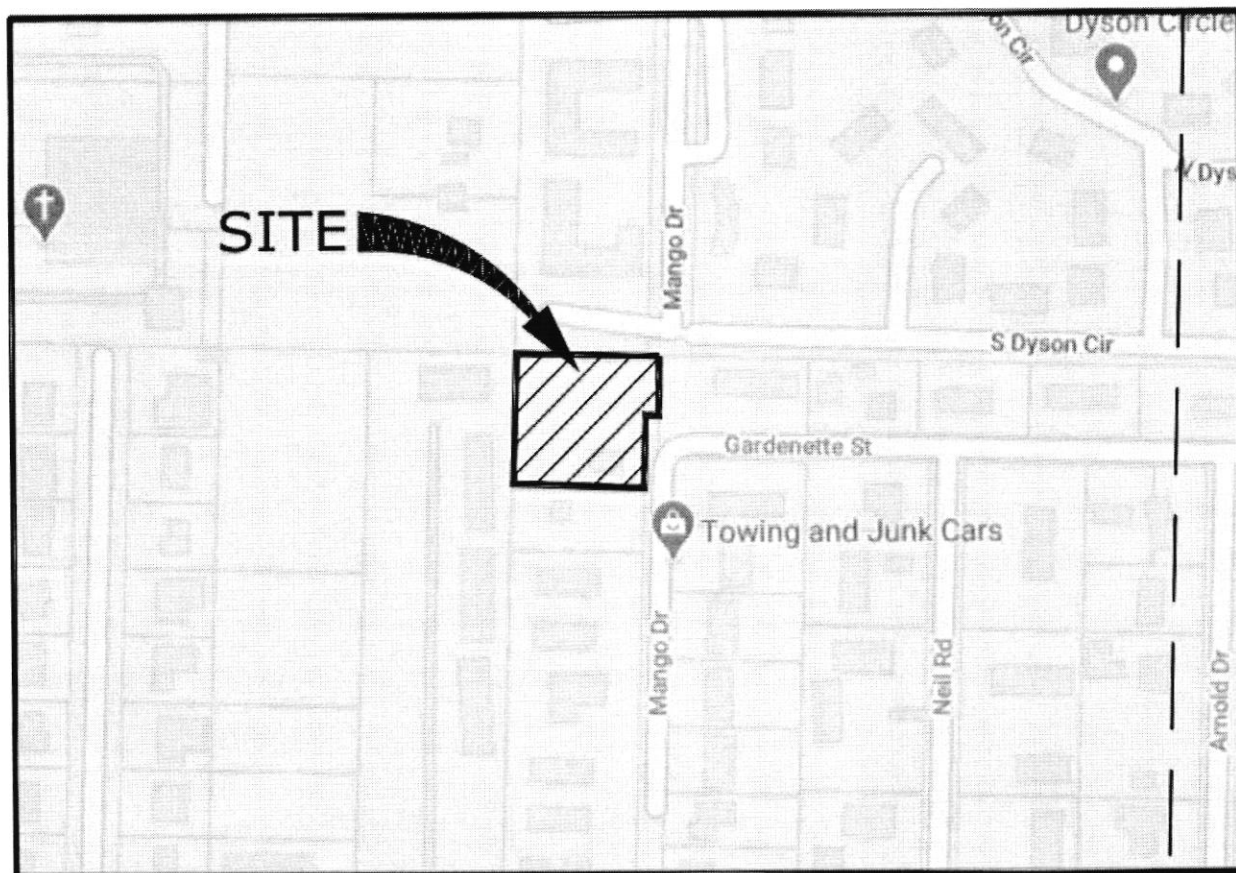


EXHIBIT C

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-foot of ROW

SITUS ADDRESS:	613 Mango Drive West Palm Beach, FL 33415		
OWNER NAME & ADDRESS:	Adam Kharbech 170 NW 70 th St Apt 204 Boca Raton, FL 33487		
PCN:	00-42-44-01-00-000-7550		
ZONING DISTRICT:	Multi-Family Residential (Medium Density) District (RM)		
BCC DISTRICT:	3, Commissioner Dave Kerner		
PROJECT MANAGER:	Scott Cantor, Division Director IV		
LAND USE:	Medium Residential (MR-5)	S/T/R: 01-44-42	
CONTROL #:	2022-00044		
LOT AREA:	0.54 acres +/-		
APPLICANT REQUEST:	to allow access from a 30-foot Right-of-Way with no swales or gutters on 0.55 acres.		