

RESOLUTION NO. ZR-2023-022

RESOLUTION APPROVING LAND DEVELOPMENT APPLICATION SV-2022-01904
CONTROL NO. 2022-00109

SUBDIVISION VARIANCE (*STAND ALONE*)
APPLICATION OF Kevin Horn - Jaime Dacosta
BY Richard W. Carlson Jr, Esq, AGENT
(DACOSTA HORN MARSHALL ROAD LOT SPLIT)

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) 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, Land Development Application SV-2022-01904 the Application of Kevin Horn and Jaime Dacosta, by Richard Carlson, Jr. ESQ, Agent, for a Subdivision Variance to allow access from the existing 30-foot road easement with no sidewalks on 4.63 acres was presented to the Zoning Commission at a public hearing conducted on July 6, 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 finds that the request meets all 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 Land Development Application SV-2022-01904, the Application of Kevin Horn - Jaime Dacosta, by Richard W. Carlson Jr, Esq, Agent, for a Subdivision Variance to allow access from the existing 30-foot road easement with no sidewalks on 4.63 acres., 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 July 6, 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 Kern moved for the approval of the Resolution.

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

Jess Sowards, Chair	- Aye
Cheri Pavlik, Vice Chair	- Aye
John Kern	- Aye
Michael Kelley	- Aye
Glen Gromann	- Absent
Sheri Scarborough	- Aye
Lisa Reves	- Aye
Alex Brumfield III	- Absent
Mark Beatty	- Aye

The Chair thereupon declared the resolution was duly passed and adopted on July 6, 2023.

This resolution is effective when filed with the Palm Beach County Zoning Division on July 6, 2023 .

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 

COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 

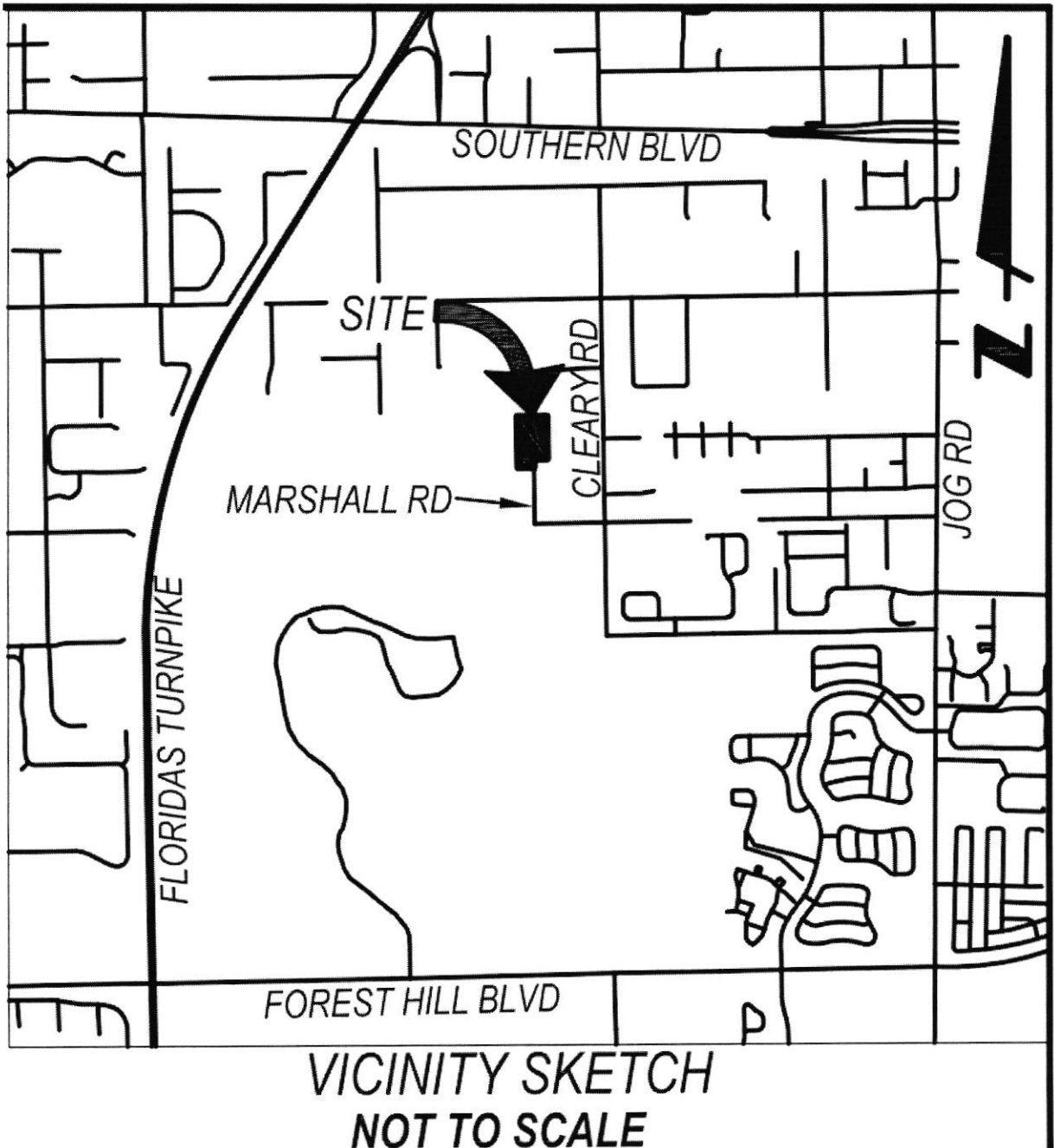
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

The East ½ (Easterly 355') of Tract 34, Block 12, LESS the south 100' of the East 165' of Tract 34, Block 12, AND less the Northerly portion of the Canal Right-of-Way; PALM BEACH FARMS COMPANY PLAT NO. 3, according to the map or plat thereof, as recorded in Plat Book 2, Page(s) 45 through 54, inclusive, of the Public Records of Palm Beach County, Florida.

EXHIBIT B
VICINITY SKETCH



**VICINITY SKETCH
NOT TO SCALE**

EXHIBIT C

CONDITIONS OF APPROVAL

Subdivision Variance - Standalone

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	60-foot right-of-way	30 foot right-of-way, 50-foot easement, 30-foot easement	Up to a 30-foot right-of-way
11.E.2.A.2 Chart of Minor Streets	60-foot section with 20-foot travel lane width	10.9-foot travel way at the narrowest point	30-foot section and 9.1-feet of travel way at the narrowest point

SITUS ADDRESS:	Vacant		
OWNER NAME & ADDRESS:	Jaime Dacosta 7520 Clarke Rd West Palm Beach, FL 33406-8708		
PCN:	00-42-43-27-05-012-0343		
ZONING DISTRICT:	Agricultural Residential		
BCC DISTRICT:	2		
PROJECT MANAGER:	Werner Vaughan, Professional Engineer		
LAND USE:	LR-1	S/T/R: 27-43-42	
CONTROL #:	2022-00109		
LOT AREA:	4.63 acres +/-		
APPLICANT REQUEST:	to allow access from the existing 30-foot road easement with no sidewalks on 4.63 acres.		