

RESOLUTION NO. ZR-2024-003

RESOLUTION APPROVING LAND DEVELOPMENT APPLICATION SV-2023-01472
CONTROL NO. 2023-00109
SUBDIVISION VARIANCE (*STAND ALONE*)
APPLICATION OF Christopher Ball, Cooper Ball
BY Gentile Glas Holloway O'Mahoney & Assoc Inc., AGENT
(CCB DEVELOPMENT)

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 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Land Development Application SV-2023-01472 was presented to the Zoning Commission at a public hearing conducted on March 7, 2024;

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 Land Development Application SV-2023-01472, the application of 6967 Limestone Creek LLC, by Gentile Glas Holloway O'Mahoney & Assoc Inc., Agent, for a Subdivision Variance to allow access from the existing 30-foot Right-of-Way on 0.34 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 March 7, 2024, 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 Caliendo and, upon being put to a vote, the vote was as follows:

Cheri Pavlik, Vice Chair	- Aye
Lori Vinikoor	- Aye
John Kern	- Aye
Michael Kelley	- Absent
Sam Caliendo	- Aye
Alex Brumfield III	- Aye

The Vice Chair thereupon declared the resolution was duly passed and adopted on March 7, 2024.

This resolution is effective when filed with the Palm Beach County Zoning Division on March 7, 2024.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 

COUNTY ATTORNEY®

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 

VICE CHAIR

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND LYING IN THE EAST 150' OF LOTS 112 & 113 OF ABYSSINA PARK, A SUBDIVISION OF LOTS 28 THROUGH 33 OF LOXAHATCHEE GARDEN FARMS, IN SECTION 3, TOWNSHIP 41 NORTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE FULLY DESCRIBED AS FOLLOWS TO-WIT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 113 OF ABYSSINA PARK; THENCE SOUTH 89 DEGREES, 15 MINUTES AND 56 SECONDS EAST ALONG THE NORTH LINE OF 3RD STREET 100.00 FEET TO A FOUND ½" IRON ROD MARKING THE TRUE POINT OF BEGINNING; THENCE NORTH 00 DEGREES, 35 MINUTES AND 33 SECONDS EAST LEAVING SAID NORTH LINE AND PARALLEL WITH THE EAST LINE OF SAID LOTS 112 & 113 A DISTANCE OF 100.00 FEET TO A FOUND ½" IRON ROD ON THE NORTH LINE OF SAID LOT 112; THENCE SOUTH 89 DEGREES, 15 MINUTES AND 56 SECONDS EAST ALONG SAID NORTH LINE 150.00 FEET TO A FOUND ½" IRON ROD MARKING THE NORTHEAST CORNER OF SAID LOT 112; THENCE SOUTH 00 DEGREES, 35 MINUTES AND 33 SECONDS WEST LEAVING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID LOTS 112 & 113 A DISTANCE OF 100.00 FEET TO A FOUND ½" IRON ROD MARKING THE SOUTHEAST CORNER OF SAID LOT 113; THENCE NORTH 89 DEGREES, 15 MINUTES AND 56 SECONDS WEST LEAVING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID LOT 113 A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING,

CONTAINING 15,000 SQUARE FEET (0.34 ACRES), MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

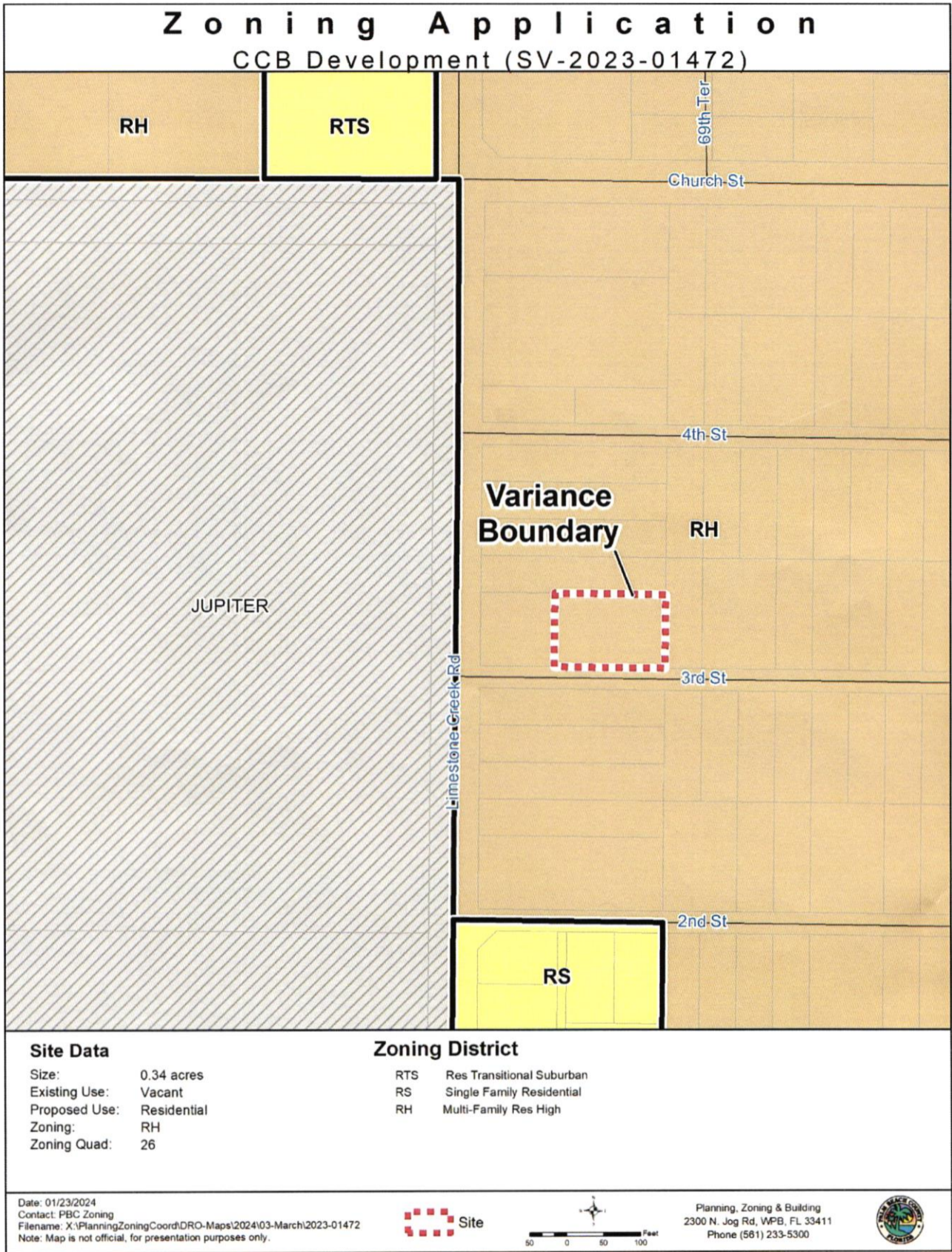


EXHIBIT C

CONDITIONS OF APPROVAL

Subdivision Variance - Standalone

ENGINEERING

1. At time of application for a Building Permit, the Property Owner shall provide a copy of this variance approval along to the Building Division. (BLDGPM: BUILDING DIVISION - Engineering)
2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

COMPLIANCE

1. In Granting this Approval, the Zoning Commissioners 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 Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Monitoring)
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 of Approval; 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: ZONING - Monitoring)

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-ft Right-of-Way (ROW)	30-ft ROW	10-ft in width
SITUS ADDRESS:	17890 Limestone Creek Road		
OWNER NAME & ADDRESS:	Limestone Creek LLC 18217 SE Heritage Dr Tequesta, FL 33469-1438		
PCN:	00-42-41-03-01-000-1122		
ZONING DISTRICT:	RH		
BCC DISTRICT:	1		
PROJECT MANAGER:	Werner Vaughan, Senior Professional Engineer		
LAND USE:	MR-5	S/T/R: 03-41-42	
CONTROL #:	2023-00109		
LOT AREA:	0.34 acres +/-		
APPLICANT REQUEST:	to allow access from the existing 30-foot Right-of-Way on 0.34 acres		