

RESOLUTION NO. ZR-2024-004

RESOLUTION APPROVING ZONING APPLICATION ZV-2022-01784  
CONTROL NO. 1983-00078  
TYPE II VARIANCE (STAND ALONE)  
APPLICATION OF School Property Development West Boca LLC  
BY Schmidt Nichols, AGENT  
(WEST BOCA PRESBYTERIAN CHURCH)

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, Zoning Application ZV-2022-01784 the Application of School Property Development West Boca LLC by Schmidt Nichols, Agent to allow an increase in the easement overlap in a Type 2 Incompatibility Buffer (south property line) on 6.07 acres was presented to the Zoning Commission at a public hearing conducted on April 4, 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 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

1. The foregoing recitals are true and correct and are incorporated herein.

2. Zoning Application ZV-2022-01784, the Application of School Property Development West Boca LLC, by Schmidt Nichols, Agent, for a Type 2 Variance to allow a 12 foot easement overlap within a Type 2 Incompatibility Buffer for 100 linear feet of the southwest property line on 6.07 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 April 4, 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 Caliendo 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:

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

The Chair thereupon declared the resolution was duly passed and adopted on April 4, 2024.

This resolution is effective when filed with the Palm Beach County Zoning Division on April 4, 2024.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
COUNTY ATTORNEY

BY:   
CHAIR

EXHIBIT A

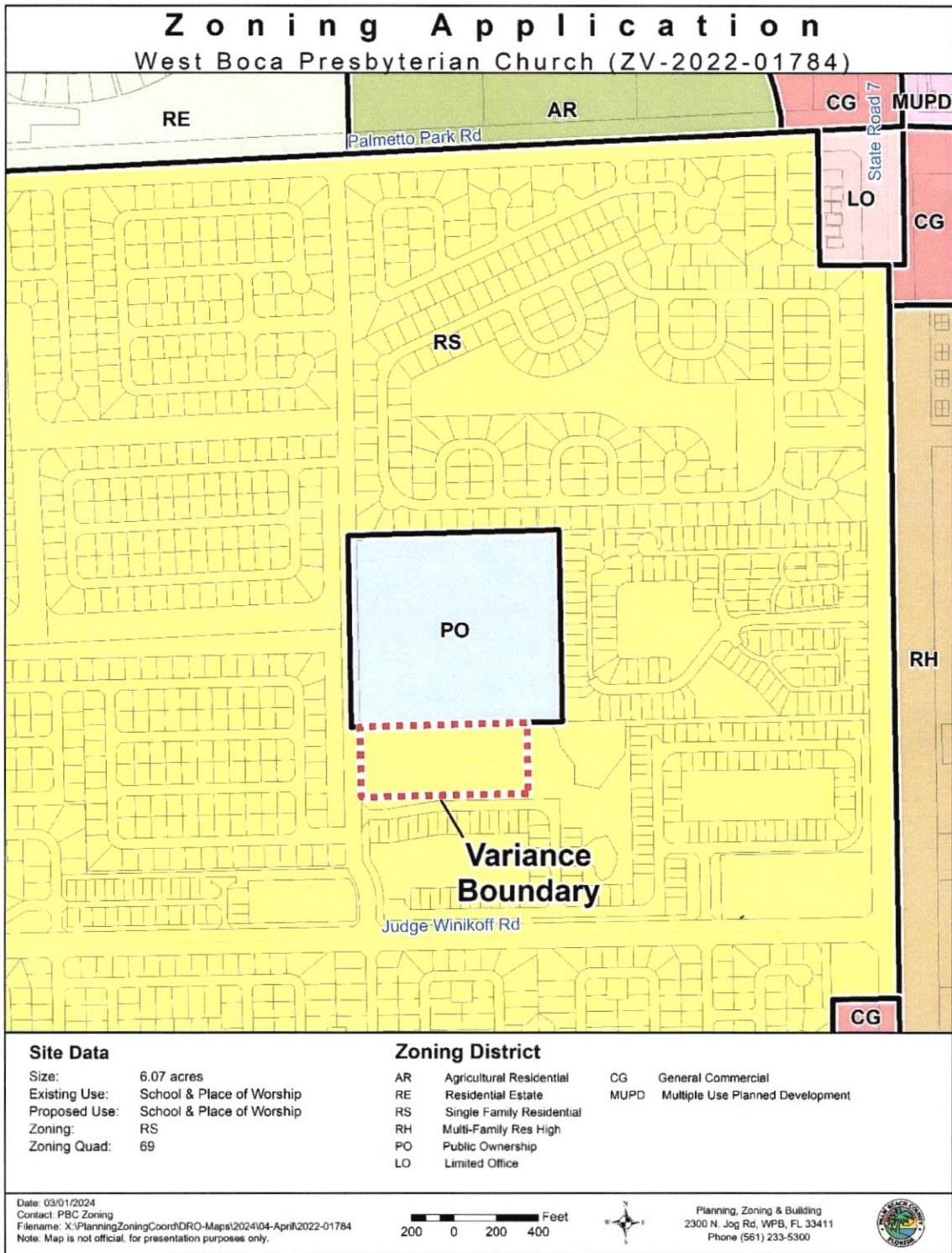
LEGAL DESCRIPTION

LEGAL DESCRIPTION

TRACT "A" HAMMOCK PUBLIC CHARTER SCHOOL ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 126, PAGES 80 THROUGH 81, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 264,783 SQUARE FEET OR 6.07 ACRES, MORE OR LESS

EXHIBIT B  
VICINITY SKETCH





## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **Type 2 Variance - Standalone**

#### **VARIANCE**

1. The Preliminary Site Plan is dated January 23, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, to site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)
2. The Development Order for this Variance shall be valid till April 3, 2025, a period of one year from the date of the Zoning Hearing. The Property Owner must secure a Building Permit to vest the variance for the setback. (DATE: MONITORING - Zoning)
3. Prior Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO: ZONING - Zoning)
4. 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. (BLDGPM: BUILDING DIVISION - 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 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: 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

VARIANCE REQUEST

	ULDC Article	Required	Proposed	Variance
V-1	Art. 7.C.5.A Overlap in Landscape Buffers and FPL Easement	Easements may overlap a maximum 5'	12' overlap of an FPL easement into the 15' Type 2 Incompatibility Landscape buffer (100 Lf. at the southwest property line)	to allow a 12' overlap of the FPL Easement into a 15' Type 2 Incompatibility Landscape buffer (100 Lf at the southwest property line)

SITE ADDRESS:	22500 Hammock St Boca Raton 33428	
OWNER NAME & ADDRESS:	School Property Dev West Boca Llc 6457 Sunset Dr Miami, FL 33143-4649	
PCN:	00-41-47-25-23-001-0000	
ZONING DISTRICT:	Residential Single Family (RS)	
BCC DISTRICT:	District 5, Commisioner Maria Sachs, Major	
PROJECT MANAGER:	Larry Damato, Site Planner II	
FUTURE LAND USE:	Medium Residential (MR-5)	S/T/R: 25-47-41
CONTROL #:	1983-00078	
ACRES:	6.07 acres +/-	
REQUEST:	To allow a 12 foot easement overlap within a Type 2 Incompatibility Buffer for 100 linear feet of southwest property line on 6.07 acres	