

RESOLUTION NO. ZR-2024-007

RESOLUTION APPROVING LAND DEVELOPMENT APPLICATION SV-2023-01594
CONTROL NO. 2016-00103
SUBDIVISION VARIANCE (*STAND ALONE*)
APPLICATION OF Lloyd Thompson and Monique Thompson
BY Arc Development Global, LLC, AGENT
(FEARNLEY ROAD SUBDIVISION)

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-2023-01594 was presented to the Zoning Commission at a public hearing conducted on August 1, 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Land Development Application SV-2023-01594, the Application of Lloyd Thompson and Monique Thompson, by Arc Development Global, LLC, Agent, for a Subdivision Variance to allow access from a 40-foot Right-of-Way with no curb and gutter, and no sidewalk on 4.91 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 August 1, 2024, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and Subdivision 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 Kern and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared the resolution was duly passed and adopted on August 1, 2024.

This resolution is effective when filed with the Palm Beach County Zoning Division on August 1, 2024.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
CHAIR

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1:

THE SOUTH 264 FEET OF TRACT 94, BLOCK 32, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, LESS THE EAST 20 FEET THEREOF FOR RIGHT-OF-WAY PURPOSES, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A 30 FEET STRIP LYING SOUTH OF AND ADJACENT THERETO.

PARCEL 2:

TRACT 94, LESS THE SOUTH 264 FEET THEREOF, BLOCK 32, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDED OF PALM BEACH COUNTY, FLORIDA AND LESS ROAD RIGHT OF WAY.

CONTAINING 214,240.86 SQUARE FEET OR 4.92 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

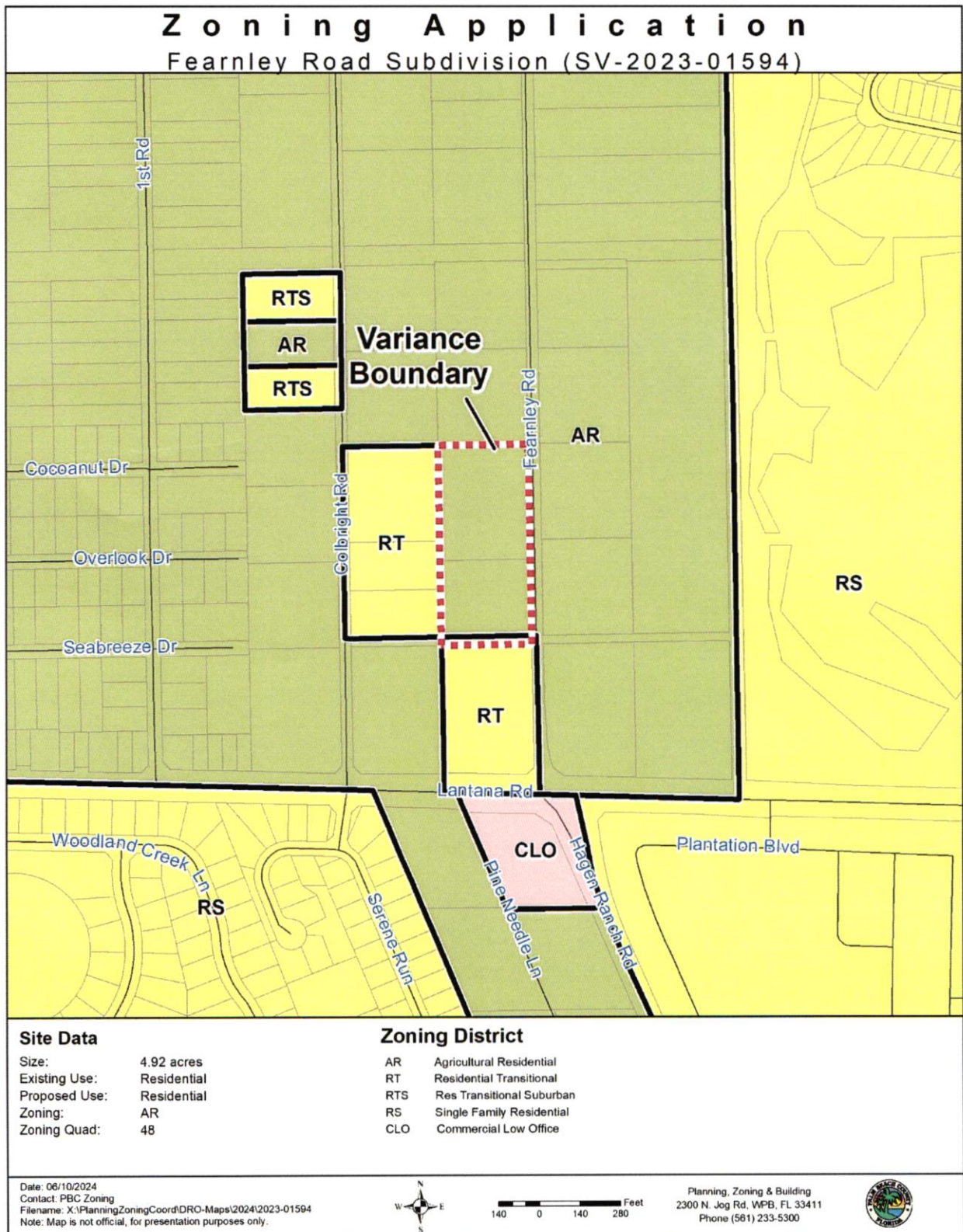


EXHIBIT C

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) with 20-foot pavement width, curb & gutter and a 5- foot sidewalk	40-foot ROW, with 20 foot pavement width, no curb & gutter and no 5' sidewalk	No curb & gutter and no 5-foot sidewalk
SITUS ADDRESS:	5729 Fearnley Rd, Lake Worth, FL 33467		
OWNER NAME & ADDRESS:	Lloyd Thompson and Monique Thompson 5652 Strawberry Lakes Cir Lake Worth, FL 33463-6504		
PCN:	00-42-43-27-05-032-3041 00-42-43-27-05-032-3040		
ZONING DISTRICT:	AR		
BCC DISTRICT:	3		
PROJECT MANAGER:	Werner Vaughan, Senior Professional Engineer		
LAND USE:	LR-1	S/T/R: 27-43-42	
CONTROL #:	2016-00103		
LOT AREA:	4.92 acres +/-		
APPLICANT REQUEST:	to allow access from a 40-foot Right-of-Way with no curb and gutter, and no sidewalk on 4.91 acres.		