



**INTER-OFFICE COMMUNICATION  
PALM BEACH COUNTY  
DEPARTMENT OF PLANNING, ZONING AND BUILDING**

**TO: Results File**

**FROM: Jon MacGillis, Principal Site Planner**

**DATE: December 20, 2001**

**RE: Results of December 20, 2001, Board of Adjustment Hearing**

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Please find attached the result list of the Board of Adjustment hearing held on **December 20, 2001**.

If you have any questions, please contact me at (561) 233-5223 or the Board of Adjustment Secretary, Janet Carlson at (561) 233-5216.

JPM/jec  
Attachment

U:\ZONING\BA\_Con\BofA\BA 2001\Results>List\01-012list.wpd

**RESULTS LIST  
BOARD OF ADJUSTMENT  
December 20, 2001**

**BOFA 2001074  
STJ Properties, Inc.**

**RESULT - APPROVED WITH CONDITIONS**

To allow for a reduction in parking spaces required to meet the proposed addition, to increase the amount of maximum floor area ratio for the expansion, and to increase the maximum building coverage for the expansion.

<b>AGENDA ITEM</b>	<b>CODE SECTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>VARIANCE</b>
<b>BOFA 2001074</b>	<b>7.2.B.2</b> Off Street Parking: To allow a reduction in the number of off-street parking spaces for the proposed addition.	<b>65 Spaces</b>	<b>17 Spaces</b>	<b>48 Spaces</b>
	<b>6.5.A.1</b> Property Development Regulations: To allow a reduction in the square footage area for the expansion of the bldg.	<b>10 Percent</b>	<b>14 Percent</b>	<b>4 Percent</b>
	<b>6.5.A.1</b> Property Development Regulations: To allow a reduction in the maximum building coverage for the addition to the existing building.	<b>10 Percent</b>	<b>14 Percent</b>	<b>4 Percent</b>
<b>ADDRESS OF PROPERTY</b>	<b>12551 State Road 7</b>			

The above variance was granted subject to the following zoning condition(s):

1. By June 20, 2002, the property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan, Exhibit 9, presented to the Board of Adjustment at the December 20, 2001, hearing. These exhibits can be found in the BA2001-074 BAfile in the Zoning Division. (BLDG Permit-Zoning)
2. The parking variance is granted from a required 65 spaces to a proposed 17 spaces for a 48 space reduction for this specific warehouse distribution center. Any change in use shall require BA Staff review and approval to ensure compliance with the Boards approval.
3. By December 20, 2002, the applicant shall receive a building permit to construct the first phase of the warehouse expansion on this property (PCN 00-41-46-01-01-002-0000), consistent with Site Plan, Exhibit 9, found in the BA2001-074 file in the Zoning Division. Any modifications to the submitted Site Plan shall be submitted to the BA Staff to ensure compliance with the Board's Approval. (BLDG PERMIT-ZONING-BA)

**RESULTS LIST  
BOARD OF ADJUSTMENT  
December 20, 2001**

**BOFA 2001087  
Richard Gerlach & Lilia Caballero**

**RESULT - APPROVED WITH CONDITIONS**

To allow for a rear setback for an existing pool and proposed screen enclosure.

<b>AGENDA ITEM</b>	<b>CODE SECTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>VARIANCE</b>
<b>BOFA 2001087</b>	<b>6.6.A.9.b Property Development Regulations: Swimming Pool Rear Setback for existing pool</b>	<b>10.5 Feet</b>	<b>5 Feet</b>	<b>5.5 Feet</b>
	<b>6.6.A.10.b Property Development Regulations: Proposed Screen Roof Screen Enclosure Rear Set back</b>	<b>7.5 Feet</b>	<b>3 Feet</b>	<b>4.5 Feet</b>
<b>ADDRESS OF PROPERTY:</b>	<b>6100 Royal Birkdale Dr</b>			

The above variance was granted subject to the following zoning condition(s):

1. By February 15, 2002, the applicant shall provide the Building Division with a copy of the Board of Adjustment Result Letter and revised Survey in order for PR 01029870 to be finalized for the screen roof screen enclosure. (DATE MONITORING-BLDG PERMIT)
2. By February 15, 2002 the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and revised survey in order B98011517 to be finalized for the existing pool in ground. (DATE MONITORING-BLDG PERMIT)
3. By February 15, 2002, the staff shall amend the Site Plans on file to note the rear setback variance for the pool and screen roof screen enclosure. (BA2001-087) (DATE: MONITORING-DRC)
4. The variance is only for the rear setback for the existing swimming pool and proposed screen roof screen enclosure. Any further improvements must be required setbacks. (ONGOING)
5. The screen enclosure shall at no time in the future be enclosed with a solid pan roof or walls of any type of material other than screen. (ONGOING)

6. The variance is only for the rear setback for the existing swimming pool and proposed screen enclosure. Any further improvements must required setbacks. (ONGOING)

**Results List**  
**Board of Adjustment**  
December 20, 2001

**BOFA 2001-089**  
**Willy Guardiola**

**Result: DENIAL of Petition Number BOFA 2001089**

**Dear Willy Guardiola:**

**Please be advised that the Palm Beach County Board of Adjustment, at the public hearing held on December 20, 2001 denied the following variance:**

**To allow an existing 10 foot high fence to remain along the rear property line and to allow a proposed 10 foot high fence along the side (west property line) located at 14640 125<sup>th</sup> Ave. North in Palm Beach Gardens, Florida.**

**Pursuant to the Unified Land Development Code: Article 5, Section 5.7.E.9. Appeal: An applicant may appeal a final decision of the Board of Adjustment within thirty (30) days of the rendition of the decision by filing a petition for Writ of Certiorari in Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida.**

**RESULTS LIST  
BOARD OF ADJUSTMENT  
December 20, 2001**

**BOFA 2001090  
Dr. Jeffrey C. Eder, D.D.S., Pa**

**RESULT - APPROVED WITH CONDITIONS**

To allow an existing right-of-way buffer approved at 10 feet to be reduced to 5 feet.

<b>AGENDA ITEM</b>	<b>CODE SECTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>VARIANCE</b>
<b>BOFA 2001090</b>	<b>7.3.F.2 Landscape Regulations: Right-of-way buffer along Le Chalet Blvd.for the required 10 feet to comply with approved Site Plan.</b>	<b>10 Feet</b>	<b>5 Feet</b>	<b>5 Feet</b>
<b>ADDRESS OF PROPERTY:</b>	<b>4959 Le Chalet Blvd.</b>			

The above variance was granted subject to the following zoning condition(s):

1. By June 20, 2002, The property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan, Exhibit 9, presented to the Board, simultaneously with the building permit application. (BLDG PERMIT: BLDG)
2. By December 20, 2002, the applicant shall obtain a building permit for the 5,400 square foot medical office building in order to vest the south property line right-of-way landscape buffer reduction, subject of BA 2001-090. (DATE: MONITORING-BLDG PERMIT)
3. Prior to issuance of the final Certificate of Occupancy for the 5,400 SF retail building, the applicant shall contact the Zoning Division for a landscape field inspection to verify the installation and/or completion of the following landscaping: South Buffer (Along Le Chalet Boulevard)
  - a) Remove the (5) five existing Acacia Trees along the right-of-way at the
  - b) Install (10) ten Oak Trees (14) fourteen foot over all planted 20 foot, or portion there of, on center along the right-of-way of the applicant's p a r c e l
  - c) Install 36 inch over-all Ficus hedge planted 24 inches on center along right of way of the applicants
  - d) Remove all exotic species. (MONITORING-INSPECTIONS-CO)

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**RESULTS LIST  
BOARD OF ADJUSTMENT  
December 20, 2001**

**BOFA 2001091  
Haifa Realty Inc.**

**RESULT - Approved with conditions**

**To reduce the right-of-way buffer along Congress Avenue, reduce the rear and side corner setbacks for the proposed commercial building**

<b>AGENDA ITEM</b>	<b>CODE SECTION</b>	<b>REQUIRE D</b>	<b>PROPOSE D</b>	<b>VARIANCE</b>
BOFA 2001091	7.3.F.2. Property Development Regulations: Landscape Code: Reduction in the required landscaped buffer along Congress Ave	20 Feet	15 Feet	5 Feet
	6.5.A.1 Property Development Regulations: CG Side Corner Setback: Allow the proposed building to encroach into the side corner setback.	25 Feet	15 Feet	10 Feet
	6.5.A.1 Property Development Regulations: CG Rear Setback: To allow the proposed building to encroach into the rear setback	20 Feet	10 Feet	10 Feet
<b>ADDRESS OF PROPERTY:</b>	3818 S Congress Ave			

The above variance was granted subject to the following zoning condition(s):

1. The property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented to the Board, simultaneously with the building permit application. (BLDG PERMIT: BLDG)
2. By December 20, 2002, the applicant shall have commenced construction on the proposed 3,300 square foot retail building in order to vest the variances subject to BA2001091. (DATE: MONITORING (BA)-BLDG PERMIT-BA)
3. By October 20, 2002, the applicant shall obtain a building permit for the 3,300 sq/ft. (DATE: MONITORING(BA)-BLDG PERMIT)
4. Prior to issuance of the final building inspection the applicant shall supplement the existing landscape buffers along Congress Avenue as follows:
  - a) Install native 14 foot high canopy trees every 20 feet on
  - b) Install a solid continuous 36 inch high native hedge planted 24 inches on center. (CO: MONITORING-LANDSCAPE-Zoning)

The applicant shall construct the site consistent with the Site Plan, Exhibit 9, present to the Board of Adjustment at the December 20, 2001 hearing. Any deviations shall be presented to the BofA staff to ensure consistency with the approval and public hearing representation. (ONGOING)

5. The applicant shall update the landscaping along 2nd Avenue and east property line as follows:
  - a) Install 14 foot shade trees, 20 feet on center
  - b) Install 36 inch hedge 24 inches on center. (LANDSCAPING)
6. The applicant shall construct the site consistent with the Site Plan, Exhibit 9, presented to the Board of Adjustment at the December 20, 2001 hearing. Any deviations shall be presented to the BOFA staff to ensure consistency with the approval and public hearing representation. (ONGOING)

**RESULTS LIST  
BOARD OF ADJUSTMENT  
December 20, 2001**

**BOFA 2001092**  
**Lawrence J. Gabriel**

**RESULT - APPROVED WITH CONDITIONS**

To allow the proposed building to encroach into the permitted coverage in an MUPD zoning district;  
 to allow the reduction of the landscape buffer restriction.

<b>AGENDA ITEM</b>	<b>CODE SECTION</b>	<b>REQUIRE D</b>	<b>PROPOSED</b>	<b>VARIANC E</b>
<b>BOFA 2001092</b>	<b>6.8.E</b> MUPD Regulations: To allow a proposed building to exceed the required maximum floor area ratio.	<b>25 %</b>	<b>28.2%</b>	<b>3.2%</b>
	<b>7.3.E.12</b> Property Development Regulations: To allow the landscape buffer to encroach into the utility easement.	<b>5 Feet</b>	<b>15 Feet</b>	<b>10 Feet</b>
	<b>7.3.E.12</b> Landscape Code Easements: To allow the landscape buffer to encroach into the utility easement.	<b>5 Feet</b>	<b>15 Feet</b>	<b>10 Feet</b>
<b>ADDRESS OF PROPERTY:</b>	<b>7358 W Boynton Beach Blvd.</b>			

The above variance was granted subject to the following zoning condition(s):

1. The property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented to the Board, simultaneously with the building permit application. (BLDG PERMIT: BLDG)