



PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: 9/21/2006

Application No: BA-2006-00725

Control No: 1977-00031

Result: POSTPONED 30 DAYS

Request: To allow a proposed hotel and parking garage to exceed the maximum height without additional setbacks; and to allow a reduction in the minimum property development regulations for a MUPD (lot size, width, frontage, FAR, percentage of building coverage, 24-hour a day operation); and reduced R-O-W buffer with overlap easements and reduced landscaping.

Code Section / Description	Required	Proposed	Variance
7.F.7 Landscape - Right of Way Buffer	Art. 7.Chpt. F, Sec. 7. C. Planting Pattern - Required: 50% meandering pattern	Not meet in area of the 10' Congress Ave. ROW buffer.	Not meet in area of the 10' Congress Ave. ROW buffer.
7.F.7 Landscape - Right of Way Buffer	Art. 7.Chpt. F, Sec. 7. C. Planting Pattern Required: 3 Shrub Types	1 Shrub Type	2 Shrub Types
3.E.3 MUPD, Multiple Use Planned Development. Property Development Regulations.	Art. 3, Chpt. E.Sec. 3.B.c.1) No overlap or easement encroachment permitted in MUPD R-O- W buffers. Required: 0' feet allowed	5'	5'
7.F.7.A Width of R-O-W Buffer	Table 7.F.7.A-5 Minimum Width of R-O-W Buffer - Required 20'	10'	10'
3.D Property Development Regulations	Art. 3, Chpt. D, Sec. 3.A.2.a. Hours of Operation - Required 6:00 a.m. 11:00 p.m.	24 Hours	7 Hours
3.E.3 MUPD, Multiple Use Planned Development. Property Development Regulations.	Table 3.E.3.D-20 Maximum Building Coverage for an MUPD in CH Land Use - Required 30%	40%	10%
3.E.3 MUPD, Multiple Use Planned Development. Property Development Regulations.	Table 3.E.3.D-20 Maximum Floor Area Ratio for an MUPD in CH Land Use - Required .50	1.0	.50
3.E.3 MUPD, Multiple Use Planned Development. Property Development Regulations.	Table 3.E.3.D-20 Minimum Width & Footage for an MUPD in CH Land Use - Required 300'	285.82'	14.18'
3.E.3 MUPD, Multiple Use Planned Development. Property Development Regulations.	Table 3.E.3.D-20 Minimum Lot Size for an MUPD in CH Land Use - Required 5.0 acres	2.48 acres	2.52 acres

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Code Section / Description	Required	Proposed	Variance
3.D Property Development Regulations	Art. 3, Chpt. D, Sec. 1.E.2. Setbacks for Buildings Exceeding 35' in Height Side Setback (south property line) for Proposed Accessory Parking Garage) @ a Proposed Height of 60' - Required 45'	20'	25'
3.D Property Development Regulations	Art. 3, Chpt. D, Sec. 1.E.2. Setbacks for Buildings Exceeding 35' in Height Side Setback (north property line) for Proposed Accessory Parking Garage) @ a Proposed Height of 60' - Required 60'	33'	27'
3.D Property Development Regulations	Art. 3, Chpt. D, Sec. 1.E.2. Setbacks for Buildings Exceeding 35' in Height Side Setback (south property line) for Proposed Hotel @ a Proposed Height of 152' - Required 132'	51'	81'
3.D Property Development Regulations	Art. 3, Chpt. D, Sec. 1.E.2. Setbacks for Buildings Exceeding 35' in Height Side Street Setback (Kentucky) for Proposed Hotel @ a Proposed Height of 152' - Required 147'	50'	97'
3.D Property Development Regulations	Art. 3, Chpt. D, Sec. 1.E.2. Setbacks for Buildings Exceeding 35' in Height Front Setback for Proposed Hotel @ a Proposed Height of 152' - Required: 147'	27'	120'

Address: 560 S Congress Ave , West Palm Beach, FL - 33406
 2960 Kentucky St , West Palm Beach, FL - 33406
 2965 Oklahoma St , West Palm Beach, FL - 33406
 2921 Oklahoma St , West Palm Beach, FL - 33406
 2905 Oklahoma St , West Palm Beach, FL - 33406

The above variance was POSTPONED for a period of 30 days.

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: BA-2006-00935

Control No: 2006-00356

Result: APPROVED WITH CONDITIONS

Request: To allow a proposed structure to encroach into the required side interior and rear setback.

Code Section / Description	Required	Proposed	Variance
Table 3.D.1.A-5 - Property Development Regulations (Rear Setback using RE setbacks)	50 ft	20.8 ft	29.2 ft
Table 3.D.1.A-5 - Property Development Regulations (Side Interior using RE setbacks)	40 ft	31.35 ft	8.65 ft

Address: 14123 87th St N , Loxahatchee, FL - 33470

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

- 1 By **09/21/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan and/or survey presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
- 2 Prior to the Development Order expiration (**09/21/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

The development order for this particular variance shall lapse on 9/17/2007, one year from the approval date. (DATE: MONITORING:Zoning)

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: BA-2006-00939

Control No: 2006-00358

Result: APPROVED WITH CONDITIONS

Request: To allow an existing SFD to encroach into the required side interior setback; to allow an accessory structure (cabana) to encroach into an easement, and to reduce the required rear setback.

Code Section / Description	Required	Proposed	Variance
5.B.1.A.1.(d).1 An accessory structure may be setback a distance of 5 ft	5 ft	0 ft	5 ft
5.F.2.A Easement Encroachment	Structure not encroaching into easement	Structure encroaching into easement	Allowing structure not to encroach into easement
1.F.4.B.1.b - Residential Development	If the minimum depth dimension is nonconforming then the side interior should be 15% of lot width - 7.5 feet	5.68 feet	1.82 feet

Address: 4062 Success St., West Palm Beach, FL - 33406

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

- 1 By **09/21/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan or survey (which may be the same) presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
- 2 Prior to the Development Order expiration (**09/21//2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

The development order for this particular variance shall lapse on 09/21//2007, one year from the approval date. (DATE: MONITORING:Zoning)

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: BA-2006-01148

Control No: 2005-00460

Result: APPROVED WITH CONDITIONS

Request: To allow a proposed pod to not have the required legal access from an arterial/collector street and to increase the number of freestanding buildings on the property.

Code Section / Description	Required	Proposed	Variance
<u>3.E.1.C.2.a.2</u> PDDs shall have legal access on an arterial or collector street (WITHDRAWN)	<u>PDDs shall have legal access on an arterial or collector street</u> (WITHDRAWN)	<u>To not apply this section of the code to this property</u> (WITHDRAWN)	<u>To not have access to an arterial or collector street</u> (WITHDRAWN)
Table 3.E.3.B-18 - Freestanding Buildings1	3 Freestanding Buildings	Freestanding Buildings with a FLU of IND you are allowed 3 Freestanding Buildings, we are requesting to have 4 freestanding buildings on our site.	4 Freestanding Buildings
Address: 1570 Avanti Rd , West Palm Beach, FL - 33411			

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

- 1 By **09/21/2009**, 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. (ONGOING-BLDG PERMIT: BLDG)
- 2 Prior to final DRO, the applicant shall either redesign the project to meet all Landscape requirements pursuant to the ULDC, or submit prior to final DRO an ALP approved by the Landscape Section.
- 3 Prior to the Development Order expiration, the project shall have received and passed the first building inspection. (DATE: MONITORING-ZONING)

The development order for this particular variance shall lapse on 9/21/2009, three years from the approval date. (DATE: MONITORING:Zoning)

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: BA-2006-01156

Control No: 2006-00403

Result: POSTPONED 30 DAYS

To allow a proposed SFD to encroach into the required front and rear setbacks.

Code Section / Description	Required	Proposed	Variance
3.D.1.A Building Coverage	15 %	29 %	14 %
1.F.3 Non-conforming Structures	20.9 Ft Rear Setback	9.5 Ft	11.5 Ft
1.F.4 Residential Development	31.35 Ft Front Setback	20.00 Ft	11.35 Feet

Address: 9055 Brandy Ln, Lake Worth, FL - 33467

The above variance was **POSTPONED** for a period of **30** days.

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: BA-2006-01157

Control No: 2006-00404

Result: APPROVED WITH CONDITIONS

Request: To allow a fence to exceed the maximum height requirement into the front setback.

Code Section / Description	Required	Proposed	Variance
5.B.1.A.(2)(a) Fence Height (within front setbacks)	Max. 4' chain link fence height (within front setbacks)	To allow chain link fence w/ 5' height (within front setbacks)	Chain link fence w/ 5' height (within front setbacks)
Address: 4930 130th Ave N , West Palm Beach, FL - 33411			

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

- 1 By **09/21/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan or survey (which may be the same) presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
- 2 Prior to the Development Order expiration (**09/21/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

The development order for this particular variance shall lapse on 9/21/2007, one year from the approval date. (DATE: MONITORING:Zoning)

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: BA-2006-01158

Control No: 2006-00405

Result: POSTPONED 30 DAYS

Request: To allow a single family home to encroach into the required front and side interior setbacks.

Code Section / Description	Required	Proposed	Variance
3.D.1.A Interior side setback	15.5 ft	12.9 ft	2.6 ft
3.D.1.A.5 Front setback	100 ft	84.9 ft	15.1 ft

Address: 5244 1st Rd., Lake Worth, FL - 33467

The above variance was POSTPONED for a period of 30 days.

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: **BA-2006-01159**

Control No: **1977-00046**

Result: **APPROVED WITH CONDITIONS**

Request: To allow an existing solid roof screen enclosure and SFD to encroach into the rear setback.

Code Section / Description	Required	Proposed	Variance
3.D.1.D.4(a) Open space setback reduction	11.25 ft	5.8 ft	5.45 ft

Address: 3422 Amalfi Dr. , West Palm Beach, FL - 33417

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

- 1 By **09/21/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan and/or survey presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
- 2 Prior to the Development Order expiration (**09/21/2007**), the project shall have received and passed the first building inspection.

The development order for this particular variance shall lapse on 9/21/2007, one year from the approval date.
(DATE: MONITORING:Zoning)

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: BA-2006-01160

Control No: 1988-00094

Result: APPROVED WITH CONDITIONS

Request: To allow a convenience store with gas sales an extension of the existing hours of operation.

Code Section / Description	Required	Proposed	Variance
3.D.3.A.2 Property Development Regulations (PDRs), District Specific Regulations, IL & IG Districts	PDR- District Specific Regulations: 17 hours of operation, (6am-11pm)	To allow 24 hours of operation	24 hours of operation
Address: 4567 S Congress Ave , Lake Worth, FL - 33461			

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

- 1 The hours of operation variance shall be limited to the use shown on Site Plan, Exhibit 20, presented to the Board of Adjustment at the **September 21, 2006** Hearing.
- 2 By **09/21/2007**, the Approved Site Plan for BP Service Station (P-1988-094) shall be amended through the DRO section of the Zoning Division, to reflect the variance approval pursuant BA-2006-1160. (DRO: DATE: ZONING)

No action is required; therefore, no development order is required.

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: BA-2006-01165

Control No: 1987-00006

Result: APPROVED WITH CONDITIONS

Request: To allow an existing structure to encroach into the front setback, a reduction of the R-O-W buffer along Okeechobee Blvd. & Congress Ave., and to allow a reduction in the pervious area.

Code Section / Description	Required	Proposed	Variance
3.D.1.A-5 Property Development Regulations – Front Setback in CG Zoning District	50 ft.	35 ft.	15 ft.
7.3.F.2 Site development Standards: R-O-W Buffer width (Okeechobee Blvd.):	20.0 ft. wide	7.5 ft wide	12.5 ft wide
7.G Landscaping, Off-Street Parking, Requirements	20%	18%	2%
7.3.F.2 Site Development Standards: R-O-W Buffer (Congress Ave.):	20.0 ft wide	2.0 ft wide	18.0 ft wide (prev. approved for 5.0 ft. wide)
Address: 2300 Okeechobee Blvd , West Palm Beach, FL - 33409 1110 Suwanee Dr , West Palm Beach, FL - 33409 1951 N Congress Ave , West Palm Beach, FL - 33409			

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

- 1 By **September 21, 2007**, the property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a revised copy of the Site Plan presented to the Board (BA Exhibit 31), simultaneously with the building permit application. (BLDG PERMIT:BLDG)
- 2 Prior to DRO certification, the applicant shall ensure the BOFA conditions are shown on the site plan. (Pet. 1987-006). (ZONING-DRO)

The development order for this particular variance shall lapse on 9/21/2007, one year from the approval date. (DATE: MONITORING:Zoning)

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: BA-2006-01166

Control No: 2004-00017

Result: APPROVED WITH CONDITIONS

Request: To allow an existing structure to encroach into the required front setback, a reduction in the required R-O-W landscape buffer and to allow the elimination of the required foundation planting

Code Section / Description	Required	Proposed	Variance
7.D.11.B Landscape – Side Foundation Planting	8 ft (Side)	0 ft	8 ft
7.D.11.B Landscape – Front Foundation Planting	5 ft (Front)	0 ft	5 ft
7.F.7.A Width of R-O-W Buffer	20 ft.	4 ft	16 ft.
3.B.7.D.1 Frontsetback in LWRCCO	20 ft	13 ft	7 ft

Address: 4420 Lake Worth Rd., Lake Worth, FL - 33461

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

- 1 By **September 21, 2007**, or prior to DRO certification, the applicant shall ensure the BA conditions are shown on the certified site plan. (DATE: MONITORING - DRC)
- 2 By **September 21, 2007**, the applicant shall obtain all applicable building permits for the proposed improvements in order to vest the variance approved pursuant to BA-2006-1166. (DATE: MONITORING-BLDG PERMIT)
- 3 Prior to the issuance of a Building Permit, all of the required landscaping for the R-O-W landscape buffer shall be planted in the reduced R-O-W landscape buffer along the Northern property line abutting Military Trail. (EVENT: LANDSCAPE: BUILDING)
- 4 Prior to the issuance of a Building Permit, the applicant shall submit both the Board of Adjustment letter and a copy of the approved survey/site plan to the Building Division. (EVENT: MONITORING: BUILDING)

The development order for this particular variance shall lapse on 9/21/2007, one year from the approval date. (DATE: MONITORING:Zoning)

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: BA-2006-01167

Control No: 2006-00406

Result: DENIED WITHOUT PREJUDICE

Request: To allow a proposed accessory structure to encroach into the required side street and rear setback.

Code Section / Description	Required	Proposed	Variance
3.D.1.A Street side setback	50 ft	18 ft	32 ft
3.D.1.A Rear setback	50 ft	17 ft	33 ft

Address: 17278 Murcott Blvd., Loxahatchee, FL - 33470

The above variance was DENIED WITHOUT PREJUDICE.

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: 9/21/2006

Application No: BA-2006-01168

Control No: 2006-00407

Result: APPROVED WITH CONDITIONS

Request: To allow a proposed addition to encroach into the required rear setback.

Code Section / Description	Required	Proposed	Variance
Table 3.D.1.A-5 - Property Development Regulations	15 ft (rear setback)	5.1 ft (rear setback)	9.9 ft (rear setback)

Address: 1556 Juno Isles Blvd , North Palm Beach, FL - 33408

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

- 1 By **09/21/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan and/or survey presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
- 2 Prior to the Development Order expiration (**09/21/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

The development order for this particular variance shall lapse on 9/21/2007, one year from the approval date. (DATE: MONITORING:Zoning)

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: BA-2006-01169

Control No: 1973-00173

Result: WITHDRAWN

Request: To allow a proposed addition to encroach into the required rear setback.

Code Section / Description	Required	Proposed	Variance
Table 3.D.1.A-5	18 ft	8.43 ft	9.57 ft

Address: 5062 Grant Ln., West Palm Beach, FL - 33415

The above variance was **WITHDRAWN**.

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: BA-2006-01198

Control No: 1992-00041

Result: POSTPONED 30 DAYS

Request: To allow a reduction into the existing R-O-W landscape buffer.

Code Section / Description	Required	Proposed	Variance
7.F.7.A Width of R-O-W Buffer	15 foot buffer	5 foot buffer	10 feet
Address: Vacant			

The above variance was **POSTPONED** for a period of **30** days.

PALM BEACH COUNTY - BOARD OF ADJUSTMENT - RESULTS LIST

Hearing Date: **9/21/2006**

Application No: BA-2006-01206

Control No: 2006-00094

Result: APPROVED WITH CONDITIONS

Request: To allow a reduction in the minimum tier requirements for the AGR Tier per Table 7.C.3-1

Code Section / Description	Required	Proposed	Variance
Table 7.C.3-1 MGTS Tier Compliance	3 shrubs/1,500 SF = 2,673 shrubs	1,006 shrubs	1,667 shrubs
Table 7.C.3-1 MGTS Tier Compliance	3 shrubs/1,500 SF = 2,673 shrubs	1,006 shrubs	1,667 shrubs
Table 7.C.3-1 MGTS Tier Compliance	1 tree/1,500 SF = 891 trees	335 trees	556 trees
Table 7.C.3-1 MGTS Tier Compliance	1 tree/1,500 SF = 891 trees	335 trees	556 trees

Address: 15345 S State Road 7 , Delray Beach, FL - 33446

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

- 1 By **09/21/2009**, 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. (ONGOING-BLDG PERMIT: BLDG)
- 2 Prior to the Development Order expiration, **09/21/2009**, the project shall have received and passed the first building inspection. (DATE: MONITORING-ZONING)

The development order for this particular variance shall lapse on 9/21/2009, one year from the approval date. (DATE: MONITORING:Zoning)

END OF REPORT