

PALM BEACH COUNTY
ADMINISTRATIVE VARIANCE TYPE 1-B
STAFF PUBLIC MEETING

Thursday, December 20, 2007
09:07 a.m. - 09:21 a.m.
2300 North Jog Road
West Palm Beach, Florida 33411

Reporting:

Annette Stabilito
PBC Zoning Secretary

A T T E N D E E S

Alan Seaman, Principal Site Planner

Lauren Benjamin, Site Planner I

Juanita James, Zoning Technician

Annette Stabilito, Secretary

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PROCEEDINGS

The Palm Beach County Administrative Variance Type 1-B Staff Public Meeting began at 09:07am. Alan Seaman, Principal Site Planner opened the meeting. He began the meeting asking the Administrative Approvals Secretary for confirmation of the 300ft manifest. These are notices that are mailed to the neighbors that are affected by the variance requests, informing them of this public meeting. This information was confirmed by the Secretary, Annette Stabilito, who stated that items were entered into the Mailstream of US Certified Letters on November 29, 2007.

Mr. Seaman opened the meeting by giving a brief summary and introduction of the Type 1-B variances under the Administrative Variance Staff Public Meetings.

Mr. Seaman explained the following: "For those of you that are not familiar with how staff conducts our business, the Agenda is divided in two parts, the Consent and Regular Agenda. Items on the Consent Agenda are items that have been approved by staff, the applicant agrees with the conditions and there is no opposition from the public. If there is opposition from the public, or the applicant does not agree with the conditions, an item can be re-ordered to the Regular Agenda. If an item is on the Consent Agenda and remains on the Consent Agenda, the variance is approved and the applicant is free to leave. The next part of the Agenda is the Regular Agenda. That consist of items that have been removed from Consent, or items that have opposition from the public, or the applicant does not agree with the conditions that staff has imposed. Staff will introduce them and the applicant will have an opportunity to give their presentation and then staff will give theirs. Then the public portion of the meeting is open and staff will hear from the public".

The Principal Planner also informed that "if any information or documents is presented to staff at the meeting from the public, or the applicant provides additional information that may affect staff's decision, a thirty day (30) postponement may be requested to allow staff time to review the new information".

Mr. Seaman then proceeded asking staff if there were any changes to the Agenda, and there were none.

The first item on the Agenda are **Withdrawn Items**, which there were none.

The next item on the Agenda are **Postponed Items**, which there were none.

The **first item on Consent** Agenda was read into the record by Miss Benjamin:

Item # **AVB2007-01713** Land Research Management, agent, for First Road LLC, owner. The property is located at 295 First Road, approx. .25 miles East of Jog Road and approx. .03 mile North of Wallis Road in the AR zoning district.

Kevin McGinley, representing the agent, Land Research Management, was present. The variance request is to allow an existing structure to encroach into the side interior setback.

The applicant is seeking a Variance to allow a structure to encroach 1.9 ft into the required 28.5 ft side interior setback. The existing structure is setback 26.6 ft from the side interior property line. The structure was originally constructed when the subject property was unified with a Unity of Title to the southern adjacent property. When the unity was released, the existing structure remaining in the northern parcel became Non-Conforming both in structure with regards to substandard setbacks and use. Without the approval of the proposed Variance the structure cannot be classified as conforming allowing the applicant to submit for electrical permits. The permits would allow the applicant to rectify the outstanding code enforcement violation.

The applicant's justification statement reads as follows:

JUSTIFICATION STATEMENT

The Applicant/Owner is requesting approval to allow a variance of 1.9 feet from the side building setback for an existing single-family structure. The structure was initially constructed while the subject property was tied to the property to the south by a unity of title. The unity of title was released in January 2000, rendering the structure non-conforming. The previous owner was not required to obtain a variance for the side setback as would otherwise be required by the code in effect at the time. It was only after the present owner was cited by the Palm Beach County Code Enforcement Division for operating a landscape maintenance business on the premises without approval, constructing a fence without permits and installing electrical wiring to the structure did the issue of the setback become apparent. The non-conformity is an obstacle to resolving the final code enforcement issues. All code enforcement matters have been resolved except the electrical wiring installed without the proper permits. Building plans and permits to resolve the same have been submitted to the Palm Beach County Building Division, but the Building Division cannot issue the permits until the structure is deemed conforming. Approval of the requested variance will allow the permits to be issued and the final code enforcement violations to be satisfied.

Ms. Benjamin stated that no response letters were received, in favor, or in opposition to the variance request.

There were no members from the public in opposition or approval of the variance.

Staff recommended approval of the variance with one (2) conditions. The applicant agreed on the conditions and staff approved the variance.

The **second item on Consent** Agenda was read into the record by Ms. Juanita James:

Item # AVE2007-01644, David B. Loring, agent, for Boca Raton Commerce Center II, LLC, owner. The property is located at 21000 Boca Rio Rd., approx. 0.15 mile W of Florida's Turnpike, and approx. 0.26 mile S of Glades Rd., within the PB Farms Plat #3, in the IL/SE Zoning District (PET: 1984-030 & 1997-032).

This application was originally postponed 30 days from last month's meeting. David B. Loring, agent, for Boca Raton Commerce Center II, LLC, owner was present at last month's meeting, and was able provide staff with the necessary documentation, within the 30 days timeframe, to enable him to act on behalf of the owner at these meetings. The variance request is to allow a 12-month time extension on the Development Order and Condition #1, to vest the approved variance BA-2004-649, BATE2005-1603, and AVE2006-1795.

The applicant's justification statement reads as follows:

JUSTIFICATION STATEMENT

Typically, an applicant may request a maximum of up to (2) - 12 month extensions to a Development Order or Condition after the first expiration date. In this case, however, due to conflicting courtesy expiration letters, and Epzb merging errors, the Zoning Director has authorized the applicant to request an additional 12-month time extension from 11/18/2007.

There were no members from the public in opposition or approval of the variance.

Staff recommended approval of the time extension with one (1) condition. Since applicants can apply for a time extension maximum of up to three (3) years, it was stated for the record that the applicant exceeded the time extension limitations, however, an additional year was considered by the Zoning Director. Not only is this the last time extension that the applicant can apply for, no additional time extensions are allowed, or would be considered, for this application.

The applicant agreed on the conditions and the conditions regarding the time extension limitations. Therefore, based on the applicant's justification, staff approved the time extension.

The **third and last item on Consent** Agenda was read into the record Ms. Juanita James:

Item # AVE2007-01710, Ruden McClosky, agent, for Carolyn & James Shamblin; James Hill; and BP Products of North America, owners. The property is vacant and approximately located 0.26 mile N of Palm Beach Canal Rd. and approx. 0.53 mile W of N. Military Trail, in the RM Zoning District (PET. 2004-237).

Nicole Simpson, representing the agent (Ruden McClosky), was present on behalf of the owner. The variance is to allow a 12-month time extension on the Development Order to vest the approved variance, BA2006-1545, to allow an extension of the hours of operation.

The applicant's justification statement reads as follows:

JUSTIFICATION STATEMENT

The applicant is requesting a 12-month time extension on the Development Order. The applicant has received site plan, rezoning and conditional use approval and is now working towards getting the building permit. The applicant is requesting a time extension to obtain the building permit, start construction and pass his first inspection. Granting the applicant the time extension will assist the applicant in vesting the approved variance BA 2006-1545. Staff has reviewed the justification and recommends approval.

There were no members from the public in opposition or approval of the variance.

Staff recommended approval of the time extension with one (1) condition.

The applicant agreed on the conditions regarding the time extension limitations. Therefore, based on the applicant's justification, staff approved the time extension.

There were no other items on Consent and no items under REGULAR Agenda. Therefore, the meeting was adjourned at 09:21 a.m.

Based on Article 2.A.1.D of the Unified Land Development Code (ULDC) and the applicant's ability to meet the criteria pursuant to Article 2.A.1.F of the ULDC, the Administrative Variance Public Meeting Staff approved the variances and time extensions that were requested at their **December 20, 2007** Variance Public Meeting.

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