

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

Thursday, November 15, 2007
09:05 a.m. - 09:25 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

Larry Roberts, Professional Engineer

Alan Seaman, Principal Site Planner

Lauren Benjamin, Site Planner I

Juanita James, Zoning Technician

Annette Stabilito, Secretary

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P R O C E E D I N G S

The Palm Beach County Administrative Variance Type 1-B Staff Public Meeting began at 09:05am. Lauren Benjamin, Site Planner I, opened the meeting. She 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 7, 2007.

Miss Lauren Benjamin, being directed by Mr. Alan Seaman, Principal Site Planner, opened the meeting by giving a brief summary and introduction of the Type 1-B variances under the Administrative Variance Staff Public Meetings.

Miss Benjamin 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".

It was 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".

Miss Benjamin then proceeded asking staff if there were any changes to the Agenda. Mr. Seaman interjected that there were changes to the agenda, however, he stated that they would be addressed at the time the item would be called.

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:

Item # **AVB2007-01501** Shah Drotos & Associates, agent, for Palm Vista at Ponte Verde, owner. The property is located at 9934 Palma Vista Way, approximately 0.04 mile west of State Road 7 and 0.03 mile north of Grand Verde Way, within the Pointe Verde PUD in the PUD Zoning District.

The agent, Mr. James Drotos with Shah Drotos & Associates, was present on behalf of Palm Vista at Ponte Verde Homeowners Association. The variance request is to allow a recreational building to encroach into the front setback.

The applicant's justification statement reads as follows:

JUSTIFICATION STATEMENT

"This application requests an administrative variance to reduce the setback from the private road right of way to the recreation center building from the required 25 ft. to 23.17 ft., a reduction of 1.83 ft. or 7.3%.

This request is a result of the widening of the private roadway adjacent to the recreation center building to accommodate a new guardhouse and gate configuration for the community. The Final subdivision plan of Ponte Verde received signature only approval of the proposed road widening and new guardhouse on 3/22/06. Subsequent to that approval, a building permit was issued and the roadway modifications and guardhouse have been constructed.

The recreation center building is setback 25.18 ft. from the back of the newly constructed curb and in excess of the required 25 f-t. from the current location of the private road right of way, however, the Palm Beach County Engineering department is requiring that the site be re-platted to relocate the private road right of way line a distance of 2.5 ft. behind the newly constructed roadway face of curb. When this re-plat is completed, the recreation building will be 23.17 ft. from the new right of way line".

Miss 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 (1) condition. The applicant agreed on the condition and staff approved the variance.

The **second item on Consent** Agenda was read into the record:

Item # AVE2007-01527, Tammie S. Couch, owner. The property is located at 8315 Winnipisaukee Way, approximately 2029 ft West of 80th Terrace S and approximately 3008 ft East of Lyons Road, within the Lakes of Lantana PUD, in the PUD Zoning District (PET: 1974-063).

Tammie S. Couch, the owner, was present. The variance request is to allow a 24-month time extension on the Development Order, Condition #1 and #2 to vest the approved variance AVB 2006-1732.

The applicant's justification statement reads as follows:

JUSTIFICATION STATEMENT

The applicant is requesting a 24-month time extension on the Development Order and Condition # 1 and 2. The applicant stated that the family had unforeseen medical circumstances with her family causing her to leave the state periodically leaving her with no income for the beginning of the year. In September the Couch's started interviewing contractors but found out the contractor is not up to date with Palm Beach County Contractor's Certification, therefore, the applicant is requesting a 24-month time extension to vest variance AVB 2006-1732.

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

Staff recommended approval of the time extension with two (2) conditions. Since applicants can apply for a time extension maximum of up to three (3) years, it was stated for the record that this would be the last time extension that the applicant can apply for.

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 item on Consent** Agenda was read into the record:

Item # AVE2007-01540, Miller Land Planning, agent, for SRR Holding, LLC, owner. The property is vacant and approximately located 1.1 miles West of Lyons Road, and approximately 0.49 mile North of Lantana Road, in the CG Zoning District (PET: 2006-368).

The agent, Ms. Christi Tuttle with Miller Land Planning, was present on behalf of the owner. The variance is to allow a 24-month time extension on condition #2, to vest the approved variance BA 2006-1361.

The applicant's justification statement reads as follows:

JUSTIFICATION STATEMENT

The applicant is requesting a time extension for Condition #2. The applicant is now requesting to proceed with the rezoning process. Upon approval of the rezoning process the applicant will then have to submit for other PZ&B approvals which will take time to complete. Therefore, the applicant is requesting a 24-month time extension to vest BA 2006-1361.

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

Staff recommended approval of the time extension with two (2) conditions. Since applicants can apply for a time extension maximum of up to three (3) years, it was stated for the record that this would be the last time extension that the applicant can apply for.

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 **fourth item on Consent** Agenda was read into the record:

Item # AVE2007-01570 Kilday & Associates, Inc., agent, for Estates of Pennock Point, LLC, owner. The property is vacant and approximately located on the East side of Palmwood Road and approximately 0.53 mile North of Donald Ross Road, within the Harbor Place Subdivision, in the RTS/COZ Zoning District (PET: Z/COZ-2002-063).

The agent, Nicole Simpson with Kilday & Associates, was present on behalf of the owner.

The variance is to allow a 24-month time extension on the Development Order and Condition #1 to vest BA 2004-646.

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 24 month time extension from 11/16/2007.

Staff recommended approval of the time extension with four (4) conditions. Since applicants can apply for a time extension maximum of up to three (3) years, it was stated for the record that this would be the last time extension that the applicant can apply for.

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 **fifth and last item on Consent** Agenda was read into the record:

Item # AVE2007-01644 Moyle, Flanigan, Katz, Raymond & Sheehan, P.A., agent, for AT&T Corp., 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).

The variance is to allow a 12-month time extension on the Development Order and Condition #1, to vest the approved variance BA-2004-649, BATE-2005-1603, and AVE2006-1795.

Mr. David B. Loring, on behalf of Boca Raton Commerce Center II, LLC, the new owner of the property, was present.

Mr. Seaman interjected that because staff did not have on-file the new owner consent form, Mr. Loring was not allowed to speak at the public meeting. The Variance Public Meeting Staff, therefore, postponed this item for a period of 30 days, and/or to the next VPM meeting date. The 30 day postponement would allow the applicant ample time to provide staff with the required information, in order to allow this item to be heard at the next public meeting. The applicant accepted the postponement and agreed on the conditions for approval of the time extension.

There were no other items on Consent and **no items under REGULAR Agenda**. Therefore, the meeting was adjourned at 09:25am.

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 **November 15, 2007** Variance Public Meeting, except for item AVE-2007-1644 which was postponed for a period of 30 days.

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