

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

Thursday, August 21, 2008
09:10 a.m. - 9:32 a.m.
2300 North Jog Road
West Palm Beach, Florida 33411

Reporting:

Elizabeth Murray
PBC Zoning Secretary

A T T E N D E E S

Alan Seaman, Principal Site Planner

Larry Roberts, Engineering

Aaron Taylor, Site Planner I

Lauren Benjamin, Site Planner I

Elizabeth Murray, 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 09:10am. Mr. 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, Elizabeth Murray, who stated that items were entered into the Mailstream of US Certified Letters on July 31, 2008.

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.

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".

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".

Mr. Seaman then proceeded with one change to the Agenda, which was **Regular Item AVB2008-01107** being moved to the **Consent Agenda** due to the owner agreeing to the changes made by Aaron Taylor to deny partial request.

The first item on the Agenda are **Postponed Items**, which there was one.

Mr. Seaman explained that an applicant is allowed to request a postponement on their item for a maximum of 6 months (or 180 days) before their item can be heard. The additional time would allow them to correct or resolve any issues they may have in regards to their property or variance request.

The **(1)** one Postponed item on agenda is as follows:

Postponed Item: AVB2008-1108 Jan Polson, Agent, for Allan & Donna Rickabus, Owners, to allow a proposed Single Family Dwelling (Structure) to encroach into the required side street setback. LOC: 9475 159th Court N., approximately 0.549 Miles E. of Jupiter Farms Road and approximately 0.411 Miles N. of Sandy Run in the AR Zoning District.

The applicant requested a **30-day** postponement, to allow more information from the civil engineer boring test to

determine that the alternative site would not support the construction of the building. This is the first postponement request on this application for a period of one (1) month. Allan & Donna Rickabus next scheduled Variance Public Meeting date is scheduled to be heard on **September 18, 2008**.

The next item(s) on the Agenda are Consent Items. There are **(4)** four items on **Consent Agenda**. The first consent item was read into the record by Project Manager, Lauren Benjamin.

Consent Item: AVB2008-0454 Carmen Luciano and Maria Marenco, Owners, to allow an existing structure to encroach into the required rear setback. LOC: 12860 57th Road N., approximately 0.19 mile E of 130th Avenue N. and approximately 0.06 mile N of 56th Place N., in the AR Zoning District (PET: 2007-325).

Mr. Seaman asked staff if any letters were received, for or against, the variance request and staff responded by stating that there was one letter in support and one letter in apposition but does not effect staff's position of this item.

Carmen Luciano, Owner, was present. Mr. Seaman asked the petitioner to state his name for the record and to briefly state his justification for the variance.

MARENCO VARIANCE JUSTIFICATION STATEMENT

Mr. Luciano, speaking for, Maria Marenco stated following numerous storms in 2006 the accessory structure (barn) was severely damaged. The applicant renovated the existing structure with no prior knowledge of the structure not being permitted. And that the locations that they chose to rebuild the barn for their horses falls within a highpoint on the property, and that every other locations around it floods which is why they are asking for the variance because it would be impossible to have horses standing in water.

Mr. Seaman asked staff about the drainage statement that was issued and Ms Benjamin stated there was a drainage report dated July 8, 2008 by Michael F. Padula, P.E of Palm Coast Structural Engineering Services, which acknowledged the drainage problem and that the report is available in the file.

Mr. Seaman then proceeded by asking Mr. Luciano if he is aware of and accept the development order and the (1) one condition for this variance, and he said, "Yes".

There were no members from the public in opposition or approval of the variance. Therefore, based on this information, and as permitted by Article 2 of the ULDC, staff approved the variance petition **AVB2008-0454** with **(1)** one condition, as recommended by the staff report and based on the 7 Criteria.

Mr. Seaman ask the project Manager, Lauren Benjamin to read the Legal Description for the next Consent Item AVB2008-1104 which she stated:

Consent Item: AVB2008-1104

Richard J. Rickles, Owner to allow a proposed solid roof, partially enclosed screen enclosure into the required side-interior. LOC: 7248 Mistral Ct. approximately 0.222 miles

E of Hagen Ranch Road and approximately 0.055 miles S of Whitfield Ave within the Jones (D-2) PUD in the PUD Zoning District. (Control (Pet.#) 95-019)

Mr. Seaman asked staff if any letters were received, for or against, the variance request and staff responded by stating that there was one letter in support.

Barbara Rickles, stated they want to enclose a portion of the lanai and that it will not be any larger than where the screening enclosure is now. And what to enclose this due to her husbands health.

Mr. Seaman asks the project manger to give a summation of why this project met the 7 criteria.

Ms. Benjamin stated that the portion of the screen-roof screen enclosure the applicant is requesting to enclose; does not exceed the footprint of the existing SFD. Therefore, the applicants proposed enclosure would have no greater impact on the side-interior setback than that of the existing SFD. The Home Owners Association (HOA) has provided a letter of support for the proposed sunroom. Therefore, staff supports the applicant's variance request for the proposed 62 SF enclosure.

Mr. Seaman then proceeded by asking Mrs. Rickles if she is aware of and accepts the development order and the (1) one condition for this variance, and she replied, "Yes". This was given final approval by Mr. Seaman and she was informed she would receive a result letter shortly via mail.

Mr. Seaman ask the project Manager, Aaron Taylor to read the Legal Description for the next Consent Item AVB2008-1106 which he stated:

Consent Item: AVB2008-1106

Robert Kerr, Owner, to allow an existing structure (Addition) to encroach into the required rear setback. LOC: 8300 Little Beth Dr. within the RS/PUD Le Chalet PUD Zoning District located at the intersection of Le Chalet and S. Haverhill Road. (Pet.#) 80-153).

Mr. Seaman asked staff if any letters were received, for or against, the variance request and staff responded by stating that there was one letter in support.

Mr Seaman asks the applicant to step to the podium and give a statement of why he has requested this variance.

Mr. Robert Kerr stated he moved into the residence in May 2008 and found out 3 day before moving in there were 2 open permits and was told to just close them. And stated the addition has been there for many years and his neighbors stated they are fine with it.

Mr. Seaman asks the project manger, Mr. Taylor to give a summation of why this project met the 7 criteria.

Mr. Taylor stated due to extensive landscape buffer and being this not an accessory structure, but build onto the house and the fact he meets all other set backs, as well as the neighbors not objecting and that it been there at least

10 years, a denial would mean Mr. Kerr would have to demolish a third of his house.

Mr. Seaman then proceeded by asking Mr. Kerr if he is aware of and accept the development order and the (1) one condition for this variance, and he replied, "Yes". This item was given final approval by Mr. Seaman and Mr. Kerr was informed he would receive a result letter shortly via mail.

Mr. Seaman ask the project Manager, Aaron Taylor to read the Legal Description for the final Consent Item AVB2008-1107 which he stated below:

Consent Item: AVB2008-1107

Kim Liddell, Agent, Joseph Guerreiro, Owner to allow a proposed accessory dwelling to encroach into the required side street & rear setback. LOC: 2961 Jamaica Dr. approximately 0.1 mile N of Fredrick Small Road (aka 150th St.) at Palmwood Road in the AR Zoning District. (Pet.#) 03-404). **Approved in part** for the side-street setback with Conditions, and, **Denied in part** for the rear setback, based upon the following application of the standards enumerated in Article 2, Section 2.D.3 of the Palm Beach County Unified Land Development Code (ULDC), which a petitioner must meet before the Administrative Variance Public Meeting Staff may authorize a variance.

Mr. Seaman explained that this is a different type approval with an **approval** in part and **denial** in part, since applicant agreed to the denial part this was placed on the consent agenda.

Mr. Seaman asked staff if any letters were received, for or against, the variance request and staff responded by stating that there was one letter in support and three phone inquires for interpretation letter.

Ms. Liddell, Agent stated that her client would like to tear down the garage due to not being permitted and poorly constructed and illegally turned into an apartment accessory dwelling when house was sold previously they got a variance. And want to build another accessory dwelling in the same location.

Mr. Seaman stated the approval was for the side street set back and to deny the rear set back due to being able to adjust the structure. He then ask her to justify the variance.

Ms. Liddell, stated her client feel the variance is justified due to there already being a structure in the locations and by him building a better structure it would be better for the neighbor.

Mr. Seaman ask Mr. Taylor for explanations for the approval and denial

Mr. Taylor explained it is a non-conforming lot for AR zoning district also 3 right-of-ways, which increases the setback. And due to the placement of the wells and the fact there was plenty of room to move the structure toward the front therefore the denial for the rear setback.

Mr. Seaman then proceeded by asking Ms. Liddell if she is aware of and accepts the development order and the (2) two conditions for this variance, and she replied, "Yes". This item was given final approval for the side setback and denial for the rear setback with the applicant agreeing to this denial. Mr. Seaman informed her she would receive a result letter shortly via mail. And that he would need a corrected survey that meet Glen Marks criteria and she stated she would give him the same survey that she submits to Donna Briggs.

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 that were requested under **Consent Agenda** at their **August 21, 2008** Variance Public Meeting.

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Meeting Adjourned 9:32 am