

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

Thursday, July 17, 2008
09:12 a.m. - 9:32 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

Anne Helfant, Assistant County Attorney

Alan Seaman, Principal Site Planner

Aaron Taylor, Site Planner I

Annette Stabilito, Secretary

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PROCEEDINGS

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, Annette Stabilito, who stated that items were entered into the Mailstream of US Certified Letters on June 26, 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 asking staff if there were any changes or corrections to the Agenda, and there were none.

The first item on the Agenda are **Withdrawn Items**, which there was one.

Withdrawn Item #1: AVB2008-0862 Land Design South, agent, for Palm Beach MOB, LLC, owner, to allow proposed landscape buffers, to overlap into the existing easement (sewer lines) and elimination of required canopy trees. LOC: vacant, approximately .04 mile South of Lake Worth Road, and approximately 0.00 mile East of OHIO Road, within the Florida Gardens PL 6 Subdivision, in the CG Zoning District. (Control (Pet.) 78-77).

The applicant did not need the variance, being that the site plan was previously approved and all landscape was installed, per the 1973 code. Therefore, the applicant withdrew their application for a variance.

The next item on the Agenda are **Postponed Items**. There were **(3)** three items on postponed agenda. Before the items were mentioned, 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 **(3)** three items on postponed agenda are as follows:

Postponed Item #1: AVB2008-0289 Manuel Sanchez, agent, for Francisco and Josefa Ramos, owners, to allow an existing multi-family dwelling to encroach into the required 15 ft. rear setback. LOC: 1430 N. Stacy Street, approximately .073 mile north of Stacy Street and approximately 0 mile east of North Stacy Street, within the Haverhill Acres Add In Subdivision, in the RH Zoning District.

The applicant requested a **120-day** (four month) postponement, to allow them ample time to resolve concurrency and health issues. This is the second postponement request on this application; the first postponement request was for a period of one (1) month. Mr. Ramos' next scheduled Variance Public Meeting date is scheduled to be heard on **November 20, 2008**.

Postponed Item #2: 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).

The applicant requested a **30-day** postponement, to allow them more time to obtain a drainage easement statement. This is the second postponement request on this application; the first postponement request was for a period of one (1) month. Ms. Luciano's next scheduled Variance Public Meeting date is scheduled to be heard on **August 21, 2008**.

Postponed Item #3: AVB2008-0714 Frogner Consulting, LLC, agent, for John & Joan Benevento, owners, to allow an existing accessory structure to encroach into the required side-street setback. LOC: 11387 Teach Road, approximately .048 mile E of Avery Road and approximately 0.11 mile S of PGA Blvd., within the Pirates Cove Subdivision, in the RS Zoning District.

The applicant requested a **150-day** (five month) postponement, to allow him ample time to consider abandonment of a portion of right-of-way.

This is the second postponement request on this application; the first postponement request was for a period of one (1) month. Mr. Benevento's next scheduled Variance Public Meeting date is scheduled to be heard on **December 18, 2008**.

The next item on the Agenda are Consent Items. There were **(2)** two items on **Consent Agenda**. The first consent item was read into the record by Project Manager, Aaron Taylor:

Consent Item# 1: AVB2008-00859 Damian and Lauren Vallas, owners. The property is located at 2437 Country Oaks Lane, approximately .047 mile East of Prosperity Farms Road and approximately 0 mile North of Country Oaks Lane, in the RS Zoning District.

The variance request is to allow a proposed addition and accessory structure to encroach into the required side setback.

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

Damian Vallas, the owner, was present. Mr. Seaman asked the petitioner to state his name for the record and to briefly state his justification for the variance.

VALLAS VARIANCE JUSTIFICATION STATEMENT

"I am requesting a setback variance (Type I-B), on the East boundary of my property (2437 Country Oaks Lane, PBG, 33410) for a proposed 519 sq. ft. addition. My home was built in 1963 and has a 5.24 setback from the East boundary (see attached survey), this hardship is not self-created as the issue is pre-existing.

The proposed addition would be to the front of the home and would involve building straight forward by extending the current East and West walls of my home. The addition would be no closer to the boundary than the current wall".

Staff recommended approval of the variance with two **(2)** conditions.

Mr. Seaman then proceeded by asking Mr. Vallas if he is aware of and accept the development order and the **(2)** two conditions 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 **AVB2008-00859** with **(2)** two conditions, as recommended by the staff report and based on the 7 Criteria.

The next and final item on **Consent Agenda** was read into the record by Aaron Taylor:

Consent Item# 2: AVB2008-00864 Stephen and Domenica Wolfe, owners. The property is located at 16242 Rosecroft Terrace, approximately 0.44 mile S of Linton Blvd. and approximately 0.07 mile E of Florida Turnpike, within the Grand Haven PUD, in the PUD Zoning District (Pet. #2002-001).

The variance request is to allow a proposed generator to encroach into the required side interior setback.

Mr. Seaman asked staff if any letters were received, for or against, the variance request and staff responded by stating that there were none.

Mr. Stephen Wolfe, owner, was present. Mr. Seaman asked the petitioner to state his name for the record and to briefly state his justification for the variance.

WOLFE VARIANCE JUSTIFICATION STATEMENT

"Variance for installation of stand-by generator, As indicated on the updated survey provided hereto, there exists a 10' setback from the let line of the neighboring Lot #116 and the subject property, Lot #117. Zoning requires that a 5' setback must exist between the generator/generator pad and the neighboring lot line, as well as a 3' setback from the residential building located on subject Lot #117 and the generator/generator pad. variance of 0.66' is required from the lot line to the generator pad".

Staff recommended approval of the variance with two (2) conditions.

Mr. Seaman then proceeded by asking Mr. Wolfe he is aware of and accept the development order and the two conditions of approval for this variance, and he said "yes".

Mr. Seaman made a clarification on condition #2, and therefore modified it as follows:

Condition #2- Modified: "Prior to the final certificate of completion, the property owner shall install a landscape hedge of sufficient height to screen the generator from the adjacent property owner's view. The hedge shall be planted between the generator and the property line of the adjacent property owner; and be of a type reviewed and approved by the landscape inspectors".

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 **AVB2008-00864** with (2) two conditions, understanding that the second condition has been modified, as recommended by the staff report and based on the 7 Criteria.

There were no items under **Regular Agenda**. Since staff had no other comments, Mr. Seaman adjourned the meeting at **9:32am**.

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 **July 17, 2008** Variance Public Meeting.

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