

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

Thursday, September 18, 2008
09:00 a.m. - 9:15 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

Aaron Taylor, Site Planner I

Lauren Benjamin, Site Planner I

Tenieshia Young, Temp Secretary

I N D E X

Petition		Page
1	AVB2008-1108	3
2	AVB2008-1305	3&4
3	AVB2008-0714	4

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 09:00 am. 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 Stated that this meeting would not be video taped due to technical difficulties. He stated this would be a very short agenda and proceeded to ask if we had the confirmation that we have the 300 foot notices which Juanita James replied yes, who is our site plan tech.

The first item(s) on the Agenda are **Postponed Items**, which there are two.

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 **first** Postponed item on agenda is as follows and this is the second postponement for this item and will be heard at the October 16, 2008 meeting. This item was postponed due to additional information regarding a technical issue for the site to ensure the site is structurally stable enough for the home to be constructed.

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 second item on the agenda **AVB2008-1305** this is the first request for a 30 day postponement to the October 16, 2008 meeting. This variance is pending resolution regarding a base building line issue.

Postponed Item: AVB2008-1305 Fernando Zabala, agent for Alfred Hoffman, owner to allow a proposed emergency generator to encroach into the required front setback. Loc: 12530 Seminole Beach Road, approximately .17 mile south of Seminole Blvd. on Seminole Beach Road, within the Seminole Club Add In Subdivision, in the RS zoning district.

The final item on the Agenda is a Consent Item. The consent item was read into the record by Alan Seaman.

Consent item 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.

Mr. Seaman asked if Mr. Frogner was present and for the record to identify himself, which Mr. Frogner stated he is the agent for the Beneventos. Mr. Seaman asked him to briefly state his justification for the variance.

Jim Frogner stated the owner had hired a licensed contractor to construct a pool house on the property while he returned north. After the completion of the pool house and upon his return to Florida, the owner received a citation from the Palm Beach County Code Enforcement Division (Violation C-060316003) reporting the accessory structure (pool house) had been constructed without permits and did not meet the Unified Land Development (ULDC) required setbacks. The owner was not aware, until he received the violation notice, that the contractor did not apply or receive the appropriate permits, or that the structure did not meet setbacks. He is now trying to correct the issue by requesting a variance to allow the existing accessory structure (pool house) to encroach 12.1 ft into the required 15 ft side-street setback.

Mr. Seaman then proceeded by asking Mr. Frogner if he is aware of and accept the development order and the (2) two conditions, which also includes the mitigation agreed upon in reference to the 6ft fence and hedge that is to be relocated 2 to 3 feet from the property line, and Mr. Frogner replied "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 **AVB2008-0714** with (2) two conditions, as recommended by the staff report and based on the 7 Criteria. Mr. Seaman stated Mr. Frogner would receive the result letter (by Friday) that will include the Development order and two Conditions.

* * * * *

Meeting Adjourned 9:15 am