

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

Thursday, February 15, 2007  
09:09 a.m. - 09:27 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

F. Alan Seaman, Principal Site Planner  
Annie Helfant, Assistant County Attorney  
C. Larry Roberts, P.E., Senior Registered Engineer  
Joseph Cearley, Site Planner I  
Aaron Taylor, Site Planner I  
Annette Stabilito, Secretary  
Lauren Benjamin, Student Para-professional

I N D E X

<u>Petition</u>		<u>Page</u>
1	AVB2007-1829	4
2	AVB2007-0013	4
3	AVB2007-0020	5
4	AVB2007-0021	5
5	AVB2007-0022	5
6	AVE2007-0048	6
7	AVE2007-0128	6

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 09:09am. Principal Site Planner, F. Alan Seaman, 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, using the Mail Manifest dated January 19, 2007 from US Certified Letters.

Mr. Alan 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 Site 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 the Site Planners, Joseph Cearley and Aaron Taylor, if there were any changes to the Agenda, and there were none.

The first item of the Agenda are **Withdrawn Items** and there was only one Withdrawn item that was read into the record.

**AVB2007-1829** Raymond Murdock and Sharlene Lo Presto, owners. The variance was to allow a proposed accessory dwelling to encroach into the required side interior and rear setbacks. The applicant's request for a withdrawal was because the applicant had worked with staff and had decided to redesign the project so that no variances would be required. Therefore, staff withdrew the application.

The following are the **Postponed Items**, which there were none.

The **first item on Consent** Agenda was called:

Item # **AVB2007-0013** Chris Thomas, petitioner, for Emerald Lakes Development LLC, owner. The property is located at **4406 Emerald Vista**. The property is generally located approximately 1274 ft NW of Melaleuca Avenue and approximately 330 ft W of Davis

Road, within Emerald Lake PUD, in the PUD Zoning District (Petition 1997-090). Speaking on behalf of the applicant was, Kirk Breakey, representing the agent, Greyhawk Development. The variance request is to allow a reduction in the required **front setback** for **Building 1, Lot 1**. Mr. Cearley stated that there were no response letters received. Staff recommended approval with two (2) conditions. The applicant agreed on the conditions and staff approved the variance.

The **second item on Consent** Agenda was called by Project Manger, Mr. Joseph Cearley:

Item # **AVB2007-020**, Chris Thomas, petitioner, for Emerald Lakes Development LLC, owner. The property is located at **4398 Emerald Vista**. The property is generally located approximately 1274 ft NW of Melaleuca Avenue and approximately 330 ft W of Davis Road, within Emerald Lake PUD, in the PUD Zoning District (Petition 1997-090). Speaking on behalf of the applicant was, Kirk Breakey, representing the agent, Greyhawk Development. The variance request is to allow a reduction in the required **side interior** setback **Building 1, Lot 5**. Mr. Cearley stated that there were no response letters received. Staff recommended approval with two (2) conditions. The applicant agreed on the conditions and staff approved the variance.

The **third item on Consent** Agenda was called:

Item # **AVB2007-021**, Chris Thomas, petitioner, for Emerald Lakes Development LLC, owner. The property is located at **4350 Emerald Vista**. The property is generally located approximately 1274 ft NW of Melaleuca Avenue and approximately 330 ft W of Davis Road, within Emerald Lake PUD, in the PUD Zoning District (Petition 1997-090). Speaking on behalf of the applicant was, Kirk Breakey, representing the agent, Greyhawk Development. The variance request is to allow a reduction in the required **side interior** setback **Building 5, Lot 24**. Mr. Cearley stated that there were no response letters received. Staff recommended approval with two (2) conditions. The applicant agreed on the conditions and staff approved the variance.

The **fourth item on Consent** Agenda was called:

Item # **AVB2007-022**, Chris Thomas, petitioner, for Emerald Lakes Development LLC, owner. The property is located at **4188 Emerald Vista**. The property is generally located approximately 1274 ft NW of Melaleuca Avenue and approximately 330 ft W of Davis Road, within Emerald Lake PUD, in the PUD Zoning District (Petition 1997-090). Speaking on behalf of the applicant was, Kirk Breakey, representing the agent, Greyhawk Development. The variance request is to allow a reduction in the required **side interior** setback **Building 20, Lot 113**. Mr. Cearley stated that there were no response letters received. Staff recommended approval with two (2) conditions. The applicant agreed on the conditions and staff approved the variance.

The **fifth item on Consent** Agenda was called by Aaron Taylor, Planner I:

Item # **AVE2007-048**, Akerman Senterfitt, agent, for Jeffrey & Dana Cohen, owners. The property is located at **4619 Brady Boulevard**. The property is generally located approximately 0.50 mile north of W. Atlantic Avenue and approximately 568 feet west of Barwick Road, within the Kingsland Pines Subdivision, in the RS Zoning District (Petition 2005-579).

The agent, Jeffrey Lynne, representing Akerman Senterfitt, was present, on behalf of the owners. The variance request is to allow a 12-month time extension on the Development Order and Condition #1 in order to vest the approved variance BA-2005-1671.

The applicant was asked to state their justification statement of which was stated as follows:

#### SUMMARY OF JUSTIFICATION

"The applicant had difficulty securing a contractor for construction of a small scale. The contractor has now submitted a building permit. The applicant is requesting a time extension to obtain a building permit and to pass first inspection to vest BA 2005-1671".

Staff recommended approval of the time extension with two (2) conditions. The applicant agreed on the conditions. Based on the applicant's justification, staff approved the time extension.

The **sixth and last item on Consent** Agenda was called by Juanita James, Zoning Technician:

Item # **AVE2007-128**, Ellen Smith, agent, for Folke Peterson Center for Animal Welfare, owner. The property is located at **10948 Acme Road** in the AR Zoning District. The variance request is to allow a 12-month time extension on the Development Order and Condition #1 to vest variance BA 2004-1003 which is to reduce the required frontage for an agricultural zoned property. On behalf of the owner, the agent, Ellen Smith, was not present.

The applicant was properly notified before and at the very morning of the meeting. Mr. Seaman decided to proceed with the meeting, believing that the applicant was probably caught in traffic. Mr. Seaman, then asked Mr. Aaron Taylor, Planner I, to read into the record the applicant's justification statement of which was stated as follows:

#### SUMMARY OF JUSTIFICATION

"The applicant received final Board of County Commissioners approval in February of 2006, which was over a year from the approval of the variance. The applicant is now in the Development Review process. The reasons for these delays are because this application is being reviewed simultaneously with the Martingale Meadows PUD project. Therefore, the applicant is requesting a time extension due to vest BA 2004-1003".

Staff recommended approval of the time extension with two (2) conditions. The applicant did not arrive on time for staff's decision. However, Staff decided to approved the applicant's request for the time extension, based on the applicant's justification statement.

There were no other items on Consent and no items under **REGULAR** Agenda. Therefore, the meeting was adjourned at 09:27am.

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 at their February 15, 2007 Variance Public Meeting.

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