

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

Thursday, May 15, 2008
09:05 a.m. - 9:22 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

Annie Helfant, Assistant County Attorney

Alan Seaman, Principal Site Planner

Aaron Taylor, Site Planner I

Lauren Benjamin, 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 09:05 am. Alan Seaman, Principal Site Planner, opened the meeting. He began the meeting asking staff 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. Staff confirmed that the 300 ft notices were sent out according to Unified Land Development Code (ULDC) requirements.

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 to the Agenda, and there were none.

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

AVB2008-00367 James and Sharon Gawlowski, owners. The property is located at 4615 Palo Verde Dr., approx. 0.47 mile N of Old Boynton and approx. 0.38 mile E of Military Trail, in the RS Zoning District (PET: 77-061).

The variance request is to allow an existing structure to encroach into the required rear setback.

Mr. Seaman asked Miss Benjamin if staff received any letters and she stated that there were (2) two letters, (1) one letter in favor and (1) one in opposition. Mr. Seaman asked her if the letter that was received in opposition would affect in any way the variance request and Miss Benjamin said: "No". That it did not pertain to the site specifically.

The owners, Sharon and James Gawlowski, were present.

Mr. Seaman requested that the applicant come up to the podium and state their names and justification statement for the record.

Mr. & Mrs. Gawlowski stated their justification for their variance as follows:

GAWLOWSKI VARIANCE JUSTIFICATION STATEMENT

"We bought a property that was originally built in 1978. It has an existing structure. All we are simply doing is upgrading it to hurricane protection to meet today's codes. We are taking out single pane glass and wishing to replace it with hurricane impact glass".

Mr. Seaman asked them if "its glass for glass and not screening?" and Mr. Gawlowski responded by stating the following: "its screening-out slider glass, like slider windows with glass...with screen". They are very antiquated, outdated, large, very thick acrylic windows with a screen backing".

Mr. Seaman asked: "So, its always solid?" "Yes", replied Mrs. Gawlowski. "The roof is the existing roof and the slab is the existing slab. We are not altering it changing it adding to enlarging it, in any way shape or form".

Mr. Gawlowski interjected by stating the following: "All we want to do is take the old stuff that is not hurricane safe, which is the aluminum frame with the windows and screening and put in the hurricane safe window to protect the house. That is all we want to do".

Mrs. Gawlowski then added: "Also to protect other people in the community cause it was very unstable with the acrylic and the screen so it was so old and decrepit".

Staff recommended approval of the variance with three (3) conditions. Mr. Seaman brought up the fact that there was some confusion about whether this application is part of an HOA or not part of an HOA. Therefore, condition #3, page 5, was read into the record so that the applicant has a better understanding of this condition.

For the record, Mr. Seaman stated the following: "because it does have some bearings on you folks and normally when someone is requesting a variance and they are part of or not part of a Home Owners Association, we request a letter, not that the code requires it, but we request a letter from the Association that they are aware of what you are doing and that it should meet their requirements whether it be a certain distance or whether or not you can have a shed, or not a shed, and with there letter it either tells us that they are for it, or that they are against it, because you don't meet their restrictive criteria. In this case, it is not clear to staff whether you are part of an HOA or you are not, but because we don't require you, and the ULDC does not require you to give us a letter from the HOA we are simply adding a condition that it pretty much states that you are risk here at this variance approval and that in some point down the road, the group that is working this one way or another decides that you or you aren't that is 'at risk' issue. So it only has impact in what we're approving here as a variance".

Staff then proceeded by asking them if they are aware of and accept the development order and the (3) three conditions for their variance, and they said "Yes", that they have read and understand them.

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 **AVB2008-00367** with (3) three 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 Project Manager, Aaron Taylor:

AVB2008-00368 Mark Lewis, agent, for William and Marion Holder, owners. The property is located at 1333 Wedgeworth Road approximately .46 mile South of East Canal Street North and approximately .4 mile west of Duda Road in the AR Zoning District.

The variance is to allow a proposed addition to encroach into the required front setback.

Mr. Seaman asked staff if there were any letters, for or against, the petition, and staff responded that there were none.

The agent, Mr. Mark Lewis from Mark Lewis Construction, was present, in representation of the owners.

Mr. Seaman requested that the agent come up to the podium and state his name and his client's justification for the statement for the record.

Mr. Lewis gave his client's justification statement for the variance as follows:

HOLDER VARIANCE JUSTIFICATION STATEMENT

"The request for the variance is that the setback on the non-conforming lot are at 100 feet. Under your current codes, this residence was built back in 1950 and it sits back a little bit more than approximately 46 feet from the setback. This is an elderly couple that wish to add a living room and a garage and to improve their quality of life. They are elderly and they have a lot medical issues. Under the current zoning, they would not even be allowed to have this addition. This addition would not actually be attached to the house if we followed the 100 ft setback versus the 46 ft, the setback that it has now".

Mr. Seaman asked the Project Manager, Mr. Aaron Taylor, to give some background information as to why staff is supporting this variance.

Mr. Taylor stated the following: "The house was built back in 1950, which actually, predated any ULDC requirements for setbacks so the house is somewhat vested for the setback that it is in. All the lots in the immediate neighborhood are actually all non-conforming including the subject lot and since it was built at 46ft to add an addition, no matter how we relocate it or redesign the option for the addition, it would encroach into the setback because the original home was built prior to our code. Therefore, staff recommends approval and we feel that they have met the 7 criteria".

Staff recommended approval of the variance with two (2) conditions. Mr. Seaman asked Mr. Lewis if he is aware of and accept the development order and the two conditions of approval, and he said "yes", but needed more clarification on condition #2.

Mr. Taylor explained to Mr. Lewis that there were some issues with the Survey Department, some comments that needed to be resolved, which he was given a prescribed time of **June 13** to resolve these comments, or else he would lose the variance.

Mr. Lewis made it clear to staff that he understood this.

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 **AVB2008-00368** with (2) two conditions, as recommended by the staff report and based on the 7 Criteria.

Since there were no items under **Regular Agenda**, and staff had no other comments, Mr. Seaman adjourned the meeting at 9:22am.

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 **May 15, 2008** Variance Public Meeting.

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