

RESOLUTION NO. ZR-2008-046

RESOLUTION APPROVING ZONING APPLICATION ZV2008-807
CONTROL NO. 1984-130
TYPE II VARIANCE (STAND ALONE)
APPLICATION OF VISTA BUSINESS PARK INC - STEVE MCCRANEY
BY VISTA BUSINESS PARK, AGENT
(VISTA CENTER LOT 19)

WHEREAS, the Palm Beach County Zoning Commission, pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny a Type II Variance; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Zoning Application ZV-2008-00807 was presented to the Zoning Commission at a public hearing conducted on July 3, 2008; and

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the applicant and other interested parties, and the recommendations of the various county review agencies; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Palm Beach County Unified Land Development Code and other provisions requiring that development commence in a timely manner; and

WHEREAS, the Zoning Commission has considered the findings in the staff report and the following findings of fact:

1. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same Zoning District;
2. Special circumstances and conditions do not result from the actions of the applicant and the approval of this variance will not grant any special privilege to the applicant;
3. Granting the variance does not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district;
4. Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship;
5. This variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure;
6. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code; and,
7. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

WHEREAS, Article 2.A.1.K.3.a (Action by ZC) of the Palm Beach County Unified Land Development Code requires that the action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV-2008-807, the application of Vista Business Park, Inc. - Steve McCraney, by Vista Business Park, Agent, for a Type II Variance to allow an increase in building coverage for Lot 19 on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on July 3, 2008, subject to the conditions of approval described in EXHIBIT C, and variance request described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Kaplan moved for the approval of the Resolution.

The motion was seconded by Commissioner Anderson and, upon being put to a vote, the vote was as follows:

Frank A. Barbieri, Jr., Chair	Aye
William Anderson, Vice Chair	Aye
Allan Kaplan	Aye
Sherry Hyman	Aye
Al Zucaro	Aye
Joanne Davis	Aye
Alex Brumfield III	Aye

The Chair thereupon declared the resolution was duly passed and adopted on July 3, 2008.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION:
VISTA CENTER, LOT 19

PARCEL 19, VISTA CENTER OF PALM BEACH PLAT 1, ACCORDING TO THE
PLAT THEREOF, AS RECORDED IN PLAT BOOK 61, PAGE 121, PUBLIC
RECORDS OF PALM BEACH COUNTY, FLORIDA.