

RESOLUTION NO R-84-361

RESOLUTION DENYING ZONING PETITION 83-130, Special Exception

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125 Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the notice and hearing requirements as provided for by Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied; and

WHEREAS, Petition No. 83-130 was presented to the Board of County Commissioners of Palm Beach County at its public hearing conducted on 1st December 1983; and

WHEREAS, the Board of County Commissioners, has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact.

1. The proposed use is consistent with the minimum requirements of the Comprehensive Plan.
2. Both the site and existing building are too small to meet all property development regulations for a day care center. Many variances would be required to convert this premises to a day care center.
3. Due to the small lot sizes of this neighborhood, the proposed use would likely have a negative impact in terms of noise upon adjoining properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, assembled in regular session this 1st day December 1983, that Petition No. 83-130 the petition of CHARLES D. AND JANICE T. SMITH, JR. for a SPECIAL EXCEPTION TO ALLOW A CHILD DAY CARE CENTER on Lot 43 Royal Pines, in Section 1 Township 44 South Range 42 East, as recorded in Plat Book 17, Page 79 said property located on the north side of Scurry Lane, approximately 487 feet east of Hovey Hill Road in Residential Multiple Family District (Medium Density) was denied as set out.

Commissioner Wilken , moved for denial  
of the petition. The motion was seconded by Commissioner Koehler ,  
and upon being put to a vote, the vote was  
as follows

Peggy E. Evatt, Chairman	--	AYE
<del>Ken Spillias, Vice-Chairman</del>	---	<del>ABSENT</del>
Dennis P. Koehler, Member	--	AYE
Dorothy Wilken, Member	--	AYE
Bill Bailey, Member	--	ABSENT

The foregoing resolution was declared duly passed and  
adopted this 13th day of March, 1984 , confirming action of  
1st December 1983.

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

JOHN B. DUNKLE, CLERK

By: *Lisa Ciopp*  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

FILED THIS

13<sup>th</sup> DAY OF

March 1984

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*John Gallett*  
County Attorney

JOHN B. DUNKLE

BY *Bruce Meier* ) C

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