

RESOLUTION NO. R-97- 5

RESOLUTION DENYING ZONING PETITION EAC80-214(B)
PETITION OF HAR-RIS BOCA GROVE, LTD and
ISLAND IN THE GROVE HOMEOWNERS ASSOCIATION INC.

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 in Article 5 of the Palm Beach County Unified Land Development Code, have been satisfied; and

WHEREAS, Petition 80-214(B) was presented to the Board of County Commissioners at a public hearing conducted on December 2, 1996; and

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

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

1. This request is not compatible and generally inconsistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development and will adversely impact adjacent lots.
2. This request is not consistent with the present and future development of this area.
3. This request will not result in a logical, timely and orderly development pattern as it creates inconsistent development conditions on adjacent lots.
4. Petitioner has not demonstrated any changed conditions which would justify the need for the change, as the contract purchaser for the lot originally requesting the change no longer has an interest in the property.
5. Existing, adjacent property owners relied on the representations of the petitioner when they purchased their homes.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition EAC80-214(B), the petition of HAR-RIS Boca Grove, LTD and Island in the Grove Homeowners Association, by Alan Ciklin, agent, for a Development Order Amendment to Delete Condition 6 of Resolution R-87-893 in the Planned Development Zoning District, 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 denied on December 2, 1996.

Commissioner Newell moved for approval of the Resolution.

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

Burt Aaronson, Chair	--	Aye
Maude Ford Lee, Vice Chair	--	Absent
Ken Foster	--	Absent
Karen T. Marcus	--	Aye
<i>Mary</i> McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Absent

The Chair ~~thereupon declared the resolution was~~ duly passed and adopted January 6, 1997.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: *Richard Cotton*
COUNTY ATTORNEY

BY: *Joan Hawley*
DEPUTY CLERK



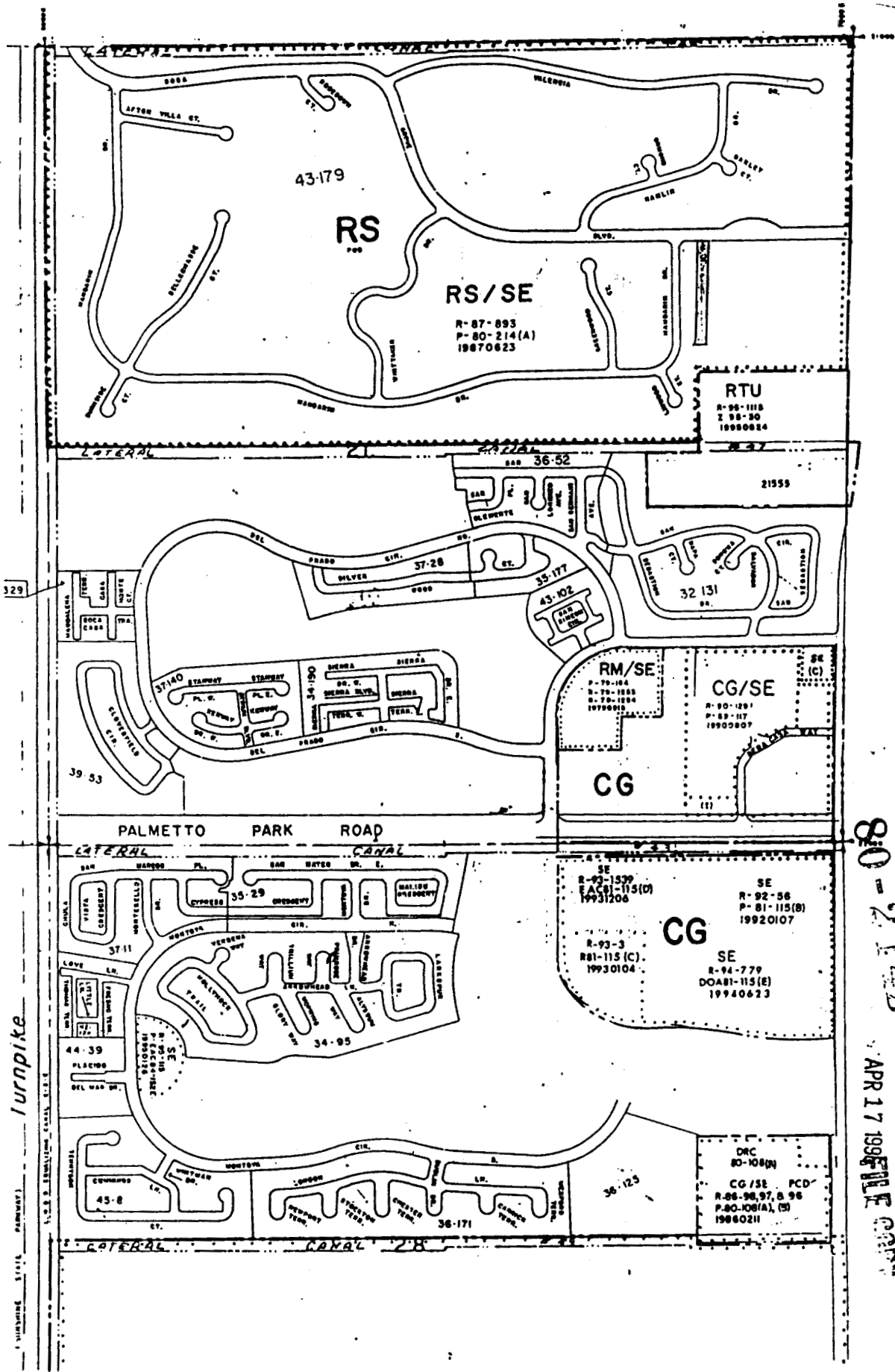
EXHIBIT A
LEGAL DESCRIPTION

EXHIBIT "A"
LEGAL DESCRIPTION OF *AFFECTED* AREA

The Westerly 25 feet of Tract F, Lots 6, 7, 10, 11 and 12, ISLAND IN THE GROVE, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 60, pages 178 and 179, said lands situate, lying and being in Palm Beach County, Florida.

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



80-214B
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Petition Number: 80-214(B)
 Zoning Quad Page _____
 Date: 7/16/96

