

RESOLUTION NO. ZR-2025-006

RESOLUTION APPROVING ZONING APPLICATION SV/ZV/PDD-2024-01422
(CONTROL NO. 2021-00127)
TYPE II VARIANCE (*CONCURRENT*)
APPLICATION OF Karen and Roger Fina
BY JMorton Planning & Landscape Architecture, AGENT
(WEST ATLANTIC RV RESORT)

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

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application SV/ZV/PDD-2024-01422 was presented to the Zoning Commission at a public hearing conducted on May 1, 2025;

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;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance ;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, shall only become effective upon the adoption and effective date of an Ordinance approving Planning Application LGA-2024-00011 and Resolution approving Zoning Application SV/ZV/PDD-2024-01422 by the Board of County Commissioners;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application SV/ZV/PDD-2024-01422, the Application of Karen and Roger Fina, by JMorton Planning & Landscape Architecture, Agent, for a Type 2 Variance to eliminate a portion of the right-of-way buffer on 10.11 acres, on a parcel of land generally described as shown on the legal description 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 May 1, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and Variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Vinikoor moved for the approval of the Resolution.

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

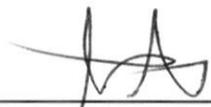
James Williams, Chair	- Aye
Cheri Pavlik, Vice-Chair	- Aye
Christopher Kammerer	- Aye
Claudia Mendoza	- Aye
Sam Caliendo	- Absent
Lori Vinikoor	- Aye
Ali Thomas	- Aye
Angella Vann	- Aye
Susan Kennedy	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on May 1, 2025.

This resolution was filed with the Palm Beach County Zoning Division on May 1, 2025.

This resolution shall only become effective upon the adoption and effective date of an Ordinance approving Planning Application LGA-2024-00011 and Resolution approving Zoning Application SV/ZV/PDD-2024-01422 by the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY: 
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

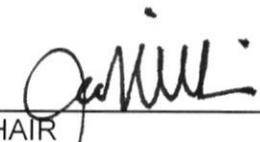
BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID SECTION 13, RUN THENCE N89°08'33"E ALONG THE SOUTH LINE OF SAID SECTION 13 A DISTANCE OF 992.68 FEET; THENCE N00°51'27"W A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; RUN THENCE N45°36'59"W A DISTANCE OF 35.50 FEET; THENCE N00°22'29"W A DISTANCE OF 282.33 FEET; THENCE N89°37'30"E, A DISTANCE OF 1461.99 FEET; THENCE S00°22'30"E A DISTANCE OF 295.23 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF DELRAY WEST ROAD S89°08'33"W A DISTANCE OF 1436.83 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 440,306 SQUARE FEET 10.108 ACRES, MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

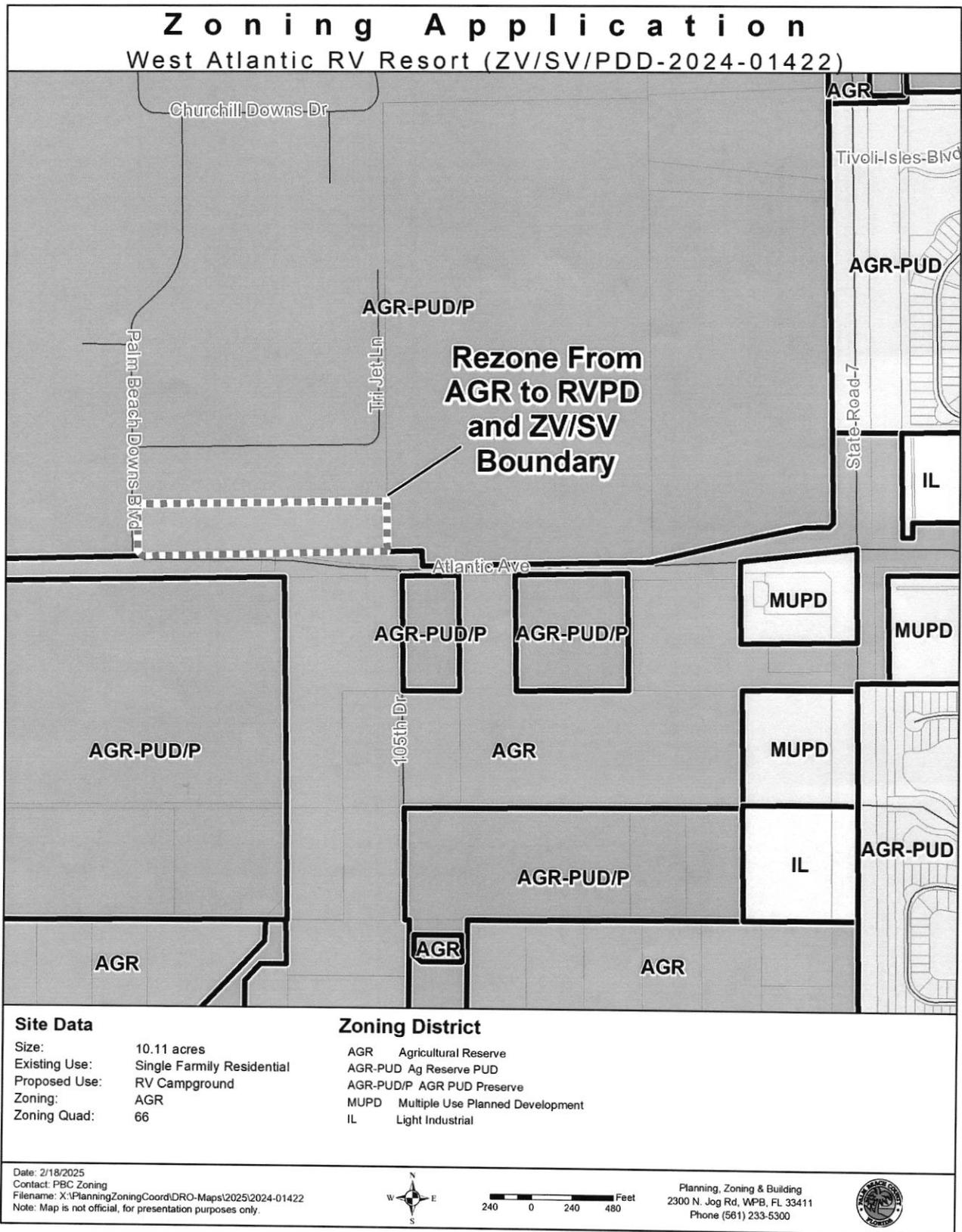


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

ALL PETITIONS

1. The Variance is approved based on the layout as shown on the Preliminary Master Plan and Site Plan dated March 13, 2025. Modifications to the Development Order for the Type 2 Variance which is inconsistent with the Conditions of Approval or further reductions in the right of way buffer, must be approved by the Zoning Commission. (ONGOING: ZONING - Zoning)

VARIANCE

1. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (ONGOING: ZONING - Zoning)

2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (ONGOING: ZONING - Zoning)

3. The Development Order for this Concurrent Variance shall be tied to the Time Limitations of the Development Order for SV/ZV/PDD-2024-01422. (ONGOING: ZONING - Zoning)

LANDSCAPING

1. At time of submittal for the final approval by the Development Review Officer, the Applicant shall submit an Alternative Landscape Plan. (DRO: ZONING – Zoning)

2. Prior to final approval by the Development Review, the Alternative Landscape Plan (ALP) shall indicate the required trees, palms/pines, shrubs and ground cover relocated within the proposed development, in addition to the other required plant material for Article 7. Installation of the plant material at time of building permit shall be consistent with the ALP. (DRO/BLDGPM: ZONING – Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Zoning Commission for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

EXHIBIT D

REQUEST

TYPE II VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
7.C.2.A.3 Width of Right-of- Way (ROW) Buffer	20' Right of Way Buffer	0' Right of Way Buffer (~60 ft. on the west side of the entrance and ~200 ft. on the east side of the entrance from West Atlantic Avenue (260 ft.)) (11 trees, 9 palms/pines, 260 ft ground cover, 130 small shrubs, 65 medium shrubs and 65 large shrubs)	Reduction of 20 ft. Right of Way buffer for a portion of the south property line (0 ft) (approx. 260 ft.) With the required landscaping relocated (11 trees, 9 palms/pines, 260 ft ground cover, 130 small shrubs, 65 medium shrubs and 65 large shrubs)

SITUS ADDRESS:	10321 Atlantic Ave Delray Beach 33446	
OWNER NAME & ADDRESS:	Roger Fina 10321 Atlantic Ave Delray Beach, FL 33446-9753	
PCN:	00-41-46-13-00-000-7010	
ZONING DISTRICT:	AGR	
BCC DISTRICT:	5	
LAND USE:	AGR	S/T/R: 13-46-41
CONTROL #:	2021-00127	
LOT AREA:	10.11 acres +/-	
REQUEST:	to eliminate a portion of the right-of-way buffer on 10.11 acres	