

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



**ADMINISTRATIVE VARIANCE – TYPE I B - STAFF PUBLIC MEETING
STAFF REPORT
7/19/2007**

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
AVB-2007- 00797	5.B.1.A.18 Permanent Generators & Switch Station	20 ft	10.69 ft	9.31 ft
SITUS ADDRESS:	6970 Okeechobee Blvd West Palm Beach 33341			
AGENT NAME & ADDRESS:	Manuel Payan 6970 Okeechobee Blvd. West Palm Beach, FL 33341			
OWNER NAME & ADDRESS:	Okeechobee Petroleum (Chevron) Po Box 9327 Coral Springs FL 33075			
PCN:	00-42-43-28-01-002-0020			
ZONING DISTRICT:	CG/SE			
BCC DISTRICT:	02			
PROJECT MANAGER:	Aaron Taylor, Site Planner I			
LEGAL AD:	Manuel Payan, agent, for Okeechobee Petroleum, LLC, owner, to allow a generator to encroach into the required rear setback. LOC: 6970 Okeechobee Boulevard, approx. .028 miles South of Okeechobee Blvd. and approx. 021 miles East of Skees Rd. in the CG/SE Zoning District (PET: 1982-138).			
LAND USE:	CH	S/T/R: 28-43-42		
PETITION #:	1982-00138			
LOT AREA:	0.92			
LOT DIMENSIONS:	Approx. 199.83 feet X 199.83 feet			
CONFORMITY OF LOT:	Non-conforming			
CONFORMITY OF ELEMENT:	Non-conforming			
TYPE OF ELEMENT:	Generator & Switch Station			
ELEMENT SIZE:	11ft long, 3'3" Wide, 8'4" high			
BUILDING PERMIT #:	06-065334			
NOTICE OF VIOLATION:	None			
CONSTRUCTION STATUS:	Existing and Proposed			
APPLICANT REQUEST:	To allow a generator to encroach in the required rear setback			

STAFF SUMMARY



The subject property is located at 6970 Okeechobee Blvd., approximately .028 miles South of Okeechobee and approximately .021 miles East of Skees Rd. The property is located in the CG/SE zoning district, with a Future Land Use of "CH". The applicant is seeking a variance to allow an existing generator to encroach 9.31ft into the required 20ft rear setback. The existing generator is setback 10.69ft from the South property line. The requested variance will promote public welfare by continued provisions of services in time(s) of hurricane or other power outages. Thus, the request is compatible with the intent purpose & intent of the ULDC. The adjacent property is zoned IG (General Industrial). The non-conformity will not be disruptive to the surrounding uses. As per Code, the generator is required to be screened completely from view on all sides (From finished grade to the highest point).

AERIAL



SOUTH VIEW 1

MAP OF BOUNDARY SURVEY

LEGAL DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF PARCEL "B", ACCORDING TO THE PLAT OF SUBDIVISION OF TRACT 23 OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 27, PAGE 77, IN AND FOR THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL "B", A DISTANCE OF 199.83 FEET TO A POINT;

THENCE SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID PARCEL "B", A DISTANCE OF 199.83 FEET TO A POINT;

THENCE WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID PARCEL "B", A DISTANCE OF 199.83 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL "B";

THENCE NORTHERLY, ALONG THE WEST LINE OF SAID PARCEL "B", A DISTANCE OF 199.83 FEET TO THE POINT OF BEGINNING.

ALL LYING AND BEING IN SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

PROPERTY ADDRESS :

19983 WEST PALM BEACH, FLORIDA

CERTIFICATIONS

- GENERAL NOTES
1. LEGAL DESCRIPTION FURNISHED BY CLIENT. NO SEARCH OF PUBLIC RECORDS WERE MADE BY THIS OFFICE.
 2. ANY ELEVATIONS SHOWN HEREON ARE PER NGVD (NATIONAL GEODETIC VERTICAL DATUM).
 3. NO EXCAVATIONS WERE PERFORMED AS TO DETERMINE UNDERGROUND ENCROACHMENTS.
 4. DISTANCES AND ANGLES ARE FIELD MEASURED AND UNADJUSTED.
 5. THIS SURVEY WAS PREPARED FOR CONVEYANCE, TITLE AND MORTGAGE FINANCING PURPOSES. IT IS NOT INTENDED FOR CONSTRUCTION USE. PERMITTING FOR ADDITIONAL SURVEY INFORMATION CAN BE OBTAINED FROM THIS OFFICE.
 6. IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS AND DIMENSIONS. DIMENSIONS SHOWN SHALL CONTROL. THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.
 7. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY OTHER THAN THE SURVEYOR SHALL BE AT THE SURVEYOR'S DISCRETION WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. (CHAPTER 61G17-6.003 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES)

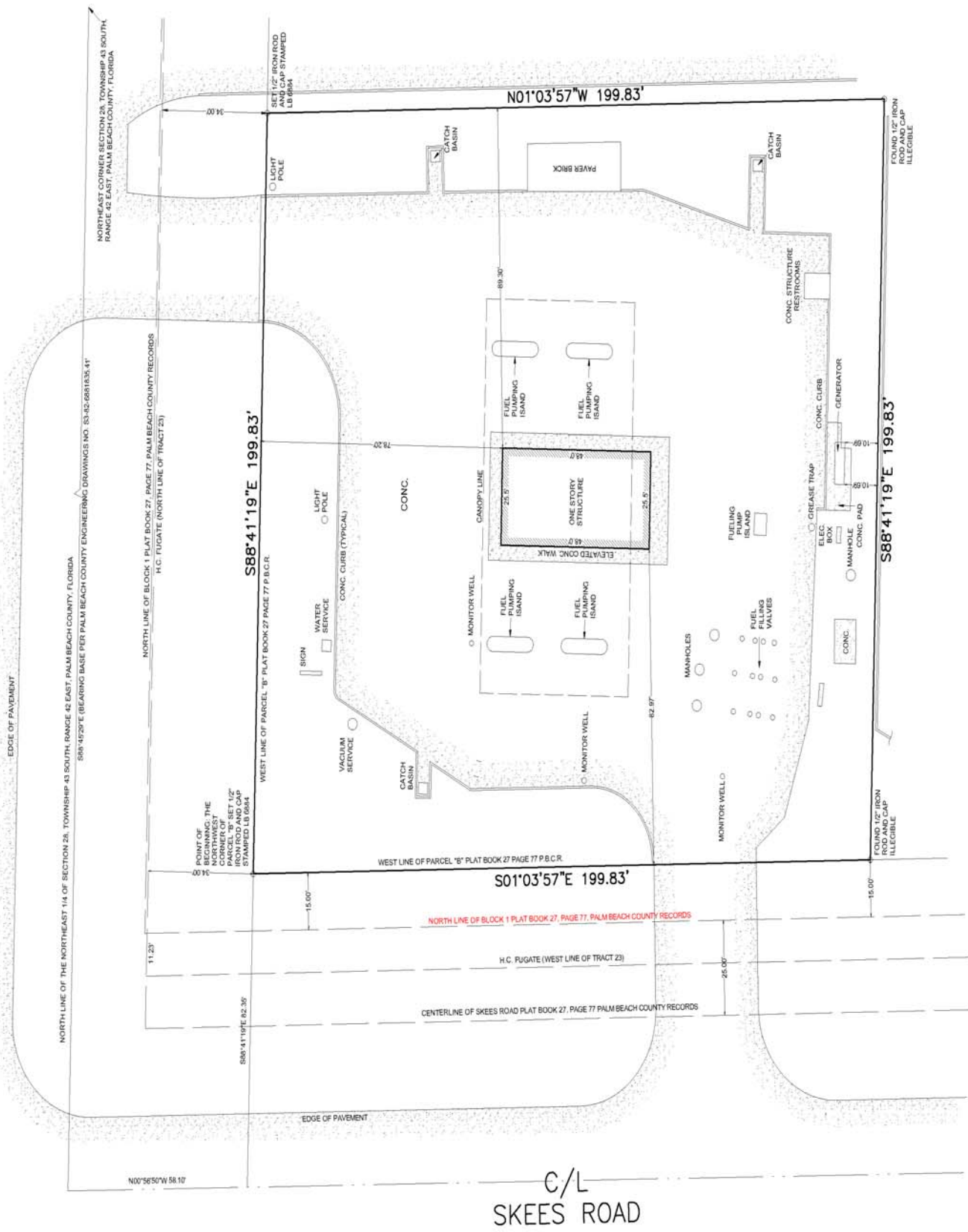
DATE:	DESCRIPTION:
05-30-2007	FIELD LOCATION OF IMPROVEMENTS

GT SURVEYING SERVICES, INC.
 198 OLD OKEECHOBEE ROAD
 SUITE NO. 501
 WEST PALM BEACH, FLORIDA 33409
 OFFICE: 561-868-0653
 FAX: 561-868-0654
 E-MAIL: gtsurvey@gtssur.com

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN PREPARED BY THE OFFICE SHOWN HEREON AND THAT I AM THE SURVEYOR OF RESPONSIBLE CHARGE FOR NONE OTHER THAN SAID OFFICE. ADDITIONALLY THIS SURVEY MEETS AND/OR EXCEEDS ALL REQUIREMENTS OF THE FLORIDA SURVEYING ACT AND CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

SIGNED:
 GINO FURLANO SURVEYOR AND MAPPER
 19983 WEST PALM BEACH, FLORIDA
 FLORIDA CERTIFICATE OF AUTHORIZATION NO. 6028
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER NAMED ABOVE

OKEECHOBEE ROAD
 EASTBOUND



SCALE: 1"=20'

C/L
 SKEES ROAD

STAFF RECOMMENDATIONS

Approved with Conditions, based upon the following application of the standards enumerated in Article 2, Section 2.D.3 of the Palm Beach County Unified Land Development Code (ULDC), which a petitioner must meet before the Administrative Variance Public Meeting Staff may authorize a variance.

ANALYSIS OF ARTICLE 2, SECTION 2.D.3.G.2 VARIANCE STANDARDS

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:

Yes. Special circumstances and conditions exist that are peculiar to the parcel of land and building. The variance request is for the an existitng generator & switch station that encroach into the required rear setback. The visual impact of the non-conformity is minimized by the adjacent parcel of land, which is zoned IG (General Industrial). Applicant will provide fence enclosure to completely screen the generator from view.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

Yes. Special circumstance & conditions do not result from the actions of the applicant. The applicant hired a contractor to install in- ground tanks, generator & switch station. Applicant was under the assumption that the contractor submitted & received proper permits for the generator & switch station. Once the applicant discovered the contractor did not submit for the proper permits, and attempted to address the issues with the contractor; the contractor abandoned the project. Applicant immediately attempted to resolve the issue. Applicant cannot receive a building permit without relocating the existing generator & switch station, or receiving a variance approval.

3. GRANTING THE VARIANCE SHALL 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:

Yes. Granting the variance shall not confer upon the applicant any special privileges. There are other commercial properties in the surrounding area that also have generators. The approval of the variance would promote safety & public welfare by providing continued service in time(s) of hurricane or major power outages. Thus, the requested variance is compatible with the provisions and/ or intent of the ULDC and the Comprehensive Plan. Similar to all other commercial properties with generators, the subject property is required to completely screen the generator from view.

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:

Yes. Literal interpretation & enforcement of the terms and provisions of this Code would deprive the applicant of the rights commonly enjoyed by other parcels of land in the same zoning district. The adjacent property is zoned IG (General Industrial) with a concrete pipe company on the parcel. Thus, the visual impact of the enclosed generator & switch station is not injurious to the surrounding area. The approval of the variance would promote public welfare by providing continued service in time(s) of hurricane or major power outages.

5. GRANT OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

Yes. Grant of the variance is the minimum variance that will make possible the reasonable use of the parcel of land, and the request complies with the character of the surrounding commercial/ industrial use.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

Yes. Granting the variance will be consistent with the purposes, goals, objectives & policies of the Comprehensive Plan. The approval of the variance would promote public welfare by providing continued service in time(s) of hurricane or major power outages. Thus, is consistent with the objectives & intent of the Comprehensive Plan and the ULDC. The generator's current location does not obstruct vehicular circulation, and screening the generator completely from view will minimize the visual impact.



EAST VIEW

7. THE GRANT OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

Yes. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The generator & switch station is located at the South property line at the rear portion of the parcel. Upon approval of the variance the applicant is required to enclose the generator & switch station with a fence. Thus, the non-conformity has minimal visual impact to the adjacent concrete pipe co., zoned (IG) General Industrial.



SOUTH VIEW



WEST VIEW

AGENCY COMMENTS

None

ZONING COMMENTS

Result Letter **AVB-2007-797** must be provided to the Building Division at time of permit application.

DEVELOPMENT ORDER

The development order for this particular variance shall lapse on **7/21/2008**, one year from the approval date.
(MONITORING: Zoning)

ADMINISTRATIVE VARIANCE – TYPE I B – STAFF PUBLIC MEETING CONDITIONS

1. Prior to the Development Order expiration **07/21/2008**, the project shall have received and passed the first building inspection. (MONITORING-ZONING)
2. Prior to issuance of the Certificate of Completion, the generator and switch station shall be enclosed within a gated solid fence enclosure. The solid fence enclosure shall be at a height to completely screen both the generator and switch station from view from all four sides.