

**AGENDA
TOWN OF LAKE CLARKE SHORES
PUBLIC HEARING
FEBRUARY 14, 2017
6:30 PM**

**TENTATIVE
SUBJECT TO
REVISION**

I. A) CALL TO ORDER, ROLL CALL

**Robert M. W. Shalhoub, Mayor
Thomas C. Mayes, Jr., Vice Mayor
Valentin Rodriguez, Jr., President Pro Tem
Malcolm K. Lewis, Council Member
Gregory Freebold, Council Member**

**Daniel Clark, Town Administrator
Mary Pinkerman, Town Clerk
Wes Smith, Chief of Police
Charles Schoech, Town Attorney**

II. PUBLIC HEARING PRESENTATIONS

- A) Presentation by Town of request and recommendation of the ZBA**
- B) Presentation by Applicant – Ryan Heier, 8324 Pine Tree Lane**
- C) Presentation by members of the public (3 minute limit)**
- D) Rebuttal by Applicant if necessary**

III. COUNCIL COMMENTS

IV. COUNCIL CONCLUSION (FINDING OF FACTS AND CONCLUSION OF LAW)

V. ADJOURNMENT

Notice: If an individual decides to appeal any decision made by the Town Council with respect to this meeting, he/she will need a record of the proceedings and for this purpose, he/she needs to ensure that a verbatim record of the proceedings is made (F.S. 286.0105). The Town of Lake Clarke Shores does not prepare or provide such verbatim record. Pursuant to the provisions of the Americans with Disabilities Act (ADA), any person requiring special accommodations to participate in this meeting, please advise the Town at least two (2) calendar days before the meeting by contacting the Town Clerk at (561) 964-1515, Ext. 10.

ZONING BOARD OF ADJUSTMENT
TOWN OF LAKE CLARKE SHORES
1701 BARBADOS ROAD
LAKE CLARKE SHORES, FLORIDA 33406

Ryan Heier

ZBA Case No. 2017-01

Applicants

GENERAL

The Zoning Board of Adjustment, having conducted a duly advertised public hearing on January 12, 2017 at 6:30 p.m., at Lake Clarke Shores Town Hall, and having considered the testimony and other evidence presented during the course of said hearing, hereby makes the following findings of facts and conclusions of law:

The Applicant, Ryan Heier filed a request for a variance for property located at 8324 Pine Tree Lane, Lake Clarke Shores, Florida 33406 (subject property), more particularly described as follows:

Lot 32, of Lake Clarke Heights, according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, as recorded in Plat Book 25, Page 202.

The Applicant sought relief from Section 86-216 (a) (2) of the Town Code of Ordinances, to construct an addition having side setback of 4.0' from the property line with relief from the required 15.0' setback.

FINDINGS OF FACT

The Zoning Board of Adjustment found that granting the 11 foot variance did not meet the requirements of Section 86-62 (a) (2) of the Town Code of Ordinances, in that it was greater than what was needed by the Applicant to reasonably use his land and construct the addition. The Zoning Board of Adjustment found that granting a 7.5 foot variance did meet the requirements of Section 86-62 of the Town Code of Ordinances specifically:

- a. Special conditions and circumstances exist which are peculiar to the land involved.
- b. Literal enforcement of the provisions of the Zoning Code would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district.
- c. Special conditions and circumstances do not result from the action of the Applicant.
- d. Granting the variance will not confer on the Applicant any special privileges that are denied to other lands in the same zoning district.

ORDER

The Zoning Board of Adjustments of the Town of Lake Clarke Shores has heard the variance request from Ryan Heier, 8324 Pine Tree Lane, and recommends that the Town Council of the Town of Lake Clarke Shores grant the variance subject to the following conditions:

- Side setback adjusted from 4 feet to 7.5 feet
- 6 foot fence required along north side of addition
- No side entrance on addition
- Addition must have a hip roof
- No kitchen
- Must be kept as single family residence – cannot be used as separate apartment

TOWN OF LAKE CLARKE SHORES
ZONING BOARD OF ADJUSTMENT

By 
Chairperson

ATTEST:


Town Clerk