



Incorporated 1925

RESOLUTION

155-2015

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3
4 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
5 BOCA RATON CONSIDERING THE APPEAL OF NATURAL
6 LANDS, LLC OF THE DECISION OF THE ZONING BOARD OF
7 ADJUSTMENT WHICH DENIED THE REQUEST FOR
8 VARIANCES TO ALLOW A SINGLE-FAMILY DWELLING ON AN
9 88.5 FOOT WIDE LOT IN LIEU OF THE MINIMUM LOT WIDTH
10 OF 100 FEET AND ALLOW A FRONT YARD SETBACK OF 14.7
11 FEET IN LIEU OF THE MINIMUM REQUIREMENT OF 25 FEET
12 FOR A RESIDENTIALLY ZONED PROPERTY LOCATED AT
13 2500 N OCEAN BOULEVARD; PROVIDING FOR
14 SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING
15 AN EFFECTIVE DATE (BA-15-03/15-87500003)
16

17 WHEREAS, on August 23, 2015, the Zoning Board of Adjustment ("ZBOA") denied the
18 request for variances by Natural Lands, LLC, to allow a single family dwelling on an 88.5 foot wide
19 lot in lieu of the minimum lot width of 100 feet and allow a front yard setback of 14.7 feet in lieu of
20 the minimum requirement of 25 feet for a residentially zoned property at 2500 North Ocean
21 Boulevard; and

1
2 WHEREAS, an appeal was filed by Natural Lands, LLC and heard pursuant to Section
3 28-131(7), Code of Ordinances; and

4 WHEREAS, on September 22, 2015, the Boca Raton City Council heard the appeal of
5 Natural Lands, LLC from the decision of the ZBOA denying the requested variances; and

6 WHEREAS, at the conclusion of the hearing, the Boca Raton City Council made the
7 determination to remand the decision back to the ZBOA for further consideration; and

8 WHEREAS, on November 12, 2015, Natural Lands, LLC presented the request for two
9 variances to the ZBOA for further consideration; and

10 WHEREAS, at the conclusion of the hearing, the ZBOA denied the request for the two
11 variances to allow a single family dwelling on an 88.5 foot wide lot in lieu of the minimum lot width
12 of 100 feet and allow a front yard setback of 14.7 feet in lieu of the minimum requirement of 25
13 feet; and

14 WHEREAS, an appeal was filed by Natural Lands, LLC pursuant to Section 28-131(7),
15 Code of Ordinances; and

16 WHEREAS, on December 8, 2015, Natural Lands, LLC appeared before the Boca
17 Raton City Council and stated reasons why it was aggrieved by the decision of the ZBOA. The
18 proceedings were digitally recorded and the digital recording is in the custody of the City Clerk
19 and is available for public inspection during the normal business hours of the City; and

20 WHEREAS, on December 8, 2015, during the City Council hearing on Narulands,
21 LLC's appeal, Natural Lands, LLC, withdrew its appeal of the Zoning Board of Adjustment's denial
22 of its request for a variance for the front yard setback of 14.7 feet and, therefore, the appeal from
23 the denial of that variance request was neither considered nor acted upon by the City Council
24 (therefore, the ZBOA denial of that variance remains in effect); and

25 WHEREAS, the requirements of the City's Code of Ordinances necessary to grant a
26 variance as set forth in Section 28-130(2) are as follows:

1
2 (a) Special and unique conditions exist which are peculiar to the petitioner's case
3 and which are not generally applicable to the property located in the zoning district.

4 (b) The special and unique conditions are not directly attributable to the actions
5 of the petitioner.

6 (c) The literal interpretation of this chapter, as applied to the petitioner, would
7 deprive the petitioner of rights commonly enjoyed by the owners of other property in the zoning
8 district.

9 (d) The variance granted is the minimum variance necessary for the petitioner to
10 make reasonable use of the property.

11 (e) Granting the variance is not detrimental to the public welfare, or injurious to
12 property or improvements in the zoning district or neighborhood involved.

13 (f) Granting the variance is not contrary to the objectives of the Comprehensive
14 Plan of the City; and

15 WHEREAS, at the conclusion of the hearing, the Boca Raton City Council made a
16 determination on the denial by the ZBOA (BA 15-03) on November 12, 2015 of the requested
17 variance for a reduction in the required lot width (the appeal of the denial of the variance
18 requesting a reduction in the front yard setback was withdrawn by Natural Lands, LLC during the
19 hearing); now therefore

20
21 BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BOCA
22 RATON:

23
24 Section 1. The recitals contained in the preamble to this resolution are incorporated
25 by reference herein.

1 Section 2. The Property that is the subject of the requested variance is described
2 as follows:

3 That portion of the south 75.00 feet of Lot 24A and the north 12.50 feet of Lot
4 25A of REDLHAMMER SUBDIVISION, lying between the easterly right-of-way
5 line of State Road A-1-A and approximate mean high water line of the Atlantic
6 Ocean subject to an easement over the north 12.50 feet of Lot 25A, for access
7 to the ocean beach residents along property of Lake Wyman Road.

8 Said lands situate in the City of Boca Raton, Palm Beach County, Florida and
9 containing 14,126 square feet (0.32 acres) more or less.
10

11 Section 3. That based upon the evidence and testimony presented regarding the
12 requested variance and the Zoning Board of Adjustment's denial of the requested variance (BA-
13 15-03) from Code Section 28-583(1) set forth below:

14 **TABLE 1**

CODE SECTION	CODE REQUIREMENT	REQUEST	VARIANCE
28-583(1) – Minimum Lot Width	100 feet in width	88.5 feet	11.5 feet

15
16 for the property located at 2500 North Ocean Boulevard (“Property”), the City Council hereby
17 reverses the decision of the ZBOA, thereby permitting the reduced lot width of 88.5 feet, subject
18 to the following conditions:

19 1. The reduced lot width variance considered hereunder is based upon the plans for
20 the Mizner Del Mar proposed residence dated received by the Development Services Department
21 on April 29, 2015 (BA-15-03/15-87500003), (the “April 29 Plans”). The lot width variance granted
22 hereunder is subject to the condition that the April 29 Plans shall be revised to eliminate any front
23 yard encroachment (thus not requiring a front yard setback variance). The revised plans shall, in
24 the discretion of the City Manager or designee, substantially conform to the April 29 Plans with
25 regard to structural detail, massing, building height, and all other architectural characteristics, but
26 shall eliminate any setback encroachment. The revised plans shall not extend any portion of the
27 proposed building or other site improvements further eastward than as shown on the April 29
28 plans. The revised plans shall comply with all applicable codes and shall be subject to the

1 requirements and procedures of Section 28-1556, the City's coastal construction setback
2 ordinance. The City Manager or designee shall verify compliance with these conditions prior to
3 the issuance of a building permit for construction of the proposed residence.

4 2. The variance shall expire 18 months from the date of approval if a building permit
5 has not been issued in accordance with the plans, revised as required by Condition No. 1 above,
6 and the conditions upon which the variance has been granted; or

7 Section 4. **[Intentionally deleted]**

8 Section 5. If any section, subsection, clause or provision of this resolution is held
9 invalid, the remainder shall not be affected by such invalidity.

10 Section 6. All resolutions or parts of resolutions in conflict herewith shall be and hereby
11 are repealed.

12 Section 7. This resolution shall take effect immediately upon adoption.

13 PASSED AND ADOPTED by the City Council of the City of Boca Raton this 8th
14 day of December 2015.

15
16 CITY OF BOCA RATON, FLORIDA

17 ATTEST:

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20
21 Susan S. Saxton
22 Susan S. Saxton, City Clerk

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Susan Haynie
Susan Haynie, Mayor

Lmm
R15404Final

COUNCIL VOTE			
	YES	NO	ABSTAINED
MAYOR SUSAN HAYNIE	✓		
DEPUTY MAYOR ROBERT S. WEINROTH	✓		
COUNCIL MEMBER MICHAEL MULLAUGH	✓		
COUNCIL MEMBER JEREMY RODGERS		✓	
COUNCIL MEMBER SCOTT SINGER	✓		