

PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION

**Application No.:** Z/CA-2023-00648  
**Application Name:** West Palm Dog  
**Control No./Name:** 1987-00122 (West Palm Dog)  
**Applicant:** Benjamin Probst  
Margaret Hohmann  
**Owners:** Margaret Hohmann & Benjamin Probst  
**Agent:** Land Research Management, Inc. - Kevin McGinley  
**Telephone No.:** (561) 686-2481  
**Project Manager:** Donna Adelsperger, Senior Site Planner & Larry D’Amato, Site Planner II

**Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from Residential Transitional Suburban (RTS) Zoning District to the Agricultural Residential (AR) Zoning District on 1.09-acres **Title:** a Class A Conditional Use **Request:** to allow limited pet boarding on 1.09 acres

**APPLICATION SUMMARY:** The proposed requests are for the West Palm Dog development. The 1.09-acre site is currently developed as a Single Family Residence. The site had a previous approval by the Board of County Commissioners (BCC) on April 25, 1989 for an Official Zoning Map Amendment to rezone to the Residential Transitional Suburban (RTS) Zoning District.

The requests will modify the zoning to AR in order to allow Limited Pet Boarding as an accessory use to a Single Family dwelling. The Preliminary Site Plan (PSP) indicates a 2,499 square feet (sq.ft) Single Family Residence and two parking spaces with access from Colbright Road.

**SITE DATA:**

Location:	West side of Colbright Road, approx. 0.30 miles north of Lantana Road
Property Control Number(s)	00-42-43-27-05-032-8410
Future Land Use Designation:	Low Residential (LR-1)
Existing Zoning District:	Residential Transitional Suburban District (RTS)
Proposed Zoning District:	Agricultural Residential District (AR)
Total Acreage:	1.09 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	Greenacres, Lantana
Commission District:	District 3, Commissioner Michael A. Barnett

**RECOMMENDATION:** Staff recommends approval of the requests, subject to the Conditions of Approval as indicated in Exhibit C.

**ACTION BY THE ZONING COMMISSION (ZC):** *Scheduled October 5, 2023*

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received no contacts from the Public regarding this application.

**PROJECT HISTORY:** The subject property is approved with a Single Family Home through building permit #B-1994-016735. In addition in 2022 went through a submittal and subsequent administrative withdrawal of a Class “A” Conditional Use Application for a Limited Pet Boarding Facility.

**FINDINGS:**

Official Zoning Map Amendment (Rezoning) to a Standards District:

When considering a Development Order application for a rezoning to a Standard Zoning District with or without a Conditional Overlay Zone (COZ), the BCC and ZC shall consider Standards a through g listed under Article 2.B.7.B.2, Standards. The Standards and Staff Analyses are indicated below. An amendment that fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

**a. Consistency with the Plan - *The proposed amendment is consistent with the Plan.***

- **Relevant Comprehensive Plan Policy:** Future Land Use Element (FLUE) Policy 2.2.1-g.1 establishes consistent residential zoning districts with their corresponding Future Land Use designation in Table 2.2.1-j.1, Residential Future Land Use - Zoning Consistency. The proposed Agricultural Residential (AR) Zoning District is consistent with the Low Residential, 1 unit per acres (LR-1) Future Land Use designation.
- **Intensity:** The request for 2,499 sq. ft. equates to a FAR of approximately 0.05 (2,499 / 47,383.5 sq. ft. or 1.09 acres = 0.05). The maximum Floor Area Ratio (FAR) of 0.35 is allowed for the subject future land use designation in the Urban Suburban Tier (47,383.5 sq. ft. or 1.07 acres x 0.35 maximum FAR = 16,584.23 sq. ft. maximum).
- **Special Overlay District/ Neighborhood Plan/Planning Study Area:** The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan. The subject site is within the boundaries of the proposed Biltmore Acres Lantana Rural Enclave Overlay. This overlay was adopted on August 30, 2023 by Ordinance 2023-31.
- **Compatibility:** County Direction #4 establishes that “Land Use Compatibility” is one of the eighteen directions that are the basis for the Goals, Objectives and Policies of the Comprehensive Plan. The directive reads as follows: “*Land Use Compatibility. Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*” Several policies within the Plan’s Future Land Use Element (FLUE) further address compatibility through the ULDC and development review process. FLUE Policy 2.2-c establishes that the ULDC is consistent with the Plan, and that consistency shall “*ensure compatibility with adjacent future land uses.*” Further, FLUE Policy 4.3-i indicates (in part) that “*the Development Review process shall also consider the compatibility of the density or intensity of proposed development with adjacent future land uses.*” The Planning Division has reviewed the proposed development application and determined is the proposed amendment to the zoning is compatible with adjacent and surrounding future land uses.

**b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code***

The subject site is currently zoned Residential Transitional Suburban District (RTS), which equates to the RT Zoning District, which is consistent with the Future Land Use (FLU) designation of Low Residential (LR-1) pursuant to Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts. The site is rezoning to a Standard Zoning District, Agricultural Residential (AR).

- **Property Development Regulations:** As proposed, the property meets the requirements as indicated under Table 3.D.1.A Property Development Regulations for minimum lot dimensions of 1 ac., 125 ft. of width and frontage, and 200 ft. of depth.

**c. Compatibility with Surrounding Uses - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.***

The proposed rezoning will be compatible with surrounding uses. The properties to the north and south have the RTS Zoning, with Single Family Residences. To the west and east of the subject property are within the AR Zoning District, also with Single Family Residences. The Zoning is compatible and consistent with the surrounding area.

**d. Effect on Natural Environment – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.***

- **Vegetation Protection:** The application request does not impact native vegetation.
- **Wellfield Protection Zone:** This property is not located within Wellfield Protection Zone.
- **Irrigation Conservation Concerns And Surface Water:** All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.
- **Environmental Impacts:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

**e. Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The proposed rezoning will result in logical, orderly and timely development pattern. The overall area surrounding the subject site is designated and developed with similar Single Family uses on 0.5 to 3-acre lots within AR and RTS Zoning districts. The proposed Limited Pet Boarding facility is classified to be consistent with development patterns in the area.

**f. Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

**ENGINEERING COMMENTS:**

The limited pet boarding facility for a maximum of seven dogs at one time, is expected to generate 16 net AM peak trips, and 16 net PM peak hour trips. This is a very conservative estimate, assuming all seven dog owners come and leave during the same peak hour every weekday. The actual trip generation will be less.

The project will have insignificant impacts, as defined in the Traffic Performance Standards of the County.

There are no proposed Engineering conditions of approval with this application.

**DRAINAGE DISTRICT:**

This site did not require drainage for this use.

**WATER AND WATSE WATER PROVIDER:**

This site is on well and septic systems.

**FIRE PROTECTION:**

Staff has reviewed this application and has no comment. The subject site is within the service boundaries of Palm Beach County by Fire Rescue Station #46.

**SCHOOL IMPACTS:**

The School Board has no issues with the requested rezoning and the existing residential unit's use as a limited pet boarding facility.

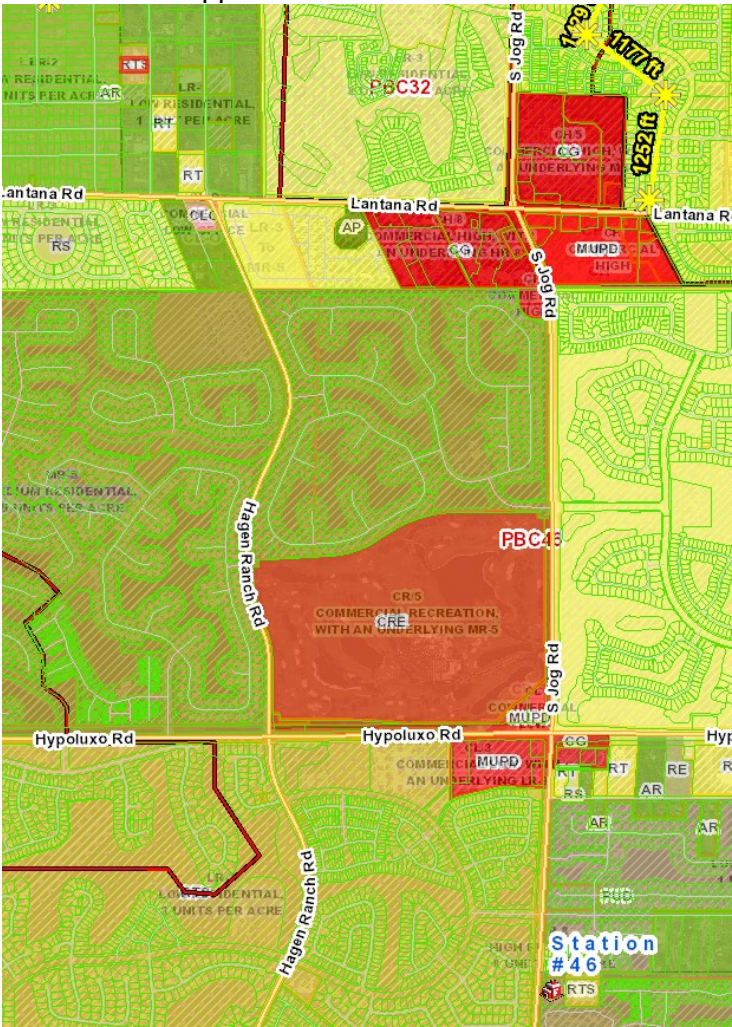
**PARKS AND RECREATION:**

Non-residential project therefore, Park and Recreation ULDC requirements do not apply.

**PALM BRACH COUNTY HEALTH DEPARTMENT**

This project has met the requirements of the Florida Department of Health.

**g. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*



All lands surrounding the subject site are zoned RTS and AR, and support Single Family residences. As the Applicant has stated in the Justification Statement, the rezoning is being requested, in order to provide the companion Class “A” Conditional Use Application for a limited pet boarding facility. Pursuant to the Code standards, the facility is not permitted in the current RTS zoning district making the rezoning to the AR zoning district necessary.

**FINDINGS:**

**Conditional Uses**

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional

Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

**a. Consistency with the Plan – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.***

- Consistency with the Comprehensive Plan: The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- Relevant Comprehensive Plan Policy: Future Land Use Element (FLUE) Policy 2.2.1-g.1 establishes consistent residential zoning districts with their corresponding Future Land Use designation in Table 2.2.1-j.1, Residential Future Land Use - Zoning Consistency. The proposed Agricultural Residential (AR) Zoning District is consistent with the Low Residential, 1 unit per acres (LR-1) Future Land Use designation.
- Intensity: The request for 2,499 square feet equates to a FAR of approximately 0.05 (2,499 / 47,383.5 square feet or 1.09 acres = 0.05). The maximum Floor Area Ratio (FAR) of .35 is allowed for the subject future land use designation in the Urban Suburban Tier (47,383.5 square feet or 1.07 acres x .35 maximum FAR = 16,584.23 square feet maximum).
- Special Overlay District/ Neighborhood Plan/Planning Study Area: The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan. The subject site is within the boundaries of the proposed Biltmore Acres Lantana Rural Enclave Overlay. This overlay was adopted on August 30, 2023 by Ordinance 2023-31.
- Compatibility: County Direction #4 establishes that “Land Use Compatibility” is one of the eighteen directions that are the basis for the Goals, Objectives and Policies of the Comprehensive Plan. The directive reads as follows: “Land Use Compatibility. Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.” Several policies within the Plan’s Future Land Use Element (FLUE) further address compatibility through the ULDC and development review process. FLUE Policy 2.2-c establishes that the ULDC is consistent with the Plan, and that consistency shall “ensure compatibility with adjacent future land uses.” Further, FLUE Policy 4.3-i indicates (in part) that “the Development Review process shall also consider the compatibility of the density or intensity of proposed development with adjacent future land uses.” The Planning Division has reviewed the proposed development application and determined it is compatible with adjacent and surrounding land uses.

**b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.***

The proposed Class A Conditional use is not in conflict with any portion of this Code, and is consistent with the stated purpose, intent and the requirements of the Code as indicated on Article 4.B.1.W.12.a through j – Limited Pet Boarding.

As indicated on Article 4.B.1.W.12.a the use is permitted in a Single Family dwelling as an accessory boarding of domestic cats and dogs that are not owned by the occupants of premises. In addition, as part of the approval process the Applicant must provide a letter from ACC (Exhibit F) confirming the intent to develop the proposed use in the specific location and to provide compliance with the Standards indicated on Article 4.B.1.W.12.a through j which are summarize below:

The proposed Class A use must be in compliance with the following requirements related to:

1. Lot Size - minimum of one acre, proposed is 1.06 acres.
2. Separation Distance – not located within a radius of 1,000 feet on another Limited Pet Boarding measured from the property line, see Exhibit D.
3. Maximum Number of pets – No more than seven cats or dogs at any given time, and the total number boarded and owned by the resident of the dwelling shall not exceed the maximum limits established by ACC, the Applicant indicates that the total number of animals including their animals will not exceed 10 as limited by ACC.
4. Boarding – Cats or dogs shall be boarded within the Single Family structure except when outdoor activities take place, and the Applicant acknowledges.
5. Hours of Operation - Outdoor activities shall be limited to 7:00 a.m. and 9:00 p.m. unless under the restraint or control of a person by means of a leash; and business hours including drop-off and pick-up shall be between 6:00 a.m. to 7:00pm; and the Applicant acknowledges. To ensure compliance for hours of operation - outdoor activities Staff as included a Condition of Approval (Use Limitation 1)
6. Outdoors Areas – animals shall be personally supervised during the outdoor activity and shall be set

back a minimum of 25 feet from all property lines, and the proposed use meets the requirements as indicated in Figure 3, Preliminary Site Plan.

7. Signage – shall be not be allow, and the Applicant acknowledges.
8. ACC Permit – at time of submittal the Applicant must provide a Letter of Intent to operate an accessory Limited Pet Boarding facility, see Exhibit E for Applicant's Letter of Intent.

○ **Architectural Review:** This use is not subject to the Architectural Guidelines specified in Article 5.C., Design Standards, therefore no further analysis is required.

○ **Parking:** The PSP proposes no changes to the existing parking provided on the site. The driveway connection to Colbright Rd. to access the site, as well as the two parking spaces required for the Single Family residence, and will remain unchanged.

○ **Landscape/Buffering:** The property is within a Single Family residential area and the request is not subject to landscape buffering.

Staff has analyzed the Preliminary Site Plan and Justification Statement provided by the Applicant and has determined that proposed development is in compliance with the requirements as required in the ULDC.

○ **Code Enforcement:** The site is currently under Code Enforcement action, C-2023-03270014, for operating the use without the proper Zoning approvals. To address the violation, the Property Owner has filed for the Class A Conditional Use approval. If approved, of the Class A use, will bring the use/site into compliance with the Code.

There is another Code Enforcement action, C-2023-04130006, for work/structures without permits. The following Building permits have been applied which once approved will bring the Code Violations into compliance. The buildings permits are: PR-2023-019859 for a canopy/tent, PR-2023-019856, for a 400 sq. ft. accessory structure, and PR-2023-018290 for driveway turnout.

**c. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.***

The proposed use is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land. To the north and south of the subject property are Single Family residences with the same Zoning District - RTS. To the west and east of the subject property are Single Family residences AR Zoning District. Directly to the east of the subject property is Colbright Road.

No changes to the principal residential use is proposed with the request. Table 4.B.1.D – Corresponding Accessory Use to a Principal Use of the ULDC recognizes Limited Pet Boarding as a compatible use incidental to a Single Family residential use within the AR zoning district.

**d. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.***

The overall area surrounding the subject site is designated and developed with similar Single Family uses within the AR Zoning district. The proposed Limited Pet Boarding facility is classified as an accessory use to a residential use per Table 4.B.1.D, Corresponding Accessory Use to a Principal Use, and aligns with the required AR Zoning district. The inclusion of the Limited Pet Boarding within the existing Single Family dwelling will have no adverse impact to the adjacent parcels. The proposed outdoor recreation area is located in the rear yard are with a 50' setback from the rear property line. It is also proposed to be setback 25 feet from the south property line (side yard), that is to the nearest neighbor.

**e. Design Minimizes Environmental Impact – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.***

In addition to the analysis for the Rezoning, the additional use for the Limited Pet Boarding, for the boarding of no more than 7 dogs or cats, does not create an environmental impact. The animals must be housed inside the existing Single Family Residence. Their outdoor area meets the proper Development Regulations. The subject site does not include any wetlands, nor does the outdoor area provide for impacts to water air, stormwater management or wildlife.

**f. Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The overall area surrounding the subject site is designated and developed with similar Single Family uses on within the RTS and AR Zoning districts. The proposed Limited Pet Boarding facility is classified as an accessory use to a residential use per Table 4.B.1.D, Corresponding Accessory Use to a Principal Use, and aligns with the required AR Zoning district. The inclusion of the Limited Pet Boarding within the existing Single Family dwelling will have no adverse impact to the adjacent parcels. The proposed outdoor recreation area is located in the rear yard and has a proposed 50 foot setback from the rear property line and a proposed 25 foot setback from the side property line (to the south).

**g. Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

See analysis under the rezoning standard.

**h. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The Agent’s justification statement indicates that “the proposed limited pet boarding facility is looking to expand to meet the growing demand for pet boarding services to serve the growth in demand in Palm Beach County. In order to meet current Palm Beach County regulations regarding pet boarding, the owner/operator is required to obtain a license from ACC. Approval of the Class “A” Conditional Use request will allow such a license to be issued.”

**CONCLUSION:** Staff has evaluated the standards listed in Article 2.B, and determined the there is a balance between the need for change and the potential impacts generated by Official Zoning Map Amendment and Class A Conditional. Therefore, Staff is recommending approval of the request, subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.



**CONDITIONS OF APPROVAL**

**EXHIBIT C-1**

**Official Zoning Map Amendment**

**DISCLOSURE**

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

**CONDITIONS OF APPROVAL**

**EXHIBIT C-2**

**Class A Conditional Use**

**ALL PETITIONS**

1. The approved Preliminary Site Plan is dated August 8, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

**USE LIMITATIONS**

- 1. Outdoor activities shall be limited from 7:00 a.m. to 9:00 p.m. unless under the restraint or control of a person by means of a leash. (ONGOING: CODE ENF - Zoning)
- 2. The Owner, employees, representatives, and/or Agents must comply with all operational permit requirements imposed by the Division of Animal Care and Control and the Palm Beach County Animal Care and Control Ordinance. (ONGOING: CODE ENF - Zoning)
- 3. The Owner shall not operate a Limited Pet Boarding use until the Owner has been approved for a Limited Pet Boarding Permit by the Division of Animal Care and Control. (ONGOING: CODE ENF - Zoning)

**COMPLIANCE**

- 1. In Granting this Approval, the Board of County Commissioners 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 Board of County Commissioners 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.



Figure 1 - Land Use Map

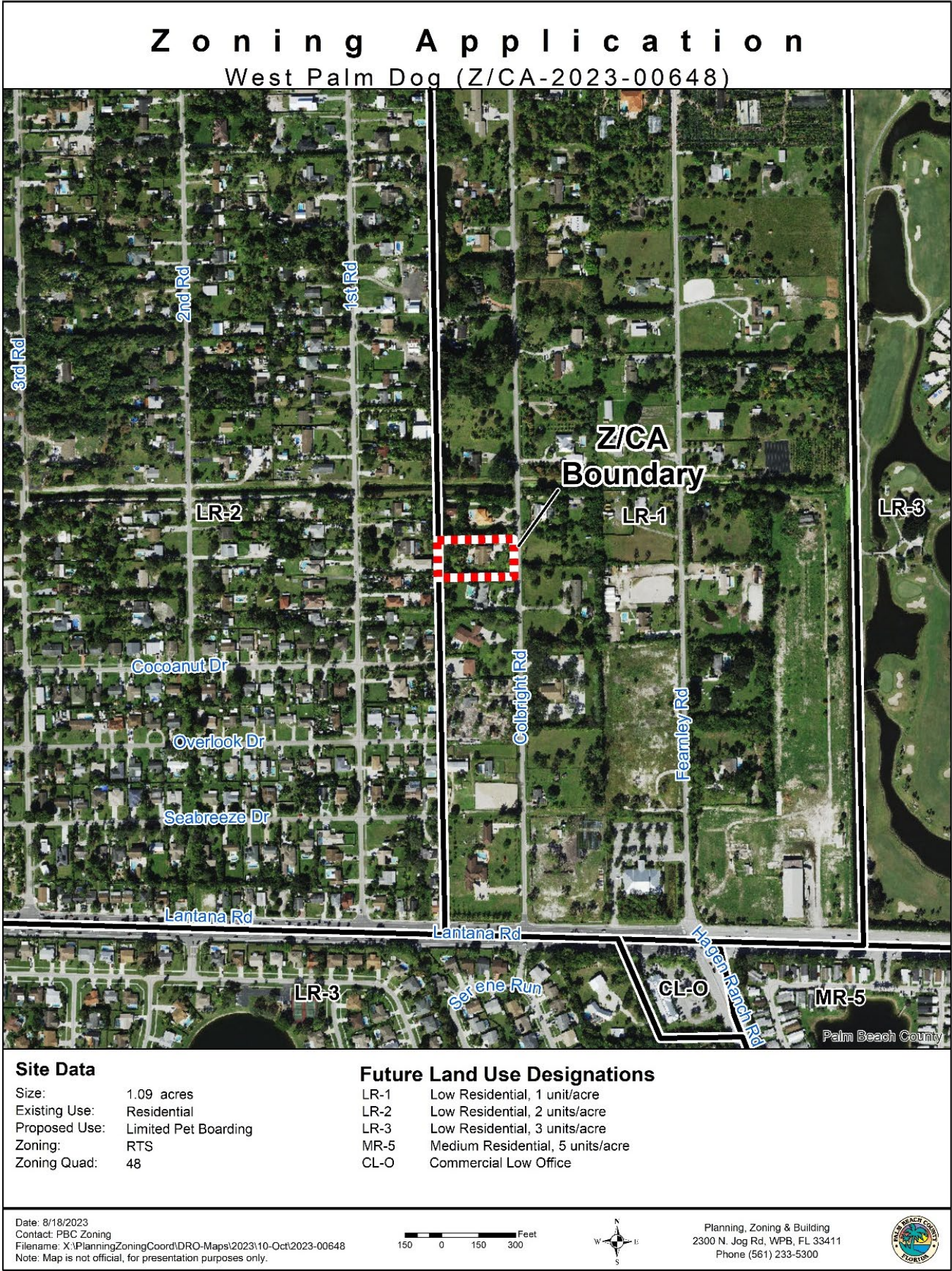
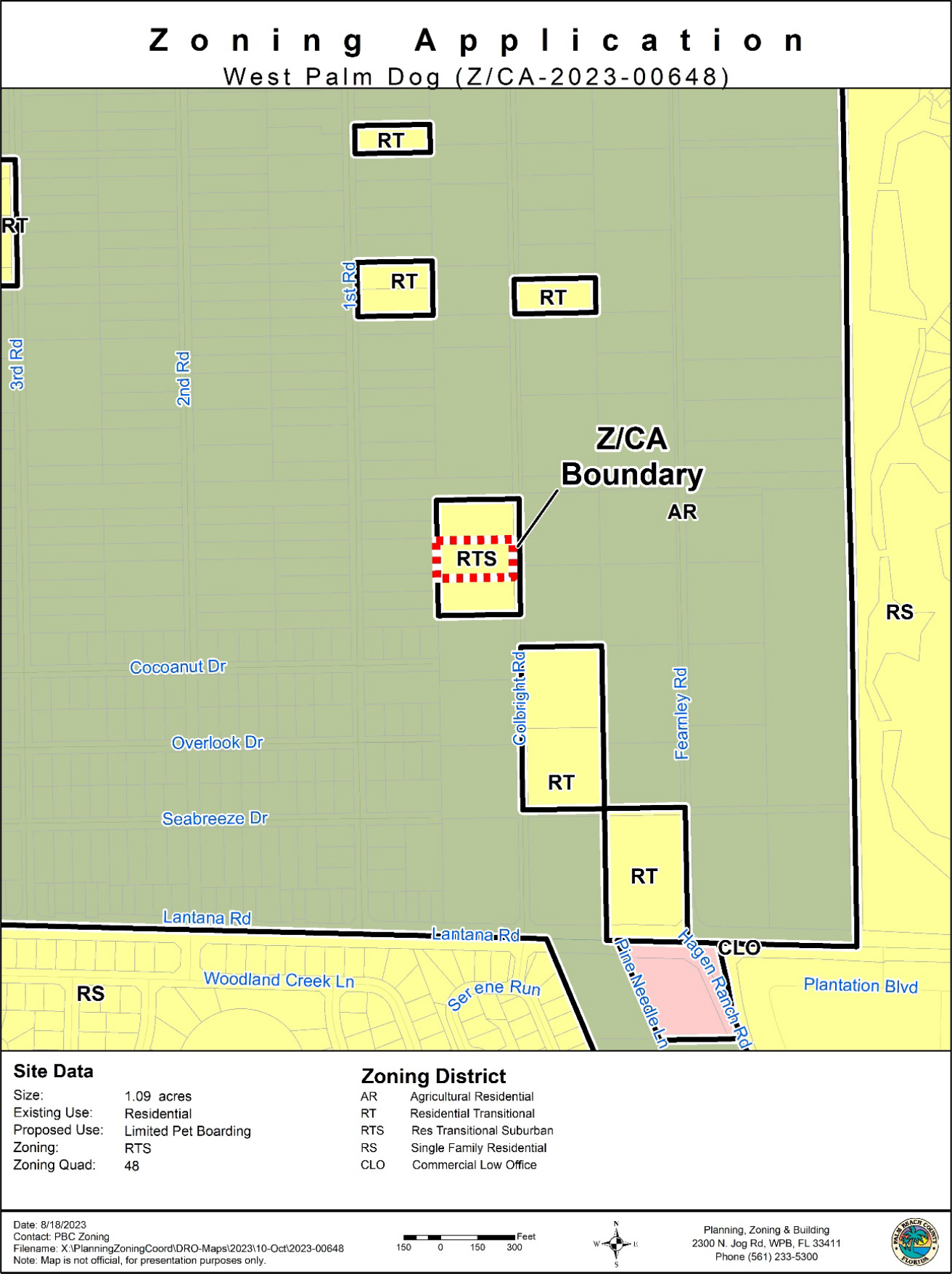




Figure 2 - Zoning Map



**NOTES:**

1. ALL EXISTING UTILITIES SHOWN ARE BASED ON RECORD PLANS AND FIELD SURVEY. ANY CHANGES TO UTILITIES SHALL BE THE RESPONSIBILITY OF THE APPLICANT.
2. THE PROPOSED LOT LINES ARE BASED ON A SURVEY DATED 01/15/2017. ANY CHANGES TO LOT LINES SHALL BE THE RESPONSIBILITY OF THE APPLICANT.
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**PROPERTY DEVELOPMENT REGULATIONS - AIR**

ZONE	MINIMUM LOT AREA (SQ. FT.)	MINIMUM LOT WIDTH (FEET)	MINIMUM LOT DEPTH (FEET)	MINIMUM LOT AREA (SQ. FT.)	MINIMUM LOT WIDTH (FEET)	MINIMUM LOT DEPTH (FEET)
RESIDENTIAL - AIR	10,000	20	30	10,000	20	30
RESIDENTIAL - AIR	10,000	20	30	10,000	20	30
RESIDENTIAL - AIR	10,000	20	30	10,000	20	30

**BUILDING PERMITS**

PERMIT TYPE	PERMIT FEE	PERMIT DURATION
RESIDENTIAL - AIR	\$1,000	12 MONTHS
RESIDENTIAL - AIR	\$1,000	12 MONTHS
RESIDENTIAL - AIR	\$1,000	12 MONTHS

**PROJECT DATA:**

PROJECT NAME	PROJECT ADDRESS	PROJECT PHONE	PROJECT FAX	PROJECT EMAIL
WEST PALM DOG	10000 COLBRIGHT RD	561-232-2044	561-232-2044	info@westpalm.com
PROJECT TYPE	RESIDENTIAL - AIR			
PROJECT STATUS	UNDER REVIEW			
PROJECT DATE	01/15/2017			
PROJECT AREA	10.00 AC			
PROJECT PERMIT	RESIDENTIAL - AIR			
PROJECT FEE	\$1,000			
PROJECT DURATION	12 MONTHS			
PROJECT CONTACT	WEST PALM DOG			
PROJECT ADDRESS	10000 COLBRIGHT RD			
PROJECT PHONE	561-232-2044			
PROJECT FAX	561-232-2044			
PROJECT EMAIL	info@westpalm.com			

Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

**[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]**

**TO:** PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE


STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Benjamin Probst, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the ☒ individual or ☐ \_\_\_\_\_ [position - e.g., president, partner, trustee] of \_\_\_\_\_ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 5549 Colbright Road  
Lake Worth, FL 33467
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

  
 Benjamin Probst, Affiant  
 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
 COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18<sup>th</sup> day of July, 2022 by Benjamin Probst (name of person acknowledging). He/she is personally known to me or has produced DL (type of identification) as identification and did not take an oath (circle correct response).

Ibukun Adeagbo  
 (Name - type, stamp or print clearly)

  
 (Signature)

My Commission Expires on: 02/10/2025



Ibukun Adeagbo  
 Comm. #HH091818  
 Expires: Feb. 10, 2025  
 Bonded Thru Aaron Notary



Ibukun Adeagbo  
 Comm. #HH091818  
 Expires: Feb. 10, 2025  
 Bonded Thru Aaron Notary

**EXHIBIT “A”**

**PROPERTY**

**LEGAL DESCRIPTION**

THE NORTH 152.85 FEET OF THE SOUTH 437.70 FEET OF TRACT 69, LESS THE EAST 20 FEET THEREOF FOR ROAD RIGHT OF WAY, BLOCK 32, THE PALM BEACH FARMS CO. PLAT NO. 3, 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 2, PAGES 45 THROUGH 54, SUBJECT TO A DRAINAGE EASEMENT OVER THE WEST 25 FEET THEREOF, AS RECORDED IN OFFICIAL RECORD BOOK 6599, PAGE 1469, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

EXHIBIT "B"

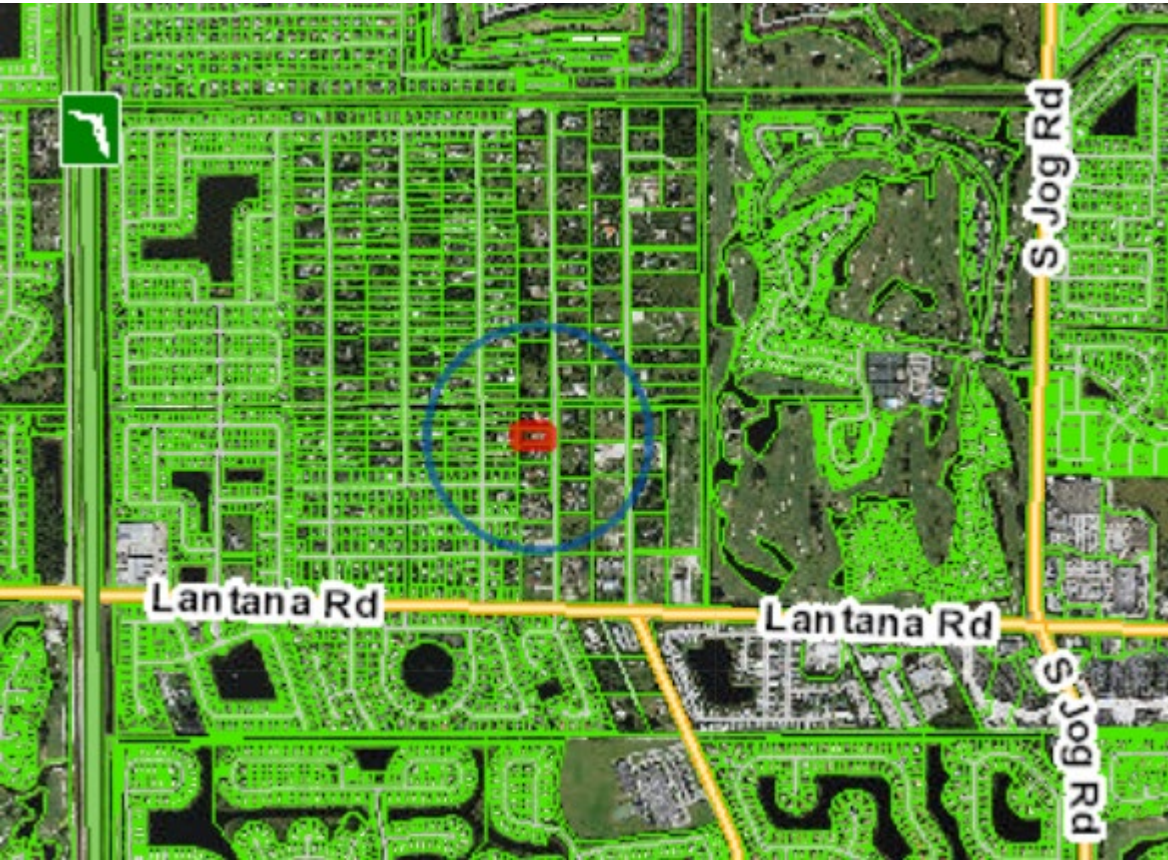
DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address	
Benjamin Probst	5549 Colbright Road, Lake Worth, FL 33467	50%
Margaret Hohmann	5549 Colbright Road, Lake Worth, FL 33467	50%



Exhibit G - 1000 foot separation map



**Exhibit H – ACC Letter of Intent**

Department of Public Safety,  
Palm Beach County Animal Care & Control  
7100 Belvedere Rd. West Palm Beach, FL 33411

**Letter of Intent for Limited Pet Boarding**

NAME: **Ben Probst and Margaret Hohmann (West Palm Dog)**  
PCN:  
Address: **5549 Colbright Road Lake Worth, FL 33467**  
Date: **05/15/2023**  
Request: **Limited Pet Boarding at a Single Family Home.**

This letter is to acknowledge that the applicant has requested a Letter of Intent from the Palm Beach County Division of Animal Care & Control of its intent to seek a Class A conditional approval for a Limited Pet Boarding operation. Pursuant to Article 4.B.1.E.12.j., ULDC the Division will not consider the applicant's request for an Operational Permit from the Division until the Class A conditional use is approved.

The applicant is encouraged to review 98-22 Chapter 4 sec 4-23 of the Palm Beach County Animal Care and Control Ordinance, to make sure that the applicant will qualify to receive an Operational Permit from the Division. This letter is to acknowledge that the applicant is seeking permission from the Department of Planning, Zoning and Building to conduct business from a Single Family dwelling with accessory boarding of domestic cats or dogs not owned by the occupants of the premises.

This letter does not constitute that a Permit has been or will be granted by PBCAC&C, but only acknowledges that the applicant is seeking a permit for a Limited Pet Boarding operation.

The applicant shall understand that no inspection or Permit will be granted from PBCAC&C until confirmation of approval from, PZ&B is received and validated.

Sgt. Darrin Emmons #2110  
Commercial Licensing & Enforcement  
Palm Beach County Animal Care & Control  
7100 Belvedere Road  
West Palm Beach, FL 33411

(561) 233-1279 (fax)

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