

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

**Application No.:** ZV/SV-2022-01021  
**Application Name:** Tile World  
**Control No./Name:** 1981-00214 / Tile World  
**Applicant(s):** Cranston Chung  
**Owner(s):** Cranston Chung  
**Agent(s):** Schmidt Nichols - Josh Nichols  
**Telephone No.:** (561) 684-6141  
**Project Manager:** Zubida Persaud, Site Planner II

**Title:** a Type 2 Variance **Request:** to allow the reduction of lot size and lot depth on 0.62 acres

**Title:** a Subdivision Variance **Request:** to allow access from a 60-foot Right-of-Way on 0.62 acres

**APPLICATION SUMMARY:** The proposed requests are for the 0.62-acre Tile World development. The Site was last approved by the Board of County Commissioners (BCC) on December 22, 1981 to allow a rezoning from RM-Residential Multiple Family Zoning district (medium density), in part, and CG-General Commercial Zoning district, in part, to CG-General Commercial Zoning district and a Special Exception to allow a Planned Commercial Development, including an office/warehouse combination. The prior development order includes a third parcel, which is not a part of this request.

The requests for a Type 2 Variance to allow the reduction of the lot size and lot depth and a Subdivision Variance to allow access from a 60 foot Right-of-Way (Scott Avenue) will allow the two parcels to be combined and subsequently be developed separate from the existing Development Order under the regulations for Industrial Light zoning district consistent with surrounding properties, under a future application.

**SITE DATA:**

Location:	Southeast corner of Scott Avenue and Gardenia Street
Property Control Number(s):	00-42-43-24-01-000-0350 and 00-42-43-24-01-000-0360
Land Use Designation:	Commercial Low, with an underlying Industrial (CL/IND)
Zoning District:	General Commercial District (CG)
Proposed Zoning District:	No Change
Acreage:	0.62 acres
Tier:	Urban/Suburban
Overlay:	Urban Redevelopment Area and Revitalization and Redevelopment Overlays
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile:	West Palm Beach
Future Annexation Area:	West Palm Beach
Commission District:	District 7, Commissioner Mack Bernard

**STAFF RECOMMENDATION:** Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff has received no contacts from the public regarding this project.

**PROJECT HISTORY:** This site has one prior approval. On December 22, 1981 under Resolution R-1981-1634 this site was rezoned to allow a rezoning from RM-Residential Multiple Family Zoning district (medium density), in part, and CG-General Commercial Zoning district, in part, to CG-General Commercial Zoning district, and Resolution R-1981-1635 which approved a Special Exception to allow a Planned Commercial Development (SE/PCD) including an Office/Warehouse combination, consisting of a 7,390 square feet Warehouse and 2,000 square feet Office/Showroom space in a single structure totaling 9,390 square feet.

**TYPE 2 VARIANCE SUMMARY**

ULDC Article	Required	Proposed	Variance
3.D.1.A Lot Depth	200' minimum lot depth	137.62 feet	a 62.38' reduction of the minimum lot depth requirement
3.D.1.A Table 3.D.1.A - Property Development Regulations	1 acre minimum lot size	0.62 acres	a 0.38 acre reduction of the minimum lot size

**FINDINGS:**

**Type 2 Variance Standards:**

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. ***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 district:***

**V1 – V2 YES:** These two parcels were platted in August 1951, prior to any Zoning Regulations. With the adoption of the first zoning code in 1957, the parcels were zoned Residential, R-1, for residential uses. In 1981, the subject parcels were rezoned to General Commercial (CG), and along with a parcel to the east approved with a Special Exception for a Planned Commercial Development, for the development of an Office Warehouse use. In 1982, an office warehouse structure was constructed on the eastern lot, as a Phase 1 portion of the Special Exception approval, via B82-002097. The three lots were never platted into one lot prior to the issuance of the 1982 building permit. The lots were subsequently sold to separate Property Owners and the remainder of the Special Exception was never implemented. The two lots that are part of this request were platted legally and recorded in Plat Book 23, Page 181, and whether they are combined or kept separate do not meet the minimum lot sizes for CN, CC, CG or IL, nor does it meet the minimum lot depth for CC, CG, or IL.

In 1997, through Ordinance 97-26, the subject two parcels were part of a Future Land Use Amendment that modified 38 parcels FLU from Commercial/High Residential 8 (C/8) to Commercial/Industrial (C/IND). Again in 2001, a Future Land Use amendment, for several parcels, modified the FLUs, and for these two parcels changed to Commercial Low with underlying Industrial (CL/IND). The subject site is located within the Urban Redevelopment Area and the Redevelopment and Revitalization Overlays. With these modifications to the FLU, indicate that the intent of the area is to be a mix of Commercial or Industrial uses.

The location of these lots are in the URAO and RRIO and the intent is to promote infill and redevelopment, improve the present conditions of infrastructure, and allow for investment and reinvestment. The Applicant is requesting the variances to reduce the minimum lot size and depth to allow the subject site to be rezoned to Industrial Light (IL) zoning district for the purpose of locating a Contractor Storage Yard as indicated in their justification statement. The subject site does not meet the property development regulations (PDR) for the required minimum lot size of one acre, when consolidated, and the minimum required lot depth of 200 feet required for IL lots. The subject property exists in this configuration prior to the establishment of the Code and is located in an area, which consists primarily of industrial and light industrial uses that are consistent with the regulations of the Code and the FLU for the IL zoning district. Without the subject variance, this site would be limited by its existing CG with Special Exception / Planned Commercial Development prior approval to commercial uses, with few options to amend them due to nonconformity issues. With the date of the existing platted lots, the approvals of FLU amendments, the lack of implementation of a prior Planned Commercial Development, and the sale of parcels to different Property Owners, supports special circumstances that exist for this parcel of land.

- b. ***Special circumstances and conditions do not result from the actions of the Applicant:***

**V1 – V2 YES:** The subject site exists in its original configuration with the existing non-conforming lot size and dimensions for today's Code. The Applicant is not responsible for the reduced lot size or lot depth as the prior Development Order was established under a Code that did not require a minimum lot size or lot depth in 1951, as well as modifications to the FLU and Zoning.

- c. ***Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:***

**V1 – V2 YES:** Granting of this variance will allow the subject site to be able to rezone to the IL zoning district and redevelop consistent with the industrial FLU. Redevelopment and reinvestment in this area are a Policies and Objective of the RRIO and URA Overlays. There are no special privileges being conferred that are denied by the Plan for this land.

d. ***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 district, and would work an unnecessary and undue hardship:***

**V1 – V2 YES:** Literal interpretation of the code would result in hardship on the Applicant that would restrict the use of the property that has been given a CL and Industrial FLU, and allow for redevelopment and reinvestment in this site, that is allowed by surrounding Property Owners in these Overlays.

e. ***Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:***

**V1 – V2 YES:** Granting of this variance is the minimum necessary to make possible the most efficient use of this land. Whether the site is CC, CG, or the IL zoning district a minimum lot size of 1 acre and a minimum depth of 200 feet is required, but not platted that way back in 1951. Therefore, granting these requests will allow the minimum necessary that will make possible the most reasonable use of this land.

f. ***Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:***

**V1 – V2 YES:** The requested variances for the minimum lot size and minimum depth requirement of the IL zoning district is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and this Code. The subject site has an underlying Industrial FLU designation, which is consistent with the proposed IL zoning designation. Furthermore, the site is located within the RRIO and URA and is surrounded by industrial and commercial uses that are compatible and consistent with the proposed zoning designation. Therefore, by granting this variance will allow the Applicant to request a rezoning of this site from CG with SE/PCD to IL, to allow the site to be consistent with the purposes, goals, and objectives of the Comprehensive Plan and this Code.

g. ***Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:***

**V1 – V2 YES:** The adjacent properties surrounding the subject site are entirely industrial and commercial in nature. Granting these variances will not result in any adverse impacts to the surrounding uses and will instead allow an industrial use that is compatible and similar in nature to the area involved pending the approval of a rezoning to the IL zoning district.

The following analysis has been prepared by PBC Land Development Division.

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Subdivision Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved

**SUBDIVISION VARIANCE SUMMARY**

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Minimum Legal Access	Access from a 80' ROW	Access from a 60' ROW	Allow deviation for access, to allow from a 60' ROW

**Subdivision Variance Standards:**

Pursuant to Unified Land Development Code (ULDC) Article 11, Chapter 11.E.2.A.2, Each lot shall abut a street of suitable classification to provide said lot with legal access consistent with the standards set for in Table 11.E.2.A-2, Chart of Minor Streets, and pursuant to Table 11.E.2.A-2, access to commercial lots shall be by an 80-foot right of way. This variance application is to request site access from Scott Avenue, a County-maintained 60-foot roadway comprised of right-of-way, for a 0.62 acre site located on the east side of Scott Avenue, south & adjacent to Gardenia Street and north of Okeechobee Boulevard. This Property Owner wishes to utilize this site for an industrial land use that is consistent with the existing uses within the surrounding area.

- a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, and that are not applicable to other parcels of land, structures or buildings in the same zoning district.**

**SV - Applicant's Response:** *"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 district."*

*Furthermore, The subject site is located in an area that is entirely industrial in nature, consistent with the Applicant's proposed Light Industrial zoning designation in their follow up rezoning application. All properties surrounding this site have either Light Industrial, General Commercial, or General Industrial zoning designations and all have existing industrial-type uses, such as contractor storage, warehouse, repair & maintenance, auto paint & body, etc. All such uses in the immediate vicinity of the site access the same 60' wide R.O.W. as the subject site, which is the subject of this variance request. Therefore, it is reasonable to grant the subject variance as the subject site is located in a unique location with like land uses which access a deficient width R.O.W."*

**Staff Response: CORRECT.** This site is located amongst several others developed with commercial and industrial uses having sole access from Okeechobee Boulevard onto Scott Avenue. The proposed development is consistent with the Applicant's proposed Light Industrial zoning designation in their follow up rezoning application and the proposed site will not significantly impact the existing roadway. This creates a condition to allow for development within an area of similar land uses.

- b. Special circumstances and conditions do not result from the actions of the Applicant.**

**SV - Applicant's Response:** *There are special circumstances and conditions that apply that are not a result of actions by the Applicant.*

*Furthermore, The subject site being located in an area of industrial character and with access only to 60' wide rights-of-way is not the result of actions of the Applicant. These circumstances are the result of platting and zoning actions which occurred many decades prior, before the existence of the subject access requirements of the ULDC.*

**Staff Response: CORRECT.** This property is comprised of two lots that were created as a result of platting and zoning actions which occurred many decades prior, before the existence of the subject access requirements of the ULDC, therefore does not meet current access standards, which do not result from the actions of the Applicant.

- c. Granting the variance shall not confer upon Petitioner any special privilege denied by the comprehensive plan and the ULDC to other parcels of land, buildings or structures in the same zoning district.**

**SV - Applicant's Response:** *Granting the variance will not confer any special privilege upon the Applicant denied by the Comprehensive Plan and this Code to other parcels of land, buildings or structures in the same zoning district.*

*Furthermore, Granting the subject variance will simply allow the subject site to be rezoned to the Light Industrial zoning district, which is a compatible zoning designation with neighboring properties in the same subdivision. Furthermore, there are a number of properties which are already zoned Light Industrial in the immediate vicinity with access to the same 60' R.O.W. as the subject property. These properties are being allowed the privilege to operate in a non-conforming manner. The subject request would allow the subject property to operate in a similar manner which is compatible with character of the area surrounding the site.*

**Staff Response: CORRECT.** Grant of this variance will not confer any special privileges denied by the comprehensive plan or the code. This parcel will be developed in a manner consistent with the surrounding properties.

- d. Literal interpretation and enforcement of the terms and provisions of the ULDC would deprive the Petitioner of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship.**

**SV - Applicant's Response:** *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.*

*Furthermore, Literal interpretation of the code would deprive them the ability to use their property in ways substantially similar to properties along the same 60' ROW in the immediate vicinity. Literal interpretation of the code would only permit residential uses to exist on this site, as only residential uses are permitted*

to access a 60' R.O.W. The surrounding area is substantially incompatible with residential uses, as it mainly consists of industrial land uses. Therefore, literal interpretation of the subject code section would deprive the Applicant reasonable use of their property.

**Staff Response: CORRECT.** Literal interpretation of the code is not possible for this site due to the existing development along the length of this roadway and the amount of right-of-way the Applicant would have to acquire to meet code. The acquisition of right-of-way also has the potential to create various non-conformities along the length of the road.

**e. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

**SV - Applicant's Response:** *Granting these variances are the minimum needed for the reasonable use of the property.*

*Furthermore, Granting this variance is the minimum needed for the Applicant to reasonably use their land in a manner consistent with neighboring properties in the general vicinity. This variance would allow the subject site to have uses that are consistent with the Light Industrial zoning district, which is consistent with other properties along the same 60' ROW with Light Industrial zoning designations.*

**Staff Response: CORRECT.** This is the minimum Subdivision variance required for the site, which is consistent with other properties along the same 60' ROW with Light Industrial zoning designations.

**f. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and the ULDC.**

**SV - Applicant's Response:** *Granting of the requested variances will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.*

*Furthermore, Granting this variance will allow the subject site to be used for non-residential purposes with access onto the existing 60' ROW. This is consistent with the intent of the Comprehensive Plan, which includes Goals, Objectives, and Policies which anticipates the colocation of industrial and commercial-type uses in certain areas, such as the area in which the subject property is located.*

**Staff Response: CORRECT.** Granting of this variance will allow the site to be developed otherwise in accordance with the ULDC provisions, as well as to be developed consistent with the surrounding area.

**g. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

**SV - Applicant's Response:** *Granting of the requested variances will clearly not be injurious to the area involved or otherwise detrimental to the public welfare.*

*Furthermore, The area in which the subject site is located is entirely made up of industrial-type uses, all with access to multiple different 60' wide rights-of-way. The subject variance request is being done as a formality to allow the subject site to be rezoned to the IL zoning district, which allows the Applicant to operate a contractor storage use, which is a typical use found on many parcels in the immediate vicinity of the site. Therefore, granting of this variance will not be injurious or detrimental to the area involved or the public welfare.*

**Staff Response: CORRECT.** Granting of this variance will not be injurious to the area involved or detrimental to public welfare.

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**CONCLUSION:** Staff has evaluated the standards listed under Article 2.B.7.E.6, and determined the requests satisfy all of the standards. Staff is therefore recommending **approval** of the Type 2 Variance and the Subdivision Variance requests subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

## CONDITIONS OF APPROVAL

### EXHIBIT C-1

#### Type 2 Variance - Standalone

##### VARIANCE

1. The Development Order for this Standalone Variance shall be valid until June 1, 2024, a period of one year from the date of the Zoning Hearing, the Property Owner must receive approval for an Official Zoning Map Amendment (Rezoning) to rezone the site to Industrial Light (IL) zoning district and approval of a Subdivision Plan in order to vest this Variance. (DATE/ONGOING: MONITORING - Monitoring)
2. 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 Final Subdivision Plan to the Building Division. (ONGOING: BUILDING DIVISION - Zoning)
3. Prior to the submittal for any Final Approval by the Development Review Officer, the approved Variances and any associated Conditions of Approval shall be shown on the Final Subdivision Plan, if applicable. (ONGOING: ZONING - Zoning)

##### COMPLIANCE

1. In Granting this Approval, the Zoning 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 Zoning Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - 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: MONITORING - Zoning)

##### 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

#### Subdivision Variance - Standalone

#### ENGINEERING

1. Prior to June 1, 2024, the Property Owner shall reconfigure the lots into one legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (DATE: MONITORING - Engineering)
2. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for the 25 foot corner clip at the southeast corner of Scott Avenue and Gardenia Street as approved by the County Engineer.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney s fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector s Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

#### 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 Zoning Commission for review under the Compliance Condition of this Approval. (ONGOING: ENGINEERING - Monitoring)
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.

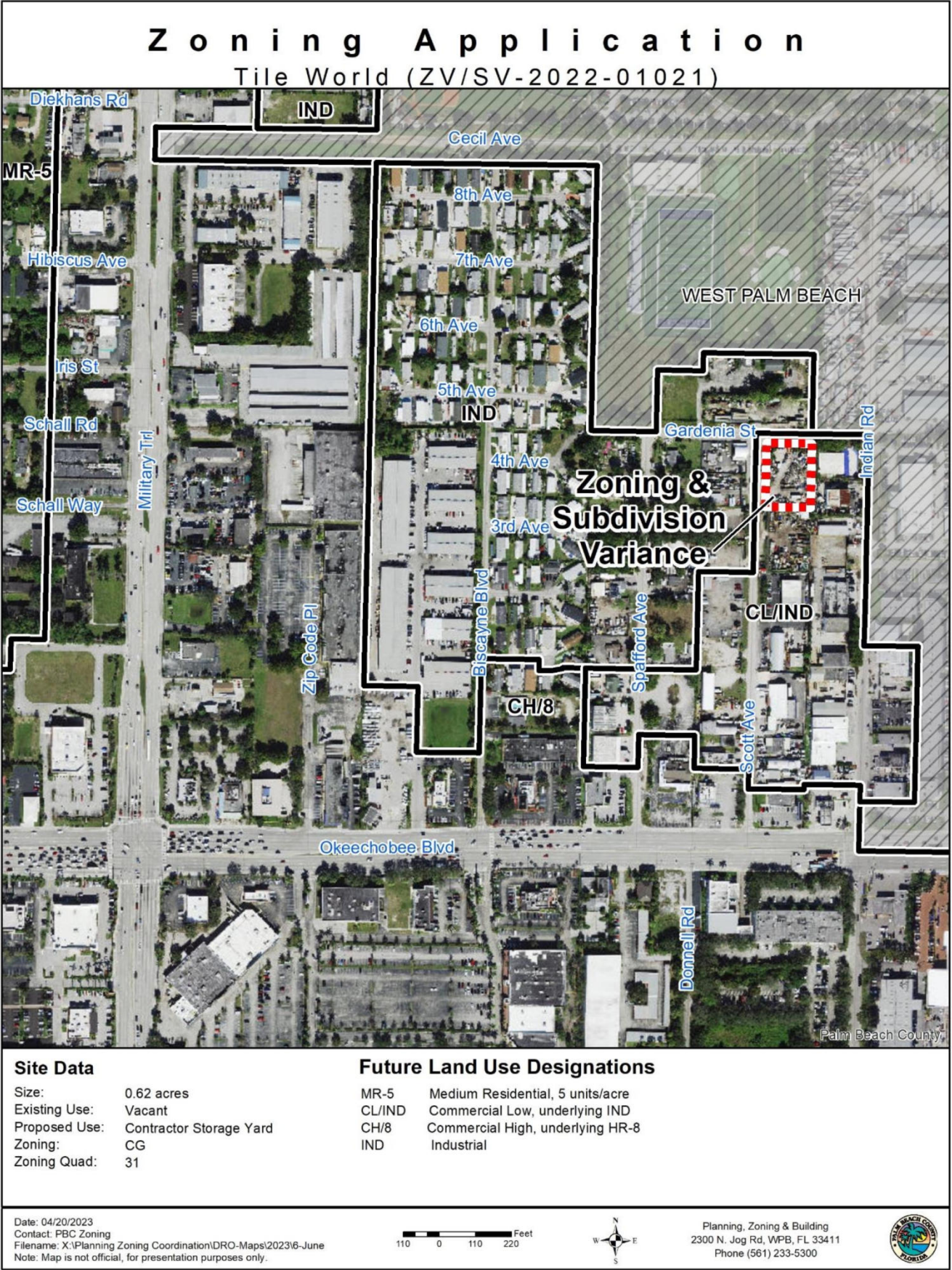
Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the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

#### 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



Zoning Commission

Application No. ZV/SV-2022-01021

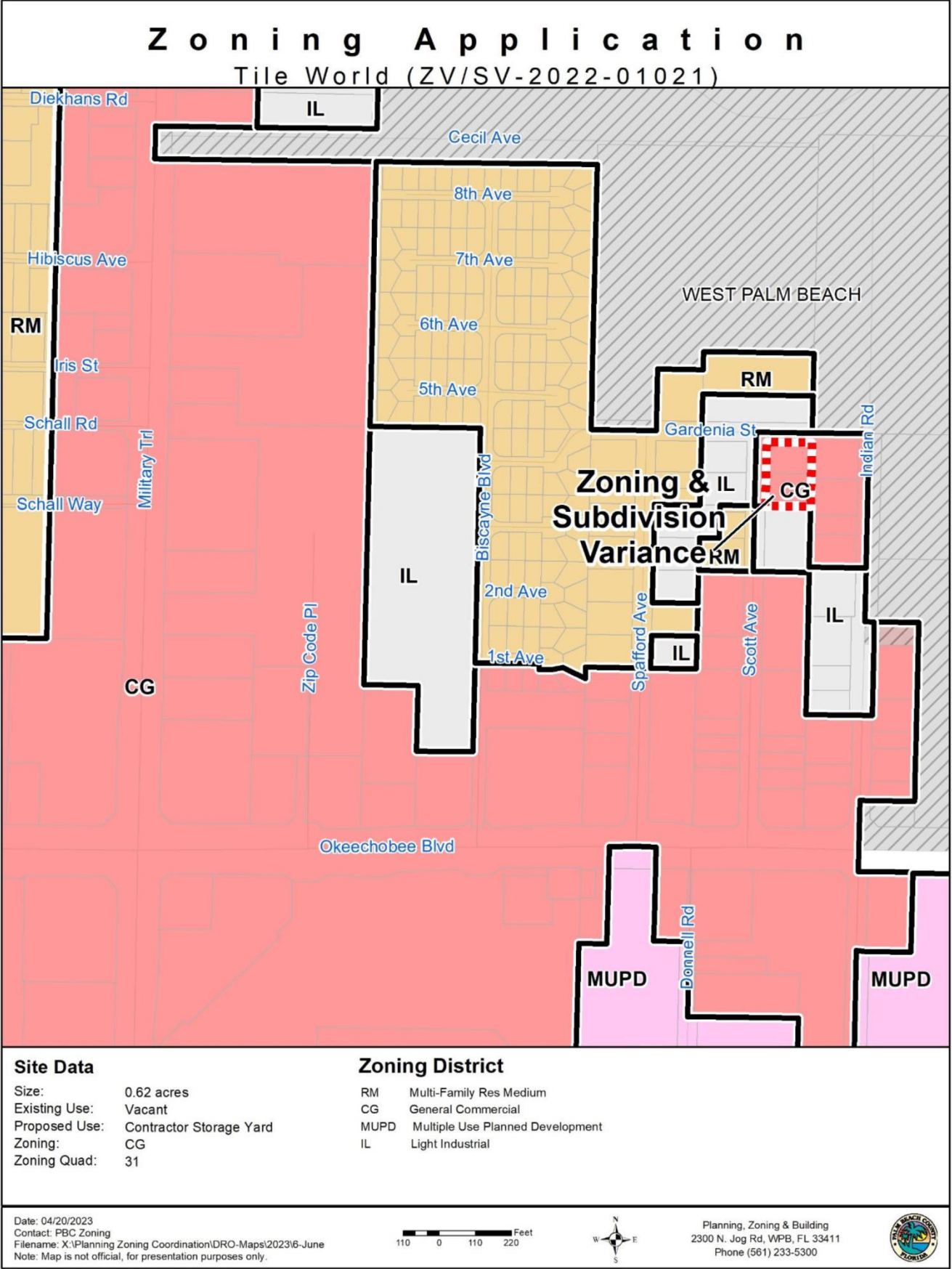
June 1, 2023

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Tile World



Figure 2 - Zoning Map





Date: 11/15/21  
Scale: 1" = 20'-0"  
Design By: CE  
Drawn By: TS  
Checked By: CE  
File No. 1029.01  
Job No. 21-19

PRELIMINARY  
SITE  
PLAN

of 1



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 Cranston Chung, 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: 2234 Scott Avenue  
\_\_\_\_\_  
\_\_\_\_\_
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.

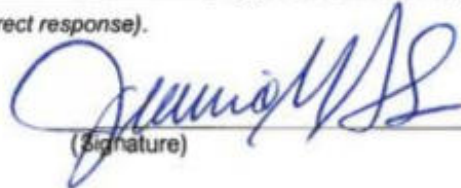
  
Cranston Chung, Affiant  
 (Print Affiant Name)

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 21 day of June, 2022 by Cranston Chung (name of person acknowledging). He/she is personally known to me or has produced Valid ID (type of identification) as identification and did/did not take an oath (circle correct response).

Jeannie M. Avalos  
 (Name - type, stamp or print clearly)

  
 (Signature)

My Commission Expires on: \_\_\_\_\_





**EXHIBIT "A"**

**PROPERTY**

LOTS 35 AND 36, OKEECHOBEE GARDEN ESTATES, AS RECOREDED IN THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 23, PAGE 181, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. SAID LANDS SITUATE IN THE CITY OF PALM BEACH COUNTY, FLORIDA AND CONTAINING 26,849 SQUARE FEET OR 0.616 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

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	
Cranston Chung	935 32nd Street, West Palm Beach, FL 33407	100%



**Justification Statement  
Tile World  
Palm Beach County (PBC)  
Type 2 Variance (Standalone) Application  
Original Submittal: June 24, 2022**

**Request**

On behalf of the applicant, Cranston Chung (“Owner/Applicant”), Schmidt Nichols respectfully requests your consideration of this application for a Standalone Type II Variance application for the project known as Tile World. The 0.62-acre subject property is (PCNs: 00-42-43-24-01-000-0350 & 00-42-43-24-001-000-0360) is located southeast corner of Scott Avenue and Gardenia Street in unincorporated Palm Beach County (“subject property”). The site is currently cleared and vacant.

Currently the subject property supports a Future Land Use Atlas (FLUA) designation of Commercial Low, with underlying Industrial (CL/IND) and lay within the Urban/Suburban (U/S) Tier according to the Growth Management Tier System Maps outlined in the Comprehensive Plan Future Land Use Element. The subject site is currently designated within the General Commercial (CG) Zoning District with a Special Exception Planned Commercial Development (SE/PCD) approval. The applicant proposes to process a future application to rezone the subject site with CG with SE/PCD to the Light Industrial (IL) zoning district. The IL designation has specific requirements with regard to minimum lot size and lot dimensions, therefore necessitating the subject Standalone Type 2 Variance application.

Below is a summary of surrounding properties:

	Uses	FLU	Zoning
Subject Property	Warehouse (Existing), Contractor Storage Yard & Warehouse (Proposed)	CL/IND (Existing/Proposed)	MUPD (Existing/Proposed)
North	Industrial	IND, I (WPB)	IL, IG (WPB)
South	Industrial	CL/IND	CG, IL
East	Commercial	C (WPB)	CPD (WPB)
West	Industrial	IND	IL



**History**

- **December 22, 1981:** Resolution R-1981-1635 approved Special Exception Planned Commercial Development consisting of 9,390 s.f. structure which included 7,390 s.f. Warehouse and 2,000 s.f. Office/Showroom space.

**Requests**

The Applicant requests consideration of the following:

**Request 1: Standalone Type II Variance Request** to allow two variances from the Property Development Regulations for IL zoned parcels found in Article 3. Specifically, the applicant requests a reduction of the minimum lot size and a reduction of the minimum lot depth for IL zoned parcels. The chart below summarizes these requests.

Type 2 Variance Chart					
	ULDC Section/Description	Required	Provided	Variance	Approval Date/Resolution No.
	Table 3.D.1.A Property Development Regulations	1 acre min. lot size for IL zoning.	0.62 acres	To allow a 0.38 acre reduction of the minimum lot size for IL zoning.	TBD
	Table 3.D.1.A Property Development Regulations	200' min. lot depth for IL zoning.	137.62'	To allow a 62.38' reduction of the min. lot depth requirement for IL zoning.	TBD

Per Unified Land Development Code (ULDC) Art.2.B.7.E.6, Standards for Zoning or Subdivision Variance, The Zoning Commission shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a zoning or subdivision variance:

VIII. VARIANCE INFORMATION:
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The Seven Standards below are one of the factors Staff uses in formulating their recommendations and opinions. Address each standard completely and attach additional information or documentation as necessary.

TYPE II VARIANCE SEVEN (7) STANDARDS
<p>A. 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:</p> <p>RESPONSE: Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of</p>



land, structures or buildings in the same district.

Furthermore,

**V1 & V2:** The subject site was subdivided long prior to the existence of today's ULDC. The subject site is located in an area that consists primarily of industrial and light industrial uses that are consistent with the regulations of the code for the IL zoning district. Without the subject variance, this site would be limited by its existing CG with SE/PCD approval to the uses approved on the site plan of record, with few options to amend them due to nonconformity issues. Therefore, based on these circumstances that are unique to this site, the applicant requests these variances from the minimum lot size and dimensions for IL zoned parcels.

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

**RESPONSE:** There are special circumstances and conditions that apply that are not a result of actions by the applicant.

Furthermore,

**V1 & V2:** The applicant did not subdivide these parcels from their original tract, creating a non-conforming size and dimension for today's code. Current code requirements for minimum lot size and dimensions did not exist at the time this site was originally subdivided. Therefore, the applicant is not responsible for the circumstances and conditions unique to this site.

**C. 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:**

**RESPONSE:** Granting the variance will not confer any special privilege upon the applicant denied by the Comprehensive Plan and this Code to other parcels of land, buildings or structures in the same zoning district.

Furthermore,

**V1 & V2:** Granting of this variance will result in the subject site being able to rezone to the IL zoning district and to therefore be able to be used for reasonable light industrial uses that are consistent with the IL zoning regulations and with the uses that surround the site. A denial of this variance would result in an undue hardship on the applicant as the existing SE/PCD and current requirements of

the ULDC significantly restrict the possible uses of this land due to non-conformity issues and existing development orders.

**D. 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:**

**RESPONSE:** 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.

Furthermore,

**V1 & V2:** Literal interpretation of the code would force this site to remain with its current CG zoning and approved SE/PCD development order in perpetuity. Any attempt to change the approved uses, site configuration, etc. would be hindered by the fact that the overall SE/PCD approval has numerous non-conformity issues that would result in significant hardship on the applicant to resolve. The applicant previously attempted to go this route to change the use of their portion of the SE/PCD, however it was ultimately withdrawn by PBC staff due to these issues. Therefore, literal interpretation of this code section results in significant undue hardships on the applicant as the site could not be put to the highest and best use consistent with other properties in the same vicinity.

**E. GRANTING THE VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:**

**RESPONSE:** Granting these variances are the minimum needed for the reasonable use of the property.

Furthermore,

**V1 & V2:** Granting of this variance is the minimum necessary to make possible the reasonable use of this land. The applicant is ultimately seeking approval for a Contractor Storage use in a future application to Palm Beach County. This use is permitted by right in the IL zoning district. Furthermore, the IL zoning district is consistent with this site's underlying Industrial FLU designation and is also consistent with the land uses in the general vicinity of the site. Therefore, the best path forward is to rezone the subject site to the IL zoning district which requires a minimum lot size of 1 acre plus a minimum depth of 200'. The subject



variance requests are limited by the existing dimensions and size of the subject site. Therefore, they are the minimum necessary that will make possible the reasonable use of this land.

**F. GRANTING THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:**

**RESPONSE:** Granting of the requested variances will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

Furthermore,

**V1 & V2:** The requested variances for the minimum lot size and minimum depth requirement of the IL zoning district is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and this Code. The subject site has an underlying Industrial FLU designation which is consistent with the proposed IL zoning designation. Furthermore, the area surrounding this site has industrial and commercial uses that are compatible and consistent with the proposed zoning designation of this site. Therefore, by granting this variance, and therefore allowing the applicant to request a rezoning of this site from CG with SE/PCD to IL, it is consistent with the purposes, goals, and objectives of the Comprehensive Plan and this Code.

**G. GRANTING THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:**

**RESPONSE:** Granting of the requested variances will clearly not be injurious to the area involved or otherwise detrimental to the public welfare.

Furthermore,

**V1 & V2:** The area surrounding this property is entirely industrial and commercial in nature. The subject variance will not result in any impacts to these surrounding uses and will instead allow uses that are substantially similar in nature following approval of a rezoning to the IL zoning district.

On behalf of the applicant, Cranston Chung ("Owner/Applicant"), Schmidt Nichols respectfully requests your approval of this Standalone Type 2 Variance application for Tile World.

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- **December 22, 1981:** Resolution R-1981-1635 approved Special Exception Planned Commercial Development consisting of 9,390 s.f. structure which included 7,390 s.f. Warehouse and 2,000 s.f. Office/Showroom space.

**Requests**

The Applicant requests consideration of the following:

**Request 1: Standalone Type II Variance Request** to allow two variances from the Property Development Regulations for IL zoned parcels found in Article 3. Specifically, the applicant requests a reduction of the minimum lot size and a reduction of the minimum lot depth for IL zoned parcels. The chart below summarizes these requests.

Type 2 Variance Chart					
	ULDC Section/Description	Required	Provided	Variance	Approval Date/Resolution No.
	Table 3.D.1.A	1 acre min. lot size for IL zoning.	0.62 acres	To allow a 0.38 acre reduction of the minimum lot size for IL zoning.	TBD
	Property Development Regulations				
	Table 3.D.1.A	200' min. lot depth for IL zoning.	137.62'	To allow a 62.38' reduction of the min. lot depth requirement for IL zoning.	TBD
	Property Development Regulations				

Per Unified Land Development Code (ULDC) Art.2.B.7.E.6, Standards for Zoning or Subdivision Variance, The Zoning Commission shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a zoning or subdivision variance:

VIII. VARIANCE INFORMATION:
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The Seven Standards below are one of the factors Staff uses in formulating their recommendations and opinions. Address each standard completely and attach additional information or documentation as necessary.

TYPE II VARIANCE SEVEN (7) STANDARDS
<p>A. 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:</p> <p>RESPONSE: Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of</p>



Exhibit F – Applicant’s Justification Statement dated June 24, 2022 – Subdivision Variance:



Justification Statement  
Tile World  
Palm Beach County (PBC)  
Subdivision Variance (Standalone) Application  
Original Submittal: June 24, 2022

**Request**

On behalf of the applicant, Cranston Chung ("Owner/Applicant"), Schmidt Nichols respectfully requests your consideration of this application for a Standalone Type II Variance application for the project known as Tile World. The 0.62-acre subject property is (PCNs: 00-42-43-24-01-000-0350 & 00-42-43-24-001-000-0360) is located southeast corner of Scott Avenue and Gardenia Street in unincorporated Palm Beach County ("subject property"). The site is currently cleared and vacant.

Currently the subject property supports a Future Land Use Atlas (FLUA) designation of Commercial Low, with underlying Industrial (CL/IND) and lay within the Urban/Suburban (U/S) Tier according to the Growth Management Tier System Maps outlined in the Comprehensive Plan Future Land Use Element. The subject site is currently designated within the General Commercial (CG) Zoning District with a Special Exception Planned Commercial Development (SE/PCD) approval. The applicant proposes to process a future application to rezone the subject site with CG with SE/PCD to the Light Industrial (IL) zoning district. Non-residential uses are required by Article 11 of the ULDC to access specific commercial compatible rights-of-way. However, this site is located in a legacy industrial and commercial portion of the County with non-conforming rights-of-way, therefore necessitating the subject Subdivision Variance.

Below is a summary of surrounding properties:

	Uses	FLU	Zoning
Subject Property	Warehouse (Existing), Contractor Storage Yard & Warehouse (Proposed)	CL/IND (Existing/Proposed)	MUPD (Existing/Proposed)
North	Industrial	IND, I (WPB)	IL, IG (WPB)
South	Industrial	CL/IND	CG, IL
East	Commercial	C (WPB)	CPD (WPB)
West	Industrial	IND	IL

**History**

- December 22, 1981: Resolution R-1981-1635 approved Special Exception Planned Commercial Development consisting of 9,390 s.f. structure which included 7,390 s.f. Warehouse and 2,000 s.f. Office/Showroom space.


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**Requests**

The Applicant requests consideration of the following:

**Request 1: Standalone Subdivision Variance Request** to allow variance from the access subdivision standards found in Article 11 of the ULDC. The subject site is located in an industrial area of unincorporated Palm Beach County which pre-dates the subdivision requirements of Table 11.E.2.A-2. Therefore, the subject site and all the properties surrounding it with industrial and commercial uses all access 60' rights-of-way which do not meet the requirement of Table 11.E.2.A-2 which requires access to 80' Local Commercial or Non-Plan Collector rights-of-way. There are no residential uses on the subject right-of-way nor within the general vicinity of the site. All parcels that access the subject right of way and surrounding rights of way consist entirely of commercial and industrial uses of a similar nature. The applicant wishes to utilize this site for an industrial land use that is consistent with existing uses in the surrounding area, and therefore requests approval of the subject variance to allow access onto a legacy right-of-way which does not conform to current access standards.

Below is the variance chart for this project. The subject variance is referenced as V3 in the chart and the standards below because there are two other Type 2 Variances being processed and reviewed concurrently to this one:

Subdivision Variance Chart					
	ULDC Section/Description	Required	Provided	Variance	Approval Date/Resolution No.
	Table 11.E.2.A-2	Access to 80' Local Commercial or Non-Plan Collector ROW	Access to 80' Swales ROW	To allow access to 80' Swales ROW	TBD
	Chart of Minor Streets				

Per Unified Land Development Code (ULDC) Art.2.B.7.E.6, Standards for Zoning or Subdivision Variance, The Zoning Commission shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a zoning or subdivision variance:

**VIII. VARIANCE INFORMATION:**

The Seven Standards below are one of the factors Staff uses in formulating their recommendations and opinions. Address each standard completely and attach additional information or documentation as necessary.

TYPE II VARIANCE SEVEN (7) STANDARDS
A. 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:



**RESPONSE:** 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 district.

Furthermore,

**V3:** The subject site is located in an area that is entirely industrial in nature, consistent with the applicant's proposed Light Industrial zoning designation in their follow up rezoning application. All properties surrounding this site have either Light Industrial, General Commercial, or General Industrial zoning designations and all have existing industrial-type uses, such as contractor storage, warehouse, repair & maintenance, auto paint & body, etc. All such uses in the immediate vicinity of the site access the same 60' wide R.O.W. as the subject site, which is the subject of this variance request. Therefore, it is reasonable to grant the subject variance as the subject site is located in a unique location with like land uses which access a deficient width R.O.W.

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

**RESPONSE:** There are special circumstances and conditions that apply that are not a result of actions by the applicant.

Furthermore,

**V3:** The subject site being located in an area of industrial character and with access only to 60' wide rights-of-way is not the result of actions of the applicant. These circumstances are the result of platting and zoning actions which occurred many decades prior, before the existence of the subject access requirements of the ULDC.

**C. 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:**

**RESPONSE:** Granting the variance will not confer any special privilege upon the applicant denied by the Comprehensive Plan and this Code to other parcels of land, buildings or structures in the same zoning district.

Furthermore,

**V3:** Granting the subject variance will simply allow the subject site to be rezoned to the Light Industrial zoning district, which is a compatible zoning designation with neighboring properties in the same subdivision. Furthermore, there are a number of properties which are already zoned Light Industrial in the immediate vicinity with access to the same 60' R.O.W. as the subject property. These properties are being allowed the privilege to operate in a non-conforming manner. The subject request would allow the subject property to operate in a similar manner which is compatible with character of the area surrounding the site.

**D. 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:**

**RESPONSE:** 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.

Furthermore,

**V3:** Literal interpretation of the code would deprive them the ability to use their property in ways substantially similar to properties along the same 60' ROW in the immediate vicinity. Literal interpretation of the code would only permit residential uses to exist on this site, as only residential uses are permitted to access a 60' R.O.W. The surrounding area is substantially incompatible with residential uses, as it mainly consists of industrial land uses. Therefore, literal interpretation of the subject code section would deprive the applicant reasonable use of their property.

**E. GRANTING THE VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:**

**RESPONSE:** Granting these variances are the minimum needed for the reasonable use of the property.

Furthermore,

**V3:** Granting this variance is the minimum needed for the applicant to reasonably use their land in a manner consistent with neighboring properties in the general vicinity. This variance would allow the subject site to have uses that are consistent with the Light Industrial zoning district, which is consistent with other properties along the same 60' ROW with Light Industrial zoning designations.

**F. GRANTING THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:**

**RESPONSE:** Granting of the requested variances will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

Furthermore,

**V3:** Granting this variance will allow the subject site to be used for non-residential purposes with access onto the existing 60' ROW. This is consistent with the intent of the



Comprehensive Plan, which includes Goals, Objectives, and Policies which anticipates the colocation of industrial and commercial-type uses in certain areas, such as the area in which the subject property is located.

**G. GRANTING THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:**

**RESPONSE:** Granting of the requested variances will clearly not be injurious to the area involved or otherwise detrimental to the public welfare.

Furthermore,

**V3:** The area in which the subject site is located is entirely made up of industrial-type uses, all with access to multiple different 60' wide rights-of-way. The subject variance request is being done as a formality to allow the subject site to be rezoned to the IL zoning district, which allows the applicant to operate a contractor storage use, which is a typical use found on many parcels in the immediate vicinity of the site. Therefore, granting of this variance will not be injurious or detrimental to the area involved or the public welfare.

On behalf of the applicant, Cranston Chung ("Owner/Applicant"), Schmidt Nichols respectfully requests your approval of this Standalone Subdivision Variance application for Tile World.

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