

**PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS DEPARTMENT
LAND DEVELOPMENT DIVISION**

ZONING COMMISSION STANDALONE VARIANCE STAFF REPORT

Application No.: SV-2022-01013
Application Name: Chabad of Lake Worth
Control No./Name: 2022-00114
Applicant(s): Chabad of Lake Worth Inc
Owner(s): Chabad of Lake Worth Inc
Agent(s): Schmidt Nichols - Josh Nichols
Telephone No.: (561) 684-6141
Project Manager: Scott Cantor, Division Director IV

TITLE: a Subdivision Variance **REQUEST:** to allow access from the existing 40-foot right-of-way (ROW) with no swales or gutters and to allow access to a road of non-plan collector or higher classification on 3.03 acres.

APPLICATION SUMMARY: Petition of Josh Nichols, Schmidt Nichols, on behalf of Chabad of Lake Worth, Inc., requesting a variance from the requirements that access for a place of worship shall be by an 80-foot Local Commercial Street with 24-feet of pavement width and that corner lots shall access on the local street. Approval of this application will allow access from the existing 40-foot ROW of Colbright Road with 20-foot of pavement and also to have access on Lantana Road, a higher classification street.

SITE DATA:

Location:	Northwest corner of Lantana Road and Colbright Road
Property Control Number(s)	00-42-43-27-05-032-3070
Existing Land Use Designation:	Low Residential (LR-1)
Existing Zoning District:	Agricultural Residential District (AR)
Acreage:	3.03 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

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

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received no contact from the public regarding this project.

PROJECT HISTORY:

The subject property currently has a Future Land Use designation of Low Residential, 1 unit per acre (LR) – 1 within the Agriculture Residential (AR) Zoning District. The site is under Unincorporated Palm Beach County jurisdiction and is presently developed with a single-family home.

SURROUNDING LAND USES:

NORTH:

FLU Designation: Low Density Residential (LR-1)
Zoning District: Agriculture Residential (AR)
Supporting: Residential (Control No. N/A)

SOUTH:

FLU Designation: Low Density Residential (LR-3)
Zoning District: Agriculture Residential (AR)

Supporting: Residential (Control No. N/A)

EAST (across Colbright Road):

FLU Designation: Low Density Residential (LR-1)

Zoning District: Agriculture Residential (AR)

Supporting: Commercial (Nursery) (Control No. 2004-90014, 2018-00157)

WEST:

FLU Designation: Low Density Residential (LR-2)

Zoning District: Agriculture Residential (AR)

Supporting: Residential (Control No. N/A)

SUBDIVISION VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Minimum Legal Access	80' ROW for Local Commercial Road Classification with 24-foot of pavement	40-foot ROW width and 20-foot of pavement	40-foot of ROW and 4-foot of pavement
Table 11.E.2.A-2 Chart of Minor Streets	Corner lots which abut a street of non-plan collector of higher classification (Lantana Road) shall have access to the local street (Colbright Road)	Access provided to a nonplan collector or higher classification street (Lantana Road)	To allow access to a road of non-plan collector or higher classification (Lantana Road)

FINDINGS:

Subdivision Variance Standards:

When considering a Development Order application for a Subdivision Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Subdivision Variances. 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.

The Agent for this site is seeking a standalone Subdivision Variance to allow access to both a local residential road and a major street. Pursuant to the Unified Land Development Code (ULDC), Article 11, Chapter 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 forth in Table 11.E.2.A-2, Chart of Minor Streets, and pursuant to Table 11.E.2.A-2, access to this particular use shall be a minimum 80 foot non-plan collector roadway. Also, pursuant to the Unified Land Development Code (ULDC), Article 11, Chapter E.2.A.4.b., where a lot abuts streets of Local or higher classification, access to the lot shall be by the street of lower classification, unless otherwise permitted by this Code; provided, however, that access shall not be permitted on a Local Residential or Residential Access Street as prescribed on Table 11.E.2.A-2, Chart of Minor Streets, unless the street cross section is improved to meet Local Commercial standards. A Subdivision Variance is requested to allow this parcel to have an egress only access connection to Lantana Road (a major street) and full access to Colbright Road (local residential street). The existing property is a single family home and the proposed development is an 8,918 square foot place of worship. Engineering staff is recommending **APPROVAL** of the Subdivision Variance.

- 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.**

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.*

SV1: *Furthermore, the subject property is located on the intersection of Colbright & Lantana. Between Jog Road & Florida's Turnpike, west of Hagen Ranch Road. The proposed use of a place of worship*

requires a collector or arterial roadway or local commercial street in which Colbright Road is a local residential Road. The subject property was previously developed as a single-family home with access directly to Colbright Road. Based on the utilization of the site for a place of worship and low peak demand trips, it is reasonable to request that the existing driveways be utilized on Colbright with a reduction in the ROW and pavement width to support the place of worship use. Double Frontage lots are encouraged to access from the street of lower classification.

SV2: Moreover, the subject site is located on the intersection of Colbright & Lantana. The proposed use of place of worship requires a frontage on and access from a Collector, or higher classification street per ULDC Article 4, section 4.C.12. the subject site abuts a higher classification street (Lantana Road) in which accommodate the code. Furthermore, it is reasonable to request an access directly from Lantana Road.

Staff Response: CORRECT. This site is located at the northwest corner of Lantana Road and Colbright Road. Colbright Road is a local residential road constructed to local residential standards. Engineering's code requires access to the side street with the side street constructed to non-plan collector standards. Zoning's code requires this use to have a connection to a road that functions as an arterial or collector road. By having an egress only access connection to Lantana Road, the property will meet the Article 4 requirements of having a connection to a collector street of the proper width and function.

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

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

SV1: Furthermore, the subject site was developed as a Single-Family home with an access directly from Colbright Road. The conditions by which the proposed variance is created is based on the fact that the access requirements for a place of worship require a collector, or arterial roadway or local commercial street in which the subject property exists on a double frontage lot at the intersection of Colbright Road and Lantana Road which requires access to the lower ROW classification. The driveways are existing with entry gates and we are proposing a change in use within the existing site.

SV2: Moreover, conditions by which the proposed variance is created is based on the fact that the access requirements for a place of worship require a frontage on and access from a collector street in which Lantana Road is a collector road. Approval of this variance will satisfy the access requirements for the proposed use of place of worship.

Staff Response: CORRECT. The driveway connections on Colbright Road are existing and not the result of the applicant. Also, with the applicant proposing an egress only access connection to Lantana Road, the place of worship will meet the location criteria in Article 4 and provide less of an impact to the residential homes that have frontage on Colbright Road.

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.

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, building or structures in the same zoning district.

SV1: As mentioned before, the subject site was previously developed as a single-family home with access directly to Colbright Road. Based on the use change to place of worship, it requires a collector, arterial roadway or local commercial street. In comparison to the other parcels of land, on mid-block on Colbright going north, there is a Jehovah witness location which has the same use as the proposed site and have access to Colbright Road. The reduction in ROW width and pavement width will not hinder the ability for the ROW to operate in a safe and efficient manner.

SV2: Furthermore, the literal interpretation of the Code requires the applicant to have a frontage on and an access to a collector or higher classification street (Lantana Road). In this instance the structures are existing and being converted to a place of worship. It would be an undue hardship to modify the entire property to add an access to Lantana Road.

Staff Response: CORRECT. Grant of this variance will not confer any special privileges denied by the comprehensive plan or the code.

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.*

Applicant's Response: *Literal interpretation 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.*

SV1: *The subject site was a single-family home with an access directly to Colbright. The subject variance is to allow for a variance to reduce the ROW width to 40' and reduce the pavement width to 20' for a local commercial classification. It would be an undue hardship to approve the subject variance because it is an already existing condition.*

SV2: *Furthermore, the literal interpretation of the Code requires the applicant to have a frontage on and an access to a collector or higher classification street (Lantana Road). In this instance the structures are existing and being converted to a place of worship. It would be an undue hardship to modify the entire property to add an access to Lantana Road.*

Staff Response: CORRECT. Literal interpretation of the code would result in reconstruction of Colbright Road to non-plan collector standards and the need to dedicate additional ROW to rebuild the road. The connection to Lantana Road, which is an egress only which would prevent compliance with Article 4 location criteria requirements.

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

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

SV1, SV2: *Granting of the proposed subdivision variance is the minimum variance necessary to not impose an undue hardship on the applicant to reconfigure an existing site for a place of worship permitted use to occupy the structures on the property.*

Staff Response: CORRECT. Granting of this request is the minimum variance to allow for the Article 4 location criteria to be met. It is the minimum variance necessary for the place of worship use on this parcel of land. No other variances or waivers are required for the proposed access on Colbright Road and Lantana Road.

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

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.*

SV1: *the variance is consistent with the goals, objectives, and policies which promote a mixture of uses and those uses which support other business activities whether direct or indirect. The proposed use is permitted subject to staff level approval and due to lack of additional available ROW for Colbright Road the proposed variance is necessary as well as to comply with double frontage lot requirements to access the street of lower-level classification.*

SV2: *the variance is consistent with the goals, objectives, and policies which promote a mixture of uses and those uses which support other business activities whether direct or indirect. The proposed use requires an access to high classification street (Lantana).*

Staff Response: CORRECT. Grant of this variance is consistent with other purposes, goals, objectives and policies of the comprehensive plan and the code.

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

Applicant's Response: *granting of the requested variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*

V1: *Furthermore, the proposed subdivision variance will not be injurious to the surrounding properties as they are all residential properties. Moreover, the use is in accordance with the surrounding uses. Access to Colbright will allow for patrons of the place of worship to utilize Colbright road to their safety access on Lantana Road going East or West.*

SV2: *Furthermore, the proposed subdivision variance will not be injurious to the surrounding properties as they are all residential properties. Moreover, the use is in accordance with the surrounding uses. Access to Lantana will accommodate the code requirement required for the proposed use.*

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

CONDITIONS OF APPROVAL

EXHIBIT C

ENGINEERING

1. The driveway connection to Lantana Road is restricted as an egress only connection. (ONGOING: ENGINEERING - Engineering)

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

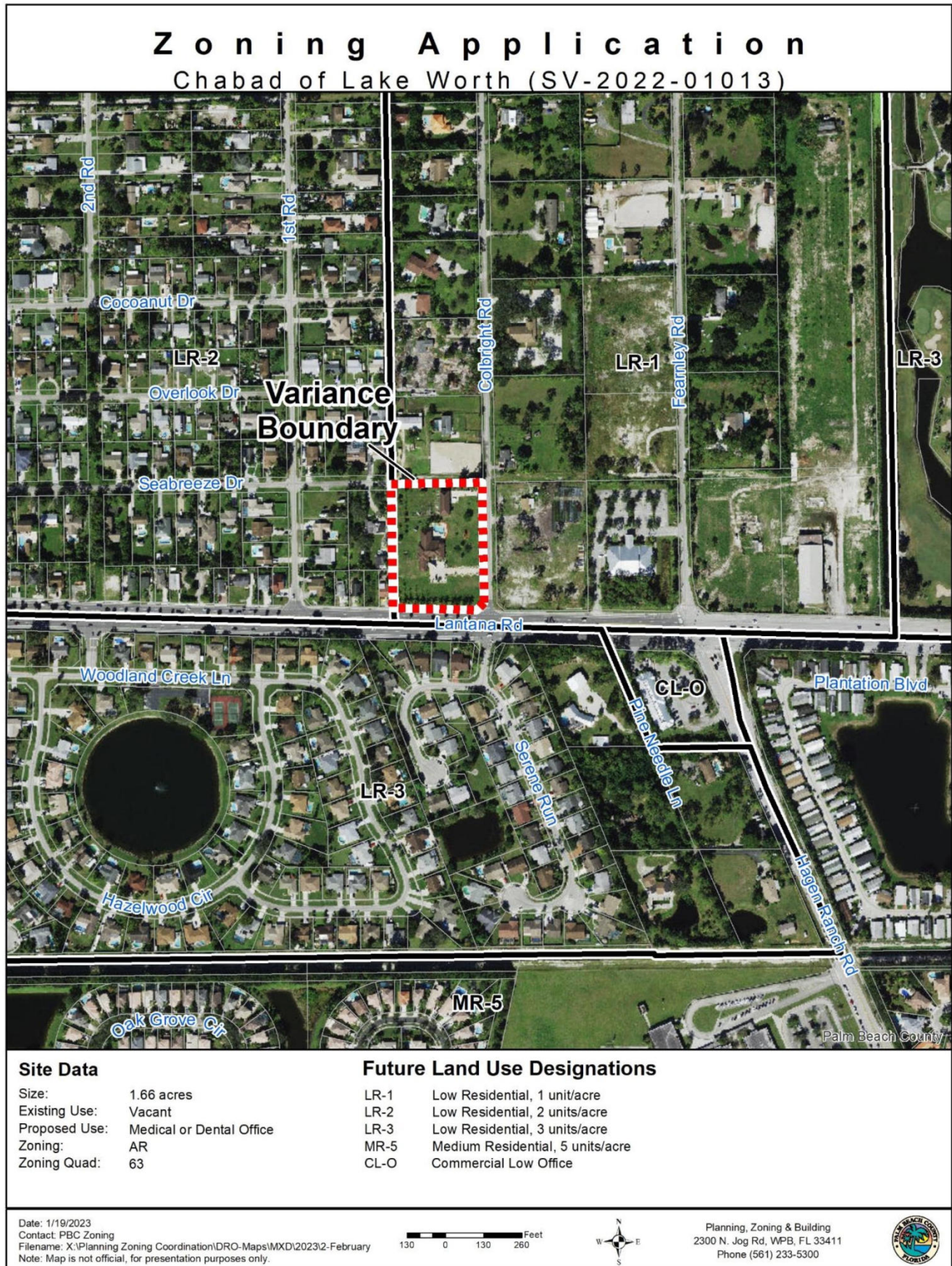


Figure 2 - Zoning Map

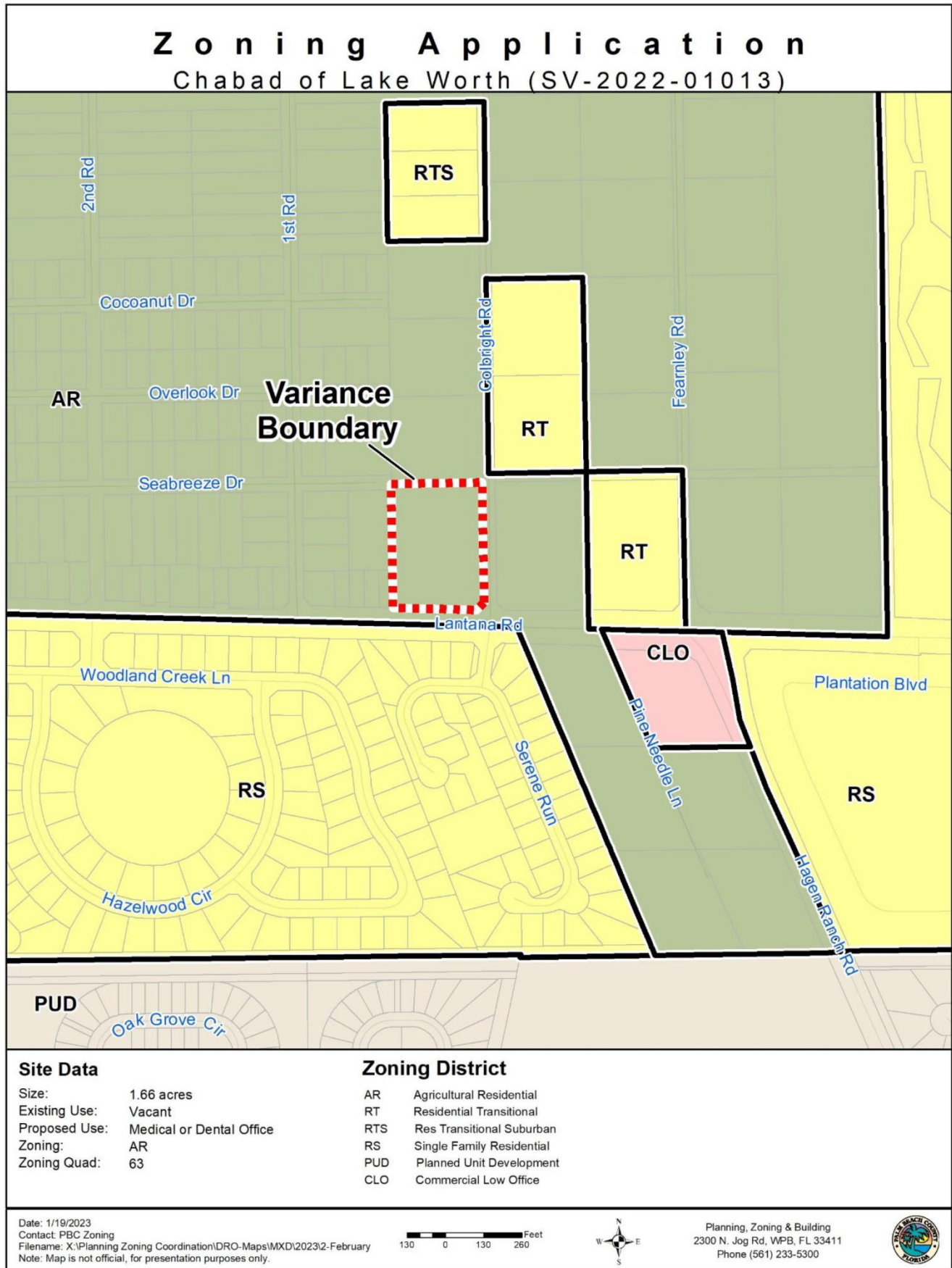


Figure 4 – Preliminary Site Plan dated September, 2022



1081 Colbright Road

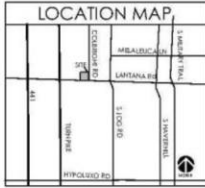
Palm Beach County, Florida

Date: 09/XX/22
Scale: 1" = 30'-0"
Design By: JMN
Drawn By: TS
Checked By: 2021.01
Job No.: 22-54

REVISIONS / SUBMISSIONS

PRELIMINARY
SITE
PLAN

PSP-1 of 1



SITE TABULAR DATA	
Application Name	
Control Number	
Application Number	
Tier	Urban/Suburban
Existing Future Land Use Designation	
Proposed Future Land Use Designation	
Existing Zoning District	
Overlay	
Section, Town-In, Range	210332
Property Control Numbers	8043-43-27-43-032-30710
Existing Use	Residential
Proposed Use	Place Of Worship
Total Gross Site Area	33 AC. (332,438 s.f.)
Total Net Site Area	XXXX AC. (XXXXXXX s.f.)
Total Gross Floor Area	8,919 s.f.
Place Of Worship	8,919 s.f.
Gross Density	XXXXXXX/AC.
Total Floor Area Ratio	0.07
Total Building Coverage	7% (3,718 s.f.)
Total Open Space Proposed (including convey of 750 s.f.)	42,287 s.f.
Open Space	10% (32,817 s.f.)
Building Height	max. 35'
Number of Stories	2
Total Open Space Required	XXXXXXX s.f.
Total Open Space Provided	42,287 s.f.
Parking Required	45 SPACES
(Provision) - 1 space/250 s.f. @ 8,919 s.f. = 45	
Proposed Parking	45 SPACES
Hardship Issues Required	2
Hardship Issues Proposed	2
Traffic Analysis Zone	3A1
Place Of Worship	Consistency Approval? 8,919 s.f.

PRINCIPAL PROPERTY DEVELOPMENT REQUIREMENTS												
ZONING DISTRICT	SIZE	MINIMUM SETBACKS					MIN. FRONT YARD TREE COVERAGE	STREET CLOSURES/PARALLEL				
		FRONT	REAR	SIDE	DEVELOPER	REAR		FRONT	REAR	DEVELOPER	REAR	
FLU LR-1	33 AC.	20'	20'	20'	20'	20%	10'	10'	10'	10'	10'	
FLU LR-2	33 AC.	20'	20'	20'	20'	20%	10'	10'	10'	10'		

ACCESSORY PROPERTY DEVELOPMENT REQUIREMENTS											
ZONING DISTRICT	SIZE	FRONT	REAR	SIDE	DEVELOPER	REAR	STREET CLOSURES/PARALLEL				
							FRONT	REAR	DEVELOPER	REAR	
FLU LR-1	33 AC.	10'	10'	10'	10'	10'	10'	10'	10'	10'	
FLU LR-2	33 AC.	10'	10'	10'	10'	10'	10'	10'	10'	10'	

DEVELOPMENT TEAM

DEVELOPER: COMPANY NAME
ADDRESS
ADDRESS
PHONE NUMBER

CIVIL/TRAFFIC ENGINEER: COMPANY NAME
ADDRESS
ADDRESS
PHONE NUMBER

PLANNER: SCHMIDT NICHOLS
1591 N FLAGLER DRIVE, SUITE 102
WEST PALM BEACH, FL 33401
(561) 684-6141

SURVEYOR: COMPANY NAME
ADDRESS
ADDRESS
PHONE NUMBER

AMENDMENT STAMP	ZONING STAMP

NOTES

BASE INFORMATION FOR THIS PROJECT WAS OBTAINED FROM A SURVEY PREPARED BY CAUFIELD & WHEELER, INC. DATED 09/15/19

DECORATIVE STREET LIGHTS WILL BE PROVIDED AT THE DEVELOPMENT ENTRANCE

GR DUMPSTER WITH ENCLOSURES

CENTERLINE IS BASED ON NORTH SOUTH 1/4 SECTION LINE OF SECTION 3-41-42

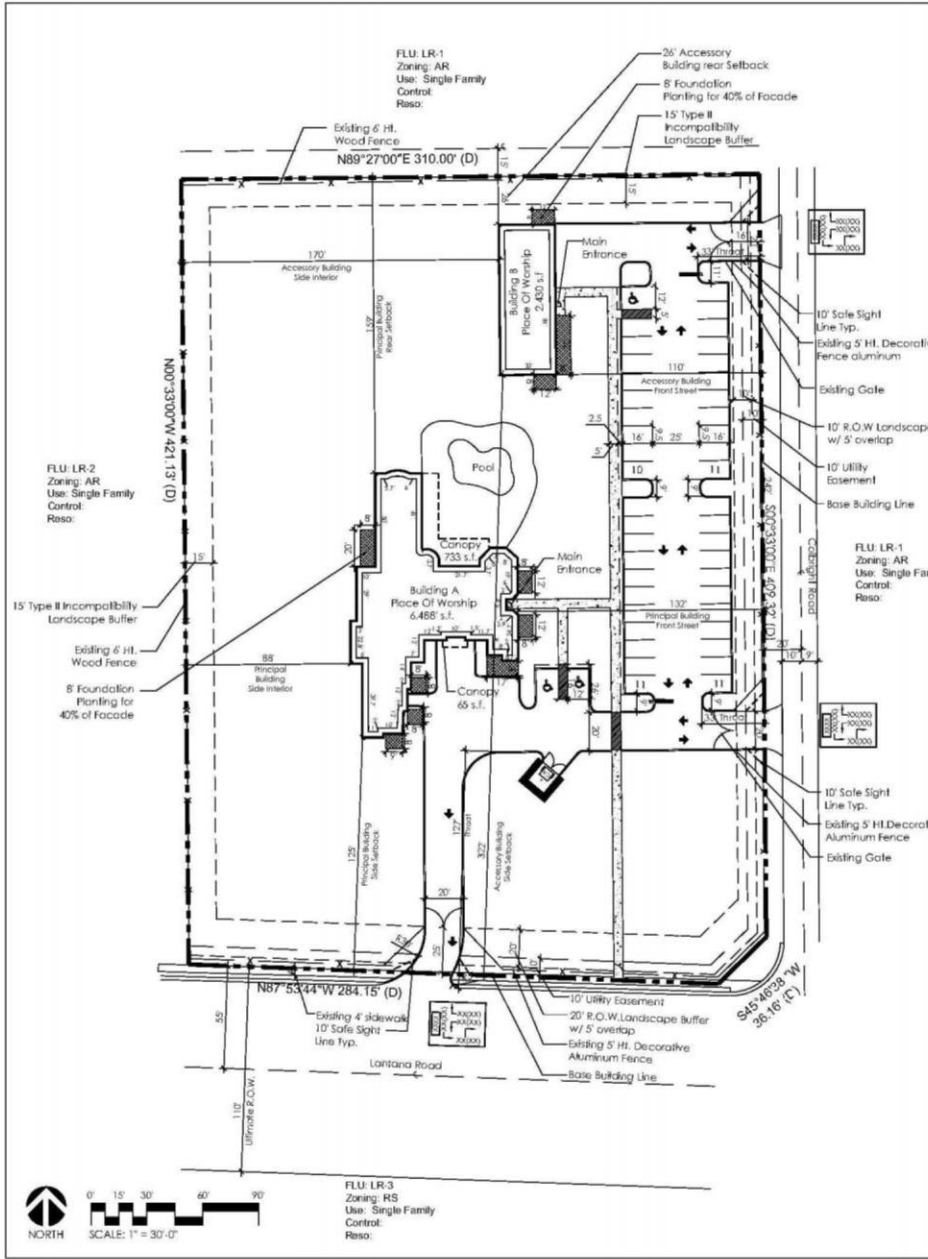


Exhibit D – Disclosure of Ownership

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 Menachem Rosenfeld DP, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- Affiant is the individual or DP of Chabad of Lake Worth Inc. [position - e.g., president, partner, trustee] [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.
- Affiant's address is: 6450 Melalouca LN
Lake Worth Fl. 33463
- 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.
- 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.
- 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.
- 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.

[Signature]
Menachem Rosenfeld, DP, 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 21st day of June, 2022 by Menachem Rosenfeld (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Eunice Yvette Wilson
(Name - type, stamp or print clearly)

Eunice Yvette Wilson
(Signature)

My Commission Expires on: 5/5/24

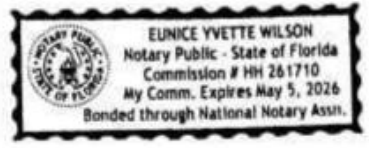


EXHIBIT "A"

PROPERTY

LOT 101, BLOCK 32, PALM BEACH FARMS COMPANY, PLAT NO.3, ACCORDING TO THE MAP OR PLAT THERE OF AS RECORDED IN PLAT BOOK 2, PAGE(S) 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE EAST 20 FEET THEREOF, AND LESS THE RIGHT-OF-WAY DESCRIBED IN OFFICIAL RECORDS BOOK 6251, PAGE 1905.

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
Menachem Rosenfeld	6450 Mellaluca Lane, Lake Worth FL33463

Exhibit E – Applicant’s Justification Statement dated November 29, 2022



**Justification Statement
Stand-alone Subdivision Variance Approval Request
Chabad of Lake Worth Inc.
Palm Beach County (PBC) Submittal
Original Submittal: June 24, 2022**

Introduction

Schmidt Nichols (“Agent”), on behalf of the property owner, Chabad of Lake Worth INC, (“Owner”). Respectfully requests approval of an application for two stand-alone subdivision variances; 1) to consider Colbright Road as a local commercial street with a reduction in ROW width from 80’ to 40’ and the pavement width from 24’ to 20’ to support the proposed use as a of place of worship. 2) To allow access to a non-collector or higher classification street (Lantana Road). The subject property is situated on the intersection of Colbright & Lantana. Between Jog & Turnpike, West of Hagen Ranch Road. It is proximately 3 miles away from the Turnpike within the unincorporated Palm Beach County. PCN# 00-42-43-27-05-032-3070.

Currently, the subject property supports a Future Land Use Atlas designation of Low Residential 1 unit per acre (LR-1) and falls 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 property is within the Agriculture Residential zoning district (AR).

Below is a summary of surrounding properties:

Adjacent Lands	FLU	Zoning	Uses
Subject Property	LR-1	AR	Place of Worship (proposed)
North	LR-1	AR	Residential
South	LR-3	RS	Residential
East	LR-1	AR	Nursery
West	LR-2	AR	Residential

Below is an outline of the required applications/requests:

Request 1: Subdivision Variance Approval (to allow for a variance to reduce the ROW width to 40' and reduce the pavement width to 20' for local commercial classification Pursuant to Art.11.E.2.A-2).

Request 2: Subdivision Variance Approval (to allow an access to a non-collector or higher classification street (Lantana Road), pursuant to article 11.E.2.A-4).

Subdivision Variance Request:

The Applicant respectfully requests consideration of a (Stand Alone) Subdivision Variance

	ULDC ARTICLE	Required	Proposed	Variance
SV1	Article 11.E.2.A-2	80' ROW for local commercial road classification with 24' of pavement (Colbright Road)	40' ROW width and 20' of pavement. (Colbright Road)	To allow for a variance to reduce the ROW width to 40' and reduce the pavement width to 20' for a local commercial classification
SV2	Article 11.E.2.A-4	Corner lots which abut a street of non-plan collector of higher classification (Lantana Road) shall have access to the local street (Colbright Street)	Access provided to a nonplan collector or higher classification street (Lantana Road)	To allow access to a road of non-plan collector or higher classification (Lantana Road)

Per Unified Land Development Code (ULDC) Art.2.B.7.E, Standards, applications for Type II Variances must take the following standards into consideration:

VIII. VARIANCE INFORMATION:

Per ULDC Article 2.B.7, requires a statement of special reason or the basis for the variance required. Article 2.B.7.E states that in order to authorize a variance, the Zoning Commission shall and must find that the conditions enumerated have been met. 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

1. Special conditions and circumstances exist that are peculiar to 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.

SV1: Furthermore, the subject property is located on the intersection of Colbright & Lantana. Between Jog & Turnpike, West of Hagen Ranch Road. The proposed use of a place of worship requires a collector or arterial roadway or local commercial street in which Colbright Road is a local residential Road. The subject property was previously developed as a single-family home with access directly to Colbright Road. Based on the utilization of the site for a place of worship and low peak demand trips, it is reasonable to request that the existing driveways be utilized on Colbright with a reduction in the ROW and pavement width to support the place of worship use. Double Frontage lots are encouraged to access from the street of lower classification.

SV2: Moreover, the subject site is located on the intersection of Colbright & Lantana. The proposed use of place of Worship requires a frontage on and access from a Collector, or higher classification street per ULDC Article 4, section 4.C.12. the subject site abuts a higher classification street (Lantana Road) in which accommodate the code. Furthermore, it is reasonable to request an access directly from Lantana Road.

2. 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.

SV1: Furthermore, the subject site was developed as a Single-Family home with an access directly from Colbright Road. The conditions by which the proposed variance is created is based on the fact that the access requirements for a place of worship require a collector, or arterial roadway or local commercial street in which the subject property exists on a double frontage lot at the intersection of Colbright and Lantana which requires access to the lower ROW classification. The driveways are existing with entry gates and we are proposing a change in use within the existing site.

SV2: Moreover, conditions by which the proposed variance is created is based on the fact that the access requirements for a place of worship require a frontage on and access from a collector street in which Lantana Road is a Collector Road. Approval of this variance will satisfy the access requirements for the proposed use of place of worship.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district.

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, building or structures in the same zoning district.

SV1: As mentioned before, the subject site was previously developed as a single-family home with access directly to Colbright Road. Based on the use change to place of worship, it requires a collector, Arterial roadway or local commercial street. In comparison to the other parcels of land, on mid-block on Colbright going north, there is a Jehovah witness location which has the same use as the proposed site and have access o Colbright Road. The reduction in ROW width and pavement width will no hinder the ability for the ROW to operate in a safe and efficient manner.

SV2: Furthermore, the literal interpretation of the Code requires the applicant to have a frontage on and an access to a collector or higher classification street (Lantana Road). In this instance the structures are existing and being converted to a place of worship. It would be an undue hardship to modify the entire property to add an access to Lantana Road.

4. Literal Interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship.

Response: Literal interpretation 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.

SV1: The subject site was a single-family home with an access directly to Colbright. The subject variance is to allow for a variance to reduce the ROW width to 40' and reduce the pavement width to 20' for a local commercial classification. It would be an undue hardship to approve the subject variance because it is an already existing condition.

SV2: Furthermore, the literal interpretation of the Code requires the applicant to have a frontage on and an access to a collector or higher classification street (Lantana Road). In this instance the structures are existing and being converted to a place of worship. It would be an undue hardship to modify the entire property to add an access to Lantana Road.

5. Granting of 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.

SV1, SV2: Granting of the proposed subdivision variance is the minimum variance necessary to not impose an undue hardship on the applicant to reconfigure an existing site for a place

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of worship permitted use to occupy the structures on the property.

6. Granting of 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.

SV1: the variance is consistent with the goals, objectives, and policies which promote a mixture of uses and those uses which support other business activities whether direct or indirect. The proposed use is permitted subject to staff level approval and due to lack of additional available ROW for Colbright Road the proposed variance is necessary as well as to comply with double frontage lot requirements to access the street of lower-level classification.

SV2: the variance is consistent with the goals, objectives, and policies which promote a mixture of uses and those uses which support other business activities whether direct or indirect. The proposed use requires an access to high classification street (Lantana).

7. Granting of this variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Response: granting of the requested variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

V1: Furthermore, the proposed subdivision variance will not be injurious to the surrounding properties as they are all residential properties. Moreover, the use is in accordance with the surrounding uses. Access to Colbright will allow for patrons of the place of worship to utilize Colbright road to their safety access on Lantana Road going East or West.

SV2: Furthermore, the proposed subdivision variance will not be injurious to the surrounding properties as they are all residential properties. Moreover, the use is in accordance with the surrounding uses. Access to Lantana will accommodate the code requirement required for the proposed use.

On behalf of the Owner, Chabad of Lake Worth Inc. ("Owner"), Schmidt Nichols respectfully requests your approval of this Subdivision Variance application.

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