

RESOLUTION NO. ZR-2022-032

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA-2021-02186
(CONTROL NO. 1993-00040)
TYPE II VARIANCE (CONCURRENT)
APPLICATION OF KHAL Chassidim of WPB LLC
BY WGINC, AGENT
(CENTURY VILLAGE RESIDENT SERVICE CENTER)

WHEREAS, the Zoning Commission, pursuant to Article 2 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, the notice and public hearing requirements pursuant to Article 2 (Application Processes and Procedures) of the ULDC have been satisfied;

WHEREAS, Zoning Application ZV/DOA-2021-02186 the Application of KHAL Chassidim of WPB LLC, by WGINC, Agent, for a Type 2 Variance to reduce the number of parking spaces and the side and rear setbacks; and, to eliminate a Compatibility Buffer on 2.38 acres and a Development Order Amendment to reconfigure the site plan, modify uses, and modify the Conditions of Approval on 2.38 acres was presented to the Zoning Commission at a public hearing conducted on November 3, 2022;

WHEREAS, the Zoning Commission considered the evidence and testimony presented by the Applicant and other interested parties, and the recommendations of the various County Review Agencies;

WHEREAS, the Zoning Commission hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Processes) for a Type 2 Variance;

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, this approval shall only become effective upon the adoption of a resolution approving Zoning Application ZV/DOA-2021-2186 by the Board of County Commissioners;

WHEREAS, the Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; and,

WHEREAS, Article 2.B.6.C (Board Action) of the ULDC requires that action of the Zoning Commission be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING COMMISSION OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/DOA-2021-02186, the Application of KHAL Chassidim of WPB LLC, by WGINC, Agent, for a Type 2 Variance to reduce the side setback on 2.38 acres, on a parcel of land generally described as shown on the legal description in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on November 3, 2022, subject to the

Conditions of Approval described in EXHIBIT C, attached hereto, and Variance request as described in Exhibit D, attached hereto and made a part hereof.

Commissioner Beatty moved for the approval of the Resolution.

The motion was seconded by Commissioner Caliendo and, upon being put to a vote, the vote was as follows:

Marcelle Griffith Burke, Chair	- Yea
John Kern, Vice Chair	- Yea
Cheri Pavlik	- Yea
Michael Kelley	- Yea
Sam Caliendo	- Yea
Sheri Scarborough	- Yea
Alex Brumfield III	- Absent
Mark Beatty	- Yea
Jess Sowards	- Yea

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application ZV/DOA-2021-02186 by the Board of County Commissioners.

This resolution was filed with the Palm Beach County Zoning Division on November 3, 2022

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS ZONING COMMISSIONERS

BY: 
COUNTY ATTORNEY

BY: 
CHAIR

EXHIBIT A

LEGAL DESCRIPTION

PROPERTY DESCRIPTION:

PARCEL 1:

TRACT 5, CENTURY VILLAGE PLAT NO. ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 194, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. (90,165.87 SQ FT OR 2.070 AC)

PARCEL 2:

A PARCEL OF LAND IN TRACT 8, CENTURY VILLAGE PLAT NO. TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 219, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA SAID PARCEL OF LAND SPECIFICALLY DESCRIBED AS FOLLOWS: (13,345.04 SQ FT OR 0.306 AC)

BEGIN AT THE NORTHWEST CORNER OF SAID TRACT #8 AND BEAR ASSUMED DUE SOUTH, ALONG THE WEST LINE OF SAID TRACT #8, A DISTANCE OF 105.96 FEET; THENCE NORTH 70°01'50" EAST, A DISTANCE OF 125.07 FEET; THENCE NORTH 59°32'04" EAST, A DISTANCE OF 126.70 FEET TO A POINT ON A CURVE HAVING A RADIUS OF 25.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 4.45 FEET; THENCE DUE WEST, ALONG THE NORTH LINE OF SAID TRACT #8, A DISTANCE OF 220.0 FEET TO THE POINT OF BEGINNING.

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 8; THENCE SOUTH 88°29'13" EAST ALONG THE NORTH LINE OF SAID TRACT 8 FOR 220.00 FEET TO A POINT CURVATURE CONCAVE TO THE SOUTH; THENCE ALONG SAID CURVE FOR 4.43 FEET HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 10°09'10" TO A POINT; THENCE SOUTH 61°02'51" WEST FOR 123.97 FEET, THENCE SOUTH 71°32'42" WEST FOR 125.07 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 8; THENCE NORTH 01°30'47" EAST ALONG SAID WEST LINE OF TRACT 8 FOR 105.96 FEET TO THE POINT OF BEGINNING.

(CONTAINING A TOTAL OF 103,510.91 SQ FT OR 2.376 AC OF LAND)

EASEMENT PARCEL:

TOGETHER WITH THE ROADWAY EASEMENT RECORDED JUNE 30, 1994, RECORDED IN O.R. BOOK 8328, PAGE 1546, AS AMENDED IN O.R. BOOK 23241, PAGE 1771, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

EXHIBIT B
VICINITY SKETCH

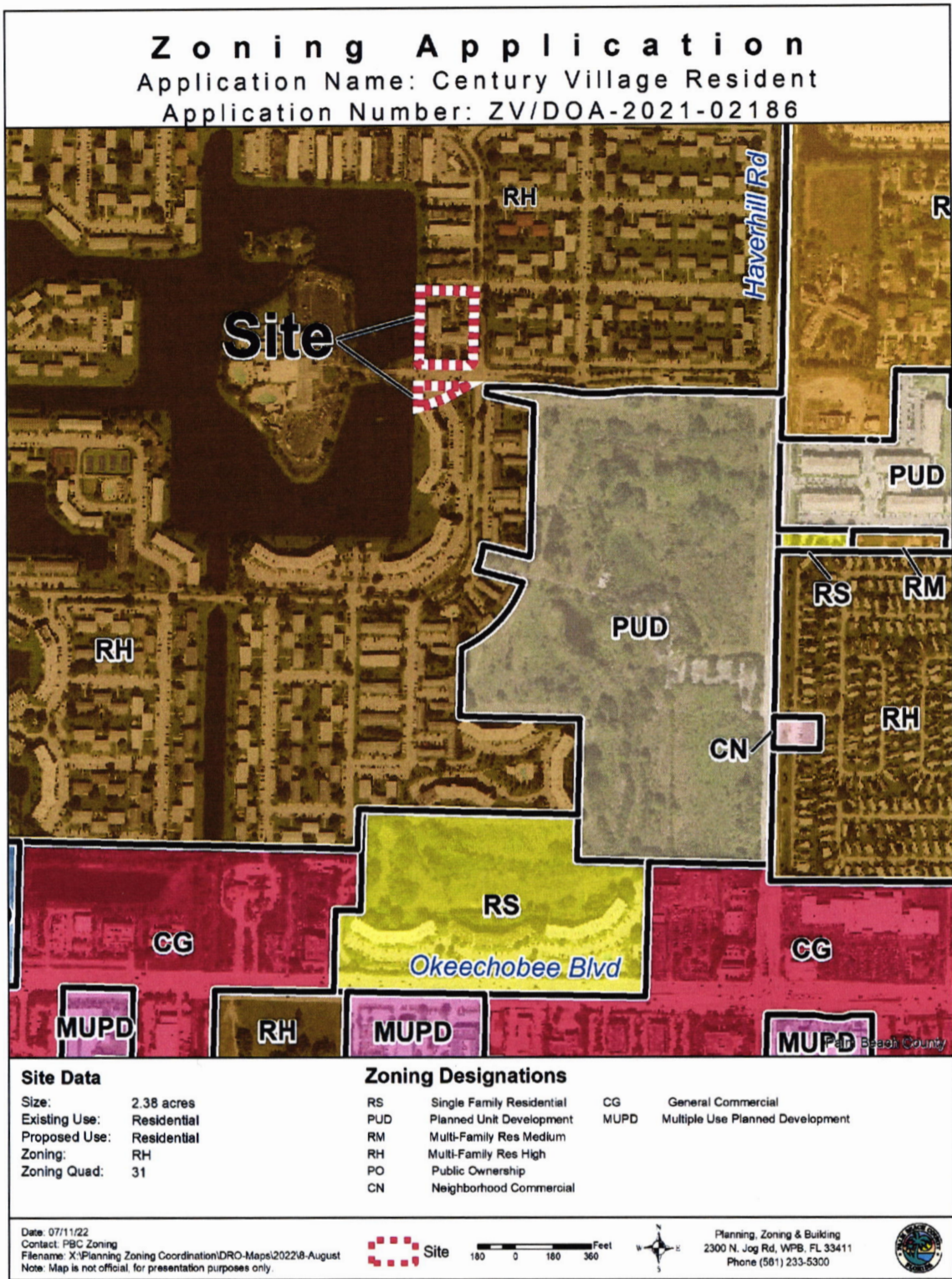


EXHIBIT C

CONDITIONS OF APPROVAL

Type 2 Variance - Concurrent

VARIANCE

1. This Variance is approved based on the layout as shown on the Preliminary Site Plan dated May 23, 2022. Only minor modifications by Board of County Commissioners or Development Review Officer shall be permitted provided the changes are consistent with this Preliminary Site Plan. (ONGOING: ZONING - Zoning)
2. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Site Plan. (DRO/ONGOING: ZONING - Zoning)
3. 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 Plan to the Building Division. (BLDG PERMIT: BLDG - Zoning) (BLDGPMT/ONGOING: ZONING - Zoning)
4. Prior to final approval by the Development Review Officer, the Alternative Landscape Plan shall be submitted and updated to include the modifications proposed for the west property line. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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: 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; 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.

EXHIBIT D

REQUEST

TYPE II VARIANCE SUMMARY

	ULDC Article	Required	Proposed	Variance
V3	3.D.1.A Interior side setback	30-feet (west property line)	8-feet 8-inches	reduction of 21-feet 4 inches (west property line)

SITUS ADDRESS:	100 Century Blvd West Palm Beach 33417 110 Century Blvd West Palm Beach 33417		
OWNER NAME & ADDRESS:	Khal Chassidim Of Wpb Llc 166 Hewes St Brooklyn, NY 11211-8484		
PCN:	00-42-43-23-01-000-0050 00-42-43-23-04-000-0080		
ZONING DISTRICT:	RH		
BCC DISTRICT:	02, Vice Mayor Greg K. Weiss		
PROJECT MANAGER:	Donna Adelsperger, Senior Site Planner		
LAND USE:	HR-18	S/T/R: 23-43-42	
CONTROL #:	1993-00040		
LOT AREA:	2.38 acres +/-		
APPLICANT REQUEST:	to reduce the side setback on 2.38 acres		