

RESOLUTION NO. ZR-2023- 005

RESOLUTION APPROVING LAND DEVELOPMENT APPLICATION SV-2022-01104  
CONTROL NO. 2022-00064  
SUBDIVISION VARIANCE (*STAND ALONE*)  
APPLICATION OF Brian Berman  
BY Land Research Management, Inc., AGENT  
(LE REVE ON DAVIS)

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 of the ULDC have been satisfied;

WHEREAS, Land Development Application SV-2022-01104 was presented to the Zoning Commission at a public hearing conducted on January 5, 2023;

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 Subdivision 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, 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 Land Development Application SV-2022-01104, the Application of Brian Berman, by Land Research Management, Inc., Agent, for a Subdivision Variance to allow access from a 30-foot Right-of-Way, 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 January 5, 2023, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof and Variance request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Scarborough 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	- Yes
John Kern, Vice Chair	- Yes
Cheri Pavlik	- Yes
Michael Kelley	- N/A
Sam Caliendo	- Yes
Sheri Scarborough	- Yes
Alex Brumfield III	- N/A
Mark Beatty	- Yes
Jess Sowards	- N/A

The Chair thereupon declared the resolution was duly passed and adopted on January 5, 2023.

This resolution is effective when filed with the Palm Beach County Zoning Division on January 5, 2023.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
CHAIR

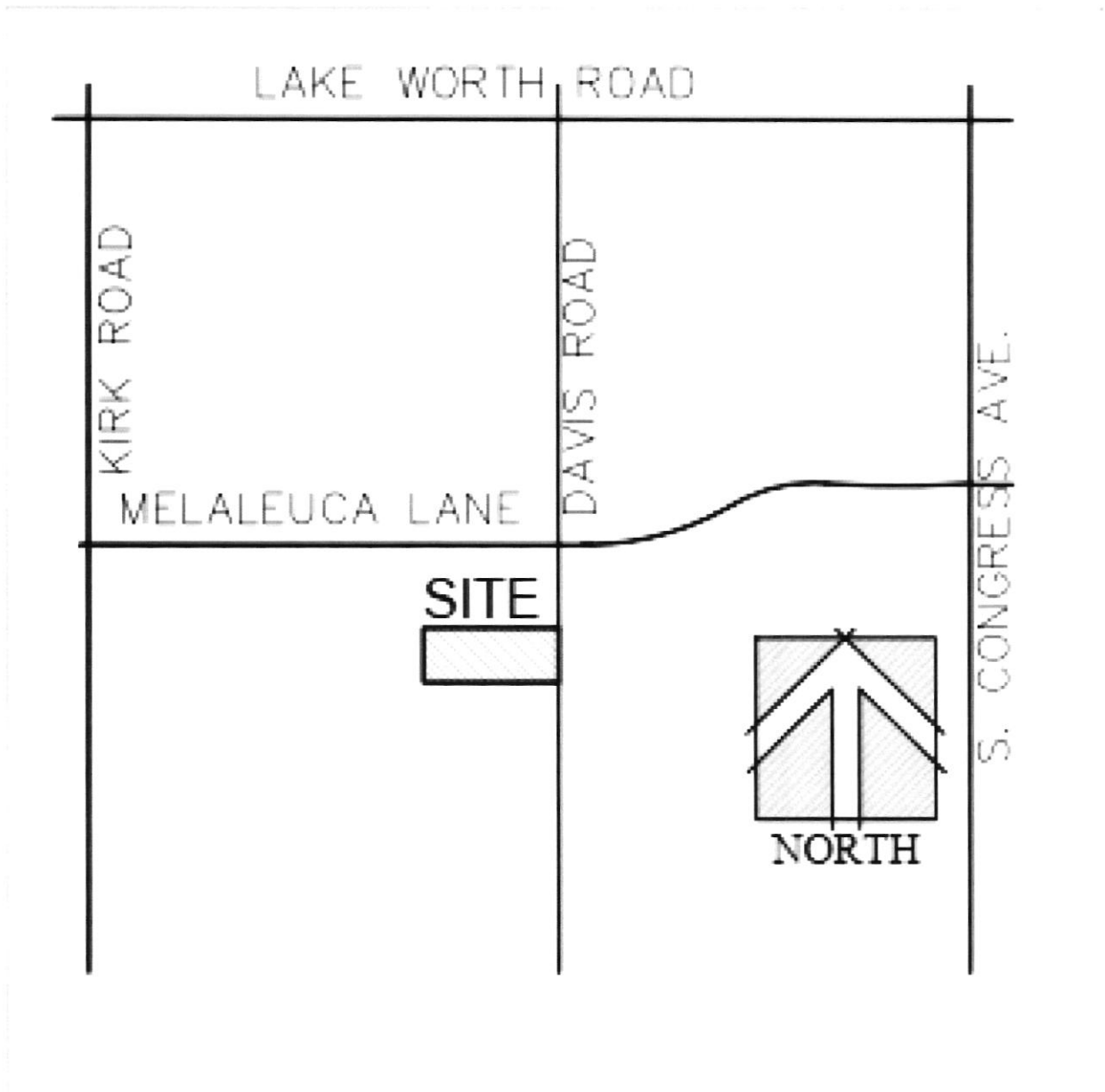
EXHIBIT A

LEGAL DESCRIPTION

LOT D, TRACT 105, OF THE PALM BEACH FARMS CO. PLAT NO. 7, OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 5, PAGE 72, LESS AND EXCEPT THE EAST 15 FEET AS CONVEYED TO THE CITY OF LAKE WORTH, IN DEED BOOK 352, PAGE 171, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 40,991 SQUARE FEET (0.9410 ACRES).

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### **DISCLOSURE**

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

EXHIBIT D  
REQUEST

SUBDIVISION VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Minimum Legal Access	80-ft wide right-of-way (ROW)	55-ft wide ROW with a section as small as 30-ft	50-ft of ROW

SITUS ADDRESS:	4843 David Road Lake Worth Beach, FL 33461		
OWNER NAME & ADDRESS:	Brian Berman 6466 Breckenridge Circle Lake Worth Beach, FL 33467		
PCN:	00-43-44-30-01-105-0040		
ZONING DISTRICT:	Multi-Family Residential (Medium Density) District (RM)		
BCC DISTRICT:	3, Commissioner Dave Kerner		
PROJECT MANAGER:	Scott Cantor, Division Director IV		
LAND USE:	High Residential (HR-8)	S/T/R: 30-44-43	
CONTROL #:	2022-00064		
LOT AREA:	0.94 acres +/-		
APPLICANT REQUEST:	to allow access from a 30-foot Right-of-Way on 0.94 acres.		