

RESOLUTION NO. ZR-2023- 015

RESOLUTION APPROVING ZONING APPLICATION ZV/SV-2022-01021
CONTROL NO. 1981-00214
TYPE 2 VARIANCE (*STAND ALONE*)
APPLICATION OF Cranston Chung
BY Schmidt Nichols, AGENT
(TILE WORLD)

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/SV-2022-01021, the Application of Cranston Chung, by Schmidt Nichols, Agent, for a Type 2 Variance to allow the reduction of lot size and lot depth on 0.62 acres and a Subdivision Variance to allow access from a 60-foot Right-of-Way on 0.62 acres was presented to the Zoning Commission at a public hearing conducted on June 1, 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 Process) 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, 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/SV-2022-01021, the Application of Cranston Chung, by Schmidt Nichols, Agent, for a Type 2 Variance to allow the reduction of lot size and lot depth on 0.62 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 June 1, 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 Gromann and, upon being put to a vote, the vote was as follows:

Jess Sowards, Chair	- Aye
Cheri Pavlik, Vice Chair	- Aye
John Kern	- Aye
Michael Kelley	- Absent
Glen Gromann	- Aye
Sheri Scarborough	- Aye
Lisa Reves	- Aye
Alex Brumfield III	- Aye
Mark Beatty	- Absent

The Chair thereupon declared the resolution was duly passed and adopted on June 1, 2023.

This resolution is effective when filed with the Palm Beach County Zoning Division on June 1, 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

LOTS 35 AND 36, OKEECHOBEE GARDEN ESTATES, AS RECORDED 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 LES.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

EXHIBIT B

VICINITY SKETCH

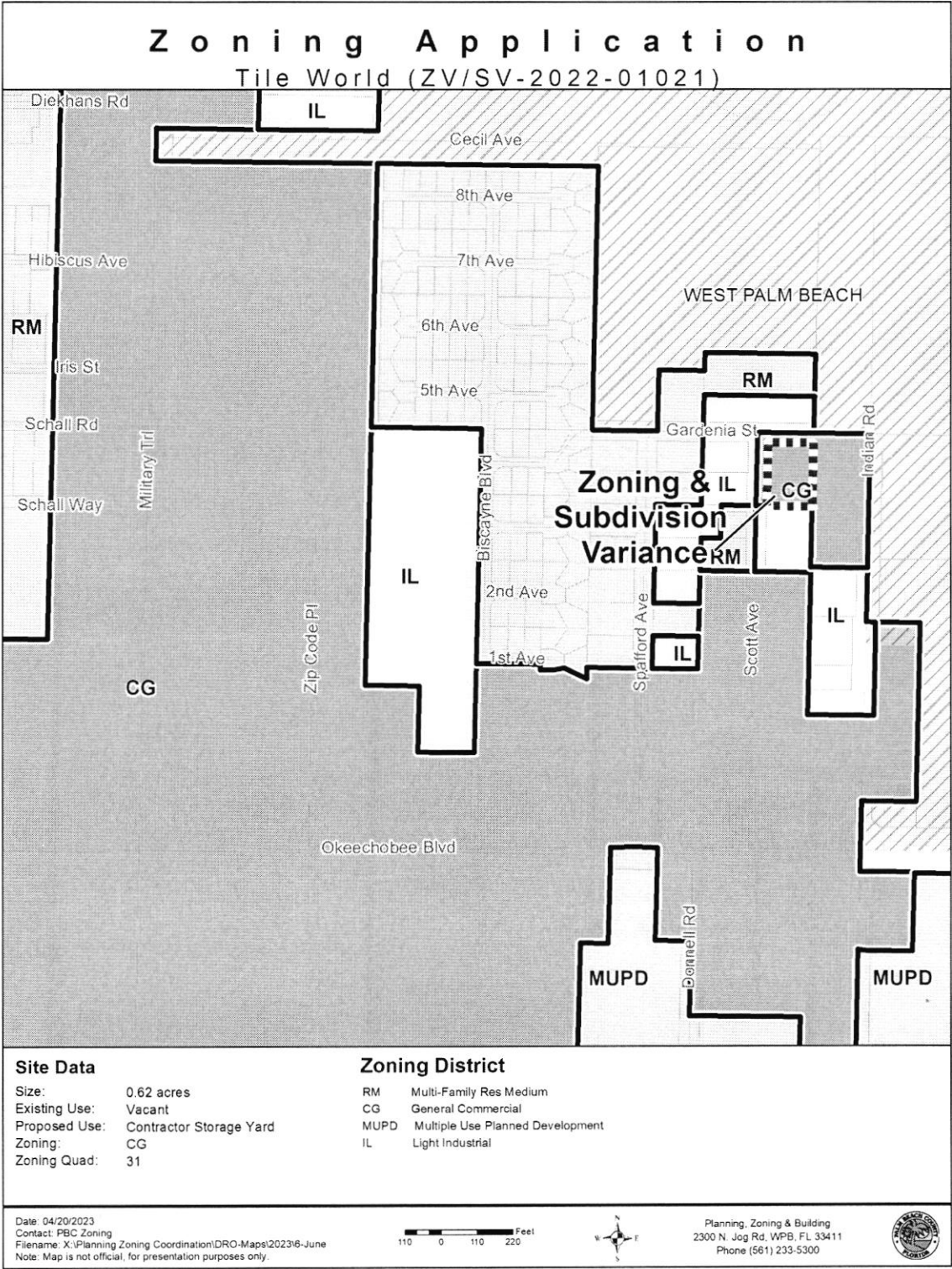


EXHIBIT C

CONDITIONS OF APPROVAL

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.

EXHIBIT D

REQUEST

TYPE 2 VARIANCE SUMMARY

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

SITUS ADDRESS:	2234 Scott Ave West Palm Beach 33409		
OWNER NAME & ADDRESS:	Cranston Chung 935 32nd St West Palm Beach, FL 33407-5007		
PCN:	00-42-43-24-01-000-0350 and 00-42-43-24-01-000-0360		
ZONING DISTRICT:	CG		
BCC DISTRICT:	7, Commissioner Mack Bernard		
PROJECT MANAGER:	Zubida Persaud, Site Planner II		
LAND USE:	CL/IND	S/T/R: 24-43-42	
CONTROL #:	1981-00214		
LOT AREA:	0.62 acres +/-		
APPLICANT REQUEST:	to allow the reduction of lot size and lot depth on 0.62 acres		