

RESOLUTION NO. ZR-2025-003

RESOLUTION APPROVING ZONING APPLICATION SV/CA-2024-00760  
(CONTROL NO. 2023-00029)  
SUBDIVISION VARIANCE (*CONCURRENT*)  
APPLICATION OF Constru American, LLC  
BY Dunay, Miskel and Backman, LLP, AGENT  
(CONSTRU AMERICAN 4160)

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 SV/CA-2024-00760 was presented to the Zoning Commission at a public hearing conducted on February 6, 2025;

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, this approval shall only become effective upon the adoption of a resolution approving Zoning Application SV/CA-2024-00760 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:

1. The foregoing recitals are true and correct and are incorporated herein.
2. Zoning Application SV/CA-2024-00760, the Application of Constru American, LLC, by Dunay, Miskel and Backman, LLP, Agent, for a Subdivision Variance to allow access from the existing 30-foot Right-of-Way on 0.91 acre, 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 February 6, 2025, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof, and Subdivision Variance Request as described in EXHIBIT D, attached hereto and made a part hereof.

Commissioner Vinikoor 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:

Cheri Pavlik, Chair	- Aye
Christopher Kammerer	- Aye
Claudia Mendoza	- Aye
Sam Caliendo	- Aye
Lori Vinikoor	- Aye
William Reicherter	- Absent
Vacant	-
Susan Kennedy	- Aye
James Williams	- Aye

The Chair thereupon declared that the resolution was duly passed and adopted on February 6, 2025.

Filed with the Palm Beach County Zoning Division on 2/11/2025.

This resolution shall only become effective upon the adoption of a resolution approving Zoning Application SV/CA-2024-00760 by the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS ZONING COMMISSIONERS

BY:   
\_\_\_\_\_  
COUNTY ATTORNEY

BY:   
\_\_\_\_\_  
CHAIR

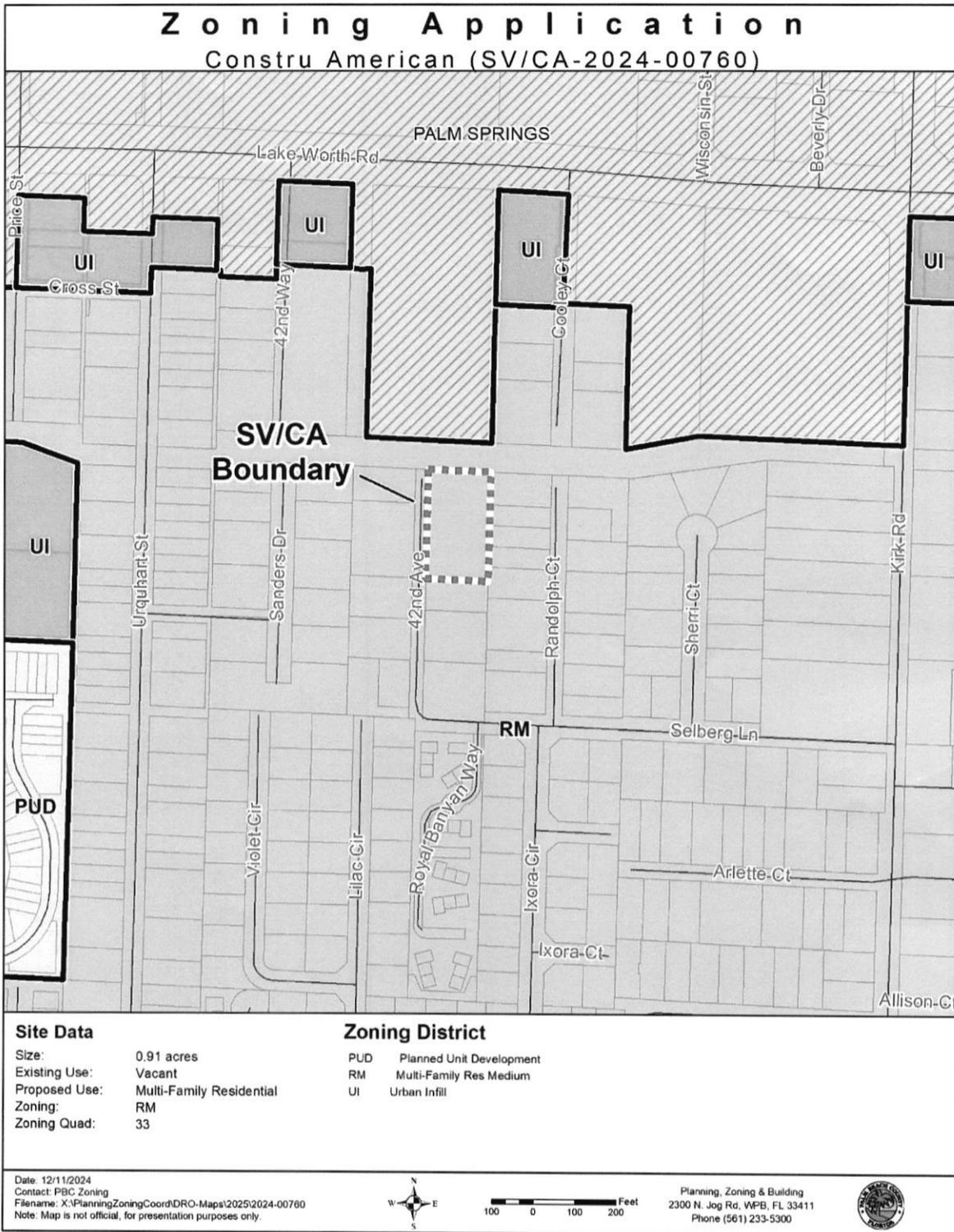
**EXHIBIT A**

**LEGAL DESCRIPTION**

THE EAST ONE-HALF (E ½) OF THE WEST ONE-HALF (W ½) OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. LESS THE NORTH 70 FEET THEREOF AND LESS THE SOUTH 340 FEET THEREOF; AND LESS THE WEST 15 FEET FOR ROAD RIGHT-OF-WAY PURPOSES AS CONVEYED TO PALM BEACH COUNTY IN THAT DEED FILED NOVEMBER 17, 1986 IN O.R. BOOK 5074, PAGE 369, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. CONTAINING 39795.07 SQUARE FEET OR 0.91 ACRES.

EXHIBIT B

VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Subdivision Variance

##### ALL PETITIONS

1. This Subdivision Variance is approved based on the layout as shown on the Preliminary Site Plan dated December 12, 2024. Only minor modifications by the Development Review Officer or Zoning Commission shall be permitted provided the changes are consistent with this Preliminary Site Plan. (ONGOING: ZONING - Zoning)
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 Plan to the Building Division. (BLDGPM: BUILDING DIVISION - Zoning)
3. The Development Order for this Concurrent Subdivision Variance shall be tied to the Time Limitations of the Development Order for SV/CA-2024-00760. The Property Owner shall secure a Building Permit or Commencement of Development to vest this Variance. (ONGOING: 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 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

SUBDIVISION VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Minimum Legal Access	40-ft Right-of-Way (ROW)	30-ft ROW	reduction of 10-ft ROW

<b>SITUS ADDRESS:</b>	4160 42nd Ave S Lake Worth 33461 4162 42nd Ave S Lake Worth 33461 4182 42nd Ave S Lake Worth 33461 4184 42nd Ave S Lake Worth 33461		
<b>OWNER NAME &amp; ADDRESS:</b>	Constru American Llc 824 Lake Ave, # 390 Lake Worth Beach, FL 33460-3754		
<b>PCN:</b>	00-42-44-25-00-000-1040		
<b>ZONING DISTRICT:</b>	RM		
<b>BCC DISTRICT:</b>	3		
<b>LAND USE:</b>	MR-5	S/T/R: 25-44-42	
<b>CONTROL #:</b>	2023-00029		
<b>LOT AREA:</b>	0.91 acres +/-		
<b>REQUEST:</b>	to allow access from the existing 30-foot Right-of-Way on 0.91 acre		