

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

**Application No.:** ZV/CA-2013-01323  
**Application Name:** Lombardo  
**Control No.:** 2007-00246  
**Applicant:** Michael Lombardo  
**Owners:** Michael Lombardo  
**Agent:** Ronald K. Kolins, Esq - Ronald K Kolins  
**Telephone No.:** (561) 346-4555  
**Project Manager:** David McGuire, Site Planner II

**TITLE:** a Type II Variance **REQUEST:** to allow a reduction in the drive aisle width; a reduction in parking spaces; an elimination of the compatibility buffer on the north, south and west property line; elimination of parking islands; elimination of foundation planting, and elimination of right-of-way buffer east property line **TITLE:** Class A Conditional Use **REQUEST:** to allow a Pawn Shop

**APPLICATION SUMMARY:** Proposed are Type II Variances and a Conditional Use A for the Lombardo development. The 0.92-acre parcel of land was originally approved as a 2,700 square foot Motorcycle Sales and Service facility with three outbuildings on September 11, 1964 through a Building Permit (Number 21529) Development Order. Subsequent Building Permits increased the total square footage for the site to 8,805 square feet (sq. ft.).

The Preliminary Site Plan indicates 2,900 sq. ft. of Pawn Shop, 3,733 sq. ft. of General Retail, 2,172 sq. ft. of Auto Accessories and Parts Retail, and a 1,673 sq. ft. residence. Additionally, six Type II Variances are requested to allow: a reduction in the drive aisle width and number of parking spaces; an elimination of the compatibility buffer on the north, south and west property lines, foundation plantings, terminal and interior landscape islands and right-of-way buffer width. A total of 33 parking spaces will be provided and one access point to the site will remain from Military Trail.

**SITE DATA:**

Location:	West side of Military Trail approximately 0.25 mile south side of Belvedere Road.
Property Control Number(s)	00-42-43-36-02-000-0080
Existing Land Use Designation:	Commercial High, with an underlying Industrial (CH/IND)
Proposed Land Use Designation:	No change proposed
Existing Zoning District:	General Commercial District (CG) Multi-Family Residential District (RM)
Proposed Zoning District:	No change proposed
Acreage:	0.92 acres
Tier:	Urban/Suburban
Overlay District:	Revitalization, Redevelopment and Infill Overlay (RRIO); PBIA Approach Path Conversion Overlay (PBIAO); and, Urban Redevelopment Area (URA)
Neighborhood Plan:	Haverhill Neighborhood Plan
CCRT Area:	N/A
Municipalities within 1 Mile	Town of Haverhill and the City of West Palm Beach
Future Annexation Area	City of West Palm Beach.

**RECOMMENDATION:** Staff recommends approval of the requests subject to 6 Conditions of Approval as indicated in Exhibit C-1 and 6 Conditions of Approval as indicated in Exhibit C-2.

**PUBLIC COMMENT SUMMARY:** At the time of publication, staff had received 0 contacts from the public regarding this project.

**PROJECT HISTORY:** No previous board approvals exist.

The 0.92-acre parcel of land was originally approved as a 2,700 square foot Motorcycle Sales and Service facility with three outbuildings on September 11, 1964 through a Building Permit (Number 21529) Development Order. No specific uses were noted for the three outbuildings.

Building Permit B39668 dated December 12, 1969 allowed a 3,733 sq. ft. addition to the primary building (Building A on the Site Plan) expanding the motorcycle sales and service facility. Additionally, the building permit eliminated one of the outbuildings and redefined the westernmost building (Building B on Preliminary Site Plan) as a 1,673 sq. ft. residence.

Building Permit B92-13508 established the location and size of the remaining outbuilding (Building C on the Preliminary Site Plan). The permit allowed for a 1,700 sq. ft. building. Subsequently, a Business Tax Receipt (BTR-2013-01900) was issued allowing Retail (Auto Accessories only).

Building Permit B2012-015507 modified the exterior of Building A and reconfigured the east side of the building to include a 20-foot wide paver patio and a 5-foot buffer along Military Trail.

**SURROUNDING LAND USES:**

**NORTH:**

FLU Designation: Commercial High, with an underlying IND (CH/IND)

Zoning District: General Commercial District (CG)

Supporting: Auto Repair facility (Automotive Center, Control No 1983-00087)

**SOUTH:**

FLU Designation: Commercial High, with an underlying IND (CH/IND)

Zoning District: General Commercial District (CG)

Supporting: Auto Sales facility (Military Trail Used Car Sales, Control No 1988-00063)

**EAST:**

FLU Designation: Commercial High (CH)

Zoning District: Multiple Use Planned Development District (MUPD)

Supporting: Commercial Shopping Center (Gulfview Shopping Plaza MUPD, Control No 2000-00010)

**WEST:**

FLU Designation: Medium Residential (MR-5)

Zoning District: Multi-Family Residential (Medium Density) District (RM)

Supporting: Partially Vacant with Auto Storage and Single-Family Residential

**TYPE II VARIANCE SUMMARY/SUBDIVISION VARIANCE SUMMARY/ TYPE II WAIVERS SUMMARY**

VARIANCE NUMBER	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
V1	6.A.1.D.14.a.2) Off Street Parking and Loading	25 feet isle width	23 feet isle width	2 foot reduction
V2	6.A.1.B.3 Parking requirements	46 parking spaces	33 parking spaces	13 parking space reduction
V3	7.F.8 Perimeter landscape requirements: Perimeter compatibility buffer	5 foot width	0 feet North, South and West property lines	5 foot reduction-North, South and West property lines
V4	7.G.2.A Landscaping, Off-Street Parking Requirements, Landscaping Islands	1 interior landscape island every 10 parking spaced with terminal landscape islands at each end.	No interior or terminal landscape islands	No interior or terminal landscape islands
V5	7.D.11 Landscape - Foundation Planting	Foundation planting areas along the front and sides of all buildings	No foundation planting areas	No foundation planting areas

V6	7.F.7 Perimeter landscape requirements: Rights-of-way	20 foot width	5 foot width	15 foot reduction East property line
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**SITE PHOTOGRAPHS:**



View looking south on east property line (Military Trail to the left)



View looking east at the north property line



View looking south at Building C





View looking west along the north property line at Building B

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## FINDINGS:

### Type II Concurrent Variance Standards:

When considering a Development Order application for a Type II Variance, the Zoning Commission shall consider Standards 1 through 7 listed under Article 2.B.3.E of the ULDC. The Standards and Staff Analyses are as indicated below. A Type II Variance which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

1. **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 zoning district:**

**Staff Response: V1-V6. YES.** The subject parcel has three previously permitted and constructed buildings. The buildings were reviewed and approved through the building permit process and did not receive site plan approval prior to construction. The current request does not require modifications to the site as the applicant will be occupying the northern half of Building A. The variances result from previously approved and constructed buildings.

2. **Special circumstances and conditions do not result from the actions of the applicant:**

**Staff Response: V1-V6. YES.** Three permits have been utilized to vest the existing buildings in their location. The previously approved building permits are specific to the buildings on this parcel and were approved by the county before the applicant requested the Pawn Shop Conditional Use.

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, structures or buildings in the same zoning district:**

**Staff Response: V1-V6. YES.** No special privileges are being conferred upon the applicant in granting the variances. The variances are in recognition of constructed buildings based upon previously approved building permits. The ULDC specifically allows structures and improvements previously approved by the county that would no longer be allowed to remain as indicated on the approved plan. As neither the uses nor the size of the subject site required the approval of a Site Plan in the past, the vested status of the nonconformities is based upon the building permits. Those deviations from the Code are being recognized through the Variances within this request.

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:**

**Staff Response: V1-V6. YES.** Literal application of the Code would result in the demolition of two buildings constructed over 20 years ago under approved building permits. The Pawn Shop Conditional Use is to be located in the northern half of Building A. No further construction is being proposed with this application. A former single family residential structure that is being used for storage and a private office is located on the west side of the subject site and buffers that portion of the property. None of the structures on the site are proposed for modifications with this request.

5. **Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure:**

**Staff Response: V1-V6. YES.** The variances requested recognize the existing nonconformities and will make possible the reasonable use of the existing buildings and structures.

6. **Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code:**

**Staff Response: V1-V6. YES.** The variance requests are consistent with the goals of redevelopment within the Code and the Plan. The requested variances are a result of previously approved building permits.

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

**Staff Response: V1-V6. YES.** The layout and configuration of the subject site does not significantly deviate from the layout in existence for the past 20 years. The proposed Pawn Shop use located in an existing structure on the eastern most portion of the site adjacent to Military Trail will not be injurious to the area involved or otherwise detrimental to the public welfare. The parcel to the west of the subject site is partially undeveloped but does appear to support a small amount of auto storage directly abutting the subject site and a single family home on the north portion of this parcel. The request will not affect the adjacent properties.

## **FINDINGS:**

### Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

The maximum Floor Area Ratio (FAR) of .35 is allowed for the Commercial High Land Use designation in the Urban/Suburban Tier (0.92 ac x 43,560 x .35 = 40,075 square feet maximum). The

previously approved 10,478.2 square feet equates an FAR of approximately 0.26 (10,478 / 40,075 or 0.92 ac. = 0.26).

Special Overlay District/ Neighborhood Plan/Planning Study Area: The request is located within the Revitalization, Redevelopment and Infill Overlay (RRIO), the PBI Approach Path Conversion Overlay (WCRAO), the Urban Redevelopment Area (URA), and the Haverhill Neighborhood Plan as they are identified within the Comprehensive Plan.

The Overlays encourage redevelopment and reinvestment within these built areas. The PBI Approach Path Conversion Overlay encourages and promotes Industrial FLU designations. The site already contains the IND land use designation could accommodate a future industrial use if redeveloped. The site is a built commercial building and the proposed use is a commercial retail use.

The Haverhill Neighborhood Plan was adopted by the BCC October 27, 1992. There is no active group that represents or implements this plan. The request for a use to occupy and existing building along Military Trail by the airport is not inconsistent with the Neighborhood Plan. The applicant has notified the Town of Haverhill of the proposed Class A use at this location.

FINDING: The request is consistent with the Commercial High, with an underlying Industrial (CH/IND) designation and is not inconsistent with the Haverhill Neighborhood Plan.

2. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

Contingent upon the approval of the requested Type II Variances to allow: a reduction in the drive aisle width and number of parking spaces; the elimination of the compatibility buffer on the north, south and west property lines, foundation plantings, terminal and interior landscape islands; and the reduction of the right-of-way buffer width, the proposed request would not be in conflict with the layout requirements of the ULDC, and is consistent with the stated purpose and intent of the ULDC. The proposed Pawn Shop use complies with the standards and the provision of the Code for function and general development characteristics.

3. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The subject site is approximately 119 feet wide and 338 feet deep. The westernmost segment of the subject parcel has a RM zoning designation. This is consistent with the parcel to the west. The approximately 270 feet of the easternmost segment of the lot adjoins similar commercial uses. Pending the approval of the Type II Variances, the Pawn Shop Conditional Use, which is located in the commercial portion of the site, will comply with all applicable sections of the Code.

4. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

No modifications to the existing site are being proposed at this time and the development of this site has been in place for nearly fifty years.

5. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

VEGETATION PROTECTION: The property has been previously developed.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation

Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

6. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The subject parcel along with many of the parcels adjoining this one and located along Military Trail, were developed nearly fifty years ago. Many of them were constructed through the Building Permit process only. The Code and Plan encourage redevelopment of similar sites through the RRIO and URA overlays. The intensity of the request does not trigger significant modifications to the site plan.

7. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

**ENGINEERING COMMENTS:**

This application is for a conditional use only, and there are no proposed site modifications that affect the Engineering Department's approval.

**TRAFFIC IMPACTS**

There would be no additional traffic impacts resulting from this petition. There are no improvements to the roadway system required for compliance with the Traffic Performance Standards because this project has an insignificant impact on the surrounding roadway network.

**FIRE PROTECTION:** No Staff Review Analysis

**SCHOOL IMPACTS:** No Staff Review Analysis

**PARKS AND RECREATION:** No Staff Review Analysis

**PALM BEACH COUNTY HEALTH DEPARTMENT:** No Staff Review Analysis

**WATER AND SEWER PROVIDERS:** Palm Beach County Water Utilities Department (PBCWUD)

**CONCURRENCY:** Concurrency has been approved for 2,900 square feet (sq. ft.) of Pawn Shop, 3,733 sq. ft. of General Retail, 2,172 sq. ft. of Auto Accessories and Parts Retail, and a 1,673 sq. ft. foot residence.

8. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The subject site is a previously developed commercial site surrounded by other commercial sites along an intensely developed commercial corridor. The applicant states that the heavily developed nature of the commercial corridor in this area of Military Trail makes the Conditional Use request appropriate given the circumstances surrounding the site. Provided approval of the requested variances, the site will comply with the Code and Plan.

**CONCLUSION**

Staff has evaluated the standards listed under Article 2.B.2.B 1-8 and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, staff is recommending approval of the request. Staff has also determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibit C-2.



## CONDITIONS OF APPROVAL

### EXHIBIT C-1

Type II Variance - Concurrent

### VARIANCE

1. The Development Order for this Variance shall be tied to the Time Limitations of the Development Order for Application ZV/CA-2013-01323. (ONGOING: MONITORING - 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 Final Site Plan. (DRO: ZONING-Zoning)

3. This Variance is approved for the Pawn Shop and Retail Uses. Any change to the uses shall require reconsideration of the Variance by the Zoning Commission. (ONGOING: CODE ENF - Zoning)

4. 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 Board of County Commissioners for review under the compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

5. 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 C-2  
Conditional Use Class A

ALL PETITIONS

1. The approved Site Plan is dated November 13, 2013. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

BUILDING

1. All structures on the site shall receive Building Permits before July 1, 2014 or they shall be demolished and removed from the site at the owner's expense.

LANDSCAPE - GENERAL

1. Prior to July 1, 2014, the Property Owner shall replace all dead, hat raked and/or missing plant materials on the entire subject property. (DATE: LANDSCAPE - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County 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 Board of County 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.

Figure 1 Land Use Map

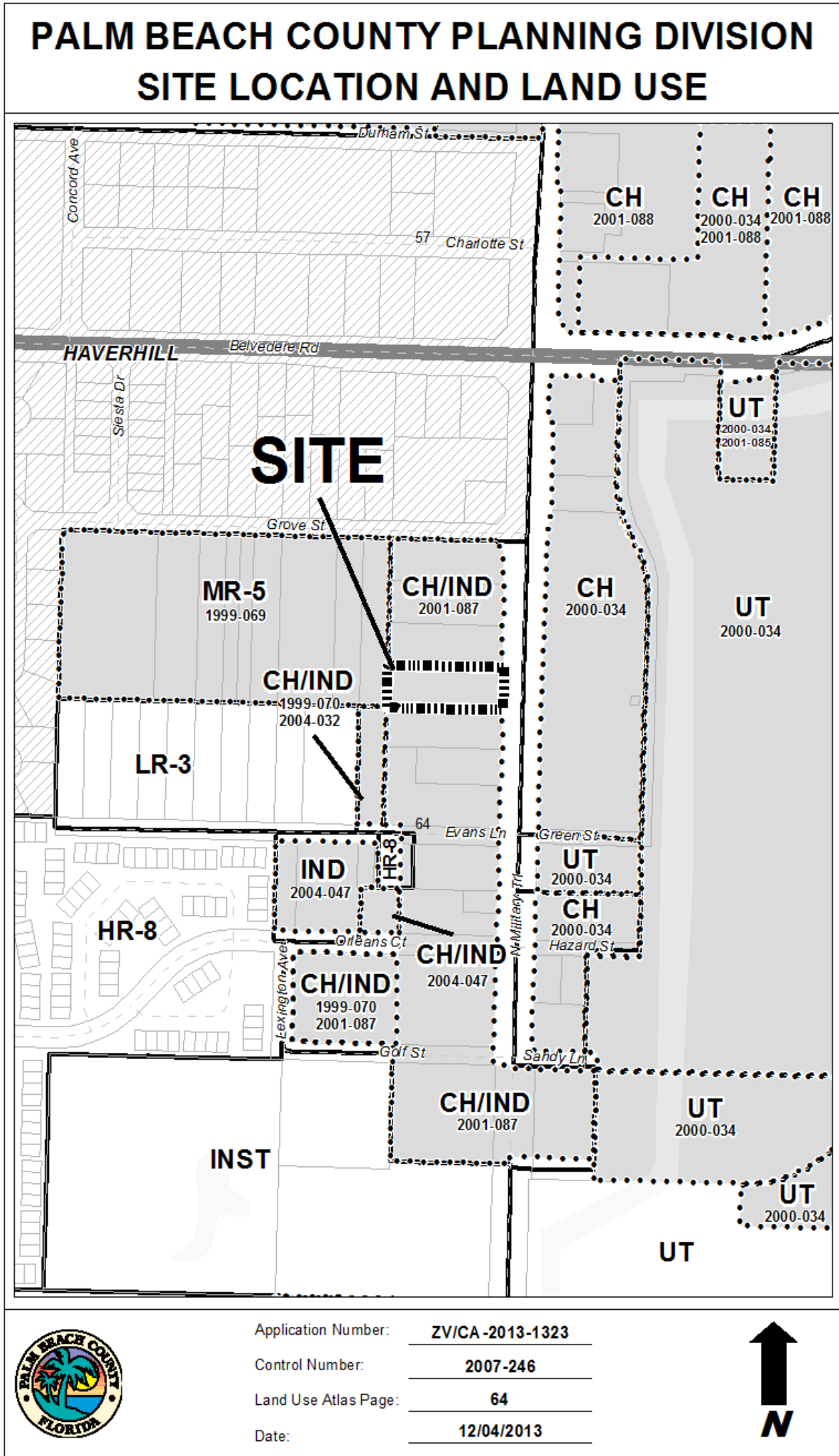


Figure 2 Zoning Quad

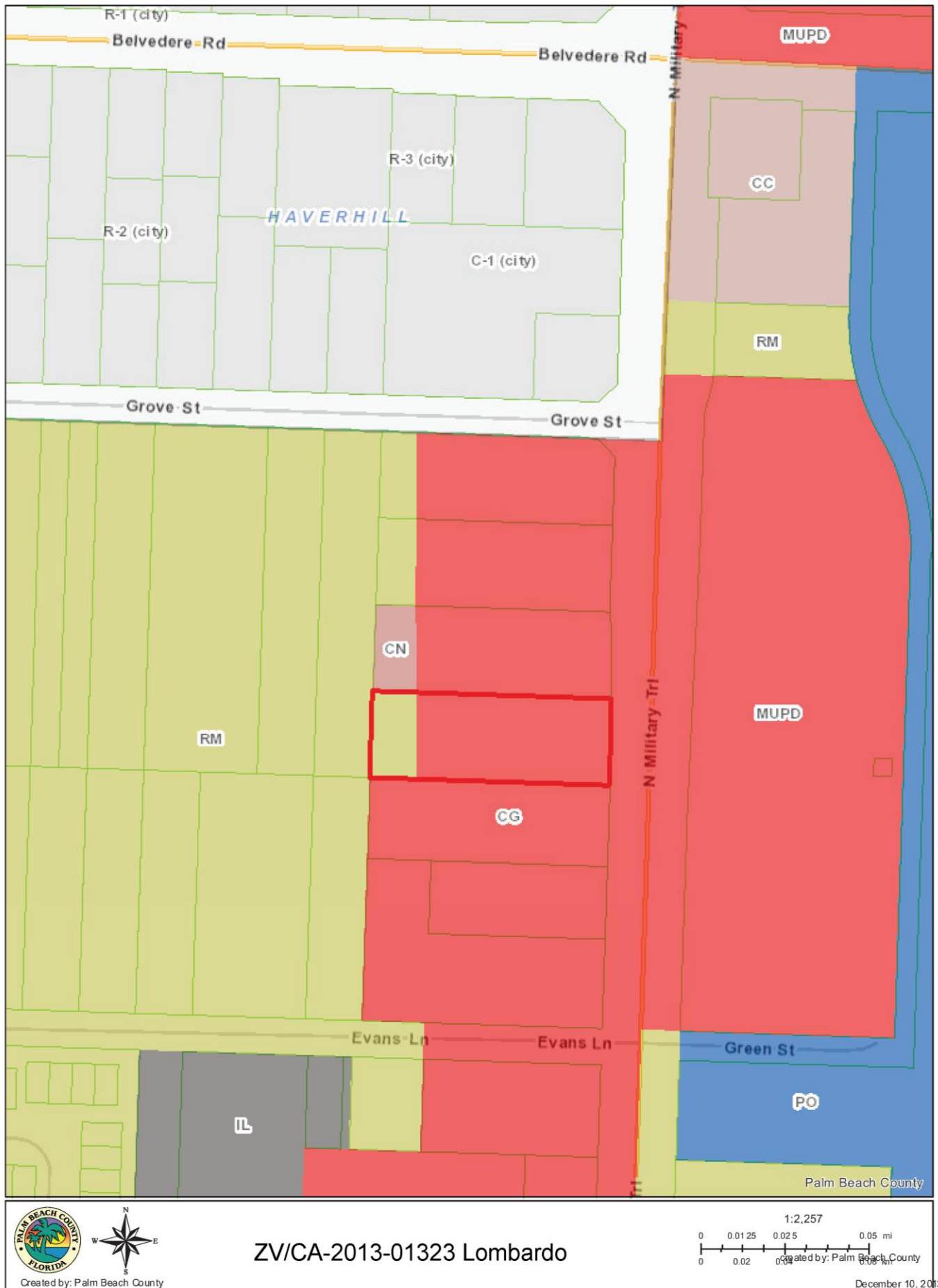




Figure 3 Aerial

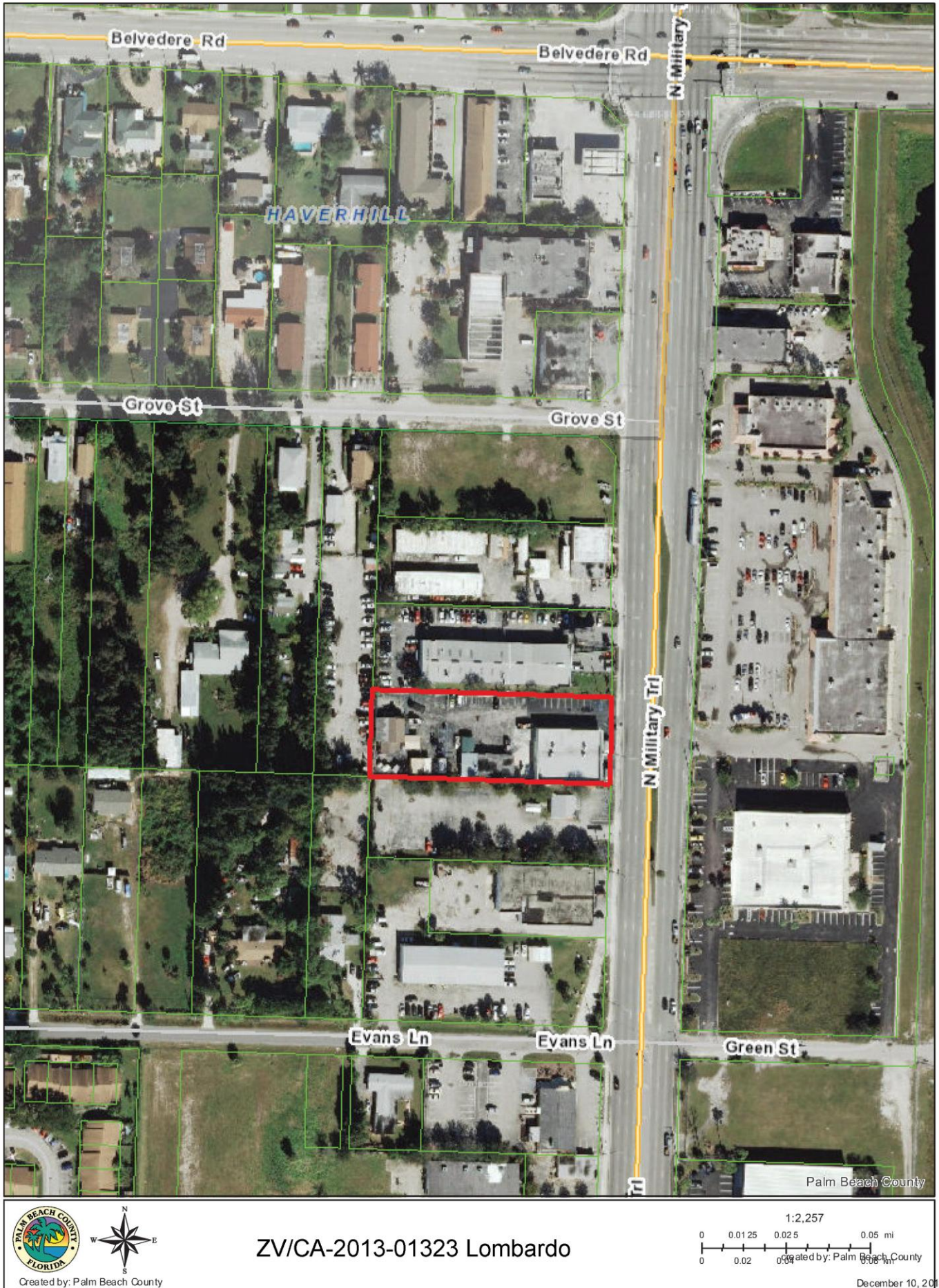
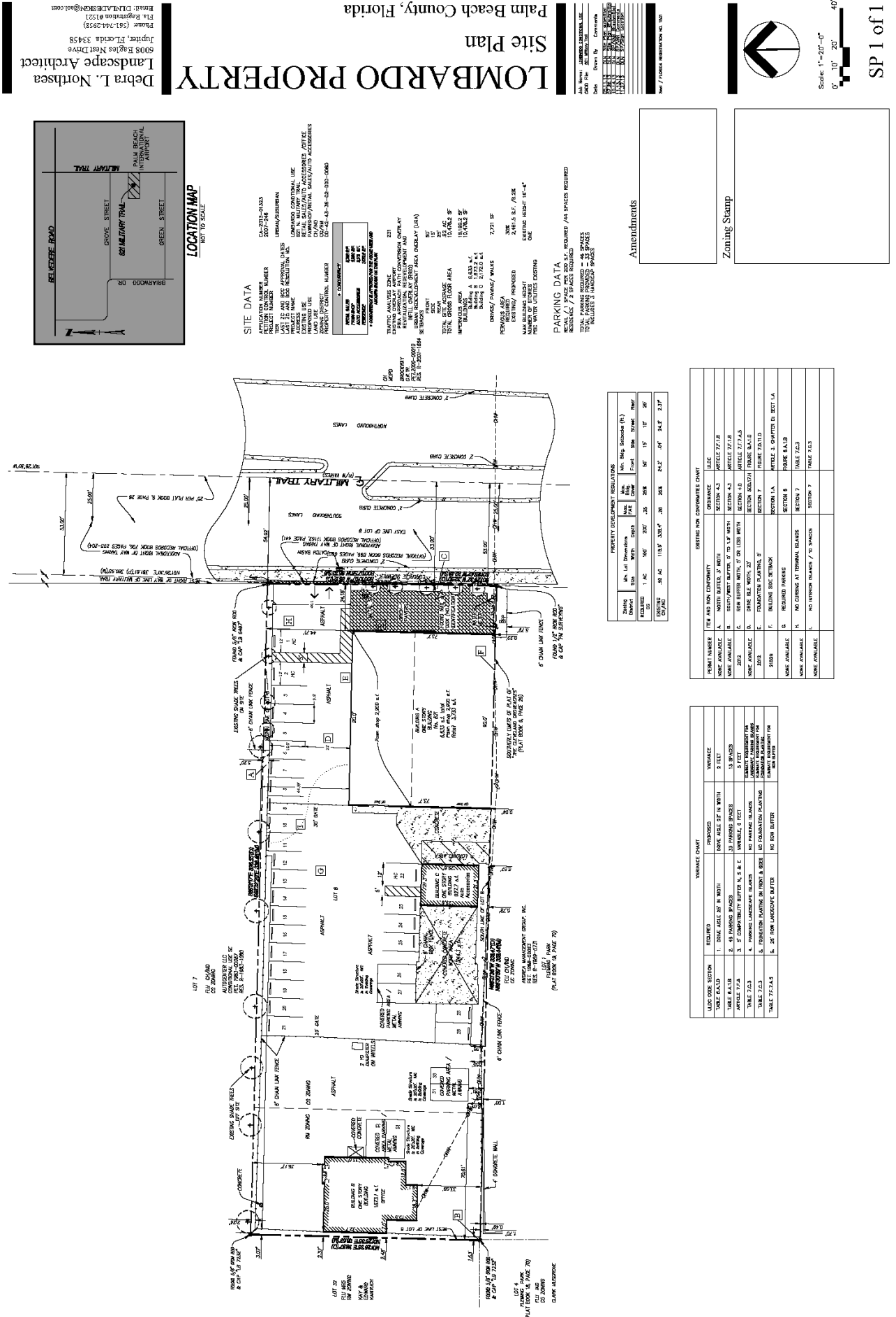




Figure 4 Preliminary Site Plan dated November 14, 2013





DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT


TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

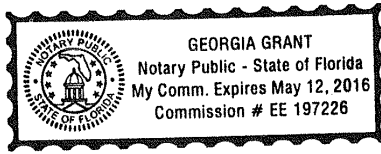
BEFORE ME, the undersigned authority, this day personally appeared Zeev Greenstein, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

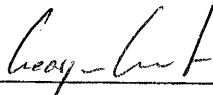
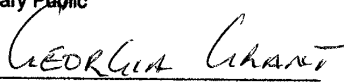
1. Affiant is the  individual or  President King of Gold, Inc. [position—e.g., president, partner, trustee] of King of Gold, Inc. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 9940 Belvedere Road  
Royal Palm Beach, FL 33414
3. 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 Applicant. 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.
4. 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 Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. 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.

  
 \_\_\_\_\_  
 Zeev Greenstein, Affiant  
 (Print Affiant Name)

The foregoing instrument was acknowledged before me this 26 day of July,  
 2013, by Zeev Greenstein [ ] who is personally  
 known to me or [  ] who has produced FL DL G052980632990  
 as identification and who did take an oath.



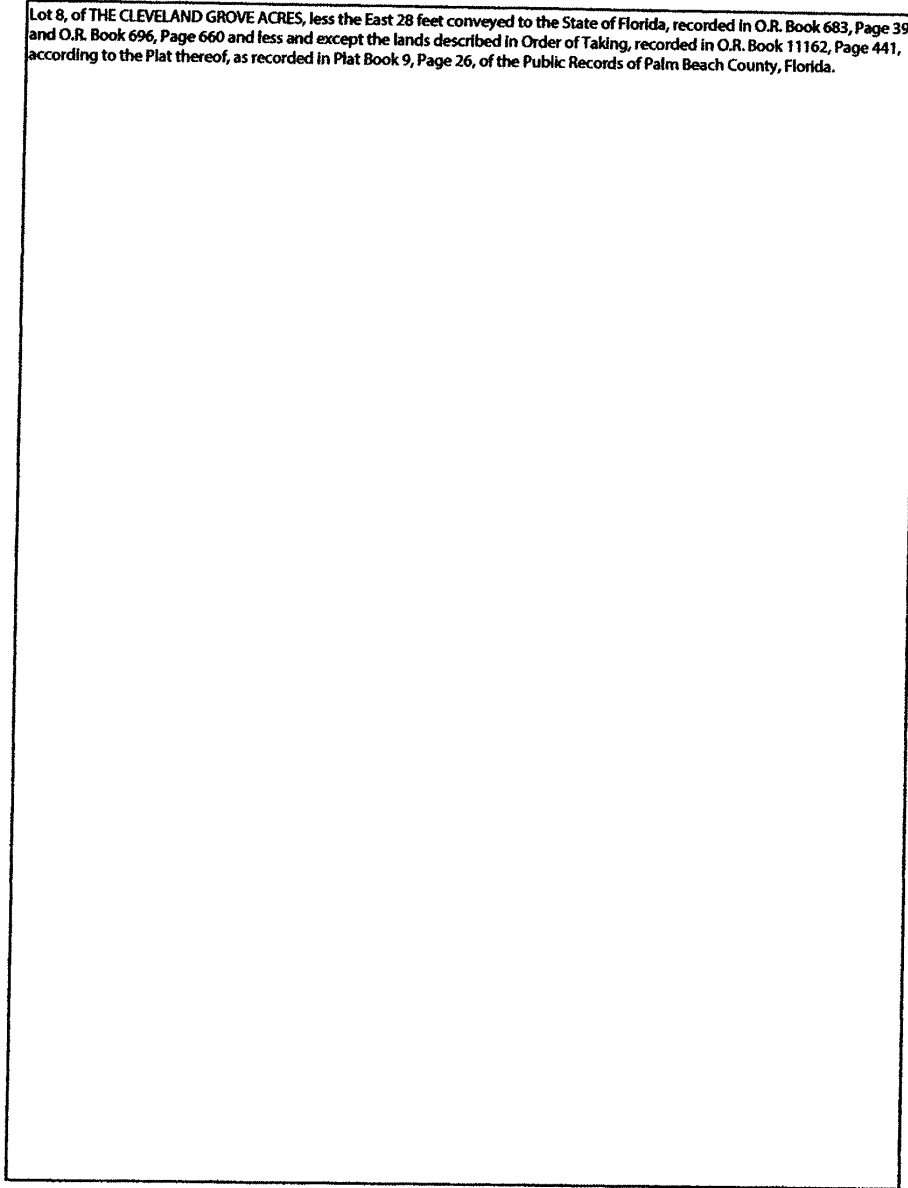
  
 \_\_\_\_\_  
 Notary Public  
  
 \_\_\_\_\_  
 (Print Notary Name)

NOTARY PUBLIC  
 State of Florida at Large  
 My Commission Expires: May 12 2016

**EXHIBIT "A"**

**PROPERTY**

Lot 8, of THE CLEVELAND GROVE ACRES, less the East 28 feet conveyed to the State of Florida, recorded in O.R. Book 683, Page 39 and O.R. Book 696, Page 660 and less and except the lands described in Order of Taking, recorded in O.R. Book 11162, Page 441, according to the Plat thereof, as recorded in Plat Book 9, Page 26, of the Public Records of Palm Beach County, Florida.





**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the 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
Zeev Greenstein	9940 Belvedere Road, Royal Palm Beach, FL 33414
Tova Siag	49 Purdue Street, Staten Island, NY 10314

PALM BEACH COUNTY - ZONING DIVISION

**DISCLOSURE OF OWNERSHIP INTERESTS -- PROPERTY**

**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 Michael Lombardo, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the  individual or  \_\_\_\_\_ [position - e.g., president, partner, trustee] of \_\_\_\_\_ [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.

2. Affiant's address is: 16590 107th Drive North  
Jupiter, FL 33478

3. 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.

4. 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.

5. 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.


6. 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.

PALM BEACH COUNTY - ZONING DIVISION

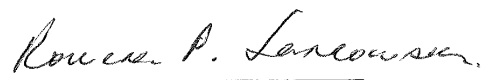
FORM # 09

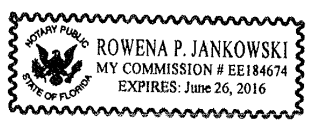
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

  
Michael Lombardo, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 26 day of July, 2013, by Michael Lombardo, [ ] who is personally known to me or [ ] who has produced \_\_\_\_\_ as identification and who did take an oath.

  
Notary Public



Rowena P. Jankowski  
(Print Notary Name)  
NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: June 26, 2016

**EXHIBIT "A"**  
**PROPERTY**

Lot 8, of THE CLEVELAND GROVE ACRES, less the East 28 feet conveyed to the State of Florida, recorded in O.R. Book 683, Page 39 and O.R. Book 696, Page 660 and less and except the lands described in Order of Taking, recorded in O.R. Book 11162, Page 441, according to the Plat thereof, as recorded in Plat Book 9, Page 26, of the Public Records of Palm Beach County, Florida.





DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

ZEEV GREENSTEIN

BEFORE ME, the undersigned authority, this day personally appeared Michael Lombardo, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the  individual or  PRESIDENT [position—e.g., president, partner, trustee] of King of Squid [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 9940 BELVEDERE RD  
ROYAL PALM BEACH, FL 33414

3. 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 Applicant. 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.

4. 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 Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

6. 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.

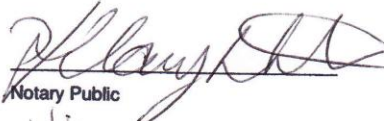
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

  
ZEEV GREENSTEIN, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 18 day of April, 2013, by Zeev Greenstein,  who is personally known to me or  who has produced \_\_\_\_\_ as identification and who did take an oath.



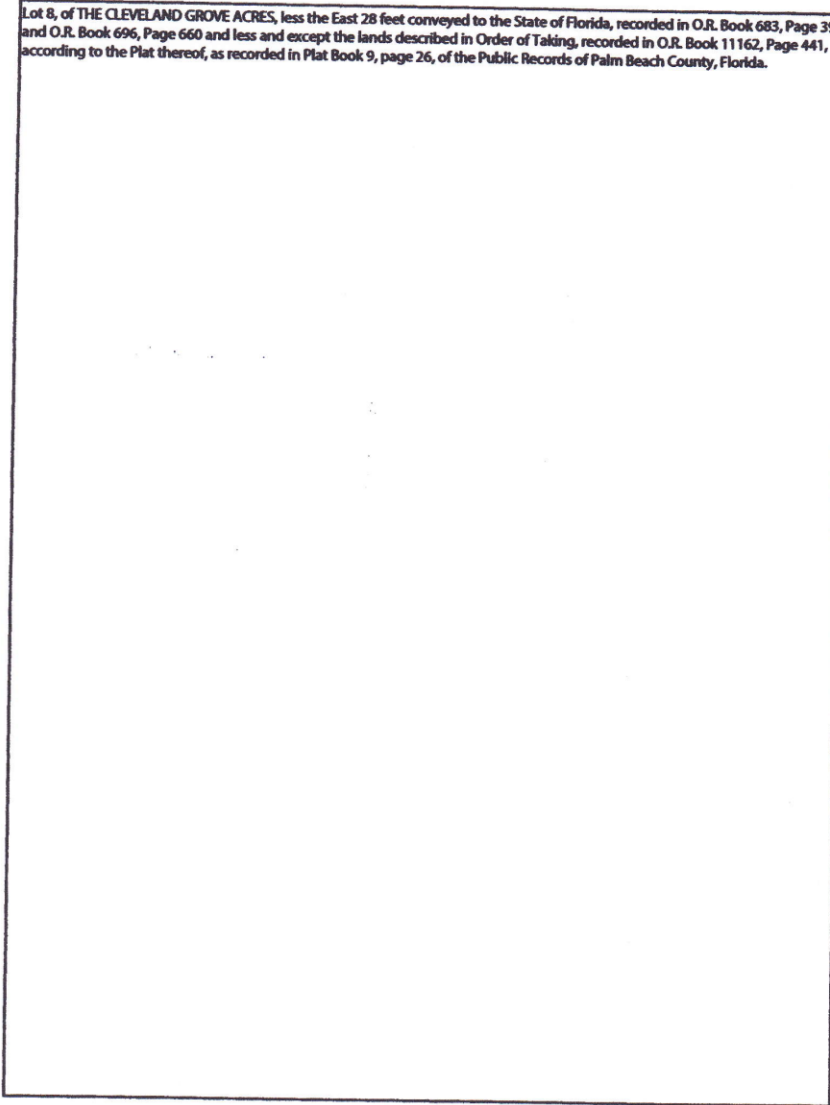
  
Notary Public  
Hilary Edders  
(Print Notary Name)

NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: June 9 2016

**EXHIBIT "A"**

**PROPERTY**

Lot 8, of THE CLEVELAND GROVE ACRES, less the East 28 feet conveyed to the State of Florida, recorded in O.R. Book 683, Page 39 and O.R. Book 696, Page 660 and less and except the lands described in Order of Taking, recorded in O.R. Book 11162, Page 441, according to the Plat thereof, as recorded in Plat Book 9, page 26, of the Public Records of Palm Beach County, Florida.





DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

1. Affiant is the  individual or  PRESIDENT [position - e.g., president, partner, trustee] of LOMBARDO Commercial [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. LOMBARDO Commercial Rentals Inc.
2. Affiant's address is: 16590 107th Drive North  
Jupiter, FL 33478
3. 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.
4. 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.
5. 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.
6. 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.

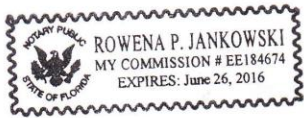


7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

*Michael Lombardo* ✓  
Michael Lombardo, Affiant  
(Print Affiant Name)

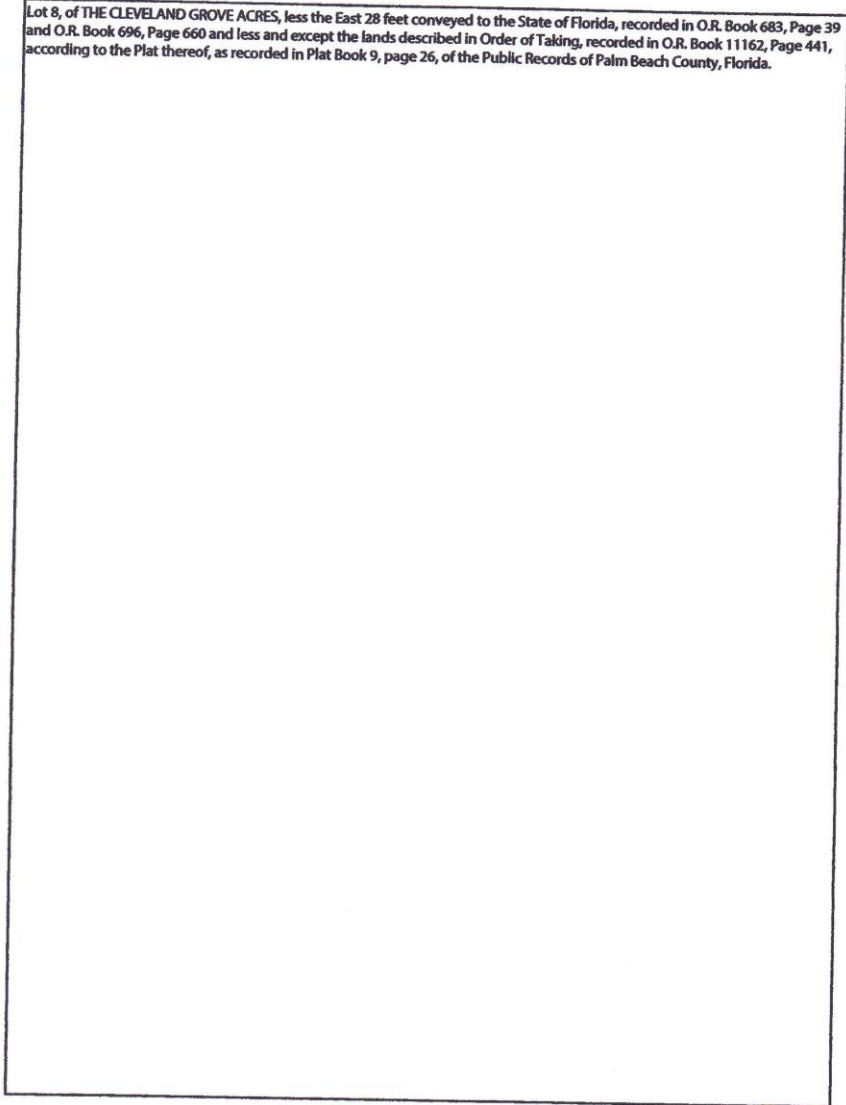
The foregoing instrument was acknowledged before me this 19 day of April, 2013, by Michael Lombardo, [  ] who is personally known to me or [  ] who has produced \_\_\_\_\_ as identification and who did take an oath.



*Rowena P. Jankowski*  
Notary Public  
*Rowena P. Jankowski*  
(Print Notary Name)  
NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires: 6-26-16

**EXHIBIT "A"**  
**PROPERTY**

Lot 8, of THE CLEVELAND GROVE ACRES, less the East 28 feet conveyed to the State of Florida, recorded in O.R. Book 683, Page 39 and O.R. Book 696, Page 660 and less and except the lands described in Order of Taking, recorded in O.R. Book 11162, Page 441, according to the Plat thereof, as recorded in Plat Book 9, page 26, of the Public Records of Palm Beach County, Florida.





## Exhibit E: Applicant's Justification Statement for the Type II Variances

### Type II Concurrent Variance Request

The project as proposed requires six variances. These are ALL related to the concurrent and existing site conditions and the fact that the project was developed in an early urban configuration, predating the current code requirements. The application to permit the use of a pawn shop in a building where general retail is permitted by right, will result in no additional impacts, and thus these inconsistencies with the code should be permitted to continue. Furthermore, the property owner has made recent improvements to the buildings and landscaping to improve the appearance and reduce any impacts to the neighborhood.

The variances are as follows:

1. Drive Aisle Width, requesting a reduction from the required 25' to 23';
2. Parking Spaces, requesting a reduction in the necessary parking from 46 to 33 parking spaces;
3. Compatibility Buffer, to permit the reduction, and in some locations elimination, of the required 5' compatibility buffers;
4. Parking Landscape Islands, to permit the continued configuration which does not have any landscape islands;
5. Foundation planting, to permit the continued configuration of the buildings, without any foundation planting;
6. ROW Landscape Buffer, to permit the elimination of the ROW landscape buffer.

All of the above are required because the existing physical layout of the property in its entirety cannot accommodate those requirements.

### **Variance Standards**

#### *1. Special Conditions and Circumstances Exist that are Peculiar to the Parcel of Land*

Special conditions and circumstances exist that are peculiar to this property. The Subject Property is a fully developed property in a high density urban environment. The configuration of the buildings, circulation, and parking predates the current

zoning code requirements. As such there are limitations and constraints on to the site that are unique.

*2. Special Circumstances Do Not Result from the Actions of the Applicant*

The special circumstances were not the result of the actions of the applicant. The property was fully developed at the time the property owner purchased the property. Applicant for the proposed pawn shop has had no impact on the property or its configuration.

*3. Granting the Variance Shall not Confer Special Privilege*

Granting the variance shall not confer any special privilege. The applicant seeks to permit a use that is compatible with the property, the immediate surroundings, and neighborhood in general. Permitting the property to continue to legally operate in it's current configuration will not be a Special Privilege but in fact will protect the property and value of the site

*4. Literal Interpretation and Enforcement of the Terms and Provisions would Deprive the Applicant of Rights Commonly Enjoyed by Other Parcels...and would work an unnecessary and undue hardship.*

Literal enforcement of the terms and provisions of the code would deprive the applicant of rights commonly enjoyed by other parcels. The direct application would require the demolition of the structures on the property, tearing up portions of the parking area and completely rebuilding, a clear undue hardship. This requirement, in light of a request to permit a use that will be functionally indistinguishable from currently permitted active uses would be a clearly unfair result, depriving the Applicant from the basic right to operate the commercial property.

*5. Grant of the Variance is the Minimum Variance that will make Possible the Reasonable use of the Parcel of Land*

The proposed variances are the minimum that will make possible the reasonable use of the parcel. The variances are based on the current configuration of the property, preventing the destruction of current buildings and infrastructure, to conform to a code that was adopted subsequent to their development.

*6. Grant of the Variance will be Consistent with the Purposes of the Comprehensive Plan and the Code.*

Granting of the variance will be consistent with the purposes of the Comprehensive Plan and Code. The Plan and Code generally seek to protect the health, safety and welfare of the community. These variances allow the property to continue to be operated consistent with the zoning use regulations.

*7. The Grant of the Variance will not be Injurious to the Area or Detrimental to the Public Welfare.*

The grant of the variances will not be injurious to the area or detrimental to the public welfare. The property owner has recently invested in building remodeling and upgraded landscaping to improve the overall appearance of the building and development. The proposed use will be indistinguishable from other permitted uses on the site. The variances are related to conditions that have been in existence for many years, predated the current code requirements, and have proven not be detrimental to the area in any way.

**CONCLUSION**

The proposed Class A Conditional Use of pawn shop within 2,900 square feet of an existing commercial building will be virtually indistinguishable from the current permitted use of general retail. There will be no additional impacts from the use on public facilities. The use is entirely compatible with the surrounding properties and uses, and complies with all of the zoning codes additional criteria. The variances requested address existing site conditions that have been shown to create no negative impacts. Granting the requested variances will be consistent with the existing conditions; the proposed use; and will not, in any way, be injurious to the public interest. Accordingly, we respectfully request the approval of this Conditional Use and Concurrent Variance application.