

AGENDA  
LANTANA TOWN PLANNING COMMISSION  
sitting as the  
ZONING BOARD OF APPEALS  
August 25, 2021  
6:30 p.m.

Lyn Tate (Chairperson)	_____	Erica Wald	_____
Rosemary Mouring	_____	Michelle Donahue	_____
Kem Mason	_____	Joseph Farrell (Alternate)	_____
Moody Fuller (Alternate)	_____		

- 
1. CALL TO ORDER
  2. ROLL CALL
  3. APPROVAL OF MINUTES: Consideration of minutes for the May 26, 2021, meeting.
  4. AGENDA APPROVAL:
    - a. Additions, Deletions, Substitutions
    - b. Agenda Approval
  5. NEW BUSINESS:
    - a. **VAR21-0006:** Request for a variance for the property located at 225 E Ocean Ave relative to Sec. 23-131, Table 23-131.1 of the Town Code of Ordinances.  
**Applicant:** Bearman Culinary Concepts Corp
    - b. **VAR21-0009:** Request for variances for the property located at 1099 Lands End relative to Sec. 23-92(e) and Sec. 23-81(b) of the Town Code of Ordinances.  
**Applicant:** Daniel Hiatt
    - c. **VAR21-0008:** Request for variances for the property located at 731 N Atlantic Dr relative to Sec. 23-134(a)(1), Sec. 23-134(a)(6), and Sec. 23-134(a)(7) of the Town Code of Ordinances.  
**Applicant:** Robert Klein Living Trust
    - d. **VAR21-0005:** Request for a variance for the property located at 106 S Dixie Hwy relative to Sec. 23-96(f) of the Town Code of Ordinances.  
**Applicant:** Rod A. Feiner, Esq.
    - e. **VAR21-0007:** Request for a variance for the property located at 112 S Dixie Hwy relative to Sec. 23-96(f) of the Town Code of Ordinances.  
**Applicant:** Rod A. Feiner, Esq.
  6. PUBLIC COMMENTS
  7. ADJOURN

*If a person decides to appeal any decision made by the Town Council or Zoning Board of Appeals with respect to any matter considered at such meeting or hearing, that person will need a record of the proceedings, and for such purpose, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The Town of Lantana does not provide such a record.*

MINUTES  
LANTANA TOWN PLANNING COMMISSION  
sitting as the  
ZONING BOARD OF APPEALS  
May 26, 2021 – 6:30 p.m.

PRESENT: Chairperson Lyn Tate; Erica Wald; Kem Mason; Rosemary Mouring; Erica Wald

ALSO PRESENT: Nicole Dritz, Development Services Director; Walter Porr, Assistant Town Attorney; Caroline Shamsi-Basha, Assistant Development Services Director; Moody Fuller (alternate)

NOT PRESENT: Michelle Donahue, Joseph Farrell (alternate)

1. CALL TO ORDER: Ms. Tate called the meeting to order at 6:30 PM.
2. ROLL CALL: Ms. Shamsi-Basha called the roll and noted there was a quorum.
3. APPROVAL OF MINUTES: Ms. Wald made a motion to approve the ZBA minutes for the April 28, 2021, meeting. Mr. Mason seconded and the motion passed unanimously.
4. AGENDA APPROVAL: Mr. Mason made a motion to approve the agenda. Ms. Wald seconded, and the motion passed unanimously.
5. NEW BUSINESS:

- a. **VAR21-0004**: Request for variances for the property located at 836 E Oyster Lane relative to Sec. 23-81(b) of the Town Code of Ordinances.

**Applicant:** Lendalk Properties

Ms. Dritz gave an overview of the item.

Lee Oliver of Lendalk Properties spoke on the item.

There was a discussion of Planning Commission members and Mr. Oliver answered questions.

The following members of the public spoke on the item:

Rocco Mangel of 847 E Oyster.

Ms. Dritz provided clarification on the request. There was further discussion of Planning Commission members.

Mr. Mason made a motion to recommend approval on the finding that the code requirements for a variance were satisfied. Ms. Mouring seconded. The motion passed 4-1 (Nay – Ms. Wald).

6. PUBLIC COMMENTS: There were no statements from the public.
7. ADJOURN: Mr. Mason made a motion to adjourn and the motion passed unanimously. The meeting was adjourned at 7:07 p.m.

*If a person decides to appeal any decision made by the Town Council or Zoning Board of Appeals with respect to any matter considered at such meeting or hearing, that person will need a record of the proceedings, and for such purpose, that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The Town of Lantana does not provide such a record.*

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Chairperson Lyn Tate

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Date



CASE #: VAR21-0006

SUBMITTAL DATE: 8/5/21 (REVISED)

## TOWN OF LANTANA

504 Greynolds Circle  
Lantana, FL 33462  
(561) 540-5034

### VARIANCE APPLICATION

Property Name: Lantana Point ADD LTS 18 TO 22 INC BLK 7

Property Location: (Address) 225 East Ocean Ave, Lantana Fl 33462

Property Control Number: 40 - 43 - 45 - 03 - 14 - 007 - 0180

Existing Zoning Category: C1

**Type of Variance (circle one):**

Setback (front, side, rear)

Lot (width, coverage, size)

Height

Subdivision Regulations

Other PARKING

Property Owner(s)	Applicant
<b>Name:</b> Love Lantana Point LLC.	<b>Name:</b> Bearman Culinary Concepts Corp.
<b>Address:</b> PO Box 28 White Plains, NY 10605	<b>Address:</b> 1 Midlane Rd Ocean Ridge, Fl 33435
<b>Phone:</b> 914-761-8880	<b>Phone:</b> 914-714-0163

**DO NOT WRITE BELOW THIS LINE**

**FOR DEPARTMENTAL USE ONLY**

ACCEPTED FOR REVIEW CSB

Town Official: \_\_\_\_\_

Date: 8/5/21 (REVISED)

Fee(s) Paid: 750

**TOWN ACTION**

Town Council: \_\_\_\_\_ Date: \_\_\_\_\_

Conditions of Approval: \_\_\_\_\_

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## GENERAL DATA

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Proposed Zoning:

C1

Existing Use of Property:

Restaurant / Unoccupied

Proposed Use of Property:

Restaurant

Total Site Area: 17,500 Sq. Ft. OR .40 Acres

### **RESIDENTIAL**

Total Number of Dwelling Units: N/A Existing Proposed Density (Units per acre): Existing Proposed

### **COMMERCIAL**

Total Square Footage: 4043 for rstrt Number of Buildings: 2 (#225 & #227)

A Variance is requested relative to Section # 23-131.1 of the Town of Lantana Zoning Code to allow:

Restaurant to provide 18 parking spaces on 225 East Ocean Parcel

Where the Zoning Ordinance requires

45 parking spaces for a restaurant occupying 4043 sq. ft. (49 spaces - 4 street parking spaces)

## JUSTIFICATION STATEMENT

Please address the following criteria contained in Section 23-63 of the Zoning Code for Zoning Variance requests:

1. **Special Conditions and Circumstances** - Please describe any special circumstances which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures, or buildings in the same district.

There are no special circumstances that are not applicable to other lands structures or buildings in the same district

2. **Not Self Created Condition** - Explain how the special conditions and circumstances do not result from the actions of the applicant.

There are no special circumstances and therefore we have not created any from our actions.

3. **No Special Privilege** - Explain how the grant of this variance request will not confer any special privilege upon the applicant that is denied by the zoning ordinance to other lands, structures or buildings in the same district.

We are hoping to work with the city on finding a solution that will utilize current public parking options whether granted or leased to fulfill the requirements needed to operate our business.

4. **Deprivation of Rights Enjoyed by Others** - Explain how the literal interpretation of the provisions of the zoning ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district.

The previous restaurant in that location was allowed to operate with the same number of seats and square footage. We would be more than happy to work with the town as they did, on finding a solution to the lack of adequate parking within our parcel.

5. **Minimum Variance** - Explain how the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

We are asking for a variance on only the number of parking spots that we are short in order to operate the restaurant as it has operated in the past. We are more than willing to explore parking opportunities within close proximity to the premises.

6. **Code's Intent** - Explain how the grant of this variance will be in harmony with the general purpose and intent of this ordinance.

We are not solely seeking a variance from the parking requirements, but rather a solution to allow businesses like ours to operate in our business district. For many years, the buildings on the north side of Ocean Ave between N. Oak Street and North Lake Drive have been vacant and have become an eyesore. We have been operating Oceano Kitchen for almost 5 years now and would like to invest further into developing this parcel of land. The ordinance helps to maintain sufficient parking to allow businesses to operate without congestion and we aim to preserve that intention through mutually beneficial creative solutions.



**EXACT LEGAL DESCRIPTION OF PROPERTY:**

(Attach if insufficient space)

Lots 18, 19,20,21 and 22, Block 7, LANTANA POINT ADDITION, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 73.

Street Address: 225 East Ocean Avenue, Lantana Florida



As applicable, please provide the name, address and telephone number for the following persons or firms who are involved in this development:

AGENT [if different from Owner(s)]:	DEVELOPER:
Name: Jeremy Bearman	Name: N/A
Company Name: Bearman Culinary Concepts Corp.	Company Name:
Address: 1 Midlane Rd. Ocean Ridge, FL 33435	Address:
Phone: 914-714-0163	Phone:

PLANNER:	ARCHITECT:
Name: N/A	Name: N/A
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:
	Florida Registration No.:

ENGINEER:	LANDSCAPE ARCHITECT:
Name: N/A	Name: N/A
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:
Florida Registration No.:	Florida Registration No.:

SURVEYOR:	ATTORNEY:
Name: N/A	Name: N/A
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:

CURRENT OCCUPANT OF BUILDING OR PROPERTY:
Name: N/A
Address:
Phone:

## APPLICANT'S CERTIFICATION

(I) (We) affirm and certify that (I) (We) understand and will comply with all provisions and regulations of the Town of Lantana, Florida. (I) (We) understand that if this Application is approved by the Town, the aforementioned real property described herein will be considered, in every respect, to be a part of the Town of Lantana (if not already) and will be subjected to all applicable laws, regulations, taxes and police powers of the Town including the Comprehensive and Zoning Ordinance. (I) (We) further certify that all statements and diagrams submitted herewith are true and accurate to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this Application and attachments become part of the Official Records of the Town of Lantana, Florida, and are not returnable.

Cynthia Bearman  
Witness

Cynthia Bearman  
Witness

6/28/2021  
Date:

Applicant is:

☐ Owner  
☐ Optionee  
☒ Lessee  
☐ Agent  
☐ Contract Purchaser

Jeremy Bearman  
Signature of Applicant

Jeremy Bearman  
Printed Name of Applicant

Address:  
1 Midlane Rd.  
Ocean Ridge, FL 33435

Telephone Number: 914-714-0163  
Fax Number: \_\_\_\_\_

## OWNER'S AUTHORIZATION

I/We affirm and certify that Jeremy Bearman, the Applicant, is hereby authorized to represent me/us in all dealings regarding this petition with the Town of Lantana.

Hau-lee Ling  
Witness

Hau-lee Ling  
Witness

6/30/21  
Date

Marsha Stocker  
Signature of Owner FOR Love Lantana Point

MARSHA STOCKER  
Printed Name of Owner FOR Love Lantana Point



Dear Town Residents, Business Owners and Council Members,

Oceano Kitchen is a small family owned and operated restaurant located on Ocean Avenue in Lantana Florida near the corner of Dixie Highway. My wife and I opened the restaurant a little less than 5 years ago in the former Pizzeria Oceano spot. Over the years, the restaurant has become a great success and destination for food lovers both near and far. We would never have thought that after traveling the world and cooking in great cities like NY, San Francisco, and Las Vegas that we would end up in a small community like this, but that is where life took us and we are incredibly thankful it did. Our investment in this restaurant and the community has proved to be a great one. We like to think that we have created something special here and are super grateful that the surrounding communities have embraced our business as they did. Without that support we would not be here today.

We are now in the position where we have outgrown our little space and would like to expand our business. Over the past year we have searched for locations that would be a good fit for Oceano Kitchen and although we have found some good options in towns like Delray, West Palm, Boynton and Jupiter, we love where we are, and would like to continue to invest in the community that has supported us through this journey. Lucky for us, the restaurant at 225 East Ocean Ave that was currently operated by Mario's and before that Suite 225 became available some time back. We jumped at the opportunity but unfortunately at that time, our landlord was not sure which direction they wanted to proceed with the management of the property. Recently, they have decided that they would like to continue to manage the properties along the north side of Ocean Ave and allow businesses like ours to engage in long term commitments that would protect our investment. Our landlords, like us are interested in preseving the small town feel and energy of this street and feel this path would be the most beneficial to all parties.

We are now engaging with the town of Lantana as we navigate the variances, exceptions and site plans that are needed to begin what we hope will be an amazing renovation of that old space. Our plans are to remodel the space into a stunning new restaurant and move our current concept, Oceano Kitchen into that space. Additionally, we are planning to keep our current space at 201 East Ocean operating as a restaurant with a new concept. We are looking forward to a day in the near future where Ocean Ave can be the bustling main street with flourishing shops, restaurants and residences that we all know it can be. Now we just need your help, working together to find creative solutions that will allow our business and others like it to thrive in this business district.

Thank you,

The block contains two handwritten signatures in black ink. The signature on the left is 'Cynthia Bearman' and the signature on the right is 'Jeremy Bearman'.

Jeremy and Cindy Bearman  
Chefs/Owners  
Oceano Kitchen



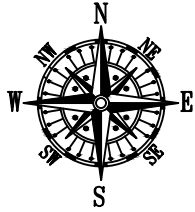
[www.landtecsurvey.com](http://www.landtecsurvey.com)

**PROPERTY ADDRESS:**

**BOUNDARY SURVEY**

Prepared for:



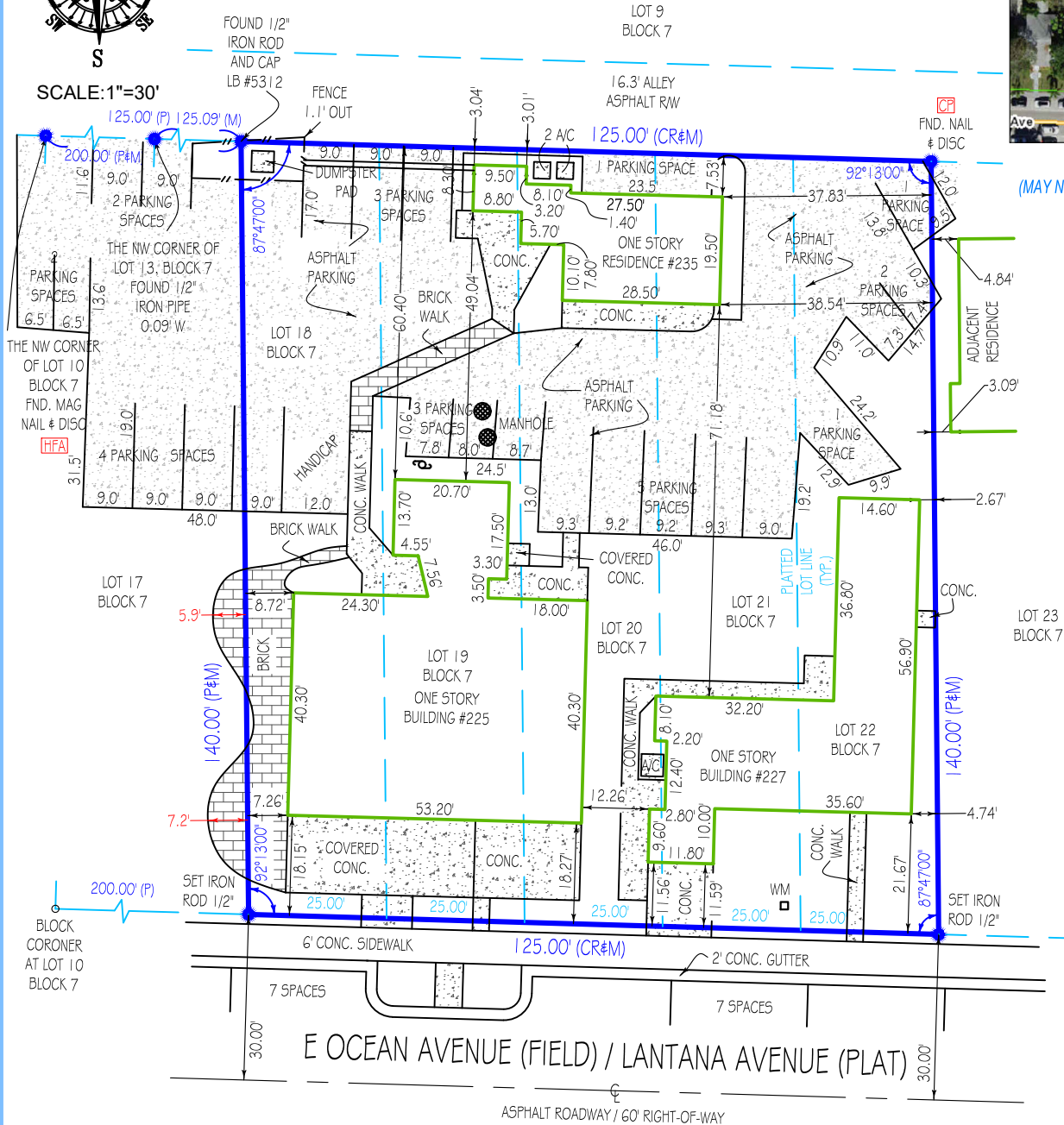


SCALE: 1"=30'

BEARING REFERENCE:  
NONE. RECORD INFORMATION RELIANT UPON ANGULAR DATA ONLY.  
ALL ANGULAR DATA SHOWN HEREON REFERENCED THERETO.



**AERIAL PHOTOGRAPH**  
(MAY NOT SHOW LATEST IMPROVEMENTS)  
(NOT-TO-SCALE)



"CP" = CONTROLLING POINT (POINT OF ROTATION) "HFA" = HELD FOR ALIGNMENT - ALL OTHER MONUMENTATION AND IMPROVEMENTS RELATIVE THERETO

**Platted Easements, Notable or Adverse Conditions (unplatted easements also listed if provided by client): IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN HEREON AND THEIR RELATIONSHIP TO THE BOUNDARY LINE**  
- BRICK SURFACE CROSSES THE BOUNDARY LINE ON WESTERLY SIDE OF LOT AS SHOWN.

This survey has been issued by the following  
Landtec Surveying office:  
700 West Hillsboro Boulevard, Suite 4-100  
Deerfield Beach, FL 33441  
Office: (561) 367-3587  
Fax: (561) 465-3145  
[www.Landtecsurveying.com](http://www.Landtecsurveying.com)

Elevations, if shown:  
Benchmark: \_\_\_\_\_  
Benchmark Elev.: \_\_\_\_\_  
Benchmark Datum: \_\_\_\_\_  
Elevations on Drawing are in:  
N.G.V.D.29 ☐ N.A.V.D.88 ☐

Revisions:  
7-15-21 added parking dims

Job Nr: 119972-SE Date of Field Work: 07/01/2021 Drawn by: A.I.

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LICENSED BUSINESS No. 8007

**PLATTED EASEMENTS, NOTABLE OR ADVERSE CONDITIONS (UNPLATTED EASEMENTS ALSO LISTED IF PROVIDED BY CLIENT):  
IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN HEREON AND THEIR RELATIONSHIP TO THE  
BOUNDARY LINE.**

**GENERAL NOTES:**

1. THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2. IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM LANDTEC SURVEYING. LANDTEC SURVEYING ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
3. ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL OF, OR CHANGES MADE TO, ANY FENCES UNLESS WE HAVE PROVIDED A SURVEY SPECIFICALLY LOCATING SAID FENCES FOR SUCH PURPOSES. DETERMINATION OF FENCE POSITIONS SHOULD BE BASED SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
4. GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
5. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
6. ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988) AS SHOWN ABOVE.
7. ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
8. CORNERS SHOWN AS "SET" ARE IDENTIFIED WITH A CAP MARKED LS (LICENSED SURVEYOR) # 5639.

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS, AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 & 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062, PURSUANT TO SECTION 472.025, FLORIDA STATUTES.

**LEGEND:**

A - DENOTES ARC LENGTH  
CA - DENOTES CENTRAL ANGLE  
CATV - DENOTES CABLE T.V. BOX  
CF - DENOTES CALCULATED FROM FIELD  
CR - DENOTES CALCULATED FROM RECORD  
CH - DENOTES CHORD DISTANCE  
DE - DENOTES DRAINAGE EASEMENT  
EM - DENOTES ELECTRIC METER  
FN - DENOTES FOUND NAIL  
L - DENOTES LEGAL  
M - DENOTES MEASURED  
OHC - DENOTES OVERHEAD CABLE

P - DENOTES PLAT  
PH - DENOTES POOL HEATER  
PP - DENOTES POOL PUMP  
R - DENOTES RADIUS  
SV - DENOTES SEWER VALVE  
TR - DENOTES TELEPHONE RISER  
UE - DENOTES UTILITY EASEMENT  
UP - DENOTES UTILITY POLE  
WM - DENOTES WATER METER  
WV - DENOTES WATER VALVE

— — — — — BOUNDARY LINE  
— — — — — BUILDING LINE  
— — — — — CENTERLINE  
- - - - - EASEMENT LINE  
— x — x — METAL FENCE  
— // — // — WOODEN FENCE  
— o — o — PVC FENCE  
— | — | — OVERHEAD CABLE

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
ANDREW SNYDER - PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION No. 5639 (NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN ABOVE)

**LANDTEC**  
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CASE #: VAR21-0009

SUBMITTAL DATE: 7/22/2021

## TOWN OF LANTANA

504 Greynolds Circle

Lantana, FL 33462

(561) 540-5034

### VARIANCE APPLICATION

Property Name: DANIEL W. HIATT

Property Location: (Address) 1099 LANDS END RD. LANTANA, FL

Property Control Number: 40-43-45-03-26-000-1280

Existing Zoning Category: SINGLE FAMILY (R1A)

Type of Variance (circle one):

Setback (front, side, rear)

Lot (width, coverage, size)

Height

Subdivision Regulations

Other \_\_\_\_\_

Property Owner(s)	Applicant
Name: <u>DANIEL W. HIATT</u>	Name: <u>SAME</u>
Address: <u>1099 LANDS END RD.</u>	Address: <u>SAME</u>
Phone: <u>561-389-1989</u>	Phone: <u>SAME</u>

DO NOT WRITE BELOW THIS LINE

FOR DEPARTMENTAL USE ONLY

ACCEPTED FOR REVIEW

Town Official: CSB

Date: 7/22/2021

Fee(s) Paid: \$950

TOWN ACTION

Town Council: \_\_\_\_\_ Date: \_\_\_\_\_

Conditions of Approval: \_\_\_\_\_



## GENERAL DATA

Proposed Zoning: RESIDENTIAL R1A

Existing Use of Property: RESIDENTIAL R1A

Proposed Use of Property: RESIDENTIAL R1A

Total Site Area: 11,960 Sq. Ft. OR 0.274 Acres

### RESIDENTIAL

Total Number of Dwelling Units: 1 Existing 1 Proposed Density (Units per acre): 1 Existing 1 Proposed

### COMMERCIAL

Total Square Footage: N/A Number of Buildings: N/A

A Variance is requested relative to Section # 23.92(e) & 23.81(b) of the Town of Lantana Zoning Code to allow:

- 1) ALLOW A PORTION OF NEW JACUZZI TO BE 18" ABOVE POOL DECK.
- 2) ALLOW ONE PEDESTAL (OF TWO TOTAL) TO BE 24" ABOVE POOL DECK.
- 3) ALLOW 15 SQUARE FEET OF JACUZZI DECK TO OVERLAP REAR SET BACK. AND POOL

Where the Zoning Ordinance requires

- 1) 2) REQUIRES NO STRUCTURE TO BE ABOVE THE POOL DECK ELEVATION
- 3) REQUIRES NO PORTION OF POOL/JACUZZI DECK TO ENCROACH REAR SET BACK.

## JUSTIFICATION STATEMENT

Please address the following criteria contained in Section 23-63 of the Zoning Code for Zoning Variance requests:

1. **Special Conditions and Circumstances** - Please describe any special circumstances which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures, or buildings in the same district.

MY RESIDENCE IS 35 YEARS AT AN ELEVATION OF 6.68  
2 NEW HOUSES ON BOTH SIDES ARE MORE THAN 2 FEET  
HIGHER NOW. THIS INCLUDES THEIR PATIO/POOL DECK.

2. **Not Self Created Condition** - Explain how the special conditions and circumstances do not result from the actions of the applicant.

WHEN I BUILT MY HOUSE MY ELEVATION WAS 13"  
ABOVE THE REQUIREMENT @ THE TIME. (1985)

3. **No Special Privilege** - Explain how the grant of this variance request will not confer any special privilege upon the applicant that is denied by the zoning ordinance to other lands, structures or buildings in the same district.

IF REQUEST IS GRANTED MY NEW POOL/PATIO  
WILL STILL BE LOWER ELEVATION THAN NEW ADJ.  
HOUSES

4. **Deprivation of Rights Enjoyed by Others** - Explain how the literal interpretation of the provisions of the zoning ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district.

IT WOULD REQUIRE ME TO KEEP MY NEW PROJECT  
MUCH LOWER THAN BOTH HOUSES (NEW) ON EACH SIDE  
OF ME.

5. **Minimum Variance** - Explain how the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

THE ONLY RAISED PORTIONS WILL BE ONE 2X2 PEDESTAL  
AND LESS THAN 50% OF THE JACUZZI.

6. **Code's Intent** - Explain how the grant of this variance will be in harmony with the general purpose and intent of this ordinance.

THE GRANTING OF THE VARIANCE WILL BE IN HARMONY  
WITH THE PURPOSE OF THE ORDINANCE BECAUSE THE  
NEW EXISTING HOUSES ARE ALREADY AT THE NEW  
HIGHER ELEVATION(S).



**EXACT LEGAL DESCRIPTION OF PROPERTY:**

(Attach if insufficient space)

LOT 122, PLAT No. 8, POINT MANALAPAN,  
According to the plat thereof on file in  
the office of the clerk of the Circuit  
Court, Palm Beach County, Florida,  
Plat Book 32, Page 118.

As applicable, please provide the name, address and telephone number for the following persons or firms who are involved in this development:

AGENT [if different from Owner(s)]:	DEVELOPER:
Name: DANIEL HIATT (SAME)	Name: N/A
Company Name:	Company Name:
Address:	Address:
Phone:	Phone: N/A

PLANNER:	ARCHITECT:
Name: N/A	Name: N/A
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:
	Florida Registration No.:

ENGINEER:	LANDSCAPE ARCHITECT:
Name: N/A	Name: CAROL PEREZ
Company Name:	Company Name: ART LANDSCAPE
Address:	Address: 132 NORTH SWINTON AVE. DEL RAY BEACH FL 33444
Phone:	Phone: 561-276-5050
Florida Registration No.:	Florida Registration No.: LA0001459

SURVEYOR:	ATTORNEY:
Name: HARRY A. BURGESS	Name: N/A
Company Name: PENNER BURGESS, INC	Company Name:
Address: 801 S.E. 6TH AVE ST 203 DEL RAY BCH, FL 33483	Address:
Phone: 561-243-4624	Phone:

CURRENT OCCUPANT OF BUILDING OR PROPERTY:
Name: DANIEL W. HIATT
Address: 1099 LANDS END RD LANTANA, FL
Phone: 561-389-1989

## APPLICANT'S CERTIFICATION

(I) (We) affirm and certify that (I) (We) understand and will comply with all provisions and regulations of the Town of Lantana, Florida. (I) (We) understand that if this Application is approved by the Town, the aforementioned real property described herein will be considered, in every respect, to be a part of the Town of Lantana (if not already) and will be subjected to all applicable laws, regulations, taxes and police powers of the Town including the Comprehensive and Zoning Ordinance. (I) (We) further certify that all statements and diagrams submitted herewith are true and accurate to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this Application and attachments become part of the Official Records of the Town of Lantana, Florida, and are not returnable.

[Signature]  
Witness

[Signature]  
Witness

7-7-2021  
Date:

Applicant is:

- ☒ Owner  
☐ Optionee  
☐ Lessee  
☐ Agent  
☐ Contract Purchaser

[Signature]  
Signature of Applicant

DANIEL W. HIATT  
Printed Name of Applicant

Address: 1099 LANOS ENO RD  
LANTANA, FL 33462

Telephone Number: 561-389-1989  
Fax Number: 561-588-5111

## OWNER'S AUTHORIZATION

N/A.

I/We affirm and certify that DANIEL W. HIATT, the Applicant, is hereby authorized to represent me/us in all dealings regarding this petition with the Town of Lantana.

[Signature]  
Witness

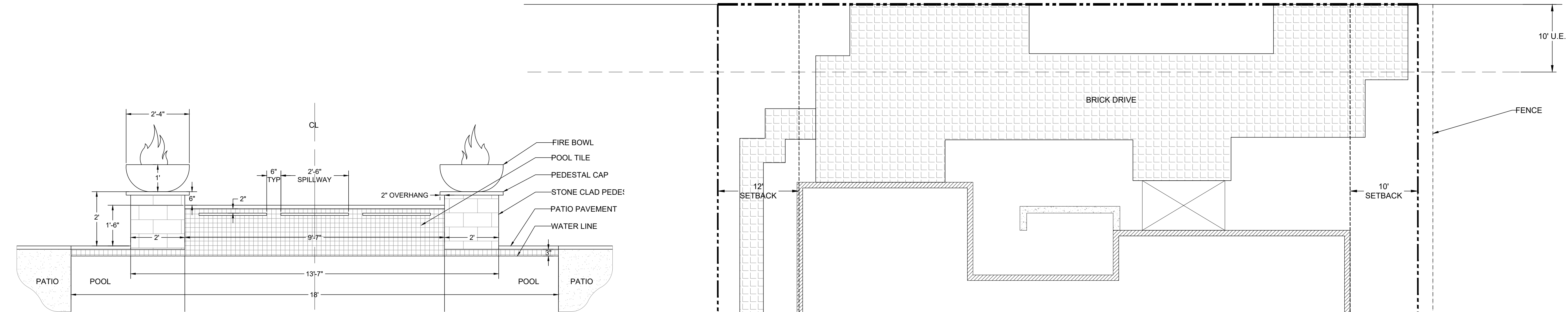
[Signature]  
Witness

7-7-21  
Date

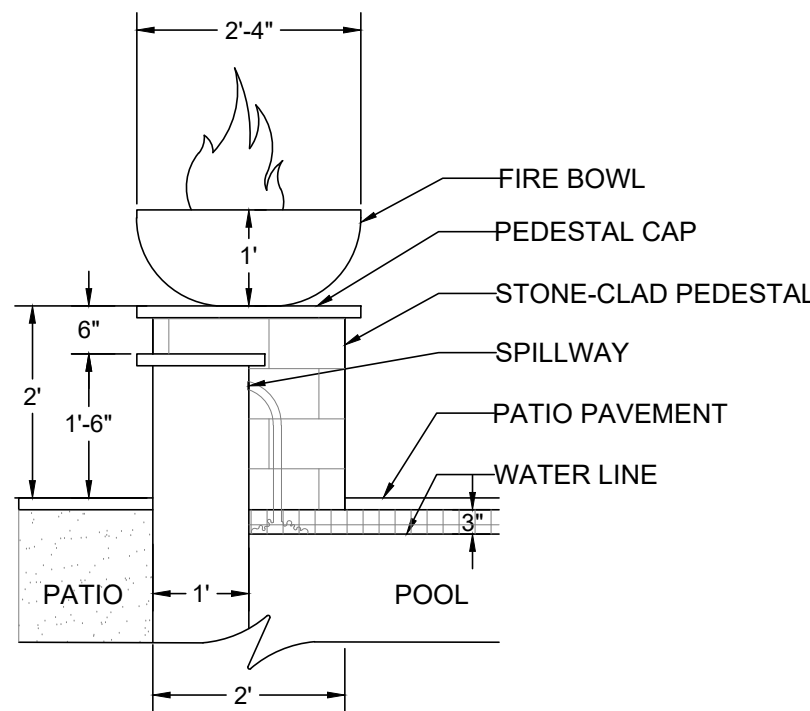
[Signature]  
Signature of Owner

DANIEL W. HIATT  
Printed Name of Owner

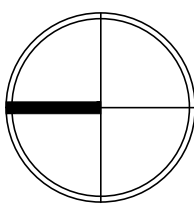
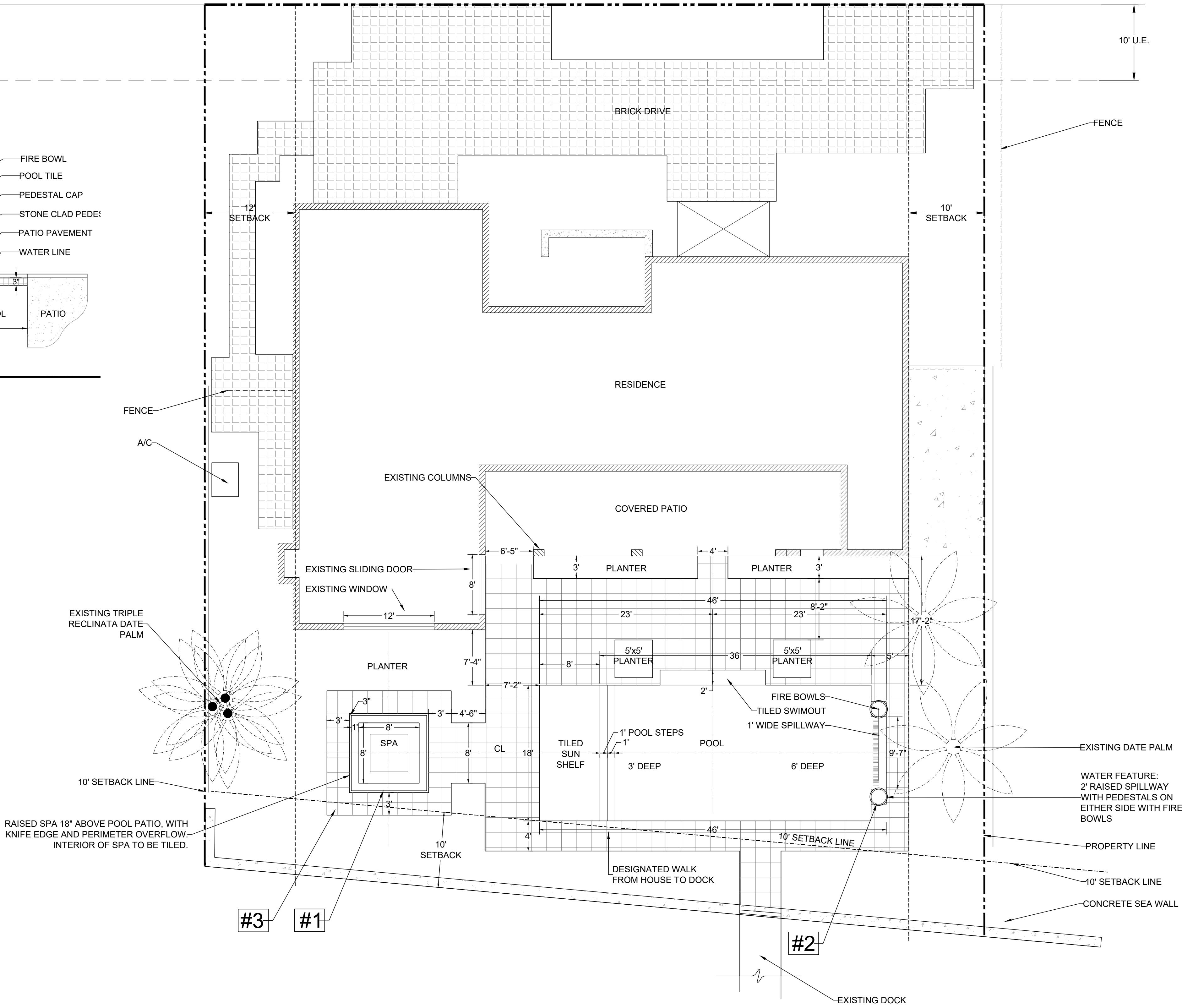




WATER FEATURE DETAIL: FRONT VIEW  
SCALE: 1/2" = 1'-0"



WATER FEATURE DETAIL: SECTION  
SCALE: 1/2" = 1'-0"



SCALE: 1/8" = 1'-0"

PROJECT

HIATT RESIDENCE

1099 LANDS END ROAD  
LANTANA, FL

TITLE

HARDSCAPE PLAN

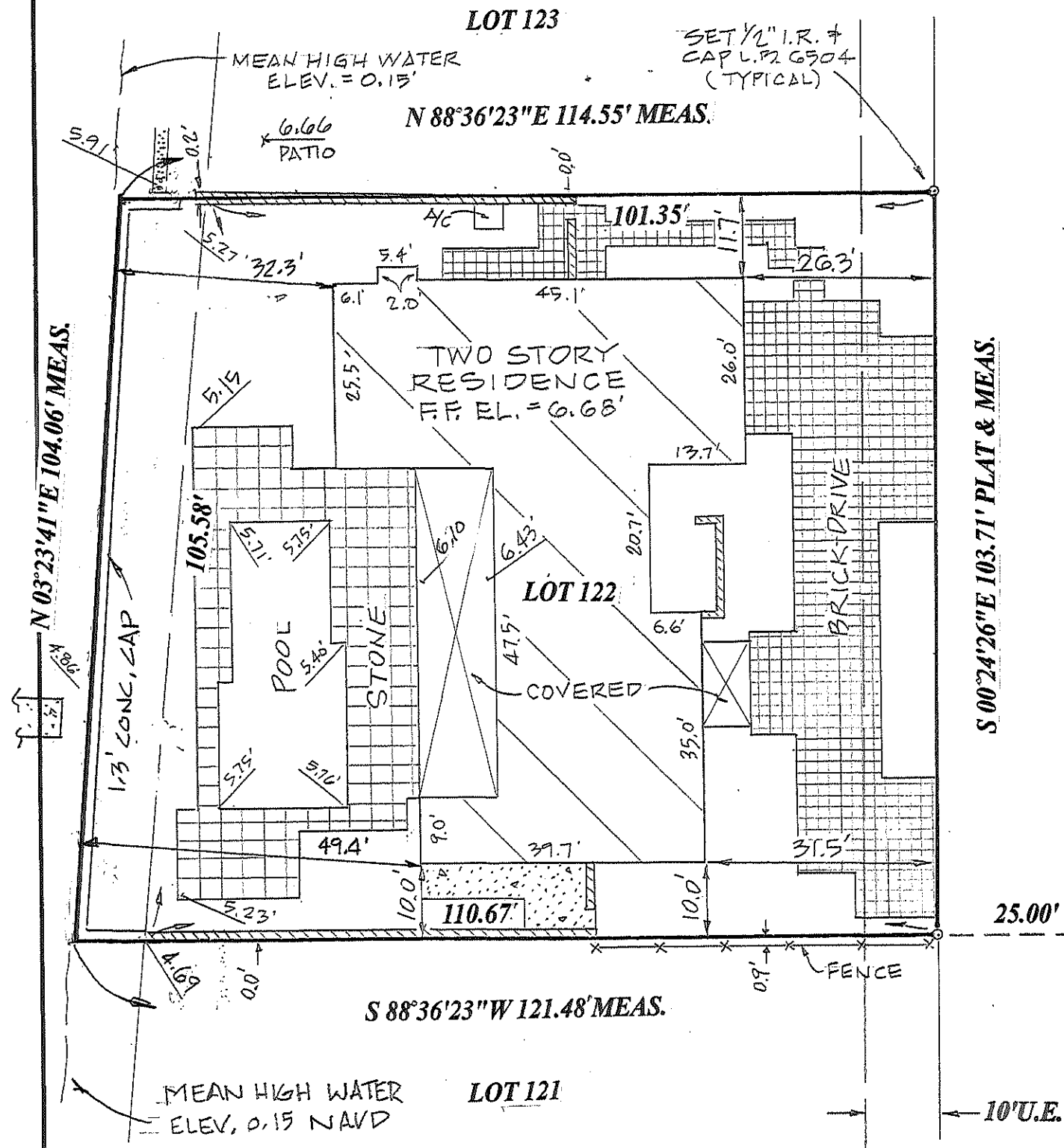
PROJ. NO.

FILE NAME

X DRAWN

07/9/2021 DATE

REV.



LOT 122

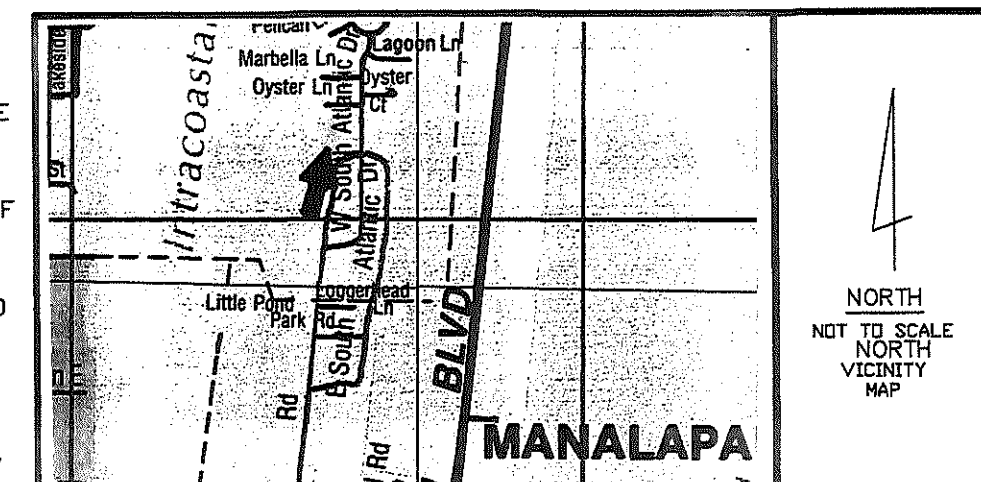
# PLAT NO. 8 POINT MANALAPAN

According To The Plat Recorded In Plat Book 32, Page 118, Recorded In The Public  
Record Of Palm Beach County, Florida Said Land Situate, Lying, And Being In  
Palm Beach County, Florida .

SCALE: 1" = 20'

## NOTES:

- 1) BEARINGS SHOWN HEREON ARE RELATIVE TO PLAT AND ARE ASSUMED.
- 2) NO ABSTRACT OR TITLE SEARCH WAS PERFORMED TO DISCOVER THE EXISTENCE OF ANY EASEMENTS OR RESTRICTIONS OF RECORD.
- 3) ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICA VERTICAL DATUM OF 1988 UNLESS OTHERWISE NOTED.
- 4) NO BELOW GROUND IMPROVEMENTS, FOOTERS, FOUNDATIONS OR UTILITIES HAVE BEEN LOCATED OR SHOWN ON THIS SURVEY.



O.R.B. = official record book  
C.B.S. = concrete block structure  
P.C.C. = point of compound curve  
P.C.P. = permanent control point  
P.O.C. = point of commencement  
P.O.B. = point of beginning  
D/E = drainage easement  
C.M.P. = corrugated metal pipe  
R.L.S. = registered land surveyor  
L.B. = licensed business

TRAN. = transformer pad  
F.P.&L. = Florida power and light  
CH = concrete monument  
P.R.C. = point of reverse  
P.I. = point of intersection  
P.T. = point of tangency  
\* = not field measured  
W.P.F. = wood privacy fence  
CHATT = chattahoochee  
ELEV = elevation

P.B. = plat book  
TYP. = typical  
R/W = right-of-way  
Δ = central angle  
B = bearing basis line  
ASPH = asphalt  
M.H. = manhole  
U/E = utility easement  
CLF = chain link fence  
P.R.M. = permanent reference monument

P = plat  
Ø = power pole  
M = MEASURED  
I.P. = IRON PIPE  
R.P. = radius point  
L = ARC LENGTH  
CL = centerline  
ALUM. = aluminum  
P.C. = point of curvature  
P.G. = page  
I.R. = iron rod  
R = radius  
D = deed  
O/S = offset  
CONC. = concrete  
ESHT. = easement  
CALC. = calculated

**Renner Burgess, Inc.**  
**LAND SURVEYING**

801 S.E. 6th Ave., Suite 203  
Delray Beach, FL 33483

Phone 561-243-4624  
Fax 243-4869

AUTHORIZATION NUMBER LB6504

I HEREBY CERTIFY THAT THE SKETCH OF BOUNDARY SURVEY SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER SJ-17-050-052, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

HARRY A. BURGESS PLS/5089

CERTIFIED TO:

DANIEL W. HIATT

FLOOD ZONE: "AE" EL. = 6'  
MAP NO.: 12099C 0783 F  
MAP DATE: 10-5-17

DATE: 3-12-21  
JOB NO. 6-20-076  
REVISED:

NOT VALID  
UNLESS SEALED  
WITH EMBOSSED  
SURVEYOR'S SEAL

CASE #: VAR21-0008

SUBMITTAL DATE: 7/12/2021

## TOWN OF LANTANA

504 Greynolds Circle

Lantana, FL 33462

(561) 540-5034

### VARIANCE APPLICATION

Property Name: Robert Klein Living Trust

Property Location: (Address) 731 N. Atlantic Dr.

Property Control Number: 40 - 43 - 44 - 34 - 11 - 0 0 0 - 0 0 2 0

Existing Zoning Category: R-1A Residential

**Type of Variance (circle one):**

Setback (front, side, rear)

Lot (width, coverage, size)

Height

Subdivision Regulations

Other Dock Variances

Property Owner(s)	Applicant
Name: Robert Klein Living Trust	Name: Same as property owner
Address: 731 N. Atlantic Dr.	Address:
Phone:	Phone:

**DO NOT WRITE BELOW THIS LINE**

**FOR DEPARTMENTAL USE ONLY**

ACCEPTED FOR REVIEW

Town Official: SW

Date: 7/15/21

Fee(s) Paid: \$950

TOWN ACTION

Town Council: \_\_\_\_\_ Date: \_\_\_\_\_

Conditions of Approval: \_\_\_\_\_

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## GENERAL DATA

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Proposed Zoning:

R-1A Residential

Existing Use of Property:

single-family home

Proposed Use of Property:

single-family home

Total Site Area: 15,919 Sq. Ft. OR 0.896 Acres

### **RESIDENTIAL**

Total Number of Dwelling Units: 1 1 Density (Units per acre): 1 1  
Existing Proposed Existing Proposed

### **COMMERCIAL**

Total Square Footage: N/A Number of Buildings: N/A

A Variance is requested relative to Section # 23-134(a)(1),(6) & (7) of the Town of Lantana Zoning Code to allow:

Applicant is requesting variances in relation to the following code sections: 1.) from Code Section 23-134(a)(1), Applicant is requesting a variance of 160 square feet to allow the total square footage of the dock to be 1,641 square feet; 2.) from Code Section 23-134(a)(6), Applicant is requesting a variance of 32 feet to allow the L-shaped portion of the dock to measure 87 feet in length; and 3.) from Code Section 23-134(a)(7), Applicant is requesting a variance of 160 square feet to allow the L-shaped portion of the dock to measure 435 square feet in area.

Where the Zoning Ordinance requires

Section 23-134(a)(1) allows the total square footage of the dock to be a maximum of 1,000 square feet. Section 23-134(a)(6) allows a maximum length of the "L" shape portion not to exceed 35' and Section 23-134(a)(7) allows a maximum total square footage of the "L" shape portion not to exceed 275 square feet.

## **JUSTIFICATION STATEMENT**

Please address the following criteria contained in Section 23-63 of the Zoning Code for Zoning Variance requests:

1. **Special Conditions and Circumstances** - Please describe any special circumstances which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures, or buildings in the same district.

Please see attached narrative.

2. **Not Self Created Condition** - Explain how the special conditions and circumstances do not result from the actions of the applicant.

Please see attached narrative.

3. **No Special Privilege** - Explain how the grant of this variance request will not confer any special privilege upon the applicant that is denied by the zoning ordinance to other lands, structures or buildings in the same district.

Please see attached narrative.

4. **Deprivation of Rights Enjoyed by Others** - Explain how the literal interpretation of the provisions of the zoning ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district.

Please see attached narrative.

5. **Minimum Variance** - Explain how the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

Please see attached narrative.

6. **Code's Intent** - Explain how the grant of this variance will be in harmony with the general purpose and intent of this ordinance.

Please see attached narrative.

**EXACT LEGAL DESCRIPTION OF PROPERTY:**

(Attach if insufficient space)

Lake Shores, Lots 2 & 3



As applicable, please provide the name, address and telephone number for the following persons or firms who are involved in this development:

<b>AGENT [if different from Owner(s)]:</b>	<b>DEVELOPER:</b>
Name: <b>Matthew Scott</b>	Name: <b>N/A</b>
Company Name: Dunay, Miskel & Backman, LLP	Company Name:
Address: <b>14 SE 4th St. Suite 36 Boca Raton, FL 33432</b>	Address:
Phone: 561-405-3350	Phone:

<b>PLANNER:</b>	<b>ARCHITECT:</b>
Name: N/A	Name: N/A
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:
	Florida Registration No.:


<b>ENGINEER:</b>	<b>LANDSCAPE ARCHITECT:</b>
Name: Matthew David Butler	Name: N/A
Company Name: Isiminger & Stubbs Engineering, Inc.	Company Name:
Address: <b>PO Box 14702 North Palm Beach, FL 33408</b>	Address:
Phone: 561-881-0003	Phone:
Florida Registration No.: 74039	Florida Registration No.:

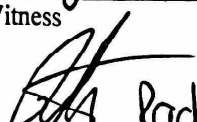
<b>SURVEYOR:</b>	<b>ATTORNEY:</b>
<b>N/A</b>	<b>Same as agent</b>
Name:	Name:
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:

<b>CURRENT OCCUPANT OF BUILDING OR PROPERTY:</b>
Name: Robert Klein
Address: <b>731 N. Atlantic Dr. Lantana, FL 33462</b>
Phone:

## APPLICANT'S CERTIFICATION

(I) (We) affirm and certify that (I) (We) understand and will comply with all provisions and regulations of the Town of Lantana, Florida. (I) (We) understand that if this Application is approved by the Town, the aforementioned real property described herein will be considered, in every respect, to be a part of the Town of Lantana (if not already) and will be subjected to all applicable laws, regulations, taxes and police powers of the Town including the Comprehensive and Zoning Ordinance. (I) (We) further certify that all statements and diagrams submitted herewith are true and accurate to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this Application and attachments become part of the Official Records of the Town of Lantana, Florida, and are not returnable.


  
Eri Hoeneel  
Witness

  
Rachel Staddon  
Witness

Date: 6/17/2021

Applicant is:

☒ Owner  
☐ Optionee  
☐ Lessee  
☐ Agent  
☐ Contract Purchaser

  
Signature of Applicant


Robert Klein Trustee, Robert Klein Living Trust  
Printed Name of Applicant


Address:  
731 N. Atlantic Dr.  
Lantana, FL 33462

Telephone Number: \_\_\_\_\_  
Fax Number: \_\_\_\_\_


## OWNER'S AUTHORIZATION

I/We affirm and certify that Robert Klein Living Trust the Applicant, is hereby authorized to represent me/us in all dealings regarding this petition with the Town of Lantana.

  
Eri Hoeneel  
Witness

  
Rachel Staddon  
Witness

Date: 06/17/2021

  
Signature of Owner

Robert Klein, Trustee Robert Klein Living Trust  
Printed Name of Owner





**DUNAY  
MISKEL  
BACKMAN** LLP

Gary Dunay  
Bonnie Miskel  
Scott Backman  
Eric Coffman

Hope Calhoun  
Dwayne Dickerson  
Ele Zachariades  
Matthew H. Scott

Christina Bilenki  
Lauren G. Odom  
Nicole Jaeger  
Rachael Bond Palmer

## **Variance Justification Statement for Dock Extension at Klein Residence 731 North Atlantic Drive**

The Robert Klein Living Trust, through its Trustee Robert Klein, (“Applicant”) is the owner of the parcel located at 731 North Atlantic Drive in the Town of Lantana (“Property”). The Property is located within the R1-A Residential zoning district, with a land use designation of R1-A Residential on the Town’s Future Land Use Map. The Property is developed with a single-family home and a 1,481 square foot L-shaped dock with a boat lift. In order for Applicant to dock, conveniently gain access to, and maintain its current 105-foot boat at the Property, Applicant must expand the existing L-shaped portion of the existing dock by approximately 32 feet to the south. This amounts to a total addition of 160 square feet. The request, if approved, will have no negative impact on navigable waterways or neighboring properties but will allow for Applicant to dock, access, clean, and service its boat at the Property. The proposed extension of the dock would exceed what Town Code currently permits, and therefore Applicant hereby submits this variance application.

Specifically, Applicant is requesting variances in relation to the following code sections: 1.) from Code Section 23-134(a)(1), Applicant is requesting a variance of 160 square feet to allow the total square footage of the dock to be 1,641 square feet; 2.) from Code Section 23-134(a)(6), Applicant is requesting a variance of 32 feet to allow the L-shaped portion of the dock to measure 87 feet in length; and 3.) from Code Section 23-134(a)(7), Applicant is requesting a variance of 160 square feet to allow the L-shaped portion of the dock to measure 435 square feet in area.

Applicant also needs to extend the L-shaped portion of the dock to the south, measuring 19 feet from the property line of the adjacent neighbor to the south. Section 23-234(a)(5) requires a minimum setback of 25 feet from the adjacent property lines. However, this section is not applicable if written consent is provided by the affected property owner. Applicant has obtained a consent letter from the affected neighbor, a copy of which is attached to this application.

Section 23-63 of the Town Code sets forth the criteria for variances. As explained in detail below, this application, justification, and plans submitted satisfy the criteria for the requested variances. Each of these criteria are listed below in bold with Applicant’s response provided under each:

- a) Special conditions and circumstances exist which are peculiar to the land structure or building involved and that these conditions and/or circumstances are not applicable to other lands, structures or buildings in the same zoning district.**

The submerged land immediately west of the Property has a large amount of paddle grass in the southern portion, as shown on the attached plans and survey. This unique condition necessitated placement of the section of the dock that runs perpendicular to the seawall on the northern area, away from the paddle grass. The parallel section, that forms the L-shape, is positioned at the end of the perpendicular section, thereby protecting the paddle grass area. The location of this existing dock, pushed substantially north of center to avoid the paddle grass, has created a condition where there is insufficient space on the north side of it to allow for safe and realistic ingress/egress of a 105-foot vessel. With the north side of the dock unavailable as a docking location for Applicant's vessel, this only leaves the west side of the parallel section of the dock. Unfortunately, this section is currently only 55 feet in length, which is not nearly long enough for proper docking of a 105 foot boat. In light of these unique conditions, Applicant is requesting the aforementioned variances, in essence, to add the bare minimum length to the existing dock to allow Applicant to keep the boat at its residence.

**The special conditions and circumstances do not result from the actions of the applicant.**

The special conditions do not result from the actions of the Applicant. These conditions arise primarily from the substantial efforts to protect the existing paddle grass in the south side of the submerged area. Applicant designed the dock and the proposed extension with this special condition in mind.

- b) The granting of the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.**

Granting the variances will not confer upon the Applicant any special privilege that is denied to other property owners within the same zoning district. There are several other docks along the same waterway as the Property that extend out to the same distance, or farther within the waterway that also have an L-shaped portion.

- c) Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.**

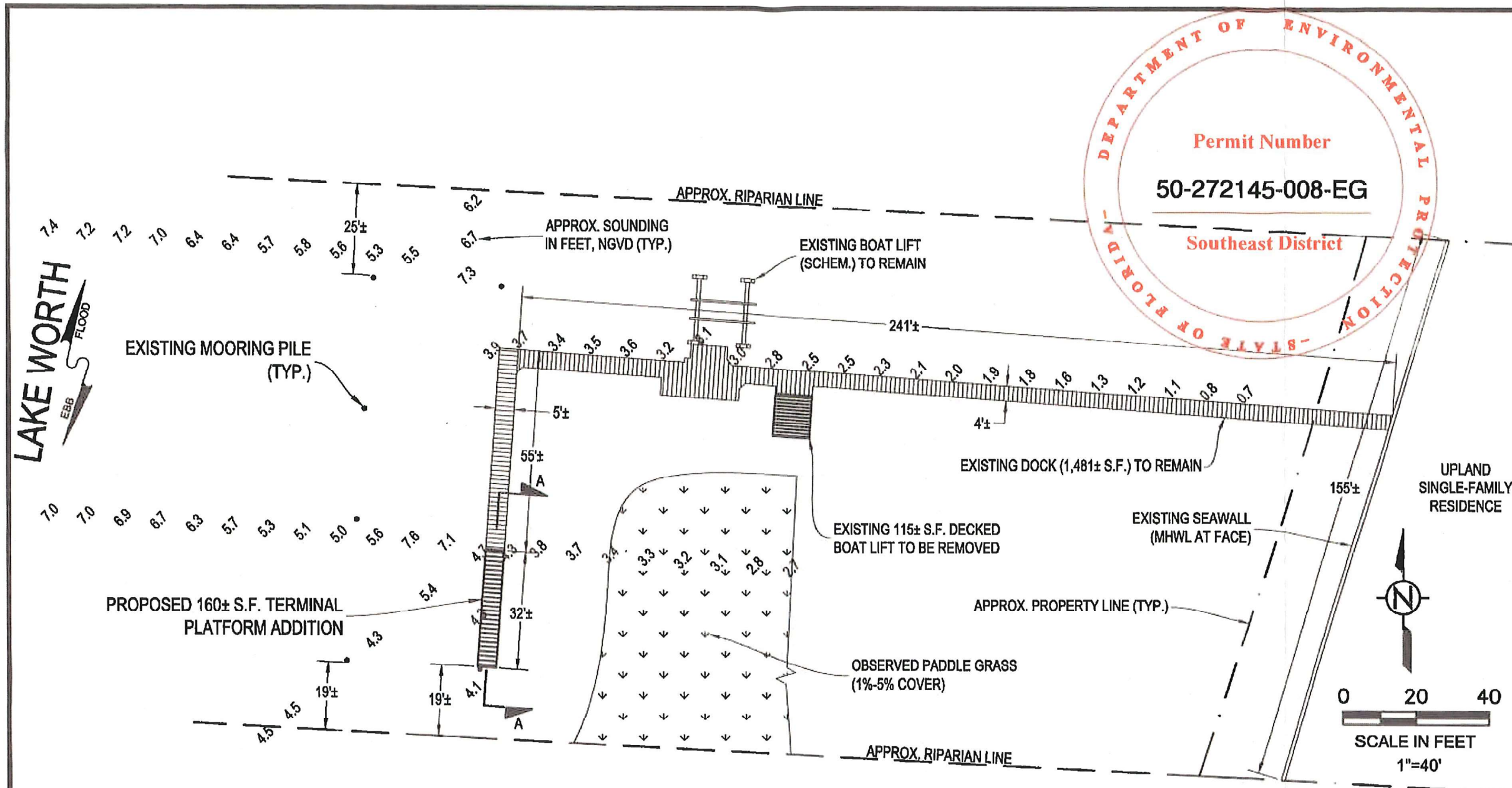
Literal enforcement of the applicable code provisions would deprive Applicant of the ability to dock, access, and maintain its boat the Property as the current length of the dock is insufficient in length to safely navigate the boat to and from the north or west side of the existing dock. This is a common right enjoyed by property owners in the same zoning district.

- d) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.**

Applicant is requesting the bare minimum extension to its dock to allow it to safely navigate the boat to and from the west side of the existing dock. The extension also will allow Applicant to access its boat from the stern, which is the primary and most convenient access point for this boat. Applicant is not requesting an increase in dock width greater than that previously approved. As stated above, Applicant is merely requesting a 160 square foot increase in dock space, which is a small amount in comparison to the vastly positive impact the extension will have on Applicant's use and enjoyment of the dock.

- e) The grant of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In recommending variances to the Town Council, the zoning board of appeals may prescribe appropriate conditions and safeguards in conformity of this chapter.**

The granting of the variance requests will be in harmony with the general intent and purpose of the Code and will not be injurious to the area involved or otherwise detrimental to the public welfare. The variances will allow Applicant to slightly extend its dock so its boat can be docked and stored at the Property. This is a common expectation of property owners in the area and will not negatively impact neighbors. As the proposed extension is parallel to the Property, rather than perpendicular, it will most likely go unnoticed altogether and certainly will not negatively impact navigation in the adjacent waterway.

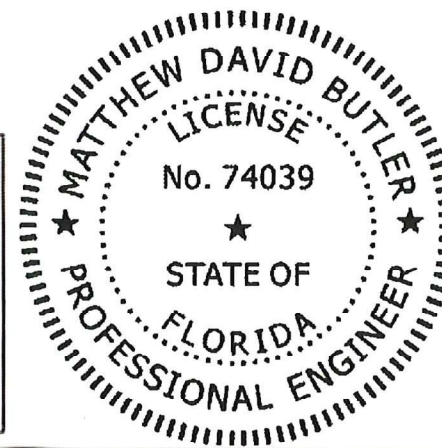


#### NOTES:

1. DATUM IS NGVD. MLW = -0.7± NGVD FROM LABINS DATABASE.
2. EXISTING LOCATIONS ARE APPROXIMATE BASED ON SURVEY BY MILLER LAND SURVEYING AND ON-SITE OBSERVATIONS.
3. SOUNDINGS AND RESOURCE OBSERVATION BY ISIMINGER & STUBBS ENGINEERING, INC. FIELD WORK PERFORMED 9/1/20. SOUNDINGS REDUCED TO MLW BASED ON SURVEY ELEVATIONS.

**SKETCH SUBMITTED FOR ENVIRONMENTAL PERMIT REVIEW.  
NOT INTENDED FOR CONSTRUCTION OR BUILDING PERMIT REVIEW.**

This item has been digitally signed and sealed by Matthew D. Butler, P.E. on 2/3/2021 using a Digital Signature. Printed copies of this document are not considered signed and sealed, and the signature must be verified on any electronic copies.



#### PLAN VIEW



**ISIMINGER & STUBBS  
ENGINEERING, INC.**

COASTAL • ENVIRONMENTAL • MARINE  
REGISTRATION NUMBER 8114  
P.O. BOX 14702 - NORTH PALM BEACH, FL. 33408 - 561-881-0003

**PROPOSED DOCK MODIFICATION  
LAKE WORTH  
731 NORTH ATLANTIC DRIVE  
TOWN OF LANTANA, PALM BEACH COUNTY, FL  
APPLICANT: ROBERT KLEIN**

DATE	1/21	DRAWN	MDB	CHKD	KDB	APPRVD	MDB
DWG NO.	20163H2					SHEET	2
COMPUTER FILE NO.	20163H					OF 3	

























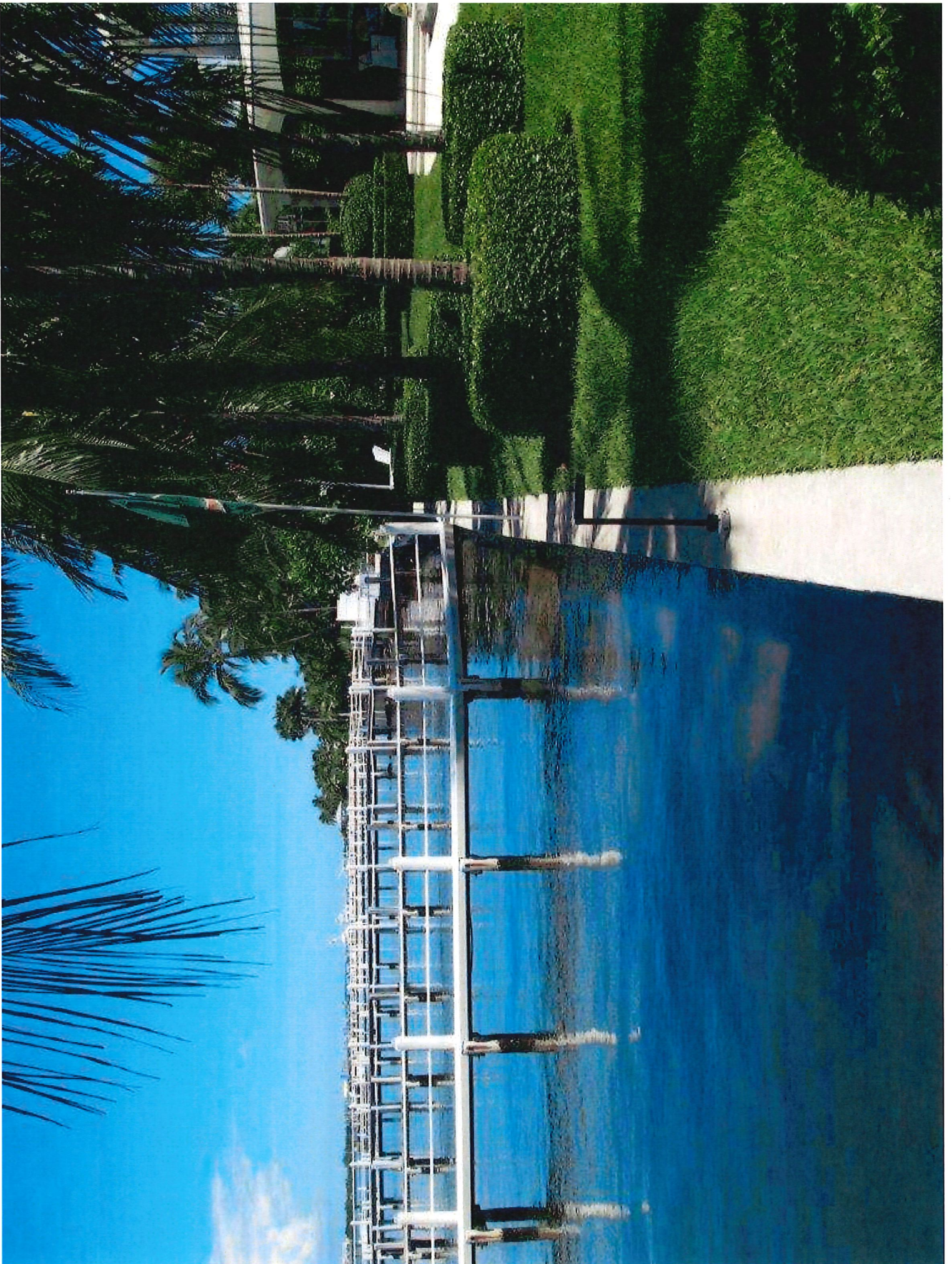














CASE #: VAR 21-0005SUBMITTAL DATE: 6/17/21**TOWN OF LANTANA****504 Greynolds Circle  
Lantana, FL 33462  
(561) 540-5034****VARIANCE APPLICATION**Property Name: Sophia Energy Service StationProperty Location: (Address) 106 South Dixie HighwayProperty Control Number: 40 - 43 - 45 - 03 - 14 - 003 - 0180Existing Zoning Category: C-1**Type of Variance (circle one):**Setback (front, side, rear)

Lot (width, coverage, size)

Height

Subdivision Regulations

Other \_\_\_\_\_

Property Owner(s)	Applicant
Name: <b>Sophia Energy, LLC</b>	Name: <b>Rod A. Feiner, Esq.</b>
Address: 12121 NW 5th Court Plantation, FL 33325	Address: Coker & Feiner 1404 South Andrews Ave. Ft. Lauderdale, FL 33316
Phone: <b>954-801-1645</b>	Phone: <b>954-761-3636</b>

**DO NOT WRITE BELOW THIS LINE****FOR DEPARTMENTAL USE ONLY**ACCEPTED FOR REVIEWTown Official: UGPDate: 6/17/21Fee(s) Paid: \$750TOWN ACTION

Town Council: \_\_\_\_\_ Date: \_\_\_\_\_

Conditions of Approval: \_\_\_\_\_

## GENERAL DATA

Proposed Zoning:

C-1; Zoning remains the same as it currently exists

Existing Use of Property:

Gasoline service station

Proposed Use of Property:

Gasoline service station

Total Site Area: 14,200 Sq. Ft. OR \_\_\_\_\_ Acres

### RESIDENTIAL

Total Number of Dwelling Units: N/A N/A Density (Units per acre): N/A N/A  
Existing Proposed Existing Proposed

### COMMERCIAL

Total Square Footage: 2084 sq. ft Number of Buildings: 1 convenience store, canopy and shed

A Variance is requested relative to Section # 23-96(f) of the Town  
of Lantana Zoning Code to allow:

A pre-existing shed to have a 3 foot rear setback.

Where the Zoning Ordinance requires

The C-1 Zoning District requires a 10 foot rear setback.



## JUSTIFICATION STATEMENT

Please address the following criteria contained in Section 23-63 of the Zoning Code for Zoning Variance requests:

1. **Special Conditions and Circumstances** - Please describe any special circumstances which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures, or buildings in the same district.

Please see attached sheet

2. **Not Self Created Condition** - Explain how the special conditions and circumstances do not result from the actions of the applicant.

Please see attached sheet

3. **No Special Privilege** - Explain how the grant of this variance request will not confer any special privilege upon the applicant that is denied by the zoning ordinance to other lands, structures or buildings in the same district.

Please see attached sheet

4. **Deprivation of Rights Enjoyed by Others** - Explain how the literal interpretation of the provisions of the zoning ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district.

Please see attached sheet

5. **Minimum Variance** - Explain how the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

Please see attached sheet

6. **Code's Intent** - Explain how the grant of this variance will be in harmony with the general purpose and intent of this ordinance.

Please see attached sheet

**EXACT LEGAL DESCRIPTION OF PROPERTY:**

(Attach if insufficient space)

See legal description attached



As applicable, please provide the name, address and telephone number for the following persons or firms who are involved in this development:

AGENT [if different from Owner(s)]:	DEVELOPER:
Name: <b>Rod A. Feiner, Esq.</b>	Name: <b>Sophia Energy, LLC</b>
Company Name: Coker & Feiner	Company Name:
Address: <b>1404 South Andrews Ave. Ft. Lauderdale, FL 33316</b>	Address: <b>12121 NW 5th Court Plantation, FL 33325</b>
Phone: 954-761-3636	Phone: 954-801-1645

PLANNER:	ARCHITECT:
Name:	Name:
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:
	Florida Registration No.:

ENGINEER:	LANDSCAPE ARCHITECT:
Name:	Name:
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:
Florida Registration No.:	Florida Registration No.:

SURVEYOR:	ATTORNEY:
	<b>See Agent above</b>
Name: Robert L. Thompson	Name:
Company Name: Accurate Land Surveyors, Inc.	Company Name:
Address: <b>1150 East Atlantic Blvd. Pompano Beach, FL 33060</b>	Address:
Phone: 954-782-1441	Phone:

CURRENT OCCUPANT OF BUILDING OR PROPERTY:
Name: Sophia Energy, LLC
Address: <b>12121 NW 5th Court Plantation, FL 33325</b>
Phone: 954-801-1645



### **JUSTIFICATION FOR VARIANCE**

- a. *Please describe any special circumstances which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same zoning district.*

The property has several unique circumstances that are peculiar to the land, structure or building involved. The Owner purchased the property in June 18, 2020. At the time the Owner purchased the property a shed was already existing inside the rear setback of the property. The shed was installed some time ago by the prior owner's of the site. The pre-existing shed which is located in the rear setback is a unique circumstance that is peculiar to this property, especially considering its location.

In addition to the pre-existing nature of the shed, the property is also peculiar in that the rear of the property is adjacent to an alley. Since the rear of the property is adjacent to an alley the alley acts as an additional buffer between the rear property line and any adjacent use. The alley is used infrequently and serves as a natural buffer. This is also a peculiar attribute to the property itself.

- b. *Explain how the special conditions and circumstances do not result from the actions of the applicant.*

The special conditions and circumstances are not the result of the actions of the Applicant. As mentioned previously, and is demonstrated by a survey performed before the Owner's purchase of the property occurred, the shed/structure for which this variance is sought was not installed by the Owner. It was installed by prior owners, utilized by prior owner's and in fact stores necessary equipment for the existing service station use. Thus, the special conditions and circumstances were not the result of the Owner.

- c. *Explain how the grant of this variance request will not confer any special privilege upon the Applicant that is denied by this chapter to other lands, buildings or structures in the same zoning district.*

The grant of the variance will not confer any special privilege upon the Applicant. By granting this variance the City will be allowing a pre-existing structure to remain on the property as it was existing at the time of purchase. The Owner is not being allowed to take advantage of an action that the Owner permitted to occur. The granting of the variance instead will allow the Owner to continue to utilize the property in a manner and operational way that was anticipated at the time of the purchase.

In addition, no special privilege is being granted to the applicant. The variance only allows the shed to be located within the rear setback. All provisions of the Building Code regarding this structure will still need to be satisfied. Thus, the Owner recognizes and acknowledges that if the variance were to be granted then the Applicant/Owner would have to apply for an after-the-fact building permit from the Town for the shed and satisfy all the requirements for a building permit. Thus the granting of the variance will not result in a threat to life, safety or welfare and will instead merely allow what has been occurring at this property for some time to continue.



- d. *Explain how the literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.*

The literal interpretation of the provision of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties because of the alley abutting the rear property line. The alley acts as an additional setback for the property. Furthermore, the shed was pre-existing and the variance is the Owner attempting to comply with the Code while utilizing the existing facilities, which is a right commonly enjoyed by owners of existing properties.

- e. *Explain how the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

The variance granted is the minimum variance necessary. The variance is only requesting a setback variance for the shed and not for the remainder of the rear property. In addition, the variance is only requested for the shed that was already placed in the rear setback at the time of the Applicant/Owner's purchase of the property. Thus, the variance merely allows an existing shed to remain and is not requesting any additional relief thereby making the variance the minimum variance necessary.

- f. *Explain how the grant of the variance will be in harmony with the general purpose and intent of this ordinance.*

The variance will be in general harmony with the purpose and intent of the Ordinance. A rear setback is designed to create space between a structure on a property and a structure on an adjacent property. This purpose and intent is still occurring due to the unique nature of the property. An alley exists adjacent to the rear of the subject site. This alley acts as a de facto buffer between the subject site and the adjacent property. This means that the purpose and intent of the setback requirement, to create space between buildings on adjacent properties, is actually being met.





ACCURATE LAND SURVEYORS, INC.  
L.B. #3635

1100 E. ATLANTIC BLVD.  
POMPANO BEACH, FLORIDA 33060

TEL (954) 782-1441  
FAX (954) 782-1442

## BOUNDARY & TOPOGRAPHIC SURVEY

### SYMBOLS & LEGEND OF ABBREVIATIONS:

R/W	= RIGHT OF WAY	X 7.00'	= ELEVATIONS BASED ON N.A.V.D.
N	= NORTH	50 FT.	= SQUARE FEET
S	= SOUTH	P.B.C.R.	= PALM BEACH COUNTY RECORDS
E	= EAST	M.D.C.R.	= MIAMI-DADE COUNTY RECORDS
W	= WEST	P.O.C.	= POINT OF COMMENCEMENT
D.B.	= DEED BOOK	P.O.B.	= POINT OF BEGINNING
ENCH.	= ENCROACH	CHATT.	= CHATTAHOOCHEE
F.F.	= FINISHED FLOOR	F.P.L.	= FLORIDA POWER & LIGHT
GAR.	= GARAGE	B.C.R.	= BROWARD COUNTY RECORDS
CL	= CENTERLINE	O.R.B.	= OFFICIAL RECORDS BOOK
MH	= MANHOLE	D.O.T.	= FLORIDA DEPARTMENT OF TRANSPORTATION
(M)	= MEASURED	D.E.P.	= DEPARTMENT OF ENVIRONMENTAL PROTECTION
P.B.	= PLAT BOOK	D.N.R.	= DEPARTMENT OF NATURAL RESOURCES
A/C	= AIR CONDITIONER	P.R.M.	= PERMANENT REFERENCE MONUMENT
P	= PLAT	N.A.V.D.	= NORTH AMERICAN VERTICAL DATUM
V	= VALVE	U	= UTILITY BOX
M	= MANHOLE	H	= HYDRANT
B	= BASIN	U	= UTILITY POLE
W	= WELL	V	= VAULT
WM	= WATER METER	L	= LIGHT
MW	= MONITORING WELL	B	= BOLLARD
PC	= PROPERTY CORNER	AC	= AIR CONDITIONER
		CLF	= CHAIN LINK FENCE
		WF	= WOOD FENCE
		MF	= METAL FENCE
		PF	= PVC FENCE
		CF	= CONCRETE FENCE
		AE	= APPARENT ENCROACHMENT
			= PARKING STRIPE
			= OVERHEAD UTILITY LINES
			= 6" CONCRETE WALL
			= COVERED AREA
			= CONCRETE
			= BRICK PAVERS
			= TILE
			= ASPHALT

### STREET ADDRESS:

106-112 S. Dixie Highway, Lantana, Florida 33462

### LEGAL DESCRIPTION:

Lots 18, 19, 20, 21, 22, 23 and 24, Block 3, LANTANA POINT ADDITION TO LANTANA, according to the Plat thereof, as recorded in Plat Book 2, Page 73, of the Public Records of Palm Beach County, Florida.

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- Ownership of fences and walls if any are not determined.
- This survey is the property of Accurate Land Surveyors, Inc. and shall not be used or reproduced in whole or in part without written authorization.
- This survey reflects all obtainable, legible, plottable, recorded matters of survey per Schedule B2 of Commonwealth Land Title Insurance Company Commitment Order No.: 8363294, Revision Number: Rev C. 05/05/2020, sw, Commitment Date: 04/15/2020 at 11:00P.M.
- The flood zone information shown hereon is for the dwellable structure only unless otherwise indicated.
- The location of overhead utility lines are approximate in nature due to their proximity above ground, size, type and quantity must be verified prior to design or construction.
- Accuracy statement: This survey meets or exceeds the horizontal accuracy for COMMERCIAL/HIGH RISK LINEAR: 1 FOOT IN 10,000 FEET.

### APPARENT ENCROACHMENTS LABELED AS (AE):

- (AE1) Driveway in road right of way along the North boundary.  
(AE2) Driveways in road right of way along the West boundary.  
(AE3) Curbs in road right of way along the West boundary.  
(AE4) Storage, barrel, asphalt and fence in 5' utility easement along the South boundary.

### CERTIFY TO:

- Sophia Energy, LLC
- Amerant Bank, N.A., ISAOA, ATIMA
- Florida Business Development Corporation, ISAOA, ATIMA
- US Small Business Administration, ISAOA, ATIMA
- Coker & Feiner
- Commonwealth Land Title Insurance Company

### CERTIFICATION:

This is to certify that this above ground sketch of boundary survey was made under my responsible charge and is accurate and correct to the best of my knowledge and belief. I further certify that this sketch meets the current Standards of Practice, established by the Board of Professional Surveyors and Mappers, Chapter SJ-17, Florida Administrative Codes, pursuant to current Section 472.027, Florida Statutes.

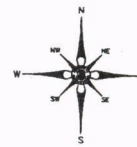
ROBERT L. THOMPSON (PRESIDENT)  
PROFESSIONAL SURVEYOR AND MAPPER No. 5869 - STATE OF FLORIDA

Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

SHEET 1 OF 1

SCALE 1"=20'

SKETCH NUMBER SU-20-0773



APPROXIMATE  
FLOOD ZONE  
CONTOUR LINE



GRAPHIC SCALE  
1"=20'

### NORTHWEST BOUNDARY DETAIL NOT TO SCALE

L1	S 73°00'51" E	3.16'
L2	N 27°10'48" E	4.28'
L3	N 30°31'34" W	7.32'
L4	N 22°53'21" E	8.02'

THIS LANTANA DEPARTMENT OF TRANSPORTATION MAP SECTION 32010-MAINT(1) SHEET 8 OF 7 LAST REVISED 06-10-18

### FLOOD INFORMATION:

Community name and number:  
Town on Lantana 120214  
Map and panel number: 12099C0783F  
Panel date: 10/05/17  
Index date: 10/05/17  
Flood zone: X(0.2) AE  
Base flood elevation: N/A 6'NAVD1988

### BENCHMARK INFORMATION:

Palm Beach County Vertical Control Point (I 402) Elevation = 7.001'NAVD1988

### EASEMENTS STATED IN THE FOREMENTIONED SCHEDULE B2 EXCEPTIONS:

B2-6. 5' utility easement Official Records Book 4668, Page 1785,  
Palm Beach County Records along the South boundary of Lot 24.

ORIGINAL DATE OF FIELD SURVEY: 04-27-20

FIELD BOOK: ALS-SU-20-0773

REVISIONS & SURVEY UPDATES

DRAWN BY: MLW

CHECKED BY: MLW

DATE OF SURVEY & REVISIONS

BY



# BOUNDARY & TOPOGRAPHIC SURVEY

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AS	=	ASPHALT		=	

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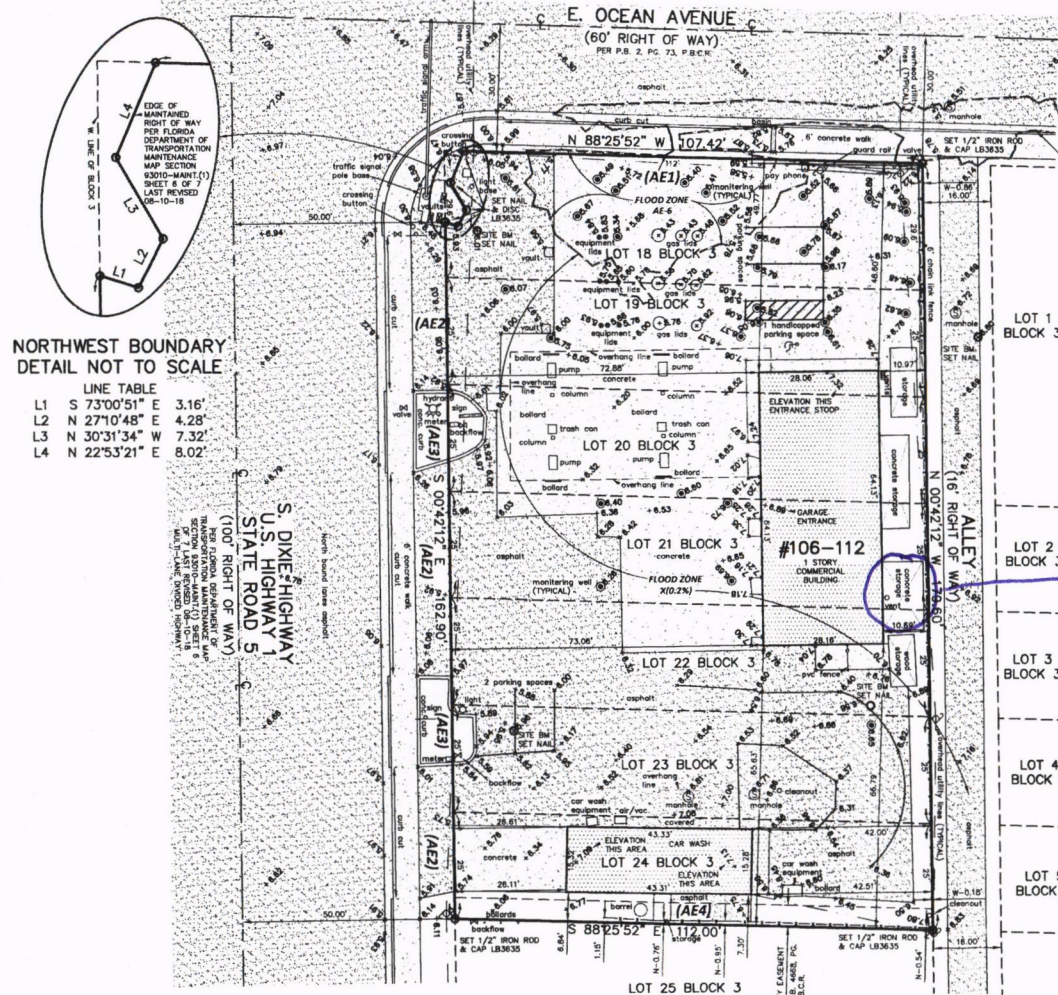
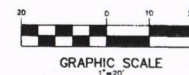
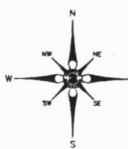
*Robert L. Thompson*  
ROBERT L. THOMPSON (PRESIDENT)  
PROFESSIONAL SURVEYOR AND MAPPER No. 3985 - STATE OF FLORIDA

Not valid without the signature and the official raised seal of a Florida Licensed Surveyor and Mapper.

SHEET 1 OF 1

SCALE 1"=20'

SKETCH NUMBER SU-20-0773



## NORTHWEST BOUNDARY DETAIL NOT TO SCALE

LINE TABLE	
L1	S 73°00'51" E 3.16'
L2	N 27°10'48" E 4.28'
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Map and panel number: 12099C0783F  
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FIELD BOOK: ALS-SU-20-0773

REVISIONS & SURVEY UPDATES

DRAWN BY: MLW

CHECKED BY: MLW

DATE OF SURVEY & REVISIONS

BY





















VAR21-0007

CASE #: ~~VAR 21-0006~~SUBMITTAL DATE: 6/25/2021**TOWN OF LANTANA****504 Greynolds Circle  
Lantana, FL 33462  
(561) 540-5034****VARIANCE APPLICATION**Property Name: Sophia Energy Car WashProperty Location: (Address) 112 S. Dixie Highway, LantanaProperty Control Number: 40 - 43 - 45 - 03 - 14 - 003 - 0230Existing Zoning Category: C-1**Type of Variance (circle one):**Setback (front, side, rear)

Lot (width, coverage, size)

Height

Subdivision Regulations

Other \_\_\_\_\_

Property Owner(s)	Applicant
Name: <b>Sophia Energy</b>	Name: <b>Rod A. Feiner, Esq.</b>
Address: 12121 NW 5tgh Court Plantation, FL 33325	Address: Coker & Feiner 1404 South Andrews Ave. Ft. Lauderdale, FL 33316
Phone: <b>954-801-1645</b>	Phone: <b>954-761-3636</b>

**DO NOT WRITE BELOW THIS LINE****FOR DEPARTMENTAL USE ONLY**ACCEPTED FOR REVIEW

Town Official: \_\_\_\_\_

Date: 7/15/21Fee(s) Paid: \$750TOWN ACTION

Town Council: \_\_\_\_\_ Date: \_\_\_\_\_

Conditions of Approval: \_\_\_\_\_

## GENERAL DATA

Proposed Zoning:

C-1

Existing Use of Property:

Automated car wash

Proposed Use of Property:

Automated car wash

Total Site Area: approx 5,600 Sq. Ft. OR \_\_\_\_\_ Acres

### RESIDENTIAL

Total Number of Dwelling Units: N/A N/A Density (Units per acre): N/A N/A  
Existing Proposed Existing Proposed

### COMMERCIAL

Total Square Footage: 704 sq ft Number of Buildings: one

A Variance is requested relative to Section # 23-96(f) of the Town  
of Lantana Zoning Code to allow:

A pre-existing shed to be located within 8 feet of the side setback requirement

Where the Zoning Ordinance requires

The C-1 Zoning District requires a 10' side setback



## JUSTIFICATION STATEMENT

Please address the following criteria contained in Section 23-63 of the Zoning Code for Zoning Variance requests:

1. **Special Conditions and Circumstances** - Please describe any special circumstances which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures, or buildings in the same district.

Please see attached

2. **Not Self Created Condition** - Explain how the special conditions and circumstances do not result from the actions of the applicant.

Please see attached

3. **No Special Privilege** - Explain how the grant of this variance request will not confer any special privilege upon the applicant that is denied by the zoning ordinance to other lands, structures or buildings in the same district.

Please see attached

4. **Deprivation of Rights Enjoyed by Others** - Explain how the literal interpretation of the provisions of the zoning ordinance would deprive the applicants of rights commonly enjoyed by other properties in the same district.

Please see attached

5. **Minimum Variance** - Explain how the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

Please see attached

6. **Code's Intent** - Explain how the grant of this variance will be in harmony with the general purpose and intent of this ordinance.

Please see attached

**EXACT LEGAL DESCRIPTION OF PROPERTY:**

(Attach if insufficient space)

Please see attached.





As applicable, please provide the name, address and telephone number for the following persons or firms who are involved in this development:

<b>AGENT [if different from Owner(s)]:</b>	<b>DEVELOPER:</b>
Name: <b>Rod A. Feiner, Esq.</b>	Name: <b>Sophia Energy, LLC</b>
Company Name: Coker & Feiner	Company Name:
Address: <b>1404 S Andrews Ave. Ft. Lauderdale, FL 33316</b>	Address: <b>12121 NW 5th Court Plantation, FL 33325</b>
Phone: 954-76+1-3636	Phone: 954-801-1645

<b>PLANNER:</b>	<b>ARCHITECT:</b>
Name:	Name:
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:
	Florida Registration No.:

<b>ENGINEER:</b>	<b>LANDSCAPE ARCHITECT:</b>
Name:	Name:
Company Name:	Company Name:
Address:	Address:
Phone:	Phone:
Florida Registration No.:	Florida Registration No.:

<b>SURVEYOR:</b>	<b>ATTORNEY:</b>
	<b>Same as Agent</b>
Name: Robert L. Thompson	Name:
Company Name: Accurate Land Surveyors, Inc.	Company Name:
Address: <b>1150 East Atlantic Blvd. Pompano Beach, FL 33060</b>	Address:
Phone: 954-782-1441	Phone:

<b>CURRENT OCCUPANT OF BUILDING OR PROPERTY:</b>
Name: Sophia Energy, LLC
Address: <b>12121 NW 5th Court Plantation, FL 33325</b>
Phone:

## APPLICANT'S CERTIFICATION

(I) (We) affirm and certify that (I) (We) understand and will comply with all provisions and regulations of the Town of Lantana, Florida. (I) (We) understand that if this Application is approved by the Town, the aforementioned real property described herein will be considered, in every respect, to be a part of the Town of Lantana (if not already) and will be subjected to all applicable laws, regulations, taxes and police powers of the Town including the Comprehensive and Zoning Ordinance. (I) (We) further certify that all statements and diagrams submitted herewith are true and accurate to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this Application and attachments become part of the Official Records of the Town of Lantana, Florida, and are not returnable.

Theresa Schaub  
Witness Theresa Schaub

Kathryn Coker  
Witness Kathryn Coker

[Signature]  
Signature of Applicant

Rod A. Feiner, Esq.  
Printed Name of Applicant

June 9, 2021

Date:

Applicant is:

☐ Owner  
☐ Optionee  
☐ Lessee  
☒ Agent  
☐ Contract Purchaser

Address:

Coker & Feiner

1404 South Andrews Ave.

Ft. Lauderdale, FL 33316

Telephone Number: 954-761-3636

Fax Number: 954-761-1818

## OWNER'S AUTHORIZATION

I/We affirm and certify that Rod A. Feiner, Esq., the Applicant, is hereby authorized to represent me/us in all dealings regarding this petition with the Town of Lantana.

[Signature]  
Witness Rod A. Feiner

[Signature]  
Signature of Owner

Theresa Schaub  
Witness Theresa Schaub

Asad Alam, Authorized Member

Printed Name of Owner

June 15, 2020  
Date



## JUSTIFICATION FOR VARIANCE

### **Variance Justification**

- a. *Please describe any special circumstances which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same zoning district.*

The property has several unique circumstances that are peculiar to the land, structure or building involved. The Owner purchased the property in June 18, 2020. At the time the Owner purchased the property the shed in question was already existing inside the side setback. The shed was installed some time ago by the prior owner of the site. The pre-existing shed which is located in the side setback is a unique circumstance that is peculiar to this property, especially considering its location.

In addition to the pre-existing nature of the shed, the property is also peculiar in that it is quite small. The property adjacent to the side of the property is also quite small and the adjacent property has built its structure on the boundary line closest to the subject. This makes installing a shed particularly beneficial as it would eliminate the creation of an artificial alley.

- b. *Explain how the special conditions and circumstances do not result from the actions of the applicant.*

The special conditions and circumstances are not the result of the actions of the Applicant. As mentioned previously, and is demonstrated by a survey performed before the Owner's purchase of the property occurred, the shed/structure for which this variance is sought was not installed by the Owner. It was installed by prior owners, utilized by the prior owner's and in fact stores materials and supplies for the car wash which operates on the site. There is not room inside the car wash building to store these materials and supplied. Thus, the special conditions and circumstances were not the result of the Owner.

- c. *Explain how the grant of this variance request will not confer any special privilege upon the Applicant that is denied by this chapter to other lands, buildings or structures in the same zoning district.*

The grant of the variance will not confer any special privilege upon the Applicant. By granting this variance the City will be allowing a pre-existing structure to remain on the property as it was existing at the time of purchase. The Owner is not being allowed to take advantage of an action that the Owner permitted to occur. The granting of the variance instead will allow the Owner to continue to utilize the property in a manner and operational way that was anticipated at the time of the purchase.

In addition, no special privilege is being granted to the applicant. The variance only allows the shed to be located within the side setback. All provisions of the Building Code regarding this structure will still need to be satisfied. Thus, the Owner recognizes and acknowledges that if the variance were to be granted then the Applicant/Owner would have to apply for an after-the-fact

building permit from the Town for the shed and satisfy all the requirements for a building permit. Thus the granting of the variance will not result in a threat to life, safety or welfare and will instead merely allow what has been occurring at this property for some time to continue. In addition, the variance allows for materials to be stored on site within a wholly enclosed structure.

- d. *Explain how the literal interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.*

The literal interpretation of the provision of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties because of the small size of this property there is no other location in which to install the shed. The nature of the car wash mandates its traffic flow and thus this is the only location for the shed. Furthermore, the shed was pre-existing and the variance is the Owner attempting to comply with the Code while utilizing the existing facilities, which is a right commonly enjoyed by owners of existing properties.

- e. *Explain how the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.*

The variance granted is the minimum variance necessary. The variance is only requesting a setback variance for the shed and not for the remainder of the side property. In addition, the variance is only requested for the shed that was already placed in the side setback at the time of the Applicant/Owner's purchase of the property. Thus, the variance merely allows an existing shed to remain and is not requesting any additional relief thereby making the variance the minimum variance necessary.

- f. *Explain how the grant of the variance will be in harmony with the general purpose and intent of this ordinance.*

The variance will be in general harmony with the purpose and intent of the Ordinance. A side setback is designed to create space between a structure on the property and an adjacent property. In this case both this property and the adjacent property are quite small and that impacts how development occurred. In this particular case the adjacent property built its structure on the property line and this creates an artificial alley that is ripe for abuse by non-residents. Allowing the shed to be installed in the side setback creates a type of buffer and eliminates the artificial alley. Thus the purpose and intent of the Ordinance is satisfied by allowing a safe environment to exist.



















