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July 13, 2021

Zoning Case #Z-21-00356 Buccan
Town of Palm Beach
July 14, 2021 Town Council Meeting

Dear Mayor and Town Council,

I live at 214 Chilean Avenue directly across the road from the Applicant's garbage. As you know by now, myself and my neighbors are unhappy with the always present grease spillage and garbage odor at the Buccan Restaurant. I have for your convenience compiled a garbage smell radius map (exhibit A map) so the Board can visualize the scope of the problems. This garbage odor directly effects nineteen residences and two office buildings.

A recent records search by Carla of the Palm Beach Police records bureau turned up thirty-two registered complaints; most of which are for these same two issues. (exhibit B report).

Additionally, on the Restaurant's application there is questionnaire for the Applicant (exhibit C). The application is signed by Maura Ziska, Esquire who represents the Applicant and the Property Owner.

The applicant's answers to questions number three and six are blatantly untrue. Number three states that: "the use will not cause any injury to the value of other property in the neighborhood where it is to be located." Maura Ziska answered that "the use will not cause any injury to the value of other property in the neighborhood by providing an additional option for breakfast on the go." I am 100% certain that the nineteen families and two office building's occupants located in the garbage smell zone would vehemently disagree with Maura Ziska.

Number six states that: "the use will comply with all elements of the comprehensive plan," however, the comprehensive plan states the exact opposite. On page one paragraph three the comprehensive plan states "that the tremendous pressure for expansion of commercial land use is a direct function of the economically valuable image of a Palm Beach address. It is imperative that high traffic-generating commercial uses be prevented from further proliferation and be reduced wherever possible."

I am pleading to this Board to preserve the spirit of what makes Palm Beach "Palm Beach" and deny the requested hourly expansion until both the garbage and grease issues are resolved.

The good news is that indoor refrigerated garbage and indoor grease storage make these issues solvable. I happen to be a New York commercial landlord and have used this method with great success to solve such problems.

Thank you for your consideration..

Ian Zwerdling



Exhibits attached:

- A. Garbage Odor Radius Map
- B. Police Report Showing 32 complaints
- C. Palm Beach Town Questionnaire

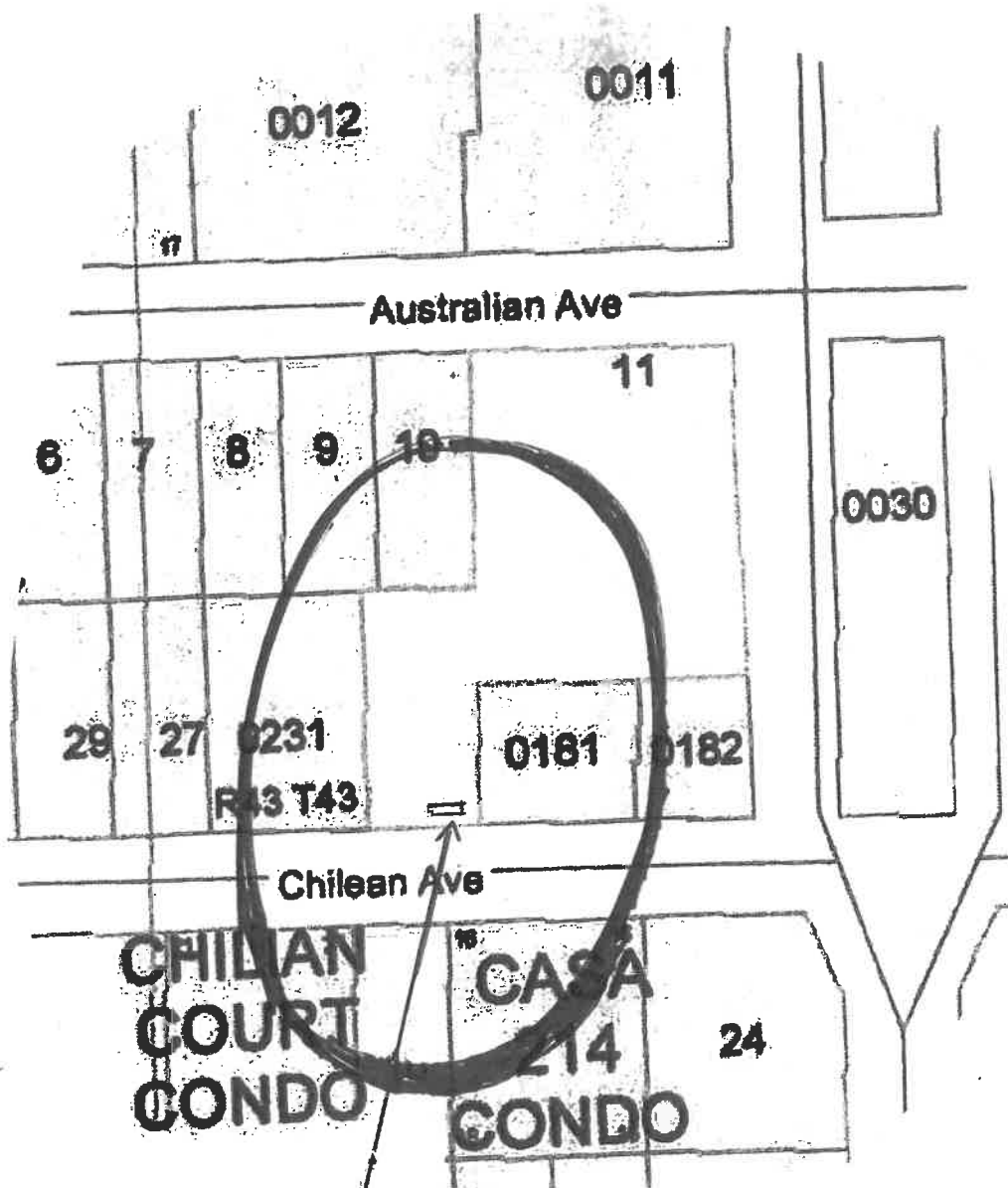
EXHIBIT A

GARBAGE SMELL RADIUS MAP

EXISTING IN THIS ZONE ARE

16 CONDOS 3 HOMES AND 2 OFFICE BLDGS.

BUCANN RESTAURANT ZONING CASE NO.Z.21.00356



CURRENT RESTAURANT GARBAGE X GREASE STORAGE LOCATION

7/14/21

32 matching case(s)

EXHIBIT B

3 PAGES

Search Criteria:

Priority: all Business name: buccan

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Case #	eFM Case #	Status	Violation(s)	Violator	Location	Open Date	Follow Up Date	Assigned To
<u>CE 21-612</u>		Closed: Compliance	102 - General - Solid Waste 42 - Debris, unsightly, unsanitary conditions - Sec. 42-86(6)	Manager Katie Wolfe - Buccan Restaurant	350 S COUNTY Rd	05/25/2021		Moriarty, John
<u>CE 21-563</u>		Closed: Compliance	102 - General - Solid Waste	Manager Katie Wolfe - Buccan Restaurant	350 S COUNTY Rd	05/07/2021		Moriarty, John
<u>CE 21-354</u>		Closed: Compliance	102 - General - Solid Waste 106 - General - Streets & Sidewalks	Manager Katie Wolfe - Buccan Restaurant	350 S COUNTY Rd	03/23/2021		Moriarty, John
<u>CE 20-1039</u>		Closed: Compliance	42 - General - Noise, and environment	Manager Katie Wolfe - Buccan Restaurant	350 S COUNTY Rd	09/02/2020		Moriarty, John
<u>CE 20-209</u>		Closed: Fine Paid	42 - Delivery, and specific acts prohibited - Sec. 42-197(11)	Piper Quinn - Buccan	350 S COUNTY Rd	02/08/2020		Moriarty, John
<u>CE 20-117</u>		Closed: Verbal Warning	42 - Delivery, and specific acts prohibited - Sec. 42-197(11)	- Chefs Ware House Manager Katie Wolfe - Buccan Restaurant	350 S COUNTY Rd	01/27/2020		*Felix, Julien
<u>CE 20-30</u>		Closed: Compliance	42 - General - Noise, and environment		350 S COUNTY Rd	01/08/2020		Moriarty, John
<u>CE 19-1403</u>		Closed: Compliance	42 - Delivery, and specific acts prohibited - Sec. 42-	Piper Quinn - Buccan	350 S COUNTY Rd	11/21/2019		Moriarty, John











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		197(11)				
		102 - General - Solid Waste				
<u>CE</u> <u>19-</u> <u>1324</u>	Closed: Unfounded	42 - Debris, unsightly, unsanitary conditions - Sec. 42- 86(6)	✓	350 S COUNTY Rd	10/29/2019	Moriarty, John
		42 - Delivery, and specific acts prohibited - Sec. 42- 197(11)				
<u>CE</u> <u>19-</u> <u>1281</u>	Closed: Compliance		✓	350 S COUNTY Rd	10/17/2019	Moriarty, John
		42 - Delivery, and specific acts prohibited - Sec. 42- 197(11)				
<u>CE</u> <u>19-</u> <u>1171</u>	Closed: Unpaid Fine/Admin Fee	Derek Leon Welch - Cheney Brothers	✓	350 S COUNTY Rd	09/27/2019 11/18/2019	Moriarty, John
		42 - Delivery, and specific acts prohibited - Sec. 42- 197(11)				
<u>CE</u> <u>19-</u> <u>1148</u>	Closed: Compliance		✓	350 S COUNTY Rd	09/24/2019	Moriarty, John
		42 - Delivery, and specific acts prohibited - Sec. 42- 197(11)				
<u>CE</u> <u>19-</u> <u>788</u>	Closed: Compliance	42 - Debris, unsightly, unsanitary conditions - Sec. 42- 86(6)	✓	350 S COUNTY Rd	06/28/2019	Moriarty, John
		42 - General - Noise, and environment				
<u>CE</u> <u>19-</u> <u>477</u>	Closed: Compliance	Manager Katie Wolfe - Buccan Restaurant	✓	350 S COUNTY Rd	04/23/2019	Moriarty, John
		102 - General - Solid Waste				
<u>CE</u> <u>19-</u> <u>444</u>	Closed: Unfounded	Manager Katie Wolfe - Buccan Restaurant	✓	350 S COUNTY Rd	04/15/2019	*Felix, Julien
		102 - General - Solid Waste				
<u>CE</u> <u>19-</u> <u>284</u>	Closed: Verbal Warning	Manager Katie Wolfe - Buccan Restaurant	✓	350 S COUNTY Rd	03/11/2019	*Felix, Julien
		134 - Signs, Banner - Sec. 134-				
<u>CE</u> <u>18-</u> <u>1537</u>	Closed: Verbal Warning	Manager Katie Wolfe -	✓	350 S COUNTY Rd	12/14/2018	*Felix, Julien

2373(8)

Buccan
Restaurant

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<u>CE</u> <u>17-</u> <u>570</u>	Closed: Written Warning	118 - General - Traffic And Vehicles	- Buccan		350 S County Rd	05/09/2017	*Felix, Julien
<u>CE</u> <u>17-</u> <u>70</u>	Closed: Written Warning	106 - General - Streets & Sidewalks	Manager Katie Wolfe - Buccan Restaurant		350 S COUNTY Rd	01/20/2017	*Felix, Julien
<u>CE</u> <u>16-</u> <u>1062</u>	Closed: Compliance	102 - General - Solid Waste	Piper Quinn - Buccan		350 S COUNTY RD	12/06/2016	Moriarty, John
<u>CE</u> <u>16-</u> <u>1023</u>	Closed: Written Warning	134 - General - Zoning	- Buccan		350 S COUNTY RD	11/29/2016	Alma, Benjamin
<u>CE</u> <u>16-</u> <u>964</u>	Closed: Unfounded	42 - General - Noise, and environment	Piper Quinn - Buccan		350 S COUNTY RD	11/11/2016	Moriarty, John
<u>CE</u> <u>16-</u> <u>47</u>	Closed: Compliance	134 - General - Zoning	Piper Quinn - Buccan		350 S COUNTY RD	01/19/2016	Moriarty, John
<u>CE</u> <u>15-</u> <u>1076</u>	Closed: Compliance	134 - General - Zoning 42 - Grass, Overgrown - Sec. 42- 86(3)	- Buccan		350 S COUNTY RD	11/05/2015	Moriarty, John
<u>CE</u> <u>15-</u> <u>582</u>	Closed: Compliance	42 - Grass, Overgrown - Sec. 42- 86(3)			350 S COUNTY RD	06/26/2015	Moriarty, John
<u>CE</u> <u>15-</u> <u>75</u>	Closed: Compliance	42 - General - Noise, and environment	Piper Quinn - Buccan		350 S COUNTY Rd	02/02/2015	Moriarty, John
<u>CE</u> <u>15-</u> <u>38</u>	Closed: CEB Order to Dismiss	114 - Business Tax Receipt - Sec. 114- 32			350 S COUNTY Rd	01/13/2015	*Houston, Raychel
<u>CE</u> <u>15-</u> <u>23</u>	Closed: Compliance	134 - General - Zoning			350 S COUNTY Rd	01/09/2015	*Houston, Raychel
<u>CE</u> <u>15-</u> <u>15</u>	Closed: Compliance	106 - Hedge, roadway - Sec. 106- 159(b)			350 S COUNTY Rd	01/07/2015	Moriarty, John

Z-21-00356
Zoning Case Number

EXHIBIT A - REQUEST FOR SPECIAL EXCEPTION

1. The use is a permitted special exception use as set forth in article VI of this chapter.

Slight modifications to the interior and exterior of the Buccan Sandwich Shop are permitted special exceptions to a previously approved site plan.

2. The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

The proposed modification to the previously approved special exception use with site plan approval is designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected. This is a simple request for exterior awning and door modifications and interior reconfiguration to give the sandwich shop more room and to allow for breakfast to be served as there is a public demand.

3. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

The use will not cause any injury to the value of other property in the neighborhood and will only improve the value of neighboring properties both aesthetically and practically by providing an additional option for breakfast on the go.

4. The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

The use will be compatible with adjoining development and the intended purpose of the district in which it is located which is commercial town serving. This is the epitome of a town serving restaurant that is now expanding into breakfast due to demand, and improving the look and function of the restaurant both inside and out.

5. The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

The use will comply with yard, other open space and any special requirements set out in article VI for this use. There is no variance being requested.

6. The use will comply with all elements of the comprehensive plan.

The proposed modifications will comply with all elements of the comprehensive plan.

7. The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

The proposed use will not result in substantial economic, noise, glare or odor impacts on adjoining properties and properties generally in the district. This business is located in a commercial district and will only have a positive impact on the neighboring properties.

8. Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

2-21-00356

Zoning Case Number

November 2006 SE# 12-2006 -Island Palm Restaurant was approved to allow a retail alcove and allow 4 umbrellas for the outdoor seating area.

November 2007 SE# 13-2007 - Beach House Bistro was approved to allow a 4,980 square foot/154 seat restaurant.

October 2010 SE# 17-2010 - Buccan was approved to allow a 4,980/154 seat restaurant. The conditions of approval are on file with the Town.

April 2011 - Town Council reviewed the conditions of approval and determined to modify Condition No. 2 to relocate the deliveries from the Bustani parking lot to Australians Avenue and move the loading area on Australian Avenue two parking spaces further east.

August 2011 - SE # 21-2011 - Town Council granted approval to expand the restaurant into space next door resulting in a total square footage of 6,333 square foot 177 seat restaurant.

January 2012 - SE # 34-2011 - Town Council granted approval of an 845 square foot addition to the restaurant on Australian Avenue to be used for office and storage space.

July 2013 - SE # 13-2013 - Town Council approved the use of the name "Imoto at Buccan" for advertising and allowed delivery and off-site catering. Town Council denied curbside pickup.

April 2014 - SE 4-2014 - Town Council approved a portion of the restaurant that fronts Australian Avenue (approved as restaurant office) to be used for a sandwich takeout counter for lunch hours (11:00 a.m to 3:00 p.m.) Monday through Saturday. The restaurant's number of seats will remain the same and they will continue to follow the conditions of the approval.

Respectfully submitted,



Applicant's Signature

Maura Ziska, Attorney for Buccan

Typed name & telephone # 561-802-8960



Fee Simple Property Owner's Signature
(or his/her duly authorized attorney)

350 Realty Corp., a Florida corporation

Typed name & telephone # 561-802-8960