

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



**BOARD OF ADJUSTMENT  
STAFF REPORT  
6/15/2006**

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
BA-2006- 00723	5.B.1.A.2.e Fence Walls & Hedges - Residential Districts – Front- Maximum height for a fence or wall on or adjacent to a lot line	4 feet in height	8 feet in height	4 feet in height
SITUS ADDRESS:	2923 Hinda Rd West Palm Beach 33403			
AGENT NAME & ADDRESS:	None			
OWNER NAME & ADDRESS:	Gregg Roesch 2923 Hinda Rd Lake Park FL 33403			
PCN:	00-43-42-17-04-000-0190			
ZONING DISTRICT:	RM			
BCC DISTRICT:	01			
PROJECT MANAGER:	Timothy Sanford, Planner I			
LEGAL AD:	Gregg Roesch, owner, to allow a proposed wall to exceed the maximum height requirement. LOC: 2923 Hinda Road, approx. 0.4 mile W of Prosperity Farms Road, and approx. 0.10 mile E of Gardens East Dr., within the Kelly Acres Subdivision, in the RM Zoning District. (PET: 2006-247).			
LAND USE:	LR-3	S/T/R: 17-42-43		
PETITION #:	2006-00247			
LOT AREA:	0.12 acre			
LOT DIMENSIONS:	45 ft x 124 ft			
CONFORMITY OF LOT:	Non-conforming			
CONFORMITY OF ELEMENT:	Non-conforming			
TYPE OF ELEMENT:	Wall			
ELEMENT SIZE:	8 feet			
BUILDING PERMIT #:	None			
NOTICE OF VIOLATION:	None			
CONSTRUCTION STATUS:	Proposed			
APPLICANT REQUEST:	To allow a proposed wall to exceed the maximum height requirement.			

## STAFF SUMMARY



**AERIAL**

The subject property is located at 2923 Hinda Road, approximately 0.4 mile west of Prosperity Farms Road, and approximately 0.10 mile east of Gardens East Drive, within the Kelly Acres Subdivision. The applicant is seeking a variance to allow a proposed wall to exceed the maximum height requirement. The property is located adjacent to Alternate A1A, which is a heavily traveled four-lane thoroughfare and beyond that railroad tracks. Exposure to Alternate A1A and the commercial businesses that occupy it, create an unpleasant environment. The construction of a privacy wall will help alleviate the nuisance of traffic and noise.





## STAFF RECOMMENDATIONS

**Approval with conditions**, based upon the following application of the standards enumerated in Article 2, Section 2.B.3 of the Palm Beach County Unified Land Development Code (ULDC), which a petitioner must meet before the Board of Adjustment may authorize a variance.

### ANALYSIS OF ARTICLE 2, SECTION 2.B.3 VARIANCE STANDARDS

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:

**YES.** Special conditions and circumstances the exist include the subject parcel being adjacent to Alternate A1A which is a heavily traveled four lane thoroughfare ad beyond that, railroad tracks. The property frontage is ten feet, and the master bedroom ninety feet, from the northbound lane of Alternate A1A. Across ALT A1A, there exists two late night establishments, one which is licensed to remain open until 5:00 am. This results in late night foot traffic and a wide array of objects being disposed of onto the property.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

**YES.** While the physical address of the subject property is Hinda Road, it is at the dead end of Hinda Road and borders Alternate A1A. The crown of Alternate A1A is three feet above the grade of the subject property and the railroad tracks are approximately eight feet above the same grade. This results in a direct line of vision and sound with both.

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, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:

**YES.** This request for variance is related directly to the circumstances surrounding the subject property. It is not uncommon to see walls separating residential property from exposure to Alternate A1A therefore making this a reasonable request. Granting this variance will dramatically improve the living environment of the applicant.

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:

**YES.** The subject property is the ONLY waterfront home on the Hinda road that has direct exposure to Alternate A1A. This request for variance is intended to improve the quality of life of the applicant while having no negative effect on his surroundings.

5. GRANT OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

**YES.** The construction of a privacy wall will dramatically reduce both of these factors. Exposure to the railroad tracks at their current elevation also provides an unpleasant environment as trains pass throughout the night. The construction of an eight foot privacy wall will dramatically reduce this factor also. Construction of the proposed privacy wall does not have a negative impact on the surrounding properties.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

**YES.** The property is at the dead end of Hinda Road and has the most exposure to Alternate A1A, which is elevated three feet above the subject property. As a result, an eight-foot wall will only rise five feet above the road surface of Alternate A1A. There will be one other property (commercial CL-O/3) exposed to the wall and it will act as somewhat of a barrier for it also. The owner of that property also supports this request for variance.

7. THE GRANT OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

**YES.** Granting this variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In fact, it will dramatically improve the quality of life for the applicant while not having any negative effects on the surrounding uses.

**AGENCY COMMENTS**

No Comments

**ZONING COMMENTS**

No Comments

**DEVELOPMENT ORDER**

The development order for this particular variance shall lapse on **6/15/2007**, one year from the approval date.  
(DATE: MONITORING:Zoning)

**BOARD OF ADJUSTMENT CONDITIONS**

1. By **06/15/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**06/15/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)
3. By **06/15/2007**, the applicant shall plant a ficus hedge against the privacy wall to mitigate any impact the wall might have on the surrounding area. (ZONING: LANDSCAPE: Zoning)