

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



**ADMINISTRATIVE VARIANCE – TYPE I B - STAFF PUBLIC MEETING
STAFF REPORT
5/20/2010**

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
AVB-2010- 00878	3.D.1.A Interior side setback	15 ft Interior side setback	12.51 ft Interior side setback	2.49 ft Interior side setback
SITUS ADDRESS:	4577 Hunting Trl Lake Worth 33467			
AGENT NAME & ADDRESS:	Ken Mahr Superior Home Builders 4577 Hunting Trail Lake Worth FL 33467			
OWNER NAME & ADDRESS:	David Watson 4577 Hunting Trl Lake Worth FL 33467			
PCN:	00-42-44-30-03-000-0870			
ZONING DISTRICT:	RE			
BCC DISTRICT:	06			
PROJECT MANAGER:	Aaron Taylor, Site Planner I			
LEGAL AD:	Ken Mahr, agent, David and Michelle Watson, owners, to allow a proposed addition to an existing single family dwelling to encroach into the required side interior setback. LOC: 4577 Hunting Trail approx. 1/2 mile east of State Road 7 on Hunting Trail ,within the Hunt, aka Legned Lakes Subdivision, in the RTS zoning district. (Control No. 1987-004)			
LAND USE:	LR-1	S/T/R: 30-44-42		
PETITION #:	1987-00004			
LOT AREA:	0.52 acre			
LOT DIMENSIONS:	Total Lot SF 22, 813 sf			
CONFORMITY OF LOT:	Conforming			
CONFORMITY OF ELEMENT:	Non-conforming			
TYPE OF ELEMENT:	Addition			
ELEMENT SIZE:	Approx. 54 sf x 15 sf			
BUILDING PERMIT #:	None			
NOTICE OF VIOLATION:	None			
CONSTRUCTION STATUS:	Proposed			
APPLICANT REQUEST:	To allow a proposed addition to a single-family dwelling to encroach into the required side- interior setback			

STAFF SUMMARY



Aerial View (1)

The subject property is located at 4577 Hunting Trail. Approximately 1/2 a mile east of State Road 7 on Hunting Trail, within the Hunt (AKA Legend Lakes) subdivision, in the RTS Zoning District (Petition: 87-04). The owner is requesting a variance to allow a proposed addition to an existing single-family dwelling to encroach into the required side-interior setback.

Summary:

According to the Warranty Deed the owners' purchased the property on November 8, 2005. Circumstances and conditions exist that are particular to the owners' lot, that are different from other lots in the overall development. The owners' lot, is one of five lots located at the northwest portion of the development with its particular reverse pie shape. The irregular shaped lot and configuration of the existing residence have been in their current configuration since the property was developed. Therefore, not a result of actions taken by the current property owners. The configuration of the owners' lot and location of the existing pool, encumber the owners' ability to redesign the proposed addition in a manner that would comply with the minimum side-interior setback requirements.

Currently there is a screen-roofed screen enclosure attached to the rear portion of the single family residence with a side interior setback less than 15 ft, which is permitted by code. Granting the owners' variance request would allow the owners to construct a proposed addition to the rear of the residence that causes no greater impact than is permitted by code for the existing screen-roofed screen enclosure. Therefore, causing no negative impact to the surrounding area.



Aerial View (2)



Rear of Property Looking South East



Rear of Property Looking North West

Findings of Fact

- I. According to the Warranty Deed the owners' purchased the property on November 8, 2005. The irregular shaped, reverse pie-shaped lot and configuration of the existing residence have been in their current configuration since the property was developed; therefore, not a result of actions taken by the current property owners.
- II. The configuration of the owners' lot and location of the existing pool, encumber the owners' ability to redesign the proposed addition in a manner that would comply with the minimum side-interior setback requirements.
- III. Currently there is a screen-roofed screen enclosure attached to the rear portion of the single family residence with a side interior setback less than 15 ft, which is permitted by code. Granting the owners' variance request would allow the owners to construct a proposed addition to the rear of the residence that causes no greater impact than is permitted by code for the existing screen-roofed screen enclosure. Therefore, causing no negative impact to the surrounding area.

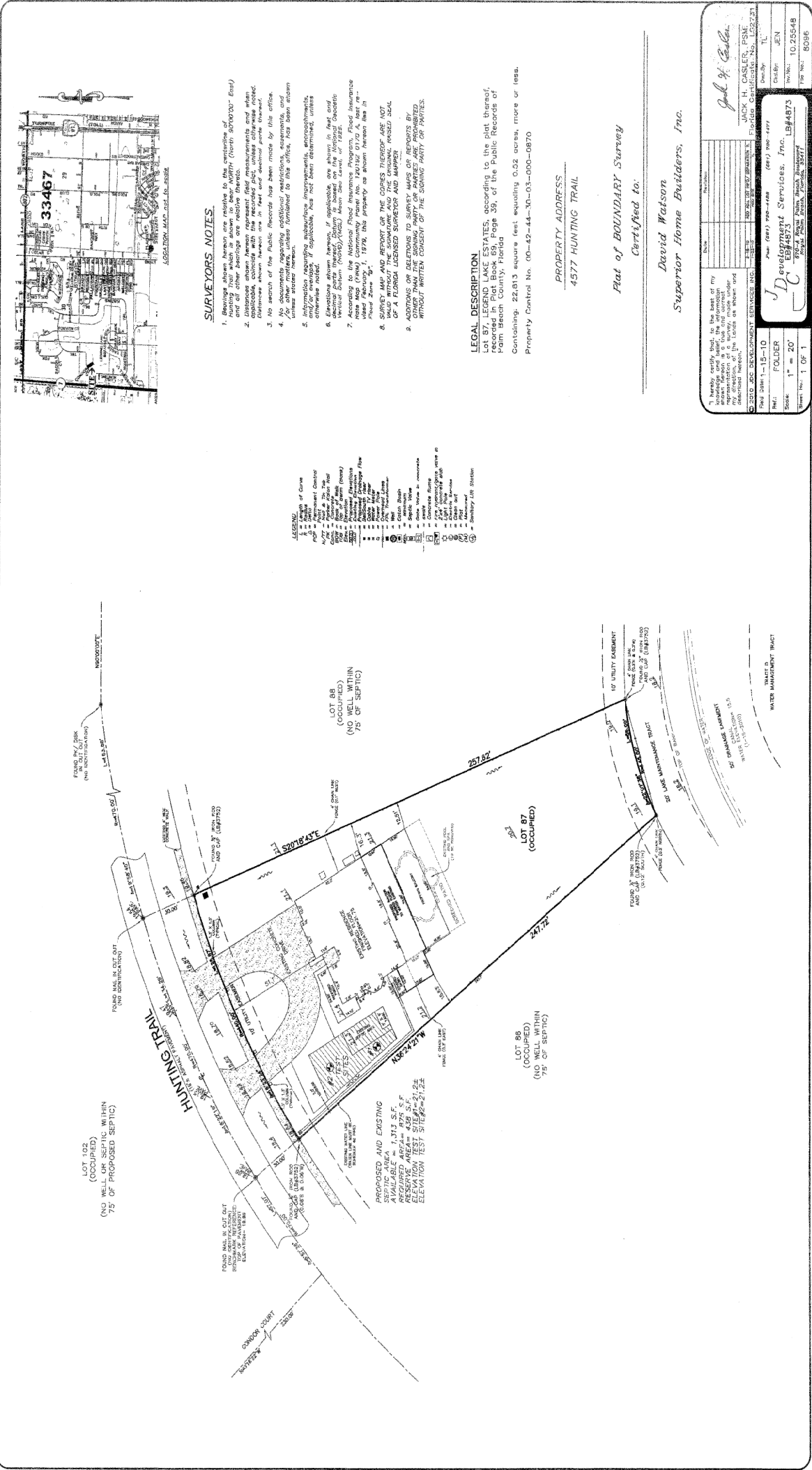


Exhibit I: Survey

STAFF RECOMMENDATIONS

Approved with Conditions, based upon the following application of the standards enumerated in Article 2, Section 2.D.3 of the Palm Beach County Unified Land Development Code (ULDC), which a petitioner must meet before the Administrative Variance Public Meeting Staff may authorize a variance.

ANALYSIS OF ARTICLE 2, SECTION 2.D.3.G.2 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. The subject property is an irregular shaped, reverse pie-shaped lot; significantly limiting the owners' ability for alternative design options (see Survey).

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

Yes. According to the Warranty Deed the Owners' purchased the property on November 8, 2005. The irregular shaped, reverse pie-shaped lot and configuration of the existing residence have been in their current configuration since the property was developed; therefore, not a result of actions taken by the current property owners.

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. The irregular shaped, reverse pie-shaped lot and configuration of the existing residence have been in their current configuration since the property was developed. Therefore, granting the owners' variance request shall not confer any special privileges denied others in the same zoning district.

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. Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by others in the same Zoning District. Currently there is a screen-roofed screen enclosure attached to the rear portion of the single family residence with a side interior setback less than 15 ft, which is permitted by code. Granting the owners' variance request would allow the owners to construct a proposed addition to the rear of the residence that causes no greater impact than is permitted by code for the existing screen-roofed screen enclosure (See Aerial).



Aerial Photo

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

Yes. Granting the owners' variance request would be the minimum variance necessary to make reasonable use of the property. The configuration of the owners' lot and location of the existing pool, encumber the owners' ability to redesign the proposed addition in a manner that would comply with the minimum side-interior setback requirements.

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

Yes. Granting the variance will be consistent with the purposes goals objectives, and policies of this code. Currently there is a screen-roofed screen enclosure attached to the rear portion of the single family residence with a side interior setback less than 15 ft, which is permitted by code. Granting the owners' variance request would allow the owners to construct a proposed addition to the rear of the residence that causes no greater impact than is permitted by code for the existing screen-roofed screen enclosure.

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

Yes. Granting the owners' variance request would allow the owners to construct a proposed addition to the rear of the residence that causes no greater impact than is permitted by code for the existing screen-roofed screen enclosure. Therefore causing no negative impact to the surrounding area.



Rear Yard Looking South East Toward Lake



Rear Yard Looking Toward

AGENCY COMMENTS

None

ZONING COMMENTS

The property owner shall provide the Building Division with a copy of the Administrative Variance Staff Public Meeting Result Letter and a copy of the site plan and/or survey presented to staff, simultaneously with the building permit application (DATE: MONITORING – BUILDING).

DEVELOPMENT ORDER

The development order for this particular variance shall lapse on **May 20, 2011**, one year from the approval date. (DATE: MONITORING: Zoning)

ADMINISTRATIVE VARIANCE – TYPE I B – STAFF PUBLIC MEETING CONDITIONS

1. Prior to the Development Order expiration, **May 20, 2011**, the project shall have received and passed the first building inspection. (EVENT: MONITORING - BUILDING)