

Agenda Item #  R-1

**Village of Royal Palm Beach  
Village Council  
Agenda Item Summary**

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-183 (VAR), AN APPLICATION BY KRISTINA DYE, AND VARIANCE ORDER VC-24-01, THE APPLICANT IS REQUESTING VARIANCE APPROVAL TO ALLOW FOR A VARIANCE FROM SECTION 26-62 TO ALLOW FOR A 5.75 FOOT REAR POOL SETBACK WHERE VILLAGE CODE REQUIRES EIGHT (8) FEET, A VARIANCE OF 2.25 FEET, FOR A PROPERTY LOCATED AT 3564 HALDIN PLACE.**

**Issue:**

The Applicant is requesting Variance approval to allow for a 5.75 foot rear pool setback where Village Code requires an eight (8) foot rear yard setback for a swimming pool. The Applicant is seeking a 2.25 foot variance to the rear setback requirements, as established in Code Sec. 26-62(d). Please refer to **Attachment A** for an illustration of the positioning of the pool on the property.

The Applicant asserts that the reduced setback is necessary in order to maximize their space without compromising the structural integrity of their home. Furthermore, “this Variance would not confer any special privilege as there are other homes within the community that have asked the same request and been approved prior to our application.”

Village Code Sec. 26-32 (f) (6) allows the Village Council to grant variances to the Code when:

- Special conditions and circumstances exist which are not applicable to other lands in the same zoning district;
- Special conditions do not result from the actions of the Applicant;
- Granting the variance will not confer on the Applicant special privileges that are denied to other lands in the same zoning district;
- The literal interpretation of the Code would deprive the Applicant the rights enjoyed by other lands in the same zoning district;
- The variance requested is the minimum variance that will make possible the reasonable use of the property;

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Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Denial	3-21-2024	Action

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- The variance will be in harmony with the general intent and purpose of the Zoning Code and will not be injurious to the public welfare

Village Staff does not support the Applicant’s variance request because Staff contends that the granting of the variance would confer on the Applicant privileges denied to other residents in similar circumstances. This property is within the Lennar Planned Unit Development (PUD) known as Bella Serra, and the rear yard pool setback was approved at eight (8) feet.

The Planning and Zoning Commission considered Application 23-183 and VC-24-01 on February 27, 2024 and recommended Denial by a vote of 4-1 with Commissioner Kamar Williams dissenting.

**Recommended Action:**

Staff is recommending Denial of Application 23-183 (VAR) and Variance Order VC-24-01.

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Initiator:	Village Manager	Agenda Date	Village Council
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**ORDER OF THE VILLAGE COUNCIL  
VILLAGE OF ROYAL PALM BEACH  
Chapter 26. Zoning**

**CASE NO. VC-24-01**  
**IN RE: Application No. 23-183(VAR)**  
**Dye – 3564 Haldin Place Pool @ 3564 Haldin Place**

**Legal Description:**  
Attached as Exhibit “A”

**ORDER APPROVING APPLICATION**

This cause came to be heard upon the above application and the Royal Palm Beach Village Council having considered the evidence presented by the applicant and other interested persons at a hearing called and properly noticed, and the Royal Palm Beach Village Council being otherwise advised.

**THEREUPON**, the Village Council of the Village of Royal Palm Beach finds as follows:

1. The property which is the subject of said application is classified and zoned within the Single-Family Residential (RS-3) District by the Zoning Code of the Village of Royal Palm Beach and the zoning map made a part thereof by reference.
2. The applicant is seeking a **Variance** from Royal Palm Beach Code of Ordinances at Section 26-62 in order to allow for a reduced rear pool setback of 5.75 feet where the Village Code requires eight (8) feet, a variance of 2.25 feet.
3. Under the provisions of Sec. 26-32(f)(6) of the Village Code of Ordinances, the Village Council has the right, power and authority to act upon the application herein made.
4. In the judgment of the Village Council, the public welfare will best be served by **APPROVING** the application as set forth on the application documents.
5. **IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED** by the Royal Palm Beach Village Council as follows:

The application for **Variance, VC-24-01**, with reference to the above-referenced property in the Village of Royal Palm Beach, Florida to permit a variance to Section 26-62 in order to allow for a reduced rear pool setback of 5.75 feet where the Village Code requires eight (8) feet, a variance of 2.25, is hereby **Approved** in accordance with the Village Code of Ordinances for the following reasons:

**The applicant meets the following standards set forth in Section 26-32 (f)**

**(6). of the Village Code of Ordinances:**

1. Special conditions and circumstances exist;
2. Special circumstances are not the result of actions of the applicant;
3. No special privilege is conferred;
4. Literal interpretation would constitute an unnecessary and undue hardship;
5. This is minimum variance for reasonable use of land;
6. Is in harmony with the intent and purpose of this division; and:
7. Will not be injurious to area or detrimental to the public welfare.

**Done and ordered this 21st day of March, 2024.**

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Mayor Fred Pinto  
Village of Royal Palm Beach

Attest:

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Diane DiSanto, Village Clerk

**Exhibit A**  
**Legal Description**  
**Application No. 23-183(VAR)**  
**Dye – 3564 Haldin Place Pool**

LEGAL DESCRIPTION:

**Lot 85, of CRESTWOOD NORTH, according to Plat thereof as recorded in Plat Book 124, Page 88, of the Public Records of Palm Beach County, Florida.**