

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

Agenda Item:

PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION 21-81 (SVAR), AN APPLICATION BY GLEN WELDEN & ASSOCIATES LLC, THE APPLICANT IS REQUESTING A VARIANCE FROM SECTION 20-60 TO ALLOW FOR A 198.33 SQUARE FOOT WALL SIGN WHERE VILLAGE CODE ALLOWS A MAXIMUM OF 90 SQUARE FEET AND A 14.94 SQUARE FOOT CABINET SIGN WHERE VILLAGE CODE PROHIBITS CABINET SIGN IN EXCESS OF 10 SQUARE FEET, FOR A PROPERTY LOCATED AT 390 S. STATE ROAD 7.

Issue:

The Applicant is requesting a Variance from Section 20-60 to allow for a 198.33 square foot wall sign where Village Code allows a maximum of 90 square feet for the subject building frontage. Section 20-60 (4), which regulates signs permitted in the General Commercial (CG) district, states that “the allowable front wall sign area for each building shall not exceed one (1) square foot per linear foot of the front length of the building.” As the building frontage is 90 feet, the maximum sign area allowed is 90 square feet.

A Variance is also requested to allow for a 14.94 square foot cabinet sign where Village Code prohibits cabinet signs in excess of 10 square feet. Please refer to **Attachment A** for an illustration of the proposed sign and building length.

The Applicant asserts that: City Mattress has the same basic facade area as the other “In-Line” tenants yet is penalized with a significantly smaller wall mounted identity due to the restrictions imposed by the current sign code. Coupled with the 1,818 foot (1/4 mile) setback from State Road 7 and is obscured by landscaping and the outparcel building for most of the viewable frontage; and the sign is virtually invisible to the traveling public.

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;

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- 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;
- The variance will be in harmony with the general intent and purpose of the Zoning Code; and
- Such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Based on the information provided, Village Staff does not support the two (2) variance requests as the granting of the request would confer special privileges denied to other businesses in similar circumstances, no special conditions and circumstances are applicable to the subject property, and the request is needed due to actions of the applicant in desiring a larger sign area than allowed. Given the applicable regulations, a sign proportional to the tenant space could be accommodated on the building frontage without the grant of the requested variances. It is important to note that the distance from State Road 7 is approximately 500 feet or 0.1 miles.

The Planning and Zoning Commission considered the application on June 14, 2022, and recommended denial by a vote of 4-0.

Recommended Action:

Staff is recommending Denial of Application 21-81 (SVAR) and Variance Order VC-22-08.

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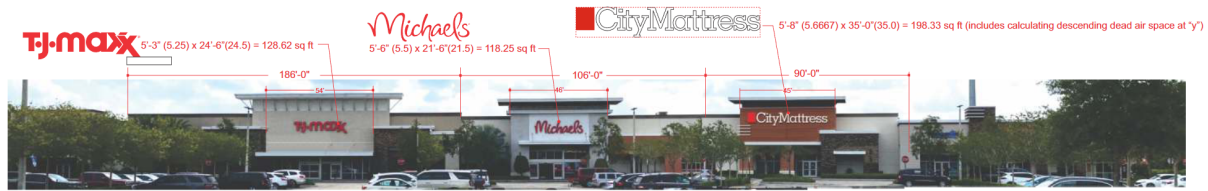
Attachment A City Mattress @ Coral Sky Application No. 21-81 (VAR)

The illustration below depicts the proposed sign and location that is subject to this variance request.



Option 2 Elevation: Modified Code Application

SCALE: 3/32"=1'-0"



West Elevation

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**ORDER OF THE VILLAGE COUNCIL
VILLAGE OF ROYAL PALM BEACH
SIGN VARIANCE**

CASE NO. VC-22-08

IN RE:Application No. 21-81(SVAR) – City Mattress

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 CG – General Commercial Zoning 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 **Variances** from the Village of Royal Palm Beach Code of Ordinances at: 1) Section 20-60(4) to allow for a 198.33 square foot wall sign where a maximum of 90 square feet is permitted by Village Code within the General Commercial (CG) Zoning District, and at 2) Section 20-95 (e) to allow for a 14.94 square foot wall-mounted cabinet sign where Village Code prohibits wall-mounted cabinet signs in excess of ten (10) square feet.
3. Under the provisions of Sec. 20-148 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 in the attached Exhibit B.

5. **IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED** by the Royal Palm Beach Village Council as follows:
6. The application for **Variances, VC-22-08**, with respect to the above-referenced property in the Village of Royal Palm Beach, Florida to permit a variance to 1) Section 20-60(4) to allow for a 198.33 square foot wall sign where a maximum of 90 square feet is permitted by Village Code within the General Commercial (CG) Zoning District, and at 2) Section 20-95 (e) to allow for a 14.94 square foot wall-mounted cabinet sign where Village Code prohibits wall-mounted cabinet signs in excess of ten (10) square feet 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. Minimum variance;
6. Is in harmony with the Sign Code; and
7. Will not be injurious to area or detrimental to the public welfare.

Done and ordered this 14th day of July, 2022.

Mayor Fred Pinto
Village of Royal Palm Beach

Attest:

Diane DiSanto, Village Clerk

**Exhibit A
Legal Description
Application No. 21-81(SVAR)
City Mattress**

Directly below is the Legal Description.

LEGAL DESCRIPTION:

TRACT 19 AND A PORTION OF TRACT 20, BLOCK 10, THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54 INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 19; THENCE N89°01'03"E ALONG THE NORTH LINE OF SAID TRACTS 19 AND 20, A DISTANCE OF 699.38 FEET; THENCE S01°37'16"W, A DISTANCE OF 659.01 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 20; THENCE S89°00'43"W ALONG THE SOUTH LINE OF TRACTS 20 AND 19, A DISTANCE OF 699.10 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 19; THENCE N01°35'48"E ALONG THE WEST LINE OF SAID TRACT 19, A DISTANCE OF 659.07 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

CONTAINING 460,355 SQUARE FEET/10.568 ACRES, MORE OR LESS.

**Exhibit B
Sign Drawings
Application No. 21-81(SVAR)
City Mattress**

The illustration below depicts the proposed sign and location that is subject to this variance request.

