

Agenda Item #     R - 1    

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION 22-51 (VAR), AN APPLICATION BY STUART TITLEY, THE APPLICANT IS REQUESTING A VARIANCE FROM SECTIONS 26-57 AND 26-79 TO ALLOW FOR A REDUCED REAR SETBACK OF 14.35 FEET WHERE VILLAGE CODE REQUIRES 20 FEET, A VARIANCE OF 5.65 FEET FOR AN EXISTING TIKI HUT, FOR A PROPERTY LOCATED AT 148 WATERWAY ROAD.**

**Issue:**

The applicant, Stuart Titley is requesting a variance from Secs. 26-57 and 26-79 to allow for a reduced rear setback 14.35 feet where Village Code requires 20 feet, a variance of 5.65 feet for an existing tiki hut, for a property located at 148 Waterway Road. Please refer to **Attachment A** for an illustration of the positioning of the tiki hut on the property.

The Applicant asserts that “the tiki hut is within the homeowner’s property boundary. This permanent structure has been there for years and is not injurious to the neighborhood or otherwise detrimental to the public welfare in any way. Further the tiki is not visible to any other property owners and no complaints or issues have been recorded in the 30-year period in which the tiki has been in place.”

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;

Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Denial	12-15-2022	Action

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- 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 variance request as the granting of the variance would confer special privileges denied to other residents 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 constructing the structure encroaching into a required setback without obtaining zoning approvals.

The Planning and Zoning Commission will hear this Application on December 13, 2022.

**Recommended Action:**

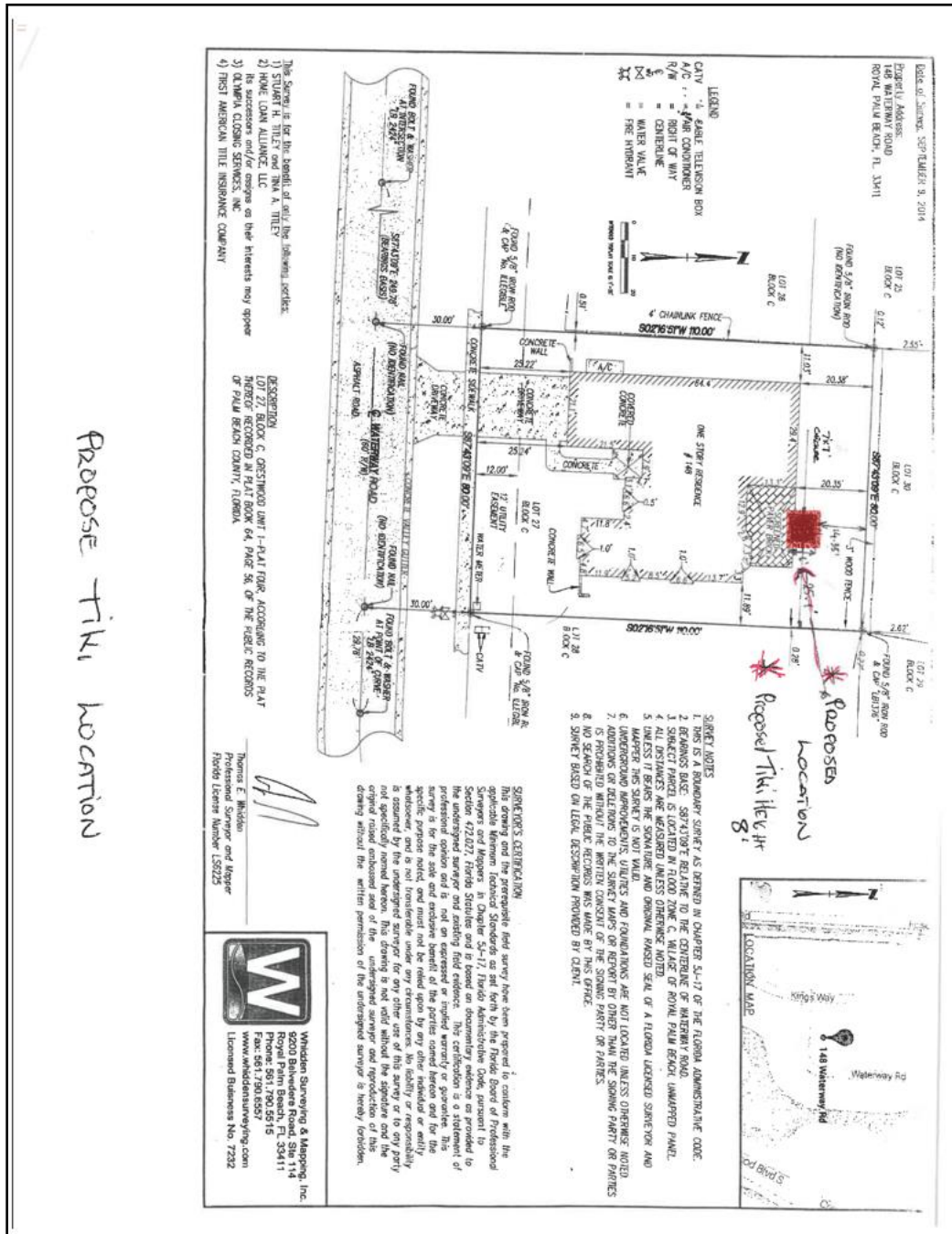
Staff recommends Denial of Application 22-51 (VAR) and Variance Order VC-22-09.

Initiator:	Village Manager	Agenda Date	Village Council
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# **Attachment A** **Tiki Hut Location Illustration** **Application No. 22-51 (VAR)**

The illustration below depicts the location of the tiki hut that is subject to this variance request and is highlighted in red.



Initiator:	Village Manager	Agenda Date	Village Council
Director of P&Z	Denial	12-15-2022	Action

**ORDER OF THE VILLAGE COUNCIL  
VILLAGE OF ROYAL PALM BEACH  
Chapter 26. Zoning**

**CASE NO. VC-22-09**  
**IN RE: Application No. 22-51(VAR)**  
**148 Waterway Road**

**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-2) 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 the following section: Sections 26-57 and 26-79 (4) (d) in order to allow for a reduced rear setback of 14.35 feet for an existing tiki hut where the Village Code requires 20 feet, a variance of 5.65 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-22-09**, with reference to the above-referenced property in the Village of Royal Palm Beach, Florida to permit a variance to Sections 26-57 and 26-79 (4) (d) in order to allow for a reduced rear setback of 14.35 feet for an existing tiki hut where the Village Code requires 20 feet, a variance of 5.65 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. 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 15<sup>th</sup> day of December, 2022.**

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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. 22-51(VAR)**  
**148 Waterway Road**

LEGAL DESCRIPTION:

DESCRIPTION

LOT 27, BLOCK C, CRESTWOOD UNIT 1--PLAT FOUR, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 64, PAGE 56, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.