

Agenda Item # R - 1

Village of Royal Palm Beach
Village Council
Agenda Item Summary

Agenda Item:

PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION NO. 22-143 (VAR), AN APPLICATION BY CUSTOM POOL CONSTRUCTION SERVICES, THE APPLICANT IS REQUESTING A VARIANCE FROM SECTION 26-62 TO ALLOW FOR A THREE (3) FOOT REAR SETBACK WHERE VILLAGE CODE REQUIRES EIGHT (8) FEET, A VARIANCE OF FIVE (5) FEET FOR A POOL, FOR A PROPERTY LOCATED AT 1320 WHITCOMBE DRIVE.

Issue:

The Applicant, Custom Pool Construction Services, is requesting a variance from Sec. 26-62 to allow for a three (3) foot rear setback where Village Code requires eight (8) feet for a pool, a variance of five (5) feet. The property is located at 1320 Whitcombe Drive. Please refer to **Attachment A** for an illustration of the positioning of the pool on the property.

The Applicant asserts that “the pool is within the homeowner’s property boundary. This permanent structure is not injurious to the neighborhood or otherwise detrimental to the public welfare in any way”.

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;
- The variance will be in harmony with the general intent and purpose of the Zoning Code; and

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- 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 as it relates to the proposed pool construction.

The Planning & Zoning Commission considered this application on January 10, 2023 and recommended Denial by a vote of 3-1, with Commissioner Adam Miller dissenting.

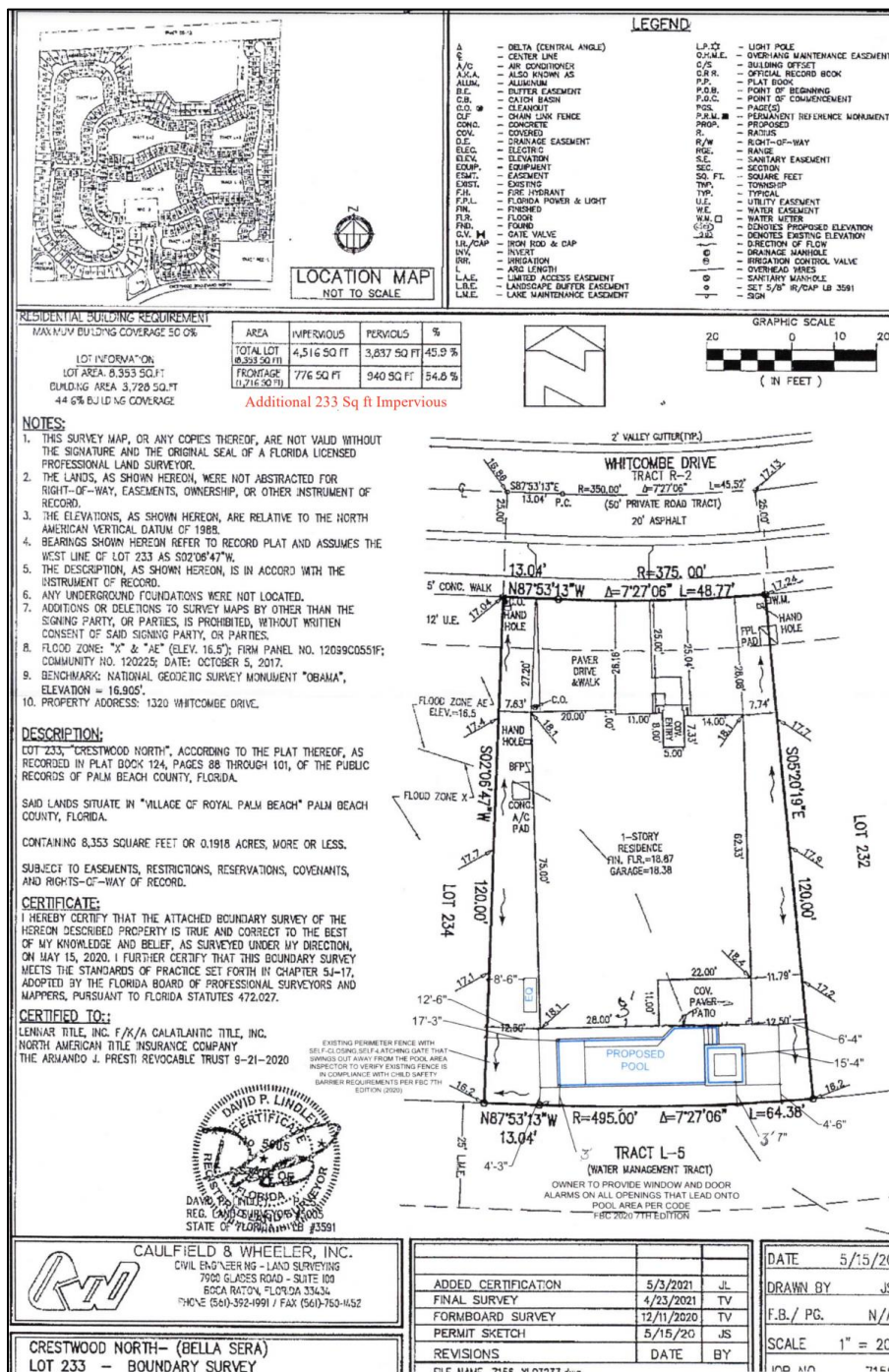
Recommended Action:

Staff is requesting a recommendation of Denial of Application No. 22-143 (VAR) and Variance Order VC-23-01.

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Attachment A **Pool Location Illustration** **Application No. 22-143 (VAR)**

The illustration below depicts the location of the pool that is subject to this variance request and is highlighted in blue.



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