

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

Agenda Item:

PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION NO. 23-093 (VAR) AND APPROVAL OF VARIANCE ORDER VC-23-07, AN APPLICATION BY BAR EDUCATION, INC., REQUESTING VARIANCE APPROVAL TO ALLOW FOR A VARIANCE TO VILLAGE CODE SEC. 23-49(B)(6)B. TO PROVIDE A 4.7 FOOT WIDE SIDEWALK WHERE VILLAGE CODE REQUIRES A SIX (6) FOOT PEDESTRIAN ACCESS WAY WHEN PARKING IS PROVIDED IN THE REAR OF THE BUILDING, FOR A PROPERTY LOCATED AT 300 AND 400 ROYAL COMMERCE ROAD.

Issue:

The Applicant is requesting Variance Approval to allow for a variance to Village Code Sec. 23-49(b)(6)b. to provide a 4.7 foot wide sidewalk where Village Code requires a six (6) foot pedestrian access way when parking is provided in the rear of the building, for a property located at 300 and 400 Royal Commerce Road. Village Code Section 23-49(b)(6)b. states that “There shall be no parking in the rear of any building or structure unless a pedestrian accessway with a minimum width of six (6) feet is provided connecting the rear parking area to the public entrance in front of the building.” Please refer to **Attachment A** for the Site Plan with the affected area of this variance request highlighted in green.

The Applicant contends: “Special conditions and circumstances exist which are peculiar to the Property, and which are not applicable to other lands structures or buildings subject to similar requirements. As noted above, the Royal Commerce Park was approved in 1984, and the existing buildings upon the Property were originally constructed from 1984 to 1986 pursuant to the land use and zoning regulations of nearly forty (40) years ago. As such, there are a number of existing site constraints upon the Property that the Applicant has endeavored to improve upon in designing the improvements to the Property to support the Primrose School of Royal Palm Beach. The existing playground on the south side of the building prevents placement of a pedestrian accessway connecting the rear parking to the main public entrance at the front of the building in this location, so the pedestrian accessway must be placed along the north side of the building where several existing utility facilities are located. The Applicant was able to provide the required six-foot (6’) width for the pedestrian accessway over the majority of this connection. However, the existing D.D.C.V. necessitates a minor reduction in width for the public accessway [a one and three tenths

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foot (1.3') reduction over six and eight tenths feet (6.8') where the northern façade is approximately seventy feet (70') in length].”

Village Code Sec. 23-53 (a) (1) 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
- Such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Village Staff generally agrees with the Applicant in that given the current site constraints special conditions or circumstances exist which are not applicable to other lands; granting of the variance will not confer on the applicant special privileges that are denied to other lands; the literal interpretation of the Code does deprive the applicant the rights enjoyed by other lands in the same zoning district; and that it is the minimum variance necessary to allow reasonable use of the property.

The Planning and Zoning Commission considered the application on October 24, 2023, and recommended Approval by a vote of 5-0.

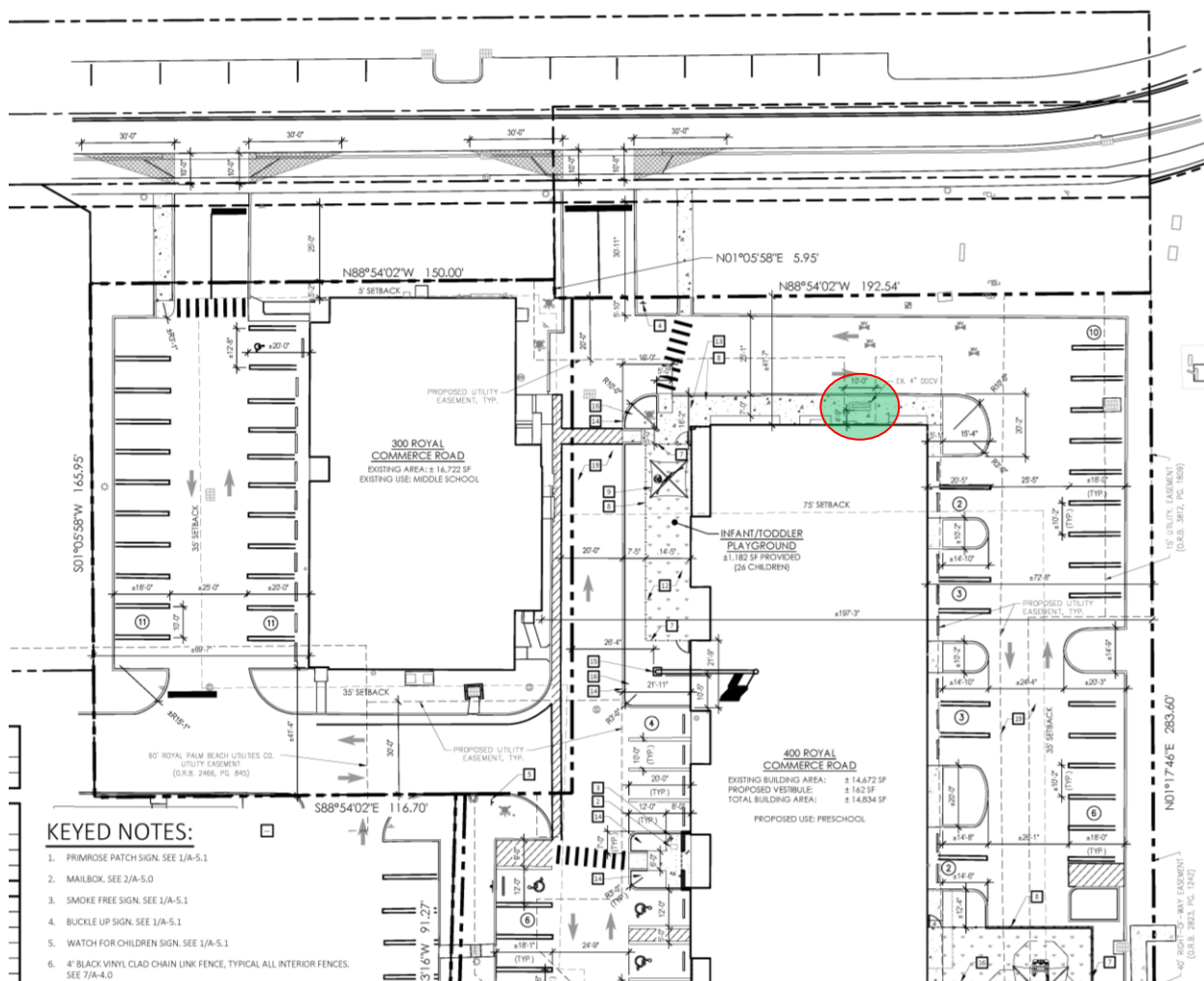
Recommended Action:

Staff is recommending Approval of Application No. 23-093 (VAR) and Variance Order VC-23-07.

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Attachment A
Site Plan
Primrose Schools Sidewalk
Application No. 23-093 (VAR)
Variance Order VC-23-07

Directly below and highlighted in green is an illustration of the Site Plan showing the locations where the required six foot sidewalk will be reduced to four feet nine inches (4.7 feet).



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**ORDER OF THE VILLAGE COUNCIL
VILLAGE OF ROYAL PALM BEACH
Chapter 23. Traffic and Vehicles**

CASE NO. VC-23-07

IN RE: Application No. 23-093(VAR)

Primrose Schools Sidewalk @ 300 and 400 Royal Commerce 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 IG Industrial General 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 **Variance** from Royal Palm Beach Code of Ordinances at Section 23-49(b)(6)b. to provide a 4.7 foot wide sidewalk where Village Code requires a six (6) foot pedestrian access way when parking is provided in the rear of the building, a variance of 1.3 feet.
3. Under the provisions of Sec. 23-53(a)(1) 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.
5. **IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED** by the Royal Palm Beach Village Council as follows:
6. The application for **Variance, VC-23-07**, with reference to the above-mentioned property in the Village of Royal Palm Beach, Florida to permit variance to the following Code Section:
Section 23-49(b)(6)b. to provide a 4.7 foot wide sidewalk where Village Code requires a six (6) foot pedestrian access way when parking is provided in the rear of the building, a variance of 1.3 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 23-53 (a) (1).
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 16th day of November, 2023.

Mayor Fred Pinto
Village of Royal Palm Beach

Attest:

Diane DiSanto, Village Clerk

Exhibit A
Legal Description
Application No. 23-093(VAR)
Primrose Schools Sidewalk @ 300 and 400 Royal Commerce Road

LEGAL DESCRIPTION:

DESCRIPTION

PARCEL 1

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 43 SOUTH, RANGE 41 EAST, VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 35 WITH THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 80 (SOUTHERN BOULEVARD); THENCE A NORTH 00°11'48" EAST, ALONG SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 600.50 FEET TO THE SOUTHEAST CORNER OF THE LANDS RECORDED IN O.R. BOOK 4162, PAGE 1508, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; SAID SOUTHEAST CORNER BEING THE POINT OF BEGINNING OF THE HERIN DESCRIBED PARCEL OF LAND;

THENCE, CONTINUE NORTH 00°11'48" EAST, ALONG SAID NORTH-SOUTH QUARTER SECTION LINE AND ALONG THE EAST LINE OF SAID LANDS RECORDED IN O.R. BOOK 4162, PAGE 1508 AND ITS NORTHERLY PROLONGATION, A DISTANCE OF 283.60 FEET; THENCE, NORTH 90°00'00" WEST, DEPARTING SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 186.68 FEET; THENCE, SOUTH 00°30'31" WEST, A DISTANCE OF 160.01 FEET; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 34.54 FEET; THENCE, SOUTH 02°07'18" WEST, A DISTANCE OF 91.33 FEET; THENCE, SOUTH 88°51'31" EAST, A DISTANCE OF 5.61 FEET; THENCE, SOUTH 01°08'29" WEST, ALONG THE CENTERLINE OF AN EXISTING WALL SEPARATING TWO DUMPSTER BAYS, AND ITS SOUTHERLY PROLONGATION, A DISTANCE OF 31.47 FEET; THENCE, SOUTH 89°48'12" EAST, ALONG THE SOUTH LINE OF SAID LANDS RECORDED IN O.R. BOOK 4162, PAGE 1508, AND ITS WESTERLY PROLONGATION, A DISTANCE OF 220.26 FEET TO THE POINT OF BEGINNING.

PARCEL 2

A PARCEL OF LAND LYING IN SECTION 35, TOWNSHIP 43 SOUTH, RANGE 41 EAST, VILLAGE OF ROYAL PALM BEACH, PALM BEACH COUNTY, FLORIDA; SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 35 WITH THE NORTH RIGHT OF WAY LINE OF STATE ROAD 80; SAID INTERSECTION POINT BEING THE SOUTHEAST CORNER OF THE LANDS DESCRIBED AND RECORDED IN O.R. BOOK 4104, PAGE 1057, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE NORTH 00°11'48" EAST, ALONG SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 884.10 FEET TO THE NORTHEAST CORNER OF THE LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306, THENCE, NORTH 90°00'00" WEST, DEPARTING SAID NORTH-SOUTH QUARTER SECTION LINE AND ALONG THE NORTH LINE OF SAID LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306, A DISTANCE OF 186.88 FEET TO THE NORTHWEST CORNER OF SAID LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306, FOR A POINT OF BEGINNING;

THENCE, CONTINUE NORTH 90°00'00" WEST, ALONG THE PROLONGATION OF SAID NORTH LINE, A DISTANCE OF 5.66 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 5.95 FEET; THENCE, NORTH 90°00'00" WEST, A DISTANCE OF 150.00 FEET; THENCE, SOUTH 00°00'00" WEST, A DISTANCE OF 165.95 FEET; THENCE, NORTH 90°00'00" EAST, A DISTANCE OF 116.70 FEET; THENCE, SOUTH 02°07'18" WEST, A DISTANCE OF 91.27 FEET; THENCE SOUTH 88°51'31" EAST, A DISTANCE OF 3.00 FEET TO A POINT OF THE WESTERLY BOUNDARY LINE OF SAID LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1306; THENCE, NORTH 02°07'18" EST, ALONG SAID WESTERLY BOUNDARY LINE, A DISTANCE OF 91.33 FEET; THENCE, NORTH 90°00'00" EAST, CONTINUING ALONG SAID WESTERLY BOUNDARY LINE OF SAID LANDS DESCRIBED AND RECORDED IN O.R. BOOK 12619, PAGE 1308, A DISTANCE OF 34.54 FEET; THENCE, NORTH 00°30'31" EAST, CONTINUING ALONG SAID WESTERLY BOUNDARY LINE A DISTANCE OF 160.01 FEET TO THE POINT OF BEGINNING.