



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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER APPLICATION 19-0059 (VAR), AN APPLICATION BY PALM POOL AND SPA INC., AND VARIANCE ORDER VC-19-10, THE APPLICANT IS SEEKING A VARIANCE TO ALLOW AN 8.18-FOOT REAR YARD SETBACK IN LIEU OF THE REQUIRED 13-FOOT REAR YARD POOL SETBACK AS REQUIRED BY SECTION 26-62 (D). THE ADDRESS OF THE PROPERTY IS A CONFIDENTIAL RECORD.**

**Issue:**

The Applicant is requesting a variance to allow for an 8.18-foot rear yard setback in lieu of the required 13-foot rear yard setback, for a swimming pool. The Applicant is seeking a 4.82-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 pool location).

The Applicant asserts that the reduced setback is necessary in order to allow for the construction of a 10-foot wide pool. The pool as proposed is smaller than a standard sized pool which is approximately 15 feet by 30 feet. The Applicant further asserts that this is the minimum variance that will allow for reasonable use of the property and prevent Village Code from denying the Applicant an amenity commonly enjoyed by other property owners.

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. Although this property is not located within a Planned Unit Development (PUD), reduced setbacks from the code requirement of 13-feet have been granted as part of PUD approvals in the past. For example, the rear setbacks for the Anthony Groves PUD and Nautica Lakes PUD have been reduced to eight (8) feet or less.

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;

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Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Denial	10-17-2019	Action

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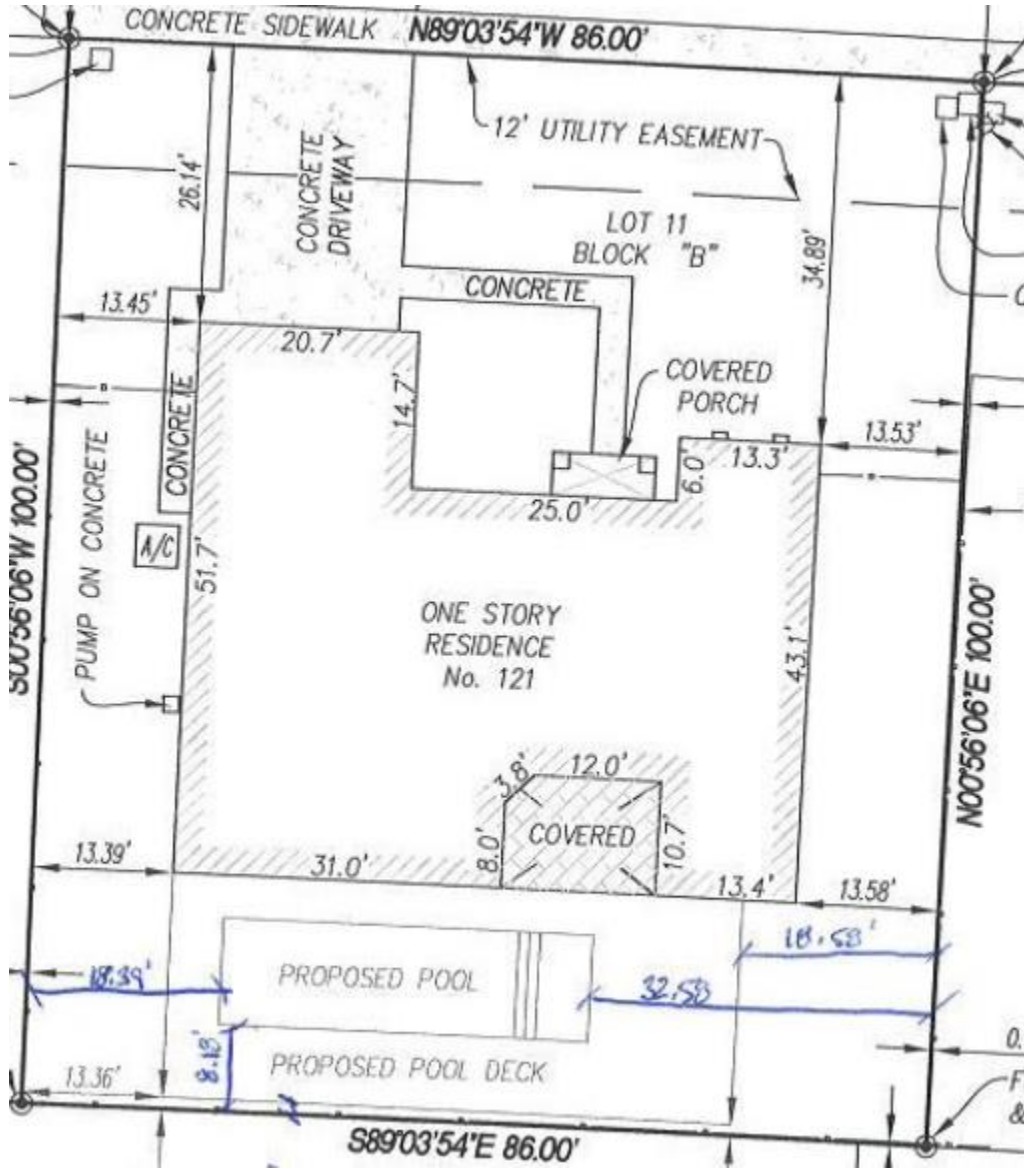
- Special conditions do not result from the actions of the Applicant;
- Granting the variance will not confer on the Applicant special privileges that are denied to other lands in the same zoning district; and;
- The literal interpretation of the Code would deprive the Applicant the rights enjoyed by 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 will not be injurious to the public welfare

**Recommended Action:**

Staff is recommending Denial of Application 19-0059 (VAR) and Variance Order VC-19-10.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Denial	10-17-2019	Action

**Attachment A  
Survey  
Application 19-0059 (VAR)**



This is an illustration of the property survey showing the location of the pool and setbacks.

Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Denial	10-17-2019	Action

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

**CASE NO. VC-19-10**  
**IN RE: Application No. 19-0059(VAR)**  
**Sherwood Drive**

**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 RS-2 Single-Family Residential 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: Section 26-62(d) in order to allow for an 8.18-foot rear yard setback where the Village Code requires a 13-foot rear yard pool setback.
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-19-10**, with reference to the above-referenced property in the Village of Royal Palm Beach, Florida to permit a variance to Section 26-62(d) in order to allow for an 8.18-foot rear yard setback where the Village Code requires a 13-foot rear yard pool setback 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 17th day of October, 2019.**

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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. 19-0059(VAR)**  
**Sherwood Drive**

DESCRIPTION:

Confidential Record