

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION 19-0068 (VAR), AN APPLICATION BY THE HOMEOWNER, AND VARIANCE ORDER VC-19-12, THE APPLICANT IS REQUESTING A VARIANCE TO ALLOW A 0.9-FOOT SIDE YARD SETBACK IN LIEU OF THE REQUIRED 10-FOOT SIDE YARD SETBACK FOR AN EXISTING PLAY STRUCTURE AS REQUIRED BY SECTION 26-57. THE ADDRESS OF THE PROPERTY IS A CONFIDENTIAL RECORD.**

**Issue:**

The Applicant is requesting a variance to allow for a 0.9-foot side yard setback in lieu of the required 10-foot side yard setback, for an existing play structure. The Applicant is seeking a 9.1-foot variance to the side setback requirements, as established in Code Sec. 26-57. Please refer to **Attachment A** for an illustration of the location and the nature of the play structure.

The Applicant asserts that the reduced setback is necessary in order to allow the existing play structure to remain. In addition, the Applicant states that due to the arrangement of the other structures on the property there is nowhere on the property that would allow them to install the play structure that would not require a variance. 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 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; and;
- The literal interpretation of the Code would deprive the Applicant the rights enjoyed by other lands in the same zoning district;

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Director of P & Z	Denial	11-21-2019	Action

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- 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

Village Staff is not in support of this variance because Staff believes that no special conditions or circumstances exist which are not applicable to other lands; the condition is the result from actions of the applicant; granting of the variance will confer on the applicant special privileges that are denied to other lands; the literal interpretation of the Code does not deprive the applicant the rights enjoyed by other lands in the same zoning district; and that it is not the minimum variance necessary to allow reasonable use of the property.

The Planning and Zoning Commission considered Application 19-0068 (VAR) and Variance Order VC-19-12 on October 22, 2019 and recommended approval by a vote of 3-1.

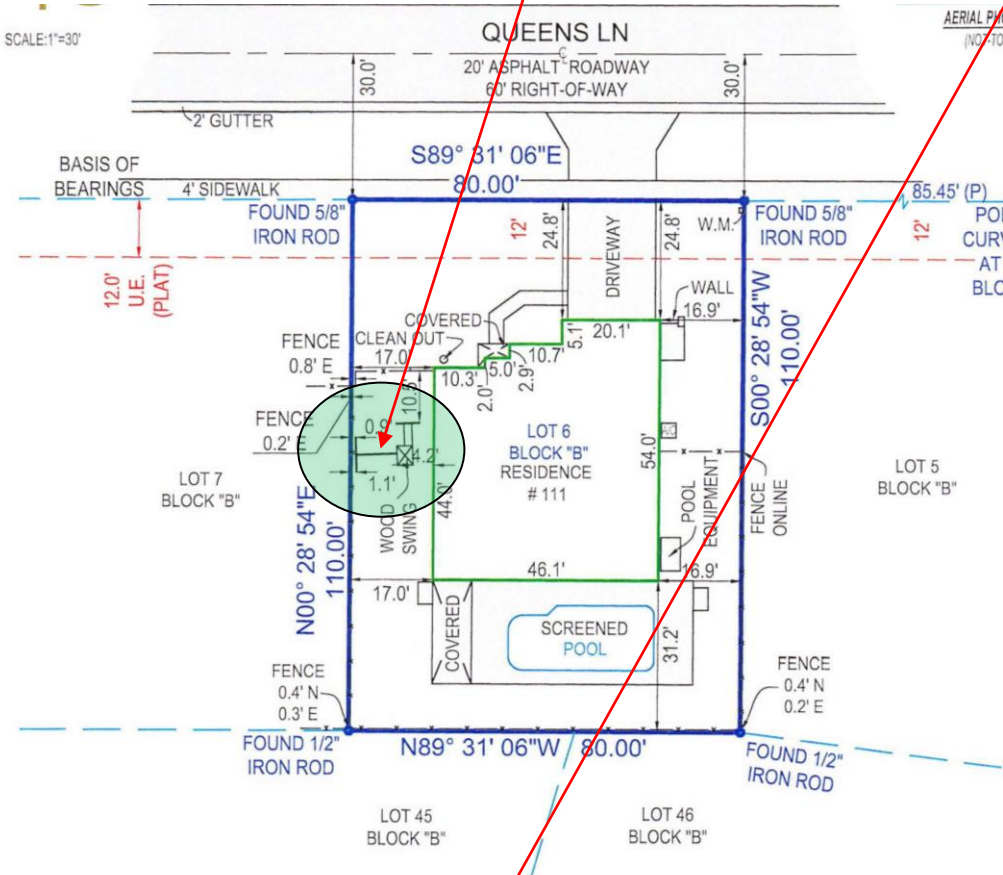
**Recommended Action:**

Staff is recommending Denial of Application 19-0068 (VAR) and Variance Order VC-19-12.

Initiator:	Recommendation	Agenda Date	Village Council
Director of P & Z	Denial	11-21-2019	Action

## Attachment A

These are illustrations showing the location of the play structure and the nature of the play structure.



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