

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

Agenda Item:

PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION 19-096 (VAR), AN APPLICATION BY FREDA LAURENT, AND VARIANCE ORDER VC-19-15, THE APPLICANT IS REQUESTING A VARIANCE FROM SECTION 26-79 FOR A SHED TO ALLOW FOR A REDUCED SIDE YARD SETBACK OF 1.04 FEET IN LIEU OF THE 10 FOOT SIDE SETBACK AS REQUIRED BY CODE, FOR A PROPERTY LOCATED AT 61 SPARROW DRIVE.

Issue:

The Applicant is requesting a Variance from Section 26-79 for a shed to allow for a side yard setback of 1.04 feet in lieu of the 10-foot side setback as required by Code, resulting in a variance of 8.96-feet. For an illustration of the shed please refer to **Attachment A**.

The Applicant asserts that the shed has to be located in the proposed location due to the 25-foot drainage and maintenance easement located in the rear yard, and the location of other existing structures on the property. The Applicant further asserts that the shed has been located in the same spot for the past 20 years. An additional reason for the current location is that the property owners both have health conditions and the current location allows them the most practical access. The Applicant contends that this is the minimum variance which will allow reasonable access and safety for the property owners.

The Village sent out the required 300-foot notice, to all residents within a 300-foot radius of the subject property, notifying homeowners of the variance request. The Village did not receive any responses either supporting or objecting to the application. In addition, no letters were provided by the Applicant supporting the request.

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 peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings subject to similar requirements;
- The special conditions and circumstances do not result from the actions of the applicant;

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P & Z Director	Denial	12-19-2019	Action

- Granting the variance request will not confer on the applicant any special privileges that are denied by this Code to other lands, buildings or structures similarly situated;
- A literal interpretation of the provisions in this Code would deprive the applicant of rights commonly enjoyed by other properties similarly situated under the terms of this Code and would work unnecessary and undue hardship on the applicant;
- The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- The grant of the variance will be in harmony with the general intent and purpose of this division;
- Such variance will not be injurious to the area involved or otherwise be detrimental 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 will considered this Application at their December 16, 2019 meeting.

Recommended Action:

Staff is recommending Denial of Application 19-096 (VAR) and Variance Order VC 19-15.

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**Attachment A
Picture of the Shed
Application 19-096 (VAR)**

This is an illustration of the existing shed.



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

CASE NO. VC-19-15
IN RE: Application No. 19-096(VAR)
61 Sparrow 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 26-79 in order to allow for a reduced side yard setback of 1.04 feet for a shed where the Village Code requires a 10-foot side yard 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-19-15**, with reference to the above-referenced property in the Village of Royal Palm Beach, Florida to permit a variance to Section 26-79 in order to allow for a reduced side yard setback of 1.04 feet for a shed where the Village Code requires a 10-foot side yard 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 19th day of December, 2019.

Mayor Fred Pinto
Village of Royal Palm Beach

Attest:

Diane DiSanto, Village Clerk

Exhibit A
Legal Description
Application No. 19-096(VAR)
61 Sparrow Drive

LEGAL DESCRIPTION:

LOT 1, BLOCK L, CRESTWOOD SUBDIVISION UNIT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 46, AT PAGE 64, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO TAXES AND ASSESSMENTS FOR THE YEAR 1999 AND SUBSEQUENT YEARS.

SUBJECT TO CONDITIONS, RESTRICTIONS, RESERVATIONS AND EASEMENTS OF RECORD.