

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION 19-044 (VAR), AN APPLICATION BY LEE LIANG, AND VARIANCE ORDER VC-20-1, THE APPLICANT IS REQUESTING A VARIANCE FROM SEC. 26-80 TO ALLOW FOR A REDUCED FRONT YARD SETBACK OF 18-FEET FOR A MAIN STRUCTURE WHERE THE VILLAGE CODE REQUIRES 25-FEET, FOR A PROPERTY LOCATED AT 1343 ELMBANK WAY.**

**Issue:**

The Applicant is requesting a Variance from Section 26-80 to allow for a reduced front yard setback of 18-feet for the principal structure in lieu of the 25-foot front yard setback, as required by Code, resulting in a variance of seven (7.0) feet. The front porch of the house was enclosed by a previous owner without a permit, and that enclosure is the subject of the variance request. Village records indicate that the roof over the front porch was constructed with a proper permit in 1997. Please refer to **Attachment A** for an illustration of the enclosed porch area and the survey showing the location of the enclosed porch area.

The Applicant asserts that the construction to enclose the front porch was done by the previous owner. The Applicant contends that the variance request is not due to actions of the current owner. It is the Applicant's position that the requested variance is the minimum variance which will allow reasonable use of the property, and that the variance will not confer on the Applicant special privileges. The Applicant further asserts that it was only when they were contacted by the Village's Code Enforcement Division that they became aware that the structure did not have a permit and did not meet the required setback.

The Village sent out the required mail 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.

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Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Denial	03-19-2020	Action

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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;
- 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.

This application was originally placed on the Village Council Agenda for February 20, 2020. The Applicant was not in attendance at this meeting and Village Council voted 5-0 to postpone this item to allow the Applicant the opportunity to testify on his own behalf. This item was subsequently postponed to a time certain of March 19, 2020.

**Recommended Action:**

Staff is recommending Denial of Application 19-044 (VAR) and Variance Order VC 20-1.

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Initiator:	Village Manager	Agenda Date	Village Council
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**Attachment A  
Illustration & Survey  
Application 19-044 (VAR)**

**Illustration of the enclosed front patio.**



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Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Denial	03-19-2020	Action

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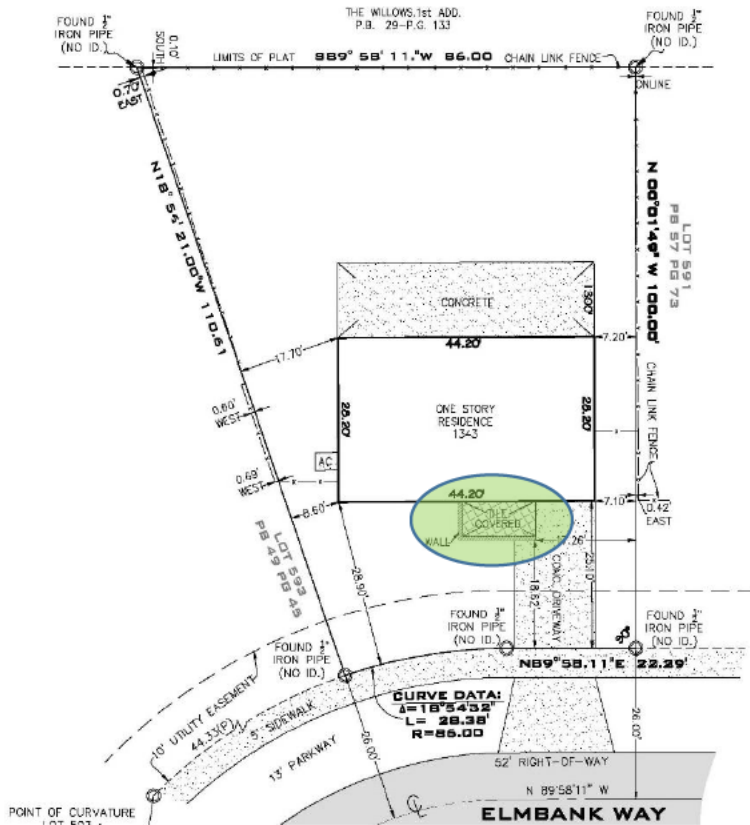
# Attachment A Continued Illustration & Survey Application 19-044 (VAR)

Survey showing the location of the enclosed front patio circled in green.

## MAP OF BOUNDARY SURVEY

### LOCATION MAP

SECTION 25, TOWNSHIP 43 SOUTH, RANGE 41 EAST  
LYING AND BEING IN PALM BEACH COUNTY FLORIDA  
(NOT TO SCALE)



Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Denial	03-19-2020	Action

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

**CASE NO. VC-20-1**  
**IN RE: Application No. 19-044 (VAR)**  
**1343 Elmbank Way**

**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 26-80 in order to allow for a reduced front yard setback of eighteen (18) feet where Village Code requires a 25-foot front yard setback for a main structure.
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-20-1**, with reference to the above-referenced property in the Village of Royal Palm Beach, Florida to permit a variance to Section 26-80 in order to allow for a reduced front yard setback of eighteen (18) feet where Village Code requires a 25-foot front yard setback for a main structure 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 March, 2020.**

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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. 19-044 (VAR)**  
**1343 Elmbank Way**

DESCRIPTION:

Lot 592, Counterpoint Estates Plat No. 10, a subdivision according to the plat thereof recorded at Plat Book 49, Page 45, in the Public Records of Palm Beach County, Florida.