

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION 20-13 (VAR), AN APPLICATION BY TONYA MILLS, AND VARIANCE ORDER VC-20-04. THE APPLICANT IS REQUESTING A VARIANCE FROM SEC. 26-57 TO ALLOW FOR A REDUCED SIDE YARD SETBACK OF ZERO FEET WHERE VILLAGE CODE REQUIRES TEN (10) FEET, A VARIANCE OF TEN (10) FEET, FOR AN EXISTING PERGOLA, FOR A PROPERTY LOCATED AT 203 BOBWHITE ROAD.**

**Issue:**

The Applicant is requesting a Variance from Section 26-57 to allow for a reduced side yard setback of zero feet for a pergola in lieu of the 10-foot side yard setback required by Village Code, resulting in a variance of ten (10) feet.

The Applicant asserts that the pergola is necessary in this location because they “need protection from southern exposure while maintaining air flow from predominant easterly winds as well as proximity to sprinklers to mist the orchids. The sun, wind and water needs of orchids are unique to each species. This location allows best growth conditions while limiting susceptibility to fungi and disease that can occur when conditions are not ideal”.

The Village sent out the required mail notice to all residents within a 300-foot radius of the subject property, notifying property owners of the variance request. The Village did not receive any responses either supporting or objecting to the application. The applicant has not provided letters of support from adjoining neighbors supporting the variance 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;

---

Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Denial	7-16-2020	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 considered the application on June 23, 2020, and recommended Denial by a vote of 3-1 with Commissioner Marquis dissenting.

**Recommended Action:**

Village Staff is recommending Denial of Application 20-13 (VAR) and Variance Order VC-20-04.

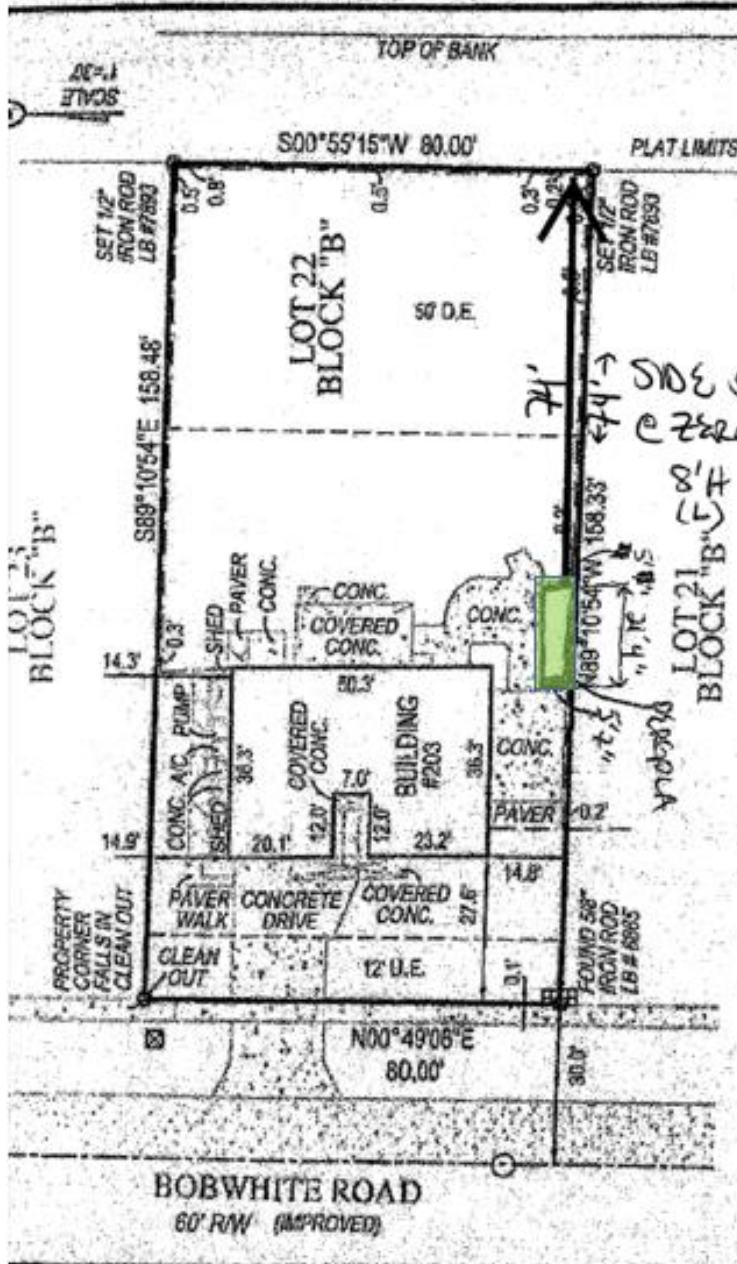
---

Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Denial	7-16-2020	Action

---

**Attachment A**  
**Location of the Pergola**  
**203 Bobwhite Road**  
**Application 20-13 (VAR)**  
**Variance Order VC-20-04**

Please find immediately below an illustration showing the location of the pergola highlighted by a green box:



Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Denial	7-16-2020	Action

**Attachment B  
Pictures of the Pergola  
203 Bobwhite Road  
Application 20-13 (VAR)  
Variance Order VC-20-04**

**Please find immediately below an illustration showing pictures of the pergola:**



---

Initiator:	Village Manager	Agenda Date	Village Council
P & Z Director	Denial	7-16-2020	Action

---

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

**CASE NO. VC-20-04**  
**IN RE: Application No. 20-13 (VAR)**  
**203 Bobwhite 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 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 rear setback of zero (0) feet where Village Code requires a 10-foot rear setback, a variance of ten (10) feet, for an existing pergola.
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-20-04**, 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 rear setback of zero (0) feet where Village Code requires a 10-foot rear setback, a variance of ten (10) feet, for an existing pergola 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 16th day of July, 2020.**

\_\_\_\_\_  
Mayor Fred Pinto  
Village of Royal Palm Beach

Attest:

\_\_\_\_\_  
Diane DiSanto, Village Clerk

**Exhibit A**  
**Legal Description**  
**Application No. 20-13 (VAR)**  
**203 Bobwhite Road**

LEGAL DESCRIPTION:

Lot 22, Block B. THE WILLOWST FIRST ADDITION, according to the Plat recorded in Plat Book 29, Page 133, as recorded in the Public Records of Palm Beach County, Florida; said land situate, lying and being in Palm Beach County, Florida.