

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

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER VARIANCE APPLICATION 20-130 (VAR), AN APPLICATION BY CHARLES MELILLO, AND VARIANCE ORDER VC-21-01, THE APPLICANT IS SEEKING A VARIANCE TO ALLOW A THREE (3) FOOT REAR YARD POOL SETBACK IN LIEU OF THE REQUIRED EIGHT (8) FOOT REAR YARD POOL SETBACK, A VARIANCE OF FIVE (5) FEET, AS REQUIRED BY SECTION 26-62 (d)., FOR A PROPERTY LOCATED AT 3126 STRENG LANE.**

**Issue:**

The Applicant is requesting a variance to allow for a three (3) foot rear yard setback in lieu of the required eight (8) foot rear yard setback, for a swimming pool. The Applicant is seeking a five (5) 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 positioning of the pool on property.

The Applicant asserts that the reduced setback is necessary in order to allow for a modest sized pool. Furthermore, Lennar designed the layout of the house and property and "...as two recent retirees we have always dreamed of having a pool. Many of our neighbors are enjoying their in ground pools and the physiological benefits of daily water exercise would greatly improve our chronic joint and back issues."

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;
- The variance requested is the minimum variance that will make possible the reasonable use of the property;

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Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Denial	4-1-2021	Action

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- 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. This property is within the Lennar Planned Unit Development (PUD), and the rear yard pool setback was approved at eight (8) feet.

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 to date have been provided by the Applicant supporting the request.

The Planning & Zoning Commission considered this application on February 23, 2021 and recommended Denial by a vote of 3-2, with Commissioners Ray Nazareth and Philip Marquis dissenting.

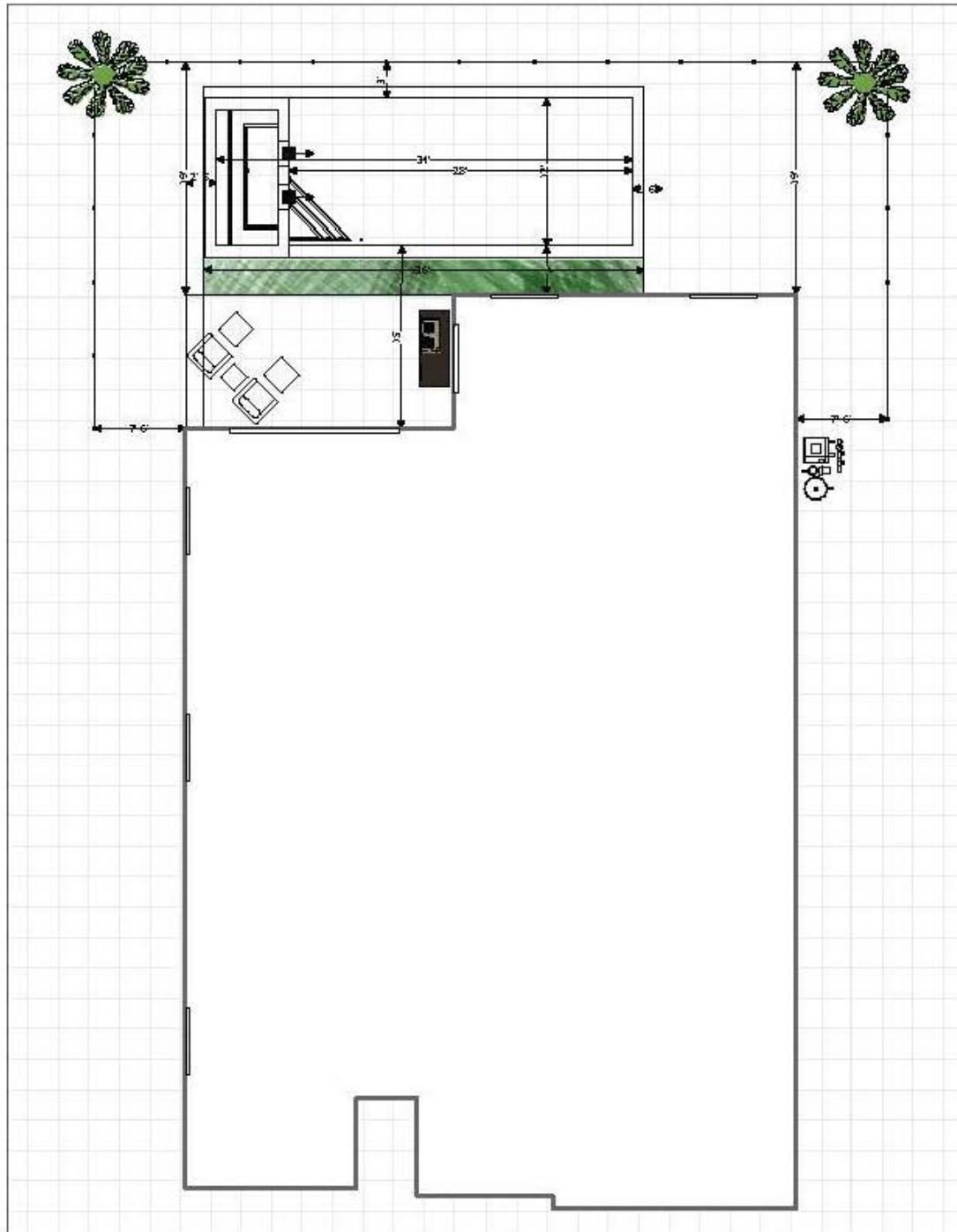
#### **Recommended Action:**

Staff is recommending Denial of Application 20-130 (VAR) and Variance Order VC-21-01.

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## Attachment A Pool Location Illustration

The below depicts the location of the pool and requested variance.



Initiator:	Village Manager	Agenda Date	Village Council
Director of P & Z	Denial	4-1-2021	Action

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

**CASE NO. VC-21-01**  
**IN RE: Application No. 20-130(VAR)**  
**3126 Streng Lane**

**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 Planned Unit Development (PUD) 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 a three (3) foot rear yard pool setback where the Village Code requires an eight (8) foot rear yard pool setback, a variance of five (5) feet.
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-21-01**, 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 a three (3) foot rear yard pool setback where the Village Code requires an eight (8) foot rear yard pool setback, a variance of five (5) feet 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 1st day of April, 2021.**

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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. 20-130(VAR)**  
**3126 Streng Lane**

DESCRIPTION:

Lot 352 of CRESTWOOD NORTH, according to the plat thereof, as recorded in Plat Book 124, Page 88 of the Public records of Palm beach County, Florida