



PALM BEACH COUNTY ZONING APPLICATION STAFF REPORT

ADMINISTRATIVE VARIANCE PUBLIC MEETING DECEMBER 20, 2024

A. Application Summary

I. General

Application Name: Pitman Residence - AV-2024-00109
Control Name: Pitman Residence (2021-00011)
Applicant: Artis Pittman
Owner: Artis Pittman
Agent: Palm Beach Building Company - Tom Smith
Project Manager: Imene Haddad, Senior Site Planner

Title: a Type 1 Variance **Request:** to allow a reduction of a front and corner clip setback for a Single-Family Residence

Application Summary: Proposed is a Type 1 Variance to reduce the side street and front setbacks for the Pitman Residence. The site has been developed with a single-family residence that was originally constructed in 1959.

The Type 1 Variance proposes to reduce the front setback from 25 feet to 20 feet and the required setback from the corner clip from 10 to 6 feet. The proposed variance would allow an addition to the single-family residence and a screen room. The applicant proposes an 830 sq. ft. addition on the west side with a proposed bedroom and garage, and the addition of an enclosed screened porch on the east side.

II. Site Data

Acres: 0.19 acres
Location: Northeast corner of Jupiter Gardens Boulevard and 67th Road North
Parcel Control: 00-42-41-03-00-000-7170
Future Land Use: High Residential, 8 units per acre (MR-8)
Zoning District: Multi-Family Residential (RH)
Tier: Urban/Suburban
Utility Service: Town of Jupiter
Overlay/Study: N/A
Neighborhood Plan: N/A
CCRT Area: Kennedy Estates
Comm. District: District 1, Mayor Maria G. Marino

III. Staff Assessment & Recommendation

ASSESSMENT: Staff has evaluated the standards listed under Article 2.C.5.F.4, and determined that the request meets the standards of the ULDC subject to Conditions of Approval as indicated in Exhibit C.

STAFF RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contact from the public regarding this application.

IV. Meeting History

PUBLIC MEETING: *Scheduled for December 20, 2024*

B. Data & Analysis

The supporting data and analysis is provided within the following Exhibits.

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Exhibit A - Future Land Use Map

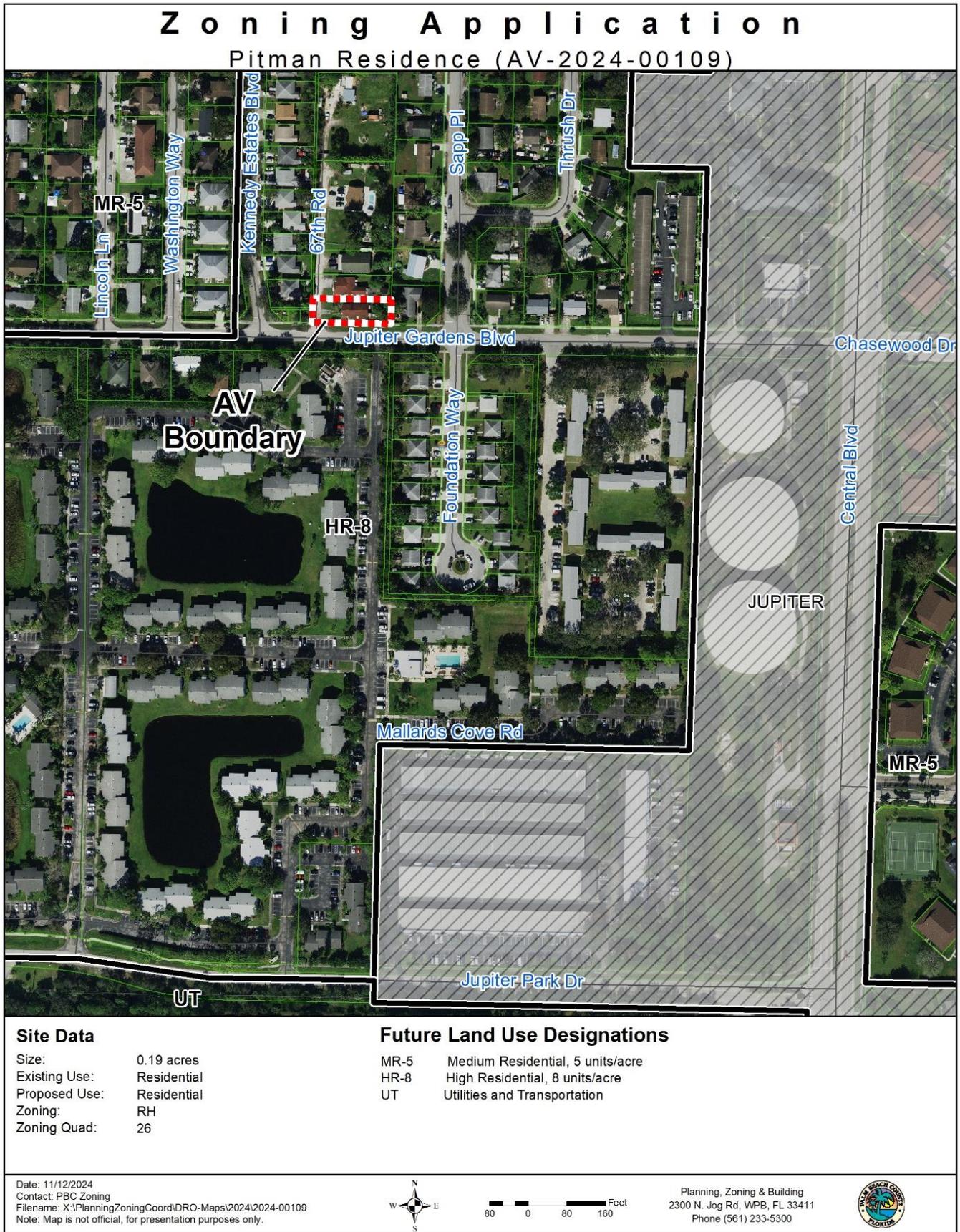


Exhibit A- Zoning Map

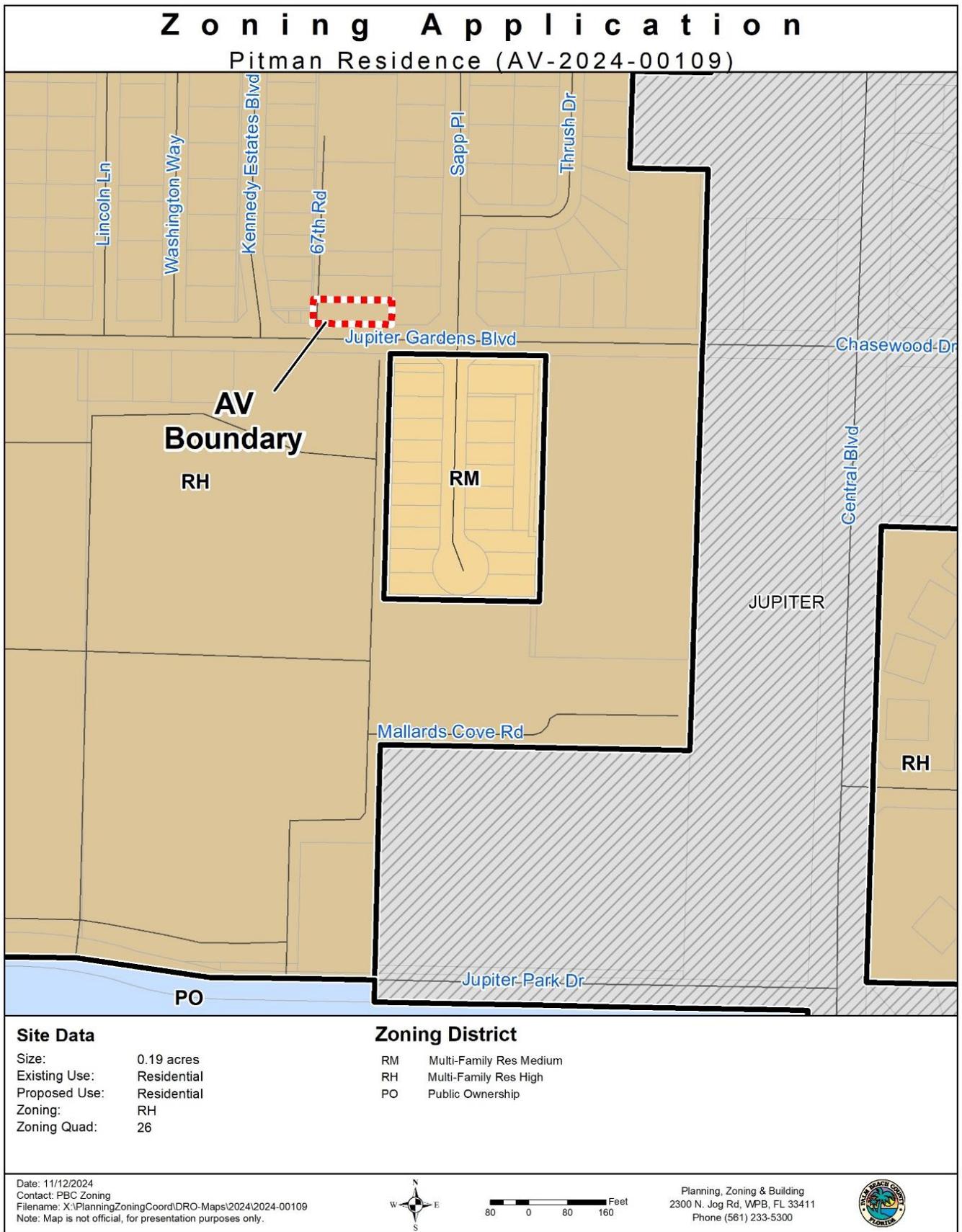


Exhibit B - Standards Analysis & Findings

FINDINGS:

Type 1 Variance Standards:

When considering a Development Order application for a Type 1 Variance, the DRO shall consider Standards a through g listed under Article 2.C.5.F.4, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 1 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

In accordance with the Technical Manual, Section A-1.D.1 Standards Zoning Districts the RH Zoning Districts corresponds to the RM Zoning District. Article 3, Table 3.D.1.A, Property Development Regulations, residential structures within the RM (RH) Zoning District, shall meet a 25 foot front setback. For a lot that is located on the corner of two streets, a corner clip area is established in order to have visibility at the corner. The corner clip is a triangular dimension of 25 feet by 25 feet at the intersection. Structures may not be placed within this area. In addition, structures must be setback 10 feet from the corner clip

A-1.D.1 Standard Zoning Districts

The following previously established Standard Zoning Districts shall correspond to the current Standard Zoning Districts indicated: **[8/2023]**

- A. The Rural Services (RSER) Zoning District shall correspond to the AR Zoning District; **[8/2023]**
- B. Residential Transitional Suburban (RTS) Zoning District shall correspond to the RT Zoning District; **[8/2023]**
- C. Residential Transitional Urban (RTU) Zoning District shall correspond to the RS Zoning District; and, **[8/2023]**
- D. Multi-Family Residential High Density (RH) Zoning District shall correspond to the RM Zoning District. **[8/2023]**

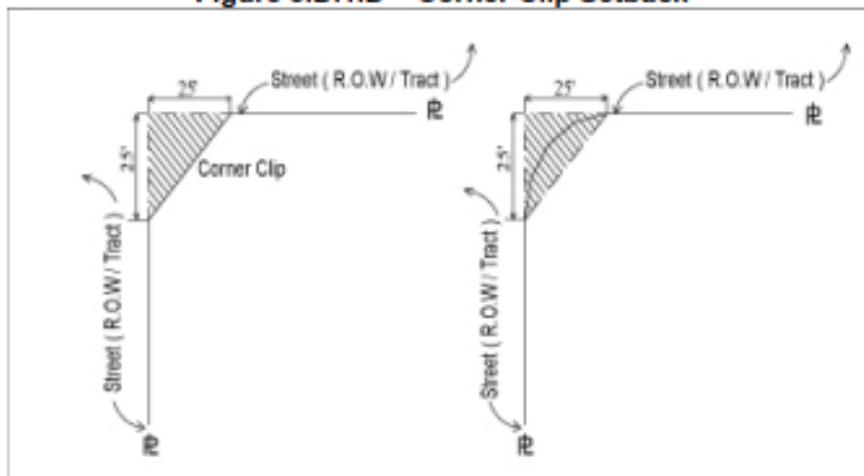
Table 3.D.1.A – Property Development Regulations

Zoning District	Min. Lot Dimensions			Max. FAR (5)	Max. Building Coverage	Min. Setbacks (7)			
	Size	Width and Frontage	Depth			Front	Side	Side Street	Rear
Agriculture/Conservation									
PC	1 ac.	-	-	-	-	50'	50'	50'	50'
AP	10 ac.	300'	300'	-	10% (9)	100'	50'	80'	100'
AGR	5 ac.	300'	300'	-	15%	100'	50'	80'	100'
Residential (2)(3)(4)									
AR (RR-20)	20 ac.	300'	300'	0.15	15%	100'	50'	80'	100'
AR (RR-10)	10 ac.								
AR (RR-5)	5 ac.	200'	200'	-	20%	50'	25'	25'	40'
AR (RR-2.5)	2.5 ac.								
AR and RE (U/S Tier) (1)	1 ac.	125'	200'	-	30%	50'	15'	25'	25'
RE (RSA)	2.5 ac.	200'	200'	-	20%	50'	25'	25'	40'
RT	14,000 sq. ft.	100'	125'	-	30%	25'	15'	25'	25'
RS	6,000 sq. ft.	65'	75'	-	40%	25'	7.5' (10)	15'	15'
RM	-	65'	75'	-	40%	25' (8)	15'	25'	15' (8)

3. Corner Clip Setback

The minimum setback from a corner clip shall be ten feet. The setback shall be measured perpendicular from the midpoint of the interior line of the corner clip.

Figure 3.D.1.D – Corner Clip Setback



ULDC Article	Required	Proposed	Variance
V.1 – 3.D.1.A. Property Development Regulations - Setbacks	25 feet front setback	20 feet	5 feet reduction in front yard setback (20 foot front setback)
V.2 – 3.D.1.D. Property Development Regulations - Setbacks	10 feet Corner Clip setback	6 feet	4 feet reduction in Corner Clip Setback (6 foot corner clip setback)

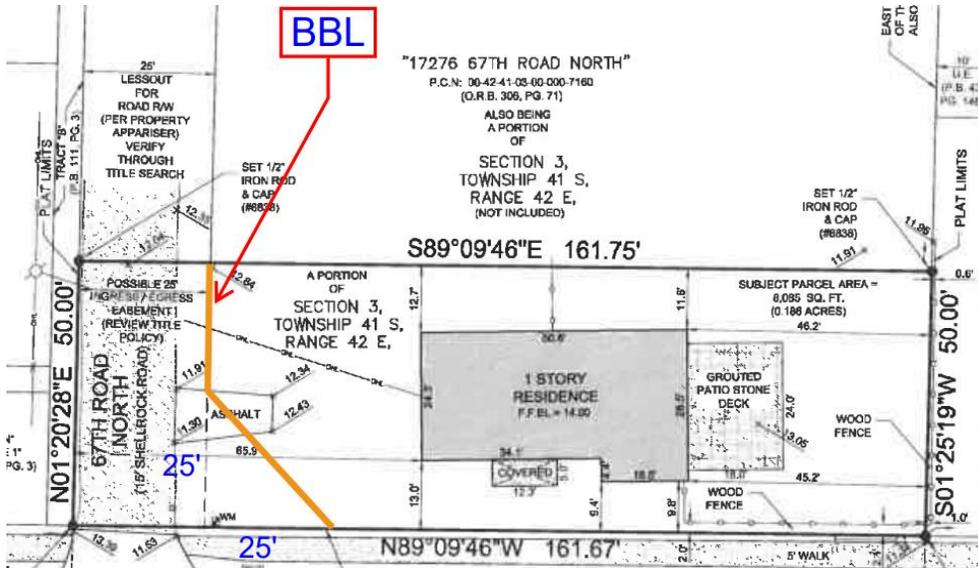
a. Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district:

APPLICANT’S RESPONSE:

YES. This house was built in 1959 and was set back significantly compared to the house to the north. In the interim the new building and land development codes were implemented making the original natural placement of that house, in context to other houses on that street, impossible.

STAFF’S RESPONSE:

V-1 YES: The parcel is within the Multi-family Residential (RH) zoning district and High Residential, 8 units per acre (MR-8) FLUE designation. The site is developed with a single family home and must comply with the (RS) district Property development regulation in Table 3.D.1.A. The required front setback as indicated in Art.3.D.1.A of the Unified Land Development Code (ULDC) is 25 feet and the required side street setback is 15 feet for conforming corner lots. In April 28, 2022, the Palm Beach County Department of Engineering and Public Works approved a Base Building Line Waiver for the subject property. It was stated in the memorandum that the required Base Building Line for the subject property of 30 feet is waived. The waiver is contingent upon the Base Building Line established at the east line of the 25 feet ingress/egress easement on 67th Road N, located along the west property line of the subject property and the Southwest corner following the standard 25 feet corner clip alignment.



The Applicant seeks to reduce the front setback from 25 feet to 20 feet and the required setback from the corner clip from 10 to 6 feet. The proposed variance would allow an addition to the single-family residence and a screen room.

The subject property is a legal non-conforming corner lot with a width of 48.39 feet, which is less than the required width of 65 feet as indicated in Table 3.D.1.A. The existing home was built in 1959 and has a reduced side street setback of 9.4 feet and a rear setback of 10.4 feet due to the narrow and long configuration of the lot. Existing residentially Zoning lots that do not meet the minimum width pursuant to Table 3.D.1.A. may utilize a 20 percent of lot width for the site street PDR. The required side street setback based on the lot width of 48.93 feet is 9.6 feet. The proposed addition complies with this side street setback requirement.

The Garage addition will be located to the west of the existing home fronting 67th Avenue North. Currently, the property lacks a garage, and the property owner parks their car in the driveway. The location of the home on the parcel, the narrow configuration of the lot and the location of the driveway significantly encumbers the Applicant’s ability to build the proposed extension on the rear or interior side yard. These circumstances are peculiar to the parcel and are not applicable to other parcels of land.

b. Special circumstances and conditions do not result from the actions of the Applicant:

APPLICANT'S RESPONSE:

YES. The building out of the house to duplicate the house to the North, and fulfill its original design, and which was NOT in conflict with codes and setback of its time.

STAFF'S RESPONSE:

V-1 - YES: The special circumstances and conditions do not result from the actions of the Applicant. The narrow shape of the lot and the location of the home are not a result of the actions of the Applicant. The configuration of the lot, the positioning of the home, the lack of an attached garage, and the fact that it is a corner lot are inherent characteristics that existed before the Applicant's involvement.

c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:

APPLICANT'S RESPONSE:

YES. Other properties in the neighborhood, such as those corner lots on Washington Way and Roosevelt Road have similar positioning of homes on the property. The current limited access for the occupants' mobility will greatly improve by having same level egress with the amended home design. By granting, the variance will not confer any special privilege under current development code, and in fact grants the same rights other homes, with their maximized use of land, in the area had been enjoying for years.

STAFF'S RESPONSE:

V-1 - Granting the variance shall not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district. The Applicant is requesting a variance to encroach into the front and corner clip setbacks to allow for the reasonable development of the site. The Applicant is requesting to construct the addition with the reduced setbacks due the shape of the lot and the placement of the existing home on the lot.

d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship:

APPLICANT'S RESPONSE:

YES. The current limited access for the occupants' mobility will greatly improve by having same level egress with the amended home design. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels.

STAFF'S RESPONSE:

V-1 – Literal interpretation and enforcement of the terms and provisions of this code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship. Restricting the Applicant from building the garage addition that is typical to single family homes due to the unique configuration of the lot would deprive the Applicant of commonly enjoyed rights.

e. Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:

APPLICANT'S RESPONSE:

YES. The natural addition of the garage with minimal length for the usable garage. Furthermore, this will allow the owner to enter the property much further away from current parking near the corner of the property, thereby increasing site lines and decreasing obstructions for cars turning onto Jupiter Gardens Blvd.

STAFF'S RESPONSE:

V-1 – YES: Due to the constraints of the site, the requested variance is the minimum relief that will allow for the applicant the reasonable use of their property.

f. Granting the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:

APPLICANT'S RESPONSE:

YES. As stated above, this setback brings into line other corner homes in the area that was built in the same era and even some years after 1959. Including the owners' brothers' house to the North. By granting, this variance is consistent with the goals, objective and policies of the comprehensive plan and the code

STAFF'S RESPONSE:

V-1- YES: Granting of the variance will be consistent with the proposed, goals, objectives, and policies of the Comprehensive Plan and the Code. One of the primary goals and objectives of the Plan and the ULDC is to mitigate any potential impact by ensuring properties adhere to the required minimum setbacks of the Zoning District. The setbacks requested in this variance are comparable to the setbacks of the neighborhood. The addition will align with the existing house that has been there for many years. Therefore, granting of this variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code.

g. *Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:*

APPLICANT'S RESPONSE:

YES. This request does not have negative impacts on the adjacent and surrounding area. Granting this variance will not be injurious to the area involved and in fact increase the site lines by allowing the owner to park in a garage instead of the original parking area which is in violation of the current standards of site for intersections.

STAFF'S RESPONSE:

V-1 - YES: The granting of the variance will not be injurious to the area involved or otherwise detrimental to public welfare. The surrounding area is in the same zoning district as the subject site and supports other single-family dwellings.

Exhibit C – Conditions of Approval

ALL Petitions

1. 1. This Development Order is valid for one year from the effective date of the decision. Implementation of the Development Order requires the Applicant to obtain a building permit and receive approval of the first inspection. The granting of any time extensions shall be in accordance with Article 2.E. (DATE: ZONING - Zoning)

VARIANCE

1. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDG/PMT/CC/ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Development Review Officer relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Zoning Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Monitoring)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, Owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, Owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Monitoring)

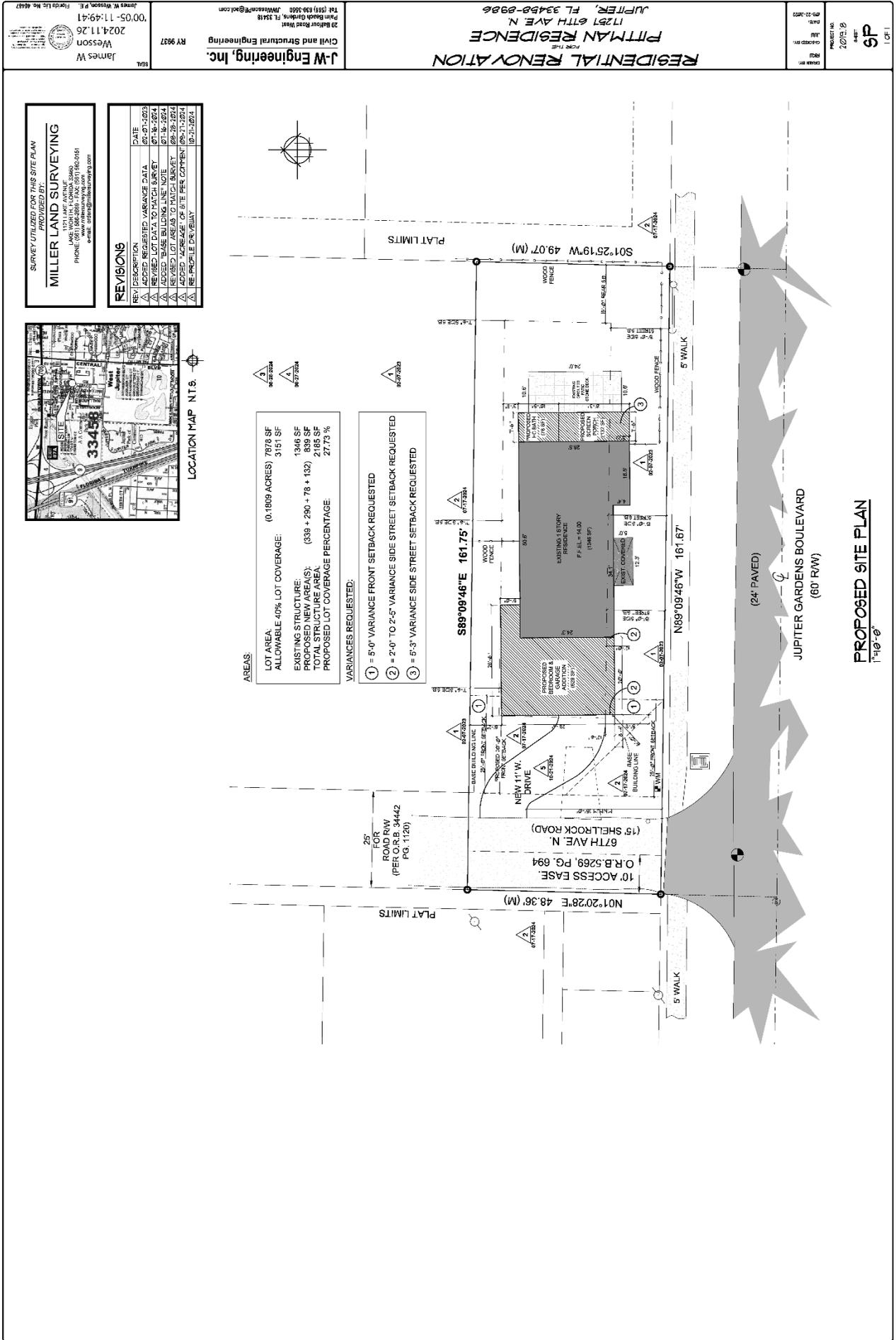
DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Exhibit D - Project History

The site has an existing Single Family residence built in 1959 and does not have any prior approvals by the Board of County Commissioners (BCC).

Exhibit E - Survey



J-W Engineering, Inc.
 Civil and Structural Engineering
 23 Babour Road West
 Palm Beach Gardens, FL 33418
 Tel: (561) 538-5558
 Fax: (561) 538-5516
 jw@jweng.com

James W. Wesson
 P.E.
 00-05-1149-41
 2024.11.26
 FPLS Lic. No. 46437

PITTMAN RESIDENCE
 17251 67TH AVE. N.
 JUPITER, FL 33458-8986

DATE: 05-11-2023
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT NO.: 2107

MILLER LAND SURVEYING
 PROVIDED BY:
 1405 WOODHILL AVENUE, SUITE 200
 WEST PALM BEACH, FL 33411
 PHONE: (561) 842-2888 • FAX: (561) 842-0161
 email: info@millersurvey.com

REV	DESCRIPTION	DATE
1	ACCEPTED REVISIONS	02-07-2023
2	REVISED LOT DATA TO MATCH SURVEY	07-18-2024
3	REVISED LOT AREA TO MATCH SURVEY	08-16-2024
4	ACCEPTED REVISIONS	08-16-2024
5	ACCEPTED REVISIONS	08-16-2024
6	ACCEPTED REVISIONS	08-16-2024
7	ACCEPTED REVISIONS	08-16-2024
8	ACCEPTED REVISIONS	08-16-2024
9	ACCEPTED REVISIONS	08-16-2024
10	ACCEPTED REVISIONS	08-16-2024
11	ACCEPTED REVISIONS	08-16-2024
12	ACCEPTED REVISIONS	08-16-2024
13	ACCEPTED REVISIONS	08-16-2024
14	ACCEPTED REVISIONS	08-16-2024
15	ACCEPTED REVISIONS	08-16-2024
16	ACCEPTED REVISIONS	08-16-2024
17	ACCEPTED REVISIONS	08-16-2024
18	ACCEPTED REVISIONS	08-16-2024
19	ACCEPTED REVISIONS	08-16-2024
20	ACCEPTED REVISIONS	08-16-2024



AREAS:

LOT AREA	(0.1809 ACRES)	7878 SF
ALLOWABLE 40% LOT COVERAGE:		3151 SF
EXISTING STRUCTURE:		1346 SF
PROPOSED NEW AREA(S):	(338 + 290 + 78 + 132)	839 SF
TOTAL STRUCTURE AREA:		2185 SF
PROPOSED LOT COVERAGE PERCENTAGE:		27.73 %

- VARIANCES REQUESTED:**
- 1 = 5'-0" VARIANCE FRONT SETBACK REQUESTED
 - 2 = 2'-0" TO 2'-5" VARIANCE SIDE STREET SETBACK REQUESTED
 - 3 = 5'-3" VARIANCE SIDE STREET SETBACK REQUESTED

Exhibit F – Justification Statement



PALM BEACH BUILDING CO

17340 67th Road North
Jupiter, FL 33458
CGC 1509280 CCC 1328981
561-657-0166

Imene Haddad
Senior Site Planner
2300 North Jog Road
West Palm Beach FL 33411

RE: Justification for Variance
for AV-2024-00109

Mrs. Haddad

On behalf of my client, Candace Pittman Gaines, of 17257 67th Road North, Jupiter, FL33458, are grateful to the whole staff you have to try to help us get through this process.

Following are some answers to questions that arise from our proposal to make the residence usable to the owners.

1. Special conditions and circumstances exists that are peculiar to the parcel of land, building of structure, that are not applicable to other parcel of land, building, or structures in the same zoning district. YES. This house was built in 1959 and was set back significantly compared to the house to the north.

In the interim the new building and land development codes were implemented making the original natural placement of that house, in context to other houses on that street, impossible.

2. Special conditions and circumstances do not result form the actions of the applicant. YES. The building out of the house to duplicate the house to the North, and fulfill it's original design, and which was NOT in conflict with codes and setback of it's time.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district. YES. Other properties in the neighborhood, such as those corner lots on Washington Way and also Roosevelt Road have similar positioning of homes on the property. The current limited access for the occupants mobility will greatly improve by having same level egress with the amended home design. By granting the variance will not confer any special privilege under current development code, and *in fact grants the same rights* other homes, with their maximized use of land, in the area had been enjoying for years.

4. GRANTING OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE REASONABLE USE OF THE PARCEL OF LAND, BUILDING, OR STRUCTURE. Correct. The natural addition of the garage with minimal length to for a usable garage. *Furthermore, this will allow the owner to enter the property MUCH FURTHER AWAY from current parking near the corner of the property, thereby increasing site lines and decreasing obstructions for cars turning onto Jupiter Gardens Blvd.*

5. GRANTING OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSE, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAND AND THIS CODE: Correct. As stated above, this setback brings into line other corner homes in the area that was built in the same era and even some years after 1959. Including the owners brother's house to the North. By granting this variance is consistent with the goals, objectives, and policies of the comprehensive plan and the code.

6. GRANTING THIS VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE BE DETRIMENTAL TO THE PUBLIC WELFARE. Correct. This request does not have negative impacts on the adjacent and surrounding areas. Granting this variance will not be injurious to the area involved and in fact INCREASE the site lines by allowing the owner to park in a garage instead of the original parking area which is in violation of current standards of site for intersections.



Thomas Ritch-Smith
Palm Beach Building Company

Exhibit G – Base Building Line Waiver



INTEROFFICE MEMORANDUM

Department of Engineering
and Public Works
P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
Fax: (561) 684-4050
www.pbcgov.com

**Palm Beach County
Board of County Commissioners**

Robert S. Weinroth, Mayor
Gregg K. Weiss, Vice Mayor
Maria G. Marino
Dave Kerner
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator
Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

TO: Permit Tech **DATE:** April 28, 2022
FROM: Ada O. Chavez, Project Coordinator II **FILE:** Section 03
Land Development Division *doc* Township 41
Range 42
RE: BASE BUILDING LINE WAIVER – 67th Rd N (17257)

PROPERTY LOCATION: THE SOUTH 50 FEET OF THE NORTH
1342.24 FEET OF THE EAST HALF OF
THE WEST ONE-QUARTER OF THE
NORTHEAST ONE-QUARTER, OF THE
SOUTHEAST ONE-QUARTER OF
SECTION 3, TOWNSHIP 41 SOUTH,
RANGE 42 EAST, PALM BEACH
COUNTY, FLORIDA.

67th Rd N (17257)
PCN 00-42-41-03-00-000-7170

The requirement that the Base Building Line for the above-described property be thirty (30) feet beyond the right-of-way line of the subject street is hereby waived.

The above waiver is contingent upon the Base Building Line established at the existing east line of the **25' Ingress/Egress Easement** on 67th Rd N, located along the west property line of the subject property (see attached Exhibit A).

The **SW corner** shall follow the standard twenty-five (25) foot corner clip alignment (see attached Exhibit A).

Copy to: Artis Pittman & Candace Pittman
561-744-2746 and palmbeachgtc@hotmail.com

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RE: 67th Rd N

