

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



**ADMINISTRATIVE VARIANCE – TYPE 1 - STAFF PUBLIC MEETING
STAFF REPORT
03/31/2022 09:00:00 AM**

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
AV-2022- 01411	5.B.1.A-Accessory Structure Dimensions	25 percent of the distance between property lines	42 percent of the distance between property lines	17 percent of the distance between property lines
SITUS ADDRESS:	5484 2nd Road, Lake Worth, FL 33467			
PCN:	00-42-43-27-05-032-1690			
OWNER NAME & ADDRESS:	Jerome Kreczmer 5484 2nd Rd. Lake Worth, FL 33467			
AGENT NAME & ADDRESS:	Susan Taylor Perry & Taylor PA 4500 PGA Blvd. Palm Beach Gardens FL 33418			
PROJECT MANAGER:	Imene Haddad, Senior Site Planner			
CONTROL NO:	2023-00001			
ZONING DISTRICT:	Agricultural Residential– AR			
LAND USE:	Low Residential– LR-2			
BCC DISTRICT:	01, Commissioner Maria Marino			
LEGAL AD:	Susan Taylor, Agent, for Jerome and Patricia Kreczmer, Owners, to allow an increase to 42 percent from the required 25 percent distance between side interior property lines. Location: 5484 2 nd Road, Lake Worth, FL 33467 approximately 0.34 miles north of Lantana Road within the (AR) Zoning District. (Control#: 2003-00001).			
LOT AREA:	1.09 acres			
LOT DIMENSIONS:	N/A			
CONFORMITY OF LOT:	Conforming			
CONFORMITY OF ELEMENT:	N/A			
TYPE OF ELEMENT:	N/A			
ELEMENT SIZE:	N/A			
BUILDING PERMIT #:	N/A			
NOTICE OF VIOLATION:	N/A			
CONSTRUCTION STATUS:	Proposed			
APPLICANT REQUEST:	To allow an increase from the 25 percent distance between side interior property lines for an accessory structure to 42 percent distance between side interior property lines.			

STAFF SUMMARY

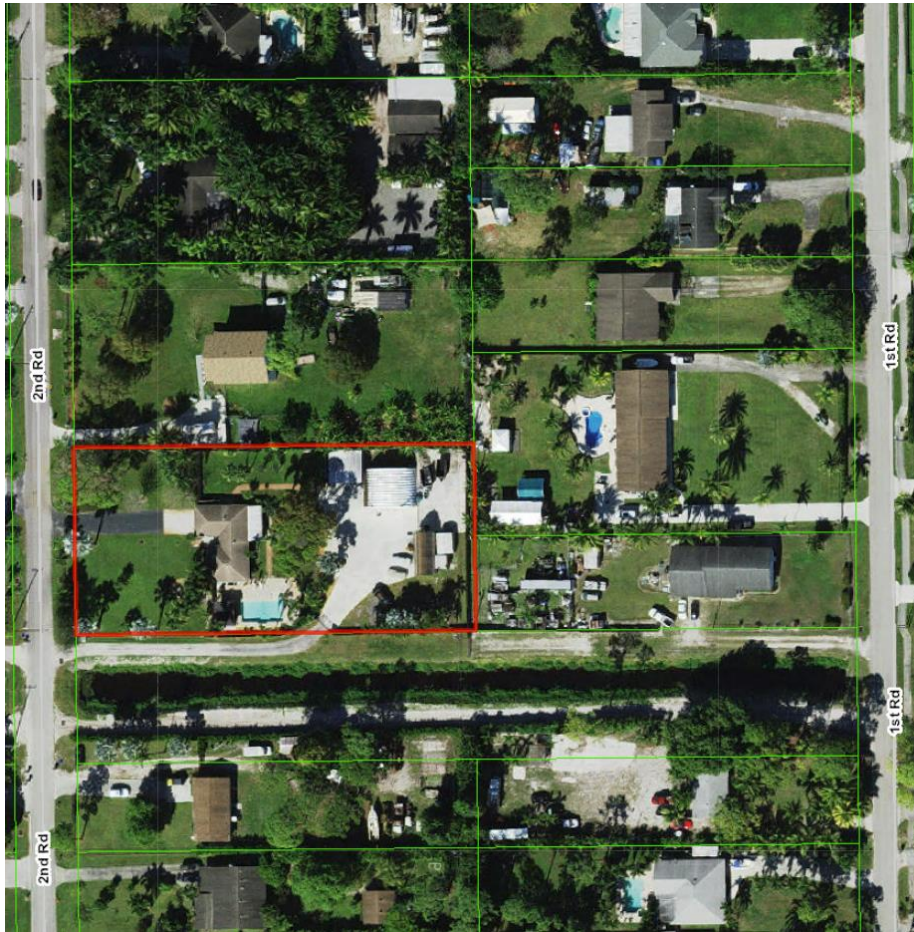
On December, 22, 2020 Palm Beach County Code Enforcement issued a Notice of Violation (C-2020-12090007) for improperly parked vehicle, construction work without permits and structures without building permits. The Code Enforcement Officer found four existing accessory structures with no permits. This includes a covered carport, a pergola, a shed and a Quonset hut. The barn was permitted under building permit B-1988-24973, issued on September 9, 1988.



In November, 2020 the Applicant submitted a building permit for the existing accessory structures. At time of building permit review it was

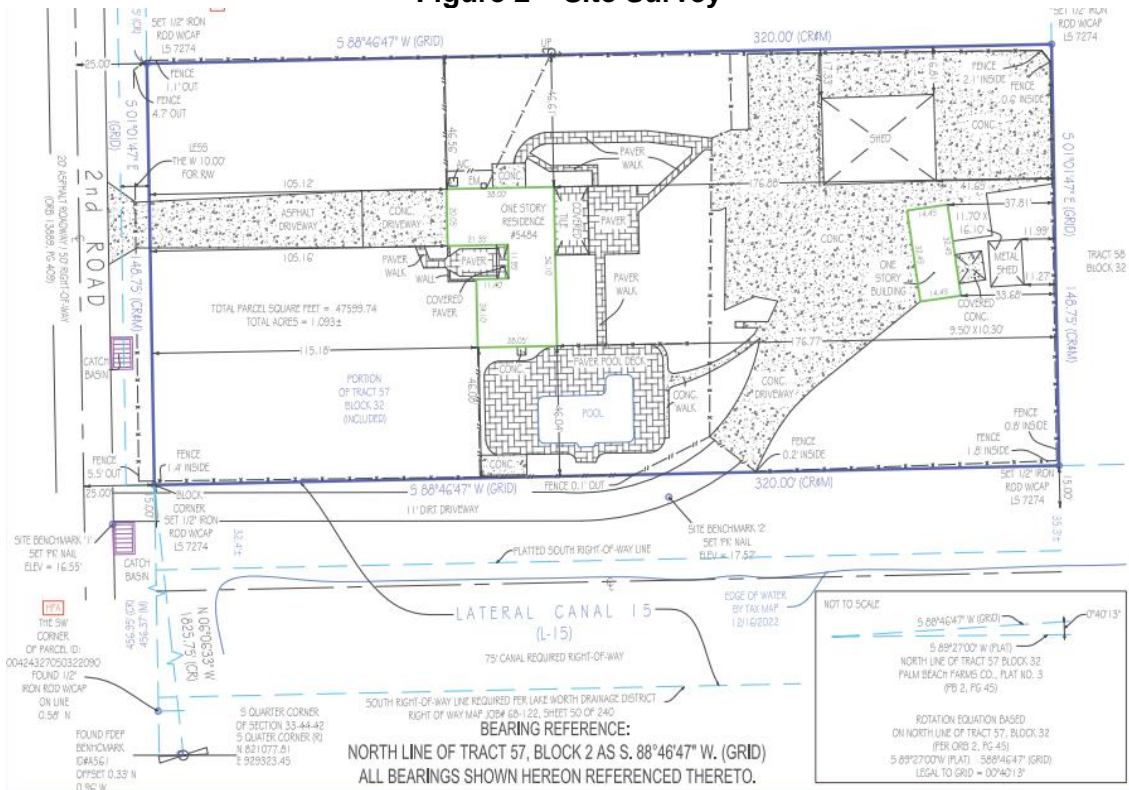
discovered that the structures were not in compliance with the maximum Accessory Structure Dimensions requirements. Pursuant to Article 5.B.1.A of the Unified Land Development Code (ULDC), all accessory structures located on a parcel in a residential district in the U/S tier, shall not occupy more than 25 percent of the distance between property lines. The requested variance will allow two of the accessory structures on site to occupy 42 percent of the distance between property lines. The proposed variance will allow for two of the accessory structures to remain. The Applicant intends to remove the covered carport (1), shed (3), and the pergola (5). The proposed variance will allow the pole barn (Structure 2) and the quonset hut (Structure 4).

FIGURE 1 – AERIAL VIEW



Staff has determined that the request is reasonable and in compliance with the purposes and objectives of the Comprehensive Plan and the ULDC. The applicant advises that the property owner adjacent to the area of expansion is not opposed to the variance. The request also meets the seven Standards as outlined in Article 2 of the ULDC.

Figure 2 – Site Survey



STAFF RECOMMENDATIONS

Staff recommends **approval with conditions** for a Type 1 Variance request, based upon the following application of the standards enumerated in Article 2, Section 2.D.3 of the Palm Beach County Unified Land Development Code (ULDC), which a petitioner must meet before the Administrative Variance Public Meeting Staff may authorize a variance.

ANALYSIS OF ARTICLE 2, SECTION 2.D.3.H.2 VARIANCE STANDARDS

1. 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 ZONING DISTRICT:

YES: Special conditions and circumstances exist that are peculiar to the parcel of land, the unpermitted structure is screened from the public right of way. It is located at the rear of the property behind the home. In addition, on the south side of the lot is lateral canal 15, a 75 foot wide canal that separates the parcel from the neighboring properties. The unpermitted structures were also installed by a prior owner.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

YES. The special circumstances and conditions do not result from the actions of the Applicant. The Applicant states, they purchased the property in 2019 and that all the structures were already in place at the time. This included a covered carport, a pergola, the pole barn and a Quonset hut. A Notice of Violation (C-2020-12090007) for the accessory structures which were constructed without a building permit. The Applicant advises that they were made aware of the ULDC Section 5.B.1.A prohibiting the existing accessory structures from occupying more than 25 percent of the distance between the property lines. To achieve compliance, the Applicant has since removed the covered carport and pool pergola, however, with the Quonset hut and pole barn in place, this criterion is still not met, but the percentage has been significantly reduced.

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. 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 allow an increase to 42 percent from the required 25 percent distance between side interior property lines due to the constraints of the site.

4. 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:

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. The literal interpretation of the Code would only allow the Applicant to keep the pole barn or the Quonset Hut, but not both.

5. GRANT OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

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.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

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.

7. THE GRANT OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The accessory structures are not visible from neighboring properties. The Quonset Hut and pole barn have been on the Property for over 10 years according to aerials taken by Palm Beach County.

ADMINISTRATIVE VARIANCE PUBLIC MEETING CONDITIONS

1. Prior to March 31, 2024 or the issuance of a building permit, the Property Owner shall have applied and received a building permit for the accessory structures. (DATE/BLDGPMT: BUILDING DIVISION - Zoning)
2. Prior to March 31, 2024 or the issuance of a building permit, whichever occurs first, the Property Owner shall remove the access driveway from the LWDD canal, or provide approval for the access driveway within the canal. (DATE/BLDG PERMIT: BUILDING DIVISION - Zoning)