

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



**ADMINISTRATIVE VARIANCE – TYPE 1 - STAFF PUBLIC MEETING  
STAFF REPORT  
3/31/2023 12:00:00 AM**

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
AV-2023- 00105	Table 5.B.1.A-3 Pool/Spa Setbacks	18 foot Side Street setback	8.78 foot Side Street Setback	9.22 feet
SITUS ADDRESS:	6212 Boyd Lane, Lake Worth, FL 33462			
PCN:	00-43-45-05-06-001-0660			
OWNER NAME & ADDRESS:	Tereina Walk 6212 Boyd Lane Lake Worth, FL 33462			
AGENT NAME & ADDRESS:	Beth Schrantz Dunay, Miskel and Backman, LLP 14 SE 4th St Boca Raton FL 33432			
PROJECT MANAGER:	Imene Haddad, Senior Site Planner			
CONTROL NO:	2023-00005			
ZONING DISTRICT:	Single-Family Residential– RS			
LAND USE:	Medium Residential– MR-5			
BCC DISTRICT:	02			
LEGAL AD:	Beth Schrantz, Agent, for Tereina Walk, Owner, to allow 9.22 foot reduction from the 18 foot required side-street accessory pool setback. Location: 6212 Boyd Lane, Lake Worth, FL 33462 on the northwest corner of Boyd Lane and Donnelly Drive in the (RS) Zoning District. (Control#: 2023-00005).			
LOT AREA:	0.23			
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:	N/A			
APPLICANT REQUEST:	To allow a 9.22 foot reduction from the 18 foot site-street setback			

**STAFF SUMMARY**

The subject property is located at 6212 Boyd Lane on the northwest corner of Boyd Lane and Donnelly Drive in the (RS) Zoning District. The parcel also has a Future Land Use (FLU) Designation of Medium Residential, 5 units per Acre (MR-5). The Applicant is proposing to construct a pool that would encroach on the required Side Street setback.

Pursuant to Article 5.B.1.A of the Unified Land Development Code (ULDC) the minimum side street setback for residential lots with a residential use is 18 feet. The Applicant has requested a variance to encroach 9.22 feet into the setback as shown in figure 2.

Staff has determined that the request is reasonable and is consistent 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 1 – AERIAL VIEW**

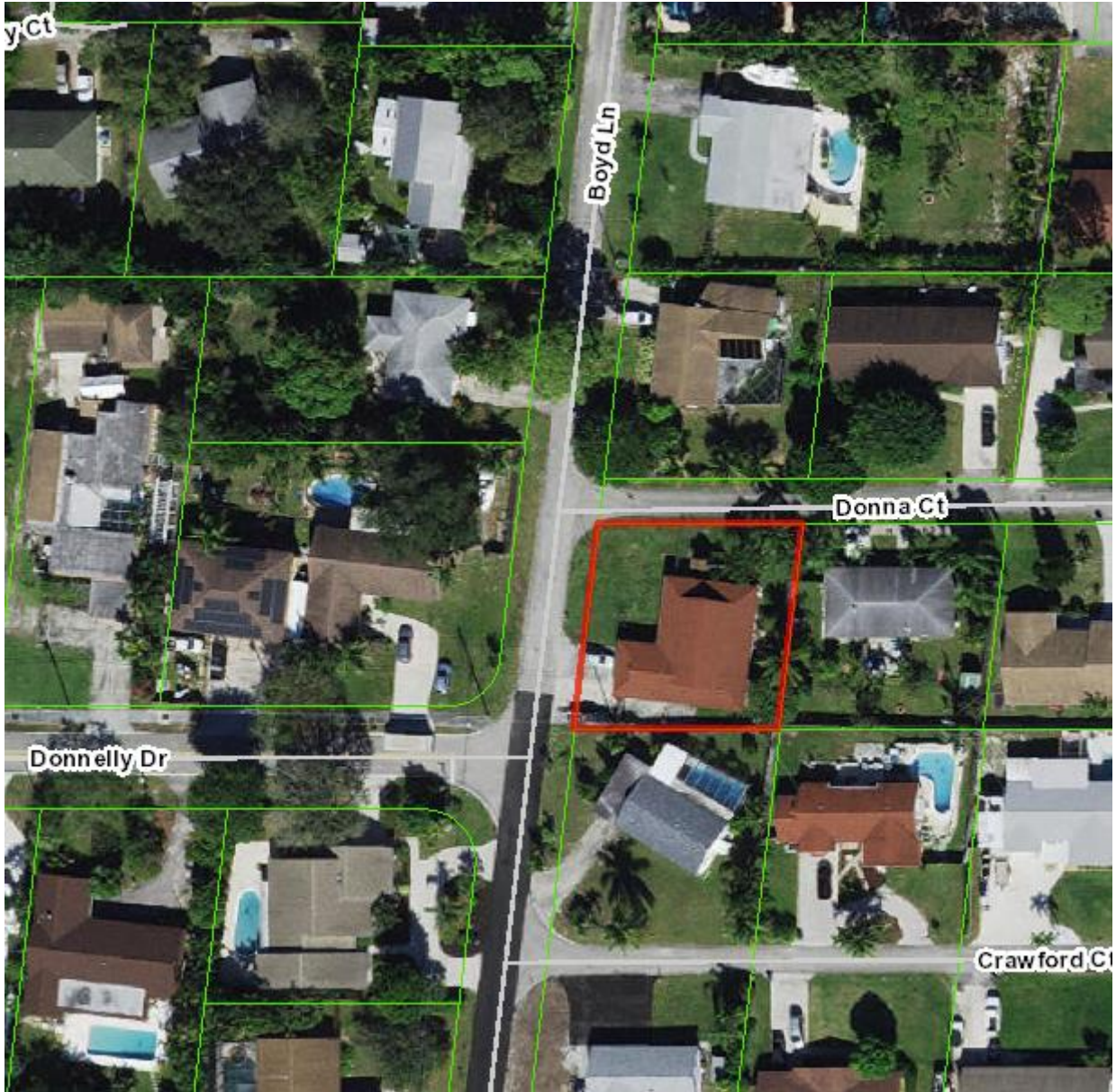
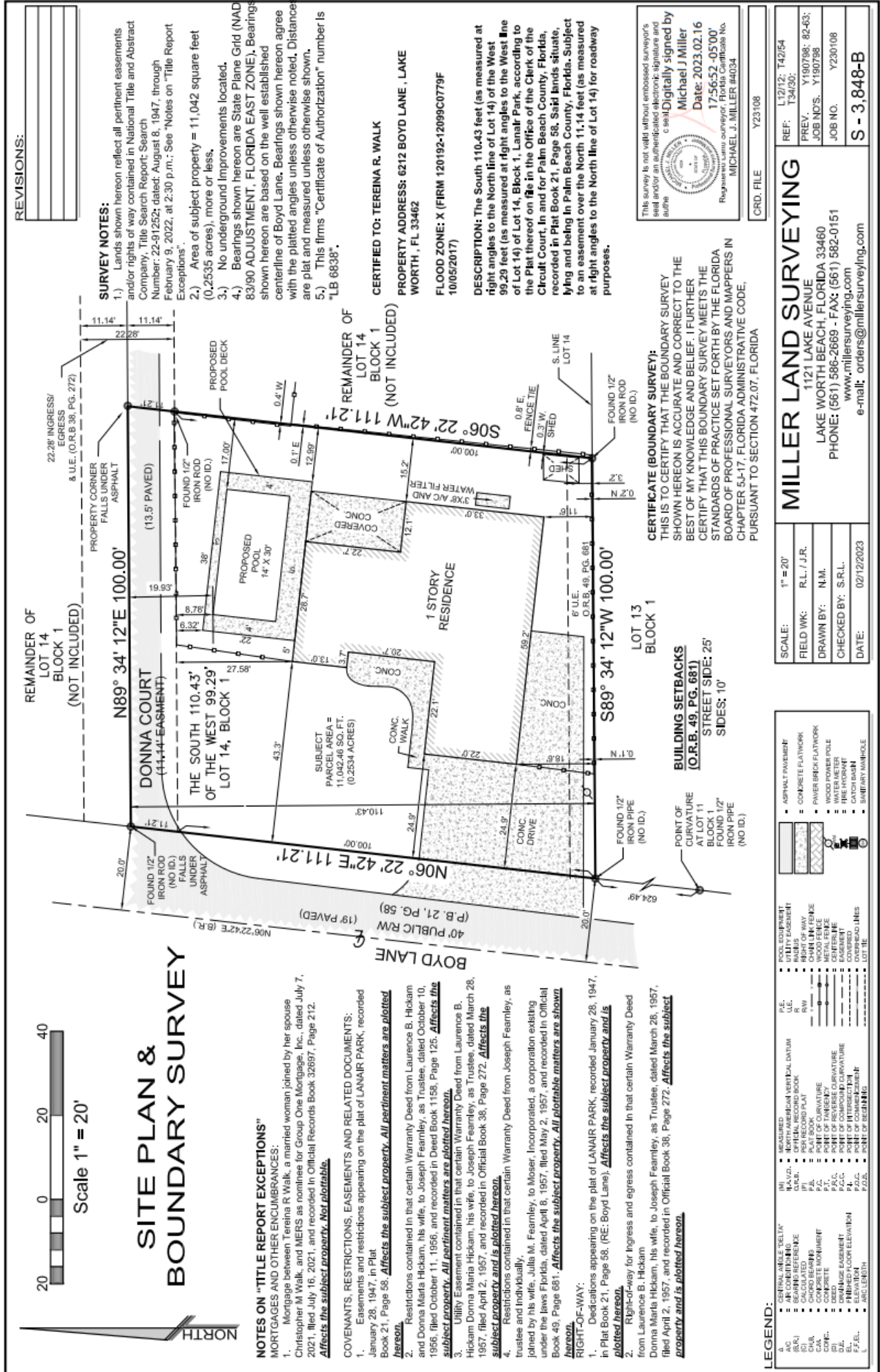


Figure 2 – Site Plan





## 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, building or structure that are not applicable to other parcels of land in the same zoning district. The Applicant advises that the side street setback of the property does not have adequate room to construct a pool with a setback requirement of 10.5 feet. The Applicant notes that the only appropriate location to construct a pool is the side yard to the north. The Applicant also states that the majority of the surrounding properties have swimming pools in their backyards. The location of the home on the parcel significantly encumbers the Applicant's ability to locate a pool on the rear or interior side yard. These circumstances are peculiar to the parcel and are not applicable to other parcels of land.

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 notes that the conditions by which the setbacks are created are based on the location of side yard on Donna Court. The Applicant explains that an 18 foot setback, would only allow for a five (5) foot pool. The existing home does not meet the minimum rear setback requirement for the RS district. The required rear setback in the RS district is a minimum of 15 feet, the house currently has a setback of 11.6 feet. This restricts the area available for these conditions were not a result of the actions of the Applicant. These conditions were not a result of the actions of the Applicant.

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 encroach into the side street setback to allow for the reasonable development of the site. The Applicant is requesting to construct the pool with the reduced side street setback due the narrowness of the rear yard and 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.

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

YES. Grant of the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure. The requested 9.22 foot encroachment on the side street setback is the minimum needed to allow for the proposed pool on the single-family parcel. Due to the constraints of the site, the variance is the minimum variance that will make it possible 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. Because the majority of the properties in the community have pools in their backyards and side yard, the addition of a pool on the Property would maintain and further this community-wide characteristic.

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 Applicant notes that the majority of the surrounding properties have pools in their backyards and side yards. The Applicant wishes only to enjoy the same privilege as her neighbors.

**ADMINISTRATIVE VARIANCE PUBLIC MEETING CONDITIONS**

1. On or prior to March 31, 2024, the Property Owner shall have applied and received a building permit for the proposed pool. (BLDGPMT/CO/DATE: BUILDING DIVISION - Building Division)

Figure 2 – Side Street setback

