

# AGENDA

## PALM BEACH COUNTY ADMINISTRATIVE VARIANCE TYPE I-B STAFF PUBLIC MEETING 4/19/2007

### ADMINISTRATIVE VARIANCE PUBLIC MEETING

Alan Seaman	Principal Site Planner
Vacant	Senior Site Planner
Joseph Cearley	Planner I
Aaron Taylor	Planner I
Juanita James	Zoning Technician
Annette Stabilito	Secretary
Lauren Benjamin	Student Para-professional

Addie L. Greene  
Chairperson, District 7

Jeff Koons  
Vice Chair, District 2

Karen T. Marcus  
Commissioner, District 1

Warren H. Newell  
Commissioner, District 3

Mary McCarty  
Commissioner, District 4

Burt Aaronson  
Commissioner, District 5

Jess R. Santamaria  
Commissioner, District 6



Robert Weisman  
County Administrator

"An Equal Opportunity - Affirmative Action Employer"

2300 N. Jog Rd, West Palm Beach, Florida 33411 (561) 233-5200



## AGENDA

### PALM BEACH COUNTY

#### ADMINISTRATIVE VARIANCE TYPE I-B

#### STAFF PUBLIC MEETING

4/19/2007

- I. INTRODUCTION OF PROCESS
- II. CONFIRMATION MAILING 300' NOTICES
- III. REMARKS OF PRINCIPAL PLANNER
- IV. APPROVAL OF AGENDA
- V. AGENDA

**Withdrawn Item(s):**

None.

**Potsoned Item(s):**

None.

**Consent Item(s):**

**AVB2007-00143**

Charles E. Smith, owner, to allow proposed columns to encroach into the required front setback. LOC: 6387 Indian Trail Drive, approx. 0.59 mile E of Seminole Pratt Whitney Rd. and approx. 0.3 mile N of 60th St. N, in the AR Zoning District (PET: 2007-040).

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Development Order and **2** Condition(s) – Pg. 5

Staff Recommendations: **Approval with Condition(s)**

Joseph Cearley, Planner I

**AVB2007-00269**

Larry Mason, owner, to allow a proposed addition to encroach into the required front setback and for an attached garage to encroach into the required side interior setbacks. LOC: 16079 128th Trail North, approx. .04 mile N of Randolph Siding Rd., and approx. .05 mile E of 130th Ave. North, in the AR Zoning District (PET: 2007-068).

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Development Order and **3** Condition(s) – Pg. 10

Staff Recommendations: **Approval with Condition(s)**

Joseph Cearley, Planner I

**AVB2007-00277**

Jason Murphy, owner, to allow a proposed addition to encroach into the required side interior setback. LOC: 4809 Kirkwood Road, approx. 0.046 mile S of Melaleuca Lane and approx. 0.07 mile E of Kirk Road, in the RM Zoning District (PET: 2007-071).

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Development Order and **2** Condition(s) – Pg. 15

Staff Recommendations: **Approval with Condition(s)**

Aaron Taylor, Planner I

**AVE2007-00363**

Land Design South, Inc., agent, for Southland Centers II , LLC, owner, to allow a 12 month time extension on the Development Order, in order to vest the approved variance BA-2006-223. LOC: 13800 Jog Road, approx. 0.21 mile N of Lake Ida Road, and approx. 0.48 mile W of El Clair Ranch Road, within the Spalding MUPD, in the MUPD Zoning District (PET: 1999-092).

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Development Order and **3** Condition(s) – Pg. 18

Staff Recommendations: **Approval with Condition(s)**

F. Alan Seaman, Principal Site Planner and Juanita James, Zoning Technician

**VI. ADJOURNMENT**

In accordance with the ADA, this document may be requested in an alternative format. Auxiliary aids or services will also be provided upon request with at least three days notice. Please contact the Public Information Administrative Approvals section at (561) 233-5302.

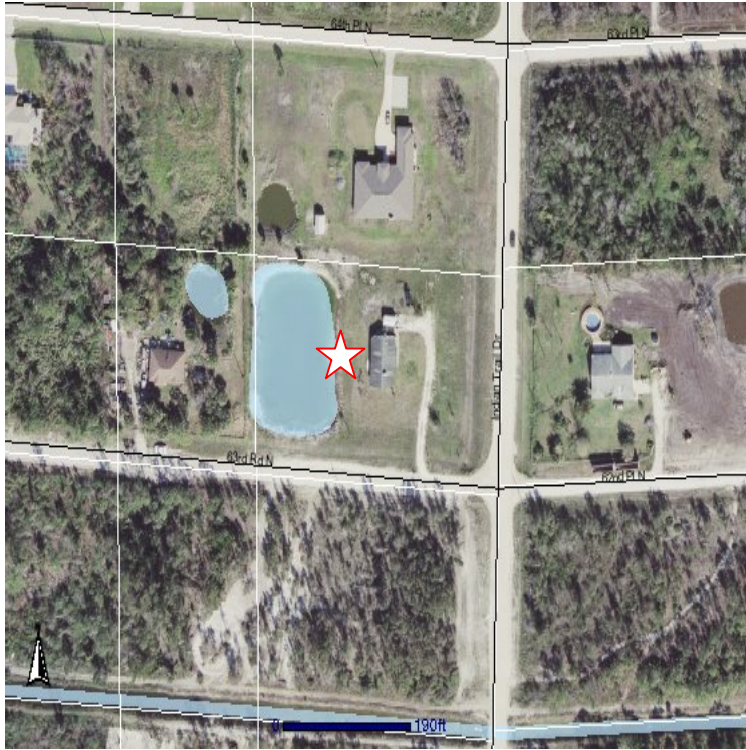
**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**



**ADMINISTRATIVE VARIANCE – TYPE I B - STAFF PUBLIC MEETING  
STAFF REPORT  
4/19/2007**

<b>AGENDA ITEM</b>	<b>CODE SECTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>VARIANCE</b>
AVB-2007- 00143	3.D.1.A.5 Front setback	100 ft	92.5 ft	7.5 ft
SITUS ADDRESS:	6387 Indian Trail Dr Loxahatchee, FL 33470			
AGENT NAME & ADDRESS:	None			
OWNER NAME & ADDRESS:	Charles Smith 6387 Indian Trail Dr Loxahatchee FL 33470			
PCN:	00-40-42-36-00-000-5260			
ZONING DISTRICT:	AR			
BCC DISTRICT:	06			
PROJECT MANAGER:	Joseph Cearley			
LEGAL AD:	Charles E. Smith, owner, to allow proposed columns to encroach into the required front setback. LOC: 6387 Indian Trail Drive, approx. 0.59 mile E of Seminole Pratt Whitney Rd. and approx. 0.3 mile N of 60th St. N, in the AR Zoning District (PET: 2007-040).			
LAND USE:	RR-2.5	S/T/R: 36-42-40		
PETITION #:	2007-00040			
LOT AREA:	2.13			
LOT DIMENSIONS:	212.62' x 382.52'			
CONFORMITY OF LOT:	Non-conforming			
CONFORMITY OF ELEMENT:	Non-conforming			
TYPE OF ELEMENT:	Structure			
ELEMENT SIZE:	720 s.f.			
BUILDING PERMIT #:	Pending on approval of Variance			
NOTICE OF VIOLATION:	None			
CONSTRUCTION STATUS:	Proposed			
APPLICANT REQUEST:	to allow columns to encroach into the required front setback			

## STAFF SUMMARY



**AERIAL**

The subject property is located at 6387 Indian Trail Drive, approximately 0.59 mile East of Seminole Pratt Whitney Road, and approximately 0.3 mile North of 60<sup>th</sup> Street North within the Agricultural Residential (AR) zoning district. The applicant is seeking relief from the provisions of the Unified Land Development Code (ULDC) in order to allow a covered porch to encroach into the required front setback. The encroachment will exceed the required 100 ft setback by 7.5 ft, for a proposed setback of 92.5 ft. The applicant wishes to enhance the Single Family Dwelling by improving the front entrance appearance. The home was built without a front porch, and is situated upon a nonconforming lot.



**FACING NW**



**FACING NORTH**



## STAFF RECOMMENDATIONS

**Approved with Conditions**, 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.G.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 exist that are peculiar to the structure, or parcel of land that are not applicable to other structures or parcels because there is an existing pond located on the West side of the parcel (Rear) that did not allow for SFD to be centrally located on the lot. The existing pond forced the placement of the structure further to the front of the building envelope, thus limiting the amount of development that could occur to the front of the site. There are other homes in the area that are benefitting from similar types of advantages.

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

**Yes.** Special circumstances do not result from the actions of the applicants because the existing pond at the rear of the lot (West) restricts the front portion of the lot (East) from being further developed. The situation was existing prior to development.

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 privileges because it is a reasonable use of the property and will improve the residential ambience of the surrounding area. A large portion of the West (Rear) lot is undevelopable due to the existing pond, so the proposed structure will not be too intensive for the size of the lot.

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:

**Yes.** Literal Interpretation of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by others parcels. The applicant wishes to improve the front entrance feature to his home. This will in turn improve the appearance and increase the value of his home, thus facilitating the residential ambience of the surrounding area.

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

**Yes.** The grant of variance is the minimum variance that could be requested because the applicant wishes to improve the front entrance feature of his home, and there are no alternative design options which would allow for a reduction or elimination of this variance due to the front of his home being placed directly at the limit of the required front setback.

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

**Yes.** Grant of the variance will be consistent with the goals and objectives of the comprehensive plan and the ULDC because the request is consistent with the surrounding area and will have no impact on neighboring properties.

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

**Yes.** The grant of the variance will not be injurious to the area involved because there are surrounding properties whom are already benefitting from the use of front entry features.

**AGENCY COMMENTS**

None

**ZONING COMMENTS**

None

**DEVELOPMENT ORDER**

The development order for this particular variance shall lapse on **4/19/2008**, one year from the approval date.  
(DATE: MONITORING:Zoning)

**ADMINISTRATIVE VARIANCE – TYPE I B – STAFF PUBLIC MEETING CONDITIONS**

1. By **04/19/08**, the property owner shall provide the Building Division with a copy of the Administrative Variance Staff Public Meeting Result Letter and a copy of the site plan and/or survey presented to the staff, simultaneously with the building permit application. (ONGOING-BLDG PERMIT: BLDG)
2. Prior to the Development Order expiration, the project shall have received and passed the first building inspection.  
(DATE: MONITORING-ZONING)



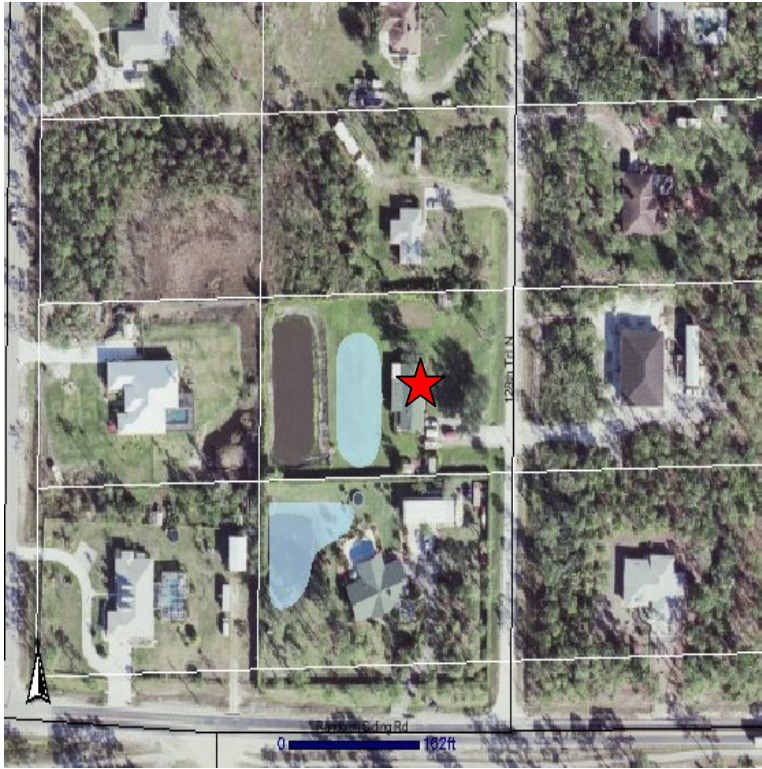
**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**



**ADMINISTRATIVE VARIANCE – TYPE I B - STAFF PUBLIC MEETING  
STAFF REPORT  
4/19/2007**

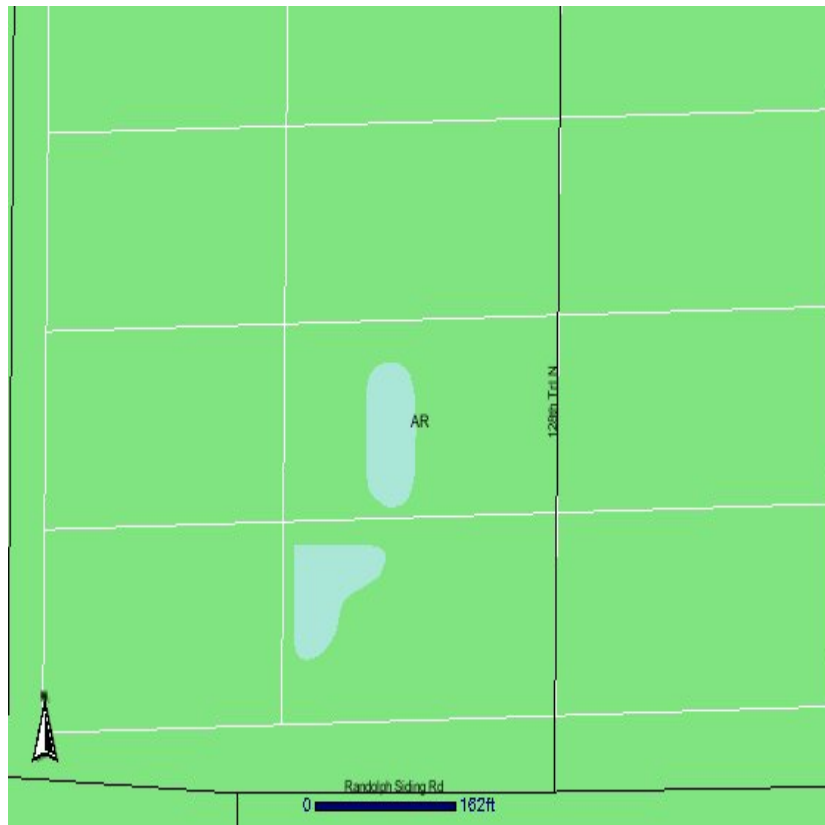
AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
AVB-2007- 00269	3.D.1.A.5 Front setback	84.8 ft	76.9 ft	7.9 ft
	3.D.1.A Interior side setback	25 ft	22.7 ft	2.3 ft
SITUS ADDRESS:	16079 128th Trl N Jupiter 33478			
AGENT NAME & ADDRESS:	None			
OWNER NAME & ADDRESS:	Larry Mason 16079 128th Trl N Jupiter FL 33478			
PCN:	00-41-41-10-00-000-7440			
ZONING DISTRICT:	AR			
BCC DISTRICT:	01			
PROJECT MANAGER:	Joseph Cearley			
LEGAL AD:	Larry Mason, owner, to allow a proposed addition to encroach into the required front setback and for an attached garage to encroach into the required side interior setbacks. LOC: 16079 128th Trail North, approx. .04 mile N of Randolph Siding Rd., and approx. .05 mile E of 130th Ave. North, in the AR Zoning District (PET. 2007-068).			
LAND USE:	RR-10	S/T/R: 10-41-41		
PETITION #:	2007-00068			
LOT AREA:	1.25 acres			
LOT DIMENSIONS:	approx. 313.28 ft x 170.10 ft			
CONFORMITY OF LOT:	Non-conforming			
CONFORMITY OF ELEMENT:	Non-conforming			
TYPE OF ELEMENT:	Garage, Front Porch			
ELEMENT SIZE:	Varies			
BUILDING PERMIT #:	Pending upon approval of Type Ib Variance			
NOTICE OF VIOLATION:	None			
CONSTRUCTION STATUS:	Proposed			
APPLICANT REQUEST:	To allow a proposed addition to encroach into the required front setback and for an attached garage to encroach into the required side interior setbacks.			

## STAFF SUMMARY

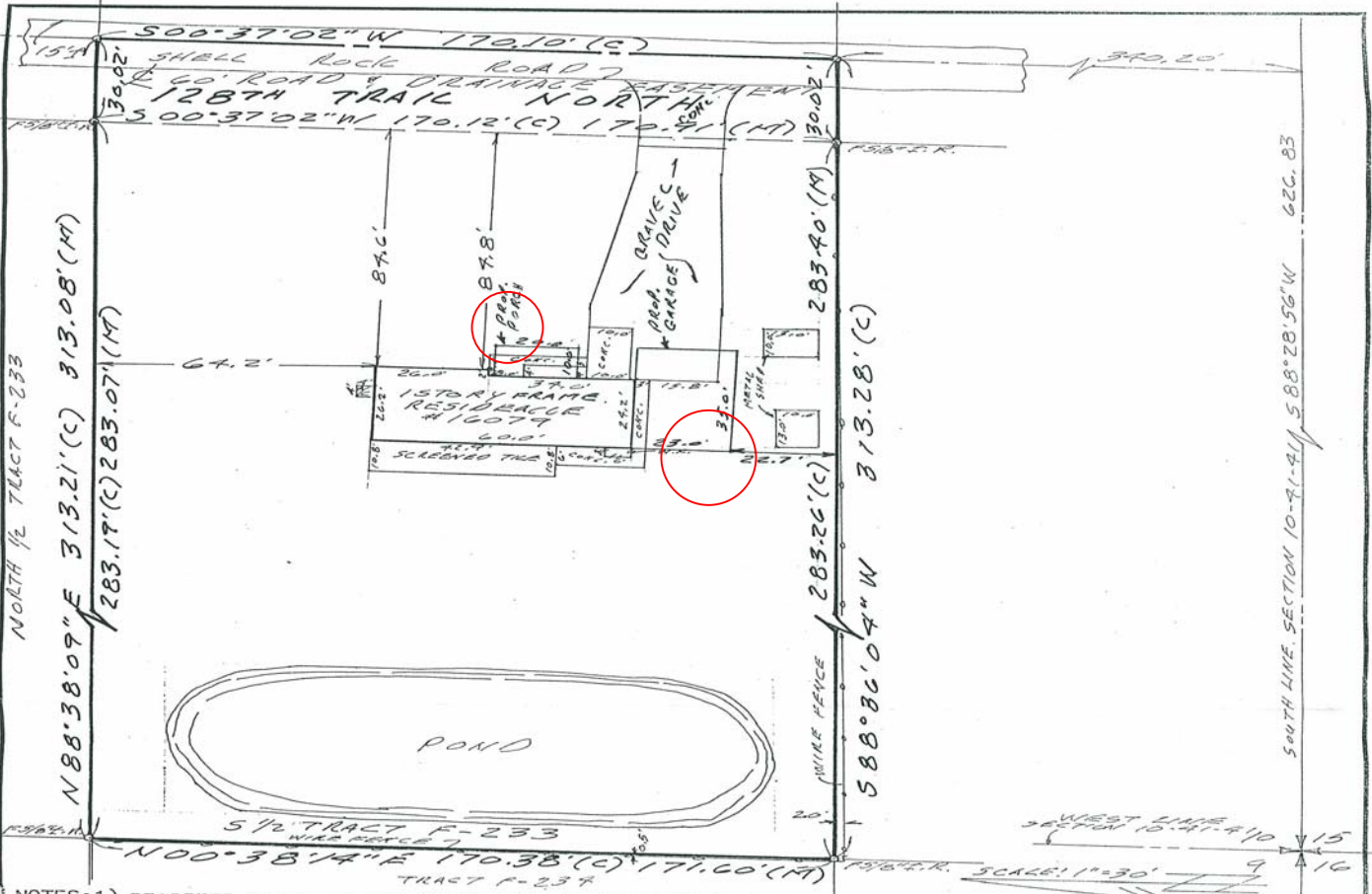


### AERIAL

The subject property is located at 16079 128<sup>th</sup> Trail North, approximately .04 mile North of Randolph Siding Road and approximately .05 mile East of 130<sup>th</sup> Avenue North within the AR Zoning District. The applicant is seeking relief from the provisions of the ULDC to allow two proposed additions to an existing SFD to encroach into the Front and Side Interior setbacks. The structure was not centrally located when built which limits the potential to further develop the property on the South property line. There is a septic tank and drain field located on the North property line, and a retention pond located to the East of the structure. Staff is recommending approval of this variance because the applicant has demonstrated that there are no alternative design options.



SITE PLAN and/or SURVEY



NOTES: 1) BEARINGS BASED ON THE SOUTH LINE OF SECTION 10-41-41 BEING S88°28'56\"/>

LEGAL DESCRIPTION (AS FURNISHED BY CLIENT):  
 BOUNDARY AND IMPROVEMENT SURVEY OF:  
 THE SOUTH 1/2, OF THE NORTHEAST 1/4, OF THE SOUTHWEST 1/4,  
 OF THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, SECTION 10,  
 TOWNSHIP 41 SOUTH, RANGE 41 EAST; A/K/A SOUTH ONE-  
 HALF OF PARCEL F-233.

- |   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li>L = ARC LENGTH</li> <li>ASPH = ASPHALT</li> <li>B.M. = BENCHMARK</li> <li>IC = CALCULATED</li> <li>S = CENTERLINE</li> <li>C.L. = CENTRAL ANGLE DELTA</li> <li>C.L.F. = CHAIN LINK FENCE</li> <li>C.B. = CHIRP BEARING</li> <li>CONC = CONCRETE</li> <li>C.B.I.S. = CONCRETE BLOCK (STRUCTURE)</li> <li>D.B. = DIED BOOK</li> <li>ID = IDescription</li> <li>D.H. = DRILL HOLE</li> <li>D.W. = DRIVEWAY</li> <li>EMT = EASEMENT</li> <li>ELEV = ELEVATION</li> </ul> | <ul style="list-style-type: none"> <li>ENC = ENCROACHMENT</li> <li>J.M. = FIELD MEASUREMENT</li> <li>F.F. = FINISHED FLOOR</li> <li>F.H. = FIRE HYDRANT</li> <li>F.C.M. = FOUND CONCRETE MONUMENT</li> <li>F.I.P. = FOUND IRON PIPE</li> <li>F.I.R. = FOUND IRON ROD</li> <li>F.P.K. = FOUND PARKER-KALON NAIL</li> <li>M.H. = MANHOLE</li> <li>N.D. = NAIL AND DISK</li> <li>O.R.B. = OFFICIAL RECORDS BOOK</li> <li>O.D. = OFFSHORE DRAINAGE</li> <li>O.H. = OVERHEAD UTILITY LINE</li> <li>PC = PILE</li> <li>P.V.M. = PAVEMENT</li> <li>P.C.P. = PERMANENT CONTROL POINT</li> <li>P.R.M. = PERMANENT REFERENCE MONUMENT</li> <li>P.B. = PLAT BOOK</li> </ul> | <ul style="list-style-type: none"> <li>(P) = PLAT DIMENSION</li> <li>P.L.R. = PLANTED</li> <li>P.O.B. = POINT OF BEGINNING</li> <li>P.O.C. = POINT OF COMMENCEMENT</li> <li>P.C. = POINT OF CURVATURE</li> <li>P.R.C. = POINT OF REVERSE CURVE</li> <li>P.T. = POINT OF TANGENCY</li> <li>R. = RADIUS (RADII)</li> <li>R.O.W. = RIGHT OF WAY</li> <li>S 1/2 I.R. = SET 1/2" FROM ROD &amp; CAP (L.B. 15840)</li> <li>S.W. = SIDEWALK</li> <li>T.B.M. = TEMPORARY BENCHMARK</li> <li>T.P. = TYPICAL</li> <li>U.P. = UTILITY POLE (POWER OR TELEPHONE)</li> <li>W.C. = WOOD CORNER</li> <li>W.F. = WOOD FENCE</li> <li>W.M. = WATER METER</li> </ul> |
|---|--|--|

NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED AS PART OF THIS SURVEY, UNLESS SHOWN OR MADE NOTE OF HEREON.

NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP HAVE BEEN FURNISHED THIS SURVEYOR, EXCEPT AS SHOWN.

ENCROACHMENTS, IF ANY, ARE AS SHOWN HEREON.

DIMENSIONS PREVAIL OVER SCALE

SUBJECT PROPERTY SHOWN HEREON IS LOCATED IN FEDERAL INSURANCE ADMINISTRATION DESIGNATED FLOOD HAZARD AREA, FLOOD ZONE "B"

AS PER THE NATIONAL FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 120192 0050 B, DATED OCTOBER 15, 1982.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND THAT IT IS A TRUE AND ACCURATE REPRESENTATION OF THE PROPERTY SURVEYED AND THAT IT CONFORMS TO THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

*Mark W. Teepe* 3/5/07  
 MARK W. TEEPE, P.S.M.  
 FLORIDA CERTIFICATE NO. 4811  
 NOT VALID UNLESS EMBOSSED WITH SURVEYORS SEAL

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**GPS LAND SURVEYING, INC.**  
 12230 Forest Hill Blvd., Suite 170, Wellington, Florida 33414  
 Phone (561) 434-0865 FAX (561) 965-4913

CERTIFIED TO:  
 LARRY E. AND JENELLE R. MASON

FIELD DATE: FEBRUARY 7, 2007	SCALE: 1" = 30'	ADDRESS: 16079 128TH TRAIL NORTH JUPITER, FLORIDA 33478-6526
REVISED:	DRAWN BY: P.H.	
JOB ORDER NO. 02-017-07	F.O. SP1	PG. 1-2

SURVEY DOCUMENT

## STAFF RECOMMENDATIONS

**Approved with conditions**, 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.G.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.** There are special conditions that exist that are peculiar to the property that are not applicable to other parcels of land in the same zoning district because the structure is not centrally located on the parcel. The lot supports and existing SFD that borders an existing pond towards the rear of the lot and is located more towards one side than the other, which hinders any expansion possibilities that would comply with present ULDC standards.

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

**Yes.** Special circumstances and conditions do not result from the actions of the applicant because the house was centrally located when built. The side of the lot which is not limited in distance from the structure, due to mislocation of the SFD, cannot support a garage because there is an existing septic tank and drainfield located there. Therefore the only option for expansion is on the side which is limited in distance from the property line to the structure.

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 because it is a reasonable request for the use of the lot. The front porch and garage addition will improve the quality of life for the applicant and also provide uniformity with other houses in the surrounding area.

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:

**Yes.** Literal interpretation and enforcement of the provisions of the ULDC would deprive the applicant of rights commonly enjoyed by others because the house was not centrally located when built and was constructed without a porch or garage. The proposed uses would be consistent with the surrounding properties in the area because there are other homes in the area benefitting from similar advantages. The additions will be architecturally compatible with the existing SFD thus improving the aesthetics of the home and the residential character of the area.

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

**Yes.** The grant of the variance is the minimum variance that will make possible the reasonable use of the land because there are no other alternative design options which would allow for a garage to be located uniformly adjacent to the SFD. The addition of a front porch is a reasonable request for use of the property and will improve the aesthetics of the SFD and conform with other homes in the surrounding area already taking advantage of similar benefits.

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

**Yes.** The grant of the variance will be consistent with the purpose and intent of the ULDC and comprehensive plan because the request will improve the residential ambiance of the surrounding area and will improve the quality of life for the applicant.

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

**Yes.** The grant of the variance will not be injurious to the area involved because the request is consistent with the design of homes within the surrounding area and will comply with the residential character of the area.

### **AGENCY COMMENTS**

1. Identify a sufficient number of Government Corners to allow an accurate location of the property in relationship to the Legal Description. Also identify the Control Points or position being used at each Government Corner shown or added to the Survey. **(resolved)**
2. Identify the acreage and square footage of the site on the map sheet of the Survey. **(resolved)**
3. Identify, leader and label the existing right-of-way record information for the adjacent roadways on the map sheet of the Survey. **(resolved)**
4. Insufficient information being shown on the Survey to calculate boundary closure based on measured dimensions. Insure closure and that sufficient information to support the Survey is shown. **(resolved)**

### **ZONING COMMENTS**

None

### **DEVELOPMENT ORDER**

The development order for this particular variance shall lapse on **4/19/2008**, one year from the approval date.  
(DATE: MONITORING:Zoning)

### **ADMINISTRATIVE VARIANCE – TYPE I B – STAFF PUBLIC MEETING CONDITIONS**

1. The property owner shall provide the Building Division with a copy of the Administrative Variance Staff Public Meeting Result Letter and a copy of the site plan and/or survey presented to the staff, simultaneously with the building permit application. (ONGOING-BLDG PERMIT: BLDG)
2. Prior to the Development Order expiration, the project shall have received and passed the first building inspection. (DATE: MONITORING-ZONING)
3. Prior to the Certificate of Occupancy, the applicant shall remove two storage sheds located within the side setbacks of the subject property. (EVENT: CERTIFICATE OF OCCUPANCY: BLDG)

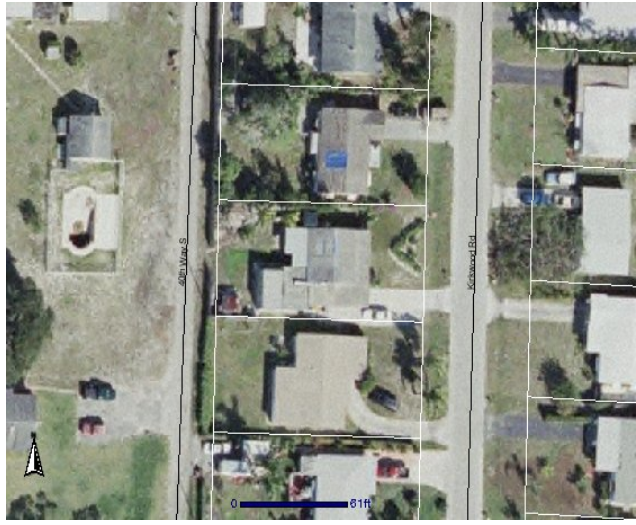
**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**



**ADMINISTRATIVE VARIANCE – TYPE I B - STAFF PUBLIC MEETING  
STAFF REPORT  
4/19/2007**

<b>AGENDA ITEM</b>	<b>CODE SECTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>VARIANCE</b>
AVB-2007- 00277	3.D.1.A Interior side setback	7.5 ft	6.25 ft	1.25 ft
SITUS ADDRESS:	4809 Kirkwood Rd Lake Worth 33461			
AGENT NAME & ADDRESS:	Jason Murphy 4809 Kirkwood Rd Lake Worth FL 33461			
OWNER NAME & ADDRESS:	Jason Murphy 4809 Kirkwood Rd Lake Worth FL 33461			
PCN:	00-42-44-25-13-002-0050			
ZONING DISTRICT:	RM			
BCC DISTRICT:	03			
PROJECT MANAGER:	Aaron Taylor			
LEGAL AD:	Jason Murphy, owner, to allow a existing addition to encroach into the required side interior setback. LOC: 4809 Kirkwood Road, approx. 0.046 mile S of Melaleuca Lane and approx. 0.07 mile E of Kirk Road, in the RM Zoning District (PET: 2007-071).			
LAND USE:	HR-12	S/T/R: 25-44-42		
PETITION #:	2007-00071			
LOT AREA:	0.15			
LOT DIMENSIONS:	Approx. 60 ft x 117 ft			
CONFORMITY OF LOT:	Non-conforming			
CONFORMITY OF ELEMENT:	Non-conforming			
TYPE OF ELEMENT:	Addition			
ELEMENT SIZE:	26.4 ft x 20.10 ft			
BUILDING PERMIT #:	None			
NOTICE OF VIOLATION:	None			
CONSTRUCTION STATUS:	Complete			
APPLICANT REQUEST:	To allow a existing addition to encroach into the required side interior setback.			

**STAFF SUMMARY**



**AERIAL**

The Subject property is located at 4809 Kirkwood Road, approximately .046 miles South of Malalauca Lane and approximately .07 miles East of Kirk Road within the Medium Residential (RM) zoning district. The applicant is proposing to allow existing addition to encroach into the side-interior setback of the parcel by 1.25 ft. The ULDC requires 7.5ft separation from the principle structure to the property line. The applicant sought to receive building permits for interior renovations to the addition, and discovered that the previous owners constructed the existing addition without permits. The ability to retain the existing addition would allow the applicant to maximize to use of the property, bring the property into compliance and allow additional space for an expanding family.

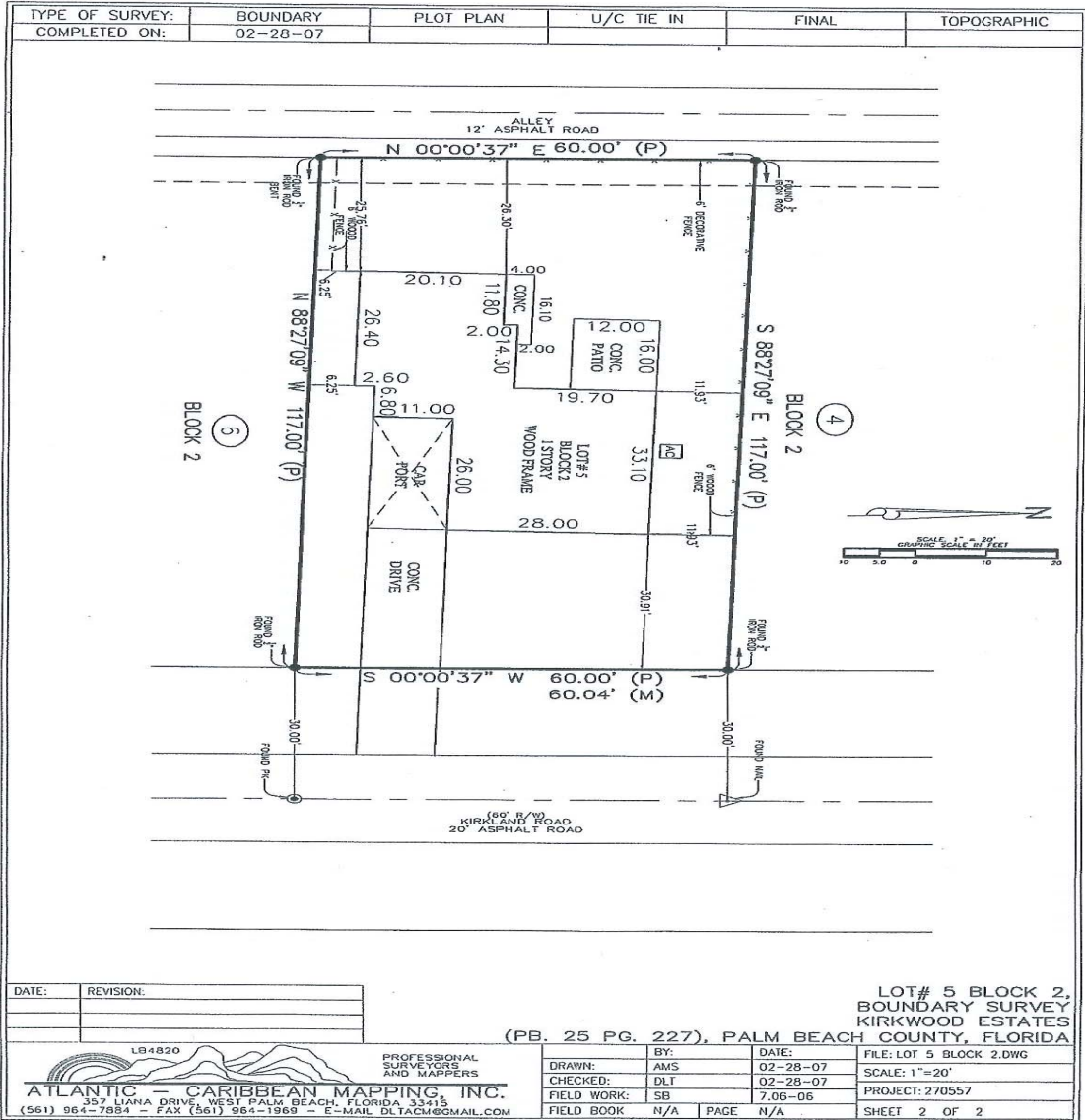


**North Side**



**West Side**

# Survey or Site Plan



DATE:	REVISION:

**ATLANTIC CARIBBEAN MAPPING, INC.**  
 357 LIANA DRIVE WEST PALM BEACH, FLORIDA 33415  
 (561) 964-7884 - FAX (561) 964-1368 - E-MAIL DLTA@GMAIL.COM

DRAWN:	BY:	DATE:	FILE: LOT 5 BLOCK 2.DWG
CHECKED:	AMS	02-28-07	SCALE: 1"=20'
FIELD WORK:	DLT	02-28-07	PROJECT: 270557
FIELD BOOK	N/A	7.06-06	SHEET 2 OF 2
	PAGE	N/A	



## STAFF RECOMMENDATIONS

**Approved with Conditions**, 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.G.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 particular to the parcel of land that are not applicable to other parcels of land, because the addition was constructed without permits prior to the applicants ownership of the property. The applicant purchased the property with the existing condition and without the knowledge that the permits were never pulled.

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

Yes, Special circumstances and conditions do not result from the actions of the applicant because the applicant purchased the property without the knowledge the previous owner built the addition illegally (Without permits).

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 or other parcels of land, buildings or structures in the same zoning district. The addition to the principle dwelling existed for years prior to the applicant's ownership and has no negative impacts on the surrounding properties.

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:

Yes, Literal interpretation and enforcement of the terms and provisions of the Code would deprive the applicant of the rights commonly enjoyed by other parcels of land in the same zoning district, and would work and unnecessary hardship. Since the addition to the principle structure exists, enforcing the terms and provisions of the Code would cause the applicant to remove the addition. Thus, causing undue financial hardship on the applicant and his family.

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

Yes, Granting the applicants request for the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building or structure. The requested Variance is the minimum Variance required to bring the addition and the principle structure into compliance.

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

Yes, Granting the Variance will be consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and this Code. The intent of the ULDC for setbacks is to allow for sufficient separation between residences, protect adjacent property owners and insure privacy. The addition has existed for many years and was built prior to the applicant purchasing the property. Although the addition does encroach 1.25 ft into the required side setback, this encroachment has "NO" negative impacts on the adjacent neighbors or the intent of the ULDC.

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

Yes, The grant of the Variance will not be injurious to the area involved or otherwise detrimental to the public Welfare. The addition to the principle structure has existed for years and has not been visually or structurally injurious or otherwise detrimental to the surrounding neighborhoods in the same zoning district.

**AGENCY COMMENTS**

None

**ZONING COMMENTS**

None

**DEVELOPMENT ORDER**

The development order for this particular variance shall lapse on **04/19/2008**, one year from the approval date.  
(DATE: MONITORING: Zoning)

**ADMINISTRATIVE VARIANCE – TYPE I B – STAFF PUBLIC MEETING CONDITIONS**

BA-1. By **04/19/2008**, the property owner shall provide the Building Division with a copy of the Administrative Variance Staff Public Meeting Result Letter and a copy of the site plan and/or survey presented to the staff, simultaneously with the building permit application. (ONGOING-BLDG PERMIT: BLDG)

BA-2. Prior to the Development Order expiration, the project shall have received and passed the first building inspection. (DATE: MONITORING-ZONING)

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



**ADMINISTRATIVE VARIANCE – TYPE I B - STAFF PUBLIC MEETING  
STAFF REPORT  
4/19/2007**

**Pursuant to the ULDC 2.B.3.G.2 an extension of time for a variance or any condition may be granted for a maximum of 24 months. This is the last time an extension may be requested.**

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
AVE-2007- 00363	2.B.3.G.2 on Time Extension on the Development Order: The Development Order for this particular variance shall lapse on <b>03/16/2007</b> , one year from the approval date.  <b>IS HEREBY AMENDED TO READ:</b>  The Development Order for this particular variance shall lapse on <b>03/16/2008</b> , one year from the approval date.	03/16/2007	03/16/2008	12 months
SITUS ADDRESS:	13950 S Jog Rd Delray Beach 33446 13760 S Jog Rd Delray Beach 33446 13790 S Jog Rd Delray Beach 33446 13800 S Jog Rd Delray Beach 33446 13860 S Jog Rd Delray Beach 33446 13900 S Jog Rd Delray Beach 33446 13910 S Jog Rd Delray Beach 33446 6415 Lake Ida Rd Delray Beach 33446 13766 S Jog Rd Delray Beach 33446			
AGENT NAME & ADDRESS:	Land Design South, Inc. 2101 Centrepark West Dr West Palm Beach FL 33409			
OWNER NAME & ADDRESS:	121 W Forsyth St Jacksonville FL 32202			
PCN:	00-42-46-10-07-006-0020			
ZONING DISTRICT:	MUPD			
BCC DISTRICT:	05			
PROJECT MANAGER:	F. Alan Seaman, Principal Planner and Juanita James, Zoning Technician			
LEGAL AD:	Land Design South, Inc., agent, for Southland Centers II , LLC, owner, to allow a 12 month time extension on the Development Order, in order to vest the approved variance BA-2006-223. LOC: 13800 Jog Road, approx. 0.21 mile N of Lake Ida Road, and approx. 0.48 mile W of El Clair Ranch Road, within the Spalding MUPD, in the MUPD Zoning District (PET: 1999-092).			
LAND USE:	CL-O/5 CL/5	S/T/R: 10-46-42		
PETITION #:	1999-00092			
LOT AREA:	13.32			
LOT DIMENSIONS:	1250 ft x 245 ft			
CONFORMITY OF LOT:	Conforming			
CONFORMITY OF ELEMENT:	Non-conforming			
TYPE OF ELEMENT:	Signage			
ELEMENT SIZE:	NA			
BUILDING PERMIT #:	None			
NOTICE OF VIOLATION:	None			
CONSTRUCTION STATUS:	Existing			
APPLICANT REQUEST:	To allow a 12- month time extension for Development Order on the approved variance BATE 2006-996.			

**PREVIOUS VARIANCE REQUEST**

<b>APPLICATION NO.</b>	<b>CODE SECTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>VARIANCE</b>
BA-2006-223	8.G.1.A.4 Signage, Standards for Specific Signs, Building Mounted Signs, Wall Signs.	8.G.1.A.4 Wall Sign Standards Wall signs in the U/S tier are allowed on front, side, and rear facades, if facing a street	To allow a wall sign on a facade not facing a street	To allow a wall sign on a facade not facing a street

<b>APPLICATION NO.</b>	<b>CODE SECTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>VARIANCE</b>
BATE-2006-996	2.B.3.G.2 Time Extension on Condition #2	06/16/2006	06/16/2007	12 month time extension

The above variance(s) was granted subject to the following conditions:

**DEVELOPMENT ORDER**

The Development Order for this particular variance shall lapse on **03/16/2007**, one year from the approval date (**DATE: MONITORING-ZONING**).

**ZONING CONDITIONS**

- By **03/16/2007**, the Approved Site Plan for Spalding MUPD (P-99-92) shall be amended through the DRO section of the Zoning Division, to reflect the variance approval pursuant BA-2006-223. (DRO: DATE: ZONING)
- By **06/16/2006**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)

**IS HEREBY AMENDED TO READ:**

- By 06/16/2007, the applicant shall provide the Building Division with a copy of the Administrative Variance Staff Public Meeting result letter and a copy of the site plan and/or survey presented to staff, simultaneously with the building permit application. (BUILDING: DATE: ZONING) (COMPLETED)
- Prior to the Development Order expiration (03/16/2007), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

**PROPOSED TIME EXTENSION**

<b>APPLICATION NO.</b>	<b>CODE SECTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>VARIANCE</b>
AVE-2007-363	2.B.3.G.2 Time Extension on the Development Order	03/16/2007	03/16/2008	12 months

**JUSTIFICATION STATEMENT**

The applicant is requesting a 12-month time extension on the Development Order. The applicant states that there were unexpected delays in the site plan, therefore, delaying the submittal for the building permits. The applicant is requesting this time extension so that the building permit can be obtained and the first inspection passed. Staff is recommending approval based on the justification to vest approved variance to vest BA 2006-223.

**AGENCY COMMENTS**

None

**ZONING COMMENTS**

- Pursuant to the ULDC 2.B.3.G.2 an extension of time for a variance or any condition may be granted for a maximum of 24 months. This is the last time an extension may be requested.

**DEVELOPMENT ORDER**

The development order for this particular variance shall lapse on **03/16/2007**, one year from the approval date. (DATE: MONITORING:Zoning)

**IS HEREBY AMENDED TO READ:**

The development order for this particular variance shall lapse on **03/16/2008**, one year from the approval date. (DATE: MONITORING:Zoning)

**ADMINISTRATIVE VARIANCE – TYPE I B – STAFF PUBLIC MEETING CONDITIONS**

1. By **03/16/2007**, the Approved Site Plan for Spalding MUPD (P-99-92) shall be amended through the DRO section of the Zoning Division, to reflect the variance approval pursuant BA-2006-223. (DRO: DATE: ZONING) **(COMPLETED)**
2. By **06/16/2006**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)

***IS HEREBY AMENDED TO READ:***

2. By **06/16/2007**, the applicant shall provide the Building Division with a copy of the Administrative Variance Staff Public Meeting result letter and a copy of the site plan and/or survey presented to staff, simultaneously with the building permit application. (BUILDING: DATE: ZONING) **(COMPLETED)**
3. Prior to the Development Order expiration (03/16/2007), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING) **(DEVELOPMENT ORDER DATE AMENDED TO 03/16/2008 PER AVB 2007-363)**