

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



**ADMINISTRATIVE VARIANCE – TYPE 1 - STAFF PUBLIC MEETING  
STAFF REPORT  
4/27/2023 12:00:00 AM**

<b>AGENDA ITEM</b>	<b>CODE SECTION</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>VARIANCE</b>
3.D.1.A	3.D.1.A Table 3.D.1.A-5 - Property Development Regulations	15 feet Rear Setback.	10.2 foot Rear Setback	4.8 feet
SITUS ADDRESS:	13179 Cypress Glen, Palm Beach Gardens, FL 33418			
PCN:	00-42-41-28-01-000-1740			
OWNER NAME & ADDRESS:	Shaun McGruder 13179 Cypress Glen Palm Beach Gardens FL 33418			
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:	1985-00042			
ZONING DISTRICT:	Residential Estate District–RE			
LAND USE:	Low Residential, 1 Unit Per Acre–LR-1			
BCC DISTRICT:	01			
LEGAL AD:	Susan Taylor, Agent, for Shaun McGruder, Owner, to allow a reduction of 4.8 foot to the required 15 foot rear setback. Location: 13179 Cypress Glen, West Palm Beach, FL 33418 approximately 0.9 miles west of North Jog Road in the (RE) Zoning District. (Control#: 1985-00042).			
LOT AREA:	0.47			
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 4.8 foot reduction from the 11.25 foot rear setback.			

**STAFF SUMMARY**  
**FIGURE 1 – AERIAL VIEW**



The subject property is located at 13179 Cypress Glen approximately 0.9 miles west of North Jog Road in the Residential Estate District (RE) Zoning District. The parcel also has a Future Land Use (FLU) Designation of Low Residential, 1 Unit per Acres (LR-1). The Applicant is proposing to construct a home addition that would encroach on the required rear setback.

Pursuant to Article 3.D.1.A of the Unified Land Development Code (ULDC) the minimum rear yard setback in the Residential Transitional District (RT) is 15 feet. The Applicant has requested a variance to encroach 1.05 feet into the setback as shown in figure 2.

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.



## 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 existing home is setback from the propertyline to the east by 17 feet, providing a larger separation from the adjacent home. Although the home could be designed to shift further to the side than from the rear, the location of the existing home and maintaining the same side setback, while using the existing form of the home is peculiar to this parcel and not applicable to other parcels and buildings. Applicant notes that the Property is located at the end of a cul-de-sac, making it an odd shaped lot. 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 unique shape of the lot and the location of the home are 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 rear setback to allow for the reasonable development of the site. The Applicant is requesting to construct the addition with the reduced rear setback due to the unique shape of the lot and the placement of the home on 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:

The literal interpretation of the Code would eliminate the ability of the Applicant to build the proposed addition. The Unified Land Development Code (ULDC) allow for the rear setbacks along the length of a property line adjacent to dedicated open space to be reduced by 25 percent. The required setback for the subject property with the open space reduction is 11.25 feet. The applicant would ultimately be requesting a reduction of 1.05 feet from the 11.25 feet that would be required only using the 25 percent open space reduction.

The proposed addition is stepped shaped structure following the existing architecture of the house and allowing it to remain at a 16 foot setback from the neighboring property. The addition will instead be closer to the rear lot line abutting an open space and a water management tract which will have little impact on the neighboring homes.

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 4.8 foot encroachment on the rear setback is the minimum needed to allow for the proposed addition 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. As the Applicant states, granting the variance of a 4.5-foot rear setback reduction will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and the ULDC.

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.

#### **ADMINISTRATIVE VARIANCE PUBLIC MEETING CONDITIONS**

1. Prior to the issuance of a Building Permit or March 31, 2024, the Property Owner shall obtain approval of a building permit for the addition to the Single Family dwelling unit. (BLDG/PMT/DATE: BUILIGN DIVISION – Zoning