

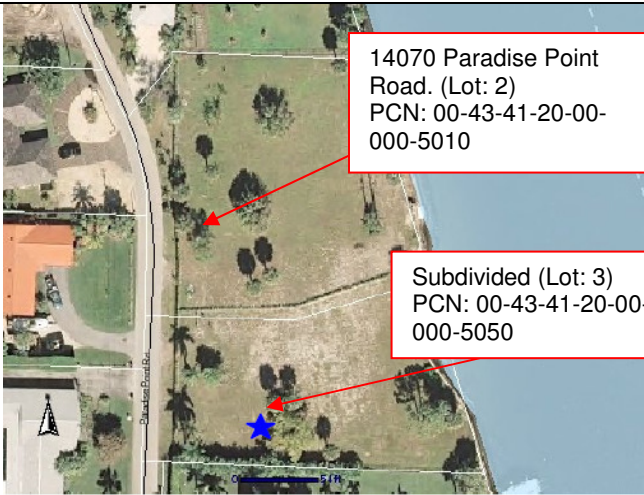
**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**



**ADMINISTRATIVE VARIANCE – TYPE I B - STAFF PUBLIC MEETING
STAFF REPORT
4/15/2010**

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
AVB-2010- 00262	3.D.1.A (Lot: 2) Front Setback	25 ft Front Setback	20 ft Front Setback	5 ft Front Setback
	3.D.1.A Side-Interior Setback (Lot: 2 North & South P.L) (Lot: 3 North P.L. only)	15 ft Side-Interior Setback	7.5 ft Side-Interior Setback	7.5 ft Side-Interior Setback
SITUS ADDRESS:	14070 Paradise Point Rd. North Palm Beach, FL 33408			
AGENT NAME & ADDRESS:	Kevin McGinley Land Research Management, Inc. 2240 Palm Beach Lakes Blvd West Palm Beach FL 33409			
OWNER NAME & ADDRESS:	Citi Place Investors LLC. 108 Valencia Blvd Jupiter FL 33458			
PCN:	00-43-41-20-00-000-5010 (Lot: 2) 00-43-41-20-00-000-5050 (Lot: 3)			
ZONING DISTRICT:	RTS			
BCC DISTRICT:	01			
PROJECT MANAGER:	Aaron Taylor, Site Planner I			
LEGAL AD:	Kevin McGinley, agent for City Place Investors LLC., owner, to allow a single family residence on both lots 2 and 3 (of a recently subdivided lot identified as 501) to encroach into the front and side-interior setbacks on LOC: Lot 2, 14070 Paradise Point Road (Lot 3 address not available at this time) Approximately 1/10th North of Donald Ross Road, within the Paradise Point Estates subdivision, in the RT Zoning District (Petition: 00-067).			
LAND USE:	LR-2	S/T/R: 20-41-43		
PETITION #:	1978-00149			
LOT AREA:	Lot: 2 = 1.17 acres, Lot: 3 = 1.12 acres			
LOT DIMENSIONS:	Lot: 2 = Varying Dimensions; Lot: 3 = Varying Dimensions			
CONFORMITY OF LOTS:	Lot:2- Conforming; Lot: 3 -Conforming			
CONFORMITY OF ELEMENTS:	Non-Conforming			
TYPE OF ELEMENT:	Single-Family Dwelling			
ELEMENT SIZE:	Lot: 2 = 4,277 S.F; Lot: 3 = 3,300 S.F.			
BUILDING PERMIT #:	None			
NOTICE OF VIOLATION:	None			
CONSTRUCTION STATUS:	Proposed			
APPLICANT REQUEST:	The property owner is requesting to allow a single-family dwelling on each of the recently subdivided lots, defined as Lot: 2 and Lot: 3, to encroach into the required front and side interior setbacks. The proposed single family dwelling to be constructed on Lot: 2 will encroach into the front (west) setback, and both, north and south side-interior setbacks. The proposed single family dwelling to be constructed on Lot: 3 will encroach into the north side-interior setback.			

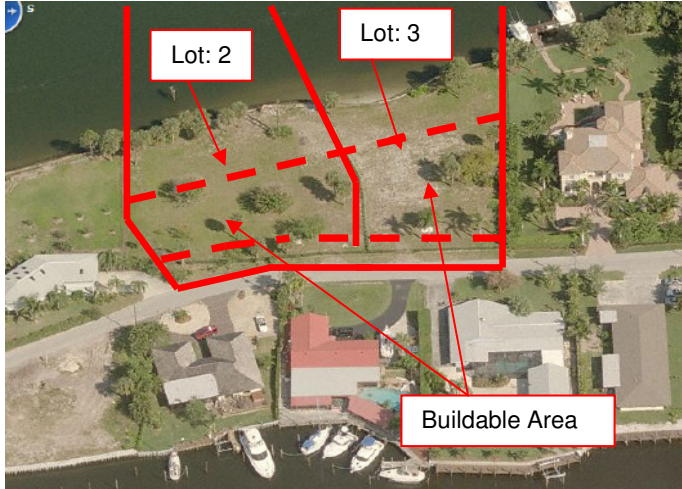
STAFF SUMMARY



Aerial View I



Zoning Map Aerial



Aerial East View



Aerial West View

The subject lots are located at 14070 Paradise Point Road. Approximately .06 miles North of Donald Ross Road on Paradise Point Road; within the Paradise Point Subdivision, in the Residential Transitional (RT) Zoning District (Petition: 00-067). The property owner is requesting to allow a single-family dwelling on each of the recently subdivided lots 2 and 3, to encroach into the required front and side interior setbacks. The proposed single family dwelling to be constructed on Lot: 2 will encroach into the front (west) setback and both, north and south side-interior setbacks. The proposed single family dwelling to be constructed on Lot: 3 will encroach into the north side-interior setback.

History:

According to resolution R-2000-1942, the subject property was a single lot that was rezoned from Single-family Residential (RS) to Residential Transitional (RTS). Palm Beach County Property Appraiser's records indicate the current owners purchased the property in August of the 2004. On September 19, 2006 the subject lot was granted a "Waiver of Plat", and the subject lot was subdivided into Lot: 2 and Lot: 3 (see ORB: 20909; PG: 188).

Lot 2 (Front):

The owner is requesting to allow a single-family dwelling on Lot: 2 to encroach 5' into the required front setback. According to Unified Land Development Code (ULDC) Art.3.D.1.A; the minimum front setback in the RTS Zoning District is 25'. Lot 2 extends to the middle of Paradise Point Road and is encumbered by 15' of the "Seacoast Easement" along the front property-line, and the "Westerly Right of Way Easement Line" toward the rear of the property. Both easements restrict the owner's ability to relocate the proposed single-family dwelling in a manner that would feasibly accommodate the residence and access from Paradise Point Road (see Surveys). Granting the owner's variance request causes no adverse impacts to the surrounding area and is a reasonable use of the parcel of land.

Lot 2 & Lot 3 (Side-interior):

The subject lots are vacant irregular shaped lots that are encumbered by a "Seacoast Easement" along the front property-line, the 25' required front setback requirement, the "Westerly Right of Way Easement Line", and the inter-coastal waterway toward the rear of the property; causing 70% of either lot to be unbuildable. Prior to the current owners, the lots were previously zoned RS, which required a minimum side-interior setback of 7.5'. The rezoning of the subject properties to RTS requires both lots to meet current Unified Land Development Code (ULDC) standards; thus causing both lots to have an increased setback of 15'. The lots immediately to the North and South of the subject lots are also zoned RTS; therefore, also having a required side-interior setback of 15'. However, all the lots on the west side of Paradise Point Road are zoned RS. Therefore, there are currently other lots with single-family dwellings on Paradise Point Road that were constructed with a 7.5' side-interior setback (see Aerial Photo). Granting the owner's variance request to allow the proposed single-family dwelling to encroach into the 15' side-interior setback will be consistent surrounding character of the neighborhood.

Lot 3 (South Property-line; side-interior):

The owners have worked with staff to reduce the number of variances needed to make reasonable use of Lot 3. Therefore, Lot 3 will meet the minimum 15' side-interior setback requirement for the south property-line. There is extensive landscape screening on the adjacent property to the south, eliminating any visual impact between the proposed single-family dwelling on Lot 3, and the adjacent residence to the south.

Findings of Fact

Lots 2 & 3

- I. According to resolution R-2000-1942, the subject property was a single lot that was rezoned from Single-family Residential (RS) to Residential Transitional (RTS). Palm Beach County Property Appraiser's records indicate the current owners purchased the property in August of the 2004. On September 19, 2006 the subject lot was granted a "Waiver of Plat", and the subject lot was subdivided into Lot: 2 and Lot: 3 (see ORB: 20909; PG: 188).

Lot 2 (Front)

- II. Lot 2 extends to the middle of Paradise Point Road and is encumbered by a 15' "Seacoast Easement" along the front property-line, and the "Westerly Right of Way Easement Line" toward the rear of the property. Both easements restrict the owner's ability to relocate the proposed single-family dwelling in a manner that would feasibly accommodate the residence and access from Paradise Point Road.

Lots 2 & 3 (side-interior)

- III. The subject lots are vacant irregular shaped lots that are encumbered by a "Seacoast Easement" along the front property-line, the 25' required front setback requirement, the "Westerly Right of Way Easement Line", and the inter-coastal waterway toward the rear of the property; causing 70% of either lot to be unbuildable. There are currently other lots along Paradise Point Road that are utilizing the 7.5' side-interior setback provision. Thus, that owner's variance request is consistent with the character of the surrounding neighborhood. Granting the owner's variance request to allow Lot: 2 to encroach 7.5' into the north and south side-interior setbacks, and to allow Lot: 3 to encroach into the north side-interior setback is a reasonable use of the parcel of land.



CFN 20060558295
 OR BK 20909 PG 0188
 RECORDED 09/29/2006 10:43:52
 Palm Beach County, Florida
 Sharon R. Bock, CLERK & COMPTRO
 Pgs 0188 - 199; (12pgs)

PREPARED BY/RETURN TO:

K. S. Rogers, P.E., Director
 Land Development Division
 PBC Engineering
 Post Office Box 21229
 West Palm Beach, FL 33416-1229

AFFIDAVIT OF WAIVER

STATE OF FLORIDA

ss: COUNTY OF PALM BEACH

WHEREAS, Citi Place Investors, LLC, and Richard L. Smitz and Gillian A. Smitz, Trustees of the Smitz Revocable Trust, Owners, by and through its agent Stephen Amato-Heape, made an application for a plat waiver to the County Engineer of Palm Beach County, Florida, through the Director, Land Development Division, pursuant to Article 11.A.8 of the Subdivision, Platting, and Required Improvements Regulations, Palm Beach County Land Development Code; and

WHEREAS, on September 19, 2006, the County Engineer of Palm Beach County, Florida, considered said application for a subdivision of the property described in Exhibit A attached hereto and made a part hereof, all lying and being in Palm Beach County; and

WHEREAS, after due consideration of the facts and evidence presented, the County Engineer of Palm Beach County, Florida, granted said application for the subdivision of the above-described property; and

WHEREAS, the approval of the application was subject to the conditions set forth herein; and

WHEREAS, this Affidavit of Waiver is made to evidence the action of the County Engineer of Palm Beach County, Florida;

NOW, THEREFORE, BE IT KNOWN that the property described herein is hereby exempt from the platting requirement of Article 11.A.3.A, Palm Beach County Land Development Code, subject to the following terms and conditions:

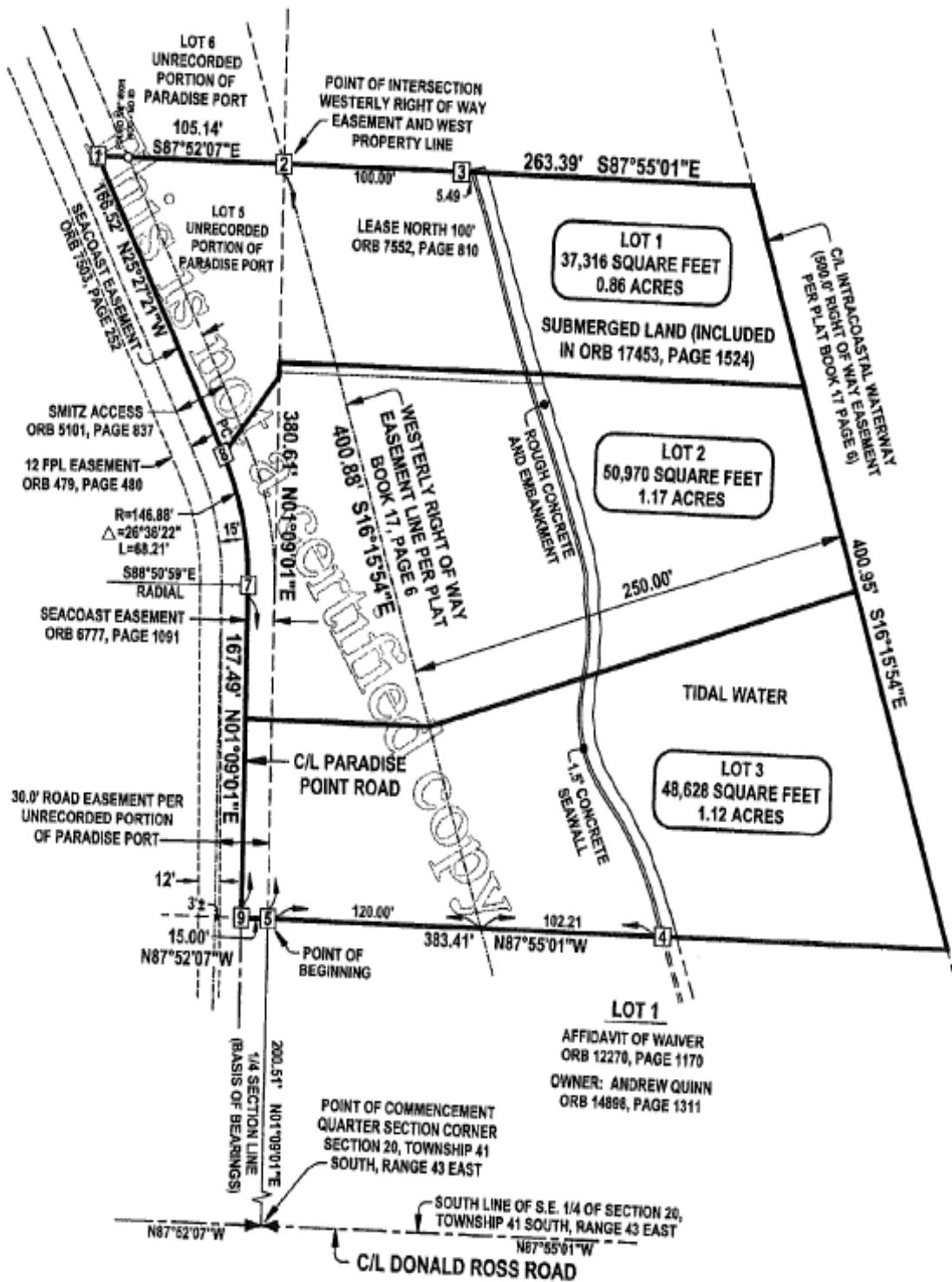
1. The property shall be subdivided and developed in accordance with the Certified Survey and lot descriptions attached hereto and made a part hereof as Exhibit A and that any deviation from or modification to said Exhibit shall have the effect of nullifying and voiding this approval, unless such deviation or modification is approved by the County Engineer of Palm Beach County, Florida.

2. That such subdivision shall be subject to the following conditions and restrictions as checked below:

x a. in all instruments to be recorded in the Public Records, the property shall be described in accordance with the lot identification(s) established by this Affidavit of Waiver.

3. That this Affidavit of Waiver shall remain in full force and effect so long as the terms and conditions hereof are adhered to, and the Owner does hereby agree to these terms and conditions and evidences such agreement by Owner's signature on this affidavit.

**Exhibit: I
 (Waiver of Plat)**



CERTIFIED BOUNDARY SURVEY

SHEET 3 OF 9



THIS INSTRUMENT WAS PREPARED BY:
 IN THE OFFICES OF DONALD D. DANIELS, INC.
 FLORIDA CERTIFICATE L.B. NO. 4165
 725 NORTH A1A SUITE C111
 JUPITER, FL 33477 PHONE (561) 747-9894

DONALD D. DANIELS
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA CERTIFICATE L.B. NO. 2608

Donald D. Daniels

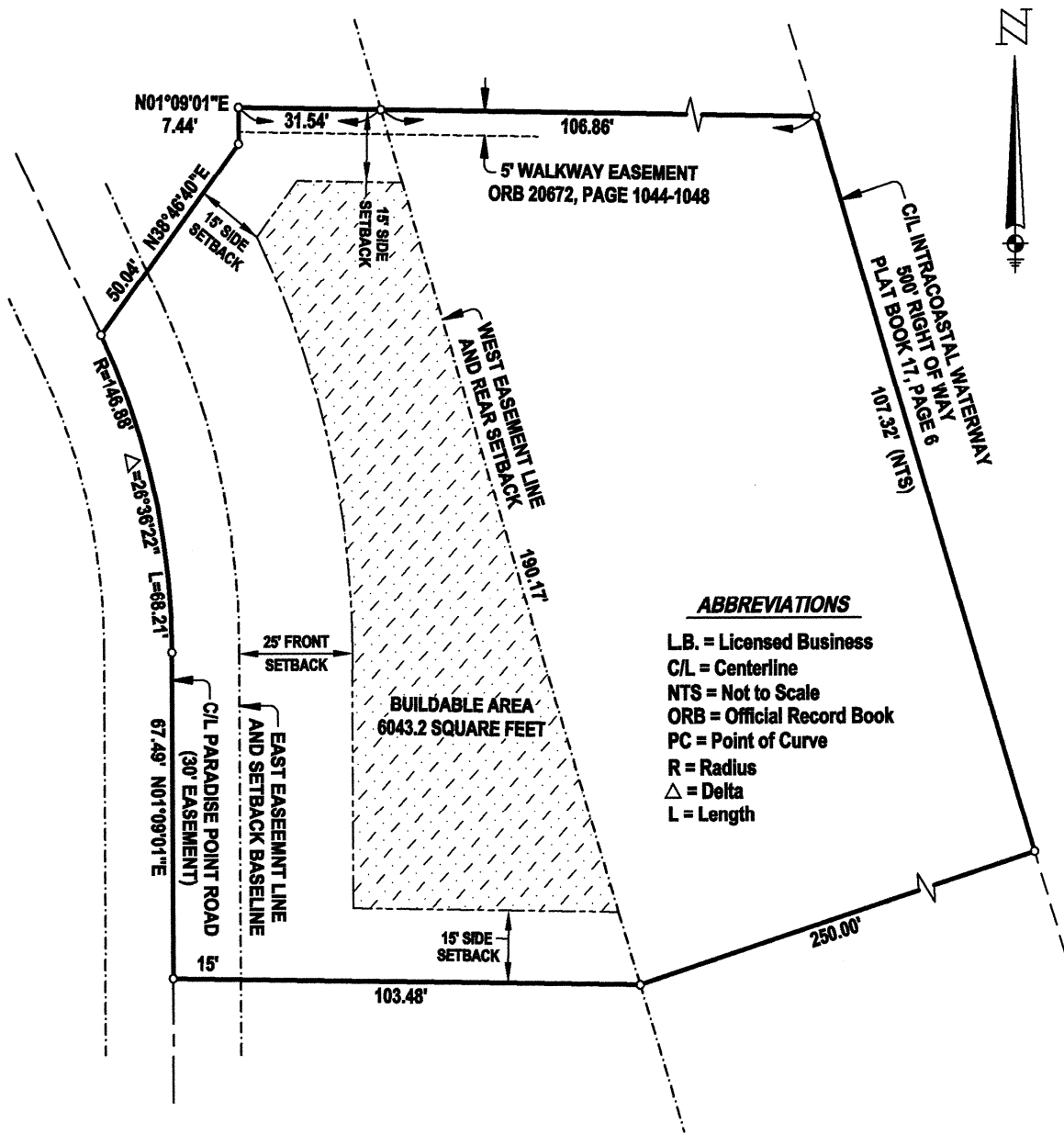
Exhibit A

SCALE: 1" = 80'

DWG. NUMBER: 04-065.7

DATE: 09/11/2006

**Exhibit: I (Continued)
(Waiver of Plat Detail)**



ABBREVIATIONS

- LB. = Licensed Business
- C/L = Centerline
- NTS = Not to Scale
- ORB = Official Record Book
- PC = Point of Curve
- R = Radius
- Δ = Delta
- L = Length

THIS SKETCH IS NOT A SURVEY

LOT 2 - BUILDABLE AREA

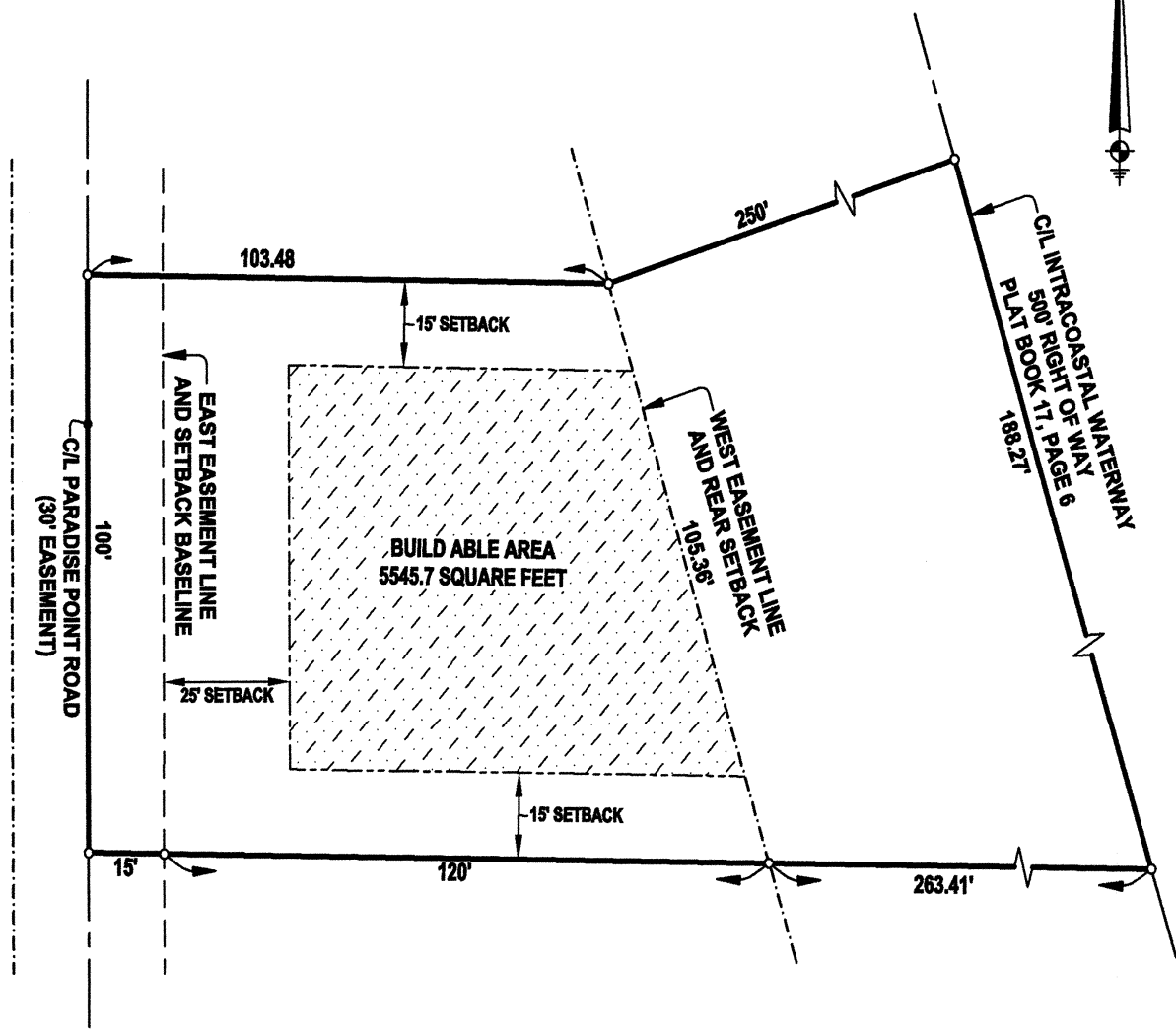
SHEET 1 OF 1

	THIS INSTRUMENT WAS PREPARED BY:	DONALD D. DANIELS	SCALE: 1"=30'
	IN THE OFFICES OF DONALD D. DANIELS, INC.	PROFESSIONAL SURVEYOR & MAPPER	DWG. NUMBER: 04-065.24B2
	FLORIDA CERTIFICATE L.B. NO. 4165	FLORIDA CERTIFICATE L.B. 2808	DATE: 01/27/2010
725 NORTH A1A SUITE C111			
JUPITER, FL 33477 PHONE (561) 747-9894			

Exhibit: II
(Lot 2 Buildable Area)

ABBREVIATIONS

L.B. = Licensed Business
 C/L = Centerline
 ORB = Official Record Book



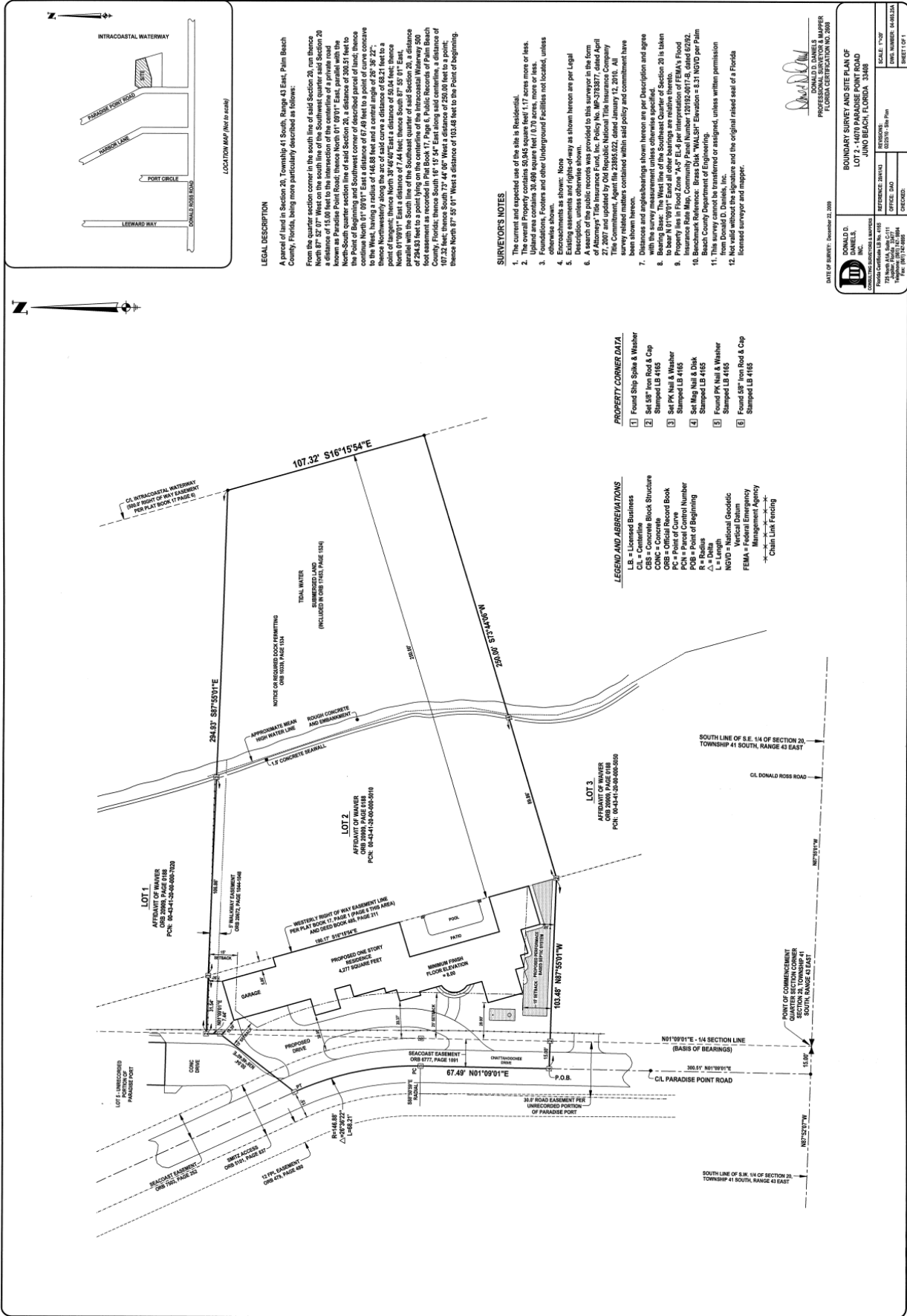
THIS SKETCH IS NOT A SURVEY

LOT 3 - BUILDABLE AREA

SHEET 1 OF 1

	THIS INSTRUMENT WAS PREPARED BY: IN THE OFFICES OF DONALD D. DANIELS, INC. FLORIDA CERTIFICATE L.B. NO. 4165 725 NORTH A1A SUITE C111 JUPITER, FL 33477 PHONE (561) 747-9894	DONALD D. DANIELS PROFESSIONAL SURVEYOR & MAPPER FLORIDA CERTIFICATE L.B. 2608	SCALE: 1"=30' DWG. NUMBER: 04-065.24B3 DATE: 01/27/2010

Exhibit: III
 (Lot 3 Buildable Area)



LEGAL DESCRIPTION

A parcel of land in Section 20, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

From the harbor section corner in the north line of said Section 20, run thence North 87° 32' 07" West on the south line of the Southeast quarter east Section 20 a distance of 15.00 feet to the intersection of the centerline of a private road known as Paradise Point Road; thence North 0° 09' 01" East, parallel with the centerline of said Paradise Point Road, a distance of 11.00 feet to the Point of Beginning; thence South 87° 32' 07" West a distance of 146.88 feet to a point of curve concave to the West, having a radius of 146.88 feet and a central angle of 29° 36' 22"; thence along the curve a distance of 69.04 feet to a point of tangency; thence North 33° 46' 24" East a distance of 69.04 feet to a point of intersection; thence North 87° 32' 07" West a distance of 11.00 feet to a point on the south line of the Southeast quarter of said Section 20, a distance of 69.04 feet to a point lying on the centerline of the Intracoastal Waterway 500 feet from the Point of Beginning; thence North 17° 54' 54" East along said centerline, a distance of 107.32 feet; thence South 73° 44' 06" West a distance of 250.00 feet to a point; thence North 07° 35' 00" West a distance of 103.68 feet to the Point of Beginning.

SURVEYOR'S NOTES

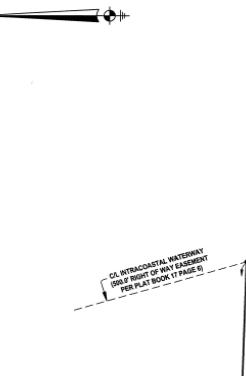
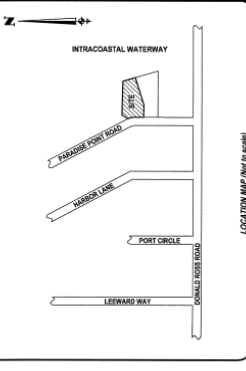
- The current and expected use of the site is Residential.
- The overall Property contains 29,345 square feet, 1.17 acres more or less.
- Use of the Property shall be subject to all applicable laws, ordinances, rules, regulations, orders, and other Underground Facilities not located, unless otherwise shown.
- Foundations, Footers and other Underground Facilities not located, unless otherwise shown.
- Encroachments as shown: None
- Survey as shown hereon are per Legal Description, unless otherwise shown.
- A search of the public records was provided to this surveyor in the form of Attorney Title Insurance Fund, Inc. Policy No. WP-203877, dated April 27, 2010, and recorded in Public Records, Palm Beach County, Florida, Book 2010-001000-0000000000, Page 1000000000. The Commitment, Agent file 23695.022, dated January 12, 2010, all survey related matters contained within said policy and commitment have been shown hereon.
- Hand-drawn boundaries shown herein are per Description and agree with the survey measurement unless otherwise indicated.
- Bearing Base: The West line of the Southeast Quarter of Section 20 is taken to bear N 01° 09' 01" East all other bearings are relative thereto.
- Survey conducted on 12/22/2009. The survey was conducted by: Donald D. Daniels, Registered Professional Engineer, License No. 120102-00118, dated 08/02/02.
- Benchmark Reference: Brass Disk "WALSHP" Elevation = 8.51 NGVD per Palm Beach County Department of Engineering.
- The survey was conducted by: Donald D. Daniels, Registered Professional Engineer, License No. 120102-00118, dated 08/02/02.
- Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

PROPERTY CORNER DATA

1	Found Ship Spike & Washer
2	Set 5/8" Iron Rod & Cap
3	Stamped LB 4165
4	Set PK Nail & Washer
5	Stamped LB 4165
6	Set Mag Nail & Disk
7	Stamped LB 4165
8	Found PK Nail & Washer
9	Stamped LB 4165
10	Found 5/8" Iron Rod & Cap
11	Stamped LB 4165

LEGEND AND ABBREVIATIONS

LB = Licensed Business
 CL = Centerline
 CBS = Concrete Block Structure
 CONC = Concrete
 CONC = Concrete
 CONC = Concrete
 PC = Point of Curve
 PCN = Parcel Control Number
 POB = Point of Beginning
 L = Length
 Δ = Delta
 NGVD = National Geodetic Vertical Datum
 FEMA = Federal Emergency Management Agency
 Chain Link Fencing



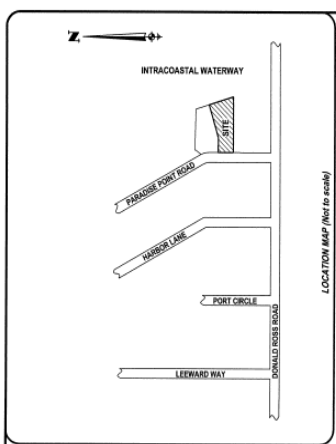
DATE OF SURVEY: December 22, 2009

DONALD D. DANIELS
 REGISTERED PROFESSIONAL ENGINEER
 FLORIDA CERTIFICATION NO. 120102

BOUNDARY SURVEY AND SITE PLAN OF LOT 2 AND LOT 3, PARADISE POINT AND JACO BEACH, FLORIDA, 33488

SCALE: 1"=50'
 DATE: 12/22/09
 SHEET NO. 10/10

Exhibit: IV
(Lot 2 Survey)



- PROPERTY CORNER DATA**
- 1 Set Map Nail & Washer Stamped LB #165
 - 2 Set 5/8" Iron Rod & Cap Stamped LB #165
 - 3 Set X-cut
 - 4 Set PK Nail & Washer Stamped LB #165

LEGAL DESCRIPTION

A parcel of land in Section 20, Township 41 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

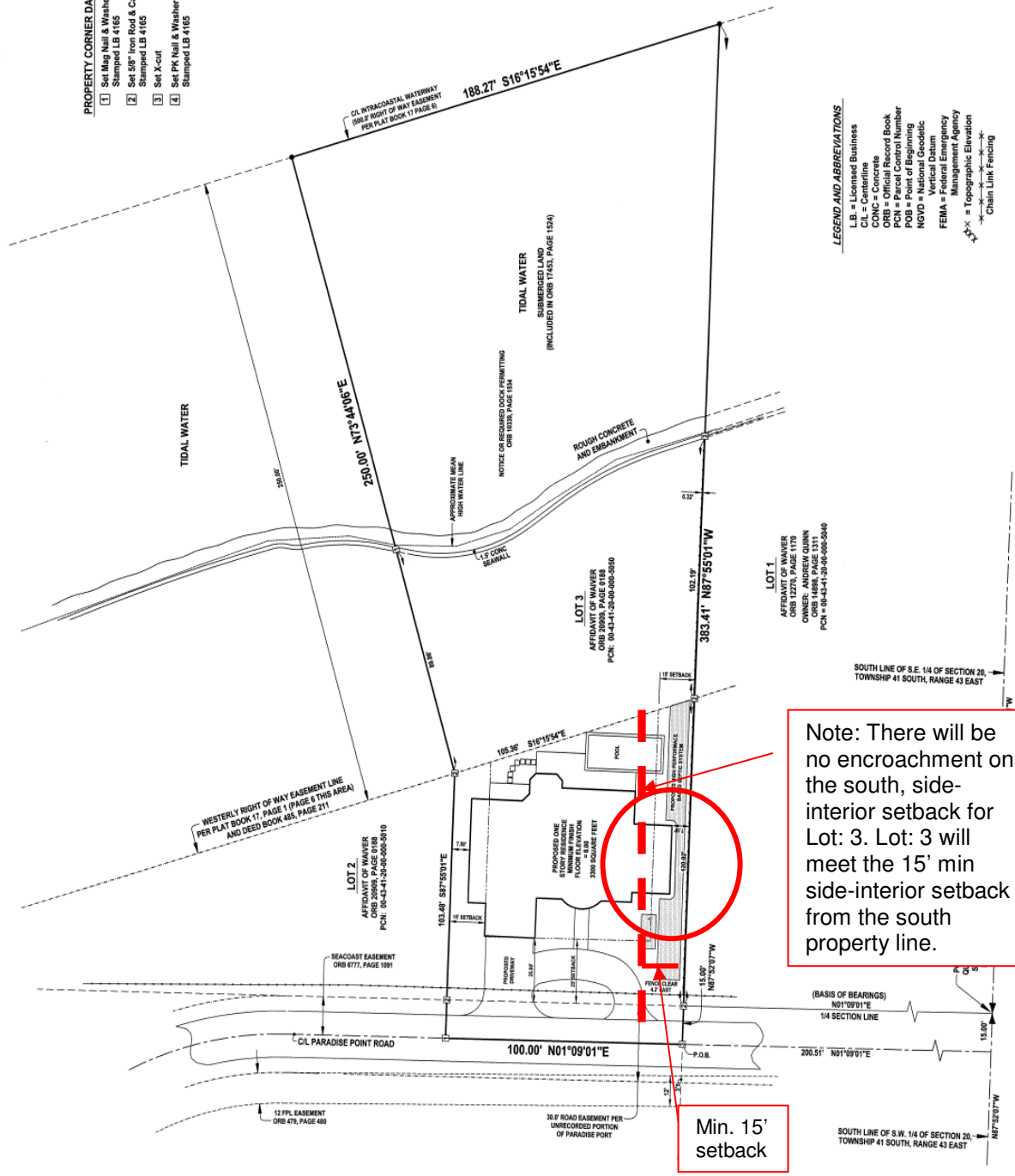
From the westerly section corner in the south line of said Section 20, run thence North 87° 52' 07" East a distance of 15.00 feet to the intersection of a distance of 15.00 feet to the intersection of the centerline of a private road known as Paradise Point Road; thence North 01° 09' 01" East, parallel with the North-South quarter section line of said Section 20, a distance of 200.51 feet to the Point of Beginning and Southwest corner of described parcel of land; thence continue North 87° 52' 07" East a distance of 15.00 feet to the Point of Beginning; thence with the South line of the Southeast quarter of said Section 20, a distance of 110.48 feet; thence North 73° 44' 05" East a distance of 250.00 feet to a point lying on the centerline of the Intracoastal Waterway 500 foot easement as recorded in Plat Book 17, Page 6, Public Records of Palm Beach County, Florida; thence South 16° 15' 54" West a distance of 383.41 feet to the Point of Beginning; thence North 87° 52' 07" West a distance of 383.41 feet to the Point of Beginning; thence North 87° 52' 07" West, parallel with the south line of the Southwest quarter said Section 20, a distance of 15.00 feet to the Point of Beginning.

SURVEYOR'S NOTES

1. The current and expected use of the site is Residential.
2. The overall Property contains 48,026 square feet/ 1.12 acres more or less.
3. All easements and other Underground Facilities not located, unless otherwise shown.
4. Encroachments as shown: None
5. Existing easements and rights-of-way as shown herein are per Legal Description, unless otherwise shown.
6. A search of the public records was provided to this surveyor in the form of a Title Commitment, Agent file 23886.022, dated January 12, 2010. All Title Commitment, Agent file 23886.022, dated January 12, 2010. All survey related matters contained within said policy and commitment have been shown herein.
7. All measurements shown herein are per Description and agree with the survey measurement unless otherwise specified.
8. Bearing Base: The West line of the Southeast Quarter of Section 20 is taken to bear N 01° 09' 01" East all other bearings are relative thereto.
9. Property lies in Flood Zone "AL3" EL-6 per interpretation of FEMA's Flood Insurance Rate Study (FIRMS) dated 07/2002.
10. Benchmark Reference: Brass Disk "WALSH" Elevation: 8.31 NGVD per Palm Beach County Department of Engineering.
11. This survey cannot be transferred or assigned, unless written permission from Donald D. Daniels, Inc.
12. Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

LEGEND AND ABBREVIATIONS

- L.B. = Licensed Business
- C.I.L. = Centerline
- ORB = Official Record Book
- PCN = Parcel Control Number
- POB = Point of Beginning
- NGVD = National Geodetic Vertical Datum
- FEIMA = Florida Engineering and Mapping Agency
- x--- = Topographic Elevation
- x---x--- = Chain Link Fencing



Min. 15' setback

Note: There will be no encroachment on the south, side-interior setback for Lot: 3. Lot: 3 will meet the 15' min side-interior setback from the south property line.

DATE OF SURVEY: December 22, 2009



DONALD D. DANIELS
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 2695

**BOUNDARY SURVEY AND SITE PLAN OF
LOT 3 - PARADISE POINT ROAD
JUNO BEACH, FLORIDA, 33408**

REFERENCE: 201143
OFFICE: DAD
CHECKED:

SCALE: 1"=20'
DWM NUMBER: 04-66-209
SHEET 1 OF 1

**Exhibit: V
(Lot 3 Survey)**

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

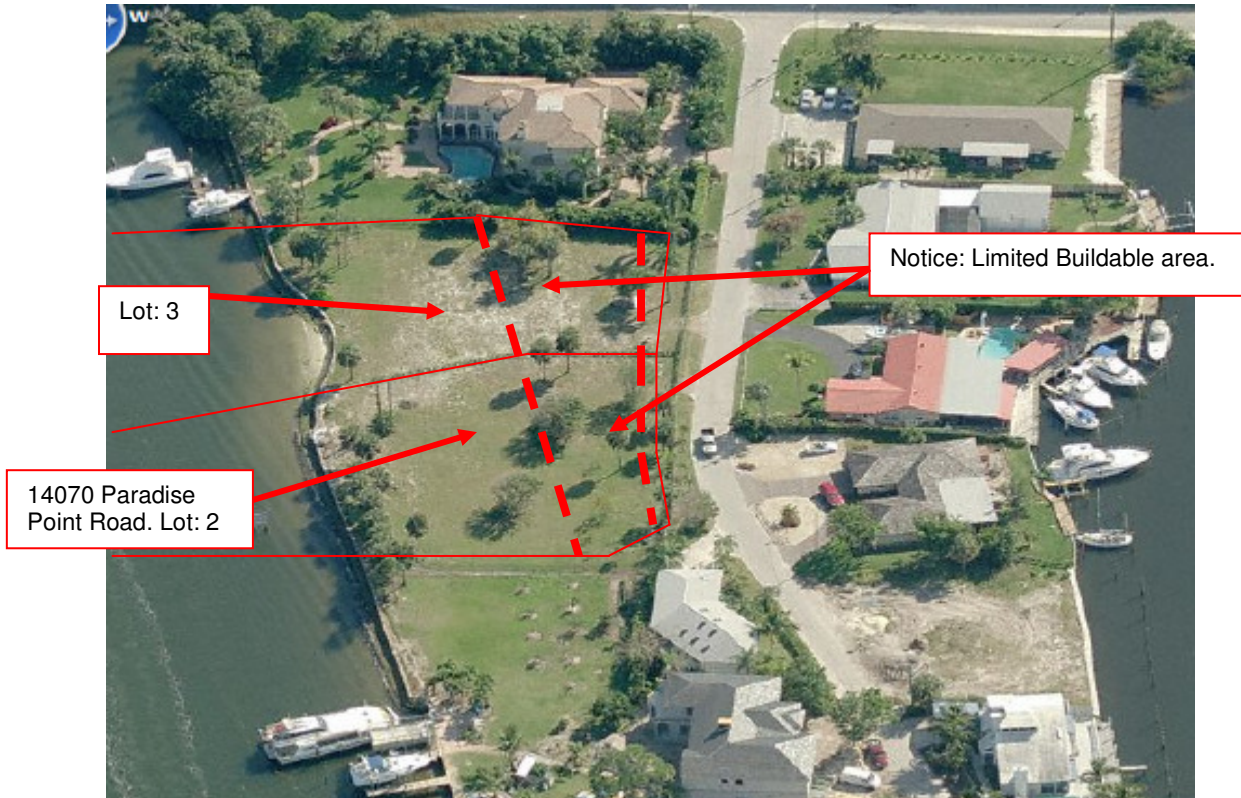
1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:

Yes, (Lots: 2 & 3) Special conditions and circumstances exist that are peculiar to the parcel of land that are not applicable to other parcels of land. According to resolution R-2000-1942, the subject property was a single lot that was rezoned from Single-family Residential (RS) to Residential Transitional (RTS). Palm Beach County Property Appraiser's records indicate the current owners purchased the property in August of the 2004. On September 19, 2006 the subject lot was granted a Waiver of Plat", and the subject lot was subdivided into Lot: 2 and Lot: 3 (see ORB: 20909; PG: 188). The subject lots are vacant irregular shaped lots that are encumbered by the Seacoast Easement" along the front property-line, the 25' required front setback requirement, the Westerly Right of Way Easement Line", and the inter-coastal waterway toward the rear of the property; causing 70% of either lot to be unbuildable.

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

Yes, (Lots: 2 & 3 side-interior) The previous owner of the subject property was required to rezone from the RS District to the RTS (RT) District in order to comply with standards of the Palm Beach County Comprehensive Plan. Therefore causing an increased setback of 15' instead of the previous 7.5'. In addition, the current owner did not provide, nor have any control over the easements that restricts the buildable area of both lots.

Yes, (Lot: 2 Front) Lot 2 extends to the middle of Paradise Point Road and is encumbered by a 15' Seacoast Easement" along the front property-line, and the Westerly Right of Way Easement Line" toward the rear of the property. Both easements restrict the owner's ability to relocate the proposed single-family dwelling in a manner that would feasibly accommodate the residence and the access from Paradise Point Road (see Surveys). Granting the owner's variance request causes no adverse impacts to the surrounding area and is a reasonable use of the parcel of land.



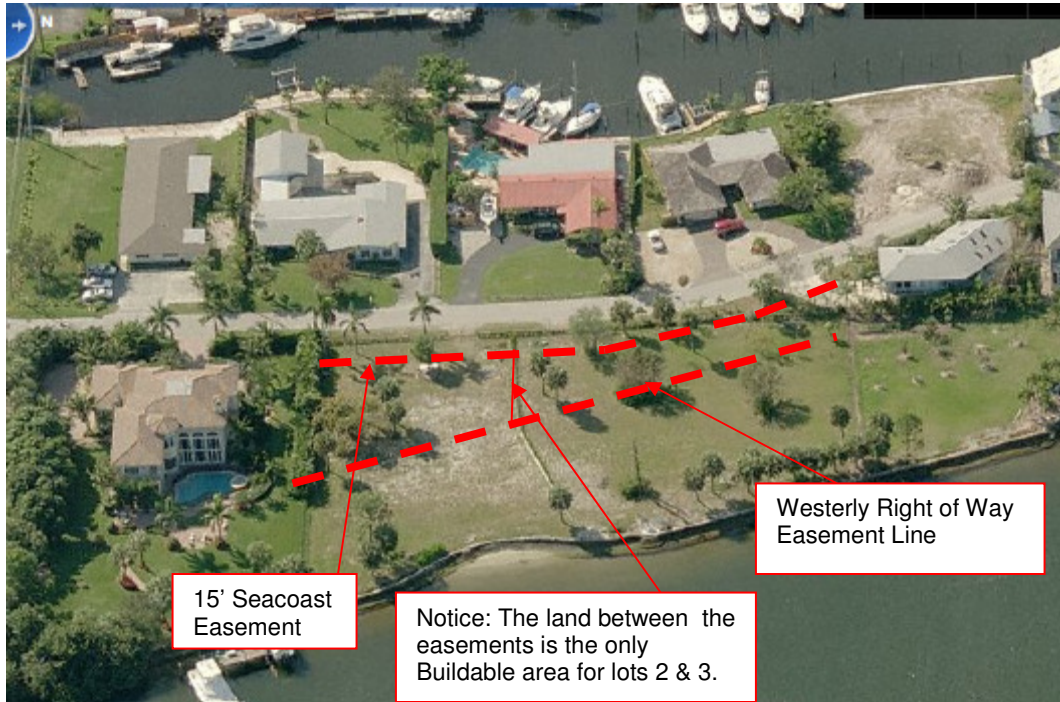
Aerial South View

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, (Lots: 2 & 3 side-interior) Granting the variance shall not confer upon the applicant any special privilege denied by the comprehensive plan and this code. The subject lots are vacant irregular shaped lots that are encumbered by a Seacoast Easement" along the front property-line, the 25' required front setback requirement, the Westerly Right of Way Easement Line", and the inter-coastal waterway toward the rear of the property; causing 70% of either lot to be unbuildable. Prior to the current owners, the lots were previously zoned RS, which required a minimum side-interior setback of 7.5'. The rezoning of the subject

properties to RTS requires both lots to meet current Unified Land Development Code (ULDC) standards; thus causing both lots to have an increased setback of 15'. There are currently other lots with single-family dwellings on Paradise Point Road that were constructed with a 7.5' side-interior setback (see Aerial Photo). Granting the owner's variance request to allow a proposed single-family dwelling on Lot 2 to encroach into the north and south 15' side-interior setbacks, and allow a proposed single-family dwelling on Lot 3 to encroach into the north 15' side-interior setback will be consistent surrounding character of the neighborhood.

Yes, (Lot: 2 Front) Same as Criteria # 2.



Aerial West View

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, (Lots: 2 & 3 side-interior) 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 neighborhood. There are currently other lots with single-family dwellings on Paradise Point Road that were constructed with a 7.5' side-interior setback (see Aerial Photo). Granting the owner's variance request to allow a proposed single-family dwelling on Lot 2 to encroach into the north and south 15' side-interior setbacks, and allow a proposed single-family dwelling on Lot 3 to encroach into the north 15' side-interior setback will be consistent surrounding character of the neighborhood.

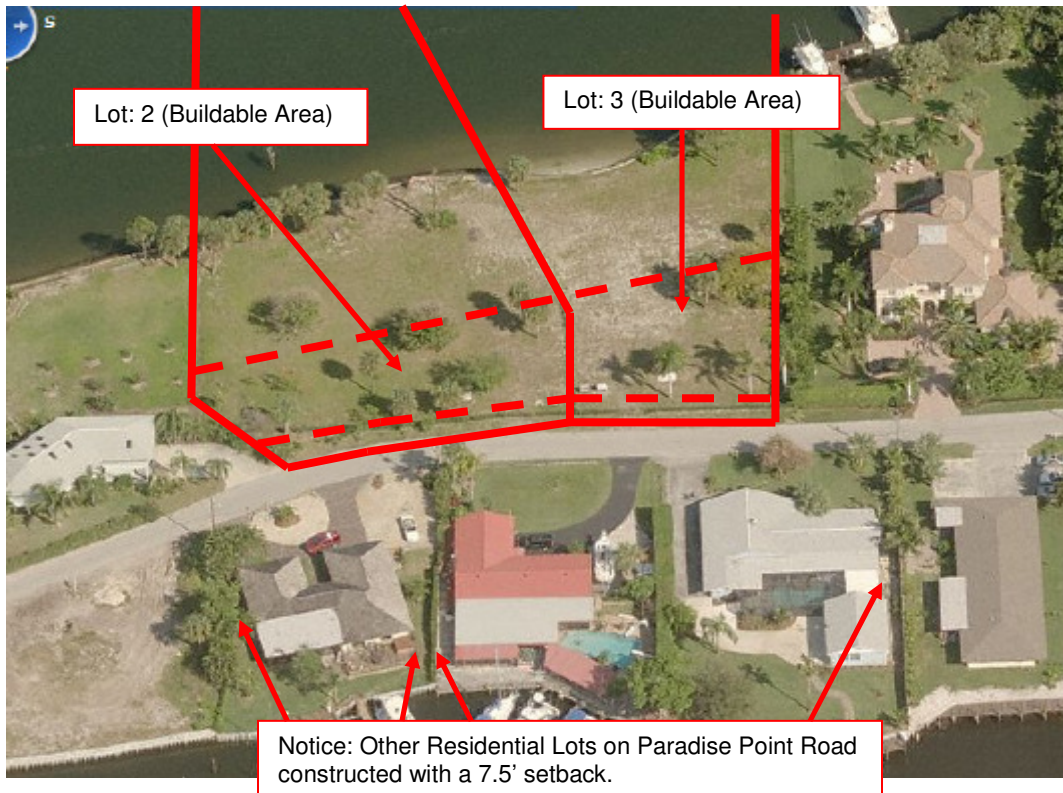
Yes, (Lot: 2 Front) Same as Criteria # 2.

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

Yes, (Lot: 2 front, Lots: 2 & 3 side-interior) Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land. Lot 2 extends to the middle of Paradise Point Road and is encumbered a 15' of Seacoast Easement" along the front property-line, the Westerly Right of Way Easement Line" and the inter-coastal waterway toward the rear of the property; causing 70% of either lot to be unbuildable. Both easements restrict the owner's ability to relocate the proposed single-family dwelling in a manner that would feasibly accommodate the residence and access from Paradise Point Road (see Surveys). Granting the owner's variance request causes no adverse impacts to the surrounding area and is a reasonable use of the parcel of land.

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

Yes, (Lot: 2 front, Lots: 2 & 3 side-interior) Lot 2 extends to the middle of Paradise Point Road and is encumbered by a 15' Seacoast Easement" along the front property-line, and the Westerly Right of Way Easement Line" toward the rear of the property. Both easements restrict the owner's ability to relocate the proposed single-family dwelling in a manner that would feasibly accommodate the residence and access from Paradise Point Road (see Surveys). Granting the owner's variance request causes no adverse impacts to the surrounding area and is a reasonable use of the parcel of land. There are currently other lots with single-family dwellings on Paradise Point Road that were constructed with a 7.5' side-interior setback (see Aerial Photo). Granting the owner's variance request to allow the proposed single-family dwelling to encroach into the 15' side-interior setback will be consistent surrounding character of the neighborhood. The intent of the ULDC's setback requirement is to promote open space and separation between structures. All proposed structures will meet the minimum required 15' separation between structures. Therefore, granting of the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code.



Aerial East View

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

Yes, (Lot: 2 front, Lots: 2 & 3 side-interior There are currently other lots with single-family dwellings on Paradise Point Road that were constructed with a 7.5' side-interior setback (see Aerial Photo). Granting the owner's variance request to allow the proposed single-family dwelling to encroach into the 15' side-interior setback will be consistent surrounding character of the neighborhood. The owners have worked with staff to reduce the amount of variances needed to make reasonable use of Lot 3. Therefore, Lot 3 will meet the minimum 15' side-interior setback requirement for the south property-line. There is extensive landscape screening on the adjacent property to the south, eliminating any visual impact between the proposed single-family dwelling on Lot 3, and the adjacent residence to the south.

AGENCY COMMENTS

Land Development

1. Where will the proposed 5 foot front setback be measured from? **(Resolved)**

Survey

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 Point or position being used at each Government Corner shown or added to the Survey's. **(Resolved)**
2. Identify an additional Government Corner to support the Bearing Base Reference. Also identify the Control Point being used at each Government Corner and label the bearing being cited as "grid" or "assumed". **(Resolved)**
3. Label the properties as "vacant" or show and note any existing improvements on the lot. **(Resolved)**

ZONING COMMENTS

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. (DATE: MONITORING - BUILDING)

DEVELOPMENT ORDER

The development order for this particular variance shall lapse on **April 15, 2011**, one year from the approval date. (DATE: MONITORING: ZONING)

ADMINISTRATIVE VARIANCE – TYPE I B – STAFF PUBLIC MEETING CONDITIONS

1. Prior to the Development Order expiration **April 15, 2011**, the project (Lots: 2 and 3) shall have received and passed the first building inspection. (EVENT: MONITORING - BUILDING)