

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



**ADMINISTRATIVE VARIANCE – TYPE I B - STAFF PUBLIC MEETING
STAFF REPORT
5/17/2012**

AGENDA ITEM	CODE SECTION	REQUIRED	PROPOSED	VARIANCE
AVB-2012- 00825	5.B.1.A	25%	38.6%	13.6%
SITUS ADDRESS:	6555 Skyline Dr Delray Beach 33446			
AGENT NAME & ADDRESS:	Hugh Haines Bricar Enterprises Inc 3015 Dunlin Rd Delray Beach FL 33444			
OWNER NAME & ADDRESS:	Violet Diaz 6555 Skyline Dr Delray Beach FL 33446			
PCN:	00-42-46-15-01-002-0120			
ZONING DISTRICT:	AR			
BCC DISTRICT:	05			
PROJECT MANAGER:	Juanita James, Zoning Technician			
LEGAL AD:	Bricar Enterprises, agent, for Violet Diaz, owner, to allow a proposed accessory structure to exceed more than 25% of distance between property lines. LOC: 6555 Skyline Dr. located at the SW intersection of Lake Ida Rd and Jog Rd.			
LAND USE:	LR-1	S/T/R: 15-46-42		
PETITION #:	2012-00200			
LOT AREA:	2.36			
LOT DIMENSIONS:	approx. 207.48 sf x 495.80 sf			
CONFORMITY OF LOT:	Non-conforming			
CONFORMITY OF ELEMENT:	Conforming			
TYPE OF ELEMENT:	Accessory Structure			
ELEMENT SIZE:	approx. 80 sf x 62.5 sf			
BUILDING PERMIT #:	None			
NOTICE OF VIOLATION:	None			
CONSTRUCTION STATUS:	Proposed			
APPLICANT REQUEST:	To allow an accessory structure to exceed more than 25% of distance between property lines.			

Findings of Fact

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. The community was created in 1966 as an airpark to allow residents to fly into and store their planes in hangars on their property. This is the only community of this nature in unincorporated Palm Beach County. Subsequent to 1966 the Article 5.B.1.A(4) of the ULDC was amended to the limit the amount of area that can be occupied by accessory structures on residential lots to ensure these structures remained ancillary to the residential use.
2. YES. Special circumstances and conditions do not result from the actions of the applicant: The applicant and other members of the community were not aware of the limitations until a building permit was applied for. Placing an average sized hangar onto this lot while attempting to meet ULDC requirements and the HOA setbacks could not be accomplished without variance relief. The applicant is attempting to utilize her property in a similar manner as her neighbors.
3. YES. Grant of the variance will be consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and this code. This community was designed and developed to support the lifestyles of private aviators with personal aircraft. The ULDC promotes consistency within communities. The applicant's request is compatible and consistent with the neighborhood.

STAFF RECOMMENDATIONS

Approval 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:



1. 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, structures or buildings in the same zoning district. The community was created in 1966 as an airpark to allow residents to fly into and store their planes in hangars on their property. This is the only community of this nature in unincorporated Palm Beach County. Subsequent to 1966 the Article 5.B.1.A(4) of the ULDC was amended to the limit the amount of area that can be occupied by accessory structures on residential lots to ensure these structures remained ancillary to the residential use. The amended language was not intended to impact communities that were specifically created for this type of use. The ULDC restrictions would limit the airplane hangar to 51.8 feet which is not adequate for housing private aircraft.

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

2. YES. Special circumstances and conditions do not result from the actions of the applicant: The applicant moved into a community that allows airplanes to be parked in hangars at their residence. Over ninety percent of the residents have hangars that do not meet the 25% limitation and are considered non-conforming. The applicant and other members of the community were not aware of the limitations until a building permit was applied for. Placing an average sized hangar onto this lot while attempting to meet ULDC requirements and the HOA setbacks could be not be accomplished without variance relief. The applicant is attempting to utilize her property in a similar manner as her neighbors.

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:

3. YES. Granting the variance shall not confer upon then applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same district. As previously mentioned the subject property is located in an airpark. An airpark community consists of residents that participate in a lifestyle that allows them to house their planes on their property as residents in traditional neighborhoods park their vehicles and boats at their home. Over 90% of the residents in the neighborhood have hangars of a similar size and shape that do not have to meet the 25% requirement since they were constructed prior to the ULDC amendments. Granting the variance would provide the applicant with the same privileges as her neighbors within Antiquers Aerodrome.

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:

4. YES. Literal interpretation and enforcement of the terms and provision of this code would deprive the applicant of right commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship. As previously mentioned this is a residential community that was designed as an airpark. The existing hangars in the community do not comply with the ULDC with regards to the 25% regulation. In addition the HOA setbacks create an even greater challenge to constructing this structure. A literal interpretation of the ULDC would deprive the applicant of the same rights enjoyed by her neighbors. Her plane would have to be housed off site if the variance is denied, while others in the community have the convenience of storing their planes on their property.

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

5. YES. Grant of the variance is the minimum variance that will make possible the reasonable use the parcel of land, building or structure. A hangar is needed for protective storage of the airplane. It has to be large enough to provide sufficient clearance for the wings. There must also be room for maintenance and a tow truck to bring the aircraft in and out of the building. The applicant proposes to construct a 63 x 80 foot hangar which will result in the structure occupying 38.6% of the distance between the side property lines. If the applicant is required to meet the Code the hangar will be limited to 51.8 feet in length and would not be able to accommodate the plane. Due to the HOA setbacks and the size needed to house the aircraft the variance request is the minimum variance possible to allow 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:

6. YES. Grant of the variance will be consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and this code. As previously stated the subject property is located in Antiquers Aerodrome airpark. This community was designed and developed to support the lifestyles of private aviators with personal aircraft. The ULDC promotes consistency within communities. The applicant's request is compatible and consistent with the neighborhood.

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

7. YES. The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare. Antiquers Aerodrome airpark is surrounded by heavy vegetation and 3 major roads and will not have an impact on the surrounding area or the community where it is located. As previously stated this is an airpark community in which the majority of residents have airplanes that require protective storage. There will be no impact on the neighbors as they all enjoy the same lifestyle.



Figure 1 Aerial_HangarSizes West Of Subject

AGENCY COMMENTS

Planning

No Comments

Survey

The project reviewer is Craig S. Pusey in Survey, who can be contacted at 561-684-4056 to discuss the following comments. **(Resolved)**

Identify a sufficient number of Government Corners to allow 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)**

Due to the number and nature of these Certification Issues additional Certification Issues or Comments may be forthcoming. **(Resolved)**

Bearing Base Reference must refer to a well-established monumented line shown on the Survey. Identify the control points being used on the cited line. Also include the Datum for the line. **(Resolved)**

The tie distance to the west line of Section 15 is incorrect on the Survey. **(Resolved)**

Provide a location map on the survey. **(Resolved)**

Identify, leader and label the existing right-of-way width and include all recording information in support of Skyline Drive on the map sheet of the Survey. **(Resolved)**

The township number provided on the survey and in the legal description is incorrect. **(Resolved)**

Survey must reflect Title Abstract or Report which identifies Easement and Right-of-Way status current to within one year. **(Resolved)**

Provide the parcel area in acres on the Survey. **(Resolved)**

All previous certification issues were addressed on 5/2/12. The Survey Section has no further comments. **(Resolved)**

Provide a legible copy of the Warranty Deed. **(Resolved)**

ZONING COMMENTS

None

DEVELOPMENT ORDER

The development order for this particular variance shall lapse on **May 17, 2013**, one year from the approval date. A building permit shall be obtained by the applicant prior to May 17, 2013. (DATE: MONITORING: Zoning)

ADMINISTRATIVE VARIANCE – TYPE I B – STAFF PUBLIC MEETING CONDITIONS

AVB-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. (BLDG PERMIT: BLDG-ZONING)