



**TOWN LAKE OF PARK  
PLANNING AND ZONING BOARD  
Meeting Date: June 13, 2024  
PZ-24-05**

**Applicant(s):** Thomas G. Holland III  
**Owner:** Thomas G. Holland III and Cindy L Conley  
**Agent:** N/A  
**Address:** 211 Park Avenue  
**Net Acreage:** 0.1722  
**Legal:** KELSEY CITY LTS 32 & 33 BLK 31  
**Existing Zoning:** R-1A  
**Future Land Use:** Single-Family Residential

**Adjacent Zoning**

North: R-1 residence district  
 South: R-1A residence district  
 East: R-1A residence district  
 West: R-1A residence district

**Adjacent Future Land Use**

North: Single-Family Residential  
 South: Single-Family Residential  
 East: Single-Family Residential  
 West: Single-Family Residential

**I. VARIANCE REQUEST**

Decrease the side yard setback requirement for driveway installation pursuant to Town Code Section 78-144(b)(1)a. for a 2-foot reduction from 4 feet to 2 feet from the eastern property line.

**II. BACKGROUND INFORMATION AND SUMMARY OF REQUEST:**

**Background & Summary of Request**

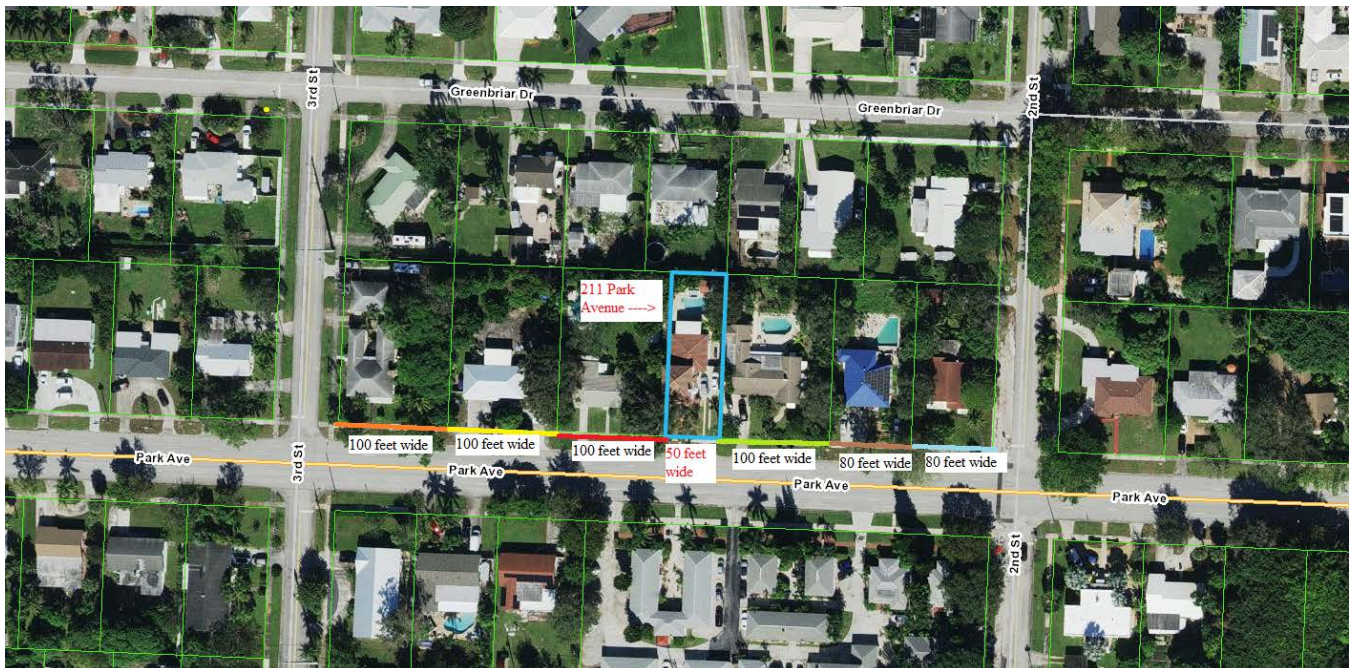
This variance request is fairly simply. It is being brought forward given the substandard lot conditions at 211 Park Avenue. A standard lot in Town has a width ranging from 75 feet to 125 feet, with an average lot width for single-family properties of 100 feet. 211 Park Avenue was platted decades ago prior to the Town's Ordinances taking effect. It was platted with a 50 foot lot width. This lot width is considered non-conforming since the current Town Code requires a minimum lot width of 75 feet for interior lots. The property owner would like to install a standard, conforming paver driveway within the eastern portion of the front yard area so that it aligns with the access to the rear of the property. Given the existing conditions whereby there is an existing walkway in the center of the front yard, along with a large shade tree, this eastern location for the driveway retains the original access and remain the most viable, functional and aesthetically pleasing option.

Variance Number	Section:	Required:	Proposed:
1	78-144(b)(1)a.	4 feet	2 feet





*Figure 1 – Street View of 211 Park Avenue (Google Image dated January 2024)*




*Figure 2 – Aerial Image with lot width comparisons*



Notes:


Scale:

$1/8" \approx 1'$

PLANTER AREA - 

East side planter is 2' wide

West side planter is approximately 3' wide

DRIVEWAY is approximately 975 sq. ft. 



2' Setback  
(REQUESTING VARIANCE - IN PROGRESS)

Figure 3 – Proposed Work Area

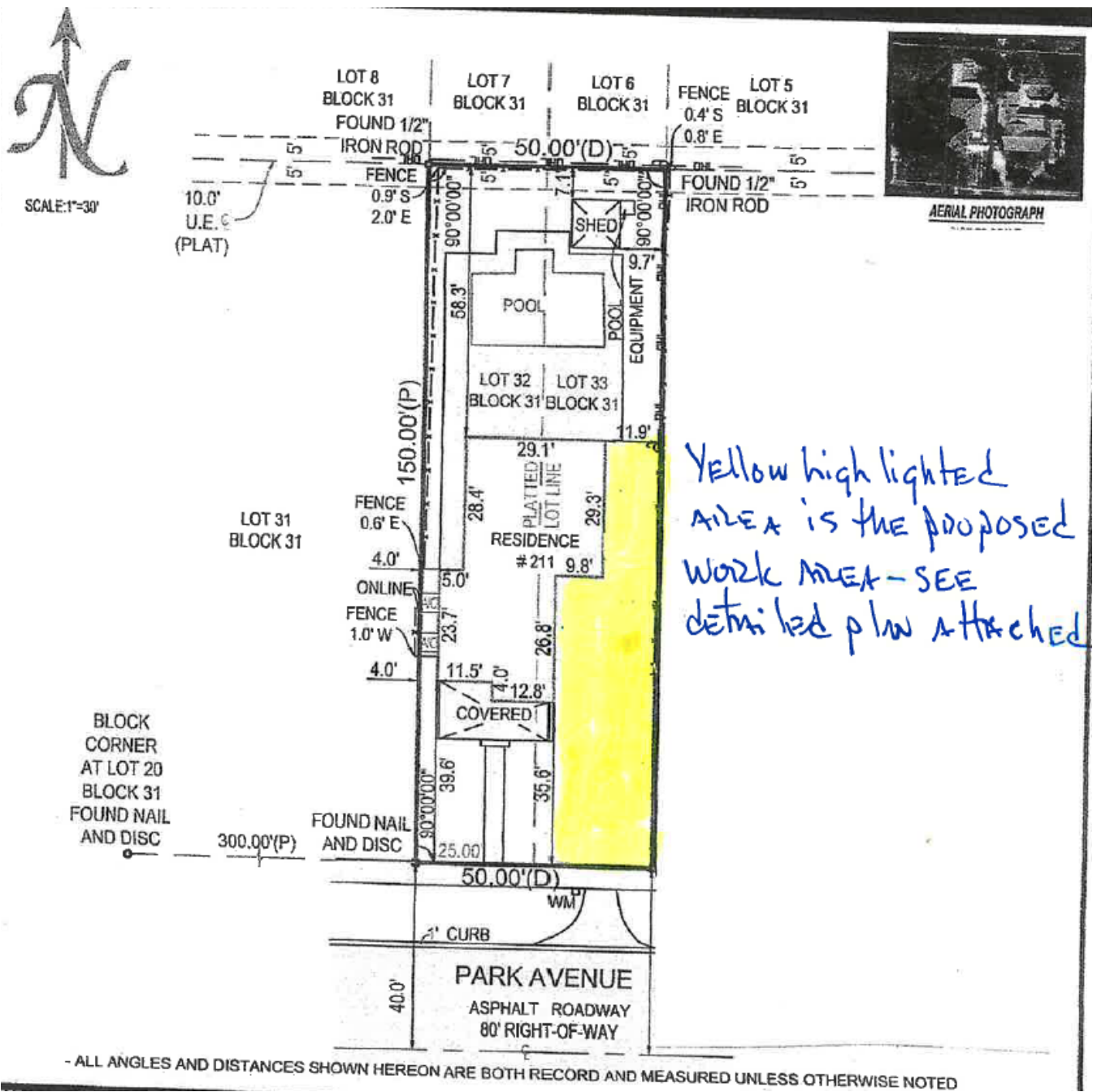


Figure 4 – Property Survey with work area highlighted

### III. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The following Comprehensive Plan statements are applicable in this case:

Policy 5.4: Utilize such techniques as distance requirements, buffering, **landscaping**, lower-intensity development, and scale-down requirements to provide appropriate transitions between uses and districts of different intensities, densities, and functions.

### IV. LAWS ON VARIANCES

Section 55-63 (2) of the Town Code vests the Planning and Zoning Board with final authority regarding variances. Section 78-185 of the Town Code establishes criteria which must be met to entitle an applicant to a variance. The Board must find that all 7 criteria have been met to entitle an applicant to the requested variance relief. The 7 criteria are:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure, or building;
- (2) The special conditions or circumstances are not a result of actions by the Owner/applicant;
- (3) Granting the variance will not confer on the Owner any special privilege that is denied to others;
- (4) A literal interpretation of the land development regulations would deprive the Owner of rights commonly enjoyed by other properties in the same zoning district;
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (6) The granting of the variance will be in harmony with the general intent and purpose of the land development regulations and will not be injurious to the area involved or otherwise detrimental to the public welfare and;
- (7) Granting the variance would not be contrary to the comprehensive plan.

In evaluating these criteria, Courts have placed emphasis on criteria # 4, by holding the owner/applicants for variance relief and the governing board evaluating the application to the rigorous standard of whether the denial of the variance would render the Property virtually unusable. See Bernard v. Town of Palm Beach, 569 So. 2d 853 (Fla. 4<sup>th</sup> DCA 1990).

### IV. ANALYSIS OF CRITERIA AND FINDINGS FOR VARIANCE

Below are listed the seven (7) variance criteria from Code Section 78-185 which all must be met before a variance can be granted.

<b>CRITERIA</b> 1:	That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
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<b>Applicant Response:</b>	“Sub-standard lot – only 50 feet wide (all other lots are minimum 75 feet)”
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<b>Staff Response:</b>	Staff agrees that special circumstances exist given the sub-standard lot size.  <b>Criteria 1 is MET.</b>
<b>CRITERIA 2:</b>	That the special conditions and circumstances do not result from the actions of the applicant.
<b>Applicant Response:</b>	“Our only request is to be able to install a code compliant driveway at a standard size similar to other properties.”
<b>Staff Response:</b>	Staff agrees that there are special conditions given that the property was platted decades ago with a smaller than average lot width, limiting the ability to meet certain setbacks.  <b>Criteria 2 is MET.</b>
<b>CRITERIA 3:</b>	That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.
<b>Applicant Response:</b>	“It will not. All other properties are entitled to the same privilege of driveway.”
<b>Staff Response:</b>	The granting of this variance would not confer upon the applicant the special privilege given that the applicant is proposing a standard driveway similar to all other properties and is also proposing to beautify the area with pavers and planters along the side property line to allow for an improved transition.  <b>Criteria 3 is MET.</b>
<b>CRITERIA 4:</b>	That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter, and would work unnecessary and undue hardship on the applicant.
<b>Applicant Response:</b>	“They would. Given the reduced lot size, the 4 foot required setback would not allow for a standard, normal driveway to the side of the property.”

**Staff Response:** The applicant would be deprived of rights commonly enjoyed by other properties if the full setback is applied since the applicant would then be forced to reconfigure the front yard area in such a way where it would not be functional, nor aesthetically pleasing given the current position of the main house, walkway, green space and shade tree.

**Criteria 4 is MET.**

**CRITERIA 5:** That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

**Applicant Response:** “We are able to accommodate 2 feet to reasonable install the driveway.”

**Staff Response:** This variance would be the minimum necessary to allow for a standard driveway configuration.

**Criteria 5 is MET.**

**CRITERIA 6:** That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations of the Code, and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

**Applicant Response:** “No impacts are anticipated.”

**Staff Response:** This variance would not be injurious to the immediate area or otherwise detrimental to the public welfare. The requested variance will allow for a standard driveway and the owner will also incorporate a transitional area consisting of planters.

**Criteria 6 is MET.**

**CRITERIA 7:** That the variance would not be contrary to the comprehensive plan of the town.

**Applicant Response:** “Not contrary to the Comp Plan.”

**Staff Response:** This proposal is not contrary to policies and objectives of the Town’s Comprehensive Plan. The proposal ensures harmony with adjacent driveways, provides for a transitional area to eliminate the potential for any adverse impacts between properties.

**Criteria 7 is MET.**

## V. STAFF RECOMMENDATION

Staff recommends APPROVAL of the requested variance since it does meet ALL of the 7 criteria required for the granting of a variance.

### Summary of Consistency with Criteria for variance request

		Consistent	Inconsistent
1.	Special Conditions	X	
2.	Actions of the Applicant	X	
3.	Special Privilege	X	
4.	Literal Interpretations	X	
5.	Minimum Variance	X	
6.	Public Interest	X	
7.	General Harmony	X	

## VI. MOTION FOR THE BOARD TO CONSIDER:

I move to APPROVE the variance request.