



## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 25-01500002:** Consideration of a variance request to allow fencing to be placed within the front setback at 511 South East Coast Street. The subject site is zoned Artisanal Industrial (AI) and has a future land use designation of Artisanal Mixed-Use (AMU).

**Meeting Date:** May 7, 2025

**Applicant:** Juan Contin – Contin Architecture & Design

**Owner:** Ghrayeb & Grayeb LLC

**Address:** 511 South East Coast Street

**PCN:** 38-43-44-21-15-177-0010

**Size:** 1.02 acres parcel/±6,730 square feet of commercial buildings

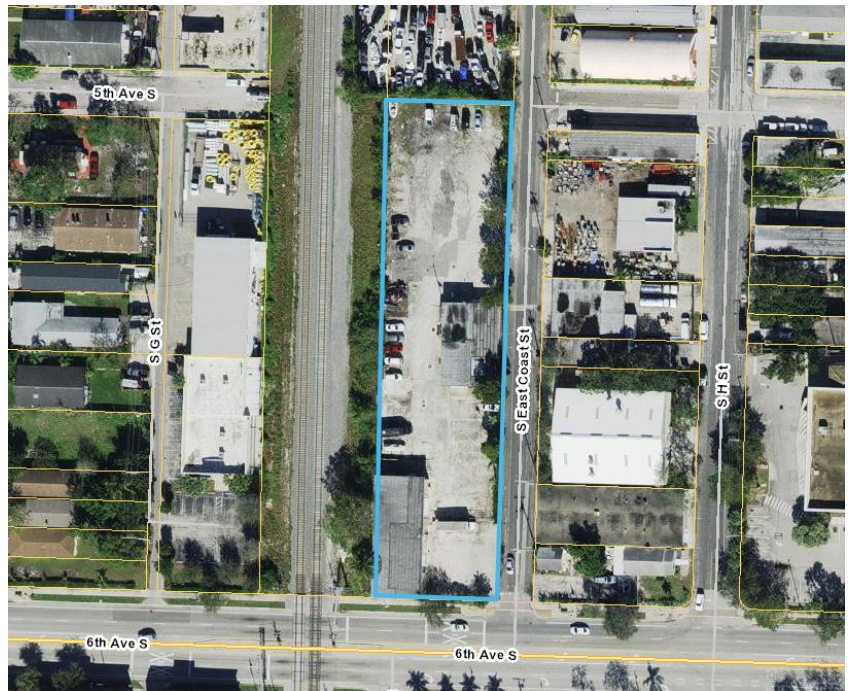
**General Location:** Northwest corner of 6<sup>th</sup> Avenue South and South East Coast Street

**Existing Land Use:** Commercial Office

**Current Future Land Use Designation:** Artisanal Mixed Use (AMU)

**Zoning District:** Artisanal Industrial (AI)

**Location Map**



## RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan. The proposed variance request is consistent with the variance criteria in LDR Section 23.2-26(b). Therefore, staff is recommending approval of the proposed variance.

## PROJECT DESCRIPTION

The applicant, Juan Contin, is requesting a variance to allow fencing to be placed within the front setback at 511 South East Coast Street. The subject site is an Artisanal Industrial (AI) zoned property located at the Northwest corner of 6th Avenue South and South East Coast Street. The subject site is directly adjacent to the FEC Railroad and is adjacent to Artisanal Industrial zoned properties.

## COMMUNITY OUTREACH

As of publication, staff has not received comments in support or opposition of the proposal.

## BACKGROUND

The subject site is a  $\pm$  1.02-acre commercial lot. Below is a general timeline summary of the commercial property based on City records:

A 2,730 sq. ft. and 4,000 sq. ft. commercial building was constructed in 1935. On February 5, 2025, the applicant requested a variance to place fencing 3'-6" from the front property line.

## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Artisanal Mixed Use (AMU). Per Policy 1.1.1.9, the AMU future land use area is *"intended to provide for the establishment and enlargement of office, retail and industrial uses related to the arts, other low intensity industrial uses, and medium density residential opportunities. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 50% non-residential and 50% residential"*.

**Analysis:** The existing commercial office use is consistent with the intent of the Artisanal Mixed Use designation. The variance being sought will not change the use of the property.

### Consistency with the City's Land Development Regulations

Per Section 23.2-26, variances are authorized for height, area, size of structures, size of yards, parking requirements, and other area requirements and open spaces. The Department of Community Sustainability is tasked in the Code to review variance applications for consistency with the City's LDRs, for compliance with the findings for granting variances (analyzed in the next section) and to provide a recommendation for whether the application should be approved or denied. The applicant's justification statement is included in **Attachment A**.

**Analysis:** The proposed fencing conflicts with development requirements in the City's Zoning Code, specifically for fence placement. Based on LDR Section 23.4-4(f)(1), all fences and walls for commercial, vehicular, and non-residential uses shall be set back to the minimum building setback line on the front of the lot for traffic vision purposes. The AI zoning district requires a minimum setback of 10 feet not to exceed 22 feet. Therefore, the proposed fence is required to be set back a minimum of 10 feet from the front property line.

The applicant is requesting a variance to allow fencing to encroach in the minimum front setback, 3'-6" from the front property line.

LDR Citation	Required/allowed	Proposed
LDR Section 23.4-4(f)(1)	<i>Except as otherwise provided herein, all fences and walls shall be set back to the <b>minimum building setback line on the front of the lot for traffic vision purposes.</b></i>	Fencing to be placed 3'-6" from the front property line.

**Section 23.2-26(b) Variances, Required findings for approval:**

The Land Development Regulations require all variance requests to be analyzed for consistency with Section 23.2-26(b). Staff has reviewed the variance request against this section.

1. Special circumstances or conditions exist which are peculiar to the land or building for which the variance is sought and do not apply generally to nearby lands and buildings, and that this is not the result of the action of the applicant.

**Analysis:** The property at 511 South East Coast Street consists of two detached commercial buildings (4,000 sq. ft. and 2,730 sq. ft.). The existing 4,000 square foot commercial building was constructed 1'-1" from the front (south) property line, which does not meet the required minimum 10' setback. According to Section 23.4-4(f)(1) of the Land Development Regulations (LDRs), fences must be set back to the minimum building setback line (in this case, at least 10') for vision clearance purposes. The site includes a parking lot that was constructed directly adjacent to the subject building. The site also consists of existing perimeter fencing except for the southeast portion of the parcel, where the subject fencing is being requested. The applicant contends that the site is subject to trespassing and vandalism from the unfenced southeast portion of the parcel. The applicant is proposing additional fencing on the southeast portion of the parcel in an attempt to reduce vandalism and for security purposes. Staff conclude the special circumstances of the building and parking lot configuration are peculiar to the land and building for which the variance is sought and is not the result of the action of the applicant. **Meets criterion.**

2. The strict application of the provision of these LDRs would deprive the applicant of any reasonable use of the land or building for which the variance is sought.

**Analysis:** The parking area located on the east side of the existing southern building features a parking area that aligns with the 4,000 square foot building. If the southern fence were to comply with the minimum 10' setback, it would negatively impact the functionality and security of the site, specifically the parking and circulation areas. Additionally, the east side of the 4,000 square foot building includes an entrance door. If the fence were placed in compliance with the setback requirement, it would obstruct access to the door, forcing the applicant to park internally and walk around the fenced area to access the building. Therefore, strict adherence to the LDRs would deprive the applicant of reasonable use of the land and building. **Meets criterion.**

3. The variance proposed is the minimum variance which makes possible the reasonable use of the land or building

**Analysis:** As noted, the proposed variance is essential for the reasonable use of the property for security and site circulation purposes. The site is bordered by a decorative brick wall installed by the Florida Department of Transportation (FDOT) along the southern property line. Additionally, there is an existing 3'-6" wide landscape area along the same property line. The applicant seeks to install a 6' tall vinyl fence, positioned 3'-6" from the front property line while maintaining the existing landscape. The minimum front setback of 10', as required by the LDRs, would alter the existing parking configuration and access to the 4,000 square foot commercial building. The proposed fence configuration of fencing to be placed 3'-6" from the front property line would allow the site

to retain its existing landscaping, site circulation, and ensure reasonable access and security to the building. Therefore, the requested variance is the minimum necessary to allow the applicant to use the land and building effectively. **Meets criterion.**

4. The granting of the variance will be in accordance with the spirit and purpose of this chapter, and will not be unduly injurious to contiguous property or the surrounding neighborhood nor otherwise detrimental to the public welfare.

**Analysis:** Granting the variance will not cause harm to the surrounding neighborhood or public welfare. The property is situated on a corner lot at the intersection of 6th Avenue South and South East Coast Street. Vehicular ingress/egress is provided on the east side of the property, so the proposed fencing will not negatively affect traffic visibility on the south side. Further, the applicant will provide the required 20' visibility triangle for the corner intersection. Therefore, the variance will not negatively impact the surrounding properties or the broader public interest. **Meets criterion.**

## CONCLUSION

Variance requests are required to be reviewed for consistency with the criteria set forth in LDR Section 23.2-26(b). The applicants have established by competent and substantial evidence that the proposed variances are consistent with all of the required review criteria, including special circumstances of the property and that the strict application of the LDRs would deprive the property owners of reasonable use of the land. Therefore, staff is recommending that the Planning and Zoning Board approve the proposed variance with the following conditions of approval:

1. A Minor Site Plan and building permit shall be required for the proposed fencing.

## BOARD POTENTIAL MOTION:

I MOVE TO **APPROVE** PZB Project Number 25-01500002 for a variance request to allow fencing to encroach in the minimum front setback at 511 South East Coast Street. The project meets the variance criteria based on the data and analysis in the staff report.

I MOVE TO **DISAPPROVE** PZB Project Number 25-01500002 for a variance request to allow fencing to encroach in the minimum front setback at 511 South East Coast Street. The project does not meet the variance criteria based on the data and analysis in the staff report [Board member please state reasons].

**Consequent Action:** *The Planning & Zoning Board's decision will be the final decision for the variance. The applicants may appeal the Board's decision directly to Circuit Court.*

## ATTACHMENTS

- A. Application Package (survey/site plan and supporting documents)