



## PLANNING AND ZONING BOARD REPORT

**PZB Project Number 24-01500004:** Consideration of three variance requests for 1701 Terrace Drive West to encroach the rear setback, to exceed the maximum impermeable surface, and to exceed structural coverage. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

**Meeting Date:** March 5, 2025

**Owners/Applicants:** Ibrahim and Debra Chalhoub

**Address:** 1701 Terrace Drive West

**PCN:** 38-43-44-16-15-006-0010

**Size:** 0.1853 acre

**General Location:** Northwest corner of 17<sup>th</sup> Avenue North/Keller Road and Terrace Drive West

**Existing Land Use:** Single Family residence

**Current Future Land Use Designation:** Single Family Residential (SFR)

**Zoning District:** Single Family Residential (SFR)

**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 requests are not consistent with the variance criteria in LDR Section 23.2-26(b). Therefore, staff is recommending denial of the proposed variances.

## PROJECT DESCRIPTION

The applicants, Ibrahim and Debra Chalhoub, are requesting three variances for a proposed rear addition at 1701 Terrace Drive West. The subject site is a single-family zoned property located at the northwest corner of 17th Avenue North/Keller Road and Terrace Drive West. The subject site is surrounded by properties zoned for single-family use to the north, south, and east, while the west side borders the Lake Worth Drainage District Canal No. E-4.

## COMMUNITY OUTREACH

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

## BACKGROUND

The subject site is a  $\pm 0.1853$  acre residential lot. Below is a general timeline summary of the residential property based on City records:

- 1961 – New single-family home constructed
- 2017 – Received a building permit to construct a seawall, dock, and boatlift
- 2018 – received variance approval and building permit to construct a 50' x 10' awning encroaching the rear setback
- 2024 – applicant applied for a variance for an addition to encroach the rear setback

## ANALYSIS

### Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per Policy 1.1.1.2, the SFR future land use area is *"intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. Single-family homes do not include accessory apartments or other facilities that permit occupancy by more than one family or household."*

**Analysis:** The existing principal structure is a single-family house that is consistent with the intent of the Single-Family Residential designation. The variances 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 addition conflicts with development requirements in the City's Zoning Code, specifically rear setback requirements, maximum impermeable coverage, and structural coverage.

Based on LDR Section 23.3-7(c)(3)(C)(1), principal structures shall have a minimum rear setback of 15 feet or 10% of lot depth, whichever is less. The subject site has a lot depth of 100 feet and therefore requires a minimum 10-foot rear setback for principal structures. In 2018, the site received variance approval to allow a 50' x 10' awning to be constructed

to the rear property line with no rear setback. The applicant is now proposing to remove the awning and requesting three variances to build an addition in the same space without a rear setback.

Further, per LDR Section 23.3-7(c)(5)(C) and LDR Section 23.3-7(c)(6)(C), lots greater than 7,500 square feet shall not exceed 50% impermeable surface coverage and 30% structural coverage. Based on staff review of City records and the survey provided by the applicants, the south side of the property includes approximately 220 square feet of unpermitted pavers, which appear to have been installed after 2022. Due to the approved awning in 2018 and unpermitted pavers on the south side of the property, the site currently exceeds both maximum impermeable surface coverage and structural coverage; neither of these non-conformities were addressed in the 2018 variance.

The applicant is requesting three variances to allow an addition without the required 10-foot rear setback, to exceed the maximum impermeable surface coverage, and to exceed the structural coverage allowance.

LDR Citation	Required/allowed	Proposed
Setbacks (23.3-7(c)(3)(C))	Minimum rear setback. Fifteen (15) feet or ten (10) percent of lot depth, whichever is less.  The site has a lot depth of 100 feet, which requires a <b>minimum 10-foot rear setback</b> for principal structures.	<b>Zero rear setback</b>
Impermeable surface coverage (23.3-7(c)(5)(D))	<b>Fifty (50) percent</b> for lots seven thousand five hundred (7,500) square feet and greater.	<b>±63% - With addition &amp; unpermitted bricks on south side</b> (±55.3% without addition; ±53% without addition & unpermitted pavers)
Structural coverage (23.3-7(c)(6)(C))	<b>Thirty (30) percent</b> for lots seven thousand five hundred (7,500) square feet and greater.	<b>±36.7% - With addition or existing awning</b> (±29.1% without awning or addition)

**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 3 variances requests against this section; as the three variance requests are all related to the proposed construction of the addition, all three variance requests are analyzed together.

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 1701 Terrace Drive West is a platted lot located on the east side of the Lake Worth Drainage District's (LWDD) E-4 Canal. While properties adjacent to a body of water are somewhat uncommon within the City, they are typical of several areas of the City, including properties neighboring 1701 Terrace Drive West. As discussed above, the property received an approved variance in 2018 to construct an awning extending to the rear property line with no rear setback. The existing awning has a metal frame with a fabric covering. The applicant asserts that wildlife causes damage to the awning by puncturing holes, allowing water to enter the covered patio area, which in turn damages furniture and disrupts the use of the space. However, wildlife and potential for associated wildlife damage is a general condition for properties throughout the City, and is not

peculiar to the subject land/building. Therefore, a hardship related to the circumstances of the property has not been established. **Does not meet 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 applicant states that the existing wildlife in the area interferes with the safety and functionality of the current rear awning. As a result, they are requesting to remove the awning and enclose the same space to create an enclosed area for living and recreation. According to City records, the rear property line is located between 37 and 50 feet from the body of water. In 2017, the property was granted a permit to install a seawall, dock, and boat lift, suggesting that the rear area of the property is actively used by the occupants. The property does not require an addition for reasonable use as a single-family residence, as the occupants will continue to be able to utilize the existing single-family residence, rear area of the property, and exercise their riparian rights without the construction of the requested addition. Strict adherence to the Land Development Regulations (LDRs) would not deprive the property owners of reasonable use of land as the property owner has the option to either remove the rear awning or maintain its existing use.

**Does not meet criterion.**

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

**Analysis:** As discussed above, the proposed variance is not necessary for the reasonable use of the land. The applicant may continue to use the existing structures and make use of the land on the north and south sides of the property, as well as the large outdoor area at the front (east) of the property. Additionally, the variance request does not represent the minimum necessary adjustment, as the applicant is requesting three variances and has not considered reducing the setbacks, impermeable surface coverage, or structural coverage nonconformities. **Does not meet 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:** The granting of the variance requests would likely not be unduly injurious or detrimental to the surrounding neighborhood or public welfare. The property is located on a corner lot with only one directly adjacent neighbor. The rear of the property is situated between 37 and 50 feet from the E-4 canal system, and the rear setback encroachment does not appear to directly impact the waterway. Additionally, the Lake Worth Drainage District site plan reviewer has reviewed the variance request and raised no objections to the petition.

**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 not established by competent and substantial evidence that the proposed variances are consistent with all of the required review criteria, including that a hardship be established related to the 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 not approve the proposed variances.

**BOARD POTENTIAL MOTION:**

I MOVE TO **DISAPPROVE** PZB Project Number 24-01500004 for three variance requests at 1701 Terrace Drive West to encroach the rear setback, to exceed the maximum impermeable surface, and to exceed structural coverage. The project does not meet the variance criteria based on the data and analysis in the staff report.

I MOVE TO **APPROVE** PZB Project Number 24-01500004 for three variance requests at 1701 Terrace Drive West to encroach the rear setback, to exceed the maximum impermeable surface, and to exceed structural coverage. The application meets the variance criteria for the following reasons [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)
- B. Photos