



HISTORIC RESOURCES PRESERVATION BOARD REPORT

HRPB Project Number 23-01500006: A request for a variance to allow the installation of a shed between the principal structure and the public street at 231 South J Street. The subject property is a non-contributing resource within the Southeast Lucerne Historic District and is located in the Multi-Family Residential (MF-20) zoning district. The future land use designation is Medium Density Residential (MDR).

Meeting Date: July 12, 2023

Property Owner: Kathy Wright

Address: 231 South J Street

PCN: 38-43-44-21-15-085-0310

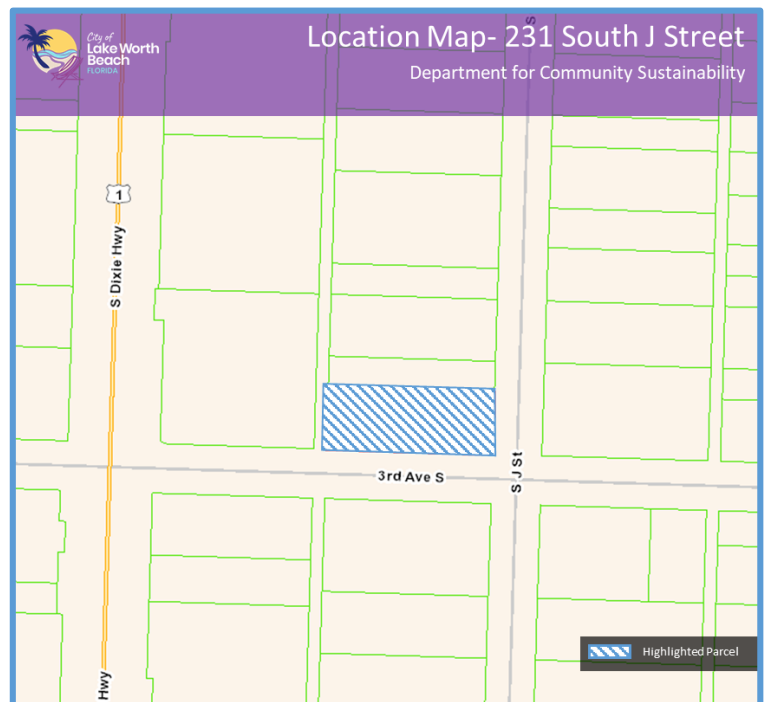
Size: ±0.15 acres / 6,750 sf

General Location: Northwest corner of South J Street and 3rd Avenue South

Existing Land Use: Single Family Residential

Future Land Use Designation: Medium Density Residential (MDR)

Zoning District: Multi-Family Residential (MF-20)



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 the LDRs. Therefore, **staff recommends approval of the variance application.**

PROJECT DESCRIPTION

The property owner, Kathy Wright, is requesting a variance to allow an 80 square foot shed (accessory structure) between the principal structure and the front property line at 231 South J Street. LDR Section 23.1-12 requires that all accessory structures are located behind the principal structure. The subject property is located on the corner of South J Street and 3rd Avenue South. The parcel is located in the Multi-Family Residential (MF-20) zoning district and has a Future Land Use (FLU) designation of Medium Density Residential (MDR). A survey of the property is included in **Attachment A**.

PUBLIC COMMENT

Staff has not received any letters of support or opposition for this application.

BACKGROUND

The house and a non-extant garage structure were built at 231 South J Street c. 1920, in the Wood Frame Vernacular architectural style. Both structures had wood siding and metal shingle roofing. The garage structure was demolished in 1970.

Some of the primary structure's windows were replaced with jalousies in 1959, the original siding was replaced with asbestos siding in 1961, and some of the metal shingle roofing was replaced with asphalt shingles in 1984. In 2012, all the roofing was replaced with dimensional asphalt shingles, window and door replacements were approved in 2017, and a new driveway was added in 2019.

Based on aerial images from the Property Appraiser, there was a shed on the property from at least 2005-2009, and the existing shed was added around 2012. The City's files do not have any record of permits and/or variances for these sheds.

The property owner applied for a building permit for a new shed, in approximately the same location as the existing shed, on May 1, 2023. Staff disapproved the application on May 15, 2023, due to the shed's proposed location and missing documentation. Due to the location of the principal structure on the property, staff suggested applying for a variance, and the project was scheduled for the July HRPB meeting.

ANALYSIS

Consistency with the Comprehensive Plan

The subject site has a Future Land Use (FLU) designation of Medium Density Residential (MDR). Per policy 1.1.1.3, the Medium Density Residential category is *"intended to permit development of two-family and multi-family structures. Two-family structures are those that provide two principal dwelling units, each for occupancy by one family or household. Multi-family structures are those that contain three or more principal dwelling units, each for occupancy by one family or household."*

Analysis: While the Medium-Density Residential designation is primarily intended to permit development of structures with two or more dwelling units, the implementing MF-20 zoning district allows for the development of single-family structures as a use that is permitted by right. The variance being sought will not change the use of the property.

Based on the analysis above, the proposed development request is consistent with the goals, objectives, and policies of the City of Lake Worth Beach's Comprehensive Plan.

Consistency with the Land Development Regulations

The proposed new shed in front of the principal structure at 231 South J Street conflicts with the development requirements in the City's Land Development Regulations, specifically the limitations on the location of accessory structures. Per LDR Section 23.1-12, accessory structures may not be constructed between any principal structure and a public right-of-way. LDR Section 23.3-10(c)(9) does allow for accessory structures on double frontage or corner lots to be constructed between the side or rear of a principal structure and the public right-of-way. However, this still does not permit accessory structures to be constructed between the front of a principal structure and the public right-of-way, as is proposed at 231 South J Street.

Required by Code	Proposed
LDR Section 23.1-12: <i>Accessory structures must maintain the same setback or greater from public streets as the principal structure and may not be constructed between any principal structure and a public street right-of-way.</i>	Installation of shed between the front of the principal structure and South J Street.

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

According to the City of Lake Worth Beach, Land Development Regulations Section 23.2-26, "*the power to grant any such variance shall be limited by and be contingent upon documentation that all required findings are made by the appropriate Board.*" As this property located in the Southeast Lucerne Historic District, the HRPB is tasked with making the required findings to grant a variance. The following analysis addresses each of the required findings for the requested variance. In addition, the applicant's justification statement is included in **Attachment B**.

- A. *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 an action of the applicant.*

Analysis: The existing rear (west) setback of the principal structure ranges from about 3.8 feet to about 6.7 feet. With the existing 3.8 to 6.7 feet of space and the required 5-foot rear setback for accessory structures, there is not enough space from the exterior wall of the house to the required setback to install a shed. Additionally, the side yards behind the front building line range from 1.3 to 1.7 feet, which is not sufficient space to install a shed or to meet accessory structure side setback requirements. The only feasible shed location is between the front principal structure and the public street (South J Street). Based on the existing siting of the structure, staff contends that there are special circumstances or conditions that are peculiar to the land and building that do not apply generally to the nearby lands and buildings. **Meets Criterion.**

- B. *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: Strict application of the LDRs would not deprive the applicant's continued use of the single-family residence. However, a shed is a reasonable expectation for a property that contains a single-family structure for additional storage of tools and miscellaneous objects. Per the City's Land Development Regulations (LDRs) Sections 23.1-12 and 23.3-10, accessory structures may not be constructed between any principal structure and a public street right-of-way. The applicant contends that a shed is an accessory structure necessary for the reasonable use of the property. **Meets Criterion.**

- C. *That the variance proposed is the minimum variance which makes possible the reasonable use of the land or building;*

Analysis: The proposed 80 square foot (8' x 10') shed will be set back 5 feet from the south side property line, complying with the minimum side setback requirements. The proposed shed will also comply with the front

setback requirement, as it will be placed approximately 63 feet from the front property line. Staff finds that the proposed variance is the minimum necessary to accommodate a small shed on the property. **Meets Criterion.**

- D. *That 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. In deciding appeals from decisions of the development review official or in granting variances, the decision-making board is authorized and required to impose any reasonable conditions and safeguards it deems to be necessary or desirable, and violation of such conditions or safeguards when made a part of the terms under which a variance is granted, shall be deemed to be a violation of these LDRs.*

Analysis: Although the character of the neighborhood does not include accessory structures between the principal structure and public right of way, this request would not be unduly injurious to adjacent properties and would allow for reasonable expectation of storage in a residential zoning district. The existing fencing currently screens the shed from the street, minimizing the visual impact to the surrounding properties. Staff has drafted a condition of approval that a fence and/or landscape screen must be maintained along the south side property line. As the current fence does not comply with the setback and landscape screening requirements in the LDRs, if existing fence be removed or replaced any new fencing shall be set back at least 30 inches from the side property line with a landscape screen, as required by LDR Section 23.4-4. **Meets Criterion.**

Consistency with the Historic Preservation Design Guidelines

Prefabricated sheds within historic district require staff-level COA review, but have minimal design review and are generally permitted as long as they comply with zoning requirements.

CONCLUSION AND CONDITIONS

Based on staff analysis, the variance request complies with all the variance criteria in LDR Section 23.2-26. Staff recommends approval of the proposed variance. Staff has drafted conditions of approval below:

Conditions of Approval:

- 1) The shed shall comply with all minimum setback requirements as established in LDR section 23.3-10.
- 2) Fencing and/or landscape screening shall be maintained along the south side property line to screen the shed from view from the public right-of-way. Current fencing on the south property line is an existing non-conformity; any new fencing on the south side property line shall comply with the 30-inch setback and landscape screening requirements established in LDR Section 23.4-4

BOARD POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 23-01500006 with staff recommended conditions for a variance to allow the installation of a shed between the principal structure and the public street at **231 South J Street**. The application meets the variance criteria based on the data and analysis in the staff report.

I MOVE TO **DISAPPROVE** HRPB Project Number 23-01500006 for a variance to allow the installation of a shed between the principal structure and the public street at 231 South J Street. The project does not meet the variance criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Historic Resources Preservation Board's decision will be final decision for the variance. The Applicant may appeal the Board's decision directly to circuit court.*

ATTACHMENTS

- A. Survey
- B. Applicant's Justification Statement
- C. Photos