



## HISTORIC RESOURCES PRESERVATION BOARD REPORT

**HRPB Project Number 23-01500005:** A request for three variances to allow a gravel boat storage area in front of the front building line, which also exceeds the maximum impermeable surface coverage and does not meet the minimum front yard landscaped area requirements at 1106 South Palmway. The subject property is a non-contributing resource within the South Palm Park Historic District and is located in the Single Family Residential (SFR) zoning district. The future land use designation is the Single Family Residential (SFR).

**Meeting Date:** July 12, 2023

**Property Owner:** Edmund and Theresa Deveaux

**Address:** 1106 South Palmway

**PCN:** 38-43-44-27-01-050-0061

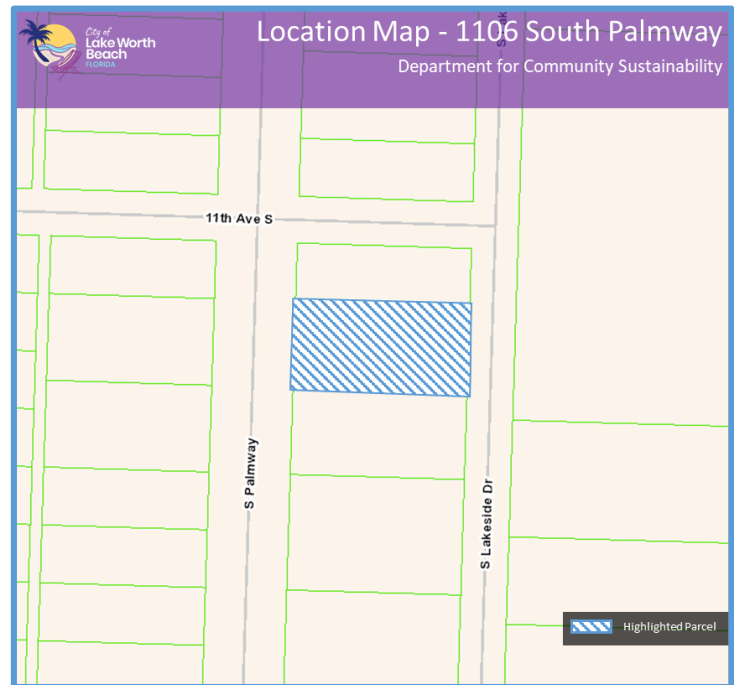
**Size:** ±0.258 acres / 11,250 sf

**General Location:** East side of South Palmway between 11<sup>th</sup> Avenue South and 12<sup>th</sup> Avenue South

**Existing Land Use:** Single Family Residential

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

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



## 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 do not meet all the variance criteria in the LDRs. Therefore, staff recommends denial of the variance application.

## PROJECT DESCRIPTION

The property owners, Edmund and Theresa Deveaux, are requesting three variances to allow for boat storage on a gravel area in front of the front building line, which also exceeds the maximum impermeable surface coverage and does not meet the minimum front yard landscaped area requirements. The gravel boat storage area was installed without building permits. The subject property is located on the east side of South Palmway between 11<sup>th</sup> Avenue South and 12<sup>th</sup> Avenue South. The parcel is located in Single Family Residential (SFR) zoning district and has a Future Land Use (FLU) designation of Single Family Residential (SFR). 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 single-family house at 1106 South Palmway was built in 1976. The single-story house was designed in a Ranch style, with an L-shaped layout, stucco exterior walls, asphalt shingle roof, 2-car garage with a decorative door, and a decorative brick veneer on the east elevation. A pool was added to the property shortly after construction in 1976. A rear porch was enclosed in 1996.

Major renovations and exterior alterations occurred in 2001, including a large covered entry porch, a second-story addition and balcony on the rear of the structure, replacement of windows and doors, faux quoin detailing on the corners of the house, and replacement of asphalt shingle roofing with tile roofing. Based on surveys in the property file and aerial photographs from the property appraiser, the property's original driveway was expanded to create a large circular driveway sometime between 2001 and 2005.

The property was previously granted a variance in 1984 to allow a screen enclosure over the pool to extend four feet into the required side setback.

On May 11, 2023, the property was cited by Code Compliance for boat storage in front of the front building line. The property owners submitted for variances on June 5, 2023 and June 20, 2023. The project was subsequently placed on the July HRPB agenda.

## ANALYSIS

### *Consistency with the Comprehensive Plan*

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per policy 1.1.1.2, the Single Family Residential category 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. Residential units may be site-built (conventional) dwellings, mobile homes, or modular units."*

**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.

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

**Consistency with the Land Development Regulations**

The gravel boat storage area at 1106 South Palmway conflicts with the requirements in the City’s Land Development Regulations, specifically the limitations for location of recreational vehicle (boat) storage on residential properties, maximum impermeable surface, and minimum front yard landscaping area.

Per LDR Section 23.4-11(d)(1), all recreational vehicles (motorhomes, campers, travel trailers, boats, rafts, etc.) must be stored or parked behind the front building line. The gravel area that was installed and is proposed for boat storage at 1106 South Palmway is located in front of the front building line.

Per LDR Section 23.3-7(c)(5)(C), the maximum impermeable surface for large lots (7,500 square feet or larger), is 50%. For 1106 South Palmway, this would allow up to 5,265 square feet of impermeable surface. The property has been in excess of the current impermeable surface allowance since sometime between 2001 and 2005; the impermeable surface on the property has been allowed to continue in its original configuration as an existing non-conformity. However, the addition of the gravel area for boat storage increases the non-conforming impermeable surface total, bringing the property to approximately 60.7% impermeable surface coverage.

Per LDR Section 23.3-7(c)(5)(D), the lesser of 900 square feet or 75% of the front yard area must remain pervious and landscaped. The front yard is calculated as the area between the front property line and the required front building setback. In this case, the front yard area is calculated as 1,500 square feet (75 feet (property width) X 20 feet (front building setback requirement)). Due to the large size of the property, 1106 South Palmway is required to have at least 900 square feet of the front yard as pervious, landscaped area. Similar to the total impermeable surface, the property’s front yard design does not meet the requirements of the current LDRs, but has been allowed to remain as an existing non-conformity. The addition of the gravel area for boat storage increases the front yard non-conformity, decreasing the landscaped area to 548 square feet.

Required by Code	Proposed
<b>LDR Section 23.4-11(d)(1):</b> <i>Recreational vehicles must be stored behind the front building line.</i>	Boat storage in front of the front building line.
<b>LDR Section 23.3-7(c)(5)(C):</b> <i>Maximum impermeable surface for lots 7,500 square feet or greater shall be 50%.</i>	Total impermeable surface of approximately 60.7% with new gravel area.
<b>LDR Section 23.3-7(c)(5)(D):</b> <i>The lesser of 900 square feet or 75% of the front yard area shall remain pervious and landscaped. (for 1106 S Palmway, 900 sf of landscaping is required)</i>	Approximately 548 square feet of permeable and landscaped area in the front yard.

**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:** 1106 South Palmway has a double frontage onto both South Palmway and South Lakeside Drive. Per LDR Section 23.3-7(d), the actual front of the residences on the property is on South Palmway. A property with

double frontage is somewhat unusual within the City, but generally applies to all properties on the east side of South Palmway between 5<sup>th</sup> Avenue South and 18<sup>th</sup> Avenue South. Furthermore, the requested variances are the result of unpermitted work done by the applicant. As the circumstances of 1115 North Ocean Breeze apply generally to nearby lands and buildings and are the result of actions of the applicant, the requested variances do not meet the intent of this criterion. **Does not meet the 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:** The property has accommodated a single-family use for over 75 years. Strict application of the LDRs would not deprive the applicant's continued use of the residence. While a storage of a recreational vehicle is a reasonable expectation for a single-family home, staff contends that there are alternative options for boat storage on the property that better comply with the Land Development Regulations. The boat could be stored and screened on existing impermeable surface, such as the south half of the existing circular driveway; while this would still require a variance to allow storage in front of the front building line, it would not increase any existing non-conformities. The boat could also be stored at the rear of the property (off of South Lakeside Drive) and screened from view from the public right-of-way. Finally, the boat may be able to be stored in the existing attached garage, depending on the boat's size. **Does not meet the criterion.**

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

**Analysis:** Staff contends that the proposed variances are not the minimum required for reasonable use of the land. Recreational vehicle storage is not required for reasonable use of a residential property. Additionally, as explained in the Criterion B analysis, storing the boat on existing impermeable surface, at the rear of the property, or in the existing garage would all require fewer or no variances. Therefore, the 3 variances requested are not the minimum required. **Does not meet the 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:** The granting of the impermeable surface variance request would likely not be unduly injurious or detrimental to the public welfare, although the increased impermeable surface on the property may affect stormwater flow for contiguous properties and the neighborhood as a whole. If the Board moves to approve the requested variances, staff has added conditions of approval, including conditions to screen the boat from the public right-of-way and adjacent properties. **Meets Criterion.**

#### **Consistency with the Historic Preservation Design Guidelines**

Boat storage within historic districts does not require a Certificate of Appropriateness or historic preservation review.

#### **CONCLUSION AND CONDITIONS**

Based on staff analysis, the three variance requests do not meet all the variance criteria in LDR Section 23.2-26.

Therefore, staff recommends denial of the proposed variances.

Should the HRPB move to approve the variances, staff has drafted conditions of approval:

#### **Conditions of Approval:**

1. The boat must be screened from abutting properties and the public right-of-way by a continuous landscape screen, insofar as feasible. The landscape screening shall be installed at a minimum height of 24 inches and maintained at a minimum height of 5 feet.
2. All boat must be currently registered, licensed, and permitted by appropriate governing authorities.
3. The boat must be owned by the occupant of the property.
4. At no time shall such parked or stored boat be occupied or used for living, sleeping or housekeeping purposes.
5. The boat must be kept in a neat and operable condition, not wrecked, junked or partially dismantled. The boat shall not be affixed to the ground or otherwise supported in a manner that would prevent its ease of removal from the property.
6. The parking of the boat shall not cause other vehicles to be parked on sidewalks or on public right-of-way so as to create a hazard.
7. No major boat repair work may be conducted on the premises.
8. A gravel stabilization plan shall be required at building permit, noting how the gravel will be maintained so that it stays out of the right-of-way and storm water systems.

#### BOARD POTENTIAL MOTION:

I MOVE TO **DISAPPROVE** HRPB Project Number 23-01500005 for three variances to allow a gravel boat storage area in front of the front building line, which also exceeds the maximum impermeable surface coverage and does not meet the minimum front yard landscaped area requirements at 1106 South Palmway. The application does not meet the variance criteria based on the data and analysis in the staff report.

I MOVE TO **APPROVE** HRPB Project Number 23-01500005 for three variances to allow a gravel boat storage area in front of the front building line, which also exceeds the maximum impermeable surface coverage and does not meet the minimum front yard landscaped area requirements at 1106 South Palmway. The project meets 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