

PLANNING AND ZONING BOARD REPORT

PZB Project Number 22-01500003: Request by Paul and Carla Blockson for consideration of a Variance to the maximum required fence height for a perimeter concrete wall at 1802 Pierce Dr. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Meeting Date: September 7, 2022

Property Owner: Paul B. Blockson & Carla Blockson

Applicant: Paul B. Blockson

Address: 1802 Pierce Dr

PCNs: 38-43-44-16-10-000-1000

Size: 0.34-acre lot / ±4,150 square feet of existing structure including two sheds in the rear

General Location: South 1800 block of Pierce Drive

Existing Land Use: Single-family Residential

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 and Strategic Plan. The proposed variance request is consistent with the variance criteria in the LDRs. Therefore, staff is recommending approval of the subject variance application.

PROJECT DESCRIPTION

The applicant, Paul B. Blockson, is requesting a 2-foot **variance** to the maximum allowed fence height to allow the proposed placement of the 6-foot wall supported by a 2-foot earthen berm (total 8 feet) at 1802 Pierce Dr. The site, 1802 Pierce Dr, is a single-family zoned property located in the south 1800 block of Pierce Dr. The lot currently houses a 2,970 square foot residence with two sheds and a covered patio to the rear of the residence. The subject site is surrounded by single-family zoned properties to the east and south and an open space public park to the north and south.

COMMUNITY OUTREACH

Staff has received nine letters of support from adjacent and nearby neighbors of 1802 Pierce Drive. The letters of support are located in Attachment B.

BACKGROUND

The subject site is a 14,840 square foot residential lot. The property is located at 1802 Pierce Dr which is within the south 1800 block of Pierce Dr. Below is a timeline summary of the residential property based on Palm Beach Property Appraiser's records and City records:

- 1988 – the 2,720 square foot single family residence was constructed.
- April 19, 1989 – a 6 feet wood fence permit was approved.
- July 27, 1993 – the property received a building permit to install a 6' high wood shadowbox fence.
- May 5, 2022 - the property owner applied for a concrete wall fence (permit 22-1962) for perimeter security along the south and south east side of the property.
- June 6, 2022 – the fence permit was disapproved by zoning due to the fact that proposed wall exceeded maximum height allowed.
- July 8, 2022 - a variance application was submitted to the Department of Community Sustainability requesting a variance to the maximum required fence height for a perimeter concrete wall to allow the proposed placement of the 6-foot wall supported by a 2-foot earthen berm.
- August 10, 2022 – a search of the City's database shows that there are no active code cases linked to this property.
- There are two sheds located on the property in the rear setback, which are located ± 1.50 feet from the west side property line.

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. Residential units may be site-built (conventional) dwellings, mobile homes or modular units. There is currently one single family residence on the subject property. The variance being sought does not change the use of the property which will remain single family. Therefore, the proposal is generally consistent with Policy 1.1.1.2 of the Comprehensive Plan. The subject variance is associated with the placement of the 6-foot wall supported by a 2-foot earthen berm which is a minor change to the property overall. As such, review of the strategic plan is not applicable to an improvement of this scale.

Based on the analysis above, the proposed variance is consistent with the goals, objectives, and polices of the City of Lake Worth Beach's Comprehensive Plan and the Strategic Plan should the PZB approve the subject variance request.

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, approved with conditions, or denied.

Staff Analysis: The proposed fence is generally consistent with the LDR requirements for fencing with the exception of the total height of the fence, which includes the proposed two-foot berm. The property across the street and located at 1799 Pierce Dr received a similar variance in 2008, for a six-foot pre-cast wall. There is an existing shed located in the southwest corner of the property within the required setback encroaching into the proposed wall. Staff is recommending a condition of approval to demolish or relocate the shed inside the proposed wall and consistent with the setback requirements of 5 feet on the west property line and 7.02 feet on the south property line.

The data and analysis below review the application against the regular findings for approval for all variance requests:

Section 23.2-26(b) Regular findings of approval

The land development regulations require all variance requests to be analyzed for consistency with Section 23.2-26(b). Staff has reviewed the application against this section which the analysis outlined as follows:

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 action of the applicant.

Staff Analysis: A wall/fence height variance was previously granted to the property located at 1799 Pierce Drive, which is across the street (22nd Ave North) from the subject site, to allow a wooden fence to be replaced with a six-foot pre-cast wall (PZB 08-01500003) on top of a 2-foot berm. The property located at 1799 Pierce Drive has similar land conditions that do not apply to general surrounding neighborhood, including an elevation change along 22nd Ave North street. Further, the applicant has discussed several special circumstances for PZB consideration in their justification statement. The applicant states that the subject property adjoins the city's property and constantly contacts the police because of disturbances made by dirt bikes and other larger vehicles, which use the public land as a private race track. Applicant also states there have been multiple break-ins in the past and the proposed wall will eliminate that. The applicant states that adjoining city land may be developed into single family homes in the future hence having a side wall similar to their neighbors is a special circumstance. **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.

Staff Analysis: The application states that the strict application of the LDRs deprives the property owner of 1802 Pierce Dr reasonable use of the land as it relates to privacy and security. The property across the street (1799 Pierce Dr) was previously granted a variance to allow for an earthen berm, altering the height limitation on fences as compared to their neighbors. Height is measured from the natural grade of the lot. Per the City's land development regulations (LDRs) Section 23.1-12, the grade of lot is the average elevation taken immediately adjacent to the lot line on both sides of the lot line. The applicant states that the granting of the variance will be in the spirit and purpose of use and allows for a reasonable expectation of privacy and security due to the location of the property and the street grade change. The proposed wall would not be injurious to adjacent properties and would allow for reasonable expectation of privacy and security along 22nd Ave North. **Meets Criterion.**

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

Staff Analysis: The applicant states the proposed wall is the minimum variance which makes for reasonable use of land. The property resides on a dead-end street that abuts interstate 95. The proposed wall will be setback 5 feet from south property line. The proposed wall is consistent with the side setbacks as stated on LDR section 23.4-4 *Walls along side and rear property lines adjacent to roadways (except alleys) shall have a maximum height of six (6) feet and must be set back a minimum of five (5) feet from the property line providing a landscape screen.* Staff finds that the proposed variance is reasonable and is consistent with a variance previously granted to 1799 Pierce Drive, which has similar circumstances to the subject property. **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.

Staff Analysis: The application states that the proposed variance to the required 6-foot height limitation will not be injurious to surrounding properties nor will it be detrimental to the public welfare. The applicant states that the purpose of the proposed height is to protect the property from further break ins and destruction due to hurricanes. There is a property directly to the south (1799 Pierce Drive) that acquired a variance to allow the existing wooden fence to be replaced with a six-foot pre-cast wall (PZB 08-01500003). The applicant also mentions that the property adjoins city owned property, which allows use as a place of refuge and home for people. The proposed wall has a height of 6 feet on a 2-foot earthen berm for a total of 8 feet in height from the total grade. Therefore, it is more intense than what the code allows, but the proposed variance would not be unduly injurious to contiguous property and the surrounding neighborhood. **Meets Criterion.**

CONCLUSION AND CONDITIONS

Based on staff's analysis, the required findings can be made with respect to the variance request complies with all the variance criteria outlined above. Staff is recommending conditions of approval that clearly identify the location of the berm as consistent with the criteria that the minimum variance is granted needed to allow for reasonable use of the land as it relates to the variance. Further, staff is recommending that the PZB discuss the applicant's request for the location of the berm and staff's conditions of approval to determine if the request is consistent with that criteria. Therefore, staff is recommending approval of this application with conditions:

1. The shed located in the SW corner of the property shall be demolished or relocated to a location consistent with the required setbacks of the zoning district. A building permit shall be required to demolish or relocate the shed.
2. The earthen berm shall be located along the southern and western property lines. The berm shall be reduced along the western property line to the existing grade to a point perpendicular to the southern wall of the house.

3. The earthen berm shall be reduced to grade on the front of the parcel, so that it is even with the existing grade at the proposed aluminum gate to the south of the house.

BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 21-01500003 with staff recommended conditions for a **variance** to the maximum allowed wall/fence height to allow the proposed placement of the 6-foot wall supported by a 2-foot earthen berm. The application meets the variance criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 21-01500003 for a **variance** to the maximum allowed wall/fence height. The project does not meet the variance criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Planning & Zoning Board's decision will be final decision for the Conditional Use Permit. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Zoning Map
- B. Letters of Support
- C. Application Package (survey, site plan, landscape plan & supporting documents)