



PLANNING AND ZONING BOARD REPORT

PZB Project Number 26-01500003: Consideration of three variance requests for building lot coverage, impervious surface coverage, and structure setbacks for a new addition to the existing residence at 1521 North Palmway. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR)

Meeting Date: July 1, 2026

Applicant/Owner: Kirsten Schultz

Address: 1521 North Palmway

PCN: 38-43-44-15-16-062-0101

Size: 0.17 acre/7,500 sf

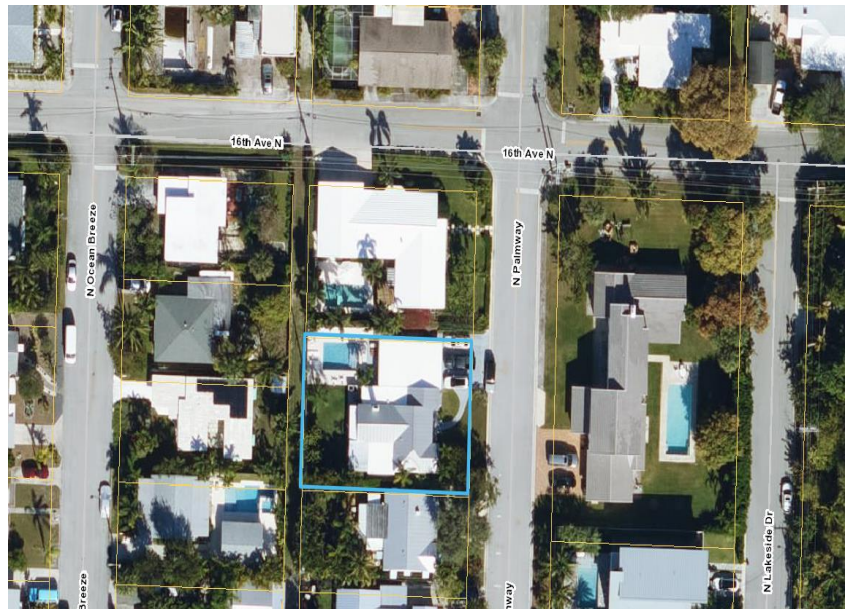
General Location: South of 16th Avenue North, west of North Palmway

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 applicant and property owner, Kirsten Schultz, is requesting three variances to facilitate the construction of a two-story addition to an existing residence. The proposed alterations include the demolition of a portion of the existing structure, specifically an existing wood-frame, single-story bedroom and closet area, which will be replaced with a new two-story addition.

The first floor of the addition is proposed to include a porch, bathroom, storage area, and staircase providing access to the second floor. The second-story addition will be built with concrete and will be tied into the existing roofline, and will consist of a bedroom with an attached balcony.

To accommodate the proposed improvements, the applicant is requesting the following variances from Section 23.3-7(c) of the Land Development Regulations (LDRs):

1. A variance to increase the allowable maximum impermeable surface coverage for all structures (building lot coverage) from 30% (2,250 sf) to 35.5% (2,669 square feet).
2. A variance to increase the allowable maximum impermeable surface coverage for the entire lot from 50% (3,750 sf) to 70.76% (5,307 square feet).
3. A variance to reduce the required southside setback from 7 feet, 6 inches to 4 feet, 2½ inches, to allow the second story, and a wall height up to 21 feet to be built with a 4 feet, 2½ inches setback.

COMMUNITY OUTREACH

As of publication of this report, staff has not received comments in support or opposition to the application.

BACKGROUND

The subject site is a ± 0.17-acre parcel consisting of a single-family home. Below is a general timeline summary of the residential property based on City and County records:

- 1949 – Single-family home constructed
- 1977 – Building permit #160 to construct a new garage addition
- 2021 – Building permit #21-1605 to construct a new pool
- 05/08/2026 – Variance application date

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 and is consistent with the intent of the Single-Family Residential (SFR) zoning designation. The variance being sought will not change the use of the property.

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

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 and narrative are included in **Attachment A**.

Analysis: The proposed two-story addition conflicts with development requirements in the City's Land Development Regulations, specifically the maximum impermeable surface coverage for all structures, the maximum impermeable surface coverage, and the minimum side setback.

The subject site consists of a legally nonconforming building as the site currently exceeds the maximum impermeable surface coverage for all structures allowance of 30% (2,250 sf). The residence was originally constructed in 1949, and a two-car garage addition was permitted and constructed in 1977. Although the structure does not comply with certain current Land Development Regulations (LDRs), it was lawfully established under the regulations in effect at the time of construction and is therefore considered a legal nonconformity. The applicant proposes to demolish a portion of the existing one-story structure and construct a new two-story addition. The proposed addition would increase the building's impermeable structural coverage by $\pm 2.3\%$ (174 sf).

The applicant is also requesting a variance from the maximum allowable impermeable surface coverage. Pursuant to LDR Section 23.3-7(c), lots of seven thousand five hundred (7,500) square feet and greater are limited to a maximum impermeable surface coverage of 50%. Based on City records, the site had an approved building permit (BP # 21-1605) for the installation of a swimming pool, which was the most recent permit reviewed for compliance with impermeable surface coverage requirements. At the time of that review, the property was determined to comply with the maximum allowable impermeable surface coverage of 50%. A comparison of the approved pool plans, and the survey submitted with the current variance application indicates that a substantial tile deck was subsequently constructed in the rear yard without an approved building permit. The unpermitted deck increased the site's impermeable surface area beyond the allowable limit, creating a nonconforming condition which does not constitute a legal nonconformity as it was not permitted. The proposed two-story addition would further increase the property's impermeable surface coverage. As a result, the total impermeable surface coverage would increase from the maximum permitted 50% (3,750 sf) to approximately 70.76% (5,307 sf). Therefore, a variance is required both to legalize the existing unpermitted impermeable surface area and to permit the additional coverage associated with the proposed addition.

The applicant is also requesting deviations from side setback and wall height at side setback requirements as outlined in LDR Section 23.3-7(c). Based on the lot's width of 75 feet, the required minimum side setback is 10 % of the lot width, or 7 feet, 6 inches. Additionally, the wall height regulations for lots between 50 and 100 feet in width permit a maximum wall height of 18 feet at a 5-foot setback, increasing to a maximum of 23 feet at a 10-foot setback. Therefore, a side setback of 8 feet is required for the portion of the wall height at 21 feet. Further, the SFR zoning district LDRs require two-story buildings to have a minimum 5-foot side setback. The applicant is proposing to construct the two-story addition using the existing 4 foot, 2½ inches setback.

Below is a chart with the variance requests:

LDR Citation	Required	Proposed
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(23.3-7(c)) Maximum impermeable surface for all structures (building lot coverage)	Thirty (30) percent for lots seven thousand five hundred (7,500) square feet and greater The 7,500 parcel is permitted up to 30% (2,250 sf) of impermeable structural coverage	Site has an existing, legal nonconforming impermeable structural coverage of 33.2% (2,495 sf) and is proposing to increase the building lot coverage to 35.5% (2,669 sf)
(23.3-7(c)) Maximum impermeable surface for entire lot	Fifty (50) percent for lots seven thousand five hundred (7,500) square feet and greater The 7,500 parcel is permitted up to 50% (3,750 sf) of impermeable surface coverage	Impermeable surface coverage of 70.76% (5,307 sf) including unpermitted pool decking and proposed new addition
(23.3-7(c)) Minimum side setback & maximum wall height at side setback	Ten (10) percent of lot width, with a minimum of three (3) feet up to a minimum of ten (10) feet for lots over one hundred (100) feet in width Lots between 50 ft. and 100 ft. in width - 18 ft. wall height at 5'-0" setback up to 23 ft. wall height at 10'-0" setback Two-story buildings shall have side setback of five (5) feet minimum The 75 feet wide parcel requires a 7 foot, 6 inches side setback and the portion of the 21 foot tall wall shall have a minimum south side setback of 8 feet	Requesting to construct a two-story addition using the existing, nonconforming south side setback of 4'-2 ¼"

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 requests for compliance with this section; as the three variance requests are all related to impermeable structure coverage, impermeable surface coverage, and south side setback, the 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 subject property at 1521 North Palmway consists of an existing single-family residence originally constructed in 1949, with a garage addition constructed in 1977. The residence was lawfully established under regulations in effect at the time and is considered a legal nonconforming structure with respect to impermeable

structure coverage and the south side setback. The existing nonconforming impermeable structure coverage and south side setback result from the historical development of the site rather than from any unique physical characteristic of the property.

The request to exceed the maximum impermeable surface coverage is not attributable to a physical hardship associated with the land. City records indicate that the property previously complied with the maximum impermeable surface coverage requirements during review of a pool permit. The current nonconforming impermeable surface condition appears to have resulted from the installation of a rear tile deck without an approved permit rather than from a special circumstance peculiar to the property.

The applicant is requesting to further exceed the impermeable structure coverage, encroach the side setback, and exceed impermeable surface coverage allowances. Based on the submitted documents, staff finds that no special circumstances or conditions peculiar to the land or existing building that do not generally apply to nearby properties have been identified that would justify the requested variances. **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 contends that strict application of the current land development regulations would prevent the property owner from functionally expanding the home which is necessary to provide reasonable use of the property for living functions. However, the standard for evaluating this criterion is not based on circumstances for an expansion of residential use. Instead, it considers whether the strict application of the LDRs would result in a denial of all reasonable use of the property. In this case, the property is developed as a single-family home, which is a permitted and reasonable use within the zoning district and will maintain the same use.

While adherence to the Land Development Regulations may limit the size, location, or design of future improvements, such limitations do not constitute a deprivation of reasonable use. Based on the information provided, staff find that strict application of the Land Development Regulations would not deprive the applicant of reasonable use of the land or existing building as a single-family home. **Does not meet criterion.**

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

Analysis: The applicant contends that the proposed expansion represents the minimum area necessary to achieve a functional floor plan. While the proposed two-story addition generally maintains the existing nonconforming south side setback, it would further increase the existing nonconforming impermeable structural coverage. In addition, the unpermitted tile deck and the proposed addition exceeds the maximum allowable impermeable surface coverage.

However, as previously noted, the requested variance is not essential to enable the reasonable use of the property. The site is capable of the existing and permitted use as a single-family home, without the need for relief from the impermeable structure coverage, impermeable surface coverage, or side setback requirements. Since the applicant can continue reasonable use of the land and structure as an existing nonconformity in full compliance with the Land Development Regulations, the variances requested exceed what is necessary and therefore do not represent the minimum variances required. **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: Staff has not identified substantial evidence that the proposal would result in significant adverse impacts to the surrounding neighborhood. There is also no evidence that has been presented indicating that the requested variances would create conditions detrimental to public health, safety, or welfare. Accordingly, while the proposal would deviate from certain development standards established by the Code, staff find that the requested variances are not expected to be unduly injurious to contiguous properties, the surrounding neighborhood, or the public welfare. **Meets criterion.**

CONCLUSION

Pursuant to Section 23.2-26(b) of the Land Development Regulations (LDRs), variance requests must be evaluated for consistency with all applicable review criteria. The applicant has not demonstrated, through competent and substantial evidence, that the requested variances satisfy the full scope of these criteria. Specifically, no hardship unique to the property has been established, nor has it been shown that strict application of the LDRs would deprive the property of reasonable use. As a result, the request does not meet the necessary standards for approval. Therefore, staff are recommending that the Planning and Zoning Board do not approve the proposed variances.

If the Planning and Zoning Board moves to approve the variance requests, staff have drafted conditions of approval to be project specific and to require a building permit for the proposed two-story addition and unpermitted tile decking.

Conditions of Approval:

1. The variance shall only apply to the scope of work approved under this application. Should the property be redeveloped or destroyed, or if the existing structure were to be further altered or expanded, or the property use changed, the variance would no longer be valid.
2. A building permit is required to permit the proposed two-story addition and tile decking.

BOARD POTENTIAL MOTION:

I MOVE TO **DISAPPROVE** PZB Project Number 26-01500003 for three variance requests for impermeable structure coverage, impermeable surface coverage, and structure setbacks for a new addition to the existing residence at 1521 North Palmway. 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 26-01500003 for three variance requests for impermeable structure coverage, impermeable surface coverage, and structure setbacks for a new addition to the existing residence at 1521 North Palmway. 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