

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-01500002: Consideration of a variance by Gualberto and Silvia Gonzalez to allow a lot width of 46.61', where a minimum lot width of 50' is required at 1007 13th Avenue North. The property is zoned Mixed Use – Dixie Highway (MU-DH) and has a Mixed Use – East (MU-E) future land use designation.

Meeting Date: June 7, 2023

Property Owners: Gualberto and Silvia Gonzalez

Address: 1007 13th Avenue North

PCNs: 38-43-44-21-15-380-0090

Size: 0.1550-acre lot / ±993 square feet of existing structure

General Location: Southwest corner of 13th Avenue North and North H Street

Existing Land Use: Single-Family Residential

Current Future Land Use Designation: Mixed Use – East (MU-E)

Zoning District: Mixed Use – Dixie Highway (MU-DH)

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 property owners, Gualberto and Silvia Gonzalez, are requesting a variance to allow a lot width of 46.61', whereas, a minimum lot width of 50' at 1007 13th Avenue North. The property is located on the southwest corner of 13th Avenue North and North H Street. The property is zoned Mixed Use - Dixie Highway (MU-DH) which allows 30 dwelling units per acre for properties on the west side of Dixie Highway. If the variance is approved, it would allow redevelopment of the property as multi-family. The subject site is surrounded by other properties to the north, south, east, and west that are also zoned Mixed Use – Dixie Highway (MU-DH).

COMMUNITY OUTREACH

Staff has not received letters of support or opposition from adjacent or nearby neighbors.

BACKGROUND

The subject site is a 6,750 square foot residential lot. Below is a timeline summary of the residential property based on the City records:

- 1948 – Permit #368 was issued for the construction of a single-family residence.
- 1948 – Permit #438 was issued for the construction of an addition.
- December 14, 2022 – A Minor Site Plan Amendment application to construct a ±2,300 square foot three-unit multi-family development is submitted.
- February 13, 2023 – Staff determines that the Minor Site Plan Amendment application is complete and will be routed for review after additional documentation was submitted on February 9, 2023.
- March 14, 2023 – Site Plan Review Team (SPRT) comments are issued. The planning and zoning review comments identify that the lot does not meet minimum width requirements and that a variance will be required.
- April 26, 2023 – A variance request is submitted for lot width.
- May 8, 2023 – Staff determines that the variance application is complete and will be routed for review after additional documentation was submitted on May 8, 2023.
- June 1, 2023 – A search of the City's database shows that there is no active code case associated with this property.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Mixed-Use East (MU-E). Per Policy 1.1.1.5, the MU-E future land use area *is intended to provide for a mixture of residential, office, service and commercial retail uses within specific areas east of I-95, near or adjacent to the central commercial core and major thoroughfares of the City. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 75% residential and 25% non-residential. While mixed-use projects are allowed on a single site, it is not a requirement that each site within the category incorporates multiple uses. Zoning regulations implementing the Mixed-Use East category shall permit the establishment and expansion of residential (including single family, two-family and multi-family), office, service and commercial retail uses either as uses permitted by right or through conditional use permit provisions. All*

buildings are required to provide transitional buffering and design features to mitigate impact of the MU-E sites adjacent to residential zoning districts. The variance being sought would facilitate re-development of the property as multi-family. Therefore, the proposal is generally consistent with Policy 1.1.1.5 of the Comprehensive Plan since it will expand the residential use of the property. The property’s re-development as multi-family is also consistent with Pillar Two of the Strategic Plan which seeks to diversify housing options in the City.

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: Per LDR Section 23.3-17(b), *Multiple-family residential uses, excluding single-family and two-family uses, may be established and expanded in the MU-DH district subject to the provisions of section 23.3-11 for uses on the west side of Dixie Highway.* The subject property is located on the west side of Dixie Highway. Therefore, the property is subject to the provisions of LDR Section 23.3-11. As indicated in LDR Section 23.3-11(c), the minimum required lot width is 50 feet. The subject property has a lot width of 46.61’ along the North H Street frontage that does not meet the lot width requirement. Therefore, a variance reviewed by the Planning and Zoning Board is required to allow re-development of the property as multi-family.

Zoning Analysis		
Development Standard	Medium Density Multi-Family Residential (LDR Section 23.3-11)	Provided
Lot Size (min)	5,000 sf	6,750 sf
Lot Width (min)	50’	Platted 47.61’/ Actual 46.61’*

Variance Request		
LDR Citation	Required	Proposed
Lot Width (Section 23.3-11(c)(1)(A))	Maximum density for multiple-family structures on lots which have at least five thousand (5,000) square feet of area and fifty (50) feet of width : One (1) dwelling unit per each one thousand four hundred fifty (1,450) square feet of gross lot area.	Platted Lot of Record width of 47.61’ Actual width of 46.61’ on North H Street frontage*

* Minor discrepancies in platted vs. actual dimensions are common

The data and analysis below review the application against the regular findings for approval of 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 and the analysis is 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 is not the result of action of the applicant.

Staff Analysis: The prevailing platted lot configuration in Lake Worth Beach is 50’x135’. Certain areas in the City, generally bounded by C Street to the east, M Street to the west, 7th Avenue North and 6th Avenue South, contain 25’x135’ platted

lots of record. The subject property was unusually platted with a width of 47.61' (actual 46.61'). This pattern is repeated on the majority of the northernmost lots of Blocks 362, 364, 366, 368, 370, 372, 374, 376, 382, 384, 386, 388, and 390 along the south side of 13th Avenue North. Therefore, it is staff's analysis that special conditions exist on the subject lot which does not generally apply conform to the typical configuration of the City's platted lots of record. **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 subject property has accommodated a single-family use for several decades. LDR Section 23.5-3(c) indicates that *a nonconforming lot of record is a platted lot which by width, depth, area, dimension or location does not meet current standards set forth in these LDRs. In any zoning district in which single-family dwelling units are permitted, notwithstanding limitations imposed by other provisions of these LDRs, a single-family dwelling unit and customary accessory buildings may be erected on any single nonconforming lot of record so platted on or before January 5, 1976.* Therefore, development of this lot would be limited to single-family residences and customary accessory structures.

Strict application of the LDRs would not deprive the applicant's continued use of the residence. However, it would prevent re-development of the property as multi-family which is consistent with the future land use, zoning, and strategic plan which seek to add additional housing in the City. Further, the width of the parcel is minimally smaller than the required minimum lot size, and the meets the minimum lot size requirement for residential only development. **Meets Criterion.**

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

Staff Analysis: The request is based on the platted width of property, it does not seek to alter the property's original configuration. Therefore, staff finds that the proposed variance is the minimum necessary to allow re-development of the property as a multi-family. **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: As mentioned in criterion #1, the reduced lot width is characteristic of several northernmost lots of the south side of 13th Avenue North. The proposed variance will allow re-development of the property while maintaining the original platted configuration. Therefore, staff finds that the variance will not be negatively impact the surrounding neighborhood as it maintains a lot configuration that is decades old. **Meets Criterion.**

CONCLUSION AND CONDITIONS

Based on staff's analysis, the variance request complies with all the variance criteria outlined above. Therefore, staff is recommending approval of this application.

BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 23-01500002 with staff recommended conditions for a **variance** to allow a lot width of 46.61', whereas, a minimum lot width of 50' is required at 1007 13th Avenue North. The application meets the variance criteria based on the data and analysis in the staff report.

I MOVE TO DISAPPROVE PZB PROJECT NUMBER 23-01500002 for a **variance** to allow a lot width of 46.61', whereas, a minimum lot width of 50' is required at 1007 13th Avenue North. 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 the final decision for the Variance. The Applicant may appeal the Board's decision directly to circuit court.*

ATTACHMENTS

- A. Application Package (survey & supporting documents)
- B. City of Lake Worth Beach Plat Sheets