



PLANNING AND ZONING BOARD REPORT

PZB Project Number 25-01500003: Consideration of a variance request for 1918 Notre Dame Drive to exceed the maximum allowable front yard impermeable coverage. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Meeting Date: September 3rd, 2025

Owner: Jay Sussman

Applicant: Steven Papis – Deck and Drive

Address: 1918 Notre Dame Drive

PCNs: 38-43-44-15-09-020-1040

Size: 0.42-acre parcel

General Location: East side of Notre Dame Drive and North of Wellesley 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. The proposed variance request is not consistent with all of the variance criteria listed in LDR Section 23.2-26(b). Therefore, staff is recommending denial of the proposed variance request.

PROJECT DESCRIPTION

The applicant, Steven Papis, is requesting a variance to exceed the maximum allowable front yard impermeable coverage at 1918 Notre Dame Drive. The subject site is a single-family zoned property located on the eastern side of Notre Dame Drive and north of Wellesley Drive. The subject site is surrounded by single-family zoned properties to the north, south, and west, the east side borders the intracoastal waterway.

COMMUNITY OUTREACH

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

BACKGROUND

The subject site is a ± 0.42-acre residential parcel. Below is a timeline summary of the residential property based on City records:

- 1999 – permits for construction of a new single-family home, landscaping and pool
- 2025 – Applicant applied for permit for repaving of the existing front driveway area; permit is denied due to survey age, unpermitted artificial turf and pavers in the rear yard of the structure and exceeding the allowable front yard coverage
- July 2025 – Applicant submitted a complete application for a variance to exceed the allowable front yard coverage
 - Applicant states that the rear yard is not under the scope of this variance
- August 2025 – a search of the City’s database shows that there are no active code cases.

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 that is consistent with the intent of the Single-Family Residential designation. The variance being sought will not change the use of the property and therefore is consistent with the goals, objectives, and policies of the City of Lake Worth Beach’s Comprehensive 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 is included in **Attachment A**.

Analysis: The proposal requests to replace approximately 1,142 SF of existing pavement in the front yard, which conflicts with development requirements in the City’s Zoning Code. Section 23.3-7(c)(5)(d) requires 75% of the front yard area to remain pervious and be landscaped.

Required by Code	Proposed
LDR Section 23.3-7(c)(5)(d): <i>Seventy-five (75) percent of the front yard area shall remain pervious and be landscaped. (610 SF)</i> 1. The front yard area is defined as the front 20' setback.	The applicant is proposing 1,142 SF of pavers in the front yard, which provides approximately 50% pervious landscape coverage in the front yard area.

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 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 the action of the applicant.

Analysis: 1918 Notre Dame Drive consists of a large 122' x 150' lot which features a ±4,451 SF residence constructed in 2000. At this time, there was no provision in the City's Land Development Regulations requiring a property to preserve a certain percentage of the front yard (defined as that portion of the property contained within the front 20' setback) for pervious coverage and landscaping. This requirement was added to the City's Land Development Regulations in 2013.

Although this has resulted in a condition in which the subject property features substantially more existing nonconforming paving (±1,142 SF) than the allowable 610 SF of impervious surface in the front yard area of the property, this circumstance is not the result of any peculiarity to the subject land or structure. The structure meets all required setbacks and does not extend into the required landscape area. As the applicant intends to remove the existing pavers in order to install new pavers in the existing driveway footprint, they would no longer be considered to be legally nonconforming in regards to the front yard paved area and could feasibly redesign the site features to meet the requirements of the current Land Development Regulations. Of note, the property features a large circular driveway, which could be redesigned to one entry drive rather than two.

While a provision exists in the Land Development Regulations allowing for pervious pavers to be calculated at 50% towards the required impermeable surface coverage, this allowance does not apply to the front yard landscape requirement as it would not allow for the required landscape coverage in the front yard.

There are no circumstances peculiar to the subject property that would not permit the applicant to construct a 610 SF driveway and walkway while providing access to the home and existing 3 car garage and therefore the variance request does not meet the intent of this criterion. **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: Strict application of the LDRs would not deprive the applicant's continued use of the single-family residence. The applicant has stated that denial of the proposed variance would deprive them of driveway access to the existing three car garage, however, the property currently features a substantially sized circular driveway. The applicant could feasibly remove the existing pavement not leading to the garage and narrow the driveway opening, which would allow access to the existing garage and provide 75% landscape coverage in the front yard as required by the City's Land Development Regulations.

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 variance proposed is not the minimum variance request which makes possible use of the land. As previously stated, denial of the variance would not prevent the applicant from reasonable use of the land or building. The applicant could redesign the paved area in the front yard in order to provide access to the existing garage while substantially reducing the overall impervious coverage for the yard and providing the required 75% landscaped area. While the existing driveway is currently considered a legal nonconformity as it was constructed prior to the adoption of the current Land Development Regulations regarding front yard impervious coverage in 2013, as the applicant is requesting to re-pave the area they have the opportunity to bring the property into compliance with current Land Development Regulations. **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: The proposed variance would be detrimental to the public welfare and surrounding properties. The front yard pervious landscaping requirement is intended to promote greenspace, reduce heat island effect and minimize the effects of water runoff onto neighboring properties. The granting of the variance would therefore result in detrimental effects to surrounding properties and the public welfare in general. **Does not meet criterion.**

CONCLUSION AND CONDITIONS

Variance requests are required to be reviewed for consistency with all of the criteria set forth in LDR Section 23.2-26(b). Based on data and analysis on this report, the variance request does not comply with any of the four variance criteria. The existing driveway is currently considered a legal nonconformity as it was installed in 2000, prior to the current land development regulations coming into effect. However, as the applicant is proposing to alter the paved area they are required to bring the property into compliance with the current Land Development Regulations regarding allowable front yard paved area, which would permit a maximum of 610 SF of paved area in the front yard. As the applicant could feasibly remove some of the existing pavement to meet this standard, staff does not recommend approval of the requested variance. If the Planning and Zoning Board moves to approve the variance request, staff have drafted conditions of approval including removal or permitting of the unpermitted rear improvements and requirement of a permeability study to demonstrate percolation rate.

Conditions of Approval:

1. The variance from the front yard landscaping requirements shall be project and use specific and shall only apply to the scope of work approved under this application. Should the property be redeveloped or destroyed, the paved area proposed to be further altered or expanded, or the property use changed, the variance would no longer be valid.
2. The applicant shall submit a permeability study for the proposed sand set pavers which shall demonstrate a percolation rate of at least fifty (50) percent relative to the ground percolation rate.
3. Prior to building permit issuance, the site shall be reviewed for zoning compliance with the Single Family Residential (SFR) Land Development Regulations including the maximum impermeable surface coverage allowance. This shall include the removal or permitting of any excess impermeable area in the rear of the structure to bring the property into compliance with all regulations regarding total impermeable surface coverage for the entire lot.

BOARD POTENTIAL MOTION:

I MOVE TO **DISAPPROVE** PZB Project Number 25-01500003 for a variance to exceed the maximum allowable front yard impermeable coverage for the property at 1918 Notre Dame Drive. 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 25-01500003 for a variance to exceed the maximum allowable front yard impermeable coverage for the property at 1918 Notre Dame Drive. 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)