



PLANNING AND ZONING BOARD REPORT

PZB Project Number 25-01500005: Consideration of two variance requests for 1708 North Lakeside Drive to encroach into the side setback and to exceed the maximum wall height at side setback. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR)

Meeting Date: September 3, 2025

Applicant: Sudan Infante | Streamline Building & Development LLC

Address: 1708 North Lakeside Drive

PCN: 38-43-44-15-16-051-0120

Size: 0.61 acre

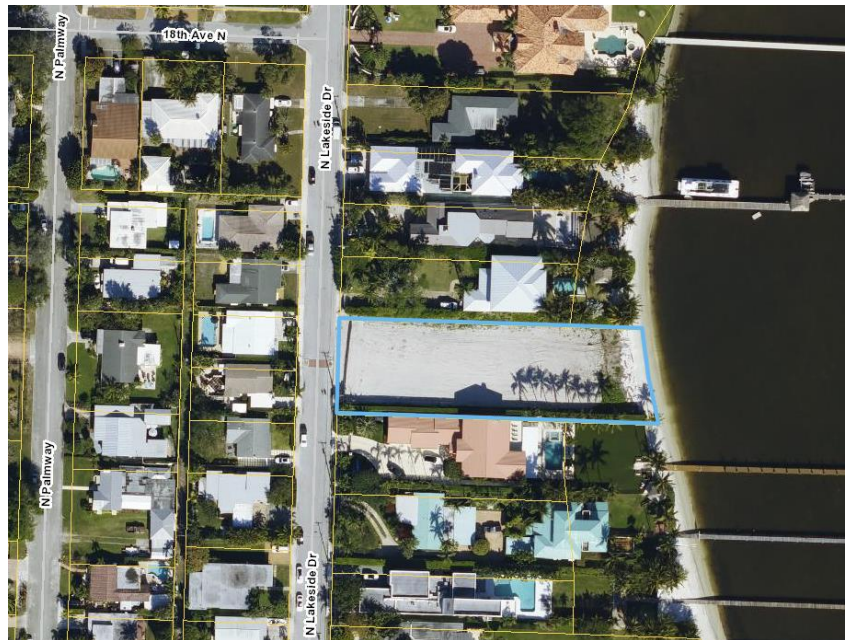
General Location: The east side of North Lakeside Drive, adjacent to the Intracoastal Waterway, between 16th Avenue North and 18th Avenue North.

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, Sudan Infante from Streamline Building & Development LLC, is requesting two variances for a new single-family home to encroach into the side setback and to exceed the maximum wall height at side setback at 1708 North Lakeside Drive. The subject site is a single-family zoned property located on the east side of North Lakeside Drive, adjacent to the Intracoastal Waterway, between 16th Avenue North and 18th Avenue North. The subject site is surrounded by properties zoned for single-family use to the north, south, and west, while the east side borders the Intracoastal Waterway.

COMMUNITY OUTREACH

As of publication, staff has not received comments in support or opposition of the proposal.

BACKGROUND

The subject site is a ± 0.61 acre parcel that is actively in construction for a new single-family home. Below is a general timeline summary of the residential property based on City records:

- 02/20/2025 – A building permit (24-2815) to construct a new single-family home on a vacant lot was issued
- 03/04/2025 – A form board survey was provided to the building inspector and building inspection was approved
- 06/03/2025 – Applicant reached out to Planning and Zoning to discuss setback issue found during construction
- 6/16/2025 – Applicant met with Planning and Zoning for a variance pre-application meeting
- 07/07/2025 – Applicant applied for a variance to encroach into the side setback
- 08/19/2025 – Staff advised applicant that an additional variance to exceed the maximum wall height at side setback is required

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 parcel was previously vacant and received a building permit to construct a new single-family house and is consistent with the intent of the Single-Family Residential designation. The variances being sought will not change the use of the property.

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 proposed addition conflicts with development requirements in the City's Zoning Code, specifically side setback and maximum wall height at side setback requirements.

The subject request involves deviations from side setback and wall height requirements as outlined in LDR Section 23.3-7(c). Based on the lot's width of 90', the required minimum side setback is 9' for wall heights up to 18', and a side setback of 10'-4" is required for a wall height of 23'-4".

The site plan approved at the time of building permit review indicated compliance with these standards, showing a 10'-6" south side setback. However, the as-built form board survey indicates that the structure was constructed with only an 8' setback from the south property line.

The applicant is seeking a variance to allow the as-built encroachment into the required south side setback and to exceed the maximum wall height at setback allowance.

LDR Citation	Required	Proposed
Side setbacks (23.3-7(c))	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. The lot is 90 feet wide and requires a minimum side setback of 9 feet	The entire structure to be setback 8 feet from the south side property line.
Maximum Wall Heights at Side Setback (23.3-7(c))	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. For each additional foot of side setback an additional 1'-0" of wall height is allowed to a maximum of 30'-0". A portion (southeast side) of the structure has a wall height of 23'-4" and requires a minimum south side setback of 10'-4".	The entire structure to be setback 8 feet from the south side property line.

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 against this section; as the two variance requests are all related to the construction of the south side setback, the two 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, located at 1708 North Lakeside Drive, lies on the west side of the Lake Worth Intracoastal Waterway. While waterfront properties are relatively uncommon in certain parts of the City, they are not unusual overall and do not inherently affect the side setback and maximum wall height at side setback requirements for this parcel. The applicant asserts that the structure was newly constructed with an incorrect side setback of 8 feet, which was not identified during City inspections. However, it remains the builders' responsibility to ensure that construction complies with City approved and stamped plans. Deviation from the

required setback and maximum wall height at side setback is a direct result of the applicant's actions and no unique hardship related to the physical characteristics of the property have been demonstrated. **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 correcting the side setback encroachment would be financially burdensome and would extend the construction timeline by approximately 4 months. However, the standard for evaluating this criterion is not based on cost or construction delays. 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. Compliance with the required side setback and maximum wall height at side setback would not prevent the proposed residential use of the property. Therefore, the strict enforcement of the LDRs does not deprive the applicant of reasonable use of the land or building. **Does not meet criterion.**

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

Analysis: As previously noted, the requested variance is not essential to enable the reasonable use of the property. The site is capable of the intended and permitted use as a single-family home, without the need for relief from the side setback and maximum wall height at setback requirement. Since the applicant can achieve reasonable use of the land and structure 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: The proposed variance generally aligns with the spirit and intent of this chapter and is not expected to be detrimental to the public welfare or the surrounding neighborhood. While the adjacent property to the south is the most directly impacted by the encroachment into the side setback and the increased wall height, there is no clear indication that the request will result in undue injury to that property or others nearby. **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 applicants have 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 revision.

Conditions of Approval:

1. The variance from the south side setback and maximum wall height at the south side setback requirements shall be project specific and shall only apply to the scope of work approved under this application. Should the property be redeveloped or destroyed, or if the south side of the structure were to be further altered or expanded, or the property use changed, the variance would no longer be valid.
2. A building permit revision is required to reflect revisions to the approved site plan.

BOARD POTENTIAL MOTION:

I MOVE TO **DISAPPROVE** PZB Project Number 25-01500005 for two variance requests for 1708 North Lakeside Drive to encroach into the side setback and to exceed the maximum wall height at side setback. 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 25-01500005 for two variance requests for 1708 North Lakeside Drive to encroach into the side setback and to exceed the maximum wall height at side setback. 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