

PLANNING AND ZONING BOARD REPORT

PZB Project Number 23-01500007: A request by Peter Heidmann for consideration of a variance to allow a pool (accessory structure) within the front yard at 212 16th Avenue North. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Meeting Date: July 19, 2023

Property Owners: Peter & Allison Heidmann

Address: 212 16th Avenue North

PCN: 38-43-44-15-16-063-0010

Size: 0.1148 -acre lot / ±1,280 square feet of existing structure

General Location: Northeast corner of 16th Avenue North and North Ocean Breeze

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. As the proposed variance request for the pool is consistent with the variance criteria in the LDRs, staff is recommending approval of that variance subject to conditions of approval provided on page 4.

PROJECT DESCRIPTION

The property owner, Peter Heidmann, is requesting a **variance** to allow a pool (accessory structure) within the front yard at 212 16th Avenue North. The site is a single-family zoned property located on the northeast corner of 16th Avenue North and North Ocean Breeze. The lot currently has a ±1,280 square foot residence. The subject site is surrounded by single-family zoned properties to the north, east, south, and west.

COMMUNITY OUTREACH

At the time of publication of the agenda, staff has not received written public comment.

BACKGROUND

Below is a timeline summary of the residential property based on Palm Beach Property Appraiser's records and City records:

- 1926 – The single-family residence was constructed.
- March 16, 2023 – City staff had a pre-application meeting with the property owner to discuss a pool variance.
- June 13, 2023 – The property owner formally submitted the variance request.
- June 26, 2023 – The application is deemed complete after additional documentation was provided.
- June 30, 2023 – A search of the City's database shows that there are no active code cases linked to this property.

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 a pool 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, 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 pool is generally consistent with the LDR requirements for accessory structures with the exception of the location. The proposed pool location, which is between the principal structure and the public right-of-way, is in conflict with LDR Sections 23.1-12 and 23.3-7. The pool is consistent with the side setback and lot coverage requirements of the Single Family Residential (SFR) zoning district. The applicant has requested relief from the code limitations by applying for the variance.

Zoning Analysis			
Development Standard		Base Zoning District Single-Family Residential (SFR)	Provided
Lot Size (min)		5,000 sf	5,000 sf
Lot Width (min)		50’	50’
Accessory Structure Setbacks (Shed)	Front	20’	20’
	Rear	5’	50’
	Side	5’ (10% lot width)	5’ street side 27’ interior side
Impermeable Surface Coverage (max)		55%	49%
Structure Coverage (max)		35%	16%

Variance Requests		
LDR Citation	Required	Proposed
Accessory Structure Location (Section 23.1-12)	May not be constructed between any principal structure and a public street right-of-way.	Pool to be constructed in the front yard, between the principal structure and a public street right-of-way.
Accessory Structure Location (Section 23.3-7)	Shall be allowed within the rear or side yards of a double front or corner lot between the main structure and a public street, provided that minimum setbacks are maintained.	Pool to be constructed in the front yard, between the principal structure and a public street right-of-way.

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: Based on the siting of the structure, the rear (east) setback of the primary structure is 2.4’ to 2.8’. As a result, there is insufficient space to locate a pool in the backyard. The only feasible location for a pool is in the front yard, between the primary residence and the right-of-way. It is staff’s analysis that there are special circumstances or

conditions that are peculiar to the land and building that do not apply generally to the nearby lands and building due to the unique siting of the residence on the northeast corner of the property. **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 almost 100 years. Strict application of the LDRs would not deprive the applicant's continued use of the residence; however, a pool is a reasonable expectation for a single-family home in South Florida due to the context and climate. **Meets Criterion.**

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

Staff Analysis: The proposed variance of the accessory structure location is the minimum necessary to accommodate a new pool at the subject property due to the siting of the residence. **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: Although the character of the neighborhood does not include pools in the front yard, this request would not be unduly injurious or detrimental to the public welfare. Fencing or hedging will be required to screen the pool location in the front yard. **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 with conditions:

Conditions of Approval:

1. A landscape screen, as approved by the City horticulturist, shall be required to minimize visual impact to the surrounding properties. The landscape screen may include fencing consistent with the City's fencing regulations. The landscape plan shall be included with the building permit for the proposed pool.
2. A full zoning review will be completed at the time of building permit.

BOARD POTENTIAL MOTION:

I MOVE TO APPROVE PZB PROJECT NUMBER 23-01500007 with staff recommended conditions for a **variance** to the accessory structure location to allow the installation of a pool between the principal structure and the public street, for the property at 212 16th 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 23-01500007 for a **variance** to the accessory structure location to allow the installation of a pool between the principal structure and the public street, for the property at 212 16th 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, conceptual plan & supporting documents)