

PLANNING AND ZONING BOARD REPORT

PZB Project Number 24-01500006: Consideration of a variance to allow the placement of a standby generator between the principal structure and the right of way at 1724 North Lakeside Drive. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Meeting Date: August 7, 2024

Owner: Kenneth Campbell

Applicant: Giuseppe Faldetta – Florida Coast Construction, Inc.

Address: 1724 North Lakeside Drive

PCNs: 38-43-44-15-16-051-0150

Size: 0.2623-acre parcel

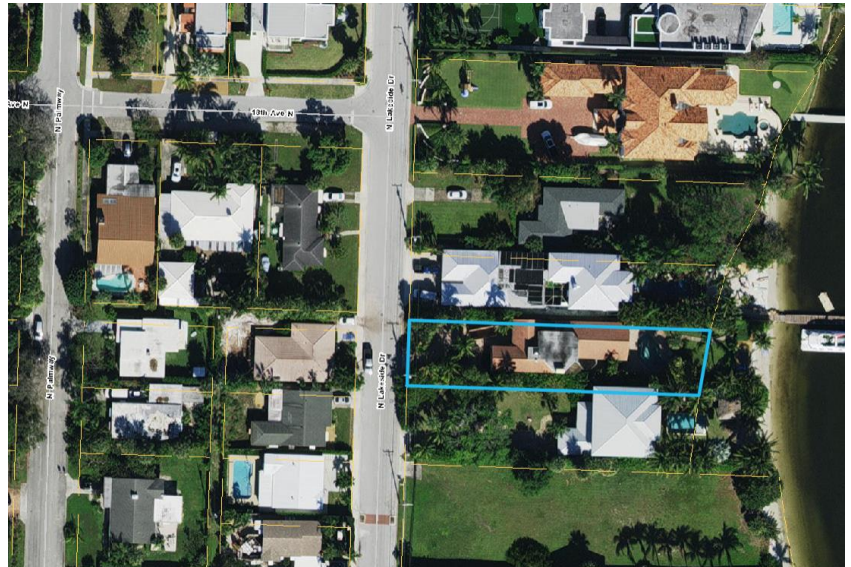
General Location: East of North Lakeside Drive and South of 18th Avenue North

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, Giuseppe Faldetta, is requesting a **variance** for the placement of a standby generator in the front yard between the principal structure and the right of way at 1724 North Lakeside Drive. The subject site is a single-family zoned property located on the eastern side of North Lakeside Drive and south of 18th Avenue North. 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 ± 0.2623-acre residential parcel. Below is a timeline summary of the residential property based on City records:

- 1986 – permit for a new single family home construction and pool
- 2021 – permit for an addition to the home, interior renovations, A/C condenser replacement
- 2024 – permit for the demolition and reconstruction of in-ground pool with paver decking
- June 13, 2024 – applicant applied for a variance for standby generator
- July 2, 2024 – 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.

Based on the analysis above, the proposed variance request 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 place a standby generator in the front yard between the principal structure and the right of way, which conflicts with development requirements in the City’s Zoning Code. Section 23.4-17 identifies the only locations where generators are permitted; placement of a standby generator in the front yard is not permitted.

Required by Code	Proposed
<p>LDR Section 23.4-17: Property owners are permitted to have generators as an accessory use subject to the following requirements:</p> <ol style="list-style-type: none"> 1. May be located in the side setbacks with a maximum height of thirty (30) inches including the concrete pad. If located in a side yard, a landscape plan must be submitted indicating the landscape or screening used to prevent visibility from the right-of-way. 2. May be located in the rear setback if the property is not located on an alley. 3. A standby generator located in a side or rear setback requires a minimum three-foot separation from the property line. 	<p>Proposing a standby generator between the principal structure and the right of way.</p> <p>Installation of a standby generator in the front yard is not permitted per Section 23.4-17, which identifies the only locations where generators are permitted.</p>

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: 1724 North Lakeside Drive is a platted lot of record that is adjacent to the intracoastal waterway. A property adjacent to a body of water is somewhat unusual within the City, but is typical of properties along the eastern edge of the City, including the immediate neighbors of 1724 North Lakeside Drive. The applicant contends the placement of the standby generator in front of the house (western portion) is the most practical location for the proposed standby generator as the rear of the property (eastern portion) would cause the generator to be susceptible to damage due to its proximity to the intracoastal waterway and existing pool.

The generator regulations (LDR Section 23.4-17(a)) require that generators encroaching into the side setback are no more than thirty (30) inches tall including the concrete pad and retain a minimum three (3) foot separation from the side property line. Per the applicants’ submittal, the proposed generator will be 48 inches long, 25 inches wide, and 29 inches tall. The existing house was largely built at the minimum side setback (5 feet), which leaves an area too narrow to place a generator on the north side and a large portion of the south side of the property.

Per the Building Official, the standby generator must be set back at least 5 feet from operable windows and doors, must have an 18-inch clearance from existing walls, and have a minimum setback of 3 feet from fencing and landscaping. There is a portion of the southeast corner of the existing structure area that is set back approximately 15 feet from the south side property line, which would allow placement of the standby generator to be out of the side setback and not be placed in front of the house.

The Building Official has also specified that the standby generator must be elevated one foot above the pending Base Flood Elevation of nine feet. This would require the standby generator to be elevated a minimum of approximately 4 feet from the ground and would therefore cause the overall height of the generator and concrete pad to be approximately 6.5 feet tall. A generator at this height in front of the existing house will likely be visible from the right of way. If the Board were to approve the placement in the front yard, staff has drafted conditions to visually screen the standby generator.

Staff contends that there is not a special circumstance that is peculiar to the land that will not allow the standby generator to be placed at the southeast area of the property rather than the front yard, 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 contends that the standby generator is necessary for the reasonable use of the property, however the standby generator may be placed in a different location.

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. The southeast area appears to be a suitable location for the placement of the standby generator to which a variance is not required. However, the requested variance to allow the placement of the standby generator in the front yard (west side) also appears to be a reasonable location for the generator as it will remain outside of the front setback and allow additional access to service the generator. However, staff has concerns about visual impact of the generator placement in front of the house, given the required height of the generator to meet Base Flood Elevation requirements. **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: Although the character of the neighborhood does not include mechanical equipment between the principal structure and public right of way, the proposed location of the standby generator in the front yard will provide the greatest distance from the adjacent neighboring homes. However, the placement of the standby generator in the front yard will likely be visible from the right of way. Conversely, placement of the generator to the southeast of the house will have less visual impact but may have increased auditory impact to the neighboring house to the south. If the Board moves to approve the variance, staff have drafted conditions requiring that the proposed generator be visually screened from the public right-of-way and that the generator's noise shall not exceed sixty-five (65) decibels as measured from the property lines. As conditioned, the granting of the variance shall not be unduly injurious to contiguous property, nor shall it be detrimental to the public welfare. **Meets 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 meets one out of the four variance criteria. Therefore, 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 requiring visual screening and noise limitations for the standby generator. The approval of the standby generator in the front yard between the principal structure may set precedent for future request.

Conditions of Approval:

1. The variance from the generator development standards shall be project and use specific and shall only apply to the scope of work approved under this application for this use. Should the property be redeveloped or destroyed, or the use changed, the variance would no longer be valid.

2. Prior to building permit issuance:
 - a. The site shall be reviewed for zoning compliance with the Single Family Residential (SFR) Land Development Regulations including the maximum impermeable surface coverage allowance.
 - b. A Landscape Plan shall be submitted for review and approval for the required landscape screening to prevent visibility of the generator from the public right-of-way and adjacent properties.
3. The generator's noise shall not exceed sixty-five (65) decibels as measured from the property lines.

BOARD POTENTIAL MOTION:

I MOVE TO **DISAPPROVE** PZB Project Number 24-01500006 for a variance to allow the placement of a standby generator between the principal structure and the right of way for the property at 1724 North Lakeside 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 24-01500006 for a variance to allow the placement of a standby generator between the principal structure and the right of way for the property at 1724 North Lakeside 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)