



HISTORIC RESOURCES PRESERVATION BOARD REPORT

HRPB Project Number 26-01500001: A request for a variance to allow an 8-foot-high fence along the side alley property line at 338 Cornell Drive. The subject property is a contributing resource within the College Park Historic District and is located in the Single Family Residential (SFR) zoning district. The future land use designation is the Single Family Residential (SFR).

Meeting Date: February 11, 2025

Property Owners: Emerald Isle Home Builders LLC

Address: 338 Cornell Drive

PCN: 38-43-44-15-06-002-0990

Size: ±0.12 acres / 5,250 sf

General Location: North side of Cornell Drive between the alleyway generally located to the west of N Dixie Highway and to the west of Pennsylvania Drive

Existing Land Use: Single Family Residential

Future Land Use Designation: Single Family Residential (SFR)

Zoning District: Single Family Residential (SFR)



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 the variance criteria in the LDRs. Therefore, staff is recommending that the HRPB not approve the variance request.

PROJECT DESCRIPTION

The property owners, Emerald Isle Home Builders LLC, are requesting a variance to allow approximately 80.5 linear feet of 8' tall fencing along the side alley property line of 338 Cornell Drive. The subject property is located in the Single Family Residential (SFR) zoning district and has a Future Land Use (FLU) designation of Single Family Residential (SFR). A survey of the property is included in **Attachment A**.

PUBLIC COMMENT

Staff has not received any letters of support or opposition for the application at the time of the publication of this report.

BACKGROUND

The existing Mission Revival style single-family home at 338 Cornell Drive was originally constructed in 1925. In 2023, the applicant received approval for waivers, demolition and reconstruction of the detached garage and reconstruction of the primary structure at 338 Cornell Drive (22-00100384). A permit was subsequently applied for and approved for fencing of the property (25-277) which included 6' tall fencing along the side property line. However, it was brought to the Planning Department's attention that the fence was constructed to 8' above grade, rather than the approved 6'. The applicant was therefore advised that the appropriate path forward was to submit a variance for the fence.

ANALYSIS

Consistency with the Comprehensive Plan

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per policy 1.1.1.2, the Single-Family Residential category 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."*

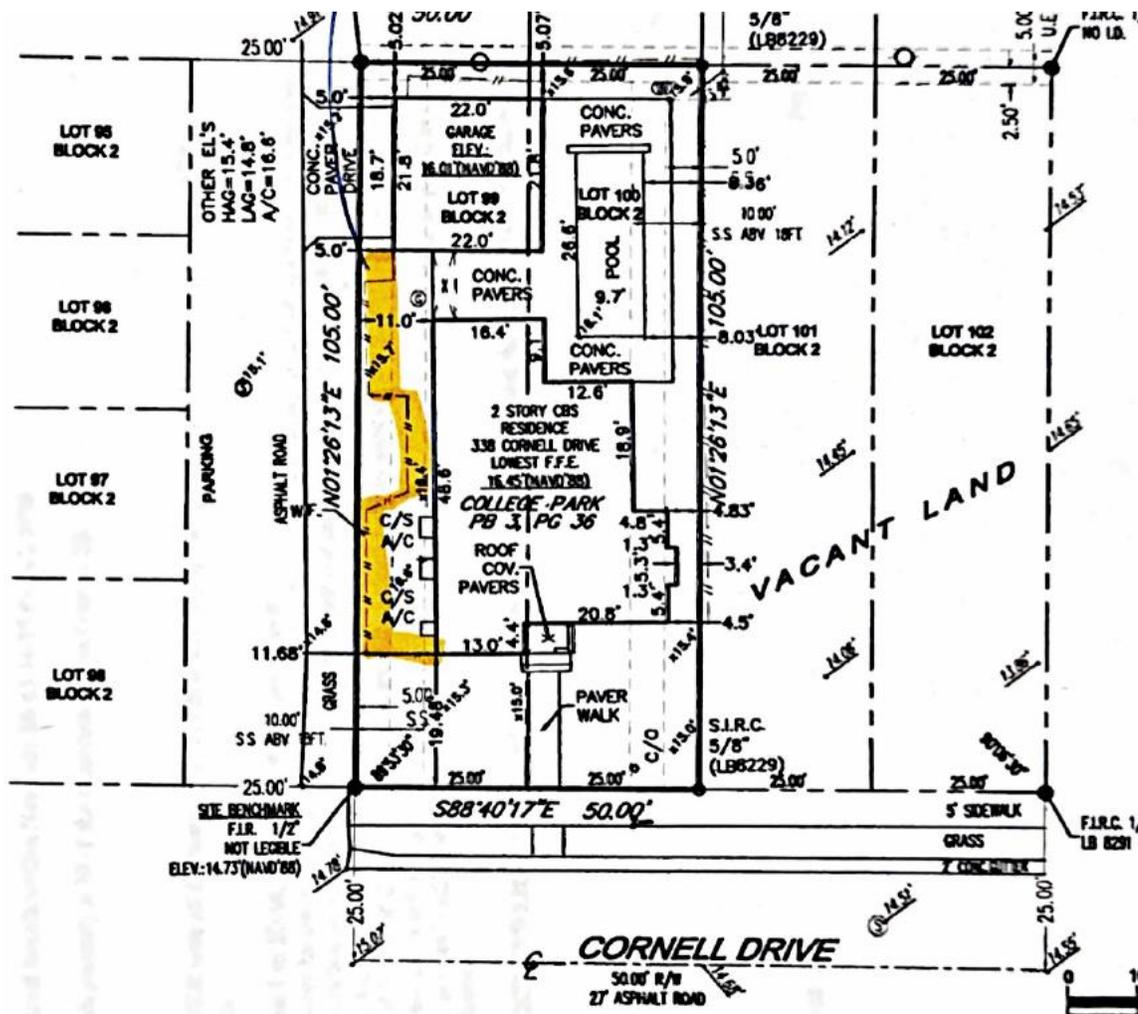
Analysis: The existing principal structure is a single-family house that is consistent with the intent of the Single-Family Residential designation. The variance being sought will not change the use of the property. As such, a formal consistency review of the comprehensive plan is not applicable to this project as proposed.

Consistency with the 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.

Analysis: The fencing on the west side property line at 338 Cornell Drive conflicts with the requirements in the City's Land Development Regulations, specifically the limitations for maximum fence height alongside property lines.

Per LDR Section 23.4-4(d)(1)(C), the maximum height of fences or walls on the side property line is six (6) feet. While 8' fencing is permitted along alleyways, the code specifies that this applies only to rear property lines. The applicants are proposing approximately 80.5 linear feet of fencing on the west side property line along an alley that measures 8' in height (see survey image below).



Subject fencing at 338 Cornell Drive, 8 feet tall (marked in orange)

Required by Code	Proposed
LDR Section 23.4-4(d)(1)(C): On the rear property line (not adjacent to an alley) and on that portion of the side property line from the rear property line to the front building setback line, a fence or wall shall have a maximum height of six (6) feet from the natural grade of the lot.	Approximately 80.5 linear feet of fencing along the west side property line, with a height of 8 feet

Section 23.2-26(b) – Variances, Required findings for approval:

According to the City of Lake Worth Beach, Land Development Regulations Section 23.2-26, “the power to grant any such variance shall be limited by and be contingent upon documentation that all required findings are made by the appropriate Board.” As this property is located in the Northeast Lucerne Historic District, the HRPB is tasked with making the required findings to grant a variance. The following analysis addresses each of the required findings for the requested variance. In addition, the applicant’s justification statement is included in **Attachment B**.

- A. 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 an action of the applicant.

Analysis: 338 Cornell Drive is a 50’ x 105’ parcel which features a side alley frontage along the west property line. While the LDRs permit 8’ fencing along rear alley property lines, they require fencing along side property

lines to not exceed a maximum of 6'. While an alley located along a side rather than a rear lot line is a somewhat atypical condition, all properties in a similar configuration along the subject alleyway appear to feature 6' fencing based on a visual estimation of the surrounding conditions. While the applicant received approval for a 6' fence under building permit 25-277, the fence was subsequently installed at 8' above grade rather than the approved 6'. As the circumstances of 338 Cornell Drive apply generally to nearby lands and buildings and the variance request is the result of actions of the applicants, the requested variance does not meet the intent of this criterion. **Does not meet the criterion.**

- B. *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: According to available records, the subject property has accommodated a single-family use since its construction in 1925 and has never featured a side yard fence along this alley. Strict application of the LDRs would require fencing along the side alley property line to have a maximum height of six feet as measured from the average height of the natural grade on either side of the fence; this configuration would not deprive the applicants of reasonable use of the land as a single-family residence. **Does not meet the criterion.**

- C. *That the variance proposed is the minimum variance which makes possible the reasonable use of the land or building;*

Analysis: The proposed variance is not required for reasonable use of the land. While a code-compliant six-foot-tall fence would provide slightly less privacy from the adjacent alley and nearby commercial use, fencing that meets the code would still provide the property owners with privacy and security for their side yard. **Does not meet the criterion.**

- D. *That 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: In 2013, the City's new Land Development Regulations were adopted through Ordinance 2013-34. The new LDRs included fence height regulations for front yards, side property lines, and rear property lines. As Sec. 23.4-4(d)(1)(c) does not permit fencing along side property lines to exceed 6' in height, the granting of the variance would be contrary to the literal interpretation of the fence regulations. However, the granting of the fence height variance would likely not be unduly injurious to contiguous property, as the proposed 8' fence is entirely located along an alley and therefore has little to no effect on neighboring properties; furthermore, 8' fencing is permitted along rear alley property lines. **Does not meet criterion.**

Consistency with the Historic Preservation Design Guidelines

Fencing within historic districts does not require COA review.

CONCLUSION AND CONDITIONS

Variance requests are required to be reviewed for consistency with the criteria set forth in LDR Section 23.2-26(b), including the requirement that a hardship be established related to the circumstances of the property. As the circumstances of the subject lot are generally typical, evidence for a unique hardship cannot be established. Further, the applicant has not established competent and substantial evidence that the proposed variance is consistent with the required review criteria, including that the strict application of the LDRs would deprive the property owner of any reasonable use of the land. Therefore, staff is recommending that the HRPB not approve the proposed variance based on the data and analysis in this report.

BOARD POTENTIAL MOTION:

I MOVE TO **DISAPPROVE** HRPB Project Number 26-01500001 for a variance to allow 80.5 linear feet of up to 8-foot-high fencing along the west side property line at 338 Cornell Drive. The application does not meet the variance criteria based on the data and analysis in the staff report.

I MOVE TO **APPROVE** HRPB Project Number 26-01500001 for a variance to allow 80.5 linear feet of up to 8-foot-high fencing along the west side property line at 338 Cornell Drive. The project meets the variance criteria for the following reasons [Board member please state reasons.]

Consequent Action: *The Historic Resources Preservation 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. Survey
- B. Applicant's Justification Statement and Photos