



City of Westlake

Planning and Zoning Department

Staff Report - VAR-2025-01- 8/5/2025

PETITION DESCRIPTION

PETITION NUMBER: VAR-2025-01 Variance for Silver Lake Development Clubhouse

APPLICANT: Cotleur & Hearing

OWNER: Palm Beach West Associates VI, LLLP A/K/A GL Homes

LOCATION: City of Westlake, Silver Lake Residential Development

PCN: 77-41-43-07-00-000-1040,77-41-43-08-08-00-000-3020,77-41-43-08-00-000-3010 AND 77-41-43-08-08-00-000-3040

REQUEST:

The applicant is requesting a variance from the City's Land Development Regulations to allow reduced setbacks for a proposed Residential Amenity Center. Specifically, the request seeks relief from the minimum required front, side, and rear yard setbacks. The applicant is also requesting a Waiver from Chapter 119, Section 119-31(3)(b)(1)(ii), to increase the permitted fence height around the outdoor pickleball courts from six (6) feet to eight (8) feet at this location.

SUMMARY

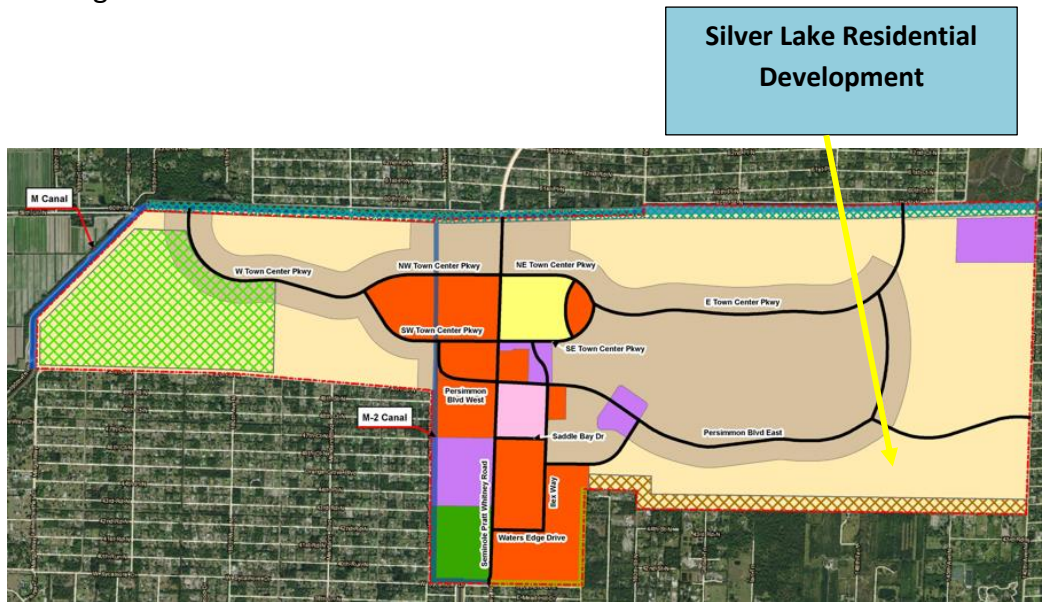
The applicant, Cotleur & Hearing, on behalf of Palm Beach West Associates VI, LLLP (a.k.a. GL Homes), is requesting approval of a variance for the Silver Lake residential development. The request involves a proposed residential amenity center, which includes a 3,464-square-foot clubhouse, a mail kiosk, pickleball courts, and a fenced playground. Specifically, the applicant is seeking relief from the City's minimum setback requirements to allow a reduced front yard setback of 15 feet, a side yard setback of 24.1 feet, and a rear yard setback of 14.5 feet for the amenity center.

STAFF RECOMMENDATION

The subject application was reviewed in accordance with Chapter 101, Section 101-197(b)(2) of the City's Land Development Regulations. Based on staff's analysis, the application does not comply with seven (7) of the nine (9) variance criteria outlined in Section 101-197. However, the application does comply with standards seven and eight, as detailed in the analysis.

PETITION FACTS

- a. Total Gross Site Area: 119.49 acres
- b. Building Data: 448 Single Family Homes
- c. Land Use and Zoning
 - Existing Land Use: Vacant
 - Future Land Use: Residential 1 & Residential 2
 - Zoning: R-1 & R-2



BACKGROUND

The subject property has Residential-1 (R-1) and Residential-2 (R-2) land use designations and corresponding R-1 and R-2 zoning classifications. Silver Lake will be developed in two (2) sequential phases. The approved master site plan identifies the following:

- Proposed phasing, land area for each phase, anticipated number of dwelling units and associated density.
- Points of access and interconnectivity.
- Lakes and conceptual master drainage easements.

Silver Lake **Phase 1** includes 294 single-family homes, consisting of 133 lots that are 48 feet wide and 161 lots that are 50 feet wide. **Phase 2** contains 154 single-family homes, with 76 lots at 48 feet wide and 78 lots at 50 feet wide. It is proposed that all lakes will be completed during Phase 1. The timing of the Phase 2 plat will be based on market demand.

Phase	Number of 48 feet wide lots	Number of 50 feet wide lots	Total
Phase 1	133	161	294
Phase 2	76	78	154

- On June 3, 2025, the City Council approved the Silver Lake - Plat Phase One, being a part of the North one-half (1/2) sections 7 and 8.
- On July 1, 2025, the City Council approved the Silver Lake Master Sign Plan. The application included two waivers from Chapter 113.

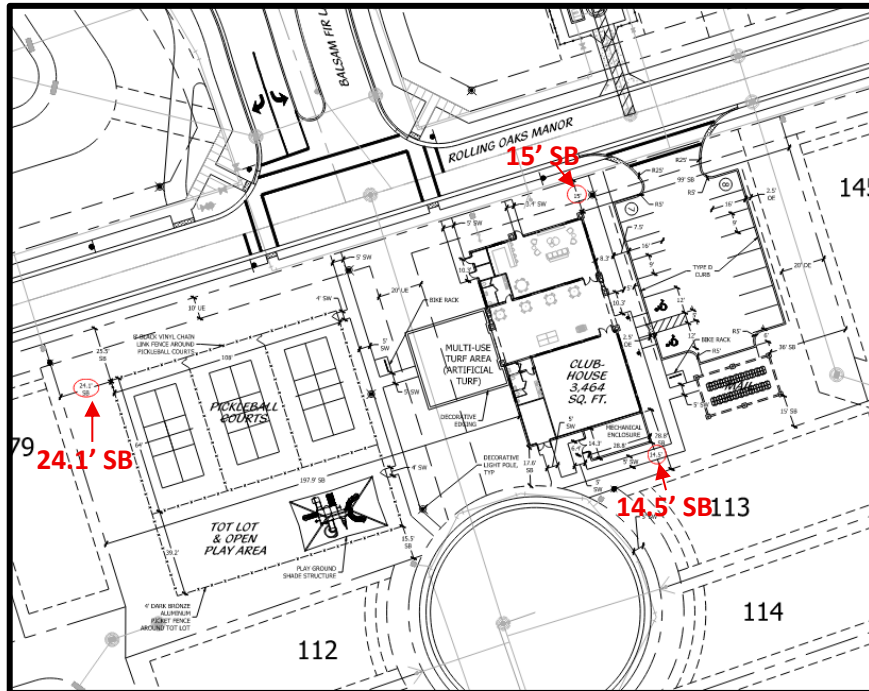
VARIANCE REQUEST

The subject application was reviewed according to the City of Westlake Land Development Code. The Applicant is requesting three (3) Variances as follows:

1. Front Yard Setback: 15 feet
Code Chapter 119, Sec 119-31. Requires 20 feet front setback.
2. Side Yard Setback: 24.1 feet
Code Chapter 119, Sec 119-31. Requires 30 feet front setback.
3. Rear Yard Setback: 14.5 feet
Code Chapter 119, Sec 119-31. Requires 30 feet front setback.

Structure	Proposed Min.Front Setback (North) (feet)	Required	Deviation	Proposed Min. Side Setback (West) (feet)	Required	Deviation	Proposed Min.Side (East) Setback (feet)	Required	Deviation	Proposed Min.Rear Setback (South) (feet)	Required	Deviation
Clubhouse	15	20	5	30+	30	0	30+	30	0	14.5	30	15.5 *
Mail Kiosk	15+	20	0	30+	30	0	36	30	0	15	30	15
Fenced Playground	15+	20	0	24.1	30	5.9	30+	30	0	15.5	30	14.5
Pickleball	25.5	20	5.5	24.1	30	5.9	30+	30	0	30+	30	0

Site Plan



STAFF ANALYSIS AND FINDINGS

Per Chapter 101-192, the Planning and Zoning Board shall consider and find that all seven criteria listed below have been satisfied by the applicant prior to making a motion for approval of a variance:

1. **Strict application of the LDRs creates an undue burden or a practical difficulty on the development of applicant's lots or parcels and was not created by the actions of the applicant.**

Applicants Response: *Strict application of the R-1 & R-2 required setbacks for Amenity Centers does create an undue burden and practical difficulty to efficiently serve the proposed community appropriately. The intent of the amenity center is to provide first class amenities to the residents of Silver Lake and this is significantly restricted if the required setbacks are upheld due to the decreased developable area. Additionally, the subject parcel is significantly smaller than that of the Cresswind of Palm Beach amenity center, which is a comparable amenity center serving a residential community in Westlake. These particular setbacks set forth in the Land Development regulations could be better utilized on larger parcels of 3-5 acres while maintaining the same mass and scale of the neighboring development, however in the case of the Silver Lake amenity center, the subject setbacks create an incompatible condition with the surrounding community scale. We believe the setbacks for a neighborhood park are more applicable to amenity centers less than 1.5 acres in size.*

Staff Analysis: The applicant voluntarily designed this site layout and allocated only 1.13 acres for the amenity center within their master site plan. The site constraints are self-imposed and not inherent to the parcel. The City's Land Development Regulations (LDRs) apply to all amenity centers consistently; the applicant's choice to place the amenity on a small parcel is not a hardship created by the Code but a design decision. Based on the City's staff analysis, the subject application is not in compliance with this code standard.

2. **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.**

Applicants Response: *The special condition peculiar to this parcel is the proposed use of the amenity center given that it is one of the few private amenity centers serving a residential community in the city of Westlake. In this case, the 1-acre parcel is severely restricted pursuant to the R-1 setback regulations causing unnecessary hardship to not only the applicant but also the future residents of Silver Lake preventing adequate space for an array of first-class amenities. The code as written discourages developers from adding meaningful amenities interior to individual neighborhoods. The code's definition of Neighborhood Park is: "Neighborhood Park means a park that serves the residents of a neighborhood and is accessible to bicyclists and/or pedestrians. A neighborhood park is designed to serve the population of a neighborhood in a radius of up to one-half mile. Neighborhood parks include any related recreational facilities and can be publicly or privately owned."*

We believe the proposed recreational facilities are consistent with what is allowed in a neighborhood park, thus a reduction to a 15' setback is appropriate.

Staff Analysis: The size and internal placement are design choices, not inherent, unique constraints. Other parcels within the same zoning district could host similar amenities with proper planning and without setback variances. The assertion that this amenity is unusual in Westlake does not constitute a valid hardship under variance criteria. Based on City's staff analysis, the subject application is not in compliance with this code standard.

- 3. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.**

Applicant's Response: *Literal interpretation of the subject code provisions deprives the Silver Lake community as a whole of the benefits commonly enjoyed by all other similar residential communities in Palm Beach County. The required setbacks set forth in the city's LDR are not appropriate to adequately provide the standard amenities needed to benefit the community of 448 single family homes. Silver Lake is a small, intimate neighborhood with a reduced scale to promote healthy and walkable streetscape. The required setback of 30-feet on most sides of the property contradicts the theme and vision of the community and the Westlake Master Plan. Approval of this request will allow the future residents of Silver Lake to enjoy the same benefits of a first- class amenity center as experienced in many other similar communities. The recreational features proposed for Silver Lake are consistent with those of a neighborhood park. In contrast the definition of "amenity center" suggest much more intensive uses such as limited retail, real estate office and property management.*

The code's definition of an Amenity center is as follows: "Amenity center means a facility to accommodate recreational and/or social activities such as parties, receptions, banquets, meetings, recreation, exercise, and neighborhood gatherings, for exclusive use of the residents and guests of a specific development or defined residential area and that provides opportunities for limited retail, including a leasing/real estate sales office, and property management offices."

Staff Analysis: The applicant selectively compares their amenity center to a neighborhood park to justify reduced setbacks. However, the proposed facility includes a clubhouse, pickleball courts, and other infrastructure that go beyond typical passive park uses. The City's code distinctly classifies amenity centers and parks with separate standards because their intensity, traffic, and potential for noise are not equivalent. Based on City's staff analysis, the subject application is not in compliance with this code standard.

- 4. No negative impacts are or will be generated by the variance, and/or that any impacts caused by the variance can be adequately mitigated.**

Applicant Response: *On the contrary, approval of this variance request will only result in a benefit to the future residents of Silver Lake, allowing them to enjoy adequate first- class*

amenities that would otherwise be unavailable due to the current code restrictions. Additionally, the amenity center parcel does not abut any rear or front yards of any residences, ensuring that there will be no impact to any resident's living experience. We have found that homeowners purchasing property adjacent to an amenity center do so purposefully and the close proximity to the amenities is of great benefit to them and their personal interests.

Staff Analysis: The proposed pickleball courts are adjacent to the street and near homes, and pickleball is known to generate significant noise. The variance reduction could bring noise-producing amenities closer to nearby residences. The applicant's reliance on disclosure to buyers does not mitigate these potential impacts. Based on City's staff analysis, the subject application is not in compliance with this code standard.

- 5. The grant of a variance will not confer upon the applicant any special privilege denied to any other owner of land, buildings, or structures located in the same zoning district.**

Applicant Response: *The granting of the subject variance will not provide any special privilege denied to any other owner of land in the same zoning district. This particular parcel is unique given its proposed nonresidential use solely benefiting the surrounding community. The only permitted nonresidential uses in the R-1 zoning district consist of religious uses, daycare, neighborhood parks, and amenity centers. All of these aforementioned nonresidential uses are of benefit to the community they are located in and guided by the standards set forth in the LDR. The required setbacks in this case do not account for the smaller parcel size and rather provide general standards for amenity centers as a whole regardless of lot size. We respectfully ask that the required 30-foot lot size be reduced to 15-feet specific to this site due to the smaller, intimate scale of the Silver Lake community. This will allow all future residents of Silver Lake to enjoy all amenities expected of a standard clubhouse.*

Staff Analysis: Granting a variance that allows the applicant to avoid setbacks that other amenity centers must comply with does confer a special privilege. Other developers may then reasonably request similar relief, undermining the consistent application of the code. Based on City's staff analysis, the subject application is not in compliance with this code standard.

- 6. The variance granted is the minimum variance that will make possible the use of the land, building, or structure.**

Applicant's Response: *The variance requested is undoubtedly the minimum variance that will make possible use of the land. The clubhouse building adheres primarily to the required setbacks and this request is solely to gain the proper space for amenities expected at a standard clubhouse site. The requested 15-foot setback on all yards is to ensure adequate developable area for said amenities while also providing an appropriate setback to maintain lush landscape buffers and enhance curb appeal.*

Staff Analysis: The site plan shows that portions of the site could be reconfigured to reduce

the degree of variance requested. For example:

- Relocation or reorientation of the pickleball courts or tot lot could reduce encroachments.
- The scale of the proposed amenities (especially the building footprint) could be adjusted to better fit the code.
- The applicant has not demonstrated that this is the minimum relief necessary.

Based on City's staff analysis, the subject application is not in compliance with this code standard.

7. The grant of the variance will be in harmony with the general intent and purpose of this chapter and land development regulations.

Applicant's Response: The current code regulations set forth general standards for all amenity centers regardless of lot configuration, size, shape, or surrounding area. In this case, the Silver Lake community amenity center seeks to align with the smaller lot configurations of the surrounding neighborhood. Adhering to the required setbacks of the LDR would oppose the general intent of the community and the code as a whole. It is understood that the general intent of the regulations for residential amenity centers set forth in the R-1 zoning district is for the clubhouse itself due to the fact that the minimum parcel size for an amenity center is 20,000 square feet. These setbacks severely restrict small lots to properly provide standard amenities to benefit the community and only benefit amenity centers located on large parcels upwards of 3-5 acres. Additionally, this amenity center is only the second of its kind in the city of Westlake and presents a unique case which is grounds for an appropriate variance request.

Staff Analysis: The Code differentiates between large and small amenities through setback requirements to protect the character of adjacent residential areas and manage land use intensity. Approving this variance would erode that regulatory structure and set a precedent that encourages amenity densification without proper setbacks. Based on City's staff analysis, the subject application is not in compliance with this code standard.

8. Financial hardship is not to be considered as sufficient evidence of a hardship in granting a variance.

Applicant's Response: On the contrary, this request is to allow for a significantly larger investment into the subject parcel and the Silver Lake community as a whole. The intent of this request to provide additional first class amenities by reducing the required setbacks opposes the possibility of financial hardship.

Staff Analysis: The requested variance is not based on any financial hardship and does not involve financial considerations. Based on City's staff analysis, the subject application is in compliance with this with this code

standard.

9. **The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

Applicant's Response: *On the contrary, approval of this variance request will only benefit the surrounding community and public welfare. Allowing for adequate space for standard amenities improves the quality of life of the community resulting in overall longevity and success of the city as a whole. This request ensures that the Silver Lake community and the wellbeing of the residents is set up for success long term.*

Staff Analysis: The granting of this variance will not be injurious to the area involved or otherwise detrimental to the health, safety, or welfare of the public. Based on City's staff analysis, the subject application is in compliance with this code standard.

FINAL REMARKS

The subject application was reviewed in accordance with Chapter 101, Section 101-197(b)(2) of the City's Land Development Regulations. Based on staff's analysis, the application does not comply with seven (7) of the nine (9) variance criteria outlined in Section 101-197. However, the application does comply with standards seven and eight, as detailed in the analysis.