



AGENDA
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MAY 07, 2025 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES:

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

- A. [March 5, 2025 Minutes](#)

CASES:

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [25-01500002 - 511 S. East Coast St](#)

WITHDRAWALS / POSTPONEMENTS

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- A. [PZB Project Number 25-01100001: Consideration of a replat for Madison Terrace at 821 South Dixie Highway and 818-832 South H Street. The properties are zoned Transit Oriented Development – East \(TOD-E\) and have a future land use designation of Transit Oriented Development \(TOD\).](#)
- B. [PZB Project Number 25-01500002: Consideration of a variance request to allow fencing to be placed within the front setback at 511 South East Coast Street. The subject site is zoned Artisanal Industrial \(AI\) and has a future land use designation of Artisanal Mixed-Use \(AMU\).](#)

PLANNING ISSUES:

PUBLIC COMMENTS (3 minute limit)

DEPARTMENT REPORTS:

BOARD MEMBER COMMENTS:

ADJOURNMENT:

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. *(Sec. 2-12 Lake Worth Code of Ordinances)*

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.



**MINUTES
CITY OF LAKE WORTH BEACH
PLANNING & ZONING BOARD MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, MARCH 05, 2025 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present-Juan Contin, Chairman; Mark Humm; Dave Mathews; Henry Pawski; Daniel Walesky (6:02pm). Also present were: Karina Maldonado, Sr. Community Planner; Annie Greening, Principal Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; Elizabethe Lenihan, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA None

APPROVAL OF MINUTES:

A. February 5 ,2025 Regular Meeting Minutes

Motion: H. Pawski to accept February 5 meeting minutes as presented; 2nd D. Mathews. **Vote:** Ayes all, unanimous.

CASES:

SWEARING IN OF STAFF AND APPLICANTS Board Secretary administered oath to those wishing to give testimony.

PROOF OF PUBLICATION Provided in the meeting packet.

- 1) 24-00500013 - 3694 23rd Ave South
- 24-01500004 - 1701 Terrace Dr West
- 23-00500016 - 1718 S. Douglas St

WITHDRAWALS / POSTPONEMENTS None

CONSENT None

PUBLIC HEARINGS:

BOARD DISCLOSURE None

UNFINISHED BUSINESS: None

NEW BUSINESS:

- A. **PZB Project Number 25-00000004:** A request for Affordable/Workforce Housing Program incentives to authorize a third dwelling unit with a unit size reduction at 614 North E Street. The subject site is zoned Single-Family and Two-Family Residential (SF-TF-14) and has a future land use designation of Medium Density Residential (MDR).

Staff: A. Greening presents case findings and analysis. The request is found to be consistent with LDR's as conditioned. The property was originally a duplex with two units. After the carport was demolished @2002, a Florida room was added to the duplex and at some point prior the applicant purchasing the property in 2024, the Florida room was converted to a third unit. The request is to participate in the Affordable Workforce Housing Program, Tier One, by income restricting that reduced size unit. The program also allows for the reduced square footage of the unit (>15% less). Staff has further determined the criteria set forth for eligibility of award has been met, with the inclusion of a recorded covenant restriction and annual monitoring report. There are five conditions to be met: Site plan approval and building permit approval required within one year of this approval; a minor site plan approval is required prior to issuance of after-the-fact permits for the 3rd unit; recorded covenant restriction with annual report; code cases and fines resolved within one year of this approval; address application for 3rd unit prior to business license application.

Board: Question as to whether all three units are income restricted? **Response:** No, only the reduced size one. Does the request include a reduction in parking spaces? **Response:** No, currently they intend to meet the five required spaces by providing access off the alley during the site plan process. Are utilities included in calculation of total housing costs? **Response:** It is unknown.

Motion: H. Pawski moves to approve PZB 25-00000004 with conditions based upon the competent, substantial evidence provided in the staff report and the testimony at the public hearing; D. Mathews 2nd.

Vote: Ayes all, unanimous.

B. PZB Project Number 24-01500004: Consideration of three variance requests for 1701 Terrace Drive West to encroach the rear setback, to exceed the maximum impermeable surface, and to exceed structural coverage. The subject site is zoned Single Family Residential (SFR) and has a future land use designation of Single Family Residential (SFR).

Staff: K. Maldonado presents case findings and analysis. A previous variance approval was granted in 2018 for an awning which encroaches the rear setback. The current proposal includes a zero rear setback, the impermeable surface coverage with proposed addition and unpermitted pavers on south side would be at +/- 63%. Without either the addition or pavers, the percentage is currently exceeded by 5.3%. Approval of both would bring the impermeable coverage to 63% or 13% over code. The pavers on the south side of the property, appearing to be installed after 2022, cover approximately 220 square feet. The applicant asserts damage by wildlife from the waterway necessitates the variance. Staff analysis of the four variance criteria indicates none of the criteria are met, only the 4th criteria is met. Briefly, 1. Wildlife damage is a general condition for properties throughout the City and not confined to this property alone. 2. The reasonable use of the home as a single-family dwelling can continue without an addition. The applicant was granted a permit for seawall and boat lift in 2022 which demonstrates active use of the rear area of the property. 3. The applicant has not considered reducing setbacks, reducing impermeable coverage or structural coverage non-conformities.

Board: D. Walesky would like to have copy of previous variance approval. Questions whether the third wall constitutes an addition.

Applicant: Ibrahim Chalhoub- Wishes to expand living area as families that once moved away have now returned. Has to battle mosquitos and animals in the backyard. The setback question should be grandfathered and not be brought up again. States the impermeable surface remains the same and because it can runoff onto the area owned by SFWMD, it doesn't go to the streets or sewers. They are not infringing on anyone and the only neighbor said it was fine with them.

Public comment: None

Board: If pavers were inadvertently omitted with the 2018 request and subsequent approval, they shouldn't be removed and should be grandfathered.

Board Attorney: The request is as presented- with pavers and changing the awning to an enclosure. If they were not part of the request, they are now.

Board: Findings according to criteria are as follows:

1. Lake Worth Drainage District is a special circumstance
2. Sturdier
3. No expansion, only enclosing.

Motion: D. Walesky moves to approve PZB 24-01500004 for three variance requests as the application meets the variance criteria for the following reasons and eliminating Condition #3; M. Humm 2nd

Vote: Ayes all, unanimous.

- C. PZB Project Number 24-00500013:** A Conditional Use Permit request for a medium intensity (less than 7,500 square feet) Minor Vehicular Service and Repair (vehicle wrapping) and Assembly excluding retail display and sales uses as provided for in LDR Section 23.3-6 located at 3694 23rd Avenue South, Suite 1. The subject site is zoned Industrial Park of Commerce (I-POC) and has a future land use designation of Industrial (I).

Staff: K. Maldonado explains the use vehicle wrapping is most closely related to window tinting. Window tinting is classified in City code as Minor Vehicular Repair. The use does not include any traditional vehicular repair such as brake repair, oil change, muffler replacement or tire repair. There will also be indoor storage of materials and sign assembly. The request is consistent with the Comprehensive Plan, the Strategic Plan, City Land Development Regulations and Conditional Use findings as conditioned.

Board: Question regarding the need for 4 units out of the total of 27 spaces, how will that be accomplished? **Response:** At time of Business License application they will show how/where it is met.

Applicant: Agreement with the Conditions after clarification of the parking requirements.

Motion: D. Walesky moves to approve PZB 24-00500013 with staff recommended conditions based upon competent substantial evidence in the staff report and in the testimony at the public hearing; H. Pawski 2nd.

Vote: Ayes all, unanimous.

- D. PZB Project Number 23-00500016 and 23-01400028:** A Major Site Plan Amendment request for the construction of three (3) additional educational buildings totaling ±21,300 square feet and site improvements including a swimming pool, basketball court, outdoor amphitheater, soccer field, playground, walking trails, landscaping, and parking lot at 1718 South Douglas Street. A Conditional Use Permit (CUP) request for the establishment of a high intensity (greater than 7,500 square feet) institutional use. The property is zoned Public (P) and has a Public (P) Future Land Use (FLU) designation.

Staff: K. Maldonado presents case findings and analysis. Currently there is one structure on the site. This would be an expansion of an existing use which provides educational, recreational and family support services to underserved families. Three additional buildings will be added as well as site improvements such as a pool; basketball court; soccer field, walking trails; amphitheater; playground and a new parking lot. The structures will be rated Category 5 and designated as a community shelter during high wind events such as a hurricane. Planned as a six (6) phase project. Staff finds it to be consistent with the Comprehensive and Strategic Plan as well as City Land Development Regulations and Conditional use criteria. The plans are also reviewed by City staff from other Departments. Staff calls attention to the condition by Palm Beach County Fire requirement that a site plan be submitted concurrent with the Building Permit for phase 1 to address the required 20 foot wide fire dept access within 50 ft of the entry doors of all buildings exceeding 400 square feet.

Board: Question about the time frame between phases. **Response:** Typically one year but it can be up to 3 years. The applicant is trying to meet the grant condition by September. Phase I can be Board approved for additional time if not completed within four years. Question as to who is funding since it is City owned property?

Richard Ahrens from the design team for the applicant: It is with grant monies. Until Phase I is complete, the children cannot be moved from the Historic Osborne School to the new structures. Phase II includes parking and classroom facilities with a six (6) million dollar grant. Murals are requested by the City Commission. Buildings are rated for 160 mph winds.

Motion: D. Walesky moves to approve with conditions PZB 23-00500016 and 23-01400028 based upon competent substantial evidence provided in the staff report and in the testimony at the public hearing; M. Humm 2nd,

Vote: Ayes all, unanimous.

PLANNING ISSUES: April 16 will be the Joint Board meeting for the Open Space Presentation as well as variance training for both boards.

Reminder of office hours for Board members questions the Monday prior to the Board meeting.

PUBLIC COMMENTS (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 7:17PM



LEGAL NOTICES

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VARIANCE- 511 SOUTH EAST COAST ST

PZB 25-01500002: Consideration of a variance request to allow fencing to be placed within the front setback at 511 South East Coast Street. The subject site is zoned Artisanal Industrial (AI) and has a future land use designation of Artisanal Mixed-Use (AMU). PCN #: 38-43-44-21-15-177-0010.

Wed, Apr 23, 2025

[See More](#)



PLANNING AND ZONING BOARD REPORT

PZB Project Number 25-01100001: Consideration of a replat for Madison Terrace at 821 South Dixie Highway and 818-832 South H Street. The properties are zoned Transit Oriented Development – East (TOD-E) and have a future land use designation of Transit Oriented Development (TOD).

Meeting Date: May 7, 2025

Property Owners: SP Tract 4, LLC and Madison Terrace, LLC

Applicant: Michael J. Oliver – New South Residential, LLC

Addresses: 821 South Dixie Highway, 818 South H Street, 822 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street

PCNs: 38-43-44-21-15-253-0110; 38-43-44-21-15-253-0040; 38-43-44-21-15-253-0032; 38-43-44-21-15-253-0031; 38-43-44-21-15-253-0020; and 38-43-44-21-15-253-0010

Size: ± 1.882 acres (1.546 acres of private property and 0.1274 acres of abandoned right-of-way)

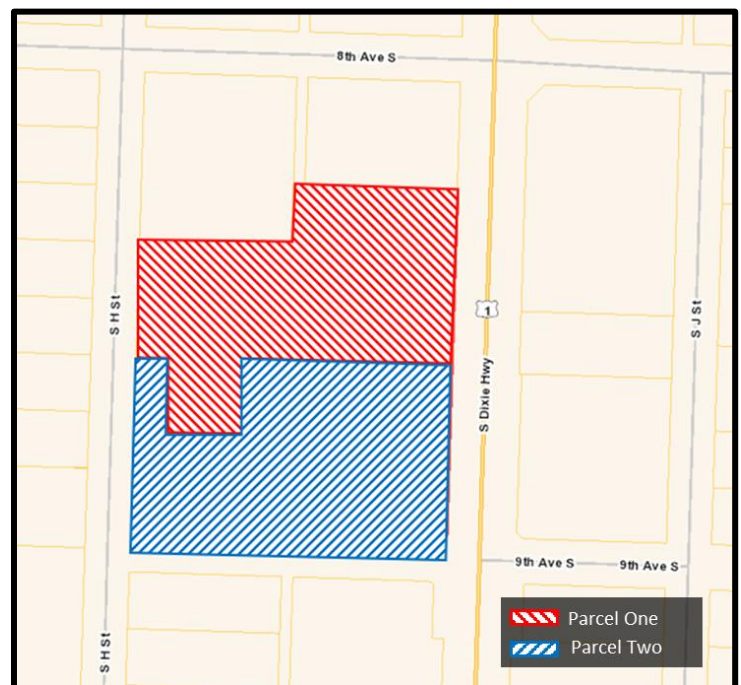
General Location: North of 9th Avenue South, with frontage on South Dixie Highway to the east and South H Street to the west

Existing Land Use: Vacant; formerly auto sales and single-family residential

Future Land Use Designation: Transit Oriented Development

Zoning District: Transit Oriented Development - East

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 Florida Statutes. Staff recommends that the Planning and Zoning Board (PZB) forward a recommendation of approval with conditions to the City Commission. The conditions are located on page 3 of this report.

PROJECT DESCRIPTION

The applicant, Michael J. Oliver, is requesting a recommendation to the City Commission for approval of a replat for the properties located at: 821 South Dixie Highway, 818 South H Street, 822 South H Street, 824 South H Street, 826 South H Street, and 832 South H Street.

The replat proposes to create two parcels and will have two (2) phases of construction. The phase lines will match the replat of the project site into two (2) parcels. The re-plat will contain utility easements for the abandoned rights-of-way and cross-access easements to ensure both phases have access to the project's parking, site features, and amenities.

PUBLIC COMMENT

Staff has not received any letters of support or opposition for this application.

PROJECT HISTORY

The subject properties received approval for a project commonly known as Madison Terrace, which included the creation of a Mixed Use Urban Planned Development (Residential Only), Development of Significant Impact, Major Site Plan, Conditional Use, Right-Of-Way Abandonment, Sustainable Bonus Incentive Program, Affordable/Workforce Housing Program, and Transfer of Development Rights at the City Commission meeting on September 19, 2023 (Ordinance No. 2023-16). Replatting of the properties was required as a condition of approval for the Planned Development.

A replat proposal was brought to the Planning and Zoning Board in October 2024; however, the property owners subsequently acquired an additional adjacent parcel (822 South H Street), which altered their phase lines and replat request. The acquisition of the additional parcel also prompted an application for a major amendment to the Planned Development to allow additional dwelling units; that application will be brought to the Planning and Zoning Board and City Commission at a later date.

The project was approved in 2023 for a 176-unit multi-family development on a 1.8134-acre site with the purpose of providing affordable age-restricted apartments for senior-aged residents. With the acquisition of 822 South H Street, the site is now \pm 1.882 acres. The site is configured with two (2), six (6)-story buildings with pedestrian entrances fronting South Dixie Highway. Parking is proposed on surface parking lots and on the ground floor of both buildings with vehicular ingress and egress from South H Street.

ANALYSIS

Consistency with the Land Development Regulations

Plats are subject to the regulations and criteria in LDR Section 23.5-2, *Subdivision Regulations*. The City's Site Plan Review Team (SPRT), City Attorney, Director of Community Sustainability, and consultant surveyor have reviewed the final replat for compliance with the City's LDRs and Florida Statutes. Their conditions of approval are included in the section below.

CONCLUSION AND CONDITIONS

The proposed replat, as conditioned, is consistent with the City's Land Development Regulations and Florida Statutes. Therefore, staff recommends that the PZB forward a recommendation of approval with conditions to the City Commission.

Planning and Zoning

1. Prior to City Commission approval, the proposed plat and the easement language shall be revised to address all comments issued by the City Attorney, consultant surveyor, and the Site Plan Review Team (SPRT) reviewers.
2. Prior to City Commission approval, the following shall be submitted:
 - a. Surveyor's Letter of Conformity
 - b. Full-size, hard-copy mylar meeting the specifications in [LDR Section 23.5-2\(h\)\(2\)](#)
3. Prior to building permit issuance for work associated with or impacting utilities or rights-of-way, a letter of credit or cash bond shall be submitted to satisfy the requirements in [LDR Section 23.5-2\(h\)\(4\)\(A\)](#).

Water and Sewer Utilities

1. A temporary utility easement is required for the 10' Access Drainage and Utility Easement that is not to be released until utilities located in the easement have been relocated.

BOARD POTENTIAL MOTION:

I MOVE TO **RECOMMEND APPROVAL** of PZB Project Number 25-01100001 with staff-recommended conditions for a final replat for the Madison Terrace project. The proposal meets the applicable criteria based on the data and analysis in the staff report.

I MOVE TO **RECOMMEND DISAPPROVAL** of PZB Project Numbers 25-01100001 for a final replat for the Madison Terrace project. The proposal does not meet the applicable criteria for the following reasons [Board member please state reasons].

Consequent Action: *The Planning and Zoning Board will forward a recommendation to the City Commission. Should the City Commission approve this plat, the Chair of the Planning and Zoning Board will be authorized to sign the replat.*

ATTACHMENTS

- A. Plat
- B. Survey

PLANNING AND ZONING BOARD REPORT

PZB Project Number 25-01500002: Consideration of a variance request to allow fencing to be placed within the front setback at 511 South East Coast Street. The subject site is zoned Artisanal Industrial (AI) and has a future land use designation of Artisanal Mixed-Use (AMU).

Meeting Date: May 7, 2025

Applicant: Juan Contin – Contin Architecture & Design

Owner: Ghrayeb & Grayeb LLC

Address: 511 South East Coast Street

PCN: 38-43-44-21-15-177-0010

Size: 1.02 acres parcel/±6,730 square feet of commercial buildings

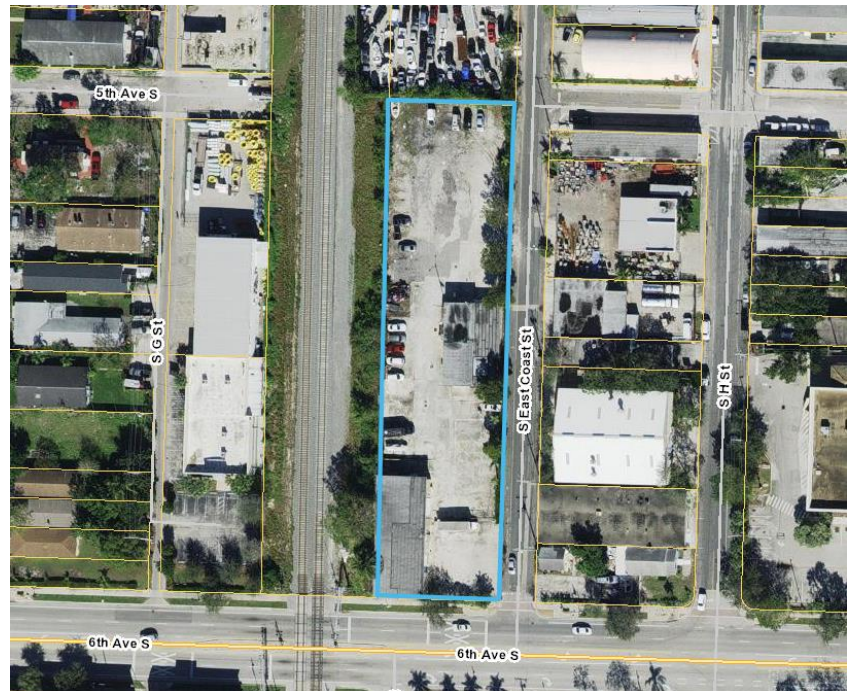
General Location: Northwest corner of 6th Avenue South and South East Coast Street

Existing Land Use: Commercial Office

Current Future Land Use Designation: Artisanal Mixed Use (AMU)

Zoning District: Artisanal Industrial (AI)

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 consistent with the variance criteria in LDR Section 23.2-26(b). Therefore, staff is recommending approval of the proposed variance.

PROJECT DESCRIPTION

The applicant, Juan Contin, is requesting a variance to allow fencing to be placed within the front setback at 511 South East Coast Street. The subject site is an Artisanal Industrial (AI) zoned property located at the Northwest corner of 6th Avenue South and South East Coast Street. The subject site is directly adjacent to the FEC Railroad and is adjacent to Artisanal Industrial zoned properties.

COMMUNITY OUTREACH

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

BACKGROUND

The subject site is a ± 1.02-acre commercial lot. Below is a general timeline summary of the commercial property based on City records:

A 2,730 sq. ft. and 4,000 sq. ft. commercial building was constructed in 1935. On February 5, 2025, the applicant requested a variance to place fencing 3'-6" from the front property line.

ANALYSIS

Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Artisanal Mixed Use (AMU). Per Policy 1.1.1.9, the AMU future land use area is *"intended to provide for the establishment and enlargement of office, retail and industrial uses related to the arts, other low intensity industrial uses, and medium density residential opportunities. The maximum density of permitted residential development is 30 dwelling units per acre. The preferred mix of uses area-wide is 50% non-residential and 50% residential"*.

Analysis: The existing commercial office use is consistent with the intent of the Artisanal Mixed Use designation. The variance 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 fencing conflicts with development requirements in the City's Zoning Code, specifically for fence placement. Based on LDR Section 23.4-4(f)(1), all fences and walls for commercial, vehicular, and non-residential uses shall be set back to the minimum building setback line on the front of the lot for traffic vision purposes. The AI zoning district requires a minimum setback of 10 feet not to exceed 22 feet. Therefore, the proposed fence is required to be set back a minimum of 10 feet from the front property line.

The applicant is requesting a variance to allow fencing to encroach in the minimum front setback, 3'-6" from the front property line.

LDR Citation	Required/allowed	Proposed
LDR Section 23.4-4(f)(1)	<i>Except as otherwise provided herein, all fences and walls shall be set back to the minimum building setback line on the front of the lot for traffic vision purposes.</i>	Fencing to be placed 3'-6" from the front 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 variance request against this section.

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 property at 511 South East Coast Street consists of two detached commercial buildings (4,000 sq. ft. and 2,730 sq. ft.). The existing 4,000 square foot commercial building was constructed 1'-1" from the front (south) property line, which does not meet the required minimum 10' setback. According to Section 23.4-4(f)(1) of the Land Development Regulations (LDRs), fences must be set back to the minimum building setback line (in this case, at least 10') for vision clearance purposes. The site includes a parking lot that was constructed directly adjacent to the subject building. The site also consists of existing perimeter fencing except for the southeast portion of the parcel, where the subject fencing is being requested. The applicant contends that the site is subject to trespassing and vandalism from the unfenced southeast portion of the parcel. The applicant is proposing additional fencing on the southeast portion of the parcel in an attempt to reduce vandalism and for security purposes. Staff conclude the special circumstances of the building and parking lot configuration are peculiar to the land and building for which the variance is sought and is not the result of the action of the applicant. **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.

Analysis: The parking area located on the east side of the existing southern building features a parking area that aligns with the 4,000 square foot building. If the southern fence were to comply with the minimum 10' setback, it would negatively impact the functionality and security of the site, specifically the parking and circulation areas. Additionally, the east side of the 4,000 square foot building includes an entrance door. If the fence were placed in compliance with the setback requirement, it would obstruct access to the door, forcing the applicant to park internally and walk around the fenced area to access the building. Therefore, strict adherence to the LDRs would deprive the applicant of reasonable use of the land and building. **Meets criterion.**

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

Analysis: As noted, the proposed variance is essential for the reasonable use of the property for security and site circulation purposes. The site is bordered by a decorative brick wall installed by the Florida Department of Transportation (FDOT) along the southern property line. Additionally, there is an existing 3'-6" wide landscape area along the same property line. The applicant seeks to install a 6' tall vinyl fence, positioned 3'-6" from the front property line while maintaining the existing landscape. The minimum front setback of 10', as required by the LDRs, would alter the existing parking configuration and access to the 4,000 square foot commercial building. The proposed fence configuration of fencing to be placed 3'-6" from the front property line would allow the site

to retain its existing landscaping, site circulation, and ensure reasonable access and security to the building. Therefore, the requested variance is the minimum necessary to allow the applicant to use the land and building effectively. **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.

Analysis: Granting the variance will not cause harm to the surrounding neighborhood or public welfare. The property is situated on a corner lot at the intersection of 6th Avenue South and South East Coast Street. Vehicular ingress/egress is provided on the east side of the property, so the proposed fencing will not negatively affect traffic visibility on the south side. Further, the applicant will provide the required 20' visibility triangle for the corner intersection. Therefore, the variance will not negatively impact the surrounding properties or the broader public interest. **Meets criterion.**

CONCLUSION

Variance requests are required to be reviewed for consistency with the criteria set forth in LDR Section 23.2-26(b). The applicants have established by competent and substantial evidence that the proposed variances are consistent with all of the required review criteria, including special circumstances of the property and that the strict application of the LDRs would deprive the property owners of reasonable use of the land. Therefore, staff is recommending that the Planning and Zoning Board approve the proposed variance with the following conditions of approval:

1. A Minor Site Plan and building permit shall be required for the proposed fencing.

BOARD POTENTIAL MOTION:

I MOVE TO **APPROVE** PZB Project Number 25-01500002 for a variance request to allow fencing to encroach in the minimum front setback at 511 South East Coast Street. The project meets the variance criteria based on the data and analysis in the staff report.

I MOVE TO **DISAPPROVE** PZB Project Number 25-01500002 for a variance request to allow fencing to encroach in the minimum front setback at 511 South East Coast Street. The project does not meet the variance criteria based on the data and analysis in the staff report [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)