



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## BOARD OF ADJUSTMENT STAFF REPORT

### 972 Dogwood Drive

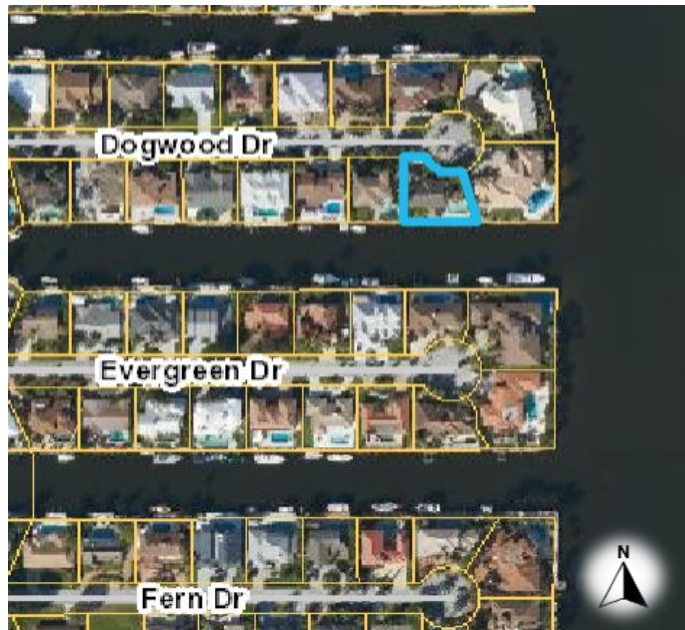
<b>Meeting</b>	<b>File No.</b>	<b>Application Type</b>
April 16, 2026	PZ-000434-2026-VAR-BOA	Variance
<b>Property Owner</b>	<b>Applicant / Authorized Agent</b>	
Johnathon and Shawn Capone	John Capone	

**Request**  
 Consideration of a variance request from Land Development Regulation (LDR) Section 4.3.4(K), Development Standards Matrix – Residential zoning districts, to reduce the rear (south) setback to 5 feet, whereas a minimum of 25 feet is required, associated with the construction of a patio enclosure.

### General Data

**Location:** 972 Dogwood Drive  
 Tropic Isle Neighborhood  
**PCN:** 12-43-46-28-03-000-2460  
**Property Size:** .22 acres (9,583 SF)  
**Land Use Designation:** Low Density (LD)  
**Zoning District:** Single Family Residential (R-1-AAB)  
**Existing Land Use:** Single Family Home  
**Adjacent Zoning and Uses:**

- North: R-1-AAB
- South: Intracoastal Waterway Canal
- East: R-1-AAB
- West: R-1-AAB



**Legal Description:** Lot 246, 3<sup>rd</sup> Section Tropic Isle, according to the map or plat thereof, as recorded in Plat Book 25, Pages 36 and 37 of the Public Records of Palm Beach County, Florida.

### Background

The subject property is located within the Tropic Isle Neighborhood and contains a two-story single-family residence originally constructed in 1981. Permit research indicates that minor repairs such as roof replacement, windows, generator, and interior alterations were approved and did not affect the footprint of the structure. The existing chickee hut is not permitted and is planned for demolition.

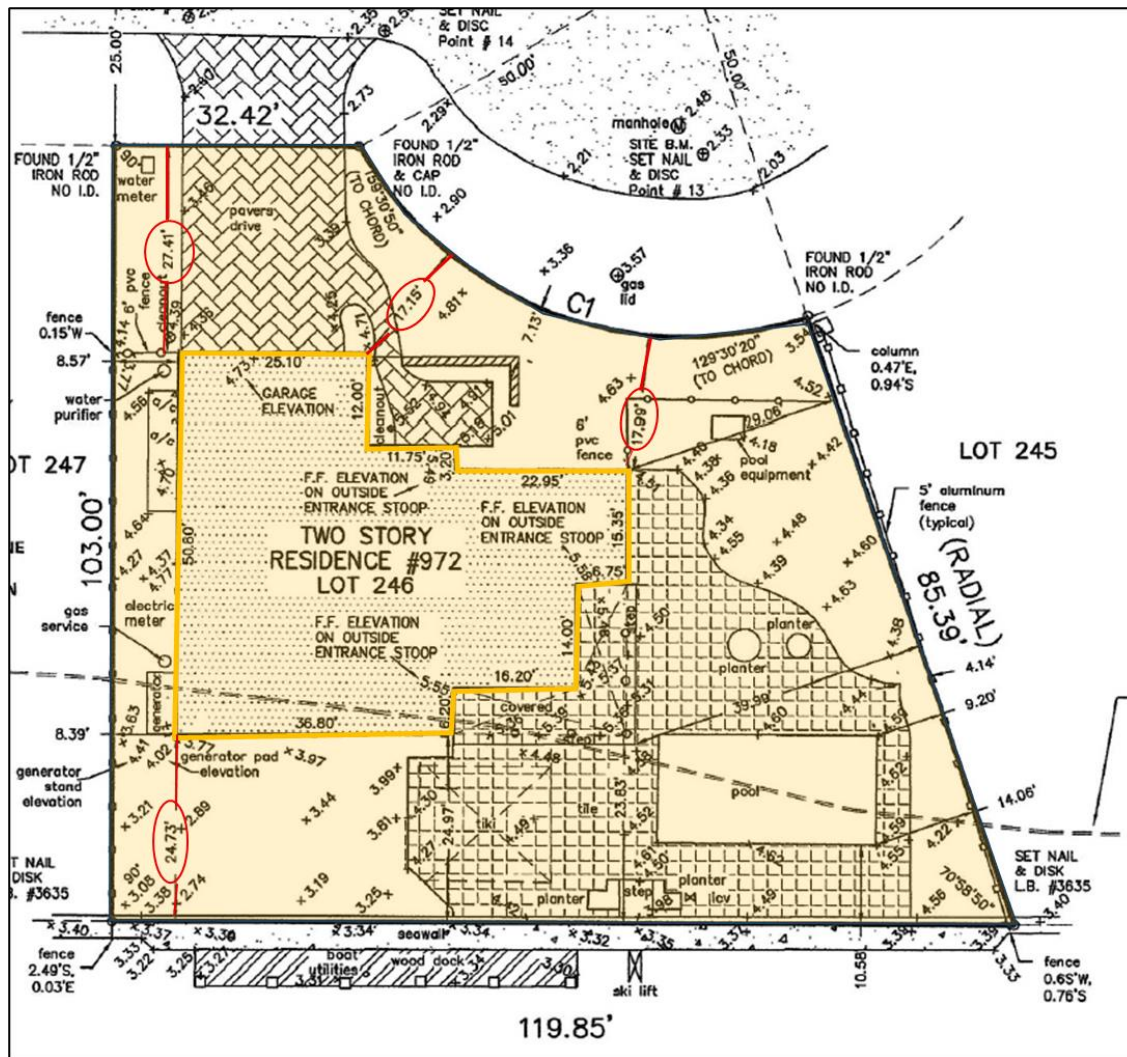
There are existing legal non-conformities established in the front and rear of the subject property. Pursuant to **LDR Section 1.3.5(A), Nonconforming structures: Definition**, a *nonconforming structure shall mean any structure or building that was lawfully developed but does not comply with the following standards governed by the Land Development Regulations: size, height, coverage, setbacks, or other location or design aspects*. Therefore, when property is redeveloped, the provision of **LDR Section 4.3.1(A), Application of**

**District Regulations**, applies, which states, *no building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof, shall hereafter be constructed, erected, moved, reconstructed, or structurally altered except in conformity with all of the regulations herein specified for the zoning district in which it is located.*

**LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning District**, properties located within the R-1-AAB zoning district require the following listed in the table below:

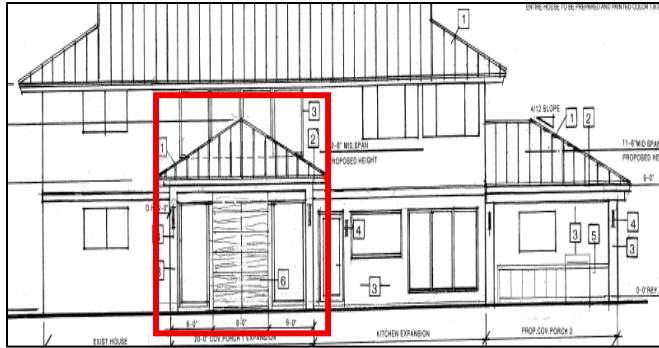
	Required	Provided	Proposing
Minimum Lot Size	9,000 SF	9583.2 SF	N/A
Lot Width curved lot	90 Feet	100.96 Feet	N/A
Lot Depth	110 Feet	103/85.39 Feet	N/A
Front Setback	25 Feet	17.5 Feet*	20 Feet
Side Interior Setback (west)	8.5 Feet	29 Feet	N/A
Side Interior Setback (east)	8.5 Feet	8.57 Feet	N/A
Rear Setback	25 Feet	24.97 Feet*	25 feet

\*Existing non-conformities



## Request

The request is to construct a patio enclosure in the rear setback (southside) of the property to increase the outdoor living space. Currently, the current residence consists of 3,188 SF of living space. The proposed patio enclosure is 19' 10" long and 20 feet wide with a total of 397 SF. The proposed patio enclosure is open on two sides and an eight-foot-high wall to accommodate for a TV and fireplace.



## Variance Review and Analysis

Pursuant to **LDR Section 2.1.7(E)(1)(c)(1), Board of Adjustment: Duties, powers, and responsibility**, the Board hereby has the authority to grant variances and hear appeals from Base district development standards, Section 4.3.4 for single-family or duplex uses, unless otherwise stated.

Pursuant to **LDR Section 2.4.11(A) Relief, Variances**, is a departure from the dimensional or numeric requirements of the land development regulations where such variance will not be contrary to the public interest and where owing to the existing conditions peculiar to the property and not the result of the actions of the landowner, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Pursuant to **LDR Section 2.4.11(A)(5)(a-f), Variance Findings**, the following findings must be made prior to the approval of a variance:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning. Economic hardship shall not constitute a basis for the granting of a variance.
- (b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.
- (c) That the special conditions and circumstances have not resulted from actions of the applicant.
- (d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance.
- (e) That the reasons established in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, and will not be injurious to the neighborhood, or be otherwise detrimental to the public welfare.

**LDR Section 4.3.4(H), Setbacks** are defined as the minimal distance within which a structure may come to said lot line. Setbacks are established for front, interior side, street side, and rear lot lines. The following standards are provided in order to fulfill those

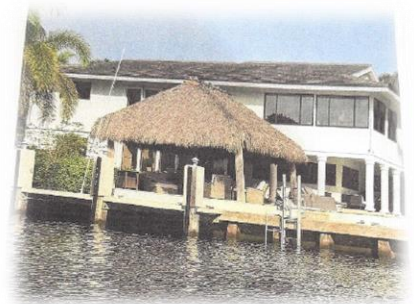
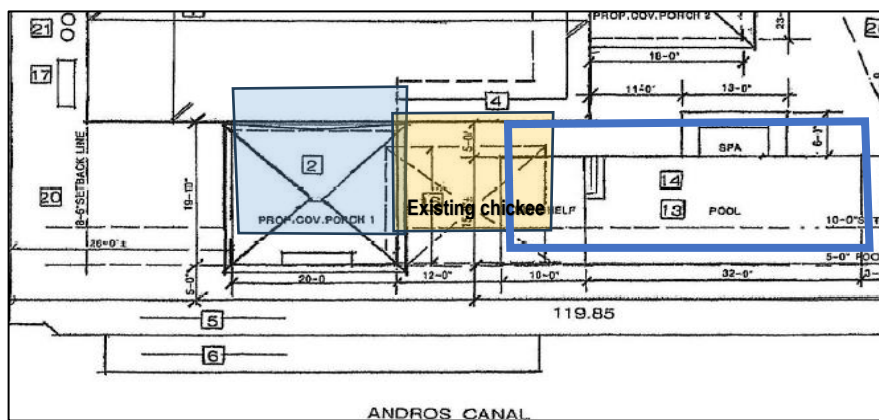
purpose statements found in **LDR Section 4.1.4; Establishment of districts**; which classify, regulate, and restrict the location of building designed for business, industrial, commercial, residential, and other uses; to regulate the intensity of the use of lot areas; to regulate and determine the areas of open space within and surrounding buildings; to regulate and limit the height and size of buildings; to insure the provision of adequate services e.g. parking, loading, and others; to provide for the protection of environmentally sensitive lands; and to protect the general public from dangerous, undesirable, and adverse consequences of improper land use. The subject property is located in the R-1-AAB Single Family Residential zoning district.

**LDR Section 4.3.4(K) Development Standards**, establish the perimeters of lot size, width, depth, open space, minimum height, and setbacks for single family residences. Typically, the R-1-AAB zoning districts are composed of larger lots with more stringent setback requirements to help reduce the massing of the home onto the neighbor. The lot width, depth, open space, minimum height and the side interior setbacks for the subject property are generally in compliance with the R-1-AAB zoning district. There are portions of the home that meet the intent of the required front and rear setbacks. The house is on a cul-de-sac, which makes the lot configuration unique. The LDR allows when at least 50 percent of the frontage is located on the cul-de-sac, the front building setback may be reduced by five feet. The rear setback for R-1-AAB is 25 feet.

Currently, there is an existing chickee hut in the rear of the property. The proposed patio enclosure will replace the chickee hut and shift a bit to the east maintaining 20 feet side interior setback (west). The required side interior setback for R-1-AAB zoning district is eight feet five inches.

The Board shall consider as to whether the proposed covered patio to the rear of the property conveys that there are special conditions or circumstances related to the subject property and if the placement of the structure is the minimal needed to grant the variance.

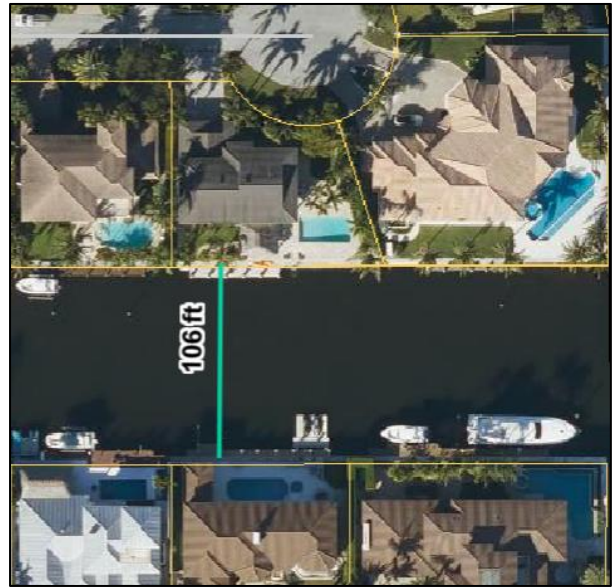
The Board should also consider whether there are special conditions or circumstances that have not resulted from actions of the applicant. The house has not been altered since construction in 1981. While the 25-foot rear setback was in place for R-1-AAB in 1981, the unique shape due to the cul-de-sac makes it difficult to construct any additional covered areas around the pool. The LDR allows for a five-foot setback from the property line for a pool when adjacent to at least 50 percent of open space and a 10-foot setback for a screen enclosure with a solid roof. A screen enclosure is defined as "a framed structure completely covered with open mesh screening only. Such enclosure shall not have any type of opaque or transparent roof or sides such as glass or similar materials." Because the applicant is proposing a wall on the southside to accommodate for amenities, the patio enclosure does not meet the intent of a traditional screen enclosure.



The applicant is removing the non-conforming chickee hut and proposing the patio enclosure which is more in line with the architecture of the home. The patio enclosure is an expansion of outdoor living due to the nature of our climate. It is not uncommon to have large, shaded areas of outdoor living with amenities for what is typically found inside a home such as a TV, outdoor kitchen, fireplace/BBQ.

While each variance has its own circumstances and should stand on its own, a similar variance was granted in the same neighborhood at 960 Gardenia Drive in October 2025.

Lastly, the Board should consider if the granting of the variance will disrupt the harmony of the neighborhood or be detrimental to the public welfare. The proposed patio enclosure is to the rear of the property in line with the existing pool and backs a finger canal adjacent to the Intracoastal Waterway. While this is not defined as a screen enclosure, it is well within the eight feet five-inch side interior setback and consists of approximately 106 feet of open space. The open space provides a buffer and would not be intrusive to the direct neighbors.



**Optional Board Actions**

- A. Move **approval** of the Variance request for **972 Dogwood Drive** (PZ-000434-2026-VAR-BOA) from LDR Section 4.3.4(K), *Development Standards Matrix*, to reduce the rear (south) setback to 5 feet, whereas a minimum of 25 feet is required, associated with the construction of a patio enclosure. by finding that the request is consistent with the findings set forth in LDR Section 2.4.11(A)(5)(a-f).
- B. Move **denial** of the Variance request for **972 Dogwood Drive** (PZ-000434-2026-VAR-BOA) from LDR Section 4.3.4(K), *Development Standards Matrix*, to reduce the rear (south) setback to 5 feet, whereas a minimum of 25 feet is required, associated with the construction of a patio enclosure. by finding that the request is consistent with the findings set forth in LDR Section 2.4.11(A)(5)(a-f).
- C. Move to **continue with direction**.

**Public Notice**

Pursuant to **LDR Section 2.6.3(G)**, Notice in accordance with Section 2.6.2 (A), (B), (C), and (D) shall be provided prior to a Public Hearing.

LDR Section	Date Posted
2.6.2 (A); Written notice provided to property owners within 500 feet	April 3, 2026
2.6.2 (B); Property posted placard on subject property	April 3, 2026
2.6.2 (C); Notice posted at City Hall	April 3, 2026
2.6.2(D); Notice posted on City Web Page	April 3, 2026

**Technical Review of Comments (TAC) Timeline**

Review No.	Submittal Date	TAC Comments Transmitted
1	1/20/26	N/A