



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

BOARD OF ADJUSTMENT STAFF REPORT

690 Eagle Circle

Meeting	File No.	Application Type
April 4, 2024	2024-047-VAR-BOA	Variance
Property Owner	Applicant / Authorized Agent	
Elena Gospodinvoa & Scott Lachapelle	Elena Gospodinvoa & Scott Lachapelle	

Request

Consideration of two variance requests from Land Development Regulations (LDR) Section 4.3.4(K), Development Standards Matrix - Residential Zoning Districts, to reduce the front (north) setback to 23 feet, whereas a minimum of 30 feet is required; and, to reduce the required side street setback (Eagle Drive) to 11 feet, 3 inches, whereas 15 feet is required, associated with an addition to the existing single-family residence.

General Data

Location: 690 Eagle Circle

PCN: 12-43-46-29-04-000-6270

Property Size: 0.2039 Acres (8,881 SF)

Land Use Designation: Low Density (LD)

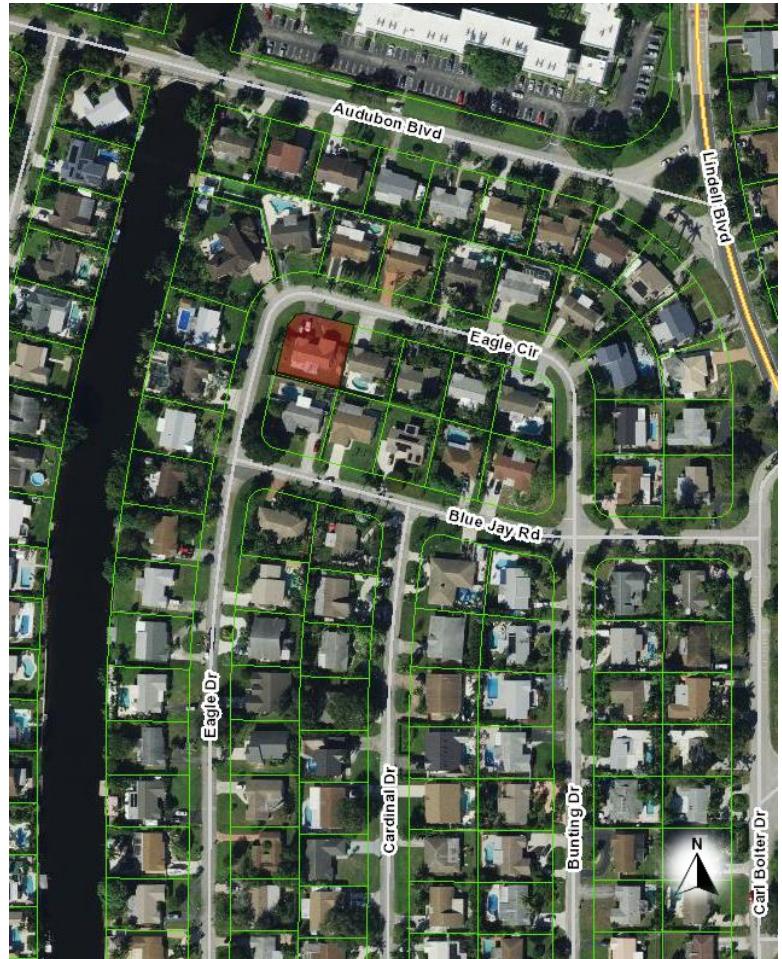
Zoning District: Single Family Residential (R-1-AA)

Existing Land Use: Single Family Home

Adjacent Zoning:

- North, East, South and West: R-1-AA

Legal Description: Lot 627, TROPIC PALMS, according to the plat thereof, as recorded in plat Book 25, Pages 135 and 136 of the public records of Palm Beach County, Florida; recorded in 1958.



Background

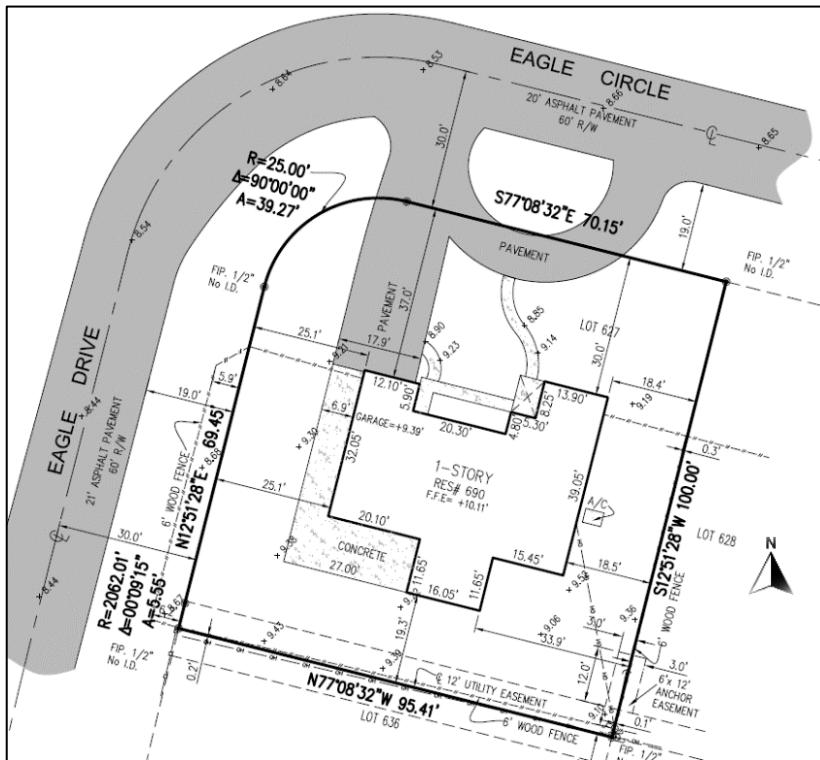
The subject property is situated at the southeast corner of Eagle Drive and Eagle Circle within the Tropic Palms neighborhood. The existing single-family residence was constructed in 1972 and included a one-car garage at the northwest corner of the residence meeting the minimum required setbacks. According to the 1972 Zoning Code of Delray Beach, Section 29-7.3(B)(1), Off-street parking and loading regulations, single family residences required 2.0 parking spaces per dwelling unit provided that sufficient spaces are available on such driveways to meet the requirement.

Within the R-1-AA zoning district, the required front setback is 30 feet, and the side-street setback is 15 feet measured from the property line. The existing residence has a 30-foot front setback from the north property line (Eagle Circle) and 25 feet, one inch side street setback from the west property line (Eagle Drive). The existing one-car garage is accessible by a single car driveway with a circular driveway design from Eagle Circle.

It is important to note that while there is a circular driveway, the required parking for single-family residence is not in compliance with current code requirement. Pursuant to **LDR Section 4.6.9(C)(2)(a)**, Single Family detached residences require at least two spaces and said parking spaces shall not be located within the front or side street setback areas. Currently, one parking space is counted within the one-car garage beyond the front and side-street setback area, whereas the second required parking space is located on the driveway within the front setback area; the existing conditions are considered a legal non-conformity.

Per the Mobility Element of the Always Delray Comprehensive Plan, within the Tropic Palms neighborhood a 60-foot ultimate right of way is required, which is what is provided. As a result, there are no right-of-way dedications required, and there is a 19-foot-wide swale area separating the property from the vehicular travel-way.

R-1-AA Required Setbacks			
	Location	Required	Existing
Front	North (Eagle Circle)	30'	30'
Side-Street	West (Eagle Drive)	15'	25.1'
Side Interior	East (Abutting property)	10'	18.4'
Rear	South (Abutting property)	10'	19.3'



To note, a portion of the circular driveway is currently located within the right of way of Eagle Circle and would need to be reconfigured to meet the minimum requirements listed in LDR Section 6.1.4(C), Design requirements. In addition, per **LDR Section 6.1.4(C)(3)(b)1**, *no driveway shall be located within 25 feet of the extension of ultimate right-of-way lines at any intersection*. The existing driveway extends beyond the 25-foot requirement. Any future extension of the driveway would require at least a 25-foot setback from the ultimate right-of-way lines at the intersection. Modification of the driveway can be achieved through the Building Permit review process and would not be considered as part of the subject request.

On March 7, 2024, the Board of Adjustment (BOA) reviewed the variance requests to reduce the front setback to 22 feet, and the side street setback to 10 feet. The applicant requested deferral of the item to address concerns regarding the overall size of the garage and BOA made a motion to continue with direction to come back before the Board with re-evaluation and discussion.

NOTE: Given that the item was noticed for the March 7, 2024 and the Board motion continued the request to a date certain of April 4, 2024, no additional notices were required.

Request

The applicant is requesting two variances from **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts**, associated with a proposed addition (location circled in red) to the existing single-family residence to expand the existing single-car garage to accommodate a two-car garage.

Front Setback

Request to reduce the existing front (north) setback to 23 feet, whereas a minimum of 30 feet is required.

Side-Street Setback

Request to reduce the side-street (west) setback to 11 feet, 3 inches, whereas a minimum of 15 feet is required.



Variance Review and Analysis

Pursuant to **LDR Section 2.1.7(E)(1)(c)1, Board of Adjustment: Duties, powers, and responsibility**, the Board is authorized to hear and grant variance requests to **Base District Development Standards, LDR Section 4.3.4**, for single-family or duplex uses, unless otherwise stated.

Pursuant to **LDR Section 2.4.11(A), Relief: Variances**, a variance is a departure from the dimensional or numeric requirements of these 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; and,
- (f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

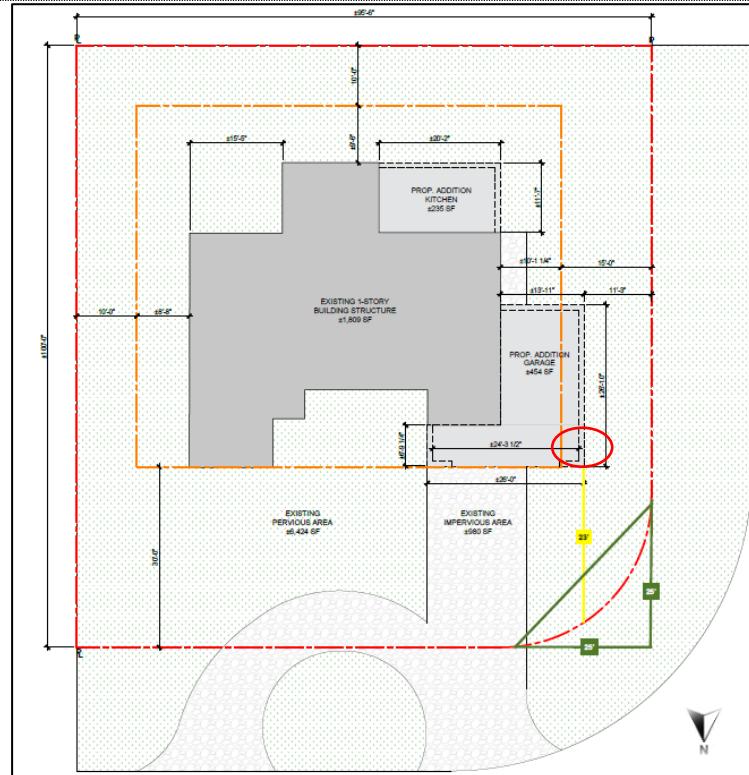
Front Setback

The LDR requires that each single-family residence within the R-1-AA zoning district have a required front setback not less than 30 feet measured from the property line (Eagle Circle). The front setback from the property line to the proposed addition is 23 feet. The 8-foot encroachment into the front setback conflicts with **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts**. The applicant is requesting a variance to reduce the existing front (north) setback to 23 feet, whereas a minimum of 30 feet is required. Given the 25-foot radius at the northwest corner of property, it is important to note that the measurement from the curved corner impacts the front setback of the addition (area circled in red), which is otherwise compliant with the minimum requirement; the required setbacks are represented by orange dashed lines.

Pursuant to **LDR Section 2.4.11(A)(5) (a-f), Variance Findings**, a decision to grant a variance by the Board of Adjustment must be in conformance with the specified criteria. In consideration of the criteria listed above, the Board must consider whether special conditions or circumstances exist that are relative to the property and the literal application of the zoning code would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning, and if the granting of the variance allowing the addition to encroach into the required 30-foot front (north) setback will not confer onto the applicant any special privilege that has been denied for similar requests. The Board should also consider if the variance is the minimum variance that will make possible the reasonable use of the land. The Board shall also consider if granting the variance will not adversely affect the zoning scheme as a whole or alter the essential character of the locality or interfere with the zoning plan for the area.

The applicant's justification statement indicates that the strict enforcement of the setback code deprives the applicant of a two car-garage and the ability to provide two spaces outside the setback area. The applicant states that the growing modern family requires multiple vehicles and additional space for vehicles are needed and that the request is the minimum variance needed to allow a standard size (24'x24') for a modern 2 car garage to make possible the reasonable use of the land.

The site does not demonstrate any special conditions or circumstances and the literal interpretation of the zoning code does not deprive the applicants' rights commonly enjoyed by other properties such as a garage considering the residence currently includes a garage. However, the original development requirements applicable when the residence was constructed did not require the provision of two spaces outside of the front setback area.



The structure or site as it exists does not impede the homeowner from building a reasonable addition while meeting the required setbacks. Alternative designs could be explored to accommodate a two-car garage while meeting the required setbacks.

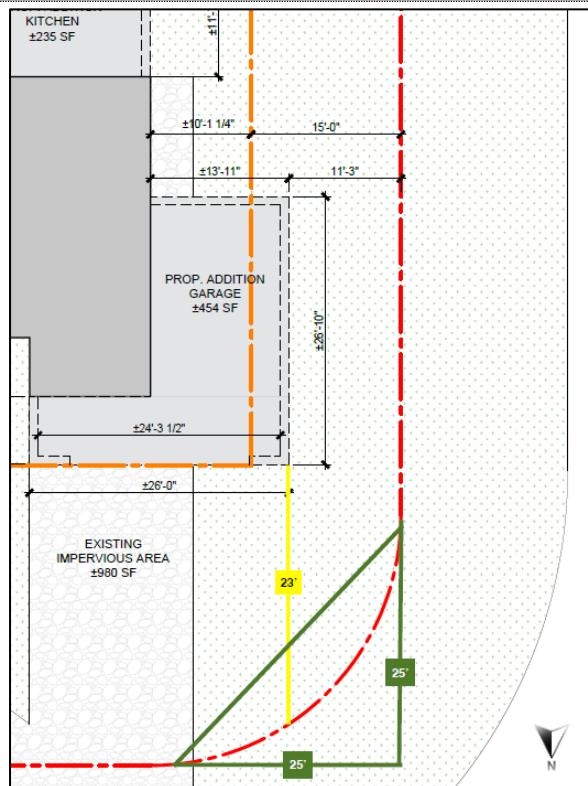
The granting of the variance will generally be in harmony with the general purpose and intent of existing regulations as the proposed addition is designed to be consistent with the principal building façade and other surrounding properties within the neighborhood have two-car garages. The proposed front wall of the addition is in-line with the foremost portion of the residence along the front elevation. Further, the variance is not anticipated to be detrimental to the public welfare or be injurious to the neighborhood.

Side-Street Setback

The LDR regulates each single-family residence within the R-1-AA zoning district to have a required side-street setback not less than 15 feet measured from the property line (Eagle Drive). The side-street setback from the property line to the proposed garage addition is 11 feet, 3 inches. The encroachment into the side-street setback conflicts with **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts**. The applicant is requesting a variance to reduce the side-street (west) setback to 11 feet, 3 inches, whereas a minimum of 15 feet is required.

The applicant's justification statement indicates that the strict enforcement of the setback code deprives the applicant of a two car-garage and the ability to provide two spaces outside the setback area. The picture to the right shows the location of the proposed garage addition.

The site does not demonstrate any special conditions or circumstances and the literal interpretation of the zoning code does not deprive the applicants' rights commonly enjoyed by other properties such as a garage considering the residence currently includes a garage. The structure or site as it exists does not impede the homeowner from building a reasonable addition while meeting the required setbacks. Alternative designs could be explored to accommodate a two-car garage while meeting the required setbacks.



The granting of the variance will generally be in harmony with the general purpose and intent of existing regulations as the proposed addition is designed to be consistent with the principal building façade and other surrounding properties within the neighborhood have two-car garages. Further, the variance is not anticipated to be detrimental to the public welfare or be injurious to the neighborhood.



Optional Board Actions

Front Setback

- A. Move **approval** of the Variance request for **690 Eagle Circle** (2024-047-VAR-BOA) from **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts**, to reduce the existing front (north) setback to 23 feet, whereas a minimum of 30 feet is required, associated with an addition to the existing single-family residence, 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 **690 Eagle Circle** (2024-047-VAR-BOA) from **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts**, to reduce the existing front (north) setback to 23 feet, whereas a minimum of 30 feet is required, associated with an addition to the existing single-family residence, by finding that the request is not consistent with the findings set forth in **LDR Section 2.4.11(A)(5)(a-f)**.
- C. Move to **continue with direction**.

Side-Street Setback

- A. Move **approval** of the Variance request for **690 Eagle Circle** (2024-047-VAR-BOA) from **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts** to reduce the side-street (west) setback to 11 feet, 3 inches, whereas a minimum of 15 feet is required, associated with an addition to the existing single-family residence, 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 **690 Eagle Circle** (2024-047-VAR-BOA) from **LDR Section 4.3.4(K), Development Standards Matrix – Residential Zoning Districts** to reduce the side-street (west) setback to 11 feet, 3 inches, whereas a minimum of 15 feet is required, associated with an addition to the existing single-family residence, by finding that the request is not 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 **LDR Section 2.6.2 (A), (B), (C), and (D)** shall be provided prior to a Public Hearing.

LDR section	Date Posted
2.6.3(G) - Written notice provided to property owners within 500 feet	February 26, 2024
2.6.3(G) - Notice posted on the City's web page at least ten days prior	February 26, 2024
2.6.3(G) - Notice posted at City Hall	February 23, 2024
2.6.3(G) – Placard Notice	March 25, 2024