



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

BOARD OF ADJUSTMENT STAFF REPORT

237 SW 27th Terrace

Meeting	File No.	Application Type
May 7, 2026	PZ-000550-2026-VAR-BOA	Variance
Property Owner	Applicant / Authorized Agent	
Adi Louden and Timothy Benjamin Louden	Adi Louden and Benjamin Timothy Louden	

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 (east) setback to 17.6 feet, whereas a minimum of 25 feet is required, associated with the construction of a one-story addition.

General Data

Location: 237 SW 27th Terrace

PCN: 12-43-46-18-26-002-0122

Property Size: 0.19 acres (8,276.4 SF)

Land Use Designation: Low Density (LD)

Zoning District: Low Density Residential (RL)

Existing Use: Duplex

Adjacent Zoning and Uses: RL

Legal Description: Lot 12, less the North 45 feet thereof, Block 2, Homewood Lakes Section C, according to the map or plat thereof, as recorded in Plat Book 44, Page(s) 196 and 197, of the Public Records of Palm Beach County, Florida.



Background

The subject property is located within the Woodlake Neighborhood and contains a single-story 1,373 SF duplex residence constructed in 1982. Originally known as Homewood Lakes, the Woodlake Subdivision consists of 272 duplex residential units and 23 single family homes. The subject property is in Section C and consists of 24 duplex lots and six single family lots on 10.41 acres in total.

The Low Density Residential (RL) District (LDR Section 4.4.5) provides a residential zoning district with flexible densities having a range of three units per acre to six units per acre. Duplex structures are a principal use. The Development Standards in LDR Section 4.3.4(K), **Development Standards Matrix** apply to RL zoning and to the subject property (table below).

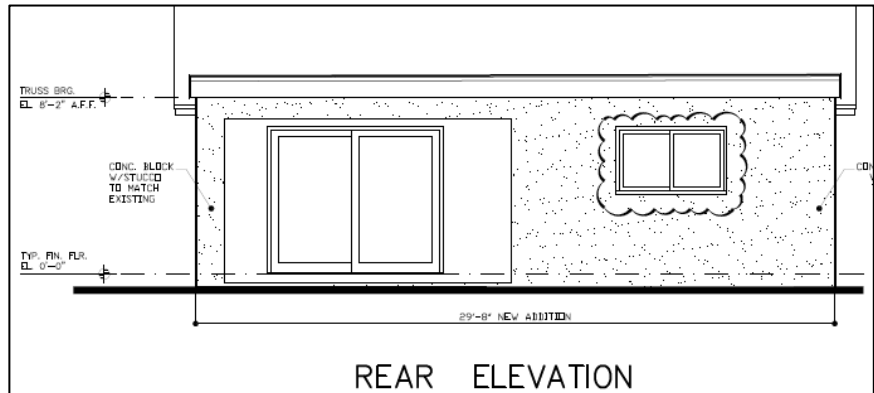
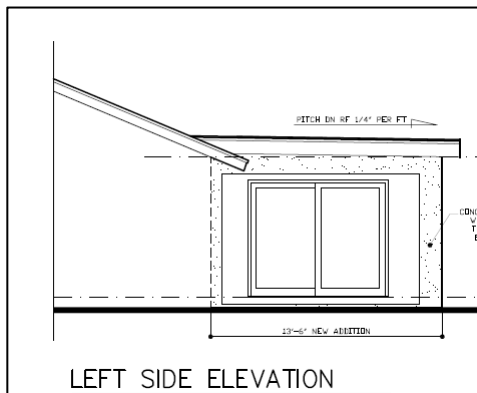
	Required	Provided	Proposing
Minimum Lot Size	8,000 SF	8,276.4 SF	N/A
Lot Width	60 Feet	81.10/47.19 Feet	N/A
Lot Depth	100 Feet	110/89.90 Feet	N/A
Front Setback	25 Feet	25 Feet	N/A
Side Street Setback (east)	25 Feet	41 Feet	N/A
Side Interior Setback (west)	15 Feet	30 Feet	N/A
Rear Setback	25 Feet	30 Feet	17.6 feet

During the development of the Woodlake Subdivision, a request to zoning ordinance with respect to the setbacks to the rear screen enclosures, was brought forward to reduce the 25-foot rear setback. This was denied, on the basis that the change would have a negative impact in similar zoning districts. Then, in 1993 via Ordinance No. 16-93, the rear setback was reduced in RM and RL zoning districts from 25 feet to 15 feet for duplexes to accommodate screen enclosures, in a policy change driven by the Homeowners Association of Woodlake. The staff report from 1993, noted the 25-foot rear setback for multi-family structures and duplexes, in comparison to the 10-foot rear setback for single family homes, stating that a 15-foot rear setback would be reasonable because “a duplex is similar in intensity to a single-family home.” The report also stated that a 15-foot rear setback was sufficient to maintain adequate open space between buildings.

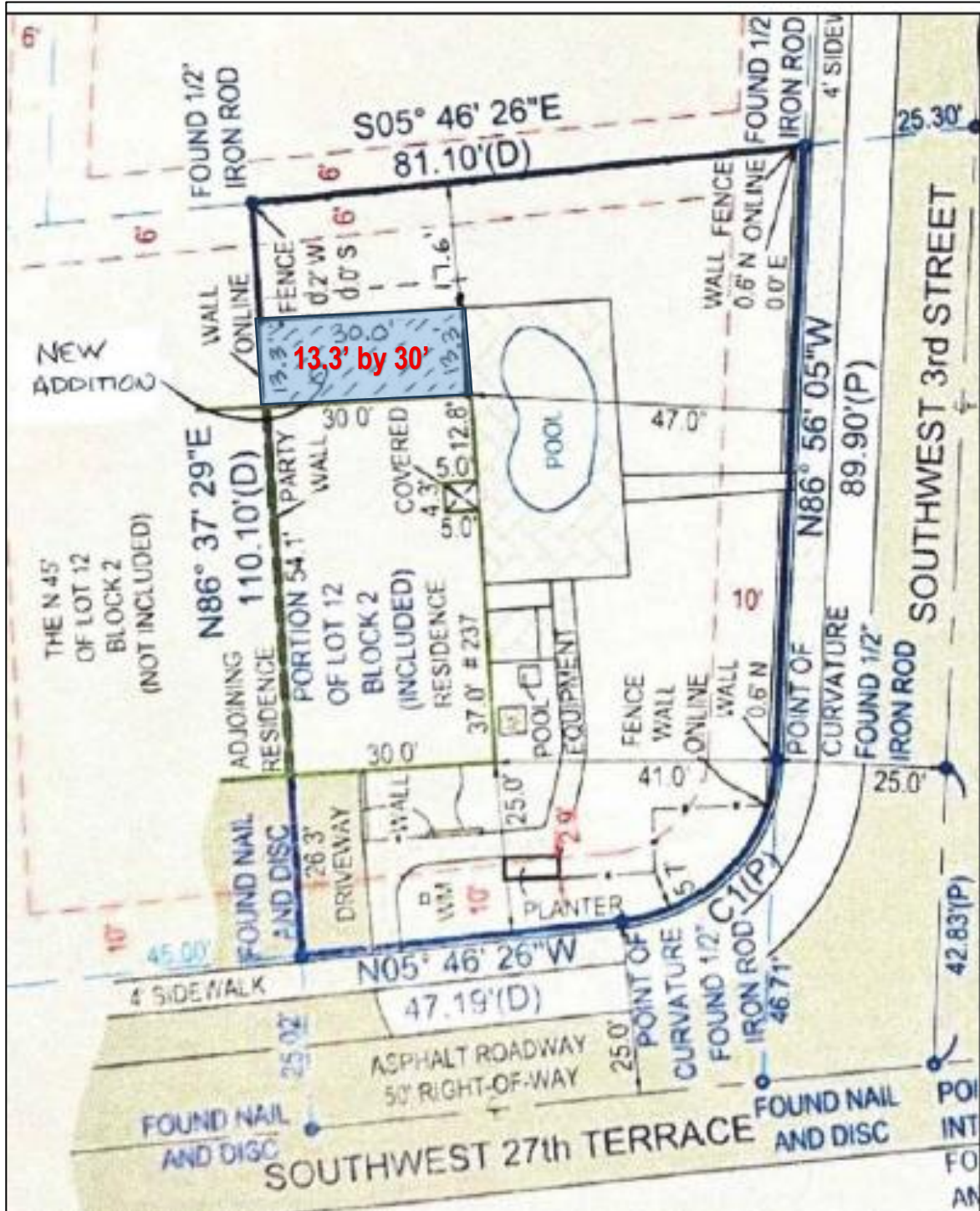
However, in recent years, duplexes have increasingly taken the form of large multi-story units, rather than historically small-scale single-family structures. Inasmuch as the duplex development type has evolved in Delray Beach, a text amendment to LDR Section 4.3.4(K), Development Standards Matrix, was adopted by Ordinance 25-23 to increase the rear setbacks for duplex in both RL and RM zoning districts to 25 feet.

Request

The request is to construct an addition in the rear setback (north side) of the property which includes a patio enclosure (196 SF) and an office (204 SF). The current residence consists of 1,373 SF of living space. The proposed addition is 13 feet 6 inches by 30 feet and has a flat roof at 8 feet 2 inches.



A survey of the property is provided below, with the location of the addition highlighted in blue.



Variance Review and Analysis

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.

LDR Section 2.4.11(A) Relief, Variances

A variance 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.

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.

Per **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, side interior, side street, and rear lot lines. Minimum setbacks are required in order to fulfill the purpose of individual zoning 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* (LDR Section 4.1.4; Establishment of districts).

The Board shall consider as to whether the proposed screened porch and addition 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. Other than the pool constructed on the side street of the home in 1993, the house has not been altered since the construction of the subdivision in 1982. The intent of the previous code through Ordinance 16-93 which allowed a rear setback of 15 feet for duplexes was considered great enough for the size of the duplexes being constructed at that time. Today, in the RL and RM zoning districts new construction duplexes are much larger and mostly consist of two or more stories. LDR Section 4.3.4(K) Development Standard Matrix was amended in 2023 to increase the minimum rear setback from 15 feet to 25 feet to protect the neighborhoods from the massing of duplex structures. The subject property intends to construct a 400 SF addition to a 1,313 SF unit. In comparison, the other half of the duplex that shares a firewall is two stories and 2,370 SF.

While each variance has its own circumstances and should stand on its own, rear setback variances to add a pool or a structure have been granted in the past. It should be noted that under the previous code section for setbacks, a variance would not be required as the applicant exceeds the previous minimum 15-foot



rear setback for duplexes. The proposed addition to the rear of the property faces a side interior with a minimum required 15-foot setback. If the addition were to be approved, a total of 32 feet and 6 inches would separate the structures on these two properties.

Lastly, the Board should consider if the granting of the variance will be injurious to the harmony of the neighborhood or be detrimental to the public welfare. The Woodlake Subdivision has several screen enclosures in the rear of the properties. The PZ report for the LDR text amendment in 2023 states that current duplexes have increasingly taken on the form of a multi-family or townhome unit rather than the small-scale structures previously seen in Delray Beach.



The Board should consider whether the approval should be conditioned on the construction of a one-story structure. Although a two-story addition is not approved, this could be added as a condition, if the Board considers a single-story as relevant to making the required findings.

Options for Board Actions

- A. Move **approval** of the Variance request for **237 SW 27th Terrace** (PZ-000550-2026-VAR-BOA) from LDR Section 4.3.4(K), *Development Standards Matrix*, to reduce the rear (east) setback to 17.6 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 **237 SW 27th Terrace** (PZ-000550-2026-VAR-BOA) from LDR Section 4.3.4(K), *Development Standards Matrix*, to reduce the rear (east) setback to 17.6 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 24, 2026
2.6.2 (B); Property posted placard on subject property	April 24, 2026
2.6.2 (C); Notice posted at City Hall	April 24, 2026
2.6.2(D); Notice posted on City Web Page	April 24, 2026