



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

BOARD OF ADJUSTMENT STAFF REPORT

960 Gardenia Drive

| Meeting | File No. | Application Type |
|--------------------|----------------------------------|------------------|
| October 16, 2025 | PZ-000142-2025-VAR-BOA | Variance |
| Property Owner | Applicant / Authorized Agent | |
| Grundhoefer, David | Berta Veiga, Constructionx, LLC. | |

Request

Consideration of a variance request from Land Development Regulation (LDR) Section 4.3.4(H)(4), *Building elements or site improvements allowed in setbacks* as identified in Table 4.3.4(A), to allow for the installation of a permanent awning in the rear setback.

General Data

Location: 960 Gardenia Drive

Tropic Isle Neighborhood

PCN: 12-43-46-28-03-000-3110

Property Size: .21 acres (9,147.6 SF)

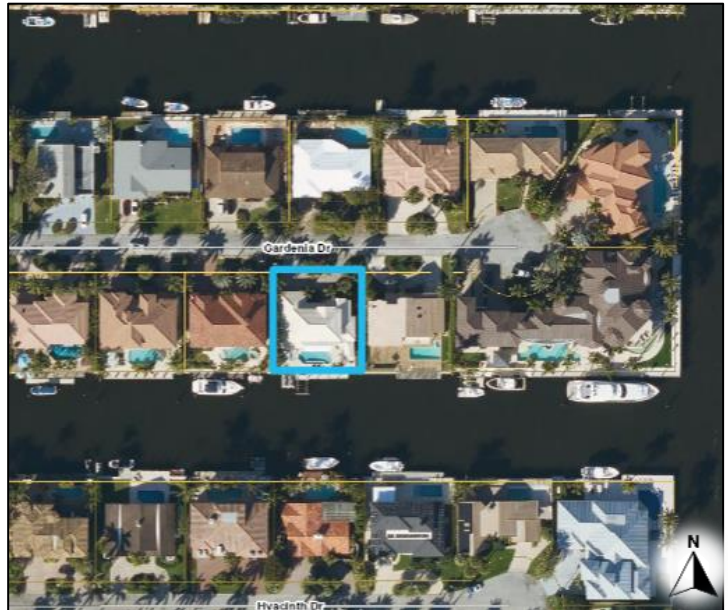
Land Use Designation: Low Density (LD)

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

Existing Land Use: Single Family Home

Adjacent Zoning and Uses:

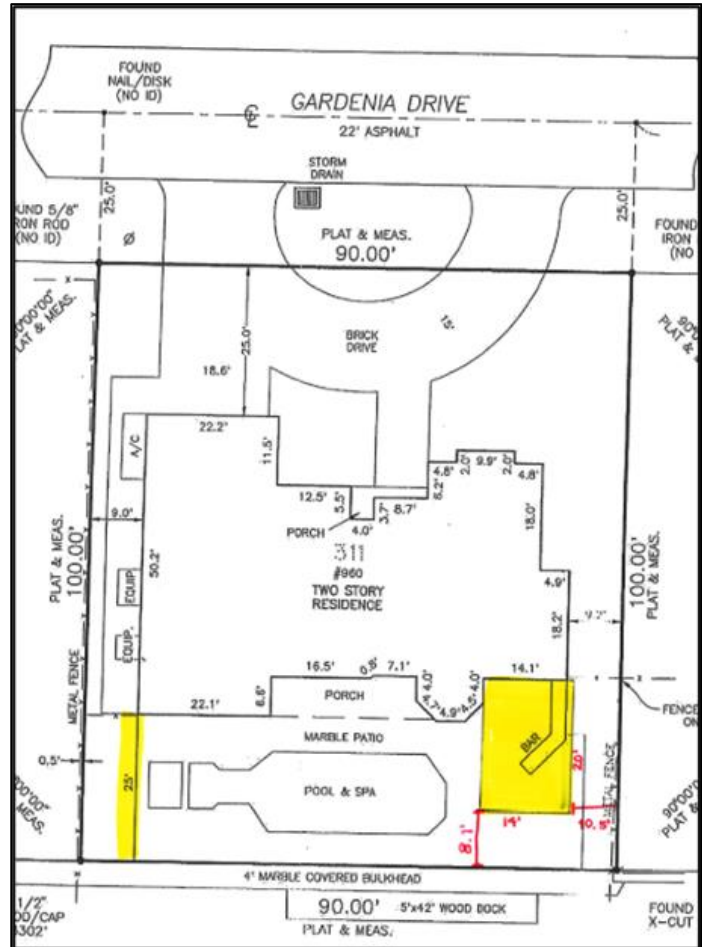
- North: R-1-AAB
- South: Intracoastal Waterway Canal
- East: R-1-AAB
- West: R-1-AAB



Legal Description: Lot 311, 3rd 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.

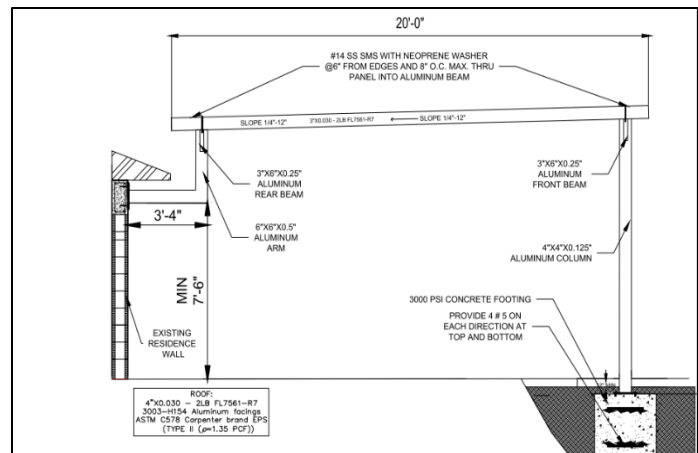
Background

The subject property, 960 Gardenia Drive, is located within the Tropic Isle Neighborhood and includes a two-story residence originally constructed in 1987. On May 20, 2025, building permit 25-224899 was submitted with plans to install a new, insulated aluminum roof covering with 8-foot structural posts and rain gutters. The permit was disapproved by Planning & Zoning pursuant to LDR Section 4.3.4(H)(4) *Building elements or site improvements allowed in setbacks* as identified in Table 4.3.4(A). The rear setback for the subject property zoning, R-1-AAB, is 25 feet. The installation of permanent columns in the rear setback within this zoning district is not permitted.



Request

The subject request is to install a 20 by 14 feet permanent awning structure to provide shade over an existing summer kitchen. The awning will be cantilevered 3 feet, 4 inches on the northwest side of the property and extend north towards the Intracoastal Waterway Canal secured with two concrete footings. The side interior setback on the west side of the property is maintained. The new awning structure will be built to the applicable provisions of Florida Building Code including wind load requirements to sustain hurricane force winds.



Variance Review and Analysis

Pursuant to **LDR Section 2.1.7(E)(1)(c)(3), Board of Adjustment: Duties, powers, and responsibility**, the Board hereby has the authority to grant variances and hear appeals from Supplemental District Regulations, Article 4.6, for single-family or duplex uses, unless otherwise stated, except where said authority is expressly prohibited, granted to others, or relief is available through another process.

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 survey submitted indicates that all setbacks are currently meeting or exceeding the required setbacks for the zoning district.

While the applicant is merely trying to provide shade over an existing summer kitchen, the Board should consider whether 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 said variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. While the applicant provides examples of recent aluminum awning approvals along the same street dating from 2020 – 2023, **Table 4.3.4(A) Building Elements or Site Improvements Allowed in**

Building Setbacks was adopted in July of 2024. The table below clearly identifies what is allowed to encroach into the setbacks with said limitations. This table was developed and adopted to prevent over-development of lots within residential zoning districts.

| Table 4.3.4(A) Building Elements or Site Improvements Allowed in Building Setbacks | | | | | |
|--|--|-------------|---------------|------|---|
| Building Elements | | | | | |
| Building Element | Maximum Encroachment into the Setback (Feet) | | | | Limitations |
| | Front | Side Street | Side Interior | Rear | |
| Attached arbors and trellises | 3 | 3 | 3 | 3 | - |
| Awnings and covered entries | 3 | 3 | 3 | 3 | Supporting brackets are allowed; columns are not allowed in the required setback. |



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 structure is to the rear of the property that backs a finger canal adjacent to the Intracoastal Waterway.

Residential neighborhoods that have at least 50 feet of common open area such as canals, lakes and golf courses, may apply a reduction to swimming pools and screen enclosures. While the aluminum awning is a more intensifying structure than a screen enclosure, as seen in the illustration to the left, there is approximately 112 FT of common open area. While a screen enclosure is open to the top and an awning has a permanent roof structure, the board should consider if the granting of the variance would be injurious to the direct neighbors.

Optional Board Actions

- A. Move **approval** of the Variance request for **960 Gardenia Drive** (PZ-000142-2025-VAR-BOA) from LDR Section 4.3.4(H)(4), *Building elements or site improvements allowed in setbacks* as identified in Table 4.3.4(A), to allow a for the installation of a permanent awning in the rear setback whereas 25 feet is required 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 **960 Gardenia Drive** (PZ-000142-2025-VAR-BOA) from LDR Section 4.3.4(H)(4), *Building elements or site improvements allowed in setbacks* as identified in Table 4.3.4(A), to allow for the installation of a permanent awning in the rear setback whereas 25 feet is required, 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 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 | October 3, 2025 |
| 2.6.2 (B); Property posted placard on subject property | October 3, 2025 |
| 2.6.2 (C); Notice posted at City Hall | October 3, 2025 |
| 2.6.2(D); Notice posted on City Web Page | October 3, 2025 |

Technical Review of Comments (TAC) Timeline

| Review No. | Submittal Date | TAC Comments Transmitted |
|------------|----------------|--------------------------|
| 1 | 9/8/2025 | 9/15/2025 |
| 2 | 9/15/2025 | |