



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Tiffany Cottages

Meeting	File No.	Application Type
April 21, 2025	2023-122-SPF-SPR-CL5	Level 2 Site Plan, including 2 variances & 1 landscape waiver
Property Owner	Authorized Agent	
Spanish River Road Apartments, LLC	Mike Covelli, Covelli Design Associates, Inc.	

Request

Consideration of a Level 2 Site Plan Application at 2312 Spanish Trail, to allow the conversion of an existing non-habitable structure into a 413 square-foot detached dwelling unit, along with two variances from the required setback requirement and one waiver from the perimeter landscape strip requirement, associated with Architectural Elevations and Landscape Plans.

Site Data & Information

Location: 2312 Spanish Trail

PCN: 12-43-46-28-02-000-1320

Property Size: 0.28 acres (12,288 square feet)

Land Use Designation: MD (Medium Residential)

Zoning District: Medium Density Residential (RM)

Adjacent Zoning:

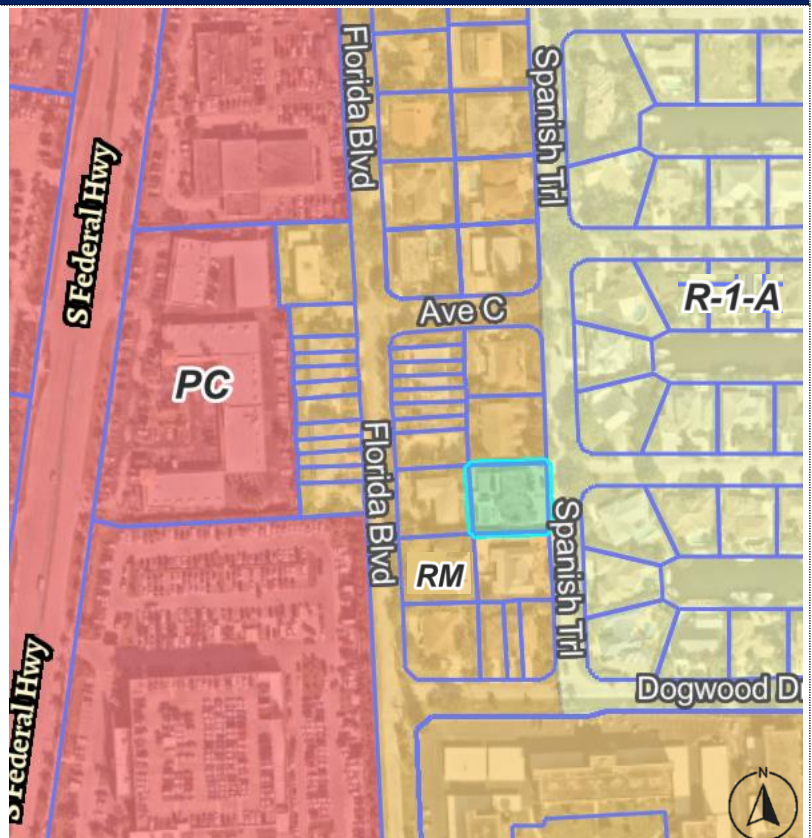
- **North:** RM
- **South:** RM
- **East:** R-1-A
- **West:** RM

Existing Use: One-story, 2,823 sf duplex

Proposed Use: One-story 413 sf detached dwelling unit (existing), multi-family residence

Density:

- **Maximum Allowed (6-12 units/acre):** 3.0 units
- **Maximum Proposed:** 10.63 (3.0 units)



Background Information

The subject property is located at 2312 Spanish Trail within the Tropic Isle 2nd Section Subdivision, established in 1956 and characterized by linear blocks around canal-front lots with access to the Intracoastal Waterway. The property, totaling 0.282 acres (12,288 sf), is situated in the Medium Residential (RM) zoning district with an underlying Medium Density (MD) land use designation. The property is within the coastal high hazard area and within Flood Zone A7.

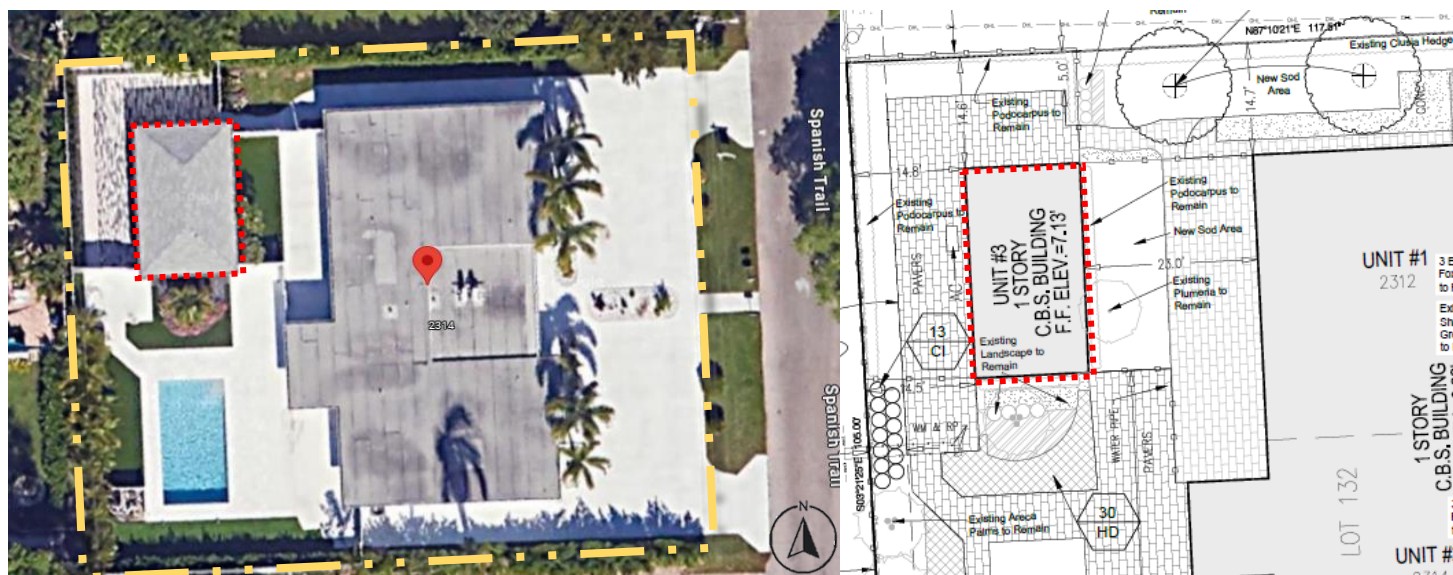


The site currently includes a one-story, 2,823-square-foot duplex constructed in 1957 fronting Spanish Trail and a 413-square-foot detached structure to the rear, originally permitted as a shed in 2004 but later converted to a dwelling unit without permits, in violation of the Land Development Regulations (LDR), without obtaining the necessary building permits and development approvals. It is currently classified as an illegal, non-conforming structure.

In 2022, a stop work order was posted on the property following unpermitted construction activity associated with the rear structure, triggering the current development application.

In 2023, the City Commission approved an amendment to the LDR to update the rear setback regulations for traditional single-story duplex structures from the 15-foot minimum setback to a 25-foot rear setback, to better manage the scale of the three-story duplex developments proliferating in the city and negatively impacting surrounding properties.

The surrounding parcels to the north, west and south also zoned RM encompass various housing typologies such as single-family, duplex, townhome development and multi-family. The parcel immediately north (2306 Spanish Trail) features a similar-scale triplex, while properties across Spanish Trail and Cypress Drive mirror the low-density residential pattern. Although the property is in proximity to Florida Boulevard, which is largely commercial in character, no commercial or non-residential zoning directly abuts the site.



Project Description

The applicant is requesting approval of a Level 2 Site Plan application for the property located at 2312 Spanish Trail to allow the conversion of an existing 413-square-foot non-habitable structure into a detached efficiency dwelling unit, establishing a third residential unit on the site. The application scope includes:

- Conversion of the existing detached structure into a lawful third dwelling unit in accordance with the use and density provisions of the RM (Medium Residential) zoning district;
- Review and approval of associated Architectural Elevations and Landscape Plan to meet current development regulations;
- Site plan modifications to address dimensional and landscape deficiencies; and
- Requests for zoning relief as outlined below.

To support the proposed development, the applicant is requesting the following relief from dimensional and LDR regulations:

- **Variance Requests pursuant to LDR Section 4.3.4(K):**
 1. Reduction of the minimum interior side setback from 15 feet to 14.6 feet.
 2. Reduction of the minimum rear setback from 25 feet to 14.5 feet.
- **Landscape Waiver Request pursuant to LDR Section 4.6.16(H)(3)(a):**
 3. Reduction of the required 5-foot perimeter landscape strip between the off-street parking area and the right-of-way to 2.1 feet.

The subject property is located within the Medium Density (MD) Future Land Use designation, which supports a range of residential densities between 6 and 12 units per acre. The proposed development results in a site density of approximately 10.63 units per acre, which remains within the allowable density range. The project reflects a modest intensification of the site while maintaining consistency with the existing scale and character of the surrounding residential neighborhood.

Pursuant to LDR Section 2.1.5(E)(6)(b), the Planning and Zoning Board holds the authority to make final action on the Level 2 site plan application and associated requests for reliefs.

Review and Analysis: Site Plan

LDR Section 2.1.5(E)(6) - The Planning and Zoning Board

(6) Board Actions. *The Planning and Zoning Board hereby has the authority to take final action on the following items pursuant to the procedures and standards of the Land Development Regulation (LDR):*

- *Level 2 Site Plan applications, if a variance is associated with the request.*

LDR Section 2.4.10(A)(1)(b), Level 2 Site Plan Application

- *Level 2 Site Plan applications include new construction, additions to an existing building, or the conversion of an existing single-family residence or duplex, consisting of no more than a total of five dwelling units for multi-family residential development or 15,000 gross square feet of mixed-use or non-residential development.*

LDR Section 2.4.10(A)(2)(d)3., Board Review

The following applications require board action:

- *A Level 2 Site Plan application that is dependent upon a related variance requires action by the Planning and Zoning Board and shall include any other relief that does not require action by the City Commission.*

The application involves the conversion of a detached dwelling structure into a third unit consisting of 413 square feet. The request is classified as a Level 2 Site Plan application as it constitutes an addition on a lot with an existing duplex residential development fewer than five total dwelling units.

This Level 2 Site Plan application requires final action by the Planning and Zoning Board in accordance with LDR Section 2.4.10(A)(3), and must comply with the Performance Standards in Chapter 3, Landscape regulations in Section 4.6.16, Architectural standards in Section 4.6.18, and findings for variances and waivers in Sections 2.4.11(A) and 2.4.11(B), respectively. The required findings are discussed in detail below.

LDR Section 2.4.10(A)(3), Findings

(3) Findings. *All site plan applications require compliance with the applicable regulations and review criteria and shall be consistent with the Comprehensive Plan and other local ordinances.*

(b) Level 2, Level 3, and Level 4 Site Plan applications require compliance with the findings in Chapter 3, Performance Standards.

(c) Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations.

(d) Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.

(e) Site Plan applications that include a variance(s) are subject to the findings of Section 2.4.11(A).

(f) Site Plan applications that include a waiver(s) are subject to the findings of 2.4.11(B).

LDR Section 3.1.1, Required Findings.

Prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.

The required findings relate to the land use map, concurrency, consistency, and compliance with the Land Development Regulations. Compliance with the required findings is discussed below.

(A) Land Use Map *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.*

As noted, the subject property is zoned Medium Residential (RM), which is a preferred zoning district under the Medium Density (MD) land use designation. Multifamily uses are permitted in the RM district at densities ranging from 6 to 12 dwelling units per acre. The addition of a dwelling unit on a lot with an existing duplex is permitted as a multiple family structure. Therefore, the proposed development, at 3 units on 0.282 acres (10.63 du/ac), is consistent with the allowable density and land use designation.

(B) Concurrency *as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

Potable Water and Sewer. The development will connect to existing water services via a 2-inch poly pipe.

Drainage. Drainage will be accommodated on site. All stormwater runoffs will be collected and contained within the property through proposed swales.

Transportation. The proposed project results in an increase of one peak hour trip. Because the site generates fewer than 21 peak hour trips, a full traffic study is not required. Furthermore, this residential project is allowed an exception from the traffic concurrency standards. Therefore, the project meets the Palm Beach County Traffic Performance Standards.

Solid Waste. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

Parks and Open Space: Pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per dwelling unit will be collected prior to issuance of a building permit.

Public Schools. A School Capacity Availability Determination (SCAD) letter was provided and determined that there will be a negative impact on the public-school system. In order to address the school capacity deficiency generated by this proposed development at the District high school level, the property owner shall contribute \$11,797.00 to the School District of Palm Beach County prior to the issuance of first building permit.

(C) Consistency *A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

Article 3.2 Performance Standards

The following standards contained in Article 3.2 are applicable:

- **LDR Section 3.2.1, Basis for Determining Consistency**
- **LDR Section 3.2.3, Standards for site plan and/or plat actions**
- **LDR Section 3.2.4, Standards for Specific Areas or Purposes**

The proposed development supports infill housing within a stable residential area and promotes compatibility in scale, form, and density. There are no identified concerns regarding its overall consistency with Article 3.2. as discussed in detail below.

- **LDR Section 3.2.1. Basis for Determining Consistency.**

The following applicable objectives or policies from the Always Delray Comprehensive Plan apply to the request.

Housing Element

Policy HOU 1.1.7 *Foster growth without substantially and adversely impacting existing residential neighborhood character.*

Policy HOU 1.1.12 *Require that proposals for new development illustrate compatibility with adjacent neighborhoods with respect to noise, odors, dust, traffic volumes and circulation patterns in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.*

Policy HOU 2.1.4 *Support efforts to maintain the neighborhood integrity and quality of life for residents in Stable residential areas and avoid allowing new development that may decrease or negatively impact the Stable classification of an area or neighborhood.*

Objective HOU 3.1 *Provide opportunities for residential development to accommodate the housing needs of existing and future residents.*

GOAL HOU 4 Innovation and Diversity of Housing Types *Promote Innovative, Unique and Diverse Housing Types To Enhance Livability And Sustainability.*

Objective 4.1 Support for Innovative Housing Design *Allow and promote innovative and non-traditional housing design and construction types to facilitate residential growth consistent with the community's character and design.*

Policy HOU 5.1.2 *Support a robust and diverse supply of housing options to meet the needs of all residents, including older adults and residents with disabilities, with an emphasis placed on those units located in close proximity to services and transit.*

Neighborhoods, Districts, and Corridors Element

Policy NDC 1.2.7 *Use the Medium Density Residential land use designation to create and maintain residential neighborhoods with a wide range of housing types with associated neighborhood amenities at a density more than five and up to 12 units per acre.*

The proposed unit is compatible with the form of the surrounding development, and it adds a unit type not commonly seen in the city.

- **LDR Section 3.2.3, Standards for site plan action.**

The following standards from LDR Section 3.2.3 are applicable to the request:

- (A) *Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.*
- (C) *Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of the Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.*
- (E) *Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations.*
- (F) *Property shall be developed or redeveloped in a manner so that the use, intensity, and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services: are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*
- (G) *Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element.*
- (H) *Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the surrounding areas, the project shall be modified accordingly or denied.*
- (K) *Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density.*

Overall, the proposed development is consistent with the applicable Goals, Objectives, and Policies of the Always Delray Comprehensive Plan, which emphasizes the need for redevelopment that is compatible with neighboring land uses in terms of use, intensity and density. Additionally, the proposed unit supports the objective of accommodating diverse housing needs by providing opportunities for existing and future residents while promoting an innovative concept that facilitates growth aligned with the community's existing character.

- **LDR Section 3.2.4, Standards for Specific Areas or Purposes**

The property is not located within an environmentally sensitive area, wellfield zone, the barrier island, or a historic district, nor is it an individually designated site. The property is located within Flood Zone A7, requiring all habitable structures to meet a minimum Base Flood Elevation (BFE) of 7 feet.

- (D) **Compliance with the LDRs** *Whenever an item is identified elsewhere in the LDR, it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.*

LDR Section 4.4.6. - Medium Density Residential (RM) District

The Medium Density Residential (RM) District is a residential zoning district with flexible densities having a base of six units per acre and a maximum standard density of twelve units per acre, with a maximum incentive density of 24 units per acre in designated areas, subject to compliance with Article 4.7 and Section 4.3.3(BB).

LDR Section 4.3.3(BB) Performance standards for multi-family development.

LDR Section	Performance Standard for Multi-family development	Compliance
4.3.3(BB)(1)(c)	Applicability	Some performance standards may not be entirely applicable to small scale developments, infill residential projects such as this development.
4.3.3(BB)(3)(b)	Building Placement to Reduce Massing and Provide a Feeling of Open Space.	The site layout positions the two primary dwelling units toward the front of the lot, with the third unit set to the rear, resulting in a central open area that breaks up building mass and promotes visual relief. The design integrates both landscaped and hardscaped elements, contributing to a balanced spatial arrangement. The proposal meets the minimum open space requirement and enhances the perception of openness within the site.
4.3.3(BB)(3)(d)	The development offers a varied streetscape and building design.	The proposed development offers an engaging streetscape along Spanish Trail with shade trees and varied architectural features. The front façade is flat, and does not clearly distinguish the individual units, aside from a stone façade feature. The architectural style and simple lines are, however, typical of the era. A central crushed stone-covered landscape island is located in the driveway, which creates an architectural feature providing some visual interest and curiosity to the symmetry coinciding with the two front doors and windows.
4.3.3(BB)(3)(e)	Varying Unit Types	The development features three units, two of which offer three bedrooms and the third is an efficiency unit. The dwelling units vary in size from 413 square feet to 1,484 square feet of air-conditioned space.
4.3.3(BB)(3)(f)	Open Space Areas	The proposed development provides 26.8% (3,300 sf) of open space, where a minimum of 25% is required.
4.3.3(BB)(3)(i)	Unified Architectural Character	The development showcases a harmonious blend of modern and traditional architectural styles.
4.3.3(BB)(3)(k)	Pedestrian Connectivity	Neighborhood connectivity is lacking throughout the neighborhood, however, pedestrian connectivity is demonstrated via a proposed walkway from the driveway to the public right of way, along with individual walkways to each unit.

The proposed dwelling unit complies with the development requirements of the RM zoning district, with the exception of the requested variances and waiver. Specific standards are discussed below.

LDR Section 4.4.6, Medium Residential - 4.3.4(K) – Development Standards Matrix

Standard/Regulation	Review	
Minimum	Required:	Proposed:
Lot Size	8,000 sf	12,288 sf
Lot Width	60 feet	105 feet
Lot Depth	100 feet	116.54 feet
Lot Frontage	60 feet	105 feet
Open Space	25% (3,072 sf)	26.8% (3,300 sf)
Maximum		
Lot Coverage	Max 40% (4,915.2 sf)	26.33% (3,236 sf)
Height	Max 35 feet	16.80 feet
Minimum Setbacks		
Front (East)	25 feet	51.8+ feet
Side Interior (North)	15 feet	14.6 feet – Variance requested
Side Interior (South)	15 feet	62.9 feet
Rear (West)	25 feet	14.5 feet – Variance requested
Density (6-12 units/acre)	Maximum: 3 units/acre	Proposed: 3 units/acre (10.63 d/u)
Base Building Elevation (BFE) Within Flood Zone AE7	Required: BFE at or above 7 feet	Proposed: BFE at 8 feet

Article 4.6 – Supplemental District Regulations

Regulation	Review	
	Required:	Proposed:
4.6.8, Lighting	Illumination spillover is limited to the maximum degree feasible given the minimum illumination requirements for street lighting, off-street parking illumination, and lighting at the building and garage entrance.	
4.6.9, Off-Street Parking	<p>Existing (2) 3 bedroom: 4 spaces</p> <p>Proposed efficiency unit: 1 spaces</p> <p>Guest Spaces: 2 spaces</p>	Total: 7 spaces

Review & Analysis: Architectural Elevations

LDR Section 2.4.10(A)(3)(d), Findings

Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.

LDR Section 4.6.18. - Architectural elevations and aesthetics - Minimum requirement

The requirements contained in this Section are minimum aesthetic standards for all site development, buildings, structures, or alterations except for single family development. It is required that all site development, structures, buildings, or alterations to same, show proper design concepts, express honest design construction, and be appropriate to surroundings

There are five subsections for consideration in **LDR Section 4.6.18:**

- (A) Minimum requirements;
- (B) Building and structure requirements;
- (C) Exterior space;
- (D) Parking lots and vehicular use areas, and
- (E) Criteria for board action.

(E) Criteria for Board Action.

The following criteria shall be considered by the Site Plan Review and Appearance Board in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved.

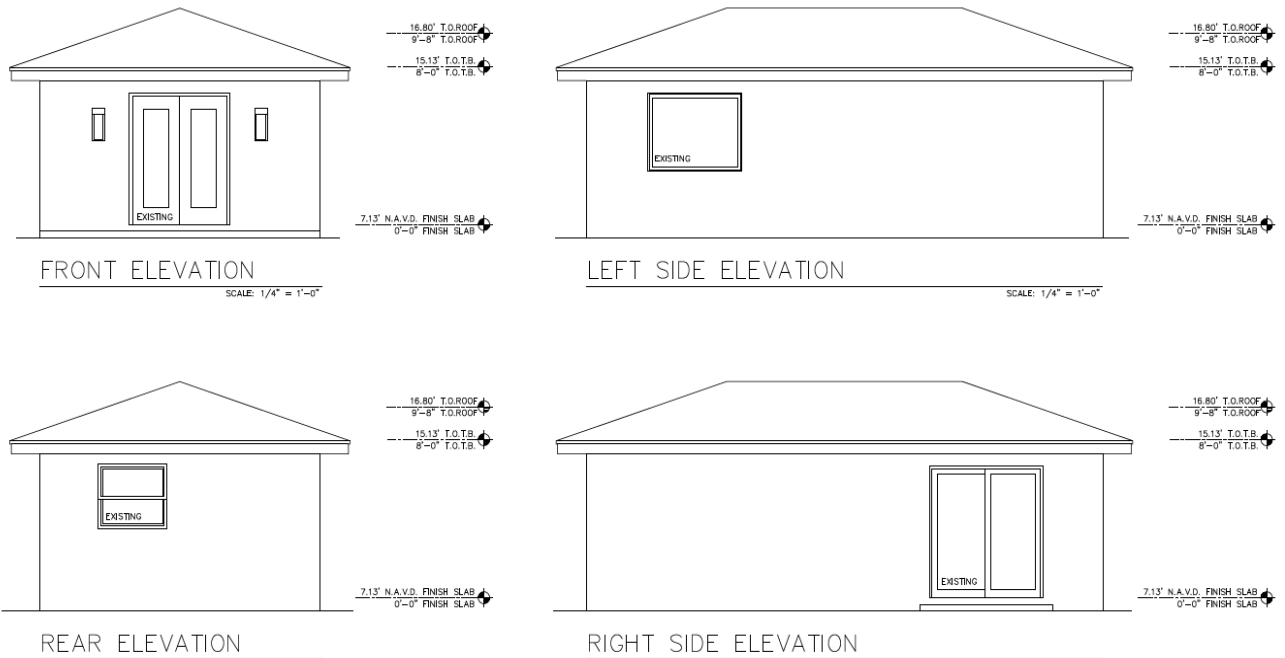
- (1) *The plan or the proposed structure is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.*
- (2) *The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.*
- (3) *The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.*
- (4) *The proposed elevations provided below have been reviewed for compliance with Section 4.6.18 - Architectural Standards.*

The architectural proposal combines a flat-roofed duplex and a pitched-roof detached unit, reflecting a blend of modern and traditional forms. While the roof variation introduces some contrast, the overall design remains relatively modest and is consistent with the form and features of duplexes common to its era of construction. The duplex elevation incorporates a central stone element that adds a subtle architectural detail that compliments the simplicity of the architecture. The stucco finish and neutral color scheme are compatible with nearby development and help maintain visual consistency across the site and rooftop screening has been applied to conceal mechanical equipment from the right-of-way.

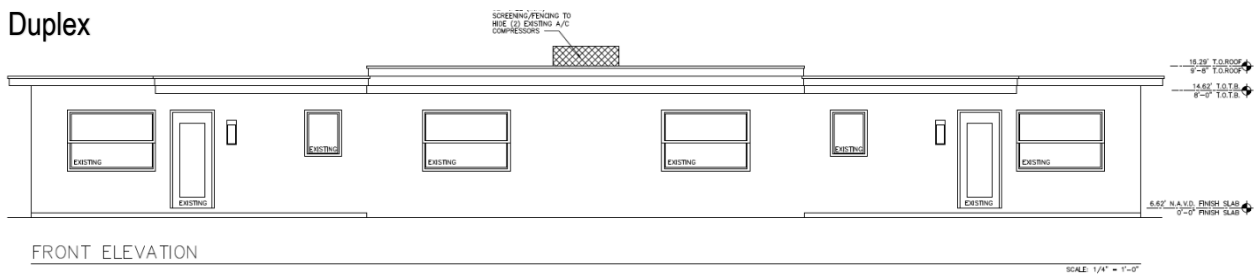
The efficiency unit is set to the rear and presents a simpler expression, which reduces its visual prominence. Windows and doors are positioned to support natural lighting and privacy, Landscaping around the structures contributes to softening the site and supports the integration of built form and open space. The elevations demonstrate functional adequacy but limited visual innovation. While the design

of the detached efficiency unit meets the baseline requirements of Section 4.6.18, opportunities remain to enhance architectural detailing such as shutters, lighting, siding or bold colors.

Efficiency Dwelling



Duplex



Review & Analysis: Landscape Plan

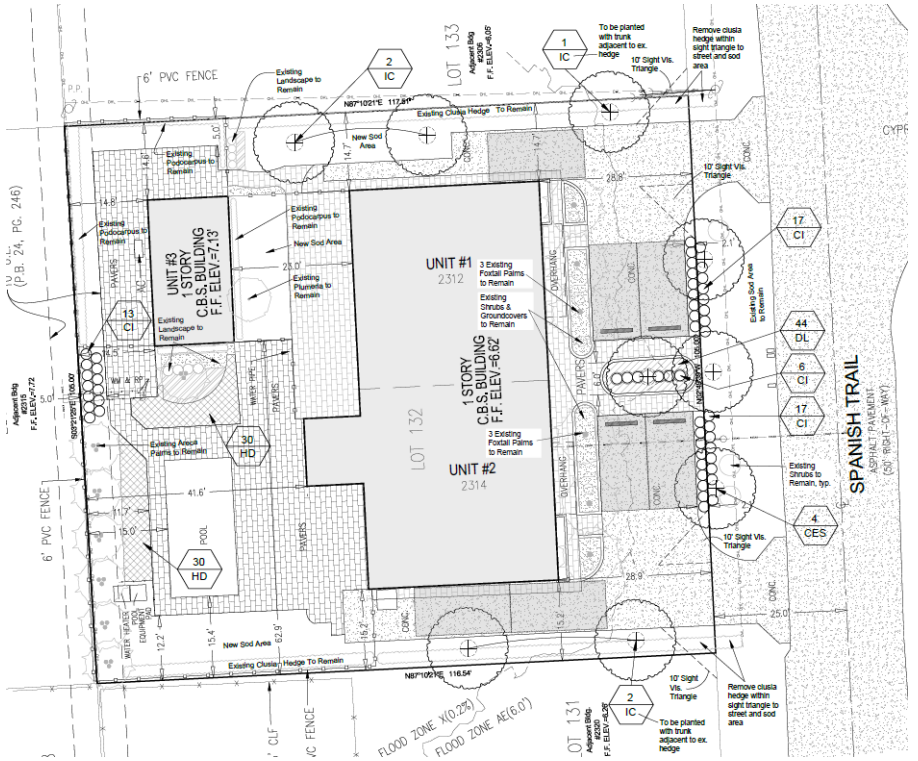
LDR Section 2.4.10(A)(3)(c), Findings

Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations.

The proposed landscape plan responds to the intensified use of the property by incorporating elements required for multifamily residential development. The plan includes a combination of canopy trees, hedges, and foundation plantings intended to meet minimum standards while enhancing site functionality.

A circular driveway accommodating two parking spaces on each side facing each other creating a total of four parking spaces. A Green Buttonwood tree is located within a 6-foot landscape strip between parking spaces. This not only divides the parking area as required per the landscape code, adding more greenery but also provides organization. In addition, three Green Buttonwood trees are placed along the front of the property along Spanish Trail. The proposed trees are well suited for urban landscapes, providing shade, reducing heat, and improving air quality. Their placement in the front enhances curb appeal and creates a welcoming environment.

The north and south boundary is lined with hedges providing privacy and a natural barrier, enhancing the visual appeal and delineating the property. Both boundaries' features Dahoon Holly trees and hedges. Dahoon Hoolies are dense, evergreen trees ideal for creating privacy and adding vertical interest.



Overall, the landscape plan has been deemed technically compliant with the applicable requirements of LDR Section 4.6.16, except where a waiver is requested.

Review & Analysis: Variance

Pursuant to LDR Section 4.3.4(K), a minimum 15 feet side interior setback and 25 rear setback.

Variance #1: interior side setback reduction:

Required: 15 feet side interior setback for Medium Residential zoning

Provided: 14.7 feet interior side setback

Request: An encroachment of 0.3 feet into the required side setback

Variance #2: Rear setback reduction:

Required: 25 feet rear setback for Medium Residential zoning

Provided: 14.5 feet rear setback

Request: An encroachment of 10.5 feet into the required side setback

LDR Section 2.4.11(A), 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.

(3) Findings. The following findings must be made prior to approval of a variance:

- 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.
- That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.
- 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.*

The reviewing body must review and make a recommendation on a variance request based on a negative or positive finding on the above.

The relief sought would facilitate regularization of an unpermitted conversion. Pursuant to LDR Section 2.4.11, a variance may be granted when strict application of the LDR creates a hardship not caused by the property owner, and when certain findings can be made. In this case, the detached structure was converted to a dwelling unit prior to the current ownership, and without proper approvals. Therefore, the applicant's request arises from actions taken by the previous owner.

The lot configuration, approximately 105 feet wide and 116.5 feet deep, offers a standard level of design flexibility for residential development. There do not appear to be unique physical conditions on the site that would otherwise prevent conformance with standard minimum setback requirements. Additionally, the presence of an existing duplex on the lot demonstrates that the property can be used in compliance with the zoning district without the need for relief.

The requested reduction in the side interior setback is minimal and unlikely to result in measurable negative impacts to adjacent properties. The rear setback variance is slightly more substantial and may raise concerns regarding the proximity of the detached unit to neighboring uses, particularly if future modifications intensify the use of the rear portion of the site. However, the structure, in its current form, is consistent with the scale that the 15-foot minimum rear setback for duplexes (in place before the amendment 25 feet in 2023) anticipated. The reduction of setback is not a significant deviation from the rear setbacks that were originally required for the smaller scale duplexes typical of the era in which the primary structure was built.

Review & Analysis: Waivers

LDR Section 4.6.16(H)(3)(a)

A strip of land at least five feet in depth located between the off-street parking area or other vehicular use area and the right-of-way shall be landscaped.

The buffer must include a tree, along with grass, ground cover, and hedges that achieve a minimum height of three feet within one year. The applicant is requesting a waiver to reduce the required buffer to **2.1 feet** due to existing site constraints.

Waiver #1: Required Landscape Buffer:

Required: 5-foot landscape strip, pursuant to LDR Section 4.6.16(H)(3)(a)

Proposed: 2.1 feet landscape strip

Request: A reduction of the required 5-foot perimeter landscape strip between the off-street parking area and the right-of-way to 2.1 feet.

LDR Section 2.4.11(B) - Waivers.

A waiver involves the granting of partial or total relief from a specific development regulation.

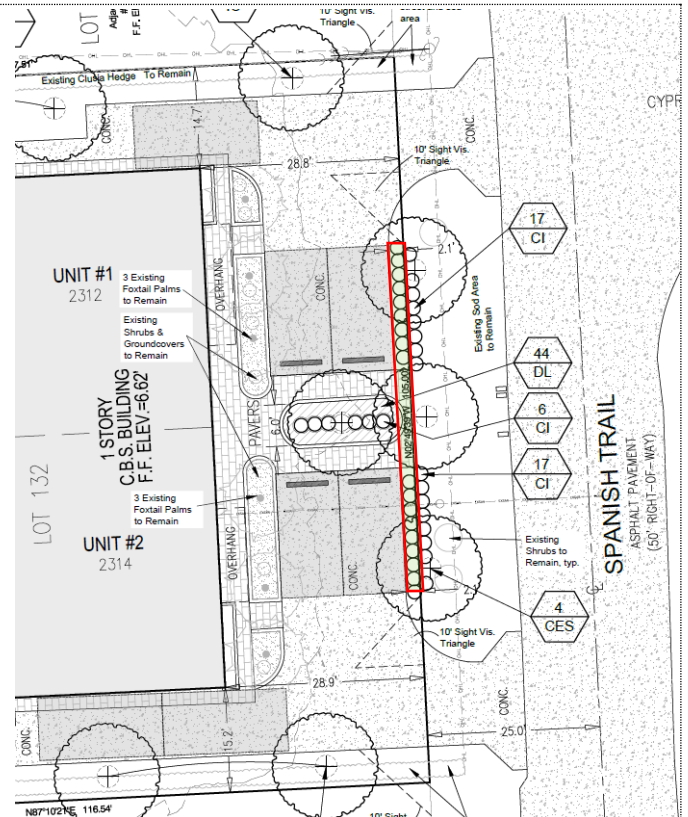
(5) Findings. *Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:*

- (a) *Shall not adversely affect the neighboring area;*
- (b) *Shall not significantly diminish the provision of public facilities;*
- (c) *Shall not create an unsafe situation; and*
- (d) *Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*

The reviewing body must review and make a recommendation on a waiver request based on a negative or positive finding on the above. The current parking layout is served by a circular driveway that allows vehicles to enter and exit without backing into the street. While this configuration avoids certain maneuvering concerns, the LDR still requires the landscape buffer because back-out parking is not utilized. The site is legally nonconforming to this standard and, as part of the redevelopment, is required to come into compliance.

To mitigate the reduced buffer, the applicant proposes shifting the existing driveway to create a 2.1-foot-wide landscaped strip along the frontage. While this does not fully meet the five-foot requirement, the plan incorporates Green Buttonwood trees and foundation plantings intended to soften the frontage, enhance visual interest, and provide partial screening of the parking area. The inclusion of three Green Buttonwood trees along Spanish Trail, combined with perimeter hedges and existing palms, is intended to offset the reduced width by enhancing vertical landscape elements and curb appeal.

Staff notes that additional space exists between the building façade and the current plantings, which could allow for greater compliance. However, the applicant has indicated that further removal of hardscape would conflict with established foundation landscaping and pedestrian pathways.



While the landscape buffer does not fully satisfy the dimensional LDR requirement, the proposed landscape improvements appear to reduce visual impacts and maintain compatibility with the surrounding streetscape. The effectiveness of this mitigation will depend on planting density, maturity, and long-term maintenance. The applicant has indicated a willingness to enter into a landscape maintenance agreement for the portion of landscaping encroaching into the public right-of-way, which may further support the waiver request.

Board Action Options

- A. **Move approval** of a Level 2 (2023-122) Site Plan Application including Architectural Elevations and a Landscape Plan, to allow a 413 square foot dwelling unit, along with two variances to the required minimum rear and interior setback and one waiver for the 5-foot perimeter landscape strip located at 2312 Spanish Trail, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.
- B. **Move approval, as amended** of a Level 2 (2023-122) Site Plan Application including Architectural Elevations and a Landscape Plan, to allow a 413 square foot dwelling unit, along with two variances to the required minimum rear and interior setback and one waiver for the 5-foot perimeter landscape strip located at 2312 Spanish Trail, finding that the request is consistent with the Comprehensive Plan and meets the criteria in the Land Development Regulations, **subject to conditions**.
- C. **Move denial** of a Level 2 (2023-122) Site Plan Application including Architectural Elevations and a Landscape Plan, to allow a 413 square foot dwelling unit, along with two variances to the required minimum rear and interior setback and one waiver for the 5-foot perimeter landscape strip located at 2312 Spanish Trail, finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria in the Land Development Regulations.
- D. **Continue with direction**.

Public Notices

- ☒ Public Notice was posted at the property 7 calendar days prior to the meeting.
- ☒ Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.
- ☒ Public Notice was posted to the City's website 10 calendar days prior to the meeting.
- ☒ Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.
- ☒ Agenda was posted at least 5 working days prior to meeting.