



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

BOARD OF ADJUSTMENT STAFF REPORT

1916 and 1920 Spanish Trail (Duplex)

Meeting	File No.	Application Type
July 17, 2025	2025-150-VAR-BOA	Variance
Property Owner	Applicant / Authorized Agent	
Alex J. Lewis and Francesca Lewis	Abrams Law Firm C/O Ryan Abrams, Esq.	

Request

Consideration of a variance request from Land Development Regulation (LDR) Section 4.6.15(G)(1)(a), Swimming Pool, Whirlpools, and Spas: Yard Encroachment, to reduce the front setback from the minimum requirement of 25 feet to 10 feet associated with the construction of a swimming pool for each unit in the duplex.

General Data

Location: 1916 and 1920 Spanish Trail

PCN: 12-43-46-28-01-000-0961 &
12-43-46-28-01-000-0962

Property Size: 1916 Spanish Trail
(4,791.6 SF)
1920 Spanish Trail
(5,227 SF)

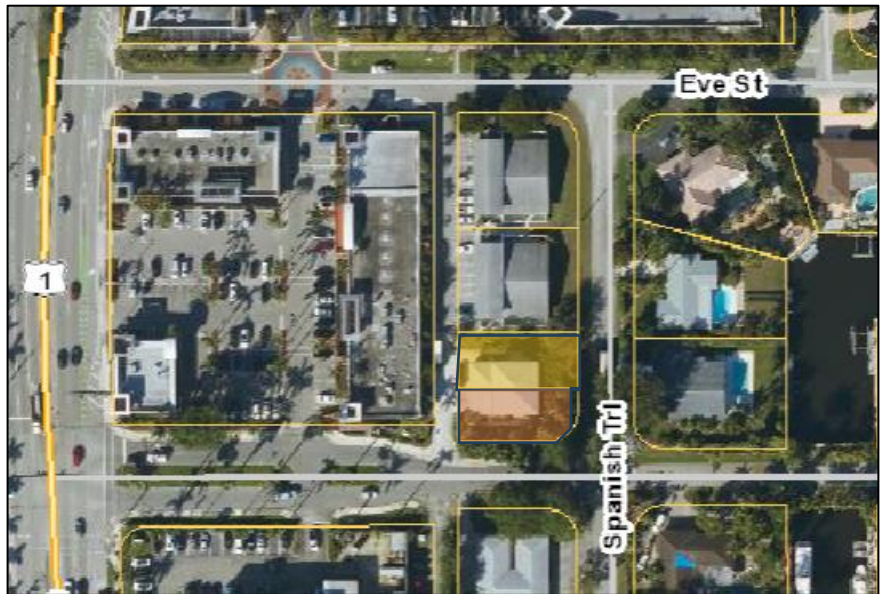
Land Use Designation: Medium Density
(MD)

Zoning District: Medium Density Residential
(RM)

Existing Land Use: Duplex

Adjacent Zoning and Uses:

- North, RM
- South, RM
- East, Single Family Residential (R-1-AAB)
- West: Planned Commercial (PC)



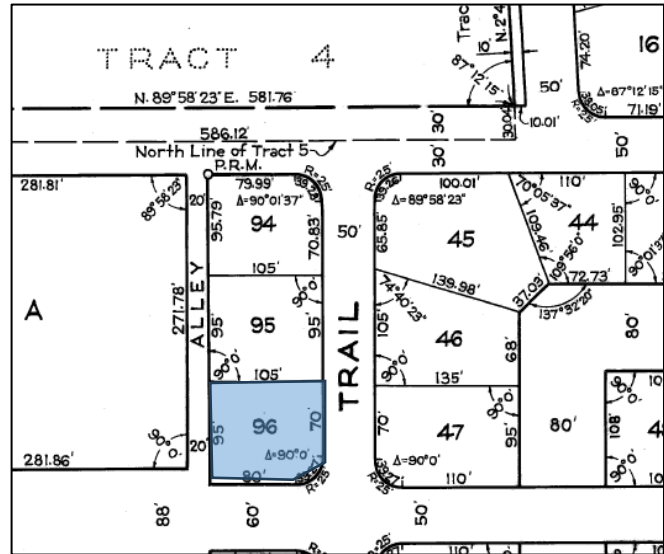
Legal Description: Lot 96, Tropic Isle, according to the map or plat thereof as recorded in Plat Book 24, Page 235, Public Records of Palm Beach County.

Background

Pursuant to Land Development Regulation (LDR) Section 4.4.6(B)(2) Medium Density Residential (RM) District, allows duplex structures as a principal use if they meet the minimum development standards of 8,000 SF, lot width of 60 feet and a lot depth of 100 feet. The Plat of Tropic Isle contains the subject property and was platted in 1956 as a legal lot of record containing .23 acres or 10,018.8 SF and a width of 95 feet and a lot depth of 100 feet. Therefore, the lot was able to be divided to create two duplexes. A duplex is defined as “detached residential buildings containing two dwelling units, designed for occupancy by two families.”

The subject property was developed as a duplex in 1994 (building permit 94-31397) and subsequently has had miscellaneous permits throughout the years. The most recent permits are the proposed pools (24-220344 and 24-220345). There are no records of previous variance requests.

Pursuant to LDR 4.3.4(E)(3) **Front and frontage**; the front of a lot is the side with frontage on a street. For corner lots, the side having the least street frontage shall be the front for setback purposes. Where a corner lot or through lot has frontage on an arterial or collector street, the front shall be the side with frontage on the arterial or collector. The subject property is located in the Tropic Isle neighborhood on the corner of Tropic Boulevard and Spanish Trail, both local streets, therefore the front is Spanish Trail as it is it has the least frontage. It should be noted that the rear setback of the property is an existing nonconformity. At the time of building construction, the rear property setback for duplexes was 15 feet. The existing setback is 14.87'. The plat indicates that the alley was constructed 20 feet wide, not requiring any dedication to the property.

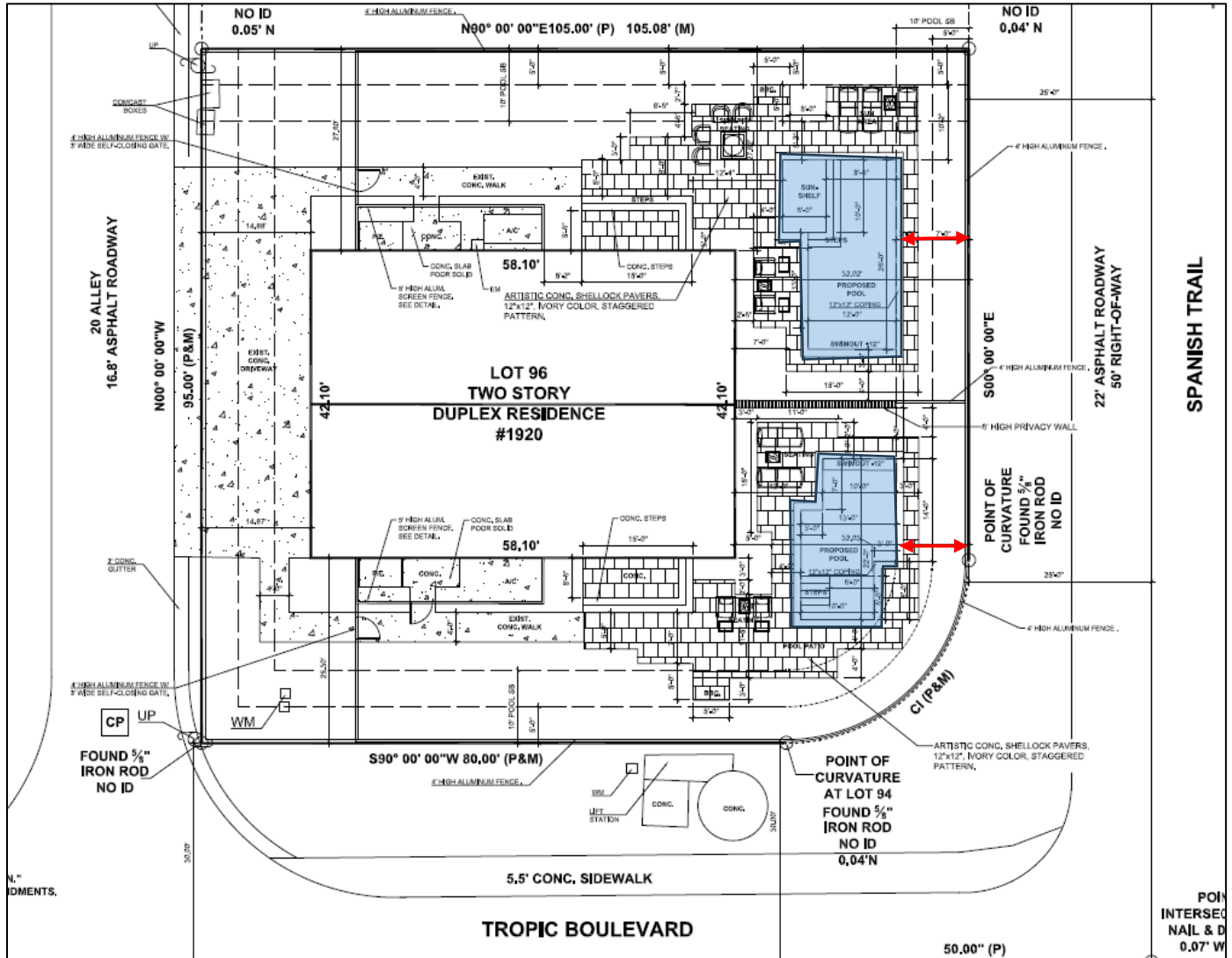


The applicant is the owner of both 1916 Spanish Trail and 1920 Spanish Trail and proposes to construct a swimming pool in the front of each property. The proposed swimming pools will be analyzed separately and require two separate actions.

Request

LDR Section 4.6.15(G)(1)(a), *Swimming pools shall not extend into the front setback area required by Section 4.3.4(K) Development Standards Matrix*. The required front setback for the RM (duplex) zoning district is 25 feet. The request is to allow the proposed swimming pools to encroach 15 feet into the front setback to allow a setback of 10 feet.

The applicant's justification statement for the request is included as an attachment.



Variance Review and Analysis – 1916 Spanish Trail

Pursuant to **LDR Section 2.1.7(E)(1)(c)(3)**, **Board of Adjustment: Duties, powers, and responsibility**, *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.

The requested relief is from a requirement in Article 4.6 – Section 4.6.15(G)(1), *Swimming pool, whirlpools, and spas: Yard Encroachment*, states, “swimming pools shall not extend into the front setback area noted in Section 4.3.4(K).”

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 (The matter of 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 set forth 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.*

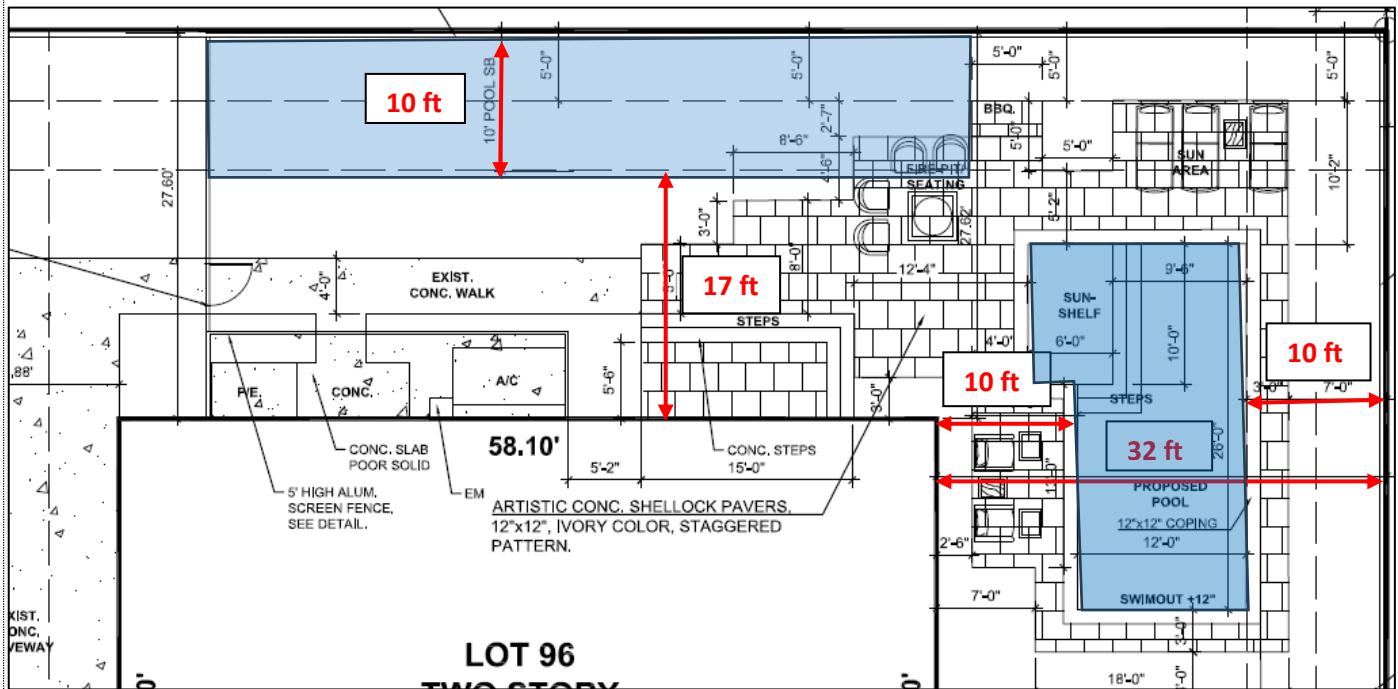
Pursuant to LDR Section 2.4.11(A) Relief, Variances, is a departure from the dimensional or numeric requirements of the land development regulations where such variance will not be contrary to the public interest and where owing to the existing conditions peculiar to the property and not the result of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

There are six findings listed above that must be found in the positive to only the subject property. While variances are applied city-wide, each request should be reviewed separately and only for the request that is presently being made. There must be special circumstances or uniqueness to the subject property. Consideration should be made if the action of the request is a result of the applicant.

The subject property located at 1916 Spanish Trail exceeds the minimum lot size of 4,000 sf for a duplex pursuant to **LDR Section 4.3.4(K): Development Standards** for the RM (Duplex) requirements. The existing lot size is 4,791.6 sf. The Board should consider whether there are special conditions or circumstances related to the subject property and if the pool encroachment of 15 feet into the front setback will not confer onto the applicant any special privilege. The intent of the pool setback requirement is to not fringe upon the neighboring properties and to maintain a uniformity in the streetscape within residential neighborhoods.

While the applicant by right may request relief to construct a pool, the board should consider the circumstances of the need for the variance. Does the variance petition justify that the granting of the variance is the minimum variance that will make possible the reasonable use of the land and to maintain a uniformed streetscape in the neighborhood.

The Board should also consider if the literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning. While this is not new construction, the board should consider the size and location of the pool. The minimum front setback requirement for duplexes is 25 feet. The site plan below shows that there is approximately 32 feet from the front property line to the structure. The diagram below demonstrates the sf from the front property line to the structure, the proposed setback of 10 ft in the front, and the remaining sf from the water's edge to the front of the structure. The required side interior setback is 10 ft for a swimming pool. The site plan shows that there is 27 ft. from property line to the structure. The pool is proposed at 12 ft by 26 ft for a total of 312 sf and an additional 6 ft for the sun shelf. The applicant could adjust the pool location, which would have a lesser impact on the single-family residence across the street.



Lastly, the Board should consider if the proposed pool in the front setback is in harmony with the surrounding neighborhood. The Tropic Isle neighborhood consists of single-family residence with multi family residence that is primarily along Spanish Trail and Florida Boulevard. The subject property is located at one of the main entrances into the Tropic Isle neighborhood. The residence takes access into the home from the rear of the property which is located on an alley and the front of the duplexes face single-family residences. The Florida Building Code (FBC), specifically Chapter 45, requires a pool barrier must be provided at a minimum of 4 feet. Access to the residence is taken from the alley, by enclosing the pool with the four-foot aluminum fence required by FBC, could present a life safety issue with only one way in and out of the residence.

Variance Review and Analysis – 1920 Spanish Trail

Pursuant to **LDR Section 2.1.7(E)(1)(c)(3), Board of Adjustment: Duties, powers, and responsibility**, *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.*

The requested relief is from a requirement in Article 4.6 – Section 4.6.15(G)(1), *Swimming pool, whirlpools, and spas: Yard Encroachment, states, “swimming pools shall not extend into the front setback area noted in Section 4.3.4(K).”*

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:

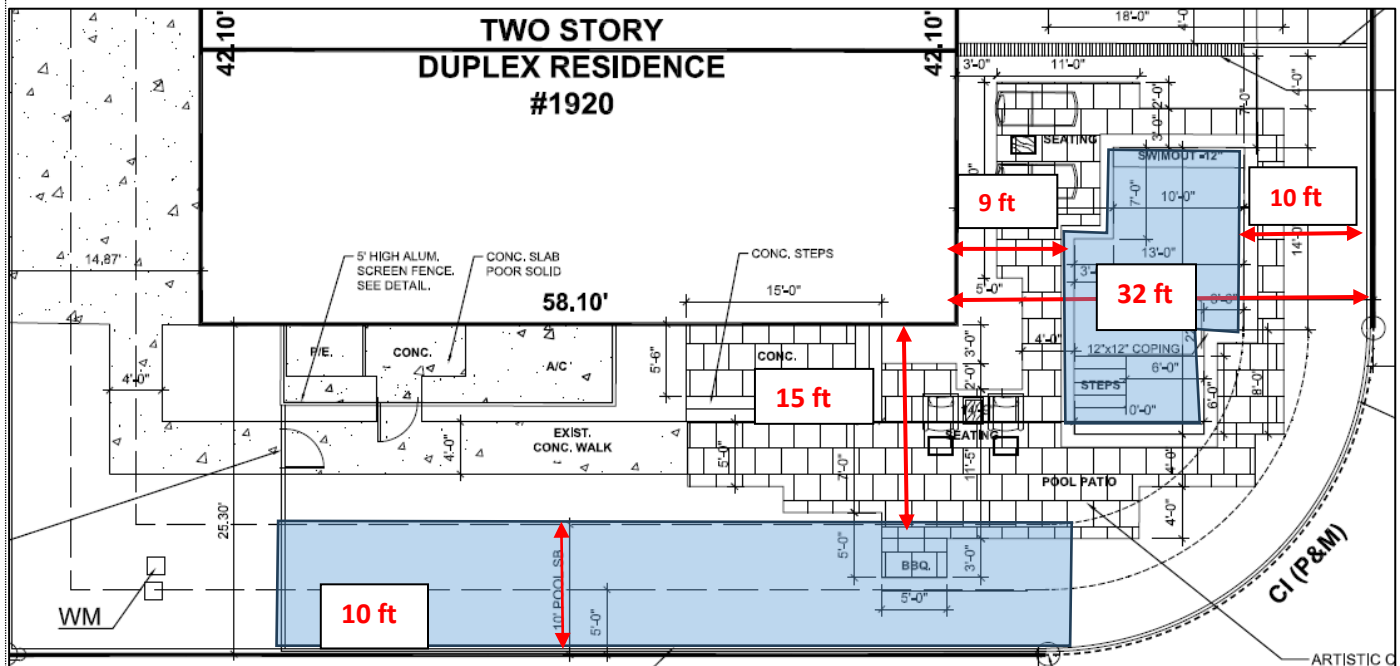
- (g) *That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance);*
- (h) *That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;*
- (i) *That the special conditions and circumstances have not resulted from actions of the applicant;*
- (j) *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;*

- (k) That the reasons set forth 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,
- (l) 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.

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

There are six findings listed above that must be found in the positive to only the subject property. While variances are applied city-wide, each request should be reviewed separately and only for the request that is presently being made. There must be special circumstances or uniqueness to the subject property. Consideration should be made if the action of the request is a result of the applicant.

The subject property located at 1920 Spanish Trail exceeds the minimum lot size of 4,000 sf for a duplex pursuant to **LDR Section 4.3.4(K): Development Standards** for the RM (Duplex) requirements. The lot size for 1920 Spanish Trail is 5,227 sf. The Board should consider whether there are special conditions or circumstances related to the subject property and if the pool encroachment of 15 feet into the front setback will not confer onto the applicant any special privilege. The intent of the pool's setback requirement is to not fringe upon the neighboring properties and maintain a uniformity in the streetscape within residential neighborhoods.



The Board should also consider if the literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning. While the applicant by right may request relief to construct a pool, the board should consider the circumstances of the need for the variance. Does the variance petition justify that the granting of the variance is the minimum variance that will make possible the reasonable use of the land. The front setback for duplexes is 25 feet. The site plan shows that there is approximately 32 feet from the front property line to the structure, 10 ft from the property line to the proposed swimming pool, approximately 9 ft from the water's edge to the front of the structure. The required setback for the swimming pool for a side street is 10 ft. The site plan above shows that there is 26 ft from the property line to the structure. The applicant could adjust the pool location, which would have a lesser impact on the single-family residence across the street.

The Board should also consider if the literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning. While this is not new construction, the board should consider the size and location of the pool. The pool is proposed at 10 ft by 22 ft for a total of 220 sf.

Lastly, the Board should consider if the proposed pool in the front setback is in harmony with the surrounding neighborhood. The residence takes access into the home from the rear of the property which is located in on an alley and the front is across the street from single-family residence. The Tropic Isle neighborhood consists of single-family residence with multi family residence that is primarily along Spanish Trail and Florida Boulevard. The subject property is on the corner of one of the main entrances into the Tropic Isle neighborhood. The Florida Building Code (FBC), specifically Chapter 45, requires a pool barrier must be provided at a minimum of 4 feet. Access to the residence is taken from the alley, by enclosing the pool with the 4 ft aluminum fence required by FBC, could present a life safety issue with only one way in and out of the residence.

Optional Board Actions – 1916 Spanish Trail

- A. Move **approval** of the Variance request for **1916 Spanish Trail** (2025-150 VAR-BOA) from LDR Section 4.6.15(G)(1), to reduce the front setback from the minimum requirement of 25 feet to 10 feet associated with the construction of a swimming pool, 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 **1916 Spanish Trail** (2025-150 VAR-BOA) from LDR Section 4.6.15(G)(1), to reduce the front setback from the minimum requirement of 25 feet to 10 feet associated with the construction of a swimming pool, 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**.

Optional Board Actions – 1920 Spanish Trail

- A. Move **approval** of the Variance request for **1920 Spanish Trail** (2025-150 VAR-BOA) from LDR Section 4.6.15(G)(1), to reduce the front setback from the minimum requirement of 25 feet to 10 feet associated with the construction of a swimming pool, 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 **1920 Spanish Trail** (2025-150 VAR-BOA) from LDR Section 4.6.15(G)(1), to reduce the front setback from the minimum requirement of 25 feet to 10 feet associated with the construction of a swimming pool, 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
26.2 (A); Written notice provided to property owners within 500 feet	July 3, 2025
2.6.2 (B); Property posted placard on subject property	July 3, 2025
2.6.2 (C); Notice posted at City Hall	July 8, 2025
2.6.2(D); Notice posted on City Web Page	July 8, 2025

Technical Review of Comments (TAC) Timeline

Review No.	Submittal Date	TAC Comments Transmitted
1	3/19/25	3/21/25
2	5/6/2025	N/A