



Village of Palmetto Bay, Florida
Planning & Zoning

Date: September 15, 2023
Subject: **ADMINISTRATIVE RELIEF OF SETBACK REQUIREMENTS**
Zoning District: E-M – Estate Modified District
Process Number: AV-23-001
Address: 17840 SW 88 Court
Folio: 33-5033-032-0440
To: Rosemary Smith and Robert Hoel
17840 SW 88 Ct
Palmetto Bay, Florida 33157

The applicants, Rosemary Smith and Robert Hoel, have requested a non-use variance from the setback requirements of Section 30-50.4. Estate Modified Single Family District (E-M) to allow a front (north) setback of 20 feet (25 feet required) from the property line along SW 178 Terrace. The setbacks for the E-M Zoning District are given by the tables in Section 30-50.4(e) of the Village of Palmetto Bay zoning code:

Minimum Setbacks

	Front	Rear	Between Buildings	Interior Side	Street Side
Principal	25 feet	25 feet	N/A	15 feet	25 feet
Accessory Structures	75 feet	7.5 feet	10 feet	20 feet	30 feet
Sheds less than 145 sq. ft.	55 feet	5 feet	5 feet	5 feet	10 feet

The applicants have requested relief of 5 feet on the front setback requirement from 25-feet to 20-feet to construct an addition onto the existing home. The request faces SW 178 Terrace and the request is within the dimensions permissible by the code for administrative variances. The application is complete, with signatures from adjacent property owners, and fees paid in full. This review has considered the required factors, with the following findings, per the criteria of Sec. 30-30.3(d)(5), A through N.

- A. There exists a practical difficulty because of the unusual lot conditions of this irregularly shaped lot. *The lot was built with the front door facing SW 88 Court in accordance with the established pattern of the neighborhood. Therefore the corner lots have a "front" facing the side of the home as constructed.*

- B. The approval of this variance would not be contrary to the public interest, and does not permit a structure that is incompatible with the Village of Palmetto Bay Comprehensive Plan. *This administrative variance does not change the pattern of development in the neighborhood.*
- C. The approval of this variance would preserve the essential character of the neighborhood. *This administrative variance does not change the pattern of development in the neighborhood.*
- D. The approval of the variance would not cause substantial detriment to the adjoining properties. The owners of the adjoining properties have signed the consent form between May 12, 2020 and May 18, 2020. *All adjacent property owners have signed an affirmative agreement that they support the proposal.*
- E. The practical difficulty results from unusual circumstances of the property being located on an irregular shaped lot that render strict conformance with the requirements of the code unnecessarily burdensome. *The owner is utilizing the lot equivalent to a side street setback.*
- F. These circumstances of the lot shape are beyond the control of the applicant and are not the result of the applicant's actions. *N/A*
- G. No more than two sides are considered or allowed for setback relief. *Affirmative*
- H. With this administrative adjustment, no further variance may be made administratively. *Affirmative*
- I. No easement areas are encroached by this request. *N/A*
- J. There is no encroaching construction that will need to comply with all other zoning regulations. *Affirmative*
- K. Criterion is related to accessory structures and is not applicable. *N/A*
- L. There are no adverse impacts and no mitigation is required. *N/A*
- M. The request does not cause adverse impacts to trees, wetlands or archeological sites. *N/A*
- N. Conditions to the approval are not deemed necessary. *N/A*

After consideration of the factors, the Village of Palmetto Bay Planning and Zoning Director has made a preliminary determination to approve the request per Sec. 30-30.3(d)(7). Final acceptance of the preliminary determination will follow in 30 days, upon receiving no written objections to this decision from residents within a 500-ft radius of the property.



Alexander Adams, AICP, CNU-A
Planning and Zoning Manager