

Agenda Item #   R - 4  

**Village of Royal Palm Beach  
Village Council  
Agenda Item Summary**

**Agenda Item:**

**PUBLIC HEARING TO CONSIDER APPLICATION NO. 23-042 (VAR) AND APPROVAL OF VARIANCE ORDER VC-23-03, AN APPLICATION BY FRANK BAYNHAM OF REDD & ASSOCIATES REQUESTING A VARIANCE FROM SECTION 26-93 (4) (H) TO ELIMINATE THE REQUIRED 8-FOOT HIGH MASONRY WALL ALONG THE NORTH, SOUTH, AND WEST PROPERTY LINES, FOR A PROPERTY LOCATED AT 600 BUSINESS PARKWAY.**

**Issue:**

The Applicant is requesting a Variance from Section 26-93(4)(h) to allow for the elimination of the required 8-foot high masonry wall along the north, south, and west property lines, for a property located at 600 Business Parkway. Village Code Section 26-93(4)(h) requires that any developed parcel zoned Industrial General (IG), which is adjacent to property zoned Residential, shall, as a Condition of Approval of a Site Plan Modification and/or Special Exception, install an 8-foot high masonry wall per Village standards along the property line. Please refer to **Attachment A** for the areas affected by this variance request.

The Applicant contends: “Due to the nature of the existing/proposed use, and the fact that this use has been in business for almost 40-years without a wall, a zoning variance (V-1 below) has been requested to eliminate the required wall.”

Village Code Sec. 26-32 (f) (6) allows the Village Council to grant variances to the code when:

- Special conditions and circumstances exist which are not applicable to other lands in the same zoning district;
- Special conditions do not result from the actions of the Applicant;
- Granting the variance will not confer on the Applicant special privileges that are denied to other lands in the same zoning district;
- The literal interpretation of the Code would deprive the Applicant the rights enjoyed by other lands in the same zoning district;

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- The variance requested is the minimum variance that will make possible the reasonable use of the property;
- The variance will be in harmony with the general intent and purpose of the Zoning Code; and
- Such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Village Staff is not in support of this variance because Staff believes that no special conditions or circumstances exist which are not applicable to other lands; granting of the variance will confer on the applicant special privileges that are denied to other lands; the literal interpretation of the Code does not deprive the applicant the rights enjoyed by other lands in the same zoning district; and that it is not the minimum variance necessary to allow reasonable use of the property.

The Planning and Zoning Commission considered the application on June 27, 2023 and recommended Approval by a vote of 4-0.

**Recommended Action:**

Staff is recommending Denial of Application No. 23-042 (VAR) and Variance Order VC-23-03.

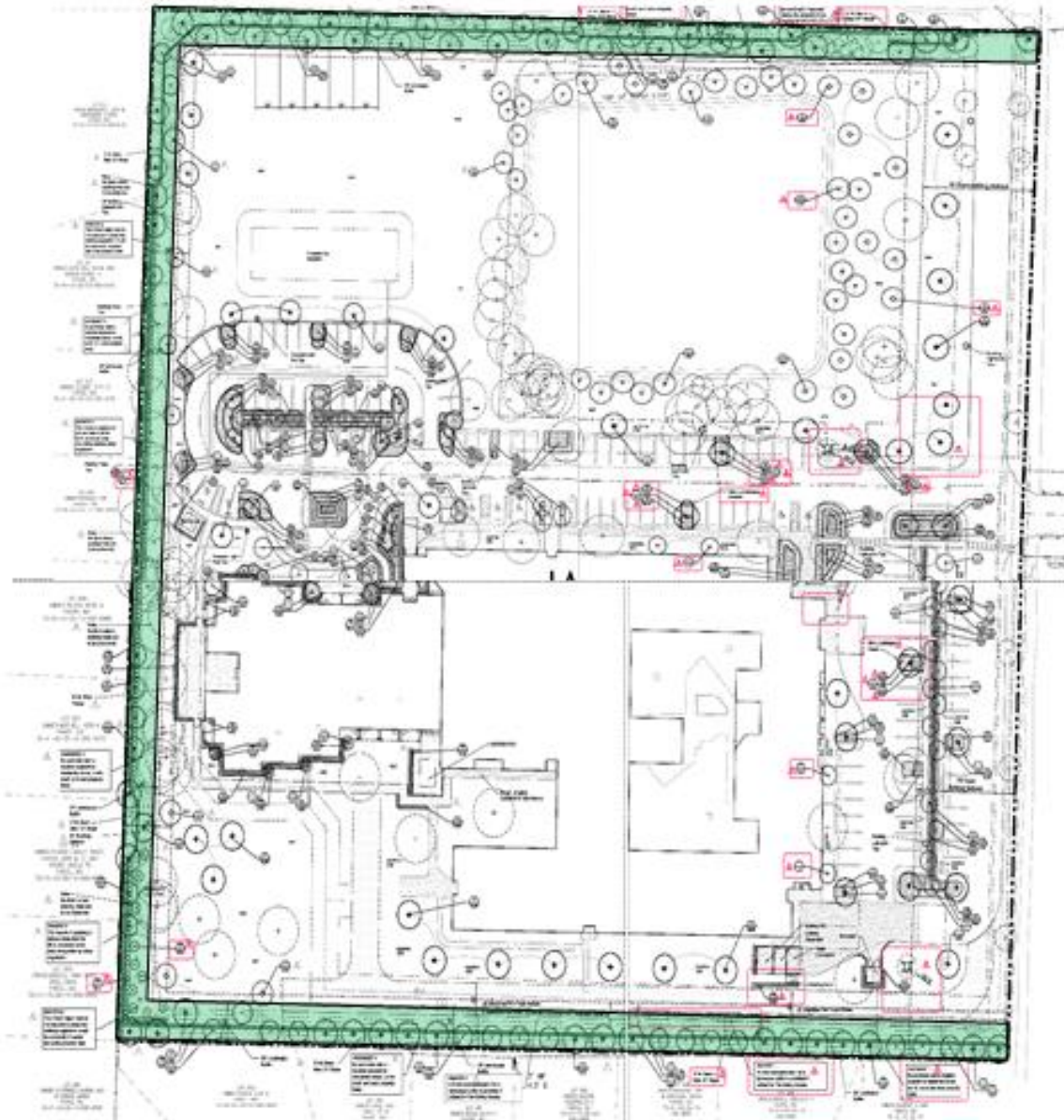
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**Attachment A  
Overall Site Plan  
Lakeside Landing  
Application No. 23-042 (VAR)  
Variance Order VC-23-03**

Directly below and highlighted in green is an illustration of the Landscape Plan showing the locations where the wall will be eliminated.



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**ORDER OF THE VILLAGE COUNCIL  
VILLAGE OF ROYAL PALM BEACH  
Chapter 26. Zoning**

**CASE NO. VC-23-03**  
**IN RE: Application No. 23-042(VAR)**  
**RPB Health & Rehab @ 600 Business Parkway**

**Legal Description:**  
Attached as Exhibit "A"

**ORDER APPROVING APPLICATION**

This cause came to be heard upon the above application and the Royal Palm Beach Village Council having considered the evidence presented by the applicant and other interested persons at a hearing called and properly noticed, and the Royal Palm Beach Village Council being otherwise advised.

**THEREUPON**, the Village Council of the Village of Royal Palm Beach finds as follows:

1. The property which is the subject of said application is classified and zoned within the Industrial General (IG) District by the Zoning Code of the Village of Royal Palm Beach and the zoning map made a part thereof by reference.
2. The applicant is seeking a **Variance** from Royal Palm Beach Code of Ordinances at the following section: 26-93(4)(h) to allow for the elimination of the required 8-foot high masonry wall along the north, south, and west property lines.
3. Under the provisions of Sec. 26-32(f)(6) of the Village Code of Ordinances, the Village Council has the right, power and authority to act upon the application herein made.
4. In the judgment of the Village Council, the public welfare will best be served by **APPROVING** the application as set forth on the application attached hereto as Exhibit B.
5. **IT IS THEREUPON CONSIDERED, ORDERED AND ADJUDGED** by the Royal Palm Beach Village Council as follows:

6. The application for **Variance, VC-23-03**, with reference to the above-referenced property in the Village of Royal Palm Beach, Florida to permit a variance to Section 26-93(4)(h) to allow for the elimination of the required 8-foot high masonry wall along the north, south, and west property lines, is hereby **Approved** in accordance with the Village Code of Ordinances for the following reasons:

**The applicant meets the following standards set forth in Section 26-32 (f)**

**(6). of the Village Code of Ordinances:**

1. Special conditions and circumstances exist;
2. Special circumstances are not the result of actions of the applicant;
3. No special privilege is conferred;
4. Literal interpretation would constitute an unnecessary and undue hardship;
5. This is minimum variance for reasonable use of land;
6. Is in harmony with the intent and purpose of this division; and:
7. Will not be injurious to area or detrimental to the public welfare.

**Done and ordered this 13th day of July, 2023.**

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Mayor Fred Pinto  
Village of Royal Palm Beach

Attest:

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Diane DiSanto, Village Clerk

**Exhibit A**  
**Legal Description**  
**Application No. 23-042(VAR)**  
**RPB Health & Rehab @ 600 Business Parkway**

Directly Below is the Legal Description:

PARCEL A:

THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 41 EAST, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 43 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 25; THENCE SOUTH 02°02'31" WEST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 677.56 FEET; THENCE NORTH 88°55'39" WEST, ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 658.92 FEET; THENCE NORTH 02°07'11" EAST, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 678.06 FEET; THENCE SOUTH 88°53'05" EAST ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 25, A DISTANCE OF 657.99 FEET TO THE POINT OF BEGINNING.

AND

PARCEL B:

NON-EXCLUSIVE RIGHTS OF INGRESS, EGRESS AND REGRESS TO VEHICLES AND PEDESTRIAN OVER AND ACROSS THAT CERTAIN PRIVATE ROAD KNOWN AS BUSINESS PARK WAY, AS SHOWN ON THE PLAT OF ROYAL PALM BEACH BUSINESS PARK, AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 52, PAGE 71, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA FOR THE BENEFIT OF PARCEL A, BY VIRTUE OF THE GRANT OF EASEMENT RECORDED IN OFFICIAL RECORD BOOK 4816, PAGE 1656, AS AFFECTED BY THE JOINDER AND CONSENT RECORDED IN OFFICIAL RECORD BOOK 5275, PAGE 979, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

THOSE EASEMENT FOR THE BENEFIT OF THE SUBJECT PROPERTY CONTAINED IN THE GRANT OF EASEMENT FOR INSTALLATION, MAINTENANCE, REPAIR AND USE OF ACCESS ROAD BRIDGE BY AND BETWEEN VILLAGE OF ROYAL PALM BEACH AND JORDEN HOLDINGS IV LLC DATED APRIL 15, 1999, RECORDED MAY 7, 1999 IN OFFICIAL RECORD BOOK 11095, PAGE 400, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.