



## Agenda Item Summary

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**File ID:** 21-0748

**DPQJ-1**

**Meeting Date:** 6/8/2021

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**PLACEMENT:** Departmental - Quasi-Judicial

**TITLE:**

**REQUEST FOR A VARIANCE TO ALLOW THE ISSUANCE OF A BUILDING PERMIT ON A LEGAL LOT OF RECORD THAT DOES NOT FRONT ON AN OPEN ROAD BUT HAS ACCESS VIA AN EASEMENT**

**EXECUTIVE SUMMARY:**

Pursuant to Section 4.843.K.1.c, Land Development Regulations, this is a request from Island Party Rentals of South Florida, Inc. for a variance to allow the issuance of a building permit on a legal lot of record that does not front on an open road, but has access to an open road established by a recorded easement no more than ¼ mile (1,320 feet) long.

**DEPARTMENT:** Public Works

**PREPARED BY:** **Name:** Thomas Walker, Jr., PSM  
**Title:** County Surveyor

**REQUESTED BY:** Island Party Rentals of South Florida, Inc.

**PRESET:**

**PROCEDURES:** Quasi-Judicial

**BACKGROUND/RELATED STRATEGIC GOAL:**

Pursuant to Section 4.843.K.1.c, Land Development Regulations, Island Party Rentals of South Florida, Inc., has requested that the Board of County Commissioners grant a variance to allow the issuance of a building permit on a legal lot of record that does not front on an open road. The parcel does have access to an open road established by a recorded easement no more than ¼ mile (1,320 feet) long. The parcel is described in Exhibit "A" as the East one-half of Tract 13, Section 34, Township 38 South, Range 40 East, according to the Plat thereof of PALM CITY FARMS, as recorded in Plat Book 6, Page 42, of the Public Records of Palm Beach (no Martin) County, Florida. The only existing structure on the subject parcel is an open pole bar that did not require a building permit.

According to Section 4.843.K.1.c, Land Development Regulations, the Board of County Commissioners may grant a variance that allows a building permit on a lot not fronting an open road provided that the Board determines the following:

1. It is a legal lot of record; and
2. The lot has legal access to an open road that is:
  - a) Reasonable and practical; and

- b) In general conformity to the style and character of the neighborhood; and
  - c) Established by recorded easement no more than ¼ mile (1,320 feet) long; and
3. The variance does not create an undue burden on the County's provision of public safety or public services.

Staff's analysis of the required determinations follows:

1. The subject lot is a legal lot of record originally split in April 2000 in accordance with section 4.911.C.1., Land Development Regulations. The parent Tract 13 was established pursuant to the plat of Palm City Farms recorded in 1916.
2. The lot has reasonable and practical access to an open road in conformity with the character of the surrounding neighborhood that does not exceed ¼ mile (1,320 feet) in length. Access to the lot is established by an easement recorded in Official Records Book 2892, Page 1553, Public Records of Martin County, Florida.
3. The continued use of the existing driveway by the applicant would not place undue burden on the County's provision of public safety or services.

The Board of County Commissioners has asked to be advised as to whether a parcel associated with a variance request is within the Urban Service District boundary and if the parcel is located within Pal Mar or the Palm Beach Heights subdivisions. The subject parcel is not within the Primary Urban Service District nor is it near Pal Mar or the Palm Beach Heights subdivisions.

#### **ISSUES:**

None

#### **LEGAL SUFFICIENCY REVIEW:**

Because this request involves the application of a policy specific application and site, it is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings, parties are entitled - as a matter of due process - to cross examine witnesses, present evidence, demand that witnesses testify under oath, and demand a decision that is based on a correct application of the law and competent substantial evidence in the record.

#### **RECOMMENDED ACTION:**

##### **RECOMMENDATION**

1. Move that the Board receive and file this Agenda Item Summary and all of its attachments for the record as Exhibit 1.
2. Move that the Board adopt the Resolution to grant a variance that allows the issuance of building permits on the property described in Exhibit A, subject to a demonstration of compliance with all other applicable criteria.

##### **ALTERNATIVE RECOMMENDATIONS**

Direct the staff accordingly.

#### **FISCAL IMPACT:**

##### **RECOMMENDATION**

None

## ALTERNATIVE RECOMMENDATIONS

None

## DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment   ☐ Chair Letter   ☐ Contract / Agreement  
☐ Grant / Application   ☐ Notice   ☐ Ordinance   ☒ Resolution  
☐ Other:

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