

**Variance – Blue Cypress Tract B** **STAFF REPORT**

**Petition Number(s)/Types:** 2026-0001 VAR

**Resolution(s):** PZAB R2026-01

**Owner:** T&R Blue Cypress IV LLC  
 2945 Blue Cypress Circle  
 Wellington, FL 33414

**Agent:** Zach Ciciera  
 Cotleur & Hearing  
 1934 Commerce Lane, Suite 1  
 Jupiter, FL 33458

**Site Address:** Blue Cypress Circle

**PCN(s):** 73-41-44-18-01-019-0010 - 0014

**Future Land Use Designation:**  
 Residential E (5.01 du/ac – 8.0 du/ac)

**Zoning Designation:**  
 Planned Unit Development (PUD)

**Acreage:** 4.83 acres

**Request:** Zach Ciciera, agent, on behalf of T & R, owners, is seeking a variance to reduce the width of the landscape buffer on the east property lines within Lots 12 – 14 of Tract B of Blue Cypress to accommodate swimming pools.

**Project Manager:**  
 Kelly Ferraiolo, Senior Planner  
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**Location Map:**



Adjacent Property	FLUM	Zoning
North	Residential E	PUD
South	Residential B	Equestrian Overlay Zoning District (EOZD)
East	Commercial Recreation	EOZD/PUD
West	Residential E	PUD

**Boards and Council:**

	Notice Date	Meeting Date	Vote
PZAB	3/3/2026	3/18/2026	Pending

**Site History and Current Request:**

The subject property is located within the Tract B of Blue Cypress of Palm Beach Polo and Country Club, a private residential community. Blue Cypress is one of the last vacant subdivisions within Palm Beach Polo and is made up of multiple tracts. Tracts B and G-1 are the last developable tracts. In 2000, a site plan was approved for 10 lots within the 28.25-acre Blue Cypress project. A

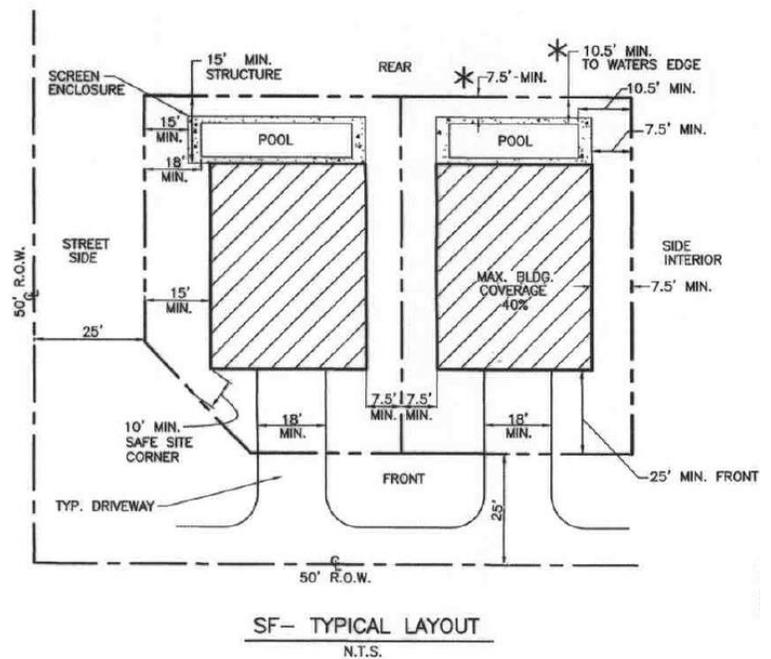
**PLANNING, ZONING AND ADJUSTMENT BOARD**

Planning and Zoning Division

March 18, 2026



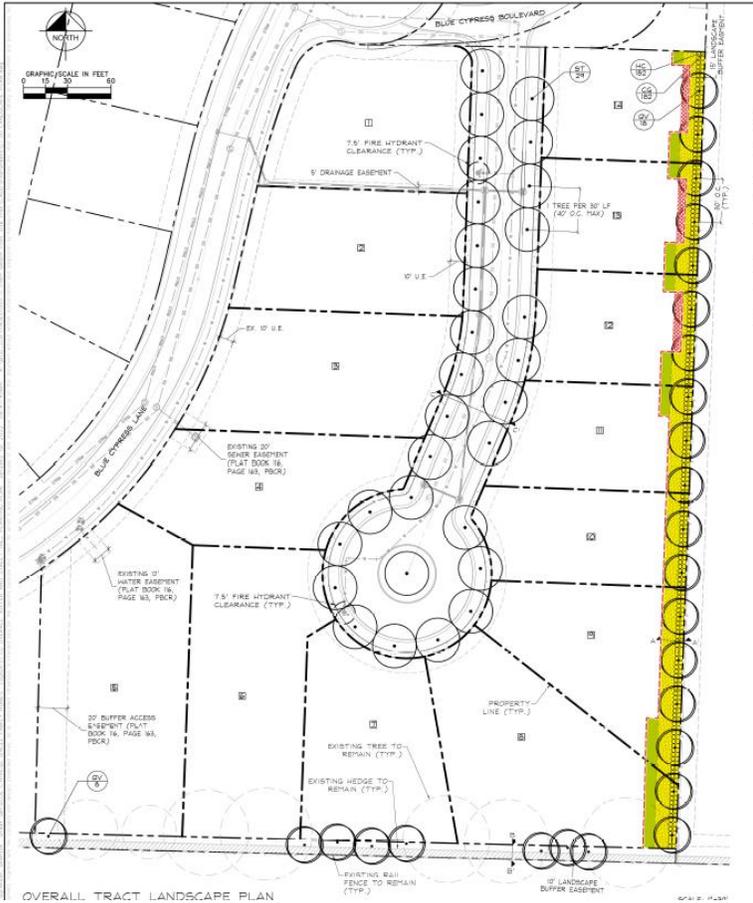
15-foot landscape buffer easement was included in the site plan and plat on the eastern boundary of Tract B. After litigation with the neighbor to the east, modifications to the site plan for the overall subdivision were made and the 10 large lots were then replatted to 67 single-family lots with Tract B and Tract G-1 reserved for future residential development. In 2022, a site plan for Tract B was approved, which subdivided the 4.83-acre tract into 14 single-family lots. The 15-foot-wide Type B landscape buffer along the eastern boundary was required to be installed prior to closing of the Land Development Permit. Setbacks on the site plan are clearly indicated for all properties within Blue Cypress since the approval of the first site plan, dating back to 2000.



The developer purchased all 14 lots after Tract B was subdivided and the site plan approved. In 2024, the developer applied for permits to construct single-family residences over 5,000 SF in size on Lots 13 and 14. Building permits for pools were later applied for on these lots once the shell of the single-family structures was near completion, but were returned for corrections as the pools did not meet minimum rear setbacks and were located within the dedicated landscape easement. In response, the developer provided a recorded Encroachment Agreement between the Blue Cypress HOA and the property owner of Lots 13 and 14 to encroach on the Buffer Easement in order to construct pools, decks, landscaping, and related facilities on the lots. The 15-foot buffer easement is dedicated to the Blue Cypress HOA for the construction, operation, and maintenance of drainage facilities. Therefore, the easement is dedicated as both a Landscape Buffer on the site plan and for drainage purposes on the recorded plat. Various sections in the LDR prohibit permanent structures encroaching easements, including:

- Section 6.2.3.I states that pools shall not encroach any utility, drainage, or lake maintenance easement.

- Section 6.3.1 states that if there is any conflict between a setback and any type of easement, the structure may not encroach the easement.
- Section 8.7.3.A prohibits construction or placement of structures adjacent to or over drainage easements



The applicant is requesting a variance from Table 7.8-1 Landscape Buffer Application as the property is required to have a Type B landscape buffer when adjacent to a Commercial Recreation property. A Type B Landscape Buffer shall be a minimum of 15 feet in width and contain one (1) shade tree per 30 linear feet, a continuous hedge, and 10 shrubs per 30 linear feet. Section 7.8.5.C.6 of Wellington’s LDR allows for a landscape buffer width reduction of up to 25% when the property is adjacent to a canal, lake, and or passive open space. This does not apply to this property as the adjacent property, although an open field, is not considered open space per the definition listed in Article 3 of the LDR. The applicant is requesting a width reduction to 7.5 feet only within Lots 12–14, resulting in a 674-square-foot reduction. To make up for the square footage loss, the applicant is proposing to increase the width of the landscape buffer to 20 feet in some areas as shown in the image below, for a total of an additional 1,635 square feet of buffer area. With the increase of width throughout the landscape buffer in Tract B,

there will be no net loss of buffer square footage and no loss in landscape quantity.

**Summary:**

A Variance is a deviation from bulk regulations of the Land Development Regulations (LDR) to allow the development of a property where such variance will not negatively impact public interest, would allow the property owner to develop the property in the same manner as other similar properties, and where existing conditions peculiar to the property are not the result of the actions of the applicant, and literal enforcement of the regulations would result in an undue hardship to the property owner. The decision-making body must be able to look at the request comprehensively and determine if the relevant and applicable criteria have been met.

To approve any variance, the Planning, Zoning and Adjustment Board is tasked with reviewing the request and determining if the request complies with the standards listed below:

- 1. That special conditions and circumstances exist that are peculiar to the land, building, or structure involved and that are not applicable to other lands, structures,***

***or buildings in the same district.***

Blue Cypress of Palm Beach Polo is made up of various tracts, including three (3) single-family tracts – the main Blue Cypress tract has 67 units, Tract B has 14 units, and Tract G-1 has 6 units. The eastern portion of Tract B has the only lots within Blue Cypress, and possibly the entire Palm Beach Polo, that have the landscape buffers within the boundary of the lot and not as a separate tract. So, although the lots are similar in size to others within Blue Cypress, the depth is reduced by 15 feet due to the buffer. As previously mentioned, no structures can encroach into buffers or easements. In addition, every property within the main Blue Cypress tract abuts open space areas of either a preserve or canal, which allows for reduced rear setbacks for both the single-family residence and pool. Lots 9 - 14, which have the landscape buffer easement within the lots, do not have the open space reduction afforded to them.

***2. That special conditions and circumstances do not result from the actions of the applicant.***

The special conditions and circumstances do result from the actions of the applicant. A landscape buffer exists on the eastern boundary of Tract B as required by Table 7.8-1 and has been in place since the original plat in 2000. The property was subdivided under the previous owner, and the setbacks have not changed since the subdivision. The applicant built the structures on the property and did not account for the landscape buffer in the rear when designing the layout. Lots 12 – 14 are approximately 8,200 square feet, which is a typical lot size in Wellington. If designed appropriately, a single-family residence and pool would have fit within the confines of the lot without encroaching on the landscape buffer.

***3. That granting the variance request will not confer on the applicant any special privilege that is denied by the Comprehensive Plan and Zoning Code to other lands, buildings, or structures in the same zoning district.***

The granting of this variance does not confer upon the applicant a special privilege, as they are only requesting a reduction in the width of the landscape buffer in the areas where the proposed pools will be located within each lot. The LDR does allow for an administrative reduction of 25% of the width of a landscape buffer if a property is adjacent to open space. The LDR definition of open space means an area set aside and restricted to open space uses, including a park, preserve, recreation space, square, plaza, courtyard, etc. The property abuts a property with a Commercial Recreation land use and is a private farm with an open riding field. Unfortunately, this does not meet the definition of open space; therefore, an administrative reduction is not afforded to this property. Administrative reductions and other variances for landscape buffer widths have been granted to other projects throughout Wellington.

***4. That literal interpretation and enforcement of the provisions of the LDR would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the LDR and would create an unnecessary and undue hardship.***

The interpretation of the code and the requirement for the 15-foot-wide landscape buffer

would not allow the construction of a pool within Lots 12 – 14 and would deprive the applicant of the rights commonly enjoyed by other properties within Blue Cypress and Palm Beach Polo. Blue Cypress does not have a community pool for residents to enjoy. Every property within Blue Cypress has a pool. Approval of the request to reduce the width of the buffer only within the affected lots would allow the property owner to construct pools on the properties like all the other lots within the subdivision.

**5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.**

The owner is requesting a reduction in the width of the landscape buffer only where the proposed pools will be installed within Lots 12 – 14, which are the smallest lots within Tract B. As previously mentioned, the applicant is proposing to increase the width of the buffer in various areas to 20 feet, resulting in an additional 961 square feet of buffer area. As a result, there will be no net loss in the square footage of the buffer within Tract B. The applicant is not requesting a reduction in the quantity of plantings within the buffer.

**6. That the granting of the variance is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and the LDR.**

Various policies within the Comprehensive Plan require landscape buffers where differences in density and intensities exist and for new housing developments. The applicant is not requesting to eliminate the landscape buffer and, therefore, is consistent with the Comprehensive Plan. The LDR provides widths and quantities of landscaping within the buffer, which is the subject of this request, and the variance application complies with Article 5 related to the variance process.

**7. That the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

Granting of the variance will not be injurious to the area involved or detrimental to the public welfare, as the Commercial Recreation property to the east has a thick mature tree line along the entire property boundary. In addition, the quantity of landscaping within the buffer will not be affected.

**FINDINGS OF FACT**

Based on the findings contained within this staff report and consistency with both Wellington’s Comprehensive Plan and the variance criteria of the Land Development Regulations, the following conditions of approval are recommended if PZAB approves the request:

1. The landscape buffer is reduced to 7.5 feet within Lots 12 – 14 in the areas depicted in Exhibit B of Resolution PZAB2026-01. A Minor Site Plan Amendment to the Blue Cypress site plan and a replat to the Blue Cypress of Palm Beach Polo and Country Club Plat will be required for the adjusted landscape buffer consistent with Exhibit D before the issuance of a building permit for the pool.



2. Granting of the variance does not allow a reduced quantity of landscape material required within the landscape buffer.

**Exhibits:**

Exhibit A	Blue Cypress Site Plan
Exhibit B	Approved Landscape Plan
Exhibit C	Blue Cypress Plat
Exhibit D	Proposed Easement Relocation
Exhibit E	Lot 14 Layout
Exhibit F	Justification Statement
Exhibit G	Encroachment Agreement