

Variance - 2420 Greenbriar Boulevard

STAFF REPORT

Petition Number(s)/Types: 2022-0001 VAR

Resolution(s): PZAB R2022-01

Owner: Mark and Patricia Holloway
 2420 Greenbriar Boulevard
 Wellington, FL 33414

Agent: David Milledge
 Cotleur & Hearing
 1934 Commerce Lane
 Jupiter, FL 33458

Site Address: 2420 Greenbriar Boulevard

PCN(s): 73-41-44-18-01-019-0100

Future Land Use Designation:
 Residential B (0.1 du/ac – 1.0 du/ac)

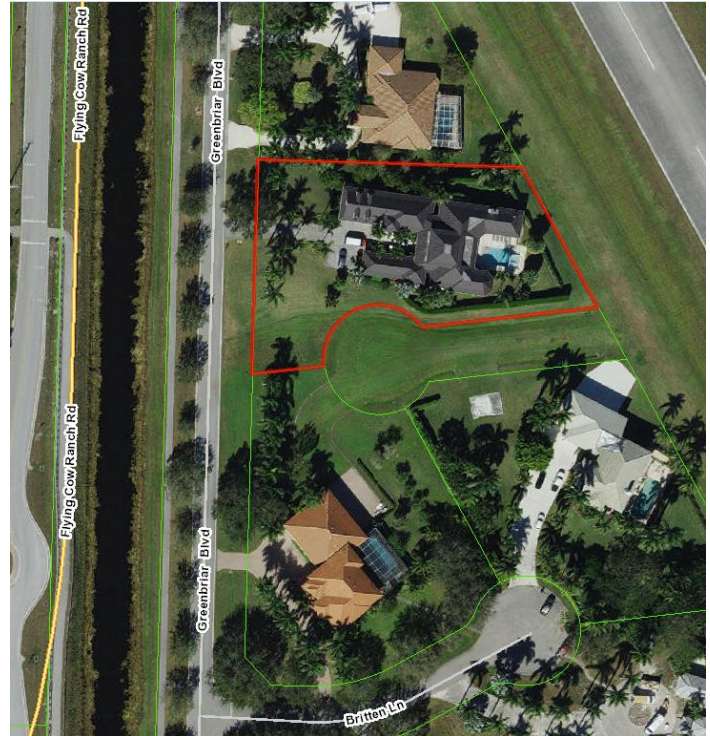
Zoning Designation:
 Planned Unit Development (PUD)

Acreage: 0.97

Request: David Milledge, agent, on behalf of Mark and Patricia Holloway, owners, is seeking a variance to reduce the front setback from 50 feet to 20 feet and side setback from 15 feet to 10 feet to accommodate an airplane hangar for the property located at 2420 Greenbriar Boulevard within the Aero Club subdivision.

Project Manager:
 Kelly Ferraiolo, Senior Planner
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 (561) 753-5268

Location Map:



Adjacent Property	FLUM	Zoning
North	Residential B	PUD
South	Residential B	PUD
East	Residential B	PUD
West	Canal/Stormwater Treatment Area (STA)	

Boards and Council:

	Notice Date	Meeting Date	Vote
PZAB	8/2/2022	8/17/2022	Pending

Site History and Current Request:

The subject property is located within the Aero Club Subdivision, a private aeronautical community. The owner purchased the property in January 2014 and constructed a single family residence and pool in 2015 (Exhibit A – Survey).

The Aero Club subdivision consists of 248 single family lots. Aero Club has a 4,000 linear foot runway (Runway 16) with various taxi-ways that reach most of the properties to allow for residents to have their own private hangars and easy access to the runway. The property is located to the

PLANNING, ZONING AND ADJUSTMENT BOARD

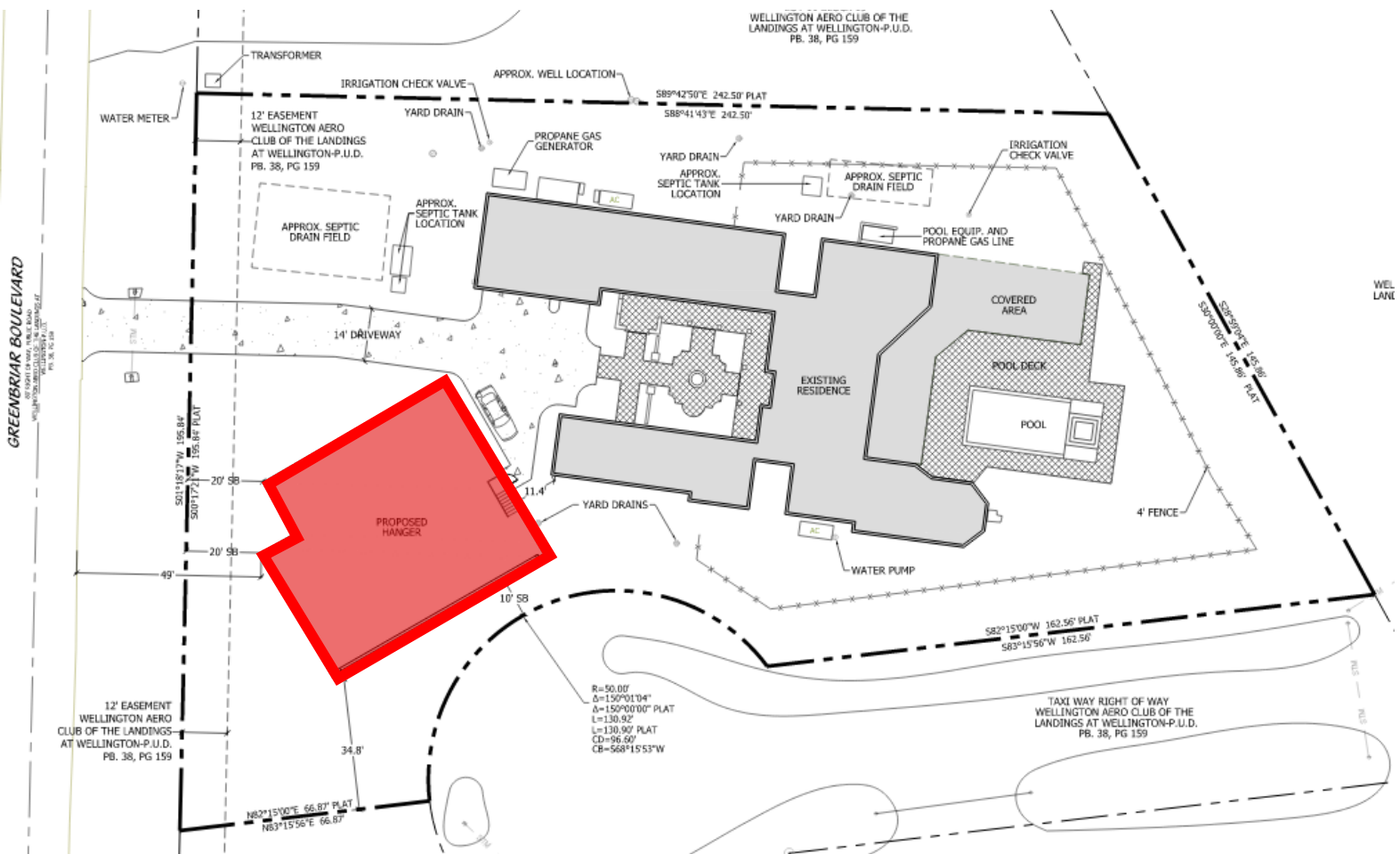
Planning and Zoning Division

August 17, 2022



west of the beginning of Runway 16, which has a northwest-to-southeast alignment north of the taxi-way.

In 1998, Council approved Ordinance No. 98-10 that, among other things, increased the required side setbacks in the Wellington Aero Club from 7.5 feet to 25 feet. The newly adopted interior setback was proved to be a hardship for numerous lots to comply with and had rendered other lots as non-conforming with respect to the newly adopted setbacks. In 1999, Council approved Ordinance No. 99-04 that adopted new setbacks that were consistent with the Aero Club Property Owners Association regulations. The side setback for hangars was reduced to 15 feet, the side setback for residential structures was reduced to 20 feet, and the front setback remained at 50 feet.



It is important to note that when improvements were made to pave and lengthen the runway, to allow jets to take off and land on the runway, the size of a typical hangar increased to accommodate such plane type.

The applicant is requesting a variance from Table 6.3-1 and Ordinance No. 99-04 from the front and side setbacks for the construction of a 3,450 square foot airplane hangar shown in red above and in Exhibit B – Proposed Site and Floor Plans. The variance request is shown below in the



Variance Chart:

VARIANCE CHART					
	LDR CODE SECTION	TYPE	REQUIRED	PROVIDED	VARIANCE
V1	Table 6.3-1	AR (PUD) Front Setback	50'	20'	-30'
V2	Table 6.3-1	AR (PUD) Side Setback*	15'	10'	-5'

**Side Interior Setback non-parallel taxiway*

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 a literal enforcement of the regulations would result in an undue hardship to the property owner. .

In order 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.

Complies. The property has a unique shape with a cul-de-sac style taxi-way adjacent to the property creating a circular shape to the southern property line impacting the side setback. If the cul-de-sac was not adjacent to the property, it is likely that a variance would not be required as it reduces the buildable area of the lot as shown in Exhibit C.

The property orientation places the proposed hanger in a location that does not face any other structures or residences, but faces the C-1 Canal, Flying Cow Ranch Road and the Stormwater Treatment Area (STA) to the west of Greenbriar Boulevard. The property is also setback approximately 30 feet from Greenbriar Boulevard, which would make the proposed hangar 50 feet from the edge of pavement. Only three (3) properties (2400 and 2420 Greenbriar Boulevard and 15925 Britten Lane) within Aero Club are uniquely situated facing the STA where no structure or building will ever be built. If the variance is granted, any precedence would be minimal considering there are only a few lots with similar characteristics. The two (2) other lots that might be effected currently have hangars on the property. As mentioned in the staff report below, 2400 Greenbriar was constructed with a front setback of 25 feet and is a legal non-conforming structure. 15925 Britten Lane is constructed on a corner lot with Greenbriar Boulevard as the side corner with a setback of 25 feet.

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

Does Not Comply. Aero Club’s runway was paved in 2012 to allow for the landing of jet-type aircrafts. Jets have a much larger wing span then piston engine type aircrafts. Most of



the hangars within Aero Club are not large enough to store the jet-type aircrafts, however, there has been an increase in requests for larger hangars or expansion of existing hangars.

The residence was constructed by the owner in 2015 after the runway was paved and after jets were allowed. The minimum setbacks for the residence is 50 feet from the front and 20 feet from the side. The residence was designed to be setback approximately 75 feet from the front setback and 25 – 38 feet from the side setback. Being that the accessory use of a hangar was allowed within the Aero Club subdivision prior to construction and setbacks have not changed since construction, the property should have been designed to accommodate a future hangar if this owner or a future owner would ever seek to construct one. The lot can accommodate a smaller hangar for a smaller plane, but not a large hangar for a jet, A larger hangar could have been accommodated at the time of site design by the applicant who is the original property owner.

2. 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.

Does Not Comply. The granting of this variance does confer upon the applicant a special privilege as no other property within Aero Club has received a variance for a hangar. The applicant has provided examples of properties within Aero Club that supposedly have structures that don't meet the required setbacks by the code. No other variances within Aero Club have been granted for reduced setbacks. There are structures within Aero Club that were legally permitted prior to incorporation that have lesser setbacks than what is required today. These structures are considered legal non-conforming structures and if they were to be rebuilt, they would have to meet the setbacks that were in place today and the adoption of the setbacks specifically adopted for Aero Club in 1999.

The hangar located directly north of the subject property (2400 Greenbriar Boulevard) has a hangar that has a front setback of 25 feet. It was originally constructed in 1996, which was prior to adoption of the setback regulations for Aero Club in 1999 and prior to Wellington's incorporation. The structure is a legal non-conforming structure. Per Section 1.3.3.A.2, a non-conforming structure shall not be enlarged or expanded. The hangar was expanded in 2020 and was approved erroneously at the reduced setback and should not be a justification of allowing other variances or non-conforming structures throughout the community.

3. 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.

Complies. The interpretation of the code and the requirement for the hangar to meet minimum setbacks for Aero Club would limit the size hangar that could be built on the property and deprive the applicant the rights commonly enjoyed by other properties. Part of the character of Aero Club is having a private hanger for personal aircrafts, including jets. Approval of the request to reduce the setbacks would allow the property owner to construct a larger hanger on the lot.

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



Does Not Comply. Staff has discussed constructing a smaller attached hangar that could be placed on the lot to accommodate a smaller plane that meets the setbacks without the need for a variance, with the applicant. However, the owner is requesting a variance to accommodate a large hangar that does not fit on the property because of the configuration of the lot and the existing residence.

Per Section 6.3.1.C.4 of the LDR, residential side interior and rear setbacks may be reduced by 30% for principal structures and 50% for accessory structures when 75% of the subject lot is adjacent to open space or water bodies greater than 50-feet wide. Unfortunately, the green space adjacent to the property is considered a Taxi-Way Right-of-Way of the Aero Club plat and cannot be considered for an open space reduction. Reduced setbacks were already accommodated for with the adoption of the Aero Club setbacks by Ordinance 99-04.

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

Does Not Comply. The granting of the variance would not be consistent with Policy LU&CD 2.1.1 of the Land Use & Community Design Element of the Comprehensive Plan as the variance would be reducing the setbacks that were put in place years ago for this specific neighborhood to preserve the distinct characteristics of the community which is larger lots that have structures with generous setback. The request also does not meet all variance requirements set forth in the LDR and the DRM as mentioned in this staff report.

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

Complies. Granting of the variance will not be injurious to the area involved or detrimental to the public welfare as the property faces a canal, two (2) roadways (Greenbriar Boulevard and Fly Cow Ranch Road), and the Stormwater Treatment Area.

Staff recommendation

Staff is tasked with reviewing the application based on the criteria for granting a Variance as set forth in the LDR and the Development Review Manual and to provide a recommendation to PZAB. Based on the findings contained within this staff report and consistency with both Wellington's Comprehensive Plan and variance criteria of the Land Development Regulations, staff recommends denial of Resolution No. PZAB R2022-01, a variance to reduce the front setback from 50 feet to 20 feet and side setback from 15 feet to 10 feet to accommodate an airplane hangar for the property located at 2420 Greenbriar Boulevard within the Aero Club subdivision.



Exhibits:

- Exhibit A Survey
- Exhibit B Proposed Site Plan and Floor Plan
- Exhibit C Buildable Area
- Exhibit D Proposed Architectural Drawings
- Exhibit E Justification Statement
- Exhibit F Legal Ad
- Exhibit G Public Comments
- Exhibit H HOA Approval