



Staff Report

File #: LN-711

ZONING BOARD OF APPEALS

Meeting Date: APRIL 17, 2025

VARIANCE - YPAN, LLC

Request:	Variance
P&Z#	25-11000005
Owner:	YPAN, LLC
Project Location:	1615 SE 1 ST
Folio Number:	494201050150
Land Use Designation:	ETOC (East Transit Oriented Corridor)
Zoning District:	TO-EOD (Transit Oriented East Overlay District)
Agent:	Yolanda Pandolfo
Project Planner:	Scott Reale

Summary:

The Applicant is requesting a Variance from Section 155.3210(C) of the Pompano Beach Zoning Code to allow an after-the-fact addition to a single-family dwelling to encroach 2.4 inches into the required 10-foot interior side yard setback. Although the property is in the Transit Oriented-East Overlay District (TO-EOD), it remains governed by the RM-20 zoning standards until the dwelling converts to a new principal use (§155.3709.B.2.a.iii).

The property is located on the north side of SE 1st Street, between SE 15th Avenue and SE 17th Avenue, in the Cypress Creek Estates subdivision, one block south of Atlantic Boulevard.

ZONING REGULATIONS

155.3210. MULTIPLE-FAMILY RESIDENCE 20 (RM-20)

- Interior side yard setback, minimum (ft): 10

155.3709. EAST OVERLAY DISTRICT (EOD)

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B. Applicability

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2. Existing Uses

- a. Permitted Auto-Oriented Uses

i. Notwithstanding the standards applicable in Transit Oriented (TO) District or in the EOD, the following auto-oriented/auto-centric uses and auto-oriented/auto-centric use categories shall be permitted in the EOD, provided they shall only be permitted at locations approved for such use prior to the date of the adoption of this ordinance:

(A) Section 155.4202.E: Dwelling, Single Family.

(B) Section 155.4202.G: Dwelling, Two-Family.

ii. The permitted auto-oriented uses shall be exempt from compliance with all TO and EOD Standards and can be redeveloped as the same principal use.

iii. Until such time that the permitted auto-oriented use converts to a new principal use, the permitted auto-oriented uses, including the structures and lots, shall be governed by the development standards for the previous zoning district, including but not limited to all applicable Application Specific Review Procedures in Article 2, Use Standards in Article 4, Development Standards in Article 5, Nonconformities Standards in Article 7, and Interpretation Standards in Article 9.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The subject property was first developed in the early 1950s as a single-family dwelling. At a later date, the previous owner constructed an addition without obtaining the required permits. This resulted in the opening of Code Violation Case 11-06000084 in 2011, which remains unresolved until the necessary permits for the addition are obtained.
2. Upon the current owner's attempt to secure an after-the-fact permit (BP #24-4759), it was discovered that the addition encroaches into the required 10-foot interior side yard setback by just over two inches.
3. While this encroachment is considered minimal (de minimis), it is still in violation of the setback requirement. Given that the addition was built without the necessary permits, it cannot be granted a permit without seeking a Variance to address the setback issue.
4. It is important to note that the original portion of the home is set back only 7.17 feet from the interior side lot line. However, this portion of house is legally nonconforming, having been approved and constructed with a valid building permit at the time. As such, the requested relief for the addition's encroachment is 2 feet 8 inches further away from the side lot line than the legally permitted setback of the original structure.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- TO-EOD | single-family dwelling

Surrounding Properties (Zoning District | Existing Use):

- North: TO-EOD | fortune teller / psychic
- South: RS-2 | single-family dwelling
- West: TO-EOD | single-family dwelling
- East: TO-EOD | single-family dwelling

VARIANCE REVIEW STANDARDS

A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- b) The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
- c) Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship;
- d) The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.
- e) The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;
- f) The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;
- g) The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and
- h) The Variance is consistent with the comprehensive plan.

Staff Conditions:

Should the Board determine that the applicant has provided competent, substantial evidence to meet the eight Variance review standards, staff recommends the following conditions be included as part of the Board's Order:


- 1. The applicant must obtain all required permits and approvals, including Building and Zoning Compliance permits.
- 2. Setback relief is granted solely for the as-built addition shown in the plans submitted with this application and BP #24-4759. No additional encroachments will be allowed.
- 3. The applicant must resolve and close out Code Violation Case 11-06000084.

CITY OF POMPANO BEACH

AERIAL MAP



Legend

-  Pompano Beach Parcels
-  Applicant Parcel

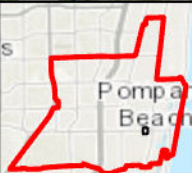
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YPAN LLC

1615 SE 1 Street

Variance

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