



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Staff Report

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**File #:** LN-33

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Zoning Board of Appeals

Meeting Date: November 19, 2020

### **VARIANCE - WILLIAM PENDEGAR**

**Request:** Variance  
**P&Z#** 20-11000009  
**Owner:** William Pendegar  
**Project Location:** 1900 N Riverside Drive  
**Folio Number:** 484329050420  
**Land Use Designation:** L- Low 1-5 DU/AC  
**Zoning District:** RS-2 (Single-Family Residence 2)  
**Agent:** William Pendegar  
**Project Planner:** Scott Reale, AICP

#### **Summary:**

Applicant Landowner is requesting a Variance from Section 155.4302(B)(2) [Prohibited Location of Accessory Uses and Structures], of the Pompano Beach Zoning Code, in order to allow a swimming pool to be setback 10' from the front lot line (N Riverside Drive) of an existing single-family corner lot, rather than setback a minimum 25' from the front lot line, and located in front of a principal structure rather than behind a principal structure as required by code.

The subject property is located at the northeast corner of N Riverside Drive and Dow Street.

#### **ZONING REGULATIONS**

##### **155.4302. GENERAL**

###### **B. General Standards for All Accessory Uses and Structures**

###### **2. Prohibited Location of Accessory Uses and Structures**

Unless otherwise provided for in Section 155.4403 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall not be located within the following:

- a. Any platted or recorded easement;
- b. Any required landscape easement or buffer;
- c. An area over any known utility;
- d. An area designated as a fire lane or emergency access route on an approved site plan;

- e. An area designated as a parking area on an approved site plan;
- f. A required yard setback;
- g. In front of the principal structure;
- h. Within 15 feet of a property line abutting a waterway or canal; and
- i. Within 25 feet of the historic dune vegetation line.

## LAND USE PATTERNS

Subject property (Zoning / Existing Use): RS-2 / single-family dwelling

Surrounding Properties (Zoning District / Existing Use):

- North: RS-2 | single-family dwelling
- South: RS-2 | single-family dwelling
- East: RS-2 | single-family dwelling
- West: RS-2 | single-family dwelling

The property was first developed in the 1950s. The principal dwelling's front façade is setback 34 feet from the front lot line which could limit expansion on other parts of the property. As a result of this configuration, there is virtually no room for a swimming pool in the rear yard. Aerial imagery shows at least three nearby homes with a swimming pool in the front yard.

## 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.

The following factors do not constitute sufficient grounds for approval of a Variance:

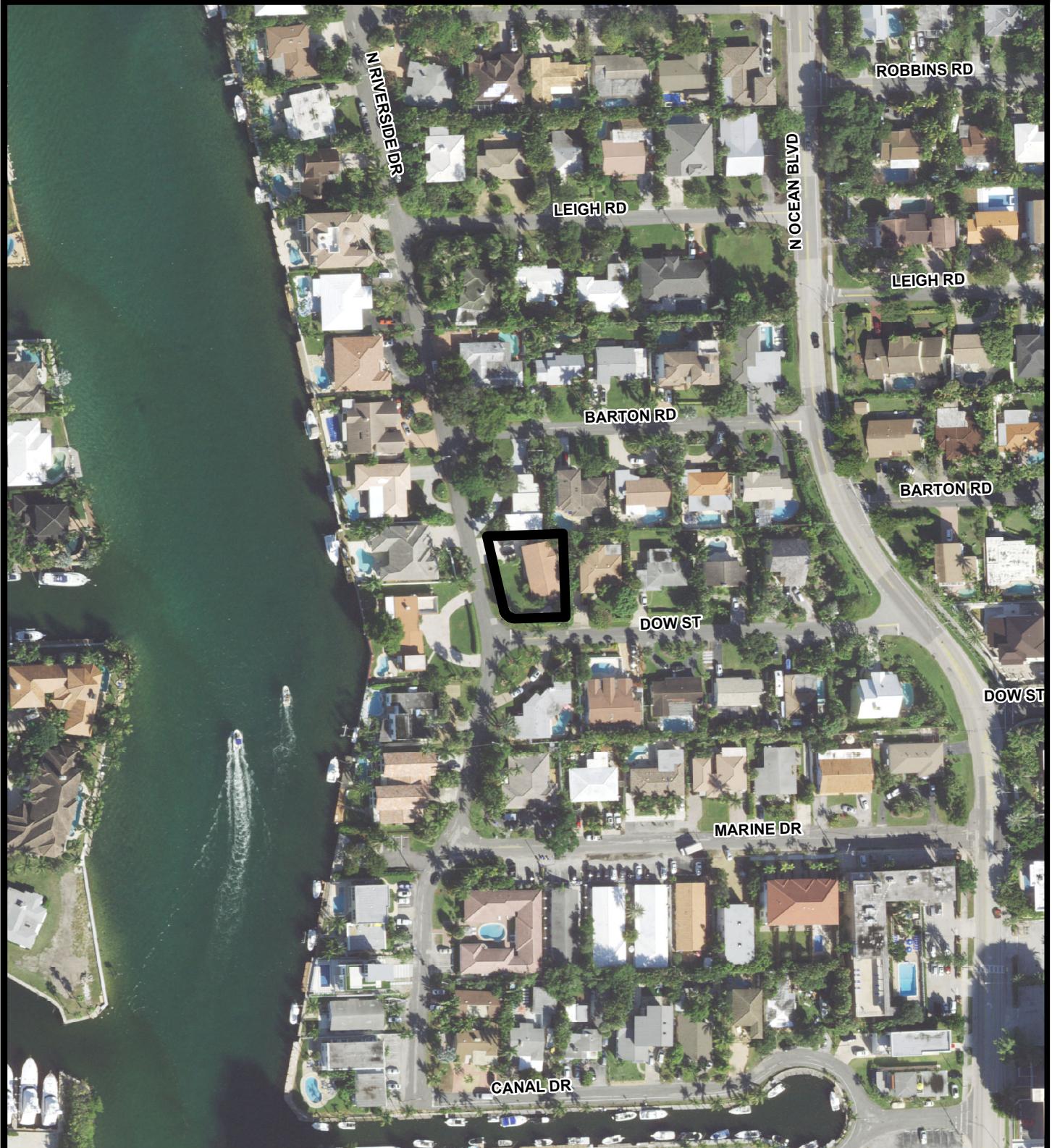
- a. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
- b. Hardships resulting from factors other than application of requirements of this Code;
- c. The fact that land or a structure may be utilized more profitably or be more marketable with a Variance; or
- d. The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts.

**Staff Conditions:**

Should the Board determine that the applicant has provided competent substantial evidence to satisfy the eight Variance review standards, staff recommends the Board include the following conditions as a part of the Order:

1. Obtain all necessary governmental permits and approvals including building and zoning compliance permits.
2. Substantial compliance to the plans submitted with this application.
3. Maintain an overall minimum 30% pervious area.
4. Protect, relocate, or mitigate for any trees impacted by pool.

# CITY OF POMPANO BEACH AERIAL MAP



1 in = 167 ft