

Staff Report

File #: LN-126

Zoning Board of Appeals
Meeting Date: May 20, 2021

VARIANCE - GRACE COLLURA

Request:	Variance
P&Z#	21-11000007
Owner:	Grace Collura
Project Location:	411 SE 28 th Avenue
Folio Number:	4943 06 19 0300
Land Use Designation:	L-Low 1-5 DU/AC
Zoning District:	RS-2 (Single Family Residence 2)
Agent:	M. Daniel Hughes
Project Planner:	Scott Reale

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 located in front of a principal structure and setback 10'-5" from the front lot line (SE 28th Avenue) of an existing single-family corner lot, rather than setback a minimum 25' from the front lot line as required by code.

The property is located on the northwest corner of SE 28th Avenue and SE 5th Court.

ZONING REGULATIONS

155.4302. GENERAL

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B. General Standards for All Accessory Uses and Structures

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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.

PROPERTY INFORMATION

1. The property has no open code cases.
2. The property has one fence permit currently in plan review (BP #21-1039).
3. Residential corner lots often pose development constraints, particularly for accessory structures such as a swimming pool. On a corner lot, the front lot line is the shorter of the lot lines abutting a street. Thus, in the case of the subject property, the required front yard is measured from SE 28th Avenue even though the street side essentially functions as the front of the property. Staff finds the swimming pool's proposed location to be viable and appropriate, and preferable to being located along SE 5th Court.

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

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:

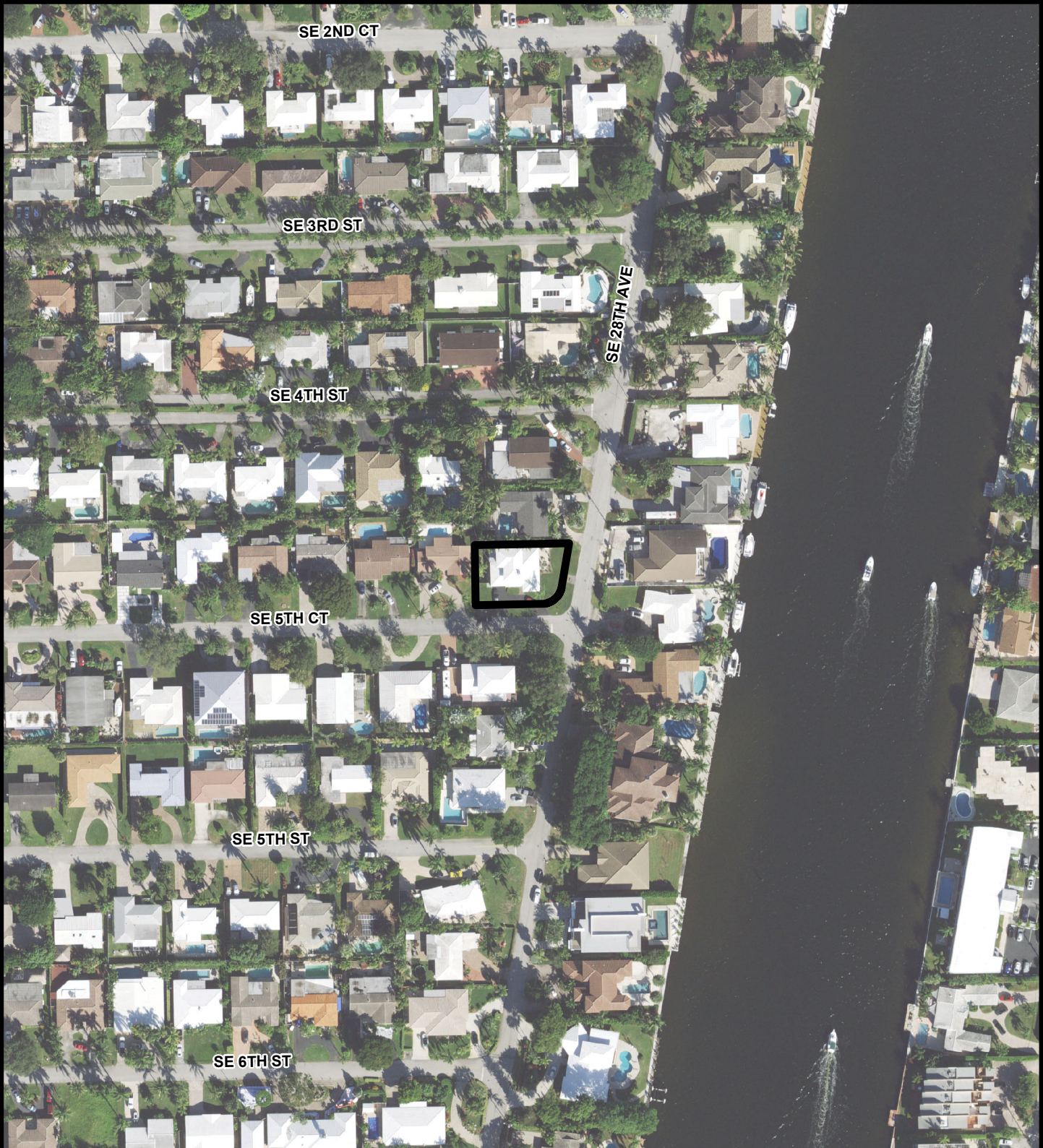
- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- 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 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

5/11/2021

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PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES