



Staff Report

File #: LN-876

ZONING BOARD OF APPEALS

Meeting Date: MAY 21, 2026

VARIANCE - JAMES GALLUCCI

Request: Variance
P&Z# 26-11000011
Owner: James Gallucci
Project Location: 825 NE 12 Ave
Folio Number: 484236040630
Land Use Designation: LM (Low-Medium 5-10 DU/AC)
Zoning District: RD-1 (Two-Family Residence)
Commission District: 3 (Alison Fournier)
Agent: James Gallucci
Project Planner: Scott Reale

Summary:

The Applicant Landowner requests a Variance from Section 155.3207(C) of the Pompano Beach Zoning Code, which establishes the intensity and dimensional standards for the RD-1 Zoning District. The Variance would allow for an addition to the existing duplex to encroach 2.17 feet into the required 8-foot interior side yard setback (north side), resulting in a setback of 5.83 feet from the interior side lot line.

The subject property is located on the west side of NE 12th Avenue between NE 8th Court and NE 9th Street in Old Pompano.

ZONING REGULATIONS

§155.3207. TWO-FAMILY RESIDENCE (RD-1)

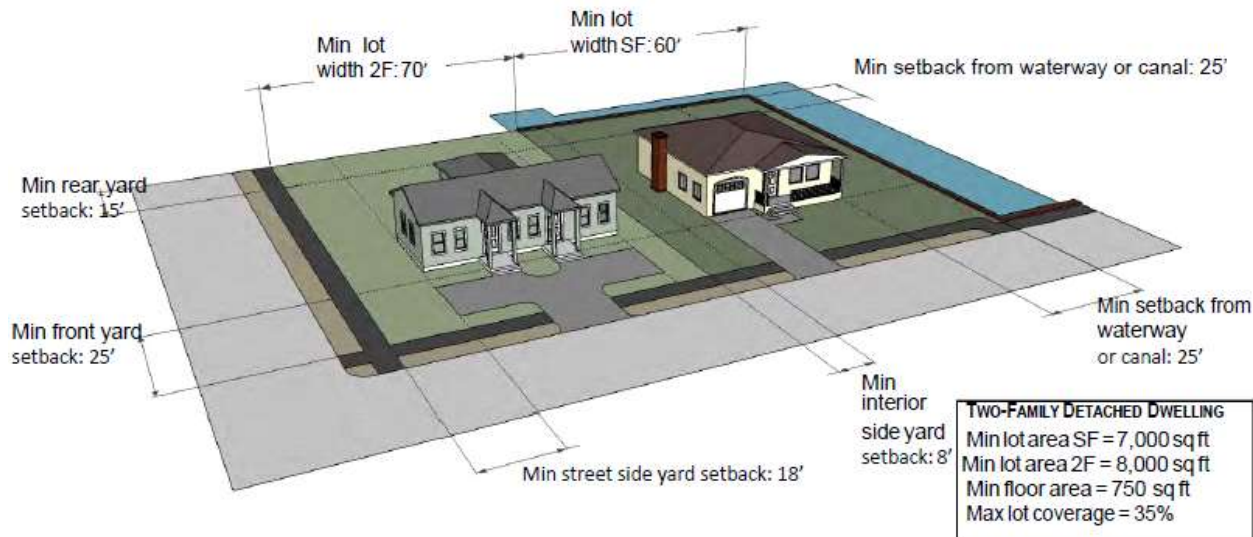
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C. Intensity and Dimensional Standards

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- Interior side yard setback, minimum: 8 feet

Typical RD-1 Development Configuration:



PROPERTY INFORMATION AND STAFF ANALYSIS

1. The subject property was developed as a duplex in 1959 under Building Permit No. 59-2200. The approved plot plan depicted a 6-foot interior side setback along the north property line. A more recent survey indicates an existing setback of 5.83 feet. The discrepancy between the approved setback and surveyed conditions appears to be attributable to construction tolerances and/or field conditions at the time of original construction.
2. The structure is considered legally nonconforming with respect to the required 8-foot interior side yard setback. An unpermitted laundry room addition was constructed on the north side of the structure, including support columns that further encroach into the required setback (Code Case #25-06000122). The applicant is seeking after-the-fact approval for this work and has submitted Building Permit Application BP #26-1384. Additionally, the applicant proposes construction of a bedroom addition to the smaller dwelling unit that would maintain the existing nonconforming 5.83-foot setback.
3. There are two additional active Code Compliance cases associated with the property (Code Case Nos. 25-09000575 and 25-21-06005010) relating to work performed without permits. These cases are not related to the requested Variance and are being addressed through separate Code Compliance processes.
4. Staff notes that several properties within the immediate vicinity exhibit similar reduced interior side yard setbacks of approximately 6 feet. The requested relief is de minimis in nature and consistent with the established development pattern in the area. The proposal does not increase nonconformity beyond existing conditions, and all other intensity and dimensional standards are met.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use): RD-1 | Duplex

Surrounding Properties (Zoning District | Existing Use):

- North: RD-1 | Duplex
- South: RS-2 | Single-family dwelling
- West: RD-1 | Duplex
- East: RD-1 and RS-2 | Duplex and 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:

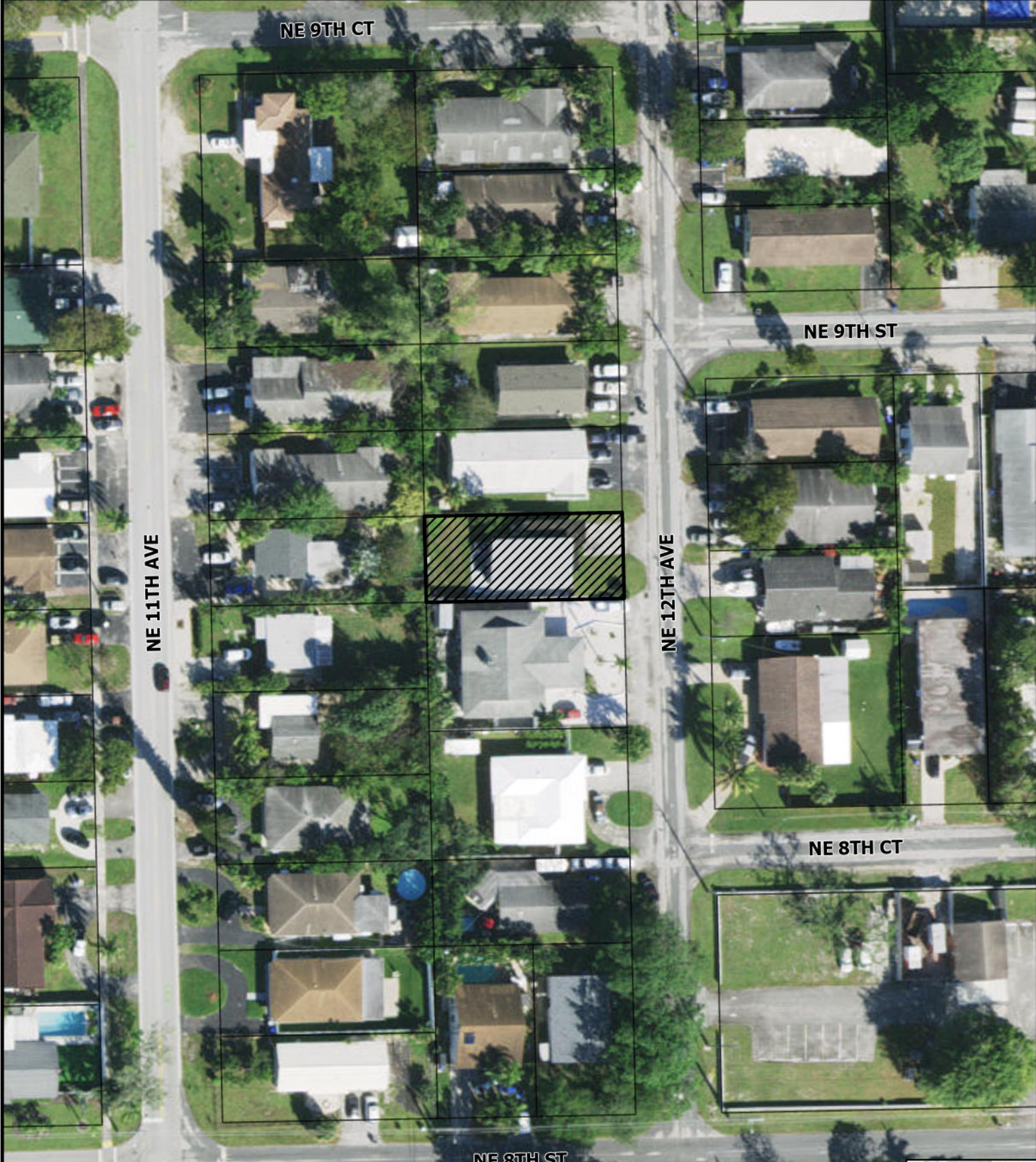
- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- 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 and substantial evidence to satisfy the eight Variance review standards, staff recommends the Board include the following conditions as part of the Order:

- 1. The applicant shall obtain all necessary governmental permits and approvals, including Building and Zoning Compliance permits.
- 2. The applicant shall substantially comply with the plans submitted with this Variance application. Any expansion beyond the proposed addition shall require separate review and approval.
- 3. The property owner shall resolve and obtain closure of all outstanding Code Compliance cases associated with the property to the satisfaction of the City prior to issuance of a Certificate of Completion or Certificate of Occupancy for the proposed work, as applicable.

CITY OF POMPANO BEACH AERIAL MAP



Legend

-  Applicant Parcel
-  Pompano Beach Parcels



Scale:
1:900
04/27/2026

825 NE 12 Ave
James Gallucci

Variance
Created by:
Department of
Development Services

