



December 5th, 2024

Zoning Board of Appeals
City of Pompano Beach
100 West Atlantic Boulevard, Dept. 1510
Pompano Beach, Florida 33060

Via Electronic Mail: sreale@copbfl.com

RE: Variance for 551 SE 18 AV Pompano Beach FL 33060 (Folio 494306310520)

Dear members of the Zoning Board of Appeals,

PLANW3ST is representing applicant-landowner Catherine Takourian in pursuit of a Variance for the above-referenced property. The property is a single lot that is zoned RS-3 (Single Family Residence 3) and has a land use designation of L (Low 1-5 DU/AC). The lot is located on the west side of SE 18th Avenue, between SE 5th CT and SE 6th CT within the City of Pompano Beach (refer to **Exhibit "A"** included with this narrative). The lot is 7,000 sq. ft. (0.16 acres) and currently has a single-family residence. Mrs. Takourian purchased the property in 2018 (refer to the submittal backup- BCPA sheet and Deed), happily looking forward to being a waterfront resident of the City of Pompano Beach. In summer of 2019, Mrs. Takourian hired contractors to install a canopy and bar in her backyard with the intent of maximizing enjoyment of her new waterfront home. Both contractors indicated no permits were required, completed the work, and soon after the COVID-19 pandemic, the bar contractor passed away.

On May 1st, 2024, an unrelated inspection was made by the city, which resulted in a Courtesy Notice. In early May of this year, Mrs. Takourian submitted the structures for permit review as owner-builder in hopes of legalizing the structures after-the-fact. With no drawings provided by the previous contractors, Mrs. Takourian requested new drawings from the canopy company used. The new owner of the canopy business indicated the prior contractor was fired and provided her new drawings to include with the after-the-fact permit. The permit has been approved by all disciplines except Planning and Zoning. Last reviewed on 8/16/2024, the permit was rejected due to the location of the structures being 0 feet from the rear (west) and side (north) property lines, and located within the north sight visibility triangle. As a snowbird trying to homestead this property, Mrs. Takourian has found this entire experience challenging at best. This is what brings this variance request in front of you.

We respectfully request the Board consider a variance to sections **155.4302.B.2.h**. [General; General Standards for All Accessory Uses and Structures; Prohibited Location of Accessory Uses and Structures]; **155.5302.D.5.a** [Fences and Walls; Height Requirements for Fences and Walls; Fences and Walls Adjacent to Waterways; Within Rear Yard Corner Triangle], and **155.4303.NN.3.b** [Standards for Specific Accessory Uses and Structures; Gazebo; Standards; Setback].

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 [155.4303](#) (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.

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155.5302. FENCES AND WALLS

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D. Height Requirements for Fences and Walls

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5. Fences and Walls Adjacent to Waterways

Where a lot abuts a canal or waterway, fences and walls adjacent to the canal or waterway shall comply with the following standards:

a. Within Rear Yard Corner Triangle

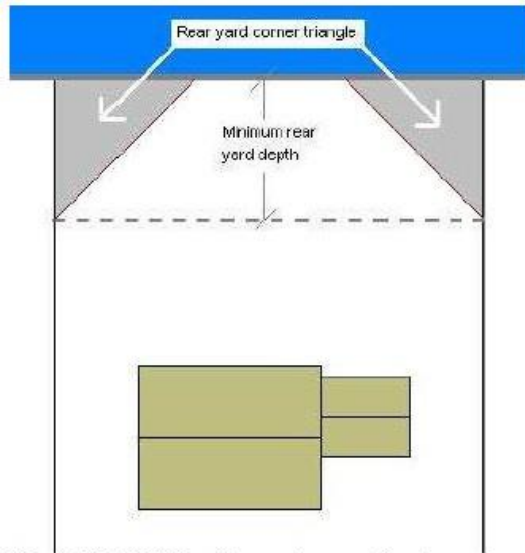


Figure 155.5302.D.5.a: Rear yard corner triangle

Figure 155.5302.D.5.a: Rear yard corner triangle

Except as otherwise provided in subsection e below, where the rear lot line abuts the canal or waterway, no fence, wall, or other obstruction greater than three feet high shall be located within the triangular land area formed by the intersection of the rear lot line with an interior side lot line not abutting a canal or waterway—with two sides of the triangle running along the rear and interior lot lines and being equal in length to the minimum rear yard depth, and the third side being a line connecting the ends of the other two sides—provided that a fence in such area

may be as high as 42 inches if it is 66 percent see-through and may be as high as six feet if it is at least 75 percent see-through. (See [Figure 155.5302.D.5.a: Rear yard corner triangle.](#))

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155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

...

NN. Gazebo

...

3. Standards

...

b. Setback

i. The structure may be located within an interior side yard setback or a rear yard setback, but shall be located at least three feet from a side or rear lot line.

ii. The structure located closer than five feet to an interior side or rear lot line shall be screened with a six foot high solid fence or a hedge maintained at a height of five feet along such interior side and/or rear lot line.

...

We understand that a Variance shall only be approved on a finding that the request as proposed meets the following standards and we believe we meet them all:

- 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;

The subject property is a 7,000 sq. ft. lot that abuts the Crystal Waterway Canal on the west side. The applicable laws that pertain to this property, specifically for fronting the water, require:

- Accessory uses and structures to be setback 15 feet from the water,
- Obstructions greater than 3 ft. high to be located outside of the sight visibility triangle, and
- Canopy structures to be setback 5 feet from an interior side property line.

This property is a waterfront lot that has a sight visibility triangle limitation which is not generally applicable to other residences in the city. The home’s minimum rear yard setback is 14.9 ft., and the existing pool’s location only allow for placement of any accessory structure to be in the north west corner. The typical purpose of a setback is to maintain space from property lines to structures or uses that require a location on land. The structures in question are accessory, and for the temporary enjoyment of the subject property’s backyard—not principal structures that are totally and permanently enclosed. Moreover, it is understood that the city is currently working on finalizing a text amendment that does away with the sight visibility triangle and relaxes the setbacks for structures on waterfront lots. This request is in line with the intent of such text amendment. Finally, we are including a voluntary affidavit that can be recorded against the subject property where the adjacent property owner to the north does not object to the location of the structures. This draft has been included in the backup.



- b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;

Both contractors hired assured Mrs. Takourian that no permits were required for the work, even stating so on the quote provided for the canopy (refer to backup). The contractor for the bar encountered preexisting footings when doing the work. Additionally, there was active water and electrical services in that footprint, which indicate there may have been another structure in that location prior to this owner. The assurance of no permit requirement, in addition to the challenges of the pandemic lockdown restrictions—shortly after the property was purchased, and the death of one of the contractors are not the result of the actions of the landowner.

CUSTOMER <i>HARRY TAKOURIAN</i>			PHONE <i>914-262-264</i>		
STREET <i>551 SE 18th AVE</i>			JOB NAME <i>HTAK P</i>		
CITY, STATE & ZIP CODE <i>Pompano Bch FL</i>			JOB LOCATION <i>SPMC</i>		
PATTERN <i>Vinyl</i>	VALANCE	SCALLOP	BRAID	TRIM	

SPECIFICATIONS: Fabricate & install the following -

- ① New Frame & Cover Hip Style # 0
16'0" x 14'0" / 14'0" x 6'0" ④ posts ③ p
- ① Cover Sch 40 Steel Frame
① Paint to match 1st Quality
1 7/8" vinyl Fabric
- ① New Cover
Style 32-0

** NO PERMIT*

WE DESIGN THE STRONGEST AWNINGS IN FLORIDA!

WARRANTY
One Year Warranty on materials and labor.
Five year warranty on fasteners.

DEPOSIT *A280.00*

PRICE

ENGINEER
CITY FEES

2019



2020



- 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;

A 2017 aerial (below) confirms that the pool and deck location was then as is currently shown today. The location of the pool highly restricts any additional structures from being placed in the back yard and relocating the canopy and bar to another location in the back yard would still require variance from the same code sections. Not permitting Mrs. Takourian to keep the existing structures on the property, or relocating them, would mean she would need incur unreasonable costs that she neither anticipated nor brought on herself. Additionally, a shade structure in the backyard, necessary for South Florida weather, would permit Mrs. Takourian to enjoy her property and not restrict her use of her backyard.



- d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated

The structures do not cause a nuisance for waterway views. The only property this affects is the neighbor to the north, who has signed an affidavit where he indicated no issue with the structure, and where the structure would need to be removed if the subject property is sold. The structures are also not visible from the street and comprise typical accessory structures associated with a single-family residences. Mrs. Takourian's bar is not out of character with general single-family properties, and would not look any more privileged to the naked eye—especially one from the water, across the water, or the street. Additionally, a city-initiated code amendment is in the works to remove the sight triangle and significantly reduce accessory setbacks in the rear, which this request is consistent with.

- e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;

Mrs. Takourian is requesting to keep structures that were assured to her did not require a permit, thus were built not complying with setbacks or location limitations. The structure is in use currently and is not being modified or expanded.

- f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;

The variance request is in harmony with the purpose and intent of the code as defined in section 155.1103 [General Purpose and Intent]. As the general purpose of the code is to promote the public health, safety, and general welfare, as well as implement the goals, objectives, and policies of the City of Pompano Beach Comprehensive Plan, the variance will assist in implementing with the following:

- A. Preserve and enhance present advantages and overcome present handicaps that exist in the city
The code amendment that is proposed is in line with our request, which does away with regulations the general public no longer necessarily want in place.
- B. Encourage the most appropriate use of land, water, and resources;

The request encourages the typical residential use of land and waterfront amenity.

- C. Deal effectively with future problems that may result from the use and development of land;

Our request is consistent with the code amendment that is proposed, which deals with an outdated and unwanted regulation.

- E. Conserve, develop, utilize, and protect natural and historic resources;

Our request utilizes the waterfront amenity, which is a natural resource.

- F. Maintain and protect the character and stability of the community and its established neighborhoods

Our request does not change the character and stability of the community as the existing structures are typical accessory uses for a South Florida waterfront property.

- J. Establish comprehensive, consistent, effective, efficient, and equitable standards and procedures for the review and approval of land development that recognize and respect the rights of landowners and consider the interests of the city's citizens.

Our request respects Mrs. Takourian's rights as a property owner to enjoy her new home, as well as respects the challenges that she faced with a negligent contractor and a worldwide pandemic.

- 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;

As the structures are existing and have been since at 2019, the structures are not adversely affecting the health or safety of persons residing or working in the neighborhood—in fact, the neighbor to the north has signed an affidavit for the proposed structures in support of them remaining where they currently are. The structures are not injurious to property or improvements in the neighborhood, nor are they detrimental to the public welfare.

- h. The Variance is consistent with the comprehensive plan.

As detailed in f. above, the variance promotes several goals and policies of the comprehensive plan. The request is consistent with the following:

Policy 01.06.05

Promote the acquisition, retention and management of unique natural areas in the City to preserve their environmental, recreational and other public benefits.

Objective 11.01.00 – Resource Protection

The City shall protect and enhance the City's waterways, canals, lakes, remaining coastal wetlands, coastal water quality, natural and artificial reefs, living marine resources and wildlife habitat.

Policy 11.03.01

Waterfront uses shall be designed in a manner compatible with the environment and be compatible with existing surrounding land uses and are prioritized according to the [4] criteria[...]

Thank you for your consideration. We respectfully request you allow the Takourians to maintain

their bar and canopy structure as justified above.

Please do not hesitate to contact me with any questions.

A handwritten signature in black ink, appearing to read 'PAW', with a large loop at the beginning and a horizontal stroke at the end.

Paola A. West, AICP, ISA CA
President



Parcel Id: [494306310520](#)
Owner: TAKOURIAN, CATHERINE
Situs 551 SE 18 AVE POMPANO
Address: BEACH FL 330607633