



## Staff Report

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**File #:** LN-891

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### ZONING BOARD OF APPEALS

Meeting Date: JULY 16, 2026

### VARIANCE - ALICJA GRIMANN

|                              |                                  |
|------------------------------|----------------------------------|
| <b>Request:</b>              | Variance                         |
| <b>P&amp;Z#</b>              | 26-11000014                      |
| <b>Owner:</b>                | Alicja Grimann                   |
| <b>Project Location:</b>     | 3611 NE 16 Ter                   |
| <b>Folio Number:</b>         | 484318011790                     |
| <b>Land Use Designation:</b> | L (Low 1-5 DU/AC)                |
| <b>Zoning District:</b>      | RS-4 (Single Family Residence 4) |
| <b>Commission District:</b>  | 2 (Rhonda Sigerson-Eaton)        |
| <b>Agent:</b>                | Alicja Grimann                   |
| <b>Project Planner:</b>      | Scott Reale                      |

### Summary:

The Applicant Landowner requests a Variance from Section 155.3205(C) of the Pompano Beach Zoning Code, which establishes the intensity and dimensional standards for properties within the RS-4 Zoning District. The requested Variance would allow an existing, after-the-fact covered patio attached to the principal dwelling unit to encroach 8.4 feet into the required 15-foot rear yard setback and 0.7 feet into the required 6-foot interior side yard setback, resulting in setbacks of 6.6 feet from the rear property line and 5.3 feet from the interior side (north) property line.

The subject property is located on the west side of NE 16<sup>th</sup> Terrace, approximately 150 feet north of Sample Road, within the North Pompano Beach Section "A" subdivision of the Highlands.

### ZONING REGULATIONS

§155.3205. SINGLE-FAMILY RESIDENCE 4 (RS-4)

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#### C. Intensity and Dimensional Standards

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- Rear setback, minimum: 15 feet
- Interior side setback, minimum: 6 feet

### **PROPERTY INFORMATION AND STAFF ANALYSIS**

1. The subject property is developed with a single-family residence constructed under Broward County Building Permit 62-6394, with a Certificate of Occupancy issued February 28, 1963. The original plot plan depicts a 5-foot side yard setback and a 23-foot rear yard setback. The principal structure is considered legally nonconforming because the minimum interior side yard setback increased from 5 feet to 6 feet following annexation into the City of Pompano Beach. A recent survey indicates that the principal structure is located 5.3 feet from the interior side lot line. While the existing dwelling may remain as a legal nonconforming structure, any additions or improvements attached to the principal structure are required to comply with the current 6-foot interior side yard setback requirement.
2. The applicant constructed a covered patio within the rear yard without permits, as documented in Code Compliance Case No. 25-09002321. Because the covered patio is attached to the principal dwelling, it is considered part of the principal structure and is therefore subject to the principal structure setback requirements, including the current 6-foot interior side yard setback. A review of Broward County Property Appraiser aerial imagery indicates the covered patio does not appear in 2019 imagery but is first visible in 2020 imagery. The patio extends to within 6.6 feet of the rear property line, resulting in an 8.4-foot encroachment into the required 15-foot rear setback and 0.7 feet into the required 6-foot interior side yard setback.
3. The rear yard depth is approximately 21.4 feet from the rear wall of the residence to the rear property line. Due to the shallow depth of the rear yard, strict application of the 15-foot setback requirement would leave approximately 6 feet of usable outdoor area, limiting the ability to accommodate a functional covered patio.
4. The property is separated from a commercial zoning district to the south by an alley. The covered patio is enclosed by a privacy fence and is not readily visible from the public right-of-way. The applicant has indicated that the patio does not interfere with utility infrastructure or drainage facilities. The applicant further contends that several homes in the surrounding subdivision have patios extending near rear property lines due to the relatively shallow rear yards common in the area.
5. The Board must determine whether the circumstances associated with the property's shallow rear yard and existing side setback condition constitute extraordinary and exceptional conditions sufficient to satisfy the Variance review standards.

### **LAND USE PATTERNS**

Subject Property (Zoning District | Existing Use):

- RS-4 | Single-family dwelling

Surrounding Properties (Zoning District | Existing Use):

- North: RS-4 | Single-family dwelling
- South: B-3 | former hardware store and convenience store (no active BTRs)
- West: RS-4 | Single-family dwelling
- East: RS-4 | 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:

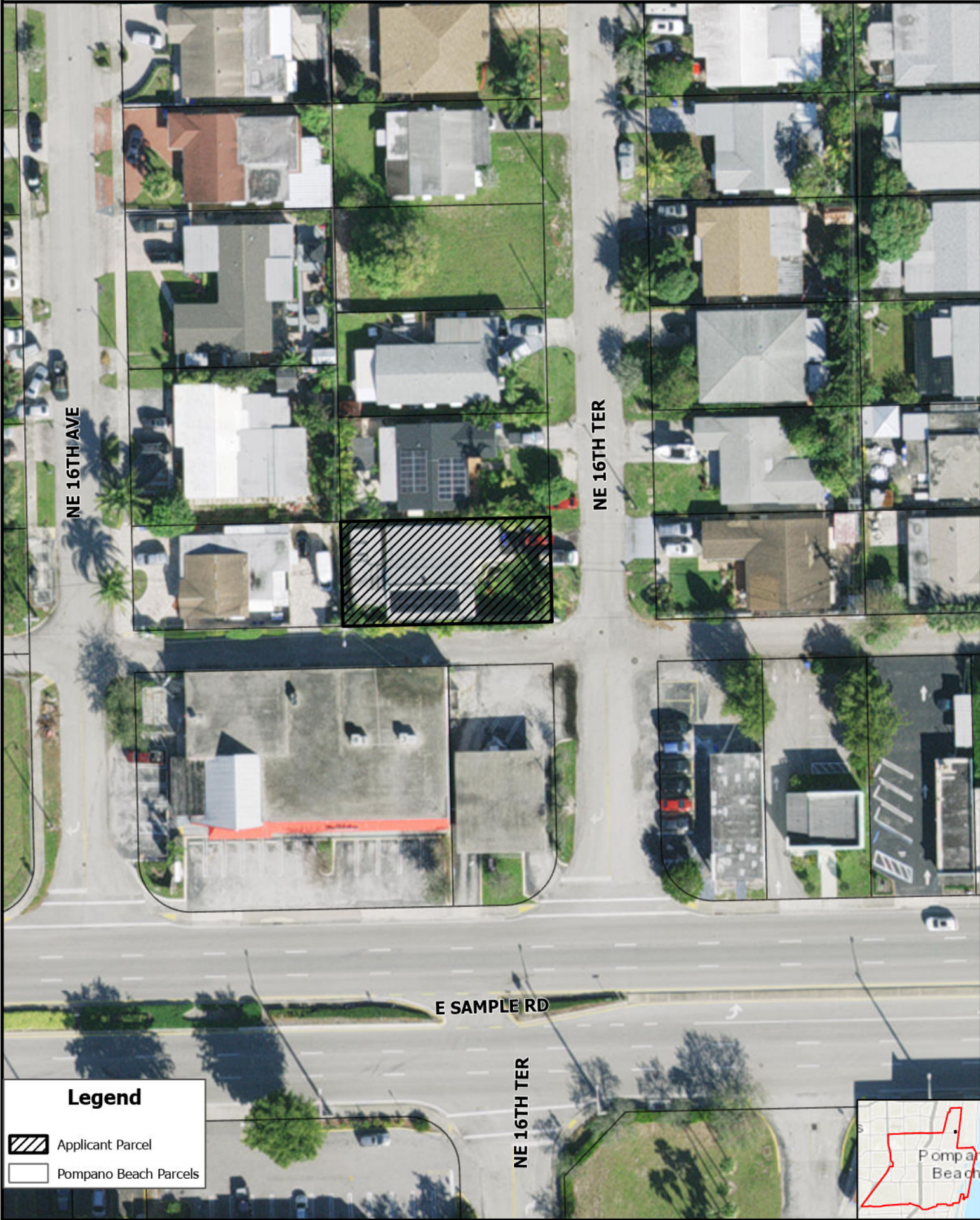
- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- 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 or modification of the covered patio or principal structure beyond that depicted in the approved plans shall require separate review and approval.
- 3. The applicant shall obtain closure of all applicable Code Compliance cases associated with the unpermitted work to the satisfaction of the City prior to issuance of a Certificate of Completion or Certificate of Occupancy, as applicable.
- 4. Approval of this Variance shall not be construed as approval of any additional structures or improvements that may not comply with the requirements of the Pompano Beach Zoning Code.

**CITY OF POMPANO BEACH**  
**AERIAL MAP**



**Legend**



Applicant Parcel



Pompano Beach Parcels

E SAMPLE RD

NE 16TH TER

NE 16TH AVE

NE 16TH TER



Scale:  
1:700  
06/24/2026

**3611 NE 16 Ter**  
Alicja Grimann

**Variance**

Created by:  
Department of  
Development Services

