



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Staff Report

File #: LN-125

Zoning Board of Appeals

Meeting Date: May 20, 2021

VARIANCE - GLEN ROGERS

Request: Variance
P&Z# 21-11000006
Owner: Glen Rogers
Project Location: 2830 NE 12th Street
Folio Number: 4843 31 33 0630
Land Use Designation: L-Low 1-5 DU/AC
Zoning District: RS-2 (Single Family Residence 2)
Agent: Paola West
Project Planner: Scott Reale

Summary:

Applicant Landowner is requesting a Variance from Section 155.4303(NN)(3)(a)(i) [Height and Area Standards of a Gazebo] of the Pompano Beach Zoning Code, in order to allow a gazebo structure with a mean height of 13.5', rather than a maximum height of 10' as required by code.

The property is located on the south side of NE 12th Street, between NE 28th Avenue and the Intracoastal Waterway.

ZONING REGULATIONS

155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

NN. Gazebo

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
A	A				A	A	A	A	A	A	A	A	A	A	A	A

2. Definition

A gazebo is an ornamental garden pavilion, with a covered roof and open sides, constructed of wood, metal, or vinyl. This term also includes a chickee hut, which has a thatched roof of palm or palmetto materials.

3. Standards

Gazebos are allowed as an accessory structure subject to the following standards:

a. Height and Area

i. The structure shall not exceed ten feet in height; however a chickee hut as provided for in F.S. 553.73(9)(i) maybe constructed to a height not to exceed 15 feet.

ii. The structure shall not exceed a size greater than 20% of the area of the principal structure; however the structure may be a minimum of 300 square feet.

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.

PROPERTY INFORMATION

1. In January of this year the Landowner received a courtesy notice from Code Enforcement for a tiki hut built without permits. BCPA aerial imagery suggests the structure was constructed around 2012.
2. This tiki hut's location complies with code requirements. The issue is that the mean height of a gazebo or tiki hut may not exceed 10 feet. A chickee hut however, may be as high as 15 feet, but a chickee must be built by a member of the Seminole or Miccosukee tribe, and it may not have electrical, plumbing, or concrete features, which this gazebo does. Therefore, the height is limited to 10 feet, unless relief is granted by the Board.

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: canal/waterway
- 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 condition as a part of the Order:

1. Obtain all necessary governmental permits and approvals including building and zoning compliance permits.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 250 ft