



Staff Report

File #: LN-51

Zoning Board Of Appeals
Meeting Date: December 17, 2020

VARIANCE - DIANE PERKINS

Request:	Variance
P&Z#	20-11000013
Owner:	Diane Perkins
Project Location:	2585 SE 4 th Street
Folio Number:	4943 0625 0280
Land Use Designation:	L-Low 1-5 DU/AC
Zoning District:	RS-2
Agent:	Diane Perkins
Project Planner:	Scott Reale, AICP

Summary:

Applicant Landowner is requesting Variances from the following provisions:

1. Section 155.4303(OO) [Screened Enclosures with Screen Roof], of the Pompano Beach Zoning Code, in order to allow the placement of a screen enclosure to be located five (5) feet from a rear yard lot line, rather than setback a minimum 15 feet as required by code.
2. Section 155.3203(C) [RS-2 Zoning Intensity and Dimensional Standards], of the Pompano Beach Zoning Code, in order to allow the placement of a screen enclosure to be located three (3) feet from an interior side yard lot line, rather than setback a minimum of 7.5 feet as required by code.

The property is located on the north side of SE 4th Street in the Palm Ridge subdivision, between SE 25th Avenue and SE 28th Avenue.

ZONING REGULATIONS

155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

...
OO. Screened Enclosures with Screen Roof

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

2. Definition

Screened Enclosures with a screen roof is a building or part thereof, in whole or in part self-supporting, and having walls of insect screening with or without removable vinyl or acrylic wind break panels and a roof of insect screening material.

3. Standards

A screened enclosure with a screen roof may be permitted in a required rear yard, provided it shall be at least 15 feet from the rear lot line.

155.3203. SINGLE-FAMILY RESIDENCE 2 (RS-2)

Interior side yard setback, minimum (ft)	7.5
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PROPERTY INFORMATION

- There are no open code compliance cases.
- The property was first developed in the 1950s. Permit records show an in-ground, uncovered swimming pool was installed in 2000 via building permit #00-6287, with the pool waterline setback 5 feet from the interior side (west) lot line and 8 feet from the rear lot line, which complies with today’s pool setback standards. However, screen enclosures associated with a permitted swimming pool must comply with the standards for Section 155.4303.OO (Screened Enclosures with Screened Roof), which requires that screened enclosures be at least 15 feet from the rear lot line (Ord. 2013-73).

LAND USE PATTERNS

- A. Subject property (Zoning | Existing Use): RS-2 | single-family dwelling
- A. Surrounding Properties (Zoning District | Existing Use):
 - a) North: RS-2 | single-family dwelling
 - b) South: RS-2 | single-family dwelling
 - c) East: RS-2 | single-family dwelling
 - d) 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.

The following factors do not constitute sufficient grounds for approval of a Variance:

- a. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;
- b. Hardships resulting from factors other than application of requirements of this Code;
- c. The fact that land or a structure may be utilized more profitably or be more marketable with a Variance; or
- d. The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts.

Staff Conditions:

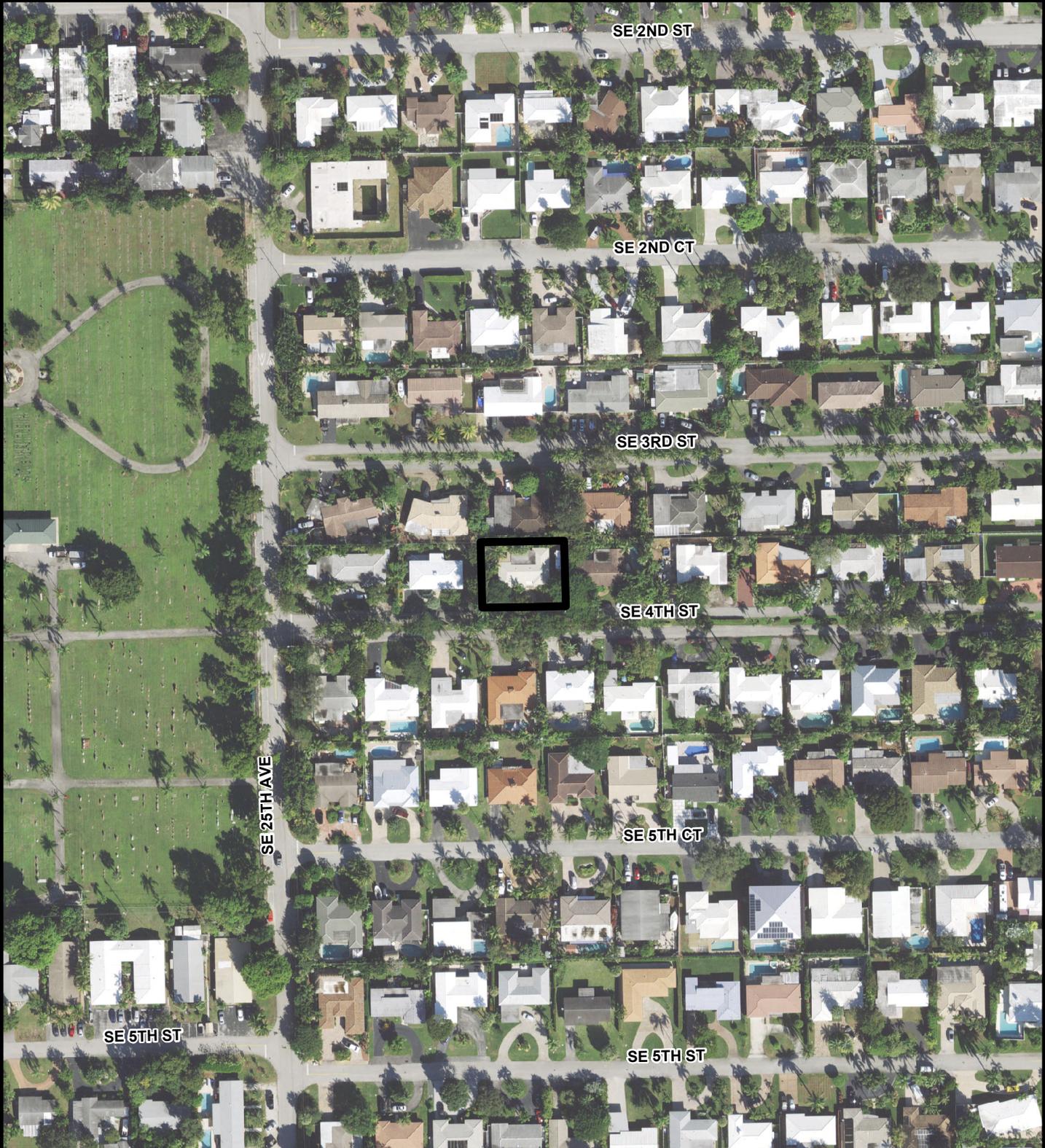
Staff does not find that the Applicant has met the necessary prerequisites for the granting a Variance, specifically the following:

- 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;

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.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 167 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES