

WRITTEN NARATIVE WITH LIST OF EACH VARIANCE

“Unless otherwise provided for in Section 155.4303(Standards for Specific Accessory Uses and Structures), accessory uses and structures shall comply with the zoning district's minimum setback standards, maximum height limitations, and all other dimensional standards applicable for a principal dwelling unit or structure.” Section 155.4302.B.3.

REVIEW STANDARDS (Each standard MUST be addressed in writing) 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 apply to other lands or structures in the vicinity.

The two new concrete footing pads are required if we do not receive the variance to attach the accessory structure to the back of the family room tie beam. This tie beam for the house was designed with a load path from the tie beam of the family room wall, through placed and poured cell columns, through slab/grade beams, and auger cast pilings 26 feet deep into the property. The new pads may create differences in settling, disturbing the existing lime rock compaction for the porcelain pavers. This could result in unsafe displacements between the pavers and impose a significant financial burden on the homeowner.

Additionally, the owners will have double structural aluminum posts that will be clearly visible from the family room when looking out at the pool, patio, or dock area. Please see the response below in ‘c’ for further details.

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

The homeowner had their new home built in 2022. The need for a pergola became apparent due to the sun, humidity, and heat, which were not fully realized until after living in the home. This made it difficult for the owners to use and enjoy their patio off the family room during the afternoons from May through October. They cannot enjoy the pool rear patio during the day.

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.

There will be a financial burden to add concrete footing pads. First, the front fence facing the street will need to be removed. Landscaping on both sides of the fence will also need to be removed and replaced after resetting the front fence. The porcelain pavers will have to be removed to install the footing pads. Costs will include concrete and rebar, as well as the forming and placement of the footing pads. Additionally, backfilling, bringing in new lime rock, compacting the lime rock fill, and reinstalling the porcelain pavers will significantly increase the total cost. This could more than double the cost of the pergola accessory structure if we are not allowed to attach it to the tie beam above the pedestrian doors and window off the family room.

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

A variance will not give the property's owner any advantages or rights that are not available to other landowners or properties in similar situations. Granting variance actually maintains uniformity and prevents arbitrary advantages for our homeowner, promoting a fair application of zoning regulations, and safety.

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

First, we are only asking for an Accessory Hardscape Structure to be attached to the rear of the Family Room. This is not for living in the Accessory structure, it is so the owners can take full advantage of their patio area during the day and evening. Whether we attach or keep post detached the general purpose of the Hardscape Accessory Structure can only be used as a Pergola to give the necessary shade from the sun and control of the heat load that radiates up from the porcelain pavers. In addition, we have included pictures of the rear patio, there you will see that pavers pitch towards west side of property and patio ends at the retaining wall. The only advantage of not approving this variance is discussed above in 'c.' the largest disadvantage if variance is not approved is to the homeowners enjoyment of their patio, the cost associated with not using the rear family room

structural , and the future issues with pavers staying in place due to disturbing the sub soils during construction of the footing pads, and the unsightly double aluminum structural column post in front of the two end windows.

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

The Pergola Accessory Structure cannot become a future livable residence space in which to occupy, first someone who would remove pavers and level out that area under the Pergola would need a permit, Code Enforcement would catch this, neighbors would call if they see no permit posted and finally if they did apply for a permit, the Planner's in Zoning would find (1) that there was a special variance issued for the Pergola Accessory Structure and (2) Zoning would disapprove application because now the intent of the Pergola Accessory Structure now would be too close to the rear Set Back.

g. The Variance would not adversely affect the health or safety of people residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.

1. Engineering Assessments: Our Structural Engineer confirmed that the proposed accessory structure and its supports will not compromise structural integrity or create safety hazards and meets 2023 Florida Building Code adopted December 31, 2023. Furthermore, the ASCE/SEI 7-22 design loads which include updated various hazards such as combination loads and wind. In addition, the Pergola Accessory Structure is engineered to withstand +180 MPH winds in Rational Analysis, which means Structural building rational analysis is a systematic, analytical approach to understanding how structures, like buildings, respond to external loads. It involves predicting a structure's behavior, including forces, stresses, and deformations, under various conditions. This analysis helps engineers ensure the structure's stability, safety, and durability by identifying potential failure points and optimizing the design. Also, you can refer to the above responses in (a, c, d, and e).

2. Compliance with Regulations: Ensure that all construction follows local building codes and safety regulations to prevent any negative impact on surrounding properties. We have met the City Of Pompano Beach structural requirements. We take five production days to start and complete Pergola Accessory Structure.

3. Proper Drainage Management: Design adequate drainage systems to mitigate flooding or water accumulation, protecting the health and safety of

the neighborhood. The area of Pergola Accessory Structure does NOT add to impervious drainage because it covers an area of the patio already calculated in the pervious/impervious requirements of the Lot when the new home was constructed in 2022. The Pergola Accessory Structure comes with a gutter and two down spouts that have splash blocks placed at the bottom of downspouts divert water away from a retaining wall foundation. These splash blocks shall prevent water from pooling around the patio pavers as well.

4. Noise Control Measures: Implement noise reduction strategies during construction to minimize disturbances to the community. We shall notify nearby residents of the date work will take place and follow strict guidelines for reducing noise. The only noise will be when we have to drill pilot holes for structural bolts for connection at the tie beam above the two windows and French door assembly and when we connect the four post at the retaining wall. This will all be accomplished at the beginning of the job at layout stage. We do utilize some conventional techniques to reduce noise while drilling such as:
**Adding a layer of drywall that can absorb some of the sound transmission,*
**utilize rubber or felt pads under drill to absorb vibration, *we have also used porous materials like carpet and even acoustic ceiling panels to absorb sound.*

5. Visual Aesthetics: The owners are using design elements that blend with the neighborhood's character, maintaining property values and visual appeal. The Pergola Accessory Structure coincides with similar Pergola Structures, the addition of patio furniture, future lighting and fans will give the final impression of a home built along with existing accessories such as pool, dock, boatlift that meets the neighborhood design criteria.

6. Regular Inspections: The nice part of the schedule is at the most there will be only two structural inspections; (Connections of the Pergola Accessory Structure before they are covered up and the Final Structural inspection, and there will be a zoning and engineering inspection at the end). The fact is the inspections may take four different days, but the actual installation of this Pergola Accessory Structure will take five days. Pompano Beach has a great reputation in providing regular inspections during construction and after construction code enforcement when they travel down the residential canals monitor the stability and safety of the improvements.

7. Communication with Neighbors: We shall maintain open lines of communication with neighboring residents to address any concerns proactively.

By taking these above steps, we can assure that the variance will support continued safety, property value, and public welfare in the neighborhood.

h. The Variance is consistent with the comprehensive plan.

In the latest Comprehensive Plan Goals, Objectives, and Policies adopted on October 27, 2020, we found no provisions that would prohibit the construction of a Pergola accessory structure that is connected on one end to an existing structure. However, we did identify in Policy 01.09.04 a compelling justification for enhancing hurricane protection as part of the variance we are requesting.

Policy 01.09.04

Encourage homeowners to retrofit and fortify homes in accordance with the Florida Building Code and recommendations to ensure that they can withstand tropical or hurricane force winds and water associated with storms. This is accomplished by approving the Pergola Accessory Structure to be connected to the tie beam at the family room CMU wall and the design load path down to the auger cast pilings.