

Hibiscus Park Townhomes Variance Request Narrative Pompano Beach ZBA

Horizon Time, LLC, ("the Applicant") is the owner of the property located at 3213 SE 7th Street ("the Property") in the City of Pompano Beach. The Applicant respectfully requests variances from the Pompano Beach Zoning Code ("Zoning Code"), in conjunction with the development application for seven charming townhomes ("Hibiscus Park Townhomes").

The variances from Section 155.5203.D.5, to reduce the 18' wide landscape buffer requirement between the vehicular se area and the abutting building façade; Section 155.4303.JJ., to allow pool equipment; Section 155.4302.B.2.j to allow a barbecue area within the yard.

Variance Request 1:

Variance request to reduce the 18' wide landscaping area between the VUA and building facade to a range of 3'-0" to 17'-8" wide on the limited areas of the driveway into the garages and the entryways.

Section 155.5203.D.5. states *no landscape area is required along those parts of an abutting building façade containing building entrances, driveways into garages or carports, or loading docks.* As previously stated, Hibiscus Park Townhomes are designed with an interior drive corridor with driveway access to the attached garages, which provides a landscape buffer on either side of the drive and along building. Further, the proposed landscape buffers are of varying widths from 3'-0" to 17'-8" of the sections depicted on the site plan in location between the VUA and building facades entrances.

The Terms and Uses Defined in the Zoning Code defines a *façade* as *the entire exterior wall of a building facing a lot line measured from the grade to the eave or highest point of a flat or mansard roof.* Here, the exterior wall of the building is not facing a lot line rather facing another building.

Further, the Zoning Code defines a driveway as a *private accessway providing access between a street and origin and destinations points within an adjacent property.*

Pursuant to Section 155.2420.D, a variance application shall be approved only on a finding that there is competent substantial evidence in the record that all 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;

Response: Hibiscus Park Townhomes proposes seven townhomes with beautiful architecture and lush landscaping within the RM-20 zoning district, which permits 20 dwelling units per acre. 155.3210.C. The Property size would allow up to 9 multi-family dwelling units. Here, the Applicant is proposing only seven multi-family residences with internalized driveways and garages. The design provides beautiful landscaping; however, it is difficult to provide the required 18' of landscape buffer area between the VUA and building façade while maintaining a developable building size and the permitted number of multi-family residences.

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

Response: The City's requirement to provide the 18' landscaping area between the VUA and the abutting building are not a 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;

Response: The current landscaping dimensional requirements create a hardship to the developer since the developable area of the site and number of dwelling units permittable in the RM-20 Zoning District are extremely difficult/impossible to achieve with providing 18' of landscaping on each side of the drive corridor. The schematic plans depict the initiative to provide superior landscaping and maintain the seven dwelling units with attached enclosed garages necessary to avoid surface parking on the site.

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

Response: No special privilege would be granted to the landowner by granting the variance rather the Applicant is requesting the ability to follow the code, and provide a functional and beautiful site plan with the allowable number of dwelling units while still meeting the other VUA landscaping requirement of 15% of the paved area. The development surpasses this requirement and is asking relief from the 18' width of the landscape buffers to allow the site to function as the code permits.

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

Response: The extent of the variance is the minimum required to accommodate a 24' drive aisle to access the internal garages.

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

Response: The variance is in harmony with the general purpose and intent of the Code since the proposal screens undesirable views; provides a sense of privacy from neighbors and the street; buffers excessive or undesirable noise from street traffic.

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

Response: The variance will not adversely affect health and safety issues, in the alternative providing increased landscaping along Hibiscus Avenue and SE 7th Street and designing the project to function internally is beneficial to the surrounding neighborhood.

h. The Variance is consistent with the comprehensive plan.

Response: The variance is consistent with the City's comprehensive plan.

Variance Request 2:

From Section 155.4303.JJ., this variance request is to allow the pool equipment to be placed in the pool area. The accessory equipment is designed to be set back within the buildable area of the Property and is planned to adequately buffered by landscaping with no visual pathway from the street.

Pursuant to Section 155.2420.D, a variance application shall be approved only on a finding that there is competent substantial evidence in the record that all 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;

Response: Hibiscus Park Townhomes proposes seven townhomes with beautiful architecture and lush landscaping within the RM-20 zoning district, which permits 20 dwelling units per acre. 155.3210.C. The Property size would allow up to nine multi-family dwelling units. Here, the Applicant is proposing only seven multi-family residences with internalized driveways, garages, and pool area.

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

Response: Hibiscus Park Townhomes is designed to provide a shielded pool area for residents, which includes the placement of pool equipment in the front yard.

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;

Response: The current landscaping dimensional requirements create a hardship to the developer since the developable area of the site and number of dwelling units permittable in the RM-20 Zoning District are extremely difficult/impossible to achieve with providing 18' of landscaping on each side of the drive corridor and the allowable pool area with necessary equipment in the front yard.

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

Response: No special privilege would be granted to the landowner by granting the variance rather the Applicant is requesting the ability to follow the code, and provide a functional and beautiful site plan, which shields the internalized driveway, pool area, and equipment from the street.

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

Response: The extent of the variance is the minimum required to accommodate the pool equipment within pool area.

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

Response: The variance is in harmony with the general purpose and intent of the Code since the proposal screens undesirable views; provides a sense of privacy from neighbors and the street; buffers excessive or undesirable noise from street traffic.

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

Response: The variance will not adversely affect health and safety issues, in the alternative providing increased landscaping along Hibiscus Avenue and SE 7th Street

and designing the project to function internally is beneficial to the surrounding neighborhood.

h. The Variance is consistent with the comprehensive plan.

Response: The variance is consistent with the City's comprehensive plan.

Variance Request 3:

From Section 155.4303.JJ., this variance request is to allow the placement of the barbecue within the pool area. The barbecue area is designed to be set back within the buildable area of the Property and will be adequately buffered by landscaping with no visual pathway from the street.

Pursuant to Section 155.2420.D, a variance application shall be approved only on a finding that there is competent substantial evidence in the record that all 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;

Response: Hibiscus Park Townhomes proposes seven townhomes with beautiful architecture and lush landscaping within the RM-20 zoning district, which permits 20 dwelling units per acre. 155.3210.C. The Property size would allow up to nine multi-family dwelling units. Here, the Applicant is proposing only seven multi-family residences with internalized driveways, garages, and pool area.

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

Response: Hibiscus Park Townhomes is designed to provide a shielded pool area for residents, which includes designing a space for a barbecue in the pool area within the front yard.

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;

Response: The current landscaping dimensional requirements create a hardship to the developer since the developable area of the site and number of dwelling units permittable in the RM-20 Zoning District are extremely difficult/impossible to achieve

with providing 18' of landscaping on each side of the drive corridor and the allowable pool area with necessary equipment in the front yard.

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

Response: No special privilege would be granted to the landowner by granting the variance rather the Applicant is requesting the ability to follow the code, and provide a functional and beautiful site plan, which shields the internalized driveway, pool area, and equipment from the street.

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

Response: The extent of the variance is the minimum required to accommodate the barbeque within pool area.

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

Response: The variance is in harmony with the general purpose and intent of the Code since the proposal screens undesirable views; provides a sense of privacy from neighbors and the street; buffers excessive or undesirable noise from street traffic.

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

Response: The variance will not adversely affect health and safety issues, in the alternative providing increased landscaping along Hibiscus Avenue and SE 7th Street and designing the project to function internally is beneficial to the surrounding neighborhood.

h. The Variance is consistent with the comprehensive plan.

Response: The variance is consistent with the City's comprehensive plan.