



Staff Report

File #: LN-684

ZONING BOARD OF APPEALS
Meeting Date: FEBRUARY 20, 2025

VARIANCE - PHILLIP PEAY

Request:	Variance
P&Z#	24-11000010
Owner:	Phillip Peay
Project Location:	355 NW 33 Lane
Folio Number:	484232210380
Land Use Designation:	M (Medium 10-16 DU/AC)
Zoning District:	RPUD (Residential Planned Unit Development)
Agent:	Phillip Peay
Project Planner:	Scott Reale

Summary:

Applicant Landowner is requesting a Variance from the following provisions:

1. Section §155.4303(OO)(3) [Screened Enclosures with Screen Roof], of the Pompano Beach Zoning Code, to allow a screened enclosure to be located 0 feet from a rear yard lot line rather than setback a minimum of 15 feet as required by code.
2. Section §155.3602(A)(2)(a) [PD Dimensional Standards], of the Pompano Beach Zoning Code, and more specifically, the RPUD Master Plan for Residences at Palm Aire (Ordinance No. 2015-02), to provide 22% pervious area on a single-family lot rather than a minimum 30% pervious area as required by the adopted master plan.

The property is located in the Vantage at Palm Aire planned development on the west side of NW 33rd Lane, between Atlantic Boulevard and NW 5th Street.

ZONING CODE REGULATIONS

§155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

...

OO. Screened Enclosures with Screen Roof

...

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.

Rezoning Ordinance 2015-02

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Exhibit B-2: RPUD Standards

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Lots with Single Family Homes shall require a minimum 30% pervious area

PROPERTY INFORMATION

1. The single-family home was constructed between 2019 and 2020 via BP #19-6101, with the final Certificate of Occupancy issued on July 23, 2020.
2. This property is part of a larger Residential Planned Unit Development (RPUD), which was approved through Rezoning Ordinance 2015-02 and Site Plan PZ: 15-12000029.
3. The property has no open code enforcement cases. There is an active building permit in plan review for a screen enclosure (BP #24-6739). However, the Zoning reviewer denied the permit due to a code requirement that screen enclosures be located at least 15 feet from a rear lot line. This denial has prompted the current Variance application.
4. PD Plans have their own development standards, such as minimum lot area, maximum impervious surface area, and required setbacks.
5. The applicant is proposing a screened enclosure of approximately 270 sq. ft. in the rear of the home with a zero (0) foot rear setback, as shown on the submitted plans. Additionally, the proposed enclosure includes a patio which would result in the lot failing to meet the minimum 30% pervious area requirement outlined in the RPUD Master Plan.
6. The applicant argues that the screen enclosure is necessary due to the presence of stagnant water behind the home, which attracts a significant number of insects, limiting the use of the outdoor living space. However, the approved building permit for the subject property indicates that the home already includes a covered patio facing the waterway, which could be screened.
7. It is worth noting that the applicant previously applied for a Variance for essentially the same request in 2022 (PZ #22-11000008), but the ZBA denied the application.

LAND USE PATTERNS

Subject property (Zoning | Existing Use):

- RPUD | single-family dwelling

Surrounding Properties (Zoning | Existing Use):

- North: RPUD | single-family dwelling
- South: RPUD | single-family dwelling
- East: RPUD | single-family dwelling
- West: RPUD | water / retention pond

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:

Staff does not believe that this property is significantly unique compared to the approximately 20 other homes in this development that also face the same body of water. If any extraordinary or exceptional conditions exist, they would likely apply to all of these properties. Therefore, staff suggests that a more appropriate course of action would be for the homeowners association to request a Minor Deviation or Amendment to the approved PD Plan, allowing the requested relief to apply to all homes facing the water.

Should the Board determine that the applicant has provided competent, substantial evidence to meet the eight Variance review standards, Staff recommends the following conditions be included as part of the Board's Order:

- 1. The applicant must obtain all necessary governmental permits and approvals, including Building and Zoning Compliance Permits.
- 2. The project must remain in substantial compliance with the conceptual site plan submitted with this application.
- 3. The patio must be constructed with pervious pavers.

EXHIBIT B-2 - RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) DEVELOPMENT STANDARDS AND PERMITTED USES RESIDENCES AT PALM AIRE

INTENSITY AND DIMENSIONAL STANDARDS- RPUD	
Project area (acres)	78 acres
Max dwelling units	907 d.u.s
Unit size, minimum (Total sq ft)	
Studio (multi-family)	
1-Bedroom (multi-family)	500 sq. ft.
2-Bedroom (multi-family)	600 sq. ft.
3-Bedroom (multi-family)	850 sq. ft.
Townhome (2-story, garage not included)	1,050 sq. ft.
Single Family – Zero Lot Line (2-story, garage not included)	1,200 sq. ft.
PD Perimeter, minimum (ft.)	10 feet ⁽¹⁾

LAND USE/DENSITY	
Development Area	Density/Intensity
Residential	907 units

USE TYPE	SETBACKS (ft.)				BUILDING SEPARATION	FLOOR AREA, Min. (s.f.)	MAX BLDG SIZE (s.f.)	DENSITY ⁽¹⁾	BUILDING HEIGHT (ft.) (Max.)	Lot Area Min. (s.f.)	Lot Width Min. (ft.)	Lot Coverage Max. (%)	Previous Area Min. (%)
	Front	Street Side	Interior Side	Rear									
Single-Family	20	10	0/5	15	N/A	675	N/A	Per Comp. Plan	35	3,600 sf	36	60	30
Single-Family (zero lot lines)	20	10	0/5	15	N/A	675	N/A	Per Comp. Plan	35	2,800 sf	28	55	30
Single-Family (attached)	20	10	0/5	15	N/A	675	N/A	Per Comp. Plan	35	2,400 sf	30	55	30
Two-Family	20	15	6	15	N/A	750	(3)	Per Comp. Plan	35	8,000 sf	70	35	30
Live/Work	10	10	6	15	N/A	500	(3)	Per Comp. Plan	35	5,000 sf	50	35	20
Townhome	20	10	5	10	N/A	(3)	(3)	Per Comp. Plan	35	1,800 sf	20	65	15
Multi-Family	15	10	15	15	Per Article 5 of the City's Code	(3)	(3)	Per Comp. Plan	65	2,400 sf	30	40	20
Wellheads	<ul style="list-style-type: none"> 100-ft from well head to any sanitary line 300-ft from well head to surface water 15-ft from raw water easement to any surface water 10-ft from raw water easement to any building face 				N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

(1) Except where noted in Modification Table Sec 155.5203.D..3.c.ii

(2) 907 units per the City's Comprehensive Plan

(3) Per Article 5 of the City's Code, Sec. 155.5601.C.2 Individual structure footprints shall not exceed 20,000 square feet and the maximum length of any multifamily residential structure shall be 180 linear feet, regardless of the number of units.

MASTER PARKING PLAN	
Dwelling, Single-Family	2.0 spaces per dwelling unit
Dwelling, Single-Family Zero Lot Line	2.0 spaces per dwelling unit
Dwelling, Single-Family (Attached)	2.0 spaces per dwelling unit
Dwelling, Live/Work	1.0 spaces per dwelling unit
Dwelling, Townhome	2.0 spaces per dwelling unit
Dwelling, Multi-Family	Studio 1.0 spaces per unit
	1 or 2 BR 1.5 spaces per unit
	3+ BR 2.0 spaces per unit
Handicap Parking	As provided in Article 5: Development Standards
Parking Space Dimensions, minimum.	9' x 18'

OPEN SPACE		
TYPE	Required	Public Park Dedication*
Open Space Consisting of General, Passive and Active	25%	14 acres
<p>Note: Exhibit E1 PD Plan depicts Active and Passive open space. General open space to be determined at site plan as part of "pad" siting and development.</p> <p>*Park dedication does not count toward open space requirement. Although the park property is not located within the RPUD boundary, the park and the subject site are being platted under one plat. The owner is voluntarily platting the park property which accounts for approximately 14% of the total net plat area.</p>		

MODIFICATIONS				
Type	Code Section	Description	Modification	Justification
Parking Space	155.5102	Dimensions	9x18 v. 10x20	The overall 4 ft reduction in stall depths are provided to incorporate 5 ft wide bike path within the development, also allowing for additional perimeter buffer.
Vehicle stacking	Table 155.5101.G. 8.b.	Parking lot entrance driveways	Min. 50 ft stacking lane distance for 500 or more off-street parking spaces	To accommodate proposed site design for vehicular access. Intended for clubhouse and amenity or the like to include no more than 25 spaces and not intended for residents' use.
Off-street parking and loading	155.5102.C.9	Wheelstops	No wheel stops. Continuous curb.	A continuous curb provides a much more seamless and safer design. Allow sidewalks to be raised above the street.
Landscaping	155.5203.B.2 .g.i.(D)(1)	Palm Trees	Min. height 12 ft v. 14 ft.	To accommodate reduced availability of some palm species at taller heights.
Landscaping	155.5203.D. 3.c.ii	Perimeter Landscape width 10 ft	Min. 5 ft not to exceed 200 feet in length.	To accommodate existing utility easement and off-site generator access. The balance of the perimeter buffer to be 15 ft to offset this constriction.
Landscaping	155.5203.D. 5.a	Landscaping b/t VUAs and bldgs. 24 ft	Reduce width of landscape area abutting bldg. façade to 6 ft, not incl. sidewalk, and reduce width of same on building ends to 10 feet.	In order to reduce excessive driveway depths to buildings where garages occur under buildings, and due to site constraints triggered by utility easements, surface parking configuration and access that limit building placement.
Screening, Fences & Walls	155.5302.E.3	Perimeter fences/walls	Metal/ aluminum and picket fences permitted	To accommodate proposed site design.
Access, circulation, parking & loading	155.5102.I.1	Aisle Width	Min. aisle width 22 ft	To accommodate proposed site design and consistent with Sec. 100.24 Minimum Paving Width

TYPE AND MIX OF USES				
Phase	Pad ⁽¹⁾	Unit Type ⁽¹⁾	Number of Units ⁽¹⁾	Density ⁽¹⁾
Phase 1	1	Multi-family	39	404 units
	2	Multi-family	21	
	3	Multi-family	126	
	4	Multi-family	92	
	5	Multi-family	62	
	6	Multi-family	64	
Phase 2	7	Multi-family	220	503 units
	8	Single-Family (zero lot line)	63	
	9	Single-Family (zero lot line)	29	
	10	Single-Family (zero lot line)	27	
	11	Single-Family (zero lot line)	67	
	12	Townhome	97	

(1) Modification is permitted per section III. C. of this document and to be determined at site plan. Total number of units within the RPUD not to exceed 907 units.

The following uses are permitted within the RPUD and may be sited pursuant to section III.C. of this document.

- Multi-Family
- Dwelling, Single-Family
- Dwelling, Single-Family (zero lot lines)
- Dwelling, Single-Family (Attached)
- Dwelling, Two-Family
- Dwelling, Live/Work
- Dwelling, Townhome

All Accessory, Temporary and Interim Uses permitted pursuant to Appendix A: Consolidated Use Table of the City Code in RPUD Districts are permitted in this RPUD, subject to Use-Specific Standards set forth therein.


CITY OF POMPANO BEACH

AERIAL MAP

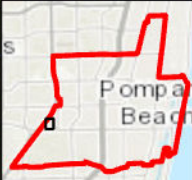


Folio: 484232210380
Area: 0.07 Acres

Legend

-  Pompano Beach Parcels
-  Applicant Parcel

W ATLANTIC BLVD



Scale:
1:2,500

Phillip Peay

355 NW 33 LN

Variance

Created by:
Department of
Development Services

