



July 17, 2026

Mr. Max A. Wemyss, AICP
Principal Planner
Planning & Zoning Division
City of Pompano Beach
100 West Atlantic Blvd.
Pompano Beach, FL 33060
Email: max.wemyss@copbfl.com

RE: Letter of Intent with Review Standards for Variance Approval
1708 NE 50th Street, Pompano Beach, FL 33064

Dear Mr. Wemyss,

Please accept this Variance request on behalf of the property owner, Mr. Delson Silva, through his professional consultant, Fernando Leiva, AICP, Assoc. AIA, seeking relief from Section 155.3204(C) of the Pompano Beach Zoning Code, to reduce the interior side yard setback from the minimum seven (7) feet to approximately four (4) feet for the construction (after-the-fact) of an attached +/- 335 square feet covered patio -outdoor kitchen.

BACKGROUND

The subject property is an +/- 0.172-acre parcel of developed land generally located on the northeast corner of NE 50th Street and NE 17th Drive in the Pompano Beach Highlands neighborhood. The property has a Future Land Use designation of Low Density Residential (Low 1-5 DU/AC) and a zoning designation of Single-Family Residence (RS-3). The RS-3 zoning district is consistent with the Future Land Use designation.

Abbreviated Legal Description

POMPANO BEACH HIGHLANDS 34-38 B LOT 30 BLK 6

Mr. Silva lost his wife in 2023, and it deeply affected his physical health resulting in the need to purchase the subject property in August 2024, seeking an opportunity for companionship and sharing the home with his daughter and her family. Thus, the need for more living and functional space became apparent without realizing the attached covered addition required a permit by the City.

The addition offers a unique design and layout and blends well with the original structure and will likely enhance the aesthetic appeal and overall value of properties within the neighborhood (See photographs in Exhibit D). It is the Owner's strong desire and commitment to bring the property into full compliance with the City's Zoning Code and other applicable rules and regulations. If approved, the variance as requested will accomplish the conditions applying to the addition for which the variance is sought.

VARIANCE REVIEW STANDARDS

The following responds to the Variance Review Standards set forth in Section 155.2420(D) of the City's Land Development Code:

- 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;**

The exceptional condition associated with this application arises from the unique development standards applicable to corner lots. Unlike the other similarly sized interior lots in the subdivision, which are subject to a 7-foot interior side-yard setback, the subject property is required to maintain a 15-foot street-side yard setback along its secondary street frontage. This additional 8-foot setback reduces the property's buildable envelope by approximately 800 square feet, significantly limiting the amount of usable yard area available for accessory improvements. These site-specific development constraints do not generally apply to other similarly situated properties in the vicinity and create an exceptional condition that substantially restricts the reasonable placement of residential accessory structures.

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

The exceptional conditions identified in this application are inherent to the property and were not created by the actions of the landowner. The subject property was originally developed in 1961, and the existing residence was lawfully established decades before the current owner acquired the property. Specifically, the property's status as a corner lot subjects it to the City's required 15-foot street-side yard setback, a development standard established by the Land Development Code rather than by any action of the property owner. This increased setback requirement, when compared to the 7-foot interior side-yard setback applicable to similarly sized interior lots, substantially reduces the property's available area for accessory improvements.

- 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;**

Strict application of the required interior side-yard setback, together with the development constraints associated with a corner lot, unreasonably restricts the use of the property compared to similarly sized interior lots. Because the rear yard is constrained by a utility easement and the street-side yard is subject to a 15-foot setback, the interior side yard serves as the property's primary and most functional outdoor living area, providing greater usable space, privacy, and buffering from street traffic and noise. Thus, strict application of the setback

requirements would unreasonably limit the placement and size of a residential accessory improvement on this property, which other properties are afforded.

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

The requested variance would not confer a special privilege but would instead equalize the property's development potential with that of similarly sized interior lots. The requested relief addresses the unique development constraints associated with the corner lot configuration by allowing the reasonable placement of a customary residential accessory improvement within a portion of the approximately 800 square feet of buildable area lost as a result of the increased street-side setback. As such, the variance does not create an unfair advantage over similarly situated properties but merely restores a reasonable development opportunity comparable to that enjoyed by interior lots.

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

The requested variance represents the minimum relief necessary to accommodate a customary residential accessory improvement given the property's unique corner lot constraints. The proposed outdoor kitchen has been located in the only practical area of the property that balances functionality, privacy, and compliance with the remaining zoning requirements.

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

The requested variance is consistent with the purpose and intent of the residential zoning district by allowing a customary residential accessory improvement while preserving the property's residential character, privacy, and outdoor living space. The proposed outdoor kitchen is located within an existing fenced yard, which provides effective screening and minimizes potential impacts related to noise and privacy for adjacent properties. Additionally, the request promotes the continued improvement and reinvestment of an existing residential property in a manner that is compatible with the surrounding neighborhood, supports infill and redevelopment objectives, and preserves the spirit of the Code by granting only the minimum relief necessary to address the property's unique corner lot constraints.

- 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**

Although the proposed outdoor kitchen encroaches into the required interior side-yard setback, the encroachment will not adversely affect neighboring properties or the public welfare. The existing privacy fence along the shared property line provides a substantial visual and acoustic

buffer between the properties, while the proposed semi-enclosed design of the kitchen includes a solid wall facing the adjoining interior side-yard lot line, further reducing the transmission of noise and limiting direct views toward the neighboring residence. Ultimately, the improvement is not expected to create any impacts beyond those typically associated with residential outdoor living amenities.

h. The Variance is consistent with the comprehensive plan.

The applicant has provided sufficient evidence to enable staff and members of the Zoning Board of Appeals to evaluate the request which is consistent with the applicable provisions of the 2020 Comprehensive Plan governing the construction of an attached structure/addition. No change in uses or increases in maximum allowable density is requested by this variance.

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.

The property owner will obtain a building permit or other development order for the structure soon after the granting of the variance.

We greatly appreciate the consideration of this variance request. Thank you for your assistance with the application. If you have any questions regarding the request, do not hesitate to contact me.

Sincerely,

F. Leiva

Fernando Leiva, AICP, Assoc. AIA
Consultant Planner
Leiva Architecture and Planning Group

ENCLOSURES/EXHIBITS

- A. Current Survey
- B. Legal Description
- C. Site Plan
- D. Photographs

EXHIBIT D:

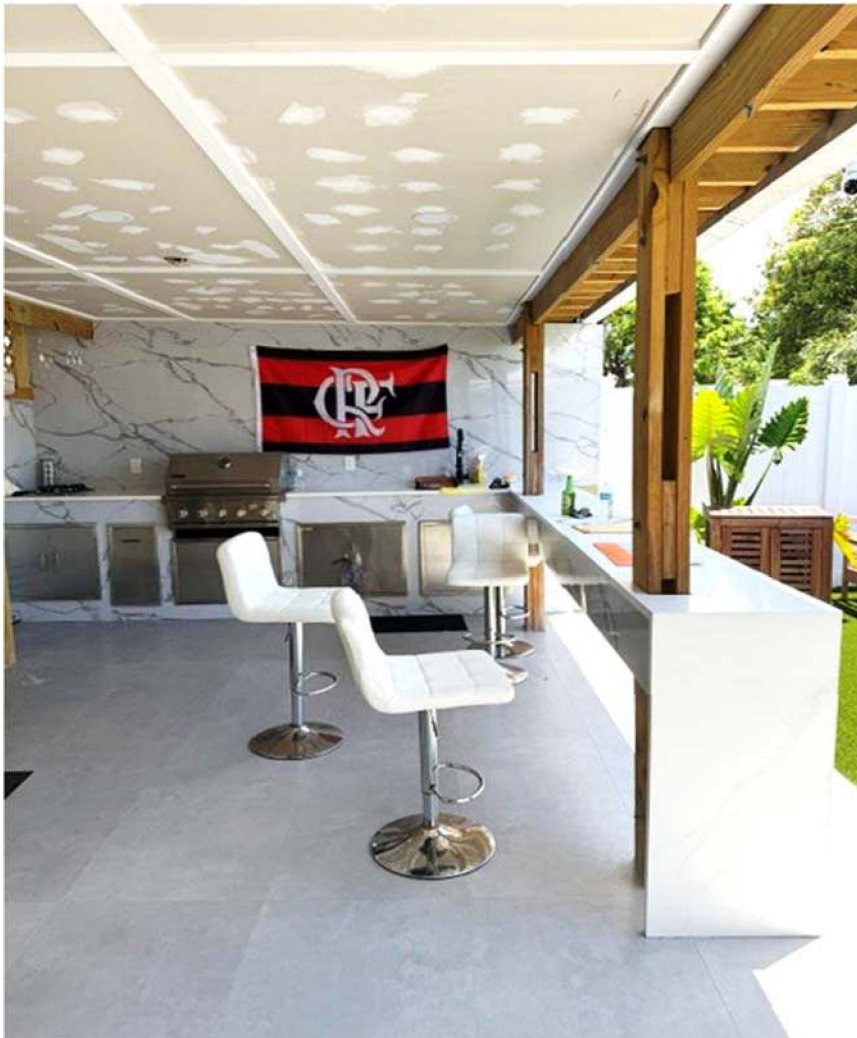
Site Photos



Neighborhood Aerial Map: Subject Property



Exterior Covered Patio: Looking North



Outdoor Exterior Patio: Interior 1



Outdoor Exterior Patio: Interior 2