

Scott Reale

From: Bob Nelson <nelson99@bellsouth.net>
Sent: Tuesday, March 14, 2023 12:38 PM
To: Zoning Inquiries
Subject: Subject: Zoning Board Meeting on 3/16/2023 P&Z Notice 23-1100007

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To: Pompano Beach Zoning Board of Appeals: zoning@copbfl.com

RE: P&Z Notice 23-1100007 - Petition by Christopher and Stephanie Flora
Variance for 1260 NE 27th Way
Zoning Board Meeting on 3/16/2023

Dear Zoning Board of Appeals,

Please accept this email as my letter in opposition to the granting of this variance for the following reasons:

The Law:

The rationale behind the law allowing variances at all is that in some situations, the literal application of the zoning code would create such a "hardship", that it would not allow any use of a property whatsoever.

By this definition, no "hardship" exists in this case. Therefore, the legal justification for a variance in this case does not exist and the granting of a variance would exceed the threshold criteria for determination of a "taking".

"A variance should not be granted where the use to be authorized thereby will alter the essential character of the locality, or interfere with the zoning plan for the area and with rights of owners of other property." Elwyn v. City of Miami, 113 So.2d 849 (Fla. 3rd DCA 1959).

Safety:

Closer proximity to our homes raises the risk of roofing projectiles hitting our homes, cars, boats and other assets properties during hurricanes.

Firefighting apparatus may have a more difficult time accessing the north and east sides of the structure

Reduced Privacy:

Encroachment on the canal sides of the property will reduce the privacy of our adjacent properties and especially as it relates to pool and other outside activities.

Aesthetics:

While we appreciate the improvements to an empty lot that is an eyesore, construction of a building encroaching on the canal will create a lack of conformity with adjacent properties, taking away from the aesthetics of the area.

I will be attending the Pompano Beach Zoning Board of Appeals meeting on 3/16/2023 and would appreciate the opportunity to speak on this matter.

Thank you for your consideration.

Carol and Robert Nelson
1310 NE 27th Way
Pompano Beach, FL 33062