

Michael L McCormack
1725 NE 39th St
Pompano Beach, FL 33064

Legal Description: North Pompano Beach Sec A 29-15 B Lot 22 BLK 16
Code Case: #24-09006625

An appeal for a variance for two front gates that exceed code allowance of six feet in height.

Backstory: In late August 2023 the gate on the west side of my house snapped in half, the part of the fence it attached to was also in need of repair. At the time I was taking care of my elderly mother who supported my household, I did not have the funds to hire a licensed contractor to repair the gate. So having plenty of 2" galvanized schedule 40 steel from my days of working on industrial generators I used that metal to quickly build gates.

a) Exceptional conditions that existed contributed greatly to the prior fence failing prematurely. My house and my neighbors house are not equally set back from the property, and so when my neighbors and my old gate are attached to the same fence set 3 feet apart this caused excessive sway on the fence, my neighbors gate could not be attached to the house as it would interfere with front brickwork and my gate could not be mounted to my house as it would require excessive amounts of wall anchors into the house alone (no way to set a 4x4 into a concrete walkway).

b) The above mentioned layout of the gate/fence existed prior to myself and my neighbor owning our homes. We both previously discussed how to remedy this issue and understood it would require efforts from both of us to correct, as my gate failed first which exposed a swimming pool I took it upon myself to quickly remedy the safety risk to the community and repaired both our gates. My neighbors input on design and gate features was implemented into the design as a way to correct the original design flaws both our properties suffered from.

c) Alterations to bring my gate at or below the six foot height limit were considered and discussed with an engineer (that lives within 500 yards), the required modifications to bring this gate into code could result in the structure becoming unreliable. Removing the entire gate assembly and using a licensed local fencing company to design and install a new gate and fence would be a shared financial hardship for both my household and my neighbors household that both of us would have great difficulty affording, not to mention in the interim of completion the exposure risk of an unsecured swimming pool to elementary school students walking to Norcrest Elementary five houses west.

d) The variance does not allow any special privilege to my property as its design is primarily a remedy to gates from offset houses being attached to a fence. The gate is a 60"x90" metal frame secured against my house to provide supplemental stability to both my and my neighbors gate/fence.

Within the frame is my 85"x56" gate. This allowed safe passage down the walkway at door clearance height and it is identically symmetrical with the front door and other gate to allow for a safe and aesthetic look. The gate does not fully obstruct visibility and secures access to the pool.

e)The variance is for the height of the gates alone and not the fence, the minimum to allow safe clearance along the side of the house.

f) The variance requested does not aesthetically disrupt the neighborhood and provides a means for two neighbors to safely secure their properties.

g) The gate improves the safety of the neighborhood by securing a swimming pool at a house that is within 150 feet of an elementary school entrance. It allowed me to secure the back of my property for my elderly mother with dementia and prevent her from wandering off when I was away from home.

h) The gate is primarily made of environmentally friendly materials that were reclaimed and repurposed, the building construction parallels designs I observed at local parks and sites within Broward county with design features that I personally seen (accessible and in public) at Lighthouse point and Las Olas. Both gates were built with support and assistance from both my neighbors to the east and west of me. I personally built these gates. I received training in welding in high school back in 1989, I have almost 15 years supervised experience as a generator technician fabricating and installing brackets, exhaust systems and heavy equipment mounts (following manufacture engineering plans) for sites all over south Florida.

In closing the only reason I did not follow correct procedures was my lack of understanding with respect to the city paperwork procedure, my past experience obtaining a permit with the city for a storage shed behind my house that ended up being abandoned in 2019 after difficulties arose with a divorce and COVID. My fear was the timeliness of getting any approval vs the risk of a school child wandering in my back yard and drowning in an unsecured pool. I felt I did not have the time nor the funds to carry this out in a correct manner. The gates were examined by an actual engineer to be of sound construction and commissioner Rhonda Eaton personally examined them when she was discussing a matter with my neighbors fence. She casually joked "At least we will be able to use these to identify where 39th street was if a tsunami wipes Pompano Beach off the map.". I am currently in the process of creating detailed construction and welding plans for a licensed and insured structural engineer to review for the "after-the-fact" building permit I applied for.

Thank you for your time and consideration.

Michael L McCormack
February 5th 2026

