



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Staff Report

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**File #:** LN-408

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Zoning Board of Appeals

Meeting Date: February 16, 2023

### **VARIANCE - GRACE KELLY TARDIM FRANCISCO**

**Request:** Variance  
**P&Z#** 23-11000004  
**Owner:** Grace Kelly Tardim Francisco  
**Project Location:** 3211 NE 9 Terrace  
**Folio Number:** 484224250560  
**Land Use Designation:** L- Low 1-5 DU/AC  
**Zoning District:** Single-Family Residence 3 (RS-3)  
**Agent:** Paola West  
**Project Planner:** Scott Reale

#### **Summary:**

Applicant Landowner is requesting a Variance from Section 155.3204(C) [Intensity and Dimensional Standards of the RM-20 Zoning District], of the Pompano Beach Zoning Code, in order to allow an enclosed Florida room of an existing single-family residence to encroach 1.5 ft into the required rear yard, rather than setback a minimum of 15 ft from the rear lot line as required by code.

The subject property is located on the west side of NE 9<sup>th</sup> Terrace between NE 30<sup>th</sup> Street and NE 33<sup>rd</sup> Street in the Cresthaven subdivision.

#### **ZONING REGULATIONS**

§155.3204 SINGLE-FAMILY RESIDENCE 3 (RS-3)

Rear yard setback, minimum = 15 ft

#### **PROPERTY INFORMATION**

1. The subject property was originally developed in the early 1960s, when it was part of unincorporated Broward County. This part of Cresthaven was annexed into Pompano Beach via House Bill 1779 on 9/15/2000. A 2004 suggests the property complied with all Pompano Beach setbacks.
2. A 2020 permit for an interior remodel and addition (BP #20-4016) included a 2014 survey which shows a portion of the house located 13.51 ft from the rear lot line. Permits could not be found for this addition, suggesting the improvements were made without the proper approvals from the city. Typically a proposed 1.5 ft yard encroachment could be handled administratively, but fact that it is an “after-the-

fact" request precludes it from obtaining relief through a Minor Administrative Adjustment. Pursuant to code section §155.2421(B)(1), buildings or structures erected without a building permit or design elements installed without proper city approval shall not be eligible for Administrative Adjustments.

3. Staff does not object as the setback relief is relatively minimal and located in the rear of the property; however, the applicant is subject to all other applicable intensity and dimensional standards of the RS-3 zoning district including providing an overall minimum 30% pervious area and a maximum lot coverage area of 40%. If the variance is granted, the applicant will still need to demonstrate compliance with these standards during building permit review.

## **LAND USE PATTERNS**

Subject property (Zoning District | Existing Use):

- RS-3 | single-family dwelling

Surrounding Properties (Zoning District | Existing Use):

- North: RS-3 | single-family dwelling
- South: RS-3 | single-family dwelling
- West: RS-3 | single-family dwelling
- East: RS-3 | single-family dwelling

## **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:**

Should the Board determine that the applicant has provided competent substantial evidence to satisfy the eight Variance review standards, staff recommends the Board include the following condition(s) as a part of the Order:

1. Obtain all necessary governmental permits and approvals including building and zoning compliance permits.
2. Rear setback relief is strictly limited to the existing portion of the building that encroaches into the rear yard as depicted on the conceptual site plan submitted with this application and does not apply to any future development on the subject property.
3. Demonstrate compliance with RS-3 zoning district standards for pervious area (minimum 30%) and lot coverage (maximum 40%).

# CITY OF POMPANO BEACH AERIAL MAP



1 in = 250 ft

**3211 NE 9 TER  
FOLIO: 484224250560**

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES