

February 21st, 2023

Variance Application Narrative of Review Standards for 1260 NE 27th Way:

- 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 subject property is a narrow corner lot 81' wide and 130' long where the rear and interior side of the lot border the waterway. A 25' setback along the rear and side of the property (202 linear feet of the perimeter) would considerably reduce the buildable square footage of a new house, reducing the value of the land as well as alternatives for architectural features that eliminate a "box" design.

Current engineering and architectural construction drawings are 100% complete based on the interpretation of the code below. Additionally, no feedback was received from the Zoning department on the rear/side setbacks during the dry run submittal (October 2021) nor after 4 rounds of comments (9 months apart), giving the indication that the interpretation of the code section below of a rear and side setback of 15' when bordering a waterway was accurate.

Code section 155.3203. SINGLE-FAMILY RESIDENCE 2 (RS-2).

C. Intensity and Dimensional Standards Setback from a waterway or canal, minimum (ft) 25³

Notes: 3. On existing lot where rear yard abuts waterway or canal, setback equals the existing rear yard depth if it is between 15 ft and 25 ft. SEE ATTACHED CODE SECTION FROM AMERICAN LEGAL CURRENTLY AVAILABLE ONLINE.

The proposed site plan configuration included an interior side yard of 10' – RS2 requires 7.5' min providing additional open area on this side yard.

Nonetheless, if the above code section is interpreted as 25' is the setback requirement from a waterway in lieu of 15', then a 15' relief is requested under this application for the rear and street side setbacks that border the water.

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

The conditions referred in section a are a result of the property lot size/shape and delayed feedback on setbacks during the review process not 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;

The property owner sold his previous home and also obtained a loan for the construction of the new home based on the total square footage included in the proposed site plan, changes to the SF/overall site plan configuration could potentially create issues to the terms and conditions

agreed upon and possible new terms will need to be established including a drastic increase on the interest of the loan.

Monetary considerations in the redesign of the engineering and architectural drawings is required to accommodate the reduced square footage/new configuration.

Construction commencement will be delayed, extending the cost to carry the land and possibly affecting most of the subcontractors agreements set to start within a specific timeframe (FEB-MARCH) and possibly loss of deposits and materials increase.

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

Property across the water (1311 NE 27th Way) has a rear setback of 15', so the requested variance is not conferring any special privilege as other land owners have also been allowed to a 15' rear setback along the waterway.



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

The specific size of the lot and location (bordering water along the rear and side yard) reduces the available buildable area creating a direct effect on the cost of the land/build per SF.

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

Code section 155.3203 section C, note 3 shown below (currently available on the City of Pompano Beach Code of Ordinances) allows a 15' rear setback from a waterway or canal; therefore, the requested Variance is in harmony the general purpose and intent of this code.

Code section 155.3203. SINGLE-FAMILY RESIDENCE 2 (RS-2),

C. Intensity and Dimensional Standards- Setback from a waterway or canal, minimum (ft) 25³

Notes: 3. On existing lot where rear yard abuts waterway or canal, setback equals the existing rear yard depth if it is between 15 ft and 25 ft.

- 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

The variance requested doesn't adversely affect the health or safety of neighboring residents or public welfare. Adjacent property owner (1261 NE 27th Way) even provided a letter that confirms his support on the 15' rear setback as the current home design doesn't affect his view or land. See attached notarized letter for your reference.


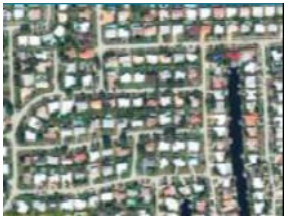
- h) The Variance is consistent with the comprehensive plan.

The variance requested doesn't conflict with the comprehensive plan and complies with Pompano Beach Code section 155.3203 Section C - Note: 3. On existing lot where rear yard abuts waterway or canal, setback equals the existing rear yard depth if it is between 15 ft and 25 ft.



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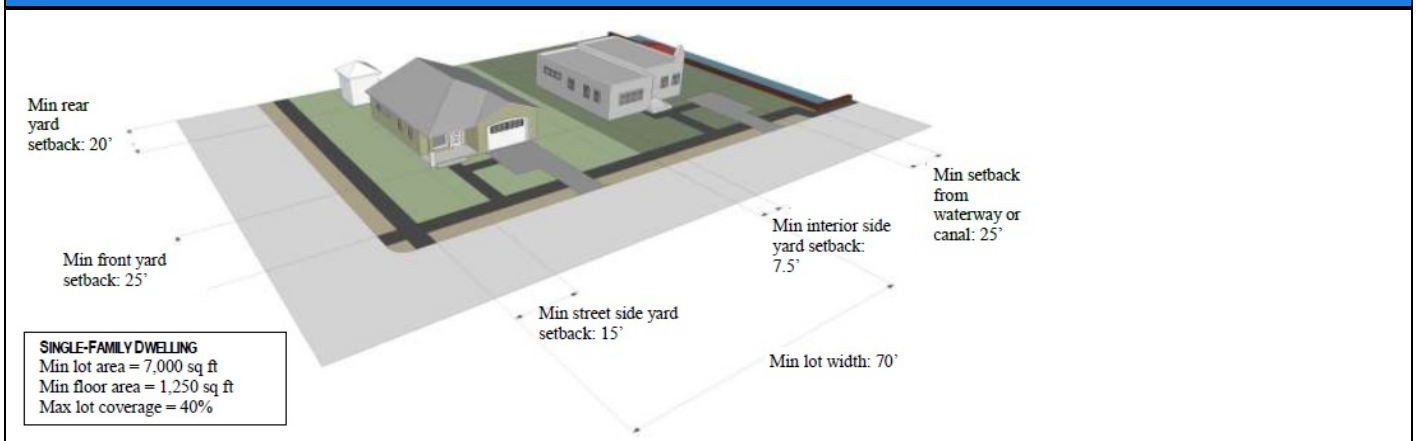
155.3203. SINGLE-FAMILY RESIDENCE 2 (RS-2)

A. Purpose	Typical Building Type	
A. Purpose	Typical Building Type	
<p>The Single-Family Residence 2 (RS-2) district is established and intended to accommodate primarily single-family dwellings including family community residences at moderate densities on lots greater than 7,000 square feet in area. The district also accommodates accessory dwelling units and transitional community residences as well as limited nonresidential uses usually found in urban single-family neighborhoods (e.g., parks, places of worship, golf courses), generally as Special Exceptions.</p>		
B. Use Standards		
<p>See Appendix A: Consolidated Use Table, and use-specific standards in Article 4: Use Standards.</p>		
C. Intensity and Dimensional Standards ¹		
Lot area, minimum (sq ft)	7,000	Typical Lot Pattern
Lot width, minimum (ft)	70	
Density, maximum (du/ac)	See Comprehensive Plan ³	
Floor area per dwelling unit, minimum (sq ft)	1,250	
Lot coverage, maximum (% of lot area)	40	
Pervious area, minimum (% of lot area)	30	
Height, maximum (ft)	35 ⁵	
Front yard setback, minimum (ft)	25	
Street side yard setback, minimum (ft)	15	
Setback from a waterway or canal, minimum (ft)	25 ³	
Interior side yard setback, minimum (ft)	7.5	
Rear yard setback, minimum (ft)	20 ⁴	
Required Front Yard, Pervious Area, minimum (% of Required Front Yard)	50	
Dimensional Standards for Accessory Structures		See Accessory Use -Specific standards in Article 4: Part 3.

NOTES: [sq ft = square feet; ft = feet; du/ac = dwelling units/acre]

1. See measurement rules and allowed exceptions/variations in Article 9: Part 4 .
2. On land classified Residential by the Land Use Plan , maximum gross residential density may not exceed that established for the particular land use classification.
3. On existing lot where rear yard abuts waterway or canal, setback equals the existing rear yard depth if it is between 15 ft and 25 ft.
4. On existing lot , setback equals the existing rear yard depth if it is between 15 ft and 20 ft.
5. The maximum height may be increased to 40 feet where the lowest structural member of a building must be 14.5 feet or more above National Geodetic Vertical Datum of 1929 (N.G.V.D)

Typical Development Configuration



(Ord. 2012-64, passed 9-11-12; Am. Ord. [2013-37](#), passed 1-22-13; Am. Ord. [2013-73](#), passed 7-23-13; Am. Ord. [2014-16](#), passed 1-28-14; Am. Ord. [2018-60](#), passed 6-12-18)