

Staff Report

File #: LN-406

Zoning Board of Appeals

Meeting Date: February 16, 2023

VARIANCE - BABATUNDE EPOYUN

Request:	Variance
P&Z#	23-11000001
Owner:	Babtunde Epoyun
Project Location:	NE 14 Avenue (Vacant)
Folio Number:	484236030410
Land Use Designation:	LM- Low-Medium 5-10 DU/AC
Zoning District:	Two-Family Residence (RD-1)
Agent:	Babatunde Epoyun
Project Planner:	Scott Reale

Summary:

Applicant Landowner is requesting a Variance from Section 155.3207(C) [Intensity and Dimensional Standards of the RD-1 Zoning District], of the Pompano Beach Zoning Code, in order to allow the construction of a new single-family residence setback 15 ft from the front lot line, rather than provide a minimum of 25 ft as required by code.

The property is located on the east side of NE 14th Avenue between NE 2nd Street and NE 4th Street in the Ocean Way Park subdivision.

ZONING REGULATIONS

§155.3207 TWO-FAMILY RESIDENCE (RD-1)

Front yard setback, minimum = 25 ft

PROPERTY INFORMATION

1. The subject property is currently vacant. The original parcel was bifurcated/split into two lots in 1988 through a recorded Warranty Deed. An existing single-family residence has been located on the north half of the former parcel fronting NE 4th Street since the early 1960s. Almost all of the RD-1-zoned properties in this neighborhood are duplexes. The subject property is considered a legal nonconforming lot of record since the split was done legally through a Warranty Deed.
2. The Development Services Director has affirmed the applicant has a right to develop this property (subsequent to obtaining any necessary relief) because this is a Lot of Record according the Broward County Administrative Rules:
 - a. LOT OR PARCEL OF RECORD - A quantity of real property described as a single unit and identified in a deed and/or plat recorded in the public records of a county in the State of Florida.

(Examples of a lot or parcel of record include warranty deed, fee simple deed, quit claim deed, etc.)

3. Moreover, pursuant to code section §155.7403, Development of Nonconforming Lots, a vacant nonconforming lot may be used for any use permitted in the zoning district in which the lot is located, or as the site for any structure containing such a permitted use, provided the lot shall be at least 40 feet wide, and the lot and permitted structures and uses shall comply with all other applicable standards of the zoning district in which the lot is located.
4. The applicant is proposing to construct a 1,080 sq ft single-family dwelling on the subject property. The conceptual site plan shows the proposed dwelling unit located 15 feet from the front yard lot line, rather than setback 25 feet as required by code.
5. Staff does not object as the setback relief is relatively minimal given the small size of the legally nonconforming lot. The setback does not negatively impact the neighborhood. The applicant is still subject to all other applicable zoning code standards including side and rear setbacks, pervious area, lot coverage, and parking. The conceptual site plan suggests the applicant can meet these standards.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- RD-1 | vacant

Surrounding Properties (Zoning District | Existing Use):

- North: RD-1 | single-family dwelling
- South: RS-2 | single-family dwelling
- West: RD-1 | duplex
- East: RD-1 | duplex

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:

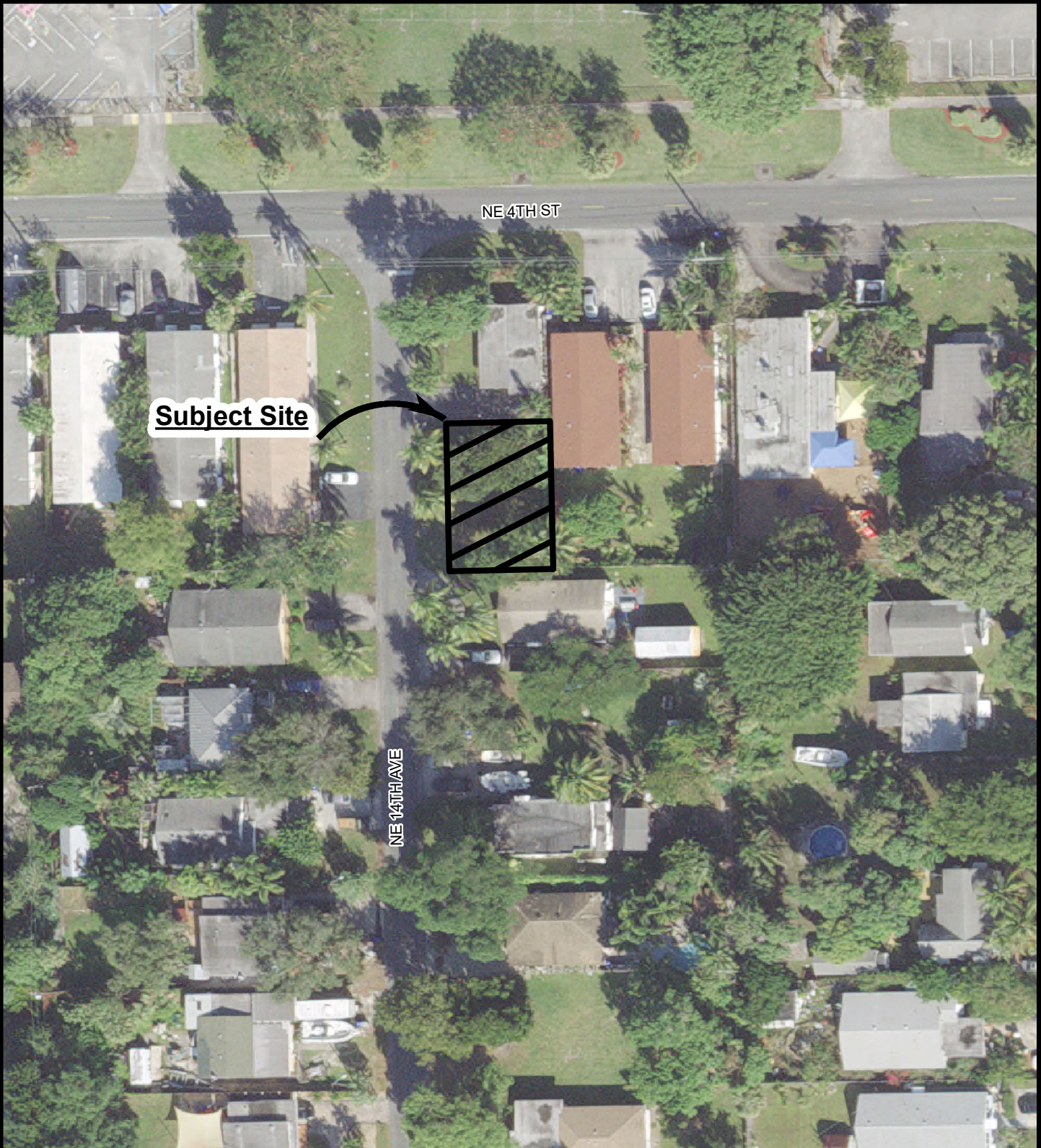
- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- 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.

CITY OF POMPANO BEACH
AERIAL MAP



Subject Site

NE 4TH ST

NE 14TH AVE

1 in = 67 ft

NE 14th Ave (vacant)

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES