

ZONING VARIANCE NARRATION – 5/16/24

A rear corner of this property at 4701 NE 17th Avenue, Pompano Beach is shown to encroach into the 7.5 foot side yard setback by less than 3.5 feet. The property is in an RS-3 zone with the following yard setbacks:

Front (NE 17th Ave.) – 25 ft.

Interior side (north) – 7.5 ft.

Rear side (east) – 15 ft.

Corner side (NE 47th St.) – 15 ft.

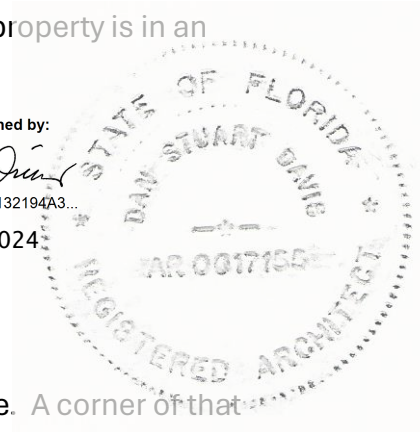
A bedroom was added to the existing 1,480 sf home to improve its value. A corner of that addition is at an angle to the property line and does extend slightly beyond three feet into the seven and half foot side yard setback.

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6/7/2024



RESPONSE TO THE 8 ZONING VARIANCE QUESTIONS

- 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.

REPONSE: As a corner lot, the existing residential structure was set at an angle to the property lines. The actual property line was not easily apparent. The affected portion of the structure, a subsequent addition, entered the setback due to an effort to align and continue the present exterior wall that was situated at an angle. This angular position was not recognizable to the owner/applicant.

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

REPONSE: The exceptional condition, the setback intrusion, was ultimately the action of the present landowner, but set in motion by the original builder's action of siting the residence at a slight angle to the property line. The applicant, present landowner, naively reasoned that the exterior wall could be extended without setback intrusion.

- 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.

REPOSE: The remediation necessary to bring the structure into setback compliance is an extremely burdensome hardship. Approximately 150 sf of the residence will need to be demolished and safely rebuilt and enclosed at a loss of valuable living space.

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

REPOSE: The extent of the building's intrusion into the setback is not excessive and would not unfairly impact neighborhood properties.

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

REPOSE: The length of the wall along this setback is 46.5 ft. The portion within the setback is 14.5 ft., or 31%, less than a third of the length. At the building corner the minimum building setback from the property line is 3.85 ft. and the building encroachment into the setback is 3.65 ft., only slightly more than half of the 7.5 ft. required setback.

- f. The variance is in harmony with the general purpose and intent of this Code and preserves its spirit.

REPOSE: The variance will continue to allow a reasonable setback without any undo hazard to the adjacent property, just as it has for many years.

- 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

REPOSE: The effect of the variance will not unduly impact adjacent or neighborhood properties. This setback condition has existed for 7+ years with no detrimental impact.

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

REPOSE: This variance will be consistent with the general parameters of the Comp Plan. There are no land use issues involved, and as a zoning issue it will only allow a relatively minor intrusion into a residential side yard setback.

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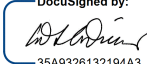
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