

Member of  
Florida and Georgia Bar

LAW OFFICES  
**M. DANIEL HUGHES AND ASSOCIATES, P.A.**  
3000 North Federal Highway, Suite 200  
Fort Lauderdale, Florida 33306  
Telephone: (954) 566-3390  
Facsimile: (954) 561-1244  
E-Mail: [mdanielhughes@aol.com](mailto:mdanielhughes@aol.com)

March 19, 2021

City of Pompano Beach  
Department of Development Services  
Planning & Zoning Division  
100 West Atlantic Boulevard  
Pompano Beach, FL 33060

**Re: Property Located at 411 S.E. 28<sup>th</sup> Avenue, Pompano Beach, FL 33062**

Please be advised that this office represents Grace M. Collura, the owner of the residential property located at 411 S.E. 28<sup>th</sup> Avenue, Pompano Beach, FL 33062. Please consider this as her Written Narrative for a Zoning Board of Appeals Application.

**Written Narrative for Zoning Board of Appeals Application**

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 existing structure on the home owner's property located at 411 S.E. 28<sup>th</sup> Avenue, Pompano Beach, FL 33062 does not leave sufficient space for a swimming pool in the backyard or on any of the other sides without a Variance. The address of the property is on S.E. 28<sup>th</sup> Avenue, although the actual structure is constructed as if S.E. 5<sup>th</sup> Court was the front of the property. The front door of the house faces S.E. 5<sup>th</sup> Court. The only viable alternative is to build the pool on the East side of the property, which already has a small patio area. The space on the East side of the house is too small to allow for a swimming pool without a Variance due to the set-back requirement. Attached hereto as EXHIBIT "A" is a rendering from the swimming pool company indicating the proposed location of the pool.

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

***The homeowner, Grace M. Collura, closed the purchase of the property on January 14, 2021 and has not altered the existing structure. The footprint of the home has not been changed by the homeowner.***

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 sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship.*

**The application of the zoning code to this property is prohibiting the homeowner from having a swimming pool on her property, as there is not enough space to build a swimming pool on the land on the East side of the property without a Variance from the set-back requirements nor any other area of the property. She cannot utilize the land to the full extent as is allowed to her neighbors. Not having a swimming pool on the property in South Florida is a hardship on the homeowner, due to the necessity for exercise and health reasons.**

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

**The approval of this Variance would give the homeowner the privilege of having a swimming pool on this property and this is not something that is denied to her neighbors. Most of the properties within this neighborhood have swimming pools and a few of the swimming pools are located in the side yard and front yards.**

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

**The only space available for a swimming pool is on the East side of the property, so the approval of this Variance will provide the minimum usage of the land in order to have a swimming pool. Attached as EXHIBIT "B" is a schematic indicating the existing distance from the property line if the homeowner is allowed to construct the pool on the East side of her home.**

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

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**The approval of this Variance will be in harmony with the general purpose and intent of the Zoning Code, as it will promote general welfare and health for the homeowner and her family; it will encourage the most appropriate use of land and resources; it will maintain and protect the character and stability of the community and its established neighborhoods; it will recognize and respect the rights of the landowners and consider the interests of the City's citizens.**

*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.*

**The approval of this Variance will not generate any hazardous potential, as the swimming pool will be fully permitted and will meet all the safety rules and regulations. The swimming pool perimeter will be fully fenced, respecting all other zoning and building code rules and will not be in anyway detrimental to the public welfare.**

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

**According to Section 155.4303, Standards for Specific Accessory Uses and Structures GG.3.a. "In all zoning districts except I-1 and OIP, a swimming pool, spa or hot tub is allowed as an accessory use or structure provided it complies with all applicable standards in the Building Code, including but not limited to, barrier requirements." The specific conditions of this property, the shape and setting of the existing structure, prevents the homeowner to take advantage of this code paragraph, so the approval of this Variance will be fully consistent with the comprehensive plan.**

If you have any questions, please do not hesitate to contact us.

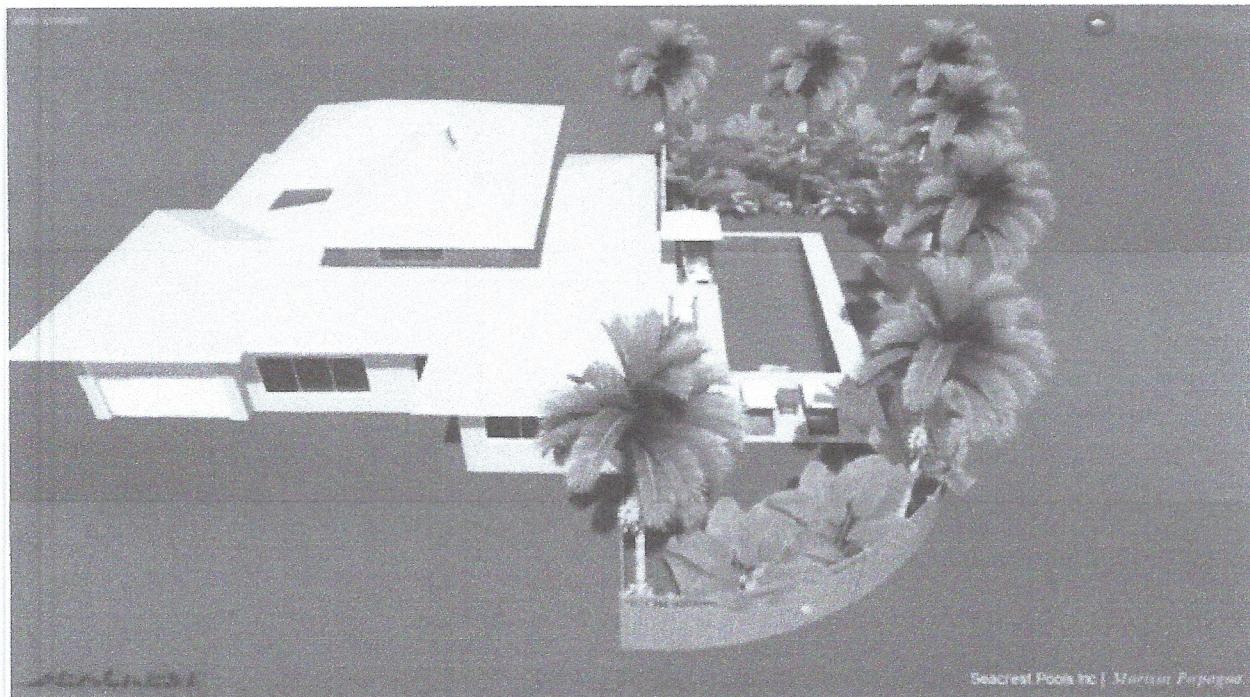
Very truly yours,

M. DANIEL HUGHES

MDH:fsj

## EXHIBIT "A"

**From:** grace collura  
**Sent:** Friday, February 5, 2021 9:48 AM  
**To:** Grace PC  
**Subject:** GRACE COLLURA



## EXHIBIT "B"

