

Scott Reale

From: JOE MCGEE <mcgee3543@bellsouth.net>
Sent: Wednesday, March 15, 2023 10:17 PM
To: Zoning Inquiries
Subject: Subject: P&Z Notice 23-11000007

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To: zoning@copbfl.com

Subject: P&Z Notice 23-11000007

Date: 3/14/2023

Dear Zoning Board of Appeals

Please accept this email as my letter in opposition to the granting the petition by Christopher and Stephanie Flora for a variance for 1260 NE 27th Way to be heard at the Zoning Board Meeting on 3/16/2023

I am in opposition to this variance for the following reasons:

The Law:

The rationale behind the law allowing variances at all is that in some situations, the literal application of the zoning code would create such a "hardship", that it would not allow any use of a property whatsoever.

By this definition, no "hardship" exists in this case. Therefore, the legal justification for a variance in this case does not exist and the granting of a variance would exceed the threshold criteria for determination of a "taking".

"A variance should not be granted where the use to be authorized thereby will alter the essential character of the locality, or interfere with the zoning plan for the area and with rights of owners of other property." Elwyn v. City of Miami, 113 So.2d 849 (Fla. 3rd DCA 1959).

Safety:

Closer proximity to our homes raises the risk of roofing projectiles hitting our homes, cars, boats and other assets properties during hurricanes.

Firefighting apparatus may have a more difficult time accessing the north and east sides of the structure

Reduced Privacy:

Encroachment on the canal sides of the property will reduce the privacy of our adjacent properties and especially as it relates to pool and other outside activities.

Aesthetics:

While we appreciate the improvements to an empty lot that is an eyesore, construction of a building encroaching on the canal will create a lack of conformity with adjacent properties, taking away from the aesthetics of the area.

I will unable to attend the meeting on 3/16/2023. However, I do urge you to consider my opposition to this requested variance. I feel that it is unjustified, and may well serve as a precedence for a host of future such applications, undermining the existing standards of our community.

Thank you for your consideration in this matter.

Joe H. McGee
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