



Staff Report

File #: LN-740

ZONING BOARD OF APPEALS

Meeting Date: JUNE 18, 2025

VARIANCE - EDUARDO PEREZ-HEYDRICH

Request:	Variance
P&Z#	25-11000009
Owner:	Eduardo Perez-Heydrich
Project Location:	1020 SW 3 Ter
Folio Number:	494202131870
Land Use Designation:	L (Low 1-5 DU/AC)
Zoning District:	RS-2 (Single-Family Residence 2)
Agent:	Eduardo Perez-Heydrich
Project Planner:	Scott Reale

Summary:

The Applicant Landowner is requesting a Variance from Section §155.5302.D.2.a of the Pompano Beach Zoning Code, which regulates fences and walls in residential districts. The request seeks approval to construct a 6-foot-high fence within the front yard, exceeding the previously approved 5-foot height limit granted under Minor Administrative Adjustment PZ #23-16000015.

The property is located in the Lyons Park neighborhood along the east side of SW 3rd Terrace at SW 10th Court.

ZONING REGULATIONS

§155.5302. FENCES AND WALLS

...

D. Height Requirements for Fences and Walls

...

2. Fences and Walls in Residential Districts

...

- a. No fence or wall within a front yard shall exceed a height of four feet.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The subject property was first developed with a single-family residence in the late 1950s, under the jurisdiction of unincorporated Broward County. In 1969, the property was incorporated into the City of Pompano Beach as part of the annexation of the Lyons Park subdivision.
2. The lot is irregular in shape, with its frontage defined by the curvature of SW 3rd Terrace as it merges with SW 10th Court near the northern boundary. Although the property is situated near an intersection, it is not classified as a corner lot. As such, the entire frontage is subject to a 25-foot front yard setback, which restricts the allowable height of fences and walls.
3. Due to the unique configuration of the lot, the property owner was granted a Minor Administrative Adjustment in 2023 (PZ #23-16000015), permitting a 5-foot-high fence within the front yard-one foot higher than the 4-foot maximum height otherwise allowed by the zoning code.
4. The applicant now seeks a variance to allow a 6-foot-high fence and gate at the southern end of the property, representing an increase of one foot above the previously approved height. The request is intended to enhance privacy and improve the functional use of the front yard. In addition to the existing 10-foot-wide swale between the edge of pavement on SW 3rd Terrace and the sidewalk, the conceptual site plan indicates that the proposed fence will be set back an additional four feet from the front property line (behind the sidewalk). This setback serves to further mitigate potential visual or spatial impacts on the surrounding neighborhood.
5. Given the lot's atypical shape, the minimal extent of the request variance, and the targeted placement of the additional fence height for privacy purposes, staff does not object to the request. The proposed modification is considered de minimis in nature, and the conceptual site plan supports the conclusion that this is the most suitable location for the increased height. Staff finds the request to be reasonable and consistent with the intent of the Code.
6. It should be noted a tree permit (BP #23-6849) remains open as the final landscape inspection revealed three trees had been removed from the approved plans. This should be corrected as a condition of the variance approval.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- RS-2 | single-family dwelling

Surrounding Properties (Zoning District | Existing Use):

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

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 and substantial evidence demonstrating compliance with the eight variance review criteria, staff recommends the following conditions be incorporated into the Board's Order of Approval:

- 1. The applicant shall obtain all required permits and approvals, including but not limited to Building and Zoning Compliance approval, prior to construction.
- 2. Development of the property shall be consistent with the plans submitted in support of this variance application. The proposed six-foot fence and gate shall be limited to the location and extent shown on the conceptual site plan and shall not be expanded beyond that area.
- 3. The applicant shall coordinate with the Urban Forestry Division to resolve outstanding items related to open Tree Permit #23-6849. This may include replacing removed tree(s), regrading, and restoring sod in accordance with the issues identified during the final landscape inspection.

CITY OF POMPANO BEACH

AERIAL MAP



Legend

-  Pompano Beach Parcels
-  Applicant Parcel

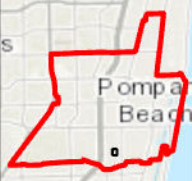
Scale:
1:1,500

Eduardo Perez-Heydrich

1020 SW 3 Terrace

Variance

Created by:
Department of
Development Services



Scale: 1:1,500