



Staff Report

**File #:** LN-240

Zoning Board of Appeals  
Meeting Date: March 17, 2022

**VARIANCE - KULTHIDA JAVANADI**

<b>Request:</b>	Variance
<b>P&amp;Z#</b>	22-11000004
<b>Owner:</b>	Kulthida Javanadi
<b>Project Location:</b>	3505 Sahara Springs Blvd
<b>Folio Number:</b>	4842 05 10 0020
<b>Land Use Designation:</b>	L-Low 1-5 DU/AC
<b>Zoning District:</b>	RPUD-6
<b>Agent:</b>	Kulthida Javanadi
<b>Project Planner:</b>	Lauren Gratzer

**SUMMARY**

Applicant Landowner is requesting Variances from the following provisions:

1. Section 155.4303(GG)(3)(d) [Swimming Pool, Spa, or Hot Tub Setbacks], of the Pompano Beach Zoning Code, in order to have a zero (0) foot setback from the rear property line, rather than be setback a minimum five (5) feet as required by Code.
2. Section 155.4303.(OO)(3) [Screened Enclosures with Screen Roof Setbacks], of the Pompano Beach Zoning Code, in order to have a zero (0) foot setback from the rear property line, rather than be setback a minimum fifteen (15) feet as required by Code.

The property is located on the north side of Sahara Springs Boulevard and east of Oasis Ave, inside of a privately gated neighborhood.

**ZONING CODE REGULATIONS**

**GG. Swimming Pool, Spa, or Hot Tub**

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3. Standards

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- d. Setbacks

- i. A swimming pool, spa, or hot tub may be located in a required interior side yard setback, street side yard setback, or required rear yard setback.

ii. A swimming pool, spa, or hot tub shall be located at least five feet from any interior side, street side, or rear lot line.

iii. The measurements shall be taken from the inner edge or water line of the pool.

iv. A swimming pool, spa, or hot tub may be located in any required yard setback and in front of the principal structure, provided that the lot is a corner lot or a through lot. A swimming pool, spa, or hot tub shall be located at least five feet from the front property line.

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g. Screen enclosures associated with a permitted swimming pool shall comply with the standards for Section 155.4303.OO (Screened Enclosures with Screened Roof).

## **OO. Screened Enclosures with Screen Roof**

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### **3. Standards**

A screened enclosure with a screen roof may be permitted in a required rear yard , provided it shall be at least 15 feet from the rear lot line.

## **PROPERTY INFORMATION**

1. The subject property has no open code compliance violation cases and one open building permit. The open building permit (BP 19-10322) is from 2019 for impact doors. It has been approved but not closed out.
2. The single-family home was constructed in 1997 via BP 96-1718 (Final Certificate of Occupancy issued 1/16/1997).
3. The development of this home was part of a larger overall residential planned single-family home neighborhood development (RPUD-6) approved by Rezoning Ord No. 93-57 and site plan PRA No. 93-1149 in 1993.
4. In 2012, a screen enclosure was constructed in the rear of the property (BP 12-7649). The applicant is requesting to demolish the screen enclosure measuring 10 feet x 38 feet (10' x 38') and replace it with a larger enclosure.
5. The property does not currently have a swimming pool. The applicant seeks to construct a new 15 foot x 56 foot - 4 inch (15' x 56' 4") screen enclosure around a new swimming pool in the rear of the home with a zero (0) foot rear setback, as shown on the proposed site plan.
6. The zoning of the property is RPUD-6 (Residential Planned Unit Development), and this planned development proposed that all properties in this neighborhood would have a minimum of a 13-foot rear yard setback that allowed the option of a 10-foot wide pool screen enclosure, maintaining a minimum 3-foot setback from the rear property line. There are no City records of relief provided to the neighboring properties outside of the required setbacks established within the RPUD Master Plan.

**LAND USE PATTERNS**

Subject property (Zoning / Existing Use):

- RPUD-6 / single-family dwelling

Surrounding Properties (Zoning / Existing Use):

- North: T (Transportation) / South Florida Water Management District Canal and W Atlantic Boulevard
- South: RPUD-6 / single-family dwelling
- East: RPUD-6 / single-family dwelling
- West: RPUD-6 / 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:

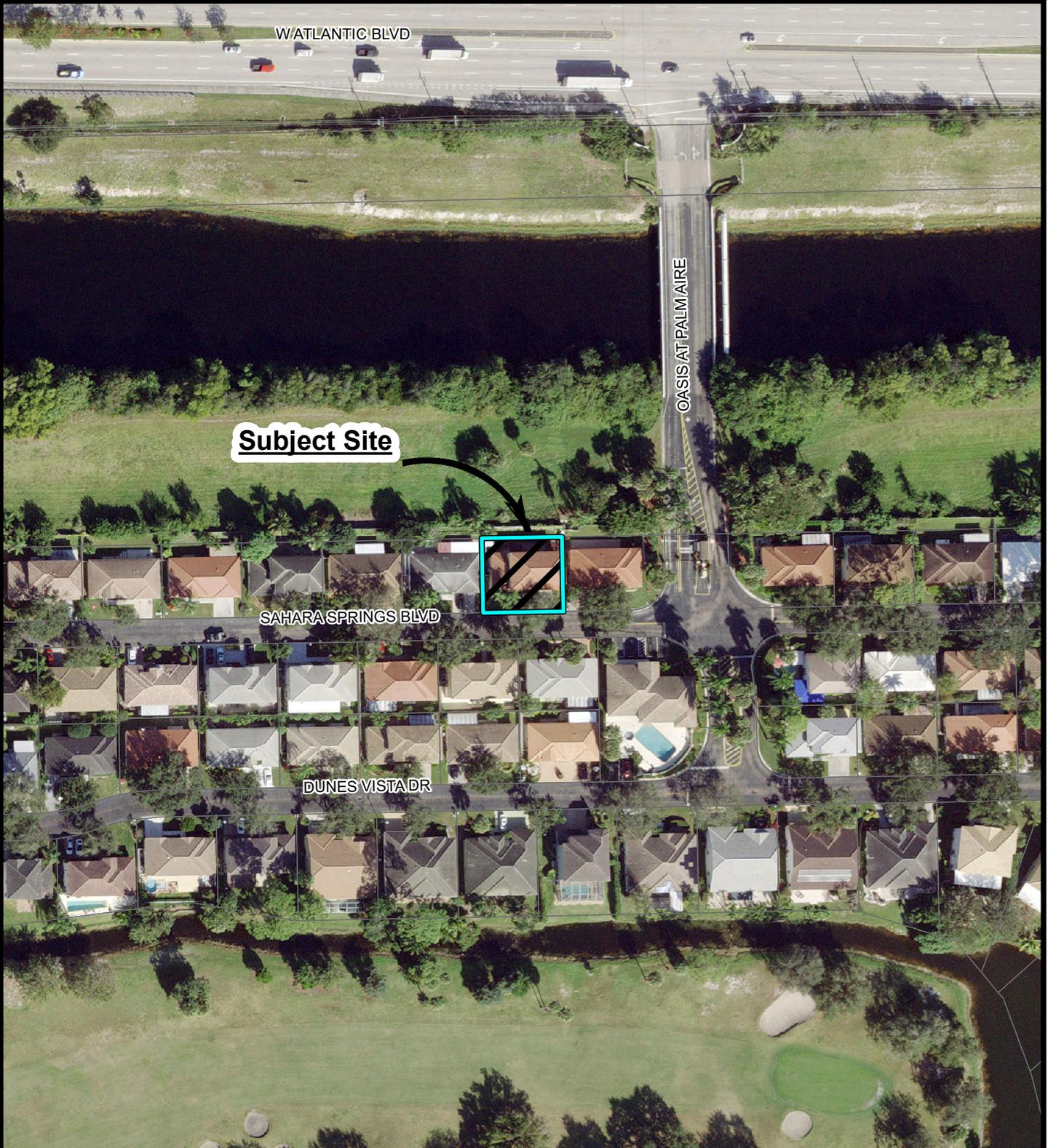
- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- 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 substantial evidence to satisfy the eight Variance review standards, Staff recommends the Board include the following conditions as a part of the Order:

1. Obtain all necessary governmental permits and approvals including Building and Zoning Compliance Permits.
2. Substantial compliance to the plans submitted with this application.
3. Any proposed mechanical equipment, including pool equipment, shall be setback at least three feet from the side and rear property lines and screened in accordance with Code section 155.5301.A.1.a.ii.

# CITY OF POMPANO BEACH AERIAL MAP



1 in = 125 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES