

## Staff Report

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**File #:** LN-316

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Zoning Board of Appeals  
Meeting Date: November 17, 2022

### **VARIANCE - VERONICA THOMAS**

**Request:** Variance  
**P&Z#** 22-11000012  
**Owner:** Veronica Thomas  
**Project Location:** 624 NW 3<sup>rd</sup> Avenue  
**Folio Number:** 4842 35 10 0050  
**Land Use Designation:** LM- LOW-MEDIUM 5-10 DU/AC  
**Zoning District:** Multiple-Family Residence 12 (RM-12)  
**Agent:** Veronica Thomas  
**Project Planner:** Scott Reale

### **Summary:**

Applicant Landowner is requesting a Variance from Section 155.3209(C) [Intensity and Dimensional Standards of the RM-12 Zoning District], of the Pompano Beach Zoning Code, in order to construct a carport addition within the required front yard and required interior yard. Specifically, the Applicant is seeking approval of the support columns located 3 ft from an interior side lot line (with associated roof setback 5 ft from an interior side lot line), rather than located a minimum 8 ft from an interior side lot line; and the carport addition columns and roof to be located 5 ft from a front yard lot line rather than located a minimum 25 ft from a front lot line as required by code.

The property is located at the southeast corner of NW 3<sup>rd</sup> Avenue and NW 7<sup>th</sup> Street in the Northwest CRA.

### **ZONING REGULATIONS**

§155.3209. MULTIPLE-FAMILY RESIDENCE 12 (RM-12)

C. Intensity and Dimensional Standards

Front yard setback = minimum 25 ft

Interior side yard setback = minimum 8 ft

### **PROPERTY INFORMATION**

1. The subject property has no open code cases.
2. A Certificate of Occupancy was issued on 12/11/2014 for a 1,246 sq ft dwelling consisting of two bedrooms (BP #12-11588). As part of the approval, a 12.1 ft strip of land along the north side of the property was conveyed to the city for right-of-way dedication (Reso 2014-178) for NW 7<sup>th</sup> Street.

Similarly, the property survey and city's right-of-way maps suggest a 10 ft strip of land along the west side of the property was previously conveyed to the city for right-of-way dedication for NW 3<sup>rd</sup> Avenue. The resulting net lot area of the subject property is 5,211 sq ft. The minimum lot area of a property zoned RM-12 is 7,000 sq ft. However, a single-family dwelling can be built on a smaller lot so long as the lot and permitted structures and uses comply with all other applicable zoning standards.

3. The principal dwelling currently complies with all RM-12 setback requirements. The minimum interior side yard setback requirement is 8 ft, and the home is located 14.06 ft from the interior side yard lot line.
4. This is a revised application from the applicant's initial request to construct a garage located only 1 ft from the interior side yard. That request went before the ZBA in August of this year; however, Fire Prevention had concerns about the structure's proximity to a triplex on the adjacent lot as well as life safety access. Rather than outright denying the request, the Board recommended the applicant work with staff to come up with a revised plan that satisfies the Fire Marshal's concerns.
5. Fire Prevention has since issued a revised memo which does not object to the revised site plan. The proposed carport will have columns/posts 3 ft from the interior side lot line with the roof 5 ft from the interior side lot line. Additionally, in order to accommodate Fire's concerns, the proposed carport structure will encroach 20 ft into the required front yard, and ultimately setback 5 ft from the front lot line.
6. Staff acknowledges residential corner lots often pose development constraints. As previously stated, this property in particular had land taken for right-of-way dedication on two sides, and the principal dwelling is located in the center of the property, rendering a new carport or garage difficult if not impossible to construct without relief from setback requirements.

### **LAND USE PATTERNS**

Subject property (Zoning | Existing Use):

- RM-12 | single-family dwelling

Surrounding Properties (Zoning District | Existing Use):

- North: RM-12 | duplex
- South: RM-12 | triplex
- East: RM-12 | triplex
- West: RM-12 | duplex

**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. Maintain an overall minimum 30% pervious area on the site.
- 3. Protect, relocate, or mitigate for any trees impacted by carport addition.



CITY OF POMPANO BEACH  
AERIAL MAP



1 in = 125 ft

624 NW 3rd Avenue

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES