



Staff Report

File #: LN-717

ZONING BOARD OF APPEALS

Meeting Date: MAY 15, 2025

VARIANCE - BRYAN THANOS

Request:	Variance
P&Z#	25-11000007
Owner:	Bryan Thanos
Project Location:	2648 NE 15 Ter
Folio Number:	484224080720
Land Use Designation:	L (Low 1-5 DU/AC)
Zoning District:	RS-4 (Single-Family Residence 4)
Agent:	Bryan Thanos
Project Planner:	Scott Reale

Summary:

The Applicant Landowner requests a Variance from Section §155.4302.B.2.g [Prohibited Location of Accessory Uses and Structures] of the Pompano Beach Zoning Code to allow mini-split air conditioning units to be located in front of a principal structure rather than within an interior side or rear yard, as required by Code.

The property is located in the Cresthaven neighborhood at the southeast corner of the intersection of NE 15th Terrace and NE 26th Court.

ZONING REGULATIONS

§155.4302. GENERAL

...

B. General Standards for All Accessory Uses and Structures

...

2. Prohibited Location of Accessory Uses and Structures

Unless otherwise provided for in Section 155.4303 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall not be located within the following:

- a. Any platted or recorded easement;
- b. Any required landscape easement or buffer;
- c. An area over any known utility;
- d. An area designated as a fire lane or emergency access route on an approved site plan;
- e. An area designated as a parking area on an approved site plan;

- f. A required yard setback;
- g. In front of the principal structure;
- h. Within 15 feet of a property line abutting a waterway or canal; and
- i. Within 25 feet of the historic dune vegetation line.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The subject property was originally developed with a single-family residence in the late 1950s, when it was under the jurisdiction of unincorporated Broward County. In 2000, it was incorporated into the City of Pompano Beach through the Cresthaven annexation.
2. As is common with many corner lots in Cresthaven, the principal dwelling is oriented at a 45-degree angle to the adjacent rights-of-way. This irregular configuration can create development challenges, particularly with respect to the code-compliant placement of mechanical equipment. To address this, the applicant is requesting a variance to install air conditioning mini-split units along the front-facing façade of the home under Building Permit #25-0732.
3. According to the applicant's narrative, this location offers the most viable and practical solution in terms of energy efficiency and operational functionality. Relocating the units to the side or rear of the property would increase noise impacts on adjacent neighbors. Furthermore, the front façade is heavily landscaped-as shown in the submitted photos-making the equipment unlikely to be visible from the street.
4. Staff finds the requested variance to be justified. The proposed location of the AC units appears to be the most appropriate option, minimizing potential impacts on neighboring properties and maintaining compatibility with the surrounding neighborhood.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- RS-4 | single-family dwelling

Surrounding Properties (Zoning District | Existing Use):

- North: RS-4 | single-family dwelling
- South: RS-4 | single-family dwelling
- West: RS-4 | single-family dwelling
- East: RS-4 | 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 permits, prior to installation.
- 2. This variance approval is limited solely to the installation of the mini-split units in the location depicted on the plans submitted with this application and Building Permit #25-0732. Any relocation or modification of the units, or the addition of other mechanical equipment or structural projections along the front façade, shall require separate review and approval by the City.
- 3. Existing landscaping in front of the units shall be preserved. If any of the landscaping is removed or damaged, it shall be replaced with equivalent or enhanced screening to minimize visibility from the right-of-way. All screening shall comply with the requirements of Section §155.5301.A - *Mechanical Equipment Screening Standards*.

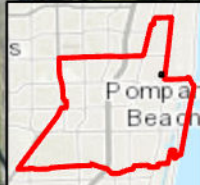
CITY OF POMPANO BEACH

AERIAL MAP



Legend

-  Pompano Beach Parcels
-  Applicant Parcel



Scale:
1:1,000

Date: 11/6/2024 9:26 AM

Bryan Thanos

2648 NE 15 TER

Variance

Created by:
Department of
Development Services

