

December 20, 2022

Letter of Intent for Zoning Variance For:

Gloria Zuniga, Erika Zuniga and Emanuele Simeone
42 NE 23rd Avenue Pompano Beach, FL 33062

ZONING: PROPERTY ID#: 484 331 460 140

Dear Planning & Zoning Members,

We are requesting a variance for the above address to seek relief of the required setback for the reasons detailed below, the proposed reduction of the setback would allow the property owners to relocate the existing ac condenser to the side of townhome. My elderly parents are unable to stay at their home that was recently purchased in May 2022 because there is no air conditioning. We all agree having air conditioning is not a luxury rather a necessity in Florida.

Within several months the ac stopped working and the system was not cooling the home. After several attempts to fill the unit with Freon further inspection revealed a Freon leak. The Freon leak is coming from the buried/underground refrigerant lines. The refrigerant lines are under a pave driveway. We have been unable to find an ac contractor willing to fix the unit as it was originally designed, and the alternative is to relocate the existing ac condenser to the side of the townhome and run new refrigerant lines.

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;

- Our problem lies in the narrowness of the land and the existing ac condenser needs to be relocated on the common area (and not within the confines of our individual townhouse unit) specifically on the side of townhome where the zoning code would not permit (at the ground level and not in conformance to the minimum setbacks.)
- We have been unable to find an air conditioning contractor able to fix the unit as it was originally designed. The existing copper refrigerant lines have a Freon leak. They currently run under a paver driveway and cannot be repaired. The solution is to relocate the existing ac condenser and run new refrigerant lines.

b) The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;

- The current location of the ac condenser is behind the townhome across a paved driveway that is used by all unit owners to enter and exit the complex. The Freon leak is coming

from the underground refrigerant lines that are under a paved driveway. We have been unable to find an AC contractor willing to fix the unit as it was originally designed.

- The relocation of the unit will not prohibit or unreasonably restrict the utilization of the land and will not result in unnecessary hardship.

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;

- The proposed condenser relocation that this variance is being requested for does not encroach or infringe on any neighboring residential properties, nor would it impose any hardship on any neighbors, nor would it serve to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would be negatively affected.

d) The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.

- Granting of the variance request will not confer to me any special privilege that is denied by the development code to other lands, buildings, or structures in the same zoning district. The granting of the variance will not give this property special privileges to me above my neighbor.

e) The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;

- The variance, if granted, is the minimum variance necessary to make possible the proposed condenser relocation. The granting of the Variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare.

f) The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;

- The proposed condenser relocation can be installed in a manner that achieves harmony with the neighborhood, blends in visually in a low-key, unobtrusive manner with the surroundings. Visibility of the unit can be disguised by planting of shrubs. As such, it is clearly in harmony with the overall intent and purpose.

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

- The granting of the variance would have no effect on any adjoining properties. The granting of the variance will not change the character of the neighborhood, violate the spirit of the zoning regulations or place the public health, safety or welfare at risk.

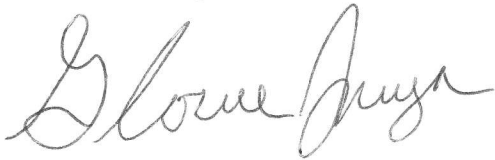
h) The Variance is consistent with the comprehensive plan.

- The request for the variance has been approved by the HOA Board and President. The land use will not change because of the variance.

We believe we fulfill the hardship requirements for a variance and kindly ask you to review and grant such variance.

Thank you for your consideration.

Gloria Zuniga



Erika Zuniga



Emanuele Simeone

