



To whom it may concern,

Please see the answers to the Variance review Standards.

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;
 - *The building situated at 438 S Cypress Rd. built in 1958, currently sits outside the current set backs. The building is long and narrow. The property lines on each side of the building are 8.4ft (NE corner) and 22.9 ft. (East side). A previous Zoning exception was granted many years ago for a dumpster pad and fence surrounding the pad. The proposed walk in cooler will be attached to the current building, still 5" to 10" behind the already approved dumpster pad, not interfering with life safety or any traffic.*
 - *The enclosure will be situated under the current soffit, not interrupting with any traffic or life safety concerns.*
- b) The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner.
 - *The landowner purchased the property in 1999 and has made no additions to the current structure or layout of the building, no square footage has been added. The landowner has added the fencing around the dumpster pad which was, again, approved by the zoning board of appeals.*
- 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;

- *Nelson's diner has been operating with refrigeration (on wheels) and portable storage for many years. We are seeking to permit the enclosure and walk in cooler. The current land use will not change. Nelson's diner currently receives 5 days a week. Nelsons diner is committed to beautifying any permitted work allowed by the city to enhance the appearance for any residents or pedestrians who may pass the building.*

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

- *This is why we are seeking a variance for approval to permit the work. Tenants at this property have been operating for years with portable enclosures and coolers. Nelsons diner is seeking approval to no longer use portable, but to build permanent.*

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

- *The variance will follow all code and FBC requirements. The hardship being the building is much older than the current code. The entire building is already erected in the set back. We are seeking same current usage of the land.*

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

- *These proposed improvements will be completed in a first-class manor and bring value to the land. Both City and landowner will be pleased with the end result.*

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

- *There are or will be no health risks associated with this request. Nelson's diner will be adding value to the building and business. Building the permanent enclosed structure will be hurricane rated. Will not become a possible hazard if a hurricane does hit Pompano Beach.*

h) The Variance is consistent with the comprehensive plan.

- *Yes, please see the attached comprehensive plan.*