



Legislation Text

File #: LN-577, Version: 1

Zoning Board of Appeals
Meeting Date: March 21, 2024

VARIANCE - ANDEE HASBROOK

Request: Variance
P&Z# 24-11000002
Owner: Andee Hasbrook
Project Location: 3215 Canal Drive
Folio Number: 484330030180
Land Use Designation: MH- Medium High 16-25 DU/AC
Zoning District: Multiple-Family Residence 20 (RM-20)
Agent: Juliet Sallete
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting a VARIANCE from Section 155.4302.B.2.g [Prohibited Location of Accessory Structures] of the Pompano Beach Zoning Code in order to allow a swimming pool to be located in front of a principal structure.

The subject property is located on the north side of Canal Drive on the barrier island, between N Riverside Drive and N Ocean Blvd.

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

1. The subject property was originally developed in the mid-1950s with periodic additions and renovations over the years.
2. The primary structure has received building permit approval for a total demolition, BP #23-6911. A separate permit for a new duplex is currently in plan review, BP #23-4375. The plans propose a swimming pool in the front of the principal structure, setback approximately 38 ft from the front (Canal Street) lot line. It's important to note the proposed location of the swimming pool is not located within the required front yard setback, which is the first 25 ft from the front lot line. However, most accessory uses and structures, even if not located within a required setback, may not be located in front of a principal structure. This is the specific relief being sought.
3. If the subject property was located on a corner lot or through lot, the proposed pool location would be permitted by right.
4. The applicant's narrative contends that the properties along this block are technically waterfront in that each property has an additional sliver of land and dockage rights on the south side of the Canal Drive right-of-way. Because most waterfront homes have their swimming pools oriented toward the water, the applicant believes this to be a logical and appropriate location for a swimming pool, and would offer the most sun exposure.
5. There are two open code cases tied to the property, one regarding unpermitted dock area construction (Case #23-09003100) and one for vegetation overgrowth and property disrepair (Case #23-09002262). Both violations will likely be remedied in the near future as a dock and piles permit, BP #24-0755, was recently approved, and work associated with the aforementioned demo permit will nullify most of the other violations.

LAND USE PATTERNS

Subject Property (Zoning | Existing Use): RM-20 | two-family dwelling

Surrounding Properties (Zoning | Existing Use):

- North: RM-20 | multi-family dwelling
- South: RM-20 | canal, followed by multi-family dwelling
- East: RM-20 | single-family dwelling
- West: RM-20 | 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.
2. Close out the two open code cases (#23-09003100 and #23-09002262).
3. Substantial compliance to the plans submitted. Swimming pool shall be setback a distance of approximately 38 ft from the front lot line (Canal Street).