



Legislation Text

File #: LN-100, **Version:** 1

Zoning Board of Appeals
Meeting Date: April 15, 2021

VARIANCE - JENNIFER SANCHEZ

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|------------------------------|----------------------------------|
| Request: | Variance |
| P&Z# | 21-11000003 |
| Owner: | Jennifer Sanchez |
| Project Location: | 2256 SE 13 th Street |
| Folio Number: | 494306160640 |
| Land Use Designation: | L- Low 1-5 DU/AC |
| Zoning District: | RS-2 (Single-Family Residence 2) |
| Agent: | Jennifer Sanchez |
| Project Planner: | Scott Reale |

Summary:

Applicant Landowner is requesting Variance from Section 155.3203(C) [Intensity and Dimensional Standards of the RS-2 Zoning District], of the Pompano Beach Zoning Code, in order to allow an addition to a single-family residence to be located 7.5' from a street lot line on a through lot, rather than setback a minimum of 25' as required by code.

The subject property is located on a through lot in the Pompano Shores subdivision along SE 13th Street and SE 13th Court, and between SE 22nd Avenue and the Intracoastal Waterway.

ZONING REGULATIONS

155.3203. SINGLE-FAMILY RESIDENCE 2 (RS-2)

C. Intensity and Dimensional Standards

- Front yard setback, minimum (ft) = 25 ft
- Rear yard setback, minimum (ft) = 20 ft*

PART 5 TERMS AND USES DEFINED

Lot, Through

A lot that abuts two parallel or nearly parallel streets.

155.9401. MEASUREMENT

H. Yard Setback

2. Front Yard Setback

b. Through Lot

On a through lot, the front yard setback shall be measured, and the minimum front yard setback requirement shall be applied, from both of the parallel or nearly parallel street-fronting lot lines.

LAND USE PATTERNS

Subject property (Zoning / Existing Use): RS-2 | single-family dwelling

Surrounding Properties (Zoning District / Existing Use):

- North: RS-2 | single-family dwelling
- South: RS-2 | single-family dwelling
- East: RS-2 | single-family dwelling
- West: RS-2 | single-family dwelling

The subject property has no open or pending permits. Original building permit records could not be found for the subject property; however, the Broward County Property appraiser suggests the property was first developed around 1960, which is consistent with development patterns in the Pompano Shores subdivision.

The applicant seeks to place an addition to their single-family dwelling located a distance of 7.5 ft from the rear lot line (SE 13th Court). A through lot abuts two parallel streets and the required front yard setback (25 ft) is required for both front and rear lot lines. In this case the streets are SE 13th Street and SE 13th Court. The proposed improvements along the actual front of the property (SE 13th Street) comply with the 25 ft front setback requirement. However, the rear yard (SE 13th Court) is also subject to a 25 ft setback because it is a through lot. If this property were not a through lot, the required rear setback would be 20 ft, and the applicant would still exceed code requirements by 12.5 ft rather than 17.5 ft.

It should be noted that every home on this block is a through lot. Upon review of the aerial images, it is apparent not all properties comply with the through lot's front yard setback standards. Under the literal interpretation of the code, no principal or accessory uses or structures (other than fences) shall be located within 25 ft of either the SE 13th Street or SE 13th Court lot lines.

Before the adoption of the new code circa 2013, through lots were defined *[lot, through - an interior lot having frontage on two parallel or approximately parallel streets.]* However, unlike today's code, staff could not find any specific measurement requirements for through lots. It is suspected that past Zoning staff may have defaulted to the required rear yard setback for through lots. The current zoning provision is much more restrictive and is not open to interpretation.

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. Substantial compliance to the plans submitted with this application.
3. Maintain an overall minimum 30% pervious area.
4. Protect, relocate, or mitigate for any trees impacted by the building addition.