

Legislation Text

File #: LN-101, **Version:** 1

Zoning Board Of Appeals
Meeting Date: April 15, 2021

VARIANCE - ANDREA ROBINSON

Request:	Variance
P&Z#	21-11000004
Owner:	Andrea Robinson
Project Location:	1079 SW 2 nd Avenue
Folio Number:	4942 02 13 1930
Land Use Designation:	L-Low 1-5 DU/AC
Zoning District:	RS-2 (Single-Family Residence 2)
Agent:	Andrea M. Robinson
Project Planner:	Scott Reale

Summary:

Applicant Landowner is requesting Variance from Section 155.4302(B)(2)(f) [Prohibited Location of Accessory Uses and Structures], of the Pompano Beach Zoning Code, in order to allow a swimming pool to be setback 9'-9" from the street side lot line (SW 11th Street) of an existing single-family corner lot, rather than setback a minimum 15' from the street side lot line as required by code.

The property is located at the northwest corner of SW 11th Street and SW 2nd Avenue in the Lyons Park subdivision.

ZONING REGULATIONS

<javascript:void(0)>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 155.4403 (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;

<javascript:void(0)> 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.

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 Code Compliance cases. Original permit records suggest the property was first developed in 1956 (permit #56-2505) as a 3 bedroom, 2 bathroom single-family dwelling. Residential corner lots often pose development constraints, particularly for accessory structures such as a swimming pool. If approved, the pool would be setback 9'-9" feet from the SW 11th Street lot line, which is considered the street side yard. Additionally, there is a sidewalk and swale area approximately 15 feet in width between the lot line and westbound SW 11th Street. Moreover, an existing fence will help to shield the pool from view from adjacent properties and rights-of-way. Staff finds this is a viable and appropriate location for a swimming pool and preferable to being located along SW 2nd Avenue.

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 pool.