



Legislation Text

File #: LN-128, **Version:** 1

Zoning Board of Appeals
Meeting Date: July 15, 2021

VARIANCE - WALTER CROWELL

Request:	Variance
P&Z#	21-11000009
Owner:	Walter Crowell
Project Location:	2749 SE 11 th Street
Folio Number:	4943 06 14 0070
Land Use Designation:	L-Low 1-5 DU/AC
Zoning District:	RS-2 (Single Family Residence 2)
Agent:	Robert Tuthill
Project Planner:	Jae Eun Kim

Summary:

Applicant Landowner is requesting Variances in order to allow a 3,547 sq.ft. accessory dwelling unit.
Applicant Landowner is requesting Variances from the following provisions:

1. Section §155.4302(B)(2)(g) of the Pompano Beach Zoning Code, in order to allow an accessory dwelling unit to be located in front of the principal dwelling building, rather than locate it behind the principal dwelling as required by code.
2. Section §155.4303(A)(3)(e) of the Pompano Beach Zoning Code, in order to allow a 3,547 sq.ft. accessory dwelling unit (97% of the principal dwelling structure), rather than limit it to be the lesser of 1,000 square feet or 25 percent of the floor area of the principal dwelling as required by code.

The property is located at the end of SE 11 Street (a.k.a. Palmetto Court).

ZONING REGULATIONS

PART 3 ACCESSORY USES AND STRUCTURES

155.4302. GENERAL

B. General Standards for All Accessory Uses and Structures

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2. Prohibited Location of Accessory Uses and Structures

Unless otherwise provided for in Section [155.4403](#) https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-46246 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall not be located within the following:

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- 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.

155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

A. Accessory Dwelling Unit

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
A	A	A	A	A	A	A	A	A	A	A					

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
						A						A		A	A	A

2. Definition

An accessory dwelling unit is an ancillary or secondary living unit to a single-family dwelling use that may contain a separate kitchen, bathroom, and sleeping area, existing either within the same structure, or on the same lot, as the primary dwelling unit. For purposes of determining maximum density, an accessory dwelling unit shall be considered to be a half dwelling unit.

3. Standards

An accessory dwelling unit is allowed as an accessory use to a single-family dwelling, subject to the following standards:

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- e. The floor area of an accessory dwelling unit shall not exceed the lesser of 1,000 square feet or 25

percent of the floor area of the principal dwelling.

f. At least one, but no more than two, off-street parking spaces shall be provided for an accessory dwelling unit (in addition to the off-street parking required for the principal dwelling).

PROPERTY INFORMATION

1. The property has two active building permits.
BP 21-4796 NEW SWIMMING POOL & DECK
BP 21-2191 SEAWALL FOOTER / REPAIR DOCK
2. The property has no open code cases.
3. The applicant initially intended to construct an addition to the existing principal dwelling, but was informed by staff that the finished floor of the entire house would have to be raised (it is currently 6” below the City’s requirement) to be 18” above the crown of the road, pursuant to §152.29, Flood Resistant Development of Buildings and Structures. Based on explored feasibilities, the applicant decided to request relief to construct a 3,547 sq.ft. accessory dwelling unit detached from the existing house. The total lot area of the subject property is 20,508 sq.ft., whereas the minimum lot area requirement in RS-2 zoning is 7,000 sq.ft. The applicant is not requesting any relief from the setback requirements, and the detached accessory dwelling unit will comply with current FFE requirements.

LAND USE PATTERNS

Subject property (Zoning / Existing Use):

- RS-2 / single-family dwelling

Surrounding Properties (Zoning District / Existing Use):

- North: RS-2 / Canal
- South: RS-2 / Single-family dwelling
- East: RS-2 / Single-family dwelling
- West: RS-2 / Canal

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. The accessory dwelling unit must stand apart from the existing building in appearance and structurally, pursuant to Section §152.29, Flood Resistant Development of Buildings and Structures.
3. Architectural features attached to the accessory dwelling unit shall comply with zoning code requirements, particularly listed in Section §155.9402.C, Allowable Required Yard Encroachments.
4. Approval of this accessory dwelling unit is limited to a single-family residence, and as such must be in compliance with the definition of a dwelling unit and the property owner is responsible to ensure that the residents/tenants must abide by the definition of a “family,” as defined by the City’s Zoning Code.
5. The property owner shall record a deed restriction affirming that the use of the property is limited to a single-family home with an accessory dwelling unit, and residents/tenants must abide by the definition of a “family,” as defined by the City’s Zoning Code, prior to permit approval.