



## Legislation Text

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**File #:** 19-0654, **Version:** 1

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ZV(R) 2019-15 - George Dean, 341 SW 64 Way

### **SUMMARY EXPLANATION AND BACKGROUND:**

#### **PETITIONER:**

George and Tanya Dean

#### **ADDRESS:**

#### **SUBJECT PROPERTY:**

341 SW 64 Way  
Pembroke Pines, FL 33023

#### **LEGAL DESCRIPTION:**

Lot 2 Block 33, of the BOULEVARD HEIGHTS SEC TEN PLAT, according to the Plat thereof, as recorded in Plat Book 51, Page-15B, of the Public Record of Broward County, Florida.

#### **PROJECT DESCRIPTION / BACKGROUND**

George & Tanya Dean have submitted five (5) variance requests to allow one (1) foot side yard (North), rear yard (East) and side yard (South) setbacks for an existing pool deck and to allow four (4) foot side yard (North) and rear yard (East) setbacks for an existing gazebo.

Justification for these variances and all approved Utility Easement Agreements have been submitted with this application.

#### **VARIANCES REQUESTED:**

Petitioner is requesting variances to:

**ZV(R) 2019-15** allow a 4' side yard setback (North) instead of the required 5' side yard setback for an existing gazebo.

#### **REFERENCES:**

§ 155.049 ACCESSORY USES AND STRUCTURES; SPECIAL PROVISIONS FOR CERTAIN SCREENED ENCLOSURES WITH COVERED ROOFS

(B) In residential districts, all accessory buildings and uses in a rear yard shall be located at least five feet from any plot line, at least 15 feet from any street line, and at least ten feet from any main building or other accessory building. For water front lots located within developments approved under the design criteria of (RS-7) single family zoning districts, accessory structures shall be allowed to extend to the zero setback side property line. These accessory structures shall include, but not be limited to, concrete slabs, paver decks, wood decks, pools and pool decks, and screen enclosures.

#### **VARIANCE DETERMINATION:**

The Board of Adjustment shall not grant any single-family residential variances, permits, or make any decision, finding, and determination unless it first determines that:

Its decision and action taken is in harmony with the general purposes of the zoning ordinances of the city and is not contrary to the public interest, health, or welfare, taking into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in the buildings, and traffic conditions in the vicinity.

In the granting of single-family residential variances, the Board shall determine that the single-family residential variance granted is the minimum variance that will accomplish the intended purpose in accordance with above and:

- A) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of the zoning ordinances would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or
- B) That any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the city; or
- C) That granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and that the circumstances which cause the special conditions are peculiar to the subject property.