

# Board of Adjustment Meeting

September 1, 2020

**BA-03-20**

Variance request to allow an addition to an existing detached single-family dwelling to encroach 7.35 foot into the required 15 foot rear setback and permission to maintain 400 square feet of tree canopy area

**Property Location:** 5730 NW 27<sup>th</sup> Street

## **AGENDA**

- Location
- Background
- Proposal
- Consistency with Comprehensive Plan  
and Compatibility with surrounding area
- Compliance with code
- Variance criteria
- Staff Recommendation



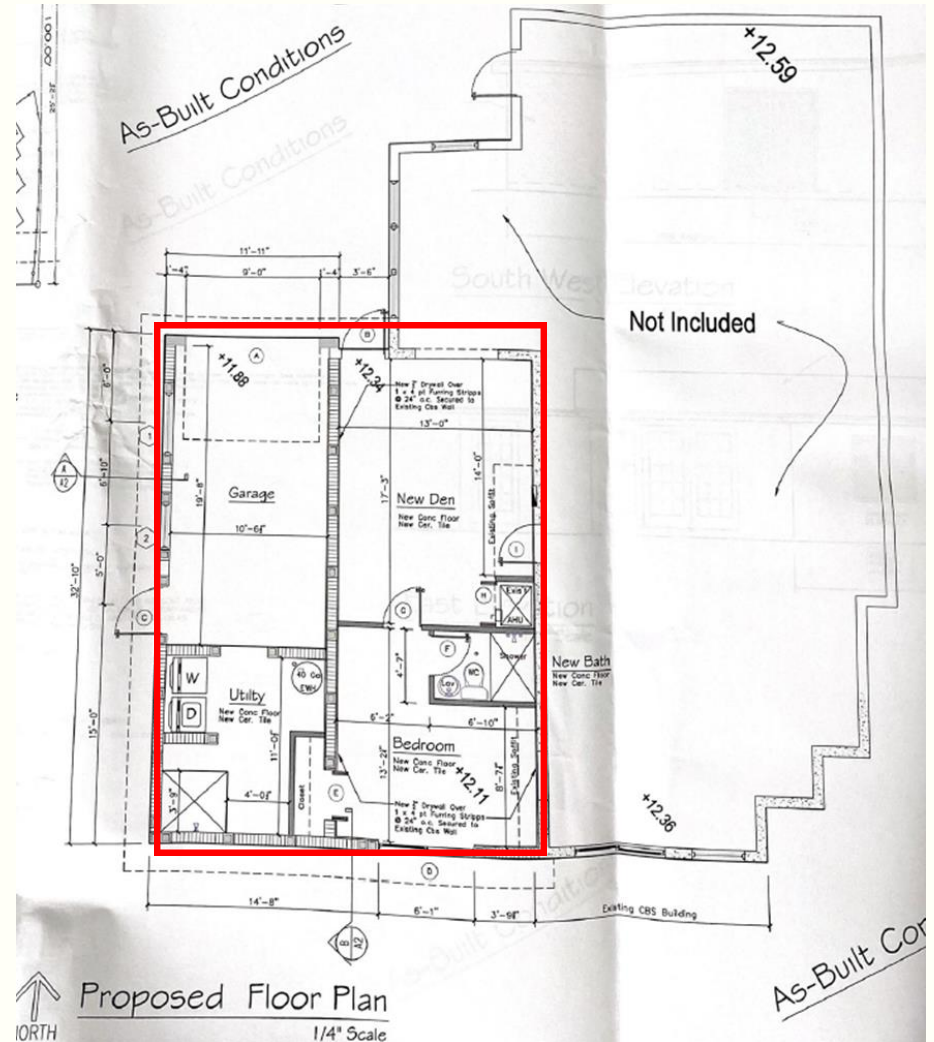
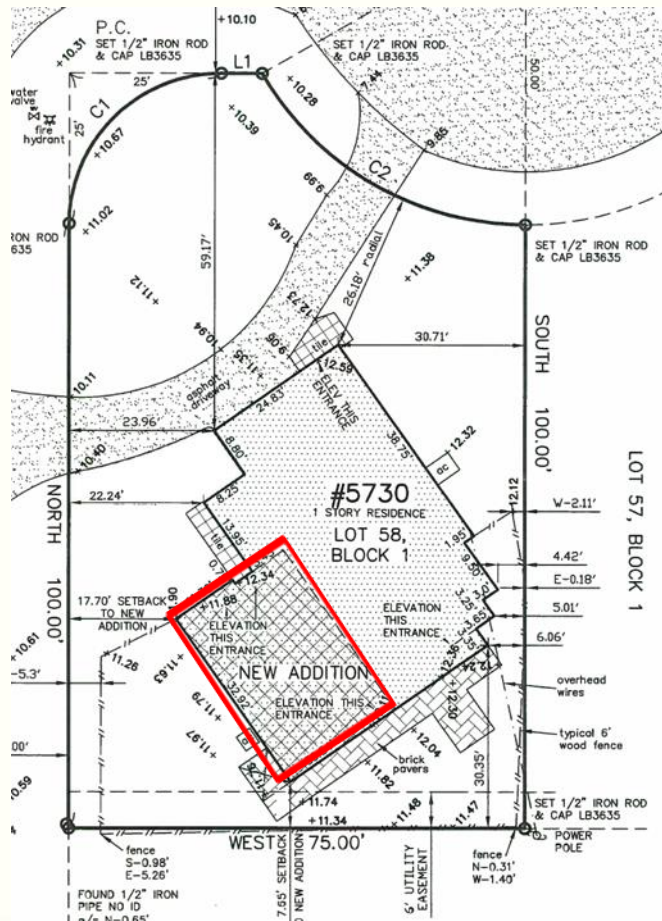
## Location Map



- Violation for work without a permit
- Permit #20-578 for addition
- During permit review, it was determined the rear addition did not conform to the required 15 foot setback
- Section 23-3, installation of new landscaping material shall apply when any existing building is expanded; existing landscaping did not meet minimum landscape requirements



# PROPOSAL

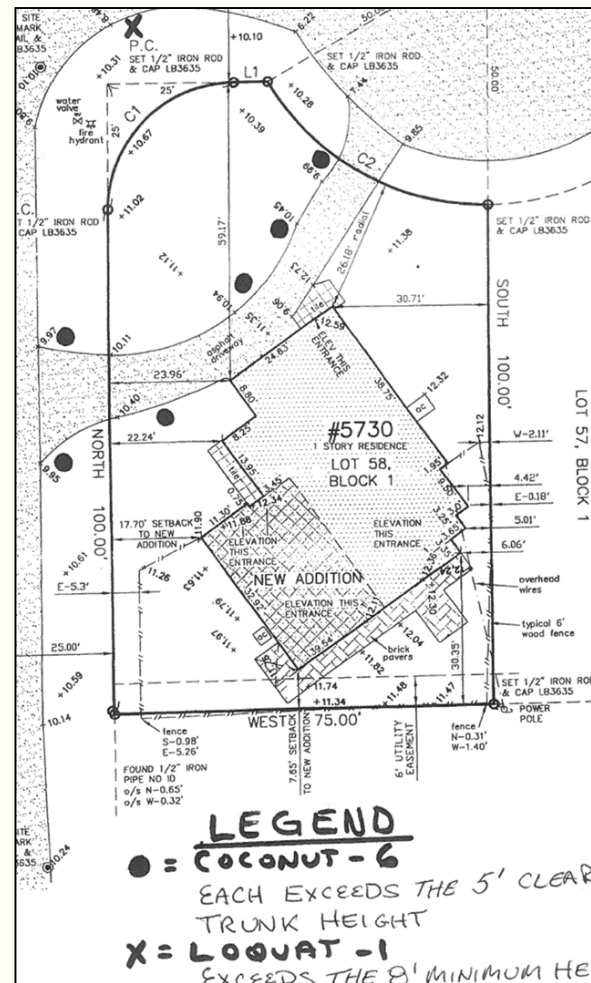






## PROPOSAL

- 6 coconut palms (category 3)
- 4 out of 6 coconut palms are within the property
- 1 Loquat (category 2)



## **CONSISTENCY WITH COMPREHENSIVE PLAN & COMPATIBILITY WITH SURROUNDING AREA**

### **Element I: Future Land Use**

“Policy 4.15 Land development regulations shall contain performance standards that, at a minimum:

- a. Address the compatibility of the proposed development with neighboring properties.
- b. Address any detrimental effects of the proposed development on living and/or working conditions in proximity thereto.
- c. Address internal and external vehicular and pedestrian traffic flow.
- d. Address the location, size, and features of structures, with particular reference to their interrelation with neighboring properties.
- e. Address the adequacy of setbacks and buffers from rights-of-way and neighboring properties.”

## COMPLIANCE WITH CODE

### **Ordinance 1500.80 Zoning regulations for single-family**

Requires a rear yard setback not less than 15 feet in depth

- Applicant is proposing 7.65 foot rear setback

### **Section 23-3(B), Application of landscaping code**

The provisions of this landscaping code regarding the installation of new landscaping material shall apply when any existing building is expanded, extended, redeveloped, or enlarged

### **Section 23-11(A)(2)(d), Minimum landscape requirements for zoning districts**

Lots ranging from (6,000) to (14,999) square feet or greater shall be required to provide a tree canopy equivalent of ten (10) per cent of the gross lot size.

- Single family lot that is 8,477 square feet in area requires to provide 850 square feet of total tree canopy area.
- The existing total tree canopy area on the subject property is 400 square feet



## **SECTION 2-79(B) DECISION TO GRANT A VARIANCE**

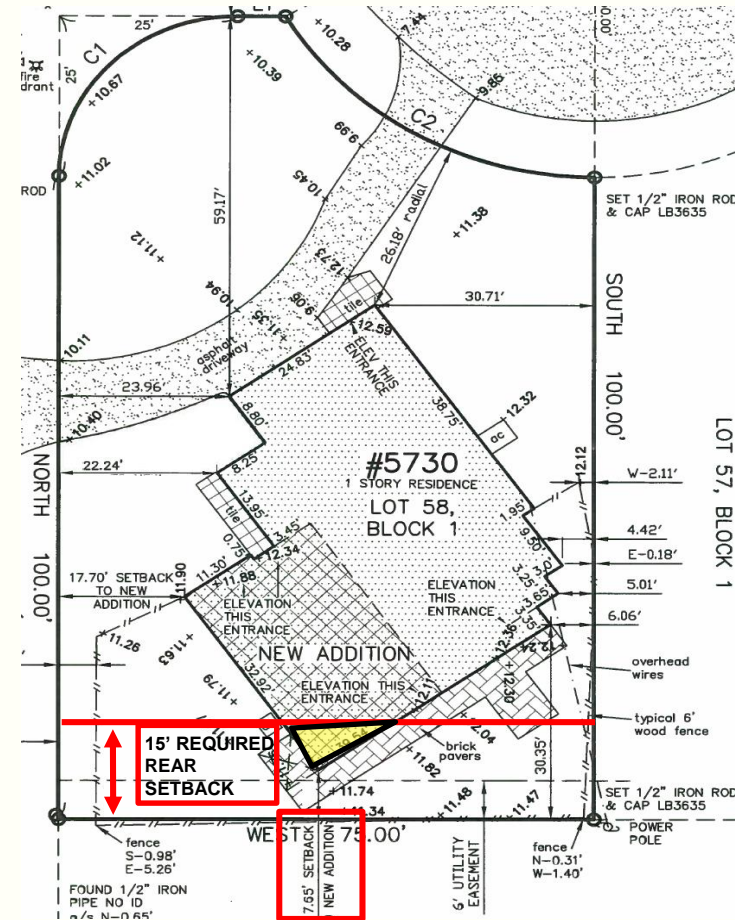
Section 2-79(b) of the Margate Zoning Code provides that a decision to grant a variance by the Board of Adjustment must be in conformance with three specified criteria. Those criteria are as follows:

- (1) It shall be demonstrated that special conditions and circumstances exist which, if there is a literal and strict enforcement of the provisions of a zoning ordinance, would constitute a hardship or practical difficulty in the use of the property involved.
- (2) The board shall find that the granting of the variance will not be contrary to the public interest or the general purpose sought to be accomplished by the zoning ordinances.
- (3) In granting any variance, the board shall record in its minutes the circumstances and conditions constituting the hardship or practical difficulties upon which the variance is based.



## VARIANCE CRITERIA

- No special conditions or circumstances of site
- No practical difficulty
- The hardship was self-created (Town of Ponce Inlet v. Rancourt)
- Economic disadvantage  $\neq$  hardship (Burger King Corp v. Metropolitan Dade City)



## **Board Motion Options:**

- 1. Motion to deny the variance request as recommended by staff.**
2. Motion to approve the variance request from Ordinance 1500.80 to allow a 7.35 encroachment into the rear yard setback and Section 23-11 for permission to maintain a total 400 square feet of tree canopy area.
3. Motion to approved with conditions as recommended by the Board of Adjustment.