

RESOLUTION NO. 2020-210

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, APPROVING THE VARIANCE REQUEST OF RANDOLPH AND GINA NELSON FOR A VARIANCE FROM SECTION 13-379 (1) OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES TO PERMIT A FENCE WITHIN A REQUIRED FRONT YARD FOR THE PROPERTY LEGALLY DESCRIBED HEREIN, BEING GENERALLY LOCATED AT 3920 NW 23 PLACE, PURSUANT TO THE REQUIREMENTS OF SECTION 13-33 OF THE CITY OF COCONUT CREEK CODE OF ORDINANCES; PROVIDING FOR FINDINGS; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Applicants, Randolph and Gina Nelson (“Applicants”), are requesting a variance from Section 13-379 (1) of the City of Coconut Creek Code of Ordinances for said property generally located at 3920 NW 23 Place and legally described as Lot 29 of “Coco Pointe,” being that portion of Tract B, according to the Plat of Centura Parc at Coconut Creek, recorded in Plat Book 120, at Page 16, of the Public Records of Broward County, Florida (the “Subject Property”); and

WHEREAS, the Applicant is specifically seeking a variance to construct a fence within a required front yard where one is not permitted; and

WHEREAS, the Applicant has met the standards for consideration of a variance, pursuant to Section 13-33 (d) of the City of Coconut Creek Code of Ordinances; and

WHEREAS, at its public hearing held on September 9, 2020, the Planning and Zoning Board heard, reviewed, and duly considered the reports, findings, and recommendations of the City staff, together with the opinions and testimony stated at the public hearing, and has recommended approval of this item to the City Commission subject to the following condition:

1. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

Section 2: Findings. That the variance application to permit a fence within a required front yard where one is not allowed complies with the requirements of Section 13-33(d), “Standards for granting,” as follows:

- (1) Special conditions and circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (2) The special conditions and circumstances do not result from actions of the applicant.
- (3) Granting the variance will not confer a special privilege that is denied by the requirement of 13-279(1) to other lands, buildings or structures in the same zoning district.
- (4) Literal interpretation of the regulation will deprive the applicant of rights shared by other property owners holding property in the same zoning district and cause unnecessary and undue hardship on the applicant.
- (5) The variance granted is the minimum variance that will make possible the reasonable use of land, buildings or structures.
- (6) Approval of the variance will be harmonious with the general intent and purpose of the Land Development Code and that such variance will not degrade the area involved or be detrimental to public welfare.

Section 3: Approval with Conditions. That this application for a variance from Section 13-379 (1) of the City of Coconut Creek Land Development Code to permit a fence within a required front yard on the Subject Property where one is not allowed, having been recommended for approval by the Planning and Zoning Board on September 9, 2020, and having been reviewed by the City Commission, is hereby approved subject to the following conditions:

- a. Outstanding DRC comments remain effective throughout the development review process and shall be addressed prior to the issuance of a building permit.
- b. The approval granted herein is specific to the Subject Property, as platted and developed at the time of this approval. Replatting of the subdivision or redevelopment of the Subject Property with a building orientation different than exists at the time of this approval shall extinguish this approval.
- c. The applicant shall obtain a building permit for the request approved herein, within one (1) year of the date of this approval. If a building permit is not obtained or an extension granted within the prescribed time limit then this approval shall become null and void.

Section 4: Severability. That should any section or provision of this resolution, or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 5: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 6: Effective Date. That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 12th day of November, 2020.

Louis Sarbone, Mayor

Attest:

Leslie Wallace May, City Clerk

Sarbone	<u>Aye</u>
Rydell	<u>Aye</u>
Tooley	<u>Aye</u>
Belvedere	<u>Aye</u>
Welch	<u>Aye</u>

WSS:ae

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