

CRITERIA STATEMENT

208 NW 7 COURT

SETBACK VARIANCE

The applicant Ted Rojas the contractor for Ahmadiyya Movement In Islam Inc. is seeking a front setback variance to allow the construction of a canopy on the front of the building located at 208 NW 7th Court.

The required front setback is 20 feet. If the variance is granted a portion of the setback would be reduced to 11 feet. The purpose of the canopy would be to provide protection for an existing drop off and pick up area especially for members of the congregation. The granting of the variance will not create any additional habitable space for the existing structure.

VARIANCE CRITERIA

That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not generally applicable to other lands, structures or buildings in the same zoning district. (Describe what special conditions or circumstances affect your property and/or building and how these conditions and circumstances are different from those of neighboring properties).

The subject property is used as a religious facility located in a residential zoning district. Residential housing and religious facilities have different needs. Residential structures use front setback areas for parking and patios by right while pickup/dropoff facilities for a religious facility are not allowed by right. The proposed canopy will cover an existing short concrete canopy that provides no protection from the elements and a portion of an existing circular driveway.

That the special conditions and circumstances do not result from the action of the applicant. (State whether the need for a variance was caused by something you did on the property, or is the situation caused by the actions of others).

The need to provide a canopy was not caused by any action of the applicant. The need for the canopy is caused by the fast changing weather patterns in South Florida. The applicant simply desires to protect congregation members from inclement weather and the sun while being picked up or dropped off at the front doors of the facility.

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That granting the variance requested will not confer on the applicant, any special privilege that is denied by the Code to other lands, building, or structures in the same district. (Will the variance allow you to do something that owners of neighboring properties are not allowed to do? If not, explain why not).

The variance will not confer on the applicant any special privilege on the applicant. Granting the variance allows the religious facility to better address the needs of its congregation. The existing zoning allows parking and patios in the front setback for residential uses but does not address the needs of other uses allowed in the district either by right or by conditional use.

The literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Code, and would work unnecessary and undue hardship on the applicant. (What are the rights you believe are being taken away from you by your having to comply with the requirements of the zoning district? What is the hardship (other than monetary) or problem, which is being created by having to comply?)

The applicant wants to provide weather protection to its members that need to be dropped off and pickup at the front door of the facility. The existing canopy does not provide this protection and not granting the variance might expose members of the congregation to heavy rainfall, lightning and wind.

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure. (Describe what alternatives or options you have considered in order to minimize your variance request and still have reasonable use of your property.)

The canopy is designed to protect only the area in front of the entry doors to the facility. It does not stretch across the entire front of the existing structure on the site. The existing lawn area will remain almost the same. The canopy is the smallest size to provide the desired weather protection for members of the congregation.

That the granting of the variance will be in harmony with the general intent and purpose of the Code. (State how your request is in harmony with the City regulations to promote, protect and improve the public's health, safety, comfort, good order, appearance, etc.)

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The granting of the variance is in harmony with the intent and purpose of the code. The canopy will not cover the entire front of the structure, will leave in place existing lawn area, will not increase the usable floor area of the existing structure, and will provide comfort and safety for members of the congregation.

That such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. (Describe how the granting of the variance will not adversely affect neighboring properties and the City overall.)

The variance as requested will allow the applicant to construct a canopy over an existing drop off /pickup area of the religious facility on the site. This is considered to be a normal part of such a facility. The addition of the canopy will not cause any negative effects or create any nuisances for surrounding properties or the City of Hallandale Beach as a whole.