

Responses to Application for Variance for Steenville provided by Geil Bilu

(1) That special conditions and circumstances exist affecting the land, structure or building involved preventing the reasonable use of said land, structure or building.

The subject property is essentially landlocked as it is surrounded on all sides by other residential properties with no street, which prevents it from being defined as a "lot" under the City's Code. It is of comparable size to the surrounding properties, all of which have homes situated upon them. To alleviate this concern, the Applicant, upon the advice of a City Employee prepared and recorded a Private Access and Utility Easement ("the Easement") providing for permanent access to the nearest street.

(2) That the circumstances which cause the hardship are peculiar to the property, or to such a small number of properties that they clearly constitute marked exceptions to other properties in the district.

A review of the Aerial Map of the surrounding area does not reveal any other vacant lots of comparable size which are completely surrounded by other residential properties with no street frontage. This landlocked condition is unique, and granting such an exception would not be grounds for any other property owners in the district to request and be granted similar relief.

(3) That the literal interpretation of the provisions of this chapter would deprive the applicant of a substantial property right that is enjoyed by other property owners in the district. (It is of no importance whatever that the denial of the variance might deny to the property owner some opportunity to use the property in a more profitable way, or to sell it at a greater profit than is possible under the terms of this chapter).

The literal interpretation of Section 24-245 (53) would prevent the Property from being considered a "lot" upon which the owner could build a residence. Essentially, by not classifying the property as a lot, the property would be relegated to remaining permanently vacant unless the City changed its Code (there is no other reasonable zoning classification for the Property and no other use to which it could be put).

(4) That the hardship is not self-created or the result of mere disregard for, or ignorance of, the provisions of this chapter.

The hardship is not self-created and is not a result of a disregard or ignorance of the provisions of Section 24-245 of the Code. In fact, the filing of a Unity of Title and the recording of the Easement providing access to the nearest street were done after extensive consultation and multiple meetings with an employee the City of Oakland Park (Kristen Nowicki, Senior Planner) along with a real estate consultant and a licensed surveyor, engineer, and land planner who all believed that the recording of the Easement, would provide the necessary street frontage to meet the City's definition of a lot.

(5) That the variance is the minimum variance that will make possible the reasonable use of the property, and that the variance will be in harmony with the general purposes and intent of this chapter and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The Property is surrounded by residential lots with homes situated upon them- which would be the only reasonable use for the Property. The variance being requested is minimal and reasonable change that will benefit the surrounding neighborhood. Were this variance not to be granted, the Property would have to remain vacant in perpetuity and would be detrimental to the welfare of the surrounding community.

(6) That granting the variance requested will not be detrimental to adjacent property or adversely affect the public welfare. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be grounds for the issuance of a variance.

The requested variance would put the use of the Property in line with the surrounding properties and would not adversely effect the public welfare.

(7) Under no circumstances shall the board of adjustment recommend a variance to permit use not generally permitted in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.