



Staff Report

File #: LN-693

ZONING BOARD OF APPEALS

Meeting Date: MARCH 20, 2025

2201 LLC

Request: Variance
P&Z# 25-11000003
Owner: 2201 LLC
Project Location: 2201 W Atlantic Blvd
Folio Number: 484233290010, 484233054280, 484233054282, 484233054285, 484233054284, 484233054281, 484233054283
Land Use Designation: C (Commercial) & LM (Low-Medium 5-10 DU/AC)
Zoning District: B-3 (General Business)
Agent: Brian Herbert
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting a Variance from Section §155.5203(D)(3)(c) of the Pompano Beach Zoning Code, which specifies the minimum width for perimeter landscaping strips. Specifically, the request is to allow a +/- 5.5-foot-wide landscaping strip along the west side of the property (NW 23 Avenue), instead of the required minimum width of 10 feet.

The property is in the Northwest CRA, along the north side of W Atlantic Boulevard and the east side of NW 23rd Avenue.

ZONING REGULATIONS

§155.5203. LANDSCAPING

- ...
- D. Vehicular Use Area Landscaping
- ...
- 3. Perimeter Landscaping Strips
- ...
- c. Width
 - The minimum width of the perimeter landscaping strip shall be:
 - i. Twenty feet in industrial developments abutting a major arterial, minor arterial, or collector street;
 - ii. Ten feet in all other developments on lots greater than 100 feet wide; and
 - iii. Five feet in all other developments on lots no more than 100 feet wide.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The subject property was originally developed under Building Permit #85-3026 (PRA #11033), with a Certificate of Occupancy issued May 29, 1986. The development consisted of a 78,940 square-foot retail furniture store and an associated storage area.
2. The subject property currently holds the following Business Tax Receipts:
 - a. NEW YORK QUARTZ LLC
 - b. ATLANTIC WALLPAPER & DÉCOR PRO
 - c. FIREBUILT UMBRELLAS
 - d. LUX OUTDOOR LIVING LLC
 - e. 2201 LLC
3. A new building, totaling 21,492 square feet, is planned for construction behind the existing structure. The six parcels comprising that portion of the property were rezoned from RM-12 (Multi-Family Residence 12) to B-3 (General Business) through Ordinance No. 2024-37. The proposed expansion is currently under review in the Minor Site Plan Review process (PZ #21-12000052). The Site Plan application was presented to the Development Review Committee (DRC) on the following dates: 8/17/2022, 3/6/2024, 11/6/2024, and most recently on 2/19/2025.
4. As part of the expansion, a 5-foot right-of-way dedication is required along the entire west side of the subject property, along NW 23rd Avenue. Retaining the existing 10-foot-wide perimeter landscape strip would result in the loss of 27 parking spaces in the current parking area, as well as 8 new parking spaces in the proposed northern section of the property. To mitigate this impact, the applicant requests a reduction in the width of the landscape strip by approximately 4.5 feet.
5. Staff does not oppose the applicant’s request. Retaining the required 10-foot perimeter landscape strip would significantly affect the site’s parking and circulation, particularly in light of the right-of-way dedication. Despite the proposed reduction in the western landscape strip, the site data table confirms that the property will still meet the minimum 20% pervious area requirement, ensuring compliance with zoning regulations. Additionally, the plans include landscaping within the right-of-way that goes beyond code requirements, helping to offset the reduced width of the landscape strip.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- B-3 | multi-tenant commercial

Surrounding Properties (Zoning District | Existing Use):

- North: RM-12 | single-family dwellings
- South: T and W | Atlantic Blvd and South Florida Water Management District retention
- West: CF | USPS (post office)
- East: B-3 | multi-tenant commercial

VARIANCE REVIEW STANDARDS

A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- b) The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
- c) Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship;
- d) The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.
- e) The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;
- f) The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;
- g) The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and
- h) The Variance is consistent with the comprehensive plan.

Staff Conditions:

Should the Board determine that the applicant has provided competent, substantial evidence to meet the eight Variance review standards, staff recommends the following conditions be included as part of the Board's Order:

- 1. The applicant must secure all required permits and approvals, including a Minor Site Plan Development Order, Building Design Development Order, and Building and Zoning Compliance permits.
- 2. If the City Engineer determines that right-of-way dedication is unnecessary, the Variance will be considered null and void, and a 10-foot perimeter landscape strip along NW 23rd Avenue must be maintained.
- 3. The applicant must demonstrate substantial compliance with the plans submitted with this application and Site Plan application PZ #21-12000052.

CITY OF POMPANO BEACH AERIAL MAP



Legend

- Pompano Beach Parcels
- Applicant Parcel

Scale:
1:5,000

2201 LLC
2201 W Atlantic Blvd

Variance
Created by:
Department of
Development Services



Scale: 1:5,000