



Staff Report

File #: LN-882

ZONING BOARD OF APPEALS

Meeting Date: JUNE 18, 2026

VARIANCE - TOPLINE PERFORMANCE INC

Request: Variance
P&Z# 26-11000003
Owner: Topline Performance Inc
Project Location: 50 SW 5 ST
Folio Number: 494202150400
Land Use Designation: I (Industrial)
Zoning District: B-4 (Heavy Business)
Commission District: 3 (Alison Fournier)
Agent: Jose Ramos
Project Planner: Scott Reale

Summary:

The Applicant Landowner requests variances from the Pompano Beach Zoning Code in order to facilitate the redevelopment of the subject property, as follows:

1. **Section 155.3305.C** [B-4 Zoning District Intensity and Dimensional Standards] - To allow a new building to be located 15 feet from the rear lot line, in lieu of the minimum of 30-foot rear yard setback required by Code.
2. **Section 155.4302.B.2.g** [Prohibited Location of Accessory Structures] - To allow a dumpster enclosure to be located in front of a principal structure rather than behind a principal structure as required by Code.
3. **Section 155.5102.D.1** [Minimum Off-Street Parking Requirements] - To reduce the minimum required number of off-street parking spaces to nine (9), in lieu of the nineteen (19) parking spaces required by Code.

The subject property is located on the south side of SW 5th Street, approximately 225 feet west of South Cypress Road, in the Pompano Beach Industrial Center subdivision.

ZONING REGULATIONS

- §155.3305. HEAVY BUSINESS (B-4)
- ...
- C. Intensity and Dimensional Standards
- ...
- Rear yard setback, minimum: 30 feet

- §155.4302. GENERAL

...

- B. General Standards for All Accessory Uses and Structures

...

- 2. Prohibited Location of Accessory Uses and Structures

Unless otherwise provided for in Section 155.4303 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall not be located within the following:

- a. Any platted or recorded easement;
 - b. Any required landscape easement or buffer;
 - c. An area over any known utility;
 - d. An area designated as a fire lane or emergency access route on an approved site plan;
 - e. An area designated as a parking area on an approved site plan;
 - f. A required yard setback;
 - g. **In front of the principal structure;**
 - h. Within 15 feet of a property line abutting a waterway or canal; and
 - i. Within 25 feet of the historic dune vegetation line.

- TABLE 155.5102.D.1: MINIMUM NUMBER OF OFF-STREET PARKING SPACES

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Use Type: Office

Required Parking: 1 per 400 sq ft @ 811 sq ft

Use Type: Warehouse

Required Parking: 1 per 500 sq ft @ 8,399 sq ft

Total Required: 19 parking spaces

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The subject property is located at 50 SW 5th Street and is zoned B-4 (Heavy Business District) with an underlying Industrial land use designation. The parcel measures approximately 100 feet in width and 120 feet in depth, for a total area of approximately 12,000 square feet.
2. The subject property currently contains an active Business Tax Receipt (BTR) for a Repair Service - Paint and Body Shop use in a 2,590 sq ft structure. The applicant proposes to completely redevelop the site pursuant to Site Plan Application PZ #25-12000015. The proposed site plan was reviewed by the Development Review Committee (DRC) on August 20, 2025, November 5, 2025, and May 20, 2026.
3. The redevelopment proposal consists of a two-story building containing approximately 811 square feet of office area on the first floor, 3,894 square feet of warehouse area on the first floor, and 4,505 square feet of warehouse area on the second floor, together with associated parking, landscaping, drainage, and site improvements.
4. The proposed site plan provides nine off-street parking spaces. Based on the floor areas identified on the site plan, the Zoning Code requires 19 parking spaces: three parking spaces for the office area (1 space per 400 square feet) and sixteen parking spaces for the warehouse area (1 space per 500 square feet). Accordingly, the applicant requests a variance to permit nine parking spaces where 19 spaces are required by Code.

5. The applicant also requests a variance to allow the principal structure to be located 15 feet from the rear property line in lieu of the required 30-foot rear setback. The proposed redevelopment maintains a similar rear setback to the existing structure being demolished.
6. In addition, the applicant requests a variance to allow the dumpster enclosure to be located in front of the principal structure rather than behind the principal structure as required by Code. The proposed dumpster enclosure is located approximately five feet from the front property line and will be screened by a masonry enclosure and required landscaping. The applicant indicates that alternative locations were evaluated during the site planning process but were found to interfere with vehicle circulation, parking, and building placement on the site. The Code requirement is intended to reduce the visibility of service areas from public rights-of-way and improve the appearance of commercial corridors. The Board should consider whether the proposed screening adequately addresses the intent of the Code despite the enclosure's location in front of the principal structure.
7. The subject property is bordered to the rear by properties also zoned B-4. One adjoining property contains an automobile dealership with indoor display only, while the property directly abutting the rear lot line contains an automobile service and repair use. The proposed setback reduction does not adjoin residentially zoned or residentially used property.

PLANNING CONSIDERATIONS

The requested variances arise in connection with redevelopment of an existing developed parcel within an established industrial and commercial area. The proposal replaces an existing structure with a new two-story building, upgraded landscaping, drainage improvements, and associated site enhancements.

The subject parcel measures approximately 12,000 square feet and is smaller than many comparable industrial and heavy commercial sites in the area. The combined application of the required rear setback, parking, landscaping, drainage, and circulation requirements reduces the area available for development on the site. The Board should consider whether the physical characteristics of the property constitute extraordinary and exceptional conditions as contemplated by the variance standards.

The parking variance differs from the setback and dumpster location variances in that it is based primarily on operational assumptions associated with the proposed use rather than physical site constraints. The applicant contends that the second floor will be used primarily for vehicle storage and therefore generates reduced parking demand compared to Code-based calculations. However, parking requirements are calculated based on floor area, not anticipated use. The Board should consider whether strict application of the parking requirement would result in unnecessary hardship attributable to the property rather than the proposed operational plan.

The Board should also consider whether each requested variance represents the minimum necessary to permit reasonable use of the property while maintaining the purpose and intent of the Zoning Code.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use): B-4 | repair service / paint & body shop

Surrounding Properties (Zoning District | Existing Use):

- North: B-4 | fabrication
- South: B-4 | auto dealer (no outside display); auto repair; computer service
- West: B-4 | no active BTR
- East: B-4 | storage yard

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 FINDINGS

Staff finds that the applicant has presented evidence intended to demonstrate that:

- The applicant contends that the physical dimensions of the approximately 12,000-square-foot parcel limit redevelopment opportunities;
- The applicant contends that the physical characteristics of the parcel were not created by the current landowner;
- The applicant contends that strict application of the rear setback, dumpster location, and parking requirements would unreasonably restrict redevelopment of the property;
- The requested variances are associated with a redevelopment plan that has undergone technical review through the Site Plan process;
- The proposed dumpster enclosure will be screened by a masonry enclosure and landscaping;
- The reduced rear setback will not directly abut residentially zoned or residentially used property; and
- The applicant contends that the requested variances represent the minimum relief necessary to accommodate the proposed redevelopment.

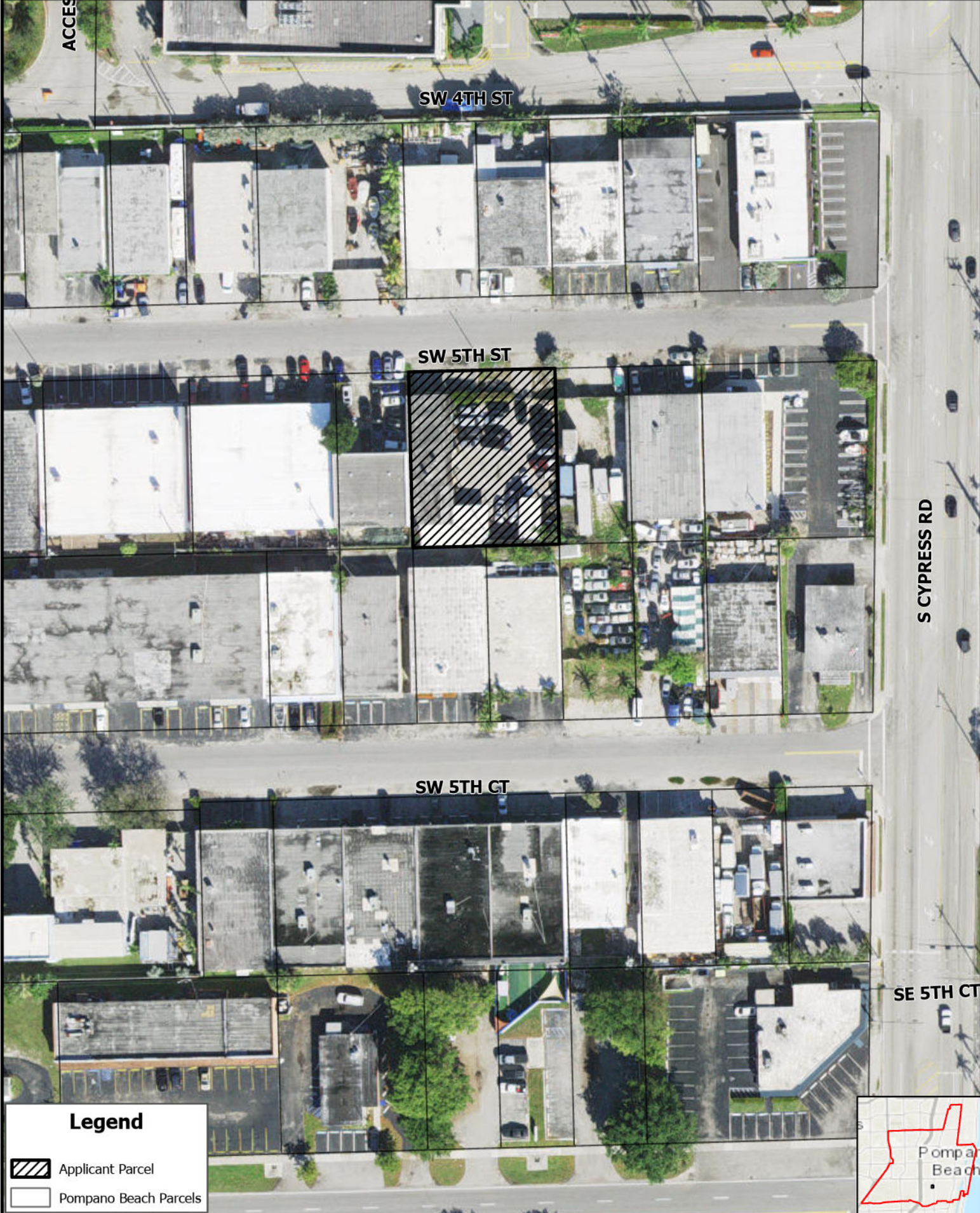
The Board must determine whether the evidence presented is sufficient to satisfy each of the variance review standards.

Staff Conditions:

Should the Board determine that the applicant has provided competent and substantial evidence to satisfy the eight Variance review standards, staff recommends the Board include the following conditions as part of the Order:

1. The applicant shall obtain all required governmental permits and approvals, including a Site Plan Development Order and Building and Zoning Compliance permits.
2. Development shall be in substantial compliance with the plans submitted with this Variance application and Site Plan PZ #25-12000015.
3. The dumpster enclosure and associated landscaping shall be installed and maintained substantially consistent with the approved site plan.

CITY OF POMPANO BEACH AERIAL MAP



Legend

-  Applicant Parcel
-  Pompano Beach Parcels



Scale:
1:1,000
1/21/2026

50 SW 5 ST
Topline Performance Inc

Variance
Created by:
Department of
Development Services

