

Entourage in the Sun Variance Request Narrative Pompano Beach ZBA

Entourage Florida Development, LLC, owns properties located at 407 & 419 N Riverside Drive ("the Property") in the City of Pompano Beach, FL. Entourage Florida Development, LLC, submitted a development application proposing a 42-unit condominium on the Property (PZ # 22-12000011).

As provided below, Entourage Florida Development, LLC, respectfully requests three separate variances pursuant to Section 155.2420 of the Pompano Beach Zoning Code, in conjunction with the development application. The first variance is pursuant to Section 155.5203.D.5, to reduce the required 24' wide landscaping requirement; the second variance is pursuant to Section 155.5203.D.3 to reduce the required 10' landscape strip on east end of the Property; and the third variance is pursuant to Section 155.5203.D.4, to remove the 8' landscaping island required next to the parking provided at the north end of the Property.

First Variance:

Request to reduce the required 10' landscape strip on east end of the Property to a 5'-wide strip to accommodate the fire staging areas. 155.5203.D.3.c.

Pursuant to Section 155.2420.D, a variance application shall be approved only on a finding that there is competent substantial evidence in the record that all 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;

Response: The Property is a shallow site along Riverside Drive and the proposed site plan for a 42-unit condominium provides excess amount of landscaping, pedestrian walkways, and ample trees throughout the Property. In response to a City request a fire truck staging area and walkways with a clear path to the intracoastal were implemented on the eastern end of the Property. Providing for the truck staging and turning radius has made meeting the required landscape strip difficult.

b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;

Response: The physical dimensions of the site and the City's requirement to maintain a fire truck staging area along the eastern portion of the Property are not a 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;

Response: The current landscaping dimensional requirements are designed to accommodate larger parcels and creates a hardship on the Property at issue to have the ability to construct a modest

permitted condominium with the required parking and still provide in excess of the landscape requirements.

d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.

Response: No special privilege would be granted the landowner by granting the variance, as the landowner is providing an increase in the overall landscaping requirements.

e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;

Response: The extent of the variance is the minimum required to accommodate a fire truck and clear passage to the waterway.

f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;

Response: The variance is in harmony with the general purpose and intent of this Code and preserves its spirit by providing superior landscape design and trees.

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

Response: The variance will not adversely affect health and safety issues, in the alternative providing increased landscaping and accommodating onsite fire truck staging area as proposed is beneficial to the surrounding neighborhood.

h. The Variance is consistent with the comprehensive plan.

Response: The variance is consistent with the City's comprehensive plan.

Second Variance:

Request to reduce a small portion of the 24' wide landscaping between buildings to 5'-wide, where the remainder of the Property provides 26' wide landscaping area along the eastern portion of the Property. 155.5203.D.5.

Pursuant to Section 155.2420.D, a variance application shall be approved only on a finding that there is competent substantial evidence in the record that all 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;

Response: The Property is a shallow site along Riverside Drive and the proposed site plan for a 42-unit condominium provides excess landscaping, pedestrian walkways, and ample trees throughout the Property. Further, it is difficult to provide the necessary parking and landscaping for the permitted number of units and maintain the required 24' landscaping on a lot the size of the Property.

b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;

Response: The physical dimensions of the site and the City's requirement to maintain a fire truck staging area along the eastern portion of the Property are not a result of the of 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;

Response: The current landscaping dimensional requirements are designed to accommodate larger parcels and creates a hardship on the Property at issue to have the ability to construct a modest permitted condominium with the required parking and still provide in excess of the landscape requirements.

d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.

Response: No special privilege would be granted the landowner by granting the variance, as the landowner is providing an increase in the overall landscaping requirements.

e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;

Response: The extent of the variance is the minimum required to accommodate a fire truck and clear passage to the waterway.

f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;

Response: The variance is in harmony with the general purpose and intent of this Code and preserves its spirit by providing superior landscape design and trees.

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

Response: The variance will not adversely affect health and safety issues, in the alternative providing increased landscaping and accommodating onsite fire truck staging area as proposed is beneficial to the surrounding neighborhood.

h. The Variance is consistent with the comprehensive plan.

Response: The variance is consistent with the City's comprehensive plan.

Third Variance:

Request to remove the 8' landscaping island required next to the parking provided at the north end of the Property. 155.5203.D.4

Pursuant to Section 155.2420.D, a variance application shall be approved only on a finding that there is competent substantial evidence in the record that all 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;

Response: The Property is a shallow site along Riverside Drive and the proposed site plan for a 42-unit condominium provides excess landscaping, pedestrian walkways, and ample trees throughout the Property. The design provides landscaping around the two parking spaces at the north end of the Property; however, the code requires an additional 8' wide landscaped island next to the parking spaces.

b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;

Response: The physical dimensions of the site and the City's requirement to maintain fire truck staging area along the eastern portion of the Property are not a 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;

Response: The current landscaping dimensional requirements are designed to accommodate larger parcels and creates a hardship on the Property at issue to have the ability to construct a modest permitted condominium with the required parking, provide in excess of the landscape requirements, meet setbacks, and still provide the 8' landscaping island.

d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.

Response: No special privilege would be granted the landowner by granting the variance, as the landowner is providing an increase in the overall landscaping requirements.

e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;

Response: The extent of the variance is the minimum required, as it is a slight reduction in the overall landscaping requirements for a building that provides over the amount of required landscaping.

f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;

Response: The variance is in harmony with the general purpose and intent of this Code and preserves its spirit by providing superior landscape design and trees.

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

Response: The variance will not adversely affect health and safety issues, in the alternative providing increased landscaping and accommodating onsite fire truck staging area as proposed is beneficial to the surrounding neighborhood.

h. The Variance is consistent with the comprehensive plan.

Response: The variance is consistent with the City's comprehensive plan.