



Staff Report

File #: LN-392

Zoning Board of Appeals
Meeting Date: April 20, 2023

VARIANCE - Horizon Time LLC

Request:	Variance
P&Z#	22-11000021
Owner:	Horizon Time LLC
Project Location:	3213 SE 7 th Street
Folio Number:	4943 06 12 0010
Land Use Designation:	MH- Medium-High 16-25 DU/AC
Zoning District:	Multiple-Family Residence 20 (RM-20)
Agent:	Courtney Crush
Project Planner:	Scott Reale

Summary:

Applicant Landowner is requesting a Variance from the following provisions:

1. Section 155.5203(D)(5)(a) [Vehicular Use Area Landscaping] of the Pompano Beach Zoning Code, in order to reduce the required 18' wide landscaped area between the vehicular use area and building façade to a range between 3' wide and 12' wide.
2. Section 155.4302(B)(2) [Prohibited Location of Accessory Uses and Structures] of the Pompano Beach Zoning Code, in order to allow mechanical pool equipment and a barbecue area to be located in front of a principal structure, rather than relocating these accessory features to a location that complies with code.

The subject property is located on the barrier island, on the west side of Hibiscus Avenue and the north of SE 7th Street.

ZONING REGULATIONS

§155.5203. LANDSCAPING

...

D. Vehicular Use Area Landscaping

...

5. Landscaping Between Vehicular Use Areas and Buildings

A landscaped area shall be provided between a vehicular use area and an abutting building in accordance with the following standards. No landscaped area is required along those parts of an abutting building facade containing building entrances, driveways into garages or carports, or loading docks.

a. The minimum width of the landscaped area shall be a minimum of eight feet for each 15 feet of height of the abutting building facade. For structures taller than 15 feet, the landscaped area shall be a minimum of one additional foot for every two feet (or major fraction thereof) of height, up to a maximum of 24 feet of landscaped area.

§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.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The applicant is proposing to construct seven 3-story townhouse units on a vacant parcel on the barrier island. With a lot area of 21,339 sq ft., the subject property has the density for up to nine dwelling units. The project is currently in DRC Minor Site Plan review (PZ #23-12000004) and after many iterations of the plans, the applicant is requesting relief from two code provisions.
2. Applicants are required to provide landscaping between vehicular use area (VUA) and an abutting building at a rate of 8' (width) for each 15' in height, and an additional foot for every 2' of height, up to a maximum of 24'. The elevations show the building will be 35' in height; therefore, the project requires 18' of landscaping around the building wherever it abuts VUA, except for those parts of an abutting building facade containing building entrances, driveways into garages or carports, or loading docks. The applicant contends this requirement effectively renders the site unbuildable and has provided an exhibit showing the development constraints if landscaping was installed per code. The applicant has provided some landscaping between the building and VUA, which ranges from 3' to 12' in width.
3. There is a code provision that allows the Development Services Director to modify the required landscaping between VUA and buildings if at least 50% of the required width is provided, and the applicant provides a superior landscape design. However, the applicant does not meet the 50% threshold, so they are not eligible for this administrative relief.
4. Staff acknowledges that some smaller scale townhouse developments with shared driveway access provide a unique challenge in meeting this code requirement. However, these standards were created to soften the hardscapes of a typical site plan, address urban heat island effects on a developed site, and maintain and protect the character and stability of the community.

5. The applicant's second request is to allow mechanical pool equipment and a barbecue area to be located in front of a principal structure. Unless otherwise provided for in a use-specific standard, accessory uses and structures may not be located in front of a principal structure. It should be noted that the pool equipment and barbecue area are not located within the required front yard, e.g., the first 25' measured from the Hibiscus Avenue lot line; however, they are proposed in front of the principal structure, which is prohibited by code. That said, the conceptual site and landscape plans submitted with this application suggest these accessory features will be adequately screened from view from adjacent rights-of-way. Considering the site's unique layout, staff does not object to relief from this code provision.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- RM-20 | vacant lot

Surrounding Properties (Zoning District | Existing Use):

- North: RM-20 | single-family dwelling
- South: RM-20 | multi-family dwelling
- West: RM-20 | multi-family dwelling
- East: RM-20 | multi-family dwelling

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 satisfy the eight Variance review standards, staff recommends the Board include the following condition(s) as a part of the Order:

1. Obtain all necessary governmental permits and approvals including a Minor Site Plan Development Order (PZ #23-12000004) and building and zoning compliance permits.
2. Substantial compliance with the set of plans submitted with this application.
3. Relief for accessory structures located in front of principal structure is limited to the pool equipment and barbecue area depicted on the plans.
4. In collaboration with the City's Urban Forester, provide superior and enhanced landscaping in excess of standard code requirements in areas where landscaping is provided, specifically along the adjacent street frontages.

CITY OF POMPANO BEACH
OFFICIAL AERIAL MAP



1 in = 250 ft

3213 SE 7th Street

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES