



Staff Report

**File #:** LN-204

Zoning Board of Appeals  
Meeting Date: December 16, 2021

**VARIANCE - ST. PHILIP CHURCH OF THE LIVING GOD**

**Request:** Variance  
**P&Z#** 21-11000019  
**Owner:** St. Philip Church of the Living God  
**Project Location:** 2505 NW 3 Street  
**Folio Number:** 4842 33 04 0290  
**Land Use Designation:** C- Commercial  
**Zoning District:** Community Business (B-2)  
**Agent:** Randall Granberry  
**Project Planner:** Scott Reale

**Summary:**

Applicant Landowner is requesting a Variance from Section §155.5101(G)(3)(a) [Limitation on Direct Access Along Arterial and Collector Streets] of the City of Pompano Beach Zoning Code, in order to provide direct access to a development approximately 68 feet from the intersection of N Powerline Road and NW 3<sup>rd</sup> Street, rather than provide direct access at least 100 feet from the intersection as required by Code.

The subject property is located on the west side of N Powerline Road, between NW 3<sup>rd</sup> Street and NW 4<sup>th</sup> Street.

**ZONING REGULATIONS**

155.5101. ACCESS AND CIRCULATION

...  
G. Vehicular Access and Circulation

...  
3. Vehicular Access Management  
a. Limitation on Direct Access Along Arterial and Collector Streets

Direct driveway access to a development's principal origin or destination points (including individual lots in a subdivision) shall be located at least 100 lineal feet from an intersection with McNab Road, Blount Road, a principal arterial street, minor arterial street, or collector designated on the Broward County Trafficways Plan.

Direct driveway access may be provided directly from a principal arterial street, minor arterial street, or local collector designated on the Broward County Trafficways Plan only if:

- i. No alternative direct vehicular access from a lower-classified accessway (e.g., local street,

driveway, or alley) is available or feasible to provide;

ii. Only one two-way driveway, or one pair of one-way driveways, is allowed onto lots with 200 or less feet of lot frontage on the arterial or collector street, and no more than one additional two-way driveway or pair of one-way driveways per additional 200 feet of frontage; and

iii. The development(s) served by the driveway is expected to generate an average daily traffic (ADT) count of 1,000 trips or less, or the Development Service Director determines that the origin or destination points accessed by the driveway will generate sufficiently low traffic volumes, and the adjacent arterial or collector street has sufficiently low travel speeds and traffic volumes, to allow safe driveway access while preserving the safety and efficiency of travel on the arterial or collector street.

### **PROPERTY INFORMATION**

1. The subject property has no open code compliance cases and no open building permits.
2. The applicant is concurrently requesting Minor Site Plan approval [PZ 21-12000028] in order to construct a parking lot for an existing church. During the 10/20/2021 DRC meeting, the application was informed that the proposed ingress of the parking lot along NW 3<sup>rd</sup> Street is less than 100 ft from Powerline Road, and therefore relief (variance) is required. The site's egress on NW 4<sup>th</sup> Street is 150 ft from the intersection with Powerline Road and therefore does not require relief.
3. Staff has reviewed the proposed site plan and does not object to the location of the proposed driveway entrance on NW 3<sup>rd</sup> Street and has concluded it is superior to providing direct access on Powerline Road which is a designated principal arterial street on the Broward County Trafficways Plan.

### **LAND USE PATTERNS**

Subject property (Zoning / Existing Use):

- B-2 / church and unimproved land (grass)

Surrounding Properties (Zoning District / Existing Use):

- North: B-2 / vacant undeveloped land
- South: B-2 / vacant undeveloped land
- East: B-2 / vacant undeveloped land
- West: RS-3 / single-family dwellings

### **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 conditions as a part of the Order:

1. Obtain all necessary governmental permits and approvals, including building and zoning compliance permits.
2. Substantial compliance to the plans submitted and approved under PZ #21-12000028.

# CITY OF POMPANO BEACH AERIAL MAP



**Subject Site**

1 in = 182 ft

AERIAL MAP

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES