

February 9th, 2022

City of Pompano Beach
Department of Development Services
Planning & Zoning Division

RE: Variance for Precast Wall at West Property Line, 20-7209 2151 HAMMONDVILLE RD

Dear Mr. Scott Reale,

I, Bryan Hussey, the Registered Agent of [1501 N POWERLINE, LLC](#) (EIN 844633944, Sunbiz L20000033654), the owner of the land referenced above, am requesting a variance to wall type and length as approved on our site plan for the Type C Buffer along our East and West property lines.

Along the West Property line, north of the neighbor's building, and along the East property line south of the right-of-way, the proposed new wall and landscaping (Type C Buffer) will create a dead zone, or alley, between the new wall and existing fence, that will be impracticable to maintain and create a security risk. At this condition we propose eliminating the landscaping and moving the wall as close to the existing fence as possible to make the alley, or double parallel wall condition, inaccessible. At the South end of this wall, we propose stopping the new wall at the existing CBS wall to not create an alley.

Along the West Property line, south of the neighbor's building, we propose eliminating this precast wall entirely. Due to the angle of MLK Blvd. (67 degrees acute), our neighbor to the west (owner of 2201 MLK Blvd) opposes the construction of the precast wall due to the negative impact of his site lines for vehicular ingress and egress, and his concern for creating a security blind spot and congregation area between our properties. We are fine with making an agreement with the neighbor that we would build this wall in the future if the separation were desired. Both the neighbor and we agree that the area would be safer with open site lines rather than an opaque wall.

- 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;
A: Yes, the neighbor's driveway is adjacent to the buffer and at a 67 degree acute angle to westbound traffic. Since this is not a 90 angle, even with the site triangle as proposed, a lack of visibility will create a hardship for the neighboring property (2201 MLK Blvd.) who frequently moves high performance vehicles via trailer in and out of the property. Also, due to past vagrant activity, the neighbor is concerned about the creation of a blind spot from the tall opaque wall. It would be easier for both parties to better monitor activity in the area with open site lines. Existing fences also create a parallel wall alley that would be impractical to maintain.
- b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;

A: Yes, the proposed wall is part of the type C buffer, not a discretionary choice by 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;

A: Yes, the intended benefit of separation barrier doesn't outweigh the perceived creation of negative impacts to traffic ingress and egress, and pedestrian safety. Existing conditions also make the application of the type C buffer impractical without modification.

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

A: Yes, the removal of the wall from the type C buffer will create more open visibility and surveillance for both owners, law enforcement, and public safety for trucks entering or exiting the drive. Both properties are currently light-industrial use within heavy commercial zoning districts so a landscaped barrier of the appropriate width is practical. Along the East property line the opaque barrier is still achievable. Along the West property line the wall could be constructed in the future if needed.

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

A: Yes, the buffer will still exist but with modifications to suite the conditions.

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

A: Yes, the two properties are the same use and in the same zoning. Both buildings are situated on large pieces of property with natural separation. Should the neighboring use change in the future, a wall could be erected at that time. And where landscaping would be eliminated along the East, it would be impractical to maintain and not visible anyway.

- 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

A: This proposed variance would be beneficial to safety.

- h. The Variance is consistent with the comprehensive plan.

A: Yes, the proposed variance is harmonious with the proposed land improvements, use, and employment activation of the area.

Sincerely,



Bryan Hussey
1501 N Powerline LLC