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Applicant: James Batmasian

Re: 3051 N. Federal Highway
Pompano Beach, FL 33064
Variance Application

Companion Application: Special Exception

Date: 8/20/21

RESPONSES TO SECTION 155.2420 VARIANCE STANDARDS

In conjunction with the Special Exception Application that has been filed on this site to allow for automotive repair and service, the applicant has been required to seek a variance from the City Code. Section 155.5062.C.7c.: "Street-facing facades on the ground level floor for uses involving repair, servicing and/or maintenance shall not include any service bay entrances, overhead doors, sliding glass doors, removable panels, or similar type of doors." The existing location, which was constructed and operated as a Firestone store for a number of years, has roll-up overhead doors facing Federal Highway to the east. As a result, the applicant is required to file this Variance Application in order to continue the use at the site.

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;

Applicant's Response:

The extraordinary circumstances are the preexisting nature of the site. The existing building was constructed and operated by Firestone at this site for a number of years. At

the time this was constructed, it was with the roll-up doors for the service bays facing Federal Highway. This was likely done for the convenience of the motorists turning off of Federal Highway and, secondly, to keep the traffic away from the residences in the back on the west side of the property. Short of tearing down the building or doing a serious reconfiguration, the applicant must work with this existing condition. It is also preferable to keep the vehicles coming in for service as far away from the residential neighborhood to the west as possible. This is an unusual circumstance that would not generally apply to other property seeking this use. The applicant has enhanced the landscape buffer along Federal Highway to increase it to a 20' deep buffer.

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

Applicant's Response:

As indicated above, this property was owned by Firestone, and the building was built by Firestone, and operated by Firestone for many years at this site. The applicant purchased the site as is and is attempting to upgrade and rehab the facility while continuing the same use as the prior Firestone operation. A review of the Broward County Property Appraiser's website aerial photographs shows that in 1998 the building existed in the same configuration as it does today. There are no older aerial photographs readily available, but the building has been in existence in the same format for a minimum of 23 years.

- 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;

Applicant's Response:

Because of the exceptional circumstances indicated above, the applicant cannot utilize the site for auto service and repair without the variance being granted, unless an almost complete rebuild of the existing structure were undertaken. As indicated previously, it is more beneficial to the residents to the west who have these doors open to the east, rather than bring traffic to the back of the site and have them open to the west.

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

Applicant's Response:

The applicant would submit that the granting of the Variance would not confer a special privilege that is denied to other similarly situated lands.

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

Applicant's Response:

The Variance is the minimum necessary to allow reasonable use of the land. Further, the applicant has increased the front landscape buffer to 20'. The applicant has repaired the landscape buffer on the west side of the property, which is increased to 10' at the southern half, to create a type C buffer. The northern half of the property is a drive aisle only and is too narrow to increase beyond the existing 6' buffer and opaque fence. It should be noted that the McDonald's to the north has heavy landscaping along this same road, which does help buffer the site. The applicant is adding on the south property line a 6' fence similar to what exists on the west, as well as a 10' landscape buffer. The north property line is heavily landscaped by McDonald's, and the existing mature tree canopy will not permit further tree enhancement. Any missing shrubs, however, will be installed. In addition, the applicant is reconfiguring the parking lot to provide end islands and proper drive aisles for required parking. In total, the applicant is adding 21 new trees and 798 shrubs, as well as the missing opaque 6' fence.

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

Applicant's Response:

In light of the applicant's proposed improvements to the site and landscaping, the applicant would submit that the granting of the Variance would be in harmony with the general purpose and intent of the Code.

- 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

Applicant's Response:

Since the applicant is greatly upgrading an existing condition, the granting of the Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, or be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare. The significant improvements to the landscaping and parking lot should be an enhancement to the area and should benefit those residing or working in the neighborhood.

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

Applicant's Response:

The Variance is consistent with the comprehensive plan in that this is a long-standing use at this site and a preexisting building that was approved with this configuration at the time it was allowed under the code. The use is operated for decades at this site, so there is

nothing to suggest that this use or the Variance would be contrary to the comprehensive plan.

Respectfully submitted,


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