



Matthew H. Scott, Partner
PNC Building
200 East Broward Boulevard, Suite 1800
Fort Lauderdale, Florida 33301
Phone: 954.491.1120 ext. 3472
Direct: 954.333.4372
Fax: 954.771.9264
Email: matthew.scott@gmlaw.com

June 10, 2025

City of Pompano Beach
Zoning Board of Appeals
100 West Atlantic Boulevard
Pompano Beach, Florida 33060

Re: LT 20, LLC - 115 NW 16th St. Warehouse Addition – Variance Justification Statement

Dear Members of the Zoning Board of Appeals:

LT 20, LLC ("Applicant"), through undersigned counsel, hereby requests variances for the rear and interior side yard setbacks in association with the proposed improvements to its property located at 115 Northwest 16th Street ("Property") in the City of Pompano Beach, Florida.¹ As explained in detail below, the need for the variances arises from site and development issues created prior to Applicant purchasing the Property. Granting the variances will facilitate Applicant's larger plan of drastically improving a dilapidated site in dire need of substantial reinvestment. Accordingly, Applicant respectfully requests approval of this variance application.

Tabular Summary of Requests

Variance Request No.	Zoning Code Section	Requirement	Provided	Variance Request
1	155.3402.C	30' minimum rear yard setback	0' rear yard setback	30' reduction for the rear yard setback
2	155.3402.C	10' minimum interior side yard setback	0' interior side yard setback at west side and portion of south side	10' reduction for the interior side yard setback along the west side and a portion of the south side

¹ Per discussion with city staff, should the setback variances be granted, this will also eliminate the requirement to provide landscape buffers for the property.

Justification Statement

Applicant is the new owner of the Property in the City of Pompano Beach ("City"). The Property has a zoning designation of I-1 (General Industrial) and a Future Land Use designation of Industrial. The ~0.76-acre Property is currently developed with a run-down one-story building containing industrial warehouse bays. Applicant is proposing to add an additional warehouse bay to the Property and upgrade the site by renovating the interior, cleaning and improving the exterior, and installing new parking spaces and new landscaping. The existing and proposed warehouse use of the Property is permitted in the I-1 zoning district.

The Applicant purchased the Property in February of 2025. The existing warehouse building on the Property is nonconforming with the existing building sitting on the rear property line and the site lacking paved parking or required landscaping. Moreover, the Property is effectively a "flag lot" with a long driveway providing access to the site but otherwise the site being "land locked" by other parcels on all sides. Lacking a proper frontage, this odd configuration of the lot was created by a prior owner subdividing the Property without complying with City code requirements.

With this application, Applicant is requesting variances from the rear setback and the interior side setback relative to the west side and a portion of the south side of the Property as indicated in the table above to allow for an additional warehouse bay to be added to the existing warehouse bays on the Property.

Variance Criteria Analysis

Per Section 155.2420.D.1 of the City's Code (the "Code"), 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. Each of the criteria are listed below in **bold** with Applicant's justification below each in *italics*. Where applicable, the number next to the justification corresponds to the variance request number within the tabular summary of requests.

- 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;**

There are extraordinary and exceptional conditions pertaining to the land in question. The Property contains an existing nonconforming structure relative to the rear (north) setback requirement, which abuts the wall along the northern property line of the Property. Moreover, the Property was once a part of a larger site, and a prior owner subdivided this Property without conforming to Code, creating an odd-shaped, nonconforming parcel. These are the primary

exceptional conditions.

The Property is approximately 93.9 feet wide (north to south) and approximately 300' wide (west to east), except for the driveway area in the southeast section. The current Code requires a 25-foot front yard setback, 30-foot rear yard setback, and 10-foot interior side yard setback. To comply with these requirements and the driveway width requirements (24-foot width), very little space (approximately 14'-9") would be left for the placement of a building within the Property. The building appears to have been constructed in the rear of the Property (in 1968/1969 per Broward County Property Appraiser records) to allow for sufficient circulation within the Property.

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

The conditions of the Property and existing structure are not the result of the actions of the landowner. As mentioned above, the Applicant is the new owner of the Property and is intending to substantially upgrade the dilapidated Property while expanding the existing warehouse use. The existing structure was built in 1968/1969 per the Broward County Property Appraiser's records and the improper subdivision of the Property occurred prior to Applicant purchasing the Property.

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;

As mentioned in criteria (a) above, current Code requirements would leave very little room for a building to be constructed on the Property. The existing structure appears to have been placed in the rear of the Property to allow for sufficient vehicular access and circulation within the Property. The Applicant recently purchased the Property and is intending to substantially improve the unkempt structure while expanding the existing warehouse use. As the structure is nonconforming, it would not be possible to improve the building without the requested variances.

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

1. The granting of the variance relative to the rear setback would not provide a special privilege to the Applicant. Approval of the variance will allow for the Applicant to improve the existing structure and Property while expanding the existing warehouse use. The Property is located within a small section of

industrial parcels along NW 16th Street between N. Dixie Highway and NW 3rd Avenue. Multiple properties in this industrial area of the City appear to be nonconforming relative to the rear setback requirements, including the neighboring property to the west. Moreover, the building backs up to a large wall and is completely blocked from view by neighbors to the north.

2. *The granting of the variance request relative to the interior side setbacks would not provide a special privilege to the Applicant. Approval of the variance will allow for the Applicant to improve the existing structure and Property while expanding the existing warehouse use. The Property is located within a small section of industrial parcels along NW 16th Street between N. Dixie Highway and NW 3rd Avenue. Multiple properties in this industrial area of the City appear to be nonconforming relative to the interior side yard setback requirements, including the neighboring property to the west. The neighboring property to the west is also currently utilized as an industrial warehouse per the Broward County Property Appraiser's records and contains an existing nonconforming structure relative to the interior side yard setback, as the building is within 4.9-feet of the Applicant's western property line. The surrounding area was once part of a larger industrial site. Granting this variance will allow for a small addition to the building within a flag lot site that is abutted on the west and south side by existing industrial uses that do not meet the required setbacks.*

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

The variances are the minimum necessary to allow for the proposed improvements and expansion of the existing warehouse use. Strict compliance with the Code would not leave sufficient area for a similar building to be developed on the Property.

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

1. *The proposed variance for the rear setback is consistent with the general purpose and intent of the Code. There is an existing 11'-3" concrete wall located along the rear of the Property which provides an adequate buffer and screening from the adjacent the single-family homes located to the north. The Property is less than an acre and as a small industrial warehouse use requires less of a buffer than larger similar use may require. The proposed location for the additional warehouse bay is the most appropriate area on the Property where it can be placed while complying with as much of the Code as possible. The variance for the rear setback will allow for Applicant to make major improvements to this dilapidated site.*

2. *The proposed variance for the interior side setbacks is consistent with the general purpose and intent of the Code. The placement of the existing structure and proposed warehouse bay at the rear and west side of the Property allows the Applicant to maintain and provide sufficient buffers where possible on the Property. The Property is less than an acre and as a small industrial warehouse use requires less of a buffer than larger similar uses may require. The proposed location for the additional warehouse bay is the most appropriate area on the Property where it can be placed while complying with as much of the Code as possible.*

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

1. *The variance for the rear setback would not adversely affect the neighborhood. There is an existing 11'-3" concrete wall along the northern property line as a buffer between the Property and the adjacent single-family homes. A street-level view of the wall from the side of the single-family residential area facing the Property is below. The wall sufficiently screens the residential homes from the small industrial warehouse use on the Property. The existing small warehouse use on the Property does not create significant noise or light that affects the neighboring properties. The proposed expansion of the additional warehouse space is minor and would not substantially increase any effect of the use on surrounding properties as it will similarly not be visible from adjacent properties. The Applicant intends to upgrade and enhance the dilapidated Property, which would benefit the City and neighborhood.*



2. *The variance for the interior side setbacks would not adversely affect the neighborhood either. The neighboring property to the west is also currently utilized as an industrial warehouse per the Broward County Property Appraiser's records and contains an existing nonconforming structure relative*

to the interior side yard setback, as the building is within 4.9-feet of the Applicant's western property line. The existing small warehouse use on the Property does not create significant noise or light that affects the neighboring properties. The proposed expansion of the additional warehouse space is minor and would not substantially increase any effect of the use on surrounding properties. The Applicant intends to upgrade and enhance the dilapidated Property, which would benefit the City and neighborhood.

h. The Variance is consistent with the comprehensive plan.

The variances are associated with the Applicant's proposed expansion of the existing warehouse use on the Property. Warehouse use is permitted in the I-1 zoning district and the industrial future land use category. The City's comprehensive plan defines "Industrial Uses" as "...the activities within land areas predominantly connected with manufacturing, assembly, processing, or storage of products or materials" which is consistent with the existing and proposed use of the Property. Additionally, the use is consistent with the following goals, policies, and objectives of the City's Comprehensive Plan.

Future Land Use Element Policy 01.03.13

Future industrial land uses shall be located with access to major transportation facilities including highways, airports, railroads, and seaports.

Approval of the proposed variances would improve this policy by providing expanding an existing small industrial warehouse use in the area which is located along a N. Dixie Highway nearby the Pompano Airport.