

## Staff Report

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**File #:** LN-713

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ZONING BOARD OF APPEALS

Meeting Date: APRIL 17, 2025

### **SPECIAL EXCEPTION - MMM BROTHERS LLC**

<b>Request:</b>	Special Exception
<b>P&amp;Z#</b>	25-17000001
<b>Owner:</b>	MMM Brothers LLC
<b>Project Location:</b>	327 SW 13 Ave
<b>Folio Number:</b>	494203020060
<b>Land Use Designation:</b>	I (Industrial)
<b>Zoning District:</b>	I-1 (General Industrial)
<b>Agent:</b>	Yauheni Shablinski & Uladzimir Shablinski
<b>Project Planner:</b>	Scott Reale

### **Summary:**

The Applicant is requesting Special Exception approval for the Waste-Related Use component, as required by Section 155.4229.B [Districts Where Permitted] and Section 155.4601 [Unlisted Uses] of the Pompano Beach Zoning Code. This approval will allow the subject property (Zoning District: I-1) to be used for an unlisted activity that combines waste-related and motor vehicle service functions, as detailed in Development Services Department Interpretation Letter #25-04500001.

The property is located on the west side of SW 13<sup>th</sup> Avenue, between Race Track Road (SW 3<sup>rd</sup> Street) and SW 4<sup>th</sup> Street, in the Andrews Industrial District.

### **PROPERTY INFORMATION AND STAFF ANALYSIS**

1. The applicant's business model does not align directly with any of the uses specified in the Zoning Code. As such, applicants may request an interpretation for unlisted uses. In this case, the applicant submitted a request for an interpretation, and the Development Services Director provided a response in Interpretation Letter #25-04500001, which is included in the application package.
2. The business involves an auto wrecker operation where transmissions, steering racks, and other components are removed, diagnosed, rebuilt, and listed for sale on eBay. The inoperable cars are then sent to a junkyard. The applicant argued that the use should be classified similarly to an "Automotive Repair and Maintenance Facility," while the City initially classified it as a waste-related service use. The applicant disagreed with this classification and compared it to both "Auto Wrecking Services" and

“Automotive Repair and Maintenance Facilities” in the Zoning Code. After evaluating the request, the City determined the business contains elements of a “Materials Recovery Facility,” which involves extracting recyclable materials from waste-in this case, reusable vehicle parts. While this use does not fully match either “Automotive Repair and Maintenance Facility” or “Auto Wrecking Services,” it incorporates aspects of both.

3. Since the proposed use is not explicitly defined in the Zoning Code, the City has classified it as an “Unlisted Use” that could be permitted in the I-1 (General Industrial) zoning district, subject to approval of a Special Exception. If approved, the use must comply with specific standards, including operating within a fully enclosed building, access via a paved public right-of-way, fencing to control access, and adherence to solid waste management regulations. Additionally, this unlisted use must adhere to the applicable standards outlined in §155.4219.A, which governs Commercial: Motor Vehicle Sales and Service Uses.

### **LAND USE PATTERNS**

Subject Property (Zoning District | Existing Use):

- I-1 | warehouse

Surrounding Properties (Zoning District | Existing Use):

- North: I-1 | warehouse: general contractor, manufacturing, sales
- South: I-1 | warehouse: no active BTR
- West: I-1 | auto dealer (no outside display)
- East: I-1 | warehouse: tenant storage, contractor building, distributor

### **SPECIAL EXCEPTION REVIEW STANDARDS**

A Special Exception shall be approved only on a finding that there is competent substantial evidence in the record that the Special Exception, as proposed:

1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection;
5. Is appropriate for its location and is compatible with the general character of neighboring lands and the uses permitted in the zoning district(s) of neighboring lands. Evidence for this standard shall include, but not be limited to, population density, intensity, character of activity, traffic and parking conditions and the number of similar uses or special exception uses in the neighborhood;
6. Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
7. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;
8. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
9. Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site and neighborhood;
10. Allows for the protection of property values and the ability of neighboring lands to develop uses

permitted in the zoning district;

11. Fulfills a demonstrated need for the public convenience and service of the population of the neighborhood for the special exception use with consideration given to the present availability of such uses;
12. Complies with all other relevant city, state and federal laws and regulations; and
13. To determine impacts on neighboring properties and/or the neighborhood, the terms neighboring properties and neighborhood shall include the area affected by the requested special exception, typically 500 feet to a one-half mile radius from the subject site.

**Staff Conditions:**

Should the Board determine that the applicant has provided competent, substantial evidence sufficient to meet the thirteen Special Exception review standards, staff recommends the following conditions be included in the Order:

1. The applicant must obtain all necessary permits and approvals, including a Zoning Use Certificate and a Business Tax Receipt.
2. Compliance with applicable waste-related service uses and motor vehicle sales and service uses listed in Interpretation Letter #25-04500001.

# CITY OF POMPANO BEACH

## AERIAL MAP



- Legend**
- Pompano Beach Parcels
  - Applicant Parcel

Scale:  
1:2,000

MMM Brothers LLC  
327 SW 13 Avenue

Special  
Exception  
Created by:  
Department of  
Development Services

