



Staff Report

File #: LN-478

Zoning Board of Appeals
Meeting Date: July 20, 2023

VARIANCE- Marine Colony HOA

Request: Variance
P&Z# 23-11000013
Owner: Marine Colony Condominium Association
Project Location: 1310 NE 28 Ave
Folio Number: 484330CCCOMM
Land Use Designation: MH- Medium-High 16-25 DU/AC
Zoning District: Two-Family Residence (RD-1) and Multiple-Family Residence 20 (RM-20)
Agent: Blake Borello
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting a Variance from Section 155.5102(I)(1) [Dimensional Standards for Parking Spaces and Aisles] of the City’s Zoning Code in order to allow approximately 15 back-out parking spaces to be maintained around the terminus of the NE 28th Avenue cul-du-sac. The Applicant seeks approval to retain the minimum width of the parking spaces at 8 feet wide rather than provide a minimum stall width of 9 feet as required by code.

The subject property is part of the Marine Colony Condominium complex, located at the terminus of NE 28th Avenue, south of the NE 14th Street Causeway.

ZONING REGULATIONS

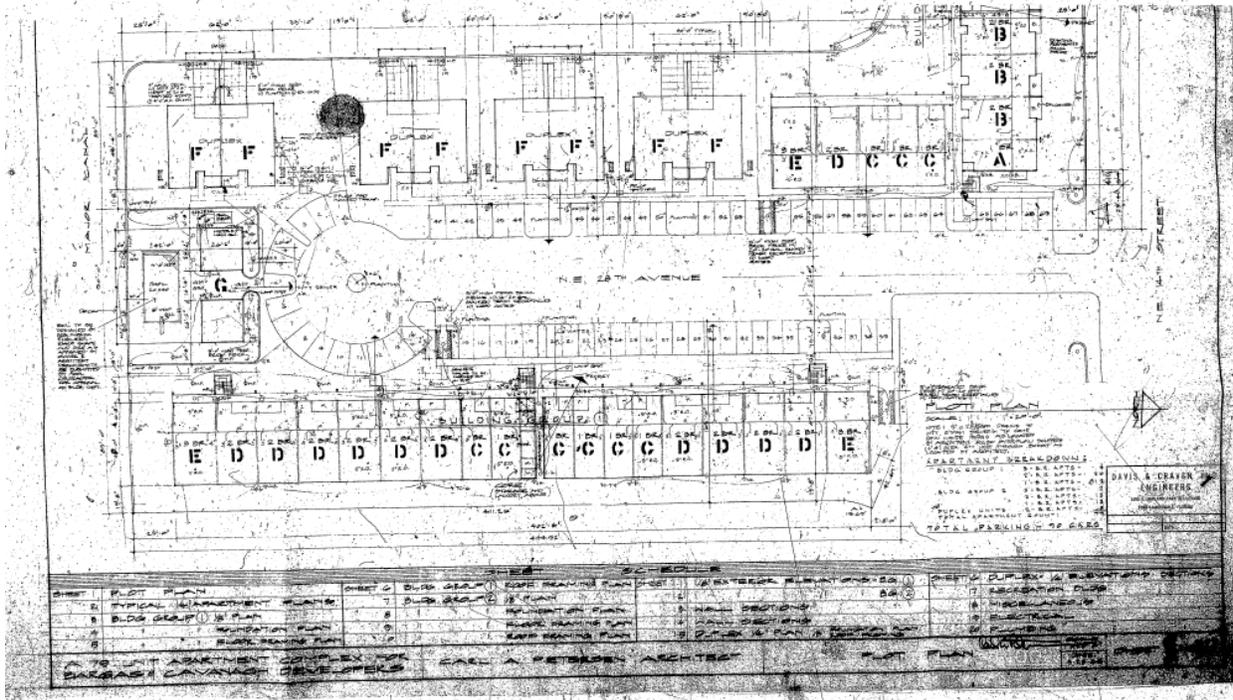
TABLE 155.5102.I.1: DIMENSIONAL STANDARDS FOR PARKING SPACES AND AISLES

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Parking Angle (Degrees)	Stall Width (ft)	Stall Depth Perpendicular to Curb (ft)	Aisle Width (ft) ²	Stall Length Along Curb (ft)	Double Row + Aisle, Curb to Curb (ft)
A	B	C	D	E	F
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A	B	C	D	E	F
0	9	9	14	23	32
45	9	19.1	14	12.7	52.2
60	9	20.1	16	10.4	56.2
90	9	18	23	9	59

NOTES:
 1. Refer to Figure 155.5102.I.1, below, for illustrations showing how dimensions for parking spaces and aisles in various configurations (A-G) are measured.
 2. For one-way traffic, Aisles for two-way traffic shall be at least 23 feet wide (for all parking angles). The Development Services Director may approve an aisle width less than the minimum on determining that the aisle is sufficiently wide to allow vehicle to conveniently maneuver through the parking area and access each parking space without driving through any other parking space.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The complex now known as Marine Colony Condominium was first developed in the late 1960s in the Country Club Isles subdivision. The original plot plan confirms that the unique and unorthodox parking configuration around the NE 28th Avenue cul-de-sac is essentially the same as it is today. While the parking spaces are located entirely within the boundaries of the development, back-out parking is required which is now a legal, nonconforming site feature.



2. Sealcoat and restripe Building Permit #23-660 was recently approved, but at the time of inspection, it was discovered several of the parking spaces around the cul-de-sac fell short of the minimum stall width of 9 feet, some as narrow as 8 feet wide along the cul-de-sac lot line circumference. It should be noted that - because of the circular nature of a cul-de-sac - the width of these parking space widen as one moves further away from the cul-de-sac circumference. In other words, the width of the affected parking stalls are only deficient near the cul-de-sac lot line, but dimensional width is compliant at the front end of the stalls.
3. The applicant contends parking is at a premium in this development and they would lose three parking spaces if they had to be restriped to comply with code requirements.
4. Staff does not object and finds the requested relief to be justified. NE 28th Avenue dead-ends at this cul-de-sac and has very little vehicular traffic. The parking layout is essentially unchanged from when the property was first developed, and the unique aspect of parking spaces around a cul-de-sac are exceptional and do not generally apply to other lands or structures in the vicinity.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- RD-1 & RM-20 | multi-family dwellings (Marine Colony)

Surrounding Properties (Zoning District | Existing Use):

- North: RM-30 | multi-family dwellings (Sea Haven / Garden-Aire Village)
- South: PR | canal/waterway and Harbor’s Edge Park
- West: RS-2 | canal/waterway and single-family dwellings on NE 27th Way
- East: RM-30 | multi-family dwellings (Casa La Quinta)

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:

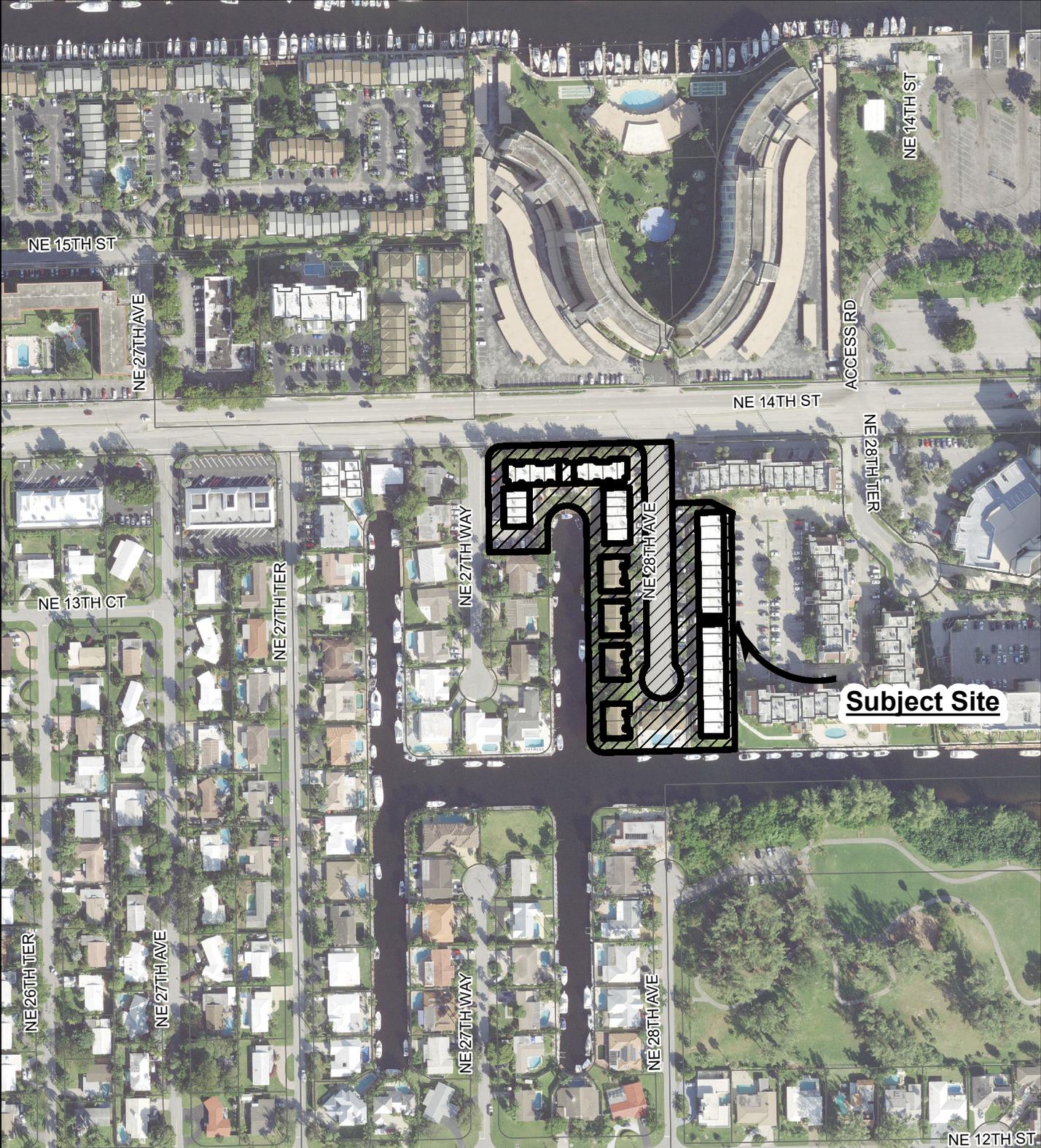
- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- 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 conformance to the plans submitted with Building Permit #23-660. Variance is conditioned upon compliance to the plans submitted and is limited to the improvements identified in the scope of work. Any subsequent permit application submitted deemed a “substantial improvement” or new construction will not be part of this variance approval and will be subject to the applicable zoning codes.

CITY OF POMPANO BEACH AERIAL MAP



Subject Site

1 in = 250 ft

1310 NE 28 Ave

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES