



Staff Report

File #: LN-671

ZONING BOARD OF APPEALS
Meeting Date: DECEMBER 19, 2024

VARIANCE - 505 N OCEAN LLC

Request: Variance
P&Z# 24-11000013
Owner: 505 N Ocean LLC
Project Location: 505 N Ocean Blvd
Folio Number: 484331080040
Land Use Designation: H (High 25-46 DU/AC)
Zoning District: RM-45 (Multiple-Family Residence 45)
Agent: Matthew Scott
Project Planner: Scott Reale

Summary:

Applicant Landowner is requesting a VARIANCE from the following provisions:

1. Section §155.5203(D)(3)(c)(iii) [Vehicular Use Area Landscaping] to allow a 4-foot-wide perimeter landscaping strip along a portion of the south property line, instead of the required minimum width of 5 feet as required by code.
2. Section §155.5101(G)(7)(a)(ii) [Vehicular Access and Circulation] to allow a portion of the driveway to have a width of 17.83 feet, rather than the minimum required width of 24 feet as required by code.
3. Section §155.3212(C) [RM-45 Intensity & Dimensional Standards] to allow portions of the building to encroach along the interior side yard (north and south) setbacks as follows:
 - a. 2 ft into the required 10 ft setback at ground level
 - b. 4 ft into the required 12 ft setback at building height of 20-26 ft
 - c. 7 ft into the required 15 ft setback at building height of 26-38.25 ft
 - d. 10 ft into the required 18 ft setback at building height of 38.25-50.5 ft
4. Section §155.3212(C) [RM-45 Intensity & Dimensional Standards] to allow portions of the building to encroach along the rear yard (west) setback as follows:
 - a. 2 ft into the required 12 ft setback at building height of 20-26 ft
 - b. 5 ft into the required 15 ft setback at building height of 26-38.25 ft
 - c. 8 ft into the required 18 ft setback at building height of 38.25-50.5 ft

The property is located on the west side of N Ocean Boulevard (A1A), between NE 5th Street and NE 5th Court on the barrier island.

ZONING REGULATIONS

155.5203. LANDSCAPING

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D. Vehicular Use Area Landscaping

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3. Perimeter Landscaping Strips

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c. Width

The minimum width of the perimeter landscaping strip shall be:

- i. Twenty feet in industrial developments abutting a major arterial, minor arterial, or collector street;
- ii. Ten feet in all other developments on lots greater than 100 feet wide; and
- iii. Five feet in all other developments on lots no more than 100 feet wide.

155.5101. ACCESS AND CIRCULATION

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G. Vehicular Access and Circulation

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7. Driveway Layout and Design

a. Driveway Width

Except for driveways serving single-family dwellings, all driveways shall comply with the following minimum width requirements:

- i. One-way driveways shall be at least 12 feet wide, as measured between the edges of paving.
- ii. Two-way driveways shall be at least 24 feet wide, as measured between the edges of paving.

155.3212. MULTIPLE-FAMILY RESIDENCE 45 (RM-45)

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C. Intensity and Dimensional Standards

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Interior side yard setback, minimum (ft) = 10 feet*

Rear yard setback, minimum (ft) = 10 feet*

**Those portions of a structure extending above a height of 20 feet shall be set back an additional 1 ft for each 4 ft (or major fraction thereof) the height of the portion of the structure exceeds 20 ft.*

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The subject property was initially developed in the 1950s as a single-family dwelling and has maintained this use ever since. The applicant now proposes to demolish the existing dwelling and replace it with a triplex. The property is considered legally nonconforming due to its undersized lot area and lot width. With a parcel size of just 6,862 sq ft (according to the Broward County Property Appraiser) and the intention to maximize useable space for the proposed triplex, the applicant is requesting variances for the perimeter landscape buffer, drive aisle width, and setbacks.
2. The property has no open code compliance cases or open building permits. While the site allows for a density of up to six dwelling units, the applicant intends to build just three units. Additionally, the proposed building height of 64 feet is well below the zoning district's maximum allowable height of 105 feet. Redeveloping the site will require a 15-foot-wide strip of land along N Ocean Boulevard to be dedicated for future right-of-way expansion.

3. The Zoning Code stipulates that any portion of a structure exceeding 20 feet in height must be set back an additional 1 foot for every 4 feet (or major fraction thereof) above 20 feet. This “stepback” requirement explains why the requested setback encroachments are further delineated and categorized by building height. The applicant asserts that these encroachments will not negatively impact the neighboring properties with respect to light, air, or privacy.
4. The conceptual site plan provided demonstrates compliance with other relevant code requirements, including exceeding the minimum pervious area requirement and providing a 45% lot coverage, which is below the maximum allowable 60%. These details will be thoroughly reviewed by the Development Review Committee (DRC) during the Site Plan and Building Design review process.
5. Given the site’s constraints -- particularly the small parcel size and the 15-foot right-of-way dedication requirement -- and the fact that the applicant is proposing half the allowable density, staff finds the overall project design and layout to be well-conceived. Staff believes that granting these variances will enable a functional and appropriate development while minimizing adverse impacts on the surrounding area.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- RM-45 | single-family dwelling

Surrounding Properties (Zoning District | Existing Use):

- North: RM-45 | multi-family dwelling (Silver Thatch Condominium)
- South: RM-45 | multi-family dwelling (Pompano Ocean Resort II)
- West: RM-45 | townhomes (Atlantic Villas)
- East: RM-45 | Le Cabanon Motel

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 Site Plan and Building Design approval, and Building and Zoning Compliance permits.
2. Substantial conformance to the plans submitted with this variance application, including a maximum of three dwelling units.

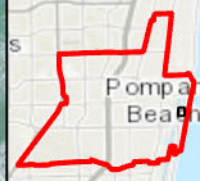
CITY OF POMPANO BEACH AERIAL MAP



Folio: 484331080040
Area: 0.16 Acres

Legend

- Pompano Beach Parcels
- Applicant Parcel



Scale:
1:2,000

Date: 11/6/2024 9:26 AM

505 N Ocean LLC

505 N Ocean Blvd

Variance

Created by:
Department of
Development Services

