



Staff Report

**File #:** LN-229

Zoning Board of Appeals  
Meeting Date: February 17, 2022

**VARIANCE - 1501 N POWERLINE LLC**

**Request:** Variance  
**P&Z#** 22-11000001  
**Owner:** 1501 N Powerline LLC  
**Project Location:** 2151 Hammondville Road  
**Folio Number:** 4842 33 72 0010  
**Land Use Designation:** C- Commercial  
**Zoning District:** Heavy Business (B-4)  
**Agent:** Brian Hussey  
**Project Planner:** Max Wemyss

**Summary:**

The Applicant Landowner is requesting a Variance from Section 155.5203(F)(3) [Required Buffer Types and Standards], of the City of Pompano Beach Zoning Code, in order to modify Type C Buffer requirements, including eliminating sections of an 8’ opaque masonry wall and portions of a perimeter landscape strip between the adjacent property owners’ existing fence along east and west lot lines, rather than fully complying with Type C Buffer requirements as per code, as shown on the site plan submitted with the application and described as follows:

- a. On the east side property line, the applicant is requesting to align the opaque masonry 8’ wall with the adjacent fence/wall, eliminating the gap or “alley” between the fences/walls of the two properties. The applicant is also requesting relief from the requirement to provide 1 understory tree per 30 linear feet and a continuous hedge at least 5 feet high on the exterior side of the wall or fence; and
- b. On the west side property line, on the south end, the applicant is requesting relief from the requirement of the wall within the buffer; and
- c. On the west side property line, on the north end, the applicant is requesting to align the opaque masonry 8’ wall with the adjacent fence/wall, eliminating the gap or “alley” between the fences/walls of the two properties. The applicant is also requesting relief from the requirement to provide 1 understory tree per 30 linear feet and a continuous hedge at least 5 feet high on the exterior side of the wall or fence.

The property is located west of N Powerline Rd on the north side of MLK Blvd.

This Variance application follows a Site Plan approval (PZ# 19-12000008) and is the result of concerns expressed by neighboring properties at the onset of construction.

**ZONING REGULATIONS**  
**155.5203. LANDSCAPING**

<b>TABLE 155.5203.F.3: REQUIRED BUFFER TYPES AND STANDARDS</b>					
<b>WHERE REQUIRED <sup>1</sup></b>	<b>REQUIRED BUFFER TYPE BY FUNCTION AND OPTIONAL SCREENING STANDARDS 2,3,4,5,6,7</b>				
Between a proposed industrial use and land within a non-industrial zoning district, or as required per a use-specific standard in Article 4.	<b>TYPE C BUFFER</b>				
	This perimeter buffer functions as an opaque screen from the ground at least six feet. This type of buffer prevents visual contact between users and creates a strong impression of total separation.				
	<table border="1"> <thead> <tr> <th><b>OPTION 1</b></th> <th><b>OPTION 2</b></th> </tr> </thead> <tbody> <tr> <td>At least 10 feet wide + An opaque masonry wall at least 8 feet high + understory tree per 30 linear feet + continuous hedge at least 5 feet high on the exterior side of the wall or fence + canopy tree per 30 feet on the interior side of the wall or fence</td> <td>At least 25 feet wide + A wall or opaque fence at least 4 feet high + atop a berm at least 4 feet high + understory tree per 15 linear feet on the exterior side of the wall or fence + 1 canopy tree per 30 linear feet on the interior side of the wall or fence</td> </tr> </tbody> </table>	<b>OPTION 1</b>	<b>OPTION 2</b>	At least 10 feet wide + An opaque masonry wall at least 8 feet high + understory tree per 30 linear feet + continuous hedge at least 5 feet high on the exterior side of the wall or fence + canopy tree per 30 feet on the interior side of the wall or fence	At least 25 feet wide + A wall or opaque fence at least 4 feet high + atop a berm at least 4 feet high + understory tree per 15 linear feet on the exterior side of the wall or fence + 1 canopy tree per 30 linear feet on the interior side of the wall or fence
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**PROPERTY INFORMATION**

1. There is one open building permit (BP: 20-00007209) related to the construction of a new Wholesale Showroom, as authorized by Site Plan PZ# 19-12000008.
2. The subject property has no open code compliance cases.
3. The proposed use (§155.4230.B. Wholesale Showroom) of the subject property is an industrial use, which is permitted in both commercial and industrial zoning districts. When an industrial use is proposed within a non-industrial zoning district, the City’s Zoning Code requires a Type “C” buffer (Table 155.5203.F.3) along the perimeter of the property. The subject property is located within a commercial zoning district, B-4 (Heavy Business), and thus a Type “C” buffer was required at the time of site plan review.
4. Staff does not object to the modifications and eliminations to the locations of the required wall, however, Staff finds that the Applicant did not provide sufficient grounds for the elimination of the required landscaping in sub-request (a) along the east side property line and sub-request (c) along the northern portion of the west property line. A type C buffer is expressly required for this industrial use, as defined in Table 155.5203.F.3 [REQUIRED BUFFER TYPES AND STANDARDS], which requires,

in addition to an opaque masonry wall at least 8 feet high, 1 understory tree per 30 linear feet and a continuous hedge at least 5 feet high on the exterior side of the wall or fence. These elements consisting of a type C buffer are necessary to mitigate negative visual effects of the proposed use on abutting properties and streets, and furthermore are essential to promote a healthy environment.

5. The applicant’s request is to eliminate “deadzones” between a wall on the subject property and the adjacent property, and to eliminate blind spots or security risks caused by the wall. This justification is sufficient to support the relocation of the wall, but does not support the elimination of the otherwise required landscaping.

**LAND USE PATTERNS**

Subject property (Zoning | Existing Use): B-4 (Heavy Business, Commercial) | Wholesale Showroom

Surrounding Properties (Zoning District | Existing Use):

- North: I-1 | Showroom/Warehouse Facility
- South: B-3 | Places of Worship & Gas Station
- East: B-3 | Sexually Oriented Business
- West: B-4 | Showroom/Warehouse Facility

**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:

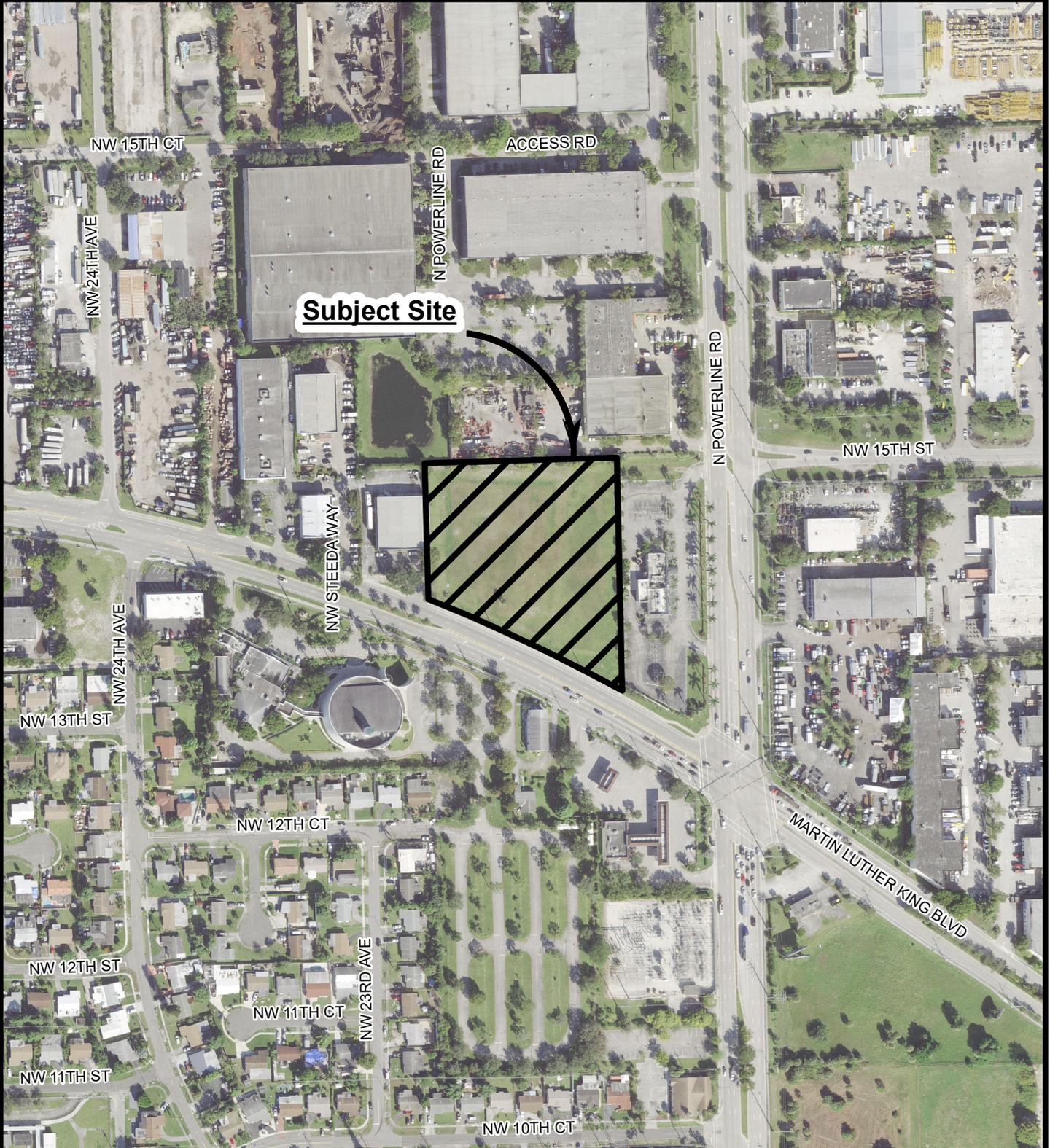
- a. There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- 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 Variance review standards, staff recommends the following condition be included as a part of the Order:

1. The required landscape material for a Type “C” buffer may be modified regarding placement within the buffer; however, all required materials shall be provided and approved by the City’s Urban Forester.

# CITY OF POMPANO BEACH AERIAL MAP



**Subject Site**

1 in = 292 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES