



Staff Report

File #: LN-241

Zoning Board of Appeals
Meeting Date: March 17, 2022

VARIANCE - 113 S RIVERSIDE LLC AND ROYAL QUALITY HOMES OF FLA LLC

Request: Variance
P&Z# 22-11000005
Owner: 113 S Riverside LLC and Royal Quality Homes of Fla LLC
Project Location: 117 S Riverside Drive
Folio Number: 4943 06 11 0500
Land Use Designation: H-High 25-46 DU/AC
Zoning District: Multiple-Family Residence 45(RM-45)/Atlantic Boulevard Overlay (AOD)
Agent: Tolga Adak
Project Planner: Pamela Stanton

Summary:

Applicant Landowner is requesting Variances from the following provision:

1. Section 155.5203.D.5.a [Landscaping Between Vehicular Use Areas and Buildings], of the Pompano Beach Zoning Code, in order to have a reduced landscape area of varying widths of 4' - 0" to 8' - 11" between the vehicular use area and the building, rather than a minimum 19' wide landscape area, as required by Code.

The property is located on the west side of South Riverside Drive and south of East Atlantic Blvd.

ZONING CODE REGULATIONS

155.5203. LANDSCAPING

- ...
- D. Vehicular Use Area Landscaping
- ...
5. Landscaping Between Vehicular Use Areas and Buildings
- ...
- a. The minimum width of the landscaped area shall be a minimum of eight feet for each 15 feet of height of the abutting building facade. For structures taller than 15 feet, the landscaped area shall be a minimum of one additional foot for every two feet (or major fraction thereof) of height, up to a maximum of 24 feet of landscaped area.

PROPERTY INFORMATION

1. The subject property has no open Code Compliance violation cases and one open building permit. The open building permit (BP 22-00001590) is for the construction of the approved development and is in Plan-Check awaiting initial upload of Drawings and Documents.
2. The property was rezoned in 2020 from RS-2 (Single-family Residential 2) to RM-45 (Multiple-family Residence 45).
3. A Minor Development Order (PZ# 21-12000029) for a 6-unit, 2-building multi-family (townhouse) development was approved for the site on February 2, 2022. The Development Order includes a condition that the developer must obtain a Variance for the required landscaping between the vehicular use areas and the building, or comply with the requirements of Section 155.5203. Building #1 is proposed to be 37'-3" in height and Building #2 is proposed to be 38' - 6", requiring a 19-foot wide landscape area between the building and vehicular use areas.

LAND USE PATTERNS

Subject property (Zoning / Existing Use):

- AOD/RM-45 / Multiple-family dwellings

Surrounding Properties (Zoning / Existing Use):

- North: AOD/RM-45 (Atlantic Overlay District/Multiple-family Residence 45) / Multiple-family dwellings
- South: RS-2 / vacant
- East: AOD/B-2 (Atlantic Overlay District/Community Business) / Multiple-family dwellings
- West: W / Intracoastal Waterway

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 compliance to the plans submitted with the site plan application (PZ# 21-12000029).

CITY OF POMPANO BEACH AERIAL MAP



1 in = 125 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES