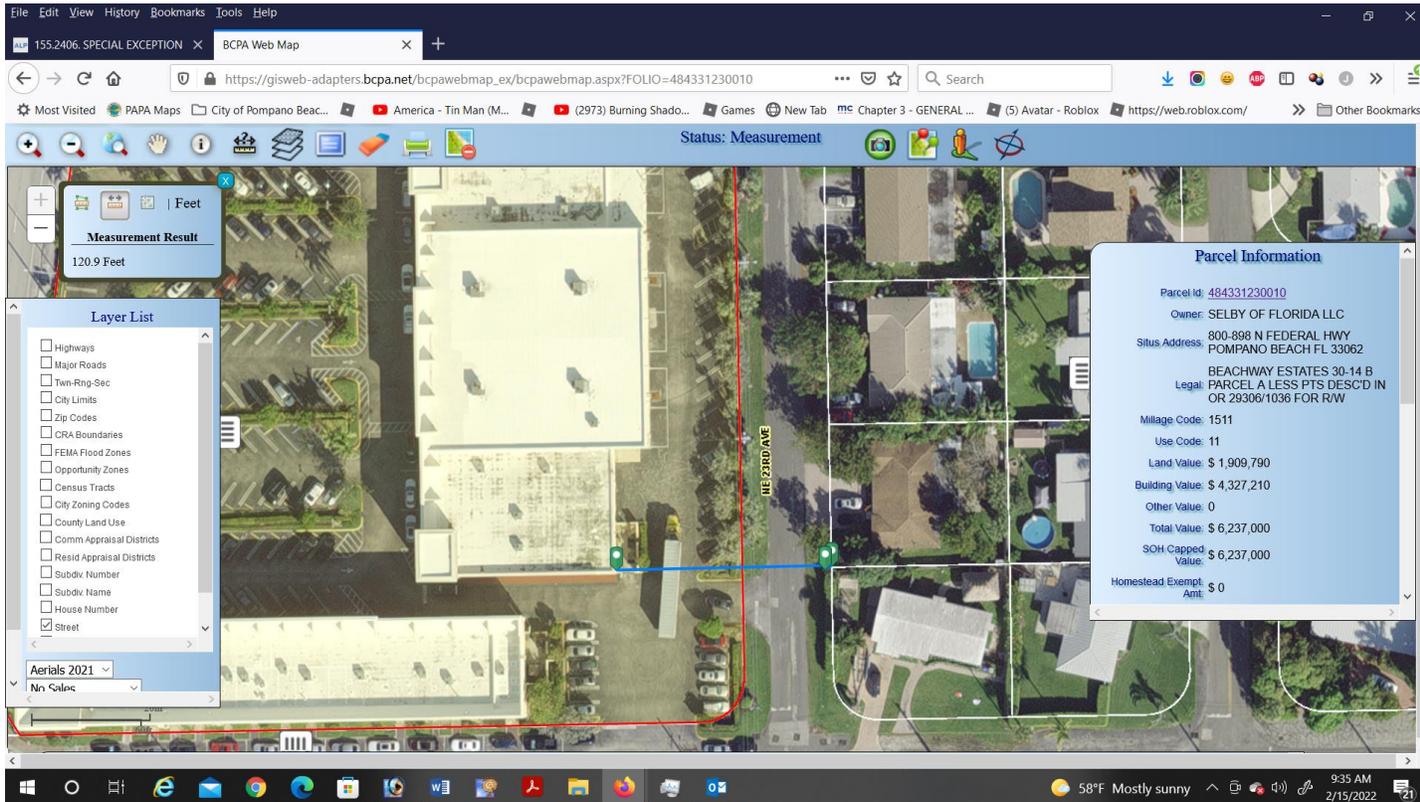


JUSTIFICATION for VARIANCE

The applicant is requesting relief from Section 155.4209.B.3.a, “Separation from Residential Uses. The facility shall be at least 500 feet from a Two-Family (RD) Zoning District.”



The proposed specialty medical facility is 120 feet from the RD zoning district.

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;

Yes: The location of the proposed specialty medical facility is in a heavily traveled commercial corridor on US-1 through the City. The site, located in the B-3 district, does permit medical uses and this request is for a medical use over 5,000 square feet. A planning principle where the highest commercial density along arterial classified roadways is typical and 2nd tier properties are typically high density residential. In this case, the size of the proposed use is necessary to accommodate the large number of Humana members.

b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;

Yes: The proposed location of the Humana facility is within a structure constructed in the 80's and is not the result of the actions of the landholder. The City of Pompano Beach previously approved the shopping center. The medical facility is proposed at this location to complement the existing uses where Humana members may shop and visit retail stores before and after their medical care. This provides convenience as well as reducing traffic in the immediate area.

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;

Yes: Per the code provision noted, any commercial use of the designated parcel and use of the B-3 zoning district would not be possible without this variance granted by the City. Per Zoning Code Section 155.4209.B (Specialty Medical Facility), the use is permitted by special exception within the B-3 district. The applicant has requested the special exception to allow the use in connection with the variance request.

d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.

Yes: Approval of this variance would not confer any special privileges on the landowner because other properties in the B-3 district have also been permitted. It should be noted that medical uses are permitted in the B-3 district and the proposed location is existing having last been approved by the City's DRC staff prior to major site improvements.

e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;

Yes: The medical facility is 120 feet from the RD zoning district, and the request is the minimum necessary to allow a reasonable use of the land because the facility is existing.

f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;

Yes: The variance request is in harmony with the general purpose and intent of the code and preserves the spirit because a medical use is permitted in the B-3 district and the location supports an existing structure. The property abides by code regulations including mature landscaping and the majority of the parking on the west elevation of the structure mitigating any impact to the residential uses in the RD district that generally would be protected by the 500 foot requirement.

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

Yes: Approval of this variance would not adversely affect the health or safety of persons residing or working in the neighborhood nor would it be injurious to property or improvements in the neighborhood or otherwise be detrimental because it has existed for over 45 years without any negative impact. Additionally, the location of the residences on the east are buffered by the structure from the noise and traffic on US-1 to the west. The mature landscaping on the east elevation provides green space and pleasing esthetics to the residential uses adjacent to the site.

h. The Variance is consistent with the comprehensive plan.

Yes: The Future Land Use is commercial and the proposed specialty medical use is a commercial use in the B-3 zoning district.

We appreciate this opportunity to present the ZBA with this information to allow the use on the site.

Frogner Consulting, LLC is the Agent and Jim Frogner is project manager for the owner. Respectfully submitted on February 15, 2022.

Frogner Consulting, LLC