



Staff Report

File #: LN-335

Zoning Board of Appeals
Meeting Date: August 18, 2022

VARIANCE - ARCHDIOCESE OF MIAMI ST JOSEPH HAITIAN CHURCH

Request: Variance
P&Z# 22-11000014
Owner: Archdiocese of Miami St Joseph Haitian Church
Project Location: 1210 NW 6 Avenue
Folio Number: 4842 35 64 0010
Land Use Designation: IRREGULAR - Max 251 Units
Zoning District: Multiple-Family Residence 30 (RM-30)
Agent: Paola West
Project Planner: Scott Reale

Summary:

Applicant Landowner is requesting Variances from the following provisions:

1. Section 155.5601(C)(2)(a) [Multifamily Residential Design Standards - Maximum Building Size], of the Pompano Beach Zoning Code, in order to allow an individual structure with a footprint of 25,045 sq ft, rather than limit the structure to a maximum footprint of 20,000 sq ft as required by code.
2. Section 155.5601(C)(2)(b) [Multifamily Residential Design Standards - Maximum Building Size], of the Pompano Beach Zoning Code, in order to allow the maximum linear length of a multifamily residential structure to be 257'-1" rather than limit the structure's length to a maximum of 180 linear feet as required by code.

The property is located on the east side of NW 6th Avenue, between NW 11th Street and NW 12th Court in the Northwest CRA.

ZONING REGULATIONS

§155.5601. MULTIFAMILY RESIDENTIAL DESIGN STANDARDS

...
C. Multifamily Residential Design Standards

- ...
- 2. Maximum Building Size**
 - a. Individual structure footprints shall not exceed a maximum of 20,000 square feet.
 - b. The maximum length of any multifamily residential structure shall be 180 linear feet, regardless of the number of units.

PROPERTY INFORMATION

1. The subject property has no open code cases.
2. The site is currently home to St. Joseph Haitian Mission Catholic Church, and includes 63 senior housing units, which were approved in 2013 as part of Phase I of the development. The subject property has a restrictive covenant that mandates any residential development shall be limited to senior housing. Phase II of the project is currently in Site Plan review (PZ #22-16000016) and proposes an additional 150 senior housing units in a 5-story L-shaped building. (The site has entitlements for a total of 251 units.)
3. The Major Site Plan application went before the Development Review Committee (DRC) on July 6, 2022, where staff noted the proposed L-shaped building for the Phase II senior housing exceeds maximum size in terms of both the building footprint and maximum length for a multifamily building, pursuant to the Zoning Code’s multifamily residential design guidelines. The longer side of the L-shaped building measures just over 257 ft; 180 ft is the maximum allowed by code. The building footprint comprises 20,045 sq ft; a 20,000 sq ft footprint is the maximum allowed by code.
4. It should be noted the existing senior housing building (Phase I) is legally nonconforming with respect to its length because the aforementioned multifamily design guidelines became effective only after the Phase I site plan application was filed.
5. The applicant contends the proposed building’s size and footprint are warranted for a number of reasons, including flood zone elevation standards, the ever-increasing demand for affordable senior housing, and that a smaller layout/configuration would necessitate a height variance, which is effectively prohibited due to the restrictive covenant.
6. Staff finds the proposed development to be well-planned and less intense than many other “traditional” market-rate residential developments. In fact, an additional 38 units could be built by right. Considering the senior housing restrictive covenant and height limitations, the variance requests for the building footprint and length are not an unreasonable use of the land.

LAND USE PATTERNS

Subject property (Zoning | Existing Use):

- RM-30 | church and senior housing

Surrounding Properties (Zoning District | Existing Use):

- North: B-2 and RM-20 | multi-family dwellings (Atlantic Palms Apartments)
- South: RS-4 and RD-1 | single-family dwelling and vacant lots
- East: RM-20 | multi-family dwellings
- West: CF | Blanche Ely High School

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:

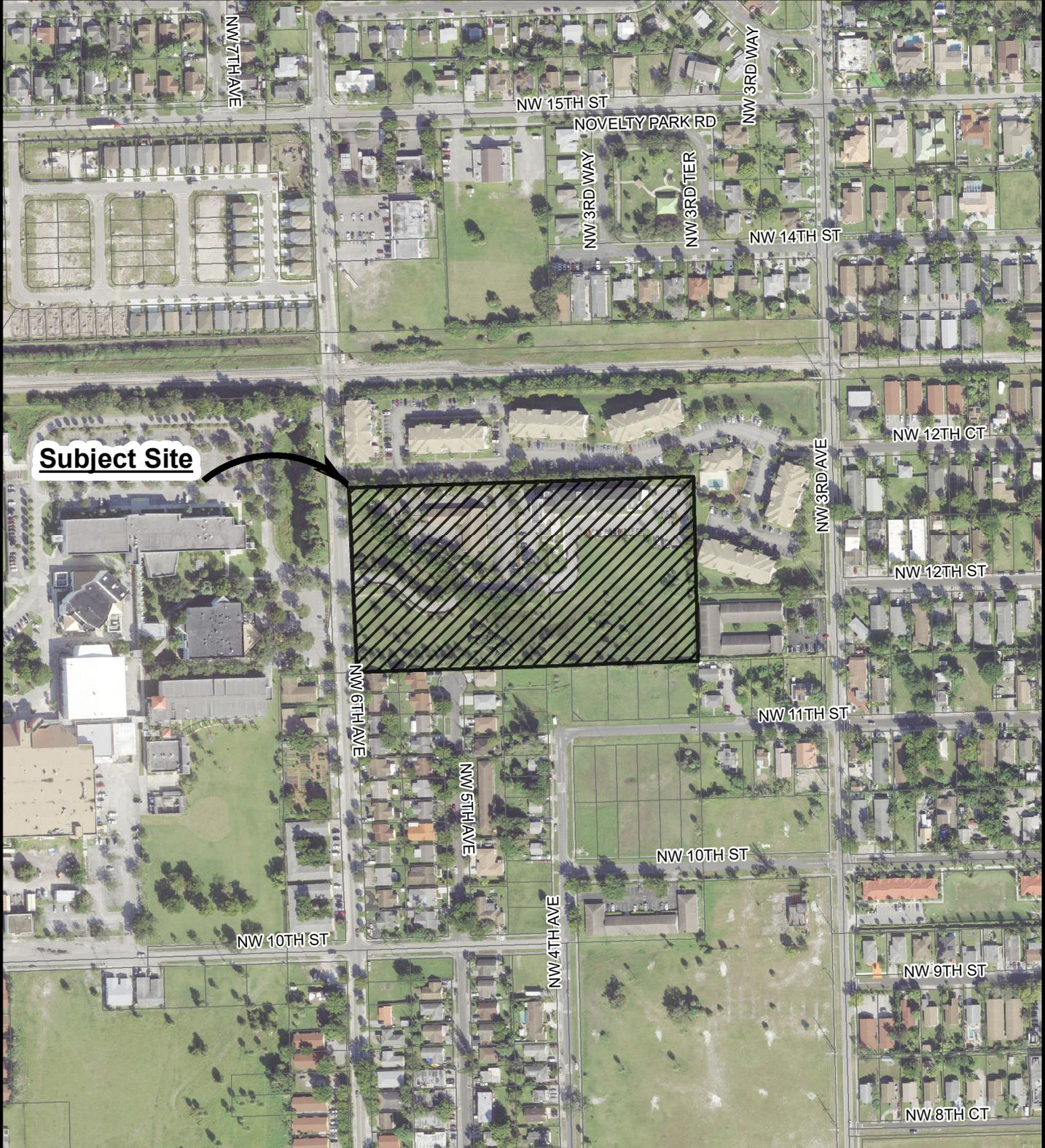
- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- 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 Major Site Plan, and building and zoning compliance permits.
2. Substantial compliance to the plans submitted with this application and Site Plan PZ #22-12000016.

CITY OF POMPANO BEACH AERIAL MAP



1 in = 333 ft

Archdiocese of Miami - St. Joseph Haitian Church
1210 NW 6th Avenue

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES