



## Staff Report

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**File #:** LN-56

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Zoning Board Of Appeals  
Meeting Date: December 17, 2020

### **VARIANCE - PARAMOUNT PARK, LLC**

<b>Request:</b>	Variance
<b>P&amp;Z#</b>	20-11000015
<b>Owner:</b>	Paramount Park LLC
<b>Project Location:</b>	NW 15 Avenue (Vacant)
<b>Folio Number:</b>	4842 27 53 0010
<b>Land Use Designation:</b>	I-Industrial
<b>Zoning District:</b>	I-1
<b>Agent:</b>	Paola West
<b>Project Planner:</b>	Scott Reale, AICP

### **Summary:**

Applicant Landowner is requesting a variance from the provisions of Section 155.5102(C)(9) [Curbing] of the City of Pompano Beach Zoning Code in order to eliminate curbing in the center truck parking row rather than provide a continuous curb as required by code.

The subject property is located in the Northwest CRA at the northwest corner of NW 15<sup>th</sup> Avenue and NW 18<sup>th</sup> Street on vacant/undeveloped land.

### **ZONING REGULATIONS**

#### **155.5102. OFF-STREET PARKING AND LOADING**

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#### **C. General Standards for Off-Street Parking and Loading Areas**

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##### **9. Curbing**

a. Except for off-street parking areas serving single-family dwellings, each off-street parking space shall include a continuous curb.

b. The continuous curb shall be a maximum 5½ inches high.

c. The vehicular overhang area shall be no more than 2½ feet wide and shall not be credited toward any required sidewalk or landscape areas.

d. In place of continuous curbs, wheel stops may be provided when required for compliance with accessibility guidelines promulgated under the Americans with Disabilities Act (ADA). When permitted, the

wheel stops shall be made of concrete, wood, metal, or material of comparable durability, and shall be at least six feet long and a maximum 5½ inches high.

### **PROPERTY INFORMATION**

The subject property has no code compliance cases and no Business Tax Receipts.

The subject property obtained Major Site Plan approval (PZ #19-12000011) in January 2020 in order to construct two warehouse/office buildings. In September of this year, the ZBA granted a Major Temporary Use Permit to use the vacant lot to park trucks. Citing changing market conditions largely due to the pandemic, the applicant has since filed a Minor Site Plan application (PZ #20-12000040) to make the truck parking lot a permanent use. The site plan application is currently in DRC review, and the applicant is seeking relief of the curbing requirements along the center parking row due to drainage issues.

### **LAND USE PATTERNS**

A. Subject property (Zoning | Existing Use): I-1 | vacant

A. Surrounding Properties (Zoning District | Existing Use):

- a) North: I-1 | warehouse, distribution, contractor's office, manufacturing
- b) South: O-IP/PCD | warehouse, distributing, manufacturing
- c) East: O-IP/PCD | warehouse, distributing, manufacturing
- d) West: I-1 | truck terminal

### **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.

The following factors do not constitute sufficient grounds for approval of a Variance:

- a. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;

- b. Hardships resulting from factors other than application of requirements of this Code;
- c. The fact that land or a structure may be utilized more profitably or be more marketable with a Variance; or
- d. The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts.

**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 a development order for Site Plan PZ # 20-12000040, and building and zoning compliance permits.
2. Curbing relief is strictly limited to those areas depicted in the middle two rows of truck parking, as indicated on the plans submitted with this application.



CITY OF POMPANO BEACH  
AERIAL MAP



1 in = 375 ft

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES