



Staff Report

File #: LN-476

Zoning Board of Appeals
Meeting Date: July 20, 2023

VARIANCE - SES WPB LLC

Request:	Variance
P&Z#	23-11000011
Owner:	SES WPB LLC
Project Location:	1820 NW 21 Street
Folio Number:	484227130010
Land Use Designation:	I- Industrial
Zoning District:	Special Industrial (I-1X)
Agent:	Paola West
Project Planner:	Scott Reale

Summary:

The Applicant Landowner is requesting a Variance from Section 155.4229(E)(2) [Additional Standards for Outdoor Waste-Related Service Uses] of the City’s Zoning Code in order to allow an Outdoor Waste-Related Service Use to be located less than 1,000 feet from another lot containing a junkyard or an Outdoor Waste-Related Service Use, rather than separated by at least 1,000 feet as required by code.

The subject property is located on the south side of NW 21 Street, and east of North Powerline Road.

ZONING REGULATIONS:

155.4229. INDUSTRIAL: WASTE-RELATED SERVICES USES

A. Purpose

Waste-Related Services Uses are solid waste management facilities regulated and permitted by the Florida Department of Environmental Protection’s Bureau of Solid & Hazardous Waste. These uses are recognized as having potential negative impacts on the quality of air, water, soil, and other natural resources. It is further recognized that improper disposal and management of solid waste results in or contributes to air and water pollution, land blight, and nuisance conditions.

B. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
		S	S					S	S				P			

C. Definition

A waste-related services use includes any of the following facilities:

1. Construction and Demolition Debris Disposal Facility

A construction and demolition debris disposal facility is a Solid Waste Management Facility permitted by the state for the disposal of construction and demolition debris, as provided for in FL SS 403.703.

2. Land Clearing Debris Disposal Facility

A land clearing debris disposal facility is a solid waste management facility permitted by the state for the disposal of land clearing debris, as provided for in FL SS 403.703 and FAC 62-701.200.

3. Materials Recovery Facility

A materials recovery facility is a solid waste management facility that provides for the extraction from solid waste of recyclable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials, as provided for in FAC 62-701.200.

4. Solid Waste Transfer Station

A solid waste transfer station is a solid waste management facility, the primary purpose of which is to store or hold solid waste for transport to a processing or disposal facility, as provided for in FAC 62-701.200. Operations at such facilities may include separation of incidental amounts of recyclable materials or unauthorized waste.

5. Tire Disposal or Recycling Facility

A tire disposal or recycling facility is a solid waste management facility, the primary purpose of which is tire disposal or tire recycling, as provided for in FAC 62-701.200.

6. Waste Composting Facility

A waste composting facility is a solid waste management facility where solid waste is processed using composting technology, as provided for in FAC 62-709.201. Processing may include physical turning, windrowing, aeration or other mechanical handling of organic matter.

7. Waste-to-Energy Plant

A waste-to-energy plant is a facility that uses an enclosed device using controlled combustion to thermally break down solid, liquid, or gaseous combustible solid waste to an ash residue that contains little or no combustible material and that produces electricity, steam, or other energy as a result, as provided in FL SS 403.7061. The term does not include facilities that primarily burn fuels other than solid waste even if such facilities also burn some solid waste as a fuel supplement. The term also does not include facilities that burn vegetative, agricultural, or silvicultural wastes, bagasse, clean dry wood, methane or other landfill gas, wood fuel derived from construction or demolition debris, or waste tires, alone or in combination with fossil fuels.

D. General Standards for All Waste-Related Service Uses

Waste-Related Service Uses shall comply with the following standards:

1. In the I-1 District, all of the use's operation, including storage and sorting, shall occur and be located within a fully enclosed structure;
2. Access to the property shall be via a paved public right-of-way with a minimum width of 60 feet;
3. Access to the property shall be controlled through the use of a fence, wall, gate, or other suitable device to prevent unregulated dumping; and
4. The use shall comply with state solid waste management regulations, permitting requirements, and permit conditions.

E. Additional Standards for Outdoor Waste-Related Service Uses

A Waste-Related Service Use is considered to be an Outdoor use if all or a portion of the use's operations, including storage and sorting, are located outside of a fully enclosed structure. In addition to the general standards listed in Section [155.4229.D <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-45481>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-45481), Outdoor Waste-Related Service Uses shall be required to comply with the following standards:

1. The use shall be located on property with an area of at least one acre;
2. The lot shall be located at least 1,000 feet, as measured by airline distance from property line to property line, from another lot containing a junkyard or an Outdoor Waste-Related Service Use;
3. The use shall include measures to reduce the off-site transmission of noise or dust to the maximum extent practicable;
4. A type C perimeter buffer shall be provided around all perimeters of the site; and
5. The applicant shall provide documentation of compliance with state solid waste management regulations for minimum distance separation from water bodies and airports .
6. The Applicant shall comply with § [155.3707.C.5 <https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34749>](https://codelibrary.amlegal.com/codes/pompanobeach/latest/pompanofl_zone/0-0-0-34749) related to landfills located within the Air Park Overlay.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The subject property has one active business operating, which is a sexually oriented doing business as “Gold Club.” The applicant intends to use the property for an industrial tenant that will obtain concrete and process / crush to be converted into a limerock bearing ratio (LBR) material for construction.
2. In addition to the Variance, the applicant must also obtain a special exception for the proposed business. A concurrent application (P&Z: 23-1700004) has been filed with the department for the proposed Waste -Related Service Use.
3. The conceptual site plan submitted with this application has not been reviewed by the Development Review Committee (DRC) and the proposed change of use will require a minor site plan application.

LAND USE PATTERNS

Subject Property (Zoning District | Existing Use):

- I-1X | adult entertainment

Surrounding Properties (Zoning District | Existing Use):

- North: I-1X | automotive uses / paint & body shop
- South: I-1X | Pompano Business Park / warehouses, contractor offices, auto dealer
- West: I-1X | Trax Joint Venture / warehouses, contractor offices
- East: I-1 | warehouse / equipment rental

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

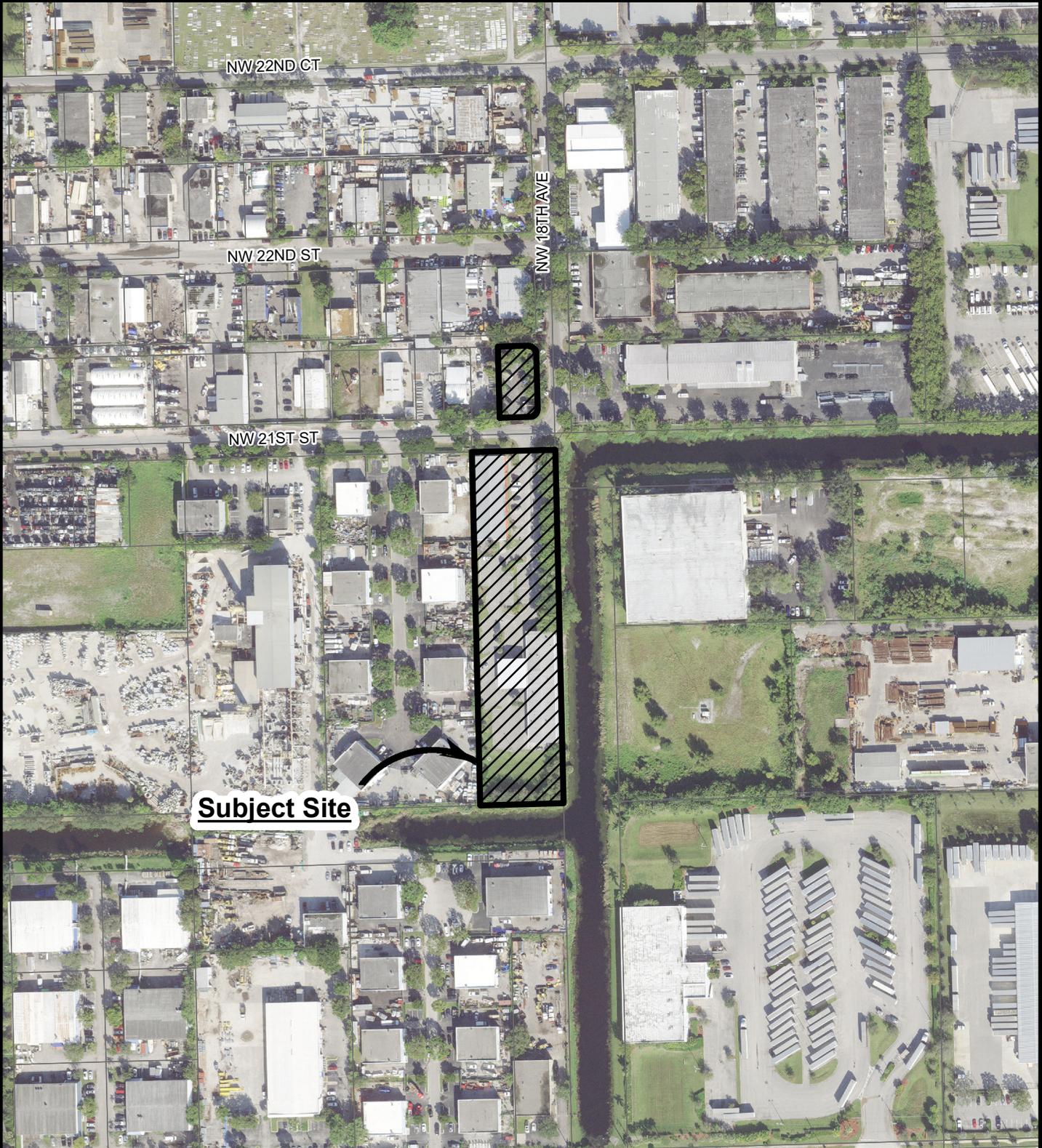
- the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- b) The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
 - c) Because of the extraordinary and exceptional conditions referred 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 minor site plan, building and zoning compliance permits, and a city-issued Business Tax Receipt.
2. A type C perimeter buffer shall be provided around all perimeters of the site.
3. The use shall comply with all applicable state solid waste management regulations, permitting requirements, and permit conditions.

CITY OF POMPANO BEACH AERIAL MAP



Subject Site

1 in = 250 ft

1820 NW 21 ST

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES