



Staff Report

File #: LN-181

Zoning Board of Appeals
Meeting Date: October 21, 2021

VARIANCE - BATMASIAN

Request: Variance
P&Z# 21-11000015
Owner: James H. Batmasian
Project Location: 3051 N Federal Highway
Folio Number: 484224140020
Land Use Designation: C- Commercial
Zoning District: B-3 (General Business)
Agent: John Voigt
Project Planner: Scott Reale

Summary:

Applicant Landowner is requesting a Variance from the following provisions:

1. Section §155.5602(C)(7)(c) & §155.5602(C)(7)(d) [Fenestration/Transparency] of the Pompano Beach Zoning Code, in order to retain service bay entrances, overhead doors, and roll up doors on the street-facing facades of the ground level floor of the building, rather than prohibit them as required by code.

The property is located on the west side of N Federal Highway (U.S. 1) between NE 29th Street and NE 31st Street.

ZONING REGULATIONS

155.5602. COMMERCIAL, INSTITUTIONAL, AND MIXED-USE DESIGN STANDARDS

...
C. General Commercial, Institutional, and Mixed-Use Design Standards

All commercial, institutional, and mixed-use development subject to this section shall comply with the following standards:

...
7. Fenestration/Transparency

...
c. Street-facing facades of the ground level floor for uses involving repair, servicing and/or maintenance shall not include service bay entrances, overhead doors, sliding glass doors, removable panels, or similar type of doors.

d. Street-facing facades of the ground level floor for all commercial, institutional, and mixed-use

developments shall not include roll up doors.

PROPERTY INFORMATION

1. The subject property has two open code compliance violation cases which are included in the report backup.
 - a. Code Case #20120034 for operating a business without a current Business Tax Receipt.
 - b. Code Case #21080072 for outdoor storage and improperly maintained landscaping areas.
2. There are no current business tax receipts associated with the property. Previous uses included auto service repair, but the BTR lapsed in 2020 when the business closed.
3. The subject property was developed in the early 1970s via permit #72-5614 for a Firestone Sales & Service Building. This part of Pompano was unincorporated at that time.
4. According to permit records, the subject property has three open building permits:
 - a. 12-11064 ASPHALT AND STRIPING
 - b. 04-3984 INT. ALT. AG16
 - c. 03-8178 SITEWORK/SPRINKLERS AG16
5. A retroactive landscape plan was approved in 2003 (PZ 03-06000110); however, the code violation suggests the subject property has not maintained the required landscaping. The conceptual site/landscape plan attached with this application, along with the applicant's presentation, suggests the property is being improved and will include a Type "C" buffer along the west property line abutting residential. Although the Federal Highway Corridor Study encourages pedestrian-oriented redevelopment, this property has maintained this configuration for almost 50 years and the proposed improvements include more landscaping and fewer parking spaces between Federal Highway and the building.
6. The Code prohibits overhead/roll-up doors along street-facing facades. However, this building has maintained this configuration since it was constructed in 1970s. Staff, however, requires a Variance because the auto service repair use is no longer permitted by right.
7. Concurrent with this Variance request is an application for a Special Exception in order to reestablish an auto service repair use.

LAND USE PATTERNS

Subject property (Zoning / Existing Use):

- B-3 / vacant building

Surrounding Properties (Zoning District / Existing Use):

- North: B-3 / fast-food restaurant (McDonald's)
- South: B-3 / auto repair and service
- East: B-3A (Lighthouse Point) / boat sales
- West: RS-4 / single-family dwellings

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 with all necessary final inspections, zoning use certificate and city-issued Business Tax Receipt.
2. Close out all open building permits and address all open code violations.
3. Substantial compliance to the site/landscape plans submitted and compliance with §155.4219(A), standards applicable to motor vehicle sales and service uses.
4. Successfully obtain a Special Exception for repair and maintenance services of automotive vehicles.

CITY OF POMPANO BEACH AERIAL MAP



Subject Site

1 in = 167 ft

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES