



CITY OF POMPANO BEACH

VARIANCE APPLICATION

Project:

4791 US-1, POMPANO BEACH, FL, 33064

Prepared for:

Take 5 Oil Change

440 S. Church Street

Charlotte, NC, 28202

Preface:

It is understood by the applicant that the project may be further limited in design while undergoing this Variance and through the Development Process. The final binding agreement shall be subject to the preparation, negotiation, and execution of any definitive legal documents.



Project: Take 5 Oil Change @ Pompano Beach

Variance Request

Introduction

The Applicant plans to redevelop the property with an automobile service station for minor automobile service. The applicant is requesting a variance from section 155.4219.A.1 of the Land Development Code regarding standards applicable to motor vehicle sales and service uses. The subject site is at a commercial node near the intersection of US-1 (Federal Highway) and NE 48th Street and was historically used for automotive sales. The specific request is to deviate from 155.4219.A.1.C, Fenestration/Transparency, which is tied to 155.5602.C.7 in Part 6 in Article 5 of the development standards. We are requesting relief from 7c which prohibits overhead doors/service bay entrances on street-facing facades.

REVIEW STANDARDS (A-H)

- 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;

Applicant's Narrative: The special use standards for automotive repair prohibit overhead doors from facing the ROW. In most cases, provisions are made for corner lots. Because this is a corner lot with double frontage along the ROW of NE 48th street and N Federal Highway, it is not possible to orientate the structure to not have a bay door facing the ROW. There are other auto service uses within the city that are not on corner lots which have overhead doors facing the ROW.



- B. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
Applicant's Narrative: The condition of the lot's location in reference to the ROW's is not a condition created by the owner.
- 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;
Applicant's Narrative: The application of this code would fully prohibit the structure.
- D. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.
Applicant's Narrative: The variance would not confer any special privilege. It would allow for the reasonable use of this property. This would not be setting any precedent as there already other nonconforming uses within the area. Additionally, the historical use of the property was for used automotive sales. Based on historical imagery, 2 carports were used for service use and functioned in a manner similar to this request.
- E. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;
Applicant's Narrative: The minimum extent of the variance would be to allow for the overhead doors to face one of the adjacent ROW's. This proposed variance is the minimum necessary deviation to allow for this use.
- F. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;
Applicant's Narrative: The proposed variance is in harmony with the general purpose of the code but is necessary for the development due to uncontrollable site constraints.



- 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
Applicant's Narrative: The variance has no effect on health or safety. The overhead doors would be facing public ROW and would have no impact on public welfare.
- H. The Variance is consistent with the comprehensive plan.
Applicant's Narrative: The proposed use is consistent with the comprehensive plan and the variance is necessary for the use.

Conclusion

The proposed application demonstrates that the variance is necessary for this development and is due to uncontrollable site constraints. The applicant requests this variance be heard simultaneous to the accompanying special exception. Thank you for your consideration in this matter.

Sincerely,

Troy F. Carter, P.E.
Principal
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