



02.20.24

To: Scott Reale
COPB – Development Services

Re: Variance justification
214/220/226 SW 2nd Street
Pompano Beach, Florida 33060

On behalf of Banyan Community Health Center, Inc., dba Banyan Health Systems, this request for the variance (to permit the construction of a dumpster enclosure within the front setback) is embedded within the function of the residential Pompano complex (the “Complex”).

The Complex is comprised of three (3) buildings operating as a licensed behavioral health and substance abuse treatment facility. A crucial component for successful treatment provided at the Complex warrants isolating/minimizing patient contact with and among the general public while patients complete a challenging treatment regime. Given patient vulnerability during treatment juxtaposed with creative methods employed to obtain illicit drugs, efforts are ongoing to eliminate access to contraband. These efforts include sanitation services because of the opportunity that drugs can be transported onto the Complex during the sanitation service process. To minimize access to patients, the existing dumpster needs to be located beyond the fence that services as the Complex’s boundary. This is why the location is proposed within the front yard setback.

Because the sanitation pick-up process governed by the City precludes trucks from backing out onto a public right-of-way, maneuvering must be conducted on site. This impediment resulted in the design that is presented with this variance application. Trucks can complete their maneuvering within the Complex property. The plan has been already approved by Beth Dubow at COPB Sanitation.

To support the imposition on the front yard, the proposed design includes the addition of landscaping in the front yard to partition and shield the dumpster enclosure as well as offset the addition of the hardscape.

Unlike most variance requests, there is no advantage or monetary gain for the Owner. The goal is to enhance the treatment services which affords patients simply a greater chance of success. Successful behavioral health and substance abuse treatment inures to the benefit of Banyan, its patients, as well as the entire City of Pompano Beach. If the improvements save even one resident from drifting, the Owner deems the investment worthwhile.

We look forward to a favorable response.

Eric Anderson

Eric Anderson, *Principal*

cc: Mark Aprigliano, *Banyan*

BANYAN COMMUNITY HEALTH CENTER, INC. VARIANCE ADDITIONAL INFORMATION

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;
 - **Due to the existing building locations, locating the dumpster enclosure to limit resident access to the sanitation personnel, necessary for the safety of the residents, behind the front setback is not feasible.**
- b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
 - **The conditions that created the need for the variance are not Owner-generated.**
- 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;
 - **The request for the variance is not necessarily rooted in traditional land utilization, but in the evolving of the nature of the facility within the fabric of the neighborhood.**
- d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.
 - **The accommodation of providing the dumpster within the front setback will not only result in a safer street sequence, but the masonry enclosure will better screen the refuse containers — currently the adjacent properties on the street primarily utilize residential-style bins that are not screened and typically become an eyesore.**
- e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;
 - **The site design to accommodate the truck maneuvering on site has been kept to 8 minimum, maximizing the site area available for landscape improve**
- f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;
 - **By accommodating the requirement for keeping all truck maneuvering on site, as per the City's requirements, the dumpster can remain screened at all times, improving the visual streetscape.**

- 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
- **The granting of the variance will actually enhance the safety issues on the street, as the maneuvering of the sanitation trucks will take place entirely on site. The trucks will not stop in the ROW, nor will they back up onto the street.**
- h.** The Variance is consistent with the comprehensive plan.
- **The granting of the variance will not change the use of the property, which is consistent with the comprehensive plan.**