



Staff Report

File #: LN-395

Zoning Board of Appeals
Meeting Date: January 19, 2023

VARIANCE - 4791 N FEDERAL HWY LLC

Request:	Variance
P&Z#	22-11000019
Owner:	4791 N Federal Hwy LLC
Project Location:	4791 N Federal Hwy
Folio Number:	4843 18 00 0091
Land Use Designation:	C- COMMERCIAL
Zoning District:	General Business (B-3)
Agent:	Troy Carter
Project Planner:	Scott Reale

Summary:

Applicant Landowner is requesting a VARIANCE from Section §155.4219(A)(1)(c) [Standards Applicable to Motor Vehicles Sales and Services Uses] of the City of Pompano Beach Zoning Code, in order to allow an Automotive Repair and Maintenance Facility use to operate without redesigning the front façade in accordance with Section §155.5602(C)(7)(c) [Fenestration / Transparency], rather than redesign the building to eliminate the overhead doors as required by code.

The property is located on the west side of N Federal Highway and the south side of NE 48th Street.

ZONING REGULATIONS

155.4219. COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES

A. Standards Applicable to Motor Vehicle Sales and Service Uses

1. Motor Vehicle Sales and Service uses that include service, repair, installation, and/or maintenance shall comply with the following standards:

...
c. The use shall be designed so that the front façade is in compliance with Section 155.5602.C.7, Fenestration/Transparency.

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

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

PROPERTY INFORMATION

1. The applicant is proposing to utilize the subject property as a quick lube oil change service station which falls under the classification of *Automotive Repair and Maintenance Facility* and requires a Special Exception in the B-3 zoning district. That application, PZ #22-17000016, has been submitted. One of the requirements of a Special Exception is that the applicant comply with all use-specific standards. The applicant contends they are unable to comply with the fenestration requirement that prohibits service bay doors from facing right-of-way. That is the specific relief being sought.
2. The subject property was first developed around 1960 when the property was part of unincorporated Broward County. Business Tax Receipt and permit archives show the property has been utilized as a gas station, auto repair facility, and most recently for used car sales. All auto-oriented Business Tax Receipts have lapsed (since 2019) so the property has lost its nonconforming status.
3. According to the Code Compliance Director, the property has one open structural violation (case #19-06004486).
4. The conceptual site plan provided involves significant modifications to previous site circulation and will require Minor Site Plan approval (not yet filed). The plan proposes site access from the property to its west which contains a duplex. It does not appear the site has provided the required type B perimeter buffer along all perimeters of the site.
5. The Transformation Plan for Federal Highway calls for an emphasis on the pedestrian with residential and mixed-use buildings, and limiting uses with drive-thru facilities. Any redevelopment and adaptive reuse of this corner property should be more in harmony with the adopted Transformation Plan, which specifically states, "...the development of new drive-thru facilities should be heavily discouraged, and existing drive-thru should be eliminated as sites redevelop over time." The auto-oriented use and layout of this proposal is in direct conflict with innovative urban planning and design standards.

LAND USE PATTERNS

Subject Property (Zoning District | Existing Use):

- B-3 | no current use

Surrounding Properties (Zoning District | Existing Use):

- North: B-3 | Broward County pump station facility
- South: B-3 | animal hospital
- West: B-3 | duplex (subject property access from this site)
- East: B-3a (Lighthouse Point) | used car sales

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.

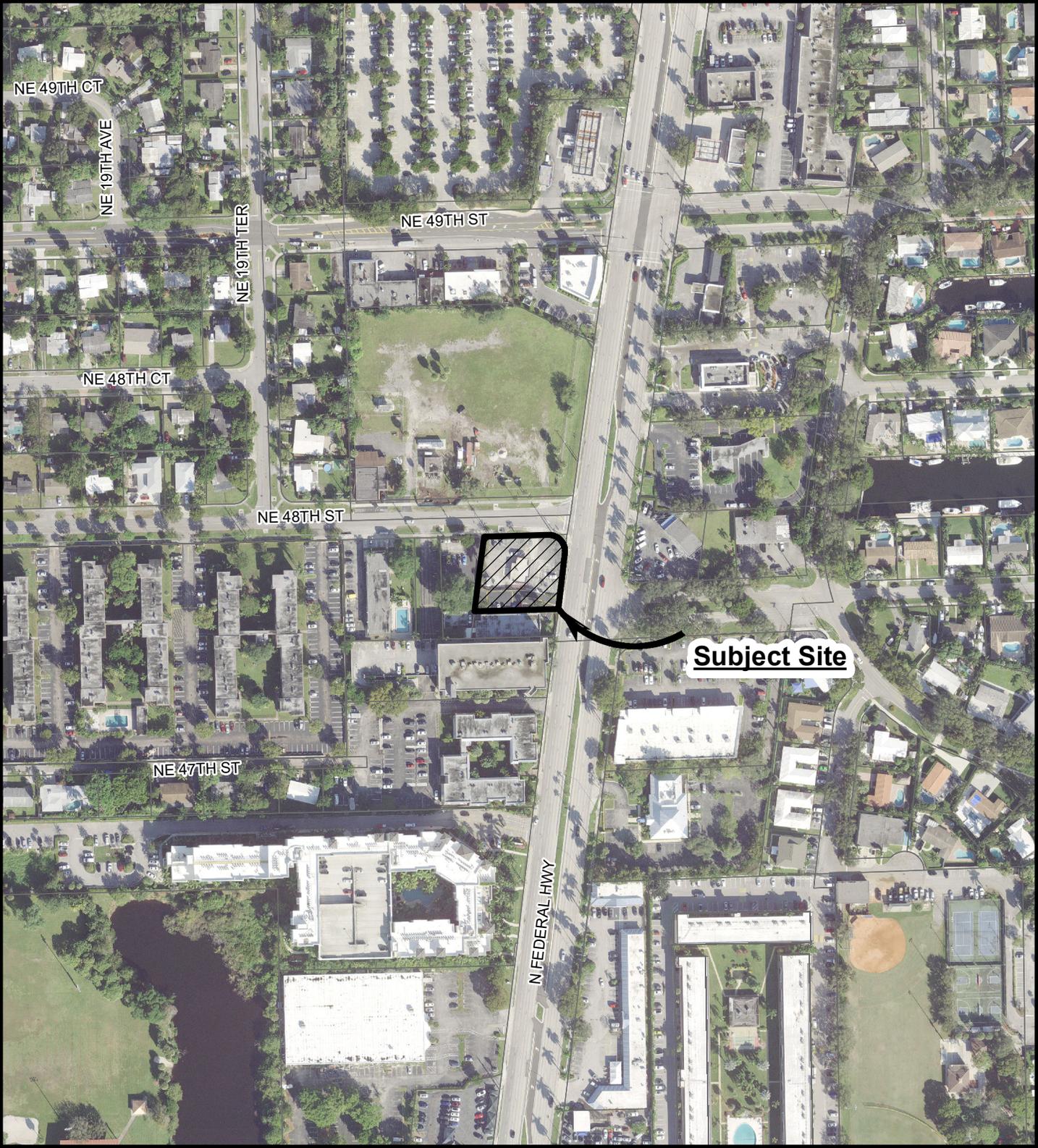
Staff Conditions:

Staff objects to the proposed variance application. Other than being located on a corner lot, there is nothing extraordinary or exceptional about the subject property. The property can be redeveloped without the need for the requested relief. There are a myriad of uses that are permitted by right in the B-3 zoning district that do not require overhead doors as part of their business model.

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 Minor Site Plan development order, building and zoning compliance permits, and a city-issued Business Tax Receipt.
- 2. Successfully obtain a Special Exception for an *Automotive Repair and Maintenance Facility*.
- 3. Provide evidence of recorded cross access agreements, prior to building permit approvals.
- 4. Provide at least twice the minimum number of street trees along the north and east property lines.
- 5. No vehicle service, repair, installation, or maintenance shall be made except within the building.

CITY OF POMPANO BEACH OFFICIAL AERIAL MAP



Subject Site

1 in = 250 ft

4791 N Federal Highway

PREPARED BY:
DEPARTMENT OF
DEVELOPMENT SERVICES