



## Legislation Details (With Text)

<b>File #:</b>	LN-578	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	ZBA Submission	<b>Status:</b>		<b>Status:</b>	Failed
<b>File created:</b>	2/28/2024	<b>In control:</b>		<b>In control:</b>	Zoning Board of Appeals
<b>On agenda:</b>	3/21/2024	<b>Final action:</b>		<b>Final action:</b>	3/21/2024
<b>Title:</b>	VARIANCE - SPECTRUM PROGRAMS R E HOLDINGS INC				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Staff Report_24-11000003.pdf, 2. 00_Application-OwnersCert_24-11000003.pdf, 3. 01_Narrative-Review Standards_24-11000003.pdf, 4. 02_Survey_24-11000003.pdf, 5. 03_Existing Site Plan_24-11000003.pdf, 6. 04_Proposed Site Plan_24-11000003.pdf, 7. 05_Truck Manuvering Plan_24-11000003.pdf, 8. 06_Proposed Landscape Plan_24-11000003.pdf, 9. Legal Description_24-11000003.pdf, 10. Fire Memo - 24-11000003.pdf, 11. PublicNotice_24-11000003.pdf, 12. Aerial Map_24-11000003.pdf				

Date	Ver.	Action By	Action	Result
3/21/2024	1	Zoning Board of Appeals	DENIED	

Zoning Board of Appeals  
Meeting Date: March 21, 2024

### VARIANCE - SPECTRUM PROGRAMS R E HOLDINGS INC

<b>Request:</b>	Variance
<b>P&amp;Z#</b>	24-11000003
<b>Owner:</b>	SPECTRUM PROGRAMS R E HOLDINGS INC
<b>Project Location:</b>	214-226 SW 2 <sup>nd</sup> Street
<b>Folio Number:</b>	494202020400, 494202020410, 494202020420
<b>Land Use Designation:</b>	MH- Medium High 16-25 DU/AC
<b>Zoning District:</b>	Multiple-Family Residence 30 (RM-30)
<b>Agent:</b>	Eric Anderson
<b>Project Planner:</b>	Scott Reale

### Summary:

The Applicant Landowner is requesting a VARIANCE from the following provisions:

1. Section 155.4302.B.2.f and 155.4302.B.2.g [Prohibited Location of Accessory Structures] of the Pompano Beach Zoning Code in order to allow a dumpster enclosure to be located in a required front yard and in front of a principal structure.

2. Section 155.5301.C.2.c [Prohibited Location of commercial containers] of the Pompano Beach Zoning Code in order to allow a commercial container to be located in a front yard.

The subject property is located on the south side of SW 2<sup>nd</sup> Street, between S Dixie Highway and Avondale Drive, in the Avondale neighborhood.

## **ZONING REGULATIONS**

### **155.4302. GENERAL**

#### **B. General Standards for All Accessory Uses and Structures**

##### **2. Prohibited Location of Accessory Uses and Structures**

Unless otherwise provided for in Section 155.4303 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall not be located within the following:

- a. Any platted or recorded easement;
- b. Any required landscape easement or buffer;
- c. An area over any known utility;
- d. An area designated as a fire lane or emergency access route on an approved site plan;
- e. An area designated as a parking area on an approved site plan;
- f. A required yard setback;
- g. In front of the principal structure;
- h. Within 15 feet of a property line abutting a waterway or canal; and
- i. Within 25 feet of the historic dune vegetation line.

### **155.5301. SCREENING**

#### **C. Location and Screening of Commercial Containers**

##### **2. Location**

Commercial containers shall not be placed in the following locations:

- a. Within five feet of any property line;
- b. Any required landscaped area;
- c. Any front yard or street side yard;
- d. Any fire lane;
- e. Any off-street parking space;
- f. Any location that blocks vehicular, bicycle, or pedestrian traffic;
- g. Any location that interferes with utilities; and
- h. Any platted or recorded easement.

## **PROPERTY INFORMATION**

1. The subject property is comprised of three buildings on three adjacent parcels and is licensed as an inpatient substance abuse treatment facility operated by Banyan Health Systems.
2. The applicant is proposing to install a dumpster enclosure located just 5'-3" from the front lot line. Most accessory structures, including commercial containers like a dumpster enclosure, may not be located within the required front yard setback nor located in front of a principal structure. The applicant is seeking relief from these code provisions.
3. According to the applicant's narrative, the primary reason for this request is because onsite trash collection provides an opportunity for drugs to be transported onto the complex, whereas locating the dumpster outside of the complex gate will minimize access to patients.
4. The applicant states that the City's Recycling Coordinator affirmed the collection truck maneuvering plan for proposed location of the dumpster enclosure is acceptable. Further, the applicant states that the

design will provide for additional landscaping opportunities.

### **LAND USE PATTERNS**

Subject property (Zoning District | Existing Use):

- RM-30 | inpatient substance abuse treatment facility

Surrounding Properties (Zoning District | Existing Use):

- North: RM-30 | duplex and triplex
- South: RM-30 | single-family dwelling
- West: RM-30 | duplex
- East: RM-30 | quadplex

### **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 and questions the applicant's assertion that the requested relief will improve the visual streetscape. Sidewalks play a vital role in city life. Adding a dumpster enclosure so close to the SW 2<sup>nd</sup> Street sidewalk does not enhance the general public health or esthetic design of this residential Avondale block. Limiting patient/resident interaction with sanitation personnel is not an extraordinary and exceptional condition and does not warrant a variance.

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 condition(s) as a part of the

Order:

1. Obtain all necessary governmental permits and approvals including building and zoning compliance permits.
2. In collaboration with the City's Urban Forester, revise landscape plan to provide superior and enhanced landscaping in excess of code requirements in areas where landscaping is feasible, specifically along the street frontage.
3. Replace existing chain link fencing facing SW 2<sup>nd</sup> Street with superior material such as wrought iron or other decorative metal material.