



Legislation Text

File #: LN-619, Version: 1

ZONING BOARD OF APPEALS

Meeting Date: JUNE 18, 2024

VARIANCE - CCDV HOLDINGS LLC

Request: Variance
P&Z# 24-11000005
Owner: CCDV Holdings LLC
Project Location: 1347 E Sample Road
Folio Number: 484213030490
Land Use Designation: C- COMMERCIAL and L- LOW 1-5 DU/AC
Zoning District: General Business (B-3) and Single-Family Residence 4 (RS-4)
Agent: Matthew Scott
Project Planner: Scott Reale

Summary:

The Applicant Landowner is requesting a VARIANCE from Section §155.4302(B)(2)(f) [Prohibited Location of Accessory Structures] and §155.4303(JJ)(3)(a)(i) [Mechanical Equipment Standards] of the Pompano Beach Zoning Code, in order to allow an emergency generator to be located in a required yard setback on a through lot rather than located outside of the required yard setback as per code.

The property is located on the north side of E Sample Road and on the east side of NE 13th Terrace.

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:

...

f. A required yard setback;

§155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

...
JJ. Mechanical Equipment and Similar Features

...
3. Standards
Mechanical Equipment and similar features are subject to the following standards:

- a. Setback
 - i. Mechanical Equipment and similar features may be located within an interior side yard setback or a rear yard setback, but shall be located at least three feet from a side or rear lot line.

§155.9401. MEASUREMENT

...
H. Yard Setback
...
2. Front Yard Setback

- b. Through Lot
On a through lot, the front yard setback shall be measured, and the minimum front yard setback requirement shall be applied, from both of the parallel or nearly parallel street-fronting lot lines.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. On 12/14/2023, the ZBA granted a Special Exception approval (PZ #23-1700011) for a Specialty Medical Facility in order to utilize the existing office building as an ambulatory surgical center. Additionally, the Zoning Code was recently changed (Ordinance No. 2024-35, adopted 5/28/2024) to allow an ambulatory surgical facility that is smaller than 5,000 sq ft GFA to be excluded from the minimum 500 ft separation requirement from Single Family (RS) or Two-Family (RD) zoning districts.
2. This applicant is proposing to place a new emergency generator (dimensions 8'-2" x 3'-4") between the north building façade and a 20 ft wide alley that separates the building parcel from the subject property's parking lot. Because the ambulatory surgical center parcel is considered a through lot (two parallel rights-of-way), most accessory structures, including mechanical equipment, are prohibited from being located in this location. On a through lot, the front yard setback shall be measured, and the minimum front yard setback requirement shall be applied, from both of the parallel street-fronting lot lines.
3. The conceptual site plan submitted indicates the generator will be setback almost 4 ft from the alley, and will include a new concrete pad, bollards, and shrubs to screen the generator from view. Because the building takes up the vast majority of the site's lot coverage, there is essentially nowhere to place a generator without obtaining relief. Considering Sample Road and NE 13th Terrace are located directly along the south and west sides of the building, respectively, and an adjacent building is attached to the east building façade, staff finds the proposed location of the generator on the north side of the site, adjacent to the alley, to be the most appropriate option.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- B-3 and RS-4 | office building (B-3) and parking lot (RS-4)

Surrounding Properties (Zoning District | Existing Use):

- North: RS-4 | single-family dwelling
- South: RM-30 | multi-family dwelling
- West: B-3 | retail sales of cell phones and accessories
- East: B-3 | professional office

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.
2. Substantial compliance with the conceptual site plan submitted with this Variance application.