



Legislation Text

File #: LN-599, Version: 1

ZONING BOARD OF APPEALS

Meeting Date: MAY 16, 2024

VARIANCE - BLOSSMAN GAS OF LOUISIANA INC

Request: Variance
P&Z# 24-11000004
Owner: Blossman Gas of Louisiana Inc
Project Location: 261 S Andrews Ave
Folio Number: 494202570010
Land Use Designation: I (Industrial)
Zoning District: I-1 (General Industrial)
Agent: David Dixon
Project Planner: Scott Reale

Summary:

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

1. Section 155.4228.A.3.e [Outdoor Storage Screening Standards] of the Pompano Beach Zoning Code in order to allow two bulk propane fuel tanks to be located above ground rather than require flammable liquids or gases in excess of 1,000 gallons to be stored underground as required by code.
2. Section 155.4228.A.3.a.i [Outdoor Storage Screening Standards] of the Pompano Beach Zoning Code in order to allow two bulk propane fuel tanks to exceed the height of the perimeter fencing and screening rather than limit the height of the fuel tank equipment to the height of the fencing and screening as required by code.

The property is located on the west side of S Andrews Avenue (SW 12th Avenue) between SW 2nd Street and SW 3rd Street.

ZONING REGULATIONS

155.4228. INDUSTRIAL: WAREHOUSING AND FREIGHT MOVEMENT USES

A. Outdoor Storage (as a principal use)

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
		S	P										P			

2. Definition

Outdoor storage as a principal use is the keeping, in an area that is not totally and permanently enclosed, of any finished goods, material, merchandise, boats, or vehicles in the same place for more than 24 hours, where such storage is the principal use of a lot. This use does not include a junkyard or salvage facility or the display and storage of vehicles as part of an automobile, recreational vehicle, trailer, or truck sales or rental use.

3. Standards

Outdoor storage as a principal use shall comply with the following standards:

a. Perimeter buffer and screening standards

i. The area(s) used for outdoor storage shall be fully enclosed with a fence or masonry wall no less than eight feet high in accordance with Section 155.5302, Fences and Walls. The height of materials and equipment stored shall not exceed the height of the screening fence or wall.

ii. Perimeter buffers in accordance with Section 155.5203.F, Perimeter Buffers, shall be provided between the outdoor storage area(s) and the site's boundaries, with a type C buffer provided between an outdoor storage area and the front lot line, a type B buffer provided between an outdoor storage area and any side or rear lot line adjoining a street, and a type A buffer provided between an outdoor storage area and any other side or rear lot line.

iii. Development Existing on or Before April 27, 1999.

(A) Existing properties. Lawfully existing outdoor storage established prior to 1999, or lawfully existing outdoor storage established prior to annexation without a landscape plan approved on record shall comply with the perimeter buffer and screening standards of this section. Submission and approval of a landscape plan shall be required for compliance with this section. Upon compliance said outdoor storage facility shall be deemed a lawfully existing special exception use:

(1) A fully-opaque fence may be substituted for the wall where required.

(2) Any lot on public record prior to June 25, 1991, that is 100 feet or less in width may provide a five-foot wide perimeter buffer between an outdoor storage area and an interior side or street side lot line.

(3) Buffer and screening standards shall not apply to a property line abutting an active railroad siding servicing the property.

(4) Street trees shall be provided as required by the landscape ordinance.

b. Any repair of equipment shall be conducted on a paved surface or within an enclosed building.

c. All areas used for outdoor storage shall have a surface that avoids dust and safeguard groundwater.

d. If the outdoor storage area is covered, the covering shall include at least one of the predominant exposed roofing colors on the primary structure.

e. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

f. Materials shall not be stored higher than the height of the screening.

d. All areas used for outdoor storage shall have a surface that avoids dust and safeguard groundwater.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The subject property is currently vacant and has no active permits, code cases, or Business Tax Receipts.
2. The applicant has concurrently filed a Special Exception application to utilize the subject property for Outdoor Storage (as a principal use) associated with an above-ground propane tank storage facility. The conceptual site and landscape plans submitted with this application include two above-ground storage tanks, with associated landscaping and screening; however, no structures with indoor space are proposed. The development, as proposed, requires site plan approval.
3. There are a number of use-specific standards for outdoor storage. The applicant is seeking relief on two of these provisions. The first is from the requirement that flammable liquids or gases in excess of 1,000 gallons be stored underground. The applicant contends that the realignment of Andrews Avenue in 2013 constrained the site's redevelopment potential particularly with regard to site layout, which decreased the total lot area by 10.4%. Allowing the tanks to be located above ground, the applicant proports, allows for sufficient space for stormwater infrastructure, retention areas, and site circulation without the need for berming and mounding earth. The applicant is also seeking relief from the provision that states the height of the outdoor equipment (propane tanks) may not exceed the height of the perimeter screening or wall. The tanks are proposed to be located 125 feet from the Andrews Avenue front lot line and the applicant is proposing a 6-foot metal fence with associated landscaping.
4. The properties immediately west and south of the subject property have above-ground propane tanks with minimal landscaping and screening.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- I-1 | vacant

Surrounding Properties (Zoning District | Existing Use):

- North: I-1 | vacant
- South: I-1 | AmeriGas Propane
- West: I-1 | AmeriGas Propane
- East: ROW | S Andrews Avenue (SW 12th Avenue)

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 Site Plan, Building, and Zoning Compliance Permits.
2. Successfully obtain a Special Exception for Outdoor Storage (as a principal use).
3. Substantial compliance to the site and landscape plans submitted with this application.