



## Legislation Text

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**File #:** 20-0120, **Version:** 1

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**ZV 2019-15, Flamingo Road Business Center**, generally located on the southeast corner of Flamingo Road and SW 18 Street, variance request. (Dean)

### **SUMMARY EXPLANATION AND BACKGROUND: PROJECT DESCRIPTION / BACKGROUND:**

Moe Azar, Saltz Michelson Architects (as agent), is requesting a variance for the Flamingo Road Business Center to allow a 9'-0" front/street side landscaped buffer along the west side of the property instead of the required 15' front/street side landscaped buffer

On April 27, 2017 the Planning & Zoning Board approved Variance #ZV 2017-06 allowing a 14' Landscape Buffer along the west side property line instead of the required 15' landscape buffer. Exhibits submitted with this variance request and the proposed Site Plan (SP 2017-16) showed this Landscape Buffer as existing at 14' wide.

However, when the final survey was submitted to receive a Certificate of Occupancy for the building at this location, this Landscape Buffer was shown at 9' wide. Review of Broward County Property Appraiser web site aerials revealed this buffer was always existing at nine (9) feet wide and it was determined that the documentation submitted for the variance and site plan approvals was incorrect.

The agent for this project has submitted Variance request ZV 2019-15 to correct this error.

### **VARIANCE REQUEST DETAILS:**

**ZV 2019-15)** Allow a 9'-0" landscape buffer along the west side (street side yard) of the property instead of the required 15' landscaped buffers.

*Code Reference:* § 155.149 General Business (B-3) Districts:

G)(4) Front and street side yards. The first fifteen feet of all front and street side yards adjacent to the property line shall be fully landscaped with sod, ground shrubbery, and

trees, except where crossed by permitted access driveways or walkways. The balance of the required yards may be used for parking.

#### **VARIANCE DETERMINATION:**

The Planning and Zoning Board shall not grant any non-single-family variances, permits, or make any decision, finding, and determination unless it first determines that:

1. Its decision and action taken is in harmony with the general purposes of the zoning ordinances of the city and is not contrary to the public interest, health, or welfare, taking into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in the buildings, and traffic conditions in the vicinity.
2. In the granting of variances, the Planning and Zoning Board shall determine that the variance granted is the minimum variance that will accomplish the intended purpose (stated above) and:
  - A) That there are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances are peculiar to the land or building and do not apply generally to land or buildings in the neighborhood, and that the strict application of the provisions of the zoning ordinances would result in an unnecessary hardship and deprive the applicant of the reasonable use of the land or building; or
  - B) That any alleged hardship is not self-created by any person having an interest in the property nor is the result of a mere disregard for or in ignorance of the provisions of the zoning ordinances of the city; or
  - C) That granting the variance is not incompatible with public policy, will not adversely affect any adjacent property owners, and that the circumstances which cause the special conditions are peculiar to the subject property.