



SM

CITY OF

POMPANO BEACH

FLORIDA

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ZONING BOARD OF APPEALS
City Commission Chambers

May 15, 2008
6:00 P.M.

A G E N D A

A. Call to order by the Chairman, Daniel Yaffe.

B. **ROLL CALL:**

Daniel Yaffe
Robert Kintchen
Paul Webb
George Cuolahan
Jessie Guido

C. **APPROVAL OF THE MINUTES:**

April 17, 2008

D. **EXPLANATION OF PREREQUISITES AND BOARD PROCEDURES**

E. **ALL INDIVIDUALS TESTIFYING PLACED UNDER OATH**

F. **CONSENT AGENDA - EXTENSION OF PRIOR BOARD APPROVALS**

1. **APPEAL #06-20**

Consideration of the request by **LINDA CONNORS** on behalf of **BRIAN J. LULFS** for a 180 day extension of the variance approval granted on December 15, 2005, and subsequently extended on July 20, 2006, December 21, 2006 , and June 21, 2007, and November 15, 2007, in order to expand an existing legal non-conforming use to an abutting parcel of land beyond the area presently occupied by the legal non-conforming use.

The property in this Public Hearing is as follows:

Lots 28 and 29 according to the plat of FORD'S MANOR as recorded in Plat Book 19, Page 34, of the public records of Broward County, Florida.

AKA: 2620 Dr. Martin Luther King. Jr. Boulevard

ZONED: B-3

EXPIRATION DATE: June 2, 2008

EXPIRATION DATE WITH EXTENSION: November 29, 2008

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G. **PUBLIC HEARINGS**

2. **APPEAL #08-28**

Consideration of the Appeal by **CD54 CONTRACTOR'S BUSINESS PARK** requesting a variance be granted from the provisions of Section 155.184 (B) (13)

of Chapter 155 of the Code of Ordinances in order to enclose an outdoor storage area with a 6 foot high fence and gate, rather than enclose the storage area with a 6 foot high solid concrete wall with a solid gate, as required by the Code.

The property in this Public Hearing is as follows:

All of Parcel "A" BARDING PLAT, as recorded in Plat Book 167 at Page 32 of the public records of Broward County, Florida, excepting therefrom that portion thereof described as follows:

Beginning at the Southwest corner of said Parcel "A"; thence along the Westerly boundary of said Parcel "A" being on the arc of a curve running Northeasterly to the left; having a radius of 7789.44 feet and a central angle of 2^ 06' 37" run Northeasterly 286.88 feet; thence run South 71^ 06' 31" East, 72.98 feet; thence run South 78^ 53' 32" East, 121.04 feet; thence run South 7^ 01' 34" West, 195.99 feet to an intersection with the South boundary of said Parcel "A"; thence run North 89^ 22' 21" West 324.13 feet along said South boundary to the Point of Beginning, containing 10.9532 acres, more or less.

AKA: 935 N.W. 31st Avenue

ZONED: B-4

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3. APPEAL #08-29

Consideration of the Appeal by **POMPANO CREEK ASSOCIATES, LLC.** requesting a variance be granted from the provisions of Section 155.036 (A) (2) (a) of Chapter 155 of the Code of Ordinances in order to construct a 6 foot high fence in the front yard setback area, rather than limit the height of the fence to 4 feet as required by the Code.

The property in this Public Hearing is as follows:

Parcel 1:

That part of Section 18, Township 48 South Range 43 East, Broward County, Florida, described as follows:

Beginning at the Northwest corner of the East one-half of the Northwest one-quarter of the Southeast one-quarter of the Northwest one-quarter of said section run South 00^ 38' 00" East, along the West line of the East one-half of the Northwest one-quarter of the Southeast one-quarter of the Northwest one-quarter of said section, a distance of 293.1 feet to a point; thence North 89^ 11' 10" East, a distance of 648.45 feet to an intersection with the Westerly right of way line of State Road 5 (Federal Highway); thence North 07^ 15' 30" East, along said right of way line a distance of 296.45 feet to an intersection with the North line of the Southeast one-quarter of the Northwest one-quarter of said section; thence South 89^ 11' 10" West, along aforesaid line a distance of 689.07 feet to the Point of Beginning; all bearings being referred to the true meridian and said lands situate, lying and being in Broward County, Florida; together with:

Parcel 2:

The Northerly 200 feet measured along Federal Highway on the following described tract:

That part of the East three-quarters of the Southeast one-quarter of the Northwest one-quarter of Section 18, Township 48 South, Range 43 East, Broward County, Florida, as described as follows:

Commencing at the Southwest corner of the East one-half of the West one-half of the Southeast one-quarter of the Northwest one-

quarter of said section; thence run North 00^ 38' 00" West, along

the West line of the East one-half of the West one-half of the Southeast one-quarter of the Northwest one-quarter of said section a distance of 485.00 feet to the Point of Beginning of the parcel herein described: Thence continuing North 00° 38' 00" West, along the aforesaid line a distance of 547.56 feet to a point; thence North 89° 11' 10" East, a distance of 648.45 feet to an intersection with the Westerly right of way line of Federal Highway as now located and established; thence South 07° 15' 30" West, along said right of way line a distance of 553.96 feet to a point; thence South 89° 18' 30" West, a distance of 572.10 feet to the Point of Beginning; together with:

Parcel 3:

That part of the East three-quarters of the Southeast one-quarter of the Northwest one-quarter of Section 18, Township 48 South, Range 43 East, Broward County, Florida, described as follows:

Commencing at the Southwest corner of the East one-half of the West one-half of the Southeast one-quarter of the Northwest one-quarter of said section, a distance of 485.00 feet to a point; thence North 89° 18' 30" East, a distance of 572.10 feet to an intersection with the Westerly right of way line of Federal Highway as now located and constructed; thence North along said Westerly right of way line of Federal Highway, a distance of 353.96 feet to a point, for a Point of Beginning of property herein conveyed which Point of Beginning is the Southeast corner of the property heretofore conveyed to James A. Smith and Catherine Smith, his wife, by deed recorded in Deed Book 778, Page 614 (recorded in Official Records Book 1029, at Page 291-292) of the public records of Broward County, Florida; thence West and parallel with the North boundary line of the tract heretofore conveyed to James A. Smith and Catherine Smith to an intersection with the West line of the East one-half of the West one-half of the Southeast one-quarter of the Northwest one-quarter of said section which is due West of a point 115 feet Southerly of the Point of Beginning of the tract herein conveyed, measured from that Point of Beginning South along the West right of way boundary line of Federal Highway, as it has been constructed and now exists; thence East and parallel with the North boundary line of said tract heretofore conveyed to James A. Smith and Catherine Smith, to an intersection with the Westerly right of way line of Federal Highway, as now located and constructed; thence Northerly 115 feet along the West right of way line of Federal Highway as now located and constructed to the Point of Beginning.

AKA: 4409 and 4411 North Federal Highway ZONED: RM-45

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4. APPEAL #08-30

Consideration of the Appeal by **SHARPE HOLDINGS, INC.** requesting a variance be granted from the provisions of Section 155.131 (D) (7) of Chapter 155 of the Code of Ordinances in order to eliminate the required 5 foot landscape strip between a vehicular use area and a single story building.

The property in this Public Hearing is as follows:

Lot 4 and Lot 5 less the North 20 feet for road, Block 2, of THE HIGHLANDS, according to the plat thereof as recorded in Plat Book 24, Page 50, of the public records of Broward County, Florida.

AKA: 530 and 540 East Sample Road

ZONED: B-3

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5. APPEAL #08-31

Consideration of the Appeal by the **ARCHDIOCESE OF MIAMI** requesting a variance be granted from the provisions of Section 155.113 (C) (4) and Section 155.113 (C) (7) of Chapter 155 of the Code of Ordinances in order to expand a school in association with a church by constructing a two-story classroom addition to the existing classroom building while providing 264 parking spaces, rather than providing the 391 parking spaces, as required by the Code.

The property in this Public Hearing is as follows:

Parcel "A" of ST. COLEMAN'S PLAT, according to the plat thereof as recorded in Plat Book 120 at Page 14 of the public records of Broward County, Florida, together with:

Lot 14 and the West 25.00 feet of Lot 15 in Block 2 of POMPANO SHORES, according to the plat thereof as recorded in Plat Book 27, at Page 47 of the public records of Broward County, Florida.

AKA: 1200 S. Federal Highway (St. Coleman's Church)

ZONED: CF

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6. APPEAL #08-32

Consideration of the Appeal by **SUNOCO, INC. (R&M)** requesting a *TEMPORARY PERMIT* be granted from the provisions of Section 155.008 (A) of Chapter 155 of the Code of Ordinances in order to install a temporary remediation system to clean up subsurface contamination, including the placement of a temporary trailer on the subject property without complying with the various zoning regulations (site approval, parking, landscaping, setbacks, paving, etc.).

The property in this Public Hearing is as follows:

The East 145.00 feet of the North 164.00 feet of Tract "B" of VERA VILLAS, 2ND SECTION, according to the plat thereof as recorded in Plat Book 48, Page 47, of the public records of Broward County, Florida, containing approximately 0.546 acres, more or less.

AKA: 2291 North Dixie Highway

ZONED: B-3

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7. APPEAL #08-33

Consideration of the Appeal by **LAKEVIEW HEALTH GROUP, LLC.** requesting two (2) variances be granted as follows:

- 1) Variance from the provisions of Section 155.205 (B) of Chapter 155 of the Code of Ordinances in order to operate an in-patient addiction treatment center in an I-1 (General Industrial) zoning district, rather than locate the facility in a CF (Community Facilities) district as required by the Code.
- 2) Variance from the provisions of Section 155.205 (B) of Chapter 155 of the Code of Ordinances in order to operate an out-patient addiction treatment center in an I-1 (General Industrial) zoning district, rather than locate the facility in a B-3 (General Business) district as required by the Code.

The property in this Public Hearing is as follows:

The East 106 feet of the South 367.50 feet of Parcel "E", and all of Parcel "F", of GATEWAY INDUSTRIAL CENTER NO. 22, according to the plat thereof as recorded in Plat Book 103, Page 2, of the public records of Broward County, Florida

AKA: 2701 Gateway Drive

ZONED: I-1

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8. APPEAL #08-34

Consideration of the Appeal by **ADESH BALLAYRAM** requesting a variance be granted from the provisions of Section 155.098 (B) of Chapter 155 of the Code of Ordinances in order to construct an addition onto an existing non-conforming duplex located in a single family zoning district.

The property in this Public Hearing is as follows:

The East 61.10 feet of the West 269.35 feet of the North 137.69 feet of the South 300.38 feet of Tract 28, Section 24 of the Plat of Sections 13, 24, 25 and 26, Township 48 South, Range 42 East, according to the plat thereof as recorded in Plat Book "B", Page 164 of the public records of Dade County, Florida.

AKA: 320 N.E. 25th Street

ZONED: RS-3

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H. OTHER BUSINESS

9. Consideration of request by the Assistant City Attorney to change the July meeting date from Thursday, July 17, 2008, to Wednesday, July 16, 2008.

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10. Consideration of MOTION to cancel the August meeting in accordance with past Board policy.

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I. ADJOURNMENT

Linda R. Hora
Advisory Board Secretary
5.7.08

NOTE: Any person who decides to appeal any decision of the **ZONING BOARD OF APPEALS** with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.