



SM

CITY OF

POMPANO BEACH

FLORIDA

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ZONING BOARD OF APPEALS  
City Commission Chambers

April 16, 2009  
**6:00 P.M.**

**A G E N D A**

A. Call to order by the Chairman of the Board, Mr. Daniel H. Yaffe.

B. **ROLL CALL:**

Daniel Yaffe  
Paul Webb  
Ross Shulmister  
Robert Kintchen

Alternate Member: James Bunn for George Cuolahan

C. **APPROVAL OF THE MINUTES:**

March 19, 2009

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

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

F. **REQUESTS FOR EXTENSION OF PRIOR BOARD APPROVALS**

1. **APPEAL #07-31**

Consideration of the request by **REVEREND HENRY BROWN** on behalf of **BROWN'S TEMPLE** for a 180 day extension of the two variances approvals granted on May 4, 2007, and subsequently extended on October 18, 2007, April 17, 2008, and October 16, 2008, as follows:

- 1) Variance from the provisions of Section 155.235 (I) (1) of Chapter 155 of the Code of Ordinances in order to construct an addition to an existing church and provide a 6 foot front yard setback, rather than provide the 25 foot front yard setback as required by the Code.
- 2) Variance from the provisions of Section 155.235 (I) (3) of Chapter 155 of the Code of Ordinances in order to construct an addition to

an existing church and provide a 20.00 foot side yard setback, rather than provide the 25 foot side yard setback as required by the Code.

The property in this Public Hearing is as follows:

The West 251 feet of the East 328 feet of the South 100.0 feet of the Southeast one-quarter of the Northeast one-quarter of the Northeast one-quarter of Section 33, Township 48 South, Range 42 East, together with:

Parcel D of ESQUIRE LAKES ESTATES, SECTION 1, according to the plat thereof as recorded in Plat Book 62, Page 20, of the public records of Broward County, Florida.

AKA: 1081 North Powerline Road

ZONED: CF (Community Facilities)

**EXPIRATION DATE: April 24, 2009**

**EXPIRATION DATE WITH EXTENSION: October 21, 2009**

AND

2. **APPEAL #09-06**

Consideration of the request by **ROD A. FEINER** on behalf of **JOSE ORLANDO CONTRERAS**, for a 180 day extension of the *SPECIAL EXCEPTION* approval granted on October 16, 2008, in order to utilize the subject property, located in a B-3 (General Business) zoning district, for a church.

The property in this Public Hearing is as follows:

Lots 8 through 12 inclusive of Block 1, AMENDED PLAT OF FAIRVIEW, according to the plat thereof as recorded in Plat Book 10, Page 25, of the public records of Broward County, Florida; and that part of vacated road as referenced in Ordinance filed February 7, 2006, in Official Records Book 41418, Page 410, being described as follows:

That portion of Palm Terrace right of way lying adjacent to Lot 12, Block 1, AMENDED PLAT OF FAIRVIEW, according to the plat thereof as recorded in Plat Book 10, Page 25, of the public records of Broward County, Florida, said portion being bounded as follows: On the North by a line parallel with and 50 feet Southerly of the Westerly extension of the North line of the aforementioned Lot 12, Block 1; on the South by the Westerly extension of the Southerly line of Block 1; on the East by the West line of the aforementioned Lot 12, Block 1; and on the West by a line 30 feet West of and parallel with the West line of aforementioned Lot 12, Block 1.

AKA: 740 S.W. 11th Street

ZONED: B-3

**EXPIRATION DATE: April 14, 2009**

**EXPIRATION DATE WITH EXTENSION: October 11, 2009**

\* \* \* \* \*

**G. PUBLIC HEARINGS**

**3. APPEAL #09-29**

Consideration of the Appeal by **GEORGEN ARMS ASSOCIATION** requesting a variance be granted from the provisions of Section 155.036 (A) (2) (a) of Chapter 155 of the Code of Ordinances. Petitioner requests a variance be granted in order to construct a six foot high fence in the front yard setback, rather than limit the height of the fence to four feet as required by the Code.

The property in this Public Hearing is as follows:

Tract "A", less the South 150 feet, the East 16 feet and the West 5 feet of GARDEN ISLES SECTION ONE, according to the plat thereof as recorded in Plat Book 46, Page 30, of the public records of Broward County, Florida, less the following described parcel:

Commencing on the North line of Tract "A", GARDEN ISLES SECTION ONE, according to the plat thereof as recorded in Plat Book 46, Page 30, of the public records of Broward County, Florida, said point being 5.0 feet East of the Northwest corner of said Tract "A", as measured at right angles, said point also being on the Easterly highway line of Cypress Road;

Thence Southerly along the Easterly highway line of Cypress Road 160.88 feet to the Point of Beginning of this description; thence Easterly at right angles 5.0 feet; thence Northerly parallel with and 5.0 feet from the Easterly highway line of Cypress Road, 89.21 feet; thence Easterly at an included angle of 91° 57' 31", 15.8 feet; thence Southerly at an included angle of 90° 11' 24" , 50.0 feet; thence Easterly at right angles, 65.5 feet; thence Southerly at right angles, 30.94 feet; thence Westerly at right angles, 65.5 feet; thence Southerly at right angles, 80.03 feet; thence Easterly at right angles, 72.0 feet; thence Southerly at right angles 30.96 feet; thence Westerly at right angles 72.0 feet; thence Southerly at right angles 58.0 feet; thence Westerly at right angles 25.2 feet; thence Northerly at an included angle of 87° 51' 05", 97.25 feet, thence Westerly at right angles 5.0 feet; thence Northerly along the Easterly highway line of Cypress Road, 63.64 feet to the Point of Beginning.

AKA: 260 S. Cypress Road                      ZONED: RM-2

**NOTE: This matter was tabled by the Board at the March meeting upon request of the applicant.**

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**4. APPEAL #09-33**

Consideration of the Appeal by **LIBERTY BELLE TRANSPORTATION, LLC.** requesting two variances be granted as follows:

- 1) Variance from the provisions of Section 155.205 (B) (11) of Chapter 155 of the Code of Ordinances in order to have outside truck and equipment repair, rather than conduct the activities within a totally and permanently enclosed building as required by the Code.
- 2) Variance from the provisions of Section 155.205 (K) of Chapter

55 of the Code of Ordinances in order to have an outdoor storage area without providing all the required screening and landscaping as required by the Code.

The property in this Public Hearing is as follows:

A tract of land lying in the West one-half of the Northeast one-quarter of the Southeast one-quarter of Section 34, Township 48 South, Range 42 East, more fully described as follows:

Commencing at the intersection of the West line of the said West one-half of the Northeast one-quarter of the Southeast one-quarter and the existing North right of way line of Hammondville Road (State Road 814), 100 foot right of way; thence South 54^ 57' 24" East, on the said North right of way line, a distance of 247.82 feet; thence North 01^ 23' 54" West, a distance of 6.21 feet to the Point of Beginning; thence continuing North 91^ 23' 54" West a distance of 193.79 feet; thence North 88^ 36' 06" East, a distance of 150.00 feet to a point on the West right of way line of N.W. 12th Avenue; thence South 01^ 23' 54" East, on the said West right of way line a distance of 245.10 feet; thence South 61^ 49' 21" West, a distance of 53.56 feet; thence North 54^ 57' 24" West, on a line 5.00 feet North of and parallel with the said North right of way line, a distance of 127.02 feet to the Point of Beginning, containing 0.8254 acres, more or less.

AKA: 1201 Hammondville Road                      ZONED: I-1

**NOTE: This matter was tabled by the Board at the March meeting upon request of the applicant.**

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5. **APPEAL #09-35**

Consideration of the Appeal by **3055 N.W. 6TH COURT, LLC.** requesting a variance be granted from the provisions of Section 155.098 (C) of Chapter 155 of the Code of Ordinances in order to insure a non-conforming use occupying a structure which is destroyed over 50% of its fair market value at the time of the loss can be reconstructed to its original condition without conforming to all applicable use and bulk regulations.

The property in this Public Hearing is as follows:

Lot 1167, COLLIER CITY ADDITION NO. 2, according to the plat thereof as recorded in Plat Book 74, Page 14, of the public records of Broward County, Florida.

AKA: 3055 N.W. 6th Court

ZONED: B-3

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6. **APPEAL #09-36**

Consideration of the request by **NEW COVENANT CHURCH, INC.** for *SPECIAL EXCEPTION* approval in accordance with the provisions of Section 155.183 (D) (4) of Chapter 155 of the Code of Ordinances in order to utilize the subject property in a B-3 (General Business) zoning district for a free-standing multiple-family residential use, up to 46 units per net acre of site area.

The property in this Public Hearing is as follows:

A portion of Tract "D", Block 2, NEW COVENANT CHURCH PLAT, according to the plat thereof, as recorded in Plat Book, 105, Page 38, of the public records of Broward County, Florida, being more particularly described as follows:

Begin at the Northeast corner of said Tract "D" (said point being on the arc of a curve with a radial line through said point bearing South 86° 57' 02" East); thence along the East line of said Tract "D" and Southwesterly along the arc of said curve being concave to the Northeast having a radius of 2236.82 feet, a central angle of 10° 07' 04", an arc distance of 395.00 feet to the most Easterly Southeast corner of said Tract "D"; thence continue along said East line, South 51° 22' 39" West, 30.93 feet to the most Westerly Southeast corner of said Tract "D"; thence along the South line of said Tract "D", South 89° 35' 44" West, 644.26 feet; thence North 00° 17' 09" West, 443.39 feet; thence along a North line of said Tract "D" and its Westerly prolongation South 87° 42' 53" East, 726.84 feet to the Point of Beginning, containing 6.8707 acres, more or less, together with easement areas:

Legal description of ingress and egress easement and access to utilities within ingress and egress easement from New Covenant Church to Palma Place Holdings, LLC, recorded simultaneously herewith.

A parcel of land being a portion of Tract "D", Block 2, NEW COVENANT CHURCH PLAT, according to the plat thereof as recorded in Plat Book 105, Page 38, of the public records of Broward County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Tract "D"; thence along the North line of said Tract "D" and its Westerly prolongation North 87° 42' 53" West, 726.84 feet to the Point of Beginning; thence South 00° 17' 09" East, 443.39 feet to a point on the South line of said Tract "D"; thence along said line, South 89° 35' 44" West, 18.39 feet to a point on the arc of a non-tangent curve, (a radial line through said point bears South 58° 15' 40" East); thence Northeasterly along the arc of said curve being concave to the Northwest, having a radius of 42.00 feet, a central angle of 32° 01' 29", an arc distance of 23.48 feet; thence tangent to said curve, North 00° 17' 09" West, 421.15 feet; thence North 89° 42' 51" East, 12.00 feet to the Point of Beginning, containing 0.1232 acres, more or less, together with:

A parcel of land being a portion of Tract "C", Block 2, NEW COVENANT CHURCH PLAT, according to the plat thereof as recorded in Plat Book 105, Page 38, of the public records of Broward County, Florida, being more particularly described as follows:

Begin at the Southeast corner of said Tract "C"; thence along the South line of said Tract "C", North 87° 42' 53" West, 497.97 feet; thence North 153.78 feet; thence North 89° 35' 44" East 500.66 feet to a point on the East line of said Tract "C", thence along said line South 00° 05' 54" East, 54.34 feet to a point on the arc of a tangent curve; thence continue along said East line and Southwesterly along the arc of said curve being concave to the West, having a radius of 2236.82 feet, a central angle of 03° 08'

52", an arc distance of 122.89 feet to the Point of Beginning, containing 1.9000 acres. more or less.

AKA: 901 N.W. 33rd Street ZONED: B-3 and RM-12

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7. **PUBLIC HEARING #09-37**

Consideration of the request by **P3 GROUP, LLC.** for *SPECIAL EXCEPTION* approval to provide an outdoor storage area for industrial uses on property zoned I-1 (General Industrial) in accordance with Section 155.205 (C) (4) (Special Exception Uses) of Chapter 155 of the Code of Ordinances.

The property in this Public Hearing is as follows:

Parcel "A", KAFIN PLAT, according to the plat thereof as recorded in Plat Book 178, Pages 60 and 61 of the public records of Broward County, Florida, containing 4.749 acres, more or less.

AKA: 1651 N.W. 33rd Street

ZONED: I-1

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**H. OTHER BUSINESS**

\* \* \* \* \*

**I. ADJOURNMENT**

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Linda R. Hora  
Advisory Board Secretary  
4.9.09

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.