



SM

CITY OF

POMPANO BEACH

FLORIDA

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ZONING BOARD OF APPEALS
City Commission Chambers

July 16, 2009
6:00 P.M.

A G E N D A

A. Call to order by the Vice Chairman of the Board, Mr. Paul Webb.

B. **ROLL CALL:**

Paul Webb
Ross Shulmister
Robert Kintchen

Alternate Members: James R. Bunn for Daniel Yaffe
Robert Holmes for George Cuolahan

C. **APPROVAL OF THE MINUTES:**

Meeting of June 18, 2009

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

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

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

G. **PUBLIC HEARINGS**

1. **APPEAL #09-39**

Consideration of the Appeal by **DIVINE MINISTRY OF GOD** requesting four (4) variances be granted as follows:

- 1) Variance from the provisions of Section 155.097 (C) of Chapter 155 of the Code of Ordinances in order to reconstruct a legal non-conforming structure without complying with the applicable Code requirements.
- 2) Variance from the provisions of Section 155.113 (C) (7) of Chapter 155 of the Code of Ordinances in order to provide six parking spaces, rather than provide the nine parking spaces as required by the Code.
- 3) Variance from the provisions of Section 155.114 (B) of Chapter 155 of the Code of Ordinances in order to provide direct access to required parking spaces from a public right of way.
- 4) Variance from the provisions of Section 155.183 (F) (3) of Chapter 155 of the Code of Ordinances in order to rebuild a church with a 10 foot rear yard setback, rather provide the 30 foot rear yard setback as required by the Code.

The property in this Public Hearing is as follows:

along the said West right-of-way line a distance of 189.84 feet to a point of curve; thence Southerly along a curve to the right with a radius of 1860.08 feet and a central angle of 16^57'05" an arc distance of 550.32 feet; thence North 87^58'24" West along a line 1344.05 feet North of, as measured at right angles and parallel to the South line of, said Section 3, a distance of 2776.74 feet to a point on the said East right-of-way line a distance of 907.11 feet to the Point of Beginning.

AKA: 1141 S.W. 12th Avenue ZONED: I-1

NOTE: This matter was tabled by the Board at the June meeting. Subsequent to the meeting the applicant filed a letter informing the Board that pursuant to Laws of Florida 360 Sec. 14 (1), 2009, they intend to continue this use under the TEMPORARY PERMIT which expires on June 30th, with the understanding this provision will expire on June 30, 2011.

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3. APPEAL #09-46

Consideration of the Appeal by **POMPANO ONE. LLC.** requesting a TEMPORARY PERMIT from the provisions of Section 155.008 (A) of Chapter 155 of the Code of Ordinances in order to have a temporary modular bank building on the subject property without complying with the various zoning regulations (site approval, parking, landscaping, paving, etc.)

The property in this Public Hearing is as follows:

Lots 6 through 10 inclusive, Block 1, BEACHWAY MANOR, according to the plat thereof as recorded in Plat Book 22, Page 8, of the public records of Broward County, Florida, together with:

That portion of the Southeast one-quarter of the Northeast one-quarter of the Southeast one-quarter of Section 36, Township 48 South, Range 42 East, lying East of the right of way of State Road 5 (U.S. Highway 1) lying West of the aforementioned Lots 6 through 10, lying between the Westerly extension of the South line of said Lot 10 and the Westerly extension of the North line of said Lot 6, said lands lying and being in Broward County, Florida, and containing 1.4558 acres, more or less.

AKA: 400-412 North Federal Highway ZONED: B-3

NOTE: This matter was tabled at the June meeting upon request of the applicant.

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4. APPEAL #09-51

Consideration of the Appeal by **CORNERSTONE PROPANE OPERATING, LLC.** requesting two (2) variances be granted as follows:

- 1) Variance from the provisions of Section 155.068 (D) and Section 155.205 (B) (11) of Chapter 155 of the Code of Ordinances in order to repair and service motor vehicles, trucks, parts and equipment outdoors, rather than perform the repairs and services inside a garage, body shop, or other buildings used for those purposes as required by the Code.
- 2) Variance from the provisions of Section 155.076 of Chapter 155 of the Code of Ordinances in order to re-fill propane trucks outdoors from existing above grade tanks, rather than perform the activities inside a permanently enclosed building, as required by the Code.

The property in this Public Hearing is as follows:

The South 200 feet of the West 200 feet of the Southwest one-quarter of the Southeast one-quarter of the Northeast one-quarter of Section 34,

Township 48 South, Range 42 East.

AKA: 809 N.W. 12th Terrace

ZONED: I-1

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5. APPEAL # 09-52

Consideration of the request by **CORNERSTONE PROPANE OPERATING, LLC.** for *SPECIAL EXCEPTION* approval as required by Section 155.205 (C) (4), in accordance with Section 155.080 (Special Exception Uses), of Chapter 155 of the Code of Ordinances in order to utilize the subject property for outdoor storage.

The property in this Public Hearing is as follows:

The South 200 feet of the West 200 feet of the Southwest one-quarter of the Southeast one-quarter of the Northeast one-quarter of Section 34, Township 48 South, Range 42 East.

AKA: 809 N.W. 12th Terrace

ZONED: I-1

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6. APPEAL # 09-53

Consideration of the request by **JONATHAN M. PLATTS,** for *SPECIAL EXCEPTION* approval as required by Section 155.205 (C) (4) in accordance with Section 155.080 (Special Exception Uses) of Chapter 155 of the Code of Ordinances in order to utilize the subject property for outdoor storage.

The property in this Public Hearing is as follows:

A portion of the Northeast one-quarter of Section 34, Township 48 South, Range 42 East, being more particularly described as follows:

Commence at the Southeast corner of said Northeast one-quarter thence along the South line of said Northeast one-quarter, South 89° 26' 59" West, 1336.68 feet to a point on the West line of the Southeast one-quarter of the Northeast one-quarter of said Section 34; thence along said West line, North 01° 25' 28" West, 200.02 feet to a point on a line 200 feet North of and parallel with said South line and the Point of Beginning; thence continue along said West line, North 01° 25' 28" West, 200.60 feet; thence North 89° 20' 09" East, 200.02 feet; thence along a line 200 feet East of and parallel with said West line, south 01° 25' 28" East, 201.00 feet; thence along a line 200 feet North of and parallel with said south line, south 89° 26' 59" West, 200.02 feet to the Point of Beginning.

AKA: 851 N.W. 12th Terrace

ZONED: I-1

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H. REQUEST FOR RE-HEARING

7. APPEAL #09-48

Consideration of the Appeal by **MARTY LAMIA** on behalf of the **INTERNATIONAL CHURCH OF THE GRACE OF GOD,** requesting a re-hearing of Appeal #09-48, requesting *SPECIAL EXCEPTION* approval as required by Section 155.183 (D) (5) and Section 155.162 (C) (3) in accordance with Section 155.080 (Special Exception Uses) of Chapter 155 of the Code of Ordinances in order to utilize the subject property for a church within a B-3 (General Business) district and RS-4 (Single Family Residence) district.

