



SM

# CITY OF

# POMPANO BEACH

# FLORIDA

**CITY HALL OFFICES:**

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Pompano Beach, FL 33061

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ZONING BOARD OF APPEALS  
City Commission Chambers

June 18, 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  
Ross Shulmister  
George Cuolahan

Alternate Members: Ray Lubomski for Robert Kintchen  
Robert Holmes for Paul Webb

C. **APPROVAL OF THE MINUTES:**

Meeting of May 21, 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 #07-69**

Consideration of the request by **EDWARD P. PLOSKI** on behalf of **SAFI TAHA** for a 180 day extension of the following three variance approvals granted by the Board on July 23, 2007, and subsequently extended on January 17, 2008, June 19, 2008 and January 15, 2009 as follows:

- 1) Variance from the provisions of Section 155.185 (E) (1) of Chapter 155 of the Code of Ordinances in order to construct a building in an M-1 zoning district to a height of 110.5 feet, rather than limit the building height to 40 feet as required in an M-1 zoning district.
- 2) Variance from the provisions of Section 155.059 (General Height Limits) of Chapter 155 of the Code of Ordinances in order to construct a building to a height of 110.5 feet, rather than limit the height to a maximum of 105 feet as required by the Code.
- 3) Variance from the provisions of Section 155.114 (C) (2) of Chapter 155 of the Code of Ordinances in order to locate a vehicle accessway onto

North Riverside Drive 43 feet from the intersection of a side street (North Riverside Drive) and an enumerated highway (East Atlantic Boulevard), rather than locate the vehicle accessway a minimum of 100 feet from the intersection as required by the Code.

The property in this Public Hearing is as follows:

A parcel of land being a portion of Section 31, Township 48 South, Range 43 East, said parcel being more particularly described as follows: The South 180 feet of that portion of the West one-half of the Southwest one-quarter of the Southeast one-quarter lying East of the Intracoastal Waterway, excepting therefrom the East 25 feet thereof, and further excepting the South 50 feet thereof, (said exceptions having been conveyed for public roads), of Section 31, Township 48 South, Range 43 East of the public records of Broward County, Florida.

AKA: 3109 East Atlantic Boulevard

ZONED: M-1

EXPIRATION DATE: July 12, 2009

EXPIRATION DATE WITH EXTENSION: January 8, 2010

\* \* \* \* \*

**G. PUBLIC HEARINGS**

2. 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:

The East one-half of the North 50 feet of the South 100 feet of the following described property:

All that part of the East 169.3 feet of the West 294.2 feet of the Northeast one-quarter of the Southwest one-quarter of the Northwest one-quarter of Section 34, Township 48 South, Range 42 East lying South of State Road 361, better known as Hammondville Road; and

The East one-half of the North 25 feet of the South 50 feet of the following described property:

All that part of the East 169.3 feet of the West 294.2 feet of the Northeast one-quarter of the Southwest one-quarter of the Northwest one-quarter of Section 34, Township 48 South, Range 42 East, lying South of State Road 361, better known as Hammondville Road.

AKA: 1875 N.W. 9th Street

ZONED: B-3

**NOTE: This matter was tabled by the Board at the May meeting.**

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3. APPEAL #09-42

Consideration of the Appeal by **AMERIGAS PROPANE, LLC.** requesting seven (7) variances be granted as follows:

- 1) Variance from the provisions of Section 155.205 (K) (1) of Chapter 155 of the Code of Ordinances in order to eliminate the screening requirements along the north property line of the easternmost parcel.
- 2) Variance from the provisions of Section 155.205 (K) (2) of Chapter 155 of the Code of Ordinances in order to construct a chain link fence in the front 25 foot landscape area, rather than construct a solid wall or fence as required by the Code.
- 3) Variance from the provisions of Section 155.205 (K) (3) of Chapter 155 of the Code of Ordinances in order to provide a 6 foot landscape area along a street side lot line, rather than provide the 15 foot landscape area as required by the Code.
- 4) Variance from the provisions of Section 155.205 (K) (4) of Chapter 155 of the Code of Ordinances in order to eliminate the 10 foot landscape strip area along the north property line of the easternmost parcel.
- 5) Variance from the provisions of Section 155.205 (K) (4) of Chapter 155 of the Code of Ordinances in order to provide a 6 foot wide landscape area along the rear property line, rather than provide the 10 foot wide landscape strip as required by the Code.
- 6) Variance from the provisions of Section 155.132 (B) (2) of Chapter 155 of the Code of Ordinances in order to eliminate the screen requirements for mechanical equipment visible from a public right of way.
- 7) Variance from the provisions of Section 155.132 (B) (5) of Chapter 155 of the Code of Ordinances in order to eliminate the five foot landscape strip between a parking area and a front or street side lot line.

The property in this Public Hearing is as follows:

A portion of Government Lot 1, Section 3, Township 49 South, Range 42 East, Broward County; Florida, being more particularly described as follows:

Commencing at the Southeast corner of said Government Lot 1; thence Westerly along the South line of said Government Lot 1, South 89° 35' 28" West, a distance of 153.61 feet to a point of intersection of the South line of said Government Lot 1, and the Southerly projection of the East right of way line of Southwest 13th Avenue being a 70 foot right of way as shown on POMPANO TERMINAL according to the plat thereof as recorded in Plat Book 54, Page 11 of the public records of Broward County, Florida. thence North 02° 46' 05" West, a distance of 40.00 feet along said projection to the Point of Beginning, said point being the point of intersection of said East right of way line of S.W. 13th Avenue and the North right of way line of Racetrack Road as shown on Broward County Right of Way Map #5023 File U-14, Sheet 2 of 6; thence continuing North 02° 46' 05" West, along said East right of way line of S.W. 13th Avenue a distance of 435.00 feet; thence North 89° 35' 28" East, a distance of 150.13 feet, parallel with the South line of said Government Lot #1; thence Southerly and parallel with said East right of way of S.W. 13th Avenue and

parallel with and 19.35 feet westerly of the centerline of the CSX Railroad Spur Track on a bearing of South  $02^{\circ} 46' 05''$  East, for a distance of 428.70 feet to a point on said North right of way line of Racetrack Road; thence South  $87^{\circ} 03' 49''$  West, along said North right of way line of Racetrack Road for a distance of 142.69 feet; thence South  $89^{\circ} 35' 28''$  West, a distance of 7.32 feet to the Point of Beginning, containing 1.49 acres, more or less, together with:

That part of the Southwest one-quarter of Government Lot 4, Section 2, Township 49 South, Range 42 East, more particularly described as follows:

Commence at the Southwest corner of said Government Lot 4; thence South  $88^{\circ} 30' 46''$  East, along the South line of said Government Lot 4, a distance of 36.32 feet; thence due North, a distance of 25.01 feet to the Point of Beginning; thence continuing due North a distance of 300 feet; thence South  $88^{\circ} 30' 46''$  East, parallel to said South line of Government Lot 4, a distance of 240.37 feet; thence South  $00^{\circ} 16' 42''$  West, a distance of 36.52 feet thence Southeasterly along a curve to the left whose radius is 325.25 feet, with a central angle of  $54^{\circ} 58' 56''$  an arc distance of 312.11 feet to a point 25 feet North, measured at right angles of the said South line of Government Lot 4; thence North  $88^{\circ} 30' 46''$  West, parallel to said South line of Government Lot 4, a distance of 377.55 feet to the Point of Beginning, less and except therefrom the following described parcel:

Commencing at the Southwest corner of Government Lot 4, Section 2, Township 49 South, Range 42 East; thence on the South boundary of said Government Lot 4, run Easterly 292.55 feet to a point; thence on a line parallel to and 292.55 feet East of the West boundary of said section, run Northerly 25 feet to the Point of Beginning; thence from said Point of Beginning run Northerly 263.96 feet to a point 288.48 feet Northerly of said South boundary and 276.69 feet Easterly of said West boundary measured parallel to said South boundary; thence Southeasterly along a curve to the left having a radius of 325.25 feet and an arc distance of 312.11 feet to a point 25 feet Northerly of said South boundary and 413.87 feet Easterly of said West boundary; thence on a line parallel to and 25 feet Northerly of said South boundary, run Westerly a distance of 121.32 feet to the Point of Beginning, less and except that portion described in that Order of Taking recorded in Official Records Book 16627, Page 20, of the public records of Broward County, Florida, as designated therein as Parcel No. 113.

Parcel 113: A portion of Government Lot 4 in Section 2, Township 49 South, Range 42 East, Broward County, Florida, being more particularly described as follows:

Commence at the Northwest corner of said Section 2, Township 49 South, Range 42 East; thence along the West line of said Section 2, South  $02^{\circ} 51' 01''$  East for a distance of 1,769.87 feet to the Southwest corner of Government Lot 4 in said Section 2; thence along the South line of said Government Lot 4; North  $88^{\circ} 42' 23''$  East for a distance of 35.03 feet to a point; thence North  $01^{\circ} 17' 37''$  West for a distance of 25.00 feet to the Point of Beginning; thence North  $02^{\circ} 51' 01''$  West for a distance of 22.53 feet to a point; thence North  $87^{\circ} 03' 49''$  East for a distance of 16.82 feet to a point; thence along a line being 48.00 feet North of and parallel with the South line of said Government Lot 4, North  $88^{\circ} 42' 23''$  East for a distance of 193.60 feet to a point of curvature of a circular curve to the left, having for its elements a central angle of  $92^{\circ} 33' 45''$  and a radius of 22.00 feet; thence Northeasterly, Northerly and Northwesterly along the arc of said curve for a distance of 35.54 feet to a Point of Tangency; thence North  $03^{\circ} 51' 22''$  West for a distance of 254.16 feet to a point; thence North  $88^{\circ} 42' 23''$  East for a distance of 12.19 feet to a point; thence along the West right of way line of S.W. 12th Avenue (also known as

Andrews Avenue) South 02^ 30' 09" East for a distance of 36.51 feet to a point; thence continue along said West right of way line, South 06^ 15' 44" East for a distance of 264.37 feet to a point; thence along a line being 25.00 feet North of and parallel with the aforementioned South line of Government Lot 4, South 88^ 42' 23" West for a distance of 256.28 feet to the Point of Beginning, containing 1.46 acres, more or less.

AKA: 299 S.W. 12th Avenue and 260 S.W. 13th Avenue

ZONED: I-1

**NOTE: This matter was tabled by the Board at the May meeting.**

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4. APPEAL #09-44

Consideration of the Appeal by **FIRST PRESBYTERIAN CHURCH OF POMPANO BEACH, INC.** 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 continue using an existing parking lot without bringing the parking lot up to the current Landscape Code, including site approval, parking requirements and design, landscaping, paving, etc.

The property in this Public Hearing is as follows:

Lots 3 through 6, Block 11, HILLSBORO HARBOR UNIT "C", according to the plat thereof as recorded in Plat Book 34, Page 4, of the public records of Broward County, Florida, together with:

A portion of Tract "E", of HILLSBORO HARBOR UNIT "B", according to the plat thereof as recorded in Plat Book 30, Page 8, of the public records of Broward County, Florida, being more particularly described as follows:

Tract "E", less the West 275 feet, excepting therefrom the East 125 feet of the West 275 feet, less the North 200 feet and excepting therefrom the East 50 feet of the West 200 feet of the South 70.74 feet.

AKA: 2331 N.E. 26th Avenue

ZONED: CF

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5. APPEAL #09-45

Consideration of the Appeal by **ASSOCIATED GROCERS OF FLORIDA INC.** requesting a variance be granted from the provisions of Section 155.099 and Section 155.113 (B) (4) of Chapter 155 of the Code of Ordinances in order to increase the intensity of a non-conforming use of land by converting 150 car parking spaces for up to 50 trailer parking spaces, while providing 246 car parking spaces for a warehouse and accessory buildings, rather than provide the 736 car parking spaces as required by the Code.

The property in this Public Hearing is as follows:

All that certain tract or parcel of land situate, lying and being at Pompano Beach, County of Broward, State of Florida, and described as follows, to wit:

A portion of the Southwest one-quarter (SW ¼) of Section 2, Township 49 South, Range 42 East, and a portion of the Southeast one-quarter (SE ¼) of Section 3, Township 49 South, Range 42 East, being all more fully described as follows:

Beginning at the intersection of the South line of the North 500 feet, as measured at right angles, of the said Southeast one-quarter (SE ¼) of Section 3 and the East right-of-way line of the Seaboard Coast Line Railroad; thence North 13°16'09" East along said East right-of-way line a distance of 261.07 feet to a point on a curve; thence Southeasterly along a curve to the left whose chord makes an included angle of 32°50'06" with the last mentioned course, with a radius of 378.40 feet and a central angle of 09°23'16", an arc distance of 62.0 feet to a point of tangency; thence Southeasterly a distance of 64.0 feet to a point of curve; thence Southeasterly along a curve to the left, with a radius of 323.26 feet and a central angle of 38°59'04", an arc distance of 220.19 feet to a point on the said South line of the North 500 feet of the Southeast one-quarter (SE ¼) of Section 3; thence South 85°50'47" East along the South line of the said North 500 feet of the Southeast one-quarter (SE ¼) of Section 3, a distance of 598.36 feet; thence South 04°09'13" West a distance of 50.0 feet; thence South 85°50'47" East along the South line of the North 550 feet, as measured at right angles, of the said Southeast one-quarter (SE ¼) of Section 3, a distance of 1,452.13 feet; thence South 89°19'56" East along the South line of the North 550 feet, as measured at right angles of the said Southwest one-quarter (SW ¼) of Section 2, a distance of 301.39 feet to a point; thence South 00°06'45" West, 25.0 feet to a point; thence South 85°50'47" East, 50.12 feet to a point on the West right-of-way line of North Andrews Avenue (100 foot right-of-way); thence South 00°06'45" West 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

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6. 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

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7. APPEAL #09-47

Consideration of the Appeal by the **DANIEL WOOTEN TRUST**

requesting a variance be granted from the provisions of Section 155.165 (H) of Chapter 155 of the Code of Ordinances in order to renovate an existing structure and create two residential units with one unit being 585 square feet in size and the other being 640 square feet in size, rather than each unit being 750 square feet in size as required by the Code.

The property in this Public Hearing is as follows:

Lot 17 of "J.W. NEELEYS SUBDIVISION" according to the plat thereof as recorded in Plat Book 1, Page 71, of the public records of Palm Beach County, Florida.

AKA: 333 N.W. 6th Court

ZONED: RM-12

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8. APPEAL #09-48

Consideration of the Appeal by the **INTERNATIONAL CHURCH OF THE GRACE OF GOD**, 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.

The property in this Public Hearing is as follows:

Lots 1 through 9 inclusive and Lot 48 in Block 12, NORTH POMPANO BEACH SECTION "B", according to the plat thereof as recorded in Plat Book 29, Page 16, of the public records of Broward County, Florida, and the South 16 feet of that part of the alley lying East of the West line of said Block 12 and West of the East line of said Block 12; less and except from this Parcel II all of the following described lands:

Parcel A: The South 16 feet of Lots 9 and 48, Block 12, NORTH POMPANO BEACH SECTION "B", according to the plat thereof as recorded in Plat Book 29, Page 16, of the public records of Broward County, Florida.

Parcel B: The South 30 feet of Lots 1 through 8 inclusive, Block 12, of said NORTH POMPANO BEACH SECTION "B".

Parcel C: That part of Lot 1, Block 12 of said NORTH POMPANO BEACH SECTION "B" which is included in the external area formed by a 25 foot radius arc which is tangent to the West line of said Lot 1, and tangent to a line 30 feet North of and parallel to the South line of said Lot 1.

Parcel D: That part of Lot 8, Block 12 of said NORTH POMPANO BEACH SECTION "B" which is included in the external area formed by a 25 foot radius arc which is tangent to the East line of said Lot 8, and tangent to a line 30 feet North of and parallel to the South line of said Lot 8.

AKA: 1261 East Sample Road

ZONED: B-3

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9. APPEAL #09-49

Consideration of the Appeal by the **HOUSE OF GOD CHURCH** requesting *SPECIAL EXCEPTION* approval as required by Section 155.160 (C) (2) 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 an RS-3 Single-Family Residence District.

The property in this Public Hearing is as follows:

Lots 1 through 5 inclusive of Block 5, less the West 10 feet thereof, and less the North 20 feet of the West 230.24 feet thereof, and less the external for an arc with a 25 foot radius at the Northwest corner thereof of HUNTER'S MANOR as recorded in Plat Book 19, Page 27, of the public records of Broward County, Florida.

AKA: 600 N.W. 18th Avenue

ZONED: RS-3

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10. APPEAL #09-50

Consideration of the Appeal by **ROYAL PALM BUSINESS CENTER, LLC.** requesting *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 South one-half of Section 34, Township 48 South, Range 42 East, more fully described as follows:

Beginning at the Southwest corner of the Northeast one-quarter of the Northeast one-quarter of the Southeast one-quarter of the Southwest one-quarter of Section 34, Township 48 South, Range 42 East; thence due East along the South boundary of said Northeast one-quarter of the Northeast one-quarter of the Southeast one-quarter of the Southwest one-quarter of Section 34, a distance of 258.12 feet to a point on the West right of way line of the Seaboard Railroad System, said point being 57 feet West of, as measured at right angles to the centerline of the main track of the Seaboard system Railroad; thence North 11^ 40' 37" East along a line 57 feet West of and parallel with said centerline of main track, a distance of 346.02 feet to a point 10 feet more or less, East of the centerline of a spur track; thence North 05^ 07' 17" East, along a line 10 feet more or less, East of and parallel with the centerline of said spur track, a distance of 200.71 feet; thence North 06^ 28' 17" East, a distance of 93.87 feet to a point 10 feet more or less, East of said centerline of spur track; thence North 07^ 52' 37" East, a distance of 280.31 feet to a point, said point being 107 feet West of, as measured at right angles, the centerline of main track of Seaboard System Railroad; thence North 11^ 40' 37" East, along a line 107 feet West of and parallel with the said centerline of main track a distance of 482.97 feet to a point on the South right of way of Hammondville Road; thence North 54^ 05' 53" West along said right of way line a distance of 211.22 feet to a point on the East line of Block 5, SEABOARD HIGHLANDS, according to the plat thereof as recorded in Plat Book 15, Page 30 of the public records of Broward County, Florida; thence South 0^ 31' 53" East, along said East line of Block 5, a distance of 202.02 feet to a point on a line, said line being 257 feet West of, as measured at right angles, to the centerline of said main track; thence South 11^ 40' 37" West along said line, a distance of 786.01 feet to a point; thence North 89^ 54' 07" West, a distance of 169.12 feet to a point on the West line of the East one-half of the Southeast one-quarter of the Northeast one-quarter of the Southwest one-quarter of Section 34; thence South 0^ 29' 34" East, along said West line and along the West line of the East one-half of the Northeast one-quarter of the

Southeast one-quarter of the Southwest one-quarter of Section 34, a distance of 535.10 feet to the Point of Beginning, containing 7.1739 acres, more or less.

AKA: 1350 Dr. Martin Luther King, Jr. Boulevard

ZONED: I-1

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**H. OTHER BUSINESS**

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**I. ADJOURNMENT**

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Linda R. Hora  
Advisory Board Secretary  
6.10.09

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.