



SM

CITY OF

POMPANO BEACH

FLORIDA

**CITY HALL OFFICES:**

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ZONING BOARD OF APPEALS  
City Commission Chambers

March 19, 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  
George Cuolahan  
Ross Shulmister  
Robert Kintchen

C. **APPROVAL OF THE MINUTES:**

February 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 #07-05**

Consideration of the request by **THOMAS W. JOHNSTON** on behalf of **KERRY GOLD, LLC**, requesting a 180 day extension of the *SPECIAL EXCEPTION* approval granted on October 19, 2006, and subsequently extended on March 15, 2007, October 18, 2007, April 17, 2008, and October 16, 2008, in order to construct and operate an outdoor storage yard on the following described property:

A portion of Parcel "A", FLO EAST CO PLAT, as recorded in Plat Book 77, Page 5, of the public records of Broward County, Florida, more fully described as follows:

Beginning at the Southwest corner of said Parcel "A", thence North 88° 56' 15" East, along the South line of said Parcel "A", a distance of 343.60 feet; thence North 01° 02' 41" West a distance of 37.01 feet to a point of curve; thence Northwesterly

along a curve to the left with a radius of 388.28 feet and a central angle of 33^ 52' 00", an arc distance of 229.51 feet to a Point of Tangency; thence North 34^ 54' 41" West, a distance of 135.13 feet to a point of curve; thence Northwesterly along a curve to the right with a radius of 432.28 feet and a central angle of 32^ 33' 09", an arc distance of 245.60 feet to a point on the West line of said Parcel "A"; thence South 11^ 10' 22" West, along the said West line a distance of 610.49 feet to the Point of Beginning.

AKA: 1331 N.W. 15th Street

ZONED: I-1

**EXPIRATION DATE: April 7, 2009**

**EXPIRATION DATE WITH EXTENSION: October 4, 2009**

AND

2. **APPEAL #09-04**

Consideration of the request by **EMERSON ALLSWORTH** on behalf of **SCOZAK REALTY, INC.** for a 180 day extension of the variance approval granted on October 16, 2008, to allow for storage of equipment on the following described property with portions of said equipment extending to a height of 21 feet:

Parcel "A" and "B", BUDGET PLAT, according to the plat thereof as recorded in Plat Book 173, Pages 56 and 57, of the public records of Broward County, Florida.

AKA: 1021 and 1041 N.W. 12th Terrace

ZONED: I-1

**EXPIRATION DATE: April 14, 2009**

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

AND

3. **APPEAL #09-05**

Consideration of the request by **EMERSON ALLSWORTH** on behalf of **SCOZAK REALTY, INC.** for a 180 day extension of the *SPECIAL EXCEPTION* granted on October 16, 2008, in order to construct and operate an outdoor storage yard on the following described property:

Parcel "A" and "B", BUDGET PLAT, according to the plat thereof as recorded in Plat Book 173, Pages 56 and 57, of the public records of Broward County, Florida.

AKA: 1021 and 1041 N.W. 12th Terrace

ZONED: I-1

**EXPIRATION DATE: April 14, 2009**

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

\* \* \* \* \*

**G. PUBLIC HEARINGS**

**4. APPEAL #09-25**

Consideration of the Appeal by **WHITE ROCK WEST, LLC.** requesting *SPECIAL EXCEPTION* approval in accordance with the provisions of Section 155.206 (B) (1) (I-1X, Special Industrial District-Permitted Uses) with a reference to Section 155.205 (C) (I-1, General Industrial District-Special Exception Uses) of Chapter 155 of the Code of Ordinances in order to use the property for storage of heavy equipment and materials.

The property in this Public Hearing is as follows:

Lot 1, Block 6, POMPANO MANOR, according to the plat thereof as recorded in Plat Book 22, Page 14, of the public records of Broward County, Florida, less the following:

A portion of Lot 1, Block 6, of said POMPANO MANOR more fully described as follows:

Commencing at the Northeast corner of Lot 1, thence West 126 feet, thence South a distance of 319.37 feet; thence East a distance of 15 feet; thence North a distance of 275.16 feet to a point of curve; thence Northeasterly along said curve, thence East a distance of 87.33 feet; thence North a distance of 15 feet to the Point of Beginning.

AKA: 2350 N.W. 16th Street                      ZONED: I-1X

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

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**5. APPEAL #09-26**

Consideration of the Appeal by **GREYSTONE NORTH, LLC.** requesting *SPECIAL EXCEPTION* approval in order to provide an outdoor storage area for plumbing supplies on property zoned I-1 (General Industrial) in accordance with the provisions of Section 155.205 (C) (4) of Chapter 155 of the Code of Ordinances.

The property in this Public Hearing is as follows:

The West 127.26 feet of the East 254.52 feet of the North one-half of the Northwest one-quarter of the Northwest one-quarter of the Southwest one-quarter of Section 27, Township 48 South, Range 42 East, less the North 30 feet thereof.

AKA: 1970 N.W. 18th Street                      ZONED: I-1

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

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**6. 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

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7. **APPEAL #09-30**

Consideration of the Appeal by **RWD 1360, LLC** 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 use the property for outdoor storage of recreational vehicles, boats, trucks and equipment without complying with the various zoning regulations, (site plan approval, parking, landscaping, paving, etc.) until the required governmental approvals are obtained.

The property in this Public Hearing is as follows:

Lots 1, 2, 3 and the West 65 feet of Lot 4, all in Block "A", POMPANO RAIL TERMINALS, according to the plat thereof as recorded in Plat Book 48, Page 27, of the public records of Broward County, Florida, less that portion of said Lot 1 as described as follows:

Beginning at the Northwest corner of Lot 1, thence run East along the North boundary of said Lot 1, for a distance of 90 feet; thence run South a distance of 6.28 feet; thence run West for a distance of 90 feet to a point on the West boundary line 6.66 feet South of the Northwest corner of said Lot 1, thence running North to the Point of Beginning;

Also less the following right of way dedication as recorded in O.R. Book 31729, Page 0027 of the public records of Broward County, Florida, described as follows:

A portion of Lot 1, Block 1, WALKER-ATKINS SUBDIVISION, according to the plat thereof as recorded in Plat Book 22, Page 5, of the public records of Broward County, Florida, and a portion of Lots 1 and 2, Block "A", POMPANO RAIL TERMINALS, according to the plat thereof as recorded in Plat Book 48, Page 27, of the public records of Broward County, Florida; lying in Section 34, Township 48 South, Range 42 East, Broward County, Florida, being more particularly described as follows:

Commence at a found 1 1/2 inch iron pipe marking the Northeast corner of said Section 34; thence South 88^ 32' 32" West along the North line of said Section 34, a distance of 814.245 meters (2,671.40 feet) to a found iron rod marking the North one-quarter corner of said Section 34 and a point on the baseline of survey for Andrews Avenue Extension according to the Florida Department of Transportation Right of Way Map for Item/Segment No. 2306191; thence South 01^ 24' 23" East along the North-South quarter section line of said Section 34 and said baseline of survey, a distance of 294.418 meters (965.94 feet); thence North 88^ 35' 37" East along a line at a right angle to the last described course, a distance of 7.620 meters (25.00 feet) to a point on the Southwest corner of said Lot 1, POMPANO RAIL TERMINALS, the Easterly existing right of way line for said Andrews Avenue Extension and the Point of Beginning; thence North 01^ 24' 23" West along the West line of said Lot 1, said Easterly existing right of way line and along a line 7.620 meters (25 feet) East of and parallel with said North-South quarter section line and said baseline of survey, a distance of 86.747 meters (284.63 feet); thence North 88^ 46' 24" East, a distance of 27.432 meters (90.00 feet); thence South 01^ 24' 23" East, a distance of 1.524 meters (5.00 feet); thence North 88^ 46' 24" East, a distance of 3.081 meters (10.11 feet); thence South 43^ 41' 01" West a distance of 15.110 meters (49.57 feet); thence South 01^ 24' 23" East, a distance of 74.522 meters (244.49 feet); thence South 88^ 46' 24" West, a distance of 19.812 meters (65.00 feet) to the Point of Beginning, containing 19,240 square feet, more or less.

AKA: 1360 N.W. 13th Street

ZONED: I-1

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8. **APPEAL #09-31**

Consideration of the Appeal by **NEW COVENANT CHURCH, INC.** requesting two (2) variances be granted as follows:

- 1) Variance from the provisions of Section 155.187 (D) (1) of Chapter 155 of the Code of Ordinances in order to construct a residential building with a 45 foot setback from the front property line, rather than provide the maximum 15 foot front setback as required by the Code.
- 2) Variance from the provisions of Section 155.187 (D) (1) of Chapter 155 of the Code of Ordinances in order to construct a residential building with a 23 foot setback from the street side property line, rather than provide the maximum 15 foot front setback as required by the Code.

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 North 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 Northwest, having a radius of 2236.82, and a central angle of 10^ 07' 04" an arc distance of 395.00 feet to the most Easterly Southeast corner of said Tract "A"; 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.

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

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9. **APPEAL #09-32**

Consideration of the Appeal by **POMPANO BEACH COMMERCE CENTRE, LLC.** 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 use the property for outdoor storage of recreational vehicles, boats, trucks and equipment without complying with the various regulations, (site plan approval, parking, landscaping, paving, etc.) until the required governmental approvals are obtained.

The property in this Public Hearing is as follows:

A parcel of land in the Northeast one-quarter of Section 35, Township 48 South, Range 42 East, being more particularly described as follows:

Beginning on the North line of the Northwest one-quarter of the Southeast one-quarter of the Northeast one-quarter of said Section 35; thence run due East 232.59 feet (on an assumed bearing) along said North line, to an intersection with a line 223.78 feet East of, as measured at right angles, and parallel to said Easterly right of way line of the Florida East Coast Railroad; thence run South 15^ 49' 17" West 622.0 feet along said parallel line, also forming the Westerly right of way line of N.E. 1st Avenue to a point of curvature of a curve to the right, thence along the arc of said curve to the right having a radius of 25.00 feet and a central angle of 85^ 47' 48", run Southwesterly 37.44 feet to a point of compound curvature on the Northerly right of way line of N.E. 10th Street; thence along said Northerly right of way line on the arc of a curve to the right, having a radius of 210 feet and a central angle of 09^ 29' 58" run Northwesterly 34.82 feet to a Point of Tangency; thence run North 68^ 52' 57" West along said Northerly right of way line, being the tangent extended, to an intersection with said Easterly right of way line of the Florida East Coast Railroad; thence run North 15^ 49' 17" East 567.79 feet along said Easterly right of way line to the Point of Beginning; together with:

A triangular shaped parcel of property lying South of the Northeast/Northwest 10th Street Connector described as follows:

A parcel of land in the North one-half of Section 35, Township 48 South, Range 42 East, being more particularly described as follows:

Beginning on the South line of the North one-half of the South one-half of the Northeast one-quarter of said Section 35, at an intersection with the Easterly right of way line of the Florida East Coast Railroad; thence run North 89° 54' 17" East (on an assumed bearing) 106.53 feet along said South line of the North one-half of the South one-half of the Northeast one-quarter and its projection, (said line also forming the North right of way line of N.E. 10th Street as shown on the plat of TRIANGLE ADDITION TO THE CITY OF POMPANO BEACH, FLORIDA, as recorded in Plat Book 12, Page 41, of the public records of Broward County, Florida), to an intersection with the Southerly right of way line of N.E. 10th Street as now located and constructed; thence run North 68° 52' 57" West 102.90 feet along said Southerly right of way line to an intersection with said Easterly right of way line of the Florida East Coast Railroad; thence run South 15° 49' 17" West 38.72 feet along said Easterly right of way line to the Point of Beginning.

AKA: 49 N.E. 10th Street

ZONED: B-4

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10. **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

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11. **APPEAL #09-34**

Consideration of the request by the **FIRST BAPTIST CHURCH OF POMPANO BEACH, INC.** requesting *SPECIAL EXCEPTION* approval in order to construct church related soccer fields and parking on property zoned B-2 (Neighborhood Business) and B-3 (General Business) in accordance with Sections 155.181 (C) (3) and Section 155.183 (D) (5) (Special Exception Uses) of Chapter 155 of the Code of Ordinances.

The property in this Public Hearing is as follows:

The West one-half of Lot 8 and all of Lots 9 through 14 inclusive, plus the West one-half of Lot 15, Block 1, J.A. SAXONS RESUBDIVISION OF LOT 17 OF THE SUBDIVISION OF SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, according to the plat thereof as recorded in Plat Book "B", Page 135, of the public records of Dade County, Florida, less Deed Book 260, Page 216, containing 1.09 acres, more or less.

AKA: 101 N.E. 1st Street

ZONED: B-2 and B-3

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**H. OTHER BUSINESS**

- 12. Consideration of a **MOTION** to cancel the August meeting in accordance with past Board policy.

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**I. ADJOURNMENT**

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Linda R. Hora  
Advisory Board Secretary  
3.11.09

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.