



SM

CITY OF

POMPANO BEACH

FLORIDA

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ZONING BOARD OF APPEALS
City Commission Chambers

May 21, 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
George Cuolahan

C. **APPROVAL OF THE MINUTES:**

April 16, 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 #08-27**

Consideration of the request submitted by **ROSS J. MC KELVEY, JR.** on behalf of **GARDEN STATE, LLC.** for a 180 day extension of the **SPECIAL EXCEPTION** approval granted on April 22, 2008, and subsequently extended on October 16, 2008, in order to utilize the following described property in an I-1 (General Industrial) zoning district as an outdoor training facility for construction work:

Lots 1 through 7 inclusive of Block 2 of FREEWAY CENTER, according to the plat thereof as recorded in Plat Book 49, Page 43, of the public records of Broward County, Florida. Alleyways vacated per Pompano Beach Ordinance No. 87-68, dated September 8, 1987.

AKA: 2020 N.W. 32nd Street ZONED: I-1

EXPIRATION DATE: April 12, 2009

EXPIRATION DATE WITH EXTENSION: October 9, 2009

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G. **PUBLIC HEARINGS**

2. **APPEAL #09-38**

Consideration of the Appeal by **LOUIS EARL MIRANDA REVOCABLE LIVING TRUST** requesting a variance be granted from the provisions of Section 155.165 (B) (RM-12 Multi-Family, Permitted Uses) with reference to

Section 155.098 (D) (Non-Conforming Use) of Chapter 155 of the Code of Ordinances. Petitioner requests a variance be granted in order to utilize the existing retail building for the display and sale of high end vehicles.

The property in this Public Hearing is as follows:

Lot 12, Block 6, 1ST ADDITION TO THE HIGHLANDS, according to the plat thereof as recorded in Plat Book 26, Page 7, of the public records of Broward County, Florida, less the South 5.00 feet for road right of way purposes.

AKA: 625 N.E. 34th Street

ZONED: RM-12

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3. 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

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4. APPEAL #09-40

Consideration of the Appeal by **BRIAN M. BENCIE** requesting two variances be granted as follows:

- 1) Variance from the provisions of Section 155.160 (G) (2) of Chapter 155 of the Code of Ordinances in order to maintain an addition with a 6.77

foot side yard setback, rather than provide the 7 foot side yard setback as required by the Code.

- 2) Variance from the provisions of Section 155.160 (G) (3) of Chapter 155 of the Code of Ordinances in order to maintain an addition with a 14.68 foot rear yard setback, rather than provide the 15 foot rear yard setback as required by the Code.

The property in this Public Hearing is as follows:

Lot 8, Block 6, CRESTHAVEN NO. 8 according to the plat thereof as recorded in Plat Book 44, Page 8 of the public records of Broward County, Florida.

AKA: 1600 N.E. 32nd Street ZONED: RS-3

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5. APPEAL #09-41

Consideration of the Appeal by **TEDDY SILVA** 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, rather than a 4 foot high fence as required by the Code.

The property in this Public Hearing is as follows:

Lot 9, NORWOOD SECTION "C" according to the plat thereof as recorded in Plat Book 40, Page 34, of the public records of Broward County, Florida.

AKA: 121 S.W. 9th Street ZONED: RS-2

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6. 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 $89^{\circ} 35' 28''$ 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 $02^{\circ} 46' 05''$ 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 $02^{\circ} 46' 05''$ West, along said East right of way line of S.W. 13th Avenue a distance of 435.00 feet; thence North $89^{\circ} 35' 28''$ 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° 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° 42' 23" East for a distance of 35.03 feet to a point; thence North 01° 17' 37" West for a distance of 25.00 feet to the Point of Beginning; thence North 02° 51' 01" West for a distance of 22.53 feet to a point; thence North 87° 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° 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° 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° 51' 22" West for a distance of 254.16 feet to a point; thence North 88° 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

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7. APPEAL #09-43

Consideration of the request by **GEORGE A. HARDY** for *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:

The North 50 feet of the North one-fifth of the Southeast one-quarter of the Northwest one-quarter of the Southeast one-quarter of Section 33, Township 48 South, Range 42 East, less the West 550.00 feet and less the East 25.00 feet (for road), Broward County, Florida, also described as:

Lot 341 of the Subdivision of the Southeast one-quarter of the Northwest one-quarter of the Southeast one-quarter of Section 33, Township 48 South, Range 42 East, according to the unrecorded plat thereof, COLLIER CITY LOTS, Broward County, Florida, together with:

Lot 342 of COLLIER CITY LOTS, as described as the South one-fifth of the Northeast one-quarter of the Northwest one-quarter of the Southeast one-quarter less the West 570.00 feet thereof and less the North 25.00 feet and the East 25.00 feet for road of Section 33, Township 48 South, Range 42 East, lying and being in the City of Pompano Beach, Florida.

AKA: 2400 N.W. 6th Street

ZONED: RS-3

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H. OTHER BUSINESS

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I. ADJOURNMENT

Linda R. Hora
Advisory Board Secretary
5.13.09

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.