



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

January 15, 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

Alternate Member: Ray Lubomski for Robert Kintchen

C. **APPROVAL OF THE MINUTES:**

December 18, 2008

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

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

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

1. **APPEAL #06-82**

Consideration of the request by **THOMAS W. JOHNSTON** on behalf of **VERA AND PRECIOUS SKINNER** requesting a 180 day extension of the following four variance approvals granted on July 20, 2006, and subsequently extended on December 21, 2006, June 21, 2007, February 21, 2008, and July 17, 2008 as follows:

- 1) Variance from the provisions of Section 155.111 (A) (1) of Chapter 155 of the Code of Ordinances in order to provide 9 foot by 18 foot size parking spaces, rather than 10 foot by 20 foot parking spaces as required by the Code.
- 2) Variance from the provisions of Section 155.111 (A) (1) of Chapter 155 of the Code of Ordinances in order to provide 9 foot

wide parallel parking spaces, rather than 10 foot wide parallel parking spaces as required by the Code.

- 3) Variance from the provisions of Section 155.183 (E) (1) of Chapter 155 of the Code of Ordinances in order to construct a building on a 9,977 square foot lot, rather than on a 10,000 square foot lot as required by the Code.
- 4) Variance from the provisions of Section 155.183 (F) (3) of Chapter 155 of the Code of Ordinances in order to provide a 20 foot rear yard setback, rather than provide the 30 foot rear yard setback as required by the Code.

The property in this Public Hearing is as follows:

The West 50 feet of the East 485.00 feet of the North one-half of the South two-fifths of the Southeast one-quarter of the Northwest one-quarter of the Southwest one-quarter of Section 33, Township 48 South, Range 42 East, except the North 25.00 feet thereof for public road purposes (Lot 928-Collier City Unrecorded); and

The West 50 feet of the East 435 feet of the North one-half of the South two-fifths of the Southeast one-quarter of the Northwest one-quarter of the Southwest one-quarter of Section 33, Township 48 South, Range 42 East, except the North 25.00 feet thereof for public road purposes (Lot 927-Collier City Unrecorded).

AKA: 3044 and 3058 N.W. 4th Court          ZONED: B-3

EXPIRATION DATE:                  January 5, 2009

EXPIRATION DATE WITH EXTENSION: July 4, 2009

**AND**

2. **APPEAL #06-92**

Consideration of the request by **THOMAS W. JOHNSTON** on behalf of **DUBLIN HOLDINGS, LLC.** requesting a 180 day extension of the **SPECIAL EXCEPTION** approval granted on July 20, 2006, and subsequently extended on December 21, 2006, June 21, 2007, January 17, 2008, and July 17, 2008 in order to allow outdoor storage on the following described property:

Parcel "C", of TRAX INDUSTRIAL PARK, according to the plat thereof as recorded in Plat Book 116, Page 46, of the public records of Broward County, Florida, less the following described portion:

Beginning at the Southeast corner of said Parcel "C", thence Westerly along the North right of way line of N.W. 18th Street and South line of Parcel "C", a distance of 290.00 feet; thence deflect to the right an angle of 90° 16' 14" along a line parallel with the East line of said Parcel "C" a distance of 377.14 feet; thence deflect to the left an angle 90° 13' 00" along a line parallel with the North line of said Parcel "C", a distance of 279.25 feet to a point on the West line of said Parcel "C"; thence deflect to the right an angle of 90° 14' 21" along the West line of said Parcel "C"; thence a distance of 150 feet to the Northwest corner of said Parcel "C"; thence deflect to the right an angle of 89° 45' 39" along the North line of said Parcel "C", a distance of 669.19 feet to the Northeast corner of said Parcel "C"; thence deflect to the right an angle of

90° 13' 00" along the East line of said Parcel "C", a distance of 131.75 feet; thence deflect to the right an angle of 89° 43' 46" a distance of 100 feet; thence deflect to the left an angle of 89° 43' 46" along the East line of said Parcel "C", a distance of 393.05 feet (395 feet plat) to the Point of Beginning, containing 2.419 acres, more or less.

AKA: 1925 N.W. 18th Street                      ZONED: I-1

EXPIRATION DATE:                      January 6, 2009

EXPIRATION DATE WITH EXTENSION: July 5, 2009

**AND**

3. **APPEAL #07-45**

Consideration of the request by **JERRY B. PROCTOR** on behalf of **CAVAL COMMERCIAL DEVELOPMENT, LLC.** for a 180 day extension of the variance approval granted on March 15, 2007, and subsequently extended on September 25, 2007, February 21, 2008, and July 17, 2008, in order to construct a two-way driveway onto North Powerline Road where the property has 150 feet of frontage, rather than 200 feet of frontage as required by the Code.

The property in this Public Hearing is as follows:

All of SHELL SUBDIVISION NO. 4 according to the plat thereof as recorded in Plat book 94, Page 43 of the public records of Broward County, Florida.

AKA: 3551 North Powerline Road                      ZONED: B-3

EXPIRATION DATE:                      March 5, 2009

EXPIRATION DATE WITH EXTENSION: September 1, 2009

**AND**

4. **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 and July 17, 2008 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: January 13, 2009

EXPIRATION DATE WITH EXTENSION: July 12, 2009

**AND**

5. **APPEAL #08-13**

Consideration of the request by **DICK HASLAM** on behalf of **FAITH MC COY** for a 180 day extension of the *SPECIAL EXCEPTION* approval granted on December 20, 2007, and subsequently extended on July 17, 2008 in order to utilize a portion of the following described property for outdoor storage of construction equipment, located in an I-1 (General Industrial) zoning district:

A portion of Parcel "D", ADDITION TO COPANS INDUSTRIAL COMPLEX NO. 1, according to the plat thereof as recorded in Plat Book 111, Page 22, of the public records of Broward County, Florida, being more fully described as follows:

Commencing at the Southwest corner of said Parcel "D"; thence North 01^ 24' 07" West, a distance of 625.34 feet; thence South 88^ 27' 47" West, a distance of 97.04 feet; thence North 01^ 22' 17" West, a distance of 65.40 feet; thence North 88^ 29' 51" East, a distance of 190.00 feet; thence North 01^ 22' 17" West, a distance of 187.55 feet to the Point of Beginning; thence continuing North 01^ 22' 17" West, a distance of 312.45 feet; thence North 88^ 29' 51" East, a distance of 485.25 feet to a point on the East line of said Parcel "D"; thence South 01^ 21' 25" East on said East line of Parcel "D", a distance of 337.51 feet; thence South 46^ 25' 47" East, a distance of 35.40 feet; thence South 88^ 29' 51" West, a distance of 460.11 feet to the Point of Beginning; containing 3.4875 acres, more or less.

AKA: 2001 North Andrews Avenue

ZONED: I-1

EXPIRATION DATE: December 25, 2008

EXPIRATION DATE WITH EXTENSION: July 23, 2009

**AND**

6. **APPEAL #08-15**

Consideration of the request by **JERRY B. PROCTOR** on behalf of **CAVAL COMMERCIAL DEVELOPMENT, LLC.** for a 180 day extension of the variance approval granted on February 21, 2008, in order to construct a one-way "in-only" driveway on the subject property along West Sample Road where the property has 145 linear feet of frontage, rather than 200 linear feet of frontage as required by the Code.

The property in this Public Hearing is as follows:

All of SHELL SUBDIVISION NO. 4 according to the plat thereof as recorded in Plat Book 94, Page 43 of the public records of Broward County, Florida.

AKA: 3551 North Powerline Road ZONED: B-3

EXPIRATION DATE: February 28, 2009

EXPIRATION DATE WITH EXTENSION: August 27, 2009

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G. **PUBLIC HEARINGS**

7. **APPEAL #09-18**

Consideration of the Appeal by **P3 GROUP, 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 outdoor storage of construction trailers and equipment on the subject property without complying with the various zoning regulations (site approval, parking, landscaping, paving, etc.) until the required governmental approvals are obtained.

The property in this Public Hearing is as follows:

The East one-half of the East one-half of the Southwest one-quarter of the Northeast one-quarter of the Northwest one-quarter of Section 22, Township 48 South, Range 42 East, Broward County, Florida, less the South 25 feet for road right of way, together with:

The West one-half of the West one-half of the Southeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of Section 22, Township 48 South, Range 42 East, less the North 170 feet of the South 195 feet, and except the West 25 feet and the South 25 feet for road right of way and;

The South 195 feet of the West one-half of the West one-half of the Southeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of Section 22, Township 48 South, Range 42 East, less the South 30 feet and the West 25 feet for road right of way; and

All that part of Tract 26 of an unrecorded sales plat of POMPANO FARMS being more particularly described as follows:

The West 25 feet of the West one-half of the West one-half of the Southeast one-quarter of the Northeast one-quarter of the Northwest one-quarter of Section 22, Township 48 South, Range

42 East, less the South 25 feet thereof; thence continue North along said East line a distance of 159.13 feet to a point on a curve being the South right of way line of Hammondville Road; thence Northwesterly along said South right of way line being a curve to the right having a radius of 1,005.37 feet, a central angle of  $11^{\circ} 49' 06''$  whose chord forms an angle of  $63^{\circ} 02' 40''$  to the left with a prolongation of the last described course for an arc distance of 207.38 feet; thence South parallel to and 184.52 feet West of aforesaid East line a distance of 173.99 feet; thence Southeasterly along a curve to the left concentric to said South right of way line of Hammondville Road, having a radius of 1,155.37 feet, a central angle of  $09^{\circ} 58' 04''$  for an arc distance of 201.00 feet to the Point of Beginning, containing 31,328.00 square feet (0.7192 acres), more or less; together with:

#### Parcel B

Beginning at a point on the East line of said West one-half of the Southeast one-quarter of the Southeast one-quarter of Section 34, a distance of 847.97 feet North of the Southeast corner thereof; thence Northwesterly along the arc of a curve to the right, having a radius of 1,155.37 feet, a central angle of  $09^{\circ} 58' 04''$  and whose chord forms an angle of  $66^{\circ} 48' 09''$  to the left with a prolongation of last described course, for an arc distance of 201.00 feet; thence South parallel to and 184.52 feet West of aforesaid East line a distance of 78.98 feet; thence East at right angles to the last described course a distance of 184.52 feet to the Point of Beginning, containing 6,708 square feet (0.1540 acres) more or less; together with:

#### Parcel C

Commencing at a point on the East line of the said West one-half of the Southeast one-quarter of the Southeast one-quarter of Section 34, a distance of 847.97 feet North of the Southeast corner thereof and a point on the limited access right of way line of I-95; thence South  $89^{\circ} 30' 52''$  West, a distance of 56.67 feet to the Point of Beginning; thence continuing South  $89^{\circ} 30' 52''$  West a distance of 127.85 feet to the East right of way line of N.W. 12th Avenue (50 foot right of way); thence South  $00^{\circ} 29' 42''$  East, along said East right of way line a distance of 560.17 feet to a point on the West limited access right of way line of I-95; thence Northeasterly along said West limited access right of way line the following two courses and distances: North  $24^{\circ} 00' 40''$  East a distance of 211.19 feet thence North  $05^{\circ} 45' 43''$  East, a distance of 370.18 feet to the Point of Termination of said two (2) courses and distances and the Point of Beginning, containing 48,042 square feet (1.1029 acres) more or less; together with:

The West one-half of N.W. 12th Avenue as described in that certain Ordinance No. 93-51 by the City of Pompano Beach recorded in Official Record Book 20782, Page 890 of the public records of Broward County, Florida, and described as follows:

That portion of the East 25 feet of the West 50 feet of the East 234.52 feet of the West one-half of the Southeast one-quarter of the Southeast one-quarter of Section 34, Township 48 South, Range 42 East, Broward County, Florida, more particularly described as follows:

Commence at the Southeast corner of "SOUTHERN SANITATION SOUTHEAST" according to the plat thereof as

recorded in Plat Book 134, Page 35, of the public records of Broward County, Florida; thence North 63^ 02' 03" East, 27.93 feet to the Point of Beginning; thence North 00^ 29' 42" West along the centerline of a 50 foot abandoned right of way of N.E. 12th Avenue a distance of 460.71 feet to a point on said centerline; thence North 89^ 48' 30" East along the Easterly prolongation of the North line of said plat 25 feet to the East right of way line of N.W. 12th Avenue as described in O.R.B. 930, Pages 229-232 (inclusive) of the public records of Broward County, Florida; thence South 99^ 29' 42" East along said East line of N.W. 12th Avenue, 429.74 feet to the limited access right of way of I-95, according to Florida Department of Transportation Right of Way Map Section 86070-2413, Sheet 6 of 16, last dated January 10, 1974; thence South 24^ 00' 00" West along said limited access right of way line 26.15 feet; thence South 63^ 02' 03" West along said limited access right of way 15.81 feet to the Point of Beginning, containing 11,260 square feet (0.2585 acres) more or less.

AKA: 1645 N.W. 33rd Street

ZONED: I-1

**NOTE: This matter was tabled by the Board at the December meeting in the absence of the applicant or his authorized representative.**

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8. **APPEAL #09-22**

Consideration of the Appeal by **POMPANO EQUIPMENT STORAGE, LLC.** requesting three (3) *TEMPORARY PERMITS* be granted as follows:

- 1) *TEMPORARY PERMIT* from the provisions of Section 155.205 (C) of Chapter 155 of the Code of Ordinances in order to maintain outdoor storage without obtaining SPECIAL EXCEPTION approval as required by the Code.
- 2) *TEMPORARY PERMIT* from the provisions of Section 155.205 (K) of Chapter 155 of the Code of Ordinances in order to maintain outdoor storage without providing the necessary screening as required by the Code.
- 3) *TEMPORARY PERMIT* from the provisions of Section 155.205 (L) of Chapter 155 of the Code of Ordinances in order to maintain outdoor storage without obtaining site plan approval as required by the Code.

The property in this Public Hearing is as follows:

Parcel "A", less the West 393.11 feet thereof as measured at right angles on the South line of said Parcel "A", THE REIT PLAT, according to the plat thereof as recorded in Plat Book 138, Page 44, of the public records of Broward County, Florida, together with:

The East one-half of Lot 3, NW 16TH STREET PLAT, according to the plat thereof as recorded in Plat Book 114, Page 10, of the public records of Broward County, Florida; together with:

The West 393.11 feet, as measured at right angles on the South line of Parcel "A", THE REIT PLAT, according to the plat thereof as recorded in Plat Book 138, Page 44, of the public records of Broward County, Florida.

AKA: 1550 North Powerline Road

ZONED: I-1

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9. **APPEAL #08-23**

Consideration of the Appeal by **WASTE MANAGEMENT, INC. OF FLORIDA** 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 construct a prefabricated tent canopy on the subject property 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:

PARCEL 1

A 40.00 foot strip of land being a portion of that certain road right of way recorded in Official Records Book 3791, Page 210 of the public records of Broward County, Florida, said 40.00 foot strip of land being more particularly described as follows:

That portion of the West 40.00 feet of the Southwest one-quarter of the Northeast one-quarter of the Northeast one-quarter of Section 28, Township 48 South, Range 42 East, Broward County, Florida, lying South of the Westerly prolongation of the North line of Lot 8, POWER PARK, according to the plat thereof as recorded in Plat Book 112, Page 45 of the public records of Broward County, Florida, together with:

PARCEL 2

Lots 8 and 9 of POWER PARK, according to the map or plat thereof as recorded in Plat Book 112, Page 45, of the public records of Broward County, Florida, together with:

PARCEL 3

The Northwest one-quarter of the Southeast one-quarter of the Northeast one-quarter of Section 28, Township 48 South, Range 42 East, together with:

PARCEL 4

The South one-half of the Northeast one-quarter of the Southeast one-quarter of the Northeast one-quarter of Section 28, Township 48 South, Range 42 East, excepting therefrom the East 33 feet thereof for public road purposes and the West 10 feet of the East 77 feet thereof, together with:

PARCEL 5

The Northeast one-quarter of the Southwest one-quarter of the Northeast one-quarter of Section 28, Township 48 South, Range 42

East, less the West 50.00 feet thereof, and less all that external area lying Southwesterly of an arc formed by a 150.00 foot radius which is tangent to a line 50.00 feet East of and parallel to the West boundary of the above described parcel and tangent to the South boundary of the above described parcel, together with:

PARCEL 6

The South 100 feet of the East one-half of the Northwest one-quarter of the Northeast one-quarter of Section 28, Township 48 South, Range 42 East, less the West 50 feet for right of way, together with:

PARCEL 7

All of Parcel "A", COPANS LAKEVIEW CENTER, according to the map or plat thereof recorded in Plat Book 128, Page 39, Broward County, Florida, excepting therefrom that part being more particularly described as follows:

Beginning at the Northwest corner of said Parcel "A"; thence South 83° 21' 50" East along the North boundary of said Parcel "A", 104.98 feet; thence South 89° 55' 39" East along said North boundary 516.78 feet to the Northeast corner of said Parcel "A"; thence South 00° 05' 30" West along the East boundary of said Parcel "A", 473.12 feet; thence North 89° 07' 58" West, 49.95 feet; thence North 00° 38' 37" West, 39.60 feet to a point of curvature; thence Northwesterly along the arc of said curve being concave to the Southwest, having a radius of 3.00 feet; a delta of 88° 48' 10" an arc distance of 4.65 feet to a point of tangency; thence North 89° 26' 47" West 17.35 feet; thence North 00° 52' 23" East, 52.77 feet to a point of curvature; thence Northwesterly along the arc of said curve being concave to the Southwest, having a radius of 20.00 feet a delta of 77° 30' 18", an arc distance of 27.05 feet to a point of tangency; thence North 76° 37' 55" West, 73.11 feet to a point of curvature; thence Southwesterly along the arc of said curve being concave to the Southeast, having a radius of 20.55 feet, a delta of 51° 14' 15" an arc distance of 18.38 feet; thence North 76° 00' 28" West, 459.97 feet to a point on the West boundary of said Parcel "A"; thence North 00° 02' 56" West, along said West boundary, 254.54 feet to the Point of Beginning, containing 40.407 acres, more or less.

AKA: 1951 North Powerline Road

ZONED: I-1

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10. APPEAL #08-24

Consideration of the Appeal by **HAMMONDVILLE HOLDINGS CORP** requesting *SPECIAL EXCEPTION* approval in accordance with the provisions of Section 155.205 (D) (1) of Chapter 155 of the Code of Ordinances in order to extend the height of an existing telecommunication tower by 18 feet (to a total height of 60 feet), to accommodate an additional carrier.

The property in this Public Hearing is as follows:

A portion of the Northeast one-quarter of the Southeast one-quarter of Section 34, Township 48 South, Range 42 East, as described in full on the survey submitted with this application.

AKA: 1101 N.W. 5th Street

ZONED: I-1

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**H. OTHER BUSINESS**

**I. ADJOURNMENT**

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Linda R. Hora  
Advisory Board Secretary  
1.8.09

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.