



SM

CITY OF

POMPANO BEACH

FLORIDA

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ZONING BOARD OF APPEALS
City Commission Chambers

February 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:**

January 15, 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 #08-22**

The Board considered the request by **THOMAS W. JOHNSTON** on behalf of **HARLAN J. BAST, II** for a 180 day extension of the *SPECIAL EXCEPTION* approval granted on March 25, 2008, and subsequently extended on September 18, 2008, in order to utilize a portion of the subject property, in an I-1 (General Industrial) zoning district, for outdoor storage.

The property in this Public Hearing is as follows:

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, N.W. 16TH STREET PLAT, according to the plat thereof as recorded in Plat Book 114, Page 10, of the

public records of Broward County, Florida. Said lands situate, lying and being in the City of Pompano Beach, containing 6.5535 acres, more or less.

AKA: 1550 North Powerline Road ZONED: I-1

EXPIRATION DATE: March 15, 2009

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

AND

2. **APPEAL #08-23**

The Board considered the request by **THOMAS W. JOHNSTON** on behalf of **ROYAL PALM BUSINESS CENTER, LLC** for a 180 day extension of the *SPECIAL EXCEPTION* approval granted on March 25, 2008, and subsequently extended on September 18, 2008, in order to utilize a portion of the subject property, located in an I-1 (General Industrial) zoning district, 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 $11^{\circ} 40' 37''$ 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 $05^{\circ} 07' 17''$ 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 $06^{\circ} 28' 17''$ East, a distance of 93.87 feet to a point 10 feet more or less, East of said centerline of spur track; thence North $07^{\circ} 52' 37''$ 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 $11^{\circ} 40' 37''$ 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 $54^{\circ} 05' 53''$ 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 $0^{\circ} 31' 53''$ 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 $11^{\circ} 40' 37''$ West along said line, a distance of 786.01 feet to a point; thence North $89^{\circ} 54' 07''$ 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 to 1390 Dr. Martin Luther King, Jr. Boulevard

ZONED: I-1

EXPIRATION DATE: March 15, 2009

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

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G. PUBLIC HEARINGS

3. APPEAL #09-21-A

Reconsideration of the Appeal by **JOHN MC DERMOTT** requesting five (5) variances be granted as follows:

- 1) Variance from the provisions of Section 155.112 (B) of Chapter 155 of the Code of Ordinances in order to construct a parking area and vehicular use area using crushed rock, rather than a City approved hard bonded surface as required by the Code.
- 2) Variance from the provisions of Section 155.131 (C) of Chapter 155 of the Code of Ordinances in order to eliminate the required landscaping buffer between the westerly property line and the vehicular use areas.
- 3) Variance from the provisions of Section 155.131 (C) of Chapter 155 of the Code of Ordinances in order to eliminate the required landscaping buffer between the northerly property line and the vehicular use areas.
- 4) Variance from the provisions of Section 155.132 (A) of Chapter 155 of the Code of Ordinances in order to enlarge the existing parking and vehicular areas by more than 20% without bringing the entire parking and vehicular areas up to the present Landscaping Code requirements.
- 5) Variance from the provisions of Section 155.205 (K) of Chapter 155 of the Code of Ordinances in order to have an outdoor storage area without providing the screening and landscaping as required by the Code.

The property in this Public Hearing is as follows:

A portion of Parcel "A", FLORIDA EAST COAST PLAT, according to the plat thereof as recorded in Plat Book 77, Page 5, of the public records of Broward County, Florida, more fully described as follows:

Beginning at the Southeast corner of said Parcel "A"; thence North 00° 27' 23" West, along the East line of said Parcel "A", a distance of 366.86 feet; thence South 88° 56' 15" West, a distance of 785.20 feet; thence South 34° 54' 41" East, a distance of 107.08 feet to a point of curve; thence Southeasterly along a curved to the

right with radius of 432.28 feet and a central angle of 33^ 52' 00", an arc distance of 255.51 feet to a Point of Tangency; thence South 01^ 02' 41" East, a distance of 36.99 feet to a point on the South line of said Parcel "A"; thence North 88^ 56' 15" East along the said South line, a distance of 648.41 feet to the Point of Beginning, containing 253,000 square feet or 5.8173 acre, more or less.

AKA: 1501 N.W. 12th Avenue

ZONED: I-1

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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

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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

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6. **APPEAL #09-27**

Consideration of Appeal by **ROY MERRITT** requesting a variance be granted from the provisions of Section 155.186 (E) (Reference to Section 155.185 (E) (1)) of Chapter 155 of the Code of Ordinances in order to construct a building to a height of 54 feet/6 inches, rather than limit the height to 40 feet a required by the Code.

The property in this Public Hearing is as follows:

A portion of the East one-half of the Northeast one-quarter of the Northwest one-quarter of the Southeast one-quarter of Section 30, Township 48 South, Range 43 East, Broward County, Florida, less the North 300.00 feet thereof, and less the East 31.43 feet thereof, and also less the West 89.08 feet, all more fully described as follows:

Commencing at the Northeast corner of Parcel "A", MERRITT TRUST NO. 1, according to the plat thereof as recorded in Plat Book 126, Page 39, of the public records of Broward County, Florida. thence North 88° 24' 55" East, on the South right of way line of N.E. 16th Street a distance of 89.08 feet to the Point of Beginning; thence south 00° 28' 04" East, a distance of 308.55 feet; thence North 88° 39' 21" East, on the South line of the East one-half of the North one-half of the Southeast one-quarter of said Section 30, a distance of 210.57 feet; thence North 00° 19' 17" West, on the Southerly extension of the most South, West line of Tract "A", MERRITT PROPERTY according to the plat thereof, as recorded in Plat Book 151, Page 36, of the public records of Broward County, Florida and on said most South, West line and Northerly extension thereof, a distance of 369.46 feet; thence South 88° 24' 55" West, on the Easterly extension of the North said N.E. 16th Street, a distance of 26.01 feet; thence South 00° 19' 17" East, on the East limits of said N.E. 16th Street right of way, a distance of 60.01 feet; thence South 88° 24' 55" West on the South right of way line of said N.E. 16th Street, a distance of 185.37 feet to the Point of Beginning, containing 1,5321 acres, more or less.

AKA: 2931 N.E. 16th Street ZONED: M-2

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7. **APPEAL #09-28**

Consideration of the Appeal by **JBS ENTERPRISES** requesting a variance be granted from the provisions of Section 155.205 (G) (3) of Chapter 155 of the Code of Ordinances in order to maintain an existing building with a 22.97 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:

A parcel of land in the Northeast one-quarter of Section 3, Township 49 South, Range 42 East, being more particularly described as follows:

Commencing at the Southeast corner of said Northeast one-quarter of Section 3, thence on an assumed bearing run North 85° 50' 47" East, 411.85 feet along the South line of said Northeast one-quarter; thence run North 00° 40' 04" East, 354.94 feet to a point on the North right of way line of S.W. 8th Street; thence North 89° 16' 56" West along said North right of way line a distance of 158.00 feet to the Point of Beginning;

thence continue North 89° 16' 56" West a distance of 161.90 feet; thence North 00° 40' 04" East a distance of 188.18 feet; thence South 89° 19' 56" East a distance of 67.99 feet; thence South 00° 40' 04" West a distance of 17.00 feet; thence South 89° 19' 56" East a distance of 93.99 feet; thence South 00° 40' 04" West a distance of 171.33 feet to the Point of Beginning.

AKA: 1403 S.W. 8th Street

ZONED: I-1

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H. OTHER BUSINESS

I. ADJOURNMENT

Linda R. Hora
Advisory Board Secretary
2.11.09

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.