



CITY OF POMPANO BEACH
FLORIDA

CITY HALL OFFICES:
100 W. Atlantic Boulevard
Pompano Beach, Florida
PHONE: (954) 786-4662

Visit Our Website At:
<http://www.pompanobeachfl.gov>

MAILING ADDRESS:
City of Pompano Beach
P.O. Box 1300
Pompano Beach, FL 33061

ZONING BOARD OF APPEALS
City Commission Chambers

April 19, 2018
6:00 P.M.

AGENDA

A. Call to order by the Vice Chairman of the Board, Mr. Paul S. Webb.

B. **ROLL CALL:**
George Cuolahan
John J. Geer, Jr.
Robert Holmes
Robert Kintchen
Ray Lubomski
Ross Shulmister
Paul Webb in for
Dan Yaffe

C. **APPROVAL OF THE MINUTES:**
Meeting of March 15, 2018

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

E. **INDIVIDUALS TESTIFYING PLACED UNDER OATH**

F. **PUBLIC HEARING**

1. **Planning & Zoning # 18-11000001**

Rehearing Request – Variance – Lawrence P. Puckett, Jr.

Consideration of a rehearing request by **Lawrence P. Puckett, Jr.** for VARIANCES from the following **two (2) provisions:**

1. Section 155.4302.B.2.g [Location of Accessory Uses and Structures] of the City of Pompano Beach Code of Ordinances, in order to allow the enclosure of a commercial container to be located in front of a building façade that is facing a

street, rather than prohibit an accessory structure to be located in front of a principal structure as required by code.

2. Section 155.5603.F.2 [Entrance], of the City of Pompano Beach Code of Ordinances, in order to allow the construction of a new building to include overhead doors that will be street-facing (NW 17th Lane), rather than prohibit overhead doors on a street-facing facade as required by code.

The property in this Public Hearing is as follows:

Lots 15, 16, 17 and 18 of "ASSOCIATED PLAT NO 2" according to the Plat thereof as recorded in Plat Book 101 Page 42 of the Public Records of Broward County, Florida. Less and Except: A portion of Lot 18 "ASSOCIATED PLAT NO. 2" according to the Plat thereof as recorded in Plat Book 101 Page 42 of the Public Records of Broward County Florida being more particularly described as follows: Begin of the Westerly most Southwest Corner of said Lot 18 ASSOCIATED PLAT NO 2 according to the Plat thereof as recorded in Plat Book 101, Page 42 of the Public Records of Broward County thence north 01'16'24" West, along the West Boundary of said Lot 18 a distance of 30 feet: thence North 88'43'36" East ad distance of 30 feet thence South 01'16'24" East a distance of 30 feet to the POINT OF BEGINNING Containing 216,093 square feet (4.4608 acres) more or less.

AKA: 1731 NW 24 St.
 ZONED: I-1 (General Industrial)
 FOLIOS: 484222160180

2. **Planning & Zoning #18-15000002**

MAJOR TEMPORARY USE PERMIT – Inversiones Ancla LLC.

Consideration of a request by **Inversiones Ancla LLC** for a MAJOR TEMPORARY USE PERMIT from the following provisions:

1. Chapter 155: Article 4 [Use Standards] and Chapter 155: Article 5 [Development Standards] of the City of Pompano Beach Zoning Code in order to install above ground equipment for the purpose of remediating petroleum contamination in soil and groundwater on the subject property (Zoning District: B-3) without complying with the applicable use and development standards as required by Code.

The property in this Public Hearing is as follows:

Tract A, of ADAM HOSEIN PLAT, according to the plat thereof, as recorded in Plat Book 116, Page 45, of the Public Records of Broward County, Florida.

AKA: 2701 W. Atlantic Blvd.
 ZONED: B-3 (General Business)
 FOLIOS: 484233310010

3. Planning & Zoning # 18-15000005

Major Temporary Use Permit–SVAP Pompano Citi Centre LP

Consideration of a request by **SVAP Pompano Citi Centre LP** for a MAJOR TEMPORARY USE PERMIT from the following provisions:

1. Section 155.4219(A) [Standards Applicable to Motor Vehicle Sales and Service Uses] and 155.4219(J) [New Automobile and Light Truck Sales], of the City of Pompano Beach Code of Ordinances, in order to temporarily store automobiles associated with an existing New Automobile Sales Use off-site at an existing surface parking lot, without first obtaining site plan approval for the change in use and complying with the applicable development standards.

The property in this Public Hearing is as follows:

POMPANO CITI CENTRE PLAT 171-45 B POR OF PAR A DESC AS BEG SW COR PAR A,NE 236.44,SE 613.80,NE 51.09,SE 403,NE 215.91,SE 24 NE 132,SE 198,SW 483,NW 148.51 SW 343.61,SE 380.43,E 590.29 SW 40.43,W 600,NW 900,W 656.86 TO POB,LESS POR FOR R/W DESC IN OR 20278/871 AKA:JC PENNEY POMPANO FASHION SQUARE

AKA: 1600 NE 23 St
ZONED: B-3/PCD (General Business Planned Commercial Overlay)
FOLIOS: 484225070014

4. Planning & Zoning # 18-15000006

Major Temporary Use Permit – South Florida Property Ventures III LLC.

Consideration of a request by South Florida Property Ventures III LLC., for a MAJOR TEMPORARY USE PERMIT from the following provisions:

1. Chapter 155: Article 4 [Use Standards] and Article 5 [Development Standards] of the City of Pompano Beach Code of Ordinances, in order to temporarily store surplus inventory of used automobiles in a parking garage located in the B-3 [General Business] Zoning District, a location where not permitted by code, without complying with applicable use and development standards as required by Code.

The property in this Public Hearing is as follows:

PARCEL "A" OF "VANTAGE POINT ANNEX", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 130, PAGE 32 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 4701 N Federal Hwy
ZONED: B-3 (General Business)
FOLIOS: 484318370010

5. Planning & Zoning # 18-1500007

Major Temporary Use Permit– Sterling McClellan Post 142 The American Legion Inc.

Consideration of a request by **Sterling McClellan Post 142 The American Legion Inc** for Major Temporary Use Permits from the following provision:

1. Chapter 155: Article 5 [Development Standards] of the City of Pompano Beach Code of Ordinances, in order to temporarily utilize a shipping container without complying with the applicable development standards as required by Code.

The property in this Public Hearing is as follows:

PARCEL A OF A RESUBDIVISION OF LOTS 1 TO 13 INCLUSIVE, AND LOTS 24,25 AND 26, BLOCK 36, SUNYLAN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 26, PAGE 12, OF THE PUBLIC RECORDS OF THE COUNTY OF BROWARD COUNTY FLORIDA. TOGETHER WITH THE VACATED EAST ½ OF FLAGLER AVENUE, THE VACATED SOUTH ½ OF SOUTHWEST 1ST COURT AND THE VACATED WEST ½ OF 15' ALLEY IN BLOCK 38, PER CITY OF POMPANO BEACH ORDINANCE #89-12 (O.R.B. 16031 PG. 0483)

AKA: 171 SW 2nd St.

ZONED: TO/DPOD (Transit Oriented /Downtown Pompano Beach Overlay District)

FOLIOS: 494202070010

6. Planning & Zoning # 18-1500008

Major Temporary Use Permit– IPT Dixie Highway Industrial Park DC LLC

Consideration of a request by **IPT Dixie Highway Industrial Park DC LLC** for a Major Temporary Use Permits from the following provision:

- 1 Chapter 155: Article 5 [Development Standards] of the City of Pompano Beach Code of Ordinances, in order to temporarily utilize a modular office trailer without complying with the applicable development standards as required by Code.

The property in this Public Hearing is as follows:

The East 30.00 feet and the West 30.00 feet (as measured at right angles) of Tract 1, less the North 35.00 feet thereof; and all of Tract 4 of the Subdivision of Section 13, Township 48 South, Range 42 East, according to the plat thereof, as recorded in Plat Book B, Page 164, of the Public Records of Miami-Dade County, Florida, fully described on the survey submitted with the application.

AKA: 1380 NE 48th St.

ZONED: I-1 (General Industrial)

FOLIOS: 484213010022

7. Planning & Zoning # 18-1500009

Major Temporary Use– Fernbrook Florida LLLP

Consideration of a request by **Fernbrook Florida LLLP** for a Major Temporary Use Permit from the following provision:

1. Chapter 155: Article 5 [Development Standards] of the City of Pompano Beach Zoning Code in order to temporarily utilize an existing parking lot for a temporary construction trailer without complying with the applicable development standards as required by Code.

The property in this Public Hearing is as follows:

PARCEL B, “POMPANO BEACH RESIDENCES” ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 176, ON PAGE 166, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 723 N. Ocean Blvd.

ZONED: RM-20 (Multiple-Family Residence)

FOLIOS: 484331490020

8. Planning & Zoning # 18-1700001

Special Exception– Beatriz Brussi

Consideration of a request by **Beatriz Brussi/Used Car Sales** for a Special Exception from the following provision:

1. Section 155.4219 H. 1. [Car Wash or Auto Detailing /Districts Where Permitted] of the City’s Code of Ordinances in order to utilize the subject property (Zoning District: B-3) to wash and detail automobiles as allowed by code.

The property in this Public Hearing is as follows:

LOTS 1 AND 2 OF BLOCK 1 OF POMPANO TERRACE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 11, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS THOSE PORTIONS TAKEN FOR ROAD RIGHT-OF-WAY.

AKA: 1301 N Dixie Highway

ZONED: B-3 (General Business)

FOLIOS: 484235290010

9. Planning & Zoning # 18-1700002

Special Exception– Daly Real Estate LLC

Consideration of a request by **Daly Real Estate LLC** for a Special Exception from the following provision:

1. Section 155.4219 V. 1. [Limited Auto Dealership – Fleet Automobile Sales /Districts Where Permitted] of the City’s Code of Ordinances in order to utilize the subject property (Zoning District: B-3) to operate a limited auto dealership – fleet automobile sales establishment.

The property in this Public Hearing is as follows:

All of Lot 1 and the N ½ of Lot 2, Block 3 of Pompano Shores Section “B”, according to the Plat thereof, recorded in Plat Book 29, Page 35 of the Public Records of Broward County, Florida, more particularly described as follows:

Beginning at the NE corner of said Lot 1, Block 3, thence N 89 degrees 22’36” West, along the North boundary of said Block 3, a distance of 155.34 feet to a point in the East right-of-way of Federal Highway, US Route No. 1; thence Southwesterly, along said right-of-way, on a curve to the left the radius of which is 11,459.20 feet, central angle 0 degrees 46’39” chord 155.48 feet, bearing South 15 degrees 52’09” West, an arc distance of 155.48 feet, thence South 89 degrees 22’39” East, a distance of 155.79 feet; thence North 15 degrees 41’45” East, fully described on the survey submitted with the application.

AKA: 1100 S Federal Highway
 ZONED: B-3 (General Business)
 FOLIOS: 494306141810

10. Planning & Zoning # 18-11000003

Variance– Janina K & Ryszard Grabska

Consideration of a request by **Janina K & Ryszard Grabska** for a Variance from the following provision:

1. Section 152.29.C.1.a [Minimum Elevation], in order to maintain a building with a finished floor elevation of 13.09 feet NAVD, rather than elevating the finished floor elevation to 13.35 feet NAVD (18 inches above the highest point of the crown of the adjacent street.)

The property in this Public Hearing is as follows:

Lot 7, of Block 18, of COLLIER MANOR 4TH ADDITION, according to the plat thereof, as recorded in Plat Book 38, Page 32, of the Public Records of Broward County, Florida

AKA: 2433 NE 12th Terrace
 ZONED: RS-3 (Single-Family Residence 3)
 FOLIOS: 484224110890

11. Planning & Zoning # 18-11000004

Variance– Kai Stadler

Consideration of a request by **Kai Stadler** for Variances from the following two (2) provisions:

1. Section 155.4302.B.2.h [Prohibited Location of Accessory Uses and Structures] of the City of Pompano Beach Code of Ordinances, in order to maintain a chickee hut located within 15 feet from the waterway, rather than remove and reconstruct the chickee hut with a minimum 15 foot setback as required by Code.
2. Section 155.5302.D.5.a [Rear Yard Corner Triangle] of the City of Pompano Beach Code of Ordinances, in order to maintain a chickee hut located within a 25 foot rear yard corner triangle along a waterway, rather than prohibit obstructions greater than three feet high to be located within a rear yard corner triangle as required by Code.

The property in this Public Hearing is as follows:

Lot 14 of CYPRESS GROVE, according to the plat thereof, as recorded in Plat Book 43, Page 24, of the Public Records of Broward County, Florida.

AKA: 1841 SE 6th St.
 ZONED: RS-3 (Single-Family Residence 3)
 FOLIOS: 494306310150

12. Planning & Zoning # 18-11000005

Variance— Nilma Oliveira Campos

Consideration of a request by **Nilma Oliveira Campos** for Variances from the following two (2) provisions:

1. Section 155.4302.B.2.f [Prohibited Location of Accessory Uses and Structures] of the City of Pompano Beach Code of Ordinances, in order to allow a swimming pool to be located a minimum of 10 ft 2 in, from the street side lot line of an existing single-family corner lot, rather than prohibit the pool to be located in a required street-side yard (15 ft) setback as required by Code.
2. Section 155.4302.B.2.g [Prohibited Location of Accessory Uses and Structures] of the City of Pompano Beach Code of Ordinances, in order to allow a swimming pool to be located in front of a single-family residence, rather than prohibit the pool to be located in front of a principal structure as required by Code.

The property in this Public Hearing is as follows:

Lot 10, of Block 6, of Pompano Beach Highlands, according to the plat thereof, as recorded in Plat Book 34, Page 38 as recorded in the public records of Broward County, Florida

AKA: 5064 NE 19th Ave.
 ZONED: RS-3 (Single-Family Residence)
 FOLIOS: 484307020900

13. Planning & Zoning # 18-11000006

Variance— Mary Meyer

Consideration of a request by **Mary Meyer** for Variances from the following two (2) provisions:

1. Section 155.4302.B.2.f [Prohibited Location of Accessory Uses and Structures] of the City of Pompano Beach Code of Ordinances, in order to allow a swimming pool to be located a minimum of 10 ft. 4 in, from the street side lot line of an existing single-family corner lot, rather, than prohibit the pool to be located in a required street-side yard (15 ft.) setback as required by Code.
2. Section 155.4302.B.2.g [Prohibited Location of Accessory Uses and Structures] of the City of Pompano Beach Code of Ordinances, in order to allow a swimming pool to be located in front of a single-family residence, rather than prohibit the pool to be located in front of the residence as required by Code.

The property in this Public Hearing is as follows:

LOT 14, BLOCK 57, OF "POMPANO BEACH HIGHLANDS 4TH SECTION",
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 40,
PAGE 35, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

AKA: 4201 NE 15th Ave.
ZONED: RS-3 (Single-Family Residence 3)
FOLIOS: 484213053030

14. Planning & Zoning # 18-1100007

Variance– Khan Tu & Viet Bach Nguyen

Consideration of a request by **Khan Tu & Viet Bach Nguyen** for a Variance from the following one (1) provision:

1. Section 155.3203.C [Single-Family Residence 2 (RS-2) Intensity and Dimensional Standards] of the City of Pompano Beach Code of Ordinances, in order to allow construction of a new house with a 15-foot setback from a canal, along with a spiral staircase encroaching an additional three feet into the required setback, rather than a 25-foot setback from a canal, as required by Code.

The property in this Public Hearing is as follows:

LOT 2, IN BLOCK "F" OF CYPRESS HARBOR THIRD SECTION, ACCORDING
TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 49, PAGE 33, OF THE
PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 381 SE 10th St.
ZONED: RS-2 (Single-Family Residence 2)
FOLIOS: 494201280640

15. Planning & Zoning # 16-1100003

Variance Extension– Mark Grimaldi

Consideration of a request by **Mark Grimaldi** for a Variance extension pursuant to the following provision:

Extend a Development Order for a Variance for a period of two (2) years, in accordance with section 155.2308(B)(2)(a)(ii) [Extension of Expiration Time Period]. The variance, 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 purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. // KA //

which was originally heard on April 21, 2016, requested to allow construction of a new house with a 15-foot setback from a canal, rather than provide the 25-foot setback from a canal as required by Code.

The property in this Public Hearing is as follows:

Lot 16, Block G of Cypress Harbor 3rd Section 49-33 B Lot 16 Block G

AKA: 350 SE 9 CT

ZONED: RS-2 (Single Family Residential)

FOLIO(S):494201280990

2. OTHER BUSINESS

3. ADJOURNMENT

VARIANCE REVIEW STANDARDS- Section 155.2420.D

- a. There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
- c. Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship;
- d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.
- e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;
- f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;
- g. The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and
- h. The Variance is consistent with the comprehensive plan.

SPECIAL EXCEPTION REVIEW STANDARDS – Section 155.2406.D

1. Is consistent with the comprehensive plan;
2. Complies with all applicable zoning district standards;
3. Complies with all applicable use-specific standards in Article 4: Use Standards;
4. Avoids overburdening the available capacity of existing public facilities and services, including, but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, stormwater management, and police and fire protection;
5. Is appropriate for its location and is compatible with the general character of neighboring lands and the uses permitted in the zoning district(s) of neighboring lands. Evidence for this standard shall include, but not be limited to, population density, intensity, character of activity, traffic and parking conditions and the number of similar uses or special exception uses in the neighborhood;
6. Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;
7. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;
8. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
9. Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site and neighborhood;
10. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district;
11. Fulfills a demonstrated need for the public convenience and service of the population of the neighborhood for the special exception use with consideration given to the present availability of such uses;
12. Complies with all other relevant city, state and federal laws and regulations; and
13. For purposes of determining impacts on neighboring properties and/or the neighborhood, the terms neighboring properties and neighborhood shall include the area affected by the requested special exception, which is typically an area of 500 ft to a one-half mile radius from the subject site.

TEMPORARY USE PERMIT REVIEW STANDARDS – Section 155.2412.E

1. Is on its face temporary in nature;
2. Is in harmony with the spirit and intent of this Code;
3. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;
4. Does not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
5. Is compatible with any principal uses on the site;
6. Is located on a site containing sufficient land area to allow the temporary use and associated structures, and accommodate any associated parking and traffic movement, without disturbing environmentally sensitive lands; and
7. Complies with all applicable use-specific standards in Section 155.4403.

INTERIM USE REVIEW STANDARDS – Section 155.2415.D

- a. Complies with the standards in Section 155.4403.E, Interim Commercial Use or Section 155.4403.F, Interim Industrial Use, as applicable;
- b. Is consistent with the comprehensive plan;
- c. Is consistent with any adopted Master Plan;
- d. Will not create a traffic hazard or nuisance with consideration given to, but not limited to, location of existing uses, turning movements in relation to the access to public roads and intersections or its location in relation to other buildings or proposed buildings on adjacent properties;
- e. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property or the neighborhood, with consideration given to, but not limited to, noise, vibration, fumes, odors, dust, glare, other environmental hazards, or physical activity that will be generated and is otherwise present in the area; and
- f. Will not adversely affect the health, safety, security, morals, or general welfare of the neighborhood;
- g. Will not, with consideration given to the existing development in the area and development permitted under the current zoning provisions, overburden existing public services and facilities, including police and fire protection, water, sanitary sewer, public road, storm drainage, and other public improvements, and will not create a hazard by virtue of its site and location to residents, visitors, or workers in the neighborhood;
- h. Will be in harmony with the general character of the neighborhood, with consideration given to, but not limited to, population density, intensity, character of activity, traffic and parking conditions, and the number of similar uses in the neighborhood; and
- i. Is consistent with CPTED standards for natural surveillance, natural access control, territorial reinforcement, and maintenance.
- j. Additionally, an Interim Commercial Use shall comply with the following standards:
 - i. Will benefit the neighborhood and will be open to the public;
 - ii. Is an outdoor use that would otherwise be allowed in the zoning district in which it is located as either a Permitted Use, Special Exception Use, or Accessory Use; and
 - iii. Is a community serving use.

APPEAL REVIEW STANDARDS – Section 155.2424.D

D. REVIEW STANDARDS

1. The appellate body shall review an Appeal in accordance with the standards of this Code applicable to the decision or interpretation being appealed, and shall base its decision solely on the record established below in making the decision or interpretation being appealed. The record shall consist of all documents, hearing records, and other materials related to the decision or interpretation.
2. The appellate body may modify or reverse a decision or interpretation on appeal (in whole or in part) only if it finds that there is competent substantial evidence in the record of a clear and demonstrable error in the application of the relevant standards or provisions of this Code.
3. For Sexually Oriented Businesses, the sole issue to be considered in an Appeal is whether the Development Services Director's determination was correct, pursuant to the requirements of Article 4, Section 155.4224.

*Please note per the code Section 155.2424.D(7)(a) APPEALS DECISION-MAKING BODY REVIEW AND DECISION listed below the Board will make one of the three (3) decisions listed below and it must be approved by a Super-Majority vote.

The final decision of the appellate body shall be one of the following:

- i. Affirmation of the decision or interpretation (in whole or in part);
- ii. Modification of the decision or interpretation (in whole or in part); or
- iii. Reversal of the decision or interpretation (in whole or in part).

The concurring vote of at least four members of the ZBA is required for the board to modify or reverse a decision or interpretation by the Development Services Director.