



CITY OF POMPANO BEACH
FLORIDA

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ZONING BOARD OF APPEALS
City Commission Chambers

February 15,2018
6:00 P.M.

AGENDA

A. Call to order by the Chairman of the Board, Mr. Dan Yaffe.

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

C. **APPROVAL OF THE MINUTES:**
Meeting of January 18, 2018

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

E. **INDIVIDUALS TESTIFYING PLACED UNDER OATH**

F. **PUBLIC HEARING**

1. **Planning & Zoning # 18-1500001**

MAJOR TEMPORARY USE PERMIT – Janet Marie Karam Irrev TR

Consideration of a request by **Janet Marie Karam Irrev TR KARAM,LEONARD TRSTEE ETAL** for a MAJOR TEMPORARY USE PERMIT from the following provisions:

1. Chapter 155: Article 4 [Use Standards] of the City of Pompano Beach Zoning Code in order to allow a vessel to be docked at a property that is currently vacant with no principal use, rather than prohibiting an accessory use or structure prior to the establishment or construction of the principal use or structure.

The property in this Public Hearing is as follows:

LOT 29, BLOCK 10, "HARBOR VILLAGE SECTION C", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 33, PAGE 47, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 2791 NE 5th St
 ZONED: RS-2 (Single Family Residence)
 FOLIOS: 484331180370

2. **Planning & Zoning # 18-15000003**

Major Temporary Use Permit–New Hope Korean Church

Consideration of a request by **New Hope Korean Church** for a MAJOR TEMPORARY USE PERMIT from the following provision:

1. Chapter 155: Article 4 [Use Standards] and Article 5 [Development Standards] of the City of Pompano Beach Code of Ordinances, in order to utilize a modular classroom building without complying with the applicable development standards as required by Code.

The property in this Public Hearing is as follows:

The North 324 Feet of the South 628 Feet of the North $\frac{3}{4}$ of the West $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ Section 1, Township 49 South, Range 42 East, less the East 280 Feet and Less the West 40 Feet for road and less the South 20 Feet for road, in Broward County, Florida.

AKA: 950 S Cypress Rd
 ZONED: RS-2 (Single Family Residence)
 FOLIOS: 494201000680

3. **Planning & Zoning # 17-11000019**

Variance – Florida’s Car Store Inc.

Consideration of a request by **Florida’s Car Store Inc.**, for a VARIANCE from the following provisions:

1. Section 155.5102. I. 1. [Dimensional Standards for Parking Spaces and Aisles] of the City of Pompano Beach Code of Ordinances, in order to allow a “used automobile and light truck sales with indoor display only” to provide parking spaces at an angle of 0 degrees (also known as parallel parking) with a width of 8 feet, rather than 9 feet wide parking spaces as required by code.
2. Section 155.5102. I. 1. [Dimensional Standards for Parking Spaces and Aisles] of the City of Pompano Beach Code of Ordinances, in order to allow a “used automobile and light truck sales with indoor display only” to provide a drive aisle with a width of 9 feet 11 inches adjacent to parking spaces at an angle of 0 degrees (also known as parallel parking), rather than provide a 14 feet wide drive aisle as required by code.
3. Section 155.5203. D. 5. a. [Landscaping Between Vehicular Use Areas and Buildings] of the City of Pompano Beach Code of Ordinances, in order to

eliminate the landscaped area abutting a building facade, rather than provide the 8 feet wide landscaped area between the building and the drive aisle as required by code.

The property in this Public Hearing is as follows:

LOTS 10, 11, & 12, BLOCK 3 AND THE WEST ½ OF THE ABANDONED ALLEY LYING EAST OF AN ADJACENT TO SAID LOTS 10, 11 & 12, BLOCK 3, SUNYLAN UNIT 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 820 S Dixie W Hy
 ZONED: B-4 (Heavy Business)
 FOLIOS: 494202050110

4. Planning & Zoning # 17-11000022

Variance– John Munro & Lucinda Kingston

Consideration of a request by **John Munro & Lucinda Kingston** for a VARIANCE from the following provisions:

1. Section 151.03(C)(2) of the City of Pompano Beach Code of Ordinances, in order to allow a boat dock to extend into the waterway a distance no greater than 58 feet and a floating dock approximately 32 feet, rather than limit the structure to a distance no greater than 8 feet measured from the recorded property line, as permitted by Code.
2. Section 151.03(C)(3) of the City of Pompano Beach Code of Ordinances, in order to allow for a 5-foot wide finger pier structure to extend into the waterway a distance no greater than 58 feet and a second finger pier 40 feet from the property line, rather than limit the structure to a width of 4 feet and a distance no greater than 20 feet measured from the recorded property line, as permitted by Code.
3. Section 151.03(C)(4) of the City of Pompano Beach Code of Ordinances, in order to allow for a boat lift extending no more than 40 feet from the property line, rather than limit the structure to a width of 20 feet from the recorded property line, as permitted by Code.

The property in this Public Hearing is as follows:

LOT 8, BLOCK 7, LAKESIDE ACCORDING TO THE PLAT THEROF AS RECORDED IN PLAT BOOK 23, PAGE 38, OF THE PUBLIC RECORDS OF BROWARD COUNTY.

AKA: 3102 SE 12 Street
 ZONED: RM-20 (Multiple – Family Residence)
 FOLIOS: 494306120650

5. **Planning & Zoning # 17-17000008**
Special Exception – Dwain Higginbotham / Auto Parts Installation
Consideration of a request by **Dwain Higginbotham / Auto Parts Installation** for a SPECIAL EXCEPTION from the following provisions:

1. Section 155.4219 D. 1. [Automotive Parts Sales with Installation /Districts Where Permitted] of the City’s Code of Ordinances in order to utilize the subject property (Zoning District: B-3) to sell automotive parts, while also installing certain parts as allowed by code.

The property in this Public Hearing is as follows:

Lot A Less the East 29 feet, Lot B Less the East 29 feet, and Lot C Less the East 29 feet and the South 9 feet, of RE-PLAT OF LOTS 1, 2, 3, 18, 19, 20, 21, AND 22 OF BLOCK 3 SANTA BARBARA ESTATES, according to the plat thereof, as recorded in Plat Book 33, Page 8 of the Public Records of Broward County, Florida.

AKA: 600 S Federal Highway
ZONED: B-3 (General Business)
FOLIOS: 494306100010

G. **OTHER BUSINESS**

- ZBA Procedures

H. **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.