



CITY OF POMPANO BEACH  
FLORIDA

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ZONING BOARD OF APPEALS  
City Commission Chambers

March 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 February 15, 2018

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

E. **INDIVIDUALS TESTIFYING PLACED UNDER OATH**

F. **PUBLIC HEARING**

1. **Planning & Zoning # 18-1500004**

**MAJOR TEMPORARY USE PERMIT – 225 North Federal Highway LLC.**

Consideration of a request by 225 North Federal Highway LLC for a MAJOR TEMPORARY USE PERMIT from the following **one (1) 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:

LOTS 16 AND 17, BLOCK 7, OF PINEHURST, ACCORDING TO THE PLAT THEREFORE, AS RECORDED IN PLAT BOOK 5, PAGE 13, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.SAID LANDS SITUATE IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 13,752 SQ. FT / 0.31 ACRESS, MORE OR LESS.SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, CONVENANTS AND RIGHT – OF - WAY OF RECORD.

AKA: 211 NE 20<sup>th</sup> Avenue  
 ZONED: RM-20 (Multiple-Family Residential)  
 FOLIOS: 484236011070

**2. 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 **one (1) provision**:

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

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

**Variances – Lawrence P. Puckett, Jr.**

Consideration of a request by Lawrence P. Puckett, Jr., for VARIANCES from the following **four (4) provisions**:

1. Section 155.3402.C. [Intensity and Dimensional Standards for I-1 Zoning District] of the City of Pompano Beach Code of Ordinances, in order to allow the development of a property with 16% pervious area, rather than provide a minimum 20% pervious area as required by code.
2. Section 155.3402.C. [Intensity and Dimensional Standards for I-1 Zoning District] of the City of Pompano Beach Code of Ordinances, in order to allow the construction of a building with a rear yard setback of 13.7 feet, rather than provide

- a minimum 30 feet rear yard setback as required by code.
3. 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.
  4. 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

#### **4. Planning & Zoning # 18-11000002**

##### **Variances – 101 Dixie LLC**

Consideration of a request by **101 Dixie LLC** for VARIANCES from the following **four (4) provisions:**

1. Section 155.3304.C. [Intensity and Dimensional Standards for B-3 Zoning District] of the City of Pompano Beach Code of Ordinances, in order to allow the construction of a building with a rear yard setback of 14 feet, rather than provide a minimum 30 feet rear yard setback as required by code.
2. 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 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.
3. Section 155.5101.G.3.a [Vehicular Access Management], of the City of Pompano Beach Code of Ordinances, in order to provide direct access to a development located approximately 50 feet from the intersection of North Dixie Highway and NW 10th Street, rather than provide direct access at least 100 lineal feet from the intersection as required by code.

4. Section 155.5203.D.3.c.ii [Vehicular Use Area Landscaping] in order to allow the development of a property to provide a five (5) foot perimeter landscape strip along a portion of the north and west property lines, rather than provide a ten (10) foot perimeter landscape strip as required by code.

The property in this Public Hearing is as follows:

PARCEL1:LOTS 15,16, AND 17, LESS THE EAST 6 FEET OF THE NORTH 61.71 FEET OF LOT 17, BLOCK 2, AMENDED PLAT OF BLOCKS 1-2-3-4-5 AND 6 MONTICELLO PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 16, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA;LESS:THAT PART OF LOTS 15, AND 16, BLOCK 2, AMENDED PLAT OF BLOCKS 1-2-3-4-5 AND 6 MONTICELLO PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 16, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING IN SECTION 35, TOWNSHIP 48 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOW:COMMENCE AT THE SOUTHWEST CORNER OF LOT 18, BLOCK 2, OF SAID PLAT; THENCE RUN NORTH 88° 14' 12" EAST ALONG THE SOUTH LINE OF LOTS 16,17, AND 18, BLOCK 2, OF SAID PLAT, A DISTANCE OF 114.72 FEET TO THE POINT OF BEGINNING; THENCE NORTH 51° 05' 46" EAST, A DISTANCE OF 30.19 FEET; THENCE NORTH 13° 57' 20" EAST, ALONG A LINE 80.00 FEET WESTERLY OF AND PARALLEL TO THE WESTERLY EXISTING RIGHT OF WAY LINE OF FLORIDA EAST COAST RAILWAY COMPANY RAILROAD, A DISTANCE / OF 69.26 FEET TO THE NORTH LINE OF SAID LOT 15; THENCE NORTH 88°13'36" EAST, ALONG SAID NORTH LOT LINE, A DISTANCE OF 25.97 FEET TO THE WESTERLY RIGHT OF WAY LINE FOR STATE ROAD 811 (DIXIE HIGHWAY); THENCE SOUTH 13°57'20" WEST, A DISTANCE OF 88.20 FEET; THENCE SOUTH 88°14'12" WEST, A DISTANCE OF 44.91 FEET TO THE POINT OF BEGINNING.  
PARCEL 2:LOT 18, IN BLOCK 2, AMENDED PLAT OF BLOCKS 1-2-3-4-5 AND 6 MONTICELLO PARK, ACCORDING TO THE PLAT THEROF, AS RECORDED IN PLAT BOOK 16, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 101 NW 10 St.  
ZONED: B-3 (General Business District)  
FOLIOS: 484235320190,484235320200

## 5. OTHER BUSINESS

### Planning & Zoning #17-17000009

### SPECIAL EXCEPTION - Daly Real Estate

Request for waiver from the 1 year limitation, as allowed by 155.2308.(D)

## 6. ADJOURNMENT

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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 //

## **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.