



CITY OF POMPANO BEACH
FLORIDA

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ZONING BOARD OF APPEALS
City Commission Chambers

May 17, 2018
6:00 P.M.

AGENDA

- A. Call to order by the Chairman of the Board, Mr. Dan Yaffe
- B. **ROLL CALL:**
James R. Bunn
George Cuolahan
Robert Kintchen
Ross Shulmister
Paul Webb
Dan Yaffe
- C. **APPROVAL OF THE MINUTES:**
Meeting of April 19, 2018
- D. **EXPLANATION OF PREREQUISITES AND BOARD PROCEDURES**
- E. **INDIVIDUALS TESTIFYING PLACED UNDER OATH**
- F. **NEW BUSINESS**
Presentation on proposed criteria for granting a Special Exception for Community Residences and Recovery Communities for People with Disabilities.
Staff Contact: Jennifer Gomez, Assistant Director of Development Services
- G. **PUBLIC HEARING**
 - 1. **Planning & Zoning # 18-11000001**
Time Limit Waiver Request - Lawrence P. Puckett Jr. Trust
Consideration of a request to waive the one year limit regarding the submittal of similar applications following a prior application denial.

2. **Planning & Zoning # 18-11000008**

Variance—Lawrence P. Puckett Jr. Trust

NOTE: THIS ITEM CAN ONLY BE HEARD IF THE ZBA GRANTS THE APPLICANT A WAIVER OF THE ONE-YEAR TIME LIMIT TO SUBMIT A NEW APPLICATION FOR THE SAME REQUEST, PURSUANT TO SECTION §155.2308.D [LIMITATION ON SUBSEQUENT SIMILAR APPLICATIONS.

Consideration of a request by **Lawrence P. Puckett Jr. Trust** for a Variance from the following one (1) provision:

1. 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 façade 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

3. **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 one (1) provision:

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
 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 //

Book 116, Page 45, of the Public Records of Broward County, Florida.

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

**4. Planning & Zoning # 18-11000004
Variance –Kai Stadler**

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

**5. Planning & Zoning # 18-11000009
VARIANCE –Irene Dunn**

Consideration of a request by Irene Dunn, requesting VARIANCES from the following two (2) provisions:

1. Section 155.5302.D.2.a [Fences and Walls in Residential Districts], of the City of Pompano Beach Code of Ordinances, in order to allow the construction of a 6 foot fence along the west property line, and within the required front yard, rather than prohibit fencing greater than 4 feet in the front yard, 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 allow the construction of a 6 foot opaque fence along the west property line, and within rear yard corner triangle, rather than provide a 6 foot fence that is at least 75% see-through in the rear yard corner triangle, as required by code.

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 //

The property in this Public Hearing is as follows:

LOT 2, BLOCK 11, HILLSBORO HARBOR UNIT C, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 34, PAGE 4, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

AKA: 2640 NE 24 St
 ZONED: RS-2(Single Family Residence 2)
 FOLIOS: 484330110020

6. Planning & Zoning # 18-11000010

VARIANCE– Verdad Property Management LLC

Consideration of a request by **Verdad Property Management LLC** for a VARIANCE from the following one (1) provision:

1. Section 155.3210(C) [Multiple-Family Residence 20 (RM-20) lot width, minimum], in order to allow four residential dwelling units on a lot that is 70 feet wide, rather than on a lot that is a minimum of 75 feet wide as required by code.

The property in this Public Hearing is as follows:

Lots 8 and 9, Block 1, except the West 10 feet of Lot 9 A Resub division of Blocks 1, 2 and 6 POMPANO-BY-THE-SEA according to the Plat thereof, as recorded in Plat Book 2, Page27, of the Public Records of BROWARD County, Florida.

AKA: 3241 NE 15th St.
 ZONED: RM-20(Multiple-Family Residence 20)
 FOLIOS: 484330020090

7. Planning & Zoning # 18-11000013

Variance – Arsh Oil & Gas LLC

Consideration of a request by **Arsh Oil & Gas LLC** for a VARIANCE from the following one (1) provision:

1. Section 155.4219(I)(3)(e) [Gasoline Filling Station Standards], in order to allow a gasoline filling station to be located approximately 165 feet from a lot containing another gasoline filling station, rather than prohibit a gasoline filling station to be within 750 feet from a lot containing another gasoline filling station as required by code.

The property in this Public Hearing is as follows:

The East 550.00 feet of the West 190.00 feet of the North 150.00 feet, as measured along the North, South, East and West lines of the North half of the Northwest quarter, of the West half of the South 80 acres of the Northwest quarter of Section 1, Township 49 South, Range 42 East, Broward County, Florida.

AKA: 550 S Cypress Rd
ZONED: B-3 (General Business)
FOLIOS: 494201000410

8. Planning & Zoning # 18-11000011

Variance– Natalie M. Adams Trustee

Consideration of a request by **Natalie M. Adams Trustee** for Variances from the following two (2) provisions:

- 1 Section 155.3210(C) [Multiple-Family Residence 20 (RM-20) lot area, minimum], in order to allow two residential dwelling units on a lot with 5,600 square feet of lot area, rather than on a lot with 8,000 square feet of lot area as required by code.
2. Section 155.3210(C) [Multiple-Family Residence 20 (RM-20) lot width, minimum], in order to allow two residential dwelling units on a lot that is 40 feet wide, rather than on a lot that is a minimum 70 feet wide as required by code.

The property in this Public Hearing is as follows:

Lot 26, Block 1, A RESUBDIVISION OF BLOCKS 1-2-6 OF POMPANO BY THE SEA, according to the Plat thereof, as recorded in Plat Book 2, Page 27, of the Public Records of BROWARD County, Florida.

AKA: 3236 NE 16 St
ZONED: RM-20(Multiple-Family Residence 20)
FOLIOS: 484330020240

1. OTHER BUSINESS

2. 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.