



CITY OF POMPANO BEACH
FLORIDA

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ZONING BOARD OF APPEALS
City Commission Chambers

November 16, 2017
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 October 19, 2017
- D. **EXPLANATION OF PREREQUISITES AND BOARD PROCEDURES**
- E. **INDIVIDUALS TESTIFYING PLACED UNDER OATH**
- F. **PUBLIC HEARING**
 - 1. **Planning & Zoning # 17-1500012**
MAJOR TEMPORARY USE PERMIT – O’Connor Holdings, LLC
Consideration of a request by **O’Connor Holdings, LLC** for a MAJOR TEMPORARY USE PERMIT from the following provisions:
 - 1. Section 155.4403(F)(1) [Districts Where Permitted; OIP] of the City of Pompano Beach Code of Ordinances, in order to continue filling a lake on an undeveloped property within a district, where a filling operation is not permitted by Code.
 - 2. Chapter 155 Article 5 [Development Standards] of the City of Pompano Beach Code of Ordinances, in order to continue filling a lake on a vacant lot

without complying with the applicable development standards as required by Code.

The property in this Public Hearing is as follows:

That part of the Southeast one-quarter (SE ¼) of the Northeast One-quarter (NE ¼) of the Southeast one-quarter (SW ¼), lying West of the Northwest 15th Avenue, all in Section 27, Township 48 South, Range 42 East, of the public records of Broward County, Florida Said lands situate, lying and being in the City of Pompano Beach, Broward County, Florida and containing 414,780 square feet or 9.5220 acres, more or less.

AKA: 1601 N.W. 15th Avenue
ZONED: O-IP (Office Industrial Park)
FOLIOS: 484227000350

2. Planning & Zoning # 17-15000013

MAJOR TEMPORARY USE PERMIT – ADF International Inc.

Consideration of a request by **ADF International Inc.** for a MAJOR TEMPORARY USE PERMIT from the following provisions:

1. Applicant Landowner is requesting a Major Temporary Permit from the provisions of Section 155.4228(A)(3)(a)(i) and 155.4228(A)(3)(a)(ii) [Standards] of the City of Pompano Beach Code of Ordinances, in order to eliminate the Type A Buffer requirement for the side and rear boundary of a principal outdoor storage lot, rather than require the Type A Buffer with an 8-foot fence or wall as per Code.
2. The Applicant Landowner is requesting a Major Temporary Permit from the provisions of Chapter 155: Article 5 [Development Standards] of the City of Pompano Beach Zoning Code in order to utilize an existing lot for principal outdoor storage without complying with the applicable development standards as required by Code.

The property in this Public Hearing is as follows:

All of ROSSHEIM PLAT, according to the map or plat thereof, recorded in Plat Book 85, Page 25 of the Public Records of Broward County, Florida.

AKA: 1925 NW 15 Street
ZONED: I-1 (General Industrial)
FOLIOS: 484227060010

3. Planning & Zoning # 17-15000014

MAJOR TEMPORARY USE PERMIT– Property Developers Unlimited, LLC

Consideration of a request by **Property Developers Unlimited, LLC** for a MAJOR TEMPORARY USE PERMIT from the provisions of Chapter 155: Article 5 Development Standards] and Article 4 [Use Standards] of the City of Pompano Beach Zoning Code in order to allow a temporary cell phone tower (also known as a Cell On Wheels (“COW”)) to be located on the subject property without complying with the applicable development standards as required by Code.

The property in this Public Hearing is as follows:

PARENT PARCEL (OFFICIAL RECORD BOOK 4248, PAGE 2782) LOT 2, OF DEVCON OFFICE SITE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 83, PAGE 30, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LESS AND EXCEPT THEREFROM, THE SOUTH TWO ACRES, MORE PARTICULARLY DESCRIBED AS THE SOUTH 316.66 FEET (AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE THEREOF) AND FURTHER LESS AND EXCEPT THEREFROM, THE WEST 2 FEET. TOWER PARCEL (PREPARED BY GEOLINE SURVEYING, INC.) THAT PART OF LOT 2, “DEVCON OFFICE SITE” AS PER PLAT THEREOF RECORDED PLAT BOOK 83, PAGE 30 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 2420 N. Andrews Ave.
ZONED: B-4 (Heavy Business)
FOLIOS: 484222060020

4. Planning & Zoning # 17-11000021

Variance – First Haitian Baptist Church of Pompano

Consideration of a request by **First Haitian Baptist Church of Pompano** for a VARIANCE from provisions of Section 155.5102. D. 1. [Minimum Number of Off-Street Parking Spaces] of the City of Pompano Beach Code of Ordinances, in order to allow a lawfully existing church to provide 73 off-street parking spaces for a proposed addition, rather than provide the minimum number of off-street parking spaces based on each of the principal uses as required by code.

The property in this Public Hearing is as follows:

A PORTION OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 26, 27, 28, 29, 30 AND 31 OF WESTWOOD SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 27, OF THE PUBLIC RECORDS, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWED:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 0112’22” EAST, ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING OF THIS

DESCRIPTION; THENCE NORTH 8836'38" EAST, ALONG A LINE 30 FEET SOUTH OF, AND PARALLEL WITH THE CENTERLINE OF N. W. 4TH STREET, AS NOW LAID OUT AND IN USE, A DISTANCE OF 240.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 31; THENCE SOUTH 0124'22" EAST, ALONG SAID EAST LINE, A DISTANCE OF 180.00 FEET; THENCE NORTH 8836'38" EAST, ALONG THE SOUTH 98 FEET OF SAID LOT 3, AND ALONG THE NORTH LINE OF SAID LOTS 1 AND 2, A DISTANCE OF 108.88 FEET TO A POINT 30 FEET WEST OF THE CENTERLINE OF N. W. 3RD AVENUE, AS NOW LAID OUT AND IN USE; THENCE SOUTH 0126'04" EAST, ALONG A LINE 30 FEET WEST OF, AND PARALLEL WITH, SAID CENTERLINE OF N. W. 3RD AVENUE, A DISTANCE OF 85.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HAMMONDVILLE ROAD, AS SHOWN ON THE CITY OF POMPANO BEACH RIGHT-OF-WAY MAP, MISCELLANEOUS MAP BOOK 2, PAGE 39, SHEET 2 OF 2, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE SOUTH 8836'38" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 135.80 FEET; THENCE NORTH 0118'22" WEST, A DISTANCE OF 22.09 FEET; THENCE SOUTH 8855'31" WEST, A DISTANCE OF 29.65 FEET; THENCE SOUTH 0029'25" EAST, A DISTANCE OF 6.30 FEET; THENCE SOUTH 8938'35" WEST, A DISTANCE OF 60.20 FEET; THENCE NORTH 0121'25" WEST, A DISTANCE OF 6.60 FEET; THENCE SOUTH 8849'06" WEST, A DISTANCE OF 3.34 FEET; THENCE SOUTH 8846'57" WEST, A DISTANCE OF 120.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 9; THENCE NORTH 0124'22" WEST, ALONG THE WEST LINE OF SAID LOTS 9 AND 26, A DISTANCE OF 226.49 FEET TO A POINT BEING 30 FEET SOUTH OF THE CENTERLINE OF N. W. 4TH STREET, AS NOW LAID OUT AND IN USE, AND THE POINT OF BEGINNING OF THIS DESCRIPTION. SAID LANDS SITUATE, LYING AND BEING IN THE CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA.

AKA: 333 Dr. Martin Luther King Jr. Blvd.
ZONED: TO-DPOD (Transit Oriented – Downtown Pompano Beach Overlay District)
FOLIOS: 484235260050

5. **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. D. 5. [Maximum Number of Off-Street Parking Spaces] 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 have 6 parking

- spaces where only 4 are required, rather than limit the number of off-street parking to 125% 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 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.
 3. 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.
 4. Section 155.5203. D. 4. b. i. [Landscaped Islands in Parking Bays] of the City of Pompano Beach Code of Ordinances, in order to eliminate the landscaped island at the beginning and end of every parking row, rather than provide a landscaped area at each end of every row of parking spaces as required by code.
 5. 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

**6. Planning & Zoning # 17-1100020
VARIANCE – CHRISTOPHER TROESCH & ANASTASIYA VORONINA
Consideration of a request by **CHRISTOPHER TROESCH & ANASTASIYA VORONINA** for a VARIANCE from the following provisions:**

1. Section 155.3210. C. [Multiple-Family Residence] of the City of Pompano Beach Code of Ordinances, in order to allow the minimum pervious area in the RM-20 Zoning District to be comprised completely of non-living pervious materials, rather than comply with the required 25% pervious area.

2. Section 155.3210. C. [Multiple-Family Residence] of the City of Pompano Beach Code of Ordinances, in order to allow the minimum required front yard pervious area in the RM-20 Zoning District for single family dwellings to be comprised completely of non-living pervious materials, rather than comply with the required 50% pervious area of the required front yard.

The property in this Public Hearing is as follows:

LOT 6-A, BLOCK 8 OF HILLSBORO SHORES SECTION "B",
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT
BOOK 22, PAGE 39, OF THE PUBLIC RECORDS OF BROWARD
COUNTY, FLORIDA

AKA: 2500 N. Ocean Blvd.
Zoned: RM-20 (Multiple Family Residence)
Folios: 484329050190

G. OTHER BUSINESS

Planning & Zoning # 17-1500011
MAJOR TEMPORARY USE PERMIT – POMPANO FORD
LINCOLN, INC., RANDOLPH AND MARTHA DREWETT,
SANDRA POOLE, AND SETH O. SHEPHERD
Request for re-hearing.

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.