



CITY OF POMPANO BEACH  
FLORIDA

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ZONING BOARD OF APPEALS  
City Commission Chambers

March 21, 2019  
6:00 P.M.

**AGENDA**

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

**B. ROLL CALL:**

- Rick Bunn
- Jerold A. Mills
- Tony Parrish
- Ross Shulmister
- David Wheeler
- Dan Yaffe

**C. APPROVAL OF THE MINUTES:**

Meeting of February 21, 2019

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

**E. INDIVIDUALS TESTIFYING PLACED UNDER OATH**

**F. NEW BUSINESS**

**G. PUBLIC HEARING**

**1. Motion for Rehearing - Planning & Zoning # 19-17000001**

**Commission District 1**  
**Seabird Pompano LLC**

Prior Hearing Date: February 21, 2019

Request: Special Exception to utilize the subject property as a hotel in RM-20 Zoning District.

Result: Denied (3-3)

**2. Planning & Zoning # 19-15000006**

**Commission District 2**  
**Temporary Use Permit – SVAP Pompano Citi Centre II LP**

Consideration of a request by SVAP Pompano Citi Centre II LP for a Major Temporary Use Permit in order to temporarily store automobiles associated with an existing New Automobile Sales Use off-site at an existing surface parking lot rather than locate excess vehicle inventory on the Sale lot it is intended to

serve, as required in Section §155.5102(C)(3)(a)(v) [Safe and Convenient Access] of the City of Pompano Beach Code of Ordinances.

The property in this Public Hearing is as follows:

PARCEL A: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 30, TOWNSHIP 48 SOUTH, RANGE 43 EAST, AND THE WEST RIGHT OF WAY LINE OF U. S. HIGHWAY NO. 1 ACCORDING TO THE FLORIDA STATE ROAD DEPARTMENT RIGHT OF WAY MAP FOR ROAD (4) 5 (U.S. NO. 1), SHEET 3, STATE SECTION 8602, REVISED THROUGH 5/8/51; THENCE DUE SOUTH (ON AN ASSUMED BEARING) ALONG THE SAID WEST RIGHT OF WAY LINE 204.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE LAST DESCRIBED COURSE 1,019.00 FEET; THENCE DUE WEST 431.00 FEET; THENCE DUE NORTH 428.00 FEET; THENCE DUE WEST 159.00 FEET; THENCE DUE NORTH 218.00 FEET; THENCE DUE WEST 239.00 FEET; THENCE DUE NORTH 30.00 FEET; THENCE DUE WEST 202.43 FEET; THENCE DUE NORTH 304.28 FEET; THENCE NORTH 81° 43' 06" EAST ALONG A LINE 90.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 48 SOUTH, RANGE 42 EAST, 113.71 FEET; THENCE NORTH 81° 37' 00" EAST ALONG A LINE 90.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 30 FOR A DISTANCE OF 316.03 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 15° 10' 30" AND A RADIUS OF 710.71 FEET; THENCE CONTINUE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 188.23 FEET TO A POINT OF TANGENCY; THENCE SOUTH 83° 12' 30" EAST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE 170.40 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 6° 47' 30" AND A RADIUS OF 882.63 FEET; THENCE CONTINUE ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 104.62 FEET TO A POINT OF TANGENCY; THENCE DUE EAST ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE 145.00 FEET TO THE POINT OF BEGINNING. ALSO DESCRIBED AS FOLLOWS PURSUANT TO AFFIDAVIT OF SURVEYOR RECORDED IN OFFICIAL RECORDS BOOK 36674, PAGE 1779, PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA: A PORTION OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 48 SOUTH, RANGE 42 EAST AND A PORTION OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 30, TOWNSHIP 48 SOUTH, RANGE 43 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 30 AND THE WEST RIGHT OF WAY LINE OF U. S. HIGHWAY NO. 1, ACCORDING TO FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR STATE ROAD 5 (U. S. HIGHWAY NO. 1) SECTION NUMBER 86020-2525(3525) SHEETS 8 AND 9 OF 14, LAST REVISED DECEMBER 10, 1998; THENCE SOUTH 06° 51' 23" WEST, ALONG THE SAID WEST RIGHT OF WAY LINE 204.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 06° 51' 23" WEST, ALONG THE LAST DESCRIBED COURSE 1,019.00 FEET; THENCE NORTH 83° 08' 37" WEST, 431.00 FEET; THENCE NORTH 06° 51' 23" EAST, 428.00 FEET; THENCE NORTH 83° 08' 37" WEST, 159.00 FEET; THENCE NORTH 06° 51' 23" EAST, 218.00 FEET; THENCE NORTH 83° 08' 37" WEST, 239.00 FEET; THENCE DUE NORTH 06° 51' 23" EAST 30.00 FEET; THENCE NORTH 83° 08' 37" WEST, 202.43 FEET; THENCE NORTH 06° 51' 23" EAST, 304.28 FEET; THENCE

NORTH 88° 34' 29" EAST, ALONG A LINE 90.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 25, 113.71 FEET; THENCE NORTH 88° 28' 23" EAST, ALONG A LINE 90.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 30, 316.03 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 15° 10' 30" AND A RADIUS OF 710.71 FEET; THENCE CONTINUE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 188.23 FEET TO A POINT OF TANGENCY; THENCE SOUTH 76° 21' 07" EAST, ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE 170.40 FEET TO A POINT OF CURVATURE OF A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 6° 47' 30" AND A RADIUS OF 882.63 FEET; THENCE CONTINUE ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 104.62 FEET TO A POINT OF TANGENCY; THENCE SOUTH 83° 08' 37" EAST, ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE 145.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION OF SAID LAND KNOWN AS PARCEL 109 AS DESCRIBED IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 8565, PAGE 963 AND THE STIPULATED FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS BOOK 9201, PAGE 123, BOTH OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. ALSO LESS AND EXCEPT THAT PORTION OF SAID LAND CONVEYED TO BROWARD COUNTY BY THE QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 19241, PAGE 955, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. ALSO LESS AND EXCEPT THE TWO PARCELS OF LAND CONVEYED TO FAISON-POMPANO CITI CENTRE, LLC BY THE SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 36674, PAGE 1783 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PORTION OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 48 SOUTH, RANGE 42 EAST AND A PORTION OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 30, TOWNSHIP 48 SOUTH, RANGE 43 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 30 AND THE WEST RIGHT OF WAY LINE OF U. S. HIGHWAY NO. 1, ACCORDING TO FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR STATE ROAD 5 (U. S. HIGHWAY NO. 1) SECTION NUMBER 86020-2525(3525) SHEETS 8 AND 9 OF 14, LAST REVISED DECEMBER 10, 1998; THENCE SOUTH 06° 51' 23" WEST, ALONG SAID WEST RIGHT OF WAY, A DISTANCE OF 204.06 FEET; THENCE NORTH 83° 08' 37" WEST, A DISTANCE OF 145.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 882.63 FEET, A CENTRAL ANGLE OF 6° 47' 30", FOR AN ARC DISTANCE OF 104.62 FEET TO THE POINT OF TANGENCY; THENCE NORTH 76° 21' 07" WEST, A DISTANCE OF 170.40 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 710.71 FEET, A CENTRAL ANGLE OF 15° 10' 30", FOR AN ARC DISTANCE OF 188.23 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 88° 28' 23" WEST, ALONG A LINE 90.00 FEET SOUTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 30, A DISTANCE OF 271.39 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 06° 49' 53" WEST, A DISTANCE OF 327.17 FEET; THENCE NORTH 83° 08' 37" WEST, A DISTANCE OF 156.83 FEET; THENCE NORTH 06° 51' 23" EAST, A DISTANCE OF 304.28 FEET; THENCE NORTH 88° 34' 29" EAST, ALONG A LINE 90.00 FEET SOUTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE

NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 25, A DISTANCE OF 113.71 FEET; THENCE NORTH 88° 28' 23" EAST, ALONG A LINE 90.00 FEET SOUTH OF AND PARALLEL WITH, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 30, A DISTANCE OF 44.64 FEET TO THE POINT OF BEGINNING. A PORTION OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 30, TOWNSHIP 48 SOUTH, RANGE 43 EAST, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 30 AND THE WEST RIGHT OF WAY LINE OF U. S. HIGHWAY 1, ACCORDING TO FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR STATE ROAD 5 (U. S. HIGHWAY NO. 1) SECTION NUMBER 86020-2525(3525) SHEETS 8 AND 9 OF 14, LAST REVISED DECEMBER 10, 1998; THENCE SOUTH 06° 51' 23" WEST, ALONG SAID WEST RIGHT OF WAY, A DISTANCE OF 866.37 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 06° 51' 23" WEST, ALONG THE LAST DESCRIBED COURSE, A DISTANCE OF 356.68 FEET; THENCE NORTH 83° 08' 37" WEST, A DISTANCE OF 431.00 FEET; THENCE NORTH 06° 51' 23" EAST, A DISTANCE OF 428.00 FEET; THENCE SOUTH 83° 08' 37" EAST, A DISTANCE OF 116.69 FEET; THENCE SOUTH 06° 49' 53" WEST, A DISTANCE OF 71.46 FEET; THENCE SOUTH 83° 10' 07" EAST, A DISTANCE OF 314.28 FEET TO THE POINT OF BEGINNING. ALSO LESS AND EXCEPT THOSE PORTIONS OF SAID LAND WHICH WERE DEDICATED TO THE PUBLIC BY THE PLAT OF POMPANO CITI CENTRE PLAT, AS RECORDED IN PLAT BOOK 174, PAGE 45 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 1955 N Federal Hy  
ZONED: B-3/PCD (General Business Planned Commercial Overlay)  
FOLIOS: 484225070011

**3. Planning & Zoning # 19-15000007**

**Commission District 1**

**Temporary Use Permit – Pompano Acquisitions LLC**

Consideration of a request by the **Pompano Acquisitions LLC** for a Major Temporary Use Permit in order to temporarily utilize a vacant lot for an off-site construction staging area without complying with the Chapter 155: Development Standards as required by Code.

The property in this Public Hearing is as follows:

Lots 5, 8 and 9, Block 14 of Pinehurst, according to the Plat thereof, as recorded in Plat Book 5 at Page 13, of the Public Records of Broward County, Florida.

AKA: 31 NE 22 Av  
ZONED: TO-EOD - (Transit Oriented East Atlantic Overlay District)  
FOLIOS: 484236011830

**4. Planning & Zoning # 19-11000005**

**Commission District 3**

**Variance – Nelcon Enterprises Group LLC**

Consideration of a request by **Nelcon Enterprises Group LLC** for a Variance from the following two (2) provisions:

1. Section 155.3211(C) [Multiple-Family Residence 30 (RM-30) lot width, minimum], in order to allow a Two-Family Dwelling on a lot that is 50 feet wide, rather than on a lot that is a minimum of 70 feet wide as required by code.
2. Section 155.3211(C) [Multiple-Family Residence 30 (RM-30), lot area minimum], in order to allow a Two-Family Dwelling on a lot with 6,500 square feet of lot area, rather than on a lot that has a minimum of 8,000 square feet as required by code.

The property in this Public Hearing is as follows:

LOT 4, BLOCK 15, OF "AVONDALE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, AT PAGE 29, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

AKA: 529 SW 2 Ct  
ZONED: RM - 30 (Multiple Family Residence 30)  
FOLIOS: 494202021530

**5. Planning & Zoning # 19-11000006**

**Commission District 3**

**Variance – Ricky Ko Ming Cheng**

Consideration of a request by **Ricky Ko Ming Cheng** for Variance from two (2) provisions:

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 enclose an existing patio with a 15-foot setback from a canal, rather than provide a 25-foot setback from a canal, as required by Code.
2. Section 155.5302.D.5.a [Rear Yard Corner Triangle] in order to allow a building addition to encroach into the rear yard corner triangle, rather than prohibit obstructions greater than three feet high, as required by Code.

The property in this Public Hearing is as follows:

Lot 19, Block 29, of GARDEN ISLES SECTION EIGHT, according to the Plat thereof, recorded in Plat Book 54, Page 23, of the Public Records of Broward County, Florida.

AKA: 450 SE 8 Av  
ZONED: RS - 2 (Single Family Residence 2)  
FOLIOS: 494201400680

**6. Planning & Zoning # 19-11000007**

**Commission District 3**

**Variance – Partners Preferred Yield II, Inc.**

Consideration of a request by **Partners Preferred Yield II, Inc.** for a Variance from the following three (3) provisions:

1. Section 155.3305(C) [Heavy Business (B-4) Intensity and Dimensional Standards], in order to allow the construction of a building with a rear yard setback of 24.6 feet rather than provide a minimum 30 feet as required by Code.
2. Section 155.5203(D)(3)(c)(ii) [Vehicular Use Area Landscaping], in order to allow a perimeter landscaping strip along the rear property line at a width of 4.6 feet rather than provide a minimum width of 10 feet as required by Code.

3. Section 155.5203(D)(5)(a) [Vehicular Use Area Landscaping], in order to eliminate landscaping between the vehicular use area and rear of the building rather than provide a minimum width of 24 feet as required by Code.

The property in this Public Hearing is as follows:

PARCEL I: LOTS 3, 4, AND 5, BLOCK 2, RACEWAY CENTER, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 40, PAGE 25, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. TOGETHER WITH: PARCEL II: LOTS 10, AND 20 THRU 61, BLOCK 9, SUNYLAN UNIT 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. SAID LANDS LYING IN CITY OF POMPANO BEACH, BROWARD COUNTY, FLORIDA AND CONTAINING 182,162 SQUARE FEET (4.182 ACRES), MORE OR LESS.

AKA: 850 S Dixie Hy  
ZONED: B - 4 (Heavy Business)  
FOLIOS: 494202050870

#### **H. OTHER BUSINESS**

#### **I. ADJOURNMENT**