NOTE: THIS MEETING WILL BE HELD VIRTUALLY AND CAN BE VIEWED ON THE CITY’S WEBSITE: http://www.pompanobeachfl.gov

ZONING BOARD OF APPEALS
Virtual Meeting

AGENDA

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

B. ROLL CALL:
   Penny Cutt
   Ray Lubomski
   Tony Parrish
   Ross Shulmister
   David Wheeler
   Dan Yaffe

C. APPROVAL OF THE MINUTES:
   February 20, 2020

D. EXPLANATION OF PREREQUISITES AND BOARD PROCEDURES

E. INDIVIDUALS TESTIFYINGPlaced UNDER OATH

F. NEW BUSINESS

G. PUBLIC HEARING

   1. Rehearing Request
      [Note: Applicant has requested postponement to the July 16, 2020 ZBA meeting]
      Consideration of a rehearing request by Bee Line Entertainment Partners, LLC of a Temporary Use Permit (PZ: 20-15000002) that was denied by the ZBA on February 20, 2020 for a private club in I-1X Zoning. [Note: If approved, the rehearing will be placed on the August 20, 2020 ZBA meeting agenda.]
      
      ADDRESS: 1350 SW 2nd Street
      ZONED: I-1X (Special Industrial)
      FOLIOS: 4942 03 00 0034

   2. Time Limit Waiver Request
      Consideration of a request to waive the one year limit regarding the submittal of similar applications following a prior application denial. The original application, which was denied by the ZBA on January 16, 2020, was a request by Royal Palm Business Center LLC for a Major Temporary Use Permit (PZ: 20-15000001) in order to establish a temporary, overnight parking area for food trucks.
3. **Planning & Zoning #20-15000005**  
**Temporary Use Permit – Pompano Park Holdings LLC**  
Consideration of a request by Pompano Park Holdings LLC for a 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 Zoning Code in order to construct a temporary valet parking lot without complying with the applicable use and development standards as required by code.

   ADDRESS: 1350-1390 NW 14th Avenue  
   ZONED: I-1 (General Industrial)  
   FOLIOS: 4842 34 00 0840

4. **Planning & Zoning #19-11000033**  
**Variance – Peter Panagakos**  
Consideration of a request by Peter Panagakos for a Variance from the following provisions:

1. Section 151.03 (C)(3) of the City of Pompano Beach Code of Ordinances, in order to install a finger pier extending into the waterway a distance of 40’ rather than 20’ as per code, and at a width of 6’ rather than 4’ as per code.

2. Section 151.03(2) of the City of Pompano Beach Code of Ordinances, in order to install a secondary dock extending into the waterway a distance of 40’ rather than 8’ as per code.

3. Section 151.03(4) of the City of Pompano Beach Code of Ordinances, in order to install a boat lift extending into the waterway a distance of 24’ rather than 20’ as per code.

   ADDRESS: 777 Isle of Capri Circle  
   ZONED: PCD (Planned Commercial/Industrial District)  
   FOLIOS: 4942 03 22 0020

5. **Planning & Zoning #20-11000004**  
**Variance – Festival Real Estate LLC**  
Consideration of a request by Festival Real Estate LLC for a Variance from the following provision:

1. Section 155.5102(C)(9) [Curbing] of the Pompano Beach Zoning Code in order to provide parking stalls without the required curbing as per code.

   ADDRESS: 2900 W Sample Road  
   ZONED: B-3 (General Business)  
   FOLIOS: 4842 21 07 0010

6. **Planning & Zoning # 20-17000004**  
**Special Exception – Les Appartements Dolphin Inc.**  
*Note: Applicant has requested postponement to the July 16, 2020 ZBA meeting*

Consideration of a request by Les Appartements Dolphin Inc. for a Special Exception from the following provision:

1. Section 155.4225(C)(1) [Districts Where Permitted] of the Pompano Beach Zoning Code in order to utilize the subject property (Zoning District: RM-20) for a hotel or motel.

   ADDRESS: 3215 NE 7th Street
7. **Planning & Zoning # 20-17000005**  
**Special Exception – Cunha Properties LLC**

Consideration of a request by **Cunha Properties LLC** for a Special Exception from the following provision:

1. Section 155.4228(A)(1) [Districts Where Permitted] of the City’s Code of Ordinances in order to utilize the subject property (Zoning District: I-1) for Outdoor Storage (as a principal use).

**ADDRESS:** 261 S Andrews Avenue  
**ZONED:** I-1 (General Industrial)  
**FOLIOS:** 4942 02 00 0101

8. **Planning & Zoning # 20-17000006**  
**Special Exception – Miniaci Enterprises**

Consideration of a request by **Miniaci Enterprises** for a Special Exception from the following provision:

1. Section 155.4228(A)(1) [Districts Where Permitted] of the City’s Code of Ordinances in order to utilize the subject property (Zoning District: I-1) for Outdoor Storage (as a principal use).

**ADDRESS:** 1440 SW 31st Avenue  
**ZONED:** I-1 (General Industrial)  
**FOLIOS:** 4942 04 05 0020

9. **Planning & Zoning # 20-17000007**  
**Special Exception – Fernbrook Florida LLP**  
[Note: Applicant has requested postponement to the August 20, 2020 ZBA meeting]

Consideration of a request by **Fernbrook Florida LLP** for a Special Exception from the following provision:

1. Section 155.4225(A)(1) [Districts Where Permitted] of the City’s Code of Ordinances in order to utilize the subject property (Zoning District: RM-20) for condo hotel.

**ADDRESS:** 723 N Ocean Boulevard  
**ZONED:** RM-20 (Multiple-Family Residence 20)  
**FOLIOS:** 4843 31 49 0020

H. **OTHER BUSINESS**

I. **ADJOURNMENT**
MOTIONS FOR REHEARING (ZBA Rules of Procedure, 2018)

Any petitioner who may be aggrieved by a decision of the Zoning Board of Appeals may, within ten days from the date of the decision was orally pronounced, but not thereafter, apply to the Zoning Board of Appeals for a rehearing at the next regularly scheduled meeting of the Board or unless heard earlier by a special meeting.

The petitioner requesting a rehearing shall establish all of the following:

1. That there is new evidence which could not have been discovered before the hearing by the exercise of due diligence;
2. That the evidence is material and not merely cumulative and
3. There is a strong likelihood that the new evidence will affect the results if a new hearing is granted.

The Zoning Board of Appeals shall render its decision, after hearing arguments based on the foregoing criteria. The concurring vote of five members of the Board shall be necessary to grant a rehearing. The Public Hearing for any rehearing that is granted shall not be considered during the same meeting that the rehearing request is scheduled to be heard. For motions for rehearing that are approved the rehearing will be heard at the next available Zoning Board of Appeals meeting.

155.2308. POST-DECISION ACTIONS AND LIMITATIONS

D. Limitation on Subsequent Similar Applications

1. Prior Application Denial
   a. If an application requiring a public hearing is denied, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of denial unless the decision-making body waives this time limit in accordance with subsection b below.
   b. The owner of the subject land, or the owner’s authorized agent, may submit a written request for waiver of the time limit, along with a fee to defray the cost of processing the request, to the Development Services Director, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit on finding that the owner of the subject land has demonstrated that:
      i. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the decision-making body’s application of the relevant review standards to the development proposed in the new application; or
      ii. New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the decision-making body’s application of the relevant review standards to the development proposed in the new application; or
      iii. The new application proposed to be submitted is materially different from the prior application; or
      iv. The final decision on the prior application was based on a material mistake of fact.

155.2412. TEMPORARY USE PERMIT

E. Temporary Use Permit Review Standards

A Temporary Use Permit shall be approved only on a finding that the temporary use as proposed:

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.

155.2420. VARIANCE

D. Variance Review Standards

1. A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:
   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.

2. The following factors do not constitute sufficient grounds for approval of a Variance:

a. A request for a particular use that is expressly, or by inference, prohibited in the zoning district;

b. Hardships resulting from factors other than application of requirements of this Code;

c. The fact that land or a structure may be utilized more profitably or be more marketable with a Variance; or

d. The citing of other nonconforming or conforming uses of land or structures in the same or other zoning districts.

**155.2406 SPECIAL EXCEPTION**

D. Special Exception Review Standards

Except for community residences and recovery communities, a Special Exception shall be approved only on a finding that there is competent substantial evidence in the record that the Special Exception, as proposed:

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 feet to a one-half mile radius from the subject site.