

PROCEEDINGS BEFORE THE ZONING BOARD OF APPEALS  
CITY OF POMPANO BEACH, FLORIDA

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IN RE APPEAL:

APPEAL #12-21

ARCHDIOCESE OF MIAMI  
THE MOST REVEREND THOMAS G. WENSKI  
9401 Biscayne Boulevard  
Miami Shores, Florida 33138

Tracts "A" and "B"; together with that portion of the Right-of-Way of Northwest 10<sup>th</sup> Street lying within the plat limits of the Plat of ST. JOSEPH HAITIAN CATHOLIC MISSION," according to the Plat thereof, as recorded in Plat Book 142, at Page 5, of the Public Records of Broward County, Florida, being more particularly described as follows:

Begin at the northwest corner of said Tract "A" of the said Plat of ST. JOSEPH HAITIAN CATHOLIC MISSION; thence North 89°50'35" East, along a line that is parallel with the South line of the northeast one-quarter of the northwest one-quarter of Section 35, Township 48 South, Range 42 East, for 824.59 feet; thence South 00°17'59" West, along the West line of the East one-half of the southeast one-quarter of the northeast one-quarter of the northwest one-quarter of said Section 35, for 442.42 feet; thence South 89°50'35" West, along the South line of the northeast one-quarter of the northwest one-quarter of said Section 35, for 816.06 feet; said last described three courses being coincident with the North, East, and South, respectively, plat limits of the said Plat of ST. JOSEPH HAITIAN CATHOLIC MISSION; thence North 00°48'19" West, along a line that is parallel with and 30.00 feet East of, as measured at right angles to the centerline of said Northwest 6<sup>th</sup> Avenue, as shown on the said plat of ST. JOSEPH HAITIAN CATHOLIC MISSION, for 442.42 feet to the point of beginning; all lying and being in the South one-half of the northeast one-quarter of the northwest one-quarter of Section 35, Township 48 South, Range 42 East, City of Pompano Beach, Broward County, Florida.

AKA: 1210 NW 6<sup>th</sup> Avenue

ZONED: RS-4 & B-2

PETITIONER:

ARCHDIOCESE OF MIAMI  
THE MOST REVEREND THOMAS G. WENSKI

Requests: Two (2) variances be granted as follows:

- 1) A variance from the provisions of Section 155.113(A)(3)(a)(1)[Requirements in Various Zones] of the Code of Ordinances of the City of Pompano Beach in order to provide 0.5 parking spaces per unit, rather than provide 1.5 parking spaces per unit as required by Code.
- 2) A variance from the provisions of Section 155.168(H) in order to provide 251 one-bedroom units with 525 square feet of floor area, rather than provide 650 square feet of floor area per one bedroom unit, as required by Code.

\* \* \* \* \*

**ORDER**

WHEREAS, it appears that special and peculiar circumstances which are not the result of the actions of the Petitioner or his representative affect the land, buildings or structures for which approval is sought, and further, that the denial of the request by the Petitioner would deprive the Petitioner of the reasonable use of his property,

NOW, THEREFORE, the Zoning Board of Appeals finds that the granting of this permission will be in harmony with the general purpose and intent of the Zoning Ordinances of the City of Pompano Beach, Florida, and will make possible the reasonable use of the Petitioner's property. The Board further finds that to deny the Petitioner his request would impose an unreasonable and unnecessary hardship upon the Petitioner and that the granting of this permission is wholly harmonious and consistent with the best interest of the general public.

\* \* \* \* \*

IT IS, THEREFORE, ORDERED THAT THE TWO (2) VARIANCES ARE HEREBY GRANTED TO PETITIONER:

ARCHDIOCESE OF MIAMI  
THE MOST REVEREND THOMAS G. WENSKI

This Approval is subject to the following conditions:

1. Obtain all necessary governmental permits and approvals, including but not limited to, site plan approval; and
2. Submit a Restrictive Covenant Agreement or similar legal instrument to ensure the units will remain senior housing.

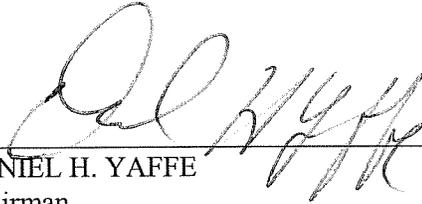
This Approval shall become effective and final fifteen (15) days from the date of passage provided, however, that in the event an appeal, as provided for in Section 155.025, has been timely filed, no action may be taken on the order by the Zoning Board of Appeals until the conclusion of the appeal before the City Commission.

In accordance with the provisions of Section 155.024 (J) of the Code of Ordinances, the relief granted by the Zoning Board of Appeals is limited to the authority vested in the Board and does not exempt the Petitioner or owner from the responsibilities of obtaining all applicable permits and/or approvals as may be required by law, or by the City, for both new and existing structures.

Any variance, special exception, or other decision of the Zoning Board of Appeals shall expire and become null and void 24 months after said action unless, within the said 24 month period, or other time period as ordered by the Board, any and all permits and/or approvals required by law, or by the City, including building permits, but not including Certificates of Occupancy or inspections, have been properly acquired and said building permits maintained in an active and valid status or unless within the 24 month period, a request is made consistent with the Code of Ordinances seeking an extension of time for the variance, special exception or other specific order that had been approved by the Board. If no approval or permit is required, the use allowed by the Zoning Board of Appeals must be commenced within the said 24 month period unless otherwise provided by the Board or unless within the 24 month period a request is made consistent with the Code of Ordinances seeking an extension of time for the variance, special exception or other specific order that has been approved by the Board.

Any request for an extension from the time frames as required by an order of the Zoning Board of Appeals must be made by the Petitioner or owner and it shall be the Petitioner's or owner's burden to establish a good and sufficient cause for any extension of time. There shall be no more than four (4) extensions of time in any one case, each of which shall be no greater than 24 months or in the aggregate in excess of two 24-month extensions and one 12-month extension for any variance, special exception or other specific order of the Zoning Board of Appeals.

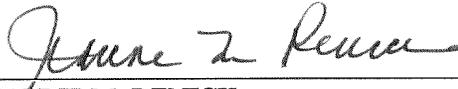
This matter was heard before the Zoning Board of Appeals, and said Board rendered its decision on April 19, 2012.



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DANIEL H. YAFFE  
Chairman  
Zoning Board of Appeals

Filed with the Advisory Board Secretary this 3 day of May, 2012.



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JEANNE M. RENICK  
Advisory Board Secretary

jmr

04.20.12

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