

THE ZONING BOARD OF APPEALS
CITY OF POMPANO BEACH, FLORIDA

Date: May 1, 2023

Landowner: Tal Shiar Properties LLC
Case No.: 23-15000005
Address: SW 3rd Street (Vacant)
Zoned: Multiple-Family Residence 30 (RM-30) and General Business
Folio(s): 494202020061, 494202020063, 494202020070

Legal Description:

PORTIONS OF LOTS 41 THROUGH 58 INCLUSIVE, BLOCK 1 OF AVONDALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 29, OF THE PUBLIC RECORDS OR BROWARD COUNTY, FLORIDA, TOGETHER WITH THE SOUTH AND WEST 5.00 FEET OF THAT CERTAIN 10 FOOT ABANDONED ALLEY LYING NORTH AND EAST OF AND ADJACENT TO SAID LOTS 41 THROUGH 58 INCLUSIVE; AND ALSO TOGETHER WITH THE NORTH 5.00 FEET OF SAID 10 FOOT ABANDONED ALLEY LYING SOUTH OF AND ADJACENT TO LOTS 23 AND 24 OF SAID BLOCK 1, LESS RIGHT OF WAY FOR RACE TRACK ROAD AND BEING ALL MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 23; THENCE SOUTH 88°42'23" WEST, ON THE SOUTH LINES OF SAID LOTS 23 AND 24, A DISTANCE OF 50.00 FEET; THENCE SOUTH 00°56'37" EAST, ON THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 24, A DISTANCE OF 5.00 FEET; THENCE SOUTH 88°42'23" WEST ON THE NORTH LINE OF THE SOUTH ONE-HALF (S ½) OF THAT CERTAIN 10 FOOT ALLEY LYING NORTH OF AND ADJACENT TO SAID LOTS 41 THROUGH 56, A DISTANCE OF 410.00 FEET; THENCE SOUTH 00°56'37" EAST ON THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 41 AND ON THE SAID WEST LINE, A DISTANCE OF 62.85 FEET; THENCE EASTERLY ON THE NORTH RIGHT OF WAY LINE OF SOUTHWEST 3RD STREET, THE FOLLOWING 3 COURSES AND DISTANCES, SOUTH 47°24'07" EAST, A DISTANCE OF 43.50 FEET; THENCE NORTH 86°07'33" EAST, A DISTANCE OF 138.26 FEET; THENCE NORTH 88°42'23" EAST, A DISTANCE OF 295.38 FEET TO THE POINT OF TERMINATION OF THE SAID 3 COURSES AND DISTANCES; THENCE NORTHERLY AND WESTERLY ON THE EAST AND NORTH LINES OF THE WEST ONE-HALF (W ½) AND SOUTH ONE-HALF (S ½) OF THAT CERTAIN 10 FOOT ALLEY LYING EAST OF AND NORTH OF SAID LOT 58, THE FOLLOWING 3 COURSES AND DISTANCES; NORTH 00°56'37" WEST, A DISTANCE OF 46.44 FEET; THENCE NORTH 36°22'23" EAST, A DISTANCE OF 50.96 FEET; THENCE SOUTH 88°42'23" WEST, A DISTANCE OF 35.89 FEET TO THE POINT OF TERMINATION OF THE SAID 3 COURSES AND DISTANCES; THENCE NORTH OF 00°56'37" WEST, ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 23, A DISTANCE OF 5.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH PARCEL 2, AS DESCRIBED BY ACCURATE LAND SURVEYORS SKETCH #8926A, DATED MARCH 20, 1992 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LOT 10, INCLUDING PART OF A 10.00 FOOT ABANDONED ALLEY, BLOCK 1 OF AVONDALE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 29, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWESTERLY CORNER OF SAID LOT 10; THENCE NORTHERLY ALONG THE WESTERLY LINE OF LOT 10 A DISTANCE OF 33.22 FEET TO THE POINT OF BEGINNING AND A POINT ON THE NORTH RIGHT OF WAY LINE OF RACE TRACK ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 16787 AT PAGE 385 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA; THENCE CONTINUE ALONG THE WEST LINE OF SAID LOT 10 IN A NORTHERLY DIRECTION 33.20 FEET;

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THENCE TURNING AN INCLUDED ANGLE TO THE LEFT FROM THE LAST DESCRIBED COURSE OF 37°51'28" AND A DISTANCE OF 41.84 FEET IN A SOUTHEASTERLY DIRECTION TO A POINT ON THE SAID NORTH RIGHT OF WAY LINE OF RACE TRACK ROAD; THENCE TURNING AN INCLUDED ANGLE TO THE LEFT FROM THE LAST DESCRIBED COURSE OF 52°30'21" A DISTANCE OF 25.67 FEET IN A WESTERLY DIRECTION ON SAID NORTH RIGHT OF WAY LINE TO THE POINT OF BEGINNING; TOGETHER WITH THE EASTERLY ONE HALF OF THE 10 FOOT ABANDONED ALLEY BORDERING THE PRECEEDING DESCRIBED PARCEL; SAID ALLEY ABANDONED PER CITY OF POMPANO BEACH ORDINANCE 77-22, AS RECORDED IN OFFICIAL RECORD BOOK 7191 AT PAGE 130, BROWARD COUNTY RECORDS. SAID LAND CONTAINING 592.65 SQUARE FEET MORE OR LESS AS SHOWN ON ACCURATE LAND SURVEYORS SKETCH #8926A, DATED MARCH 20, 1992 AND MADE A PART HEREOF. LESS PARCEL 1, AS DESCRIBED BY ACCURATE LAND SURVEYORS SKETCH #8926A, DATED MARCH 20, 1992 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF LOT 58, INCLUDING PART OF A 10 FOOT ABANDONED ALLEY, BLOCK 1 OF AVONDALE, ACCORDING TO THE PLAY THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 29 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEASTERLY CORNER OF LOT 58, BLOCK 1, THENCE NORTH 88°42'43" EAST FOR A DISTANCE OF 5.00 FEET TO A POINT ON THE CENTERLINE OF A 10 FOOT ALLEY, AS SHOWN ON SAID PLAT, SAID ALLEY ABANDONED PER CITY OF POMPANO BEACH ORDINANCE 77-22, AS RECORDED IN OFFICIAL RECORD BOOK 7191 AT PAGE 130, BROWARD COUNTY RECORDS; THENCE NORTH 00°56'37" WEST FOR A DISTANCE OF 79.66 FEET ALONG SAID ALLEY CENTERLINE TO THE POINT OF BEGINNING AND TO A POINT OF INTERSECTION OF SAID ALLEY CENTERLINE; THENCE CONTINUE NORTH 00°56'37" WEST, PARALLEL WITH THE EAST LINE OF SAID LOT 58 FOR A DISTANCE OF 39.97 FEET TO POINT ON THE CENTERLINE OF A 10 FOOT ALLEY AS SHOWN ON SAID PLAT; THENCE NORTH 88°42'43" EAST ALONG SAID CENTERLINE, SAID LINE BEING 5 FOOT NORTHERLY OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 58, FOR A DISTANCE OF 30.75 FEET TO A POINT OF INTERSECTION OF SAID ABANDONED 10 FOOT ALLEY CENTERLINE; THENCE SOUTH 36°29'54" WEST, SAID LINE BEING 5 FOOT SOUTHEASTERLY OF AND PARALLEL WITH THE SOUTHEASTERLY LINE OF SAID LOT 58 FOR A DISTANCE OF 50.57 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINING 614.53 SQUARE FEET MORE OF LESS AS SHOWN ON ACCURATE LAND SURVEYORS SKETCH #8926A, DATED MARCH 20, 1992 AND MADE A PART HEREOF.

REQUEST:

Applicant Landowner is requesting a Major Temporary Use Permit from the provisions of Chapter 155: Article 4 [Use Standards] and Article 5 [Development Standards] of the City of Pompano Beach Zoning Code, in order to temporarily utilize vacant lots (Zoning Districts: RM-30 and B-3) for off-site parking related to ongoing construction at the adjacent John Knox Village facility without complying with the applicable use and development standards as required by Code.

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ORDER

WHEREAS, upon presentation of the Applicant’s request for the Major Temporary Use Permit at a public hearing before the Zoning Board of Appeals (“Board”), and upon review and consideration of all testimony, evidence and argument presented at said hearing, the Board finds that competent substantial evidence was presented to allow a Major Temporary Use Permit from the provisions in order to temporarily utilize vacant lots (Zoning Districts: RM-30 and B-3) for off-site parking related to ongoing construction at the adjacent John Knox Village facility without complying with the applicable use and development standards as required by Code.

THEREFORE, the Applicant’s request for the above Major Temporary Use Permit is GRANTED, conditioned on applicant fulfilling the following:

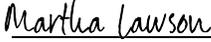
1. Prior to the expiration of this permit, drought-resistant sod shall be installed on the entire property.
2. Obtain approval for the three temporary fence building permits within 60 days of approval of this Major Temporary Use Permit.
3. Approval is limited to parking of vehicles associated with John Knox Village construction and does not include storage of building materials.
4. Monitor and remove any graffiti/tagging on the temporary fence.

This matter was heard before the Zoning Board of Appeals, and the Board pronounced its decision on April 20, 2023.

DocuSigned by:

 Dan Yaffe, Chairman, Zoning Board of Appeals

Filed with Development Services Department on 1 day of May 2023.

DocuSigned by:

 Martha Lawson, Head Secretary Development Services

A party aggrieved by a final decision by the Zoning Board of Appeals as provided in City Code Section 155.2424, may petition the Circuit Court for issuance of a Writ of Certiorari in the manner and within the time provided for the Florida Rules of Appellate procedure.

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