

ZBA Appeal #06-68

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

IN RE APPEAL:

APPEAL #06-68

ISLAMIC CENTER OF SOUTH FLORIDA
507 N.E. 6th Street
Pompano Beach, Florida 33060

Lots 1 through 24, FERNANDER/WRIGHT SUBDIVISION, according to the plat thereof as recorded in Plat Book 159, Page 6, of the public records of Broward County, Florida.

AKA: 1501 N.W. 16th Avenue

ZONED: RM-12

PETITIONER:

ISLAMIC CENTER OF SOUTH FLORIDA

Requests:

SPECIAL EXCEPTION approval in accordance with the provisions of Section 155.165 of Chapter 155 of the Code of Ordinances in order to construct a House of Worship in an RM-12 (Multiple Family) residential zoning district.

IT IS THE DETERMINATION OF THE ZONING BOARD OF APPEALS THAT THIS
REQUEST FOR SPECIAL EXCEPTION MEETS THE CRITERIA AS SET FORTH IN SECTION
155.082 OF THE CODE OF ORDINANCES AS FOLLOWS:

- 1) The proposed SPECIAL EXCEPTION use will be consistent with the City's Comprehensive Plan.
- 2) The proposed SPECIAL EXCEPTION use will be in harmony with the general character of the neighborhood. In determining whether the proposed SPECIAL EXCEPTION use will be in harmony with the character of the neighborhood, consideration shall be given, but not 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.
- 3) There exists a 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.
- 4) The proposed SPECIAL EXCEPTION use shall not create a traffic hazard or nuisance with consideration given, 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 or near the site within the neighborhood, the traffic pattern from such buildings by reason of the SPECIAL EXCEPTION'S location near a vehicular or pedestrian entrance or crossing to a public or private school, park playground or hospital or other public use or place of public assembly.
- 5) The proposed SPECIAL EXCEPTION use will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding property, or the neighborhood with consideration given, but not limited to, noise, vibration, fumes, odors, dust, glare, other environmental hazard, or physical activity which will be generated and is otherwise present in the area.
- 6) The proposed SPECIAL EXCEPTION use will not adversely affect the health, safety, security, morals or general welfare of the neighborhood.
- 7) The proposed SPECIAL EXCEPTION use will not, with consideration given to existing development in the area and development permitted under the current zoning provisions, overburden existing public services and facilities including schools, police and fire protection, water and sanitary sewer, public roads, 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.

- 8) The **SPECIAL EXCEPTION** use conforms with all other specific standards set forth in the Code of Ordinances or the Comprehensive Plan.

ACCORDINGLY, THE **SPECIAL EXCEPTION** REQUEST BY THE ISLAMIC CENTER OF SOUTH FLORIDA, IS HEREBY GRANTED.

This Approval is subject to the following condition:

Petitioner must maintain substantial conformance to the site plan submitted.


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, temporary permit or other decision of the Zoning Board of Appeals shall expire and become null and void 180 days after said action unless, within the said 180 day 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, have been properly acquired or unless within the 180 day 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. If no approval or permit is required, the use allowed by the Zoning Board of Appeals must be commenced within the said 180 day period unless otherwise provided by the Board or unless within the 180 day 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 the extension of time. There shall be no more than five (5) extensions of time in any one case, each of which shall be no greater than 180 days, or in the aggregate in excess of 900 days for any variance, special exception or other specific order of the Zoning Board of Appeals.

DONE AND ORDERED this 18th day of May, 2006.


DANIEL H. YAFFE
Chairman
Zoning Board of Appeals

lrh
5.21.06