

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

IN RE APPEAL:

APPEAL #01-27

JAMES A. DINVERNO
2406 Bay Drive
Pompano Beach, Florida 33062

The Northwest one-half of Lot 24, Block 10 of Hillsboro Shores Section "A", according to the plat thereof as recorded in Plat Book 21, Page 14, of the public records of Broward County, Florida, as described in full on the survey submitted with this application; together with:

All of Lot 25, Block 10, Hillsboro Shores Section "A", according to the plat thereof as recorded in Plat Book 21, Page 14, of the public records of Broward County, Florida.

AKA: 2406 Bay Drive ZONED: RS-2

PETITIONER:

JAMES A. DINVERNO

Requests:

Two (2) variances be granted as follows:

- 1) Variance from the provisions of Section 155.036 (A) (2) of Chapter 155 of the Code of Ordinances in order to construct a 5 foot high fence in the front yard setback, rather than a 4 foot high fence as allowed by the Code.
- 2) Variance from the provisions of Section 155.158 (G) (1) of Chapter 155 of the Code of Ordinances in order to enlarge an existing garage and provide a 19 foot front yard setback, rather than a 25 foot front yard setback, as required by the Code.

* * * * *

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 A VARIANCE IS GRANTED TO PETITIONER:

JAMES A. DINVERNO

To:

Enlarge an existing garage and provide a 19 foot front setback, as requested.

With respect to the variance for a fence, the following conditions shall apply:

- 1) Fence and columns shall not exceed four feet (4') in height.

DECISION

Zoning Board of Appeals

Appeal #01-27

Page 2

- 2) Lights atop the columns not to exceed a total height of five feet. (Light and column combined height limited to five feet).
- 3) Column lights shall not be located closer than nine feet (9') on center.

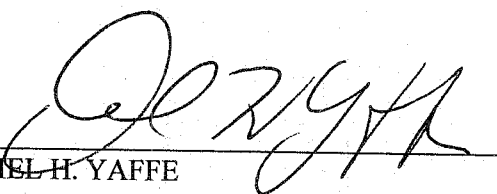
This Approval shall become effective and final fifteen (15) days from the date of passage provided, however, that in the event an appeal, as provided for in Section 155.025, has been timely filed, no action may be taken on the order by the Zoning Board of Appeals until the conclusion of the appeal before 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, 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 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 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 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 any 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 2 day of FEB, 2001.



DANIEL H. YAFFE
Chairman
Zoning Board of Appeals

lrh
1.25.2001