



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Staff Report

File #: LN-720

ZONING BOARD OF APPEALS

Meeting Date: MAY 15, 2025

SPECIAL EXCEPTION - BELCREST PROPERTY 1 LLC

Request: Special Exception
P&Z# 25-17000003
Owner: Belcrest Property 1, LLC
Project Location: 1305 NE 23 Ave
Folio Number: 484330200010
Land Use Designation: M (Medium 10-16 DU/AC)
Zoning District: RM-20 (Multiple-Family Residence 20)
Agent: Joshua Deitchman
Project Planner: Scott Reale

Summary:

The Applicant Landowner requests SPECIAL EXCEPTION approval as required by Section 155.4220(B)(1) [Districts Where Permitted] of the Pompano Beach Zoning Code to utilize the subject property (RM-20 zoning district) for a Professional Office.

The property is located in the Avalon Harbor neighborhood along the west side of NE 23rd Avenue, one block south of NE 14th Street and one block east of N Federal Highway.

ZONING REGULATIONS

§155.4220. COMMERCIAL: OFFICE USES

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B. Professional Office

1. Districts Where Permitted

RS-1	RS-2	RS-3	RS-4	RS-L	RD-1	RM-7	RM-12	RM-20	RM-30	RM-45	MH-12	B-1	B-2	B-3	B-4
							S	S	S	S		P	P	P	P

M-1	CR	I-1	I-IX	OIP	M-2	TO	PR	CF	PU	T	BP	RPUD	PCD	PD-TO	LAC	PD-1
P		P	P	P		P						P	P	P	P	P

2. Definition

A professional office is a building or portions of a building used for conducting the affairs of businesses offering professional services (e.g., offices of lawyers, engineers, architects), financial services (e.g., investment banking, stock brokerage, credit card services), or business services (e.g., consulting firms), or the

buying or selling of real or personal property, services, or other products (e.g. artwork, artifacts). This use may also include offices for physicians and other health care professionals without examination and treatment. Offices used for examination and treatment shall be considered a Medical or Dental Clinic.

3. Standards

In the RM-12 District, a professional office use is allowed as a Special Exception only if the total gross floor area is 2,000 square feet or less. **(Note: This standard does not apply as the property is zoned RM-20).**

PROPERTY INFORMATION/STAFF ANALYSIS

1. The subject property has operated as an office building since its construction in 1973, pursuant to Building Permit #73-9482. At that time, office uses were permitted by right within multi-family zoning districts. However, with the adoption of Ordinance No. 93-34 in 1993, office uses were removed as a permitted use in such districts, and any new office use thereafter has required approval through the Special Exception process.
2. The previous tenants allowed their Business Tax Receipt (BTR) to lapse, and the most recent BTR-issued to a real estate office-was inactivated in 2023. As a result, the office use is no longer considered a Lawful Nonconforming Use or Lawful Special Exception. Therefore, reestablishing a professional office use at this location requires approval of a Special Exception.
3. Given that the property was purpose-built for office use and was lawfully operated as such for several decades, staff does not object to the request. However, it should be noted that there is an active code compliance case (Case #24-09006854) for operating a business without a valid BTR. Approval of this Special Exception application, followed by the submission of a Zoning Use Certificate (ZUC) and BTR application for a professional office, would resolve the outstanding violation.

LAND USE PATTERNS

Subject Property (Zoning District | Existing Use):

- RM-20 | office building (no active BTR)

Surrounding Properties (Zoning District | Existing Use):

- North: RM-30 | multi-family dwellings
- South: RM-20 | multi-family dwelling and duplex
- West: B-3 | retail commercial shopping plaza
- East: RS-2 | single-family dwellings (Avalon Garden Estates)

SPECIAL EXCEPTION REVIEW STANDARDS

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.

Staff Conditions:

Should the Board determine the applicant has provided competent and substantial evidence demonstrating compliance with the thirteen Special Exception review criteria, staff recommends the following conditions be incorporated into the Board's Order of Approval:

1. Obtain all necessary governmental permits and approvals, including a Zoning Use Certificate and Business Tax Receipt for a professional office. The approved Special Exception is limited to general professional office use as defined in the City's Zoning Code.
2. Any open code compliance cases related to the subject property must be resolved to the satisfaction of the Code Compliance Department including unauthorized outdoor storage or display.
3. All parking spaces and site features (e.g., landscaping, lighting, and signage) must be brought into compliance with applicable zoning code requirements. Any site improvements required to meet current code standards shall be completed prior to issuance of the BTR.

CITY OF POMPANO BEACH

AERIAL MAP



Legend

Pompano Beach Parcels

Applicant Parcel

Scale: 1:2,000

Belcrest Property 1 LLC

1305 NE 23 AVE

Special
Exception

Created by:
Department of
Development Services

