



## Staff Report

**File #:** LN-884

### ZONING BOARD OF APPEALS

Meeting Date: JUNE 18, 2026

### VARIANCE - IRELAND POMPANO, LTD

**Request:** Variance  
**P&Z#** 26-11000012  
**Owner:** Ireland Pompano, LTD  
**Project Location:** 998 N Federal Hwy  
**Folio Number:** 484331000381  
**Land Use Designation:** C (Commercial)  
**Zoning District:** B-3 (General Business)  
**Commission District:** 1 (Audrey Fesik)  
**Agent:** Eduardo Rodriguez De Varona  
**Project Planner:** Scott Reale

### Summary:

The Applicant Landowner is requesting a VARIANCE from Section 155.4209(C)(2)(a) [Specialty Medical Facility Standards] of the City’s Zoning Code in order to allow a pediatric medical office exceeding 5,000 square feet gross floor area to be located within 500 feet of a Single-Family (RS) or Two-Family (RD) zoning district, whereas the Code requires such facilities to maintain a minimum separation distance of 500 feet from RS and RD zoning districts.

The subject property is located at the southeast corner of North Federal Highway and NE 10<sup>th</sup> Street.

### ZONING REGULATIONS

#### 155.4209. INSTITUTIONAL: HEALTH CARE USES

...

#### C. Specialty Medical Facility

A specialty medical facility is a facility, regardless of size, offering specialized treatment and services.

##### 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	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

## 2. Definition and Use Standards

Specialty Medical includes any of the following facilities:

### a. Medical Office (larger than 5,000 sq ft gfa)

A medical office classified as a Specialty Medical Facility is an office larger than 5,000 square feet providing medical or dental treatment.

The specialty medical office shall be separated from Residential uses (RS and RD Districts) by a minimum of 500 feet.

### b. Medical / Dental Lab (larger than 5,000 sq ft gfa)

A medical or dental lab consists of facilities and offices larger than 5,000 square feet gfa providing diagnostic analysis of medical tests (such as blood tests, urinalysis, CT scan, X-ray or other medical tests related to diagnostic treatment); collecting or withdrawing human blood, organs, skin, or other human tissue; or producing such items as dentures, caps, bridges and optical prescriptions.

The specialty medical or dental lab shall be separated from Residential uses (RS and RD Districts) by a minimum of 500 feet.

### c. Ambulatory Surgical Facilities

An ambulatory surgery center (ASC) is a State licensed facility not part of a hospital with the primary purpose of providing elective surgical care. Patients who choose to have surgery in an ASC arrive on the day of their procedure and, following their post-operative recovery, are discharged from the facility the same business day, with no overnight stays permitted. ASCs treat only patients who have already seen a healthcare provider and selected surgery as the appropriate treatment. Physician's offices, hospitals and free-standing emergency rooms are not ASCs and are regulated separately by the Code.

Ambulatory surgical facilities shall not provide surgical services between the hours of 7:00 p.m. and 7:00 a.m. and, if over 5,000 SF, will be separated from residential uses (RS and RD Districts) by a minimum of 500 feet.

### d. Dialysis Centers

A medical facility, either hospital-based or independent, that provides outpatient dialysis services, for people with chronic kidney failure, by filtering the blood to remove waste and excess fluids when the kidneys can no longer function properly.

If over 5,000 square feet gross floor area, the facility shall be at least 500 feet from residential uses (RS or RD Zoning Districts).

### e. Substance Abuse Treatment Facility

A facility (other than a hospital) whose primary function is the treatment of substance abuse and which is licensed by the State of Florida to provide such service.

These facilities must be separated from residential uses (RS and RD zoning districts) by a minimum of 500 feet and provide no services between the hours of 7:00 p.m. and 7:00 a.m.

### f. Outpatient Rehabilitation Facility

A non-residential facility providing diagnostic, therapeutic, and restorative services at a single fixed location for the rehabilitation of injured, disabled, or sick persons, which includes substance abuse rehabilitation, by or under the supervision of a physician.

These facilities must be separated from residential uses (RS and RD Zoning Districts) at a minimum of 500 feet and provide no services between the hours of 7:00 p.m. and 7:00 a.m.

### g. Birthing Facility

A birthing center is a facility licensed by the State of Florida where births are planned to occur following a normal, uncomplicated, low-risk pregnancy, away from the mother's usual place of residence and not within a hospital.

These facilities can be open 24-hours a day, as necessary to serve the needs of the patient.

### PROPERTY INFORMATION AND STAFF ANALYSIS

#### 1. Existing Site Conditions and Proposed Use:

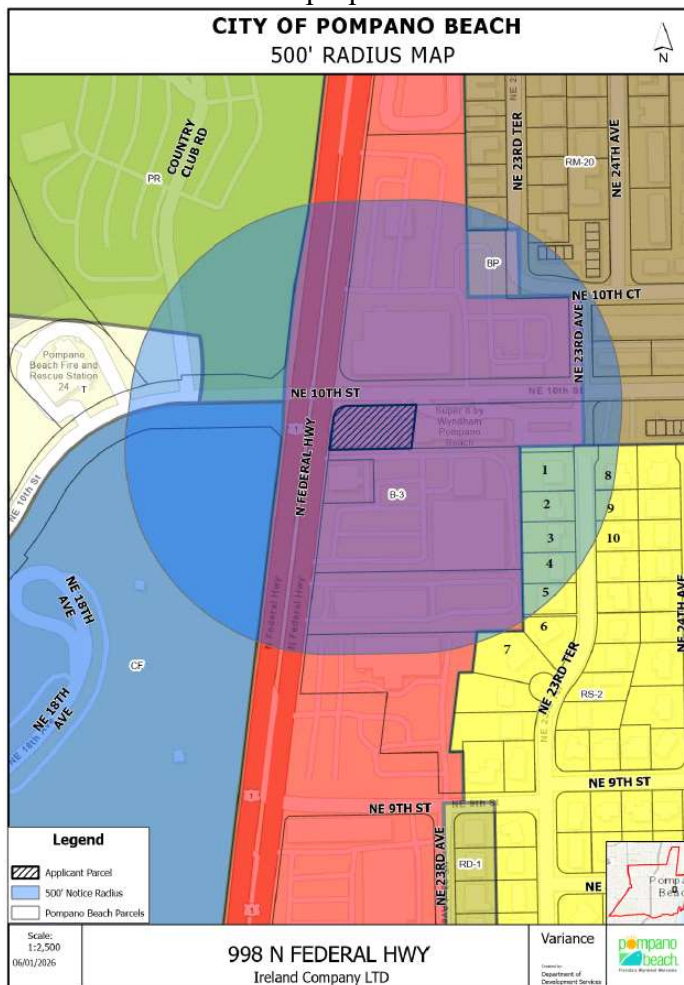
The subject property is zoned General Business (B-3) and has a Commercial (C) underlying land use designation. The property is located on an outparcel within the Pompano Plaza shopping center, which is anchored by an ALDI supermarket. The applicant currently operates a 4,756-square-foot pediatric medical office and clinic at this location. The proposal would expand the operation into an adjacent tenant suite, increasing the total floor area to approximately 5,530 square feet.

Pursuant to Section 155.4209(C)(2)(a), medical offices exceeding 5,000 square feet are classified as Specialty Medical Facilities and are required to maintain a minimum separation distance of 500 feet from RS and RD zoning districts. The proposed expansion would cause the facility to exceed the 5,000-square-foot threshold and become subject to this separation requirement.

#### 2. Variance Request:

The applicant is requesting relief from the 500-foot separation requirement contained in Section 155.4209(C)(2)(a). Staff has identified ten residentially developed properties zoned RS-2 located within the required 500-foot separation radius of the subject property. As a result, the proposed Specialty Medical Facility does not comply with the separation requirement and requires variance approval.

A radius map identifying the ten affected residential properties is attached to this report.



**3. Site Context and Physical Relationship to Nearby Residential Properties:**

The subject property is situated along the Federal Highway commercial corridor and is surrounded by a mixture of commercial, office, lodging, recreational, and medical uses. Although residentially developed properties are located within the required separation radius, the subject property is not directly adjacent to any residential neighborhood.

Existing commercial development, including an ALDI supermarket, a motel, associated parking areas, and other commercial uses, separates the subject property from the residentially developed properties located to the southeast. The affected residential properties are generally accessed from NE 9<sup>th</sup> Street and are physically separated from the subject property by intervening commercial development.

Staff notes that the proposed request involves the expansion of an existing pediatric medical office within an existing commercial building. No exterior building expansion or site modifications are proposed as part of the request.

**4. Applicant's Hardship Claim:**

The applicant contends that the requested variance is necessary to permit expansion of the existing pediatric medical office within the existing building and that the surrounding pattern of existing development limits the property's ability to satisfy the 500-foot separation requirement. The applicant further contends that the requested relief represents the minimum variance necessary to allow the proposed expansion and that the request will not adversely affect nearby residential properties due to the presence of intervening commercial development. Staff notes that the location of the existing building, surrounding commercial development pattern, and established zoning configuration are existing conditions that cannot be readily altered to achieve compliance with the separation requirement.

**LAND USE PATTERNS**

Subject property (Zoning District | Existing Use): B-3 | medical office, bakery

Surrounding Properties (Zoning District | Existing Use):

- North: B-3 | LA Fitness
- South: B-3 | medical office (Z Urology)
- West: CF | Pompano Community Park (west side of Federal Highway)
- East: B-3 | Super 8 Motel

**VARIANCE REVIEW STANDARDS**

A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- b) The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
- c) Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship;
- d) The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.
- e) The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;
- f) The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;
- g) The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and
- h) The Variance is consistent with the comprehensive plan.

**STAFF FINDINGS**

Staff has reviewed the application in relation to the eight Variance review standards contained in Section 155.2411. The applicant asserts that the request is necessitated by the existing location of the building and the proximity of nearby residential zoning districts, and that the requested relief is the minimum necessary to allow expansion of the existing pediatric medical office.

Staff observes that the request arises solely because the facility will exceed the 5,000-square-foot threshold established by Section 155.4209(C)(2)(a), thereby triggering the requirement for a 500-foot separation from RS and RD zoning districts. The proposed expansion represents an increase of approximately 774 square feet within an existing commercial building and does not involve any exterior building expansion or site modifications.

Staff further notes that the subject property is located within an established commercial corridor and is separated from nearby residential properties by existing commercial development, including retail, lodging, and parking areas. The proposed use will continue the operation of an existing pediatric medical office that provides healthcare services to the community and has operated compatibly within the surrounding commercial area.

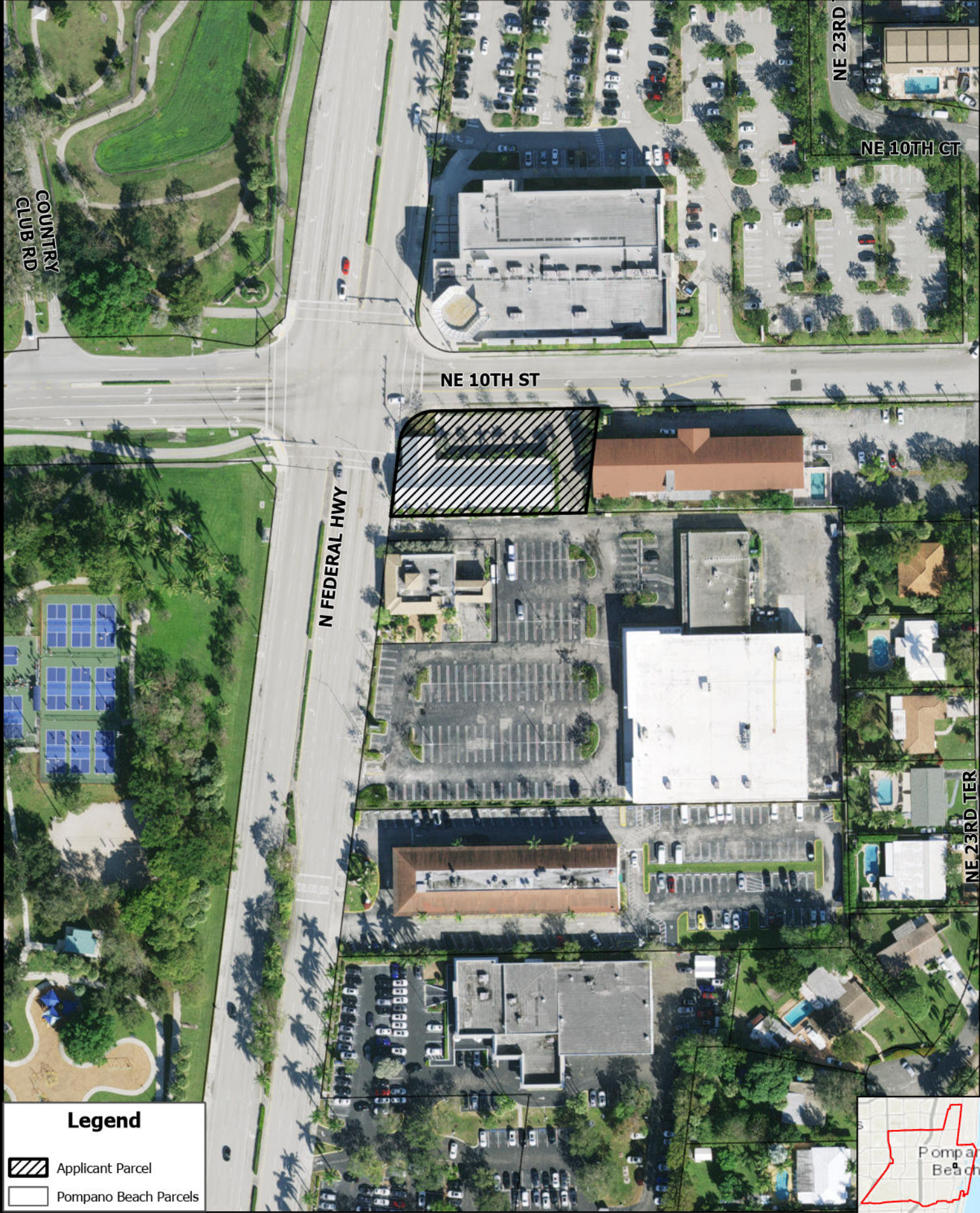
Based on the foregoing, staff finds that the applicant has presented evidence supporting the requested relief and demonstrating that the proposed variance is not expected to adversely affect surrounding properties or the public welfare. The Board must determine whether the evidence presented constitutes competent substantial evidence sufficient to satisfy each of the required standards and warrant approval of the requested variance.

**Staff Conditions:**



Should the Board determine that the applicant has provided competent and substantial evidence to satisfy the eight Variance review standards, staff recommends the Board include the following conditions as part of the Order:

1. The variance shall apply solely to the 500-foot separation requirement contained in Section 155.4209(C) (2)(a) for the pediatric medical office use substantially consistent with the application materials presented to the Board.
2. The variance shall remain valid only in conjunction with Special Exception Application PZ #26-17000004 and shall become null and void upon expiration, revocation, or termination of the associated Special Exception approval.
3. The applicant shall obtain all necessary governmental permits and approvals, including a Zoning Use Certificate and Business Tax Receipt for the use.
4. Approval of this variance shall not exempt the property from compliance with any other applicable provisions of the City's Code of Ordinances.

# CITY OF POMPANO BEACH AERIAL MAP



### Legend

-  Applicant Parcel
-  Pompano Beach Parcels



Scale:  
1:1,500  
06/01/2026

## 998 N FEDERAL HWY

Ireland Company LTD

Variance

Created by:  
Department of  
Development Services

