



City of Pompano Beach  
 Department of Development Services  
 Planning & Zoning Division

100 W. Atlantic Blvd Pompano Beach, FL 33060  
 Phone: 954.786.4679 Fax: 954.786.4666

**Zoning Board of Appeals Application**

**Zoning Board of Appeals Application (Check all that apply)**

<input checked="" type="checkbox"/> Special Exception	<input type="checkbox"/> Variance	<input type="checkbox"/> Major Temporary Use	<input type="checkbox"/> Interim Use Permit
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**DEADLINE:** Initial paper and digital submission must be received by 5:00 PM on the day of the deadline. Refer to the "Meeting Schedules and Deadlines" document provided on the City's website for submission deadlines. *To ensure quality submittal, this project will only be added to the ZBA Agenda when a complete submission has been made. If a complete submission is not submitted by the deadline, the application will be rejected.*

**Application Review Process:**

Application Type	Step 1	Step 2	Step 3	Step 4
Special Exceptions (Pg. 2)	Pre-Application Meeting (Required**)	Zoning Board of Appeals Review	Development Order from the ZBA	
Variance (Pg. 3)	Pre-Application Meeting (Required**)	Zoning Board of Appeals Review	Development Order from the ZBA	
Major Temporary Use Permit (Pg. 4)	Pre-Application Meeting (Required**)	Zoning Board of Appeals Review	Development Order from the ZBA	
Interim Use Permit (Pg. 5)	Pre-Application Meeting (Required**)	Planning & Zoning Board Recommendation	Zoning Board of Appeals Review	Development Order from the ZBA

\*\*Applicant must make an appointment with a Senior Planner to submit application at least 48 hours (2 business days) prior to deadline for filing by calling (954) 786-4667.

**PAPER SUBMISSION:** The following paper documents are to be submitted to the Planning & Zoning Department:

<b>PAPER</b>	<input type="checkbox"/> One (1) completed application with original signatures.(pg. 6)*
	<input type="checkbox"/> Owner's Certificate (must be completed by the Landowner). (pg. 7)*
	<input type="checkbox"/> Application Fee as established by resolution of the City Commission. See <u>Appendix C - Fee Schedule</u> in the Information section of the P&Z webpage.

**DIGITAL SUBMISSION:** The following digital documents are also to be submitted to the Planning & Zoning Department via email:

<b>DIGITAL</b>	<input type="checkbox"/> Written Narrative with list of each Review Standard. A point-by-point response to each Review Standard. Narratives must be on letterhead, dated, and with author signature.*
	<input type="checkbox"/> Current survey. ( <i>Surveys to be recent and must show all improvements on the property and legal description</i> )
	<input type="checkbox"/> Legal Description of property (in Word/text format)
	<input type="checkbox"/> Conceptual Site Plan demonstrating requested Variance/ Special Exception/ or Temporary Use.
	<input type="checkbox"/> (Optional) Documents, photographs, and other evidence

\*Updated copies of the application, proof of ownership, or narrative may be required if information has changed (i.e.: if the property ownership changes, the owner's certificate and application will need to be revised with the City's file.)

<b>*** ONLY for Variance(s) from Chapter 151, Beaches and Waterways ***</b>	
<b>PAPER</b>	<input type="checkbox"/> Ten (10) paper copies of all above items
	<input type="checkbox"/> One (1) copy of any submerged land lease, if existing, complete with all addendums ( <i>if applicable</i> )
	<input type="checkbox"/> One (1) copy of Letter of explanation from Code Enforcement ( <i>if applicable</i> )
	<input type="checkbox"/> One (1) copy of immediate neighbors letters/comments about this Variance ( <i>if applicable</i> )



**SPECIAL EXCEPTION - Zoning Board of Appeals Application**

*(Below is a summary of Section 155.2406. For the complete language, please refer to the Zoning Code)*

**REVIEW STANDARDS**

(Each standard **MUST** be addressed in writing)

A Special Exception application shall be approved only on a finding that there is competent substantial evidence in the record that the Special Exception, as proposed:

- a. Is consistent with the comprehensive plan;
- b. Complies with all applicable zoning district standards;
- c. Complies with all applicable use-specific standards in Article 4: Use Standards;
- d. 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;
- e. 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;
- f. 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;
- g. Adequately screens, buffers, or otherwise minimizes adverse visual impacts on neighboring lands;
- h. Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
- i. 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;
- j. Allows for the protection of property values and the ability of neighboring lands to develop uses permitted in the zoning district;
- k. 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;
- l. Complies with all other relevant city, state and federal laws and regulations.; and
- m. 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 ft to a one-half mile radius from the subject site.

**Special Exception Uses also have Use-Specific Standards set forth in Article 4: Use Standards.**

**PROCEDURE**

1. Pre-Application Meeting with Senior Planner.
2. Recommendation by the Development Service Director.
3. Final decision by the Zoning Board of Appeals, following a quasi-judicial public hearing.



**VARIANCE - Zoning Board of Appeals Application**

<b>VARIANCE</b>
<i>(Below is a summary of Section 155.2420. For the complete language, please refer to the Zoning Code)</i>
<b>REVIEW STANDARDS</b>
(Each standard <b>MUST</b> be addressed in writing)
<p>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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;</li> <li>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;</li> <li>d. The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.</li> <li>e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;</li> <li>f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;</li> <li>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</li> <li>h. The Variance is consistent with the comprehensive plan.</li> </ul> <p><b><u>No change in permitted uses or increases in maximum allowable density may be authorized by variance.</u></b></p>

**PROCEDURE**

1. Pre-Application Meeting with Senior Planner.
2. Recommendation by the Development Service Director.
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## Zoning Board of Appeals Application

### TEMPORARY USE PERMIT - Zoning Board of Appeals Application

#### 155.2412 TEMPORARY USE PERMIT (M.P.C.)

*(Below is a summary of Section 155.2412. For the complete language, please refer to the Zoning Code)*

#### REVIEW STANDARDS

(Each standard MUST be addressed in writing)

A Temporary Use Permit shall be approved only on a finding that the temporary use, as proposed:

- a. Is on its face temporary in nature;
- b. Is in harmony with the spirit and intent of this Code;
- c. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;
- d. Does not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;
- e. Is compatible with any principal uses on the site;
- f. Is located on a site containing sufficient land area to allow the temporary use and associated structures, and accommodate any associated parking and traffic movement, without disturbing environmentally sensitive lands; and
- g. Complies with all applicable use-specific standards in Section 155.4403;

Certain Temporary Uses also have Use-Specific Standards set forth in Part 4 (Temporary Uses and Structures) of Article 4: Use Standards.

#### PROCEDURE

1. Pre-Application Meeting with Senior Planner.
2. Recommendation by the Development Service Director.
3. Final decision by the Zoning Board of Appeals, following a quasi-judicial public hearing.



**INTERIM USE PERMIT - Zoning Board of Appeals Application**

*(Below is a summary of Section 155.2415. For the complete language, please refer to the Zoning Code)*

**REVIEW STANDARDS**

(Each standard MUST be addressed in writing)

An Interim Use Permit application shall be approved only on a finding that there is competent substantial evidence in the record that the Interim Use, as proposed:

- a. Complies with the standards in Section 155.4403.E Interim Commercial Use or Section 155.4403.F Interim Industrial Use, as applicable;
- b. Is consistent with the comprehensive plan;
- c. Is consistent with any adopted Master Plan;
- d. Will not create a traffic hazard or nuisance with consideration given to, 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 adjacent properties;
- e. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding property or the neighborhood, with consideration given to, but not limited to, noise, vibration, fumes, odors, dust, glare, other environmental hazards, or physical activity that will be generated and is otherwise present in the area; and
- f. Will not adversely affect the health, safety, security, morals, or general welfare of the neighborhood;
- g. Will not, with consideration given to the existing development in the area and development permitted under the current zoning provisions, overburden existing public services and facilities, including police and fire protection, water, sanitary sewer, public road, 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;
- h. Will be in harmony with the general character of the neighborhood, with consideration given to, but not limited to, population density, intensity, character of activity, traffic and parking conditions, and the number of similar uses in the neighborhood; and
- i. Is consistent with CPTED standards for natural surveillance, natural access control, territorial reinforcement, and maintenance.
- j. Additionally, an Interim Commercial Use shall comply with the following standards:
  - i. Will benefit the neighborhood and will be open to the public;
  - ii. Is an outdoor use that would otherwise be allowed in the zoning district in which it is located as either a Permitted Use, Special Exception Use, or Accessory Use; and
  - iii. Is a community serving use.

**See Section 155. 2415.D.2 for applicable Interim Commercial Use Waivers that may be granted by the Zoning Board of Appeals.**

**PROCEDURE**

1. Pre-Application Meeting with Senior Planner.
2. Recommendation by the Development Service Director.
3. Final decision by the Zoning Board of Appeals, following a quasi-judicial public hearing.



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### Zoning Board of Appeals Application

#### Zoning Board of Appeals Application (Check all that apply)

Zoning Board of Appeals Application (Select one of the following)			
<input checked="" type="checkbox"/> Special Exception	<input type="checkbox"/> Variance	<input type="checkbox"/> Major Temporary Use	<input type="checkbox"/> Interim Use Permit
Street Address: 3051 N. Federal Highway Pompano Beach, FL 33064		Folio Number: 484224140020	Zoning District: B-3
Subdivision: Cresthaven		Block: No 4	Lot: Parcel B
Date of Required Pre-Application Meeting: July 14, 2021			

Project Information	
Request: Special Exception to allow Automotive Repair and Maintenance Facility	
Representative or Agent's interest in property (Owner, Lessee, Etc): Owner	
Have any previous applications been filed? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If Yes, give date of hearing and/or appeal #:

Owner's Representative or Agent	Landowner (Owner of Record)
Business Name (if applicable): Doumar, Allsworth, et al.	Business Name (if applicable): N/A
Print Name and Title: John Voigt - Attorney	Print Name and Title: James H. Batmasian, Owner
Signature: 	Signature: 
Date: 7/7/21	Date: 7/7/21
Street Address: 1177 SE 3rd Avenue	Street Address: 215 N. Federal Highway
Mailing Address City/ State/ Zip: Fort Lauderdale, FL 33316	Mailing Address City/ State/ Zip: Boca Raton, FL 33432
Phone Number: 954-762-3400	Phone Number: 561-392-8920
Email: jdvoigt@aol.com	Email: Reisen@investmentslimited.com



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### Zoning Board of Appeals Application

#### OWNER'S CERTIFICATE

This is to certify that I am the owner of the subject lands described in this application and that I have authorized the filing of the aforesaid application. I further certify that this request is not related to any existing violation of the zoning code.

Note: If this request is related to an existing zoning violation, please submit documentation as to the Special Master's disposition of the matter.

By signing below, I acknowledge that development applications must have a determination by the governing municipality of approved, approved with conditions, or denied within 120 days from a complete submittal for projects that do not require final action through a quasi-judicial hearing or a public meeting and within 180 days from a complete submittal for projects that do require final action through a quasi-judicial hearing or a public meeting per FL Stat § 166.033 and the Pompano Beach Code Section 155.2303.F.3. It is the responsibility of the applicant to receive all final Development Orders and receive this determination within the allotted timeframe. If the applicant fails to resubmit an application within 30 calendar days after being first notified of deficiencies of the submittal, the application shall be considered withdrawn and a \$100 non-refundable administrative fee will apply (155.2303.F.2.b). Additionally, if all required approvals are not received within the allotted timeframe the application will automatically be denied unless both the City and the applicant agree to an extension of time (155.2303.I).

Owner's Name: James H. Batmasian  
(Print or Type)  
Address: 215 N. Federal Highway  
Boca Raton, FL 33432 (Zip Code)  
Phone: 561-392-8920  
Email address: Reisen@investmentslimited.com

(Signature of Owner or Authorized Official)

SWORN AND SUBSCRIBED before me this 8 day of July, \_\_\_\_\_ by means of  
 physical presence or  online notarization.

NOTARY PUBLIC, STATE OF FLORIDA

Maria  
(Name of Notary Public: Print, stamp, or Type as Commissioned.)

Personally know to me, or  
 Produced identification: [Signature]  
(Type of Identification Produced)



Maria Pavlis  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG358428  
Expires 7/24/2023