

## Scott Reale

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**From:** Michael Wier <mwier79@gmail.com>  
**Sent:** Saturday, September 3, 2022 2:38 PM  
**To:** Zoning Inquiries  
**Subject:** Variance Grounds for Rejection P&Z No. 22-11000016

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To the Zoning Board,

The requested variance 22-11000016 for Specialty Hospital at 2200 N Federal Highway should be rejected as the request for variance does not conform with the zoning boards guidelines. A copy of which you will find below, with my remarks.

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;

The lot is typical others in the area. There are no extraordinary or exceptional conditions. It does not qualify for variance.

b. The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;

The lot is typical others in the area. There are no extraordinary or exceptional conditions. It does not qualify for variance.

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;

The lot is typical others in the area. There are no extraordinary or exceptional conditions. It does not qualify for variance.

d. The Variance would not confer any special privilege on the landowner that is denied to other lands or

structures that are similarly situated.

No other land owner in the vicinity has been allowed to operate a Specialty Hospital within 500 from a residential zoning district or were allowed to do so on only 1.6 acres of land, approximately half of what code requires. To grant this variance to R I P Holdings clearly will confer a special privilege denied by code to others.

e. The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;

No code variance is needed to allow reasonable use of the land or structure. The property and structure has been in use for many years.

f. The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;

The intent and spirit of the code is establish separation of this business type from residential districts and density limits for the area. This variance doesn't preserve them, it defeats them.

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

We suspect certain patient populations that would be permissible for this business to trade on, e.g. the mentally ill or drug dependent have been associated with greater incidence of crime then the general population. Medical waste is potential infectious. Additional traffic and parking congestion is injurious to property values and the enjoyment of the residential neighborhood and is not in the public welfare.

h. The Variance is consistent with the comprehensive plan.

The Comprehensive Plan seeks to "ensure that the planning for the District is not done on a piecemeal basis by individual developers seeking their own Comprehensive Plan amendment and rezoning to Planned Development." zoning code seeks to "implement a district that allows mixed use development with commercial uses on the first floor, primarily along US 1" This variance request is not consistent with these goals and should be rejected.

Michael Wier  
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