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# PANZAMAURER

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**FORT LAUDERDALE**

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Please reply to Fort Lauderdale Office

October 6, 2022

Zoning Board of Appeals  
City of Pompano Beach  
100 W. Atlantic Boulevard  
Pompano Beach, Florida 33060

**Re: Dave Bee Enterprises, Inc. d/b/a Stingers Bar & Grill  
1201 S. Ocean Boulevard, Pompano Beach, Florida 33062**

Dear Members of the Zoning Board of Appeals:

I represent Dave Bee Enterprises, Inc. d/b/a Stingers Bar & Grill ("Stingers") which is a duly licensed restaurant located at 1201 S. Ocean Boulevard, Pompano Beach, Florida 33062.

Stingers leases its restaurant space from the owner of the property, Firth Properties Lakeside LLC. The property is part of a commercial space known as Lakeside Shoppes and is situated on the west side of A1A. It is identified by Folio #4943 06 12 0710 and zoned B-3 (Commercial General).

Stingers has filed its Appeal Application seeking a Temporary Use Permit (Major) to allow it to utilize two (2) of the 52 parking spaces at Lakeside Shoppes for the purpose of having additional tables and chairs for outdoor seating for customers of its restaurant during the coming year. With the surges and spikes we are experiencing from COVID-19 and its variants, many of Stingers customers remain uncomfortable dining indoors. Outdoor seating provides Stingers a much needed source to recapture otherwise lost revenues and provides safer dining space for its patrons.

As demonstrated below and in the plans and photos included with the Application submitted, we believe that the requested temporary use of the two (2) parking spaces complies with the review standards as specified in Section 155.2412 (Temporary Use Permit) and understand that this Permit shall be approved on a finding that the temporary use as proposed:

**1. Is on its face temporary in nature;**

This use of two (2) parking spaces for outdoor seating is temporary in nature during this period of amelioration of the current pandemic of COVID-19 and its variants.

**2. Is in harmony with the spirit and intent of this Code;**

This temporary use of two (2) parking spaces immediately adjoining the restaurant is in harmony with the spirit and intent of the Code as this type of use is approved for the B-3 zoning and the adjoining premises of Applicant is already licensed for this use as a restaurant.

**3. Is not detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare;**

This temporary use of two (2) parking spaces immediately adjoining the restaurant is not detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare, but actually improves the public health, safety and general welfare. The Centers for Disease Control and Prevention (“CDC”) recommends such outdoor dining over indoor dining at this time. The June 14, 2021 CDC publication “Considerations for Restaurant and Bar Operators” rates outdoor dining at a restaurant as less of a risk of COVID-19 spread than for indoor restaurant dining. In addition, the Florida Health publication “How do I Prevent and Prepare for COVID-19” lists “Improve Ventilation” as one of its six guiding principles in preventing COVID-19. Copies of the above-cited publications are enclosed as well as the more recent publication from March, 2022 by the Mayo Clinic highlighting “restaurant patio dining as a good outdoor option” and “safer than indoor dining”. Further, the outdoor dining tables are set off from the parking spaces by solid stations topped with flowing plants. In addition, Lakeside Shoppes provides an additional 50 parking spaces for its customers and these additional spaces are sufficient so as to not be detrimental to the property or improvements in the surrounding area.

**4. Does not have substantial adverse effects or noise impacts on any adjoining permanent uses or nearby residential neighborhoods;**

The temporary use of the two (2) parking spaces adjacent to the restaurant for outdoor dining is not anticipated to have any substantial adverse effect or noise impact on any

nearby uses and residential neighborhoods given the low-intensity and scale of the use and its operations.

**5. Is compatible with any principal uses on the site;**

The temporary use of the two (2) parking spaces adjacent to the restaurant for outdoor dining is compatible with and identical to the principal use (dining) already approved for the adjoining restaurant.

**6. 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**

The parking lot on the premises contains 52 spaces only two (2) of which will be removed to allow the temporary use. The remaining spaces are more than sufficient to accommodate any associated parking and traffic movement, without disturbing environmentally sensitive lands.

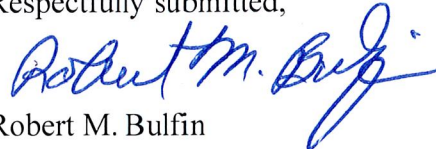
**7. Complies with all applicable use-specific standards in Section 155.4403.**

The requested temporary use for outdoor dining is not listed in Section 155.403. Therefore, there are no applicable Section 155.403 standards relating to this matter.

We respectfully request that the Zoning Board of Appeals grant the Applicant the requested Major Temporary Use Permit as justified above. Please let me know if you have any questions.

Thank you for your consideration in this matter.

Respectfully submitted,



Robert M. Bulfin

Enclosures