



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Staff Report

File #: LN-779

ZONING BOARD OF APPEALS  
Meeting Date: SEPTEMBER 18, 2025

### SPECIAL EXCEPTION [TRANSITIONAL COMMUNITY RESIDENCE] - ZOUKI, THOMAS & PELLETIER, JOELLE

**Request:** Special Exception  
**P&Z#** 25-17000009  
**Owner:** Thomas Zouki & Joelle Pelletier  
**Project Location:** 2620 NE 19 St  
**Folio Number:** 484330140190  
**Land Use Designation:** L (Low 1-5 DU/AC)  
**Zoning District:** RS-2 (Single-Family Residence 2)  
**Commission District:** 1 (Audrey Fesik)  
**Agent:** Vedanti Vyas  
**Project Planner:** Scott Reale

#### Summary:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4202(J) (3)(c) [Transitional Community Residence Standards] of the City's Zoning Code in order to utilize the subject property (Zoning District: RS-2) for a Transitional Community Residence.

The property is located on the south side of NE 19<sup>th</sup> Street between NE 25<sup>th</sup> Avenue and NE 27<sup>th</sup> Avenue in the Connor Estates subdivision.

#### ZONING REGULATIONS

##### 155.4202. RESIDENTIAL: HOUSEHOLD LIVING USES

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#### J. Transitional Community Residence

##### 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	S	S	P	P	P	P	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	

## 2. Definition

A transitional community residence is a community residence that provides a temporary living arrangement for four to ten unrelated people with disabilities with a limit on length of tenancy less than a year that is measured in weeks or months as determined either in practice or by the rules, charter, or other governing document of the community residence. A community residence for people engaged in detoxification is an example of a very short-term transitional community residence.

## 3. Standards

### a. Districts Where Listed as a Permitted use

A transitional community residence shall be allowed as of right in the designated zoning districts, except as required by Chapter 419 of state law, when:

- i. It is at least 660 linear feet from the closest existing community residence housing four or more individuals or recovery community as measured from the nearest property line of the proposed community residence to the nearest property line of the closest existing community residence or recovery community, and
- ii. The operator or applicant is licensed or certified by the State of Florida to operate the proposed community residence, has certification from an appropriate national accrediting agency, or has been recognized or sanctioned by Congress to operate the proposed community residence much such as an Oxford House but with a programmatic or actual limit on length of tenancy.

b. A transitional community residence that does not comply with both standards a. and b. may be allowed only by Special Exception in accord with the standards established in Section 155.2406.D. of this Code.

### c. Districts Where Listed as a Special Exception

In the zoning districts where a transitional community residence is allowed only by Special Exception in accord with the applicable standards in Section 155.2406.D. and E. of this Code.

## 4. Reasonable Accommodation Required for More than Ten Occupants

To establish a transitional community residence for more than ten occupants, the applicant shall submit a request for Reasonable Accommodation in accord with the procedures and applicable standards in Section 155.2432 of this Code except as required by state law.

## 5. License Certification, or Recertification Denied or Suspended

A transitional community residence that has been denied a license the State of Florida requires or certification offered by the State of Florida, had its license or certification suspended, or be denied recertification is not allowed in the City of Pompano Beach and must cease operations and vacate the premises within 60 days of the date on which its license or certification was denied or suspended or recertification denied.

## PROPERTY INFORMATION AND ANALYSIS

1. This use is being requested “after-the-fact.” The residence is already operating under the name **The Luminous Care** *without* the required Special Exception approval or Community Residence Certificate, which is in violation of zoning regulations.
2. A transitional community residence is a community residence that provides a temporary living arrangement for four to ten unrelated people with disabilities with a limit on length of tenancy less than a year that is measured in weeks or months as determined either in practice or by the rules, charter, or other governing document of the community residence. A community residence for people engaged in detoxification is an example of a very short-term transitional community residence. These residences are distinct from a Family Community Residence, which is more long-term in nature.
3. The subject property currently has one open Code Compliance case (Case No. 25-09001305) and one active lien (Lien No. 22-09000378). Additionally, staff received an extensive 911/BSO call log associated with the property since Luminous Care signed the lease on April 25, 2025. This call log has been included in the backup materials for reference.

4. The same operator is managing another unapproved Transitional Community Residence located five houses away on the same block at 2500 NE 19<sup>th</sup> Street, approximately 300 feet away from the proposed location. **That application was unanimously denied by the Zoning Board of Appeals on August 21, 2025**, and the applicant has since agreed to cease operations and relocate all residents by early October 2025.
5. The existing single-family dwelling is approximately 1,700 square feet, with a floor plan from Building Permit #23-10369 showing three bedrooms.
6. Ordinance No. 2018-60 (adopted 6/12/2018) codified regulations governing community residences. The zoning code revisions were guided by the June 2018 study, *Pompano Beach, Florida: Principles to Guide Zoning for Community Residences for People with Disabilities* by Daniel Lauber, AICP, accepted via Resolution #2018-99 and revised in Resolution #2018-178. This study is included in the backup for this agenda item.
7. The subject property is zoned Single-Family Residence 2 (RS-2), which allows Transitional Community Residences by Special Exception. Surrounding properties on the block also fall within the RS-2 zoning designation.
8. A Special Exception for a Transitional Community Residence in a single-family or two-family residential zoning district shall be approved by simple majority vote of the Board members present, only on a finding that there is competent substantial evidence in the record that the application meets *six* review standards including normalization and community integration, residential character and avoidance of clustering, compatibility with residential zoning, impact on residential stability, state certification or license, and standards when no license/certification exists (equivalent operation standards). These six review standards are outlined in detail in this report, and the applicant has provided written responses to each.
9. Additionally, the applicant has submitted evidence that The Luminous Care is a FARR Certified Recovery Residence and is certified by the Department of Children and Families (DCF) and The Joint Commission as an intensive outpatient treatment facility. It must be noted that these accreditations are specific to The Luminous Care Clinical Offices at 2301 W Sample Road, Deerfield Beach -- not the property in question where their patients reside. FARR, did, however, provide a letter that states The Luminous Care property at 2620 NE 19<sup>th</sup> Street was found to be in compliance with NARR Quality Standards and criteria established by FS.397.487 and holds a valid certificate of compliance.
10. No operating manual, training program, house rules, or written material have been provided to prove that the rules and practices governing how the community residence is operated will actually protect residents from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.

## **LAND USE PATTERNS**

Subject property (Zoning | Existing Use):

- RS-2 | Transitional Community Residence (unpermitted)

Surrounding Properties (Zoning District / Existing Use):

- North: RS-2 | single-family dwelling
- South: RS-2 | single-family dwelling
- East: RS-2 | single-family dwelling
- West: RS-2 | single-family dwelling

### **SPECIAL EXCEPTION REVIEW STANDARDS FOR COMMUNITY RESIDENCES**

A Special Exception for a community residence (family or transitional) shall be approved by simple majority vote of the Board members present, only on a finding that there is competent substantial evidence in the record that the Special Exception meets the following applicable standards:

3. In districts where a community residence is allowed as a Special Exception, the community residence shall be approved only on a finding that there is competent substantial evidence in the record that the Special Exception meets the applicable standards:

a. The applicant demonstrates that the proposed community residence will not interfere with the normalization and community integration of the residents of any existing community residence and/or recovery community and that the presence of other community residences and/or any recovery communities will not interfere with the normalization and community integration of the residents of the proposed community residence;

b. The applicant demonstrates that the proposed community residence, in combination with any existing community residences and/or recovery communities, will not alter the residential character of the surrounding neighborhood by creating an Institutional atmosphere or by creating or intensifying a de facto social service district by concentrating or clustering community residences and/or any recovery community on a block or in a neighborhood, and

c. The applicant demonstrates that the proposed community residence will be compatible with the residential uses allowed as of right in the zoning district;

d. When the proposed community residence would be located in a single-family zoning district, the applicant demonstrates that the proposed transitional community residence, alone or in combination with any existing community residences, will not alter the residential stability of the single-family zoning district;

e. The applicant demonstrates that the applicant or the proposed community residence has been granted certification by the State of Florida or license required by the State of Florida; and

f. When the State of Florida does not offer certification or require a license for this type of transitional community residence and the population it would serve, the application demonstrates that:

i. The proposed community residence will be operated in a manner effectively similar to that of a licensed or certified community residence;

ii. Staff will be adequately trained in accord with standards typically required by licensing or state certification for a community residence;

iii. The community residence will emulate a biological family and be operated to achieve normalization and community integration; and

iv. The rules and practices governing how the community residence is operated will actually protect residents from abuse, exploitation, fraud, theft, insufficient support, use of illegal drugs or alcohol, and misuse of prescription medications.

## **STAFF REVIEW AND RECOMMENDATION**

### **Summary of Findings:**

Based on a thorough review, staff finds that the application fails to meet multiple critical standards required for Special Exception approval. Key deficiencies include:

- **Insufficient Documentation:** The applicant provides only general narrative responses without providing supporting data or third-party validation to demonstrate compliance with integration, compatibility, or normalization requirements.
- **Clustering of Facilities:** The presence of two unapproved facilities within 300 feet of each other -- both operated by the same entity -- contradicts zoning goals aimed at avoiding the creation of institutional clusters in residential areas. Staff acknowledges that one of the homes is slated for closure, but is currently operating at the time this staff report was written.
- **Behavioral and Operational Concerns:** The documented history of 911 emergency calls to the property raises questions regarding resident behavior, staff supervision, and overall operational stability.
- **Erosion of Residential Character:** The clustering and current operational violations undermine the intent of the RS-2 zoning district and may contribute to the perception of a social service district, which is inconsistent with the community character and expectations.
- **Licensing & Oversight Gaps:** While the applicant has submitted certifications from FARR, DCF, and The Joint Commission, no evidence has been provided to confirm that staff at the residence are trained to recognized standards, or that appropriate resident safeguards are in place.
- **Operating Without Approval:** The residence is actively operating without the required Special Exception approval or Community Residence Certificate, in clear violation of zoning regulations.

The subject property's ongoing operation without City approval, combined with documented issues related to clustering, code violations, and lack of operational transparency, render the application non-compliant with the Zoning Code's intent and requirements. Accordingly, staff recommends **denial** of the Special Exception request.

If the Board finds competent, substantial evidence in the record to support the Special Exception, staff recommends that the following conditions be imposed:

1. Obtain all required City approvals, including a valid Community Residence Certificate, and maintain a BTR for rental operations.
2. All outstanding code violations must be resolved to the satisfaction of the Code Compliance Department, including payment of any fines and completion of any corrective actions.
3. The residence shall be limited to a maximum of six (6) residents at any time.
4. The applicant must submit a copy of the standard rental/lease agreement to be used with occupants, clearly indicating (1) resident length of stay, and (2) house rules and behavioral expectations.



# CITY OF POMPANO BEACH

## AERIAL MAP



**Legend**

-  Pompano Beach Parcels
-  Applicant Parcel

Scale:  
1:1,500

Thomas Zouki & Joelle Pelletier

2620 NE 19 ST

Special Exception

Created by:  
Department of  
Development Services

