

**From:** [Cindy Duarte](#)  
**To:** [Zoning Inquiries](#)  
**Subject:** P&Z #: 23-11000016 Citizen reaction  
**Date:** Tuesday, March 19, 2024 11:46:54 AM  
**Attachments:** [Letter to Z B Accardi variance questions.pdf](#)

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Please find the attached notice to include in the response to the requested variance by Dock Experts on behalf of Mr Joseph Accadi as president of Pompano Real Estate Investments.

Thank you for bring this matter to the resident's attention and especially to Mr McGirr for rejecting the initial proposed plan.

I intend to be at the March 21st meeting and will request my two minutes, but I want my letter on file with the department.

Sincerely,  
Cindy Misus-Duarte

**CINDY A. MISUS-DUARTE**  
**932 SE 10<sup>TH</sup> CT**  
**POMPANO BEACH, FL 33060**

March 19, 2024

City of Pompano Beach  
[zoning@copbfl.com](mailto:zoning@copbfl.com)

Re: P&Z #: 23-11000016

Dear Sirs/Madame:

I am a resident along the Nancy Canal, having received the notice of the requested variance from Pompano Real Estate Investments for finger docks at the 855 S Federal Hwy location. I plan to be at the meeting on March 21<sup>st</sup>, along with several neighbors, who will all be requesting to be heard that evening.

While I have an opinion on the matter, I would most like to couch questions to Mr Joseph Accardi (he is the president of the property owner requesting the variance) as well as Dock Experts who has supplied the plans and assume would be contracted to build the structure(s) should the variance be approved.

In reviewing the application that I received from the city, and the reason plans were rejected by Mr McGirr, Engineering Dept., I take issue with several addressed points:

- 1) Dock Experts makes no reference to the MLR as defined by engineering, but rather MLW & MHW, which I'm assuming stands for Mean Low and Mean High water respectively. And the definitions of each?  
**Mean high water** means the average height of the high tides over a 19-year period. For shorter periods of observation, "mean high water" means the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.  
**Mean low water mark** means the line of medium low tide between the spring and neap tides
- 2) Statements by Dock Experts that the proposed project sits within the property lines, and then a contradictory statement two sentences further on page 3 "...although this area MOSTLY sits within the property line." If I were to install a dock or boatlift that was "mostly" on my property, I'm sure my neighbors would take exception.

- 3) Ownership of the eastern back has been hotly contested for many many years. Edmund Accardi's own attorney presented a case to the city in Case Number 03078; Code Enforcement Board City of Pompano Beach vs Mr & Mrs Edmund Accardi.
- 4) 4 Matters providing justification for the waiver request:
  - a. Structures & piles located within the property line(s)- regardless of the MRL line in the equation as it should be- #2 & #3 above bring this statement into question.
  - b. The proposed project will not impede navigation within the canal. Is there a navigation study? I would dispute this claim as the referenced Nancy Canal, at the point where the project is planned, intersects with another canal allowing boats from farther western canals to access the Nancy Canal to enter Lake Santa Barbara and proceed to the intracoastal waterway, including the waterways of farther northern & eastern canals with boating homeowners and the boat dealers and marinas to the eastern side of the Federal Highway bridge.
  - c. Because of shoreline erosion, the applicant cannot use the property as intended. How is this so? The property is Zoned B-3 and is a car dealership & maintenance shop. Why does a car dealership require use of docks (several) and a 2 ton boat lift. Is there a pending re-zoning request too?
  - d. The awkwardness of the neighboring property necessitates a T-dock. Was this property not "awkward" when it was purchased by the investment company? Does that mean the foliage will remain?
- 5) Response to Review Standards. I believe I hit upon the salient points above in #4, however, not to miss any important points, I address the second bullet point on pg. 7; the exception conditions are not the result of any action by the landowner. Since the landowner is debatable, I will counter that the exceptional conditions are the result of INACTION of the landowner. The fourth bullet point addresses conferring special privilege, which I would debate since I don't find any other B-3 zoned car dealerships using property for a marina-type business. In bullet point six, I would also debate utilization of the property for which it was intended since it is a car dealership & not a marina. Finally, the variance NOT adversely affecting the health/safety of anyone in the surrounding area. I would debate that it affects the right to a peaceful existence to the western canal homeowners both during construction should the variance be approved and the general noise and dust/debris which comes from operating a marina/boatyard and the effect to the nesting sea birds and other wildlife frequenting our waterways.

City of Pompano Beach

March 19, 2024

Page 3

In conclusion, the license granted by Broward County references use and fees for a boat yard/marina which isn't in the disclosure for the variance. It further states that the requester must comply with local requirements, so thank you for insisting on a variance petition and notifying homeowners. At the very least, further studies, in particular on the wildlife, flora & fauna in the impacted area and navigability needs to occur. I would hope that the city would carefully consider its decision to allow the variance for a car dealership who seems ready to get into the marina business.

Regards,

A handwritten signature in black ink, appearing to read 'Cindy A Misus-Duarte', with a long horizontal flourish extending to the right.

Cindy A Misus-Duarte

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