

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE24003724 DIVISION: AW JUDGE: Judge AW, Appeals (AW)

Kaja Properties, Inc.

Plaintiff(s) / Petitioner(s)

v.

City of Pompano Beach, Florida

Defendant(s) / Respondent(s)

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AGREED ORDER GRANTING PETITION FOR WRIT OF CERTIORARI

THIS CAUSE, having come before the Court on Petitioner's, KAJA PROPERTIES, INC. ("Petitioner"), Petition for Writ of Certiorari (the "Petition"), and the Court having reviewed the Petition; the Response filed by Respondent, CITY OF POMPANO BEACH, FLORIDA ("Respondent"); and the Appendix containing the record from the public hearing that was held on February 15, 2024 by Respondent's Zoning Board of Appeals ("ZBA"), the Court hereby, by way of agreement of the parties, enters this agreed upon Order Granting the Petition for Writ of Certiorari.

It is herein determined that Petitioner satisfied its initial burden of showing its application for a special exception met all of the relevant criteria in Section 155.2406 of Respondent's Zoning Code; that once this occurred, the application had to be granted unless objectors demonstrated, by competent, substantial evidence presented at the February 15, 2024 hearing and made part of the record, that the special exception requested by Petitioner did not meet the relevant criteria; that no such evidence was adduced at the February 15, 2024 hearing; and thus the ZBA's February 20, 2024 final decision (the "Order") denying the application is not supported by competent, substantial evidence. *See, e.g., Irvine v. Duval County Planning Commission*, 495 So.2d 167 (Fla. 1986); *Jesus Fellowship, Inc. v. Miami-Dade County*, 752 So.2d 708, 709 (Fla. 3rd DCA 2000).

Accordingly, the Petition is hereby **GRANTED**, the Order is hereby quashed, and the matter is

remanded to the ZBA for further proceedings consistent with this opinion. Respondent shall bear all costs associated with the notice requirements for such additional ZBA proceedings.

DONE AND ORDERED in Chambers at Broward County, Florida on 15th day of May, 2024.


CACE24003724 05-15-2024 10:42 AM

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Hon. John Bowman

CIRCUIT COURT JUDGE

Electronically Signed by John Bowman

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