

888 SE 3rd Ave., Suite 400 Fort Lauderdale, FL 33316 Office: 954.332.2358 Email: <u>rabrams@abrams-law.com</u> Website: www.abrams-law.com

July 7, 2021

Zoning Board of Appeals ("Board") 100 West Atlantic Blvd. Pompano Beach, FL. 33060

RE: Special Exception Narrative Second Chance Recover Housing, Inc. (the "Applicant") 2781 NE 2nd Ave, Pompano Beach, FL. 33064 (the "Property")

Dear Board Members,

Please accept this document as a justification letter and narrative in support of the Applicant's application for Special Exception pursuant to Section 155.2406 of the City's Zoning Code.¹ The Applicant respectfully seeks to use the Property as a "Family Community Residence," (the "Intended Use") as that term is defined under 155.4202(H)(2). The Intended Use is consistent with single family use in the area and will fulfill a need for long term (1+ year) living arrangement for people with disabilities. The supportive interrelationship between residents will be an essential component and is intended to emulate a single functional family.

INTENDED USE AND COMPATIBILITY

A Family Community Residence is defined in the Code as a "community residence that provides a relatively permanent living arrangement for people with disabilities where, in practice and under its rules...does not limit how long a residence may live there. The intent is for residents to live in a family community residence on a long-term basis." The Applicant seeks to use the Property for permanent housing for a small group of individuals (nine or less) who are recovering from substance abuse. The individuals will live as a single functional family and will support each other in recovery. The use will strictly be residential, and no services will be provided. It will emulate and be the same in all relevant respects as neighboring single-family residences.²

¹ This narrative replaces the previous version submitted on April 28, 2021.

² The FHA's reasonable accommodation requirement requires cities to ensure that zoning restrictions of residential uses do not discriminate against persons based solely on a handicap, such as drug or alcohol addiction and provides a reasonable accommodation if needed to ensure equal treatment. *Schwarz v. City of Treasure Island*, 544 F. 3d 1201 (11th Cir. 2008) (holding that accommodation of zoning is required if it did not take out an essential component of the zoning scheme, and the city could not disallow halfway house when the zoning allowed multi-family apartments).

The future land use map designation for this location is Residential Low. The Future Land Use Element of the City's Comprehensive Plan recognizes a need for "Special Residential Facilities" for individuals requiring treatment, care, rehabilitation or education. Such facilities provide a "family living environment including supervision and care necessary to meeting the physical, emotional and social needs of the individuals." (Future Land Use Element, p 131). The Comprehensive Plan expressly permits these uses "within the residential land use category." (p. 131). Second Chance Recovery Housing meets this recognized need by providing long term, permanent housing for individuals who are rehabilitating from drug and/or alcohol addiction.

The Property complies with all applicable zoning standards. Pursuant to Section 155.4202(H)(3), with the Property's RS-3 Zoning, a family community residence is allowed *by right* 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; 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 residence such as Oxford Home.

SPECIAL EXCEPTION CRITERIA

The City has informed the Applicant that the Property is located approximately 467 feet from an existing Community Residence located at 2701 NE 1st Terrace ("2701"). **See Exhibits A and B**. If true, the Property will require a special exception approval pursuant to 155.4202(H)(3)(i), above.

It is important to note that 2701 is categorized on the owner's business tax receipt and zoning use certificate application as an "assisted living facility" by the City. **See Exhibit C.** The Applicant respectfully disputes Staff's determination that the other use at the 2701 is a community residence. Under the Definitions section of the Code, "Assisted Living Facilities…are not community residences."

In any event, the Applicant's use of the Property satisfies the criteria applicable when only distance is at issue. There are two (2) applicable criteria set forth in Sec. 155.2406 E. I, each addressed separately below.

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 or recovery community and that the presence of other community residences or recovery communities will not interfere with the normalization and community integration of the residents of the proposed community residence, and

The proposed use is generally no different in appearance than other single-family homes in the community. **See Exhibit D**. Individuals reside there long term as their primary home. The only relevant distinction is the status of persons living there – recovering from substance abuse disorders. Recovering substance abusers are persons with disabilities and are protected under the Fair Housing Act and the ADA. They are required to be treated the same as any other single-family use in the RS-3 zoning district.

The use of this Property as a Family Community Residence will not interfere with the other residence at 2701. The other residence is on a different block and street. Even if they were right next to each other, the respective uses are not incompatible or conflicting. Mona's Group Home is a group home for mentally and physically disabled persons (**See Exhibit C**) whereas the Intended Use of the Property is for individuals recovering from substance abuse. There is no apparent conflict here. These uses could not have any conceivable negative impact on each other.

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 an institutional atmosphere or de facto social service district by concentrating or clustering community residences and/or recovery communities on a block face or in a neighborhood.

The Property will continue to function in a manner which is consistent and compatible with the general character of the surrounding lands and permitted uses. As a family community residence, the Property houses persons needing treatment and/or rehabilitation services in a manner consistent with familial residential living.

The Property is located in an RS-3 Zone, which explicitly allows for family community residences. The Property as currently used is virtually indistinguishable from the surrounding residences. The character of the home will remain consistent and will in no way negatively impact the general character of the neighborhood. The Intended Use will not alter the residential character of the surrounding neighborhood because a community residence is a residential use, as expressly stated in the Code. The Property will continue to maintain safe ingress and egress, as well as traffic flow. The safety of the community's streets will be maintained at its current level.

Because the Property caters to the long-term residential living, it has the look and feel of a singlefamily home and does not stand out of its surroundings. The residents are respectful of their home and the neighborhood, and do not congregate in sight of the neighbors and do not create an institutional feel. There have been no incidents with the neighbors, there is no litter or refuse in or around the Property and the Property, generally, conforms with the surrounding community.

The other alleged community residence within 660 feet, Mona's Group Home, similarly looks just like a normal single-family home. **See Exhibit E.** There is no risk of creating an institutional atmosphere when the use appears just like any other single-family home. Given the familial living environment with these uses, there will not be any appearance of clustering of community residences.

CONCLUSION

As noted, the Property currently houses residents in need of the rehabilitation in a supportive setting. There have been no issues with the Property or the residents – the Property as currently used blends into the community at large. For the duration of the time the Property has been used as a family community residence it has functioned similarly to a residential home in both character and appearance. The intensity and density of the Property will not change and will have the same impact as all other residences within the community.

The Property is well-maintained and well kept, and the granting of a special exception will have no negative impact on the neighboring lands. The neighboring lands will see no reduction in either property value or use if the special exception is granted.

At the time of this writing, the Applicant has submitted an application to the Florida Association of Recovery Residences ("FARR") for certification. The application for FARR certification is expected to be granted very soon. As such, the Applicant expects to become compliant with 155.4202(H)(3)(ii) by the time this matter is heard by the Board or very soon thereafter. The applicant would consent to make FARR certification a condition of approval by the Board.

For the above reasons, is respectfully requested that the Board grant the Applicant's application for Special Exception.

Sincerely,

/s/ **Ryan Abrams** Ryan Abrams, Esq. FOR THE FIRM

EXHIBIT A

From:	Daniel Keester
То:	Ryan Abrams; Scott Reale
Cc:	<u>Martha Lawson; Tania LaFrance</u>
Subject:	RE: Special Exception Application for Second Chance Recover Housing, Inc.
Date:	Thursday, May 20, 2021 4:08:49 PM
Attachments:	image006.png

Ryan, the Single-family home that is less than 660 feet away is "Mona's Group Home." Although, the BTR classification is an "Assisted Living Facility," that is not an "assisted living facility" as defined in the City's Zoning code. There are some single-family homes that have been issued BTR's as "Assisted Living Facilities," but the BTR Categories do not always align with the zoning use definition. The "community residential homes" that are fewer than 14 residences identified in the state statute, licensed by the various state agencies of Florida, fall under the category of the "Community Residence."

I hope this helps. If you'd like to discuss, or have any additional questions, please let us know.



Daniel T. Keester-O'Mills, AICP Principal Planner Daniel.Keester@copbfl.com 954.786.5541 pompanobeachfl.gov

Please be advised the hours of operation for City Hall is: Monday – Thursday, 7 AM – 6 PM.

From: Ryan Abrams <rabrams@abrams-law.com>

Sent: Thursday, May 20, 2021 3:39 PM

To: Scott Reale <Scott.Reale@copbfl.com>; Daniel Keester <Daniel.Keester@copbfl.com>
Cc: Martha Lawson <Martha.Lawson@copbfl.com>; Tania LaFrance <tania@abrams-law.com>
Subject: RE: Special Exception Application for Second Chance Recover Housing, Inc.

Hi Scott and Daniel,

I wanted to follow up regarding this special exception application. I recall hearing that the other property that is within 650 FT of the 2781 property is an ALF. Is that accurate?

Sincerely,

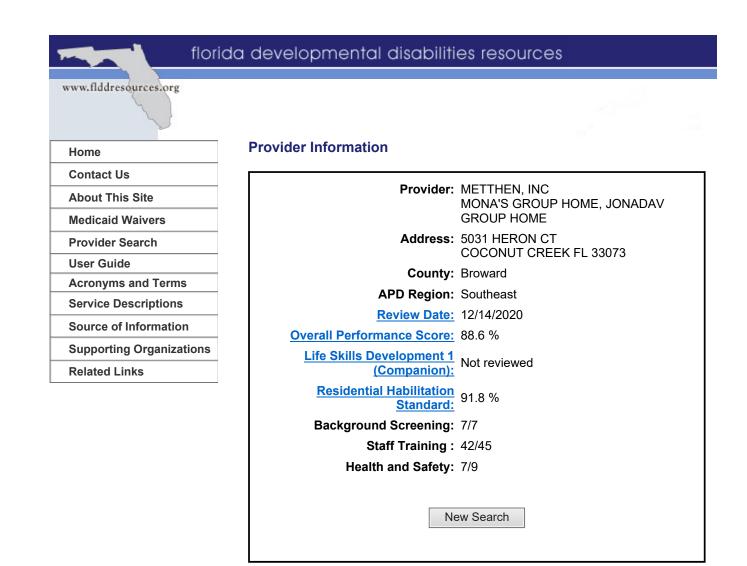
Ryan A. Abrams, Esq.

Founder and Managing Attorney Abrams Law Firm, P.A. 888 SE 3rd Ave., Suite 400 Fort Lauderdale, FL 33316 Office: 954-332-2358 Direct: 954-406-0280 Cell: 305-775-5958 Email: <u>rabrams@abrams-law.com</u>

EXHIBIT B



EXHIBIT C



© 2005 - 2021 Sponsored by Delmarva Foundation and the State of Florida Agency for Health Care Administrationalth Care Administration in cooperation with Agency for Persons with Disabilities

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City of Pompano Beach Department of Development Services Business Tax Receipt Division

100 W. Atlantic Blvd Pompano Beach, FL 33060

Phone: 954.786.4633/954.786.4668 Fax: 954.786.4666



Zoning Certificate

Approval of this certificate does not give you permission to open for business. You must complete a Business Tax Receipt application and pay the appropriate fees before opening for business. Approval of this certificate is only good for 60 days after which you must re-apply and pay a new fee.

tome # Name of Business _____Business Telephone <u>954-609-8479</u> Address of Business 270Name of Applicant Home Telephone <u>954-60</u>9-84 Home Address 5731 -133073 Coconut Cill Please describe the operation of your business IN SUFFICIENT DETAIL to enable the City to determine whether the proposed activity is permitted by zoning regulations. Depending on the type of business additional documentation and/or a more detailed description of the business could be required prior

to or at time of filing for the Business Tax Receipt.

H. Mila _ Number of employees __ Square feet occupied _1500 I certify that the foregoing information is true and correct. place Il Hene Applicant's signature: Date ASP NOTE*** Prior to installing any sign you must obtain a sign permit. For specific details regarding the City's Sign Code regulations please contact the Zoning Department at 954-545-7792. PZ N:0 ****** 4114/11 Receipt # B6659 for \$25.00 [] Cash [] Check (non-refundable) Zoning District 1253 The above described business has been determined X to comply with the use requirements of the zoning district in which it is proposed to be operated.

[] not in conformance with the zoning use requirement and is therefore not approved.

Additional comments: tate (icense) Elsiz HW 919

Zoning Official Date G:\Zoning 2009\Forms&Sample docs\Website Docs\BTR\PDF

Date Applicant Notified Date Modified: 11/17/2010



City of Pompano Beach Business Tax Receipt Office



Outdoor Activity and/or Outdoor Storage Restriction

State of Florida} County of Broward}

Owners Name: METTHEN INC - ELSIE HENRY Business Name: MONA'S Group Home #4 Business Address: 2701 NE 1St tev. Pomp. Buh FL 33064

There will be \underline{NO} outside business activities or outdoor storage at the above referenced property.

Signature: Jolyie Henrer

Sworn to and subscribed before me this <u>19</u> day of <u>April</u> 20 <u>1</u> at Pompano Beach, Broward County, Florida.

NOTARY PUBLIC SEAL OF OFFICE

Notary Public State of Florida Maribel Wadlington Ay Commission DD992265

(Printed name of Notary)

Personally Known Produced identification Type of identification:

FI DL H360-213-61-706-D

G:\Zoning\BTR\new documents\no outdoor activities or storage affidavit 08.doc



City of Pompano Beach Department of Development Services Business Tax Receipt Division

100 W. Atlantic Blvd Pompano Beach, FL 33060

Phone: 954.786.4633/954.786.4668 Fax: 954.786.4666



Zoning Certificate

Approval of this certificate does not give you permission to open for business. You must complete a Business Tax Receipt application and pay the appropriate fees before opening for business.

Approval of this certificate is only good for 60 days after which you must re-apply and pay a new fee.

Name of Business ton Business Telephone 954-609-80 Address of Business Name of Applicant ELSIE Worthek Home Telephone 954-609 Home Address 503 FL:33073

Please describe the operation of your business IN SUFFICIENT DETAIL to enable the City to determine whether the proposed activity is permitted by zoning regulations. Depending on the type of business additional documentation and/or a more detailed description of the business could be required prior to or at time of filing for the Business Tax Receipt.

uals with mental and or On Square feet occupied Number of employees _ I certify that the foregoing information is true and correct. Applicant's signature: ***PLEASE NOTE*** Prior to installing any sign you must obtain a sign permit. For specific details regarding the City's ign Code regulations please contact the Zoning Department at 954-545-7792. 26085 Receipt # for \$25.00 [X] Cash [] Check (non-refundable) ame 2.8.11 Zoning District <u>RS3</u> The above described business has been determined to comply with the use requirements of the zoning district in which it is proposed to be operated. [] not in conformance with the zoning use requirement and is therefore not approved.

Additional comments:

Zoning Official Date G:\Zoning 2009\Forms&Sample docs\Website Docs\BTR\PDF

Date Applicant Notified Date Modified: 11/17/2010



City of Pompano Beach Business Tax Receipt Office



Outdoor Activity and/or Outdoor Storage Restriction

State of Florida} County of Broward}

Owners Name: METTHEN INC

Business Name: MONA'S GROWP HOME

Business Address: 2701 NE ISTER

There will be **NO** outside business activities or outdoor storage at the above referenced property.

Signature: Solsie Il Hen

Sworn to and subscribed before me this 8 day of February 20 11, at Pompano Beach, Broward County, Florida.

NOTARY PUBLIC SEAL OF OFFICE

Sinda M. Cebrian Notary Public State of Florida

Linda M. Cebrian

(Printed name of Notary)

Personally Known \checkmark Produced identification Type of identification:

FL. DRS. 4560.213.61.706.0

G:\Zoning\BTR\new documents\no outdoor activities or storage affidavit 08.doc

otarv Public State of Figrid V Cebrian nmission DD71 + 083

9)971-1943



ZONING CERTIFICATE Business Tax Receipt Office City of Pompano Beach 100 West Atlantic Blvd. Pompano Beach, FL 33060 (954) 786-4668 or (954) 786-4633



Approval of this certificate does not give you permission to open for business. You must complete a

Business Tax Receipt application and pay the appropriate fees before opening for business.

Approval of this certificate is only good for 60 days after which you must re-apply and pay a new fee.

ome Name of Business MONA'S Address of Business 2701 NE 15t Ter Business Telephone 954-609-84 Name of Applicant ELSIE HEN A Coconut week Home Telephone Home Address 5231 Herein 233023

Please describe the operation of your business <u>IN SUFFICIENT DETAIL</u> to enable the City to determine whether the proposed activity is permitted by zoning regulations. **Depending on the type of business** additional documentation and/or a more detailed description of the business could be required prior to or at time of filing for the Business Tax Receipt.

Square feet occupied 1600 SF Number of employees _____ I certify that the foregoing information is true and correct. plaie It Hen Applicant's signature: Date ***PLEASE NOTE***

Prior to installing any sign you must obtain a sign permit. For specific details regarding the City's Sign Code regulations please contact the Zoning Department at 954-545-7792.

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City of Pompano Beach Business Tax Receipt Office



Outdoor Activity and/or Outdoor Storage Restriction

Owners Name: <u>ELSIE HENRY</u> Business Name: <u>MONA'S Group Home</u> ter pomp bih 81 3306 4 Business Address: 2701 NE 15

There will be \underline{NO} outside business activities or outdoor storage at the above referenced property.

Signature: Jolie fl-Hene Sworn to and subscribed before me this \neg day of \angle 2010 at Pompano Beach, Broward County, Florida.

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NOTARY PUBLIC SEAL OF OFFICE

Sinda M. C

Notary Public State of Florida

Notary Public State of Florida Linda M Cebrian Ay Commission DD716834 Expires 09/19/2011

Linda M. Cebriar (Printed name of Notary)

Personally Known Produced identification Type of identification:

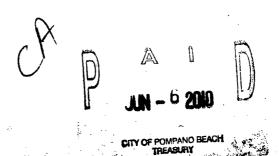
FL. DRS. H 560.213.61.706.0

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City of Pompano Beach *** CUSTOMER RECEIPT *** Oper: RAMANG Type: OC Drawer: 1 6/07/10 01 Date: Receipt no: 100616 Description Quantity Amount ZOWING CERTIFICATE ZC \$25.00 1.00 Tender detail CA CASH \$25.00 Total tendered \$25.00 \$25.00 Total payment Trans date: 6/07/10 Time: 12:53:15 ******THANK YOU-&-HAVE A NICE DAY*****

CITY OF POMPANO BEACH, FLOP TRANSMITTAL FORM/RECEIP BUSINESS TAX RECEIPT	
Received of Mona's Houp Alme	Date 6.7.10
Tax Year Paid by check #	_ Cash _ 25
Business Tax Receipt No.	Initial_XMC_
Customer Waiting Y N	
CODES:	
OL Business Tax, New, Transfer	\$
OR Business Tax Renewal/Penalty	\$
ZC Zoning Certificate Fee	<u>\$ 25 00</u>
UM Unapplied Money* Type:	
TOTAL	<u>\$ 25.00</u>

*The UM code is only to be used when a customer pays another revenue item on the same check as a Business Tax Receipt.



PB 1791 RVSD 05/16/07

J

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"The people to trust"

June 11, 2010

From: Elsie Mona Henry 6108 NW 20th court Margate, Fl 33063

To: City of Pompano Pompano Beach Florida

To Whom It May Concern:

This letter is to respectfully request the authorization to open a family based group home at 2701 NE 1st terrace 33064 in Pompano Beach. This group home will serve the developmentally disabled population and it will be licensed for six people by the agency for person with disability. The group home will serve individuals in the Medicaid waiver program. This site will be operated by METTHEN INC. who's doing business as Mona's Group Home.

Their disabilities may be physical where they would need a wheel chair to get around with or without someone else's help, or mental where their mental capacities would be less than your average individual. In either case, they would require supervision twenty four hours a day and assistance with their basic needs.

If you have any question please feel free to call me at 954-609-8479.

Owner-Administrator

2011 FOR PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# P04000129251

Entity Name: METTHEN INC.



Current Principal Place of Business:	New Principal Place of Business:		
225 NW 79 AVENUE MARGATE, FL 33063			
Current Mailing Address:	New Mailing Address:		
225 NW 79 AVENUE MARGATE, FL 33063			
FEI Number: 20-1612258 FEI Number Applied For () FEI N	lumber Not Applicable () Certificate of Status Desired (X)		
Name and Address of Current Registered Agent:	Name and Address of New Registered Agent:		
HENRY, ELSIE 5031 HERON COURT COCONUT CREEK, FL 33073 US			

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE:

Electronic Signature of Registered Agent

Date

OFFICERS AND DIRECTORS:

Title:DName:HENRY, ELSIE MAddress:5031 HERON COURTCity-St-Zip:COCONUT CREEK, FL 33073

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE:	ELSIE MONA HENRY	ADM.	02/17/2011
	Electronic Signature of Signing Officer or Director		Date



Certificate No. <u>10-2630GH</u> Date of Issue: June 24, 2011

CERTIFICATE OF LICENSE

Type of License: TEMPORARY

Client Capacity: <u>SIX (6)</u>

The Agency for Persons With Disabilities certifies that the facility,

MONA'S GROUP HOME #4 operated by

METTHEN, INC. located at

2701 NE 1 TERRACE in the City of

POMPANO BEACH County of BROWARD, STATE OF FLORIDA,

has complied with the Rules set by the Agency for the aforestated license.

The license shall continue in force UNTIL 9/30/11 unless withdrawn or revoked for cause.

MartHa L. Martinez Area Administrator Agency for Persons with Disabilities, Area10

EXHIBIT D















Sent from my iPhone

VIEW ACCROSS THE STREET FROM 2781 NE 2 ST



EXHIBIT E

2701 NE 1ST TERR

