



Staff Report

**File #:** LN-575

Zoning Board of Appeals  
Meeting Date: March 21, 2024

**VARIANCE - BAYVIEW OF POMPANO**

<b>Request:</b>	Variance
<b>P&amp;Z#</b>	23-11000017
<b>Owner:</b>	Bayview of Pompano
<b>Project Location:</b>	2500 Bay Drive
<b>Folio Number:</b>	8329AMCOMM
<b>Land Use Designation:</b>	MH- Medium High 16-25 DU/AC
<b>Zoning District:</b>	Multiple-Family Residence 20 (RM-20)
<b>Agent:</b>	John Piotrowski
<b>Project Planner:</b>	Scott Reale

**Summary:**

The Applicant Landowner is requesting VARIANCES from the following provisions in the Pompano Beach Code of Ordinances:

1. Section 151.03(G)(2), in order to construct a 40’ finger pier off of an existing permitted 8’ wide marginal dock (from the Measurement Reference Line) that extends an additional 48’’ into a waterway rather than limit the finger pier to a maximum distance of 20’ into a waterway as per code.
2. Section 151.03(G)(2), in order to construct a 6’ wide finger pier rather than limit the finger pier to a maximum width of 4’ as per code.
3. Section 151.03(G)(1), in order to construct a 30’ x 6’ Marginal T dock at the end of a 48’ finger pier that extends a total of 54’ from the MRL. This is an additional 46’ into a waterway rather than limit the dock to a maximum 8’ extension into a waterway as per code.

The subject property is located on the east side of Bay Drive at Norfolk Street, along the Hillsboro Inlet.

**APPLICABLE CODE REGULATIONS**  
**§ 151.03 STRUCTURES IN WATERWAYS.**

...  
(G) In a canal, river, basin, or waterway which is more than 50 feet in width, mooring structures or any other marine structures must be constructed or installed pursuant to the following conditions.

(1) Fixed vessel docks, floating docks or wharves may be constructed or installed to extend into any canal, river, basin, or waterway a distance of 10% of the width of the canal, river, basin, or waterway or a distance of eight feet whichever is less, as measured from the measurement reference line.

(2) Fixed finger piers and floating finger piers may be constructed or erected to extend into any canal, river, basin, or waterway a distance of 20% of the width of the canal, river, basin, or waterway or a distance of 20 feet, whichever is less, as measured from the measurement reference line. A finger pier (floating or stationary) shall not be constructed to a width greater than four feet. The distance between finger piers shall not be less than 25 feet.

**PROJECT DETAILS AND MARINE ADVISORY BOARD MEMO**

1. The proposed project consists of reconstructing a previous structure destroyed by Hurricane Irma in 2017. The applicant's narrative states the proposed scope of work will be in the same footprint as the previous dock that was installed. Specific improvements include replacing existing wood piles and the framing and construction of a 40' x 6' finger pier extension and a 30' x 6' marginal t-dock.
2. Letters of no objection to the project were provided from adjacent property owners.
3. Pursuant to §151.09(B)(1) property owners seeking relief from the standards in Chapter 151: Beaches and Waterways, must first go before the Marine Advisory Board (MAB) for its review and recommendations. This meeting took place on August 15, 2023. The MAB recommendation memo is provided herein and provides a detailed review and analysis of the petitioner's request.
4. The MAB memo finds that the proposed project is commensurate with the surrounding properties and recommends approval of the requested variance application.

**LAND USE PATTERNS**

Subject property (Zoning / Existing Use):

- RM-20 | multi-family dwelling (Bayview of Pompano Condo)

Surrounding Properties (Zoning District / Existing Use):

- North: RM-20 | multi-family dwelling (Hillsboro Shores Executive Club)
- South: RS-2 | single-family dwelling
- East: W | Hillsboro Inlet
- West: RM-20 and RS-2 | multi-family dwelling (north side of Norfolk St); single-family dwelling (south side of Norfolk St)

**VARIANCE REVIEW STANDARDS**

A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- b) The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner;
- c) Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship;
- d) The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.
- e) The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure;
- f) The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit;
- g) The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare; and
- h) The Variance is consistent with the comprehensive plan.

**Staff Conditions:**

Should the Board determine that the applicant has provided competent substantial evidence to satisfy the eight Variance review standards, staff recommends the Board include the following conditions as a part of the Order:

- 1. Obtain all necessary governmental permits and approvals.
- 2. Substantial compliance with the plans submitted with this application.

# CITY OF POMPANO BEACH AERIAL MAP



1 in = 150 ft

**2500 Bay Dr**

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES



## **MARINE ADVISORY BOARD**

1201 N.E. 5<sup>th</sup> Avenue  
Pompano Beach, Florida 33060

Date: 21 February 2024

TO: Zoning Board of Appeals

FROM: Marine Advisory Board (MAB), City of Pompano Beach

RE: MAB review and evaluation of Petition to the Zoning Board of Appeals  
dated 25 July 2023 Applicant: Bayview of Pompano, Inc 23-11000017

The Petition to the Zoning Board of Appeals requests a Variance to Chapter 151  
Beaches and Waterways as follows:

Proposed Structure	Chapter 151	Code Of Ordinances	Variance
40' Finger Pier (48' From MRL)	151.03(G)(2)	(2) Fixed finger piers and floating finger piers may be constructed or erected to extend into any canal, river, basin, or waterway a distance of <b>20% of the width of the canal, river, basin, or waterway or a distance of 20 feet, whichever is less</b> , as measured from the measurement reference line. A finger pier (floating or stationary) shall not be constructed to a width greater than four feet. The distance between finger piers shall not be less than 25 feet.	Additional 28'
Finger Pier Width 6'	151.03(G)(2)	(2) Fixed finger piers and floating finger piers may be constructed or erected to extend into any canal, river, basin, or waterway a distance of 20% of the width of the canal, river, basin, or waterway or a distance of 20 feet, whichever is less, as measured from the measurement reference line. <b>A finger pier (floating or stationary) shall not be constructed to a width greater than four feet.</b> The distance between finger piers shall not be less than 25 feet.	Additional 2'
30' X 6' T dock at the end of the 40' pier (54' from MRL)	151.03(G)(1)	(1) Fixed vessel docks, floating docks or wharves may be constructed or installed to extend into any canal, river, basin, or waterway a distance of <b>10% of the width of the canal, river, basin, or waterway or a distance of eight feet whichever is less</b> , as measured from the measurement reference line.	Additional 46'

155.01(B) MEASUREMENT REFERENCE LINE (MRL). The measurement standard utilized for the purpose of measuring the distance for mooring structures, tidal flood barriers, rip-rap and all other similar structures in waterways. When the recorded property line is seaward of the wet face of the original tidal flood barrier or rip-rap, the wet face of the original tidal flood barrier or rip-rap is to be utilized as the measurement reference line. When the property line is landward of the original tidal flood barrier or rip-rap greater than one foot, the measurement reference line is the wet face of the original tidal flood barrier. In all other instances, including when the property line will become landward of a new or proposed tidal flood barrier or rip-rap, the measurement reference line is the recorded property line.

*Pursuant to §151.09(B)(1) Any such application for variance must first be submitted to the MAB for its review and recommendations. The following constitutes a review of the Petition by the MAB in accordance with §155.2420.D Variance Review Standards.*

*A Variance application shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met.*

*(a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity.*

**The property is a multifamily property located on an approximate 700' wide waterway. The proposed project is a reconstruction of the previous structure destroyed by a storm and the project is commensurate with the surrounding multifamily properties.**

*(b) The extraordinary and exceptional conditions referred to in paragraph a., above, are not the result of the actions of the landowner.*

**The conditions are not the result of any actions of the landowners.**

*(c) Because of the extraordinary and exceptional conditions referred to in paragraph a., above, the application of this Code to the land or structure for which the Variance is sought would effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship.*

**The applicant – property owners would not have the property's utilization as originally built.**

*(d) The Variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.*

**None, in fact the structure is in conformance with the surrounding multifamily properties – see the map page 4.**

*(e) The extent of the Variance is the minimum necessary to allow a reasonable use of the land or structure.*

**Yes**

*(f) The Variance is in harmony with the general purpose and intent of this Code and preserves its spirit.*

**Yes**

*(g) The Variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.*

**Both neighbors bordering the property to the west and east have submitted their positive letters of recommendation.**

*(h) The Variance is consistent with the comprehensive plan.*

**Yes.**

**Based upon the MAB's review and discussion of the above conditions, the MAB recommends the requested variance.**



## Surrounding Multifamily Properties