



## Staff Report

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**File #:** LN-905

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### ZONING BOARD OF APPEALS

Meeting Date: August 20, 2026

### VARIANCE - HILLSBORO SHORES EXECUTIVE CLUB

|                              |                                      |
|------------------------------|--------------------------------------|
| <b>Request:</b>              | Variance                             |
| <b>P&amp;Z#</b>              | 26-11000017                          |
| <b>Owner:</b>                | Hillsboro Shores Executive Club      |
| <b>Project Location:</b>     | 2508 Bay Dr                          |
| <b>Folio Number:</b>         | 484329AH0401                         |
| <b>Land Use Designation:</b> | MH (Medium-High 16-25 DU/AC)         |
| <b>Zoning District:</b>      | RM-20 (Multiple-Family Residence 20) |
| <b>Commission District:</b>  | 1 (Audrey Fesik)                     |
| <b>Agent:</b>                | Monique Harper                       |
| <b>Project Planner:</b>      | Scott Reale                          |

### Summary:

The Applicant Landowner is seeking a VARIANCE from Section 151.03(G)(2) of the Pompano Beach Code of Ordinances to allow the replacement of an existing finger pier that extends approximately 46 feet 6 inches from the measurement reference line into the waterway, exceeding the maximum permitted extension of 20 feet, and to allow a finger pier width of 8 feet, exceeding the maximum permitted width of 4 feet as stipulated by the code.

The subject property is located at the Hillsboro Shores Executive Club Condominium, along the east side of Bay Drive, between North Ocean Boulevard and Norfolk Street on the barrier island.

### ZONING 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.

...

(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.

**PROPERTY INFORMATION AND STAFF ANALYSIS**

1. The applicant proposes to replace an existing finger pier within its existing footprint along the shoreline of Wahoo Bay. According to Code Compliance Case No. 25-09000885, the existing structure is in disrepair and requires replacement.
2. Chapter 151 limits finger piers in waterways to a maximum extension of 20 percent of the width of the waterway, or 20 feet, whichever is less.
3. The existing finger pier extends approximately 46 feet 6 inches from the measurement reference line. The requested variance would allow the replacement pier to maintain this existing length, which exceeds the maximum permitted extension by approximately 26 feet 6 inches.
4. Although the finger pier currently exists, the replacement of the structure requires compliance with the current provisions of Chapter 151. Because the existing pier exceeds the maximum permitted length and width established by Section 151.03(G)(2), approval of the requested variance is required prior to replacement.
5. Pursuant to Section 151.09(B)(1), requests for variances from the standards of Chapter 151 must first be reviewed by the Marine Advisory Board (MAB). At its July 18, 2026 meeting, the MAB recommended approval of the requested variance. The MAB recommendation memorandum, including its analysis of the applicable variance review standards, is included in the supporting documents for this application.
6. The MAB recommendation memorandum notes that Chapter 151 does not specifically address the limited number of wider waterways where a longer finger pier may occupy only a relatively small percentage of the waterway width.
7. In 2021, the Zoning Board of Appeals approved a similar variance (PZ #21-11000014) for the City's Wahoo Bay finger pier located at Roy L. Rogers Family Park immediately north of the subject property.

**LAND USE PATTERNS**

Subject property (Zoning / Existing Use):

- RM-20 | Hillsboro Shores Executive Club Condominium (60-unit multifamily residential)

Surrounding Properties (Zoning District / Existing Use):

- North: B-2 | Roy L. Rogers Family Park & Wahoo Bay Conservation Site
- South: RM-20 | Bayview of Pompano Condominium (9-unit multifamily residential)
- East: W | Wahoo Bay / Hillsboro Inlet
- West: B-2 and RM-20 | retail commercial plaza and multifamily residential

**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 including building and zoning compliance permits.
- 2. Development shall be in substantial compliance with the plans submitted with this application.



# CITY OF POMPANO BEACH

## AERIAL MAP



### Legend

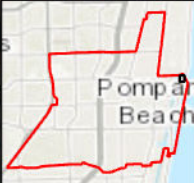
-  Applicant Parcel
-  Pompano Beach Parcels
-  Municipal Boundary

Scale:  
1:1,500  
06/30/2026

2508 Bay Drive  
Hillsboro Shores Executive Club

Variance

Created by:  
Department of  
Development Services





## Marine Advisory Board Recommendation

### 2508 Bay Drive

#### Recommended Motion

The Marine Advisory Board recommends approval of the variance request to allow reconstruction of the existing permitted approximately 46-foot-6-inch X 8-foot finger pier within the existing permitted structural footprint (see attached, page 2).

The recommendation is based on the following findings:

1. **Extraordinary site conditions exist.**

The property is located along the curved southeastern shoreline of Wahoo Bay, where the applicant reports approximately two feet of water at the seawall and three feet at the end of the existing marginal dock during two-thirds low tide. The site is also affected by opposing ocean swells, inlet currents, and recurring silting conditions that make vessel mooring along the marginal dock unsafe or impractical.

2. **The conditions are not self-created.**

The shallow water, curved shoreline, prevailing currents, and ocean swells are attributed to the property's geographic location near Hillsboro Inlet rather than any action taken by the property owner.

3. **Strict application of the dimensional limitation would unreasonably restrict reasonable use of the property or waterway.**

Section 151.03(G)(2) limits a finger pier to the lesser of 20 percent of the waterway width or 20 feet and limits its width to four feet. The proposed replacement extends approximately 46-feet 6 inches, representing only approximately 6.1 percent of the 760-foot-wide waterway and is proposed to be replaced at the existing 8 feet. The structure would remain approximately 115 feet from the navigational channel and would comply with the required five-foot side setbacks.

4. **The variance would not confer an unreasonable special privilege.**

The proposed structures would remain within the footprint of the existing finger pier, and the applicant identifies seven similar structures among the nine nearby Wahoo Bay properties.

5. **The requested relief is represented as the minimum necessary.**

The proposed structure would replace the existing permitted finger pier and would be consistent with the finger piers located on surrounding properties.

6. **The request is consistent with public safety and welfare considerations.**

The structure has not adversely affected neighboring persons or property. The eastern adjoining property owner has consented to the proposal, and the variance is consistent with the comprehensive plan.

7. **The Pompano Beach Code does not specifically address the limited number of larger waterways where a longer pier may still occupy only a small percentage of the waterway width.**

#### Marine Advisory Board Recommendation:

Based upon the applicant's representations concerning the property's shallow water, curved shoreline, ocean swells, inlet currents, navigational clearances, surrounding dock pattern, and existing permitted footprint, the Marine Advisory Board finds that the request satisfies the applicable variance criteria and unanimously recommends approval.

