



B&M MARINE CONSTRUCTION, INC.

cg c052820

January 11, 2023

City of Pompano Beach
Department of Development Services – Planning and Zoning Division
100 W Atlantic Blvd
Pompano Beach, FL 33060

RE: Vincenzo Costanza
777 S Federal Highway, #203-C
Variance for dock replacement in existing footprint

To whom it may concern,
We, B & M Marine Construction, Inc., on behalf of our client, Vincenzo Costanza, would like to apply for a variance to replace his dock in its existing footprint, due to the lack of water depth at the site. The dock in question, with associated slip #1 and #2, is the eastern most dock at the rear of the property at 777 S Federal Hwy, on the north edge of the C-14 Canal.

The replacement of the dock in its existing footprint has been approved by both Broward County Environmental Permitting Division and South Florida Water Management District. Additionally, Island Club Three, Inc. has also approved the replacement of this dock.

Per Chapter 151, Beaches and 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.

The C-14 Canal at this location is approximately 170 feet wide. Ten percent of that width is 17 feet; this would limit a docking structure to extend a maximum of 8 feet from the property line per the above code.

We applied for a permit from the City, but it was denied; we had to reduce the width of the dock to meet the code for maximum waterward extension in order to get the building permit approved and issued (issued under #22-00005522).

However, when we went to start the replacement of the existing dock, we realize that there would be little to no water at the new edge of the new dock and the owner would be unable to moor a vessel there.



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In order to moor a vessel at the dock, it must be replaced in its existing footprint, as originally designed and requested. Additionally, all other existing docks at the rear of the property are at the same approximate widths as we are requesting in the variance request.

The original dock was 15' wide and extended 13'-8" (as measured along the western end) from the property line. The dock approved under the City permit was 10' wide and extended 8' from the property. Therefore, to replace the dock in its existing footprint, we will need a variance of 5'-8".

	LENGTH	WIDTH	WIDTH FROM PROPERTY LINE
EXISTING DOCK	40'	15'	13.67'
DOCK APPROVED UNDER CITY PERMIT	40'	10'	8'
VARIANCE REQUESTED			5.67'

We believe that the variance should be granted allowing the dock to be replaced in its existing footprint, to allow the owner to continue to moor a vessel at the structure and to continue to use the structure as intended and as he has been in the past.

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Standards:

- 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;*

There are shallow waters at the edge of the dock if installed according to the city code for maximum allowed waterward extension. At the edge of the dock in its existing footprint, the water depth is sufficient. Dredging to create increased depth is not a feasible solution, since there is no bulkhead. Between the natural embankment and the wave actions from navigational traffic, any new depth from dredging would be lost, and Broward County no longer allows repeated maintenance dredgings.

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

The lack of water depth is not due nor the result of actions of the landowner. The depth of water is a naturally occurring condition, outside of the owner's action or control.

- 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 strict application of the Code to this dock prohibits the mooring of vessels at it and would prevent the owner from using this dock as he has been for years or as other owners of other dock at the property can use theirs.

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

A variance for the increase dock width would not confer any special privilege on this owner that is not enjoyed or utilized by other dock owners at this site or other properties, in that it will allow him to moor his vessel at the dock.

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

The distance requested here is the minimum necessary to restore the replacement dock to the footprint of the existing dock and maintain the usage of the dock as it has been, and also to match the other existing dock at this property.



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

The request in this application is in harmony with the general purpose, intent and spirit of the Code, which is to allow a property owner to install or replace a mooring structure to such a degree or extent as to make or keep it usable for its intended purpose, which in this case is the mooring of a vessel.

- 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;*

Neither the granting of the variance nor the wider replaced dock, would not adversely affect the health or safety of persons residing or working on the neighborhood, nor be injurious to properties or improvements in the neighborhood, or otherwise be detrimental to the public welfare. Granting of the variance would allow the owner to replace his dock at its existing width and to continue to use it as he has been.

- h. h. The Variance is consistent with the comprehensive plan*

The granting of the variance will be consistent with the comprehensive plan of this property, the neighborhood and other properties in the vicinity and would not allow a structure that is atypical or abnormal to the other existing dock at the property.