



Staff Report

File #: LN-710

ZONING BOARD OF APPEALS

Meeting Date: APRIL 17, 2025

VARIANCE - MARK RUFFU

Request:	Variance
P&Z#	25-11000002
Owner:	Mark Ruffu
Project Location:	777 S Federal Hwy
Folio Number:	494306BB0330
Land Use Designation:	MH (Medium-High 16-25 DU/AC)
Zoning District:	RM-30 (Multiple-Family Residence 30)
Agent:	Mark Ruffu
Project Planner:	Scott Reale

Summary:

The Applicant Landowner is seeking a VARIANCE from Section 151.03 (G)(1) of the Pompano Beach Code of Ordinances to allow the construction of a dock that extends up to 11 feet into the waterway, exceeding the maximum permitted extension of 8 feet from the measurement reference line as stipulated by the code.

The subject property is located within the Island Club Condominium complex, along the west side of S Federal Highway, between SE 7th Street and SE 9th Street, on the north end of the C-14 canal.

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.

(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.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The applicant seeks approval to replace an existing dock within its current footprint.
2. Under Chapter 151, Beaches and Waterways, dock extensions into a canal are limited to a maximum of 10% of the canal's width, or 8 feet, whichever is less.

3. A building permit (BP #23-8813) was submitted, but the Engineering reviewer indicated that a variance would be required because the dock's proposed extension exceeds the allowed 8-foot limit from the property line.
4. The applicant is requesting a variance to extend the dock an additional 3 feet beyond the current limit to create a fully functional dock. Limiting the extension to 8 feet would result in shallow water depths that could prevent proper boat mooring.
5. The proposed dock replacement has received approval from both Broward County's Environmental Permitting Division and the South Florida Water Management District. Furthermore, the width of the proposed dock is consistent with several other docks located along the rear of the property.
6. As outlined in §151.09(B)(1), property owners seeking exemptions from the standards in Chapter 151 must first present their request to the Marine Advisory Board (MAB) for review and recommendations. A meeting was held on March 18, 2025, where the MAB unanimously recommended approval of the variance. The MAB's recommendation memo is included in the supporting documents for this application.

LAND USE PATTERNS

Subject property (Zoning / Existing Use):

- RM-30 | Island Club Three Condo

Surrounding Properties (Zoning District / Existing Use):

- North: RM-30 | Island Club Four Condo
- South: RM-30 | Waterford Point Condo
- East: M-1 | Marine Max (boat repair and service)
- West: RM-30 | Island Club One Condo

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.

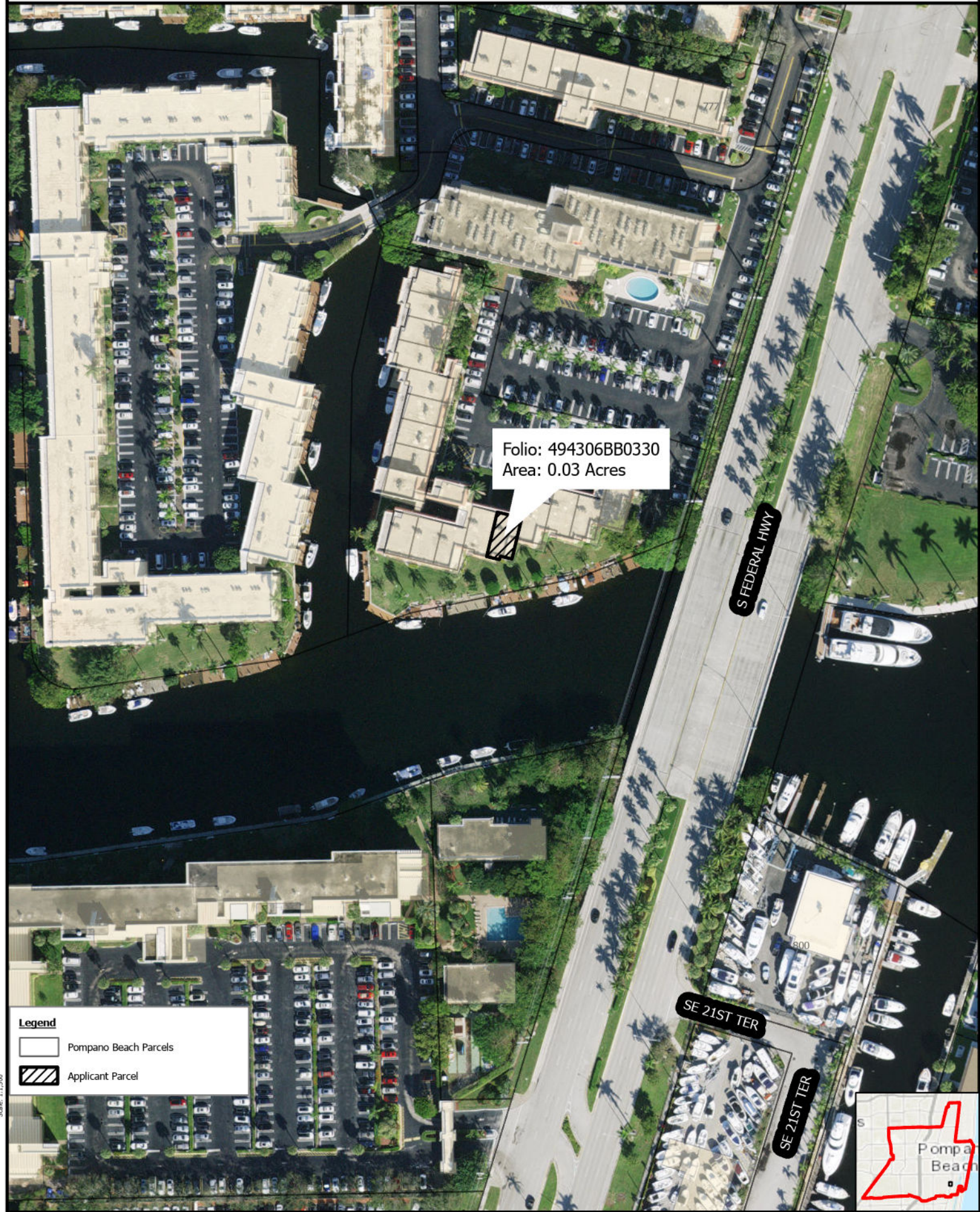
Staff Conditions:

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. Substantial compliance to the plans submitted with this application.

CITY OF POMPANO BEACH

AERIAL MAP



Folio: 494306BB0330
Area: 0.03 Acres

Legend

-  Pompano Beach Parcels
-  Applicant Parcel

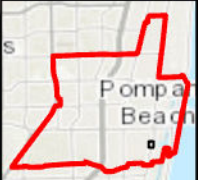
Scale: 1:1,500

Mark Ruffu

777 S Federal Hwy, Apt #C105

Variance

Created by:
Department of
Development Services



Variance Recommendation

Regarding: 777 South Federal Highway PZ #25-11000002

Pompano Beach Marine Advisory Board

18 March 2025

Request: Grant Relief from 151.03 (G)(1) that states:

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.

This request for a variance is to extend the width of the dock to **11' versus the code of 8' or 3' greater than the code 1541.03(G)(1) allows.**

Rational:

- The shoreline is secured with riprap versus a seawall. Riprap is layers of large stones that protects soil from erosion in areas of high or concentrated flows. It is especially useful for armoring channel and ditch banks, among other features. More prevalent in our City, a seawall or tidal flood barrier is a vertical or near vertical (often interlocking) structures placed between an upland area and a waterway or waterbody for erosion control that impedes tidal waters from flowing onto adjacent property or public right-of-way.

In order for riprap to be effective, large stones are places on the upland property that extend out into the waterway several feet. In this case, along the eastern side of this waterway, the riprap extends out varying approximately 9-11' from the shoreline. The presence of riprap renders the water depth at the end of an 8' dock unnavigable and because of the extraordinary and exceptional conditions of riprap, 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 width of the water way is approximately 110' wide. The variance of three additional feet will have no impact to the navigational aspects of the waterway.
- The applicant of this variance has received a letter of approval from the HOA.
- There are extraordinary and exceptional conditions (such as shallowness and rocks securing the shoreline) pertaining to this particular land for which the variance is sought, that do not generally apply to other lands or structures in the City.
- Approval of this variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.

The Pompano Beach Marine Advisory Board unanimously recommends this variance.

Respectfully,

Frank M. Pelly
Frank M. Pelly
Chair PBMA