



Staff Report

File #: LN-741

ZONING BOARD OF APPEALS

Meeting Date: JUNE 18, 2025

VARIANCE - RIVERSIDE OASIS LLC

Request:	Variance
P&Z#	25-11000010
Owner:	Riverside Oasis LLC
Project Location:	2104 N Riverside Dr
Folio Number:	484329050630
Land Use Designation:	L (Low 1-5 DU/AC)
Zoning District:	RS-2 (Single-Family Residence 2)
Agent:	Michael Gasparovic
Project Planner:	Scott Reale

Summary:

The Applicant Landowner requests a Variance from Section §155.4303(NN)(3) - Gazebo Standards of the Pompano Beach Zoning Code to allow an existing tiki hut to remain approximately five (5) feet from the street-side lot line, within the required setback and in front of the principal structure. The structure was installed without prior zoning approval or permits and does not comply with code, which limits such structures to interior side or rear yards. This is a retroactive request.

The property is located in the Hillsboro Shores neighborhood on the barrier island, along the east side of N Riverside Drive and the south side of Robbins Road.

ZONING REGULATIONS

155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

...

NN. Gazebo

...

2. Definition

A gazebo is an ornamental garden pavilion, with a covered roof and open sides, constructed of wood, metal, or vinyl. This term also includes a tiki or chickee hut, which has a thatched roof of palm or palmetto materials.

3. Standards

Gazebos are allowed as an accessory structure subject to the following standards:

a. Height and Area

- i. The structure shall not exceed 15 feet in height.
- ii. The structure shall not exceed a size greater than 20% of the area of the principal structure; however the structure may be a minimum of 300 square feet.

b. Setback

- i. The structure may be located within an interior side yard setback or a rear yard setback, but shall be located at least three feet from a side or rear lot line, including property lines abutting a waterway or canal.
- ii. The structure located closer than five feet to an interior side or rear lot line, except where abutting a waterway or canal property line, shall be screened with a six foot high solid fence or a hedge maintained at a height of five feet along such interior side and/or rear lot line.
- iii. The roof overhang shall not extend closer than one foot to any side or rear property line, unless it is abutting a waterway or canal. When the roof overhang abuts a waterway or canal, the overhang may extend to the waterway or canal property line.

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The subject property was first developed with a single-family residence in the 1950s.
2. As a corner lot, the property is subject to unique development challenges due to dual street frontages and the resulting setback requirements. These constraints can limit the placement options for accessory structures compared to interior lots.
3. If the appropriate permitting process had been followed, the tiki hut's setback encroachment would have been identified during the zoning review, allowing the issue to be addressed prior to construction. Currently, there is an open code violation (Case #25-09000946) regarding the unpermitted installation of the tiki hut.
4. Staff acknowledges that the presence of a swimming pool and spa in the rear yard significantly restricts feasible placement options of the tiki hut. Additionally, the tiki's existing location along Robbins Road is preferable to an alternative placement along N Riverside Drive.
5. The request must be evaluated based on the established variance criteria, including whether a legitimate hardship exists and whether the request is the minimum necessary to afford relief.

LAND USE PATTERNS

Subject property (Zoning District | Existing Use):

- RS-2 | single-family dwelling

Surrounding Properties (Zoning District | Existing Use):

- North: RS-2 | single-family dwelling
- South: RS-2 | single-family dwelling
- West: RS-2 | single-family dwelling
- East: RS-2 | single-family dwelling

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 and substantial evidence demonstrating compliance with the eight variance review criteria, staff recommends the following conditions be incorporated into the Board's Order of Approval:



- 1. The applicant shall obtain all required permits and approvals, including but not limited to after-the-fact Building and Zoning Compliance approval.
- 2. Development of the property shall be consistent with the plans submitted in support of this variance application. The tiki hut shall not be enlarged, relocated, or further encroach toward any property line beyond the dimensions and placement shown in the plans.
- 3. The applicant shall resolve all outstanding issues identified in Code Violation Case #25-09000946 to the satisfaction of the Code Compliance Department, including payment of any applicable fines and completion of any required corrective actions.

CITY OF POMPANO BEACH

AERIAL MAP



Legend

-  Pompano Beach Parcels
-  Applicant Parcel

Scale:
1:2,000

Riverside Oasis LLC

2104 N Riverside Dr

Variance

Created by:
Department of
Development Services

