



## Staff Report

**File #:** LN-477

Zoning Board of Appeals  
Meeting Date: July 20, 2023

### VARIANCE - Sands Harbor Resort

**Request:** Variance  
**P&Z#** 23-11000012  
**Owner:** Sands Harbor Resort  
**Project Location:** 125 N Riverside Drive  
**Folio Number:** 484331420010  
**Land Use Designation:** C- Commercial  
**Zoning District:** General Business (B-3)/Atlantic Boulevard Overlay District (AOD)  
**Agent:** Charles Seitz  
**Project Planner:** Scott Reale

### Summary:

The Applicant Landowner is requesting a Variance from Section 155.3703(D)(4) [AOD Yard Setbacks] of the City's Zoning Code in order to allow a vehicular use canopy to be located directly along the front lot line (0 ft setback) rather than setback a minimum of 5 ft as required by code.

The property is located along the Intracoastal Waterway, on the west side of N Riverside Drive, between E Atlantic Boulevard and NE 2<sup>nd</sup> Street on the barrier island. The property falls within the boundaries of the East CRA District.

### ZONING REGULATIONS

TABLE 155.3703.D.4, YARD SETBACKS AND BUILDING FACADE PLACEMENT			
STANDARD		ALONG LOT'S FRONTAGE ON A STATE- DESIGNATED ROADWAY	ALONG LOT'S FRONTAGE ON ANY OTHER ROADWAY
Front and street side yard setback	Minimum (ft)	0	5
	Maximum (ft)	20	15
Building facade width within build-to zone, <sup>1</sup> minimum (%) of total building facade width)		60	50
Interior side yard setback, minimum (ft)		0	5
Rear yard setback, minimum (ft)		20 <sup>2</sup>	20 <sup>2</sup>
NOTES: 1. Build-to zone is the area between the minimum and maximum front or street side yard setbacks. 2. May be reduced to 5 ft where the rear yard abuts a public alley at least 20 ft wide.			

### **PROPERTY INFORMATION AND STAFF ANALYSIS**

1. The Sands Harbor Resort & Marina is proposing a new 35' x 26' canvas awning over a portion of their front driveway at their hotel building towards the northern end of the site.
2. The 82,563-square-foot hotel was built in 1966. The property, which totals 175,000 square feet, includes waterfront restaurants and commercial office space. In addition, the marina at Sands Harbor Resort has dockage for 50 boats up to 100 feet. It also includes a fuel dock and a fishing supplies store.
3. Vehicular area canopies are an allowable accessory use, but are subject to the setback standards of the principal structure to which it is connected. Building Permit #23-1252, which is currently in plan review, was denied by the Zoning reviewer because the minimum front yard setback is five feet and the plans show the awning extending out to the front property line.
4. The subject property is relatively narrow with much of the lot area comprised of water and docks. The applicant contends that setback relief for the awning is warranted, in part, because of the unique layout of the site as well as an existing planter separating the driveway from Riverside Drive, which reduces the proposed protective canopy by two feet on the east side, and could otherwise expose visitors to rain when entering and exiting their vehicles.
5. The applicant states that - despite a zero foot setback - the canopy will not negatively affect sight visibility.
6. Staff does not object and finds the requested relief to be minimal in nature and appropriate in order for the site to be renovated in a manner that is consistent with established planning and design principles.

### **LAND USE PATTERNS**

Subject property (Zoning District | Existing Use):

- B-3/AOD | Sands Harbor Resort

Surrounding Properties (Zoning District | Existing Use):

- North: RM-45/AOD | multi-family dwelling (Harbor House)
- South: B-3/AOD | commercial strip mall with various retailers
- West: W | Intracoastal Waterway
- East: B-3/AOD & B-3/AOD/PCD | parking lot & multi-family dwelling (Plaza at Oceanside)

**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 conformance to the plans submitted with Building Permit #23-1252.



# CITY OF POMPANO BEACH AERIAL MAP



1 in = 250 ft

**125 N Riverside Dr**

PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES