



Staff Report

File #: LN-908

ZONING BOARD OF APPEALS
Meeting Date: AUGUST 20, 2026

VARIANCE - DELSON SILVA

Request:	Variance
P&Z#	26-11000019
Owner:	Delson Silva
Project Location:	1708 NE 50 ST
Folio Number:	484301021100
Land Use Designation:	L (Low 1-5 DU/AC)
Zoning District:	RS-3 (Single-Family Residence 3)
Commission District:	2 (Rhonda Sigerson-Eaton)
Agent:	Fernando Leiva
Project Planner:	Scott Reale

Summary:

The Applicant Landowner requests a Variance from Section 155.3204(C) of the Pompano Beach Zoning Code, which establishes the intensity and dimensional standards for properties within the RS-3 Zoning District. The requested Variance would permit an existing addition to the principal dwelling to encroach 4 feet 9 inches (4'-9") into the required 7-foot interior side yard setback, resulting in an interior side yard setback of 2 feet 3 inches (2'-3").

The subject property is located on the southeast corner of the intersection of NE 50th Street and NE 17th Drive, within the Pompano Beach Highlands subdivision.

ZONING REGULATIONS

§155.3204. SINGLE-FAMILY RESIDENCE 3 (RS-3)

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C. Intensity and Dimensional Standards

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- Interior side setback, minimum: 7 feet

PROPERTY INFORMATION AND STAFF ANALYSIS

1. Although original building permits could not be located, available records indicate the subject property was developed with a single-family residence in the late 1950s. Historic aerial imagery and property records indicate that a breezeway enclosure and a modest residential addition were constructed in the early 1970s. The Highlands neighborhood was annexed into the City of Pompano Beach in 2004.
2. Code Compliance Case #26-06000562 indicates that an attached covered patio was constructed without first obtaining the required permits. The submitted survey and site plan show the covered patio is located approximately 2 feet 3 inches from the interior side property line. As the covered patio is attached to the principal dwelling, it is considered part of the principal structure and is therefore required to comply with the 7-foot minimum interior side yard setback. Broward County Property Appraiser aerial imagery indicates the covered patio was not present in 2024 imagery but first appears in 2025 imagery. Although the conceptual site plan also depicts an interior addition to the residence, that portion of the structure complies with all applicable setback requirements and is not part of this Variance request. The Variance application was submitted in response to the active Code Compliance case as part of the process necessary to address the setback deficiency before pursuing the required permits.
3. The Bureau of Fire Prevention has reviewed the requested Variance and does not support the request as currently submitted. Fire Prevention staff indicates that the proposed approximately 2-foot setback from the property line would not provide adequate fire separation from the existing structure on the adjacent property and would not provide sufficient access for firefighting operations or laddering along the south side of the structure.
4. The applicant states that the corner lot configuration contributes to the claimed hardship because the property is subject to both a 25-foot required front yard setback and a 15-foot required street side yard setback, reducing the available building envelope. Corner lots within portions of the Pompano Beach Highlands and Cresthaven neighborhoods are subject to similar setback requirements that may reduce the available building area compared to interior lots. The Board must determine whether these circumstances constitute the type of extraordinary and exceptional conditions contemplated by the Variance criteria and whether any such conditions are independent of the construction undertaken without the required permits.
5. Permit research indicates there is one open building permit (BP #05-6454) for a brick paver driveway. This permit is unrelated to the active Code Compliance case and is not the subject of this Variance request.
6. Approval of this Variance would authorize only the requested reduction in the required interior side yard setback for the attached covered patio. It would not legalize work performed without permits or waive compliance with applicable Building Code requirements.

LAND USE PATTERNS

Subject Property (Zoning District | Existing Use):

- RS-3 | Single-family dwelling

Surrounding Properties (Zoning District | Existing Use):

- North: RS-3 | Single-family dwelling
- South: RS-3 | Single-family dwelling
- West: RS-3 | Single-family dwelling
- East: RS-3 | 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:

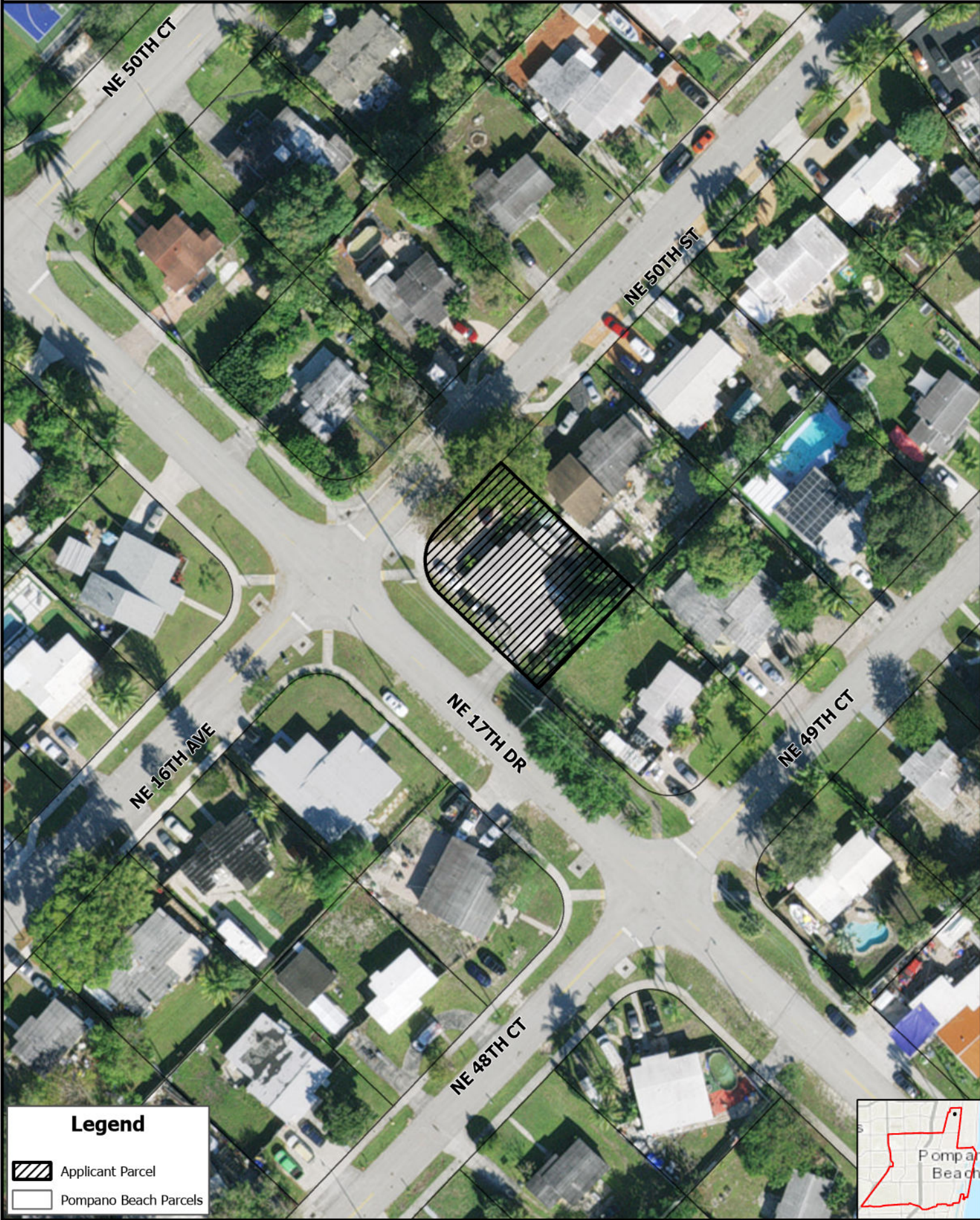
- a) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the Variance is sought, that do not generally apply to other lands or structures in the vicinity;
- 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 to satisfy the eight Variance review standards, staff recommends the Board include the following conditions as part of the Order:

- 1. The applicant shall obtain all necessary governmental permits and approvals, including Building and Zoning Compliance permits.
- 2. The applicant shall substantially comply with the plans submitted with this Variance application. Any enlargement or modification of the attached covered patio, or other improvements affecting the approved setback, shall require separate review and approval.
- 3. The applicant shall obtain closure of all open building permits and resolve all outstanding Code Compliance violations to the satisfaction of the City prior to issuance of a Certificate of Completion or Certificate of Occupancy, as applicable.
- 4. Approval of this Variance shall not be construed as approval of any other structures or improvements that do not comply with the requirements of the Pompano Beach Zoning Code.

CITY OF POMPANO BEACH
AERIAL MAP



Legend

-  Applicant Parcel
-  Pompano Beach Parcels

Scale:
1:800
07/30/2026

1708 NE 50 ST
Delson Silva

Variance

Created by:
Department of
Development Services

