

Variance Review Standards

Overview:

The purpose of this variance request is to; replace the current 8' x 46'-6" finger pier, which represents 6.1% of the waterway. Section 151.03(G)2 limits finger piers to 20% of the width of the canal, river, basin, or waterway, or 20 feet, whichever is less, as measured from the measurement reference line, and 4' in width;

- 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;***

The subject property is located along the southeastern indented curve of the Wahoo Bay waterway, which is approximately 760 feet wide. The proposed reconstruction is consistent with the character of surrounding lands and structures, including seven of the nine properties in the vicinity. The extraordinary and exceptional conditions affecting the property are as follows:

- The water depth at the Petitioners' dock at 2/3 low tide measures 2' at the seawall, and approximately 3' at the end of the existing permitted marginal dock.
- Ocean swells produce dangerous opposing waves towards and off the seawall, making it unsafe to moor vessels along the dock.
- Broward County Environmental Resource License (ERL) No. DF20-1181 (in Standard Condition A (4) states that: "All watercraft associated with the construction and use of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging. Specifically, there shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of any submerged resources or canal bottom at mean low water." The proposed finger pier will fulfill this requirement and provide a safe width for the residents.
- Considering the site's position at the inlet, the influence of prevailing currents within the curved shoreline, and the opposing ocean swell impacting the seawall, it is evident that any dredging undertaken will subsequently be subject to silting.

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

- The extraordinary and exceptional circumstances outlined in paragraph "a" above do not arise from any actions taken by the landowner; rather, they are attributable to the geographical location and prevailing swells and currents of the Hillsboro Inlet.

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 waterway spans 760 feet, with the navigational channel 162 feet from shore, representing the widest section of Wahoo Bay. The completed structure, matching the existing finger pier, occupies 46.6'—6.1% of the waterway—and sits 115 feet landward from the navigational channel. The proposed structure and vessels comply with the 5-foot setbacks on both sides. Although most vessels at this time are guests, no viable alternative exists for the landowners to dock a suitable vessel along the marginal dock.

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

- The proposed finger pier is within the footprint of the existing permitted finger pier and would not confer any special privileges as demonstrated by the other 7 similar structures on Wahoo Bay (out of 9 properties).

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

- Given the width of the waterway, the finger pier extends out 6.1% of the waterway whereby the code that applies to the standard waterway allows up to 20% or 20-feet.

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

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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*

- The proposed structures are a replacement of the existing structures that have 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

The eastern adjoining neighbor have consented to the proposed structures.

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

Yes.