



Staff Report

**File #:** LN-186

Zoning Board of Appeals

Meeting Date: ~~October 21, 2021~~ November 18, 2021

**VARIANCE - CITY OF POMPANO BEACH**

**Request:** Variance  
**P&Z#** 21-11000014  
**Owner:** City of Pompano Beach  
**Project Location:** 2700 N Ocean Blvd.  
**Folio Number:** 4943 29 04 1480  
**Land Use Designation:** C- Commercial  
**Zoning District:** B-2 (Community Business)  
**Agent:** Tammy Good  
**Project Planner:** Scott Reale

**Summary:**

The Applicant Landowner is requesting a VARIANCE from the following provisions:

1. Section 151.01 of the City of Pompano Beach Code of Ordinances, in order to install 5 boat exclusion buoys extending seaward approximately 153 ft from the measurement reference/property line, and relief from 151.03(D) to encroach into the 5 ft setback on the south side.
2. Section 151.01 of the City of Pompano Beach Code of Ordinances, in order to install six 20' x 15' x 8' mangrove planters approximately from the measurement reference/property line.
3. Section 151.03(C)(2) of the City of Pompano Beach Code of Ordinances, in order to install a 8' x 14' parallel dock with guard rails off the existing perpendicular finger pier beginning approximately 16' from the measurement reference/property line, extending a total of approximately 24' from the measurement reference/property line versus the code provision under 151.03(C)(2) of 8'.
4. Section 151.03(B)(3) of the City of Pompano Beach Code of Ordinances, in order to install a second parallel finger pier within 5' of the existing perpendicular dock versus the code distance of not less than 25'.
5. Section 151.03(B)(3) of the City of Pompano Beach Code of Ordinances, in order to install a 62' finger pier from the proposed parallel dock extending seaward from the measurement reference/property line a total of approximately 86' versus the code provision under 151.03(B)(3) of 20' with a varying width of 5' and 18.8' versus the code provision under 151.03(B)(3) of a width of 4'.

The property is located along Wahoo Bay on the southern side of the Hillsboro Inlet.

**PROPERTY INFORMATION**

According to the applicant, these requests - which include instillation of an ancillary dock, finger pier and swim/snorkel platform - are necessary in order to engineer an underwater marine park initiative that aims to promote marine habitat protection.

Collectively, the structures are an engineered marine and estuarine shoreline protection system called SEAHIVE, created by scientists at the University of Miami. The hope is that the system will not only protect the area from flooding and erosion but will be hospitable to sea life. This endeavor aligns with the City's goals of promoting ecotourism, sustainability, and conservation.

Pursuant to §151.09(B)(1) property owners seeking relief from the standards in Chapter 151: Beaches and Waterways, must first go before the Marine Advisory Board (MAB) for its review and recommendations.

The requested relief was reviewed by the Marine Advisory Board on September 21, 2021, and they unanimously recommended approval of all variances. The MAB recommendation memo, along with an analysis of the variance review standards, is attached.

**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



**Subject Site**

**VARIANCE**

**CITY OF POMPANO BEACH**  
**2700 N OCEAN BLVD**

1 in = 250 ft  
PREPARED BY:  
DEPARTMENT OF  
DEVELOPMENT SERVICES