



Staff Report

File #: LN-866

ZONING BOARD OF APPEALS

Meeting Date: APRIL 16, 2026

VARIANCE - EXECUTIVE PROPERTY RELATIONS LLC

Request: Variance
P&Z# 26-11000009
Owner: Executive Property Relations LLC
Project Location: 3415 Dover Rd
Folio Number: 484329040920
Land Use Designation: L (Low 1-5 DU/AC)
Zoning District: RS-2 (Single-Family Residence 2)
Commission District: 1 (Audrey Fesik)
Agent: Nilo Ventura Jr.
Project Planner: Scott Reale

Summary:

The Applicant Landowner requests the following variances from the Pompano Beach Zoning Code to allow improvements to a property containing an existing single-family residence:

- Section 155.3203.C - Setbacks:** To permit an attached pergola to encroach into the required rear and interior side yard setbacks, allowing a rear setback of 5 feet 5 inches where 20 feet is required, and an interior side setback of 3 feet where 7 feet 6 inches is required.
- Section 155.3203.C - Required Front Yard Pervious Area:** To allow the expansion of the driveway, resulting in 688 square feet (36.7%) of front yard pervious area where 937.5 square feet (50%) is required.

The subject property is located on the north side of Dover Road between Ocean Boulevard (A1A) and Bay Drive in the Hillsboro Shores neighborhood on the barrier island.

ZONING REGULATIONS

§155.3203. SINGLE-FAMILY RESIDENCE 2 (RS-2)

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C. Intensity and Dimensional Standards

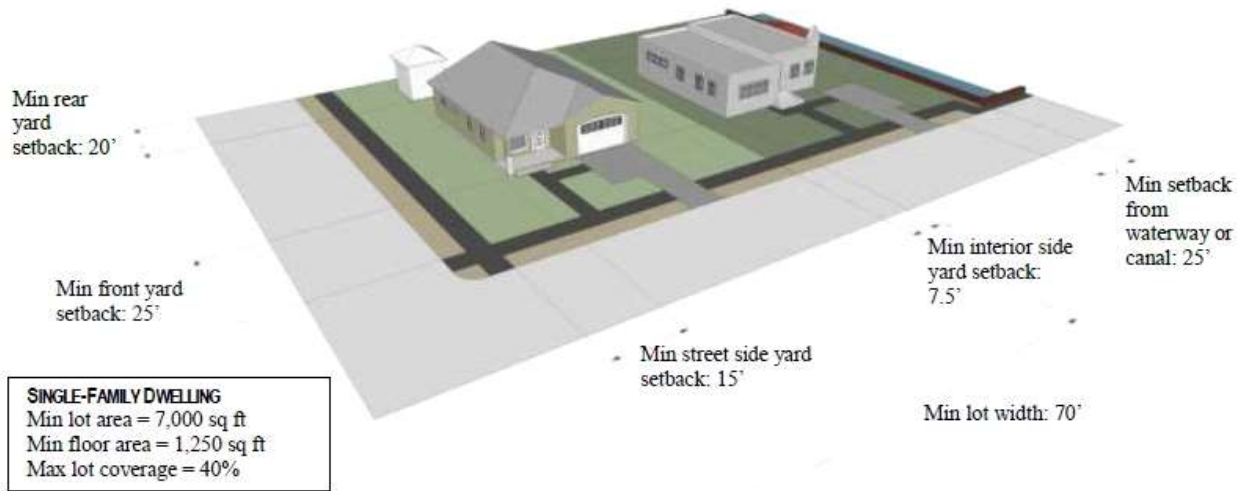
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Interior side yard setback, minimum: 7.5 feet

Rear yard setback, minimum: 20 feet

Required Front Yard, Pervious Area, minimum: 50% of required front yard

Typical RS-2 Development Configuration:



PROPERTY INFORMATION AND STAFF ANALYSIS

1. Property Overview:

- The subject property contains a single-family dwelling constructed in 1957 (BP #57-935) with a sizable addition in 1974 (BP #74-1681).
- An interior renovation was approved in 2024 (BP #24-7281).
- A pool remodel (BP #26-1570) is currently in plan review.
- A Business Tax Receipt for a rental property was inactivated in 2024, shortly after the property was last sold.
- Proposed improvements include an attached pergola encroaching into the rear and side yard setbacks and a driveway expansion resulting in a deficiency in front yard pervious area.

2. Pergola Setbacks:

- The 21' x 16' covered pergola is proposed to be attached to the principal structure, which makes it subject to the principal dwelling's setbacks. Detached accessory structures, such as pergolas, may be placed as close as three feet to rear or side yards, provided they are screened with a six-foot-high fence or five-foot-high hedge.
- The attached vs detached distinction the Code's intent to:
 - Preserve consistent building envelope (height, bulk, and placement)
 - Maintain uniform neighborhood setbacks
 - Prevent gradual expansion of the main building toward property lines
- While the applicant asserts that attaching the pergola allows for a more cohesive backyard design, a variance is required under the Code.

3. Driveway / Front Yard Pervious Area:

- The proposed driveway expansion would result in front yard pervious area of 36.7% (688 sq ft) where 50% (937.5 sq ft) is required.
- Portions of the walkway will be removed to mitigate impervious coverage; however, the front yard remains deficient by approximately 250 sq ft.
- The applicant asserts that reducing the driveway further would substantially limit available parking. Staff notes that the Code requires two parking spaces for a single-family dwelling, and modifications could achieve both parking and pervious area compliance.

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.

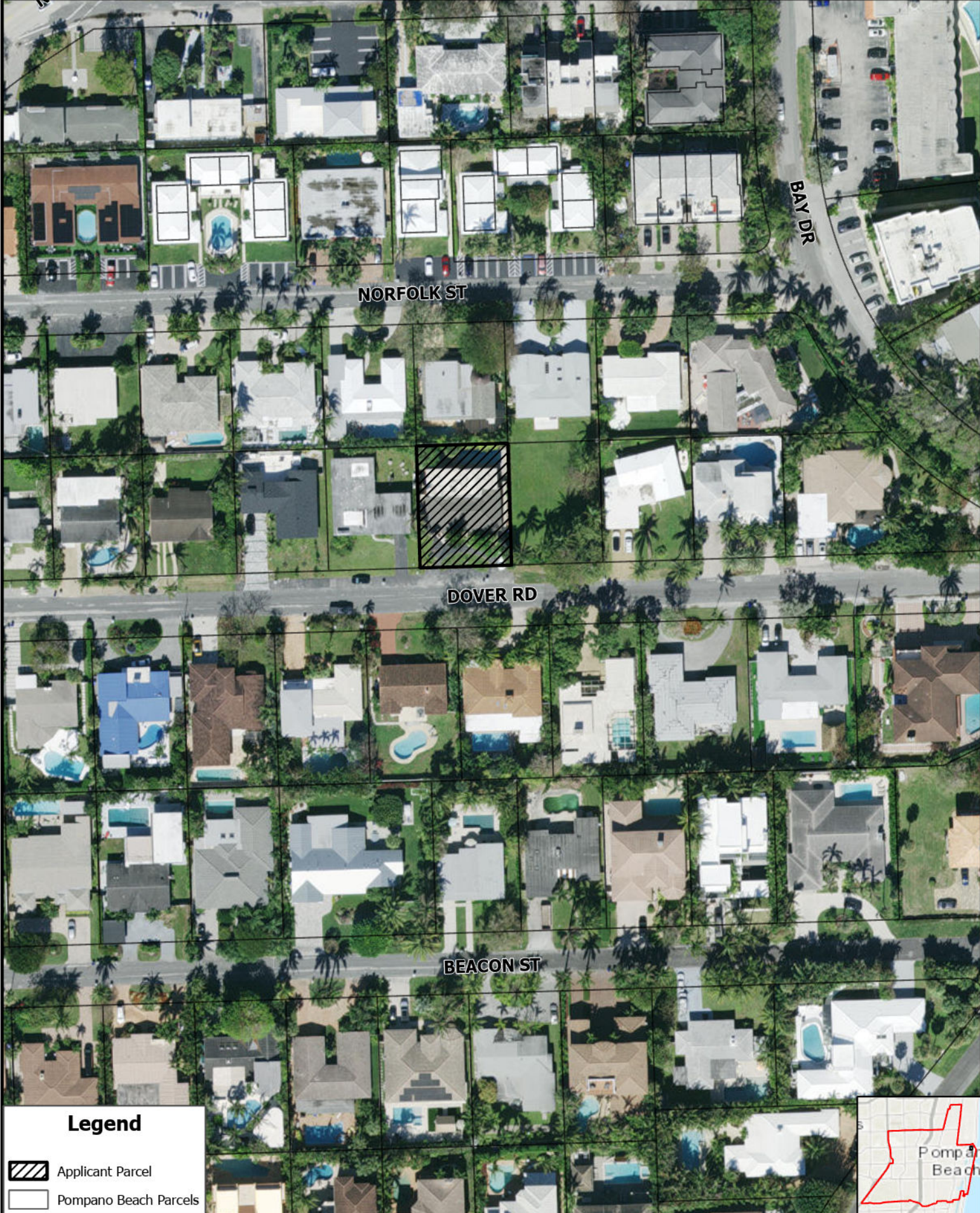
Staff Conditions:

Staff recognizes that the proposed attached pergola provides a cohesive design and functional use of the backyard, and that the driveway expansion offers practical benefits for parking. However, the requested variances for setbacks and front yard pervious area do not fully meet the extraordinary and exceptional conditions required under the Code and are not the minimum necessary to achieve compliance. Staff recommends careful consideration by the Board of whether the functional and aesthetic benefits outweigh the intent of the Code to maintain uniform setbacks and pervious area standards.



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 further driveway expansions or setback encroachments require separate review and application.

CITY OF POMPANO BEACH AERIAL MAP



Legend

-  Applicant Parcel
-  Pompano Beach Parcels



Scale:
1:1,200
03/23/2026

3415 Dover Rd
Executive Property Relations LLC

Variance
Created by:
Department of
Development Services

