



FINE ESTATE HOMES
OCEANFRONT | INTRACOASTAL | DEEPWATER | COUNTRY CLUB

City of Pompano Beach
Department of Development Services
Planning & Zoning Division
100 W. Atlantic Blvd
Pompano Beach, Fl. 33060

To whom it may Concern,

Please see below for responses to the 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:

Response: This property is subject to extraordinary and exceptional physical conditions that do not apply to other surrounding parcels. The home is located entirely east of the Coastal Construction Control Line, with the remaining portion of Wahoo Bay directly behind it. Historically, Wahoo Bay connected to the Hillsboro Inlet and formed a continuous waterway behind this property. Over time, most of Wahoo Bay has filled in with sand, creating direct beachfront lots for neighboring homes, while this parcel remains bordered by the last remnant of the bay.

In addition, the east side of Wahoo Bay contains a large, dense mangrove preserve that is protected by the State of Florida. These mangroves cannot be removed or altered, and they significantly obstruct the rear viewscape of the property, effectively placing the home in a recessed or “bowl-like” condition not experienced by adjacent oceanfront lots.

Because the property lies seaward of the Coastal Construction Control Line, the Florida Department of Environmental Protection—Department of Beaches—requires that the primary living areas be elevated above the 100-Year Storm Elevation. For this parcel, that elevation corresponds to the second floor of the home, creating design and placement constraints that are not present on typical oceanfront properties.

These combined conditions—the remnant waterbody, the protected mangrove mass, the depressed site context, and the mandatory elevation of living areas—are unique and affect only three homes in all of Pompano Beach. They constitute extraordinary and exceptional circumstances that justify the requested variance.



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

Response: The extraordinary and exceptional conditions affecting this property are not the result of any actions taken by the landowner. The remaining portion of Wahoo Bay, the state-protected mangrove preserve, the site's recessed condition, and the property's location entirely east of the Coastal Construction Control Line are all natural or regulatory circumstances that existed long before the current owner acquired the property. Likewise, the requirement imposed by the Florida Department of Environmental Protection to elevate the primary living areas above the 100-Year Storm Elevation is a state-mandated condition, not something created or influenced by the owner. These constraints are inherent to the land itself and are not the product of any decisions or modifications made by the property owner.

- 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;

Response: The requested reduction of the rear setback from 25 feet to 5 feet is necessary to allow a backyard, patio, and pool area consistent with the neighboring oceanfront properties and to provide a practical outdoor living space with an ocean view. Without this variance, the unique physical and regulatory constraints of the site would result in an 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.

Response: The requested variance would not confer any special privilege on the landowner that is denied to other similarly situated properties. The need for a reduced rear setback arises solely from the unique physical and environmental constraints of this parcel—specifically, the remaining portion of Wahoo Bay, the dense state-protected mangrove preserve, and the resulting bowl-like site condition. These circumstances do not exist for most of the surrounding oceanfront lots, which already enjoy functional rear yards, patios, pools, and unobstructed ocean views without requiring a variance.

Granting this variance does not provide the owner with any advantage beyond what neighboring properties already possess. Instead, it allows this property to achieve a comparable level of reasonable use and enjoyment consistent with other oceanfront homes on the street. The variance simply remedies a hardship unique to this parcel and does not create any special privilege.



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

Response: The requested variance would not confer any special privilege on the landowner that is denied to other similarly situated properties. The reduction of the rear yard setback is necessary solely because of the property's unique physical and regulatory constraints, including the remaining portion of Wahoo Bay, the state-protected mangrove preserve, and the parcel's recessed, bowl-like condition. These conditions do not exist for the majority of the surrounding oceanfront lots, which already enjoy functional rear yards, patios, pools, and unobstructed ocean views without the need for a variance.

Granting this variance simply allows the property to achieve a level of reasonable use and enjoyment comparable to the other oceanfront homes on the same street. It does not provide any advantage beyond what other neighboring properties already possess; rather, it restores parity by enabling a usable backyard and ocean-facing outdoor living area. The variance therefore does not create a special privilege but instead remedies a hardship that is unique to this parcel.

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

Response: The requested variance is in harmony with the general purpose and intent of the zoning criteria. The purpose of the zoning regulations, including setback requirements, is to ensure orderly development, protect neighboring properties, and maintain the character of the community. Granting this variance supports those objectives by allowing this uniquely constrained property to be used in a manner consistent with other oceanfront homes on the street, without creating adverse impacts or altering the established neighborhood pattern.

The reduced rear setback will not increase density, obstruct neighboring views, or create incompatibility with surrounding structures. Instead, it allows the property to achieve a reasonable and customary level of outdoor living space—similar to what other oceanfront parcels already enjoy—while respecting environmental protections, including the state-protected mangrove preserve and the Coastal Construction Control Line requirements.



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By enabling functional use of the property without compromising safety, environmental standards, or neighborhood character, the variance upholds the intent of the Code and preserves its overall 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

Response: The requested variance will not adversely affect the health or safety of persons residing or working in the neighborhood, nor will it be injurious to surrounding properties or detrimental to the public welfare. The proposed reduction of the rear setback simply allows the property to achieve a functional outdoor living area comparable to other oceanfront homes on the street. It does not increase density, introduce incompatible uses, or create any conditions that would negatively impact neighboring structures.

- H. The Variance is consistent with the comprehensive plan.

Response: The requested variance is consistent with the goals, policies, and intent of the City's Comprehensive Plan. The Comprehensive Plan encourages the reasonable use of residential properties, supports reinvestment in existing neighborhoods, and promotes development that is compatible with surrounding land uses. Allowing a reduced rear setback on this uniquely constrained oceanfront parcel enables the property to be used in a manner consistent with other homes along the same shoreline, thereby supporting neighborhood character and maintaining the established pattern of development.

Sincerely,

Jay Lefka
Bomar Builders

The State of Florida requires that the main living level of the home be elevated to meet current flood-resilience standards associated with the 100-year storm event. As a result, the primary living floor of the residence is located on the second level. This elevation requirement applies to the home, but it does not apply to the swimming pool.

Although the pool is not required to be elevated, the property owner has chosen to elevate the pool to the same level as the main living area to enhance usability, safety, and direct access from the home. Because the pool is elevated, a support structure is required beneath it to carry the pool's load and to house essential plumbing, electrical, and mechanical systems. These systems must remain accessible for inspection, repair, and maintenance throughout the life of the pool.

The project also includes an exterior stairway located within the rear setback. This stair is required to provide safe, code-compliant egress to the backyard from the elevated living level. It is not used for pool maintenance and is not associated with the mechanical systems beneath the pool. Instead, it serves as a life-safety feature of the residence, providing direct access from the elevated floor to the rear yard.

The pool basin itself complies with the City of Pompano Beach's minimum 15-foot rear setback, with a provided setback of 15 feet 4½ inches. The pool does not contribute to the setback deficiency and is not part of the variance request.

However, because the elevated pool support structure and the egress stair are physically connected to the principal dwelling and extend above natural grade, they are classified as part of the principal structure under the zoning code. The principal structure requires a 25-foot rear setback, and the proposed design provides 5 feet, resulting in a 20-foot encroachment.

The variance request is therefore limited solely to the pool support structure and the egress stair, both of which are necessary due to the State-mandated elevation of the home and the owner's decision to elevate the pool for functional and design reasons. The pool itself remains fully compliant with all applicable setback requirements.

Site Data Table

Element	Required Rear Setback	Provided Rear Setback	Encroachment
Principal Structure (rear portion)	25 ft	5 ft	20 ft
Elevated Pool Support Structure	25 ft	5 ft	20 ft
Exterior Egress Stair	25 ft	5 ft	20 ft
Pool (water's edge)	15 ft	15'-4½"	0 ft
Mechanical/Service Area Beneath Pool	25 ft	5 ft	20 ft

Strict application of the 25-foot rear setback would effectively prohibit reasonable use of the elevated living level and the elevated pool. The State-mandated elevation forces the primary living floor to the second level, which in turn requires:

- A structural platform to support the elevated pool
- A mechanical/service area beneath the pool for required systems
- A code-compliant egress stair to safely reach the rear yard

Because these elements are physically connected to the principal dwelling and extend above natural grade, they are classified as part of the principal structure and must meet the 25-foot setback—even though they are not habitable space and do not function as traditional building mass.

Without the variance, the owner would be unable to:

- Provide safe egress from the elevated living level

- Maintain or access the pool's required mechanical systems
- Utilize the pool in a manner consistent with modern coastal homes

This constitutes an unnecessary and undue hardship directly tied to the property's regulatory and physical conditions.