



Staff Report

File #: LN-892

ZONING BOARD OF APPEALS

Meeting Date: JULY 16, 2026

VARIANCE - SHINING HILL DEVELOPMENTS USA INC

Request:	Variance
P&Z#	26-11000016
Owner:	Shining Hill Developments USA Inc
Project Location:	1900 Bay Dr
Folio Number:	484329041220
Land Use Designation:	L (Low 1-5 DU/AC)
Zoning District:	RS-2 (Single Family Residence 2)
Commission District:	1 (Audrey Fesik)
Agent:	Jay Lefka
Project Planner:	Scott Reale

Summary:

The Applicant Landowner requests a variance from Section 155.3203(C) of the Pompano Beach Zoning Code, which establishes the intensity and dimensional standards for the RS-2 Zoning District. The requested variance would permit a new single-family residence on a waterfront lot to be located 5 feet from the rear property line, in lieu of the required 25-foot setback from an abutting waterway or canal. No habitable enclosed space is proposed within the required setback. The request is driven by the proposed site design, which structurally integrates the swimming pool and turf sundeck with the principal structure, thereby necessitating relief from the waterfront setback requirement.

The subject property is located on the east side of Bay Drive, between Barton Road and Dow Street, in the Hillsboro Shores section of the barrier island.

ZONING REGULATIONS

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

...

C. Intensity and Dimensional Standards

...

Setback from a waterway or canal, minimum: 25 feet

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The subject property is a vacant waterfront lot located east of the Coastal Construction Line (CCCL) established by the State of Florida and is subject to additional coastal construction and flood protection regulations administered by the Florida Department of Environmental Protection (FDEP). The eastern half of the property is located in the Wahoo Bay.
2. The applicant proposes to construct a new two-story single-family residence, swimming pool, and associated site improvements. Pursuant to Section 155.3203(C) of the Zoning Code, principal structures on waterfront lots within the RS-2 Zoning District are required to maintain a minimum setback of 25 feet from an abutting waterway or canal. The proposed residence includes an elevated pool support structure, associated mechanical area, and exterior stairway that would extend to within 5 feet of the rear property line adjacent to Wahoo Bay, resulting in a 20-foot encroachment into the required waterfront setback.
3. According to the applicant, the principal living area of the residence is required to be elevated above the applicable flood elevation pursuant to state and federal floodplain management regulations. The applicant further indicates that the proposed swimming pool is designed to be elevated to the same level as the primary living area to facilitate direct access and outdoor use from the residence. Although the pool basin itself complies with the applicable setback requirement by maintaining a setback exceeding 15 feet, the structural components supporting the elevated pool, associated mechanical systems, and an exterior egress stair are physically attached to the principal structure and are therefore subject to the 25-foot waterfront setback applicable to principal structures.
4. The applicant contends that the property is affected by extraordinary and exceptional conditions due to the presence of the remaining portion of Wahoo Bay and a state-protected mangrove preserve located east of the property. The applicant further states that these conditions, combined with the property's location seaward of the Coastal Construction Control Line and associated flood elevation requirements, create design constraints that are not generally applicable to other waterfront properties in the vicinity.
5. The proposed encroachment consists primarily of structural elements associated with the elevated pool and required means of egress rather than habitable enclosed floor area. No enclosed habitable space is proposed within the required waterfront setback area.
6. The surrounding area is developed predominantly with single-family residences. The Board must determine whether the physical and regulatory conditions associated with the property constitute extraordinary and exceptional conditions sufficient to satisfy the Variance review standards and whether the requested 20-foot reduction in the required waterfront setback represents the minimum variance necessary to allow a reasonable use of the property.

LAND USE PATTERNS

Subject Property (Zoning District | Existing Use):

- RS-2 | vacant residential lot

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: W | Wahoo Bay and mangrove area

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, but not limited to, Building, Zoning Compliance, Floodplain, and any applicable state or federal permits and approvals.
- 2. The applicant shall substantially comply with the plans submitted with this Variance application. Any expansion, modification, or redesign of the principal structure or associated improvements that increases the degree of nonconformity shall require separate review and approval.
- 3. Approval of this Variance is limited solely to the elevated pool support structure, associated pool equipment/service area, turf sundeck, and exterior egress stair depicted on the approved plans. No enclosed habitable floor area shall be permitted within the approved setback area.
- 4. The area beneath the elevated pool support structure shall remain open and accessible for the maintenance and servicing of mechanical, electrical, and plumbing systems and shall not be converted to storage, living area, or any other enclosed use.

CITY OF POMPANO BEACH
AERIAL MAP



Legend



Applicant Parcel



Pompano Beach Parcels

Scale:
1:1,000
06/24/2026

1900 Bay Dr
SHINING HILL DEVELOPMENTS USA INC

Variance

Created by:
Department of
Development Services

