



Staff Report

File #: LN-909

ZONING BOARD OF APPEALS
Meeting Date: AUGUST 20, 2026

VARIANCE - DERIK WAGNER

Request:	Variance
P&Z#	26-11000020
Owner:	Derik Wagner
Project Location:	3200 Dover Rd
Folio Number:	484329050810
Land Use Designation:	L (Low 1-5 DU/AC)
Zoning District:	RS-2 (Single-Family Residence 2)
Commission District:	1 (Audrey Fesik)
Agent:	Ryan Abrams
Project Planner:	Scott Reale

Summary:

The Applicant Landowner requests a Variance from Section 155.4303(P)(3)(b) of the Pompano Beach Zoning Code, which establishes standards for specific accessory uses and structures. The requested Variance would permit a garage addition to the principal dwelling to encroach 15 feet (15') into the required 20-foot street side yard setback for a garage, resulting in a street side yard setback of 5 feet (5').

The subject property is located at the western terminus of Dover Road on the barrier island, and is bounded by North Riverside Drive along its west property line.

ZONING REGULATIONS

155.4303. STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES

P. Garage or Carport

...

3. Standards

a. A garage or carport may be located in front of the principal structure.

b. A garage or carport, including attached and unattached, shall be located at least 20 feet from the street side lot line.

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

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C. Intensity and Dimensional Standards

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- Street side yard setback, minimum: 15 feet

PROPERTY INFORMATION AND STAFF ANALYSIS

1. The subject property contains approximately 0.32 acres and is developed with an existing single-family residence within the RS-2 (Single-Family Residence) zoning district. The waterfront property is located on a corner lot at the terminus of Dover Road and abuts North Riverside Drive along its west property line. Unlike most residential lots in the surrounding neighborhood, the parcel has an irregular configuration resulting from a partial abandonment of North Riverside Drive approved by the City in 1991. This modification occurred prior to the applicant's acquisition of the property and created the property's current "boot-shaped" configuration.
2. The applicant proposes to construct a two-story addition attached to the existing residence. The first floor consists of an approximately 592-square-foot expansion of the existing garage, while the second floor contains an approximately 848-square-foot accessory dwelling unit (ADU).
3. Section 155.4303(P)(3)(b) of the Pompano Beach Zoning Code requires attached and detached garages to maintain a minimum twenty-foot (20') street side yard setback. The proposed garage addition and second floor ADU would encroach up to fifteen feet (15') into the required setback, resulting in a minimum street side yard setback of five feet (5'). According to the submitted site plan, the greatest encroachment occurs near the northern portion of the addition, while the amount of encroachment decreases as the western property line angles away from the proposed structure.
4. Staff notes that the proposed addition would be located adjacent to North Riverside Drive, a local residential street. The public right-of-way provides additional physical separation between the proposed addition and the nearest residential property located west of North Riverside Drive.
5. The applicant states that the requested variance is necessitated by the property's irregular shape, corner lot configuration, and the increased street side setback applicable to garages. The applicant further states that these conditions substantially reduce the available building envelope and limit opportunities to expand the existing residence.
6. The applicant further states that alternative configurations were evaluated but would either require additional relief from other setback requirements or would not provide a functional addition to the existing residence. According to the applicant, the proposed addition was reduced in size in an effort to minimize the amount of variance requested while maintaining a reasonable residential improvement.
7. The Board should determine whether the property's irregular shape, corner lot configuration, and historical right-of-way modifications constitute the type of extraordinary and exceptional conditions contemplated by the Variance review standards, whether those conditions were not created by the current landowner, and whether the requested relief represents the minimum variance necessary to permit a reasonable use of the property.
8. Approval of this Variance would authorize only the requested reduction to the required street side yard setback for the proposed addition. Approval would not waive compliance with any other applicable provisions of the Pompano Beach Zoning Code, the Florida Building Code, or any other applicable federal, state, county, or local regulations.

LAND USE PATTERNS

Subject Property (Zoning District | Existing Use): RS-2 | Single-family residence

Surrounding Properties (Zoning District | Existing Use):

- North: RS-2 | Single-family residence
- South: waterway/canal
- West: RS-2 | Single-family residence
- East: RS-2 | Single-family residence

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.

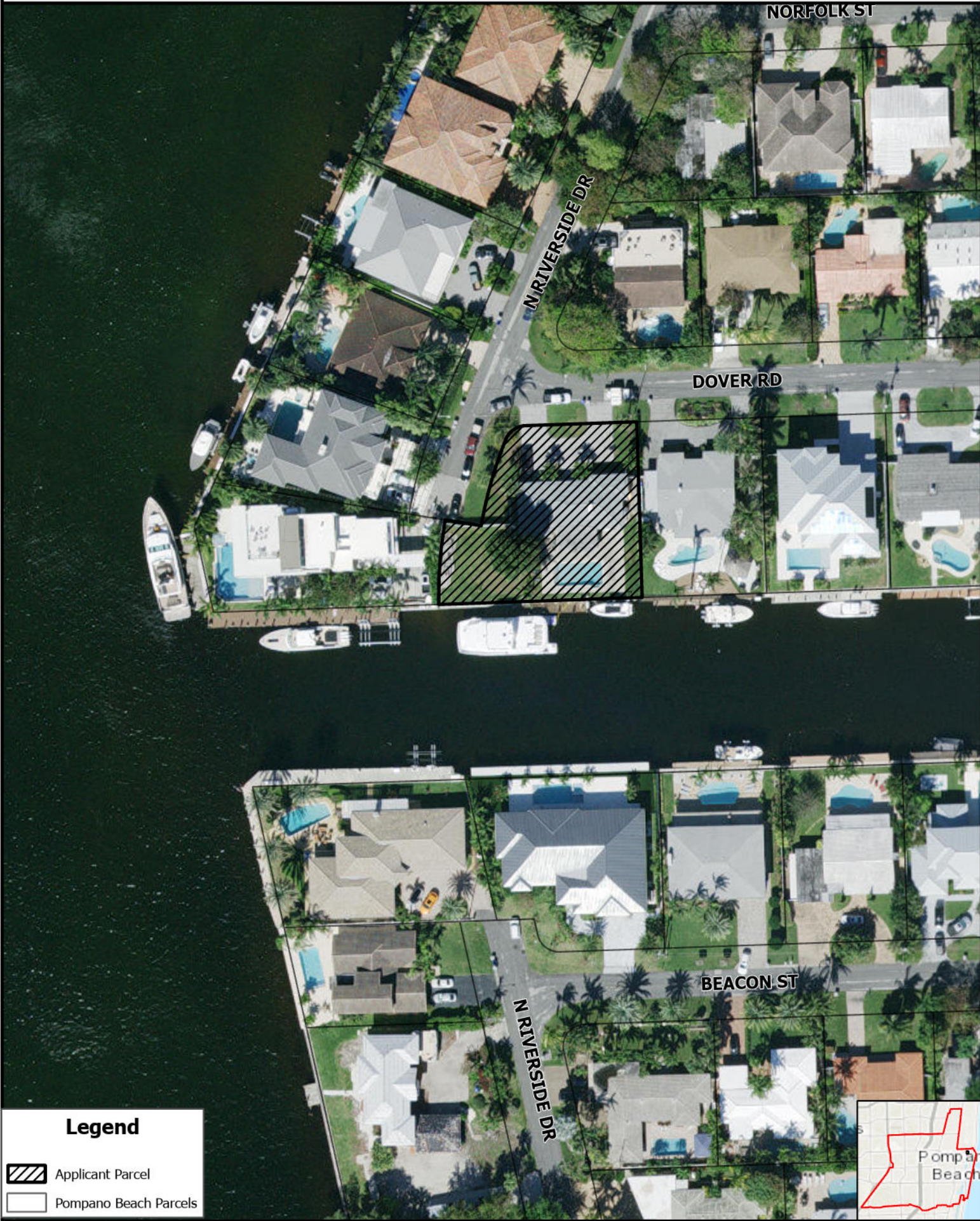
Staff Conditions:

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. Obtain all necessary governmental permits and approvals, including Building and Zoning Compliance permits.
2. Development shall be in substantial compliance with the plans submitted with this Variance application.
3. The proposed Accessory Dwelling Unit (ADU) shall comply with all applicable standards of Section 155.4303(A)(3). Except for the street side yard setback relief expressly granted by this Variance, approval shall not be construed as granting relief from any other applicable ADU requirements, including, but not limited to, parking, maximum floor area, and access requirements.
4. Approval of this Variance shall authorize only the requested reduction to the required street side yard setback for the proposed addition and shall not be construed as approval of any other deviation from the requirements of the Pompano Beach Zoning Code.

CITY OF POMPANO BEACH

AERIAL MAP



Legend

-  Applicant Parcel
-  Pompano Beach Parcels

Scale:
1:1,000
07/20/2026

3200 Dover Rd
Derik Wagner & Erika Oliveira

Variance

Created by:
Department of
Development Services

