



## Legislation Details (With Text)

**File #:** LN-102      **Version:** 1      **Name:**  
**Type:** ZBA Submission      **Status:** Passed  
**File created:** 4/1/2021      **In control:** Zoning Board of Appeals  
**On agenda:** 4/15/2021      **Final action:** 4/15/2021  
**Title:** VARIANCE - 2406 BAY DRIVE REVOCABLE TRUST

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 0\_MAB Memo to ZBA\_20-11000008.pdf, 2. 20-11000008\_Staff Report.pdf, 3. 00\_Application-OwnersCert\_20-11000008.pdf, 4. 01\_Exhibit 1\_Narrative\_20-11000008.pdf, 5. 02\_Exhibit 2\_Survey XY with dophin piles (Sep 2020).pdf, 6. 03\_Exhibit 3\_Variance Drawing 1.pdf, 7. 04\_Exhibit 4\_2406 - Seawall -- Google Earth Photo (Aug 5, 2020).pdf, 8. 05\_Exhibit 5\_Consent by Neighbor (Plath).pdf, 9. 06\_Exhibit 6\_Consent by Neighbor (Murray).pdf, 10. 07\_Exhibit 7\_Photos 1.pdf, 11. 08\_Exhibit 8\_Seagrass Survey topographical Jun 2, 2020.pdf, 12. 09\_Exhibit 9\_Bathymetric Survey July 2020.pdf, 13. 10\_Exhibit 10\_1991 to 2003 approved permit docs showing finger pier.pdf, 14. 11\_Exhibit 11\_Survey (2003).pdf, 15. 12\_Exhibit 12\_Survey (2012).pdf, 16. 13\_Exhibit 13\_Legal Description.pdf, 17. 14\_Exhibit 14\_Broward Permit.pdf, 18. 15\_Exhibit 15\_Photo of Dolphin Piles of Neighbors.pdf, 19. ZBA Public Notice 20-11000008.pdf, 20. 00-11000051\_Variance.pdf, 21. 20-11000008\_Fire Comments.pdf

| Date      | Ver. | Action By               | Action | Result   |
|-----------|------|-------------------------|--------|----------|
| 4/15/2021 | 1    | Zoning Board of Appeals |        | APPROVED |

Zoning Board of Appeals  
Meeting Date: April 15, 2021

### VARIANCE - 2406 BAY DRIVE REVOCABLE TRUST

**Request:** Variance  
**P&Z#** 20-11000008  
**Owner:** 2406 Bay Drive Revocable Trust  
**Project Location:** 2406 Bay Drive  
**Folio Number:** 4843 29 04 1420  
**Land Use Designation:** L-Low 1-5 DU/AC  
**Zoning District:** RS-2 (Single-Family Residence 2)  
**Agent:** James Barnett  
**Project Planner:** Scott Reale

### Summary:

Applicant Landowner is requesting a VARIANCE from Section 151.03 (C)(3) of the City of Pompano Beach

Code of Ordinances, in order to construct a finger pier that extends into the waterway a distance of 47 feet from the recorded property line (Measurement Reference Line) and has a width of 6 feet, rather than limit the finger pier to 20 feet in length as measured from the recorded property line (Measurement Reference Line) and 4 feet in width as permitted by code.

## **ZONING REGULATIONS**

### **§ 151.03 STRUCTURES IN WATERWAYS.**

...  
(C) In a canal, river, basin or waterway which is more than 50 feet in width, wharves, finger piers, fixed docks, floating docks, boat lifts (floating or stationary), floating vessel platforms, dolphin, fender or mooring piles, and/or mooring buoys must be constructed or installed pursuant to the following conditions provided that the navigational channel is not encroached upon:

...  
(3) Fixed finger piers and floating finger piers may be constructed or erected to extend into any canal, river, basin, or waterway a distance of 20% of the width of the canal, river, basin, or waterway or a distance of 20 feet, whichever is less, as measured from the recorded property line or measurement property line. A finger pier (floating or stationary) shall not be constructed to a width greater than four feet. The distance between finger piers shall not be less than 25 feet.

## **LAND USE PATTERNS**

Subject property (Zoning / Existing Use): RS-2 | single-family dwelling

Surrounding Properties (Zoning District / Existing Use):

- North: RM-20 | multi-family dwelling
- South: RS-2 | single-family dwelling
- East: Intracoastal Waterway
- West: RS-2 | single-family dwelling

## **PROPERTY INFORMATION**

1. The subject property has no code violations. In 2001, a Variance was granted for a front yard setback and fence height (Appeal #01-27).
2. The request before the Board is to construct a finger pier that extends into the waterway a distance of 47 feet from the recorded property line (Measurement Reference Line) and has a width of 6 feet, rather than limit the finger pier to 20 feet in length as measured from the recorded property line (Measurement Reference Line) and 4 feet in width as permitted by code.
3. 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.
4. The applicant's original application included additional variance requests; however, the requested relief was ultimately streamlined, and at the March 30, 2021 Marine Advisory Board Meeting, the landowner obtained a recommendation for approval of the requested variance. The recommendation, along with an analysis of the variance review standards, is included in the application backup.

## **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.