



## Legislation Text

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**File #:** LN-103, **Version:** 1

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Zoning Board of Appeals  
Meeting Date: April 15, 2021

### **VARIANCE - DANIEL O'NEAL**

<b>Request:</b>	Variance
<b>P&amp;Z#</b>	20-11000014
<b>Owner:</b>	Daniel O'Neal
<b>Project Location:</b>	1351 W Terra Mar Drive
<b>Folio Number:</b>	4943 06 22 0350
<b>Land Use Designation:</b>	L- Low 1-5 DU/AC
<b>Zoning District:</b>	RS-2 (Single-Family Residence 2)
<b>Agent:</b>	Susan Eagle
<b>Project Planner:</b>	Scott Reale

### **Summary:**

Applicant Landowner is requesting a VARIANCE from the Section 151.03 (C)(4) of the City of Pompano Beach Code of Ordinances, in order to construct a boat lift that extends into the waterway a distance of 26'-7" from the Measurement Reference Line, rather than limit the improvements to a distance of 20 feet in length as permitted by code.

### **ZONING REGULATIONS**

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

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(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:

...

(4) Boat davits, elevator lifts, cradle lifts, floating lifts, floating platforms used for the express purpose of storing a watercraft out of the water or any other similar form of boat lifting device may be constructed or installed to extend into any canal, river, basin, or waterway, in a fully raised position, a distance equal to 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 reference line.

### **LAND USE PATTERNS**

Subject property (Zoning / 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
- East: RS-2 | single-family dwelling
- West: Intracoastal Waterway

### **PROPERTY INFORMATION**

1. The subject property has no code violations. In 2015, a Certificate of Occupancy was issued for a new single-family dwelling (BP #15-9459).
2. The request before the Board is to install a boat lift (17 ft wide) that extends 26'-7" into the waterway rather than a maximum length of 20' 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. 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.