



Planning Solutions

August 29, 2024

**Grace’s Manor Tracts, Inc. (NW 12th Street)
Dock Waiver Application
Revised Justification Statement**

This justification statement associated with the Dock Waiver Application is respectfully submitted on behalf of Grace’s Manor Tracts, LLC for the property located on NW 12th Street, Delray Beach, FL 33444 (PCNs: 12-43-46-08-31-002-0000 & 12-43-46-08-31-001-0000).

BACKGROUND/PROPOSAL:

Tract “B” is 2.14-acres of submerged land (part of Lake Ida) on the west side of the Estates Mango de Paris subdivision.

The property has an underlying Land Use Map designation of OS (Open Space) and is zoned OS, within the Lake Ida Neighborhood Overlay District.

The subject property was platted in 1995 via the Estates Mango de Paris (Plat Book 74, Pages 192-193).

In 2000, a seawall and dock with a gazebo were constructed on the west side of Tract “A”, Estates Mango de Paris, abutting the subject property (Tract “B”).

The proposal is to construct an 8 ft. wide x ~85 ft. long dock addition to the existing 12 ft. x 12 ft. dock with a 144 sf. roof canopy (total length = 98 ft.). Required ladders along with hose bibs and electrical outlets will be provided every 25 ft. Thus, the waiver consists of a modification of the standards to increase the maximum distance to install a dock from the property line from 5 ft. to 98 ft., and to not provide a sewage pumpout and connection to the City’s sewer system.

Pursuant to LDR Section 7.9.4., the proposal includes a waiver to authorize modification of the following standards for approval:

- Per LDR Section 7.9.5 (Docks - Standards for Approval) (A) A dock projection into a waterway, exclusive of dock pilings, shall be designed by one of the following methods: (2) If existing or proposed seawall without batter piles: Five feet as measured from the face of the seawall.
- Per LDR Section 7.9.6 (Docks – Additional Requirements Where Over 50 Feet in Aggregate Length) - A dock or combination of docks serving the same property and exceeding 50 feet in aggregate length shall be provided with the following facilities: (A) At least one sewage pumpout connected to the city sanitary system.

WAIVER ANALYSIS:

Modification of Standards

Pursuant to **LDR Section 7.9.4. - Modification of standards for approval; appeals.**

(A) Upon the recommendation of the Building Official, the Commission may authorize a modification in the standards for approval as set forth in various Subsections of this [Article 7.9](#), if it is determined that the



requirements of these sections would not be feasible or would constitute hardship in a particular instance, and provided that a modification would not endanger public safety and welfare.

- (B) Should the Building Official recommend against any request for modification of the standards for approval as set forth herein, the applicant shall have the right to appeal that decision of the Building Official to the Board of Adjustment, by filing a written request to the City Manager within ten days after the decision of the Building Official. The Board of Adjustment shall conduct a hearing on the appeal at a regular or special Board of Adjustment meeting and shall render a decision within a reasonable time after the hearing.

The waiver request is to modify the standards of approvals for docks, dolphins, finger piers, and boat lifts, as provided for in LDR Section 7.9.4. The analysis related to the modification of the requested standards is provided below.

Docks

Pursuant to **LDR Section 7.9.5 - Standards for approval**,

A dock may be permitted subject to the following conditions:

- (A) A dock projection into a waterway, exclusive of dock pilings, shall be designed by one of the following methods:
- (1) If no existing seawall: Five feet as measured from the water's edge at mean low tide.
 - (2) If existing or proposed seawall without batter piles: Five feet as measured from the face of the seawall.
 - (3) If existing or proposed seawall with or without a seawall cap with batter piles: Seven feet as measured from the face of the seawall.
- (B) Only one fixed dock is permitted per lot. The dock shall not extend any closer than ten feet to the property line of adjacent property or the distance established for the side yard setback, whichever is greater.
- (C) At least one ladder extending from the dock surface to two feet below the mean low waterline shall be provided for each dock.
- (D) Floating docks shall be allowed and must be permitted and permanently attached to a fixed dock, finger pier, mooring pilings, or seawall.
- (E) Docks attached to a seawall may be constructed at an elevation less than the elevation of the seawall, but shall not exceed the maximum seawall elevation in [Section 7.1.7](#)

The relief requested is to LDR Section 7.9.5(A)(2). While the existing dock extends 12 ft. from the seawall, the dock addition will exceed the 5 ft. limit, per Section 7.9.5(A)(2), by extending 85 ft. from the existing dock into Lake Ida (Tract "B"/subject property). The dock will accommodate up to 4 boats (2 boats on the north side of the dock & 2 boats on the south side of the dock), which enables 4 property owners with legal access to dock to moor a boat. The length of the boats that will be moored to the dock will generally be no more than 20 ft. with a typical hull depth of 2 ft.

The proposed dock is similar to recently constructed docks just north of the site at 1300, 1310 and 1320 NW 13 Street (see insert), which are approximately 72 ft. in length. The request to extend beyond the 5 ft. limitation is to accommodate up to 4 boats and allow the boats enough depth to moor safely. It is noted, the lake's shoreline meanders eastward where the proposed dock is to be installed. The distance from the east shoreline of Lake Ida to the west shoreline is greater at this location than the lake width



adjacent to the properties referenced to the north. This portion of Lake Ida is approximately 1,365 ft. wide. Due to the depth pattern of Tract "B" near the existing dock and seawall, the proposed length is necessary to safely moor a boat without scraping the lakebed. A hydrographic survey (Exhibit A) was submitted documenting the water depth ranges from a low point of 1 ft. near the existing dock to 5.5 ft. at the end of the dock. Therefore, there is adequate justification to modify this standard in this circumstance.

Per LDR Section 7.9.6. - Additional Requirements Where Over 50 Feet in Aggregate Length.

A dock or combination of docks serving the same property and exceeding 50 feet in aggregate length shall be provided with the following facilities:

- (A) At least one sewage pumpout connected to the city sanitary system.*
- (B) One potable water hose bib and one electrical outlet for each 25 feet of dock length or major fraction (over 50 percent) thereof or for each boat where the design of the dock, finger piers, or dolphins clearly indicates a specific number of boats to be moored.*
- (C) At least one ladder for each 50 feet of dock length or major fraction (over 50%) thereof extending from the dock surface to two feet below the mean low waterline. Where two or more docks serve the same property, at least one ladder shall be provided for each dock.*

The above standard to provide a sewage pumpout and connection to the City's sanitary sewer system is more applicable to docks in locations with access to the Intracoastal Waterway and Atlantic Ocean. Boats and vessels at these docking facilities are typically much larger and have onboard restroom facilities. The provision is not applicable to docking facilities on freshwater bodies, which have much smaller boats that do not have onboard restroom facilities. It is noted, the existing 72 ft. long docks referenced earlier in this justification statement do not have sewer pumpouts even though they are greater than 50 ft. in aggregate length and there is nothing that prevents docking more than one boat at the docks. Given the reasons provided herein, there is adequate justification to modify this standard.

Based upon the above, the Chief Building Official can confidently determine that the proposed length of the dock and elimination of sewer pumpout does not constitute an unsafe situation or endanger public safety.

There is also adequate justification to support the City Commission's authorization to modify the standards of approval in this circumstance. The City Commission can determine that applying the current regulations to this particular circumstance would constitute a hardship based upon the current water levels near the shoreline to accommodate mooring of boats, and that the proposed extension into Lake Ida, which is approximately 1,365 ft. wide at this location, does not endanger public safety and welfare.



