

**Thomas and Laura Speno
227 Palm Trail
Boat Lift and Finger Pier Variance Narrative**

Tabular Summary of Requests

LDR Code Section	Requirement	Provided	Variance Request
7.9.7(C)	For waterways greater than 100 feet in width, the maximum distance a dolphin may be installed shall be 25 feet from the extended property line or seawall or bulkhead, whichever is nearer to the waterway.	Finger pier to be located 32.3' from the bulkhead. (Per Code Sec. 7.9.8, the conditions for installation and location of finger piers shall be the same as specified for dolphins.)	7.3'
7.9.11(A)	The boat lift in a raised position shall not extend more than 20 feet into the waterway from the property line or seawall or bulkhead, whichever is nearer to the waterway.	Boat lift to be located 37'-1" from the bulkhead.	17.1'

Justification Statement

Thomas and Laura Speno (“Applicant”) are the owners of a 0.41-acre parcel with an address of 227 Palm Trail the City of Delray Beach (“City”). Located on the east side of Palm Trail, the Property backs up to the Intracoastal Waterway. The Property is located within the Low Density, LD, zoning district and has a land use designation of Single Family Residential, R-1-AA, on the City’s Future Land Use Map. Currently, Applicant is in the process of constructing a new home on the Property and is seeking to build a new seawall and marginal dock. Applicant also intends to install a finger pier and boat lift that extend 32.3 feet and 37.1 feet from the bulkhead, respectively.

In order to install the finger pier and boat lift, the Applicant must request a variance from Section 7.9.11(A) and Section 7.9.7(C) to allow the boat lift to extend more than twenty feet into the waterway and the finger pier to extend more than 25 feet into the waterway. The variance is necessary due to existing low water depths adjacent to the Property. Section 2.4.7(A)(5) of the City Code sets forth the criteria for variance requests. As explained in detail below, this application with the attached plans, surveys, and justification satisfies the criteria for the requested variances. Each of these criteria are listed below in bold, with the Applicant's response provided under each:

a) Describe which special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning.

Special conditions and circumstances exist which are peculiar to the Property that are not generally applicable to other properties within the same zoning district. The addition of a finger pier and boat lift will result in a total extension of 32.3 feet and 37.1 feet, respectively, into the Intracoastal Waterway which is the minimum of what is required to allow the Applicant to safely navigate a boat onto the proposed boat lift. There are special circumstances that are peculiar to the Property, as this particular area of the Intracoastal becomes incredibly shallow closer to the seawall near the property line and does not provide the needed depth for safe operation and use of the boat lift. As part of this application, Petitioner has provided a Hydrographic Survey that demonstrates the mean low water (MLW) levels adjacent to the Property. As such, shortening the finger pier and placing the boatlift any closer to the property line would not allow the Applicant the depths needed to safely navigate and dock a boat and would beach the boat, causing significant damage. Considering the foregoing, the Property's unique and peculiar circumstances necessitate the variance requests for the length the boat lift and finger pier to extend out into the Intracoastal Waterway.

b) Describe which literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.

Literal interpretation of the Code in this instance would deprive the Applicant of rights that are commonly enjoyed by other property owners within the same zoning district. As stated above, constructing a finger pier and boat lift in accordance with the Code requirements would not allow the Applicant the ability to safely navigate a boat into the boatlift, as demonstrated through the hydrographic survey included with this application. This is due to the shallow depths of the water nearer to the seawall and property line. Not granting the variance requests would deprive the Applicant of the ability to allow the safe docking of a boat, a right that adjacent neighbors and other surrounding properties within the same zoning district have and enjoy.

c) Explain how the special conditions and circumstances have not resulted from actions of the applicant

The special and unique conditions associated with the Property are not attributable to the actions of the Applicant. The variance requests to allow the finger pier to extend 32.3 feet and the boat lift to extend 37.1 feet into the Intracoastal Waterway is created by the existing conditions in the Waterway, with the waters being too shallow for the safe operation of the boat lift closer to the property line. This is not a condition created by the actions of the Applicant.

d) Explain how granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, a buildings under the same zoning. Neither the permitted, no nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance.

Granting the variance will not confer any special privilege to the Applicant that is denied to other property owners in the same zoning district. The right to safely navigate and dock a boat is one that is commonly enjoyed by other property owners within the same zoning district and surrounding area.

e) Describe the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The variance requested is the minimum necessary for the applicant to make reasonable use of the Property. Allowing the finger pier to extend 32.3 feet and the boat lift to extend 37.1 feet out into the Intracoastal Waterway rather than 25 feet and 20 feet, respectively, is the minimum needed to allow the safe operation of the boat lift. The water depth is too shallow moving closer to the property for the boat to dock and utilize the boat lift correctly and safely, as demonstrated through the hydrographic survey.

f) Explain how the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Granting the variance requests will not be detrimental to the public welfare or injurious to the property or improvements within the same district or the surrounding neighborhood. The requests will allow for the Applicant to enjoy the same rights commonly enjoyed by other property owners in the same district and surrounding neighborhood with a design that will allow a boat to safely navigate into and out of the boat lift. In addition to creating conditions for safe boating activities, the proposal will have a positive effect on property values. Further, the proposed boat lift will not extend further into the Intracoastal Waterway than the existing structures on neighboring properties, thereby creating no additional impacts to surrounding

parcels. As such, the variance is in harmony with the general purpose and intent of the regulations and will not be injurious or otherwise detrimental to the neighborhood or public welfare.

g) Please provide any other comments and information which can be relevant or assist the Board in reviewing this request.

As stated above, the request will allow for the Applicant to enjoy the same rights commonly enjoyed by other property owners in the same district and surrounding neighborhood with a finger pier and boat lift that will allow a boat to safely navigate in and out of the boat lift. The requests are to allow the finger pier to extend 32.3 feet and the boat lift to extend 37.1 feet into the Intracoastal Waterway, which are the minimum requests necessary for safe navigation.