

385 Captains Walk Variance Request

RTRI FL1, LLC (“Owner”) is the owner of 0.13 acre parcel with an address of 384 Captains Walk, in the City of Delray Beach (“Property”). Located on the north side of the C-5 canal (and the municipal boundary of the city), approximately 800 feet west of the Intracoastal Waterway. The Property is located in the Planned Residential Development (PRD) zoning district, and has a Medium Density (MD) land use. The Property is developed with a single-family home and an existing dock adjacent to a seawall. The Owner is proposing to raise the seawall, although not required, to be consistent with current elevation requirements, remove the existing dock, install a new dock parallel to the seawall, and install a new finger pier, dolphins, and boat lift which will be perpendicular to the seawall and dock (“Mooring Facilities”). The proposed finger pier extends 28’- 7” into the C-5 canal and multiple dolphins, the furthest of which extends out 62’ from the property line. The Owner is also proposing the installation of a boat lift which extends 26’-11” from the property line. As shown in the attached specific purpose survey, the water depths adjacent to the property, taken approximately at high tide, is 4.6 feet. Since there was a 2.77 foot differential between high and low tides based on tidal charts provided by the National Oceanic and Atmospheric Administration¹, the water depth at low tide was 2 feet or less.

In order to construct the finger pier and install the dolphins, the Owner is requesting a variance from Section 7.9.7(C)² to allow the finger pier and dolphins to extend more than 25’ into the waterway, for a total of 28’7” for the finger pier and 62’ for the dolphins. In order to construct the boat lift, the Owner is requesting a variance from Section 7.9.11(A) to allow the boat lift to extend more than 20’ from the property line, for a total of 26’11”. Section 2.4.11(A)(5) of the city code sets forth the criteria in seeking these variance requests. As explained below, this application with the attached plans, surveys, and justification satisfies the criteria for the requested variances. Each of the criteria are listed below in bold, with Owner’s response provided under each.

Section 2.4.11(A)(5) Criteria:

- a) **That 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. Economic hardship shall not constitute a basis for the granting of a variance.**

RESPONSE: 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 Property, which only has a 50’ width, is along a canal where the other properties, almost exclusively, have perpendicular mooring facilities which extend out into the canal. Docking a boat today would essentially require a captain to parallel park the vessel in an overly exaggerated way due to the other finger piers and dolphins located adjacent to the Property which stick out into the canal over 60 feet from the seawalls. And unlike a typical passenger vehicle you’ll find on the road, a

¹ Tidal chart dated June 5, 2024, consistent with survey.

² The location of finger piers are the same as specified for dolphins per Section 7.9.8.

boat does not have the same maneuverability and is greatly affected by the wind and current. Moreover, based on the enclosed survey, the water depth at the seawall is only a couple feet from the canal bottom at low tide, which may cause damage to a vessel, even a vessel with a shallow draft. Furthermore, to properly use and store a vessel on a boat lift, there must be an appropriate approach angle for the boat to be driven onto the lift. Based on the width of the Property and the location of adjacent dolphins, a boat could not reasonably or safely moor a vessel without obtaining relief from the city. In order to moor a vessel safely, the Mooring Facilities will need to be installed perpendicular to the seawall. The Mooring Facilities will not extend any further out than any other dolphins or finger piers owned by neighboring property owners, and therefore will not create an impact on navigation.

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

RESPONSE: As stated above, the construction of the Mooring Facilities based on the literal interpretation of the regulations would deprive the Owner of rights enjoyed by other owners along this canal and elsewhere in the same zoning district. The literal interpretation would not allow the Owner the ability to safely navigate a boat onto a boat lift due to neighboring properties. Not granting the variances requested would deprive the Owner of the ability to have Mooring Facilities that will allow the safe and adequate mooring, a right that adjacent neighbors and other surrounding properties with the same zoning district have and enjoy.

c) That the special conditions and circumstances have not resulted from actions of the applicant.

RESPONSE: The special conditions and circumstances are not attributable to the actions of the Owner. The variance requests to allow the Mooring Facilities (which are consistent with neighboring facilities) was created by other neighbors up and down the C-5 canal. These are not conditions created by the actions of the Owner.

d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance.

RESPONSE: Owner will not receive any special privilege that would otherwise be denied to other property owners. The right to safely navigate and to moor a vessel is commonly enjoyed by other property owners along the C-5 canal and elsewhere in the city.

e) That the reasons established 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.

RESPONSE: The variances requested are the minimum necessary for the Owner to make reasonable use of the Property. Allowing the finger pier and dolphins to extend out to 28'-7" and 62', respectively, and the boat lift to 26'-11", are consistent with other neighboring facilities. This allows the Owner to pull straight into the boat lift without any unnecessary maneuvers and without the uncertainty caused from the weather and currents.

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

RESPONSE: Granting the variance request will not be detrimental to the public welfare or injurious to the neighboring properties or to other properties in the same district or surrounding area. The request will allow the Owner to enjoy the same rights commonly enjoyed by other property owners along the C-5 canal with a design that allows a boat to safely moor and navigate into and out of the boat lift. Furthermore, the proposed Mooring Facilities will not extend further into the C-5 canal than other existing dolphins or finger piers, thereby creating no additional impacts to navigation or to the surrounding properties. 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.