

CITY OF DELRAY BEACH



100 N.W. 1st AVENUE • DELRAY BEACH, FLORIDA 33444 • 561/243-7000

August 22, 2017

Gregory S. Kino
Ciklin Lubitz & O'Connell
B515 North Flagler Dr. 20th Floor
West Palm Beach, FL 33401

**RE: 744 Seasage Dr.
Request for Modification of the Standards of Approval – Boat Lift**

Dear Mr. Kino:

This letter is in reference to your request for a modification of the standards for approval for Land Development Regulations (LDR) Section 7.9.11, "Boat Lifts", to permit a second boat lift for the residential property located at 744 Seasage Dr. pursuant to LDR Section 7.9.4. LDR Section 7.9.11(B), limits properties along a body of water to only one boat lift. The intent of Article 7.9, as stated in the LDRs, "is to permit construction in and upon certain waterways of docks, dolphins, finger piers, and boat lifts which do not cause a hazardous interference with navigation, endanger life or property, or deny the public reasonable visual access to the public waterways." Article 7.9 provides a process to modify the standards of approval for any of the respective sections within it. This letter addresses the criteria for the requested modification for approval.

The proposal is a "platform lift" which has been defined by the City of Delray Beach Planning, Zoning and Building Department as a "boat lift". The platform lift is designed to provide a safe, water level launch for non-motorized vessels such as kayaks and paddle boards. The platform lift is not designed as a conventional boat lift with the mechanical machinery exposed. This type of platform lift is designed to appear as an extension of the existing dock when not in use; however, it is not intended to be used as an extension of the dock or for storage purposes when in the upward position.

LDR Section 7.9.4, "Modification of standards for approval; appeals", allows the City Commission to authorize a modification in the standards of approval set forth in various Subsections of this Article 7.9., if a determination that (1) the requirements of the particular section would not be feasible or would constitute hardship in a particular instance, and (2) provided that a modification would not endanger public safety and welfare. I have evaluated the proposed platform lift and have determined that, although the property already has a boat lift, the limit of one boat lift per property is not applicable in this circumstance. The restriction of one boat lift for the purpose presented for this type of platform lift would constitute a hardship based upon the current water levels in this location of the Intracoastal Waterway. According to the property owner's contractor inspections, the distance between the water level and the top of the dock vary from three feet (mean high water line) to six feet (mean low water line). Currently, the waterway can be accessed via a ladder; however, at low tide, when the distance between the existing dock and the mean low water line increases to six feet, the launch of kayaks and paddle boards presents practical difficulties and an unsafe situation for the property owner.

Therefore, due to the water level fluctuations related to the physical characteristics of the property, the strict enforcement of these regulations as it applies to this property would present practical difficulties in the use of the waterway for kayaks or similar watercraft. In addition, the modification will not endanger public safety and welfare as the platform is intended to reduce potential hazards associated with launching small non-motorized watercraft from the property. The proposed location will not interfere with navigation as the platform is located immediately adjacent to the existing dock and does not extend further than the existing finger pier. Based upon these findings, I recommend approval to the City Commission for the request as it is consistent with the intent of Article 7.9 and that it meets the criteria set forth in Section 7.9.4 subject to the conditions (1) that the platform lift be used only for non-motorized personal watercraft; and, (2) that the platform lift shall not be used as a dock extension and can only be used to launch personal watercraft.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steve Tobias", with a stylized, flowing script.

Steve Tobias
City of Delray Beach Building Official