



Legislation Text

File #: 17-620, Version: 1

TO: Mayor and Commissioners
FROM: Timothy Stillings, Planning, Zoning and Building Director
THROUGH: Neal de Jesus, Interim City Manager
DATE: September 26, 2017

REQUEST FOR A MODIFICATION OF THE STANDARDS FOR APPROVAL FOR LDR SECTION 7.9.11 BOAT LIFTS, TO PERMIT A SECOND BOAT LIFT FOR A SINGLE FAMILY RESIDENCE LOCATED AT 744 SEASAGE DRIVE. (QUASI-JUDICIAL HEARING)

Recommended Action:

Motion to Approve the modification of the standards for approval for LDR Section 7.9.11, to permit a second boat lift, based upon a positive recommendation from the Building Official per LDR Section 7.9.4.

Background:

The subject property is located at 744 Seasage Dr. on the west side of Seasage Dr. and just north of Bauhinia Rd. in the Single Family Residential zoning district (R-1-AAA) within the Ocean Neighborhood Overlay district.

The proposal consists of the installation of a "platform lift" which has been defined by the City of Delray Beach Planning, Zoning and Building Department as a "boat lift". Currently, a 30,000 lb. topless boat lift exists on this property which is utilized to lift large vessels. The second boat lift proposed will be a 10,000 lb. platform lift located adjacent to the west of the existing dock and utilized to launch kayaks and other personal watercrafts into the waterway. The platform lift is not designed as a conventional boat lift with the mechanical machinery exposed. This type of platform lift is designed to obscure the lift mechanism and 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 7.9.11(B), limits properties along a body of water to possess only one boat lift. Pursuant to LDR Section 7.9.4, upon the recommendation of the Building Official, the City Commission may authorize a modification in the standards for approval if it is determined that the requirements of this section would not be feasible or would constitute hardship in a particular instance, and provided that a modification would not endanger public safety and welfare. The limit of one boat lift is the "standard for approval"; therefore, the applicant seeks relief from this standard.

The applicant has submitted the following justification in support of the waiver:

"...the proposed platform lift will allow Mr. Long's family to safely launch kayaks and other non-motorized watercrafts into the waterway. Currently, the conditions are such that the water levels do not allow the safe launching of any such watercrafts, substantially diminishing the Long's use and

enjoyment of their property and riparian rights. " The complete request letter is provided as an attachment.

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."

The Building Official has evaluated the proposed platform lift and has 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 letter with the Building Official's recommendation is included with this item. 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, The Building Official recommends 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 following conditions:

- That the platform lift be used only for non-motorized personal watercraft; and,
- That the area of the platform lift shall not be used for storage of equipment (i.e., grills, lawn chairs) except for the personal watercraft.

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review:

N/A

Funding Source:

N/A

Timing of Request:

N/A