

**HARBOUR OAKS POINTE HOMEOWNERS ASSOCIATION  
HARBOUR OAKS POINTE DRIVE  
EDGEWOOD, FLORIDA 32809**

October 11, 2022

Brett Sollazzo  
Administrative and Planning Manager  
405 Bagshaw Way  
Edgewood, Florida 32809

**RE: Summary of Objections to Proposed Dock at 524 Harbour Island Road.**

Dear Mr. Sollazzo,

We, the undersigned, respectfully submit this letter in order to summarize the reasons for our objection to the proposed location of the boat dock at 524 Harbour Island Road (the "Property"). To start, we feel it is important to emphasize that we do not object to the right of the owner of the Property (the "Property Owner") to construct a boat dock on the canal. Our objection is to the specified proposed location itself (the "Proposed Location") on the Property Owner's shoreline, which we believe would create an unnecessary navigation hazard in violation of City Code<sup>1</sup>.

The Proposed Location fails to take into account the existing boat dock across the canal from the Proposed Location (the "Existing Dock"), which is permitted to allow for a boat to hang from davits. Nowhere in the submitted plans for the Proposed Location do the plans address the distance to the Existing Dock, or, more importantly, the presumed distance to a boat hanging from the Existing Dock, and whether the navigable channel of the canal would be impeded. A satellite photo is included with this letter showing the canal, and the Existing Dock in use with a boat hanging from davits.

In our collective opinion<sup>2</sup>, the overly-narrow navigable channel created by the Proposed Location would be an unnecessary and dangerous impediment to navigation through the canal. Boats will have limited room to navigate between the Proposed Location and the Existing Dock (when a boat is hanging from davits). Boats with a broad beam, such as pontoon boats, may even be blocked entirely.<sup>3</sup> Even for boats that may be able to squeeze in between the two docks, the narrowness of the remaining navigational channel would be an unreasonable and unnecessary safety and navigation hazard. Especially during certain conditions, such as at night or in other low-light situations, or in high winds or other inclement weather. We believe this creates an unreasonably high chance that damage will occur to boats and structures, including the proposed dock itself.

We believe that this failure to account for the proximity of the Existing Dock should make the Proposed Location a violation of the minimum criteria required by Edgewood City Code. Particularly, Section 14-11(b)(2), which states:

"No dock shall be constructed or extended . . . to a length that would adversely impact the rights of other persons use of, and access to, the water body." [emphasis added].

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<sup>1</sup> Edgewood Code of Ordinances, Section 14-11(b)(2).

<sup>2</sup> While there are subjective determinations to be made, we would note that the undersigned homeowners have, collectively, multiple decades worth of experience boating on the canal in question. While the dock contractor who selected the location has never, to our knowledge, built a dock on the canal or boated on the canal. We would respectfully ask for our opinion as to conditions which affect navigability of the canal to be weighted accordingly.

<sup>3</sup> Given that, surprisingly, no apparent attempt has been made in the submitted plans to account for the Existing Dock, it is difficult to say with absolute certainty at what beam width a boat would be unable to pass. However, some pontoon boats are up to 12 feet wide, thus there is quite a real risk that such boats may not be able to pass through the canal, or have such extremely limited room as to be de-facto impassable. This could also vary depending on the beam of the particular boat hanging at the Existing Dock.

In our view<sup>4</sup>, creating a dangerous and unnecessary impediment to, and restriction of, navigation and lake access would clearly "adversely impact" the rights of the residents of the 19 canal front homes which must navigate by the Existing Dock to make use of the water body. From reviewing the submitted plans, it appears no attempt has been made to demonstrate compliance with this minimum criteria required by the City Code. At a minimum, one would expect there to be at least a base measurement to the Existing Dock, with and without an estimate for a boat hanging in the davits, which does not appear to have been done.

Additionally, we would note that, per Section 14-11(c) of Edgewood City Code, when the Edgewood City Council must decide on a contested application for a dock permit, there are certain codified factors to be considered in making such decision. Most notably:

(A) "Possible obstruction to navigability",<sup>5</sup>

(B) "Hazardous conditions",<sup>6</sup> and

(C) "Whether the proposed structure unreasonably interferes with the riparian or littoral rights of other property owners."<sup>7</sup> [emphasis added]

Moreover, when deciding on whether a proposed dock constitutes "unreasonable interference", City Code specifically states that the "proximity of [neighboring] docks"<sup>8</sup> shall be a basis for such determination.

While these are subjective factors and ultimately a subjective determination for the City Council, we strongly believe the Proposed Location (A) is a "possible obstruction" to navigation, (B) creates potential "hazardous conditions", especially in certain situations, and (C) "unreasonably interferes" with the rights of the other homeowners to use the canal to access Lake Conway. Thus we think such factors should weigh in favor of denying the Proposed Location and finding a safer location on the Property Owner's shoreline. We therefore respectfully submit that the application for the Proposed Location should be denied based both (i) on the above factors which are within the purview of the City Council, and (ii) the failure to meet minimum City Code requirements as described above.

We would be happy to drop our objection to the dock if the Proposed Location were simply moved to a safer place on the Property Owner's shoreline. As can easily be seen from the submitted plans and attached satellite photo, the Property Owner has a substantial amount of shoreline on the canal where a dock could be constructed without restricting access to the canal. It would appear to us that if the Proposed Location could simply be moved approximately 20-30 feet to the East, then the impediment to navigation and the resulting danger would be removed. Curiously, the Proposed Location is the only location on the shoreline where this danger to navigation would actually be created. In our view, this would be the simplest solution to the problems raised by the Proposed Location, and our resulting objections, and still allow the Property Owner to construct a dock.

Please let us know if we can provide any more information on this matter. We would be more than happy to have any of the City Council members out for a site visit, in order to demonstrate the problem first-hand from the perspective of the water. Thank you very much in advance for your consideration on the above matters.

Respectfully,



Reed R. Clary  
President  
Harbour Oaks Pointe Homeowners Association  
[Additional Signatures Attached]

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<sup>4</sup> See Footnote 2.

<sup>5</sup> Section 14-11(c)(1)

<sup>6</sup> Section 14-11(c)(3)

<sup>7</sup> Section 14-11(c)(4).

<sup>8</sup> *Id.*




Google Earth

20 m

Camera: 144 m 28°29'10"N 81°22'05"W 24 m

**Joint Signature Page to Objection Letter**

The undersigned homeowner hereby represents that they will be affected by the proposed dock location at 524 Harbour Island Road, hereby joins their signature in agreement to the Objection Letter submitted by the Harbour Oaks Pointe Homeowners Association in respect thereof.

Signature:  \_\_\_\_\_

Name of Homeowner(s): Richard Browning

Address: 407 Harbour Oaks Pointe Dr.

**Joint Signature Page to Objection Letter**

The undersigned homeowner hereby represents that they will be affected by the proposed dock location at 524 Harbour Island Road, hereby joins their signature in agreement to the Objection Letter submitted by the Harbour Oaks Pointe Homeowners Association in respect thereof.

Signature: 

Name of Homeowner(s): Joseph G. Olear

Address: 449 Harbour Oaks Pointe Drive, Edgewood FL 32822