



HIGHLAND BEACH BUILDING DEPARTMENT

3614 S. Ocean Boulevard
Highland Beach, FL 33487
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PLANNING BOARD STAFF REPORT

MEETING OF: May 12, 2022

TO: PLANNING BOARD

FROM: INGRID ALLEN, TOWN PLANNER

SUBJECT: APPLICATION BY MARK AND KIM KABBES FOR A SPECIAL EXCEPTION APPROVAL TO INSTALL A 4,000 POUND CAPACITY BOAT LIFT FOR A PROPERTY LOCATED AT 4304 INTRACOASTAL DRIVE (DO #20-0015).

I. GENERAL INFORMATION:

Applicant (Property Owner): Mark and Kim Kabbes
4304 Intracoastal Drive
Highland Beach, Fl. 33487

Applicant's Agent: Not applicable

Property Characteristics:

Comprehensive Plan Land Use: Single Family
Zoning District: RS, Residential Single Family
Parcel PCN#: 24-43-47-04-02-004-0190

Background:

On October 22, 2019, a Code Violation was issued to the property owner for installation of a boat lift without a permit (Case No. CR-19-0058).

Request and Analysis:

The Applicant is proposing to install a 4,000 pound capacity elevator boat lift at the property located at 4304 Intracoastal Drive.

The Applicant has obtained both Florida Department of Environmental Protection (FDEP) and US Army Corps of Engineers (USACOE) approval for the proposed boat lift. The corresponding file numbers for each agency are provided in the table below.

FDEP (FILE NO.)	ACOE (FILE NO.)
50-344029-002-EE	SAJ-2016-01427(GP-JKA)

Pursuant to Section 30-68(g)(6)d.2. of the Town Code, accessory marine facilities (which includes boat lifts) located in Single-family zoning districts shall provide a 25-foot side yard setback. According to the Applicant's submitted plan set, the proposed boat lift is compliant with this setback requirement.

The Applicant's boat lift plan sheet (2 of 3) provides the height of the superstructure of the boat along with the height of the boat lift pile; however, it does not reflect the boat in a lifted position. The plan sheet does provide the "maximum height of boat keel" and therefore at this maximum height, the proposed request is in compliance with the below definition of "boat lift" as provided in Section 30-131 of the Town Code.

Section 30-131 ("Definitions of terms") Boat lifts means the bottom of the keel of any boat shall not be hoisted greater than one foot above the minimum seawall elevation. In no case shall the lift be higher than the superstructure of the boat when lifted.

Section 30-68(h)(1)a. of the Town Code, states that the installation of a boat lift shall be subject to special exception approval by the Planning Board at an advertised public hearing. Section 30-36(a) of the Town code states that if the Planning Board is the final authority on the special exception, then it shall approve, approve with conditions, or deny the application.

Staff has reviewed the Applicant's proposed request and finds that the project is consistent with the Zoning Code (Chapter 30) including the special exception criteria of Section 30-36, were applicable, and the Town Comprehensive Plan.

Following an approval by the Planning Board and prior to initiation of construction, the Applicant will be required to obtain a building permit from the Town of Highland Beach Building Department. Pursuant to Section 30-21(g) of the Town Code, commencement of construction shall be initiated within two (2) years following the date of approval by the Planning Board.

II. Recommendation

Staff recommends approval of the installation of a proposed 4,000 pound capacity boat lift at the property located at 4304 Intracoastal Drive subject to the following condition and based on the plans date stamped received by the Building Department on March 25, 2022:

1. Pursuant to Section 30-131 of the Town Code, the proposed boat lift shall comply with the definition of “boat lifts” including that in no case shall the lift be higher than the superstructure of the boat when lifted.

The Applicant’s proposed request:

- ☒ **Meets Town of Highland Beach Zoning and other governmental agencies requirements.**
- ☐ **Meets Town of Highland Beach Zoning requirements; however, approvals are pending before the Town of Highland Beach will issue permits, with other governmental agencies as listed:**
- ☐ **Does not meet Town of Highland Beach Zoning requirements.**

Should you have any questions, please feel free to contact me at (561) 637-2012 or iallen@highlandbeach.us

**Ingrid Allen
Town Planner**

Attachments: Application
 Aerials
 FDEP approval
 ACOE approval
 Applicant Plans