



# TOWN OF HIGHLAND BEACH

## AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** January 4, 2022

**SUBMITTED BY:** Ingrid Allen, Town Planner, Building Department

**SUBJECT:** Request for land filling approval for a portion of the property located at 2500 South Ocean Boulevard.

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### SUMMARY:

The Applicant proposes to install a new seawall approximately 16 feet west of the existing seawall along the rear (west) property line. The existing seawall will be removed and the area between the previous and new seawall (approximately 1,440 square feet) will be backfilled with 200 cubic yards of fill. The property is currently vacant with the exception of a concrete wall (including columns) and gates along the front property line, and a seawall (as noted above) at the rear of the property (approximately 16 feet east of the rear property line). In addition, there is a paved driveway as well as a paved path (4.5 feet in width) perpendicular to State Road A1A. Currently, the area between the existing seawall and the rear property line is a beach abutting the Intracoastal Waterway.

Pursuant Section 14.1 of the Town Code of Ordinances, the following provisions pertaining to "land filling" apply:

*Any person desiring to add to or extend any lands, areas, including submerged lands, to remove sand, rock or earth from any submerged lands, to construct a finger canal, lagoon or yacht basin within the territorial limits of the town by any means, including, but not limited to, hydraulic dredging, pumping, dragline, dynamiting or shovel, shall first make application to the town commission for permission to do so. Such written application shall be accompanied by a plan or drawing showing the area to be filled and also showing the area from which any fill material is to be dredged or removed by other means. Specifications sufficient in detail as to clearly outline how the dredging or filling procedure will take place must also accompany the application.*

The Applicant has provided a narrative along with accompanying plan (Attachment No. 1) showing the area to be filled which was reviewed and accepted by Cap Government, Inc. The Applicant has indicated in their narrative that no dredging is proposed other than minor de-silting between the existing and proposed seawall. In addition, the Applicant has received both Florida Department of Environmental Protection and US Army Corps of Engineers approval for the installation of such proposed fill (Attachment No. 1). The corresponding file numbers for each agency are provided in the table below.

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<b>PROPOSED ACTIVITY</b>	<b>FDEP (FILE NO.)</b>	<b>ACOE (FILE NO.)</b>
Seawall (including fill)	50-388036-001-EE	SAJ-2020-01935(NW-CGK)

At the December 9, 2021 Planning Board ("Board") meeting, the Board granted site plan approval for a new two-story, 6,655 square foot single family home with pool and spa (Development Order No. 21-0005) as well as a special exception approval for a seawall and dock (Development Order No. 21-0009). Both approvals were contingent upon Town Commission approval for land filling pursuant to Chapter 14 of the Town Code of Ordinance.

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**FISCAL IMPACT:**

N/A

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**ATTACHMENTS:**

Attachment No. 1 - Special Exception (Development Order No. 21-0009), 12-9-21 Planning Board staff report.  
 Site Plan Approval (Development Order No. 21-0005), 12-9-21 Planning Board staff report.  
 Chapter 14 Town Code of Ordinances.

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**RECOMMENDATION:**

Approval of land filling request.