



## HIGHLAND BEACH BUILDING DEPARTMENT

3614 S. Ocean Boulevard  
Highland Beach, FL 33487  
Ph: (561) 278-4540

## PLANNING BOARD STAFF REPORT

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**MEETING OF:**        **DECEMBER 9, 2021**

**TO:**                    **PLANNING BOARD**

**FROM:**              **INGRID ALLEN, TOWN PLANNER**

**SUBJECT:**            **APPLICATION BY B&M MARINE CONSTRUCTION, INC. FOR A  
SPECIAL EXCEPTION APPROVAL TO INSTALL A 721 SQUARE  
FOOT DOCK AND A 126 LINEAR FOOT SEAWALL AND CAP FOR  
THE PROPERTY LOCATED AT 2901 SOUTH OCEAN  
BOULEVARD (APPLICATION NO. 21-0011)**

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### I. GENERAL INFORMATION:

**Applicant (Property Owner):**        Highlands Place Condominium Association, Inc.  
2901 South Ocean Boulevard  
Highland Beach, FL 33487

**Applicant's Agent:**                  David Nutter  
B & M Marine Construction, Inc.  
1211 South Military Trail, #220  
Deerfield Beach, FL 33442

**Property Characteristics:**

**Comprehensive Plan Land Use:**    Multi Family High Density

**Zoning District:**                      Residential Multiple Family High Density (RMH)

**Request and Analysis:**

The Applicant is proposing to install a new 721 square foot wood dock and a 126 linear foot seawall and cap within 18 inches waterward of the existing seawall. The new proposed dock will replace an existing dock. Pursuant to Section 6-128 of the Town Code, no bulkhead, seawall, or retaining wall shall be erected or constructed in any water, canal or lake, or on land abutting thereon, within the limits of the town, unless plans and specifications have been submitted to and approved by all federal, state and county agencies with jurisdiction over such construction activities, the planning

board and the town consulting engineer, with a copy of such plans and specifications being filed with the town.

The Applicant has obtained Florida Department of Environmental Protection (FDEP) approval for the above-referenced items (File No. 50-0406239-001,002-EE). According to the FDEP approval (dated July 23, 2021), a separate permit or authorization will not be required from the US Army Corps of Engineers (ACOE).

Pursuant to Section 6-128(b) of the Town Code, all seawalls west of State Road A1A shall be at Base Flood Elevation (BFE) or higher as provided by the FEMA FIRM maps. The BFE for the property is currently at 6 feet. The Applicant's proposed seawall is 6.0 feet NAVD. While the plan set the Applicant submitted to FDEP indicates a proposed seawall and cap at +/- five (5) feet (NAVD), the Applicant has provided additional correspondence from FDEP indicating that the proposed seawall at six (6) feet (NAVD), as provided on the plan set submitted to the Town, would comply with FDEP regulations (see attached FDEP approval).

The Applicant's request is consistent with the special exception provisions of Section 30-36 of the Town Code, were applicable, and consistent with the Town Comprehensive Plan and Code of Ordinances.

Section 30-67(b) of the Town Code indicates that docks, seawalls, and boat lifts in the Residential Multiple Family Low Density (RML) zoning district require special exception approval by the Planning Board. Section 30-36(a) of the Town code states that the Planning Board may approve, approve with conditions, or deny a request for special exception relating to seawalls, bulkheads, retaining walls and accessory marine facilities.

If the Planning Board approves the request, the Applicant will be required to obtain a building permit from the Town of Highland Beach Building Department following such approval and prior to initiation of construction. 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 special exception request to install a 721 square foot dock and a 126 linear foot seawall and cap based on the plans date stamped received by the Building Department on November 17, 2021:

☒ **Plans meet Town of Highland Beach Zoning and other governmental agencies requirements and are consistent with the Town Comprehensive Plan.**

☐ **Plans meet 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.**

☐ **Plans do 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](mailto:iallen@highlandbeach.us)**

**Attachments: Application**

**Aerials**

**FDEP approval**

**HOA approval**

**Applicant Plans**