



HIGHLAND BEACH BUILDING DEPARTMENT

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

PLANNING BOARD STAFF REPORT

MEETING OF: **JANUARY 16, 2025**

TO: **PLANNING BOARD**

FROM: **INGRID ALLEN, TOWN PLANNER**

SUBJECT: **APPLICATION BY BOAT LIFTS & DOCKS OF SOUTH FLORIDA, REQUESTING A SPECIAL EXCEPTION (FOR THE PROPERTY LOCATED AT 4748 SOUTH OCEAN BOULEVARD #LPH-6) TO INSTALL A 24,000 POUND CAPACITY BOAT LIFT IN SLIP NO. 25 OF THE BOCA HIGHLAND MARINA. (APPLICATION NO. PZ-24-17)**

I. GENERAL INFORMATION:

Applicant (Property Owner): Michael B. Weisberg
4748 South Ocean Boulevard #LPH-6
Highland Beach, FL 33487

Applicant's Agent: Akbar Mondal
Boat Lifts & Docks of South Florida
1013 Northwest 31 Avenue
Pompano Beach, FL. 33069

Property Characteristics:

Comprehensive Plan Land Use: Multi Family Low Density

Zoning District: Residential Multiple Family Low Density (RML)

Parcel Control Number: 24-43-47-09-03-001-1606

Request and Analysis:

The Applicant is requesting a special exception to install a 24,000 pound capacity boat lift in slip No. 25 of the Boca Highland Marina. The request is on behalf of the property owner residing at 4748 South Ocean Boulevard #LPH-6 which is located within the Dalton Place Condominium.

The Applicant has obtained Florida Department of Environmental Protection (FDEP) authorization for the above-referenced boat lift (FDEP File No. 50-0452793-001-EE). According to the FDEP authorization (dated November 8, 2024), a separate authorization from the U.S. Army Corps of Engineers is not required.

According to the Applicant's boat lift detail (sheet DET-1) the top of the lift measures approximately 4 feet 10 inches from the existing wood dock. The Applicant has not superimposed the superstructure components of the boat on the lift detail sheet (this is not a requirement of the Town Code). That said and at the request of Town staff, the Applicant has provided a note on sheets DET-1 and DET-2, that references compliance with the boat lift definition found in Section 30-131 of the Town Code (see below).

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.

Note that the Boca Highland Marina (south of Grant Court) only accommodates perpendicular docking of vessels. Section 30-68(g)(7) of the Town Code provides the following regulations pertaining to perpendicular docking:

Perpendicular docking. Unless otherwise provided herein, boats shall not be moored or docked perpendicular to the property at which they are located.

a. boat moored at the landward end of a canal constructed for boat docking purposes may be moored perpendicular to the property line, provided such mooring does not impede the navigation of adjacent property owners.

b. A boat moored in the Intracoastal Waterway may be moored perpendicular to the property line, subject to approval by the U.S. Army Corps of Engineers.

c. A request for perpendicular docking of a boat in a canal shall be considered as a special exception by the planning board. Applications for development order approval of perpendicular docking of boats shall be subject to all standards applicable to a special exception request, and the additional criteria contained herein:

1. Location of docks, docked boats, and relation to side setbacks shall be established by the waterward extension of property lines.

2. Perpendicular docking of boats shall not interfere with navigation of other boats within the affected canal, and will not be a hazard to navigation.

3. Perpendicular docking of boats shall comply with all setbacks required for accessory marine facilities.

4. Docks or accessory mooring facilities approved by the planning board for perpendicular docking of boats may exceed the maximum extension into a waterway allowed for accessory marine facilities.

5. *The building official or planning board may request evidence, prepared by a recognized marine expert, demonstrating the following:*

- i. Proposed perpendicular docking and related accessory marine facilities will not reasonably deny or otherwise limit the ability of abutting or adjacent property owners to construct accessory marine facilities;*
- ii. Proposed perpendicular docking and related accessory marine facilities will not reasonably deny or otherwise limit the normal ability of abutting or adjacent property owners to moor, maneuver, use or otherwise move a boat; and*
- iii. Proposed perpendicular docking and related accessory marine facilities will not deny reasonable visual access of abutting property owners to public waterways.*

According to the Applicant, the proposed boat lift “does not encroach/affect adjacent properties/slips,” and will not deny reasonable visual access of abutting property owners to the public waterway given there are other boat lifts in the marina (see Applicant’s attached response letter).

Given the property is located in the RML zoning district, accessory marine facilities to include boat lifts are exempt from marine side yard setback requirements.

Section 30-67(b) of the Town Code indicates that boat lifts in the 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.

Staff reviewed the Applicant’s proposed request to include plan set, date stamped received by the Building Department on December 17, 2024 and finds that it 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.

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

Attachments: Application

Aerials

FDEP approval

HOA approval

Applicant response to perpendicular docking criteria

Applicant Plans (11X17)