



HIGHLAND BEACH BUILDING DEPARTMENT

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

PLANNING BOARD STAFF REPORT

MEETING OF: **APRIL 10, 2025**

TO: **PLANNING BOARD**

FROM: **INGRID ALLEN, TOWN PLANNER**

SUBJECT: **APPLICATION BY B&M MARINE CONSTRUCTION, INC.
REQUESTING A SPECIAL EXCEPTION TO INSTALL A 120
SQUARE FOOT FINGER PIER AND ONE (1) MOORING PILE FOR
THE PROPERTY LOCATED AT 1006 GRAND COURT
(APPLICATION NO. PZ-25-19)**

I. GENERAL INFORMATION:

Applicant (Property Owner): AJR Grand Highland Beach LLC
40220 Grand River Avenue
Novi, MI 48375

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 Low Density
Zoning District: Residential Multiple Family Low Density (RML)
Parcel PCN#: 24-43-47-09-00-002-0090
Project Location: 1006 Grand Court

Accessory Marine Facility Background:

On February 8, 2017, the Planning Board approved a request (Application No. 39412) to install a 40,000 pound, eight (8) post platform boat lift.

On October 11, 2017, the Planning Board approved a request (Application No. 39412) to add two (2) additional posts to the previously approved eight (8) post platform boat lift.

On May 23, 2019, the Town's Building Official, Jeffrey Massie, issued a Stop Work Order on Permit No. 39412.

On July 9, 2020, the Planning Board continued to the August 13, 2020 meeting (in an effort to have the Applicant reach a compromise with his neighbors), a request to increase the height of the boat lift pilings from four (4) feet above the existing dock decking, as approved on February 8, 2017, to 12 feet above the existing dock decking (Development Order No. 19-0001).

On August 13, 2020, the Planning Board "disapproved" Development Order No. 19-0001.

On September 1, 2020, the Town's Building Official issued a Notice of Violation (NOV) for the boat lift and associated structure/pilings.

On November 12, 2020, the Planning Board denied a request for an amendment to a previously approved ten post platform boat lift to increase the height of the boat lift pilings from four (4) feet to seven (7) feet from the existing dock.

On May 18, 2021, the Town Commission approved a settlement agreement between the Town and 1006 Grand Court LLC (the property owner at the time) to allow the construction of a boat lift with pilings at a height of seven (7) feet (Resolution No. 2021-008).

On November 3, 2022, a code violation was issued to the property owner at the time (Case No. CC2022-11-006) regarding unsafe lift pilings. Subsequently the lift pilings were removed, and the code case was deemed resolved.

Request and Analysis:

The Applicant is requesting a special exception to install a 120 square foot (30 feet x 4 feet) finger pier and one (1) mooring pile at the property located at 1006 Grand Court.

The Applicant has obtained Florida Department of Environmental Protection (FDEP) authorization for the above-referenced request (FDEP File No. 50-0345492-005-EE). According to the FDEP authorization (dated December 27, 2024), a separate permit or authorization from the U.S. Army Corps of Engineers is not required.

Section 30-68(g)(1) of the Town Code indicates that accessory marine facilities including docks, piers and freestanding piles are permitted as accessory uses in all residential zoning districts and shall be reviewed as special exceptions by the Planning Board.

Section 30-68(g)(6)a. of the Town Code states that in waterways regulated by the Army Corp of Engineers or other governmental regulatory agency, mooring facilities shall not extend into the water more than twenty-five feet or 25 percent of the waterway width, whichever is less, measured from the wet face of the seawall and bulkhead. However, Section 30-68(g)(7)c.4. states that docks or accessory mooring facilities for perpendicular docking of boats may exceed the maximum extension into a waterway allowed for accessory marine facilities (see below criteria which is bolded for emphasis). In addition, Section 30-68(g)(7)a. states that a boat moored at the landward end of a canal constructed for boat docking purposes may be moored perpendicular at the property line, provided such mooring does not impede the navigation of adjacent property owners. The perpendicular docking of a boat in a canal shall be subject to the following criteria found in Section 30-68(g)(7)c.:

- 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 designee, 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.*

The proposed request including plans date stamped received by the Building Department on March 21, 2025 was reviewed by Applied Technology & Management, Inc. (ATM) who has a Professional Services Agreement with the Town of Highland Beach for coastal and marine engineering. Dr. Michael G. Jenkins, ATM's Coastal Engineering Principal, provided a technical review of the special exception request (see attached report).

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 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.

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

Attachments: Application
Aerials
ATM report
FDEP approval
Applicant Plans (11X17)