



HIGHLAND BEACH BUILDING DEPARTMENT

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

PLANNING BOARD STAFF REPORT

MEETING OF: **DECEMBER 14, 2023**

TO: **PLANNING BOARD**

FROM: **INGRID ALLEN, TOWN PLANNER**

SUBJECT: **APPLICATION BY MITCHELL SCAVONE, RAY QUALMANN MARINE CONSTRUCTION, INC., FOR A SPECIAL EXCEPTION REQUEST TO INSTALL A 100 LINEAR FOOT SEAWALL/SEAWALL CAP, AND TWO 10-FOOT RETURNS FOR THE PROPERTY LOCATED AT 1101 HIGHLAND BEACH DRIVE UNIT A. (DO# 23-0007)**

I. GENERAL INFORMATION:

Applicant (Property Owner): Seth H. Hochbaum & Laura A. Coburn
1101 Highland Beach Drive, Unit A
Highland Beach, FL 33487

Applicant's Agent: Mitchell Scavone
Ray Qualmann Marine Construction, Inc.
2860 NE 16 Street
Pompano Beach, FL 33062

Property Characteristics:

Site Location: 1101 Highland Beach Drive, Unit A
Comprehensive Plan Land Use: Multi Family Low Density
Zoning District: Residential Multiple Family Low Density (RML)
Parcel PCN#: 24-43-47-04-02-002-0161

Request and Analysis:

The Applicant is proposing to install a 100 linear foot seawall and seawall cap, and two (2) 10-foot returns for the property located at 1101 Highland Beach Drive, Unit A. The installation of the new seawall is proposed 12-inches waterward of the existing seawall. According to the survey provided by the Applicant, the existing and proposed seawalls are located within the adjacent parcel to the north of the subject property. According to the Palm Beach County Property Appraiser, ownership of this adjacent parcel is affiliated with the Ocean Cove at Highland Beach HOA Inc. Given the special exception request is to install a seawall for the Applicant’s property, it is acceptable to the Town that the property owner of 1101 Highland Beach Drive, Unit A is the sole applicant.

The Applicant has obtained South Florida Water Management District (SFWMD) and U.S. Army Corps of Engineers (ACOE) authorizations as follows:

SFWMD (FILE NO.)	ACOE (FILE NO.)
50-108526-P (Exemption No.) 230227-37740 (Application No.)	SAJ-2023-01112(NW-KMM)

Note that staff was advised by the SFWMD that because a previously issued SFWMD environmental resource permit was associated with the property, their review was required for the proposed request rather than the Florida Department of Environmental Protection (FDEP).

According 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 current BFE for the property is six (6) feet NAVD, the Applicant’s proposed new seawall is at 6.00 feet NAVD.

Section 30-36(a) of the Town Code states that the Planning Board shall review and be the final authority on applications involving seawalls. In addition, Section 30-36(a) of the Town Code indicates 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.

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.

Staff reviewed the Applicant’s proposed request and finds that the project is consistent with the Town Code of Ordinances. If the Planning Board should grant approval of the special exception request, staff recommends the following condition of approval which is based on the Applicant’s plan set, date stamped received by the Building Department on November 28, 2023:

1. Prior to the submittal of a Building Permit application to the Town’s Building Department for the installation of the seawall, the Applicant shall provide an executed agreement between the property owner and the Ocean Cove at Highland Beach HOA Inc. to install such seawall or otherwise demonstrate, to the satisfaction of the Town, that the approval of the Ocean Cove at Highland Beach

HOA Inc. is not legally required for the installation of the seawall on property owned by the HOA.

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

Attachments: Application

Aerials

Property HOA approval

SFWMD approval

ACOE approval

Applicant proposed plans (11x17)