

LETTER OF INTENT
RELATED TO THE DOCK AT 446 NORTH LAKE WAY

August 10, 2023

We are pleased to submit the accompanying drawings to add a new dock at 446 North Lake Way. Please note the following:

A) LANDMARKS PRESERVATION COMMISSION 54-122 & 54-161

Not applicable - This property is not landmarked

B) ARCOM 18-205

Not applicable

B) ARCOM 18-206

Not applicable

C) SPECIAL EXCEPTION 134-229

Not applicable

D) SITE PLAN REVIEW 134-329

Not applicable

E) VARIANCES 134-201

The applicant has filed an application requesting Town Council to review and approve a new dock on the west side of their property. Variance 1: Section 62-74(2) and Section 62-75(h): A variance to allow a 20 foot wide landing dock in lieu of the 10 foot maximum width allowed. The following criteria is in support of the variance request:

1. The special conditions and circumstances peculiar to this land which are not applicable to other lands in the same zoning district due to the design requirements for this particular dock and applicant's boat to be moored the extra width is required.
2. The special conditions and circumstances related to the variances do not result from the actions of the applicant because the 10 width requirement is arbitrary and doesn't account for different boat mooring and storing other water craft needs.
3. The granting of the variance will not confer on the applicant a special privilege because other property owners have varying widths of docks along Lake Worth.
4. The hardship, which runs with the land, is that it would not be feasible to safely moor a vessel within the allowable ten (10) foot width so a variance would be justified for this property on Lake Worth.
5. The variance requested are the minimum necessary to make reasonable use of the land considering the need to have a wider dock for mooring and extra room for equipment and other watercrafts like jet skis.
6. The granting of the variance will be in harmony with the general intent of the ordinance and not be injurious to the neighborhood. The intention of Section 62 is for a limitation of the width of a dock that would be adjacent to the land, not a dock that is out in the water.

Sincerely,


Maura Ziska



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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

FROM: Wayne Bergman, MCP, LEED-AP *WB*
Director PZ&B

SUBJECT: ZON-23-096 446 N LAKE WAY

MEETING: OCTOBER 11, 2023

ZON-23-096 446 N LAKE WAY—VARIANCE. The applicant, Robert Johnson, has filed an application requesting Town Council review and approval for a Variance to exceed by 10' the maximum dock landing width of 10' in order to install a 20' wide landing dock.

Applicant: Robert Johnson
Professional: Bolchoz Marine Advisors Inc. (Mark Bolchoz PE)
Representative: Maura Ziska, Esq.

THE PROJECT:

The applicant has submitted plans, totaling 4 sheets entitled "PROPOSED OVERALL DOCK LAYOUT PLAN", as prepared by **Bolchoz Marine Advisors Inc.** stamped August 28, 2023 on the cover sheet.

The following is the scope of work for the Project:

- Removal of existing L shaped dock and installation of a new dock.

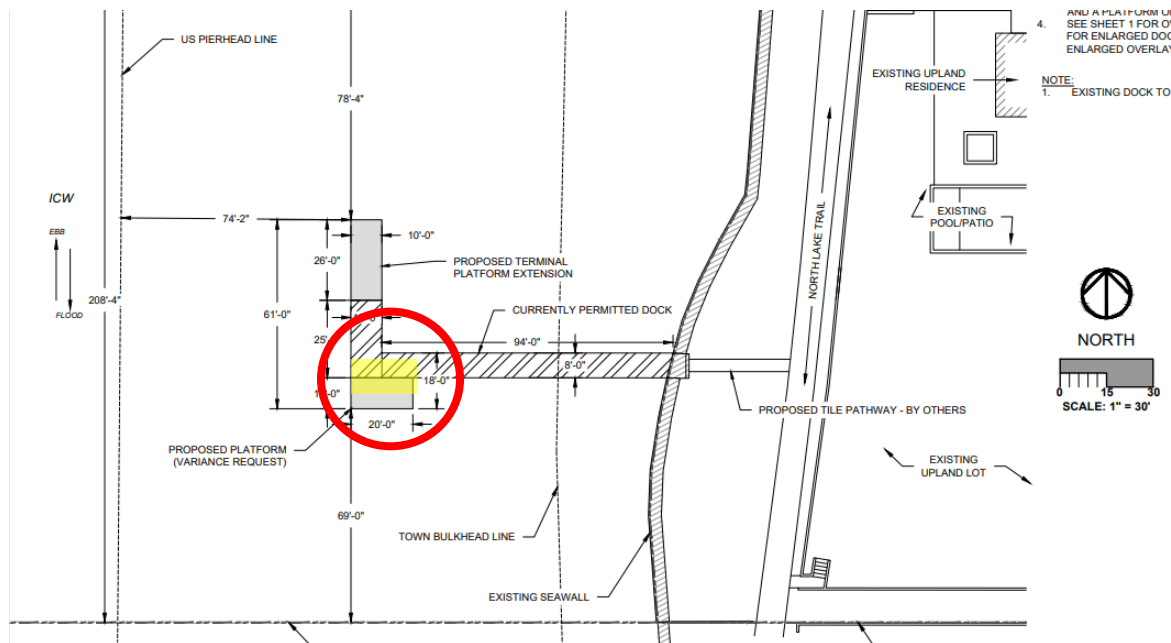
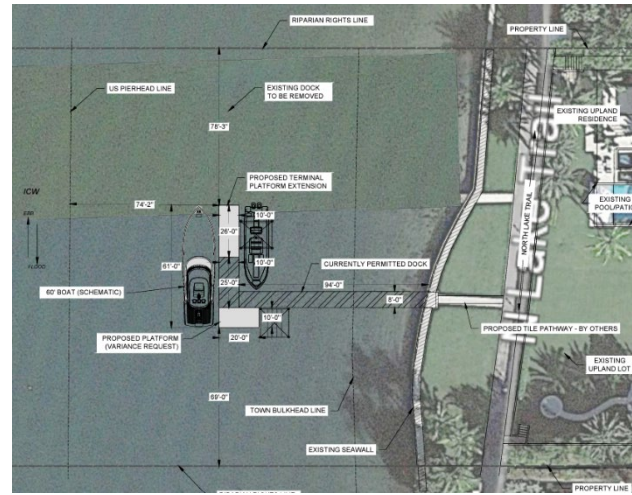
The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- Variance 1: Sec 62-74 (2) and Sec 62-75 (h) A variance to exceed a pier or landing dock greater than ten feet, to construct a dock that is 20' wide.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE FAMILY
Surrounding Properties / Zoning			
North	1920 One-story residence w/ <u>no</u> DOCK / R-B		
South	2007 Two-story residence w/ DOCK / R-B		
East	2000 One-story residence / R-B		
West	Lake Worth Lagoon		

STAFF ANALYSIS:

The subject property is a lakefront parcel along North Lake Way with an existing L shaped dock that projects within the waters of Lake Worth Lagoon. Nearly all of the waterfront properties south of Tangier Avenue have extending docks in an 'L' formation, with the exception of the abutting property to the north that has no marine projection. The site is currently improved with an existing two-story residence constructed in 2019. There is an existing L shaped dock that is proposed to be removed. The new dock and other marine projections are proposed approximately 50' to the south of the prior dock. The site has approximately 220' of Lake Worth Lagoon frontage.



The applicant is seeking to install a new proposed terminal "L" shaped dock that extends 104'-0" long by 61' wide into the waters of Lake Worth Lagoon. Two ancillary boat lifts are also proposed. The south end section of the dock is proposed to contain a floating vessel platform at 20'-0" in width (variance #1) which exceeds the 10'-0" maximum dock width permitted by Code. This section of the Code will be examined by the zoning code consultant, as the 2021 ordinance inadvertently resulted in many new boat lifts and other floating platforms and loading planks requiring variances when installed adjacent to existing marginal docks and proposed new marine projections. Staff has no objections to the request.

CONCLUSION:

Approval of the project will require one separate motions to be made by the Town Council:

- (1) for final determination of approval or denial of the variances by the Town Council, and that the variance **shall or shall not** be granted that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met.

WRB:JGM