



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
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**PLANNING, ZONING, & BUILDING DEPARTMENT**  
**PZ&B Staff Memorandum: Town Council Development Review**

**TO:** Mayor and Town Council

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

**SUBJECT:** ZON-22-001  
609 ISLAND DR

**MEETING:** January 12, 2022

**ZON-22-001 609 ISLAND DR—VARIANCES.** The applicants, Peter and Nancy Brown, have filed an application requesting Town Council review and approval for a variance to construct a new dock and boat lift greater than 6 feet west of the US Pierhead Line.

Applicant: Peter and Nancy Brown  
Professional: Lidberg Land Surveying Inc  
MCR Professional Engineering Inc.  
Representative: Same

**THE PROJECT:**

The applicant has resubmitted plans, entitled "Dock Extension and Boat Lift", as prepared by MCR Professional Engineering Inc., dated 10/07/2021.

The following is the scope of work for the Project:

- Replacement of boat lift.
- Extension of existing marine projection southward 11 feet.

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

- Variance to extend projection of dock/boat lift greater than 6' West of US Pierhead Line

**PROJECT DATA:**

Zoning District: R-B  
Future Land Use: SINGLE-FAMILY

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**VARIANCES CRITERIA SEC. 134-201**

The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (2) The special conditions and circumstances do not result from the actions of the applicant.
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.
- (4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) For granting of a variance to sections 134-387 or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:
  - a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
  - b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
    1. Be granted only for the continuation of the same hotel or residential use; and
    2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.
- (7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

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**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

A preliminary review of the project indicates that the proposed **single family use** is **consistent** with the **single family** designation of the Future Land Use Map of the Comprehensive Plan.

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the Town code:

The applicant is requesting the following variance(s):

- **Section 62-74** – Projection of dock/boat lift greater than 6' West of US Pierhead Line

**STAFF ANALYSIS:**

The project will be to place the new 60K boat lift in the same footprint inside the existing mooring pilings. An 11 foot long by 8 foot wide dock extension will make the 24' long terminal platform (dock) 35 feet long to adhere to the 30% rule in Town Code is Sec. 62-74. Four 10" Wood Marine Piles will be added as part of the dock extension. Since the existing dock is at 10 feet west of the pierhead line, the variance is requested from Town of Palm Beach Code Sec. 62-74. Since the existing marine projection is already greater than 6' west of the pierhead line per Town Code, the extension requires a variance from Sec. 62-74.