



Our File Number: 48387.00003
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March 9, 2023

Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: LOI for 1306 N. Lake Way - Zoning Case Number: ZON-23-052

On behalf of James A. and Patricia Q. Read. ("Property Owners"), we are pleased to submit this Letter of Intent ("LOI") and accompanying materials ("Project Submittal") in support of our application for Variance Approval for a proposed 16-foot by 34-foot deck boat lift for an existing Intercoastal Waterway dock (the "Project") at 1306 North Lake Way, Palm Beach, FL (the "Property"). The proposed deck boat lift will be surrounded on the south and west sides by an existing concrete dock. By adding the deck boat lift, an approximately 32 feet, 4 inch section of the dock will be increased from approximately 9 feet, 10 inches in width to 26 feet in width, which exceeds the 10-foot maximum dock width permitted by Code. The location of the deck boat lift is also approximately 15 feet, 9 inches from the extended south side property line, which does not comply with the 25 feet setback requirement; however, the existing dock is only 7 feet, 2 inches from the extended south side property line, and is a legal nonconformity. To minimize the environmental impact we are proposing to use the existing concrete dock, and then locate the deck boat lift in the least impacting location in terms of it's impact on neighbors and others using the Intracoastal Waterway.

Please note the following as it relates to this application:

A. Variances in accordance with Section 134-201(a).

Variance Criteria:

- (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 properties in the same zoning

district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

- (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 the 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.

B. Variances in accordance with Section 62-74(2).

Variance Criteria:

- (1) Prior permit approval by the Corps of Engineers and Department of Environmental Protection is required;
- (2) A pier, landing docks and/or all associated appurtenances thereto shall not be within 100 feet of a designated federal channel or within 62.5 feet of said channel if previously approved by the Corps of Engineers;
- (3) Where an official pierhead line or bulkhead line does not exist on the official bulkhead and groin plat of the town, a pier, landing dock and/or all associated appurtenances thereto shall not be permitted more than six feet west of the existing bulkhead. The town council may approve a variance to this provision pursuant to sections 134-171, 134-172, 134-173 and 134-201 if the town council finds that the criteria in section 134-201 have been met. In addition to meeting the variance criteria, an applicant for piers, landing docks and/or all associated appurtenances thereto more than six feet west of the existing bulkhead shall have prior permit approval by the Corps of Engineers and Department of Environmental Protection.

Variances Requested:

- 1) A request for Variance from the dock width requirements in Sections 62-74(2) and 62-75(h), to allow for a 26-foot wide dock for an approximately length of 32 feet, 4 inches in lieu of the ten (10) feet maximum permitted by code.
- 2) A request for Variance from the dock setback requirements in Section 62-75(h), to allow for an approximately 15 feet, 9 inch extended south side setback in lieu of the 25-foot minimum setback required by code, and with an existing extended south side setback of approximately 7 feet, 2 inches.

Justification for Variances Requested:

As mentioned previously, the design of the Project minimizes any environmental or navigability impacts to the greatest extent possible by maintaining the existing concrete dock. Boat lifts for docks are quite common along the Intracoastal Waterway and the Project is not conveying a special privilege to the Property Owners, nor is it injurious to the area or our neighbors. The location of the proposed boat lift is the least imposing location with respect to neighbors and those that are using the Intracoastal Waterway, and this location within the 90-degree bend of the existing dock utilizes the existing dock on its south and west sides to provide separation from other boats and the channel. This location is also at the furthest from the extended south property line. The size of the deck boat lift is the minimum size needed to safely and securely lift the Property Owners' boat out of

the water, and to maintain the boat in place during storms so that it does not come loose from the dock and damage other vessels or our neighbor's property.

We will obtain all permits before the installation of the deck boat lift, including any and all permits required by the Army Corps of Engineers and the Florida Department of Environmental Protection. The proposed deck boat lift is shielded by the existing dock, and the dock meets or exceeds the distance requirements from the designated federal channel within the Intracoastal Waterway. Therefore, we respectfully request the approval for this limited relief, and look forward to moving ahead with this project.

Sincerely,



James M. Crowley