

# AGENDA

## PLANNING BOARD REGULAR MEETING



**Thursday, October 12, 2023 AT 9:30 AM**

**TOWN OF HIGHLAND BEACH, FLORIDA**

3618 S. OCEAN BOULEVARD

HIGHLAND BEACH, FL 33487

Telephone: (561) 278-4548

Website: [www.highlandbeach.us](http://www.highlandbeach.us)

**Library Community Room**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF THE AGENDA**
5. **SWEARING IN OF THE PUBLIC**
6. **PUBLIC COMMENT** *(limited to five (5) minutes per speaker)*
7. **APPROVAL OF MINUTES**

A. September 21, 2023

8. **NEW BUSINESS**

A. Development Application No. 23-0008 / Nissan & Jamie Hamuy

Application by David Nutter, B & M Marine Construction, Inc., for a special exception request to install a 73 linear foot seawall and seawall cap, and seven (7) bumper piles for the property located at 1017 Grand Court.

9. **UNFINISHED BUSINESS**

A. Ongoing discussion of proposed change ("amendment concept") to the Accessory Marine Facility (AMF) regulations, specifically a maximum height for AMFs.

**10. ANNOUNCEMENTS**

October 17, 2023	1:30 AM	Town Commission Meeting
November 01, 2023	11:00 AM	Natural Resources Preservation Advisory Board Meeting
November 09, 2023	9:30 AM	Planning Board Regular Meeting

**11. ADJOURNMENT**

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*Any person that decides to appeal any decision made by the Board of Adjustment & Appeals with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record including testimony and evidence upon which the appeal is based. (State Law requires the above Notice. Any person desiring a verbatim transcript shall have the responsibility, at his/her own cost, to arrange for the transcript.) The Town neither provides nor prepares such record. There may be one or more Town Commissioners attending the meeting.*

*In accordance with the Americans with Disabilities Act (ADA), persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (561) 278-4548 within a reasonable time prior to this meeting in order to request such assistance.*

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**File Attachments for Item:**

A. September 21, 2023



## TOWN OF HIGHLAND BEACH PLANNING BOARD REGULAR MEETING MINUTES

Library Community Room  
3618 South Ocean Boulevard  
Highland Beach, Florida 33487

Date: September 21, 2023  
Time: 9:30 AM

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### 1. CALL TO ORDER

Chairperson Goldenberg called the meeting to order at 9:30 A.M.

### 2. ROLL CALL

Board Member Jason Chudnofsky (Virtual)  
Board Member David Powell  
Board Member Roger Brown  
Board Member Brian DeMoss  
Board Member Harry Adwar  
Chairperson Eric Goldenberg  
Town Attorney Leonard Rubin  
Deputy Town Clerk Jaclyn DeHart

#### **ABSENT**

Vice Chairperson Ilyne Mendelson

#### **ADDITIONAL STAFF PRESENT**

Town Planner Ingrid Allen

### 3. PLEDGE OF ALLEGIANCE

The Board Members led the Pledge of Allegiance to the United States of America.

### 4. APPROVAL OF THE AGENDA

**Motion:** Adwar/Powell - Moved to approve the agenda as presented which passed 6 to 0.

### 5. SWEARING IN OF THE PUBLIC

Deputy Town Clerk Jaclyn DeHart swore in those giving testimony.

### 6. PUBLIC COMMENT

There were no public comments.

## **7. APPROVAL OF MINUTES**

### **A. August 10, 2023**

**Motion:** Adwar/DeMoss - Moved to approve the minutes as presented which passed 6 to 0.

## **8. NEW BUSINESS**

### **A. Development Application No. 22-0015 / Michael Duggan**

**Application by John Dykinga, Ocean One Marine, Inc, for a special exception request to install a 100 square foot dock, and a 24,000-pound capacity boat lift for the property located at 4229 Tranquility Drive.**

Chairperson Goldenberg read the title of the item and asked the Board Members if they had any ex parte communications to disclose. The Members had no ex parte communications.

Chairperson Goldenberg opened the public hearing and called Town Planner Allen to present the application.

Town Planner Allen presented a Power Point Presentation on Development Order No. 22-0015.

The applicant was present but made no comments.

The public hearing was closed and followed by a motion.

**Motion:** Adwar/ DeMoss – Moved for approval of Development Application No. 22-0015. Based upon a roll call, Member Adwar (Yes), Member DeMoss (Yes), Member Brown (Yes), Member Powell (Yes), Member Chudnofsky (Yes) and Chairperson Goldenberg (Yes). The motion passed 6 to 0.

### **B. Development Application No. 23-0005 / JVK Investments LLC.**

**Application by William Thomas, Unlimited Permit Services, Inc, for a special exception request to install approximately 95 linear feet of seawall and seawall cap, approximately 101 feet of retaining wall, a 223 square foot dock, and a 40,000-pound capacity no profile boat lift for the property located at 4321 Intracoastal Drive.**

Chairperson Goldenberg read the title of the item and asked the Board Members if they had any ex parte communications to disclose. The Members had no ex parte communications.

Chairperson Goldenberg opened the public hearing and called Town Planner Allen to present the application.

Town Planner Allen presented a PowerPoint Presentation on Development Order No. 23-0005. Town Planner Allen mentioned if the Planning Board should grant approval of the special exception request, staff recommends the following conditions of approval which are based on the Applicant's plan set, date stamped received by the Building Department on August 18, 2023:

1. The no profile boat lift shall only be utilized to a store vessel and not for any other purpose including, but not limited to, walking, gathering, and sitting.
2. No mooring of any boat or vessel is permitted along any side of the no profile boat lift.

William Thomas, Unlimited Permit Services was present and made comments on the application paperwork.

The public hearing was closed and followed by a motion.

**Motion:** DeMoss/Powell – Moved for approval of Development Application with as presented. Based upon a roll call, Member DeMoss (Yes), Member Powell (Yes), Member Adwar (Yes), Member Brown (Yes), Member Chudnofsky (Yes), and Chairperson Goldenberg (Yes). The motion passed on a 6 to 0 vote.

## **9. UNFINISHED BUSINESS**

### **A. Ongoing discussion of proposed changes (“amendment concepts”) to the Accessory Marine Facility (AMF) and seawall regulations of the Town Code**

Chairperson Goldenberg read the title of the item and referred the item to Town Planner Allen.

Town Planner Allen briefly reviewed the last meetings discussion.

The Board discussed ladders, piles, dolphin poles, and moorings. The next step will be for Town Planner Allen to bring the recommendations to the Town Manager and then he will let her know how to proceed and she will relay that information to the Board.

**Motion:** Powell/DeMoss – Moved to recommend the proposed changes to the Accessory Marine Facility and seawall regulations. Based upon a roll call: Member Powell (Yes), Member DeMoss (Yes), Member Adwar (Yes), Member Brown (Yes), Member Chudnofsky (Yes), and Chairperson Goldenberg (Yes). The motion passed on a 6 to 0 vote.

## 10. ANNOUNCEMENTS

Chairperson Goldenberg mentioned that it would be Member DeMoss's last meeting and he thanked him for his service to the Town.

Member DeMoss made comments on his moving to Texas and leaving the Planning Board. He recognized Town Planner Allen for all of her hard work.

Chairperson Goldenberg read the announcements as follows.

September 21, 2023	5:01 PM	Town Commission Second Public Hearing Budget Meeting
October 03, 2023	1:30 PM	Town Commission Meeting
October 10, 2023	1:00 PM	Code Enforcement Board Regular Meeting
October 12, 2023	9:30 AM	Planning Board Regular Meeting

## 11. ADJOURNMENT

The meeting adjourned at 10:09 AM.

**APPROVED** on October 12, 2023, Planning Board Regular Meeting.

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Eric Goldenberg, Chairperson

**ATTEST:**

Transcribed by: Jaclyn DeHart

10/12/2023

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Jaclyn DeHart  
Deputy Town Clerk

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Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the event of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.

**File Attachments for Item:**

A. Development Application No. 23-0008 / Nissan & Jamie Hamuy

Application by David Nutter, B & M Marine Construction, Inc., for a special exception request to install a 73 linear foot seawall and seawall cap, and seven (7) bumper piles for the property located at 1017 Grand Court.



## HIGHLAND BEACH BUILDING DEPARTMENT

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

### PLANNING BOARD STAFF REPORT

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**MEETING OF:        OCTOBER 12, 2023**

**TO:                    PLANNING BOARD**

**FROM:                INGRID ALLEN, TOWN PLANNER**

**SUBJECT:            APPLICATION BY DAVID NUTTER, B & M MARINE  
CONSTRUCTION, INC., FOR A SPECIAL EXCEPTION REQUEST  
TO INSTALL A 73 LINEAR FOOT SEAWALL AND SEAWALL CAP,  
AND SEVEN (7) BUMPER PILES FOR THE PROPERTY LOCATED  
AT 1017 GRAND COURT. (DO# 23-0008)**

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#### I. GENERAL INFORMATION:

**Applicant (Property Owner):**        Nissan and Jamie Hamuy  
1017 Grand Court  
Highland Beach, FL 33487

**Applicant's Agent:**                David Nutter  
B & M Marine Construction, Inc.  
1211 South Military Trail #200  
Deerfield Beach, FL 33442

**Property Characteristics:**

**Site Location:**                        1017 Grant Court

**Comprehensive Plan Land Use:**    Multi Family Low Density

**Zoning District:**                      Residential Multiple Family Low Density (RML)

**Parcel PCN#:**                          24-43-47-09-00-002-0120

**Request and Analysis:**

The Applicant is proposing to install a 73 linear foot seawall and seawall cap four (4) feet waterward of the existing seawall as well as seven (7) bumper pilings for the property located at 1017 Grand Court. An existing 72 foot long dock will be removed.

The Applicant has obtained Florida Department of Environmental Protection (FDEP) and US Army Corps of Engineers (ACOE) authorizations for the above-referenced proposed items as follows:

<b>FDEP (FILE NO.)</b>	<b>ACOE (FILE NO.)</b>
50-0378919-001-EI 50-0378919-002-EM	SAJ-2019-02957(LP-LCK)

Note that while there are some discrepancies between the plan sheets submitted to both FDEP and ACOE and those submitted to the Town, the Applicant has provided email correspondence from both agencies indicating the following:

FDEP - Discrepancies identified will not invalidate the permit.

ACOE - Such discrepancies are minor and can be acknowledged in the as-built certification.

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 is proposing the top of the new seawall cap at 6.38 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 has reviewed the Applicant's proposed request including plans date stamped received by the Building Department on September 21, 2023 and finds that the project is consistent with the Town Code of Ordinances.

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

**Attachments: Application**  
**Aerials**  
**Applicant Photos**



**HOA approval**  
**FDEP approval**  
**ACOE approval**  
**Applicant proposed plans (11x17)**



## TOWN OF HIGHLAND BEACH DEVELOPMENT ORDER APPROVAL APPLICATION

Application # \_\_\_\_\_

PROPERTY INFORMATION ASSOCIATED WITH THIS APPLICATION	
<b>Address:</b> 1017 Grand Court, Highland Beach, FL 33487	<b>PCN:</b> 24-43-47-09-00-002-0120
<b>Full Legal Description of the Property [as described in the deed] or reference to an attachment:</b> 9-47-43, TH PT OF N 1/2 OF GOVLT 2 E OF FIND CNL K/A LT 17 OF PROPOSED BOCA HIGHLANDS & TH PT A/K/A BOAT SLIP 12	
<b>Zoning District:</b> RML - Multi-Family Low-Density	<b>What is the location of the installation?</b> <input checked="" type="checkbox"/> Intracoastal Waterway (ICW) <input type="checkbox"/> Interior Canal/Basin <input type="checkbox"/> N/A

PROPERTY OWNER (APPLICANT) INFORMATION		
<b>Name:</b> Nissan & Jamie Hamuy	<b>Phone:</b> 561-704-7966	<b>Fax:</b>
<b>Mailing Address:</b> 1017 Grand Court, Highland Beach, FL 33487		
<b>Email Address:</b> wildgifts@hotmail.com		

APPLICANT'S AGENT INFORMATION		
<b>Name:</b> David Nutter	<b>Phone:</b> 954-421-1700	<b>Fax:</b>
<b>Company Name:</b> B & M Marine Construction, Inc		
<b>Mailing Address:</b> 1211 S Military Trail #200, Deerfield Beach, FL 334442		
<b>Email Address:</b> permits@bm-marine.com   nutt3839@bellsouth.net		

**Provide a detailed description of the proposed project (use additional pages if necessary):**

Install 73' of new concrete panel seawall in front of existing seawall with 3' wide cap;

With 4' return wall at each end of new seawall; (7) wood bumper piles in front of new cap

Backfill with clean material between new and existing seawalls - 71'-10" x 4', 288sf, 67cy

I give permission to the members of the Town Commission, Planning Board and staff to inspect the property for the purpose of this application. I declare that all statements made herein are true, based upon the best available information. Willful false statements may jeopardize the validity of my application or any decision issued thereon. I have fully read the information outlining the application requirements. With this application, I am submitting the necessary supporting materials listed.

Applicant's Signature: \_\_\_\_\_ Date: 07/11/23

Applicant's Printed Name Jamie Hammy

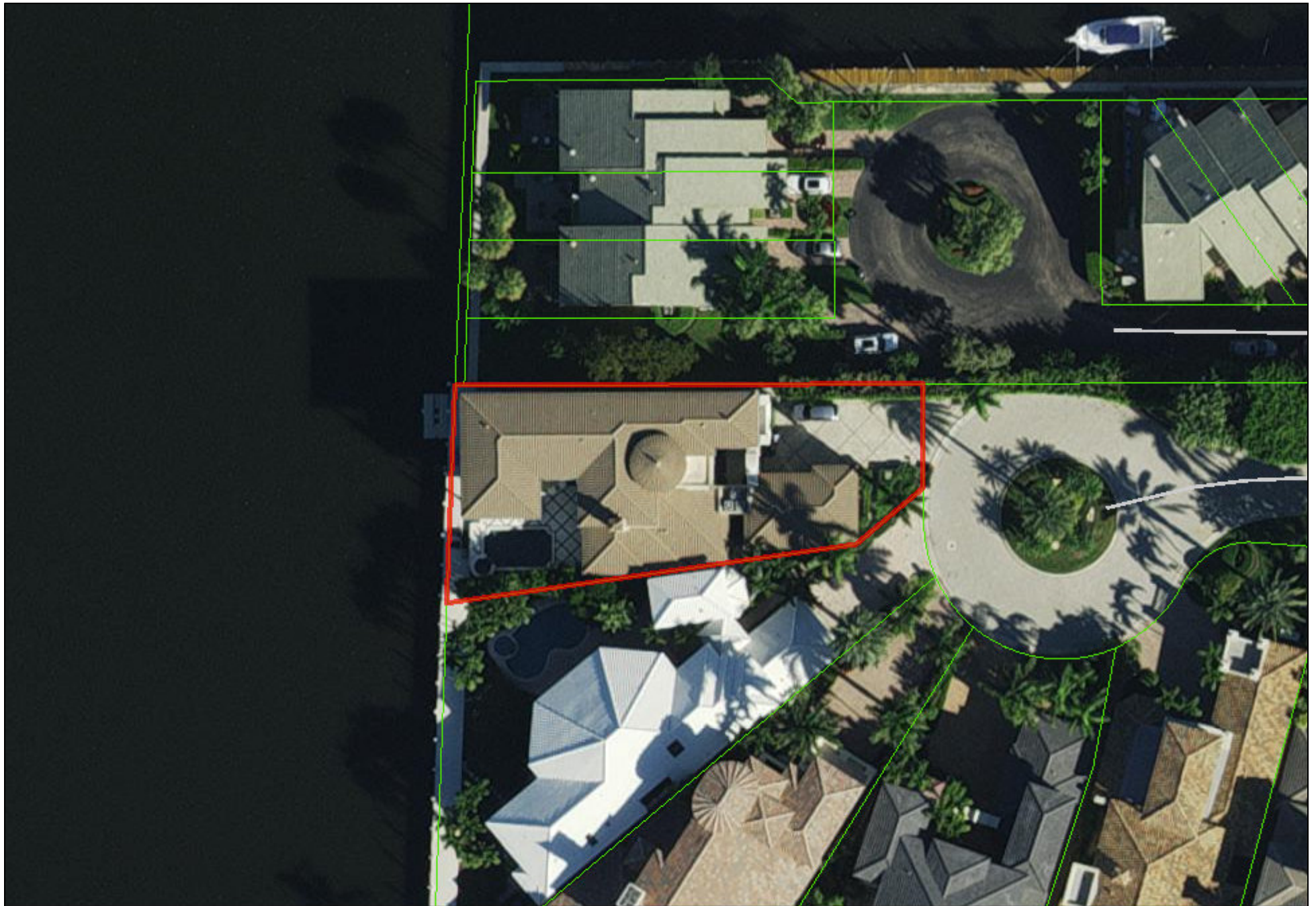
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*Received by the Town Clerk's Office:*

Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Date Public Notices Mailed: \_\_\_\_\_

Date Legal Advertisement Published: \_\_\_\_\_



1017 Grand Cout



# 1017 Grand Court (rear)















GRAND CAY ESTATES HOA, INC.

c/o Miller Realty Management LLC  
PO Box 541133  
Lake Worth, FL 33454  
Tel. # (561) 945-5038 Fax # (561) 963-0438  
DebraMFL@comcast.net

**REQUEST FOR REVIEW FOR ARCHITECTURAL/EXTERIOR MODIFICATION**  
**THIS FORM TO BE USED WHEN REQUESTING ANY CHANGE OUTSIDE OF YOUR HOME**

IN ORDER TO PROCESS THIS APPLICATION, THE FOLLOWING **MUST BE** ATTACHED FOR ALL  
STRUCTURAL MODIFICATIONS/IMPROVEMENTS:

1. Sketch of Boundary Survey with proposed modifications, drawn on the survey (location and placement).
2. The appropriate drawings, showing both a Plan View and an Elevation.
3. Specifications of the proposed modifications (example: color, style, size, etc.).
4. Contracted work must include copies of license and insurance.

REQUESTS FOR EXTERIOR PAINTING **MUST BE** ACCOMPANIED BY A COLOR CHIP SAMPLE.

In Accordance with the Requirements of the Architectural Review Board of the Declaration of Covenants, Conditions, Restrictions of the Association Documents for the Homeowners' Association to which I belong, approval is hereby requested to make the following modifications(s), alterations, or addition(s) as described below and on any additional attached pages: *Removal of existing dock; Installation of 73' +/- of new concrete panel seawall (with concrete piles and concrete cap) in front of existing seawall - existing seawall to remain; New seawall to be 48" in front of existing seawall, as measured from wetface to wetface; Installation of 48" return wall at each end of new seawall; Installation of seven new wood bumper piles along water face of new seawall cap; Backfill between seawalls;*

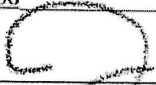
Owner's Name: Nissan & Jamie Hamuy

Address: 1017 Grand Court, Highland Beach, FL 33487 Block      Lot 17

9-47-43, Th Pt Of N 1/4 Of Gov Lt 2 E Of Find Cnl K/A Lt 17 Of Proposed Boca Highlands & Th Pt A/K/A Boat Slip 12

Day Phone: 561-704-7966

Evening Phone:                     

Signature of Owner: 

Jamie Hamuy

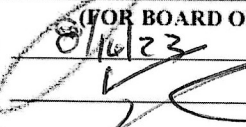
Date:

Aug 15 2023

Date Application Received: 8/16/23

(FOR BOARD OF DIRECTORS USE ONLY)

Date of Approval or Disapproval: 8/16/23

Approved: 

Disapproved:                     

Board of Director Signature:                     

Your approval is subject to the following:

1. You are responsible for obtaining any necessary permits from the appropriate Building & Zoning Dept(s).
2. Must adhere to all Federal, State and County Rules
3. Access to areas of construction, are only to be allowed through your property, and you are responsible for any damage done to the common elements during construction.
4. This is approved from the "aesthetic point of view and does not constitute approval from an engineering/structural point of view."
5. Any alteration or deviation from the submitted and approved plan MUST be resubmitted to the Board for Review and Approval.

Notes from the Board of Directors below:

Explanation of Disapproval:

RE: FDEP# 50-0378919-001-EI, 002-EM Corps# SAJ-2019-02957 1017 Grand Court Highland Beach

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From: Sattelberger, Danielle (danielle.sattelberger@floridadep.gov)

To: nutt3839@bellsouth.net

Date: Thursday, August 10, 2023 at 03:54 PM EDT

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Hi David,

The discrepancies identified will not invalidate the FDEP permit.

Thank you,



**Danielle C. Sattelberger**

**Environmental Administrator**

Florida Department of Environmental Protection

Southeast District – West Palm Beach

3301 Gun Club Road, MSC 7210-1

West Palm Beach, FL 33406

[Danielle.Sattelberger@FloridaDEP.gov](mailto:Danielle.Sattelberger@FloridaDEP.gov)

Office: (561) 681-6783



[Click here to register!](#)

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**From:** david nutter <nutt3839@bellsouth.net>

**Sent:** Tuesday, August 8, 2023 3:59 PM

**To:** Linda C SAJ Knoeck <linda.c.knoeck@usace.army.mil>; Kaitlyn Mallett <kaitlyn.mallett@floridadep.gov>; Sattelberger, Danielle <Danielle.Sattelberger@FloridaDEP.gov>

**Subject:** FDEP# 50-0378919-001-EI, 002-EM Corps# SAJ-2019-02957 1017 Grand Court Highland Beach

**EXTERNAL MESSAGE**

This email originated outside of DEP. Please use caution when opening attachments, clicking links, or responding to this email.

Linda, Kaitlyn and Danielle,

I hate to bother you all with this, but the plan reviewer for the Town of Highland noticed discrepancies between the Corps permit, the plans attached to the Corps permit and the plans submitted to the town. She would like an email from the Corps, that these discrepancies will not invalidate the Corps authorization.

- Sheets 2 and 4, #6 shows 48", however, FDEP/ACOE plans indicate 40". Correct accordingly
  - *The labels on sheets PC, SP and DTL-1 state 40" of return wall, but the dimension is clearly 48" from the back of the new cap to the back of the old cap. The 40" refers to the width of the concrete panel that will be placed in the return wall. The cap over the return panel and over the old cap will be 48" as dimensioned. I should have clarified that better in the descriptive labels.*
- Sheets 3 and 5, #2 and #3 respectively shows 11; however, FDEP/ACOE plans show 9 vertical piles. Actual pile layout diagram shows 9 not 11 piles. Correct accordingly.
  - *The plans, both those attached to the Corps permit. the FDEP modification and those submitted to the town, state there are 11 concrete vertical piles - 9 along the wetface of the new seawall, and 1 at each return wall. These are shown and mentioned in the labels on sheets PC and SP, as well as depicted in the cross section for the Seawall Return Detail on DTL-1. There really is no discrepancy with this item.*
- FDEP & ACOE plan sheet DTL-1 shows 40" return wall while sheet 4 submitted to Town shows 48". Provide correspondence from FDEP indicating that change will not change validity of permit.
  - *This seems to be a repeat of the first comment.*
- ACOE (8-5-22 letter) activities include "repair and replace an existing 72 linear foot concrete seawall;" however, request to the Town is for a 73 linear foot seawall. Provide correspondence from ACOE indicating that permit is valid with proposed 73 linear foot seawall.
  - *The first page of the Corps permit, where the project scope is described, states the seawall to be replaced is 72 feet in length. However the seawall length is actually 73 feet, as shown in the plans attached to the permit. The existing dock, which is to be removed, is 72 feet long, which I would assume is where the length of the seawall came from. Since the plans state 73', this should be easy enough to explain.*

I have attached the Corps and the FDEP permits, so you won't have to dig them up.

Additionally, the 48" cap extension that was to go in behind the new cap and over the existing cap, is no longer going to be installed. Instead of the cap extension, we are simply going to backfill between the new and existing walls as before, but now up to the top of the new cap. The owner will then cover the backfill with pavers that match the upland patio around the pool. I know that when I submit corrected plans to the town, this will come up. I am attaching a PDF of the new plans so you can more easily visualize what I am talking about; these new plans do not show the pavers on top of the backfill.

These new plans may appear differently with regard to the descriptive labels, as we have updated our drawing standards in order to allow the sections and site views to be clearer and less cluttered looking, but they are the same plans, except as noted above.

Can I receive email responses from the Corps and FDEP, stating the above discrepancies that the plan reviewer has found, will not invalidate the Corps and/or the FDEP permit, as well as stating that the non-installation of the cap extension also will not invalidate the Corps and/or the FDEP permit? If you have any questions, feel free to call me either at the office (954-421-1700) or on my cell (954-868-8476).

David Nutter

B & M Marine Construction

[nutt3839@bellsouth.net](mailto:nutt3839@bellsouth.net)





# **FLORIDA DEPARTMENT OF Environmental Protection**

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

**Project Name:** Hamuy Seawall and Dock

**Permittee/Authorized Entity:**

Jamie Hamuy  
1017 Grand Court  
Highland Beach, FL 33487

**Authorized Agent:**

B & M Marine Construction, Inc.  
c/o David Nutter, Agent  
Email: [nutt3839@bellsouth.net](mailto:nutt3839@bellsouth.net)

**Environmental Resource Permit - Granted**

**State-owned Submerged Lands Authorization – Not Applicable**

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization  
Required**

**Permit No.:** 50-0378919-001-EI

**Permit Issuance Date:** February 24, 2020

**Permit Construction Phase Expiration Date:** February 23, 2025



## Environmental Resource Permit

Permit No.: 50-0378919-001-EI

### PROJECT LOCATION

The activities authorized by this Permit are located within the Intracoastal Waterway, Class III Waters, adjacent to 1017 Grand Court, Highland Beach (Section 4, Township 47 South, Range 43 East), in Palm Beach County (Latitude N 26° 23' 40.14", Longitude W 80° 4' 12.04").

### PROJECT DESCRIPTION

This permit authorizes the removal of an existing 360 sq. ft. dock and pilings and the installation of a 365 sq. ft. dock. The permit also authorizes the installation of 73 ln. ft. of seawall 4 ft. waterward (wetface to wetface) of the existing seawall, including installation of batter piles and construction of 73 ln. ft. of seawall cap over-pour.

This permit authorizes 657 ft<sup>2</sup> of work in surface waters. Submerged resources are not located within the project boundaries; therefore, there will be no adverse impacts to these resources.

The attached standard manatee conditions (version 2011) shall be adhered to during all in-water work. Prior to construction commencement, weighted floating turbidity curtains, extending to within one-foot from the submerged bottom shall be utilized around the project area to ensure that any turbidity resulting from construction activities will be contained within the project boundaries. All water bodies, including any adjacent submerged aquatic vegetation outside the specific limits of construction authorized by this permit shall be protected from erosion, siltation, sedimentation, and/or scouring.

### AUTHORIZATIONS

#### Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

#### Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-21, F.A.C.

#### Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at:

<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

#### Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

#### Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

#### Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

#### PERMIT

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action.

Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit, as described.

#### **SPECIFIC CONDITIONS- PROJECT FORMS & ATTACHMENTS**

(1) The attached project drawings (sheets 1 through 6); the Standard Manatee Conditions for In-Water Work, 2011, and DEP forms 62-330.310(3), 62-330.310(1); 62-330.310(2); 62-330.340(1); and 62-330.350(1), which may be downloaded at <http://www.dep.state.fl.us/water/wetlands/erp/forms.htm> become part of this permit. If the permittee



does not have access to the Internet, please contact the Department at (561) 681-6600 to request the aforementioned forms and/or document(s).

#### **SPECIFIC CONDITIONS - PRIOR TO CONSTRUCTION**

(2) After selection of the contractor to perform the authorized activities and prior to the initiation of any work authorized by this permit, the permittee (or authorized agent) and the contractor shall attend a pre-construction conference with a representative of the Department. It shall be the responsibility of the permittee to contact the Department's Compliance Assistance Program, by email [SED\\_Compliance@FloridaDEP.gov](mailto:SED_Compliance@FloridaDEP.gov), or by phone (561) 681-6600, to schedule the pre-construction conference.

(3) Prior to the initiation of any work authorized by this permit, floating turbidity curtains with weighted skirts that extend to within one foot of the bottom shall be placed around the project site, and shall be maintained and remain in place for the duration of the project construction to ensure that turbid discharges do not occur outside the boundaries of the floating turbidity screens. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order during all phases of construction authorized by this permit until all areas that were disturbed during construction are sufficiently stabilized to prevent turbid discharges.

#### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

(4) There shall be no storage or stockpiling of tools and materials (i.e., lumber, pilings, debris), along the shoreline adjacent to waters of the state. All excess lumber, scrap wood, trash, garbage, and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit. All construction equipment/tools and materials shall be transported to and from the site via upland roadways and barges and all equipment/tools and materials shall be stored on the uplands.

(5) Watercraft associated with the construction of the permitted structure shall operate within waters of sufficient depth to preclude bottom scouring, prop dredging or damage to submerged bottom or submerged resources. During all construction activities, there shall be a minimum of 1-foot clearance between the draft of the construction vessel/barge and the submerged bottom.

#### **SPECIFIC CONDITIONS – MONITORING/REPORTING REQUIREMENTS**

(6) Turbidity levels outside the construction area shall not exceed 29 NTU's above background levels. The following measures shall be taken immediately by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:

- a. Notify the Department at (561) 681-6600 at the time the violation is first detected.
- b. Immediately cease all work contributing to the water quality violation.
- c. Stabilize all exposed soils contributing to the violation. Modify the work procedures that were responsible for the violation, install more turbidity containment devices, and repair any non-functional turbidity containment devices.
- d. As required, perform turbidity monitoring per Specific Conditions.
- e. Resume construction activities once turbidity levels outside turbidity curtains fall below 29 NTUs.

(7) Water turbidity levels shall be monitored if a turbidity plume is observed outside the limits of the required turbidity control devices. Samples shall be taken every four hours until turbidity subsides at one foot above the bottom, mid-depth, and one-foot below the surface at monitoring stations located as follows:

- a. Approximately 100 feet up-current of the work sites and clearly outside the influence of construction activities. (This shall serve as the natural background sample against which other turbidity readings shall be compared.)
- b. Directly outside the turbidity curtains surrounding the work sites and within the densest portion of any visible turbidity plume. (This sample shall serve as the compliance sample.)

(8) During dock and seawall construction activities, the permittee or permittee's contractor shall collect the following turbidity monitoring data at the frequency and water depths directed by the Specific Condition above:

- a. Date and time of sampling event
- b. Turbidity sampling results (background NTUs, compliance NTUs, and the difference between them)
- c. Description of data collection methods
- d. An aerial map indicating the sampling locations
- e. Depth of sample(s)
- f. Weather conditions at times of sampling
- g. Tidal stage and direction of flow

Data shall be collected in a turbidity log and shall include a statement by the individual responsible for implementation of the sampling program attesting to the authenticity, precision, limits of detection, and accuracy of the data. The turbidity log shall be scanned and sent on a weekly basis to the Department's Compliance Assistance Program by email at [SED\\_Compliance@floridadep.gov](mailto:SED_Compliance@floridadep.gov). The subject line of the email shall include the project name, permit number, and the title "Turbidity Monitoring Reports."

#### **SPECIFIC CONDITIONS – MANATEE CONDITIONS**

(9) The permittee shall comply with the standard manatee protection construction conditions listed in the attached "2011 Standard Manatee Conditions for In-Water Work".

#### **SPECIFIC CONDITIONS – LISTED SPECIES**

(10) This permit does not authorize the permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take"

permit cannot be issued. Requests for further information or review can be sent to [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com).

## **GENERAL CONDITIONS FOR INDIVIDUAL PERMITS**

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

(1) All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

(3) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

(4) At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

(5) Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

(6) Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or

- b. For all other activities – “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

(7) If the final operation and maintenance entity is a third party:

- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
- b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

(8) The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(9) This permit does not:

- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
- b. Convey to the permittee or create in the permittee any interest in real property;
- c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
- d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(10) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

(11) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

(12) The permittee shall notify the Agency in writing:

- a. Immediately if any previously submitted information is discovered to be inaccurate; and
- b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or

units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

(13) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(14) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

(15) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(16) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

(17) This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

(18) A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

## **NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

### **Petition for Administrative Hearing**

Project Name: Hamuy Seawall and Dock  
Permit No.: 50-0378919-001-EI  
Page 8 of 11

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

#### Extension of Time



Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@dep.state.fl.us](mailto:Agency_Clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

#### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



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John Kent Edwards  
Program Administrator – Permitting and Waste Cleanup  
Southeast District

#### **CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

FDEP – Kent Edwards, Jeffrey Meyer, Kaitlyn Mallett, Robert Mullins,  
Matt Mitchell, Palm Beach County, Environmental Resources, [mmitchell@pbcgov.org](mailto:mmitchell@pbcgov.org)

Project Name: Hamuy Seawall and Dock  
Permit No.: 50-0378919-001-EI  
Page 10 of 11

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Shirley Rende      02/24/2020  
Clerk                      Date

**Attachments:**

Project Drawings and Design Specs., 5 pages

Standard Manatee Conditions for In-Water Work, 2011

As-built Certification and Request for Conversion to Operational Phase Form 62-330.310(1)\*

Request for Transfer to the Perpetual Operation Entity Form 62-330.310(2)\*

Request to Transfer Permit Form 62-330.340(1)\*

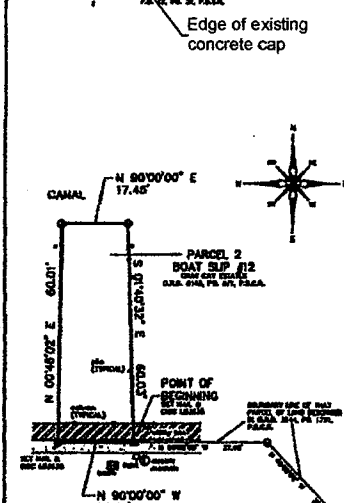
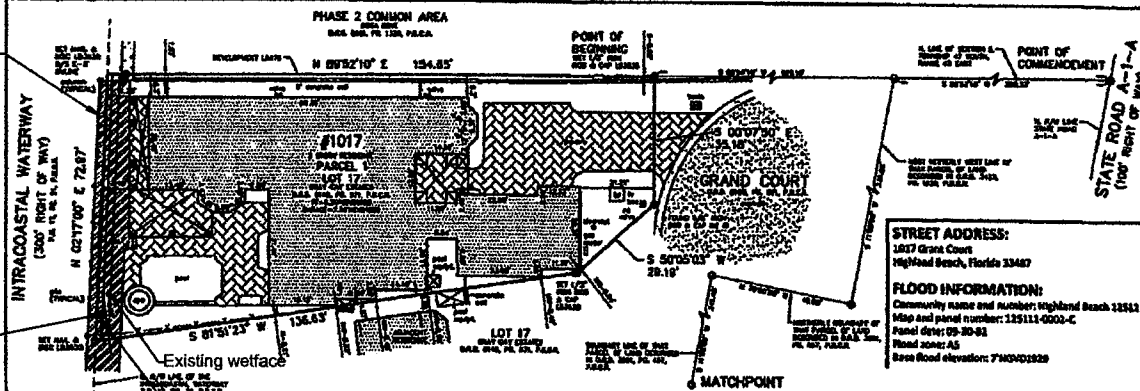
Commencement Notice Form 62-330.350(1)\*

\*Can be downloaded at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>



Existing 72' x 3' (5' from existing wetface, 360sf) dock and pilings to be removed

Existing seawall, cap and pilings to remain



#### NOTES:

- Unless otherwise noted field measurements are in agreement with record measurements.
- Boundaries shown hereon are based on a bearing of South 89 degrees 52' 23" West along said North line of Section 9, Township 47 South, Range 43 East, Palm Beach County, Florida.
- The lands shown hereon were not patented for ownership, rights of way, easements, or other matters of record by Accurate Land Surveyors, Inc.
- Ownership of land and water if any are not determined.
- This survey is the property of Accurate Land Surveyors, Inc. and shall not be used or reproduced in whole or in part without written authorization.
- This survey is made for the exclusive use of the client hereon, to be valid one year from the date of survey as shown hereon.
- This survey was made for mortgage and title purposes only and is not valid for design or construction purposes.

EXISTING CONDITIONS  
SCALE: N.T.S.

ACCURATE LAND SURVEYORS, INC.  
L.S. #3635

## BOUNDARY SURVEY

#### LEGEND OF ABBREVIATIONS:

A	ADJACENT	BO. FT.	BOUNDARY LINE
B	BENCH MARK	BO. IN.	BOUNDARY POINT
C	CORNER	BO. IN.	BOUNDARY POINT
D	DECK	BO. IN.	BOUNDARY POINT
E	EDGE	BO. IN.	BOUNDARY POINT
F	FENCE	BO. IN.	BOUNDARY POINT
G	GRASS	BO. IN.	BOUNDARY POINT
H	HIGHWAY	BO. IN.	BOUNDARY POINT
I	IRON	BO. IN.	BOUNDARY POINT
J	JACK	BO. IN.	BOUNDARY POINT
K	KICK	BO. IN.	BOUNDARY POINT
L	LINE	BO. IN.	BOUNDARY POINT
M	MARSH	BO. IN.	BOUNDARY POINT
N	NORTH	BO. IN.	BOUNDARY POINT
O	OPEN	BO. IN.	BOUNDARY POINT
P	POST	BO. IN.	BOUNDARY POINT
Q	QUARTER	BO. IN.	BOUNDARY POINT
R	RANGE	BO. IN.	BOUNDARY POINT
S	SEAL	BO. IN.	BOUNDARY POINT
T	TOWN	BO. IN.	BOUNDARY POINT
U	UNIT	BO. IN.	BOUNDARY POINT
V	VEGETATION	BO. IN.	BOUNDARY POINT
W	WATER	BO. IN.	BOUNDARY POINT
X	WOOD	BO. IN.	BOUNDARY POINT
Y	YARD	BO. IN.	BOUNDARY POINT
Z	ZONE	BO. IN.	BOUNDARY POINT

#### LEGAL DESCRIPTION:

PARCEL 1  
1817  
A parcel of land in Section 9, Township 47 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Point of Intersection of the North line of said Section 9 and the West right of way line of State Road A-1-A as laid out and now in use (100 feet right-of-way); thence South 89 degrees 52' 23" West along said North line of Section 9, a distance of 138.30 feet to the Point of Beginning; thence South 89 degrees 52' 23" East, a distance of 85.58 feet; thence South 89 degrees 52' 23" West, a distance of 25.25 feet; thence South 81 degrees 52' 23" West, a distance of 138.83 feet to a point on the East right-of-way line of the Intracoastal Waterway as recorded in Plat Book 17, Page 21, of the Public Records of Palm Beach County, Florida; thence North 81 degrees 52' 23" East, along said East right-of-way line a distance of 72.97 feet to a point on the North line of said Section 9; thence North 89 degrees 52' 23" East, along said North line of Section 9, a distance of 138.30 feet to the Point of Beginning. Said land status, lying and being in the Town of Highland Beach, Palm Beach County, Florida.

PARCEL 2  
1818  
A parcel of land in Section 9, Township 47 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Point of Intersection of the North line of said Section 9 and the West right-of-way line of State Road A-1-A as laid out and now in use (100 feet right-of-way); thence South 89 degrees 52' 23" West along said North line of Section 9, a distance of 138.30 feet; thence South 81 degrees 52' 23" West, along the most Westerly West line of that parcel of land described in Official Records Book 3423, Page 1578 of the Public Records of Palm Beach County, Florida, a distance of 238.08 feet to a point on the Northerly boundary of that parcel of land described in Official Records Book 3883, Page 457 of the Public Records of Palm Beach County, Florida; thence North 79 degrees 00' 00" West along said North line, a distance of 40.00 feet; thence North 23 degrees 00' 00" West, a distance of 343.48 feet; thence South 00 degrees 00' 00" West, a distance of 48.22 feet to a Point of Curvature of a circular curve concave to the Northwest having a radius of 15.00 feet and a central angle of 80 degrees 00' 00"; thence Southwesterly along the arc of said curve an arc distance of 23.54 feet to a point of tangency; thence North 89 degrees 52' 23" West, a distance of 48.31 feet; thence North 87 degrees 52' 23" West, a distance of 108.96 feet to a point on the most Easterly East line of that parcel of land described in Official Records Book 3844, Page 1281 of the Public Records of Palm Beach County, Florida, the last two described courses being coincident with the boundary of that parcel of land described in Official Records Book 3863, Page 457 of the Public Records of Palm Beach County, Florida; thence North 00 degrees 00' 00" East along said East line, a distance of 9.83 feet; thence South 87 degrees 00' 00" West, a distance of 14.54 feet; thence North 87 degrees 52' 23" West, a distance of 65.58 feet; thence North 43 degrees 50' 00" West, a distance of 14.80 feet; thence North a distance of 15.24 feet; thence North 43 degrees 00' 00" East, a distance of 7.00 feet; thence North, a distance of 48.85 feet; thence North 43 degrees 00' 00" West, a distance of 38.78 feet; thence West, a distance of 37.40 feet to the Point of Beginning, the last seven described courses being coincident with the boundary of that parcel of land described in Official Records Book 3844, Page 1281 of the Public Records of Palm Beach County, Florida, thence continuing West along said boundary, a distance of 23.62 feet; thence North 80 degrees 00' 00" East, a distance of 59.00 feet; thence East a distance of 17.5 feet; thence North 00 degrees 00' 00" East, a distance of 60.00 feet to the Point of Beginning.

#### BENCHMARK INFORMATION:

ALS-54-12-0079 Elevation = 7.574001229

#### KNOWN EASEMENTS:

None

#### OBSERVED ENCROACHMENTS:

Driveway and wall in front Court along the East boundary of Parcel 1.  
Dock and pier in Intracoastal Waterway along the West boundary of Parcel 1.  
Pier in canal along the East and West boundary of Parcel 2.  
Shed across South boundary.

#### CERTIFY TO:

Corporate Title Inc.  
Old Republic National Title Insurance Company  
Janie Hume and Megan H. Hume

DATE OF FIELD SURVEY	DATE OF PREPARED
09-18-17	09-18-17
FIELD BOOK	ALB-54-12-1518
REVISIONS	DATE

DATE	SCALE	BY

It is to be certified that this is a true and correct copy of the original survey map and that the same is a true and correct copy of the original survey map and that the same is a true and correct copy of the original survey map.

ROBERT L. HAMPTON (PRESIDENT)  
ACCURATE LAND SURVEYORS, INC.

SHEET 1 OF 1 SCALE 1"=20' SKETCH NUMBER SU-17-1518

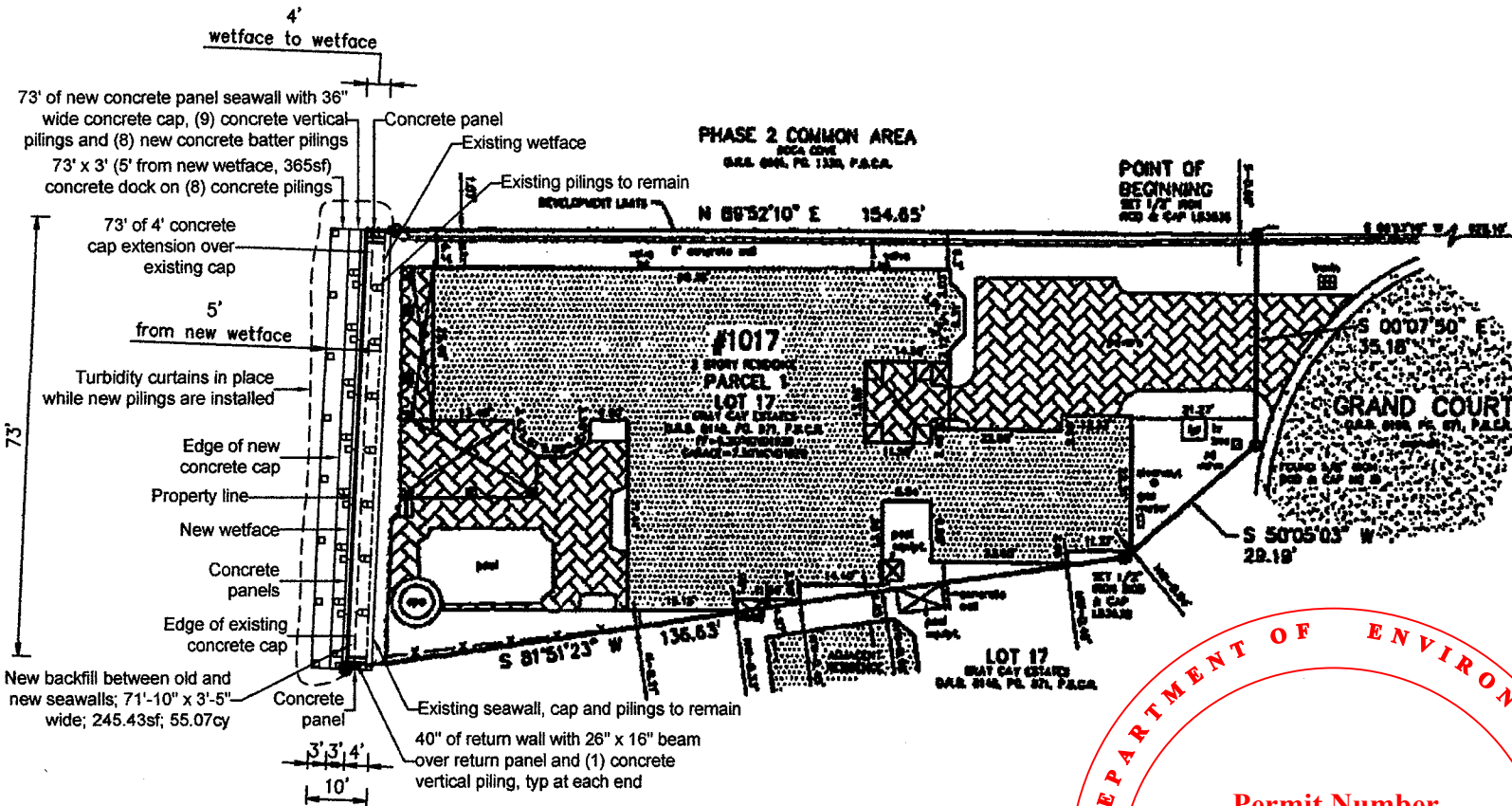
PREPARED FOR:  
B & M MARINE, INC.  
3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700 C00052820

SMALL & DWIGHT BOX FOR  
HAMMY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

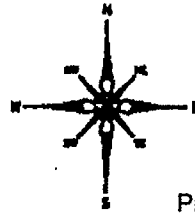
DATE  
SCALE  
BY  
AS NOTED

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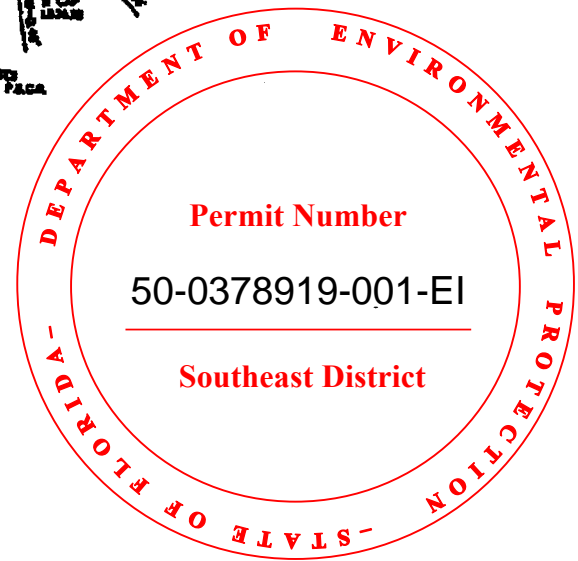
INTRACOASTAL WATERWAY  
(300' RIGHT OF WAY)  
P.L. 12, 14, 16, 18, P.A.C.A.



FILL VOLUMES (for seawall and backfill):			
Backfill -	71.83' x 3.42' x 6.06' (ave. depth)	245.43sf	55.07cy
Panels -	73.00' x 0.58' x 7.50' (depth)	42.58sf	11.83cy
Return Panels -	6.83' x 0.58' x 7.50' (depth)	3.99sf	1.11cy
Total Fill -		292.00sf	68.01cy



PROPOSED CONDITIONS  
SCALE: 1" = 20'-0"

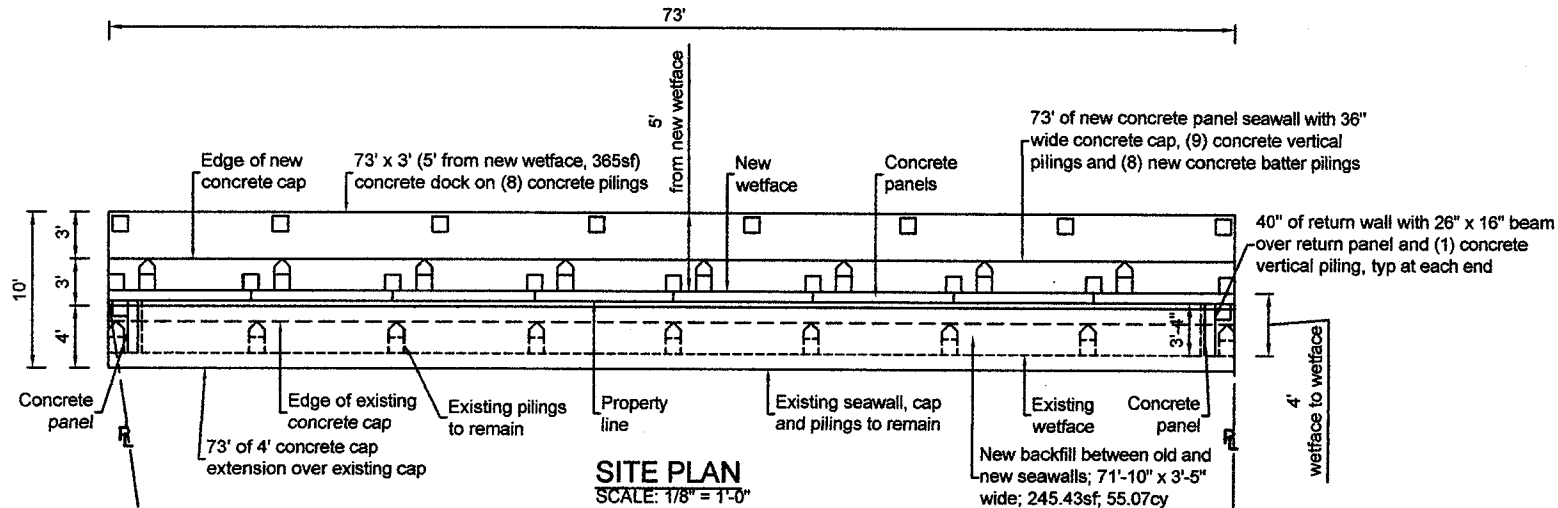


PREPARED FOR:  
**B & M MARINE, INC.**  
CONSTRUCTION, INC.  
3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700  
COC052820

SMALL & CONCRETE DIVISION  
HAMILTY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

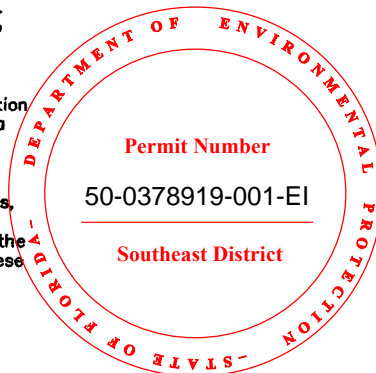
DATE: \_\_\_\_\_  
SCALE: AS NOTED  
200 Yds

PC



**General Notes:**

1. For all prestressed pilings, extend pilings strands a min. of 18" into cap/dock slab steel or cut strands even w/ top of pilings & dowel & epoxy (2) #5 L-bars, 12" long w/ 12" bend, into top of pilings, w/ a min. of 4" embedment.
2. Dowel and epoxy #5 bars or L-bars into top and front of existing cap, staggered @ 24" o.c., min. 4" embedment.
3. New batter and vertical pilings and panels to have a minimum 4" penetration into the new cap form.
4. All new concrete pilings to be 12" x 12" prestressed pilings with (4) 7/16" strands.
5. All pilings shall be driven to develop a minimum allowable bearing capacity of 10 tons and shall penetrate a minimum of 8' into yielding material or 2' min. penetration into rock is required.
6. All reinforcing steel shall be grade 60, with a minimum 3" clearance.
7. All concrete to be min. 5000 psi @ 28 days.
8. Turbidity barriers are to surround all in water construction areas during piling and/or panel installation activities.
9. Elevations shown are based on the North American Vertical Datum of 1988.
10. Design in accordance with 2017 6th Edition of the Florida Building Code.
11. Construction methods, procedures, and sequences are the responsibility of the Contractor. The Contractor shall take the necessary means to maintain and protect the structural integrity and serviceability of the construction at all times.
12. Any discrepancies found for any circumstance between the structural plans and the existing conditions found on site and/or any conditions that were omitted on the plans will be the responsibility of the Contractor to immediately bring to the attention of the Engineer of Record.
13. Existing conditions are unknown, therefore, worst case conditions have been approximated. All existing conditions are assumed and must be confirmed by the gc after permitting.
14. Contractor covenants and agrees to fully indemnify and hold harmless, engineer, and engineer's employees, officers, directors, and representatives, from and against damages, liabilities or costs, including reasonable attorney fees and defense costs, from any and all claims, actions, causes of action, or demands of any kind or nature for loss, damage, or liability arising from Contractor's work under this agreement. The indemnity provided for in this section shall not apply to any liability resulting from defects in plans, designs, or specifications prepared, approved, or used by engineer or negligence of the engineer in the rendition or conduct of professional duties called for or arising out of the construction contract and the plans, designs, or specifications that are a part of the construction contract and arising from personal injury or death, property damage, or any expenses arising therefrom. To that extent, the total liability of Donald Cesarone & Associates, LLC or any of its employees, officers, directors, and representatives due to plan or specifications defects or negligence shall be limited to the sum equal to the amount paid to Donald Cesarone & Associates, LLC., for these engineered drawings. Acceptance and understanding of this agreement are hereby acknowledged.

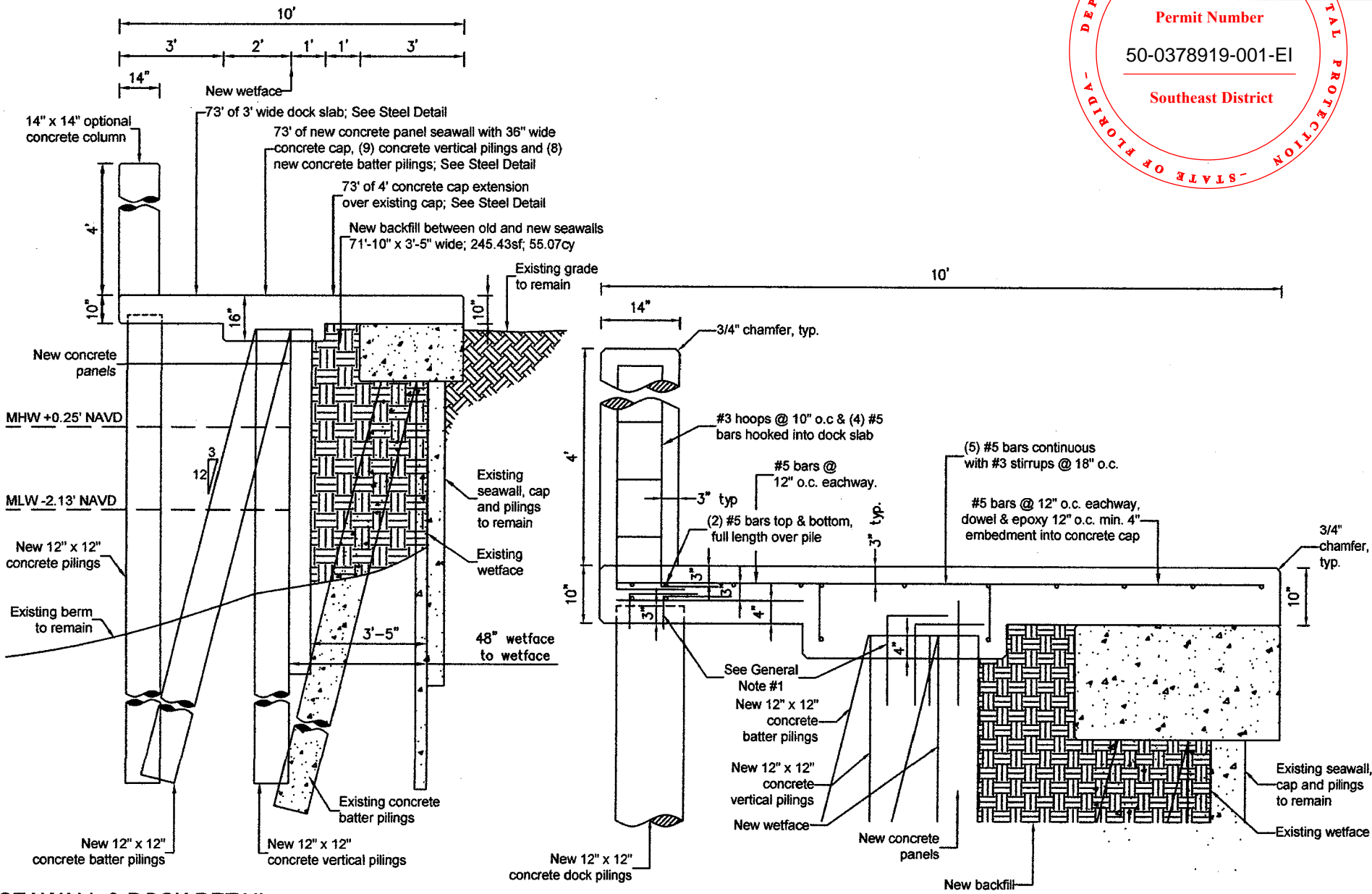
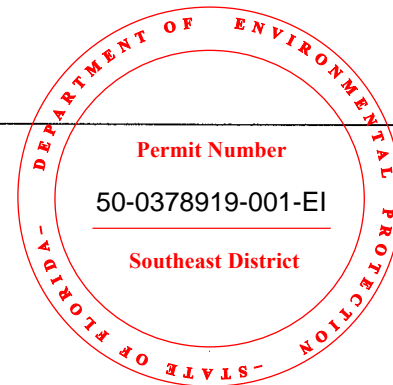


PREPARED FOR:  
**B & M MARINE, INC.**  
CONSTRUCTION, INC.  
3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700  
COC052820

OWNER: B & M MARINE, INC.  
HAWLEY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

DATE: \_\_\_\_\_  
SCALE: AS NOTED  
JOB No: \_\_\_\_\_

SP



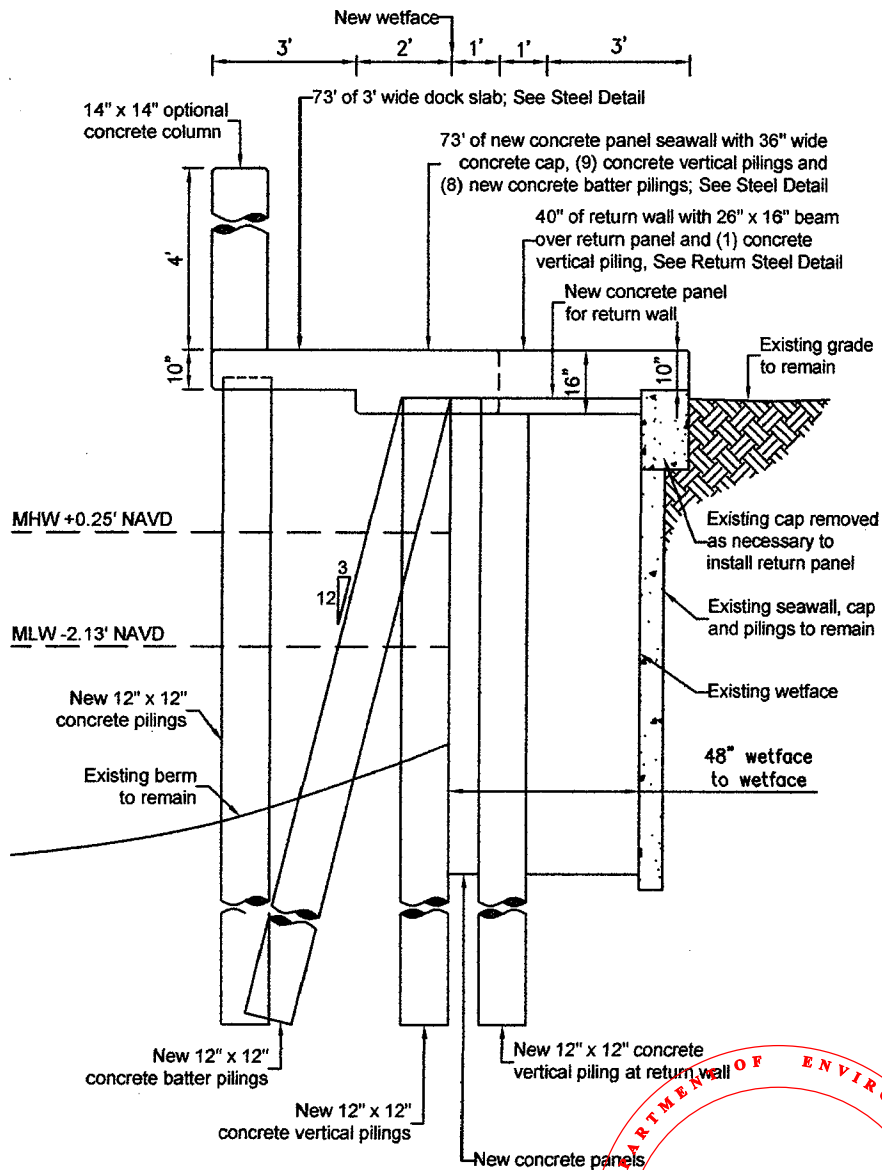
**SEAWALL & DOCK DETAIL**  
SCALE: 3/8" = 1'-0"

**STEEL DETAIL**  
SCALE: 3/4" = 1'-0"

PREPARED FOR:  
**B & M MARINE CONSTRUCTION, INC.**  
3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700 C60052820

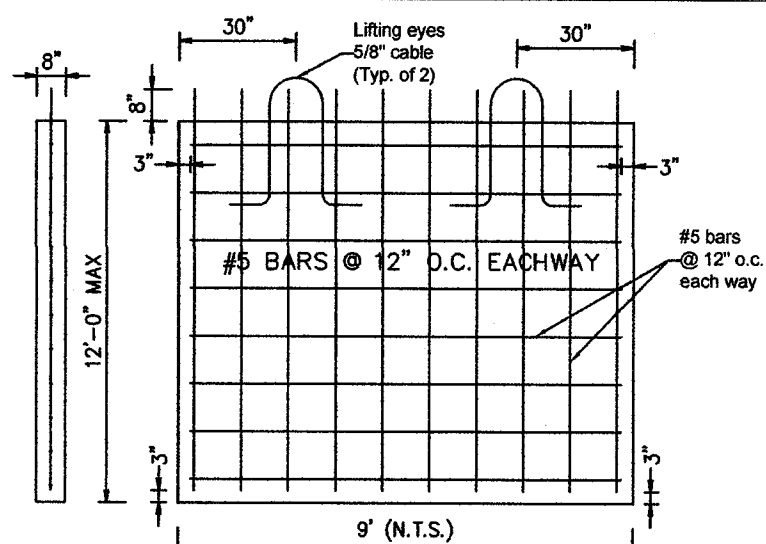
SMALL & ORBITAL BOX FOR:  
HAMLEY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

DATE: \_\_\_\_\_  
SCALE: AS NOTED  
JOB No: \_\_\_\_\_  
DTL-1



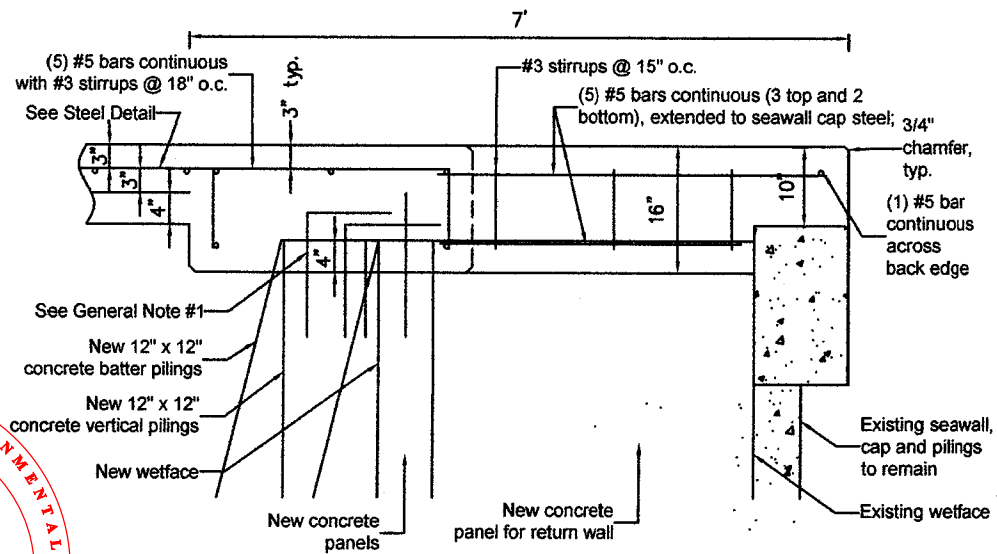
## SEAWALL DETAIL

SCALE: 3/8" = 1'-0"



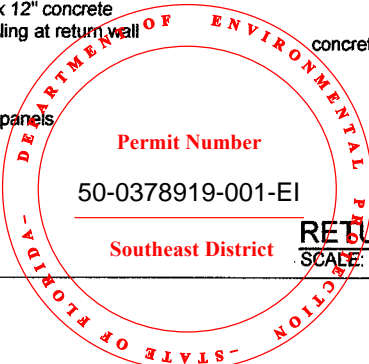
## PANEL DETAIL

SCALE: 3/8" = 1'-0"



## RETURN STEEL DETAIL

SCALE: 3/4" = 1'-0"



PREPARED FOR:

**B & M MARINE CONSTRUCTION, INC.**

3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700  
CC0052820

SEAL & CONCRETE MAX FOR

HAMLY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

DATE

SCALE: AS NOTED

DTL-2



## STANDARD MANATEE AND MARINE TURTLE CONSTRUCTION CONDITIONS FOR IN-WATER WORK

July 2011

The permittee shall comply with the following conditions intended to protect manatees and marine turtles from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of marine turtles, manatees and manatee speed zones, and the need to avoid collisions with (and injury to) these protected marine species. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees and marine turtles cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee or marine turtle movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of marine turtles and manatee(s). All in-water operations, including vessels, must be shutdown if a marine turtle or manatee comes within 50 feet of the operation. Activities will not resume until the animal(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the animal(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a marine turtle or manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com). Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service (for north Florida, Jacksonville 1-904-731-3336 or for south Florida Vero Beach 1-772-562-3909).
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

# CAUTION: MANATEE HABITAT

**All project vessels  
IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:



**Wildlife Alert:**

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC



# FLORIDA DEPARTMENT OF Environmental Protection

Southeast District Office  
3301 Gun Club Road, MSC 7210-1  
West Palm Beach, FL 33406  
561-681-6600

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Shawn Hamilton**  
Secretary

October 4, 2021

Jamie Hamuy  
1017 Grand Court  
Highland Beach, FL 33487

Re: Project Name: Hamuy Seawall  
Permit No.: 50-0378919-002-EM  
Modification of Permit No.: 50-0378919-001-EI

Dear Jamie Hamuy:

Your request to modify this permit has been received and reviewed by Department staff. The modification consists of installing seven (7) bumper pilings along the previously permitted seawall. The previously authorized dock construction is no longer proposed.

The above modifications are not expected to adversely affect water quality and will not be contrary to or will be clearly in the public interest.

Since the proposed modification is not expected to result in any adverse environmental impact or water quality degradation, the permit is hereby modified as requested. By copy of this letter, we are notifying all necessary parties of the modifications.

This letter of approval does not alter the original expiration date of **February 23, 2025**, and does not change the original General or Specific Conditions (except as modified herein), or monitoring requirements of the permit (except as modified herein). This letter and attached drawings must be attached to the original permit.

## NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule



28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

#### Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative

hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

#### Mediation

Mediation is not available in this proceeding.

#### FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

#### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in West Palm Beach, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



---

Norva Blandin, MSEM  
Program Administrator  
Permitting and Waste Cleanup Program  
Southeast District

Project Name: Hamuy Seawall  
Permit No.: 50-0378919-002-EM  
Modification of Permit No.: 50-0378919-001-EI  
Page 4 of 4

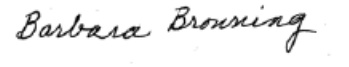
### **CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

FDEP – Norva Blandin, MSEM; Danielle Sattelberger; Kaitlyn Mallett; Luciano Guidoni  
Matt Mitchell, Palm Beach County, Environmental Resources, [mmitchell@pbcgov.org](mailto:mmitchell@pbcgov.org)  
David Nutter, DJN Permit Services, [nutt3839@bellsouth.net](mailto:nutt3839@bellsouth.net)

### **FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.

 _____	<u>October 4, 2021</u>
Clerk	Date

### **Enclosures:**

Revised Permit Sketches, 7 pages

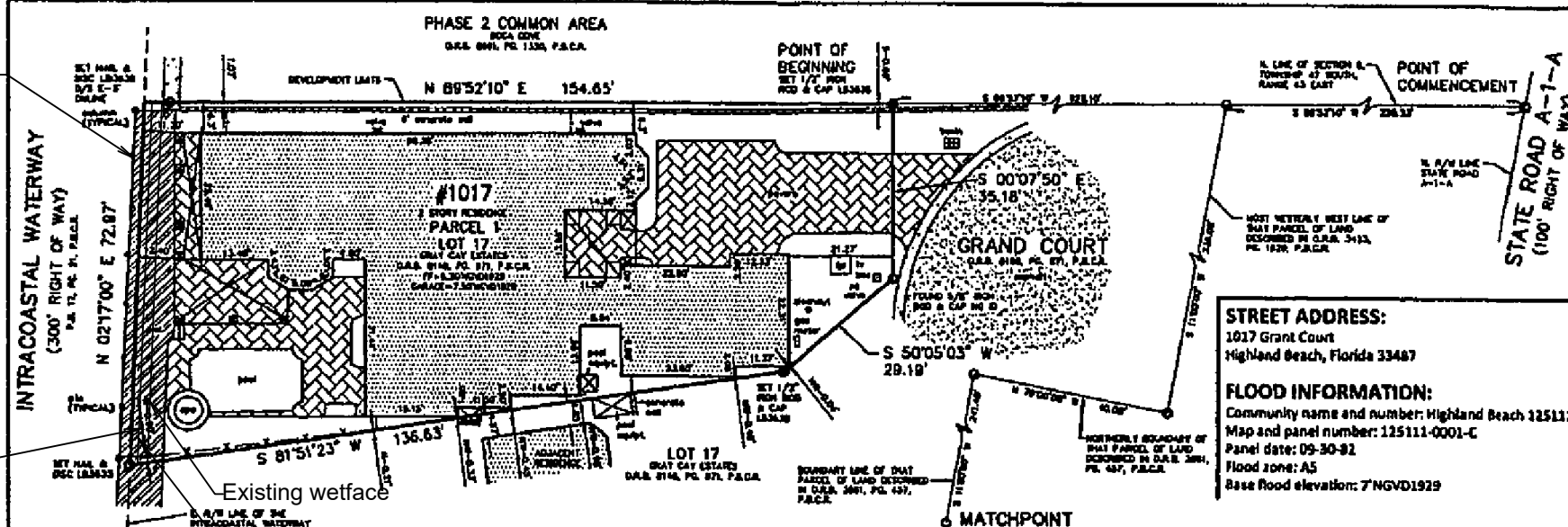






Existing 72' x 3' (5' from existing wetface, 360sf) dock and pilings to be removed

Existing seawall, cap and pilings to remain



#### NOTES:

1. Unless otherwise noted field measurements are in agreement with record measurements.
2. Bearings shown hereon are based on a bearing of South 89 degrees 52'10" West along said North line of Section 9, Township 47 South, Range 43 East, Palm Beach County, Florida.
3. The lands shown hereon were not abstracted for ownership, rights of way, easements, or other matters of records by Accurate Land Surveyors, Inc.
4. Ownership of fences and walls if any are not determined.
5. This survey is the property of Accurate Land Surveyors, Inc. and shall not be used or reproduced in whole or in part without written authorization.
6. This survey is made for the exclusive use of the certified hereon, to be valid one year from the date of survey as shown hereon.
7. This survey was made for mortgage and title purposes only and is not valid for design or construction purposes.

EXISTING CONDITIONS  
SCALE: N.T.S.

#### BENCHMARK INFORMATION:

ALS-SU-12-2079 Elevation = 7.557NGVD1929

#### KNOWN EASEMENTS:

None

#### OBSERVED ENCROACHMENTS:

Driveway and wall in Grand Court along the East boundary of Parcel 1.  
Dock and piles in Intracoastal Waterway along the West boundary of Parcel 1.  
Piles in canal along the East and West boundary of Parcel 2.  
Shed across South boundary.

#### CERTIFY TO:

Corporate Title Inc.  
Old Republic National Title Insurance Company  
Jamie Hamuy and Nissen H. Hamuy

ACCURATE LAND SURVEYORS, INC.	
L.B. #3835	
1138 E. ATLANTIC BLVD. POMPANO BEACH, FLORIDA 33068	
TEL (954) 782-1441 FAX (954) 782-1442	
<b>BOUNDARY SURVEY</b>	
<b>LEGEND OF ABBREVIATIONS:</b>	
A	CENTRAL ANGLE
Δ	ARC LENGTH
CB	CHORD BEARING
R	RADIUS
RAW	RIGHT OF WAY
P.C.	POINT OF CURVATURE
P.T.	POINT OF TANGENCY
W.M.	WATER METER
OM	OVERHANG
N	NORTH
S	SOUTH
E	EAST
W	WEST
CONC.	CONCRETE
BLVD.	NORTH AMERICAN VERTICAL DATUM
ELEV.	ELEVATION
B.M.	BENCHMARK
80 FT.	SQUARE FEET
P.C.P.	PERMANENT CONTROL POINT
P.B.C.R.	PALM BEACH COUNTY RECORDS
P	PLAT
N&D	N&D
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
AC	AIR CONDITIONER
FND	FOUND
CHATT.	CHATTEMOOCHIE
F.P.L.	FLORIDA POWER & LIGHT
B.C.R.	BROWARD COUNTY RECORDS
P.B.	PLAT BOOK
O.R.B.	OFFICIAL RECORDS BOOK
F.F.	FINISHED FLOOR
CHL	CHARGE
CL	CENTERLINE
<b>LEGAL DESCRIPTION:</b>	
<b>PARCEL 1</b>	
<b>LOT 17:</b>	
A parcel of land in Section 9, Township 47 south, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:	
Commencing at the Point of Intersection of the North line of said Section 9 and the West right of way line of State Road A-1-A as laid out and now in use (100 foot right-of-way); thence South 89 degrees 52'10" West along said North line of Section 9, a distance of 928.10 feet to the Point of Beginning; thence South 00 degrees 07'50" East, a distance of 35.18 feet; thence South 50 degrees 05'03" West, a distance of 29.19 feet; thence South 81 degrees 51'23" West, a distance of 136.63 feet to a point on the East right-of-way line of the Intracoastal Waterway as recorded in Plat Book 17, Page 21, of the Public Records of Palm Beach County, Florida; thence North 02 degrees 17'00" East, along said East right-of-way line a distance of 72.97 feet to a point on the North line of said Section 9; thence North 89 degrees 52'10" East, along said North line of Section 9, a distance of 154.65 feet to the Point of Beginning. Said land situate, lying and being in the Town of Highland Beach, Palm Beach County, Florida.	
<b>PARCEL 2</b>	
<b>Boat Slip #12:</b>	
A parcel of land in Section 9, Township 47 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:	
Commencing at the Point of Intersection of the North line of said Section 9 and the West Right-of-Way line of State Road A-1-A as laid out and now in use (100 Foot Right-of-Way); thence South 89 degrees 52'10" West along said North line of Section 9, a distance of 228.33 feet; thence South 11 degrees 00'00" West, along the most Westerly West line of that parcel of land described in Official Records Book 3423, Page 1629 of the Public Records of Palm Beach County, Florida, a distance of 238.08 feet to a point on the Northerly boundary of that parcel of land described in Official Records Book 3861, Page 457 of the Public Records of Palm Beach County, Florida; thence North 79 degrees 00'00" West along said North line, a distance of 40.00 feet; thence South 11 degrees 00'00" West, a distance of 241.48 feet; thence South 00 degrees 06'12" West, a distance of 43.22 feet to a Point of Curvature of a circular curve concave to the Northwest having a radius of 15.00 feet and a central angle of 90 degrees 00'00"; thence Southwesterly along the arc of said curve an arc distance of 33.56 feet to a point of tangency; thence North 89 degrees 53'38" West, a distance of 45.31 feet; thence North 87 degrees 51'34" West, a distance of 100.98 feet to a point on the most Easterly East line of that parcel of land described in Official Records Book 3644, Page 1731 of the Public Records of Palm Beach County, Florida, the last five described courses being coincident with the boundary of that parcel of land described in Official Records Book 3861, Page 457 of the Public Records of Palm Beach County, Florida; thence North 02 degrees 06'21" East along said East line, a distance of 9.92 feet; thence South 47 degrees 08'12" West, a distance of 24.14 feet; thence North 87 degrees 52'38" West, a distance of 65.18 feet; thence North 43 degrees 55'49" West, a distance of 14.40 feet; thence North a distance 19.33 feet; thence North 45 degrees 00'00" East, a distance of 7.00 feet; thence North, a distance of 40.00 feet; thence North 45 degrees 00'00" West, a distance of 28.78 feet; thence West, a distance of 37.40 feet to the Point of Beginning, the last seven described courses being coincident with the boundary of that parcel of land described in Official Records Book 3644, Page 1731 of the Public Records of Palm Beach County, Florida, thence continuing West along said boundary, a distance of 20.01 feet; thence North 00 degrees 46'02" East, a distance of 60.01 feet; thence East a distance of 17.5 feet; thence south 01 degree 40'22" East, a distance of 60.01 feet to the Point of Beginning.	
<b>DATE OF FIELD SURVEY: 05-05-17</b>	
<b>DRAWN BY: MLW</b>	
<b>FIELD BOOK: ALS-SU-17-1518</b>	
<b>CHECKED BY: MLW</b>	
<b>REVISIONS</b>	
<b>DATE</b>	
<b>BY</b>	
<b>CERTIFICATION:</b>	
This is to certify that this above ground sketch of boundary survey was made under my responsible charge and is accurate and correct to the best of my knowledge and belief. I further certify that this sketch meets the current Standards of Practice, established by the Board of Professional Surveyors and Mappers, Chapter 34-17, Florida Administrative Code, pursuant to current Section 472.027, Florida Statutes.	
<b>ROBERT L. THOMPSON (PRESIDENT)</b>	
PROFESSIONAL SURVEYOR AND MAPPER No. 3041 - STATE OF FLORIDA	
<b>SHEET 1 OF 1</b>	
<b>SCALE 1"=20'</b>	
<b>SKETCH NUMBER SU-17-1518</b>	



PREPARED FOR:

SEWELL FOR:  
HAMUY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

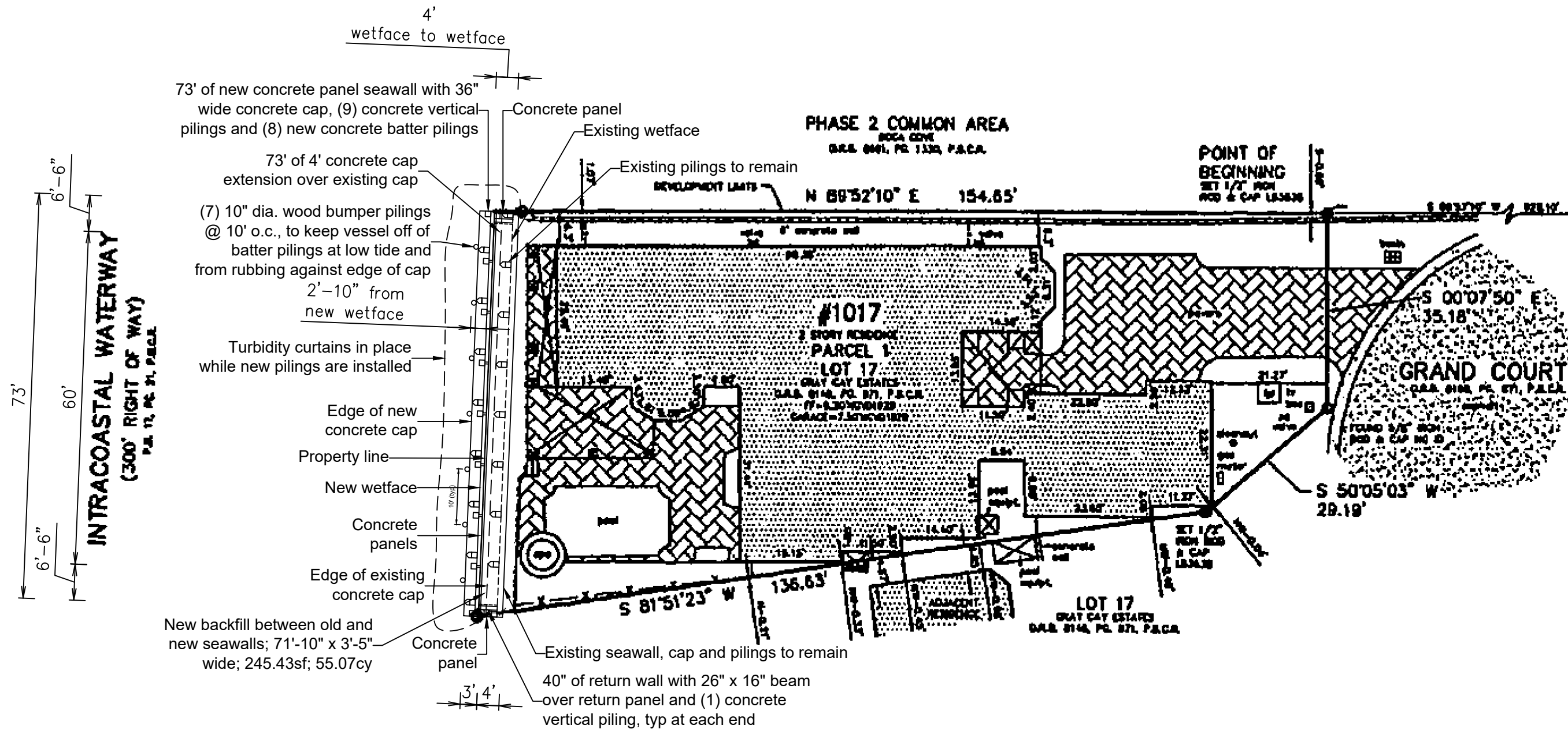
NOTES/REVISIONS

DATE  
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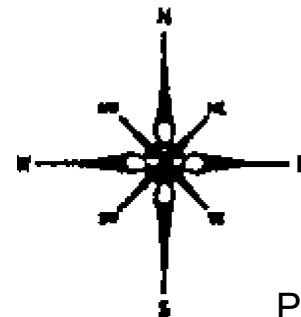
JOB No:

**B & M MARINE  
CONSTRUCTION, INC.**  
3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700  
CC0052820

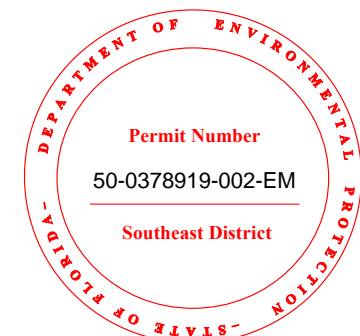




FILL VOLUMES (for seawall and backfill):			
Backfill -	71.83' x 3.42' x 6.06' (ave. depth)	245.43sf	55.07cy
Panels -	73.00' x 0.58' x 7.50' (depth)	42.58sf	11.83cy
Return Panels -	6.83' x 0.58' x 7.50' (depth)	3.99sf	1.11cy
Total Fill -		292.00sf	68.01cy



PROPOSED CONDITIONS  
SCALE: 1" = 20'-0"



PREPARED FOR:

**B & M MARINE  
CONSTRUCTION, INC.**  
3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700 CC0052820

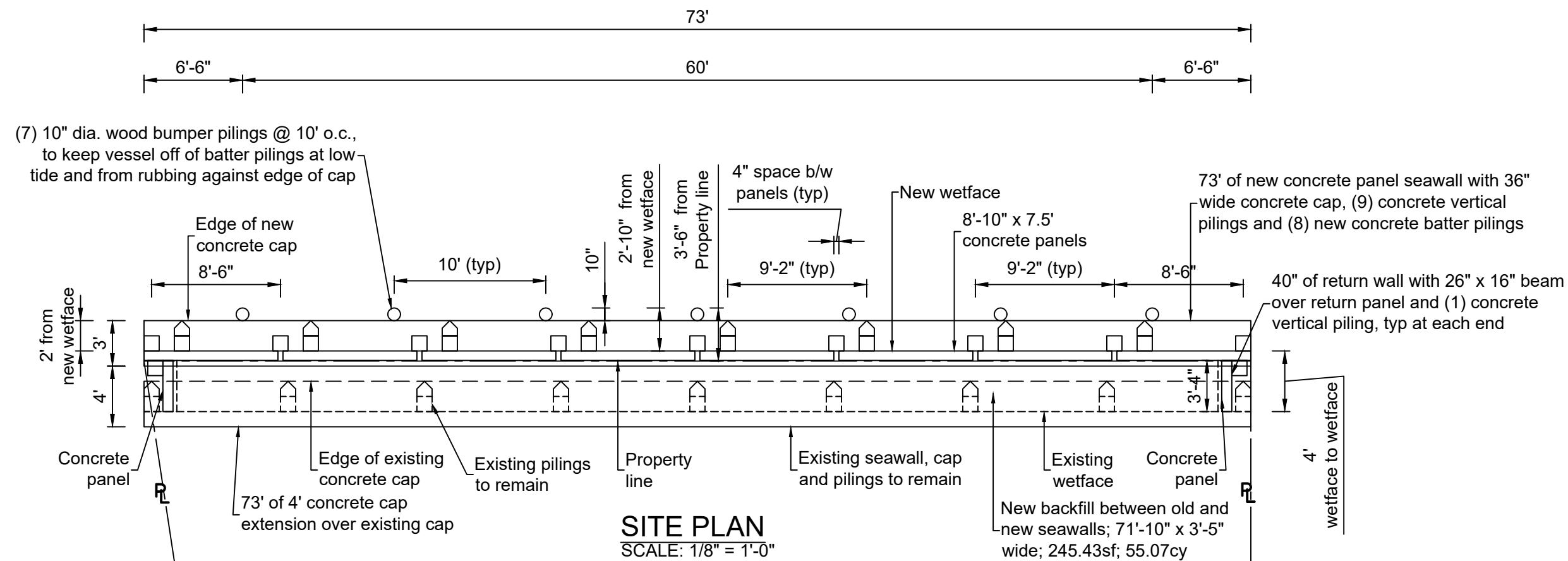
SEAWALL FOR:  
HAMUY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

DATE	NOTES/REVISIONS

SCALE: AS NOTED

JOB No:

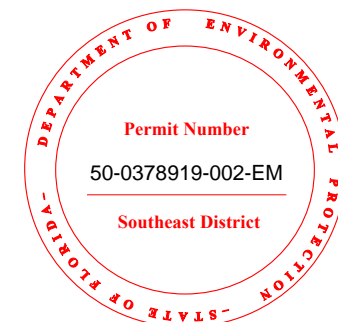
PG



General Notes:

1. For all prestressed pilings, extend pilings strands a min. of 18" into cap/dock slab steel or cut strands even w/ top of pilings & dowel & epoxy (2) #5 L-bars, 12" long w/ 12" bend, into top of pilings, w/ a min. of 4" embedment.
2. Dowel and epoxy #5 bars or L-bars into top and front of existing cap, staggered @ 24" o.c., min. 4" embedment.
3. New batter and vertical pilings and panels to have a minimum 4" penetration into the new cap form.
4. All new concrete pilings to be 12" x 12" prestressed pilings with (4) 7/16" strands.
5. All pilings shall be driven to develop a minimum allowable bearing capacity of 10 tons and shall penetrate a minimum of 8' into yielding material or 2' min. penetration into rock is required.
6. All reinforcing steel shall be grade 60, with a minimum 3" clearance.
7. All concrete to be min. 5000 psi @ 28 days.
8. Turbidity barriers are to surround all in water construction areas during piling and/or panel installation activities.
9. Elevations shown are based on the North American Vertical Datum of 1988.
10. Design in accordance with 2017 6th Edition of the Florida Building Code.
11. Construction methods, procedures, and sequences are the responsibility of the Contractor. The Contractor shall take the necessary means to maintain and protect the structural integrity and serviceability of the construction at all times.

12. Any discrepancies found for any circumstance between the structural plans and the existing conditions found on site and/or any conditions that were omitted on the plans will be the responsibility of the Contractor to immediately bring to the attention of the Engineer of Record.
13. Existing conditions are unknown, therefore, worst case conditions have been approximated. all existing conditions are assumed and must be confirmed by the gc after permitting.
14. Contractor covenants and agrees to fully indemnify and hold harmless, engineer, and engineer's employees, officers, directors, and representatives, from and against damages, liabilities or costs, including reasonable attorney fees and defense costs, from any and all claims, actions, causes of action, or demands of any kind or nature for loss, damage, or liability arising from Contractor's work under this agreement. The indemnity provided for in this section shall not apply to any liability resulting from defects in plans, designs, or specifications prepared, approved, or used by engineer or negligence of the engineer in the rendition or conduct of professional duties called for or arising out of the construction contract and the plans, designs, or specifications that are a part of the construction contract and arising from personal injury or death, property damage, or any expenses arising therefrom. To that extent, the total liability of Donald Cesarone & Associates, LLC or any of its employees, officers, directors, and representatives due to plan or specifications defects or negligence shall be limited to the sum equal to the amount paid to Donald Cesarone & Associates, LLC., for these engineered drawings. Acceptance and understanding of this agreement are hereby acknowledged.



PREPARED FOR:

**B & M MARINE, INC.**  
**CONSTRUCTION, INC.**  
 3500 S.W. 14TH. STREET  
 DEERFIELD BEACH, FL 33442  
 954-421-1700 CGC052820

SEAWALL FOR  
 HAMUY RESIDENCE  
 1017 GRAND COURT  
 HIGHLAND BEACH, FL

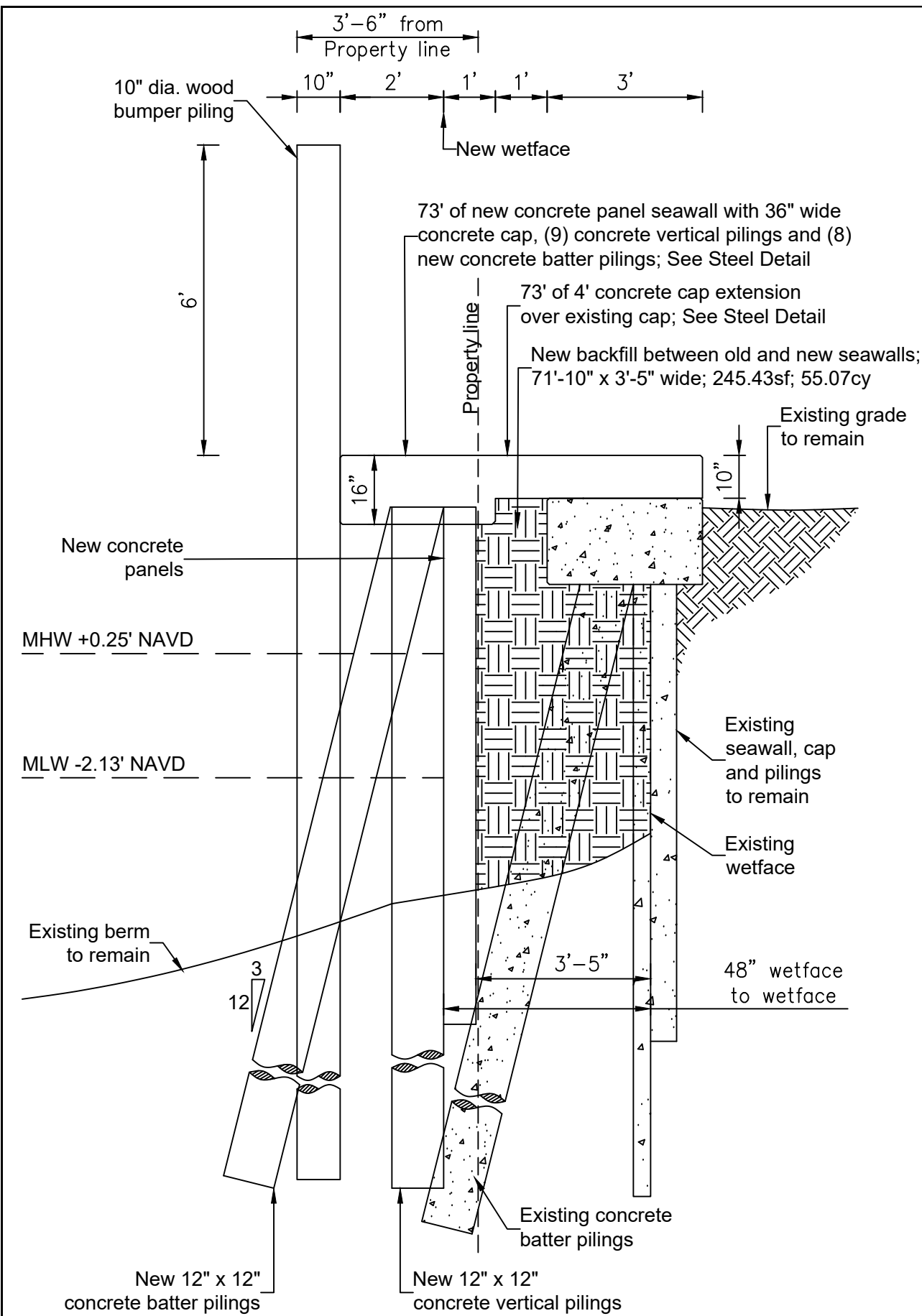
NOTES/REVISIONS

DATE

SCALE: AS NOTED

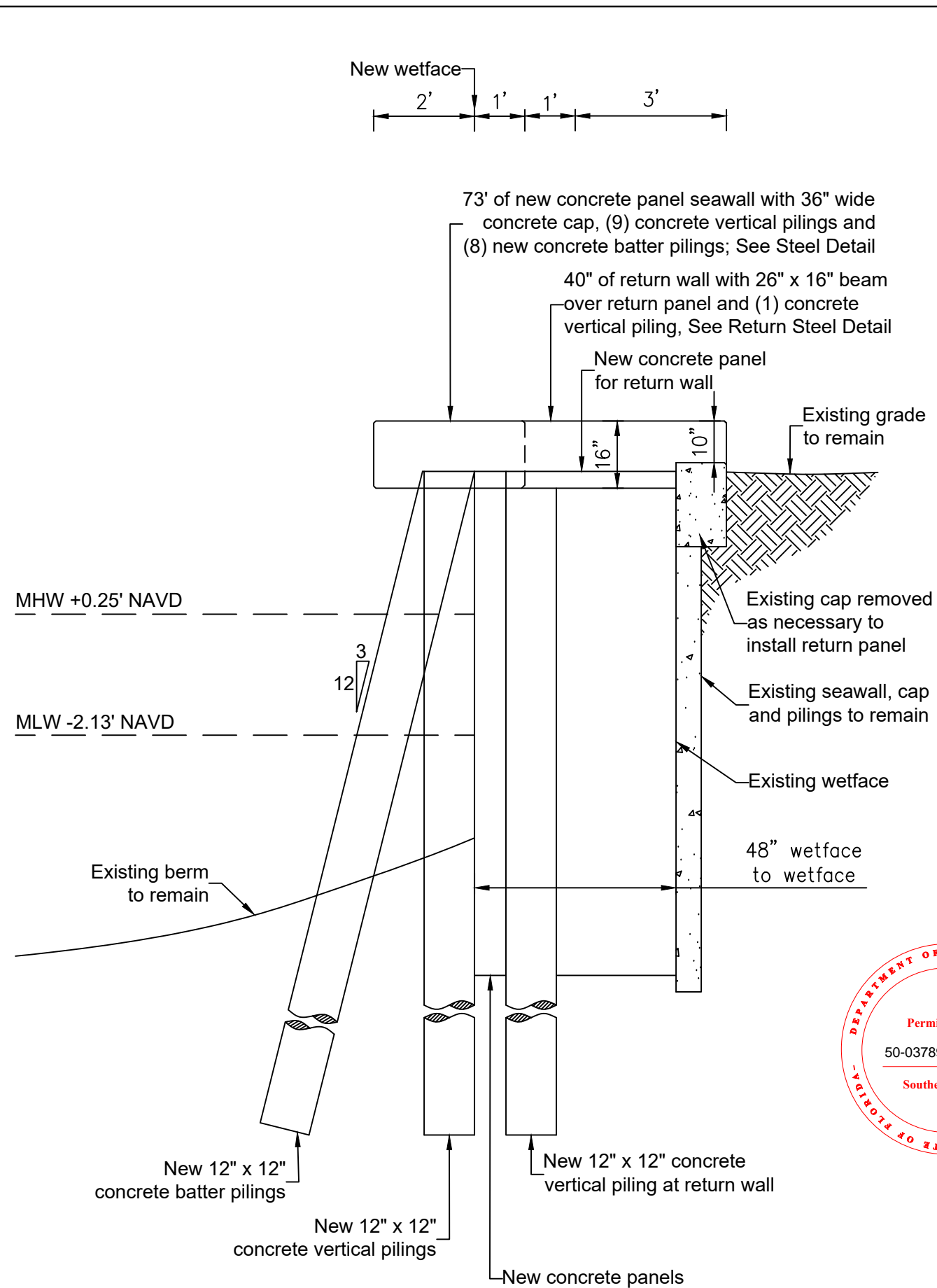
JOB No:





## SEAWALL DETAIL

SCALE: 3/8" = 1'-0"

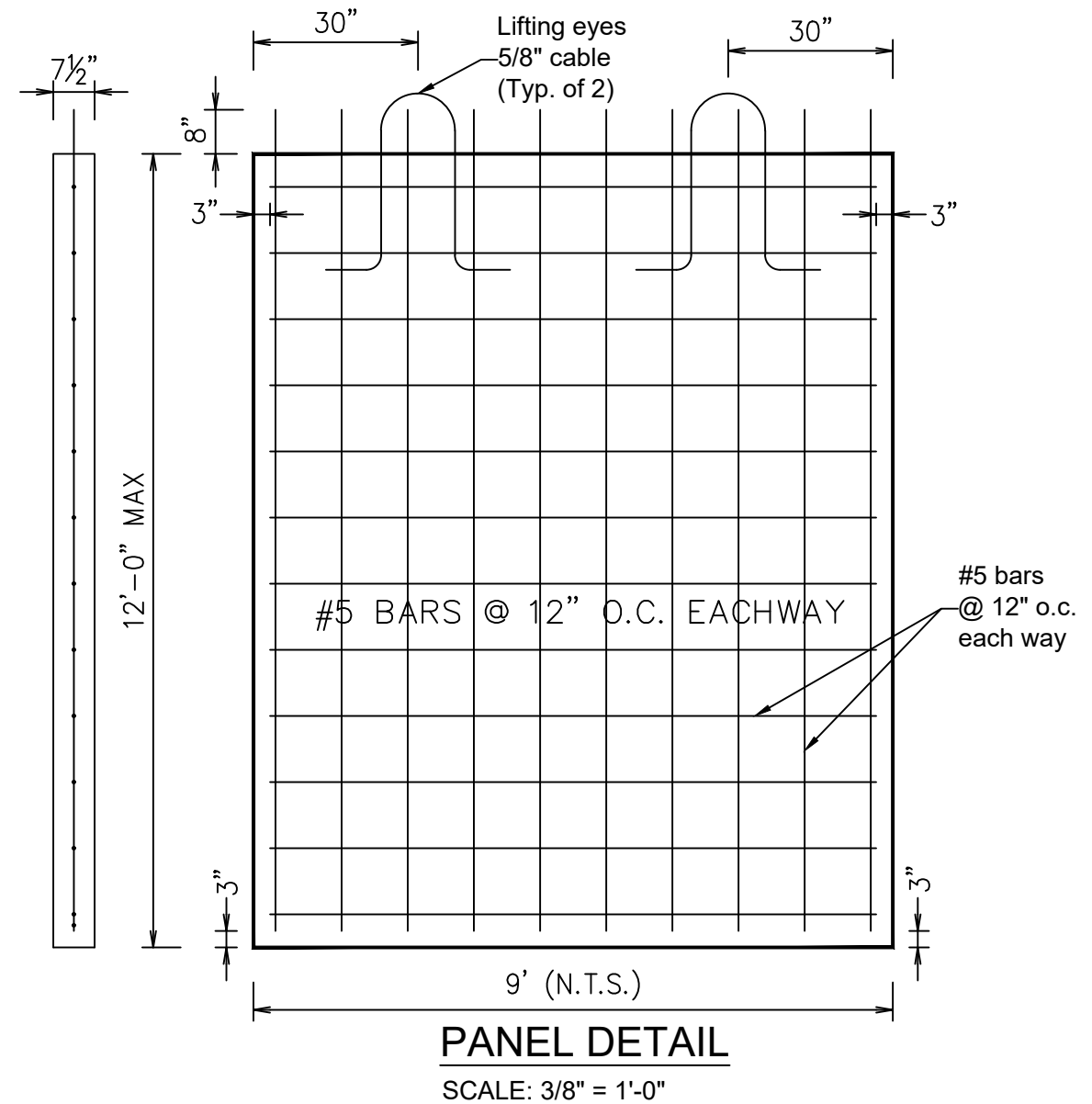
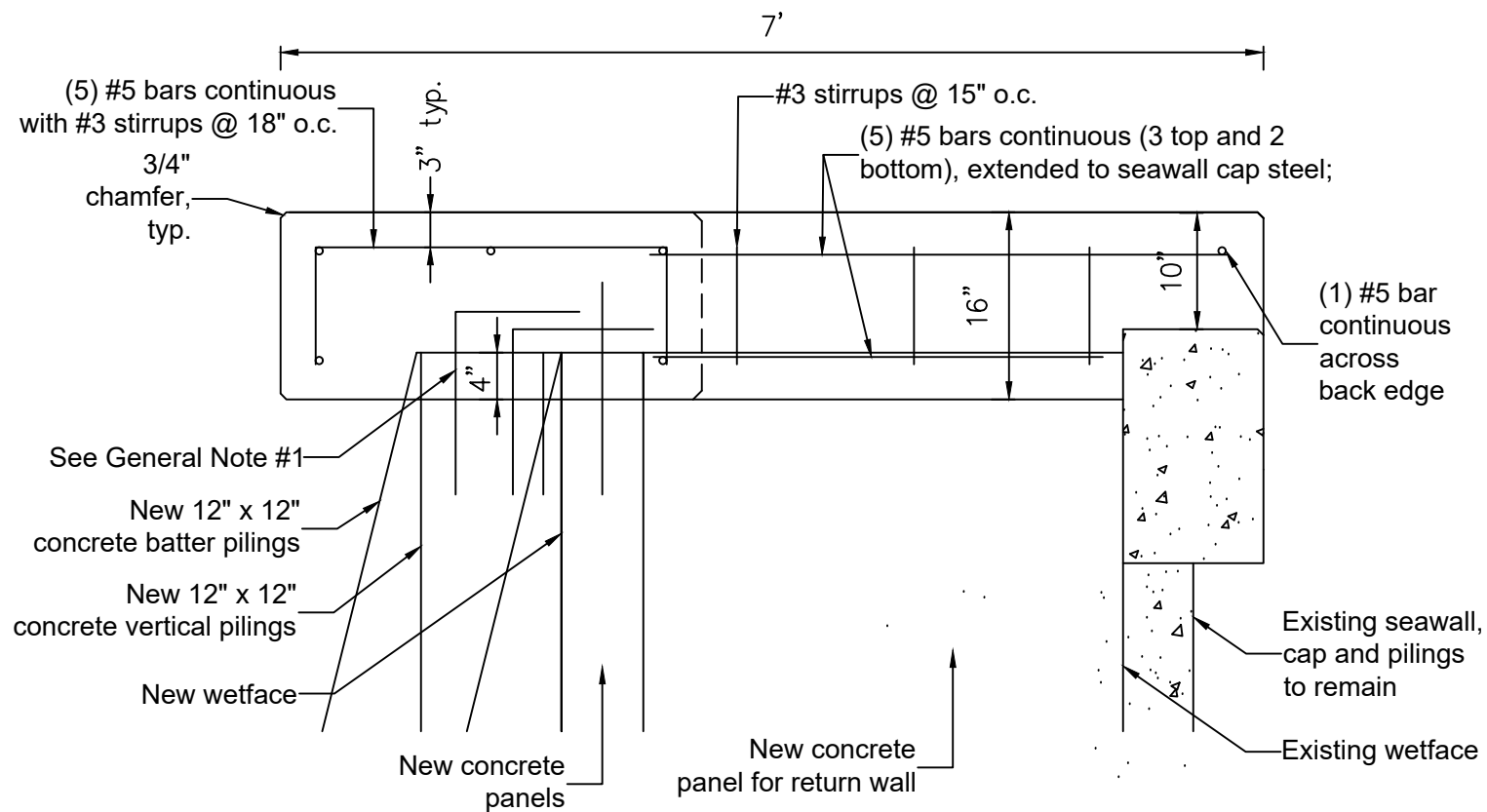
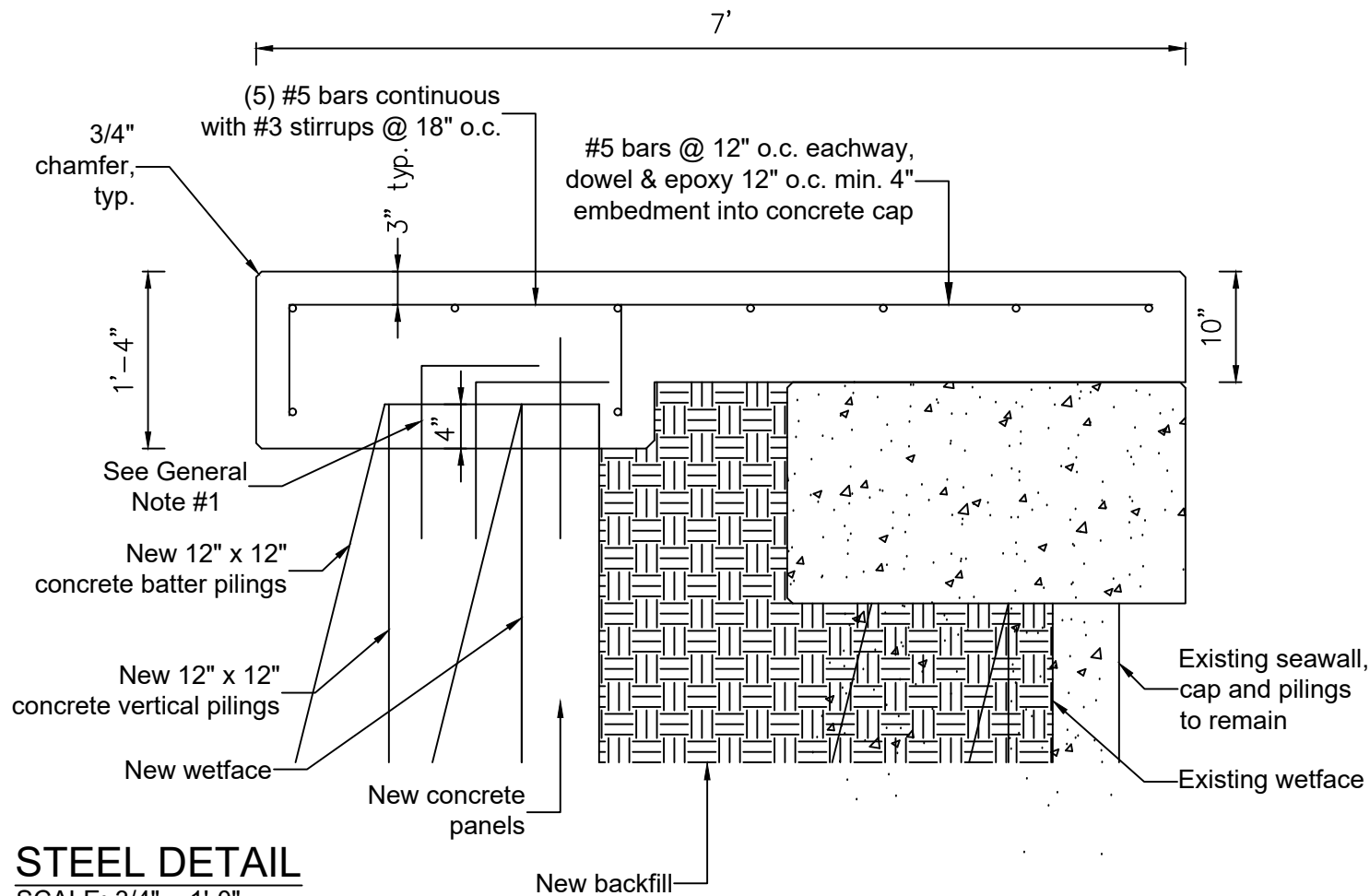


## SEAWALL RETURN DETAIL

SCALE: 3/8" = 1'-0"



PREPARED FOR:		B & M MARINE CONSTRUCTION, INC.	
SEAWALL FOR:		HAMUY RESIDENCE	
NOTES/REVISIONS		1017 GRAND COURT	
DATE		HIGHLAND BEACH, FL	
SCALE:		AS NOTED	
JOB No:		3500 S.W. 14TH STREET	
DT		DEERFIELD BEACH, FL 33442	
		954-421-1700	
		CGC052820	



PREPARED FOR:  
**B & M MARINE CONSTRUCTION, INC.**  
3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700 CGC052820

SEAWALL FOR:  
HAMUY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

DATE	NOTES/REVISIONS

SCALE: AS NOTED

JOB No:

RE: [Non-DoD Source] FDEP# 50-0378919-001-EI, 002-EM Corps# SAJ-2019-02957 1017  
Grand Court Highland Beach

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From: Knoeck, Linda C CIV USARMY CESAJ (USA) (linda.c.knoeck@usace.army.mil)

To: nutt3839@bellsouth.net; kaitlyn.mallett@floridadep.gov; danielle.sattelberger@floridadep.gov

Date: Tuesday, August 8, 2023 at 04:24 PM EDT

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Good afternoon,

It appears that the items you described are minor deviations from the Corps permit and can be acknowledged in the As-Built Certification. I will note that there is no deviation allowed for special condition 5 regarding the setback distance to the federal channel.

"The most waterward edge of the authorized project shall be constructed no closer than 84 feet from the near design edge of the federal channel as shown".

Linda C. Knoeck  
Senior Project Manager, Palm Beach Gardens U.S. Army Corps of Engineers  
4400 PGA Boulevard, Suite 500  
Palm Beach Gardens, Florida 33410

Office: 561-472-3506

Mobile: 561-319-5223 (only use during business hours 0800-1600)

---

**From:** david nutter <nutt3839@bellsouth.net>

**Sent:** Tuesday, August 8, 2023 3:59 PM

**To:** Knoeck, Linda C CIV USARMY CESAJ (USA) <Linda.C.Knoeck@usace.army.mil>; Kaitlyn Mallett <kaitlyn.mallett@floridadep.gov>; Danielle Sattelberger <danielle.sattelberger@floridadep.gov>

**Subject:** [Non-DoD Source] FDEP# 50-0378919-001-EI, 002-EM Corps# SAJ-2019-02957 1017 Grand Court Highland Beach

Linda, Kaitlyn and Danielle,

I hate to bother you all with this, but the plan reviewer for the Town of Highland noticed discrepancies between the Corps permit, the plans attached to the Corps permit and the plans submitted to the town. She would like an email from the Corps, that these discrepancies will not invalidate the Corps authorization.

- Sheets 2 and 4, #6 shows 48", however, FDEP/ACOE plans indicate 40". Correct accordingly
  - *The labels on sheets PC, SP and DTL-1 state 40" of return wall, but the dimension is clearly 48" from the back of the new cap to the back of the old cap. The 40" refers to the width of the concrete panel that will be placed in the return wall. The cap over the return panel and over the old cap will be 48" as dimensioned. I should have clarified that better in the descriptive labels.*
- Sheets 3 and 5, #2 and #3 respectively shows 11; however, FDEP/ACOE plans show 9 vertical piles. Actual pile layout diagram shows 9 not 11 piles. Correct accordingly.
  - *The plans, both those attached to the Corps permit. the FDEP modification and those submitted to the town, state there are 11 concrete vertical piles - 9 along the wetface of the new seawall, and 1 at each return wall. These are shown and mentioned in the labels on sheets PC and SP, as well as*

*depicted in the cross section for the Seawall Return Detail on DTL-1. There really is no discrepancy with this item.*

- FDEP & ACOE plan sheet DTL-1 shows 40" return wall while sheet 4 submitted to Town shows 48". Provide correspondence from FDEP indicating that change will not change validity of permit.
  - *This seems to be a repeat of the first comment.*
- ACOE (8-5-22 letter) activities include "repair and replace an existing 72 linear foot concrete seawall;" however, request to the Town is for a 73 linear foot seawall. Provide correspondence from ACOE indicating that permit is valid with proposed 73 linear foot seawall.
  - *The first page of the Corps permit, where the project scope is described, states the seawall to be replaced is 72 feet in length. However the seawall length is actually 73 feet, as shown in the plans attached to the permit. The existing dock, which is to be removed, is 72 feet long, which I would assume is where the length of the seawall came from. Since the plans state 73', this should be easy enough to explain.*

I have attached the Corps and the FDEP permits, so you won't have to dig them up.

Additionally, the 48" cap extension that was to go in behind the new cap and over the existing cap, is no longer going to be installed. Instead of the cap extension, we are simply going to backfill between the new and existing walls as before, but now up to the top of the new cap. The owner will then cover the backfill with pavers that match the upland patio around the pool. I know that when I submit corrected plans to the town, this will come up. I am attaching a PDF of the new plans so you can more easily visualize what I am talking about; these new plans do not show the pavers on top of the backfill.

These new plans may appear differently with regard to the descriptive labels, as we have updated our drawing standards in order to allow the sections and site views to be clearer and less cluttered looking, but they are the same plans, except as noted above.

Can I receive email responses from the Corps and FDEP, stating the above discrepancies that the plan reviewer has found, will not invalidate the Corps and/or the FDEP permit, as well as stating that the non-installation of the cap extension also will not invalidate the Corps and/or the FDEP permit? If you have any questions, feel free to call me either at the office (954-421-1700) or on my cell (954-868-8476).

David Nutter

B & M Marine Construction

[nutt3839@bellsouth.net](mailto:nutt3839@bellsouth.net)



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT  
4400 PGA BOULEVARD, SUITE 500  
PALM BEACH GARDENS, FLORIDA 33410

August 5, 2022

Regulatory Division  
South Branch  
Palm Beach Gardens Section  
SAJ-2019-02957(LP-LCK)

Jamie Hamuy  
1017 Grand Court  
Highland Beach, Florida 33487

Dear Mr. Hamuy:

This is in reference to your request for a Department of the Army (DA) permit to perform work in or affecting waters of the United States. If you determine the permit provided is acceptable in its entirety and you have chosen to proceed with the authorized activity, then upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) **and/or** Section 404 of the Clean Water Act (33 U.S.C. 1344), **and/or** Section 14 of the Rivers and Harbors Act of 1899 (33 USC 408) you are authorized under a Letter of Permission to improve navigation and shoreline stabilization for a single family residence by conducting the following activities:

- (1) Remove an existing 72 foot long by 3-foot wide marginal dock;
- (2) Repair and replace an existing 72 linear foot concrete seawall 48 inches waterward of the existing seawall with associated 36-inch wide concrete seawall cap; and install eight (8) and nine (9) king piles.
- (3) Install seven (7) wood bumper piles to the seawall cap.

The project is located within waters of the U.S. associated with the Intracoastal Waterway at 1017 Grand Court, Section 9, Township 47 South, Range 43 East, Highland Beach, Palm Beach County, Florida

Geographic Position: Latitude: 26.1688°  
Longitude: -80.1047°

The project must be completed in accordance with the six (6) enclosed construction drawings, and the general and special conditions which are incorporated in, and made a part of, the permit.

### **General Conditions:**

1. The time limit for completing the work authorized ends on **August 5, 2027**. If the work authorized is not completed on or before that date, authorization, if not previously revoked or specifically extended, shall cease and be null and void. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

### **Special Conditions:**

**1. Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

- a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).
- b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2019-02957(LP-LCK) on all submittals.

**2. Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit, the Permittee shall submit a completed "Commencement Notification" form (Attachment).

**3. As-Built Certification with X-Y Coordinates:** Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and complete the enclosed "As-Built Certification by Professional Engineer or Surveyor" form, (Attachment) to the Corps. The drawings shall be signed and sealed by a registered professional engineer or a professional land surveyor confirming the actual location of all authorized work/structures with respect to the Federal channel and/or within the Federal easement and include the following:

- a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawings shall include the X & Y State Plane coordination points of the most waterward point of the structure. The drawings shall include the dimensions of the structure, location of mean high water line (MHWL), depth of water (at mean low water) at the waterward end of the structure, and the distance from the waterward end of the structure to the near design edge of the Federal channel.
- b. List of any deviations between the work authorized by this permit and the work as constructed. In the event the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the Corps.
- c. The Department of the Army Permit number.

**4. Notice of Permit:** The Permittee shall complete and record the “Notice of Department of the Army Authorization” form (Attachment) with the Clerk of the County Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property within the county of the authorized activity. No later than 90 days from the effective date of this permit, the Permittee shall provide a copy of the recorded Notice of Permit to the Corps clearly showing a stamp from the appropriate official indicating the book and page at which the Notice of Permit is recorded in the official records and the date of recording.

**5. Federal Channel Setback:** The most waterward edge of the authorized project shall be constructed no closer than 84 feet from the near design edge of the federal channel as shown.

**6. Consent to Easement:** A portion of the authorized work may be located within the Federal right-of-way and therefore, may require a Department of the Army Consent to Easement. A copy of this authorization has been forwarded to the Corps’ Real Estate Division for action on the Consent to Easement. Prior to commencement of construction, the Permittee shall provide a copy of the Corps approved Consent to Easement to the address identified in **Reporting Addresses Special Condition**.

The Real Estate Division is responsible for issuing the Consent to Easement. For questions or status updates on the Consent to Easement, please contact Real Estate Division at SAJ-RE-Consent@usace.army.mil or Post Office Box 4970, Jacksonville, Florida 32232-0019 or by telephone at 904-570-4515.

**7. Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

**8. Manatee Conditions:** The Permittee shall comply with the “Standard Manatee Conditions for In-Water Work – 2011” (Attachment).

**9. Jacksonville District Programmatic Biological Opinion (JAXBO):** Structures and activities authorized under this permit will be constructed and operated in accordance



with all applicable PDCs contained in the JAXBO, based on the permitted activity. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at:

<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of these JAXBO must be utilized during the design and construction of the permitted work.

**10. Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend within one foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained daily until the authorized work has been completed and turbidity within the construction area has returned to ambient levels. Turbidity barriers shall be removed upon stabilization of the work area.

**11. Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance in toxic amounts, in accordance with Section 307 of the Clean Water Act.

**12. Cultural Resources/Historic Properties:**

- a. No structure or work shall adversely affect, impact, or disturb properties listed in the *National Register of Historic Places* (NRHP), or those eligible for inclusion in the NRHP.
- b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human

activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.

- c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition and, if deemed necessary by the SHPO or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.
- d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archaeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the SHPO and from the Corps.
- e. If prehistoric or historic artifacts such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately, and the proper authorities notified in accordance with Section 872.05, *Florida Statutes*.

**Instructions for Objecting to Permit Terms and Conditions:** This letter contains an initial proffered permit for your proposed project/permit application. If you object to certain terms and conditions contained within the permit, you may request that the permit be modified. Enclosed you will find a Notification of Administrative Appeal Options and Process fact sheet and Request for Appeal (RFA) form. If you choose to

object to certain terms and conditions of the permit, you must follow the directions provided in Section 1, Part A and submit the completed RFA form to the letterhead address.


In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria under 33 CFR Part 331.5, and that it has been received by the District office within 60 days of the date of the RFA. Should you decide to submit an RFA form, it must be received at the letterhead address by October 4, 2022.

**Flood Plain Information:** This Department of the Army permit does not give absolute authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions. You should contact the local office in your area that issues building permits to determine if your site is located in a flood-prone or floodway area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program. If your local office cannot provide you the necessary information, you may request a flood hazard evaluation of the site by providing this office with a letter and a small-scale map showing the location of the site. The request should be addressed to the **Chief, Flood Control and Floodplain Management Branch, Jacksonville District, U.S. Army Corps of Engineers, P.O. Box 4970, Jacksonville, Florida 32232-0019**. Phone inquiries may be made at 904-232-2515.

Should you have any questions regarding this letter, please contact the project manager Ms. Linda Knoeck in writing the letterhead address, by telephone at 561-472-3508, or by email at [Linda.C.Knoeck@usace.army.mil](mailto:Linda.C.Knoeck@usace.army.mil).

The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to take a few minutes to visit <https://regulatory.ops.usace.army.mil/customer-service-survey/> and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

for:   
James L. Booth  
Colonel, U.S. Army  
District Commander

Enclosures:

Drawings

Commencement Notification Form

As-Built Certification Form

Notice of Permit

Manatee Conditions

cc:

CESAJ-RE-M (Requires a Consent-to-Easement memo)

CESAJ-RD-PE (w/ enclosures)

REQUEST PERMIT TRANSFER: PERMIT NUMBER: SAJ-2019-02957(LP-LCK)

When the structures or work verified by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, the present permittee and the transferee should sign and date below. This document must then be provided to the U.S. Army Corps of Engineers, Regulatory Division, Post Office Box 4970, Jacksonville, Florida 32232-0019.

\_\_\_\_\_  
(TRANSFEREE SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(Name - Printed)

\_\_\_\_\_  
Lot/Block of site

\_\_\_\_\_  
(Street Address)

\_\_\_\_\_  
(City, State, and Zip Code)

# **NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL**

Applicant: Jamie Hamuy		File Number: <b>SAJ-2019-02957</b>	Date: 8/5/2022
Attached is:		See Section below	
<input checked="" type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
<input type="checkbox"/>	PERMIT DENIAL	C	
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I** - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.



**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision you may contact:

**Project Manager as noted in letter**

If you have questions regarding the appeal process you may contact:

Phillip A. Shannin  
404-562-5137

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

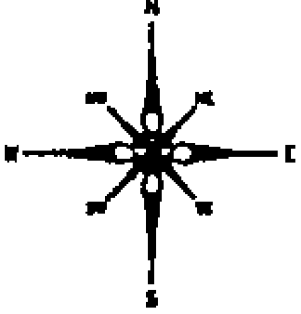
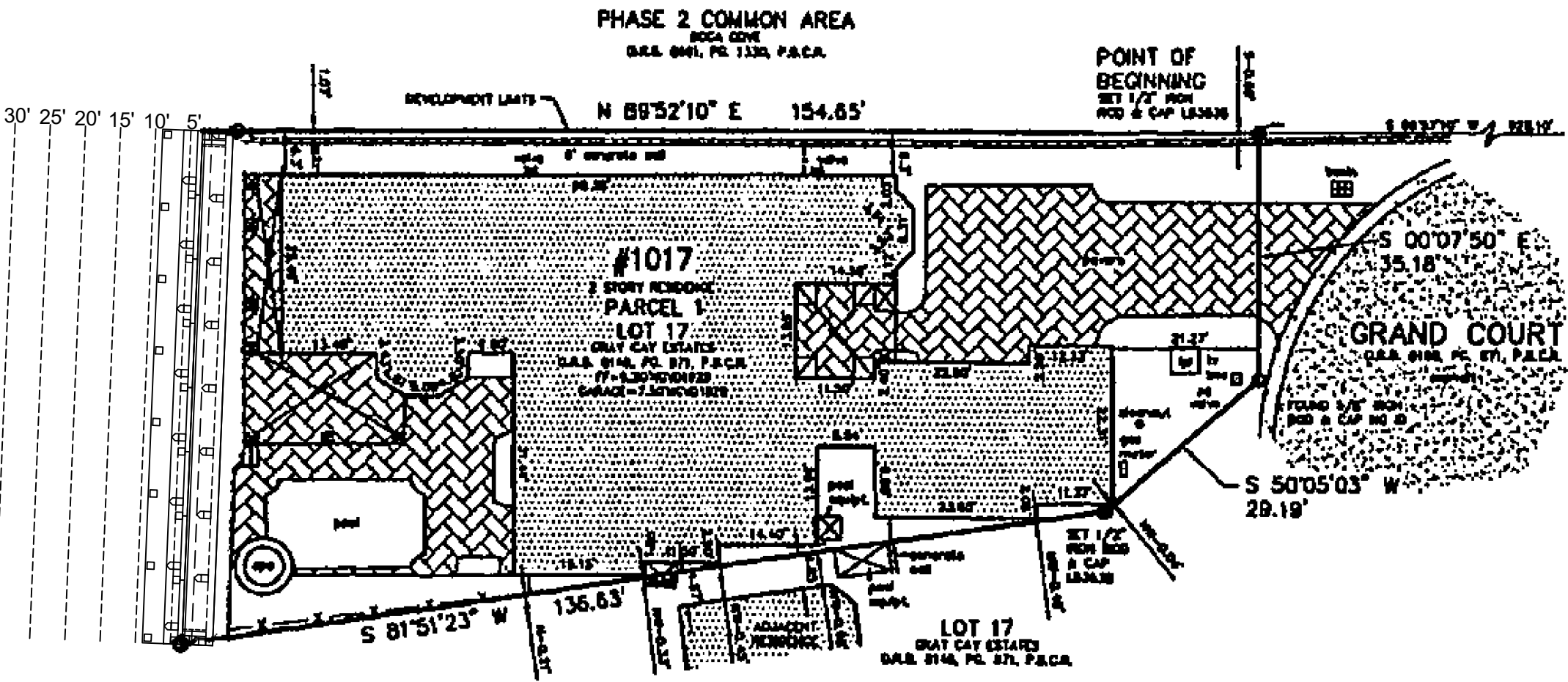
\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

INTRACOASTAL WATERWAY  
(300' RIGHT OF WAY)  
P.L. 12, PG. 21, P.A.C.A.

No resources  
observed  
August 9, 2019



SEAGRASS CONDITIONS  
SCALE: 1" = 20'-0"

PREPARED FOR:  
**B & M MARINE, INC.**  
CONSTRUCTION, INC.  
3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700  
CC0052820

SEAWALL FOR:  
HAMUY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

DATE	NOTES/REVISIONS

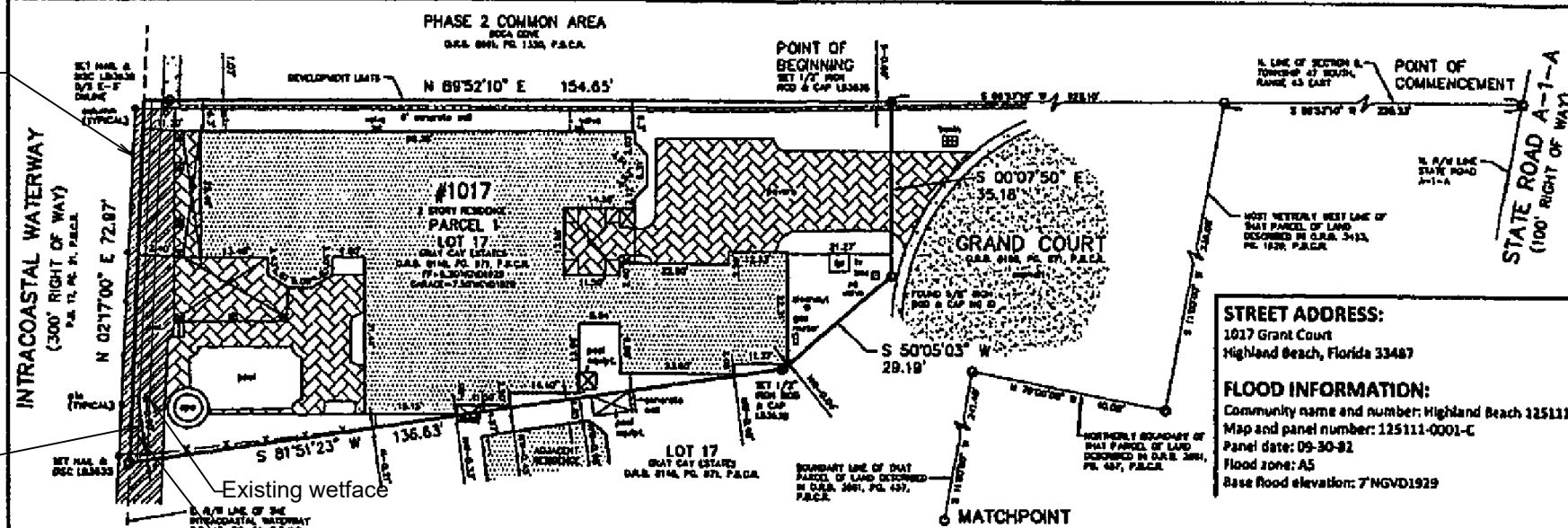
SCALE: AS NOTED

JOB No:

SG

Existing 72' x 3' (5' from existing wetface, 360sf) dock and pilings to be removed

Existing seawall, cap and pilings to remain



**STREET ADDRESS:**  
1017 Grant Court  
Highland Beach, Florida 33487

**FLOOD INFORMATION:**  
Community name and number: Highland Beach 125111  
Map and parcel number: 125111-0001-C  
Panel date: 09-30-92  
Flood zone: A5  
Base flood elevation: 7' NGVD1929

# ACCURATE LAND SURVEYORS, INC.

L.B. #3835

1116 E. ATLANTIC BLVD.  
POMPANO BEACH, FLORIDA 33068

TEL (954) 782-1441  
FAX (954) 782-1442

## BOUNDARY SURVEY

<u>LEGEND OF ABBREVIATIONS:</u>			
Δ	=	CENTRAL ANGLE	X <sup>78</sup>
A	=	ARC LENGTH	
CB	=	CHORD BEARING	
R	=	RADIUS	
RAW	=	RIGHT OF WAY	
P.C.	=	POINT OF CURVATURE	
P.T.	=	POINT OF TANGENCY	
WM	=	WATER METER	
OM	=	OVERHANG	
N	=	NORTH	
S	=	SOUTH	
E	=	EAST	
W	=	WEST	
CONC.	=	CONCRETE	
N.A.V.D.	=	NORTH AMERICAN VERTICAL DATUM	
ELEV.	=	ELEVATION	
B.M.	=	BENCHMARK	
			</

**LEGAL DESCRIPTION:**  
PARCEL 1  
LOT 17:  
A parcel of land in Section 9, Township 47 south, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Point of Intersection of the North line of said Section 9 and the West right of way line of State Road A-1-A as laid out and now in use (100 foot right-of-way); thence South 89 degrees 52'10" West along said North line of Section 9, a distance of 928.10 feet to the Point of Beginning; thence South 00 degrees 07'50" East, a distance of 35.18 feet; thence South 50 degrees 05'03" West, a distance of 29.19 feet; thence South 81 degrees 51'23" West, a distance of 136.63 feet to a point on the East right-of-way line of the Intracoastal Waterway as recorded in Plat Book 17, Page 21, of the Public Records of Palm Beach County, Florida; thence North 02 degrees 17'00" East, along said East right-of-way line a distance of 72.97 feet to a point on the North line of said Section 9; thence North 89 degrees 52'10" East, along said North line of Section 9, a distance of 154.65 feet to the Point of Beginning. Said land situate, lying and being in the Town of Highland Beach, Palm Beach County, Florida.

**PARCEL 2**  
Boat Slip #12:  
A parcel of land in Section 9, Township 47 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:


Commencing at the Point of Intersection of the North line of said Section 9 and the West Right-of-Way line of State Road A-1-A as laid out and now in use (100 Foot Right-of-Way); thence South 89 degrees 52'10" West along said North line of Section 9, a distance of 228.33 feet; thence South 11 degrees 00'00" West, along the most Westerly West line of that parcel of land described in Official Records Book 3423, Page 1629 of the Public Records of Palm Beach County, Florida, a distance of 238.08 feet to a point on the Northerly boundary of that parcel of land described in Official Records Book 3861, Page 457 of the Public Records of Palm Beach County, Florida; thence North 79 degrees 00'00" West along said North line, a distance of 40.00 feet; thence South 11 degrees 00'00" West, a distance of 241.48 feet; thence South 00 degrees 06'12" West, a distance of 43.22 feet to a Point of Curvature of a circular curve concave to the Northwest having a radius of 15.00 feet and a central angle of 90 degrees 00'00"; thence Southwesterly along the arc of said curve an arc distance of 33.56 feet to a point of tangency; thence North 89 degrees 53'38" West, a distance of 45.31 feet; thence North 87 degrees 51'34" West, a distance of 100.98 feet to a point on the most Easterly East line of that parcel of land described in Official Records Book 3644, Page 1731 of the Public Records of Palm Beach County, Florida, the last five described courses being coincident with the boundary of that parcel of land described in Official Records Book 3861, Page 457 of the Public Records of Palm Beach County, Florida; thence North 02 degrees 06'21" East along said East line, a distance of 9.92 feet; thence South 47 degrees 08'12" West, a distance of 24.14 feet; thence North 87 degrees 52'38" West, a distance of 65.38 feet; thence North 43 degrees 55'49" West, a distance of 14.40 feet; thence North a distance 19.33 feet; thence North 45 degrees 00'00" East, a distance of 7.00 feet; thence North, a distance of 40.00 feet; thence North 45 degrees 00'00" West, a distance of 28.78 feet; thence West, a distance of 37.40 feet to the Point of Beginning, the last seven described courses being coincident with the boundary of that parcel of land described in Official Records Book 3644, Page 1731 of the Public Records of Palm Beach County, Florida, thence continuing West along said boundary, a distance of 20.01 feet; thence North 00 degrees 46'02" East, a distance of 60.01 feet; thence East a distance of 17.5 feet; thence south 01 degree 40'22" East, a distance of 60.01 feet to the Point of Beginning.

**BENCHMARK INFORMATION:**  
ALS-SU-12-2079 Elevation = 7.55' NGVD1929

**KNOWN EASEMENTS:**  
None

**OBSERVED ENCROACHMENTS:**  
Driveway and wall in Grand Court along the East boundary of Parcel 1.  
Dock and piles in Intracoastal Waterway along the West boundary of Parcel 1.  
Piles in canal along the East and West boundary of Parcel 2.  
Shed across South boundary.

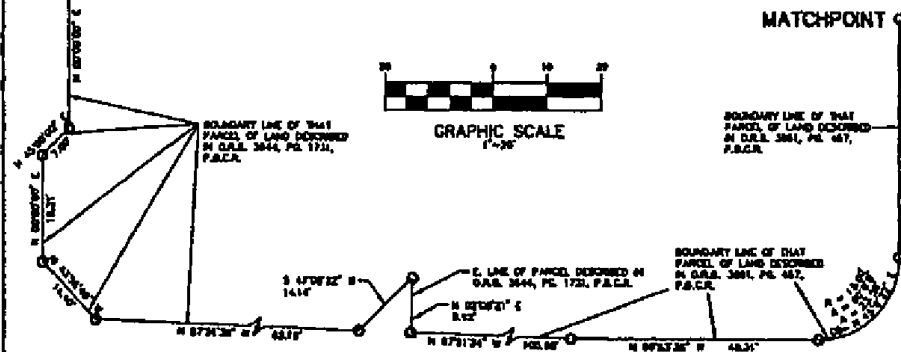
**CERTIFY TO:**  
Corporate Title Inc.  
Old Republic National Title Insurance Company  
Jamie Hamuy and Nissen H. Hamuy

DATE OF FIELD SURVEY: 05-05-17	DRAWN BY: MLW	
FIELD BOOK: ALS-SU-17-1518	CHECKED BY: MLW	
REVISIONS	DATE	BY
<b>CERTIFICATION:</b> This is to certify that this above ground sketch of boundary survey was made under my responsible charge and is accurate and correct to the best of my knowledge and belief. I further certify that this sketch meets the current Standards of Practice, established by the Board of Professional Surveyors and Mappers, Chapter 34-17, Florida Administrative Code, pursuant to current Section 471.027, Florida Statutes.		
 ROBERT L. THOMPSON (PRESIDENT) PROFESSIONAL SURVEYOR AND MAPPER No. 3041 - STATE OF FLORIDA		
SHEET 1 OF 1	SCALE 1"=20'	SKETCH NUMBER SU-17-1518

- NOTES:**
1. Unless otherwise noted field measurements are in agreement with record measurements.
  2. Bearings shown hereon are based on a bearing of South 89 degrees 52'10" West along said North line of Section 9, Township 47 south, Range 43 East, Palm Beach County, Florida.
  3. The lands shown hereon were not abstracted for ownership, rights of way, easements, or other matters of records by Accurate Land Surveyors, Inc.
  4. Ownership of fences and walls if any are not determined.
  5. This survey is the property of Accurate Land Surveyors, Inc. and shall not be used or reproduced in whole or in part without written authorization.
  6. This survey is made for the exclusive use of the certified hereon, to be valid one year from the date of survey as shown hereon.
  7. This survey was made for mortgage and title purposes only and is not valid for design or construction purposes.



LOCATION SKETCH NOT TO SCALE



**EXISTING CONDITIONS**  
SCALE: N.T.S.

PREPARED FOR:

**B & M MARINE  
CONSTRUCTION, INC.**  
3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700  
CC0052820

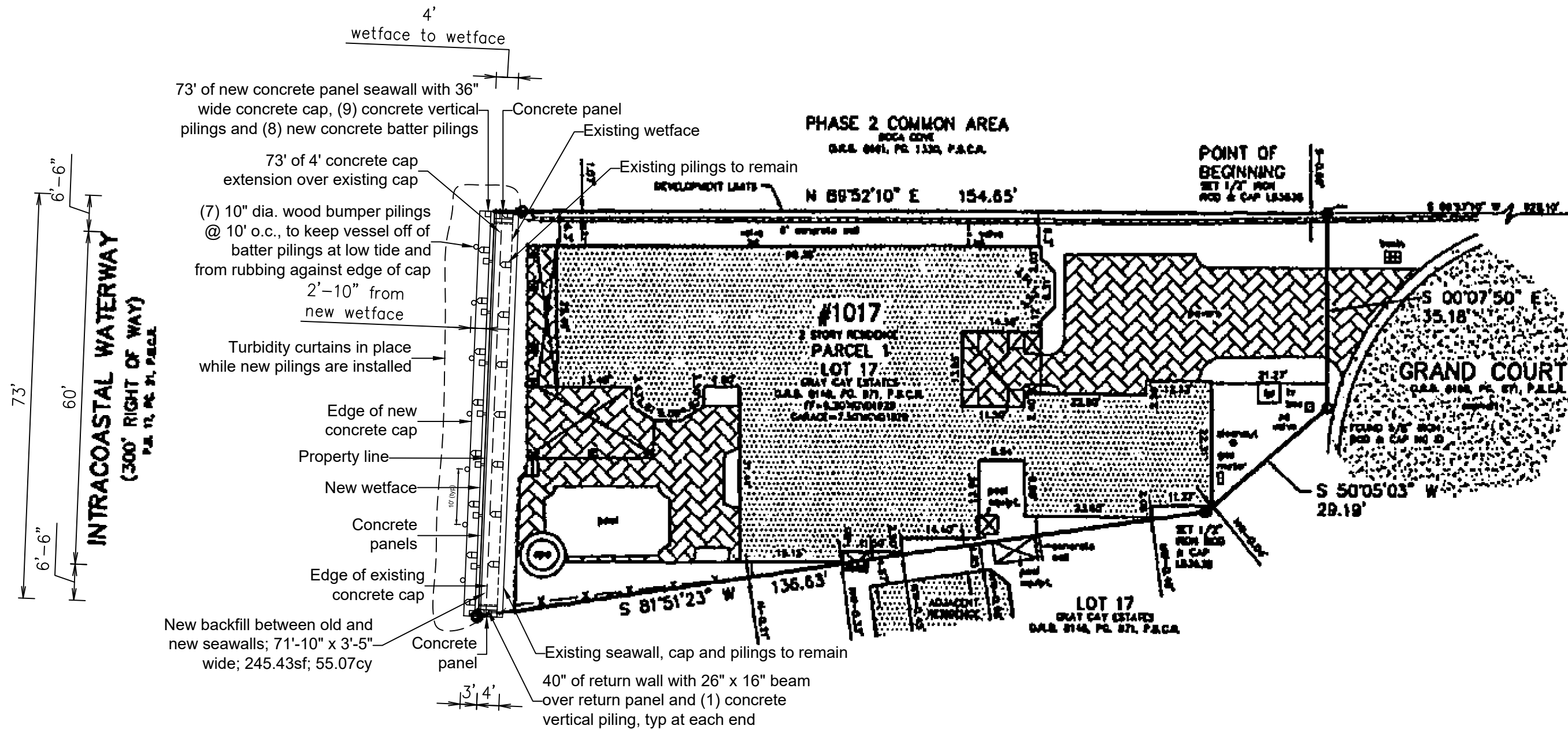
SEWALL FOR:  
HAMUY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

DATE	NOTES/REVISIONS

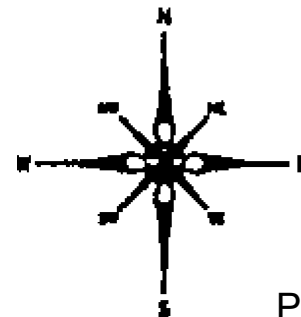
SCALE: AS NOTED

JOB No:

EQ



FILL VOLUMES (for seawall and backfill):			
Backfill -	71.83' x 3.42' x 6.06' (ave. depth)	245.43sf	55.07cy
Panels -	73.00' x 0.58' x 7.50' (depth)	42.58sf	11.83cy
Return Panels -	6.83' x 0.58' x 7.50' (depth)	3.99sf	1.11cy
Total Fill -		292.00sf	68.01cy



PROPOSED CONDITIONS  
SCALE: 1" = 20'-0"

PREPARED FOR:

**B & M MARINE  
CONSTRUCTION, INC.**

3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700  
CC0052820

SEAWALL FOR:  
HAMUY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

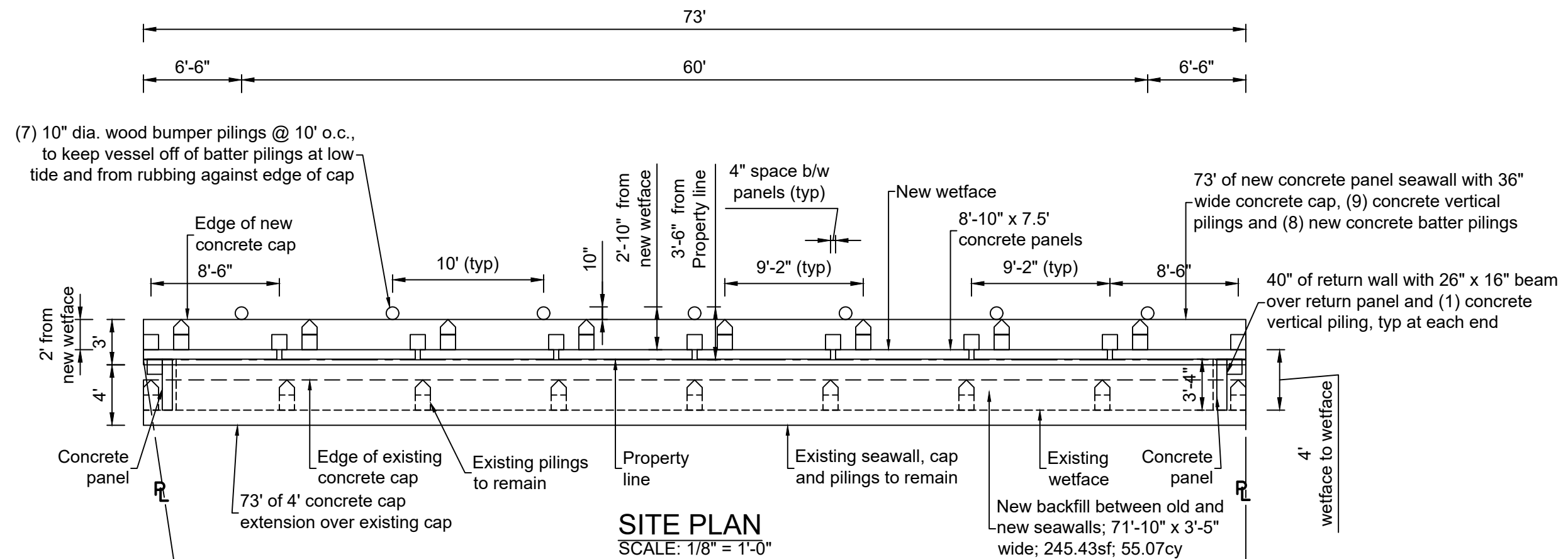
NOTES/REVISIONS

DATE

SCALE: AS NOTED

JOB No:

PG



General Notes:

- For all prestressed pilings, extend pilings strands a min. of 18" into cap/dock slab steel or cut strands even w/ top of pilings & dowel & epoxy (2) #5 L-bars, 12" long w/ 12" bend, into top of pilings, w/ a min. of 4" embedment.
- Dowel and epoxy #5 bars or L-bars into top and front of existing cap, staggered @ 24" o.c., min. 4" embedment.
- New batter and vertical pilings and panels to have a minimum 4" penetration into the new cap form.
- All new concrete pilings to be 12" x 12" prestressed pilings with (4) 7/16" strands.
- All pilings shall be driven to develop a minimum allowable bearing capacity of 10 tons and shall penetrate a minimum of 8' into yielding material or 2' min. penetration into rock is required.
- All reinforcing steel shall be grade 60, with a minimum 3" clearance.
- All concrete to be min. 5000 psi @ 28 days.
- Turbidity barriers are to surround all in water construction areas during piling and/or panel installation activities.
- Elevations shown are based on the North American Vertical Datum of 1988.
- Design in accordance with 2017 6th Edition of the Florida Building Code.
- Construction methods, procedures, and sequences are the responsibility of the Contractor. The Contractor shall take the necessary means to maintain and protect the structural integrity and serviceability of the construction at all times.

- Any discrepancies found for any circumstance between the structural plans and the existing conditions found on site and/or any conditions that were omitted on the plans will be the responsibility of the Contractor to immediately bring to the attention of the Engineer of Record.
- Existing conditions are unknown, therefore, worst case conditions have been approximated. all existing conditions are assumed and must be confirmed by the gc after permitting.
- Contractor covenants and agrees to fully indemnify and hold harmless, engineer, and engineer's employees, officers, directors, and representatives, from and against damages, liabilities or costs, including reasonable attorney fees and defense costs, from any and all claims, actions, causes of action, or demands of any kind or nature for loss, damage, or liability arising from Contractor's work under this agreement. The indemnity provided for in this section shall not apply to any liability resulting from defects in plans, designs, or specifications prepared, approved, or used by engineer or negligence of the engineer in the rendition or conduct of professional duties called for or arising out of the construction contract and the plans, designs, or specifications that are a part of the construction contract and arising from personal injury or death, property damage, or any expenses arising therefrom. To that extent, the total liability of Donald Cesarone & Associates, LLC or any of its employees, officers, directors, and representatives due to plan or specifications defects or negligence shall be limited to the sum equal to the amount paid to Donald Cesarone & Associates, LLC., for these engineered drawings. Acceptance and understanding of this agreement are hereby acknowledged.

PREPARED FOR:

**B & M MARINE  
CONSTRUCTION, INC.**  
3500 S.W. 14TH. STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700 CGC052820

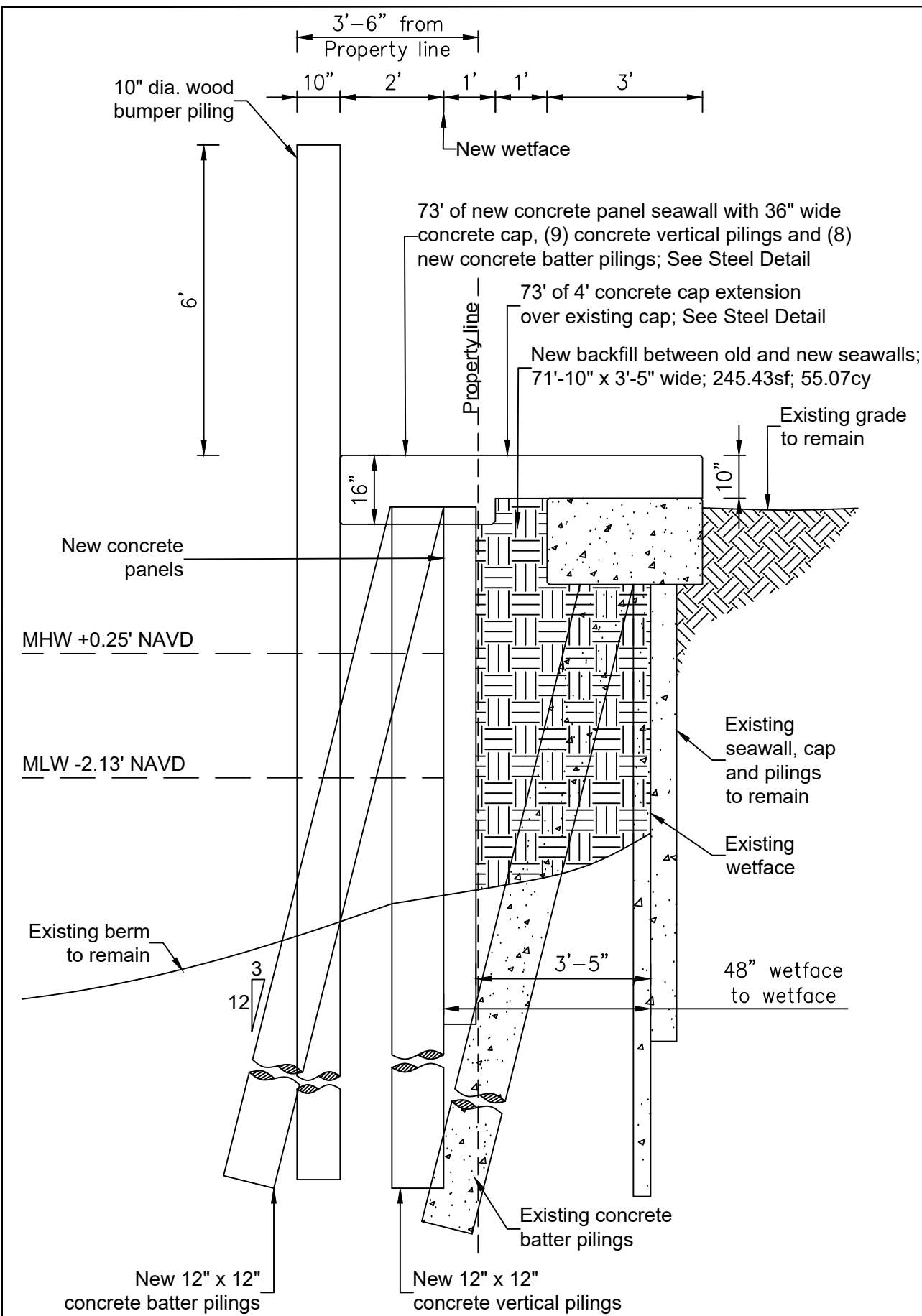
SEAWALL FOR  
HAMUY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

NOTES/REVISIONS

DATE

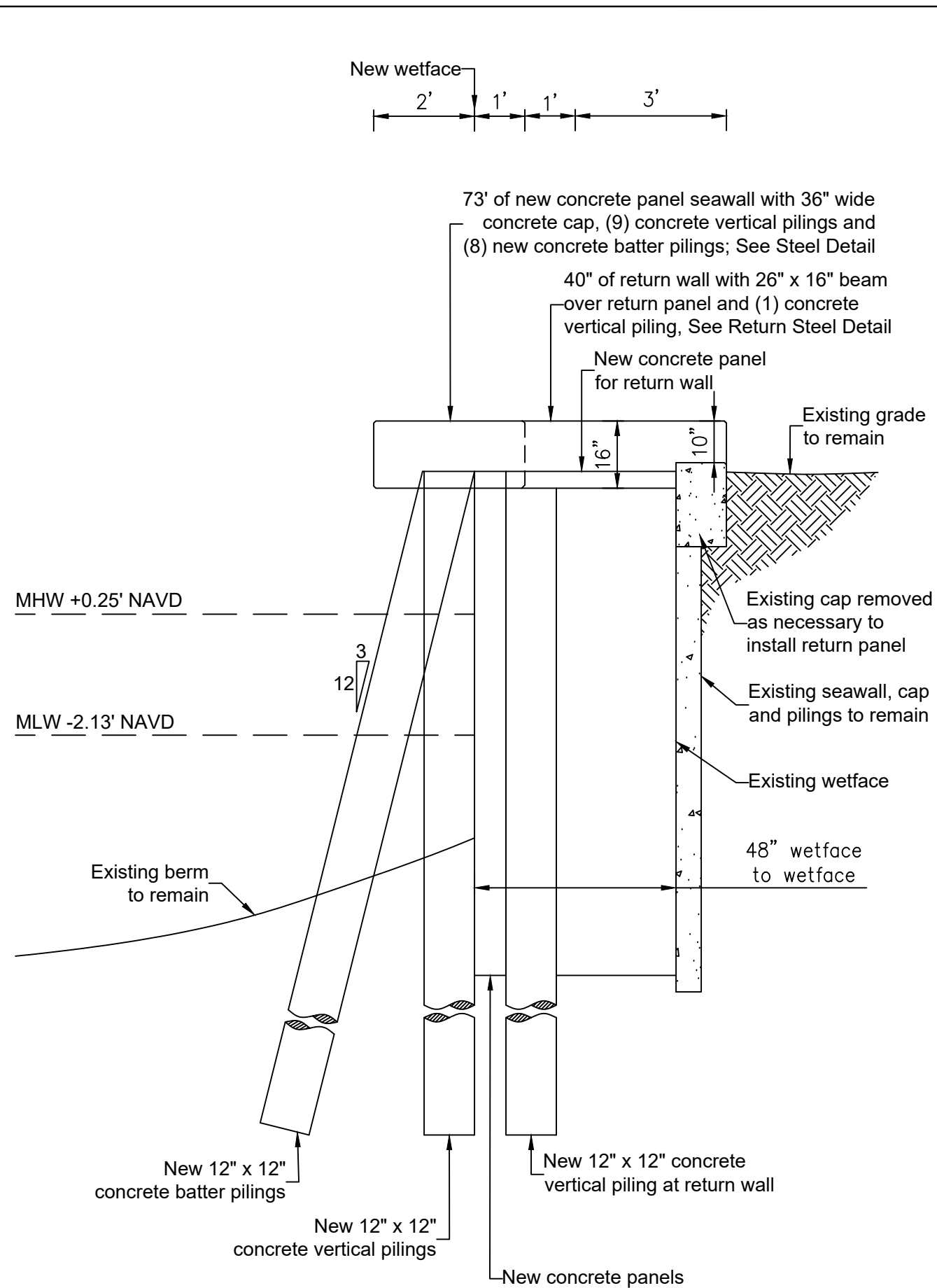
SCALE: AS NOTED

JOB No:



## SEAWALL DETAIL

SCALE: 3/8" = 1'-0"



## SEAWALL RETURN DETAIL

SCALE: 3/8" = 1'-0"

PREPARED FOR:

**B & M MARINE CONSTRUCTION, INC.**  
3500 S.W. 14TH STREET  
DEERFIELD BEACH, FL 33442  
954-421-1700 CGC052820

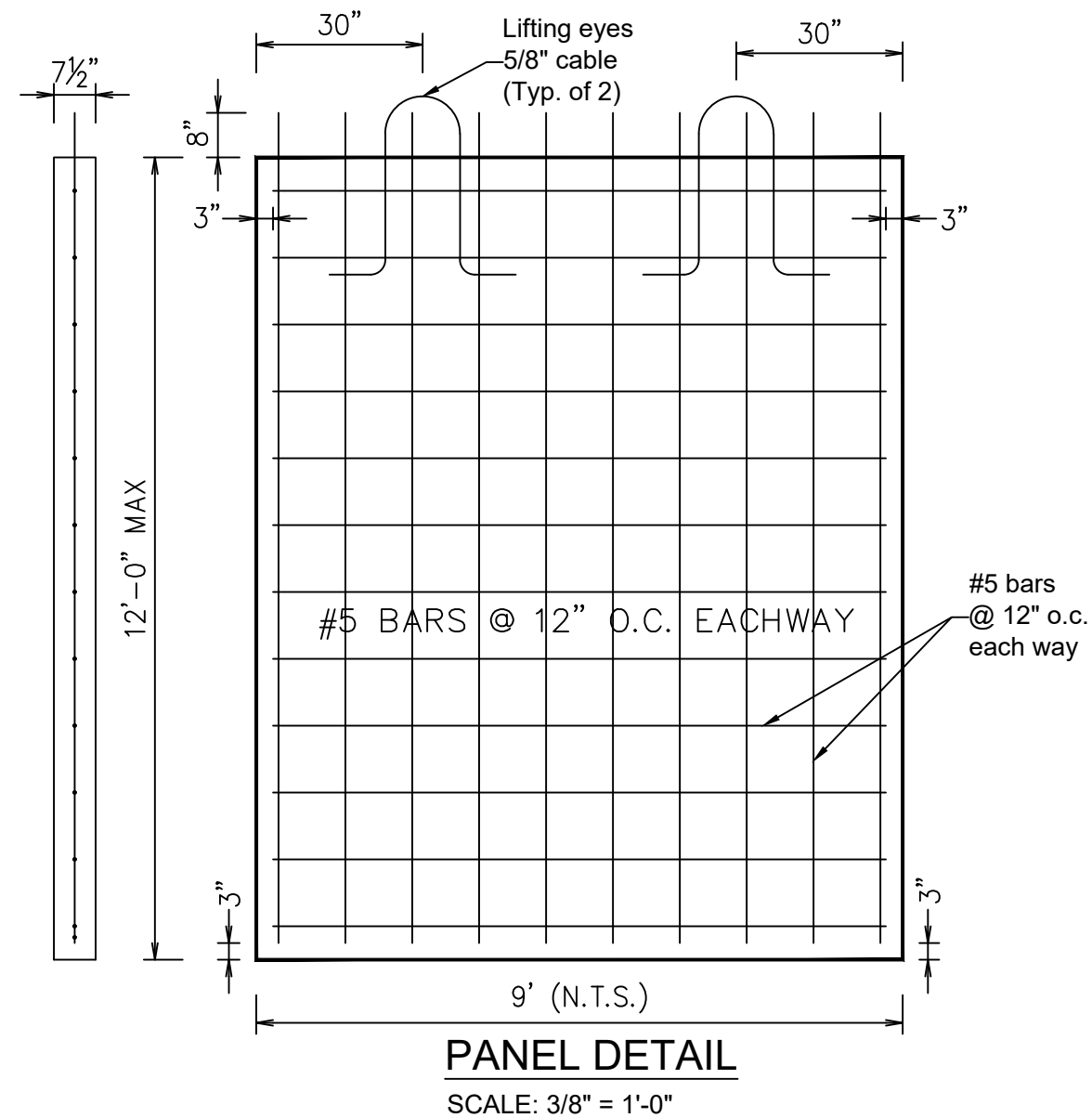
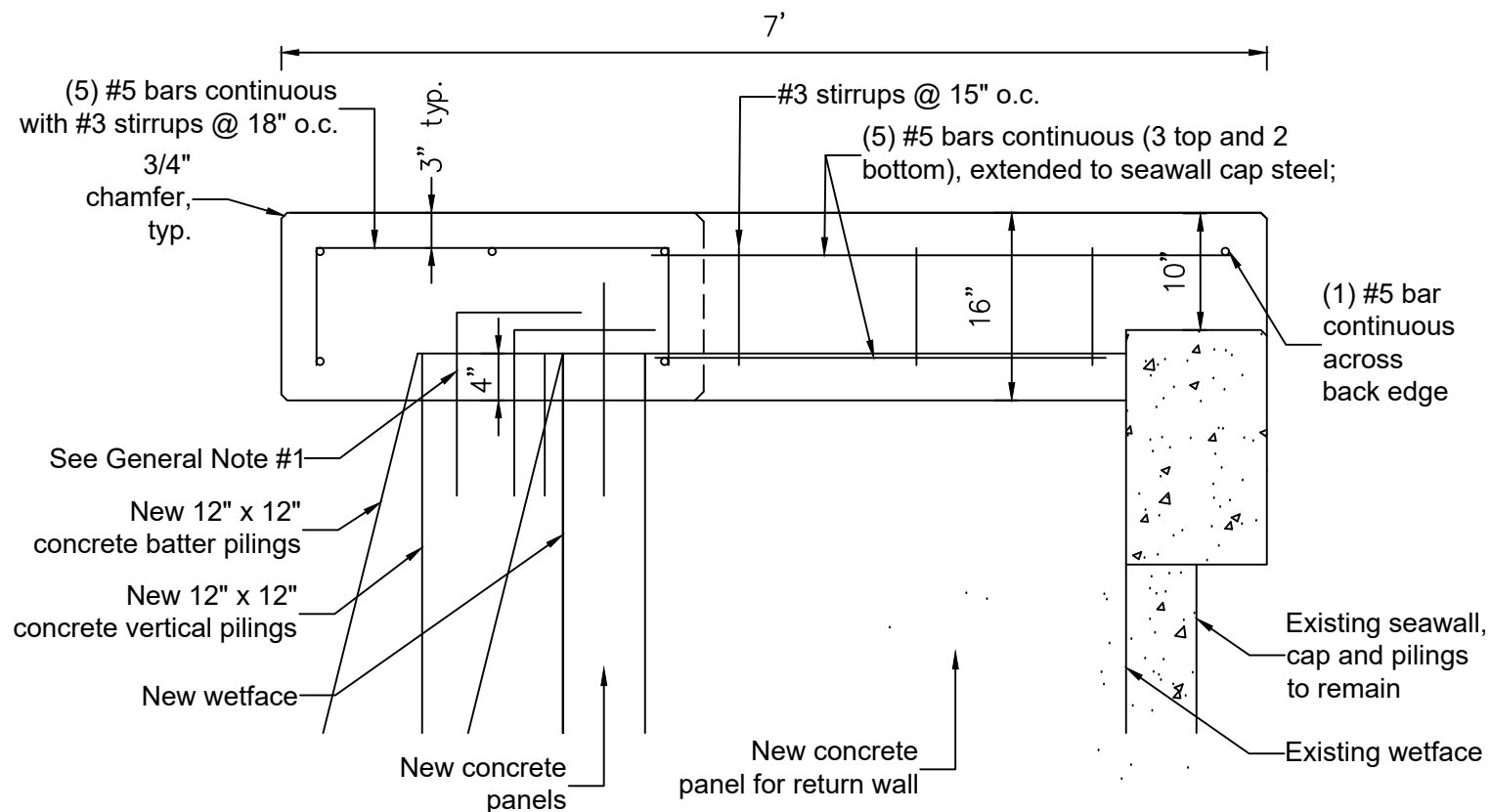
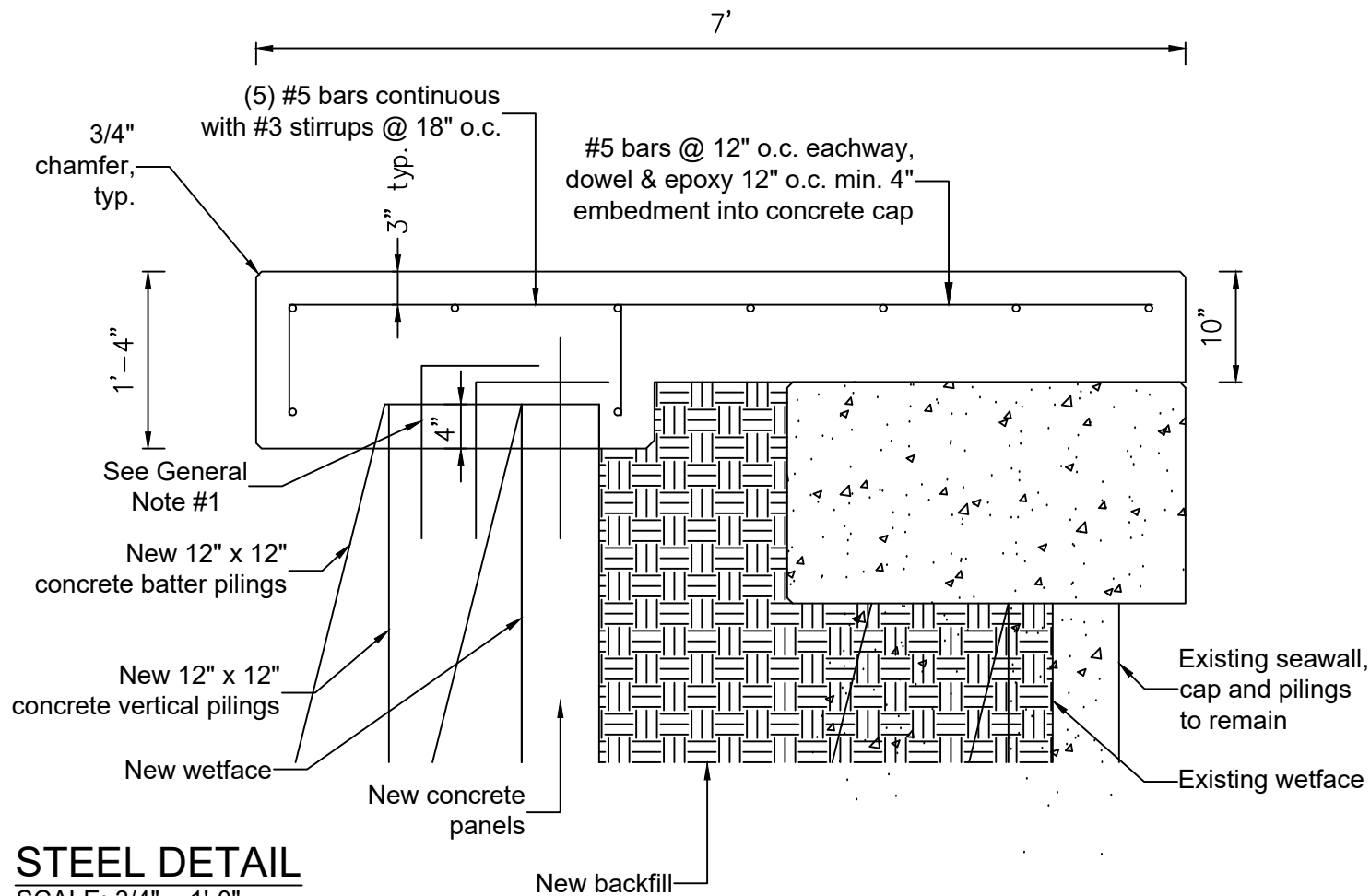
SEAWALL FOR:  
HAMUY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

DATE	NOTES/REVISIONS

SCALE: AS NOTED

JOB No:

DT



DATE		NOTES/REVISIONS		SCALE: AS NOTED	
JOB No:		SEAWALL FOR:		PREPARED FOR:	
		HAMUY RESIDENCE		<b>B &amp; M MARINE</b>	
		1017 GRAND COURT		<b>CONSTRUCTION, INC.</b>	
		HIGHLAND BEACH, FL		3500 S.W. 14TH STREET	
				DEERFIELD BEACH, FL 33442	
				954-421-1700	
				CGC052820	



## **COMMENCEMENT NOTIFICATION**

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil) (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

**1. Department of the Army Permit Number:** SAJ-       -       (       -       )

**2. Permittee Information:**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

**3. Construction Start Date:** \_\_\_\_\_

**4. Contact to Schedule Inspection:**

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Printed Name of Permittee

\_\_\_\_\_  
Date

## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

# CAUTION: MANATEE HABITAT

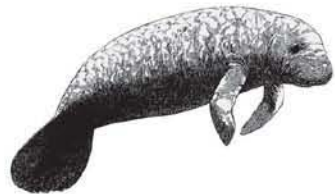
**All project vessels**

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:



**Wildlife Alert:**

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC

## **AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER**

*Within sixty (60) days of completion of the authorized work, submit this form and one set of as-built engineering drawings via electronic mail to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil) (preferred, but not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-3697.*

1. Department of the Army Permit Number: SAJ-       -       (       -       )

2. Permittee Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

3. Project Site Identification (physical location/address):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
Name (*Please type*)

\_\_\_\_\_  
(FL, PR, or VI) Reg. Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
ZIP

(Affix Seal)

\_\_\_\_\_

\_\_\_\_\_

Date

Telephone Number

Date Work Started:\_\_\_\_\_ Date Work Completed:\_\_\_\_\_

Identify any deviations from the approved permit drawings and/or special conditions (attach additional pages if necessary):

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Prepared by:

Permittee: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

### **NOTICE OF DEPARTMENT OF THE ARMY PERMIT**

**TAKE NOTICE** the United States Army Corps of Engineers (Corps) has issued a permit or verification \_\_\_\_\_ to \_\_\_\_\_ (Permittee) on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, authorizing work in navigable waters of the United States in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403) on a parcel of land known as Folio/Parcel ID: \_\_\_\_\_ located at \_\_\_\_\_.

Within 30 days of any transfer of interest or control of said property, the Permittee must notify the Corps in writing of the property transfer by submitting the completed permit transfer page included with the issued permit or verification. The subject permit or verification concerns only that portion of the property determined to fall within the jurisdiction of the Corps and this notice is applicable only to those portions of the subject property in, over, under, or affecting navigable waters of the United States.

**Conditions of the Permit/Verification:** The permit or verification is subject to General Conditions and Special Conditions which may affect the use of the work authorized in Intracoastal Waterway. Accordingly, interested parties should closely examine the entire permit or verification, all associated applications, and any subsequent modifications.

To obtain a copy of the authorization in its entirety submit a written request to:  
U.S. Army Corps of Engineers  
Regulatory Division - Special Projects & Enforcement Branch  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

Questions regarding compliance with these conditions should be directed to:  
U.S. Army Corps of Engineers  
Enforcement Section  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

### **Conflict Between Notice and Permit**

This Notice of Authorization is not a complete summary of the issued permit or verification. Provisions in this Notice of Permit shall not be used in interpreting the permit or verification provisions. In the event of conflict between this Notice of Permit and the permit or verification, the permit or verification shall control.

**This Notice is Not an Encumbrance**

This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

**Release**

This Notice may not be released or removed from the public records without the prior written consent of the Corps.

This Notice of Authorization is executed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. This document is being submitted for recordation in the Public Records of Palm Beach County, Florida as part of the requirement imposed by the authorization SAJ-2014-01517 issued by Corps.

Permittee:

\_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public (Seal)

\_\_\_\_\_  
Print

My Commission Expires \_\_\_\_\_



LEGAL DESCRIPTION:

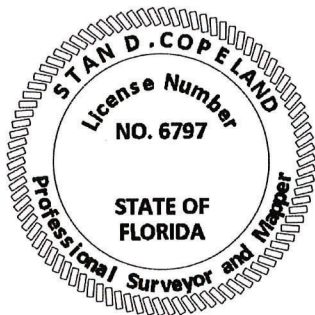
PARCEL 1, LOT 17: A PARCEL OF LAND IN SECTION 9, TOWNSHIP 47 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF SAID SECTION 9 AND THE WEST RIGHT-QT-WAY LINE OF STATE ROAD A-1-A AS LAID OUT AND NOW IN USE (100 FOOT RIGHT-OF-WAY); THENCE SOUTH 89°52'10" WEST ALONG SAID NORTH LINE OF SECTION 9, A DISTANCE OF 928.10 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°07'50" EAST, A DISTANCE OF 35.18 FEET; THENCE SOUTH 50°05'03" WEST, A DISTANCE OF 29.19 FEET; THENCE SOUTH 81°51'23" WEST, A DISTANCE OF 136.63 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE INTRACOASTAL WATERWAY AS RECORDED IN PLAT BOOK 17, PAGE 21, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 02°17'00" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 72.97 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 9; THENCE NORTH 89°52'10" EAST, ALONG SAID NORTH LINE OF SECTION 9, A DISTANCE OF 154.65 FEET TO THE POINT OF BEGINNING. SAID LAND SITUATE, LYING AND BEING IN THE TOWN OF HIGHLAND BEACH, PALM BEACH COUNTY, FLORIDA.

SURVEY NOTES:

1. THIS SURVEY REPRESENTS AN SPECIFIC PURPOSE SURVEY AS DEFINED IN THE STANDARDS OF PRACTICE FOR SURVEYING AND MAPPING IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.
2. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SEAL OR SECURE ELECTRONIC SEAL OF THE UNDERSIGNED.
3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED EMBOSSED SEAL OF THE UNDERSIGNED SURVEYOR OR SECURE ELECTRONIC SIGNATURE.
4. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED FOR EASEMENTS, ENCUMBRANCES OR OTHER INSTRUMENTS OF RECORD OTHER THAN THOSE SHOWN HEREON WHICH MAY AFFECT THIS PARCEL OF LAND.
5. THIS SURVEY IS INTENDED TO BE DISPLAYED AT SCALE OF 1 INCH EQUALS 20 FEET OR SMALLER.
6. UNDERGROUND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY.
7. UNLESS OTHERWISE NOTED, BEARINGS, ANGLES AND DISTANCES SHOWN HEREON ARE MEASURED AND CONSISTENT WITH THE INSTRUMENT OF RECORD.
8. ANY ELEVATIONS SHOWN ARE RELATIVE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD-88).

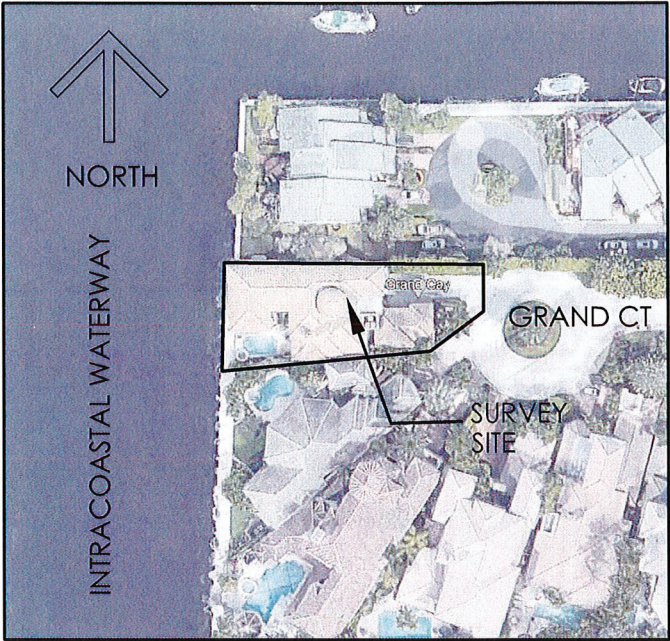
CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SPECIFIC PURPOSE SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION ON JUNE 26TH, 2023 I FURTHER CERTIFY THAT THIS AS-BUILT SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTE 472.027.



Digitally signed by Stanley Copeland  
DN: c=US,  
serialNumber=AATL20230406293170,  
cn=Stanley Copeland,  
email=stan@tdisurvey.com  
Date: 2023.07.05 12:30:18 -04'00'

STAN D. COPELAND, PSM, FLORIDA REGISTRATION NUMBER 6797  
JULY 5TH, 2023

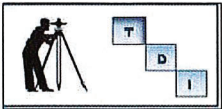


LOCATION MAP (NTS) HIGHLAND BEACH, FLORIDA  
1017 GRAND COURT

ABBREVIATIONS/LEGEND	
PL	PROPERTY LINE
PSM	PROFESSIONAL LAND SURVEYOR
PBCR	PALM BEACH COUNTY RECORDS
IR	IRON ROAD
CONC	CONCRETE
PROP	PROPERTY
D	DELTA ANGLE
L	ARC LENGTH
R	RADIUS
R/W	RIGHT OF WAY
LB	LICENSED BUSINESS
IP	IRON PIPE
FND	FOUND
ELEV	ELEVATION (NAVD-88) FT
POB	POINT OF BEGINNING
POC	POINT OF COMMENCMENT
ORB	OFFICAL RECORD BOOK
PG	PAGE

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HIGHLAND BEACH  
BUILDING DEPARTMENT

PREPARED BY:



TECHNICAL DISCIPLINES, INC. (LB 8123)  
1533 SE 8TH TERRACE  
DEERFIELD BEACH, FLORIDA 33441  
954-850-2008

PREPARED FOR:

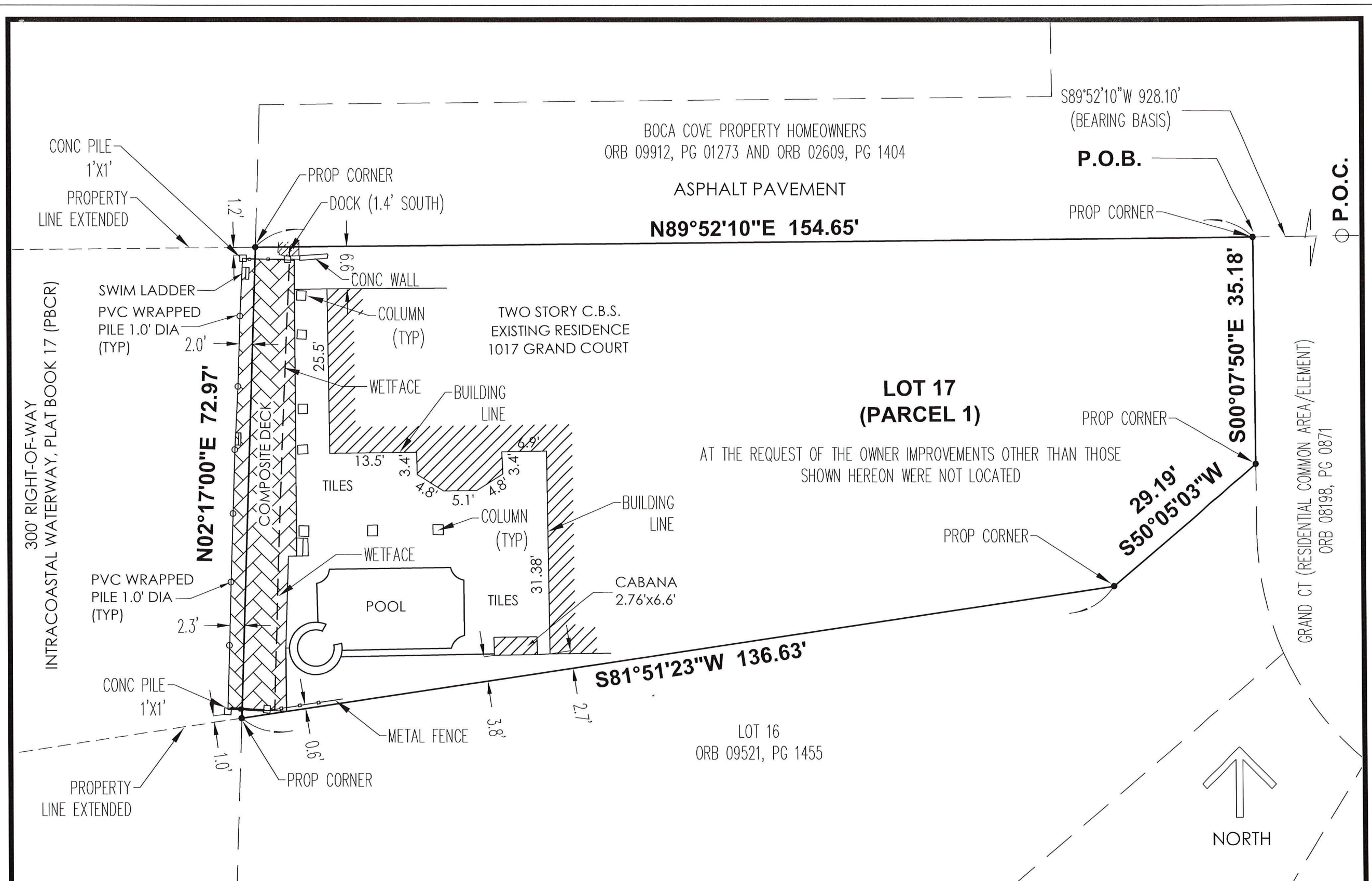
B&M MARINE CONSTRUCTION  
1211 S. MILITARY TRAIL, STE 200  
DEERFIELD BEACH, FL 33442

SPECIFIC PURPOSE SURVEY

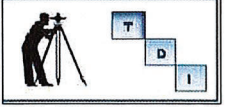
LOT 17, PARCEL 1 (ORB 29099, PG 259), PBCR  
1017 GRAND COURT, HIGHLAND BEACH, FLORIDA, 33487

DRAWING NO.:	TDI-1452	JOB NO.:	TDI-1452-SP
DRAWN BY:	SDC	CHECKED BY:	JDC
SCALE:	AS SHOWN	DATE:	7/5/23
		SHEET	1 OF 2

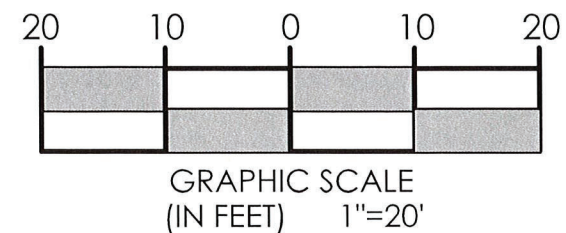




**PREPARED BY:**



**TECHNICAL DISCIPLINES, INC. (LB 8123)**  
**1533 SE 8TH TERRACE**  
**DEERFIELD BEACH, FLORIDA 33441**  
**954-850-2008**



SPECIFIC PURPOSE SURVEY		
LOT 17, PARCEL 1 (ORB 29099, PG 259), PBCR 1017 GRAND COURT, HIGHLAND BEACH, FLORIDA, 33487		
DRAWING NO.: TDI-1452	JOB NO.: TDI-1452-SP	
DRAWN BY: SDC	CHECKED BY: JDC	
SCALE: AS SHOWN	DATE: 7/5/23	SHEET 2 OF 2



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HIGHLAND BEACH  
BUILDING DEPARTMENT



Page 82

SCALE: AS NOTED
DATE: 7/3/2023
JOB No: 19-2165
<b>SHT 1</b>
1 of 7

# ACCURATE LAND SURVEYORS, INC.

L.B. #3635

1150 E. ATLANTIC BLVD.  
POMPANO BEACH, FLORIDA 33069

TEL (954) 782-1441  
FAX (954) 782-1442

## BOUNDARY SURVEY

### LEGEND OF ABBREVIATIONS:

Δ	=	CENTRAL ANGLE
A	=	ARC LENGTH
CB	=	CHORD BEARING
R	=	RADIUS
R/W	=	RIGHT OF WAY
P.C.	=	POINT OF CURVATURE
P.T.	=	POINT OF TANGENCY
WM	=	WATER METER
OH	=	OVERHANG
N	=	NORTH
S	=	SOUTH
E	=	EAST
W	=	WEST
CONC.	=	CONCRETE
N.A.V.D.	=	NORTH AMERICAN VERTICAL DATUM
ELEV.	=	ELEVATION
B.M.	=	BENCHMARK

7-100

=	ELEVATIONS BASED ON N.A.V.D.
SQ. FT.	= SQUARE FEET
P.C.P.	= PERMANENT CONTROL POINT
P.B.C.R.	= PALM BEACH COUNTY RECORDS
N	= PLAT
N&D	= NAIL & DISC
P.O.C.	= POINT OF COMMENCEMENT
P.O.B.	= POINT OF BEGINNING
A/C	= AIR CONDITIONER
FND.	= FOUND
CHATT.	= CHATTAHOOCHEE
F.P.L.	= FLORIDA POWER & LIGHT
B.C.R.	= BROWARD COUNTY RECORDS
P.B.	= PLAT BOOK
O.R.S.	= OFFICIAL RECORDS BOOK
F.C.	= FINISHED FLOOR
GAR.	= GARAGE
C/L	= CENTERLINE

### LEGAL DESCRIPTION:

#### PARCEL 1

LOT 17:

A parcel of land in Section 9, Township 47 south, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Point of Intersection of the North line of said Section 9 and the West right of way line of State Road A-1-A as laid out and now in use (100 foot right-of-way); thence South 89 degrees 52'10" West along said North line of Section 9, a distance of 928.10 feet to the Point of Beginning; thence South 00 degrees 07'50" East, a distance of 35.18 feet; thence South 50 degrees 05'03" West, a distance of 29.19 feet; thence South 81 degrees 51'23" West, a distance of 136.63 feet to a point on the East right-of-way line of the Intracoastal Waterway as recorded in Plat Book 17, Page 21, of the Public Records of Palm Beach County, Florida; thence North 02 degrees 17'00" East, along said East right-of-way line a distance of 72.97 feet to a point on the North line of said Section 9; thence North 89 degrees 52'10" East, along said North line of Section 9, a distance of 154.62 feet to the Point of Beginning. Said land situate, lying and being in the Town of Highland Beach, Palm Beach County, Florida.

#### PARCEL 2

Boat Slip #12:

A parcel of land in Section 9, Township 47 South, Range 43 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the Point of Intersection of the North line of said Section 9 and the West Right-of-Way line of State Road A-1-A as laid out and now in use (100 Foot Right-of-Way); thence South 89 degrees 52'10" West along said North line of Section 9, a distance of 228.33 feet; thence South 11 degrees 00'00" West, along the most Westerly West line of that parcel of land described in Official Records Book 3423, Page 1629 of the Public Records of Palm Beach County, Florida, a distance of 238.08 feet to a point on the Northerly boundary of that parcel of land described in Official Records Book 3861, Page 457 of the Public Records of Palm Beach County, Florida; thence North 79 degrees 00'00" West along said North line, a distance of 40.00 feet; thence South 11 degrees 00'00" West, a distance of 241.48 feet; thence South 00 degrees 06'22" West, a distance of 43.22 feet to a Point of Curvature of a circular curve concave to the Northwest having a radius of 150.00 feet and a central angle of 90 degrees 00'00"; thence Southwesterly along the arc of said curve an arc distance of 23.56 feet to a point of tangency; thence North 89 degrees 53'38" West, a distance of 45.31 feet; thence North 87 degrees 51'34" West, a distance of 100.98 feet to a point on the most Easterly East line of that parcel of land described in Official Records Book 3644, Page 1731 of the Public Records of Palm Beach County, Florida, the last five described courses being coincident with the boundary of that parcel of land described in Official Records Book 3861, Page 457 of the Public Records of Palm Beach County, Florida; thence North 02 degrees 08'21" East along said East line, a distance of 9.92 feet; thence South 47 degrees 08'12" West, a distance of 14.14 feet; thence North 87 degrees 51'38" West, a distance of 65.18 feet; thence North 43 degrees 55'49" West, a distance of 14.30 feet; thence North a distance 19.31 feet; thence North 45 degrees 00'00" East, a distance of 7.00 feet; thence North, a distance of 40.00 feet; thence North 45 degrees 00'00" West, a distance of 28.78 feet; thence West, a distance of 37.40 feet to the Point of Beginning, the last seven described courses being coincident with the boundary of that parcel of land described in Official Records Book 3644, Page 1731 of the Public Records of Palm Beach County, Florida, thence continuing West along said boundary, a distance of 20.01 feet; thence North 00 degrees 46'02" East, a distance of 60.01 feet; thence East a distance of 17.5 feet; thence south 01 degree 40'32" East, a distance of 60.03 feet to the Point of Beginning.

DATE OF FIELD SURVEY: 05-05-17

DRAWN BY: MLW

FIELD BOOK: ALS-SU-17-1518

CHECKED BY: MLW

REVISIONS

DATE

BY

### CERTIFICATION:

This is to certify that this above ground sketch of boundary survey was made under my responsible charge and is accurate and correct to the best of my knowledge and belief. I further certify that this sketch meets the current Standards of Practice, established by the Board of Professional Surveyors and Mappers, Chapter 5J-17, Florida Administrative Codes, pursuant to current Section 472.027, Florida Statutes.

*Robert L. Thompson* 5-15-17

ROBERT L. THOMPSON (PRESIDENT)

PROFESSIONAL SURVEYOR AND MAPPER No. 3635 - STATE OF FLORIDA

SHEET 1 OF 1

SCALE 1"=20'

SKETCH NUMBER SU-17-1518



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HIGHLAND BEACH  
BUILDING DEPARTMENT

# INTRACOASTAL WATERWAY

(300' RIGHT OF WAY)

P.B. 17, PG. 21, P.B.C.R.

N 02°17'00" E 72.97'

VARIES 2' TO 2.3' FROM  
EDGE OF EXISTING DOCK  
TO PROPERTY LINE

column  
(TYPICAL)

pile  
(TYPICAL)

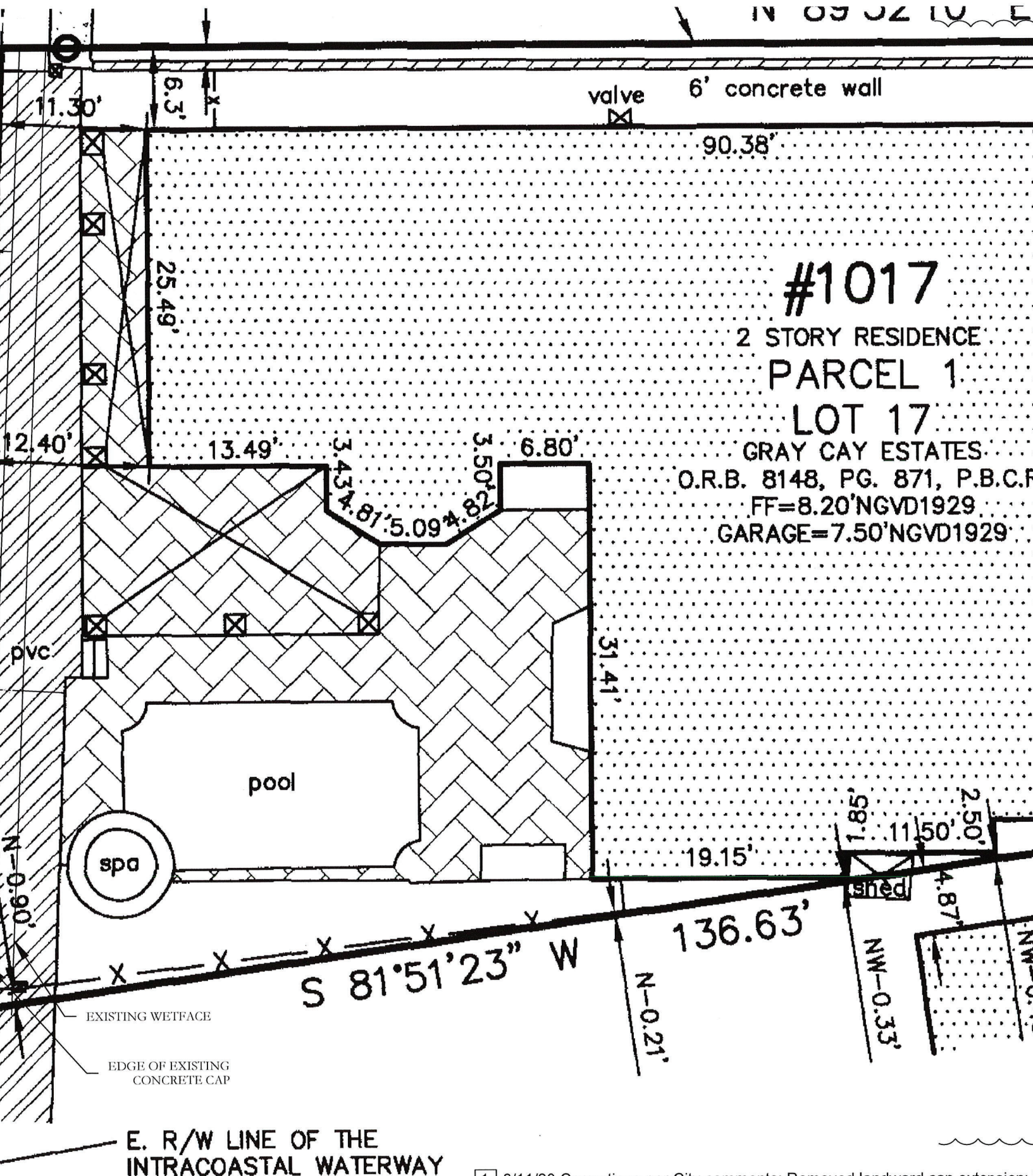
EXISTING CONCRETE  
RETAINING WALL,  
SEAWALL, CAP AND  
PILINGS TO REMAIN

SET NAIL &  
DISC LB3635

EXISTING CONDITIONS  
SCALE: N.T.S.

E. R/W LINE OF THE  
INTRACOASTAL WATERWAY

O/S E-3  
ONLINE



valve 6' concrete wall

90.38'

#1017

2 STORY RESIDENCE

PARCEL 1

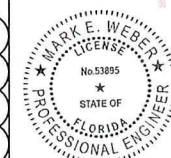
LOT 17

GRAY CAY ESTATES

O.R.B. 8148, PG. 871, P.B.C.R.

FF=8.20'NGVD1929

GARAGE=7.50'NGVD1929



This item has been digitally signed and sealed  
by Mark E. Weber P.E. 53895  
on the date subject to the seal.  
valid to 2025/02/20  
SF 78 23 01 C2 80 AD 78 OF 80 66 37 EA  
Signature must be verified on electronic copies

Digitally  
signed by  
Mark E  
Weber  
Date:  
2023.09.18  
17:43:32  
-04'00'

Mark E. Weber, P.E.  
LICENSE #53895 | CA 30702

MW ENGINEERING, INC  
902 NE 1 Street Suite #2  
Pompano Beach, Florida 33060  
Ofc: 754-333-0877  
WWW.MWEngineering.net

PREPARED FOR:

B & M MARINE  
CONSTRUCTION, INC.  
1211 South Military Trail, Suite 200  
Deerfield Beach, FL 33442  
954-421-1700 CGC052820

SEAWALL FOR:

HAMUY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

DATE	NOTES/REVISIONS
8/11/2023	Corrections 1

SCALE: AS NOTED  
DATE: 7/3/2023

JOB No: 19-2165

SHT 2

2 of 7

1 8/11/23 Corrections per City comments; Removed landward cap extension; Thickened new cap;



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BUILDING DEPARTMENT



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Mark E  
Weber  
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-04'00'

Mark E. Weber, P.E.  
LICENSE #53895 | CA 30702

MW ENGINEERING, INC  
902 NE 1 Street Suite #2  
Pompano Beach, Florida 33060  
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WWW.MwEngineering.net

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SEAWALL FOR:

HAMUY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

DATE: 8/11/2023

NOTES/REVISIONS

Corrections 1

Corrections 2

DATE: 7/3/2023

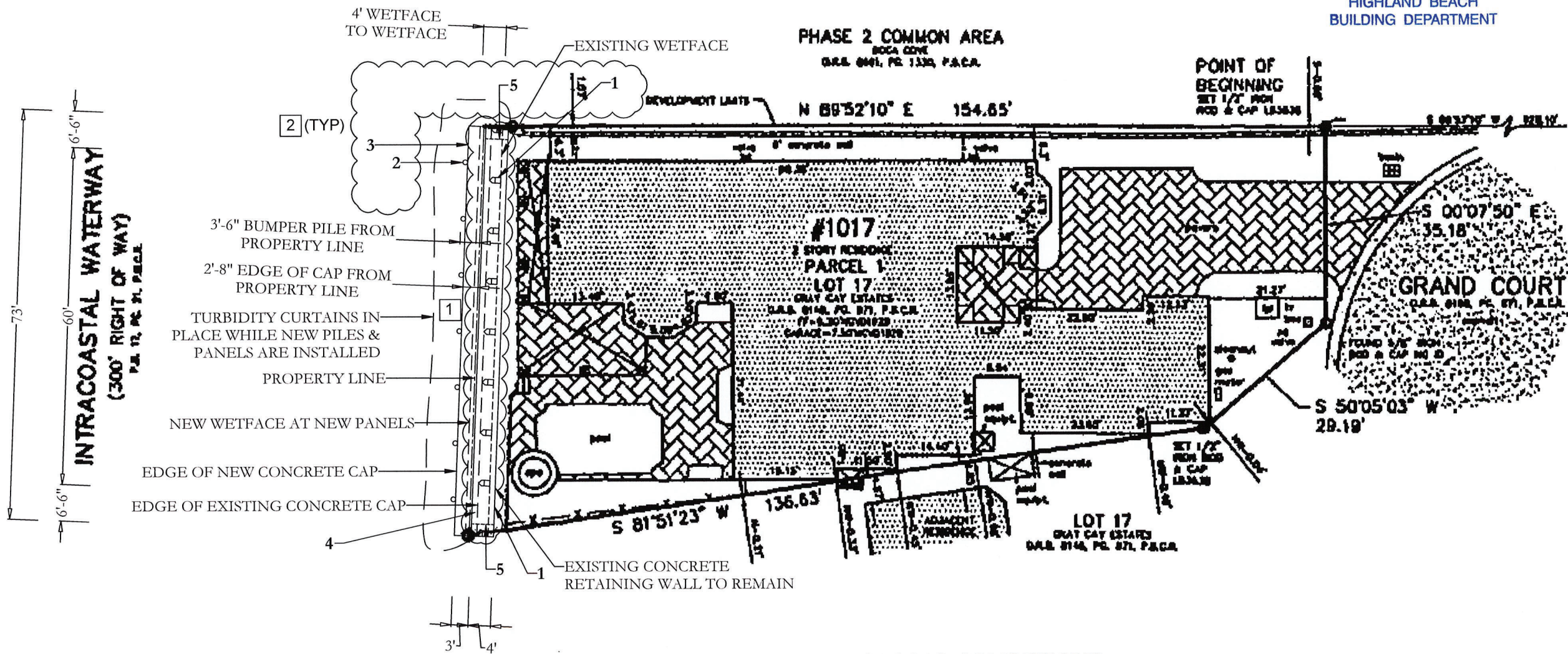
SCALE: AS NOTED

DATE: 7/3/2023

JOB No: 19-2165

SHT 3

3 of 7



FILL VOLUMES (for seawall and backfill):

Backfill -	71.83' x 4.00' x 8.31' (ave. depth)	288.00sf	67.00cy
Panels -	73.00' x 0.58' x 7.50' (depth)	42.58sf	11.83cy
Return Panels -	6.83' x 0.58' x 7.50' (depth)	3.99sf	1.11cy
Total Fill -		334.57sf	79.94cy

PROPOSED CONDITIONS

SCALE: 1' = 20'-0"

PROPOSED CONDITIONS IDENTIFICATION:

- EXISTING SEAWALL, CAP AND PILES TO REMAIN
- PROPOSED 10" DIA. WOOD BUMPER PILE (TYP OF 7)
- 73' OF PROPOSED 36" x 16" CONCRETE SEAWALL CAP
- CLEAN BACKFILL MATERIAL BETWEEN EXISTING AND NEW SEAWALLS; 71'-10" x 4' WIDE; 288SF; 67CY
- 48" OF PROPOSED 26" x 16" CONCRETE RETURN CAP (RETURN PANEL IS 40" LONG)

2 9/18/23 Corrections per City comments;

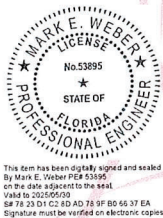
1 8/11/23 Corrections per City comments; Removed landward cap extension; Thickened new cap;



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HIGHLAND BEACH  
BUILDING DEPARTMENT



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Mark E  
Weber  
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17:44:02  
-04'00'

Mark E. Weber, P.E.  
LICENSE #53895 | CA 30702

MW ENGINEERING, INC  
902 NE 1 Street Suite #2  
Pompano Beach, Florida 33060  
Ofc: 754-333-0877  
WWW.MwEngineering.net

PREPARED FOR:

B & M MARINE  
CONSTRUCTION, INC.  
12115 South Military Trail, Suite 200  
Deerfield Beach, FL 33442  
954-421-1700 CGC052820

SEAWALL FOR:

HAMUY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

DATE	NOTES/REVISIONS
8/11/2023	Corrections 1
9/18/2023	Corrections 2

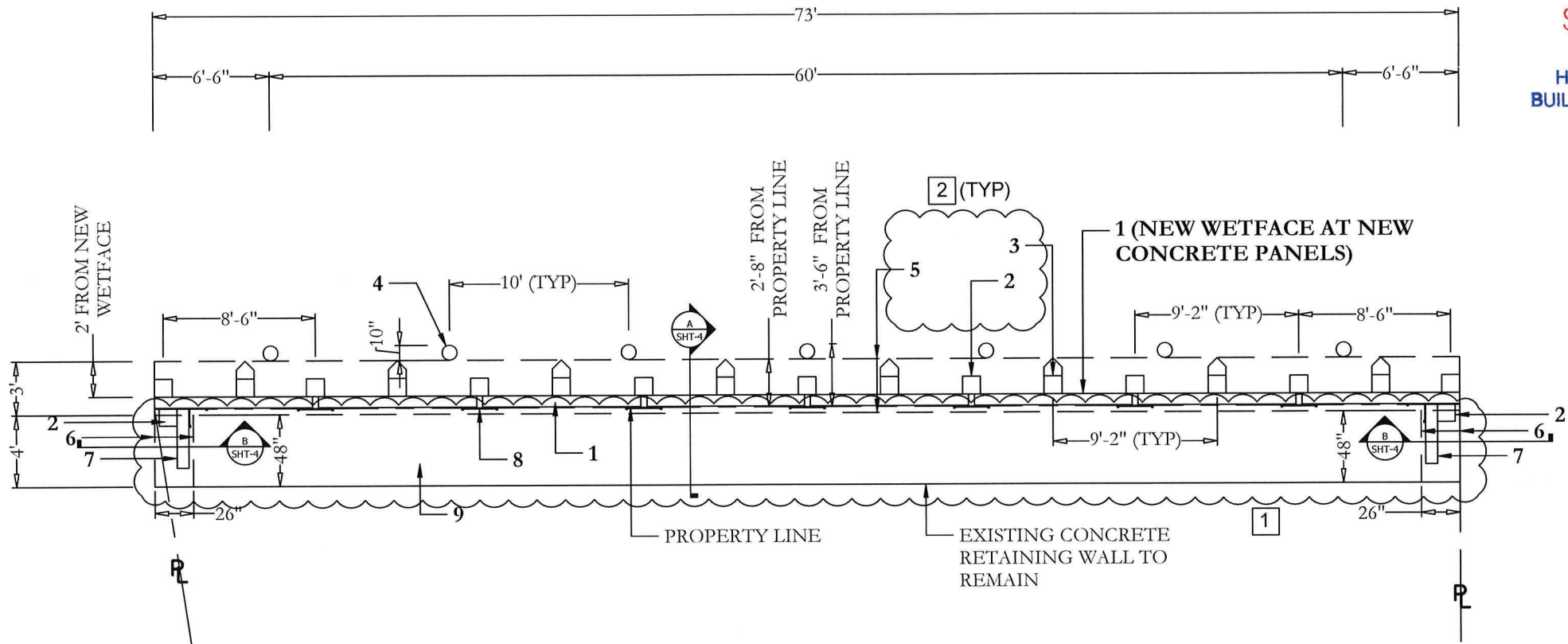
SCALE: AS NOTED

DATE: 7/3/2023

JOB No: 19-2165

SHT 4

4 of 7



**PILE LAYOUT**

SCALE: 1/8" = 1'-0"

**PILE LAYOUT IDENTIFICATION:**

1. PROPOSED 8'-10" x 7.5" x 12' PRE-CAST CONCRETE PANEL (SEE SHT-5 FOR DETAILS)
2. PROPOSED 12" x 12" CONCRETE VERTICAL PILE (TYP OF 11)
3. PROPOSED 12" x 12" CONCRETE BATTER PILE (TYP OF 8)
4. PROPOSED 10" DIA. WOOD BUMPER PILE (TYP OF 7)
5. EDGES OF PROPOSED CONCRETE SEAWALL CAP
6. EDGES OF PROPOSED CONCRETE RETURN CAP
7. PROPOSED 40" x 7.5" x 12' PRE-CAST CONCRETE RETURN PANEL
8. GEOTEXTILE FABRIC AT CONCRETE PANEL GAPS
9. CLEAN BACKFILL MATERIAL BETWEEN EXISTING AND NEW SEAWALLS; 71'-10" x 4' WIDE; 288SF; 67CY

2 9/18/23 Corrections per City comments;

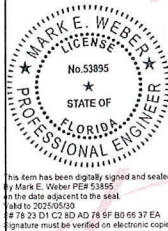
1 8/11/23 Corrections per City comments; Removed landward cap extension; Thickened new cap;



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HIGHLAND BEACH  
BUILDING DEPARTMENT



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Mark E  
Weber  
Date:  
2023.09.18  
17:44:16  
-04'00'

Mark E. Weber, P.E.  
LICENSE #53385 | CA 30702  
MW ENGINEERING, INC.  
902 NE 1 Street Suite #2  
Pompano Beach, Florida 33060  
Ofc: 754-333-0877  
WWW.MWEngineering.net

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1211 South Military Trail, Suite 200  
Deerfield Beach, FL 33442  
954-421-1700 CGC052820

SEAWALL FOR:  
HAMUY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

DATE	NOTES/REVISIONS
8/11/2023	Corrections 1
9/18/2023	Corrections 2

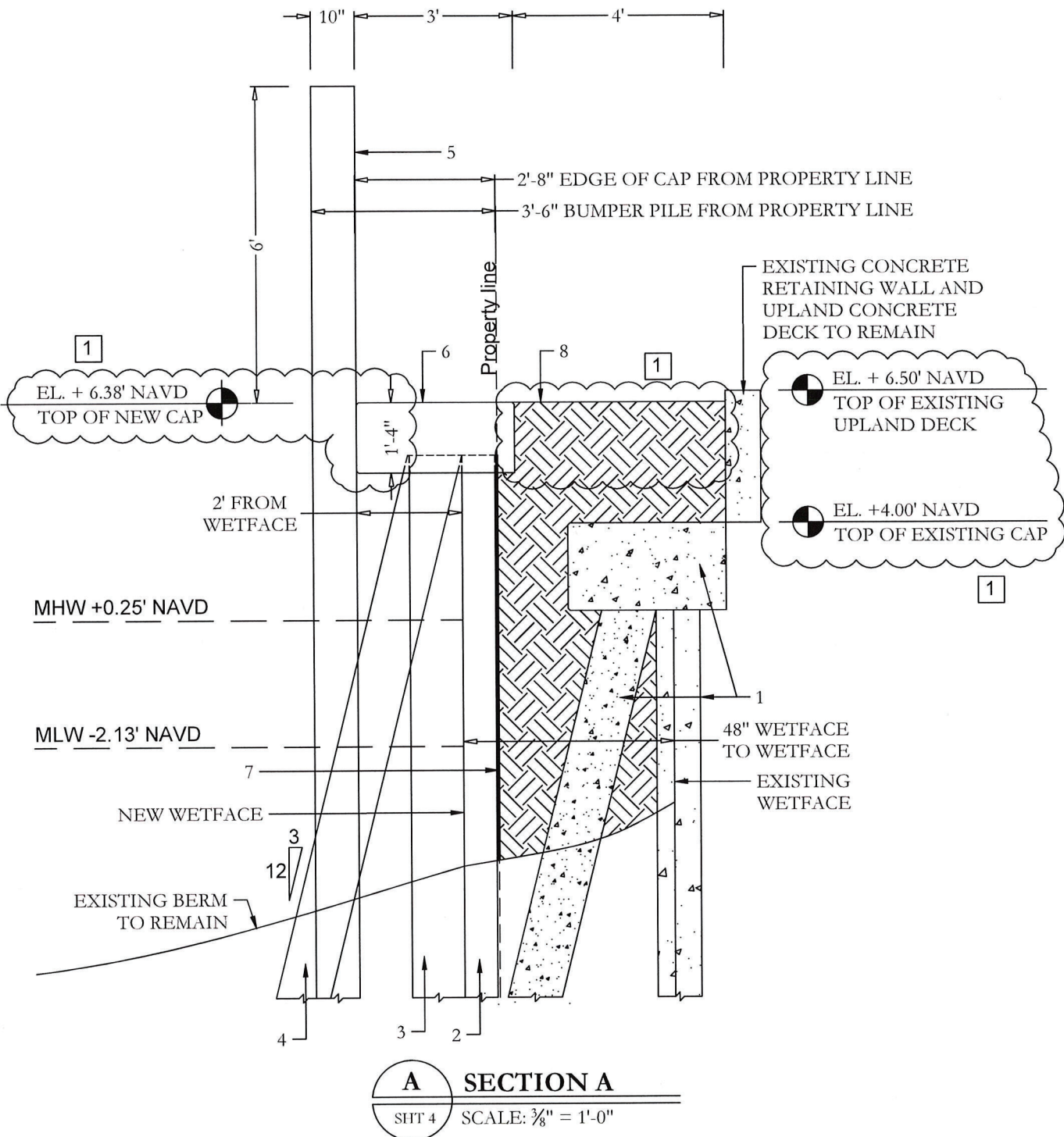
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DATE: 7/3/2023

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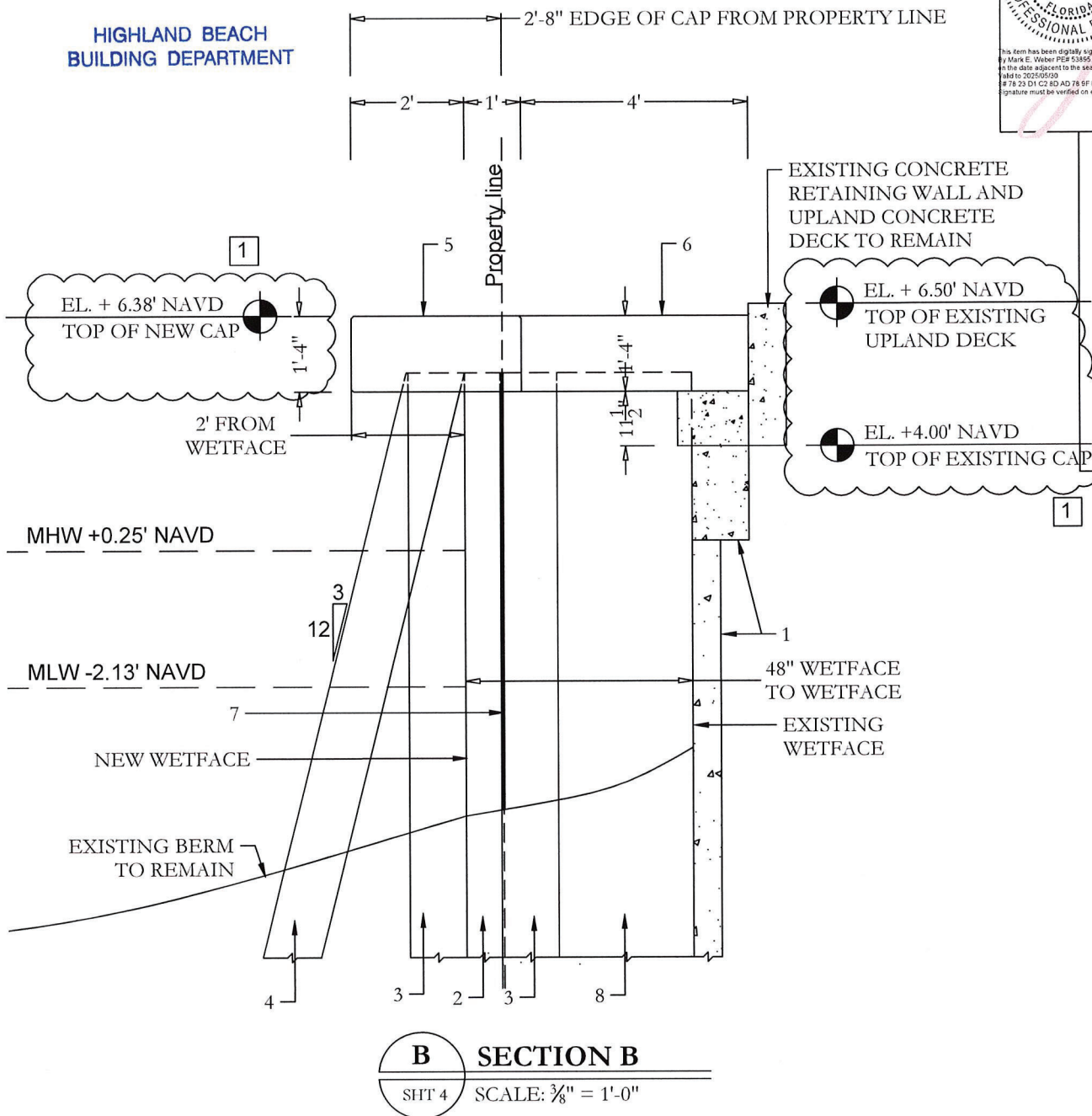
SHT 5

5 of 7



**PROPOSED SEAWALL IDENTIFICATION:**

- EXISTING SEAWALL, CAP AND PILES TO REMAIN
- PROPOSED 8'-10" x 7.5" x 12' PRE-CAST CONCRETE PANEL (SEE SHT-5 FOR DETAILS)
- PROPOSED 12" x 12" CONCRETE VERTICAL PILE
- PROPOSED 12" x 12" CONCRETE BATTER PILE
- PROPOSED 10" DIA. WOOD BUMPER PILE
- 73' OF PROPOSED 36" x 16" CONCRETE SEAWALL CAP
- GEOTEXTILE FABRIC AT CONCRETE PANEL GAPS
- CLEAN BACKFILL MATERIAL BETWEEN EXISTING AND NEW SEAWALLS; 71'-10" x 4' WIDE; 288SF; 67CY



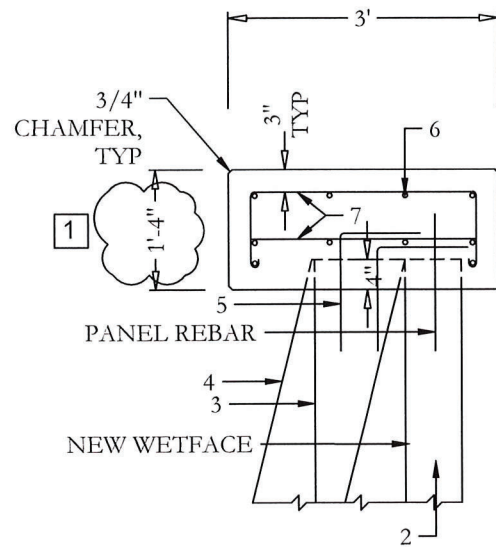
**PROPOSED RETURN WALL IDENTIFICATION:**

- EXISTING SEAWALL, CAP AND PILES TO REMAIN
- PROPOSED 8'-10" x 7.5" x 12' PRE-CAST CONCRETE PANEL (SEE SHT-5 FOR DETAILS)
- PROPOSED 12" x 12" CONCRETE VERTICAL PILE
- PROPOSED 12" x 12" CONCRETE BATTER PILE
- 73' OF PROPOSED 36" x 16" CONCRETE SEAWALL CAP
- 48" OF PROPOSED 26" x 16" CONCRETE RETURN CAP
- GEOTEXTILE FABRIC AT CONCRETE PANEL GAPS
- PROPOSED 40" x 7.5" x 12' PRE-CAST CONCRETE RETURN PANEL

2 9/18/23 Corrections per City comments;

1 8/11/23 Corrections per City comments; Removed landward cap extension; Thickened new cap;

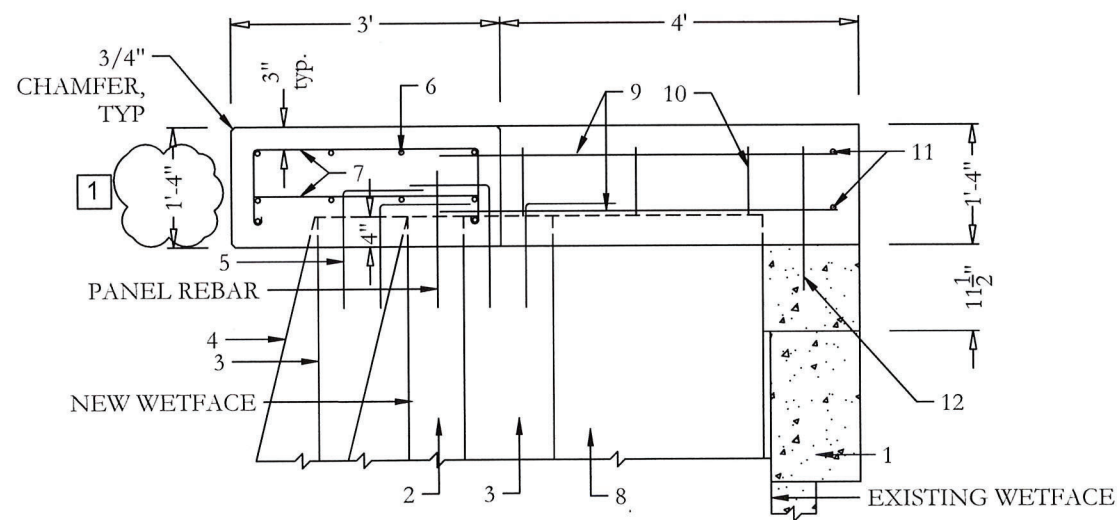




**CAP STEEL DETAIL**  
SCALE: 1/2" = 1'-0"

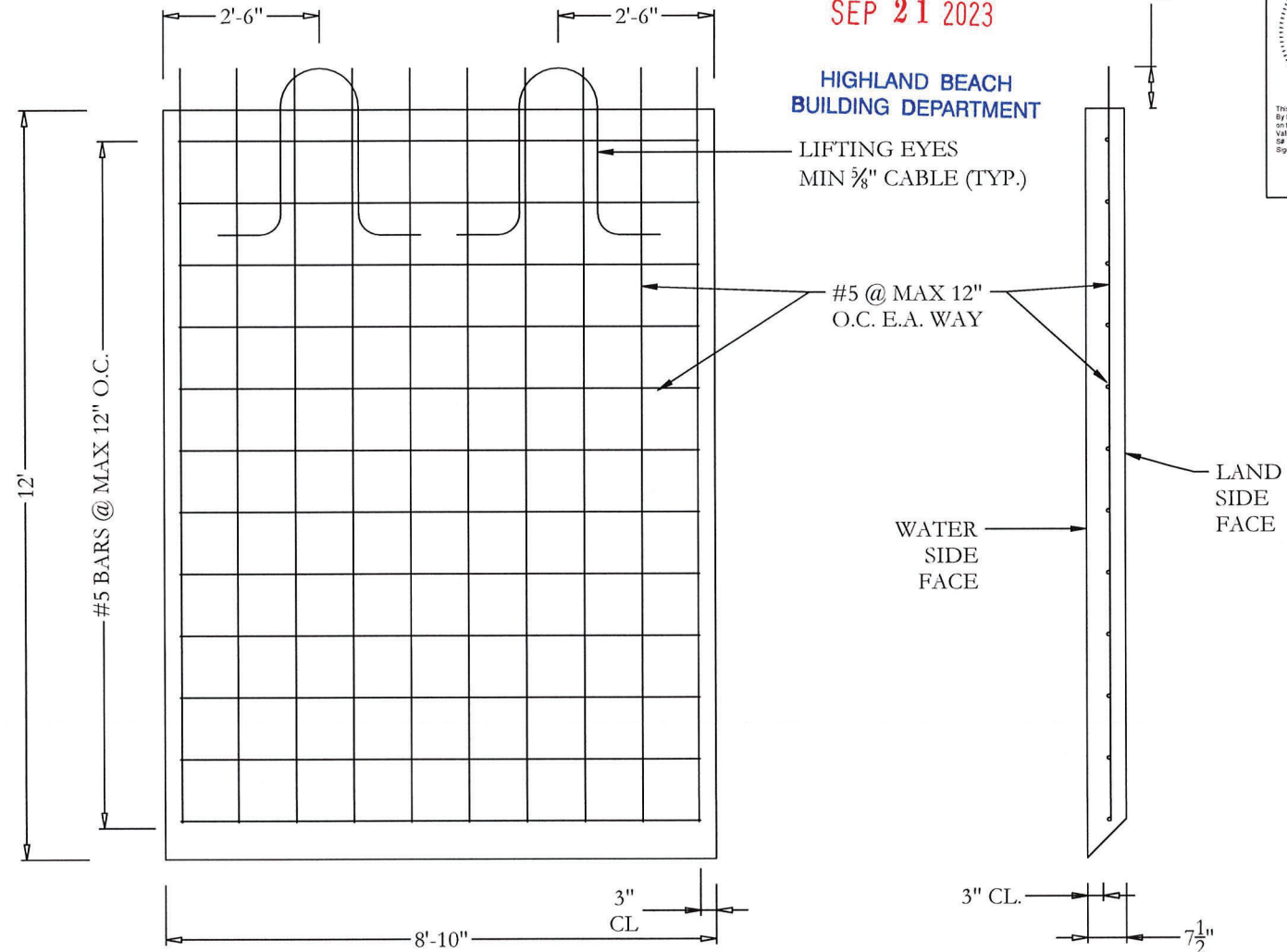
**CAP STEEL IDENTIFICATION:**

1. EXISTING SEAWALL, CAP AND PILES TO REMAIN
2. PROPOSED 8'-10" x 7.5" x 12' PRE-CAST CONCRETE PANEL (SEE SHT-5 FOR DETAILS)
3. PROPOSED 12" x 12" CONCRETE VERTICAL PILE (TYP OF 11)
4. PROPOSED 12" x 12" CONCRETE BATTER PILE (TYP OF 8)
5. EXTEND PILE STRANDS A MIN. OF 18" INTO CAP/DOCK SLAB STEEL OR CUT STRANDS EVEN W/ TOP OF PILINGS & DOWEL & EPOXY (2) #5 L-BARS, 12" LONG W/ 12" BEND, INTO TOP OF PILINGS, W/ A MIN. OF 4" EMBEDMENT.
6. (10) #5 BARS CONTINUOUS
7. #3 STIRRUPS WITH #3 CROSS TIES @ 18" O.C.



**CAP & RETURN STEEL DETAIL**  
SCALE: 1/2" = 1'-0"

1 8/11/23 Corrections per City comments; Removed landward cap extension; Thickened new cap;



**CONCRETE PANEL DETAIL**  
SCALE: 3/8" = 1'-0"

**SIDE VIEW**  
SCALE: 3/8" = 1'-0"

NOTE:  
PANEL HEIGHT TO BE VERIFIED ON SITE BY CONTRACTOR BEFORE CONSTRUCTION, TO PROVIDE A MINIMUM OF 2' EMBEDMENT INTO EXISTING GRADE.

**CAP & RETURN STEEL IDENTIFICATION:**

1. EXISTING SEAWALL, CAP AND PILES TO REMAIN
2. PROPOSED 8'-10" x 7.5" x 12' PRE-CAST CONCRETE PANEL (SEE SHT-5 FOR DETAILS)
3. PROPOSED 12" x 12" CONCRETE VERTICAL PILE (TYP OF 11)
4. PROPOSED 12" x 12" CONCRETE BATTER PILE (TYP OF 8)
5. EXTEND PILE STRANDS A MIN. OF 18" INTO CAP/DOCK SLAB STEEL OR CUT STRANDS EVEN W/ TOP OF PILINGS & DOWEL & EPOXY (2) #5 L-BARS, 12" LONG W/ 12" BEND, INTO TOP OF PILINGS, W/ A MIN. OF 4" EMBEDMENT.
6. (10) #5 BARS CONTINUOUS
7. #3 STIRRUPS WITH #3 CROSS TIES @ 18" O.C.
8. PROPOSED 40" x 7.5" x 12' PRECAST CONCRETE PANEL
9. (5) #5 BARS CONTINUOUS (3 TOP AND 2 BOTTOM), EXTENDED TO SEAWALL CAP STEEL
10. #3 STIRRUPS @ 15" O.C.
11. (2) #5 BARS CONTINUOUS ACROSS BACK EDGE
12. (2) #5 BARS VERTICAL, EXTENDED MIN 6" INTO REMAINING VOID ABOVE EXISTING CAP; FILL VOID WITH CONCRETE GROUT

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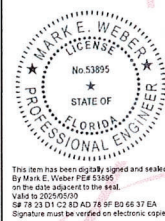
HIGHLAND BEACH  
BUILDING DEPARTMENT

LIFTING EYES  
MIN 3/8" CABLE (TYP.)

#5 @ MAX 12"  
O.C. E.A. WAY

WATER  
SIDE  
FACE

LAND  
SIDE  
FACE



Digitally  
signed by  
Mark E  
Weber  
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Mark E. Weber, P.E.  
LICENSE #53895 | CA 30702  
MW ENGINEERING, INC  
902 NE 1 Street Suite #2  
Pompano Beach, Florida 33060  
Ofc: 754-333-0877  
WWW.MwEngineering.net

PREPARED FOR:  
B & M MARINE  
CONSTRUCTION, INC.  
1211 South Military Trail, Suite 200  
Deerfield Beach, FL 33442  
954-421-1700 CGC052820

SEAWALL FOR:  
HAMUY RESIDENCE  
1017 GRAND COURT  
HIGHLAND BEACH, FL

DATE	NOTES/REVISIONS
8/11/2023	Corrections 1

SCALE: AS NOTED  
DATE: 7/3/2023

JOB No: 19-2165

SHT 6

6 of 7



1. Construction to follow the Florida Building Code 7th Edition (2020) and amendments as applicable and all Local, State and Federal Laws.
2. Licensed contractor shall verify the existing conditions prior to the commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawing shall be brought to the attention of the Engineer prior to the commencement of the work. The Licensed Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
3. Do not scale drawings for dimensions.
4. Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
5. All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
6. All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each appertaining circumstance.
7. All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
8. Licensed Contractor shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
9. Licensed Contractor to verify location of existing utilities prior to commencing work.
10. The Licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
11. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
12. Turbidity barriers to be marked with site contractor's company name using permanent markings no smaller than 3 inches in height on the top of the barrier.

1. Concrete shall conform to ACI 318-14 and shall be regular weight, sulfate resistant, with a design strength of 5000 psi at 28 days with a maximum water-cementitious materials ratio, by weight aggregate concrete of 0.40.
2. Owner shall employ and pay for testing services from an independent testing laboratory for concrete sampling and testing in accordance with ASTM.
3. Licensed contractor is responsible for the adequacy of forms and shoring and for safe practice in their use and removal.
4. Concrete cover shall be 3" unless otherwise noted on the approved drawings.
5. Reinforcing steel shall be in conformance with the latest version of ASTM A615 Grade 60 specifications. All reinforcement shall be placed in accordance with ACI 315 and ACI Manual of Standard Practice.
6. Splices in reinforcing bars shall be not be less than 48 bar diameters and reinforcing shall be continuous around all corners and changes in direction. Continuity shall be provided at corners or changes in direction by bending the longitudinal steel around the corner 48 bar diameters.
7. Defective, cracked or loose concrete areas must be cut out, the rebar must be cleaned, coated with zinc and repaired with at least 3" of epoxy-concrete mix or gunnite concrete with sulfate-resistant cement.
8. For cap overpours, dowel and epoxy #5 bars or L-bars into top and/or front of existing cap, staggered @ 24" o.c., min. 4" embedment.

1. Contractor of record and permit holder responsible for all shoring. Until provisions for permanent support have been made, all excavations shall be properly guarded and protected so as to prevent them from becoming dangerous to life and property and shall be sheet piled, braced and/or shored, where necessary, to prevent the adjoining earth from caving in; such protection to be provided by the person causing the excavation to be made. All excavations shall comply with the minimum requirements of the Florida Building Code, and Florida Statute 553.60, "Trench Safety Act," and 29-cfr1926-650 (p) "Occupational Safety and Health Administration Excavation Safety Act."

1. Piles shall be driven using an approved cushion block consisting of material so arranged so as to provide the transmission of hammer energy.
2. Piles shall be driven to a minimum allowable bearing capacity of 10 tons for wood, and 25 tons for concrete, and 5 tons for pin piles, a minimum of 8' into berm or refusal.
3. Piles shall be driven with a drop hammer or gravity hammer provided the hammer shall weight no less than 3,000 pounds, and the fall of the hammer shall not exceed 6'.
4. Piles shall be driven with a variation of not more than  $\frac{1}{4}$  inch per foot from the vertical, or from the batter line indicated, with a maximum variation of the head of the pile from the position shown on the plans of not more than three inches.
5. Where piling must penetrate strata offering high resistance to driving, the structural engineer of record or special inspector may require that the piles be set in pre-drilled or punched holes. The piles shall reach their final penetration by driving.

1. Concrete piles shall attain 5000 psi compressive strength in 28 days.
2. Concrete piles shall be reinforced with four -  $\frac{7}{16}$ "  $\varnothing$  lo-lax strands, 270 kips, and 5 ga. spiral ties.
3. Concrete piles shall be 12"x12" square, minimum length of 20'.
4. Concrete piles shall be cut to leave strands exposed a min. of 18" and tied to dock or cap steel.
5. For all prestressed pilings, extend pilings strands a min. of 18" into cap/dock slab steel or cut strands even w/ top of pilings & dowel & epoxy (2) #5 L-bars, 12" long w/ 12" bend, into top of pilings, w/ a min. of 4" embedment.
6. New batter and vertical pilings and panels to have a minimum 4" penetration into the new cap form. New dock pilings to have a minimum 3" penetration into the new dock slab form.

1. Wood piles to be 2.5lb CCA treated in accordance with AWP Standard C18.
2. Wood piles shall be a minimum diameter of 10"; Miami Dade County requires minimum diameter of 12".

1. All materials to be pressure treated pine unless otherwise noted.
2. All frame work materials to be Southern Yellow Pine Grade #1, Fb=1200 PSI and Fv=175 PSI.
3. All decking materials to be grade #1 unless otherwise noted.
4. All hardware to be Stainless Steel or Galvanized unless otherwise noted.



HIGHLAND BEACH  
BUILDING DEPARTMENT

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954-421-1700 CGC052820

## HAMUY RESIDENCE

1017 GRAND COURT

HIGHLAND BEACH, FL

DATE	NOTES/REVISIONS
------	-----------------

SCALE: AS NOTED

DATE: 7/3/2023

JOB No: 19-2165

SHT 7

7 of 7

**SUN-SENTINEL**

**Sold To:**

Town of Highland Beach - CU00398185  
3614 So. Ocean Blvd.  
Highland Beach, FL 33487

**Bill To:**

Town of Highland Beach - CU00398185  
3614 So. Ocean Blvd.  
Highland Beach, FL 33487

**Published Daily**

**Fort Lauderdale, Broward County, Florida**  
**Boca Raton, Palm Beach County, Florida**  
**Miami, Miami-Dade County, Florida**

**State Of Florida**  
**County Of Orange**

Before the undersigned authority personally appeared  
Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL,  
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the  
attached copy of advertisement, being a Legal Notice in:

The matter of 11720-Notice of Public Meeting .  
Was published in said newspaper by print in the issues of, or by publication on the  
newspaper's website, if authorized on Oct 02, 2023

Affiant further says that the newspaper complies with all legal requirements for  
publication in Chapter 50, Florida Statutes.

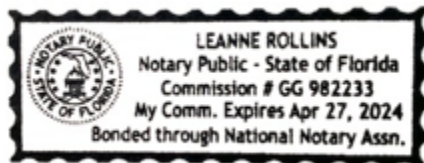


\_\_\_\_\_  
Signature of Affiant

Sworn to and subscribed before me this: October 02, 2023.



\_\_\_\_\_  
Signature of Notary Public



\_\_\_\_\_  
Name of Notary, Typed, Printed, or Stamped  
Personally Known (X) or Produced Identification ( )

**Affidavit Delivery Method:** E-Mail  
**Affidavit Email Address:** jdehart@highlandbeach.us  
7503570



**TOWN OF HIGHLAND BEACH  
NOTICE OF PUBLIC HEARING**

YOU ARE HEREBY NOTIFIED that the Planning Board of the Town of Highland Beach will conduct a Public Hearing on Thursday, October 12, 2023 at 9:30 AM in the Highland Beach Library Community Room, 3618 South Ocean Boulevard, Highland Beach, Florida to consider the following:

APPLICATION NO: 23-0008 BY DAVID NUTTER, B & M MARINE CONSTRUCTION, INC., FOR A SPECIAL EXCEPTION REQUEST TO INSTALL A 73 LINEAR FOOT SEAWALL AND SEAWALL CAP, AND SEVEN (7) BUMPER PILES FOR THE PROPERTY LOCATED AT 1017 GRAND COURT.

APPLICANT: Nissan & Jamie Hamuy

The application is available for inspection in the Town Clerk's Office at Town Hall, Monday through Friday during normal business hours of 8:30 a.m. to 4:30 p.m.

Any person that decides to appeal any decision made by the Planning Board with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is based. The Town of Highland Beach does not provide such a record.

In accordance with the Americans with Disabilities Act, persons who need special accommodation to attend or participate in this meeting should contact the Town Clerk's Office at (561) 278-4548 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770 or 1-800-955-8771.

For additional information, please contact the Town Planner at (561) 278-4540.  
TOWN OF HIGHLAND BEACH, BUILDING  
DEPARTMENT  
10/02/2023 7503570

Order # - 7503570



## **PUBLIC NOTICE APPLICATION NO. 23-0008**

September 27, 2023

Dear Property Owner:

This is to notify you that the **PLANNING BOARD** of the Town of Highland Beach will conduct a public hearing on ***Thursday, October 12, 2023 at 9:30 AM*** in the Community Room of the Town Library located at 3618 South Ocean Boulevard, Highland Beach, Florida to consider the following application.

**APPLICATION BY DAVID NUTTER, B & M MARINE CONSTRUCTION, INC.,  
FOR A SPECIAL EXCEPTION REQUEST TO INSTALL A 73 LINEAR FOOT  
SEAWALL AND SEAWALL CAP, AND SEVEN (7) BUMPER PILES FOR THE  
PROPERTY LOCATED AT 1017 GRAND COURT.**

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For additional information, please contact the Town Planner at (561) 278-4540.

TOWN OF HIGHLAND BEACH, BUILDING DEPARTMENT



**Town of Highland Beach  
Town Commission Development Order (PB)  
Application No. 23-0008**



**Applicant:** David Nutter / Nissan & Jamie Hamuy  
**Property Address:** 1017 Grand Court  
Highland Beach, Florida 33487

**CERTIFICATE OF MAILING AFFIDAVIT**

I hereby certify that the Town Clerk's Office mailed a copy of the Notice of Public Hearing (Exhibit A) for Application No. 23-0008 for the property located at 1017 Grand Court, Highland Beach, Florida 33487, by U.S. first-class and international mail to:

All property owners and properties owned by a condominium association president and the association's registered agent within 500 feet of the property located at 1017 Grand Court, Highland Beach, Florida 33487.

The mailings consisted of 126 notices that were sent first class mail and 00 notices that were sent by International Mail.

This 27<sup>th</sup> day of September 2023.

Highland Beach Town Clerk's Office

Jaclyn DeHart  
Deputy Town Clerk

**File Attachments for Item:**

A. Ongoing discussion of proposed change (“amendment concept”) to the Accessory Marine Facility (AMF) regulations, specifically a maximum height for AMFs.



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Planning Board (“Board”) Meeting

**MEETING DATE** October 12, 2023

**SUBMITTED BY:** Ingrid Allen, Town Planner, Building Department

**SUBJECT:** Ongoing discussion of proposed change (“amendment concept”) to the Accessory Marine Facility (AMF) regulations, specifically a maximum height for AMFs.

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## SUMMARY:

At the September 21, 2023 Planning Board meeting, the Board made recommendations on the proposed amendment concepts (see attached list); however, unintentionally, a recommendation on the proposed concept of a maximum height for AMFs was not provided. Previous Board discussions on this specific amendment concept include the following:

### *April 13, 2023*

AMENDMENT CONCEPT	BOARD DISCUSSION (staff response in italics)
Maximum height for AMF = BFE plus 7 feet.	There should be limit, look to Board member Brown for input.

### *March 9, 2023*

AMENDMENT CONCEPT	BOARD DISCUSSION
Maximum height for AMF = BFE plus 7 feet	Maybe the proposed “7 feet” is not high enough but there should be a limit.

For reference purposes, as part of the Public Input Meetings held on the proposed amendment concepts in December 2022, staff presented some analysis on this concept including examples of boat lift details as well as a table of approved boat lifts and their corresponding heights (see attached). In addition, in 2020, at the request of the previous Board Chairperson, staff provided research on piling heights in other municipal codes (see attached).

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## ATTACHMENTS:

- Proposed amendment concepts list.
- Maximum height for AMF amendment concept analysis as provided at the December 2022 Public Input Meetings.
- Planning Board memorandum on piling height limits (9-10-2020).

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- Draft report from previous Vice-Mayor Greg Babij (presented to the Town Commission on March 15, 2022).

- ATM report (dated 2-11-2022).

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**RECOMMENDATION:**

At the discretion of the Board.

## **PROPOSED AMENDMENT CONCEPTS**

- Maximum height for Accessory Marine Facilities = Base Flood Elevation (BFE) plus 7 feet.
- Exempt personal watercraft (PWC) lifts from the requirement that “in no case shall the lift be higher than the superstructure of the boat when lifted” OR remove requirement.
- Maximum seawall cap width = 3 feet; maximum seawall cap plus dock width = 8 feet.
- Encroachment into water at 25 feet or 25% of waterway width, whichever is less (measured from the shortest distance adjacent to property line).
- 10 foot side setback for all zoning districts. For lots < 100 feet in width, setback is 10% of width; however, setback cannot be less than 5 feet.
- Require a ladder for every 50 feet of dock.

### **ADDITIONAL CONCEPT:**

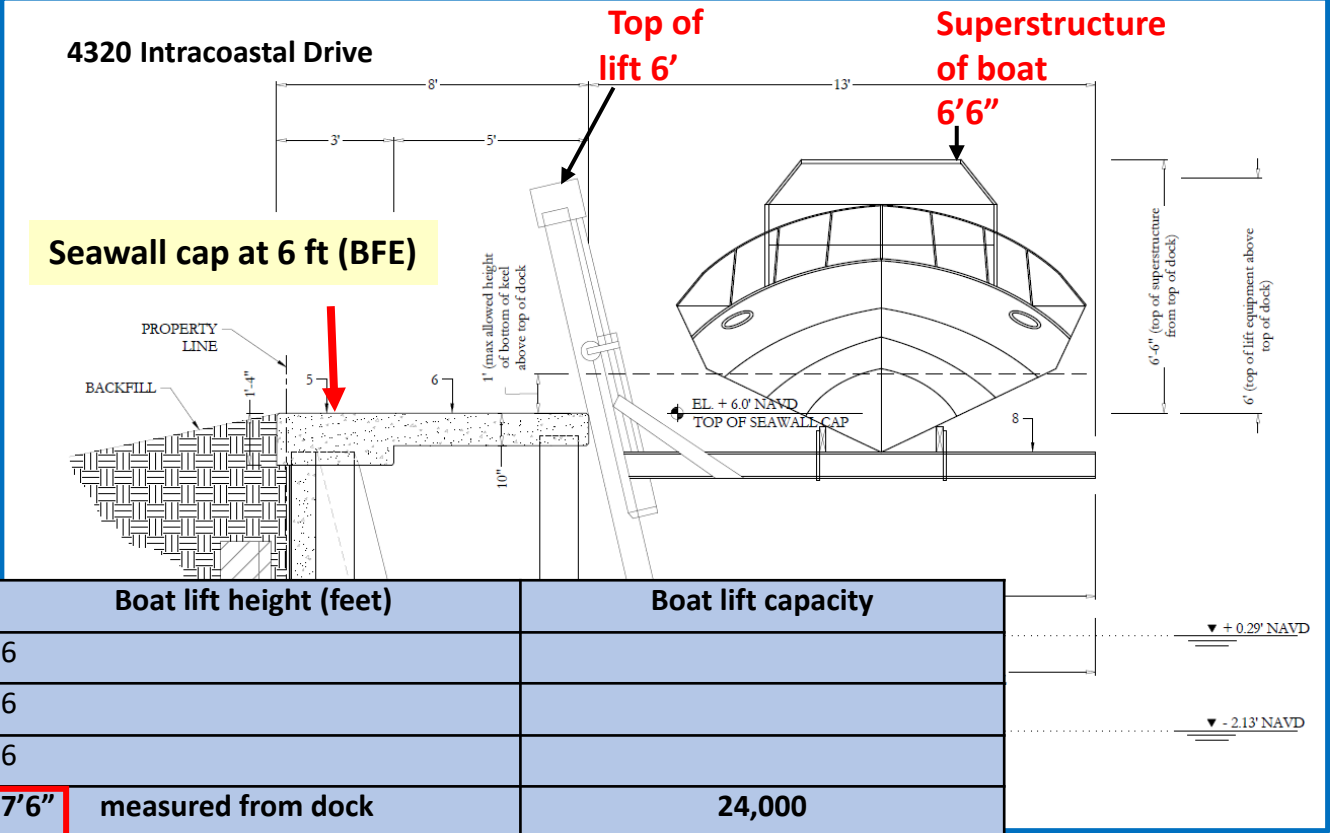
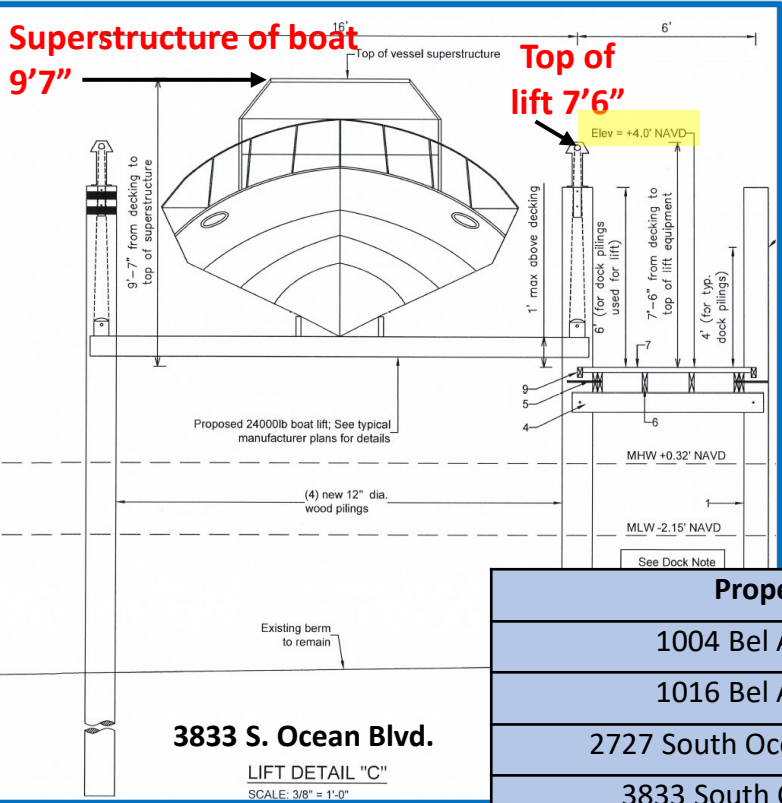
- Maximum seawall height

# PROPOSED AMENDMENT CONCEPT VS “NO ACTION” OPTION

AMENDMENT CONCEPT	CURRENT TOWN CODE REGULATION	“NO ACTION” OPTION
<b>1. Maximum height for AMF = BFE plus 7 feet.</b>	<ul style="list-style-type: none"><li>-No maximum height for AMF.</li><li>-Definition of “boat lift” requires that <b>in no case shall the lift be higher than the superstructure of the boat when lifted</b> (Sec. 30-131).</li></ul>	<ul style="list-style-type: none"><li>-Town Code allows <b>marine expert</b> to review applicant plans.</li><li>-<b>If an exceptionally high AMF is proposed</b>, marine expert determines whether installation of AMF will cause the following:<ul style="list-style-type: none"><li>- <b>a hazardous interference with navigation.</b></li><li>- <b>endanger life or property.</b></li><li>- <b>deny adjacent property owners or public reasonable visual access to public waterway.</b> (Sec. 30-68(h))</li></ul></li></ul>



# BOAT LIFT EXAMPLES



**APPROVED BOAT  
LIFT HEIGHTS AS  
OF JANUARY 2020**

Property	Boat lift height (feet)	Boat lift capacity
1004 Bel Air Drive	6	
1016 Bel Air Drive	6	
2727 South Ocean Blvd#701	6	
3833 South Ocean Blvd	<b>7'6"</b> measured from dock	<b>24,000</b>
4036 South Ocean Blvd	6'6"	
4205 Intracoastal Drive	<b>7'7"</b> from BFE	<b>40,000</b>
4206 Intracoastal Drive	<b>7'7"</b> from BFE	<b>33,000</b>
4304 Intracoastal Drive	6	
4318 South Ocean Blvd	<b>7'3"</b> measured from dock	<b>20,000</b>
4320 Intracoastal Drive	6	
4326 Intracoastal Drive	5'9"	
4408 Intracoastal Drive	6'6"	
4801 South Ocean Blvd	7	





# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Virtual Planning Board Meeting

**MEETING DATE** 9/10/2020

**SUBMITTED BY:** Ingrid Allen, Town Planner, Building Department

**SUBJECT:** Discussion on piling height limits and Town Code deficiencies pertaining to accessory marine facilities.

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## BACKGROUND:

On August 15, 2020, Planning Board Chairperson, David Axelrod, made the following two inquiries to Town staff:

1. Whether other local municipal codes provide height limits on pilings; and
2. Whether there are any other deficiencies in the Town Code as it pertains to accessory marine facilities.

Staff was directed by Town Manager, Marshall Labadie, to proceed with preliminary research on these inquiries.

## SUMMARY:

### Height limits on pilings:

The Town of Highland Beach's Code of Ordinances does not provide height limits for boat lift pilings. Upon staff review of the municipal codes for Boca Raton, Delray Beach, Manalapan, North Palm Beach and Ocean Ridge, no provisions for lift piling height were found. The municipal codes of Sanibel and Cape Coral both provide height provisions for mooring pilings as provided in Table 1 below (Note that Cape Coral also provides a maximum elevation provision for "pilings"). Jupiter Island's municipal code states for pilings supporting a dock or used in conjunction therewith shall not be higher than eight feet above mean high water. Moreover, Jupiter Island provides hoisting and daviting provisions for boats as follows:

***Section 3.07F.(b) No boat shall be hoisted or davited to such a height that the top of the main superstructure, but not including masts, antennas, outriggers or other attachments to said boat, shall be more than eight feet above mean high water, and no boat exceeding 31 feet in overall length shall be hoisted or davited from the water and supported by a dock, unless approved by the impact review committee using the standards set forth in article X, division II, section 2.04 (see Attachment No. 1)***

The municipal code for Lighthouse Point contains provisions for the number of individual pilings which may be installed adjacent to any property as provided in Table 2 below.

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**TABLE 1**

<b>MUNICIPALITY</b>	<b>PILING HEIGHT PROVISION</b>	<b>NOTES</b>
Sanibel	Height of mooring pilings, maximum ten feet above mean high water (Sec. 126-886).	"Mooring Piling" is not defined in Sanibel's Municipal Code.
Cape Coral	Mooring Pilings shall not be higher than eight feet above mean high water (Section 5.4.5.).	"Mooring Piling" is not defined in Cape Coral's Municipal Code.
	The elevation of pilings shall not exceed 10 feet above the seawall cap or, if no seawall exists, 13 feet above mean water level (Section 5.4.2.).	
Jupiter Island	Pilings supporting a dock or used in conjunction therewith shall not be higher than eight feet above mean high water (Section 3.07C1.b.)	

**TABLE 2**

LIGHTHOUSE POINT: Section 42-380(d)(1) The number of individual pilings which may be installed adjacent to any property shall be as follows:

Properties With Eight (8) Foot Side Setbacks		Properties With Seven and One-Half (7½) Foot Side Setbacks	
Linear Feet of Frontage Along Water	Maximum # of Pilings Allowed	Linear Feet of Frontage Along Water	Maximum # of Pilings Allowed
0—60	0	0—60	0
Over 60—136	2	Over 60—135	2
Over 136—176	3	Over 135—175	3
Over 176 +	4	Over 175 +	4

Deficiencies:

Section 30-68 (g)(6)d.2. of the Town Code provides for a contradictory provision regarding the side yard setback requirement for accessory marine facilities in multifamily zoning districts. This section currently reads as follows:

*Multifamily zoning districts: Five (5) feet, measured from the perimeter property lines. In multifamily residential zoning districts, marine facilities shall be exempt from side yard setback requirements for all interior lot lines.*

Initially, the provision states that a five (5) foot setback is applicable; however, the second sentence exempts multifamily residential zoning districts from the side yard setback requirement. While this conflicting text could be addressed independently from the other accessory marine facility regulations, staff suggests that a marine consultant be retained to holistically assess the current Town Code regulations pertaining to accessory marine facilities and determine deficiencies. Marine consultant considerations could include whether provisions for lift piling height or hoisting of boats, along with corresponding definitions, should be incorporated into the Town Code.

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**FISCAL IMPACT:**

N/A

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**ATTACHMENTS:**

Attachment No. 1 – Jupiter Island standards for impact review.

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**RECOMMENDATION:**

Board discussion.

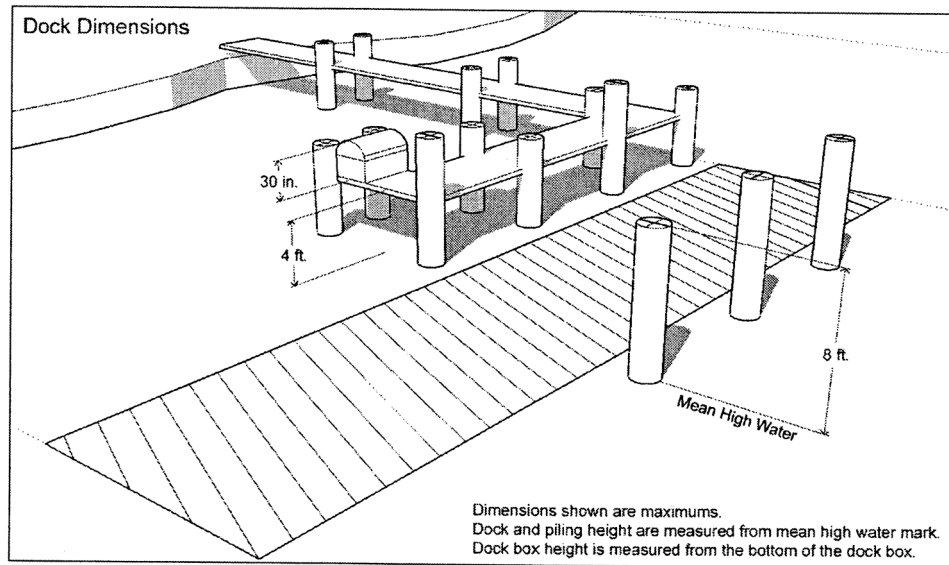
## Sec. 3.07. - Docks and dune crossovers.

- A. *Location.* Docks may be constructed only in the waters of the Indian River and waters tributary thereto. Dune crossovers may be constructed over the primary dune to provide access to the beach. Each dock or dune crossover and its associated pilings shall be located in the middle one-third of the lot on which the dock is an accessory use and oriented such that a docked boat would also be in a location that corresponds to the middle one-third of the lot on which the dock is an accessory use (See Illustration 20: Location of Dock, Exhibit A), unless the board of adjustment approves another location using alternative development standards.
- B. *Size.* No dock shall exceed 500 square feet, and no dune crossover shall have a sitting or reviewing deck exceeding 100 square feet in addition to the area of the walkway, unless the board of adjustment approves additional area using alternative development standards.
- C. *Height.*
  - 1. *Docks.*
    - a. The deck of a dock shall not be higher than four feet above mean high water, or five feet above mean high water if the Department of Environmental Protection so requires after performing an official survey and providing a statement of seagrass that is acceptable to the administrative official. (See Illustration 21: Dock Dimensions, Exhibit A)
    - b. Pilings supporting such dock or used in conjunction therewith shall not be higher than eight feet above mean high water. (See Illustration 21: Dock Dimensions, Exhibit A)
  - 2. *Dune crossovers.*
    - a. The deck of a dune crossover shall not be higher than one foot above the existing grade, unless a greater height is approved by the board of adjustment using alternative development standards.
    - b. Dune crossover posts and railings shall not be higher than three feet above the deck of the dune crossover.
- D. *Design.*
  - 1. Railings shall be of post and rail construction that does not create a material visual obstruction to the waters of the Indian River or tributaries, or to the Atlantic Ocean from contiguous lots or rights-of-way.
  - 2. Fencing, screening, walls or louvered windbreaks on docks or dune crossovers are prohibited unless approved by the board of adjustment using alternative development standards.
  - 3. Covered structures or buildings of any type are prohibited on docks and dune crossovers.
  - 4. Dock boxes not exceeding 30 inches in height are permitted on docks; provided that such boxes are limited to one dock box per boat regularly moored at the dock. (See Illustration 21: Dock Dimensions, Exhibit A)
  - 5. Overhead hoists, davits or machinery connected therewith shall not exceed eight feet above mean high water.
  - 6. Dock construction shall meet the standards for dock construction as prescribed by the United States Army Corps of Engineers.
- E. *Utilities.* All electrical and water service supplied to any dock or dune crossover in the town shall meet the standards for service as provided in the Florida Building Code.
- F. *Hoisting and daviting of boats.*
  - (a) No boat shall be hoisted or davited if:
    - (1) Any part of the boat is positioned outside of the middle one-third of the lot, extended waterward; or

(2) The dock to which the hoist or davit is attached does not conform to this section.

- (b) No boat shall be hoisted or daviged to such a height that the top of the main superstructure, but not including masts, antennas, outriggers or other attachments to said boat, shall be more than eight feet above mean high water, and no boat exceeding 31 feet in overall length shall be hoisted or daviged from the water and supported by a dock, unless approved by the impact review committee using the standards set forth in article X, division II, section 2.04.

(Ord. No. 342, § 1, 9-17-13)



*Illustration 21: Dock Dimensions*

**Abstract:**

The existing marine accessory ordinances lack some detail and it is recommended they are enhanced to provide clarity on topics that have been a source of ambiguity and contention. Items like maximum allowable height of marine accessories, ambiguity around jetski lifts vs. boat lifts, and the process of dealing with marine accessories in where there is a discontinuity in the waterway (i.e corner lots, end of canals) have all been points of contention between residents and the Building Department, due to lack of detail.

Additionally, this is an opportune time to consider revising certain other components of the current ordinances to address anticipated future conflicts or in some cases better conform with code used by surrounding towns.

While reviewing the recommended changes, it may be beneficial to envision the concept of a 3-dimensional box that sits on the rear property line of any waterfront lot. Marine accessories must completely fit within the box to be permissible. Otherwise, they would be required to go through the process of obtaining a variance.

**Summary of Recommendations**

**1) Define a Maximum Allowable Height of Marine Accessories:  
Recommended Maximum Height: Base Flood Elevation plus 7 feet.**

There have been multiple debates around what is an acceptable height of boat lifts. The current codes only state that a boat lift shall not be higher than the superstructure of the boat when lifted, but is silent on how high up in the air the combined boat lift and boat can be. This leaves open the potential for installing boatlifts on top of excessively high pilings, as long as the boat lift is fully retracted so the boat will be higher than the lift itself.

It is recommended that the “height” of the 3 dimensional box behind any waterfront property be Base Flood Elevation plus 7 feet. Referencing Base Flood Elevation allows the ordinance to be dynamic with sea level rise, as it is a reference datum that has been occasionally revised higher by the US Government in conjunction with the sea level. Pilings, and also the boat lift components must not be higher than this recommended maximum allowable height.

**2) Amend existing language related to Jetski (Personal Watercraft) Lifts**

The current codes are excessively onerous for jetski lifts, relative to boat lifts. As Section 30-131 is written, the bottom of the keel of any boat shall not be hoisted greater than one foot above the minimum seawall elevation, and in no case shall the lift be higher than the superstructure of the boat when lifted.

Because of the low vertical profile of a jetski (3 feet) relative to the vertical profile of a boat lift (7 feet), a boat lift can be installed to hold a boat, but the very same boat lift would not be permissible if it is used to instead lift a jetski.

It is recommended the current code be amended by either by removing the section that states *in no case shall the lift be higher than the superstructure of the boat when lifted*, or simply exempt jet skis (personal watercraft) from this code.

**3) Define a maximum width of a seawall cap and also a maximum width of a dock out into the water.  
Recommended maximum new seawall cap width of 3 feet as measured from the property line  
Recommended maximum dock plus seawall cap width of 8 feet as measured from the property line**

As properties are redeveloped and seawalls are replaced, there exists the potential for residents to look to “extend” their effective usable property out into the water by building a new seawall outside of the existing seawall. There is also the potential for properties to get extended by pouring excessively wide seawall caps on top of new seawalls and building excessively wide docks.

By limiting the maximum seawall cap width from the property line, and also the maximum distance the seawall cap plus dock can extend from the property line, the risk of one property owner effectively creating their own peninsula is minimized.

It is recommended that the waterside edge of any new seawall cap be limited to 3 feet from the property line, whether it is on top of a new wall, or is a cap raise on top of an existing wall.

Additionally, it is recommended that any new dock built is limited to a maximum distance of 8 feet out into the water as measured from the property line. This would allow for the outer edge of neighboring docks to all be limited to the same distance from the property line regardless of seawall cap size. For example, if a property has a 2 foot wide seawall cap, then that property would be allowed to have a 6 foot wide dock, and meet the maximum combined width of 8 feet. While if a neighboring property has a 3 foot wide seawall cap, they would be limited to a dock width of 5 feet.

Lastly it is recommended that language be added into the code to limit the installation of no more than 1 new seawall outside of the original property seawall that abuts the property line. This eliminates the risk that new seawalls are repeatedly installed on the waters edge side of existing seawalls, which would effectively create a man-made peninsula.

**4) Define a Maximum Distance that Marine Accessories can Extend into the Water  
Recommended Maximum Distance: The lesser of 25 feet from the property line or 25% of the waterway width.**

This recommendation can be thought of as the perpendicular edge of the 3 dimensional box, as measured from the property line straight out into the water.

The town codes [Sec. 30-68(g)(6)a and b] simply defer to the Army Core of Engineers for approval of distance into water. It is recommended that the maximum distance be limited to the lesser of 25 feet or 25% of the width of the canal or waterway. Additionally, this distance will be measured from the shortest distance between the two properties in question.

This maximum distance of 25 feet is not an arbitrary value. It was chosen to allow residents to mix and



match combinations of seawall cap widths, dock widths and boat lift widths of reasonable size without having to obtain a variance.

The chart below shows the various widths of boatlifts ranging from small boats to very large boats. For illustration, a typical 40 ft powerboat may weigh 30,000 to 40,000 lbs., and that lift is 16 ft wide (center to center) which is 17 ft wide when measured to the outsides of all pilings.

This very standard lift size could be installed at any home that has also conformed to the recommended seawall cap and dock widths, and stay at the 25 ft maximum distance:

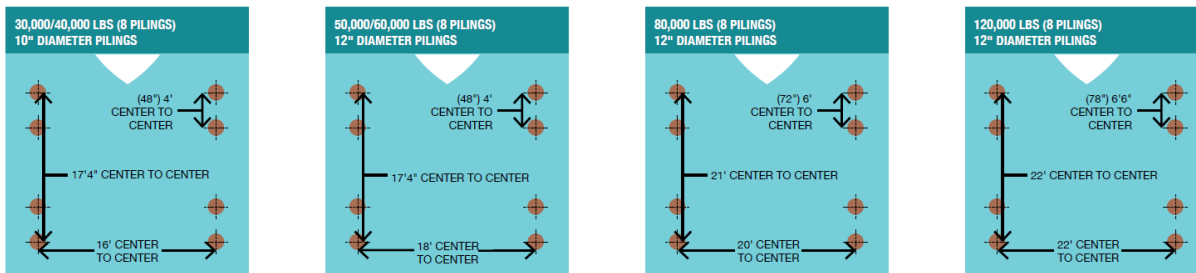
3 ft seawall cap + 5 foot dock + 17 foot boatlift = 25 ft.

On the larger end of the spectrum, a 120,000 lb boatlift could hold about the largest size boat an owner would probably want to be able to lift behind a residential property. That boatlift is 22 ft wide center to center, which would be 23 feet wide to the outsides of the pilings. This “mega lift” could still fit in a back yard, but it would have to be right up against a seawall cap, as there is no room for a dock. Early seawall caps were 2 feet wide, and newer caps are 2.5 feet to 3 feet wide. Also note this lift could be installed at a property that has a 3 foot new cap, by notching out 1 foot where the inside pilings are installed. And again this is an extreme outlier example.

A much more typical boat lift for very large boats would be a 50,000 or 60,000 or even possibly an 80,000 lb. lift and the widths there easily stay within the maximum 25 foot threshold with a 3 foot wide seawall cap.

I am not sure Highland Beach has ever had a request to install an 80,000 or 120,000 lb. boatlift, as those are a very rare size.

#### Piling Setting Dimensions for Yacht Lifts



#### 5) Amend Side setbacks to utilize a smoothed definition instead of the complicated step function definition. Additionally apply the new definition to all property types.

The current town codes utilize a step function where the side setbacks jump at discrete intervals. For example, if a single family zoned property is 71 feet wide, the side setbacks are 25 feet on each side. Comparatively, if a single family zoned property is 69 feet wide, the side setbacks are 15 feet on each side. Additionally, there exists a different set of side setbacks for single family zoning vs multi-family zoning. Multi-family zoning has a zero foot setback.

It is recommended that the side setbacks be a smoothed function and are less for smaller properties so

as to enhance the ability to utilize the water frontage. It is also recommended that the same set of rules apply to all properties equally, regardless of zoning.

**Recommendations for Side setbacks:**

-For properties with waterline length of 100 feet or more: 10 foot side setback on either side. This setback matches surrounding towns such as Boca Raton, Hillsboro Beach, and Ocean Ridge.

-For properties with waterline length of less than 100 feet: the side setbacks are proposed to be 10% of property waterline length on either side, with a minimum setback of 5 feet, on either side.

Utilizing this framework, a 71 foot wide property would have side setbacks of 7.1 feet, and a 69 foot property would have side setbacks of 6.9 feet.

Lastly, it is recommended that the current code clarify that with measurements will be made based on the assumption that a lot line is extended beyond said property line on a line perpendicular to the seawall or bulkhead. This clarification will provide clarity when measurements are being made with properties that have lot lines that are not perpendicular to the seawall, such as pie shaped lots.

**6) Require a Ladder for every 50 feet of dock.**

This is simply a requirement in most surrounding towns and our code is silent.

**7) Strengthen existing language on the approval process of marine accessories in areas where there is a discontinuity in the waterway by acknowledging that they are a “special case” and external expertise will be utilized.**

The majority of conflicts are associated with areas where there is a discontinuity in the waterway such as an abrupt restriction in the waterway width, end of canals, or corner lots or lots that extend into a waterway. The current code is a bit nebulous around these more complicated properties, and in some cases boatlifts have previously been installed in locations where one property owner is inadvertently restricting or blocking an adjacent property owner of the ability to also install a boatlift.

This situation was discussed extensively with the Marine Consultant, and in his expert opinion, no code can be written to address every possible potential scenario within the town. His recommend course of action is to treat any property that has a small water frontage (perhaps less than 50 feet) or that has a discontinuity in the waterway as “a special case.” In these special cases, the standard procedure will be to consult with a marine expert who will make recommendations to the planning board on locations and maximum permissible sizes of marine accessories, with the intention of making sure all surrounding property owners are not having their ability to also utilize the waterway restricted. The code already allows for outside experts for review of development approval requests via Sec. 30-12. The recommended code change is simply to clarify to all parties that a consultation with a marine consultant along with a consultant recommendation to the planning board will be part of the approval process in these special cases.

The planning board can then decide what will be permitted. If a resident disagrees with the planning board’s approval, and feels that their access is being restricted as a result of a marine accessory installation, they can seek remedy through the court system.





2/11/22

Ingrid Allen  
Town Planner  
Town of Highland Beach  
3614 S. Ocean Boulevard  
Highland Beach, FL 33487

**Re:            Accessory Marine Facility Code Amendments Relative to Boat Lifts  
                 Town of Highland Beach**

Ms. Allen,

This correspondence is provided as additional discussion and opinion regarding changes to Town of Highland Beach code relative to 'Accessory Marine Structures' and specifically boat lifts as defined within sec. 30-68 of municipal code. Items are discussed relative to potential changes to specific requirements of the current code.

1. Requirement for Accessory Marine Facilities to receive Planning Board approval

The requirement that all accessory marine facilities receive planning board approval (ref. Sec. 30-68 Supplemental district regulations (g)(3)) is not a common requirement within coastal communities. Boat lifts are generally allowed with restrictions without planning board approval. Board approval is typically reserved for sites with special and unique circumstance (see item 6. below) or for variance requests from the standard provisions defined in code. The requirements for lift installation are generally defined by code in terms of limitations to the location (setback) and overall size of the structure. These limitations meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize impacts to view.

2. Requirement of setbacks for all zoning districts

Requirements for minimum setbacks for all zoning districts are a standard practice and are a key provision to meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize visual impacts. The zero-foot setback for multi-family zoning within the Town's current code is anomalous and does not provide a sufficient setback to meet the intent. Required minimum setbacks for boatlifts and docks vary considerably by jurisdiction. The nominal width of lots within a municipality are generally relevant to this provision. Areas with larger lots tend to have larger setback requirements, while areas with smaller lots have lesser setback requirements to allow for reasonable use.

### 3. Limits to waterway encroachment

Limitations to the distance structures can encroach into a waterway are a standard practice and meet the intent to allow for safe navigation and minimize impacts to adjacent properties and views. Encroachment maximum distances on the order of 25 feet (relative to the waterway edge) are fairly common, though additional restrictions for narrow waterways are also common practice. In general, a fifty-foot effective fairway width is a common design standard for residential canals.

### 4. Limitations to pile maximum height

Limitations to maximum pile height is not a common practice but does meet the intent to minimize impacts to view. This approach also addresses a related issue relative to overall vessel size. Limitations to pile height restrict the ability to lift vessels beyond a certain size which addressed both issues of view and waterway navigability. In terms of maximum height, it should be defined relative to a fixed vertical datum. Pile heights generally on the order of 12 feet (NAVD 88) (which equates to something on the order of 8 feet above dock height) meet the lifting requirements for most vessels.

### 5. Limits to seawall cap and dock width

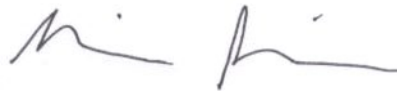
Limitations to Seawall cap and dock total width meets the intent to limit impacts to adjacent properties, waterway navigability and view. A total width of 8 feet (inclusive of the seawall cap and dock) is consistent with general practice.

6. Special and unique circumstances - Sewall discontinuities and corner lots

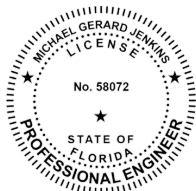
Regulation of boat lifts through minimum setbacks, size and height limitations are generally sufficient to meet the intent to minimize impacts to adjacent properties, allow for safe navigation and minimize impacts to view for waterways that are generally uniform in dimension adjacent to the regulated property. The majority of conflicts are associated with areas where there is a discontinuity in the waterway such as an abrupt restriction in the waterway width, corner lots or lots that extend into a waterway. Application of uniform code provisions to address these areas are problematic as each circumstance is unique and requires consideration of the specific current and intended use and access to the waterway. These issues are further complicated by the range of boat types, sizes and performance characteristics which may be germane to both the use and potential for impact to adjacent properties. Such instances likely warrant further consideration by the Planning Board.

Sincerely,

***Applied Technology & Management, Inc.***



Michael G. Jenkins, Ph.D., P.E.  
Coastal Engineering Principal



Michael  
G Jenkins

Digitally signed by  
Michael G Jenkins  
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