

Hi

I TALKED TO JEFFREY -  
SAID HE WAS HAVING FUN -

PLS PASS ON TO HIS NY  
ATTORNEYS THAT HAVE  
SOMEONE WORKING  
ON THIS IN PB -

HAPPY  
HOLIDAYS



MEMBERS OF PALM BEACH TOWN COUNCIL 12/27/12  
COMMENTS ON ZONING VARIANCE #42013  
JOHN F. CUNNINGHAM ABUTTER WITHIN 300'  
HEARING DATE 1/09/2013

GENTLEMEN:

GENERAL COMMENT

I RESIDE AT 353 EL BRILLO WAY, ON THE LAKE ON THE NORTH SIDE OF EL BRILLO. THIS PROPOSED VARIANCE DOES NOT IMPACT MY LAKE VIEWS NOR DOES IT IMPACT THE NAVIGATIONAL ASPECT OF MY OWN DOCK WHICH IS APPROXIMATELY 225' NORTH OF THE PROPOSED DOCK AT 319 EL VEDADO.

I DO HAVE CONCERNS ON THE AESTHETIC LOOK OF A DOCK IN THIS LOCATION, ITS IMPACT ON THE "LOOK" OF THE TARPOON COVE, ITS SIZE + SCALE AND NEGATIVE IMPACT FOR DOCKING AND NAVIGATION ON ITS ABUTTER AT 358 EL BRILLO AND 335 EL VEDADO.

TARPOON COVE WHERE THIS DOCK IS REQUESTED HAS ELEVEN HOMES ON ITS WATERFRONT AND WAS BUILT 70-80 YEARS AGO WITH THE EXCEPTION

2

OF OUR HOME BUILT IN 1989 AND NEW CONSTRUCTION UNDER WAY AT 320 ISLAND DRIVE.

IT IS A CLASSIC AND TRADITIONAL PALM BEACH AREA - IT IS NOT A "BOCA RATON" OR "FT LAUDERDALE" CANAL AREA WHERE HOUSES ARE BLOCKED BY DOCKS AND DOCKS STRETCH END TO END TO END.

THIS VARIANCE REQUEST TO SET ASIDE THE TOWN'S 25' SETBACK IS THE CLASSIC REASON WHY WE HAVE A 25' SETBACK REGULATION - IE TO PROTECT NEIGHBORS VIEWS AND BOATING SAFETY. THE GRANTING OF THIS EASEMENT WOULD CREATE 180' OF LINEAR DOCK SPACE - WITHIN 250' OF LINEAR SEAWALL - A CLASSIC "BOCA RATON" OR FT LAUDERDALE LOOK.

② GENERAL BOAT MOVEMENT/NAVIGATIONAL ISSUES

THERE CURRENTLY A 36' HINKLEY PICNIC BOAT DOCKED AT 335 EL VEDADO AND ALTHOUGH THERE IS CURRENTLY NO LIFT ON THE 112' DOCK AT 358 EL BRILLO, A LIFT WAS PERMITTED IN THE PAST WHICH WOULD FURTHER COMPLICATE DOCKING

3

IN A CONGESTED BOAT AREA.

358 EL BRILLO FREQUENTLY HAS VISITING BOATS OF 23-25' LENGTH AT THEIR DOCK. AS OUTLINED IN APPENDIX (A) THIS, AS PROPOSED, IS A VERY CROWDED DOCK SITUATION, - ALMOST INACCESSIBLE TO A NEW DOCK AT 319 EL VEDADO.

358 EL VEDADO COULD NO LONGER MOVE ITS BOAT THROUGH ITS LIFT IN AN EMERGENCY SITUATION WITHOUT STRIKING THE PROPOSED NEW DOCK OR LIFT OR BOAT.

### THE REQUESTED DOCK ITSELF

THE 319 EL VEDADO 50' OF LAKEFRONT IS EXTREMELY SMALL TO SUPPORT A LARGE 30' X 6' DOCK WHICH IS NORMAL FOUND ON A LARGE PROPERTY WITH 150' OF FRONTAGE.

THE WATER DEPTH AT MEAN LOW TIDE AT THIS DOCK IS ONLY 18" TO 20" AND THE DOCK AREA IS IN A SHALLOW PORTION OF THE COVE WHERE SILT CONTINUES TO BUILD UP PARTLY DUE TO THE NEW PUMPING STATION AT THE END OF EL BRILLO WAY

4.

THE DOCK PLANS ON THE REQUESTED VARIANCE DO NOT SHOW THE WATER SIDE ELEVATION WHERE A 7' RETAINING WALL SITS ON TOP OF THE 4' SEAWALL AND RETAINS THE REAR GRADE LEVEL APPX 10' ABOVE ML WATER LEVEL - ONLY 18' OF THE 50' WATER FRONT ON THE WEST SIDE HAS A FINISHED GRADE CLOSE TO SEAWALL HEIGHT. A LARGE SPECIMAN FIGUS/BANYAN TREE WOULD NEED TO BE REMOVED TO CREATE STEPS DOWN FROM THE HOUSE FIRST FLOOR LEVEL TO DOCK LEVEL.

IF THERE IS A BOAT LIFT EVER ANTICIPATED AS MOST PALM BEACH DOCKS REQUIRE, THIS WOULD EXTEND THE DOCK/LIFT 14'-16' INTO THE LAKE FURTHER MITIGATING DOCKAGE AND RESTRICTING VIEWS FROM 358 EL BRILLO TO THE WEST.

(AS AN ASIDE BECAUSE OF THE SEVERE GRADE ISSUES, LANDSCAPE, STAIR, TREE REMOVAL IT SURPRISES ME THAT THIS HAS NOT HAD ARCOM REVIEW FOR A DETAILED REVIEW AND FULL ELEVATIONS)

#### SUMMARY

MY PERSONAL CONCERN ON THIS VARIANCE

5.

IS THE PRESIDENT SETTING OF AN APPROVAL WARE ON OTHER SHORT FRONTAGE PROPERTIES - WHICH WILL TRY TO GET A DOCK AND WE END UP WITH A BOCA, FT LAUDER DALE LOOK. THERE ARE TWO HERE IN TARPON COUP, ONE AT END OF JUNGLER D

### VARIANCE REPORT COMMENTS BY SECTION

#### PAGE 2 PART III

THIS APPLICATION SHOULD CONTAIN A FULL SITE PLAN REVIEW BECAUSE IT CAUSES CHANGES AND IMPACT TO CURRENT ARCOM APPROVED LANDSCAPE PLANS, TREE REMOVAL, NEW STEPS (15) DOWN 10' FROM FINISHED GRADE TO DOCK.

#### PAGE 3 SECTION B

1 - I WOULD NOT CONCUR. THIS DOCK DOES INTERFERE WITH ADJACENT NEIGHBORS USE AND ENJOYMENT OF THEIR DOCKS AND IMPACTS THE VIEW OF 358 EL BRILLO WAY. ALTHOUGH NAVIGATION WILL NOT BE HARMED IN THE INTERCOSMIAL ITSELF, IT WILL BE IN THIS DOCKING AREA.

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2. I DO NOT BELIEVE THAT FLORIDA DEPT OF ENVIRONMENTAL PROTECTION AND ARMY CORP OF ENGINEERS HAVE APPROVAL RIGHTS IN PALM BEACH FOR DOCKAGE - THEY MIGHT HAVE DISAPPROVAL BUT THEIR OPINION IS ONLY CONSIDERED BUT NOT FINAL.

### EXHIBIT D.

#### SECTION 1 PART 3

358 E/ BULLO IS THE PROPERTY WITH PRIMARY INFINGEMENT OF VIEWING LINES AND BOAT NAVIGATION

#### SECTION 3 PART 1

THIS IS NOT "UNIQUE" TO PALM BEACH JANE SMITH PROPERTY ON ISLAND DRIVE IS SIMILAR WITH NO DOCK. I KNOW OF NO 30' X 6' DOCKS APPROVED IN THE LAST 50 YEARS WITH ONLY 50' OF FRONTAGE ON THE LAKE

PLEASE IDENTIFY "SIMILARLY SITUATED PROPERTY OWNERS IN SAME ZONING DISTRICT" THAT WERE ABLE TO CONSTRUCT SIMILAR DOCKS

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## SECTION 5

PART 2

DO NOT CONCURE

A 6' X 30' size is NOT MINIMUMS  
REQUIRED. I HAVE A 48" X 30'  
DOCK AND WORKS FINE. THARPON  
ISLAND HAS A 5' X 15' DOCK AND  
SEEMS TO WORK FINE

## SECTION 6

PART 1 - THIS VARIANCE WILL

ADVERSELY AFFECT APPLICANTS

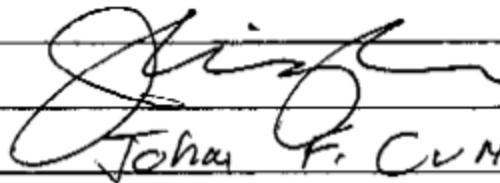
NEIGHBORS VIEWS AND CURRENT USE  
OF THEIR DOCKS. I WILL INTERFERE  
WITH DOCKING EASE OF ALL THREE  
DOCKS

PART 3

DOCKING A VESSEL WILL INTERFERE  
WITH USE AND ENJOYMENT OF  
NEIGHBORING DOCKS, BOAT TRAFFIC  
AND PREEMPTORY VIEWING RIGHTS  
OF 358 EL BRILLO

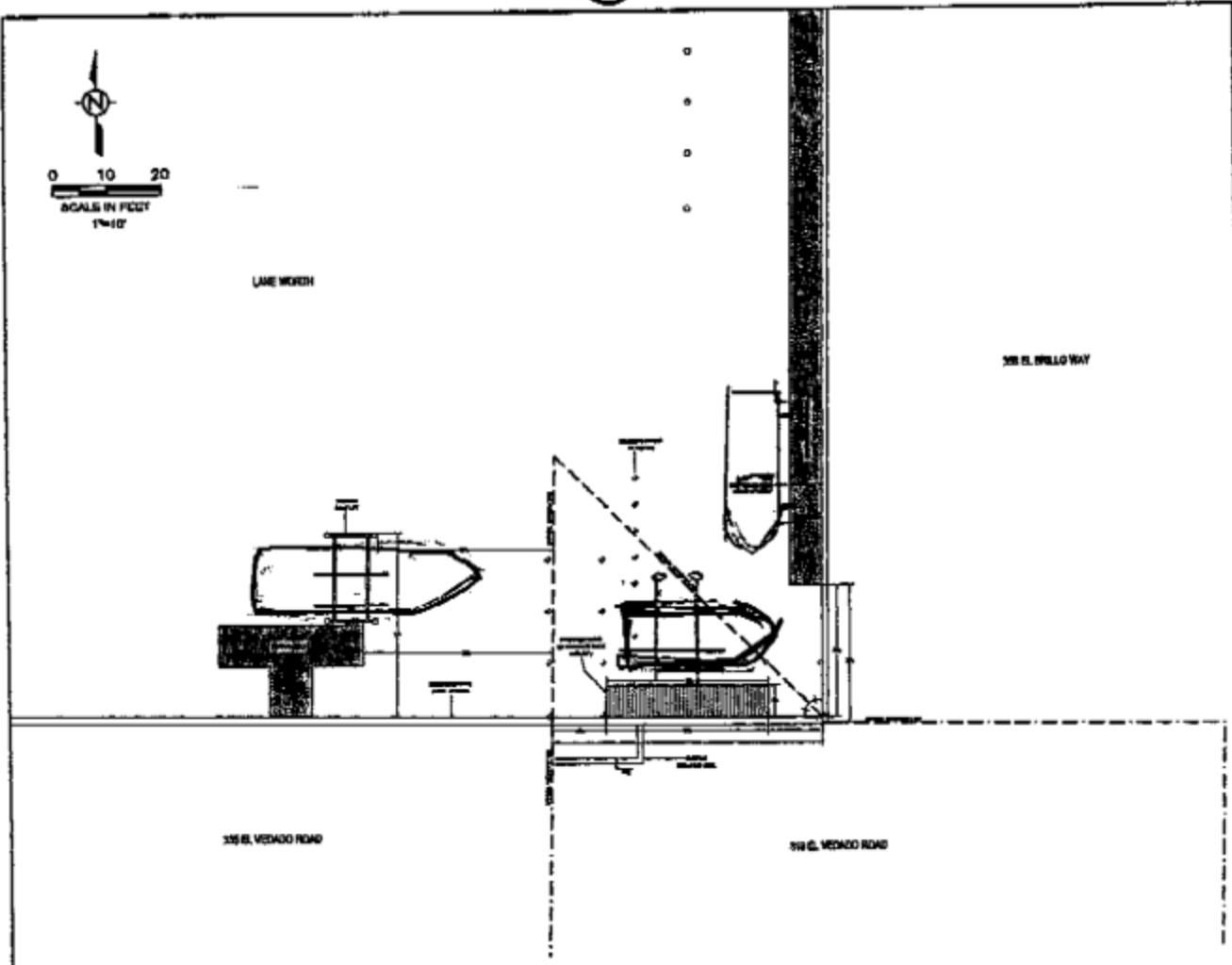
SUBMITTED

12/28/12

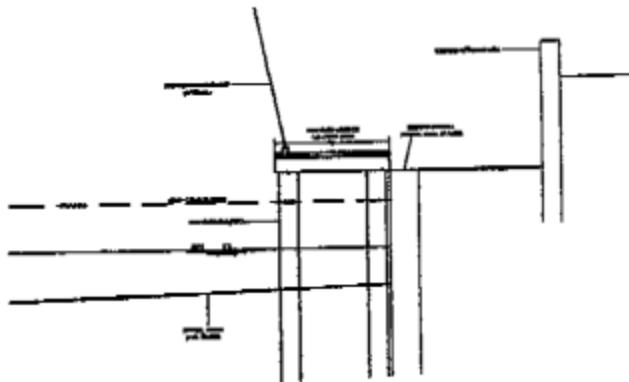


John F. CUNNINGHAM

# EXHIBIT (A)



**SECTION A-A**  
 0 3 6  
 SCALE IN FEET  
 1"=6'



- NOTES**
1. DATUM IS PALM, NAVY - 4.25' HIGHER FROM LAME WORTH
  2. EXISTING LEGS FROM AND APPROXIMATE SPACING OF ON-SITE FIELD WORK, CONDUCTED BY J. AND JEFF REINA, FROM P&C.
  3. ALL WORKS BY SEASIDE & STRAIN ENGINEERING, INC. FIELD WORK CONDUCTED 2012 AND 2011. DIMENSIONS INCLUDE TO MARK SHOWN ON PREVIOUS TOWNS ONLY.

Matthew D. Butler, P.E.  
 License No. 74039 Electronic  
 signature and seal pursuant

**PLAN AND SECTION VIEW**  
 ENGINEERING & SYSTEMS  
 ENGINEERING, INC.  
 318 EL VEDADO ROAD  
 PALM BEACH, FLORIDA 33480  
 (561) 655-1111  
 www.mdsystems-engineering.com

PROPOSED SHIP FAMILY DOCK  
 LAME WORTH  
 318 EL VEDADO ROAD  
 TOWN OF PALM BEACH, PALM BEACH COUNTY, FL  
 OWNER: VIOBBA MORTARA, VARIANCE 04-2012