

3002 SCENIC DR BOAT DOCK REPLACEMENT

Permit/Case: 2020-000042 BA

Applicant: Rick Rasberry

Homeowner: Meredith Dreiss (available to answer questions by phone)

Description: Remove the existing non-compliant dock and replace a with compliant dock per the same and congruent previous City authorizations, as allowed for, in the approved and released Site Plan Permit SP-01-0251D

We feel that it is worth mentioning again that the current owner acquired the property with a belief that the dock was compliant and conforming with City rules. LDC Chapter 25-2-893 provides for a dock as an accessory use to a principal residence, and site plan SP-01-0251D permitted a 22'X30' dock on the site.

As we have discussed previously, the existing dock is substantially non-compliant and the current owner has taken exceptional actions to propose a conforming replacement design that would utilize the existing steel pilings on land. Eliminating piling removal/replacement on land would undoubtedly be the most environmentally protective approach for the site plan dock replacement work.

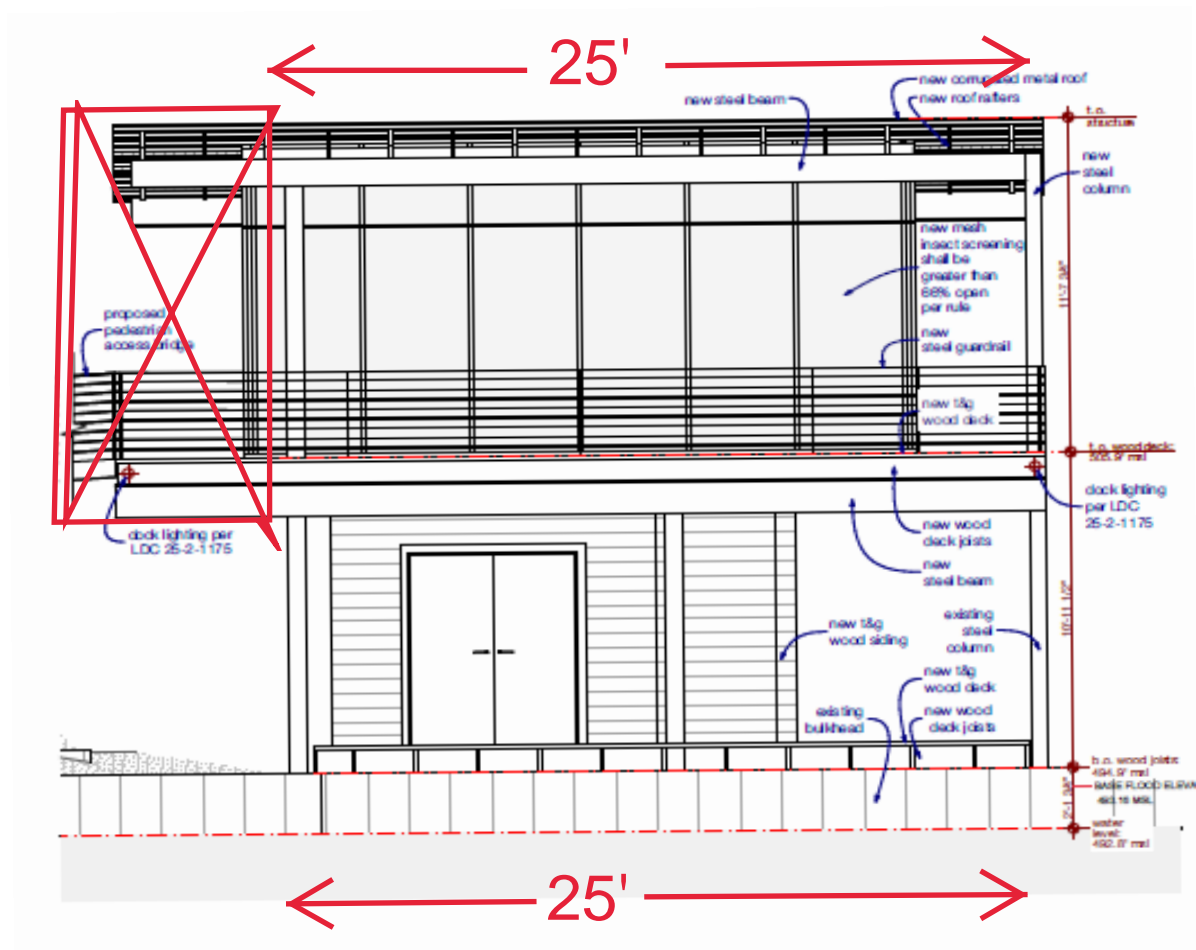
City staff have maintained that the proposed 22'X30' dock would not qualify for replacement under the "Site Plan Remove and Replacement" rules enumerated in LDC Chapter 25-5 since it would have to be "totally demolished." It is our interpretation that the replacement rules, do in fact, allow for a person to develop or use the land for a dock with the same conditions as approved and released by the city on April 18, 2002. We do not find where the LDC Chapter 25-5, Site Plan Remove and Replacement Rules, prohibits demolition with any proposed site plan replacement work. The proposed work to "replace" the dock does not include "total demolition" as the existing structural pilings would remain in congruence per the City's April 18, 2002 approval provided in SP-01-0251D.

Regarding any hardship findings, we believe that denial of the proposed replacement dock could result in an increased risk of environmental harm and/or hardship to the land/waterway, since any revised major dock designs would necessitate removing and replacing the structural pilings. Any increased disturbance to the shoreline and areas near critical environmental features presents a greater risk of harm/hardship to water quality and the environment. We believe there are also a number of economic and personal hardships that the owner is confronting since the reliance interest, the 22'X30' footprint of accessory dock for which the owner decided their property affairs, and acquired at the time of purchase of the legal lot is now being denied; or that the dock footprint must be reduced.

We would respectfully request that the Board consider all the findings and approve the 22'X30' replacement dock as presented. We are available to answer any questions, thank you.

E-1/2-PRESENTATION

3002 SCENIC DRIVE DOCK



- * Minimum 25' of the shoreline frontage necessary to utilize existing pilings on land.
- * Prevent any environmental hardship by minimizing the overall disturbance to the land and critical environmental features.