

ITEM V

MEMORANDUM MF NO. 14-10

DATE: June 10, 2014
TO: Marine Advisory Board
FROM: Andrew Cuba, Manager of Marine Facilities
RE: July 15, 2014 MAB - Dock Waiver of Distance Limitations
-John C..Jr. & Cheryl J. Gorman / 720 NE 20th Avenue

Attached for your review is an application from John C. Jr. & Cheryl J. Gorman/ 720 NE 20th Avenue (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicants are requesting approval for the lateral relocation of 2 of 3 existing triple pile clusters, the installation of a 10' extension to an existing finger pier, and the installation of three (3) triple-pile clusters extending a maximum of 125' from the property line into the Middle River. The distances currently requiring a waiver are based upon those previously granted via Resolution No. 13-77 included within **Exhibit 1**. The distances these structures extend from the property line into the Middle River is shown in the survey in **Exhibit 1** and summarized in **Table 1** below:

TABLE 1

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE BEYOND EXISTING 80.0' WAIVER	DISTANCE REQUIRING WAIVER
Triple Pile Cluster #1	+/-125.0'	80'	+/-45.0'	+/-45.0'
Triple Pile Cluster #2	+/-125.0'	80'	+/-45.0'	+/-45.0'
Triple Pile Cluster #3	+/-125.0'	80'	+/-45.0'	+/-45.0'
10' Finger Pier Extension	+/-52'	42'	-	+/-10'

ULDR Sections 47-19.3 C. & D. limits the maximum distance of finger piers to 25 feet, or 25%, whichever is less, and dolphin/mooring pilings to 25 feet, or 30% of the width of the waterway, whichever is less. Section 47.19.3.E authorizes the City Commission to waive this limitation based upon a finding of extraordinary circumstances. The applicant has

indicated that the piling clusters are necessary for safely mooring existing vessels as well as the extraordinary width of the waterway at this location.

PROPERTY LOCATION AND ZONING

The property is located within the RS-8 Residential Single Family/Low Density District Zoning District. It is situated on the Middle River where the width of the waterway to the closest structure or vessel is +/- 750 feet, and where the closest distance from the outermost proposed piling cluster to the 30% line is +/- 161.3 feet, according to the Summary Description and marine survey provided in **Exhibit 1**.

DOCK PLAN AND BOATING SAFETY

Marine Facilities records reflect that there have been 12 waivers of docking distance limitations approved by the City Commission since 1983. A comparison of these as shown in **Table 2** including the maximum distances of all mooring structures extending into the New River follows:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
March 1983	834 N.E. 20 th Avenue	Pilings – 45'
April 1983	714 N.E. 20 th Avenue	Pilings – 45' Piers – 37'
July 1985	808 N.E. 20 th Avenue	Pilings – 48' Piers – 38'
January 1990	840 N.E. 20 th Avenue	Pilings – 48' Pier – 48'
September 1992	738 N.E. 20 th Avenue	Pilings – 75' Pier – 39'
November 2007	810 N.E. 20 th Avenue	Pilings – 68' Piers – 73'
January 2008	852 N.E. 20 th Avenue	Pilings – 86' Pier – 49'
October 2008	714 N.E. 20 th Avenue	Pier – 108'
November 2012	810 N.E. 20 th Avenue	Pilings- 124.4'
May 2013	720 N.E. 20 th Avenue	Pilings-80' Pier-42'
May 2013	816 N.E. 20 th Avenue	Pilings-112.4'
March 2014	704 N.E. 20 th Avenue	Pilings – 125'

RECOMMENDATIONS

Should the Marine Advisory Board consider approval of the application, the Resolution under consideration by the City Commission should include at least the following as prescribed in the ULDR and City Code of Ordinances:

1. The applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers.
2. As a general condition of approval and in order to review for final consistency with construction of facilities in accord with this application and City building permits the applicant is required to provide the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor.

AC
Attachment

cc: Carl Williams, Deputy Director of Parks and Recreation
Jon Luscomb, Supervisor of Marine Facilities

EXHIBIT I
APPLICATION FOR WATERWAY WAIVER

CITY OF FORT LAUDERDALE
MARINE FACILITIES
APPLICATION FOR WATERWAY PERMITS, WAIVERS AND LICENSES

Any agreement with the City of Fort Lauderdale and other parties, such as, but not limited to, licenses, permits and approvals involving municipal docking facilities or private uses in the waterways as regulated by Section 8 of the City Code of Ordinances or Section 47-19.3 of the City's Urban Land Development Regulations, shall be preceded by the execution and filing of the following application form available at the Office of the Supervisor of Marine Facilities. The completed application must be presented with the applicable processing fee paid before the agreement is prepared or the application processed for formal consideration (see City of Fort Lauderdale Code Section 2-157). If legal publication is necessary, the applicant agrees to pay the cost of such publication in addition to the application fee.

APPLICATION FORM
(Must be in Typewritten Form Only)

1. LEGAL NAME OF APPLICANT - (If corporation, name and titles of officers as well as exact name of corporation. If individuals doing business under a fictitious name, correct names of individuals, not fictitious names, must be used. If individuals owning the property as a private residence, the name of each individual as listed on the recorded warranty deed):

NAME: John C. Gorman Jr., and Cheryl J. Gorman

TELEPHONE NO: (954) 525-1623 (home) (954) 764-8988 (business) FAX NO. (954) 764-3069

2. APPLICANT'S ADDRESS (if different than the site address): 720 NE 20th Avenue, Fort Lauderdale Florida 33304

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: The applicant requests a waiver for the proposed installation of three (3) triple-pile clusters beyond 25 feet from the property line.

SITE ADDRESS: 720 NE 20th Avenue, Fort Lauderdale Florida 33304

4. ZONING: RS-8

LEGAL DESCRIPTION: VICTORIA HIGHLANDS AMD PLAT 15-9 B PT OF BLK 1 F/P/A LOT 7 S 15.8, 9 N1/2 BLK 1 VICTORIA HIGHLANDS

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications). Warranty Deed, Project Plans, Site Photographs, Survey, Aerial Exhibit

Applicant's Signature [Signature] Date 5/20/14

The sum of \$ [blank] was paid by the above-named applicant on the [blank] of [blank], 2014 Received by: [blank]

City of Fort Lauderdale
For Official City Use Only

Marine Advisory Board Action Commission Action
Formal Action taken on [blank] Formal Action taken on [blank]

Recommendation [blank]
Action [blank]

EXHIBIT II
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**EXHIBIT III
WARRANTY DEED**

104.545.46

91219354

2225.00
Notary Public for Broward County
Florida
L. A. Hester

WARRANTY DEED

Grantee Social Security No.: John C. Gorman Jr. [redacted] and Cheryl J. Gorman, [redacted]

THIS INDENTURE, made this 21 day of May, 1991, between SUZANNE RIVAS, a single woman, County of Broward, State of Florida, grantor, and JOHN C. GORMAN JR., and CHERYL J. GORMAN, his wife, whose post office address is 720 Northeast 20th Avenue, Fort Lauderdale, Florida, 33301, grantee,

WITNESSETH that said grantor, for and in consideration of the sum of TEN & 00/100 (\$10.00) dollars, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Broward County, Florida, to-wit:

The South 15 feet of Lot 7, all of Lot 8, and the North one-half of Lot 9, in Block 1 of VICTORIA HIGHLANDS, according to the plat thereof, recorded in Plat Book 9, Page 47 of the Public Records of Broward County, Florida; said lands situate lying and being in Broward County, Florida.

SUBJECT TO taxes for the calendar year 1991 and all subsequent years;

SUBJECT TO all easements, restrictions and reservations of record;

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

"Grantor" and "Grantee" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
WITNESS
[Signature]
WITNESS

[Signature]
SUZANNE RIVAS

STATE OF FLORIDA :
COUNTY OF BROWARD :

RECORDED IN THE OFFICIAL RECORDS BOOK
OF BROWARD COUNTY, FLORIDA
L. A. HESTER
COUNTY ADMINISTRATOR

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared SUZANNE RIVAS, a single woman, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 21 day of MAY, 1991.

My Commission Expires:

[Signature]
NOTARY PUBLIC

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. NOV. 1, 1993
BONDED THRU GENERAL INS. UND.

This Instrument Prepared By: James Suglio, Esquire, 3015 North Ocean Blvd., Ste. 112A, Ft. Lauderdale, FL 33308. (305) 561-2118

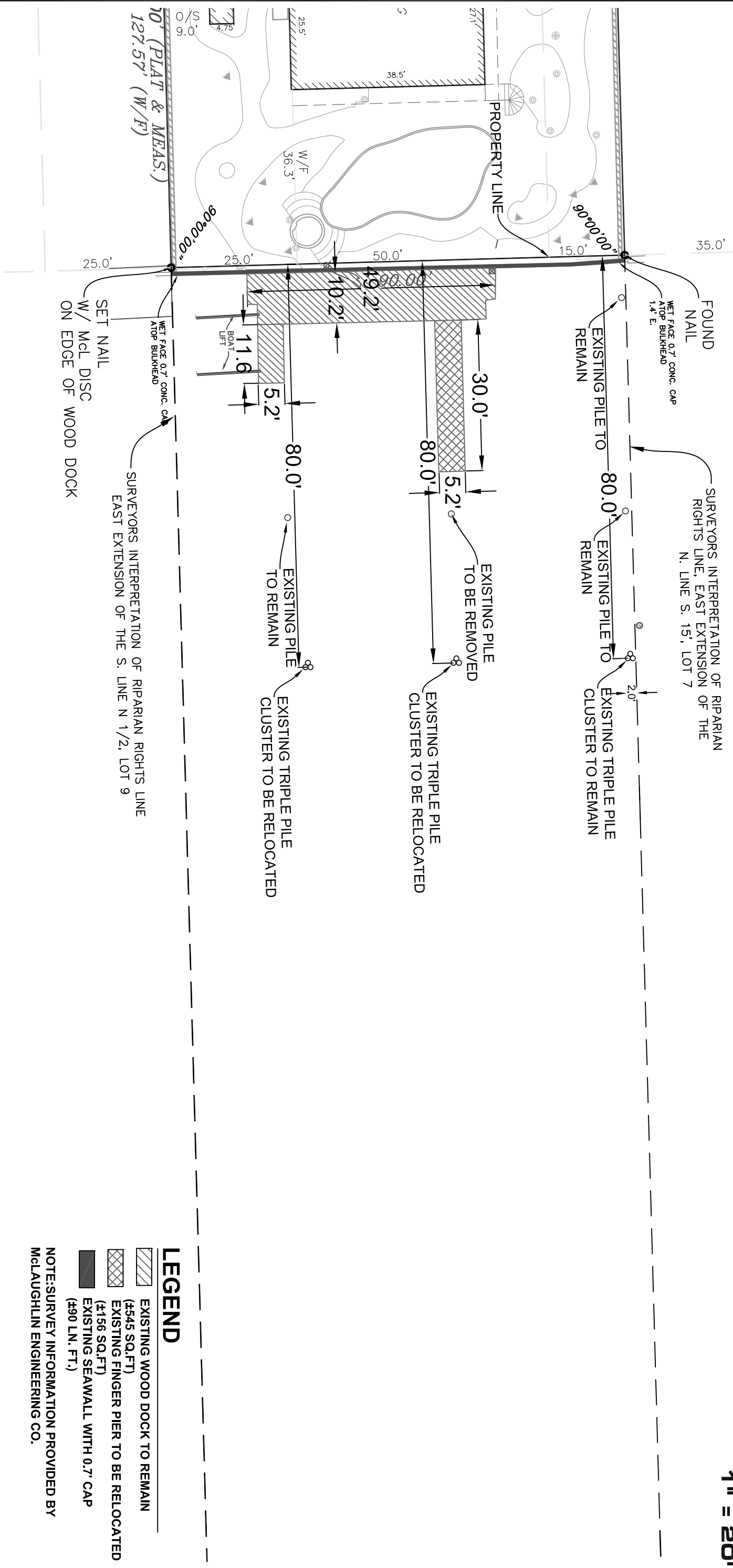
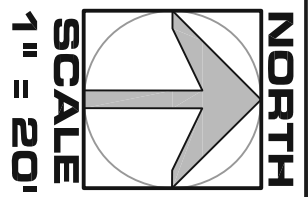
→ Return to MARK J LABAREE Esq DO

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**EXHIBIT IV
PROJECT PLANS**



LEGEND

- EXISTING WOOD DOCK TO REMAIN
(#545 SQ.FT)
- EXISTING FINGER PIER TO BE RELOCATED
(#156 SQ.FT)
- EXISTING SEAWALL WITH 0.7' CAP
(#90 LN. FT.)

NOTE: SURVEY INFORMATION PROVIDED BY
McLAUGHLIN ENGINEERING CO.

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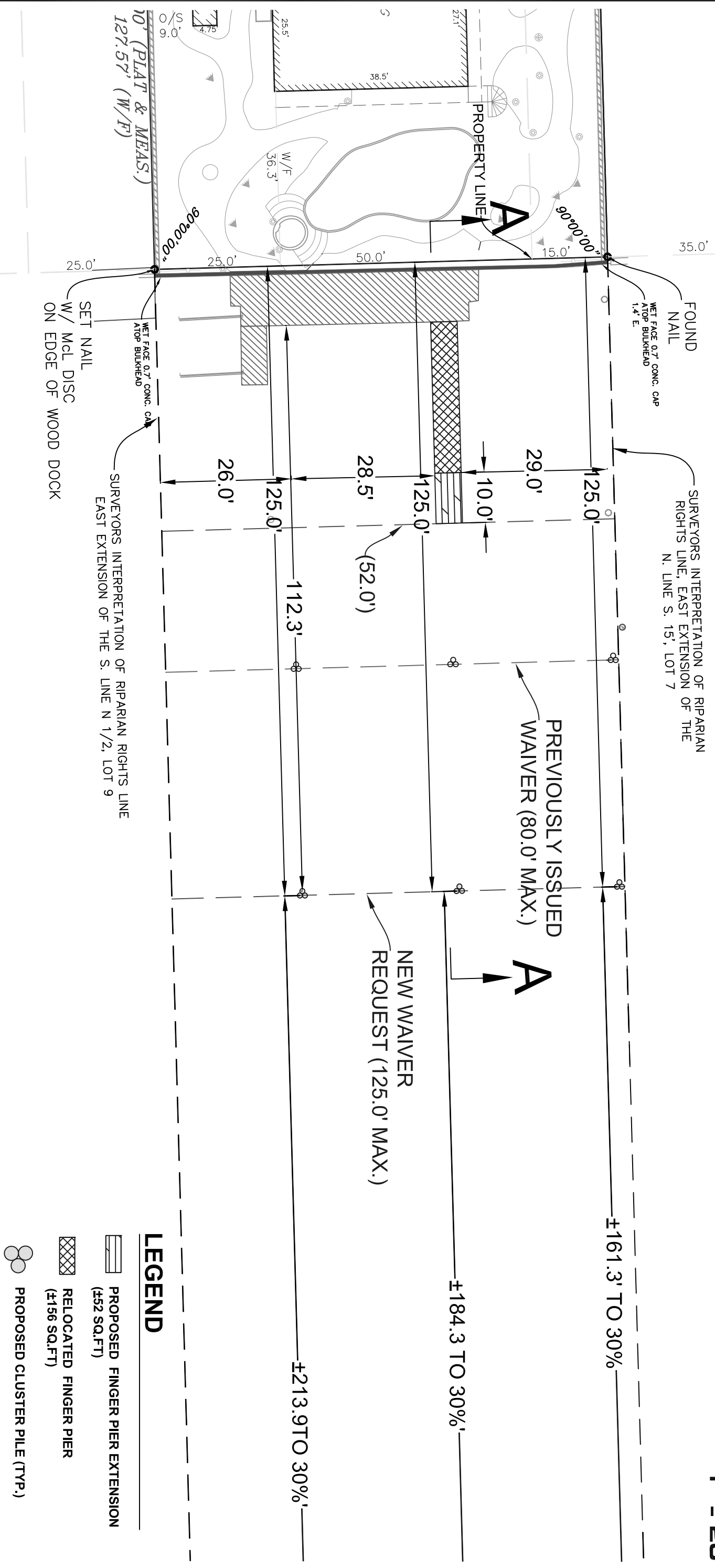
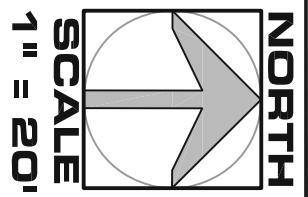
714 East McLab Road
Pompano Beach, Florida 33060
Tel: 954.782.1908
Fax: 954.782.1108
www.thechappellgroup.com




- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- TSE Species Surveys
- Phase I ESAs

720 NE 20TH AVENUE

PREPARED FOR:
JOHN GORMAN

EXISTING CONDITIONS		of:	
Date:	5/23/14	Sheet:	1
Proj No.:	13-0089		3



- LEGEND**
-  PROPOSED FINGER PIER EXTENSION (#52 SQ.FT)
 -  RELOCATED FINGER PIER (#156 SQ.FT)
 -  PROPOSED CLUSTER PILE (TYP.)

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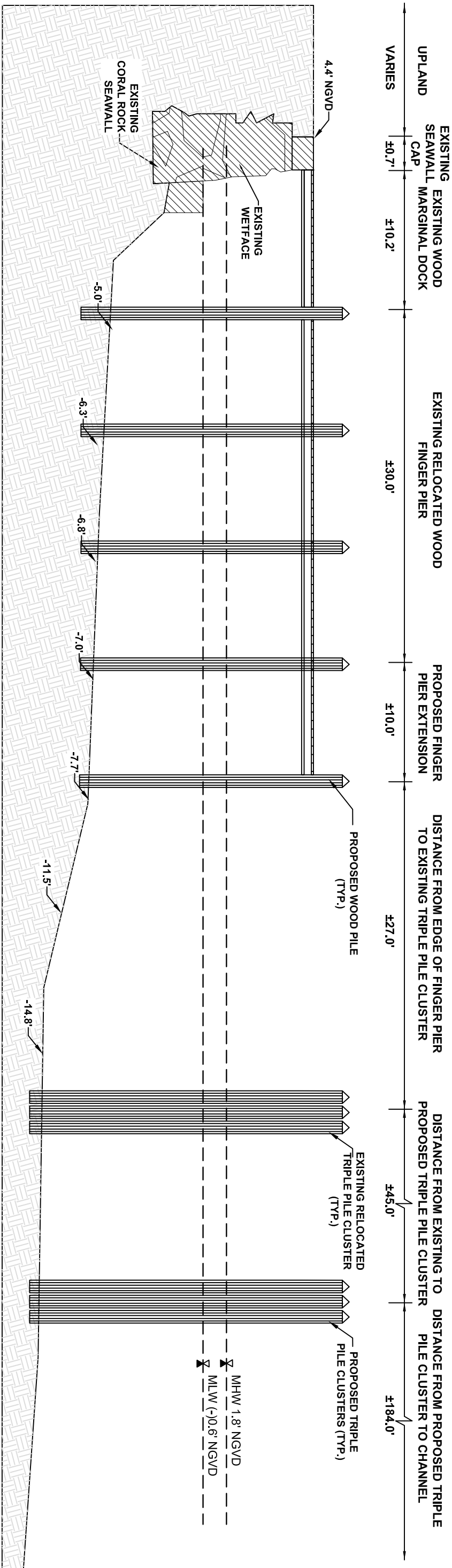
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720 NE 20TH AVENUE

PREPARED FOR:
JOHN GORMAN

PROPOSED CONDITIONS	
Date: 5/23/14	Sheet: 2 of 3
Proj No.: 13-0089	



SECTION A-A
PROPOSED CONDITIONS

N.T.S.

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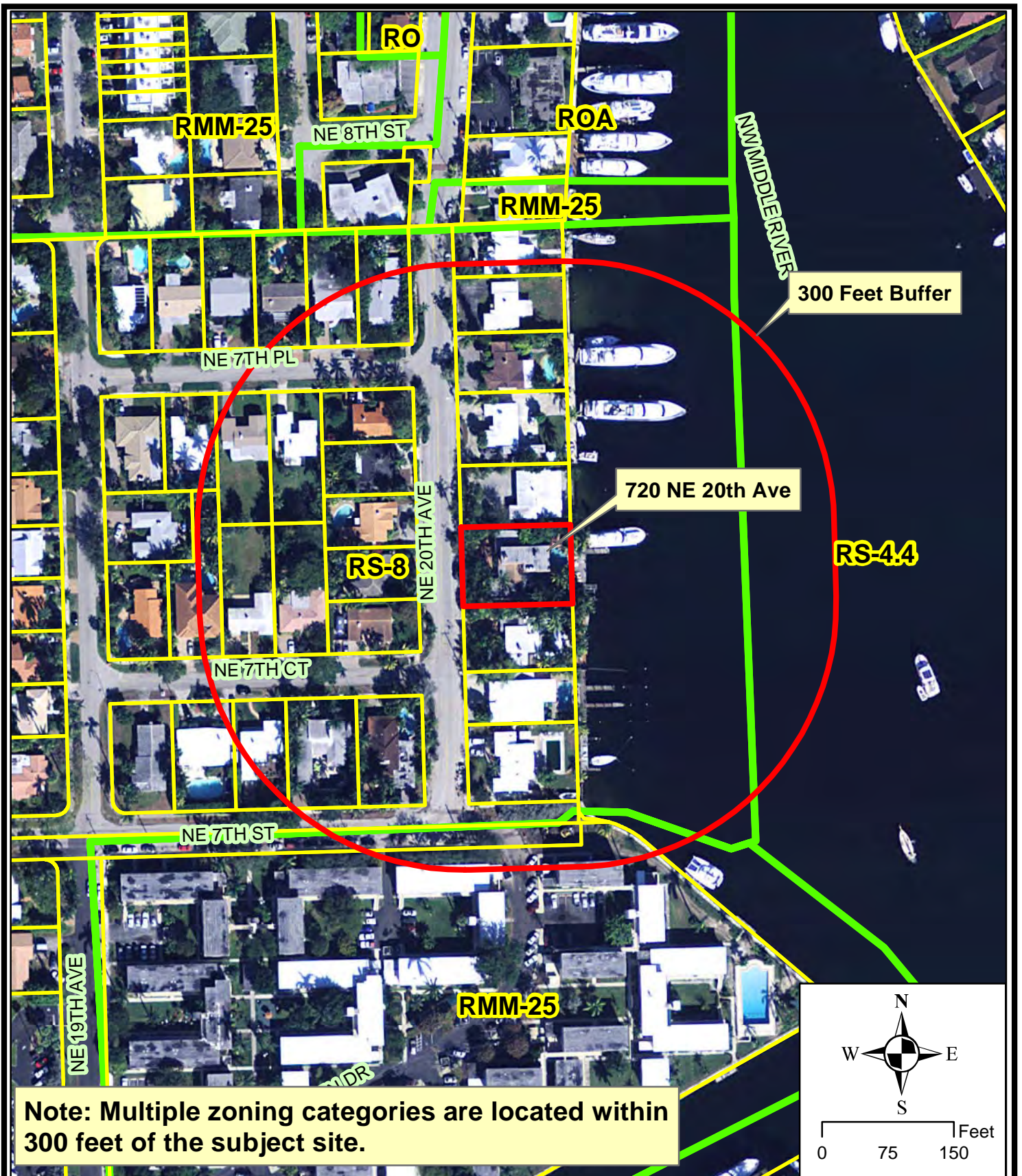
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720 NE 20TH AVENUE

PREPARED FOR:
JOHN GORMAN

SECTIONS	
Date: 5/23/14	Sheet: 3 of: 3
Proj No.: 13-0089	

**EXHIBIT V
ZONING AERIAL**



720 NE 20th Ave



**EXHIBIT VI
SUMMARY DESCRIPTION**

Summary Description
720 NE 20th Avenue
TCG Project No. 13-0089

The project site is located along the Middle River at 720 NE 20th Avenue, in Section 02, Township 50, Range 42, in the City of Ft. Lauderdale, Broward County, Florida

The property is located along the Middle River, which are tidal waters. The nearest direct connection to the Atlantic Ocean is 2.7 miles to the south at Port Everglades. As the project site is located along the Middle River, the incoming tidal waters (flood) at the site move to the north and the outgoing waters (ebb) move to the south.

The subject site currently consists of an existing dock and three (3) triple-piles, which were previously issued a resolution (13-77) for structures at a maximum of 80' into the Middle River. The proposed project consists of the lateral relocation of 2 of 3 the existing triple pile clusters, the installation of a 10' extension to the existing finger pier, and the installation of three (3) triple-pile clusters 125' into the Middle River. As measured from the property line, the proposed 10' pier extension and triple pile clusters encroach more than 25' from the property line into the Middle River. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed triple pile clusters will require a variance waiver.

The following four (4) matters provide justification for this waiver request:

1. All boat slips and structures will not exceed 30% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location to the closest structure or vessel ($\pm 750'$), the proposed project will not impede navigation within the Middle River.
3. The additional piles are necessary for safely mooring existing vessels, especially during high wind events and severe weather.
4. The proposed slips are consistent with the adjacent waivers.

If this waiver is approved, the applicant will comply with all necessary construction requirements stated in Section 47-19.3 (C)(D)(E).

Previous Waiver:

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Relocated Finger Pier	42'	25'	17'
Relocated Single Pile	51'	25'	26'
Three Triple Cluster Piles	80'	25'	55'

Proposed Waiver:

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE BEYOND EXISTING 80.0' WAIVER	DISTANCE REQUIRING NEW WAIVER
Triple Pile Cluster #1	±125.0'	80'	±45.0'	±45.0'
Triple Pile Cluster #2	±125.0'	80'	±45.0'	±45.0'
Triple Pile Cluster #3	±125.0'	80'	±45.0'	±45.0'
10' Finger Pier Extension	±52'	42'	-	±10.0'

**EXHIBIT VII
SITE PHOTOGRAPHS**



1. Northern corner of the subject site, facing south. Note existing marginal dock and finger pier.



2. Northern corner of the subject site, facing east. Note existing mooring piles.



3. Northern corner of the subject site, facing north. Note existing mooring piles



4. Southern corner of subject site, facing north.



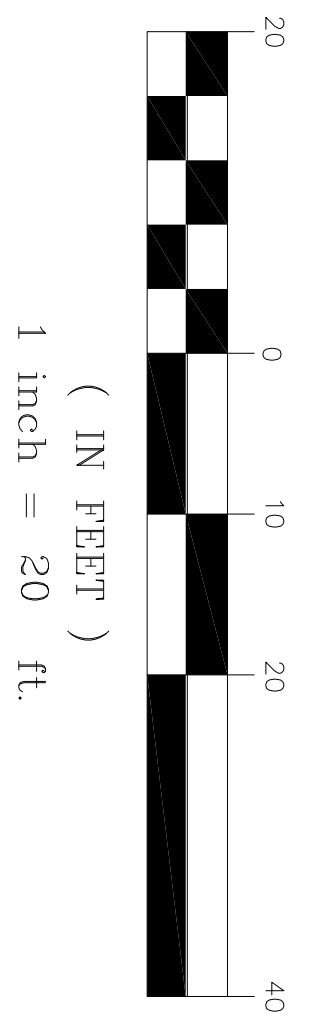
5. Southern corner of subject site, facing east.



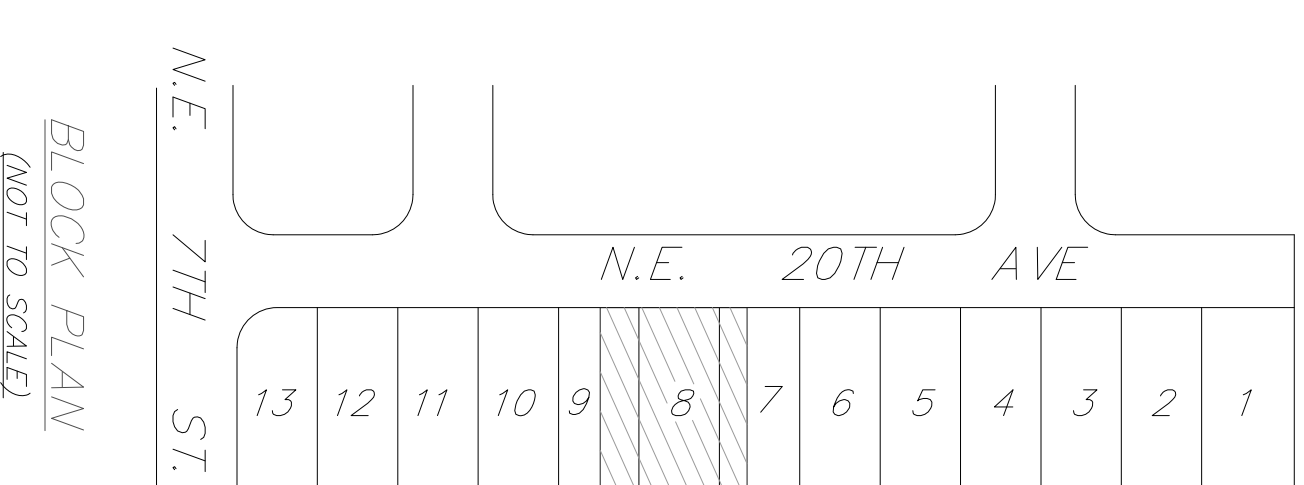
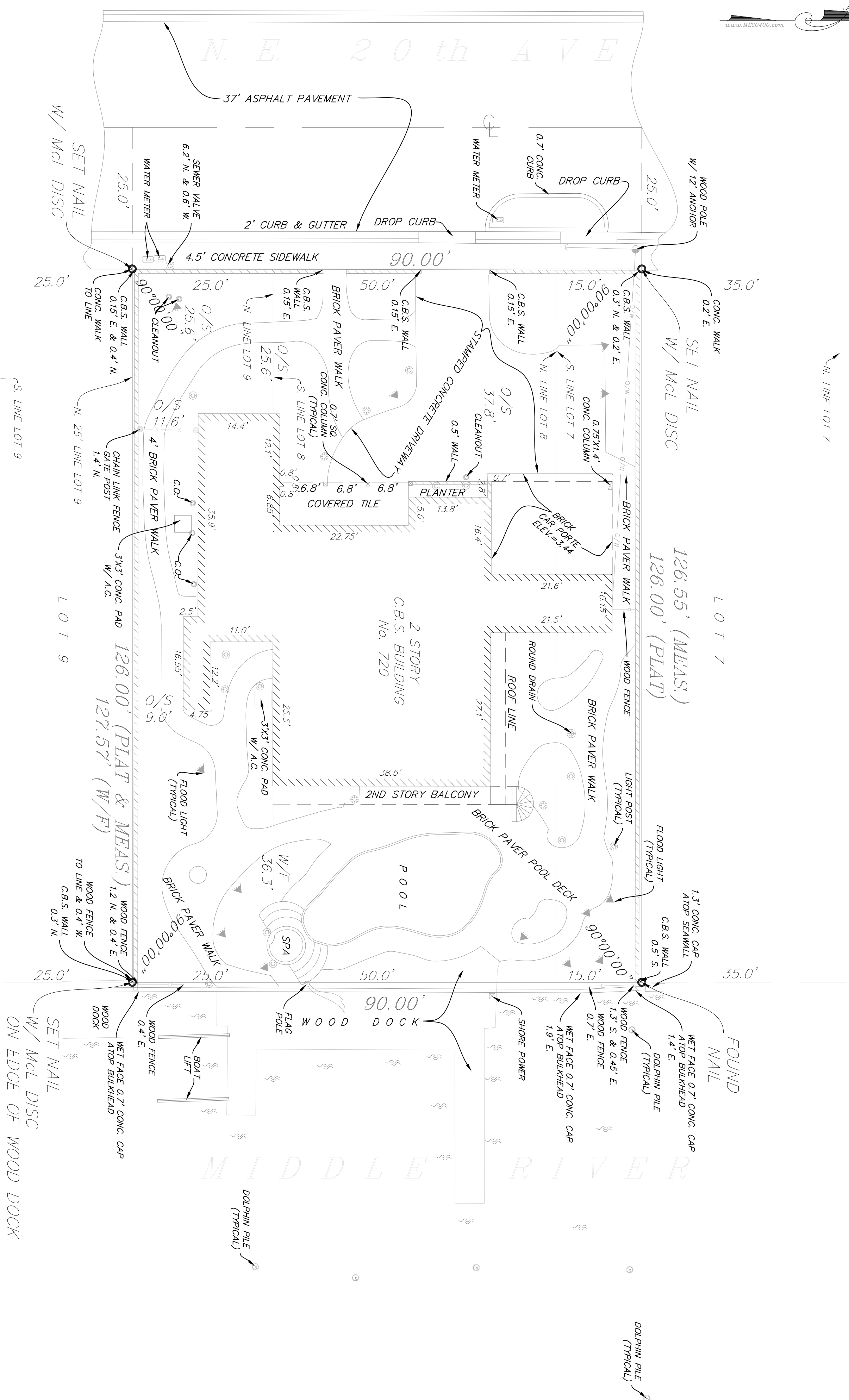
6. Southern corner of subject site, facing south

**EXHIBIT VIII
ORIGINAL SURVEY**

GRAPHIC SCALE



RECORD LAND SURVEY
the South 15 feet of Lot 7, all of Lot 8, and the North half of Lot 9, Block 1, Victoria Highlands P.B. 9, Pg. 47, B.C.R.



LEGAL DESCRIPTION:
 The South 15 feet of Lot 7, all of Lot 8, and the North half of Lot 9, Block 1, VICTORIA HIGHLANDS, according to the plat thereof, as recorded in Plat Book 9, Page 47, of the public records of Broward County, Florida.
 Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 11,340 square feet or 0.2603 acres, more or less.

CERTIFICATION:

We hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Professional Land Surveyors in Chapter 61C17-6 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 25th day of June, 2009.

McLAUGHLIN ENGINEERING CO.

Carl E. Albrektsen
 Registered Land Surveyor No. 4185
 State of Florida

NOTES:

- 1) This survey reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements, road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Underground improvements if any not located.
- 3) This drawing is not valid unless sealed with an embossed surveyor's seal.
- 4) Boundary survey information does not infer Title or Ownership.
- 5) All iron rods 5/8", unless otherwise noted.

LEGEND

- A = CENTRAL ANGLE (DELTA)
 R = RADIUS
 A OR R = ARC LENGTH
 CH.BRG. = CHORD BEARING
 TAN.BRG. = TANGENT BEARING
 P.O.B. = POINT OF BEGINNING
 P.M.I. = PERMANENT REFERENCE MONUMENT
 W/MCL.CAP = WITH McLAUGHLIN ENGINEERING CO. CAP
 CONC. = CONCRETE
 C.B.S. = CONCRETE, BLOCK AND STUCCO
 I.C.V. = IRRIGATION CONTROL VALVE
 W.M. = WATER METER
 B.F.P. = BACK FLOW PREVENTOR
 W/F = MET FACE OF CAP ATOP BULKHEAD
- ELEV. = ELEVATION
 O/S = ORISEL
 A/G = AIR CONDITIONING
 F.P.R. = FLOOR POWER AND LIGHT CO.
 S.B.T. = SOUTHERN BELL TELEPHONE
 B.C.R. = BROWARD COUNTY RECORDS
 D.C.R. = DADE COUNTY RECORDS
 P.B.R. = PALM BEACH COUNTY RECORDS
 O.R. = OFFICIAL RECORDS BOOK
 P.G. = PAGE
 R/W = RIGHT-OF-WAY
 C.O. = CLEAN OUT
 C.L.F. = CHAIN LINK FENCE

"NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL"

**EXHIBIT IX
DISTANCE EXHIBIT**



LEGEND

PROPOSED CLUSTER PILE (TYP.)

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- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- TSE Species Surveys
- Phase I ESAs

720 NE 20TH AVENUE

PREPARED FOR:
JOHN GORMAN

DISTANCE EXHIBIT			
Date:	5/23/14	Sheet:	1
Proj No.:	13-0089	of:	1

**EXHIBIT X
PREVIOUS RESOLUTION**

RESOLUTION NO. 13-77

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, PURSUANT TO SECTION 47-19.3.E. OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE GRANTING A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.C. & D. TO ALLOW JOHN C. GORMAN, JR. AND CHERYL J. GORMAN TO CONSTRUCT AND MAINTAIN THREE (3) TRIPLE-PILE CLUSTERS, RELOCATE A SINGLE PILE AND RELOCATE A SINGLE FINGER PIER WHICH RESPECTIVELY EXTENDS A MAXIMUM OF 80 FEET, A MAXIMUM OF 51 FEET AND A MAXIMUM OF 42 FEET FROM THE APPLICANT'S PLATTED PROPERTY LINE INTO THE WATERS OF MIDDLE RIVER, SUCH PROPERTY BEING LOCATED AT 720 NORTHEAST 20TH AVENUE, AND MORE PARTICULARLY DESCRIBED BELOW; SUBJECT TO CERTAIN TERMS AND CONDITIONS; REPEALING ANY AND ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, John C. Gorman and Cheryl J. Gorman (hereinafter "Applicant") own the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

The South 15 feet of Lot 7, all of Lot 8, and the North one-half of Lot 9, in Block 1 of VICTORIA HIGHLANDS, according to the plat thereof, recorded in Plat Book 9, Page 47 of the Public Records of Broward County, Florida; said lands situate lying and being in Broward County, Florida.

Street Address: 720 NE 20th Avenue
Fort Lauderdale, FL 33301

(hereinafter "Property")

WHEREAS, Applicant is requesting approval for installation of three (3) triple-pile clusters and the relocation of an existing finger pier and associated single pile, respectively extending a maximum of 80 feet, a maximum of 51 feet and a maximum of 42 feet from Applicant's property line into the waters of Middle River; and

WHEREAS, the City's Marine Advisory Board on April 4, 2013 reviewed the application for dock waiver filed by Applicant and voted unanimously to approve this application;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That pursuant to the provisions of ULDR Section 47-19.3.E. of the Code of Ordinances of the City of Fort Lauderdale, the City Commission hereby grants a waiver of the limitations of ULDR Section 47-19.3.C & D., to allow Applicant to construct three (3) triple-pile clusters, relocate a single pile and relocate an existing finger pier, respectively extending a maximum of 80 feet, a maximum of 51 feet and a maximum of 42 feet from Applicant's property line into the waters of Middle River, such distances being more specifically set forth in the Table of Distances set forth below:

TABLE OF DISTANCES

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Relocated Finger Pier	42'	25'	17'
Relocated Single Pile	51'	25'	26'
Three Triple Cluster Piles	80'	25'	55'

SECTION 2. That the above waiver is subject to the following additional conditions to be performed by the Applicant:


1. The Applicant is required to comply with all applicable building and zoning regulations as well as any other Federal and State laws and permitting requirements including the Broward County Environmental Protection and Growth Management Department, the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers.
2. The Applicant is required to install and affix reflector tape to the cluster pilings in accord with Section 47-19.3E of the Unified Land and Development Regulations (ULDR).

- 3. As a general condition of approval and in order to review for final consistency with construction of facilities in accord with this application and City building permits the Applicant is required to provide the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor.

SECTION 3. That all Resolutions or parts of Resolutions in conflict with this Resolution are hereby repealed.

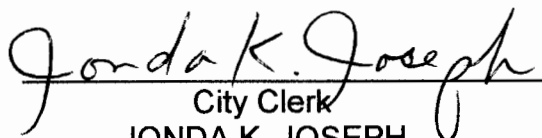
SECTION 4. That this Resolution shall be in full force and effect upon and after its final passage.

ADOPTED this the 7th day of May, 2013.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JONDA K. JOSEPH

L:\COMM2013\Resos\May 7\13-77.doc