

ITEM VII

MEMORANDUM MF NO. 13-08

DATE: March 15, 2013
TO: Marine Advisory Board
FROM: Andrew Cuba, Manager of Marine Facilities
RE: April 4, 2013 MAB - Dock Waiver of Distance Limitations
–Mr. Hank Hury and Dr. James Cross / 209 Birch Road, Boat Slip #3

Attached for your review is an application from Mr. Hank Hury and Dr. James Cross / 209 Birch Road, Boat Slip #3 (**Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicants are requesting approval for the installation of a four-post boatlift extending a maximum of 39.3' from the property line into the Intracoastal Waterway (ICW). The distances this proposed structure would extend from the property line into the ICW is shown in the survey in **Exhibit 1** and summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Four Post Boatlift	39.3'	25'	14.3'

ULDR Section 47-19.3 C limits the maximum distance of mooring structures, including boatlifts, to 25% of the width of the waterway, or 25 feet, 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 boatlift is necessary to avoid vessel damage due to dock's location outside of 'No Wake' zone. In addition, the application references excessive trash accumulation in subject area, which can clog vessel intakes.

PROPERTY LOCATION AND ZONING

The property is located within the IOA Zoning District. It is situated on the ICW where the overall average width between property lines from shoreline to shoreline is approximately 725', according to the project narrative in **Exhibit 1**. The distance from the proposed boatlift to the eastern edge of the navigable channel of the ICW is identified as 407.8'.

DOCK PLAN AND BOATING SAFETY

Records reflect that there have been five (5) 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 ICW follows:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
1984	27 Isla Bahia Drive	30'
1988	2430 Laguna Drive	50'
1992	2412 Laguna Drive	49'
2002	2418 Laguna Drive	43' (pier and boatlift)
2009	540 Lido Drive	45'6"

RECOMMENDATIONS

Should the Marine Advisory consider approval of the application, the Resolution under consideration for approval 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. The applicant is required to provide guide poles on any portion of the mooring device that is capable of being submerged in accord with Code Section 8-91(d).
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.
4. The applicant is required to install and affix reflector tape to the boatlift pilings in accord with Section 47.19.3.E of the Unified Land and Development Regulations (ULDR).

AC
Attachment

cc: Cate McCaffrey, Deputy Director of Parks and Recreation
Jon Luscomb, Supervisor of Marine Facilities