

## ITEM VII

### MEMORANDUM MF NO. 18-13

DATE: November 20, 2018

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: December 6, 2018 MAB Meeting - Dock Waiver of Distance Limitations  
-Brian Tansey, Manager of Worth 866, LLC / 866 NE 20<sup>th</sup> Avenue

Attached for your review is an application from Brian Tansey, Manager of Worth 866, LLC / 866 NE 20<sup>th</sup> Avenue (see **Exhibit 1**).

### APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the installation of (2) wood finger pier and five (5) mooring piles (triple pile clusters). 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 2**

<b>STRUCTURE NUMBER</b>	<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
1	Mooring pile #1	+/-71'	25'	+/-46'
2	Mooring pile #2	+/-71'	25'	+/-46'
3	Mooring pile #3	+/-71'	25'	+/-46'
4	Mooring pile #4	+/-71'	25'	+/-46'
5	Mooring pile #5	+/-71'	25'	+/-46'
6	Finger pier #6	+/-52'	25'	+/-27'
7	Finger pier #7	+/-52'	25'	+/-27'

ULDR Section 47-19.3 C. limits the maximum distance of mooring structures to 25 feet or 25% of the width of the waterway, whichever is less. Section 47.19 D. limits the maximum distance of mooring piles 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 specified that the extra distance for the finger piers and associated mooring piles (clusters) is necessary for safely mooring existing vessels, especially during high wind events and severe weather and that there is an extraordinary width of the waterway at this location.

**PROPERTY LOCATION AND ZONING**

The property is located within the RO Residential / Office Zoning District. It is situated on the Middle River where the proposed mooring piles distance to the closest structure on the opposite side of the Middle River is +/- 300 feet, according to the Summary Description provided in **Exhibit 1**.

**DOCK PLAN AND BOATING SAFETY**

Marine Facilities records reflect that there have been eighteen (18) waivers of docking distance limitations approved by the City Commission since 1983 in the immediate area. A comparison of these as shown in **Table 2** including the maximum distances of all structures extending into the Middle River follows:

**TABLE 2**

<b>DATE</b>	<b>ADDRESS</b>	<b>MAXIMUM DISTANCE</b>
March 1983	834 N.E. 20 <sup>th</sup> Avenue	Pilings – 45'
April 1983	714 N.E. 20 <sup>th</sup> Avenue	Pilings – 45' Piers – 37'
July 1985	808 N.E. 20 <sup>th</sup> Avenue	Pilings – 48' Piers – 38'
January 1990	840 N.E. 20 <sup>th</sup> Avenue	Pilings – 48' Pier – 48'
September 1992	738 N.E. 20 <sup>th</sup> Avenue	Pilings – 75' Pier – 39'
November 2007	810 N.E. 20 <sup>th</sup> Avenue	Pilings – 68' Piers – 73'
January 2008	852 N.E. 20 <sup>th</sup> Avenue	Pilings – 86' Pier – 49'
October 2008	714 N.E. 20 <sup>th</sup> Avenue	Pier – 108'
November 2012	810 N.E. 20 <sup>th</sup> Avenue	Pilings- 124.4'
May 2013	720 N.E. 20 <sup>th</sup> Avenue	Pilings-80' Pier-42'
May 2013	816 N.E. 20 <sup>th</sup> Avenue	Pilings-112.4'
March 2014	704 N.E. 20 <sup>th</sup> Avenue	Pilings – 125'
October 2014	720 N.E. 20 <sup>th</sup> Avenue	Pilings-125'
November 2014	726 N.E. 20 <sup>th</sup> Avenue	Pilings-125'
February 2015	824 N.E. 20 <sup>th</sup> Avenue	Pilings-106.3'
January 2016	900/910 N.E. 20 <sup>th</sup> Avenue	Pilings – 80.3'
November 2017	800 N.E. 20 <sup>th</sup> Avenue	Pilings – 100'
March 2018	826 NE 20 <sup>th</sup> Avenue	Pilings – 68.5'

## 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 City Staff with copies of "As Built" drawings from a certified and licensed contractor.
3. The applicant is required to install and affix reflector tape to the proposed mooring piling clusters in accord with Section 47.19.3.E of the Unified Land and Development Regulations (ULDR).

AC  
Attachment

cc: Enrique Sanchez, Deputy Director of Parks and Recreation  
Jon Luscomb, Supervisor of Marine Facilities

**866 NE 20<sup>TH</sup> AVENUE  
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: Brian Tansey, Manager of Worth 866, LLC.

TELEPHONE NO: 954-658-2631 561-833-4462 FAX NO. 561-833-4463
(home) (business)

2. APPLICANT'S ADDRESS (if different than the site address): 2832 NE 25th Court Fort Lauderdale, Florida 33305

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: The applicant requests a waiver for the proposed construction of 2 finger piers and dolphin piles, beyond 25 feet from the property line.

SITE ADDRESS: 866 NE 20th Avenue Fort Lauderdale, FL 33304

4. ZONING: RO

LEGAL DESCRIPTION: GATEWAY 25-24 B LOT 7 & 8 BLK 1

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

November 7, 2018
Date

The sum of \$ \_\_\_\_\_ was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_, 2018. Received by: \_\_\_\_\_

City of Fort Lauderdale

For Official City Use Only

Marine Advisory Board Action
Formal Action taken on \_\_\_\_\_

Commission Action
Formal Action taken on \_\_\_\_\_

Recommendation \_\_\_\_\_
Action \_\_\_\_\_

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**EXHIBIT II  
SUMMARY DESCRIPTION**



**Summary Description**  
**866 NE 20<sup>th</sup> Ave**  
**TCG Project No. 18-0011.001**

The project site is located along the Middle River at 866 NE 20<sup>th</sup> Avenue, in Section 01, Township 50, Range 42, in the City of Fort Lauderdale, Broward County, Florida.

The property is located along the Middle River, which is a tidal water. The nearest direct connection to the Atlantic Ocean is 4.6 miles to the south at the Port Everglades Inlet. 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 project site consists of an existing 2.0' concrete seawall and  $\pm$ 1,283 sq. ft. wooden dock. The proposed project includes the removal of the wooden dock, installation of concrete panel seawall and 3.0' cap, and construction of two (2) 4'x50' finger piers and nine (9) mooring piles. As measured from the property line, the proposed structures encroach more than 25' from the property line into the Middle River. The existing finger piers are approximately 52' from the property line and the proposed finger piers are 52' from the property line and the proposed mooring piles are 71' from the property line. As these distances are over the allowable 25' distance into the waterway from the property line, the finger piers and mooring piles will require a variance waiver.

The proposed structures are being applied for concurrently with the Broward County Environmental Protection & Growth Management Department, Florida Department of Environmental Protection, and US Army Corps of Engineers.

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

1. All structures and piles 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 ( $\pm$ 300'), the proposed project will not impede navigation within the Middle River.
3. The finger piers and mooring piles are necessary for safely mooring resident's vessels, especially during high wind events and severe weather.
4. The proposed structures are consistent with the adjacent neighbors and do not exceed the neighbor's ramp and dock at  $\pm$ 76.0'.

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

<b>STRUCTURE NUMBER</b>	<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
<b>1</b>	<b>Mooring pile #1</b>	<b>±71.0'</b>	<b>25'</b>	<b>±46.0'</b>
<b>2</b>	<b>Mooring pile #2</b>	<b>±71.0'</b>	<b>25'</b>	<b>±46.0'</b>
<b>3</b>	<b>Mooring pile #3</b>	<b>±71.0'</b>	<b>25'</b>	<b>±46.0'</b>
<b>4</b>	<b>Mooring pile #4</b>	<b>±71.0'</b>	<b>25'</b>	<b>±46.0'</b>
<b>5</b>	<b>Mooring pile #5</b>	<b>±71.0'</b>	<b>25'</b>	<b>±46.0'</b>
<b>6</b>	<b>Finger pier #6</b>	<b>±52.0'</b>	<b>25'</b>	<b>±27.0'</b>
<b>7</b>	<b>Finger pier #7</b>	<b>±52.0'</b>	<b>25'</b>	<b>±27.0'</b>

**EXHIBIT III  
WARRANTY DEED**

Morgan, Olsen & Olsen, LLP  
633 S. Federal Highway, #400A  
Fort Lauderdale, FL 33301

**This instrument was prepared by:**

John F. Jankowski, Esq.  
John F. Jankowski, Jr., Esq. P.A.  
151 N. Nob Hill Rd., Suite 405  
Plantation, Florida 33324-1708  
Tel: (954) 370-1026

Parcel ID No. 504201-17-0080

**WARRANTY DEED**  
(STATUTORY FORM-SECTION 689.02,F.S.)

**This Indenture**, is made this day 25 of September, 2018, between WINNERS CHOICE, LLC, a Florida limited liability company, whose address is 2830 W State Road 84, Suite 112, Ft. Lauderdale, Florida 33312, Grantor, and WORTH 866 LLC, a Florida limited liability company, whose address is 866 N.E. 20<sup>th</sup> Avenue, Fort Lauderdale, Florida 33304, Grantee.

**Witnesseth** that said Grantor, for and in consideration of the sum of Ten (\$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 successors and assigns forever all the following described land, situate, lying and being in Broward County, Florida, to-wit:

See Exhibit "A" attached hereto.

**Subject to** land use designation, zoning restrictions, prohibitions and other requirements imposed by governmental authority; restrictions, easements and matters appearing on the plat or otherwise common to the subdivision without reimposing same; public utility easements of record; and taxes for year of closing and subsequent years;

**Together with** all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining; and

TO HAVE and to hold the same in fee simple forever.

**And said Grantor** does hereby fully warrant said title to said land, and will defend the same against 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 its hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:  
(Witnesses)

[Signature]  
(First Witness)

Printed Name: Becly Stefanow

[Signature]  
(Second Witness)

Printed Name: WALTER MOSAKOWSKI

WINNERS CHOICE, LLC  
a Florida limited liability company

By: [Signature]  
Gary N. Brown, Manager

STATE OF FLORIDA )  
COUNTY OF BROWARD )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of September, 2018 by Gary N. Brown, Manager of WINNERS CHOICE, LLC a Florida limited liability company, on behalf of the company, who is personally known to me or who provided the following type of identification PERSONALLY KNOWN and did not take an oath.

[Signature]

Notary Public  
Printed Name: Cynthia M Benz  
My commission expires: 6-23-22

(Affix Notarial Seal)



**EXHIBIT "A"**

LEGAL DESCRIPTION

Lots 7 and 8, Block 1, GATEWAY, A SUBDIVISION, according to the Plat thereof, recorded in Plat Book 25, Page 24 of the Public Records of Broward County, Florida.

**EXHIBIT IV  
ORIGINAL SURVEY**





**EXHIBIT V**  
**ZONING AERIAL**

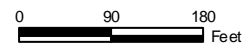


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CITY OF FORT LAUDERDALE

### Property Reporter Map



**GIS**  
Fort Lauderdale

**EXHIBIT VI  
SITE PHOTOGRAPHS**





**1. South corner of the subject site, facing north.**



**2. South portion of the subject site, facing northeast.**



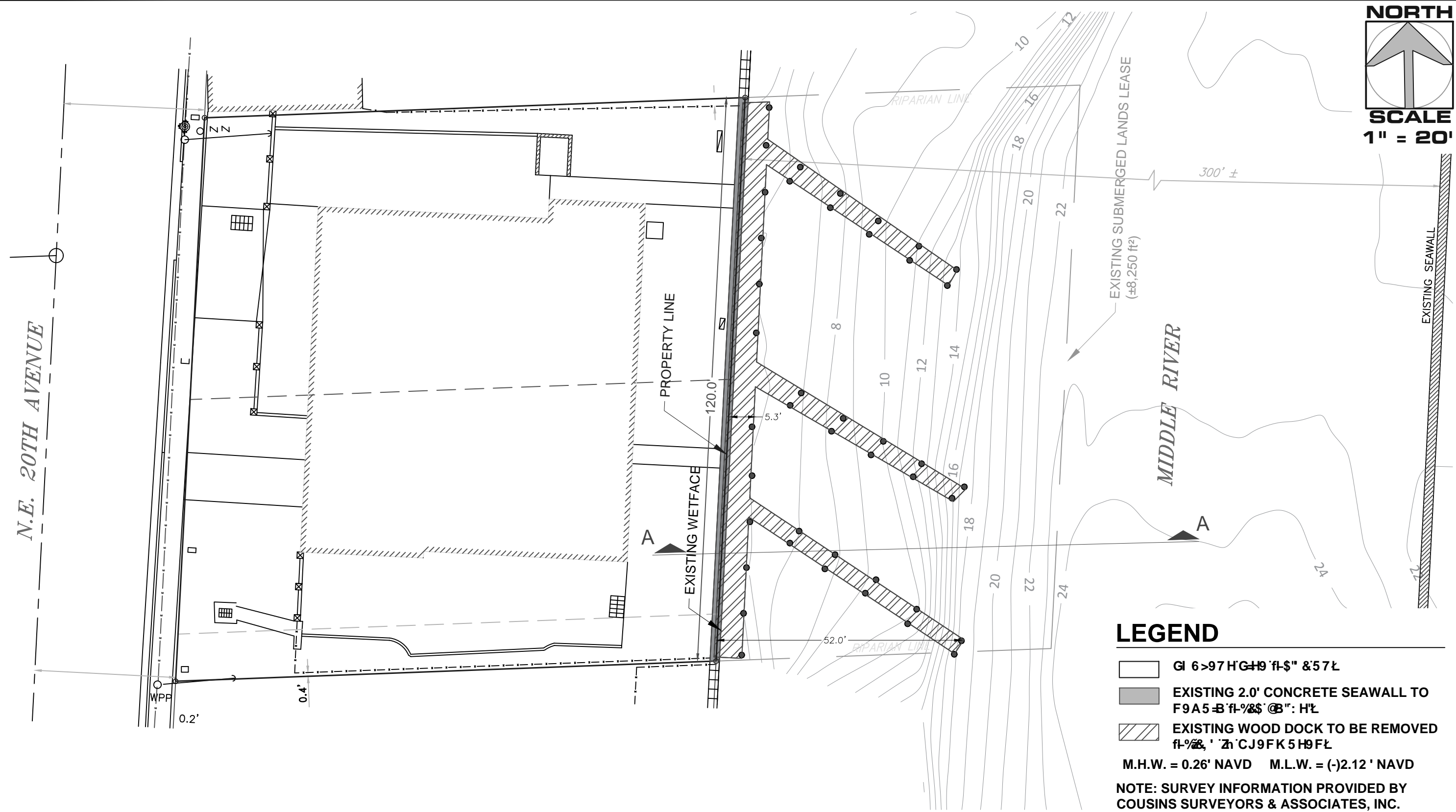
**3. North corner of the subject site, facing south.**



**4. North corner of the subject site, facing southeast.**

**EXHIBIT VII  
PROJECT PLANS**





**LEGEND**

- GI 6>97 H'G+H'f-\$" & 57L
- EXISTING 2.0' CONCRETE SEAWALL TO F9A5-B'f-%&\$' @B": H'L
- EXISTING WOOD DOCK TO BE REMOVED fL-%&,' Zh' CJ9FK 5H9FL

M.H.W. = 0.26' NAVD    M.L.W. = (-)2.12' NAVD

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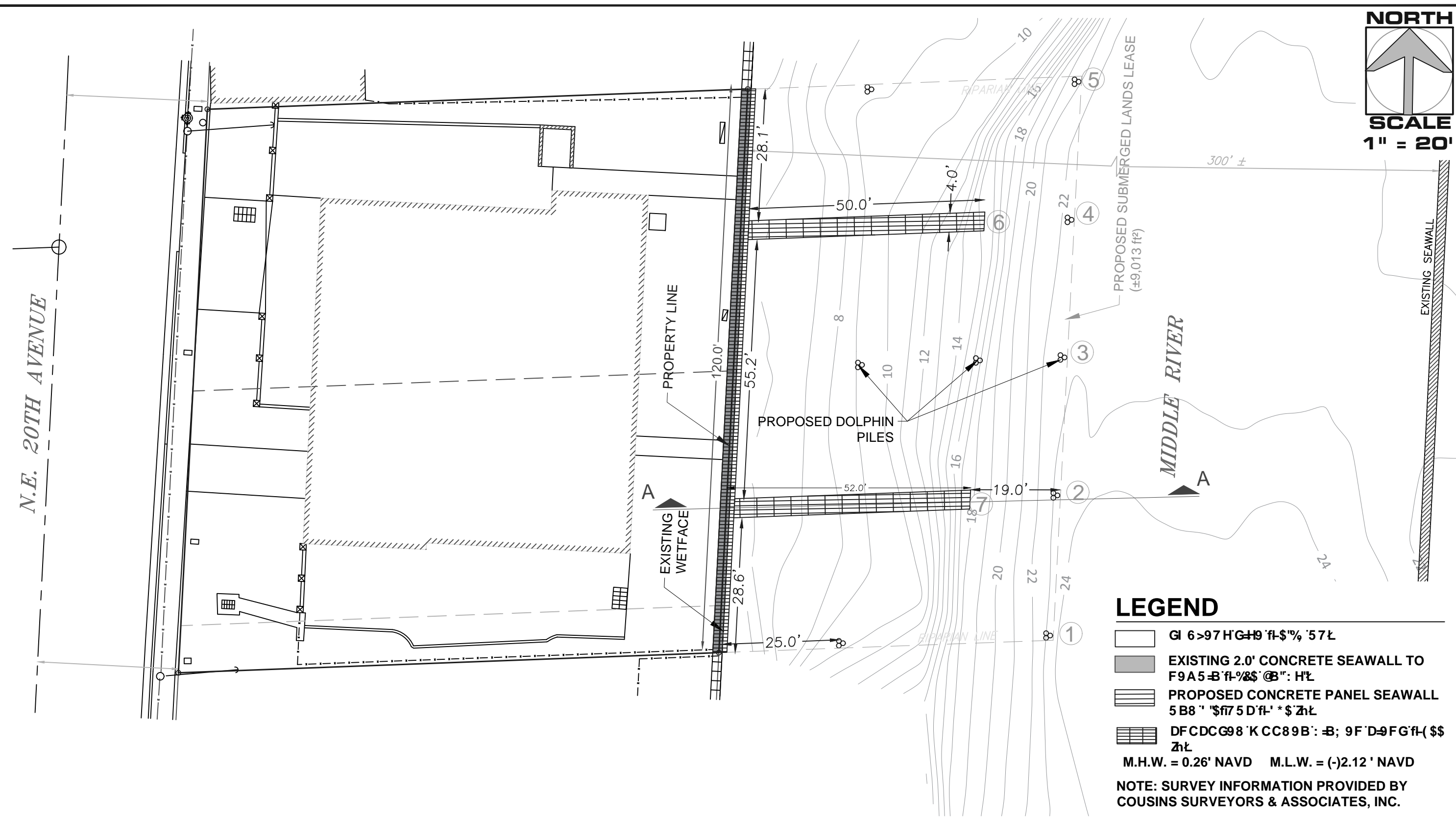
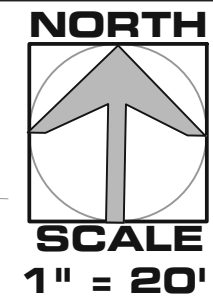
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- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

**866 NE 20TH AVENUE**

PREPARED FOR:  
**WORTH 866, LLC**

EXISTING CONDITIONS		
Date: 11/23/2018	Sheet : <b>1</b>	of : <b>4</b>
Proj No.: 18-0011.001		



- LEGEND**
- GI 6 > 97 H'G + 19' fl - \$'%, '57 L
  - EXISTING 2.0' CONCRETE SEAWALL TO F9A5-B' fl-%&\$' @B": H'L
  - PROPOSED CONCRETE PANEL SEAWALL 5 B8 ' ' \$f7 5 D' fl' \* \$' ZhL
  - DF CDC G98 'K CC 89 B': -B; 9 F' D-9 F G' fl-(\$ \$ ZhL
- M.H.W. = 0.26' NAVD    M.L.W. = (-)2.12' NAVD
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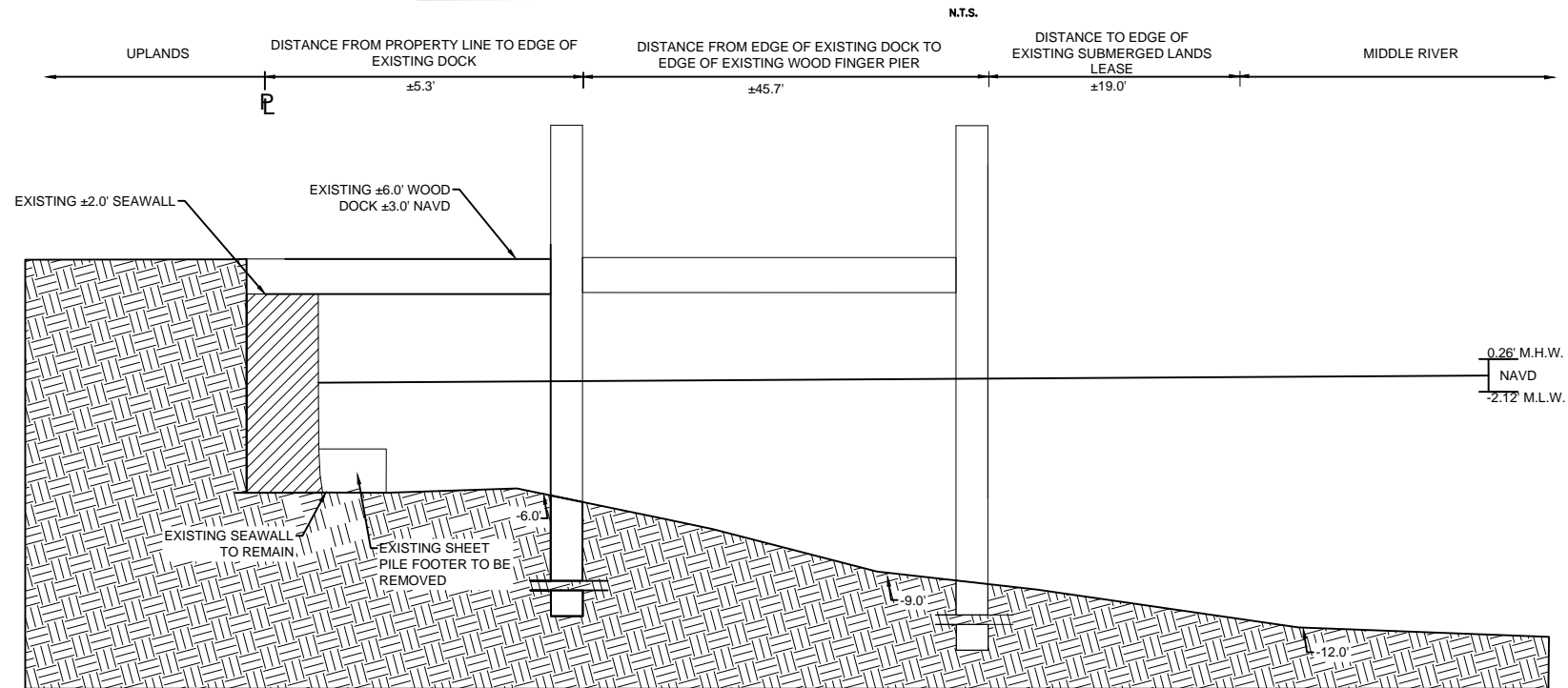
**866 NE 20TH AVENUE**

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**WORTH 866, LLC**

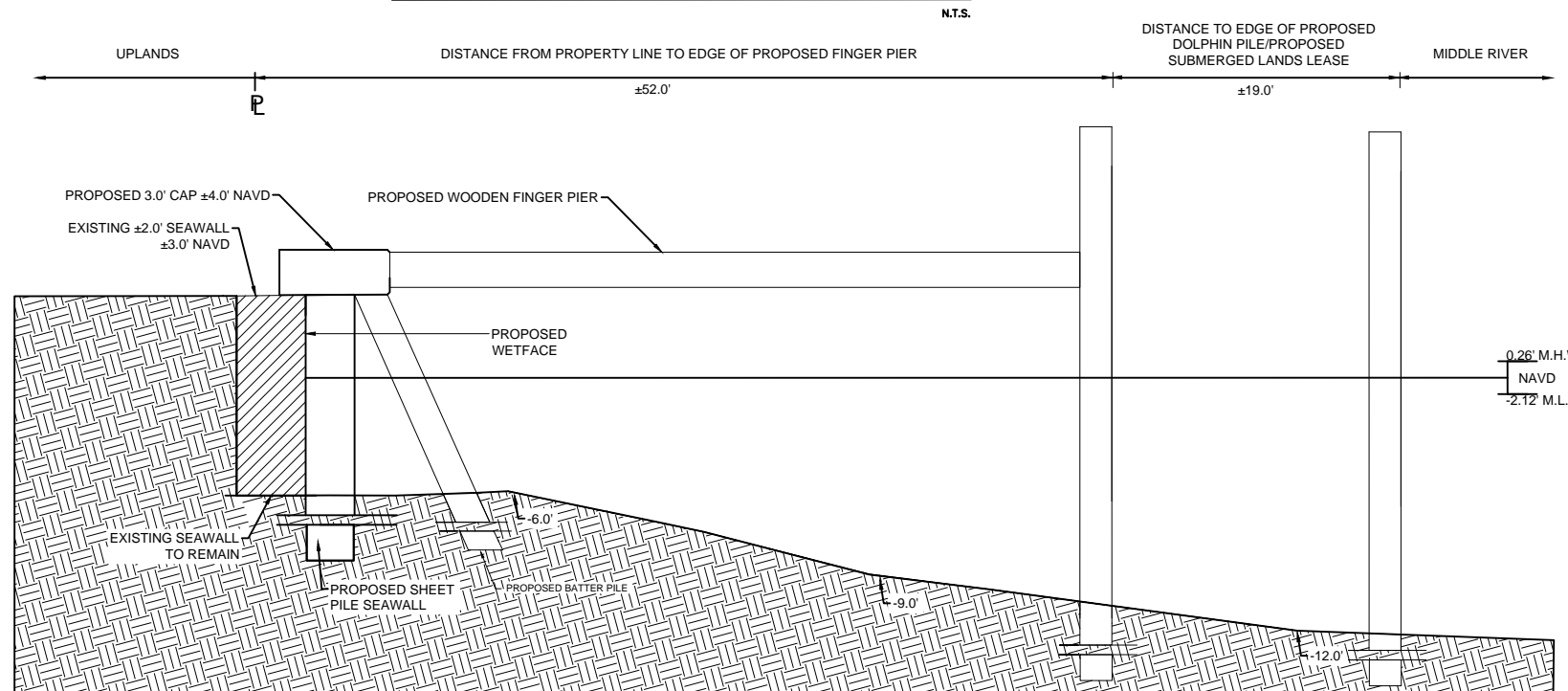
PROPOSED CONDITIONS		
Date: 11/23/2018	Sheet: <b>2</b>	of: <b>4</b>
Proj No.: 18-0011.001		



**EXISTING CONDITIONS SECTION A-A (TYP.)**



**PROPOSED CONDITIONS SECTION A-A (TYP.)**



NOTE PROPOSED WETFACE TO BE NO GREATER THAN 18" WATERWARD OF EXISTING WETFACE

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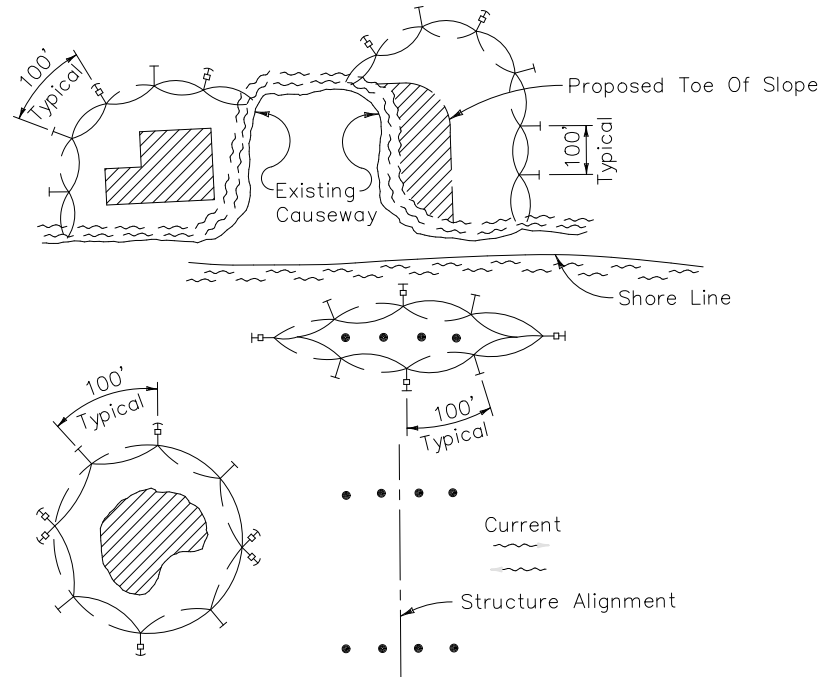
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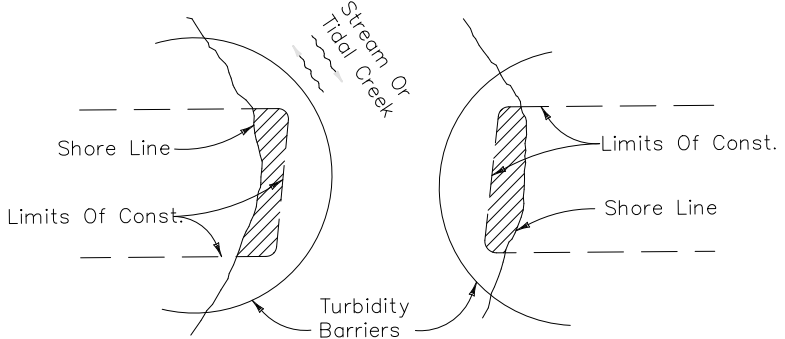
SECTIONS

Date: 11/23/2018	Sheet : <b>3</b>	of : <b>4</b>
Proj No.: 18-0011.001		

**CONSTRUCTION BARGE  
(TYP.)**



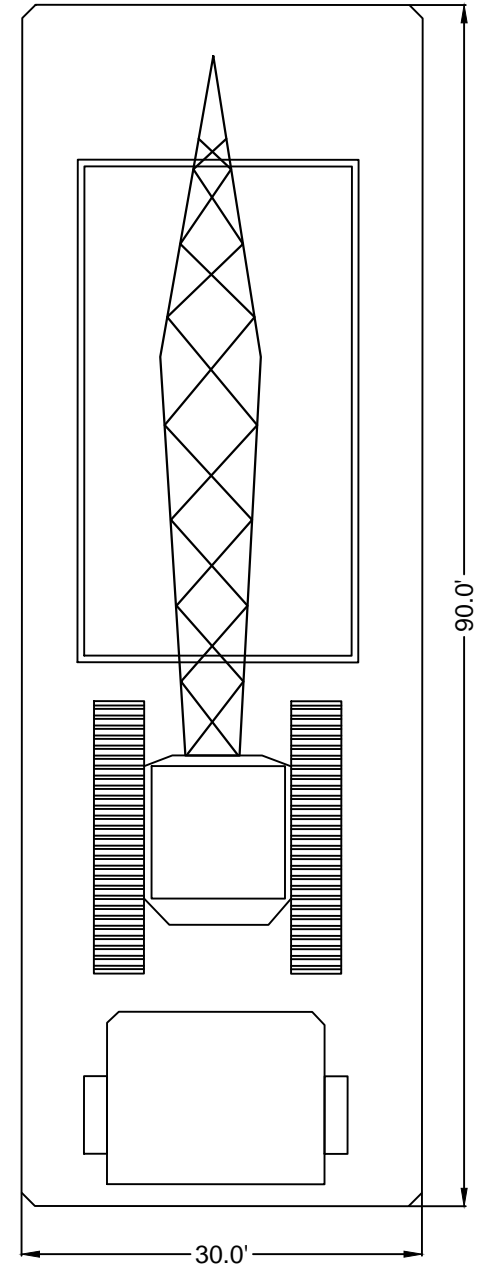
- LEGEND**
- Pile Locations
  - ▨ Dredge Or Fill Area
  - Mooring Buoy w/Anchor
  - Anchor
  - Barrier Movement Due To Current Action



**Note:**  
Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractors option unless otherwise specified in the plans, however payment will be under the pay item(s) established in the plans for Floating Turbidity Barrier and/or Staked Turbidity Barrier. Posts in staked turbidity barriers to be installed in vertical position unless otherwise directed by the Engineer.

- NOTES:**
1. Turbidity barriers are to be used in all permanent bodies of water regardless of water depth.
  2. Number and spacing of anchors dependent on current velocities.
  3. Deployment of barrier around pile locations may vary to accommodate construction operations.
  4. Navigation may require segmenting barrier during construction operations.
  5. For additional information see Section 104 of the Standard Specifications.

**TURBIDITY BARRIER APPLICATIONS**



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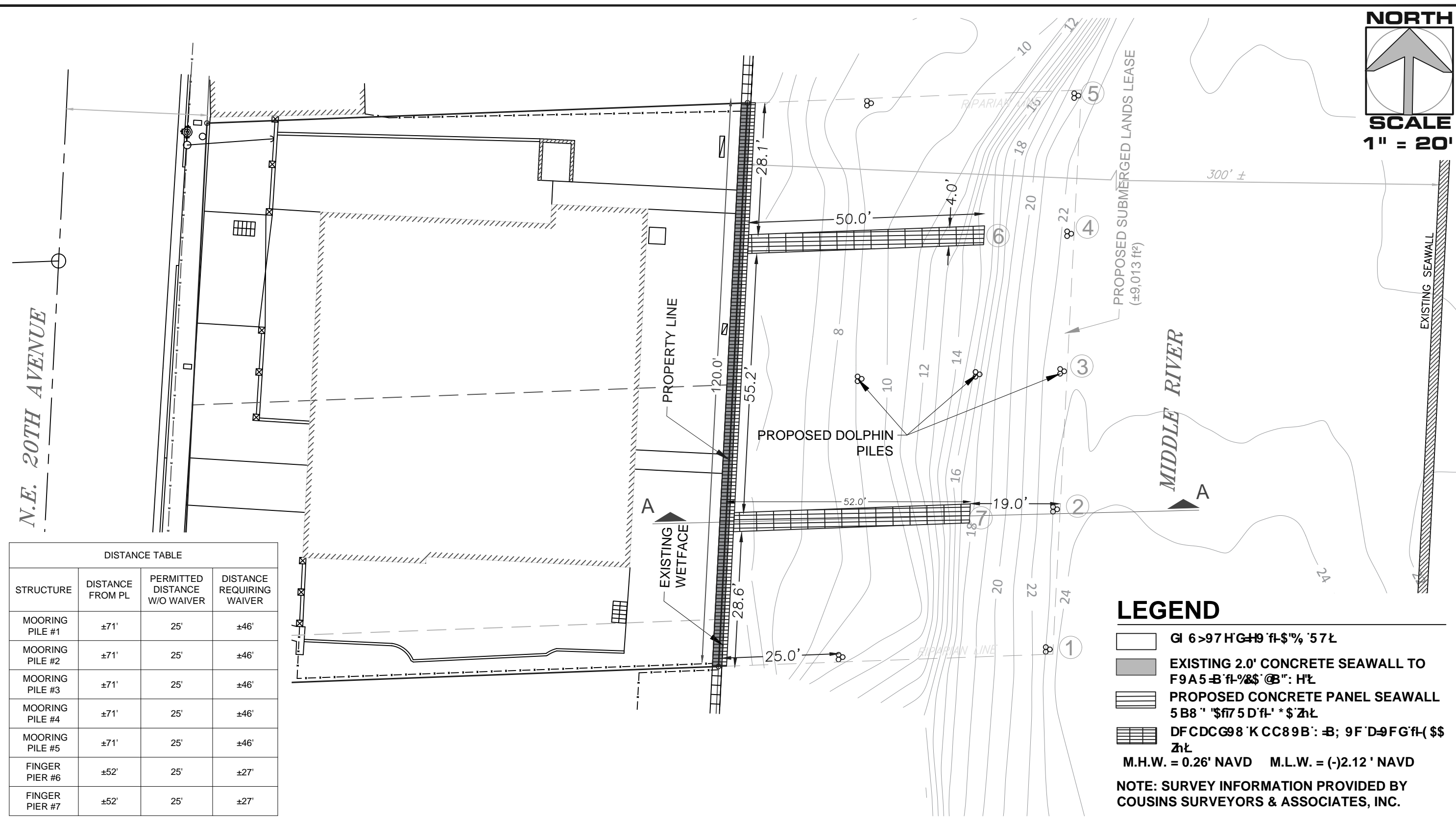
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**866 NE 20TH AVENUE**

PREPARED FOR:  
**WORTH 866, LLC**

DETAILS		
Date: 11/23/2018	Sheet : <b>4</b>	of : <b>4</b>
Proj No.: 18-0011.001		

**EXHIBIT VIII  
DISTANCE EXHIBIT**



DISTANCE TABLE			
STRUCTURE	DISTANCE FROM PL	PERMITTED DISTANCE W/O WAIVER	DISTANCE REQUIRING WAIVER
MOORING PILE #1	±71'	25'	±46'
MOORING PILE #2	±71'	25'	±46'
MOORING PILE #3	±71'	25'	±46'
MOORING PILE #4	±71'	25'	±46'
MOORING PILE #5	±71'	25'	±46'
FINGER PIER #6	±52'	25'	±27'
FINGER PIER #7	±52'	25'	±27'

### LEGEND

- GI 6 > 97 H'G + 19' fl - \$'%, '57 L
- EXISTING 2.0' CONCRETE SEAWALL TO F9A5-B'fl-%\$' @B": H'L
- PROPOSED CONCRETE PANEL SEAWALL 5 B8 ' ' \$fl7 5 D'fl' \* \$' ZhL
- DF CDCG98 'K CC89B': -B; 9F'D-9FG'fl-(\$ ZhL

M.H.W. = 0.26' NAVD    M.L.W. = (-)2.12' NAVD

**NOTE: SURVEY INFORMATION PROVIDED BY COUSINS SURVEYORS & ASSOCIATES, INC.**

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## 866 NE 20TH AVENUE

PREPARED FOR:  
 WORTH 866, LLC

### VARIANCE EXHIBIT

Date: 11/23/2018	Sheet: <b>1</b>	of: <b>1</b>
Proj No.: 18-0011.001		

**EXHIBIT IX  
LETTERS OF SUPPORT**

October 30, 2018

Mr. Brian Tansey  
866 Worth, LLC  
866 NE 20<sup>th</sup> Avenue  
Fort Lauderdale, FL 33304

RE: 866 NE 20<sup>th</sup> Avenue  
City of Fort Lauderdale Waiver Request

Dear Mr. Tansey,

I have reviewed the plans for the proposed project to install two (2) finger piers and mooring piles beyond 25 feet from the property line into the Middle River. I understand that the proposed project will require a waiver of limitations through the City of Fort Lauderdale along with permitting through the regulatory agencies. I am the Manager of Acque Celesti, LLC, owner of 900 – 910 NE 20<sup>th</sup> Avenue and support the project as proposed.

Sincerely,



Rose Ann Lovell  
900 NE 20<sup>th</sup> Avenue  
Fort Lauderdale, FL 33304

October 30, 2018

Mr. Brian Tansey  
866 Worth, LLC  
866 NE 20<sup>th</sup> Avenue  
Fort Lauderdale, FL 33304

RE: 866 NE 20<sup>th</sup> Avenue  
City of Fort Lauderdale Waiver Request

Dear Mr. Tansey,

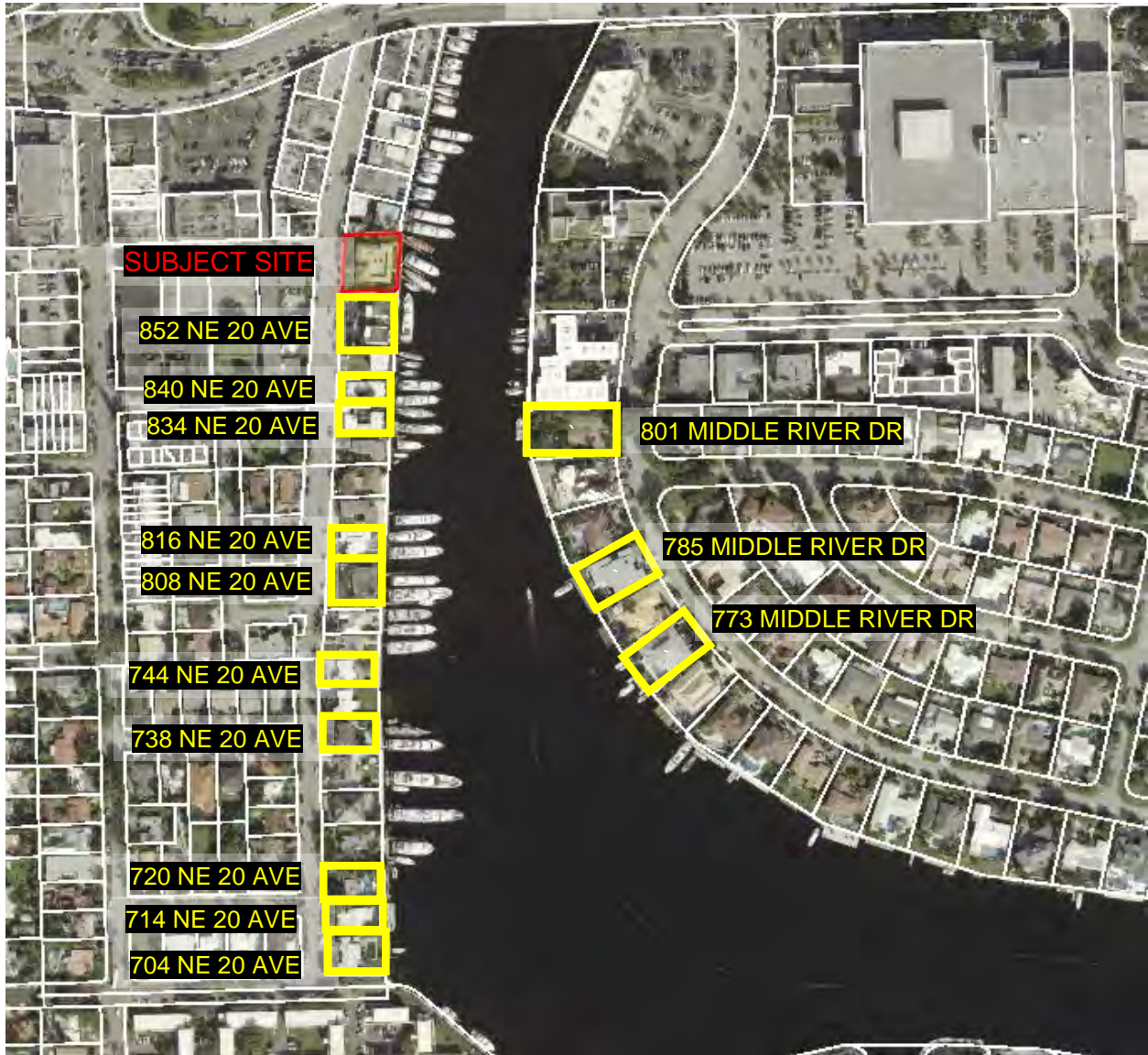
I have reviewed the plans for the proposed project to install two (2) finger piers and mooring piles beyond 25 feet from the property line into the Middle River. I understand that the proposed project will require a waiver of limitations through the City of Fort Lauderdale along with permitting through the regulatory agencies. I am the owner of 852 NE 20<sup>th</sup> Avenue and support the project as proposed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Brantmeyer", written over a light blue horizontal line.

Robert Brantmeyer  
852 NE 20<sup>th</sup> Avenue  
Fort Lauderdale, FL 33304

## EXISTING WAIVERS IN THE VICINITY



ADDRESS	MAXIMUM DISTANCE
852 NE 20 <sup>TH</sup> Avenue	86'
840 NE 20 <sup>TH</sup> Avenue	48'
834 NE 20 <sup>TH</sup> Avenue	45'
816 NE 20 <sup>TH</sup> Avenue	124.4'
808 NE 20 <sup>TH</sup> Avenue	112.4'
744 NE 20 <sup>TH</sup> Avenue	133.5'
738 NE 20 <sup>TH</sup> Avenue	75'
720 NE 20 <sup>TH</sup> Avenue	80'
714 NE 20 <sup>TH</sup> Avenue	108'
704 NE 20 <sup>TH</sup> Avenue	125'
785 Middle River Drive	40'
773 Middle River Drive	60'
801 Middle River Drive	52'
Subject Site	71'