

# ITEM VI

## MEMORANDUM MF NO. 13-10

DATE: March 21, 2013

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: April 4, 2013 MAB - Dock Waiver of Distance Limitations  
–Irene P. Pawuk Trust, Emil Pawuk New Family Trust, Emil Pawuk  
Disclaimer Trust, E. Mark Pawuk Trustee, Emil Pawuk Irrevocable Trust for  
Grandchildren/ 435 Seabreeze Blvd,

Attached for your review is an application from (Irene P. Pawuk Trust, Emil Pawuk New Family Trust, Emil Pawuk Disclaimer Trust, E. Mark Pawuk Trustee, Emil Pawuk Irrevocable Trust for Grandchildren/ 435 Seabreeze Blvd. (**Exhibit 1**).

### APPLICATION AND BACKGROUND INFORMATION

The applicants are requesting approval for the renovation of an existing marina including the expansion of its westernmost slips through the replacement of the western portion of the marina with floating docks extending a maximum of +/-696.4' from the property line within the New River Sound. The proposed project will include the removal of the three (3) westernmost fixed finger piers, the installation of two (2) floating finger piers, the relocation of two (2) triple pile clusters, and the installation of six (6) triple pile clusters. The distances these structures extend from the property line within the New River Sound are shown in the survey in **Exhibit 1** and summarized in Table 1 below:

**TABLE 1**

<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING WAIVER</b>
<b>Mooring Pile #1</b>	<b>+/-411.8'</b>	<b>25'</b>	<b>+/-386.8'</b>
<b>Mooring Pile #2</b>	<b>+/-494.3'</b>	<b>25'</b>	<b>+/-469.3'</b>
<b>Mooring Pile #3</b>	<b>+/-618.5'</b>	<b>25'</b>	<b>+/-593.5'</b>
<b>Mooring Pile #4</b>	<b>+/-696.4'</b>	<b>25'</b>	<b>+/-671.4'</b>
<b>Mooring Pile #5</b>	<b>+/-615.4'</b>	<b>25'</b>	<b>+/-590.4'</b>
<b>Mooring Pile #6</b>	<b>+/-693.3'</b>	<b>25'</b>	<b>+/-668.3'</b>
<b>Mooring Pile #7</b>	<b>+/-612.4'</b>	<b>25'</b>	<b>+/-587.4'</b>
<b>Mooring Pile #8</b>	<b>+/-690.3'</b>	<b>25'</b>	<b>+/-665.3'</b>
<b>Proposed Pier #9</b>	<b>+/-459.2'</b>	<b>25'</b>	<b>+/-454.2'</b>
<b>Proposed Pie #10</b>	<b>+/-695.0'</b>	<b>25'</b>	<b>+/-670.0'</b>
<b>Proposed Pie #11</b>	<b>+/-692.0'</b>	<b>25'</b>	<b>+/-667.0'</b>

Section 47-19.3 C limits the maximum distance of finger piers to 25 feet, or 25% of the width of the waterway, whichever is less. Section 47-19.3. D limits the maximum distance of dolphin or 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 four (4) matters provide justification for this waiver request:

1. The extraordinary width of the waterway at this location
2. Reduction of navigational impediments within the New River Sound
3. All new structures will be within the revised sovereign submerged land lease and current boat show lease
4. Proposed slips will accommodate larger vessels experiencing difficulty accessing current slips

#### PROPERTY LOCATION AND ZONING

The property is located within the SB-MHA Zoning District. It is situated on the both the ICW and New River Sound where the overall average width between property lines from shoreline to shoreline is approximately 1065', according to the applicant's representative. . At its closest proximity, the distance from the outermost proposed piling cluster to the eastern edge of the navigable channel is +/- 136.3'.

#### 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 install and affix reflector tape to the cluster pilings in accord with Section 47.19.3.E 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.

AC

Attachment

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