

MEMORANDUM MF NO. 24-15

DATE: October 10, 2024

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities and Parks Manager

RE: MAB Meeting - Dock Waiver of Distance Limitations – Nicholas J. & Sharon
Dilorio / 1414 SE 12th Street #2C Slip 11

Attached for your review is an application from Nicholas J. & Sharon L. Dilorio / 1414 SE 12th Street #2C Slip 11.

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for an existing 31.5' x 12' floating vessel platform extending a maximum of +/-36.4' into the adjacent Cerro Gordo River. The distance this structure extends from the property line into waterway is shown in the survey and summarized in the Table below:

TABLE			
EXISTING STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
Floating vessel Platform	36.4'	25'	11.4'

The City's Unified Land and Development Regulations (UDLR) Secs. 47-19.3.C limits the maximum distance of mooring structures to 25' or 25% of the width of the waterway, whichever is less. Section 47-19.3. E authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The applicant cites the floating vessel platform's positive environmental impact derived from the vessels' removal from the water. In addition, the platform's serves to reduce potential damage to the watercraft while docked.

PROPERTY LOCATION AND ZONING

The property is located in the Rio Vista Isles neighborhood where the Zoning is RML-25, Residential Multi Family Low Rise / Medium Density District. It is situated on the northern shore of the Cerro Gordo River where the width of the waterway to the adjacent shoreline is +/- 118 feet, according to the Summary Description.

RECOMMENDATIONS

Should the Marine Advisory approve 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.

AC
Attachment

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

Nicholas J. & Sharon L. DiIorio

1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

APPLICATION FOR WAIVER OF DISTANCE
LIMITATION FOR EXISTING
FLOATING VESSEL PLATFORM (FVP)

Nicholas J. & Sharon L. DiIorio

1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

Table of Contents

Application.....1

Narrative4

Proof of Ownership6

Survey of Current Conditions11

Zoning Aerial14

Site Photographs16

Nicholas J. & Sharon L. DiIorio

1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

APPLICATION

**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: Nicholas Joseph DiIorio and Sharon Lynn DiIorio

TELEPHONE NO: (707) 815-1000 N/A EMAIL: landplanco@aol.com
(home/cellular) (business)

2. APPLICANT'S ADDRESS (if different than the site address):

1248 Bags Blvd, Sonoma, CA 95476

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:

Request waiver of distance limitation for existing floating vessel platform (FVP)

4. SITE ADDRESS: 1414 Southeast 12 Street, #2C, Fort Lauderdale, FL 33316


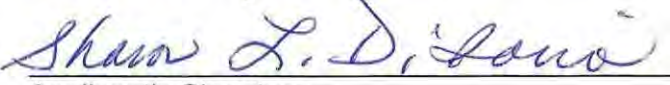
ZONING: RML-25 - Residential Multifamily Low Rise/Medium High Density

LEGAL DESCRIPTION HEMINGWAY LANDINGS CONDO BLDG 1 UNIT 2C (AKA 6) PER CDO
BK/PG: 46599/19

FOLIO NUMBER: 504214BF0060

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).

Proof of ownership documents and exhibits listed in Table of Contents



Applicant's Signature

SEP 16, 2024
Date

=====

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____,
20____ 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 _____

Nicholas J. & Sharon L. DiIorio

1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

NARRATIVE

NARRATIVE

Nicholas J. & Sharon L. DiIorio ("Applicant") file this Marine Advisory Board application for an after-the-fact distance waiver with respect to an existing floating vessel platform ("FVP") owned by the Applicant.

The existing FVP received Broward County, Environmental Permitting Division, Environmental Resource General License, GL-FTL2201-040 and installed in January 2022.

The Applicant acquired the real property in April of 2023 with the subject FVP located within Applicant's assigned slip #11, in the Hemingway Landings Condominium marina located on the Cerro Gordo River along 1414 Southeast 12th Street, Fort Lauderdale, Florida 33316.

The City of Fort Lauderdale issued violation of Sec. 47-19.3(c) of the ULDC. With respect to Section 47-19.3(c), the City claims: "There is a floating dock that extends beyond twenty-five (25) feet into the waterway when measured from the recorded property line."

The Applicant has disputed the City of Fort Lauderdale Code Compliance, Citation CE24050303, issued May 09, 2024. Applicant contends the FVP qualified for an Exemption per FL Statute 403.813(1)(s), however the City has questioned the applicability of the Exemption. Rather than pursuing enforcement proceedings or litigating, the city offered to support the Applicant's Marine Advisory Board application for an after-the-fact distance waiver.

This distance waiver request is justified due to the extraordinary circumstances surrounding the FVP, for the following reasons:

1. The Applicant's FVP is not projecting into the waterway as to create a "navigational hazard". FVP dock is 31.5' long and projects 36.4' from wet face of seawall, which is well shorter than docked boats in adjacent slips. See slide 3.
2. FVP has a positive environmental impact derived from removing vessel from the water. FVPs are environmentally friendly products that secure boats out of the water while docked. In addition to protecting watercraft and reducing the potential for damage to watercraft while docked, floating vessel platforms keep bottom paints out of Florida's waters and reduce the possibility of pollution incidents from watercraft while they are docked on floating vessel platforms.
3. The FVP was permitted and installed per the FL Statutes 403.813(1)(s) Exemption being applicable, with the FVP installed in reliance upon, in good faith and with no malice or intent to violate City ordinances or zoning requirements.
4. Due to the extraordinary width of the waterway at this location at its thinnest point being \pm 118 feet from wetface to wetface, the existing FVP does not impede navigation within the Cerro Gordo River, as attested to at Marine Advisory Board during meeting of September 05, 2024 where Hemingway Landings Condominium Association waiver hearing for mooring or dolphin piles were discussed. Speaker (name of speaker not identified, beginning at 2:16:18 of the Zoom video) noted he docked in this area of the Cerro Gordo River with a catamaran with around 30-foot beam, with no issues or concerns due to pilings or boats in the slips. This provides evidence of no issue of the existing FVP impeding navigation.

Applicant requests the support of the Marine Advisory Board and the approval of the distance waiver recommendation.

Nicholas J. & Sharon L. DiIorio

1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

PROOF OF OWNERSHIP



Site Address	1414 SE 12 STREET #2C, FORT LAUDERDALE FL 33316	ID #	5042 14 BF 0060
Property Owner	DIORIO, NICHOLAS JOSEPH DIORIO, SHARON LYNN	Millage	0312
Mailing Address	1248 BAGS BLVD SONOMA CA 95476	Use	04
Abbr Legal Description	HEMINGWAY LANDINGS CONDO BLDG 1 UNIT 2C (AKA 6) PER CDO BK/PG: 46599/19		

The just values displayed below were set in compliance with **Sec. 193.011, Fla. Stat.**, and include a reduction for costs of sale and other adjustments required by **Sec. 193.011(8)**.

* 2024 values are considered "working values" and are subject to change.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2024*	\$135,000	\$1,215,000	\$1,350,000	\$1,350,000	
2023	\$117,000	\$1,053,000	\$1,170,000	\$1,170,000	\$22,491.50
2022	\$83,680	\$753,150	\$836,830	\$708,490	\$12,797.80

2024* Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$1,350,000	\$1,350,000	\$1,350,000	\$1,350,000
Portability	0	0	0	0
Assessed/SOH	\$1,350,000	\$1,350,000	\$1,350,000	\$1,350,000
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$1,350,000	\$1,350,000	\$1,350,000	\$1,350,000

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
4/17/2023	WD-Q	\$1,500,000	118802327			
1/11/2022	WD-Q	\$1,300,000	117863526			
2/7/2013	SWD-Q	\$775,000	111372194			
11/16/2011	QC*-T	\$100	48322 / 575			
11/17/2011	SW*-D	\$10,000,000	48322 / 570			
				Adj. Bldg. S.F.		2107
				Units/Beds/Baths		1/2/2.5
				Eff./Act. Year Built: 2010/2009		

* Denotes Multi-Parcel Sale (See Deed)

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F2		
R								
1						2036		

Prepared by:
Taryn Wise
Attorney at Law
Levinson, Gritter & Wise, LLP
200 S. Andrews Ave. Suite 903
Fort Lauderdale, FL 33301
954-548-3351
File Number: 23-1027

Return to:
Mark Allsworth, Esq.
Doumar, Allsworth, Laystrom, Voigt,
Wachs, Adair & Dishowitz, LLP
1177 SE 3rd Ave
Ft. Lauderdale, FL 33316

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 17th day of April, 2023 between **Michael J. Morse and Robyn Morse, husband and wife** whose post office address is **3428 Riverside Drive, Saugatuck, MI 49453**, grantor, and **Nicholas Joseph DiIorio and Sharon Lynn DiIorio, husband and wife** whose post office address is **1248 Bags Blvd, Sonoma, CA 95476**, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) 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:

Unit No. 1-2C, Building 1414 of HEMINGWAY LANDINGS, a Condominium, according to the Declaration of Condominium recorded in O.R. Book 46599, Page 19, and all exhibits and amendments thereof, Public Records of Broward County, Florida, together with an undivided interest in the common elements appurtenant thereto.

Parcel Identification Number: 5042 14 BF 0060

Subject to taxes for 2023 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

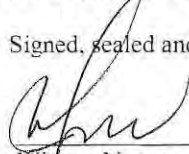
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.


To Have and to Hold, the same in fee simple forever.

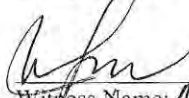
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2022**.

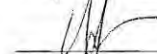
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:



Witness Name: MARY JO CHOW


Witness Name: Taryn Wise


Witness Name: MARY JO CHOW


Witness Name: Taryn Wise


Michael J. Morse (Seal)



Robyn Morse (Seal)

State of Florida
County of Broward

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of April, 2023 by Michael J. Morse and Robyn Morse, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Notary Seal]




Notary Public

Printed Name: _____

My Commission Expires: _____

OXYGEN ASSOCIATION
SERVICES, INC.
361 East Hillsboro Blvd.
Deerfield Beach FL 33441

Telephone: (561) 999-9701 Fax: (561) 999-9703

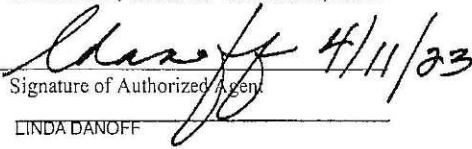
CERTIFICATE OF APPROVAL FOR PURCHASE APPLICANTS

This is to certify that: NICHOLAS JOSEPH DIORIO & SHARON LYNN DIORIO

Has been approved by LINDA DANOFF
as the purchaser of the following address:

1414 SE 12th STREET # 2C, FORT LAUDERDALE, FL 33316

Such approval has been given pursuant to the Declaration of Covenants &
Restrictions, on the 30th of MARCH, 2023.

 4/11/23
Signature of Authorized Agent

LINDA DANOFF

Printed name of Authorized Agent

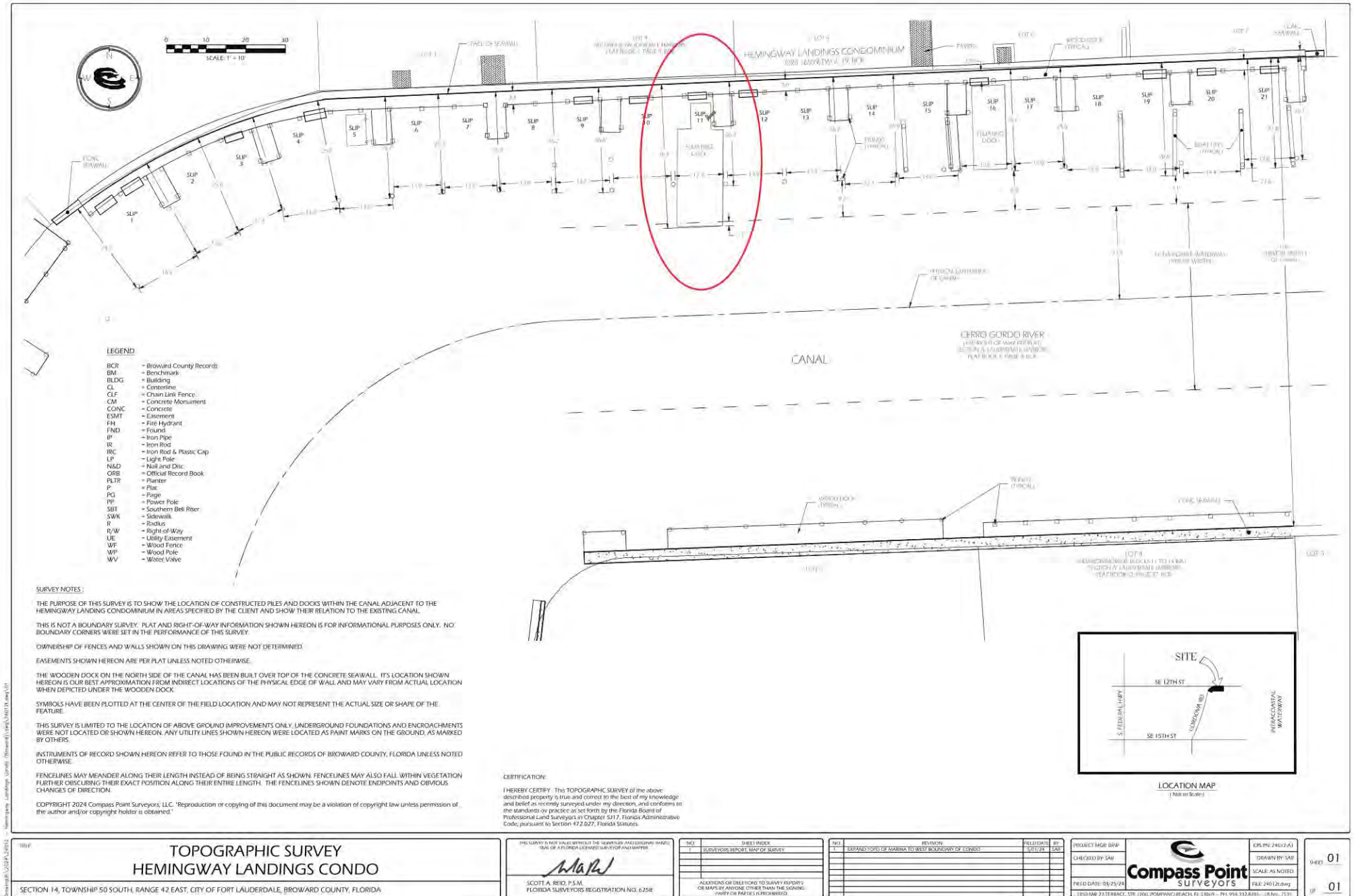
SECRETARY

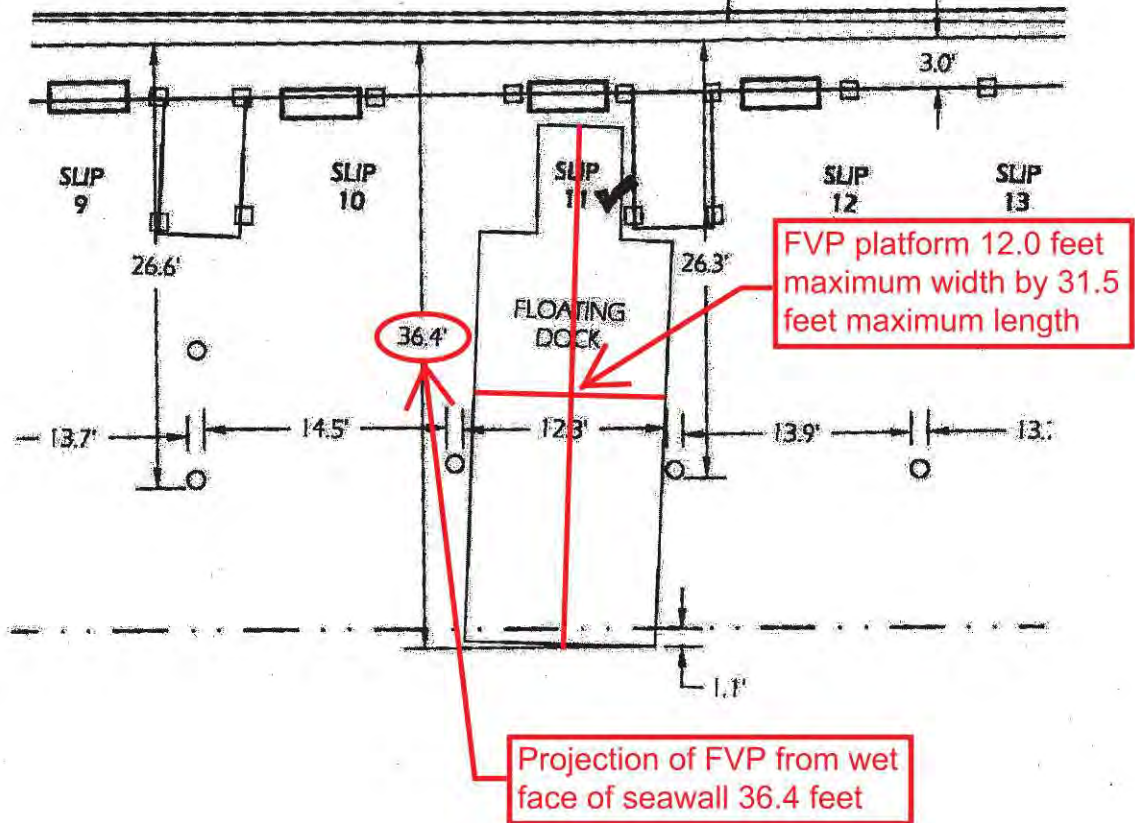
Title

Nicholas J. & Sharon L. DiIorio

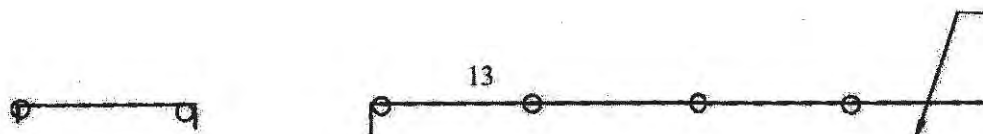
1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

SURVEY OF CURRENT CONDITIONS





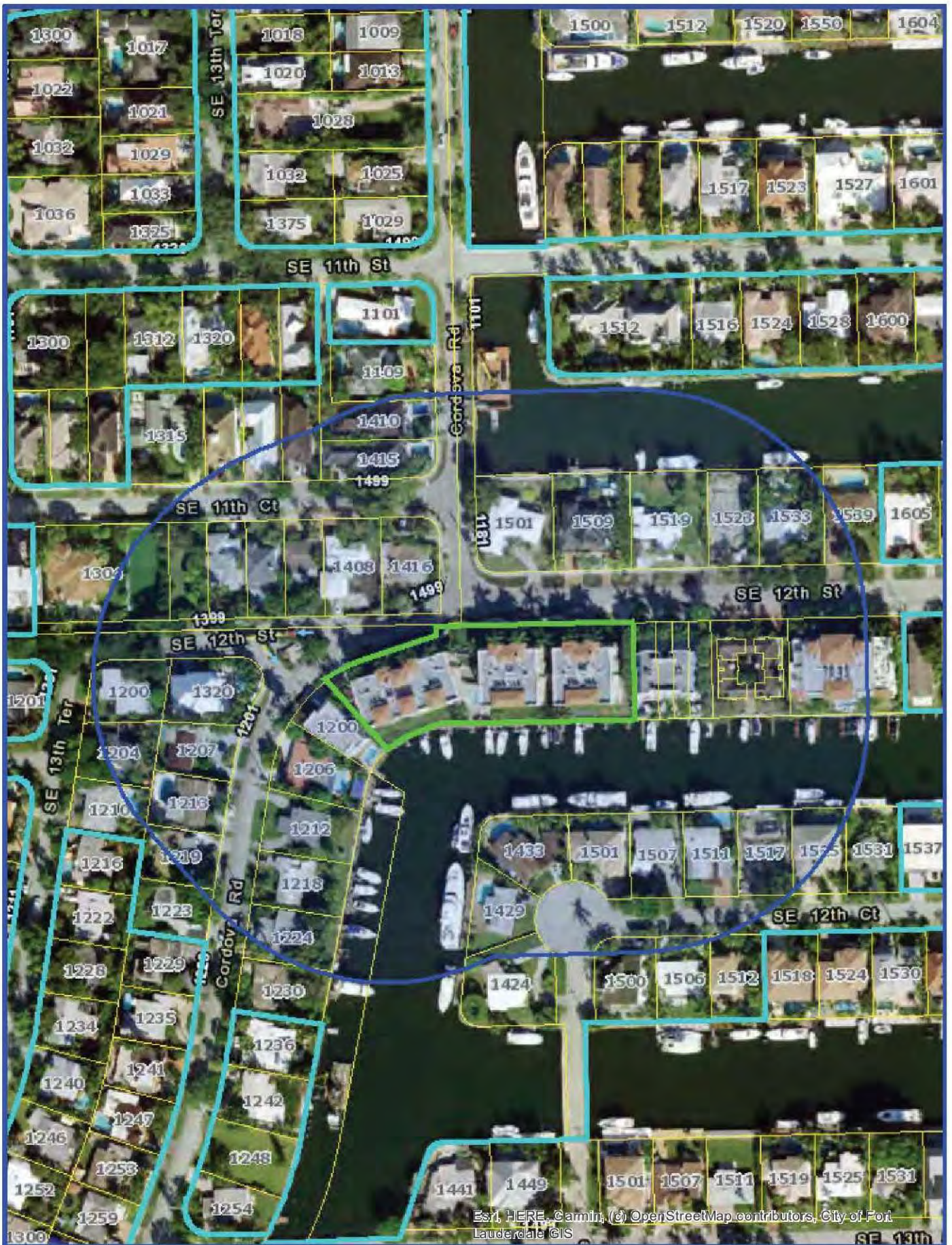
CAN.



Nicholas J. & Sharon L. DiIorio

1414 Southeast 12 Street, #2C, Fort Lauderdale, Florida 33316

ZONING AERIAL



CITY OF FORT LAUDERDALE

1414 SE 12 Street, #2C



0 90 180 Feet

GIS
Fort Lauderdale

Nicholas J. & Sharon L. DiIorio

1414 Southeast 12th Street, #2C, Fort Lauderdale, Florida 33316

SITE PHOTOGRAPHS



Slip #11 with FVP

