

MEMORANDUM MF NO. 24-08

DATE: March 12, 2024
TO: Marine Advisory Board
FROM: Andrew Cuba, Marine Facilities and Parks Manager
RE: June 6, 2024 MAB - Dock Waiver of Distance Limitations
-Scott Eric Jordan & Erin Mary Myers / 700 SW 4th Place

Attached for your review is an application from Scott Eric Jordan & Erin Mary Myers / 700 SW 4th Place (700 Bryan Place).

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting a recommendation of approval for the installation of one (1) wooden dock, two (2) mooring pile clusters, one (1) floating dock, and one (1) boat lift. The platted property line is between 9.5'+/- to 23.7'+/- landward of the existing face of the seawall, and a waiver is required and measured from the property line. The distance this proposed structure would extend from the platted property line into the New River is shown in the survey in the application and summarized in **Table** below:

TABLE

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Wood Dock	40.1'+/-	25'	15.1'+/-
Wood Mooring Pile Cluster	59.8'+/-	25'	34.8'+/-
Wood Mooring Pile Cluster	57.4'+/-	25'	32.4'+/-
Floating Dock	26.5'+/-	25'	1.5'+/-
Boat Lift	33.3'+/-	25'	8.3'+/-

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, and mooring piles to 25 feet or 30%, 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 structures and pilings are necessary for safe mooring of vessels, especially during high wind and

severe weather. In addition, the property line is submerged, and varies between 9.5'+/- to 23.7'+/- from the wet face of the existing seawall.

PROPERTY LOCATION AND ZONING

The property is located within the RS-8 Residential Single Family / Low Medium Density Zoning District. It is situated on the New River where the waterway width from wet face to wet face ranges between 225'+/- and 230'+/-, as indicated within the Summary Description provided in **Exhibit 1**.

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.

AC
Attachment

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

**700 SW 4th PLACE
APPLICATION FOR DISTANCE WAIVER**

714 East McNab Road, Pompano Beach, FL 33060 *tel.* 954.782.1908 *fax.* 954.782.1108 www.thechappellgroup.com

Environmental Consultants | Marina & Wetland Permitting | Mitigation Design & Monitoring | T & E Species Surveys | Tree Surveys/Appraisals

**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; Scott Eric Jordan and Erin Mary Myers, husband and wife

TELEPHONE NO: 727-709-3671 / 540-239-5838 EMAIL: drmyers09@gmail.com
(home) (business)

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

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:

The applicant requests a waiver for the proposed replacement of two (2) wood mooring piling clusters, the replacement and modification of the existing dock, and installation of a floating dock beyond 25 feet from the property line.

4. SITE ADDRESS:

700 SW 4th Pl, Fort Lauderdale, FL 33312

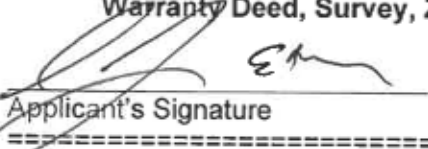
ZONING:

RS-8

LEGAL DESCRIPTION AND FOLIO NUMBER:

RIO ALTA RESUB BLK 34 FT LAUDERDALE 7-19 B LOT 9 & E 35.25 OF LOT 8 BLK 34
Folio No. 504210390060

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


Applicant's Signature

5/15/24
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 _____

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EXHIBIT II SUMMARY DESCRIPTION

Summary Description
700 SW 4th Place
TCG Project No. 24-0025

The project site is located along the New River at 700 SW 4th Place, in Section 10, Township 50, Range 42, in the City of Fort Lauderdale, Broward County, Florida.

The property is located along the New River, which is a tidal water. The nearest direct connection to the Atlantic Ocean is approximately 3 miles to the southeast at the Port Everglades Inlet. As the project site is located along the New River, the incoming tidal waters (flood) at the site move to the southwest and the outgoing waters (ebb) move to the northeast.

The project site consists of an existing ±100 ln. ft. concrete seawall, ±510 sq. ft. wooden dock, boat lift, and two (2) wood mooring pile clusters. The proposed project consists of the installation of a new 100 ln. ft. seawall with a 3.0' wide concrete cap, eleven (11) concrete 12-inch king piles and eleven (11) concrete 12-inch batter piles; the replacement and modification of the wood dock with a maximum width of 23.8' and maximum length of 43.9' (655 sq. ft. total); the replacement of the existing boat lift; the installation of a 5' x 10' floating dock (50 sq. ft.); and the replacement of the two (2) existing wood 12-inch mooring pile clusters to accommodate a total of two (2) slips. The slips will be consistent with the mooring piles and docks adjacent to the property along the New River. The city of Fort Lauderdale has cited the property owner for the existing seawall and dock being dilapidated and in need of replacement. Due to the platted property line being 9.5'-23.7' from the existing wetface of the seawall, a waiver is required to repair the structures. The proposed dock is in general conformance with the existing structures and landward of the adjacent point on the east side of the property and inside the adjacent city docks and slips. As measured from the property line, the proposed dock, boat lift, floating dock, and mooring pile clusters will encroach more than 25' from the property line into the New River. As these distances are over the allowable 25' distance into the waterway from the property line, these structures will require a distance waiver.

The proposed structures are being applied for concurrently with the Broward County Resilient Environmental Department, the Florida Department of Environmental Protection, and the 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 from wetface to wetface ($\pm 225'$ - $\pm 230'$), the proposed project will not impede navigation within the New River.
3. The proposed structures are necessary for safe mooring of vessels, especially during high wind events and severe weather.
4. The proposed structures are also necessary to protect the vessels from high wave energy from excessive boat wakes along the New River.
5. The existing wood dock and seawall are dilapidated and in need of immediate replacement.

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

STRUCTURE	PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
A	Wood Dock	40.1'	25'	15.1'
B	Wood Mooring Pile Cluster	59.8'	25'	34.8'
C	Wood Mooring Pile Cluster	57.4'	25'	32.4'
D	Floating Dock	26.5'	25'	1.5'
E	Boat Lift	33.3'	25'	8.3'

EXHIBIT III WARRANTY DEED

Prepared by:

Liza M. Siegle
Attorney at Law
Joseph M. Balocco Jr., P.A.
4332 East Tradewinds Avenue
Lauderdale By The Sea, FL 33308
954-530-4731
File Number: Schmitz 20-137

Return to:

Stachel Law Planning, PLLC
2933 W. Cypress Creek Road
Suite 201
Fort Lauderdale, FL 33309

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this ____ day of May, 2020 between Brian D. Schmitz and Susan Koch Schmitz, husband and wife whose post office address is 6117 Pasadena Point Blvd, Gulfport, FL 33707, grantor, and Scott Eric Jordan and Erin Mary Myers, husband and wife whose post office address is 700 SW 4th Place, Fort Lauderdale, FL 33312, 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:

Lot 9 and the East 35.25 feet of Lot 8, Rio Alta Resubdivision of Block 34 Fort Lauderdale, according to the Plat thereof, as recorded in Plat Book 7, Page 19, of the Public Records of Broward County, Florida.

Parcel Identification Number: 5042-10-39-0060

SUBJECT TO land use designation, zoning restrictions, prohibitions and other requirements imposed by governmental authority, none of which are hereby reimposed; restrictions, easements and matters appearing on the Plat or otherwise common to the subdivision, none of which are hereby reimposed; and taxes for the year 2020 and subsequent years.

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, 2019.

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:

Mary E Siegle
Witness Name: Mary E Siegle

Nicole Mauro
Witness Name: Nicole Mauro

Mary E Siegle
Witness Name: Mary E Siegle

Nicole Mauro
Witness Name: Nicole Mauro

Brian D Schmitz (Seal)
Brian D. Schmitz

Susan Koch Schmitz (Seal)
Susan Koch Schmitz

State of Florida
County of Broward

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 20 day of May, 2020 by Brian D. Schmitz and Susan Koch Schmitz, who are personally known or have produced a driver's license as identification.

[Notary Seal]

Mary E Siegle
Notary Public
Printed Name: Mary E Siegle
My Commission Expires: 9/7/2022



EXHIBIT IV ZONING AERIAL



City of Fort Lauderdale GIS



CITY OF FORT LAUDERDALE

700 SW 4th Place

Map Created by GIS Mailer



0 190 380 Feet

GIS
Fort Lauderdale

CAM #24_0632

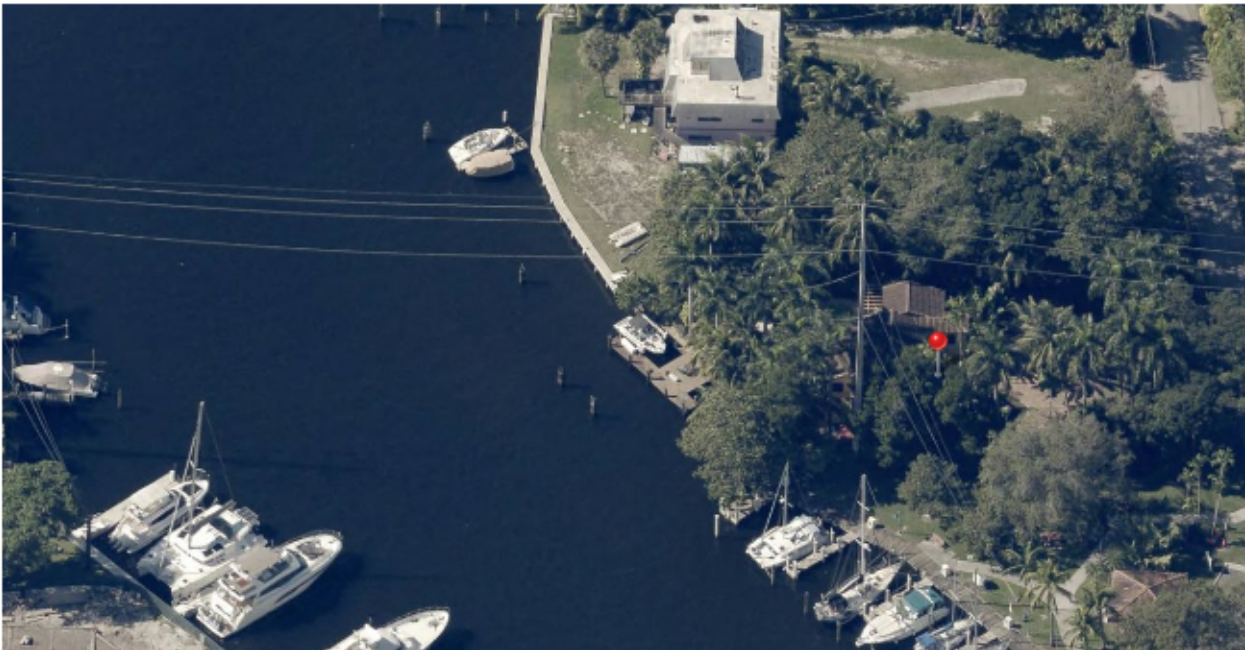
Printed on: 5/21/2024

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EXHIBIT V SITE PHOTOGRAPHS



1. Southern portion of the subject site, facing north along the New River.



2. Southern portion of the subject site, facing west along the New River.

EXHIBIT VI PROJECT PLANS

700 SW 4TH PLACE CITY OF FORT LAUDERDALE PLAN SET



LOCATION MAP (N.T.S.)

DRAWING INDEX

SHEET 1: COVER

SHEET 2: EXISTING
CONDITIONS

SHEET 3: PROPOSED
CONDITIONS

SHEET 4: SECTION

SHEET 5: DETAILS



VICINITY AERIAL (N.T.S.)

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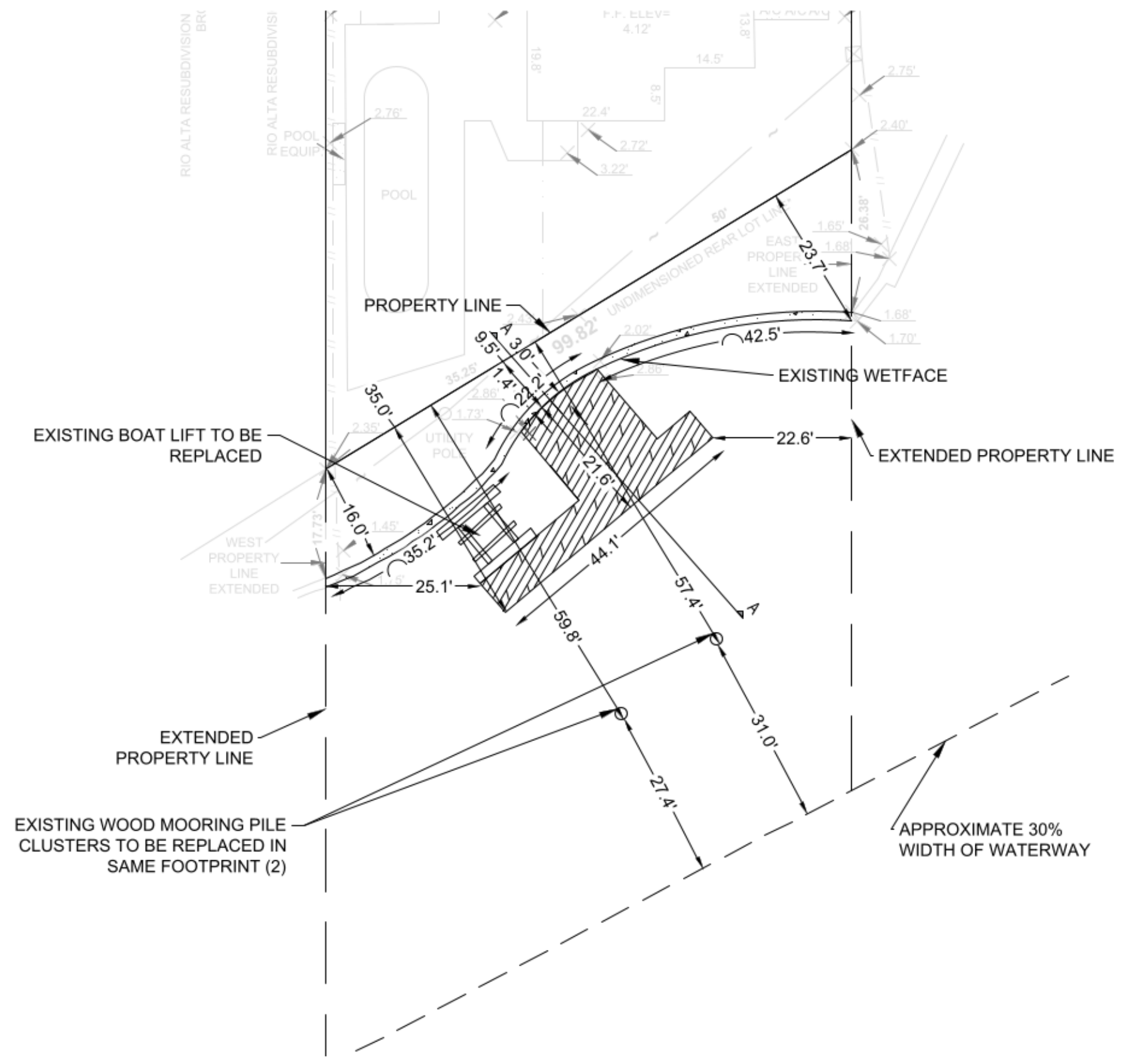
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fax. 954.782.1108
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

700 SW 4TH PLACE
PREPARED FOR:
MR. SCOTT JORDAN & DR. ERIN MYERS

COVER

Date: 5/21/2024	Sheet : 1	of : 5
Proj No.: 24-0025		



LEGEND

-  SUBJECT SITE (±0.30 AC)
-  EXISTING CORAL ROCK WALL SEAWALL TO REMAIN (±100 LN. FT.)
-  EXISTING WOOD DOCK TO BE REPLACED (±510 ft²)

M.H.W. = 0.32' NAVD M.L.W. = (-)1.83' NAVD

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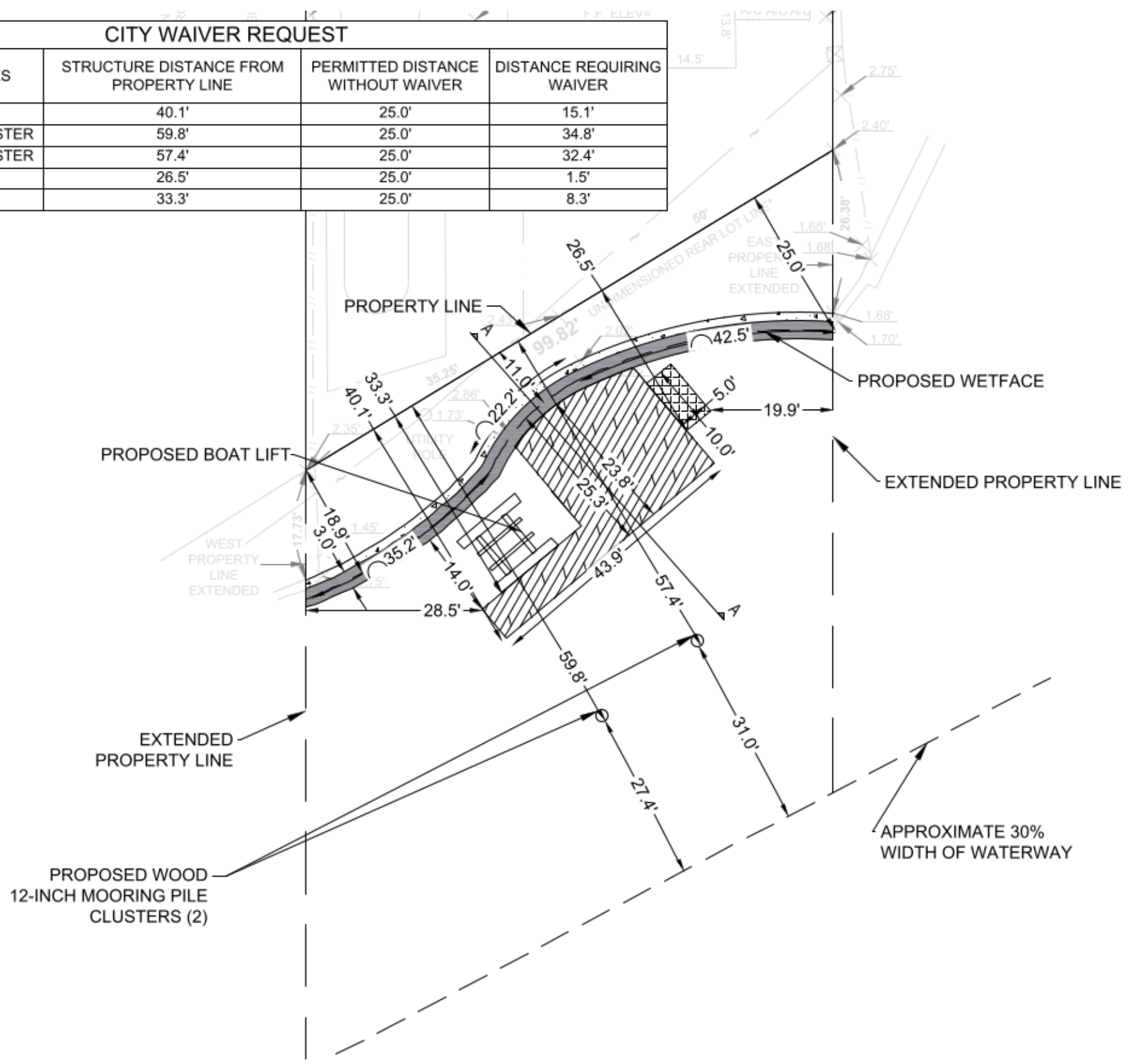
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EXISTING CONDITIONS		
Date: 5/21/2024	Sheet : 2	of : 5
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CITY WAIVER REQUEST			
PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
WOOD DOCK	40.1'	25.0'	15.1'
WOOD MOORING PILE CLUSTER	59.8'	25.0'	34.8'
WOOD MOORING PILE CLUSTER	57.4'	25.0'	32.4'
FLOATING DOCK	26.5'	25.0'	1.5'
BOAT LIFT	33.3'	25.0'	8.3'



LEGEND

- SUBJECT SITE (±0.30 AC)
- EXISTING CORAL ROCK WALL SEAWALL TO REMAIN (±100 LN. FT.)
- PROPOSED CONCRETE PANEL SEAWALL (±100 LN. FT.)
- PROPOSED WOOD DOCK (±655 ft²)
- PROPOSED FLOATING DOCK (±50 ft²)

M.H.W. = 0.32' NAVD M.L.W. = (-)1.83' NAVD
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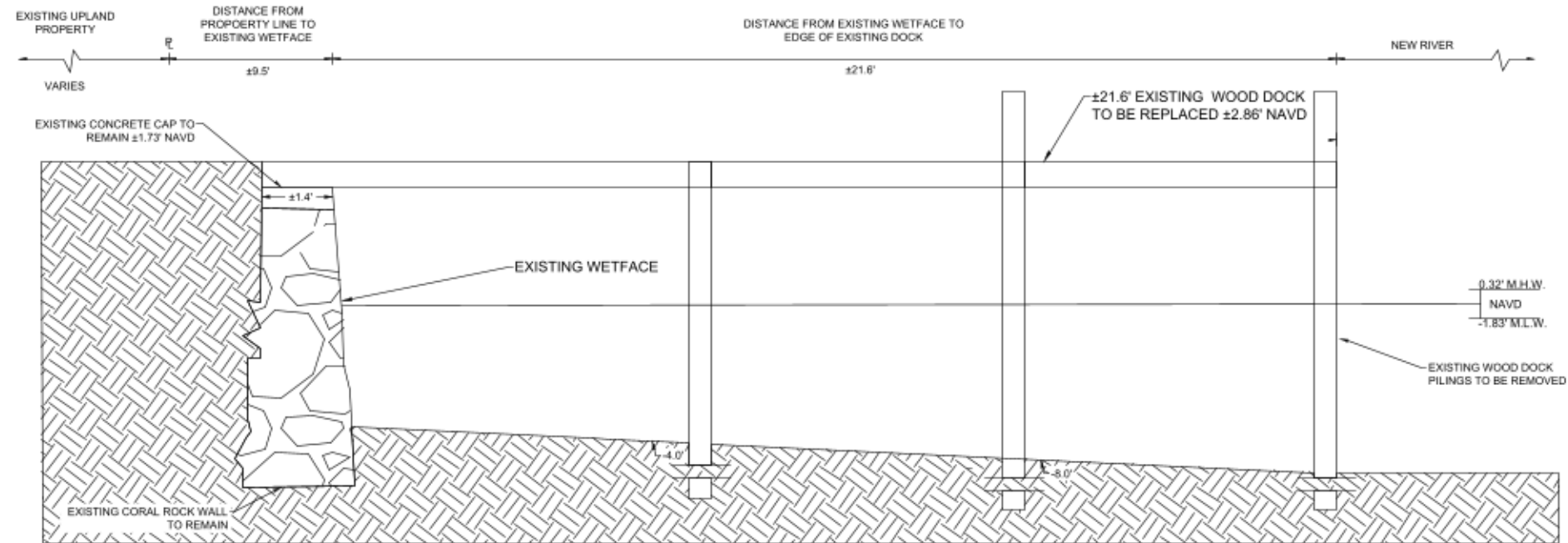
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PROPOSED CONDITIONS		
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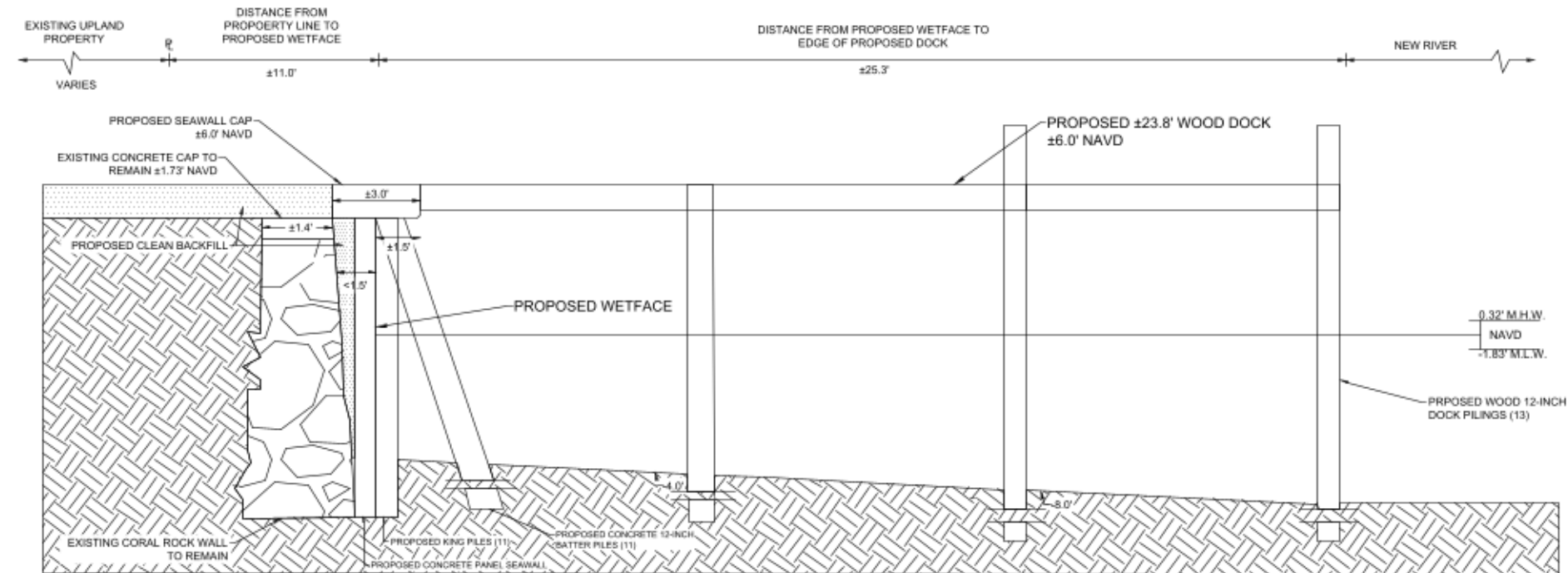
EXISTING CONDITIONS A-A (TYP.)

NT3



PROPOSED CONDITIONS A-A (TYP.)

NT5



NOTE PROPOSED WETFACE TO BE NO GREATER THAN 18" FROM EXISTING WETFACE

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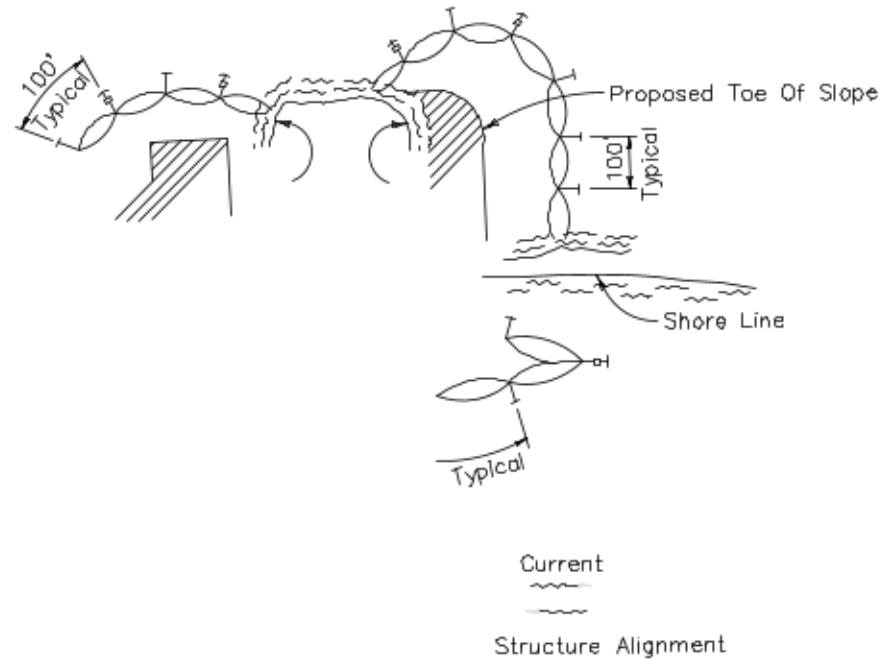
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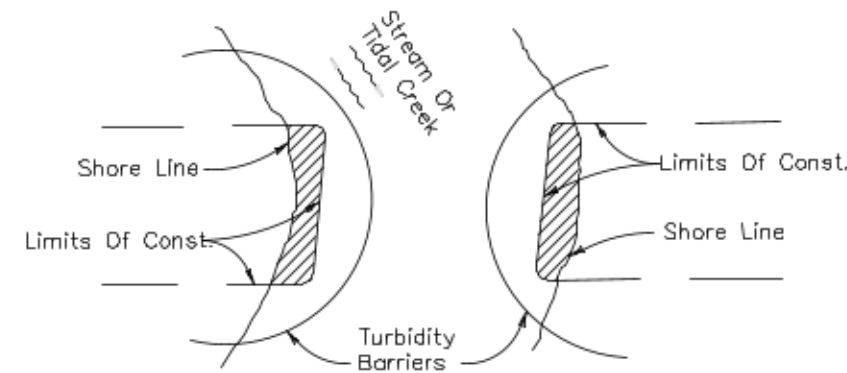
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CONSTRUCTION BARGE (TYP.)



LEGEND

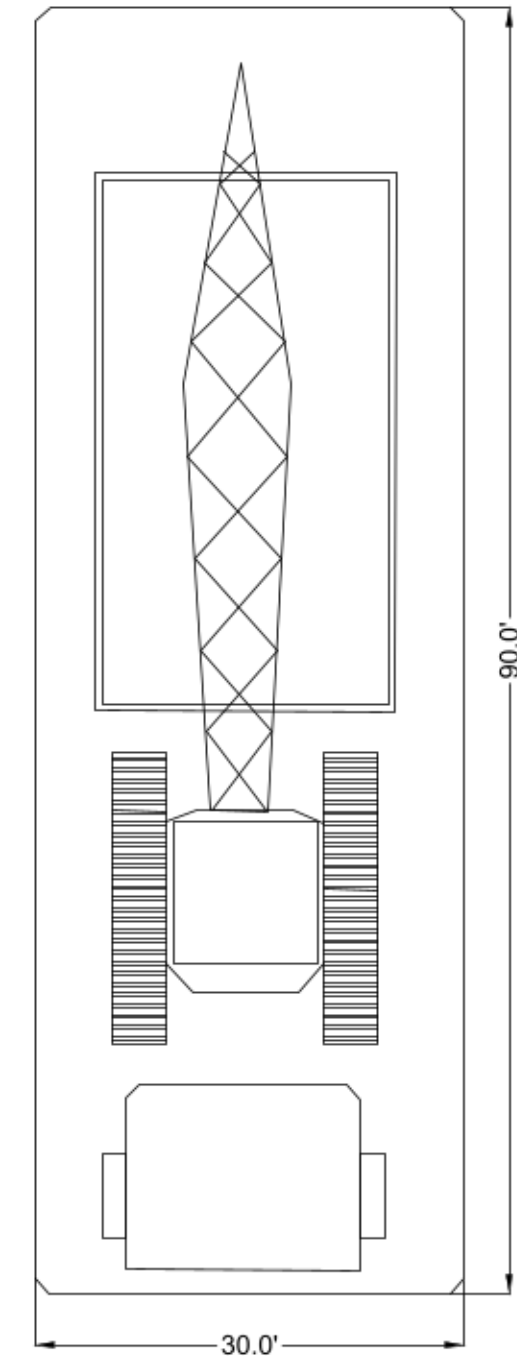
- Pile Locations
- ▨ Dredge Or Fill Area
- Mooring Buoy w/Anchor
- Anchor
- Barrier Movement Due To Current Action



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.

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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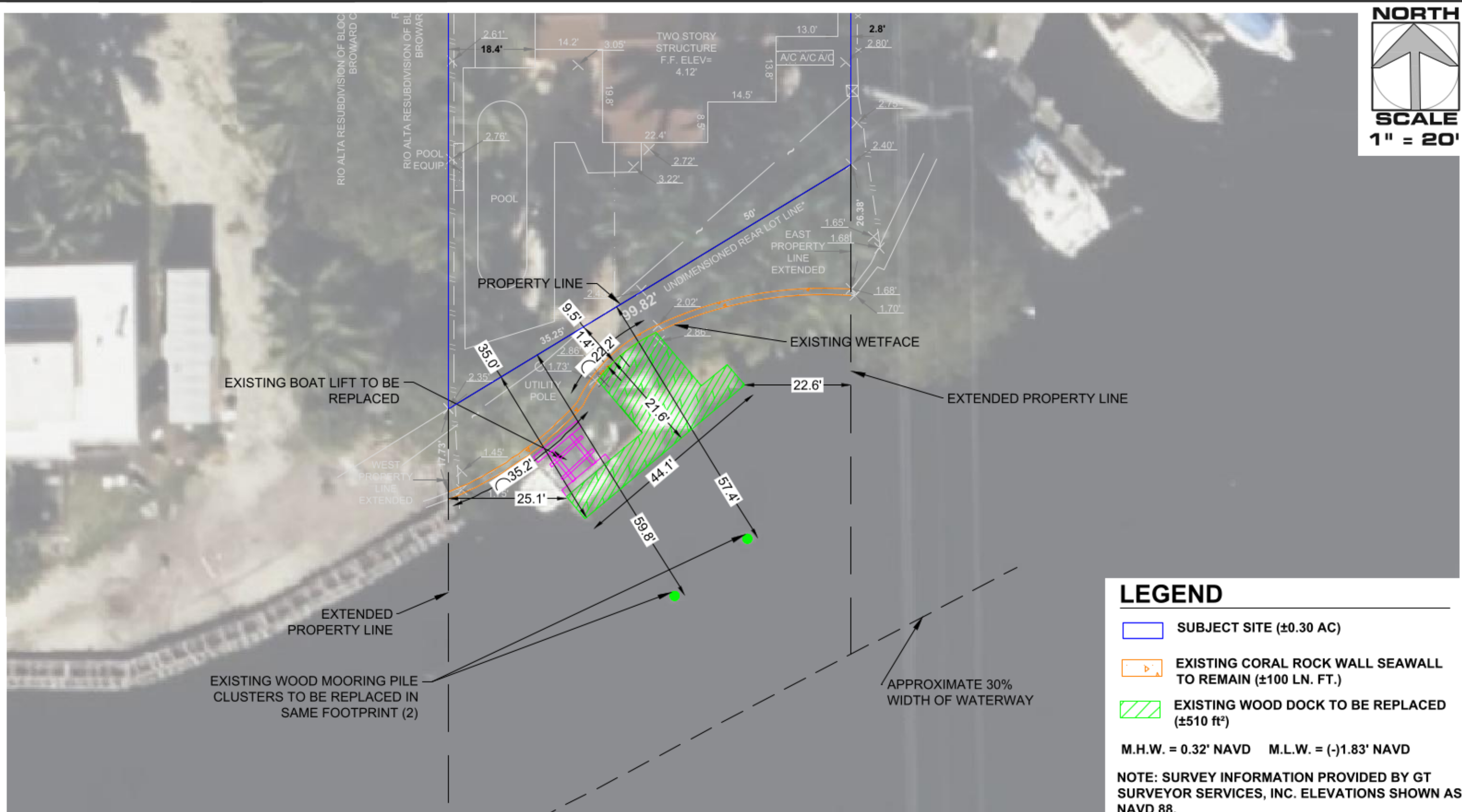
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MR. SCOTT JORDAN & DR. ERIN MYERS

DETAILS

Date: 5/21/2024	Sheet : 5	of : 5	
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EXHIBIT VII DISTANCE EXHIBIT



LEGEND

- SUBJECT SITE (±0.30 AC)
- EXISTING CORAL ROCK WALL SEAWALL TO REMAIN (±100 LN. FT.)
- EXISTING WOOD DOCK TO BE REPLACED (±510 ft²)

M.H.W. = 0.32' NAVD M.L.W. = (-)1.83' NAVD

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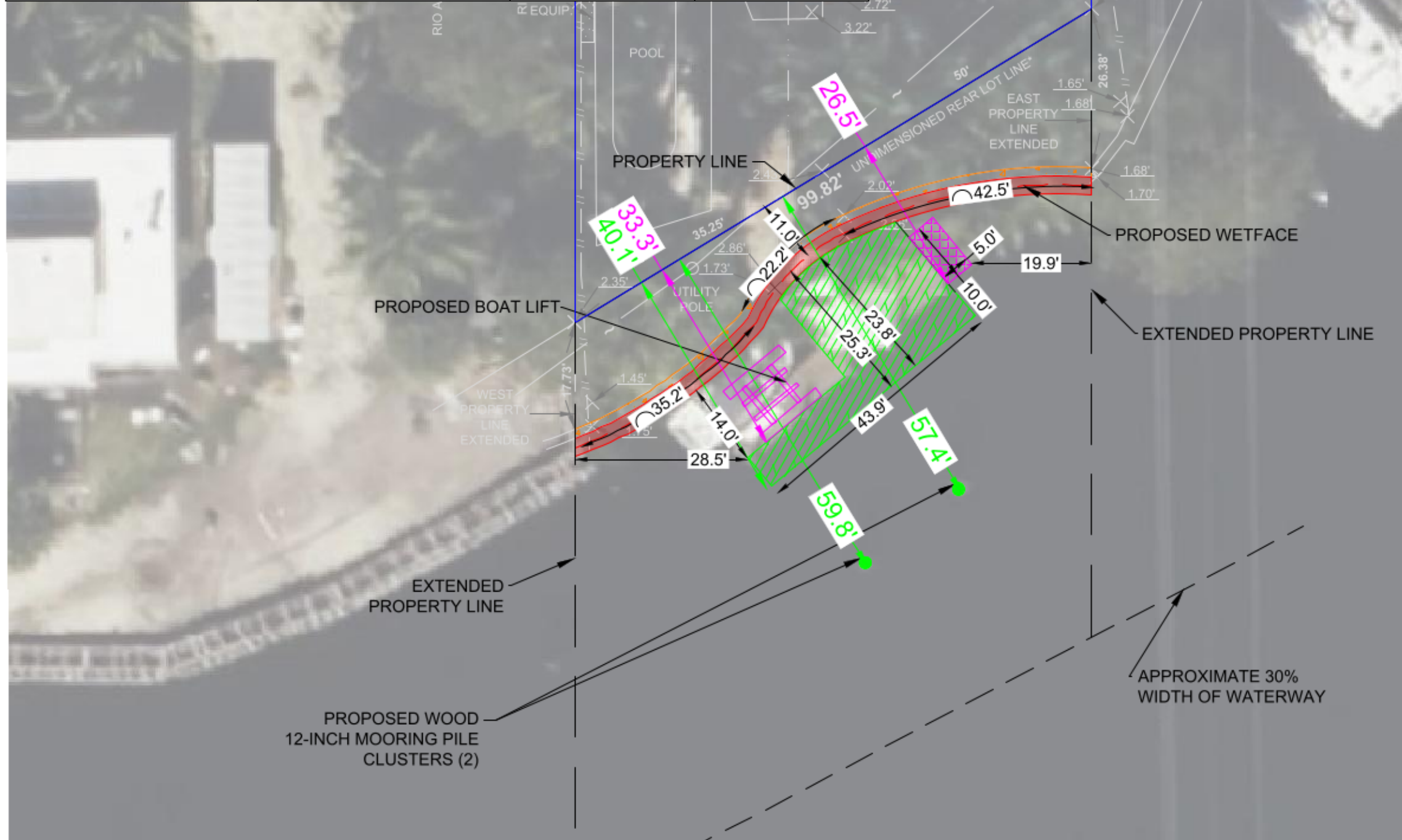
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DISTANCE EXHIBIT - EXISTING		
Date: 5/21/2024	Sheet : <b style="font-size: 2em;">1	of : <b style="font-size: 2em;">3
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- PROPOSED WOOD DOCK (±655 ft²)
- PROPOSED FLOATING DOCK (±50 ft²)

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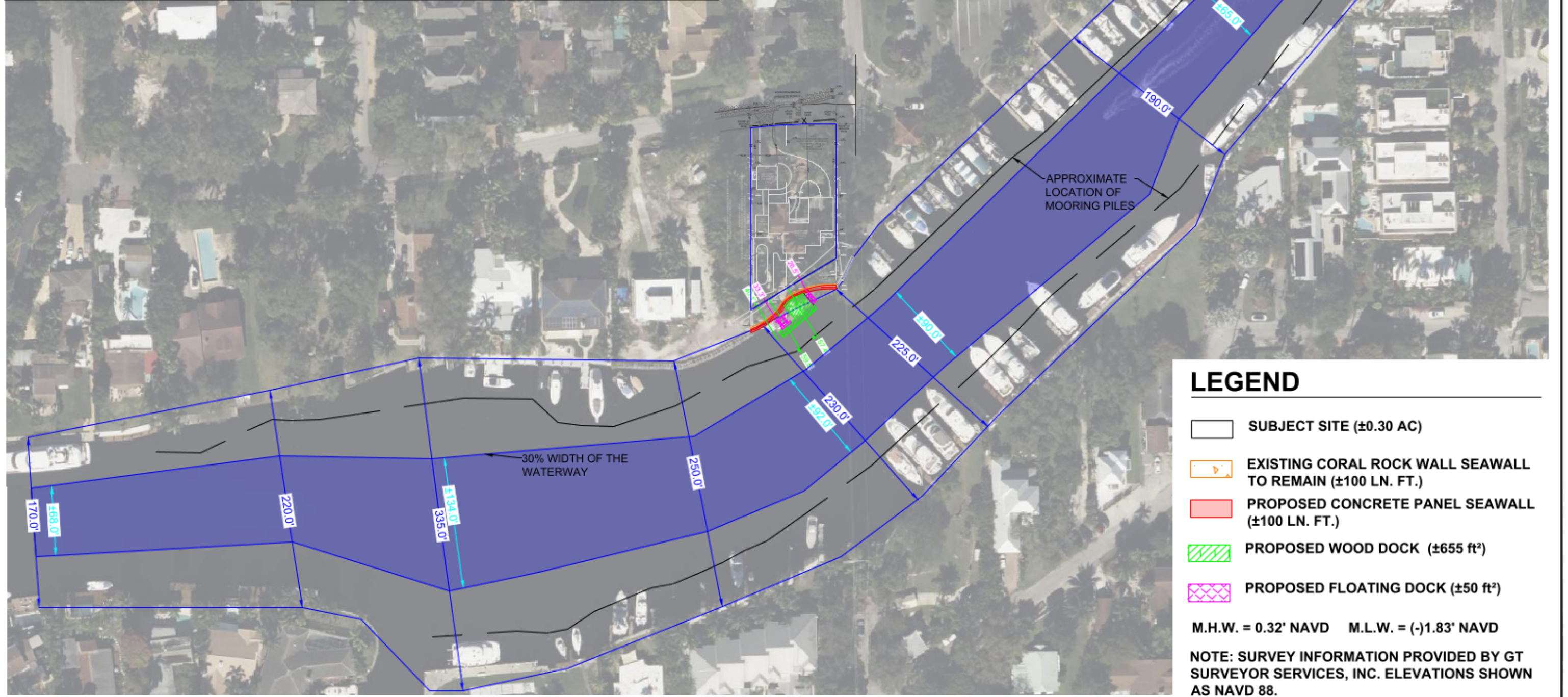
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DISTANCE EXHIBIT - PROPOSED		
Date: 5/21/2024	Sheet : 2	of : 3
Proj No.: 24-0025		

CITY WAIVER REQUEST

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
WOOD DOCK	40.1'	25.0'	15.1'
WOOD MOORING PILE CLUSTER	59.8'	25.0'	34.8'
WOOD MOORING PILE CLUSTER	57.4'	25.0'	32.4'
FLOATING DOCK	26.5'	25.0'	1.5'
BOAT LIFT	33.3'	25.0'	8.3'



LEGEND

- SUBJECT SITE (±0.30 AC)
- EXISTING CORAL ROCK WALL SEAWALL TO REMAIN (±100 LN. FT.)
- PROPOSED CONCRETE PANEL SEAWALL (±100 LN. FT.)
- PROPOSED WOOD DOCK (±655 ft²)
- PROPOSED FLOATING DOCK (±50 ft²)

M.H.W. = 0.32' NAVD M.L.W. = (-)1.83' NAVD
 NOTE: SURVEY INFORMATION PROVIDED BY GT SURVEYOR SERVICES, INC. ELEVATIONS SHOWN AS NAVD 88.

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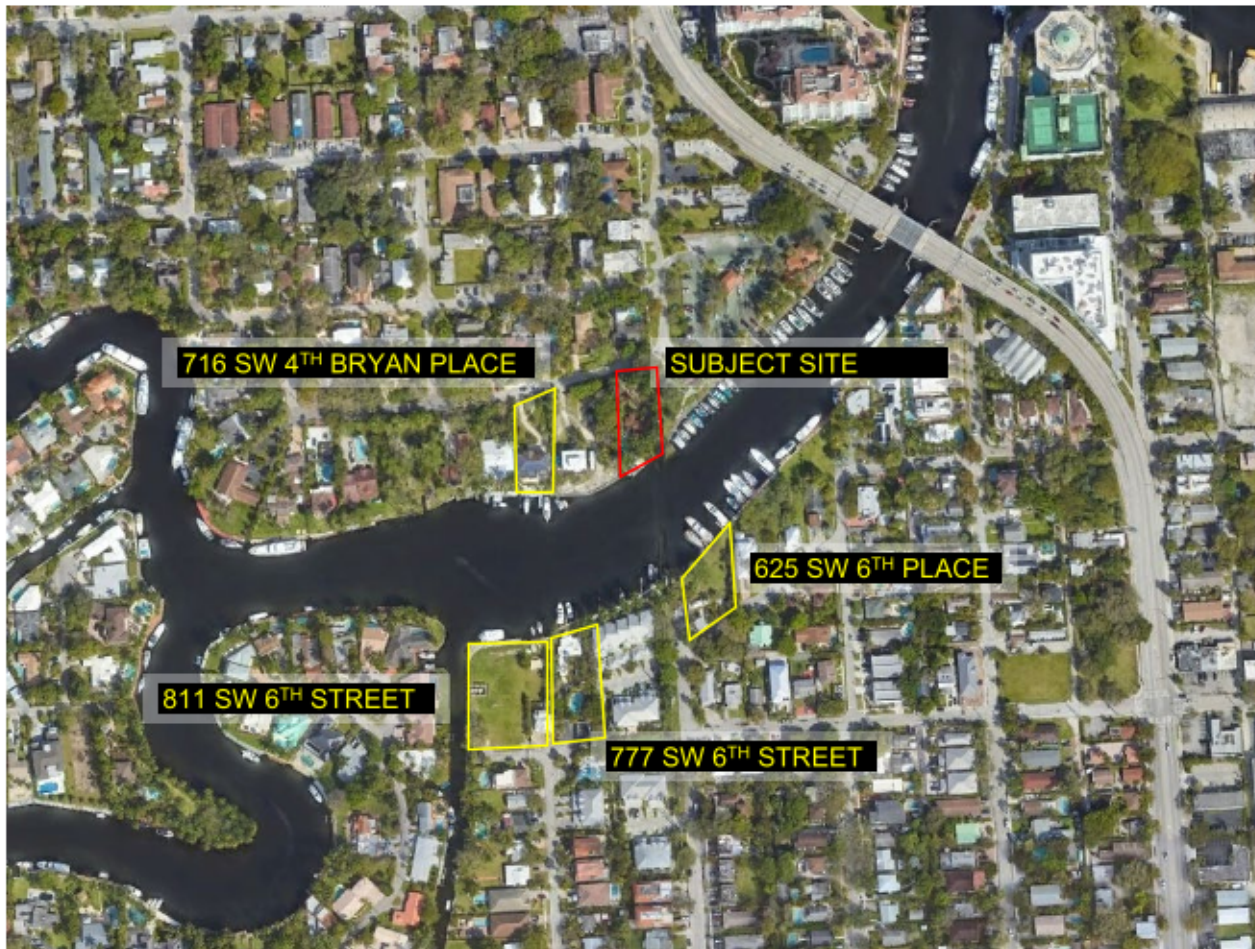
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

700 SW 4TH PLACE
 PREPARED FOR:
 MR. SCOTT JORDAN & DR. ERIN MYERS

DISTANCE EXHIBIT - PROPOSED		
Date: 5/21/2024	Sheet : 3	of : 3
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EXHIBIT VIII EXISTING WAIVERS IN THE VICINITY

EXISTING WAIVERS IN THE VICINITY



ADDRESS	MAXIMUM DISTANCE
716 Bryan Place	62'
777 SW 6 th Street	38'
811 SW 6 th Avenue	47.1'
625 SW 5 th Place	50.6'
Subject Site	59.8'