

# ITEM VI

## MEMORANDUM MF NO. 15-02

DATE: March 10, 2015  
TO: Marine Advisory Board Members  
FROM: Andrew Cuba, Manager of Marine Facilities  
RE: May 7, 2015 MAB – Application - Dock Waiver of Distance Limitations – Brian S. & Kathleen A. Tedeschi / 3081 NE 40<sup>th</sup> Street.

Attached for your review is an application from Brian S. & Kathleen A. Tedeschi / 3081 NE 40<sup>th</sup> Street (see **Exhibit 1**).

### APPLICATION AND BACKGROUND INFORMATION

At the January 17, 2012 City Commission meeting, the applicant was granted a waiver to install a boat lift extending a maximum of 22.1' from the property line into the adjacent canal. The applicant is seeking to replace the existing boatlift with a new boat lift extending approximately 24.4' into the canal.

**TABLE 1**

<b>PROPOSED STRUCTURE</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>STRUCTURE DISTANCE FROM NEAREST RIPARIAN RIGHTS LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING WAIVER</b>
<b>Boat Lift</b>	<b>24.4'</b>	<b>36.8'</b>	<b>20.6'</b>	<b>3.8'</b>

The City's Unified Land and Development Regulations (UDLR), Sections 47-19.3.C limits the maximum distance of the boat lift at this location to 25'. Section 47.19.3.E authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The applicant's summary description indicates excessive wave action due to a lack of wake zone in the Intracoastal Waterway adjacent to this location necessitate mooring structures extending beyond Code.

### PROPERTY LOCATION AND ZONING

The property is located within the Coral Ridge Country Club RS-8 Residential Low Density Zoning District. It is situated on the western shore of the Intracoastal Waterway and the overall width of the subject canal is identified as approximately 82.5'.

DOCK PLAN AND BOATING SAFETY

Marine Facilities' records reflect that there have been 5 waivers of docking distance limitations approved by the City Commission since 2010 with the most recent at 3081 NE 40<sup>th</sup> Street approved by the City Commission at their meeting of January 17, 2012. A comparison of these follows:

**TABLE 2**

<b>DATE</b>	<b>ADDRESS</b>	<b>MAXIMUM DISTANCE</b>
<b>2/2010</b>	<b>2873 NE 24<sup>th</sup> Street</b>	<b>19'</b>
<b>7/2010</b>	<b>3111 NE 43<sup>rd</sup> Street</b>	<b>20'</b>
<b>9/2010</b>	<b>3124 NE 42<sup>nd</sup> Court</b>	<b>21'9"</b>
<b>12/2010</b>	<b>3010 NE 40<sup>th</sup> Street</b>	<b>17'7"</b>
<b>1/2012</b>	<b>3081 NE 40<sup>th</sup> Street</b>	<b>22.1'</b>

RECOMMENDATIONS

Should the Marine Advisory Board 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 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 the appropriate City staff with copies of "As Built" drawings from a certified and licensed contractor, and verification of receipt of all applicable Federal and State permits.
3. 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: Carl Williams, Deputy Director of Parks and Recreation  
Jonathan Luscomb, Supervisor of Marine Facilities

**EXHIBIT I**  
**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 S. & Kathleen A. Tedeschi

TELEPHONE NO: 781-248-795 (home) (business) FAX NO. same

- 2. APPLICANT'S ADDRESS (if different than the site address): **SAME AS SITE ADDRESS**

- 3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: **The applicant requests a waiver for a boat lift extending more than 25% the width of the waterway.**

- 4. SITE ADDRESS: **3081 NE 40<sup>TH</sup> STREET, FT. LAUDERDALE, FL 33308** ZONING: **RS-8**

LEGAL DESCRIPTION: **CORAL RIDGE COUNTRY CLUB ADD NO 3 52-14 B LOT 10 BLK O**

- 5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications). **Warranty Deed, Plan Set, Zoning Aerial, Summary Description, Site Photos, Survey, Approval Letters**

Brian S Tedeschi  
Applicant's Signature

2-24-15  
Date

The sum of \$ \_\_\_\_\_ was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_, 2015 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 \_\_\_\_\_

**EXHIBIT II**  
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**EXHIBIT III  
WARRANTY DEED**

Return to: Lumbermen's/ dba Absolute Title Services  
121 N. Bay Street  
Eustis, Florida 32726

This Instrument Prepared:  
Lumbermen's/ dba Absolute Title Services  
121 N. Bay Street  
Eustis, Florida 32726  
as a necessary incident to the fulfillment of conditions  
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):  
49 42 24101570  
Grantee(s) S.S.#(s):  
File No:500142

**WARRANTY DEED**

This Warranty Deed Made the 9th day of August, 2005, by Mary N. Purcell, a single woman, , hereinafter called the grantor, whose post office address is: 3081 NE 40 St. Fort Lauderdale, Florida 33308

To Brian S. Tedeschi and Kathleen A. Tedeschi, whose post office address is 31 Island View Circle Norwell, Massachusetts 02061, hereinafter called the grantee,

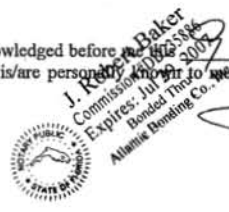
WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Broward County, Florida, viz:

Lot 10, Block "O", CORAL RIDGE COUNTRY CLUB ADDITION NO. 3, according to the Plat thereof recorded in Plat Book 52, Page 14, of the Public Records of Broward County, Florida.

The property is not the homestead of the Grantor(s).  
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 and assessments for the year 2003 and subsequent years; covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.  
*(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)*  
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 Signature: [Signature] Mary N. Purcell  
Printed Name: TINA M BOYCE  
Witness Signature: [Signature]  
Printed Name: KATE ASBURY  
Witness Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Witness Signature: \_\_\_\_\_  
Printed Name: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF  
The foregoing instrument was acknowledged before me, J. Robert Baker day of Aug 2005 by Mary N. Purcell, a single woman, who is/are personally known to me or who has/have produced driver license(s) as identification.  
My Commission Expires: \_\_\_\_\_



[Signature]  
Printed Name:  
Notary Public  
Serial Number

00b

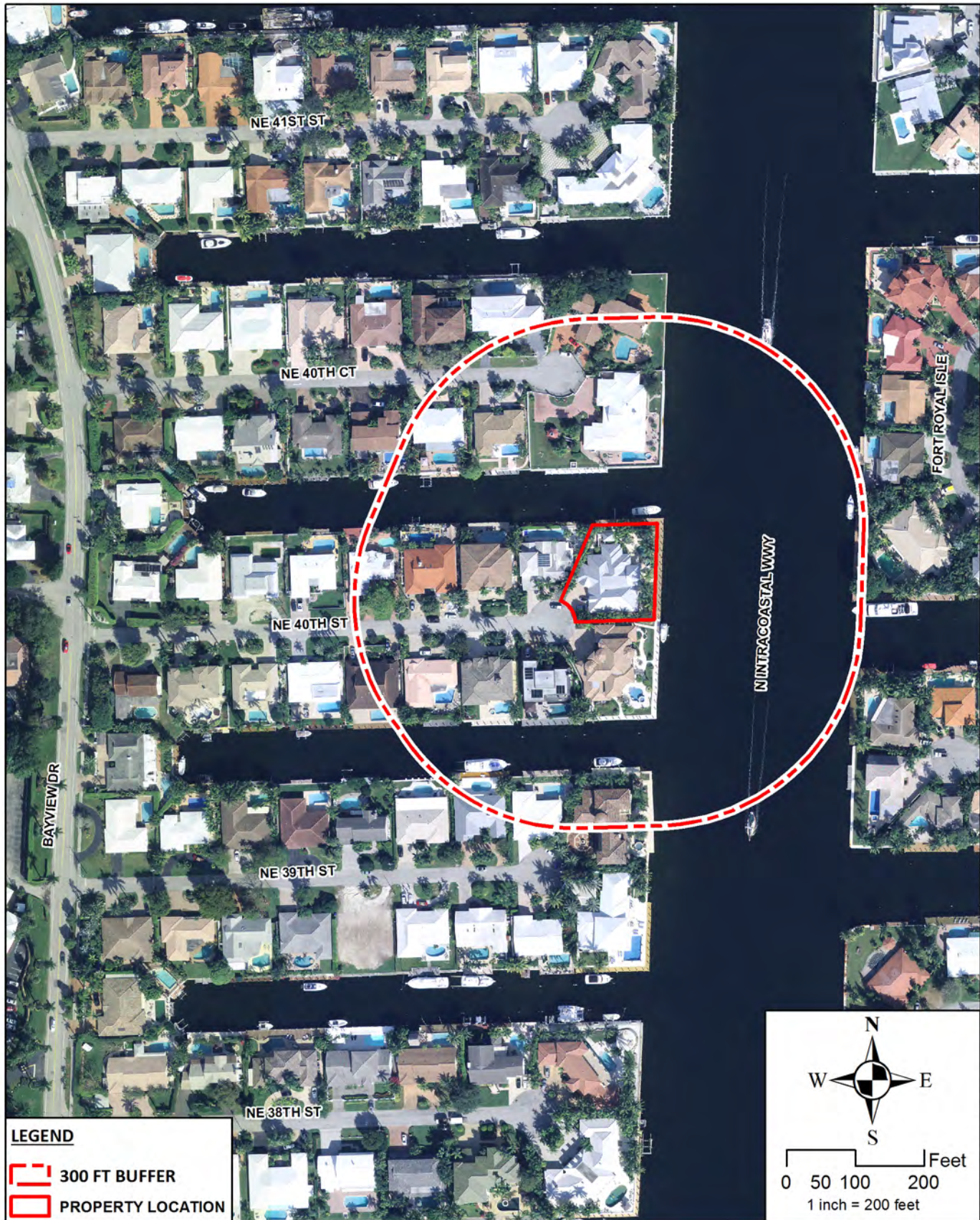


**EXHIBIT IV  
PROJECT PLANS**







**EXHIBIT V  
ZONING AERIAL**



**LEGEND**

-  300 FT BUFFER
-  PROPERTY LOCATION



0 50 100 200 Feet  
1 inch = 200 feet



CITY OF FORT LAUDERDALE

**3081 NE 40TH STREET**

**GIS**  
Fort Lauderdale

Date: 2/24/2015  
CAM 15-0717

Exhibit 1  
Page 13 of 29

**EXHIBIT VI  
SUMMARY DESCRIPTION**

**Summary Description**  
**3081 NE 40th Street**  
**TCG Project No. 11-0043.001**

The project site is located along the Intracoastal Waterway (ICWW) and a man-made canal at 3081 NE 40<sup>th</sup> Street, in Section 24, Township 49, Range 42, in the City of Ft. Lauderdale, Broward County, Florida

The property is located along the ICWW and a man-made canal, which are tidal waters. The nearest direct connection to the Atlantic Ocean is 5.8 miles to the south at Port Everglades. As the project site is located along the Intracoastal Waterway and a man-made canal, the incoming tidal waters (flood) at the site move to the north & west and the outgoing waters (ebb) move to the east & south.

The proposed project consists of the replacement of an existing boat lift along the canal portion of the property. As measured from the property line, the proposed boat lift encroaches into the canal approximately 24.4'. As this distance is over the 25% width of the waterway (20.6') City encroachment requirement, the structure will require a variance waiver.

The existing boat lift was previously granted a waiver for a distance of 22.1'. In addition, once the waiver is approved all necessary regulatory permits will applied for.

The following two (2) matters provide justification for this waiver request:

1. Due to the width of the waterway at this location (82'.5) and the insignificant encroachment over the allowable limit (3.8'), the proposed project has not impeded navigation within the adjacent canal.
2. Due to the lack of a wake zone within the adjacent ICWW in this location the existing boat lift is necessary to stabilize and protect the applicant's vessel from wave action. In addition, as there is no wake zone within the ICWW in this location, the relocation of the existing boatlift into the ICWW is not conducive for accessing the boat lift from the ICWW by the vessel.

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

<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>STRUCTURE DISTANCE FROM NEAREST RIPARIAN RIGHTS LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
<b>Boat Lift to be Installed</b>	<b>24.4'</b>	<b>36.8'</b>	<b>20.6'</b>	<b>3.8'</b>

**Previous Resolution Table**

<b>PREVIOUS STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>STRUCTURE DISTANCE FROM NEAREST RIPARIAN RIGHTS LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
<b>Previous Boat Lift</b>	<b>22.1'</b>	<b>20.2</b>	<b>20.6</b>	<b>1.5'</b>



**EXHIBIT VII  
SITE PHOTOGRAPHS**



**1. Western property boundary, facing southwest along the canal.**



**2. Western property boundary, facing west along the canal.**



**3. Western property boundary, facing north along the canal.**



**4. Eastern property boundary, facing east along into the Intracoastal Waterway (ICWW).**



**5. Eastern property boundary, facing north along the ICWW.**



**6. Eastern property boundary, facing west along the canal.**

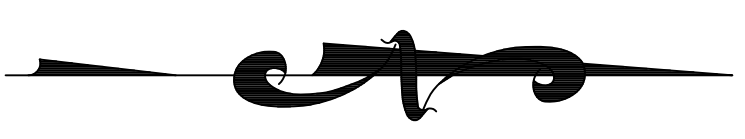
**EXHIBIT VII  
ORIGINAL SURVEY**

**BOUNDARY AND TOPOGRAPHIC SURVEY**

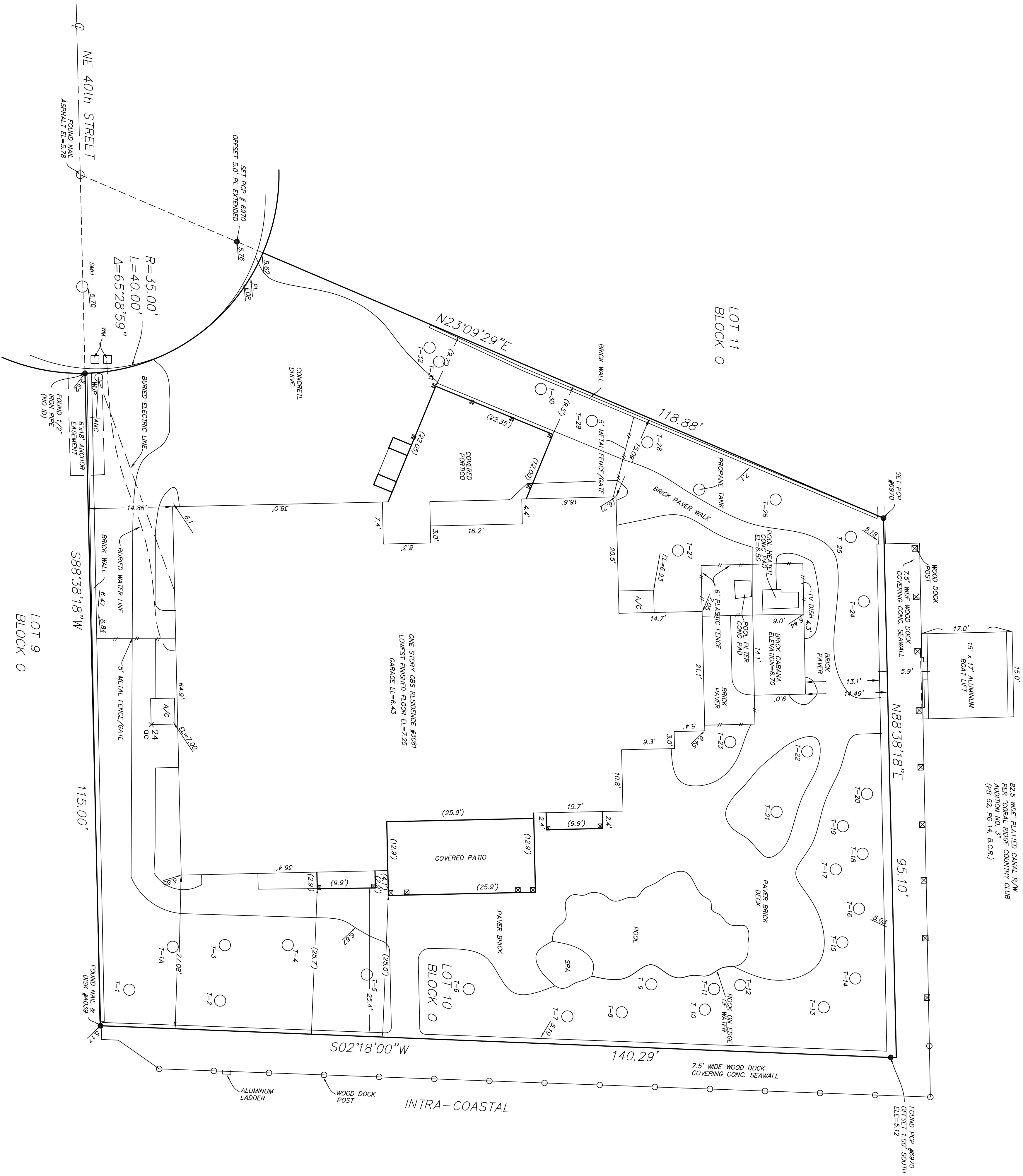
BMB SERVICES, INC.  
 PREPARED BY  
 LAND SURVEYORS  
 1100 N. W. 11th Street  
 Plantation, Florida 33325  
 PHONE & FAX: (954) 472-1031  
 CELL: (954) 650-1833  
 E-MAIL: bmb@bmb.com

**LEGAL DESCRIPTION:**

LOT 10, BLOCK 0, OF "INTRA-COASTAL COUNTRY CLUB ADDITION NO. 3", ACCORDING TO THE PLAT HEREOF AS RECORDED IN PLAT BOOK 52, PAGE 14, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.



SCALE: 1" = 10'



**LEGEND:**

- A/C = AIR CONDITIONER
- EL = ELEVATION
- EOP = EDGE OF PAVEMENT
- POP = PERMANENT CONTROL POINT
- PL = PROPERTY LINE
- T = TREE
- WM = WATER METER
- (S.6) = DENOTES AS-BUILT DATA

**SURVEY NOTES:**

- 1) BOUNDS SHOWN HEREON HAVE NOT BEEN ABSTRACTED FOR EASEMENTS OR RIGHTS OF WAY OF RECORD BY THE SURVEYOR
- 2) ELEVATIONS SHOWN HEREON ARE BASED ON THE BROWARD COUNTY DATUM
- 3) BEARINGS SHOWN HEREON ARE ASSUMED AND CALCULATED FROM PLAT DATA
- 4) LOT DIMENSIONS ARE ASSUMED TO BE 0.378 ACRES MORE OR LESS
- 5) COMMUNITY PANEL NO. 1201102009, SUFFIX F, DATED 8/19/92

**TREE TABLE**

NUMBER	DIA	TYPE
T-1	6"	ACACIADA
T-1A	3"	INK LEMON
T-2	9"	ORANGE COCONUT
T-3	2X4"	ROSEBERRY
T-4	3X4"	W2 REDWOODS
T-5	6"	SHRUB MALE PALM COCONUT
T-6	6"	MALIBU PALM
T-7	6"	VEGETA PALM
T-8	3x4"	ROSEBERRY
T-9	6"	MAYPAIN COCONUT
T-10	4"	VEGETA PALM
T-11	5"	ROYAL PALM
T-12	5"	ROYAL PALM
T-13	4x4"	ROYAL PALM
T-14	5"	ROYAL PALM
T-15	5"	ROYAL PALM
T-16	4x4"	ROYAL PALM
T-17	2"	RED WAXER
T-18	4x4"	FOXTAIL PALM
T-19	6x3"	CHRISTMAS PALM
T-20	3"	ROYAL PALM
T-21	3"	ROYAL PALM
T-22	5x4"	POWY PALM
T-23	4"	VEGETA PALM
T-24	5x4"	VEGETA PALM
T-25	5x4"	VEGETA PALM
T-26	4x6"	FOXTAIL PALM
T-27	4x4"	ANGEL ROSEBERRY
T-28	4x4"	ANGEL ROSEBERRY
T-29	9"	QUEEN PALM
T-30	9"	QUEEN PALM
T-31	8"	QUEEN PALM
T-32	8"	QUEEN PALM

**REVISIONS:**

- 4/27/07 UPDATE SURVEY
- 6/26/07 SPOT SURVEY
- 2/19/08 UPDATE SURVEY
- 04/01/08 FINAL SURVEY
- 01/19/10 UPDATE SURVEY
- 02/02/10 ADD DIMENSIONS

FILE: 06-004  
 SCALE: 1" = 10'  
 JOB NO.: 06-004  
 DATE: JANUARY 25, 2006  
 ADD: 3081 NE 40th STREET  
 FT. LAUDERDALE, FLORIDA  
 FOR: B. REDSCHL

**CERTIFICATION:**  
 I Herewith Certify that this sketch of survey meets the minimum technical standards set forth by the Florida Board of Professional Land Surveyors 472.0027 Florida Statutes. Administrative costs, pursuant to Section 472.0027, are not included in this fee. This plat is prepared in accordance with the Florida Statutes and the original rolled seal of a Florida Registered Professional Surveyor and mapmaker.

David G. Kouss, Professional Surveyor & Mapper  
 Florida Registration No. 4886

**EXHIBIT IX  
PREVIOUS RESOLUTION**

RESOLUTION NO. 12-09

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, GRANTING, SUBJECT TO TERMS AND CONDITIONS, A WAIVER OF THE LIMITATIONS OF SECTION 47-19.3.C. D. OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE TO BRIAN S. TEDESCHI AND KATHLEEN TEDESCHI ("APPLICANTS"), FOR APPROVAL TO RELOCATE AND CONSTRUCT A BOATLIFT EXTENDING INTO THE ADJACENT CANAL PROJECTING FROM APPLICANTS' PROPERTY INTO THE INTRACOASTAL WATERWAY (NEW RIVER SOUND), SUCH DISTANCE(S) AND PROPERTY AS BEING MORE PARTICULARLY DESCRIBED BELOW; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Brian S. Tedeschi and Kathleen Tedeschi (hereinafter "Applicants") own the following described Property located in the City of Fort Lauderdale, Broward County, Florida:

Lot 10, Block "O", CORAL RIDGE COUNTRY CLUB ADDITION NO. 5, according to the Plat thereof recorded in Plat Book 52, Page 14, of the Public Records of Broward County, Florida.

Street Address: 3081 NE 40<sup>th</sup> Street  
Fort Lauderdale, FL 33308  
(hereinafter "Property")

WHEREAS, on December 1, 2011 Applicant filed with the City of Fort Lauderdale Marine Facilities an application requesting approval to relocate an existing boatlift to extend a maximum of 22.1 feet into the adjacent canal at said Property to extend into the Intracoastal Waterway (New River Sound) ("Application"); and

WHEREAS, the City's Marine Advisory Board on December 1, 2011 reviewed the Application for the waiver of limitations filed by Applicant and unanimously (13:0) recommended approval thereof;



NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

**SECTION 1.** That pursuant to the provisions of ULDR Section 47-19.3.C of the Code of Ordinances of the City of Fort Lauderdale, the City Commission hereby grants, subject to the terms and conditions hereinafter set forth, a waiver of the limitations of ULDR Section 47-19.3.C. & D. for an existing boat lift ("Application") extending a maximum distance of 22.1' from Applicants' property line into the canal adjacent to the Intracoastal Waterway / New River Sound as set forth in the Table of Distances set forth below:

**TABLE OF DISTANCES**

LOCATIONS OF STRUCTURES	SURVEYED DISTANCE OF STRUCTURE	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
Existing Boatlift	22'1"	20'7"	1'6"

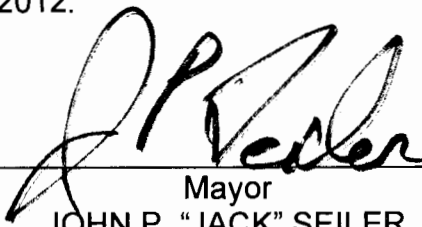
**SECTION 2.** That the above waiver is subject to the following additional conditions to be performed by the Applicant:

1. The applicant is required to comply with all applicable building and zoning regulations as well as any other governmental laws and specifically in accord with the EPGMD.
2. As a special condition, the applicant is required to provide guidepoles on the horizontal lifts of the boatlift in accordance with the specifications provided in Code Section 8-91(C).
3. As a general condition of approval, prior to or concurrent with applying for City building permits the applicant is required to provide the Manager of Marine Facilities for the City with copies of final permits from all governmental agencies having jurisdiction.

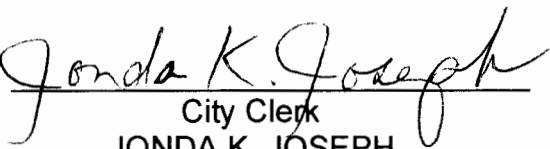
4. As a general condition of approval, the applicant is required to provide the City's Manager of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor

SECTION 3. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the 17<sup>th</sup> day of January, 2012.

  
\_\_\_\_\_  
Mayor  
JOHN P. "JACK" SEILER

ATTEST:

  
\_\_\_\_\_  
City Clerk  
JONDA K. JOSEPH

L:\COMM2012\Resos\Jan17\12-09.doc

**EXHIBIT X  
APPROVAL LETTERS**

February 23, 2015

Members of the City Commission  
City of Fort Lauderdale  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301

**Re: Letter of Support  
Brian & Kathy Tedeschi – 3081 NE 40<sup>th</sup> Street, Ft. Lauderdale  
Waiver of Dock Limitations for proposed dock/boat lift**

Dear Mayor and Members of the City Commission:

I am the owner of the property located near Brian & Kathy Tedeschi's property. I was advised that the Tedeschi's have filed an application for a dock waiver in order to allow the installation of a new boat lift extending beyond the 25% extension into the canal. I have reviewed the attached plan for the proposed project and am writing to inform you that I have no objection to the requested dock/boat lift waiver and urge you to approve the application.

Sincerely,



Printed Name: GERARDO PEREZ

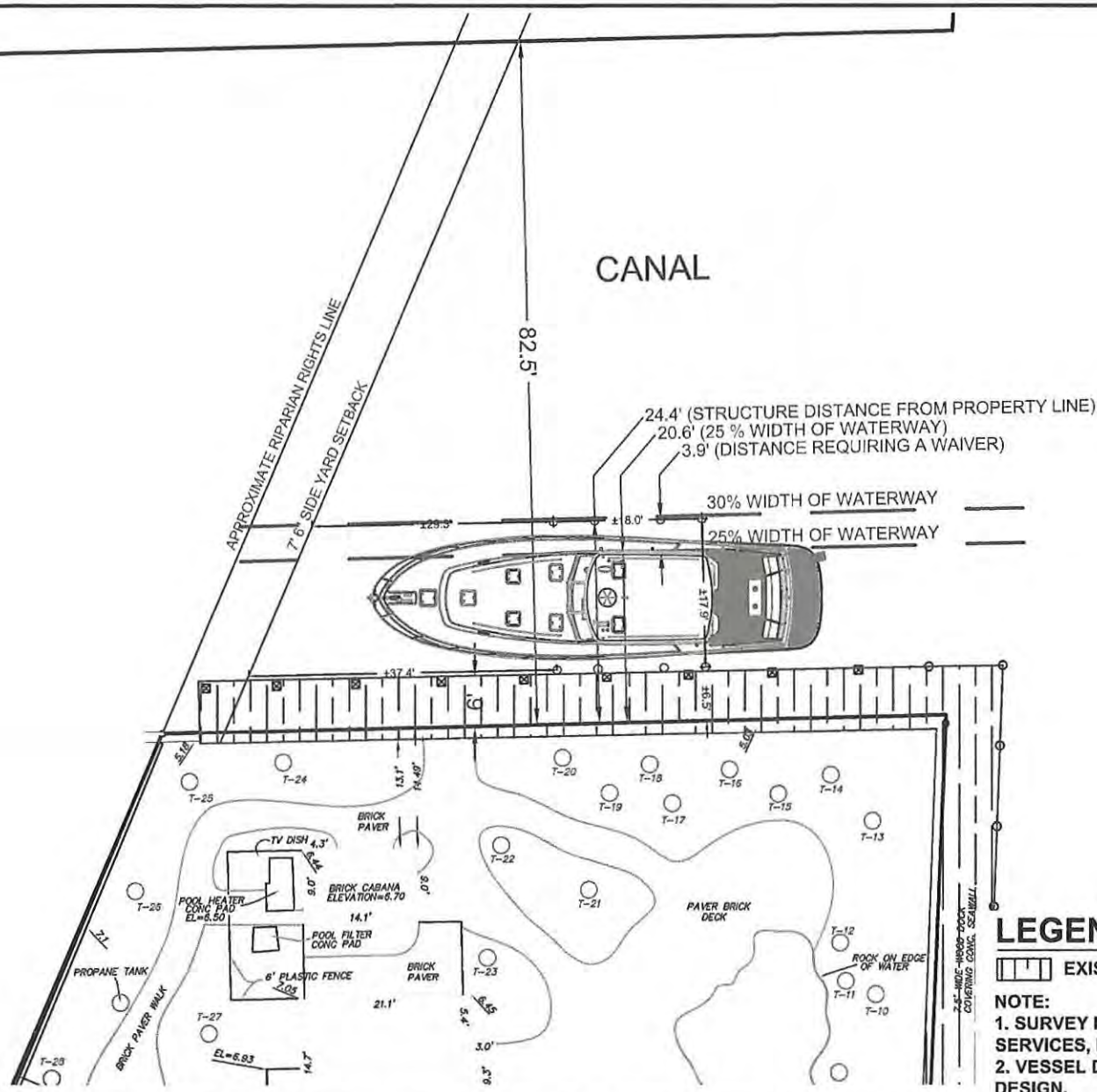
Address: 3071 NE 40<sup>th</sup> St

Telephone: (310) 713-3505



INTRACOASTAL WATERWAY

CANAL



LOT 11  
BLOCK 0

**LEGEND**

EXISTING WOOD DOCK

**NOTE:**  
 1. SURVEY INFORMATION PROVIDED BY BNB SERVICES, INC.  
 2. VESSEL DETAILS PROVIDED BY ZURN YACHT DESIGN.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.

**THE Chappell GROUP**  
 714 East McNab Road  
 Pompano Beach, Florida 33060  
 tel. 554.782.1508 fax. 554.782.1108 [www.thechappellgroup.com](http://www.thechappellgroup.com)

- Environmental Consultants
- Marine & Wetland Permitting
- Mitigation Design & Monitoring
- TSE Species Surveys
- Phase I ESAs

**3081 NE 40th STREET**

PREPARED FOR:  
MR. BRIAN TEDESCHI

PROPOSED CONDITIONS

Dater: 2-20-15	Sheet: 2	of: 2
Proj No.: 11-0040.001		