

ITEM VI

MEMORANDUM MF NO. 13-11

DATE: April 17, 2013
TO: Marine Advisory Board
FROM: Andrew Cuba, Manager of Marine Facilities *Ac*
RE: May 3, 2013 MAB - Dock Waiver of Distance Limitations
-Mr. Robert LeClair and Mr. Vincent Gauthier / 777 Bayshore Drive

Attached for your review is an application from Mr. Robert LeClair and Mr. Vincent Gauthier / 777 Bayshore Drive (**Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicants are requesting approval for the installation of a four-post boatlift extending a maximum of 29.5' from the property line into the Intracoastal Waterway (ICW). The distances this proposed structure would extend from the property line into the ICW is shown in the survey in **Exhibit 1** and summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Four Post Boatlift	29.5'	25'	4.5'

ULDR Section 47-19.3 C limits the maximum distance of mooring structures, including boatlifts, to 25% of the width of the waterway, or 25 feet, 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 the boatlift is necessary to safely moor an existing vessel, especially during high wind events and severe weather.

PROPERTY LOCATION AND ZONING

The property is located within the IOA Zoning District. It is situated on the ICW where the overall average width between property lines from shoreline to shoreline is approximately 370', according to the summary description in **Exhibit 1**.

DOCK PLAN AND BOATING SAFETY

Records reflect that there have been seven (7) waivers of dock distance limitations, within close proximity, approved by the City Commission since 1998 (with one pending). A comparison of these as shown in Table 2 including the maximum distances of all mooring structures extending into the ICW follows:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
1998	1 North Birch Road	53'
1998	301 North Birch Road	44'4"
2002	209 N. Birch Road	35'
2008	315 Birch Rd.	75'
2008	325 Birch Rd.	75'
2009	209 N. Birch Road #4	57'6"
2011	215 N. Birch Road	47'5"
2013(PENDING)	209 N. Birch Road #3	39'3"

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 provide guide poles on any portion of the mooring device that is capable of being submerged in accord with Code Section 8-91(d).
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.
4. 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: Cate McCaffrey, Deputy Director of Parks and Recreation
Jon Luscomb, Supervisor of Marine Facilities