

ITEM IX

MEMORANDUM MF NO. 23-12

DATE: March 24, 2023

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities Manager

RE: April 6, 2023 MAB – Application - Dock Waiver of Distance Limitations – Andrew J. Schein, esq. as agent for Christina Kirwin / 801 SW 6th Street

Attached for your review is an application from Andrew J. Schein, esq. as agent for Christina Kirwin / 801 SW 6th Street (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking to install three (3) triple-pile clusters extending a maximum of 50' into the New River from the property line. At the April 7th MAB, the applicant sought to install three (3) triple pile clusters extending a maximum of 62' into the New River. The MAB denied the application, expressing concerns specific to navigational impacts. In October 2022, the MAB reviewed a revised request at 60', which it recommended be denied. The proposed distances these structures extend from the property line into the South Fork of the New River are summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Triple Pile Cluster	50'+/-	25'	25'+/-
Triple Pile Cluster	50'+/-	25'	25'+/-
Triple Pile Cluster	50'+/-	25'	25'+/-

The City's Unified Land and Development Regulations (UDLR), Section 47-19.3.D. limits the maximum distance of dolphin or mooring pilings to 30% of the width of the waterway, or 25', 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's Narrative indicates that the proposed structures are necessary to safely moor owner's boat, due to significant wake from boat traffic, as well as worse situations during extreme weather events.

PROPERTY LOCATION AND ZONING

The property is located within the Tarpon River RD-15 Residential Single Family / Duplex Medium Density District. It is situated on the southern shore of the South Fork of the New River where the Applicant's Narrative identifies the overall width of the waterway as between 285' +/- to 300'+/-.

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 proposed mooring piles in accord with Section 47.19.3.E of the Unified Land and Development Regulations (ULDR).

AC

Attachment

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

MARINE ADVISORY BOARD APPLICATION

801 SW 6th Street

Application for Waiver from ULDR Section 47-19.3(d)

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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: Andrew J. Schein, Esq. as agent for Christina Kirwin

TELEPHONE NO: 954-617-8919 954-617-8919 EMAIL: ASchein@Lochrielaw.com
(home/cellular) (business)

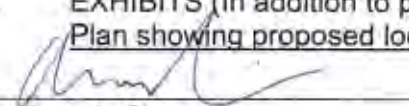
2. APPLICANT'S ADDRESS (if different than the site address): 1401 E. Broward Blvd.

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: Waiver from ULDR Section 47-19.3(d) to permit mooring pilings 50' from the property line

4. SITE ADDRESS: 801 SW 6TH STREET ZONING: RD-15

LEGAL DESCRIPTION AND FOLIO NUMBER: Seawanna Sub Pt Block 35 Fort Lauderdale 7-37 B Lot 6, Folio Number 504210400040

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).
Plan showing proposed location of mooring pile, letters of support, pictures and videos


Applicant's Signature

March 20, 2023
Date

The sum of \$ 1500.00 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 _____



1401 EAST BROWARD BOULEVARD, SUITE 303
FORT LAUDERDALE, FLORIDA 33301
EMAIL: ASCHEN@LOCHRIELAW.COM
DIRECT LINE: 954.617.8919
MAIN PHONE: 954.779.1119
FAX: 954.779.1117

AGENT AUTHORIZATION LETTER

David Soloman, City Clerk
City of Fort Lauderdale
100 North Andrews Avenue
Fort Lauderdale, FL 33301

Re: Land use, zoning and permitting for property located at 801 SW 6 Street
in the City of Fort Lauderdale, FL 33315 ("Property")

Dear City Clerk:

I hereby authorize Lochrie & Chakas, P.A. to act as agents in connection with all land
use, zoning and permitting matters related to property referenced above.

Sincerely,

Christina Kirwin

Signature: Christina Kirwin

Date: 9/3/22

STATE OF Florida)
COUNTY OF Broward) ss

The foregoing instrument was acknowledged before me, by means of (check one): X
physical presence or online notarization, this 3 day of September, 2022, by
Christina Kirwin who is personally known to me or who has produced
 as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 3 day
of September, 2022.

Lisa Aprea
Notary Public



LISA APREA
Commission # HH 063596
Expires December 2, 2024
Bonded Thru Budget Notary Services

Typed, printed or stamped name of Notary Public

My Commission Expires:
FTL:1023005:1

NARRATIVE

OWNER: Christina Kirwin
APPLICANT: Andrew J. Schein, Esq.
ADDRESS: 801 SW 6th Street

Narrative to Accompany Marine Advisory Board Application

Waiver from ULDR Section 47-19.3(d)

This application is submitted to permit mooring piles 50' from the property line of 801 SW 6th Street. The specific request is for three (3) triple cluster, 12" diameter wood mooring piles. The proposed mooring piles will be a maximum of 50' from the property line into the New River. The proposed mooring piles are needed to securely moor Owner's boat, as this area of the New River produces a significant amount of wake with boat traffic during normal times and worse situations during extreme weather events.

The overall width of the waterway at this location ranges from +/- 285' to +/- 300', excluding the width of Owner's dock and the docks on the north side of the waterway. Absent approval by the City Commission, Section 47-19.3(d) of the ULDR permits mooring piles to extend no more than 30% of the width of the waterway or 25' beyond the property line, whichever is less. In this case, at 50' from the property line, the mooring pilings will extend a maximum of ~17.5% of the width of the waterway. Applicant understands that the 30% rule is to ensure navigability of the waterway, and at 17.5%, the mooring pilings will be well within this limitation.

PROPOSED STRUCTURE	DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Dolphin Clusters of (3) 12' Diameter Mooring Piles	50'	25'	25'
Dolphin Clusters of (3) 12' Diameter Mooring Piles	50'	25'	25'
Dolphin Clusters of (3) 12' Diameter Mooring Piles	50'	25'	25'

TAX RECORD/PROOF OF OWNERSHIP



MARTY KIARD
BROWARD
 COUNTY
 PROPERTY APPRAISER

Site Address	801 SW 6 STREET, FORT LAUDERDALE FL 33315-1066	ID #	5042 10 40 0040
Property Owner	KIRWIN, CHRISTINA	Millage	0312
Mailing Address	801 SW 6 ST FORT LAUDERDALE FL 33315	Use	01-01
Abbr Legal Description	SEAWANNA SUB PT BLK 35 FT LAUDERDALE 7-37 B LOT 6		

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)**.

* 2022 values are considered "working values" and are subject to change.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2022*	\$427,480	\$987,660	\$1,415,140	\$1,098,410	
2021	\$288,550	\$777,870	\$1,066,420	\$1,066,420	\$19,583.17
2020	\$288,550	\$777,950	\$1,066,500	\$1,066,500	\$20,246.08

2022* Exemptions and Taxable Values by Taxing Authority

	County	School Board	Municipal	Independent
Just Value	\$1,415,140	\$1,415,140	\$1,415,140	\$1,415,140
Portability	0	0	0	0
Assessed/SOH 21	\$1,098,410	\$1,098,410	\$1,098,410	\$1,098,410
Homestead 100%	\$25,000	\$25,000	\$25,000	\$25,000
Add. Homestead	\$25,000	0	\$25,000	\$25,000
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$1,048,410	\$1,073,410	\$1,048,410	\$1,048,410

Sales History

Date	Type	Price	Book/Page or CIN
11/19/2020	QCD-T		116876821
5/30/2019	WD-Q	\$1,185,000	115838428
8/3/2004	QCD	\$100	38084 / 1845
6/24/2002	QCD	\$100	33631 / 431
1/1/1987	WD	\$186,000	14142 / 267

Land Calculations

Price	Factor	Type
\$40.00	10,687	SF
Adj. Bldg. S.F. (Card, Sketch)		2471
Units/Beds/Baths		1/3/2
Eff./Act. Year Built: 2003/2002		

Special Assessments

Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F1		
R								

1							1		

DEED

Prepared by and return to:

Marianna R. Seiler, Esq.
Tripp Scott, P.A.
110 SE 6th Street, Fifteenth Floor
Fort Lauderdale, FL 33301

File Number: 998158.0003
Parcel ID Number: 504210400040

[Space Above This Line For Recording Data]

Quit Claim Deed

This Quit Claim Deed made this 19th day of November, 2020 between **THREE RAVENS LIMITED, LLC**, a Florida limited liability company, with a post office address of 801 SW 6th Street, Fort Lauderdale, FL 33315, grantor, and **CHRISTINA KIRWIN**, whose post office address is 801 SW 6th Street, Fort Lauderdale, FL 33315, 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)

Witneseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said grantee, and grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantor has in and to the following described land, situate, lying and being in Broward County, Florida, to-wit:

Lot 6 of SEAWANNA, a subdivision, according to the plat thereof recorded in Plat Book 7, Page 37 of the Public Records of Broward County, Florida

Subject to taxes for 2020 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any, without the intention of reimposing same.

This instrument has been prepared without benefit of a title search, title examination or attorney's opinion of title and no title insurance is being issued to or insuring any property hereto. Preparer is making no representations or warranties whatsoever regarding title marketability or conditions of the property. Parties hereto agree to hold harmless and indemnify Preparer regarding any liability arising from this conveyance as it affects the parties involved in this conveyance or anyone claiming title or any interest in the property under the parties to this conveyance.

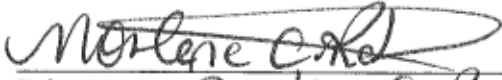
To Have and to Hold, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.


NOTE TO RECORDER: Pursuant to *Crescent Miami Center, LLC v. Department of Revenue*, 903 So. 2d 913 (Fla. 2005), **THERE ARE NO DOCUMENTARY STAMPS DUE IN CONNECTION WITH THIS CONVEYANCE AS SUCH TRANSFER IS A CHANGE IN THE FORM OF THE OWNERSHIP OF THE PROPERTY WITHOUT AN EXCHANGE OF VALUE.**

[Signatures to appear on the following page.]

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:



Print Name: Norlene C. Roberts

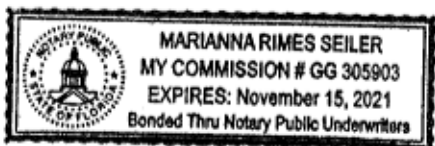

Print Name: Jorge Padron

THREE RAVENS LIMITED, LLC, a Florida limited liability company

By: 
Christina Kirwin, Manager

STATE OF FLORIDA)
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ___ online notarization this 19th day of November, 2020, by **Christina Kirwin**, as Manager of Three Ravens Limited, LLC, a Florida limited liability company, who is ___ personally known or ☒ produced NY ID  as identification.




(Signature of Notary Public-State of Florida)

Marianna R. Seiler
(Print, Type, or Stamp Commissioned Name of Notary Public)

CURRENT SURVEY

PROPOSED PLANS

KEY TAKEAWAYS

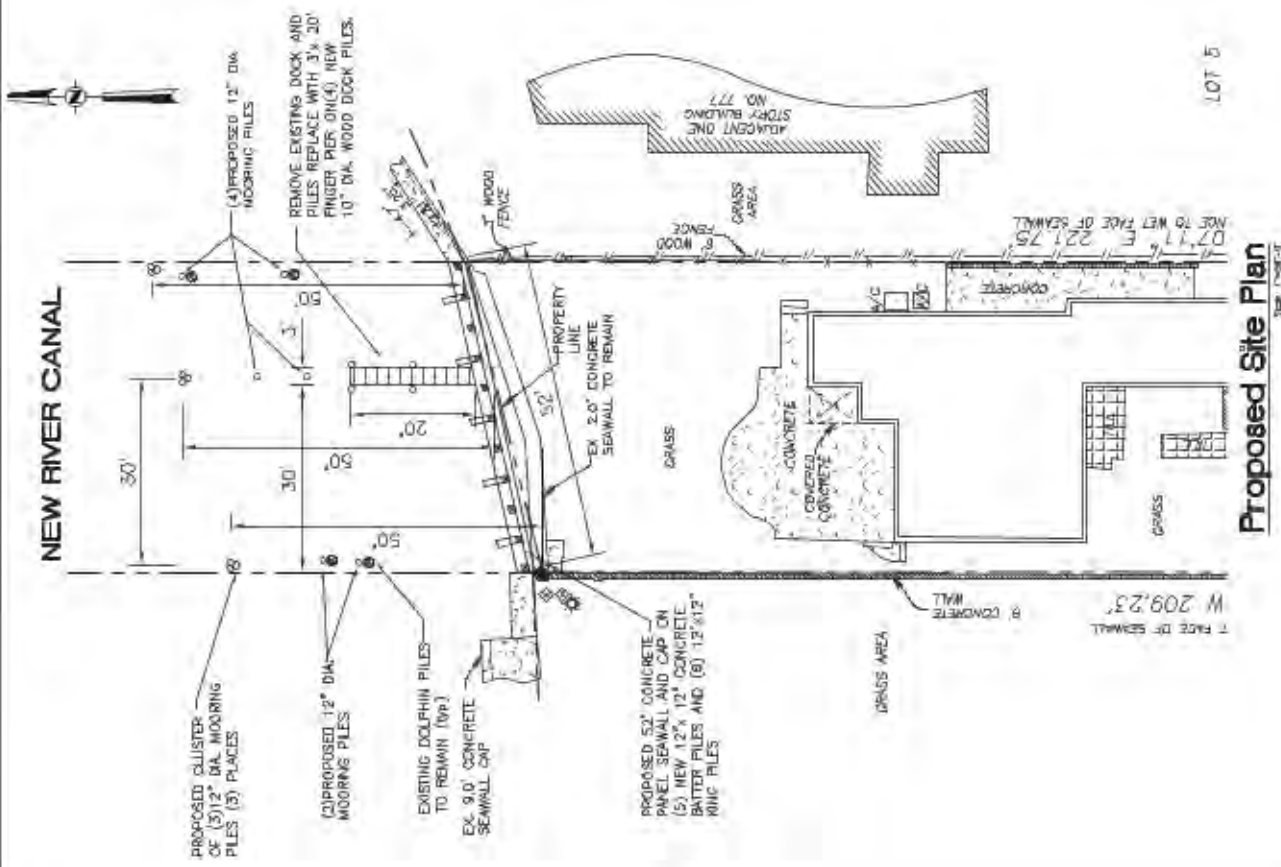
- 51. DRAINAGE SITE PLAN
- 52. PROPOSED SITE PLAN
- 53. SEAWALL DETAILS
- 54. SEAWALL DETAILS
- 55. DOCK DETAILS
- 56. DOCK DETAILS
- 57. SPECIFICATIONS

SCOPE OF WORK

- [illegible]

RINGER, PIER AND MOORING PILES

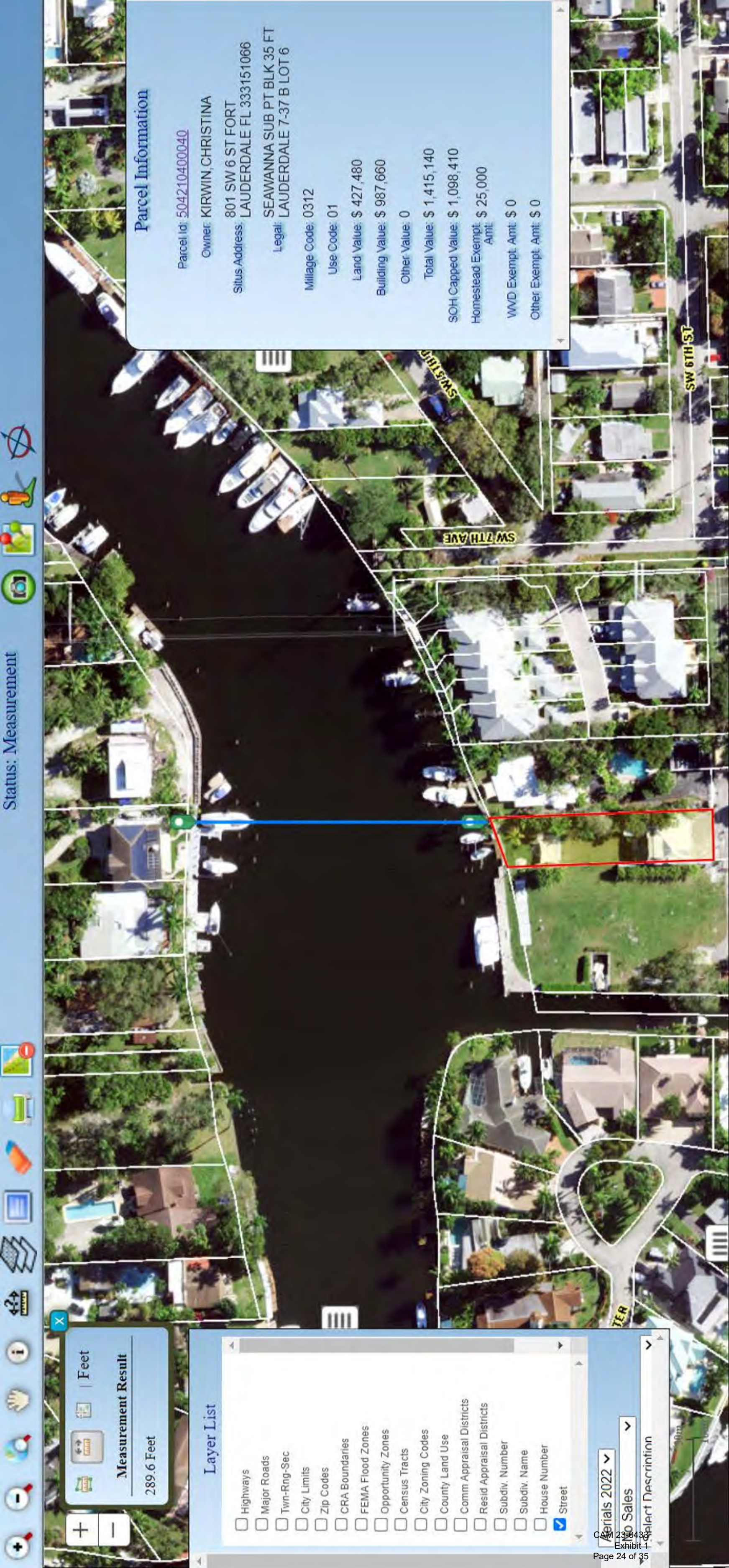
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SITE PHOTOS



DISTANCE EXHIBIT



Parcel Information

Parcel Id: [504210400040](#)

Owner: KIRWIN, CHRISTINA

Situs Address: 801 SW 6 ST FORT
LAUDERDALE FL 333151066

Legal: SEAWANNA SUB PT BLK 35 FT
LAUDERDALE 7-37 B LOT 6

Millage Code: 0312

Use Code: 01

Land Value: \$ 427,480

Building Value: \$ 987,660

Other Value: 0

Total Value: \$ 1,415,140

SOH Capped Value: \$ 1,098,410

Homestead Exempt. Amt: \$ 25,000

WVD Exempt. Amt: \$ 0

Other Exempt. Amt: \$ 0

Layer List

- ☐ Highways
- ☐ Major Roads
- ☐ Twn-Rng-Sec
- ☐ City Limits
- ☐ Zip Codes
- ☐ CRA Boundaries
- ☐ FEMA Flood Zones
- ☐ Opportunity Zones
- ☐ Census Tracts
- ☐ City Zoning Codes
- ☐ County Land Use
- ☐ Comm Appraisal Districts
- ☐ Resid Appraisal Districts
- ☐ Subdiv. Number
- ☐ Subdiv. Name
- ☐ House Number
- ☒ Street

Measurement Result

289.6 Feet

SUPPORT LETTERS

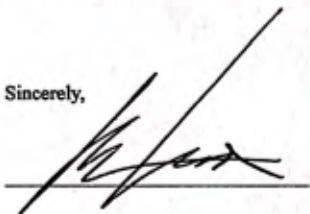
September 22, 2022

Fort Lauderdale Marine Advisory Board
100 North Andrews Avenue
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6th Street and hers at 801 SW 6th Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



Printed Name: Marcel Rosen

Address: 617 SW 8th TERR
FL. Laud. FL. 33305

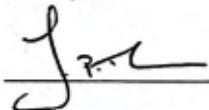
September 20, 2022

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Fort Lauderdale, FL 33301

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Sincerely,



Printed Name: Jason Potocz

Address: 6021 SW 8th Flr, FL 33315

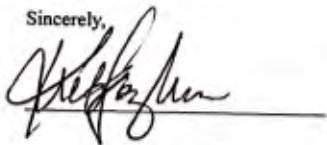
September 22, 2022

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Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6th Street and hers at 801 SW 6th Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



Printed Name: KURLBEER SANTHARA

Address: 620 SW 8 AVENUE, FORT LAUDERDALE,
33315

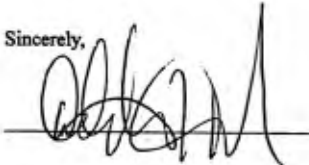
September 20, 2022

Fort Lauderdale Marine Advisory Board
100 North Andrews Avenue
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6th Street and hers at 801 SW 6th Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



Printed Name: DARLA HUTCHINS

Address: 613 SW 8th ST, FORT LAUDERDALE

September 20, 2022

Fort Lauderdale Marine Advisory Board
100 North Andrews Avenue
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6th Street and hers at 801 SW 6th Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



Printed Name: Captain Justin Lucif

Address: 5641 SW 54th Ct, Davie, FL

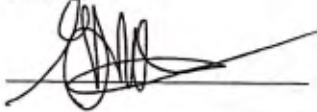
September 20, 2022

Fort Lauderdale Marine Advisory Board
100 North Andrews Avenue
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6th Street and hers at 801 SW 6th Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,

A handwritten signature in black ink, appearing to read 'GREG MALTESE', written over a horizontal line.

Printed Name: GREG MALTESE

Address: 620 SW BTE
FT. LAUD, FL 33315

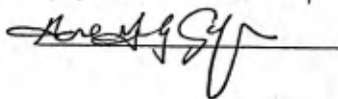
September 10, 2022

Fort Lauderdale Marine Advisory Board
100 North Andrews Avenue
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6th Street and hers at 801 SW 6th Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,

Hal Gordon Zantky


Printed Name: Hal Gordon Zantky

Address: 620 S.W. 6th Ter 33315


September 22, 2022

Fort Lauderdale Marine Advisory Board
100 North Andrews Avenue
Fort Lauderdale, FL 33301

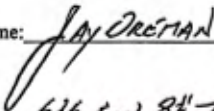
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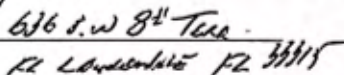
Sincerely,

A handwritten signature in black ink, appearing to read "Jay O'Regan", is written over a horizontal line.

Printed Name:

The name "JAY O'REGAN" is handwritten in black ink above a horizontal line.

Address:

The address "636 S.W. 8th TERR. Ft. Lauderdale FL 33315" is handwritten in black ink above a horizontal line.

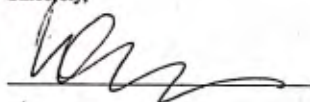
September 20, 2022

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Fort Lauderdale, FL 33301

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Sincerely,



Printed Name: FLORIAN BECKER

Address: 608 SW 8th TER
FL 33315

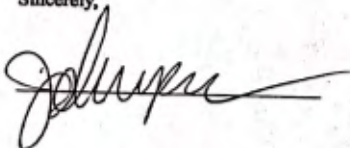
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Fort Lauderdale Marine Advisory Board
100 North Andrews Avenue
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6th Street and hers at 801 SW 6th Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



Printed Name:

Edmundo Hernandez

Address:

801 SW 6th St Ft Lauderdale 33315