

ITEM IX

MEMORANDUM MF NO. 17-19

DATE: June 21, 2017

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: July 6, 2017 MAB - Dock Waiver of Distance Limitations
–Rose Lovell / 1909 SE 21st Avenue

Attached for your review is a revised application from Rose Lovell / 1909 SE 21st Avenue (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the installation of two (2) wooden finger piers and two (2) mooring piles extending into the adjacent Lake Mabel a maximum of +/- 45.5' from the submerged property line. The distances these proposed structure would extend from the property line into Lake Mabel are shown in the survey in **Exhibit 1** and summarized in Table 1 below:

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Pier (#1)	+/-35.5'	25'	+/-10.5'
Pier (#2)	+/-32.0'	25'	+/-7.0'
Wood Pile (#3)	+/-45.5''	25'	+/-20.5'
Wood Pile (#4)	+/-43.0'	25'	+/-18.0'

Sections 47-19.3 C limits the maximum distance of mooring structures to 25% of the width of the waterway, or 25', whichever is less, from the property line. Section 47-19.3 D limits the maximum distance of mooring piles to 30% or 25 feet, whichever is less from the property line. 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 mooring piles are necessary to safely moor resident's vessels, especially during high wind and severe weather, and that the proposed finger piers are necessary to safely board and disembark resident's vessel.

PROPERTY LOCATION AND ZONING

The property is located within the Harbour Heights RS-8 Residential Single Family Low/Medium Density Zoning District. It is situated on Lake Mabel, adjacent to the ICW

where the width between property lines from shoreline to shoreline exceeds 1000', according to the narrative provided in **Exhibit 1**.

DOCK PLAN AND BOATING SAFETY

Records reflect that there has been one (1) waiver of docking distance limitations approved by the City Commission within close proximity since 2011:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
2011	1801 SE 21 st Avenue	65'

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. 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 appropriate City staff with copies of "As Built" drawings from a certified and licensed contractor.
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
Jon 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: Rose Lovell

TELEPHONE NO: _____
(home)

FAX NO. _____
(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 construction of two wooden finger piers and two wooden mooring piles.

SITE ADDRESS: 1909 SE 21st Avenue, Fort Lauderdale Florida 33316

4. **ZONING:** RS-8

LEGAL DESCRIPTION: Harbour Heights Add 35-21 B Lot 45 Blk 7

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

Warranty Deed, Project Plans, Site Photographs, Survey, Aerial Exhibit

Rose Lovell
Applicant's Signature

6.15.2017
Date

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 2017. 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

TABLE OF CONTENTS

TABLE OF CONTENTS

	PAGE
WARRANTY DEED	1
PROJECT PLANS	2
ZONING AERIAL	3
SUMMARY DESCRIPTION	4
SITE PHOTOGRAPHS	5
DISTANCE EXHIBIT	6
LETTERS OF SUPPORT	7

**EXHIBIT III
WARRANTY DEED**

Prepared by:

Walter L. Morgan, Esq.
Morgan, Olsen and Olsen, LLP
633 S. Federal Highway, #400A
Ft. Lauderdale, FL 33301

Parcel ID #0213-10-1490:

Quit-Claim Deed

This Indenture, Made this 25th day of May, 2012, between Rose Lovell, as the unmarried widow of R.O. Lovell, grantor, whose post office address is: 1909 SE 21ST Ave., Fort Lauderdale, FL 33316, and Rose D. Lovell, as Trustee under the Rose D. Lovell Revocable Trust dated May 25th, 2012, with full power and authority to protect, conserve, sell, lease, encumber, or to otherwise manage and dispose of the real property hereinafter described, pursuant to Florida Statute 689.071, grantee, whose post office address is: 1909 SE 21ST Ave., Fort Lauderdale, FL 33316.

WITNESSETH: That said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim, to the said grantee, and grantee's heirs and assigns forever, the following described real property lying and being in Broward County, Florida, to-wit:

LOT 45, BLOCK 7, OF HARBOUR HEIGHTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGE 21, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or an anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the grantor, either in law or equity, to the only proper use, benefit and behoof of the grantee forever.

IN WITNESS WHEREOF, grantor has hereunto set grantor's hand and seal the day and year first above written.

Witnesses:

Harriet E. Studt
Print Name HARRIET E. STUDT

By: *Rose Lovell*
Rose Lovell

Nancy J. DeMartin
Print Name Nancy J. DeMartin

STATE OF FLORIDA
COUNTY OF BROWARD

THIS IS NOT AN OFFICIAL COPY

The foregoing instrument was acknowledged before me this 25th day of May, 2012, by Rose Lovell, [] who is personally known to me or [X] who has produced a driver=s license as identification.

Walter L. Morgan
Notary Public
Print Name: Walter L. Morgan
My Commission Expires:

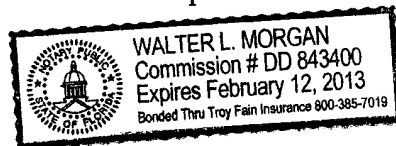
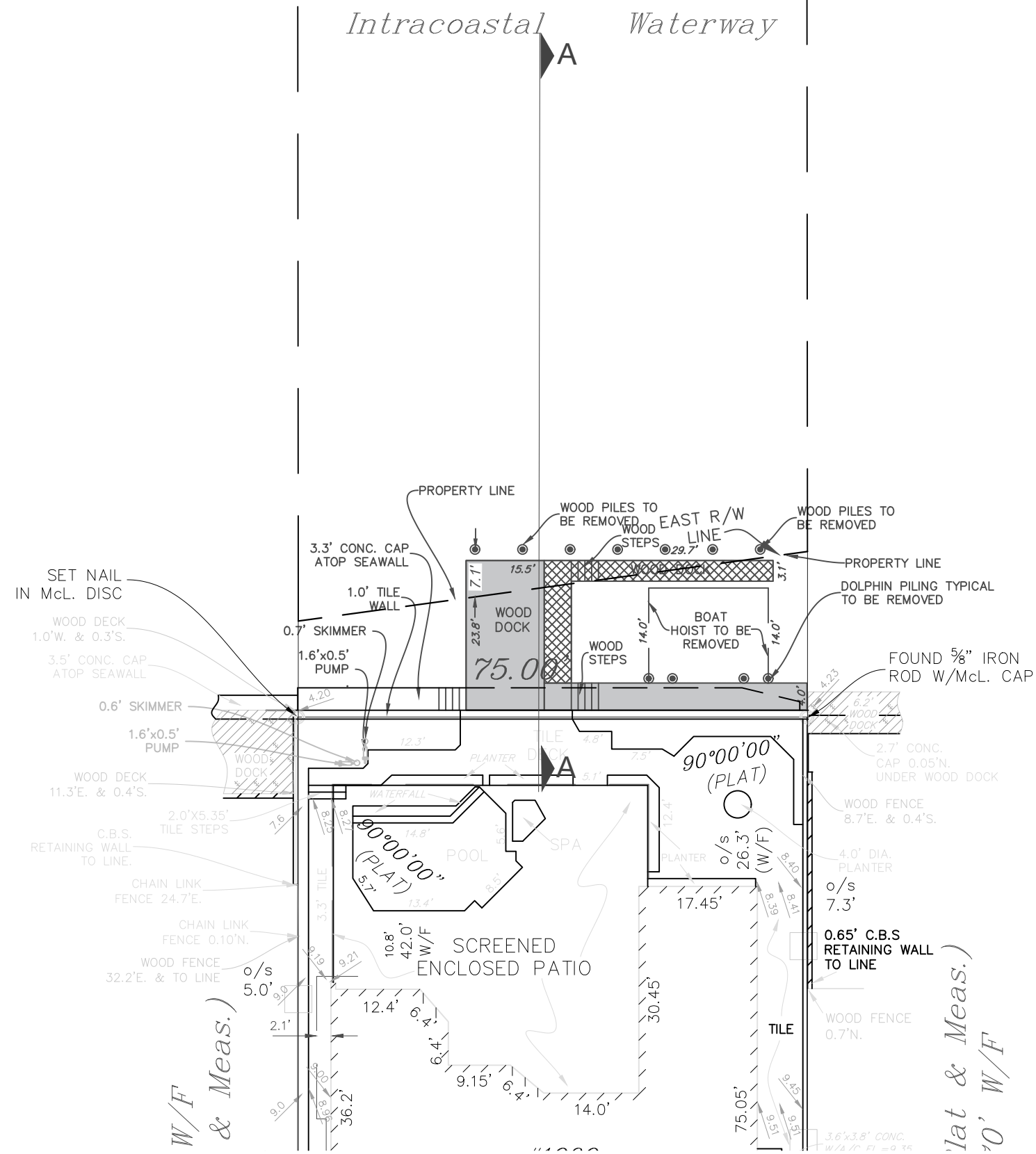


EXHIBIT IV PROJECT PLANS



LEGEND

-  **EXISTING WOOD DOCK TO REMAIN**
(±409 SQ.FT.- ±256 SQ.FT. OVERWATER)
-  **EXISTING WOOD DOCK TO BE REMOVED**
(±163 SQ..FT.)

EXISTING DEPTHS
(REFERENCED TO MLWL (-1.9' NAVD))

NOTE:

1. MHWL = 0.3' NAVD MLWL = -1.9' NAVD
2. SURVEY INFORMATION PROVIDED BY McLAUGHLIN
ENGINEERING, CO.

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- *Environmental Consultants*
- *Marina & Wetland Permitting*
- *Mitigation Design & Monitoring*
- *T&E Species Surveys*
- *Phase I ESAs*

1909 SE 21ST AVENUE

PREPARED FOR:

LOVELL MARINE CONSTRUCTION

EXISTING CONDITIONS

Date: 6/12/17

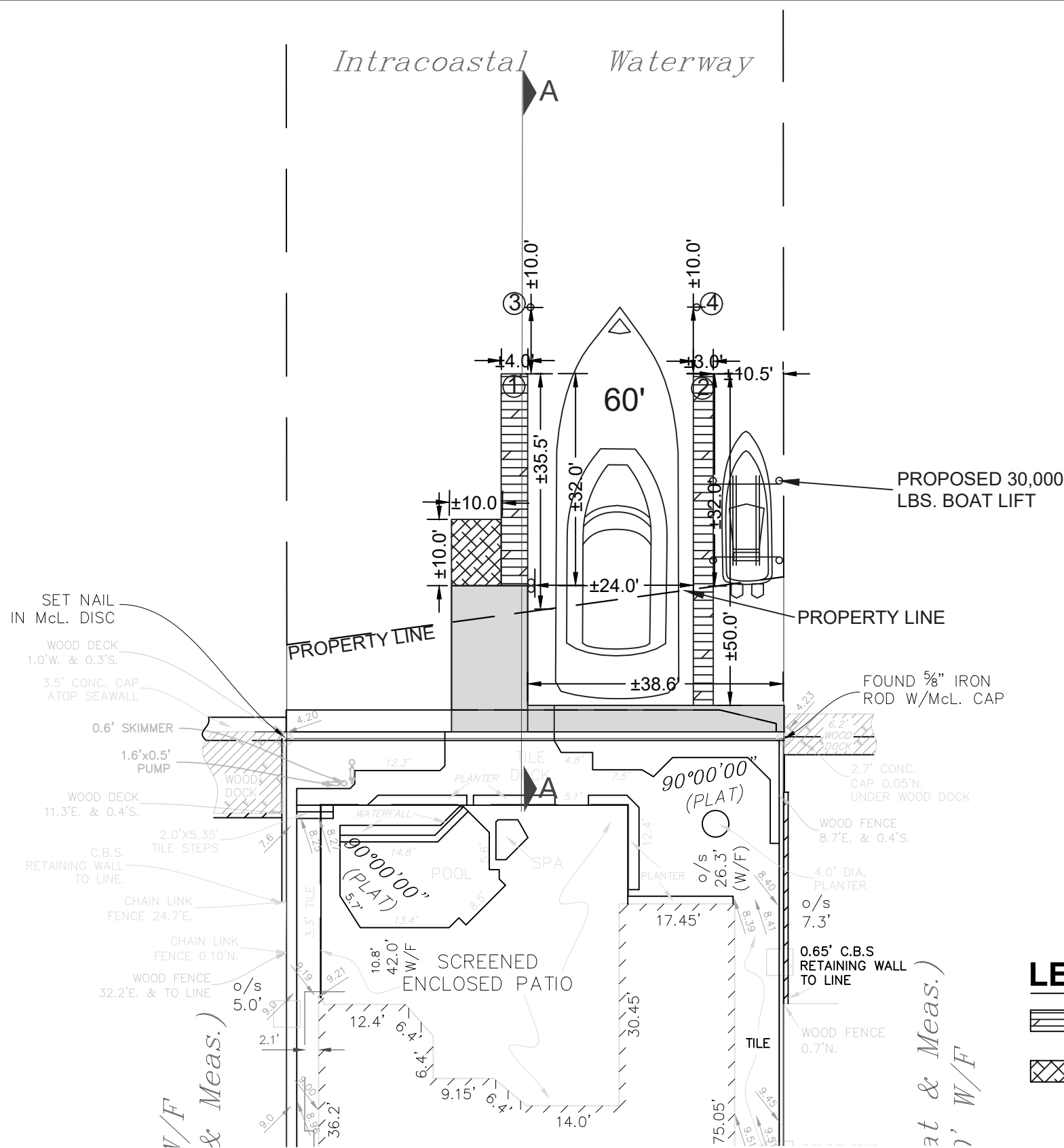
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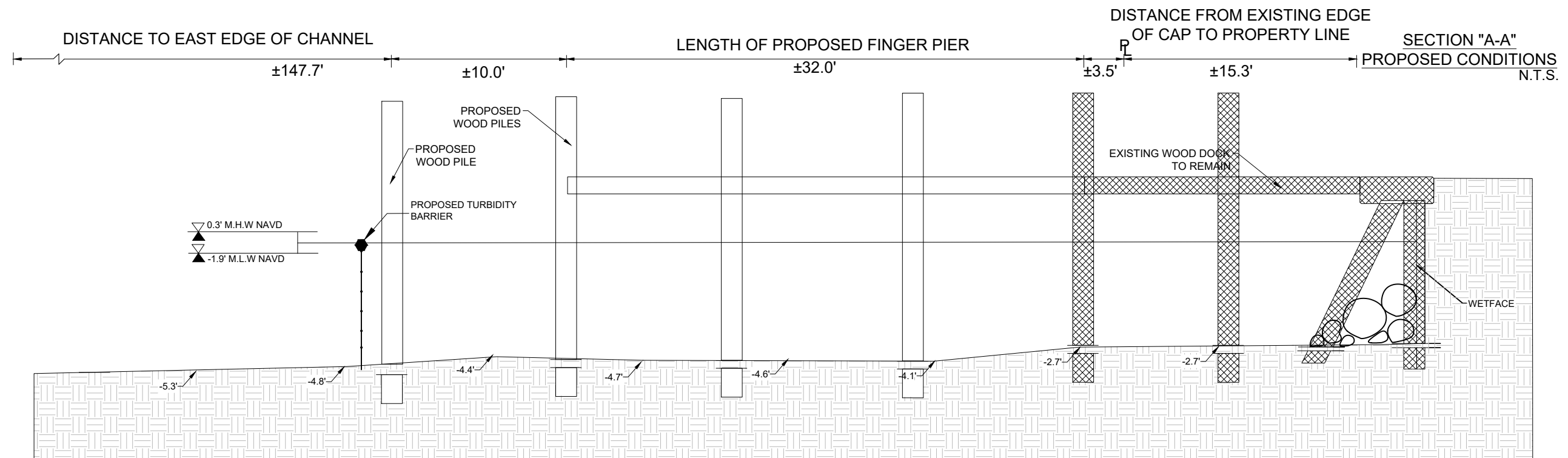
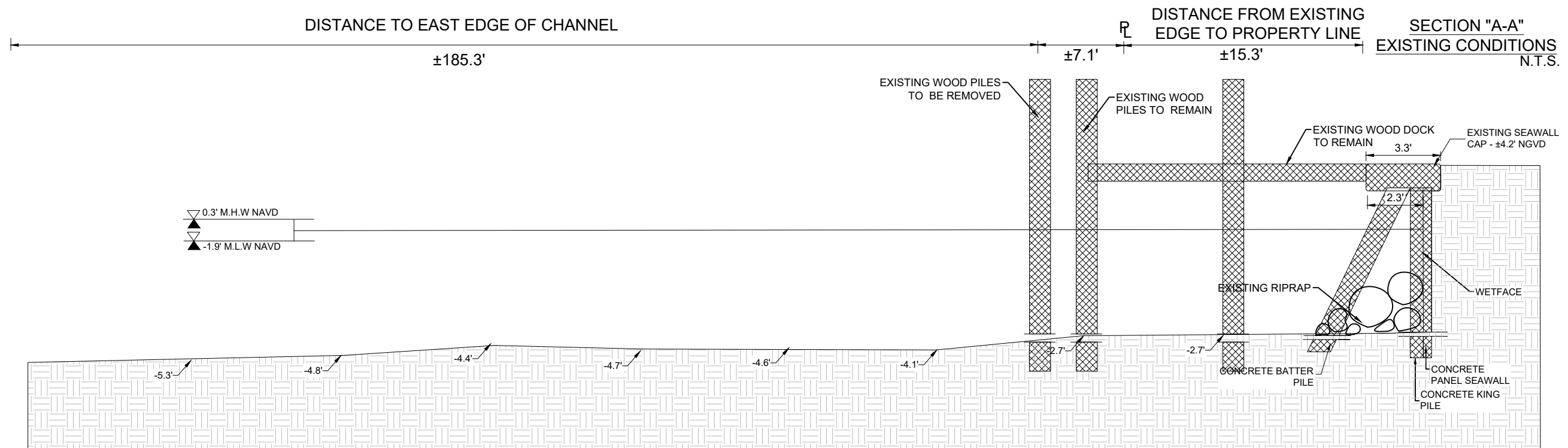


PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
PIER (#1)	35.5'	25.0'	10.5'
PIER (#2)	32.0'	25.0'	7.0'
WOOD PILE (#3)	45.5'	25.0'	20.5'
WOOD PILE (#4)	43.0'	25.0'	18.0'

 PROPOSED WOOD FINGER PIERS
(±278 SQ.FT.)

 PROPOSED JET-SKI ELEVATOR LIFT
(±100 SQ.FT.)

Date: 6/12/17	Sheet : 2	of : 4
Proj No.: 13-0054.001		



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1909 SE 21ST AVENUE
PREPARED FOR:
LOVELL MARINE CONSTRUCTION

SECTION

Date:
6/12/2017
Proj No.:
13-0054.001

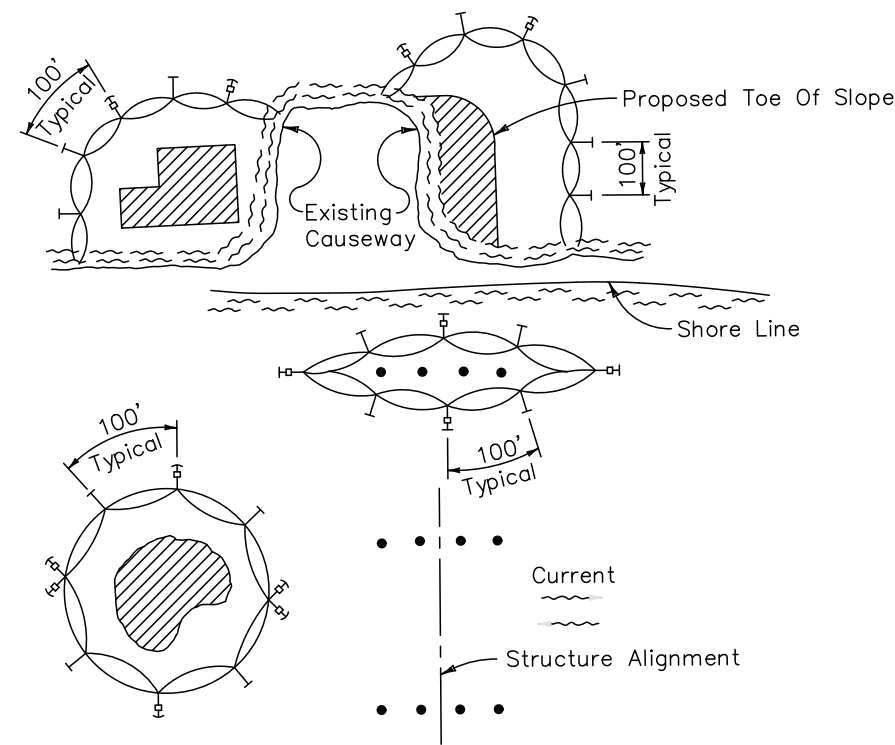
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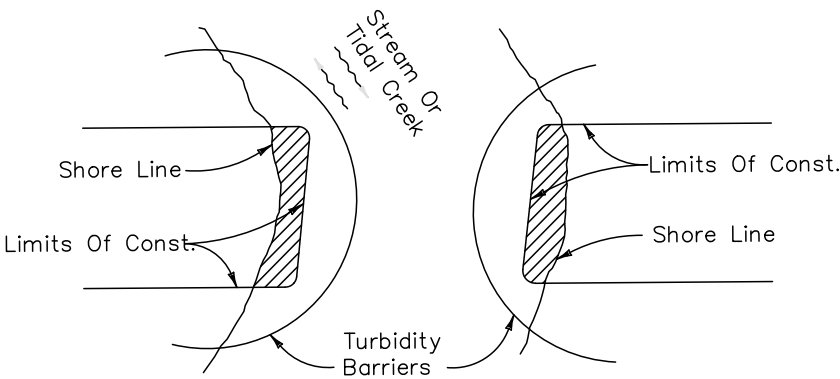
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CONSTRUCTION BARGE
(TYP.)



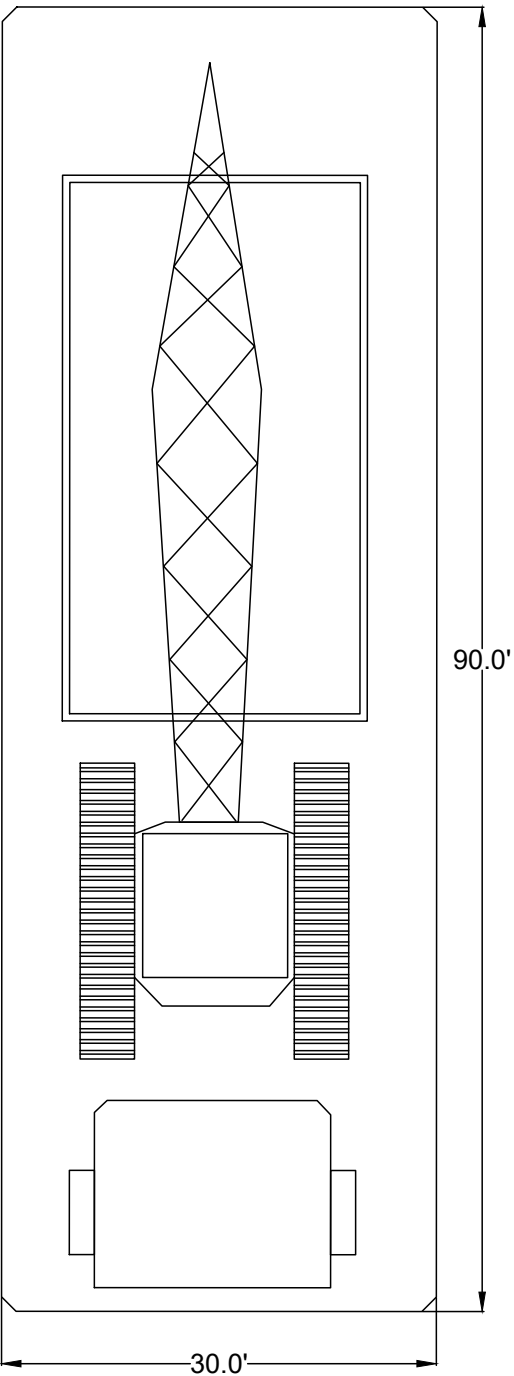
- LEGEND
- Pile Locations
 - ▨ Dredge Or Fill Area
 - ⊕ Mooring Buoy w/Anchor
 - Anchor
 - Barrier Movement Due To Current Action



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.

- NOTES:
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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1909 SE 21ST AVENUE
PREPARED FOR:
LOVELL MARINE CONSTRUCTION

DETAILS

Date: 6/12/17	Sheet : 4	of : 4
Proj No.: 13-0054.001		

EXHIBIT V
ZONING AERIAL



EXHIBIT VI
SUMMARY DESCRIPTION

Summary Description
1909 SE 21st Avenue
TCG Project No. 13-0054.001

The project site is located along Sunset Lake at 1909 SE 21st Avenue, in Section 13, Township 50, Range 42, in the City of Fort Lauderdale, Broward County, Florida

The property is located along Lake Mabel/Intracoastal Waterway, which is a tidal water. The nearest direct connection to the Atlantic Ocean is 0.8 miles to the south at the Port Everglades Inlet. As the project site is located along Lake Mabel, the incoming tidal waters (flood) at the site move to the north and the outgoing waters (ebb) move to the south.

The project site consists of a 3.3' seawall cap and an existing 572 ft² wood dock. The proposed project includes the removal of 163 ft² of wood dock, installation of two new wood finger piers with an overall area of 278 ft², installation of a jet-ski elevator lift, and installation of 2 mooring piles. The property line is located in the Intracoastal Waterway and approximately 14' from the wet face on the southern portion of the property and approximately 24' from the wet face on the northern portion of the property. As measured from the property line, the proposed wood finger piers and 2 wood mooring piles encroach more than 25' from the property line into Lake Mabel. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed mooring piles and wooden finger piers will require a variance waiver.

The proposed structures have been approved through the Broward County Environmental Protection & Growth Management Department, Florida Department of Environmental Protection, and 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. The proposed mooring pile clusters are 266.9' from the 30% width of channel line.
2. Due to the extraordinary width of the waterway at this location to the closest structure ($\pm 1000'$), the proposed project will not impede navigation within Lake Mabel/Intracoastal Waterway. The proposed mooring pile clusters are 147.7' from the east edge of the channel.
3. The mooring piles are necessary for safely mooring resident's vessels, especially during high wind events and severe weather.
4. The proposed finger piers are necessary for safely boarding and disembarking the resident's vessel.

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

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Pier (#1)	±35.5'	25'	±10.5'
Pier (#2)	±32.0'	25'	±7.0'
Wood Pile (#3)	±45.5'	25'	±20.5'
Wood Pile (#4)	±43.0'	25'	±18.0'

EXHIBIT VII
SITE PHOTOGRAPHS



1. North corner of the subject site, facing south. Note existing dock



2. East corner of the subject site, facing west.

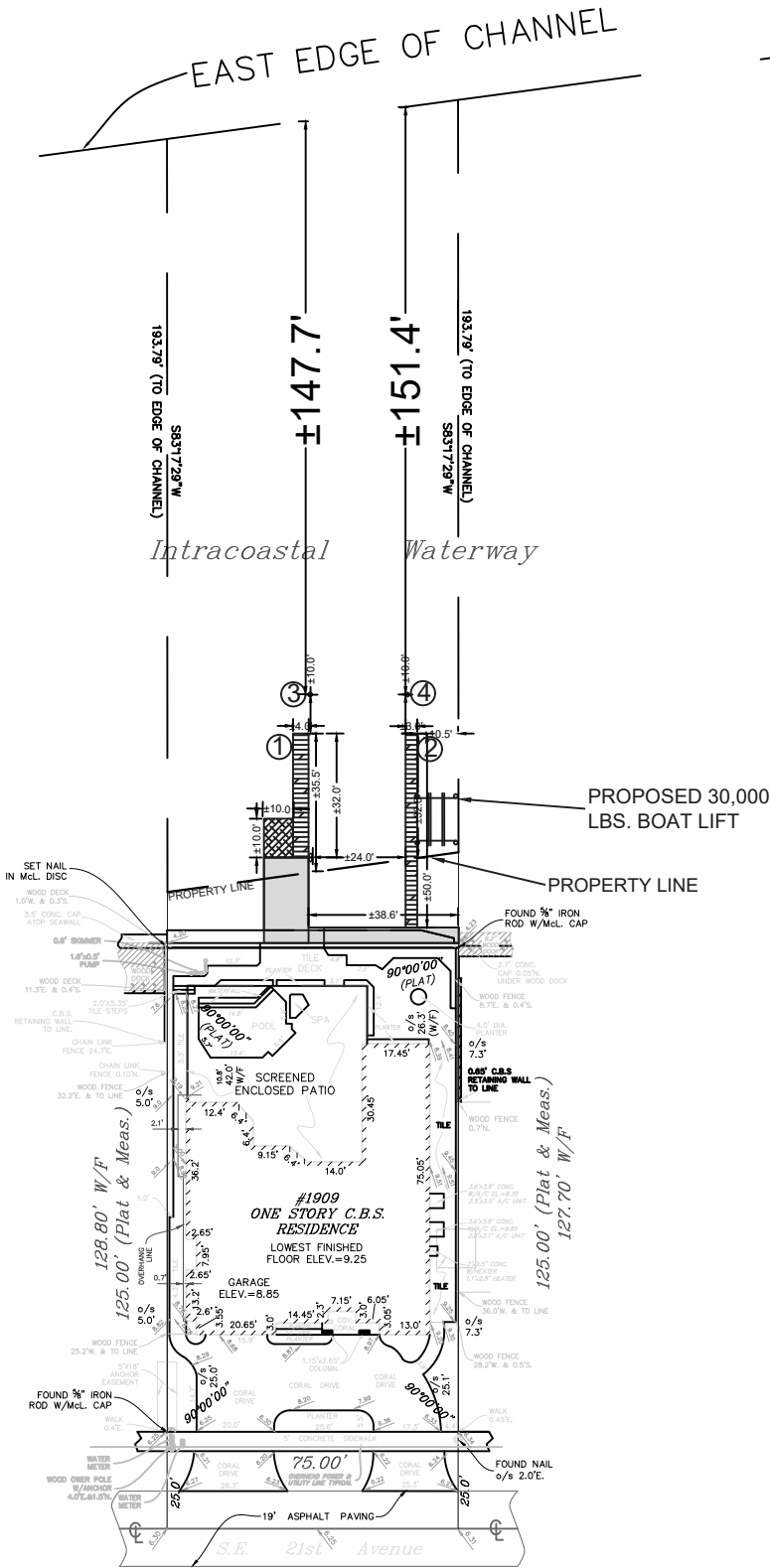
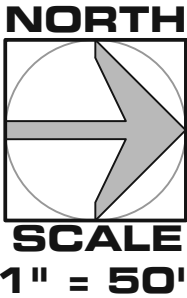


3. East corner of the subject site, facing northwest across the Intracoastal Waterway.



4. West corner of the subject site, facing west across the Intracoastal Waterway.

EXHIBIT VIII
DISTANCE EXHIBIT



PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
PIER (#1)	35.5'	25.0'	10.5'
PIER (#2)	32.0'	25.0'	7.0'
WOOD PILE (#3)	45.5'	25.0'	20.5'
WOOD PILE (#4)	43.0'	25.0'	18.0'

LEGEND

-  PROPOSED WOOD FINGER PIERS (±278 SQ.FT.)
-  PROPOSED JET-SKI ELEVATOR LIFT (±100 SQ.FT.)

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1909 SE 21ST AVENUE

PREPARED FOR:
LOVELL MARINE CONSTRUCTION

DISTANCE EXHIBIT		
Date: 6/21/17	Sheet : 1	of : 1
Proj No.: 13-0054.001		



LEGEND

-  PROPOSED WOOD FINGER PIERS (±278 SQ.FT.)
-  PROPOSED JET-SKI ELEVATOR LIFT (±100 SQ.FT.)

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1909 SE 21ST AVENUE

PREPARED FOR:
LOVELL MARINE CONSTRUCTION

PROPOSED CONDITIONS

Date: 6/14/2017	Sheet : 1	of : 1
Proj No.: 13-0054.001		

EXHIBIT VII
LETTERS OF SUPPORT

1901 SE 21 Avenue Fort Lauderdale
Fort Lauderdale, FL 33316

RE: 1909 SE 21st Avenue
City of Fort Lauderdale Waiver Request

Dear Mr. Lovell,

I have reviewed the plans for the proposed project to install two wooden finger piers and three sets of wooden mooring piles, beyond 25 feet from the property line into the Intracoastal Waterway. I understand that the proposed project will require a waiver of limitations through the City of Fort Lauderdale along with permitting through the regulatory agencies. I am the owner of 1901 SE 21st Avenue, and support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Raphael Brummer', with a stylized flourish at the end.

Raphael Brummer
1901 SE 21st Avenue
Fort Lauderdale, FL 33316

1917 SE 21st Avenue
Fort Lauderdale, FL 33316

RE: 1901 SE 21st Avenue
City of Fort Lauderdale Waiver Request

Dear Mr. Lovell,

I have reviewed the plans for the proposed project to install two wooden finger piers and three sets of wooden mooring piles, beyond 25 feet from the property line into the Intracoastal Waterway. I understand that the proposed project will require a waiver of limitations through the City of Fort Lauderdale along with permitting through the regulatory agencies. I am the owner of 1917 SE 21st Avenue, and support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Sherwin M. Kiesshauer". The signature is fluid and cursive, with a large initial 'S'.

Sherwin M. Kiesshauer Sr
1917 SE 21st Avenue
Fort Lauderdale, FL 33316