



TO: Honorable Mayor & Members of the Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: March 4, 2014

TITLE: Quasi-Judicial/Public Hearing/Resolution granting a Waiver of Limitations for Shawn and Jennifer Benyo / 704 NE 20th Avenue via ULDR Sections D and E.

Recommendation

It is recommended that the City Commission adopt a Resolution granting a Waiver of Limitations for the installation of nine triple pile clusters for Shawn and Jennifer Benyo at 704 NE 20th Avenue.

Background

The applicant is seeking a resolution granting a Waiver of Limitations (a waiver to allow a dock, mooring structure, or boat lift to extend beyond the maximum distance as defined by City Code) of the Unified Land and Development Regulations (ULDR) Sec. 47-19.3 D for the installation of nine triple pile clusters extending a maximum of 125 feet from the property line into the Middle River (see revised matrix below). The applicant's original submission, which extended a maximum of 166.9 feet from the property line into the Middle River, was scaled back to appease neighbor concerns.

REVISED MATRIX

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Triple Pile Cluster #1	+/-45.0'	25'	+/-20.0'
Triple Pile Cluster #2	+/-85.0'	25'	+/-60.0'
Triple Pile Cluster #3	+/-125.0'	25'	+/-100.0'
Triple Pile Cluster #4	+/-45.0'	25'	+/-20.0'
Triple Pile Cluster #5	+/-85.0'	25'	+/-60.0'
Triple Pile Cluster #6	+/-125.0'	25'	+/-100.0'
Triple Pile Cluster #7	+/-45.0'	25'	+/-20.0'
Triple Pile Cluster #8	+/-85.0'	25'	+/-60.0'

Triple Pile Cluster #9	+/-125.0'	25'	+/-100.0'
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At the City Commission Regular Meeting of February 18, 2014, staff was directed to include a verbatim narrative of the Marine Advisory Board minutes excerpt relating to this item (Exhibit 7). The MAB discussion included confirmation that the operator of the vessels will reside in the house; that the adjacent waterskiing area would not be impacted and that the house is on the widest part of the waterway. The applicant has confirmed that they intend to provide parking for six vehicles in the six on-site parking spaces for the occupant, their family, and visitors. The Florida Building Code does not regulate the occupant load of a single family residence. However, the ULDR allows for parking for the residence only, which would be two per dwelling unit and one parking space for an accessory dwelling unit. In this case the parking for the single-family home can only be used for the residence and technically not to provide parking for crew or maintenance workers. However, the code has a very liberal definition of “family”, so anyone living at the residence can park a vehicle at the location subject to available parking.

Although there is not a fee associated with obtaining a Waiver of Limitations, an application fee in the amount of \$300.00 is required. The applicant’s narrative indicates the piling clusters are necessary for safely mooring vessels as well as the extraordinary width of the waterway at this location.

In a voice vote, the Marine Advisory Board unanimously recommended approval of the revised application (12:0)(see Exhibit 6).

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item is a Press Play Fort Lauderdale Strategic Plan 2018 initiative, included within the **Public Places Cylinder of Excellence**, specifying advancing:

- **Goal 3:** Be a community that finds opportunities and leverages partnerships to create unique, inviting, and connected gathering places that highlight our beaches, waterways, urban areas and parks.
- **Objective 1:** Improve access to and enjoyment of our beach, Riverwalk, waterways, parks, and open spaces for everyone.
- **Initiative 3:** Evaluate dock availability to complement our public places.

This item advances the Fast Forward Fort Lauderdale 2035 Vision Plan: We are Community.

Attachment(s):

Exhibit 1 – Original Application Memo

Exhibit 2 – Original Application

Exhibit 3 – Code Sec. 47 – 19.3

Exhibit 4 – December 5, 2013 Marine Advisory Board Minutes - Approved

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Exhibit 5 - Revised Summary Description/Marine Survey
Exhibit 6 - February 6, 2014 Draft Marine Advisory Board Minutes
Exhibit 7- February 6, 2014 Marine Advisory Board Minutes (Verbatim)
Exhibit 8 – Resolution

Prepared by: Carolyn Bean, Administrative Assistant, x5348

Department Director: Phil Thornburg, Parks and Recreation Director