

MEMORANDUM MF NO. 13-02

DATE: February 12, 2013

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities *AC*

RE: March 7, 2013 MAB - Dock Waiver of Distance Limitations/Sec. 47-19.3 D & E-785 Middle River Drive LLC/Sean Tanner/ 785 Middle River Drive

Attached for your review is an application from Mr. Sean Tanner (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting after the fact approval for two (2) piling clusters adjacent to a marginal dock, extending approximately 40' from the property line into the Middle River. The distances these structures extend from the property line into the waterway are shown in the summary description visual provided in **Exhibit 1** and summarized in Table 1 below:

TABLE 1

LOCATIONS OF STRUCTURES FROM NORTH TO SOUTH	SURVEYED DISTANCE OF PROPOSED STRUCTURES	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
MOORING PILE #1	40'	25'	15'
MOORING PILE #2	40'	25'	15'

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 has indicated that these additional piles are necessary to safely moor their vessel during inclement weather, wake and surge.

PROPERTY LOCATION AND ZONING

The property is located within the RS-4.4 Zoning District. It is situated on the eastern shoreline of the Middle River where the overall average width between property lines from shoreline to shoreline is approximately +/- 440', according to the summary description/visual provided in **Exhibit 1**. The distance from the outermost existing piling clusters to the 30% line of the Middle River is approximately 92 feet.

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 install and affix reflector tape to the cluster 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

Exhibit I

Table of Contents

785 Middle River Drive LLC
DOCK WAIVER APPLICATION

INDEX AND EXHIBITS

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Exhibit II
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: 785 Middle River Drive LLC – Sean Tanner – Managing Member

TELEPHONE NO: 954-445-1147
(home)

954-548-3200 X130
(business)

FAX NO. 954-548-3201

2. **APPLICANT'S ADDRESS** (if different than the site address):
701 W Cypress Creek Rd #102 Fort Lauderdale, FL 33309

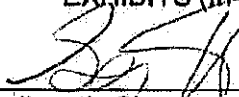
3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:**

Waiver of limitations per the ULDR (development regulations) Sec. 47 19.3 (d). This is an after the fact waiver request for two double pilings approximately 40 feet into the New River, which is more than the allowable 25' encroachment but less than the 30% width of the waterway. These pilings allow for safe tie-off of my vessel during inclement weather, wake and surge. This is for my personal boat.

4. **SITE ADDRESS:** 785 Middle River Drive Fort Lauderdale, FL 33304 **ZONING:** RS 4.4

LEGAL DESCRIPTION:
SUNRISE 28-42 B LOT 56 BLK 6

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


Applicant's Signature

2/12/13
Date

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 2013. 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 _____

Exhibit III
Warranty Deed

Prepared by and return to:
Andrew H. Dinnerstein
Attorney at Law
Dinnerstein Law, P.A.
4577 Nob Hill Road Suite 210
Sunrise, FL 33351
954-616-5930
File Number: 1164-Guar-Batt
Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 2nd day of November, 2012 between Joseph Guaracino, a married man, whose post office address is 2831 NW 119th Avenue, Sunrise, FL 33323, grantor, and 785 Middle River Drive LLC, a Florida Limited Liability Company whose post office address is , 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)

Witnesseeth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Broward County, Florida to-wit:

Lot 56, Block 6, SUNRISE, according to the map or plat thereof as recorded in Plat Book 28, Page 42, Public Records of Broward County, Florida.

Parcel Identification Number: 504201-32-1290

Said property described herein is not the homestead property of Grantor. Grantor resides permanently at the residence as listed herein.

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 accruing subsequent to December 31, 2012.

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 Name: Francis P. Yall

Witness Name: Beverly Ridings

Joseph Guaracino, by Sarah Guaracino his attorney-in-fact

State of GEORGIA
County of FORSYTH

The foregoing instrument was acknowledged before me this 5 day of NOVEMBER, 2012 by Sarah Guaracino, as attorney in fact for Joseph Guaracino, who ☐ is personally known or ☒ has produced a driver's license as identification.


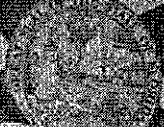
[Notary Seal]



Notary Public

Printed Name: MORGAN ESTES

My Commission Expires: 8-27-2016

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS					
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Entity Name Search

Submit

No Events No Name History

Detail by Entity Name

Florida Limited Liability Company

785 MIDDLE RIVER DRIVE LLC

Filing Information

Document Number	L12000131979
FEI/EIN Number	NONE
Date Filed	10/17/2012
State	FL
Status	ACTIVE
Effective Date	10/16/2012

Principal Address

701 W CYPRESS CREEK RD
#102
FORT LAUDERDALE FL 33309

Mailing Address

701 W CYPRESS CREEK RD
#102
FORT LAUDERDALE FL 33309

Registered Agent Name & Address

TANNER, SEAN A
701 W CYPRESS CREEK RD
#102
FORT LAUDERDALE FL 33309 US

Manager/Member Detail

Name & Address

Title MGRM
TANNER, SEAN A
701 W CYPRESS CREEK RD #102
FORT LAUDERDALE FL 33309

Title MGR
TANNER, NANCY K
701 W CYPRESS CREEK RD #102
FORT LAUDERDALE FL 33309

Annual Reports

No Annual Reports Filed

Document Images

10/17/2012 -- Florida Limited Liability

[View image in PDF format](#)

Note: This is not official record. See documents if question or conflict.

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State of Florida, Department of State

Exhibit IV

Survey Information

Boundary Survey

Legal Description:

Lot 56, Block 6, SUNRISE, according to the Plat thereof as recorded in Plat Book 28, Page(s) 42, Public Records of Broward County, Florida.

Flood Zone: X & AE

Panel: 0217 F

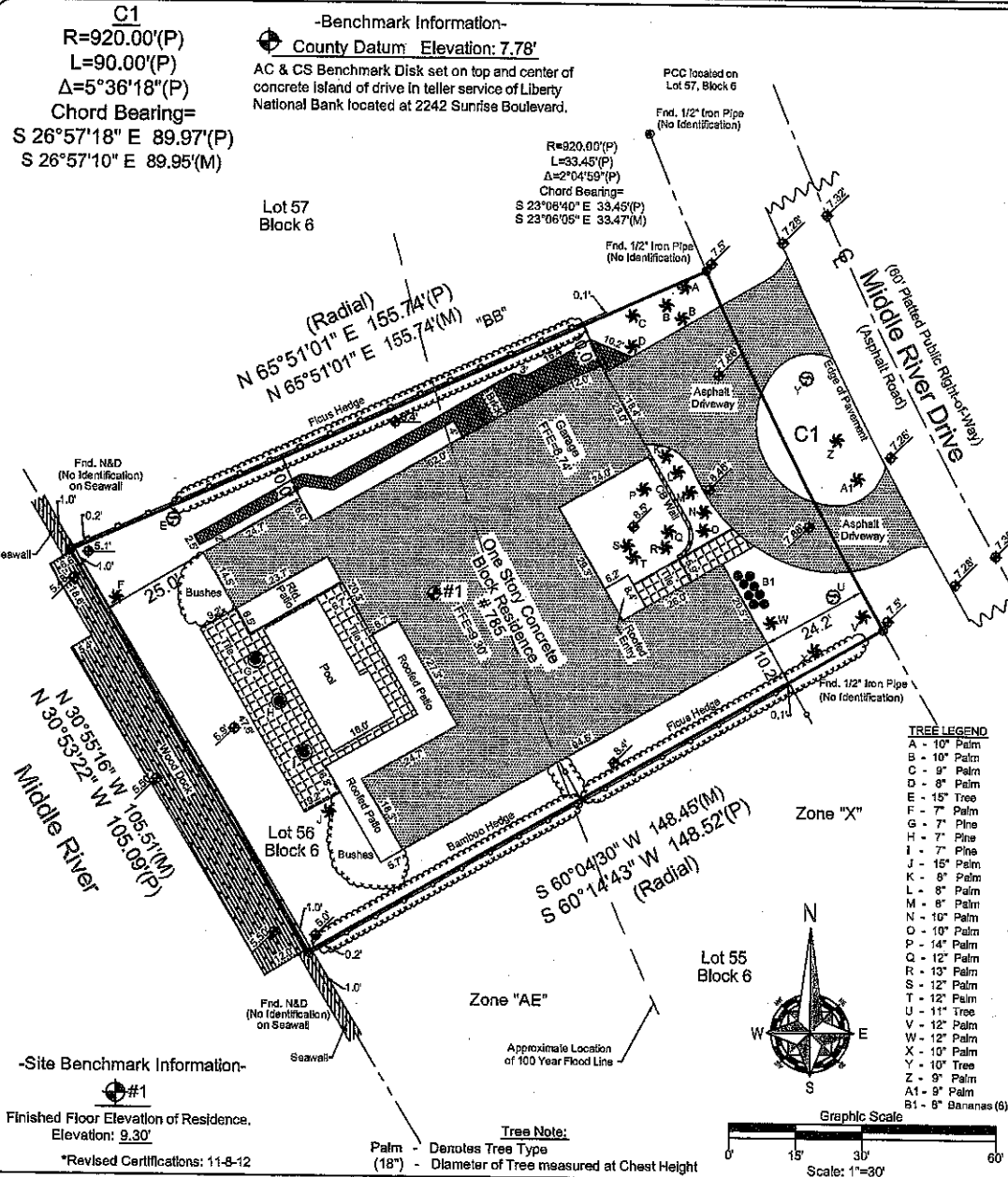
Community Number: 12011C

Date: 08/18/1992

CERTIFIED TO:

785 Middle River Drive LLC
Dinnerstein Law, P.A.

Broward Bank of Commerce, ISAOA/ATIMA
Attorneys' Title Insurance Fund, Inc.
Old Republic National Title Insurance Company



Field Date: 10-25-12		*Date Completed: 10-26-12																																																																									
Drawn By: SP		File Number: IS-10097																																																																									
<p>Legend-</p> <table border="0"> <tr> <td>C</td><td>- Calculated</td> <td>PC</td><td>- Point of Curvature</td> </tr> <tr> <td>CB</td><td>- Centerline</td> <td>Pp</td><td>- Page</td> </tr> <tr> <td>CM</td><td>- Concrete Block</td> <td>PI</td><td>- Point of Intersection</td> </tr> <tr> <td>CM</td><td>- Concrete Monument</td> <td>P.O.B.</td><td>- Point of Beginning</td> </tr> <tr> <td>Conc.</td><td>- Concrete</td> <td>P.O.L.</td><td>- Point on Line</td> </tr> <tr> <td>D</td><td>- Description</td> <td>PP</td><td>- Power Pole</td> </tr> <tr> <td>DE</td><td>- Drainage Easement</td> <td>PRM</td><td>- Permanent Reference Monument</td> </tr> <tr> <td>Esm.</td><td>- Easement</td> <td>PT</td><td>- Point of Tangency</td> </tr> <tr> <td>F.E.M.A.</td><td>- Federal Emergency Management Agency</td> <td>R</td><td>- Radial</td> </tr> <tr> <td>FPE</td><td>- Finished Floor Elevation</td> <td>R&C</td><td>- Rebar & Cap</td> </tr> <tr> <td>Fnd.</td><td>- Foundation</td> <td>Rec.</td><td>- Recovered</td> </tr> <tr> <td>IP</td><td>- Iron Pipe</td> <td>Rfd.</td><td>- Roofed</td> </tr> <tr> <td>M</td><td>- Measured</td> <td>Sgt</td><td>- Set 1/2" Rebar & Cap 1/2" 7822"</td> </tr> <tr> <td>N&D</td><td>- Nail & Disk</td> <td>Typ.</td><td>- Typical</td> </tr> <tr> <td>N.R.</td><td>- Non-Radial</td> <td>UE</td><td>- Utility Easement</td> </tr> <tr> <td>ORB</td><td>- Official Records Book</td> <td>WM</td><td>- Water Meter</td> </tr> <tr> <td>P.B.</td><td>- Plat Book</td> <td>Δ</td><td>- Delta (Central Angle)</td> </tr> <tr> <td>CS</td><td>- Wood Fence</td> <td>-</td><td>- Metal Fence</td> </tr> </table>				C	- Calculated	PC	- Point of Curvature	CB	- Centerline	Pp	- Page	CM	- Concrete Block	PI	- Point of Intersection	CM	- Concrete Monument	P.O.B.	- Point of Beginning	Conc.	- Concrete	P.O.L.	- Point on Line	D	- Description	PP	- Power Pole	DE	- Drainage Easement	PRM	- Permanent Reference Monument	Esm.	- Easement	PT	- Point of Tangency	F.E.M.A.	- Federal Emergency Management Agency	R	- Radial	FPE	- Finished Floor Elevation	R&C	- Rebar & Cap	Fnd.	- Foundation	Rec.	- Recovered	IP	- Iron Pipe	Rfd.	- Roofed	M	- Measured	Sgt	- Set 1/2" Rebar & Cap 1/2" 7822"	N&D	- Nail & Disk	Typ.	- Typical	N.R.	- Non-Radial	UE	- Utility Easement	ORB	- Official Records Book	WM	- Water Meter	P.B.	- Plat Book	Δ	- Delta (Central Angle)	CS	- Wood Fence	-	- Metal Fence
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<p>Notes-</p> <p>>Survey is Based upon the Legal Description Supplied by Client.</p> <p>>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.</p> <p>>Subject to any Easements and/or Restrictions of Record.</p> <p>>Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".</p> <p>>Building Ties are NOT to be used to reconstruct Property Lines.</p> <p>>Fence Ownership is NOT determined.</p> <p>>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.</p> <p>>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.</p> <p>>Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to give ANY Rights or Benefits to Anyone Other than those Certified.</p> <p>>Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying company at the time of this Endeavor. Ireland & Associates Surveying Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.</p>																																																																											
<p>I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Minimum Technical Standards for Land Surveying in the State of Florida in accordance with Chapter 51617-6 Florida Administrative Codes, Pursuant to Statute 472.027 Florida Statutes.</p> <p><i>Patrick K. Ireland</i> PS 6637 LB 7823 Patrick K. Ireland, Surveyor This Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal.</p> <p>Ireland & Associates Surveying, Inc. 5725 Wayside Drive Suite 1002 Sanford, FL 32771 www.IrelandSurveying.com Office-407.678.3366 Fax-407.320.8165</p>																																																																											

Exhibit V

Typical Dock Details

Typical Dock Installation Details

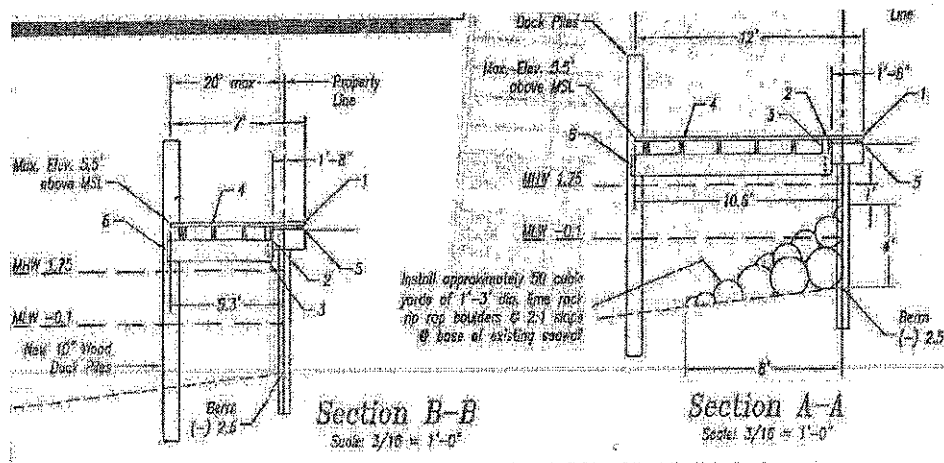
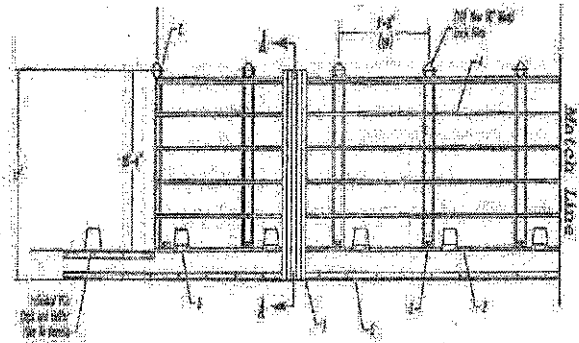
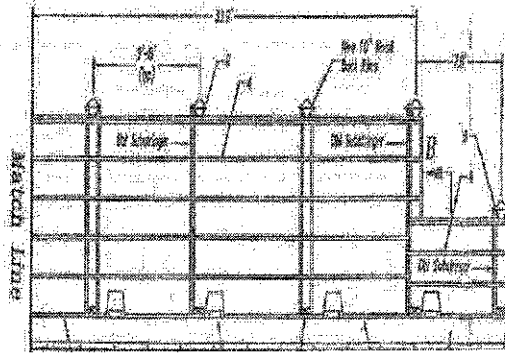
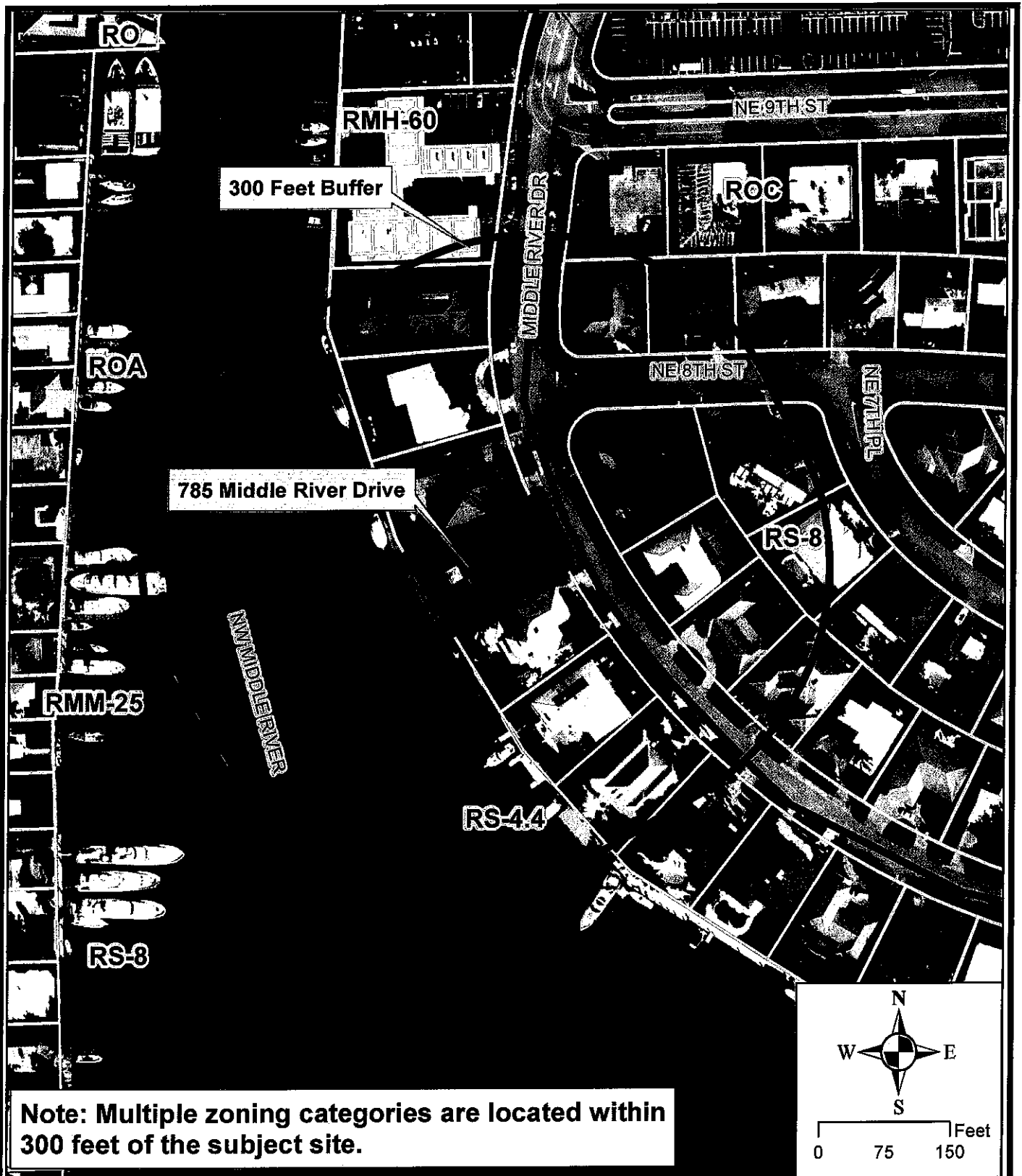


Exhibit VI
Zoning Aerial



CITY OF FORT LAUDERDALE

785 Middle River Drive



Path: P:\13_CED_Dockmaster\arcgis\785_Middle_River_Drive.mxd Date: 2/7/2013

Page 8

EXHIBIT 1
CAM 13-0456
PAGE 17 of 23

Exhibit VII

Summary Description

Summary Description

785 Middle River Drive Fort Lauderdale, FL 33304

The project site is located at 785 Middle River Drive in with legal description, SUNRISE 28-42 B LOT 56 BLK 6, in the City of Fort Lauderdale, Broward County, Florida.

The property is located along the Middle River, which are tidal waters. The nearest direct connection to the Atlantic Ocean is 2.8 miles to the south of Port Everglades. As the project is located along the Middle River, the incoming tidal waters (flood) at the site move to the north and the outgoing waters (ebb) move to the south.

This is an after the fact waiver request for two (2) double pile clusters. As measured from the line along the face of the existing seawall, the two (2) double pile clusters will encroach approximately 40' into the Middle River. As this distance is greater than the allowable 25' from the property line, the double clusters will require a waiver. None of the structures extend beyond 30% the width of the waterway and all structures. These pilings allow for safe tie-off of my vessel during inclement weather, wake and surge. This is for my personal boat.

The following three (3) matters provide justification for the waiver request:

1. The piles are necessary for safely mooring of my vessel, especially during high wind events and severe weather.
2. All structures will not exceed 30% of the width of the waterway.
3. Due to extraordinary width of the waterway at this location (+/-390' – 490') to the opposite shoreline, the pilings will not impede local navigation with the Middle River.

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



This is approx 390'
from wetface of
seawall to opposite
wetface.

[Click Here to Return to our Home page](#)

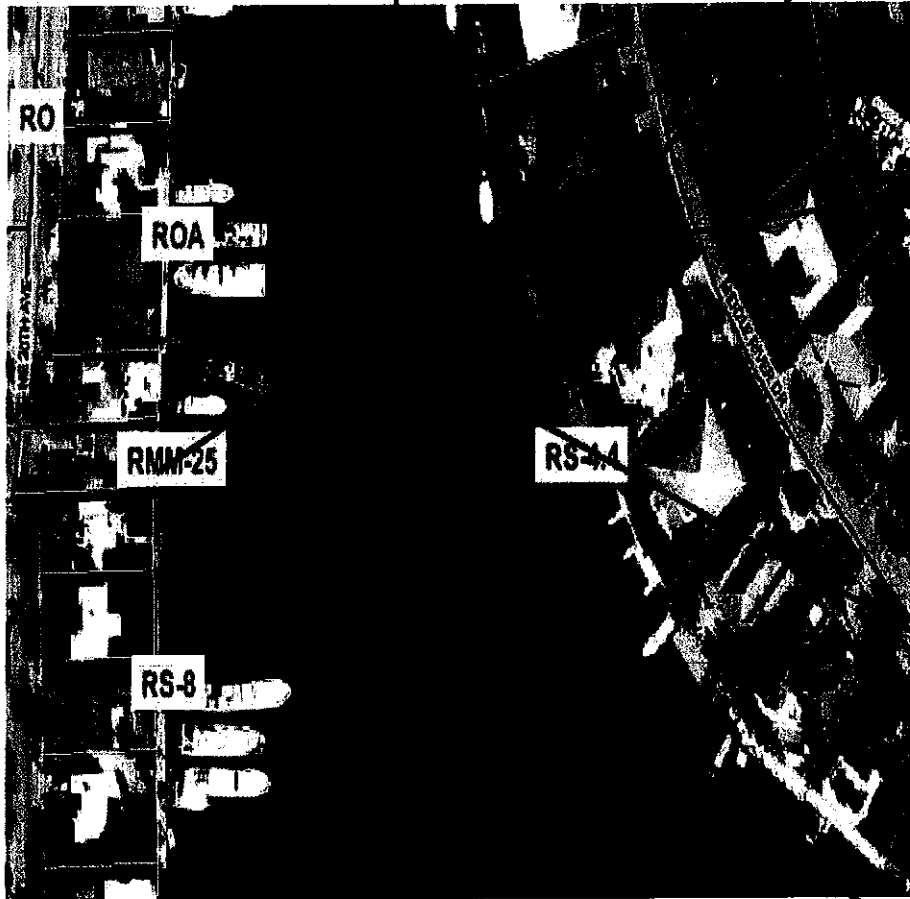
785 Middle River
Drive

[Actions for u](#)



Layers

- ☒ Highways
- ☒ Major Roads
- ☐ Town-Prop-Sec
- ☒ Municipalities
- ☐ City Limits
- ☐ Zip Codes
- ☐ CRA Boundaries
- ☐ Census Tracts
- ☒ City Zoning Codes
- ☐ County Land Use
- ☐ Comm Appraisal Districts
- ☐ Resid Appraisal Districts
- ☐ Subdiv. Number
- ☐ Subdiv. Name
- ☐ Pairing Codes
- ☐ No Sales
- ☒ Streets
- ☒ Parcels
- ☐ Aerials (2012)
- ☒ County Boundary



SELECTED PROPERTY-FOLIO: 504201321290

Source: Broward County Property Appraiser

2012 AERIALS

0 65 ft

Two (2) Double
Pile Clusters
approx 40' from
wetface of seawall
which is only 9% of
total width of
average river to
opposite seawall.

Approx 132' or
30% distance of
average width of
river from property
wetface of seawall.

This is approx 490'
from wetface of
seawall to opposite
wetface.

Exhibit VIII

Site Photographs

