

**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: Shawn Benyo & Jennifer Benyo

TELEPHONE NO: (home) (business) FAX NO.

2. APPLICANT'S ADDRESS (if different than the site address): 2612 N.E. 3rd Street, Pompano Beach, Florida 33062

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: The applicant requests a waiver for the proposed construction of eight (8) triple-pile clusters beyond 25 feet from the property line.

The applicant requests a waiver for the proposed construction of eight (8) triple-pile clusters beyond 25 feet from the property line.

4. SITE ADDRESS: 704 NE 20TH AVENUE, FORT LAUDERDALE, FL 33304 ZONING: RS-8

LEGAL DESCRIPTION: VICTORIA HIGHLANDS AMD PLAT 15-9 B PT BLK 1 F/P/A LOT 11,12 N 10 BLK 1 VICTORIA HIGHLANDS PB 9/47 B

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

Applicant's Signature

11-8-13 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

Recommendation Action

**EXHIBIT II**  
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**EXHIBIT III  
WARRANTY DEED**

2

This instrument prepared by and return to:  
Robert I. MacLaren II  
Attorney at Law  
Osborne & Osborne, P.A.  
798 South Federal Highway, Suite 100  
Post Office Drawer 40  
Boca Raton, Florida 33429-9974  
File No.: 13-26010  
Tax Folio Number: 5042 02 13 0080

INSTR # 111880434  
OR BK 50268 Pages 449 - 451  
RECORDED 10/18/13 04:19:24 PM  
BROWARD COUNTY COMMISSION  
DOC-D: \$5950.00  
DEPUTY CLERK 3075  
#2, 3 Pages

### TRUSTEE'S DEED

THIS INDENTURE, made and entered into as of the 16th day of October, 2013, between JOANNE M. ECKLER and RICHARD J. MILLER, as Successor Trustees of the Doris D. Miller Revocable Trust Agreement dated September 3, 1992, as amended by the **FIRST AMENDMENT TO THE DORIS D. MILLER TRUST AGREEMENT**, dated April 23, 2004, as GRANTOR, and SHAWN BENYO and JENNIFER BENYO, husband and wife, as tenants-by-the-entireties, as GRANTEE, whose address is 2612 N.E. 3<sup>rd</sup> Street, Pompano Beach, Florida 33062.

NOW, THEREFORE, GRANTOR, in consideration of the premises and the sum of Ten and No/100 (\$10.00) U.S. Dollars, and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, GRANTOR does hereby convey and transfer unto GRANTEE, his heirs and assigns forever, the following property lying and being situate in the County of Broward, State of Florida, legally described as follows:

Lot 11 and the North 10 feet of Lot 12, Block 1, VICTORIA HIGHLANDS, according to the Plat thereof recorded in Plat Book 9, Page 47, of the Public Records of Broward County, Florida, also known as the North 60 feet of the South 150 feet of the East 125.8 feet of Tract 1 of AMENDED PLAT OF VICTORIA HIGHLANDS, according to the Plat thereof, recorded in Plat Book 15, Page 9, of the Public Records of Broward County, Florida

TOGETHER with all and singular the tenements, hereditaments and appurtenances belonging or in anywise appertaining to that real property.

This conveyance is made subject to:

1. Taxes for the year 2013, and subsequent years;
2. Comprehensive land use plans, zoning, and other land use restrictions, prohibitions and requirements imposed by governmental authority;
3. Restrictions and matters appearing on the PLAT or otherwise common to the subdivision;
4. Conditions, restrictions, matters, limitations, reservations, and easements of record or created by custom but not reimposing same in any manner whatsoever;

TO HAVE AND TO HOLD the same to GRANTEE and to their successors, heirs, executors, assigns and representatives in fee simple forever.

AND GRANTOR does covenant to and with GRANTEE and the GRANTEE'S heirs and assigns, that in all things preliminary to and in and about the sale and this conveyance, the laws of the State of Florida have been followed and complied with in all respects. GRANTOR covenants with the GRANTEE that GRANTOR has good right and lawful authority to sell and convey the property and GRANTOR warrants the title to the property for any acts of the GRANTOR and will defend title against the lawful claims of all persons claiming by, through or under the GRANTOR.

THE ABOVE-DESCRIBED PROPERTY IS NOT THE HOMESTEAD OF THE GRANTOR(S) HEREIN, AS DEFINED BY THE CONSTITUTION OF THE STATE OF FLORIDA, NOR IS IT CONTIGUOUS THERETO AND SAID GRANTOR'S PERMANENT DOMICILE IS STATED BELOW THEIR RESPECTIVE SIGNATURE HEREUNDER.

IN WITNESS WHEREOF, GRANTOR has set their hands and seals as of the day and year first above written.

Signed, sealed and delivered in the presence of:

  
Signature - 1<sup>st</sup> Witness  
**CHRISTINA M. ROWELL**

Printed Name

  
Signature - 2<sup>nd</sup> Witness

**ROBERT I. MCLARENIE**  
Printed Name

  
Signature - 1<sup>st</sup> Witness  
**CHRISTINA M. ROWELL**

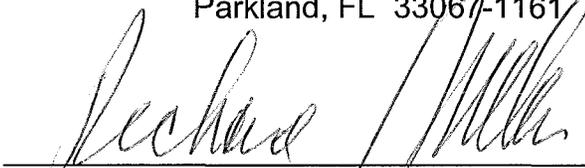
Printed Name

  
Signature - 2<sup>nd</sup> Witness

**ROBERT I. MCLARENIE**  
Printed Name

  
JOANNE M. ECKLER, as Successor Trustee of the Doris D. Miller Revocable Trust Agreement dated September 3, 1992, as amended by the **FIRST AMENDMENT TO THE DORIS D. MILLER TRUST AGREEMENT**, dated April 23, 2004

Address: 5328 N.W. 79th Way  
Parkland, FL 33067-1161

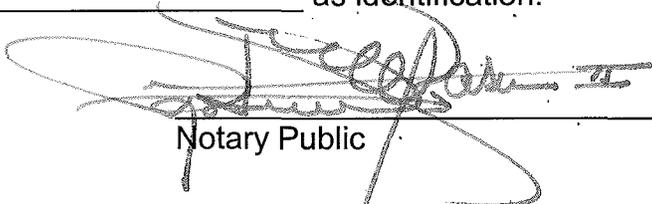
  
RICHARD J. MILLER, as Successor Trustee of the Doris D. Miller Revocable Trust Agreement dated September 3, 1992, as amended by the **FIRST AMENDMENT TO THE DORIS D. MILLER TRUST AGREEMENT**, dated April 23, 2004

Address: 2267 S.E. 11<sup>th</sup> Street  
Pompano Beach, FL 33062

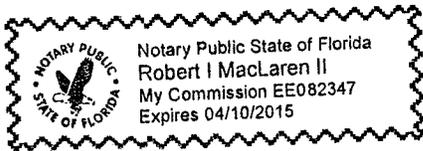
STATE OF FLORIDA  
COUNTY OF PALM BEACH, SS:

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of October, 2013, by JOANNE M. ECKLER, as Successor Trustee of the Doris D. Miller Revocable Trust Agreement dated September 3, 1992, as amended by the **FIRST AMENDMENT TO THE DORIS D. MILLER TRUST AGREEMENT**, dated April 23, 2004, who:

is personally known to me, [or]  
 has produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
Printed Name of Notary

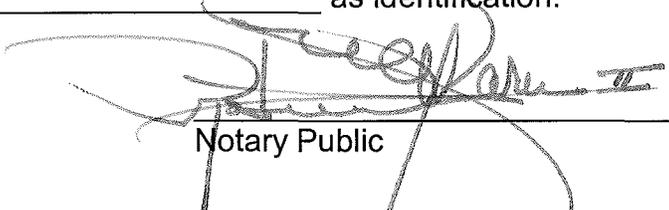
My Commission Expires:



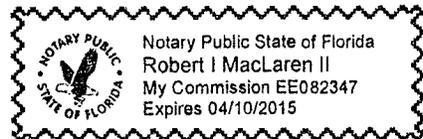
STATE OF FLORIDA  
COUNTY OF PALM BEACH, SS:

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of October, 2013, by RICHARD J. MILLER, as Successor Trustee of the Doris D. Miller Revocable Trust Agreement dated September 3, 1992, as amended by the **FIRST AMENDMENT TO THE DORIS D. MILLER TRUST AGREEMENT**, dated April 23, 2004, who:

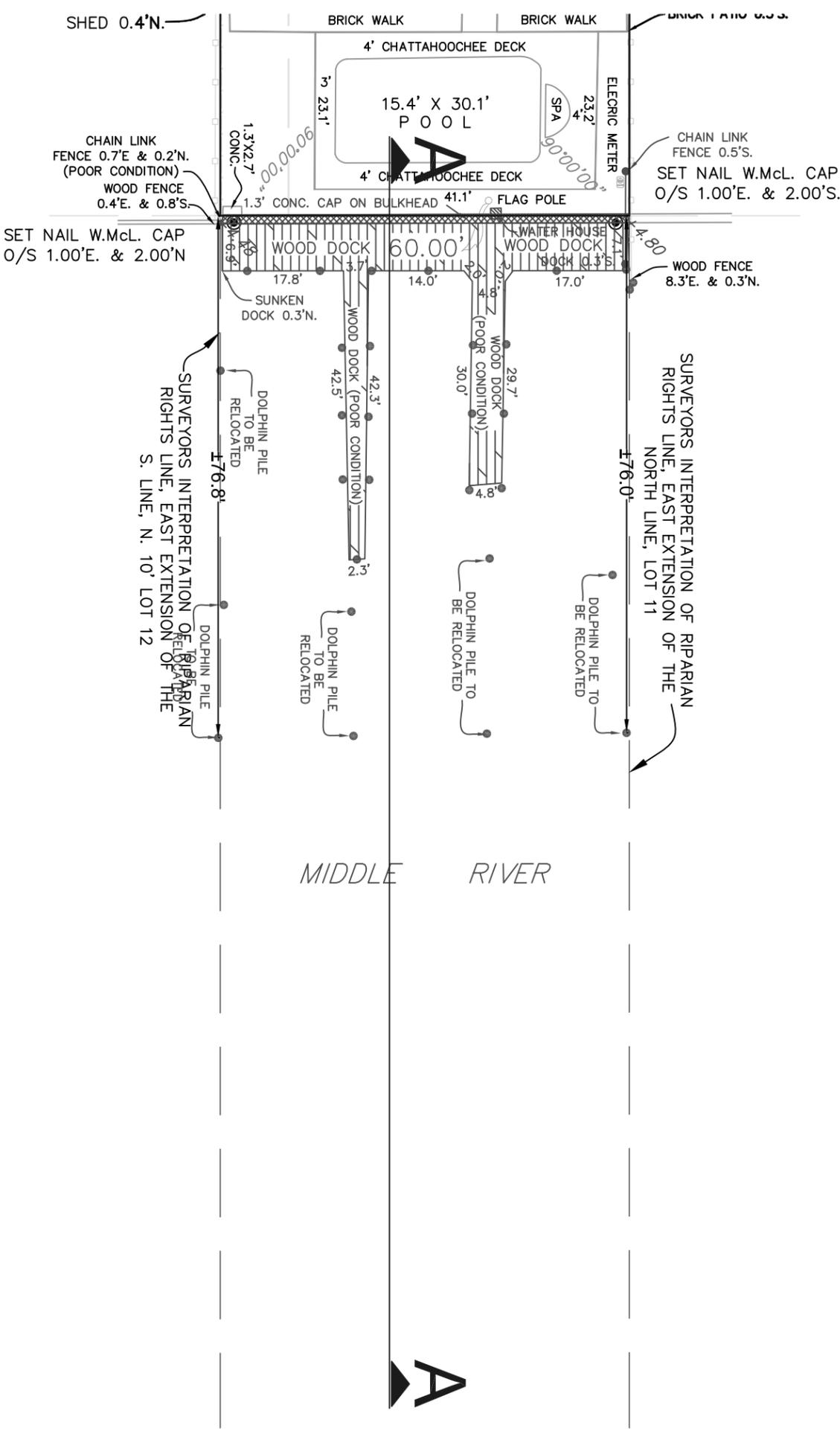
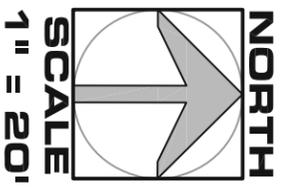
is personally known to me, [or]  
 has produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
Printed Name of Notary

My Commission Expires:



**EXHIBIT IV  
PROJECT PLANS**



**LEGEND**

- EXISTING WOOD DOCK TO BE REMOVED (#695 SQ.FT.)
- EXISTING 1.3' SEAWALL CAP TO BE REMOVED (#60 LINEAR FT.)

**NOTE:**  
 1. SURVEY INFORMATION PROVIDED BY MCLAUGHLIN ENGINEERING, CO.  
 2. M.H.W. = 1.8' NGVD M.L.W. = -0.6 NGVD

**EXISTING CONDITIONS**

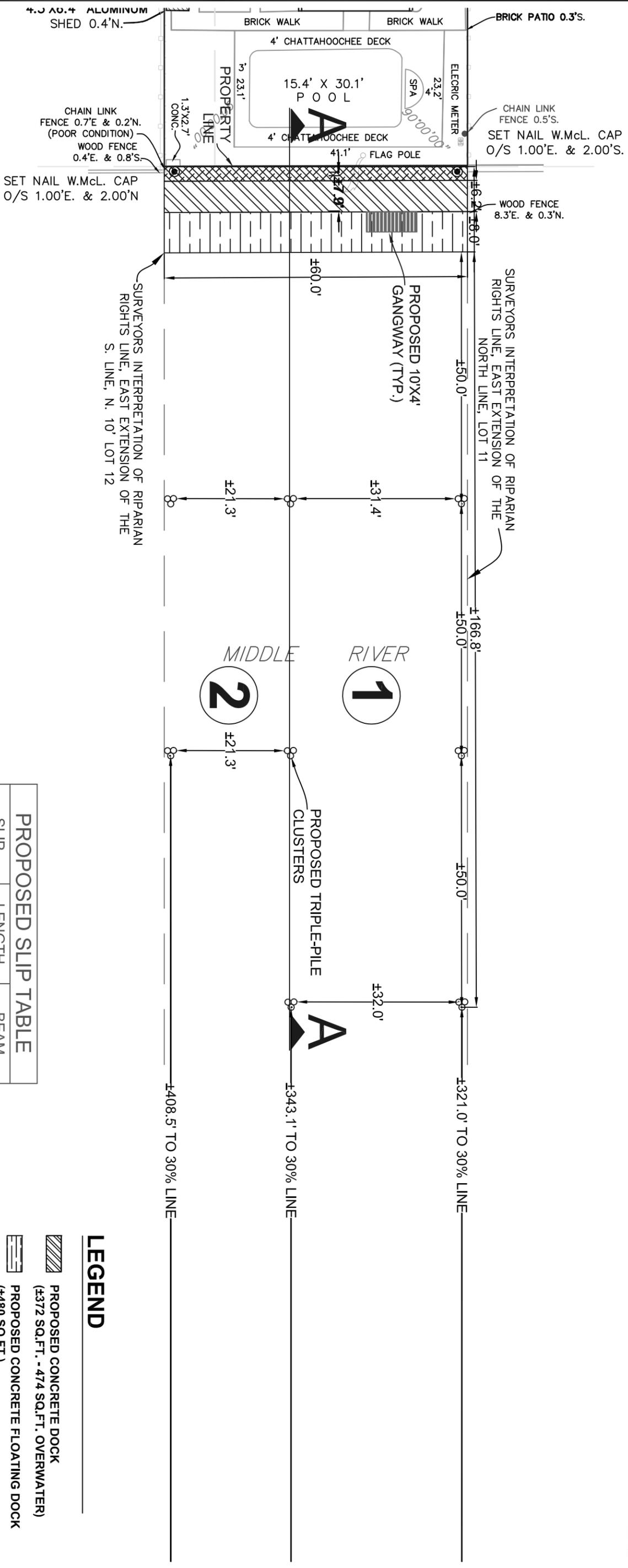
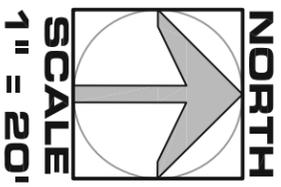
Date:	10/30/13	Sheet:	1	of:	3
Proj No.:	13-0049				

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**THE Chappell GROUP**  
 714 East McLab Road  
 Pompano Beach, Florida 33060  
 Tel: 954.782.1908  
 Fax: 954.782.1108  
[www.thechappellgroup.com](http://www.thechappellgroup.com)

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- TSE Species Surveys
- Phase I ESAs

**704 NE 20TH AVENUE**  
 PREPARED FOR:  
 SHAWN BENYO



PROPOSED SLIP TABLE		
SLIP	LENGTH	BEAM
1	±150'	±21'
2	±80'	±18'

- LEGEND**
- PROPOSED CONCRETE DOCK  
(±372 SQ.FT. - 474 SQ.FT. OVERWATER)
  - PROPOSED CONCRETE FLOATING DOCK  
(±480 SQ.FT.)
  - PROPOSED 3.0% SEAWALL CAP  
(±60 LINEAR FT.)
  - PROPOSED SLIP

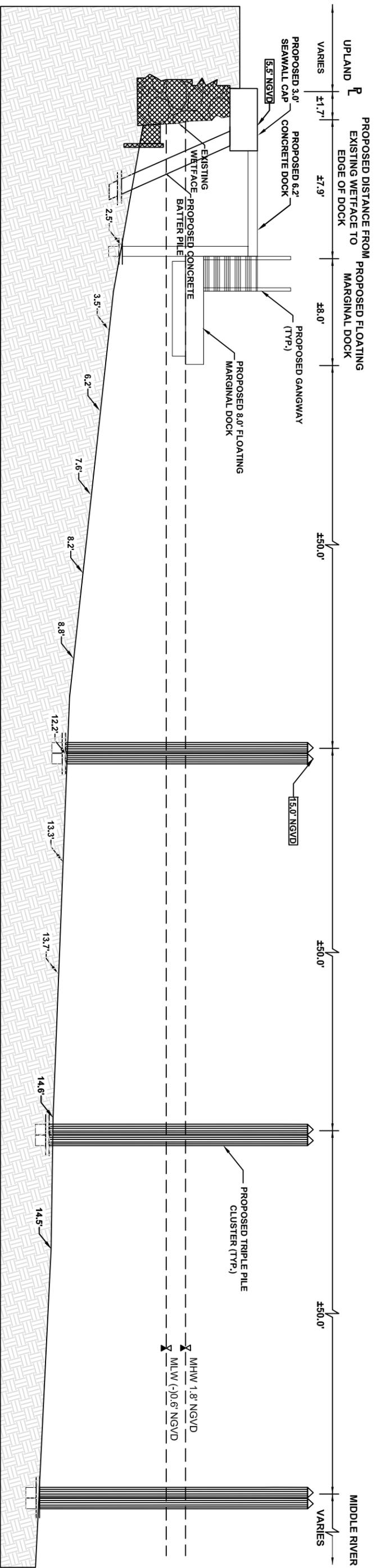
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**704 NE 20TH AVENUE**  
PREPARED FOR:  
**SHAWN BENYO**

PROPOSED CONDITIONS		
Date:	Sheet:	of:
10/30/13	2	3
Proj No.:	13-0049	



**SECTION A-A**  
**PROPOSED CONDITIONS**  
 N.T.S.

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**704 NE 20TH AVENUE**  
 PREPARED FOR:  
 SHAWN BENYO

SECTIONS		
Date: 10/30/13	Sheet: <b>3</b>	of: <b>3</b>
Proj No.: 13-0049		

**EXHIBIT V  
ZONING AERIAL**



# 704 NE 20th Avenue



**EXHIBIT VI  
SUMMARY DESCRIPTION**

**Summary Description**  
**704 NE 20<sup>th</sup> Avenue**  
**TCG Project No. 13-0049**

The project site is located along the Middle River at 704 NE 20<sup>th</sup> Avenue, in Section 02, Township 50, Range 42, in the City of Ft. 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 2.6 miles to the south at Port Everglades. As the project site 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.

The proposed project consists of the installation of eight (8) triple-pile clusters into the Middle River. As measured from the property line, the proposed triple pile clusters encroach more than 25' from the property line into the Middle River. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed triple pile clusters will require a variance waiver.

The following four (4) matters provide justification for this waiver request:

1. All boat slips and structures will not exceed 30% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location to the closest structure or vessel ( $\pm 1,620'$ ), the proposed project will not impede navigation within the Middle River.
3. The additional piles are necessary for safely mooring existing vessels, especially during high wind events and severe weather.
4. The proposed slips are consistent with the adjacent waivers.

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

<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
<b>Triple Pile Cluster #1</b>	<b>±66.9'</b>	<b>25'</b>	<b>±41.9'</b>
<b>Triple Pile Cluster #2</b>	<b>±116.9'</b>	<b>25'</b>	<b>±91.9'</b>
<b>Triple Pile Cluster #3</b>	<b>±166.9'</b>	<b>25'</b>	<b>±141.9'</b>
<b>Triple Pile Cluster #4</b>	<b>±66.9'</b>	<b>25'</b>	<b>±41.9'</b>
<b>Triple Pile Cluster #5</b>	<b>±116.9'</b>	<b>25'</b>	<b>±91.9'</b>
<b>Triple Pile Cluster #6</b>	<b>±166.9'</b>	<b>25'</b>	<b>±141.9'</b>
<b>Triple Pile Cluster #7</b>	<b>±66.9'</b>	<b>25'</b>	<b>±41.9'</b>
<b>Triple Pile Cluster #8</b>	<b>±116.9'</b>	<b>25'</b>	<b>±91.9'</b>

**EXHIBIT VII  
SITE PHOTOGRAPHS**



**1. Northern property boundary, facing east.**



**2. Northern property boundary, facing southeast.**



**3. Northern property boundary, facing south.**



**4. Southern property boundary, facing north.**



**5. Southern property boundary, facing east.**



**6. Southern property boundary, facing south.**

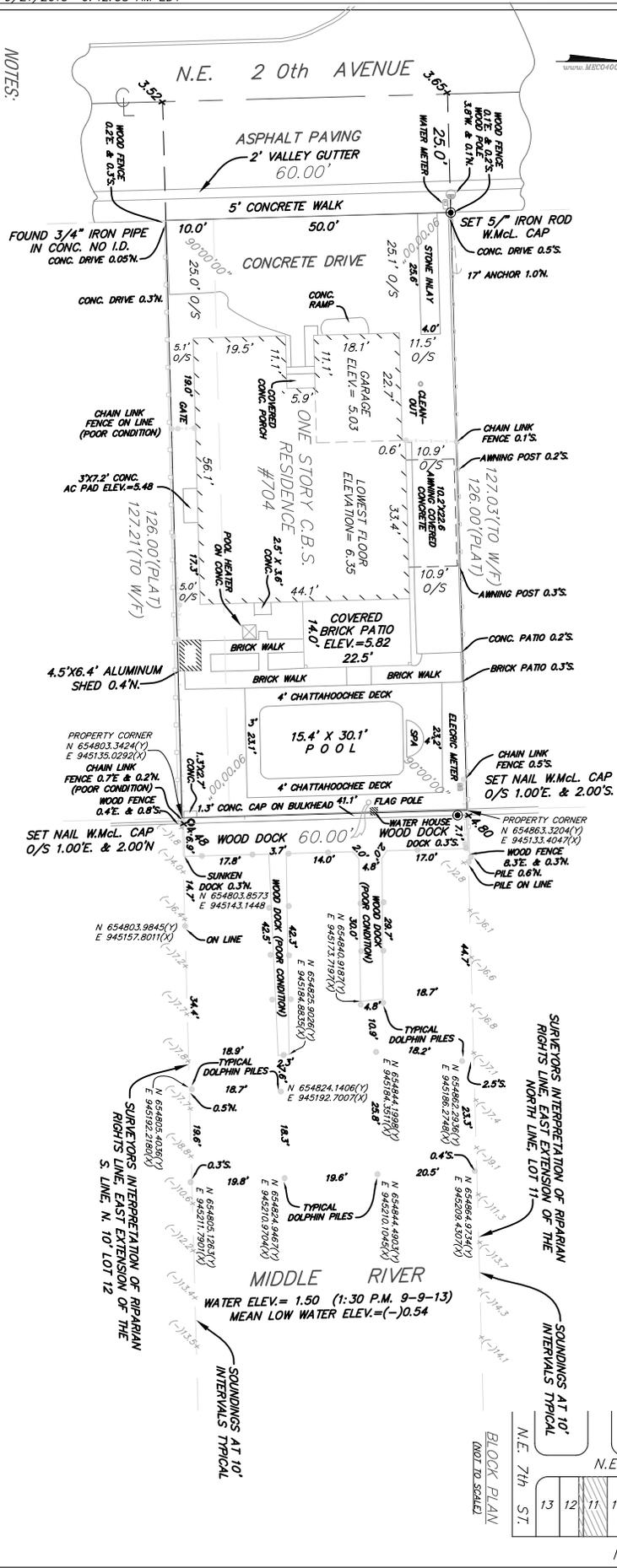
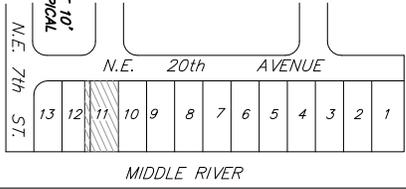
**EXHIBIT VIII  
ORIGINAL SURVEY**

**GRAPHIC SCALE**  
 (IN FEET)  
 1 inch = 20 ft.

**BALTIMORE & RECORD LAND SURVEY**  
**LOT 11 & THE NORTH 10' OF LOT 12, BLOCK 1, VICTORIA HIGHLANDS (PLAT BOOK 9, PAGE 47, B.C.R.)**

**LEGAL DESCRIPTION:**  
 Lot 11 and the North 10.00 feet of Lot 12, Block 1, VICTORIA HIGHLANDS, according to the plat thereof, as recorded in Plat Book 9, Page 47, of the public records of Broward County, Florida.

Said lands situate, lying and being in the City of Fort Lauderdale, Broward County, Florida and containing 7,560 square feet or 0.1736 acres, more or less (Plat).



**NOTES:**

- 1) This survey reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not obstructed for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Underground improvements if any not located.
- 3) This drawing is not valid unless sealed with an embossed surveyors seal.
- 4) Boundary survey information does not infer Title or Ownership.
- 5) All iron rods 5/8" unless otherwise noted.
- 6) Elevation shown refer to National Geodetic Vertical Datum (1929) and are indicated thus.
- 7) Reference Bench Mark: City of Fort Lauderdale Bench Mark, North rim of manhole in the center of N.E. 20th Avenue at #907 Elevation= 6.43
- 8) Coordinates shown obtained using control established in the field using the Global Positioning System (GPS).

**LEGEND**

- A = GENERAL ANGLE (DEG.)
- R = RADIUS
- C = CHORD BEARING
- T = TANGENT BEARING
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF CURVATURE
- P.M.A. = PERMANENT REFERENCE MONUMENT
- C.B.S. = CONCRETE BLOCK AND STUCCO
- I.C.V. = IRRIGATION CONTROL VALVE
- W.M. = WATER METER
- B.F.P. = BACK FLOW PREVENTOR
- W/F. = MET FACE OF CAP AOP BURHEAD
- ELEV. = ELEVATION
- O/S = OPEN
- C.L. = CENTERLINE
- F.F.L. = FINISH FLOOR LEVEL
- B.C.R. = BROWARD COUNTY RECORDS
- D.C.R. = DADE COUNTY RECORDS
- P.C. = PLAT BOOK COUNTY RECORDS
- P.S. = PAGE
- R/W. = RIGHT-OF-WAY
- C.O. = CLEAN OUT
- C.L.F. = CHAIN LINK FENCE

**CERTIFICATION:**

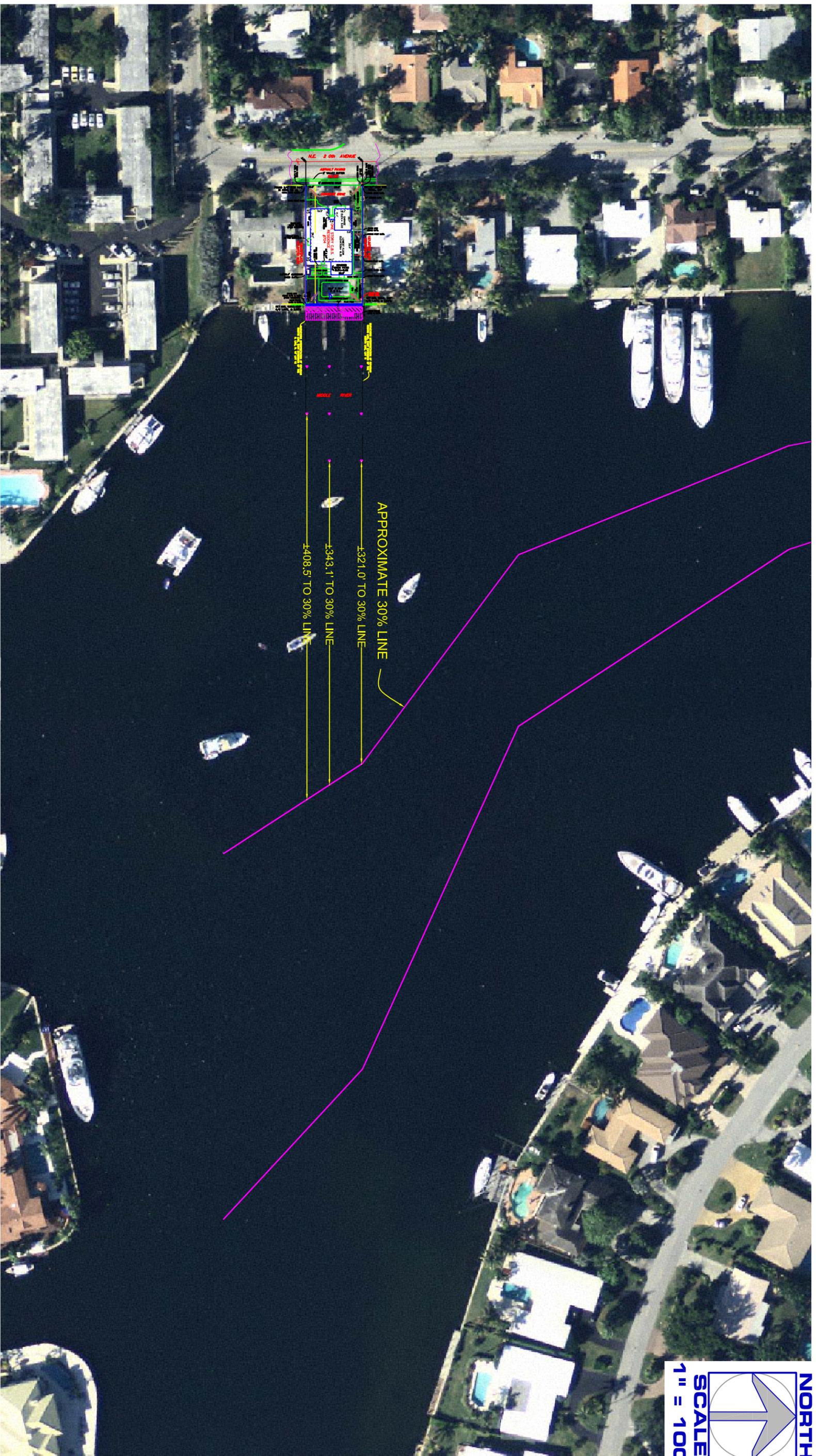
We hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 51-17.05 Florida Administrative Code, pursuant to Section 472.022, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 9th day of September, 2013.

**McLAUGHLIN ENGINEERING COMPANY**

**JERALD A. McLAUGHLIN**  
 Registered Land Surveyor No. 5269  
 State of Florida

**EXHIBIT IX  
PROPOSED CONDITIONS AERIAL EXHIBIT**



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- Phase I ESAs

**704 NE 20TH AVENUE**

PREPARED FOR:  
 SHAWN BENYO

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Date:	Sheet:	of:
10/30/13	1	1
Proj No.:	13-0049	