



MEETING MINUTES
CITY OF FORT LAUDERDALE
MARINE ADVISORY BOARD
FORT LAUDERDALE FIRE RESCUE DEPARTMENT
528 NW 2ND STREET, STATION #2
FORT LAUDERDALE, FLORIDA 33311
3RD FLOOR CONFERENCE ROOM
THURSDAY, SEPTEMBER 5, 2024 – 6:00 P.M.

Cumulative Attendance
January-December 2024

Steve Witten, Chair	P	7	1
James Harrison, Vice Chair	A	4	4
Tyler Brunelle	P	7	1
Robyn Chiarelli (6:15-8:19)	P	4	4
Jason Dunbar (dep. 8:21)	P	4	1
Barry Flanigan (arr. 7:00)	P	7	1
Robert Franks	P	6	3
Elisabeth George	P	8	0
Brewster Knott	P	5	3
John Lynch	A	6	2
Noelle Norvell	A	4	4
Ed Rebholz	P	6	2
Bill Walker	P	5	3
Robert Washington	A	6	2

As of this date, there are 14 appointed members to the Board, which means 8 would constitute a quorum.

Staff

Andrew Cuba, Marine Facilities Manager
 Jonathan Luscomb, Marine Facilities Supervisor
 Susan Grant, Acting City Manager
 Robert Dunckel, Assistant City Attorney
 Sgt. Travis O'Neal, Marine Unit Supervisor
 Carl Williams, Director of Parks and Recreation
 Stephen Gollan, Fire Chief
 William Schultz, Police Chief
 K. Cruitt, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

recommended careful review of applications, particularly due to issues that can occur on the western New River.

Mr. Walker asked if extraordinary circumstances may include navigational hazards on the waterway. Attorney Dunckel confirmed that this was his interpretation of Code.

Chair Witten observed that the Board regularly uses the term "extraordinary circumstances," and proposed that a full discussion to clarify this term be placed on a future agenda. He reiterated, however, that the Board should not ignore a request for a boat lift or another type of waiver if extraordinary circumstances are not provided. Attorney Dunckel stated that if an application was granted by the City Commission with no mention of extraordinary circumstances, it was his opinion that the approval could be overturned in court.

Chair Witten asked if the Board may still recommend approval of the Application even if they do not believe extraordinary circumstances exist. Attorney Dunckel replied that in his opinion, if the Board does not believe extraordinary circumstances exist, it is their responsibility to recommend denial of the Application. If they do believe the factors presented constitute extraordinary circumstances, it is their responsibility to recommend approval, subject to the side yard setback issue.

Mr. Brunelle commented that extraordinary circumstances are not required to be negative impacts. Attorney Dunckel pointed out that extraordinary circumstances are historically considered in light of how they negatively impact an applicant and their property. He reiterated that he hopes to modify this language in Code in the future, and will seek feedback from the Board at that time.

There being no further questions from the Board at this time, Chair Witten opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Brunelle, seconded by Mr. Dunbar, to approve. In a roll call vote, the motion passed unanimously (10-0).

Chair Witten concluded that he will request a discussion of extraordinary circumstances be placed on a future Agenda.

VIII. Dock Waiver – 601 Cordova Road / JFB Assets Management, Jean-Francois Boisvert

Hector Heguaburo, representing the Applicant, explained that while this Application had previously been approved, a subcontractor made an error in constructing the dock, placing it within 1 ft. of a setback. The Applicant was asked to bring the Application back before the Board.

Mr. Cuba further clarified that a 5 ft. setback exists on docks on Cordova Road. The Applicant's previous dock was installed within the north end of that setback. The Application will bring the structure within the setback on the 80 ft. wide property.

Motion made by Mr. Walker, seconded by Ms. George, to approve. In a roll call vote, the **motion** passed unanimously (10-0).

Dock Permit – 823 SE 2nd Street / Roger & Mary Edwards

This Item was deferred.

X. Dock Waiver – 1414, 1424 & 1500 SE 12th Street / Hemingway Landings Condominium Association

Romney Rogers, representing the Applicant, stated that the Hemingway Landings Condominium is located next to the Fort Lauderdale Yacht Club and consists of three buildings with 21 units. It proposes 21 slips, one per unit owner.

The request before the Board is a distance waiver. There are 26 dolphin pilings shown on the Applicant's survey. Four of the 26 pilings are currently within the 25 ft. limitation; nine of the pilings are within 1 ft. of this limitation, and the furthest distance of the remaining pilings is 2 ft. 7 in. beyond the 25 ft. limitation. The waterway is 118 ft. wide at the subject location. The farthest dolphin piling is at approximately 27.7 ft. into the waterway and does not intrude into the navigable waterway.

Mr. Rogers advised that all 21 unit owners have received a notice of violation of the 25 ft. limitation. While 22 of the 26 pilings are beyond the 25 ft. limitation, they are all within 2.7 ft. of the limitation. The Applicant requests an after-the-fact distance waiver to approve the pilings.

Extraordinary circumstances include:

- Need for the dolphin pilings in order to secure docked vessels in a severe weather event
- Protection against wakes in a heavily traveled boating area
- Most of the pilings were originally installed when the development was put into place in 2009; only a few of the pilings have been updated and moved
- If the nine pilings located within 1 ft. of the limitation are moved a short distance, which is within a few inches in some cases, the pilings may be less stable and may lean or lose position

Mr. Brunelle asked for more information on whether or how the pilings which have been updated since 2009 were replaced. Mr. Rogers replied that the pilings within 2.7 ft. of the limitation were moved due to the installation of a lift which was permitted at a distance of 25 ft.