

MEMORANDUM MF NO. 23-10

DATE: March 14, 2023

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities & Parks Manager

RE: June 1, 2023 MAB Meeting - Dock Waiver of Distance Limitations – Philip G. Jr. and Oma Jean Mavon / 831 Solar Isle Drive

Attached for your review is an application from Philip G. Jr. & Oma Jean Mavon / 831 Solar Isle Drive.

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for installation of a no profile boat lift and two finger piers, extending a maximum distance of 23'7"+/- into the adjacent Rio Coral waterway.

The City's Unified Land and Development Regulations (UDLR) Sec. 47-19.3 (c.) specifies that mooring structures may not be constructed by any owner of any lot unless a principal building exists on such a lot and such lot abuts a waterway. Section 47-19.3. (e.) authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The applicant's Summary Description indicates that the proposed boat lift/finger piers are desired for the safe mooring of the owner's vessels, as well as safe ingress and egress to and from the vessel.

PROPERTY LOCATION AND ZONING

The property is located within the RS-8 Residential Low Density Zoning District. It is situated along the north side of the New River, where the approximate width of the Rio Coral waterway from wet face to wet face is 100'+/-.

RECOMMENDATIONS

Should the Marine Advisory approve the application, the resolution under consideration 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 the City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor.
3. The applicant is required to install and affix reflector tape to any proposed guide poles 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, Marine Facilities Supervisor

**831 SOLAR ISLE DRIVE
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: Phillip G. Mavon, Jr. on behalf of Phillip G. Mavon Jr. and Orma Jean Mavon

TELEPHONE NO: 630-242-3121 (home/cellular) 630-242-3138 (business) EMAIL: jerry.mavon@gamco-mgt.com

2. APPLICANT'S ADDRESS (if different than the site address):

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: Request for waiver to construct a boat lift, and extend dock within existing vessel basin.

4. SITE ADDRESS: 831 SOLAR ISLE DRIVE ZONING: RS-8

LEGAL DESCRIPTION AND FOLIO NUMBER: RIVERIA 6-17 B LOT 1 THE EAST ½ (E ½) OF Lot 2, , LOT 4 S 25 OF W 25, BLK 4, RIVIERA, PLAT BOOK 6, PAGE 17 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. FOLIO: 5042 12 08 0650

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).
I Application; II Summary Description; III Original Survey-Zoning Affidavit; IV Zoning and Wake Area Aerials; V Existing Waivers.


Applicant's Signature

march 21, 2023
Date

=====

The sum of \$ 1,500.00 was paid by the above-named applicant on the 21st of March, 2023. 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 _____

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**PHILIP G. MAVON, JR.: WAIVER FOR BOAT LIFT OF VESSEL
831 SOLAR ISLE DRIVE**

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Morgan, Olsen & Olsen, LLP
ATTORNEYS AT LAW

Walter L. Morgan
Gregory G. Olsen
Mark C. Olsen

633 S. Federal Highway, Suite 400A
Fort Lauderdale, FL 33301
Phone (954) 524-3111
Fax (954) 463-3570

March 21, 2023

Please respond to: Walter L. Morgan
E-Mail: wmorgan@morganolsen.com

Andrew Cuba
Supervisor of Marine Facilities
Marine Advisory Board ("MAB")
100 N. Andrews Avenue
Fort Lauderdale, Florida 33301

Re: 831 Solar Isle Drive-Philip G. Mavon, Jr. & Oma Jean Mavon (the "Applicant")

SUMMARY DESCRIPTION

1. This application is made by Philip G. Mavon, Jr., on behalf of Philip G. Mavon, Jr. and Oma Jean Mavon at the suggestion of Robert Dunckel, Assistant City Attorney, in connection with the Application to the City Commission under Section 47-19.3(c), & (e) of the Uniform Land Development Regulations. Section 47-19 3 (e) provides that the City Commission may grant a waiver under extraordinary circumstances from the limitations imposed by Sections 47-19-(c) (the 'Imposed Limitation").
2. The project site consists of an existing mooring dock basin, located at 831 Solar Isle Drive, Fort Lauderdale, Florida (legally described as Lot 1, the east ½ of Lot 2, and the S25 feet of the W25 feet of Lot 4, all in Block 4, Riviera, according to the Plat thereof recorded in Plat Book 6, Page 17 of the Public Records of Broward County, Florida (the "Property"). The proposed Boat Lift is to be re-installed within the Property land portion, measuring 25' x 25', and legally described as the S25 feet of the W25 feet, Lot 4, Riviera (the "Basin Parcel"); all within the Property. The Waiver required to overcome the Imposed Limitation include: a) the requirement for a principal structure at the Basin Parcel, located within the Property, permitting the re-installation of the low profile Boat Lift (as previously installed under the approved Building Permit(s) numbered 18053110, and 18053111 (the "Prior Permits"), and dismantled after the BOA/Final Order causing the cancellation of the Prior Permits (said Final Order, dated March 20, 2019, as hereafter described below in Section II, 7., Exhibit "3") ; and b) the re-permitted installation of two (2) wood dock finger piers, which shall remain "as built" by the 2018 Permit to measure 23' 7" X 4' 6" ("North Pier"), and South Pier at 10' 8" X 4' 6", as previously installed under the Prior Permit, but not demolished following the Final Order.
3. The following four (4) matters provide justification for this waiver request:
 - A. All structures and piles will not exceed 30% of the width of the waterway.
 - B. The proposed structures are necessary to protect the owner's vessels from excessive wake due to high vessel traffic volume.
 - C. The proposed waiver and structures are desired for the safe mooring of the owner's vessel, including the boarding to, and disembarking from the vessel, especially for elderly persons such as the owners, and their friends.

II

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D. The Property was joined as a unified property by the recorded Declaration of Unity of Title, dated May 13, 2013 (see below, Composite Exhibit "2"), and either: (i) qualified as having a principal structure thereon, as set forth by the opinion of the City Attorney on May 7, 2013 (see below Composite Exhibit "2", the Affidavit of Harry A. Stewart, as part of Section II, 5, Composite Exhibit "2"); or (ii) the definition of a "development site" under ULDR Sec. 47-35.1- Definitions, which provides in part: "If a development site has more than one (1) parcel or lot, with different owners, all property owners will be required to sign the application for development permit, and shall be required to execute and record in the public records a declaration on a form provided by the department, stating that the parcels have been developed as a single unit for purposes of meeting the ULDR" (see attached as Exhibit "7", pages 1/17, and 5/17 defining "development site", which definition supports the Applicant's position that the recorded Declaration of Unity of Title, as required and approved by the City commission, which unified two parcels as a single unit, and states that no parcel may be developed, without the other, unless each parcel alone, satisfies the ULDR, as a single property for development.

4. By way of background, in 1969 the subject Property located at 831 Solar Isle Drive and legally described above, as the Property; said Property originally acquired by the Applicant's parents, Philip G. Mavon and Marjorie C. Mavon his wife, now owned by the Applicant (see composite Exhibit "1", including 2 Deeds, and a Property Survey).

5. In 2010 to 2012 the Applicant: (i) filed an Application with the MAB for the Waiver of Limitations under ULDR 47.19.3 at the Property, and seeking a waiver of the proposed basin, and the sub-section (c) requirement of a "principal structure" (formerly referenced as (B) , and received a unanimous vote of Approval on November 4, 2010 (see below a copy of the approved minutes, the "MAB Minutes", which did not grant the right to construct a boat lift, as attached as part of Composite Exhibit "2"); and (ii) received a City Building Permit to construct a "notch basin", and dock , all within the 25 feet X 25 feet Basin Parcel; and, after the improvements were completed, and the City refused to conduct a final Permit Inspection to close said Permit, the Applicant received a Summary Judgment (the "Order on Cross Motions for Summary Judgment", dated April 24, 2013, against the City (copy attached below as a part of composite Exhibit "2"); which led to the City Commission Meeting on May 7, 2013, wherein the City required the Applicant to execute and file for recordation in the Public Records of Broward County a "Declaration of Unity of Title". The then City Attorney represented to the Commission the Basin Parcel would be unified with the rest of the Property located at 831 Solar Isle Drive, at which a house was and is located. City Attorney Stewart also declared his opinion, stating the unified Property would qualify under the ULDR as having a principal structure thereon (see the attached composite Exhibit "2", including the MAB Minutes, and Affidavit of Harry A. Stewart, including the attached Declaration of Unity of Title, as recorded, and Summary Judgment).

6. On August 10, 2018 the Applicant filed and was issued the Prior Permits to construct a boat lift, and an extended dock, consisting of the North Pier and South Pier, which led to a lawsuit, and hearing before the City Board of Adjustment ("BOA"), and the "Final Order", dated March 20, 2019, by the BOA (copy attached below, as Exhibit "3"; said Final Order determining the issuance of the Prior Permit(s) (numbered 18053110 and 18053111) was clearly erroneous (due to its determination that no principal structure existed on the Basin Parcel, with no copy of the recorded Unity of Title having been submitted to the BOA for consideration, (see Exhibit "3", a copy the of Final Order of the BOA regarding case B19003).

7. On January 12, 2022 the Applicant refiled for a Building Permit (Application Number: BLD-BDSP-22010010, the "Boat Lift Permit"), and for the construction of a boat lift, with two finger pier docks extending out no further than the North Pier, at 23' 6", and less than the mooring piling (since removed), as previously approved by the Marine Advisory Board waiver, granted November 4, 2010. The Boat Lift Permit was denied due to the BOA ruling of no principal structure at the Basin Parcel, notwithstanding the Unity of Title (see Composite Exhibit "4"). This Application to the MAB has been required by the City's Office of Sustainable Development, since the City Commission has not previously granted a "Waiver", as allowed under the ULDR Section 47-19.3 (e). See attached the Boat Lift Permit to be refiled concurrent with the Waiver being approved by the MAB and/or City Commission; and, as further required under the ULDR, the Applicant has obtained the Broward County Environmental Resource General License, Number GLFTL2-111-027; and Broward County Transportation Concurrency Satisfaction Certificate; and Broward County Environmental Review Approval Certificate (see Composite Exhibit "5").

8. Also attached to this Application: (i) four (4) photos of the view(s) from the existing Boat/Dock toward each of the two adjacent neighbor's properties, located to the north and south of the Basin Parcel (see Composite Exhibit "6"; and

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Exhibit "7" (a 2 page excerpt from ULDR Sec. 47-35.1 – Definitions – defining "Development site").

9. The Applicant maintains a review of the foregoing circumstances, history and facts, together with remaining documents attached with this Application, constitute and qualify as the extraordinary circumstances required for this Board, and the City Commission to approve this Waiver Application: (i) either recognizing the Property having a principal structure within it as the result of the recorded Declaration of Unity of Title, or waiving said requirement due to the extraordinary circumstances of the Property, and the Applicant's experiences with its Basin Parcel and Prior Permits, as required for the issuance of a permit for the construction of docks and the Boat Lift/mooring structures (all as provided within the ULDR, and the Declaration of Unity of Title approved by the City Commission on May 7, 2013, as recorded, May 15, 2013.

Respectively submitted,



Walter L. Morgan
Morgan, Olsen & Olsen, LLP

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COMPOSITE EXHIBIT “1”

Printed for buyers' Title Guaranty Fund, Orlando, Florida

69-141354

This instrument was prepared by:

JOSEPH A. HUBERT
of the Law Office of
WATSON, HUBERT & DAVIS
2549 North Federal Highway
FORT LAUDERDALE, FLORIDA 33404

Warranty Deed

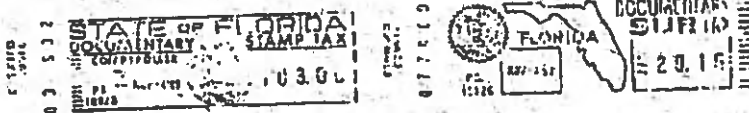
(STATUTORY FORM — REVISED 6/29/63)

This indenture, Made this 27th day of October 1969. Between
W. H. ARNOLD and ETHEL K. ARNOLD, his wife
of the County of Broward, State of Florida, grantor, and
PHILIP G. HAVON and MARJORIE C. HAVON, his wife
whose post office address is 831 Solar Drive, Ft. Lauderdale,
of the County of Broward, State of Florida, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of
TEN DOLLARS (\$10.00) Dollars
and other good and valuable considerations to said grantee 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 fol-
lowing described land, situate, lying and being in Broward County, Florida, to-wit:

Lot 1 & 1/2 Lot 2, Block 4 and S25' of
W25' of Lot 4, Block 4, Riviera according
to the Plat thereof as recorded in Plat
Book 6, Page 17, of the Public Records of
Broward County, Florida.

Subject to restrictions, reservations and limitations of record.



and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*Grantor and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in my presence:

W. H. ARNOLD (Seal)
ETHEL K. ARNOLD (Seal)
JACK WIERLER (Seal)
Notary Public, State of Florida

STATE OF FLORIDA
COUNTY OF BROWARD
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally
appeared W. H. ARNOLD and ETHEL K. ARNOLD, his wife

to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before
me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 27th day of October
1969.

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA
MY COMMISSION EXPIRES SEPT. 2, 1972

Notary Public

RE: A003 MR 907

Return Pric. Will Be... (Handwritten note)

PS 7

Prepared by and return to:

Law Firm of Zimmerman & Associates
2400 E. Commercial Blvd. Suite 820
Fort Lauderdale, FL 33308
954-202-7440
File Number: ss15-031
Will Call No.: #39

Parcel Identification No. 5042 12 08 0650

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 14th day of December, 2015 between Philip G. Mavon, Jr., a married man, joined by his wife, Oma Jean Mavon whose post office address is 831 Solar Isle Dr., Fort Lauderdale, FL 33301 of the County of Broward, State of Florida, grantor*, and Philip G. Mavon, Jr. and Oma Jean Mavon, husband and wife whose post office address is 831 Solar Isle Dr., Fort Lauderdale, FL 33301 of the County of Broward County, State of Florida, grantee*,

Witnesseth 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 1, the East one half (E 1/2) of Lot 2, and the South 25 feet of West 25 feet of Lot 4, all in Block 4, RIVIERA, according to the Plat thereof recorded in Plat Book 6, Page 17, of the Public Records of Broward County, Florida .

The purpose of this deed is to add Grantor's spouse to the title and establish an entireties estate.

The preparer of this instrument was neither furnished with, nor requested to review, a chain of title for the described property and therefore expresses no opinion as to condition of title.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

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DoubleTimes

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:

Dana Cardea
Witness Name: Dana Cardea

Philip G. Mavon, Jr. (Seal)
Philip G. Mavon, Jr.

Sarah Spangler
Witness Name: Sarah Spangler

Oma Jean Mavon (Seal)
Oma Jean Mavon

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 14th day of December, 2015 by Philip G. Mavon, Jr. and Oma Jean Mavon, who are personally known or have produced a driver's license as identification.

[Notary Seal]

Kurt D. Zimmerman
Notary Public

Printed Name: KURT D. ZIMMERMAN

My Commission Expires: 5/18/18



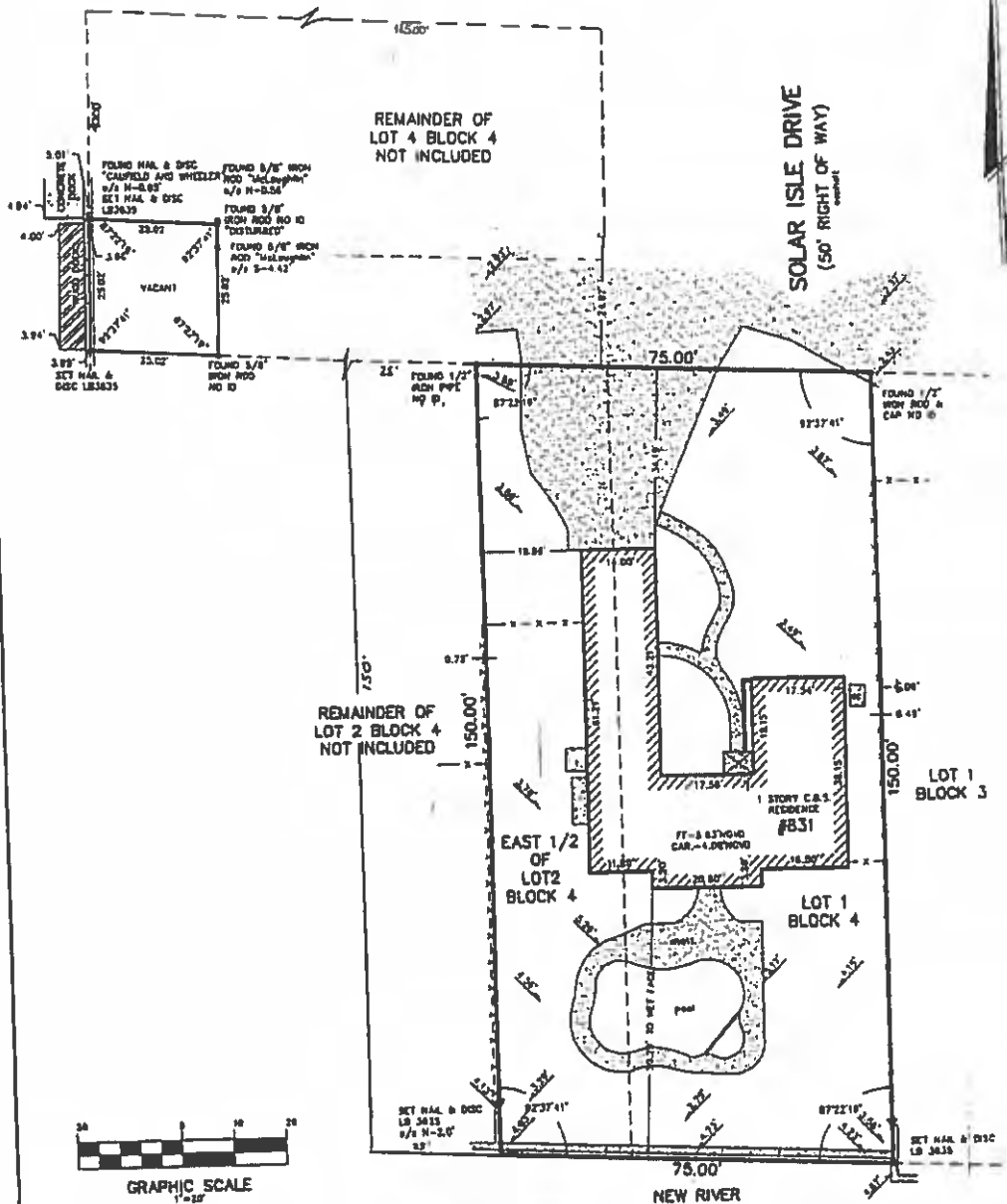
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1150 E. ATLANTIC BLVD.
POUNAPO BEACH
FLORIDA 33060

ACCURATE LAND SURVEYORS, INC.
L.B. #3635

TEL. (954) 782-1441
FAX. (954) 782-1442

SHEET 2 OF 2



OR $\frac{1}{4}$ " = 1' 0.00' SICHES ELEVATIONS BASED ON M.S.V.D.

NOTES:

- UNLESS OTHERWISE NOTED FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
- BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF N/A.
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, ENCUMBRANCE, OR OTHER MATTERS OF RECORD BY ACCURATE LAND SURVEYORS, INC.
- OWNERSHIP OF FENCES AND WALLS IF ANY NOT DETERMINED.
- THIS DRAWING IS THE PROPERTY OF ACCURATE LAND SURVEYORS, INC. AND SHALL NOT BE USED FOR REPRESENTATION IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORIZATION.
- THIS SURVEY CONSISTS OF A MAP AND TEXT REPORT, ONE IS NOT VALID WITHOUT THE OTHER.
- THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE CERTIFIED HEREON, TO BE VALID ONE YEAR FROM THE DATE OF SURVEY AS SHOWN.

CERTIFICATION:

THIS IS TO CERTIFY THAT I HAVE RECENTLY SURVEYED THE PROPERTY DESCRIBED IN THE PRECEDING TITLE CAPTION AND HAVE SET OR FOUND MONUMENTS AS INDICATED ON THIS SECTION AND THAT SAID ABOVE DRAWING SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SURVEY MEETS MINIMUM TECHNICAL STANDARDS UNDER RULE 61011-4 FLORIDA ADMINISTRATIVE CODE, ADOPTED BY THE FLORIDA BOARD OF LAND SURVEYORS, MAY 1993.



Robert L. Thompson 2-16-10
ROBERT L. THOMPSON (PRESIDENT)
PROFESSIONAL SURVEYOR AND MAPPER NO. 3889 - STATE OF FLORIDA

| REVISED | DATE | BY |
|-------------------------|----------|------------|
| UPDATE WEST LOT 10-0028 | 02-16-10 | MLW |
| DATE OF SURVEY | DRAWN BY | CHECKED BY |
| 03-29-04 | MLW | MLW |
| | | FIELD BOOK |
| | | 1180-22 |

SCALE 1" = 20' OFFICE NUMBER SU-04-1955

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COMPOSITE EXHIBIT “2”

**MINUTES OF THE MARINE ADVISORY BOARD
 100 NORTH ANDREWS AVENUE
 8TH FLOOR CONFERENCE ROOM
 FORT LAUDERDALE, FLORIDA
 THURSDAY, NOVEMBER 4, 2010 – 7:00 P.M.**

| <u>Board Members</u> | Attendance | Cumulative Attendance 5/2010 through 4/20/11 | |
|----------------------------|------------|---|---------------|
| | | <u>Present</u> | <u>Absent</u> |
| John Terrill, Chair | P | 6 | 0 |
| Barry Flanigan, Vice Chair | P | 3 | 3 |
| F. St. George Guardabassi | A | 5 | 1 |
| Bruce Johnson | A | 3 | 3 |
| Randolph Adams | P | 6 | 0 |
| Norbert McLaughlin | P | 6 | 0 |
| Jim Welch | P | 4 | 2 |
| Robert Dean | P | 4 | 2 |
| Mel DiPietro | P | 3 | 3 |
| Bob Ross | A | 4 | 2 |
| Lisa Scott-Founds | A | 2 | 4 |
| Stephen Tilbrook (8:00) | P | 3 | 3 |
| Tom Tapp | A | 3 | 3 |
| Herb Rassing | A | 5 | 1 |
| James Harrison | A | 5 | 1 |

As of this date, there are 15 appointed members to the Board, which means 8 would constitute a quorum.

Staff

Jamie Hart, Supervisor of Marine Facilities
 Andrew Cuba, Manager of Marine Facilities
 Levend Ekendiz, Intracoastal Facilities Dockmaster
 Matt Domke, Downtown Facilities Dockmaster
 Officer Brian Meo, Marine Police Staff
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order

Chair Terrill called the meeting to order at 7:06 p.m. It was noted a quorum was not yet present.

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

Motion made by Vice Chair Hanigan, seconded by Mr. McLaughlin, to approve the variance as submitted.

Mr. Tilbrook asked if notice was given to the residents on the opposite side of the canal. Mr. Hanigan said all neighbors within 300 ft. were notified.

On a roll call vote, the motion passed 8-0.

VI. Application – Waiver of Limitations / ULDR 47.19.3 – 831 Solar Isle Drive – Philip G. and Marjorie C. Mavon

Jim Brady, representing the Applicants, said he would first review the contents of the Board's information packets. These materials include a location photo of "the end of the isle" at Solar Drive. Mr. Brady noted that the onetime owner of Lot 4, located across the street from the Applicants' property, sold a "nub" of property on the end of his lot. This resulted in a 25x25 parcel that "has had a boat dock at it since sometime in 1959" when the property was sold. The Applicants acquired the title to this parcel in 1969.

Also included in the information packet was a permit for the construction of a basin, for which the dock was removed. Mr. Brady asserted that the boat has not yet been moored in the basin, which is complete and "ready to go." He also called the Board's attention to the permit drawings that led to the issuance of a permit.

He added that there are letters of support from members of the community, and that some individuals may appear before the Board in opposition to the Application.

Mr. Tilbrook asked what remains on Lot 4. Mr. Brady explained it is a 45 ft. wide lot, "the remaining part" of which is owned by another individual.

He referred the Board to his letter to Mr. Hart, which describes the extraordinary circumstances that apply to the Application.

Jerry Mavon, Applicant, said he is a longtime boater, and the property was purchased by his father in 1969 because he liked the way the dock was set up on a side canal, with the house on the Intracoastal. When a neighboring house was sold and a dock was built, he found it difficult to maneuver his boat in and out of

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its slip, and replaced the dock with a boat slip on the property in question. He concluded that the Application is for a waiver that will allow him to put his boat into the boat slip.

Mr. Brady stated that when notice of the hearing was sent out, the waiver provision had "raised an issue" regarding a mooring piling in the canal. He said the piling itself was not the issue; the issue is whether or not there is a principal structure on the property on which the boat slip is built, as there is "no house on that 25 ft. parcel." The waiver would grant relief from the requirement that there be a principal structure on the parcel on which the basin is built, as well as a waiver for the mooring piling.

Mr. Brady said if the City Commission grants the waiver, there will be a resolution attached that states the Applicants may not sell Lot 2 or the parcel independently of each other.

Chair Terrill advised that the Board consider both waivers individually.

Mr. Ross asked the size of the boat that would be in the basin. Mr. Mavon said it is approximately 33 ft. with the swim platform attached, with a beam of 11.4 ft.

Vice Chair Flanigan asked if the seawall is considered a structure on the property. Mr. Brady replied that the term "principal structure" has been interpreted to mean a house or other building.

Mr. Tilbrook asked what Code says regarding the issue. Mr. Brady referred the Board to 47.19.3-B: "No boat slips, docks, boat davits, hoists, and similar mooring structures, not including mooring dolphin piles, may be constructed by any owner on any lot unless a principal structure exists on such lot, and such lot abuts a waterway." Section D states that the City Commission may waive this requirement if there are extraordinary circumstances.

Mr. Mavon clarified that the vessel to be moored in the basin would have extended farther than the original 25 ft. dock, which would not have been permitted by Code "after 1959." The waiver would bring this into compliance.

Michelle Charlebois, environmental permit specialist for the Applicant, stated "no one had a problem" with the Application during pre-application meetings. The construction of the seawall and clearing of the basin were approved and built according to permit. A neighbor to the property had contacted the City's Engineering Department, which reached out to the Applicant regarding the need for a principal structure on the parcel. Ms. Charlebois emphasized that the City did not revoke the permits.

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Mr. Brady said the Engineering Department had advised the Applicant that he could "build the basin, but you do so at your own risk." This resulted in the eventual completion of construction; however, the boat has not been moved into the basin, and final inspection of the basin has not yet occurred.

Mr. Tilbrook asked if the Applicant was advised to appear before the Board or seek a variance. Mr. Brady explained that a variance would not apply, but a waiver was the appropriate option. He added that although an appearance before the Board was "technically not required," the Assistant City Attorney had felt it would be appropriate. He clarified that there are no issues with the structure of the basin itself, but with the use of docking a boat in the basin.

Tucker Gibbs stated he represented Scott Liberman, neighbor to the Applicant. He said he had met with the Assistant City Attorney who had consulted with the Applicant, and felt the Attorney had recommended the Applicant seek a waiver as a matter of process without endorsing a position for either side in the case.

Mr. Gibbs said the key issue is the basin rather than the previously existing dock, which had been grandfathered into the Code. The permit for construction of the basin was issued "in error" in 2010. Another issue is the boat: Mr. Gibbs said the parcel in question is 25 ft. in width, while the boat is 29-33 ft. and would have been too large for the dock. He stated that the dock constructed by Mr. Liberman on his own property had "cramped the style" of the Applicant, and had resulted in the construction of the basin.

Mr. Gibbs asserted that Mr. Liberman is an attorney and had read the applicable Code. The lot in question is not contiguous with the lot on which the Applicant makes his home, which is why a waiver is being requested. Mr. Gibbs noted that the section of Code referred to earlier by Mr. Brady allows for a waiver when there are extraordinary circumstances, "provided... that permits from all governmental agencies as required are obtained after approval by the City Commission, after a public hearing and notification of property owners within 300 ft." He explained this meant the waiver can be applied for only after an applicant has "gone to the City Commission regarding the permits."

Mr. Gibbs also stated that his client did not receive notification of the Applicant's plans for the lot until today's hearing before the Board, which he said must come after the City Commission has "blessed" the permits. He felt this meant the Applicant was "coming into [the waiver process] backward." He read from the Staff Report regarding the Application, which referred to "a permit issued in error... prior to the Applicant's obtaining any waiver." Another portion of the Staff Report stated "Although the Applicant was advised that a waiver would be required, continuation of construction activity was at the Applicant's risk."

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Mr. Gibbs stated that in cases involving the erroneous issuance of building permits, case law has required buildings to be torn down by their developers. He said an error made by the City does not grant the Applicant the right to complete the project.

He referred the Board to Exhibit 2, pointing out that there is a dock on the piece of property on which the Applicant's house is located. Mr. Gibbs said when the Applicant's boat is moved to the parcel in question, it affects his client's view. He concluded that the extraordinary circumstances cited by the Applicant are the "creation of this Applicant."

Scott Liberman said the issue is that "this boat slip is in my back yard." He explained that when he purchased the property in 2008, his home was designed with the existing dock in mind rather than the basin, "with the intent that we were going to capture the view." He felt he had accommodated the Applicant "at every step;" however, he said the Applicant's boat was larger than his dock, and it was difficult to navigate the boat in and out of the dock. This led to the construction of the basin.

Mr. Liberman said when he consulted the ULDR, it became clear that "what was attempting to be done was prohibited" due to the lack of a principal structure on the parcel. He characterized the slip as "intrusive," said he would not have purchased the house if the slip had been adjacent to his property at the time. In addition, he cited subsection D, which entitled him to notice "before permitting." He stated he is entitled to due process when "anything... outside of what is permitted" is going to be constructed, as it affects his property rights.

Mr. Liberman said he had suggested that the Applicant build the structure or install a lift in his own back yard, which has an existing dock. He reiterated that he did not wish to deprive the Applicant of his boating lifestyle; the issue was that the basin was "in violation of the Code and it's in my back yard." He provided photographs of the preexisting and present structures to the Board members.

Mr. Tilbrook asked if setbacks are required for the basin. Mr. Brady said there were no setback requirements, but the boat would be set back 5 ft. on each side. Mr. Tilbrook asked what the Applicant could have done on the property in question other than building the basin: for example, whether or not he would be allowed to put up a fence or plant a tree, both of which could also affect the view. Mr. Brady said these would be allowed, and added that under Florida law, "there's no right to view, air or light."

Mr. Tilbrook asked if the Application had been presented to the homeowners' association. Mr. Brady said it had not, as the basin was "already built" when the issue arose.

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Vice Chair Flanigan asked why the City would not require the Board of Adjustment to hear the Application, as there was a question of permit issuance. Mr. Brady said the Assistant City Attorney had concluded that the case did not involve a variance, but a waiver, as these two procedures require different standards.

There being no further questions from the Board at this time, Chair Terrill opened the public hearing.

Ted Lange said he lives across the canal from the Applicant and "look[s] directly into the slip." He characterized it as "a huge improvement over what was there before" and did not feel that the view was a valid objection. He added that the Applicant wished to dock the boat in the basin rather than on the Intracoastal Waterway in order to prevent damage to the boat.

Mr. DiPietro asked Mr. Liberman what he had expected to see on the 25 ft. lot. Mr. Liberman said he had believed the previously existing dock would remain there.

George Lang said he lives across the canal to the north from the property, and has no objections to the Application. He agreed it would not be feasible to put a boat lift on the Intracoastal due to wakes.

Ken Kessler said he was a friend of the Applicant, and said the basin was originally planned to be installed with "full compliance." He said the Applicant's intentions were honorable in this case and felt the Application had come before the Board due to "a technicality."

Dennis Klima said he lives to the north of Mr. Liberman's property, and he is currently allowing the Applicant to keep his boat behind his house. He said he was originally asked if he would mind a boat being kept at the dock, and had replied it was "a great idea" if the City would allow it. He had requested some assurance from the Applicant that his view would not be compromised. While he said he did not support the project, he felt if the City allows the basin to be constructed, it would not be inappropriate.

Ms. Charlebois said she had attended several Board meetings, and noted that most cases come to the Board before receiving their permits because the applicants are "proposing something not in Code." In this case, she said, there were no unusual proposals, and permits were given before the Application came before the Board. Chair Terrill noted that what was permitted, in this case, was the basin, but not the proposed use on a lot with no principal structure.

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As there were no other members of the public wishing to speak on this Item, Chair Terrill closed the public hearing and brought the discussion back to the Board.

Mr. Dean commented that the City appears to consider a 25x25 lot to be "part of the primary property." He said in his experience, one property is considered a homestead, and an adjacent piece of property is "joined together into the same homestead." Mr. Tilbrook said this was not the case, which is why the Application came before the Board. Chair Terrill noted that while Mr. Tilbrook was correct, the County does not tax the properties separately.

Mr. Tilbrook observed that in a case in which a home is demolished, "you can't dock a boat [on the property]." He said he sympathized with the Applicant in this case, as he had obtained all the necessary permits; he also had sympathy for Mr. Liberman, as he had purchased the property without a basin next door. He concluded that an argument could be made in favor of the waiver, although he felt it was "a difficult decision."

He asked Mr. Cuba if the waiver could be granted conditionally on the size of the boat. Mr. Cuba said this recommendation could be made. Mr. Tilbrook said he felt this would help address the neighbors' concerns.

Vice Chair Flanigan asked if Mr. Gibbs and Mr. Brady could work out a compromise to the issue, and said the Board could postpone the Application if they felt an agreement could be reached. Mr. Gibbs said he felt his client would agree to replacing the previously existing dock and "dock[ing] a boat there that fits."

Chair Terrill observed that if he owned the parcel in question and paid taxes on it, he would consider what he could do with "this small piece of property," such as building a basin or planting a tree. He agreed that the Intracoastal Waterway was an "unsuitable" location for the Applicant to dock his boat due to wakes, and noted that when a boat is docked parallel or perpendicular to a canal, it is possible the boat might interfere with or "be within the view of" a neighboring property owner.

He concluded that he strongly respects property owners' rights, and while he also respected the neighbor's view, he felt the Applicant should be allowed to put a basin on his property.

Mr. Dean said the size of a vessel in the basin was a concern, but noted that the slip appears to be "self-limiting" in terms of the size vessel it can hold. He added that if the bow of the boat extends into the canal, it is less likely to obstruct a view than another part of the boat might be. He did not feel the boat would be as obtrusive to the view as expected.

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Mr. Tilbrook asked what length a boat might be if it is on a 15 ft. beam. Mr. Dean estimated 35 to 38 ft. Mr. Mavon said the boat in question is a 29 ft. vessel "with a low profile." Mr. Tilbrook said he would be inclined to limit the length of a boat that could be placed at the slip, such as 33 ft. or less. Chair Terrill cautioned that it could be "dangerous" to begin considering height and dimensions, as what is appropriate to a view is subjective.

Mr. Tilbrook asked if another waiver would be necessary if the Applicant decided to install a boat lift rather than a slip, as a lift would further obstruct the view. Mr. Cuba said he did not believe a waiver would be necessary in that case. Mr. Tilbrook said this was a potential problem. Mr. Gibbs pointed out that Code states no lifts or similar structures can be installed without a principal structure on the site, which would require a lift to come back before the Board. Mr. Tilbrook said he would be comfortable limiting the use to a boat slip.

Chair Terrill noted that due to the width of the canal, a boat would legally be allowed to extend 30 ft. into the waterway, which would mean a 50 ft. boat could be allowed without the basin. He concluded that he was comfortable with limiting the use to a slip rather than a boat lift, but less comfortable placing a limitation on the length. Mr. Brady affirmed that the Applicant was agreeable to not installing a boat lift.

Motion made by Mr. Tilbrook, seconded by Mr. Adams, to recommend approval of the waivers outlined in the Staff memo, with the condition that the waiver does not grant the right to construct a boat lift within this basin.

In a roll call vote, the motion passed unanimously.

XI. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 9:53 p.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]

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AFFIDAVIT

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

Before me, a Notary Public, personally appeared Harry A. Stewart ("Affiant") who, upon being sworn, deposes and says:

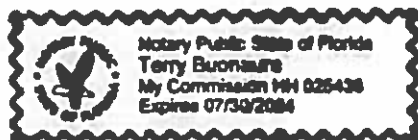
1. That this Affidavit is made for the purpose of restating my legal opinions, regarding whether the property located at 831 Solar Drive, Fort Lauderdale (the "Mavon Property"), as joined by Unity of Title, as filed and recorded by the Property Owner met the requirements of ULDR Section 47-19.3, Code of Ordinances, City of Fort Lauderdale. The opinions expressed were based on the arguments made, the evidence presented and the applicable law at that time.
2. Affiant was the Fort Lauderdale City Attorney on May 7, 2013, and was in attendance as City Attorney at the City Commission meeting involving the Mavon Property as owned by Philip G. Mavon Jr. (the "Property Owner") and the discussion and approval of the Motion to "Authorize Appeal of Court Order issued against the City" ("the Motion").
3. Affiant is familiar with: (i) the "Minutes note" as published by the City Clerk under File #13-061, as a record of the discussion and the Motion, as approved by the Commission (the "Motion"), and (ii) the Declaration of Unity of Title (the "Unity of Title"), dated May 14, 2013. As approved by the City Attorney prior thereto, and filed by the Property Owner, as recorded in the public records of Broward County on 5/15/2013 (copy attached hereto and marked "Exhibit 1").
4. Affiant states, that consistent with the opinions expressed by his responses to the questions from the City Commissioners, that: (i) the Court Order, as entered by the Broward County Circuit Court (Case no, 12-003298.03), (copy attached hereto and marked "Exhibit 2) found that the Mavon Property was entitled to a final inspection to confirm that construction met the requirements of the permit issued by the City; and that (ii) by clear implication the Unity of Title, as filed by the Property Owner and the Court Order satisfied the City requirement for a principle structure, contemplated by ULDR Section 47-19.3, which required a "principle building" to exist on property as a prerequisite for the issuance of dock permit at that time.

FURTHER AFFIANT SAYETH NOT

By: [Signature]
Name: Harry A. Stewart

Sworn to and Subscribed before me the 29th day of June, 2022

[Signature]
NOTARY PUBLIC
My Commission Expires 7/30/2024



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Prepared By and Return to:
James C. Brady, Esq.
Amstein & Lehr LLP
200 E. Las Olas Blvd., Suite 1700
Fort Lauderdale, FL 33301

DECLARATION OF UNITY OF TITLE

THIS DECLARATION OF UNITY OF TITLE, made this 14 day of May, 2013, by Philip G. Mavon, Jr., hereinafter referred to as "OWNER" of the property herein described, whose mailing address is 831 Solar Isle Drive, Fort Lauderdale, Florida, is required by the City of Fort Lauderdale, a municipal corporation hereinafter referred to as "CITY," pursuant to a motion made and adopted at the regular meeting of the City Commission of May 7, 2013 in order to effectuate a settlement of certain disputes:

WHEREAS the OWNER is the owner of the following described real property located within the City of Fort Lauderdale

Lot 1 and the east half of Lot 2 of Block 4, RIVIERA, according to the Plat thereof as recorded in Plat Book 6, Page 17 of the Public Records of Broward County, Florida, ("Parcel One"), and

The south 25' of the west 25' of Lot 4 Block 4 RIVIERA according to the Plat thereof, as recorded in Plat Book 6 Page 17 of the Public Records of Broward County Florida ("Parcel Two")

and

WHEREAS the CITY, as a condition resolving certain issues raised in Philip G Mavon, Jr. v. City of Fort Lauderdale filed in the Circuit Court of the 17th Judicial Circuit, In and For Broward County, Case No. CACE 12-03298 (03), requires that title and use of Parcel One and Parcel Two be unified for use as a single-family residence with non-commercial boat moorage facility as an accessory use thereto to be considered and treated as one plot and parcel of land to remain under one ownership, and



“Exhibit 1”

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WHEREAS, this Declaration is made as a product of a compromise and settlement, and the same is supported by adequate consideration received and enjoyed by OWNER, and

WHEREAS, the OWNER agrees that said requirement of the CITY is in the best interests of all the parties and serves to promote the general welfare, safety and convenience of the public, and the OWNER hereby releases, waives and forever discharges any claim, demand, cause of action and right it may have against the CITY relative to the litigation identified in the preamble hereto.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the OWNER declares as follows:

- 1 The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Declaration.
- 2 The title to Parcel One and the title to Parcel Two shall be considered unified as one plot and parcel of land, and no portion of either Parcel One or Parcel Two shall be sold, transferred, deposited or assigned separately, except with the other as an entirety as one plot or parcel of land, or as undivided interest in said Parcels, it being the intention hereof that the use of Parcel Two shall be accessory to Parcel One
- 3 The use of Parcel Two shall be limited to the berthing of a vessel(s) as an accessory use to the principal structure and principal use on Parcel One in the same manner as an accessory dock or slip located in an RS-8 zoning district and as if Parcels One and Two were contiguous each to the other
- 4 It is expressly understood and agreed that the terms, covenants, and conditions of this Declaration shall be and constitute covenants running with the land and said Parcels, binding upon subsequent purchasers, heirs, successors and assigns of Parcel One and Parcel Two, and the same shall constitute an obligation upon said property regardless of transfer of title or ownership.
- 5 It is the intention of the OWNER that this Declaration shall be recorded in the Public Records of Broward County, Florida.



PJ 21

- 6. This instrument shall not be modified, amended or released without first obtaining the written consent of the City Commission of the City of Fort Lauderdale as to any portion of the property, and, then, only by a written instrument executed by the owner of the fee simple title to such Parcels.
- 7. This instrument shall become effective upon its recordation in the Public Records of Broward County, Florida.

IN WITNESS WHEREOF, the OWNER has hereunto set his hand and seal the day and year first above written

WITNESSES

OWNER: PHILIP G MAVON JR.

Catrina Lette Lynch
 Signature
Catrina Lette Lynch
 Print/Type Name
Robert C Smith
 Signature
Robert C Smith
 Print/Type Name

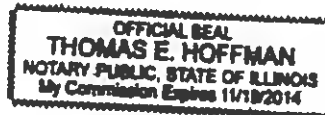
By *Philip G Mavon Jr*
 Signature

STATE OF ILLINOIS

COUNTY OF COOK

The foregoing instrument was acknowledged before this 14th day of May, 2013, by Philip G Mavon, Jr, who is personally know to me or who has produced _____ as identification and who did (d d not) take an oath

Thomas E Hoffman
 Notary Public - STATE OF ILLINOIS
 My Commission Expires 11/19/14



10947777.2

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**** FILED: BROWARD COUNTY,

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

PHILIP G. MAVON, JR.,

Plaintiff,

v.

CITY OF FORT LAUDERDALE, a municipal
corporation of the State of Florida,

Defendant.

CASE NO.: CACE-12-003298(03)

JUDGE: MILY RODRIGUEZ POWELL

ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT

THIS CAUSE came before the court on "Plaintiff, Philip G. Mavon, Jr.'s Motion for Summary Judgment," filed on December 7, 2012, and "Defendant's Response in Opposition to Plaintiff's Motion for Summary Judgment, and Defendant's Cross-Motion for Final Summary Judgment, Concise Statement of Undisputed Material Facts, and Incorporated Memorandum of Law," filed on February 4, 2013, pursuant to Fla R Civ P. 1.510(b). A hearing on the motions was held on February 11, 2013, and this Court, after having considered the motions, arguments of counsel, the court file, applicable law, and being otherwise fully advised in the premises, finds that:

The function of a motion for summary judgment is to determine whether the parties have offered sufficient proof to support their claims and/or defenses. Bifulco v. State Farm Mut. Auto. Ins. Co., 693 So. 2d 707 (Fla 4th DCA 1997). To obtain a final summary judgment, the moving party must conclusively demonstrate that no genuine issue of material fact exists, and that the moving party is entitled to judgment as a matter of law Fla R Civ P 1 510(c); Holl v. Talcott, 191 So. 2d 40 (Fla 1966) Both parties claim that there are no genuine issues of matter fact Mavon claims that he is entitled to a judgment of equitable estoppel as a matter of law against the City for its refusal to grant a final inspection and approval of a boat basin built by Mavon pursuant to a permit issued by the City. In opposition, the City claims that equitable estoppel does not apply

Exhibit ^2 ^

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Mavon's property is in two sections, one is a single family residence and one a 25 x 25 foot section used to dock a boat. In 1969, when Mavon's father owned the property, he built a wooden dock on the smaller section, pursuant to a permit issued to him by the City. In 2010, Mavon applied for a permit from the City to remove the existing seawall, excavate and construct a boat basin on the property. Mavon's application was approved by the City and a permit was issued to him on August 3, 2010. Mavon's project to build a basin was also approved by Broward County and the Army Corps of Engineers.

Construction began on the boat basin and on September 3, 2010, Mavon received a letter from the City claiming that, "per City Code 47-19 3B, a boat slip may not be constructed unless a principal structure exists on the lot on which the boat slip is constructed.. " Mavon immediately ceased construction; however, in order to prevent the "severely flooding of our already severely flooded street," Mayor Seiler lifted the hold on the construction project in order for Mavon to secure the seawall. In October, 2010, Mavon applied to the City's Marine Advisory Board for a waiver of the City's principal structure requirement and the board voted unanimously to recommend approval of the application.

A public hearing on the question of the waiver was scheduled for December 7, 2010, but was removed from the December 7th agenda and has not been reset. Mavon has made repeated requests to the City to make a final inspection and final approval of the boat basin, but the City has failed to do so. Mavon has incurred substantial costs and made substantial expenditures in excess of \$71,000.00, and has not enjoyed the use of the boat basin since its completion.

The City refuses to make the final inspection that Mavon seeks because it made a "mistake" in issuing the permit because there is no "principal structure" on the property and therefore, it is violation of § 47-19 3 of the City of Fort Lauderdale's Uniform Land Development Code, which provides, in pertinent part:

(c) No boat slips, docks, boat davits, hoists, and similar mooring structures not including mooring or dolphin piles or a seawall, may be constructed by any owner of any lot unless a principal building exists on such lot and such lot abuts a waterway. Mooring structures, not including

mooring or dolphin piles, shall not extend into the waterway more than twenty-five (25) percent of the width of the waterway or twenty-five (25) feet whichever is less as measured from the property line.

(d) Mooring or dolphin piles, shall not be permitted to extend more than thirty (30) percent of the width of the waterway, or twenty-five (25) feet beyond the property line, whichever is less

- (e) The City Commission may waive the limitations of (c) and (d) under extraordinary circumstances, provided permits from all governmental agencies, as required, are obtained after approval of the City Commission, after a public hearing .

ULDR Code § 47-19.3(emphasis added)

It is apparent that the principal building violation of § 47-19.3 could be waived by the City. Mavon has shown at least 13 examples where this section of the ULDR has been waived by the City to accommodate Fort Lauderdale residents.

Mavon asks this Court to apply the doctrine of equitable estoppel against the City. The doctrine of equitable estoppel may be invoked against a governmental entity just as if it were an individual. Castro v Miami-Dade Cnty Code Enforcement, 967 So 2d 230 (Fla 3d DCA 2007). Equitable estoppel is appropriate where the plaintiff clearly and convincingly proves the following elements

- (1) a property owner's good faith reliance
- (2) on some act or omission of the government and
- (3) a substantial change in position, or the incurring of excessive obligations and expenses, so that it would be highly inequitable and unjust to destroy the right the property owner has acquired

City of Jacksonville v Coffield, 18 So 3d 589 (Fla 1st DCA 2009)

The doctrine of equitable estoppel can only be invoked against a governmental entity under exceptional circumstances. Castro. The court in Castro found that it was grossly unfair to allow the county to enforce an ordinance against a homeowner when the violation was caused by an addition that was made to the home over 25 years prior and by the previous owner who had been issued a permit to construct the addition. Id. It is apparent, that like Castro, Mavon's circumstances are exceptional and that it would be grossly unfair to allow the very City that issued a permit to construct a dock on his property to prevent him from obtaining any benefit from it and applying estoppel will not

unduly harm the public interest Associated Ins Co, Inc. v. Dep't of Labor & Employment Sec., 923 So 2d 1252 (Fla 1st DCA 2006).

Accordingly, for the above-stated reasons and after due consideration, it is hereby:

ORDERED AND ADJUDGED that Mavon's motion for summary judgment is **GRANTED** and conversely, the City's motion for summary judgment is **DENIED**

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 24th day of April, 2013.


MILY RODRIGUEZ POWELL
CIRCUIT COURT JUDGE

cc James C Brady, Esq, Attorney for Mavon, ARNSTEIN & LEHR LLP, 200 East Las Olas Blvd, Fort Lauderdale, FL 33301

Alain E Boileau, Esq, Attorney for the City of Fort Lauderdale, 101 Northeast Third Avenue, Ste 1500, Fort Lauderdale, FL 33301

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COMPOSITE EXHIBIT “3”



Environmental Protection and Growth Management Department
Environmental Engineering and Permitting Division
1 North University Drive, Mailbox 201, Plantation, FL 33324
Phone: 954-519-1483 Fax: 954-519-1412

**BROWARD COUNTY
ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION
ENVIRONMENTAL RESOURCE GENERAL LICENSE**

GL-FTL1805-062

Broward County Code of Ordinance(s): 27-336(a)(1)f., 27-336(a)(1)a.

Applicant: Philip Mavon, Jr.

831 SOLAR ISLE DR, Fort Lauderdale

Description: Install 20,000# boatlift, 4 wood piles & 2 finger pier wood dock platforms.

Issue Date: 05/23/2018

Expiration Date: 05/22/2020

The above project has been reviewed and was verified to meet the criteria outlined in Chapter 27-336(a)(1) of the Broward County Natural Resource Protection Code for the issuance of this Environmental Resource General License (GL). This approval is specific for the plans and description described on this verification. Any changes to project footprint, design or size must be reviewed by the Department and may require additional licensing.

Construction shall be in accordance with the submitted Application, the approved plans and the attached General Conditions. This approval does not authorize impacts to natural resources (mangroves, sea grasses, etc). Failure to comply with the license conditions may result in suspension or revocation of the license and/or enforcement actions.

Issuance of this license does not relieve the licensee from obtaining any other required federal, state or local permits or authorizations required for this project prior to commencement.

Per Section 27-58(b)(9), "The licensee, by acceptance of this license, specifically agrees to allow access and shall allow access to the licensed source, activity, or facility at times to the COUNTY personnel for the purposes of inspection and testing to determine compliance with this license and this chapter."

Aquatic and Wetland Resources Reviewer: Kristen Scheffer

Telephone: (954) 519-1266

email: kscheffer@broward.org

Composit Exhibit "3"

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Broward County General Conditions
(Required for all licenses)

GL-FTL1805-062

1. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and enforceable by the Environmental Protection and Growth Management Department (EPGMD) pursuant to Chapter 27 of the Broward County Code of Ordinances. EPGMD will review this license periodically and may revoke the license, initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives or principals.
2. This license is valid only for the specific uses set forth in the license application, and any deviation from the approved uses may constitute grounds for revocation and enforcement action by EPGMD.
3. The licensee agrees to comply with Chapter 27 of the Broward County Code of Ordinances, as amended.
4. Enforcement of the terms and provisions of this license shall be at the reasonable discretion of EPGMD, and any forbearance on behalf of EPGMD to exercise its rights hereunder in the event of any breach by the licensee shall not be deemed or construed to be a waiver of EPGMD's rights hereunder.
5. In addition to the general conditions set forth above, each license issued by EPGMD shall contain specific conditions determined by site conditions and requirements pursuant to the regulations as determined by the director of EPGMD. The licensee agrees that specific conditions are enforceable by EPGMD for any violation thereof.
6. If the licensee wishes to renew a license or extend its term, the licensee shall make application sixty (60) days prior to its expiration. Expired licenses are not renewable.
7. This license does not constitute a waiver or approval of any other license that may be required for other aspects of the total project.
8. The licensee, by acceptance of this license, specifically agrees to allow access to the licensed source at reasonable times by EPGMD personnel for the purposes of inspection and testing to determine compliance with this license and Chapter 27 of the Broward County Code of Ordinances.
9. This license must be available for inspection on the licensee's premises during the entire life of the license.
10. The issuance of this license does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations.
11. In the event the licensee is temporarily unable to comply with any of the conditions of the license, the licensee shall notify EPGMD within twelve (12) hours. Within five (5) working days of the event, the licensee shall submit a written report to EPGMD that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention toward repair, replacement, and reconstruction of destroyed facilities, and a schedule of action leading toward operation within the license conditions.
12. Any new owner of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for, and is granted the transfer of license. The transferee shall also be liable for performance in accordance with the license.
13. By accepting this license, the licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, that are submitted to EPGMD, may be used by EPGMD as evidence in any enforcement proceeding arising under Chapter 27 of the Broward County Code of Ordinances, except where such use is prohibited by Section 403.111, F.S.

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Standard Specific Conditions
(Required for all licenses)

GL-FTL1805-062

1. Notify the Department in writing a minimum of forty-eight (48) hours prior to project commencement and a maximum of forty-eight (48) hours after project completion.
2. Any project caused environmental problem(s) shall be reported immediately to the Department's Environmental Response Line at 954-519-1499.
3. All project generated solid waste and/or spoil material must be disposed of in a suitable approved manner in accordance with current regulations at an upland location (not including surface waters and wetlands).
4. Turbidity screens or equivalent shall be properly deployed and maintained as necessary during construction activities so that turbidity levels do not exceed twenty-nine (29) Nephelometric Turbidity Units (NTU's) above natural background fifty (50) feet downstream of project.
5. Only clean fill and clean demolition materials shall be placed in the water bodies being filled. Clean demolition materials include things such as brick, stone, ceramic and concrete rubble which are uncontaminated by other materials. Any fill material used shall be free of garbage, rubbish, refuse, asphalt, hazardous materials, organic matter such as (as) wood, lumber, tree or tree trimmings, or other contaminants. The disposal of any putrescible or deleterious debris in any water body is prohibited.
6. This license does not eliminate the necessity to obtain any required federal, state, local or special district permit/license/approval prior to the start of any activity authorized by this license.

Project Specific Conditions

GL-FTL1805-062

1. All watercraft associated with the construction and use of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging. Specifically, there shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of any submerged resources or canal bottom at mean low water.
2. Construction shall be in accordance with the attached plans and drawings. Any deviation may require a new license and may cause enforcement actions to be initiated.
3. Turbidity levels shall be monitored and recorded if a visible turbidity plume is observed leaving the site during construction activities. If monitoring reveals that turbidity levels exceed 29 NTU's above natural background 50 feet downstream of the point of discharge, project activities shall immediately cease, and work shall not resume until turbidity levels drop to within these limits (62-302.530(69) Florida Administrative Code [FAC]).
4. Turbidity screens, silt fences, or equivalent shall be properly employed and maintained as necessary to effectively contain suspended sediments and/or runoff during construction activities. Dredging, filling, excavation, seawall removal, seawall construction, and other projects which result in similar degrees of disturbance to wet sediments shall in all cases employ turbidity control measures designed to effectively enclose the entire work area. Connected turbidity curtain segments shall be overlapped and tied at the top and bottom so as to prevent turbidity from escaping through gaps between segments.

Pg 29

Current Conditions: (approx. 230 sq.ft.) Wood over water (± 142)
Legend: [Hatched Box] Concrete Dock over land. [Hatched Box] Concrete Over water (± 30 sq.ft.)

TOTAL DOCK = ± 402 sq.ft. TOTAL OVER WATER = ± 172 sq.ft.

COMPASS SURVEYING
 WEST PALM BEACH, FL 33407
 SUITE 103
 6290 N. MILITARY TRAIL
 PHONE: 561.640.800 FAX: 561.640.576
 LB 7463

PREPARED FOR
 STACY SANBORN
 831 SOLAR ISLE DRIVE
 FORT LAUDERDALE, FL 33301
 SPECIFIC PURPOSE SURVEY OF

1 of 1



- LEGEND**
- AC AIR CONDITIONER
 - AS ABOVE
 - BS BRICK SURFACE
 - CC CONCRETE CURB STRUCTURE
 - EL ELEVATION
 - FF FINISHED FLOOR
 - ID IDENTIFICATION
 - LD LENGTH
 - LI LICENSED BUSINESS
 - MS METAL SHEET
 - MSA METAL SHEET ANGLE
 - NA NORTH AMERICAN VERTICAL DATUM
 - NS NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS
 - OR ORIGINAL RECORDS BOOK
 - PL PLAY
 - PM PROFESSIONAL SURVEYOR AND MAPPER
 - PR PERMANENT REFERENCE MONUMENT
 - PS PAVEMENT SURFACE
 - SA SIGN
 - SB SIGN
 - SK SKYLINE
 - TAN TANGENT
 - TM TEMPORARY BENCH MARK
 - TL TEMPORARY CENTERLINE
 - NO NUMBER
 - DEL DELTA OR CENTRAL ANGLE
 - RES RESURFACE
 - CON CONCRETE

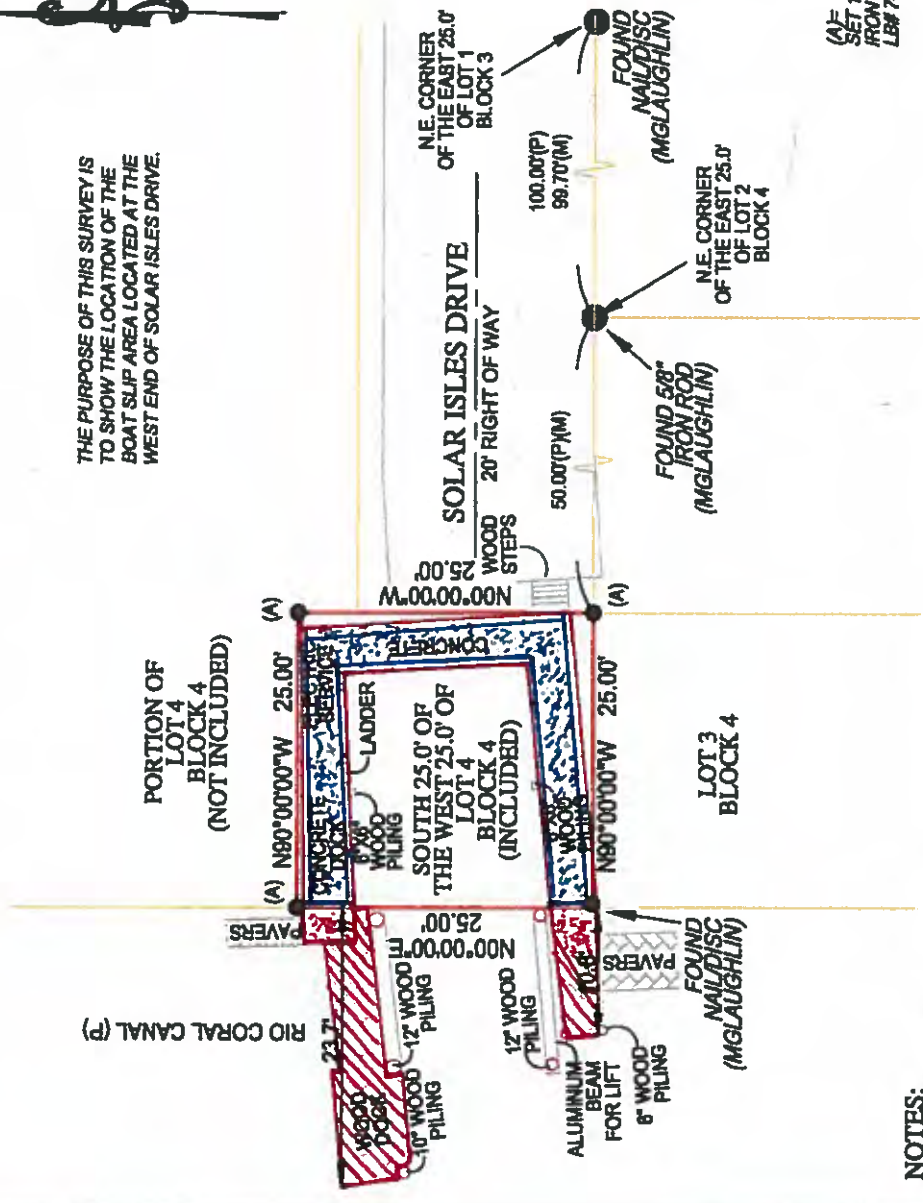
SURVEYORS CERTIFICATE:
 I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT A RAISED EMBOSSED SEAL, AND SIGNATURE.

(SIGNED)

KENNETH J. OSBORNE
 PROFESSIONAL SURVEYOR AND MAPPER 98418

Community Number: 128105
 Parcel: 12011C0676
 Suffix: H
 F.L.R.M. Date: 9-4-2014
 Flood Zone: AE
 Field Work: 4-9-2021

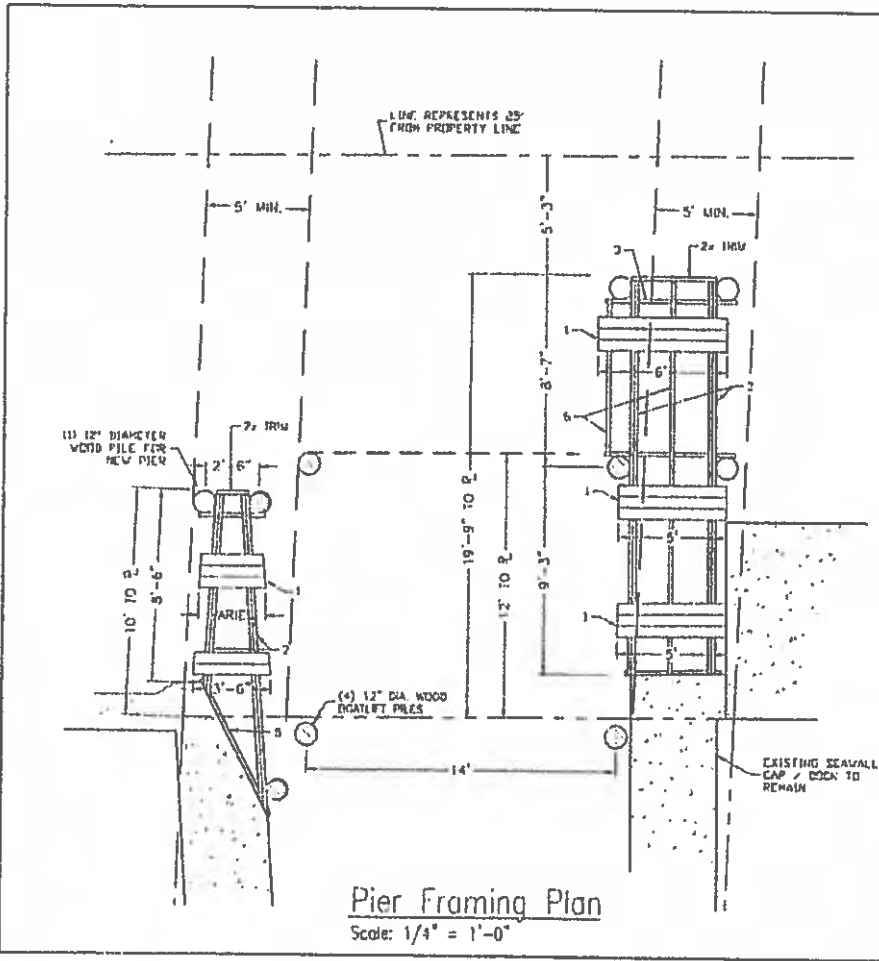
THE PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION OF THE BOAT SLIP AREA LOCATED AT THE WEST END OF SOLAR ISLES DRIVE.



LEGAL DESCRIPTION
 THE SOUTH 25 FEET OF WEST 25 FEET OF LOT 4, ALL IN BLOCK 4, RIVIERA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FL.

- NOTES:**
- LEGAL DESCRIPTION PROVIDED BY CLIENT
 - NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
 - NO SURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
 - ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORDED AND MEASURED UNLESS OTHERWISE NOTED

pg 30



- Notes**
1. 1" x 6" decking w/ (2) #10 x 1 1/2" screws per stringer
 2. (3) 2"x6" stringer @ pier w/ 1/2" thru bolt @ pier
 3. 2"x8" substringer @ pier w/ (2) 1/2" thru bolts to pier & 4"x4" hanger
 4. 4"x4" drop hanger w/ 1/2" wedge anchors @ 3' O.C. to existing seawall cap, min. 4" embedment
 5. 2"x8" substringer w/ 1/2" wedge anchors @ 3' O.C. to existing seawall cap, min. 4" embedment
 6. 2"x6" stringer @ 24" O.C. max spacing. If composite decking is used provide stringer spacing @ 16" max

Jamira Structures, Inc.
 CONSULTING ENGINEERS
 C.A. #77345
 1000 S. Orange Ave. Suite 100
 Pompano Beach, FL 33064

Prepared for:
ALL POWER MARINE
 2840 N.E. 7th Ave
 Pompano Beach, FL 33064

Boat for:
 LAYON
 231 Solor Sea Drive
 Fort Lauderdale, FL 33301

Scale: 1/4" = 1'-0"

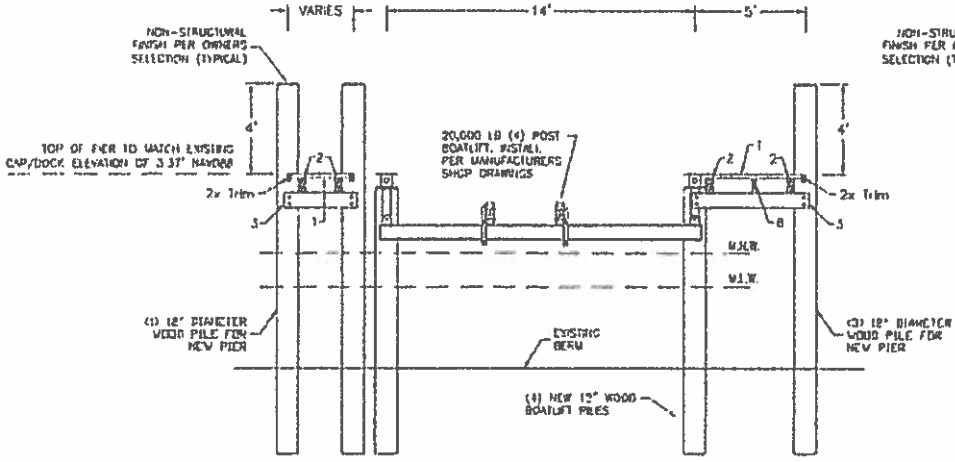
DATE: 1/14/15
DESIGNED BY: JMB
CHECKED BY: JMB
DATE: 01-14-15

1000 S. Orange Ave. Suite 100
 Pompano Beach, FL 33064
 Phone: 954-781-1111
 Fax: 954-781-1112
 Email: info@jamira.com

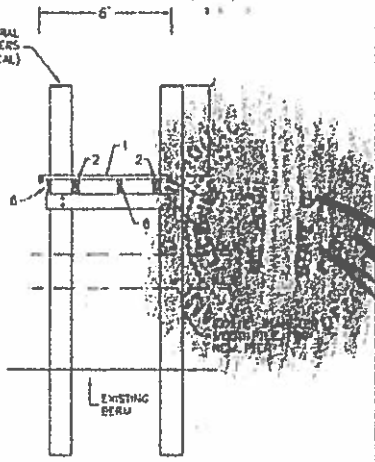
pg 32

- DOCK NOTES**
1. 2"x6" decking w/ (2) #10x2-1/2" screws per stringer
 2. (2) 2"x6" stringer @ piles w/ 1/2" thru bolt to pile
 3. 2"x6" substringers w/ (2) 1/2" thru bolts to piles & drop hanger
 4. 4"x4" drop hanger w/ 1/2" wedge anchor to existing ceovall cap, min. 4" embedment
 5. 2"x6" substringers w/ 1/2" wedge anchors @ 3' O.C. to existing ceovall cap, min. 4" embedment
 6. 2"x6" stringer @ 24" O.C. max spacing. If composite decking is used provide stringer spacing @ 18" max

| NO. | DESCRIPTION | QTY | UNIT |
|-----|-------------------|------|------|
| 1 | 2"x6" decking | 120 | LF |
| 2 | #10x2-1/2" screws | 1200 | EA |
| 3 | 2"x6" stringer | 20 | LF |
| 4 | 2"x6" substringer | 40 | LF |
| 5 | 4"x4" drop hanger | 20 | EA |
| 6 | 1/2" wedge anchor | 80 | EA |
| 7 | 2"x6" substringer | 40 | LF |
| 8 | 2"x6" stringer | 20 | LF |
| 9 | 1/2" thru bolt | 40 | EA |
| 10 | 2"x6" substringer | 40 | LF |
| 11 | 2"x6" stringer | 20 | LF |
| 12 | 1/2" thru bolt | 40 | EA |
| 13 | 2"x6" substringer | 40 | LF |
| 14 | 2"x6" stringer | 20 | LF |
| 15 | 1/2" thru bolt | 40 | EA |
| 16 | 2"x6" substringer | 40 | LF |
| 17 | 2"x6" stringer | 20 | LF |
| 18 | 1/2" thru bolt | 40 | EA |
| 19 | 2"x6" substringer | 40 | LF |
| 20 | 2"x6" stringer | 20 | LF |
| 21 | 1/2" thru bolt | 40 | EA |
| 22 | 2"x6" substringer | 40 | LF |
| 23 | 2"x6" stringer | 20 | LF |
| 24 | 1/2" thru bolt | 40 | EA |
| 25 | 2"x6" substringer | 40 | LF |
| 26 | 2"x6" stringer | 20 | LF |
| 27 | 1/2" thru bolt | 40 | EA |
| 28 | 2"x6" substringer | 40 | LF |
| 29 | 2"x6" stringer | 20 | LF |
| 30 | 1/2" thru bolt | 40 | EA |



Pier / Lift Section
Scale: 1/4" = 1'-0"



6' Pier Section
Scale: 1/4" = 1'-0"

Jarvis B. Boshouse, Inc.
 1100 N. W. 15th Ave.
 Ft. Lauderdale, FL 33304
 Phone: (954) 532-2200
 Fax: (954) 532-2201
 Website: www.jarvisboshouse.com

Project For:
 MAJOR
 ESI Solar Ice Drive
 Fort Lauderdale, FL 33301

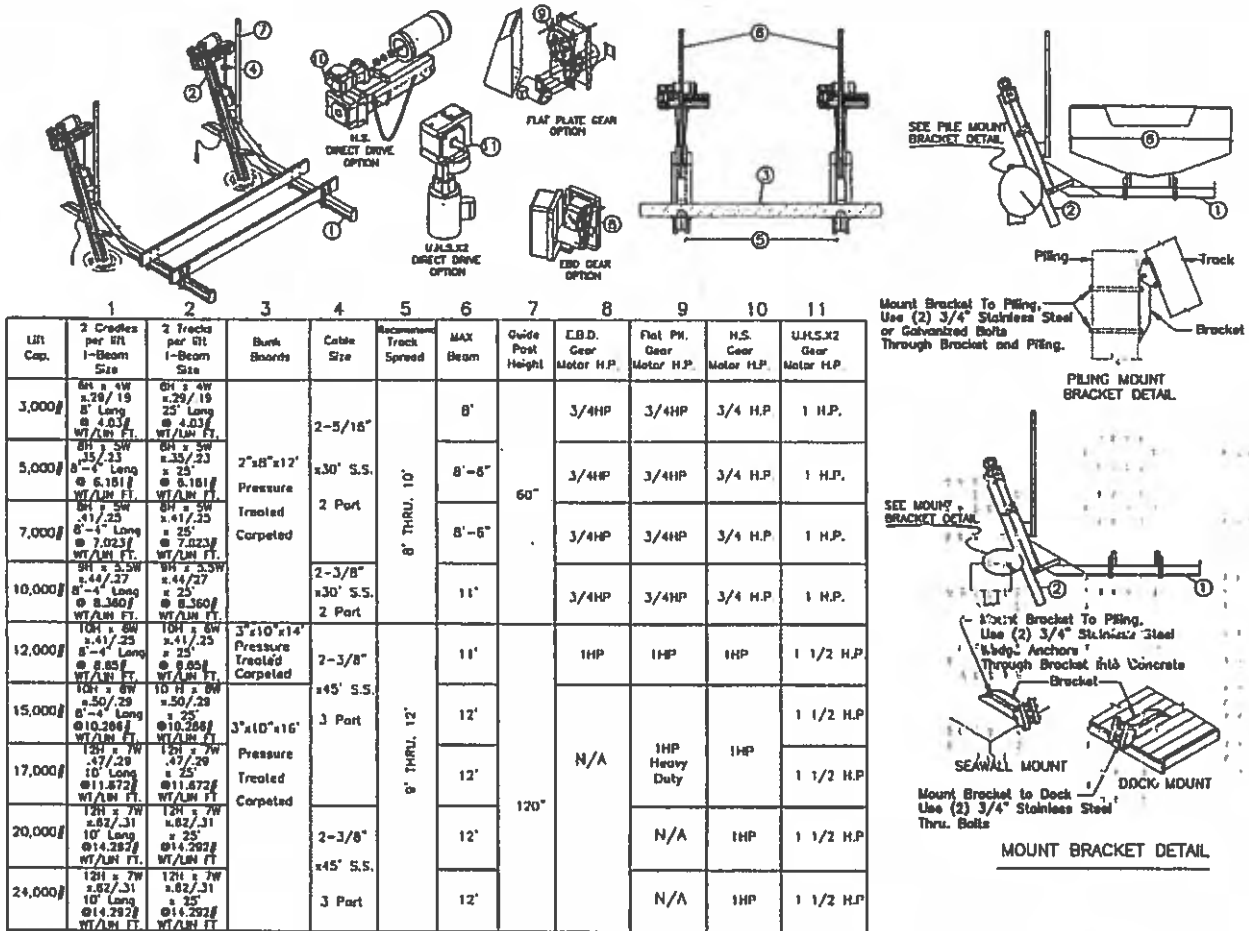
Scale:
 1/4" = 1'-0"

Sheet No.:
 23-0589-01

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HURRICANE BOAT LIFTS

CATEGORY 3 ELEVATOR LIFTS ENGINEERING SPECIFICATIONS



THE WORK SPECIFIED HEREIN HAS BEEN DESIGNED & ALL WORK SHALL BE IN ACCORDANCE WITH STRUCTURAL PROVISIONS OF THE 5th EDITION 2014 FLORIDA BUILDING CODE

NOTE:
THIS LIFTING STRUCTURE HAS BEEN DESIGNED TO WITHSTAND WIND LOADS ASSOCIATED WITH WIND SPEEDS OF V = 180 MPH, V = 139 MPH (3 SEC. GUST) EXPOSURE 'D' WITHOUT A BOAT ON THE LIFT PER ASCE 7-10 USING ABOVE GROUND SIGN/WALL METHOD, THE LIFTING STRUCTURE INCLUDING BOAT HAS BEEN DESIGNED TO WITHSTAND WIND SPEEDS OF V_w = 90 MPH IN EXPOSURE 'C' OR 80 MPH IN EXPOSURE 'D'.

OWNER RESPONSIBLE TO REMOVE BOAT FROM LIFT DURING WINDSTORM EVENT IN EXCESS V_w AS CALATED BELOW, PER FBC 3105.5.3 STRUCTURES DESIGNED TO BE READILY REMOVED OR REPOSITIONED DURING PERIODS OF HIGH WIND VELOCITY SHALL BE POSTED WITH A LEGIBLE AND READILY VISIBLE DECAL OR PAINTED INSTRUCTIONS TO BE THE OWNER OR TENANT TO REMOVE OR REPOSITION THE STRUCTURE OR PART THEREOF DURING SUCH PERIODS OF TIME AS ARE DESIGNATED BY THE U.S. WEATHER BUREAU AS BEING A HURRICANE WARNING OR ALERT. THE LIFT OWNER SHALL BE NOTIFIED OF THESE CONDITIONS BY THE PERMIT HOLDER. NO WARRANTY, EXPRESSED OR IMPLIED, IS CONTAINED HEREIN. V_w MAY BE CALCULATED BY THE FOLLOWING FORMULA: V_w = v * 0.6 * V_wL. DESIGN OF BOAT WIND LOADING HAS BEEN PERFORMED WITH THE FOLLOWING RATIOS AS CONFIRMED BY OTHERS: B/s=3, s/h = 0.75, FOR A C/I OF 1.6 MAXIMUM WHERE H IS THE HEIGHT TO TOP OF BOAT, B IS HORIZONTAL DIMENSION, AND S IS VERTICAL DIMENSION.

CERTIFICATION OF BOAT LIFT TO EXISTING STRUCTURE AND ALL ELECTRICAL OR MECHANICAL CERTIFICATIONS ARE BY OTHERS; ENGINEER SEAL CERTIFIES ASSEMBLY OF LIFT ONLY.

THIS DETAIL IS PREPARED AS A GENERAL NON-SITE SPECIFIC MASTER PLAN SHEET DETAIL. TYPICAL FIELD CONDITIONS ARE ASSUMED IN THE DESIGN. WOOD PILES SHALL BE SEASONED WOOD WITH G=0.55 OR BETTER. SHOULD ANY SPECIFIC LOCATION DIFFER FROM THAT SPECIFIED HEREIN, OR STANDARD FIELD CONDITIONS, ADDITIONAL SPECIFIC ENGINEERING MAY BE REQUIRED AS DETERMINED BY THE BUILDING INSPECTOR AND PERMITTING CONTRACTOR. CARE SHALL BE TAKEN BY CONTRACTOR IN ALL APPLICATIONS OF THIS DETAIL. AS THIS IS NOT A SITE SPECIFIC DRAWING, IT IS THE RESPONSIBILITY OF OTHERS TO ENSURE THE INTEGRITY OF INSTALLATION TO THE HOST STRUCTURE.

ALUMINUM
MATERIAL: 6061 T6 ALUMINUM
ALL WELDS ARE MIN. 1/4" FULL FILLET WELD USING 5556 FILLER ALLOY. ALL WELDING MUST CONFORM TO AISC STEEL CONSTRUCTION MANUAL 13TH ED AS INSPECTED AND VERIFIED BY OTHERS. THE CONTRACTOR IS RESPONSIBLE TO INSULATE ALUMINUM MEMBERS FROM DISSIMILAR METALS TO PREVENT ELECTROLYSIS.

ALL ANCHORS TO BE HILTI BRAND OR MFR EQUIVALENT. ALL BOLTS SHALL BE HOT DIPPED GALVANIZED, OR STAINLESS STEEL & MEET THE REQUIREMENTS OF ASTM A304 WITH HARDENED WASHERS AND HEX NUTS. WASHERS SHALL BE USED BETWEEN WOOD & BOLT HEAD & BETWEEN WOOD & NUT. WHERE GENERIC FASTENERS ARE LABELED IN DETAILS, CAPACITIES SHALL BE EQUAL TO OR GREATER THAN HILTI KWIK BOLT II OR RED HEAD THRU BOLTS. EMBEDMENT DEPTHS SPECIFIED HEREIN ARE DEPTHS INTO SOLID SUBSTRATE AND DO NOT INCLUDE THICKNESS OF STUCCO OR OTHER FINISHES.

ALUMINUM MEMBERS IN CONTACT WITH CONCRETE AND WOOD SHALL BE PROTECTED BY "KOPPERS BITUMINOUS PAINT" OR POLYETHYLENE TAPE UHMW (ULTRA HIGH MOLECULAR WEIGHT) 117 mils (0.30 mm) MIN. TOTAL THICKNESS IN ACCORDANCE WITH CURRENT FLORIDA BUILDING CODE. ALL WELDS PER FLORIDA BUILDING CODE.

B&B CONSULTING ENGINEERS, INC. HAS NOT VISITED THIS JOBSITE. INFORMATION CONTAINED HEREIN IS BASED ON CONTRACTOR SUPPLIED DATA AND MEASUREMENTS. B&B CONSULTING ENGINEERS, INC. SHALL NOT BE HELD RESPONSIBLE OR LIABLE IN ANY WAY FOR ERRONEOUS OR INACCURATE DATA OR MEASUREMENTS. WORK SHALL BE VERIFIED PRIOR TO CONSTRUCTION.

B&B CONSULTING ENGINEERS, INC. SHALL BE NOTIFIED AND GIVEN AN OPPORTUNITY TO REEVALUATE OUR WORK UPON DISCOVERY OF ANY INACCURATE INFORMATION PRIOR TO MODIFICATION OF EXISTING FIELD CONDITIONS AND FABRICATION AND INSTALLATION OF MATERIALS.

ENGINEERING SEAL AFFIXED HERETO VALIDATES STRUCTURAL DESIGN AS SHOWN ONLY. USE OF THIS SPECIFICATION BY CONTRACTOR, et. al. INDEMNIFIES & SAVES HARMLESS THIS ENGINEER FOR ALL COSTS & DAMAGES INCLUDING LEGAL FEES & APPELLATE FEES RESULTING FROM MATERIAL FABRICATION, SYSTEM ERECTION & CONSTRUCTION PRACTICES BEYOND THAT WHICH IS CALLED FOR BY LOCAL, STATE, & FEDERAL CODES & FORM DEVIATIONS OF THIS PLAN, EXCEPT AS EXPRESSLY PROVIDED IN HEREIN. NO CERTIFICATION OR AFFIRMATIONS ARE INTENDED.

**THIS SPECIFICATION SHEET GOOD ONLY AT THIS NAME AND ADDRESS
VOID WITHOUT HURRICANE SEAL OVER NAME**

NAME: _____
ADDRESS: _____
CITY: _____ STATE: _____ ZIP: _____

Oscar M. Bermudez, PE.
Reg. Florida No. 55141

DATE:

HURRICANE BOAT LIFTS
3301 S.E. Slater Street
Stuart, Florida 34997
(772)-781-2556
Fax (772)-781-4854

B&B Engineers,
N.2237 Woods Edge Circle
Orlando FL. 32817

Oscar M. Bermudez 3-15-17

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FINAL ORDER OF THE BOARD OF ADJUSTMENT REGARDING CASE B19003

This matter was presented to this Board on March 13, 2019, concerning the application of the applicant Scott S. Liberman by and through its agent Andrew J. Schein, Esq./Lochrie and Chakas, P.A., regarding real property legally described as: RIVIERA 6-17 B LOT 1, LOT 2 E1/2, LOT 4 S 25 OF W 25, BLK 4.

Whereas the Applicant appealed decision of the department in the interpretation and application of following provisions of the Unified Land Development Regulations ("ULDR"):

Section 47-19.3. - Boat slips, docks, boat davits, hoists and similar mooring structures.

Appealing the application of Sec. 47-19.3. - Boat slips docks, boat davits, hoists and similar mooring structures of the Unified Land Development Regulations to property located at 831 Solar Isle Drive, Fort Lauderdale, FL 33301 pursuant to Sec 47-24.12(B).

And the Board having heard and reviewed the evidence in this matter has determined that the department's application of the ULDR is clearly erroneous, it is ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF FORT LAUDERDALE THAT THE SAID APPLICATION BE

APPROVED by a vote of five (5) in favor and two (2) opposed

The appeal, reversing staff's determination with respect to whether a principle structure exists on the lot, consistent with the requirements of the ULDR Passed 5-2 with Mr. Nelson and Mr Maxey opposed.

Dated this 20th day of March, 2019.

**Douglas Reynolds
Chair of the Board of Adjustment**

Pursuant to ULDR Sec. 47-24.12.A.8, This order shall be recorded in the public record of Broward County, Florida at the cost and expense of the applicant.

Unless a shorter time period is specified above, a building permit to implement the improvements authorized by this Order must be secured within 180 days of the date of entry of this Order.

Temporary nonconforming use permits shall expire within the time specified in the final order, which such time may not exceed one (1) year from the date of entry of the final order.

Pursuant to ULDR Sec. 47-24.12.A.11, where an application for a variance or special exception or both has been denied by the Board of Adjustment, no new application for the same or a substantially similar variance or special exception or both may be made within a period of two (2) years from the date of such denial.

In order to appeal the Board's decision, a Petition for a Writ of Certiorari must be filed (with the Circuit Court) within 30 days of rendition of this Final Order of the Board of Adjustment. Fla. Rules App. Procedure, Rule 9.100 (c).

Exhibit "3"

pg. 35

COMPOSITE EXHIBIT “4”

BROWARD COUNTY UNIFORM BUILDING PERMIT APPLICATION

Select One Trade: Building Electrical Plumbing Mechanical Other _____

Application Number: BLD-BDSP-22010010

Application Date: 1/12/2022

| | | |
|--|---|------------------------------------|
| Job Address: 831 Solar Isle | Unit: | City: Fort Lauderdale |
| Tax Folio No.: 504212080850 | Flood Zn: | BFE: |
| Building Use: SF Residential | Floor Area: | Job Value: \$34,505 |
| Construction Type: | Occupancy Group: | |
| Present Use: SF Residential | Proposed Used: no change | |
| Description of Work: demo & rebuild dock; remove and re-install boatlift on 4 new piles | | |
| <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Repair <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Revision <input checked="" type="checkbox"/> Other: MARINE | | |
| Legal Description: RIVIERA 6-17B LOT 1, LOT 2 E 1/2, LOT 4 S 25 OF W 25, BLK 4 <input type="checkbox"/> Attachment | | |
| Property Owner: Phillip Mavon | Phone: 630-915-1907 | Email: phil.mavon@mavon.com |
| Owner's Address: 831 Solar Isle Dr | City: Fort Lauderdale | State: FL Zip: 33301 |
| Contracting Co.: Dorado Drywall & Stucco LLC | Phone: 954-875-4887 | Email: jamespegg1@gmail.com |
| Company Address: 1728 SW 4th St | City: Fort Lauderdale | State: FL Zip: 33312 |
| Qualifier's Name: James Pegg | Owner-Builder: <input type="checkbox"/> | License Number: CGC1529849 |
| Architect/Engineer's Name: James Bushouse Inc | Phone: 561-908-2473 | Email: steven@jamesbushouseinc.com |
| Architect/Engineer's Address: 3140 Wedgewood Blvd | City: Delray Beach | State: FL Zip: 33445 |
| Bonding Company: n/a | | |
| Bonding Company Address: n/a | City: | State: Zip: |
| Fee Simple Titleholder's name (if other than owner): n/a | | |
| Fee Simple Titleholder's Address (if other than owner): n/a | City: | State: Zip: |
| Mortgage Lender's Name: n/a | | |
| Mortgage Lender's Address: n/a | City: | State: Zip: |

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

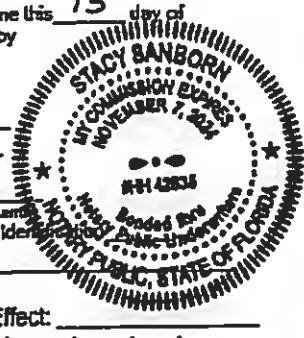
x Victoria Lane, owner's agent x [Signature]
 Signature of Property Owner/Agent Signature of Qualifier

STATE OF FLORIDA
COUNTY OF BROWARD

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this 13 day of December, 2021 by

Sworn to (or affirmed) and subscribed before me this 13 day of December, 2021 by



Victoria Lane Agent
 (Type / Print Property Owner or Agent Name)
Stacy Sanborn
 NOTARY'S SIGNATURE as to Owner or Agent's Signature
 Notary Name Stacy Sanborn
 (Print, Type or Stamp Notary's Name)
 Personally Known X or Produced Identification _____
 Type of Identification Produced n/a

James Pegg
 (Type / Print Qualifier's Name)
Stacy Sanborn
 NOTARY'S SIGNATURE as to Qualifier's Signature
 Notary Name Stacy Sanborn
 (Print, Type or Stamp Notary's Name)
 Personally Known X or Produced Identification _____
 Type of Identification Produced n/a

APPROVED BY: _____ Permit Officer Issue Date: _____ Code In Effect: _____

A jurisdiction may use a supplemental page requesting additional information and citing other conditions, please inquire. Note: If any development work as described in FS 380.04 Sec. 2 a-g is to be performed, a development permit must be obtained prior to the issuance of a building permit.

composite Exhibit "4"

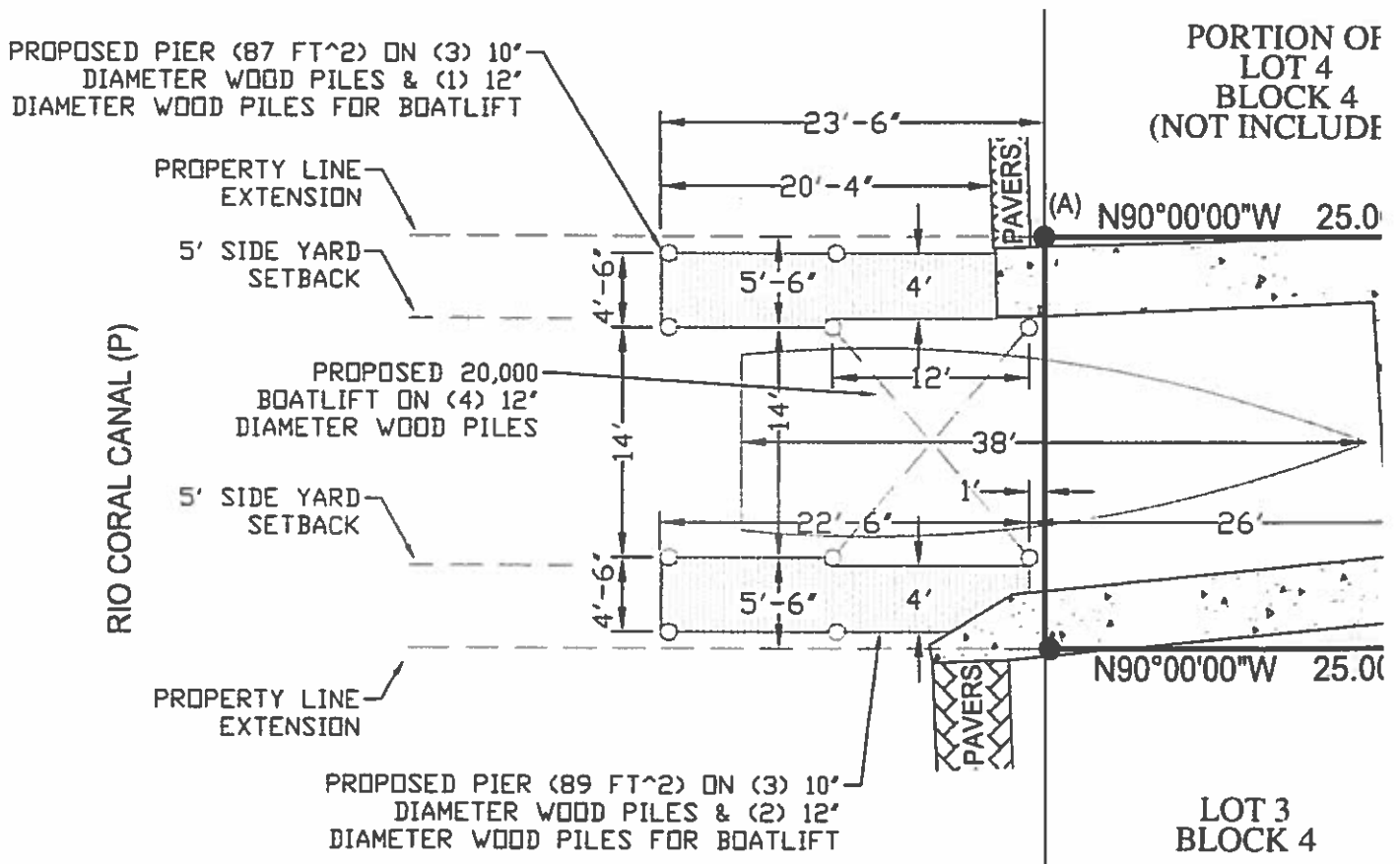
pg 36

Walter Morgan

From: Burt Ford <BFord@fortlauderdale.gov>
Sent: Wednesday, February 15, 2023 12:39 PM
To: Robert Dunckel; Mohammed Malik; Michael Rinkus
Cc: Christopher Cooper; Anthony Fajardo; Walter Morgan; D'Wayne Spence; David Dunshee; James Hollingsworth
Subject: RE: MAVON

Yes, BLD-BDSP-22010010, an application to install dock finger piers and a boatlift partially inside and partially outside the slip, see below:

- RS-8 ZONING DISTRICT
- ANY DOCKED VESSEL SHALL NOT ENCROACH INTO THE REQUIRED 5 FOOT SIDE YARD SETBACK



We've failed it again for the same reason as before, no principal structure on the small lot above, ignoring the unity of title.

Guidance is requested.

Regards,

Burt Ford -- Zoning Chief Plans Examiner, PX3497, BN6266, CGC, CFM

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COMPOSITE EXHIBIT “5”

BROWARD COUNTY UNIFORM BUILDING PERMIT APPLICATION

Select One Trade: Building Electrical Plumbing Mechanical Other _____
 Application Number: BLD-BDSP-22010010 Application Date: 1/12/2022

| | | | |
|---|---------------------------------|---|---|
| Job Address: <u>831 Solar Isle</u> | | Unit: | City: <u>Fort Lauderdale</u> |
| Tax Folio No.: <u>504212060850</u> | Flood Zn: | BFE: | Floor Area: |
| Building Use: <u>SF Residential</u> | Construction Type: | | Job Value: <u>\$34,505</u> |
| Present Use: <u>SF Residential</u> | Proposed Used: <u>no change</u> | | Occupancy Group: |
| Description of Work: <u>Remove & rebuild dock; remove and re-install boatlift on 4 new piles</u> | | | |
| <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Repair <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Revision <input checked="" type="checkbox"/> Other: <u>MARINE</u> | | | |
| Legal Description: <u>RIVIERA 6th 17B LOT 1, LOT 2 E 1/2, LOT 4 S 25 OF W 25, BLK 4</u> | | | <input type="checkbox"/> Attachment |
| Property Owner: <u>Philip Mavon</u> | | Phone: <u>630-915-1907</u> | Email: <u>phil.mavon@mavon.com</u> |
| Owner's Address: <u>831 Solar Isle Dr</u> | | City: <u>Fort Lauderdale</u> | State: <u>FL</u> Zip: <u>33301</u> |
| Contracting Co.: <u>Dorado Drywall & Stucco LLC</u> | | Phone: <u>954-875-4867</u> | Email: <u>Jamespegg1@gmail.com</u> |
| Company Address: <u>1728 SW 4th St</u> | | City: <u>Fort Lauderdale</u> | State: <u>FL</u> Zip: <u>33312</u> |
| Qualifier's Name: <u>James Pegg</u> | | Owner-Builder: <input type="checkbox"/> | License Number: <u>CGC1529849</u> |
| Architect/Engineer's Name: <u>James Bushouse, Inc</u> | | Phone: <u>561-908-2473</u> | Email: <u>steven@jamesbushouseinc.com</u> |
| Architect/Engineer's Address: <u>3140 Wedgewood Blvd</u> | | City: <u>Delray Beach</u> | State: <u>FL</u> Zip: <u>33445</u> |
| Bonding Company: <u>n/a</u> | | City: | State: Zip: |
| Bonding Company Address: <u>n/a</u> | | City: | State: Zip: |
| Fee Simple Titleholder's name (if other than owner): <u>n/a</u> | | City: | State: Zip: |
| Fee Simple Titleholder's Address (if other than owner): <u>n/a</u> | | City: | State: Zip: |
| Mortgage Lender's Name: <u>n/a</u> | | City: | State: Zip: |
| Mortgage Lender's Address: <u>n/a</u> | | City: | State: Zip: |

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

x Victoria Lane, owner's agent x James Pegg
Signature of Property Owner's Agent Signature of Qualifier

STATE OF FLORIDA
COUNTY OF BROWARD

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this 13 day of December, 2021 by

Sworn to (or affirmed) and subscribed before me this 13 day of December, 2021 by

Victoria Lane Agent
(Type / Print Property Owner or Agent Name)

James Pegg
(Type / Print Qualifier's Name)



Stacy Sanborn
NOTARY'S SIGNATURE as to Owner or Agent's Signature
 Notary Name: Stacy Sanborn
(Print, Type or Stamp Notary's Name)
 Personally Known Produced Identification n/a

Stacy Sanborn
NOTARY'S SIGNATURE as to Qualifier's Signature
 Notary Name: Stacy Sanborn
(Print, Type or Stamp Notary's Name)
 Personally Known Produced Identification n/a

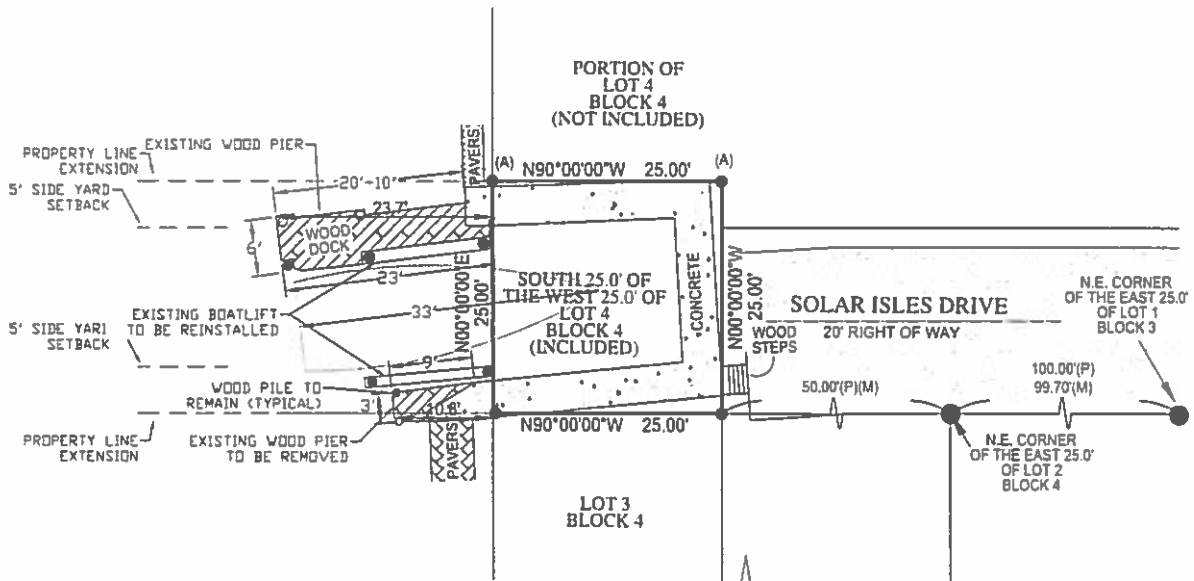
Permit Officer _____ Issue Date: _____ Code in Effect: _____

A jurisdiction may use a supplemental page requesting additional information and citing other conditions, please inquire.
 Note: If any development work as described in FS 380.04 Sec. 2 a-g is to be performed, a development permit must be obtained prior to the issuance of a building permit.

composite Exhibit "5"

pg 38

RIO CORAL CANAL (P)



Existing Site Plan
 Scale: 1" = 10'-0"



James Bushouse, Inc.
 CONSULTING ENGINEERS
 C.A. #22565
 2140 WINDWARD BLVD
 FORT LAUDERDALE, FL 33301
 P.O. BOX 1137
 FORT LAUDERDALE, FL 33301
 (954) 471-2672

Wood Pier & Boatlift For
 MAYON
 831 Solar Isle Drive
 Fort Lauderdale, FL 33301

DATE: 10/1/21
 DRAWN BY: JMB
 CHECKED BY: JMB
 APPROVED BY: JMB
 TITLE: ENGINEER

TITLE: AS NOTED
 DATE: 10/1/21
 DRAWN BY: JMB
 CHECKED BY: JMB
 APPROVED BY: JMB
 TITLE: ENGINEER

PS 39



Environmental Protection and Growth Management Department
Environmental Engineering and Permitting Division
1 North University Drive, Mailbox 201, Plantation, FL 33324
Phone: 954-519-1483 Fax: 954-519-1412

**BROWARD COUNTY
ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION
ENVIRONMENTAL RESOURCE GENERAL LICENSE**

GL-FTL2111-027

Broward County Code of Ordinance(s): 27-336(a)(1)a., 27-336(a)(1)f.

Applicant: Philip Mavon

831 SOLAR ISLE DR, Fort Lauderdale

Description: Removing existing wood dock and boatlift. Construct new dock (192' 9" square feet over water) and install 20,000 lb boatlift.

Issue Date: 11/10/2021

Expiration Date: 11/10/2023

The above project has been reviewed and was verified to meet the criteria outlined in Chapter 27-336(a) of the Broward County Natural Resource Protection Code for the issuance of this Environmental Resource General License (GL). This approval is specific for the plans and description described on this verification. Any changes to project footprint, design or size must be reviewed by the Department and may require additional licensing.

Construction shall be in accordance with the submitted Application, the approved plans and the attached General Conditions. This approval does not authorize impacts to natural resources (mangroves, sea grasses, etc). Failure to comply with the license conditions may result in suspension or revocation of the license and/or enforcement actions.

Issuance of this license does not relieve the licensee from obtaining any other required federal, state or local permits or authorizations required for this project prior to commencement.

Per Section 27-58(b)(9), "The licensee, by acceptance of this license, specifically agrees to allow access and shall allow access to the licensed source, activity, or facility at times to the COUNTY personnel for the purposes of inspection and testing to determine compliance with this license and this chapter."

Aquatic and Wetland Resources Reviewer: Sabrina Ladd

Telephone:

email: sladd@broward.org

composite Exhibit "5"

pg 40

1. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and enforceable by the Environmental Protection and Growth Management Department (EPGMD) pursuant to Chapter 27 of the Broward County Code of Ordinances. EPGMD will review this license periodically and may revoke the license, initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives or principals.
2. This license is valid only for the specific uses set forth in the license application, and any deviation from the approved uses may constitute grounds for revocation and enforcement action by EPGMD.
3. The licensee agrees to comply with Chapter 27 of the Broward County Code of Ordinances, as amended.
4. Enforcement of the terms and provisions of this license shall be at the reasonable discretion of EPGMD, and any forbearance on behalf of EPGMD to exercise its rights hereunder in the event of any breach by the licensee shall not be deemed or construed to be a waiver of EPGMD's rights hereunder.
5. In addition to the general conditions set forth above, each license issued by EPGMD shall contain specific conditions determined by site conditions and requirements pursuant to the regulations as determined by the director of EPGMD. The licensee agrees that specific conditions are enforceable by EPGMD for any violation thereof.
6. If the licensee wishes to renew a license or extend its term, the licensee shall make application sixty (60) days prior to its expiration. Expired licenses are not renewable.
7. This license does not constitute a waiver or approval of any other license that may be required for other aspects of the total project.
8. The licensee, by acceptance of this license, specifically agrees to allow access to the licensed source at reasonable times by EPGMD personnel for the purposes of inspection and testing to determine compliance with this license and Chapter 27 of the Broward County Code of Ordinances.
9. This license must be available for inspection on the licensee's premises during the entire life of the license.
10. The issuance of this license does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations.
11. In the event the licensee is temporarily unable to comply with any of the conditions of the license, the licensee shall notify EPGMD within twelve (12) hours. Within five (5) working days of the event, the licensee shall submit a written report to EPGMD that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention toward repair, replacement, and reconstruction of destroyed facilities, and a schedule of action leading toward operation within the license conditions.
12. Any new owner of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for, and is granted the transfer of license. The transferee shall also be liable for performance in accordance with the license.
13. By accepting this license, the licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, that are submitted to EPGMD, may be used by EPGMD as evidence in any enforcement proceeding arising under Chapter 27 of the Broward County Code of Ordinances, except where such use is prohibited by Section 403.111, F.S.

pg 41

Standard Specific Conditions
(Required for all licenses)

GL-FTL2111-027

1. Notify the Department in writing a minimum of forty-eight (48) hours prior to project commencement and a maximum of forty-eight (48) hours after project completion.
2. Any project caused environmental problem(s) shall be reported immediately to the Department's Environmental Response Line at 954-519-1499.
3. All project generated solid waste and/or spoil material must be disposed of in a suitable approved manner in accordance with current regulations at an upland location (not including surface waters and wetlands).
4. Turbidity screens or equivalent shall be properly deployed and maintained as necessary during construction activities so that turbidity levels do not exceed twenty-nine (29) Nephelometric Turbidity Units (NTU's) above natural background fifty (50) feet downstream of project.
5. Only clean fill and clean demolition materials shall be placed in the water bodies being filled. Clean demolition materials include things such as brick, stone, ceramic and concrete rubble which are uncontaminated by other materials. Any fill material used shall be free of garbage, rubbish, refuse, asphalt, hazardous materials, organic matter such (as) wood, lumber, tree or tree trimmings, or other contaminants. The disposal of any putrescible or deleterious debris in any water body is prohibited.
6. This license does not eliminate the necessity to obtain any required federal, state, local or special district permit/license/approval prior to the start of any activity authorized by this license.

Project Specific Conditions

GL-FTL2111-027

1. All watercraft associated with the construction and use of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging. Specifically, there shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of any submerged resources or canal bottom at mean low water.
2. Construction shall be in accordance with the attached plans and drawings. Any deviation may require a new license and may cause enforcement actions to be initiated.
3. Turbidity levels shall be monitored and recorded if a visible turbidity plume is observed leaving the site during construction activities. If monitoring reveals that turbidity levels exceed 29 NTU's above natural background 50 feet downstream of the point of discharge, project activities shall immediately cease, and work shall not resume until turbidity levels drop to within these limits (62-302.530(69) Florida Administrative Code [FAC]).
4. Turbidity screens, silt fences, or equivalent shall be properly employed and maintained as necessary to effectively contain suspended sediments and/or runoff during construction activities. Dredging, filling, excavation, seawall removal, seawall construction, and other projects which result in similar degrees of disturbance to wet sediments shall in all cases employ turbidity control measures designed to effectively enclose the entire work area. Connected turbidity curtain segments shall be overlapped and tied at the top and bottom so as to prevent turbidity from escaping through gaps between segments.

pg 42

Proposed + Current Conditions:
Legend:

approx. 230 sq.ft. Wood over water (± 142)
 Concrete Dock over land.
 Concrete Over water (± 30 sq.ft.)

LEGAL DESCRIPTION

THE SOUTH 25 FEET OF WEST 25 FEET OF LOT 4, ALL IN BLOCK 4, RIVIERA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FL.

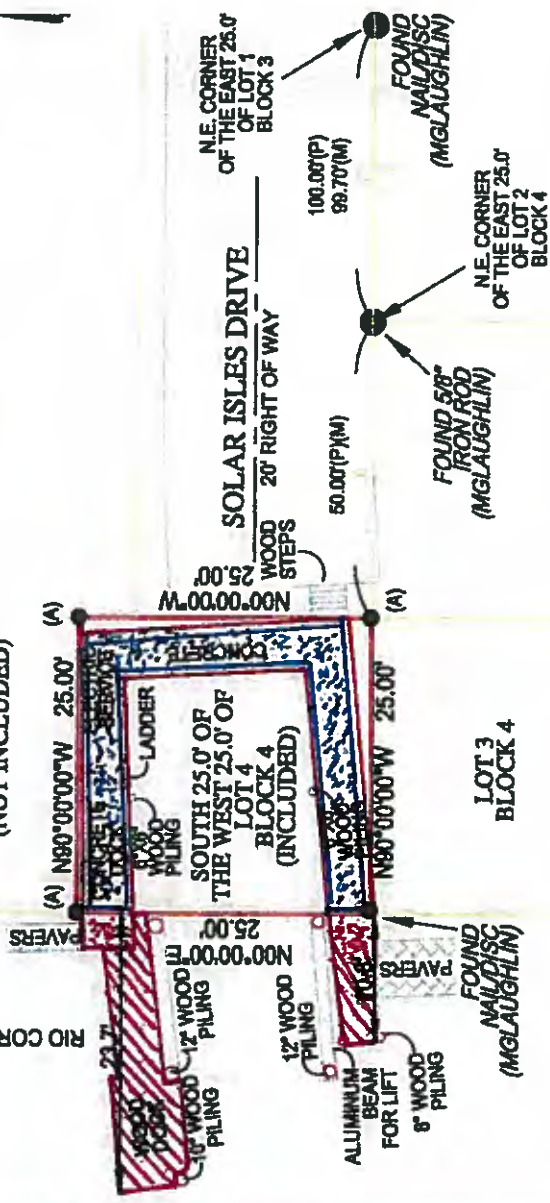
Community Number: 128106
 Parcel: 12011C0678
 Survey: H
 F.L.R.M. Date: 8-8-2014
 Flood Zone: AE
 Field Work: 4-9-2021

THE PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION OF THE BOAT SLIP AREA LOCATED AT THE WEST END OF SOLAR ISLES DRIVE.



LEGEND

| | | | |
|-----|--------------------|-----|----------------------|
| ANG | ANGLE | AS | AS CONDITION |
| BLK | BLOCK | BLK | BLOCK |
| BR | BROWARD COUNTY | BR | BROWARD COUNTY |
| CD | CENTRAL DATUM | CD | CENTRAL DATUM |
| CH | CHANGING | CH | CHANGING |
| CL | CL | CL | CL |
| CM | COMMON | CM | COMMON |
| CO | CORNER | CO | CORNER |
| CP | CENTRAL POINT | CP | CENTRAL POINT |
| CS | CENTRAL SURVEY | CS | CENTRAL SURVEY |
| CT | CENTRAL TYPICAL | CT | CENTRAL TYPICAL |
| CU | CENTRAL UNIT | CU | CENTRAL UNIT |
| CV | CENTRAL VERTICAL | CV | CENTRAL VERTICAL |
| CA | CENTRAL ANGLE | CA | CENTRAL ANGLE |
| CB | CENTRAL BENCH MARK | CB | CENTRAL BENCH MARK |
| CC | CENTRAL CENTERLINE | CC | CENTRAL CENTERLINE |
| CD | CENTRAL DELTA | CD | CENTRAL DELTA |
| CE | CENTRAL ELEVATION | CE | CENTRAL ELEVATION |
| CF | CENTRAL FOUNDATION | CF | CENTRAL FOUNDATION |
| CG | CENTRAL GRASS | CG | CENTRAL GRASS |
| CH | CENTRAL HATCH | CH | CENTRAL HATCH |
| CI | CENTRAL IRON | CI | CENTRAL IRON |
| CJ | CENTRAL JUNCTION | CJ | CENTRAL JUNCTION |
| CK | CENTRAL KAYAK | CK | CENTRAL KAYAK |
| CL | CENTRAL LADDER | CL | CENTRAL LADDER |
| CM | CENTRAL MASONRY | CM | CENTRAL MASONRY |
| CN | CENTRAL NAIL | CN | CENTRAL NAIL |
| CO | CENTRAL OIL | CO | CENTRAL OIL |
| CP | CENTRAL PAVEMENT | CP | CENTRAL PAVEMENT |
| CQ | CENTRAL QUANTITY | CQ | CENTRAL QUANTITY |
| CR | CENTRAL RAILROAD | CR | CENTRAL RAILROAD |
| CS | CENTRAL SURVEY | CS | CENTRAL SURVEY |
| CT | CENTRAL TYPICAL | CT | CENTRAL TYPICAL |
| CU | CENTRAL UNIT | CU | CENTRAL UNIT |
| CV | CENTRAL VERTICAL | CV | CENTRAL VERTICAL |
| CA | CENTRAL ANGLE | CA | CENTRAL ANGLE |
| CB | CENTRAL BENCH MARK | CB | CENTRAL BENCH MARK |
| CC | CENTRAL CENTERLINE | CC | CENTRAL CENTERLINE |
| CD | CENTRAL DELTA | CD | CENTRAL DELTA |
| CE | CENTRAL ELEVATION | CE | CENTRAL ELEVATION |
| CF | CENTRAL FOUNDATION | CF | CENTRAL FOUNDATION |
| CG | CENTRAL GRASS | CG | CENTRAL GRASS |
| CH | CENTRAL HATCH | CH | CENTRAL HATCH |
| CI | CENTRAL IRON | CI | CENTRAL IRON |
| CJ | CENTRAL JUNCTION | CJ | CENTRAL JUNCTION |
| CK | CENTRAL KAYAK | CK | CENTRAL KAYAK |
| CL | CENTRAL LADDER | CL | CENTRAL LADDER |
| CM | CENTRAL MASONRY | CM | CENTRAL MASONRY |
| CN | CENTRAL NAIL | CN | CENTRAL NAIL |
| CO | CENTRAL OIL | CO | CENTRAL OIL |
| CP | CENTRAL PAVEMENT | CP | CENTRAL PAVEMENT |
| CQ | CENTRAL QUANTITY | CQ | CENTRAL QUANTITY |
| CR | CENTRAL RAILROAD | CR | CENTRAL RAILROAD |
| CS | CENTRAL SURVEY | CS | CENTRAL SURVEY |
| CT | CENTRAL TYPICAL | CT | CENTRAL TYPICAL |
| CU | CENTRAL UNIT | CU | CENTRAL UNIT |
| CV | CENTRAL VERTICAL | CV | CENTRAL VERTICAL |
| CA | CENTRAL ANGLE | CA | CENTRAL ANGLE |
| CB | CENTRAL BENCH MARK | CB | CENTRAL BENCH MARK |
| CC | CENTRAL CENTERLINE | CC | CENTRAL CENTERLINE |
| CD | CENTRAL DELTA | CD | CENTRAL DELTA |
| CE | CENTRAL ELEVATION | CE | CENTRAL ELEVATION |
| CF | CENTRAL FOUNDATION | CF | CENTRAL FOUNDATION |
| CG | CENTRAL GRASS | CG | CENTRAL GRASS |
| CH | CENTRAL HATCH | CH | CENTRAL HATCH |
| CI | CENTRAL IRON | CI | CENTRAL IRON |
| CJ | CENTRAL JUNCTION | CJ | CENTRAL JUNCTION |
| CK | CENTRAL KAYAK | CK | CENTRAL KAYAK |
| CL | CENTRAL LADDER | CL | CENTRAL LADDER |
| CM | CENTRAL MASONRY | CM | CENTRAL MASONRY </tr |



(AF) SET 12" IRON ROD LBN 7463

SURVEYORS CERTIFICATE: I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT A PAGES EMBOSSED SEAL AND SIGNATURE.

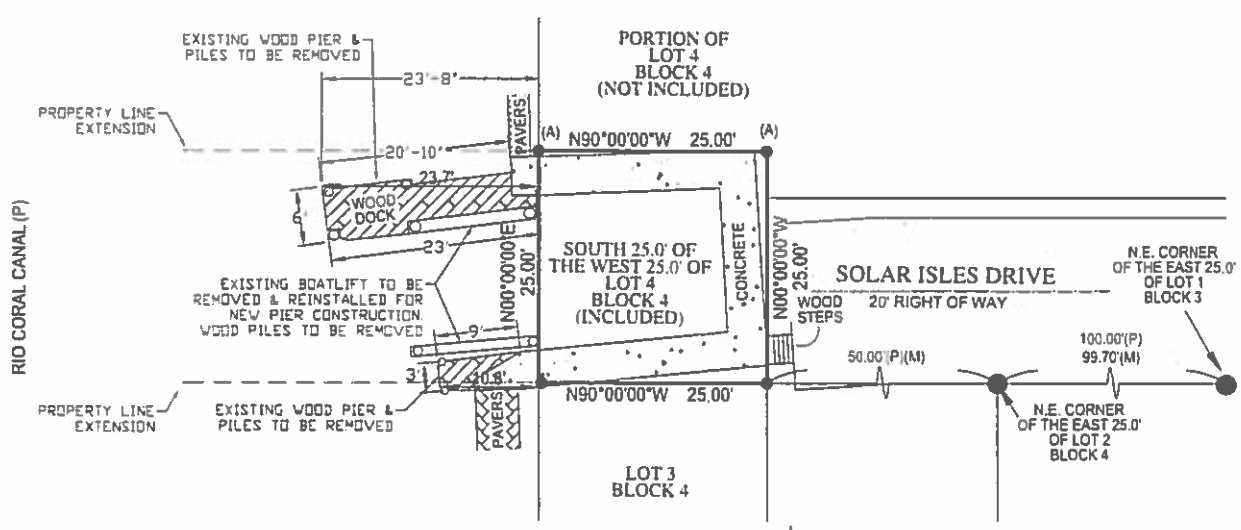
KENNETH J. OSBORNE
 PROFESSIONAL SURVEYOR AND MAPPER #6118

COMPASS SURVEYING
 WEST PALM BEACH, FL 33407
 SUITE 102
 6250 N. MILITARY TRAIL
 PHONE: 561.640.4800 FAX: 561.640.0576

PREPARED FOR
 STACY SANBORN
 831 SOLAR ISLES DRIVE
 PORT LAUDERDALE, FL 33301

1 of 1

TOTAL DOCK = ± 402 sq.ft TOTAL OVER WATER = ± 172 sq.ft

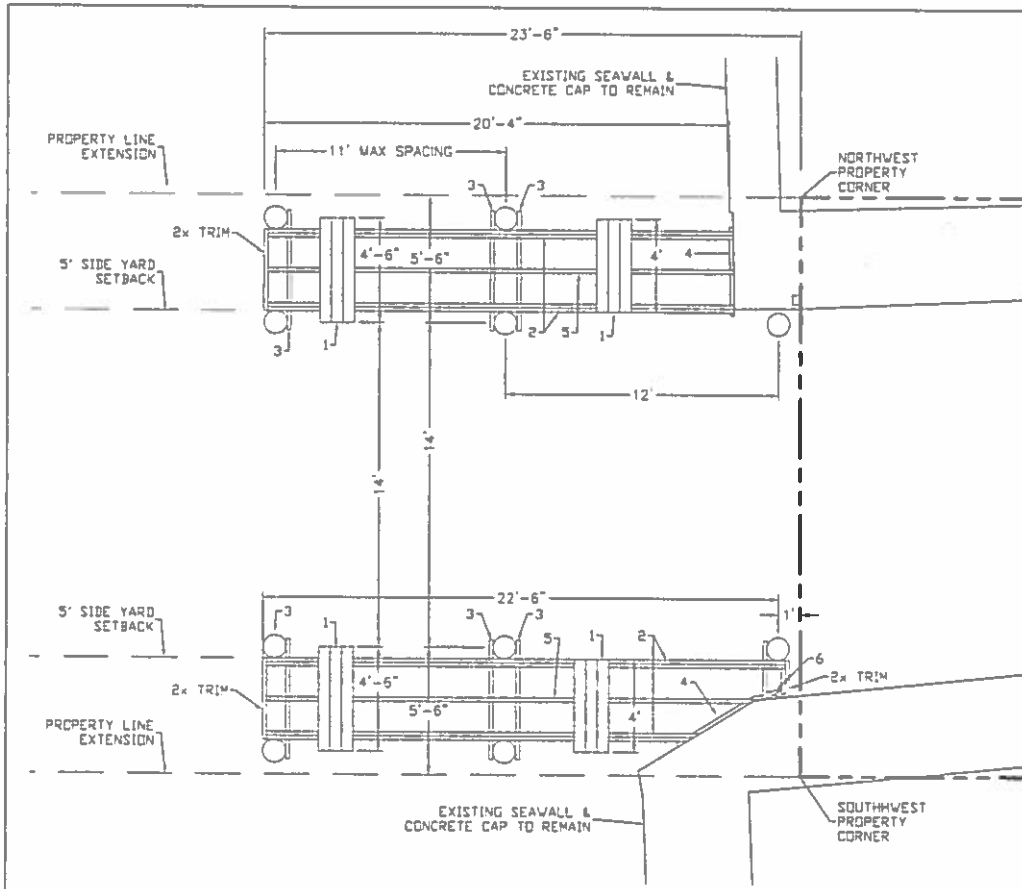


Existing Site Plan
 Scale: 1" = 10'-0"



James S. Bushouse, State of Florida, Professional Engineer,
 License No. 28211
 This plan has been electronically signed & sealed by James S.
 Bushouse, P.E., on October 25, 2021 using a Digital Signature.
 Printed copies of this document are not considered signed &
 sealed & the signatures must be verified on any electronic copies.

pg 44



DOCK NOTES

1. 2"x8" decking w/ (2) #10x2-1/2" screws per stringer
2. (2) 2"x8" stringer @ pile w/ 5/8" thru bolt to pile. Bolt not required at beam for boothfit
3. 2"x8" substringers w/ (2) 5/8" thru bolts to piles. Use (1) 3/8"x6" lag bolt to drop hanger
4. 2"x8" substringers w/ 1/2" wedge anchors @ 2' O.C. to existing seawall cap, min. 4" embedment
5. 2"x8" stringer @ 24" O.C. max spacing. If composite decking is used provide stringer spacing @ 16" max
6. 4"x10" drop hanger, rip to fit, w/ (2) 1/2" wedge anchors to existing seawall cap, min. 4" embedment

Pier Framing Plan
Scale: 1/4" = 1'-0"

James J. Behrman, State of Florida, Professional Engineer,
License No. 28371
The firm has been electronically signed & sealed by James J. Behrman, P.E. on October 23, 2021 using a Digital Signature.
Printed copies of this document are not considered signed & sealed & the signatory must be verified on any electronic copy.

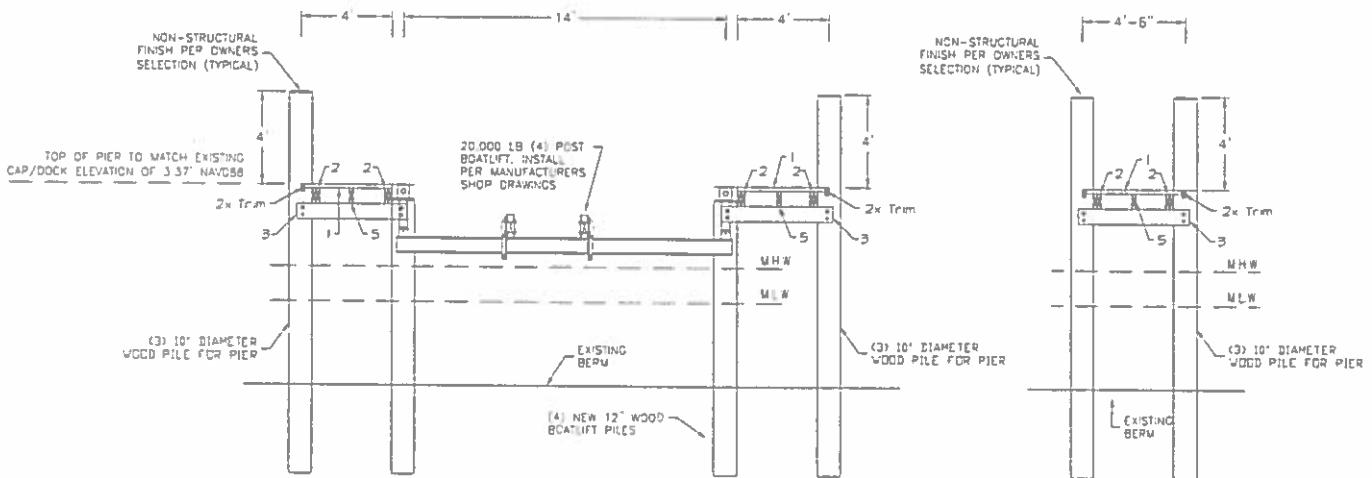
James Bushouse, Inc.
CONSULTING ENGINEERS
C.A. #27565
1414 WASHINGTON BLVD.
SUITE 200
FORT LAUDERDALE, FL 33304
(954) 341-2844

Wood Pier & Boothfit For
MAYON
831 Solar Isle Drive
Fort Lauderdale, FL 33301

DATE PLOTTED: 10/23/21
DRAWN BY: JTB
CHECKED BY: JTB
SCALE: 1/4" = 1'-0"

| NO. | REVISION | DATE |
|-----|----------|------|
| | | |
| | | |
| | | |
| | | |

PS 45



Pier / Lift Section

Scale: 1/4" = 1'-0"

4'-6" Pier Section

Scale 1/4" = 1'-0"

DOCK NOTES

1. 2"x8" decking w/ (2) #10x2-1/2" screws per stringer
2. (2) 2"x8" stringer @ piles w/ 5/8" thru bolt to pile. Bolt not required at beam for boatlift
3. 2"x8" substringers w/ (2) 5/8" thru bolts to piles. Use (1) 5/8"x8" lag bolt to drop hanger
4. 2"x8" substringers w/ 1/2" wedge anchors @ 2' O.C. to existing seawall cap, min. 4" embedment
5. 2"x8" stringer @ 24" O.C. max spacing. If composite decking is used provide stringer spacing @ 16" max
6. 4"x10" drop hanger, rip to fit, w/ (2) 1/2" wedge anchors to existing seawall cap, min. 4" embedment

James B. Bushouse, State of Florida, Professional Engineer, License No. 26297

This plan has been electronically signed & sealed by James B. Bushouse, P.E. on October 23, 2021 using a Digital Signature.

Printed copies of this document are not considered signed & sealed & the signatures must be verified on any electronic copies.

James Bushouse, Inc.
CONSULTING ENGINEERS
P.O. BOX 1000
FORT LAUDERDALE, FL 33301
(954) 941-1000

Wood Pier & Boatlift For
JAYDON
811 Solar Isle Drive
Fort Lauderdale, FL 33301

DATE: 10/27/21
SCALE: AS NOTED
DRAWN BY: JTB
CHECKED BY: JTB
DESIGNED BY: JTB
DATE: 10/27/21

pg 46

T2 TOPLESS X2[®]: SPECIFICATIONS

Specifications for the T2 Topless X2

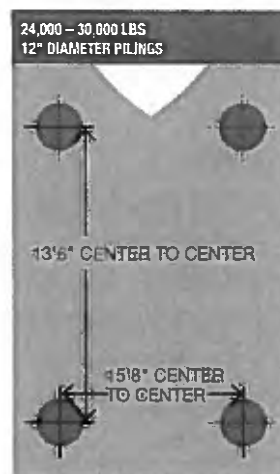
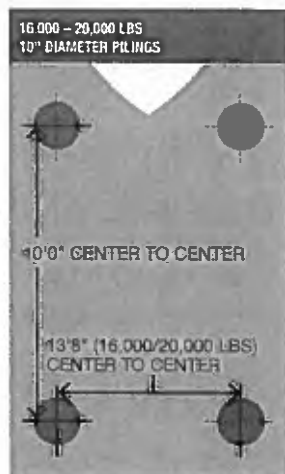
All specifications subject to change without notice.

| Structural Specifications for T2 Topless [®] X2 | | | | | | | | | | |
|--|---------------------------|--------------|---------|------------------------------|---------------------------------------|---------------------|-------------------------|---------------------|-----------------------------|-------------------------|
| LIFT MODEL | LIFTER BEAM DIMENSIONS | MAXIMUM BEAM | SPEED | CABLE SIZE (STAINLESS STEEL) | GEAR BOX | STANDARD BUNKS | MOTOR (STAINLESS STEEL) | REQUIRED VOLTS/AMPS | GUIDE POLE WEIGHT PIPE SIZE | PILING QUANTITY/SIZE |
| 9,000 LB (DOUBLE CABLE) | 6" x 4" x 12'6" | 9'6" | 54"/min | 1/4" x 30' | Standard duty Gear Drive [®] | 8" x 14' Aluminum | (4) 3/4 hp | 220V/30A | 2" x 6'8" 1.5" x 50" | 4 pilings/ 10" diameter |
| 12,000 LB (DOUBLE CABLE) | 8" x 5" x 12'6" | 9'6" | 54"/min | 5/16" x 30' | Standard duty Gear Drive [®] | 10" x 14' Aluminum | (4) 1 hp | 220V/30A | 2" x 10' 1.5" x 100" | 4 pilings/ 10" diameter |
| 16,000 LB (DOUBLE CABLE) | 10" x 6" x 14' | 11'0" | 54"/min | 5/16" x 30' | Heavy duty Gear Drive [®] | 10" x 14' Aluminum | (4) 1 1/2 hp | 220V/50A | 2" x 10' 1.5" x 100" | 4 pilings/ 10" diameter |
| 20,000 LB (DOUBLE CABLE) | 10" x 6" x 14' | 11'0" | 54"/min | 3/8" x 30' | Heavy duty Gear Drive [®] | 10" x 14' Aluminum | (4) 2 hp | 220V/60A | 2" x 10' 1.5" x 100" | 4 pilings/ 10" diameter |
| 24,000 LB (TRIPLE CABLE) | 12" x 7" x 16' Light duty | 12'6" | 36"/min | 5/16" x 45' | Heavy duty Gear Drive [®] | 3" x 12' x 18' Wood | (4) 1 1/2 hp | 220V/50A | 2" x 10' 1.5" x 100" | 4 pilings/ 12" diameter |
| 30,000 LB (TRIPLE CABLE) | 12" x 7" x 16' Heavy duty | 12'6" | 36"/min | 3/8" x 50' | Heavy duty Gear Drive [®] | 3" x 12' x 18' Wood | (4) 2 hp | 220V/60A | 2" x 10' 1.5" x 100" | 4 pilings/ 12" diameter |

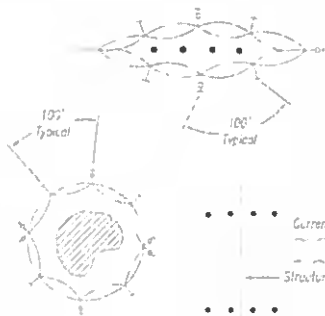
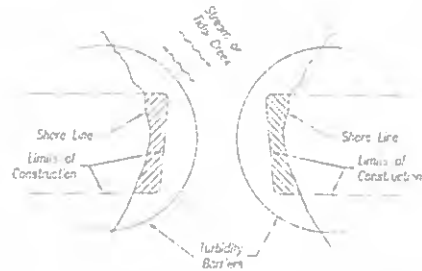
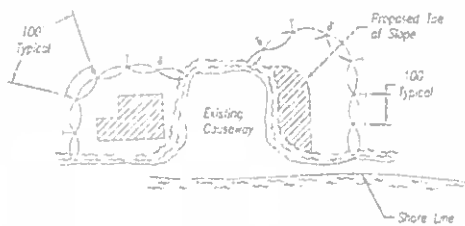
Wire Specifications for the T2 Topless[®] X2

| MOTOR HP (STAINLESS STEEL) | 100'/240V | 200'/240V | 300'/240V | 400'/240V |
|----------------------------|-----------|-----------|-----------|-----------|
| (4) 3/4 hp or 1 hp | #10 | #8 | #6 | #4 |
| (4) 1 1/2 hp | #8 | #6 | #4 | #2 |
| (4) 2 hp | #8 | #4 | #4 | #2 |

Piling Setting Dimensions for the T2 Topless[®] X2



pg 47

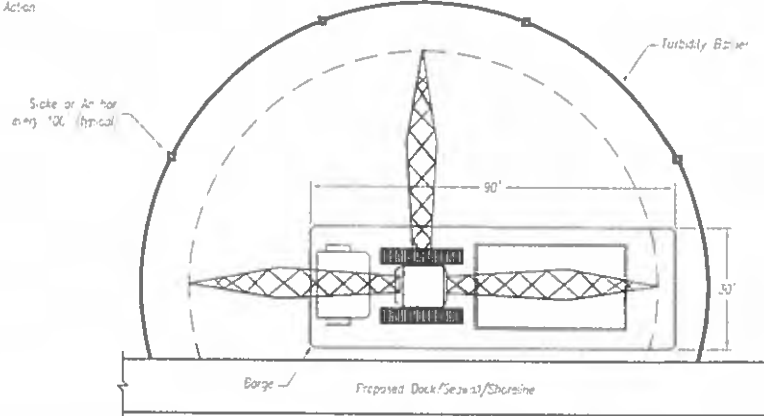


- LEGEND**
- ⊙ Pile Locations
 - ▨ Dredge or Fill Area
 - Mooring Buoy with Anchor
 - Anchor
 - ⊖ Barrier Movement Due To Current Action

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 Contractor's 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 of Record.

- NOTES**
- 1 Turbidity barriers are to be used in all permanent basins 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.



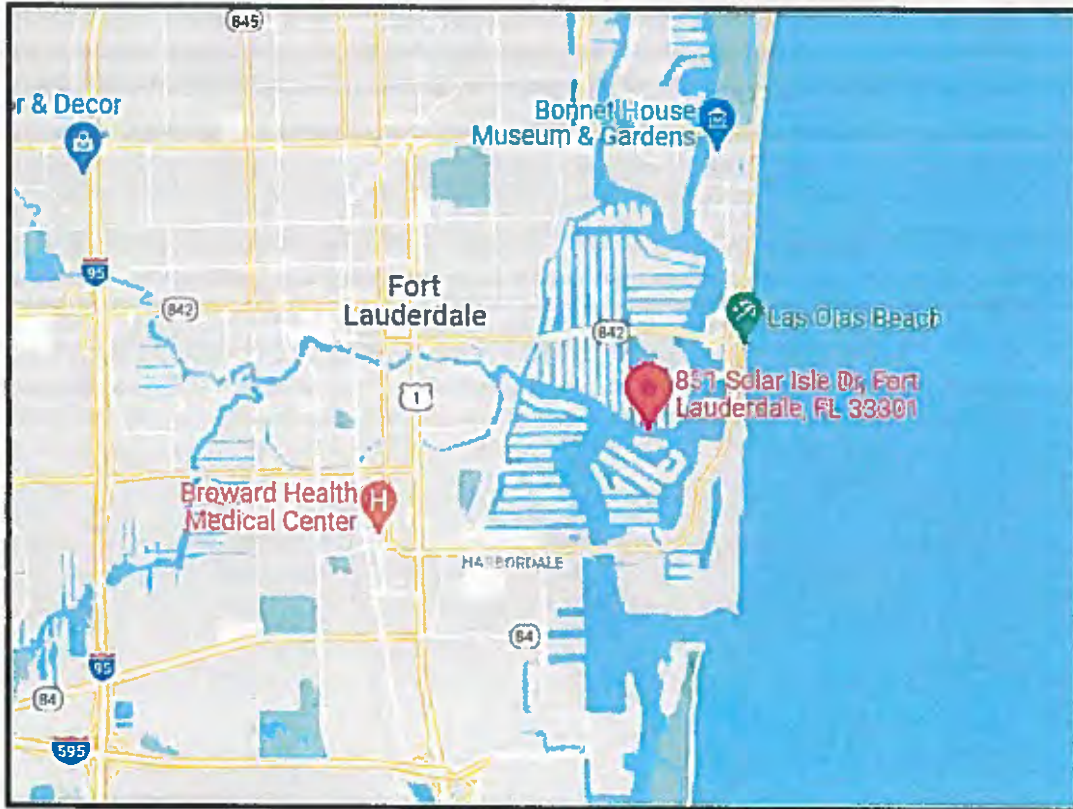
TURBIDITY BARRIER APPLICATIONS

pg 48

SITE LOCATION

Mavon Project

831 Solar Isle Dr., Ft. Lauderdale, FL 33301



Proposed lift location - not to scale

pg 49



Environmental Protection and Growth Management Department
 PLANNING AND DEVELOPMENT MANAGEMENT DIVISION
 1 North University Drive, Building A, Suite 102 Plantation, Florida 33324 954-357-6666 FAX 954-357-6521

Broward County Transportation Concurrency Satisfaction Certificate

*** Please note that this approval does not constitute Environmental Review Approval. You will still need the Environmental Approval Certificate to submit to the Building Department.**

Issue Date: 11/15/2021

DR Review #: 0081824

Application Number: 000438126

Title of Drawings: GL-FTL2111-027

Project#: 001

Plan Last Revision Date: 12-NOV-21

Bldg Dept Jurisdiction: Fort Lauderdale

**Legal Description: Plat Name: RIVIERA
 Plat Number: Book: 6 Page: 17**

Lot: 1-4 Block: 4

Address: 831 Solar Isle DR, Fort Lauderdale, Fl. 33301

Construction Type: Other

This approval is issued in accordance with Sec. 27.66 of the Broward County Natural Resource Protection Code. This approval is specific for the plans and description described on this approval. Any changes in footprint, Lot #, or bedrooms or use will require a new approval.

Development Review

BUILDING OFFICIAL: No Impact/Concurrency Fees Due to Broward County Planning & Development Management Division
 The installation of a dock and boatlift for a single family residence.
 -831 Solar Isle Dr.
 Receipt# 0081824

TRANSPORTATION CONCURRENCY SATISFACTION: Certificate is hereby issued

*Any revision to these plans requires a new development review by the division.

if a building permit is not applied for within 30 days of the Environmental Review Approval, plans must be re-submitted to the Planning and Development Management Division for re-evaluation.

Development Reviewer Name: Monica Randino

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Environmental Protection and Growth Management Department
 PLANNING AND DEVELOPMENT MANAGEMENT DIVISION
 1 North University Drive, Building A, Suite 102 Plantation, Florida 33324 954-357-6666 FAX 954-357-6521

Broward County Environmental Review Approval Certificate

Issue Date: 11/15/2021

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Construction Type: Other

This approval is issued in accordance with Sec. 27.66 of the Broward County Natural Resource Protection Code. This approval is specific for the plans and description described on this approval, any changes in footprint, Lot #, or bedrooms or use will require a new approval.

APPROVED

- ATTENTION** THE BUILDING DEPARTMENT IS NOT REQUIRED TO ELECTRONICALLY UPDATE BUILDING PERMIT AND CO FOR THIS PROJECT
- COMMENTS** Removing existing wood dock and boatlift. Construct new dock (192' 9" square feet over water) and install 20,000 lb boatlift.

If a building permit is not applied for within 30 days of the Environmental Review Approval, plans must be re-submitted to the Planning and Development Management Division for re-evaluation.

Environmental Reviewer Name: Scott Strauss

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COMPOSITE EXHIBIT “6”



Composite Exhibit "6"

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EXHIBIT “7”

Sec. 47-35.1. - Definitions.

For the purpose of the ULDR certain terms and words are herein defined. Words used in the present tense include the future; the words "used for" include the meaning "designed for"; the word "structure" includes the word "building"; the word "lot" includes the words "plot" and "tract." The words "area" and "district" may indicate and include the meaning "zone"; the word "unit" shall mean "dwelling unit." Words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership or other legal entity, as well as an individual. The word "street" includes avenue, boulevard, parkway, court, highway, lane, road, terrace, causeway, way and expressway. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, stream and canal, but does not include a lake, pond or pool without outlet. The word "may" is permissive; the words "shall" and "will" are mandatory and not merely directory. Other definitions appear in specific sections of the ULDR and are applicable only to those sections.

AASHTO: American Association of State Highway and Transportation Officials, an organization which prepares recommendations for highway and street engineering policies and standards.

Abut: A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Accessory building: An "accessory building" is a subordinate building which is located on the same development site as the principal building, the use of which building is clearly incidental to the use of the principal building.

Accessory uses: Uses customarily incidental and subordinate to the principal uses as permitted and located on the same development site as the principal use.

Alley: Any roadway, place or public way dedicated for use by the public and twenty (20) feet or less in width.

Apartment: Apartment is a building occupied or intended to be occupied by more than two (2) families, living separately and with separate kitchens or facilities for doing their own cooking on the premises, or by more than two (2) families, individuals or groups of individuals. Apartments shall not include townhouses, cluster dwellings, coach homes or duplex units.

Automotive repair: An establishment which provides automobile repair service. See Section 47-18.4.

Automotive sales: An establishment which provides for the sale of cars, vans, jeeps, pick-up trucks, not including those vehicles listed in truck sales.

Automotive service station: An establishment where fuels, oils or greases are supplied and dispensed to motor vehicles.

Automotive wrecking or salvage yard: An area used for the dismantling or wrecking of used vehicles and the storage and sale of used automotive parts.

building activity that is carried out exclusively within a previously constructed structure which does not affect the intensity of use or affects only the exterior color of the structure shall not be considered development.

Development permit: Any use approval, plat approval, site plan approval, development review committee order, zoning permit or rezoning, special exception, variance, certificate of appropriateness, historic designation or other official action having the effect of permitting the development as defined in the ULDR.

Development site: A lot or parcel of land or combination of lots or parcels of land proposed for development. If a development site has more than one (1) parcel or lot with different owners, all property owners will be required to sign the application for development permit, and shall be required to execute and record in the public records a declaration on a form provided by the department, stating that the parcels have been developed as a single unit for purposes of meeting the ULDR. The declaration shall include a legal description of each parcel and shall state that no parcel may be developed separate from the other parcel unless each parcel standing alone meets the requirements of the ULDR.

Director: The director of the department or his or her designee.

Disability. A physical or mental impairment that substantially limits one (1) or more of an individual's major life activities, impairs an individual's ability to live independently, having a record of such an impairment, or being regarded as having such an impairment. People with disabilities do not include individuals who are currently using alcohol, illegal drugs, or using legal drugs to which they are addicted, or individuals who constitute a direct threat to the health and safety of others.

Docking facility: A group of commercial boat docks with no support structures (excluding a ticket booth), wherein fishing boats, excursion boats, charter boats, boat rentals, boat dealers, yacht brokers, and other similar commercial boating operations, utilize water frontage and are supplied with common parking.

Drive-thru facility: An establishment which allows customers to receive products or services while remaining in their motor vehicle.

Driveway: An area on a site for ingress and egress of vehicles to and from a site.

Dry cleaning: A process of removing dirt, grease, paint and other stains from wearing apparel, textiles, fabrics, rugs, and similar materials by one (1) or more of the following methods:

1. Immersion and agitation in a liquid solvent in open vessels.
2. Immersion and agitation in a liquid solvent in closed machines.
3. Spotting of local applications of liquid solvents and other cleansing preparations to spots of dirt, grease, paints and stains not removed by immersion and agitation processes.

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**EXHIBIT “III”
SURVEY-ZONING AFFIDAVIT**



DEPARTMENT OF SUSTAINABLE DEVELOPMENT
ZONING AFFIDAVIT

Rev: 1 | Revision Date: 2/22/2018 | Print Date: 2/22/2018 I.D. Number: ZA

ZONING AFFIDAVIT

STATE OF FLORIDA)
BROWARD COUNTY)

BEFORE ME, personally appeared Philip Mavon
(Affiants Name)

present owner of Riviera 6-17B Lot 1, Lot 2 E 1/2, Lot 4 S 25 of W 25, Blk 4
(Legal Description)

located at 831 Solar Isle Dr, Fort Lauderdale FL 33301
(Street Address)

who, first being duly sworn, deposes and states that no additions or changes to the property have been made since the date shown on the attached survey.

Affiant also acknowledges that this survey is not valid without a raised seal and assumes all responsibility and liability for any alterations that may have been made to this survey.

[Handwritten Signature]

(Affiants Signature)

Sworn to and subscribed before me this 13 day
of December, 20 21

[Handwritten Signature] Notary Public



My Commission Expires: 11/7/24

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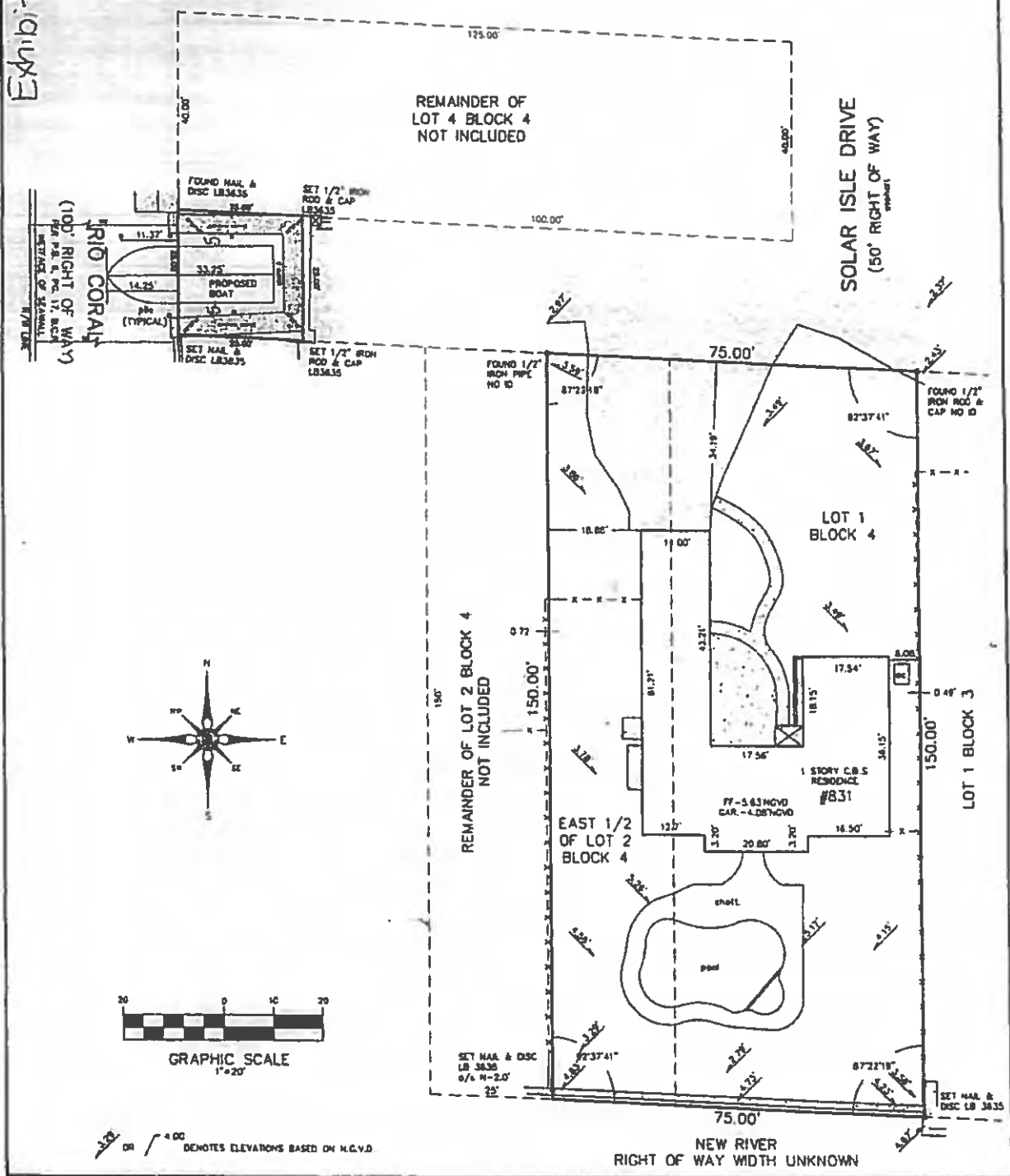
1150 E. ATLANTIC BLVD
POMPAHO BEACH
FLORIDA 33060

ACCURATE LAND SURVEYORS, INC.
L.B. #3635

TEL (954) 782-1441
FAX (954) 782-1442

SHEET 2 OF 2

Exhibit



NOTES:

- 1 Unless otherwise noted field measurements are in agreement with record measurements
- 2 Bearings shown hereon are based on a bearing of N/A.
- 3 The lands shown hereon were not abstracted for ownership, rights of way, easements, or other matters of records by Accurate Land Surveyors, Inc.
- 4 Ownership of fences and walls if any are not denominated.
- 5 This survey is the property of Accurate Land Surveyors, Inc. and shall not be used or reproduced in whole or in part without written authorization.
- 6 This survey is made for the exclusive use of the certified hereon, to be valid one year from the date of survey as shown hereon.
- 7 This survey consists on a map and text report one is not valid without the other.

| REVISIONS | DATE | BY |
|--|----------|-----|
| UPDATE WEST LOT AND SHOW PROPOSED BOAT | 10-20-10 | MLW |
| UPDATE WEST LOT | 02-10-10 | MLW |
| DATE OF SURVEY | 03-28-04 | |
| DRAWN BY | MLW | |
| CHECKED BY | MLW | |
| FIELD BOOK | 1180-52 | |

CERTIFICATION:
This is to certify that I have recently surveyed the property described in the foregoing title caption and have set or found monuments as indicated on this sketch and that said above ground survey and sketch are accurate and correct to the best of my knowledge and belief. I further certify that this survey meets Minimum Technical Standards under Rule 33-17 adopted by the Florida Board of Land Surveyors, October 1st, 2009.

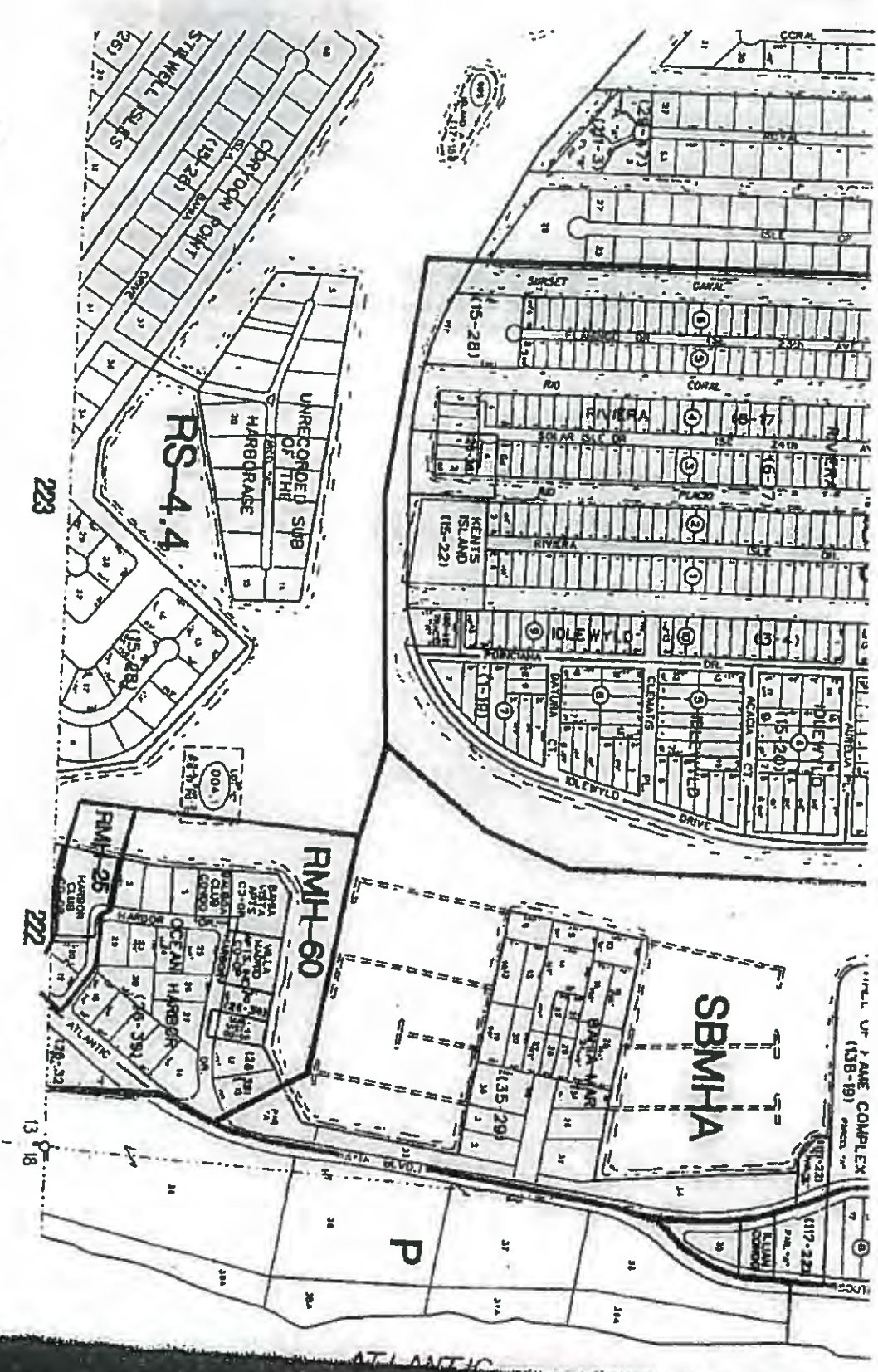
Robert L. Thompson 10-27-10
ROBERT L. THOMPSON (PRESIDENT)
 PROFESSIONAL SURVEYOR AND MAPPER No. 3899 - STATE OF FLORIDA

SEAL
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SCALE 1"=20' SKETCH NUMBER SU-04-1955

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EXHIBIT “IV”
ZONING AND WAKE AREA AERIALS



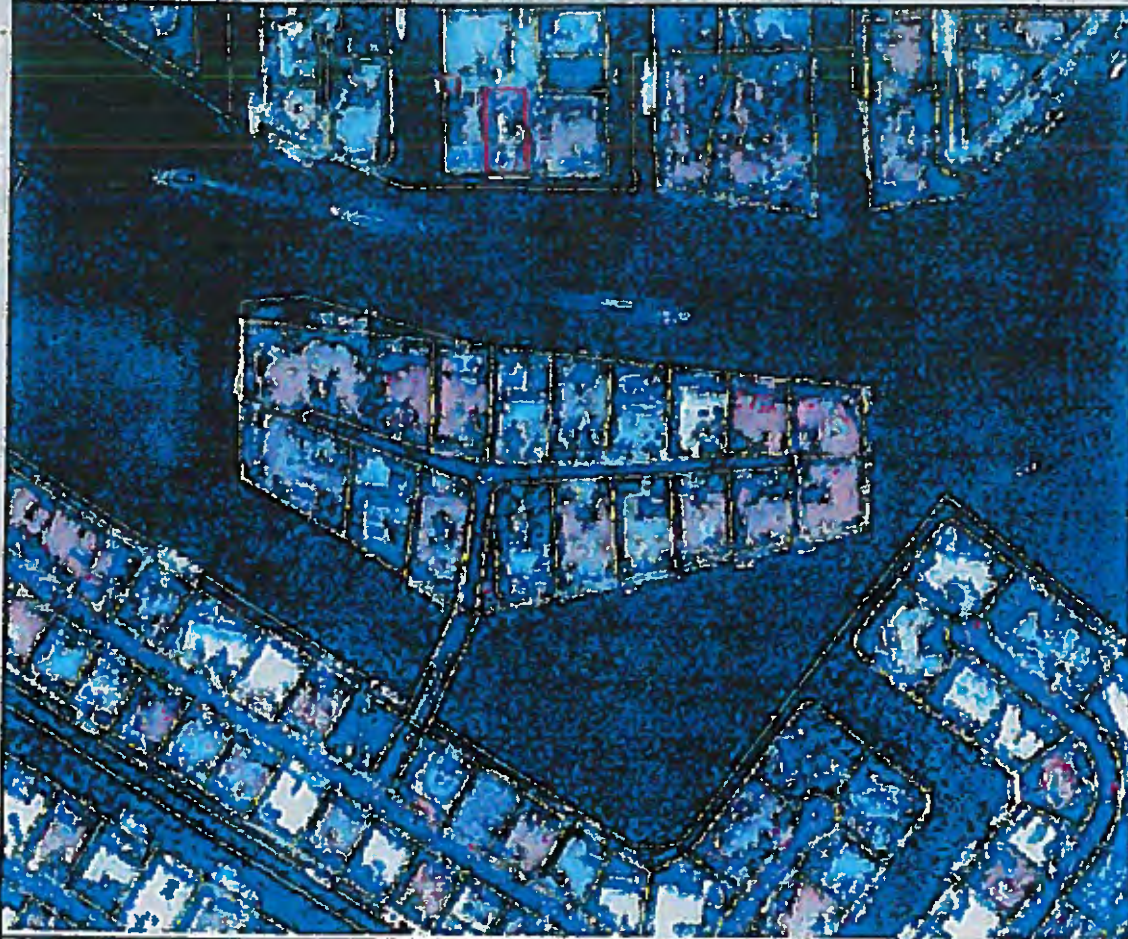
RS-8

COMPOSITE ATTACHMENT 2

IV

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LORI PARRISH
BRYAN WARD
BRYAN WARD COUNTY
PROPERTY APPRAISER



Parcels
Aerial: 2009
County Boundary

831 Solar Isle Drive High Wake Area

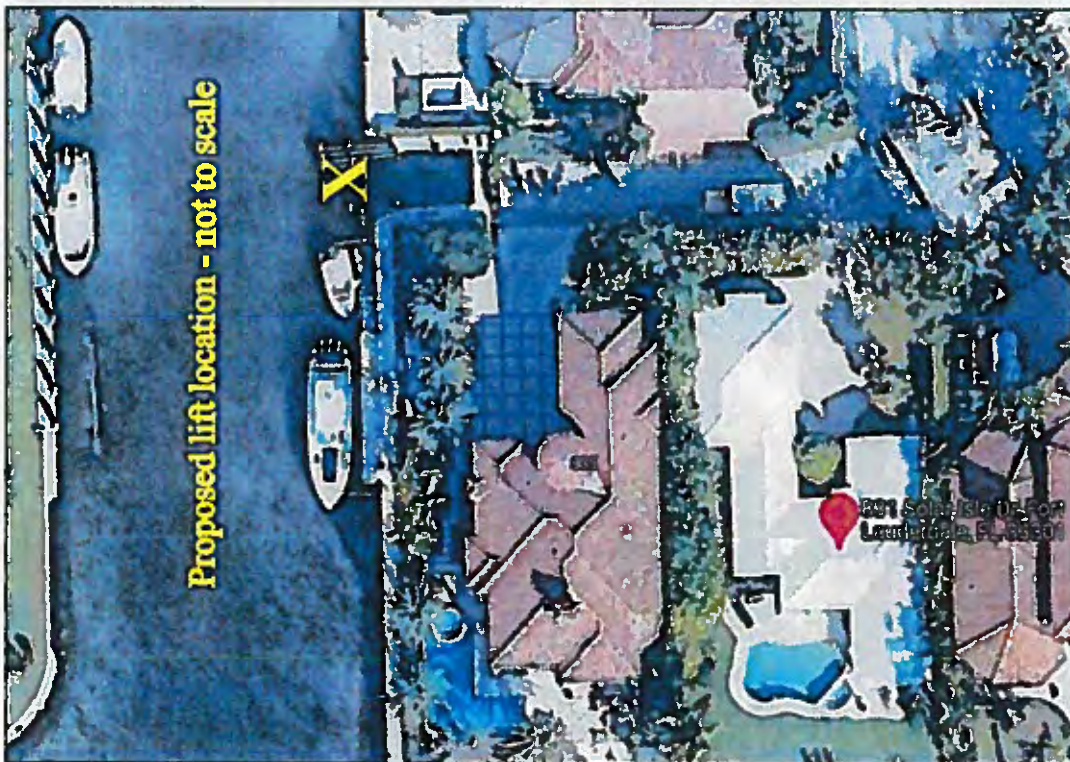
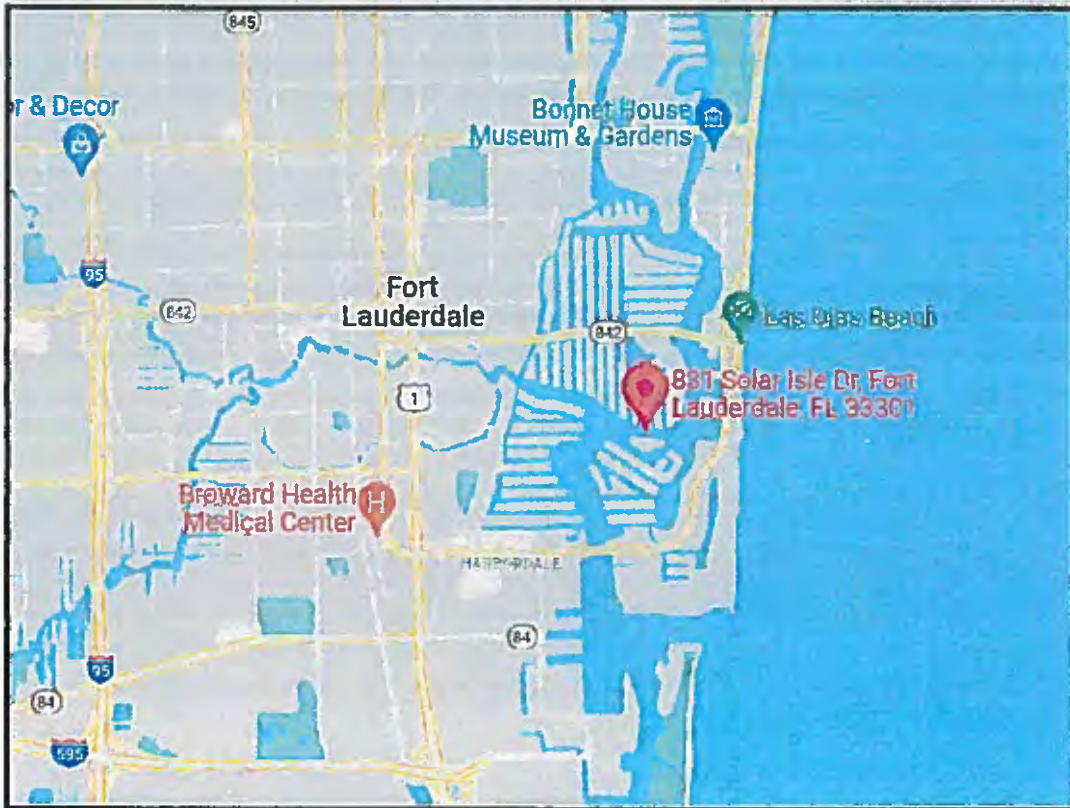
0 129 ft

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SITE LOCATION

Mavon Project

831 Solar Isle Dr., Ft. Lauderdale, FL 33301



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EXHIBIT "V"
EXISTING WAIVERS

PRE-EXISTING WAIVERS IN THE VICINITY

Marine Facilities' records reflect more than the following waivers, as approved by the City Commission within close proximity to 831 Solar Isle Drive.

| Date | Address | Maximum Distance |
|--------------|---------------------|---------------------------|
| July 2002 | 2418 Laguna Drive | Pier and boatlift- 43' |
| July 2009 | 2400 Del Lago Drive | Boatlift- 36.3' |
| April 2013 | 91 Isle of Venice | Pilings – 35' |
| April 2019 | 1 Hendricks Isle | Boatlift – 43. |
| July 2019 | 95 Hendricks Isle | Pilings/Finger Pier – 35' |
| July 2021 | 9 Hendricks Isle | Boatlift – 43.4' |
| October 2022 | 141 Isle of Venice | Pilings – 35' |

V

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