

# ITEM V

## MEMORANDUM MF NO. 13-24

DATE: November 13, 2013

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: December 5, 2013 MAB - Dock Waiver of Distance Limitations  
–Shawn & Jennifer Benyo / 704 NE 20<sup>th</sup> Avenue

Attached for your review is an application from Shawn and Jennifer Benyo / 704 NE 20<sup>th</sup> Avenue (see **Exhibit 1**).

### APPLICATION AND BACKGROUND INFORMATION

The applicants are requesting approval for the installation of eight (8) triple pile clusters extending a maximum of 166.9' from the property line into the Middle River. The distances these structures extend from the property line into the Middle River is shown in the survey in **Exhibit 1** and summarized in Table 1 below:

**TABLE 1**

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

ULDR Section 47-19.3 D. limits the maximum distance of dolphin/mooring pilings to 25 feet, or 30% of the width of the waterway, whichever is less. Section 47.19.3.E authorizes the City Commission to waive this limitation based upon a finding of extraordinary circumstances. The applicant has indicated that the piling clusters are necessary for safely mooring existing vessels as well as the extraordinary width of the waterway at this location.

PROPERTY LOCATION AND ZONING

The property is located within the RS-8 Residential Single Family/Low Density District Zoning District. It is situated on the Middle River where the width of the waterway to the closest structure or vessel is +/- 1,620 feet, and where the closest distance from the outermost proposed piling cluster to the 30% line is 321 feet, according to the Summary Description and marine survey provided in **Exhibit 1**.

DOCK PLAN AND BOATING SAFETY

Marine Facilities records reflect that there have been 11 waivers of docking distance limitations approved by the City Commission since 1984. A comparison of these as shown in Table 2 including the maximum distances of all mooring structures extending into the New River follows:

**TABLE 2**

<b>DATE</b>	<b>ADDRESS</b>	<b>MAXIMUM DISTANCE</b>
March 1983	834 N.E. 20 <sup>th</sup> Avenue	Pilings – 45’
April 1983	714 N.E. 20 <sup>th</sup> Avenue	Pilings – 45’ Piers – 37’
July 1985	808 N.E. 20 <sup>th</sup> Avenue	Pilings – 48’ Piers – 38’
January 1990	840 N.E. 20 <sup>th</sup> Avenue	Pilings – 48’ Pier – 48’
September 1992	738 N.E. 20 <sup>th</sup> Avenue	Pilings – 75’ Pier – 39’
November 2007	810 N.E. 20 <sup>th</sup> Avenue	Pilings – 68’ Piers – 73’
January 2008	852 N.E. 20 <sup>th</sup> Avenue	Pilings – 86’ Pier – 49’
October 2008	714 N.E. 20 <sup>th</sup> Avenue	Pier – 108’
November 2012	810 N.E. 20 <sup>th</sup> Avenue	Pilings- 124.4’
May 2013	720 N.E. 20 <sup>th</sup> Avenue	Pilings-80’ Pier-42’
May 2013	816 N.E. 20 <sup>th</sup> Avenue	Pilings-112.4’

RECOMMENDATIONS

Should the Marine Advisory Board consider approval of 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.

AC

Attachment

cc: Carl Williams, Deputy Director of Parks and Recreation  
Jon Luscomb, Supervisor of Marine Facilities