MEMORANDUM MF NO. 22-24

DATE: October 21, 2022

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities Manager

RE: November 3, 2022 MAB - Application - Dock Waiver of Distance Limitations -

Christina Kirwin / 801 SW 6th Street

Attached for your review is an application from Christina Kirwin / 801 SW 6th Street (see **Exhibit 1**).

<u>APPLICATION AND BACKGROUND INFORMATION</u>

The applicant is seeking to install three (3) triple-pile clusters extending a maximum of 60' into the New River from the property line. At the April 7th MAB, the applicant sought to install three (3) triple pile clusters extending a maximum of 62' into the New River. The MAB denied the application, expressing concerns specific to navigational impacts. The proposed distances these structures extend from the property line into the South Fork of the New River are summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM	PERMITTED DISTANCE	DISTANCE REQUIRING WAIVER
511.55151.E	PROPERTY LINE	WITHOUT	WAIVER
		WAIVER	
Triple Pile Cluster	60'+/-	25'	35'+/-
Triple Pile Cluster	60'+/-	25'	35'+/-
Triple Pile Cluster	60'+/-	25'	35'+/-

The City's Unified Land and Development Regulations (UDLR), Section 47-19.3.D. limits the maximum distance of dolphin or mooring pilings to 30% of the width of the waterway, or 25', whichever is less. Section 47.19.3.E authorizes the City Commission to waive this limitation based upon a finding of extraordinary circumstances. The applicant's Narrative indicates that the proposed structures are necessary to safely moor owner's boat, due to significant wake from boat traffic, as well as worse situations during extreme weather events.

PROPERTY LOCATION AND ZONING

The property is located within the Tarpon River RD-15 Residential Single Family / Duplex Medium Density District. It is situated on the southern shore of the South Fork of the New River where the Applicant's Narrative identifies the overall width of the waterway as between 285' +/- to 300'+/-.

RECOMMENDATIONS

Should the Marine Advisory Board consider approval of the application, the resolution under consideration for approval by the City Commission should include at least the following as prescribed in the ULDR and City Code of Ordinances:

- 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 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 appropriate City staff with copies of "As Built" drawings from a certified and licensed contractor, and verification of receipt of all applicable Federal and State permits.
- 3. The applicant is required to install and affix reflector tape to the proposed mooring piles 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 Jonathan Luscomb, Marine Facilities Supervisor



1401 EAST BROWARD BOULEVARD, SUITE 303 FORT LAUDERDALE, FLORIDA 33301 DIRECT DIAL: 954.617.8919 EMAIL: ASCHEIN@LOCHRIELAW.COM

MAIN PHONE: 954.779.1119 FAX: 954.779.1117

MARINE ADVISORY BOARD APPLICATION

801 SW 6th Street

Application for Waiver from ULDR Section 47-19.3(d)

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APPLICATION

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: Andrew J. Schein, Esq. as agent for Christina Kirwin
	TELEPHONE NO: 954-617-8919 954-617-8919 EMAIL: ASchein@Lochrielaw.com (business)
2.	APPLICANT"S ADDRESS (if different than the site address): 1401 E. Broward Boulevard
3.	TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: Waiver from ULDR Section 47-19.3(d) to permit mooring pilings 60' from the property line
4.	SITE ADDRESS: 801 SW 6 TH STREET ZONING: <u>RD-15</u>
	LEGAL DESCRIPTION <u>AND</u> FOLIO NUMBER: <u>SEAWANNA SUB PT BLK 35 FT LAUDERDALE 7-37 B LOT 6, FOLIO NO. 504210400040</u>
5. Applica	EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications). Cover page, table of contents, proof of ownership, warranty deed, existing survey, proposed site plan, parrative with distance table, distance exhibit, photos, letters of support ant's Signature Date
The s	sum of \$ 1500.00 was paid by the above-named applicant on the of, 20 Received by:
===	City of Fort Lauderdale
Marine	Advisory Board Action Action taken on Formal Action taken on
Recomn	nendation Action



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AGENT AUTHORIZATION LETTER

David Soloman, City Clerk City of Fort Lauderdale 100 North Andrews Avenue Fort Lauderdale, FL 33301

Re: Land use, zoning and permitting for property located at 801 SW 6 Street in the City of Fort Lauderdale, FL 33315 ("Property")

Dear City Clerk:

I hereby authorize Lochrie & Chakas, P.A. to act as agents in connection with all land use, zoning and permitting matters related to property referenced above.

Sincerely,

Christina Kirwin

Signature: CHML

Date: 9312

STATE OF Florida) ss COUNTY OF Brownd)

The foregoing instrument was acknowledged before me, by means of (check one): X physical presence or ____ online notarization, this ___ day of ___ September__, 2022, by Christina Kirwin who is personally known to me or who has produced ____ as identification.

witness my hand and official seal in the County and State last aforesaid this 3 day of Syttmhn, 2022.

Notary Public

THE OF FLORID

LISA APREA
Commission # HH 063598
Expires December 2, 2024
Bonded Thru Budget Notary Services

Typed, printed or stamped name of Notary Public

My Commission Expires: FTL:1023005:1



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NARRATIVE

1401 EAST BROWARD BOULEVARD, SUITE 303 FORT LAUDERDALE, FLORIDA 33301 DIRECT LINE: 954.617.8919 EMAIL: ASCHEIN@LOCHRIELAW.COM

> Main Phone: 954.779.1119 Fax: 954.779.1117

OWNER: Christina Kirwin
APPLICANT: Andrew J. Schein, Esq.
801 SW 6th Street

Narrative to Accompany Marine Advisory Board Application

Waiver from ULDR Section 47-19.3(d)

This application is submitted to permit mooring piles 60' from the property line of 801 SW 6th Street. The specific request is for three (3) triple cluster, 12" diameter wood mooring piles. The proposed mooring piles will be a maximum of 60' from the property line into the New River. The proposed mooring piles are needed to securely moor Owner's boat, as this area of the New River produces a significant amount of wake with boat traffic during normal times and worse situations during extreme weather events.

The overall width of the waterway at this location ranges from +/- 285' to +/- 300', excluding the width of Owner's dock and the docks on the north side of the waterway. Absent approval by the City Commission, Section 47-19.3(d) of the ULDR permits mooring piles to extend no more than 30% of the width of the waterway or 25' beyond the property line, whichever is less. In this case, at 60' from the property line, the mooring pilings will extend a maximum of ~21% of the width of the waterway. Applicant understands that the 30% rule is to ensure navigability of the waterway, and at 21%, the mooring pilings will be well within this limitation.

On August 2, 2018, a similar application was approved by the Marine Advisory Board to permit mooring pilings 60' into the waterway. However, that application did not move forward. Owner also previously applied for mooring pilings 62' into the waterway; this application represents a scaled-back proposal in line with the Marine Advisory Board's approval in 2018.

PROPOSED	DISTANCE FROM	PERMITTED	DISTANCE REQUIRING
STRUCTURE	PROPERTY LINE	DISTANCE	WAIVER
		WITHOUT WAIVER	
Dolphin Clusters of (3) 12'	60'	25'	35'
Diameter Mooring Piles			
Dolphin Clusters of (3) 12'	60'	25'	35'
Diameter Mooring Piles			
Dolphin Clusters of (3) 12'	60'	25'	35'
Diameter Mooring Piles			



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TAX RECORD/PROOF OF OWNERSHIP

9/21/22, 1:16 PM 801 SW 6 STREET



Site Address	801 SW 6 STREET, FORT LAUDERDALE FL 33315-1066	ID#	5042 10 40 0040
Property Owner	KIRWIN, CHRISTINA	Millage	0312
Mailing Address	801 SW 6 ST FORT LAUDERDALE FL 33315	Use	01-01
Abbr Legal Description	SEAWANNA SUB PT BLK 35 FT LAUDERDALE 7-37 B LOT 6		

The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

~ 2022 valu	es are conside	erea			d Areseulejansino '		1		T		
Year	Land		Buildin Improver		Just / Mar Value	ket	Assess SOH Va		Та	x	
2022*	\$427,480		\$987,66	30	\$1,415,14	0	\$1,098,4	10			
2021	\$288,550		\$777,87	70	\$1,066,42	:0	\$1,066,4	20	\$19,58	3.17	
2020	\$288,550		\$777,95	50	\$1,066,50	0	\$1,066,5	500	\$20,24	6.08	
		202	2* Exemption	ons and	l Taxable Values	s by Ta	xing Author	ity			
			С	ounty	School I	Board	Muni	cipal	Inde	pendent	
Just Value			\$1,4 <i>°</i>	15,140	\$1,41	15,140	\$1,41	5,140	\$1,	415,140	
Portability				0		0		0		0	
Assessed/	SOH 21		\$1,09	98,410	\$1,09	98,410	\$1,098	3,410	\$1,	098,410	
Homestead	d 100%		\$2	25,000	\$2	25,000	\$2	5,000		\$25,000	
Add. Home	estead		\$2	25,000		0	0 \$25,		\$25,00		
Wid/Vet/Di	s			0		0	0				
Senior				0		0	0				
Exempt Ty	pe			0		0		0		0	
Taxable			\$1,04	18,410	\$1,07	73,410	\$1,048	8,410	\$1,	,048,410	
		Sale	s History				Land	l Calcu	lations		
Date	Type		Price	Book	k/Page or CIN		Price	F	actor	Type	
11/19/2020	0 QCD-T			1	16876821		\$40.00	1	0,687	SF	
5/30/2019	WD-Q	\$1	,185,000	1	15838428						
8/3/2004	QCD		\$100	38084 / 1845							
6/24/2002	QCD		\$100	33	3631 / 431						
1/1/1987	WD	\$	186,000	14	4142 / 267	Ad	dj. Bldg. S.F.	(Card,	Sketch)	2471	
		•					Units/Be	ds/Bat	hs	1/3/2	
							Eff./Act. Yo	ear Bui	lt: 2003/200	2	

Special Assessments									
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc	
03						F1			
R							CAM 2	3-0067	

9/21/22, 1:16 PM 801 SW 6 STREET

I					
	1			1	



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DEED

Instr# 116876821 , Page 1 of 2, Recorded 11/19/2020 at 04:46 PM

Broward County Commission Deed Doc Stamps: \$0.00

Prepared by and return to: Marianna R. Seiler, Esq. Tripp Scott, P.A. 110 SE 6th Street, Fifteenth Floor Fort Lauderdale, FL 33301

File Number: 998158.0003 Parcel ID Number: 504210400040

[Space Above This Line For Recording Data]

Quit Claim Deed

This Quit Claim Deed made this 19th day of November, 2020 between **THREE RAVENS LIMITED, LLC**, a Florida limited liability company, with a post office address of 801 SW 6th Street, Fort Lauderdale, FL 33315, grantor, and **CHRISTINA KIRWIN**, whose post office address is 801 SW 6th Street, Fort Lauderdale, FL 33315, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said grantee, and grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantor has in and to the following described land, situate, lying and being in Broward County, Florida, to-wit:

Lot 6 of SEAWANNA, a subdivision, according to the plat thereof recorded in Plat Book 7, Page 37 of the Public Records of Broward County, Florida

Subject to taxes for 2020 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any, without the intention of reimposing same.

This instrument has been prepared without benefit of a title search, title examination or attorney's opinion of title and no title insurance is being issued to or insuring any property hereto. Preparer is making no representations or warranties whatsoever regarding title marketability or conditions of the property. Parties hereto agree to hold harmless and indemnify Preparer regarding any liability arising from this conveyance as it affects the parties involved in this conveyance or anyone claiming title or any interest in the property under the parties to this conveyance.

To Have and to Hold, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

NOTE TO RECORDER: Pursuant to Crescent Miami Center, LLC v. Department of Revenue, 903 So. 2d 913 (Fla. 2005), THERE ARE NO DOCUMENTARY STAMPS DUE IN CONNECTION WITH THIS CONVEYANCE AS SUCH TRANSFER IS A CHANGE IN THE FORM OF THE OWNERSHIP OF THE PROPERTY WITHOUT AN EXCHANGE OF VALUE.

[Signatures to appear on the following page.]

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:

Print Name: Orlege C. Roberts

Print Name: Lorge Padron

THREE RAVENS LIMITED, LLC, a Florida limited liability company

By:

Christina Kirwin, Manager

STATE OF FLORIDA) COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me by means of $\sqrt{}$ physical presence or ____ online notarization this 19th day of November, 2020, by **Christina Kirwin**, as Manager of Three Ravens Limited, LLC, a Florida limited liability company, who is ____ personally known or $\sqrt{}$ produced as identification.



Manianna Rull (Signature of Notary Public-State of Florida)

Morianna R. Seiler

(Print, Type, or Stamp Commissioned Name of Notary Public)

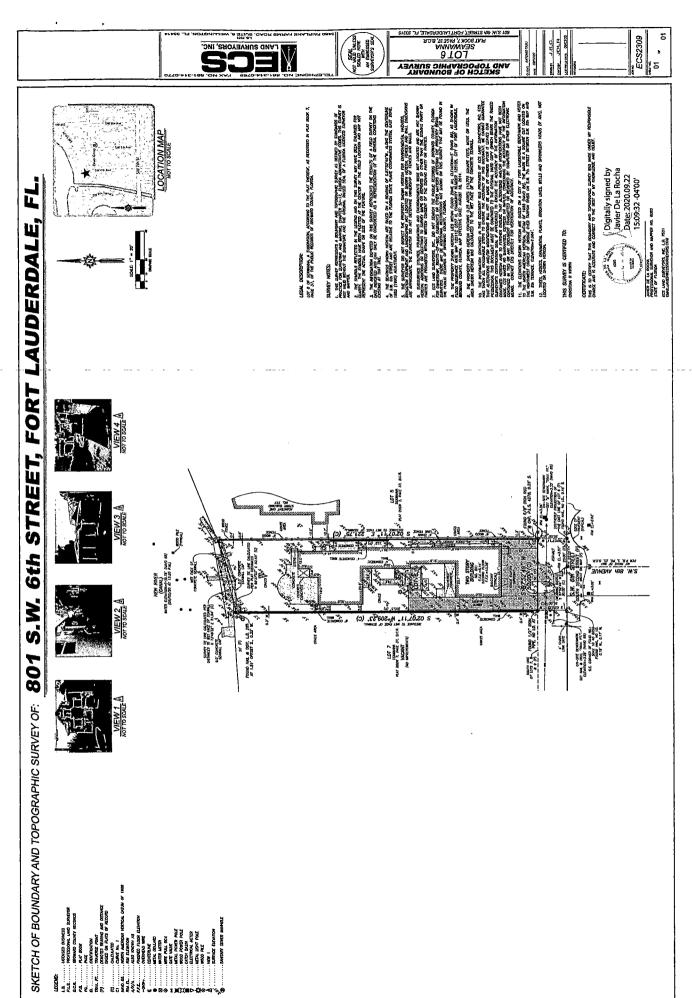


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CURRENT SURVEY



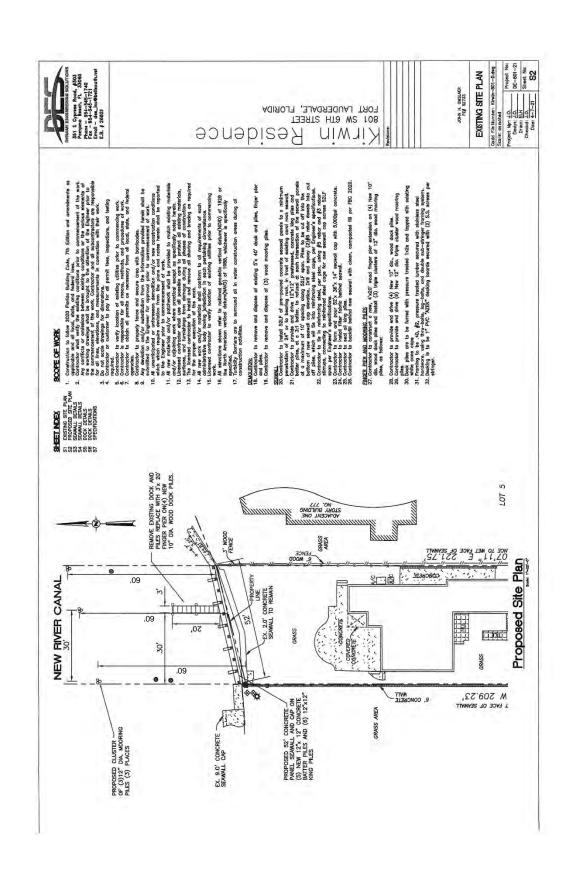


1401 East Broward Boulevard, Suite 303 Fort Lauderdale, Florida 33301

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PROPOSED PLANS





1401 EAST BROWARD BOULEVARD, SUITE 303 FORT LAUDERDALE, FLORIDA 33301
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SITE PHOTOS











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DISTANCE EXHIBIT



1401 EAST BROWARD BOULEVARD, SUITE 303

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SUPPORT LETTERS

Fort Lauderdale Marine Advisory Board 100 North Andrews Avenue Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6th Street and hers at 801 SW 6th Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,

Address: 6/7 SW 8th TEXER
Ft. Lavl. FL. 33315

Fort Lauderdale Marine Advisory Board 100 North Andrews Avenue Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6th Street and hers at 801 SW 6th Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,

Address: 62451 But Fir, Fr. 33315

Fort Lauderdale Marine Advisory Board 100 North Andrews Avenue Fort Lauderdale, FL 33301

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Printed Name: JULBEER SANOHERA

Address: 620 SW 8 AVENUE, FORT (AUXERDAVE, 33315

Fort Lauderdale Marine Advisory Board 100 North Andrews Avenue Fort Lauderdale, FL 33301

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I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6th Street and hers at 801 SW 6th Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,

Printed Name: DARIA HOTHING

Address: 613 SW 89n Garry FORT LANDERDAY

Fort Lauderdale Marine Advisory Board 100 North Andrews Avenue Fort Lauderdale, FL 33301

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Sincerely,

Printed Name: Captain Justin Luci

Address: S641 SW S4th Ct, Davie, FL

Fort Lauderdale Marine Advisory Board 100 North Andrews Avenue Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6th Street and hers at 801 SW 6th Street. Please let this letter serve as my support for the Kirwins' request.

Printed Name: GREC MALIESE

Address: 620 SW 8TE FT. LAUD, FL 38315

Fort Lauderdale Marine Advisory Board 100 North Andrews Avenue Fort Lauderdale, FL 33301

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Sincerely,

Hal Bordon Zantsky

Printed Name: Hal Gordon Zantky

Address: 628 24. 8th Ter 33315

Fort Lauderdale Marine Advisory Board 100 North Andrews Avenue Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6th Street and hers at 801 SW 6th Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,

Printed Name:

Address:

636 8.W 8

EL LONDENDE FZ

Fort Lauderdale Marine Advisory Board 100 North Andrews Avenue Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6th Street and hers at 801 SW 6th Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,

Printed Name: TLOZIAN BECKE

Address: 608 80 8h 76K

Fort Lauderdale Marine Advisory Board 100 North Andrews Avenue Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

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Sincerely.

Printed Name: Jam Howel

Address: Bol Sou (n St Ft land of le 33315