MEMORANDUM MF NO. 22-25

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 – Edward

Kirwin III / 777 SW 6th Street

Attached for your review is an application from Edward Kirwin III / 777 SW 6th Street (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking to install four (4) triple-pile clusters extending 60'+/- and three (3) single mooring piles extending 38'+/- into the New River from the property line. At the April 7, 2022 MAB, the applicant sought a waiver requesting (4) triple pile clusters extending a maximum of 62'+/-into the New River. The MAB denied the application, expressing concerns specific to navigational impacts. The distances these newly proposed structures extend from the bulkhead into the South Fork of the New River are shown in the survey in **Exhibit 1** and summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Triple Pile Cluster	60'+/-	25'	35'+/-
Triple Pile Cluster	60'+/-	25'	35'+/-
Triple Pile Cluster	60'+/-	25'	35'+/-
Triple Pile Cluster	60'+/-	25'	35'+/-
Single Mooring Pile	38'+/-	25'	13'+/-
Single Mooring Pile	38'+/-	25'	13'+/-
Single Mooring Pile	38'+/-	25'	13'+/-

Marine Advisory Board November 3, 2022 Page 2

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, from the property line. 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 overall width of the waterway, excluding owner's dock and docks on the north side, is identified as between 250' +/- and 282', +/-.

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:

- 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 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

777 SW 6th Street

$\label{eq:Application} \textbf{Application for Waiver from ULDR Section 47-19.3(d)}$

TABLE OF CONTENTS

	P P	PAGE
1.	COVER PAGE/TABLE OF CONTENTS	1
2.	APPLICATION	3
3.	AGENT AUTHORIZATION LETTER	5
4.	NARRATIVE	6
5.	TAX RECORD/PROOF OF OWNERSHIP	9
6.	DEED	12
7.	CURRENT SURVEY	14
8.	PROPOSED SITE PLAN	16
9.	PHOTOS	18
10	. DISTANCE EXHIBIT	21
11.	. SUPPORT LETTERS	23



Main Phone: 954.779.1119 Fax: 954.779.1117

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.

Laud	derdale Code Section 2-157). If legal publication is necessary, the applicant agrees to pay the cost of such ication 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 Ed Kirwin
	TELEPHONE NO: 954-617-8919 954-617-8919 EMAIL: ASchein@Lochrielaw.com (business)
2.	APPLICANT"S ADDRESS (if different than the site address): 777 SW 6th Street
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: 777 SW 6 TH STREET ZONING: RD-15
	LEGAL DESCRIPTION AND FOLIO NUMBER: SEAWANNA SUB PT BLK 35 FT LAUDERDALE 7-37 B W1/2 OF LOT 4 & ALL OF LOT 5, TOG/W N1/2 OF VACA SW 6 ST AS DESC IN ORD C-91-49 LYING S OF & ADJ TO SAID PAR, FOLIO NO. 504210400030
5.	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, narrative with distance table, distance exhibit, photos, letters of support
	icant's Signature Date
The	sum of \$ 1500.00 was paid by the above-named applicant on the of ,20 Received by:
==	City of Fort Lauderdale
Mari	ne Advisory Board Action Commission Action Formal Action taken on
	nmendation

CAM 23-0066 Exhibit 1 Page 5 of 34

Action



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

EMAIL: ASCHEIN@LOCHRIELAW.COM DIRECT LINE: 954.617.8919

Main Phone: 954.779.1119 Fax: 954.779.1117

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 777 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,

Edward John Kirwin, III

Signature:

Date: 9/3/22

country of Broward) ss

The foregoing instrument was acknowledged before me, by means of (check one): X physical presence or _____ online notarization, this 3 ____ day of ____ Steptember__, 2022, by Edward John Kirwin, III who is personally known to me or who has produced as identification.

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

Notary Public

* THE STATE OF THE

LISA APREA Commission # HH 063596 Expires December 2, 2024 Bonded Thru Budget Notary Services

Typed, printed or stamped name of Notary Public

My Commission Expires: FTL:1023005:1



Main Phone: 954.779.1119 Fax: 954.779.1117

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: Edward Kirwin
APPLICANT: Andrew J. Schein, Esq.
ADDRESS: 777 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 777 SW 6th Street. The specific request is for four (4) triple cluster, 12" diameter wood mooring piles and three (3) single 12" diameter wood mooring piles. The triple cluster pilings are proposed at a maximum of 60' from the property line, and the single pilings are proposed at a maximum of 38' from the property line. 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 \pm 250' to \pm 282', 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 \pm 24% of the width of the waterway. Applicant understands that the 30% rule is to ensure navigability of the waterway, and at 24%, 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 STRUCTURE	DISTANCE FROM	PERMITTED DISTANCE	DISTANCE
	PROPERTY LINE	WITHOUT WAIVER	REQUIRING 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			
Dolphin Clusters of (3) 12'	+/- 60'	25'	35'
Diameter Mooring Piles			
Single 12" Diameter Mooring Pile	+/- 38'	25'	13'
Attached to Existing Piling			
Single 12" Diameter Mooring Pile	+/- 38'	25'	13'
Attached to Existing Piling			
Single 12" Diameter Mooring Pile	+/- 38'	25'	13'
Attached to Existing Piling			



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TAX RECORD/PROOF OF OWNERSHIP

9/21/22, 1:16 PM 777 SW 6 STREET



Site Address	777 SW 6 STREET, FORT LAUDERDALE FL 33315	ID#	5042 10 40 0030
Property Owner	KIRWIN, EDWARD JOHN III	Millage	0312
Mailing Address	777 SW 6 ST FORT LAUDERDALE FL 33315-1035	Use	01-01
Abbr Legal Description	SEAWANNA SUB PT BLK 35 FT LAUDERDALE 7-37 B W1/2 O TOG/W N1/2 OF VACA SW 6 ST AS DESC IN ORD C-91-49 LY PAR		

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 val	ues are considere	ed "working va <mark>խes-թար</mark> ց	Assaubject to varinge							
Voar I I and I		Building / Improvement	_		Tax					
2022*	\$734,240	\$451,770	\$1,186,010	\$801,800						
2021	\$495,610	\$338,340	\$833,950	\$778,450	\$14,241.96					
2020	\$495,610	\$316,060	\$811,670	\$767,710	\$13,973.56					
	2	022* Exemptions and	Taxable Values by Tax	xing Authority						
		County	School Board	Municipal	Independent					
Just Value	е	\$1,186,010	\$1,186,010	5,010 \$1,186,010 \$1,186,0°						
Portability	Portability		0	0	0					
Assessed/SOH 17		\$801,800	\$801,800	\$801,800	\$801,800					
Homestea	ad 100%	\$25,000	\$25,000	\$25,000	\$25,000					
Add. Homestead		\$25,000	0	\$25,000	\$25,000					
Wid/Vet/D	is	0	0	0	0					
Senior	or 0		enior		0	0	0			
Exempt T	ype	0	0	0	0					
Taxable		\$751,800	\$776,800	\$751,800	\$751,800					
	Color History									

Sales History							
Date	Type	Price	Book/Page or CIN				
12/27/2016	QCD-T	\$100	114126817				
10/11/2013	WD-Q	\$790,000	111870703				
10/1/1990	WD	\$292,000	17885 / 532				
10/1/1988	WD	\$255,000					
3/1/1985	WD	\$165,000					

Land Calculations					
Price	Type				
\$40.00	18,356	SF			
Adj. Bldg. S.F.	2046				
Units/Be	1/2/2				
Eff./Act. Year Built: 1963/1962					

Special Assessments								
Fire Garb Light Drain Impr Safe Storm Clean Misc								Misc
03						F1		3-0066

9/21/22, 1:16 PM 777 SW 6 STREET

R				
1			1	

10

CAM 23-0066

Exhibit 1 Page 12 of 34



Main Phone: 954.779.1119 Fax: 954.779.1117

DEED

Prepared by and return to: JOHN E. AURELIUS, ESQ. JOHN E. AURELIUS, PA 4367 N. Federal Hwy, #101 Ft Lauderdale, Florida 33308 (954) 772.8222 Parcel ID #: 5042-10-40-0030

QUIT CLAIM DEED

This Deed, made day of December, 2016, between Edward J. Kirwin and Betty G. Kirwin, husband and wife, whose address is 811 SW 6th Street, Fort Lauderdale, Florida 33315, Grantors and Edward John Kirwin, III, a single man, whose address is 777 SW 6th Street, Fort Lauderdale, Florida 33315, Grantee.

The Grantors, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, to the Grantors in hand paid by the Grantee, the receipt of which is hereby acknowledged, have granted, bargained, and sold to the Grantee and Grantee successors and assigns forever all of their right, title and interest in the following described land situate in Broward County, Florida:

The West ½ of Lot 4 and all of Lot 5, SEAWANNA, a resubdivision of part of Block 35 of the Town of Fort Lauderdale, according to the Plat thereof, recorded in Plat Book 7, Page 37, together, with vacated right of way adjacent thereto, of the Public Records of Broward County, Florida.

To Have and To Hold the same together with all and singular the appurtenances thereunto belonging or in anyway appertaining and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantors, or anyone claiming by, through or under grantors, either in law or equity, for the use, benefit and profit of Grantees forever.

*The preparer of this instrument was neither furnished with, nor requested to review, an abstract on the described property and therefore expresses no opinion of title.

IN WITNESS WHEREOF, Grantors hereunto set their hand and seal the date first above written.

Signed, scaled and delivered

In the presence of:

Viness: Vince J. Se

Witness: Maria L. Seaglio

STATE OF California
COUNTY OF Janta Mara

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me, an officer duly authorized in the State and County aforesaid to take acknowledgments on 27 day of December, 2016, by Edward J. Kirwin and Betty G. Kirwin, husband and wife, Grantors, who have produced their NY any FC driver's licenses as identification.

(scal)

DENNIS DIZON DEL ROSARIO
Notary Public - California
Santa Clara County
Commission # 2165284
My Comm. Expires Sep 22, 2020

Notary Public: Verais del Morario
My Commission expires: 9-22-20

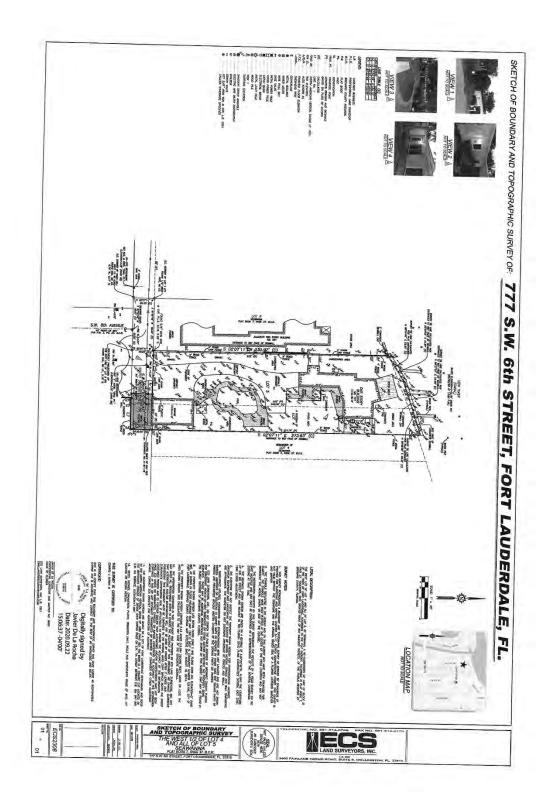


1401 East Broward Boulevard, Suite 303 Fort Lauderdale, Florida 33301

EMAIL: ASCHEIN@LOCHRIELAW.COM DIRECT LINE: 954.617.8919

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CURRENT SURVEY

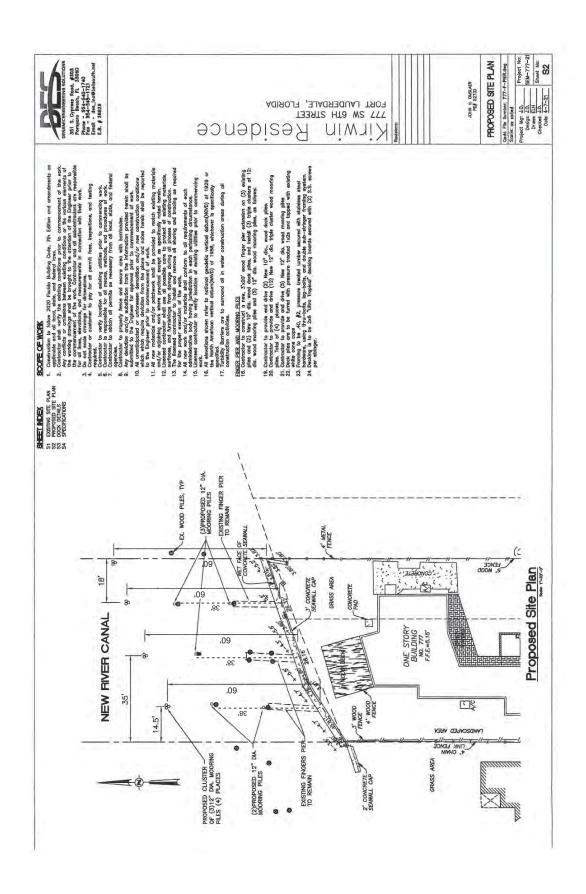




Main Phone: 954.779.1119 Fax: 954.779.1117

PROPOSED PLANS







Main Phone: 954.779.1119 Fax: 954.779.1117

SITE PHOTOS









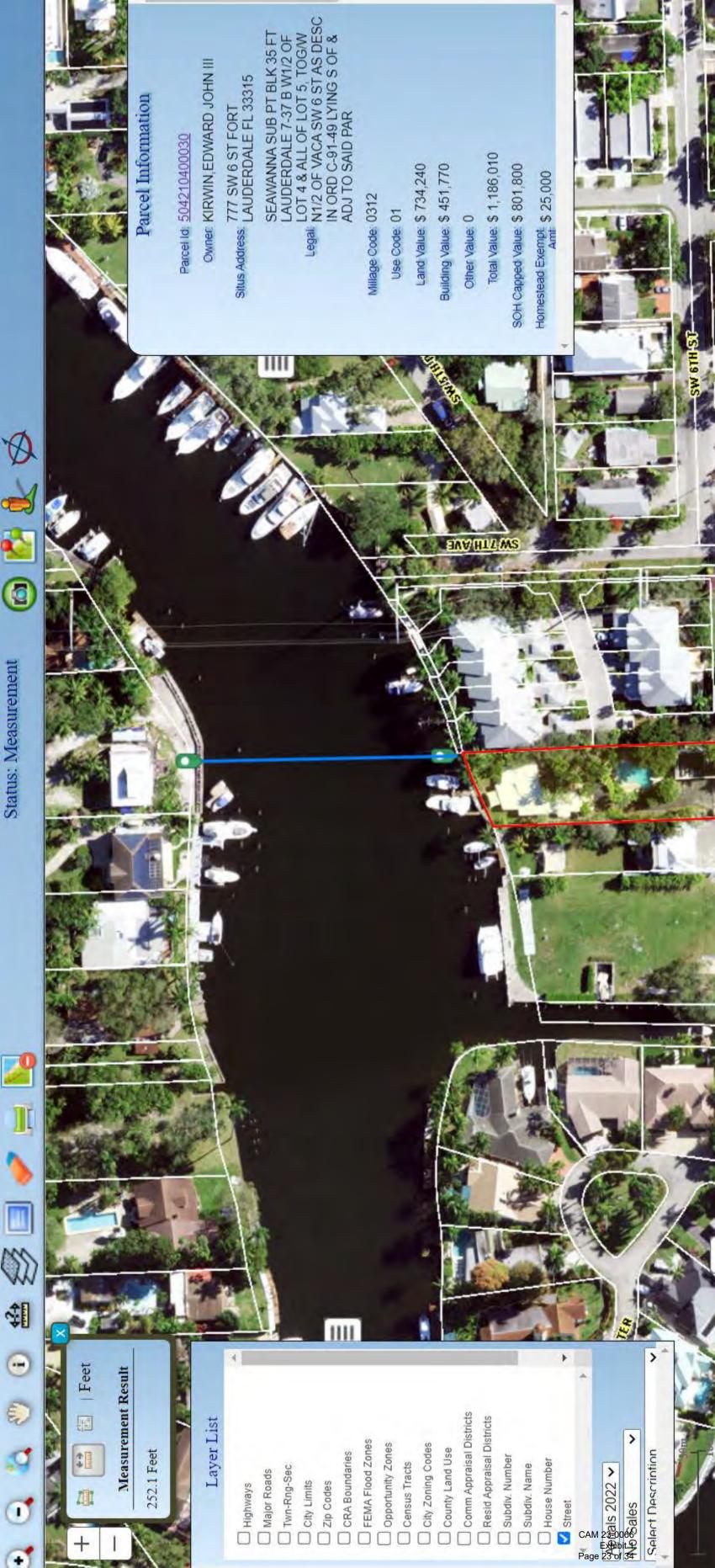


1401 EAST BROWARD BOULEVARD, SUITE 303 FORT LAUDERDALE, FLORIDA 33301

EMAIL: <u>ASCHEIN@LOCHRIELAW.COM</u>
DIRECT LINE: 954.617.8919

Main Phone: 954.779.1119 Fax: 954.779.1117

DISTANCE EXHIBIT





Main Phone: 954.779.1119 Fax: 954.779.1117

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,

Printed Name: Marcel Rosen

Address: 6/7 SW 8th TERR

FZ. Laul. FZ. 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: 624 Su Box Fr, Fr, 33315

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

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Printed Name: KULBEER SANOHERA

Address: 620 SW 8 AVENUE, FORT (AUXER) AVENUE, 33315

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

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Sincerely,

Printed Name: DARIA HOTHING

Address: 613 SW 89n darry FORT LANDERDAYE

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

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Sincerely,

Printed Name: Captour Juston Lucy

Address: S641 SW S4th Ct, Davie, FL

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

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Sincerely

Printed Name: CREC MALTESE

Address: 620 SW 8TE FT. LAUD, FL 35315

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

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Sincerely,

401 Bordon Zartsky

Arest & SYN

Printed Name: Hal Gordon Zantky

Address: 629 5-4. Oth To, 33315

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

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Sincerely,

Printed Name:

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Sincerely,

Printed Name: FLORIPAN BECKER

Address: 608 80 8 76k

FU 337/5

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

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Sincerely,

Printed Name: Jam Horus

Address: Bolson (n st Ft landed of le 33315