

## ITEM VI

### MEMORANDUM MF NO. 22-27

DATE: November 15, 2022

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities Manager

RE: December 1, 2022 MAB – Application - Dock Waiver of Distance Limitations  
–1645 EL, LLC – Ellen Latham / 1645 E Lake Drive

Attached for your review is an application from 1645 EL, LLC – Ellen Latham, 1645 East Lake Drive (see **Exhibit 1**).

### APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the construction of a 30+/- x19'+/- 33,000 pound eight-post boat lift. The proposed lift encroaches more than 25' from the property line into the adjacent Sylvan Lake, requiring a Dock Waiver of Distance Limitations. The boat lift extends a maximum distance of 30'+/- from the property line into the Mercedes River/Sylvan Lake, where the waterway width is indicated as 128'+/-, as shown on page 7 in the application package and summarized in Table 1:

**TABLE 1**

<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
<b>Eight-Post Boat Lift</b>	<b>30'+/-</b>	<b>25'</b>	<b>5'+/-</b>

The City's Unified Land and Development Regulations (UDLR), Section 47-19.3.C limits the maximum distance of mooring structures to 25% or 25', whichever is less, from the property line into the 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 specifies that the boat lift is necessary to safely moor the owner's vessel, due to wakes resulting from adjacent water sports activity zone in Lake Sylvan.

### PROPERTY LOCATION AND ZONING

The property is located within the Harbor Beach RS 4.4 Residential Single Family / Low Density District.

## 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:

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 City's Supervisor of Marine Facilities with copies of "As Built" drawings from a certified and licensed contractor, and verification of receipt of all applicable Federal and State permits.

AC  
Attachment

cc: Enrique Sanchez, Deputy Director of Parks and Recreation  
Jonathan Luscomb, Marine Facilities Supervisor



# **AMERICAN SEAWALL**

## **MARINE CONSTRUCTION, INC.**

P.O. Box 10523  
Pompano Beach, FL 33061  
(954) 943-1555

### **COVER SHEET**

**1645 East Lake Drive  
Ft. Lauderdale, FL 33316**

**Dock Waiver Application  
Owner: 1645 EL, LLC / Ellen Latham**

#### **Table of Contents**

- 1. Summary Description**
- 2. Original Site Plan + Survey**
- 3. Photos of Existing Dock**
- 4. Aerial Photo**
- 5. Project Plans**
- 6. Application**
- 7. Property Appraiser Proof of Ownership**
- 8. Width of Canal**



# AMERICAN SEAWALL

## MARINE CONSTRUCTION, INC.

P.O. Box 10523  
Pompano Beach, FL 33061  
(954) 943-1555

November 8, 2022

To: City of Ft. Lauderdale Marine Advisory Board  
FROM: Kyle Martinez – American Seawall Marine Construction, Inc.  
RE: 1645 EL, LLC / Ellen Latham Boat Lift Extension  
1645 E. Lake Drive  
Ft. Lauderdale , FL 33316

Dear Board Members,

Due to the location of 1645 E. Lake Drive, Ft. Lauderdale and its proximity to this Water Sports Activity Zone and the large number of vessels mooring in Lake Sylvan, the need to raise this Boat with a Protective Boat Lift Device, is pertinent to accommodate and Protect The Owner's Vessel.

The Existing Code for a Lift; to extend no more than 25 feet. We are requesting for 5 additional feet into the Waterway for a total of 30 feet. This will accommodate and protect the vessel from damage from wakes and other possible accidents from the high volume of Water Sports and wakes that they cause. Also, the vessel mooring in the Lake are using the Bridge next to the house as an upland loading area.

Thank you,

Kyle Martinez – President  
American Seawall Marine Construction, Inc.



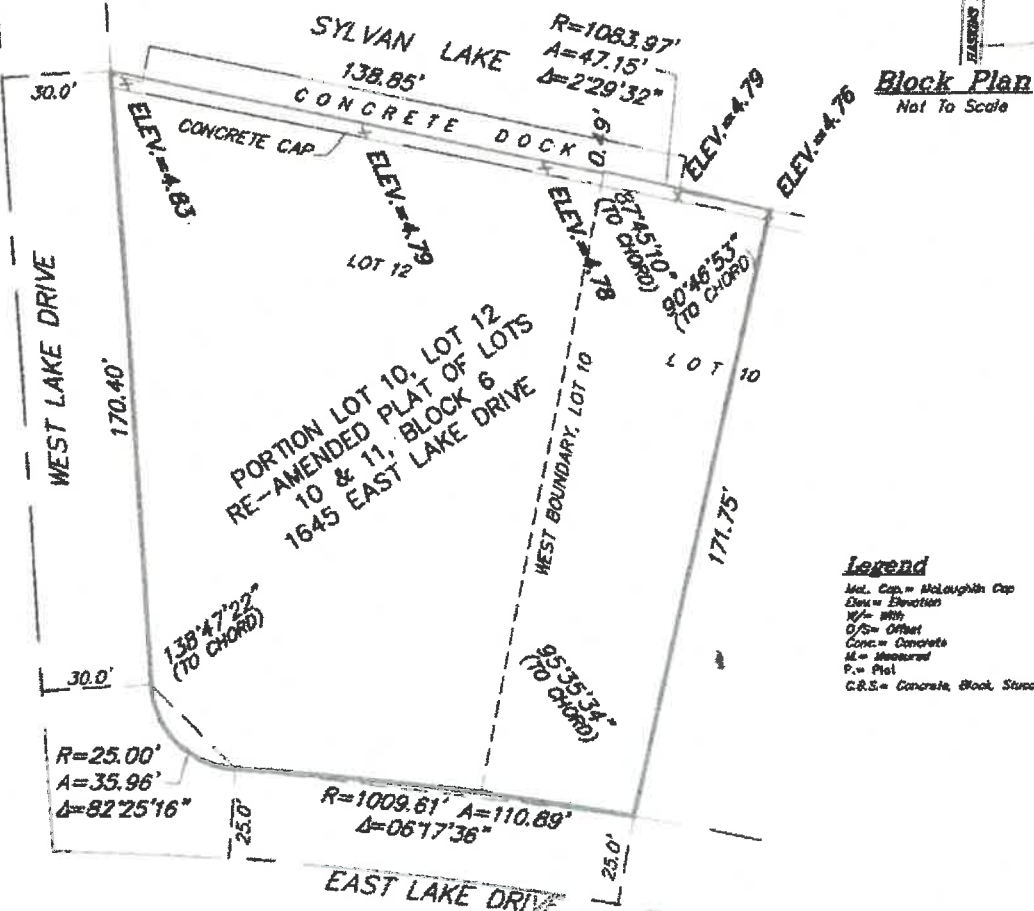
- Indicates Marker
- Scale 1" = 40'

**AS-BUILT SEAWALL ELEVATION CERTIFICATE**  
**PORTION OF LOT 10 & ALL OF LOT 12**  
**HARBOR BEACH, UNIT TWO (P.B. 24, PG. 26, B.C.R.)**  
**1645 EAST LAKE DRIVE, FORT LAUDERDALE, FLORIDA**

**LEGAL DESCRIPTION:**

A portion of LOT 10 and all of LOT 12, RE-AMENDED PLAT OF LOTS 10 AND 11, BLOCK 6, according to the plat thereof, as recorded in Plat Book 24, Page 26, of the public records of Broward County, Florida.

Said lands situate lying and being in the City of Fort Lauderdale, Broward County, Florida.



**GENERAL NOTES:**

- 1) This drawing is not valid unless sealed with an embossed surveyor's seal.
- 2) Reference Bench Mark: City of Fort Lauderdale Benchmark #SE 59, 4.18 (NAVD 88)
- 3) Elevations shown refer to North American Vertical Datum (1988), and are indicated thus: Elev. = +4.76
- 4) Elevations per North American Vertical Datum (1988) derived from National Geodetic Vertical Datum (1929) data and converted using U.S. Army Corps of Engineers software (Corpscon 8.0.1) obtained from <http://www.tech.army.mil/>
- 5) THIS IS NOT A BOUNDARY SURVEY.

**CERTIFICATION:**

We hereby certify that this survey meets the "Standards of Practice" as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17.05 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Dated at Fort Lauderdale, Florida, this 17th day of December, 2020.

**McLAUGHLIN ENGINEERING CO.**

**Jerald A. McLaughlin**  
Registered Land Surveyor No. 5269  
State of Florida

**"NOT VALID UNLESS SEALED WITH AN AUTHORIZED SURVEYOR'S SEAL"**

FIELD BOOK NO. 393/52  
JOB ORDER NO. V-5677

DRAWN BY: RT  
CHECKED BY:

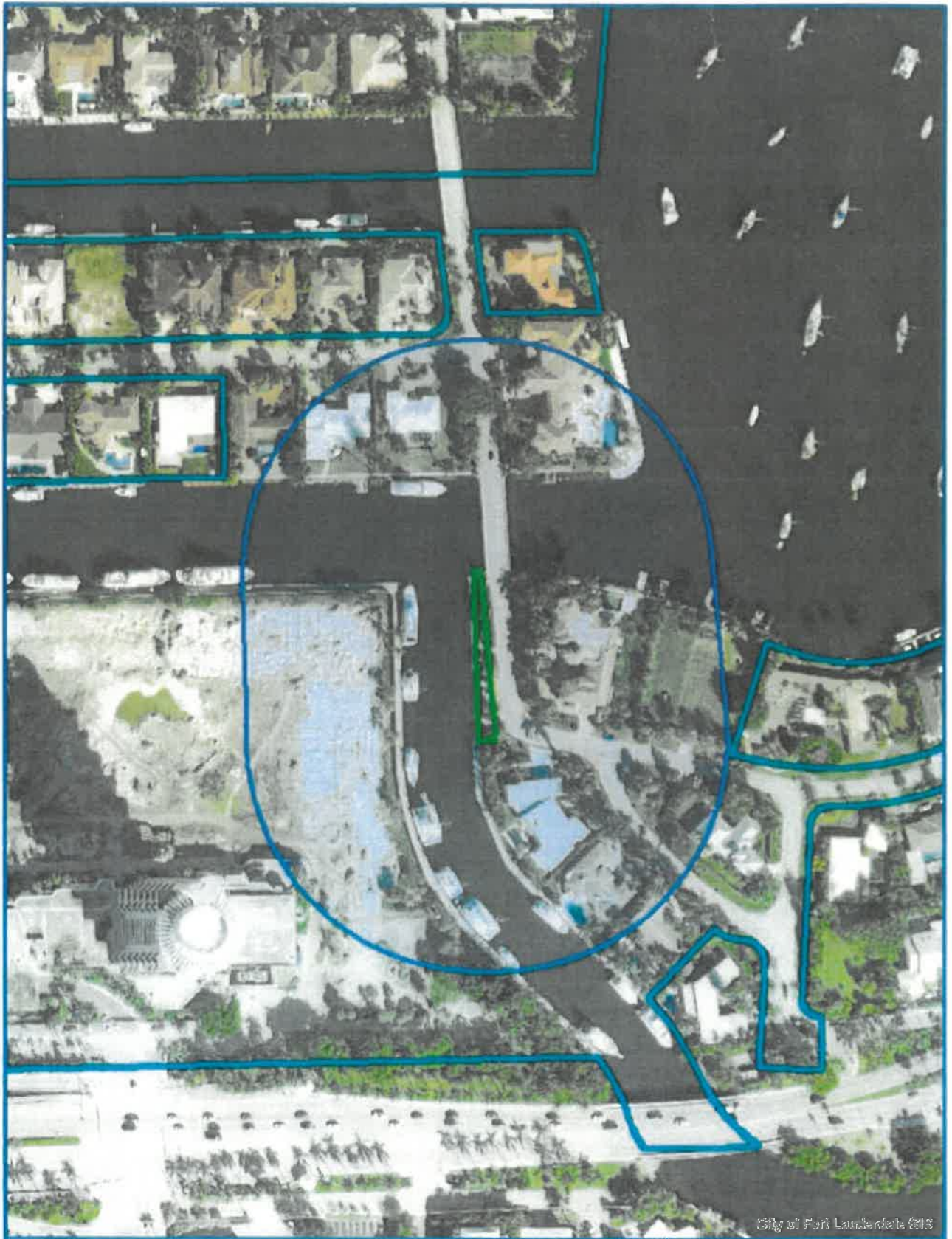


Folio # 5042 13 05 0140





Folio # 5042 13 05 0140



City of Fort Lauderdale GIS



CITY OF FORT LAUDERDALE

Map Created by GIS Mapper

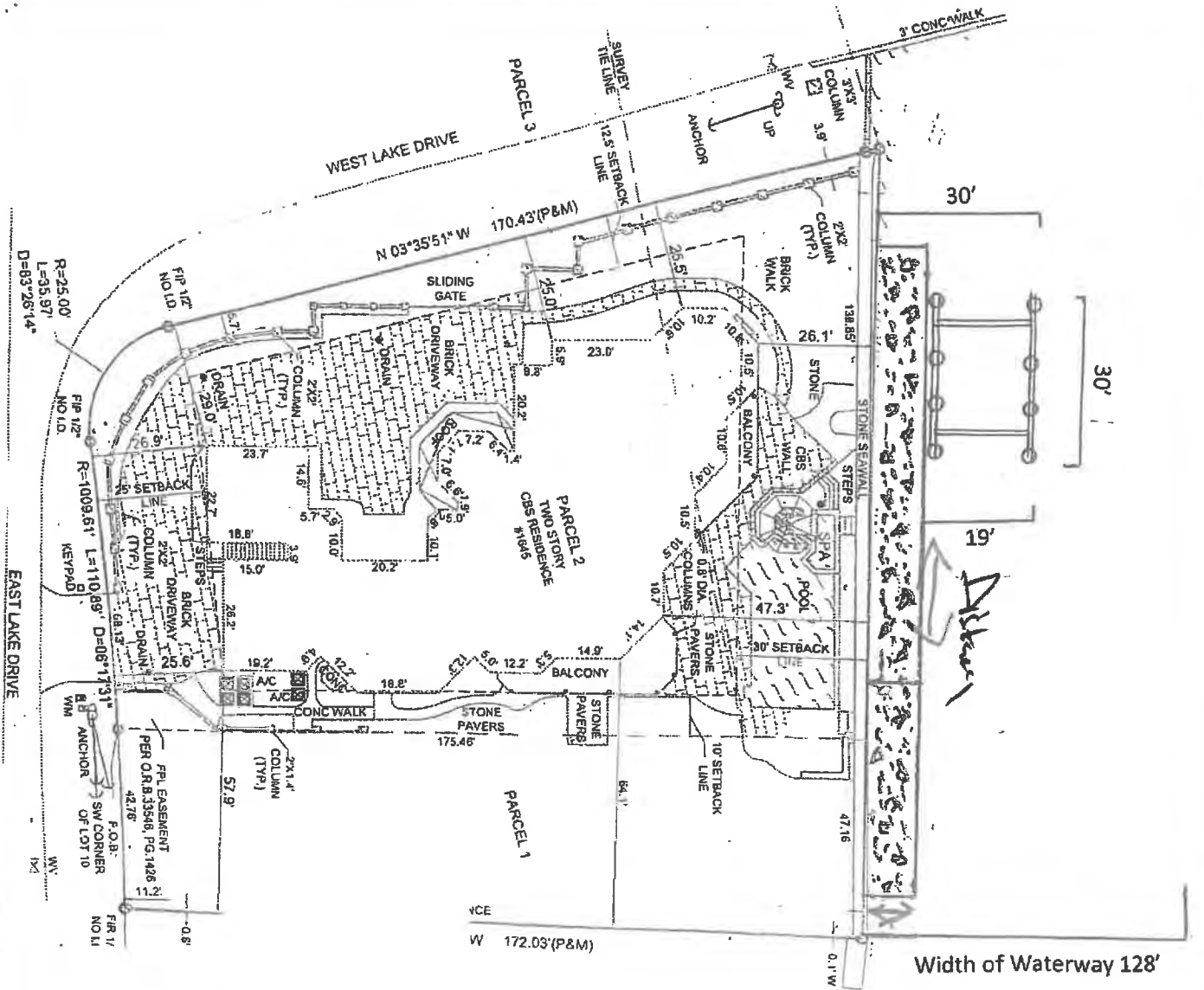
1645 E Lake Drive



**GIS**  
Fort Lauderdale

Printed on: 10/24/2022

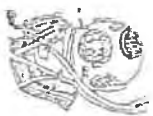




# Scope of Work:

- Install 8 post 30,000 lbs cradle boatlift

1645 E Lake Drive, Ft. Lauderdale

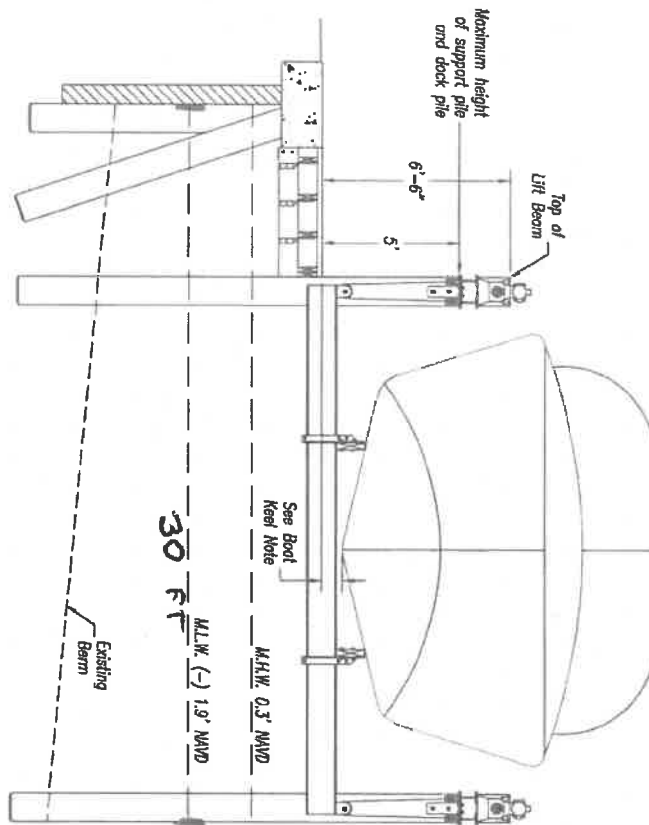


**AMERICAN SEAWALL**  
MARINE CONSTRUCTION, INC.

P.O. Box 10523  
Pompano Beach, FL 33061  
(954) 943-1555

**BOAT KEEL NOTE:**

Boat keel to be a maximum of one foot above minimum seawall elevation when lifted.



**33,000# Boatlift Section**

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

Project:  
Proposed Boatlift

**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: 1645 EL , LLC / Ellen Latham

TELEPHONE NO: 954-214--5752  
(home/cellular)

EMAIL: Nick10@bellsouth.net  
(business)

2. **APPLICANT'S ADDRESS** (if different than the site address): P.O. Box 10523 Pompano Beach FL 33061

3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:** Waiver: Boat Lift to Extend 5 Additional Feet into Waterway

4. **SITE ADDRESS:** 1645 East Lake Dr. **ZONING:** Residential  
Ft. Lauderdale, FL 33316

**LEGAL DESCRIPTION AND FOLIO NUMBER:** Folio # 5042 13 05 0140 / Legal Description:  
HARBOR BEACH UNIT 3 30-33 B LOT 12 TOG WITH A POR DESC AS BEG SW COR LOT 10 REAMEN PLAT OF LOTS 10 & 11, BLK 6  
HARBOR BEACH UNIT 2 24-26B, NE ALG WLY BDRY OF LOT 10 175.46, SELY ALG ARC 47.16 SW 172.03 SWLY ALG ARC 42.76  
TO POB & HARBOR BEACH UNIT 4 35-12 B PARCEL 1 LESS S 20

5. **EXHIBITS** (In addition to proof of ownership, list all exhibits provided in support of the applications).

  
Applicant's Signature

11 /08/ 2022

Date

The sum of \$ \_\_\_\_\_ was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_,  
20\_\_\_\_ 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 \_\_\_\_\_



<b>Site Address</b>	1645 E LAKE DRIVE, FORT LAUDERDALE FL 33316	<b>ID #</b>	5042 13 05 0140
<b>Property Owner</b>	1645 EL LLC	<b>Millage</b>	0312
<b>Mailing Address</b>	1501 SE 13 ST FORT LAUDERDALE FL 33316	<b>Use</b>	00
<b>Abbr Legal Description</b>	HARBOR BEACH UNIT 3 30-33 B LOT 12 TOG WITH A POR DESC AS BEG SW COR LOT 10 REAMEN PLAT OF LOTS 10 & 11,BLK 6 HARBOR BEACH UNIT 2 24-26B,NE ALG WLY BDRY OF LOT 10 175.46,SELY ALG ARC 47.16 SW 172.03 SWLY ALG ARC 42.76 TO POB & HARBOR BEACH UNIT 4 35-12 B PARCEL 1 LESS S 20		

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\(8\)](#).

\* 2023 values are considered "working values" and are subject to change.

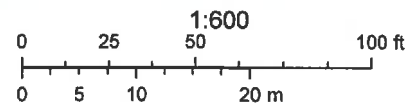
Property Assessment Values					
Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2023	\$5,178,210		\$5,178,210	\$5,178,210	
2022	\$5,178,210		\$5,178,210	\$5,069,800	\$94,997.35
2021	\$4,608,910		\$4,608,910	\$4,608,910	\$85,899.44

2023 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
<b>Just Value</b>	\$5,178,210	\$5,178,210	\$5,178,210	\$5,178,210
<b>Portability</b>	0	0	0	0
<b>Assessed/SOH</b>	\$5,178,210	\$5,178,210	\$5,178,210	\$5,178,210
<b>Homestead</b>	0	0	0	0
<b>Add. Homestead</b>	0	0	0	0
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$5,178,210	\$5,178,210	\$5,178,210	\$5,178,210

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
7/17/2019	WD-Q	\$6,150,000	115939624	\$180.00	28,465	SF
12/28/2017	WD-Q	\$6,200,000	114825691	\$16.21	3,363	SF
1/11/2018	DRR-T	\$100	114828016			
8/30/2016	WD-Q	\$5,484,659	113914323			
5/20/2013	WD-T	\$100	111657773			
				Adj. Bldg. S.F.		

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F3		
L								
1						31833		







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

(a) The following words when used in this section shall, for the purposes of this section, have the following meaning:

- (1) *Mooring device* means a subset of mooring structures as defined herein including boat davits, hoists, boat lifts and similar devices that are erected on or adjacent to a seawall or dock and upon which a vessel can be moored. A mooring device does not include docks, slips, seawall or mooring pile.
- (2) *Mooring structure* means a dock, slip, seawall, boat davit, hoist, boat lift, mooring pile or a similar structure attached to land more or less permanently to which a vessel can be moored.
- (3) *NGVD 29* or the National Geodetic Vertical Datum of 1929 means the vertical control datum established for vertical control surveying in the United States of America by the General Adjustment of 1929. The datum is used to measure elevation or altitude above, and depression or depth below, mean sea level (MSL).
- (4) *NAVD88* or the North American Vertical Datum means the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.
- (5) *Seawall* means vertical or near vertical structures placed between an upland area and a waterway. For the purposes of Section 47-19.3(f), rip rap is not considered a seawall.
- (6) *Rip rap* means a foundation of unconsolidated boulders, stone, concrete or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion.

(b) Boat davits, hoists and similar mooring devices may be erected on a seawall or dock subject to the following limitations on the number and location as follows:

- (1) Except as provided herein, only one (1) mooring device per the first one hundred (100) feet of lot width or portion thereof, and one mooring device for each additional one hundred (100) feet of lot width. A second mooring device may be permitted within the lot area greater than one hundred (100) feet but less than two hundred (200) feet if approved as a Site Plan Level II permit, subject to the following criteria:
  - a. The location of the proposed mooring device will not interfere with the view from adjacent properties to a degree greater than the intrusion already permitted as a result of the berthing of a vessel at applicant's property within the setback and extension limitations provided in the Code.
  - b. The type of mooring device is the least intrusive and most compatible with the view from the waterway.
  - c. No conflict with a neighboring property owner's usage of the waterway will be created as a result of the additional mooring device.

Pursuant to Site Plan Level II review, the development review committee ("DRC") shall determine whether the proposed additional mooring device meets the criteria based on its location and the relationship of applicant's property to abutting properties with regard to height, angle of view of the device from abutting properties and the height, width and length of the mooring device proposed.

Approval of a Site Plan Level II development permit for an additional mooring device shall not be final until thirty (30) days after preliminary DRC approval and then only if no motion is approved by the City Commission seeking to review the application pursuant to the process provided in Section 47-26. The denial of an application for an additional mooring device may be appealed to the City Commission in accordance with the provisions of Section 47-26.

- (2) In addition to the mooring device described in paragraph (b)(1) of this section, one (1) lift designed and used solely for the lifting of a personal watercraft (PWC) per development site is permitted. For purposes of this subsection (2) a PWC is as defined in F.S. Ch. 327.
- (3) The cross section of the davit, hoist or other mooring device shall not exceed one (1) square foot and have a maximum height of six and one-half (6½) feet above lot grade.
- (4) The lowest appendage of a vessel may not be hoisted greater than one (1) foot above a seawall cap or if no seawall, above the average grade of the upland property and properties abutting either side of the upland property, whichever is less.
- (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 Sections 47-19.3.(c), 47-19.3.(d) and 47-39.A.1.b.(12).(a) and 47-39.A.1.b.(12).(b) under extraordinary circumstances, provided permits from all governmental agencies, as required, are obtained after approval of the City Commission, after a public hearing and notification to property owners within three hundred (300) feet. In no event shall the extension exceed thirty (30) percent of the width of the waterway and no variance may be approved by the Board of Adjustment or other agency permitting an extension beyond the thirty percent (30%) limitation. Reflector tape shall be affixed to and continually maintained on all mooring or dolphin piles authorized under this subsection to extend beyond the limitations provided in subsection (d). The reflector tape must be formulated for marine use and be in one (1) of the following uniform colors: international orange or iridescent silver. On all such piles, the reflector tape shall be at least five (5) inches wide and within eighteen (18) inches of the top of the pile.
- (f) The top surface of a seawall shall have a minimum elevation of 3.9 feet NAVD88 (see table). The elevation of a seawall or dock shall not exceed a maximum of the base flood elevation (BFE) as identified in the corresponding FEMA Flood Insurance Rate Map (FIRM) for the property, except as specifically set forth herein. For properties with a BFE of 4.0 feet NAVD88, the minimum seawall elevation shall meet 3.9 feet NAVD88 and the maximum seawall or dock elevation shall be 5.0 feet NAVD88. For waterfront properties with a habitable finished floor elevation of less than 3.9 feet NAVD88, a seawall may be constructed at less than the stated minimum elevation if a waiver is granted by the City Engineer. For properties within an X zone, the minimum seawall elevation shall meet 3.9 feet NAVD88 and the maximum seawall or dock elevation shall meet the definition of grade as determined by subsection 47-2.2 (g)(1)(a). The maximum height of related structures attached to a seawall shall not exceed the elevation of the seawall to which the structure is attached. In the event of a conflict between subsection 47-19.5.B.Table 1, Note G: subsection 1.a.ii. and the requirements of this section, this section shall govern. Property owners choosing to construct seawalls at less than 5.0 feet NAVD88 are strongly encouraged to have the foundation designed to accommodate a future seawall height extension up to a minimum elevation of 5.0 feet NAVD88.

Property's FEMA Flood Insurance Rate Map Location	Minimum Allowable Seawall Elevation	Maximum Allowable Seawall or Dock Elevation
In a floodplain with a base flood elevation greater than or	3.9 feet NAVD88	Base flood elevation of the property

equal to 5.0 feet NAVD88		
In a floodplain with a base flood elevation equal to 4.0 feet NAVD88	3.9 feet NAVD88	5 feet NAVD88
In an X zone, not in a floodplain	3.9 feet NAVD88	Meet the definition of grade as determined by Section 47-2.2(g)(1)(a)

- (1) Seawalls must be designed and built in a substantially impermeable manner to prevent tidal waters from flowing through the seawall while still allowing for the release of hydrostatic pressure from the upland direction.
- (2) Fixed docks may be constructed at an elevation less than the elevation of the seawall to which it is attached but shall not be constructed at an elevation more than ten (10) inches above the seawall's elevation. The dock elevation may not exceed the maximum elevation as described in subsection (f) of this section. Floating docks shall be allowed and must be permitted and permanently attached to a marginal dock, finger pier, mooring pilings, or seawall.
- (3) Seawall improvements constituting substantial repair at the time of permit application shall meet the minimum elevation and consider the design recommendations (see subsection (f) above) for the continuous seawall for the length of the property. For the purposes of this section, the substantial repair threshold shall mean the following:
  - (i) Any improvement to the seawall of more than fifty percent (50%) of the length of the structure, which for the purposes of this section, shall include both the seawall and cap; or
  - (ii) Any improvement to the seawall which results in an elevation change along more than fifty percent (50%) of the length of the structure.
- (4) All property owners must maintain their seawalls in good repair. A seawall is presumed to be in disrepair if it allows for upland erosion, transfer of material through the seawall or allows tidal waters to flow unimpeded through the seawall to adjacent properties or public right-of-way. Property owners failing to maintain their seawalls may be cited. The owner of the property on which the seawall is constructed is required to initiate a process, including but not limited to hiring a contractor or submitting a building permit, and be able to demonstrate progress toward repairing the cited defect within sixty (60) days of receiving notice from the city and complete the repair within three hundred sixty-five (365) days of citation. If the required repair meets the substantial repair threshold, the property owner shall design, permit, and construct the seawall to meet the minimum elevation requirement and design requirement (see subsection 47-19.3(f)) within three hundred sixty-five (365) days of citation.
- (5) Property owners with seawalls below the minimum elevation, or permeable erosion barriers such as rip rap, or a land/water interface of another nature shall not allow tidal waters entering their property to impact adjacent properties or public rights-of-way. Property owners failing to prevent tidal waters from flowing overland and leaving their property may be cited. The owner of the property is required to initiate a process, including but not limited to, hiring a contractor or submitting a building permit, and be able to demonstrate progress toward addressing the cited concern within sixty (60) days of receiving notice from the city and complete the proposed remedy within three hundred sixty-five (365) days of citation.

- (g) No boathouse, permanent covering, or temporary covering for a boat shall be permitted within the setback area required for the zoning district in which such shelter is to be located, nor shall any boathouse, permanent covering or temporary covering for a boat, or any other structure not otherwise specifically permitted, be permitted within or cover any public waterway.
- (h) No watercraft shall be docked or anchored adjacent to residential property in such a position that causes it to extend beyond the side setback lines required for principal buildings on such property, as extended into the waterway, or is of such length that when docked or anchored adjacent to such property, the watercraft extends beyond such side setback lines as extended into the waterway. The owner of real property which would be entitled to the density limitation of a maximum of forty (40) units per acre pursuant to the terms for habitation of floating homes or vessels, Section 47-19.6, may apply for an exception to the setback requirements contained herein. An application for such exception shall be heard by the Planning and Zoning Board (board) at a public hearing called for that purpose. After the public hearing, the board shall make a recommendation to the City Commission that the application be granted or denied, or granted subject to conditions. If the board recommends that the application be either granted or granted subject to conditions, the City Clerk shall place the recommendation on the agenda of the City Commission for a public hearing at a regular meeting. The City Commission shall, by resolution, either grant the application, deny the application, or grant the application subject to such conditions as it finds necessary to the health, safety and general welfare of the citizens of the city. In deciding whether to grant or deny the application, the City Commission shall consider the neighborhood within which the applicant's property lies and the effect that the exception to the setbacks would have on the following:
- (1) The surrounding property.
  - (2) The ability of adjacent property owners to enjoy abutting waterways.
- (i) Waiver of limitations. Property owners of lands located on the Isle of Venice and Hendricks Isle may dock or anchor watercraft adjacent to their respective properties in a manner which extends beyond side setback lines, required by this section as approved by Resolution No. 85-270.
- (Ord. No. C-97-19, § 1(47-19.3), 6-18-97; Ord. No. C-04-2, § 4, 1-12-04; [Ord. No. C-10-44, § 2, 12-7-10](#); [Ord. No. C-13-18, § 2, 6-4-13](#); Ord. No. [C-16-13](#), § 1, 6-21-16; [Ord. No. C-16-27](#), § 1, 12-6-16)