

MEMORANDUM MF NO. 17-22

DATE: August 24, 2017

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: Dock Waiver of Distance Limitations – Paul and Caroline M. McGee / 801 Middle River Drive

Attached for your review is an application from Paul and Caroline M. McGee, 801 Middle River Drive.

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for installation of one (1) finger pier and two (2) mooring piles extending a maximum of +/-52' into the adjacent waterway. The distances these structures extend from the property line into the Middle River are shown in the survey and summarized in Table 1 below:

TABLE 1

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
Finger Pier	+/-38'	25'	+/-13''
Mooring Pile	+/-52'	25'	+/-27'
Mooring Pile	+/-50.3'	25'	+/-25.3'

The City's Unified Land and Development Regulations (UDLR) Secs. 47-19.3.C and D limit the maximum distance of mooring structures to 25' or 25% of the width of the waterway, whichever is less, and pilings to 25' or 30%, whichever is less. Section 47-19.3.E authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The applicant indicates that the proposed finger pier and piles will allow for safe mooring of their vessel, as this is along a high traffic waterway, especially during high winds and severe weather.

PROPERTY LOCATION AND ZONING

The property is located within the Sunrise Plat RS-4.4 Residential Single Family/Low Density District. It is situated on the eastern shore of the Middle River where the width between the property line to the adjacent shoreline's closest structure is +/-275 feet, according to the narrative provided in **Exhibit 1**.

DOCK PLAN AND BOATING SAFETY

Marine Facilities' records reflect there has been two (2) Waivers of Limitation approved by the City Commission within close proximity to 801 Middle River Drive (**Table 2**).

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
April 2013	785 Middle River Drive	Pilings – 40'
January 2015	773 Middle River Drive	Pilings – 60'

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 the proposed mooring piling clusters 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, Supervisor of Marine Facilities

EXHIBIT I
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: Paul McGee and Caroline M. McGee

TELEPHONE NO: (954) 520-8102 (home) (business) FAX NO. _____

2. APPLICANT'S ADDRESS (if different than the site address):
3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: The applicant requests a waiver for the proposed construction of a finger pier and two (2) mooring piles beyond 25 feet from the property line.

SITE ADDRESS: 801 Middle River Drive, Fort Lauderdale, FL 33304

4. ZONING: RS-4.4

LEGAL DESCRIPTION: SUNRISE 28-42 B LOT 59 BLK 6

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).
Warranty Deed, Project Plans, Site Photographs, Survey, Aerial Exhibit

[Signature]
Applicant's Signature

8/17/17
Date

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 2017. 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 _____

EXHIBIT II TABLE OF CONTENTS

TABLE OF CONTENTS

	PAGE
WARRANTY DEED	1
PROJECT PLANS	2
ZONING AERIAL	3
SUMMARY DESCRIPTION	4
SITE PHOTOGRAPHS	5
DISTANCE EXHIBIT	6
LETTERS OF SUPPORT	7

**EXHIBIT III
WARRANTY DEED**

INSTR # 100479183
OR BK 30780 PG 0675
RECORDED 08/21/2000 11:01 AM
COMMISSION
BROWARD COUNTY
DOC STMP-D 3,920.00
DEPUTY CLERK 1047

WARRANTY DEED

THIS INDENTURE made this 9th day of August, 2000 between DANA W. BLANTON, (SS# [REDACTED]) a single man, ~~801 Middle River Drive, Fort Lauderdale, Florida 33304~~ ^{266 06 8189} grantor* joined by FOREST W. BLANTON, (SS# [REDACTED]) and Kathy Blanton, (SS# [REDACTED]), his wife and SPENCER C. BLANTON, (SS# [REDACTED]) a single man; and Paul McGee (SS# [REDACTED]) and Caroline M. McGee (SS# [REDACTED]), husband and wife, of 801 Middle River Drive, Fort Lauderdale, Florida 33304-3075, grantee*,

**900 S.E. 13th Avenue, Deerfield Beach, Florida 33441

WITNESSETH, That said grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration 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 59, Block 6 of SUNRISE, according to the Plat thereof, as recorded in Plat Book 28, Page 42 of the Public Records of Broward County, Florida.

SUBJECT TO: easements, restrictions, limitations, dedications, covenants, conditions, and reservations, of record; but reference hereto shall not serve to reimpose same; applicable zoning ordinances, taxes for the year 2000 and subsequent years.

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 pleural, 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 our presence:

Thomas S. Luker
Witness THOMAS S. LUKER

C. Christian Sauter
Witness C. CHRISTIAN SAUTER

Dana W. Blanton
Witness DANA W. BLANTON

Josephine C. House
Witness Josephine C. House

Thomas S. Luker
Witness THOMAS S. LUKER

C. Christian Sauter
Witness C. CHRISTIAN SAUTER

Forest W. Blanton
FOREST W. BLANTON
6110 S.W. 186th Way
Ft. Lauderdale, FL 33334

Kathy Blanton
KATHY BLANTON
6110 S.W. 186th Way
Ft. Lauderdale, FL 33334

Dana W. Blanton
DANA W. BLANTON
900 S.E. 13th Avenue
Deerfield Beach, FL 33441

Witness-

SPENCER C. BLANTON

Witness-

STATE OF FLORIDA)
)SS
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of August, 2000, by SPENCER C. BLANTON, who are personally known to me or who did produce driver's licenses as identification, and who did take oaths.

NOTARY PUBLIC

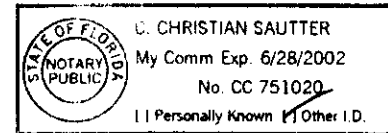
STATE OF FLORIDA)
)SS
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 5th day of August, 2000, by FOREST BLANTON, who are personally known to me or who did produce driver's licenses as identification, and who did take oaths.



NOTARY PUBLIC

STATE OF FLORIDA)
)SS
COUNTY OF BROWARD)

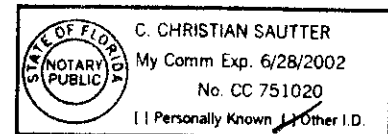


The foregoing instrument was acknowledged before me this 9th day of August, 2000, by and DANA BLANTON, who are personally known to me or who did produce driver's licenses as identification, and who did take oaths.

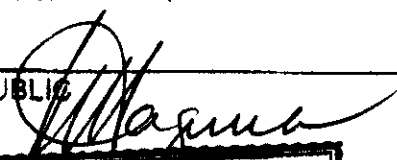


NOTARY PUBLIC

STATE OF FLORIDA)
)SS
COUNTY OF BROWARD)

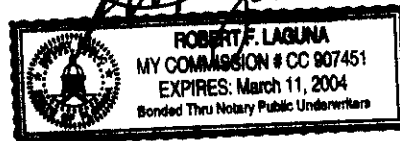


The foregoing instrument was acknowledged before me this 8 day of August, 2000, by and KATHY BLANTON, who are personally known to me or who did produce driver's licenses as identification, and who did take oaths.



NOTARY PUBLIC

THIS DOCUMENT PREPARED BY:
THOMAS F. LUKEN, P.A.
1290 East Oakland Park Blvd., Suite 200
Fort Lauderdale, Florida 33334
(305) 568-6888



TOTAL P.06

Signed, sealed and delivered in our presence:

Witness

FOREST W. BLANTON

Witness

Witness

KATHY BLANTON

Witness

DANA W. BLANTON

Witness

Melinda Rix
Witness- Melinda Rix

Spencer C. Blanton
SPENCER C. BLANTON

6908 North River Boulevard
Tampa, FL 33604

Kelly A. Porter
Witness- Kelly A. Porter

STATE OF FLORIDA)

COUNTY OF Hillsborough) SS

The foregoing instrument was acknowledged before me this 8th day of August, 2000, by SPENCER C. BLANTON, who are personally known to me or who did produce driver's licenses as identification, and who did take oaths.

Sharon Y. McAdam
NOTARY PUBLIC

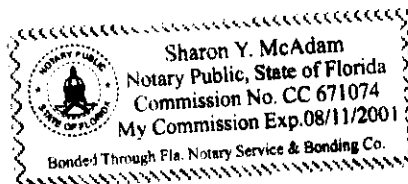
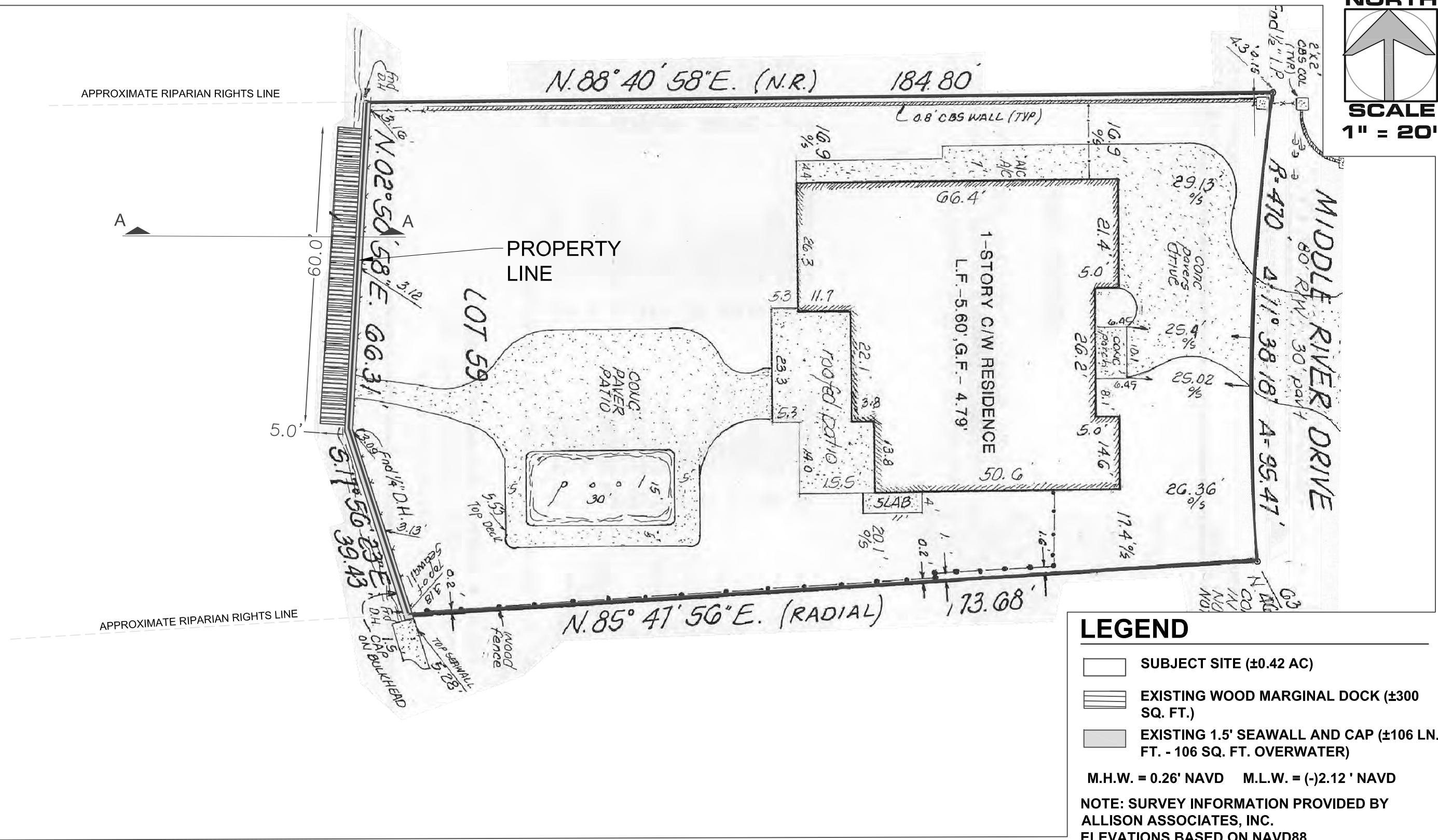


EXHIBIT IV PROJECT PLANS



LEGEND

- SUBJECT SITE (±0.42 AC)
- EXISTING WOOD MARGINAL DOCK (±300 SQ. FT.)
- EXISTING 1.5' SEAWALL AND CAP (±106 LN. FT. - 106 SQ. FT. OVERWATER)

M.H.W. = 0.26' NAVD M.L.W. = (-)2.12' NAVD

NOTE: SURVEY INFORMATION PROVIDED BY ALLISON ASSOCIATES, INC. ELEVATIONS BASED ON NAVD88.

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2017

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

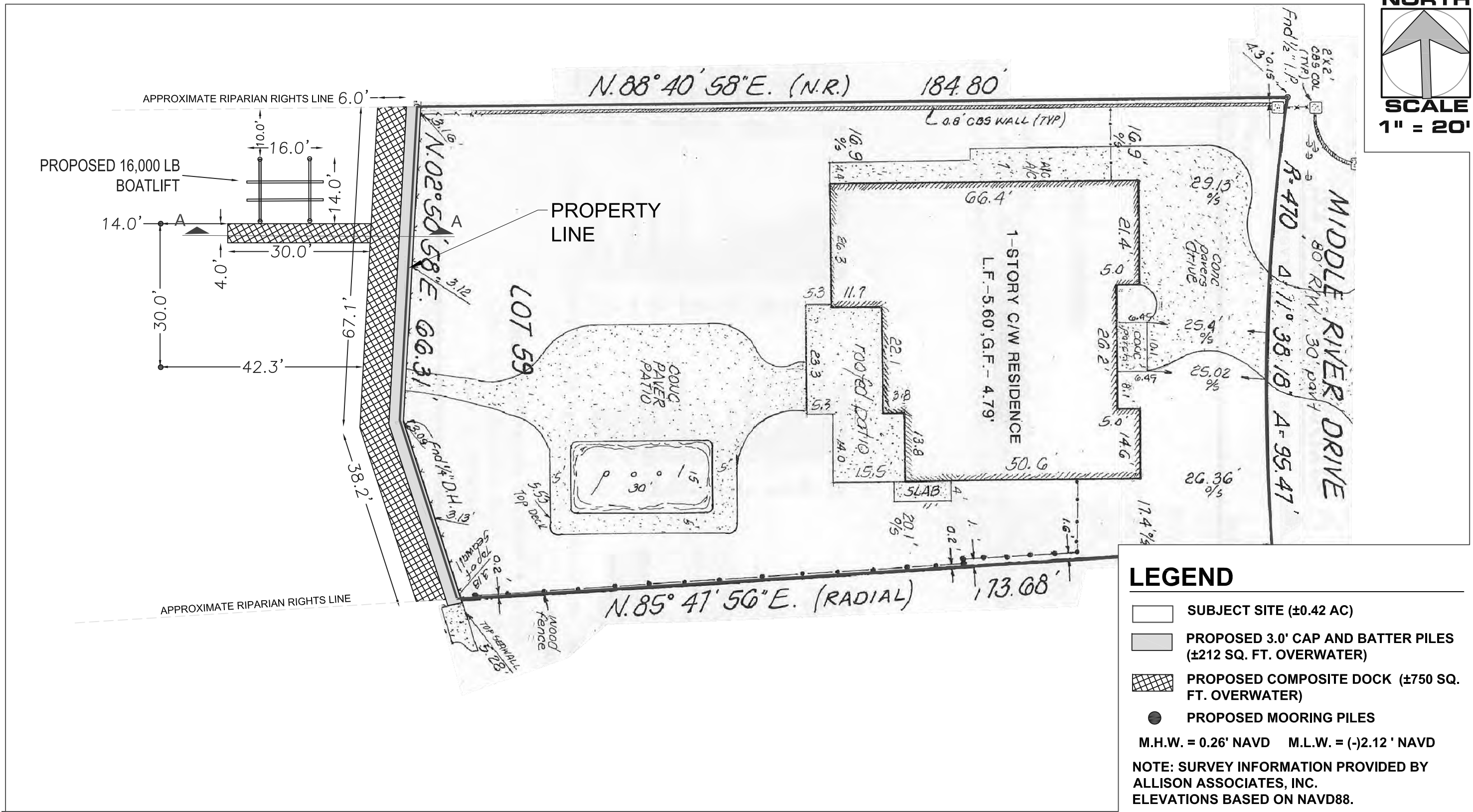
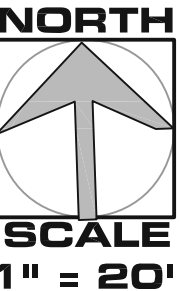
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

801 MIDDLE RIVER DRIVE

PREPARED FOR:
MR. PAUL MCGEE

EXISTING CONDITIONS

Date: 8/7/2017	Sheet : 1	of : 4
Proj No.: 17-0045		



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2017

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

801 MIDDLE RIVER DRIVE

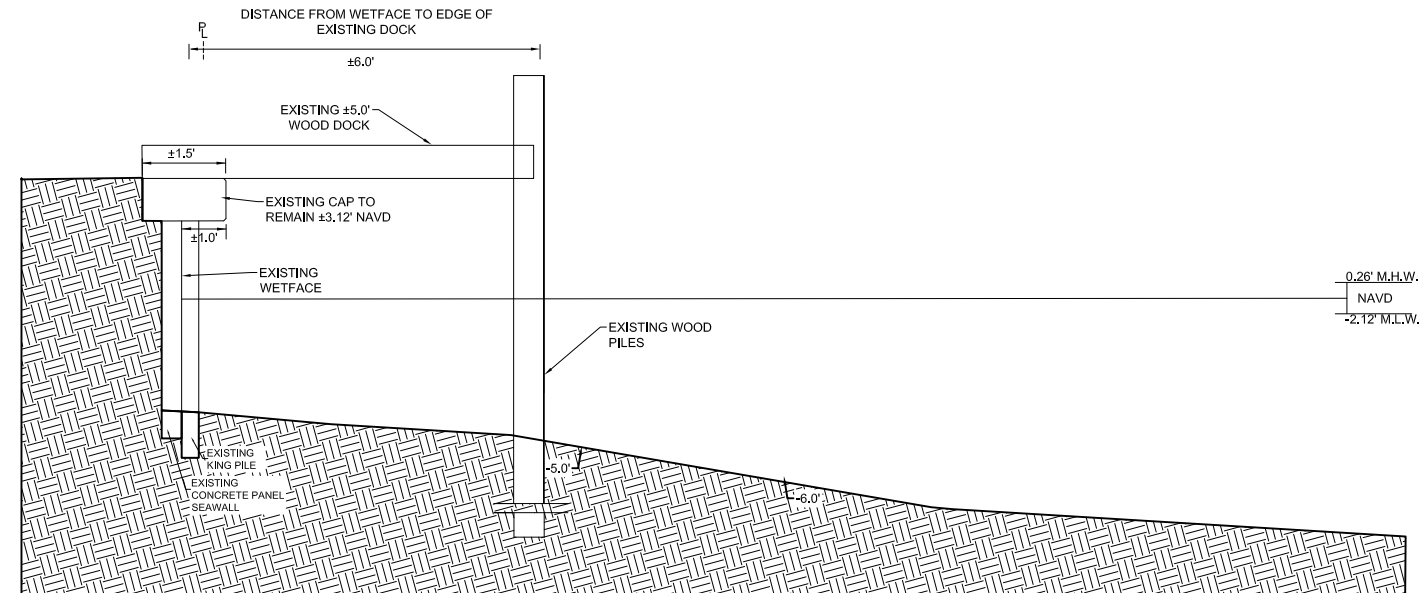
PREPARED FOR:
MR. PAUL MCGEE

PROPOSED CONDITIONS

Date: 8/7/2017	Sheet : 2	of : 4
Proj No.: 17-0045		

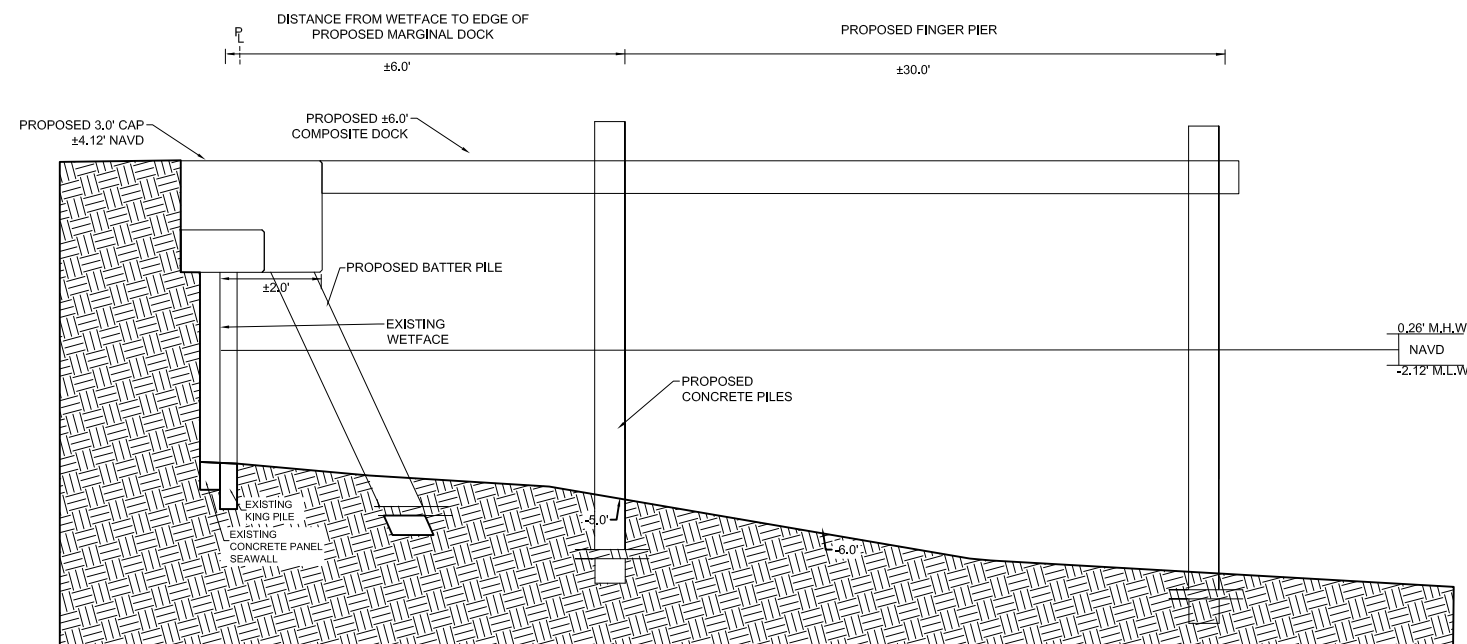
EXISTING CONDITIONS A-A (TYP.)

N.T.S.



PROPOSED CONDITIONS A-A (TYP.)

N.T.S.



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2017

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

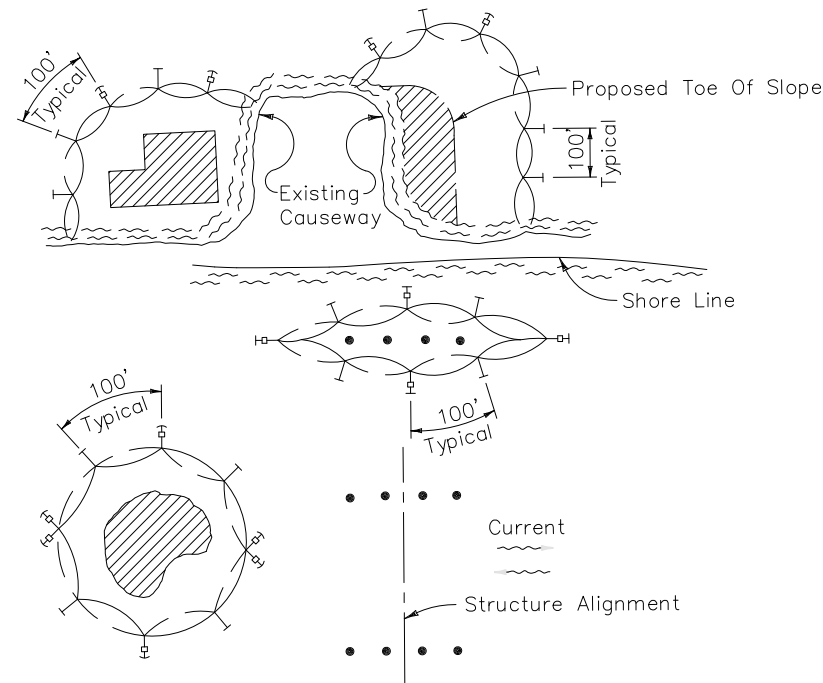
801 MIDDLE ROVER DRIVE

PREPARED FOR:
MR. PAUL MCGEE

SECTIONS

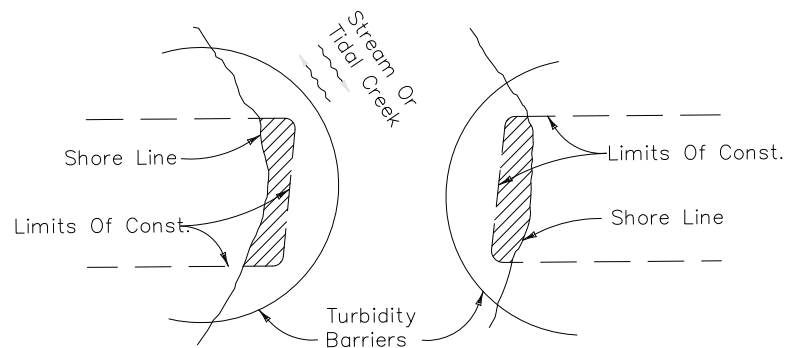
Date: 8/7/2017	Sheet : 3	of : 4
Proj No.: 17-0045		

CONSTRUCTION BARGE
(TYP.)

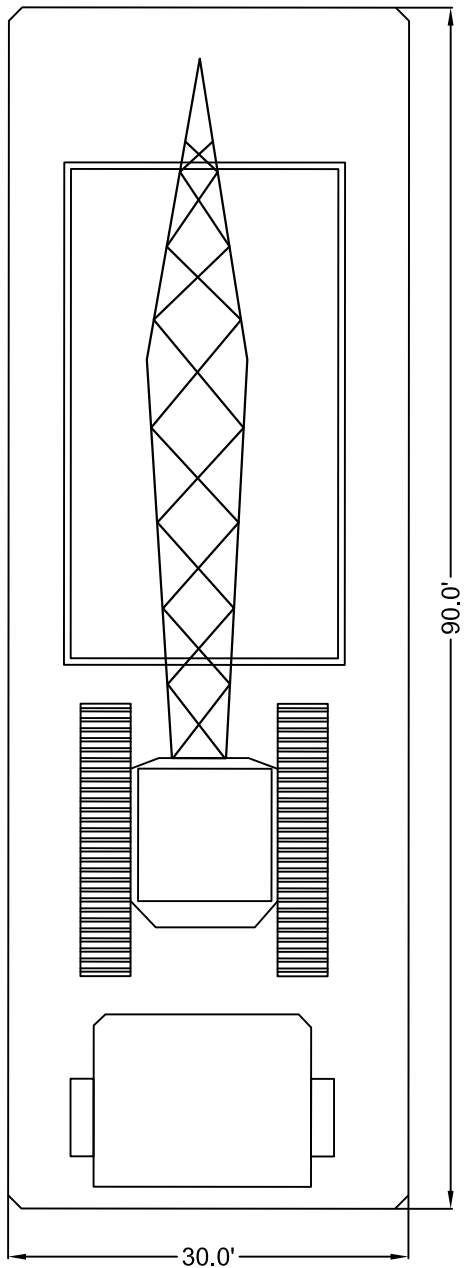


LEGEND

- Pile Locations
- ▨ Dredge Or Fill Area
- ⊕ Mooring Buoy w/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 Contractors 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.



- NOTES:
1. Turbidity barriers are to be used in all permanent bodies 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

THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.
© THE CHAPPELL GROUP, INC. 2017

THE Chappell GROUP INC.
714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax. 954.782.1108
www.thechappellgroup.com

- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

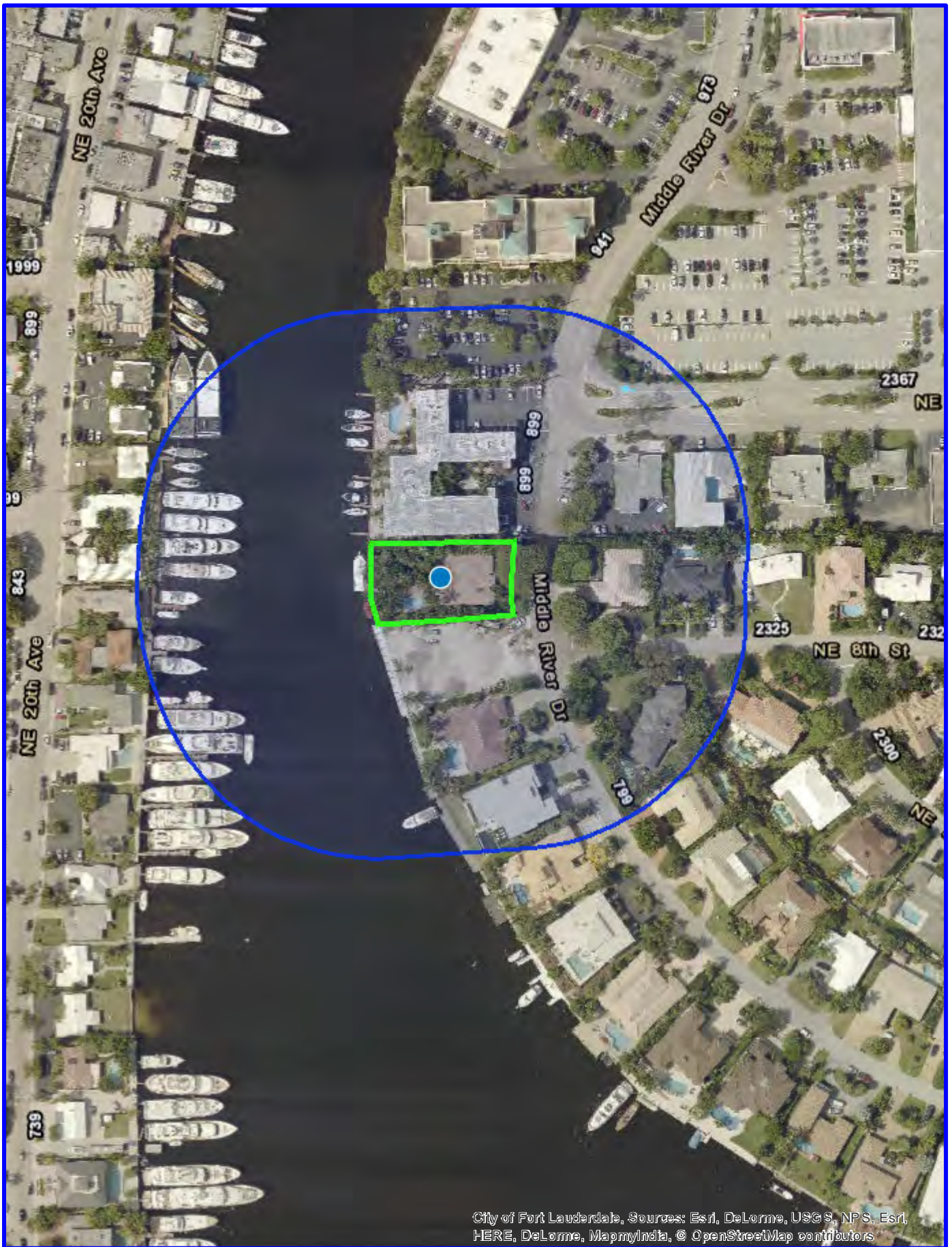
801 MIDDLE RIVER DRIVE

PREPARED FOR:
MR. PAUL MCGEE

DETAILS

Date: 8/7/2017	Sheet : 4	of : 4
Proj No.: 17-0045		

EXHIBIT V
ZONING AERIAL



CITY OF FORT LAUDERDALE

801 Middle River Drive



0 90 180 Feet

GIS
Fort Lauderdale

EXHIBIT VI
SUMMARY DESCRIPTION

Summary Description
801 Middle River Drive
TCG Project No. 17-0045

The project site is located at 801 Middle River Drive, in Section 01, Township 50, Range 42, in the City of Fort Lauderdale, Broward County, Florida.

The property is located along the Middle River, which is a tidal water. The nearest direct connection to the Atlantic Ocean is 2.9 miles to the southeast at the Port Everglades Inlet. As the project site is located along the Middle River, the incoming tidal waters (flood) at the site move to the north and the outgoing waters (ebb) move to the south.

The project site consists of an existing seawall with a cap and batter piles and a 300 ft² wood dock. The proposed project includes the removal of the wood dock, the installation of a 750 ft² marginal dock and finger pier, installation of one (1) boat lift and two (2) mooring piles. As measured from the property line, the proposed finger pier and mooring piles encroach more than 25' from the property line into the Middle River. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed finger pier and mooring piles will require a variance waiver.

The proposed structures are being permitted through the Broward County Environmental Protection & Growth Management Department, Florida Department of Environmental Protection, and US Army Corps of Engineers.

The following three (3) matters provide justification for this waiver request:

1. All structures will not exceed 30% of the width of the waterway.
2. Due to the width of the waterway at this location to the closest structure ($\pm 275'$), the proposed project will not impede navigation within the Middle River. The proposed mooring piles extend 52' waterward of the property line.
3. The dock and boat lifts are necessary for safely mooring vessels, as this is along a high-traffic waterway, especially during high wind events and severe weather.

If this waiver is approved, the applicant will comply with all necessary construction requirements stated in Section 47-19.3 (C)(D)(E).

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
1 Finger Pier	±38	25'	±13'
2 Mooring Pile	±52'	25'	±27'
3 Mooring Pile	±50.3'	25'	±25.3'

EXHIBIT VII
SITE PHOTOGRAPHS



1. North corner of the subject site, facing south. Note existing wood dock.

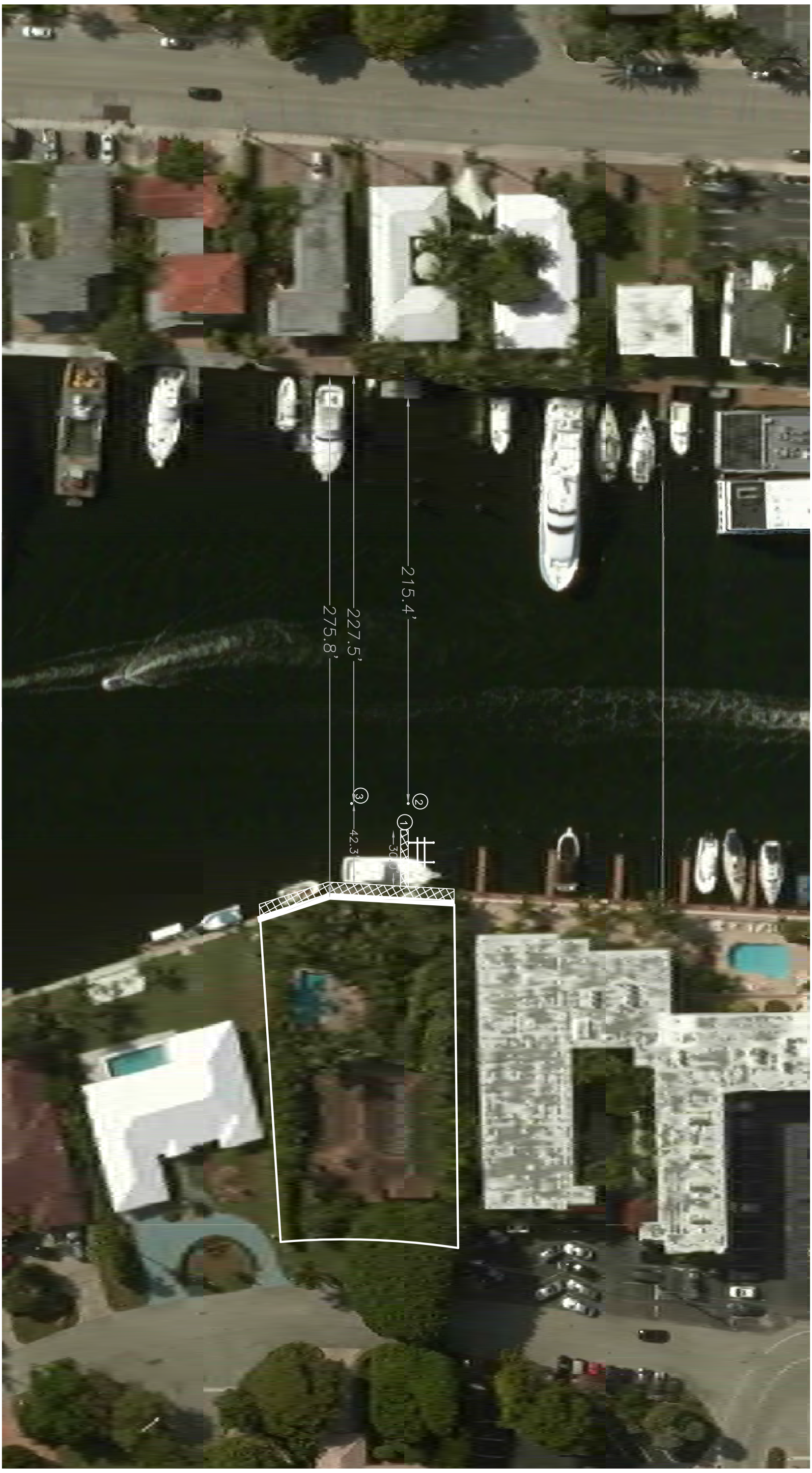


2. South corner of the subject site, facing north.



3. Northern portion of the subject site, facing east along the Middle River.

EXHIBIT VIII
DISTANCE EXHIBIT



THIS DRAWING AND ALL APPURTENANT MATTER CONTAINS INFORMATION PROPRIETARY TO THE CHAPPELL GROUP, INC. AND IS LOANED SUBJECT TO RETURN UPON DEMAND AND MUST NOT BE REPRODUCED, COPIED, LOANED, REVEALED, NOR LISTED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT IS SPECIFICALLY FURNISHED WITHOUT EXPRESSED WRITTEN CONSENT OF THE CHAPPELL GROUP, INC.

© THE CHAPPELL GROUP, INC. 2017

THE Chappell **INC.**
GROUP

714 East McNab Road
Pompano Beach, Florida 33060
tel. 954.782.1908
fax 954.782.1108 www.thechappellgroup.com

- *Environmental Consultants*
- *Marina & Wetland Permitting*
- *Mitigation Design & Monitoring*
- *TSE Species Surveys*
- *Phase I ESAs*

801 MIDDLE RIVER DRIVE

PREPARED FOR:
MR. PAUL MCGEE

DISTANCE EXHIBIT		
Date:	Sheet :	of :
9/21/2017	1	1
Proj No.:		
17-0045		

**EXHIBIT IX
LETTERS OF SUPPORT**

Paul McGee
801 Middle River Drive
Fort Lauderdale, FL 33304

RE: 801 Middle River Drive
City of Fort Lauderdale Waiver Request

Dear Mr. McGee,

I have reviewed the plans for the proposed project to install a finger pier, boat lift, and mooring piles beyond 25 feet from the property line into the Middle River. I understand that the proposed project will require a waiver of limitations through the City of Fort Lauderdale along with permitting through the regulatory agencies. I am the owner of 797 Middle River Drive, and support the project as proposed.

Sincerely,



Richard Arote
19 Wilbur Street
Lynbrook, NY 11563

Middle River Villas Condominium, Inc.
815 Middle River Drive
Fort Lauderdale, FL 33304

Paul McGee
801 Middle River Drive
Fort Lauderdale, FL 33304

RE: 801 Middle River Drive
City of Fort Lauderdale Waiver Request

Dear Paul,

I have reviewed your plans for the proposed project to install a finger pier, boat lift, and mooring piles beyond twenty-five feet from the property line into the Middle River. I understand that the proposed project will require a waiver of limitations through the City of Fort Lauderdale along with permitting through the regulatory agencies. As President of Middle River Villas Condominium, Inc., which is immediately north of the proposed project. I have communicated with the unit owners, and we are in support of the waiver.

Sincerely,

A handwritten signature in dark ink, appearing to read "Butch Wilson". The signature is fluid and cursive, with a large, stylized "W".

Butch Wilson

For the Board