

REVISED

MEMORANDUM MF NO. 17-27

DATE: November 30, 2017

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: December 7, 2017 MAB - Dock Waiver of Distance Limitations
-Kevin Klar & Monica Zuzzi Campbell / 726 NE 20th Avenue

Attached for your review is an application from Kevin Klar & Monica Zuzzi Campbell / 726 NE 20th Avenue (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the installation of two (2) finger piers, one (1) boat lift, one (1) jet ski platform and four (4) triple pile clusters. 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 2

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Boat Lift - #1	30'	25'	5'
Finger Pier - #2	30'	25'	5'
Jet Ski Platform - #3	30'	25'	5'
Finger Pier - #4	93'	25'	68'
Triple Pile Cluster - #5	94'	25'	69'
Triple Pile Cluster - #6	94'	25'	69'
Triple Pile Cluster - #7	125'	25'	100'
Triple Pile Cluster - #8	125'	25'	100'

ULDR Section 47-19.3 C. limits the maximum distance of mooring structures to 25 feet or 25% of the width of the waterway, whichever is less. Section 47.19 D. limits the maximum distance of mooring piles 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 specified that the extra distance for the boat lift, finger piers, jet ski platform triple pile clusters are necessary for safely mooring existing vessels, avoiding adverse effects from high wind events and severe weather , safely boarding and disembarking the resident's vessels, and 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 Medium Density Zoning District. It is situated on the Middle River where the width of the waterway from the property wet face to the closest structure or vessel is +/- 715 feet, according to the Summary Description provided in **Exhibit 1**.

DOCK PLAN AND BOATING SAFETY

Marine Facilities records reflect that there have been at least eighteen (18) waivers of docking distance limitations approved by the City Commission since 1983. A comparison of these as shown in **Table 2** including the maximum distances of all mooring structures extending into the Middle River follows:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
March 1983	834 N.E. 20 th Avenue	Pilings – 45'
April 1983	714 N.E. 20 th Avenue	Pilings – 45' Piers – 37'
July 1985	808 N.E. 20 th Avenue	Pilings – 48' Piers – 38'
January 1990	840 N.E. 20 th Avenue	Pilings – 48' Pier – 48'
September 1992	738 N.E. 20 th Avenue	Pilings – 75' Pier – 39'
November 2007	810 N.E. 20 th Avenue	Pilings – 68' Piers – 73'
January 2008	852 N.E. 20 th Avenue	Pilings – 86' Pier – 49'
October 2008	714 N.E. 20 th Avenue	Pier – 108'
November 2012	810 N.E. 20 th Avenue	Pilings- 124.4'
May 2013	720 N.E. 20 th Avenue	Pilings-80' Pier-42'
May 2013	816 N.E. 20 th Avenue	Pilings-112.4'
March 2014	704 N.E. 20 th Avenue	Pilings – 125'
October 2014	720 N.E. 20 th Avenue	Pilings-125'

November 2014	726 N.E. 20 th Avenue	Pilings-125'
February 2015	824 N.E. 20 th Avenue	Pilings-106.3'
January 2016	900/910 N.E. 20 th Avenue	Pilings – 80.3'
November 2017	800 N.E. 20 th Avenue	Pilings – 100'
November 2017	744 N.E. 20 th Avenue	Pilings – 133.5'

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 City Staff 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: Kevin Klar and Monica Zuzzi Campbell

-TELEPHONE NO: 954-647-6556

(home)

(business)

FAX NO _____

2. **APPLICANT'S ADDRESS** (if different than the site address):

3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:**

The applicant request a waiver a proposed boat lift, jet-ski platform, four (4) sets of triple pile clusters, and a finger pier beyond 25 feet from the property line.

4. **SITE ADDRESS:** 726 NE 20th Avenue, Fort Lauderdale, FL 33304

ZONING: RS-8

LEGAL DESCRIPTION: VICTORIA HIGHLANDS AND PLAT 15-9 B PT OF BLK 1 F/P/A LOTS 6 LESS N15.7 LESS S 15 BLK 1 VICTORIA HIGHLANDS

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

Applicant's Signature _____

Date _____

The sum of \$ 300.00 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

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RECORD AND RETURN TO:
Title Now, LLC
450 NE 5th Street, Suite 2
Fort Lauderdale, FL 33301

This instrument was prepared by:
Michelle J. Gomez, Esquire
SAUNDERS, CURTIS, GINESTRA & GORE, P.A.
8201 Peters Road, Suite 2200
Fort Lauderdale, FL 33324
954/969-9919

Tax Folio No. 5042 02 13 0050

WARRANTY DEED

THIS INDENTURE, made this 26th day of June, 2017, BETWEEN, LEE MANDEL AND ARINN MANDEL, as husband and wife, whose address is 3750 Birch Terrace, Davie, Florida 33330, Grantors, and KEVIN KLAR AND MONICA Zuzzi CAMPBELL, as husband and wife, whose mailing address is 726 NE 20th Avenue, Fort Lauderdale, FL 33304.

WITNESSETH, That said Grantors, for and in consideration of the sum of TEN AND 00/100 (\$10.00) Dollars, and other good and valuable considerations to said Grantors in hand paid by said Grantees, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said Grantees, and Grantees' successors and assigns forever, the following described land, situate, lying and being in Broward County, Florida, to-wit:

Lot 6, less the North 15 feet thereof, and Lot 7, less the South 15 feet thereof, Block 1, VICTORIA HIGHLANDS, according to the plat thereof, as recorded in Plat 9, Page 47, Public Records of Broward County, Florida, now a portion of Block 1, Amended Plat of Victoria Highlands, according to the plat thereof, as recorded in Plat Book 15, Page 9, Public Records of Broward County, Florida.

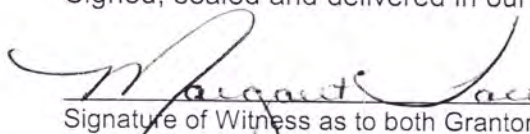
SUBJECT TO covenants, conditions, restrictions, easements, reservations, and limitations of record and taxes for the year 2017 and subsequent years.

TOGETHER with all and singular the tenements, hereditaments and appurtenances belonging or in anywise appertaining to that real property.

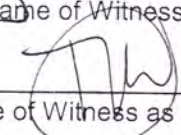
Grantors do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantors have hereunto set their hands and seals the day and year first above written.


Signed, sealed and delivered in our presence:

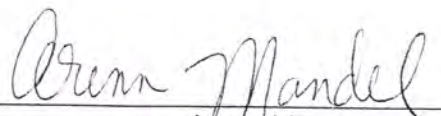

Signature of Witness as to both Grantors

Margaret Jacob
Printed name of Witness as to both Grantors


Signature of Witness as to both Grantors

Teresa Morenc
Printed name of Witness as to both Grantors


LEE MANDEL

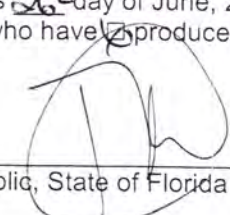

ARINN MANDEL

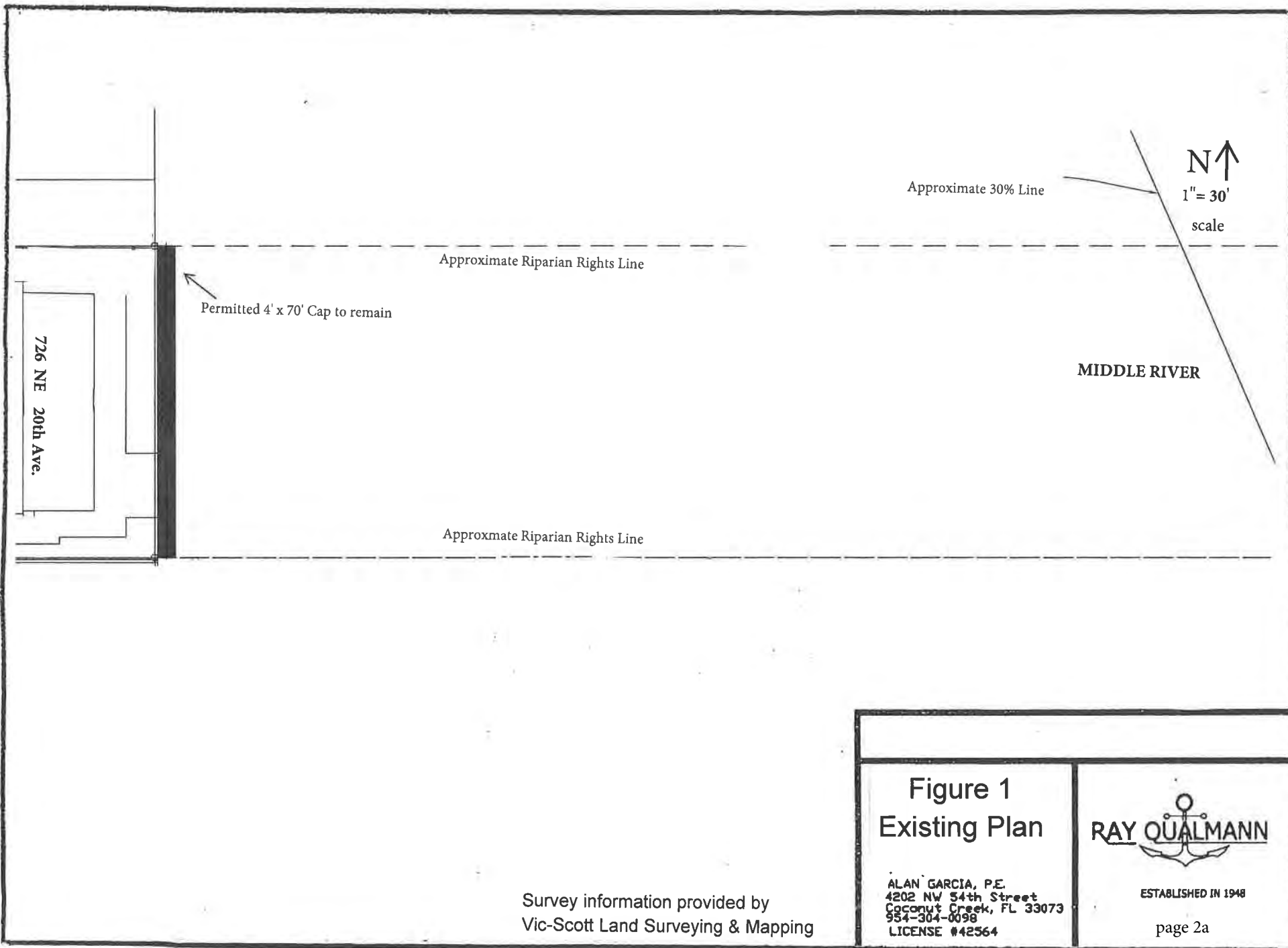
STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 26th day of June, 2017, by LEE MANDEL AND ARINN MANDEL, who are ☐ personally known to me or who have ☒ produced DL'S as identification.

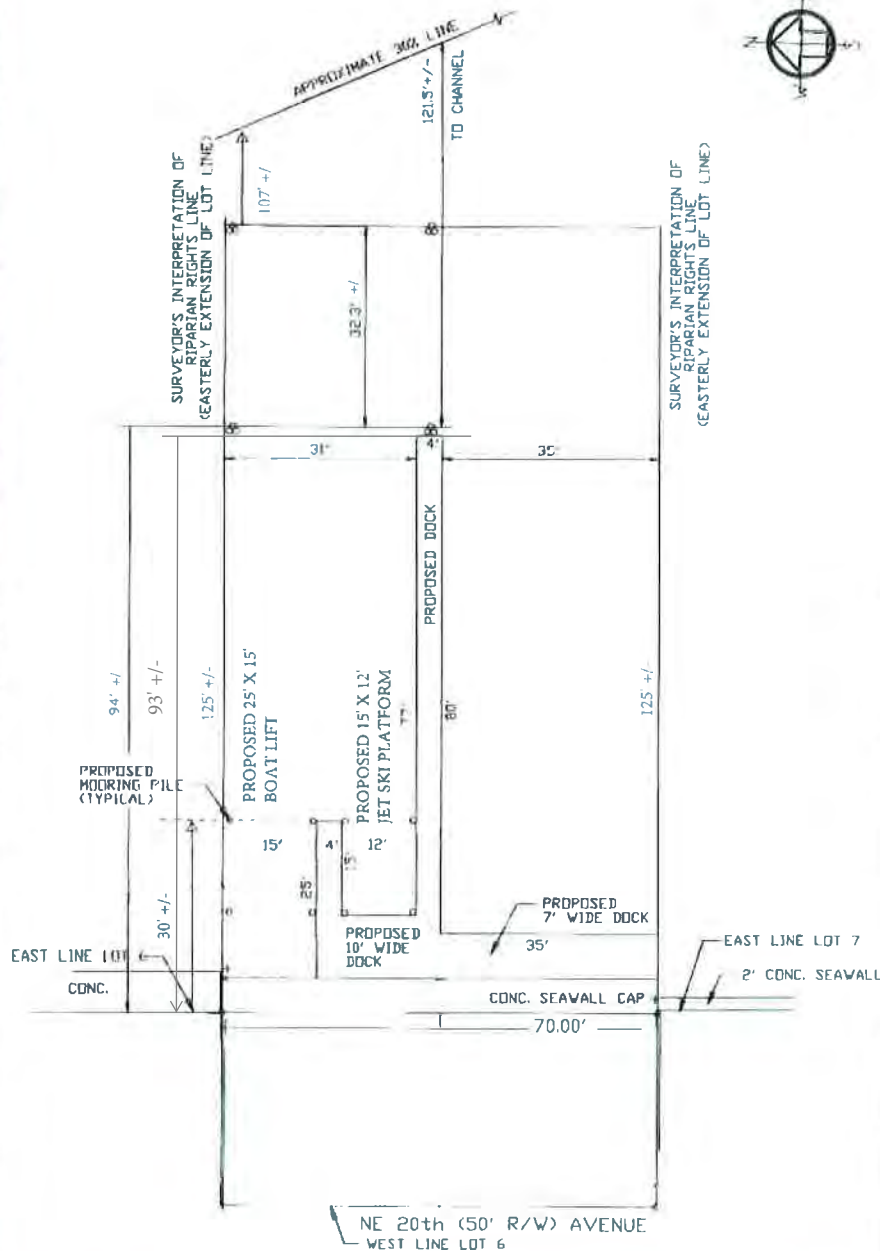
(SEAL)




Notary Public, State of Florida



MIDDLE RIVER



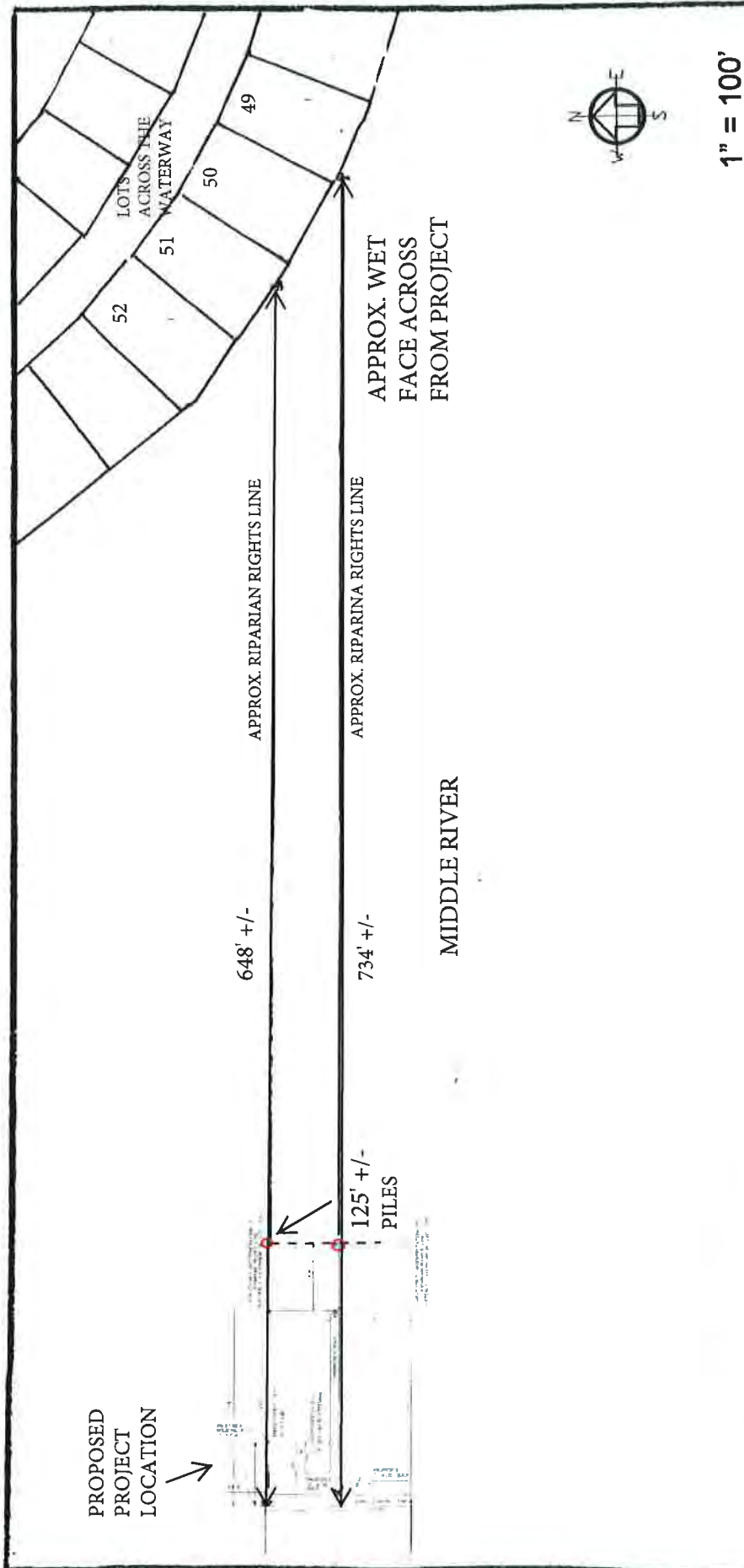
ESTABLISHED IN 1948
page 2b

Figure 2 Proposed Plan

ALAN GARCIA, P.E.
4802 NW 54th Street
Boca Raton, FL 33433
954-384-0058
LICENSE #42564

Survey information provided by
Vic-Scott Land Surveying & Mapping

Proposed Structures (+/- linear feet)	Structure Distance From Property Line	Permitted Distance Without Waiver	Distance Requiring A Waiver
Boat Lift - #1	30'	25'	5'
Finger Pier - #2	30'	25'	5'
Jet Ski Platform - #3	30'	25'	5'
Finger Pier - #4	93'	25'	68'
Triple Pile Cluster - #5	94'	25'	69'
Triple Pile Cluster - #6	94'	25'	69'
Triple Pile Cluster - #7	125'	25'	100'
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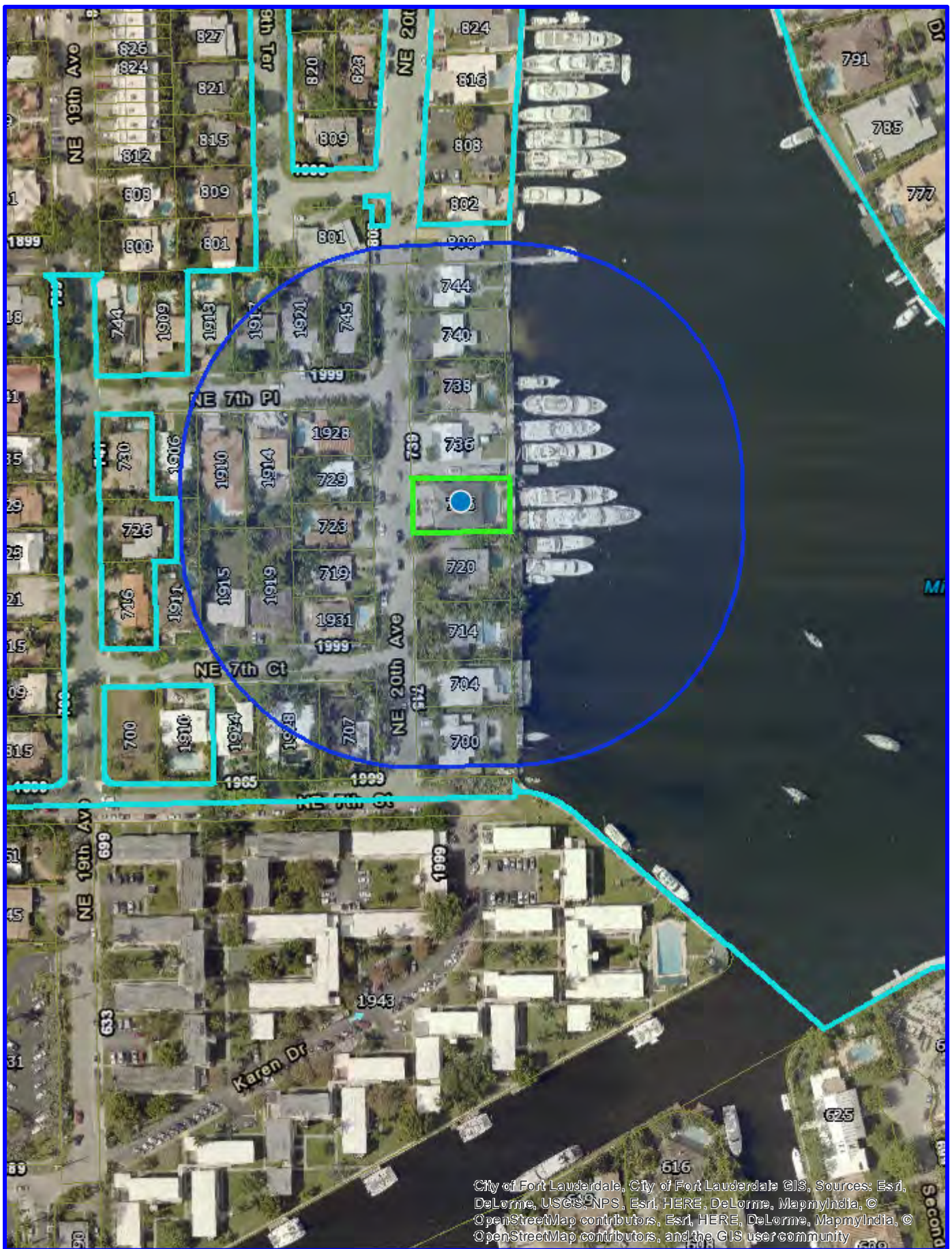
Figure 3
Proposed Plan



ALAN GARCIA, P.E.
4202 NW 54th Street
Cocoa, FL 32913
LIC. # 942564

ESTABLISHED IN 1948

page 2c



City of Fort Lauderdale, City of Fort Lauderdale GIS, Sources: Esri, DeLorme, USGS, NPS, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community



CITY OF FORT LAUDERDALE

726 NE 20th Ave

Page 3



0 90 180 Feet

GIS
Fort Lauderdale

Map Created by GIS Mailer

CAM #18-0071

Printed on: 11/22/2017

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Summary Description 726 NE 20th Avenue

The Proposed Project is located along the Middle River at 726 NE 20th Avenue, in Section 02, Township 50, Range 42, in the City of Ft. Lauderdale, Broward County, Florida

Port Everglades Channel located approximately 2.7 miles from the Proposed Project is the closest access to the Atlantic Ocean. The Proposed Project is located in tidal waters which mean the water has cyclical changes in tide from low to high and back to low again.

The Proposed Project includes the installation of four (4) triple-pile clusters, two (2) finger piers, one (1) boat lift and one (1) jet ski platform extending a maximum distance of approximately 125 feet from the property line into the Middle River.

The allowable distance is 25 feet into the waterway from the property line; therefore, the Proposed Project cluster piles, finger piers, boat lift and Jet Ski platform will require a variance waiver from the City.

The Proposed Project mooring structures are currently under a permit modification review process by the following agencies –

- Broward County Environmental Protection & Growth Management Department (DF16-1144)
- Florida Department of Environmental Protection (06-0320716-003)
- US Army Corps of Engineers (SAJ-2013-3460)

The following points provide justification for this waiver request:

1. A waiver was approved for the previous property owner in November 2014 and two (2) sets of cluster piles were installed along the southern property line.
2. The boat slips and structures will not exceed 30% of the width of the waterway.
3. The proposed mooring pile clusters are 125 feet from the project property line and at least 648 feet from the wet face on the opposite side of the Middle River.
4. The additional piles are necessary to safely moor existing vessels and to avoid adverse effects from high wind events and severe weather.
5. The proposed finger piers are necessary for safely boarding and disembarking the existing vessels.
6. The proposed slips are consistent with the adjacent property waivers.

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 (+/- linear feet)	Structure Distance From Property Line	Permitted Distance Without Waiver	Distance Requiring A Waiver
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Site Photos

726 NE 20th Avenue

Photo: 1

Description:

View of north corner of the Property facing south.



Photo: 2

Description:

View of north corner of the Property facing east across the Middle River.



Site Photos

726 NE 20th Avenue

Photo: 3

Description:

View of south corner of the Property facing north.

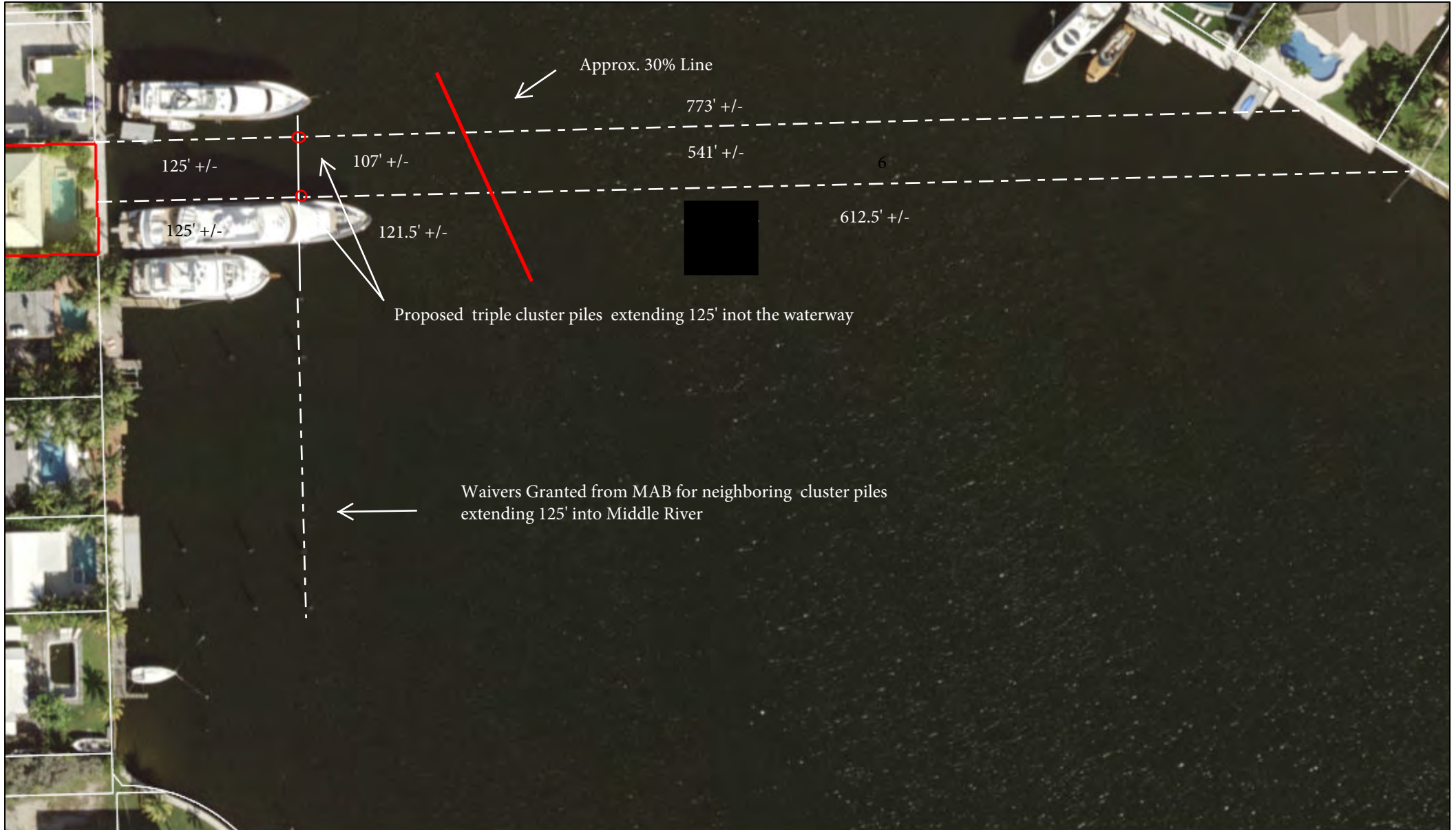


Photo: 4

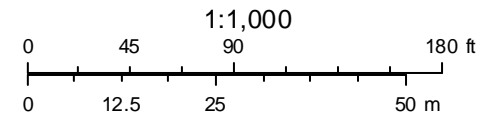
Description:

View of south corner of the Property facing east across the Middle River.





726 NE 26th Avenue - Distance Exhibit



**Mr. Kevin Klar & Mrs. Monica Campbell
726 NE 20th Ave.
Fort Lauderdale, Fl. 33304**

**Re: 726 NE 20th Ave.
City of Ft. Lauderdale Wavier Request**

Dear Mr. Klar & Mrs. Campbell

I have reviewed the plans for the proposed project to install six triple-pile clusters and two new finger piers out into Middle River beyond the allowable 25 feet. 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 reside at 736 NE 20th Avenue and support the project as proposed.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gerhard Sowa Jr.", with a stylized, sweeping flourish extending to the left.

**Gerhard Sowa Jr.
736 NE 20th Ave.
Fort Lauderdale, Fl. 33304**