

ITEM V

MEMORANDUM MF NO. 17-25

DATE: October 20, 2017

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: January 4, 2018 MAB – Application - Dock Waiver of Distance Limitations – Mitch Miles /1325 East Lake Drive

Attached for your review is an application from Mitch Miles, 1325 East Lake Drive (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the installation of a 182 square foot floating dock and a 36 square foot ramp. The proposed floating dock and ramp encroach more than 25' from the property line into the adjacent Sylvan Lake, requiring a Dock Waiver of Distance Limitations. The floating dock extends a maximum distance of +/-45' from the property line into Sylvan Lake as shown in the distance exhibit in the application package and summarized in Table 1:

TABLE 1

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Floating Dock (Finger Pier)	+/- 45'	25'	+/- 20'
Ramp	+/- 32'	25'	+/- 7'

The City's Unified Land and Development Regulations (UDLR), Section 47-19.3.D 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 in addition to the width of the waterway at this location to the closest structure (+/- 700-735'), the floating dock is necessary to safely access vessel from the stern of the proposed slip and for offloading vessels on the lift. The floating dock also allows safe launching of paddleboards.

PROPERTY LOCATION AND ZONING

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

DOCK PLAN AND BOATING SAFETY

Marine Facilities records reflect that there have been 3 waivers of docking distance limitations in this area approved by the City Commission since 1997. A comparison of these as shown in Table 2 including the maximum distances of all mooring structures extending into the New River follows:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
1997	1415 East Lake Drive	+/- 35'
1998	1 Isla Bahia	+/-35'
2017	5 Harborage Isle	+/-43'

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, Supervisor of Marine Facilities

EXHIBIT I
APPLICATION FOR WATERWAY WAIVER

EXHIBIT 1

**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: **Mr. Mitch Milesi**

TELEPHONE NO: 772 263-1031
(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 floating dock and gangway.**

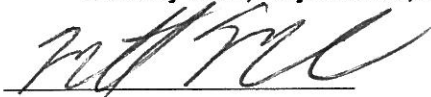
SITE ADDRESS: **1325 East Lake Drive, Fort Lauderdale Florida 33316**

4. ZONING: **RS-4.4**

LEGAL DESCRIPTION: **HARBOR BEACH UNIT 1 RESUB 19-10 B THAT PT OF BLK 5 F/P/A LOT 9
BLK 5 HARBOR BEACH UNIT 1**

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



10/15/17

Applicant's Signature

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

Commission Action

Formal Action taken on _____

Formal Action taken on _____

Recommendation _____

Action _____

EXHIBIT II

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**EXHIBIT III
WARRANTY DEED**

3

Prepared by and return to:
Patricia L Southard
Title Agent
Heritage Title Insurance Agency, Inc,
110 SE Sixth Street 15th Floor
Fort Lauderdale, FL 33301
954-763-3665
File Number: 2013.44
Will Call No.:

[Space Above This Line For Recording Data]

Quit Claim Deed

This Quit Claim Deed made this 17th day of April, 2013 between James Ralph Kleinek and Jessica Nicole Elswick, husband and wife, whose post office address is 1628 NE 6th Court, Fort Lauderdale, FL 33316, grantor, and Mitch Milesi and Judi Milesi, husband and wife whose post office address is 1325 East Lake Drive, Fort Lauderdale, FL 33316, 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 9. BLOCK 5, "HARBOR BEACH UNIT ONE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGE 6, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND RESUBDIVISION OF HARBOR BEACH UNIT ONE, RECORDED IN PLAT BOOK 19, PAGE 10, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

ALSO KNOWN AS A PORTION OF BLOCK 5. "RESUBDIVISION OF HARBOR BEACH UNIT ONE", RECORDED IN PLAT BOOK 19, PAGE 10, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID BLOCK 5; THENCE NORTHERLY ALONG THE EAST LINE OF SAID BLOCK FOR A DISTANCE OF 326.36 FEET; THENCE CONTINUE NORTHEASTERLY ALONG A LINE MAKING AN INCLUDED ANGLE OF 178 DEGREES 27 MINUTES 45 SECONDS FOR A DISTANCE OF 76.006 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID EASTERLY LINE FOR A DISTANCE OF 110.932 FEET; THENCE WESTERLY ALONG A LINE PARALLEL TO AND 510.00 FEET NORTH OF AND MEASURED AT RIGHT ANGLES TO THE SOUTH BOUNDARY OF SAID BLOCK 5 FOR A DISTANCE OF 160.00 FEET TO A POINT ON THE SHORE LINE OF SYLVAN LAKE; THENCE SOUTHWESTERLY ALONG THE SHORE LINE OF SYLVAN LAKE TO A POINT 400.00 FEET NORTH OF THE SOUTH BOUNDARY OF SAID BLOCK 5 MEASURED AT RIGHT ANGLES THERETO; THENCE EASTERLY ALONG A LINE PARALLEL TO AND 400.00 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO SAID SOUTH BOUNDARY, A DISTANCE OF 156.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND BEING THE SAME PIECE OF PROPERTY AS DESCRIBED IN A FORMER PLAT AS LOT 9, BLOCK 5, "HARBOR BEACH UNIT ONE" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 19, PAGE 6, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

DoubleTime®

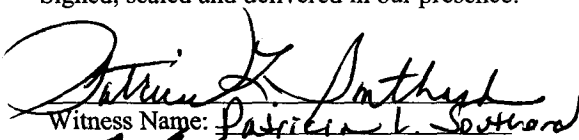
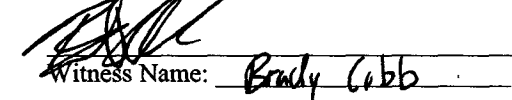
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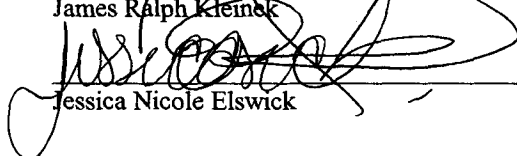
Parcel Identification Number: 5042 13 01 0750

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.

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:


Witness Name: Patricia L. Southard

Witness Name: Brady Cobb


James Ralph Kleinek

Jessica Nicole Elswick

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 17th day of April, 2013 by James Ralph Kleinek and Jessica Nicole Elswick, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]

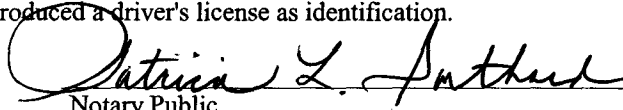
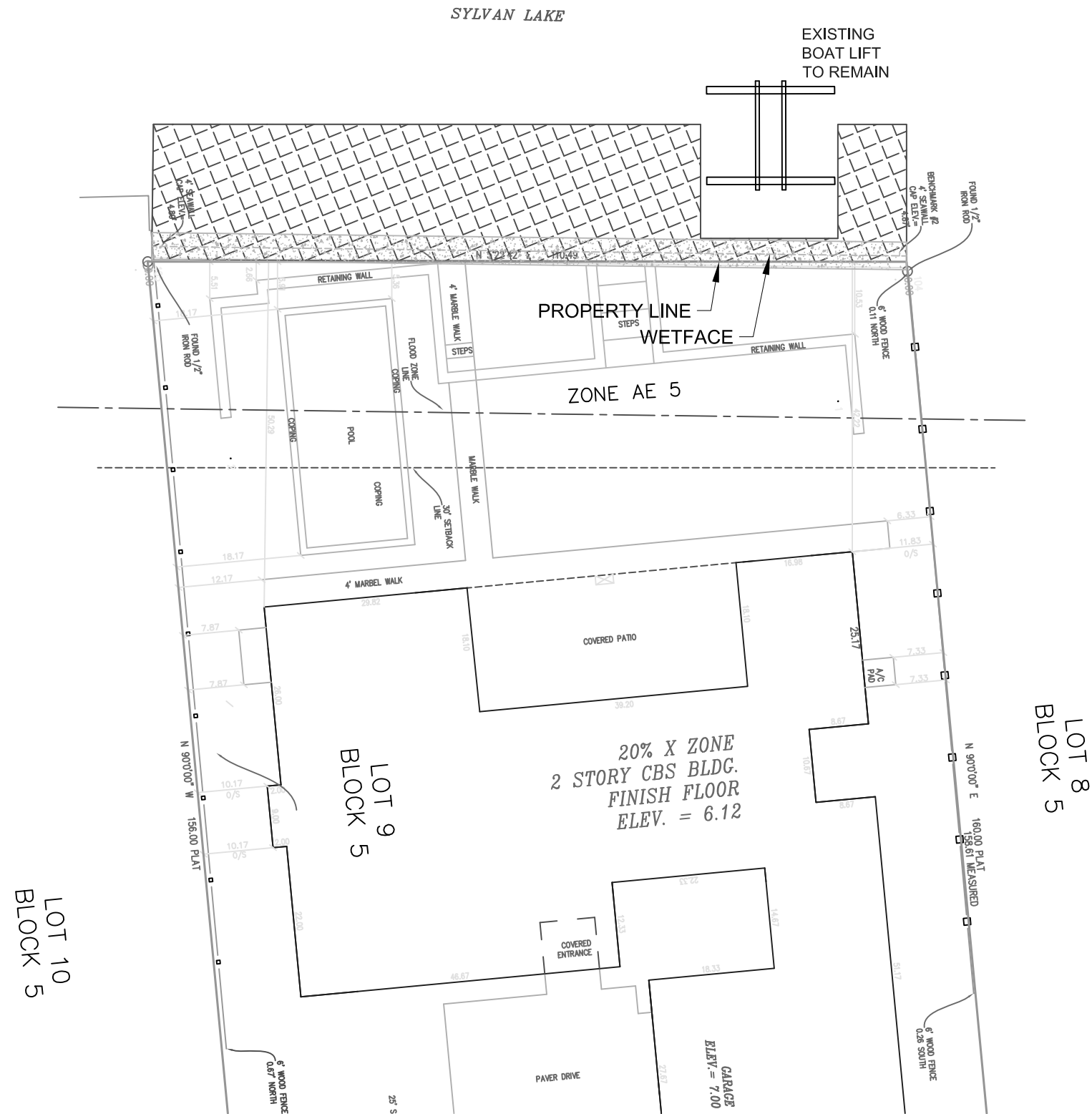

Notary Public
Printed Name: Patricia L Southard
My Commission Expires: _____



EXHIBIT IV PROJECT PLANS



LEGEND

 PREVIOUSLY PERMITTED CONCRETE FIXED DOCK TO REMAIN (±1,850 SQ. FT.)

 PREVIOUSLY PERMITTED SEAWALL CAP (±110 LN. FT., ±220 ft² OVERWATER)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD

NOTE: SURVEY INFORMATION PROVIDED BY VIZCAYA SURVEYING AND MAPPING, INC.

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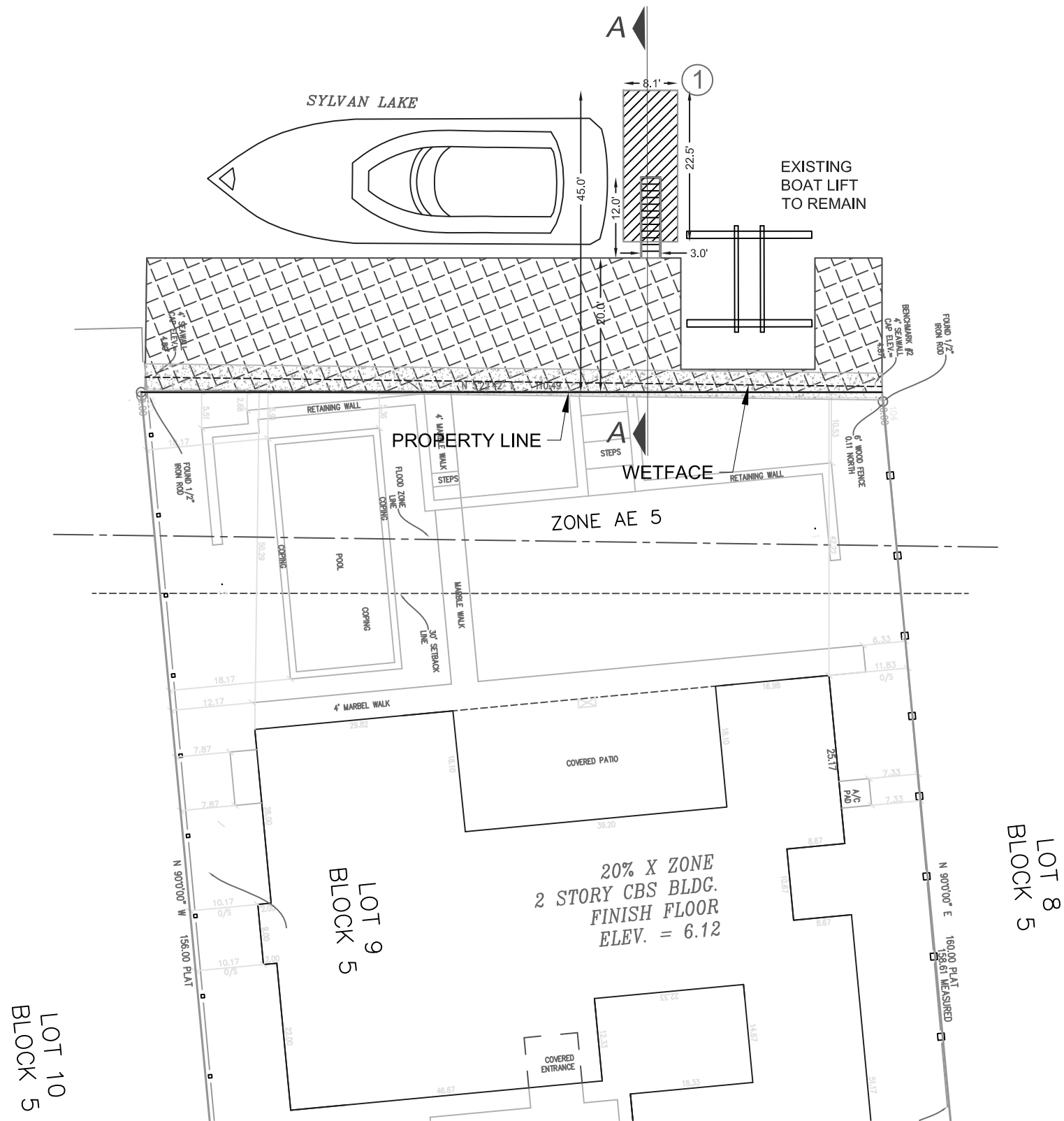
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

1325 EAST LAKE DRIVE

PREPARED FOR:
MITCH MILES

EXISTING CONDITIONS

Date: 9/26/2017	Sheet : 1	of : 4
Proj No.: 17-0054		



LEGEND

- PREVIOUSLY PERMITTED CONCRETE FIXED DOCK TO REMAIN (±1,850 SQ. FT.)
- PREVIOUSLY PERMITTED SEAWALL CAP (±110 LN. FT., ±220 ft² OVERWATER)
- PROPOSED FLOATING DOCK (±182 ft² OVERWATER)
- PROPOSED RAMP (±36 ft²)

M.H.W. = 0.25' NAVD M.L.W. = (-)2.13' NAVD
NOTE: SURVEY INFORMATION PROVIDED BY VIZCAYA SURVEYING AND MAPPING, INC.

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PREPARED FOR:
MITCH MILES

PROPOSED CONDITIONS		
Date: 9/26/2017	Sheet : 2	of : 4
Proj No.: 17-0054		

N.T.S.

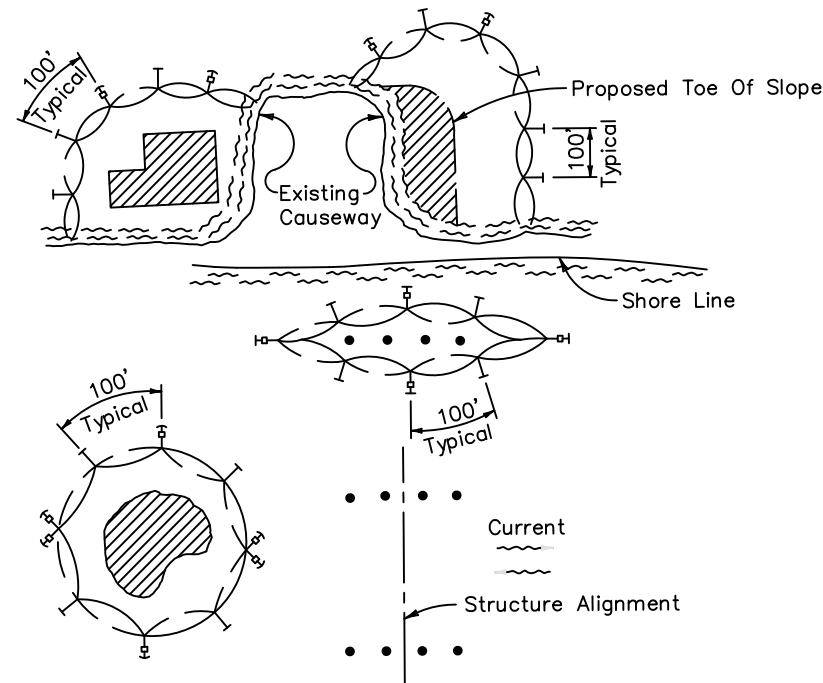


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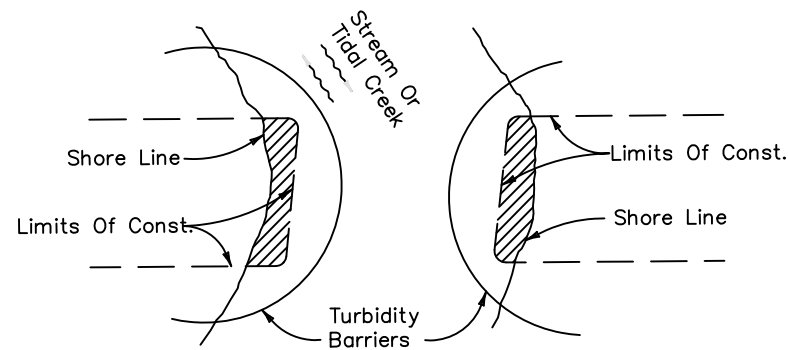
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CONSTRUCTION BARGE (TYP.)



LEGEND

- Pile Locations
- ▨ Dredge Or Fill Area
- ⊕ Mooring Buoy w/Anchor
- ⊖ Anchor
- Barrier Movement Due To Current Action

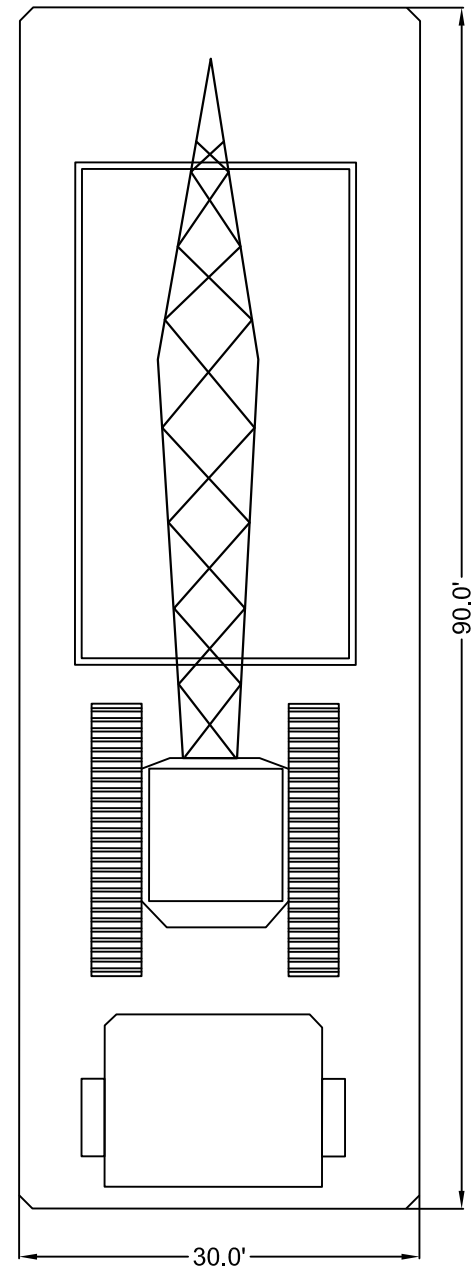


Note:
Turbidity barriers for flowing streams and tidal creeks may be either floating, or staked types or any combinations of types that will suit site conditions and meet erosion control and water quality requirements. The barrier type(s) will be at the Contractors option unless otherwise specified in 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



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1325 EAST LAKE DRIVE

PREPARED FOR:
MITCH MILES

DETAILS

Date: 9/26/2017	Sheet : 4	of : 4
Proj No.: 17-0054		

EXHIBIT V
ZONING AERIAL



City of Fort Lauderdale, Sources: Esri, DeLorme, USGS, NPS, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors



CITY OF FORT LAUDERDALE

Map Created by GIS Mailer

1325 East Lake Drive



0 90 180 Feet

GIS
Fort Lauderdale

CAM 18-0090

Printed on: 10/19/2017

Page 16 of 27

EXHIBIT VI
SUMMARY DESCRIPTION

Summary Description
1325 East Lake Drive
TCG Project No. 17-0054

The project site is located at 1325 East Lake Drive, in Section 13, Township 50, Range 42, in the City of Fort Lauderdale, Broward County, Florida.

The property is located along Sylvan Lake, which is a tidal water. The nearest direct connection to the Atlantic Ocean is 0.8 miles to the southeast at the Port Everglades Inlet. As the project site is located along Sylvan Lake, 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 concrete seawall with a cap and batter piles, an 1,850 ft² marginal concrete dock, and a boat lift. The proposed project includes the installation of a 182 ft² floating dock and 36 ft² ramp. As measured from the property line, the proposed floating dock and ramp encroach more than 25' from the property line into Sylvan Lake. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed floating dock and ramp 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 ($\pm 700-735'$), the proposed project will not impede navigation within Sylvan Lake. The proposed floating dock and ramp extend 45' waterward of the property line.
3. The floating dock is necessary for safely accessing a vessel from the stern of the proposed slip and for offloading vessels on the lift. The floating dock will also allow safe launching of paddleboards.

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	±45'	25'	±20'
2 Ramp	±32'	25'	±7'

**EXHIBIT VII
SITE PHOTOGRAPHS**



1. North corner of the subject site, facing south. Note existing dock and boat lift.



2. Central portion of the subject site, facing south along Sylvan Lake.

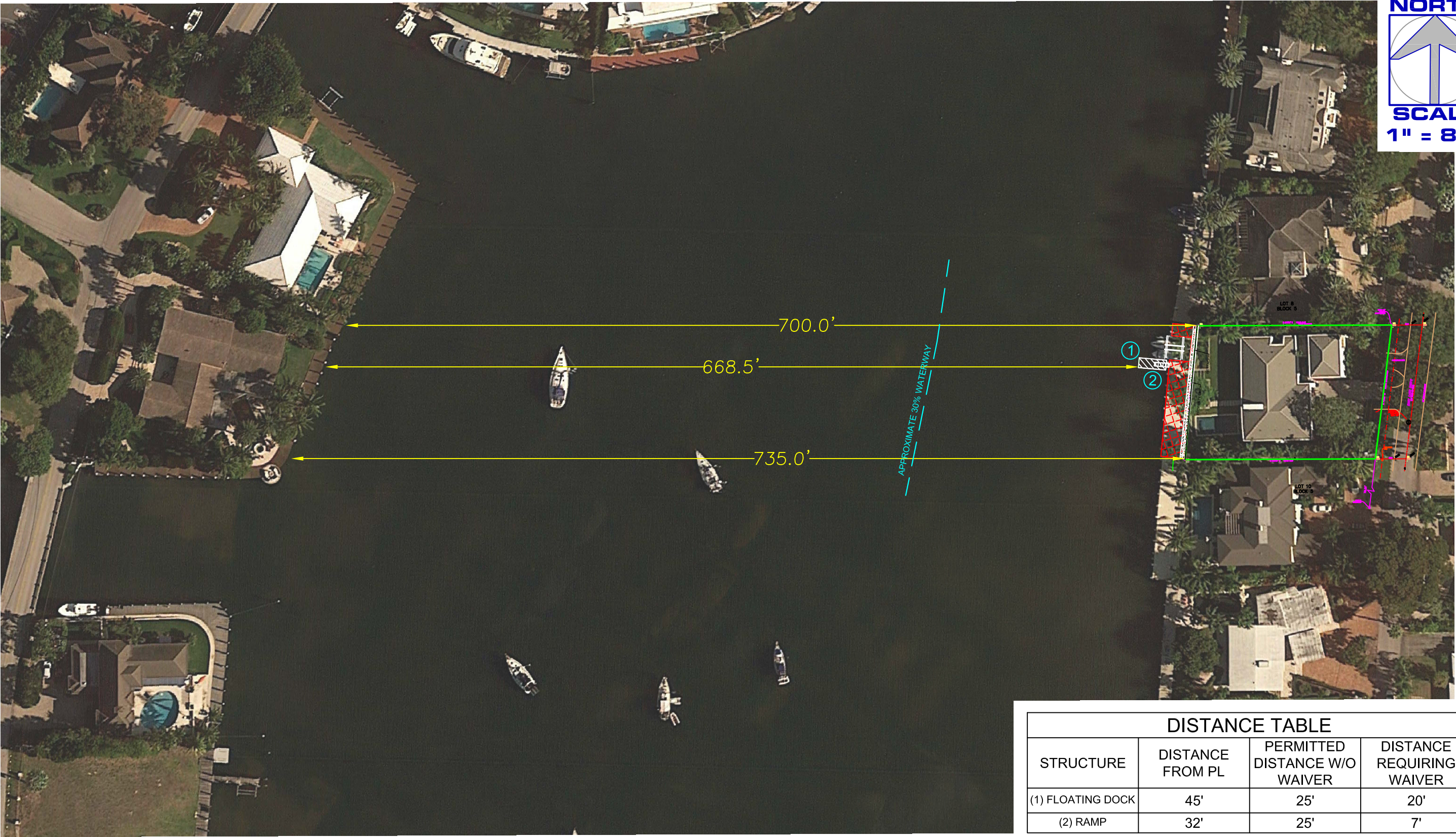


3. Southern portion of the subject site, facing north along Sylvan Lake.



4. Northern portion of the subject site, facing west along Sylvan Lake.

EXHIBIT VIII
DISTANCE EXHIBIT



NORTH

SCALE
1" = 80'

DISTANCE TABLE			
STRUCTURE	DISTANCE FROM PL	PERMITTED DISTANCE W/O WAIVER	DISTANCE REQUIRING WAIVER
(1) FLOATING DOCK	45'	25'	20'
(2) RAMP	32'	25'	7'

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1325 EAST LAKE DRIVE

PREPARED FOR:
MITCH MILES

DISTANCE EXHIBIT		
Date: 9/26/2017 Proj No.: 17-0054	Sheet : 1	of : 1

**EXHIBIT IX
LETTERS OF SUPPORT**

Mr. Mitch Milesi
1325 East Lake Drive
Fort Lauderdale, FL 33316

RE: 1325 East Lake Drive
City of Fort Lauderdale Waiver Request

Dear Mr. Milesi,

I have reviewed the plans for the proposed project to install a floating dock and gangway out into Sylvan Lake 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 1313 East Lake Drive and support the project as proposed.

Sincerely,

A handwritten signature in dark ink, appearing to be a stylized 'B' or 'M' followed by a long horizontal stroke.

Ms. Sheila Seigel and Mr. William Malisch
Malisch Florida Trust
1313 East Lake Drive
Fort Lauderdale, FL 33316

From: Damaso Saavedra
To: [Sara Gutekunst](#)
Cc: [Tyler Chappell](#); mitch@sundancemarineusa.com; [Nick Zweber](#)
Subject: Re: 1325 East Lake Drive Dock
Date: Monday, November 13, 2017 4:01:45 PM

To whom it may concern:

As the Fee simple owners of the neighboring 1331 East Lake Drive property, we strongly support the captioned dock expansion project and its design in every respect. As Trustee, I have been fully authorized to express this support by the beneficiaries of the 1331 East Lake Drive Trust.

If you have any questions please do not hesitate to contact me.

***1331 East Lake Drive Trust,
A Florida Land Trust***

By:
Damaso W. Saavedra, *as Trustee*

Saavedra | Goodwin
312 SE 17th Street, 2nd Floor
Ft. Lauderdale, FL 33316
SG-Logo-Color
AV Rated