

**MINUTES OF THE MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
COMMISSION CONFERENCE ROOM – EIGHTH FLOOR
FORT LAUDERDALE, FLORIDA
THURSDAY, MAY 3, 2018 – 6:00 P.M.**

<u>Board Members</u>	<i>Attendance</i>	Cumulative Attendance May 2018 - April 2019	
		<u>Present</u>	<u>Absent</u>
F. St. George Guardabassi , Chair	P	1	0
Grant Henderson, Vice Chair	P	1	0
Jimi Batchelor	P	1	0
Cliff Berry II	P	1	0
Zane Brisson	A	0	1
George Cable	A	0	1
Susan Engle	P	1	0
Richard Graves	P	1	0
Ted Morley	A	0	1
Roy Sea	P	1	0
Ed Strobel	P	1	0
Randy Sweers	P	1	0
Bill Walker	P	1	0
Jim Welch	P	1	0

As of this date, there are 14 appointed members to the Board, which means 8 would constitute a quorum.

Staff

Andrew Cuba, Manager of Marine Facilities
Jonathan Luscomb, Supervisor of Marine Facilities
Sergeant Todd Mills, Marine Police Staff
Division Chief Stewart Ahearn, Fort Lauderdale Fire Department
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

None.

I. Call to Order / Roll Call

Chair Guardabassi called the meeting to order at 6:01 p.m. and roll was called.

The following Items were taken out of order on the Agenda.

that heavy fuel trucks have been an issue in the past in the surrounding neighborhood due to the narrow entrance and streets.

As there were no other individuals wishing to speak on this Item, Chair Guardabassi closed the public hearing and brought the discussion back to the Board.

Chair Guardabassi clarified that the earlier **motion** was intended to eliminate condition #1, which limited the number of slips to 26, from the list of 14 conditions previously required by the MAB. Ms. Engle pointed out, however, that not all items in the new layout and plan for the site would be related to the Board's purview. Mr. Cuba stated that his original understanding was that today's Agenda Item would be a presentation only and not an Item requiring endorsement. Chair Guardabassi reiterated that the group is only asking the Board to rescind the first condition on the list.

Ms. Engle asked if the submerged land lease restricted the bows of boats to within this area. Dan Fee, also representing South Fork Marina, replied that this was his understanding. It was clarified that the marina may dredge an area to the slip line.

Mr. Cuba asked if the group would be willing to return before the Board at next month's meeting in order to clear up any confusion. It was clarified that the marina representatives were satisfied with the above **motion**. Chair Guardabassi stated that the Board did not currently feel there was sufficient information to pass a resolution endorsing the amended plans.

In a voice vote, the **motion** passed unanimously.

IX. Dock Permit – Olas Capital LLC & James D. Wilson / 341 Idlewild Drive & 333 Poinciana Drive (REVISED)

Courtney Crush, representing the Applicant, explained that the request was originally presented to the Board by two property owners on October 5, 2017. The two properties are double lots and are located on a corner. The shared 2017 application was submitted because of the curve in the shoreline.

Ms. Crush continued that when the application was originally presented, the Applicants requested additional time to work with a nearby property owner to the north. Since that time, the property located to the north has changed hands. Due to the curved shoreline, the riparian rights to the properties overlap. The length of the proposed docks has been reduced from 40 ft. to 25 ft., which means the Application is for a dock permit rather than for a dock waiver. The width of the docks has been reduced from 5 ft. to 4 ft., and the proposed dolphin piles have been removed from the Application.

One request from the northern property is for a 5 ft. setback from that property owner's extended riparian line. The neighbor has also requested that there be no dockage on the north side of the proposed northern dock. Another requested condition is the

limitation of any future dock waiver to within 25 ft. without the express consent of the neighbor.

Ms. Crush advised that the Applicant has attempted to remain in contact with the nearby Marine Towers condominium to the north, which has expressed some general concern regarding the Application; however, the Applicant's priority was to focus on the wishes of more immediate neighbors, including the property owner to the north.

Vice Chair Henderson asked to know the distance between the two proposed docks. Ms. Crush replied that they are 36 ft. apart at the base. One of the Applicants owns one boat and the other Applicant owns two boats. She added that a graphic submitted to the Board by a neighboring property owner appears to be the same as the graphic for the 40 ft. docks proposed in October 2017, with additional sketches of two boats.

Mr. Strobel asked if a maximum length per vessel has been proposed. Ms. Crush replied that there has been no discussion of restricting the length of vessels thus far. It was noted once more that the current request is for 25 ft. docks instead of 40 ft. The distance between the two docks was adjusted as well.

Mr. Walker asked where the riparian rights meet for the two Applicants. Ms. Crush responded that this has not been made clear, even following discussions with the City Attorney's Office and Zoning Department and review of historical records before the existing docks were permitted. Some of the docks constructed on the curve were believed to have been built in the 1960s. The Application will go before the Board of Adjustment, as it is not clear whether the Applicants are requesting a setback waiver due to riparian rights.

Mr. Sweers asked if the Applicants are willing to limit the size or length of boats to be docked. Ms. Crush advised she would need to consult with her client to determine this.

There being no further questions from the Board at this time, Chair Guardabassi opened the public hearing.

Kim Hackett, Applicant, stated that the property at 333 Poinciana Drive has always been a dry lot, with no discussion of riparian rights or a dock. He added that he is agreeing to the proposed solution as a good neighbor.

Brian Gottlieb, private citizen, advised that he represents the owner of 329 Poinciana Drive. The owner has no objections to the conditions proposed by the Applicants. There has been no discussion of restricting the length of boats at the docks by his client.

Mike Evangelisti, private citizen, noted that he lives at 3349 Idlewyld Drive. He asserted that he objects to the proposed dock configuration, as the proposal would demolish one existing dock and replace it with a dock including two finger piers and three boat slips.

One slip would be located just west of his own dock and would make navigation more difficult for him.

Mr. Evangelisti continued that another issue is that one property appears to be for sale. He felt the proposed configuration would result in a financial benefit to the developer while causing a financial loss to himself due to the diminished use of his dock. He characterized the proposed configuration as a "mini-marina."

Mr. Sweers asked if Mr. Evangelisti would be more amenable to the proposal if the property owner to the south eliminated the allowance of a boat on that side or limited the size of the boat. Mr. Evangelisti explained that he would have to look into how this would affect his property.

As there were no other individuals wishing to speak on this Item, Chair Guardabassi closed the public hearing and brought the discussion back to the Board.

Ms. Crush addressed the earlier question regarding limitation of the size of boats permitted at one of the docks. She advised that the Applicant was willing to restrict the maximum boat length to 35 ft.

Mr. Sweers asked if the Applicants would entertain vacating the slip located to the south to accommodate Mr. Evangelisti's dock. Ms. Crush replied that the proposed dock location is 28 ft. from Mr. Evangelisti's T-dock, which the Applicants feel is sufficient room for navigation.

Ms. Engle pointed out that if Mr. Evangelisti cannot navigate from his dock, his only option would be to extend his own dock further so it is parallel with the proposed southern dock, which would affect the Applicants' access with a third boat. Mr. Sea added that he felt it is incompatible to have bow-in docks next to T-docks due to navigation concerns.

Chair Guardabassi asked if the Applicants have considered constructing one larger dock that is 10 ft. wide, which would provide more room to neighbors and still accommodate two boats. Mr. Strobel also asked if the Applicants have considered building a dock like theirs for the neighboring property. Mr. Hackett replied that they have suggested this, as well as the possibility of cutting off one side of the T of the T-dock at their own expense. He pointed out, however, that he owns two lots and the City has approved the construction of two houses, with a boat slip for each house. He reviewed the plans for the site, asserting that everything possible has been done to move the slip away from Mr. Evangelisti's property.

Mr. Evangelisti stated that if the Applicants constructed a new dock for him with the same configuration as theirs, this would affect his neighbors to the south, whose navigation would be affected in turn.

Ms. Crush asked if Mr. Evangelisti would be willing to consider having the Applicants construct a new dock on his property. Mr. Evangelisti replied that he felt the Applicants were willing to be neighborly to a resident to the north but were not willing to extend him the same courtesy. Ms. Crush advised that this was reflected by providing greater distance between the Applicants' proposed docks and Mr. Evangelisti's T-dock. She stated the Applicants were willing to continue to discuss what might be acceptable to all parties. The Board members, Ms. Crush, and Mr. Evangelisti discussed the proportions and specifications of docks and boat lifts on adjacent properties.

Mr. Cuba clarified that the request is for a dock permit for private usage of public property, which means the Board of Adjustment must also review the Application to ensure it is possible to operate within the proposed setbacks. The Board's responsibility is to determine whether or not the plan meets their navigational scrutiny. Ms. Crush added that the Applicant is not requesting anything other than the standard requirements for a dock. She reiterated that the Applicants are willing to limit the size of the boat at the southern dock to 35 ft.

Mr. Cuba continued that the Board cannot approve the concept of constructing a dock at Mr. Evangelisti's property without reviewing plans for the structure. Mr. Evangelisti pointed out that if the Application is approved at tonight's meeting, there is no guarantee a later application for his own property would also be approved, as his neighbors on the other side may have objections.

Ms. Crush requested a moment to confer with her clients before determining what steps they would like to take.

Ms. Crush asked if further restrictions on the length of the boat at the southern dock would be helpful in addressing the navigational issue. Mr. Evangelisti responded that he was concerned with the potential for enforcement of this restriction. He felt more comfortable exploring the possibility of another dock on his property if his southern neighbors did not object.

Motion made by Mr. Strobel, seconded by Mr. Berry, to accept as is, with the restrictions that the first two boats are limited to 35 ft. and the third boat is limited to 25 ft. In a roll call vote, the **motion** passed 8-2 (Chair Guardabassi and Ms. Engle dissenting). (Mr. Batchelor was not present for the vote.)

Mr. Cuba advised that the Application would not go before the City Commission until it has been determined whether or not Board of Adjustment review is required.

~~X. Reports~~

Mr. Luscomb reported that at a recent City Commission Conference Agenda meeting, the City Commissioners did not clearly understand the most recent communication sent by the Board. The City Manager reviewed the elements of the communication, including