

## ITEM V

### MEMORANDUM MF NO. 18-12

DATE: November 20, 2018

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: December 6, 2018 MAB Meeting – Application for Dock Permit – David Zwick / 1735 SE 8<sup>th</sup> Street (Revised)

### APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking approval for use, maintenance and repair of a proposed new seawall cap and batter piles, fixed marginal dock, floating dock with access ramp, and jet dock on public property abutting the waterway and encroaching no more than 10' from the property line into the Rio Valencia Canal (**Exhibit 1**). City Code Section 8- 144 authorizes the construction and use of docks on public property, and allows for the permit to be issued for a fixed period provided the permit holder agrees to maintain the improvements and seawall.

### PROPERTY LOCATION AND ZONING

The property is located within the Rio Vista Isles RS-4.4 Residential Single Family / Low Density Zoning District. The proposed improvements would be located on the Rio Valencia Canal.

### ENGINEERING REVIEW REQUIREMENT

As a requirement of City Code Section 8-144, approval of the application is contingent upon all improvements to the property being maintained in accord with City Engineering standards and in full compliance with building and zoning regulations including construction permits required for any future electrical and water feeds to the property.

The granting of this Permit is subject to all of the provisions of City Code Section 8-144 as well as the following terms and conditions, violation of any of which shall be grounds for revocation of the Permit:

1. The fixed period of the Permit issued for use of the seawall, seawall cap, batter piles, fixed marginal dock, floating dock with access ramp, and jet dock described in the application is for a period of five (5) years in accordance with City Code Section 8-144 (1). The Permit is revocable at the will of the City Commission, without cause with 90 days advance notice.
2. As a special condition, the City reserves the right to remove the proposed dock structures for replacement of the seawall in the event that this might be required during the term of the Permit as determined by the City Engineer. The sole cost of removal and replacement of the Dock shall be the responsibility of the Permit Holder. Furthermore, the Permit Holder shall be responsible for maintaining and beautifying a reasonable area in and around the dock location and failure to do so shall be grounds for revocation of this Permit.

3. As a special condition of the Permit, the Permit Holder is prohibited from erecting any signs, landscaping or fencing to restrict public access to the Dock Area except where permitted by Code. The "Dock Area" shall include the marginal dock, batter piles, floating dock, access ramp, jet dock and adjoining seawall.
4. The public property abutting the waterway or Dock Area being used by the Permit Holder shall be kept open at all times as means of reasonable ingress and egress to the public, but Permit Holder shall have the right to exclude the public from a reasonable portion upon which improvements have been placed, not exceeding fifty (50%) percent of the area.
5. All improvements to the Dock Area must be in accord with City Engineering design standards and in compliance with applicable building and zoning permit requirements.
6. The Permit granted herein shall not be assignable without the written approval by Resolution adopted by the City Commission.
7. Permit Holder shall not charge or collect any rent or fees from anyone using such dock constructed on public property. No signage shall be placed upon such dock indicating it is a private dock.
8. As a special condition, vessels berthed within the Dock Area are prohibited from extending beyond the maximum distance of 30% of the width of the waterway.
9. As a special condition, vessels berthed within the Dock Area must not encroach into the easterly or westerly extension of the 10' vessel set-back required for the RS-4.4 zoning district for Applicant's (Permit Holder's) Property, unless as specified in applicant's narrative a set-back waiver is granted via the City's Board of Adjustment.
10. As a special condition of the permit, in the event Permit Holder is found by the City Commission to have violated any of the above conditions or is found by the Code Enforcement Board, Special Magistrate or County Court Judge to have violated any Code sections relative to the use of the Dock Area, Dock and Mooring Piles, then the Permit granted herein may be repealed or rescinded by the City Commission upon thirty days' advance notice to the Permit Holder.
11. Use of the dock is limited to the docking of a vessel owned by the Permit Holder with a copy of the documentation showing the name and registration number of all vessels provided by the Applicant to the Supervisor of Marine Facilities.
12. The Permit Holder is prohibited from mooring any watercraft or vessel in such a manner that it is "rafted out" from any additional vessel owned or operated by the Applicant.

AC

Attachment

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

**1735 SE 8<sup>TH</sup> STREET  
PRIVATE USE OF PUBLIC LANDS**

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**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: David Zwick

TELEPHONE NO: 954-205-2555 FAX NO. \_\_\_\_\_  
(home) (business)

2. **APPLICANT'S ADDRESS** (if different than the site address):  
**1000 SE 6<sup>th</sup> Court Fort Lauderdale, Florida 33301**
3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:**  
**Private Use of Public Lands**

4. **SITE ADDRESS:** **1735 SE 8<sup>th</sup> Street, Fort Lauderdale Florida 33316** **ZONING:** **RS-4.4**

**LEGAL DESCRIPTION:**  
**RIO VISTA ISLES UNIT 5 8-7 B LOTS 24 & 25 BLK 20**

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

[Signature]  
Applicant's Signature

11/12/18  
Date

The sum of \$ \_\_\_\_\_ was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_, 2015 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 \_\_\_\_\_

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**EXHIBIT II**  
**COVER LETTER**

November 15, 2018

Marine Advisory Board  
City of Fort Lauderdale  
2 South New River Drive East  
Fort Lauderdale, FL 33301

RE: Private Use of Public Lands Authorization

To Whom It May Concern:

The property of 1735 SE 8<sup>th</sup> Street consists of an existing wood, marginal dock along a concrete seawall on the south side along the Rio Valencia canal, adjacent to public property. Historically, the owners of the property had utilized the dock for the purpose of mooring a vessel. Not only would the applicant like to continue to use the dock for mooring a vessel, but would also like to request to be allowed to improve the existing seawall and dock as they are in disrepair. The proposed project is the installation of a new seawall cap and batter piles, installation of a fixed marginal dock, installation of a floating dock with access ramp and installation of a jet dock along the Rio Valencia canal. The project was approved under Resolution No. 18-44 for use by Todd and Karin Correl. The proposed project has not changed, and the new owner, Mr. David Zwick, is applying for the same waiver.

Sincerely,

**THE CHAPPELL GROUP, INC.**



Jena Robbins  
Project Biologist

Cc: Mr. David Zwick



**EXHIBIT III**  
**SUMMARY DESCRIPTION**

**Summary Description**  
**1735 SE 8<sup>th</sup> Street**  
**TCG Project No. 17-0047.001**

The project site is located along Rio Valencia Canal at 1735 SE 8<sup>th</sup> Street, in Section 11, Township 50, Range 42, in the City of Fort Lauderdale, Broward County, Florida

The property is located along the Rio Valencia, which is a tidal water. The nearest direct connection to the Atlantic Ocean is 1.6 miles to the southeast at the Port Everglades Inlet. As the project site is located along the Rio Valencia, the incoming tidal waters (flood) at the site move to the north and west the outgoing waters (ebb) move to the south and east.

The project site consists of an existing concrete seawall and a ±528 ft<sup>2</sup> marginal wood dock. The proposed project includes the construction of a 4.0' seawall cap with batter piles, a 456 ft<sup>2</sup> marginal wood dock, one (1) 240 ft<sup>2</sup> concrete floating dock with access ramp, and one (1) 90 ft<sup>2</sup> jet dock. As measured from the existing wetface, the proposed structures encroach no more than 10' from the property line into Rio Valencia. As this property is owned by the city, the proposed fixed dock, floating dock and jet dock will require an approval of use of public lands for private use. The use of this land was previously approved for a proposed fixed 10'x10' platform and 680 ft<sup>2</sup> floating dock that also exceeded 10' from the existing wetface.

The proposed structures were also approved under Resolution No. 18-44 under the previous owners. The proposed project has not changed, and the new owner, Mr. David Zwick, is applying for the same waiver. Permits are being applied for concurrently with the Broward County Environmental Protection & Growth Management Department and Florida Department of Environmental Protection. The proposed structures were previously permitted under BCEMPGMD ERL No. DF18-1032 and FDEP Exemption No. 06-0361013-001,002,004,005,006-EE;003-EG. These permits are currently in the process of reauthorization under the new owner's name.

The following two (2) matters provide justification for this request:

1. All structures and piles will not exceed 30% of the width of the waterway.
2. The existing structures are in disrepair and the seawall height is in violation of the current city code.

If this request is approved, the applicant will comply with all other necessary codes of ordinances.

**EXHIBIT IV**  
**WARRANTY DEED**

Prepared by:

Capstone Title Partners, LLC  
888 S. Andrews Avenue Suite 204  
Fort Lauderdale, FL 33316  
954-467-9899

File Number: 18-225

Return to:

Tobin & Associates, P.A.  
10800 Biscayne Blvd. Suite 700  
Miami, FL 33161

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 27<sup>th</sup> day of September, 2018 between **Todd Correll and Karin Correll, husband and wife** whose post office address is **2316 Barcelona Drive, Fort Lauderdale, FL 33304**, grantor, and **David J. Zwick and Lisa Zwick, husband and wife** whose post office address is **1000 SE 6th Court, Fort Lauderdale, FL 33301**, 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 of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations 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:

**Lots 24 and 25, Block 20, RIO VISTA ISLES, UNIT 5, according to the Plat thereof, as recorded in Plat Book 8, Page 7, Public Records of Broward County, Florida.**

**Parcel Identification Number: 5042 11 22 1540**

**Subject to taxes for 2018 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.**

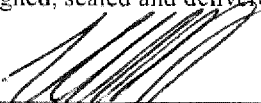
**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2017**.

**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 #1 Signature

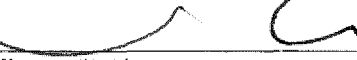
Witness #1 Name: Thomas T Coon Jr.

  
\_\_\_\_\_  
Witness #2 Signature

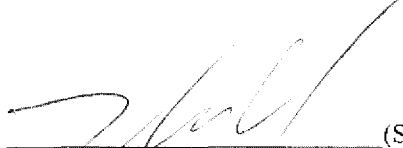
Witness #2 Name: MARLIE ANDRE

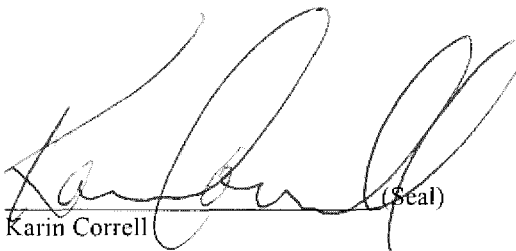
  
\_\_\_\_\_  
Witness #1 Signature

Witness #1 Name: Thomas T Coon Jr.

  
\_\_\_\_\_  
Witness #2 Signature

Witness #2 Name: MARLIE ANDRE

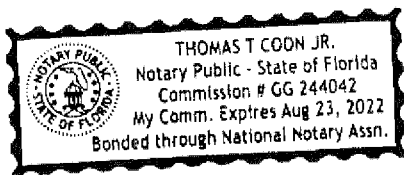
  
\_\_\_\_\_  
Todd Correll (Seal)

  
\_\_\_\_\_  
Karin Correll (Seal)

State of FLORIDA  
County of BROWARD

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of September, 2018 by Todd Correll and Karin Correll, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Notary Seal]

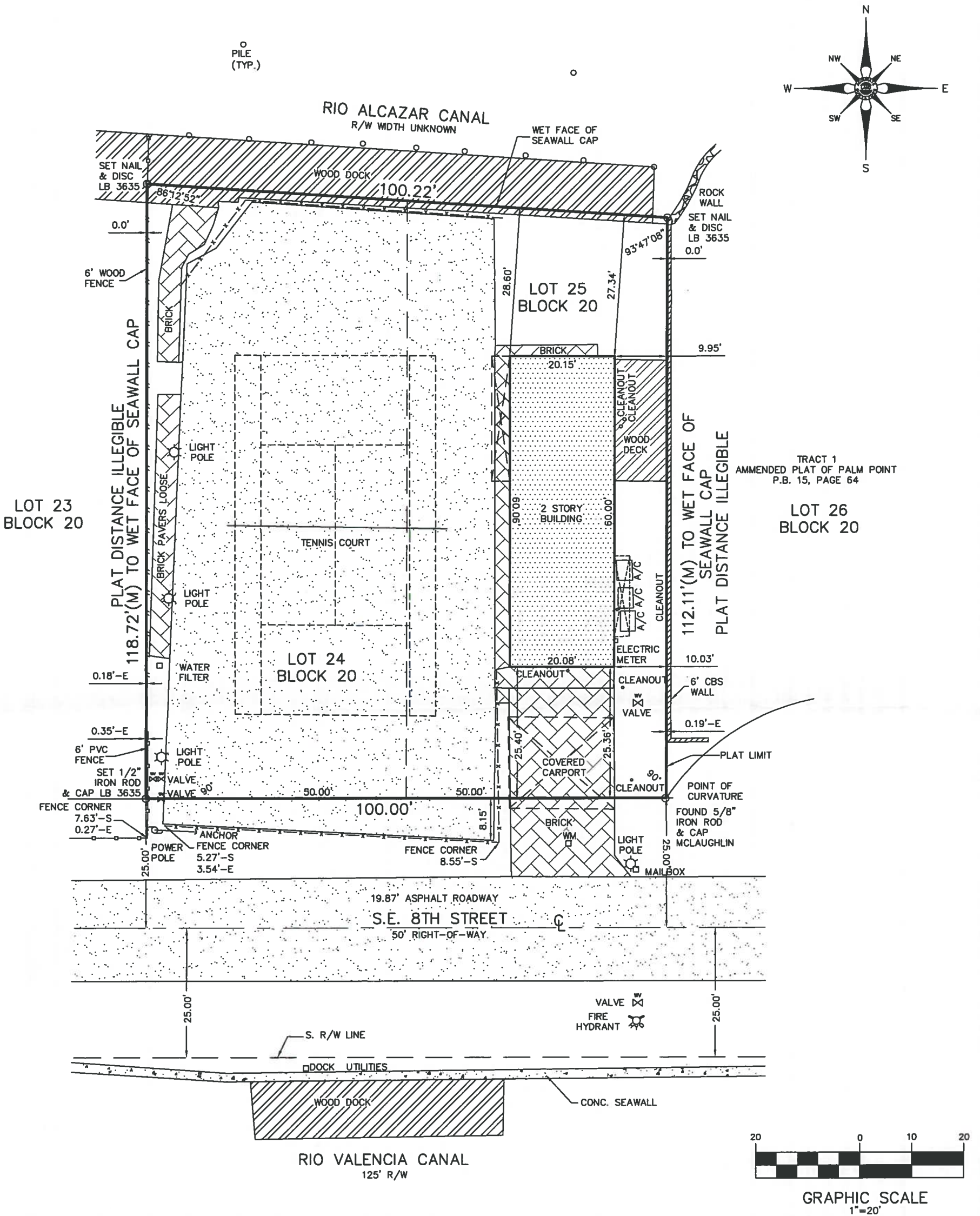


Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**EXHIBIT V**  
**ORIGINAL SURVEY**



This survey was made for mortgage and title purposes only and is not valid for design or construction purposes.

NOTES:

1. UNLESS OTHERWISE NOTED FIELD MEASUREMENTS ARE IN AGREEMENT WITH RECORD MEASUREMENTS.
2. BEARINGS SHOWN HEREON ARE BASED ON A BEARING OF N/A.
3. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR OWNERSHIP, RIGHTS-OF-WAY, EASEMENTS, OR OTHER MATTERS OF RECORDS BY ACCURATE LAND SURVEYORS, INC.
4. OWNERSHIP OF FENCES AND WALLS IF ANY NOT DETERMINED.
5. THIS DRAWING IS THE PROPERTY OF ACCURATE LAND SURVEYORS, INC. AND SHALL NOT BE USED OR REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORIZATION.
6. THIS SURVEY CONSISTS OF A MAP AND TEXT REPORT. ONE IS NOT VALID WITHOUT THE OTHER.
7. THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE CERTIFIED HEREON, TO BE VALID ONE YEAR FROM THE DATE OF SURVEY AS SHOWN.
8. THIS SURVEY WAS MADE FOR MORTGAGE AND TITLE PURPOSES ONLY AND SHOULD NOT BE USED FOR DESIGN OR CONSTRUCTION PURPOSES.

CERTIFICATION:

THIS IS TO CERTIFY THAT THIS SKETCH OF BOUNDARY SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND IS ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS SKETCH MEETS THE STANDARDS OF PRACTICE, ESTABLISHED BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODES, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

*Robert L. Thompson* 1-10-17

ROBERT L. THOMPSON (PRESIDENT)  
PROFESSIONAL SURVEYOR AND MAPPER No.3869 - STATE OF FLORIDA



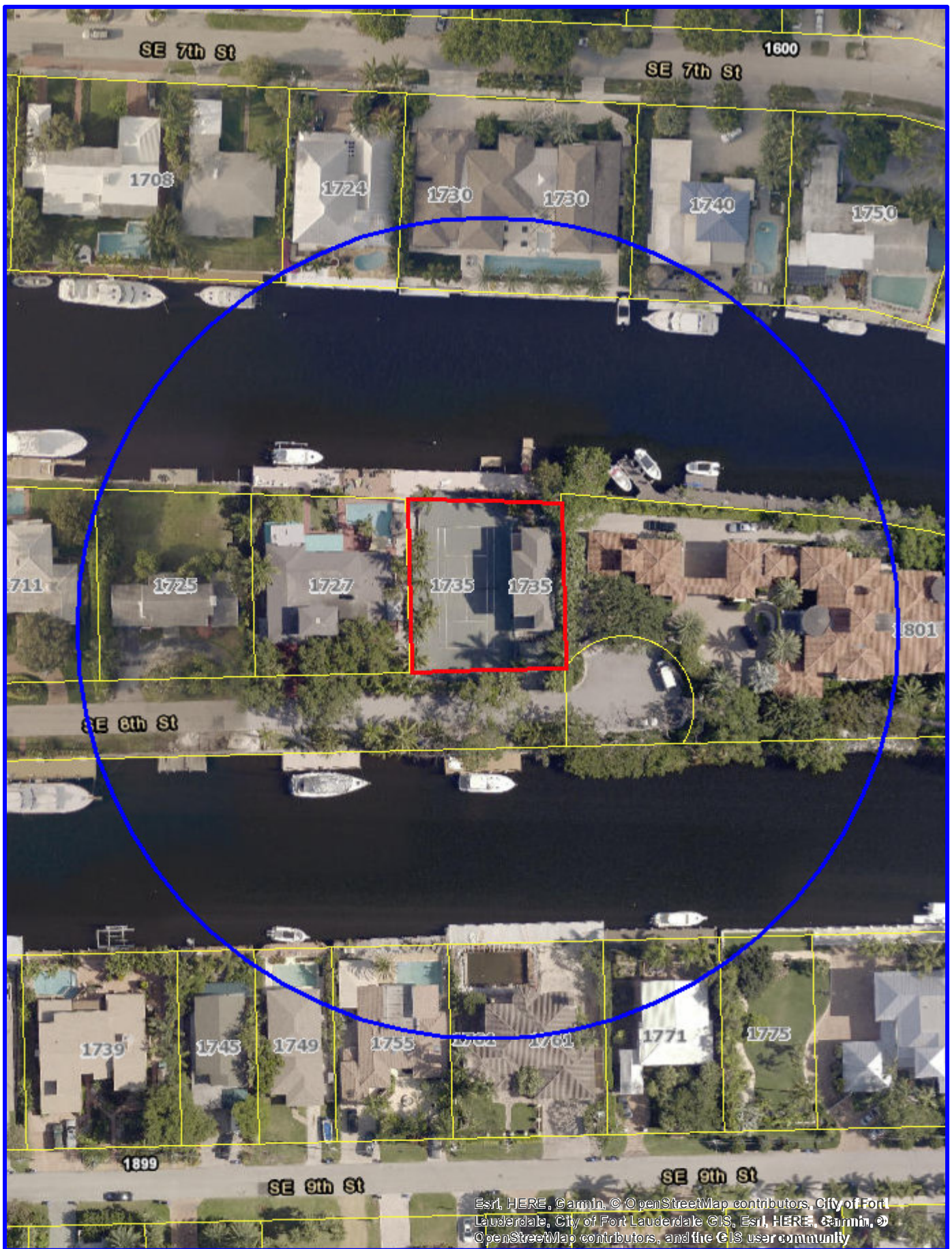
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DATE OF SURVEY	DRAWN BY	CHECKED BY	FIELD BOOK
01-05-17	AL	RLT	17-0015

SCALE 1"=20'

SKETCH NUMBER SU-17-0015

**EXHIBIT VI**  
**ZONING AERIAL**

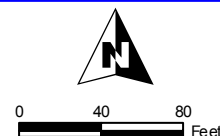




CITY OF FORT LAUDERDALE

## Property Reporter Map

Map Created by Property Reporter GIS



**GIS**  
Fort Lauderdale

CAM 10-0015

Printed on: 11/13/2018

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**EXHIBIT VII**  
**SITE PHOTOGRAPHS**





**1. Central portion of the subject site, facing east along the Rio Valencia Canal.**



**2. Central portion of the subject site, facing south towards the Rio Valencia Canal.**





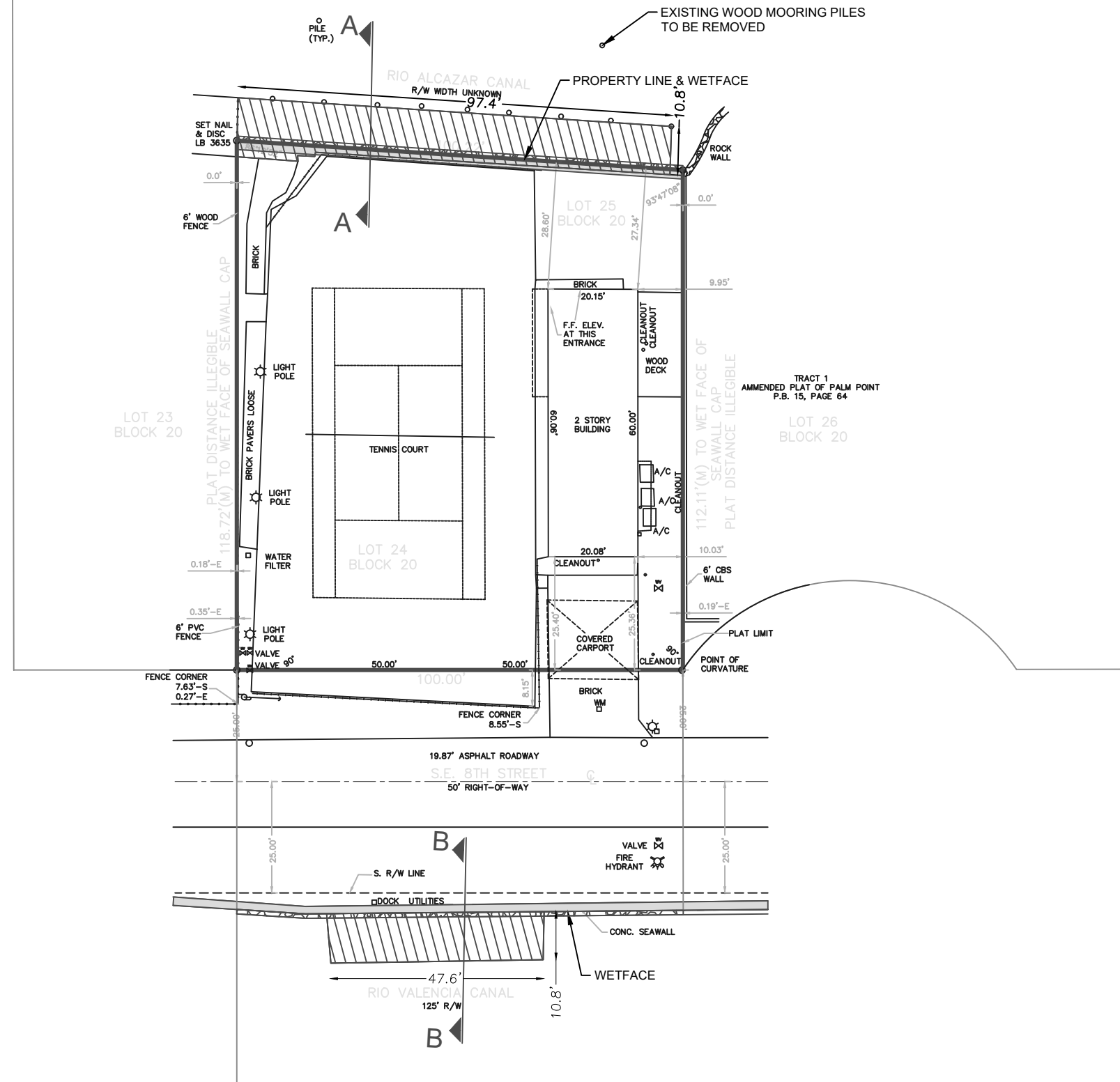
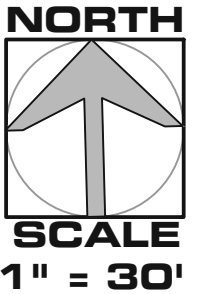
**3. Western portion of the subject site, facing east along the Rio Valencia Canal.**



**4. Eastern portion of the subject site, facing west along the Rio Valencia Canal.**

**EXHIBIT VIII  
PROJECT PLANS**





## LEGEND

- EXISTING WOOD DOCKS TO BE REMOVED ( $\pm 1,629$  ft<sup>2</sup>,  $\pm 1,463$  ft<sup>2</sup> OVERWATER)
- EXISTING 2.0' CONCRETE SEAWALL ( $\pm 200$  LN. FT.)
- EXISTING FOOTER TO BE REMOVED ( $\pm 200$  LN. FT.)

M.H.W. = 0.32' NAVD M.L.W. = (-)2.1' NAVD

NOTE: SURVEY INFORMATION PROVIDED BY ACCURATE LAND SURVEYORS

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.  
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tel. 954.782.1908  
fax. 954.782.1108  
[www.thechappellgroup.com](http://www.thechappellgroup.com)

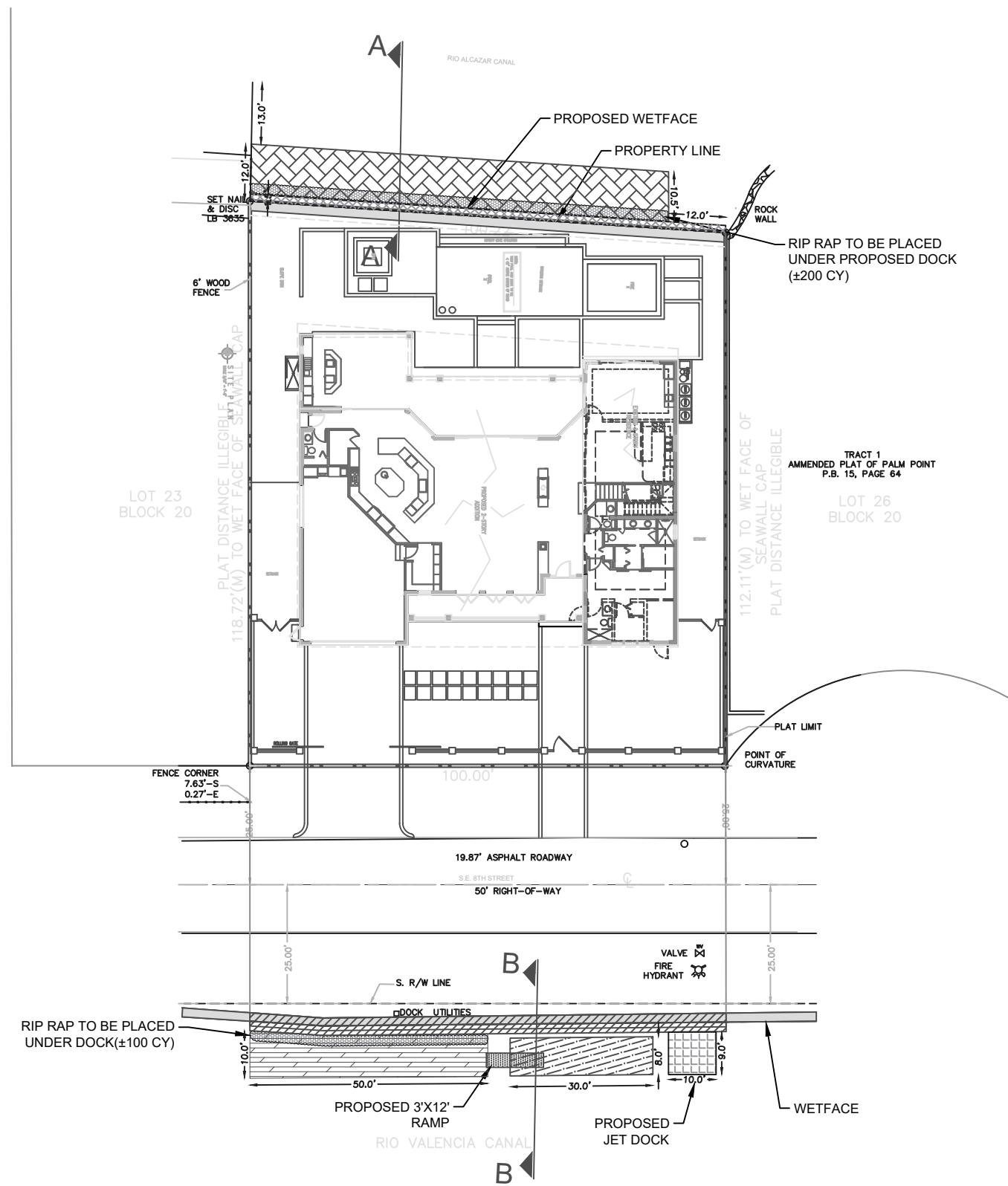
- Environmental Consultants
- Marina & Wetland Permitting
- Mitigation Design & Monitoring
- T&E Species Surveys
- Phase I ESAs

## 1735 SE 8TH STREET

PREPARED FOR:  
DAVID ZWICK

EXISTING CONDITIONS

Date: 11/5/2018	Sheet : 1	of : 5
Proj No.: 17-0047.001		



LEGEND

- EXISTING 2.0' CONCRETE SEAWALL (±200 LN. FT.)
- PROPOSED SEAWALL W/ ±1.5' CAP & BATTER PILES (±100 LN. FT., ±150 ft² OVERWATER)
- PROPOSED CONCRETE MARGINAL DOCK (±923 ft² OVERWATER)
- PROPOSED ±4.0' SEAWALL CAP & BATTER PILES (±100 LN. FT. - ±200 ft² OVERWATER)
- PROPOSED CONCRETE FLOATING DOCK (±240 ft² OVERWATER)
- PROPOSED WOOD DOCK (±456 ft² OVERWATER)
- PROPOSED JET DOCK (±90 ft² OVERWATER)

M.H.W. = 0.32' NAVD M.L.W. = (-)2.1' NAVD

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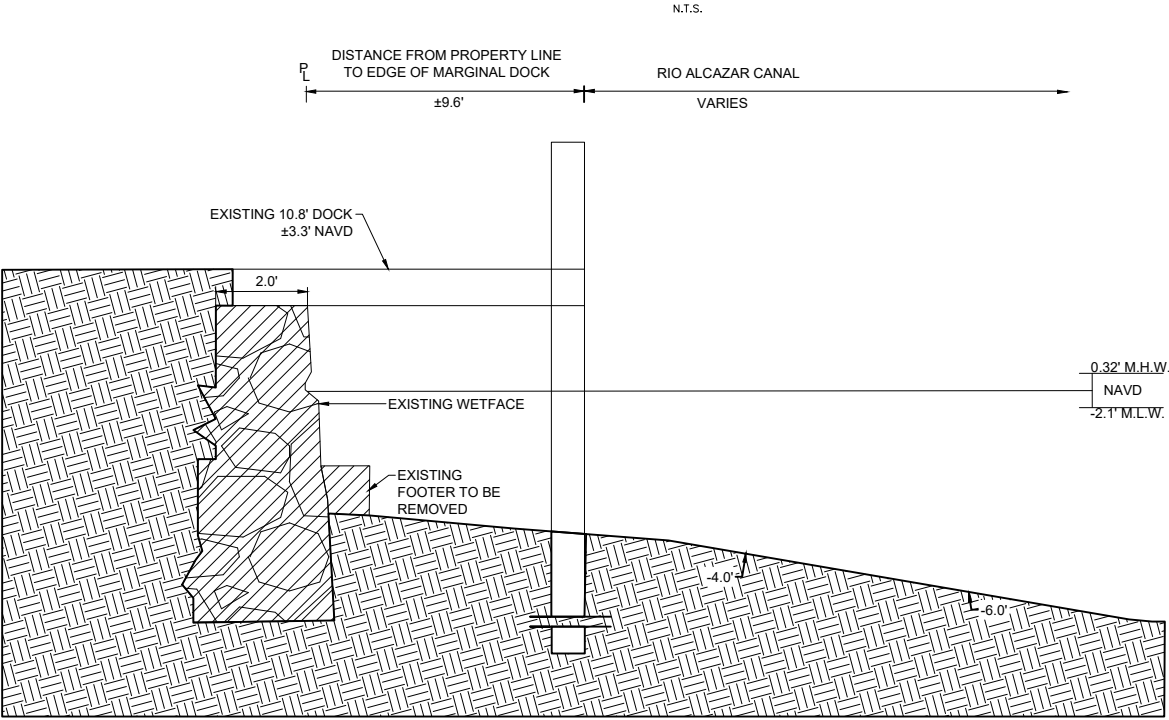
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1735 SE 8TH STREET

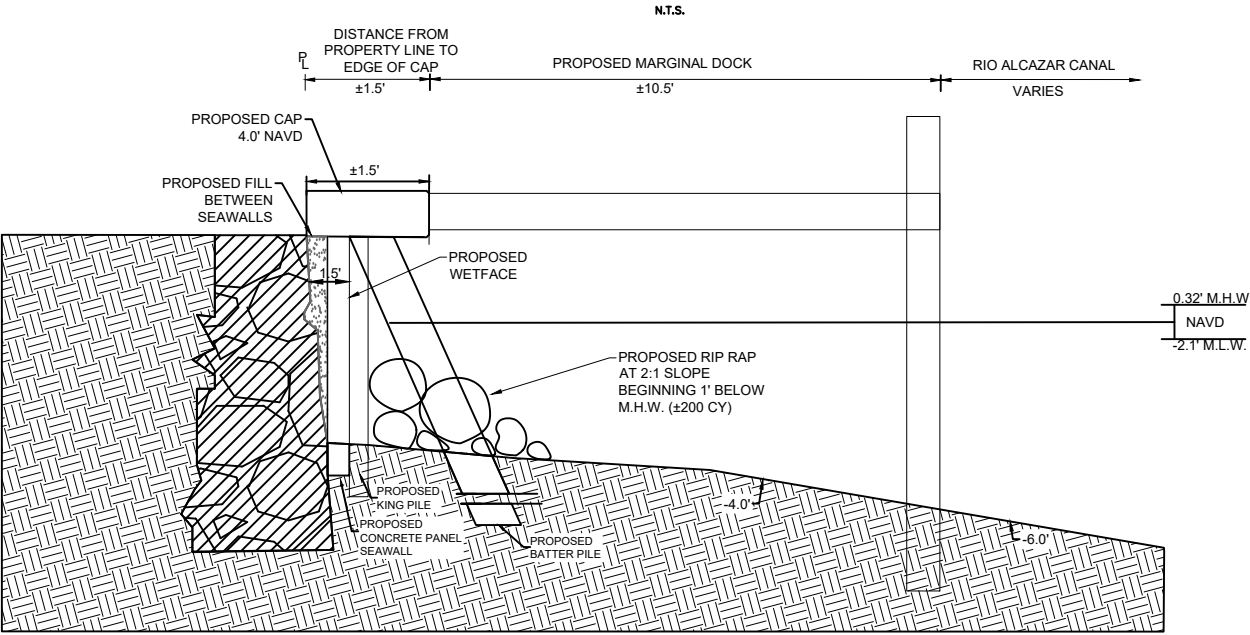
PREPARED FOR:  
DAVID ZWICK

PROPOSED CONDITIONS		
Date: 11/5/2018	Sheet : 2	of : 5
Proj No.: 17-0047.001		

EXISTING CONDITIONS A-A (TYP.)



PROPOSED CONDITIONS A-A (TYP.)



NOTE: PROPOSED WETFACE TO BE NO GREATER THAN 1.5' WATERWARD OF THE EXISTING WETFACE

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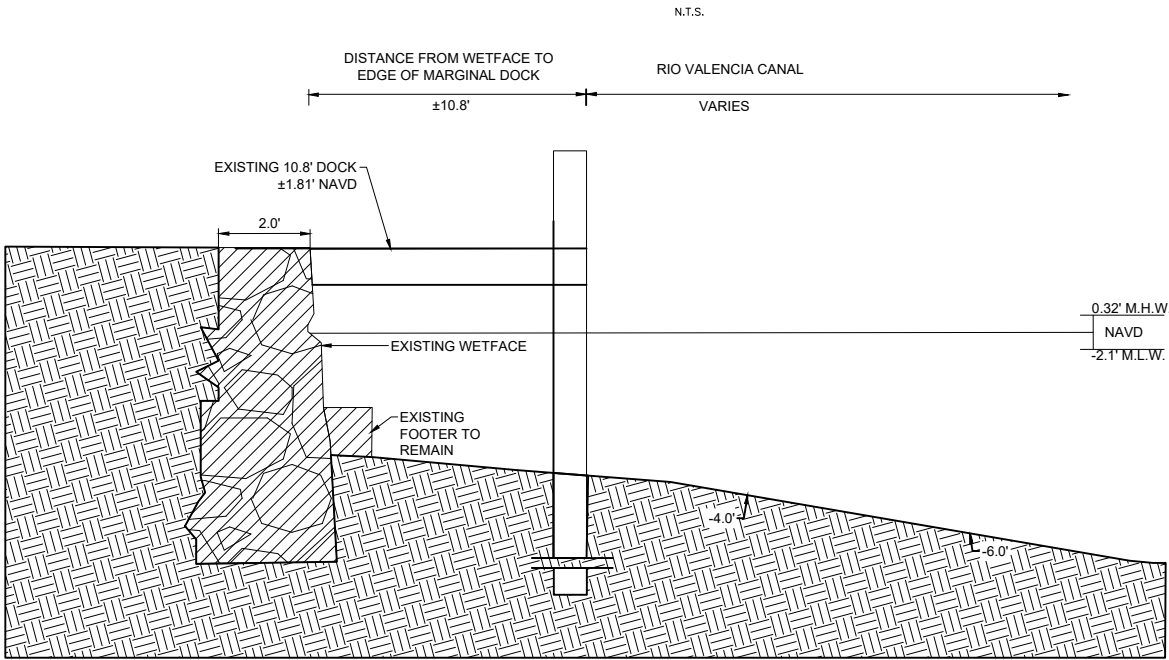
1735 SE 8TH STREET

PREPARED FOR:  
DAVID ZWICK

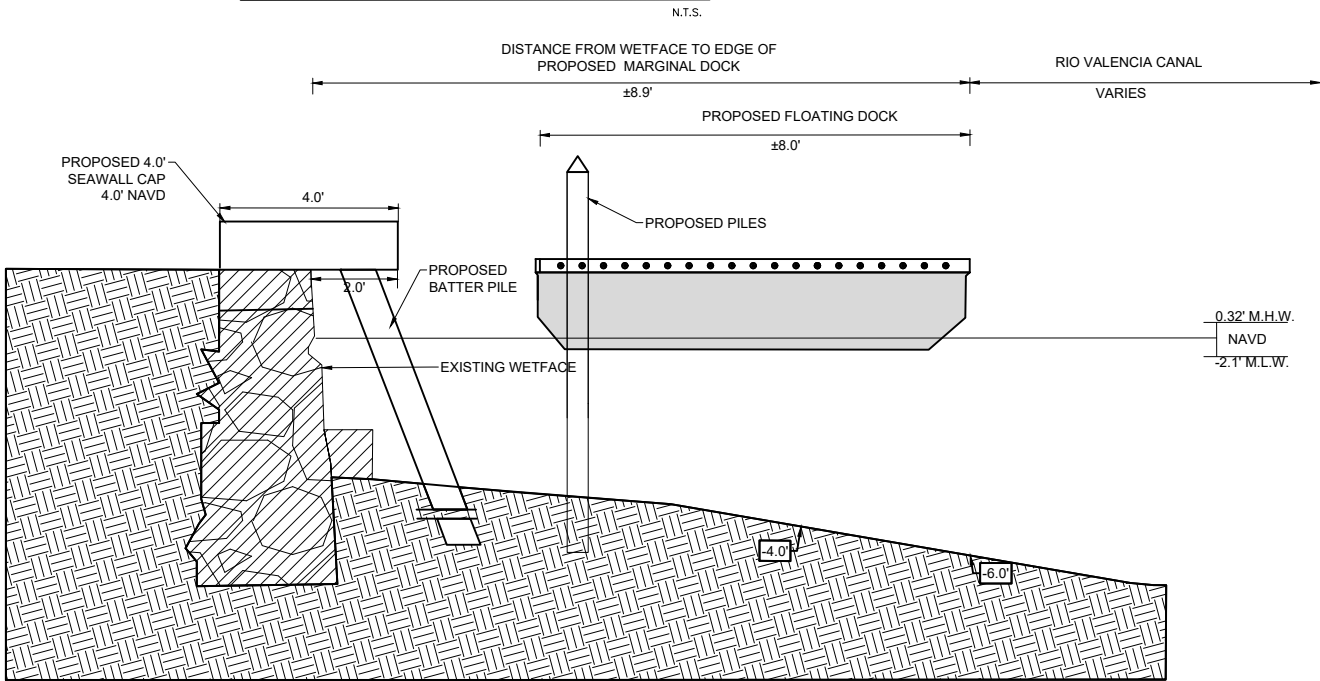
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Date: 11/5/2018	Sheet : 3	of : 5
Proj No.: 17-0047.001		



EXISTING CONDITIONS B-B (TYP.)



PROPOSED CONDITIONS B-B (TYP.)



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1735 SE 8TH STREET

PREPARED FOR:  
DAVID ZWICK

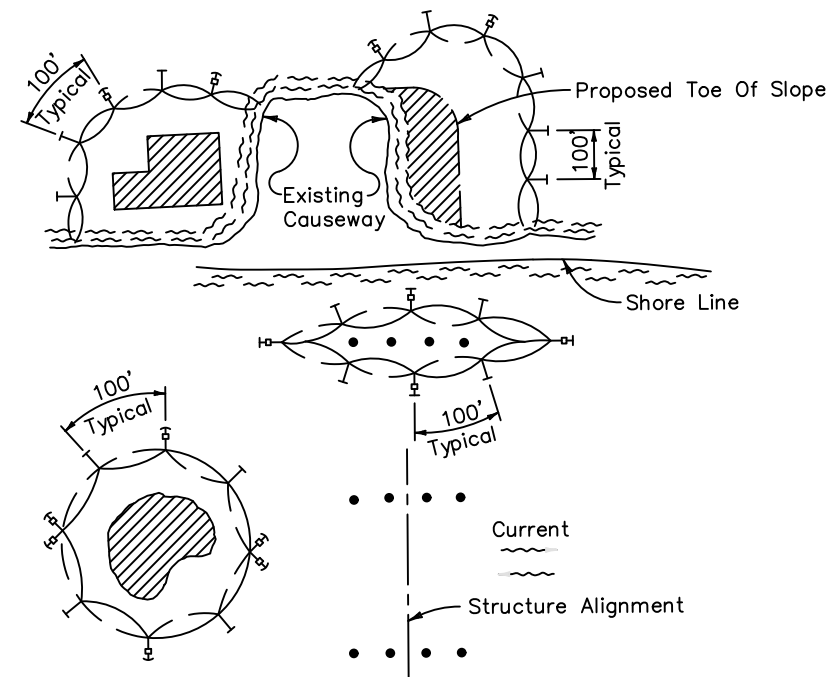
SECTIONS

Date:  
11/5/2018  
Proj No.:  
17-0047.001

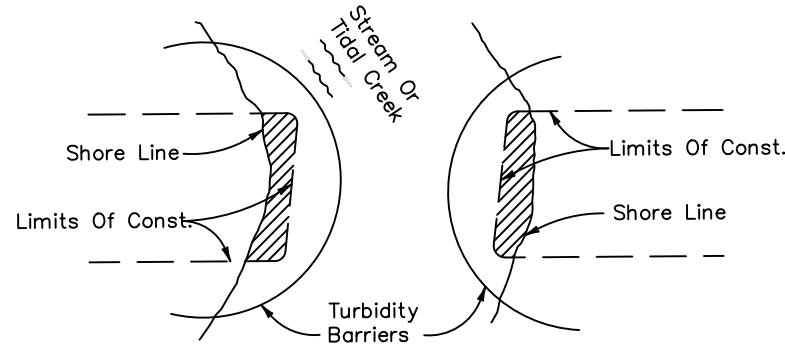
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of :  
**5**

# CONSTRUCTION BARGE (TYP.)



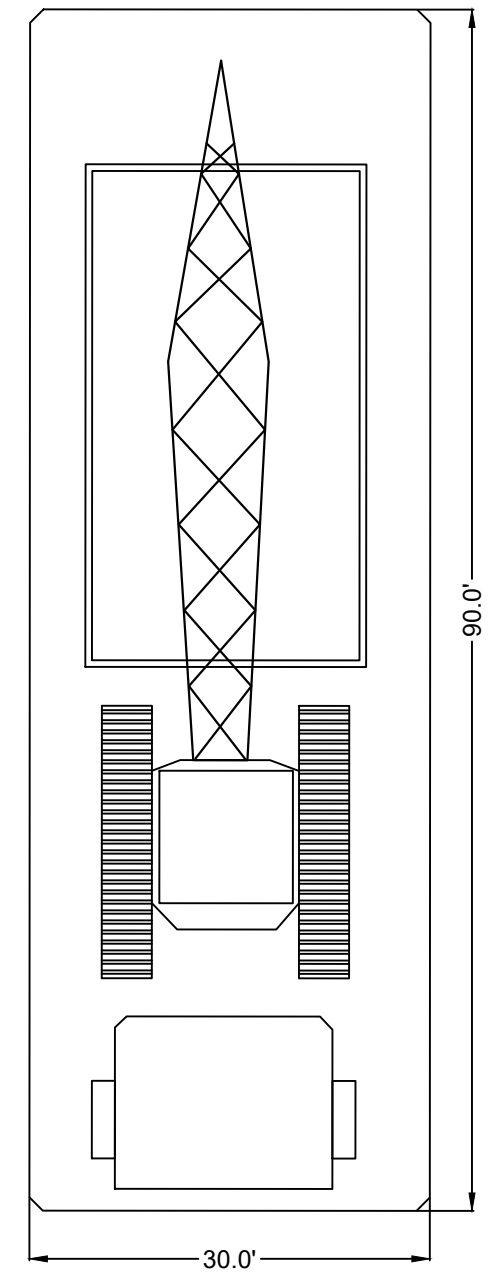
- LEGEND**
- Pile Locations
  - ▨ Dredge Or Fill Area
  - Mooring Buoy w/Anchor
  - Anchor
  - Barrier Movement Due To Current Action



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

1735 SE 8TH STREET

PREPARED FOR:  
DAVID ZWICK

DETAILS		
Date: 11/5/2018	Sheet : <b>5</b>	of : <b>5</b>
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