

MEMORANDUM MF NO. 18-11

DATE: November 20, 2018

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: December 6, 2018 MAB Meeting - Dock Waiver of Distance Limitations – Richard Arote / 797 Middle River Drive

Attached for your review is an application from Richard Arote, 797 Middle River Drive.

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for installation of a 4-post boat lift and 225 square foot finger pier extending a maximum of +/-54.5' 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
Boat Lift	+/-49.5'	25'	+/-24.5'
Finger Pier	+/-54.5'	25'	+/-29.5'

The City's Unified Land and Development Regulations (UDLR) Secs. 47-19.3.C limits the maximum distance of mooring structures to 25' or 25% of the width of the waterway, 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 boat lift are necessary 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 applicant's property line to the adjacent shoreline's closest structure is +/-294 feet, according to the Summary Description provided in **Exhibit 1**.

DOCK PLAN AND BOATING SAFETY

Marine Facilities' records reflect there has been two (3) Waivers of Limitation approved by the City Commission within close proximity to 797 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'
November 2017	801 Middle River Drive	Pilings – 52'

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

**797 MIDDLE RIVER DRIVE
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: Richard Arote

TELEPHONE NO: _____ (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 4-post boat lift and finger pier, beyond 25 feet from the property line.

SITE ADDRESS: 797 Middle River Drive Fort Lauderdale, FL 33304

4. **ZONING:** RS-4.4

LEGAL DESCRIPTION: SUNRISE 28-42 B LOT 58 BLK 6

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 11/9/18

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 2018. 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 SUMMARY DESCRIPTION

Summary Description
797 Middle River Drive
TCG Project No. 18-0065

The project site is located at 797 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 963 ft² concrete dock. The proposed project includes the installation of a 225 ft² finger pier and boat lift. As measured from the property line, the proposed finger pier and boat lift 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 boat lift 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 (± 294), the proposed project will not impede navigation within the Middle River. The proposed finger pier extends 54.5' waterward of the property line.
3. The finger pier 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
A Finger Pier	±54.5	25'	±29.5'
B Finger Pier	±54.5'	25'	±29.5'
C Boat Lift	±49.5'	25'	±24.5'
D Boat Lift	±49.5'	25'	±24.5'

**EXHIBIT III
WARRANTY DEED**

Return to: 15-075
Standard Title Ins. Agency, Inc.
1860 Forest Hill Blvd., Ste. 107
West Palm Beach, Florida 33406

Prepared by:
William M. Karney, Esq.
Moraitis, Cofar, Karney & Moraitis
915 Middle River Drive Suite 506
Fort Lauderdale, FL 33301
File Number: 15R-205K
Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 30th day of March, 2015 between **BRUCE H. JEFFRESS**, a single man, individually and as Trustee of the **BRUCE HENRY JEFFRESS TRUST** Dated May 23, 1996, **UNDER THE AMENDED AND RESTATED FOURTH DECLARATION OF TRUST** Dated June 21, 2011 with full power and authority pursuant to Section 689.073 of the Florida Statutes to deal in and with said property and with the power and authority to protect, conserve, and to sell, to lease, to encumber, or otherwise to manage and dispose of the real property described herein, whose post office address is **Kurfursten Str. 34, 14467 Potsdam, Germany**, grantor, and **RICHARD AROTE and MARGUERITE AROTE**, husband and wife, whose post office address is **19 Wilbur Street, Lynbrook, NY 11563**, 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:

Lot 58, Block 6, SUNRISE, according to the Plat thereof, recorded in Plat Book 28, Page 42, of the Public Records of Broward County, Florida.

Parcel Identification Number: 504201-32-1310

Subject to taxes for 2015 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, 2014**.

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:

William M. Karney
Witness Name: WILLIAM M. KARNEY

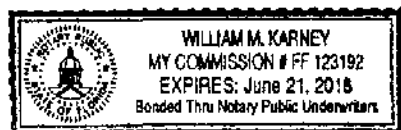
Heather Bruce
Witness Name: HEATHER BRUCE

Bruce H. Jeffress
BRUCE H. JEFFRESS, individually and as Trustee of the
BRUCE HENRY JEFFRESS TRUST Dated May 23, 1996,
UNDER THE AMENDED AND RESTATED FOURTH
DECLARATION OF TRUST Dated June 21, 2011

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 30th day of March, 2015 by BRUCE H. JEFFRESS, individually and as Trustee of the BRUCE HENRY JEFFRESS TRUST Dated May 23, 1996, UNDER THE AMENDED AND RESTATED FOURTH DECLARATION OF TRUST Dated June 21, 2011, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]

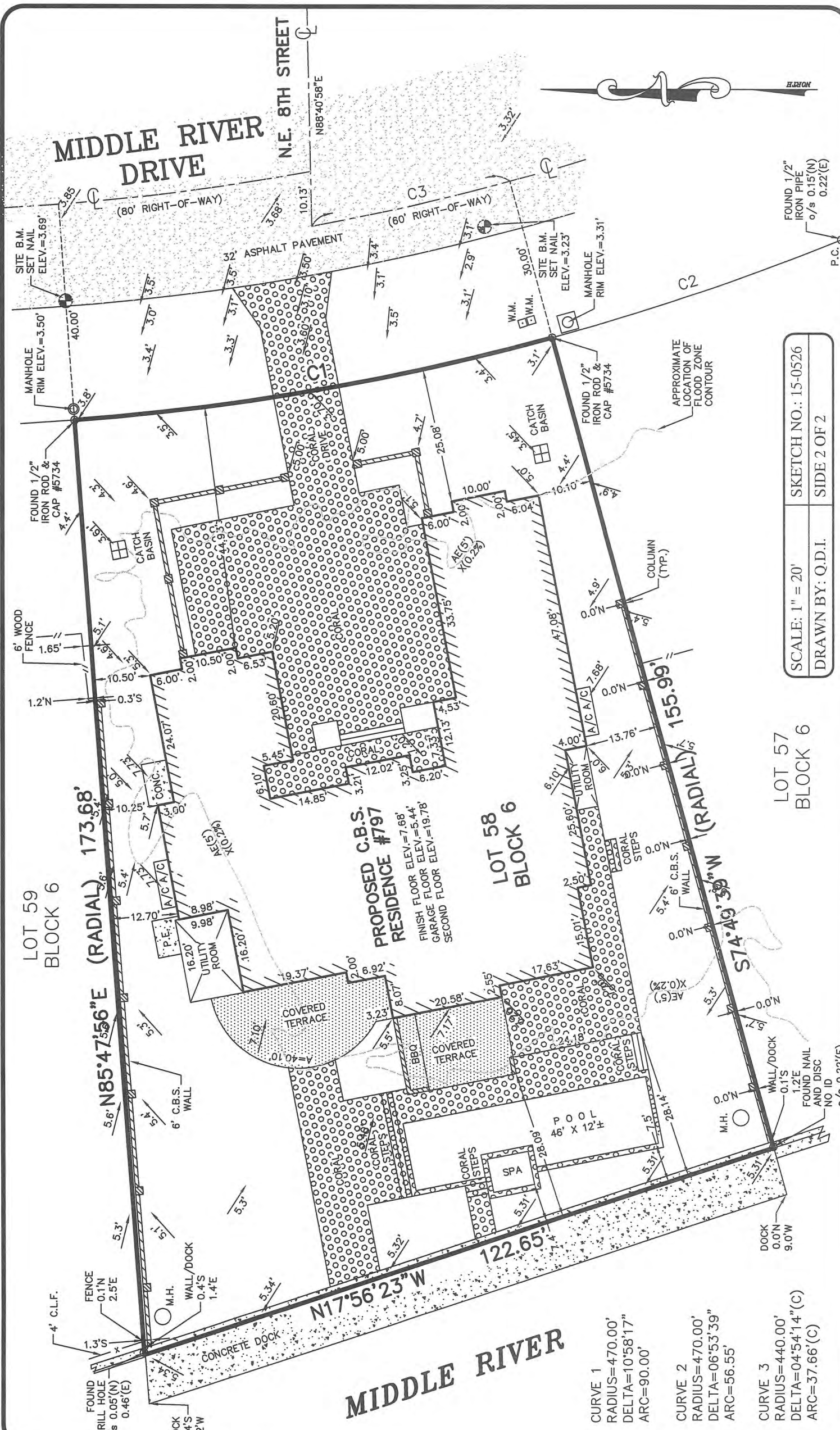


William M. Karney
Notary Public

Printed Name: _____

My Commission Expires: _____

**EXHIBIT IV
ORIGINAL SURVEY**



LOT 59
BLOCK 6

5.6' N85°47'56"E (RADIAL) 173.68'

PROPOSED C.B.S.
RESIDENCE #797

LOT 58
BLOCK 6

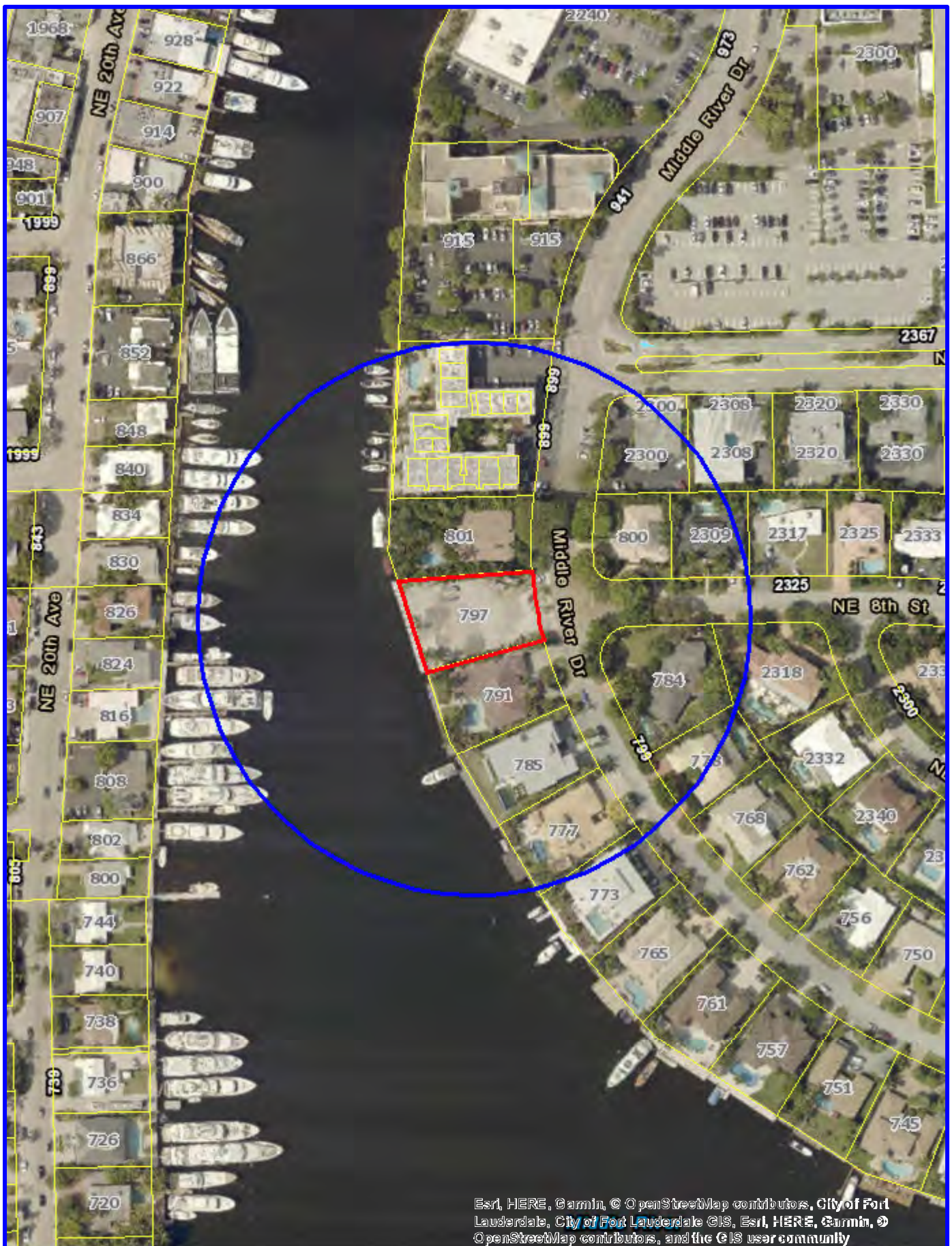
MIDDLE RIVER

- CURVE 1
RADIUS=470.00'
DELTA=10°58'17"
ARC=90.00'
- CURVE 2
RADIUS=470.00'
DELTA=06°53'39"
ARC=56.55'
- CURVE 3
RADIUS=440.00'
DELTA=04°54'14"(C)
ARC=37.66'(C)

LOT 57
BLOCK 6

SCALE: 1" = 20'	SKETCH NO.: 15-0526
DRAWN BY: Q.D.I.	SIDE 2 OF 2

EXHIBIT V
ZONING AERIAL



CITY OF FORT LAUDERDALE

Property Reporter Map



0 90 180 Feet

GIS
Fort Lauderdale

EXHIBIT VI
SITE PHOTOGRAPHS



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



2. Northern portion of subject site, facing southwest along the Middle River.

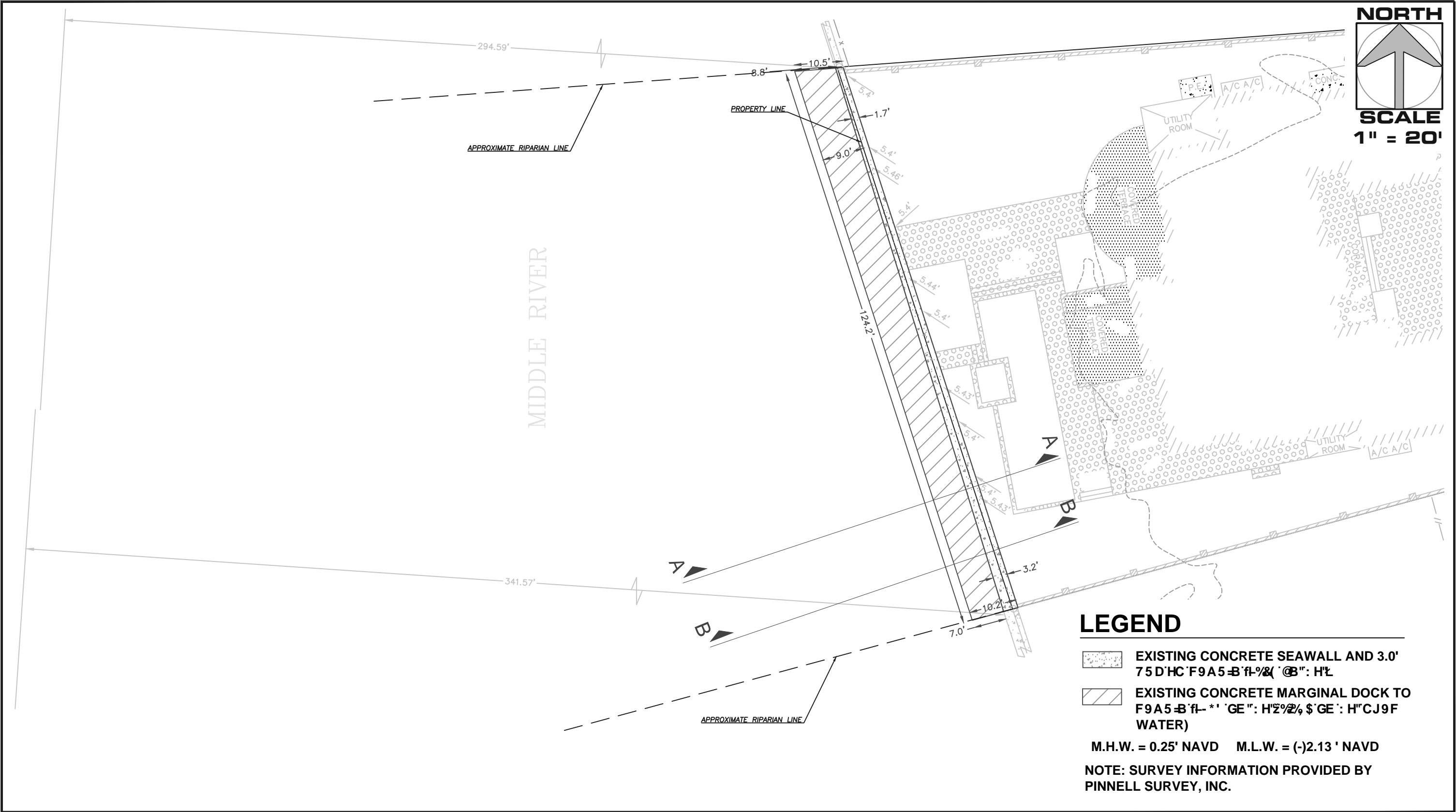


3. South corner of the subject site, facing north.



4. Southern portion of the subject site, facing northwest along the Middle River.

EXHIBIT VII PROJECT PLANS



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THE

Chappell

GROUP

INC.

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

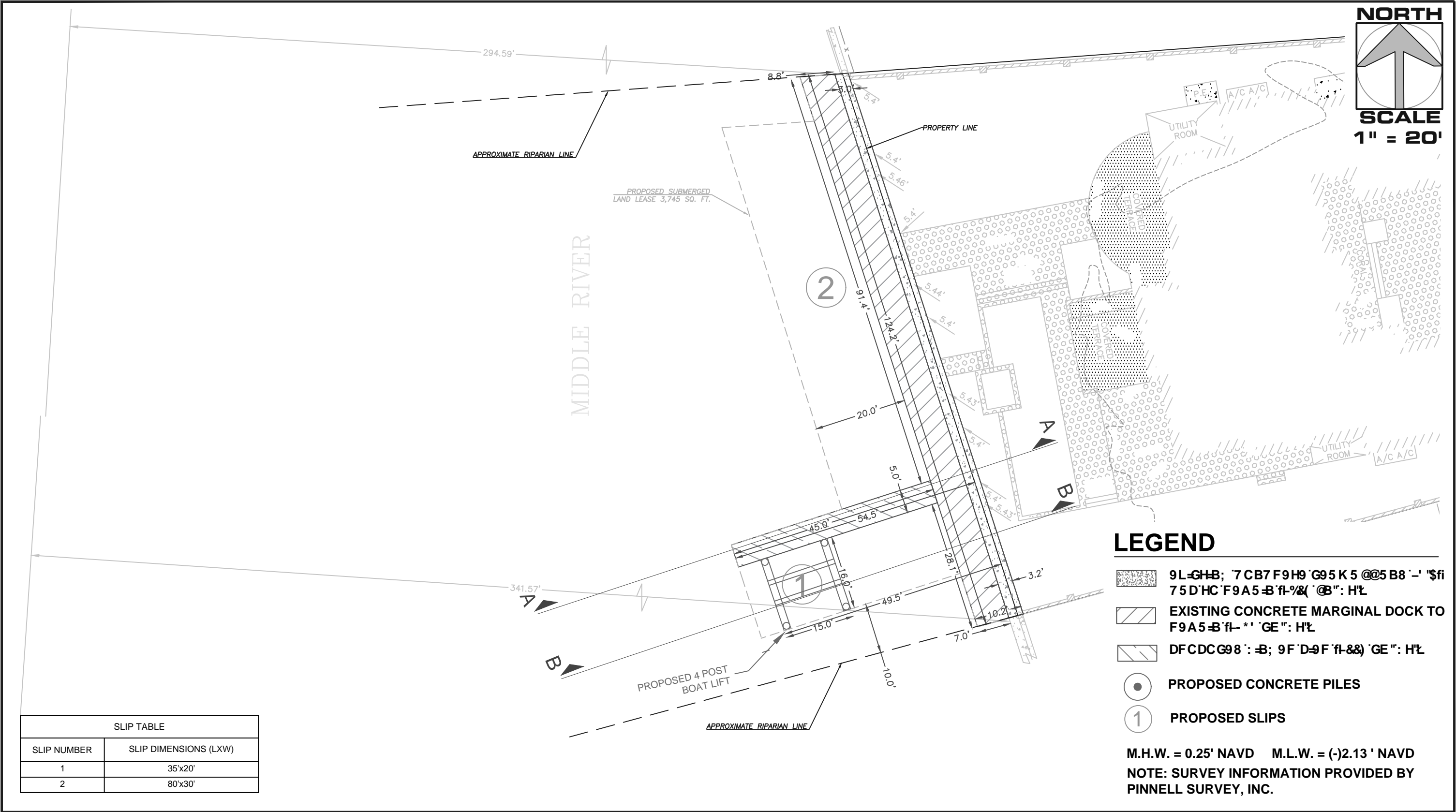
www.thechappellgroup.com

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

797 MIDDLE RIVER DRIVE

PREPARED FOR:
RICHARD AROTE

EXISTING CONDITIONS		
Date: 10/22/2018	Sheet : 1	of : 4
Proj No.: 18-0065		



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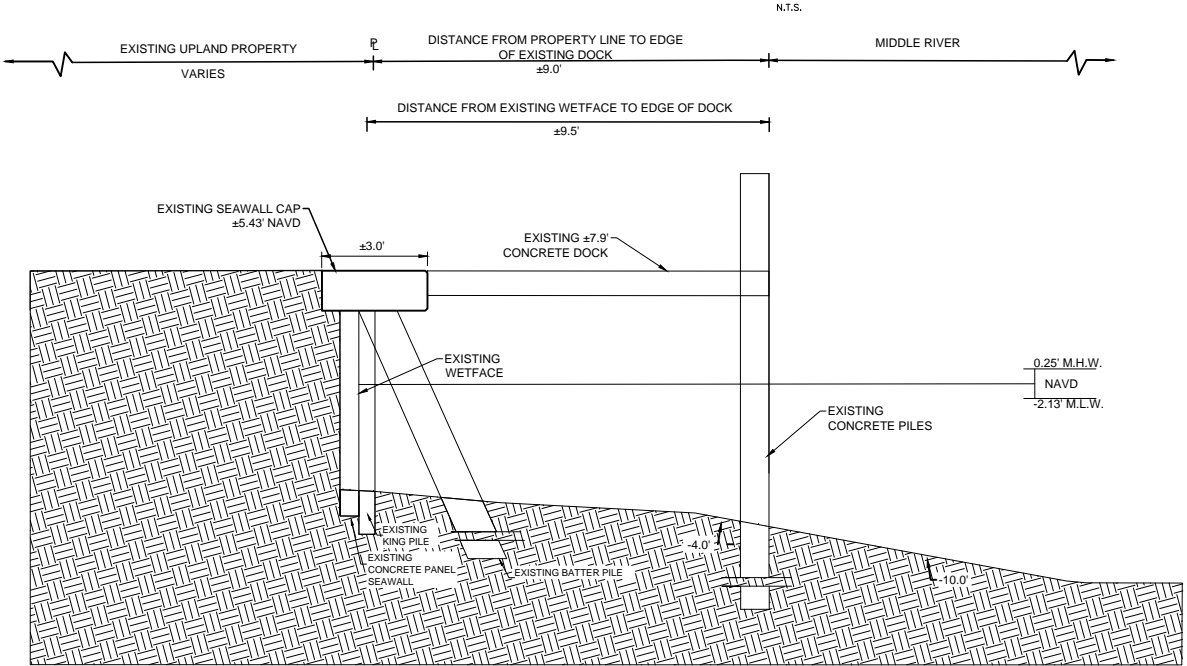
797 MIDDLE RIVER DRIVE

PREPARED FOR:
RICHARD AROTE

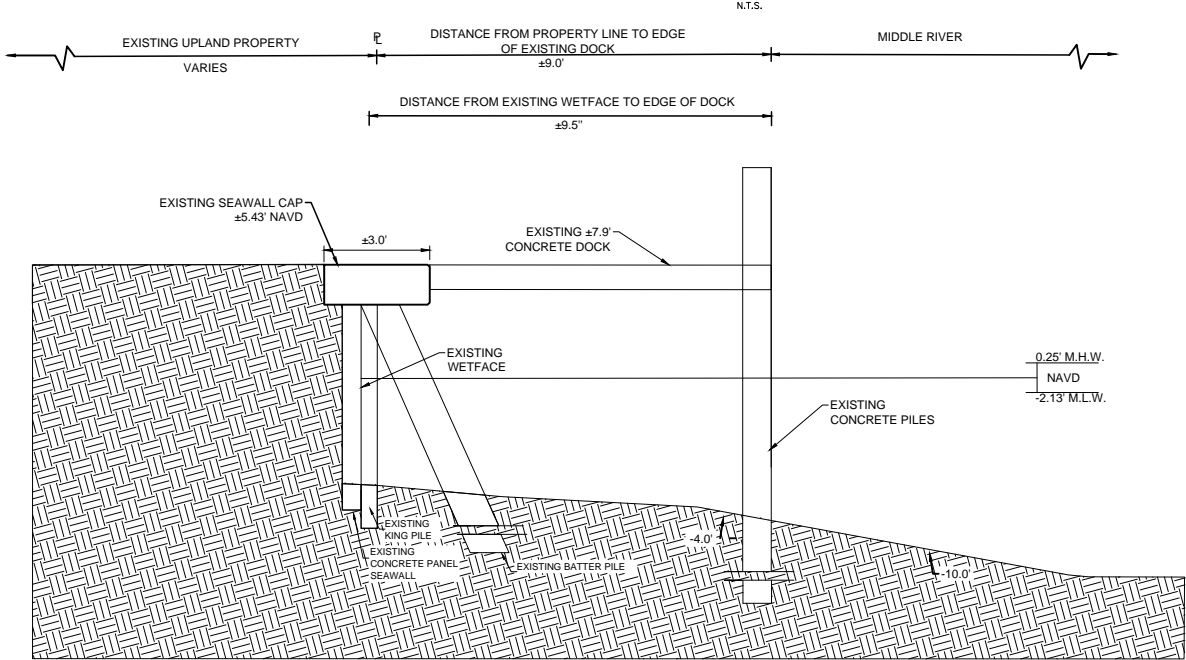
PROPOSED CONDITIONS

Date: 10/22/2018	Sheet : 2	of : 4
Proj No.: 18-0065		

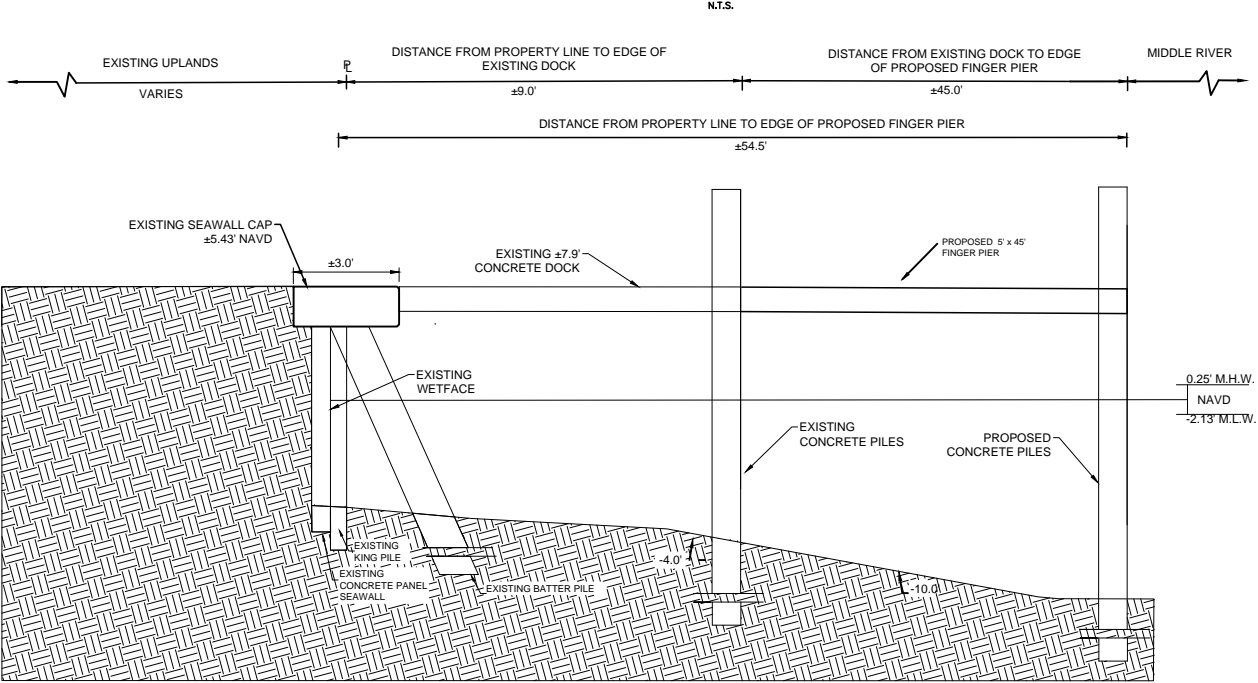
EXISTING CONDITIONS A-A (TYP.)



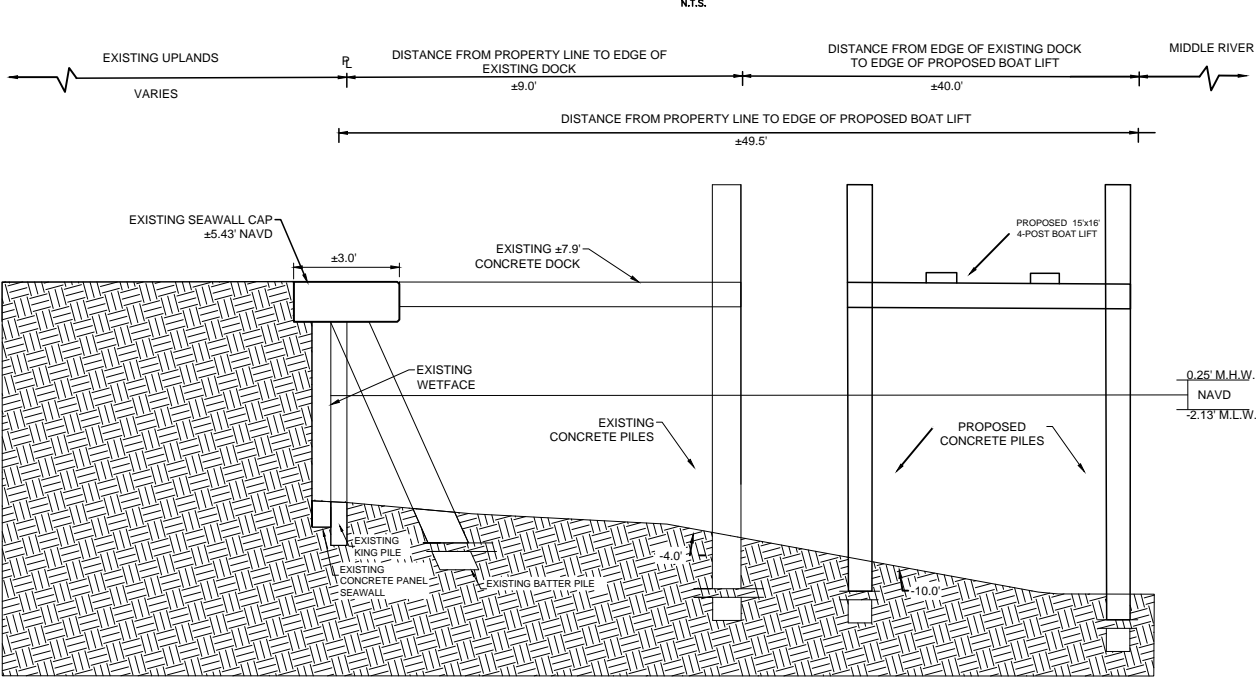
EXISTING CONDITIONS B-B (TYP.)



PROPOSED CONDITIONS A-A (TYP.)



PROPOSED CONDITIONS B-B (TYP.)



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797 MIDDLE RIVER DRIVE

PREPARED FOR:
RICHARD AROTE

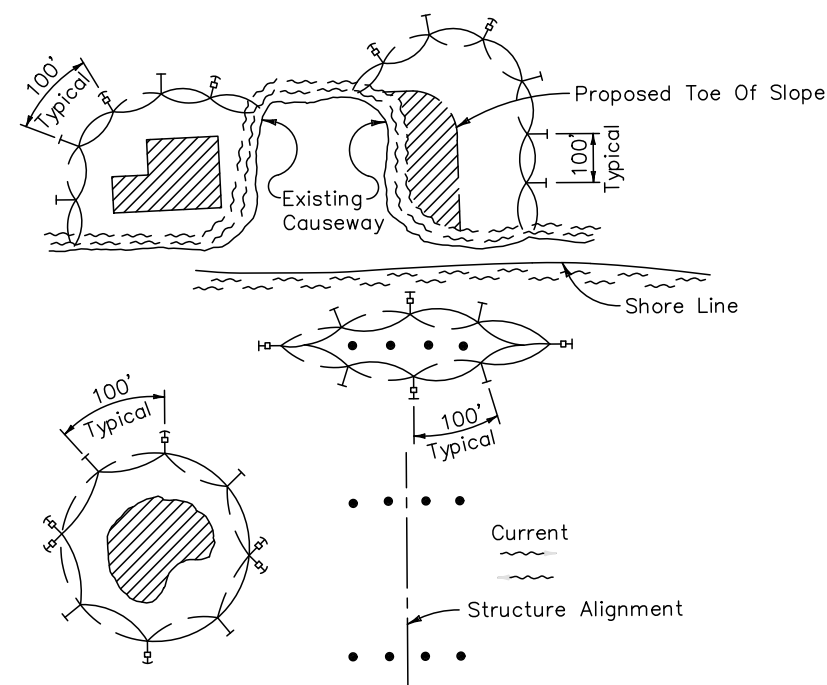
SECTIONS

Date:
10/22/2018
Proj No.:
18-0065

Sheet :
3

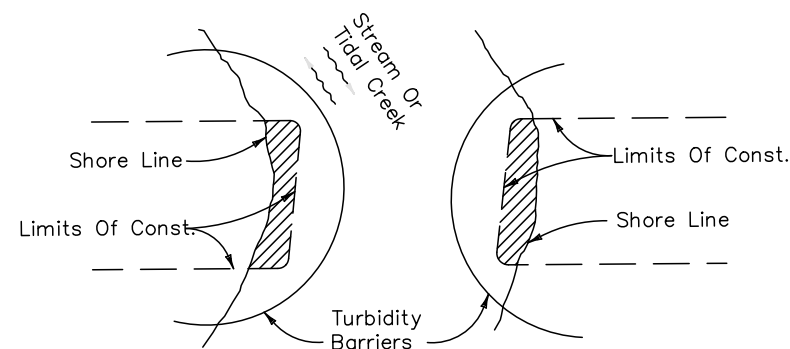
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4

CONSTRUCTION BARGE
(TYP.)

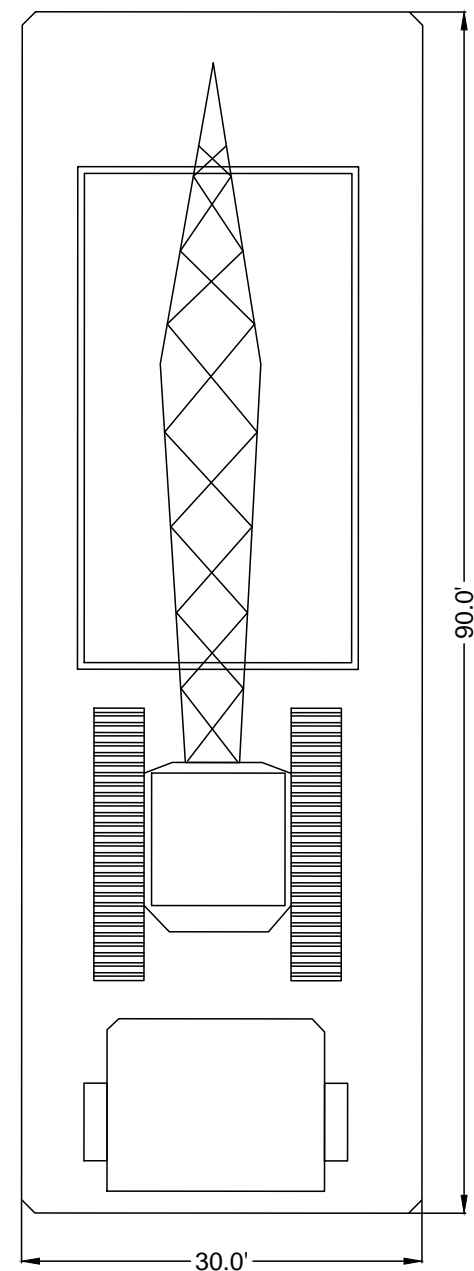


LEGEND

- 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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797 MIDDLE RIVER DRIVE

PREPARED FOR:
RICHARD AROTE

DETAILS

Date: 10/22/2018	Sheet : 4	of : 4
Proj No.: 18-0065		

EXHIBIT VIII
DISTANCE EXHIBIT



SCALE
1" = 20'

VARIANCE TABLE			
PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM WETFACE	PERMITTED DISTANCE WITHOUT VARIANCE	WIDTH REQUIRING VARIANCE
FINGER PIER (A)	54.5'	25'	29.5'
FINGER PIER (B)	54.5'	25'	29.5'
BOAT LIFT (C)	49.5'	25'	24.5'
BOAT LIFT (D)	49.5'	25'	24.5'

APPROXIMATE RIPARIAN LINE

MIDDLE RIVER

2

PROPERTY LINE

LEGEND

- 9L-GHB; 7CB7F9H9'G95K5 @05B8'-' '\$fi 75D'HC'F9A5-B'fl-%&(' @B": H'L
- EXISTING CONCRETE MARGINAL DOCK TO F9A5-B'fl- '*' 'GE": H'L
- DFCDCG98': -B; 9F'D-9F'fl-&&) 'GE": H'L

1 PROPOSED SLIPS

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

NOTE: SURVEY INFORMATION PROVIDED BY PINNELL SURVEY, INC.

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797 MIDDLE RIVER DRIVE

PREPARED FOR:
RICHARD AROTE

VARIANCE EXHIBIT

Date:
10/22/2018
Proj No.:
18-0065

Sheet :
1

of :
1

EXHIBIT IX
LETTERS OF SUPPORT

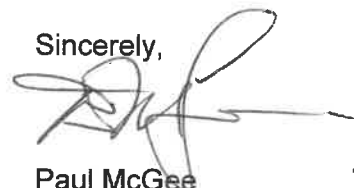
Richard Arote
797 Middle River Drive
Fort Lauderdale, FL 33304

RE: 797 Middle River Drive
City of Fort Lauderdale Waiver Request

Dear Mr. Arote

I have reviewed the plans for the proposed project to install a finger pier and 4-post boat lift, 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 own the property at 801 Middle River Drive and support the project as proposed.

Sincerely,



11/9/18

Paul McGee
801 Middle River Dr
Fort Lauderdale, FL 33304

Richard Arote
797 Middle River Drive
Fort Lauderdale, FL 33304

RE: 797 Middle River Drive
City of Fort Lauderdale Waiver Request

Dear Mr. Arote

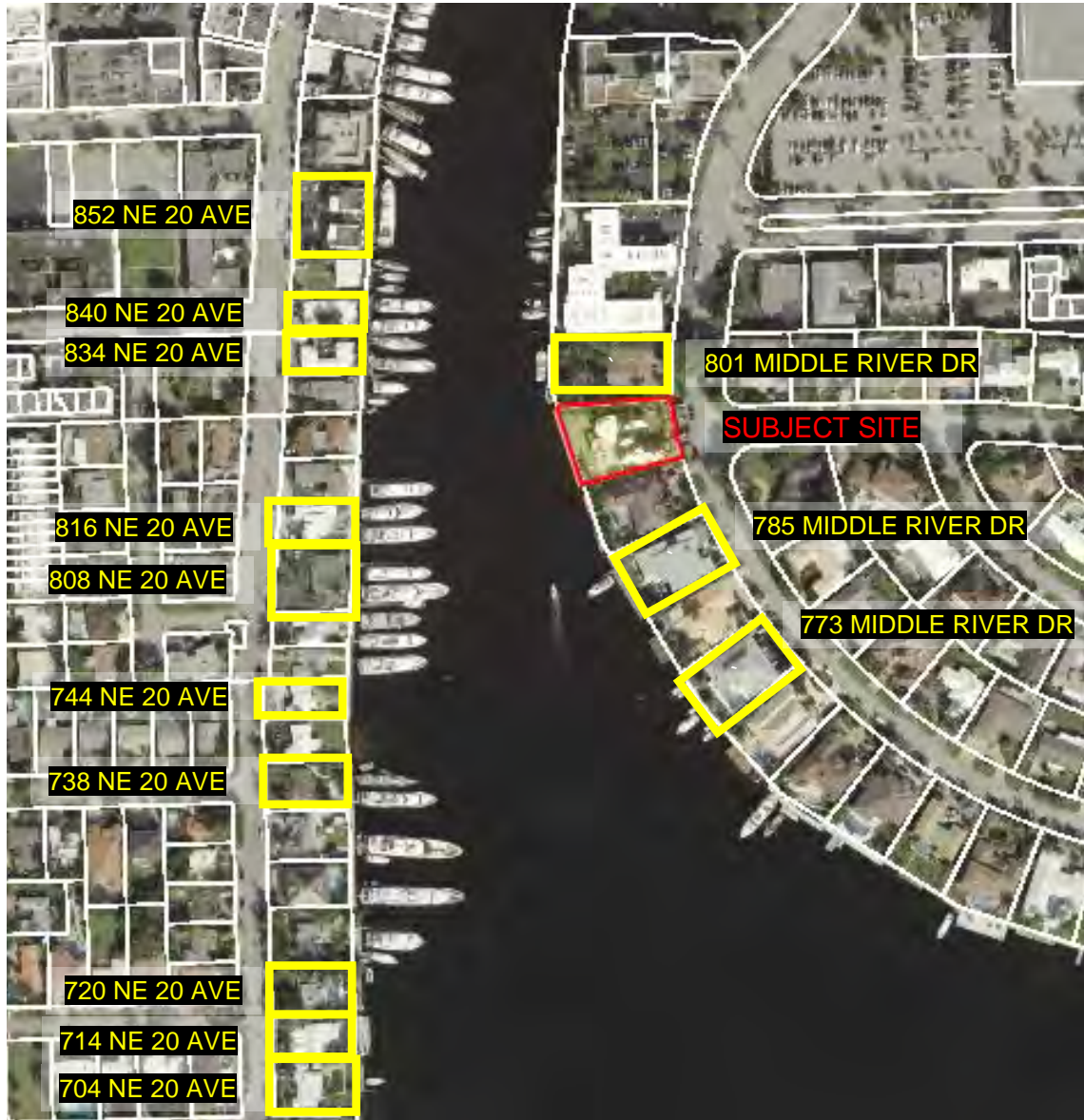
I have reviewed the plans for the proposed project to install a finger pier and 4-post boat lift, beyond 25 feet from the property line into the Middle River. I understand that the proposed project will require a waiver of limitations through the City of Fort Lauderdale along with permitting through the regulatory agencies. I own the property at 791 Middle River Drive and support the project as proposed.

Sincerely,

A handwritten signature in dark ink, reading "Ronald J. Hutchings". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Ronald J. Hutchings
791 Middle River Dr
Fort Lauderdale, FL 33304

EXISTING WAIVERS IN THE VICINITY



ADDRESS	MAXIMUM DISTANCE
852 NE 20 TH Avenue	86'
840 NE 20 TH Avenue	48'
834 NE 20 TH Avenue	45'
816 NE 20 TH Avenue	124.4'
808 NE 20 TH Avenue	112.4'
744 NE 20 TH Avenue	133.5'
738 NE 20 TH Avenue	75'
720 NE 20 TH Avenue	80'
714 NE 20 TH Avenue	108'
704 NE 20 TH Avenue	125'
785 Middle River Drive	40'
773 Middle River Drive	60'
801 Middle River Drive	52'
Subject Site	54.5'