

ITEM V

MEMORANDUM MF NO. 19-09

DATE: May 15, 2019

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Manager of Marine Facilities

RE: June 6, 2019 MAB Meeting - Dock Waiver of Distance Limitations – Stephen C. Earnhart and Lisa A. Zander / 95 Hendricks Isle

Attached for your review is an application from Stephen C. Earnhart & Lisa A. Zander / 95 Hendricks Isle.

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for installation of a ten foot (10') dock addition and single mooring pile extending a maximum of +/-35 into the adjacent Karen Canal. The distances this structure will extend from the property line into waterway is 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
Finger Pier	+/-35'	25'	+/-10'
Mooring Pile	+/-35'	25'	+/-10'

The City's Unified Land and Development Regulations (UDLR) Sec. 47-19.3.C limits the maximum distance of mooring structures to 25' or 25% of the width of the waterway, whichever is less, from the property line. Sec. 47-19.3 D limits the maximum distance of a mooring piling to 25' or 30%, whichever is less, from the property line. Section 47-19.3.E authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The applicant indicates that both the proposed ten foot (10') dock extension and additional mooring pile are necessary to effectively secure their vessel's stern, as it is subject to strong currents and winds, particularly in the event of storms or hurricanes.

PROPERTY LOCATION AND ZONING

The property is located within the RMM-25 Residential Mid Rise Multi Family / Medium High Density District. It is situated on the eastern shore of the Karen Canal.

DOCK PLAN AND BOATING SAFETY

Marine Facilities' records reflect there has been three (3) Waivers of Limitation approved by the City Commission within close proximity to 95 Hendricks Isle (**Table 2**).

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
July 2007	101 Hendricks Isle	Pilings – 30'
April 2013	91 Isle of Venice	Pilings – 45'
April 2019	1 Hendricks Isle	Boatlift – 43'

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.

AC
Attachment

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

Application for waiver of 25 feet limitation for dock

001

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002

**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: Steven C. Earnhart and Lisa A. Zender, husband and wife

TELEPHONE NO: 317/ 709-4498 317/ 514-7181
Earnhart cell Zender cell

2. **APPLICANT'S ADDRESS** (if different than the site address): 12461 E. 86th St.
Indianapolis, IN 46236

3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:** Applicant requests a waiver for the proposed construction of an additional 10 feet onto an existing 25 feet fixed dock, with installation of a parallel mooring piling. Said dock would extend 35 feet from the property line. Construction would be performed by Morrison Contractors, Inc., 3000 SW 26th Terrace, Dania Beach.

4. **SITE ADDRESS:** 95 HENDRICKS ISLE **ZONING:** RMM-25

LEGAL DESCRIPTION: Unit 8, a portion of Lot 3 of Block 3 in Victoria Isles according to the Plat thereof, as recorded in Plat Book 15, at Page 67.

5. **EXHIBITS** (In addition to proof of ownership, list all exhibits provided in support of the applications):

1. Warranty Deed
2. Project drawing
3. Boundary Survey
4. Aerial Zoning Map
5. Site Photographs
6. Narrative


Applicant's Signature

4-17-19
Date

=====

The sum of \$ 300.00 was paid by the above-named applicant on the _____ of _____, 2019 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 _____

004

EXHIBIT 1

Warranty Deed

U 005

17-07-0823

Prepared by and Return To:
DENNIS J. EISINGER, ESQUIRE
EISINGER, BROWN, LEWIS, FRANKEL & CHAIET, P.A.
4000 Hollywood Boulevard, Suite 285-S
Hollywood, Florida 33021
Tel: (954) 894-8000
Fax: (954) 894-8015

STATUTORY WARRANTY DEED

THIS INDENTURE, made this 30 day of August, 2017, between JOHN GOLIA, a single man, whose post office mailing address is 120 NE 17th Avenue, Fort Lauderdale, Florida 33301, Grantor*, and LISA ZENDER and STEVEN EARNHART, wife and husband, as Tenants by the Entireties, whose post office mailing address is 12481 East 86th Street, Indianapolis, IN 46236, Grantee*.

WITNESSETH, That said Grantor, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars 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:

Unit 8, a portion of Lot 3 of Block 3 in "VICTORIA ISLES" according to the Plat thereof, as recorded in Plat Book 16, at Page 67, of the Public Records of Broward County, Florida, said lands situate, lying and being in Fort Lauderdale, Broward County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Lot 3; thence North along the East line of said Lot 3, a distance of 66.46 feet to the Point of Beginning; thence West 125.00 feet to a point on the West line of said Lot 3; thence North along the West line of said Lot 3, a distance of 32.74 feet to the Northwest corner of Lot 3; thence N89 degrees 38'30" E along the North line of said Lot 3 a distance of 125.00 feet; thence South, along the East line of said Lot 3 a distance 33.54 feet to the Point of Beginning,

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

* "Grantor" and "Grantee" are used for singular and plural, as context requires.

006

Prepared by and Return To:
DENNIS J. EISINGER, ESQUIRE
EISINGER, BROWN, LEWIS, FRANKEL & CHAIET, P.A.
4000 Hollywood Boulevard, Suite 265-S
Hollywood, Florida 33021
Tel: (954) 894-8000
Fax: (954) 894-8015

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

* "Grantor" and "Grantee" are used for singular and plural, as context requires.

1. Taxes and assessments for the year 2017 and subsequent years which are not yet due and payable;
2. Covenants, conditions, easements, restrictions, limitations, reservations, and other matters of record, without intending to reimpose same; and
3. Applicable zoning regulations and ordinances.

**Signed, sealed and delivered
in our presence**


JOHN GOLIA


Witness

STATE OF FLORIDA)
COUNTY OF BROWARD) :ss

The foregoing instrument was acknowledged before me this 30 day of August, 2017, by JOHN GOLIA. He is personally known to me () or has produced _____, as identification.


NOTARY PUBLIC
State of Florida

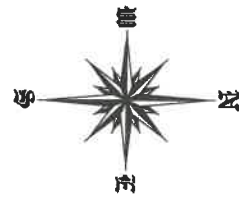
My Commission Expires

 GRACE RODRIGUEZ
MY COMMISSION # FF 041804
EXPIRES: January 10, 2020
Bonded Third Notary Public Underwriters

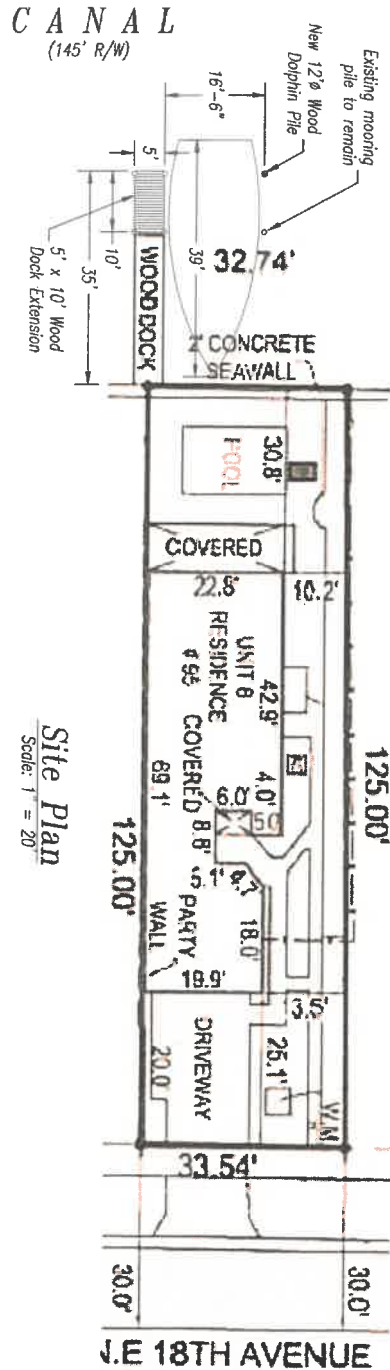
Exhibit 2

Project Drawing

009



Site Address	95 HENDRICKS ISLE, FORT LAUDERDALE FL 33301	ID #	5042 02 45 0080
Property Owner	STEVEN C EARNHART REV TR	Millage	0312
	LISA A ZENDER REV TR ETAL	Use	01 *
Mailing Address	12461 E 86 ST INDIANAPOLIS IN 46236		
Abbreviated Legal Description	VICTORIA ISLES 15-67 B THAT PART OF LOT 3 DESCR AS COM AT SE COR OF LOT 3, N ALG E/L 56.46 TO POB W 125. N ALG W/L 32.74 TO NW COR OF LOT 3, E ALG N/L 125. S 33.54 TO POB BLK 3 AKA UNIT 8 CASA LAS OLAS		



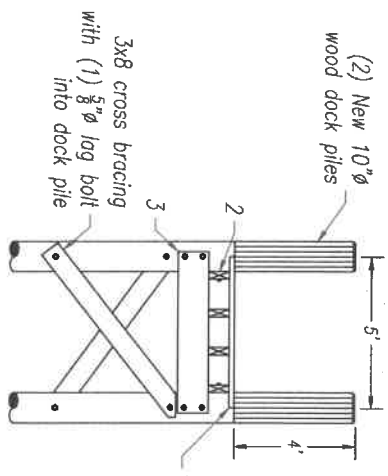
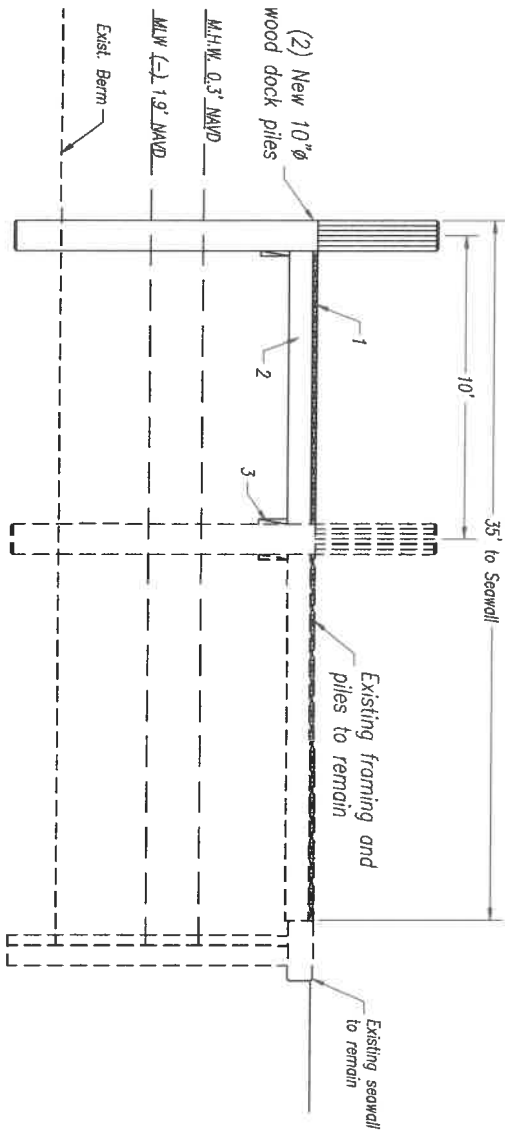
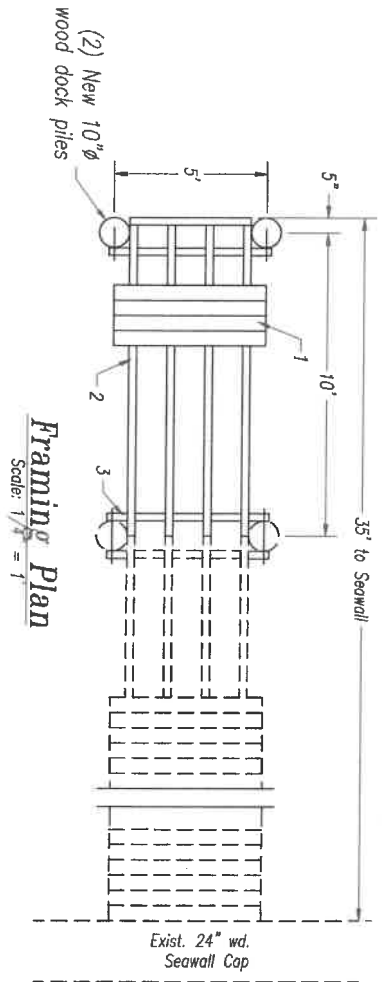
Site Plan
Scale: 1" = 20'

See attached survey supplied by owner for exact property information.

SCALE: 240	DATE: 05.10.2018	PREPARED FOR: MORRISON CONTRACTORS INC	Project: Proposed Pier Extension
DRAWN BY: RDL	CHECKED BY: MM	3000 SW 26 Terrace Dania Beach, FL 33312 (954) 583-8500	Steven Earnhart 95 Hendricks Isle Ft. Lauderdale, Florida 33301

MARK E. WEBER, P.E.
LICENSE #55861 CA 3202
MM ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, Florida 33060
www.mmeengineering.net

010



1. Azek PVC decking with (2) #10x2 1/2" stainless steel deck screws per stringer
2. 2x8 stringers @ 16" max spacing with (2) #1x2 1/2" Trim Head S.S. screws into substringers
3. 2x8 substringers with (2) 3/8" thru bolt @ pile and drop hanger

SCALE:	48
DATE:	05.10.2019
DRAWN BY:	RDL
CHECKED BY:	MM
95 Earnhart FP 48.dwg	

PREPARED FOR:
MORRISON CONTRACTORS INC
3000 SW 26 Terrace
Dania Beach, FL 33312
(954) 583-8500

Project:
Proposed Dock Extension
Steven Earnhart
95 Hendricks Isle
Ft. Lauderdale, Florida 33301

MARK E. WEBER, P.E.
LICENSE #30851 CA 30702
MW ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, Florida 33060
www.mwengineering.com

GENERAL NOTES:

1. Construction to follow the Florida Building Code 6th Edition (2017) and amendments as applicable and all Local, State and Federal Laws.
 2. Licensed contractor shall verify the existing conditions prior to the commencement of the work. Any conflicts or omissions between existing conditions or the various elements of the working drawing shall be brought to the attention of the Engineer prior to the commencement of the work. The Licensed Contractor and all subcontractors are responsible for all lines, elevations, and measurements in connection with their work.
 3. Do not scale drawings for dimensions.
 4. Any deviation and/or substitution from the information provided herein shall be submitted to the Engineer for approval prior to commencement of work.
 5. All unanticipated or unforeseen demolition and/or new construction conditions which require deviation from the plans and notes herein shall be reported to the Engineer prior to commencement of work.
 6. All new work and/or materials shall conform to all requirements of each administrative body having jurisdiction in each pertaining circumstance.
 7. All new materials and/or patchwork shall be provided to match existing materials and/or adjoining work where practical except as specifically noted herein.
 8. Licensed Contractor to shall use all possible care to protect all existing materials, surfaces, and furnishings from damage during all phases of construction.
 9. Licensed Contractor to verify location of existing utilities prior to commencing work.
 10. The Licensed contractor to install and remove all shoring and bracing as required for the proper execution of the work.
 11. Licensed Contractor to obtain all permits as necessary from all Local, State, and Federal agencies.
 12. Turbidity barriers to be marked with site contractor's company name using permanent markings no smaller than 3 inches in height on the top of the barrier.
- PILE DRIVING:**
1. Pile driving operations shall be observed by a special inspector, including test piles sufficient to determine the approximate length required to meet design capacity.
 2. Piles shall be driven using an approved cushion block consisting of material so arranged so as to provide the transmission of hammer energy.
 3. Piles shall be driven to required capacity (min. 10 tons) a minimum of 8' into berm.
 4. Piles shall be driven with a drop hammer or gravity hammer provided the hammer shall weight no less than 3,000 pounds, and the fall of the hammer shall not exceed 6'.
 5. Piles shall be driven with a variation of not more than $\frac{1}{4}$ inch per foot from the vertical, or from the batter line indicated, with a maximum variation of the head of the pile from the position shown on the plans of not more than three inches.
 6. Where piling must penetrate strata offering high resistance to driving, the structural engineer of record or special inspector may require that the piles be set in pre-drilled or punched holes. The piles shall reach their final penetration by driving.

CONCRETE NOTES:

1. Concrete shall conform to ACI 318 (latest edition) and shall be regular weight, sulfate resistant, with a design strength of 4000 psi at 28 days with a maximum water-cementitious materials ratio, by weight aggregate concrete of 0.40.
2. Owner shall employ and pay for testing services from an independent testing laboratory for concrete sampling and testing in accordance with ASTM.
3. Licensed contractor is responsible for the adequacy of forms and shoring and for safe practice in their use and removal.
4. Concrete cover shall be 3" unless otherwise noted on the approved drawings.
5. Reinforcing steel shall be in conformance with the latest version of ASTM A615 Grade 60 specifications. All reinforcement shall be placed in accordance with ACI 315 and ACI Manual of Standard Practice.
6. Splices in reinforcing bars shall be not be less than 48 bar diameters and reinforcing shall be continuous around all corners and changes in direction. Continuity shall be provided at corners or changes in direction by bending the longitudinal steel around the corner 48 bar diameters.
7. Defective, cracked or loose concrete areas must be cut out, the rebar must be cleaned, coated with zinc and repaired with at least 3" of epoxy-concrete mix or gunnite concrete with sulfate-resistant cement.

PILE NOTES:

1. Wood piles to be 2.5 lb. CCA treated in accordance with AWWA standard C18.
2. Wood piles shall be a minimum diameter of 10", Miami Dade County requires minimum diameter of 12".
3. Concrete piles shall obtain 6000 psi compressive strength in 28 days.
4. Concrete piles shall be reinforced with four - $\frac{7}{8}$ " lo-10x strands, 270 kips, and 5 ga. spiral ties.
5. Concrete piles shall be 12"x12" square, minimum length of 20'.
6. Concrete piles shall be cut to leave strands exposed a min. of 18" and tied to dock or cap steel or drill and epoxy (2) #5 8"x12" hook bars 6" into pile.

WOOD DOCK NOTES:

1. All materials to be pressure treated pine unless otherwise noted.
2. All frame work materials to be grade #2.
3. All Decking materials to be grade #1 unless otherwise noted.
4. All hardware to be Stainless Steel unless otherwise noted.

SCALE:	48	PREPARED FOR:	MORRISON CONTRACTORS INC	Project:	Proposed Dock Extension
DATE:	05.10.2018				Steven Earnhart
DRAWN BY:	RDL		3000 SW 26 Terrace		95 Hendricks Isle
CHECKED BY:	MM		Dania Beach, FL 33312		Ft. Lauderdale, Florida 33301
	95 Earnhart FP 48.dwg		(954) 583-8500		
MARK E. WEIBER, P.E. LICENSE #09991 CA 3070Z MAY ENGINEERING, INC 802 NE 1 Street Suite #2 Pompano Beach, Florida 33060 Off: 754-334-0877 WWW.MayEngineering.net					

Sheet 2 of 3

012

Exhibit 3

Boundary Survey

BOUNDARY SURVEY

Date Of Field Work - 08/14/2017

Drawn By - J.G.

Order #: 1000012404

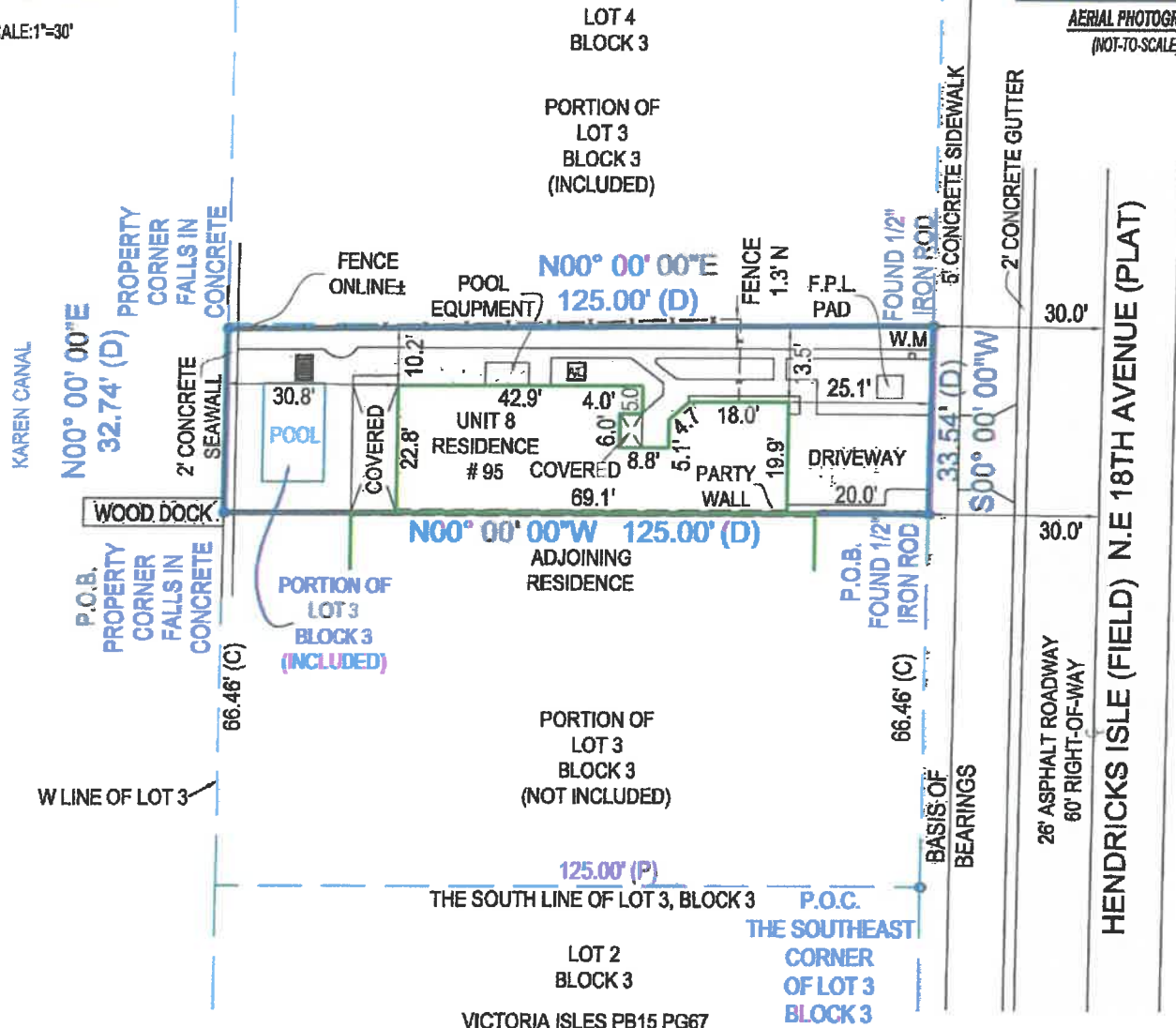
95 HENDRICKS ISLE, FORT LAUDERDALE, FL 33301



SCALE: 1"=30'



AERIAL PHOTOGRAPH
(NOT-TO-SCALE)



- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

SHEET 1 OF 2 (SKETCH OF SURVEY) - SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION AND OTHER SURVEY RELATED DATA. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

NEXGEN
SURVEYING, LLC.

PHONE: 561.508.6272
FAX: 561.508.6309
LB 8111

Clyde McNeal PSM 2883

**THIS SURVEY IS NOT VALID WITHOUT
THE SIGNATURE AND THE ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER**

5601 CORPORATE WAY, SUITE 103 WEST PALM BEACH, FL 33407
NexgenSurveying.com

014

BOUNDARY SURVEY

Date of Field Work: 08/14/2017

Drawn By: O.G.

Order #: 12404

File #: 17-07-0823-D

95 HENDRICKS ISLE, FORT LAUDERDALE, FL 33301

LEGAL DESCRIPTION:

UNIT 8, A PORTION OF LOT 3 OF BLOCK 3 IN "VICTORIA ISLES" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, AT PAGE 67, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN FORT LAUDERDALE, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE NORTH ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 66.46 FEET TO THE POINT OF BEGINNING; THENCE WEST 125.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 3, A DISTANCE OF 32.74 FEET TO THE NORTHWEST CORNER OF LOT 3; THENCE N89 DEGREES 38'30" E ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 125.00 FEET; THENCE SOUTH, ALONG THE EAST LINE OF SAID LOT 3 A DISTANCE 33.54 FEET TO THE POINT OF BEGINNING.

CERTIFIED TO:

- LISA ZENDER AND STEVEN EARNHART
- SUPREME TITLE AND ESCROW, INC
- THE HUNTINGTON NATIONAL BANK, ISAOA/ATIMA
- OLD REPUBLIC NATIONAL TITLE INSURANCE CO.

FLOOD ZONE:

12011C0576H

ZONE AE

ELEV. 5 FT.

EFF. 8/18/2014

SURVEY NOTES:

- This survey is for conveyance purposes only and not intended for construction purposes without permission of this surveyor.
- NO NOTABLE CONDITIONS FOUND

LEGEND

A/C -AIR CONDITIONER

AL -ARC LENGTH

(C) -CALCULATED

D.E -DRAINAGE EASEMENT

(M) -MEASURED

P.O.B. -POINT OF BEGINNING

P.O.C. -POINT OF COMMENCING

P.B. -PLAT BOOK

P.G. -PAGE

P.U.E. -PUBLIC UTILITY EASEMENT

R -RADIUS

(R) -RECORD

U.E. -UTILITY EASEMENT

WM -WATER METER

— FENCE

-NUMBER

— ASPHALT

— CONCRETE

— PAVER/BRICK

— WOOD

☆ -LIGHT POLE

● -WELL

— WATER VALVE

— CENTER LINE

— CATCH BASIN

— FIRE HYDRANT

— POLE

— MANHOLE

— TOPOGRAPHIC ELEVATION



www.NexGenSurveying.com

(561) 508-6272

5601 Corporate Way

Suite 103

West Palm Beach, FL 33407

SCAN ME!



SHEET 2 OF 2 (Certifications)- See Sheet 1 of 2 for sketch of Survey. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

Exhibit 4

Aerial Zoning Map



City of Fort Lauderdale GIS



CITY OF FORT LAUDERDALE

Map Created by GIS Mailer

95 Hendricks Isle



0 90 180 Feet

GIS
Fort Lauderdale

CAM 19-0769

017
Printed on: 4/17/2019
Page 19 of 29

Exhibit 5

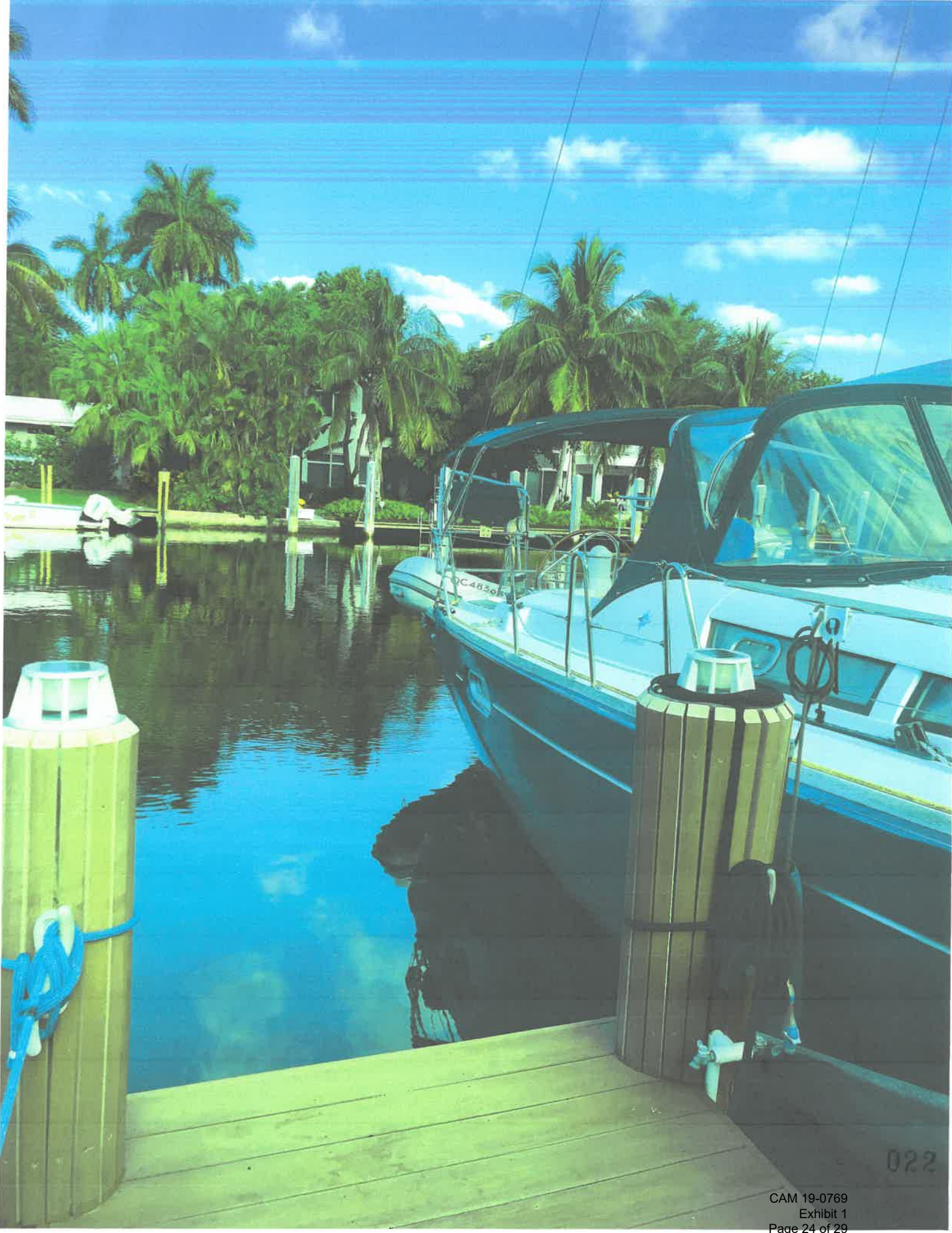
Site Photographs







021



022



023

Exhibit 6

Narrative

NARRATIVE

Pursuant to Sections 47-19.3.(c), 47-19.3.(d), Applicants, residents of Hendricks Isle, seek only to extend an existing 25 feet fixed dock an additional ten (10) feet. Said extension will not extend beyond existing yachts in the vicinity, so no further occlusion the canal would result. Existing elevations shall be maintained.

Applicants have a 39' sailing vessel which is oriented east-west in the canal. As provided in Sections 47-19.3.(e), Applicants have an extraordinary circumstance which necessitate the need for the 10' extension for safety and to effectively secure the back (stern) of their boat.

The back of the Applicants' boat lies beyond the end of the existing dock, subjecting it to southerly currents and southerly winds. (Extension of boat beyond the existing dock is depicted in Site Photographs.) This makes it difficult to control swinging in strong southerly winds. (The attached Aerial photograph actually captured a stern swing in the wind.) Additionally, the installation of a parallel mooring piling on the north side of the vessel, 35 feet from shore, will control both the stern swing and provide much needed additional security in the event of storms or hurricanes. The existing seawall has four (4) feet of footer extending into the canal to support the seawall, prohibiting Applicants from mooring their vessel any closer to the seawall than it currently exists. The existing dock has lighting on the end pilings. Applicants will further light the end of the extension for additional safety.

The request is not inconsistent with current dockage and moorings along Hendricks Isle which have been extended beyond 25 feet to safely and securely moor boats. Merely as an example, the yacht immediately to the north of Applicant's vessel is 53' in length, and extends significantly further into the canal than Applicants' proposed extension, so no additional occlusion of the waterway will result from Applicants' extension of their existing dock.

Applicants' neighbors to the south and co-dock occupants, Tim and Christine Rector, support this application.

Exhibit 7

Consent of Neighbor

Consent of Neighbor

I, Timothy J. Rector, together with my wife Christine P. Rector, are the owners of 93 Hendricks Isle, the property south and adjacent to 95 Hendricks Isle. I consent to the application submitted by Steven Earnhart and Lisa Zender for the extension of the dock from 25' to 35'. The dock is a shared dock, utilized by both homes, and it is my boat that you see depicted in the photographs on the south side of the dock.



Timothy J. Rector