

MEMORANDUM MF NO. 21-14

DATE: May 19, 2021

TO: Marine Advisory Board

FROM: Andrew Cuba, Manager of Marine Facilities

RE: June 3, 2021 MAB - Dock Waiver of Distance Limitations
–Craig Michael & Debra Heslin / 1801 SE 21st Avenue

Attached for your review is a revised application from Craig Michael & Debra Heslin / 1801 SE 21st Avenue (see **Exhibit 1**).

APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for the installation of one finger pier extending into the adjacent Intracoastal Waterway a maximum of +/- 65' from the property line. The distances these proposed structure would extend from the property line into the Intracoastal Waterway (ICWW) are shown in the survey in **Exhibit 1** and summarized in Table 1 below:

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
Finger Pier	+/-65'	25'	+/-40'

Sections 47-19.3 C limits the maximum distance of mooring structures to 25% of the width of the waterway, or 25', whichever is less, from the property line. Section 47-19.3 D limits the maximum distance of mooring piles to 30% or 25 feet, whichever is less from the property line. Section 47.19.3.E authorizes the City Commission to waive this limitation based upon a finding of extraordinary circumstances. The applicant has indicated that the mooring piles are necessary to safely moor resident's vessels, especially during high wind and severe weather.

PROPERTY LOCATION AND ZONING

The property is located within the Harbour Heights RS-8 Residential Single Family Low/Medium Density Zoning District. It is situated on the ICWW where the width between the property line to the nearest structure is +/- 1150.5', according to the narrative provided in **Exhibit 1**.

DOCK PLAN AND BOATING SAFETY

Records reflect that there has been three (3) waiver of docking distance limitations approved by the City Commission within close proximity since 2011:

TABLE 2

DATE	ADDRESS	MAXIMUM DISTANCE
2011	1801 SE 21 st Avenue	+/-65'
2017	1909 SE 21 st Avenue	+/-45.5'
2017	2009 SE 21 st Avenue	+/-84'

RECOMMENDATIONS

Should the Marine Advisory consider approval of the application, the Resolution under consideration for approval 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 appropriate City staff 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

1801 SE 21st Avenue
APPLICATION FOR WATERWAY WAIVER

714 East McNab Road, Pompano Beach, FL 33060 *tel.* 954.782.1908 *fax.* 954.782.1108 www.thechappellgroup.com

Environmental Consultants | Marina & Wetland Permitting | Mitigation Design & Monitoring | T & E Species Surveys | Tree Surveys/Appraisals

**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: **Craig Michael Heslin & Debra Heslin**

TELEPHONE NO: 516-816-5858
(home)

EMAIL: craig@sitespecny.com

(business)

2. APPLICANT'S ADDRESS (if different than the site address): **1801 SE 21st Avenue**
3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:
The applicant requests a waiver for the proposed construction of a finger pier beyond 25 feet from the property line.

4. SITE ADDRESS:
1801 SE 21st Avenue, Fort Lauderdale, FL 33316

ZONING:
RS-8

LEGAL DESCRIPTION AND FOLIO NUMBER:
HARBOUR HEIGHTS ADD 35-21 B LOT 50 BLK 7 TOG WITH 13-50-42 ALL THAT PT OF SW1/4 LYING E OF INTRA W/W R/W & W OF LOT 50 BLK 7 HARBOUR HTS ADD 35-21 B

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


Applicant's Signature

4/21/2021
Date

The sum of \$ _____ was paid by the above-named applicant on the _____ of _____, 20____ 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
1801 SE 21st Avenue
TCG Project No. 19-0060

The project site is located along the Intracoastal Waterway at 1801 SE 21st Avenue, in Section 13, Township 50, Range 42, in the City of Fort Lauderdale, Broward County, Florida

The property is located along the Intracoastal Waterway (ICWW), which is a tidal water. The nearest direct connection to the Atlantic Ocean is approximately 0.75 miles to the south at the Port Everglades Inlet. As the project site is located along the ICWW, 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 75 ln. ft. concrete seawall with a ± 577 ft² wood finger pier. The existing finger pier that extends more than 25' from the platted property line was previously authorized under Resolutions #11-131. The proposed project includes the installation of a replacement ± 970 ft² finger pier. As measured from the platted property line, the proposed structures encroach more than 25' from the property line into the ICWW. As these distances are over the allowable 25' distance into the waterway from the property line, the proposed boatlift will require a variance waiver.

The proposed structure has been approved by the Broward County Environmental Protection & Growth Management Department, Florida Department of Environmental Protection, and US Army Corps of Engineers.

The following five (5) matters provide justification for this waiver request:

1. All structures and piles will not exceed 30% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location to the closest structure ($\pm 1,150.5'$), the proposed project will not impede navigation within the ICWW.
3. The proposed structure is necessary for safely mooring resident's vessels, especially during high wind events and severe weather.
4. The proposed structure is consistent with the previously authorized structures located at the property and does not exceed the previous finger pier at 65.0' (Resolution #11-131).

5. Due to the change in the width of the access platform from what was previously authorized in Resolution #11-131, and the change in ownership, the City is requiring a new Resolution be issued.

If this waiver is approved, the applicant will comply with all necessary construction requirements stated in Section 47-19.3 (C)(D)(E).

STRUCTURE	PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
A	Finger Pier	±65.0'	25'	40'

EXHIBIT III WARRANTY DEED

THIS INSTRUMENT PREPARED BY AND RETURN TO:

LEE D. GLASSMAN, ESQUIRE
2200 NORTH COMMERCE PARKWAY
SUITE 105
FORT LAUDERDALE, FLORIDA 33326
Property Appraisers Parcel Identification (Folio) Numbers: 504213101540

Space Above This Line For Recording Data

THIS WARRANTY DEED, made the ___ day of August, 2011 by **RONALD A. FRANCOEUR, A SINGLE MAN**, herein called the Grantor, to **CRAIG MICHAEL HESLIN and DEBRA HESLIN, HUSBAND AND WIFE**, whose post office address is 1801 SE 21 AVENUE, FORT LAUDERDALE, FL 33316, hereinafter called the Grantees:

(Wherever 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)

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in County, State of Florida, viz.:

Lot 50, Block 7, HARBOUR HEIGHTS ADDITION, according to the Plat thereof, recorded in Plat Book 35, Page 21, of the Public Records of Broward County, Florida.

and

All that part of Section 13, Township 50 South, Range 42 East, lying between the Easterly right-of-way line of the intracoastal waterway and the Westerly boundary of the Subdivision of Harbour Heights Addition, according to the Plat thereof, as recorded in Plat Book 35, Page 21, of the Public Records of Broward County, Florida, described as follows:

That portion of the lands adjoining Lot 50 of Block 7 of said Subdivision and bounded on the North by the extended North boundary of Lot 50 and bounded on the South by an extension of the South boundary of said Lot 50.

Subject to easements, restrictions and reservations of record and to taxes for the year 2011 and thereafter.

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 grantees 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, and hereby 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, 2010.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Caitlin Valerzi
Witness #1 Signature

Caitlin Valerzi
Witness #1 Printed Name

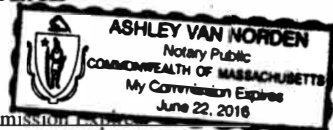
D. Wey
Witness #2 Signature

Danielle Dwyer
Witness #2 Printed Name

STATE OF Massachusetts
COUNTY OF CSSex

The foregoing instrument was acknowledged before me this 31st day of AUGUST, 2011 by RONALD A. FRANCOEUR, who is personally known to me or has produced Drivers License as identification.

SEAL



My Commission Expires

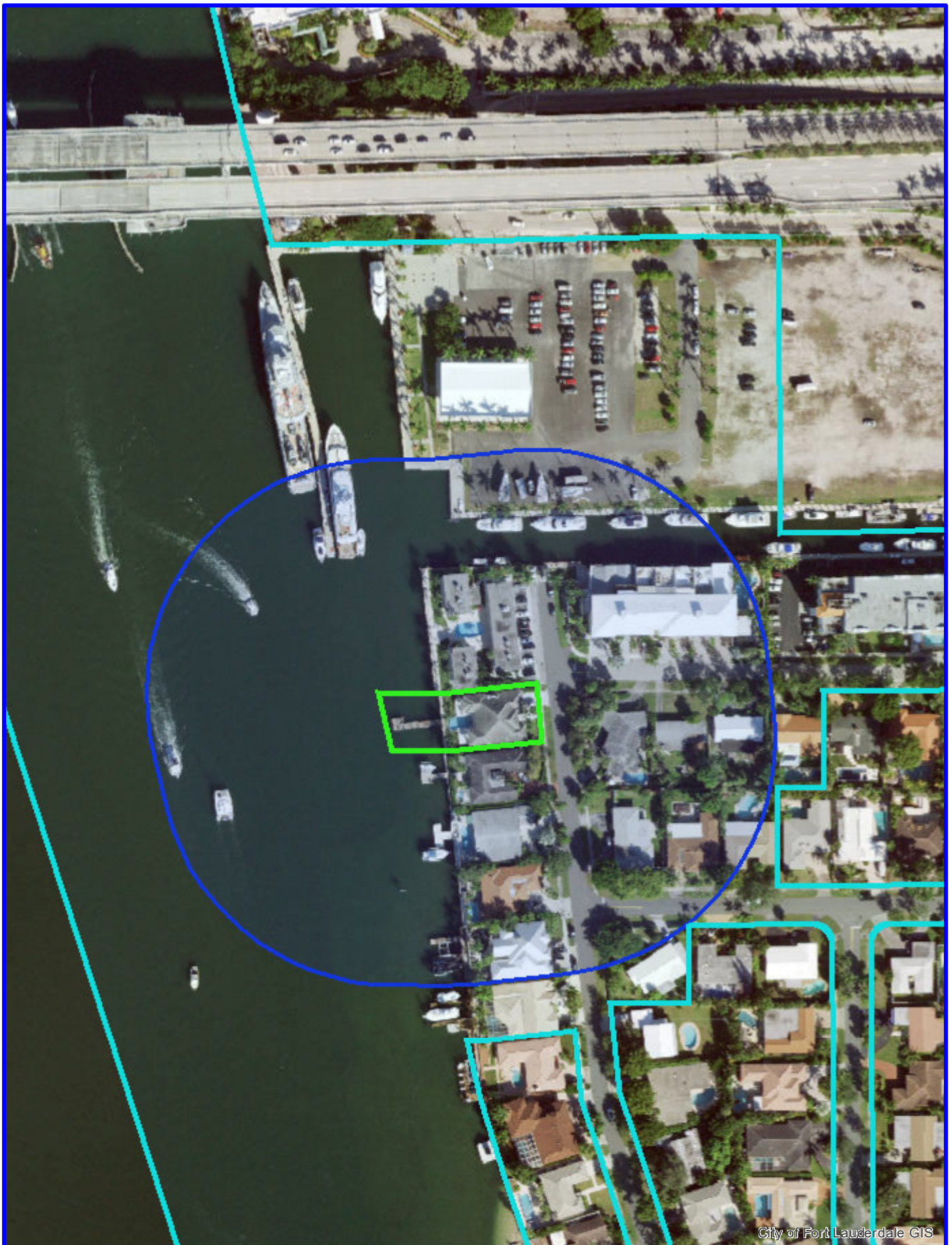
Ronald A. Francoeur
RONALD A. FRANCOEUR
2 WOODMAN ROAD, AMESBURY, MA 01913

Notary Public

Ashley Van Norden
Printed Notary Name

EXHIBIT IV ORIGINAL SURVEY

EXHIBIT V ZONING AERIAL



City of Fort Lauderdale GIS



CITY OF FORT LAUDERDALE

Map Created by GIS Mailer

1801 SE 21 AVE



0 90 180 Feet

GIS
Fort Lauderdale

CAM 21-0626
Printed on: 5/18/2021
Exhibit 1

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EXHIBIT VI SITE PHOTOGRAPHS



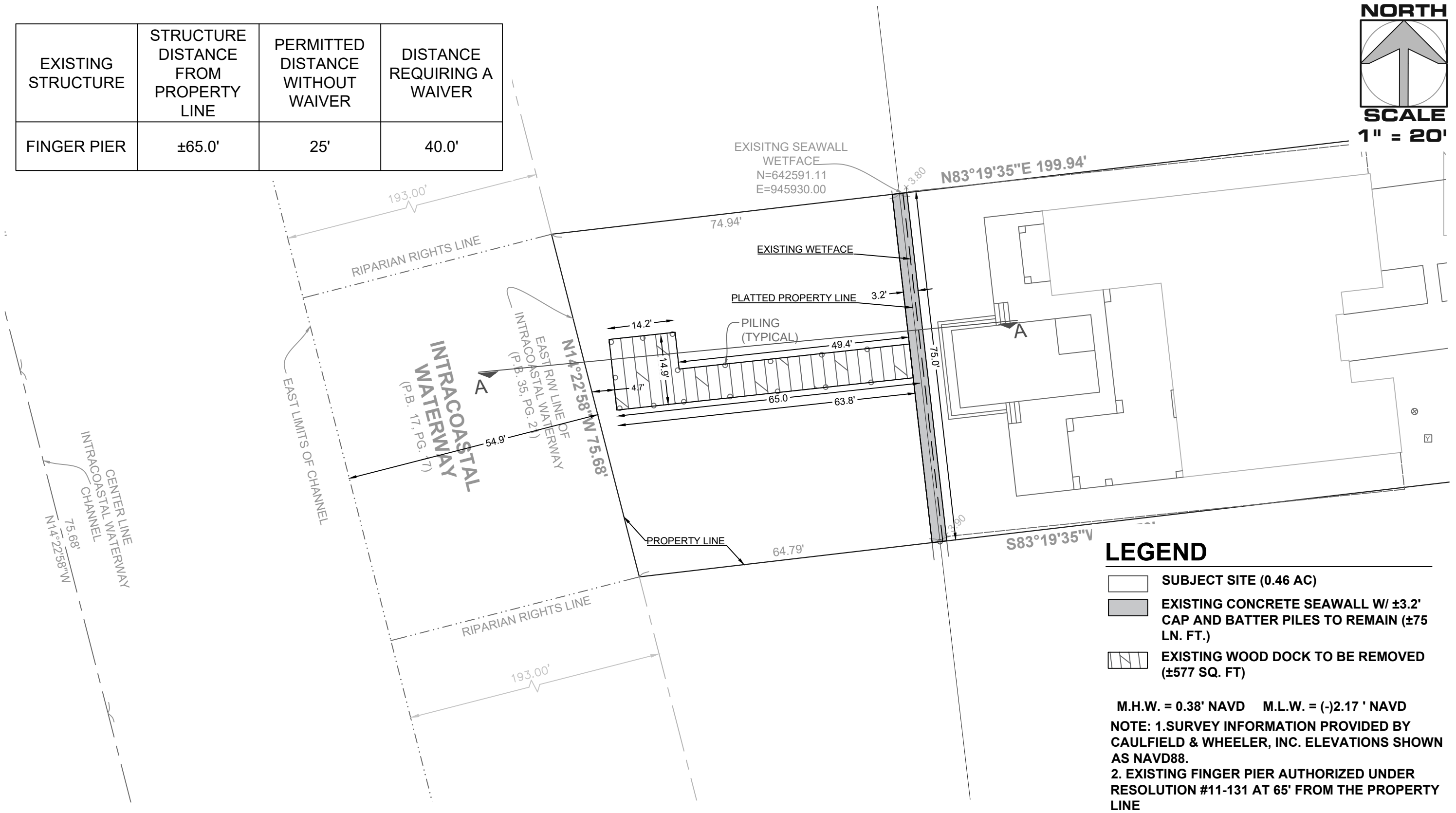
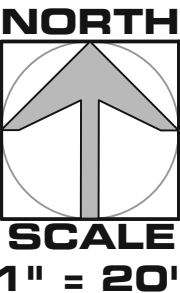
1. Northern portion of the subject site, facing southwest along the ICWW.



2. Southern portion of the subject site, facing northwest along the ICWW.

EXHIBIT VII PROJECT PLANS

EXISTING STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
FINGER PIER	±65.0'	25'	40.0'



LEGEND

- SUBJECT SITE (0.46 AC)
- EXISTING CONCRETE SEAWALL W/ ±3.2' CAP AND BATTER PILES TO REMAIN (±75 LN. FT.)
- EXISTING WOOD DOCK TO BE REMOVED (±577 SQ. FT)

M.H.W. = 0.38' NAVD M.L.W. = (-)2.17 ' NAVD

NOTE: 1.SURVEY INFORMATION PROVIDED BY CAULFIELD & WHEELER, INC. ELEVATIONS SHOWN AS NAVD88.

2. EXISTING FINGER PIER AUTHORIZED UNDER RESOLUTION #11-131 AT 65' FROM THE PROPERTY LINE

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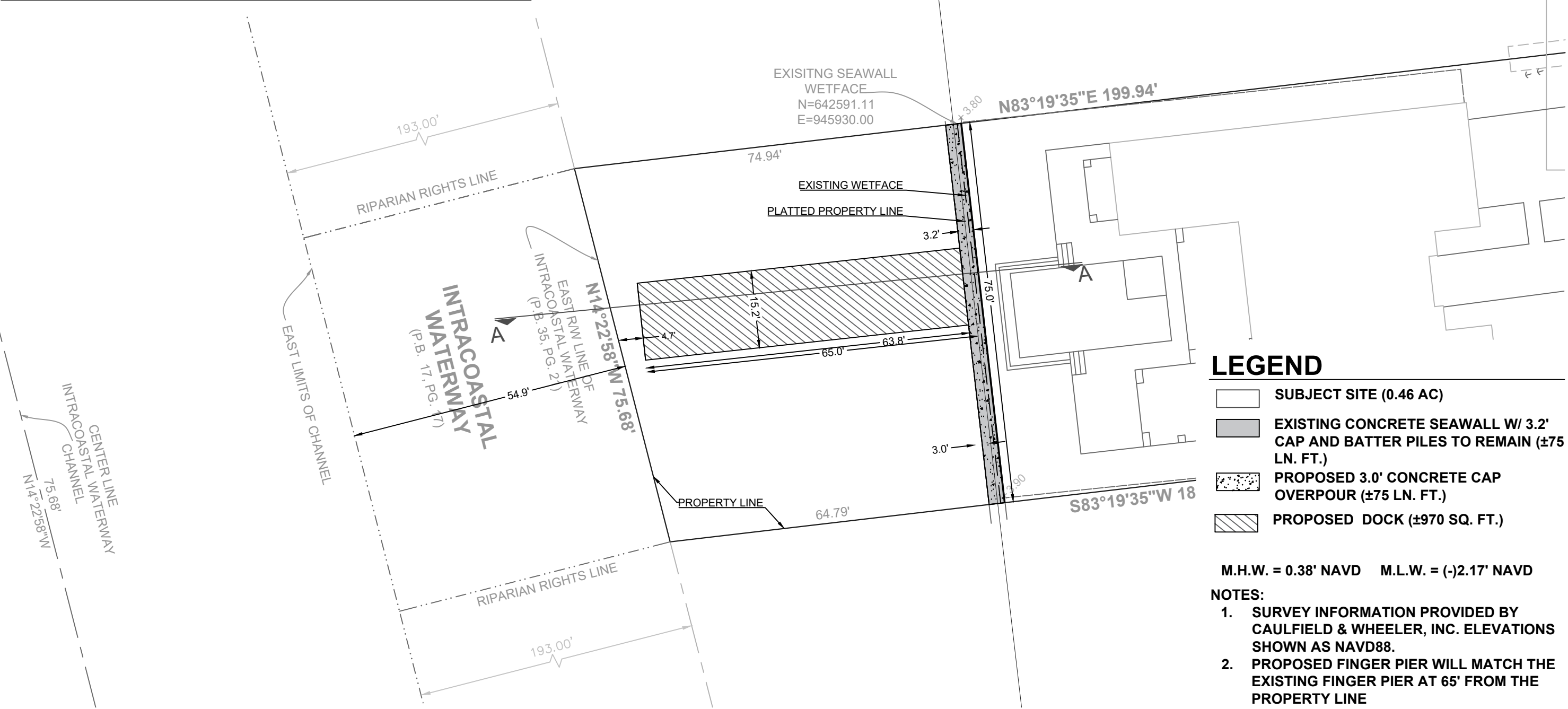
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- Mitigation Design & Monitoring
- T&E Species Surveys
- Tree Surveys/Appraisals

1801 SE 21ST AVENUE

PREPARED FOR:
CRAIG HESLIN

EXISTING CONDITIONS		
Date: 5/18/2021	Sheet : 1	of : 4
Proj No.: 19-0060		

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
FINGER PIER	±65.0'	25'	40.0'



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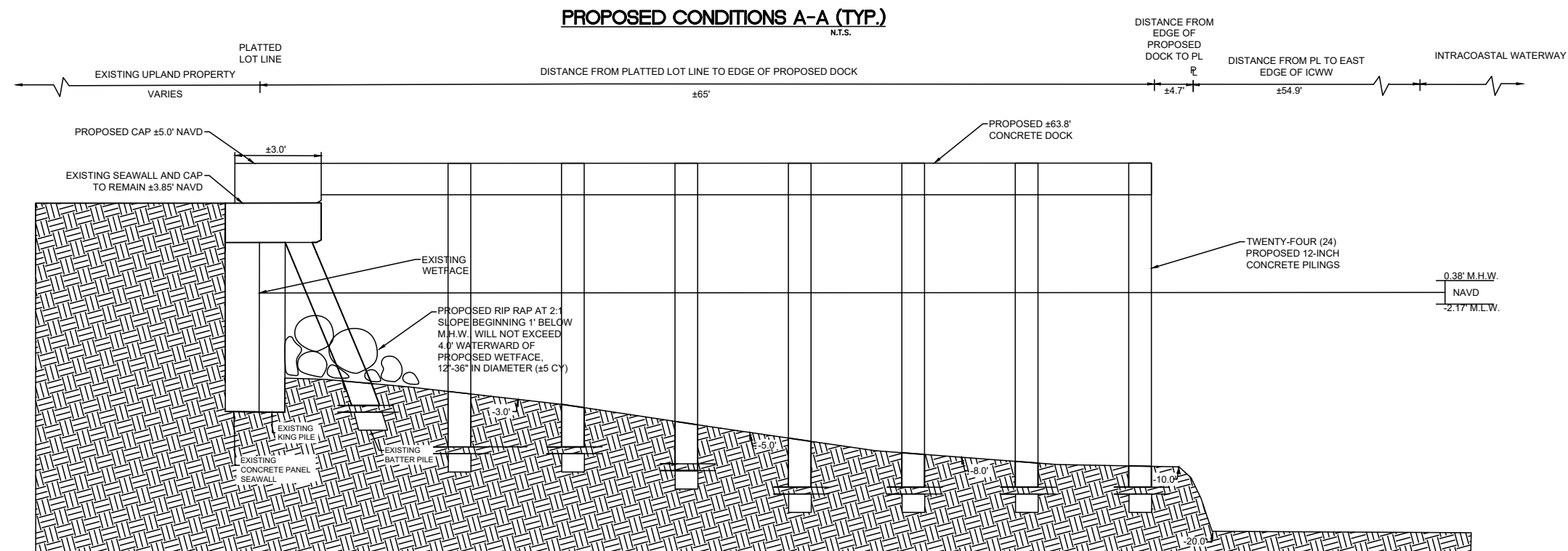
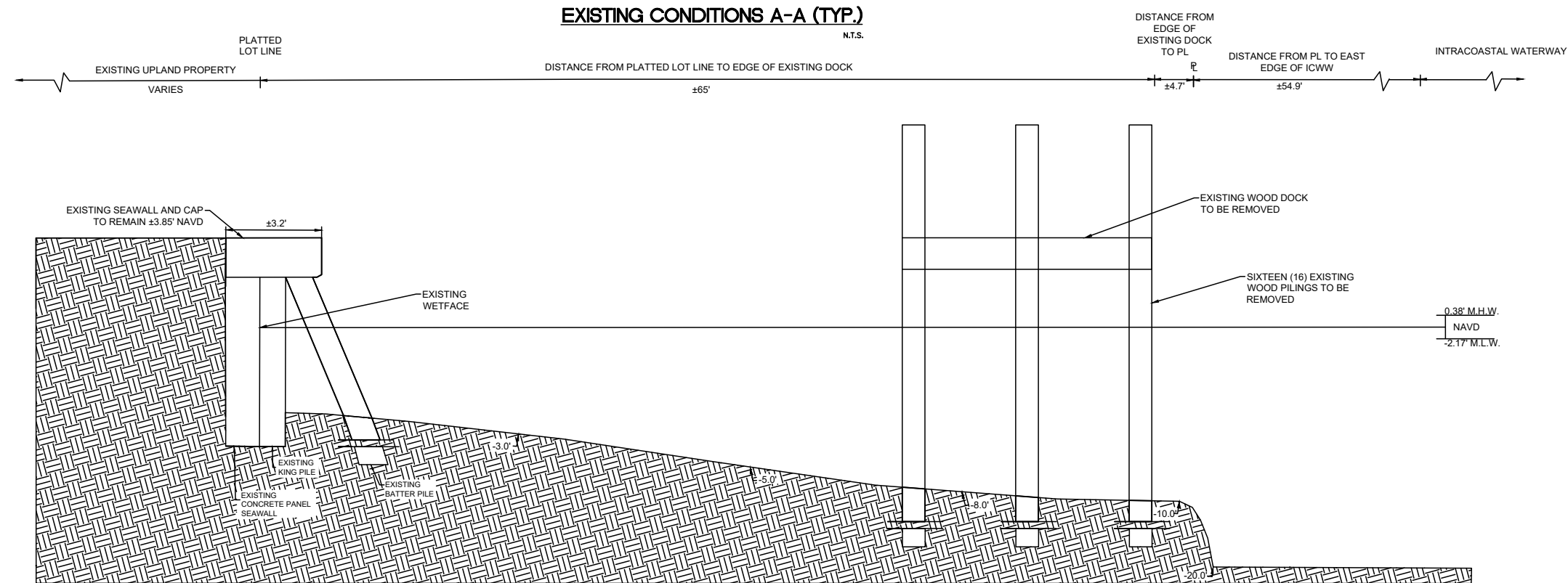
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1801 SE 21ST AVENUE

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PROPOSED CONDITIONS		
Date: 5/18/2021	Sheet : 2	of : 4
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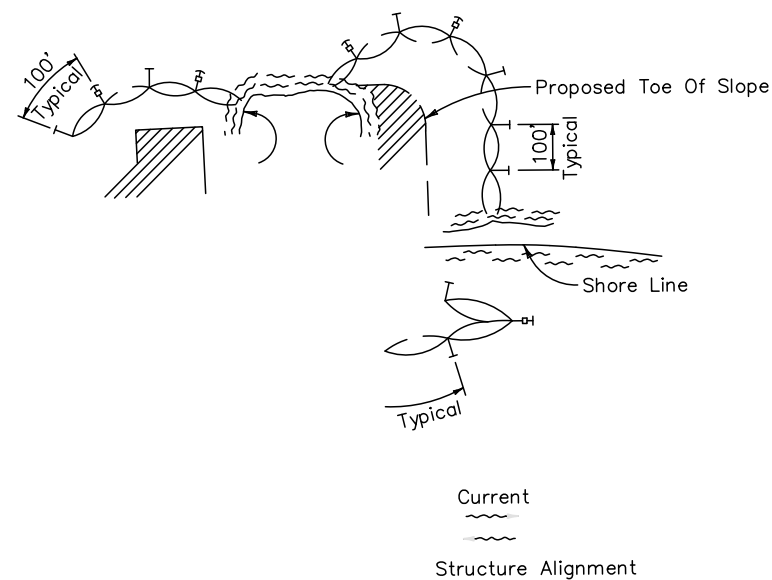
1801 SE 21ST AVENUE

PREPARED FOR:
CRAIG HESLIN

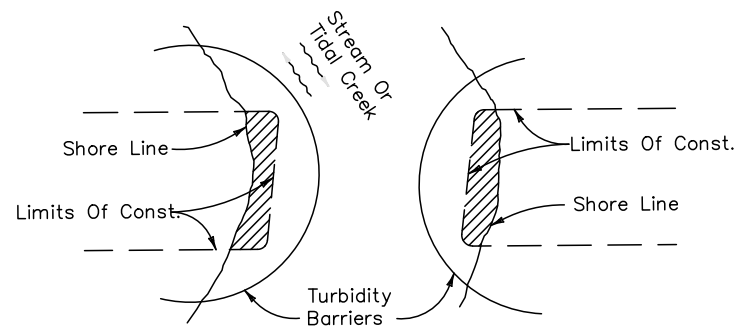
SECTIONS

Date: 5/18/2021	Sheet : 3	of : 4
Proj No.: 19-0060		

CONSTRUCTION BARGE
(TYP.)



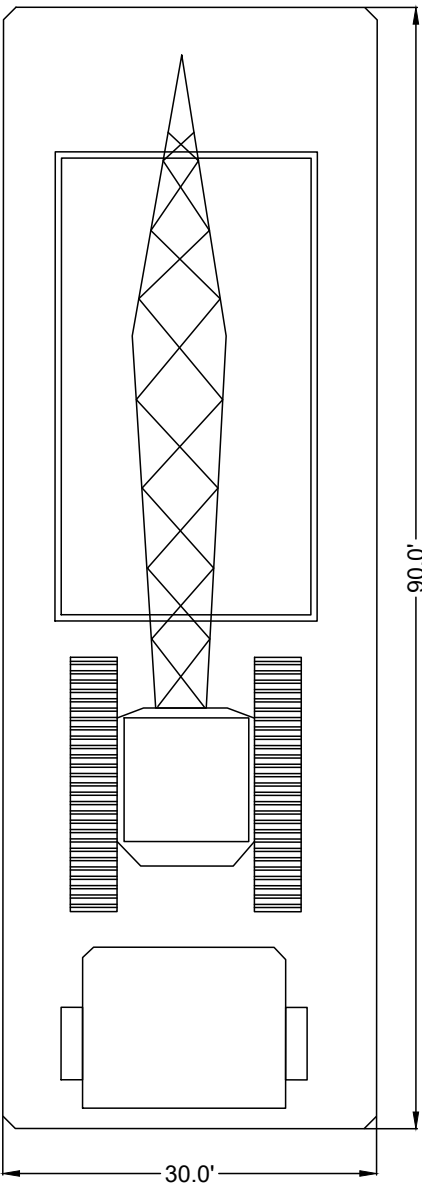
- LEGEND
- Pile Locations
 - ▨ Dredge Or Fill Area
 - Mooring Buoy w/Anchor
 - Anchor
 - Barrier Movement Due To Current Action



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.

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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1801 SE 21ST AVENUE

PREPARED FOR:
CRAIG HESLIN

DETAILS		
Date: 5/18/2021	Sheet : 4	of : 4
Proj No.: 19-0060		

EXHIBIT VIII DISTANCE EXHIBIT

EXISTING STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
FINGER PIER	±65.0'	25'	40.0'



LEGEND

SUBJECT SITE (0.46 AC)

EXISTING CONCRETE SEAWALL W/ ±3.2' CAP AND BATTER PILES TO REMAIN (±75 LN. FT.)

EXISTING WOOD DOCK TO BE REMOVED (±577 SQ. FT)

M.H.W. = 0.38' NAVD M.L.W. = (-)2.17 ' NAVD

NOTE: 1.SURVEY INFORMATION PROVIDED BY CAULFIELD & WHEELER, INC. ELEVATIONS SHOWN AS NAVD88.

2. EXISTING FINGER PIER AUTHORIZED UNDER RESOLUTION #11-131 AT 65' FROM THE PROPERTY LINE

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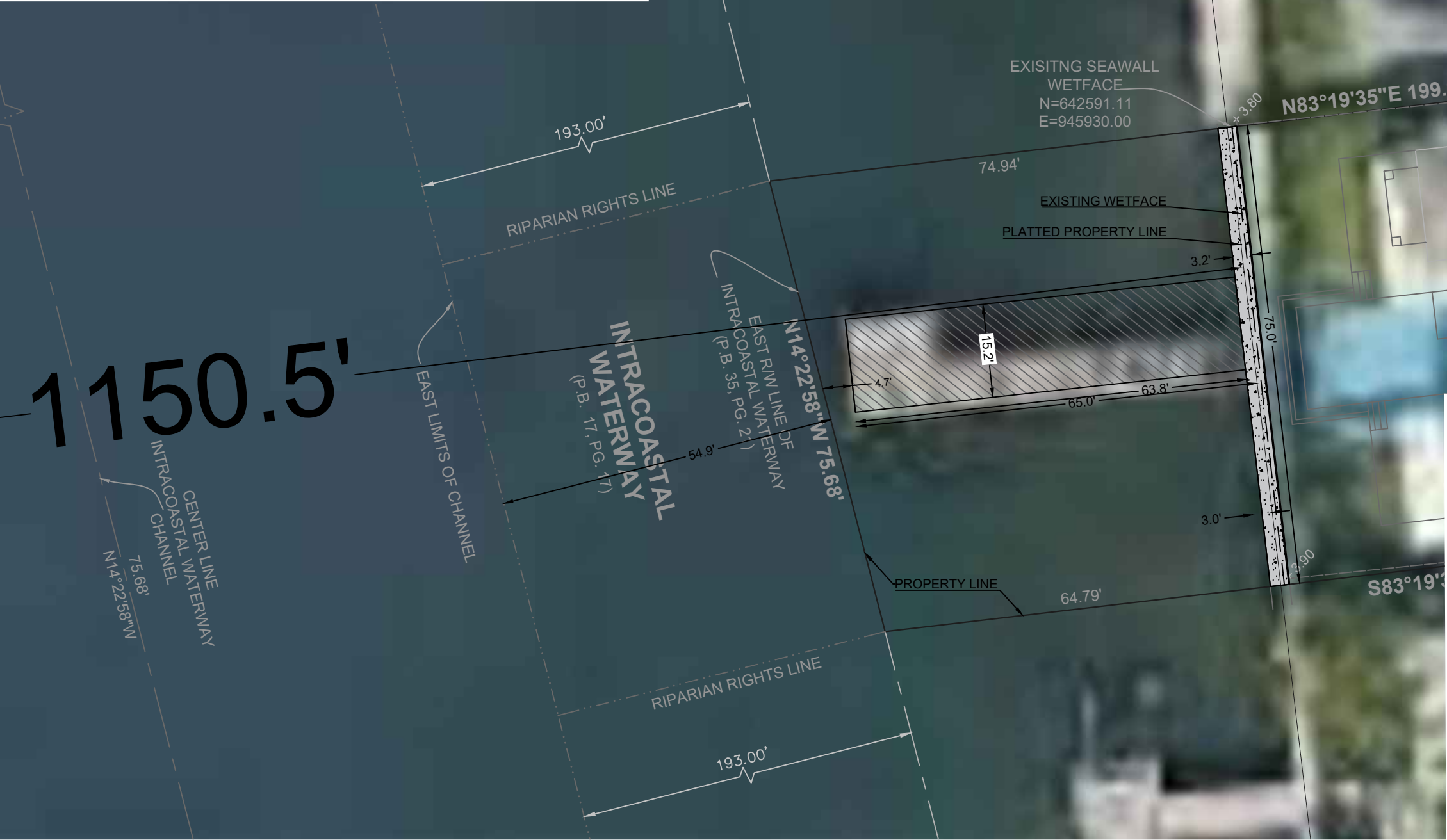
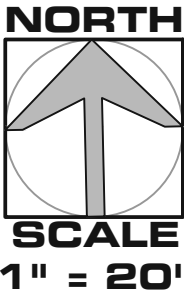
1801 SE 21ST AVENUE

PREPARED FOR:
CRAIG HESLIN

EXISTING DISTANCE AERIAL

Date: 5/18/2021	Sheet : 1	of : 3
Proj No.: 19-0060		

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
FINGER PIER	±65.0'	25'	40.0'



LEGEND

- SUBJECT SITE (0.46 AC)
- EXISTING CONCRETE SEAWALL W/ 3.2' CAP AND BATTER PILES TO REMAIN (±75 LN. FT.)
- PROPOSED 3.0' CONCRETE CAP OVERPOUR (±75 LN. FT.)
- PROPOSED DOCK (±970 SQ. FT.)

M.H.W. = 0.38' NAVD M.L.W. = (-)2.17' NAVD

- NOTES:
- SURVEY INFORMATION PROVIDED BY CAULFIELD & WHEELER, INC. ELEVATIONS SHOWN AS NAVD88.
 - PROPOSED FINGER PIER WILL MATCH THE EXISTING FINGER PIER AT 65' FROM THE PROPERTY LINE

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1801 SE 21ST AVENUE

PREPARED FOR:
CRAIG HESLIN

PROPOSED DISTANCE AERIAL

Date: 5/18/2021	Sheet : 2	of : 3
Proj No.: 19-0060		

PROPOSED STRUCTURE	STRUCTURE DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
FINGER PIER	±65.0'	25'	40.0'



SCALE
1" = 100'

LEGEND

- SUBJECT SITE (0.46 AC)
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- PROPOSED 3.0' CONCRETE CAP OVERPOUR (±75 LN. FT.)
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NOTES:

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1801 SE 21ST AVENUE

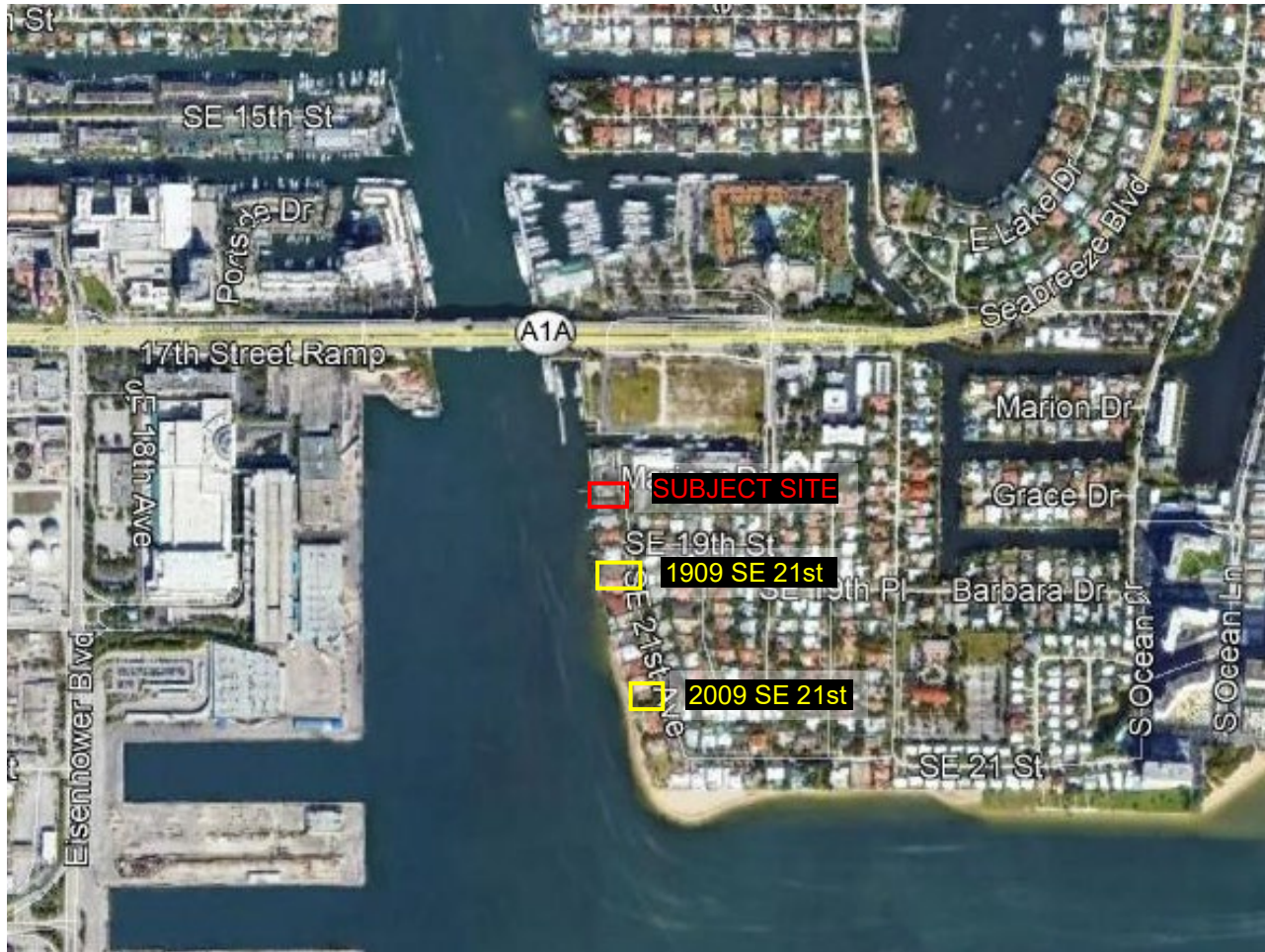
PREPARED FOR:
CRAIG HESLIN

PROPOSED DISTANCE AERIAL

Date: 5/18/2021	Sheet : 3	of : 3
Proj No.: 19-0060		

EXHIBIT IX EXISTING WAIVERS IN THE VICINTY

EXISTING WAIVERS IN THE VICINITY



ADDRESS	MAXIMUM DISTANCE
1801 SE 21 st Ave	65'
1909 SE 21 st Ave	45.5'
2009 SE 21 st Ave	84.0'
Subject Site	65'

EXHIBIT X LETTERS OF SUPPORT

LETTERS OF SUPPORT



ADDRESS	OWNER
Harbour Inlet Association	Joanne Robinson
2150 & 2301 SE 17 th Street	Pier 66 Marina
1775 Harbourview Drive #6	Lee Ann Traut
1809 SE 21 st Avenue	Eli Hurst
1909 SE 21 st Avenue	William Lovell

May 3, 2021

Mr. Craig Heslin
1801 SE 21st Avenue
Fort Lauderdale, FL 33316

RE: 1801 SE 21st Avenue
City of Fort Lauderdale Waiver Request

Dear Mr. Heslin,

I have reviewed the attached plans (Attachment A), for the proposed project to install a finger pier beyond 25 feet from the property line into the Intracoastal Waterway (ICWW). 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 1775 Harbourview Drive, and support the project as proposed.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. R. Haupt", with a long, sweeping horizontal stroke extending to the right.

1775 Harbouview Drive
Fort Lauderdale, FL 33316

May 3, 2021

Mr. Craig Heslin
1801 SE 21st Avenue
Fort Lauderdale, FL 33316

RE: 1801 SE 21st Avenue
City of Fort Lauderdale Waiver Request

Dear Mr. Heslin,

I have reviewed the attached plans (Attachment A), for the proposed project to install a finger pier beyond 25 feet from the property line into the Intracoastal Waterway (ICWW). 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 1809 SE 21st Avenue, and support the project as proposed.

Sincerely,

A handwritten signature in cursive script that reads "Elli Hurst".

Eleanor (Elli) Hurst
1809 SE 21st Avenue
Fort Lauderdale, FL 33316

April 20, 2021

Mr. Craig Heslin
1801 SE 21st Avenue
Fort Lauderdale, FL 33316

RE: 1801 SE 21st Avenue
City of Fort Lauderdale Waiver Request

Dear Mr. Heslin,

I have reviewed the attached plans (Attachment A), for the proposed project to install a finger pier beyond 25 feet from the property line into the Intracoastal Waterway (ICWW). 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 1909 SE 21st Avenue, and support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read 'William A Lovell', with a stylized flourish at the end.

William A Lovell
1909 SE 21st Avenue
Fort Lauderdale, FL 33316

May 10, 2021

Mr. Craig Heslin
1801 SE 21st Avenue
Fort Lauderdale, FL 33316

RE: 1801 SE 21st Avenue
City of Fort Lauderdale Waiver Request

Dear Mr. Heslin,

I have reviewed the attached plans (Attachment A), for the proposed project to install a finger pier beyond 25 feet from the property line into the Intracoastal Waterway (ICWW). 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.

If your neighbors are in support of this application the Harbour Inlet Association has no objections and would support your application.

Sincerely,
Joanne Robinson, President
Harbour Inlet Association

May 6, 2021

Mr. Craig Heslin

1801 SE 21st Avenue

Fort Lauderdale, FL 33316

RE: 1801 SE 21st Avenue City of Fort Lauderdale Waiver Request

To whom it concerns,

I have reviewed the attached plans (Attachment A), for the proposed project to install a finger pier beyond 25 feet from the property line into the Intracoastal Waterway (ICWW). 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. As the Marine Director for Pier 66, I support the project as proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark L. Gase". The signature is fluid and cursive, with the first name "Mark" and last name "Gase" clearly legible.

Pier 66 Marina

Fort Lauderdale, FL 33316