



CITY OF FORT LAUDERDALE

DRAFT
MARINE ADVISORY BOARD
100 NORTH ANDREWS AVENUE
COMMISSION CONFERENCE ROOM – EIGHTH FLOOR
FORT LAUDERDALE, FLORIDA
THURSDAY, MAY 2, 2019 – 6:00 P.M.

		Cumulative Attendance	
		May 2019 – April 2020	
Grant Henderson, Chair	P	1	0
Ed Strobel, Vice Chair	P	1	0
Cliff Berry II	A	0	1
Robyn Chiarelli	P	1	0
Richard Graves	A	0	1
Rose Ann Lovell	P	1	0
Kitty McGowan	A	0	1
Norbert McLaughlin	P	1	0
Ted Morley	P	1	0
Curtis Parker	A	0	1
Rossana Petreccia	P	1	0
Roy Sea	P	1	0
Randy Sweers	A	0	1
Bill Walker	P	1	0

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

Staff

- Andrew Cuba, Manager of Marine Facilities
- Jonathan Luscomb, Supervisor of Marine Facilities
- Sergeant Todd Mills, Fort Lauderdale Police Department
- Dr. Nancy Gassman, Public Works Department
- Tatiana Guerrier, Recording Secretary, Prototype, Inc.

Communications to City Commission

Motion made by Vice Chair Strobel, seconded by Mr. Sea, to recommend the City Commission approve of the proposed amendment to the City of Fort Lauderdale Municipal Code 8-144, with the two exceptions:

1. To fix the parking issue to make it fair for all people
2. To eliminate the prohibition for riparian right holders to have a dock permit on seawall as long as they pay upgrading for seawall and Code requirements for the life of the permit

In a roll call vote, the **motion** passed 8-0.

I. Call to Order / Roll Call

Chair Henderson called the meeting to order at 6:01 p.m.

II. Approval of Minutes – April 4, 2019

Motion made by Ms. Chiarelli, seconded by Chair Henderson, to approve. In a voice vote, the **motion** passed unanimously.

III. Statement of Quorum

It was noted a quorum was present at the meeting.

IV. Marine Advisory Board Elections

• **Chair**

Motion made by Mr. Strobel, seconded by Mr. Morley, to recommend Grant Henderson as Chair. In a roll call vote, Chair Henderson was re-elected 8-0 (Mr. Henderson not voting).

• **Vice Chair**

Motion made by Mr. McLaughlin, and duly seconded, to nominate Ed Strobel. In a roll call vote, Vice Chair Strobel was re-elected 8-0 (Mr. Strobel not voting).

V. Waterway Crime & Boating Safety Report / Fire Department Report

Sergeant Todd Mills of the Fort Lauderdale Police Department reported the following Marine Unit activity from April 2019:

- 25 citations
- 128 warnings
- 41 safety inspections
- 5 accident reports
- 5 miscellaneous incidents

The Marine Unit has completed replacement of its fleet, and now has three 850 Impacts, three 10-meter boats, and two cabin boats. They will retain their Intrepid vessels for the remainder of their useful lives.

VI. Presentation – Proposed Dock Permit Ordinance / Dr. Nancy Gassman

Dr. Nancy Gassman of the City's Public Works Department provided a PowerPoint presentation on the proposed Dock Permit Ordinance, which was first presented to the Marine Advisory Board (MAB) in February 2019. Since that time, the Department has

received additional feedback from stakeholders and has made adjustments to the proposed Ordinance.

The City owns approximately five miles of seawall, mostly along public streets or street ends. Under Code Section 8.143, the City has the right to regulate public docks. Another section of Code allows for the private use of public facilities, and the MAB has traditionally played a role in determining whether or not that use is appropriate.

The reason the City decided to update the Ordinance is that dock permits are issued by Resolution of the City Commission, and their terms and conditions have varied over several years. Permits typically remain active until the point of sale of upland property owned by the permit holder. This results in a number of abandoned docks for which the City becomes responsible.

Another key issue is sea level rise, the impact of which was not addressed in the existing Ordinance. There have also been questions regarding which property owners were eligible applicants for dock permits, a lack of guidance on dock length and width, and the delineation of private versus public use of the swale and dock. Docks were affecting the integrity of the seawalls, which are intended to protect the roadway. Noncompliance with the terms of the Resolution has also been an issue.

The proposed Ordinance defines eligible and ineligible parcels on which public docks may be built. Ineligible parcels include areas under public dockage or under license, all street ends, a significant portion of Idlewyld Drive, and upland parcels with existing riparian rights. Under the new proposal, a home that has a dock attached to the property line may no longer request dockage on the front of their property as well.

Eligible applicants are limited to upland property owners or upland parcels which lie directly across the street from the public parcel under consideration. Allowable dock lengths and widths are defined by the extension of the side yard setbacks to ensure a gap between each dock so the public will still have access to these locations.

Additional provisions of the proposed Ordinance include recording of the current Resolution as well as renewals. This will ensure that docks are removed when a permit expires, is terminated, or is abandoned, so the City does not become responsible for a derelict dock. The initial term of the permit is five years, with continuing five-year renewal periods if the permit holder remains compliant with the Resolution.

The fee structure for both applications and renewals will be amended, and a provision added to provide for the ability of new homeowners to use an existing dock by applying for that dock permit at the point of sale.

No dock or other penetrating items, such as cleats or ladders, may be attached to the City's seawall without specific authorization. This recognizes that the purpose of the seawall is to protect the nearby roadway rather than to support dockage. Seawall and

dock heights must be constructed in a way that addresses sea level rise. If the existing City seawall is below standard height, the applicant must elevate it; if the seawall is at the correct height, floating or fixed docks must be at the same height or the minimum elevation standard, whichever is greater. The revised Ordinance better defines the public swale and the public's access rights to it, as well as the dock permit holder's right to keep the dock area private.

Boats at the dock must be owned by the permit holder and registered with the City. If the permit holder acquires a new boat, s/he must register that vessel so the City has a current list of boats that may be docked at the location.

Dr. Gassman requested that the Board consider a motion to recommend City Commission approval of the revised Ordinance. If the Board provides a positive recommendation, first reading of the Ordinance is anticipated in June 2019, with second reading in July. The Ordinance would be implemented 10 days after approval upon second reading.

The Board members discussed the Ordinance, with Mr. Sea requesting clarification of whether or not a property owner with a dock on one side of his/her property would be precluded from securing a permit for a dock at a public location. Dr. Gassman explained that properties with their own riparian rights would be excluded from requesting additional riparian access in public space. This would mean no one may secure rights to private use of that space, as there is no qualifying upland property owner.

Ms. Lovell requested clarification of how a new homeowner may apply for a permit to use an existing dock. Dr. Gassman replied that if this homeowner does not submit an application, it is the previous homeowner's responsibility to address the dock. Ms. Lovell observed that many real estate transactions for waterfront properties rely on the understanding that the new owner would be able to use the dock. Dr. Gassman noted that the time frame for securing a new dock permit is approximately two to three months. If the owner states his/her intent to assume responsibility for the dock, the realtor may address this within the sale transaction.

Ms. Petreccia suggested that once a new owner closes on a property, submission of a permit application might be sufficient, regardless of how long the permitting process might take. Dr. Gassman advised that the intent of recording the Resolution is to ensure that the prospective buyer is aware of the obligation for dockage associated with that property. The dock should be part of the conversation regarding the terms of purchase.

Mr. Berry requested additional information on registering vessels with the City. Dr. Gassman explained that when a dock permit application is submitted, the applicant must register the boat(s) s/he plans to dock there as part of that application. If another boat is added at a later time, s/he must again notify the City and provide registration. If a boat is not registered, it can be confiscated by the City and the permit holder considered noncompliant. This could lead to cancellation of the permit and dock removal.

Mr. McLaughlin asked if an individual renting a property owned by a dock permit holder would have use of the dock. Dr. Gassman replied that the only person who may moor a boat at the private dock associated with the subject property is the permit holder. If a boat at the dock is not registered in the permit holder's name, the property owner will need to make an additional effort to demonstrate that the boat is associated with the property.

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

John Roster, attorney representing homeowners on Cordova Road, stated that the revised Ordinance has addressed many of the issues he raised when it was originally presented in February 2019. He had concerns, however, regarding the intent of the proposed Ordinance, and did not feel that property owners with their own riparian rights should be prohibited from requesting an additional dock permit, pointing out that there are several homes on SE 7, 8, and 9 Streets with docks on both sides of their properties.

Mr. Roster continued that the proposed Ordinance limits parking on public swales in the subject areas to the permit holder and his/her invitees for loading and offloading. This could exclude the actual homeowner from similar parking. He concluded that the Board should not recommend approval of the proposed Ordinance at this time.

Dr. Gassman advised that this meeting does not represent the last opportunity at which the public may speak on the proposed Ordinance. There will be two readings before the City Commission at which additional comments may be made. Ordinances often change between first and second readings in order to address these comments.

With regard to permitting, Dr. Gassman pointed out that no homeowner is entitled to dockage that is across the street from his/her property on City roadways. Individuals may not claim the Ordinance would affect their property values, as they do not have rights to the subject property. If an owner has existing riparian rights, there is no reason for the City to provide that individual with additional riparian rights. Permits that currently provide private usage of dock space in these areas will be grandfathered as long as the permit holder continues to live on his or her property and remains in compliance. This also applies to docks on street ends.

Dr. Gassman continued that while individuals may advertise their homes as waterfront properties, homes not located on a true waterfront are not taxed as waterfront properties. The City Attorney's Office has reviewed this issue.

Mr. Sea asked what parties would benefit if a property owner's ability to construct a dock across the street from his/her property is removed. Dr. Gassman explained that this does not constitute depriving that owner of any rights. The City's seawall is in the

subject location to protect the City's right-of-way whether or not an individual can request a private dock in that location. Individuals who already have riparian rights for their own properties have no need for additional riparian rights.

Mr. Roster asserted that if the intent of the Ordinance is to allow property owners to come into compliance with Code, this purpose would not be served by removing docks that were constructed on public property without permits. Dr. Gassman pointed out that these docks have been illegally constructed.

Ms. Lovell asked if an online search would show that a property has an unpermitted dock use. She felt there may be individuals with unpermitted docks who do not know they are in violation of the Ordinance. Dr. Gassman stated that ignorance of the law does not excuse an individual from complying with that law.

Patrick McTigue, representing a property owner on Cordova Road, felt that properties in the Rio Vista neighborhood which have permits for docks in City-owned space are sold at a price that reflects the properties' access to the docks. Dr. Gassman clarified that this belief is not consistent with the Broward County Property Appraiser's evaluation of property value.

Mr. McTigue asserted that these properties are sold as if they have the rights to waterfront access and may suffer if the Ordinance is enacted. He continued that a buyer should not have to wait three months to secure a permit for a dock that is already in place. He concluded that there are concerns regarding the inability to attach structures to a seawall, as floating docks secured only to pilings would be subject to the effects of tides and storms.

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

Mr. Morley asked how many of the affected homes in the Rio Vista neighborhood have applied for permits post-sale and been denied. Mr. Cuba replied that he has been approached by two individuals interested in dock permits on Cordova Road; however, their requests have not been held in abeyance for any reason other than the moratorium. There is no historical precedent for denying the holder of a permit the ability to construct a legal dock.

Mr. McLaughlin asked if all individuals who may be affected by the proposed Ordinance were sent notice of its discussion before the Board. Dr. Gassman advised that residents on Cordova Road were provided with notice at their homes, and individuals with whom she had previously spoken regarding the Ordinance were informed of the meeting. Mr. Cuba confirmed that there has been a significant amount of outreach, recalling that several members of the public were present for the Board's initial discussion of the Ordinance in February 2019.

Dr. Gassman advised that all docks will be removed from Cordova Road in summer 2019, when the seawall will be raised. Individuals who previously had valid permits may apply for new permits. She further clarified that structures may abut or touch the seawall, but may not attach to it. There is no prohibition of boat lifts. The new seawall will have sealed conduits beneath the cap for water service access to each parcel. Priority will be given to existing dock permit holders, and all eligible upland property owners may apply for permits as long as they meet required conditions.

Mr. Berry requested more information on the ease of transfer of permits if a property is sold. Dr. Gassman explained that the current Ordinance does not allow a permit to be reassigned to another entity without approval by the City Commission. The dock itself is not associated with the property, but with the permit holder. Recorded permits may be found through a title search.

Ms. Lovell felt that access to the waterfront affects a property's value upon sale, as well as the taxable value of the property. She also felt upland property owner should be able to allow a family member to use his or her dock. Vice Chair Strobel pointed out that this creates a slippery slope through which any individual associated with a property owner could claim rights of use.

Mr. Berry asked what would happen in the case of a property owner chartering a boat for multiple years. Dr. Gassman replied that this issue has not previously arisen. It was clarified that the owner of a commercial charter boat may not charter the vessel for use in a residential neighborhood.

The Board discussed possible modifications, including the parking language. Ms. Lovell suggested that it could be easier to transfer a permit from one owner to another if a prospective purchaser could secure preliminary approval for approval of an existing dock.

Mr. Sea stated that he was not in favor of prohibiting homes in the Rio Vista neighborhood from having docks on two sides of their properties, as he felt it might be preferable to charge those homes significantly for the privilege. Mr. Cuba estimated that there are fewer than a dozen homes affected by this prohibition. Dr. Gassman clarified that the cost of a dock permit application for these property owners would be the same as the cost for any other applicant. Staff may only charge an administrative fee for these permits.

Motion made by Vice Chair Strobel, seconded by Mr. Sea, to recommend the City Commission approve of the proposed amendment to the City of Fort Lauderdale Municipal Code 8-144, with the two exceptions:

3. To fix the parking issue to make it fair for all people
4. To eliminate the prohibition for riparian right holders to have a dock permit on seawall as long as they pay upgrading for seawall and Code requirements for the life of the permit

Mr. Cuba pointed out that this restriction affected properties not located on SE 8 Street. Vice Chair Strobel **amended** the second bullet point of his **motion** as follows: To eliminate the prohibition on riparian right holders for riparian right holders to have a dock permit on seawall as long as they pay upgrading for seawall and Code requirements for the life of the permit.

Dr. Gassman pointed out that if an individual applies for a dock permit after the Ordinance is approved, s/he will be required to bring that seawall up to the current standard before s/he may construct a dock. This is applicable on a City-wide basis rather than in any one area. Under the **motion's** suggested language, if the City raises the seawall, this would eliminate those individuals' ability to place a dock on it, as they would not be paying for the improvement of that portion of the seawall.

Ms. Chiarelli left the meeting at 7:19 p.m.

In a roll call vote, the **motion** passed 8-0.

VII. Reports

None.

VIII. Old / New Business

Mr. Berry reported that at the recent Broward County Marine Advisory Summit, recommendations were made regarding written communications. It was determined that the Summit minutes would be distributed to the Board members prior to the June 2019 meeting for further discussion.

Mr. McLaughlin commented that there have been multiple violations regarding the New River Bridge, and asked whether Brightline has paid any of their fines thus far. Patience Cohn, Industry Liaison for the Marine Industries Association of South Florida (MIASF), stated that Brightline is currently in negotiations regarding these fines.

IX. Adjournment

There being no further business to come before the Board at this time, the meeting was adjourned at 7:28 p.m.

Any written public comments made 48 hours prior to the meeting regarding items discussed during the proceedings have been attached hereto.

[Minutes prepared by K. McGuire, Prototype, Inc.]

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

Table of Contents

Application.....	3
Exhibit 1 – Warranty Deed.....	5
Exhibit 2 – Project Drawing.....	9
Exhibit 3 – Boundary Survey.....	13
Exhibit 4 – Aerial Zoning Map.....	16
Exhibit 5 – Site Photographs.....	18
Exhibit 6 – Narrative.....	24
Exhibit 7 – Consent of Neighbor.....	26

**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 _____

EXHIBIT 1
Warranty Deed

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.

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

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 12461 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 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,

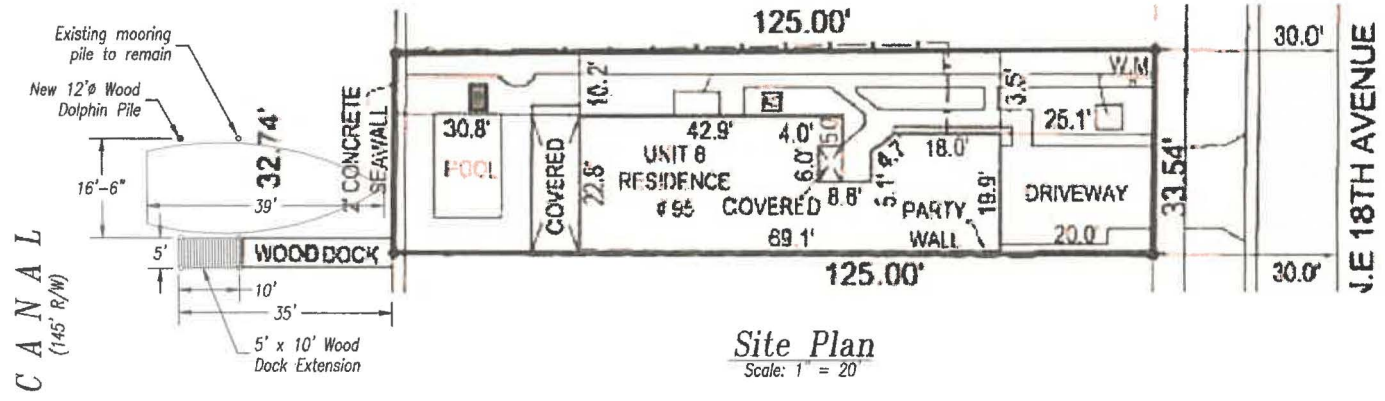
and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

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

Exhibit 2
Project Drawing



Site Address	95 HENDRICKS ISLE, FORT LAUDERDALE FL 33301	ID #	5042 02 45 0080
Property Owner	STEVEN C EARNHART REV TR LISA A ZENDER REV TR ETAL	Millage	0312
Mailing Address	12461 E 66 ST INDIANAPOLIS IN 46236	Use	01 ^
Abbreviated Legal Description	VICTORIA ISLES 15-67 B THAT PART OF LOT 3 DESC'D AS, COMM AT SE COR OF LOT 3, N ALG E/L 66.46 TO POB, W 125.00 ALG W/L 32.74 TO NW COR OF LOT 3, E ALG N/L 125.00 S 33.54 TO POB BLK 3 AKA UNIT 8 CASALAS OLAS		



See attached survey supplied by owner for exact property information.

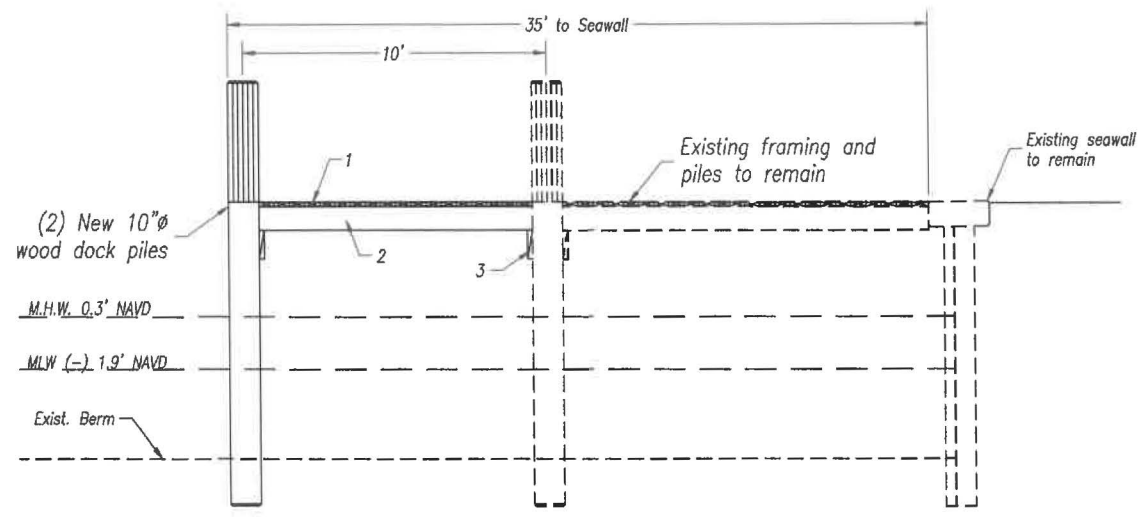
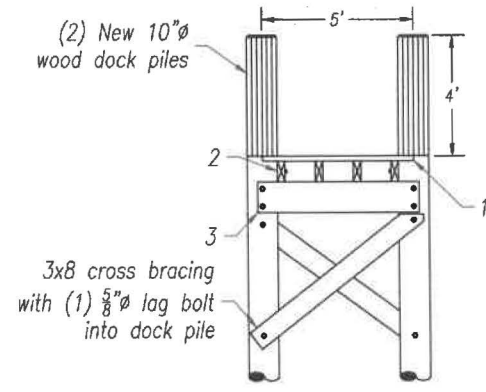
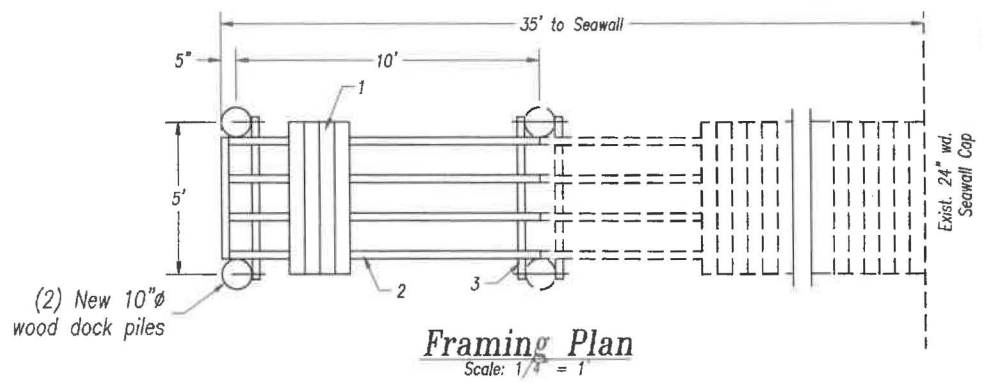
SCALE:	240
DATE:	05.10.2019
DRAWN BY:	RDJ
CHECKED BY:	MW
95 Earnhart SP 240.dwg	

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

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

Sheet 1 of 3

MARK E. WEBER, P.E.
LICENSE #53895 | CA 30702
MW ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, Florida 33060
Of: 754-333-0877
WWW.MwEngineering.net



1. Azek PVC decking with (2) #10x2 1/2" stainless steel deck screws per stringer
2. 2x8 stringers @ 16" max spacing with (2) #7x2 1/2" Trim Head S.S. screws into substringers
3. 2x8 substringers with (2) 5/8" thru bolt @ pile and drop hanger

Sheet 2 of 3

SCALE: 48
DATE: 05.10.2019
DRAWN BY: RDL
CHECKED BY: MW
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 #93895 | CA 30702
MW ENGINEERING, INC
902 NE 1 Street Suite #2
Pompano Beach, Florida 33060
Ofc: 754-333-0877
WWW.MwEngineering.net

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 appertaining 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 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 attain 6000 psi compressive strength in 28 days.
4. Concrete piles shall be reinforced with four - 7/8" lo-lax 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.

Sheet 2 of 3

SCALE: 48
 DATE: 05.10.2019
 DRAWN BY: RDL
 CHECKED BY: MW
 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 #63895 | CA 32702
 MW ENGINEERING, INC
 802 NE 1 Street Suite #2
 Pompano Beach, Florida 33060
 Ofc: 754-333-0877
 WWW.MwEngineering.net

Exhibit 3
Boundary Survey

BOUNDARY SURVEY

Date Of Field Work - 06/14/2017 Drawn By - O.G. Order #: 1000012404

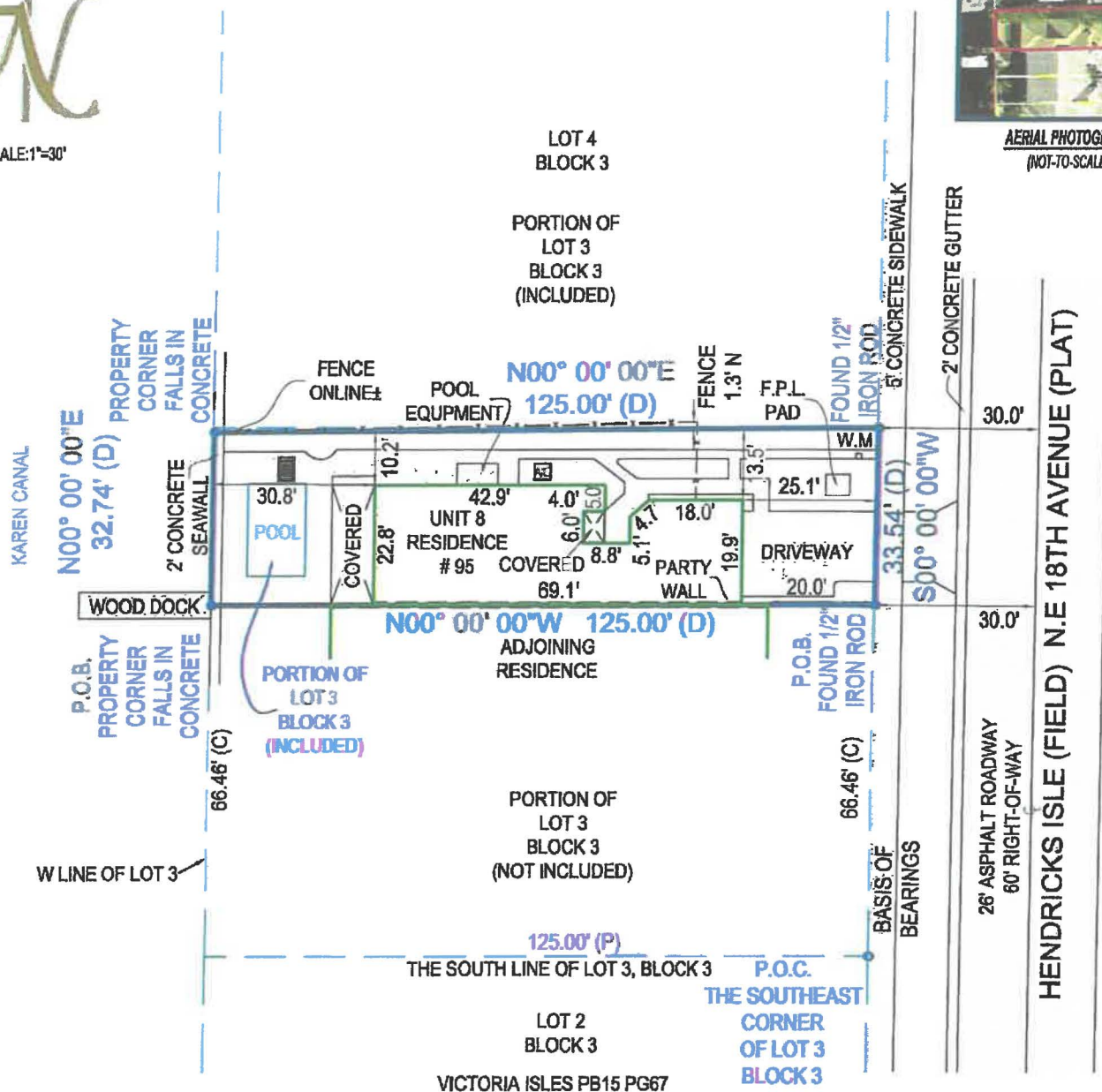
95 HENDRICKS ISLE, FORT LAUDERDALE, FL 33301



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



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

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



Exhibit 4
Aerial Zoning Map



City of Fort Lauderdale GIS



CITY OF FORT LAUDERDALE

95 Hendricks Isle



0 90 180 Feet

GIS

Fort Lauderdale

Exhibit 5
Site Photographs











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 that 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