



**DRAFT**  
**MEETING MINUTES**  
**CITY OF FORT LAUDERDALE**  
**MARINE ADVISORY BOARD**  
**100 NORTH ANDREWS AVENUE**  
**CITY COMMISSION CHAMBERS**  
**8<sup>TH</sup> FLOOR CONFERENCE ROOM**  
**THURSDAY, MARCH 2, 2023 – 6:00 P.M.**

**Cumulative Attendance**  
**January-December 2023**

Ted Morley, Chair	P	3	0
Steve Witten, Vice Chair	P	3	0
Michael Boyer	A	2	1
Tyler Brunelle	P	1	0
Robyn Chiarelli (arr. 6:13)	P	2	1
Barry Flanigan	P	3	0
Robert Franks	P	3	0
Elisabeth George	P	3	0
James Harrison	P	2	1
Brewster Knott	P	2	1
Norbert McLaughlin	P	3	0
Noelle Norvell	P	2	1

As of this date, there are 12 appointed members to the Board, which means 7 would constitute a quorum.

**Staff**

Andrew Cuba, Marine Facilities Manager  
Jonathan Luscomb, Marine Facilities Supervisor  
Sergeant Travis O’Neil, Fort Lauderdale Police Department  
Carla Blair, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**I. Call to Order / Roll Call**

Chair Morley called the meeting to order at 6:00 p.m. and roll was taken.

**II. Approval of Minutes – February 2, 2023**

**Motion** made by Vice Chair Witten, seconded by Ms. Norvell, to approve. In a voice vote, the **motion** passed unanimously.

### **III. Statement of Quorum**

It was noted that a quorum was present at the meeting.

New Board member Tyler Brunelle introduced himself at this time.

### **IV. Waterway Crime & Boating Safety Report**

Sergeant Travis O'Neil of the Fort Lauderdale Police Department's Marine Unit reported the following activity from February 2023:

- 28 calls for service
- 3 accidents
- 1 burglary
- 62 citations

Chair Morley requested a status update on recent thefts of Garmin devices. Sgt. O'Neil replied that a group was arrested in Miami-Dade County, although they have not yet been linked to the Fort Lauderdale thefts. Burglaries have decreased since the group's arrest. Marine Unit Staff has also reached out to homeowners on the City's canals to encourage them to secure their Garmin devices or install cameras as deterrents.

Mr. Flanigan noted that Marine Unit Staff has expanded to eight Officers. Sgt. O'Neil added that two Officers will complete training next week and one retired Officer will be replaced at the end of the month.

It was suggested that the message to secure Garmin devices or install cameras include the marine industry as well as homeowners. Chair Morley stated that this could be communicated to the Marine Industries Association of South Florida (MIASF).

### **V. Dock Permit – 1109 Cordova Road / Andrew & Amy Shook**

David Nutter, representing the Applicants, showed a PowerPoint presentation on the Application, which requests private use of public property, specifically the installation of a 65 ft. floating dock on the subject property. He showed multiple views of the property. The dock is 10 ft. wide and will include an access platform across the seawall cap, as well as ramps to this platform and the floating dock. The Applicant's boat will be approximately 14 ft. wide and will not impede waterway traffic.

Mr. McLaughlin asked if there is a roadway drain on or near the property. Mr. Nutter replied that he did not know.

It was noted that the Applicants' proposed platform would not be attached to the City's seawall, but would extend over it.

Mr. Harrison requested clarification of the size of the boats to be docked at the property. It was noted that the boat is 43 ft. in length according to the Applicants' backup materials.

There being no further questions from the Board at this time, Chair Morley opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

**Motion** made by Mr. McLaughlin, seconded by Ms. George, for approval. In a voice vote, the **motion** passed unanimously.

**VI. Dock Waiver – 87 Isle of Venice / Salvatore Cannizzaro, JDSFC Properties, LLC**

Jena Robbins, representing the Applicant, showed a PowerPoint presentation on the Application, including several views of the property, which is a multi-family development with perpendicular slips. There is currently a concrete marginal dock with four 10 ft. wooden finger piers, as well as mooring piles which extend the maximum of 37 ft. from the property line into the waterway.

The Applicant proposes to remove the existing structures and install a new concrete panel seawall with batter piles, as well as four composite finger piers that are 18 ft. long and 3 ft. wide. They also plan to install 18 wooden mooring piles, 9 of which extend 35 ft. from the property line. The Application requests a distance waiver for the mooring piles that extend further than the 25 ft. allowed. The requested structures are consistent with other existing structures along the waterway and will accommodate eight perpendicular slips.

Ms. Robbins showed a rendering of the waterway's navigational channel, pointing out that the vessels to be docked at the property would not extend into that channel. The structures and mooring piles would not exceed 30% of the width of the waterway. The residents will be able to safely moor their vessels during high wind events and severe weather.

The Applicant has received two letters of support from neighbors to the south of the subject property. Ms. Robbins also provided a list of existing waivers issued to other properties in the vicinity, including waivers that allow structures to extend 35 ft. into the waterway.

Chair Morley noted that the new seawall would be constructed in front of the existing seawall, and requested clarification of the property line in relation to the face of the new seawall. Ms. Robbins replied that the property line is landward of the wet face of the proposed new seawall. The Applicant wishes to replace the existing seawall because it is not structurally sound.

Chair Morley also noted that Code limits distance into the waterway to 25% for structures and 35% for vessels. He observed that photos of the vessels currently docked at the subject property appear to show violation of this standard, adding that as pilings are extended into the waterway, the rule is likely to be violated further. He asked how the Applicant plans to restrict vessel length at the proposed dock.

Tyler Chappell, also representing the Applicant, advised that the existing piles at 37 ft. will be pulled back to 35 ft. The property will be home to a new multi-family development with new owners, who will be restricted to the 45 ft. slips. The new seawall will comply with the City's updated Code requirements, including a raised cap.

Mr. McLaughlin asked who owns the boats currently docked at the site, as well as whether or not dock rentals are allowed in the subject zoning district. Mr. Chappell replied that the existing facility is also a multi-family development with several owners who own the boats docked there. He could not speak to whether or not all boats on the property were tied to units. The new development will assign slips to unit owners.

Mr. Chappell continued that the Applicant held a "meet-and-greet" event with adjacent property owners, including those across the canal, to review the development and its marina. This event was held on January 15, 2023 and was attended by several neighbors.

Mr. McLaughlin also asked if the boats will be regularly serviced by pump-out facilities. Mr. Chappell replied that the Applicant is not proposing pump-out service on the property. He pointed out that they may go to local facilities for pump-out service.

Vice Chair Witten asked if the proposed development would be condominiums with boat slips deeded with the units. He also asked if the owner of each individual unit is restricted from renting their unit. Sal Cannizzaro, Applicant, stated that the owners of the boats currently docked on the property have been there for roughly 15 to 20 years and are aware they will have to vacate the property when construction begins. None of the current boat owners occupy units on the property.

Mr. Cannizzaro continued that he plans to demolish the existing structure and build an eight-unit condominium. The docks will also be rebuilt to new standards. Each condominium unit owner will have one boat slip. Any slip rentals must be to other unit owners, as the development will be a private community.

Vice Chair Witten asked how far a boat can be expected to extend past mooring piles in general. Mr. Chappell replied that for this specific development, based on the Board's previous approvals, will be kept at 35 ft.

Mr. Harrison asked how far the base of the new seawall will be expected to move. Mr. Chappell stated that this will be 18 inches, which requires a specific type of permit. If the distance is greater, the permitting process takes a longer time.

Chair Morley asked if there is a City rule regarding how many slips a property may have before a pump-out station and fire suppression are required. Mr. Cuba replied that there is no set standard for a pump-out station, although a fire cabinet may be required depending upon distance.

Ms. Norvell asked if the Board had received any letters in opposition to the Application. Chair Morley replied that one such letter was received.

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

Ian Neuwirth, member of the public, stated that he resides on Isle of Venice. He advised that it is already difficult to navigate the waterway in that area, and opposed the Application.

Jim Border, member of the public, stated that he lives next door to the subject property. He pointed out that all docks on the east side of Isle of Venice are at the maximum distance of 25 ft. into the waterway, and there are vessels which already exceed the maximum length from the dock. He did not believe the subject property demonstrated an extraordinary circumstance that would require the proposed pilings, nor that the property owner would be able to control the size of the vessels docked there.

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

The Board further discussed the Application, with Mr. Franks stating that the extended pilings were not likely to be necessary in the subject area. Chair Morley reviewed the dimensions of the proposed dock once more, noting that the maximum width of the largest slip is 15.5 ft. There is also one 14.5 ft. slip, while the remaining slips are 13 ft.

Mr. McLaughlin commented that when piles are extended further into the waterway by a waiver, owners may be encouraged to dock larger vessels than anticipated at their slips and encroach into the navigable waterway.

Mr. Chappell advised that 30% of the 160 ft. waterway is 48 ft. He also pointed out that an additional structure is needed "on the outside" due to storm events, as well as because less experienced boaters use pilings to pivot into their slips.

Mr. Chappell continued that aeriels for this and other canals on the north side of Las Olas Boulevard show consistency in waivers approved by the Board. He emphasized that there are already four to five projects on the subject canal which extend 35 ft. into the waterway, which has redefined the channel.

Mr. Cannizzaro asserted that there should be restrictions on the width as well as the length of boats that are brought down the canal. He advised that the pilings at 25 ft. do not allow owners to properly tie up their boats, particularly when high winds or storms occur. He continued that the proposed pilings 35 ft. into the waterway would not permit larger boats at the site, as larger boats have wider beams and could not be docked at the proposed slips.

Mr. Cannizzaro concluded that he felt a failure to install the pilings at 35 ft. would constitute a hazard, and noted that the By-laws of the condominium documents would specify no boats larger than the approved size could be docked at the property.

Chair Morley noted that the Applicant's proposal states the condominium association documents would limit the length of vessels docked at the property to 45 ft. He asked if there are any plans to include a deed restriction as well. Mr. Chappell replied that a unit owner would be required to abide by the association documents, although he was not certain whether or not a deed restriction could apply as well. Chair Morley stated that deed restrictions of this nature are allowed.

Mr. Harrison asked how a boat is measured in the event there is a complaint regarding its width. Sgt. O'Neil replied that Code Enforcement measures the width of the canal from the wet face of the seawall as well as the length of the boat itself. The Marine Unit assists Code Enforcement as necessary, although he noted that Code Enforcement now has its own boat.

Mr. Harrison asked what would occur if there is a Code violation due to the excess length of a docked boat. Sgt. O'Neil explained that the property owner would be fined for this violation. The boat would only be towed, however, if there is a life-threatening situation or a significant hazard to navigation.

Mr. McLaughlin asked how often the length of a boat has been measured by City authorities such as Code Enforcement or the Marine Unit. Sgt. O'Neil estimated that he has made this type of measurement roughly a dozen times.

Mr. McLaughlin continued that City enforcement is typically only measuring for violations of the 30% rule, and reiterated that while previous waiver applicants have stated they would not dock boats larger than a certain size on their properties, they often do not abide by this agreement. Chair Morley stated that he had spoken with the City Attorney's Office and was informed that the only way the Board could enforce the size of vessels on the property that do not exceed the 30% rule would be through a deed restriction.

Mr. Knott asked if the proposed condominium association documents and By-laws accompanied the Application currently before the Board, and if not, when these might be provided. Mr. Chappell replied that the Applicant would be amenable to the Board's

inclusion of a condition of approval which would require language restricting the length of vessels to 45 ft.

At this time Chair Morley reopened the public hearing.

Jim Border, member of the public, commented that condominium documents can be modified by the owners of units. Mr. Cannizzaro stated that unit owners may not modify the By-laws: this would require a decision by condominium board members to present the documents for modification.

With no other individuals wishing to speak at this time, Chair Morley closed the public hearing once more and brought the discussion back to the Board.

Mr. Franks asked if the Applicant would be amenable to a Resolution that approved the dock plan but not the pilings. Mr. Chappell replied that the Applicant would not agree to this, as the pilings are the only change that are before the Board tonight.

Mr. Chappell also advised that the adjacent neighbor who objected to the Application had pilings at a length of 35 ft.

**Motion** made by Ms. Chiarelli, seconded by Mr. Franks, to approve the requested waiver as presented. In a roll call vote, the **motion** failed 2-9 (Chair Morley, Vice Chair Witten, Mr. Flanigan, Mr. Franks, Ms. George, Mr. Harrison, Mr. Knott, Mr. McLaughlin, and Ms. Norvell dissenting).

**Motion** made by Ms. Chiarelli to approve a condition to include language limiting the size of vessel in the Application to the City to a length of 45 ft. [The **motion** died for lack of second.]

## **VII. Dock Waiver – 728 Bryan Place / Bryan Braley**

Jena Robbins, representing the Applicant, showed a PowerPoint presentation on the Application, which requests a distance waiver. The property currently has a marginal dock with a small dock extension in the center of the property, as well as two mooring piles.

The proposed project would install two floating docks, one on the west side of the property which is roughly 14 ft. x 15 ft. and a second U-shaped floating dock which would be used to moor jet skis. It would also install four wooden mooring piles. One of the proposed floating docks would extend 41 ft. to 42 ft. from the property line, while the other would be at 40.1 ft. from the property line. The proposed mooring piles would be installed at 69.5 ft. from the property line. Waivers are requested for all six structures.

Ms. Robbins continued that the waterway in the subject area is 310 ft. to 320 ft. wide. The proposed floating docks would accommodate 65 ft. and 35 ft. vessels. The

proposed structures and vessels would extend less than 30% of the width of the waterway and are consistent with other structures on that portion of the New River. She noted that there are other structures on the waterway which extend from 45 ft. to 65 ft. from their property lines.

The lengths of the requested waivers are:

- Two floating docks at 41 ft. and 48 ft. from the property line
- Four wooden mooring piles at 69.5 ft. from the property line

The structures would not exceed 25% of the width of the waterway and would not impede navigation. Two adjacent neighbors have provided letters in support of the Application. Ms. Robbins noted that there are four additional properties on this portion of the canal which have received waivers and extend roughly 32 ft. to 38 ft. from the property line.

Vice Chair Witten stated that while he appreciated the presentation, the meeting Agenda includes a discussion of a proposed moratorium on waivers on the New River. He felt it would not be appropriate to approve the request at this time. Chair Morley encouraged the Board to judge each item that comes before them independently of other Board business.

Tyler Chappell, also representing the Applicant, advised that the Applicant's team understood the concerns regarding navigation on the New River, took these concerns into consideration, and sought to request an adequate distance. He pointed out that an adjacent property was granted a waiver of 62.5 ft., and advised that the Application proposes a waiver of 69.5 ft. but is amenable to bringing this distance back to 62.5 ft. if that is the Board's wish. He concluded that the Applicant would be happy to defer the Item and adjust the requested distance to 62.5 ft., but wished to hear input from the Board first.

Chair Morley observed that the adjacent property to which the Applicant's team had referred was granted a waiver in 2017. He recalled that the City Commission had also asked the Board about that waiver, to which the Board indicated the waiver would likely have been denied if it were brought forward today due to current traffic volume on the New River.

Mr. Harrison noted that Google Earth shows a yacht brokerage business operating at the subject property. Mr. Chappell confirmed that the Applicant is a yacht broker but could not speak to whether or not a business existed at the house.

There being no further questions from the Board at this time, Chair Morley opened the public hearing. As there were no individuals wishing to speak on the Item, the Chair closed the public hearing and brought the discussion back to the Board.

Bryan Braley, Applicant, advised that he does not operate any type of business or commercial activity from the subject property. He emphasized the importance of navigation on the New River as a member of the marine industry.

Chair Morley asked if the Applicant currently owns both vessels that would be docked at the site. Mr. Braley replied that he owns a center console vessel as well as a Riviera. All the vessels to be docked at his property are his own.

**Motion** made by Vice Chair Witten, seconded by Ms. Norvell, to oppose.

The Application was withdrawn at this time and deferred to a later date.

### **VIII. Discussion – New River Navigational Concerns**

Chair Morley explained that the Marine Advisory Board (MAB) has discussed this issue at previous meetings. He advised that some emails which have been circulated among the public were not written by any Board members and included incorrect information. The Board is not discussing or recommending changes to City Code Section 47-19.3, which addresses docks on the New River, nor are they suggesting changes to the size of vessels currently allowed at residences. They also do not wish to change or discuss setback requirements.

Chair Morley continued that the Board has primarily discussed hazards and safety concerns along the New River waterway. They have considered recommending studies on this waterway, as the most recent study was conducted approximately 10 years ago.

The Board's goal is to ensure that any waiver requests address specific extraordinary circumstances by the Applicant and align with the needs of public safety and public access. Vessels on the waterway must be in compliance with City Ordinances. Chair Morley strongly emphasized that any proposed moratorium on waivers would be temporary in nature, with the intent of buying time so more data collection, public outreach, industry outreach, and environmental study can be conducted.

Chair Morley continued that thus far, the Board has heard from members of marine industries, as well as from property owners on the New River and its adjacent tributaries. They have also heard from the Marine Industries Association of South Florida (MIASF), kayakers, stand-up paddleboards (SUPs), and other recreational and commercial waterway users.

The Board hopes to address several specific areas of concern:

- Volume of waterway traffic on the New River, particularly on weekends
- Increase in vessel speeds on the waterway and maintenance of No Wake requirements
- Protuberance of docks, pilings, and vessels into the New River's navigable channel, with or without waivers

- Increase in the draft of vessels, which result in more shade cover, less benthic seagrass activity, and more manatee strikes
- Amount of traffic waiting for bridges to open and the vehicular and rail schedules of these bridges

Chair Morley advised that one reason the Board is focusing on this issue at present is the increases in vessel ownership and vessel accidents. There has been a 26% increase in accidents and a 19% increase in boating fatalities on a year-over-year basis in the state of Florida. Due to the increasing size of vessels and occurrence of accidents, the threat to life, the environment, and property has increased as well.

There is also an increase in development along the New River. The United States Coast Guard estimates that over 5000 vessels are docked along the New River, and 85,000 vessels use this waterway annually. Local bridges open more than 1000 times per month. There is waterway access for kayaks and SUPs at locations such as Coontie Hatchee Park and the Broward Urban Trail. This results in vessels with significant disparities in size and power traveling the same waterway.

Chair Morley noted that in addition to yachts, commercial traffic also includes barges. There are also changes in sea level, seawall height, and new docks and pilings that must be accommodated over the next 20 to 30 years. In addition to construction-related traffic, barges also tow heavy machinery that cannot cross bridges.

Chair Morley continued that MIAF statistics show the marine industry is responsible for over 120,000 jobs in Broward County alone. The economic impact of these jobs is just under \$10 billion in Broward County. He added that navigation on the New River is a multifaceted issue, and the Board hopes to foster interaction between the public and the industry so the City can make informed decisions.

At this time Chair Morley opened the discussion to the Board.

Vice Chair Witten also stated that the Board does not hope to make any changes, but to allow time to consider current and potential conditions and how they would be affected if waivers are allowed to proceed unchecked. This would allow time to determine how the New River can remain navigable for all.

Mr. Harrison commented that this issue arose because the Board has received a number of recent waiver requests to extend into the river, and because there have been issues when barges could not navigate between pilings in the waterway. Boats extending into the waterway can also affect traffic and raise the costs of towing on the New River.

Mr. Harrison offered the example of waivers along the "Little Florida" peninsula on the New River, stating that even construction without waivers on both sides of this area could effectively stop boats from navigating in this area. This suggests that current

Code is not correct. He added that the U.S. Coast Guard may declare the New River a commercial waterway, which would designate the size of the navigable channel and how close structures or vessels may extend toward it from the sides.

Regarding enforcement, Mr. Harrison noted that a significant amount of marine Code in Fort Lauderdale is not currently being enforced, as this can be difficult and expensive. He recommended that any changes be fairly enforced for all parties.

Chair Morley pointed out that unlike the Intracoastal Waterway, the navigable areas of the New River are measured from wet face to wet face. The Coast Guard is considering whether or not a channel can be defined for this waterway. He felt this designation would support both homeowners and commercial users by establishing a “guaranteed access” corridor. No waivers can be granted for that waterway’s navigable channel or the safety zones leading to that channel, as distances must be maintained. There is no corresponding rule on the New River.

Photos and videos of traffic on the New River were shown and discussed by the Board members.

At this time Chair Morley opened public comment.

Jim Dunn, member of the public, stated that he had believed the rule for maintaining a navigable channel was “30/30/30,” which would allow property owners to have boats that would take up 30% of the waterway width. While he understood the needs of the marine industry, he suggested that boat traffic, including mega-yachts, could develop a system to manage use of the waterway. He cautioned that the discussion could pit property owners against the marine industry.

Chair Morley clarified that current Code allows for structures to reach 25% into the waterway and for vessels to reach 30% of this distance.

Phil Purcell, representing MIAASF, stated that there is no desire to set homeowners and the marine industry against one another, pointing out that there is significant overlap between these two groups. He noted that the commercial aspect of the New River begins near the City docks at the Riverside Hotel, where “layup” areas begin.

Mr. Purcell continued that the size of boats has grown significantly in recent years, and pointed out that many homeowners are building in front of their seawalls, which increases their distance into the waterway. He concluded that many of the City’s rules were made in an era where boats were much smaller, which means new solutions must be identified, and that it is important to ensure any information being shared regarding tonight’s discussion is accurate.

Bob Swindale, representing the Greater Fort Lauderdale Alliance, explained that this is an economic development organization in Broward County. He stated that the area’s

largest retention industry is the marine industry, and suggested that the City “take a pause” with regard to waivers on the New River.

Matt Domke, member of the public, emphasized the importance of the New River as a resource.

Julie Berry, member of the public, was in favor of a review of Code, as all types of boats are getting larger and any additional encroachment into the navigable waterway can be dangerous. She cautioned that any action that affects the yachting industry or navigation will affect marine jobs.

Justin Heuer, member of the public, noted that many homeowners on the river are among his customers, and characterized most marine industries as small businesses. He felt there should be a moratorium on waivers on the New River until a Coast Guard study has been completed. He agreed that a vessel traffic service may be one solution for navigation, and pointed out the significance of the taxes assessed from the marine industry.

Jim Steele, member of the public, commented that the New River is a slow speed minimum wake zone rather than a No Wake zone. He described the waterway as an artery that is prone to clogging from boat traffic. He expressed concern with the lack of enforcement of existing Code regulations, including requirements related to the opening and closure of the railroad bridge.

Kitty McGowan, president of the U.S. Super-Yacht Association, emphasized the economic impact of the marine industry on Fort Lauderdale and Broward County, as well as the importance of a lifestyle that includes marine activities. She pointed out that if industry watercraft cannot travel the waterway, personal watercraft will be affected as well, as will property values.

Ryan Wiborg, member of the public, noted that the Board has discussed potential Code changes on the New River in the past. While he did not oppose a temporary moratorium on waivers, he felt Code changes would diminish property values on the waterway. He requested clarification of whether the Board hopes to pursue these changes as well as a moratorium.

Chair Morley recalled that at the February 2, 2023 meeting, the City’s 30% rule had been discussed in the context of the Coast Guard creating a regulated navigational area (RNA). This would be a federally regulated waterway, similar to one that currently exists on the Miami River. He advised that at the February meeting, the Board had discussed areas of the New River, such as Little Florida, that could pose problems, particularly with regard to the perpendicular docking of vessels. The Board is proposing a temporary hold on the issuance of waivers until the Coast Guard has had sufficient time to complete their studies and review.

Mr. Wiborg asked if the Board would consider adopting a Resolution stating that they are not pursuing a Code change. Chair Morley explained that the Board is charged with making recommendations to the City Commission on marine issues: Resolutions are outside their purview.

Mr. Wiborg continued that while he did not want the marine industry to face any additional challenges, they are currently operating businesses that are successful, and this success has contributed to the increase in marine traffic on the New River.

Tyler Chappell, member of the public, advised that he is in favor of a moratorium on waivers, as they can result in pitting neighbors against one another as well as pitting homeowners against the marine industry. He recalled that in 1998, the Florida Department of Environmental Protection (DEP) gave the City a 100 ft. easement that delineates a channel on the New River. He also cautioned against “federalizing” the waterway, as this could have unforeseen consequences.

Mr. Chappell continued that it is important for all parties with a stake in traveling the New River be involved in this discussion, suggesting that there could also be outreach to homeowners’ associations located on this waterway. He concluded that he would be willing to assist the Board in any way he could.

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

Chair Morley noted that the Board’s goal is not to arrive at a solution, but to hear input and perspective from different members of the community before they present a recommendation to the City. He encouraged all present to provide contact information if they wish to remain apprised of future meetings.

Ms. George requested clarification of the Board’s next steps. Chair Morley replied that he would like the Board to review the minutes from tonight’s meeting when they are provided and come up with their final thoughts and recommendations on this issue. He hoped to make an initial recommendation to the City Commission at the April 6, 2023 Board meeting.

Mr. Harrison recommended that the Board’s best tool would be a communication to the Commission, and that they work to craft the language for this communication, including the reasons for their proposal. He suggested that the members provide Mr. Cuba’s office with their ideas on the communication, which could be discussed further at the next meeting.

Chair Morley added that the Mayor has indicated he hopes to attend the April meeting. Mr. Harrison encouraged the members of the public present at tonight’s meeting to attend in April as well. Mr. Cuba stated that he would provide the minutes of tonight’s meeting to the Board members when they are available.

## **IX. New / Old Business**

Chair Morley asked where waterborne trash and debris is offloaded by the City after it is collected by skimmers. Mr. Cuba replied that this is done using a small crane from a boat ramp. He acknowledged that the marine industry has asked this question before, as they often need to load or unload construction debris from barges. He concluded that this issue will be addressed further in the future, and encouraged the Board to consider potential solutions.

Mr. Flanigan recalled that at a previous meeting, the Board had indicated they would look further into the issue of illegal docking. Chair Morley advised that the operation of illegal charter vessels from public docks has been documented with photographs. The Marine Unit has explained, however, that they cannot take enforcement action unless money is changing hands at the time of boarding.

Mr. McLaughlin commented that the captains of these vessels may be unlicensed. Chair Morley noted that this would be a federal licensing issue and require Coast Guard involvement. The Coast Guard has indicated that they have ideas regarding enforcement, but are limited by lack of manpower.

Mr. Chappell, member of the public, requested clarification of the punishment when a property owner makes a Code violation. Chair Morley replied that the property owner is fined.

It was suggested that Code Enforcement be invited to a future meeting to discuss these issues further. Mr. Cuba agreed to reach out to this Department.

Chair Morley continued that he has spoken with the Assistant City Attorney regarding vessels that extend more than 30% into the waterway. There is a possibility of tying boat length into the Resolution providing a waiver, which means the length restriction would be recorded as part of the deed and would transfer in perpetuity with the property. This provides for enforceable Code action against the property owner. He further clarified that Code Enforcement cannot enforce condominium regulations, but only City Code.

Chair McLaughlin asked if the City Commission now sees recommendations of both approval and denial of waiver applications from the Board. Mr. Cuba explained that items denied approval are moved forward with the Board's recommendation of denial.

Mr. Harrison recalled that one suggestion made regarding enforcement included docking boats perpendicularly to the seawall and not allowing them to extend beyond the property's pilings. Another proposal addressed illegal commercial pickups and loading of barges, and would designate a City-owned area for this activity, such as a portion of the Downtown seawall. Legal operators could apply for a permit to use this

space. Mr. McLaughlin recalled that this was proposed in the past but was ultimately not permitted.

Chair Morley referred to Code Section 8-34, which delineates the responsibilities of the MAB, and recommended that the members review these duties and keep them in mind as they move forward with new leadership in the future.

#### **X. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 9:04 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 VI

## MEMORANDUM MF NO. 23-09

DATE: March 20, 2023

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities Manager

RE: April 6, 2023 MAB Meeting - Dock Waiver of Distance Limitations – Renee Biron / 1180 N. Federal Highway Unit 1502 Slip #7.

Attached for your review is an application from Renee Biron / 1180 N. Federal Highway Unit 1502 Slip #7.

### APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for installation of a six (6) post no-profile boat lift extending a maximum of +/-41.6' into the Middle River. The distances this structure will extend from the property line (wet face of the seawall) into waterway is shown in the survey and summarized in Table 1 below:

**TABLE 1**

<b>PROPOSED STRUCTURES</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>AMOUNT OF DISTANCE REQUIRING WAIVER</b>
<b>Boat Lift</b>	<b>+/-41.6'</b>	<b>25'</b>	<b>+/-16.6'</b>

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 boat lift is necessary to protect the owner's vessel from high wave energy from excessive boat wakes.

### PROPERTY LOCATION AND ZONING

The property is located is the Riva Condominium within the B-1 Boulevard Business District. It is situated on the western shore of the Middle River where the width between the proposed boat lifts' location's property line to the adjacent natural shoreline is +/- 330 feet, according to the Summary Description provided in **Exhibit 1**.

Marine Facilities' records indicate that there have been six (6) Waivers of Limitation approved by the City Commission behind the Riva Condominium at 1180 North Federal Highway:

<b>DATE</b>	<b>ADDRESS</b>	<b>MAXIMUM DISTANCE</b>
<b>2019</b>	<b>SLIP 14</b>	<b>30'+/-</b>
<b>2020</b>	<b>SLIP 4</b>	<b>30'+/-</b>
<b>2020</b>	<b>SLIP 19</b>	<b>30'+/-</b>
<b>2020</b>	<b>SLIP 14</b>	<b>30'+/-</b>
<b>2020</b>	<b>SLIP 17</b>	<b>33'+/-</b>
<b>2020</b>	<b>SLIP 10</b>	<b>30'+/-</b>

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. The applicant is required to install and affix reflector tape to the proposed boat lift posts 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, Marine Facilities Supervisor



**1180 NORTH FEDERAL HWY (UNIT 1502 / SLIP 7)  
APPLICATION FOR DRC PROCESS COMPLETION**



**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):
2. NAME: RENEE BIRON  
  
TELEPHONE NO: (514) 261-6157      EMAIL: jose.boisjoli@brp.com
3. APPLICANT'S ADDRESS (if different than the site address): **1795 Rue Fradet \*Drummond Ville qc ca j2b 1n7**
3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: **The applicant requests a waiver for the proposed installation of six (6) wood 12-inch piles beyond 25 feet from the property line.**
4. SITE ADDRESS: **1180 NORTH FEDERAL HWY (UNIT 1502 – SLIP 7)**  
  
ZONING: B 1



# BOAT LIFTS & DOCKS OF SOUTH FLORIDA

LEGAL DESCRIPTION AND FOLIO NUMBER: *Riva condominium unit PH 1502 per amcdo c/n*  
#113566952. Folio number 4942 36 AL 0920

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*

*[Handwritten Signature]*

Applicant's Signature

Date *Nov 1st 2022*

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

Commission Action

Formal Action taken on \_\_\_\_\_

Formal Action taken on \_\_\_\_\_

Recommendation \_\_\_\_\_  
Action \_\_\_\_\_



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## **EXHIBIT II SUMMARY DESCRIPTION**



**BOAT LIFTS  
& DOCKS**  
OF SOUTH FLORIDA  
**Summary Description for DRC Process Completion**

**1180 N Federal HWY #1502, Slip 7**

**TCG Project No.**

The project site is located along the Middle River at 1180 N Federal HWY, slip 7 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 approximately 2 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 wood marginal dock with finger piers. The proposed project consists of the installation of a new 15000lb No Profile Boat Lift 13' x 34' = 442 sqft with the installation of six (6) wood pilings 12"dia . As measured from the property line 16.6' +/- 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 pilings will require a variance waiver. A technical review has been completed allowing installation the lift.

The proposed structures are being applied for concurrently with 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 25% of the width of the waterway.
2. Due to the extraordinary width of the waterway at this location from wetface to wetface ( $\pm 330'$ ), the proposed project will not impede navigation within the Middle River.



3. The proposed structure is necessary for safely mooring resident vessel, especially during high wind events and severe weather. The proposed structure will be used for one vessel (Pontoon).
4. The proposed structure is also necessary to protect the resident vessel from high wave energy from excessive boat wakes along the Middle River.
5. The proposed structure is consistent with other structures previously authorized through the City of Fort Lauderdale that do not exceed more than 25' from the property line.
6. Technical review has been completed allowing installation the lift.

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

<b>STRUCTURE</b>	<b>PROPOSED STRUCTURE</b>	<b>STRUCTURE DISTANCE FROM THE PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING A WAIVER</b>
<b>SLIP 7</b>	<b>Boat Lift Pilings</b>	<b>41.6' +/-</b>	<b>25'</b>	<b>16.6'+/-</b>



## **EXHIBIT III UNITY OF TITLE**



# BOAT LIFTS & DOCKS

OF SOUTH FLORIDA

Instr# 115541131 , Page 1 of 4, Recorded 01/07/2019 at 04:18 PM  
Broward County Commission  
Deed Doc Stamps: \$25200.00

Return to: (enclose self-addressed stamped envelope)  
Equity Land Title, LLC  
525 Okeechobee Blvd, Suite 900  
West Palm Beach, FL 33401

This Instrument Prepared by:  
Terri Duran  
Equity Land Title, LLC  
525 Okeechobee Blvd, Suite 900  
West Palm Beach, FL 33401

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

Property Appraiser's Parcel Identification Number 4942 36 AL 0920

### SPECIAL CONDOMINIUM WARRANTY DEED

THIS INDENTURE, made this 4 day of December, 2018, between **PREMIER RIVA, LLC, a Delaware limited liability company**, whose address is 2601 E. Oakland Park Boulevard, Suite 200, Fort Lauderdale, Florida, 33306, hereinafter referred to as "Grantor," and **Renee Biron, a married woman**, whose address is 1795 Rue Fradet, Drummondville, Quebec J2B 1N7, Canada, hereinafter referred to as "Grantee."

#### WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN DOLLARS (\$10) and other good and valuable consideration to it in hand paid by the Grantee, the receipt of which is hereby acknowledged, has granted, bargained and sold to the Grantee, and the Grantee's heirs and assigns forever, the following described real property situated, lying and being in Broward County, Florida, to wit:

Condominium Unit 1502, RIVA, A CONDOMINIUM, according to the Declaration of Condominium thereof, recorded in Official Records Book 50792, Page 797, as Amended and Restated Declaration of Condominium recorded in Official Records Instrument Number 113566952, as amended from time to time, of the Public Records of Broward County, Florida, together with an undivided interest in the common elements.

Grantee, by acceptance hereof, and by agreement with Grantor, hereby expressly assumes and agrees to be bound by and to comply with all of the covenants, terms, conditions and provisions set forth and contained in the aforescribed Declaration, including, but not limited



# BOAT LIFTS & DOCKS OF SOUTH FLORIDA

Instr# 115541131 , Page 2 of 4

to, the obligation to make payment of Assessments for the maintenance and operation of the Condominium.

This conveyance is made subject to the following:

1. Real estate taxes for the year of closing and subsequent years and any special taxes or assessments entered against said property after the date of closing;
2. Applicable zoning regulations and ordinances;
3. All of the terms, provisions, conditions, rights, privileges, obligations, easements and liens set forth and contained in the Declaration and all exhibits and any amendments thereto;
4. All of the covenants, agreements, conditions, restrictions and easements of record, if any, which may now affect the afore-described property, but without reimposing any of same;
5. Perpetual easement for encroachments now existing or hereafter existing caused by the settlement or movement of improvements or caused by minor inaccuracies in building or rebuilding;

AND FURTHER SUBJECT TO THOSE EXCEPTIONS  
AS LISTED ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART  
HEREOF BUT WITHOUT REIMPOSING ANY OF SAME

The Grantor does hereby warrant the title to said property by, through and under the said Grantor and will defend the same against lawful claims of all persons claiming by, through or under the Grantor.



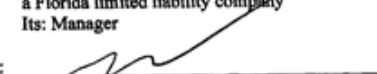
# BOAT LIFTS & DOCKS OF SOUTH FLORIDA

Instr# 115541131 , Page 3 of 4


IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.


PREMIER RIVA, LLC, a Delaware limited liability company formerly Premier Riva, LLC, a Florida limited liability company

By: PREMIER DEVELOPERS V, LLC  
a Florida limited liability company  
Its: Manager

By:   
Bradley Deckelbaum, as manager

Signed, sealed and delivered  
In the presence of:

  
\_\_\_\_\_  
Signature  
Susana Iser  
\_\_\_\_\_  
Printed Name of Witness

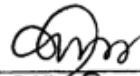
  
\_\_\_\_\_  
Signature  
Ali Rivera  
\_\_\_\_\_  
Printed Name of Witness

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 4 day of December 2018, by Bradley Deckelbaum, manager of PREMIER DEVELOPERS V, LLC, a Florida limited liability company, as manager of PREMIER RIVA, LLC, a Delaware limited liability company formerly Premier Riva, LLC, a Florida limited liability company, who is personally known to me or who has produced \_\_\_\_\_ as identification.

My Commission expires:



  
\_\_\_\_\_  
Notary Public  
Susana Iser  
\_\_\_\_\_  
Printed Name of Notary Public  
\_\_\_\_\_  
Commission Number



# BOAT LIFTS & DOCKS

OF SOUTH FLORIDA

Instr# 115541131 , Page 4 of 4 , End of Document

## EXHIBIT "A"

1. Terms, covenants, conditions, easements, restrictions, reservations and other provisions, including provisions which provide for a private charge or assessment, according to that certain Amended and Restated Declaration of Condominium of Riva, a Condominium, and the exhibits and attachments thereto, recorded March 11, 2016, in Official Records Instrument No. 113566952, as the same may be further amended, of the Public Records of Broward County, Florida.
2. General or special taxes and assessments required to be paid in 2019 and subsequent years.
3. Any dispute as to the boundaries caused by a change in the location of any water body within or adjacent to the land and any adverse claim to all or part of the land that is, or was previously, under water.
4. Easement in favor of Florida Power & Light Company recorded in Official Records Book 4628, Page 166.
5. Easement in favor of Florida Power & Light Company recorded in Official Records Book 5025, Page 294.
6. Rights, if any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the subject property and the natural line of vegetation, bluff, extreme high water line, or other apparent boundary line separating the publicly used area from the upland private area.
7. Any and all rights of the United States of America over artificially filled lands in what were formerly navigable waters, arising by reason of the United States of America's control over navigable waters in the interest of navigation and commerce, and any conditions contained in any permit authorizing the filling in of such areas.



## **EXHIBIT IV ORIGINAL SURVEY**

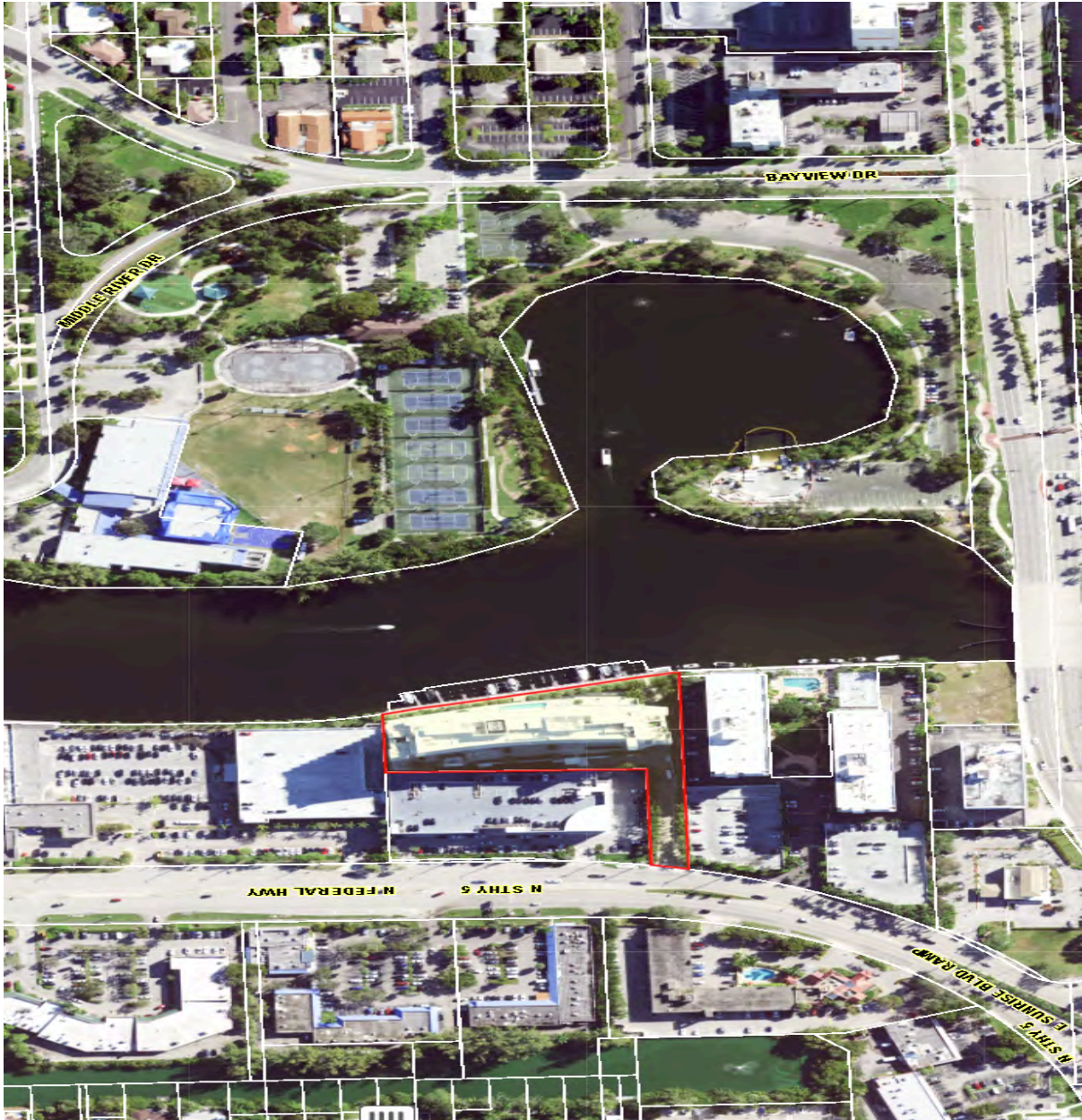




## **EXHIBIT V ZONING AERIAL**



# BOAT LIFTS & DOCKS OF SOUTH FLORIDA





## **EXHIBIT VI SITE PHOTOGRAPHS**



**1. Subject site, showing the existing mooring pilings.**



**2. East portion of the subject site, facing west along the Middle River.**



## **EXHIBIT VII PROJECT PLANS**



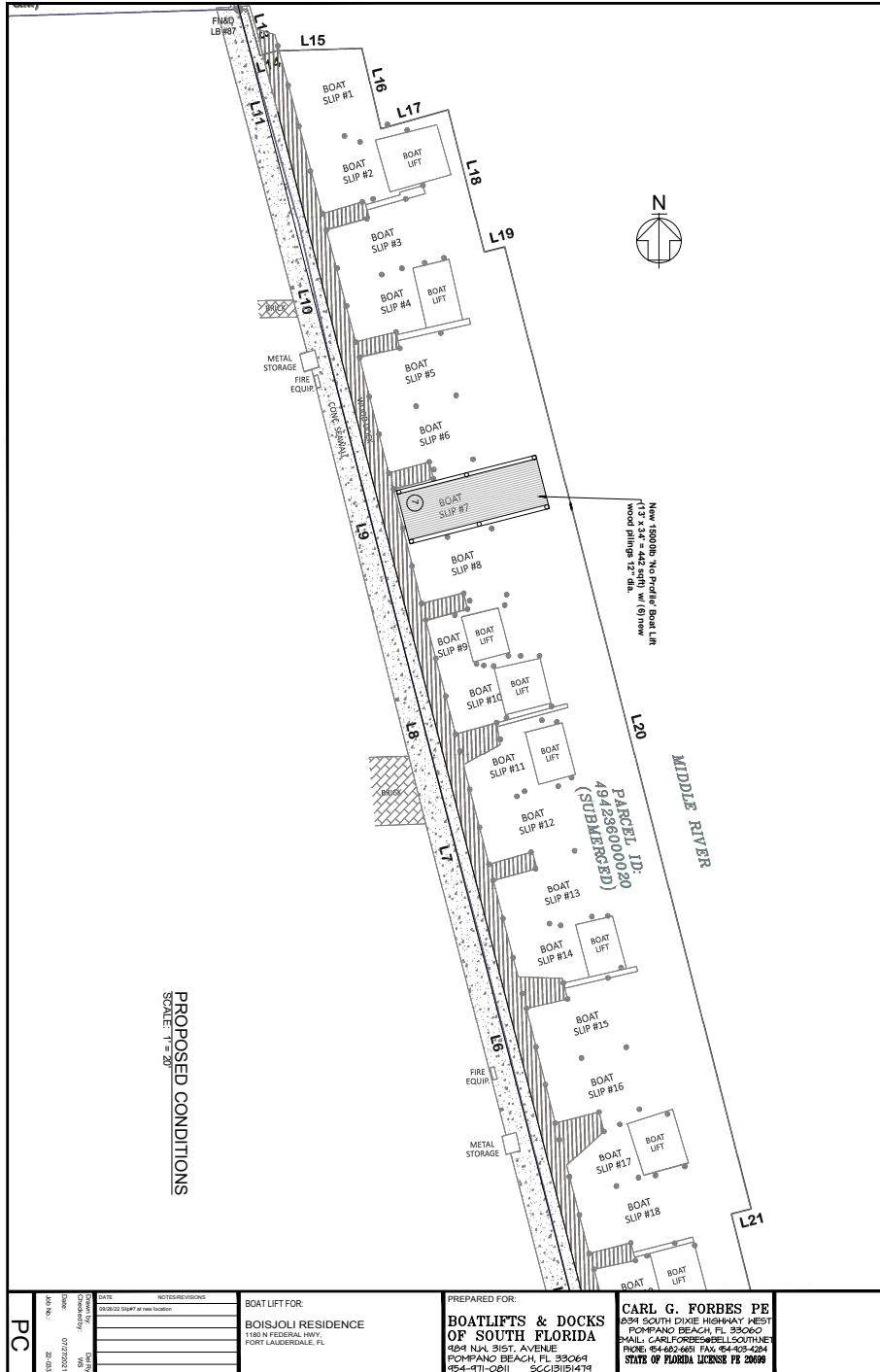
# BOAT LIFTS & DOCKS OF SOUTH FLORIDA



Boat Lifts & Docks of South Florida - 989 NW 31<sup>st</sup> Avenue, Bldg. F, Pompano Beach, FL 33069  
 Telephone: 954-971-0811 Fax: 954-971-1770 Licensed & Insured SCC 147913115

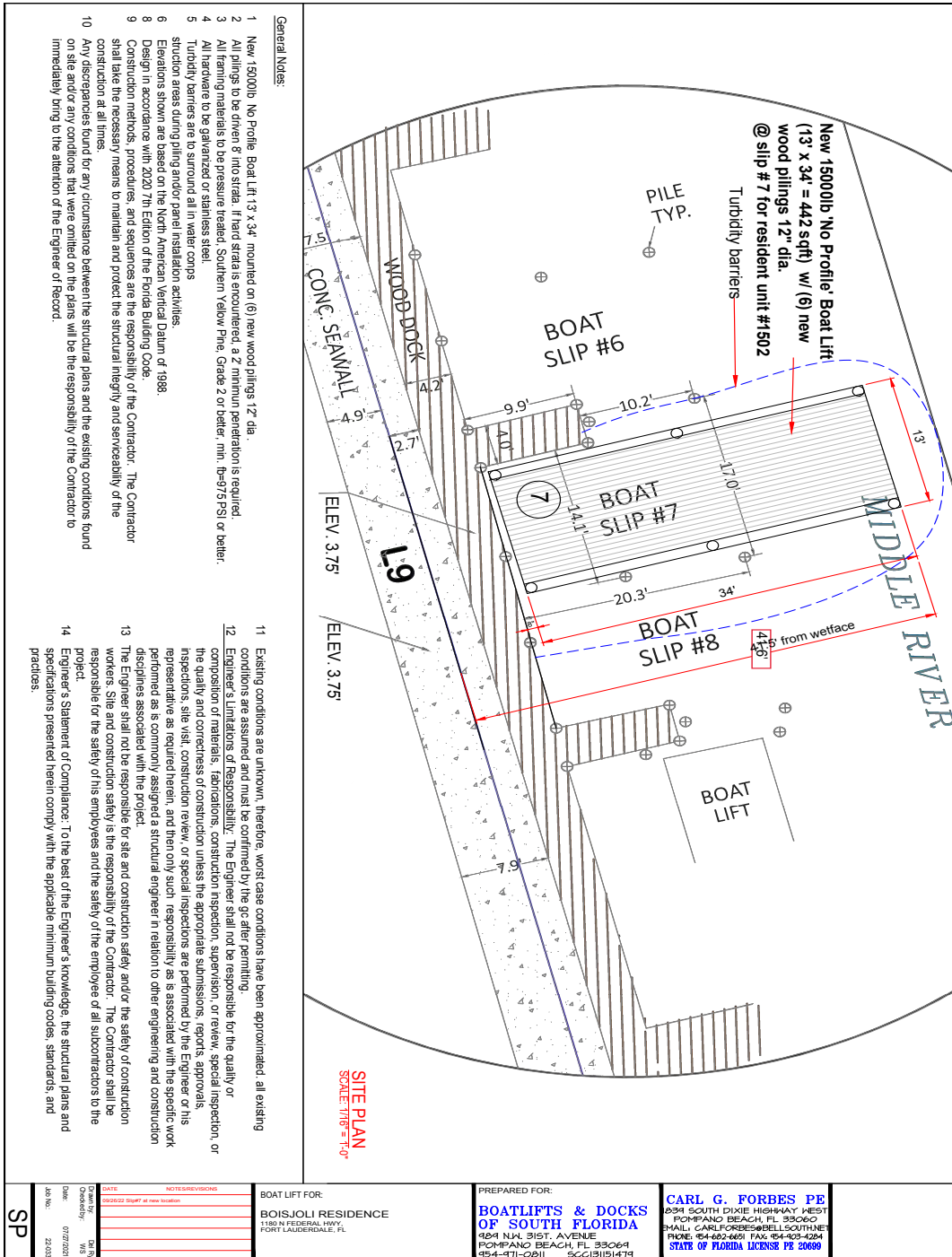


# BOAT LIFTS & DOCKS OF SOUTH FLORIDA



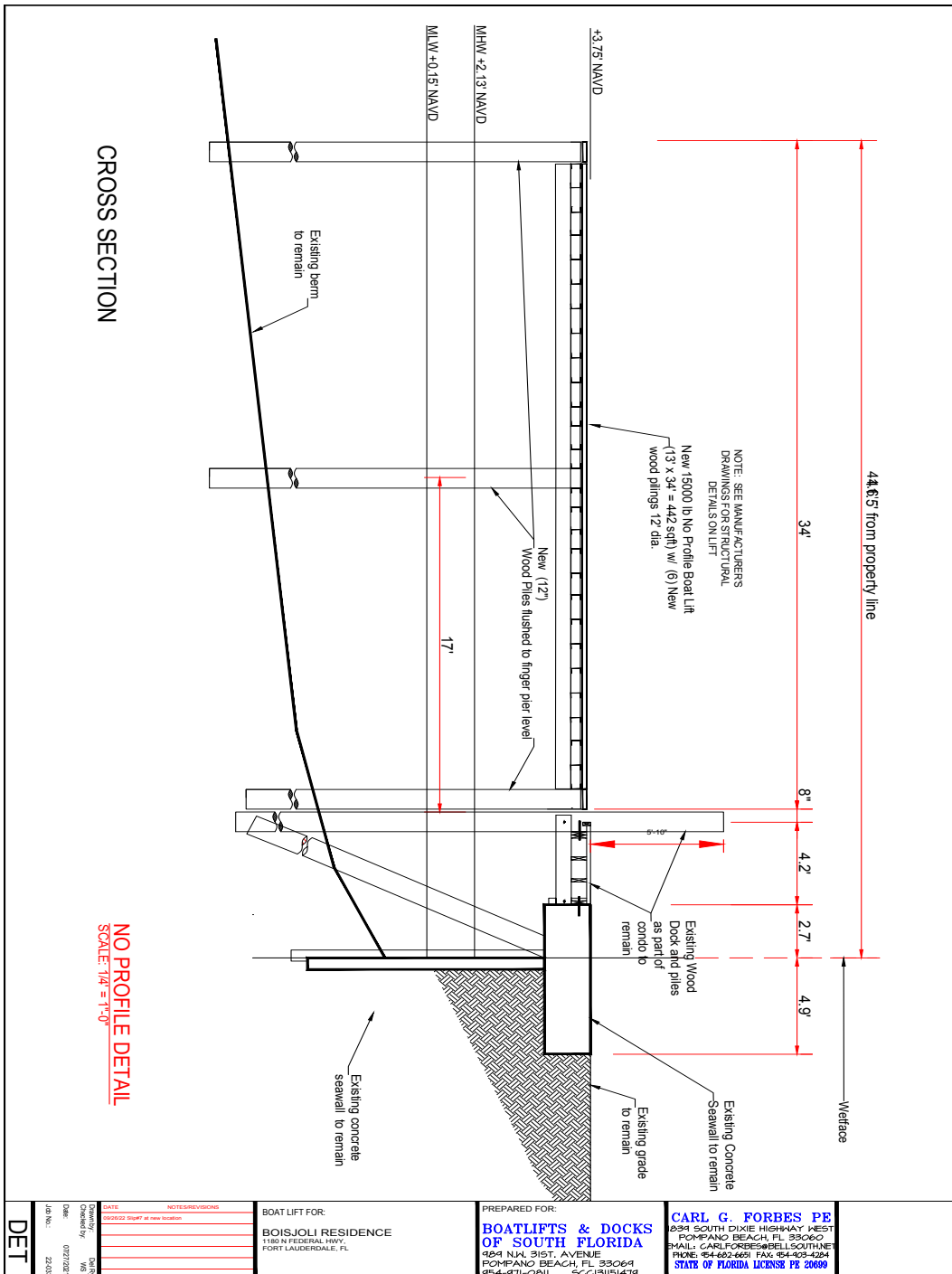


# BOAT LIFTS & DOCKS OF SOUTH FLORIDA





# BOAT LIFTS & DOCKS OF SOUTH FLORIDA





## **EXHIBIT VIII DISTANCE EXHIBIT**











## **EXHIBIT IX EXISTING WAIVERS IN THE VICINTY**

**EXISTING WAIVERS IN THE VICINTY**



<b>ADDRESS - RIVA</b>	<b>MAXIMUM DISTANCE</b>
2020 Unit 609 Slip 4	30' + -
2020 Unit 1608 Slip 10	30' + -
2019 Unit 1201 Slip 14	30' + -



2020 Unit 1201 Slip 14	30' + -
2020 Unit 408 Slip 17	33' + -
2020 Unit 1106 Slip 19	30' + -
<b>SUBJECT SITE</b>	<b>41.6' +/-</b>



Sec. 47-19.3. - Boat slips, docks, boat davits, hoists and similar mooring structures.

(a) The following words when used in this section shall, for the purposes of this section, have the following meaning:

- (1) *Mooring device* means a subset of mooring structures as defined herein including boat davits, hoists, boat lifts and similar devices that are erected on or adjacent to a seawall or dock and upon which a vessel can be moored. A mooring device does not include docks, slips, seawall or mooring pile.
- (2) *Mooring structure* means a dock, slip, seawall, boat davit, hoist, boat lift, mooring pile or a similar structure attached to land more or less permanently to which a vessel can be moored.
- (3) *NGVD 29* or the National Geodetic Vertical Datum of 1929 means the vertical control datum established for vertical control surveying in the United States of America by the General Adjustment of 1929. The datum is used to measure elevation or altitude above, and depression or depth below, mean sea level (MSL).
- (4) *NAVD88* or the North American Vertical Datum means the vertical control datum of orthometric height established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.
- (5) *Seawall* means vertical or near vertical structures placed between an upland area and a waterway. For the purposes of Section 47-19.3(f), rip rap is not considered a seawall.
- (6) *Rip rap* means a foundation of unconsolidated boulders, stone, concrete or similar materials placed on or near a shoreline to mitigate wave impacts and prevent erosion.

(b) Boat davits, hoists and similar mooring devices may be erected on a seawall or dock subject to the following limitations on the number and location as follows:

- (1) Except as provided herein, only one (1) mooring device per the first one hundred (100) feet of lot width or portion thereof, and one mooring device for each additional one hundred (100) feet of lot width. A second mooring device may be permitted within the lot area greater than one hundred (100) feet but less than two hundred (200) feet if approved as a Site Plan Level II permit, subject to the following criteria:
  - a. The location of the proposed mooring device will not interfere with the view from adjacent properties to a degree greater than the intrusion already permitted as a result of the berthing of a vessel at applicant's property within the setback and extension limitations provided in the Code.
  - b. The type of mooring device is the least intrusive and most compatible with the view from the waterway.
  - c. No conflict with a neighboring property owner's usage of the waterway will be created as a result of the additional mooring device.

Pursuant to Site Plan Level II review, the development review committee ("DRC") shall determine whether the proposed additional mooring device meets the criteria based on its location and the relationship of applicant's property to abutting properties with regard to height, angle of view of the device from abutting properties and the height, width and length of the mooring device proposed.

Approval of a Site Plan Level II development permit for an additional mooring device shall not be final until thirty (30) days after preliminary DRC approval and then only if no motion is approved by the City Commission seeking to review the application pursuant to the process provided in Section 47-26. The denial of an application for an additional mooring device may be appealed to the City Commission in accordance with the provisions of Section 47-26.



- (2) In addition to the mooring device described in paragraph (b)(1) of this section, one (1) lift designed and used solely for the lifting of a personal watercraft (PWC) per development site is permitted. For purposes of this subsection (2) a PWC is as defined in F.S. Ch. 327.
- (3) The cross section of the davit, hoist or other mooring device shall not exceed one (1) square foot and have a maximum height of six and one-half (6½) feet above lot grade.
- (4) The lowest appendage of a vessel may not be hoisted greater than one (1) foot above a seawall cap or if no seawall, above the average grade of the upland property and properties abutting either side of the upland property, whichever is less.
- (c) No boat slips, docks, boat davits, hoists, and similar mooring structures not including mooring or dolphin piles or a seawall, may be constructed by any owner of any lot unless a principal building exists on such lot and such lot abuts a waterway. Mooring structures, not including mooring or dolphin piles, shall not extend into the waterway more than twenty-five (25) percent of the width of the waterway or twenty-five (25) feet whichever is less as measured from the property line.
- (d) Mooring or dolphin piles, shall not be permitted to extend more than thirty (30) percent of the width of the waterway, or twenty-five (25) feet beyond the property line, whichever is less.
- (e) The City Commission may waive the limitations of Sections 47-19.3.(c), 47-19.3.(d) and 47-39.A.1.b.(12).(a) and 47-39.A.1.b.(12).(b) under extraordinary circumstances, provided permits from all governmental agencies, as required, are obtained after approval of the City Commission, after a public hearing and notification to property owners within three hundred (300) feet. In no event shall the extension exceed thirty (30) percent of the width of the waterway and no variance may be approved by the Board of Adjustment or other agency permitting an extension beyond the thirty percent (30%) limitation. Reflector tape shall be affixed to and continually maintained on all mooring or dolphin piles authorized under this subsection to extend beyond the limitations provided in subsection (d). The reflector tape must be formulated for marine use and be in one (1) of the following uniform colors: international orange or iridescent silver. On all such piles, the reflector tape shall be at least five (5) inches wide and within eighteen (18) inches of the top of the pile.
- (f) The top surface of a seawall shall have a minimum elevation of 3.9 feet NAVD88 (see table). The elevation of a seawall or dock shall not exceed a maximum of the base flood elevation (BFE) as identified in the corresponding FEMA Flood Insurance Rate Map (FIRM) for the property, except as specifically set forth herein. For properties with a BFE of 4.0 feet NAVD88, the minimum seawall elevation shall meet 3.9 feet NAVD88 and the maximum seawall or dock elevation shall be 5.0 feet NAVD88. For waterfront properties with a habitable finished floor elevation of less than 3.9 feet NAVD88, a seawall may be constructed at less than the stated minimum elevation if a waiver is granted by the City Engineer. For properties within an X zone, the minimum seawall elevation shall meet 3.9 feet NAVD88 and the maximum seawall or dock elevation shall meet the definition of grade as determined by subsection 47-2.2 (g)(1)(a). The maximum height of related structures attached to a seawall shall not exceed the elevation of the seawall to which the structure is attached. In the event of a conflict between subsection 47-19.5.B.Table 1, Note G: subsection 1.a.ii. and the requirements of this section, this section shall govern. Property owners choosing to construct seawalls at less than 5.0 feet NAVD88 are strongly encouraged to have the foundation designed to accommodate a future seawall height extension up to a minimum elevation of 5.0 feet NAVD88.

Property's FEMA Flood Insurance Rate Map Location	Minimum Allowable Seawall Elevation	Maximum Allowable Seawall or Dock Elevation
In a floodplain with a base flood elevation greater than or	3.9 feet NAVD88	Base flood elevation of the property



equal to 5.0 feet NAVD88		
In a floodplain with a base flood elevation equal to 4.0 feet NAVD88	3.9 feet NAVD88	5 feet NAVD88
In an X zone, not in a floodplain	3.9 feet NAVD88	Meet the definition of grade as determined by Section 47-2.2(g)(1)(a)

- (1) Seawalls must be designed and built in a substantially impermeable manner to prevent tidal waters from flowing through the seawall while still allowing for the release of hydrostatic pressure from the upland direction.
- (2) Fixed docks may be constructed at an elevation less than the elevation of the seawall to which it is attached but shall not be constructed at an elevation more than ten (10) inches above the seawall's elevation. The dock elevation may not exceed the maximum elevation as described in subsection (f) of this section. Floating docks shall be allowed and must be permitted and permanently attached to a marginal dock, finger pier, mooring pilings, or seawall.
- (3) Seawall improvements constituting substantial repair at the time of permit application shall meet the minimum elevation and consider the design recommendations (see subsection (f) above) for the continuous seawall for the length of the property. For the purposes of this section, the substantial repair threshold shall mean the following:
  - (i) Any improvement to the seawall of more than fifty percent (50%) of the length of the structure, which for the purposes of this section, shall include both the seawall and cap; or
  - (ii) Any improvement to the seawall which results in an elevation change along more than fifty percent (50%) of the length of the structure.
- (4) All property owners must maintain their seawalls in good repair. A seawall is presumed to be in disrepair if it allows for upland erosion, transfer of material through the seawall or allows tidal waters to flow unimpeded through the seawall to adjacent properties or public right-of-way. Property owners failing to maintain their seawalls may be cited. The owner of the property on which the seawall is constructed is required to initiate a process, including but not limited to hiring a contractor or submitting a building permit, and be able to demonstrate progress toward repairing the cited defect within sixty (60) days of receiving notice from the city and complete the repair within three hundred sixty-five (365) days of citation. If the required repair meets the substantial repair threshold, the property owner shall design, permit, and construct the seawall to meet the minimum elevation requirement and design requirement (see subsection 47-19.3(f)) within three hundred sixty-five (365) days of citation.
- (5) Property owners with seawalls below the minimum elevation, or permeable erosion barriers such as rip rap, or a land/water interface of another nature shall not allow tidal waters entering their property to impact adjacent properties or public rights-of-way. Property owners failing to prevent tidal waters from flowing overland and leaving their property may be cited. The owner of the property is required to initiate a process, including but not limited to, hiring a contractor or submitting a building permit, and be able to demonstrate progress toward addressing the cited concern within sixty (60) days of receiving notice from the city and complete the proposed remedy within three hundred sixty-five (365) days of citation.



- (g) No boathouse, permanent covering, or temporary covering for a boat shall be permitted within the setback area required for the zoning district in which such shelter is to be located, nor shall any boathouse, permanent covering or temporary covering for a boat, or any other structure not otherwise specifically permitted, be permitted within or cover any public waterway.
- (h) No watercraft shall be docked or anchored adjacent to residential property in such a position that causes it to extend beyond the side setback lines required for principal buildings on such property, as extended into the waterway, or is of such length that when docked or anchored adjacent to such property, the watercraft extends beyond such side setback lines as extended into the waterway. The owner of real property which would be entitled to the density limitation of a maximum of forty (40) units per acre pursuant to the terms for habitation of floating homes or vessels, Section 47-19.6, may apply for an exception to the setback requirements contained herein. An application for such exception shall be heard by the Planning and Zoning Board (board) at a public hearing called for that purpose. After the public hearing, the board shall make a recommendation to the City Commission that the application be granted or denied, or granted subject to conditions. If the board recommends that the application be either granted or granted subject to conditions, the City Clerk shall place the recommendation on the agenda of the City Commission for a public hearing at a regular meeting. The City Commission shall, by resolution, either grant the application, deny the application, or grant the application subject to such conditions as it finds necessary to the health, safety and general welfare of the citizens of the city. In deciding whether to grant or deny the application, the City Commission shall consider the neighborhood within which the applicant's property lies and the effect that the exception to the setbacks would have on the following:
- (1) The surrounding property.
  - (2) The ability of adjacent property owners to enjoy abutting waterways.
- (i) Waiver of limitations. Property owners of lands located on the Isle of Venice and Hendricks Isle may dock or anchor watercraft adjacent to their respective properties in a manner which extends beyond side setback lines, required by this section as approved by Resolution No. 85-270.

(Ord. No. C-97-19, § 1(47-19.3), 6-18-97; Ord. No. C-04-2, § 4, 1-12-04; [Ord. No. C-10-44, § 2, 12-7-10](#); [Ord. No. C-13-18, § 2, 6-4-13](#); Ord. No. [C-16-13](#), § 1, 6-21-16; [Ord. No. C-16-27](#), § 1, 12-6-16)

## ITEM VII

### MEMORANDUM MF NO. 23-10

DATE: March 14, 2023

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities & Parks Manager

RE: April 6, 2023 MAB Meeting - Dock Waiver of Distance Limitations – Philip G. Jr. and Oma Jean Mavon / 831 Solar Isle Drive

Attached for your review is an application from Philip G. Jr. & Oma Jean Mavon / 831 Solar Isle Drive.

### APPLICATION AND BACKGROUND INFORMATION

The applicant is requesting approval for installation of a no profile boat lift and two finger piers, extending a maximum distance of 23'6" +/- into the adjacent Rio Coral waterway.

The City's Unified Land and Development Regulations (ULDR) Sec. 47-19.3 (c.) specifies that mooring structures may not be constructed by any owner of any lot unless a principal building exists on such a lot and such lot abuts a waterway. Section 47-19.3. (e.) authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances. The applicant's Summary Description indicates that the proposed boat lift is desired for the safe mooring of the owner's vessels, as well as safe ingress and egress to and from the vessel.

### PROPERTY LOCATION AND ZONING

The property is located within the RS-8 Residential Low Density Zoning District. It is situated along the north side of the New River, where the approximate width of the Rio Coral waterway from wet face to wet face is 100' +/-.

### 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 any proposed guide poles in accord with Section 47.19.3.E of the Unified Land and Development Regulations (ULDR).

Marine Advisory Board  
April 6, 2023  
Page 2

AC  
Attachment

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

**PHILIP G. MAVON, JR.: WAIVER FOR BOAT LIFT OF VESSEL  
831 SOLAR ISLE DRIVE**

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**831 SOLAR ISLE 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: Phillip G. Mavon, Jr. on behalf of Phillip G. Mavon Jr. and Orma Jean Mavon

TELEPHONE NO: 630-242-3121 (home/cellular)      630-242-3138 (business)      EMAIL: jerry.mavon@gamco-mgt.com

2. APPLICANT'S ADDRESS (if different than the site address):

3. TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST: Request for waiver to construct a boat lift, and extend dock within existing vessel basin.

4. SITE ADDRESS: 831 SOLAR ISLE DRIVE      ZONING: RS-8

LEGAL DESCRIPTION AND FOLIO NUMBER: RIVERIA 6-17 B LOT 1 THE EAST 1/2 ( E 1/2) OF Lot 2, , LOT 4 S 25 OF W 25, BLK 4, RIVIERA, PLAT BOOK 6, PAGE 17 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA. FOLIO: 5042 12 08 0650

5. EXHIBITS (In addition to proof of ownership, list all exhibits provided in support of the applications).  
I Application; II Summary Description; III Original Survey-Zoning Affidavit; IV Zoning and Wake Area Aerials; V Existing Waivers.

  
Applicant's Signature

march 21, 2023  
Date

The sum of \$ 1,500.00 was paid by the above-named applicant on the 21<sup>st</sup> of March, 2023. 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 \_\_\_\_\_

I

pg- 3

**Morgan, Olsen & Olsen, LLP**  
ATTORNEYS AT LAW

Walter L. Morgan  
Gregory G. Olsen  
Mark C. Olsen

633 S. Federal Highway, Suite 400A  
Fort Lauderdale, FL 33301  
Phone (954) 524-3111  
Fax (954) 463-3570

March 21, 2023

---

Please respond to: Walter L. Morgan  
E-Mail: [wmorgan@morganolsen.com](mailto:wmorgan@morganolsen.com)

Andrew Cuba  
Supervisor of Marine Facilities  
Marine Advisory Board ("MAB")  
100 N. Andrews Avenue  
Fort Lauderdale, Florida 33301

Re: 831 Solar Isle Drive-Philip G. Mavon, Jr. & Oma Jean Mavon (the "Applicant")

**SUMMARY DESCRIPTION**

1. This application is made by Philip G. Mavon, Jr., on behalf of Philip G. Mavon, Jr. and Oma Jean Mavon at the suggestion of Robert Dunckel, Assistant City Attorney, in connection with the Application to the City Commission under Section 47-19.3(c), & (e) of the Uniform Land Development Regulations. Section 47-19 3 (e) provides that the City Commission may grant a waiver under extraordinary circumstances from the limitations imposed by Sections 47-19-(c) (the "Imposed Limitation").
2. The project site consists of an existing mooring dock basin, located at 831 Solar Isle Drive, Fort Lauderdale, Florida (legally described as Lot 1, the east ½ of Lot 2, and the S25 feet of the W25 feet of Lot 4, all in Block 4, Riviera, according to the Plat thereof recorded in Plat Book 6, Page 17 of the Public Records of Broward County, Florida (the "Property"). The proposed Boat Lift is to be re-installed within the Property land portion, measuring 25' x 25', and legally described as the S25 feet of the W25 feet, Lot 4, Riviera (the "Basin Parcel"); all within the Property. The Waiver required to overcome the Imposed Limitation include: a) the requirement for a principal structure at the Basin Parcel, located within the Property, permitting the re-installation of the low profile Boat Lift (as previously installed under the approved Building Permit(s) numbered 18053110, and 18053111 (the "Prior Permits"), and dismantled after the BOA/Final Order causing the cancellation of the Prior Permits (said Final Order, dated March 20, 2019, as hereafter described below in Section II, 7., Exhibit "3"); and b) the re-permitted installation of two (2) wood dock finger piers, which shall be expanded to measure 23' 6" X 4'6" ("North Pier"), and 22' 6" X 4' 6" ("South Pier"); and replacing the existing North Pier at 23' 2" X 4' 6", and South Pier at 10' 8" X 4' 6", as previously installed under the Prior Permits, but not demolished following the Final Order.
3. The following four (4) matters provide justification for this waiver request:
  - A. All structures and piles will not exceed 30% of the width of the waterway.
  - B. The proposed structures are necessary to protect the owner's vessels from excessive wake due to high vessel traffic volume.
  - C. The proposed waiver and structures are desired for the safe mooring of the owner's vessel, including the boarding to, and disembarking from the vessel, especially for elderly persons such as the owners, and their friends.

II

pg. 4

D. The Property was joined as a unified property by the recorded Declaration of Unity of Title, dated May 13, 2013 (see below, Composite Exhibit "2"), and either: (i) qualified as having a principal structure thereon, as set forth by the opinion of the City Attorney on May 7, 2013 (see below Composite Exhibit "2", the Affidavit of Harry A. Stewart, as part of Section II, 5, Composite Exhibit "2"); or (ii) the definition of a "development site" under ULDR Sec. 47-35.1- Definitions, which provides in part: "If a development site has more than one (1) parcel or lot, with different owners, all property owners will be required to sign the application for development permit, and shall be required to execute and record in the public records a declaration on a form provided by the department, stating that the parcels have been developed as a single unit for purposes of meeting the ULDR" (see attached as Exhibit "7", pages 1/17, and 5/17 defining "development site", which definition supports the Applicant's position that the recorded Declaration of Unity of Title, as required and approved by the City commission, which unified two parcels as a single unit, and states that no parcel may be developed, without the other, unless each parcel alone, satisfies the ULDR, as a single property for development.

4. By way of background, in 1969 the subject Property located at 831 Solar Isle Drive and legally described above, as the Property; said Property originally acquired by the Applicant's parents, Philip G. Mavon and Marjorie C. Mavon his wife, now owned by the Applicant (see composite Exhibit "1", including 2 Deeds, and a Property Survey).

5. In 2010 to 2012 the Applicant: (i) filed an Application with the MAB for the Waiver of Limitations under ULDR 47.19.3 at the Property, and seeking a waiver of the proposed basin, and the sub-section (c) requirement of a "principal structure" (formerly referenced as (B) , and received a unanimous vote of Approval on November 4, 2010 (see below a copy of the approved minutes, the "MAB Minutes", which did not grant the right to construct a boat lift, as attached as part of Composite Exhibit "2"); and (ii) received a City Building Permit to construct a "notch basin", and dock , all within the 25 feet X 25 feet Basin Parcel; and, after the improvements were completed, and the City refused to conduct a final Permit Inspection to close said Permit, the Applicant received a Summary Judgment (the "Order on Cross Motions for Summary Judgment", dated April 24, 2013, against the City (copy attached below as a part of composite Exhibit "2"); which led to the City Commission Meeting on May 7, 2013, wherein the City required the Applicant to execute and file for recordation in the Public Records of Broward County a "Declaration of Unity of Title". The then City Attorney represented to the Commission the Basin Parcel would be unified with the rest of the Property located at 831 Solar Isle Drive, at which a house was and is located. City Attorney Stewart also declared his opinion, stating the unified Property would qualify under the ULDR as having a principal structure thereon (see the attached composite Exhibit "2", including the MAB Minutes, and Affidavit of Harry A. Stewart, including the attached Declaration of Unity of Title, as recorded, and Summary Judgment).

6. On August 10, 2018 the Applicant filed and was issued the Prior Permits to construct a boat lift, and an extended dock, consisting of the North Pier and South Pier, which led to a lawsuit, and hearing before the City Board of Adjustment ("BOA"), and the "Final Order", dated March 20, 2019, by the BOA (copy attached below, as Exhibit "3"; said Final Order determining the issuance of the Prior Permit(s) (numbered 18053110 and 18053111) was clearly erroneous (due to its determination that no principal structure existed on the Basin Parcel, with no copy of the recorded Unity of Title having been submitted to the BOA for consideration, (see Exhibit "3", a copy the of Final Order of the BOA regarding case B19003).

7. On January 12, 2022 the Applicant refiled for a Building Permit (Application Number: BLD-BDSP-22010010, the "Boat Lift Permit"), and for the construction of a boat lift, with two finger pier docks extending out no further than the North Pier, at 23' 6", and less than the mooring piling (since removed), as previously approved by the Marine Advisory Board waiver, granted November 4, 2010. The Boat Lift Permit was denied due to the BOA ruling of no principal structure at the Basin Parcel, notwithstanding the Unity of Title (see Composite Exhibit "4"). This Application to the MAB has been required by the City's Office of Sustainable Development, since the City Commission has not previously granted a "Waiver", as allowed under the ULDR Section 47-19.3 (e). See attached the Boat Lift Permit to be refiled concurrent with the Waiver being approved by the MAB and/or City Commission; and, as further required under the ULDR, the Applicant has obtained the Broward County Environmental Resource General License, Number GLFTL2-111-027; and Broward County Transportation Concurrency Satisfaction Certificate; and Broward County Environmental Review Approval Certificate (see Composite Exhibit "5").

8. Also attached to this Application: (i) four (4) photos of the view(s) from the existing Boat/Dock toward each of the two adjacent neighbor's properties, located to the north and south of the Basin Parcel (see Composite Exhibit "6"; and

Exhibit "7" (a 2 page excerpt from ULDR Sec. 47-35.1 – Definitions – defining "Development site").

9. The Applicant maintains a review of the foregoing circumstances, history and facts, together with remaining documents attached with this Application, constitute and qualify as the extraordinary circumstances required for this Board, and the City Commission to approve this Waiver Application: (i) either recognizing the Property having a principal structure within it as the result of the recorded Declaration of Unity of Title, or waiving said requirement due to the extraordinary circumstances of the Property, and the Applicant's experiences with its Basin Parcel and Prior Permits, as required for the issuance of a permit for the construction of docks and the Boat Lift/mooring structures (all as provided within the ULDR, and the Declaration of Unity of Title approved by the City Commission on May 7, 2013, as recorded, May 15, 2013.

Respectively submitted,



Walter L. Morgan  
Morgan, Olsen & Olsen, LLP

**COMPOSITE EXHIBIT "1"**

Printed for Lawyers' Title Guaranty Fund, Orlando, Florida

69-141354

This instrument was prepared by:

JOSEPH A. HUBERT  
of the Law Office of  
**WATSON, HUBERT & DAVIS**  
2849 North Federal Highway  
FORT LAUDERDALE, FLORIDA 33308

# Warranty Deed

STATUTORY FORM — SECTION 689.02 (1.3)

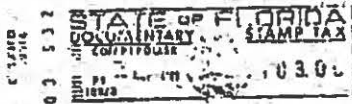
This Indenture, Made this 27th day of October 1969, Between

W. H. ARNOLD and ETHEL K. ARNOLD, his wife  
of the County of Broward, State of Florida, grantor, and  
PHILIP G. MAVON and MARJORIE C. MAVON, his wife  
whose post office address is 831 Solar Drive, Ft. Lauderdale,  
of the County of Broward, State of Florida, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of  
-----TEN DOLLARS (\$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 fol-  
lowing described land, situate, lying and being in Broward County, Florida, to-wit:

Lot 1 & 1/2 Lot 2, Block 4 and S25' of  
W25' of Lot 4, Block 4, Riviera according  
to the Plat thereof as recorded in Plat  
Book 6, Page 17, of the Public Records of  
Broward County, Florida.

Subject to restrictions, reservations and limitations of record.



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 or plural, as context requires.

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:

W. H. Arnold (Seal)  
Ethel K. Arnold (Seal)  
Philip G. Mavon (Seal)  
Marjorie C. Mavon (Seal)  
JACK WHEELER (Seal)  
NOTARY PUBLIC, STATE OF FLORIDA

STATE OF FLORIDA  
COUNTY OF BROWARD  
I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared W. H. ARNOLD and ETHEL K. ARNOLD, his wife

to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 27th day of October 1969.

My commission expires:

NOTARY PUBLIC, STATE OF FLORIDA  
MY COMMISSION EXPIRES SEPT. 2, 1972

Notary Public

RE 4003 MR 307

Return PRIC - Null Rev. (12-1-69)

PS 7

Prepared by and return to:

Law Firm of Zimmerman & Associates  
2400 E. Commercial Blvd. Suite 820  
Fort Lauderdale, FL 33308  
954-202-7440  
File Number: ss15-031  
Will Call No.: #39

Parcel Identification No. 5042 12 08 0650

[Space Above This Line For Recording Data]

## Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

**This Indenture made this 14th day of December, 2015 between Philip G. Mavon, Jr., a married man, joined by his wife, Oma Jean Mavon whose post office address is 831 Solar Isle Dr., Fort Lauderdale, FL 33301 of the County of Broward, State of Florida, grantor\*, and Philip G. Mavon, Jr. and Oma Jean Mavon, husband and wife whose post office address is 831 Solar Isle Dr., Fort Lauderdale, FL 33301 of the County of Broward County, State of Florida, grantee\*,**

**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 1, the East one half (E 1/2) of Lot 2, and the South 25 feet of West 25 feet of Lot 4, all in Block 4, RIVIERA, according to the Plat thereof recorded in Plat Book 6, Page 17, of the Public Records of Broward County, Florida .**

**The purpose of this deed is to add Grantor's spouse to the title and establish an entireties estate.**

**The preparer of this instrument was neither furnished with, nor requested to review, a chain of title for the described property and therefore expresses no opinion as to condition of title.**

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

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

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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:

Dana Cardlea  
Witness Name: Dana Cardlea

[Signature] (Seal)  
Philip G. Mavon, Jr.

S. Spangler  
Witness Name: Sarah Spangler

[Signature] (Seal)  
Oma Jean Mavon

State of Florida  
County of Broward

The foregoing instrument was acknowledged before me this 14th day of December, 2015 by Philip G. Mavon, Jr. and Oma Jean Mavon, who  are personally known or  have produced a driver's license as identification.

[Notary Seal]

[Signature]  
Notary Public

Printed Name: KURT. D. ZIMMERMAN

My Commission Expires: 5/18/18



PS. 9



**COMPOSITE EXHIBIT "2"**

**MINUTES OF THE MARINE ADVISORY BOARD  
 100 NORTH ANDREWS AVENUE  
 8<sup>TH</sup> FLOOR CONFERENCE ROOM  
 FORT LAUDERDALE, FLORIDA  
 THURSDAY, NOVEMBER 4, 2010 – 7:00 P.M.**

<u>Board Members</u>	Attendance	Cumulative Attendance 5/2010 through 4/20/11	
		<u>Present</u>	<u>Absent</u>
John Terrill, Chair	P	6	0
Barry Flanigan, Vice Chair	P	3	3
F. St. George Guardabassi	A	5	1
Bruce Johnson	A	3	3
Randolph Adams	P	6	0
Norbert McLaughlin	P	6	0
Jim Welch	P	4	2
Robert Dean	P	4	2
Mel DiPietro	P	3	3
Bob Ross	A	4	2
Lisa Scott-Founds	A	2	4
Stephen Tilbrook (8:00)	P	3	3
Tom Tapp	A	3	3
Herb Rassing	A	5	1
James Harrison	A	5	1

As of this date, there are 15 appointed members to the Board, which means 8 would constitute a quorum.

**Staff**

Jamie Hart, Supervisor of Marine Facilities  
 Andrew Cuba, Manager of Marine Facilities  
 Levend Ekendiz, Intracoastal Facilities Dockmaster  
 Matt Domke, Downtown Facilities Dockmaster  
 Officer Brian Meo, Marine Police Staff  
 Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

**Communications to City Commission**

None.

**I. Call to Order**

Chair Terrill called the meeting to order at 7:06 p.m. It was noted a quorum was not yet present.

There being no further questions from the Board at this time, Chair Terrill opened the public hearing. As there were no members of the public wishing to speak on this Item, Chair Terrill closed the public hearing and brought the discussion back to the Board.

**Motion** made by Vice Chair Manigan, seconded by Mr. McLaughlin, to approve the variance as submitted.

Mr. Tilbrook asked if notice was given to the residents on the opposite side of the canal. Mr. Suba said all neighbors within 300 ft. were notified.

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

#### **VI. Application – Waiver of Limitations / ULDR 47.19.3 – 831 Solar Isle Drive – Philip G. and Marjorie C. Mavon**

Jim Brady, representing the Applicants, said he would first review the contents of the Board's information packets. These materials include a location photo of "the end of the isle" at Solar Drive. Mr. Brady noted that the onetime owner of Lot 4, located across the street from the Applicants' property, sold a "nub" of property on the end of his lot. This resulted in a 25x25 parcel that "has had a boat dock at it since sometime in 1959" when the property was sold. The Applicants acquired the title to this parcel in 1969.

Also included in the information packet was a permit for the construction of a basin, for which the dock was removed. Mr. Brady asserted that the boat has not yet been moored in the basin, which is complete and "ready to go." He also called the Board's attention to the permit drawings that led to the issuance of a permit.

He added that there are letters of support from members of the community, and that some individuals may appear before the Board in opposition to the Application.

Mr. Tilbrook asked what remains on Lot 4. Mr. Brady explained it is a 45 ft. wide lot, "the remaining part" of which is owned by another individual.

He referred the Board to his letter to Mr. Hart, which describes the extraordinary circumstances that apply to the Application.

Jerry Mavon, Applicant, said he is a longtime boater, and the property was purchased by his father in 1969 because he liked the way the dock was set up on a side canal, with the house on the Intracoastal. When a neighboring house was sold and a dock was built, he found it difficult to maneuver his boat in and out of

its slip, and replaced the dock with a boat slip on the property in question. He concluded that the Application is for a waiver that will allow him to put his boat into the boat slip.

Mr. Brady stated that when notice of the hearing was sent out, the waiver provision had "raised an issue" regarding a mooring piling in the canal. He said the piling itself was not the issue; the issue is whether or not there is a principal structure on the property on which the boat slip is built, as there is "no house on that 25 ft. parcel." The waiver would grant relief from the requirement that there be a principal structure on the parcel on which the basin is built, as well as a waiver for the mooring piling.

Mr. Brady said if the City Commission grants the waiver, there will be a resolution attached that states the Applicants may not sell Lot 2 or the parcel independently of each other.

Chair Terrill advised that the Board consider both waivers individually.

Mr. Ross asked the size of the boat that would be in the basin. Mr. Mavon said it is approximately 33 ft. with the swim platform attached, with a beam of 11.4 ft.

Vice Chair Flanigan asked if the seawall is considered a structure on the property. Mr. Brady replied that the term "principal structure" has been interpreted to mean a house or other building.

Mr. Tilbrook asked what Code says regarding the issue. Mr. Brady referred the Board to 47.19.3-B: "No boat slips, docks, boat davits, hoists, and similar mooring structures, not including mooring dolphin piles, may be constructed by any owner on any lot unless a principal structure exists on such lot, and such lot abuts a waterway." Section D states that the City Commission may waive this requirement if there are extraordinary circumstances.

Mr. Mavon clarified that the vessel to be moored in the basin would have extended farther than the original 25 ft. dock, which would not have been permitted by Code "after 1959." The waiver would bring this into compliance.

Michelle Charlebois, environmental permit specialist for the Applicant, stated "no one had a problem" with the Application during pre-application meetings. The construction of the seawall and clearing of the basin were approved and built according to permit. A neighbor to the property had contacted the City's Engineering Department, which reached out to the Applicant regarding the need for a principal structure on the parcel. Ms. Charlebois emphasized that the City did not revoke the permits.

Mr. Brady said the Engineering Department had advised the Applicant that he could "build the basin, but you do so at your own risk." This resulted in the eventual completion of construction; however, the boat has not been moved into the basin, and final inspection of the basin has not yet occurred.

Mr. Tilbrook asked if the Applicant was advised to appear before the Board or seek a variance. Mr. Brady explained that a variance would not apply, but a waiver was the appropriate option. He added that although an appearance before the Board was "technically not required," the Assistant City Attorney had felt it would be appropriate. He clarified that there are no issues with the structure of the basin itself, but with the use of docking a boat in the basin.

Tucker Gibbs stated he represented Scott Liberman, neighbor to the Applicant. He said he had met with the Assistant City Attorney who had consulted with the Applicant, and felt the Attorney had recommended the Applicant seek a waiver as a matter of process without endorsing a position for either side in the case.

Mr. Gibbs said the key issue is the basin rather than the previously existing dock, which had been grandfathered into the Code. The permit for construction of the basin was issued "in error" in 2010. Another issue is the boat: Mr. Gibbs said the parcel in question is 25 ft. in width, while the boat is 29-33 ft. and would have been too large for the dock. He stated that the dock constructed by Mr. Liberman on his own property had "cramped the style" of the Applicant, and had resulted in the construction of the basin.

Mr. Gibbs asserted that Mr. Liberman is an attorney and had read the applicable Code. The lot in question is not contiguous with the lot on which the Applicant makes his home, which is why a waiver is being requested. Mr. Gibbs noted that the section of Code referred to earlier by Mr. Brady allows for a waiver when there are extraordinary circumstances, "provided... that permits from all governmental agencies as required are obtained after approval by the City Commission, after a public hearing and notification of property owners within 300 ft." He explained this meant the waiver can be applied for only after an applicant has "gone to the City Commission regarding the permits."

Mr. Gibbs also stated that his client did not receive notification of the Applicant's plans for the lot until today's hearing before the Board, which he said must come after the City Commission has "blessed" the permits. He felt this meant the Applicant was "coming into [the waiver process] backward." He read from the Staff Report regarding the Application, which referred to "a permit issued in error... prior to the Applicant's obtaining any waiver." Another portion of the Staff Report stated "Although the Applicant was advised that a waiver would be required, continuation of construction activity was at the Applicant's risk."

Mr. Gibbs stated that in cases involving the erroneous issuance of building permits, case law has required buildings to be torn down by their developers. He said an error made by the City does not grant the Applicant the right to complete the project.

He referred the Board to Exhibit 2, pointing out that there is a dock on the piece of property on which the Applicant's house is located. Mr. Gibbs said when the Applicant's boat is moved to the parcel in question, it affects his client's view. He concluded that the extraordinary circumstances cited by the Applicant are the "creation of this Applicant."

Scott Liberman said the issue is that "this boat slip is in my back yard." He explained that when he purchased the property in 2008, his home was designed with the existing dock in mind rather than the basin, "with the intent that we were going to capture the view." He felt he had accommodated the Applicant "at every step;" however, he said the Applicant's boat was larger than his dock, and it was difficult to navigate the boat in and out of the dock. This led to the construction of the basin.

Mr. Liberman said when he consulted the ULDR, it became clear that "what was attempting to be done was prohibited" due to the lack of a principal structure on the parcel. He characterized the slip as "intrusive," said he would not have purchased the house if the slip had been adjacent to his property at the time. In addition, he cited subsection D, which entitled him to notice "before permitting." He stated he is entitled to due process when "anything... outside of what is permitted" is going to be constructed, as it affects his property rights.

Mr. Liberman said he had suggested that the Applicant build the structure or install a lift in his own back yard, which has an existing dock. He reiterated that he did not wish to deprive the Applicant of his boating lifestyle; the issue was that the basin was "in violation of the Code and it's in my back yard." He provided photographs of the preexisting and present structures to the Board members.

Mr. Tilbrook asked if setbacks are required for the basin. Mr. Brady said there were no setback requirements, but the boat would be set back 5 ft. on each side. Mr. Tilbrook asked what the Applicant could have done on the property in question other than building the basin: for example, whether or not he would be allowed to put up a fence or plant a tree, both of which could also affect the view. Mr. Brady said these would be allowed, and added that under Florida law, "there's no right to view, air or light."

Mr. Tilbrook asked if the Application had been presented to the homeowners' association. Mr. Brady said it had not, as the basin was "already built" when the issue arose.

Vice Chair Flanigan asked why the City would not require the Board of Adjustment to hear the Application, as there was a question of permit issuance. Mr. Brady said the Assistant City Attorney had concluded that the case did not involve a variance, but a waiver, as these two procedures require different standards.

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

Ted Lange said he lives across the canal from the Applicant and "look[s] directly into the slip." He characterized it as "a huge improvement over what was there before" and did not feel that the view was a valid objection. He added that the Applicant wished to dock the boat in the basin rather than on the Intracoastal Waterway in order to prevent damage to the boat.

Mr. DiPietro asked Mr. Liberman what he had expected to see on the 25 ft. lot. Mr. Liberman said he had believed the previously existing dock would remain there.

George Lang said he lives across the canal to the north from the property, and has no objections to the Application. He agreed it would not be feasible to put a boat lift on the Intracoastal due to wakes.

Ken Kessler said he was a friend of the Applicant, and said the basin was originally planned to be installed with "full compliance." He said the Applicant's intentions were honorable in this case and felt the Application had come before the Board due to "a technicality."

Dennis Klima said he lives to the north of Mr. Liberman's property, and he is currently allowing the Applicant to keep his boat behind his house. He said he was originally asked if he would mind a boat being kept at the dock, and had replied it was "a great idea" if the City would allow it. He had requested some assurance from the Applicant that his view would not be compromised. While he said he did not support the project, he felt if the City allows the basin to be constructed, it would not be inappropriate.

Ms. Charlebois said she had attended several Board meetings, and noted that most cases come to the Board before receiving their permits because the applicants are "proposing something not in Code." In this case, she said, there were no unusual proposals, and permits were given before the Application came before the Board. Chair Terrill noted that what was permitted, in this case, was the basin, but not the proposed use on a lot with no principal structure.

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

Mr. Dean commented that the City appears to consider a 25x25 lot to be "part of the primary property." He said in his experience, one property is considered a homestead, and an adjacent piece of property is "joined together into the same homestead." Mr. Tilbrook said this was not the case, which is why the Application came before the Board. Chair Terrill noted that while Mr. Tilbrook was correct, the County does not tax the properties separately.

Mr. Tilbrook observed that in a case in which a home is demolished, "you can't dock a boat [on the property]." He said he sympathized with the Applicant in this case, as he had obtained all the necessary permits; he also had sympathy for Mr. Liberman, as he had purchased the property without a basin next door. He concluded that an argument could be made in favor of the waiver, although he felt it was "a difficult decision."

He asked Mr. Cuba if the waiver could be granted conditionally on the size of the boat. Mr. Cuba said this recommendation could be made. Mr. Tilbrook said he felt this would help address the neighbors' concerns.

Vice Chair Flanigan asked if Mr. Gibbs and Mr. Brady could work out a compromise to the issue, and said the Board could postpone the Application if they felt an agreement could be reached. Mr. Gibbs said he felt his client would agree to replacing the previously existing dock and "dock[ing] a boat there that fits."

Chair Terrill observed that if he owned the parcel in question and paid taxes on it, he would consider what he could do with "this small piece of property," such as building a basin or planting a tree. He agreed that the Intracoastal Waterway was an "unsuitable" location for the Applicant to dock his boat due to wakes, and noted that when a boat is docked parallel or perpendicular to a canal, it is possible the boat might interfere with or "be within the view of" a neighboring property owner.

He concluded that he strongly respects property owners' rights, and while he also respected the neighbor's view, he felt the Applicant should be allowed to put a basin on his property.

Mr. Dean said the size of a vessel in the basin was a concern, but noted that the slip appears to be "self-limiting" in terms of the size vessel it can hold. He added that if the bow of the boat extends into the canal, it is less likely to obstruct a view than another part of the boat might be. He did not feel the boat would be as obtrusive to the view as expected.

Mr. Tilbrook asked what length a boat might be if it is on a 15 ft. beam. Mr. Dean estimated 35 to 38 ft. Mr. Mavon said the boat in question is a 29 ft. vessel "with a low profile." Mr. Tilbrook said he would be inclined to limit the length of a boat that could be placed at the slip, such as 33 ft. or less. Chair Terrill cautioned that it could be "dangerous" to begin considering height and dimensions, as what is appropriate to a view is subjective.

Mr. Tilbrook asked if another waiver would be necessary if the Applicant decided to install a boat lift rather than a slip, as a lift would further obstruct the view. Mr. Cuba said he did not believe a waiver would be necessary in that case. Mr. Tilbrook said this was a potential problem. Mr. Gibbs pointed out that Code states no lifts or similar structures can be installed without a principal structure on the site, which would require a lift to come back before the Board. Mr. Tilbrook said he would be comfortable limiting the use to a boat slip.

Chair Terrill noted that due to the width of the canal, a boat would legally be allowed to extend 30 ft. into the waterway, which would mean a 50 ft. boat could be allowed without the basin. He concluded that he was comfortable with limiting the use to a slip rather than a boat lift, but less comfortable placing a limitation on the length. Mr. Brady affirmed that the Applicant was agreeable to not installing a boat lift.

**Motion** made by Mr. Tilbrook, seconded by Mr. Adams, to recommend approval of the waivers outlined in the Staff memo, with the condition that the waiver does not grant the right to construct a boat lift within this basin.

In a roll call vote, the **motion** passed unanimously.

#### **XI. Adjournment**

There being no further business to come before the Board at this time, the meeting was adjourned at 9:53 p.m.

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

**AFFIDAVIT**

**STATE OF FLORIDA  
COUNTY OF VOLUSIA**

Before me, a Notary Public, personally appeared Harry A. Stewart ("Affiant") who, upon being sworn, deposes and says:

1. That this Affidavit is made for the purpose of restating my legal opinions, regarding whether the property located at 831 Solar Drive, Fort Lauderdale (the "Mavon Property"), as joined by Unity of Title, as filed and recorded by the Property Owner met the requirements of ULDR Section 47-19.3, Code of Ordinances, City of Fort Lauderdale. The opinions expressed were based on the arguments made, the evidence presented and the applicable law at that time.
2. Affiant was the Fort Lauderdale City Attorney on May 7, 2013, and was in attendance as City Attorney at the City Commission meeting involving the Mavon Property as owned by Philip G. Mavon Jr. (the "Property Owner") and the discussion and approval of the Motion to "Authorize Appeal of Court Order issued against the City" ("the Motion").
3. Affiant is familiar with: (i) the "Minutes note" as published by the City Clerk under File #13-061, as a record of the discussion and the Motion, as approved by the Commission (the "Motion"), and (ii) the Declaration of Unity of Title (the "Unity of Title"), dated May 14, 2013. As approved by the City Attorney prior thereto, and filed by the Property Owner, as recorded in the public records of Broward County on 5/15/2013 (copy attached hereto and marked "Exhibit 1").
4. Affiant states, that consistent with the opinions expressed by his responses to the questions from the City Commissioners, that: (i) the Court Order, as entered by the Broward County Circuit Court (Case no, 12-003298.03), (copy attached hereto and marked "Exhibit 2) found that the Mavon Property was entitled to a final inspection to confirm that construction met the requirements of the permit issued by the City; and that (ii) by clear implication the Unity of Title, as filed by the Property Owner and the Court Order satisfied the City requirement for a principle structure, contemplated by ULDR Section 47-19.3, which required a "principle building" to exist on property as a prerequisite for the issuance of dock permit at that time.

**FURTHER AFFIANT SAYETH NOT**

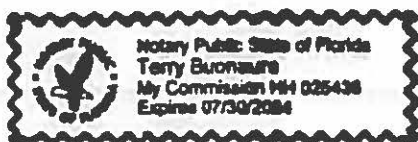
By: *Harry A. Stewart*  
Name: Harry A. Stewart

Sworn to and Subscribed before me the 29<sup>th</sup> day of June, 2022

*Terry Buonauro*

NOTARY PUBLIC

My Commission Expires 7/30/2024



Prepared By and Return to:  
James C. Brady, Esq.  
Amstein & Lehr LLP  
200 E. Las Olas Blvd., Suite 1700  
Fort Lauderdale, FL 33301

DECLARATION OF UNITY OF TITLE

THIS DECLARATION OF UNITY OF TITLE, made this 14 day of May, 2013, by Philip G. Mavon, Jr., hereinafter referred to as "OWNER" of the property herein described, whose mailing address is 831 Solar Isle Drive, Fort Lauderdale, Florida, is required by the City of Fort Lauderdale a municipal corporation, hereinafter referred to as "CITY," pursuant to a motion made and adopted at the regular meeting of the City Commission of May 7, 2013. In order to effectuate a settlement of certain disputes:

WHEREAS the OWNER is the owner of the following described real property located within the City of Fort Lauderdale

Lot 1 and the east half of Lot 2 of Block 4, RIVIERA, according to the Plat thereof as recorded in Plat Book 6, Page 17, of the Public Records of Broward County, Florida, ("Parcel One"), and

The south 25' of the west 25' of Lot 4, Block 4, RIVIERA, according to the Plat thereof, as recorded in Plat Book 6, Page 17, of the Public Records of Broward County, Florida, ("Parcel Two")

and

WHEREAS the CITY, as a condition resolving certain issues raised in Philip G. Mavon, Jr. v. City of Fort Lauderdale, filed in the Circuit Court of the 17<sup>th</sup> Judicial Circuit, In and For Broward County, Case No. CACE 12-03298 (03), requires that title and use of Parcel One and Parcel Two be unified for use as a single-family residence, with non-commercial boat moorage facility as an accessory use thereto, to be considered and treated as one plot and parcel of land to remain under one ownership, and

~  
"Exhibit 1"  
~

WHEREAS, this Declaration is made as a product of a compromise and settlement, and the same is supported by adequate consideration received and enjoyed by OWNER, and

WHEREAS, the OWNER agrees that said requirement of the CITY is in the best interests of all the parties and serves to promote the general welfare, safety and convenience of the public, and the OWNER hereby releases, waives and forever discharges any claim, demand, cause of action and right it may have against the CITY relative to the litigation identified in the preamble hereto.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the OWNER declares as follows:

1. The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Declaration.
2. The title to Parcel One and the title to Parcel Two shall be considered unified as one plot and parcel of land, and no portion of either Parcel One or Parcel Two shall be sold, transferred, deposited or assigned separately, except with the other as an entirety as one plot or parcel of land, or as undivided interest in said Parcels, it being the intention hereof that the use of Parcel Two shall be accessory to Parcel One
3. The use of Parcel Two shall be limited to the berthing of a vessel(s) as an accessory use to the principal structure and principal use on Parcel One in the same manner as an accessory dock or slip located in an RS-8 zoning district and as if Parcels One and Two were contiguous each to the other
4. It is expressly understood and agreed that the terms, covenants, and conditions of this Declaration shall be and constitute covenants running with the land and said Parcels, binding upon subsequent purchasers, heirs, successors and assigns of Parcel One and Parcel Two, and the same shall constitute an obligation upon said property, regardless of transfer of title or ownership.
5. It is the intention of the OWNER that this Declaration shall be recorded in the Public Records of Broward County, Florida.



- 6. This instrument shall not be modified, amended or released without first obtaining the written consent of the City Commission of the City of Fort Lauderdale as to any portion of the property, and, then, only by a written instrument executed by the owner of the fee simple title to such Parcels.
- 7. This instrument shall become effective upon its recordation in the Public Records of Broward County, Florida.

IN WITNESS WHEREOF, the OWNER has hereunto set his hand and seal the day and year first above written

WITNESSES

OWNER: PHILIP G MAVON JR.

*Catrina Letto-Lynch*  
 Signature  
Catrina Letto-Lynch  
 Print/Type Name

By *Philip G. Mavon Jr.*  
 Signature

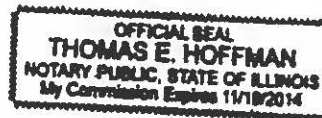
*Robert C Smith*  
 Signature  
ROBERT C SMITH  
 Print/Type Name

STATE OF ILLINOIS

COUNTY OF COOK

The foregoing instrument was acknowledged before this 14<sup>th</sup> day of May, 2013, by Philip G Mavon, Jr, who is personally know to me or who has produced \_\_\_\_\_ as identification and who did (do not) take an oath.

Thomas E. Hoffman  
 Notary Public - STATE OF ILLINOIS  
 My Commission Expires 11/19/14



\*\*\*\* FILED: BROWARD COUNTY,

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

PHILIP G. MAVON, JR.,

Plaintiff,

v.

CASE NO.: CACE-12-003298(03)

JUDGE: MILY RODRIGUEZ POWELL

CITY OF FORT LAUDERDALE, a municipal  
corporation of the State of Florida,

Defendant.

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ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT

THIS CAUSE came before the court on "Plaintiff, Philip G. Mavon, Jr.'s Motion for Summary Judgment," filed on December 7, 2012, and "Defendant's Response in Opposition to Plaintiff's Motion for Summary Judgment, and Defendant's Cross-Motion for Final Summary Judgment, Concise Statement of Undisputed Material Facts, and Incorporated Memorandum of Law," filed on February 4, 2013, pursuant to Fla R Civ P. 1.510(b). A hearing on the motions was held on February 11, 2013, and this Court, after having considered the motions, arguments of counsel, the court file, applicable law, and being otherwise fully advised in the premises, finds that

The function of a motion for summary judgment is to determine whether the parties have offered sufficient proof to support their claims and/or defenses. Bifulco v. State Farm Mut. Auto. Ins. Co., 693 So. 2d 707 (Fla 4th DCA 1997). To obtain a final summary judgment, the moving party must conclusively demonstrate that no genuine issue of material fact exists, and that the moving party is entitled to judgment as a matter of law Fla R Civ P 1 510(c); Holl v. Talcott, 191 So. 2d 40 (Fla 1966) Both parties claim that there are no genuine issues of matter fact Mavon claims that he is entitled to a judgment of equitable estoppel as a matter of law against the City for its refusal to grant a final inspection and approval of a boat basin built by Mavon pursuant to a permit issued by the City. In opposition, the City claims that equitable estoppel does not apply

Exhibit ^2 ^

Mavon's property is in two sections, one is a single family residence and one a 25 x 25 foot section used to dock a boat. In 1969, when Mavon's father owned the property, he built a wooden dock on the smaller section, pursuant to a permit issued to him by the City. In 2010, Mavon applied for a permit from the City to remove the existing seawall, excavate and construct a boat basin on the property. Mavon's application was approved by the City and a permit was issued to him on August 3, 2010. Mavon's project to build a basin was also approved by Broward County and the Army Corps of Engineers.

Construction began on the boat basin and on September 3, 2010, Mavon received a letter from the City claiming that, "per City Code 47-19 3B, a boat slip may not be constructed unless a principal structure exists on the lot on which the boat slip is constructed.. " Mavon immediately ceased construction; however, in order to prevent the "severely flooding of our already severely flooded street," Mayor Seiler lifted the hold on the construction project in order for Mavon to secure the seawall. In October, 2010, Mavon applied to the City's Marine Advisory Board for a waiver of the City's principal structure requirement and the board voted unanimously to recommend approval of the application.

A public hearing on the question of the waiver was scheduled for December 7, 2010, but was removed from the December 7th agenda and has not been reset. Mavon has made repeated requests to the City to make a final inspection and final approval of the boat basin, but the City has failed to do so. Mavon has incurred substantial costs and made substantial expenditures in excess of \$71,000.00, and has not enjoyed the use of the boat basin since its completion.

The City refuses to make the final inspection that Mavon seeks because it made a "mistake" in issuing the permit because there is no "principal structure" on the property and therefore, it is violation of § 47-19 3 of the City of Fort Lauderdale's Uniform Land Development Code, which provides, in pertinent part:

- (c) No boat slips, docks, boat davits, hoists, and similar mooring structures not including mooring or dolphin piles or a seawall, may be constructed by any owner of any lot unless a principal building exists on such lot and such lot abuts a waterway. Mooring structures, not including

mooring or dolphin piles, shall not extend into the waterway more than twenty-five (25) percent of the width of the waterway or twenty-five (25) feet whichever is less as measured from the property line.

(d) Mooring or dolphin piles, shall not be permitted to extend more than thirty (30) percent of the width of the waterway, or twenty-five (25) feet beyond the property line, whichever is less

(e) The City Commission may waive the limitations of (c) and (d) under extraordinary circumstances, provided permits from all governmental agencies, as required, are obtained after approval of the City Commission, after a public hearing .

ULDR Code § 47-19 3(emphasis added)

It is apparent that the principal building violation of § 47-19.3 could be waived by the City. Mavon has shown at least 13 examples where this section of the ULDR has been waived by the City to accommodate Fort Lauderdale residents.

Mavon asks this Court to apply the doctrine of equitable estoppel against the City. The doctrine of equitable estoppel may be invoked against a governmental entity just as if it were an individual. Castro v Miami-Dade Cnty Code Enforcement, 967 So 2d 230 (Fla 3d DCA 2007). Equitable estoppel is appropriate where the plaintiff clearly and convincingly proves the following elements

- (1) a property owner's good faith reliance
- (2) on some act or omission of the government and
- (3) a substantial change in position, or the incurring of excessive obligations and expenses, so that it would be highly inequitable and unjust to destroy the right the property owner has acquired

City of Jacksonville v Coffield, 18 So 3d 589 (Fla 1st DCA 2009)


The doctrine of equitable estoppel can only be invoked against a governmental entity under exceptional circumstances. Castro. The court in Castro found that it was grossly unfair to allow the county to enforce an ordinance against a homeowner when the violation was caused by an addition that was made to the home over 25 years prior and by the previous owner who had been issued a permit to construct the addition. Id. It is apparent, that like Castro, Mavon's circumstances are exceptional and that it would be grossly unfair to allow the very City that issued a permit to construct a dock on his property to prevent him from obtaining any benefit from it and applying estoppel will not

unduly harm the public interest Associated Ins Co., Inc. v. Dep't of Labor & Employment Sec., 923 So 2d 1252 (Fla 1st DCA 2006).

Accordingly, for the above-stated reasons and after due consideration, it is hereby:

**ORDERED AND ADJUDGED** that Mavon's motion for summary judgment is **GRANTED** and conversely, the City's motion for summary judgment is **DENIED**.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Florida, this 24<sup>th</sup> day of April, 2013.

  
\_\_\_\_\_  
**MILY RODRIGUEZ POWELL**  
**CIRCUIT COURT JUDGE**

cc James C Brady, Esq, Attorney for Mavon, ARNSTEIN & LEHR LLP, 200 East Las Olas Blvd, Fort Lauderdale, FL 33301

Alain E Boileau, Esq, Attorney for the City of Fort Lauderdale, 101 Northeast Third Avenue, Ste 1500, Fort Lauderdale, FL 33301

**EXHIBIT "3"**



**FINAL ORDER OF THE BOARD OF ADJUSTMENT REGARDING CASE B19003**

This matter was presented to this Board on March 13, 2019, concerning the application of the applicant Scott S. Liberman by and through its agent Andrew J. Schein, Esq./Lochrie and Chakas, P.A., regarding real property legally described as: RIVIERA 6-17 B LOT 1, LOT 2 E1/2, LOT 4 S 25 OF W 25, BLK 4.

Whereas the Applicant appealed decision of the department in the interpretation and application of following provisions of the Unified Land Development Regulations ("ULDR"):

**Section 47-19.3. - Boat slips, docks, boat davits, hoists and similar mooring structures.**

Appealing the application of Sec. 47-19.3. - Boat slips docks, boat davits, hoists and similar mooring structures of the Unified Land Development Regulations to property located at 831 Solar Isle Drive, Fort Lauderdale, Fl. 33301 pursuant to Sec 47-24.12(B).

And the Board having heard and reviewed the evidence in this matter has determined that the department's application of the ULDR is clearly erroneous, it is ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF FORT LAUDERDALE THAT THE SAID APPLICATION BE

**APPROVED by a vote of five (5) in favor and two (2) opposed**  
The appeal, reversing staff's determination with respect to whether a principle structure exists on the lot, consistent with the requirements of the ULDR Passed 5-2 with Mr. Nelson and Mr. Maxey opposed.

Dated this 20th day of March, 2019.

**Douglas Reynolds**  
Chair of the Board of Adjustment

Pursuant to ULDR Sec. 47-24.12.A.8, This order shall be recorded in the public record of Broward County, Florida at the cost and expense of the applicant.

Unless a shorter time period is specified above, a building permit to implement the improvements authorized by this Order must be secured within 180 days of the date of entry of this Order.

Temporary nonconforming use permits shall expire within the time specified in the final order, which such time may not exceed one (1) year from the date of entry of the final order.

Pursuant to ULDR Sec. 47-24.12.A.11, where an application for a variance or special exception or both has been denied by the Board of Adjustment, no new application for the same or a substantially similar variance or special exception or both may be made within a period of two (2) years from the date of such denial.

In order to appeal the Board's decision, a Petition for a Writ of Certiorari must be filed (with the Circuit Court) within 30 days of rendition of this Final Order of the Board of Adjustment. Fla. Rules App. Procedure, Rule 9.100 (c).

*Exhibit "3"*

*pg. 27*

**COMPOSITE EXHIBIT "4"**

## BROWARD COUNTY UNIFORM BUILDING PERMIT APPLICATION

Select One Trade:  Building  Electrical  Plumbing  Mechanical  Other \_\_\_\_\_

Application Number: **BLD-BDSP-22010010** Application Date: **1/12/2022**

1	Job Address: 831 Solar Isle	Unit:	City: Fort Lauderdale
	Tax Folio No.: 504212080850	Flood Zn:	BFE:
	Building Use: SF Residential	Construction Type:	Job Value: \$34,505
	Present Use: SF Residential	Proposed Used: no change	Occupancy Group:
	Description of Work: demo & rebuild dock; remove and re-install boatlift on 4 new piles		
	<input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Repair <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Revision <input checked="" type="checkbox"/> Other: MARINE		
	Legal Description: RIVIERA 6-17B LOT 1, LOT 2 E 1/2, LOT 4 S 25 OF W 25, BLK 4 <input type="checkbox"/> Attachment		
2	Property Owner: Philip Mavon	Phone: 630-915-1907	Email: phil.mavon@mavon.com
	Owner's Address: 831 Solar Isle Dr	City: Fort Lauderdale	State: FL Zip: 33301
3	Contracting Co.: Dorado Drywall & Stucco LLC	Phone: 954-675-4867	Email: jamespegg1@gmail.com
	Company Address: 1728 SW 4th St	City: Fort Lauderdale	State: FL Zip: 33312
	Qualifier's Name: James Pegg	Owner-Builder: <input type="checkbox"/>	License Number: CGC1529849
4	Architect/Engineer's Name: James Bushouse Inc	Phone: 561-908-2473	Email: steven@jamesbushouseinc.com
	Architect/Engineer's Address: 3140 Wedgewood Blvd	City: Delray Beach	State: FL Zip: 33445
	Bonding Company: n/a		
	Bonding Company Address: n/a	City:	State: Zip:
	Fee Simple Titleholder's name (if other than owner): n/a		
	Fee Simple Titleholder's Address (if other than owner): n/a	City:	State: Zip:
	Mortgage Lender's Name: n/a		
	Mortgage Lender's Address: n/a	City:	State: Zip:

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

**OWNER'S AFFIDAVIT:** I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

**WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.**

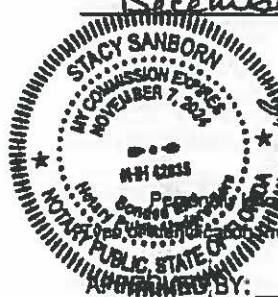
x Victoria Lane, owner's agent x James Pegg  
Signature of Property Owner/Agent Signature of Qualifier

STATE OF FLORIDA  
COUNTY OF BROWARD

STATE OF FLORIDA  
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this 13 day of December, 2021 by \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this 13 day of December, 2021 by \_\_\_\_\_



Victoria Lane, Agent  
(Type / Print Property Owner or Agent's Name)

Stacy Sanborn  
NOTARY'S SIGNATURE as to Owner or Agent's Signature

Stacy Sanborn  
Notary Name (Print, Type or Stamp Notary's Name)

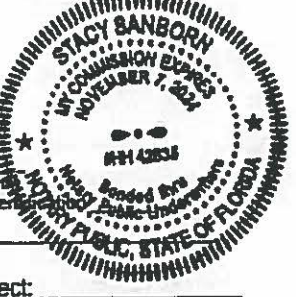
Personally Known  Produced Identification n/a

James Pegg  
(Type / Print Qualifier's Name)

Stacy Sanborn  
NOTARY'S SIGNATURE as to Qualifier's Signature

Stacy Sanborn  
Notary Name (Print, Type or Stamp Notary's Name)

Personally Known  Produced Identification n/a



FORWARDED BY: \_\_\_\_\_ Permit Officer Issue Date: \_\_\_\_\_ Code in Effect: \_\_\_\_\_

A jurisdiction may use a supplemental page requesting additional information and citing other conditions, please inquire.  
 Note: If any development work as described in FS 380.04 Sec. 2 a-g is to be performed, a development permit must be obtained prior to the issuance of a building permit.

composite Exhibit "4"

Pg 28



**COMPOSITE EXHIBIT "5"**

## BROWARD COUNTY UNIFORM BUILDING PERMIT APPLICATION

Select One Trade:  Building  Electrical  Plumbing  Mechanical  Other \_\_\_\_\_

Application Number: BLD-BDSP-22010010 Application Date: 1/12/2022

Job Address: <u>831 Solar Isle</u>		Unit:	City: <u>Fort Lauderdale</u>	
Tex Folio No.: <u>504212080850</u>	Flood Zn:	BFE:	Floor Area:	Job Value: <u>\$34,505</u>
Building Use: <u>SF Residential</u>		Construction Type:		Occupancy Group:
Present Use: <u>SF Residential</u>		Proposed Used: <u>no change</u>		
Description of Work: <u>demo &amp; rebuild dock; remove and re-install boatlift on 4 new piles</u>				
<input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Repair <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Revision <input checked="" type="checkbox"/> Other: <u>MARINE</u>				
Legal Description: <u>RIVIERA 6-17B LOT 1, LOT 2 E 1/2, LOT 4 S 25 OF W 25, BLK 4</u>				<input type="checkbox"/> Attachment
Property Owner: <u>Philip Mavon</u>		Phone: <u>830-915-1907</u>	Email: <u>phil.mavon@mavon.com</u>	
Owner's Address: <u>831 Solar Isle Dr</u>		City: <u>Fort Lauderdale</u>	State: <u>FL</u>	Zip: <u>33301</u>
Contracting Co.: <u>Dorado Drywall &amp; Stucco LLC</u>		Phone: <u>954-875-4887</u>	Email: <u>jamespegg1@gmail.com</u>	
Company Address: <u>1728 SW 4th St</u>		City: <u>Fort Lauderdale</u>	State: <u>FL</u>	Zip: <u>33312</u>
Qualifier's Name: <u>James Pegg</u>		Owner-Builder: <input type="checkbox"/>	License Number: <u>CGC1529849</u>	
Architect/Engineer's Name: <u>James Bushouse Inc</u>		Phone: <u>561-908-2473</u>	Email: <u>steven@jamesbushouseinc.com</u>	
Architect/Engineer's Address: <u>3140 Wedgewood Blvd</u>		City: <u>Dalray Beach</u>	State: <u>FL</u>	Zip: <u>33445</u>
Bonding Company: <u>n/a</u>				
Bonding Company Address: <u>n/a</u>				
Fee Simple Titleholder's name (if other than owner): <u>n/a</u>				
Fee Simple Titleholder's Address (if other than owner): <u>n/a</u>				
Mortgage Lender's Name: <u>n/a</u>				
Mortgage Lender's Address: <u>n/a</u>				

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

**OWNER'S AFFIDAVIT:** I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

**WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.**

x Victoria Lane, owner's agent x [Signature]  
Signature of Property Owner/Agent Signature of Qualifier

STATE OF FLORIDA  
COUNTY OF BROWARD

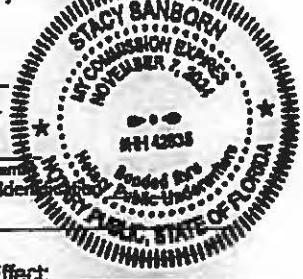
STATE OF FLORIDA  
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this 13 day of December, 2021 by

Sworn to (or affirmed) and subscribed before me this 13 day of December, 2021 by

Victoria Lane Agent  
(Type / Print Property Owner or Agent's Name)

James Pegg  
(Type / Print Qualifier's Name)



Stacy Sanborn  
NOTARY'S SIGNATURE as to Owner or Agent's Signature  
Notary Name Stacy Sanborn  
(Print, Type or Stamp Notary's Name)

Stacy Sanborn  
NOTARY'S SIGNATURE as to Qualifier's Signature  
Notary Name Stacy Sanborn  
(Print, Type or Stamp Notary's Name)

Personally Known  or Produced Identification n/a

Personally Known  or Produced Identification n/a

APPROVED BY: \_\_\_\_\_ Permit Officer Issue Date: \_\_\_\_\_ Code In Effect: \_\_\_\_\_

A jurisdiction may use a supplemental page requesting additional information and citing other conditions, please inquire.  
 Note: If any development work as described in FS 380.04 Sec. 2 a-g is to be performed, a development permit must be obtained prior to the issuance of a building permit.

composite Exhibit "5"

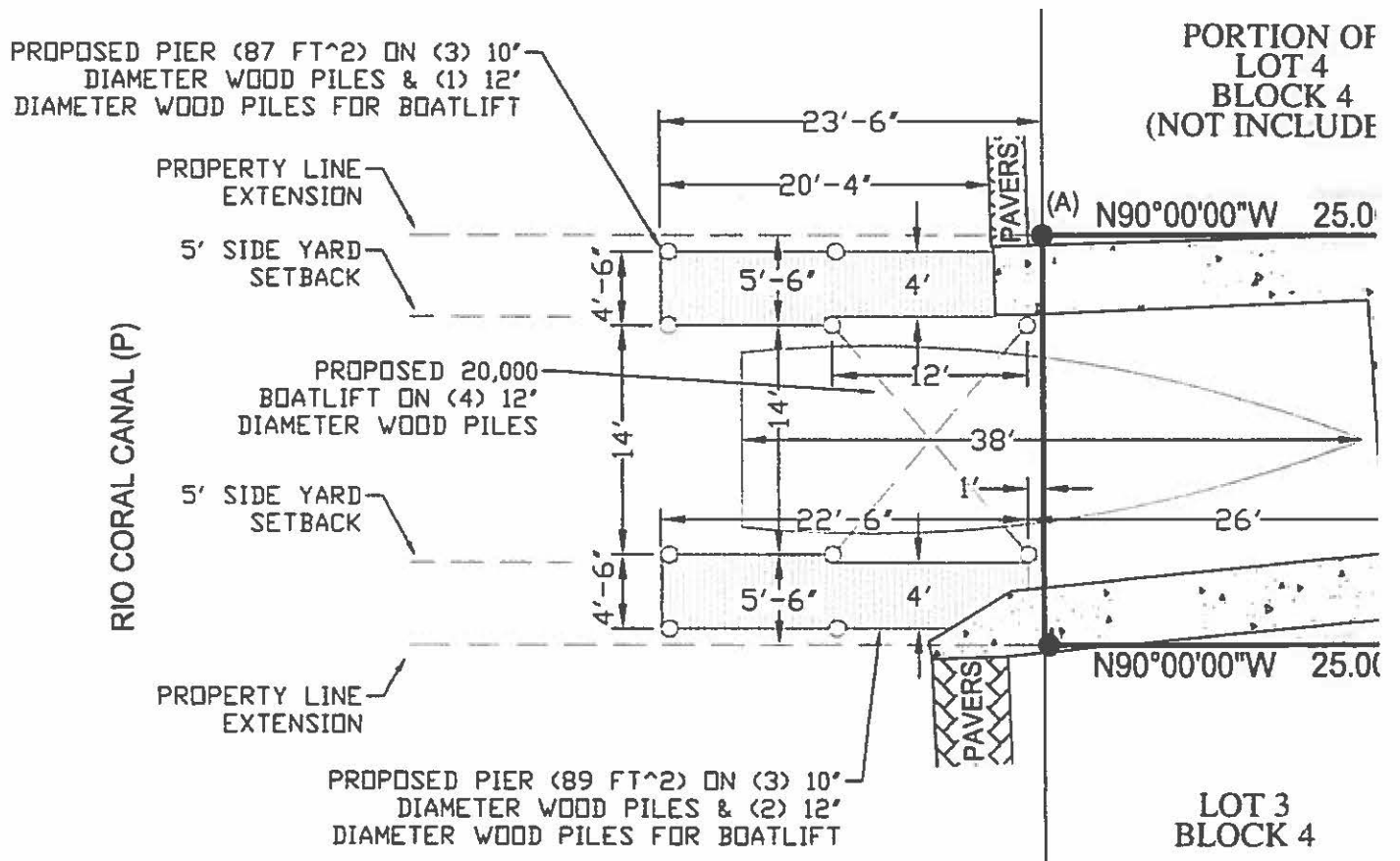
pg 30

**Walter Morgan**

**From:** Burt Ford <BFord@fortlauderdale.gov>  
**Sent:** Wednesday, February 15, 2023 12:39 PM  
**To:** Robert Dunckel; Mohammed Malik; Michael Rinkus  
**Cc:** Christopher Cooper; Anthony Fajardo; Walter Morgan; D'Wayne Spence; David Dunshee; James Hollingsworth  
**Subject:** RE: MAVON

Yes, BLD-BDSP-22010010, an application to install dock finger piers and a boatlift partially inside and partially outside the slip, see below:

- RS-8 ZONING DISTRICT
- ANY DOCKED VESSEL SHALL NOT ENCROACH INTO THE REQUIRED 5 FOOT SIDE YARD SETBACK



We've failed it again for the same reason as before, no principal structure on the small lot above, ignoring the unity of title.

Guidance is requested.

Regards,

Burt Ford -- Zoning Chief Plans Examiner, PX3497, BN6266, CGC, CFM

pg 31



Environmental Protection and Growth Management Department  
Environmental Engineering and Permitting Division  
1 North University Drive, Mailbox 201, Plantation, FL 33324  
Phone: 954-519-1483 Fax: 954-519-1412

**BROWARD COUNTY  
ENVIRONMENTAL ENGINEERING AND PERMITTING DIVISION  
ENVIRONMENTAL RESOURCE GENERAL LICENSE**

**GL-FTL2111-027**

**Broward County Code of Ordinance(s): 27-336(a)(1)a., 27-336(a)(1)f.**

**Applicant: Philip Mavon**

**831 SOLAR ISLE DR, Fort Lauderdale**

**Description: Removing existing wood dock and boatlift. Construct new dock (192' 9" square feet over water) and install 20,000 lb boatlift.**

**Issue Date: 11/10/2021**

**Expiration Date: 11/10/2023**

The above project has been reviewed and was verified to meet the criteria outlined in Chapter 27-336(a) of the Broward County Natural Resource Protection Code for the issuance of this Environmental Resource General License (GL). This approval is specific for the plans and description described on this verification. Any changes to project footprint, design or size must be reviewed by the Department and may require additional licensing.

Construction shall be in accordance with the submitted Application, the approved plans and the attached General Conditions. This approval does not authorize impacts to natural resources (mangroves, sea grasses, etc). Failure to comply with the license conditions may result in suspension or revocation of the license and/or enforcement actions.

Issuance of this license does not relieve the licensee from obtaining any other required federal, state or local permits or authorizations required for this project prior to commencement.

Per Section 27-58(b)(9), "The licensee, by acceptance of this license, specifically agrees to allow access and shall allow access to the licensed source, activity, or facility at times to the COUNTY personnel for the purposes of inspection and testing to determine compliance with this license and this chapter."

**Aquatic and Wetland Resources Reviewer: Sabrina Ladd**

**Telephone:**

**email: sladd@broward.org**

*composite Exhibit "5"*

*pg 32*

1. The terms, conditions, requirements, limitations and restrictions set forth herein are accepted by the licensee and enforceable by the Environmental Protection and Growth Management Department (EPGMD) pursuant to Chapter 27 of the Broward County Code of Ordinances. EPGMD will review this license periodically and may revoke the license, initiate administrative and/or judicial action for any violation of the conditions by the licensee, its agents, employees, servants or representatives or principals.
2. This license is valid only for the specific uses set forth in the license application, and any deviation from the approved uses may constitute grounds for revocation and enforcement action by EPGMD.
3. The licensee agrees to comply with Chapter 27 of the Broward County Code of Ordinances, as amended.
4. Enforcement of the terms and provisions of this license shall be at the reasonable discretion of EPGMD, and any forbearance on behalf of EPGMD to exercise its rights hereunder in the event of any breach by the licensee shall not be deemed or construed to be a waiver of EPGMD's rights hereunder.
5. In addition to the general conditions set forth above, each license issued by EPGMD shall contain specific conditions determined by site conditions and requirements pursuant to the regulations as determined by the director of EPGMD. The licensee agrees that specific conditions are enforceable by EPGMD for any violation thereof.
6. If the licensee wishes to renew a license or extend its term, the licensee shall make application sixty (60) days prior to its expiration. Expired licenses are not renewable.
7. This license does not constitute a waiver or approval of any other license that may be required for other aspects of the total project.
8. The licensee, by acceptance of this license, specifically agrees to allow access to the licensed source at reasonable times by EPGMD personnel for the purposes of inspection and testing to determine compliance with this license and Chapter 27 of the Broward County Code of Ordinances.
9. This license must be available for inspection on the licensee's premises during the entire life of the license.
10. The issuance of this license does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights, or any violations of federal, state or local laws or regulations.
11. In the event the licensee is temporarily unable to comply with any of the conditions of the license, the licensee shall notify EPGMD within twelve (12) hours. Within five (5) working days of the event, the licensee shall submit a written report to EPGMD that describes the incident, its cause, the measures being taken to correct the problem and prevent its reoccurrence, the owner's intention toward repair, replacement, and reconstruction of destroyed facilities, and a schedule of action leading toward operation within the license conditions.
12. Any new owner of a licensed facility shall apply by letter for a transfer of license within thirty (30) days after sale or legal transfer. The transferor shall remain liable for performance in accordance with the license until the transferee applies for, and is granted the transfer of license. The transferee shall also be liable for performance in accordance with the license.
13. By accepting this license, the licensee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source, that are submitted to EPGMD, may be used by EPGMD as evidence in any enforcement proceeding arising under Chapter 27 of the Broward County Code of Ordinances, except where such use is prohibited by Section 403.111, F.S.

**Standard Specific Conditions**  
(Required for all licenses)

GL-FTL2111-027

1. Notify the Department in writing a minimum of forty-eight (48) hours prior to project commencement and a maximum of forty-eight (48) hours after project completion.
2. Any project caused environmental problem(s) shall be reported immediately to the Department's Environmental Response Line at 954-519-1499.
3. All project generated solid waste and/or spoil material must be disposed of in a suitable approved manner in accordance with current regulations at an upland location (not including surface waters and wetlands).
4. Turbidity screens or equivalent shall be properly deployed and maintained as necessary during construction activities so that turbidity levels do not exceed twenty-nine (29) Nephelometric Turbidity Units (NTU's) above natural background fifty (50) feet downstream of project.
5. Only clean fill and clean demolition materials shall be placed in the water bodies being filled. Clean demolition materials include things such as brick, stone, ceramic and concrete rubble which are uncontaminated by other materials. Any fill material used shall be free of garbage, rubbish, refuse, asphalt, hazardous materials, organic matter such (as) wood, lumber, tree or tree trimmings, or other contaminants. The disposal of any putrescible or deleterious debris in any water body is prohibited.
6. This license does not eliminate the necessity to obtain any required federal, state, local or special district permit/license/approval prior to the start of any activity authorized by this license.

**Project Specific Conditions**

GL-FTL2111-027

1. All watercraft associated with the construction and use of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring or prop dredging. Specifically, there shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the top of any submerged resources or canal bottom at mean low water.
2. Construction shall be in accordance with the attached plans and drawings. Any deviation may require a new license and may cause enforcement actions to be initiated.
3. Turbidity levels shall be monitored and recorded if a visible turbidity plume is observed leaving the site during construction activities. If monitoring reveals that turbidity levels exceed 29 NTU's above natural background 50 feet downstream of the point of discharge, project activities shall immediately cease, and work shall not resume until turbidity levels drop to within these limits (62-302.530(69) Florida Administrative Code [FAC]).
4. Turbidity screens, silt fences, or equivalent shall be properly employed and maintained as necessary to effectively contain suspended sediments and/or runoff during construction activities. Dredging, filling, excavation, seawall removal, seawall construction, and other projects which result in similar degrees of disturbance to wet sediments shall in all cases employ turbidity control measures designed to effectively enclose the entire work area. Connected turbidity curtain segments shall be overlapped and tied at the top and bottom so as to prevent turbidity from escaping through gaps between segments.

Current Conditions: (approx. 230 sq.ft.)

Legend: Concrete Dock over land - Wood over water (± 142)  
 Concrete Over water (± 30 sq.ft.)

**LEGAL DESCRIPTION**

THE SOUTH 25 FEET OF WEST 25 FEET OF LOT 4, ALL IN BLOCK 4, RIVIERA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FL.

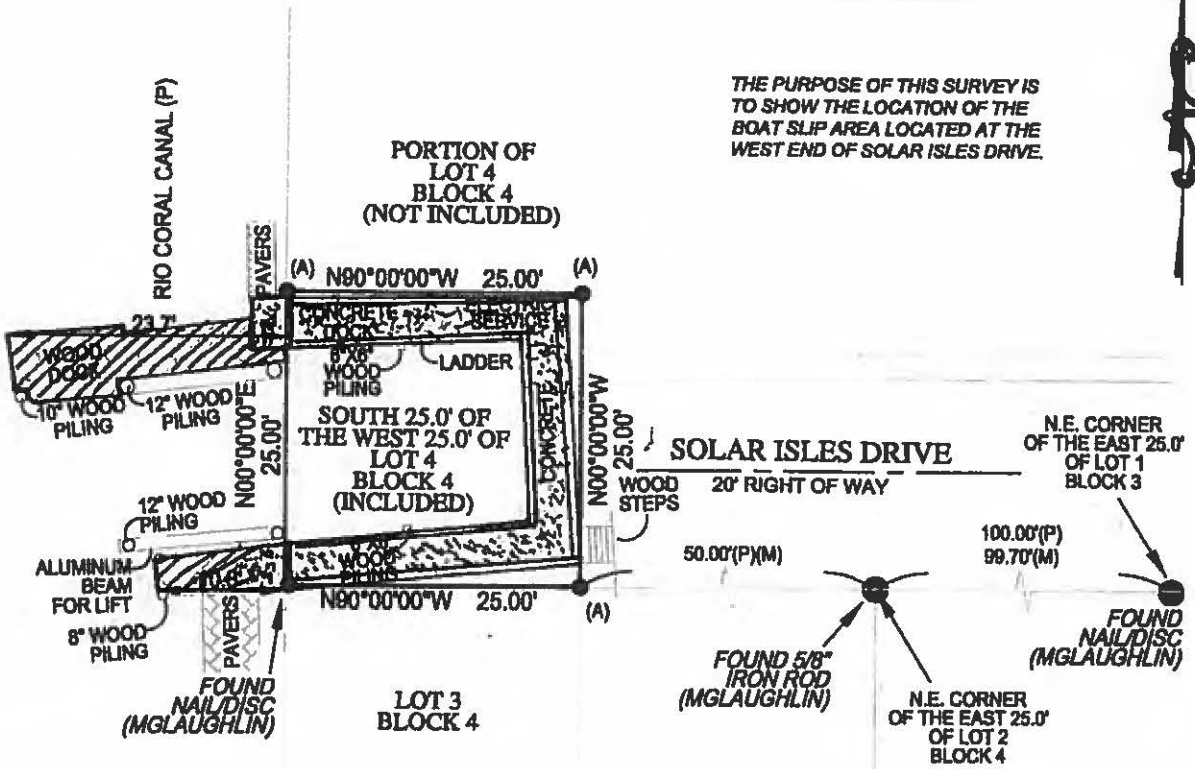
Community Number: 125105  
 Parcel: 12011C0576  
 Suffix: H  
 F.I.R.M. Date: 8-8-2014  
 Flood Zone: AE  
 Field Work: 4-9-2021



LOCATION MAP NOT TO SCALE

THE PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION OF THE BOAT SLIP AREA LOCATED AT THE WEST END OF SOLAR ISLES DRIVE.

SCALE: 1"=10'



**LEGEND**

- AC AIR CONDITIONER
- B.C.P. BACKFLOW PREVENTER
- B.L.R. CONCRETE BLOCK STRUCTURE
- E.E. ELEVATION
- F.F. FINISHED FLOOR
- I.D. IDENTIFICATION
- L. LICENSED BUSINESS
- L. LENGTH
- N.T.S. NOT TO SCALE
- NAD NAIL & DISC
- N.A.V.D. NORTH AMERICAN VERTICAL DATUM
- N.G.V.D. NATIONAL GEODETIC VERTICAL DATUM
- O.R.B. OFFICIAL RECORDS BOOK
- P. PLAT
- PSM PROFESSIONAL SURVEYOR AND MAPPER
- P.R.M. PERMANENT REFERENCE MONUMENT
- P. PAGE
- P.B. PLAT BOOK
- P.K.N. PARKER KYLON NAIL
- RADIUS
- TANGENT
- T.B.M. TEMPORARY BENCH MARK
- CENTERLINE
- AND
- NUMBER
- DELTA OR CENTRAL ANGLE
- CONCRETE

SPECIFIC PURPOSE SURVEY OF  
 831 SOLAR ISLE DRIVE  
 FORT LAUDERDALE, FL. 33301  
 PREPARED FOR  
 STACY SANBORN

0-47418  
 10-13-2015  
 1-1

6250 N. MILITARY TRAIL  
 SUITE 102  
 WEST PALM BEACH, FL 33407  
 www.compassurveying.com

**COMPASS SURVEYING**

PHONE: 561.640.4800 FAX: 561.640.0576  
 I.B. 7463

- NOTES:**
- LEGAL DESCRIPTION PROVIDED BY CLIENT
  - NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
  - NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
  - ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

**SURVEYORS CERTIFICATE:**  
 I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED)  
 KENNETH J. OSBORNE  
 PROFESSIONAL SURVEYOR AND MAPPER #0416

TOTAL DOCK = 402 sq.ft  
 TOTAL OVER WATER = 172 sq.ft

0935

# Proposed Conditions: Dock rebuild and boat lift reinstallation

## LEGAL DESCRIPTION

THE SOUTH 25 FEET OF WEST 25 FEET OF LOT 4, ALL IN BLOCK 4, RIVIERA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FL.

Community Number: 128105  
Panel: 12011C0576  
Suffix: H  
F.I.R.M. Date: 8-8-2014  
Flood Zone: AE  
Field Work: 4-9-2021

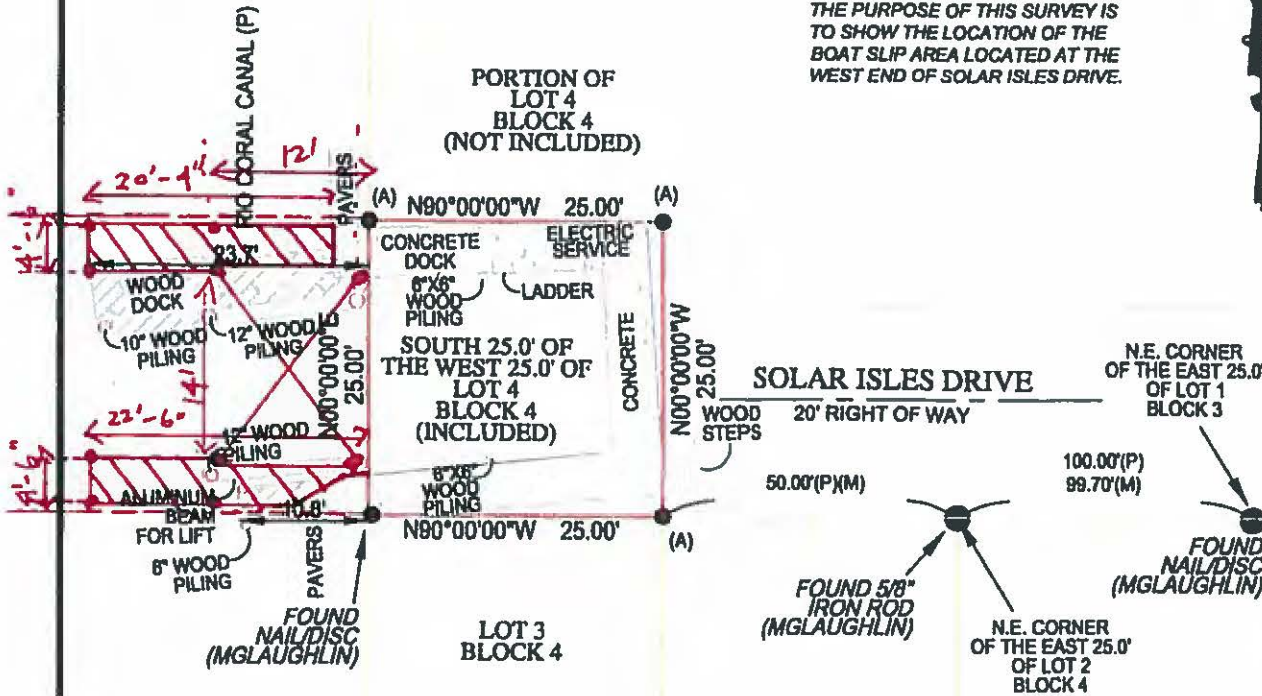


LOCATION MAP  
NOT TO SCALE

THE PURPOSE OF THIS SURVEY IS TO SHOW THE LOCATION OF THE BOAT SLIP AREA LOCATED AT THE WEST END OF SOLAR ISLES DRIVE.



SCALE: 1"=10'



## LEGEND

AC	AIR CONDITIONER
AP	APPROXIMATE
BP	BACKFLOW PREVENTER
CB	CONCRETE BLOCK STRUCTURE
EL	ELEVATION
FF	FINISHED FLOOR
ID	IDENTIFICATION
LEN	LENGTH
LB	LICENSED BUSINESS
MEAS	MEASURED
N.T.S.	NOT TO SCALE
N&D	NAIL & DISC
N.A.V.D.	NORTH AMERICAN VERTICAL DATUM
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
O.R.B.	OFFICIAL RECORDS BOOK
PLAT	PLAT
PSM	PROFESSIONAL SURVEYOR AND MAPPER
P.R.M.	PERMANENT REFERENCE MONUMENT
PAGE	PAGE
PK	PARKER KYLON NAIL
RAD	RADAR
T.M.	TEMPORARY BENCH MARK
AND	AND
NUMBER	NUMBER
DELTA	DELTA OR CENTRAL ANGLE
CONCRETE	CONCRETE

SPECIFIC PURPOSE SURVEY OF  
831 SOLAR ISLE DRIVE  
FORT LAUDERDALE, FL, 33301  
PREPARED FOR  
STACY SANBORN

C 474108  
04-12-2021  
1 of 1

6250 N. MILITARY TRAIL  
SUITE 102  
WEST PALM BEACH, FL 33407  
www.compassurveying.com

**COMPASS SURVEYING**

LR. 7463 PHONE: 561.640.4800 FAX: 561.640.0576

## NOTES:

- LEGAL DESCRIPTION PROVIDE BY CLIENT
- NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
- NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

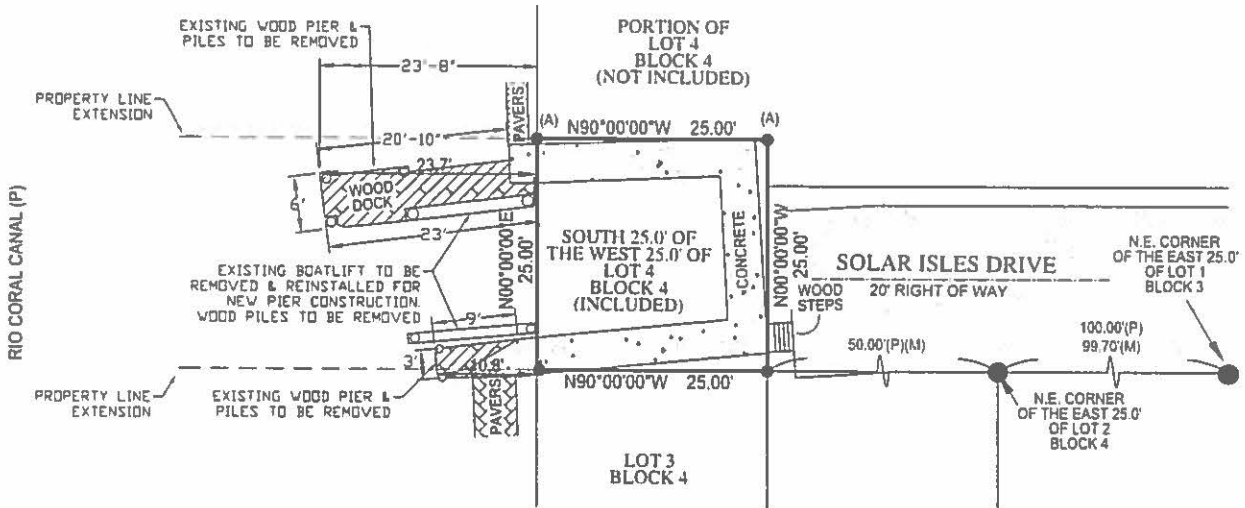
(A) SET 1/2" IRON ROD LB# 7463

SURVEYORS CERTIFICATE:  
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED)

KENNETH J. OSBORNE  
PROFESSIONAL SURVEYOR AND MAPPER #6416

Pg 36



Existing Site Plan  
 Scale 1" = 10'-0"

James O. Bushouse, State of Florida, Professional Engineer,  
 License No. 26311  
 This plan has been electronically signed & sealed by James O. Bushouse, P.E. on October 21, 2021 using a Digital Signature.  
 Printed copies of this document are not considered signed & sealed if the signature must be verified on any electronic copies.

- R5-B ZONING DISTRICT
- ANY DOCKED VESSEL SHALL NOT ENCR OACH INTO THE REQUIRED 5 FOOT SIDE YARD SETBACK

PROPOSED PIER (87 FT<sup>2</sup>) ON (3) 10" DIAMETER WOOD PILES & (1) 12" DIAMETER WOOD PILES FOR BOATLIFT

PROPERTY LINE EXTENSION

5' SIDE YARD SETBACK

PROPOSED 20,000 BOATLIFT ON (4) 12" DIAMETER WOOD PILES

5' SIDE YARD SETBACK

PROPERTY LINE EXTENSION

PROPOSED PIER (89 FT<sup>2</sup>) ON (3) 10" DIAMETER WOOD PILES & (2) 12" DIAMETER WOOD PILES FOR BOATLIFT

PORTION OF LOT 4 BLOCK 4 (NOT INCLUDED)

(A) N90°00'00"W 25.00' (A)

CONCRETE

WOOD STEPS

SOLAR ISLES DRIVE 20' RIGHT OF WAY

N.E. CORNER OF THE EAST 25.0' OF LOT 1 BLOCK 3

100.00'(P) 99.70'(M)

N.E. CORNER OF THE EAST 25.0' OF LOT 2 BLOCK 4

N90°00'00"W 25.00'

LOT 3 BLOCK 4

Proposed Site Plan  
Scale: 1" = 10'-0"



James B. Stephens, State of Florida, Professional Engineer  
License No. 2021  
This plan has been electronically signed & sealed by James B. Stephens, P.E. on October 23, 2021 using a Digital Signature  
Printed copies of this document are not considered signed & sealed & the signature must be written on any electronic copies.

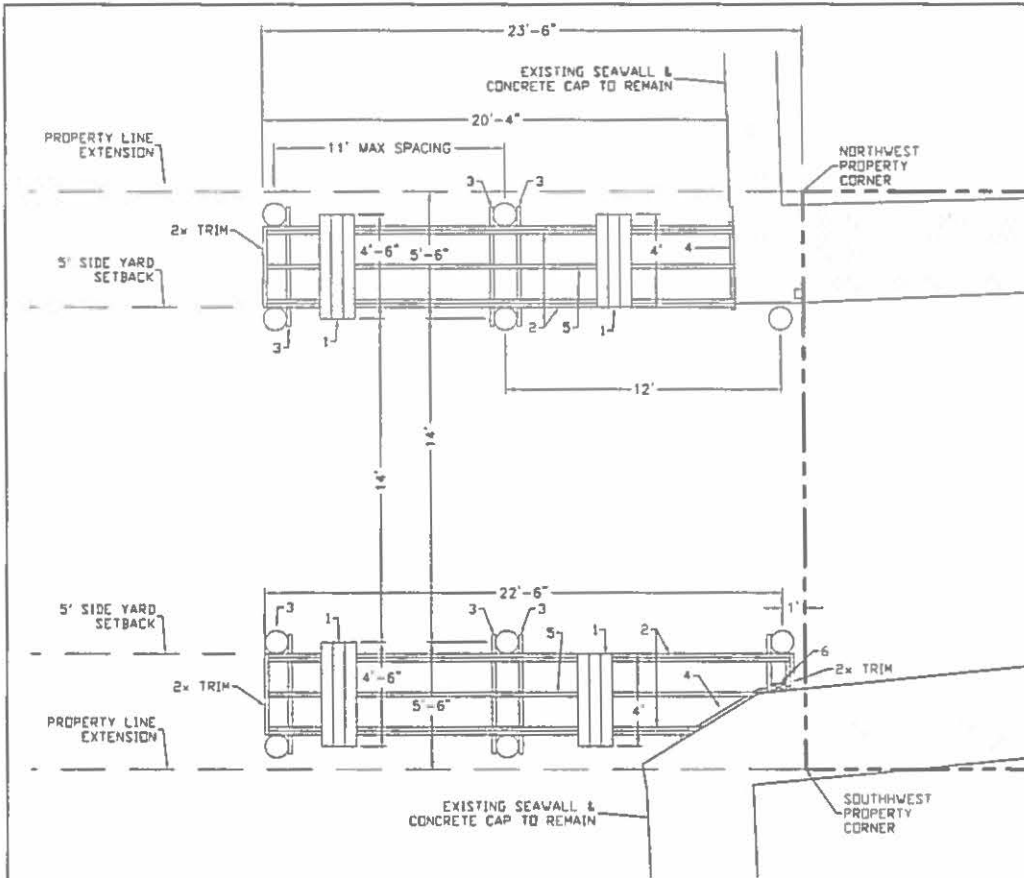
**James Bushouse, Inc.**  
CONSULTING ENGINEERS  
C.A. #27565  
1714 W. UNIVERSITY BLVD.  
SUITE 100  
FORT LAUDERDALE, FL 33301  
P.O. BOX 1237  
FORT LAUDERDALE, FL 33301  
(954) 941-2812

Wood Pier & Boatlift For  
MAYOR  
0.31 Solar Isle Drive  
Fort Lauderdale, FL 33301

DATE: 10/23/21  
SCALE: AS SHOWN  
SHEET NO. 02  
PROJECT NO. 21-10-108

DATE: 10/23/21  
SCALE: AS SHOWN  
SHEET NO. 02  
PROJECT NO. 21-10-108

pg 3.8



**DOCK NOTES**

1. 2"x8" decking w/ (2) #10x2-1/2" screws per stringer
2. (2) 2"x8" stringer @ piles w/ 5/8" thru bolt to pile. Bolt not required at beam for boatlift
3. 2"x8" substringers w/ (2) 5/8" thru bolts to piles. Use (1) 5/8"x8" lag bolt to drop hanger
4. 2"x8" substringers w/ 1/2" wedge anchors @ 2' O.C. to existing seawall cap, min. 4" embedment
5. 2"x8" stringer @ 24" O.C. max spacing. If composite decking is used provide stringer spacing @ 16" max
6. 4"x10" drop hanger, rip to fit, w/ (2) 1/2" wedge anchors to existing seawall cap, min. 4" embedment

**Pier Framing Plan**

Scale: 1/4" = 1'-0"

James S. Balthasar, State of Florida, Professional Engineer, License No. 20311

This Plan has been electronically signed & sealed by James S. Balthasar, P.E. on October 23, 2021 using a Digital Signature.

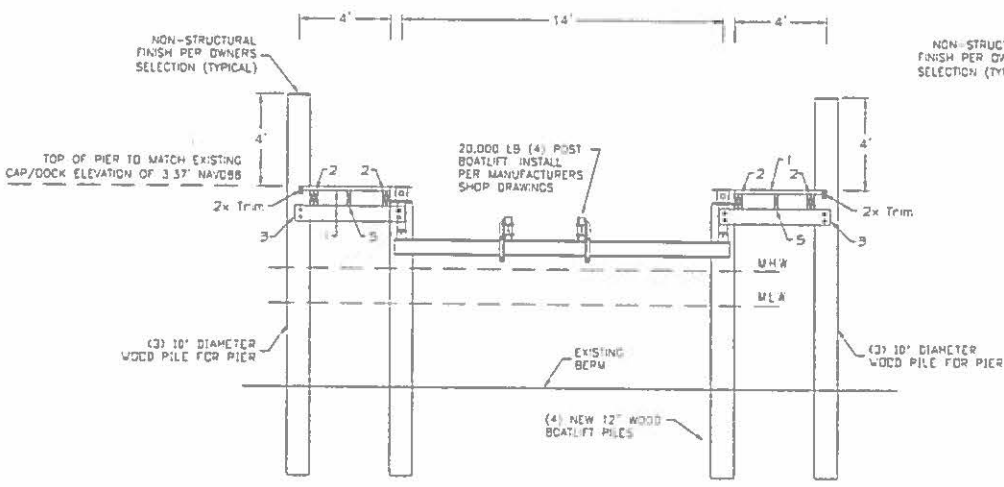
Printed copies of this document are not considered signed & sealed & the signature must be verified on any electronic copies.

**James Bushouse, Inc.**  
CONSULTING ENGINEERS  
C.A. #27565  
P.O. Box 1327  
11400 Westheimer Rd.  
Houston, TX 77042

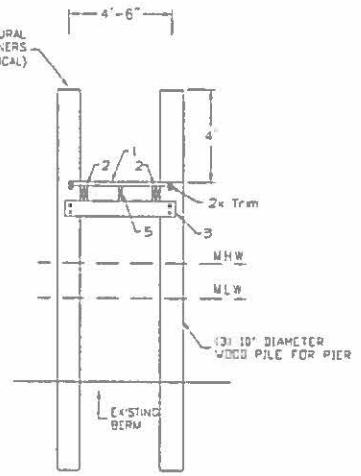
Wood Pier & Boatlift For  
MAYON  
831 Solor 164 Drive  
Fort Lauderdale, FL 33301

DATE: 10/23/21  
SCALE: 1/4" = 1'-0"  
PROJECT NO.: 21-10-102  
SHEET NO.: 3 of 4

PS 39



Pier / Lift Section  
Scale: 1/4" = 1'-0"



4'-6" Pier Section  
Scale: 1/4" = 1'-0"

**DOCK NOTES**

1. 2"x6" decking w/ (2) #10x2-1/2" screws per stringer
2. (2) 2"x8" stringer @ piles w/ 5/8" thru bolt to pile. Bolt not required at beam for boatlift
3. 2"x8" substringers w/ (2) 5/8" thru bolts to piles. Use (1) 5/8"x6" lag bolt to drop hanger
4. 2"x8" substringers w/ 1/2" wedge anchors @ 2' O.C. to existing seawall cap. min. 4" embedment
5. 2"x8" stringer @ 24" O.C. max spacing. If composite decking is used provide stringer spacing @ 16" max
6. 4"x10" drop hanger rip to fit, w/ (2) 1/2" wedge anchors to existing seawall cap. min. 4" embedment

James H. Bushouse, State of Florida, Professional Engineer,  
License No. 20371  
This form has been electronically signed & sealed by James H. Bushouse, P.E. on October 21, 2021 using a Digital Signature.  
Printed copies of this document are not considered signed & sealed & the signature must be verified on any electronic copies.

**James Bushouse, Inc.**  
CONSULTING ENGINEERS  
C.A. #27545  
1100 S.W. 13th St.  
Fort Lauderdale, FL 33301  
(954) 571-2247

Wood Pier & Boatlift For  
MAYON  
831 Solar 146 Drive  
Fort Lauderdale, FL 33301

USE THIS  
CHECK SHEET  
ONLY BY  
REGISTERED P.E.  
James H. Bushouse, P.E.  
License No. 20371  
State of Florida

DATE	08/27/21
SCALE	AS NOTED
TITLE	02/17/21
PROJECT NO.	00
PROJECT NAME	
DATE	01-10-2020
SHEET NO.	4 of 4

pg 40

**Specifications for the T2 Topless<sup>®</sup> X2**

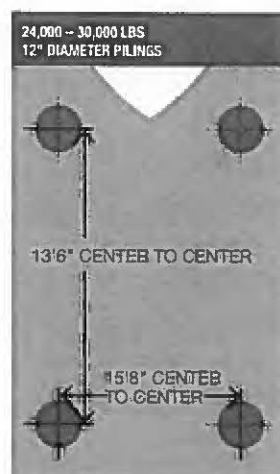
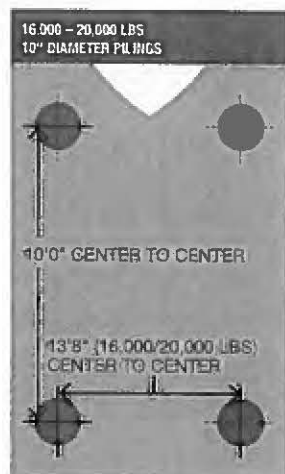
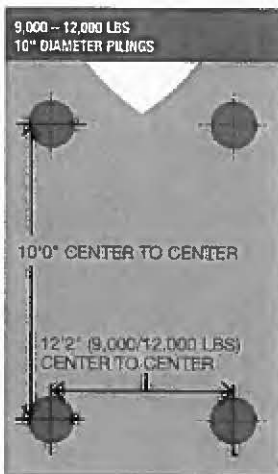
All specifications subject to change without notice.

Structural Specifications for T2 Topless <sup>®</sup> X2										
LIFT MODEL	LIFTER BEAM DIMENSIONS	MAXIMUM BEAM	SPEED	CABLE SIZE (STAINLESS STEEL)	GEAR BOX	STANDARD BUNKS	MOTOR (STAINLESS STEEL)	REQUIRED VOLTS/AMPS	GUIDE POLE WEIGHT PIPE SIZE	PILING QUANTITY/SIZE
9,000 LB (DOUBLE CABLE)	6" x 4" x 12'6"	9'6"	54"/min	1/4" x 30'	Standard duty Gear Drive <sup>®</sup>	8" x 14' Aluminum	(4) 3/4 hp	220V/30A	2" x 6'8" 1.5" x 50"	4 pilings/ 10" diameter
12,000 LB (DOUBLE CABLE)	8" x 5" x 12'6"	9'6"	54"/min	5/16" x 30'	Standard duty Gear Drive <sup>®</sup>	10" x 14' Aluminum	(4) 1 hp	220V/30A	2" x 10' 1.5" x 100"	4 pilings/ 10" diameter
16,000 LB (DOUBLE CABLE)	10" x 6" x 14'	11'0"	54"/min	5/16" x 30'	Heavy duty Gear Drive <sup>®</sup>	10" x 14' Aluminum	(4) 1 1/2 hp	220V/50A	2" x 10' 1.5" x 100"	4 pilings/ 10" diameter
20,000 LB (DOUBLE CABLE)	10" x 6" x 14'	11'0"	54"/min	3/8" x 30'	Heavy duty Gear Drive <sup>®</sup>	10" x 14' Aluminum	(4) 2 hp	220V/60A	2" x 10' 1.5" x 100"	4 pilings/ 10" diameter
24,000 LB (TRIPLE CABLE)	12" x 7" x 16' Light duty	12'6"	36"/min	5/16" x 45'	Heavy duty Gear Drive <sup>®</sup>	3" x 12" x 18' Wood	(4) 1 1/2 hp	220V/50A	2" x 10' 1.5" x 100"	4 pilings/ 12" diameter
30,000 LB (TRIPLE CABLE)	12" x 7" x 16' Heavy duty	12'6"	36"/min	3/8" x 50'	Heavy duty Gear Drive <sup>®</sup>	3" x 12" x 18' Wood	(4) 2 hp	220V/60A	2" x 10' 1.5" x 100"	4 pilings/ 12" diameter

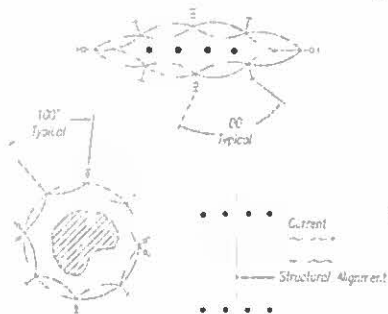
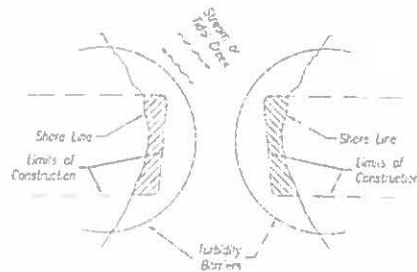
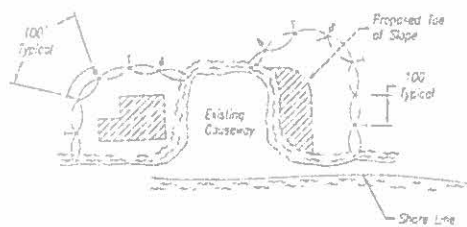
**Wire Specifications for the T2 Topless<sup>®</sup> X2**

MOTOR HP (STAINLESS STEEL)	100'/240V	200'/240V	300'/240V	400'/240V
(4) 3/4 hp or 1 hp	#10	#8	#6	#4
(4) 1 1/2 hp	#8	#6	#4	#2
(4) 2 hp	#6	#4	#2	#2

**Piling Setting Dimensions for the T2 Topless<sup>®</sup> X2**



pg 41



**LEGEND**

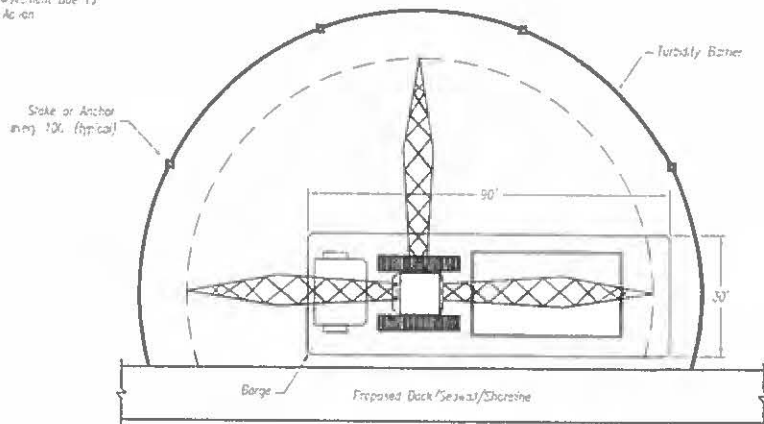
- Pile Locations
- Dredge or Fill Area
- Mooring Buoy with Anchor
- Anchor
- Barrier Movement Due To Current Action

**NOTE:**

Turbidity barrier for flowing streams and tidal areas 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 Contractor's action 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 of Record.

**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.

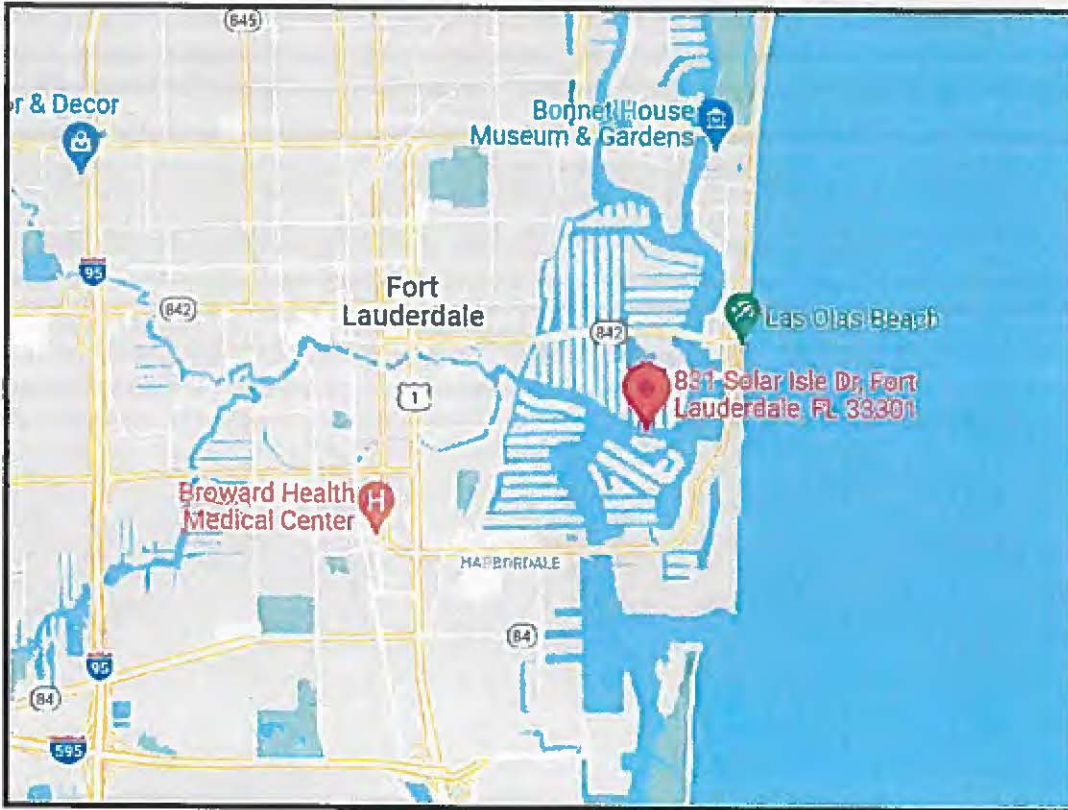


**TURBIDITY BARRIER APPLICATIONS**

# SITE LOCATION

Mavon Project

831 Solar Isle Dr., Ft. Lauderdale, FL 33301





Environmental Protection and Growth Management Department  
 PLANNING AND DEVELOPMENT MANAGEMENT DIVISION  
 1 North University Drive, Building A, Suite 102 Plantation, Florida 33324 954-357-6666 FAX 954-357-6521

## Broward County Transportation Concurrency Satisfaction Certificate

**\* Please note that this approval does not constitute Environmental Review Approval. You will still need the Environmental Approval Certificate to submit to the Building Department.**

**Issue Date:** 11/15/2021

**DR Review #:** 0081824

**Application Number:** 000438126

**Title of Drawings:** GL-FTL2111-027

**Project#:** 001

**Plan Last Revision Date:** 12-NOV-21

**Bldg Dept Jurisdiction:** Fort Lauderdale

**Legal Description:** Plat Name: RIVIERA  
 Plat Number: Book: 6 Page: 17

**Lot:** 1-4 **Block:** 4

**Address:** 831 Solar Isle DR, Fort Lauderdale, Fl. 33301

**Construction Type:** Other

This approval is issued in accordance with Sec. 27.66 of the Broward County Natural Resource Protection Code. This approval is specific for the plans and description described on this approval. Any changes in footprint, Lot #, or bedrooms or use will require a new approval.

### ***Development Review***

**BUILDING OFFICIAL:** No Impact/Concurrency Fees Due to Broward County Planning & Development Management Division  
 The installation of a dock and boatlift for a single family residence.  
 -831 Solar Isle Dr.  
 Receipt# 0081824

**TRANSPORTATION CONCURRENCY SATISFACTION:** Certificate is hereby issued

\*Any revision to these plans requires a new development review by the division.

**If a building permit is not applied for within 30 days of the Environmental Review Approval, plans must be re-submitted to the Planning and Development Management Division for re-evaluation.**

**Development Reviewer Name:** Monica Randino

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Environmental Protection and Growth Management Department  
 PLANNING AND DEVELOPMENT MANAGEMENT DIVISION  
 1 North University Drive, Building A, Suite 102 Plantation, Florida 33324 954-357-6666 FAX 954-357-6521

## Broward County Environmental Review Approval Certificate

**Issue Date:** 11/15/2021

**ER Review #:** 000438126

**Title of Drawings:** GL-FTL2111-027

**Project#:** 001

**Plan Last Revision Date:** 12-NOV-21

**Bldg Dept Jurisdiction:** Fort Lauderdale

**Legal Description:** Plat Name: RIVIERA Lot: 1-4 Block: 4

**Address:** 831 Solar Isle DR, Fort Lauderdale, Fl. 33301

**Construction Type:** Other

This approval is issued in accordance with Sec. 27.66 of the Broward County Natural Resource Protection Code. This approval is specific for the plans and description described on this approval, any changes in footprint, Lot #, or bedrooms or use will require a new approval.

**APPROVED**

- ATTENTION** THE BUILDING DEPARTMENT IS NOT REQUIRED TO ELECTRONICALLY UPDATE BUILDING PERMIT AND CO FOR THIS PROJECT
- COMMENTS** Removing existing wood dock and boatlift. Construct new dock (192' 9" square feet over water) and install 20,000 lb boatlift.

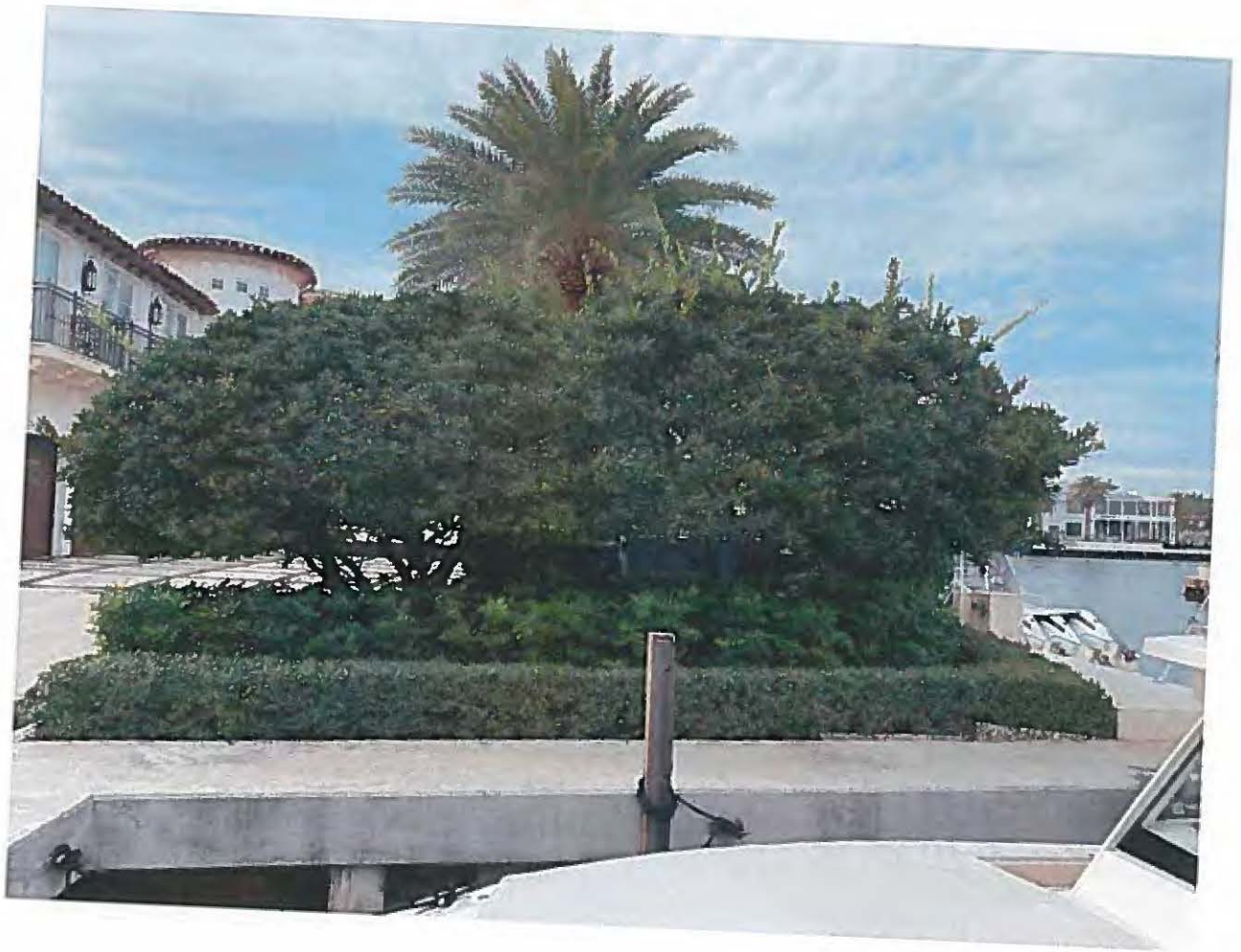
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If a building permit is not applied for within 30 days of the Environmental Review Approval, plans must be re-submitted to the Planning and Development Management Division for re-evaluation.

Environmental Reviewer Name: Scott Strauss

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**COMPOSITE EXHIBIT "6"**



Composite Exhibit "6"

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**EXHIBIT "7"**

## Sec. 47-35.1. - Definitions.

For the purpose of the ULDR certain terms and words are herein defined. Words used in the present tense include the future; the words "used for" include the meaning "designed for"; the word "structure" includes the word "building"; the word "lot" includes the words "plot" and "tract." The words "area" and "district" may indicate and include the meaning "zone"; the word "unit" shall mean "dwelling unit." Words in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership or other legal entity, as well as an individual. The word "street" includes avenue, boulevard, parkway, court, highway, lane, road, terrace, causeway, way and expressway. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring, stream and canal, but does not include a lake, pond or pool without outlet. The word "may" is permissive; the words "shall" and "will" are mandatory and not merely directory. Other definitions appear in specific sections of the ULDR and are applicable only to those sections.

*AASHTO:* American Association of State Highway and Transportation Officials, an organization which prepares recommendations for highway and street engineering policies and standards.

*Abut:* A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

*Accessory building:* An "accessory building" is a subordinate building which is located on the same development site as the principal building, the use of which building is clearly incidental to the use of the principal building.

*Accessory uses:* Uses customarily incidental and subordinate to the principal uses as permitted and located on the same development site as the principal use.

*Alley:* Any roadway, place or public way dedicated for use by the public and twenty (20) feet or less in width.

*Apartment:* Apartment is a building occupied or intended to be occupied by more than two (2) families, living separately and with separate kitchens or facilities for doing their own cooking on the premises, or by more than two (2) families, individuals or groups of individuals. Apartments shall not include townhouses, cluster dwellings, coach homes or duplex units.

*Automotive repair:* An establishment which provides automobile repair service. See Section 47-18.4.

*Automotive sales:* An establishment which provides for the sale of cars, vans, jeeps, pick-up trucks, not including those vehicles listed in truck sales.

*Automotive service station:* An establishment where fuels, oils or greases are supplied and dispensed to motor vehicles.

*Automotive wrecking or salvage yard:* An area used for the dismantling or wrecking of used vehicles and the storage and sale of used automotive parts.

building activity that is carried out exclusively within a previously constructed structure which does not affect the intensity of use or affects only the exterior color of the structure shall not be considered development.

*Development permit:* Any use approval, plat approval, site plan approval, development review committee order, zoning permit or rezoning, special exception, variance, certificate of appropriateness, historic designation or other official action having the effect of permitting the development as defined in the ULDR.

*Development site:* A lot or parcel of land or combination of lots or parcels of land proposed for development. If a development site has more than one (1) parcel or lot with different owners, all property owners will be required to sign the application for development permit, and shall be required to execute and record in the public records a declaration on a form provided by the department, stating that the parcels have been developed as a single unit for purposes of meeting the ULDR. The declaration shall include a legal description of each parcel and shall state that no parcel may be developed separate from the other parcel unless each parcel standing alone meets the requirements of the ULDR.

*Director:* The director of the department or his or her designee.

*Disability.* A physical or mental impairment that substantially limits one (1) or more of an individual's major life activities, impairs an individual's ability to live independently, having a record of such an impairment, or being regarded as having such an impairment. People with disabilities do not include individuals who are currently using alcohol, illegal drugs, or using legal drugs to which they are addicted, or individuals who constitute a direct threat to the health and safety of others.

*Docking facility:* A group of commercial boat docks with no support structures (excluding a ticket booth), wherein fishing boats, excursion boats, charter boats, boat rentals, boat dealers, yacht brokers, and other similar commercial boating operations, utilize water frontage and are supplied with common parking.

*Drive-thru facility:* An establishment which allows customers to receive products or services while remaining in their motor vehicle.

*Driveway:* An area on a site for ingress and egress of vehicles to and from a site.

*Dry cleaning:* A process of removing dirt, grease, paint and other stains from wearing apparel, textiles, fabrics, rugs, and similar materials by one (1) or more of the following methods:

1. Immersion and agitation in a liquid solvent in open vessels.
2. Immersion and agitation in a liquid solvent in closed machines.
3. Spotting of local applications of liquid solvents and other cleansing preparations to spots of dirt, grease, paints and stains not removed by immersion and agitation processes.

**EXHIBIT "III"**  
**SURVEY-ZONING AFFIDAVIT**



ZONING AFFIDAVIT

Rev: 1 | Revision Date: 2/22/2018 | Print Date: 2/22/2018 I.D. Number: ZA

ZONING AFFIDAVIT

STATE OF FLORIDA )
BROWARD COUNTY )

BEFORE ME, personally appeared Philip Mavon (Affiants Name)

present owner of Riviera 6-17B Lot 1, Lot 2 E 1/2, Lot 4 S 25 of W 25, Blk 4 (Legal Description)

located at 831 Solar Isle Dr, Fort Lauderdale FL 33301 (Street Address)

who, first being duly sworn, deposes and states that no additions or changes to the property have been made since the date shown on the attached survey.

Affiant also acknowledges that this survey is not valid without a raised seal and assumes all responsibility and liability for any alterations that may have been made to this survey.

[Handwritten signature of Philip Mavon]

(Affiants Signature)

Sworn to and subscribed before me this 13 day of December, 20 21

[Handwritten signature of Stacy Sanborn] Notary Public

My Commission Expires: 11/7/24



Exhibit B

1150 E. ATLANTIC BLVD.  
POMPANO BEACH  
FLORIDA 33080

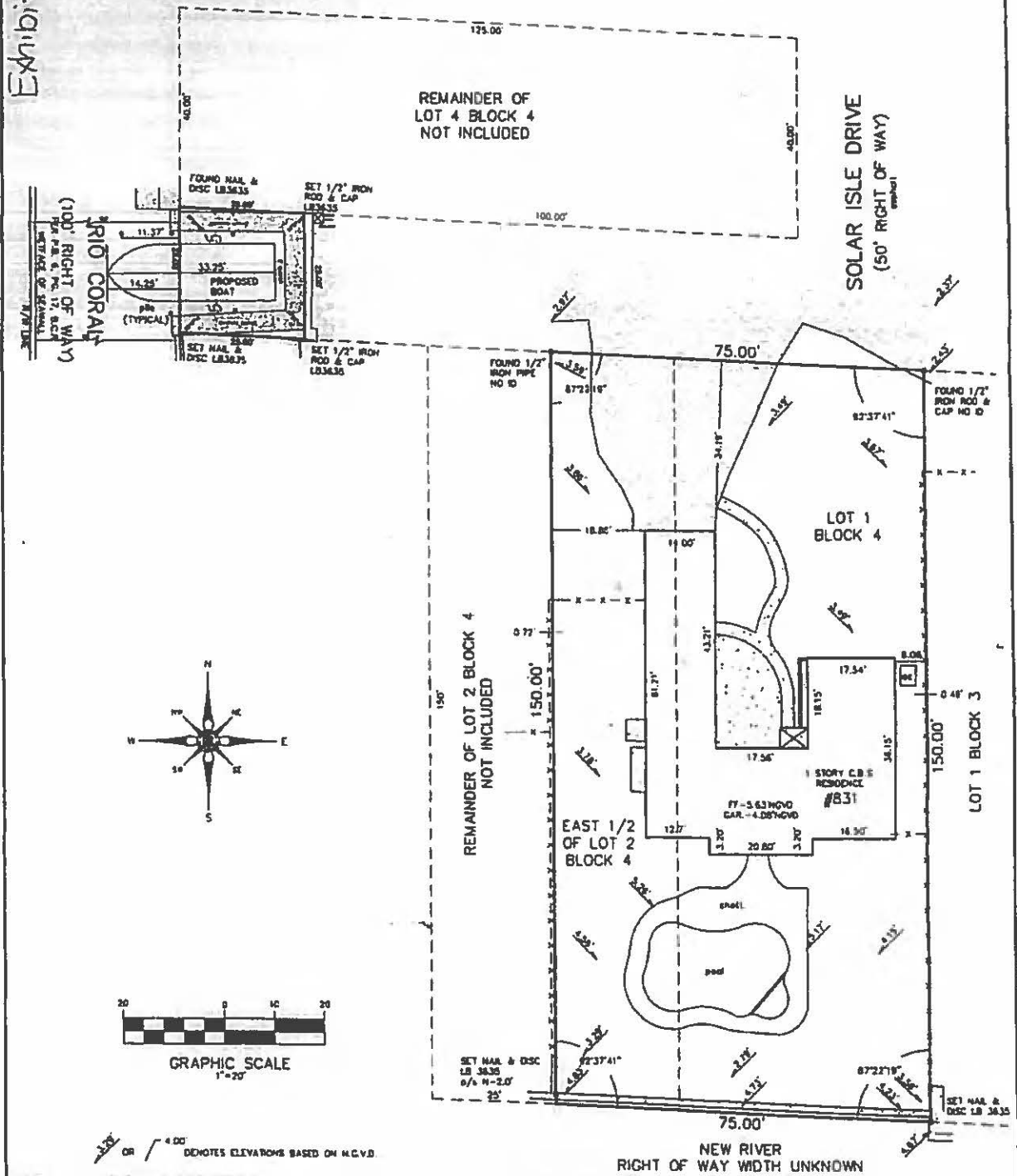
**ACCURATE LAND SURVEYORS, INC.**

TEL. (954) 782-1441  
FAX. (954) 782-1442

L.B. #3635

SHEET 2 OF 2

0451

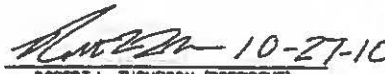


**NOTES:**

1. Unless otherwise noted field measurements are in agreement with record measurements.
2. Bearings shown hereon are based on a bearing of N/A.
3. The leads shown hereon were not abstracted for ownership, rights of way, easements, or other matters of records by Accurate Land Surveyors, Inc.
4. Ownership of fences and walls if any are not determined.
5. This survey is the property of Accurate Land Surveyors, Inc. and shall not be used or reproduced in whole or in part without written authorization.
6. This survey is made for the exclusive use of the certified hereon, to be valid one year from the date of survey as shown hereon.
7. This survey consists of a map and text report one is not valid without the other.

REVISIONS	DATE	BY
UPDATE WEST LOT AND SHOW PROPOSED BOAT 10-28-10	10-28-10	MLW
UPDATE WEST LOT	02-10-10	MLW
DATE OF SURVEY 03-28-04	DRAWN BY MLW	CHECKED BY MLW
		FIELD BOOK 1180-52

**CERTIFICATION:**  
This is to certify that I have recently surveyed the property described in the foregoing title caption and have set or found monuments as indicated on this sketch and that said above ground survey and sketch are accurate and correct to the best of my knowledge and belief. I further certify that this survey meets Minimum Technical Standards under Rule 53-17 adopted by the Florida Board of Land Surveyors, October 1st, 2009.

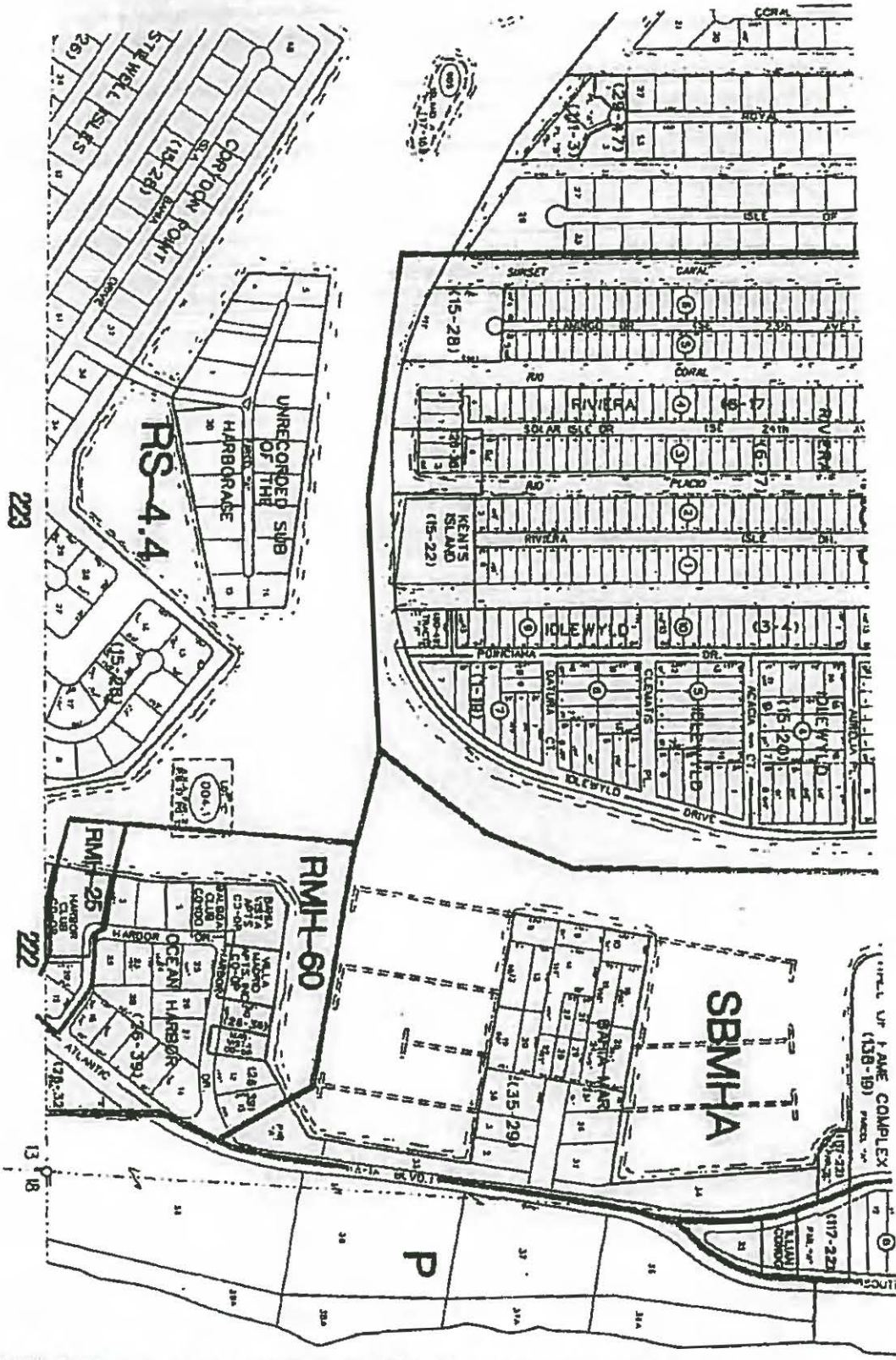
  
 10-27-10  
**ROBERT L. THOMPSON (PRESIDENT)**  
 PROFESSIONAL SURVEYOR AND MAPPER No. 3864 - STATE OF FLORIDA

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

SCALE 1"=20'    SHEET NUMBER SU-04-1955

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**EXHIBIT "IV"**  
**ZONING AND WAKE AREA AERIALS**



RS-8

223

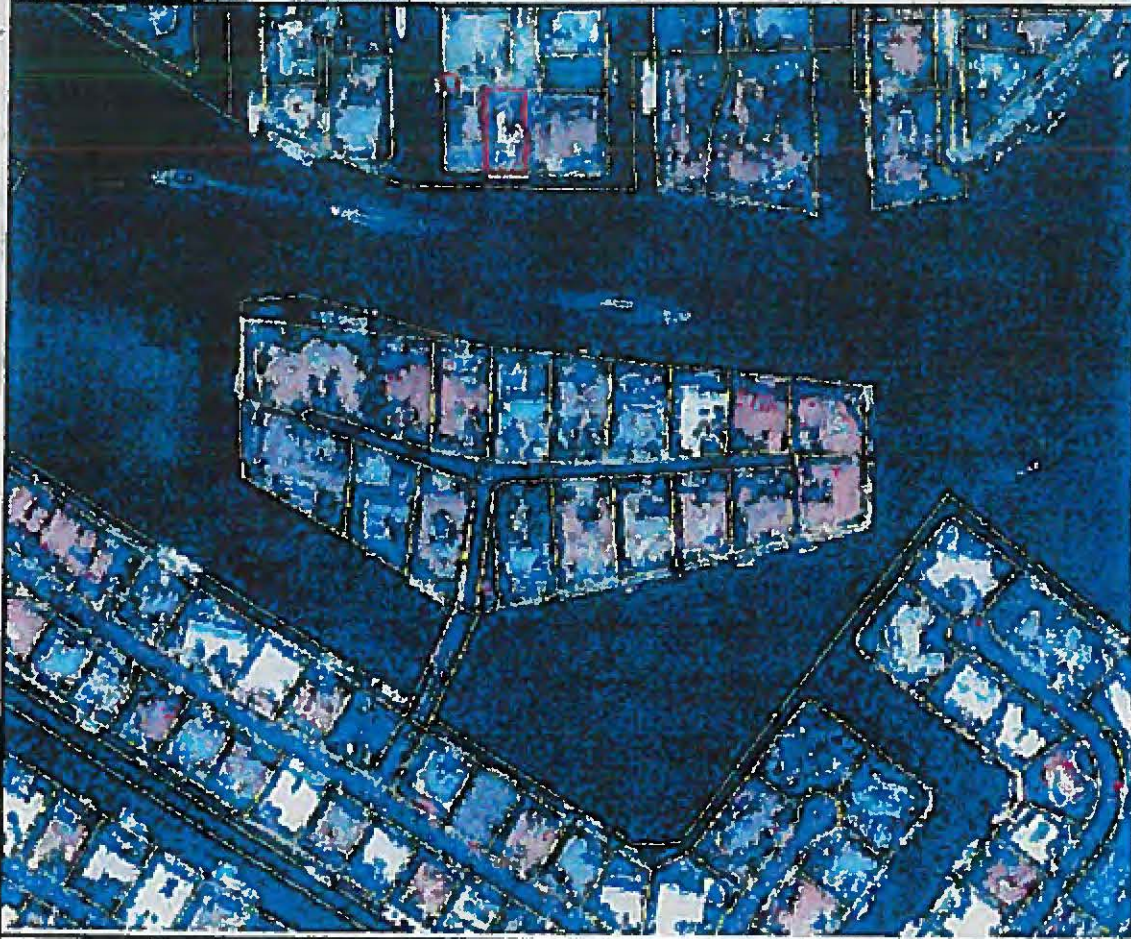
222

IV

LORI PARRISH  
BRYAN COUNTY  
PROPERTY  
APPRAISER



831 Solar Isle Drive



Parcel  
Aerial: 2009  
County Boundary

# 831 Solar Isle Drive High Wake Area

0 129 ft

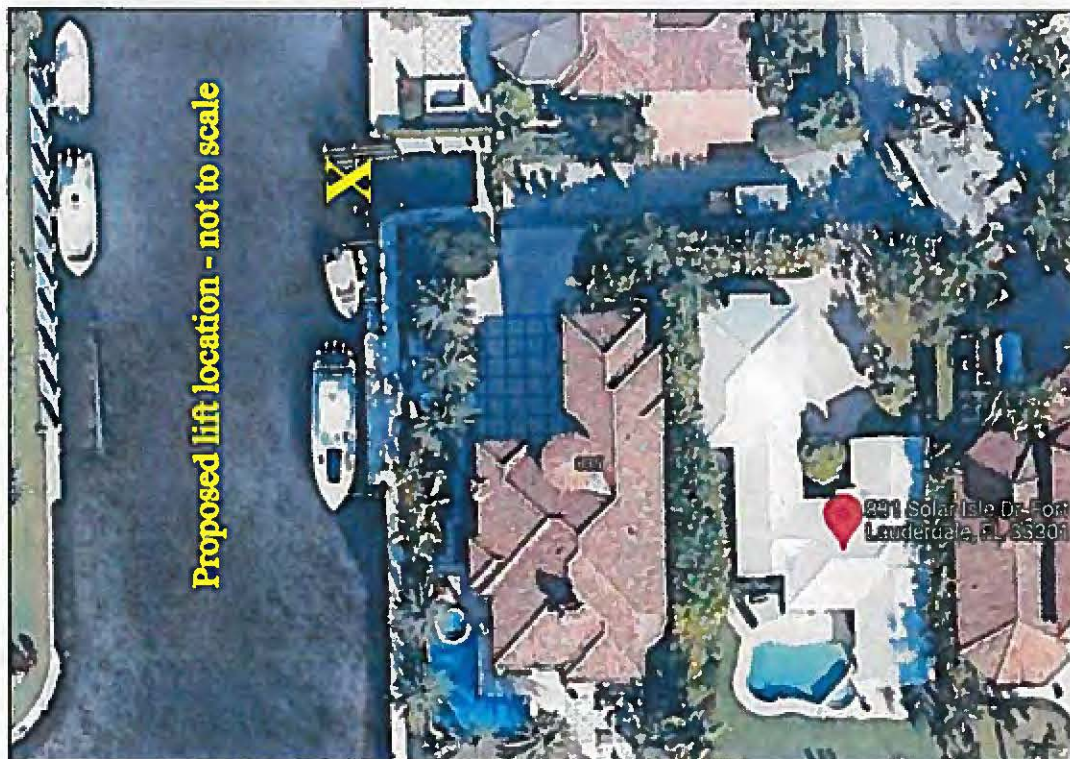
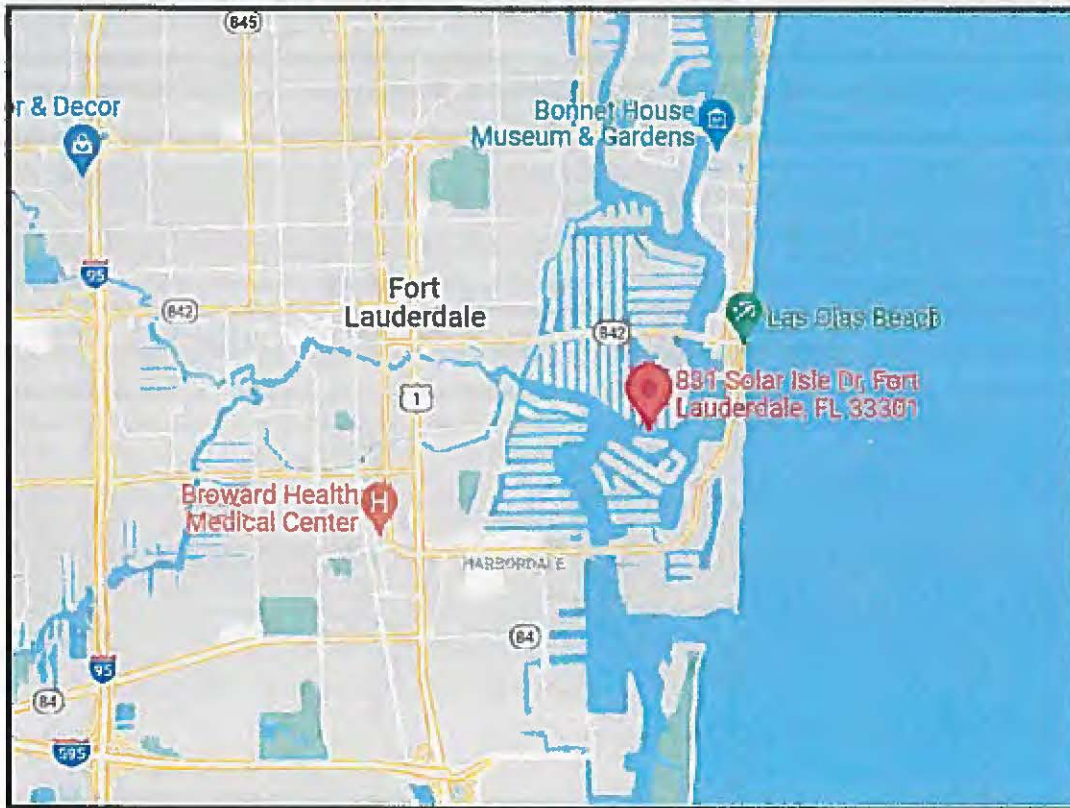
Created by GIS Services on 04/15/2013. Appraisal: 4/15/2013. Last Update: 2/14/13. Brynfield Township, Wake County, NC

pg 55

# SITE LOCATION

Mavon Project

831 Solar Isle Dr., Ft. Lauderdale, FL 33301



**EXHIBIT "V"**  
**EXISTING WAIVERS**

## PRE-EXISTING WAIVERS IN THE VICINITY

Marine Facilities' records reflect more than the following waivers, as approved by the City Commission within close proximity to 831 Solar Isle Drive.

Date	Address	Maximum Distance
July 2002	2418 Laguna Drive	Pier and boatlift- 43'
July 2009	2400 Del Lago Drive	Boatlift- 36.3'
April 2013	91 Isle of Venice	Pilings - 35'
April 2019	1 Hendricks Isle	Boatlift - 43.
July 2019	95 Hendricks Isle	Pilings/Finger Pier - 35'
July 2021	9 Hendricks Isle	Boatlift - 43.4'
October 2022	141 Isle of Venice	Pilings - 35'

V

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# ITEM VIII

## MEMORANDUM MF NO. 23-11

DATE: March 24, 2023

TO: Marine Advisory Board Members

FROM: Andrew Cuba, Marine Facilities Manager

RE: April 6, 2023 MAB – Application - Dock Waiver of Distance Limitations – Andrew J. Schein, esq. as agent for Edward Kirwin III / 777 SW 6<sup>th</sup> Street

Attached for your review is an application from Andrew J. Schein, esq. as agent for Edward Kirwin III / 777 SW 6<sup>th</sup> Street (see **Exhibit 1**).

### APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking to install four (4) triple-pile clusters extending 50'+/- and three (3) single mooring piles extending 38'+/- into the New River from the property line. At the April 7, 2022 MAB, the applicant sought a waiver requesting (4) triple pile clusters extending a maximum of 62'+/- into the New River. The MAB denied the application, expressing concerns specific to navigational impacts. In October, 2022, the MAB reviewed a revised plan extending 60', for which it recommended denial. The distances these newly proposed structures extend from the bulkhead into the South Fork of the New River are shown in the survey in **Exhibit 1** and summarized in Table 1 below:

**TABLE 1**

<b>PROPOSED STRUCTURE</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING WAIVER</b>
<b>Triple Pile Cluster</b>	<b>50'+/-</b>	<b>25'</b>	<b>25'+/-</b>
<b>Triple Pile Cluster</b>	<b>50'+/-</b>	<b>25'</b>	<b>25'+/-</b>
<b>Triple Pile Cluster</b>	<b>50'+/-</b>	<b>25'</b>	<b>25'+/-</b>
<b>Triple Pile Cluster</b>	<b>50'+/-</b>	<b>25'</b>	<b>25'+/-</b>
<b>Single Mooring Pile</b>	<b>38'+/-</b>	<b>25'</b>	<b>13'+/-</b>
<b>Single Mooring Pile</b>	<b>38'+/-</b>	<b>25'</b>	<b>13'+/-</b>
<b>Single Mooring Pile</b>	<b>38'+/-</b>	<b>25'</b>	<b>13'+/-</b>

Marine Advisory Board

April 6, 2023

Page 2

The City's Unified Land and Development Regulations (UDLR), Section 47-19.3. D. limits the maximum distance of dolphin or mooring pilings to 30% of the width of the waterway, or 25', 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's Narrative indicates that the proposed structures are necessary to safely moor owner's boat, due to significant wake from boat traffic, as well as worse situations during extreme weather events.

#### PROPERTY LOCATION AND ZONING

The property is located within the Tarpon River RD-15 Residential Single Family / Duplex Medium Density District. It is situated on the southern shore of the South Fork of the New River where the overall width of the waterway, excluding owner's dock and docks on the north side, is identified as between 250' +/- and 282', +/-.

#### RECOMMENDATIONS

Should the Marine Advisory Board 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 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 appropriate City staff with copies of "As Built" drawings from a certified and licensed contractor, and verification of receipt of all applicable Federal and State permits.
3. The applicant is required to install and affix reflector tape to the proposed mooring piles 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  
Jonathan Luscomb, Marine Facilities Supervisor

**MARINE ADVISORY BOARD APPLICATION**

**777 SW 6<sup>th</sup> Street**

**Application for Waiver from ULDR Section 47-19.3(d)**

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1401 EAST BROWARD BOULEVARD, SUITE 303  
FORT LAUDERDALE, FLORIDA 33301  
EMAIL: [ASCHEIN@LOCHRIELAW.COM](mailto:ASCHEIN@LOCHRIELAW.COM)  
DIRECT LINE: 954.617.8919  
MAIN PHONE: 954.779.1119  
FAX: 954.779.1117

## APPLICATION





1401 EAST BROWARD BOULEVARD, SUITE 303  
FORT LAUDERDALE, FLORIDA 33301  
EMAIL: [ASCHEIN@LOCHRIELAW.COM](mailto:ASCHEIN@LOCHRIELAW.COM)  
DIRECT LINE: 954.617.8919  
MAIN PHONE: 954.779.1119  
FAX: 954.779.1117

## AGENT AUTHORIZATION LETTER

David Soloman, City Clerk  
City of Fort Lauderdale  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301


Re: Land use, zoning and permitting for property located at 777 SW 6 Street  
in the City of Fort Lauderdale, FL 33315 ("Property")

Dear City Clerk:

I hereby authorize Lochrie & Chakas, P.A. to act as agents in connection with all land  
use, zoning and permitting matters related to property referenced above.

Sincerely,

Edward John Kirwin, III

Signature: 

Date: 9/3/22

STATE OF Florida )  
COUNTY OF Broward )<sup>ss</sup>

The foregoing instrument was acknowledged before me, by means of (check one): X  
physical presence or \_\_\_\_\_ online notarization, this 3 day of September, 2022, by  
Edward John Kirwin, III who is personally known to me or who has produced  
\_\_\_\_\_ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 3 day  
of September, 2022.

Lisa Aprea  
Notary Public



LISA APREA  
Commission # HH 063596  
Expires December 2, 2024  
Bonded Thru Budget Notary Services

Typed, printed or stamped name of Notary Public

My Commission Expires:  
FTL:1023005:1



1401 EAST BROWARD BOULEVARD, SUITE 303  
FORT LAUDERDALE, FLORIDA 33301  
EMAIL: [ASCHEIN@LOCHRIELAW.COM](mailto:ASCHEIN@LOCHRIELAW.COM)  
DIRECT LINE: 954.617.8919  
MAIN PHONE: 954.779.1119  
FAX: 954.779.1117

## NARRATIVE

**OWNER:** Edward Kirwin  
**APPLICANT:** Andrew J. Schein, Esq.  
**ADDRESS:** 777 SW 6<sup>th</sup> Street

**Narrative to Accompany Marine Advisory Board Application**

**Waiver from ULDR Section 47-19.3(d)**

This application is submitted to permit mooring piles 50’ from the property line of 777 SW 6<sup>th</sup> Street. The specific request is for four (4) triple cluster, 12” diameter wood mooring piles and three (3) single 12” diameter wood mooring piles. The triple cluster pilings are proposed at a maximum of 50’ from the property line, and the single pilings are proposed at a maximum of 38’ from the property line. The proposed mooring piles are needed to securely moor Owner’s boat, as this area of the New River produces a significant amount of wake with boat traffic during normal times and worse situations during extreme weather events.

The overall width of the waterway at this location ranges from +/- 250’ to +/- 282’, excluding the width of Owner’s dock and the docks on the north side of the waterway. Absent approval by the City Commission, Section 47-19.3(d) of the ULDR permits mooring piles to extend no more than 30% of the width of the waterway or 25’ beyond the property line, whichever is less. In this case, at 50’ from the property line, the mooring pilings will extend a maximum of ~20% of the width of the waterway. Applicant understands that the 30% rule is to ensure navigability of the waterway, and at 20%, the mooring pilings will be well within this limitation.

PROPOSED STRUCTURE	DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Dolphin Clusters of (3) 12’ Diameter Mooring Piles	50’	25’	25’
Dolphin Clusters of (3) 12’ Diameter Mooring Piles	50’	25’	25’
Dolphin Clusters of (3) 12’ Diameter Mooring Piles	50’	25’	25’
Dolphin Clusters of (3) 12’ Diameter Mooring Piles	50’	25’	25’
Single 12” Diameter Mooring Pile Attached to Existing Piling	+/- 38’	25’	13’
Single 12” Diameter Mooring Pile Attached to Existing Piling	+/- 38’	25’	13’
Single 12” Diameter Mooring Pile Attached to Existing Piling	+/- 38’	25’	13’



1401 EAST BROWARD BOULEVARD, SUITE 303  
FORT LAUDERDALE, FLORIDA 33301  
EMAIL: [ASCHEIN@LOCHRIELAW.COM](mailto:ASCHEIN@LOCHRIELAW.COM)  
DIRECT LINE: 954.617.8919  
MAIN PHONE: 954.779.1119  
FAX: 954.779.1117

**TAX RECORD/PROOF OF OWNERSHIP**



<b>Site Address</b>	<b>777 SW 6 STREET, FORT LAUDERDALE FL 33315</b>	<b>ID #</b>	5042 10 40 0030
<b>Property Owner</b>	KIRWIN, EDWARD JOHN III	<b>Millage</b>	0312
<b>Mailing Address</b>	777 SW 6 ST FORT LAUDERDALE FL 33315-1035	<b>Use</b>	01-01
<b>Abbr Legal Description</b>	SEAWANNA SUB PT BLK 35 FT LAUDERDALE 7-37 B W1/2 OF LOT 4 & ALL OF LOT 5, TOG/W N1/2 OF VACA SW 6 ST AS DESC IN ORD C-91-49 LYING S OF & ADJ TO SAID PAR		

The just values displayed below were set in compliance with **Sec. 193.011, Fla. Stat.**, and include a reduction for costs of sale and other adjustments required by **Sec. 193.011(8)**.

\* 2022 values are considered "working values" and are subject to change.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
<b>2022*</b>	\$734,240	\$451,770	\$1,186,010	\$801,800	
<b>2021</b>	\$495,610	\$338,340	\$833,950	\$778,450	\$14,241.96
<b>2020</b>	\$495,610	\$316,060	\$811,670	\$767,710	\$13,973.56

**2022\* Exemptions and Taxable Values by Taxing Authority**

	County	School Board	Municipal	Independent
<b>Just Value</b>	\$1,186,010	\$1,186,010	\$1,186,010	\$1,186,010
<b>Portability</b>	0	0	0	0
<b>Assessed/SOH 17</b>	\$801,800	\$801,800	\$801,800	\$801,800
<b>Homestead 100%</b>	\$25,000	\$25,000	\$25,000	\$25,000
<b>Add. Homestead</b>	\$25,000	0	\$25,000	\$25,000
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$751,800	\$776,800	\$751,800	\$751,800

**Sales History**

Date	Type	Price	Book/Page or CIN
12/27/2016	QCD-T	\$100	<b>114126817</b>
10/11/2013	WD-Q	\$790,000	<b>111870703</b>
10/1/1990	WD	\$292,000	<b>17885 / 532</b>
10/1/1988	WD	\$255,000	
3/1/1985	WD	\$165,000	

**Land Calculations**

Price	Factor	Type
\$40.00	18,356	SF
<b>Adj. Bldg. S.F. (Card, Sketch)</b>		2046
<b>Units/Beds/Baths</b>		1/2/2
<b>Eff./Act. Year Built: 1963/1962</b>		

**Special Assessments**

Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F1		

R								
1						1		



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MAIN PHONE: 954.779.1119  
FAX: 954.779.1117

**DEED**

Prepared by and return to:  
JOHN E. AURELIUS, ESQ.  
JOHN E. AURELIUS, PA  
4367 N. Federal Hwy, #101  
Ft Lauderdale, Florida 33308  
(954) 772.8222  
Parcel ID #: 5042-10-40-0030

**QUIT CLAIM DEED**

This Deed, made 27<sup>TH</sup> day of December, 2016, between Edward J. Kirwin and Betty G. Kirwin, husband and wife, whose address is 811 SW 6<sup>th</sup> Street, Fort Lauderdale, Florida 33315, **Grantors** and Edward John Kirwin, III, a single man, whose address is 777 SW 6<sup>th</sup> Street, Fort Lauderdale, Florida 33315, **Grantee**.

The Grantors, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, to the Grantors in hand paid by the Grantee, the receipt of which is hereby acknowledged, have granted, bargained, and sold to the Grantee and Grantee successors and assigns forever all of their right, title and interest in the following described land situate in Broward County, Florida:

The West 1/2 of Lot 4 and all of Lot 5, SEAWANNA, a resubdivision of part of Block 35 of the Town of Fort Lauderdale, according to the Plat thereof, recorded in Plat Book 7, Page 37, together, with vacated right of way adjacent thereto, of the Public Records of Broward County, Florida.

To Have and To Hold the same together with all and singular the appurtenances thereunto belonging or in anyway appertaining and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantors, or anyone claiming by, through or under grantors, either in law or equity, for the use, benefit and profit of Grantees forever.

\*The preparer of this instrument was neither furnished with, nor requested to review, an abstract on the described property and therefore expresses no opinion of title.

IN WITNESS WHEREOF, Grantors hereunto set their hand and seal the date first above written.

Signed, sealed and delivered  
In the presence of:

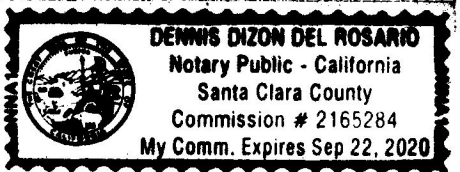
[Signature]  
Witness: Vince D. Serapio  
[Signature]  
Witness: Maria L. Seaglio

[Signature]  
Edward J. Kirwin  
[Signature]  
Betty G. Kirwin

STATE OF California  
COUNTY OF Santa Clara

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me, an officer duly authorized in the State and County aforesaid to take acknowledgments on 27 day of December, 2016, by Edward J. Kirwin and Betty G. Kirwin, husband and wife, Grantors, who have produced their NY and FL driver's licenses as identification.

(seal)



[Signature]  
Notary Public: Dennis Del Rosario  
My Commission expires: 9-22-20



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## CURRENT SURVEY





1401 EAST BROWARD BOULEVARD, SUITE 303  
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## PROPOSED PLANS





1401 EAST BROWARD BOULEVARD, SUITE 303  
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DIRECT LINE: 954.617.8919  
MAIN PHONE: 954.779.1119  
FAX: 954.779.1117

## SITE PHOTOS







1401 EAST BROWARD BOULEVARD, SUITE 303  
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DIRECT LINE: 954.617.8919  
MAIN PHONE: 954.779.1119  
FAX: 954.779.1117

## **DISTANCE EXHIBIT**



**Measurement Result**

252.1 Feet

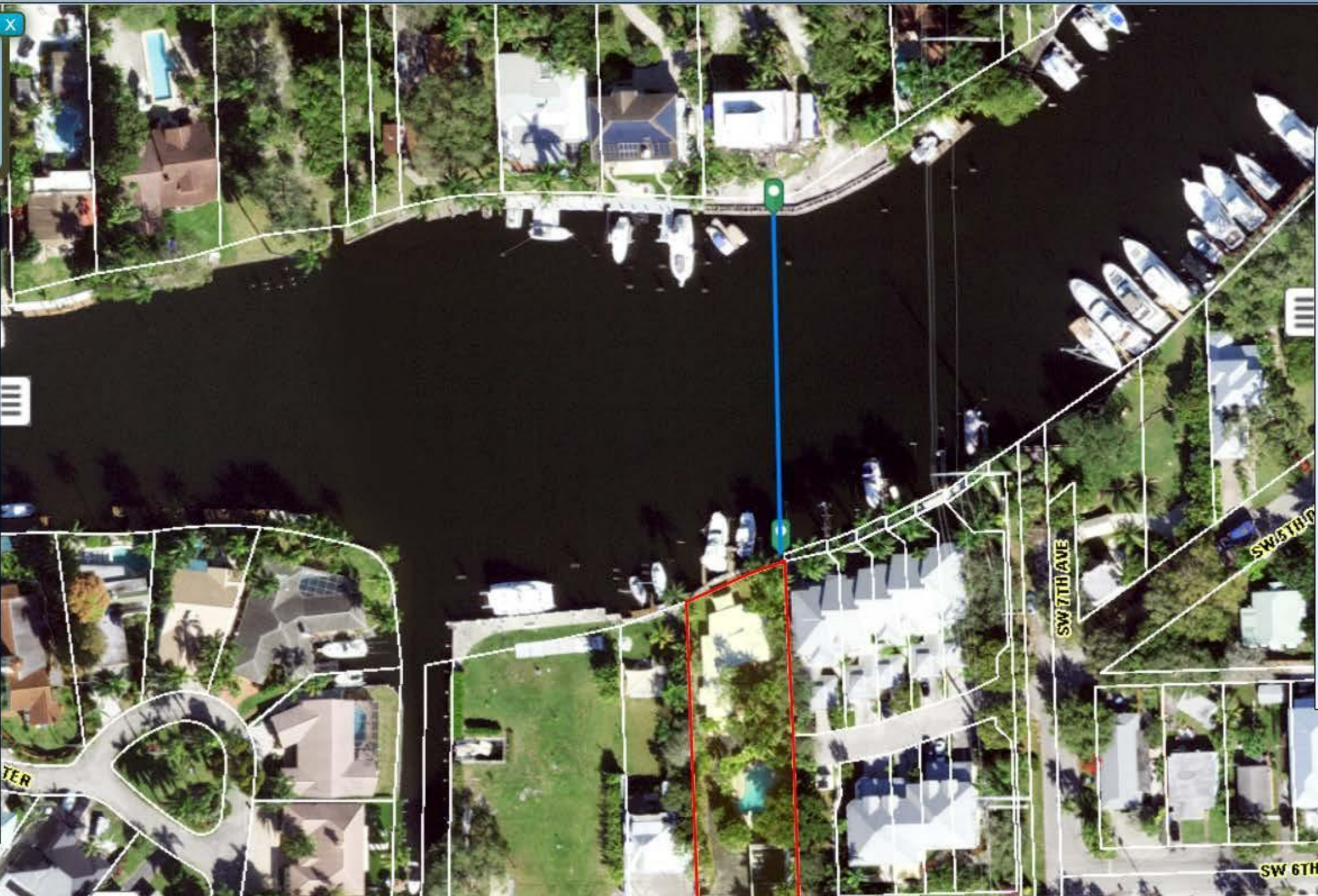
**Layer List**

- Highways
- Major Roads
- Twn-Rng-Sec
- City Limits
- Zip Codes
- CRA Boundaries
- FEMA Flood Zones
- Opportunity Zones
- Census Tracts
- City Zoning Codes
- County Land Use
- Comm Appraisal Districts
- Resid Appraisal Districts
- Subdiv. Number
- Subdiv. Name
- House Number
- Street

Aerials 2022 ▾

No Sales ▾

Select Description ▾



**Parcel Information**

Parcel Id: [504210400030](#)

Owner: KIRWIN, EDWARD JOHN III

Situs Address: 777 SW 6 ST FORT LAUDERDALE FL 33315

Legal: SEAWANNA SUB PT BLK 35 FT LAUDERDALE 7-37 B W1/2 OF LOT 4 & ALL OF LOT 5, TOG/W N1/2 OF VACA SW 6 ST AS DESC IN ORD C-91-49 LYING S OF & ADJ TO SAID PAR

Millage Code: 0312

Use Code: 01

Land Value: \$ 734,240

Building Value: \$ 451,770

Other Value: 0

Total Value: \$ 1,186,010

SOH Capped Value: \$ 801,800

Homestead Exempt Amt: \$ 25,000



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## **SUPPORT LETTERS**

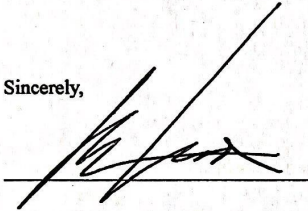
September 27, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marcel Rosen', is written over a horizontal line. The signature is stylized and somewhat cursive.

Printed Name: Marcel Rosen

Address: 617 SW 8th TERR  
Fl. Lard. FL 33315

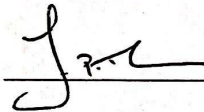
September 20, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



---

Printed Name: Josh Poteet

Address: 6024 SW 8th Ave, FtL, 33315

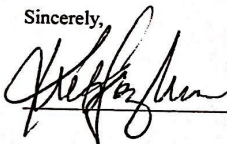
September 20, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



---

Printed Name:

KUZBEER SANGHERA

Address:

620 SW 8 AVENUE, FORT LAUDERDALE,  
33315

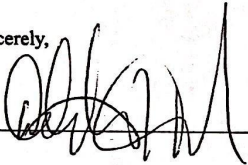
September 20, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



---

Printed Name: DARLA HUTCHINS

Address: 613 SW 8<sup>th</sup> ST FORT LAUDERDALE


September 20, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



Printed Name: Captain Justin Lucif

Address: 5641 SW 54<sup>th</sup> Ct, Davie, FL

September 20, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,

A handwritten signature in black ink, appearing to read 'GREG MALTESE', written over a horizontal line.

Printed Name: GREG MALTESE

Address: 620 SW BTE  
FT. LAUD, FL 33315

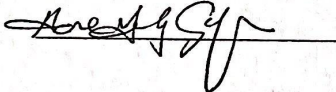
September 10, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,

Hal Gordon Zaritsky  


Printed Name: Hal Gordon Zaritsky

Address: 620 S.W. 6th Ter 33315

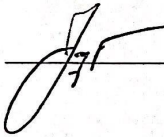
September 22, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



---

Printed Name:

*Jay Dreiman*

---

Address:

*636 S.W. 8<sup>th</sup> Terr.  
Fort Lauderdale FL 33315*

September 20, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



Printed Name: FLORIAN BECKER

Address: 608 SW 8<sup>th</sup> TER  
FLA 33315

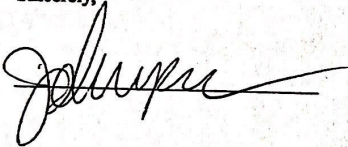
September 20, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



Printed Name: Edmundo Hernandez

Address: 801 SW 6<sup>th</sup> St Ft Lauderdale 33315

# ITEM IX

## MEMORANDUM MF NO. 23-12

DATE: March 24, 2023  
TO: Marine Advisory Board Members  
FROM: Andrew Cuba, Marine Facilities Manager  
RE: April 6, 2023 MAB – Application - Dock Waiver of Distance Limitations – Andrew J. Schein, esq. as agent for Christina Kirwin / 801 SW 6<sup>th</sup> Street

Attached for your review is an application from Andrew J. Schein, esq. as agent for Christina Kirwin / 801 SW 6<sup>th</sup> Street (see **Exhibit 1**).

### APPLICATION AND BACKGROUND INFORMATION

The applicant is seeking to install three (3) triple-pile clusters extending a maximum of 50' into the New River from the property line. At the April 7<sup>th</sup> MAB, the applicant sought to install three (3) triple pile clusters extending a maximum of 62' into the New River. The MAB denied the application, expressing concerns specific to navigational impacts. In October 2022, the MAB reviewed a revised request at 60', which it recommended be denied. The proposed distances these structures extend from the property line into the South Fork of the New River are summarized in Table 1 below:

**TABLE 1**

<b>PROPOSED STRUCTURE</b>	<b>STRUCTURE DISTANCE FROM PROPERTY LINE</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>DISTANCE REQUIRING WAIVER</b>
<b>Triple Pile Cluster</b>	<b>50'+/-</b>	<b>25'</b>	<b>25'+/-</b>
<b>Triple Pile Cluster</b>	<b>50'+/-</b>	<b>25'</b>	<b>25'+/-</b>
<b>Triple Pile Cluster</b>	<b>50'+/-</b>	<b>25'</b>	<b>25'+/-</b>

The City's Unified Land and Development Regulations (UDLR), Section 47-19.3.D. limits the maximum distance of dolphin or mooring pilings to 30% of the width of the waterway, or 25', whichever is less. Section 47.19.3.E authorizes the City Commission to waive this limitation based upon a finding of extraordinary circumstances. The applicant's Narrative indicates that the proposed structures are necessary to safely moor owner's boat, due to significant wake from boat traffic, as well as worse situations during extreme weather events.

### PROPERTY LOCATION AND ZONING

The property is located within the Tarpon River RD-15 Residential Single Family / Duplex Medium Density District. It is situated on the southern shore of the South Fork of the New River where the Applicant's Narrative identifies the overall width of the waterway as between 285' +/- to 300'+/-.

### RECOMMENDATIONS

Should the Marine Advisory Board 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 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 appropriate City staff with copies of "As Built" drawings from a certified and licensed contractor, and verification of receipt of all applicable Federal and State permits.
3. The applicant is required to install and affix reflector tape to the proposed mooring piles 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  
Jonathan Luscomb, Marine Facilities Supervisor

**MARINE ADVISORY BOARD APPLICATION**

**801 SW 6<sup>th</sup> Street**

**Application for Waiver from ULDR Section 47-19.3(d)**

**TABLE OF CONTENTS**

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MAIN PHONE: 954.779.1119  
FAX: 954.779.1117

## APPLICATION





1401 EAST BROWARD BOULEVARD, SUITE 303  
FORT LAUDERDALE, FLORIDA 33301  
EMAIL: [ASCHERIN@LOCHRIELAW.COM](mailto:ASCHERIN@LOCHRIELAW.COM)  
DIRECT LINE: 954.617.8919  
MAIN PHONE: 954.779.1119  
FAX: 954.779.1117

## AGENT AUTHORIZATION LETTER



**NARRATIVE**

**OWNER:** Christina Kirwin  
**APPLICANT:** Andrew J. Schein, Esq.  
**ADDRESS:** 801 SW 6<sup>th</sup> Street

**Narrative to Accompany Marine Advisory Board Application**

**Waiver from ULDR Section 47-19.3(d)**

This application is submitted to permit mooring piles 50' from the property line of 801 SW 6<sup>th</sup> Street. The specific request is for three (3) triple cluster, 12" diameter wood mooring piles. The proposed mooring piles will be a maximum of 50' from the property line into the New River. The proposed mooring piles are needed to securely moor Owner's boat, as this area of the New River produces a significant amount of wake with boat traffic during normal times and worse situations during extreme weather events.

The overall width of the waterway at this location ranges from +/- 285' to +/- 300', excluding the width of Owner's dock and the docks on the north side of the waterway. Absent approval by the City Commission, Section 47-19.3(d) of the ULDR permits mooring piles to extend no more than 30% of the width of the waterway or 25' beyond the property line, whichever is less. In this case, at 50' from the property line, the mooring pilings will extend a maximum of ~17.5% of the width of the waterway. Applicant understands that the 30% rule is to ensure navigability of the waterway, and at 17.5%, the mooring pilings will be well within this limitation.

PROPOSED STRUCTURE	DISTANCE FROM PROPERTY LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING WAIVER
Dolphin Clusters of (3) 12' Diameter Mooring Piles	50'	25'	25'
Dolphin Clusters of (3) 12' Diameter Mooring Piles	50'	25'	25'
Dolphin Clusters of (3) 12' Diameter Mooring Piles	50'	25'	25'



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DIRECT LINE: 954.617.8919  
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FAX: 954.779.1117

**TAX RECORD/PROOF OF OWNERSHIP**



**MARTY KIAR**  
**BROWARD**  
 COUNTY  
 PROPERTY APPRAISER

<b>Site Address</b>	801 SW 6 STREET, FORT LAUDERDALE FL 33315-1066	<b>ID #</b>	5042 10 40 0040
<b>Property Owner</b>	KIRWIN, CHRISTINA	<b>Millage</b>	0312
<b>Mailing Address</b>	801 SW 6 ST FORT LAUDERDALE FL 33315	<b>Use</b>	01-01
<b>Abbr Legal Description</b>	SEAWANNA SUB PT BLK 35 FT LAUDERDALE 7-37 B LOT 6		

The just values displayed below were set in compliance with **Sec. 193.011, Fla. Stat.**, and include a reduction for costs of sale and other adjustments required by **Sec. 193.011(8)**.

\* 2022 values are considered "working values" and are subject to change.

Year	Land	Building / Improvement	Just / Market Value	Assessed / SOH Value	Tax
2022*	\$427,480	\$987,660	\$1,415,140	\$1,098,410	
2021	\$288,550	\$777,870	\$1,066,420	\$1,066,420	\$19,583.17
2020	\$288,550	\$777,950	\$1,066,500	\$1,066,500	\$20,246.08

2022* Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
<b>Just Value</b>	\$1,415,140	\$1,415,140	\$1,415,140	\$1,415,140
<b>Portability</b>	0	0	0	0
<b>Assessed/SOH 21</b>	\$1,098,410	\$1,098,410	\$1,098,410	\$1,098,410
<b>Homestead 100%</b>	\$25,000	\$25,000	\$25,000	\$25,000
<b>Add. Homestead</b>	\$25,000	0	\$25,000	\$25,000
<b>Wid/Vet/Dis</b>	0	0	0	0
<b>Senior</b>	0	0	0	0
<b>Exempt Type</b>	0	0	0	0
<b>Taxable</b>	\$1,048,410	\$1,073,410	\$1,048,410	\$1,048,410

Sales History				Land Calculations		
Date	Type	Price	Book/Page or CIN	Price	Factor	Type
11/19/2020	QCD-T		116876821	\$40.00	10,687	SF
5/30/2019	WD-Q	\$1,185,000	115838428			
8/3/2004	QCD	\$100	38084 / 1845			
6/24/2002	QCD	\$100	33631 / 431			
1/1/1987	WD	\$186,000	14142 / 267			
				<b>Adj. Bldg. S.F. (Card, Sketch)</b>		2471
				<b>Units/Beds/Baths</b>		1/3/2
				<b>Eff./Act. Year Built: 2003/2002</b>		

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
03						F1		
R								

1						1		
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**DEED**

Prepared by and return to:

Marianna R. Seiler, Esq.  
Tripp Scott, P.A.  
110 SE 6<sup>th</sup> Street, Fifteenth Floor  
Fort Lauderdale, FL 33301

File Number: 998158.0003  
Parcel ID Number: 504210400040

[Space Above This Line For Recording Data]

## Quit Claim Deed

**This Quit Claim Deed** made this 19<sup>th</sup> day of November, 2020 between **THREE RAVENS LIMITED, LLC**, a Florida limited liability company, with a post office address of 801 SW 6<sup>th</sup> Street, Fort Lauderdale, FL 33315, grantor, and **CHRISTINA KIRWIN**, whose post office address is 801 SW 6<sup>th</sup> Street, Fort Lauderdale, FL 33315, 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 TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said grantee, and grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantor has in and to the following described land, situate, lying and being in Broward County, Florida, to-wit:

Lot 6 of SEAWANNA, a subdivision, according to the plat thereof recorded in Plat Book 7, Page 37 of the Public Records of Broward County, Florida

**Subject to taxes for 2020 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any, without the intention of reimposing same.**

**This instrument has been prepared without benefit of a title search, title examination or attorney's opinion of title and no title insurance is being issued to or insuring any property hereto. Preparer is making no representations or warranties whatsoever regarding title marketability or conditions of the property. Parties hereto agree to hold harmless and indemnify Preparer regarding any liability arising from this conveyance as it affects the parties involved in this conveyance or anyone claiming title or any interest in the property under the parties to this conveyance.**

**To Have and to Hold**, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

**NOTE TO RECORDER: Pursuant to *Crescent Miami Center, LLC v. Department of Revenue*, 903 So. 2d 913 (Fla. 2005), THERE ARE NO DOCUMENTARY STAMPS DUE IN CONNECTION WITH THIS CONVEYANCE AS SUCH TRANSFER IS A CHANGE IN THE FORM OF THE OWNERSHIP OF THE PROPERTY WITHOUT AN EXCHANGE OF VALUE.**

[Signatures to appear on the following page.]

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:

*Norlene C. Roberts*  
Print Name: Norlene C. Roberts

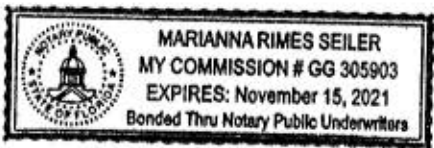
*Jorge Padron*  
Print Name: Jorge Padron

THREE RAVENS LIMITED, LLC, a Florida limited liability company

By: *Christina Kirwin*  
Christina Kirwin, Manager

STATE OF FLORIDA     )  
COUNTY OF BROWARD    )

The foregoing instrument was acknowledged before me by means of  physical presence or \_\_\_ online notarization this 19<sup>th</sup> day of November, 2020, by **Christina Kirwin**, as Manager of Three Ravens Limited, LLC, a Florida limited liability company, who is \_\_\_ personally known or  produced NY ID [REDACTED] as identification.



*Marianna R. Seiler*  
(Signature of Notary Public-State of Florida)

Marianna R. Seiler  
(Print, Type, or Stamp Commissioned Name of Notary Public)

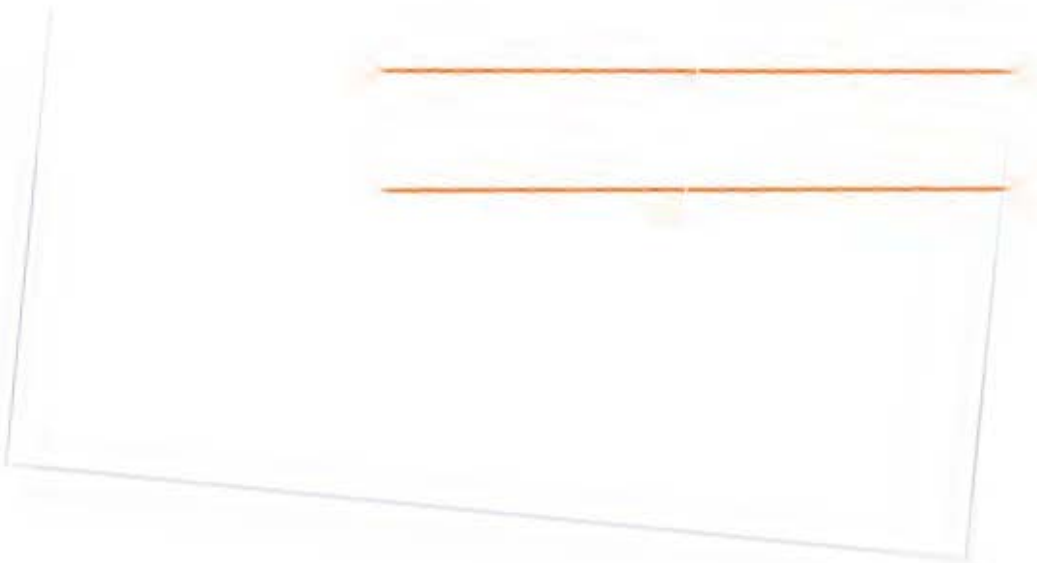
**CURRENT SURVEY**



**PROPOSED PLANS**



**SITE PHOTOS**





**DISTANCE EXHIBIT**



Feet

**Measurement Result**

289.6 Feet

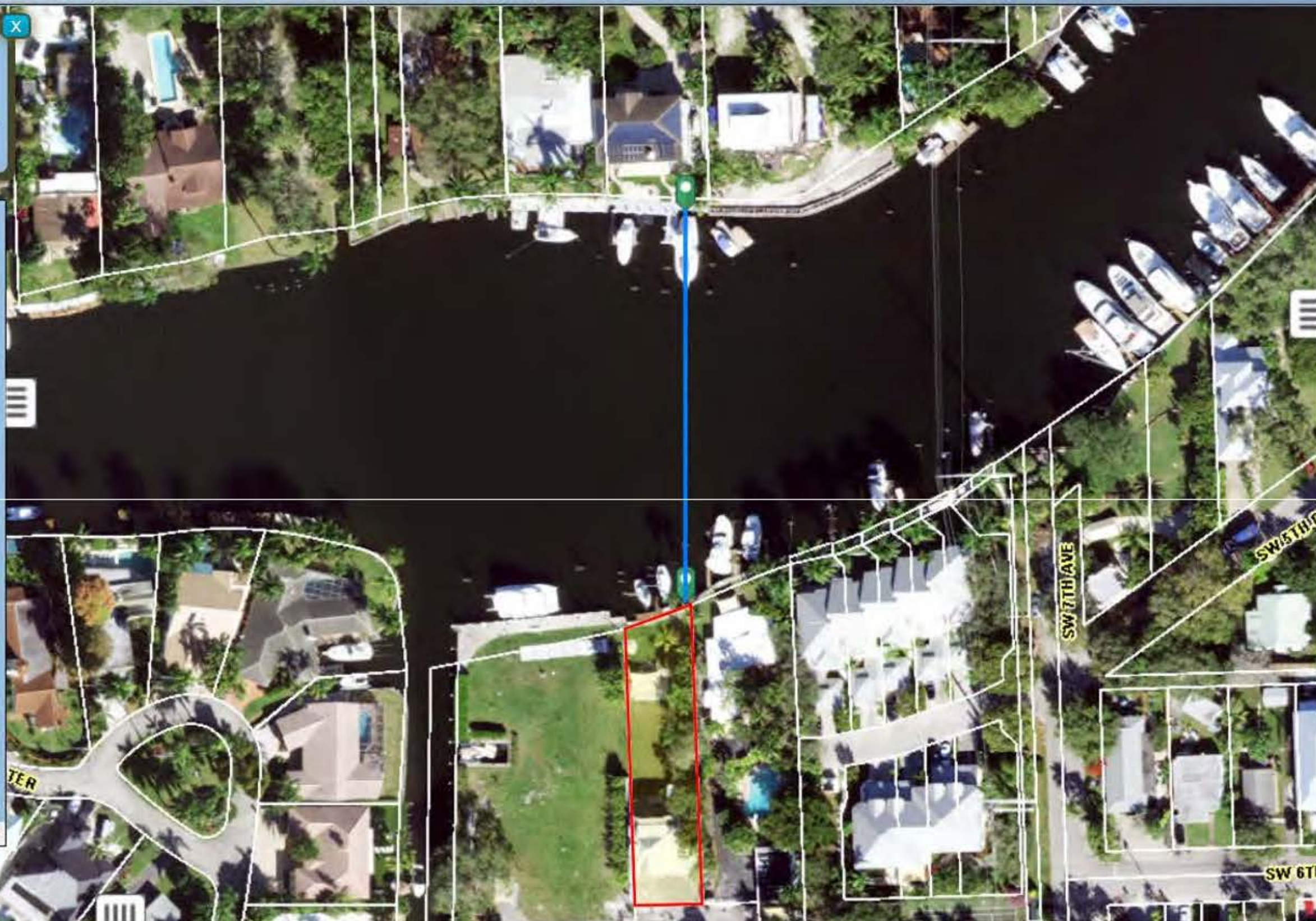
**Layer List**

- Highways
- Major Roads
- Twn-Rng-Sec
- City Limits
- Zip Codes
- CRA Boundaries
- FEMA Flood Zones
- Opportunity Zones
- Census Tracts
- City Zoning Codes
- County Land Use
- Comm Appraisal Districts
- Resid Appraisal Districts
- Subdiv. Number
- Subdiv. Name
- House Number
- Street

Aerials 2022 ▾

No Sales ▾

Select Description ▾



**Parcel Information**

Parcel Id: [504210400040](#)

Owner: KIRWIN, CHRISTINA

Situs Address: 801 SW 6 ST FORT LAUDERDALE FL 333151066

Legal: SEAWANNA SUB PT BLK 35 FT LAUDERDALE 7-37 B LOT 6

Millage Code: 0312

Use Code: 01

Land Value: \$ 427,480

Building Value: \$ 987,660

Other Value: 0

Total Value: \$ 1,415,140

SOH Capped Value: \$ 1,098,410

Homestead Exempt Amt: \$ 25,000

WVD Exempt Amt: \$ 0

Other Exempt Amt: \$ 0





1401 EAST BROWARD BOULEVARD, SUITE 303  
FORT LAUDERDALE, FLORIDA 33301  
EMAIL: [ASCHEN@LOCHRIELAW.COM](mailto:ASCHEN@LOCHRIELAW.COM)  
DIRECT LINE: 954.617.8919  
MAIN PHONE: 954.779.1119  
FAX: 954.779.1117

## SUPPORT LETTERS

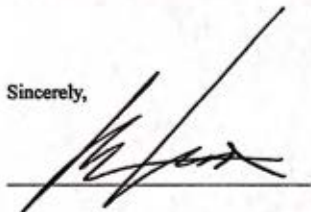
September 27, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



Printed Name:

Marcel Rosen

Address:

617 SW 8th TER  
FL. Land. FL. 33305

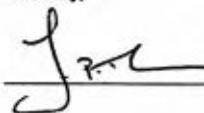
September 20, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



---

Printed Name: Jason Potocz

Address: 6024 SW 8th Flr, Flr, 33315

September 22, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



Printed Name: KUZBEER SANGHERA

Address: 620 SW 8 AVENUE, FORT LAUDERDALE,  
33315


September 22, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



---

Printed Name: DARLA HITCHINS

Address: 613 SW 8th ST FORT LAUDERDALE

September 2<sup>nd</sup>, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



Printed Name: Captain Justin Lucif

Address: 5641 SW 54<sup>th</sup> Ct, Davie, FL

September 20, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,

A handwritten signature in black ink, appearing to read 'GREG MALTESE', written over a horizontal line.

Printed Name: GREG MALTESE

Address: 620 SW 8<sup>TE</sup>  
FT. LAUD, FL 33315

September 20, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,

Hal Gordon Zantky



Printed Name: Hal Gordon Zantky

Address: 620 S.W. 6<sup>th</sup> St 33315

September 22, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



---

Printed Name: JAY ORESTIAN

Address: 636 S.W 8<sup>th</sup> TERR  
FL LAUDERDALE FL 33315

September 20, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



Printed Name: FLORIAN BECKER

Address: 608 SW 8<sup>th</sup> TER  
FL 33315

September 22, 2022

Fort Lauderdale Marine Advisory Board  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Dear Marine Advisory Board Members:

I am aware of the request by Ed Kirwin III and Christina Kirwin to install dolphin pilings approximately 60' from his dock at 777 SW 6<sup>th</sup> Street and hers at 801 SW 6<sup>th</sup> Street. Please let this letter serve as my support for the Kirwins' request.

Sincerely,



Printed Name: Edmundo Hernandez

Address: 801 SW 6<sup>th</sup> St Ft Lauderdale 33315