

# WALK-ON

MEMORANDUM NO. 08-199

DATE: August 29, 2008

TO: Mayor Jim Naugle  
 Vice-Mayor Charlotte E. Rodstrom  
 Commissioner Christine Teel  
 Commissioner Carlton B. Moore  
 Commissioner Cindi Hutchinson  
 John Herbst, City Auditor  
 Jonda K. Joseph, City Clerk  
 Harry A. Stewart, City Attorney

CITY CLERK  
 2008 AUG 29 PM 1:02

FROM: George Gretsas, City Manager *GG/66*

BY: Cate McCaffrey, Director of Business Enterprises *CC*

SUBJECT: September 3, 2008 – Regular City Commission Meeting – Walk-On  
 Dock Waiver Application – Distance Limitations  
 714 NE 20 Avenue – James Juranitch

This matter was originally scheduled to go before the City Commission at the July 15, 2008 Regular Meeting, but was deferred upon request by the applicant. A motion to defer the matter until September 3, 2008 was made by Commissioner Hutchinson and seconded by Commissioner Teel. The motion passed by a vote of 4 to 0. This matter is being brought as a walk-on item as it was inadvertently left off the September 3, 2008 Regular Meeting Agenda.

Attached hereto is a copy of the Commission Agenda Report (CAR 08-0921) for the July 15, 2008 Regular Meeting, which contains all pertinent back-up information.

**RECEIVED**  
**COMMISSIONERS**  
**ALL**

2008 AUG 29 PM 1:09

CITY COMMISSION

# COMMISSION AGENDA REPORT

COMMISSION MEETING DATE: 07-15-2008 AGENDA ITEM: PH-05

COMMISSION REPORT NO: 08-0921

PREPARED BY: Cate McCaffrey 07-10-2008 20:44:55 DEPT: Business Enterprises

DEPARTMENT DIRECTOR'S SIGNATURE

Jamie Hart, Supervisor of Marine Facilities, 828-5423  
AUTHOR'S NAME, TITLE, AND TELEPHONE NUMBER

George Gretsas 07-10-2008 21:30:06  
CITY MANAGER'S SIGNATURE

TITLE 1: DOCK WAIVER APPLICATION - DISTANCE LIMITATIONS

TITLE 2: 714 NE 20 AVENUE - JAMES JURANITCH

SUBJECT:

Applicant: James Juranitch  
Location: 714 NE 20 Avenue  
  
Waiver of Limitations - construct and maintain a single finger pier extension approximately 108 feet from property line into the Middle River.

REQUESTED ACTION (STAFF RECOMMENDATION - CONTENT OF MOTION):

Open hearing, close hearing, introduce resolution.

- REGULAR AGENDA
  - Motion
  - Public Hearing
  - Resolution
  - Purchase
  - Consent Resolution
- CONFERENCE
  - Motion for Discussion
  - Ordinance
  - Presentation
  - Citizen Presentation
- CONFERENCE
  - Old/New Business
  - Exec Closed Door
  - Conference Reports
  - Advisory Boards
- City Commission Reports
- City Manager Reports

Public Notice Advertised:

FUNDS APPROPRIATION/TRANSFER (provide index code, subobject, and title of subobject):

No budgetary impact.

## FOR PROCUREMENT ITEMS ONLY

PROCUREMENT REFERENCE NO: TRANSACTION TYPE:

BIDS SOLICITED/RECEIVED: WBE: LATE BID:

Vendor: MBE: NO BID:

Amount: Details:

Procurement Recommendation:

**Description of Exhibits:**

- |                                |                                |                       |
|--------------------------------|--------------------------------|-----------------------|
| 1. Background Detail           | 2. Memo MF 08-16 & Application | 3. MAB Minutes 4/3/08 |
| 4. Memo MF 07-66 & Application | 5. MAB Minutes 1/3/08          | 6. Police Reports     |
| 7.                             | 8.                             | 9.                    |

**EXHIBITS: AVAILABLE VIA HARDCOPY: Exhibit #s:** \_\_\_\_\_

**PRIOR COMMISSION/BOARD ACTION: (attach additional file if necessary)**

1/3/08 - MAB voted 8 to 1 not to recommend approval of the waiver of dock limitations. ▲

4/3/08 - MAB voted 6 to 5 not to recommend approval of the waiver of dock limitations.

▼

**BACKGROUND/DETAIL:**

Background detail attached as Exhibit 1. ▲

▼

**Attorney's Initials:** \_\_\_\_\_

RE: July 15, 2008 Meeting – Application for Waiver of Dock Distance Limitations/James Juranitch – 714 N.E 20<sup>th</sup> Avenue

The applicant, James Juranitch, is applying for a waiver of dock distance limitations at 714 N.E. 20<sup>th</sup> Avenue. On two previous occasions, January 3, 2008 and April 3, 2008, the Marine Advisory Board (MAB) denied Mr. Juranitch's applications for dock waivers at 714 NE 20<sup>th</sup> Avenue. Mr. Juranitch, is now applying directly to the City Commission for a waiver of dock distance limitations to construct a single pier extending a maximum distance of approximately 108' from the property line into the Middle River.

The application that is presently before the Commission was heard by the MAB at its April 3, 2008 meeting. Attached hereto as **Exhibit 2** is a copy of the application as well as a staff memo, dated March 28, 2008, advising the MAB of the application. The MAB discussed a number of factors related to the application, including *res judicata* and whether the application was materially different from Mr. Juranitch's first application; safety of water skiers; width of the river; docking of vessels and zoning. A number of members of the public spoke, one of whom, an attorney, argued that the doctrine of *res judicata* prevented the MAB from hearing the matter since the matter had already been decided. The attorney further stated that the applicant failed to present extraordinary circumstances warranting a waiver, and that the proposed dock is in a residentially zoned area. Another member of the public alleged that the waiver is all about money and that the purpose of the applicant's dock is to make money for the applicant. The applicant's attorney spoke and stated that it was proper for the matter to be heard and that there are appropriate justifications for the waiver, including the seagrass issue and the width of the river. The MAB denied the application by a vote of 6 to 5. Attached hereto as **Exhibit 3** are excerpts from the April 3, 2008 MAB minutes.

As stated in the application under consideration, Mr. Juranitch proposes to remove two existing finger piers and two dolphin pilings to construct a single pier extending a maximum distance of approximately 108' from the property line.

A summary description of the proposed project states in pertinent part:

The proposed project is to reconfigure an existing four (4) slip docking facility associated with the single-family residence. The proposed project will consist of the removal of two existing (2) thirty (30) foot finger piers and the construction of a new 100' x 8' wood finger pier...The two (2) 30' x 4' finger piers will be removed and

replaced with a single 100' x 8' wood finger pier. The finger pier will extend 108' from the property line which is 2.5' waterward of the existing seawall. (Exhibit 2, Page 15)

The project description is a revision of Mr. Juranitch's earlier application to the MAB, which was heard at the January 3, 2008 MAB meeting and denied by a vote of 8 to 1. The earlier application, in addition to a 108' pier, included two (2) sets of cluster mooring pilings that were to extend an additional 25' from the end of the pier to a maximum distance of 133' into the Middle River. That application and a staff memo, dated December 26, 2007 are attached hereto as **Exhibit 4**. The January 3, 2008 MAB minutes are attached hereto as **Exhibit 5**.

The revised plan to eliminate the cluster mooring pilings proposed at a distance of 133' into the Middle River reduces the over-all slip size by approximately 23% according to the applicant. The configuration of the 108' pier without the cluster mooring pilings resulted primarily from concerns expressed by the MAB at their January 3, 2008 for the safety of water skiers in this area. (See, Exhibit 5).

A waiver to build a 108' pier is required because the City's Unified Land and Development Regulations (ULDR), Section 47-19.3.B limits the maximum distance of a dock or pier to 10% of the width of the waterway or 20', whichever is less. The ULDR Section 47-19.3.C permits mooring or dolphin pilings to be installed within 30% of the width of the waterway or 25', whichever is less.

The over-all width of the Middle River at the site of the proposed dock, according to information provided by the applicant, is as summarized in **Table 1** below:

**TABLE 1**

<b>WATERWAY WIDTHS FROM NORTH TO SOUTH</b>	<b>MAXIMUM DISTANCE</b>
North Boundary Line of Property	1,123.87' +/-
South Boundary Line of Property	1,447.51' +/-

The distance of the proposed pier extending beyond the maximum limitations from the property line into the Middle River as shown in the survey provided in Exhibit 2 is summarized in **Table 2** below:

**TABLE 2**

<b>LOCATIONS OF STRUCTURES (NORTH TO SOUTH)</b>	<b>SURVEYED DISTANCE OF PIER</b>	<b>PERMITTED DISTANCE WITHOUT WAIVER</b>	<b>AMOUNT OF DISTANCE REQUIRING WAIVER</b>
PROPOSED FINGER PIER	108'	20'	88'

The City Commission is authorized by Section 47-19.3.D of the ULDR to waive the limitation based on a finding of extraordinary circumstance. Extraordinary circumstances are not defined by the ULDR; however, historically the MAB has considered issues related to navigational, safety and environmental impacts on vessel docking when reviewing applications for waivers of distance limitations. As stated previously, the MAB denied this application by a vote of 6 to 5. (See, Exhibit 3, MAB minutes).

In the application under consideration by the Commission, the applicant has suggested that three matters provide justification for the waiver request:

- the need to construct the dock in a manner to protect the seagrass;
- the "extraordinary width" of the waterway; and
- the project is consistent with adjacent waivers and adjacent neighbors. (See Exhibit 2, Page 16).

The three matters presented in the application represents a change from Mr. Juranitch's first application to the MAB wherein the need for ADA/wheelchair access was included as one of the matters providing justification for the waiver. (See, Exhibit 4, Summary Description, Page 14). At its January 3, 2008 meeting, the MAB denied the first application by a vote of 8 to 1. (See, Exhibit 5, MAB Minutes).

**Seagrass**

The current plans include a bow-in configuration for vessel docking. This configuration is required under the environmental permit granted to the applicant by the Broward County Environmental Protection Department due to the presence of seagrass at the site of the proposed dock. The proposed pier is designed with a 32'L X 6'W section of fiberglass grating to allow sunlight to penetrate beneath the pier to the seagrass. The fiberglass grating, designed for mitigation purposes, is required as a

condition of the environmental permit granted by the Broward County Environmental Protection Department. In addition, the County permit requires that vessels be restricted to a minimum set-back of 10' east of the marginal pier, which runs parallel from north to south between the property lines. This restriction is designed to protect the seagrass located landward towards the 8' wide marginal dock.

According to a Broward County Environmental Protection Department email, included as part of the application, "The currently proposed design includes the use of fiberglass grating, which allows light to penetrate beneath the dock, and mooring of the vessels bow in with a setback of 10 feet from the edge of the existing marginal dock, which eliminates the need for dredging." (See, Exhibit 2, Page 22).

Records reflect that a waiver was originally approved in 1983 for 714 N.E. 20<sup>th</sup> Avenue as shown in Resolution No. 85-113 included in Exhibit 4 at Page 23. The construction permit authorized under Resolution No. 85-113 allowed for two (2) finger piers extending 37', and three (3) mooring pilings extending 45' from the property line, respectively.

#### **Width of Middle River**

City staff has confirmed that the widths of the Middle River, as provided by the applicant, at the site of the proposed dock are accurate within plus or minus 5 feet.

#### **Adjacent neighbors and waivers**

There have been a total of eight (8) waivers approved along N.E. 20<sup>th</sup> Avenue into the Middle River as shown on below **Table 3**. Most of the waivers issued were in ROA zoning, with the exception of two in RS-8, one at 714 N.E. 20<sup>th</sup> Avenue and the other at 738 N.E. 20<sup>th</sup> Avenue. The present application is for a property in RS-8 zoning.

Code Enforcement is in the process of citing the owner of 738 N.E. 20<sup>th</sup> Avenue for operating two businesses at that location without a business tax receipt and for non-permitted land use in that a single family residence is being operated as a short-term rental for crew members for vessels being docked at 736 N.E. 20<sup>th</sup> Avenue, which is owned by the same individual. The owner is being cited at 736 N.E. 20<sup>th</sup> Avenue for illegal dock rental, illegal habitation aboard vessels and non-permitted land use in that a single-family residence is being operated as a marina.

**BACKGROUND DETAIL****EXHIBIT 1  
CAR 08-0921**

Further, 736 and 738 N.E. 20<sup>th</sup> Avenue are the subject of three Fort Lauderdale police reports, two of which are attached hereto as **Exhibit 6**.

On February 7, 2008, the police responded to complaints of a "commercial marina being operated within a residential neighborhood." (See, **Exhibit 6**). Officers spoke to two individuals who indicated that they reside on vessels docked at 736 N.E. 20<sup>th</sup> Avenue. Reportedly, 736 N.E. 20<sup>th</sup> Avenue is an "elaborate garage/workshop for numerous motorcycles," and 738 N.E. 20<sup>th</sup> Avenue is rented as a crew house.

On April 17, 2008, the police responded to the 700 block of N.E. 20<sup>th</sup> Avenue and determined that one of the individuals who had previously admitted to sleeping on a vessel was continuing to habitate on the vessel. (See, **Exhibit 6**).

Code Enforcement is also citing the owner of 744 N.E. 20<sup>th</sup> Avenue for non-permitted land use in that a single-family residence is being operated as a short-term rental for crew members for a vessel docked at 736 N.E. 20<sup>th</sup> Avenue.

**TABLE 3**

<b>DATE</b>	<b>ADDRESS</b>	<b>MAXIMUM DISTANCE</b>	<b>ZONING DISTRICT</b>
March 1983	834 N.E. 20 <sup>th</sup> Avenue	Mooring Pilings – 45'	ROA
April 1983	714 N.E. 20 <sup>th</sup> Avenue	Mooring Pilings – 45' Piers – 37'	RS-8
July 1985	808 N.E. 20 <sup>th</sup> Avenue	Mooring Pilings – 48' Piers 38'	ROA
January 1990	840 N.E. 20 <sup>th</sup> Avenue	Mooring Pilings – 48' Pier – 48'	ROA
September 1992	738 N.E. 20 <sup>th</sup> Avenue **	Moorings Pilings – 75' Pier 39'	RS-8
December 2005	834 N.E. 20 <sup>th</sup> Avenue	Mooring Pilings – 71' Piers – 35'	ROA



**BACKGROUND DETAIL****EXHIBIT 1  
CAR 08-0921**

December 2005	840 N.E. 20 <sup>th</sup> Avenue	Mooring Pilings – 71' Piers 35'	ROA
November 2007	808/810 N.E. 20 <sup>th</sup> Avenue	Mooring Pilings – 68' Piers – 73'	ROA

**\*\*738 N.E. 20TH AVENUE – “AFTER THE FACT WAIVER”**

In the event a recommendation of approval by the City Commission is made, the waiver should include at least the following conditions:

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 specifically the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers in accord with the ULDR Section 47.19.3.D.
2. The applicant is required to install and affix reflector tape on the outer double sets of support pilings on the pier for additional safety in accord with the specifications in Section 47.19.3.D of the Unified Land and Development Regulations (ULDR).
3. The granting of the request for the waiver of the dock limitations of the ULDR Section 47-19.3.B is contingent upon and shall not be effective until the “Applicant” secures a sovereignty submerged lands lease with the State of Florida for the expanded docking envelope that results in granting of the waiver.
4. As a special condition, the construction of dockage and mooring facilities, mooring pilings, and related amenities, stipulates the waiver granted be automatically terminated if fifty (50%) percent or more of the physical structure are removed, damaged or destroyed by fire, explosion, or other casualty or act of God.

DATE: March 28, 2008  
TO: Marine Advisory Board  
FROM: Jamie Hart, Supervisor of Marine Facilities  
RE: April 3, 2008 Meeting - Dock Waiver of Distance Limitations -  
James Juranitch - 714 N.E. 20<sup>th</sup> Avenue

Attached as **Exhibit 1** is an application from James Juranitch, 714 N.E. 20<sup>th</sup> Avenue for a waiver of distance limitations to construct a single pier 108' from the property line into the Middle River. The applicant has eliminated the two sets of cluster mooring pilings that were proposed to extend approximately 132' from the property line as part of the original application that was denied by the Board (8-1) back at the meeting of January 3, 2008.

Staff deferred this application for 30 days to determine the appropriate review process in determining whether the proposed elimination of the cluster mooring pilings were materially different in design from the original design. In administrative matters there is a doctrine referred to as administrative res judicata which generally stands for the proposition that once a board has ruled or passed on a matter it will not revisit that same matter over again, absent a Motion for Reconsideration being made in a timely manner. City policy is that (unless vested rights have otherwise been acquired by an applicant) a Motion for Reconsideration must be made no later than the very next meeting of the board and the Motion must be made by a board member who was on the prevailing side when the matter was previously considered. With the present application, a Motion for Reconsideration has not been timely raised by a board member who was previously on the prevailing side.

Therefore, as to this second application, the Board must consider as a threshold question whether this second application is materially different than the application on which the Board previously recommended denial. Otherwise, it falls under the doctrine of administrative res judicata and should not be revisited.

With other City Boards, if the revised application is not deemed to be materially different from the previous application that was denied, then the revised application is not considered. For example, at the Board of Adjustment, once an application is denied it cannot be presented to the Board for another two years unless a new application is filed that is materially different from the one denied.

Accordingly, if the Board determines that removal of the cluster piles alone in this second application makes the second application materially different from the first application on which the Board recommended denial, then the Board may continue to review this as a new application and proceed to review the application on its merits.

-OR-

- / -

On the other hand, if the Board determines that removal of the cluster piles alone in this second application is not materially different from the first application, then the Board should deny to hear the second application.

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 conditions:

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 specifically the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers in accord with the ULDR Section 47.19.3.D.
2. The applicant is required to install and affix reflector tape on the outer double sets of support pilings on the pier for additional safety in accord with the specifications in Section 47.19.3.D of the Unified Land and Development Regulations (ULDR).
3. The granting of the request for the waiver of the dock limitations of the ULDR Section 47-19.3.B is contingent upon and shall not be effective until the "Applicant" secures a sovereignty submerged lands lease with the State of Florida for the expanded docking envelope that results in granting of the waiver.
4. A new condition for all waivers for projects related to construction of dockage and mooring facilities, mooring pilings, and related amenities, stipulates the waiver granted be automatically terminated if fifty (50%) percent or more of the physical structure are removed, damaged or destroyed by fire, explosion, or other casualty or act of God.

JH  
Attachment

cc: Cate McCaffrey, Director of Business Enterprises  
Andrew Cuba, Manager of Marine Facilities

**EXHIBIT I  
APPLICATION FOR WATERWAY WAIVER**

3-

**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: **Mr. James Juranitch**

TELEPHONE NO: **(262) 443-9100** (home)      \_\_\_\_\_ (business)      FAX NO. **(920) 474-3946**

2. **APPLICANT'S ADDRESS** (if different than the site address): **714 NE 20<sup>th</sup> AVENUE, FT. LAUDERDALE, FL 33004**

3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:** **The Applicant at the request of the MAB has revised the dock layout to remove proposed mooring piles and has scaled back the mooring area by 32 feet. The Applicant requests a Waiver of Limitations in order to construct a 100' x 8' wood finger pier at the property. The requested encroachment is necessary in order to avoid existing benthic resources (seagrass) adjacent to the existing seawall and finger piers and to provide suitable mooring for larger vessels.**

4. **SITE ADDRESS:** **714 NE 20<sup>th</sup> AVENUE, FT. LAUDERDALE, FL 33304**      **ZONING:** **RS-8**

**LEGAL DESCRIPTION:** Lot 10 and the South half of Lot 9, Block 1, VICTORIA HIGHLANDS, according to the plat thereof, recorded in Plat Book 9, Page 47, and all amendment(s) thereto as recorded in Plat Book 15, Page 9, of the Public Records of Broward County, Florida, said lands situate, lying and being in Broward County, Florida

5. **EXHIBITS** (In addition to proof of ownership, list all exhibits provided in support of the applications). **Application fees, Existing conditions, Project Plans (11" x 17"), Site Photos & Warranty Deed**

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date **2-21-08**

The sum of \$ \_\_\_\_\_ was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

Received by: \_\_\_\_\_  
**-4-** City of Fort Lauderdale

**EXHIBIT II  
WARRANTY DEED**

**PREPARED BY AND RETURN TO:**

William D. Beamer, Esq.  
William D. Beamer Chartered  
1975 East Sunrise Blvd.  
Suite 701  
Fort Lauderdale, Florida 33304

Property Folio No. 5042 02 13 0070

**WARRANTY DEED**

THIS WARRANTY DEED made the 12<sup>th</sup> day of December 2006, by GARY P. MONSOUR, a single man, hereinafter known as "Grantor," to JAMES JURANITCH, a married man, whose post office address is 714 NE 20<sup>th</sup> Avenue, Fort Lauderdale, Florida 33304, hereinafter known as "Grantees":

(Wherever used herein the terms "Grantor" and "Grantees" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of the corporations)

**WITNESSETH:** That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargain, sell, alien, remise, release, convey and confirm unto the Grantees, all that certain land situate in Broward County, Florida, viz:

Lot 10 and the South Half of Lot 9, Block 1, VICTORIA HIGHLANDS, according to the Plat thereof, recorded in Plat Book 9, Page 47, and all Amendment(s) thereto as recorded in Plat Book 15, Page 9, of the Public Records of Broward County, Florida, said land situate, lying and being in Broward County, Florida.

**SUBJECT TO:** Taxes for the year 2007 and subsequent years; zoning and/or restrictions and prohibitions imposed by governmental authority, and; restrictions, easements and other matters appearing on the record and/or common to the subdivision.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantees that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2006.

IN WITNESS WHEREOF the said Grantors have signed and sealed these presents the day and year first above written

Signed, sealed and delivered in our presence:

*William D. Beamer*  
Signature of Witness #1

*Gary P. Monsour*  
GARY P. MONSOUR

*William D. Beamer*  
Printed name of Witness

*Jana K. Farris*  
Signature of Witness #2  
Printed name of Witness

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of December 2007, by GARY P. MONSOUR, who is personally known to me or who produced *[Signature]* as identification.



Michelle K. Beamer  
MY COMMISSION # 0048107 EXPIRES  
September 18, 2009  
VICTOR PETERSON & ASSOCIATES, PC

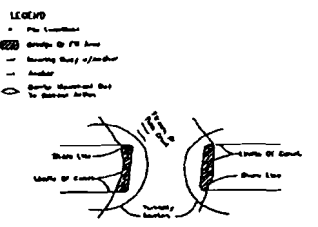
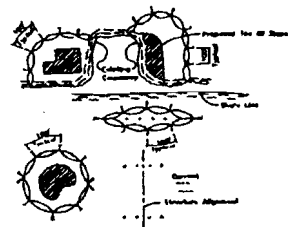
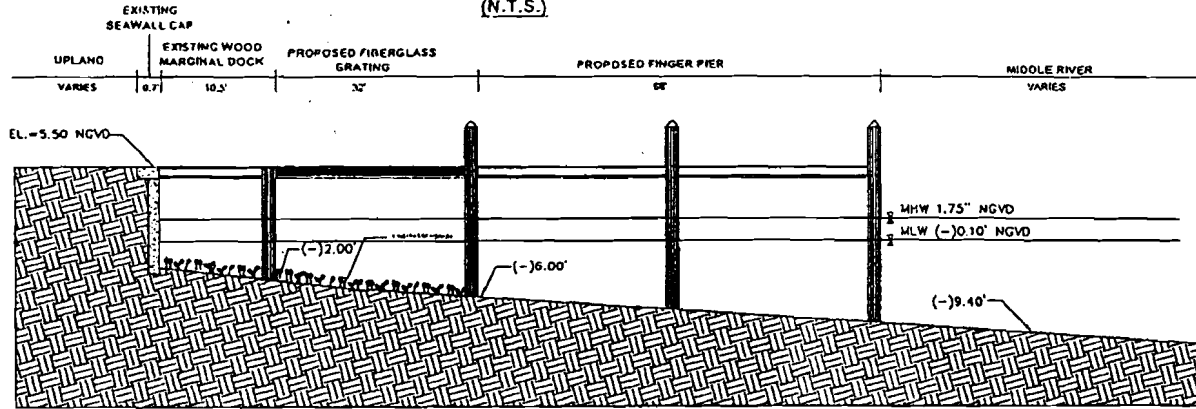
*Michelle K. Beamer*  
Notary Public

**EXHIBIT III  
PROJECT PLANS**



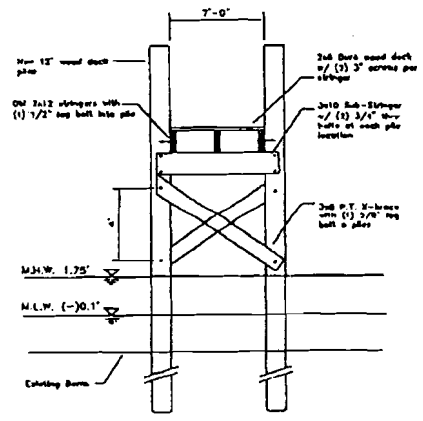


**A - A**  
**PROPOSED CONDITIONS**  
**(N.T.S.)**

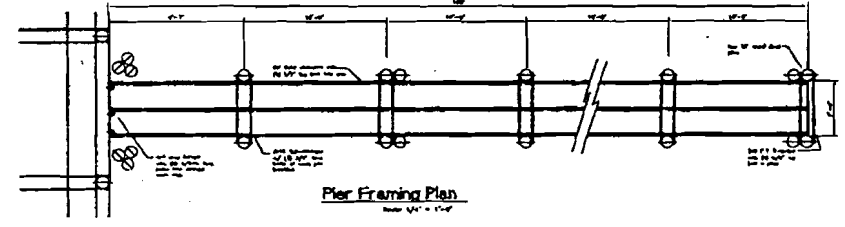


**NOTES:**  
 1. Turbidity barrier use is to be used in all permanent bodies of water regardless of water depth.  
 2. Number and spacing of anchors dependent on water conditions.  
 3. Deployment of barrier around pile locations may vary to accommodate construction operations.  
 4. Structures may require supporting water during construction operations.  
 5. For additional information see Section 104 of the Standard Specifications.

**TURBIDITY BARRIER APPLICATIONS**



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



**Pier Framing Plan**

- SCOPE OF WORK:**
- FINGER DOCK:**
1. REMOVE (2) EXISTING 4' x 30' FINGER PIERS.
  2. CONSTRUCT A NEW 4' x 100' FINGER PIER.
  3. ALL MATERIALS TO BE PRESSURE TREATED PINE.
  4. ALL HARDWARE TO BE STAINLESS STEEL.
  5. SURFACE DECORING TO BE DINK #1 GRADE ULTRA WOOD FASTENED W/ 2.5. SCREWS.
  6. ALL PLANES TO HAVE CONE CAPS, PVC JACKETS AND RUBBER SLIPPERS.

**NOTE:**  
 DOCK NOT TO EXCEED 3.3 MSL MAX (SEAWALL CAP AND DOCK)

**STRUCTURAL DETAILS PROVIDED BY MORRISON BUILDERS, INC.**

REVISIONS		DESCRIPTION
DATE	BY	

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

2745 East Atlantic Boulevard  
 Suite 302  
 Pompano Beach, FL 33067  
 Tel. 954.782.1908  
 Fax. 954.782.1923  
 www.thechappellgroup.com

**714 NE 20th AVENUE**  
 PREPARED FOR:  
 JAMES JURANITCH  
 SECTION DETAILS

MAR 26 2006

MAR 26 2008

714 NE 20th AVENUE  
PREPARED FOR:  
JAMES JURANITCH  
PROPOSED VESSELS

2745 East Atlantic Boulevard  
Suite 302  
Pompano Beach, FL 33062  
Tel: 954.782.1900  
Fax: 954.782.1923  
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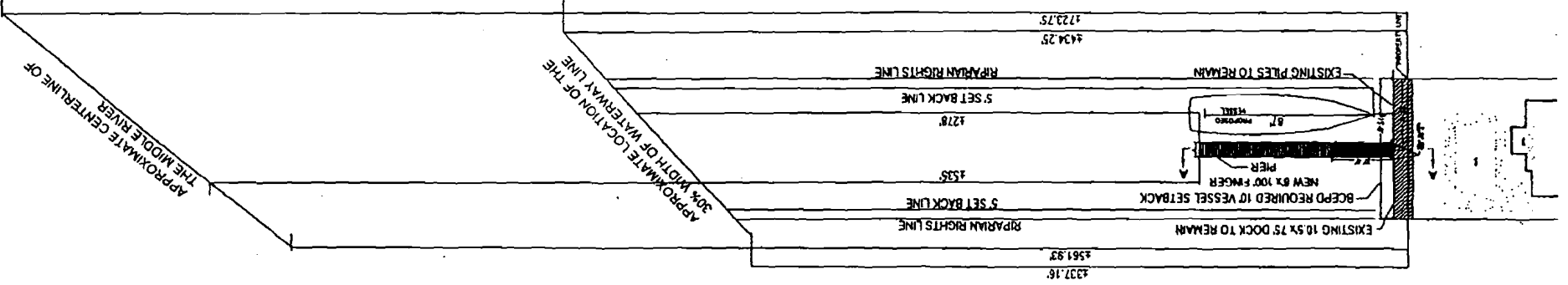
Environmental Consultants  
Marine & Vessel Planning  
Maritime Design & Monitoring  
TAE Services Surveys  
Phase I ESA

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DATE: 03/26/08  
SCALE: 1"=50'

**LEGEND**  
PROPOSED FINGER PIER (608 sq. ft.) -  
DOES NOT INCLUDE GRATING-SEE BELOW  
PROPOSED FIBERGLASS GRATING  
(192 sq. ft.)



-6-



SCALE  
1"=50'

Project No. 07-0017  
Date 03/26/08

101-

DATE	BY	REVISIONS

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**Chappell**  
INCORPORATED

Environmental Consultants  
Marina & Wetland Permitting  
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T&E Species Surveys  
Phase I ESAs

2715 East Atlantic Boulevard  
Suite 202  
Pompano Beach, FL 33062  
Tel: 954.782.1900  
Fax: 954.782.1923  
www.thechappellgroup.com

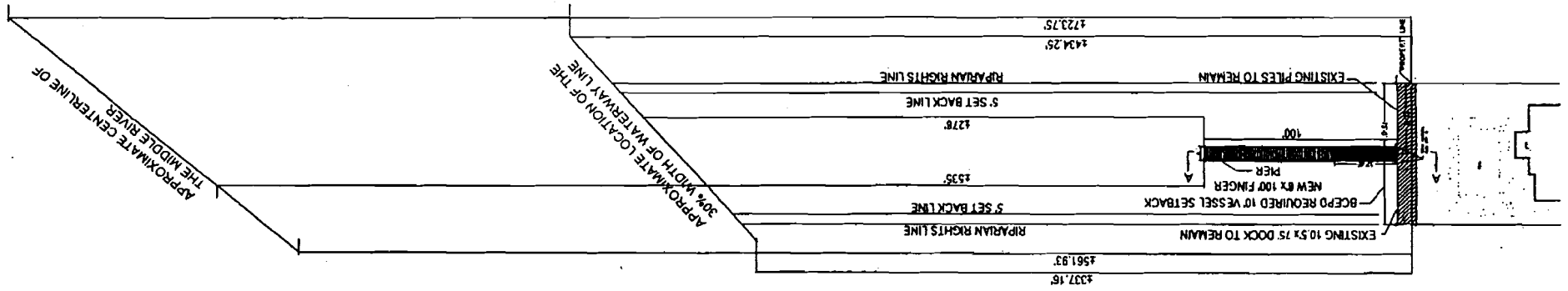
714 NE 20th AVENUE  
PREPARED FOR:  
JAMES JURANTICH  
PROPOSED DOCK PLAN

MAR 26 2008

**LEGEND**

PROPOSED FINGER PIER (608 sq. ft.)  
DOES NOT INCLUDE GRATING-SEE BELOW

PROPOSED FIBERGLASS GRATING  
(192 SQ. FT.)

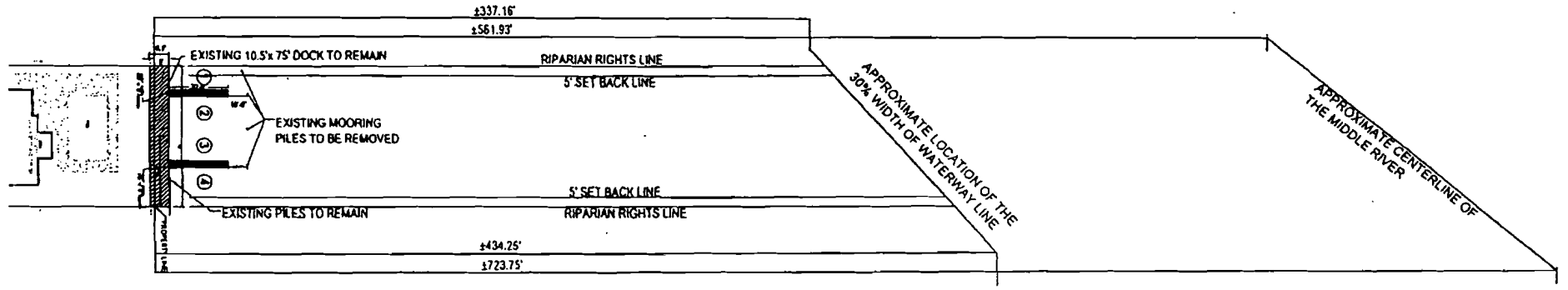


SCALE  
1" = 50'




Project No.	07-0047
Sheet	2 of 2



-11-



**LEGEND**

-  EXISTING FINGER PIERS TO BE REMOVED (240 SQ. FT.)
-  EXISTING DOCK TO REMAIN (787.50 SQ. FT.)
-  EXISTING SLIPS

REVISIONS	
DATE	BY

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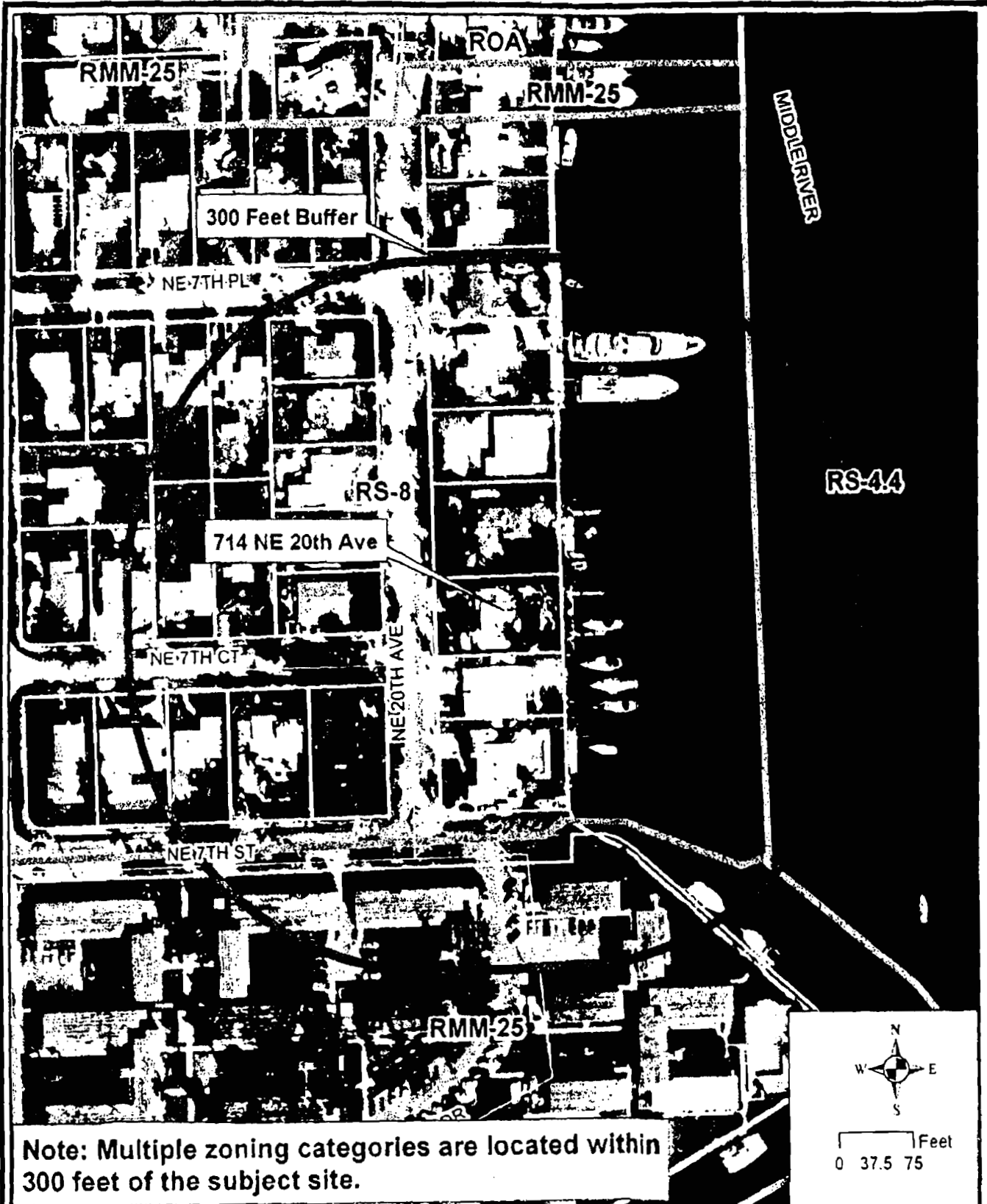
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**714 NE 20th AVENUE**  
PREPARED FOR:  
JAMES JURANITCH  
EXISTING CONDITIONS

MAR 26 2008

**EXHIBIT IV  
ZONING AERIAL**



Note: Multiple zoning categories are located within 300 feet of the subject site.



# 714 NE 20th Ave



Plot Date: 12/06/07

Projects in GIS: p:\CPD\_dockmaster\zoning\714\_NE\_20th\_Ave.mxd

**EXHIBIT V  
SUMMARY DESCRIPTION**

14 -

**Summary Description**  
**714 NE 20<sup>th</sup> Avenue**  
**TCG Project No. 07- 0069**

The project site is located along the Middle River at 714 NE 20<sup>th</sup> Avenue, in Section 01, Township 50, Range 42, in the City of Ft. Lauderdale, Broward County, Florida

The property is located along the west side of the Middle River, which is a tidal water and a connection to the Intracoastal Waterway (ICWW). The nearest direct connection to the Atlantic Ocean is Port Everglades, and is located approximately 3 miles to the south and east of the subject site. Incoming tidal waters (flood) at the site move to the north and outgoing waters move to the south (ebb).

The proposed project is to reconfigure an existing four (4) slip docking facility associated with the single-family residence. The proposed project will consist of the removal of two existing (2) thirty (30) foot finger piers and the construction of a new 100' x 8' wood finger pier. The proposed project has removed two triple mooring cluster piles which were located 32 feet from the end of the dock to reduce the distance of the requested waiver based on the requests of the Marine Advisory Board.

The two (2) 30' x 4' finger piers will be removed and replaced with a single 100' x 8' wood finger pier. The finger pier will extend 108' from the property line which is 2.5' waterward of the existing seawall. The proposed finger pier will include a 32' x 6' section of fiberglass grating at the landward end of the pier. The proposed slip will only allow the vessel to be moored bow-in along the proposed pier as required by Broward County Environmental Protection Department. The bow-in mooring configuration will limit incidental prop-dredging and subsequent impacts to the existing benthic resources potentially caused by mooring stern-in and allow for safer ingress/egress to the pier from the stern.

The applicant is requesting a waiver of limitations from the City of Ft. Lauderdale in order to construct the finger pier that exceed the requirements of Section 47-19.3 (B)(C). All other structures meet the requirements of the City of Fort Lauderdale dock construction limitations on docks and associated mooring structures.

The proposed project is currently under review by the Broward County Environmental Protection Department (BCEPD) File No. DF07-1085). While informal approvals and/or recommendations are typically not issued by BCEPD, the current dock design and layout are the result of on-going project meetings between the Applicant and BCEPD and regulatory agencies. A copy of BCEPD correspondence is attached as part of the submittal package. Within 30 days of City Commission approval of the waiver of limitations, applications will be submitted for processing by the Florida Department of Environmental Protection (FDEP) and US Army Corps of Engineers (USACOE). Given the size of the proposed dock and mooring area, it is anticipated that a Sovereign Submerged Lands Lease (SSL) survey will be required. The processing of the SSL,



including the survey, processing and lease fees, will commence upon notification from FDEP to do so.

The following three (3) matters provide justification for this waiver request:

1. Due to the presence of benthic resources (seagrass) adjacent to the existing docks and seawall, the proposed finger pier will include a 32' x 6' section of fiberglass grating to minimize shading impacts to the existing benthic resources. In addition, the vessels will be moored bow-in to avoid incidental prop dredging within the existing seagrass habitat. BCEPD has requested a 10 foot setback from the existing marginal dock where no mooring will be permitted. Because of the bow in configuration and set back the access will be limited to the stern of the vessel and will warrant the current pier length. The proposed dock configuration is a direct result of a requested design modification by BCEPD in order to not impact natural resources and to allow the ability to moor at the residence. A copy of correspondence from BCEPD requesting the City of Fort Lauderdale allow the proposed docks to protect natural resources is attached in your backup.
2. Due to the extraordinary width of the waterway at this location and its far proximity from the 30% line and centerline of the channel the proposed project will not impede navigation in anyway including recreational activities located in the immediate vicinity.
3. This proposed project is consistent with adjacent waivers and adjacent neighbors who have vessels and docks 75 -150 feet out into the waterway because of the extreme width of the waterway at this location.

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

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	STRUCTURE DISTANCE FROM NEAREST RIPARIAN RIGHTS LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
FINGER PIER – (DOCK "A")	108'	33.5'	20'	88'

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**EXHIBIT VI  
SITE PHOTOGRAPHS**



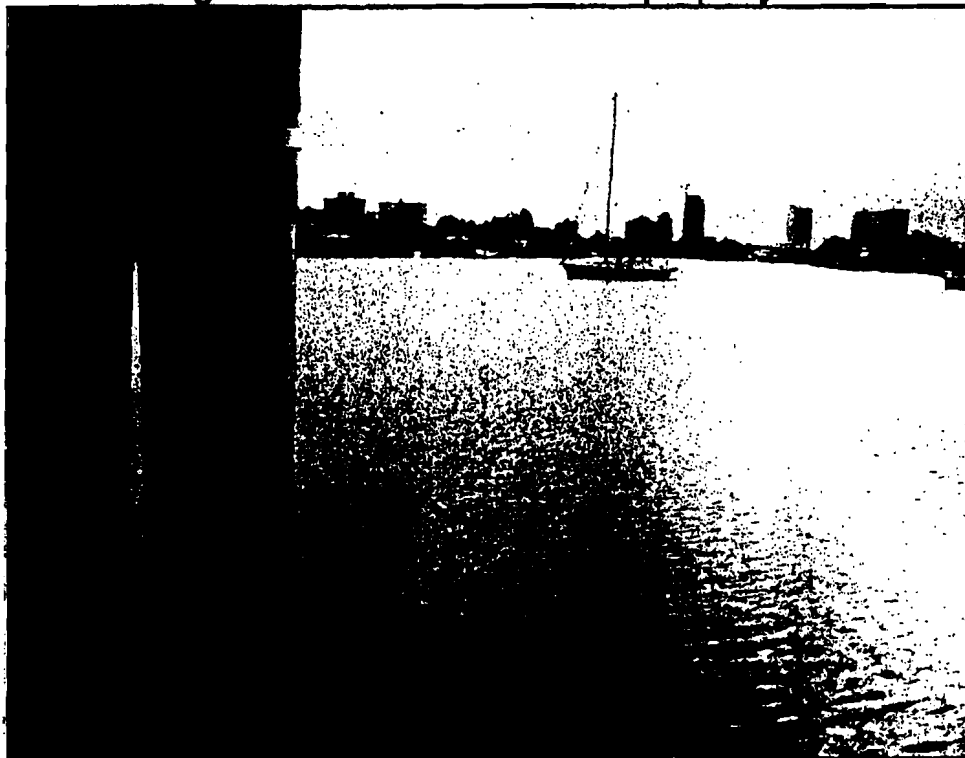
1 Facing east from the center of the property.



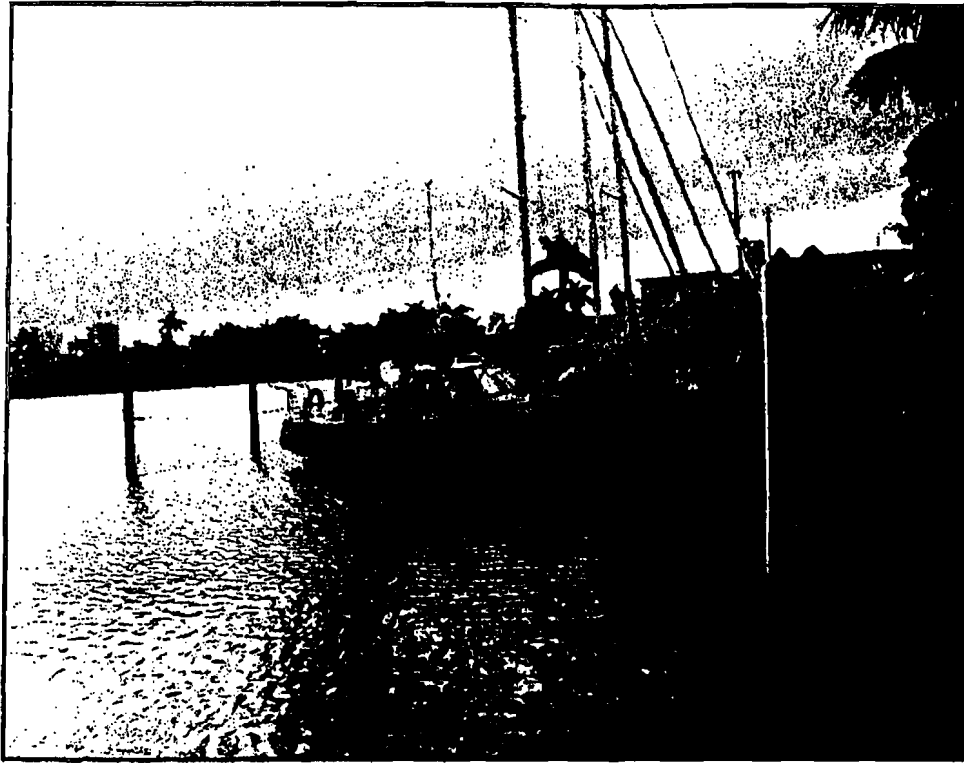
2 South property line facing east.



3 Facing north from south side of property.



4 North side of property facing east



5 Facing south from north side of property.

VICTORIA PARK CIVIC ASSOCIATION  
POST OFFICE BOX 4472  
FORT LAUDERDALE, FLORIDA 33338



TELEPHONE: 954 467-2008  
EMAIL: VPCAFL@aol.com

5 March 2008

James Juranitch  
714 NE 20<sup>th</sup> Avenue  
Ft. Lauderdale, FL 33304

Dear Mr. Juranitch:

The Aesthetics, Master Plan, Planning/Zoning and Traffic Committees of the Victoria Park Civic Association have reviewed your proposal to the City of Fort Lauderdale for a dock variance. And the proposal was presented to the general membership at its March meeting.

We are pleased to tell you that the Victoria Park Civic Association has voted to support your application. We also wish to express our thanks for your willingness to go on the record at the committees' meeting to oppose any marina development in the immediate area of your property along the river.

Sincerely,

A handwritten signature in cursive script that reads "Ted Fling".

Ted Fling  
Vice President

## Tyler Chappell

---

**From:** Krawczyk, Julie [JKRAWCZYK@broward.org]  
**Sent:** Wednesday, January 02, 2008 11:58 AM  
**To:** JHart@fortlauderdale.gov  
**Cc:** Jim Juranitch; tyler@thechappellgroup.com; Matt Mitchell; Kris McFadden; Sunderland, Linda; Myers, Eric; Cry of the Water; jgorman@fitranserv.com  
**Subject:** 714 Middle River Drive, Fort Lauderdale (EPD File No. DF07-1085)

Good morning Jamie,

As you may be aware, our Department is currently reviewing a license application for the construction of an 8-foot-wide by 100-foot-long finger pier and installation of two sets of cluster mooring piles at the above-referenced address. During staff's inspection of the project area, seagrass (*Halophila decipiens*) was observed from the waterward edge of the existing marginal dock to at least 70 feet into the waterway. Seagrass is a protected natural resource that has a significant biological role in providing habitat and food for marine species, protecting shorelines, and maintaining water quality. Pursuant to Section 27-337(b)(7) of the Broward County Code of Ordinances, applicants must avoid and minimize impacts to natural resources to the greatest extent practicable.

Staff has been working diligently with the applicant since May of 2007 to design a project which will avoid and minimize impacts to seagrasses, in addition to meeting the needs of the applicant. The currently proposed design includes the use of fiberglass grating, which allows light to penetrate beneath the dock, and mooring of the vessels bow in with a setback of 10 feet from the edge of the existing marginal dock, which eliminates the need for dredging.

We are aware that the currently proposed design will require a variance from the City of Fort Lauderdale, and it is our understanding that the project will be discussed during the January 3<sup>rd</sup> Marine Advisory Board meeting. Based on the incorporation of the elements discussed above, the Department would like to state its support for the issuance of a variance for the 100-foot-long pier, for the specific purpose of protecting seagrasses. Staff will continue to work with the applicant to finalize the amount of grating and any other compensatory measures needed to minimize seagrass impacts to the greatest extent practicable.

If you have any questions regarding this matter, please do not hesitate to contact me. Thank you.

*Julie Krawczyk*

**Natural Resource Specialist III  
Broward County Environmental Protection Dept.  
One North University Drive, Suite 301  
Plantation, FL 33324  
Phone: (954) 519-1266  
Fax: (954) 519-1412  
Office Hours: Tuesday-Friday, 7:00 am-5:30 pm**

No virus found in this incoming message.

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Version: 7.5.519 / Virus Database: 269.22.1/1346 - Release Date: 3/27/2008 10:03 AM

**MINUTES OF THE MARINE ADVISORY BOARD**

CAR 08-0921

100 NORTH ANDREWS AVENUE

8<sup>TH</sup> FLOOR CONFERENCE ROOM

FORT LAUDERDALE

THURSDAY, APRIL 3, 2008 - 7:00 P.M.

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> 5/2007 through 4/2008	
		<u>Present</u>	<u>Absent</u>
John Terrill, Chair	A	9	1
Barry Flanigan, Vice Chair	P	9	1
Randolph Adams	P	9	1
Alec Anderson	P	7	3
John Baker	A	7	3
John Custer	P	9	1
Norbert McLaughlin	P	8	2
Bob Ross	P	9	1
Rick Schulze	P	9	1
Lisa Scott-Founds	P	1	0
Stephen Tilbrook	P	9	2
Michael Widoff	P	8	2
Eugene Zorovich	P	9	1

**Staff Present**

Jamie Hart, Supervisor of Marine Facilities

Andrew Cuba, Manager of Marine Facilities

Cate McCaffrey, Director of Business Enterprises

Levent Ekendiz, Intracoastal Facilities Dockmaster

Marlene Kimble, Downtown Facilities Dockmaster (retiring)

Off. Brian Meo, Marine Police

Lisa Slagle, Administrative Assistant II, Business Enterprises

Matthew Domke, Downtown Facilities Dockmaster

Brigitte Chiappetta, Recording Clerk, Prototype, Inc.

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

Vice Chair Barry Flanigan called the meeting to order at 7:10 p.m. It was determined that a quorum was present.

Vice Chair Flanigan introduced new Board Member, Lisa Scott-Founds. Self-introductions were made by Staff.



3. On March 31, 2008, at 3000 N Intracoastal Waterway, there was minor damage caused by excessive weight. Several vessels were in the area traveling south from the Palm Beach Boat Show. There were no injuries as a result of this accident.

Officer Meo reported there were other incidents in March:

1. On March 17, 2008, at 690 Royal Plaza Drive, a stolen vessel was removed from the waterway by Fort Lauderdale Police Department Dive & Marine Unit.
2. On March 25, 2008, at 928 NE 20<sup>th</sup> Avenue, Jonathan Naylor of Naylor Yachts was given a Notice to Appear for docking too large of a vessel. Naylor failed to comply with warnings to move the vessel, which exceeded more than 50% of the width of the Middle River.

Officer Meo advised that there were no vessel thefts or burglaries in the month of March.

Mr. Tilbrook asked Officer Meo how the report came about as to the Naylor vessel. Officer Meo advised Mr. Tilbrook that he had no information as to this incident. Mr. Anderson stated that he had spoken with Sgt. Pallan the day before about this incident and apparently Mr. Naylor has a history of violations with the Marine Unit. Officer Meo did inform Mr. Anderson that he believed the vessel to be 121 feet in length. Mr. Anderson further stated that the vessel was not just a violation of code, but represented a safety hazard as it was swaying in the Middle River because the current runs through there very strong, and because there were not enough moorings. Officer Meo confirmed that the boat was removed.

**IV. Application – Waiver of Dock Distance Limitations – 714 NE 20<sup>th</sup> Avenue**  
• James Juranitch

Mr. Tilbrook excused himself at this time, as he had asserted a conflict with this item.

Vice Chair Flanigan announced that Chair Tilbrook provided a letter which he requested be read into the Minutes of the meeting. Thereupon, Vice Chair Flanigan read as follows:

"I would like to apologize to the board for my absence. I find the staff presentation of the Juranitch waiver to be extremely unusual and cause for concern.

Staff is asking the board to determine if changes in the dock configuration at 714 NE 20<sup>th</sup> Ave. meet the legal criteria for a "material change" before allowing this application to be heard. This is completely unprecedented.

While there are board members present who have served for as long as 10 years none of us have ever been asked to decide if an applicant is worthy of being heard. Our job is to decide individually whether we would recommend commission approval based on the merits of an application.

It is clear from the minutes of our last meeting there is a public perception of behind the scenes political maneuvering relating to all properties, commercial & residential along NE 20<sup>th</sup> Ave. There is no doubt this unusual request from staff will further the public perception.

In February the Director of Planning and Zoning stated there are no plans to restrict or limit boat dockage on 20<sup>th</sup> Ave. Last month the Assistant City attorney claimed that it was 'inaccurate and overblown' to suggest dock waivers were being held off for an indeterminate time. As of today no waivers have been sent to the commission and applicants have not been told when they will be.

The Marine Advisory Board is not requested to follow staff recommendations, but we are required to follow our agenda. Item IV on our agenda is properly noticed, and the applicant is present. This item must be heard.

Please include this letter in the minutes.

Sincerely, John Terrill, Chairman, Fort Lauderdale Marine Advisory Board"

**Motion** made by Mr. Schulze, seconded by Mr. Adams, to place item IV on the Agenda before the Marine Advisory Board.

Michael McAllister, Esquire, of Shutts & Bowen, requested the opportunity to be heard, as this was a quasi-judicial hearing. Vice Chair Flanigan advised Mr. McAllister that this matter was not open to the public at this time.

Mr. Widoff asked who determines whether an application makes the Agenda, or in this case, who determines *res judicata*, which would preclude an applicant from going on the agenda. Mr. Hart advised that it is the policy of the City to determine at an administrative hearing if *res judicata* will apply. As such, it is up to the Marine Advisory Board to determine whether this application is materially different than a previous application by strictly removing the pilings, as the dock configuration is exactly the

same. Mr. Hart suggested that if the Board were to determine that by removing the pilings it does not change anything from the previous application, then *res judicata* would apply and the Board would have to deny this application. If the Board feels that this application is different by removal of the pilings, then the Board would move forward with reviewing this application. Mr. Hart stated that how this Board comes to this decision is up to this Board.

Mr. Widoff stated that Chair Terrill's letter seems to indicate that this has never happened, but that it is on the agenda, so *res judicata* is not even relevant. Mr. Hart advised that it is up to the Board if the City's advice is followed in terms of policy decisions regarding *res judicata*, and that this is an advisory board and this case is not quasi judicial. Therefore, the Board must decide how it will proceed in review of this item. Mr. Hart advised that should this matter result in a legal matter, and then *res judicata* could be used administratively in a legal challenge.

Mr. Schulze understood from reading this application that Mr. Juranitch was of the mind to present this at the following meeting, as required by the City regulation, and he was requested not to do so. At that time he was put in a bad position to be in direct conflict with Staff's regulation, which was not of his own making. It was then put off again the following month, and now Mr. Juranitch is returning it again. Mr. Schulze felt that to use this against him at this time and hold his feet to the fire on the regulation is undue harm to his case.

Mr. Schulze explained that in Mr. Juranitch's new application, he has removed the dolphin pilings and removed the second vessel, which would have extended far beyond the 100-foot limit of his dock. From Mr. Schulze's view, this presents a perfect reduction of at least 30% of the original application and, thereby, the application should be on the agenda, and he so amends his motion.

**Motion modified** by Mr. Schulze, and seconded by Mr. McLaughlin, to put Mr. Juranitch reapplication on the agenda to be voted on tonight, due to the fact that his original application was deferred and requested that he not submit it the following month, which put himself in jeopardy of City Staff's regulations for having to be on the immediate following Marine Advisory Board Meeting; that this is not of his own making, and that for his feet to be held to the fire and denied the reapplication should not go forward. It is Mr. Schulze's opinion that the reapplication greatly changes the original application by more than 30%, because the dolphin pilings have been removed, the second larger vessel has been removed, the distance is now down to 108 feet from the property, and, therefore, should be placed on the agenda.

Mr. Anderson asked if anyone from the City Attorney's office was here to clarify any of this for him, as he is not an attorney, but is a commercial realtor and a property manager. Mr. Hart indicated that no one from the City Attorney's office was present. Mr. Hart reiterated that he explained it as best as he could; that the City goes by that doctrine, and it was up to the Board to determine if that doctrine applies in this case.

Mr. Anderson again stated that he did not understand the motion and that he would like a clear one to two sentence motion and then the justifications behind it could be discussed. Until there is a one to two sentence motion, he cannot begin to consider the motion. Mr. Flanigan informed Mr. Anderson that if Mr. Schulze's motion is approved, the Board would then have a thorough discussion. Mr. Anderson reiterated that he wanted the motion clarified as he was still confused.

**Motion modified** by Mr. Schulze, seconded by Mr. Adams, that due to the fact that there is material change presented in the second application, it should be placed on the agenda and voted upon. In a roll call vote, the motion was approved unanimously (Mr. Tilbrook abstaining due to a conflict) 11-0.

Vice Chair Flanigan asked Mr. Hart to provide clarification to the Board of the foregoing Motion. Mr. Hart explained that it would appear that the item is now on the Agenda, for the Board to determine whether the application is materially changed due to the removal of the pilings. Then the Board could vote to have a full-blown discussion and allow public input before there is a vote as to whether to deny this application or proceed on reviewing the application.

Both Mr. Schulze and Mr. Adams expressed that they thought that is just what had occurred.

Mr. Hart stated that the Board only voted to put the matter on the agenda. Mr. Hart asked for the Motion to be read back, which the Secretary proceeded to do, and Mr. Hart advised that it is correct and the Board could proceed.

Mr. Ross asked if there is, in fact, a 30% change. Mr. Flanigan explained that this would be heard now.

Mr. Adams advised that, in his opinion, the Board has voted that this resubmission is substantially changed, to which Vice Chair Flanigan concurred.

**Motion** by Mr. Adams, seconded by Mr. Schulze, for the Board to hear the revised resubmitted application, as it has been determined there was a material change to the

application. The Motion was approved 10-1 (Mr. Anderson dissenting; and Mr. Tilbrook abstaining due to a conflict).

Mr. McAllister again asked to be allowed to address the Board. Vice Chair Flanigan informed Mr. McAllister that this matter had not yet been opened to the public at this time.

Mr. Anderson stated that he did not understand any of this. Mr. Custer advised Mr. Anderson to read the last paragraph on the first page, which is very clear. Mr. Anderson explained that he wanted someone in attendance from the City Attorney's office and that he was not comfortable with any of the motions. Vice Chair Flanigan indicated to Mr. Anderson that he could then vote accordingly.

Whereupon, Tyler Chappell of The Chappell Group, made a presentation to the Board, as environmental consultant for Mr. Juranitch, the applicant. Mr. Chappell indicated that the application tonight was to request approval for the replacement of two existing finger piers with one proposed finger pier, which requires the Marine Advisory Board approval set forth in the Unified Land Development Regulations (ULDR).

Mr. Chappell stated that this application is materially different from the previous application as the applicant had removed the triple pile clusters, which were 133 feet from the property and now is requesting to construct a 100-foot finger pier off an 8-foot marginal dock, for a total of 108 feet from the property line. This represents a 23% reduction from the overall distance from the previous application.

Mr. Chappell continued with a PowerPoint presentation, which is made a part of these minutes and attached hereto.

Based upon comments from a Board member last month, Mr. Chappell requested the removal of item #4 that the waiver would have to be reapplied for if 50% of the dock was removed through an act of God.

Vice Chair Flanigan invited questions and comments from the Board.

Mr. Schulze stated that based upon Mr. Chappell's further investigation of situations and questions raised in the January meeting about the water skiing and anchoring of vessels in that area, he felt that argument now becomes invalid. In addition, Mr. Chappell's research has shown that there is more than 2-1/2 times the width in the area where Mr. Juranitch's dock is proposed.

Mr. Schulze indicated that in the northern turn – the initial turn of a skier – it is far closer to existing dock waivers that were an issue of the past, and more of a danger than Mr. Juranitch's property, if approved. Mr. Schulze stated that he felt that the applicant has made substantial changes to his dock proposal, in coming in line with the area's desires; therefore, denying his application at this time would be arbitrary and capricious.

Mr. McAllister again stated repeatedly that he wanted to be heard. Vice Chair Flanigan advised Mr. McAllister that this matter had not yet been opened to the public and that he would be removed if he continued to interrupt. Mr. Hart stated that he would call the police.

Mr. Widoff said that it was mentioned earlier that a part of the change in application was that it went from two boats to one boat. He asked if this application in any way limits the applicant to one 87-foot boat.

Mr. Chappell responded that the application is for a waiver of the structure and for the distance of that structure, beyond limitations of the boat. He advised that what the Board was reviewing is actually the structure, and that the boat shown in the presentation was shown there as an example of how the boat is being moored bow in. Mr. Chappell stated that the applicant has one boat and that he is not planning to put two. Mr. Zorovich said that he could put two boats.

Mr. Chappell agreed that the applicant can put two on the one side, but it would not be any larger vessel, but would only be a tender. Mr. Zorovich clarified that the application could put a boat there if he wanted to do so. Mr. Chappell agreed that he could, but that he was not proposing to put another vessel there.

Mr. Baker asked if anything would stop the applicant from putting two 100-foot vessels at the dock. Mr. Chappell admitted that nothing could stop him from doing so.

Mr. Anderson asked Mr. Chappell for the number of water skiers during June, July and August. Mr. Chappell responded that he only had two months from which to pick data and that he had no idea how many water skiers there were over the 4<sup>th</sup> of July weekend.

Mr. Anderson then asked when the last fatality occurred in the Middle River from a water skiing accident. Mr. Cuba advised that he would not have that information. Mr. Anderson believed it was last year when a rafter and a skier hit each other while turning.

Mr. Anderson indicated that his only concern is that there is one area that is supposedly wide enough, yet there was a fatality there last year. He expressed concern that granting this application would increase the risk for a potential fatality in this area.

Vice Chair Flanigan asked if the fatality wasn't on the north side of the Sunrise Bridge, and Mr. Anderson agreed. Mr. Anderson asserted that the width of the river is misleading, in that the river runs south and turns east. Mr. Chappell believed that there would still be over 800-feet of water, which is larger than Lake Sylvia. Mr. Anderson said that he felt it was a bit misleading to say the "width of the river" because the river turns from north to south and runs from east to west. Mr. Anderson agreed that there is a lot of area in there, which happens to be the widest part and the best part for water skiers to turn around. Mr. Anderson asked that the Board keep in mind that if this area was wider, it should be wider because there was a recent fatality in an area that was smaller.

Mr. Custer stated that Gloria Katz, a former City Commissioner, determined that dilution was the solution for waterskiing in the City of Fort Lauderdale, whereby it had been limited to the Middle River north of Sunrise Boulevard. It was then opened up to Sunrise Bay, Sunrise Intracoastal, Coral Bay, Lake Sylvia, Lago Mar, Mills Pond, until they realized that they made a lot of mistakes for the water skiers to ski without the risk of an accident. Mr. Custer said that it is now down to Sunrise Intracoastal where they have sufficient width to do it. There is less width in any of these than Sunrise Bay, and they are waterskiing all the time.

Mr. Custer opined (1) that it is risky at best to be waterskiing, and (2) if they do have due diligence, there would not be an accident.

Mr. McLaughlin indicated that in reviewing the applicant's photographs, he believed the boat to the north is actually longer than the dock that is being proposed to be put in here. Mr. McLaughlin also advised the Board that there was previously a problem on the New River with one of these docks and the environmental area. Mr. McLaughlin felt that the boat couldn't get in any closer because the environmentalists would not let the sea grass come out of the area.

Mr. McLaughlin recalled that a waiver was previously given to people because they could not dredge and had to move the dock out further. He said that they had plenty of width in that section of the river. Mr. McLaughlin agrees that the applicant would have to have his boat bow in, rather than stern in, to protect the sea grass, and that he probably cannot get the boat in against the dock currently existing. Therefore, Mr. McLaughlin sees the reasoning for the application.

There being no additional comments from the Board, Vice Chair Flanigan opened the hearing to the public.

Mr. McAllister submitted that this was a quasi-judicial procedure and that, as such, he should be permitted to present evidence as well as cross-examine witnesses. Vice Chair Flanigan advised Mr. McAllister that he could not cross-examine anyone, but that he can address the Board. Mr. McAllister stated his objection for the record that this should be a quasi-judicial proceeding.

Mr. McAllister advised that on January 11, 2005, City Attorney Harry Stewart advised at a hearing that the subject of dock waivers should be considered a quasi-judicial proceeding. Mr. McAllister requested that the Minutes of that meeting into the record of this meeting as evidence.

Mr. McAllister then asked to submit into evidence a letter submitted to the Marine Advisory Board earlier today, which details the reasons why this hearing should have been barred by the doctrine of *res judicata*. Mr. McAllister stated that the doctrine of *res judicata* holds that it is not permitted to rehear a matter that has already been decided, unless there is a substantial change in circumstances, not a substantial change to the application. Mr. McAllister offered that this would have required a zoning changed, or something other than what would be considered a minor alteration of the application. As such, Mr. McAllister objects to the hearing occurring in the first place.

Next Mr. McAllister submitted into evidence a letter received by him today from the Sunrise Intracoastal Homeowners Association, objecting to the application, which he read into the record. Per Mr. McAllister, there were no extraordinary circumstances which justify this application, which is further outlined in his letter to the Board.

Mr. McAllister stated that the Board rejected the initial Application because the Board found no extraordinary circumstances because a personal need does not justify a zoning exception. It was also much larger than any other applications that have come forward in this part of the neighborhood. Mr. McAllister indicated that this was in a residential zoned part of the neighborhood, whereas other applications for the big boats have come in at commercially zoned sections of the neighborhood. He advised that the neighbors on either side of this applicant's property are homeowners.

Mr. McAllister went on to restate the portions of his letter, which has already been placed into evidence before the Board. He further requested the opportunity to cross-examine the public and take evidence. Vice Chair Flanigan informed Mr. McAllister that he would not be permitted to cross-examine anyone.

Vice Chair Flanigan invited any additional comments from the public.



John Gorman, who lives on the property directly to the north of the applicant, addressed the Board next. Mr. Gorman asked to display a picture of the waterway, which was a part of Mr. Chappell's presentation, in order that the Board can see the impact of the waiver which is being considered tonight. Mr. Chappell displayed the photograph requested by Mr. Gorman.

Mr. Gorman stated that this waiver is all about money. Mr. Gorman referred to the January meeting of the Marine Advisory Board during which Mr. Juranitch spoke about his two yachts that would cost between \$7,000 to \$9,000 each per month to dock at Bahia Mar. Mr. Gorman claimed that the purpose of the applicant's dock is to make money for Mr. Juranitch in a residential neighborhood.

Mr. Gorman stated that the properties to the north of his have waivers for a 75-foot cluster pod, in which the vessels are between 120 to 140 feet long. They are backed in and utilize a system of mooring called "Mediterranean mooring" where their anchor lines come out another 30 to 40 feet, which is a hazard to the water skiers. Mr. Gorman claims that if the Board grants the applicant's dock permit, the Board will open up permits, or the ability for every other resident to request permits.

Mr. Gorman declared that developers have bought up all of the homes and he claimed to be pretty much the lone holdout on 20<sup>th</sup> Avenue, other than one other residential house which has not been "compromised." Mr. Gorman suggested that the applicant could put a 180-foot boat on his 100-foot dock, and that he could make about \$12,000 per month.

Mr. Gorman advised that Mr. Juranitch owned a commercial property where he has received a waiver, and suggested that he could dock his 80-foot boat there. In addition, Mr. Gorman stated, Mr. Juranitch owns another property on the Dania Cut-off Canal where he could dock the 80-foot boat on the Dania Cut-off Canal itself, or on the side, the could dock 2 100-foot boats there. Mr. Gorman questions why Mr. Juranitch is applying, as he knew the zoning when he bought the house. According to Mr. Gorman, Mr. Juranitch is doing it for money.

Dan Clark, of Cry of the Water Conservation Group, stated that they are mainly involved with coral reef issues, most recently being involved in the South Florida Coral Reef Initiative. On the things being looked at by the Cry of the Water is commercial docks.

Mr. Clark asked that the Board turn this application down, most importantly because of the safety issue. He indicated that most people in the summertime are kids on inner tubes and other inflatable devices being pulled behind boats.

Mr. Clark expressed that there were also environmental concerns for this area. He refers to a Fort Lauderdale permit for a 4 x 50 pier; the County permit was for an 8 x 100 pier. Mr. Clark advised that he spoke with people from the County that informed him that if there was any change to the initial Broward County permit that was given, it has to go back to them for another permit.

After speaking with the Corps of Engineers, Mr. Clark was told they could not find a permit for this project. Mr. Clark stated that he felt there was not enough inter-agency cooperation and there seems to be a lot of discrepancies between permits and some of things raised at this meeting already.

Mr. Clark felt that there were many things wrong with the permitting process and the regulatory process for residential docks.

Next, Courtney Crush, Esquire, representing Jim Juranitch, indicated that it was appropriate to hear this matter tonight, as the application was a new one. Ms. Crush reiterated that what was before the Board tonight was an application for a dock waiver for the applicant's property, which is zoned residential, where docks are an accessory use. In addition, Ms. Crush stated that in the ULDR, 47-19.3 addresses under which circumstances the City Commission can grant dock waivers, and what percentage they can allow the distance to extend into any waterway.

Ms. Crush stated that, as shown in Mr. Chappell's PowerPoint presentation, there is sea grass in the Applicant's dock space. Ms. Crush advised that when the Applicant applied for a permit more than a year ago, he did not know there was sea grass. He had the appropriate survey done, as required by the County, and he cannot bring a boat in unless it is bow in and must bring it in 10 to 18 feet from his property line. Ms. Crush expressed that this is believed to be extraordinary circumstances.

Ms. Crush went on to state that the applicant's property is located at a very wide portion of the Middle River. As such, the applicant had research done to determine the effect his dock would have on water skiers if it did stick out 180 feet from the property line. Ms. Crush indicated that there is no adverse impact.

Ms. Crush strongly urged this Board to recommend approval to the City Commission, as the decision making body. She asked the Board to consider that the only expert testimony heard tonight was by Mr. Chappell, an environmental engineer.

Alan Leigh, a resident on NE 20<sup>th</sup> Avenue, asserted that Mr. Gorman has an 80-foot yacht and a 10 to 15-foot dock. In addition, he suggests that Mr. Gorman's boat extends 10 feet from his dock before the stern of the boat happens, making this, in

essence, a 100-foot dock. Mr. Leigh stated that Mr. Juranitch is merely asking for the same thing as his neighbor, Mr. Gorman. Mr. Leigh believes that the applicant should be entitled to what Mr. Gorman already has.

Vice Chair Flanigan advised the public that there will be no cross-examination. Mr. McAllister once again objected to not being permitted to cross-examine.

At this time, Vice Chair Flanigan opened the matter to the Board.

Vice Chair Flanigan stated that Chair Terrill's letter contained issues beyond this application that will be dealt with through Staff. Vice Chair Flanigan acknowledged that the Application itself is cut and dry, and that it was a request for a variance.

Vice Chair Flanigan asserted that everyone has seen variances come as a result of the increasing population, both residential and commercial, that have changed and brought this City to where it is today. He explained that the City's skyline has changed, that residential homes were being expanded to 2 and 3 stories, and that boats had become larger and larger as the demand has called for such things. Vice Chair Flanigan admitted that this will continue to be something to be addressed by the Board, and that he resented the suggestion that such decisions be done in a rubber-stamping way.

Vice Chair Flanigan explained that this Board has denied variances where the peaceful enjoyment of adjoining properties were affected, as well as instances where denials were given to people attempting to cover their boat lifts. When looking at this request for a variance, the properties before it, the boats there, Vice Chair Flanigan stated that he does not see where it is a commercial intrusion into what already exists. If the City chooses to change the zoning, Vice Chair Flanigan concurred that there is a method and a process to do this, and that as a Board; the guidelines will be followed at that time. At this time, Vice Chair Flanigan stated that he believed this application is a clear-cut variance, despite the political undertones.

Mr. Zorovich referred to the January meeting in which Mr. Schulze proposed, as he is proposing today, and the application was turned down 8 to 1. He asked in which way this application has changed. Chair Flanigan answered that he sees two cluster pilings which have been removed and the variance of less percentage in distance.

Chair Flanigan admitted that he was not previously aware that there was a City permit issued in the past.

Mr. Schulze suggested that some of the arguments presented in the January meeting were influential in the negative vote by the Board. It is Mr. Schulze's opinion that those

arguments have now been disproved through the further research done by the Chappell Group. Mr. Schulze believed that to be the primary influence in the negative vote that would not be so tonight if it were brought to a vote.

Mr. Zorovich stated that he would not say totally disproved, however, he questioned someone coming before this Board who himself owned an 80-foot boat that was objecting to his neighbor having the same. Mr. Zorovich advised that he has driven his boat by the area, and that it is a very wide area. He has spoken with Mr. Juranitch and he likes him. However, Mr. Zorovich felt that there are so many things here that must be clearly understood. Mr. Zorovich discounted the statistics taken of the water skiers because it was only taken over a 2-month period of time during which there are typically less water skiers.

Mr. Zorovich agreed with Vice Chair Flanigan in that this matter must be looked at as a variance and suggests that the Board vote on it.

**Motion** by Mr. Schulze, seconded by Mr. Adams, that the Board recommend the City Commission grant a waiver as presented by the Chappell Group. Upon roll call vote the motion failed 5 – 6 (Mr. Zorovich, Mr. Widoff, Ms. Scott-Founds, Mr. Anderson, Mr. Ross and Mr. Baker dissenting; Mr. Tilbrook abstaining due to a conflict).

V. Discussion – Parasailing in the City of Fort Lauderdale  
• **Marine Facilities Staff**

Mr. Cuba introduced Ms. Slagle to make this presentation to the Board, as she has been researching and tracking State proposed parasailing legislation.

Ms. Slagle informed the Board that there is currently a bill going through the House and the Senate to regulate parasailing within the State of Florida. The Senate bill has been sponsored by Senator Gwen Margolis. Ms. Slagle provided a brief history surrounding the drafting of this bill, as follows:

In July of 2001, there were two fatalities in the State; in 2003 there was an accident with two minor injuries; and in 2007 an incident occurred in Pompano Beach which resulted in one fatality and one injury.

Currently, there are no State or Federal laws which regulate parasailing. There are approximately 70 to 120 operators, which mostly operate on the Atlantic Ocean and the Gulf coast waters. This is a \$50 Million to \$55 Million industry in the State of Florida. Florida has half the total operators nationwide with no regulation.

SHUTTS  
&  
BOWEN  
LLP

ATTORNEYS AND COUNSELLORS AT LAW

April 3, 2008

VIA E-MAIL

Mr. Jamie Hart, Supervisor of Marine Facilities  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

Re: Opposition to Application for Dock Waiver at 714 NE 20th Avenue

Dear Mr. Hart:

This firm represents John Gorman, with respect to his real property and residence located at 720 NE 20<sup>th</sup> Avenue, which is adjacent to the above-referenced applicant's property (the "Juranitch application"). Mr. Gorman is a longstanding opponent of this application, which would create unnecessary burdens upon the residential neighbors adjacent to the property. The purpose of this letter is to address procedural concerns with respect to this application, and to note the reasons the application does not meet the minimum criteria for a waiver. In short, the applicant no longer has "standing" to have his application heard, and the Marine Advisory Board must reject or deny the application for the following reasons:

**(1) Res Judicata Bars Re-Hearing of This Item**

As you know, an application substantially similar to the one submitted for consideration today was denied 8 votes to 1 at the January 3, 2008 meeting before this board. As is indicated in the City's March 28, 2008 memorandum, no motion for reconsideration has been made for this item, and it is a violation of City rules and Florida law for the Marine Advisory Board to re-hear a substantially similar application at the same property under the doctrine of *administrative res judicata* absent a significant change to the property.

The doctrine of *administrative res judicata* forecloses a landowner from reapplying to the original administrative agency to again seek rezoning absent a *change in circumstances* from the original application. See: Treister v. City of Miami, 575 So.2d 218 (Fla 3<sup>rd</sup> DCA 1991) (holding: the party seeking rezoning must present evidence of changed circumstances to the responsible agency board or commission in an original administrative proceeding). Thus, contrary to the City's assertion, a mere *change to the application* does not rise to the standard of a "change in

<sup>1</sup> As will be explained below, the City's memorandum incorrectly asserts that a "a materially different application" would be sufficient. Because this application seeks a waiver from the same code provision, 47-19.3(b)(c), for a dock of substantially similar size, there must be a change to the circumstances of the property in order to re-apply.

FTLDOCS 5301985 1

200 EAST BROWARD BOULEVARD • SUITE 2100 • FORT LAUDERDALE, FLORIDA 33301 • TELEPHONE (954) 524-3505 • FACSIMILE (954) 524-5506 • WEBSITE: www.shutts.com

MIAMI FORT LAUDERDALE WEST PALM BEACH ORLANDO TAMPA TALLAHASSEE AMSTERDAM LONDON

-14-

circumstances" at the property. Here, there are no changes to the property alleged in support of the renewed application.

Moreover, it is long established under Florida zoning law that a change in circumstances cannot be due to changes or improvements made by the applicant. See: John G. Lane Line v. City of Jacksonville, 196 So.2d 16 (Fla 1<sup>st</sup> DCA 1967). Here, at best, we have an application which has been revised by the owner, but seeks a similar waiver under the zoning code to that first proposed. Worse, it is also clear that change to the application is a minor one. According to the minutes of the first hearing, Mr. Juranitch's presentation highlighted that "only 10% of the mooring piling will be utilized". Thus, the removal of this already inconsequential portion of the application can hardly be considered a significant change to the application, much less a *change in circumstances* as required under Florida law.

Because the conditions of the property have not changed, the application must be barred by the doctrine of *administrative res judicata*, and the Marine Advisory Board does not have the discretion to re-hear the application absent a change in zoning or the expiration of the city's two-year limitations period imposed for special exceptions and variances. See: 47-24.12(2)(v), City of Fort Lauderdale ULDR.

## (2) The Reasons For Denial of the Item Have Not Been Addressed

Even if the Marine Advisory Board were determined to hear the application, it must still be denied. The City's minutes from January 3, 2008 indicates that the primary objections of the Marine Advisory Board related to the application have not been addressed by the proposed change to the application. These key objections include:

### a. No "extraordinary" Circumstances

Under section 47-19.3(d), of the City of Fort Lauderdale ULDR, the City may only waive the limitations of that section under "extraordinary circumstances". However, in the previous meeting the Marine Advisory Board did not find "extraordinary circumstances" attached to the proposal.

According to the City's minutes, the Marine Advisory Board noted that the variance proposed is larger than others in the neighborhood, and unlike many neighboring properties, is located in a residential zoning district rather than a commercial district. Likewise, it was noted that the professed personal needs of a homeowner are not "extraordinary" when the zoning never permitted a dock of this size in the first place.

Additionally, it must be noted that the hardships or circumstances presented are "common" not "extraordinary". The first circumstance cited, that the dock is designed to better accommodate sea-grass was addressed by the Marine Advisory Board previously as an irrelevant consideration because, logically, no dock would have *no impact* to the sea-grass. Moreover, the purpose of the dock is to accommodate a boat of exceptional size, which would likely produce negative impacts to sea-grass and oyster beds independent of the dock itself.

FTLDOCS 5301985 1

The second reason cited, the extraordinary width of the waterway, is not an "extraordinary circumstance" inuring to the benefit of the owner. Here, Mr. Juranitch is simply seeking to appropriate public recreation bottom-land for his *private* use. Finally, contrary to the applications description, the proposed dock size is not consistent with waivers granted other applicants. In fact the requested dock is much larger in size than any other dock in the residential area, and the impacts on the neighbors will be much more severe because of the underlying residential zoning. These negative impacts include:

1. Disruption of the view of the waterway.
2. Increased noise.
3. Obstruction of light and air circulation.
4. Reduced Access to the Waterway.
5. The scale of the dock and boat are inappropriate for the neighborhood.
6. Increased parking impacts on the residential area.
7. Deliveries of food and supplies consistent with a boat of enormous size.
8. Negative impacts associated with gasoline delivery, filling and potential spillage.

As was pointed out by the Marine Advisory Board at the previous meeting, each individual property must be considered independently, and precedent set by other property owners does not constitute an "extraordinary" condition.

#### **b. The Dock is Potentially Hazardous to Water Skiers**

Finally, it must be noted that the current plan does little or nothing to address the impacts on water skiers raised by the Marine Advisory Board's public safety advisor. At the first meeting, Sgt. Pallen expressed concern regarding the length of the dock at 132 feet being a "significant possible safety hazard to the skiers". Moreover, this is one of only three (3) salt-water areas in Fort Lauderdale which are designated for water skiing, and the obstruction of the waterway significantly impacts public recreation in order to benefit a single homeowner. When there is evidence that a dock will create a significant hazard it would be irresponsible and a dereliction of duty for the Marine Advisory Board to even consider this application.

#### **Conclusion**

In light of the foregoing, it is clear that under the doctrine of *administrative res judicata* and Florida law, this revised application for a waiver of limitations under the zoning code may not be heard by the Marine Advisory Board. Simply put: this application may only come before the Marine Advisory Board again following the two year limitations period, or if there are substantial changes to the property, such as a zoning change. This application must therefore be barred. There is a strong public policy rationale for this approach: if every rejected application could be reheard, the Marine Advisory Board would constantly be swamped with minor alterations to previously denied applications.

Mr. Jamie Hart, Supervisor of Marine Facilities

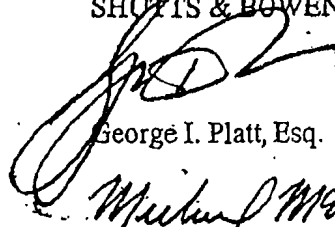
April 3, 2008

Page 4

Finally, we note that even if the Marine Advisory Board chose to hear this matter over our objection, it must reach the same result as before because the application does not present any "extraordinary" basis for requiring a dock of this size, and because the hazards noted in the original application have not been cured and the criteria for the waiver have not been met. In consideration of the above, we respectfully submit that the application must be rejected under the doctrine of *administrative res judicata*.

Sincerely,

SHUTTS & BOWEN LLP



George I. Platt, Esq.



Michael J. McAllister, Esq.

FILDOCS 5301985 1

SHUTTS & BOWEN LLP

MIAMI

FORT LAUDERDALE

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-17-



Mayor Naugle and Commissioners  
City of Fort Lauderdale  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301

RE: 714 NE 20th Avenue  
Jim Juranitch  
Request for Dock Waiver of Limitations

Dear Mayor and Commissioners:

I am writing to encourage you to approve the dock waiver application submitted by Jim Juranitch for the property identified above. I live in Fort Lauderdale, the Venice of America, at 816 NE 20<sup>th</sup> Ave. Our community has a need for new, high quality dock space. I believe that the requested dock improvements will be a nice resource for the marine community and an improvement for the neighborhood. I request that you support the application for Dock Waiver.

Sincerely,

A handwritten signature in black ink, appearing to be the name 'Jim Juranitch', written in a cursive style.

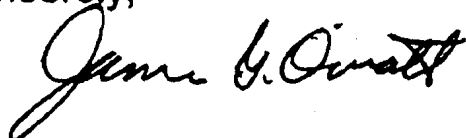
Mayor Naugle and Commissioners  
City of Fort Lauderdale  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301

RE: 714 NE 20th Avenue  
Jim Juranitch  
Request for Dock Waiver of Limitations

Dear Mayor and Commissioners:

I am writing to encourage you to approve the dock waiver application submitted by Jim Juranitch for the property identified above. I live in Fort Lauderdale, the Venice of America, at 802 NE 20<sup>th</sup> Ave. Ft. Lauderdale, FL. Our community has a need for new, high quality dock space. I believe that the requested dock improvements will be a nice resource for the marine community and an improvement for the neighborhood. I request that you support the application for Dock Waiver.

Sincerely,



Mayor Naugle and Commissioners  
City of Fort Lauderdale  
100 N. Andrews Avenue  
Fort Lauderdale, FL 33301

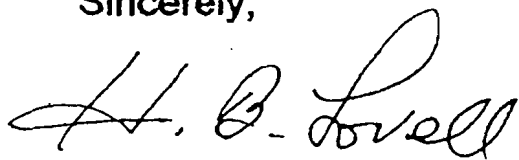
RE: 714 NE 20th Avenue  
Jim Juranitch  
Request for Dock Waiver of Limitations

Dear Mayor and Commissioners:

I am writing to encourage you to approve the dock waiver application submitted by Jim Juranitch for the property identified above. I live in Fort Lauderdale, the Venice of America, at 840 NE 20th Ave.

Our community has a need for new, high quality dock space. I believe that the requested dock improvements will be a nice resource for the marine community and an improvement for the neighborhood. I request that you support the application for Dock Waiver.

Sincerely,



**MEMORANDUM MF NO. 07-66**

**EXHIBIT 4**

CAR 08-0921

DATE: December 26, 2007

TO: Marine Advisory Board Members

VIA: Andrew Cuba, <sup>AC</sup> Manager of Marine Facilities

FROM: Jamie Hart, <sup>JH</sup> Supervisor of Marine Facilities

RE: January 3, 2008 Meeting - Dock Waiver of Distance Limitations - James Juranitch - 714 N.E. 20<sup>th</sup> Avenue

Attached for your review is an application from Mr. James Juranitch, 714 N.E.20<sup>th</sup> Avenue (see Exhibit 1).

APPLICATION AND BACKGROUND INFORMATION

The applicants are requesting approval to reconfigure an existing four (4) slip fixed-pier docking facility previously approved in 1985 under Resolution No. 85-113 (attached as Exhibit 2). The distances these structures extend from the property line into the Middle River are shown in the survey in Exhibit 1 and summarized in Table 1 below:

TABLE 1

LOCATIONS OF STRUCTURES FROM NORTH TO SOUTH	DISTANCE OF PROPOSED STRUCTURES	PERMITTED DISTANCE WITHOUT WAIVER	AMOUNT OF DISTANCE REQUIRING WAIVER
Cluster Mooring Piling #1	132'	25'	107'
Fixed Finger Pier	108'	20'	88'
Cluster Mooring Piling #2	132'	25'	107'

The construction permit authorized under Resolution No.85-113 allowed for two (2) finger piers extending 37' and three (3) mooring pilings extending 47' from the property line, respectively. The existing piers and moorings that are presently in place appear to not have been altered since 1985 according to the "As Built" information that has also been visually confirmed on site.

The City's Unified Land and Development Regulations (UDLR), Section 47-19.3.B and C, limits the maximum distance of the dock at this specific location to 10% of the width of the waterway, or 20', whichever is less, and mooring pilings not to exceed a maximum distance of 30% of the width of the waterway, or 25', whichever is less. Section 47.19.3.D authorizes the City Commission to waive that limitation based on a finding of extraordinary circumstances.

**EXHIBIT 4**

CAR 08-0921

**PROPERTY LOCATION AND ZONING**

The property is located within the Victoria Highlands (RS-8) Zoning District. It is situated on the Middle River where the minimum distance between property lines from shoreline to shoreline on the north riparian lot line shown on the survey in **Exhibit 1** is approximately +/- 1,625'. At its closest proximity, the distance from cluster pilings #1 and #2 that are equidistant from the 30% maximum docking limitation permitted by code is approximately 356', respectively. The distance of fixed pier to the 30% line is approximately 380'. The approximate distance of the cluster mooring pilings to the center of Middle River is approximately 680' at the closest proximity according to the survey information.

**WATERWAY DEPTH AND TIDAL CONDITIONS**

The cross-section of the bottom land included in the survey information provided by the consultant The Chappell Group, Inc., as referenced in **Exhibit 1**, indicates that there is a partial lack of depth and evidence of seagrass within at least 40' from the property line.

**DOCK PLAN AND BOATING SAFETY**

Records reflect that there have been eight (8) waivers of docking distance limitations approved by the City Commission since 1983 with the most recent in November 2007. A comparison of these as shown in Table 2 including the maximum distances of mooring pilings extending into the Middle River based on similar circumstances are as follows:

**TABLE 2**

<b>DATE</b>	<b>ADDRESS</b>	<b>MAXIMUM DISTANCE</b>
March 1983	834 N.E. 20 <sup>th</sup> Avenue	Pilings - 45'
April 1983	714 N.E. 20 <sup>th</sup> Avenue	Pilings - 45' Piers - 37'
July 1985	808 N.E. 20 <sup>th</sup> Avenue	Pilings - 48' Piers - 38'
January 1990	840 N.E. 20 <sup>th</sup> Avenue	Pilings - 48' Pier - 48'
September 1992	738 N.E. 20 <sup>th</sup> Avenue	Pilings - 75' Pier - 39'
December 2005	834 N.E. 20 <sup>th</sup> Avenue	Pilings - 71' Piers - 35'
December 2005	840 N.E. 20 <sup>th</sup> Avenue	Pilings - 71' Piers - 35'
November 2007	808/810 N.E. 20 <sup>th</sup> Avenue	Pilings - 68' Piers - 73'

**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 as follows:

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 specifically the Florida Department of Environmental Protection and the U.S. Army Corps of Engineers in accord with the ULDR Section 47.19.3.D.
2. The applicant is required to install and affix reflector tape to the proposed two 2) sets of cluster mooring pilings in accord with the specifications in Section 47.19.3.D of the Unified Land and Development Regulations (ULDR).
3. The applicant is required to install and affix reflector tape on the outer double sets of support pilings on the pier for additional safety in accord with the specifications in Section 47.19.3.D of the Unified Land and Development Regulations (ULDR).
4. The granting of the request for the waiver of the dock limitations of the ULDR Section 47-19.3.B is contingent upon and shall not be effective until the "Applicant" secures a sovereignty submerged lands lease with the State of Florida for the expanded docking envelope that results in granting of the waiver.
5. A new condition for all waivers for projects related to construction of dockage and mooring facilities, mooring pilings, and related amenities, stipulates the waiver granted be automatically terminated if fifty (50%) percent or more of the physical structure are removed, damaged or destroyed by fire, explosion, or other casualty or act of God.

JH  
Attachment

cc: Cate McCaffrey, Director of Business Enterprises  
Dennis Grisgen, Land Development Manager

**EXHIBIT I**  
**APPLICATION FOR WATERWAY WAIVER**

**EXHIBIT 1**

**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: **Mr. James Juranitch**

TELEPHONE NO: **(262) 443-9100** (home) FAX NO. **(920) 474-3946** (business)

2. **APPLICANT'S ADDRESS** (if different than the site address): **714 NE 20<sup>th</sup> AVENUE, FT. LAUDERDALE, FL 33004**

3. **TYPE OF AGREEMENT AND DESCRIPTION OF REQUEST:** **The Applicant requests a Waiver of Limitations in order to construct a 100' x 8' wood finger pier extending ± 108' into the Middle River. The requested encroachment is necessary in order to avoid existing benthic resources (seagrass) adjacent to the existing seawall and finger piers and to provide suitable mooring for larger vessels.**

4. **SITE ADDRESS:** **714 NE 20<sup>th</sup> AVENUE, FT. LAUDERDALE, FL 33304** ZONING: **RS-8**

**LEGAL DESCRIPTION:** **Lot 10 and the South half of Lot 9, Block 1, VICTORIA HIGHLANDS, according to the plat thereof, recorded in Plat Book 9, Page 47, and all amendment(s) thereto as recorded in Plat Book 15, Page 9, of the Public Records of Broward County, Florida, said lands situate, lying and being in Broward County, Florida**

5. **EXHIBITS** (In addition to proof of ownership, list all exhibits provided in support of the applications). **Application fees, Existing conditions, Project Plans (11" x 17"), Site Photos & Warranty Deed**

  
Applicant's Signature

12-19-07  
Date

The sum of \$ \_\_\_\_\_ was paid by the above-named applicant on the \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_.

Received by: \_\_\_\_\_  
City of Fort Lauderdale





**EXHIBIT II  
WARRANTY DEED**

**PREPARED BY AND RETURN TO:**  
William D. Beamer, Esq.  
William D. Beamer Chartered  
1975 East Sunrise Blvd.  
Suite 701  
Fort Lauderdale, Florida 33304

Property Folio No.: 5042 02 13 0070

**WARRANTY DEED**

THIS WARRANTY DEED made the 12<sup>th</sup> day of December 2006, by GARY P. MONSOUR, a single man, hereinafter known as "Grantor," to JAMES JURANTCH, a married man, whose post office address is 714 NE 20<sup>th</sup> Avenue, Fort Lauderdale, Florida 33304, hereinafter known as "Grantees":

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and he heirs, legal representatives and assigns of individuals, and the successors and assigns of the corporations).

**WITNESSETH:** That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sell, alien, remise, release, convey and confirm unto the Grantees, of that certain land situate in Broward County, Florida, viz:

Lot 10 and the South Half of Lot 9, Block 1, VICTORIA HIGHLANDS, according to the Plat thereof, recorded in Plat Book 9, Page 47, and all Amendment(s) thereto as recorded in Plat Book 15, Page 9, of the Public Records of Broward County, Florida, said land situate lying and being in Broward County, Florida.

**SUBJECT TO:** Taxes for the year 2007 and subsequent years; zoning and/or restrictions and prohibitions imposed by governmental authority, and; restrictions, easements and other matters appearing on the record and/or common to the subdivision.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantees that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2006.

IN WITNESS WHEREOF the said Grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

*William D. Beamer*  
Signature of Witness #1

William D. Beamer  
Printed name of Witness

*James V. Faurb*  
Signature of Witness #2

James V. Faurb  
Printed name of Witness

*Gary P. Monsour*  
GARY P. MONSOUR

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of December 2007, by GARY P. MONSOUR, who is personally known to me or who produced *ME ID* as identification.



Huntshaus E. Beamer  
MY COMMISSION # 00482147 EXPIRES  
September 18, 2009  
HUNTSHAUS REAL ESTATE SERVICES, INC.

*Huntshaus E. Beamer*  
Notary Public

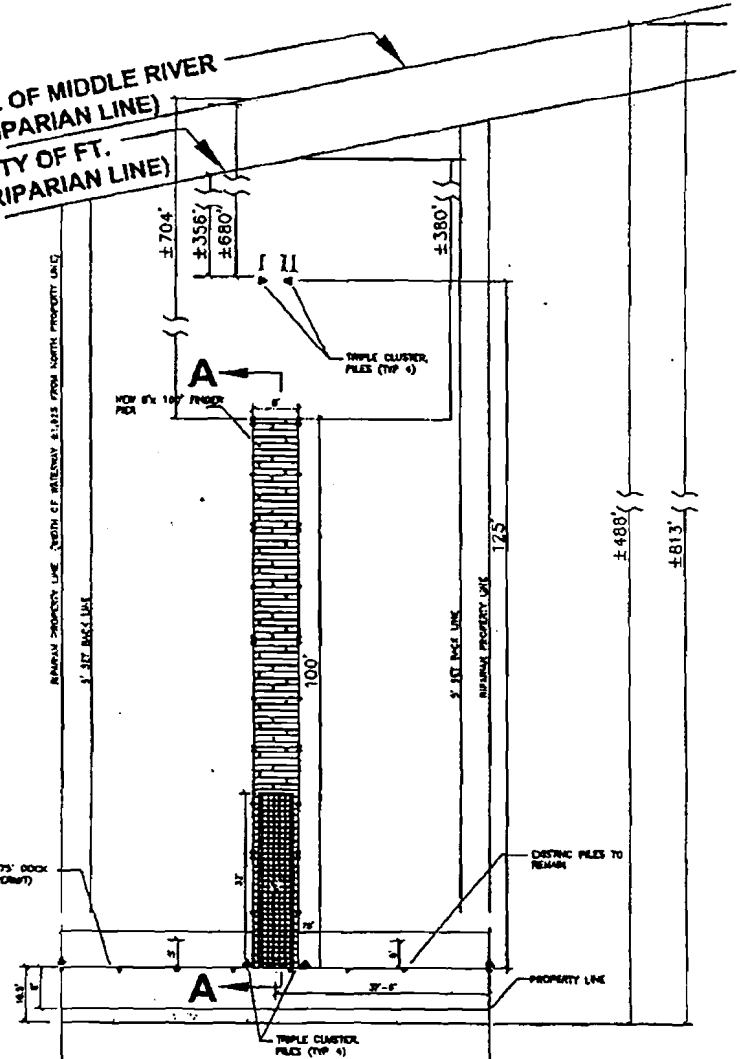


**EXHIBIT III  
PROJECT PLANS**

-08-



APPROXIMATE CENTERLINE OF MIDDLE RIVER  
(±812' FROM NORTH RIPARIAN LINE)  
30% WIDTH OF WATERWAY AS PER CITY OF FT.  
LAUDERDALE CODE (±488' FROM NORTH RIPARIAN LINE)



NOTE: CITY OF FT. LAUDERDALE WATERWARD MOORING LIMITS (ARTICLE IV, DIVISION 1, SECTION 8-91) NOT APPLICABLE AS THE WIDTH OF THE WATERBODY ALONG THE PROJECT SITE EXCEEDS 1,000 FEET (±1,625').

**LEGEND**

	PROPOSED FINGER PIER (608 sq. ft.) - DOES NOT INCLUDE GRATING-SEE BELOW
	PROPOSED FIBERGLASS GRATING (192 SQ. FT.)

-6-

REVISIONS	
DATE	BY
DEC 26 2007	

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**Chappell GROUP**

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Marine & Wetland Permitting  
Migration Design & Monitoring  
T&E Spiders Surveys  
Phase I ESA's

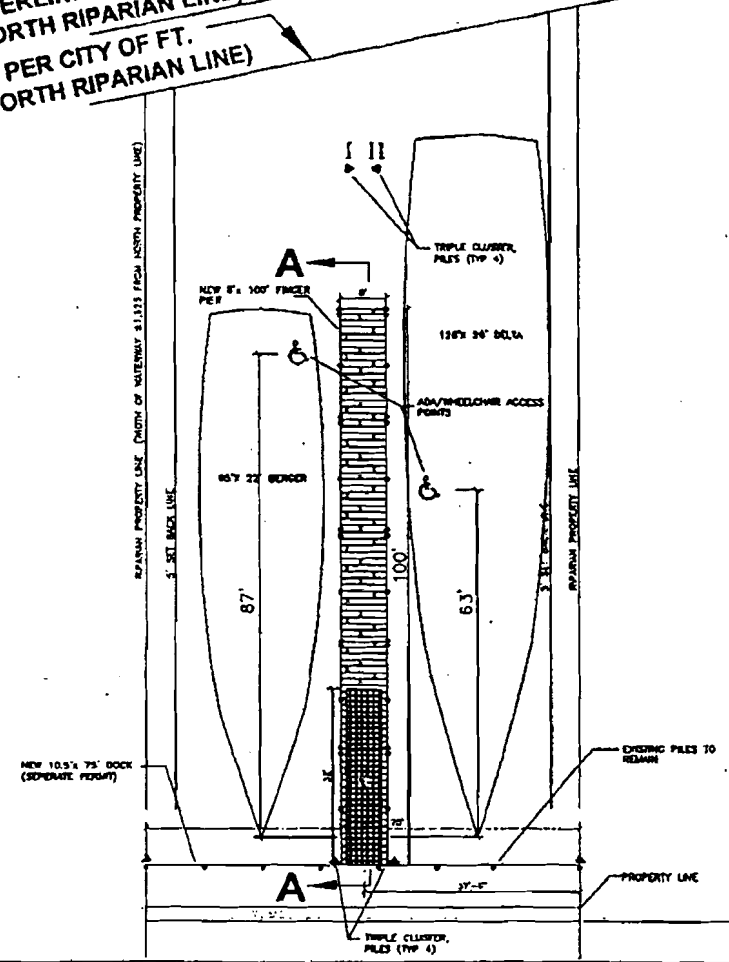
2745 East Atlantic Boulevard  
Suite 302  
Pompano Beach, FL 33062  
tel. 954.782.1906  
fax. 954.782.1923  
www.thechappellgroup.com

714 NE 20th AVENUE  
PREPARED FOR:  
Mr. Jim Juranitch  
DOCK PLAN

SCALE  
1" = 20'



APPROXIMATE CENTERLINE OF MIDDLE RIVER  
(±812' FROM NORTH RIPARIAN LINE)  
30% WIDTH OF WATERWAY AS PER CITY OF FT.  
LAUDERDALE CODE (±488' FROM NORTH RIPARIAN LINE)



**NOTE: VESSELS TO BE MOORED BOW-IN TO AVOID INCIDENTAL PROP-DREDGING WITHIN EXISTING SEAGRASS HABITAT AS DETERMINED BY THE BROWARD COUNTY ENVIRONMENTAL PROTECTION DEPARTMENT (BCEPD).**

**LEGEND**

- PROPOSED FINGER PIER (608 sq. ft.) - DOES NOT INCLUDE GRATING-SEE BELOW
- PROPOSED FIBERGLASS GRATING (192 SQ. FT.)

-01-

REVISIONS	
DATE	DESCRIPTION

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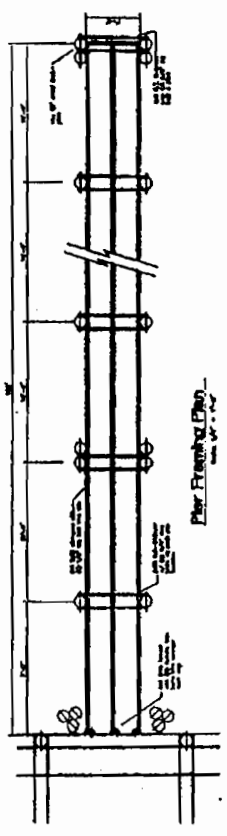
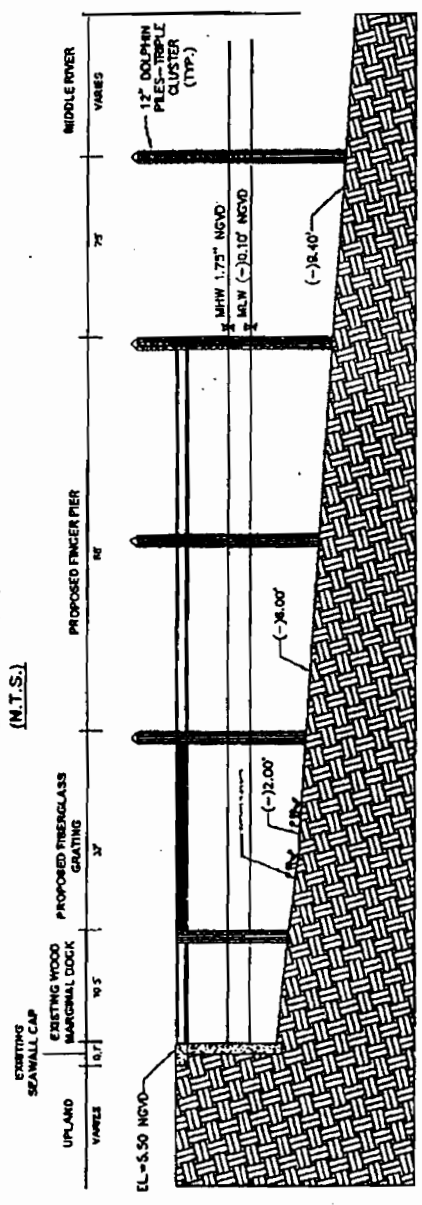


Environmental Consultants  
Marine & Wetland Permitting  
Mitigation Design & Monitoring  
T&E Species Surveys  
Phase I ESAs

2745 East Atlantic Boulevard  
Suite 302  
Pompano Beach, FL 33062  
Tel. 954.782.1828  
Fax. 954.782.1823  
www.thechappellgroup.com

**714 NE 20th AVENUE**  
PREPARED FOR:  
Mr. Jim Juranitch  
MOORING LAYOUT

# A - A PROPOSED CONDITIONS (N.T.S.)



### SCOPE OF WORK

- REMOVE (C) EXISTING 4\"/>

### NOTES

DOCK NOT TO EXCEED 5.5 MFL SWL (REPAIR, CAP AND ROOF)

### Pier Section

Scale: 1/4\"/>

STRUCTURAL DETAILS PROVIDED BY  
**MORRISON BUILDERS, INC.**

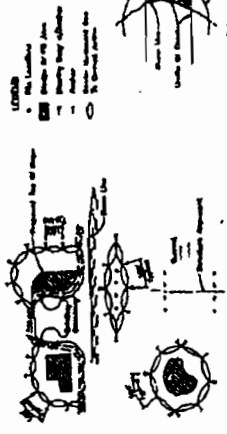
714 NE 20th AVENUE  
PREPARED FOR:  
Mr. Jim Juroncich  
SECTION DETAILS

2745 East Atlantic Boulevard  
Suite 302  
Pompano Beach, FL 33062  
Tel. 954-782-1108  
Fax. 954-782-1623  
www.morrisonbuilders.com

Environmental Consultants  
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Phase I ESA

**Chappell**  
GROUP

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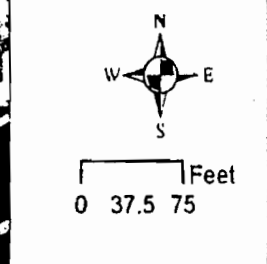
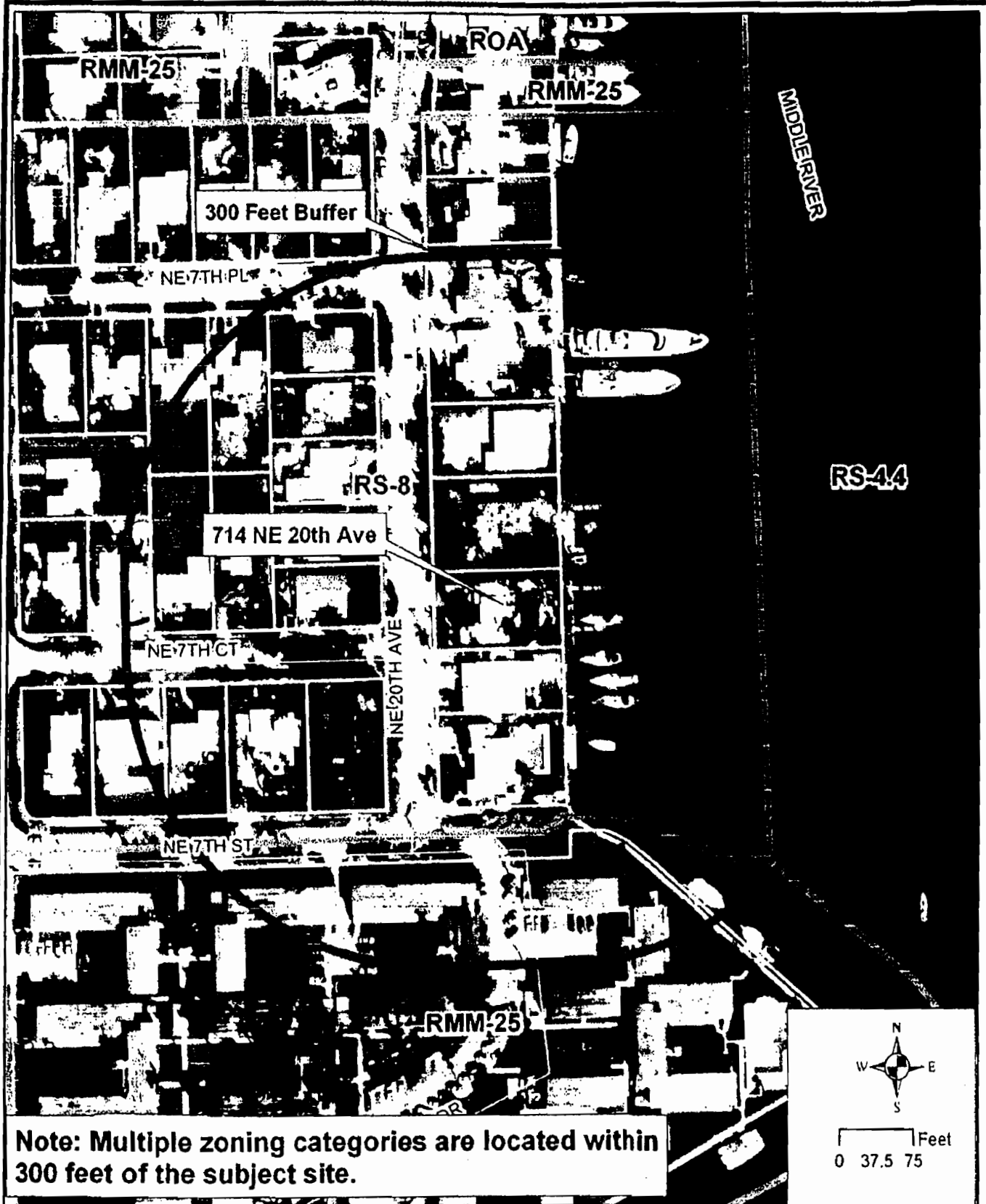


1. The location of the piles shall be as shown on the plan view.
2. The piles shall be driven to the design depth.
3. The piles shall be driven to the design depth.
4. The piles shall be driven to the design depth.
5. The piles shall be driven to the design depth.

### TURBIDITY BARRIER APPLICATIONS



**EXHIBIT IV  
ZONING AERIAL**



CITY OF FORT LAUDERDALE

# 714 NE 20th Ave

Plot Date: 12/20/07

Projects on GIS: p:\oad\_clickmaster\ogis\714\_NE\_20th\_Ave.mxd



-13-





## EXHIBIT V SUMMARY DESCRIPTION



**Summary Description**  
**714 NE 20<sup>th</sup> Avenue**  
**TCG Project No. 07- 0069**

The project site is located along the Middle River at 714 NE 20<sup>th</sup> Avenue, in Section 01, Township 50, Range 42, in the City of Ft. Lauderdale, Broward County, Florida

The property is located along the west side of the Middle River, which is a tidal water and a connection to the Intracoastal Waterway (ICWW). The nearest direct connection to the Atlantic Ocean is Port Everglades, and is located approximately 3 miles to the south and east of the subject site. Incoming tidal waters (flood) at the site move to the north and outgoing waters move to the south (ebb).

The proposed project is to reconfigure an existing four (4) slip docking facility associated with the single-family residence. The proposed project will consist of the removal of two (2) existing finger piers and the construction of a new 100' x 8' wood finger pier with two (2) associated mooring pile clusters.

The two (2) 30' x 4' finger piers will be removed and replaced with a single 100' x 8' wood finger pier. The finger pier will extend 108' from the property line which is 2.5' waterward of the existing seawall. The proposed finger pier will include a 32' x 6' section of fiberglass grating at the landward end of the pier. In addition, two (2) mooring pile clusters will be installed 25' waterward of the pier (132' waterward of the property line). Two (2) vessels owned by the applicant, a 95' Berger and a 126' Delta will be moored bow-in along the proposed pier. The bow-in mooring configuration will allow for safer ingress/egress to the pier and will limit incidental prop-dredging and subsequent impacts to the existing benthic resources potentially caused by mooring stern-in.

The applicant is requesting a waiver of limitations from the City of Ft. Lauderdale in order to construct the finger pier and pile clusters that exceed the requirements of Section 47-19.3 (B)(C). All other structures meet the requirements of the City of Fort Lauderdale dock construction limitations on docks and associated mooring structures.

The proposed project is currently under review by the Broward County Environmental Protection Department (BCEPD) File No. DFO7-1085). While informal approvals and/or recommendations are typically not issued by BCEPD, the current dock design and layout are the result of on-going project meetings between the Applicant and BCEPD. Within 30 days of City Commission approval of the waiver of limitations, applications will be submitted for processing by the Florida Department of Environmental Protection (FDEP) and US Army Corps of Engineers (USACOE). Given the size of the proposed dock and mooring area, it is anticipated that a Sovereign Submerged Lands Lease (SSL) survey will be required. The processing of the SSL, including the survey, processing and lease fees, will commence upon notification from FDEP to do so. The following three (3) matters provide justification for this waiver request:

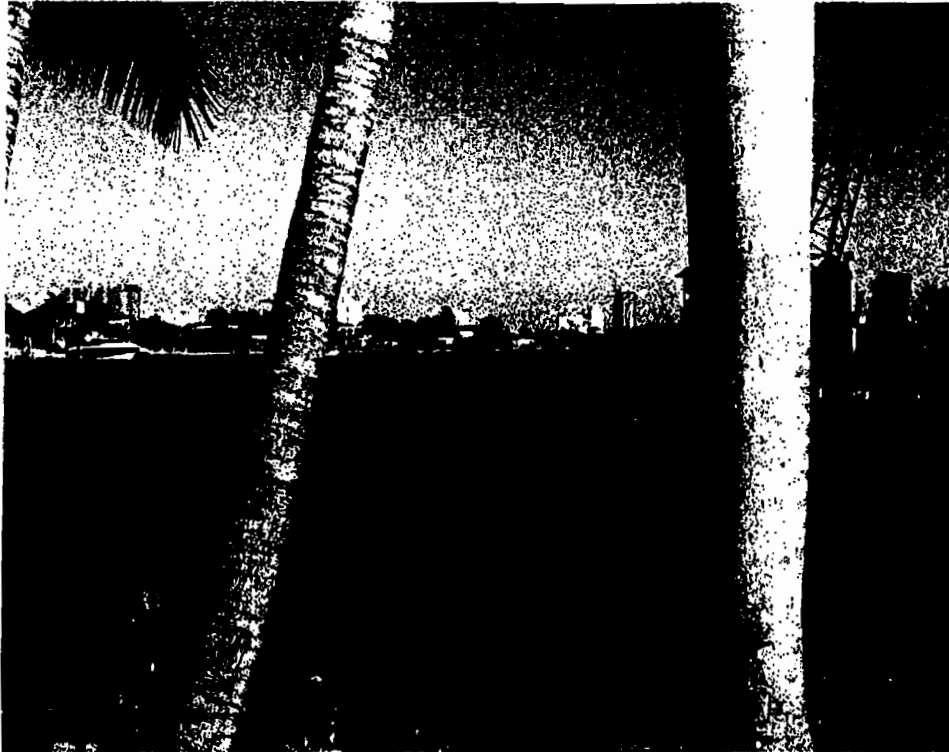
1. In order to construct a docking facility that would not require a waiver, it would be necessary to limit the length of the slip to 20'. The site has historically been used to moor vessels parallel to the existing seawall, the vessels historically moored at the property are greater than 20' in length and on average are greater than 90'. Therefore, the vessels require additional dock length for safe mooring. As the slips must provide a safe harborage for the vessel(s) utilizing the slip, the oblique layout will allow for easy ingress and egress to the subject site. In addition, during storm events the vessel must rely on the support of the dock and its mooring piles. The mooring piles must be greater than 25 feet from the seawall in order to provide safe mooring of the moored vessels.
2. Due to the presence of benthic resources (seagrass) adjacent to the existing docks and seawall, the proposed finger pier will include a 32' x 6' section of fiberglass grating to minimize shading impacts to the existing benthic resources. In addition, the vessels will be moored bow-in to avoid incidental prop dredging within the existing seagrass habitat.
3. Due to family circumstances and the bow-in mooring configuration to avoid benthic resources, the length and width of the dock are necessary to allow for ADA/wheelchair access. Wheelchair access points are located at 63' and 87' from the bow for the Delta and Berger yachts, respectively.

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

PROPOSED STRUCTURES	STRUCTURE DISTANCE FROM PROPERTY LINE	STRUCTURE DISTANCE FROM NEAREST RIPARIAN RIGHTS LINE	PERMITTED DISTANCE WITHOUT WAIVER	DISTANCE REQUIRING A WAIVER
FINGER PIER – (DOCK “A”)	108'	33.5'	20'	88'
Pile Cluster I	132'	33.5'	25'	107'
Pile Cluster II	132'	33.5'	25'	107'



**EXHIBIT VI  
SITE PHOTOGRAPHS**



**1 Middle of property, facing east over the existing dock and Middle River.**



**2 North corner of property, facing east over the Middle River.**



**3 North corner of property, facing northeast over the Middle River.**



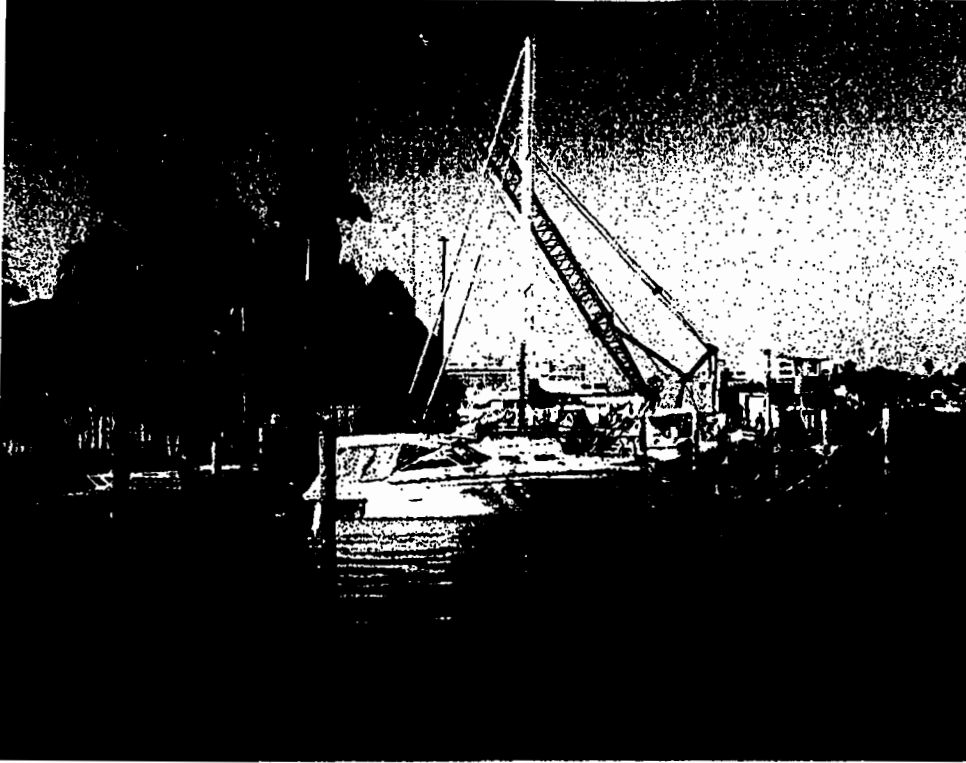
**4 Center of property, facing east over the Middle River.**



**5 South corner of property, facing east over the Middle River.**



**6 South corner of property, facing northeast over the Middle River.**



**7 South side of Middle River, facing north towards subject site.**



**8 South side of Middle River, facing northeast towards subject site.**



**Jamie Hart**

---

**From:** Krawczyk, Julie [JKRAWCZYK@broward.org]  
**Sent:** Wednesday, January 02, 2008 11:58 AM  
**To:** Jamie Hart  
**Cc:** Jim Juranitch; tyler@thechappellgroup.com; Matt Mitchell; Kris McFadden; Sunderland, Linda; Myers, Eric; Cry of the Water; jgorman@fltranserv.com  
**Subject:** 714 Middle River Drive, Fort Lauderdale (EPD File No. DF07-1085)

Good morning Jamie,

As you may be aware, our Department is currently reviewing a license application for the construction of an 8-foot-wide by 100-foot-long finger pier and installation of two sets of cluster mooring piles at the above-referenced address. During staff's inspection of the project area, seagrass (*Halophila decipiens*) was observed from the waterward edge of the existing marginal dock to at least 70 feet into the waterway. Seagrass is a protected natural resource that has a significant biological role in providing habitat and food for marine species, protecting shorelines, and maintaining water quality. Pursuant to Section 27-337(b)(7) of the Broward County Code of Ordinances, applicants must avoid and minimize impacts to natural resources to the greatest extent practicable.

Staff has been working diligently with the applicant since May of 2007 to design a project which will avoid and minimize impacts to seagrasses, in addition to meeting the needs of the applicant. The currently proposed design includes the use of fiberglass grating, which allows light to penetrate beneath the dock, and mooring of the vessels bow in with a setback of 10 feet from the edge of the existing marginal dock, which eliminates the need for dredging.

We are aware that the currently proposed design will require a variance from the City of Fort Lauderdale, and it is our understanding that the project will be discussed during the January 3<sup>rd</sup> Marine Advisory Board meeting. Based on the incorporation of the elements discussed above, the Department would like to state its support for the issuance of a variance for the 100-foot-long pier, for the specific purpose of protecting seagrasses. Staff will continue to work with the applicant to finalize the amount of grating and any other compensatory measures needed to minimize seagrass impacts to the greatest extent practicable.

If you have any questions regarding this matter, please do not hesitate to contact me. Thank you.

Julie Krawczyk  
Natural Resource Specialist III  
Broward County Environmental Protection Dept.  
One North University Drive, Suite 301  
Plantation, FL 33324  
Phone: (954) 519-1266  
Fax: (954) 519-1412  
Office Hours: Tuesday-Friday, 7:00 am-5:30 pm

- 22 -

*Block*

# EXHIBIT 2

## RESOLUTION NO. 85-113

A RESOLUTION RESCINDING RESOLUTION NO. 85-56,  
PERTAINING TO PROPERTY LOCATED AT 714 N.E. 20TH  
AVENUE, FORT LAUDERDALE, FLORIDA OWNED BY GARY  
MONSOUR.

WHEREAS, pursuant to Resolution No. 83-88, adopted April 19, 1983, the Fort Lauderdale, Florida City Commission waived the provisions of Section 11-20(a) of the Code of Ordinances, upon the request of Gary Monsour, owner of property located at 714 N. E. 20th Avenue in the City, which waiver allowed Mr. Monsour to install three dolphin pilings to extend 45' into a portion of Middle River and a dock with two finger piers to extend 37' into the River, measured from the recorded property line; and

WHEREAS, such waiver was conditionally granted, subject to compliance by Mr. Monsour with certain requirements; and

WHEREAS, it was subsequently determined by the City Parks and Recreation Director and the City Supervisor of Marine Facilities that the applicant, Mr. Monsour, had violated one or more of the conditional requirements of the waiver, and the City Commission, on February 5, 1985, afforded Mr. Monsour thirty days to correct the violations; and

WHEREAS, it was then determined by the City Commission that the resolution which previously granted the waiver should be formally rescinded, due to continuing violation of one or more of the conditional requirements by Mr. Monsour, which rescission was accomplished on March 5, 1985, pursuant to Resolution No. 85-56; and

WHEREAS, City staff subsequently learned that the violations had been timely corrected within the thirty day time period mentioned above, and that Resolution No. 85-56 was therefore prematurely adopted (i.e., two days before the thirty day time period for correction had expired); and

WHEREAS, it is therefore necessary to rescind Resolution No. 85-56 and to reinstate Resolution No. 83-88, subject to full compliance with all original applicable conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

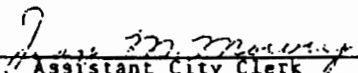
SECTION 1. That Resolution No. 85-56, adopted March 5, 1985, is rescinded, and Resolution No. 83-88, adopted April 19, 1983 is reinstated (which latter Resolution, subject to certain conditions, granted a waiver of limitations of City Ordinance Section 11-20 to Gary Monsour, which waiver allowed him to install three dolphin pilings, finger piers and a dock in Middle River, adjacent to property located at 714 N. E. 20th Avenue, Fort Lauderdale, Florida), subject to full compliance by Mr. Monsour, or any successor in interest in the property, with all conditions specified in Resolution No. 83-88.

SECTION 2. That the City Clerk is hereby directed to record a certified copy of this Resolution in the appropriate public records and to furnish a copy of this Resolution by mail to Mr. Monsour.

ADOPTED this the 21st day of May, 1985.

  
\_\_\_\_\_  
Mayor  
Robert A. Dressler

ATTEST:

  
\_\_\_\_\_  
Assistant City Clerk  
Jean M. Mowry

6056g

**MINUTES OF THE MARINE ADVISORY BOARD  
100 NORTH ANDREWS AVENUE  
8<sup>TH</sup> FLOOR CONFERENCE ROOM  
FORT LAUDERDALE  
THURSDAY, JANUARY 3, 2008 – 7:00 p.m.**

CAR 08-0921

<u>Board Members</u>	<u>Attendance</u>	<u>Cumulative Attendance</u> <u>5/07-4/08</u>	
		<u>Present</u>	<u>Absent</u>
John Terrill, Chair	P	7	0
Barry Flanigan, Vice Chair	A	6	1
Rick Schulze	P	6	1
Eugene Zorovich	P	6	1
Michael Widoff	A	5	2
Ryan Campbell	A	4	3
Alec Anderson	P	4	3
Norbert McLaughlin	P	6	1
Stephen Tilbrook	P	5	2
John Custer	P	6	1
Randolph Adams	A	6	1
John Baker	P	5	2
Bob Ross	P	6	1

**Staff Present**

Jamie Hart, Supervisor of Marine Facilities  
Andrew Cuba, Manager of Marine Facilities  
Cate McCaffrey, Director of Business Enterprises  
Sgt. Andy Pallen, Fort Lauderdale Marine Police Unit  
Brigitte Chiappetta, Recording Clerk, Prototype, Inc.

**Guests**

Tammi Molinet, Homeowner	Ted Fling, Victoria Park Civic Assn.
Toby Smith	Nectaria Chakas, Middle River Properties
Doris Miller, Homeowner	Tyler Chappell, The Chappell Group
Cathy Hargrow, Resident	Matt Mitchell, The Chappell Group
Jim Juranith, Homeowner	Frank Herhold, Executive Director, MIASF
Cheryl Gorman, Homeowner	Patience Cohn, MIASF
John Gorman, Homeowner	Hurshy & Bill Beamer, Homeowners
Dan Clark, Resident	Terence Waldren, Homeowner
Stephanie Clark, Resident	Harold Lovell, Homeowner
Lon & Nancy Gentry, Docklocators	Alan Leigh, Homeowner
Bob Brantmeyer, Sun Dream Yachts	

enough scrutiny "throwing long-term planning out of the window." He added that the Board has created these "special circumstances" by their approval of previous waivers.

Chair Terrill disagreed that the Board "rubberstamped" any requests before them, expressing the hope that each Board member has "voted their conscience each and every time."

The problem of a lack of Code enforcement in the waterways by the City was brought up by Mr. McLaughlin. He suggested that the Board look into the Code enforcement process.

Ms. McCaffrey, in response to Chair Terrill's question, stated that, as a rule, Code enforcement is a reactive response to a complaint; however, she indicated they have tried to become more aggressive in conjunction with the police department to look at the violations from the water side. She did admit that more could be done.

**Motion** made by Mr. Schulze, seconded by Mr. McLaughlin, to approve the application.

Mr. Zorovich asked if there was a reason the entire area could not have an amendment to the zoning Code which would allow for such exceptions.

It was Mr. Tilbrook's opinion that the applicant is a "good corporate citizen" in the community, adding that this area of the City has improved since marine-related businesses have moved into the neighborhood.

Mr. Anderson thought the proposed dock would be an improvement over the existing one and, although philosophically opposed, he does see an extraordinary circumstance in this case.

Mr. Schulze commented that the objections set forth by the Board could be discussed as an agenda item at a future meeting to make a possible recommendation to the City Commission, but have no bearing on the application before them at this time.

Mr. McLaughlin expressed his desire to see the applicant appear before the Victoria Park Civic Association prior to the application being presented to the City Commission.

In a roll call vote, the motion passed 9-0.

**VII. Application - Waiver of Dock Distance Limitations - 714 N.E. 20<sup>th</sup> Avenue**

- James Juranitch

Handouts of the presentation, a letter from the Broward County Environmental Protection Department recommending approval of the waiver, additional pictures not previously provided, and revised plans updating survey distances to all structures were given to the Board members.

Mr. Juranitch gave a visual presentation to the Board and requested approval for replacement of the existing four slips with two slips, at a length of 132 feet. Two hundred forty square feet of dock will be removed and only 10% of the mooring pile will be utilized; it was his opinion there will be no navigational risk.

Mr. Juranitch reported he worked eight months with the Broward County EPD and has obtained their approval. An extraordinary use requirement has also been met, with the dock being ADA compliant and wheelchair accessible. Mr. Juranitch stated letters of support have been received from "virtually everyone" on the nearby waterway.

Current zoning is RS8, residential. Mr. Juranitch confirmed that he was in the process of relocating his family residence to Fort Lauderdale. He has use of one of the vessels proposed to be docked at the facility four times a year through a sales use agreement which will not be there full time; the other vessel is in the process of being purchased and will be docked at the location full time.

Mr. Schulze felt the dock is a "poster child for what should be in Fort Lauderdale." He highly recommended approval of the application.

Sgt. Pallen stated he was neither for nor against the application; however, he had several comments as follows:

- ✓ There is no channel in this area; the entire waterway is navigable.
- ✓ The area is currently zoned for watersports activity including water-skiing.
- ✓ There is mooring of sailboats overnight.
- ✓ During the day this is a high traffic location for boating.

Sgt. Pallen expressed concern regarding the length of the dock at 132 feet being a significant possible safety hazard to the skiers. He also pointed out that the picture showing the measurements appears deceiving as it does not reflect the requirement of navigating 400 feet horizontally around the proposed dock.

There are currently three locations in the City's saltwater Intracoastal area permitting water-skiing.

Chair Terrill then opened the meeting for public comment.

Mr. Fling requested that the Board incorporate his previous comments in reference to this application also, as he had received no notice until two days prior to the meeting. He confirmed that no documentation regarding any pending requests has been given to the Victoria Park Civic Association.

Ms. Doris Miller stated she "resented the fact" that she had received no notice from the City until December 29<sup>th</sup>. She also objected to the docking of such large vessels due to the necessity of on-site diesel refueling and the possibility of a spill, as well as food deliveries and repair vehicles creating additional traffic. Ms. Miller clarified that she had signed the petition agreeing to the dock, but had been unaware at the time of its intended size.

Ms. Cathy Hargrove spoke in support of the application.

Mr. Daniel Clark spoke in opposition to the application. He noted that subsequent to surveys being conducted, it was determined that seagrass and oyster beds were in the area, although the initial application had denied same.

Mr. Bill Beamer and Mr. Terrence Waldren both spoke in support of the application.

Sgt. Pallen reiterated that the entire area is a navigable waterway, adding that several boats in the area are being looked at by Code Enforcement.

Mr. Alan Leigh felt that this was one of the best ski areas and if this type of structure could not be built in the other ski zones, it should not be built in this one.

Ms. Chakas, representing three nearby property owners, stated they concurred with approval of the application.

Mr. John Gorman spoke regarding the nearby residential properties and the importance of maintaining their quality of life.

Mr. Juranitch then readdressed the Board regarding his neighbors' concerns, as well as voicing his disagreement that the dock would be a hazard to water-skiers.

With no further persons wishing to speak, Chair Terrill then closed the public hearing.

Mr. Anderson contended that several waivers had been granted previously due to precedence and he questioned the parameters for finding "exceptional circumstances" or "hardship" in allowing the waivers, noting each case and each property is different. He did not think personal family situations should affect waiver requests and should be considered solely on the physical property characteristics, location, description, riparian

rights, etc. He questioned the contention that the dock could be more beneficial to the seagrass than no dock at all, cautioning that "as much space needs to be provided as possible" due to the number of vessels which use the waterway.

Mr. Zorovich commented on the extensive amount of time spent during the meeting to discuss waivers. He reiterated his desire to see standardization. He added he would not vote on this matter based upon the disability issue as it has no bearing upon the waiver request. Mr. Zorovich felt this was an exception which needed serious consideration and whichever way this matter is voted upon, it will set a precedence one way or the other in the future.

Chair Terrill mirrored the comments of several other Board members regarding the amount of time spent addressing the waivers, as well as increased public interest - acknowledging it was time well spent in allowing the residents to express themselves.

It was Mr. Baker's opinion that prior to purchasing the property, Mr. Juranitch should have checked into the zoning requirements and it was not the Board's duty to retroactively satisfy the homeowner's needs.

Mr. Schulze suggested amending the City ordinance be discussed under new business as a separate issue.

Chair Terrill pointed out this application is extraordinary to the other applications brought before the Board, expressing the hope that all have been dealt with individually as opposed to previous decisions regarding waivers having set any kind of precedence. He stated the proposed dock is farther out by a large margin than any other approved, adding that this is a residential area and should be considered differently.

It was noted that there is a current waiver on the property allowing for an additional 47 feet.

The applicant then requested deferral to a later date.

**Motion** made by Mr. Schulze, seconded by Mr. Ross, to deny the application. In a roll call vote, the motion passed unanimously (with Mr. Schulze dissenting).

~~VIII. Old/New Business~~

~~Mr. Zorovich requested further discussion at the next meeting regarding the 20<sup>th</sup> Avenue issue in order to come up with ideas and recommendations to the City Commission for standardizing or amending the zoning as there are unusual circumstances on 20<sup>th</sup> Avenue which should be addressed.~~



# FORT LAUDERDALE POLICE DEPARTMENT OFFENSE INCIDENT REPORT

Reported Day <b>Thurs</b>		Date <b>2/7/08</b>		Time (Mil) <b>2300</b>		Related Report Number(s)			
Incident Type 1. Felony 2. Traffic Felony		3. Misdemeanor 4. Traffic Misdemeanor		5. Ordinance 6. Other		Incident Day From <b>Thurs</b> To <b>2/7/08</b>			
Type <b>5</b>		Description <b>Waterway Complaint</b>		A - Attempt C - Committed <b>C</b>		Special ENF			
Hate Crime <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Crime Against Elderly <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Gang Related <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Force Used <input type="checkbox"/> Y <input checked="" type="checkbox"/> N			
Incident Location (Street, Apt. Number) <b>736 NE 20 Avenue</b>				City <b>Fort Lauderdale</b>		Zip			
Business Name / Area Identifier <b>Residential</b>				Called In <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No By <b>CCN</b>		Occupancy 0. N/A 2. No 0 1. Occupied 3. Abandoned			
Location Type 1. Residence - Single 5. Convenience Store 9. Supermarket 13. Bank/Financial Inst 17. Gov't/Public Bldg 21. Airport 25. Parking Lot/Ortage 29. Motor Vehicle 2. Apartment/Condo 6. Gas Station 10. Dept./Discount Store 14. Commercial/Office 18. School/University 22. Bus/Rail Terminal 26. Highway/Roadway 30. Other Mobile 3. Residence-Other 7. Liquor Store 11. Specialty Store 15. Industrial/Mfg 19. Jail/Prison 23. Construction Site 27. Park/Woodlands/Field 99. Other 4. Hotel/Motel 8. Bar/Night Club 12. Drug Store/Hospital 16. Storage 20. Religious Bldg. 24. Other Structure 28. Lake/Waterway									
# Offenses <b>1</b>		# Victims <b>1</b>		# Offenders <b>3</b>		# Firearms <b>0</b>			
V/W Code V - Victim W - Witness C - Reporting Person		Victim Type 0. N/A 1. Juvenile 2. L.E. Officer 3. Adult		Race N - N/A W - White B - Black		Sex M - Male F - Female U - Unknown			
Injury Type 0. N/A 1. Gunshot 2. Shabbed		3. Laceration 4. Unconscious 5. Poss. Broken Bones 6. Poss. Internal Injury		7. Loss of Teeth 8. Burns 9. Abrasions/Bruises 99. Other		Victim Relationship to Offender 0. N/A 1. Undetermined 2. Stranger			
V/W Code <b>Z</b>		# <b>1</b>		V-Type <b>3</b>		Name (Last, First, Middle) <b>STOUT, Damien Andrew</b>			
Address <b>2604 SW 15 Street</b>				City <b>Fort Lauderdale</b>		State <b>FL</b>			
Other Contact Info. (Time Available, Interpreter, etc) <b>S330-161-73-380-0</b>									
Race <b>W</b>		Sex <b>M</b>		Date of Birth or Age <b>10/20/73</b>		If Victim Type 1, 2 or 3			
V/W Code <b>Z</b>		# <b>2</b>		V-Type <b>3</b>		Name (Last, First, Middle) <b>ALLOWEIGH, Phil</b>			
Address <b>vessel ADLER</b>				City		State			
Other Contact Info. (Time Available, Interpreter, etc)									
Race <b>W</b>		Sex <b>M</b>		Date of Birth or Age		If Victim Type			
Suspect Code S - Suspect A - Arrestee		Code <b>S</b>		# <b>1</b>		Name (Last, First, Middle) <b>LEIGH, Alan</b>			
Maiden Name				Nickname/Street Name		Place of Birth <b>Australia</b>			
Address <b>refused</b>				City		State			
Occupation				Employer/School		Address			
Driver's License Stat/Number		Immigration and Naturalization Number		Other I.D. Number		FL/OBTS Number (Arrested)			
PCIC/NCIC <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									
Clothing (Describe)				Scars/Marks/Tattoos (Location/Describe)					
Race <b>W</b>		Sex <b>M</b>		Date of Birth or Age <b>50</b>		Height <b>5'-06"</b>			
Weight <b>150</b>		Eye Color		Hair Color		Other			
Hair Lgh/Type <b>4</b>		Hair Style <b>9</b>		Complexion <b>6</b>		Build <b>3</b>			
Teeth <b>1</b>		Facial Hair <b>2</b>		Speech <b>5</b>		Voice <b>4</b>			
Appearance <b>8</b>		Unique I.D. <b>1</b>							
1. Unk 2. Bald 3. Short 4. Collar 5. Shoulder 6. Long 7. Coarse 8. Fine 9. Thick 10. Thinning 11. receding 99. Other		1. Unk 2. Afro/Nat 3. Braided 4. Punk 5. Greasy 6. Crew Cut 7. Ponytail 8. Processed 9. Straight 10. Wavy/Curly 11. Wig 12. Plaited 99. Other		1. Unk 2. Acne 3. Dark 4. Freckled 5. Light 6. Medium 7. Pocked 8. Ruddy 9. Tanned 99. Other		1. Unk 2. Thin 3. Medium 4. Large 5. Muscular 99. Other		1. Unk 2. Missing 3. Rotten 4. Gold 5. Jeweled 6. Large 99. Other	
1. Unk 2. Clean Shaven 3. Full Beard 4. Fu Manchu 5. Goatee 6. Lower Lip 7. Mustache 8. None/Fuzz 9. Sideburns 10. Unshaven 99. Other		1. Unk 2. Accent 3. Lips 4. Mumbles 5. Offensive 6. Whisper 7. Monotone 8. Slow 9. Stutters 10. Talkative 11. Profane 99. Other		1. Unk 2. Disguised 3. High Pitch 4. Loud 5. Low Pitch 6. Medium 7. Monotone 8. Nasal 9. Pleasant 10. Raspy 11. Soft 99. Other		1. Unk 2. Dirty 3. Disguise 4. Flashy 5. Military 6. Unkempt 7. Unusual Odor 8. Well Groomed 9. Pres. Glasses 10. Sun Glasses 99. Other		1. Unk 2. Prosthete 3. Birth Mark 4. Tattoo(s) 5. Scars 6. Earrings 7. Phy. Imp. 8. Transvisite	
Officer(s) Reporting <b>Sergeant A. Pallen</b>				I.D. Number(s) <b>1220</b>		Unit <b>N-10</b>			
Date <b>2/7/08</b>									
Officer Referring (If Applicable)		I.D. Number <b>1217</b>		Routed To		Referred To			
Assigned To		By		Date <b>02/06/08</b>					
Clearance Type 1. Arrest 2. Exceptional		3. Unfounded		Date Cleared		Arrest Number <b>00</b>			
Number Arrested				Exception		Page <b>145</b>			

OR# 08-16217  
 1. Offense  
 2. Arrest  
 3. Inmate  
 4. Original  
 5. Supplement

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 08-0921  
 1 of 9

OR#  
08-016217

Suspect Code S-Suspect E-Escaper A-Arrestee Z-Other		Code <b>Z</b>	# <b>3</b>	Juvenile	Name (Last, First, Middle) <b>KEYS, Russell</b>	
Maiden Name		Nickname/Street Name		Place of Birth		Residence Phone
Address <b>2243 SE Abcor Rd— vessel MIRAGE</b>			City <b>Port St. Lucie</b>		State <b>FL</b>	Zip Business Phone
Occupation		Employer/School		Address		Social Security Number
Driver's License Stat/Number		Immigration and Naturalization Number		Other I.D. Number		FL/OBTS Number (Arrested) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Clothing (Describe) \_\_\_\_\_ Scars/Marks/Tattoos (Location/Describe) \_\_\_\_\_

Race <b>W</b>	Sex <b>M</b>	Date of Birth or Age <b>7/15/57</b>	Height	Weight	Eye Color	Hair Color	Other
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Activity	Type	Unit	Estimated Street Value
P - Possess	D - Deliver	Z - Other	1. Gram
S - Sell	E - Use		2. Milligram
B - Buy	K - Dispense/Distribute		3. Kilogram
T - Traffic	M - Manufacture/Cultivate		4. Ounce
R - Struggle			5. Pound
	A - Amphetamine	M - Marijuana	6. Ton
	B - Barbiturate	O - Opium/Derivative	7. Liter
	C - Cocaine	P - Paraphernalia/Equipment	8. Milliliter
	E - Heroin	S - Synthetic	9. Dose Unit/Item
	H - Hallucinogen		

Activity	Type	Description	Quantity	Unit	Estimated Street Value
Activity	Type	Description	Description	Unit	Estimated Street Value
Activity	Type	Description	Description	Unit	Estimated Street Value

**Narrative**

See Narrative Pages:

Property  None Involved  Stolen Lost  Evidence Receipt  To Be Forwarded

**OFFICER AFFIDAVIT:**

I swear or affirm that I have prepared this report, and it is correct and true to the best of my knowledge.

Authoring Officer (Signature) Sgt [Signature]  
Printed Name/CCN ANDY PAULSEN / 1220

The forgoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (authoring officer), who is known to me or has produced \_\_\_\_\_ as identification, and who did take an oath.

NOTARY/WITNESSING OFFICER SIGNATURE/CCN \_\_\_\_\_

**VICTIM AFFIDAVIT:** I hereby swear that on \_\_\_\_\_, I was the victim of a \_\_\_\_\_,

Which was committed without my permission and against my will, as reported by me, by persons unknown/known to me as \_\_\_\_\_, and further, that I DO

DO NOT  desire to prosecute.

Sworn and Subscribed by me this \_\_\_\_\_ day of \_\_\_\_\_ year 20\_\_\_\_.

Officer's Signature \_\_\_\_\_ Victim's Signature \_\_\_\_\_

Exhibit L  
08-0921  
2 OF 9

**FT. LAUDERDALE POLICE DEPARTMENT**

OR# 08- 016217

Supplemental Report

Related OR#

Offense: **Waterway Complaint**

Offense Changed to:

Location: **700 Block of NE 20 Avenue**

Date of Incident: **February 7, 2008**

Date of Report:

On February 7, 2008 this Sergeant and Sergeant Jeff Brull responded to the 700 block of NE 20 Avenue to follow up complaints of a commercial marina being operated within a residential neighborhood. Complaints include the illegal renting of dock space in a RS-4 zone and illegal live-a-boards, which are not permitted in this area. There are also concerns off too large of vessels protruding into the waterway and anchor lines posing a navigational safety hazard.

On this date, contact was made with a crew member of the motor vessel *Adler*, Damien Stout. Stout advised that he was residing in a "crew house" being rented to the crew of the Adler, by Alan Leigh at 744 NE 20 Avenue, but was seen entering 738 NE 20 Avenue with other crew members. Stout additionally advised that the Captain of the Adler, Phil Alloweigh was still on board, as the captain and/or crew member is required to sleep on the vessel overnight for insurance purposes. Stout advised that the captain lives on the vessel all the time. Stout further advised that this vessel had been renting dock space for the vessel and a crew house down the street since last September, and that they would be leaving for a few months in March. The Adler is a 136' custom motor yacht registered out of Kingston, Jamaica.

Contact was made with the vessel captain, Phil Alloweigh who exited from the salon of the vessel. Alloweigh advised that he was preparing to go to sleep and does reside and sleep on the vessel at all times. Alloweigh was advised of the applicable City Ordinances preventing the renting of dock space and live-a-boards in a residential zone. Alloweigh was aware of the illegal renting of the dock from Mr. Leigh, became nervous and uncomfortable when the topic came up, but advised that the vessel would be leaving this month. Alloweigh additionally advised that he had conversation with the captain of another vessel at this location, the *Mirage*. Alloweigh advised that the captain of that vessel was nervous about the dock rental circumstances and has been contemplating leaving for a legal marina. Alloweigh advised that there were live-a-boards on that vessel as well.

I then made contact with Captain Russell Keys of the *mirage*, an approx. 125' motor yacht from Georgetown. Keys had been sleeping on the vessel at this time. Keys advised that he too resides on the vessel but that his crew rents a house from Mr. Leigh at 744 NE 20 Avenue and that the dock is ancillary to that property. The vessel however is docked at 736 NE 20 Avenue. When advised of the applicable ordinances, Keys advised that he was going to investigate alternate dockage arrangements.

There was a third large (100'+) motor yacht at this location, *Silent Wings*, but no contact could be made with any occupants. A fourth yacht, *Musbe Dreamin* was also docked at this location. The vessels to the north and south sides were in excess encroaching and exceeded the 5' setback from the property lines on both side. All four of these motor yachts were moored and plugged

Sergeant: Andy Pallen

CCN: 1220

Unit: N-10

Reviewing Officer:

CCN:

Date:

Routed to:

Referred to:

Case Status Type 1. Arrest 2. Exceptional 3. Unfounded Date Cleared:

Exception 1. Extradition Declined

3. Death of Offender

5. Prosecution Declined

2. Arrest on primary offense secondary offense without prosecution 4. V/W Refused to cooperate 6. Juvenile/No Custody

Page 3 of 5  
Exhibit 6  
08-0921  
30F9

into electrical connections at 736 NE 20 Avenue. The backyard of this property is entirely a concrete parking lot with a majority covered by an awning, providing covered parking for vessel occupant vehicles.

While preparing to leave the area, an automatic roll-up door to the rear of 736 NE 20 Avenue began to open. The door was approximately 30' wide and opened up to nearly the entire rear of the structure which was supposed to be a residence. When the door was open, it revealed an elaborate garage/workshop for numerous motorcycles. This residence has previously been described as a studio for Mr. Leigh where he works on his projects. This was obvious when the door was open and there was no indication that anyone could live in this property as it was converted into a workshop. All the windows on the structure were completely blacked out.

After the door opened, Alan Leigh and a second subject identified as Jim Jurantich exited the workshop. Both subjects were drinking from beer cans, Leigh was immediately recognized as intoxicated by bloodshot/red eyes, a flush complexion, wreaking of beer about his person and breath, and slurred, loud and abusive speech.

Upon observing this Sergeant, Leigh began yelling to "... get the fu\_k off his property..." as he quickly approached this Sergeant with one hand in his pocket. Leigh was advised to not approach too closely or touch this officer as he was within inches, to take his hand out of his pocket and to lower his voice. Leigh was violently threatening and I felt a physical assault/battery was likely. I used every bit of persuasion to calm down Leigh and to prevent a physical altercation. As a result of Leigh's behavior, 4 subjects from 738 NE 20 Avenue exited the residence and began to watch the incident. Once the situation was at a state where I could at least speak to Leigh, I explained that I had been speaking with the captain's of the vessels which were illegal live-a-boards and that they were cooperative and understood the ordinance; Leigh again became aggressive and began yelling that he was not renting docks, but renting a house and the dock came with the rental house. When asked what house they were renting since 736 was his studio, he stated 738 and 744 NE 20 Avenue. It should be noted that neither of these rental residences have docks or electrical for the vessels and this is not the location of any of the vessels.

Mr. Jurantich attempted to become involved in the matter and repeatedly asked who the complainant about the vessels was and supported Leigh's interpretation of dock rental. It was finally agreed that Leigh was circumventing the ordinance relating to dock rental, because the dock just came with the house rental (even though the dock was at a different location than the house), but that was how the ordinance was written and that they felt they can do whatever they want if they owned the property. Leigh however refused to produce any house rental agreements/leases or to advise who he was renting the house to. When asked how much he was renting the house for, Leigh just smiled and refused to say how much. Leigh is circumventing the dock rental ordinance by renting a house significantly higher than market value and by

Sergeant: Andy Pallen

CCN: 1220

Unit: N-10

Reviewing Officer:

CCN:

Date:

Routed to:

Referred to:

Case Status Type 1. Arrest 2. Exceptional 3. Unfounded Date Cleared:

Exception 1. Extradition Declined 2. Arrest on primary offense secondary offense without prosecution 3. Death of Offender 4. V/W Refused to cooperate 5. Prosecution Declined 6. Juvenile/No Custody

**FT. LAUDERDALE POLICE DEPARTMENT**

OR# 08- 016217

**Supplemental Report**

Related OR#

renting the house to multiple vessel crews. This was substantiated after speaking with the vessel crew members and captains.

It should be noted that Mr. Jurantich purchased a house on NE 20 Avenue and is in the process of applying to obtain city variances so he may keep multiple mega yachts to the rear of his property as well.

At this point, this Sergeant and Brull left the area without further incident. This information will be supplied to City Code Enforcement for follow-up, and this investigation is on-going.

Sergeant: Andy Pallen

CCN: 1220

Unit: N-10

Reviewing Officer:

CCN:

Date:

Routed to:

Referred to:

Case Status                      Type                      1. Arrest 2. Exceptional 3. Unfounded      Date Cleared:

Exception 1. Extradition Declined

3. Death of Offender

5. Prosecution Declined

2. Arrest on primary offense secondary offense without prosecution 4. V/W Refused to cooperate 6. Juvenile/No Custody

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08-0921  
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# FORT LAUDERDALE POLICE DEPARTMENT OFFENSE INCIDENT REPORT

Reported Day <b>THURS</b>		Date <b>4-17-08</b>		Time (mil) <b>1700</b>		Related Report Number(s) <b>08016217</b>			
Incident Type 1. Felony 2. Traffic Felony		3. Misdemeanor 4. Traffic Misdemeanor		5. Ordinance 8. Other		Incident Day From <b>THURS</b> Date <b>4-17-08</b> Time (mil) <b>1700</b>			
Type <b>5 WATERWAY COMPLAINT</b>		A-Attempted C-Committed		Special ENF		Force Used <input type="checkbox"/> YES <input type="checkbox"/> NO			
Incident Location (Street, Apt. Number) <b>700 SW 4 MIDDLE RIVER</b>		City <b>FORT LAUDERDALE, FL</b>		Zip <b>33101</b>		Zone <b>101</b>			
Business Name/Area Identifier <b>MIDDLE RIVER</b>		Called In <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		By CCN		Forced Entry 0. N/A 1. Yes 2. No			
Location Type		01. Residence-Single 02. Apartment/Condo 03. Residence-Other 04. Hotel/Motel		05. Convenience Store 06. Gas Station 07. Liquor Store 08. Bar/Nightclub		09. Supermarket 10. Dept./Discount Store 11. Specialty Store 12. Drug Store/Hospital			
01. Residence-Single 02. Apartment/Condo 03. Residence-Other 04. Hotel/Motel		05. Convenience Store 06. Gas Station 07. Liquor Store 08. Bar/Nightclub		09. Supermarket 10. Dept./Discount Store 11. Specialty Store 12. Drug Store/Hospital		13. Bank/Financial Inst. 14. Commercial/Office Bldg. 15. Industrial/Mfg. 16. Storage			
17. Gov't/Public Bldg. 18. School/University 19. Jail/Prison 20. Religious Bldg.		21. Airport 22. Bus/Rail Terminal 23. Construction Site 24. Other Structure		25. Parking Lot/Garage 26. Highway/Roadway 27. Park/Woodlands/Field 28. Lake/Waterway		29. Motor Vehicle 30. Other Mobile 99. Other			
01. Knife/Cutting Instrument 02. Rifle 03. Shotgun 04. Firearm		05. Knife/Cutting Instrument 06. Blunt Object		07. Hands/Fists/Feet 08. Poison 09. Explosives		10. Fire/Incendary 11. Threat/Intimidation 12. Simulated Weapon			
13. Drugs 14. Unknown 99. Other		13. Drugs 14. Unknown 99. Other		13. Drugs 14. Unknown 99. Other		13. Drugs 14. Unknown 99. Other			
W/V Code V-Victim W-Witness C-Reporting Person		P-Proprietor Z-Other		Victim Type 0. N/A 1. Juvenile 2. L.E. Officer 3. Adult		4. Business 5. Government 6. Church 9. Other			
Race N-N/A W-White B-Black		I-American Indian O-Oriental/Asian U-Unknown		Sex M-Male F-Female U-Unknown		Residence Type 0. N/A 1. City 2. County			
3. Florida 4. Out-of-State		0. N/A 1. Full Year 2. Part Year 3. Non-Resident		Extent of Injury 0. None 1. Minor 2. Serious 3. Fatal		21. Employer 22. Landlord/Tenant 23. Acquaintance 99. Other Known			
01. Laceration 02. Unconscious 03. Gunshot 04. Poss. Broken Bones 05. Poss. Internal Injury		06. Loss of Teeth 07. Burns 08. Abrasions/Bruiases 09. Other		Victim Relationship to Offender 00. N/A 01. Undetermined 02. Stranger		03. Spouse 04. Ex-Spouse 05. Co-Habitant			
06. Parent 07. Brother/Sister 08. Child 09. Step-Parent		10. Step-Child 11. In-Law 12. Other Family 13. Student		14. Teacher 15. Child of Boy/Girl 16. Boy/Girl Friend		17. Friend 18. Neighbor 19. Sitter/Day Care 20. Employee			
Name (Last, First, Middle)		Residence Phone		City		State			
Address (Street, Apt. Number)		City		State		Zip			
Business Phone		Other Contact Info. (Time Available, Interpreter, etc.)		Date of Birth or Age		If Victim Type 1, 2 or 3			
Name (Last, First, Middle)		Residence Phone		City		State			
Address (Street, Apt. Number)		City		State		Zip			
Business Phone		Other Contact Info. (Time Available, Interpreter, etc.)		Suspect Code S-Suspect E-Escapee A-Arrestee		Name (Last, First, Middle) <b>KEYS, RUSSELL</b>			
Maiden Name		Nicknames/Street Name		Place of Birth		Residence Phone			
Last Known Address (Street, Apt. Number) <b>ABORDA W/V MIRAGE ; DOCKED @ 766 NE 20 AVE FORT LAUDERDALE, FL</b>		City		State		Zip			
Business Phone		Occupation <b>VESSA CAPTAIN</b>		Employer/School		Address			
Social Security Number		Driver's License State/Number		Immigration and Naturalization Number		Other I.D. Number			
FL/OBTS Number (Arrested)		FCIC/NCIC		Clothing (Describe)		Scars/Marks/Tattoos (Location/Describe)			
Date of Birth or Age <b>07/15/57</b>		Height		Weight		Eye Color			
Hair Color		Other		Hair Lgth/Type		Hair Style			
Complexion		Build		Teeth		Facial Hair			
Speech		Voice		Appearance		Unique I.D.			
01. Unk. 02. Bald 03. Short 04. Collar 05. Shoulder 06. Long 07. Coarse 08. Fine 09. Thick 10. Thinning 11. Receding 99. Other		01. Unk. 02. Afro/Nat. 03. Braided 04. Collar 05. Greasy 06. Crew Cut 07. Ponytail 08. Processed 09. Straight 10. Wavy/Curly 11. Wig 12. Platted 99. Other		01. Unk. 02. Acne 03. Dark 04. Freckled 05. Light 06. Medium 07. Pocked 08. Ruddy 09. Tanned 99. Other		01. Unk. 02. Thin 03. Medium 04. Large 05. Muscular 99. Other		01. Unk. 02. Missing 03. Rotten 04. Gold 05. Jeweled 06. Large 99. Other	
01. Unk. 02. Clean Shaven 03. Full Beard 04. Fu Manchu 05. Goatee 06. Lower Lip 07. Mustache 08. None/Fuzz 09. Sideburns 10. Unshaven 99. Other		01. Unk. 02. Accent 03. Lisps 04. Mumbles 05. Offensive 06. Whisper 07. Rapid 08. Slow 09. Stutters 10. Talkative 11. Profane 99. Other		01. Unk. 02. Disguised 03. High Pitch 04. Loud 05. Low Pitch 06. Medium 07. Monotone 08. Unpleasant 09. Pleasant 10. Raspy 11. Soft 99. Other		01. Unk. 02. Dirty 03. Disguise 04. Flashy 05. Military 06. Unkempt 07. Unusual Odor 08. Well Groomed 09. Pres. Glasses 10. Sun Glasses 99. Other		01. Unk. 02. Prostitute 03. Birth Mark 04. Tattoos(s) 05. Scars 06. Earrings 07. Phy. Imp. 08. Transvestite	
Officer(s) Reporting <b>A. PAKEN</b>		I.D. Number(s) <b>1220</b>		Unit <b>N10</b>		Date <b>4-17-08</b>			
Officer Reviewing (If Applicable)		I.D. Number <b>00</b>		Routed To		Referred To			
Assigned To		By <b>5-17-08</b>		Arrest Number		Number Arrested <b>00</b>			
Case Status <b>OPEN</b>		Clearance Type 1. Arrest 2. Exceptional 3. Unfounded		A-Adult J-Juvenile		Date Cleared			
Exception Type 1. Extradition Declined		2. Arrest on Primary Offense Secondary Offense Without Prosecution		3. Death of Offender 4. V/W Refused to Cooperate		5. Prosecution Declined 6. Juvenile/No Custody			
OBTS Number		Page <b>1</b>		Page <b>of 4</b>		Page <b>1</b>			

EXHIBIT U  
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O.R. # 08-047248

Suspect Code S-Suspect A-Arrestee E-Escapee Z-Other	Code # 2	Juvenile	Name (Last, First, Middle) LEIGH, ALAN
Maiden Name	Nickname/Street Name	Place of Birth	Residence Phone
Last Known Address (Street, Apt. Number) REFUSED		City	State Zip
Occupation	Employer/School	Address	Social Security Number
Driver's License State/Number	Immigration and Naturalization Number	Other I.D. Number	FL/OBTS Number (Arrested)
Clothing (Describe)		Scars/Marks/Tattoos (Location/Describe)	
Date of Birth or Age			Other

Activity P-Possess S-Sell B-Buy T-Traffic R-Smuggle	D-Deliver E-Use K-Dispense/Distribute M-Manufacture/Produce/ Cultivate	Z-Other	Type A-Amphetamine B-Barbiturate C-Cocaine E-Heroin H-Hallucinogen	M-Marijuana O-Opium/Derivative P-Paraphernalia/ Equipment S-Synthetic	U-Unknown Z-Other	Unit 1. Gram 2. Milligram 3. Kilogram 4. Ounce 5. Pound	6. Ton 7. Liter 8. Milliliter 9. Dose Unit/Item
Activity	Description	Quantity	Estimated Street Value				
Activity	Description	Quantity	Estimated Street Value				
Activity	Description	Quantity	Estimated Street Value				
Activity	Description	Quantity	Estimated Street Value				

NARRATIVE

NARRATIVE/CONTINUATION

Property  None Involved  Stolen Lost  Evidence Receipt  To Be Forwarded

OFFICER AFFIDAVIT:

I swear or affirm that I have prepared this report, and it is correct and true to the best of my knowledge.

Authoring Officer (Signature) [Signature]  
Printed Name/CCN A. PAUER / 1220

The forgoing instrument was acknowledged before me this \_\_\_ day of \_\_\_, 20\_\_\_, by \_\_\_ (authoring officer), who is known to me or has produced \_\_\_ as identification, and who did take an oath.

NOTARY/WITNESSING OFFICER SIGNATURE/CCN \_\_\_\_\_

VICTIM AFFIDAVIT: I hereby swear that on \_\_\_, I was the victim of a \_\_\_ which was committed without my permission and against my will, as reported by me, by persons unknown/known to me as \_\_\_ and further, that I DO \_\_\_ DO NOT \_\_\_ desire to prosecute.

Sworn and Subscribed by me this \_\_\_ day of \_\_\_ year \_\_\_.

Officer's Signature \_\_\_\_\_ Victim's Signature \_\_\_\_\_

Exhibit 7  
08-0921  
7059



# FORT LAUDERDALE POLICE DEPARTMENT SUPPLEMENT PAGE 1

1. Offense  
2. Arrest

Juvenile

1. Original  
2. Supplement



Original Date Reported	041708	Case Title	WATERWAY COMPLAINT
Reported Day	Date	Time (mil)	Related Report Numbers
THURS	04-17-08	1700	

Incident Type: 1. Felony 2. Traffic Felony	3. Misdemeanor 4. Traffic Misdemeanor	5. Ordinance 9. Other	<b>OFFENSE CHANGED TO</b>	N/A
OFFENSE #1	Title	A-Attempted C-Committed	Statute Violation Number	Municipal Ordinance
OFFENSE #2	Title	A-Attempted C-Committed	Statute Violation Number	Municipal Ordinance

Incident Location (Street, Apt. Number)	City	Zip
700 BLK S NE 20	MIF - MIDDLE RIVER	FT. LAUDERDALE, FL

ON APRIL 17, 2008 THIS SGT. AND OFFICER MGO WERE IN ROUTE TO GEORGE ENGLISH PARK TO PARTICIPATE IN SCHEDULED DIVE TRAINING. WHILE PASSING THROUGH THIS AREA, RUSSELL KEYS WAS OBSERVED STANDING ON THE BOW OF THE M/V MIRAGE, A VESSEL IN WHICH HE IS THE HIRED CAPTAIN.

THIS SPECIFIC LOCATION AND THIS SPECIFIC VESSEL HAVE BEEN INVOLVED IN SEVERAL CODE VIOLATIONS/COMPLAINTS RELATING TO THE RENTAL OF DOCK SPACE WHICH IS PROHIBITED IN THIS LOCATION AS WELL AS ILLEGAL HABITATION OF VESSELS OVERNIGHT. MR. KEYS HAS BEEN WARNED OF THESE VIOLATIONS IN THE PAST AND HAS REFUSED TO COMPLY. A LOCAL DOCKMASTER ADVISED THAT THIS VESSEL/CAPTAIN HAVE BEEN INQUIRING LOCALLY ABOUT OBTAINING DOCK SPACE AT A LEGAL MARINA, THE ILLEGAL MARINA OPERATION OCCURRING AT THIS LOCATION IS COMMON KNOWLEDGE AMONGST THE MARINE INDUSTRY AND IS NEGATIVELY AFFECTING THE MARITIME INDUSTRY. INFORMATION ALSO REVEALED THAT THE CAPTAIN IS CONTINUING TO HABITATE ON THE VESSEL OVERNIGHT AND IS AWARE OF THIS BEING A VIOLATION AS HE INITIALLY SOUGHT ALTERNATIVE DOCKAGE.

TAKING ADVANTAGE OF THIS OPPORTUNITY, I CONTACTED KEYS AGAIN AND ADVISED HIM OF THE VIOLATIONS. KEYS ACKNOWLEDGED HE REMAINS ON THE VESSEL AND WOULD CONTINUE AS IT IS REQUIRED ALTHOUGH HE DID NOT WANT POLICE TRAMPLE AND WOULD INVESTIGATE ALTERNATIVES. KEYS WAS ADVISED THAT FUTURE VIOLATIONS MAY INCLUDE A "NTA" TO BE ISSUED OR A PHYSICAL ARREST. IT SHOULD ALSO BE NOTED THAT THE PROPERTY OWNER ILLEGALLY POSTING THE DOCK SPACE WAS ON HIS PROPERTY BUT NOT PART OF THIS CONVERSATION.

AFTER DIVE TRAINING WAS OVER, WE NEEDED TO TRANSIT THIS AREA TO RETURN TO THE OFFICE. WHILE PASSING BY, THE PROPERTY OWNER BEGAN

Report Contains	Related Report Number(s)						
Officer(s) Reporting	I.D. Number(s)	Unit	Date				
PALLEN	1220	N-10	4-17-08				
Officer Reviewing (If Applicable)	I.D. Number	Router To	Referred To	Assigned To	By	Date	
Case Status	Clearance Type	3. Unfounded	A-Adult J-Juvenile	Date Cleared	Arrest Number	Number Arrested	
Exception Type	2. Arrest on Primary Offense Secondary Offense Without Prosecution	3. Death of Offender	4. V/W Refused to Cooperate	5. Prosecution Declined	6. Juvenile/No Custody	OBTS Number	Page 3 of 4

Exhibit C  
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80F9



**FORT LAUDERDALE POLICE DEPARTMENT  
SUPPLEMENT PAGE 2**

1. Original  
2. Arrest  
3. Original  
2. Supplement



ADM	Original Date Reported 04/17/08	Case Reference WATERWAY COMPLAINT
NARRATIVE/CONTINUATION	<p>YELLING TO THESE OFFICERS TO ARREST HIM, THAT HE IS ON THE BOAT AT NIGHT AND TO ARREST HIM. I EXPLAINED TO MR. LEIGH THAT I HAD ADDRESSED THE VESSEL CAPT. AND NOT HIM, AND THE MATTER DID NOT CONCERN HIM. LEIGH DOES NOT WANT THE VESSELS TO LEAVE, AS HE WOULD LOSE HIS MARINA RENTAL INCOME, IN EXCESS OF \$800 PER MONTH PER BOAT; CURRENTLY THERE ARE (4) MARINA RENTALS AT THIS LOCATION. MR. LEIGH WAS ADVISED THAT HE WAS NOT GOING TO BE ARRESTED FOR BEING ON THE BOAT, ONLY THE CAPT. FOR HABITATING ON THE VESSEL OVERNIGHT. MR. LEIGH BECAME ARGUMENTATIVE AND WAS YELLING AND VERY AGGRESSIVE THAT I WOULD ARREST ANYONE FOR EVEN WALKING ON THE BOAT AND FOR ME TO ARREST HIM. I TRIED TO EXPLAIN THAT I WOULD NOT ARREST SOMEONE FOR BEING ON THE BOAT JUST WALKING, BUT IF SOMEONE WAS REPAIRING/CLIPPING OR HABITATING, BUT MR. LEIGH WOULD NOT LISTEN AND ONLY WANTED TO CONTINUE HIS RAGE.</p> <p>ULTIMATELY, THESE OFFICERS CLEARED THE SCENE SO LEIGH WOULD NOT BE ARRESTED AND NO FURTHER ACTION WAS TAKEN AT THIS TIME.</p>	
<p>OFFICER AFFIDAVIT: SWORN AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 19____</p> <p>TITLE _____ PRINT NAME _____ CCN _____</p> <p>SIGNATURE _____</p>		
<p>AFFIDAVIT OF COMPLAINT: I hereby swear that the above described acts were committed without my permission against my will, as reported by me, by person or persons unknown/known to me as _____ and further that I DO _____ DO NOT _____ desire to prosecute.</p> <p>Sworn and subscribed by me this _____ day of _____ 19____. Victims Signature _____</p>		

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Exhibit 6  
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