



**CITY OF DANIA BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**DATE:** July 23, 2013

**TO:** Robert Baldwin, City Manager

**VIA:** Marc LaFerrier, AICP, Director *[Signature]*

**VIA:** Corinne Lajoie, AICP, LEED Green Associate, Principal Planner *CL Lajoie*

**FROM:** Mariluz Maldonado, City Planner *M.M.*

**SUBJECT:** **VA-29-13:** The applicant, Dylan Larson, with Miller Legg, on behalf of the property owner Broward County Board of County Commissioners, is requesting a variance to exceed the maximum a public dock can extend into the waterway for a property located at 2701 West State Road 84.

**REQUEST**

**VARIANCE**

To allow a public dock to extend 22 feet into the waterway; code allows 18.2 feet per Section 240-10.

**PROPERTY INFORMATION**

**EXISTING ZONING:** Open Space (OS)  
**LAND USE DESIGNATION:** Open Space

The subject property is located along South Fork New River, north of State Road 84. This applicant requests a variance on behalf of Broward County Parks and Recreation Division for a proposed boat dock at Secret Woods Park.

The applicant has indicated that the proposed floating dock is to allow the public to gain access to the Secret Woods Park facility. No permanent mooring, hookups or boat ramps / slips are proposed, only temporary tie up to the proposed feature. This area of South Fork New River is a natural shoreline dominated by mangroves and is quite shallow in front of the park property. There is an existing boardwalk network with an existing observation platform. The proposed project will help expand the observation platform and construct the access walkway and dock off the observation platform. The proposed dock siting is located at approximately 22 feet from the shoreline (shoreline undulates due to natural mangrove vegetation) which is beyond the allowed maximum of 18.2 feet. The Code allows for up to ten (10) percent the width of the waterway, or a maximum of twenty (20) feet, whichever is smaller, measured from the property line. The width of the waterway at this location is 182 feet.

The applicant's request satisfies the variance criteria identified in the City of Dania Beach's Land Development Regulations, Chapter 28, Part 6, Section 625-40 as identified below.

(1) That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the city.

The request maintains the basic intent of the code which is to maintain a navigable waterway.

(2) That the requested variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community.

The requested variance is consistent with the surrounding land uses, as it maintains and improves access for the public usage of a public park. Also, this use would remain compatible with the other existing uses such as docks along the river.

(3) That the requested variance is consistent with, and in furtherance of, the goals, objectives and policies of the adopted Comprehensive Plan, as amended from time to time, and all other similar plans adopted by the city.

The proposed is consistent with, and in furtherance of, the goals, objectives and policies of the adopted Comprehensive Plan by maintaining and improving access for the public usage of a public park while protecting the existing natural environment by preventing potential disruption of the natural mangrove vegetation on the shoreline.

(4) That the plight of the petitioner is due to unique circumstances of the property or petitioner which would render conformity with the strict requirements of the subject regulations unnecessarily burdensome.

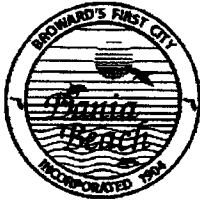
The applicant has worked with South Florida Water Management District and the Army Corps of Engineers on the proposed location and configuration of the dock. The placement of the dock was found to be reasonably close to the shore line and not create a large scale dredging project that could affect viability and potentially disrupt the natural mangrove vegetation on the shoreline.

(5) That the variance requested is the minimum variance that is necessary to afford relief to the petitioner, while preserving the character, health, safety and welfare of the community.

The variance requested is the minimum necessary to allow public access to Secret Woods Public Park, as indicated by the applicant.

**STAFF RECOMMENDATION**

Approve.



City of Dania Beach, Florida  
 Department of Community Development  
 Planning and Zoning Division  
 (954) 924-6805 X3643  
 (954) 922-2687 Fax

**Standard Development Application**

**RECEIVED**  
 JUN 10 2013  
 Date Rec'd **Planning Department**  
 Petition No. **VA-2978**

- Administrative Variance
- Land Use Amendment
- Plat
- Rezoning
- Site Plan
- Special Exception
- Variance
- Other: \_\_\_\_\_

(SEE APPLICATION TYPE SCHEDULE ON PAGES 3 & 4)

**THIS APPLICATION WILL NOT BE ACCEPTED UNTIL IT IS COMPLETE AND SUBMITTED WITH ALL NECESSARY DOCUMENTS.** Refer to the application type at the top of this form and "Required Documentation" checklist to determine the supplemental documents required with each application. For after the fact applications, the responsible contractor of record shall be present at the board hearing. Their failure to attend may impact upon the disposition of your application. As always, the applicant or their authorized legal agent must be present at all meetings. All projects must also obtain a building permit from the City Building Division. For more information please reference the **Dania Beach Land Development Code Part 6, Development Review Procedures and Requirements.**

Location Address: 2701 West State Road 84, Dania Beach, FL 33312

Lot(s): 1 Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_

Recorded Plat Name: Gov. Lot No. 1

Folio Number(s): 504220010010 Legal Description: Cohens Resub 14-21B Tracts 1-4 INCL. AKA - SECRET WOODS #422

Applicant/Consultant/Legal Representative (circle one) Dylan Larson - Miller Legg

Address of Applicant: 5747 North Andrews Way, Fort Lauderdale, FL 33309

Business Telephone: 954 436 7000 Home: - Fax: 954 436 6664

E-mail address: dlarson@millerlegg.com

Name of Property Owner: Broward County BOARD OF COUNTY COMMISSIONERS - ANN: North Cross

Address of Property Owner: One North University Drive, Plantation, FL 33324

Business Telephone: 954 370 3810 Home: - Fax: Box 8300

**Explanation of Request:** Variance of Sec. 240-20 B and E. - Dock greater than 10% of waterway  
 For Plats please provide proposed Plat Name for Variances please attach **Criteria Statement** as per Section 625.40 of the Land Development Code.

Prop. Net Acreage: \_\_\_\_\_ Gross Acreage: \_\_\_\_\_ Prop. Square Footage: \_\_\_\_\_

Existing Use: Public Park facility Proposed Use: Public Park facility - Addition of temp. Boat Dock

Is property owned individually, by a corporation, association, or a joint venture? Public - BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS

**AUTHORIZED REPRESENTATIVE**

I/we are fully aware of the request being made to the City of Dania Beach. If I/We are unable to be present, I/we hereby authorize Dylan Larson / Miller Legg Assoc. (individual/firm) to represent me/us in all matters related to this application. I/we hereby acknowledge that the applicable fee was established to offset administrative costs and is not refundable.

I/we are fully aware that all approvals automatically expire within 12 months of City of Dania Beach Planning and Zoning Board or City Commission approval, or pursuant to the expiration timeframe listed in Part 6 of the Dania Beach Land Development Code.

STATE OF FLORIDA  
COUNTY OF BROWARD  
The foregoing instrument  
was acknowledged

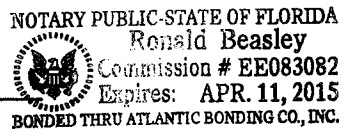
By: [Signature]  
(Owner / Agent signature\*)

BEFORE ME THIS 22 DAY OF May, 2013

By: Martin Gross  
(Print name of person acknowledging)

(Joint owner signature if applicable)

Notary [Signature]  
(Signature of Notary Public - State of FLORIDA)



Personally known  or Produced Identification \_\_\_\_\_

Type of identification produced: \_\_\_\_\_ or Drivers License \_\_\_\_\_

**\*If joint ownership, both parties must sign. If partnership, corporation or association, an authorized officer must sign on behalf of the group. A notarized letter of authorization from the owner of record must accompany the application if an authorized agent signs for the owner(s).**

**NO APPLICATION WILL BE AUTOMATICALLY SCHEDULED FOR A MEETING.**

**ALL APPLICATIONS MUST BE DETERMINED COMPLETE BY STAFF BEFORE PROCESSING OCCURS.**



June 11, 2013

Mr. Marc La Ferrier  
Community Development  
Dania Beach  
100 West Dania Beach Boulevard  
Dania Beach, FL 33004

**Re: Secret Woods Park – Public Boat Dock  
Variance Request  
Property ID 504220010010  
ML Project No. 12-00030**

Dear Mr. La Ferrier:

This letter is to provide a variance request to the project on behalf of Broward County Parks and Recreation Division for a proposed public boat dock at Secret Woods Park.

This proposed project consists of a floating dock to allow the public to gain access to the Secret Woods Park facility. No permanent mooring, hookups or boat ramps / slips are proposed, only temporary tie up to the proposed dock feature.

This area of the New River within the Parks property is a natural shoreline dominated by mangroves and is quite shallow in front of the park property. There is an existing boardwalk network with an existing observation deck or platform on the New River. The proposed project would replace and expand the observation platform and construct the access walkway and dock off of the observation platform.

During permitting with the environmental resource agencies, including South Florida Water Management District, the location of the dock was configured to comply with the state determination of not exceeding more than 25% of the waterway width. Placement of the dock was sited to be placed reasonably close to the shore line and not create a large scale dredging project that could affect the project viability and potentially disrupt the natural character and mangrove vegetation on the shoreline. Originally, the project did not budget or allow for any dredging activity. The resulting placement required by the state does require a nominal amount of dredging of  $\pm 312$  cubic yards to provide adequate clearance for the proposed boats.

There is one dock proposed that accommodates 3 boats up to 24' in length with an anticipated maximum of 3.0' draft. The 845 square foot overlook platform was previously permitted by the South Florida Water Management District and the Army Corps of Engineers (482 square feet to be replaced and 363 square feet to be constructed – previously permitted but expired prior to work being performed). The proposed project modification includes the addition of an access walk of  $\pm 370$  square feet to reach to suitable depths to reach suitable navigational depths with minimal dredging where the  $\pm 480$  square foot boat dock is proposed.

We are submitting for a variance request to Chapter 28, Part 2, Section 240.20 (B) of the Dania Beach Code. Specifically, this section provides that a dock may not extend into the waterway more

**IMPROVING COMMUNITIES. CREATING ENVIRONMENTS.**

South Florida Office: 5747 N Andrews Way • Fort Lauderdale, Florida • 33309-2364  
(954) 436-7000 • Fax: (954) 436-8664  
[www.millerlegg.com](http://www.millerlegg.com)

than 10% of a waterway wider than 50 feet, or a maximum of 20 feet, whichever is less. The proposed dock siting has the dock located approximately 36' from the shoreline (shoreline undulates due to natural mangrove vegetation) which is beyond the 20 feet. The applicant respectfully requests the variance based on the following considerations:

- Applicant has complied with the navigational clearances of 25% for sovereign submerged lands
- Applicant has located the dock behind an existing mangrove outcropping that helps define the navigational area / channel to the north of the applicants shoreline
- The siting of the dock is to the side of the observation platform vs. straight out into the waterway
- Boaters familiar with this area stay to the center or north of the waterway adjacent to this property where the elevations are shallow
- The proposed dock is being placed in the currently shallow depths
- The project is intended for public use and serves a public facility
- The proposed dock is outside of the existing dredging easement granted to Fort Lauderdale
- There is still over 150' of open water remaining in the waterway adjacent to this project, which is the same width the channel currently has at the mangrove outcropping
- Placement of dock does not create a large scale dredging project that may affect viability of the project and potentially disrupt the natural character and mangrove vegetation on the shoreline.

In addition, this project has been reviewed and sponsored by the Broward County Marine Advisory Board. In addition, the Dania Beach Marine Advisory Board reviewed the project on May 16, 2012 and passed a resolution in support of the project.

We thank you for your attention to this application and have enclosed the following for your review:

- 1) Signed variance application
- 2) Plat of the adjacent park area
- 3) Property appraiser print out of the park area
- 4) Proposed dock and overlook plan
- 5) Channel dimension sketch – showing channel clearances
- 6) \$2,000 Application fee

Should you require any additional information, please feel free to contact me at [dlarson@millerlegg.com](mailto:dlarson@millerlegg.com).

Sincerely,



Dylan Larson, PWS, CEP  
Principal

cc: Martin Gross, BCHED (w/enclosures)  
Abbas Zackria, Walters Zackria



PLAT OF A PART OF GOV. LOT NO. 1  
IN SECTION 20 TWP. 50 S RANGE 42 E.  
FT. LAUDERDALE BROWARD COUNTY FLORIDA  
CHARLTON and SHELTON CIVIL ENGINEERS SCALE 1"=100'

STATIONED ENGINEERS  
COUNTY OF BROWARD  
STATE OF FLORIDA  
90135  
By *[Signature]*  
Civil Engineer

DESCRIPTION:  
All of Gov. Lot 1, Section 20 Township 50 S,  
Range 42 E except the acreage easterly 241.67 ft.  
owned by F.H. Oliver.



STATE OF FLORIDA  
COUNTY OF BROWARD

1. Mrs. Rebecca Cohen, an unmarried widow have  
caused the above tract of land to be surveyed and platted  
in accordance with the provisions of the Statute in that  
describing survey methods on tract about to be surveyed.

*[Signature]* Mrs. Rebecca Cohen  
County Clerk

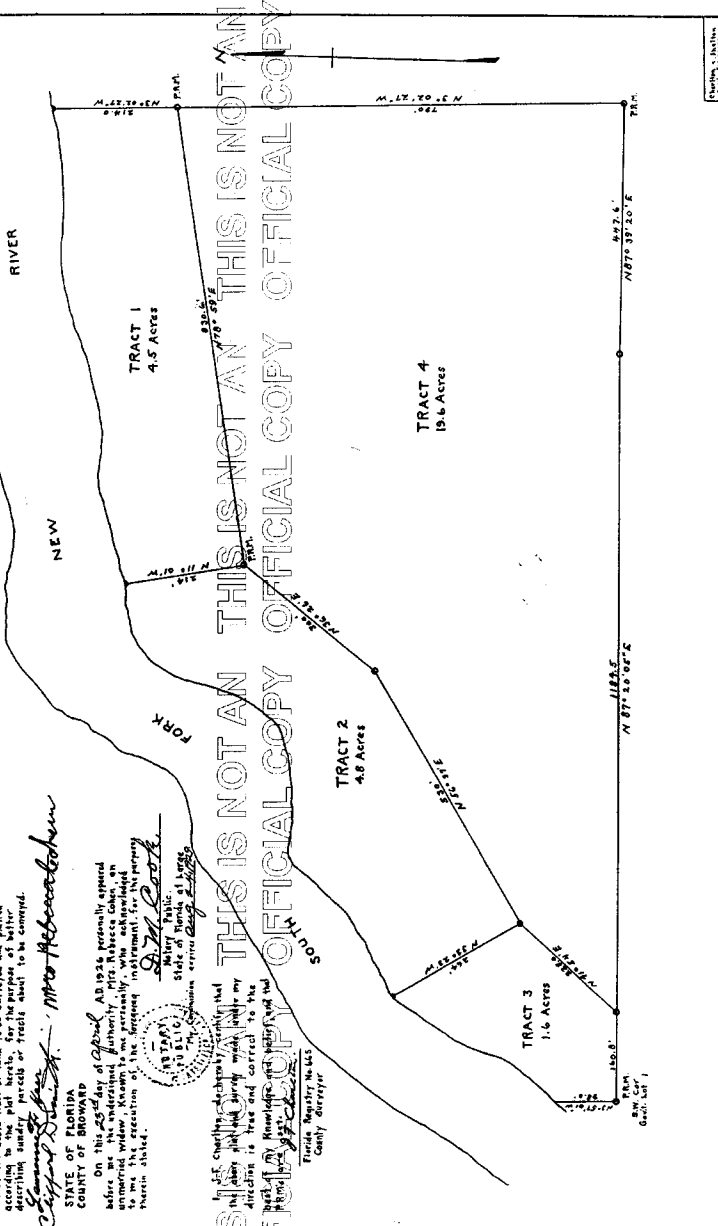
STATE OF FLORIDA  
COUNTY OF BROWARD

On this 23rd day of April A.D. 1924 personally appeared  
before me the undersigned authority, Mrs. Rebecca Cohen, an  
unmarried widow, who acknowledged to me her signature  
to and the execution of the foregoing instrument and that  
she is the owner of the same.



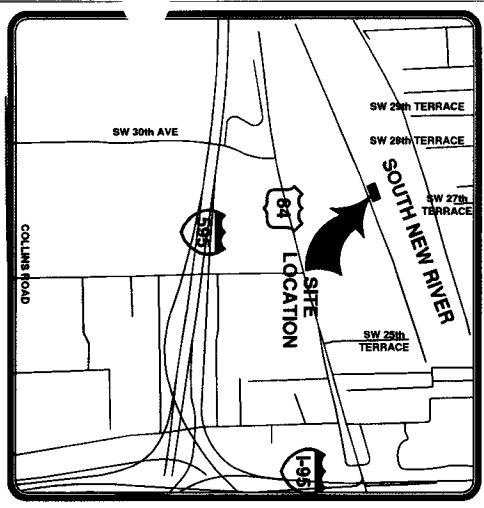
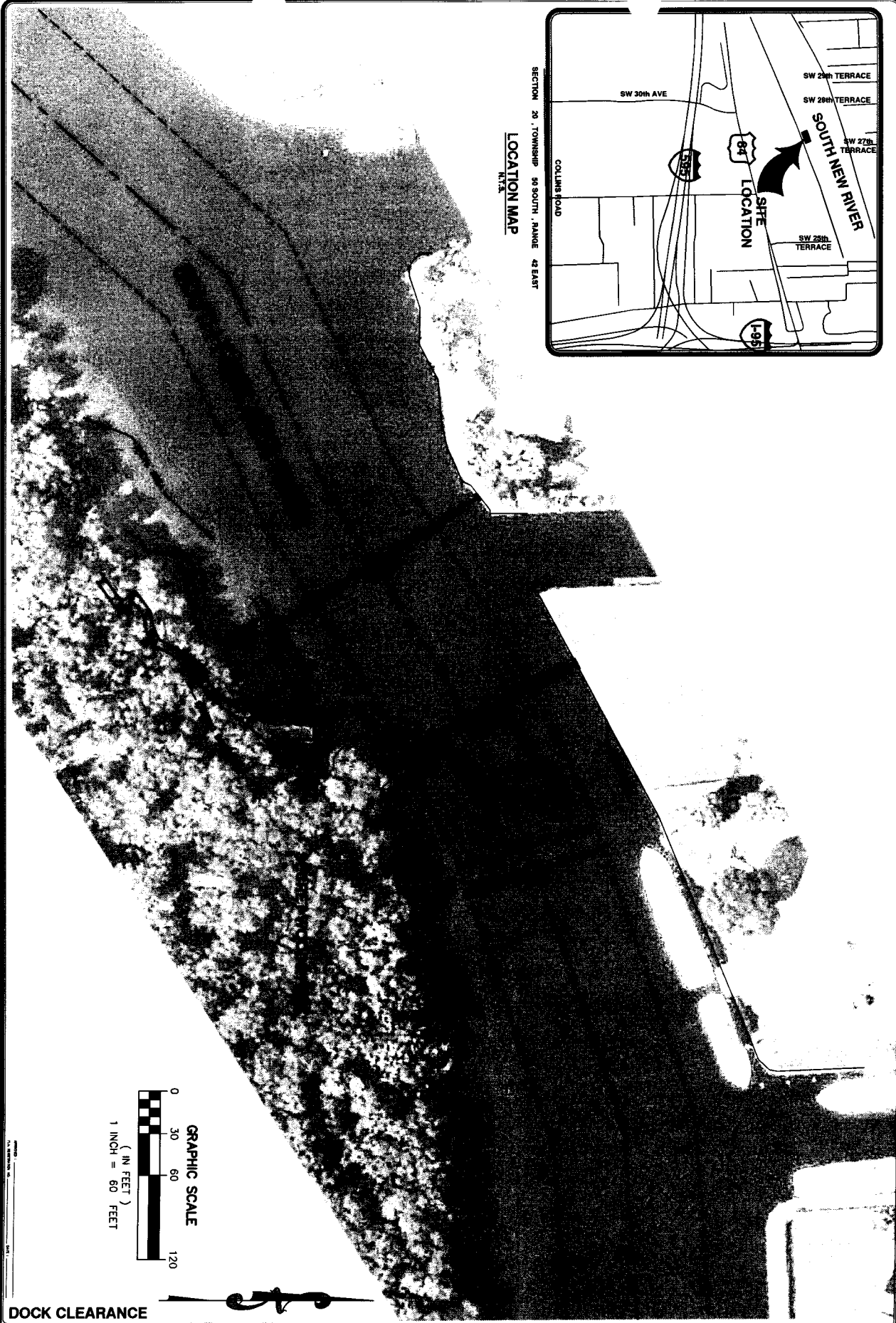
I, E. Charles, Notary Public, do hereby certify that  
the above platted survey was made by  
attending to the same and correct to the  
best of my knowledge and belief and that  
the same is true and correct to the  
best of my knowledge and belief.

E. Charles  
Notary Public  
County Director



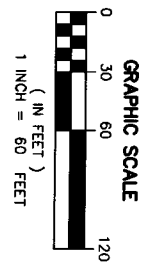
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COUNTY OF BROWARD  
STATE OF FLORIDA



**LOCATION MAP**  
N.T.S.

SECTION 20, TOWNSHIP 30 SOUTH, RANGE 42 EAST



**DOCK CLEARANCE**

DATE	BY	REVISIONS
6/10/13	1	1
SECRET WOODS PARK-DOCK		
12-00030		
SH-1		

**MILLER LEGG**  
 South Florida Office: 2747 N. Andrews Way  
 Ft. Lauderdale, Florida 33309-2364  
 954-435-7000 Fax: 954-336-8884

**SECRET WOODS PARK-DOCK**  
 CITY OF DANIA BEACH, BROWARD COUNTY, FLORIDA  
 FOR: BROWARD COUNTY PARKS AND RECREATION DIVISION

NO.	DATE	REVISIONS





NOTICE OF PUBLIC HEARINGS  
ON LAND DEVELOPMENT CODE AMENDMENTS  
CITY OF DANIA BEACH, FLORIDA

A Public Hearing will be conducted by the City of Dania Beach City Commission meeting on Tuesday, July 23, 2013 at 7:00 p.m. or as soon thereafter as the same may be heard at the City Commission Chambers located at the Dania Beach Administrative Center, 100 West Dania Beach Blvd., Dania Beach, FL 33004 to hear any comments relating to the following requests:

- 1) **VA-29-13:** The applicant, Dylan Larson, with Miller Legg, on behalf of the property owner Broward County Board of City Commissioners, is requesting a variance to exceed the maximum a public dock can extend into the waterway for a property located at 2701 West State Road 84, Dania Beach, FL.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE VARIANCE REQUEST SUBMITTED BY THE PROPERTY OWNER, THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS, FROM THE CITY OF DANIA BEACH LAND DEVELOPMENT CODE PART 2, SECTION 240-20 (B), FOR PROPERTY LOCATED AT 2701 WEST STATE ROAD 84, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

*Legally described as:* All of Government Lot 1, Section 20, Township 508, Range 42 E., except the extreme easterly 217.67 feet owned by F. M. Oliver.

Copies of the proposed requests are available for viewing in the Community Development Department, 100 West Dania Beach Boulevard, Dania Beach, Florida, and may be inspected by the public during normal business hours. For more information please call the Planning Division at (954) 924-6805 x3643.

In accordance with the Americans With Disabilities Act, persons needing assistance to participate in any of these proceedings should contact the City Clerk's office, 100 W. Dania Beach Blvd, Dania Beach, FL 33004, (954) 924-6800 x3623, at least 48 hours prior to the meeting.

Please be advised that if a person decides to appeal any decision made by the City Commission with respect to any matter considered at this hearing, such person will need a verbatim record of the proceedings and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to based. The city does not provide or prepare such record pursuant to f.s. 286.0105.

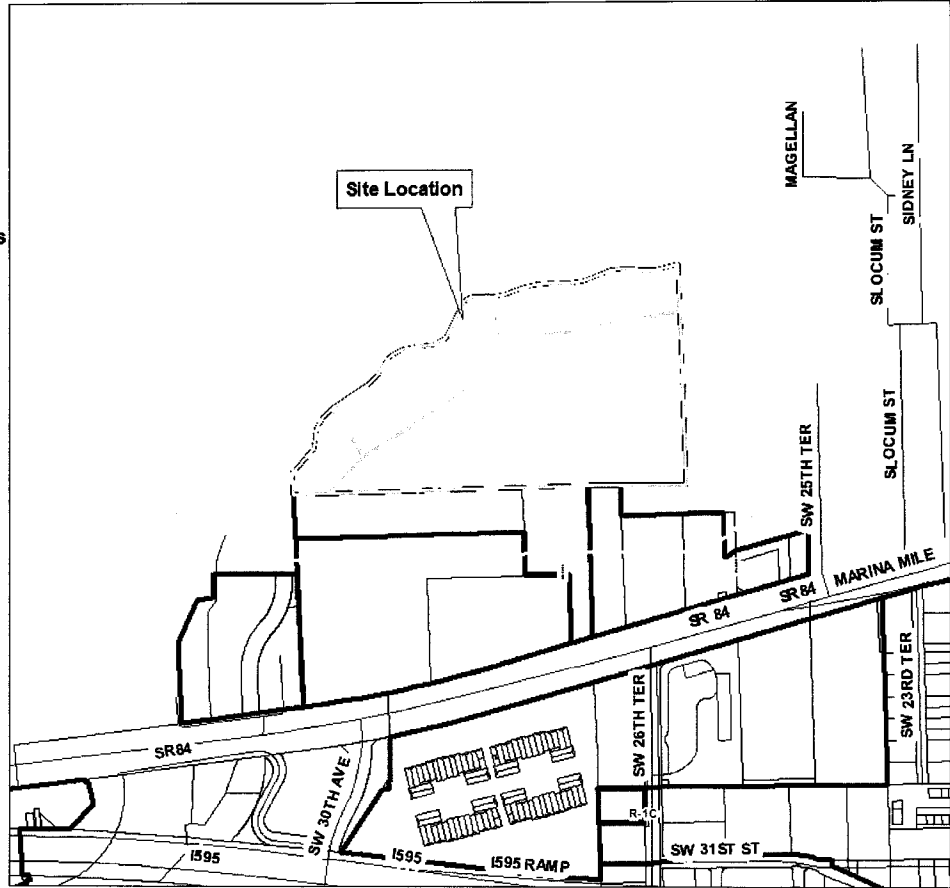
Community Development Department  
Planning Division  
Publish: Friday July 12, 2013



LOCATION MAP

VA-29-13 - Variance  
Broward County Board  
of County Commissioners  
2701 W State Road 84

Legend  
300' Radius



Map Date: July 1, 2013