



VILLAGE OF KEY BISCAIYNE

Office of the Village Manager

Village Council

Robert Oldakowski, *Mayor*

Jorge E. Mendia, *Vice Mayor*

Martha Fdez-León Broucek

Carol Diaz-Castro

Mortimer Fried

James L. Peters

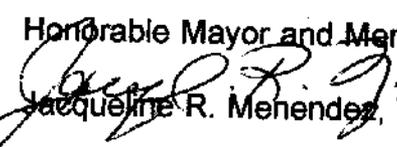
Robert L. Vernon

Village Manager

Jacqueline R. Menendez

DT: October 21, 2003

TO: Honorable Mayor and Members of the Village Council

FR:  Jacqueline R. Menendez, Village Manager

RE: Request for a Variance at 14 Harbor Point

RECOMMENDATION

The applicant is requesting a variance to place four (4) mooring piles 54 ft. from the property line and the regulations permit a maximum distance of 25 ft. It is recommended that the Council deny the variance because it is not consistent with the review criteria listed in the Zoning and Land Development Regulations.

EXPLANATION

The property presently contains a dock that projects 25 ft. into the water. At the seaward end of the dock, the applicant wishes to place four (4) mooring piles that will contain a 10 ft. x 15 ft. 8 inch. boat lift. The four (4) mooring piles are 54 ft. from the property line while the regulations permit a maximum of 25 ft. The boat lift will permit the owner to elevate a 34 ft. long, twin engine boat out of the water. The boat is presently docked at the location of the boat lift.



VILLAGE OF KEY BISCAINE

Department of Building, Zoning and Planning

Village Council
Robert Oldakowski, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Martha Fdez-León Broucek
Carol Diaz-Castro
Mortimer Fried
James L. Peters
Robert L. Vernon

Director
Jud Kurlancheck, AICP

DT: October 21, 2003

TO: Jacqueline R. Menendez, Village Manager

FR: Jud Kurlancheck, AICP, Director
Building, Zoning, and Planning Department

RE: Request for a Variance at 14 Harbor Point

APPLICATION SUMMARY

Request	Applicant wishes to exceed the maximum projection of a mooring pile of 25 ft. from a property line by 29 ft. in order to have four (4) mooring piles 54 ft. from the property line. The mooring piles are associated with a boat lift that is located on an existing dock.
Applicant	Andres Garcia
Site Address	14 Harbor Point
Master Plan	Single Family
Zoning District	VE Village Estate (Single Family)
File Number	RV 16-03
Recommendation	Denial

EXPLANATION AND ANALYSIS

The Request: The property presently contains a dock that projects 25 ft. into the water. At the seaward end of the dock, the applicant wishes to place four (4) mooring piles that will contain a 10 ft. x 15 ft. 8 inch. boat lift. The four (4) mooring piles are 54 ft. from the property line while the regulations permit a maximum of 25 ft. The boat lift will permit the owner to elevate a 34 ft. long, twin engine boat out of the water. The boat is presently docked at the location of the boat lift.

Variance Review Criteria: The Village's Zoning Ordinance provides for the granting of

variance(s) subject to a finding that the petition meets the following criteria:

Criteria 1 Maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community.

Analysis: The regulations are intended to result in mooring piles, docks, and related marine structures to be located no further than 25 ft. from the property line. This provides for adjacent owners to view across the water. This aesthetic results in higher property values and maintains a neat and orderly appearance of the community.

Finding: Inconsistent

Criteria 2 Is compatible with the surrounding land uses and would not be detrimental to the community.

Analysis: The surrounding properties have mooring piles, that appear from the shoreline, to extend beyond the maximum 25 ft. However, none of the surrounding properties have mooring piles that contain boat lifts outside of the 25 ft. setback. As such, the intended use of the mooring piles is inconsistent with the applicants desire for a boat lift.

Finding: Inconsistent

RECOMMENDATION

Staff recommends denial of the application because it is inconsistent with the review criteria.



VILLAGE OF KEY BISCAINE

Department of Building, Zoning and Planning

PLANNING AND ZONING APPLICATION

Village Council
Joe I. Rasco, Mayor
Martha Fdez-León Broucek, Vice Mayor
Scott Bass
Alan H. Fein
Mortimer Fried
Gregory C. Han
Robert Oldakowski

Director
Jud Kurlancheek, AICP

Date Filed: 9-16-03

File # RV-16
to be completed by staff

1. REQUEST FOR:

- SUPERVISORY VARIANCE
- ADMINISTRATIVE VARIANCE
- REGULATORY VARIANCE
- APPEAL OF AN ADMINISTRATIVE DECISION
- SITE PLAN APPROVAL
- CONDITIONAL USE
- OTHER _____
- AMENDMENT TO ZONING ORDINANCE
- SPECIAL EXCEPTION
- AMENDMENT TO THE COMPREHENSIVE PLAN
- ZONING DISTRICT CHANGE

Explain your request:

Installation of a boat lift in an existing boat slip on my residential property.

2. Street Address of Property: 14 Harbor Point, Key Biscayne
Legal Description: Lot(s) _____ Block _____
Subdivision: _____

3. Name of Applicant: ANDRES GARCIA *(contact: Sardi Toledo)*
Mailing Address of Applicant: 14 HARBOR POINT Key Biscayne
Business Telephone: _____ Home _____ Fax _____

4. Name of Property Owner if Different from Applicant: ANDRES + MARIVE GARCIA
Address of Property Owner if Different from Applicant: N/A
Business Telephone: (305) 399-2511 Home _____ Fax 305 365 8503

5. Contact Person: Name Kenneth J. Corusallo Esq. Address 2655 LeJeune Pl. PH1
 Phone Number 305 443 8292 Fax 305 443 7791 CORAL GABLES, FL 3313
6. Name/address of anyone else who should receive notice of the hearing?
see attached mailing list
7. If applicant is owner, indicate date purchased: 5/1991
8. If applicant is lessee, indicate date leased Years
9. Is there an option to purchase the property? Yes () No (X) N/A
10. Is the request the result of a violation notice? NO If yes, attach a copy of the violation.
11. Existing use of property Residence. If residential, how many apartments 0 hotel units 0. If commercial, how many sq. ft. in your space. N/A
 Single family home? Yes (X) No ()
12. If this application pertains to an Appeal of a Administrative Decision, indicate the basis of the appeal. (If necessary attach additional explanation)
N/A
13. If this is a request for a variance, the Code requires that you substantiate why this request should be granted. In order to do this properly, please indicate how your request complies with the following standards:
- a. Maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community.
SEE ADDENDUM
- b. Is compatible with the surrounding land uses and would not be detrimental to the community.
SEE ADDENDUM
14. If this is a request for any other type of application, please see staff for a listing of the evaluation criteria.
15. All supporting data and exhibits submitted with this application become a permanent part of the public records.

AFFIDAVITS

Complete one or more of the following that relates to your request.

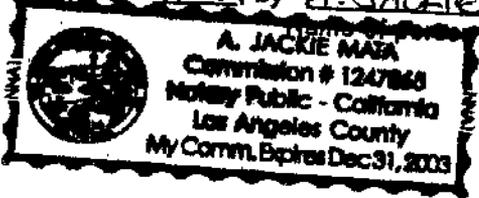
Tenant or Owner Affidavit (if tenant is applicant then owner must sign owner/power of attorney affidavit)
I, ANDRES GARCIA, being first duly sworn, depose and say that I am the owner/tenant of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

I, ANDRES GARCIA, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF ~~FLORIDA~~ CALIFORNIA
COUNTY OF ~~MIAMI-DADE~~ LOS ANGELES

[Signature]
Signature of Applicant

Sworn to (or affirmed) and subscribed before me this
25 day of AUG. by A. JACKIE MATA
making statement



[Signature]
Signature of Notary Public - State of Florida
A. JACKIE MATA
STATE OF CALIFORNIA

A. JACKIE MATA
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ OR Produced Identification X
Type of Identification Produced California Driver's License

Corporation Affidavit

I, _____, being first duly sworn, depose and say that we are the President/Vice President, and Secretary/Ass't. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application and all supplemental data attached to and made a part of this application are honest and true to the best of our knowledge and belief; that said corporation is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing.

I, _____, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this
____ day of _____, by _____
Name of person making statement

Signature of President (Corp. Seal)

Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

Owner/Power of Attorney Affidavit

I, being duly sworn, depose and say that I am the owner of the described real property and that I am aware of the nature and effect the request for: INSTALLATION OF A BOAT LIFT

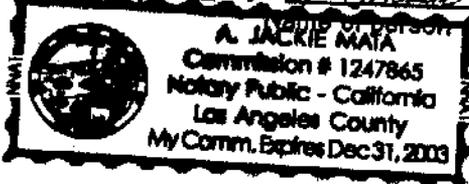
relative to my property, which is hereby made by me OR I am here by authorizing Kenneth S. Causello, Esq. to be my legal representative before the Village Council.

I, ANDRES GARCIA, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of the Village Council to inspect my property. I understand these inspections are necessary to permit staff and members of the Village Council to perform their responsibilities as required by the Zoning Ordinance.

STATE OF ~~FLORIDA~~ CALIFORNIA
COUNTY OF ~~DADE~~ LOS ANGELES

[Signature]
Signature of Owner

Sworn to (or affirmed) and subscribed before me this 25 day of Aug., by A. Jackie Mata



[Signature]
Signature of Notary Public - State of Florida

A. Jackie Mata
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ OR Produced Identification X

Type of Identification Produced California Driver's License

TO BE COMPLETED BY STAFF

FILE NO.: _____

1. Zoning district classification: VE - VILLAGE ESTATE
2. Adjacent Zoning districts:
North VE South VE East VR West
3. Existing use of property SFR Adjacent uses
North SFR South SFR East SFR West
4. Comprehensive Plan Designation: LOW DENSITY SINGLE FAMILY RESIDENTIAL
5. Special Exception - List applicable Section in Code _____
6. Variance - List each section and write narrative for public notice.

a. Section: 30-100(F)(3)2
Public Notice Narrative:

Waiving the 25' limit of extension of a mooring pile into a waterway in order to construct boat lift piles 59' from a rear property line. The distance is necessary to avoid disturbing existing mangroves.

b. Section: _____
Public Notice Narrative:

c. Section: _____
Public Notice Narrative:

d. Section: _____
Public Notice Narrative:
90.52' x 64.51' x 82.43' x 66.03'

7. Lot Dimensions: 169.12' x 157.35' Total Site Area 0.334 acres

8. Date field checked _____ By _____

9. Amount of the Fee \$ 599.50

16

PROPERTY ADDRESS: 14 Harbor Point, Key Biscayne, Florida 33149.

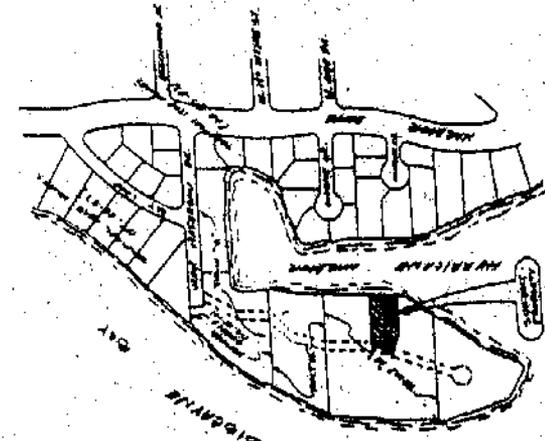
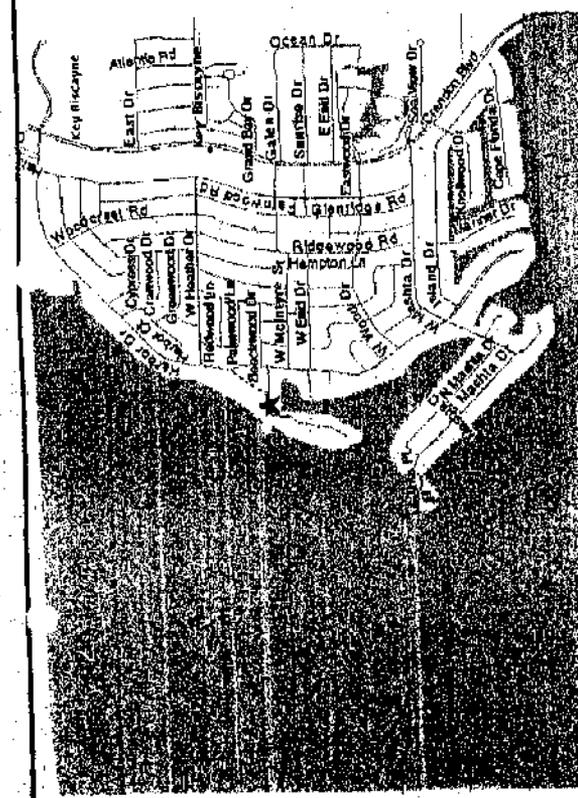
LEGAL DESCRIPTION: That portion of the South 100.00 feet of the North 300.00 feet, as measured at right angles to the North line of Tract 13 of the subdivision of a portion of MATTHEW ESTATE, Plat Book 46, Page 86, of the Public Records of Dade County, Florida, which lies EOC of the center line of the private right of way described in Deed Book 3786, at Page 176, of the Public Records of Dade County, Florida and the following described Tract of Land:

Begin at a point on the center line of the private right of way described in Deed Book 3786, at Page 176, of the Public Records of Dade County, Florida, which is located 310.00 feet South, of a corner at right angles to the North line of Tract 13, of the Subdivision of a portion of MATTHEW ESTATE, Plat Book 46, of the Public Records of Dade County, Florida; thence South 84°55'33" East for a distance of 165.00 feet, more or less, to the high tide line of MATTHEW MARSH at the same as shown on the said subdivision of MATTHEW ESTATE and a point which is 325.00 feet South of the intersection of MATTHEW ESTATE and a point which is 325.00 feet South of MATTHEW MARSH for a distance of 11.00 feet, more or less, to a point which is 300.00 feet South of, measured at right angles to the North line of Tract 13; thence along a line parallel to the North line of the said Tract 13 for a distance of 181.00 feet, more or less, to the intersection thereof with the center line of the said private right of way, thence South 11°05'00" West along said center line for 10.79 feet to the Point of Beginning; together with riparian rights appurtenant thereto.

LESS AND EXCEPT

begin at the Point of Beginning of the described parcel; thence; run North 27°05'00" East along the center line of the 25.00 foot wide easement for a distance of 22.81 feet to a point; thence run South 64°24'27" East for a distance of 64.51 feet to the point of intersection with the North 13°15'00" East line of the described parcel; thence run South 64°24'27" West along the line described line for a distance of 17.32 feet to the Point of Beginning of the parcel of land herein described, the same being subject to an easement over and across the land 12.50 feet thereof.

The foregoing described parcel is subject to, conditions, restrictions, limitations and covenants of records, if any, and the certain private Right of Way described in Deed Book 3786, at Page 176, of the Public Records of Dade County, Florida.



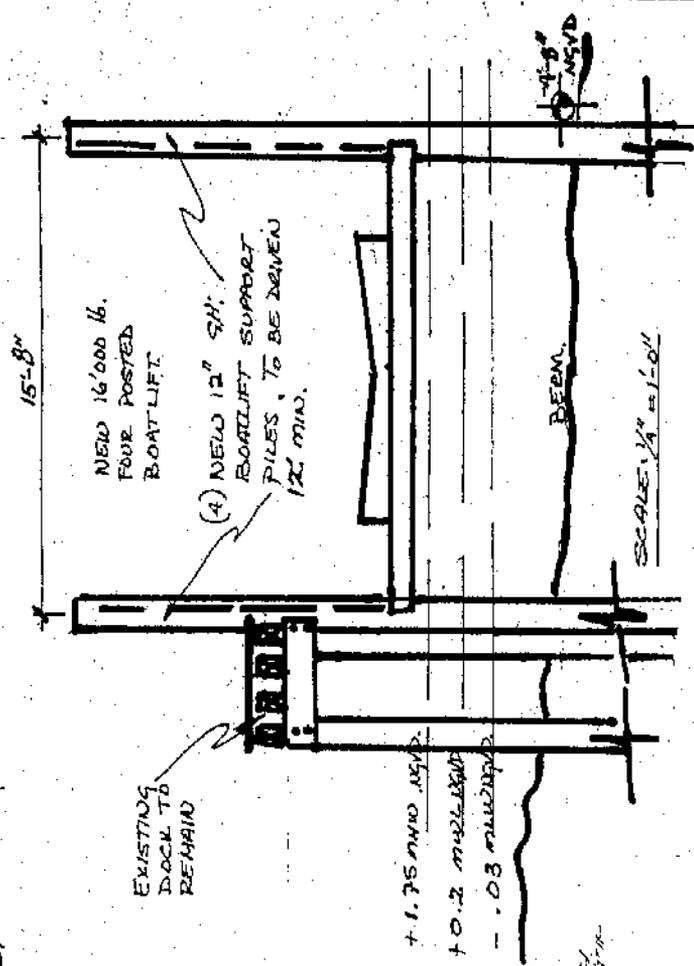
06/10/03

ANDY GARCIN'S RESIDENCE:

SCALE: N.T.S.	APPROVED BY: J.E.
DATE: 6/10/03	REVIEWED:
14 HARBOR POINT, KEY BISCAIYNE, FL.	
DRAWING NUMBER: D-1	

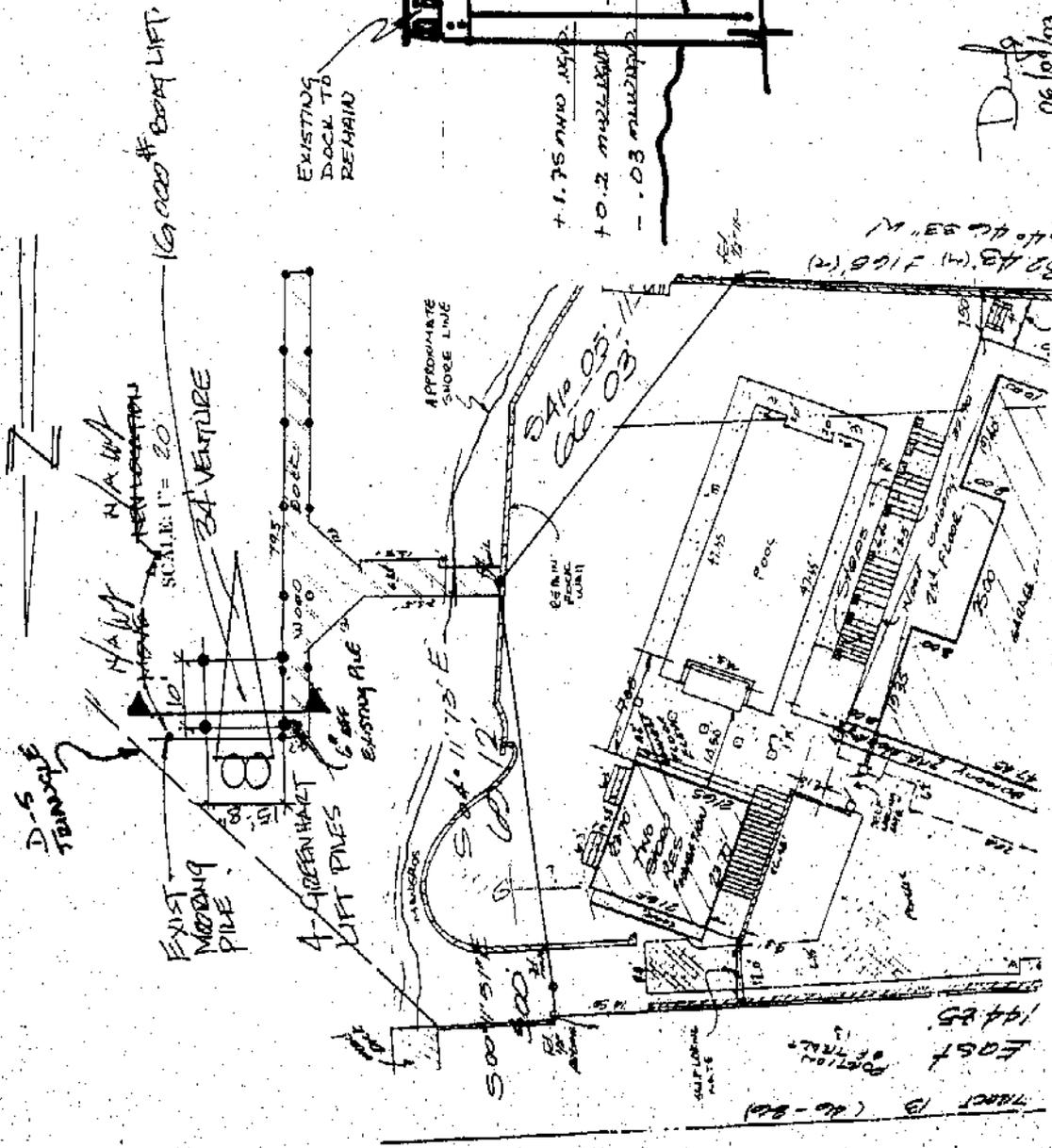
DERM COASTAL SECTION
 PRELIMINARY APPROVAL
 NAME: *Andy Garcia*
 DATE: *6/12/03*

*All Structures must be
 within D-5 triangle



ANDY GARCIA'S RESIDENCE

SCALE: N.T.S.	APPROVED BY:
DATE: 6/9/03	DESIGNED BY: JTC
14 HARBOUR POINT, KEY BISCAYNE FL, 33149	
NEW BOATLIFT.	
DRAWING NUMBER D-2	



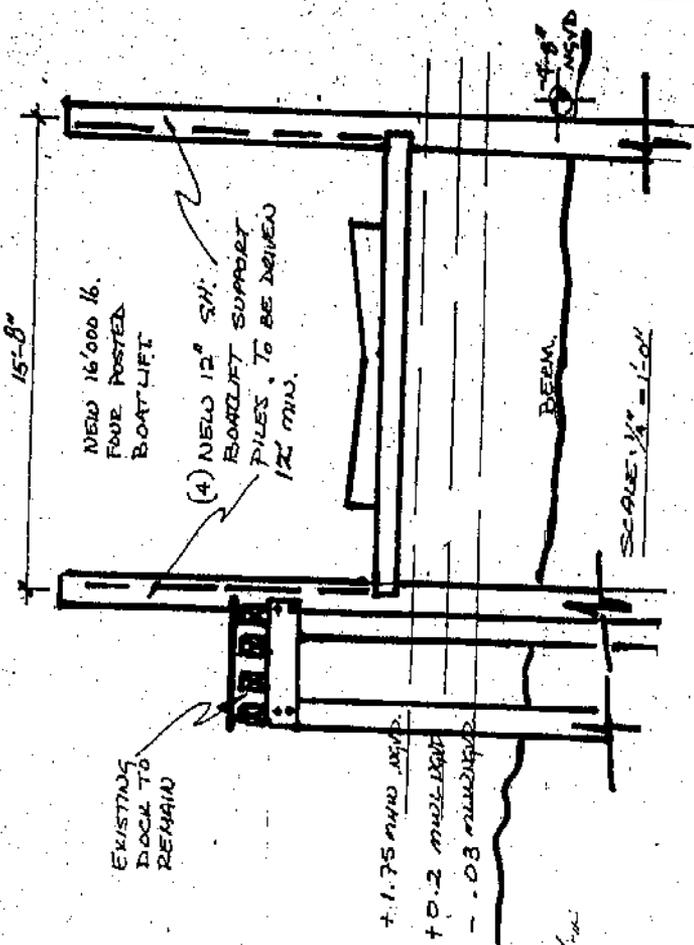
SITE PLAN
 SCALE: 1" = 20'

D-2
 06/10/03

DERM COASTAL SECTION
 PRELIMINARY APPROVAL
 NAME: *Andy Garcia*
 DATE: *6/9/03*

**All structures must be within D-5 triangle*

16' 00" # BOAT LIFT



NEW 16'00" 16.
FOUR POSTED
BOAT LIFT

(4) NEW 12" 5H.
BOATLIFT SUPPORT
PILES, TO BE DRIVEN
12' MIN.

EXISTING
DOCK TO
REMAIN

+1.75' MIN. HIGH
+0.2' MIN. HIGH
- .03' MIN. HIGH

BERM

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

ANDY GARCIA'S RESIDENCE

SCALE: N.T.S.	APPROVED BY:
DATE: 6/9/03	DRAWN BY: JJC
14 HARBOUR FRONT KEY BISCAYNE FL 33149	
New Boatlift	
PLANNING NUMBER:	D-2

D Garcia
06/09/03

D-5
TRIANGLE

MOVE
SCALE: 1" = 20'

34' VENTURE

EXISTING
MOORING
PILE

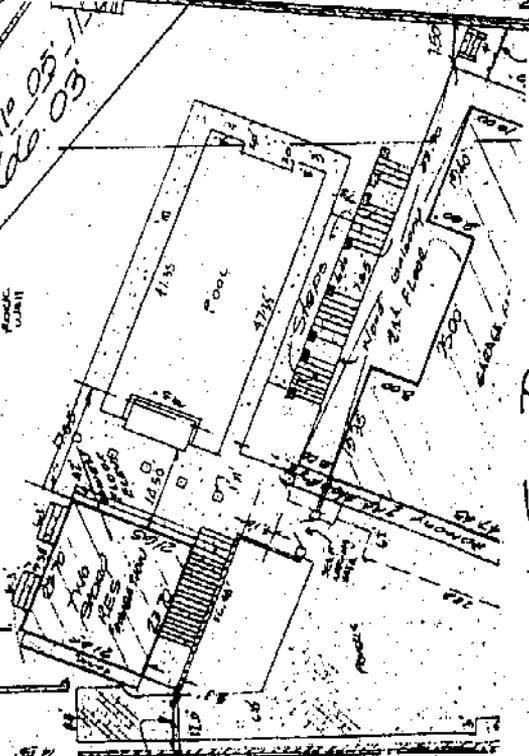
4 GREENHART
LIFT PILES

EXISTING PILE

APPROXIMATE
SHOULDER LINE

GERMAN
FRONT
UNIT

SAP 05-11
06-03

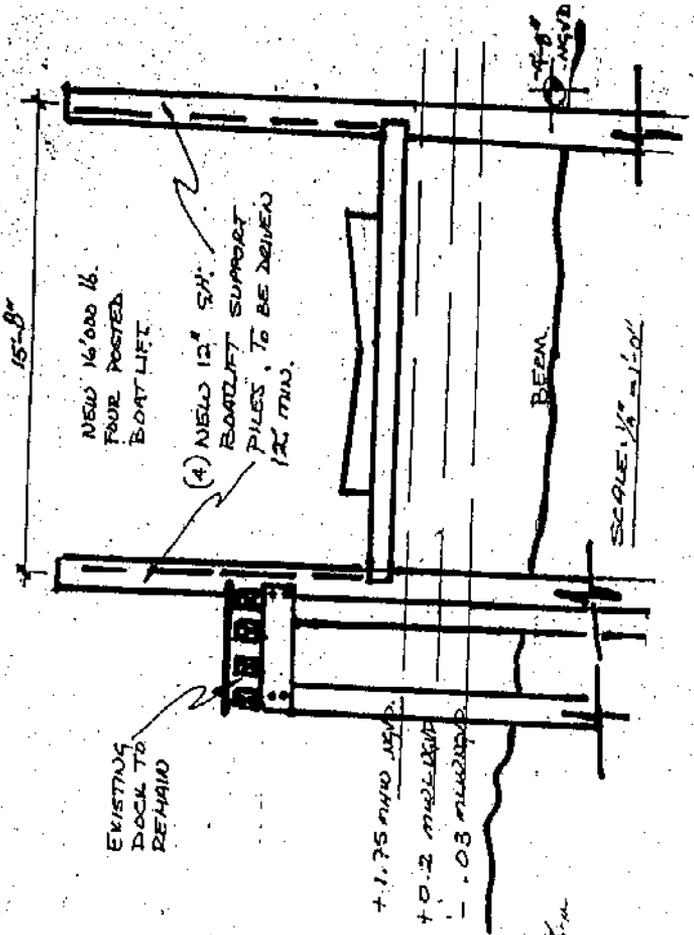


SITE PLAN
SCALE: 1/8" = 20'

TRACT 13 (40-00)
EAST
PORTION
14455

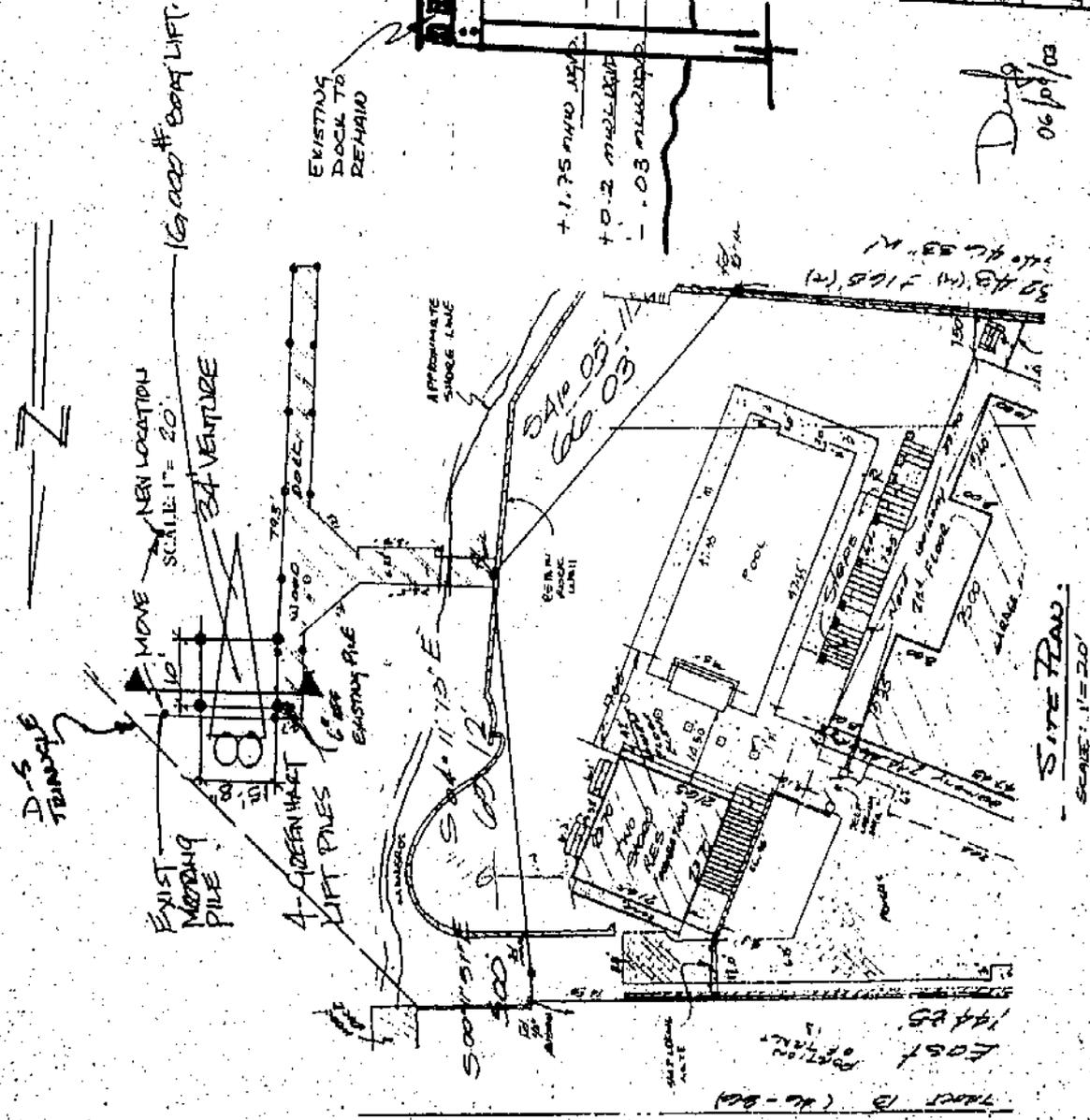
DEEM COASTAL SECTION
 PRELIMINARY (PERSONAL)
 NAME: ADRIAN GARCIA
 DATE: 11/14/2003

*all structures must be within D-5 triangle



ADRIAN GARCIA'S RESIDENCE

SCALE: N.T.S.	APPROVED BY:
DATE: 6/9/03	DESIGNED BY: J.C.
14 HARBOUR POINT, KEY BISCAYNE, FL 33149	
NEW BOATLIFT	
DRAWING NUMBER: D-2	



SITE PLAN
 SCALE: 1" = 20'

D
 06/10/03

BUNNELL

FOUNDATION, INC.

phone (305) 633-3369
fax (305) 633-3391
email: bunnell docks@aol.com

August 18, 2003

Maxey Holdings Limited
& Ana Goni
10 Harbor Point
Key Biscayne, Fl 33149

Re: **Andres Garcia Residence**
14 Harbor Point
Key Biscayne, Fl 33149

Subj: **Letter of No Objection for Maxey**
Holdings Limited. C.O. of Ana
Gony

Dear Mr. Resident

We are the contractors for Mr. and Mrs. Andres Garcia and are in the process of applying for a Regulatory Variance from the Village of Key Biscayne Planning and Zoning Board for the installation of a four posted boat lift within the existing slip at Mr. Garcia's residence.

The four posted boat lift measures 10' - 0" wide by 15' - 8" long, and is completely within the existing boat slip and mooring pile area. The 34' long twin outboard boat that is within the slip presently will be simply raised vertically out of the water on this lift, and the boat will not be moved outside the slip, or in a different position than it presently occupies. (See attached plan sheet D-2, dated 6/09/03).

In order to process the Variance Application the Village of Key Biscayne requires that Mr. Garcia obtain a letter of no objection from you for this proposed installation.

We would appreciate it if you have no objection, would you please indicate this by signing in the space provided below.

Sincerely,

BUNNELL FOUNDATION, INC.



Richard A. Bunnell
President

I/we have no objection:

By: 
AUTHORIZED AGENT

Print
Name: LOURDES JOFRE-COLLETT

Date: 8/19/03

3033 n.w. no. river drive / miami, florida 33142
foundation piling • seawalls • cofferdams • marinas • bridges
drilled shaft construction • cast in situ retaining walls • injection grouting
marine engineering contractors in south florida since 1911

BUNNELL

FOUNDATION, INC.

phone (305) 633-3369
fax (305) 633-3391
email: bunnelldocks@aol.com

August 12, 2003

Edward W Easton
18 Harbor Point
Key Biscayne, Fl 33149

Re: **Andres Garcia Residence**
14 Harbor Point
Key Biscayne, Fl 33149

Subj: **Letter of No Objection**

Dear Mr. Easton:

We are the contractors for Mr. and Mrs. Andres Garcia and are in the process of applying for a Regulatory Variance from the Village of Key Biscayne Planning and Zoning Board for the installation of a four posted boat lift within the existing slip at Mr. Garcia's residence.

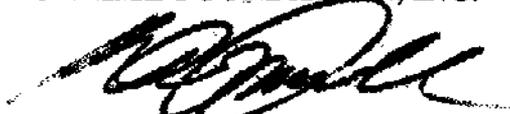
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In order to process the Variance Application the Village of Key Biscayne requires that Mr. Garcia obtain a letter of no objection from you for this proposed installation.

We would appreciate it if you have no objection, would you please indicate this by signing in the space provided below.

Sincerely,

BUNNELL FOUNDATION, INC.



Richard A. Bunnell
President

I/we have no objection:

By:  _____

Print
Name: Edward W. Easton

Date: 8/14/03

3033 n.w. no. river drive / miami, florida 33142
foundation piling • seawalls • cofferdams • marinas • bridges
drilled shaft construction • cast in situ retaining walls • injection grouting
marine engineering contractors in south florida since 1911