



VILLAGE OF KEY BISCAYNE

Village Council

Mayra P. Lindsay, *Mayor*
Edward London, *Vice Mayor*
Franklin H. Caplan
Luis F. de la Cruz
Gary R. Gross
Theodore Holloway
Michael E. Kelly

DATE: February 23, 2016
TO: Honorable Mayor and Members of the Village Council
FROM: John C. Gilbert, Village Manager
RE: Regulatory Variance Relating to a Dock and mooring piles at 120 Cape Florida Drive

RECOMMENDATION

It is recommended that the Village Council approve a Regulatory Variance associated with the construction of a dock:

1. to exceed the maximum 9 ft. 3 in. projection of a dock from a bulkhead by 9 ft. 5 in. to permit a maximum projection of 18 ft. 8 in.
2. to exceed the maximum 18 ft. 6 in. projection of a mooring by 20 ft. 2 in. to install two mooring piles that are 38 ft. 8 in. from the bulkhead.

The recommendation is based on the Building, Zoning and Planning Director's determination that the project is consistent with the variance review criteria that are listed in the Zoning and Land Development Regulations, see attached.

BACKGROUND

The Zoning and Land Development Regulations contain criteria to evaluate variance applications. The Building, Zoning, and Planning Director compared the application with the criteria. The Director found that the request is consistent with the review criteria and has recommended approval of the application.



V I L L A G E O F K E Y B I S C A Y N E

Department of Building, Zoning and Planning

Village Council
Mayra P. Lindsay, *Mayor*
James S. Taintor, *Vice Mayor*
Franklin H. Caplan
Luis F de la Cruz
Theodore Holloway
Michael E. Kelly
Edward London

DATE: February 23, 2016
TO: John C. Gilbert, Village Manager
FROM: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department
RE: Regulatory Variance Relating to a Dock at 820 Mashta Place

Director
Jud Kurlancheek, AICP
Chief Building Official
Eugenio M. Santiago, P.E., CFM

APPLICATION SUMMARY

Applicant: Gerda Guggenheim

Request:

1. To exceed the maximum 9 ft. 3 ft. projection of a dock from a bulkhead by 9 ft. 5 in. to permit a maximum projection of 18 ft. 8 in.
2. To exceed the maximum 18 ft. 6 in. projection of a mooring by 20 ft. 2 in. to install two mooring piles that are 38 ft. 8 in. from the bulkhead

Site Address 120 Cape Florida Drive

Master Plan Land Use Single Family Low Density Residential

Zoning District IR Island Residential

File Number RV-36

Recommendation Approval

EXPLANATION AND ANALYSIS

Justification for the Variance: The applicant applied to Miami-Dade County Regulatory and Economic Resources (formerly DERM) for a permit to construct a dock and mooring

piles. The County approved the application subject to the dock being placed at a location that results in a minimum water depth of four (4) ft. at the mean low water mark. This requirement results in a variance for the dock projection and subsequently the mooring piles.

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 applicant has obtained approval from the Miami-Dade County Department of Regulatory and Economic Resources (DRER) to construct a dock and mooring piles. The approval is subject to a minimum water depth of four (4) ft. at the edge of the dock.

As DRER conducts extensive investigations into the environmental impact of docks and mooring piles, the general welfare of the public has been protected. Moreover, the stability and appearance of the community will be protected as the materials used in the project are consistent with those used in similar docks in neighboring properties.

Recommendation Consistent

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

Analysis The surrounding land uses are single family homes many of which have docks.

Recommendation Consistent

RECOMMENDATION

Staff recommends approval of the request is consistent with the review criteria.



VILLAGE OF KEY BISCAIYNE

Department of Building, Zoning, Planning and Public Works
88 West McIntyre Street, Suite 250 Key Biscayne, FL 33149
Phone (305) 365-5512 Fax (305) 365-5556
www.keybiscayne.fl.gov

PLANNING AND ZONING APPLICATION

(Application is nine pages. Please fill out completely.)

Date Filed: 10-29-2015

File #: RV-36
(to be completed by Staff)

1. REQUEST FOR:

- | | |
|---|--|
| <input type="checkbox"/> SUPERVISORY VARIANCE | <input type="checkbox"/> AMENDMENT TO ZONING ORDINANCE |
| <input type="checkbox"/> ADMINISTRATIVE VARIANCE | <input type="checkbox"/> CONDITIONAL USE |
| <input checked="" type="checkbox"/> REGULATORY VARIANCE | <input type="checkbox"/> AMENDMENT TO THE MASTER PLAN |
| <input type="checkbox"/> APPEAL OF AN ADMINISTRATIVE DECISION | <input type="checkbox"/> ZONING DISTRICT CHANGE |
| <input type="checkbox"/> SITE PLAN APPROVAL | |
| <input type="checkbox"/> OTHER | |

Explain your request:

^{9.25 (10% of 92.5' canal width)}
 We would like to request a variance to waive the ~~10~~ foot limit of dock extension from the bulkhead into the waterway in order to construct a 19'-0" wood dock
^{18.5' (20% of 92.5' canal width)}
 2) Waive 25' foot limit of mooring pile extension to install two mooring piles 40' from bulkhead.

2. Street Address of Property: 120 Cape Florida Drive Folio #: 24-5205-024-0370

Legal Description: Lot(s) 22 Block 8

Subdivision: Cape Florida Sub Sec 3

3. Name of Applicant: Mrs. Gerda Guagenheim

Mailing Address of Applicant: 23 Golden Oaks Dr. Salem, NH. 03079

Business Telephone: (305) 606-6239 Home: _____ Fax: _____

Email: J. guagenheim@Josephbakery.com

4. Name of Property Owner if Different from Applicant: _____

Address of Property Owner if Different from Applicant: _____

Business Telephone: _____ Home: _____ Fax: _____

Email: _____

5. Contact Person: Name Jose Guggenheim Address: 23 Golden Oaks Dr., Salem NH.
 Telephone: (305) 606-6239 Fax: _____ Email: J.guggenheim@Josephbaker.com
6. Name/address of anyone else who should receive notice of the hearing?
Giller Structural Partnership Inc. 950 NW 22 Ave. Miami FL 33125
7. If applicant is owner, indicate date purchased: _____
8. If applicant is lessee, indicate date leased _____ Years _____
9. Is there an option to purchase the property? Yes () No
10. Is the request the result of a violation notice? No If yes, attach a copy of the violation.
11. Existing use of property ^{SINGLE FAMILY} Residential. If residential, how many apartments _____?
 Hotel units _____? If commercial, how many sq. ft. in your space _____?
 Single family home? Yes No ()
12. If this application pertains to an Appeal of an 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.
The proposed wood dock to be built 19'-0" from bulkhead does not impede boat traffic. Moreover, DERM's biological assessment of the site revealed that adequate water depth is not achieved until approximately 17.5' waterward from seawall.
- b. Is compatible with the surrounding land uses and would not be detrimental to the community.
The proposed wood dock to be built 19'-0" from the seawall will not impede boat traffic in the area; there is approximately 160'-0" to the opposite bank.
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.

SUPERVISORY VARIANCES ONLY

The Supervisory procedure requires the nearest abutting property owner to approve your request and your certification that the work was not performed by you. Your signature on this application constitutes your certification that you did not perform the work. The next step is to request the nearest property owner to sign below or provide a letter approving your request. Their signature certifies that they have read this application and approves of the request.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for a Supervisory Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

_____	_____	_____	_____
Date	Name (Type or Print)	Address	Signature

ADMINISTRATIVE VARIANCES ONLY

The Administrative Variance procedures require all abutting property owners to approve your request. The attached map will assist you in identifying who must sign the below petition. It is suggested you meet with staff prior to circulating your petition.

ABUTTING PROPERTY OWNER AFFIDAVIT

I, the undersigned, have read or have had read to me the information applicable for a request for and Administrative Variance from the Zoning Regulations. I fully understand that by subscribing my name to the below consent form that I am waiving any objection to the proposed construction as outlined above and as shown on the plans accompanying this application. I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of the applicant.

_____	_____	_____	_____
Date	Name (Type or Print)	Address	Signature

_____	_____	_____	_____
Date	Name (Type or Print)	Address	Signature

_____	_____	_____	_____
Date	Name (Type or Print)	Address	Signature

Date	Name (Type or Print)	Address	Signature
Date	Name (Type or Print)	Address	Signature
Date	Name (Type or Print)	Address	Signature

If you need additional signatures please use the above format.

CERTIFICATION OF COMPLIANCE WITH APPLICABLE REGULATIONS

(I) (We) certify that (I) (we) understand and will comply with the provisions and regulations of the Zoning Regulations. (I) (We) further certify that the above statements and drawings made on any paper or plans submitted herewith are true to the best of (my) (our) knowledge. (I) (We) understand that the application and attachments become part of the official records of the Village and are not returnable.

Signature of Applicant:	x <u>[Handwritten Signature]</u>	Date	<u>6/25/15</u>
Signature of Owner:	x <u>[Handwritten Signature]</u>	Date	<u>6/25/15</u>
Application Received by:	<u>[Handwritten Signature]</u>	Date	<u>10-29-2015</u>
Approved by:	<u>Requires Village Council Approval</u>	Date	_____

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)

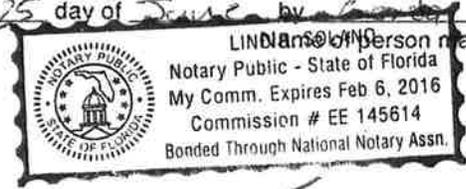
I, Mrs. Gerda Guagenheim, being first duly sworn, depose and say that I am the owner/tenant of the property described herein and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

I, Mrs. Gerda Guagenheim, 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

x Gerda Guagenheim
Signature of Applicant

Sworn to (or affirmed) and subscribed before me this
25 day of June, by Gerda Guagenheim



Linda Robinson
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 _____

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

Signature of President (Corp. Seal)

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

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 (N/A)

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: _____

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

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

Signature of President (Corp. Seal)

Sworn to (or affirmed) and subscribed before me this

____ day of _____, by _____

Name of person making statement

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 _____



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources

Environmental Resources Management

701 NW 1st Court, 6th Floor

Miami, Florida 33136-3912

T 305-372-6567 F 305-372-6407

miamidade.gov

October 26, 2015

Gerda Guggenheim
23 Golden Oaks Drive
Salem, New Hampshire 03079

Re: Class I Permit Application CLI-2014-0254: Guggenheim – Dock located at 120 Cape Florida Drive, Key Biscayne, Miami-Dade County, Florida. (Folio No. 24-5205-024-0370)

Dear Ms. Guggenheim,

Please accept this letter in reference to DERM's recommendations for the above referenced Class I permit application.

DERM staff make recommendations for the placement of mooring structures at a particular site based on the evaluation criteria pursuant to the Code of Miami-Dade County, which include but are not limited to, the avoidance and minimization of impacts to resources, and obtaining the minimum Code required water depth. Pursuant to Section 24-48.3(3) of the Code of Miami-Dade County, a minimum water depth of four (4) feet N.O.A. mean low water (MLW) datum is required within boat slips created by the installation of structures. In addition, no permit shall be issued for a proposed slip or any other proposed work which is to be used for the mooring or securing of a vessel, unless adequate water depth exists, including when the vessel is fully loaded.

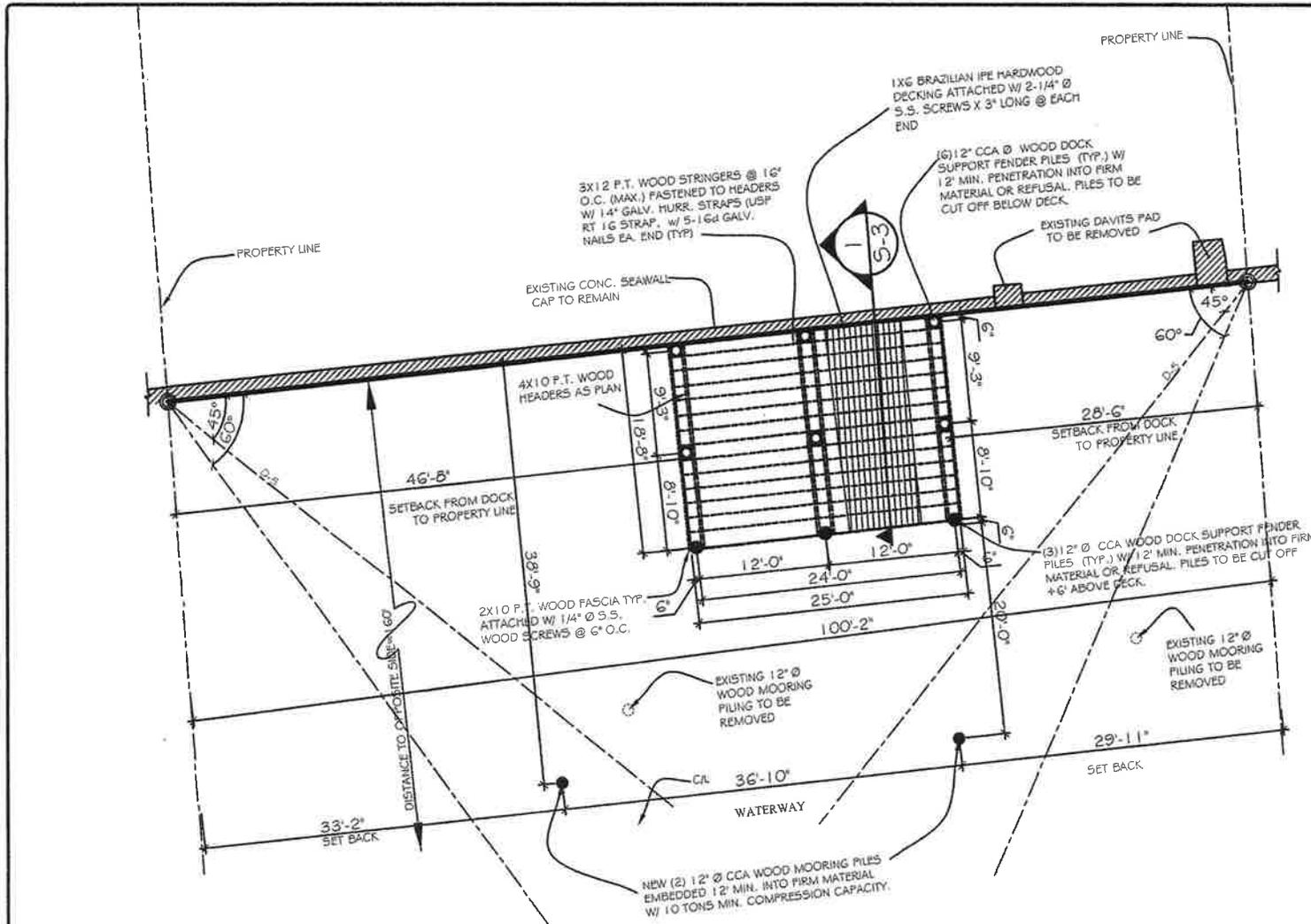
Based on the specifications for the vessel to be moored on-site (i.e. draft, beam), a dock that extends a minimum of 17.5 feet waterward of the seawall cap will provide adequate water depth. If you have any questions concerning the above referenced application, please contact me at (305) 372-6549 or hoppsc@miamidade.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chrissy Hopps".

Chrissy Hopps, ERPS
Coastal and Wetlands Resources Section

Delivering Excellence Every Day



PROPOSED WOOD DOCK REPLACEMENT PLAN

NOTE: ALL ELEVATIONS SHOWN ARE N. 6 V. D.

LEGEND :

- NEW (3) 12" Ø CCA TREATED WOOD FENDER FILES.
- NEW (6) 12" Ø CCA WOOD DOCK SUPPORT FILES.
- NEW (2) 12" Ø CCA WOOD MOORING FILES (TYP.)

TOTAL AREA :
NEW WOOD DOCK-25'-0"x18'-8"= 467 SQ. FT.

D.K.S.
06/25/15
Denis K. Solano

P.E. 56902

S.I. 2046

C.O.A. 00009095

revisions:

CONSULTANTS:
 Soler Structural Partnership, Inc.
 7600 NW 25th St. 2nd Fl. Phone: (305) 599-3366
 Miami, Florida 33152 Fax: (305) 599-6247
 www.soler.com
 SOLER STRUCTURAL PARTNERSHIP - LICENSED

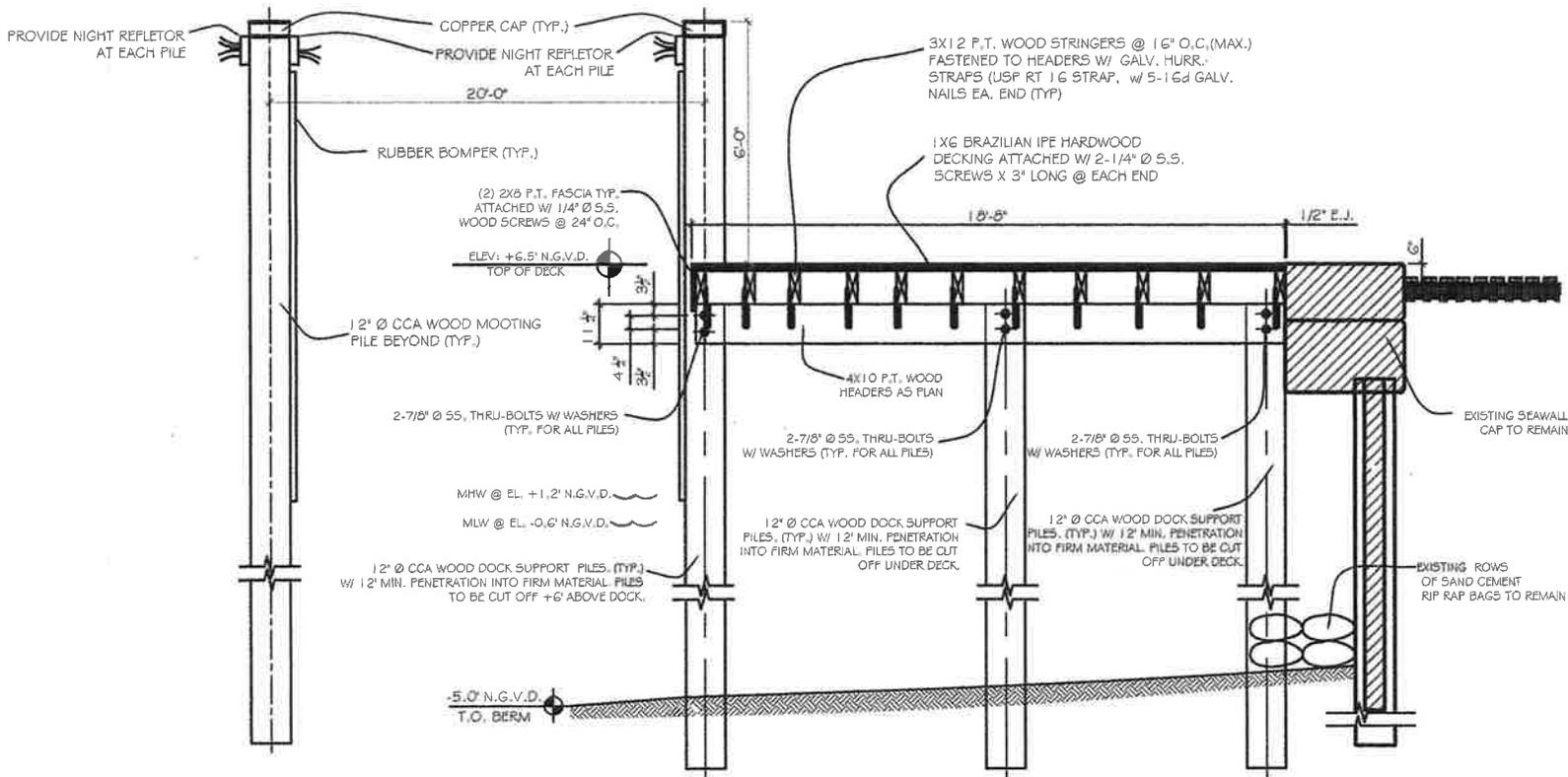
JUGENHEIM RESIDENCE
120 CAPE FLORIDA DR.
KEY BISCAYNE, FLORIDA

job name: _____
 title: _____

WOOD DOCK REPLACEMENT

date	12-22-14
issued	
drawn	L.R.S.
checked	D.F.S.
project no.	

sheet no.
S-2
 2 of 4



1 TYP. SECTION
S-3 N.T.S.

D
06/25/15

Denis K. Solano
P.E. 56902
S.I. 2046
C.O.A. 00009095

Revisions:

CONSULTANTS:
Solvet Structural Partnership, Inc.
7200 NW 20th St. #1005 Phone: (305) 592-0596
Miami, Florida 33122 Fax: (305) 592-0947
www.solvet.com
100% INSPECTION PROFESSIONAL REPORT

job name: **GUGGENHEIM RESIDENCE
120 CAPE FLORIDA DR.
KEY BISCAYNE, FLORIDA**
DATE: **SECTION**

date: 12-02-14
issued:
drawn: L.R.S.
checked: D.K.S.
project no.:

sheet no.
S-3
3 of 4

GENERAL NOTES

CONCRETE AND REINFORCING STEEL

1. ALL CONCRETE (EXCEPT PRECAST PILES) SHALL ATTAIN A MIN. COMPRESSIVE STRENGTH OF 5000 P.S.I. AT THE END OF 28 DAYS. FOUR (4) CONCRETE CYLINDERS SHALL BE TAKEN FOR EACH 50 CUBIC YARDS OR FRACTION THEREOF AND SHALL BE TESTED AT 3, 7 & 28 DAYS. SLUMP SHALL NOT EXCEED 4" (± 1").
2. ALL REINFORCEMENT SHALL BE 60,000 P.S.I. MINIMUM YIELD NEW BILLET STEEL IN ACCORDANCE WITH ASTM A615 GRADE 60. ALL BAR LAPS SHALL BE A MINIMUM OF 36 BAR DIAMETERS. PLACING OF REINFORCEMENT SHALL CONFORM TO THE LATEST ACI CODE AND MANUAL OF STANDARD PRACTICE.
3. ALL CONCRETE SHALL BE PLACED WITHIN 90 MINUTES FROM BATCH TIME, AND VIBRATED AS REQUIRED BY THE ACI MANUAL OF CONCRETE PRACTICE. TEMPERATURE OF CONCRETE AT TIME OF PLACEMENT SHALL BE BETWEEN 75° AND 100° F.
4. ALL CONCRETE DECK SURFACES SHALL HAVE A LIGHT BROOM FINISH.
5. ALL EXPOSED CONCRETE EDGES SHALL BE CHAMFERED 3/4", OR AS SHOWN ON THE PLANS.

STEEL

1. ALL BOLTS SHALL BE TYPE 316 STAINLESS STEEL.

MISCELLANEOUS

1. FASTENERS EMBEDDED INTO DOCK STRUCTURE SHALL BE ANCHORED WITH TWO PARTY EPOXY ADHESIVE ("RAWL" CHEM-FAST CARTRIDGE SYSTEM OR EQUAL), ANCHOR HOLES SHALL BE DRILLED TO 1/8" GREATER THAN THE SPECIFIED FASTENER. HOLES SHALL BE DRILLED TO MINIMUM DEPTH SHOWN ON THE PLANS, AND SHALL BE THOROUGHLY CLEANED OUT AND DRY PRIOR TO INJECTION OF EPOXY.

GENERAL

ELEVATIONS SHOWN REFER TO THE NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929. ALL DIMENSIONS ON PLANS ARE SUBJECT TO VERIFICATION IN THE FIELD. IT IS THE INTENT OF THESE PLANS TO BE IN ACCORDANCE WITH APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION ANY DISCREPANCIES BETWEEN THESE PLANS AND APPLICABLE CODES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF ENGINEER BEFORE PROCEEDING WITH WORK.

IT IS THE INTENT OF THESE PLANS AND THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY WITH LOCAL, STATE AND FEDERAL ENVIRONMENTAL PERMITS ISSUED FOR THIS PROJECT IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE AND GOVERN HIMSELF BY ALL PROVISIONS AF THESE PERMITS.

APPLICABLE BUILDING CODE: FLORIDA BUILDING CODE, 2010 EDITION.

DESIGN LOADS

1. DOCK LL. 60 PSF

WOOD

1. PRIMARY WOOD FRAMING MEMBERS SHALL BE NO. 2 PRESSURE TREATED SOUTHERN PINE OR BETTER. (FB=1050 PSI MINIMUM).
2. ALL DIMENSIONS ON PLANS ARE SUBJECT TO VERIFICATION IN THE FIELD.
3. IT IS THE INTENT OF THESE PLANS TO BE IN ACCORDANCE WITH APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION. ANY DISCREPANCIES BETWEEN THESE PLANS AND APPLICABLE CODES SHALL BE IMMEDIATELY BROUGHT TO ATTENTION OF THE ENGINEER BEFORE PROCEEDING WITH WORK.
4. IT IS THE INTENT OF THESE PLANS AND THE REONSABILITY OF THE CONTRACTOR TO COMPLY WITH LOCAL, STATE AND FEDERAL ENVIROMENTAL PERMITS ISSUED FOR THIS PROYECT. IT SHALL BE THE CONTRACTORS RESPONSABILITY TO FAMILIARIZE AND GOVERN HIMSELF BY ALL PROVISIONS OF THESE PERMITS.
5. APPLICABLE BUILDING CODE: FLORIDA BUILDING CODE, 2010 EDITION.

WOOD PILES:

1. WOOD DOCK PILES SHALL BE 12" DIA. PILES WITH 15 TONS MIN. BEARING CAPACITY DRIVEN TO A MINIMUM BEARING CAPACITY OF 10 TONS WITH 12" MIN PENETRATION INTO FIRM MATERIAL BELOW SILT LAYER OR REFUSAL.
2. PILES SHALL BE CUT OFF ATR ELEVATIONS SHOWN ON THE PLANS & SECTIONS.

revisions:

CONSULTANTS:

Soliver Structural Partnership, Inc.
 7200 HWY 25th St Ste 200
 Miami, Florida 33127
 Phone: (305) 960-0006
 Fax: (305) 960-0047
 E-Mail: info@soliver.com
 www.soliver.com



**GUGGENHEIM RESIDENCE
 120 CAPE FLORIDA DR.
 KEY BISCAYNE, FLORIDA**

STRUCTURAL NOTES

job name: _____
 title: _____

date: 12-02-14
 issued: _____
 drawn: L.R.S.
 checked: D.K.S.
 project no: _____

D. Solano
 06/25/15

Denis K. Solano

P.E. 56902

S.I. 2046

C.O.A. 00009095

sheet no.

S-4

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