



# VILLAGE OF KEY BISCAYNE

## Office of the Village Manager

### *Village Council*

Robert L. Vernon, *Mayor*  
Jorge E. Mendia, *Vice Mayor*  
Michael Davey  
Enrique Garcia  
Steve Liedman  
Thomas Thornton  
Patricia Weinman

### *Village Manager*

Genaro "Chip" Iglesias

**DT:** October 12, 2007

**TO:** Honorable Mayor and Members of the Village Council

**FR:** Genaro "Chip" Iglesias, Village Manager

**RE:** Request for Two (2) Variances at 310 Harbor Drive Relating to Boat Dockage

### **RECOMMENDATION**

The applicant is requesting two (2) variances related to boat dockage. It is recommended that the Council deny the request because it is not consistent with the review criteria listed in the Zoning and Land Development Regulations.

Should the Council wish to consider changing the regulations, a referral to the Zoning Ordinance Review Committee (ZORC) may be helpful.

### **EXPLANATION**

The Zoning and Land Development Regulations permit docks that face Biscayne Bay to project 25 ft. from the bulkhead. All docks and boats must be within the D-5 Triangle which is an isosceles triangle. The applicant is requesting the dock to project 40 ft. from the bulkhead and to permit all of the boat to be outside of the triangle. The dock is L shaped. The portion of the dock that is parallel to the bulkhead is 46 ft. wide long.



# VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

*Village Council*  
Robert L. Vernon, *Mayor*  
Jorge E. Mendia, *Vice Mayor*  
Michael Davey  
Enrique Garcia  
Steve Liedman  
Thomas Thornton  
Patricia Weinman

**DT:** October 12, 2007

**TO:** Genaro "Chip" Iglesias, Village Manager

**FR:** Jud Kurlancheek, AICP, Director  
Building, Zoning, and Planning Department

*Director*  
Jud Kurlancheek, AICP

*Chief Building Official*  
Eugenio M. Santiago, P.E.

**RE:** Request for two (2) Variances at 310 Harbor Drive Relating to Boat Dockage

## APPLICATION SUMMARY

<b>Request</b>	The applicant is requesting the below three (2) variances: <ul style="list-style-type: none"><li>a. Waive the D-5 triangle limit for watercraft in order to dock a watercraft completely outside of the D-5 triangle limit.</li><li>b. Waive the 25 foot limit of dock extension into Biscayne Bay from the bulkhead in order to construct a dock 40 feet into Biscayne Bay.</li></ul>
<b>Applicant</b>	Falcon Financing, Ltd./Phillippe Touret, Director
<b>Site Address</b>	310 Harbor Drive
<b>Master Plan</b>	Single Family
<b>Zoning District</b>	VE Village Estate (Single Family)
<b>File Number</b>	RV - 24
<b>Recommendation</b>	Denial

## EXPLANATION AND ANALYSIS

**The Request:** The Zoning and Land Development Regulations permit docks that face Biscayne Bay to project 25 ft. from the bulkhead. All docks and boats must be with the

D-5 Triangle which is an isosceles triangle. The applicant is requesting the dock to project 40 ft. from the bulkhead and to permit all of the boat to be outside of the triangle. The dock is L shaped. The portion of the dock that is parallel to the bulkhead is 46 ft. wide long.

**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 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 docks, boats, and related marine structures to be located no further than 25 ft. from the property line. These regulations are designed to achieve the following:

- a. The 25 ft. limit is designed to protect watercraft from hitting docks. The applicant is requesting a dock that projects 40 ft. from the bulkhead.
- b. This regulation 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. Adjacent to this property are two (2) single family homes. Immediately south of the applicant's property is a dock that projects approximately 40 ft. from the bulkhead. The property to the north has a dock that projects approximately 25 ft. from the bulkhead. The applicant has not provided a letter from the adjacent single family home owners that indicates their support of the variances.

Finding: Inconsistent

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

Analysis: The surrounding properties include the Yacht Club and a single family home. The adjacent single family home is does not have a dock. The establishment of a dock that projects 40 ft. may result in a boat that obstructs the neighbors view. The file does not contain a letter from the neighbor that indicates their support for the variances.

Finding: Inconsistent.

### **RECOMMENDATION**

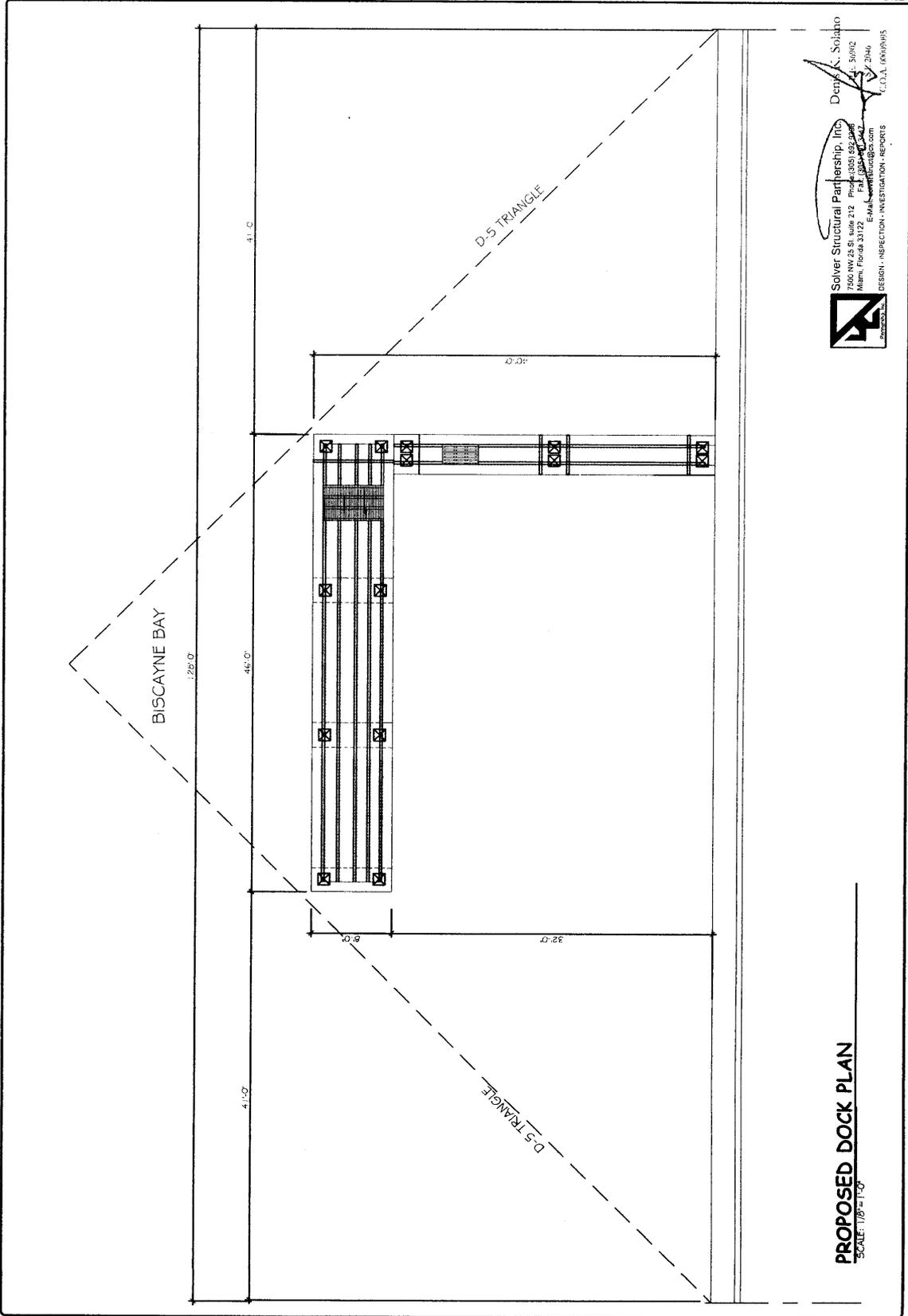
Staff recommends denial of the application because it is inconsistent with the review criteria. Should the Council wish to consider changing the regulations, a referral to the Zoning Ordinance Review Committee (ZORC) may be helpful.

BhisIdentify.com  
 305-638-0266 (t) 305-638-0293 (f)  
 2845 NW 35th Street  
 Miami, Florida 33142



job name: LAZO RESIDENCE  
 310 HARBOR DRIVE  
 KEY BISCAYNE, FLORIDA  
 PROPOSED CONCRETE DOCK

sheet no. S-1 of 1  
 title: \_\_\_\_\_  
 revised: \_\_\_\_\_  
 drawn: \_\_\_\_\_  
 prepared: \_\_\_\_\_  
 project no.: \_\_\_\_\_  
 remarks: \_\_\_\_\_




**Solver Structural Partnership, Inc.**  
 7500 NW 25 St, Suite 212 Prof: (305) 652-6666  
 Miami, Florida 33122 Fax: (305) 652-6667  
 Email: [info@solversp.com](mailto:info@solversp.com)

Denis A. Solano  
 P.E., S.F.P.E.  
 License No. 1246  
 C.P.A. (K91995)

**PROPOSED DOCK PLAN**  
 SCALE: 1/8"=1'-0"



# VILLAGE OF KEY BISCAYNE

Department of Building, Zoning and Planning

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

Jud Kurlancheek, AICP  
*Director*

Eugenio M. Santiago, P.E.  
*Chief Building Official*

## PLANNING AND ZONING APPLICATION

Date Filed: July 23, 2007

File # RV-24  
To be completed by staff

### 1. REQUEST FOR:

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

Explain your request:

**We are requesting a Variance of the Village of Key Biscayne Zoning Code, Section 30-100 (3) Docks and Mooring Piles, Item 5, which states "No dock shall extend from a bulkhead into any canal, lake, or waterway a distance greater than ten feet, or ten percent of the width of the waterway, whichever is less. Notwithstanding the foregoing, no dock or mooring pile shall extend into Biscayne Bay a distance of more than 25 feet from the bulkhead" in order to construct a dock that projects 40' into Biscayne Bay. This request is being made due to Miami-Dade County Code requirements which mandates a minimum of 4' mean low water within the slip area for any boat dock located within Biscayne Bay. At this specific property that depth is not reached until 40' water ward of the seawall. Dredging in order to achieve greater depth at this site is not allowed due to significant resources.**

2. Street Address of Property: 310 Harbor Drive Folio # 24-4232-006-0100.

Legal Description: Lot(s) 16 Block 17

Subdivision: Tropical Isle Homes

3. Name of Applicant: Jorge F. Lazo Trust

88 West McIntyre Street • Suite 250 • Key Biscayne, FL 33149 • (305) 365-5512 • Fax (305) 365-5556

3. Name of Applicant: **Jorge F. Lazo Trust**  
Mailing Address of Applicant: **310 Harbor Drive, Key Biscayne, Florida 33149**  
Business Telephone: **(305) 215-7297** Home: **(305) 365-2459** Fax:
4. Name of Property Owner if Different from Applicant:  
Address of Property Owner if Different from Applicant:  
Business Telephone: Home: Fax:
5. Contact Person: Name **Jorge F. Lazo** Address **310 Harbor Dr, Key Biscayne, Fl 33149.**  
Phone Number: **(305) 365-2459** Fax:
6. Name / address of anyone else who should receive notice of hearing?  
**Trident Environmental Consultants, 2845 NW 35<sup>th</sup> Street, Miami, Florida 33142**
7. If applicant is owner, indicate date purchased: **June, 2006.**
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 Residence.** If residential, how many apartments  
\_\_\_\_\_ hotel units \_\_\_\_\_. If commercial, how many sq. ft. \_\_\_\_\_ in your space. Single family  
home? Yes (X) 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 basic intent of the Zoning code as it pertains to docks is to provide to prevent  
view of the water ward extension of a dock to be a hazard to navigation, or impede  
boat traffic. The proposed concrete boat dock, projecting 40' from the seawall does  
not impede boat traffic in the area, and is consistent with other docks along Harbor  
Drive.**

only two of them (240 and 300 Harbor Drive) comply with the 25' maximum projection imposed by the Zoning code. Prior to the Zoning Code Change, docks were allowed to extend past 40' on the Open Bay. This allowed docks to be constructed on the following properties: 260 Harbor Drive (34' dock, 50' mooring piles constructed in 1996, destroyed during hurricanes, and new dock must project 40'), 280 Harbor Drive (40' dock constructed prior to 1990), 290 Harbor Drive (30' dock, 46' mooring piles, constructed in 1997), 330 Harbor Drive (45' dock constructed in 1996), 360 Harbor Drive (30' dock constructed prior to 1990).

Historically the properties on this portion of Harbor have lacked sufficient water depths to allow dock construction at 25' from the seawall. Due to extremely dense seagrasses (which grow in shallow waters) dredging within this portion of Biscayne Bay is not allowed by any of the environmental agencies (including Army Corps of Engineers, Florida Department of Environmental Protection and Miami-Dade County DERM.) Hurricane activity has also severely affected the depth contour along Harbor Drive, and subsequently no new docks have been constructed on this section of Harbor Drive since the 2005 Hurricanes.

DERM's biological assessment of this site revealed dense resources along the property and that the 4' water depth required was not achieved until 40' water ward from the seawall. (See October 2, 2006 Letter). This configuration allows for avoidance of the seagrasses located along the seawall and allows for sufficient water depth when mooring a vessel.

- b. Is compatible with the surrounding land uses and would not be detrimental to the community.

The construction of a dock projecting 40' into Biscayne Bay in this section of Harbor Drive is consistent with the existing docks in the area. There are 21 properties between 200 Harbor Drive, and 452 Harbor Drive. Of these properties, seven have docks, and only two of these seven docks comply with the 25' maximum projection restriction. Due to the typical lot width and dock location, all of the vessels moored on these docks project outside the D-5 triangle.

- 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.
- 16. If you are a lobbyist as described in the Village Code, please contact the Village Clerk at 305-365-5506.

**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 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

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

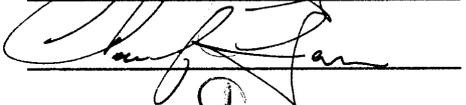
_____	_____	_____	_____
Date	Name (Type or Print)	Address	Signature

_____	_____	_____	_____
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:  Date 7-20-07  
Signature of Owner:  Date 7-20-07  
Application Received by:  Date 7-23-07  
Approved by: \_\_\_\_\_ Date \_\_\_\_\_

**AFFIDAVITS**

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

**Trust Affidavit**

I, Jorge F. Lazo, being first duly sworn, depose and say that I am a trustee of the aforesaid trust, 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 trust is the owner/tenant of the property described herein and which is the subject matter of the proposed hearing.

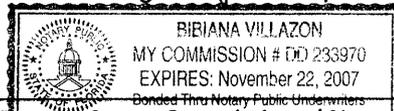
I, Jorge F. Lazo, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members of 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 Trustee

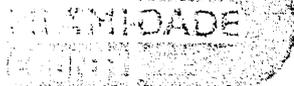
Sworn to (or affirmed) and subscribed before me this  
20 day of July by Jorge Lazo  
Name of person making statement.

  
\_\_\_\_\_  
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 \_\_\_\_\_



- ADA Coordination
- Agenda Coordination
- Art in Public Places
- Audit and Management Services
- Aviation
- Building Code Compliance
- Building
- Business Development
- Capital Improvements
- City of Miami Independent Transportation Trust
- Communications
- Community Action Agency
- Community & Economic Development
- Community Relations
- Consumer Services
- Corrections & Rehabilitation
- Countywide Healthcare Planning
- Cultural Affairs
- Elections
- Emergency Management
- Employee Relations
- Enterprise Technology Services
- Environmental Resources Management
- Fair Employment Practices
- Finance
- Fire Rescue
- General Services Administration
- Historic Preservation
- Homeless Trust
- Housing Agency
- Housing Finance Authority
- Human Services
- Independent Review Panel
- International Trade Consortium
- Juvenile Assessment Center
- Medical Examiner
- Metropolitan Planning Organization
- Park and Recreation
- Planning and Zoning
- Police
- Procurement Management
- Property Appraiser
- Public Library System
- Public Works
- Safe Neighborhood Parks
- Seaport
- Solid Waste Management
- Strategic Business Management
- Team Metic
- Transit
- Urban Revitalization Task Force
- Wedgiva Museum and Gardens
- Water and Power

August 7, 2006

Jorge Lazo  
 310 Harbor Drive  
 Key Biscayne, Florida 33149

Re: Class I Permit Application CC06-336: Lazo – New "L"-shaped dock located at 310 Harbor Drive, Key Biscayne, Miami-Dade County, Florida. (Folio No. 24-4232-006-0100)

Dear Mr. Lazo:

Please accept this letter in response to your submittal of a Class I permit application for the above referenced property. Staff conducted an in-water biological assessment, which included measurements of available water depth and documentation of benthic resources within the footprint of the proposed project. The inspection revealed presence of seagrass resources including *Halodule wrightii*, *Syringodium filiforme*, and *Thalassia testudinum*. In addition, the Code required water depth of four (-4) feet mean low water datum (MLW) was not achieved in the proposed slip area (please see Depth and Benthic Survey attached).

Pursuant to Section 24-48 of the Code of Miami-Dade County requires that potential adverse impacts and cumulative adverse impacts for a proposed project be avoided and/or minimized to the maximum extent practicable. Please be advised mitigation will be required for all unavoidable impacts to seagrass as a result of this project.

In addition, Section 24.48.3 (C) of the Code of Miami-Dade County, Florida, a minimum water depth of minus four (-4) feet MLW is required within boat slips created by installation of structures including but not limited to piers, docks, and pilings pursuant to a Class I permit. Please be advised, DERM recommends the proposed dock design be modified to an "L" or "T" shaped dock with the waterward edge of the terminal platform at least 33 feet waterward of the proposed cap in order to achieve sufficient water depth and comply with the above mention requirement. Please submit specifications including the size and draft of the vessel to be moored at the proposed dock for further review by this Department.

The proposed dock design will require a variance from the Environmental Quality Control Board (EQCB) due to the inadequate water depth. Upon a review of the vessel specifications requested above, DERM will be able to determine our recommendation at an EQCB hearing for the proposed dock. Please contact Enrique Cuellar at 305-372-6503 for information regarding the EQCB process.

In order to continue the processing of your Class I permit application, please submit at least four (4) sets of Professional Engineer (P.E.) signed and sealed plans clearly depicting all existing structures labeled to remain or to be removed, cross section views of proposed structures, and mean low and mean high water lines. Future submittal of P.E. signed and sealed plans should depict the height of the "L" or "T" shaped dock to be a minimum of five (5) feet above the mean high water line as measured from the top surface of said dock. The newly designed dock shall also be constructed with 100% grating.

Please find attached completeness summary and a State and Federal Delegated Review Checklist indicating any additional remaining issues to be addressed in order to continue processing your Class I Permit Application.

If you have any questions concerning the above referenced application, please contact me at (305) 372-6591.

Sincerely,



Maria Riestra, Biologist 1  
Coastal Resources Section

Attachments: Completeness Summary  
State and Federal Delegated Review Checklist  
Benthic Survey

cc: Approved Permit Services, Agent  
Tri- County Marine Contractor of Florida, Inc., Contractor  
Leah Oberlin, U.S. Army Corps of Engineers

COMPLETENESS SUMMARY  
COASTAL CONSTRUCTION PERMIT APPLICATION  
PROJECT NO. CC06-336

PROJECT NAME: Jorge Lazo  
PROJECT ADDRESS: 310 Harbor Drive  
Key Biscayne, Florida 33149  
DATE: August 7, 2006  
PROJECT MANAGER: Maria Riestra

THE FOLLOWING ITEMS WERE OMITTED OR WERE FOUND TO BE INCOMPLETE  
IN YOUR APPLICATION AS SUBMITTED:

- Name, address and telephone of the contractor who will perform the work
- Itemized cost of construction
- Application/review fee in the amount of \_\_\_\_\_ is due in order for processing of the application to continue
- Complete original notarized Class I Application form
- Official recorded copy of a warranty deed of the subject site.
- Four (4) copies of engineer signed and sealed plans with location map depicting all existing and proposed structures including cross-sectional and plan views of proposed structures and shop drawings if applicable.
- Original notarized affidavit of ownership
- Structural and zoning approval from the Village of Key Biscayne is required prior to the issuance of the Class I Permit
- Sewage pumpout approval from DERM's Water and Wastewater Section is required.
- Sewage pumpout bond must be posted in the amount of \$10,000.00
- Mitigation bond must be posted in the amount of \$1,940.00
- Performance bond must be posted in the amount of \_\_\_\_\_

- EQCB Variance is required
- Affidavit of Florida LLC
- A contribution to the Biscayne Bay Environmental Enhancement Trust Fund must be submitted in an amount to be determined.
- Miami-Dade County Zoning review fee of \$123.12 is required. The fee should be made payable to Miami-Dade County Department of Planning & Zoning.
- Structural approval from the Building Department of Miami-Dade County is required prior to issuance of the Class I permit
- Original signed and sealed P.E. Certification letter **may be necessary**
- One (1) set of 8 1/2 inch by 11 inch sketches showing complete scope of work and a location map **may be necessary**
- Soundings
- Statement from owner regarding construction plan **may be necessary**
- List of riparian owners within 300 feet with peel-off / stick-on labels **may be necessary**
- Mitigation plan
- Permit fee in the amount of \$300.00 is due prior to permit issuance
- Letter of consent from adjacent property owners which specifically references the construction approved by DERM
- Department of Environmental Protection (DEP) approval or exemption for the use of the subject-submerged lands
- Written authorization from submerged lands owner
- Current valid FDEP lease or Temporary Use Agreement (TUA) for the existing and proposed structures
- Official corporate documents indicating the current officers and/or managing members
- Original copy of the executed restrictive covenant must be recorded and returned prior to the issuance of the Class I permit

PLEASE SUBMIT THIS INFORMATION AS SOON AS POSSIBLE SO THAT WE MAY COMPLETE THE PROCESSING OF YOUR APPLICATION. ANY QUESTIONS SHOULD BE DIRECTED TO THE DERM PROJECT MANAGER LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL  
RESOURCES MANAGEMENT  
COASTAL RESOURCES SECTION  
33 S.W. 2<sup>nd</sup> AVENUE., 4<sup>th</sup> FL  
MIAMI, FLORIDA 33130-1540  
(305) 372-6575 PH (305) 372-6479 FAX

STATE AND FEDERAL REVIEW CHECKLIST

DATE: August 7, 2006  
FILE NO.: CC06-336  
NAME OF APPLICANT: Jorge Lazo  
ADDRESS OF PROJECT SITE: 310 Harbor Drive  
Key Biscayne, Florida 33149  
PROPOSED WORK: Construct a 228 square foot "L"-shaped grated dock.

Florida Department of Environmental Protection (Proprietary Authorization)

DERM has been delegated the authority to review the proposed project and either grant or deny proprietary authorization for the use of sovereign submerged lands pursuant to an operating agreement between DERM and the Florida Department of Environmental Protection.

- We have reviewed the proposed project and have determined that the project qualifies for consent of use of sovereign submerged lands pursuant to this delegated authority. DERM intends to issue a letter granting this authorization upon issuance of the Class I permit based on the information submitted at the time of this review.
- The proposed project qualifies for this proprietary authorization but the following documents must be submitted to complete the application process for this authorization.
- Two copies of an 8½ x 11 location map with the project site clearly indicated
  - Two copies of an 8½ x 11 site map
  - Two copies of an 8½ x 11 project drawing (plan view and cross sections)

DERM cannot issue the proprietary authorization unless the above-listed items are submitted in their entirety (i.e. correct number of copies, correct document size, accurate information, etc.)

- We have reviewed the proposed project and have determined that it does *not* qualify for a consent of use pursuant to this delegated authority. Submit documentation of either a proprietary approval or exemption for the use of the subject submerged lands from the State of Florida. Contact FDEP in the West Palm Beach Office at (561) 681-6800 for their permitting requirements. A Class I permit cannot be issued until the State issues a proprietary authorization for the proposed project.
- The application does not contain sufficient information to determine if your project qualifies for proprietary authorization pursuant to the operating agreement between the FDEP and DERM delegating this authority. Contact the project manager at (305) 372-6575 for further information.

United States Army Corps of Engineers (SAJ42)

DERM has been delegated the authority to review the proposed project and either grant or deny the federal SAJ42 general permit pursuant to an operating agreement between DERM and the United States Army Corps of Engineers (Corps).

- We have reviewed the proposed project and have determined that the project qualifies for the federal general permit (SAJ42 permit) pursuant to this delegated authority. DERM intends to issue the SAJ42 permit upon issuance of the Class I permit based on the information submitted at the time of this review.
- We have reviewed the proposed project and have determined that the project does *not* qualify for this federal general permit (SAJ42 permit) pursuant to this delegated authority for the reason(s) set forth below. Accordingly, the applicant shall contact the Corps at (305) 526-7181 and obtain all necessary federal permits prior to performing any work. Failure to obtain the authorization from the Corps prior to construction could subject you to enforcement action.
  - The proposed dock(s) does not comply with the U.S. Army Corps of Engineers/National Marine Fisheries Service's "Dock Construction Guidelines in Florida for Docks or Other Minor Structures Constructed in or over Submerged Aquatic Vegetation, Marsh or Mangrove Habitat - U.S. Army Corps of Engineers/National Marine Fisheries Service - August 2001" (copy attached).\*
  - The proposed dock(s) does not comply with the U.S. Army Corps of Engineers/National Marine Fisheries Service's "Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - October 2002" (copy attached).\*
- \* Please be advised that a separate permit must be obtained from the U.S. Army Corps of Engineers since the project does not qualify for the SAJ42 permit administered by DERM.
- Other
- The application does not contain sufficient information to determine if your project qualifies for this general permit (SAJ42) pursuant to the operating agreement between the Corps and DERM delegating this authority. Contact the project manager at (305) 372-6575 for further information.

*This does not constitute federal, state or DERM authority to perform work. The Class I permit and all necessary federal, state and local approvals must be obtained prior to the commencement of construction*

- Enclosed is a completeness summary listing those items necessary to complete your Class I permit application for continued review.

If the work, which is the subject of this Class I permit application is modified and the modification exceeds the regulatory and/or proprietary thresholds under DERM's delegation agreements with the Corps and/or the FDEP, the information in this checklist may be invalid. It shall be the applicant's responsibility to verify with the project manager that no additional approvals from the Corps and/or FDEP are necessary in cases where the project is modified after the date of this checklist. If you have any questions regarding these matters, please contact the project manager at (305) 372-6575.

Project Manager: Maria Riestra

AGENCY CONTACT NUMBERS

Leah A Oberlin, U.S. Army Corps of Engineers	(561) 472-3506
Jennifer Smith, Florida Department of Environmental Protection	(561) 991-6912
Ed Cronyn, South Florida Water Management District	1-800-460-1066

DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT  
COASTAL CONSTRUCTION INSPECTION AND BIOLOGICAL ASSESSMENT FORM

APPLICANT'S NAME: Jorge Lazo  
COUNTY PERMIT NUMBER: CC06-336  
LOCATION OF PROJECT: 310 Harbor Drive  
Key Biscayne, Florida 33149

WATER BODY: Biscayne Bay  
DATE & TIME OF INSPECTION: 8/2/06 at 11AM (In Water)  
TIDE STAGE: Low-tide; Correction Factor -0.3ft  
BIOLOGISTS(S): MIR, JAD, KE

PROVIDE THE INFORMATION REQUESTED BELOW:

A. DESCRIPTION OF PROPOSED PROJECT

Installation of a two hundred and twenty-eight (228) square foot wooden "L" shaped grated dock supported by nine (9) woodpiles and consisting of a four (4) foot by seventeen (17) foot access walkway connecting to a twenty (20) foot by eight (8) foot terminal platform. The proposed dock will be located forty-seven (47) linear feet (LF) south of the west property line.

B. DESCRIPTION OF EXISTING SITE - Include existing structures, depth, identification of bottom types, and water quality.

Existing seawall extends 127' from adjacent property lines. Seawall is composed of batter piles, king piles and concrete cap 2.8' wide and extending 1.5' over water. Scattered riprap rubble documented throughout the entire property. Sandy bottom type with good water visibility.

C. BIOLOGICAL ASSESSMENT - Include all marine and wetland flora and fauna observed at the project site.

Syringodium	Orange Sponge	Acetabularia	<i>Halophila decipiens</i>
Thalassia	Halodule	Stone Crab	Sideratrea
Whorled Caulerpa	Penicillus	Halimeda	Manatees
Spotted Ray			

D. IMPACT TO BIOLOGICAL RESOURCES AND WATER QUALITY - Include short and long-term impacts for all aspects of the proposed project.

Short-term impacts include temporary turbidity of water due to dock piling installation. Long-term impacts on seagrasses expected in areas of proposed dock due to shading.

E. RECOMMENDATIONS - Include any suggestions to modify the project which may reduce potential impacts; and based on all the above information, determine whether the proposed project should be approved or denied.

Dock must be modified to extend at least 33' waterward or go through EQCB for approval. In order to verify under SAJ-42 dock must be 100% grating and 5' above MHWL. Proposed project cannot be approved based on insufficient water depth.