



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 7, 2007

TO: Honorable Mayor and Members of the Village Council

FR: Genaro "Chip" Iglesias, Village Manager

RE: Request for Three (3) Variances at 210 Harbor Drive Relating to Boat Dockage

RECOMMENDATION

The applicant is requesting three (3) 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, to have two corners, 52 sq. ft. and 93 sq. ft., of the dock outside of the triangle, and all of the boat is 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.



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

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

DT: October 7, 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 Three (3) Variances at 210 Harbor Drive Relating to Boat Dockage

APPLICATION SUMMARY

Request The applicant is requesting the below three (3) variances:

- a. Permit two corners of a dock to extend outside of the D-5 triangle. One of the corners has an area of 52 sq. ft. and the other has an area of 93 sq. ft.
- b. Waive the D-5 triangle limit for watercraft in order to dock a watercraft completely outside of the D-5 triangle limit.
- c. 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.

Applicant 210 Harbor, LLC

Site Address 210 Harbor Drive

Master Plan Single Family

Zoning District VE Village Estate (Single Family)

File Number RV - 22

Recommendation 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 within the D-5 Triangle which is an isosceles triangle. The applicant is requesting the dock to project 40 ft. from the bulkhead, to have two corners, 52 sq. ft. and 93 sq. ft., of the dock outside of the triangle, and all of the boat is 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, 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 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 is the Yacht Club and a single family home. The applicant has not provided a letter from the single family home owner that indicates their support of the variances.

Finding: Inconsistent

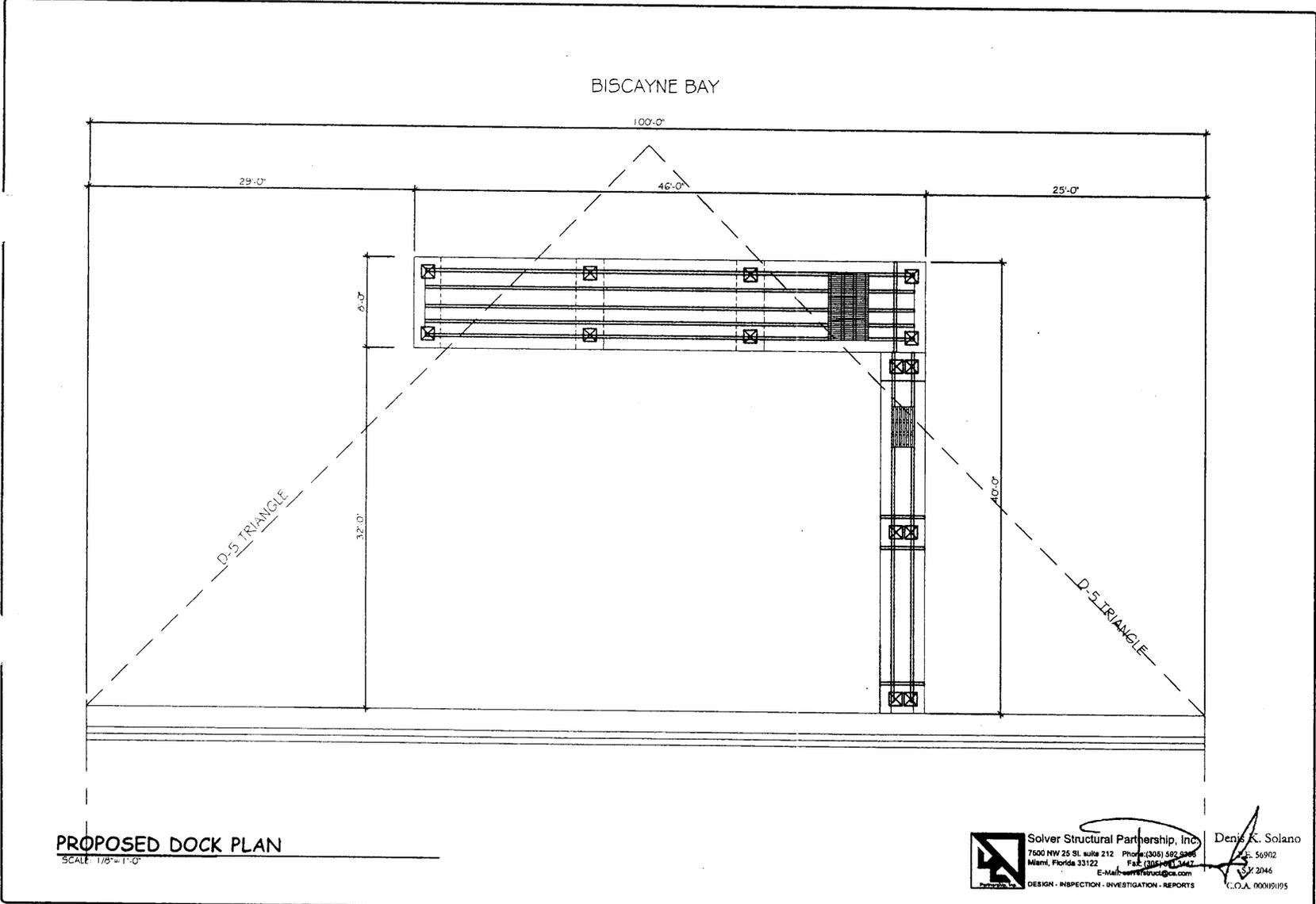
Criteria 2 Is compatible with the surrounding land uses and would not be detrimental to the community.

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.



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

 Solver Structural Partnership, Inc.
7500 NW 25 St. Suite 212 Phone: (305) 582-8266
Miami, Florida 33122 Fax: (305) 582-3447
E-Mail: sstp@structca.com

Denis K. Solano
P.E. 56902
S. 27 2046
C.O.A. 00019195

lib@tridat.com
305-438-0266 (t) 305-438-0293 (f)
1846 NW 35th Street
Miami, Florida 33142

www.tridat.com

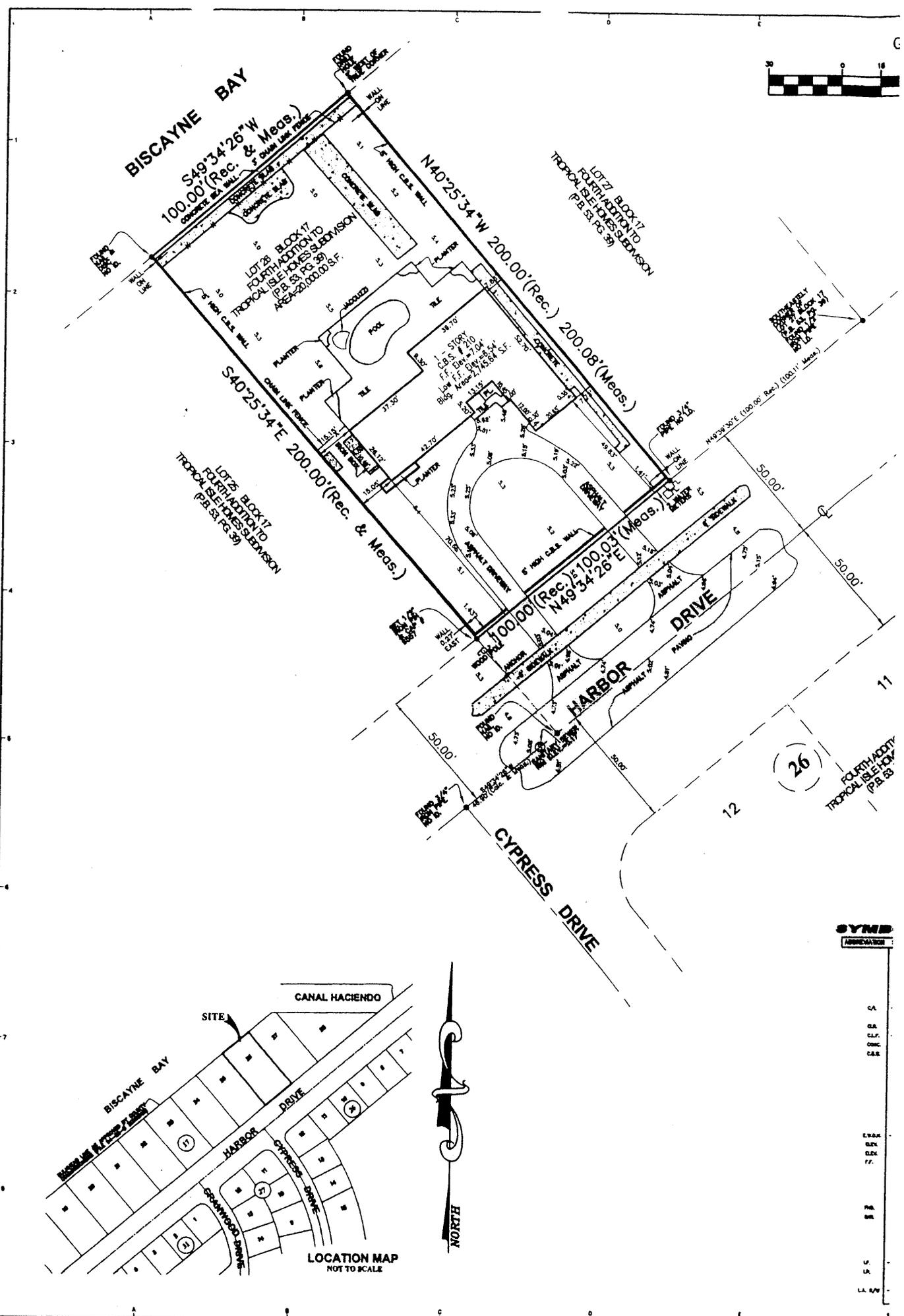


Professional Engineer
State of Florida License No. 56902
Tridat Engineering, Inc. - Civil/Structural Engineer

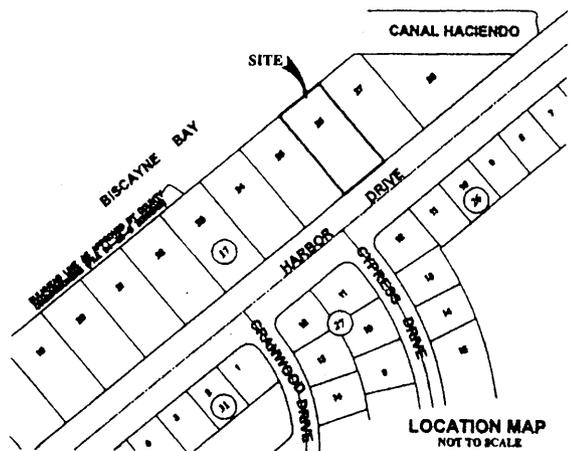
job name: **GARCIA RESIDENCE
210 HARBOR DRIVE
KEY BISCAYNE, FLORIDA**
title: **PROPOSED CONCRETE DOCK**

date: _____
revised: _____
drawn: _____
checked: _____
project no: _____
revisions: _____

sheet no.
S-1
1 of 1



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SYMB
ABBREVIATIONS

CA
CA
CLF
CONC
C&S
EV&R
GR
DD
FF
PA
PL
SA
LA & P



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: 7-23-07

File # RV-22

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. Due to the 40' projection of the dock, we are also requesting a variance of Item 3, to allow the dock and vessel to be moored there to broach the D-5 triangle. 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: 210 Harbor Drive Folio # 24-4232-006-0200.

Legal Description: Lot(s) 26 Block 17

Subdivision: Tropical Isle Homes

3. Name of Applicant: 210 Harbor, LLC.
Mailing Address of Applicant: 1850 NW 84th Avenue, Suite 100, Miami, Florida 33126
Business Telephone: (305) 389-2511 Home: (305) 365-6689 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 Rene A. Garcia Address 210 Harbor Dr, Key Biscayne, Fl 33149.
Phone Number: (305) 365-6689 Fax:

6. Name / address of anyone else who should receive notice of hearing?
Trident Environmental Consultants, 2845 NW 35th Street, Miami, Florida 33142

7. If applicant is owner, indicate date purchased: March, 2007.

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.

Of the 21 properties located on Harbor Drive between 200 Harbor Drive and 452 Harbor Drive only seven (7) properties currently have docks. Of these seven docks 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 May 17, 2007 Letter). This configuration allows for avoidance of the seagrasses located along the seawall and allows for sufficient water depth when mooring a vessel. Due to the dock's projection beyond the D-5 triangle, Letters of Consent will be required by DERM from both adjacent property owners.

- 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

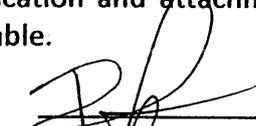
Date	Name (Type or Print)	Address	Signature

_____	_____	_____	_____
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 _____
Signature of Owner:		Date _____
Application Received by:		Date <u>7-22-09</u>
Approved by:	_____	Date _____

AFFIDAVITS

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

Corporation Affidavit

I, Rene A. Garcia, being first duly sworn, depose and say that I am the Manager 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.

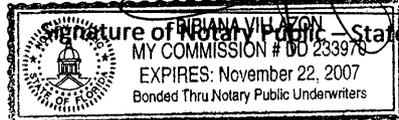
I, Rene A. Garcia, hereby authorize the staff of the Village of Key Biscayne to enter my property for the purpose of inspecting the property and posting a NOTICE OF PUBLIC HEARING on my property and I take the responsibility of removing this notice after the date of hearing. I also authorize members 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
COUNTY OF MIAMI-DADE**



Signature of Manager (Corp. Seal)

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

Signature of Notary Public, State of Florida
MY COMMISSION # 00 233978
EXPIRES: November 22, 2007
Bonded Thru Notary Public Underwriters

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification _____
Type of identification Produced _____



Carlos Alvarez, Mayor

Department of Environmental Resources Management

Environmental Resources Regulation Division

701 NW 1st Court, 6th Floor

Miami, Florida 33136-3912

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

miamidade.gov

May 17, 2007

210 Harbor, LLC
c/o Rene A. Garcia, Manager
1850 NW 84 Ave., #100
Miami, FL 33126

Re: Class I Permit Application 2007-CLIPER-00159- 210 Harbor, LLC located at 210 Harbor Dr., Key Biscayne, Miami-Dade County, Florida. (Folio No. 24-4232-006-0200)

Dear Mr. Garcia:

Please accept this letter in response to your submittal of a Class I permit application for the above referenced property. DERM staff has conducted a biological assessment and has the following recommendations to continue processing your permit application.

Pursuant to Section 24-48.3 of the Code of Miami-Dade County, a minimum water depth of minus four (-4) feet N.O.A.A. mean low water datum is required in Biscayne Bay. Please be aware, said depth requirement is not achieved along the entire length of the proposed waterward edge of the dock. Therefore, DERM recommends placing the waterward edge of the terminal platform forty (40) feet waterward of the wet face of the existing seawall.

In addition, please be advised that DERM is unable to issue the delegated SAJ-42 permit on behalf of the US Army Corps of Engineers (USACOE) because the proposed dock does not comply with the USACOE Dock Construction Guidelines (DCG) and the installation of new seawalls on Biscayne Bay is not included in DERM's delegation. Please contact Melody White at the Army Corps of Engineers at (561) 472-3508 for further information concerning the required approval.

Furthermore, please be aware that dense seagrass beds were recorded at this site. Chapter 24-48 of the Code of Miami-Dade County requires that projects demonstrate avoidance and minimization of impacts to natural resources. Therefore, DERM recommends a T or L-shaped dock that complies with the USACOE DCG and that has a terminal platform no greater than one hundred and sixty (160) square feet with one hundred percent (100%) of the dock surface composed of grating.

Finally, pursuant to Chapter 24-48.4 of the Code of Miami-Dade County, mitigation for adverse impacts is required. Therefore, mitigation will be required for impacts associated with the installation of the new seawall portion, as well as impacts to seagrasses.

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

Delivering Excellence Every Day

- ADA Coordination
Agenda Coordination
Art in Public Places
Audit and Management Services
Aviation
Building Code Compliance
Building
Business Development
Capital Improvements
Citizen's 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 Metro
Transit
Urban Revitalization Task Force
Vizcaya Museum and Gardens
Water and Sewer



Carlos Alvarez, Mayor

miamidade.gov

- ADA Coordination
- Agenda Coordination
- Art in Public Places
- Audit and Management Services
 - Aviation
 - Building Code Compliance
 - Building
 - Business Development
 - Capital Improvements
- Citizen's 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 Metro
 - Transit
- Urban Revitalization Task Force
- Vizcaya Museum and Gardens
- Water and Sewer

Date: MAY-21-2007

210 Harbor, LLC
 Rene A Garcia
 799 Crandon Blvd, Unit 402
 Key Biscayne, FL 33149

Project Name: 210 Harbor, LLC/Garcia
 Project Location: 210 Harbor Drive
 Permit ID: 2007-CLI-PER-00159
 Description of Work: Replace 30' of seawall, install 100' of seawall cap, king piles and batter piles. Installation of 468 square foot concrete L-shaped dock (4' x 17' access walkway and 8' x 50' terminal platform).
 Project Manager: Elaine Pietryak

COMPLETENESS SUMMARY REPORT

This Completeness Summary Report is in response to your submittal of a Class I Permit application for the above referenced work. The report includes staff recommendations for the proposed project and a list of items that need to be submitted to DERM in order to continue processing your Class I Permit application. The report also includes information regarding whether DERM has delegated authority to grant proprietary authorization for use of sovereign submerged lands pursuant to its operating agreement with the Florida Department of Environmental Protection (FDEP); and whether DERM is authorized to grant or deny the Federal SAJ42 general permit pursuant to its operating agreement with the United States Army Corps of Engineers (ACOE). Please contact the project manager listed above at (305) 372-6575 if you have any questions regarding the Completeness Summary Report.

STATE AND FEDERAL REVIEW CHECKLIST

THE FOLLOWING ITEMS NEED TO BE SUBMITTED TO CONTINUE PROCESSING YOUR CLASS I APPLICATION:

- Name, address and telephone of the contractor who will perform the work.
- Four (4) copies of professional engineer signed and sealed plans with location map depicting all existing and proposed structures including cross-sectional and plan views of proposed structures, shop drawings if applicable and D-5 boundary triangle drawn from the face of the seawall and property lines.
- Structural and zoning approval from the Village of Key Biscayne is required prior to the issuance of the Class I Permit.

Delivering Excellence Every Day

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

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.

cc: Permit Agent\Contractor



Department of Environmental Resources Management
Coastal Resources Section
701 NW 1st Court, Suite 400
Miami, FL 33136-3912
305-372-6575

Biological Assessment

APPLICANT'S NAME: Rene A Garcia
210 Harbor, LLC

LOCATION OF PROJECT: 210 HARBOR DR
KEY BISCAYNE, FL 331491218

WATER BODY: Biscayne Bay

DATE & TIME OF INSPECTION: 5/8/2007 9:00

TIDE STAGE: Low

BIOLOGIST(S): EP, MIR, NF

PROVIDE THE INFORMATION REQUESTED BELOW:

A. DESCRIPTION OF PROPOSED PROJECT

Replace 30' of seawall, install 100' of seawall cap, king piles and batter piles. Installation of 468 square foot concrete L-shaped dock (4' x 17' access walkway and 8' x 50' terminal platform).

B. DESCRIPTION OF EXISTING SITE - Include existing structures.

1.5' wide seawall cap, T-piles present on seawall and 6 wood fender piles. Seawall and cap are detaching last ~20' towards SW property line. Chairs, construction cone, cinder blocks, carts and other debris recorded along seawall.

C. BIOLOGICAL ASSESSMENT - Include depth, identification of bottom types, water quality, all marine and wetland flora and fauna observed at the project site.

Resources:

90% seagrass coverage beginning 2' ww of the seawall and continuing beyond 54' ww of the seawall.

Intermixed:

-Syringodium= 20%

-Halodule= 30%

-Thalassia= 40%

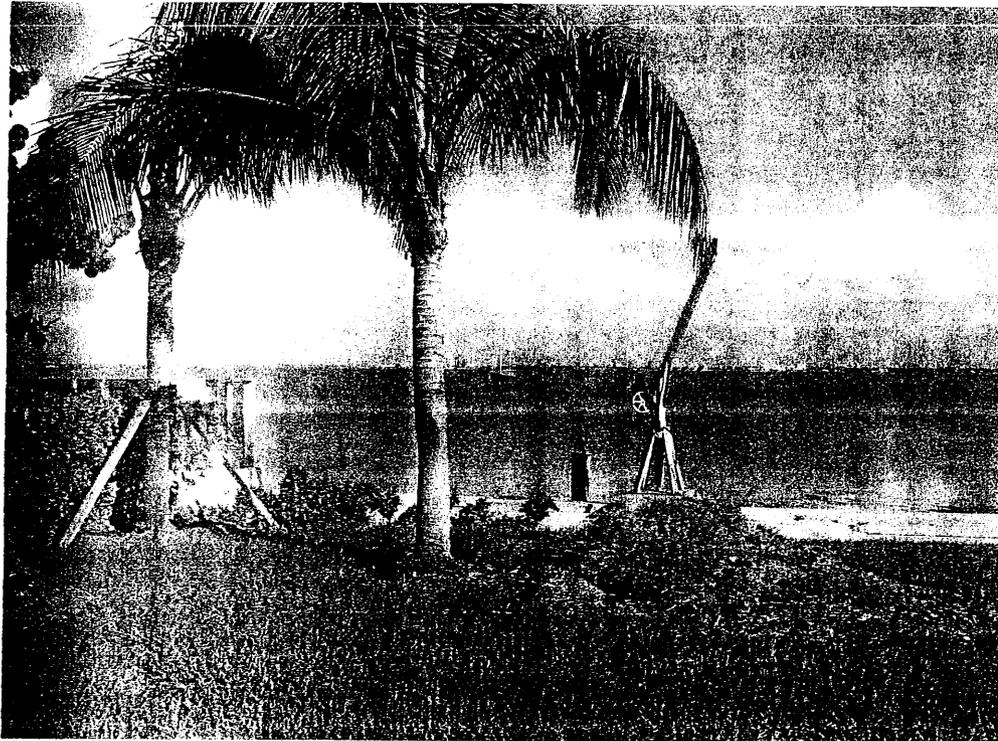
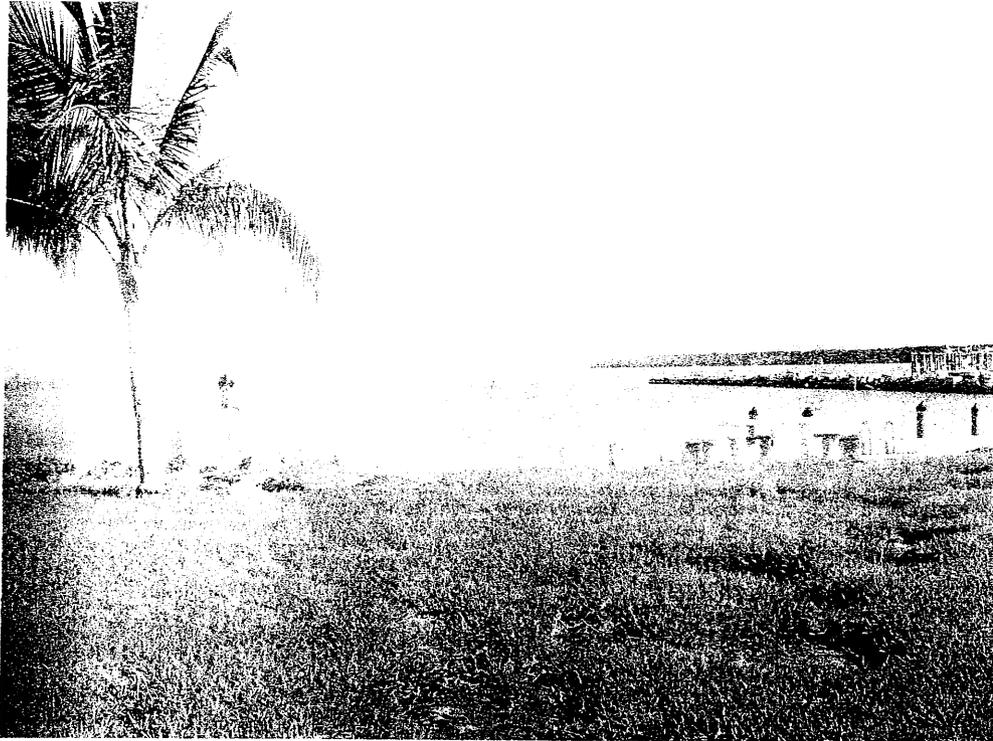
Penicillus & Acetabularia located ww of seawall.

Resources on Seawall:

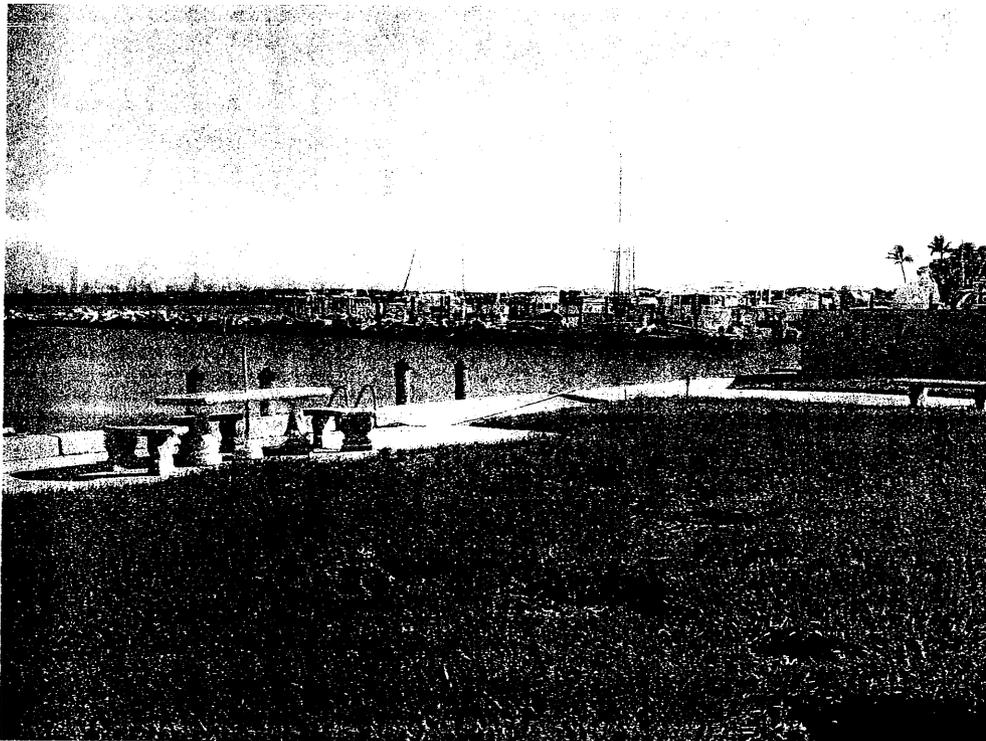
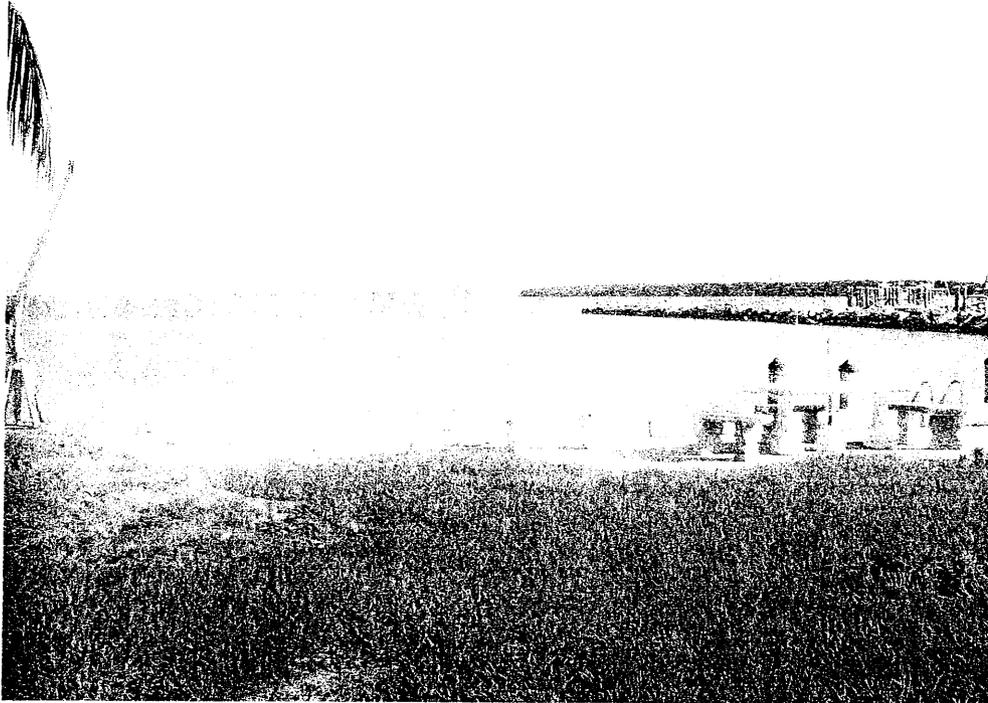
Vase Sponge, Orange and Green Encrusting Sponges, Black Ball Sponge, Black Tunicates
.7' x .5' Siderastrea at 9.5 LF from NE property line.

Chairs, construction cone, cinder blocks, carts and other debris recorded adjacent to seawall.

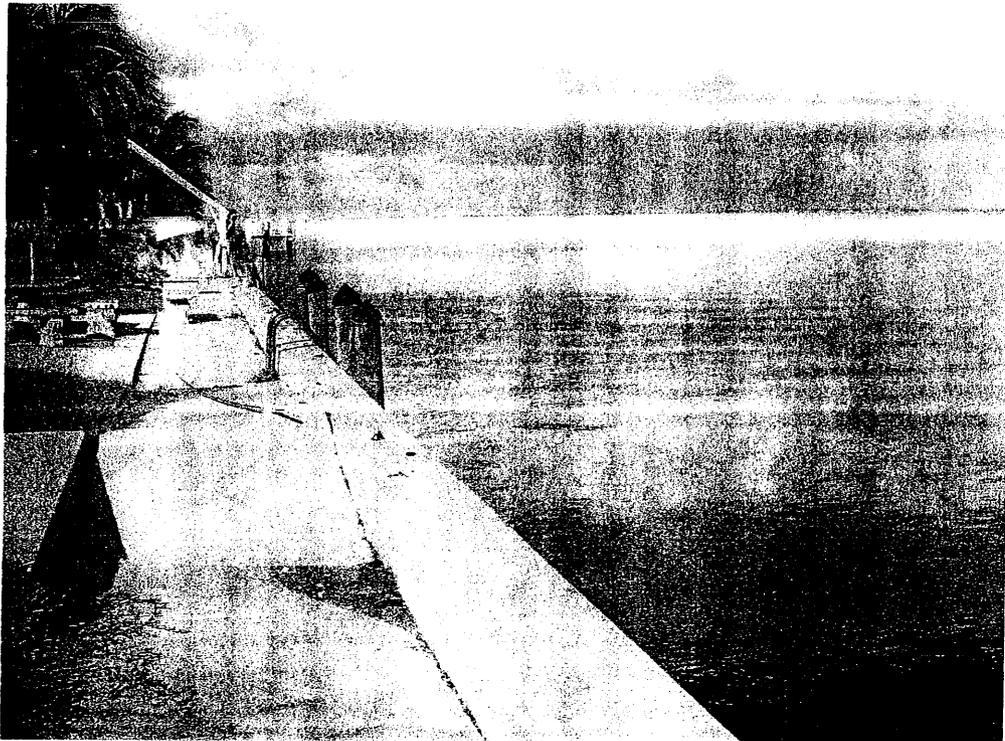
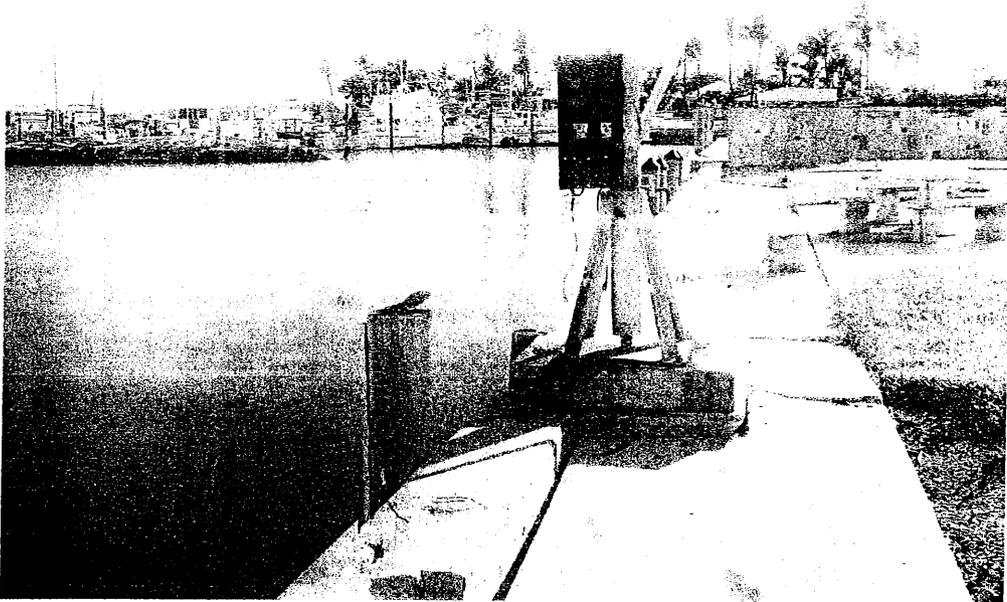
210 Harbor, LLC
210 Harbor Drive
Key Biscayne, Florida



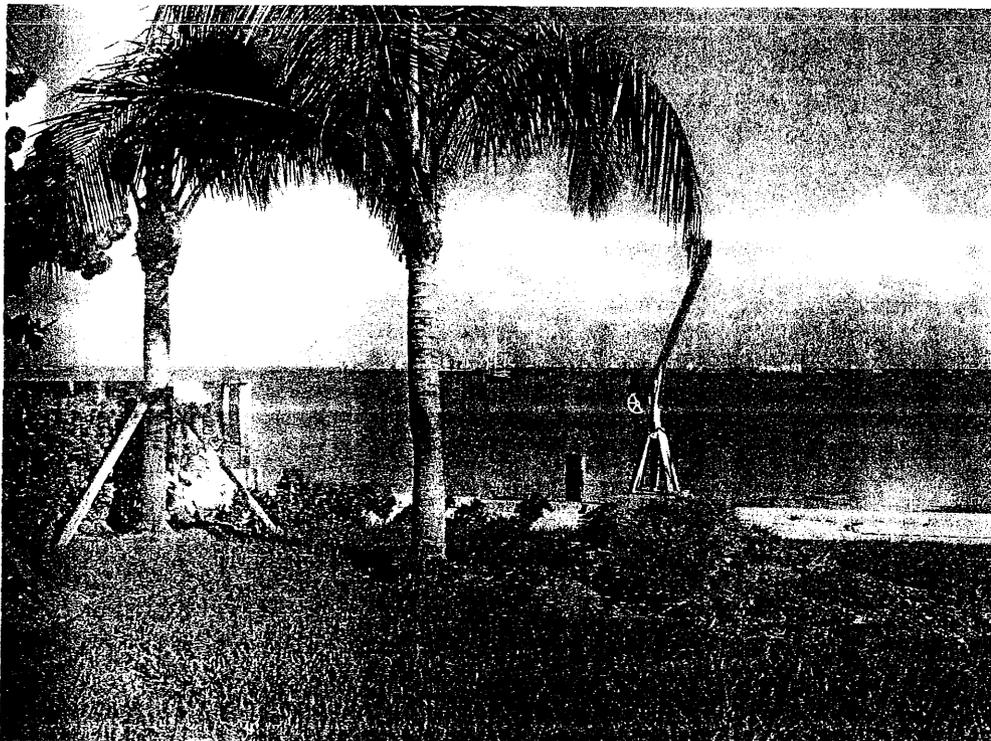
210 Harbor, LLC
210 Harbor Drive
Key Biscayne, Florida



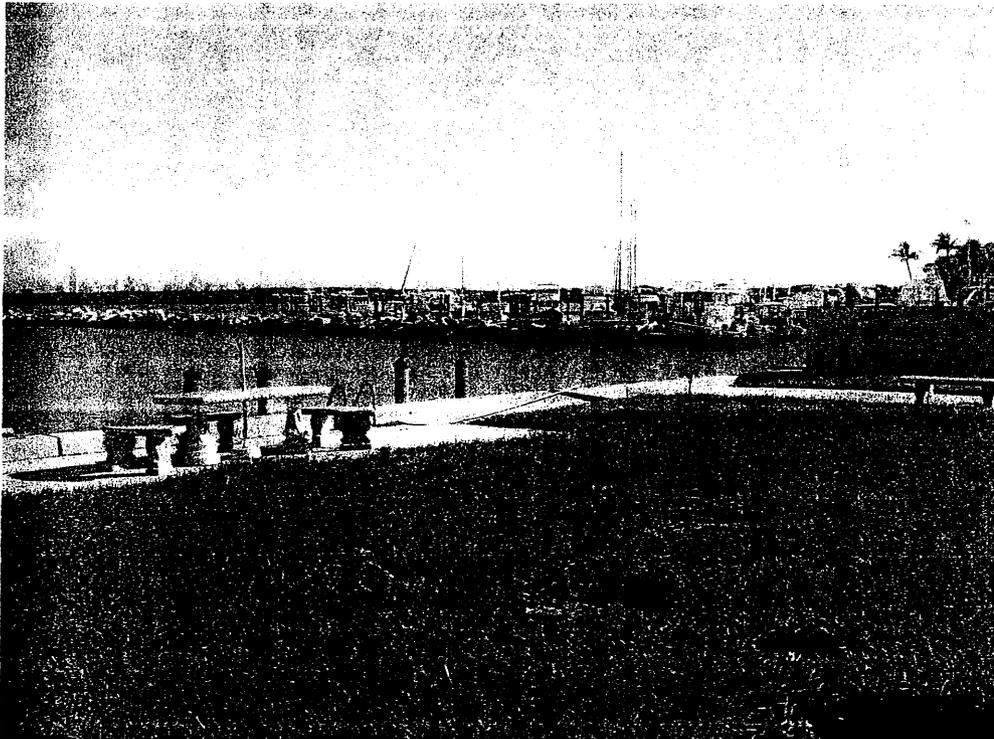
210 Harbor, LLC
210 Harbor Drive
Key Biscayne, Florida



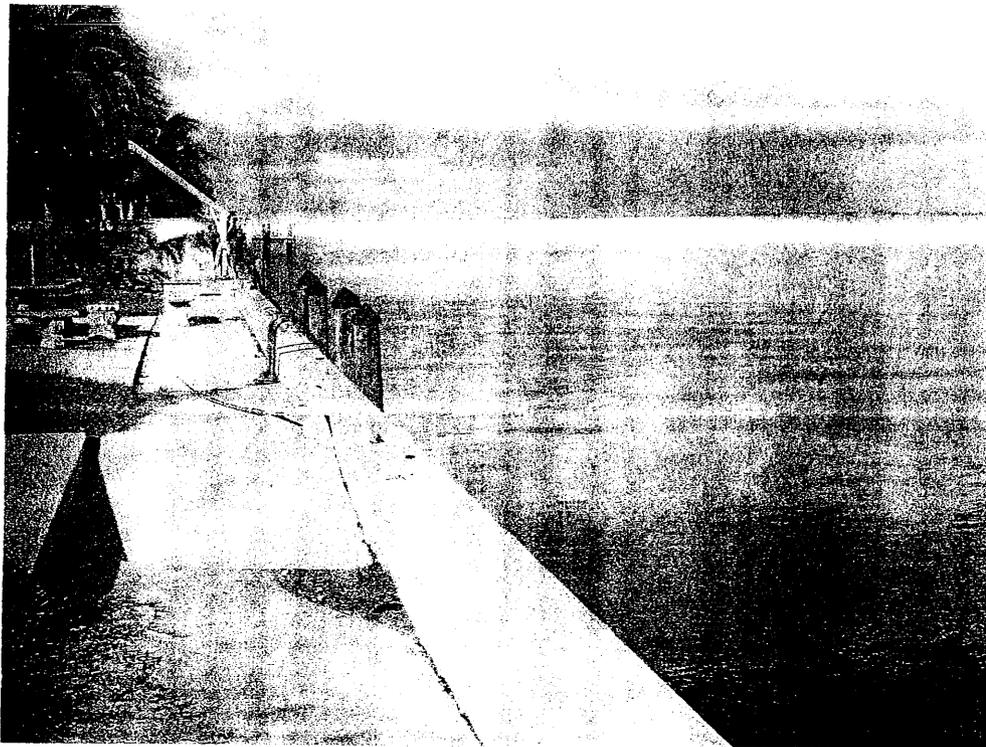
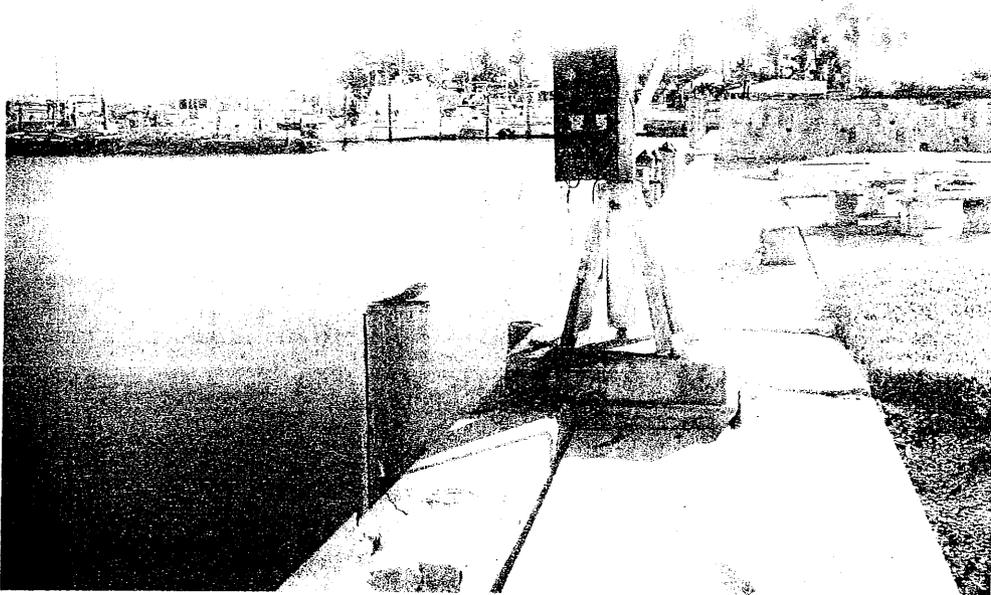
210 Harbor, LLC
210 Harbor Drive
Key Biscayne, Florida



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Key Biscayne, Florida



210 Harbor, LLC
210 Harbor Drive
Key Biscayne, Florida



Mr. Marc Walther
2208 Cypress Bend Dr. S., #108
Pompano Beach, FL 33069
WALTR6@aol.com
H. 954-974-5217
C. 954-647-0638

November 19, 2007

Mrs. Conchita H. Alvarez, Village Clerk
The Village of Key Biscayne
88 W. McIntyre St.
Key Biscayne, FL 33149

Dear Mrs. Alvarez:

Re: Application for Variance for 210 harbor Drive

It was a pleasure speaking with you recently and I appreciate your courtesy.

As you are well aware, our Parents' estate is trying to sell the home at 200 Harbor Drive. Last week, Mr. Rene Garcia, sent us over a Waiver of Objection and some plans for a Regulatory Variance to construct a dock and permit two corners of the dock to extend outside of the "D-5 triangle."

The second page of this fax indicates that we will not sign the Waver of Objection to the Variance and that our intention would be to have that determination rest with the eventual buyer of our property, since we are unsure about how it would impact 200 Harbor Drive. Attached is a copy of that waiver.

Should you or the council members like to talk to me, my information is above or, if you would like to speak with our attorney, his name is Charles Sacher, Sr., with the law firm of Sacher, Martini & Sacher. His number is 305-448-3900.

Thank you very much for your assistance in this matter.

Sincerely yours,



Marc Walther
Trustee

Subj: Fwd: 200 Harbor Drive
Date: 11/16/2007 5:56:01 P.M. Eastern Standard Time
From: Marcgcourt
To: WALTR6

-----Original Message-----

From: Marcgcourt@aol.com
To: rene@dstllc.com
Sent: Fri, 16 Nov 2007 9:45 am
Subject: 200 Harbor Drive

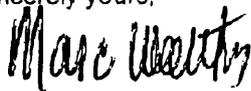
Friday, November 16, 2007

Dear Rene:

After discussions with my brothers and our attorney, we all agree that any decision for your proposed variance, and how it would impact 200 Harbor Drive, should rest with the eventual buyer of our property.

Therefore, we will not be signing the Waiver of Objection.

Sincerely yours,



Marc Walther
Trustee

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Email and AIM finally together. You've gotta check out free AOL Mail!

Friday, November 16, 2007 AOL: WALTR6

WAIVER OF OBJECTION

I, the undersigned, have been notified by 210 Harbor, LLC, the owner of 210 Harbor Drive, Key Biscayne, Florida, of its application for a regulatory variance to: (1) construct a dock 40 feet into Biscayne Bay; (2) permit two corners of the dock to extend outside of the "D-5 triangle"; and (3) permit a watercraft to extend completely outside of the "D-5 triangle".

I fully understand that, by subscribing my name below, I am waiving any objection to the proposed construction as outlined in its Planning and Zoning Application and shown on the plans accompanying its application. I am the owner of 200 Harbor Drive, and as an adjacent property owner I have no objection to the requests by 210 Harbor, LLC above. Furthermore, the dock and watercraft as proposed will not interfere with my view or negatively impact the property value of my home.

Finally, as a resident of the Key Biscayne community, and owner of property located on Biscayne Bay, I support the application in all respects. Docks of this nature are compatible with surrounding single-family homes in Key Biscayne and improve the aesthetics and character of the neighborhood. Furthermore, extending the dock to preserve the environmentally sensitive seagrass is consistent with the intent of the zoning regulations to protect the general welfare of the public, particularly as it affects the stability of the community.

I further certify that I have subscribed my name freely and without any duress or apparent misrepresentation on the part of 210 Harbor, LLC.

Grace Walthier
200 Harbor Drive
Key Biscayne, Florida 33149

Conchita Alvarez

From: Paul Walther [pwalther@mindspring.com]
Sent: Tuesday, November 20, 2007 12:51 PM
To: Conchita Alvarez
Subject: Application for Dock Variance for 210 Harbor Drive

Dear Ms. Alvarez,

Referring to your previous communications with my brother, Marc, I am another one of the Walther's three sons and a co-trustee of the property at 200 Harbor Drive, and would like to add my voice to his in objecting to the application for a dock variance initiated by the owner of the property at 210 Harbor Drive.

As my brother indicated, we have not signed, nor will sign any Waiver of Objection pertaining to a dock variance, believing that such decision should be deferred to the next owner of 200 Harbor Drive.

Quite frankly, however, my objection is even stronger than Marc's, in the belief that any such variance will very adversely affect the current value of the property, perhaps even precluding a sale which is dependent on preserving the bay and skyline views which are the most important features of the property. As the Council may recall, those views were of such importance as to attract the interest of the Village, itself, which until recently, considered purchasing the property as a scenic park for the benefit of Village residents.

As we are all well aware, environmental issues are of increasing interest and concern to all of us, including the Village, and we would urge the Council to reject the dock application as being detrimental to those interests, as well as to the interests of the future resident of 200 Harbor drive.

Many thanks for including this objection in the information packet for the Council's consideration during next Tuesday's meeting.

Paul Walther, Trustee
200 Harbor Drive

1399 Foxtail Court
Lake Mary, FL 32746
Tel. 407 333 1600