

MINUTES  
**ZONING MEETING**  
VILLAGE OF KEY BISCAYNE, FLORIDA

Tuesday, May 28th, 2002

COUNCIL CHAMBER  
85 WEST MCINTYRE STREET, SECOND FLOOR

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 7:07 p.m. Present were Councilmembers Scott Bass, Martha F. Broucek, Alan H. Fein, Mortimer Fried, James L. Peters, Vice Mayor Robert Oldakowski and Mayor Joe I. Rasco. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Richard Jay Weiss.

2. **PLEDGE OF ALLEGIANCE:** Mayor Rasco led the Pledge of Allegiance.

3. **AGENDA:** Councilmember Broucek requested the addition of a discussion regarding work being done by Miami-Dade County at the end of Ocean Lane Drive as Item 8A1.

4. **SPECIAL PRESENTATIONS:** Todd Hofferberth, Recreation Department Director introduced Mr. Christopher E. Tatham, Leisure Vision. Mr. Tatham presented to the Council and the public the Community Center Survey preliminary results.

Bob Libby, 200 Ocean Lane Drive addressed the Council.

5. **BUILDING, ZONING AND PLANNING:** Hearing Number RV - 10. Finlay B. Matheson, 480 W. Matheson Drive, the applicant is requesting approval of variances associated with the retention of an existing single family home that will be retained as an accessory structure when a new single family home is constructed and the height of a perimeter wall in the waterfront rear zone. The variances are listed below:

1. Permit an accessory structure to have 472 sq. ft. where the zoning regulations permit 200 sq. ft.

2. Waive 4 ft. 8 in. of the required 15 ft. East side yard setback for an accessory structure to have a 10 ft. 4 in. setback.

3. Waive 3 ft. 6 in. of the required 10 ft. rear yard setback for an accessory structure to have a 6 ft. 6 in. setback.

4. Waive 12 ft. 6 in. of the required 25 ft. view corridor to permit an accessory structure with a 12 ft. 6 in. view corridor.

5. Exceed the maximum wall height of 10 ft. above the base flood elevation by 2 ft. 3 in. to permit a wall height of 12 ft. 3 in.

6. Exceed the 4 ft. maximum height of a perimeter wall in the waterfront rear zone by 2 ft. in order to permit a 6 ft. wall.

Councilmember Fein excused himself from the hearing due to a voting conflict of interest. (Please see Form 8B attached for the record).

Jud Kurlancheek, Director of Building, Zoning and Planning addressed the Council stating his recommendation of approval of the above variances subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall record in the public records of Miami-Dade County the attached resolution.
2. The boat house is considered a historic structure as it: (1) may be the last remaining structure of its kind on the island; and, (2) is located on land that was owned by the Matheson family since 1909.
3. The boat house shall not be demolished unless a demolition order is approved by the Village Council. The order shall only be issued following a public hearing the notice procedures consistent with regulatory variances.
4. A marker shall be placed on the property which recites the historic importance of the site and the boat house.
5. Improvements to the boat house must be consistent with the original design of the structure.

Councilmember Fried made a motion to approve the variances according to staff's recommendations. The motion was seconded by Mayor Rasco.

The Mayor opened the public hearing. There were no speakers present. The Mayor closed the public hearing.

The request was approved by a 6-0 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

6. **ORDINANCES:** The Clerk read the following ordinance, on first reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-100(f)(3) OF THE ZONING AND LAND DEVELOPMENT REGULATIONS RELATING TO THE MAXIMUM PROJECTION OF DOCKS AND RELATED MARINE STRUCTURES INTO THE ATLANTIC OCEAN AND BISCAYNE BAY; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, PENALTY, AND AN EFFECTIVE DATE.**

Vice Mayor Oldakowski made a motion to adopt the ordinance on first reading. The motion was seconded by Councilmember Fried.

Director Kurlancheek addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Finlay B. Matheson, 480 West Matheson Drive; Jim Taintor, 355 Harbor Drive; Glen A. Larson, Dock and Marine Construction, Miami addressed the Council. The Mayor closed the public hearing.

Vice Mayor Oldakowski made an amending motion to eliminate "the Atlantic Ocean" throughout the ordinance. The motion was seconded by Councilmember Broucek and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

Councilmember Bass made an amending motion to allow mooring buoys beyond the 25 ft. from the bulkhead. The motion was seconded by Councilmember Fried and approved by a 6-1 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters and Mayor Rasco voting Yes. Vice Mayor Oldakowski voting No.

The ordinance as amended was adopted on first reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The Clerk announced the second reading on June 11, 2002.

The Clerk read the following ordinance, on second reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-197 "SUPPLEMENTAL REGULATIONS" OF CHAPTER 30 "ZONING AND LAND DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES OF KEY BISCAYNE TO REGULATE SIGNAGE ON GOLF CARTS; AMENDING SECTION 30-11 REGARDING THE DEFINITION OF VEHICLE SIGN; AMENDING SECTION 26-23 OF CHAPTER 26 "TRAFFIC AND VEHICLES" TO ADD PARAGRAPH (C) REGARDING PARKING OF GOLF CARTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Fried made a motion to adopt the ordinance on second reading. The motion was seconded by Councilmember Fein.

Director Kurlancheek addressed the Council regarding this ordinance.

Councilmember Peters made an amending motion to eliminate the permitting process. The motion was seconded by Councilmember Bass and approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

The Mayor opened the public hearing. Patricia Romano, 361 Beechwood, Patricia Riestra Villa, 150 Ocean Lane Drive and Jim Taintor, 355 Harbor Drive addressed the Council. The Mayor closed the public hearing.

Councilmember Bass made an amending motion to allow signs on top of golf carts to be 6" high and 2' long. The motion was seconded by Councilmember Peters and failed by a 2-5 voice vote. The vote was as follows: Councilmembers Bass and Peters voting Yes. Councilmembers Broucek, Fein, Fried, Vice Mayor Oldakowski and Mayor Rasco voting No.

The ordinance as amended was adopted on second reading by a 7-0 roll call vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

**7. RESOLUTIONS:** The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; AMENDING RESOLUTION NO. 2002-02 TO INCLUDE THE EXPENDITURE OF FUNDS FOR PHASE I AND SITE INFRASTRUCTURE WORK FOR THE CIVIC CENTER TO INCLUDE TELECOMMUNICATIONS, CABLING, AND RELATED WORK WITHOUT INCREASING THE BUDGET FOR SAID PHASE I WORK; PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Fried made a motion to approve the resolution. The motion was seconded by Councilmember Broucek.

Director Kurlancheek addressed the Council regarding this resolution.

The resolution was approved by a 7-0 voice vote. The vote was as follows: Councilmembers Bass, Broucek, Fein, Fried, Peters, Vice Mayor Oldakowski and Mayor Rasco voting Yes.

**8. REPORTS AND RECOMMENDATIONS:** The following items were discussed:

Mayor and Councilmembers. Councilmember Broucek addressed the Council regarding the work being done by Miami-Dade County at the end of Ocean Lane Drive requesting that the Manager contact the appropriate Department at Miami-Dade County in order to expedite this work. There was no objection to the request.

Village Attorney. The Attorney did not submit a report.

Village Clerk. The Attorney did not submit a report.

Village Manager. The Manager addressed the Council regarding the presentation of the survey preliminary results by Leisure Vision and the other items on the report submitted to Council by the Community Center Committee.

Vice Mayor Oldakowski requested to meet at 6:00 p.m. on June 11, 2002 to discuss the Community Center. There was no objection to the request.

**9. OTHER BUSINESS/GENERAL DISCUSSION:** Councilmember Fein addressed the Council regarding graffiti on the walls at the Arcade Shopping Center.

10. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.

11. **ADJOURNMENT:** The meeting was adjourned at 9:45 p.m.

***Respectfully submitted:***

***Conchita H. Alvarez, CMC***

***Village Clerk***

***Approved this 11th day of June, 2002:***

***Joe I. Rasco***

***Mayor***

***IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.***