

MIAMI SHORES PLANNING AND ZONING BOARD
Planning and Zoning Department Staff Report

Hearing Date	February 25, 2016	Meeting Time	7:00 P.M.
File Number	PZ-02-16-201614	Folio Number	11-3205-014-0020
Owner	Nancy Cigno Margolis		
Applicant	Same		
Agent	Brian Moretti		
Property Address	1301 NE 100th Street		
Legal Description	GORDON TRACTS PB 55-20 TRACT B LOT SIZE 24,394 SQ FT OR 18814-0493 09 1999 1 COC 22417-1109 06 2004 1	Assessor's Building Value	N/A
Property Sq. Ft.	24,394	Building Sq. Ft.	4,320
		Flood Zone	VE11
Zoning	R35	Future Land Use Designation	Single Family Residential
Existing Use	One-family dwelling	Comprehensive Plan Consistency	Yes
Existing Structure	1 story; 4 bed/5 bath	Year Built	1955
Subject	Pursuant to Articles IV, V and VI of Appendix A Zoning, Sec. 400 Schedule of Regulations, Sec. 534 and Sec. 600. Site plan review and approval required. Waterfront development. Seawall repair, dock and boatlift.		
Action Required	Approve, Approve with Conditions, or Deny the Application	Other Required Approvals	Village Building Permits MDDRER/EPRD
Staff Report	David A. Dacquisto, Director, Planning and Zoning	Report Date	February 17, 2016

Background

The applicant has a residence on Biscayne Bay.

The applicant is proposing to construct a 6 ft. wide dock 35 ft. into Biscayne Bay with an additional 14 ft. wide 12 ft. long extension 48 ft. into the. The dock is located 14.5 ft. from the southerly side plot. The applicant is also proposing to construct a 20,000 LB cradle lift beside the dock.

There seawall is also being reconstructed.

The property is located in the VE11 special flood hazard area.

Analysis

The Project has preliminary approval from Miami-Dade RER Natural Resources Division (formerly DERM).

The proposed work is located outside the D5 Triangle:

The Miami-Dade Department of Regulatory and Economic Resources – Environmental Resources Management uses the “CLASS I Permit Application For Coastal Construction and Mangrove Trimming within Miami-Dade County” to review and permit the construction of docks.

The following information is contained within that document:

What is a Class I permit?

Section 24-48 of the Miami-Dade County Code requires that a Miami-Dade County Class I permit be obtained prior to performing any work in, on, over or upon tidal waters or coastal wetlands anywhere in Miami-Dade County including any of the municipalities located within the county. This permitting requirement applies to most work with the exception of a few specific types of minor projects listed on page 6 of this package. A Class I Permit is also required for most mangrove trimming, alteration or removal.

What other permits are needed before I can start work?

The following is a list of other agencies that may have jurisdiction over these projects and some or all require you to obtain a permit for your project. Please be advised that their involvement will depend upon the location, nature, type and size of the project. Please refer to the enclosed list of permitting contacts for names, addresses and telephone numbers:

1. Local Municipality (structural, zoning, building)
2. Construction, Permitting and Building Code Division of RER (if located in unincorporated Miami-Dade County)
3. South Florida Water Management District (SFWMD)
4. Florida Department of Environmental Protection (FDEP)
5. U.S. Army Corps of Engineers (USACE)

What is a D-5 boundary?

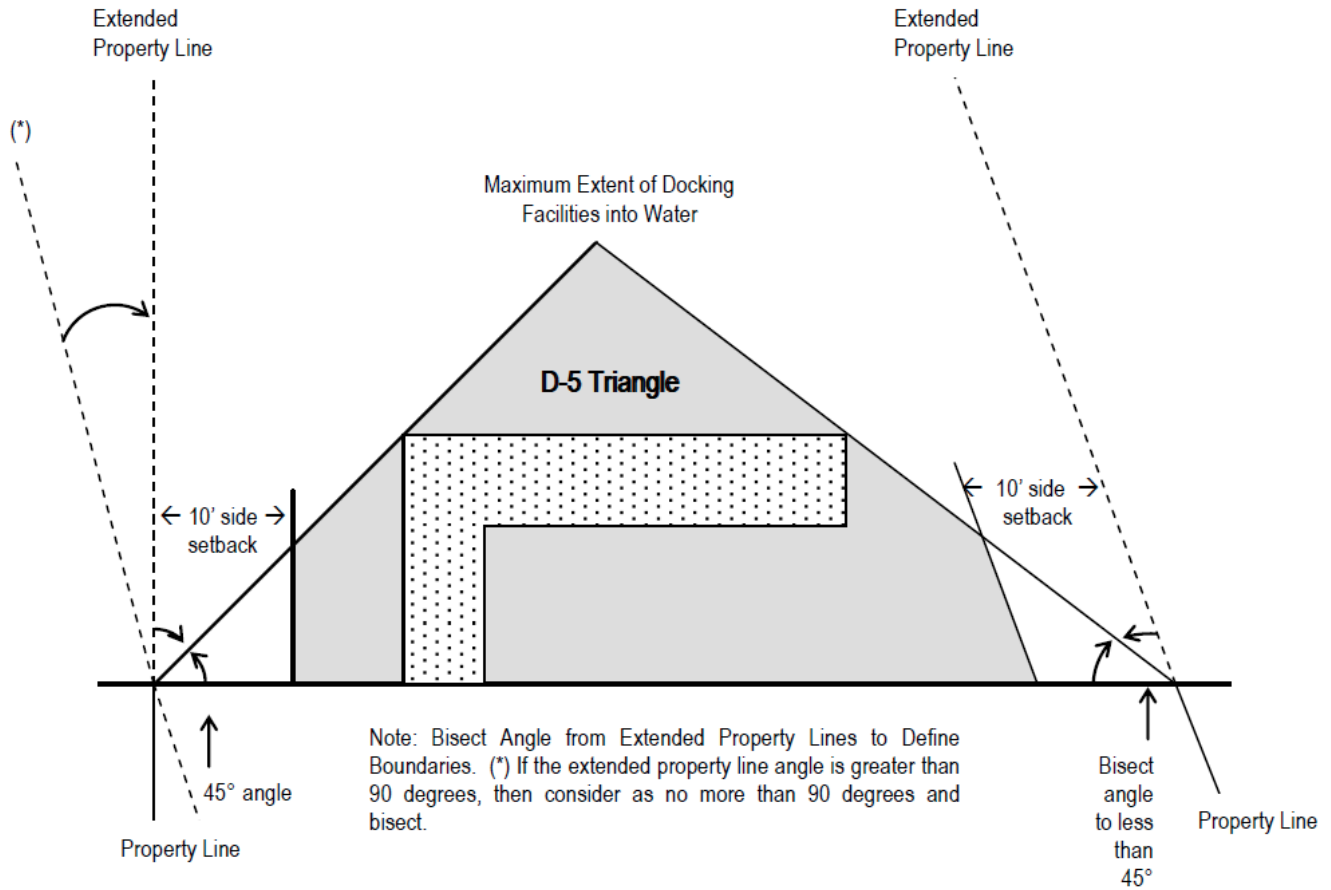
The D-5 boundary is a theoretical boundary waterward of a property, the intent of which is to protect your neighbor’s visual and physical access to the water. Please refer to the enclosed diagram on page 14 of this package.

What if the project extends beyond the D-5 boundary?

Projects should be designed to be located within this boundary if at all possible. If, however, a submitted project is designed such that it extends beyond the D-5 boundary(ies), a letter(s) of consent from the adjacent property owner(s) may be necessary.

Note: Please design project within boundaries as indicated if possible

GUIDELINES FOR SINGLE FAMILY RESIDENTIAL PROPERTY



Piers and docks at right angles to the shoreline, or nearly so, shall be located not closer to the side property line, or said line extended, than a distance equal to the length of the pier or dock itself, provided however, no such distance shall be less than 10 feet.

CLASS I PERMIT APPLICATION

LETTER OF CONSENT

Note: Please insert applicable information

Date: _____

Miami-Dade County RER
Class I Permitting Program
701 NW 1st Court
Miami FL, 33136

Re: Letter of Consent for Miami-Dade County RER Class I Permit Application Number
_____, (insert Class I Permit application number), for work proposed at

(insert address of proposed work)

Ladies and Gentlemen:

I, _____ (insert name), am the owner of the property located at

(insert address of adjoining riparian property)

which is an adjoining riparian property to the above-referenced property. I have reviewed the
plans entitled _____
(insert title of plans)

prepared by _____ dated _____, and preliminarily
approved by RER on _____ for the above-referenced project. Pursuant to
Section 24-48.3(1)(j)(iii) of the Code of Miami-Dade County, Florida, I hereby consent to the
above-referenced project.

Sincerely,

Adjoining Riparian Property Owner

SUBSCRIBED AND SWORN TO ME THIS _____ DAY OF _____,
20_____, BY _____.

PERSONALLY KNOWN PRODUCED IDENTIFICATION (PLEASE CHECK ONE)

TYPE OF ID PRODUCED _____

NOTARY PUBLIC

The document sets out the purpose of the D5 Triangle, “The D-5 boundary is a theoretical boundary waterward of a property, the intent of which is to protect your neighbor’s visual and physical access to the water.”

The document then sets out to protect the D5 Triangle, “Projects should be designed to be located within this boundary if at all possible.” The document goes on to say, “If, however, a submitted project is designed such that it extends beyond the D-5 boundary(ies), a letter(s) of consent from the adjacent property owner(s) may be necessary.”

The use of the words “may be required,” leaves some ambiguity that DRER explains means that no letters will be required if DRER choses a site that meets the depth requirements for a dock and boat lift and there is no aquatic vegetation present.

Neighbors are aware of the proposal.

Recommendation

In acting on a site plan, the Planning Board must make a finding that the proposed improvements comply with the regulations and are harmonious with the community, as required in Articles IV, V and VI of Appendix A Zoning, Sec. 400 Schedule of Regulations, Sec. 534 and Sec. 600, of the Code of Ordinances, and, in that regard, may add further conditions or delete or modify staff recommended conditions, deny the application, or continue the item for future consideration.

Planning and Zoning staff recommends APPROVAL of the site plan to construct a dock 48 ft. into the bay, and a 20,000 LB boat lift, based on the foregoing analysis with a finding that it is consistent with the technical provisions of the Code subject to the following conditions.

Should the board find that the applicant merits approval, staff recommends that the following conditions apply:

- 1) Approval is granted to construct a dock 48 ft. into the bay, and a 20,000 LB boat lift.
- 2) Applicant to secure final approval from the Department of Regulatory and Economic Resources, Natural Resources Division and the Army Corps of Engineers, before a building permit will be issued. MD DRER, NRD.
- 3) Applicant to comply with all requirements of FEMA, the NFIP and the Florida Building Code for construction in the VE11 special flood hazard area.
- 4) Applicant to add not less than four (4) solar lights on the four (4) piles of the boat lift and night time reflectors on all outside posts on the dock.
- 5) Applicant to meet all applicable code provisions at the time of permitting.
- 6) Applicant to obtain a building permit before commencing work.
- 7) This zoning permit will lapse and become invalid unless the work for which it was approved is started within one (1) year of the signing of the development order by the board chair, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.