

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

Hearing Date	January 28, 2016	Meeting Time	7:00 P.M.
File Number	PZ-01-16-2016007	Folio Number	11-3205-031-0040
Owner	Viktorinex LLC		
Applicant	Petra Mirova		
Agent	None		
Property Address	1450 NE 103rd Street		
Legal Description	REPLAT OF TR C MIAMI SHORES BAY PARK ESTS PB 64-97 LOTS 13 & 14 BLK 5 LOT SIZE IRREGULAR COC 25294-2627 01 2007 1	Assessor's Building Value	\$369,495
Property Sq. Ft.	29,086	Building Sq. Ft.	3,145
		Flood Zone	AE9
Zoning	R35	Future Land Use Designation	Single Family Residential
Existing Use	One-family dwelling	Comprehensive Plan Consistency	Yes
Existing Structure	1 story; 4 bed/4 bath	Year Built	1958
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 MD DRER, NRD
Staff Report	David A. Dacquisto, Director, Planning and Zoning	Report Date	January 7, 2016

**Background**

The applicant has a residence on the dead end canal between NE 103<sup>rd</sup> Street and NE 102<sup>nd</sup> Street. The residence is located along NE 103<sup>rd</sup> Street on the north side and near the beginning of the canal as it enters Biscayne Bay.

The applicant is proposing to construct a 62 ft. wide dock 5 ft. into the canal. The dock is located 10 ft. from the westerly side plot line and 70 ft. from the easterly side plot line. The applicant is also proposing to construct a 20,000 LB cradle lift an additional 14 ft. into the canal. The construction will project approximately 19 ft. into the canal.

The canal is approximately 80 ft. wide at that location. The 19 ft. extension into the canal is approximately 24 % of the canal width.

The project also involves work to improve the existing seawall

There are no modifications proposed to the seawall or landward on the plot.

The property is located in the AE9 special flood hazard area.

**Analysis**

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

The proposed work is within the D5 Triangle and does not require letters of approval from the neighbors on either side of the plot.

The project extends 19 ft. into the canal representing 24% of the width of the canal. DERM may approve an intrusion of up to 25% of the canal width.

The proposal is consistent with the technical provisions of the Zoning Code.

### **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 62 ft. wide dock extending 5 ft. into the canal, a boat lift extending an additional 14 ft. into the canal and to repair and improve a seawall, 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 for work inside the D5 Triangle to construct a 62 ft. wide dock extending 5 ft. into the canal, a boat lift extending an additional 14 ft. into the canal and to repair and improve a seawall.
- 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 AE9 special flood hazard area.
- 4) Applicant to add not less than two (2) solar lights on the outside 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.