

NOTE: A three-minute maximum time limit will be imposed on all comments from the public, regardless of the subject matter. A request form is available from the Deputy Town Clerk; fill it in and return it to her prior to the start of the meeting. When you speak, you must come to the podium in the front and clearly state your name and address for the record. Please turn off or mute your cell phone or pager

TOWN OF BAY HARBOR ISLANDS
QUASI-JUDICIAL PUBLIC HEARING
AGENDA
June 9, 2014

AGENDA

CALL TO ORDER: Set for Approximately 7:00 p.m.

PLEDGE OF ALLEGIANCE

PRESENTATION: Student of the Year - Jessica Burnstein - Miami Beach Sr. High School, Gabriela Rivera - Ruth K. Broad Bay Harbor Elementary K-8 Center and Helena Epstein - Nautilus Middle School

ROLL CALL

1. Public hearing for the purpose of hearing any public comment with respect to an application for variances for the property located at 9405 East Broadview Drive, lots E 1/2 of lot 92 and all of Lot 93, Block 23, Bay Harbor Islands, Florida. This application for variances is requested by property owners John Bussel and Laura Alonso-Gallo. Enclosed is a copy of the letter of hardship, the application, plans, and a memorandum from Town Planner Miller.
2. Approval or denial of the above variance request: As required by Sec. 2-22 of the Town Code, at this public hearing the Town Council shall determine whether to grant or deny the application for variance. An affirmative vote of five Council members is necessary in order to grant the request. The decision of the Town Council is final. If the request is granted, the decision of the Town Council shall be recorded in a resolution to be prepared by the Town Attorney. As always, any approval of the Town Council is subject to other requirements of the Town Code, County Code, Florida Building Code, FEMA, etc.

CONCLUSION OF PUBLIC HEARING - Approximately 7:30 p.m.

Pursuant to Florida Statutes 286.0105, the Town hereby advises the public that should any person decide to appeal any decision of the Town Council with respect to any matter to be considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose he or she 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.

AGENDA ITEM REPORT

June 9, 2014

ITEM NUMBER: 1.

ITEM: Public hearing for the purpose of hearing any public comment with respect to an application for variances for the property located at 9405 East Broadview Drive, lots E 1/2 of lot 92 and all of Lot 93, Block 23, Bay Harbor Islands, Florida. This application for variances is requested by property owners John Bussel and Laura Alonso-Gallo. Enclosed is a copy of the letter of hardship, the application, plans, and a memorandum from Town Planner Miller.

DESCRIPTION:

The variances requested are as follows:

Variance from Section 23-12(6)(a)(v) limiting docks to 4 feet in width for any portion extending more than 8 feet beyond the outside face of the seawall cap.

Variance from Section 23-12(6)(b)(iii) limiting boat lifts from extending more than 25 feet beyond the outside face of the seawall cap.

Complying with Section 23-12(6)(a)(x) allowing for further projections, through the use of a variance granted by the Town Council, if DERM requires alteration to the above limitation. Approval shall be limited to the minimal variation of the criteria necessary to meet the unique environmental characteristics of the site.

RECOMMENDED ACTION:

Council Discretion

FINANCIAL ANALYSIS:

BUDGET IMPACT:

Submitted By: Marlene Marante, Town Clerk

ATTACHMENTS

1.	Application	Variance Application - Bussel dock.pdf
2.	Staff Report	Miller report - variance.pdf

John Bussel
9405 East Broadview Drive
Bay Harbor Islands, Florida 33154

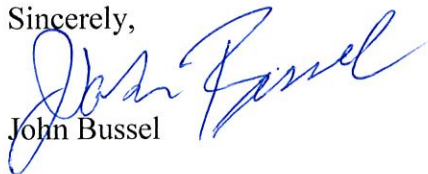
May 14, 2014

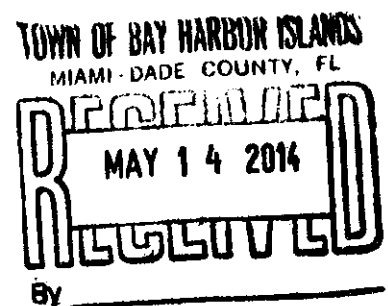
HARDSHIP LETTER

Dear Members of the Board:

I am making the following variance request to extend my dock and boat lift out beyond the existing code requirements. This is due to Miami Dade County DERM's requirements regarding water depth. Total projection of the dock and boat lift is 38'6" which is exactly DERM's recommendation. Disapproval of this variance we result in a undue hardship as I would not be able to have a dock on my waterfront property, which is the reason I purchased the property.

Sincerely,


John Bussel



APPLICATION FOR VARIANCE AND PUBLIC HEARING

DATE: 5/14/14	PROPERTY ADDRESS: 9405 East Broadview Drive	
LEGAL DESCRIPTION	LOT: e 1/2 of 92493	BLOCK: 23
SUBDIVISION:	TOWN OF BAY HARBOR ISLANDS	

APPLICANT'S NAME:	John Busse / & Laura Alonso - Gallo		
ADDRESS:	801 Brickell Avenue, Suite 2350, Miami, FL 33131		
BUSINESS PHONE: 305 496-2332	RESIDENCE PHONE:	CELL PHONE:	

PROPERTY OWNER'S NAME: (If different from applicant)	N/A		
ADDRESS:			
BUSINESS PHONE:	RESIDENCE PHONE:	CELL PHONE:	

NAME OF CONTRACTOR and/or ARCHITECT:	Robert Rossi		
COMPANY NAME:	Southern Marine Construction, Inc.		
ADDRESS:	P.O. Box 414194, Miami Beach, FL 33141-0194		
BUSINESS PHONE: 305-861-2764	RESIDENCE PHONE:	CELL PHONE: 305-613-6377	

PRESENT ZONING CLASSIFICATION:

☐ BAA - Business District	☐ CA - Causeway
☐ RBA - Tract	☐ RE - Multiple Family
☒ RD - Single Family	☐ PUD - Planned Unit Development
☐ PRD - Planned Residential Development	

IF APPLICANT IS THE PROPERTY OWNER, INDICATE DATE ACQUIRED: 10 / 01 / 2002

IF APPLICANT IS THE LESSEE, INDICATE LEASE DATE: ____ / ____ / ____

INDICATE TERMS OF LEASE:	

LEGAL DESCRIPTION OF ANY CONTIGUOUS PROPERTY OWNED BY THE APPLICANT:

LOT: E 1/2 92 ALL 07 93	BLOCK: 73	SUBDIVISION: Town of Bay Harbor Islands
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IS THERE AN OPTION TO PURCHASE OR LEASE THE SUBJECT PROPERTY? ☐ Yes ☒ No

IS IT PREDICATED ON APPROVAL OF APPLICATION? ☐ Yes ☐ No

IS HEARING BEING REQUESTED AS A RESULT OF A VIOLATION NOTICE? ☐ Yes ☒ No

HAS A PUBLIC HEARING PREVIOUSLY BEEN HELD REGARDING THIS PROPERTY? ☐ Yes ☒ No
IF YES DATE: _____ DECISION: _____

ARE THERE ANY EXISTING STRUCTURES ON THE PROPERTY TO BE DEMOLISHED? ☐ Yes ☒ No
DESCRIBE: _____

BRIEFLY STATE REQUEST:	Installation of new dock & boat lift as per DERM's requirements Total projection of dock & boat lift is 38' 6".
------------------------	--

THE FOLLOWING ARE TO BE NOTIFIED OF HEARING DATE, AS MY REPRESENTATIVE(S):
(Please provide this information, or they will NOT be notified)

NAME	ADDRESS	PHONE
Robert Rossi	P.O. Box 414194 Miami Beach, FL 33141-0194	305-861-2764 305-613-6377

Applicant Signature(s) X

[Handwritten Signature]
[Handwritten Signature]

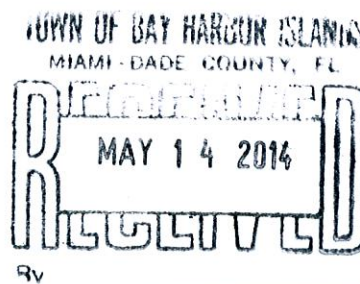
Date 5/12/2014

Date 5/12/2014

Date 1/1

ALL INFORMATION SUBMITTED IN CONNECTION WITH THIS APPLICATION BECOMES A PERMANENT PART OF THE PUBLIC RECORDS OF THE TOWN OF BAY HARBOR ISLANDS.

(FOR OFFICE USE ONLY)
APPROVED: ☐ YES ☐ NO
DATE APPROVED: 1/1
CODE SECTION: _____



c:\all\gnl\forms\variance.app

**REQUEST FOR VARIANCE
OWNER AFFIDAVIT**

DATE: 5/14/2014

The subject property is legally described as:

LOT: <u>E1/2 92-93</u>	BLOCK: <u>23</u>	SUBDIVISION: <u>BAY HARBOR ISLANDS</u>
ADDRESS: <u>9405 EAST Broadview Drive</u>		

I (we), John Busse & Laura Alonso-Gallo, being first duly sworn, depose and say that I am (we are) the owner(s) of the property described and which is the subject matter of the proposed hearing; that all the answers to the questions in this application and all supplemental data attached to and made a part of the application are honest and true to the best of my knowledge and belief.

I (we) hereby authorize the Town of Bay Harbor Islands to enter the subject property for the sole purpose of posting a NOTICE OF PUBLIC HEARING on the property as required by the Town Council, and do take the responsibility of removing this notice after the date of the hearing.

X [Signature]
Signature of Owner

X [Signature]
Signature of Co-owner

Before me this day personally appeared

John Busse
known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that _____ executed this document for the purposes therein expressed.

Before me this day personally appeared

Laura Alonso-Gallo
known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that _____ executed this document for the purposes therein expressed.

Sworn to and subscribed to before me this 12
day of May, 2014.

[Signature]
Notary Public

Sworn to and subscribed to before me this 12
day of May, 2014.

[Signature]
Notary Public

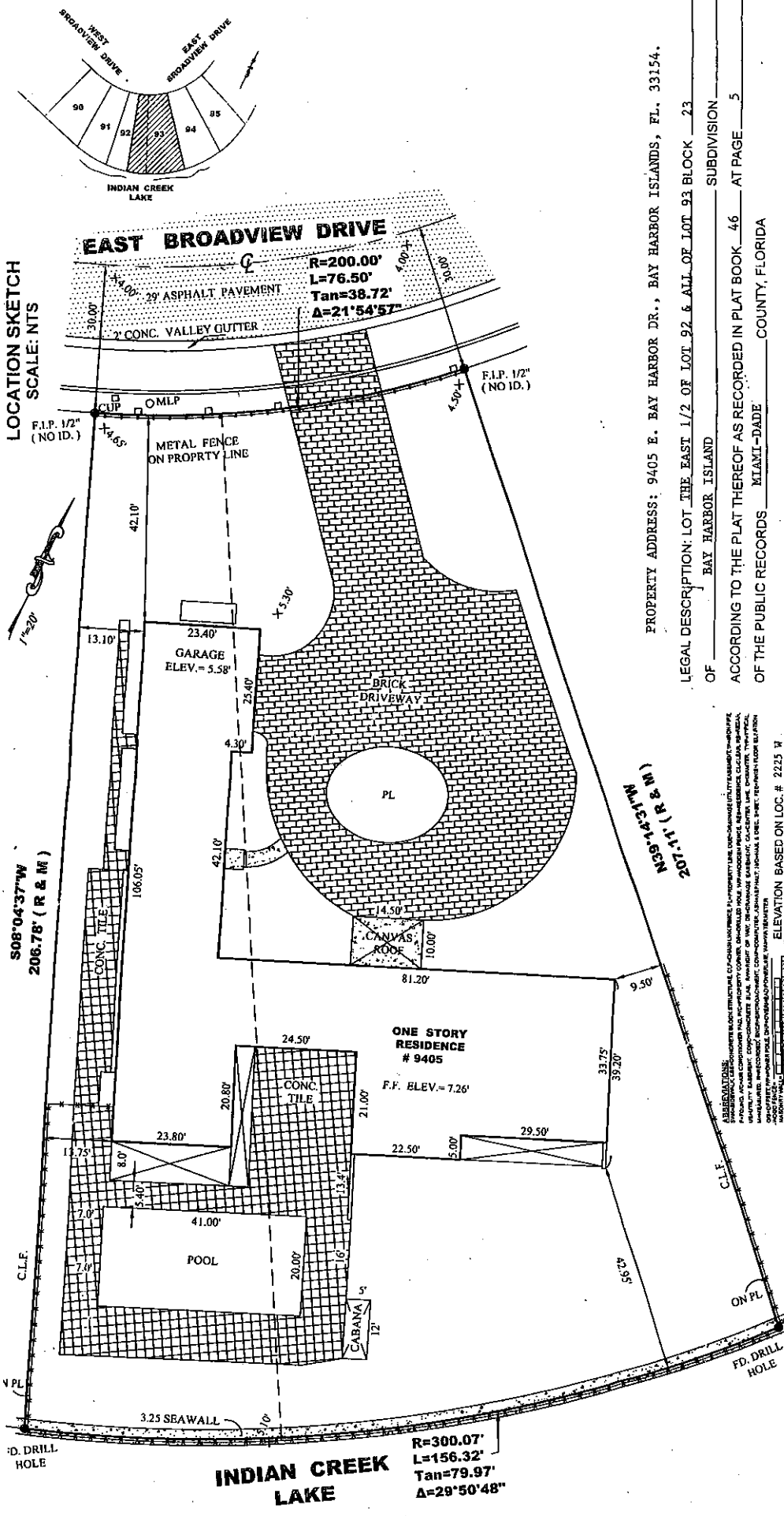
My commission expires: Sept 15, 2014 Personally known _____ Produced I.D. Florida Driver's License
Type/number of I.D. B440-473-69-412-0

☒ DID TAKE an oath, or
_____ DID NOT take an oath

My commission expires: Sept 15, 2014 Personally known _____ Produced I.D. Florida Driver's License
Type/number of I.D. A452-535-65-830-0

☒ DID TAKE an oath, or
_____ DID NOT take an oath





PROPERTY ADDRESS: 9405 E. BAY HARBOR DR., BAY HARBOR ISLANDS, FL. 33154.

LEGAL DESCRIPTION: LOT THE EAST 1/2 OF LOT 92 & ALL OF LOT 93 BLOCK 23 OF BAY HARBOR ISLAND SUBDIVISION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46 AT PAGE 5 OF THE PUBLIC RECORDS MIAMI-DADE COUNTY, FLORIDA

BLANCO SURVEYORS INC.
 Engineers • Land Surveyors • Planners • LB # 0007089
 655 NORTH SHORE DRIVE
 MIAMI BEACH, FL 33141
 (305) 865-1200 Email: blancosurveyorsinc@yahoo.com Fax: (305) 865-7810

SINCE 1987

THIS SURVEY CERTIFY That the survey represented thereon meets the minimum technical requirements adopted by the STATE OF FLORIDA Board of Land Surveyors pursuant to Section 472.027 Florida Statutes. There are no encroachments, overlaps, easements appearing on the plat or visible easements other than as shown hereon.

Adrian M. Blanco
 ADRIAN M. BLANCO
 REGISTERED LAND SURVEYOR
 STATE OF FLORIDA #5924

FLOOD ZONE: AE
 PANEL: 0144
 DATE: 9/9/13
 SCALE: 1"=20'

SUFFIX: L
 DATE: 9/11/09
 BASE: 8'
 COMMUNITY # 120637
 JOB NO: 13-710
 # of Sheets: 13-710

SURVEYOR'S NOTES: 1) OWNERSHIP SUBJECT TO OPINION OF TITLE. 2) NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR. 3) THE SURVEY DEPICTED HEREIN IS NOT ORDERED BY PROFESSIONAL LIABILITY INSURANCE. 4) ELEVATION DATA PROVIDED BY CLIENT. 5) UNLESS OTHERWISE NOTED, ELEVATIONS ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1988. 6) THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. 7) CONTACT THE APPROPRIATE AUTHORITY PRIOR TO ANY DESIGN WORK FOR BUILDING ZONING INFORMATION. 8) EXAMINATION OF THE ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING THIS PROPERTY.

Without written consent of the signing party or parties, additions or deletions to survey maps or reports by other than the signing party or parties is prohibited. BEARINGS WHEN SHOWN ARE REFERRED TO AN ASSUMED VALUE OF SAID PB. 46 PAGE 5

NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL

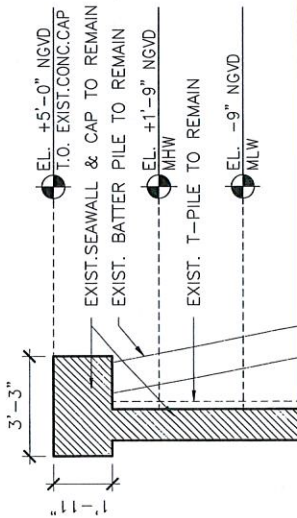
REVISED:

GENERAL NOTES

DESIGN: IN ACCORDANCE WITH FBC 2010 EDITION & ASCE 7-10
 PILE NOTES: ALL WOOD PILES TO BE SOUTHERN PINE AND COMPLY WITH A.S.T.M. #25-79 AND BE PRESSURE TREATED W/ C.C.A. FEDERAL SPECIFICATIONS TT-W-550D(1) OR TT-W-00550E(1) AND AWFA-MP-4. PILES TO HAVE A MIN. DIA. OF 12" PRESTRESSED CONCRETE. RECOGNIZED TESTING LABORATORY TO VERIFY CONCRETE ATTAINING A STRENGTH OF 6000 psi IN 28 DAYS. CONCRETE SHALL ATTAIN A STRENGTH OF 3500 psi BEFORE STRANDS ARE RELEASED. REINFORCING SHALL BE PER ASTM A416-682OK STRANDS WITH #5 GAUGE WIRE SPIRALS AT AN 8 INCH PITCH EXCEPT AT ENDS WITH 6 TURNS AT A 3 INCH PITCH. MINIMUM PENETRATION OF ALL PILES TO BE AS FOLLOWS:
 INTO BEDROCK- 6 FEET MIN.

MINIMUM SAFE BEARING: 10 TONS WOOD PILE & 25 TONS CONCRETE PILE
 CONCRETE: CONCRETE FOR THE CAP SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 5000 psi AT THE END OF 28 DAYS. REINFORCING STEEL: ALL REINFORCEMENT SHALL BE 60K psi MINIMUM YIELD NEW BILLET STEEL IN ACCORDANCE WITH ASTM A615 GRADE 60. ALL BAR LAPS SHALL BE A MINIMUM OF 48 BAR DIAMETERS. PLACING OF REINFORCEMENT SHALL CONFORM TO THE LATEST ACI AND MANUAL OF STANDARD PRACTICE CODES.
 STRUCTURAL LUMBER: ALL DIMENSIONAL LUMBER TO BE PRESSURE TREATED, #1 GRADE S.P. OR BETTER (BEAMS TO BE NON-DENSE SELECT STRUCTURAL) AND COMPLY WITH NSD 2005 SPECIFICATIONS.
 HARDWARE: ALL HARDWARE TO BE HOT DIPPED GALVANIZED ACCORDING TO ASTM A-153-80 OR AS SPECIFIED.
 BOLTS: ALL MACHINE BOLTS TO BE HOT DIPPED GALVANIZED ACCORDING TO ASTM A307-83A.
 DESIGN LOADS: 50lbs/FT² OF LIVE LOADS, 6.5lbs/FT² OF DEAD LOADS

- ALL EXISTING STRUCTURES TO REMAIN UNLESS OTHERWISE NOTED TO BE REMOVED.
 - THIS DRAWING IS THE PROPERTY OF SOUTHERN MARINE CONSTRUCTION, INC. AND IS AN INSTRUMENT OF SERVICE NOT TO BE REPRODUCED IN WHOLE OR PART WITHOUT THE EXPRESSED WRITTEN PERMISSION OF SOUTHERN MARINE CONSTRUCTION, INC.



EXISTING SEAWALL SECTION

1/4" = 1'-0"

INDIAN CREEK LAKE

EXISTING SEAWALL AND
CAP TO REMAIN

PROPERTY LINE

156.32'

EXISTING CONDITIONS PLAN

1" = 20'-0"



PROPOSED DOCK AND BOATLIFT FOR:

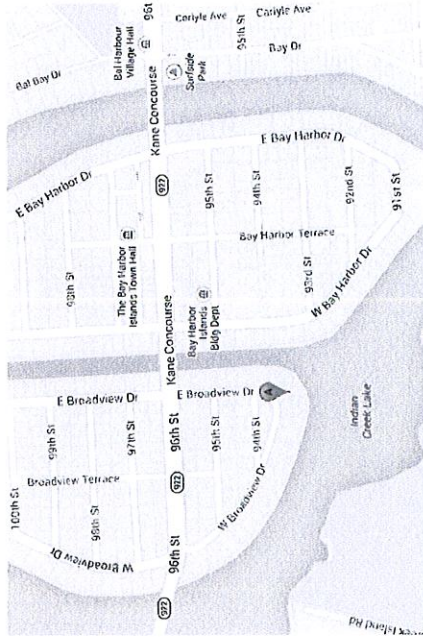
MR. JOHN BUSSEL
 9405 EAST BROADVIEW DRIVE
 BAY HARBOR ISLANDS, FLORIDA

CONSULTING ENGINEER:

J.N. SHEINGOLD P.E.
 PE #21181
 12420 SW 75 AVENUE
 MIAMI, FLORIDA 33156

OFFICE: 305 966 7002
 FAX: 305 253 4455

[Handwritten signature]



LOCATION MAP

N.T.S.

LOT LOCATION



VICINITY MAP

N.T.S.



Southern Marine Construction, Inc.
 - Custom Docks
 - Boatlifts
 - Pile Driving
 - Environmental Planning & Permits
 www.southernmarineconstruction.com
 305-861-2764 (o)
 305-865-4949 (f)

PROPOSED DOCK AND BOATLIFT
 OWNER
 JOHN BUSSEL
 9405 East Broadview Drive
 Bay Harbor Islands, Florida

CONSULTING ENGINEERS
 J.N. SHEINGOLD P.E.
 12420 SW 75 AVENUE
 MIAMI, FLORIDA 33156
 (O) 305 966 7002
 (F) 305 253 4455
 PE #21181

A-1
 1 OF 3

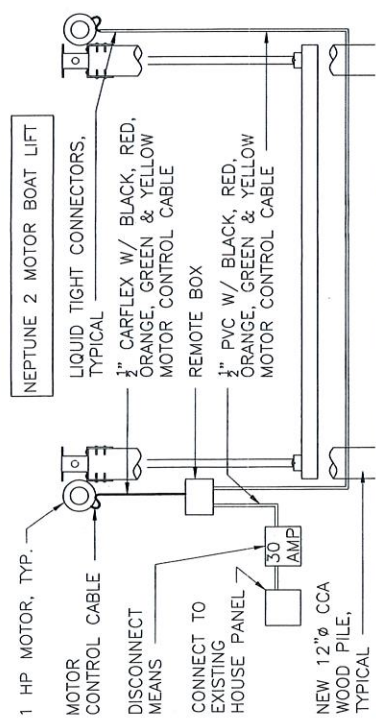


DERM Coastal Section
PRELIMINARY APPROVAL
 Name: [Signature]
 Date: 5/13/14

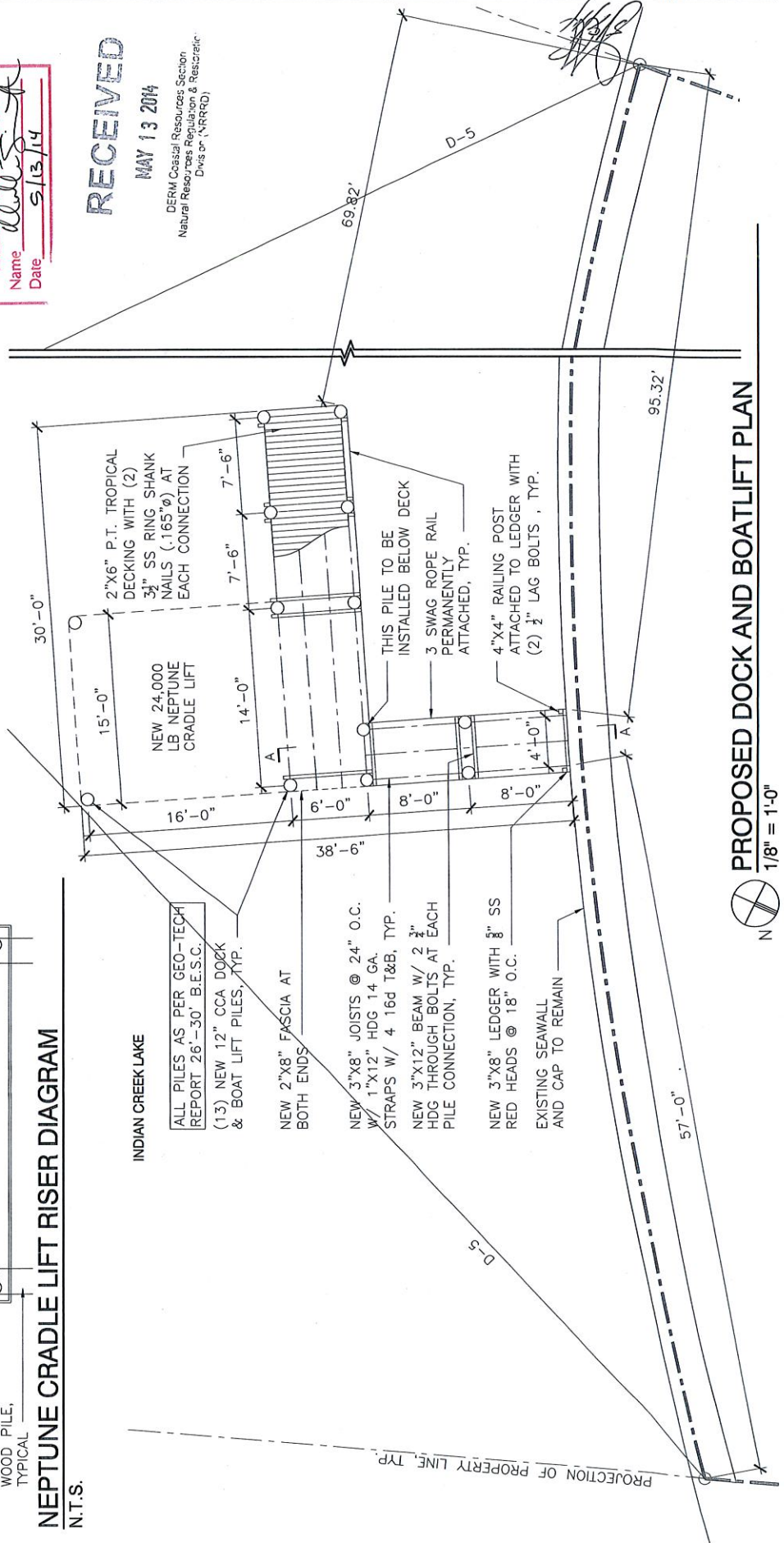
RECEIVED

MAY 13 2014

DERM Coastal Resources Section
 Natural Resources Regulation & Restoration
 Division (NRRD)



NEPTUNE CRADLE LIFT RISER DIAGRAM
 N.T.S.



INDIAN CREEK LAKE

ALL PILES AS PER GEO-TECH
 REPORT 26"-30" B.E.S.C.
 (13) NEW 12" CCA DOCK
 & BOATLIFT PILES, TYP.

NEW 2"x8" FASCIA AT
 BOTH ENDS

NEW 3"x8" JOISTS @ 24" O.C.
 W/ 1"x12" HDG 14 GA.
 STRAPS W/ 4 16d T&B, TYP.

NEW 3"x12" BEAM W/ 2 1/2"
 HDG THROUGH BOLTS AT EACH
 PILE CONNECTION, TYP.

NEW 3"x8" LEDGER WITH 3/8" SS
 RED HEADS @ 18" O.C.
 EXISTING SEAWALL
 AND CAP TO REMAIN

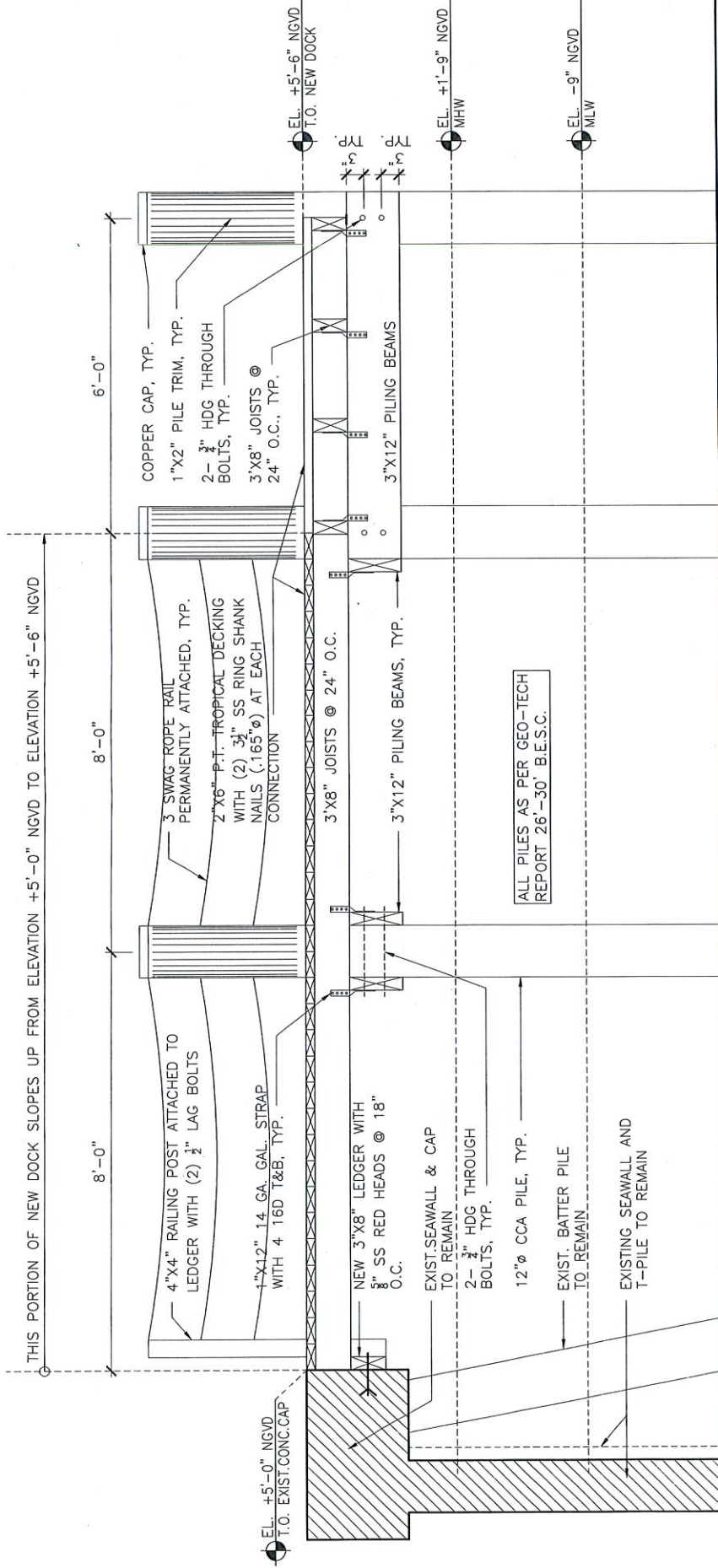
THIS PILE TO BE
 INSTALLED BELOW DECK
 3 SWAG ROPE RAIL
 PERMANENTLY
 ATTACHED, TYP.

4"x4" RAILING POST
 ATTACHED TO LEDGER WITH
 (2) 1/2" LAG BOLTS, TYP.

2"x6" P.T. TROPICAL
 DECKING WITH (2)
 3/4" SS RING SHANK
 NAILS (.165" Ø) AT
 EACH CONNECTION

NEW 24,000
 LB NEPTUNE
 CRADLE LIFT





SECTION AA

1/2" = 1'-0"

**DERM Coastal Section
 PRELIMINARY APPROVAL**
 Name John Bussel
 Date 5/13/14

RECEIVED

MAY 13 2014

DERM Coastal Resources
 Natural Resources Regulation
 Division

[Signature]

JOHN BUSSEL

9405 EAST BROADVIEW DR
BAY HARBOR ISLANDS

FRONT



BACK



Looking EAST



Looking WEST



**TOWN OF BAY HARBOR ISLANDS
COMMUNITY DEVELOPMENT
MEMORANDUM**

To: Mayor and Town Councilmembers
Town of Bay Harbor Islands

CC: Ron Wasson, Town Manager
Marlene Marante, Town Clerk

From: Michael J. Miller, AICP *MJM*
Consultant Town Planner

Date: May 19th, 2014

Subject: Zoning Variance Application
John Bussel & Laura Alonso-Gallo
9405 E. Broadview Drive
Legal Description: E ½ of Lot 92 & all of Lot 93 / Block 23
Dock & Boat Lift Projection
Application Review Comments
MMPA Project No.: 01-0702-0989

ISSUE

The owner / applicant is requesting variances from the Town Code in order to construct a boat dock and boat lift that project further into Indian Creek Lake than the Town Code allows. The current Code provisions limit docks to 4 feet in width for any portion extending more than 8 feet beyond the seawall cap in this area. The applicant is seeking permission to construct a portion of the dock parallel to the seawall 6 feet in width. Further, the current Code provisions limit boat docks and boat lifts from extending more than 25 feet beyond the seawall cap. The applicant is seeking permission to construct a portion of the boat lift seaward of the seawall 38'-6" due to Miami-Dade requirements. There is a Code provision that allows for variances to be requested based on Miami-Dade's environmental review.

HISTORY / SPECIFIC VARIANCE REQUESTS

Our records indicate the applicant submitted a variance application to the Town in 2007 for a similar design; however, the process was never completed. As stated above, the Code allows for docks to vary in design, if the Miami-Dade Department of Regulatory and Economic Resources (formerly DERM) requires alterations to the above limitation, based on underwater conditions, such as depth of the water, existing sea-grass, etc. In this instance, an action by the applicant is not causing the hardship.

The applicant is seeking permission to construct an L-shaped dock, 30 feet in width, which extends 22 feet out from the seawall cap with a boat lift that extends out 38'-6" from the seawall cap. The boat lift is proposed between the parallel dock and two (2) mooring pilings. Again, the Code allows for docks to project further than the base limitations if Miami-Dade requires alterations to the above limitation, based on underwater conditions, such as depth of the bottom, existing sea-grass, etc. In this instance both the dock and pilings would comply with minimum Code requirements; however, the boat lift location and width of the parallel dock would not comply with Town Code criteria.

Following is a summary of the applicable Code provisions:

- Variance from Section 23-12(6)(a)(v) limiting docks to 4 feet in width for any portion extending more than 8 feet beyond the outside face of the seawall cap;
- Variance from Section 23-12(6)(b)(iii) limiting boat lifts from extending more than 25 feet beyond the outside face of the seawall cap;
- Complying with Section 23-12(6)(a)(x) allowing for further projections, through the use of a variance granted by the Town Council, if Miami-Dade requires alterations to the above limitations. Approval shall be limited to the minimal variation of the criteria necessary to meet the unique environmental characteristics of the site.

BACKGROUND

The Town has had land development regulations governing seawalls, docks, mooring piles and related structures for many years. A major Code analysis / rewrite was performed in late 2007. Former Mayor Peter Lynch, a professional boat captain, led efforts to update the Code provisions to include modern standards. Another study effort / Code update was undertaken in 2009-10 due primarily to address seawall heights but was never adopted. However, in November 2013 the Town Council finally amended this section of the Code to address the heights of future seawalls and again revised some of the regulations for docks, particularly to address the Miami-Dade restrictions caused by shallow water / environmental issues.

The Miami-Dade Property Appraiser website indicates that the subject home was built in 1954. The survey submitted (September 2013) indicates that currently, no dock exists. MMPA also notes that existing docks in this area are a mixture of docks running immediately adjacent to the seawall and docks extending out into the waterway, with similar designs to the one proposed.

The application package submitted included a Town variance application form, a property survey and a site plan / dock plan showing the location of the proposed dock designed by a dock contractor (Southern Marine Construction, Inc.). The applicant also included a letter from Miami-Dade, stating a recommended design is required in order to meet the minimum required water depth. The proposed plans appear follow the county's recommended design.

ANALYSIS

As per the Town's request, MMPA has completed our review of the variance application and provide the following analysis and comments.

Michael Miller Planning Associates, Inc.

The subject property is located on the southeastern tip of the West Island facing the Indian Creek Lake. Per the Town Code, docks are limited to 4 feet in width for portions extending more than 8 feet beyond the outside face of the seawall cap. Also, the Code limits docks from extending out more than 25 feet from the seawall, unless Miami-Dade requires alterations to the above limitation. In which case, the Town Council can grant a variance that is limited to the minimal variation of the stated criteria necessary to meet the unique environmental characteristics of the site. Finally, the Code limits boat lifts from being constructed more than 25 feet from a seawall.

The Miami-Dade staff report states that normally 4 feet of water depth is required for a dock. The underwater land has silted in over the years and the minimum water depth cannot be met with a traditional dock design meeting the Town's Code. Therefore, Miami-Dade recommended a specific L-shaped design, which the proposed dock reflects. Miami-Dade has preliminarily approved the proposed dock design, subject to the Town's approval.

MMPA notes that the design shows an L-shaped dock with a section parallel to the seawall 30 feet in width projecting 22 feet out from the seawall cap with a boat lift that is proposed between the boat dock and two mooring pilings placed 38'-6" from the seawall cap. The portion of the proposed dock that is perpendicular to the seawall is four (4) feet in width, but the section that is parallel is requested to be six (6) feet in width. Again, Section 23-12(6)(a)(v) of the Town Code limits docks to 4 feet in width for any portion extending more than 8 feet beyond the face of the seawall cap. The Code allows variances to be granted, but they are specified to be the minimum necessary for compliance. There was no justification given as to why the parallel dock section has to be six (6) feet in width versus the normal four (4) feet width. Section 23-12(6)(a)(iii) of the Town Code limits boat docks from extending out more than 25 feet beyond the outside face of the seawall cap, unless Miami-Dade requests a variation due to water depth or environmental reasons. In this instance both the boat dock and mooring pilings comply with Town Code requirements. However, we note that Section 23-12(6)(b)(iii) of the Town Code limits boat lifts from extending out more than 25 feet beyond the outside face of the seawall cap. Since the seaward face of the dock must be placed out 22 feet from the seawall, any boat lift would need to be seaward from the outside face of the dock. The applicant is requested a 16-foot wide / 15-foot long boat lift area that will be established between the parallel dock and two pilings placed 38'-6" from the seawall. MMPA believes that a variance for the boat lift location is justifiable, as an action by the applicant is not causing the hardship.

Additionally, MMPA notes that the survey / plan show the existing seawall at a height of 5.0 feet NGVD. We have verified the seawall was rebuilt / raised few years ago. In November 2013, the Town passed an Ordinance which among other things regulates the height of seawalls. Section 23-12(10)(c) states that the elevation at the top of any seawall cap shall be 5.50 feet above Mean Sea Level (MSL) and that specific lots within the Town, which include the subject property, must be 6.0 feet above MSL. The existing seawall was built prior to the adoption of this ordinance; therefore, it is deemed legal non-conforming. It is substantially higher than other older seawalls in the area. The top of the new dock will match the seawall cap elevation.

CONCLUSION AND RECOMMENDATION

Based on the above analysis, MMPA recommends that the Town Council **APPROVE** the requested variances to allow the "L" shaped dock as proposed, except that the width of the parallel portion of the dock must be reduced to 4 feet (not 6 feet), as there is no justification.

Michael Miller Planning Associates, Inc.