



# Village of Biscayne Park

## Commission Agenda Report

**Village Commission Meeting Date:** July 7, 2015

**Subject:** Public Hearing - Variance Request

**Prepared By:** Maria C. Camara, Village Clerk

**Sponsored By:** Staff

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### Background

Property owners Gary & Jovita Nalepa at 775 NE 113<sup>th</sup> St. have submitted a request for a variance of the zoning code of the Village of Biscayne Park. The section of the code to be appealed is as follows:

*11.1.2(c) – Accessory structures should not be located in a required setback. Table A, Zone B – Minimum setback – street property line is 30’.*

The variance being requested is to allow an accessory structure (pool) to be located 11.9’ into side front setback.

The property owners filled out the Variance Application and paid the fee for the variance, advertising and notices. Along with the application, they have provided their letter of intent addressing the four required criterias, a recent survey, and architect’s plans.

On June 1, 2015, the variance request was heard before the Planning & Zoning Board. Property owners in the immediate area were notified of the meeting by mail. The Board approved the request, 3/0.

July 7, 2015

Commission Agenda Report

Public Hearing - Variance Request

Next the variance request was placed on the agenda for the July 7<sup>th</sup> Commission meeting. Property owners within a 500' radius of the property were noticed (65 properties). A notice was also published twice in the newspaper during the month of June.

### **Attachments**

- Variance Application
- Permit Application
- Letter of Intent
- Survey (2 pages)
- Architect drawings (3 pages)
- Impervious & Pervious Space Calculation Form
- Copy of notification of P&Z meeting on June 1<sup>st</sup>
- Copy of Notification of Commission meeting on July 7<sup>th</sup>
- Copy of two (2) ads placed in the DBR



VILLAGE OF BISCAYNE PARK

640 NE 114th St. Biscayne Park, FL 33161
Tel: 305 899 8000 Fax: 305 891 7241

VARIANCE APPLICATION

Pursuant to Section 15.3 of the Code of Ordinances of the Village of Biscayne Park, Florida, a property owner may request a variance of the zoning code.

Date: 4-21-15

PROPERTY ADDRESS: 775 NE 113 Street BISCAYNE PARK, FL 33161

PROPERTY OWNER

Name: Jovita Nalepa
Mailing Address: 775 NE 113 ST City: Biscayne Park ST: FL Zip: 33161
Telephone: (786) 277-0389
E-Mail Address: JOVITANalepa@gmail.com

Application is made for (type of variance requested): Request to allow placement of swimming pool + patio on side yard of corner lot

OWNER AFFIDAVIT

I, Jovita Nalepa, being first duly sworn, depose and say that I am the legal owner of record of the property described and which is the subject of the proposed variance, and that all statements and representations made are true and correct.

I acknowledge that I am subject to penalties of law, including the laws on perjury, and to possible revocation of this variance for any false or misleading statements in this application.

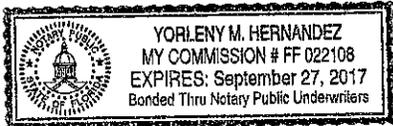
State of Florida
County of Dade

Signature of Property Owner (handwritten signature)

On this 21st day of April, 2015 before me, the undersigned notary public, personally appeared Jovita Nalepa, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained.

Personally Known -OR- Produced ID - Type of ID:

Signature of Notary Public



Date: 4-21-15

PROPERTY ADDRESS: 775 NE 13 ST

BISCAYNE PARK, FL 33161

**PLANNING & ZONING BOARD REVIEW**

Section(s) of the Code to be appealed for the variance request:

11.1.2(c) Accessory structures should not be located in a required setback. Table A - Zone B - Minimum setback - Street property line 30 ft. Variance Request: Allow pool 11'9" into side front setback.

Date of Meeting: 6/1/15

APPROVAL:  [Signature]  [Signature]  [Signature]  \_\_\_\_\_  \_\_\_\_\_

DENIED:  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_  \_\_\_\_\_

REASON FOR DECISION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PAID**

CHK. NO 4001  
DATE 5-18-15

[Signature]  
[Signature]

Tel: 305 899 8000  
Fax: 305 891 7241

VILLAGE OF BISCAYNE PARK  
PERMIT APPLICATION



Village of Biscayne Park  
640 NE 114th Street  
Biscayne Park, FL 33161  
building@biscayneparkfl.gov

DATE:

PERMIT #:

JOB ADDRESS: 775 NE 113 ST

**PROPERTY OWNER INFORMATION** **CONTRACTOR INFORMATION**

Name: GARY AND JOVITA NALEPA  
Address: 775 NE 113 ST  
City: BISCAYNE PARK ST FL Zip: 33161  
Telephone: 786 - 277 - 0389  
E-Mail: \_\_\_\_\_

Name: ESSIG POOLS, INC  
Address: 1800 NE 151 ST  
City: NORTH MIAMI ST FL Zip: 33162  
Telephone: 305 - 949 - 0000  
License No.: CPC052505

**PERMIT TYPE (Check ONLY one)** **TYPE OF WORK (Check ONLY one)**

- BUILDING
- ELECTRICAL
- MECHANICAL
- PLUMBING/GAS
- PAVING/DRAINAGE
- ROOFING
- CHANGE CONTRACTOR
- EXTENSION
- RENEWAL
- SHOP DRAWING
- PAINTING (exterior only)
- FENCE

- NEW CONSTRUCTION
- ADDITION DETACHED
- ALTERATION EXTERIOR
- REPAIR / REPLACE
- ALTERATION INTERIOR
- ADDITION ATTACHED

<b>ESTIMATED JOB COST</b>
<b>\$25,000</b>
<b>SQUARE FOOTAGE</b>
<b>1113</b>

**ARCHITECT / ENGINEER INFORMATION** **PROPERTY INFORMATION**

Name: PFEIFFER ENGINEERING  
Address: 8754 SW 206 LANE  
City: CUTLER BAY ST FL Zip: 33189  
Telephone: 786 - 235 - 2435  
License No.: 12292

FOLIO NO: 17-2231-003-0620  
 SINGLE FAMILY  DUPLEX  
 OTHER: \_\_\_\_\_

**DESCRIPTION OF WORK**

NEW SWIMMING POOL AND PAVER DECK

APPLICATION IS HEREBY submitted to obtain a PERMIT to do work and installations as indicated. I certify that no work has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in the Village of Biscayne Park. If work has commenced without such permit, a double fee will be applied to the permit cost. I understand that separate permits must be secured for each permit type. OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate, and that all work will be done in compliance with all applicable laws regulating construction and zoning. Furthermore, I authorize the above-named contractor to do the work stated. AGENT'S AFFIDAVIT: If an agent is representing the owner, a separate affidavit must be completed and attached herewith authorizing this substitution. A tenant can submit on behalf of the owner with a notarized letter of acknowledgement. WARNING TO OWNER: Your failure to record a Notice of Commencement may result in paying twice for improvements to your property. If you intend to obtain financing, you must consult with your lender or an attorney BEFORE recording your Notice of Commencement.

*[Signature]* 4/23/15  
Signature of Owner or Agent Date  
Print Name (Owner or Agent) Jovita Nalepa  
STATE OF FLORIDA, COUNTY OF DADE  
Sworn to and subscribed before me this 23 day of April  
20 15  
NOTARY FOR OWNER OR AGENT YORLENY M. HERNANDEZ  
My Commission # FF 022108  
EXPIRES: September 27, 2017  
Bonded Thru Notary Public Underwriters

*[Signature]* 4/23/15  
Signature of Qualifier Date  
Print Name (Qualifier) DANIEL ESSIG  
STATE OF FLORIDA, COUNTY OF DADE  
Sworn to and subscribed before me this 23 day of April  
20 15  
NOTARY FOR QUALIFIER YORLENY M. HERNANDEZ  
My Commission # FF 022108  
EXPIRES: September 27, 2017  
Bonded Thru Notary Public Underwriters

**PLANNING & ZONING BOARD**  
Date: 5/14/15  
 Approved  
 Not Approved  
By: *[Signature]*

BASE FEE: \$ \_\_\_\_\_  
INSP FEE: \$ \_\_\_\_\_

Discipline	AP	DAP
Electrical		
Mechanical		
Plumbing		
Roofing		
Bldg Official		

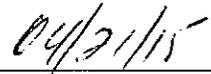
April 21, 2015

TO: Village of Biscayne Park

RE: Letter of Intent  
Variance Request for  
775 NE 113 St, Biscayne Park  
New Swimming Pool and Paver Patio

1. Request is to allow swimming pool and patio installation on corner lot. Lot size and house placement does not allow pool and patio to be placed behind house structure.
2. Approval of said request will not impair nor be detrimental to the public welfare of the community and will allow applicant the enjoyment of property as others are allowed in community.

  
\_\_\_\_\_  
Signature of home owner

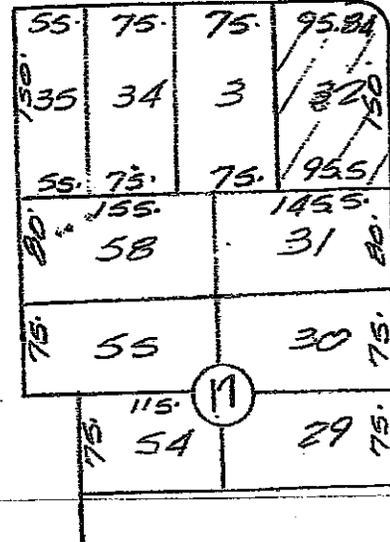
  
\_\_\_\_\_  
Date

attachments:  
Application  
Survey with improvements indicated  
Dimensional Drawing of improvements



This property described as:  
 Lot 32, Block 17 GRIFFING  
 BISCAYNE PARK ESTATES,  
 according to the plat  
 thereof, as recorded in  
 Plat Book 14, Page 1  
 of the Public Records of  
 Miami-Dade County, Florida.

*E. L.E. 8th Ave*



BEARINGS, IF ANY SHOWN, BASED ON \_\_\_\_\_ MERIDIAN

*Location Map*  
*Scale 1"=150'*

*North*

Note:  
 Page 1 of 2 is not complete without  
 Page 2 of 2 with corresponding Survey #.

**NOTE:**

L.F. ELEV. = 7.23 denotes lowest habitable floor elevation.  
 Elevations shown refer to N.G.V.D. 1929.  
 Lowest Adjacent Grade Elev. = 5.50  
 B.M. # B-52-R ELEV. = 4.20  
 (MIAMI-DADE COUNTY)  
 Garage Elev. = 5.59  
 E.R.P. N/A

**A BOUNDARY SURVEY**  
 We hereby certify that this survey conforms to the Minimum Technical Standards for Land Surveying in the State of Florida, as outlined in Rules 5J-17, (Florida Administrative Code), as adopted by the Department of Agriculture and Consumer Services, Board of Professional Surveyors and Mappers in September, 1981, as amended, pursuant to Chapter 472.027 of the Florida Statutes, and is true and correct to the best of my knowledge and belief.

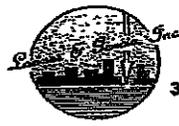
*Francisco F. Fajardo*  
 FL. PROF. SURVEYOR & MAPPER NO. 1767

PROPERTY OF: Nalepa, Gary and Jovita, 775 N.E. 113th Street Biscayne Park,

Florida 33161-  
**LANNES and GARCIA, INC. 7239**

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF FLORIDA LICENSED SURVEYOR AND MAPPER.

**A BOUNDARY SURVEY**  
 I hereby certify that the survey represented hereon meets the minimum technical standards set forth by the Board of Land Surveyors in chapter 61G17-6 Florida Administrative Code pursuant to Section 472.027, Fla. Statutes. There are no encroachments, overlaps, easements appearing on the Plat, other than as shown hereto.



PROFESSIONAL SURVEYING AND MAPPING  
**LANNES & GARCIA, INC**  
 L.B. #2098  
 FRANCISCO F. FAJARDO PSM #4767 (QUALIFIER)  
 385 Alhambra Circle, Suite #C, Coral Gables, Florida 33134  
 PH (305) 666-7909 FAX (305) 442-2530  
 lannesgarcia@yahoo.com

Fl. Reg. Land Surveyor No. 4327  
*RENE AIGUESVIVES*

DATE <i>7-8-96</i>	SCALE <i>1"=20'</i>	DRAWN BY <i>MT</i>	DRWG. NO <i>43793</i>
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*11-11-96 washer slab added. PFA-RLS#4327*

222699





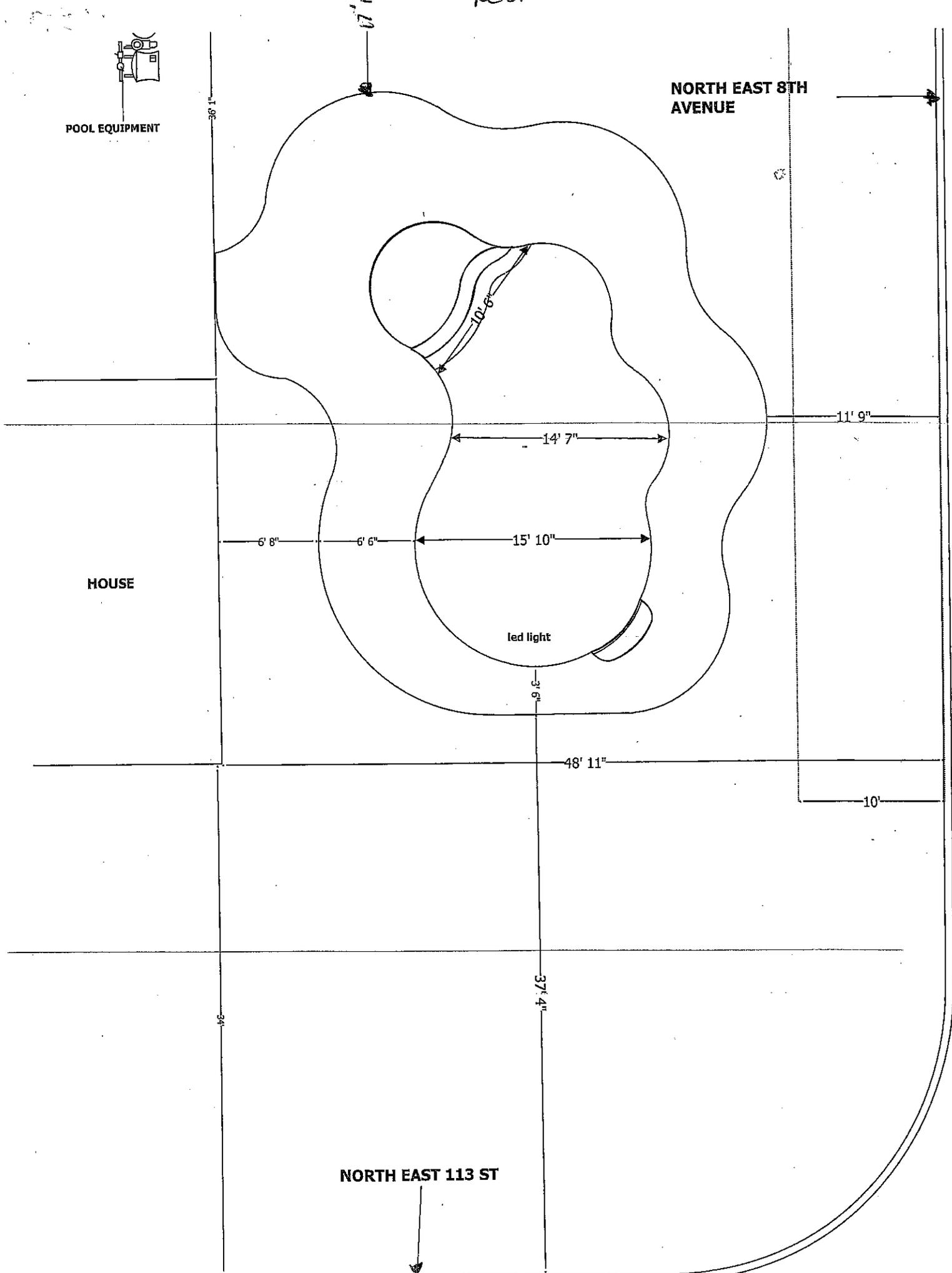
POOL EQUIPMENT

NORTH EAST 8TH AVENUE

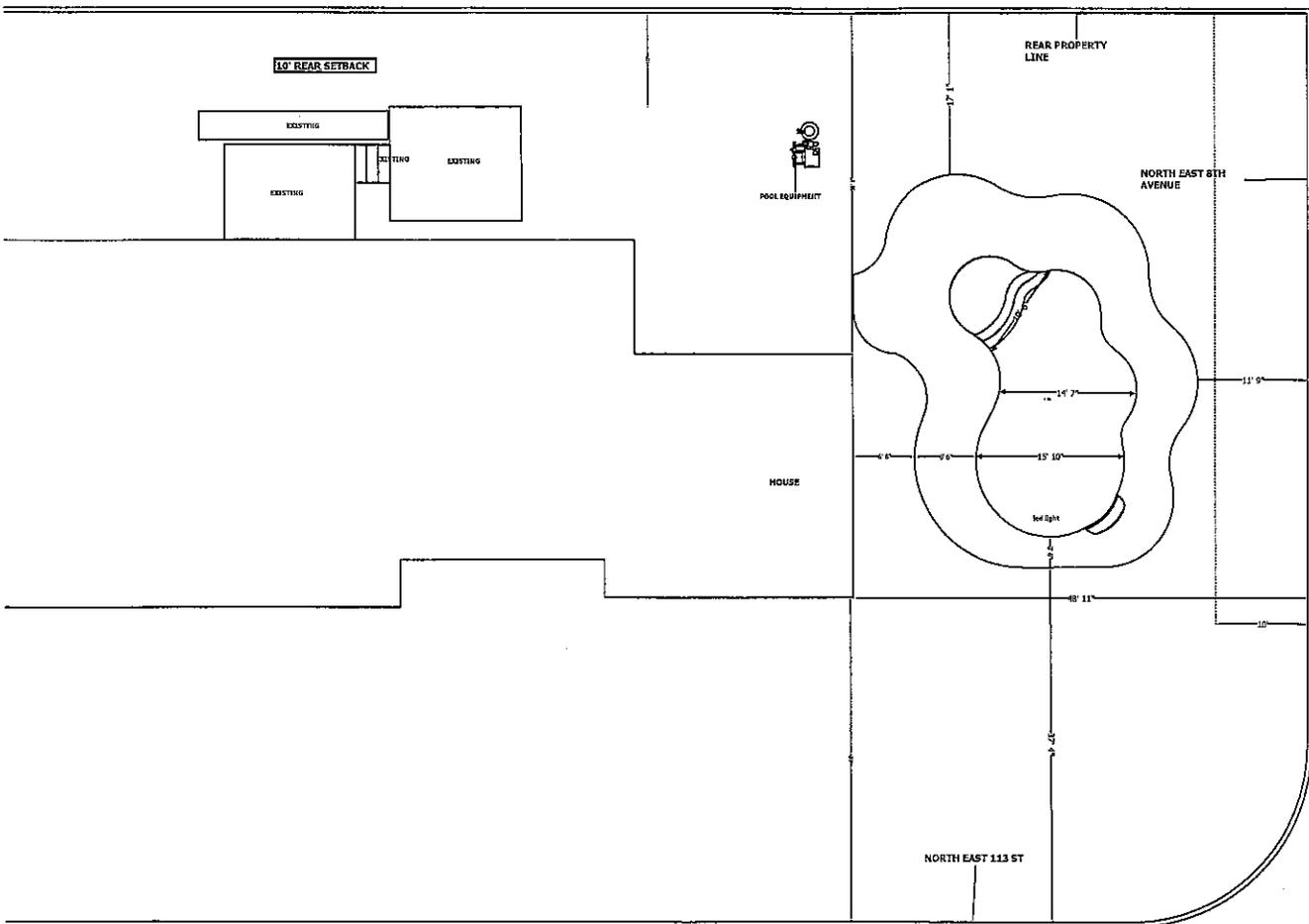
HOUSE

led light

NORTH EAST 113 ST



1/20 Scale





# The Village of Biscayne Park

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161

Telephone: 305-899-8000 Facsimile: 305 891 7241

## IMPERVIOUS & PERVIOUS SPACE CALCULATION

(Impervious section cannot exceed 40%)

TYPE OF IMPROVEMENT     PAVING     ADDITION     POOL     DECK/PATIO     SLAB

Owner Name: JOLITA Nalepa

Contractor Name: ESSIG POOLS

Job Address: 775 NE 113 ST

	AREA (SQ. FT.)
TOTAL LOT AREA:	<u>14,325</u>
PRIMARY BUILDING (HOUSE):	<u>3108</u>
PORCHES/PATIOS/WALKWAYS/CONCRETE SLABS (NO WOOD DECKS):	<u>594</u>
DRIVEWAYS (CIRCULAR/BACKOUT):	<u>905</u>
POOL:	<u>412</u>
OTHER: - PATIO - Pavus	<u>701</u>
TOTAL IMPERVIOUS AREA =	<u>5720</u>

TOTAL IMPERVIOUS AND PERVIOUS PERCENTAGES  
[(TOTAL IMPERVIOUS / TOTAL LOT AREA) X 100 = IMPERVIOUS %]      Impervious % = 39.93%

IMPERVIOUS SECTION CANNOT EXCEED 40%  
Biscayne Park Code Section 8.4.1 (c)      Pervious % = 60.06%

I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

Jolita Nalepa  
Property Owner Signature (required)

09/21/15  
Date

Essig Pools  
Contractor Signature

4/21/15  
Date



## *The Village of Biscayne Park*

640 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

May 25, 2014

Property Owner  
769 NE 113<sup>th</sup> St  
Biscayne Park, FL 33161

### **NOTICE OF PUBLIC HEARING NON-USE VARIANCE REQUEST**

Notice is hereby given that the Planning & Zoning Board of the Village of Biscayne Park, Florida, will hear the following non-use variance request at the Planning & Zoning Board Meeting to be held on **Monday, June 1, 2015, at 6:30** at the Ed Burke Recreation Center, 11400 NE 9<sup>th</sup> Court, Biscayne Park, FL 33161.

#### **Gary & Jovita Nalepa – 775 NE 113<sup>th</sup> St Variance Request: Accessory Structure (Pool) in the Setback**

*All documentation pertaining to this notice may be inspected by the public at the Office of the Village Clerk in Village Hall, 640 NE 114<sup>th</sup> Street. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinances.*

*In accordance with the provision of F.S. Section 286.0105, should any person seek to appeal any decision made by the Board with respect to any matter considered at this meeting, such person will 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.*

*In accordance with the Americans with Disabilities Act of 1990, persons who require special accommodation to participate in the proceedings should call the Village Clerk's office at (305) 899-8000 no later than (4) days prior to the proceeding for assistance. On day of meeting, if called in by 11:00am, we will do our best to accommodate your request.*



June 8, 2015

Property Owner  
702 NE 114<sup>th</sup> St  
Biscayne Park, FL 33161

**NOTICE OF PUBLIC HEARING  
NON-USE VARIANCE REQUEST**

Notice is hereby given that the Village Commission of the Village of Biscayne Park, Florida, will hear the following non-use variance request at the regular Commission Meeting to be held on **Tuesday, July 7, 2015, at 7:00pm** at the Ed Burke Recreation Center, 11400 NE 9<sup>th</sup> Court, Biscayne Park, FL 33161.

**Gary & Jovita Nalepa – 775 NE 113<sup>th</sup> St  
Variance Request: Accessory Structure (Pool) in the Setback**

*All documentation pertaining to this notice may be inspected by the public at the Office of the Village Clerk in Village Hall, 640 NE 114<sup>th</sup> Street. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinances.*

*In accordance with the provision of F.S. Section 286.0105, should any person seek to appeal any decision made by the Board with respect to any matter considered at this meeting, such person will 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.*

*In accordance with the Americans with Disabilities Act of 1990, persons who require special accommodation to participate in the proceedings should call the Village Clerk's office at (305) 899-8000 no later than (4) days prior to the proceeding for assistance. On day of meeting, if called in by 11:00am, we will do our best to accommodate your request.*

Peter A. Borsari, Executive Director  
 Omni and Midtown Redevelopment District  
 Community Redevelopment Agencies  
 15-181/2450792M

**MI-DADE COUNTY, FLORIDA  
 PUBLIC NOTICE  
 SUNSHINE NOTICE**

That a Sunshine Meeting between Bianca Cavignoli, Office of the Honorable Juan C. Zapata, Miami-Dade Commissioner, District 11; and Sean McCrackine and Able of the Honorable Daniela Levins Cava, Miami-Dade Commissioner, District 8, is scheduled to take place on June 10, 2015, at 9:00 AM, to discuss Miami-Dade Police Plan. This meeting is scheduled to take place at the 11th Floor Conference Room, 111 N.W. First Street, 3rd Floor Conference Room 3312B.

Decisions may appear at the time and place specified. Decisions to appeal any decision made by any board, commission with respect to any matter considered at its meeting, will need a record of proceedings. Such persons may request a verbatim record of the proceedings is made, testimony and evidence upon which the appeal is to be made. Any person who wishes to appeal any decision made by any board, commission with respect to any matter considered at its meeting, will need a record of proceedings. Such persons may request a verbatim record of the proceedings is made, testimony and evidence upon which the appeal is to be made. Any person who wishes to appeal any decision made by any board, commission with respect to any matter considered at its meeting, will need a record of proceedings. Such persons may request a verbatim record of the proceedings is made, testimony and evidence upon which the appeal is to be made.

HARVEY RUVIN, CLERK  
 CHRISTOPHER AGRIPPA, DEPUTY CLERK  
 15-172/2450760M

**MONSIN CIRCUIT**  
 MIAMI-DADE COUNTY  
 15-181/2450792M

Plaintiff named above has filed a

HARVEY RUVIN, CLERK  
 CHRISTOPHER AGRIPPA, DEPUTY CLERK  
 15-164/2450851M

**NOTICE**

Public Notices are hereby given that the following items have been received by the Miami Beach Police Department as Lost/Abandoned Property. If the owner does not come forth and make a claim within 45 days of this notice's publication, said items will be disposed of according to Florida Statute 705.103 which may include retention for use by the unit of Government, donation to a charitable organization, sale of property, or trade with another unit of local Government or State Agency.

1. Blue cell phone found in the vicinity of 1850 COLLINS AVE DORCHESTER HOTEL
2. Black Apple iPhone in a white case found in the vicinity of the MIAMI BEACH POLICE DEPARTMENT.
3. Silver and Black iPhone found in the vicinity of 42-ST & PENN AV
4. Black Sony cell phone in Black case found in the vicinity of 10 ST & OCEAN DR.
5. Black/Blue Samsung Cell phone found in the vicinity of DADE BLVD & MERIDIAN AVE.
6. Black/Blue LG Cell phone found in the vicinity of the MIAMI BEACH POLICE DEPARTMENT.
7. Black iPhone # found in the vicinity of 7ST & BEACH AVE.
8. White Cell phone found in the vicinity of 1100 WASHINGTON AVE.
9. Black Samsung Galaxy S Iar G1-S7282 Cell Phone found in the vicinity of 1001 OCEAN DR.
10. Black LG Flip Phone found in the vicinity of the MBPD JAIL.
11. Olive and Green Electra Cruiser Bicycle found in the vicinity of 11TH ST & PENNSYLVANIA AVE.

If the owner wishes to make a claim, that individual should contact the below listed Supervisor:

**Proof of ownership is required!**

Miami Beach Police Department  
 Property & Evidence Unit  
 Sergeant Jorge Alessandri  
 305-673-7960  
 Monday through Friday (0700 - 1500) Excluding Weekends and Holidays  
 15-139/2450243M



**NOTICE OF PUBLIC HEARING  
 VILLAGE OF BISCAYNE PARK**

NOTICE IS HEREBY GIVEN that the Village Commission of the Village of Biscayne Park, Florida, will hear the following non-use variance request at the Regular Commission Meeting to be held on **Tuesday, July 7, 2015, at 7:00PM, at the Ed Burke Recreation Center located at 11400 NE 9th Court, Biscayne Park, FL 33161.**

Pursuant to Section 15.3 of the Code of Ordinances of the Code of Biscayne Park, Florida, the property owners hereby seek the following variance from the Village Code for their property located at:

**Gary & Jovita Malepa - 775 NE 713th St  
 Variance Request: Accessory Structure (Pool) in the Setback**

All documentation pertaining to this notice may be inspected by the public at the Office of the Village Clerk in Village Hall, 640 NE 144th Street. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinance.

In accordance with the provision of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeals to be based.

In accordance with the Americans with Disabilities Act of 1990, persons who require special accommodation to participate in the proceedings should call the Village Clerk's office at (305) 899-8000 no later than 48 hours prior to the proceeding for assistance. On day of meeting, if called in by 11:00am, we will do our best to accommodate your request.

Maria Osama, Village Clerk  
 15-179/2450780M



## NOTICE OF PUBLIC HEARING VILLAGE OF BISCAYNE PARK

**NOTICE IS HEREBY GIVEN** that the Village Commission of the Village of Biscayne Park, Florida will hear the following non-use variance request at the Regular Commission Meeting to be held on **Tuesday, July 7, 2015, at 7:00PM**, at the **Ed Burke Recreation Center** located at **11400 NE 9th Court, Biscayne Park, FL 33161**.

Pursuant to Section 15.9 of the Code of Ordinances of the Code of Biscayne Park, Florida, the property owners hereby seek the following variance from the Village Code for their property located at:

**Gary & Jovita Nalepa - 775 NE 113th St**  
**Variance Request: Accessory Structure (Pool) in the Setback**

All documentation pertaining to this notice may be inspected by the public at the Office of the Village Clerk in Village Hall, 640 NE 114th Street. Interested parties may appear at the meeting and be heard with respect to the proposed Ordinance.

In accordance with the provision of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will 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.

In accordance with the Americans with Disabilities Act of 1990, persons who require special accommodation to participate in the proceedings should call the Village Clerk's office at (305) 899-8000 no later than 48 hours prior to the proceeding for assistance. On day of meeting, if called in by 11:00am, we will do our best to accommodate your request.

Marla Camara, Village Clerk  
15-179/2460783M

6/10-17

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