

ARCHITECTURAL REVIEW BOARD MINUTES
REGULAR MEETING – MAY 1, 2013

The regular meeting of the Bal Harbour Village Architectural Review Board was held on Wednesday, May 1, 2013, in the Bal Harbour Village Hall Council Chambers (655 – 96th Street, Bal Harbour, Florida).

1. CALL TO ORDER/ROLL CALL: The meeting was called to order at 11:12 a.m. by Mr. Silvers, Chair. The following were present:

James Silvers
Paul Buzinec
Christopher Cawley
Jorge D. Mantilla
Councilwoman Patricia Cohen, Ex-Officio Member

Also present:

Jay R. Smith, Interim Village Manager
Ellisa Horvath MMC Village Clerk
Raul Rodriguez, Building Official – CAP Government¹
Suramy Cabrera, Senior Structural Engineer –
CAP Government
Johanna M. Lundgren, Village Attorney

As a quorum was determined to be present, the meeting commenced.

2. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Mr. Buzinec.

3. APPROVAL OF MINUTES: *A motion was offered by Mr. Buzinec and seconded by Mr. Mantilla to approve the April 3, 2013 Regular Meeting Minutes. The motion carried (4-0).*

4. HEARINGS: Ms. Lundgren explained the procedures for the quasi-judicial process.

No disclosures were made by the Board.

Those planning to speak at the hearings were sworn in by Mrs. Horvath.

PHYLLIS S. WHITMAN TRUST – 167 BAL BAY DRIVE:

Mr. Cawley recused himself from voting on the item, since he was doing some work with the Architect, Ralph Choeff. He left the meeting.

The Board considered an application for an addition, to an existing (1,873 square feet) two-story single family residence. The proposed addition was a one-story circular glass structure, at the rear of the house, which would sit over an existing concrete deck area.

¹ Mr. Rodriguez arrived during the 167 Bal Bay Drive presentation.

Additional items noted are: the steel column finish needs to be specified on the final plans.

Suramy Cabrera, Senior Structural Engineer – CAP Government and Assistant to the Building Official, reviewed the Building Official report, which recommended that a Certificate of Appropriateness be granted.

Ralph Choeff, Architect - Choeff & Levy (8425 Biscayne Blvd. #201, Miami, FL), presented the project.

Mr. Mantilla discussed the requirement to screen the air conditioning unit (compressor). Mr. Choeff reported that it wouldn't be seen from the street, but agreed to shield it with landscaping.

Mr. Buzinec questioned what led to the shape of the addition, other than the existing patio terrace. Mr. Choeff explained that the owner wanted the round shape. Mr. Mantilla questioned why the existing slab would be kept. Mr. Choeff explained that the slab would be reinforced, but the shape of the floor would remain. Mr. Mantilla suggested that the existing slab be demolished. Mr. Choeff noted that would be up to the structural engineer.

Mr. Rodriguez arrived at the meeting.

Mr. Mantilla thought that the slab would need to be replaced.

No comments were provided by the public.

A motion was offered by Mr. Buzinec and seconded by Mr. Mantilla to grant a Certificate of Appropriateness. The motion carried (3-0), with Mr. Cawley recused.

133 CAMDEN DRIVE, LLC. – 133 CAMDEN DRIVE:

Mr. Cawley returned to the meeting.

Mr. Rodriguez was sworn in by Mrs. Horvath.

Mr. Cawley recused himself from voting on the item, since he was doing some work with the Architect, Ralph Choeff. He left the meeting.

The Board considered an application for an addition and remodeling of an existing two-story single family residence (increased from 3,879 square feet to 4,922 square feet). Existing non-conforming items are: the side setback is 9'-8" (10' is the minimum), the compressor slab for the air conditioning unit is within the side yard setback, and other impervious areas exceed the 10% code maximum amount. Additional items noted are: the plans improve the non-conforming items to the greatest extent possible and the safety barrier around the pool needs to be shown.

Raul Rodriguez, Building Official, reviewed his report and recommended that a Certificate of Appropriateness be granted.

Ralph Choeff, Architect - Choeff & Levy (8425 Biscayne Blvd. #201, Miami, FL), presented the project.

Manny Arencibia, Landscape Architect - Green Velvet Group Inc. (17101 S.W. 169th Ave. Miami, FL), presented the landscaping for the project.

Mr. Mantilla questioned if any lattice work would be used, for the landscaping. Mr. Arencibia explained that the walls would be used, not lattice work. Mr. Silvers voiced concern with the landscaping damaging the walls. Mr. Buzinec agreed. The Board requested that be considered.

Mr. Mantilla questioned if they would pursue a variance, for the nonconforming issues. Mr. Choeff discussed the existing nonconforming issues, which the project had reduced by 11% (paved areas).

Mr. Mantilla questioned the plans to contain the water. Mr. Choeff explained that swales would be placed, on the sides of the property.

Mr. Mantilla discussed the need to conform to the Code. Mr. Choeff reported that they would comply with the required items.

Mr. Mantilla voiced concern with flooding. Mr. Choeff ensured that they would have a plan to keep all of the water on the property. He noted that the current resident did not have a problem with flooding.

Mr. Buzinec questioned the use of a clear glass door, on the existing non-conforming front facing garage.

Felix Cohen – Owner (Manager – 133 Camden Drive, LLC), clarified that the glass garage door may be slightly tinted. Mr. Choeff noted that they wouldn't be able to see in during the day, but even with the tint would be able to see in at night, which highlighted the architecture.

Mr. Mantilla questioned if the front facing garage door could remain. Mr. Rodriguez ensured that they would comply with the existing building code. He added that the plans were an improvement to the existing, which was why he recommended approval. He clarified that most cities allowed a non conforming use to remain, as long as it wasn't made worse. He would need to research the Village Code, to see if a variance would be required. He was unable to find a variance, for the existing residence. Mr. Rodriguez agreed that the impervious area was above the allowed amount (lowered from 34% to 23%). Mr. Silvers noted that the Board appreciated the design, but was requesting guidance on if a non-conforming use was allowed. Mr. Mantilla discussed the legal issues and the possible need for a variance. Mr. Choeff explained that it was an existing front facing garage. He added that the plans were only 6% over the lot coverage issue, which was a reduction of what existed. Mr. Mantilla and Mr. Choeff disagreed on the interpretation of the 50% rule and compliance with that.

Nina Rudolph, 212 Bal Bay Drive, pointed out that, in the past, front facing garage doors did not have to be changed, if they were existing. She spoke in favor of approval.

Ms. Lundgren clarified that an existing structure did not need to change a front facing garage. She added that the Building Official had advised that the lot coverage remained below the percentages allowed in the zoning code, so the project was in compliance.

Councilwoman Cohen reported that a lot of people had been discussing the possibility of allowing front facing garages again.

Mr. Choeff noted that it was the determination of the zoning official for the lot coverage, not the Board. Ms. Lundgren clarified that the Building Official had opined in his recommendation that the item was acceptable.

Mr. Mantilla discussed concern regarding the hardscape and water flowing off the property.

Paul Fishman, Choeff and Levy (8425 Biscayne Blvd. #201, Miami, FL), offered to provide a civil plan, to show that the water would be retained on the site. Mr. Mantilla requested that be done. Mr. Choeff requested approval, subject to a civil engineer providing a drainage plan to the Building Official.

Mr. Buzinec discussed the use of Ipe wood on a tapered concrete frame. Mr. Choeff explained that the wood was a decorative element, not a structural one.

Mr. Mantilla suggested that the scuppers in the front be moved to the side. Mr. Choeff agreed to do so.

Mr. Mantilla discussed the disproportionate windows on the side (south) elevations. Mr. Choeff explained that was done to provide more light.

Mr. Cohen explained that he wanted the large windows, to bring the outdoors inside.

Mr. Choeff clarified that the south elevations were marked wrong and were actually the north elevations. He discussed the need to improve the natural lighting in the master bedroom and bathroom.

Councilwoman Cohen thought that the palms would look beautiful, from the bedroom/bathroom. She spoke in favor of the larger windows.

Julian Cohen, son of Patricia and Felix Cohen, spoke in favor of the project.

No additional comments were provided by the public.

A motion was offered by Mr. Mantilla and seconded by Mr. Buzinec to grant a Certificate of Appropriateness, subject to the following conditions: move the scuppers from the front elevation to the side, provide civil engineering plans to the Building Department to show that all of the water will remain on the site, and use tinted glass for the garage door. The motion carried (3-0), with Mr. Cawley recused.

Mr. Cawley returned to the meeting.

BERNARD P. GRONDIN AND IRMA SALGADO GRONDIN -

120 PARK DRIVE: Ms. Lundgren recommended that the item be continued until the next meeting, since the Applicant was not in attendance.

A motion was offered by Mr. Buzinec and seconded by Mr. Cawley to continue the item, until the next meeting. The motion carried (4-0).

5. OTHER BUSINESS:

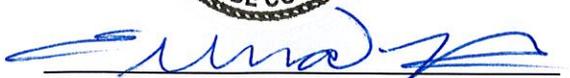
Councilwoman Cohen discussed the dock master house that was approved and questioned the change of its location to the middle of the site. She noted that, as a member of the Council, she approved it with the understanding that it would remain at the same location on the site. Ms. Lundgren clarified that the Board had provided a favorable recommendation for the site plan application, which then went to the Council for approval. Mr. Silvers discussed the additional items that the Board had requested be done to the site. Councilwoman Cohen discussed the impact of the relocated facility. Mr. Silvers didn't recall that there was any objection from the public, to move the location. Mr. Mantilla noted that it was brought up that it would be more prominent in the relocated area. Councilwoman Cohen understood that it wasn't the Board's responsibility to determine where the house should be placed on the site. She noted that if she had known it was going to be placed in the middle of the marina, she would have objected to it. She requested that the Council be provided with more detail in the future when the Board provided recommendations, to explain when items were changed. Mr. Mantilla explained that the Board had discussed how the new location would affect the views.

Mr. Silvers pointed out that the Board didn't review changes to the Bal Harbour Shops. Ms. Lundgren agreed that the Code exempted that area from the Board's review. Councilwoman Cohen wasn't aware of that.

6. ADJOURN: There being no further business, *a motion was offered by Mr. Buzinec and seconded by Mr. Mantilla to adjourn. The motion carried (4-0), and the meeting adjourned at 12:27 p.m.*

Attest:




Ellisa L. Horvath, MMC, Village Clerk


Paul Buzinec, Acting Chair

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME CAWLEY CHRISTOPHER JON	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ARCHITECTURAL REVIEW BOARD, VILLAGE OF BAL HARBOR
MAILING ADDRESS 700 NE 69th STREET #1106	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY MIAMI MIAMI-DADE	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED MAY 01, 2013	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CHRISTOPHER CAWLEY, hereby disclose that on MAY 01, 20 13:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Please note that I recused myself from voting on two projects presented to the Architectural Review Board because I am working with the Architect (Ralph Chueff) on other projects in other parts of Miami-Dade County.

May 02, 2013
Date Filed

Chris Cawley
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.