

## **ARCHITECTURAL REVIEW BOARD MINUTES** **REGULAR MEETING – AUGUST 1, 2012**

The regular meeting of the Bal Harbour Village Architectural Review Board was held on Wednesday, August 1, 2012, in the Bal Harbour Village Hall Council Chambers (655 – 96<sup>th</sup> Street, Bal Harbour, Florida).

**1. CALL TO ORDER/ROLL CALL:** The meeting was called to order at 11:04 a.m. by Paul Buzinec, Acting Chair. The following were present:

James Silvers<sup>1</sup>  
Giorgio Balli  
Paul Buzinec  
Christopher Cawley  
Jorge D. Mantilla

Also present:

Daniel Nieda, Building Official  
Ellisa L. Horvath, MMC, Village Clerk  
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 the Board.

**3. APPROVAL OF MINUTES:** *A motion was offered by Mr. Cawley and seconded by Mr. Mantilla to approve the minutes from the June 6, 2012 Regular Meeting. 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.

**FLAMINGO WAY ENTERPRISES LLC - 200 BAL BAY DRIVE**

**(YACHT BASIN):** Mr. Nieda reviewed his report, which is summarized as follows: the Applicant requested approval for a new 340 square foot dock master structure, with the existing facility to be demolished in the PC Private Club District. Village Code requires a site plan approval for any private recreational facilities, so the Board is limited to issuing a recommendation for the Village Council's consideration, in lieu of the customary Certificate of Appropriateness. A waiver of plat needs to be filed before the application may proceed to the Village Council, to establish the address for the home, at the same area, as 183 Bal Bay Drive. The Architect needs to address an accessible parking space or route and grading plan, to the front door of the facility. The required base flood elevation of 8 feet NGVD as the required finished floor elevation has not been established. A material and color palate needs to be provided. The 16 foot paved road needs to be buffered from the right of way, such as with a five foot continuous hedge. A

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<sup>1</sup> Mr. Silvers arrived during the Hearing for 200 Bal Bay Drive.

Continuance was recommended, for further study for compliance with the Code and legal requirements.

**Eduardo Calil, Architect – Calil Architects**, addressed the Board and noted that the three missing items had been addressed for the presentation. He presented the color palate and provided revised plans (sheet A-1.1) for the handicap parking space/accessibility. He reported that a buffer for the access road would be addressed.

Mr. Calil discussed the flood panels that would be provided and noted that, since the building was not a single family residence, it didn't need to meet the flood criteria and the floor would be at 5.5 feet. Mr. Nieda agreed that a non-residential building could have a lower floor, if flood panels were provided. He clarified that items could not be used inside the building that could be water-damaged. Mr. Balli questioned if they had studied the cost to raise the floor. Mr. Nieda explained that maintaining that height was an attractive aesthetic decision. Mr. Buzinec questioned if the Dock master slept there. Mr. Calil advised that he did not. Mr. Buzinec questioned the purposed of the closet. Mr. Calil clarified that it was for storage purposes.

Mr. Cawley suggested that something larger be used, as the plant around the base of the building.

Mr. Silvers arrived.

Mr. Cawley noted that if they wanted the palms to have trunks then that needed to be specified on the plans. He noted that the plans needed to be modified, to show a hedge screening the roadway, and suggested that a simple native hedge be used.

Mr. Nieda pointed out that once the changes were incorporated and submitted, the application would go to the Council, since it was a site plan modification. Ms. Lundgren agreed. Mr. Nieda clarified that it also required a waiver of plat, since two buildings (the Dock master building and a private residence) could not have the same address. Mr. Calil reported that they would be replacing one small building with the proposed one and wouldn't be moving forward with the home, since there was a legal issue with the land swap. He clarified that the address for the Dock master building was already 200 Bal Bay Drive. Mr. Nieda agreed, but clarified that they couldn't proceed with the house plans, until the waiver of plat was done. He wanted to make sure that the Owner understood that. Ms. Lundgren agreed that the Dock master building could use the address (200 Bal Bay Drive), as long as the house had not received any permits. She clarified that she needed to look at the County plat provisions, to confirm that it would be okay to proceed. Mr. Nieda also requested something in writing from the Owner that he agreed to that.

Mr. Calil noted that the plans were already approved by DERM. He noted that the plans for the house were in the Building Department waiting for review and asked if review of the plans could proceed for expedition purposes, pending the waiver of plat. Mr. Nieda voiced concern that DERM would not issue a permit, since it would need a sewer allocation. He clarified that the plans would not go beyond the hearing, until the waiver of plat was resolved.

Mr. Silvers didn't think that the building design met the criteria that the Board was trying to create in the neighborhood. He discussed the opportunity to build something that

stood out, instead of just being a standard looking building. He was reluctant to approve the design.

Mr. Balli questioned if there was a budget constraint. Mr. Calil explained that the design was what the Owner wanted, which was very simple, to blend with the neighborhood.

Mr. Nieda noted that part of the problem was that they were trying to do too much on a small building, which didn't look right.

Mr. Balli questioned the placement of the required hedge. Mr. Calil displayed it.

Mr. Silvers noted that the roof would be a dominate feature. Mr. Calil noted that it was similar to some of the homes in the neighborhood.

Mr. Mantilla pointed out that the building was a Dock master office on a marina site, but it was trying to look like a residence, which it wasn't. Mr. Calil noted that since it was inside the neighborhood, it should blend with the community and not stand out. Mr. Balli noted that the character of the building resembled a house, which was in contrast to the larger homes in the community. Mr. Silvers discussed the design of guardhouses, etc. He suggested that the articulation be more embellished. Mr. Calil noted that was not what the Owner wanted. Mr. Buzinec suggested that the banding, etc. be removed, since it would look taller for the building to be one color.

Mr. Cawley suggested that the small flowering trees be replaced with oak trees, which would be larger, especially on the south side, to provide shade for the building.

Mr. Silvers suggested that the design comments be reviewed with the client and addressed. He explained that the Board was trying to make the best possible design for a small building, as a focal point for the marina.

Mr. Balli pointed out that the Code also allowed a flat roof structure, which may allow for more design options.

No comments were provided by the public.

**A motion was offered by Mr. Balli and seconded by Mr. Silvers to approve a Continuance. The motion carried (5-0).**

**WILLIAM EBK WELSH - 59 CAMDEN COURT:** Mr. Nieda reviewed his report, which is summarized as follows: the Applicant requested approval for a new 6,097 square foot (air conditioned) two story residence, attached to a 484 square foot garage, with the existing home to be demolished. The garage structure has a non-compliant vehicular front approach, obscured by a Sukka. The Board may be able to recommend that the Applicant apply for a variance. The side yards need to be protected, with compliant pool safeguards, and perimeter fences need to be specified, at least 48 inches in height. A Continuance was recommended, to allow the Applicant to either change the garage design or apply for a variance.

**Jorge Esteban, Architect,** addressed the Board and noted that the Owner's Representative, Yankee Andrusier, was in attendance. He explained the difficulty of the

site. He knew that a front facing garage was not allowed, but requested that the design be considered, due to the lot configuration.

Mr. Esteban provided a revised site plan, showing the fencing. He noted that a 4-foot aluminum fence was added. Mr. Buzinec questioned the type of fence used on the side. Mr. Esteban reported that it was vinyl coated chain link, which would be hidden by a hedge. Mr. Silvers suggested that the columns in the front be continued back to the house, on both sides (approximately 30 feet). He clarified that since the site was on an angle, both sides would be seen. Mr. Esteban agreed that could be done.

The Board discussed the Sukka and the possibility of it being used as a carport. Mr. Silvers discussed the Sukka only being used once a year. He cautioned that they should be careful with the swinging of the Sukka gates and suggested that a bifold be used instead.

Mr. Buzinec discussed the front elevation. He suggested that the French doors on the pseudo balcony be replaced with a window. Mr. Esteban thought that the doors would be more pleasant, with the balcony. Mr. Mantilla noted that the louvered shutters were not shown on the elevation. Mr. Esteban clarified that they were decorative. Mr. Mantilla suggested that the shutters be carried around the rest of the house. Mr. Esteban explained that they weren't shown where they wouldn't be seen. Mr. Mantilla didn't think that the building needed them at all.

Mr. Mantilla discussed being able to see the carport/garage when the tree grew taller. Mr. Nieda thought that they did a commendable job of concealing the garage, but pointed out that it was still facing the front and would require a variance from the Council. Ms. Lundgren agreed and clarified that any Certificate of Appropriateness would be subject to the variance for the garage. Mr. Nieda clarified that the Board didn't have the authority to waive the Code.

Mr. Esteban presented an alternate plan, without a front facing garage. Mr. Nieda clarified that the Board liked the first design, pending the variance approval. Mr. Balli noted that a smaller house could be designed, with the garage on the side. He thought that, according to the Code, it was a self imposed problem. Mr. Silvers discussed constraints on the lot. Mr. Nieda clarified that the Code explained that if there were site conditions that prevented someone from having a house similar to others, then it was a problem. He didn't think that it was a self-imposed problem, but was one that ran with the land.

Mr. Cawley reviewed the landscaping plans. He suggested that something with height be used along the front property lines, such as a native shrub. He questioned the size of the oak trees. Mr. Esteban reported that they had six inch trunks. Mr. Cawley requested that the size of the items be addressed on the plans and suggested that he review the list provided by the Village for landscaping. Mr. Nieda will provide Mr. Esteban with the list.

No comments were provided by the public.

**A motion was offered by Mr. Silvers and seconded by Mr. Balli to approve a Certificate of Appropriateness, subject to the following conditions: return the columns and fence 30 feet on both sides of the house, plant more appropriate material in accordance with the landscaping**

suggestions, and receive a variance approval from the Village Council for the front entry garage. The motion carried (5-0).

**5. OTHER BUSINESS:** None.

**6. ADJOURN:** There being no further business, a motion was offered by Mr. Silvers and seconded by Mr. Cawley to adjourn. The motion carried (5-0), and the meeting adjourned at 12:18 p.m.

Attest:

  
  
Ellisa L. Horvath, MMC, Village Clerk  
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James Silvers, Chair