

**City of Coral Gables  
Board of Adjustment Meeting  
Monday, January 11, 2016  
Coral Gables City Commission Chambers  
405 Biltmore Way, Coral Gables, Florida**

MEMBERS	J11	F1	M7	A4	M2	J6	J-	A1	S12	O10	N7	D5	APPOINTMENT
	'16	'16	'16	'16	'16	'16	'16	'16	'16	'16	'16	'16	
Eibi Aizenstat	P												Commissioner Jeannett Slesnick
Alejandro Galvez	P												Mayor Jim Cason
Joe Greenberg	P												Commissioner Pat Keon
Oscar Hidalgo Vice Chair	P												Board-As-A-Whole
Jorge Otero Chair	P												Commissioner Frank C. Quesada
Michael Sotelo	E												Commissioner Vince Lago
Jack Thomson	P												City Manager Cathy Swanson- Rivenbark

**P = Present**  
**E = Excused**  
**C = Meeting Cancelled**  
**R = No Meeting Summer Recess**

**City Staff and Consultants:**

Charles Wu, Asst. Development Services Director  
Yaneris Figueroa, Assistant City Attorney  
Ramon Trias, Planning & Zoning Director  
Elizabeth Gonzalez, Zoning Planner Lead

**Court Reporter:**  
Nieves Sanchez

**Attachments:**

- 01 11 16 Board of Adjustment Verbatim Minutes
- 01 11 16 Attendance/Speaker Sign In Sheet

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CITY OF CORAL GABLES  
BOARD OF ADJUSTMENT  
VERBATIM TRANSCRIPT  
CORAL GABLES CITY HALL  
405 BILTMORE WAY, COMMISSION CHAMBERS  
CORAL GABLES, FLORIDA  
MONDAY, JANUARY 11, 2016, COMMENCING AT 8:02 A.M.

Board Members Present:

- Jorge Otero, Chairman
- Oscar Hidalgo, Vice-Chairman
- Eibe Aizenstat
- Alex Galvez
- Oscar Hidalgo
- Joe Greenberg
- Jack Thompson

City Staff and Consultants:

- Yaneris Figueroa, Assistant City Attorney
- Elizabeth Gonzalez, Zoning Tech Lead

Also Participating:

- Jose M. Jimenez

Case No. BA-15-10-4955

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70 Casuarina Concourse  
Gables Estate No. 2, PB/PG: 60/37, LOT: 25, BLK: A  
Jose M. Jimenez - Applicant  
Armando M. and Margarita Codina - Owners  
Edward Swakon, P.E. - Engineer

1 THEREUPON:

2 (The following proceedings were held.)

3 CHAIRMAN OTERO: Good morning, and happy  
4 New Year.

5 The Board of Adjustment is comprised of  
6 seven members. Four members of the Board shall  
7 constituted a quorum, and the affirmative vote  
8 of four members of the Board present shall be  
9 necessary to authorize or deny a variance or  
10 grant an appeal.

11 A tie vote shall result in the automatic  
12 continuance of the matter to the next meeting,  
13 which shall be continued until a majority vote  
14 is achieved.

15 Any person who acts as a lobbyist, pursuant  
16 to the City of Coral Gables Ordinance Number  
17 2006-11, must register with the City Clerk  
18 prior to engaging in lobbying activities or  
19 presentations before City Staff, Boards,  
20 Committees and/or the City Commission. A copy  
21 of the ordinance is available in the Office of  
22 the City Clerk. Failure to register and  
23 provide proof of registration shall prohibit  
24 your ability to present to the Board.

25 I now officially call the City of Coral

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Gables Board of Adjustment Board Meeting of  
January 11th, 2016 to order. The time is 8:02  
a.m.

Liz, would you take the roll, please?

THE SECRETARY: Good morning. Mr. Hidalgo?

MR. HIDALGO: Here.

THE SECRETARY: Mr. Aizenstat?

MR. AIZENSTAT: Here.

THE SECRETARY: Mr. Galvez?

MR. GALVEZ: Here.

THE SECRETARY: Mr. Greenberg?

MR. GREENBERG: Here.

THE SECRETARY: Mr. Thomson?

MR. THOMSON: Here.

THE SECRETARY: Mr. Otero?

CHAIRMAN OTERO: Here.

THE SECRETARY: Mr. Sotelo has notified the  
Board that he will not be in attendance today  
due to prior commitments.

CHAIRMAN OTERO: Notice regarding ex parte  
communications. Please be advised that the  
items on the agenda are quasi-judicial in  
nature, which require Board Members to disclose  
all ex parte communications and site visits.  
An ex parte communication is defined as any

1 contact, communication, conversation,  
 2 correspondence, memorandum or other written or  
 3 verbal communication that takes place outside  
 4 of the public hearing between a member of the  
 5 public and a member of a Quasi-Judicial Board  
 6 regarding matters to be heard by the Board.

7 If anyone made any contact with a Board  
 8 Member regarding an issue before the Board, the  
 9 Board Member must state, on the record, the  
 10 existence of the ex parte communication and the  
 11 party who originated the communication.

12 Also, if the Board Member conducted a site  
 13 visit specifically related to the case before  
 14 the Board, the Board Member must also disclose  
 15 such visit. In either case, the Board Member  
 16 must state, on the record, whether the ex parte  
 17 communication and/or site visit will affect the  
 18 Board Member's ability to impartially consider  
 19 the evidence to be presented regarding the  
 20 matter. The Board Member should also state  
 21 that his or her decision will be based on  
 22 substantial competent evidence and testimony  
 23 presented on the record today.

24 Does any member of the Board have such a  
 25 communication and/or site visit to disclose at

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this time?

Let the record show that no Board Member disclosed any such communication.

Everyone who speaks this morning must complete the roster on the podium. We ask that you print clearly, so the official records of your name and address will be correct.

Now, with the exception of attorneys, all persons who will speak on agenda items before us this morning, please rise to be sworn in.

MR. JIMENEZ: You said, "Except for attorneys," and I'm an attorney.

CHAIRMAN OTERO: You are then excepted.

MR. JIMENEZ: I'll do it anyway.

CHAIRMAN OTERO: That is fine.

In deference to those present, we ask that all cell phones, pagers and other electrical devices be turned off at this time.

Now we will proceed with the agenda. Today we have one case, titled BA-15-10-4955.

Liz, would you read this into the record?  
Thank you.

THE SECRETARY: The property address is 70 Casuarina Concourse. The Applicant is requesting two variances. The first variance

1 is for a dock to extend outward 15 feet from  
2 the bank of the waterway, versus the allowable  
3 five feet. And the second variance is to  
4 install mooring piles at a distance of 47 feet  
5 from the bank of the waterway, versus the  
6 allowable 25 feet.

7 This is an aerial view of the property.  
8 It's located in Gables Estates Number 2.

9 The proposed design was necessary, in  
10 obtaining the required water depth for the  
11 mooring of the vessel. Due to the presence of  
12 resources sediment along the seawall, the  
13 Department of Environmental Resources has  
14 approved and recommended this design, in order  
15 to minimize the potential adverse impact to the  
16 water resources.

17 You will notice on here that the waterway  
18 is over 180 feet in width, and does not  
19 obstruct the navigable waterway, as required by  
20 Code, even if you consider installing the same  
21 type of structure on the opposing bank.

22 This is the dock as to how it is proposed.  
23 This is the existing seawall and the property  
24 boundary. The green line is the dock, where it  
25 will be proposed at. The "five-feet allowed"

1 is where the dock would be allowed by Code.  
2 The green line is where the variance is being  
3 requested at.

4 These are the mooring piles. There are  
5 four mooring piles. These are in compliance  
6 with the Code. These two are 47 feet from the  
7 bank. Because the dock had to be extended out  
8 15 feet, that obviously put the mooring piles  
9 further out.

10 Again, that's the existing seawall cap.  
11 This line here is where the mooring piles would  
12 normally be allowed, at 25 feet from the bank.

13 As I said before, DERM has approved the  
14 dock, to avoid and minimize the impact, and to  
15 meet required water depth for vessels.

16 The Board of Architects has approved the  
17 dock and the mooring piles. They have received  
18 Gables Estates approval. It meets all of the  
19 eight variance standards, pursuant to Section  
20 3-806 of the Zoning Code.

21 I also want to add that they have obtained  
22 the adjoining owner's approval. That is  
23 included in your packet.

24 Not included in your packet, because I  
25 received it late last night, and I want this to



1 be on the record, that there was a letter of  
 2 objection received, and it is on your desk,  
 3 from a Mr. Henry Tien, located at 30  
 4 Leucadendra Drive.

5 Due to the resources at the seawall, and to  
 6 avoid impacting the resources, Staff recommends  
 7 approval of the two Applicant's requests.

8 CHAIRMAN OTERO: That's on both of them,  
 9 right?

10 THE SECRETARY: On both of them. Yes,  
 11 Staff recommends approval on Items 1 and 2.

12 CHAIRMAN OTERO: Do the Members of the  
 13 Board have questions for the City?

14 MR. AIZENSTAT: I just had a question on  
 15 the agenda, actually. It says, "Approval of  
 16 the Minutes of November 9th." I didn't receive  
 17 any minutes.

18 CHAIRMAN OTERO: We'll get to that.

19 MR. AIZENSTAT: Okay. Thank you.

20 CHAIRMAN OTERO: Liz, I do have a question  
 21 on this. Some of the letters, in fact, two of  
 22 them, in support of the application, talk about  
 23 a dock at a distance of 14.2 feet.

24 THE SECRETARY: The reason that it's 14.2,  
 25 is because I have them rounded up, to make it

1 easier, for installation.

2 CHAIRMAN OTERO: And the mooring piles at a  
3 distance of 45.1 to 44.8, yet the application  
4 is for 47.

5 THE SECRETARY: Right, because, as you'll  
6 notice, and I'll go back, it's not an exact  
7 straight line. So there are different  
8 distances from the seawall.

9 So in order to just have an average number,  
10 when we advertise, we do it at a round up  
11 number of 47.

12 CHAIRMAN OTERO: What will it be?

13 THE SECRETARY: On the different sides, it  
14 will be as noted on the plans. We've  
15 encountered in the past, when we set it at such  
16 a specific number, 45.6 -- and, then, it's not  
17 an exact science -- that we get into a little  
18 bit of trouble. So that's why we round it up.

19 MR. HIDALGO: Where it's noted or  
20 dimensioned on the plan, it shows that it's 14  
21 feet from the property line. But that's  
22 probably --

23 THE SECRETARY: Because it's to the center  
24 pile. We also had to add distances for the  
25 piles. If you'll notice, the dimension line on

1 Page S-2 -- the engineer, for some reason,  
2 noted distances to the center of the piles.

3 MR. HIDALGO: Okay.

4 MR. THOMSON: Now, can you confirm, why is  
5 it that we can't do any dredging along the  
6 seawall at that site?

7 THE SECRETARY: I'm sorry, is that a  
8 question for me or the Applicant?

9 MR. THOMSON: That's a question for whoever  
10 is going to speak to it.

11 CHAIRMAN OTERO: Well, any other questions  
12 for the City? The City is not going anywhere.  
13 We can go back and ask questions to the City.

14 Mr. Greenberg.

15 MR. GREENBERG: I have a question. Who  
16 owns the waterway, the City, the State, the  
17 Federal Government, the property owner?

18 THE SECRETARY: The property owner does not  
19 own the waterway.

20 MR. GREENBERG: So anything that happens in  
21 the canals is the responsibility of the City of  
22 Coral Gables?

23 MR. JIMENEZ: For the record --

24 MR. GREENBERG: Because the property line  
25 doesn't go to the center of the canal.

1           CHAIRMAN OTERO: Before we go further, we  
2 have a question posed as to who owns the  
3 waterway. If the City Attorney can address  
4 that, and then we will come to you.

5           MR. JIMENEZ: I'll defer to the City Attorney.

6           MS. FIGUEROA: Generally the property owner  
7 owns up to the property line, to the physical  
8 property line, not into the waterway. I'm not  
9 exactly sure if this is County waterway or  
10 Federal. I haven't looked into that  
11 specifically.

12           In terms of responsibility if something  
13 happens, liability, the City wouldn't have any  
14 liability as to that, because we don't own that  
15 waterway.

16           MR. GREENBERG: The City of Coral Gables  
17 Police have a boat that goes through the canal.  
18 So they're obviously enforcing some kind of  
19 Maritime Law. So if there's a boating accident  
20 off of one of these piers --

21           MS. FIGUEROA: Right.

22           MR. GREENBERG: -- who is responsible?

23           MS. FIGUEROA: We do have to -- there are  
24 many factors here to look at. You have to look  
25 at whether the dock was properly built, if it

1 was an issue because of the dock, if it was an  
2 issue because of speed. So in order to say  
3 that the liability would fall on us -- we would  
4 meet protection from sovereign immunity, if for  
5 some reason this is further out than it should  
6 be, but in terms of --

7 MR. GREENBERG: That's my point. We're  
8 granting a variance that allows it to be  
9 extended out into the canal beyond what is  
10 normal and established by Zoning. So there's  
11 what I would guess is a standard, and now we're  
12 extending it farther into the waterway.

13 So if there's a boating accident, just  
14 because the peer is there --

15 MS. FIGUEROA: The City wouldn't be subject  
16 to any liability, because, first of all, we  
17 have checked with DERM and the other entities,  
18 saying that it's okay to go out that far.

19 As they said to you earlier, the waterway  
20 is wide enough, so there's still navigable  
21 space left there, and, additionally, we have  
22 would have sovereign immunity as to that  
23 decision.

24 CHAIRMAN OTERO: I'm sorry, as far as the  
25 liability and exposure, I don't think this

1 Board is ready to address that. I think,  
2 perhaps, the City can shed some light, for the  
3 future, whether it is five feet without a  
4 variance, and it's still in the water, and the  
5 same question would arise.

6 If there's 15 feet, the risk may be  
7 greater, but the same question would arise.

8 All we're here addressing is going from 5  
9 to 15 and from 25 to 47, and I don't think the  
10 liability or exposure of the City is part of  
11 our discussion, and I don't think it's part of  
12 the eight elements required for the variance.  
13 But it is a good point, and perhaps the City  
14 Attorney can address that for our edification.

15 MR. GREENBERG: So we don't require, for  
16 instance, every homeowner that has a dock off  
17 of their property line in a canal to either  
18 indemnify the City or to have insurance? We  
19 don't attach covenants to these structures that  
20 require anything like that?

21 CHAIRMAN OTERO: I think that's a question  
22 more to the City. I don't think we do. That's  
23 part of the permitting process. If we do, we  
24 do. If we don't, we don't.

25 But the point is, for today, what's before

1 us today, unless you want to attach or  
2 consider, once we're done, as we proceed with  
3 this, to attach a rider for approval or denial,  
4 maybe we could, but I think it would be  
5 premature, without an opinion from the City.

6 MR. GREENBERG: Well, here's an example.  
7 When you extend your driveway from the sidewalk  
8 to the payment, the City requires you to bond  
9 that apron and indemnify the City, for slipping  
10 and falling on that piece of apron between the  
11 sidewalk and street, but what you're saying to  
12 me, apparently, we don't have anything like  
13 that with regard to docks or canals or we're  
14 not aware of it, and it's not --

15 CHAIRMAN OTERO: This Board does not know  
16 whether we do or not. It's not a bad idea to  
17 have it, but I don't know the answer to that.  
18 I'm aware of the driveway issue.

19 MR. HIDALGO: And it's only for brick  
20 driveways.

21 MS. FIGUEROA: The nature here, too, is  
22 different. The reason why we do it on  
23 driveways, it's because it's on a City  
24 right-of-way. We're responsible for our  
25 right-of-way, in terms of maintenance. If

1 there's a pothole, things like that, the City  
2 is exposed to that.

3 Here, because it's water, you know, there  
4 won't be a -- it's a little bit different, and  
5 the key here is the width of the waterway. So  
6 if it was 10 feet wide, we wouldn't be able to  
7 go as far, as opposed to if it's 100 feet wide.  
8 So I think it's important to look at the water  
9 width.

10 MR. GREENBERG: Which is why I asked my  
11 first question, who has dominion over the  
12 waterway? You're telling me it's not the City,  
13 and Mr. Otero is telling me that it's not  
14 something that would normally be attached to  
15 these kinds of structures. Thank you.

16 CHAIRMAN OTERO: Now, that was interesting  
17 and actually useful, and I hope we do look into  
18 it, because I'm curious.

19 Now, please, your name, address and who you  
20 represent.

21 MR. JIMENEZ: For the record, Joe Jimenez,  
22 Codina Partner, address at 135 San Lorenzo  
23 Avenue, Suite 750.

24 I'm just here to answer any questions.

25 Mr. Greenberg, I used to be the City



1 Attorney for the City of Marathon, which has  
2 this issue a lot. It is a good issue to  
3 discuss. First thing you have to decide is who  
4 owns the waterway. The water is actually  
5 regulated by the Federal Government. But it is  
6 a very good thing to know. And I'm sure the  
7 City Attorney's Office will get you an answer  
8 to that.

9 Like I said, I think Staff did an excellent  
10 job of presenting this, especially since  
11 they're recommending approval, and I'm here to  
12 answer any questions that any of you may have.

13 CHAIRMAN OTERO: Yes, Mr. Greenberg.

14 MR. GREENBERG: What is the depth of the  
15 draft of the vessel you're proposing to moor  
16 here?

17 MR. JIMENEZ: I really don't know  
18 specifically this vessel. I've never seen it.  
19 But I think, from a class of vessel is what  
20 we're designing towards. I know he owns a  
21 specific boat. And I'm not a boater, so I  
22 couldn't even hazard a guess, but DERM has  
23 recommended it, and they've even gone out as  
24 recently as late December. Their letter here,  
25 their most recent letter, is dated from late

1 December of last year.

2 So for that class -- I know the length is  
3 over a hundred feet, but I don't know the  
4 draft. But we have to come out further in  
5 order to protect the resources.

6 MR. GREENBERG: One other question. I  
7 noticed that the detail shows that there will  
8 be some kind of reflectors on top of the  
9 dolphin piers.

10 MR. JIMENEZ: Those are required by Code.

11 MR. GREENBERG: Well, okay. I kind of did  
12 a little background on the U.S. Coast Guard  
13 markings that are sometimes required on piers,  
14 you know, and I'm not sure at what point -- and  
15 this is another question for, really, you, as  
16 the owner's representative, when more than a  
17 reflective is required? Are you aware of any  
18 such navigable canal requirements for either  
19 illumination or a red or green passage  
20 indicator, so that people don't pass through  
21 the slip, they pass around it?

22 MR. JIMENEZ: I am not aware of any such  
23 requirement on a dock. However, obviously,  
24 with City Staff present, anything required by  
25 any Code, we will obviously do, to get the

1 permit, and build in compliance with that  
2 permit.

3 MR. GREENBERG: Thank you.

4 MR. AIZENSTAT: If I may, through the  
5 Chair.

6 CHAIRMAN OTERO: Sure.

7 MR. AIZENSTAT: We received today a letter  
8 from a neighbor, who is suggesting that the  
9 owner should dredge the area in front of the  
10 seawall and use certain barriers as protective.

11 Are you aware of that ability or have you  
12 looked into the ability of being able to do  
13 that, so you don't have to extend this far?

14 MR. JIMENEZ: No. I'll say two things  
15 about the letter, because I received it this  
16 morning, along with you.

17 Number One, I ask that you not give it any  
18 credence, considering there's other letters,  
19 even going back to April, but to address it on  
20 the merits --

21 MR. AIZENSTAT: I'm just asking a very  
22 simple question, if you're able to do that or  
23 you're not able to do that?

24 MR. JIMENEZ: DERM, which would also  
25 require -- which is also a permitting authority

1 here, does not recommend that, and has signaled  
2 that they will not approve a permit for that.

3 So I would say that this person's opinion,  
4 while valid as a neighbor, is not competent and  
5 substantial evidence, and we're just going by  
6 what DERM has told us.

7 MR. AIZENSTAT: So, on the record, you're  
8 saying that you cannot do that?

9 MR. JIMENEZ: On the record, I am saying  
10 that the permitting authority says that they  
11 will not approve it.

12 MR. AIZENSTAT: That's all I'm asking.  
13 Thank you.

14 CHAIRMAN OTERO: I had a question  
15 regarding -- to follow-up on a comment of the  
16 15 feet, going from 5 feet to 15 feet. Part of  
17 the DERM recommendation, part of the  
18 application, addresses a size -- addresses the  
19 fact that this is required due to the vessel  
20 proposed to be moored on site.

21 In the past, this Board has not granted a  
22 variance, in a similar case, to accommodate the  
23 size of the vessel. So we have a bit of a  
24 chicken and egg thing, what comes first.

25 5 feet, the answer is, no; DERM says, no.

1 The Applicant wants 15 feet. Why 15? Why not  
2 8? Why not 10? Is it a function of the size  
3 of the vessel? And if so, what is the size of  
4 the vessel that's triggering this requirement?

5 MR. JIMENEZ: And I know this Board's  
6 history specifically only for the size of the  
7 vessel, which is why I specifically didn't ask  
8 to see the boat, to know its dimensions or  
9 anything like that, because I don't think it  
10 was -- in the past, it hasn't been relevant to  
11 your discussion.

12 It was more the environmental impact and  
13 that hardship.

14 CHAIRMAN OTERO: Excuse me, it has been  
15 relevant.

16 MR. JIMENEZ: No, relevant in the sense  
17 that you have not granted it simply for the  
18 size of the vessel, is my point, and I didn't  
19 want to ask for that, because I have been told  
20 that that was not a condition creating a  
21 hardship.

22 This is more along the lines of the size of  
23 this dock, in general. The size of the dock  
24 that is allowed at this house should be able to  
25 accommodate more than one vessel. So we're not

1 going all of the way. We're not seeking for  
2 only a specific vessel, because, quite frankly,  
3 Mr. Codina, while owning this house, he lives a  
4 few doors down. You can see from the  
5 application, this is not his permanent address.  
6 This is to accommodate any potential vessel  
7 that may be at that house.

8 So that while we're not gearing the  
9 variance toward one, we are allowing for a dock  
10 to be built that can accommodate a number of  
11 vessels at this house. Given the size of the  
12 property, given the size of the dock, it's easy  
13 to imagine that there are a multitude of ships  
14 that could be -- ships, I guess, might be the  
15 right word at this point -- that can be moored  
16 there.

17 So that's why the 15 feet was required,  
18 because it gives us the biggest range to be  
19 able to dock a number of vessels, not just one  
20 specific one.

21 MR. THOMSON: Let's go back to my question,  
22 because that's where I was going to. My  
23 understanding, from reading the information, is  
24 that there is riprap and sediment, on the  
25 bottom, coming out from the property line, that

1 cannot be cleaned out. You can't get a permit  
2 anymore to clean the debris or to do any more  
3 work on it, and in this case, because it would  
4 damage the seawall, it would compromise it. So  
5 they had to go out. That's my understanding.

6 MR. JIMENEZ: Yes, and DERM's letter, while  
7 taking the size of a specific vessel into  
8 account -- and they've seen it, I haven't seen  
9 it. I think somebody told them the size.  
10 Nobody told me -- they're saying, go out a  
11 minimum of 15 feet.

12 So to them, to DERM, 15 is the safest place  
13 to be, given all of the conditions, and that's  
14 the variance we're seeking.

15 MR. THOMSON: The condition at the bottom  
16 forces them out that far.

17 CHAIRMAN OTERO: It is not clear to me that  
18 the 15 feet is triggered by the conditions  
19 only. It's clear to me, just based on the  
20 letter, that the 15 feet is triggered, in part,  
21 by the vessel that's to be moored on site.

22 MR. JIMENEZ: No, sir, absolutely, and I  
23 can see that. All I'm saying is that given  
24 this particular neighborhood, this isn't the  
25 canal that has bridges that certain types of

1 boats can't get under it, this is navigable  
2 waterway, which leads out to the open sea.

3 So the various sizes of different boats  
4 that can be on these properties is why we said,  
5 let's take it a minimum -- there could very  
6 well be a ship -- a boat that doesn't -- that  
7 couldn't go there at 15 feet, but given --  
8 obviously, we wanted the one that Mr. Codina  
9 owns, but there was the minimum that we could  
10 ask for, for a number of ships, and given the  
11 size of the property, and the other boats in  
12 that area, something that we thought was  
13 reasonable, with respect to not going further  
14 than we needed to.

15 MR. AIZENSTAT: If I may, does the City  
16 know, if the seawall were to be constructed as  
17 per Code, without variance, what depth would be  
18 available at that point or what size vessel?

19 THE SECRETARY: If the dock is to be  
20 constructed at 5 feet?

21 MR. AIZENSTAT: Yes.

22 THE SECRETARY: In numerous conversations  
23 that I've had with DERM, I'd like to answer  
24 that question, along with Mr. Greenberg's  
25 question on the size of the draft.



1           Based on the size of the vessel, the draft  
2 required is six-and-a-half feet.

3           When I spoke to DERM, the depth is anywhere  
4 between three-and-a-half to four-and-a-half  
5 along the seawall edge.

6           And, also, Mr. Otero, I'd like to respond  
7 to the question as to the difference in  
8 dimensions. The adjoining owners do get the  
9 plans exactly as they are in front of you. So  
10 the dimensional change of 14.2 versus 15 is  
11 only because the dimensions were taken to the  
12 middle of the pilings. So they are exactly  
13 correct. It's just that when they presented it  
14 to the Gables Estates Board, that presents it  
15 to the adjoining neighbors, they go with the  
16 dimensions presented by the engineer.

17           CHAIRMAN OTERO: Thank you.

18           Any other questions, comments, from the  
19 City or the Applicant?

20           MR. GREENBERG: Just one comment.

21           CHAIRMAN OTERO: Yes.

22           MR. GREENBERG: I noticed that on the -- as  
23 you look at the diagram, on the left side, the  
24 dolphin piers on the left side are 10 feet to  
25 the, I guess you could say, west of the dock,

1 and on the right side, they're 30 feet.

2 Is there any reason why that 30 feet, on  
3 the right of the dock -- to the pair of  
4 dolphin, mooring points, is it 10 feet? In  
5 other words, why aren't the dolphin piers  
6 symmetrical around the dock? Why is it an  
7 extra 30 feet or 20 feet? What's the rationale  
8 there, maximum length?

9 MR. FIGUEROA: I don't know. That's the  
10 first time this has ever come up. I really  
11 couldn't -- I don't know if it's just because  
12 the piles are where they need to go, and the  
13 dock is more towards -- geared towards one side  
14 of the vessel. I don't know if symmetry was an  
15 issue. But, honestly, it is the first time  
16 this has come up. I'm looking at Liz to see if  
17 she --

18 MR. HIDALGO: Usually the bow face east.

19 MR. JIMENEZ: I don't know.

20 MR. GREENBERG: This is, really, for  
21 Elizabeth. Does this go to the Board of  
22 Architects or has it been?

23 THE SECRETARY: It's been to the Board of  
24 Architects and it was approved by the Board of  
25 Architects, yes.

1 MR. GREENBERG: Okay. Thank you.

2 CHAIRMAN OTERO: Okay. Thank you.

3 MR. JIMENEZ: Thank you, sir.

4 MR. THOMSON: Is it time for a motion or --

5 CHAIRMAN OTERO: Not yet. One minute.

6 Is there anyone in the audience that wishes  
7 to speak in favor of this case?

8 Let the record show no one has stepped up.

9 Is there anyone in the audience that wishes  
10 to speak in opposition to this case?

11 Let the record show no one came up.

12 Liz, we have two letters in support of and  
13 one not in support of, correct, in opposition  
14 to it?

15 THE SECRETARY: We have one letter of  
16 objection, and then you have 2 Leucadendra  
17 Drive, which is the adjoining property owner,  
18 who is supporting it or who is not opposed to  
19 it, and 80 Casuarina Concourse, and 60  
20 Casuarina Concourse.

21 CHAIRMAN OTERO: Okay. Thank you.

22 This now closes the public hearing. We'll  
23 open the discussion to the Board, and we'll  
24 entertain motions.

25 And if you do make a motion, please

1 remember to track the language of the motion  
2 set forth in your packet.

3 MR. THOMSON: I'd like to make a motion. I  
4 move that the Board of Adjustment grant  
5 Application BA-15-10-4955, a request by Jose  
6 Jimenez, on behalf of Armando M. and Margarita  
7 Codina, for a variance for the existing  
8 residence at 70 Casuarina Concourse, to allow  
9 the proposed dock to be constructed and extend  
10 outward from the bank of the west waterway 15  
11 feet.

12 The motion is based upon the testimony  
13 presented, along with the application  
14 submitted, and Staff Report, which constitute  
15 component and substantial evidence. The Board  
16 hereby makes findings of fact that each of the  
17 standards of Section 3-806 of the Zoning Code  
18 has been met.

19 CHAIRMAN OTERO: Thank you. That's to the  
20 first variance.

21 MR. GALVEZ: Second.

22 MR. THOMSON: I have no additional  
23 requirements.

24 CHAIRMAN OTERO: Motion made and second.  
25 No further discussion?

1 Vote, please.

2 THE SECRETARY: Mr. Thomson?

3 MR. THOMSON: Aye.

4 THE SECRETARY: Mr. Galvez?

5 MR. GALVEZ: Yes.

6 THE SECRETARY: Mr. Aizenstat?

7 MR. AIZENSTAT: Yes.

8 THE SECRETARY: Mr. Hidalgo?

9 MR. HIDALGO: Yes.

10 THE SECRETARY: Mr. Greenberg?

11 MR. GREENBERG: Yes.

12 THE SECRETARY: Mr. Otero?

13 CHAIRMAN OTERO: Yes.

14 The motion passes by unanimous vote.

15 We have another item. Is there a motion on  
16 the second variance?

17 MR. THOMSON: Where is that at? This one  
18 here?

19 THE SECRETARY: Yes.

20 MR. THOMSON: Okay. I move that the Board  
21 of Adjustment grant Application BA-15-10-4955,  
22 a request by Jose M. Jimenez, on behalf of  
23 Armando M. and Margarita Codina, for a variance  
24 at the existing residence at 70 Casuarina  
25 Concourse, to allow the proposed mooring piles

1 to be installed at a maximum of 47 feet from  
2 the bank of the waterway.

3 The motion is based upon the testimony  
4 presented, along with the application  
5 submitted, and Staff Report, which constitutes  
6 competent and substantial evidence.

7 The Board hereby makes the findings of fact  
8 that each of the standards of Section 3-806 of  
9 the Zoning Code has been met.

10 CHAIRMAN OTERO: Is there a second?

11 MR. GALVEZ: Second.

12 CHAIRMAN OTERO: Vote, please.

13 THE SECRETARY: Mr. Aizenstat?

14 MR. AIZENSTAT: Yes.

15 THE SECRETARY: Mr. Thomson?

16 MR. THOMSON: Yes.

17 THE SECRETARY: Mr. Galvez?

18 MR. GALVEZ: Yes.

19 THE SECRETARY: Mr. Hidalgo?

20 MR. HIDALGO: Yes.

21 THE SECRETARY: Mr. Greenberg?

22 MR. GREENBERG: Yes.

23 THE SECRETARY: Mr. Otero?

24 CHAIRMAN OTERO: Yes.

25 Thank you very much. Both motions pass.

1           The only item left on the agenda has to do  
2 with the minutes, that will be sent out and  
3 reviewed at the next meeting.

4           THE SECRETARY: Yes, sir. We will not have  
5 a meeting in February.

6           And I also need a vote to excuse  
7 Mr. Sotelo's absence.

8           CHAIRMAN OTERO: I move his absence be  
9 excused.

10          MR. THOMSON: Second.

11          CHAIRMAN OTERO: All those in favor?

12          MR. AIZENSTAT: Aye.

13          MR. GALVEZ: Aye.

14          MR. HIDALGO: Aye.

15          MR. GREENBERG: Aye.

16          MR. THOMSON: Aye.

17          CHAIRMAN OTERO: Aye.

18          Opposed? Thank you.

19          THE SECRETARY: Thank you.

20          (Thereupon, the meeting was concluded at 8:35  
21 a.m.)

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C E R T I F I C A T E

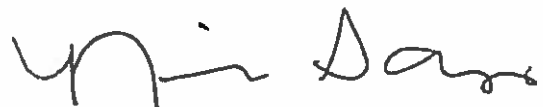
STATE OF FLORIDA:

SS.

COUNTY OF MIAMI-DADE:

I, NIEVES SANCHEZ, Court Reporter, and a Notary Public for the State of Florida at Large, do hereby certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 17th day of January, 2016.



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NIEVES SANCHEZ



**THE CITY OF CORAL GABLES  
BOARD OF ADJUSTMENT**

**January 11, 2016**

THE FOLLOWING PERSONS APPEARED BEFORE THE BOARD OF ADJUSTMENT

**(Please print)**

**Name Address "Z" Number**

Jose Jimenez 135 San Lorenzo #750 BA-15-10-4955

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