



City of Coral Gables Planning and Zoning Staff Report

Applicant: Melissa Tapanes Llahues
Application: Variance
Property: 7140 Lago Drive West – BA-19-07-5244
Legal Description: Lot 28, Block 13, Cocoplum Section 2 Plat B
Present Owners: Francisco R. Jimenez & Joan E. Jimenez
Present Use: Single-Family Residential
Zoning District: Single-Family Residential (SFR)
Public Hearing: Board of Adjustment
Date & Time: October 7, 2019; 8:00 a.m.
Location: City Commission Chambers, City Hall,
405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

Request for Variances for the property located at 7140 Lago Drive West, pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the “Zoning Code.”

- 1. Variance to allow a boat lift to be built attached to an existing dock and maintain thirty-eight feet and four inches (38'-4") of open unobstructed navigable waterway where a minimum of seventy-five feet (75') is required per Section 5-805(F) and Section 802(C) of the Coral Gables Zoning Code.*
- 2. Variance to allow an existing dock to be modified and maintain a side setback of thirteen feet and six inches (13'-6") where fifteen feet (15') is required per Section 5-802(E) and Section A-23(D) of the Coral Gables Zoning Code.*

2. BOARD OF ARCHITECTS REVIEW

Final approval on May 21, 2019.

3. ADVERTISING

This application was advertised in the Miami Daily Business Review on September 27, 2019. Letters were mailed to properties within one thousand feet of subject property and the property was posted on September 17, 2019.

4. STAFF OBSERVATION

The subject property, 7140 Lago Drive West is located within the Cocoplum Section Two of Coral Gables. It has an existing single-family home built in 1982 with a dock and boat lift as shown on aerial and boundary

survey provided by the applicant. It abuts the Lago Minore canal. The width of Lago Minore canal varies, the canal section where the subject property abuts is approximately 70 feet wide at the narrowest point (based on the applicant’s submittal, sheet S-2).

In 1983, the Board of County Commissioners by Resolution No. R-1154-83 approved the construction of a 5’ x 57’ marginal dock and associated dredging on the subject property. According to the memorandum from the County Manager dated September 20, 1983 *“extension of the dock further into the waterway was not possible due to its narrow width. Therefore, dredging was proposed in order to meet DERM’s -4 foot (mean low water) minimum water depth criterion for docking boats.”* A permit was issued for a dock 5’-7” wide by 53’-6” long, with a 5’-7” access walkway, and a set of davits, all meet side setback requirements. Dredging of approximately 150 cubic yards and 15 cubic yards of rip rap boulders was placed beneath the dock.

In 1988, according to the applicant, the davits were removed and replaced with a boat lift, but no permit was found for the boat lift. The applicant is proposing to remove the deteriorating dock and replace it with a high-quality wood dock with modifications to current configuration and footprint, not meeting the required 15 feet side setback (on the south side). The boat lift, which no permit was found, will also be removed and replaced, projecting seven feet and ten inches (7’-10”) from dock line. The dock and boat lift together will extend into the canal approximately 22’-10” from the property line in which the remaining navigable waterway width at the narrowest point is approximately 38 feet from the outermost portion of the boat lift on the applicant’s side.

This request requires a public hearing, including review and approval by the Board of Adjustment. The Board provides relief from hardships and errors in the application of the regulations.

5. STAFF RECOMMENDATION

Pursuant to Section 3-806 Standards for Variances of the “Zoning Code,” the Zoning Division staff finds as follows in regard to the applicant’s proposal as presented in their application for a variance from the provision of Ordinance No. 2007—01, as amended and known as the “Zoning Code,” and makes the following findings:

- 1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.**

Does meet the standard required for authorization of variance.

The subject property abuts Lago Minore canal with rip raps and mitigation mangrove trees along the banks. The width of the canal varies, in some areas the canal is narrow particularly, the section where the subject property abuts is only approximately 75 feet wide (based on the applicant’s submittal, sheet S-3A). The Zoning Code requires 75 feet of open, unobstructed navigable water, a general requirement adopted in July 1971 by Ordinance No. 1926 (see Attachment E). This section of just the canal (without docks or similar mooring structures) does not meet the minimum width requirements, therefore a special condition exists.

2) That the special conditions and circumstances do not result from the actions of the applicant.

Does meet the standard required for authorization of variance.

The existing site condition (narrow canal width) was not created by the actions of the applicant. Lago Minore’s water depth is naturally shallow, and its width varies. This condition is a natural environmental condition.

3) That granting the variances requested will not confer on the applicant a special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.

Does not meet the standard required for authorization of variance.

It was acknowledged that the width of the Lago Minore canal is narrow. A memorandum from the County Manager dated September 20, 1983 states that, “extension of the dock further into the waterway was not possible due to its narrow width.” But even in its narrow condition the property was granted a permit for a dock 5’-7” wide by 53’-6” long, with a 5’-7” access walkway, and a set of davits, all meet side setback requirements. After the permit was issued, a boatlift was installed without permit and the dock was constructed encroaching into the side setback requirement.

4) The literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations and would work unnecessary and undue hardship on the applicant (see also definition of “necessary hardship”).

Does not meet the standard required for authorization of variance.

It was acknowledged that the width of the canal is narrow. A memorandum from the County Manager dated September 20, 1983 states that, “extension of the dock further into the waterway was not possible due to its narrow width.” Even in its narrow condition the property was granted a permit for a dock 5’-7” wide by 53’-6” long, with a 5’-7” access walkway, and a set of davits, all meet side setback requirements. The set of davits were later removed, and a boatlift was installed without a permit. Based on previous approval the property was already granted rights commonly enjoyed by other properties in the area which is to have a dock and the ability to moor and lift a boat in the waterway through davits.

5) That the variance granted is the minimum variance that will make possible the reasonable use of land, building or structure.

Does not meet the standard required for authorization of variance.

The property was granted a permit for a dock 5’-7” wide by 53’-6” long, with a 5’-7” access walkway, and a set of davits, all meet side setback requirements. Adding a boatlift creates further impediment into the already narrow canal creating a navigable waterway to approximately 38 feet where 75 is required. The dock side setback requirements can be met as previously permitted.

6) That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.

Does meet the standard required for authorization of variance.

The Variances requested are for an existing single-family home on site, which will remain a single-

family home. Granting the Variances requested will not change the use to one that is not permitted in the zoning district.

- 7) That the granting of the variance will be in harmony with the general intent and purpose of these regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Does not meet the standard required for authorization of variance.

The canal is widely used by other property owners in the area. Adding to boatlift creates further impediment into the already narrow canal having a navigable waterway to approximately 38 feet.

- 8) The granting of the variance is appropriate for the continued preservation of an historic landmark or historic landmark district.

Does meet the standard required for authorization of variance.

The property is not a historic landmark or in a historic landmark district.

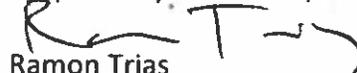
The Planning and Zoning Division staff recommends DENIAL of Items No. 1 and 2.

6. ATTACHMENTS

- A. Applicant's submittal package.
- B. Property Appraiser Summary Report.
- C. Legal advertisement published.
- D. Courtesy notice mailed to all property owners within 1,000 feet.
- E. Ordinance No. 1926
- F. Site Specifics Section A-23 Cocoplum Section Two
- G. Correspondence from the neighbors
- H. Powerpoint

Please visit the City website at www.coralgables.com to view all application materials. The complete application also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,



Ramon Trias

Assistant Director of Development Services
for Planning and Zoning
City of Coral Gables, Florida