



City of Coral Gables Planning and Zoning Staff Report

Applicant: Ocean Consulting, LLC
Application: Variance
Property: 156 Paloma Drive – BA-18-08-4305
Legal Description: Lot 12, Block 24, Cocoplum Section 2 Plat F
Present Owners: Paloma Estate, LLC
Present Use: Single-Family Residential
Zoning District: Single-Family Residential (SFR)
Public Hearing: Board of Adjustment
Date & Time: September 10, 2018; 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 156 Paloma Drive pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the "Zoning Code."

- 1. Variance to allow a wood dock for an existing single-family residence to extend into the waterway thirty-three feet and eight inches (33'-8") from the property line vs. docks, wharves or similar structures may be constructed over or in canals and waterways at a distance extending outward from the property line not more than fifteen (15) feet, pursuant to Section A-23.A(3) of the Coral Gables Zoning Code.*
- 2. Variance to allow a watercraft lift to extend forty-four feet and six inches (44'-6") from the bank of the waterway vs. watercraft lifts or floating watercraft lifts shall not extend beyond twenty-five (25) feet from the banks of waterways, pursuant to Section 5-805(E) of the Coral Gables Zoning Code.*

2. BOARD OF ARCHITECTS REVIEW

Final approval on November 7, 2017.

3. ADVERTISING

This application was advertised in the Miami Daily Business Review on August 31, 2018. Letters were mailed to properties within one thousand feet of subject property and the property was posted on August 31, 2018.

4. STAFF OBSERVATION

The subject property, 156 Paloma Drive is located within the Cocoplum Section Two of Coral Gables which has site specific regulations regarding docks, wharves, mooring piles or similar structures extending outward from the property line. There is an existing single-family home on the subject property. As shown on the boundary survey provided by the applicant, there is also an existing dock. Record shows there was a permit card for a dock in 1993 but no copies of permitted drawings were found. The dock is proposed to be replaced in the same footprint as the one currently existing.

The Applicant is requesting Variances for the dock (proposed to be replaced) and a proposed boat lift. The dock on the same footprint, will extend into the waterway thirty-three feet and eight inches (33'-8") from the property line; and the boat lift which will be attached to the dock, will extend approximately seventeen and seven inches (17'-7") from the dock. The dock and boat lift together will extend into or over the canal approximately fifty-one feet and three inches (51'-3") from the property line.

The property abuts the Arroyo Sereno canal with mangrove trees along the banks. The mangroves are designated as mitigation mangroves as a result of the impacts associated with the original development of the Cocoplum community. As noted on the Cocoplum's plat restrictions, the abutting owner shall preserve the mangrove fringe. The Applicant has provided examples of other properties on Paloma Drive who were in similar circumstances and were granted variances in the past.

The Planning and Zoning Division staff has reviewed the application and find the above requests reasonable in order to use the irregular shaped property as proposed, a permitted use multi-family residential which is appropriate to the character of the neighborhood.

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 property abuts the Arroyo Sereno canal with mitigation mangrove trees along the banks. The existing mangrove fringe creates a special condition. Any installation of mooring structures must completely avoid impacting the natural resources.

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 condition at the site was not created by the actions of the Applicant. This condition is a naturally occurring biological activity.

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 meet the standard required for authorization of variance.

Any installation of mooring structures must avoid impact to the natural resources pursuant to the Miami-Dade County Code and is applicable to all affected properties. Variances were granted for similar dock designs to neighboring properties in the Cocoplum area.

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 meet the standard required for authorization of variance.

Literal interpretation of the provisions to the subject site would deprive the Applicant of rights enjoyed by other properties in the area under similar circumstances and were granted variances in the past.

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

Does meet the standard required for authorization of variance.

The waterward projection distance being requested for the dock is the minimum necessary as required in protecting the mangrove trees. The dock will allow the mooring of vessels and enjoyment of the waterway.

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 is 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 meet the standard required for authorization of variance.

The Variances requested will not be injurious to the area involved or otherwise detrimental to the public welfare as it is a result of preserving the protected mangrove trees.

- 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 **APPROVAL** of Items No. 1 and 2.

6. ATTACHMENTS

- A. Applicant's submittal package.
- B. Property Appraiser Summary Report.
- C. 08.31.18 Legal advertisement published.
- D. 08.31.18 Courtesy notice mailed to all property owners within 1,000 feet.

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
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for Planning and Zoning
City of Coral Gables, Florida