

1 CITY OF CORAL GABLES
2 BOARD OF ADJUSTMENT MEETING
3 VERBATIM TRANSCRIPT
4 CORAL GABLES CITY HALL
5 405 BILTMORE WAY, COMMISSION CHAMBERS
6 CORAL GABLES, FLORIDA
7 MONDAY, DECEMBER 1, 2014, COMMENCING AT 8:05 A.M.

8 Board Members Present:

9 Jorge E. Otero, Chairperson
10 Oscar Hidalgo, Vice-Chairperson
11 Susan Fuhrman
12 Gustave Perez
13 Michael Sotelo

14 City Staff Present:

15 Elizabeth Gonzalez, Zoning Tech Lead
16 Charles Wu, Assistant Development Services Director
17 Bridgette N. Thornton Richard, Deputy City Attorney

18 Case No. BA-14-01-2222

19 205 COSTANERA ROAD
20 COCOPLUM SECTION 2, PLAT C, PB/PG: 117/65 LOT 46, BLK 16
21 Ocean Consulting, LLC - Applicant
22 Roberto Awad and Soledad Troncoso - Owners
23 John Omslaer, P.E. - Engineer

24 Also Participating: Kirk Lofgren

25 ---

1 THEREUPON:

2 The following proceedings were had:

3 CHAIRMAN OTERO: Good morning.

4 The Board of Adjustment is comprised of
5 seven members. Four members of the Board shall
6 constitute a quorum and the affirmative vote of
7 the four members of the Board present shall be
8 necessary to authorize or deny a variance or
9 grant an appeal. A tie vote shall result in
10 the automatic continuance of the matter to the
11 next meeting, which shall be continued until a
12 majority vote is achieved. If only four
13 members of the Board are present, which is the
14 case today, at the moment, an applicant shall
15 be entitled to a postponement to the next
16 regularly scheduled meeting of the Board.

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

1 ability to present to the Board.

2 I now officially call the City of Coral
3 Gables Board of Adjustment board meeting of
4 December 1, 2014 to order. The time is 8:05.

5 Liz, shall we take the roll?

6 MS. GONZALEZ: Mr. Hidalgo?

7 MR. HIDALGO: Here.

8 MS. GONZALEZ: Ms. Fuhrman?

9 MS. FUHRMAN: Here.

10 MS. GONZALEZ: Mr. Galvez notified me that
11 he's out of town and to please excuse his
12 absence, so we'll vote on that in just a bit.

13 Mr. Perez?

14 Mr. Thomson?

15 Mr. Sotelo?

16 MR. SOTELO: Here.

17 MS. GONZALEZ: Mr. Otero?

18 CHAIRMAN OTERO: Here.

19 I'm going to continue reading the preamble
20 and then I will give you the choice to exercise
21 your right to defer.

22 Please be advised that the items on the
23 agenda are quasi-judicial in nature, which
24 requires Board members to disclose all ex-parte
25 communications and site visits. An ex-parte

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

8 (Thereupon, Mr. Perez arrived.)

9 MR. PEREZ: Good morning.

10 MR. SOTELO: Good morning.

11 CHAIRMAN OTERO: Let the record show that
12 Mr. Perez arrived, had difficulty parking.

13 MR. PEREZ: Hello.

14 CHAIRMAN OTERO: And now we have five.

15 If anyone made any contact with a Board
16 member regarding an issue before the Board, the
17 Board member must state on the record the
18 existence of the ex-parte communication and the
19 party who originated the communication. Also,
20 if a Board member conducted a site visit
21 specifically related to the case before the
22 Board, the Board member must also disclose such
23 visit. In either case, the Board member must
24 state on the record whether the ex-parte
25 communication and/or site visit will affect the

1 Board member's ability to impartially consider
2 the evidence to be presented regarding the
3 matter. The Board member should also state
4 that his or her decision will be based on
5 substantial, competent evidence and testimony
6 presented on the record today.

7 Does any member of the Board have such a
8 communication and/or site visit to disclose at
9 this time?

10 Let the record show that no Board member
11 made such a disclosure.

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

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

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

22 Now we will proceed with the agenda.

23 (Thereupon, Mr. Lofgren was duly sworn by
24 the court reporter.)

25 CHAIRMAN OTERO: Liz, we have only one case

1 today, right?

2 MS. GONZALEZ: That is correct.

3 CHAIRMAN OTERO: Could you read the case
4 file, please?

5 MS. GONZALEZ: Case Number BA-14-01-2222.
6 The property address is 205 Costanera Road.

7 Are you going to ask him if he wants to
8 defer?

9 CHAIRMAN OTERO: Well, we have five now.

10 MS. GONZALEZ: He still has -- He's still
11 given the right.

12 CHAIRMAN OTERO: If you'd come up and state
13 for the record and your role and your address,
14 please.

15 MR. LOFGREN: Good morning. Kirk Lofgren,
16 Ocean Consulting, with offices at 340 Minorca
17 Avenue, Suite 7. I'm here today as the
18 applicant's agent, representing Mr. and Awad.

19 CHAIRMAN OTERO: Good morning. Would you
20 like to defer or continue?

21 MR. LOFGREN: We'd like to continue.

22 CHAIRMAN OTERO: Thank you.

23 This is a matter where the applicant is
24 requesting a variance to allow the proposed
25 boatlift to be installed at a maximum 42 feet

1 from the bank of the waterway, versus: Davits,
2 watercraft lifts and floating watercraft lifts
3 shall not extend beyond 25 feet from the banks
4 of waterways as required by Section 5-805 (E)
5 of the Coral Gables Zoning Code.

6 Everyone on the Board received the packet?
7 Okay.

8 Liz, would you continue?

9 MS. GONZALEZ: Yes.

10 This property is located in the subdivision
11 known as Cocoplum Section Two, which has a
12 specific restriction regarding docks. Docks
13 are allowed to extend 25 feet from the property
14 line. The applicant has obtained a permit to
15 install a "T" shape dock, which is legally
16 conforming to the Zoning Code. Watercraft
17 lifts or boatlifts are not allowed to extend
18 beyond 25 feet from the bank. So these two
19 sections of the Code at this particular
20 property site are somewhat incongruent with
21 each other.

22 The boatlift is being proposed on the
23 waterward side of the dock at a maximum of 42
24 feet from the bank, versus 25 feet as allowed
25 by the Code.

1 As you can see, this is an aerial view of
2 the property. The property is located on this
3 corner, and there is ample waterway width,
4 which allows for 75 feet of navigable waterway.

5 The dock was installed at that location in
6 order to obtain the necessary depth and in
7 order to avoid the mangrove community along the
8 shoreline.

9 Here is the "T" shape dock that has been
10 permitted that will be constructed. The shaded
11 area is the mangrove area, and in your sketch
12 you have received a bio sketch from DERM, which
13 clearly illustrates that, along with the
14 pictures. And here is the boatlift which is
15 being proposed. Normally, a vessel would be
16 there, docked in the water, so this only just
17 lifts the vessel up from the water.

18 Due to the special waterway conditions, in
19 order to avoid impact to the resources, Staff
20 recommends the installation of the boatlift as
21 proposed and recommends approval of the
22 applicant's request

23 CHAIRMAN OTERO: Thank you.

24 Would you like to add, expand?

25 MR. LOFGREN: No, I don't think so. We've

1 reviewed the Staff report. We don't have any
2 objections and we're ready to proceed.

3 CHAIRMAN OTERO: Thank you.

4 Board Members, any questions to Staff or
5 applicant?

6 MR. SOTELO: A quick question for Staff.

7 The boatlift, when we just saw it right now
8 on the graph -- or the image, it's not impeding
9 the mangroves, right?

10 MS. GONZALEZ: No.

11 MR. SOTELO: It's actually away? Okay.

12 MS. GONZALEZ: As you see here, this
13 area --

14 MR. SOTELO: Can you go back to the prior
15 image, before you actually clicked on it?

16 MS. GONZALEZ: That one?

17 MR. SOTELO: No, there was one that didn't
18 show it highlighted. That's okay. Yeah, it's
19 that area there. Okay. That's the only
20 question I had.

21 MS. GONZALEZ: This is the aerial view, and
22 then --

23 MR. SOTELO: And we already have approval
24 from DERM, based on the packet.

25 MS. GONZALEZ: Yes.

1 MR. LOFGREN: We do.

2 MS. GONZALEZ: Any dock installation or
3 watercraft lift installation, before it gets
4 approved -- or presented to you all, has to
5 have DERM approval.

6 MR. SOTELO: Cool.

7 MS. GONZALEZ: This is the "T" shape dock
8 that will be built, which is similar to the one
9 that was there already. This is the mangrove
10 community, here, this side and this side.

11 CHAIRMAN OTERO: Liz, do we have any
12 letters of objection from any neighbor?

13 MS. GONZALEZ: No, sir.

14 CHAIRMAN OTERO: Is there any other
15 alternative?

16 MR. LOFGREN: There is not. We are not
17 allowed to park our boat on the inside of this
18 dock at all. Even though on the image board,
19 from there, you know, it looks like there's a
20 tiny gap in those trees, the water is too
21 shallow and we'd be impacting too much as a
22 result of that, if we were on that north edge.
23 So we're required to be on the waterward edge
24 of that dock.

25 CHAIRMAN OTERO: Could you put the other

1 one back up, where the boatlift is? There.

2 Which way is north?

3 MR. LOFGREN: I believe this way, to the
4 left.

5 CHAIRMAN OTERO: And you prefer to put it
6 on the south side of the dock --

7 MR. LOFGREN: We do.

8 CHAIRMAN OTERO: -- rather than the north
9 side?

10 MR. LOFGREN: They do. Either way, we
11 exceed our extension allowance.

12 CHAIRMAN OTERO: But that side, you're
13 closer to the green stuff.

14 MR. LOFGREN: We are. That's right. But
15 we aren't impacting any of the mangroves as a
16 result. That is sort of a canopy cover, so
17 that's a higher cover, as well, not necessarily
18 right on the water.

19 MS. GONZALEZ: In your packet, there is a
20 photo that shows this area here, which is very
21 shallow, and I believe Mr. Lofgren referred to
22 that. This area here is extremely shallow.

23 MR. SOTELO: There's currently davits on
24 the dock, I can see from the images.

25 MR. LOFGREN: There is.

1 MR. SOTELO: But it's for a smaller vessel.

2 MR. LOFGREN: Well, it's also old. It's
3 dilapidated and it needs to be replaced.

4 CHAIRMAN OTERO: Any other questions from
5 Board members?

6 Thank you.

7 If there's anyone in the audience who
8 wishes to speak in favor of this case, please
9 come forward to the microphone.

10 Let the record show no one has.

11 Is there anyone in the audience who wishes
12 to speak in opposition of this case?

13 Let the record show there is no one here to
14 speak in opposition.

15 This now closes the public hearing, and the
16 Board may discuss, make appropriate motions.
17 Any motions to be made, please make them in
18 accordance with the language proposed in your
19 packet. The options are to make a motion to
20 grant the variance or make a motion to deny the
21 variance or have further discussion.

22 MS. FUHRMAN: Okay. I move that the Board
23 of Adjustment grant Application BA-14-01-2222,
24 a request by Kirk Lofgren of Ocean Consulting,
25 LLC, on behalf of Roberto Awad and Soledad

1 Troncoso for a variance for the residence at
2 205 Costanera Road, to allow the proposed
3 boatlift to be installed at 42 feet from the
4 bank of the waterway. The motion is based upon
5 the testimony presented, along with the
6 application submitted and the Staff Report,
7 which constitute competent, substantial
8 evidence. The Board hereby makes findings of
9 fact that each of the standards in Section
10 3-806 of the Zoning Code has been met.

11 MR. SOTELO: I second it.

12 CHAIRMAN OTERO: Any discussion? The
13 motion is seconded.

14 Liz, roll call on the motion, please.

15 MS. GONZALEZ: Mr. Perez?

16 MR. PEREZ: Yes.

17 MS. GONZALEZ: Mr. Sotelo?

18 MR. SOTELO: Yes.

19 MS. GONZALEZ: Mr. Hidalgo?

20 MR. HIDALGO: Yes.

21 MS. GONZALEZ: Ms. Fuhrman?

22 MS. FUHRMAN: Yes.

23 MS. GONZALEZ: Mr. Otero.

24 CHAIRMAN OTERO: Yes.

25 MR. LOFGREN: Thank you very much.

1 CHAIRMAN OTERO: Thank you very much.

2 Before we continue, I skipped over a couple
3 of items on the agenda, on the items. Are
4 there any changes to the agenda, Liz?

5 MS. GONZALEZ: No, sir.

6 CHAIRMAN OTERO: Thank you.

7 We all received the minutes of the last
8 meeting by e-mail. Is there a motion to
9 approve the minutes for the November 3, 2014
10 meeting?

11 MR. HIDALGO: So moved.

12 MR. SOTELO: Second.

13 CHAIRMAN OTERO: All those in favor?

14 (Thereupon, all members voted aye.)

15 CHAIRMAN OTERO: Opposed, nay?

16 Okay. That should conclude the meeting,
17 except for anything else that needs to come up.

18 MS. GONZALEZ: We need to authorize
19 Mr. Galvez's absence, since he notified the
20 Board prior that he was going to be out.

21 MR. SOTELO: I moved to approve.

22 CHAIRMAN OTERO: Second.

23 All those in favor?

24 (Thereupon, all members voted aye.)

25 MS. GONZALEZ: I'm sorry, who seconded?

1 CHAIRMAN OTERO: I seconded.

2 MS. GONZALEZ: Okay.

3 MS. GONZALEZ: You have received -- I think
4 that concludes the meeting at this time. You
5 have received dates for next year in your
6 packet. As suggested, I changed January's
7 meeting to the second week and also August's
8 meeting to the second week, as requested.
9 Those are the dates now, at this time. As
10 always, we can sort of tweak it or work around
11 it, but these are the dates, that you received
12 in your packet.

13 You also received a copy of the annual
14 report by way of e-mail. Mr. Otero has now
15 signed it and that is now completed, and the
16 last and final issue is, I would like to know
17 your opinion or your request, in lieu of
18 receiving the application or the packet
19 information hard copy versus receiving it by
20 way of e-mail, instead of having a hard copy
21 packet delivered to your residence or business.
22 Is there one -- Do you have a preference? Do
23 you prefer to stay this way? Would you prefer
24 to have it sent via e-mail?

25 CHAIRMAN OTERO: My personal preference is

1 to keep doing it the way we're doing it. I
2 would find it very hard to see maps and
3 attachments and schematics by e-mail
4 attachment, which I would then have to print,
5 anyhow.

6 MR. SOTELO: I agree.

7 CHAIRMAN OTERO: So any other comments?
8 Susan?

9 MS. FUHRMAN: I agree.

10 MR. SOTELO: Is the hardship just because
11 of mostly the person delivering it or is it
12 putting it together?

13 MS. GONZALEZ: No, not at all. No, not at
14 all.

15 MR. SOTELO: Okay.

16 MS. GONZALEZ: We just wanted to get your
17 opinion and see if you would prefer via e-mail
18 versus hard copy.

19 MR. HIDALGO: It's more comfortable, I
20 think, to have a copy.

21 MS. GONZALEZ: Pardon?

22 MR. HIDALGO: It's more comfortable to have
23 a hard copy.

24 CHAIRMAN OTERO: If it's a matter of just a
25 few -- maybe even the minutes, I would say that

1 that's the limit of my acceptance. I'd still
2 have to read them and print them, but when we
3 have attachments and they're -- If there's any
4 kind of complexity in the attachments and the
5 exhibits, I would prefer hard copies.

6 MR. SOTELO: And perhaps your printer is
7 different than mine and your images may look
8 different.

9 CHAIRMAN OTERO: So, if that's okay with
10 the City, that's what we'd like.

11 MS. GONZALEZ: Absolutely.

12 MS. FUHRMAN: I have a question. Should we
13 be out of town and not be able to get to the
14 packet until, let's say, Sunday evening, is it
15 possible for to you e-mail it to us?

16 MS. GONZALEZ: Sure, if you request it, I
17 can e-mail it to you. I can do both.

18 MS. FUHRMAN: I don't need both, but let's
19 say I'm flying in on Sunday evening.

20 MS. GONZALEZ: You can notify me,
21 absolutely.

22 MS. FUHRMAN: Okay.

23 MS. GONZALEZ: I believe you all have my
24 cell phone number. You can do that, and I
25 can do that.

1 MS. FUHRMAN: Thank you.

2 CHAIRMAN OTERO: If there's nothing else,
3 that concludes the meeting again.

4 MS. GONZALEZ: January 12th is the next
5 meeting.

6 CHAIRMAN OTERO: Thank you.

7 (Thereupon, the meeting was adjourned at
8 8:20 a.m.)

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C E R T I F I C A T E

STATE OF FLORIDA:

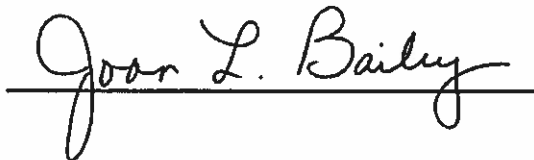
SS.

COUNTY OF MIAMI-DADE:

I, JOAN L. BAILEY, Registered Diplomate
Reporter, Florida Professional 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.

I further certify that all public speakers were
duly sworn by me.

DATED this 2nd day of December, 2014.

A handwritten signature in cursive script that reads "Joan L. Bailey". The signature is written in dark ink and is positioned above a solid horizontal line.

JOAN L. BAILEY, RDR, FPR

Notary Commission Number EE 083192.
My Notary Commission expires 6/14/15.