

**City of Coral Gables
Board of Adjustment Meeting
Monday, September 10, 2018
Coral Gables City Commission Chambers
405 Biltmore Way, Coral Gables, Florida**

MEMBERS	J8	F5	M	A	M7	J	J	A	S	O	N	D	APPOINTMENT
	'18	'18	'18	'18	'18	'18	'18	'18	'18	'18	'18	'18	
Maria D. Garcia	P	P	C	C	P	R	R	R	P	C	C		Commissioner Frank Quesada
Oscar Hidalgo Chair	P	P	C	C	P	R	R	R	P	C	C		Board-As-A-Whole
Eugenio Lage	P	P	C	C	P	R	R	R	P	C	C		Commissioner Michael Mena
Jorge Otero	-	P	C	C	P	R	R	R	E	C	C		Commissioner Patricia Keon
Gema Pinon Vice Chair	P	P	C	C	P	R	R	R	P	C	C		Mayor Raul Valdes Fauli
Michael Sotelo	E	P	C	C	P	R	R	R	E	C	C		VM Vince Lago
Jack Thomson	P	P	C	C	P	R	R	R	P	C	C		City Manager

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

City Staff and Consultants:

Ramon Trias, Planning & Zoning Director
Jennifer Garcia, City Planner
Arceli Redila, Principal Planner
Stephanie M. Throckmorton, Asst. City Attorney

**Court Reporter:
Nieves Sanchez**

Attachment: 09 10 18 Board of Adjustment Verbatim Minutes

CITY OF CORAL GABLES
BOARD OF ADJUSTMENT
VERBATIM TRANSCRIPT
CORAL GABLES CITY HALL
405 BILTMORE WAY, COMMISSION CHAMBERS
CORAL GABLES, FLORIDA
MONDAY, SEPTEMBER 10, 2018, COMMENCING AT 8:00 A.M.

Board Members Present:

Oscar Hidalgo, Chairman
Maria D. Garcia
Eugenio Lage
Gema Pinon
John M. Thomson

City Staff and Consultants:

Ramon Trias, Planning Director
Stephanie M. Throckmorton, Assistant City Attorney
Arceli Redila, Principal Planner
Jennifer Garcia, City Planner

ALSO PARTICIPATING:

Kirk Lofgren, Ocean Consulting, LLC

BA-18-08-4305
(156 Paloma Drive)
LOT 12, BLOCK 24, COCOPLUM SEC 2 PLAT F
Ocean Consulting, LLC - Applicant
Paloma Estate, LLC - Owner

THEREUPON:

(The following proceedings were held.)

CHAIRMAN HIDALGO: I'll call the meeting to order. If we could take the roll call, please.

MS. REDILA: Ms. Garcia?

MS. GARCIA: Present.

MS. REDILA: Mr. Hidalgo?

CHAIRMAN HIDALGO: Present.

MS. REDILA: Mr. Lage?

MR. LAGE: Present.

MS. REDILA: Mr. Otero?

Ms. Pinon?

MS. PINON: Present.

MS. REDILA: Mr. Sotelo?

Mr. Thomson?

MR. THOMSON: Present.

CHAIRMAN HIDALGO: Okay. For the record, also, Mr. Otero sent an e-mail to the Board excusing himself, because he has some kind of ties to the client whose presenting in front of us. So I think we should take a vote to excuse him from this meeting.

All those in favor, say aye.

MR. THOMSON: Aye.

MR. LAGE: Aye.

MS. PINON: Aye.

MS. GARCIA: Aye.

CHAIRMAN HIDALGO: Aye.

Should we take the roll and vote on that, also?

MS. REDILA: Ms. Garcia?

MS. GARCIA: Present.

MS. REDILA: Mr. Hidalgo?

CHAIRMAN HIDALGO: Aye.

MS. GARCIA: Aye.

MS. REDILA: Mr. Lage?

MR. LAGE: Yes.

MS. REDILA: Ms. Pinon?

MS. PINON: Aye.

MS. REDILA: Mr. Thomson?

MR. THOMSON: Yes.

CHAIRMAN HIDALGO: The next item, if we can get a vote on the approval of the minutes from our last meeting. I believe it was May 7th.

MS. GARCIA: Move to approve.

CHAIRMAN HIDALGO: We have a motion to approve. Is there a second?

MR. LAGE: Second.

CHAIRMAN HIDALGO: It's been moved and second. Take a vote, please.

MS. REDILA: Ms. Garcia?

MS. GARCIA: Aye.

MS. REDILA: Mr. Hidalgo?

CHAIRMAN HIDALGO: Aye.

MS. REDILA: Mr. Lage?

MR. LAGE: Aye.

MS. REDILA: Ms. Pinon?

MS. PINON: Aye.

MS. REDILA: Mr. Thomson?

MR. THOMSON: Yes.

CHAIRMAN HIDALGO: Okay. Before we hear the first case, I believe Mr. Lage --

MR. LAGE: Yeah, Mr. Chairman, I'd like to recuse myself. So I'm going to be stepping out today.

CHAIRMAN HIDALGO: Okay. Should we take a vote to --

MS. THROCKMORTON: We don't need to take a vote, but if you could just state that you have a conflict, on the record --

MR. LAGE: Yeah, I have a conflict with the owners. I have a business relation with them. So I would like to recuse myself.

MS. THROCKMORTON: And I will meet with you afterwards. I think there's an appropriate

1 form we need to disclose to disclose that
 2 conflict. So I'm going to ask you to step out
 3 of the room. When the item is over, we'll come
 4 back and get you.
 5 MR. LAGE: Okay. Thank you.
 6 MS. THROCKMORTON: Thank you.
 7 CHAIRMAN HIDALGO: Thank you, Mr. Lage.
 8 So the first item on the agenda is Ocean
 9 Consulting, 156 Paloma Drive.
 10 MS. THROCKMORTON: Mr. Chairman, I'll just
 11 make a comment, for the public, that the second
 12 item has been pulled from the agenda today,
 13 before we take the first case, in case anybody
 14 is here for that. The second item, which is
 15 the 700 Biltmore Way appeal, has been pulled.
 16 We've been informed that the business is no
 17 longer operating there, so the Certificate of
 18 Use was cancelled by the City that was at
 19 issue, and so the Certificate of Use that was
 20 being appealed. So, at the moment, that's
 21 cancelled. I hope you didn't spend your
 22 weekend reading that large booklet.
 23 CHAIRMAN HIDALGO: So is there anybody in
 24 the audience for that David William case?
 25 Thank you.

1 birthday happened to be Sunday.
 2 CHAIRMAN HIDALGO: Happy birthday.
 3 MR. THOMSON: Thank you. I'd heard about
 4 it and it saved me putting in all of that time.
 5 MS. THROCKMORTON: Understood, Mr. Thomson.
 6 We'll make sure that, in the future, if we
 7 don't get receipt via e-mail, we'll follow up
 8 with phone calls to make sure that you all are
 9 informed of the agenda as soon as possible.
 10 MR. THOMSON: Okay. Thank you.
 11 CHAIRMAN HIDALGO: Thank you.
 12 Anyone in the audience, who will be
 13 speaking in front of the Board, if the reporter
 14 can swear you in, please.
 15 (Thereupon, the participant was sworn.)
 16 MR. LOFGREN: Yes, I do.
 17 CHAIRMAN HIDALGO: Thank you.
 18 MS. REDILA: We'll do the Staff
 19 presentation first.
 20 CHAIRMAN HIDALGO: There's a sign-in sheet
 21 there. If you can sign in.
 22 MS. REDILA: Yes, he already signed in.
 23 So we'll do the Staff presentation.
 24 Good morning, Mr. Chair, Members of the
 25 Board. For the record, Arceli Redila, from

1 MR. THOMSON: I just have one question.
 2 When did you learn -- excuse me, when did you
 3 learn that that item had been pulled?
 4 MS. THROCKMORTON: Friday afternoon.
 5 MR. THOMSON: Okay. And was there any
 6 attempt to get ahold of the Board, send out
 7 e-mails?
 8 MS. THROCKMORTON: I believe that the Board
 9 was contacted. I'll ask Ms. Redila to comment
 10 about that.
 11 MS. REDILA: Yes, we did. We sent out an
 12 e-mail. That's the reason Mr. Otero did not
 13 come, because the second item is no longer on
 14 the agenda.
 15 MR. THOMSON: I'm just curious. I didn't
 16 get any. I got mine by rumor.
 17 MS. PINON: I didn't, either.
 18 CHAIRMAN HIDALGO: Yeah, I think there was
 19 an e-mail that was sent out either Thursday or
 20 Friday regarding the deleting of that one item.
 21 MR. THOMSON: Well, the reason why I'm
 22 asking, e-mails, personal phone calls, make
 23 sure that we have been notified about that,
 24 because if I hadn't heard it by rumor, I would
 25 have put in hours of work over the weekend. My

1 Planning & Zoning.
 2 So the item before you today is
 3 BA-18-08-4305. The Applicant, Ocean
 4 Consulting, LLC, on behalf of the property
 5 owner, Paloma Estate, is requesting a variance
 6 for a dock and a boat lift. This is for an
 7 existing single-family home located at 156
 8 Paloma Drive. So it's on the south side of
 9 Paloma Drive and it abuts a canal.
 10 So it is within the Cocoplum Section 2 of
 11 Coral Gables, which has Site Specific
 12 regulations regarding docks or similar
 13 structures extending outward from the property
 14 line.
 15 So there is already an existing dock on
 16 site. There was a permit card for a dock in
 17 1993, but no copies of permitted drawings were
 18 found. So the dock is proposed to be replaced
 19 in the same footprint as the one that is
 20 currently existing.
 21 So the Applicant is requesting two
 22 variances. First is to allow a dock to extend
 23 into the waterway by 33 and eight feet from the
 24 property line, where 15 feet is the maximum
 25 allowed by Code.

1 And here is how it shows the property line.
2 It is extending 33-8 inches.

3 The second variance is to allow a boat lift
4 to extend 17 and seven inches from the dock,
5 where 25 feet is the maximum allowed by Code.

6 So, in total, the dock and the boat lift
7 together will extend into or over the canal
8 approximately 51 feet and three inches from the
9 property line, but 44 and six inches from the
10 banks. And those are the two variances.

11 Staff is recommending approval. This was
12 already approved by the Board of Architects in
13 November 2017.

14 And with that, if you have any questions,
15 the Applicant is here.

16 CHAIRMAN HIDALGO: Thank you.

17 MR. LOFGREN: Hi, good morning. My name is
18 Kirk Lofgren, with Ocean Consulting, with
19 offices at 340 Minorca Avenue, Suite 7, in
20 Coral Gables.

21 We have reviewed the Staff's recommendation
22 for approval and we don't have any thoughts or
23 comments on that, but we're here to address any
24 questions.

25 MS. PINON: I have something.

1 I suspect you want to put a bigger yacht
2 here, and that's why you want to extend the
3 dock, but have there been any comments from any
4 of the neighbors or have any neighbors been
5 approached about extending the size of the
6 dock? Does it have any impact on their
7 properties?

8 MR. LOFGREN: Actually, just to clarify,
9 we're rebuilding a dock in the same footprint
10 and there's a boat lift going on the outside
11 edge of that dock. So there won't be a bigger
12 yacht there.

13 MS. PINON: Oh, okay.

14 CHAIRMAN HIDALGO: So, basically, this is a
15 replacement of an existing dock in its same
16 location?

17 MR. LOFGREN: That's correct, with the
18 addition of a boat lift.

19 CHAIRMAN HIDALGO: The current dock does
20 not have a boat lift?

21 MR. LOFGREN: Does not, that's correct,
22 have a boat lift.

23 MR. THOMSON: We've approved similar docks
24 that you've presented to us and I don't think
25 we're doing anything different here.

1 MR. LOFGREN: No, that's correct. In fact,
2 I brought an exhibit, just to give you an idea.
3 I don't know if it's helpful, but it gives an
4 idea of the issue that you have all along this
5 waterway with these mangroves here.

6 The whole reason we're extending out and
7 requiring the variance is because there is a
8 significant number of mangrove trees that we're
9 not allowed to impact. So we're extending the
10 minimum distance necessary to get beyond that,
11 and then we're looking to be able to place a
12 boat lift at that outside edge of that dock for
13 the mooring of a vessel.

14 MR. THOMSON: Okay. And you meet that
15 criteria, plus the dock is not going to impede
16 the marine traffic in that area at all?

17 MR. LOFGREN: That's correct. That's
18 correct. There's no development on the
19 opposite side of the shoreline, as well, so we
20 know that we've got our clearance for
21 navigation.

22 MR. THOMSON: Okay.

23 CHAIRMAN HIDALGO: How does the
24 dimensioning of the dock and the boat lift from
25 the property line currently compare to the

1 adjoining properties in that one waterway down?
2 It's similar?

3 MR. LOFGREN: It's similar, right. I don't
4 know if you can see this. This is tiny, but
5 you can see that it's very similar. We're
6 here -- to give you an idea -- and if you take
7 a look at these boats, we're very similar to
8 the extension. Some are further out, such as
9 this one. We're pulled in here. We weren't
10 able to find a record of all variances for
11 every single dock, but we anticipate there was
12 a variance.

13 We were able to find four or five that I'm
14 happy to share with you of the neighboring
15 properties, but roughly we're about the same.

16 CHAIRMAN HIDALGO: So based on the exhibit,
17 the intention of the placement of the docks
18 along all of those properties in that waterway
19 is just to clear the mangroves?

20 MR. LOFGREN: That's correct.

21 CHAIRMAN HIDALGO: And there's enough
22 depth, et cetera?

23 MR. LOFGREN: There is, yes. Miami-Dade
24 County DERM requires that we get to roughly
25 four feet in the water. So we're extending out

1 far enough to get to that depth, and then
 2 depending on the type of vessel that we
 3 propose, which gets to your question --
 4 MS. PINON: Right.
 5 MR. LOFGREN: -- they then extend you
 6 further out, if you need to. But in this case,
 7 since we're talking about a boat lift here, we
 8 don't need to extend any further out. We
 9 achieved the four feet at our extension.
 10 CHAIRMAN HIDALGO: Any other questions from
 11 the Board Members to the Applicant? No?
 12 So the public forum is closed.
 13 Any comments between the Board Members on
 14 this item?
 15 MR. THOMSON: I'd like to make a motion. I
 16 was trying to find the wording of the motion to
 17 make it. I couldn't find it in my stuff.
 18 MS. THROCKMORTON: It's a motion to grant
 19 the variances?
 20 CHAIRMAN HIDALGO: I'm sorry?
 21 MS THROCKMORTON: You're trying to make a
 22 motion to grant the variances?
 23 MR. THOMSON: Yes.
 24 CHAIRMAN HIDALGO: Mr. Thompson, it's right
 25 behind the second page of the item on the

1 agenda, understanding that there's two motions,
 2 so we're going to have to --
 3 MS. REDILA: I think this might be helpful,
 4 Variance 1 and Variance 2.
 5 MR. THOMSON: Okay. All right. I would
 6 like to move approval of Item 1, a variance to
 7 allow a wood dock for an existing single-family
 8 residence to extend into the waterway 33 feet
 9 and eight inches from the property line versus
 10 docks, wharves or other similar structures may
 11 be constructed over or in canals and waterways
 12 at a distance extending outward from the
 13 property line not more than 15 feet, pursuant
 14 to Section A-23.A(3) of the Coral Gables Zoning
 15 Code.
 16 CHAIRMAN HIDALGO: There is a motion to
 17 approve. Is there a second?
 18 MS. GARCIA: Second.
 19 CHAIRMAN HIDALGO: It's been moved and
 20 second.
 21 Take a vote, please.
 22 MS. REDILA: Ms. Garcia?
 23 MS. GARCIA: Aye.
 24 MS. REDILA: Ms. Pinon?
 25 MS. PINON: Aye.

1 MS. REDILA: Mr. Thomson?
 2 MR. THOMSON: Aye.
 3 MS. REDILA: Mr. Hidalgo?
 4 CHAIRMAN HIDALGO: Aye.
 5 CHAIRMAN HIDALGO: So the first item on the
 6 variance has been approved. Is there a motion
 7 on the second item for the extension of the
 8 boat lift?
 9 MR. THOMSON: Yes. Mr. Chairman, I'd like
 10 to make a motion to approve the second item
 11 variance to allow a watercraft lift to extend
 12 44 feet and six inches from the bank of the
 13 waterway versus watercraft lifts or floating
 14 watercraft lifts shall not extend beyond 25
 15 feet from the banks of waterways, pursuant to
 16 Section 5-803(E) of the Coral Gables Zoning
 17 Code.
 18 MS. THROCKMORTON: Mr. Thompson, just to
 19 clarify the motion, I have Section 5-805(E) of
 20 the Zoning Code.
 21 MR. THOMSON: Correct.
 22 MR. THROCKMORTON: Thank you.
 23 CHAIRMAN HIDALGO: Thank you.
 24 There's been a motion. Is there a second?
 25 MS. GARCIA: Second.

1 CHAIRMAN HIDALGO: It's been moved and
 2 second. Take a vote, please.
 3 MS. REDILA: Ms. Garcia?
 4 MS. GARCIA: Aye.
 5 MS. REDILA: Ms. Pinon?
 6 MS. PINON: Aye.
 7 MS. REDILA: Mr. Thomson?
 8 MR. THOMSON: Aye.
 9 MS. REDILA: Mr. Hidalgo?
 10 CHAIRMAN HIDALGO: Aye.
 11 So both items have been approved, Mr.
 12 Lofgren.
 13 MR. LOFGREN: Thank you very much. I
 14 appreciate your time.
 15 CHAIRMAN HIDALGO: You're welcome.
 16 MS. THROCKMORTON: I'm going to get our
 17 Board Member who recused himself.
 18 CHAIRMAN HIDALGO: Please. Thank you.
 19 City, there was language that was part of
 20 our packet as to how to grant or deny the
 21 items. I believe that there was a certain
 22 language.
 23 MS. REDILA: A certain format, maybe?
 24 CHAIRMAN HIDALGO: I'm sorry?
 25 MS. REDILA: A certain format on how to --

1 CHAIRMAN HIDALGO: Yes. And it was in our
2 prior packets, but I didn't see it in this one.

3 MS. REDILA: We transitioned into the new
4 Legistar. That's probably why the agenda is
5 not the same as a previous one. This is
6 something that is an auto populated template in
7 the Legistar, but I'll make sure in the next
8 meeting you'll have that.

9 CHAIRMAN HIDALGO: Okay. Thank you, City.

10 MR. THOMSON: I had a question, too. My
11 question really is just to Ramon and maybe the
12 City Attorney, but on the item that was pulled
13 today, I read -- I did read through it, and I
14 was curious as to how the City approves
15 something that has a variance without coming to
16 the Board.

17 I was under the impression that all
18 variances came to the Board, unless the
19 applicant was able to come up with a design
20 that did not require a variance. Am I wrong?

21 MR. TRIAS: You're correct. This issue was
22 not a variance. What happened in the David
23 William is that they had a long history of
24 approvals since the 1960s, but it was not a
25 variance. It's the way that the Commission

1 approved it, et cetera.

2 And what happens is that the current
3 zoning, the current zoning is MFSA, and is
4 residential mostly, but it also allows for
5 accessory uses related to the residential. So
6 that said, it was not reviewed as a variance.

7 MS. THROCKMORTON: Mr. Thomson, there was
8 not a variance request that would have come to
9 the Board of Adjustments there. It was simply
10 the issuance of a Certificate of Use, which the
11 Planning & Zoning Director does regularly as a
12 matter of course. So there was no variance
13 requested by the applicant or the property
14 owner in that case.

15 The Board of Adjustments, and I don't know
16 if you all know this, because it hasn't
17 happened before, also hears appeals of Staff
18 decisions that are not appeals of the Board of
19 Architects or the Historic Preservation
20 officer. So there was a group who appealed the
21 issuance of the Certificate of Use, which was a
22 Staff decision, and those come to you, the
23 Board of Adjustments, although we couldn't
24 recall a time when one had come in, within
25 living memory. So this was a new thing for the

1 Board.

2 So it was not a variance. It was a Staff
3 appeal.

4 MR. THOMSON: Yeah, it's kind of new to me.
5 Thanks for explaining that.

6 The other thing is, I'm old enough to know
7 the old history of the Zoning Code in Coral
8 Gables. I started out in the City when it was
9 a three-story zoning ordinance, and I've gone
10 through the David William and all of its
11 history.

12 I understood that when it was converted
13 into hotel apartment, that the variance to or
14 the ability to use any of these commercial
15 spaces was limited to a hotel and an operation
16 that qualified to be a hotel.

17 Somehow, the owners sold more rooms than
18 they should have, so that property has less
19 than 100 hotel rooms on it, and my
20 understanding has been, for years, that the
21 restaurant that was there, not At the Chez
22 Vendome that the other ladies -- it came after
23 that, wasn't able to continue operating,
24 because of the fact that the owner did not
25 qualify as a hotel, and I was curious as to how

1 any kind of commercial operation can be
2 approved there unless it's a hotel. The Zoning
3 alone allowing it was not sufficient.

4 MS. THROCKMORTON: Well, Mr. Thomson, given
5 the current situation between the City and the
6 property owners and the tenants in the
7 building, I don't know how much we can discuss
8 about potential uses of the space.

9 I would say that it's our understanding
10 that the restaurant that ceased operating in
11 2006 was due to a fire that happened in the
12 building in 2006 and that's why the restaurant
13 ceased operating. And it's our understanding
14 that the property owners have been trying to
15 let those units for any use for a long period
16 of time, but that's a matter of discussion
17 between the property owner and the City
18 Attorney, looking at potential uses for that
19 space, and we'll look into that, when it was
20 converted to apartments.

21 It was an apartment hotel, it's my
22 understanding, for a long period of time.

23 MR. TRIAS: The issue of whether it's a
24 hotel or not, that really has no relevance in
25 the current Zoning. The current Zoning is

1 MFSA. For whatever reason, that was the Zoning
2 in place in 2007.

3 MR. THOMSON: Okay.

4 MR. TRIAS: MFSA is residential, which
5 means they're apartments and so on.

6 MR. THOMSON: So when we updated the
7 Zoning, we took away that requirement of the
8 hotel?

9 MR. TRIAS: I suppose something like that
10 happened, because the current Zoning does not
11 allow hotels, the current Zoning.

12 Now, back in the '60s, when it was recently
13 approved, yes, you're correct. That's the way
14 it was.

15 MR. THOMSON: Yeah. Okay.

16 And the restaurant property there, without
17 permission, cut a door from the outside into
18 the property. That's another problem the lady
19 had. So can another restaurant come in there
20 and operate with the outside door or would they
21 require closing of that outside door?

22 MS. THROCKMORTON: I'll speak for the
23 Planning & Zoning Director, in that we're
24 certainly not dealing with hypotheticals at the
25 moment with this property. And so we'll look

1 into the unpermitted door, whatever you've
2 mentioned, the door to the outside, we'll look
3 into that, but as far as potential uses right
4 now, they're vacant. There's no Certificate of
5 Uses for either of those properties.

6 Should another application for a
7 Certificate of Use come, the Planning & Zoning
8 Director will review it in accordance with this
9 current Zoning.

10 MR. THOMSON: Yeah. Because, you know, I
11 live just behind the David William, in Biltmore
12 Court Villas, and that whole neighborhood is
13 being rebuilt as we speak with all kinds of new
14 housing and I think we'd all like to see that
15 restaurant reopen. It was a nice neighborhood
16 restaurant. You could walk to it.

17 CHAIRMAN HIDALGO: Thank you, Mr. Thomson.

18 Any other items for the Board? We're good?

19 Meeting adjourned.

20 (Thereupon, the meeting was adjourned at 8:25

21 a.m.)

22
23
24
25

1 CERTIFICATE

2

3 STATE OF FLORIDA:

4 SS.

5 COUNTY OF MIAMI-DADE:

6

7

8

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

15

16 DATED this 12th day of September, 2018.

17

18 SIGNATURE ON FILE

19

NIEVES SANCHEZ

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