



City of Coral Gables Planning and Zoning Staff Report

Applicant: Ocean Consulting, LLC
Application: Variance
Property: 15 Tahiti Beach Island Road – BA-18-11-3399
Legal Description: Lot 6, Block 22, Cocoplum Section 2 Plat E
Present Owners: Bhavana Janak Shah
Present Use: Single-Family Residential
Zoning District: Single-Family Residential (SFR)
Public Hearing: Board of Adjustment
Date & Time: December 3, 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 15 Tahiti Beach Island Road pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the “Zoning Code.”

- 1. Variance to allow a watercraft lift to extend forty-one feet and eleven inches (41'-11") from the bank of 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 March 15, 2018.

3. ADVERTISING

This application was advertised in the Miami Daily Business Review on November 23, 2018. Letters were mailed to properties within one thousand feet of subject property and the property was posted on November 20, 2018.

4. STAFF OBSERVATION

The subject property, 15 Tahiti Beach Island Road is located within the Cocoplum Section Two

of Coral Gables. There is an existing single-family home on the subject property. As shown on the boundary survey provided by the Applicant, there is an existing L-shaped dock with a boat slip located inside the dock.

The dock will be reconstructed in the same footprint as the one currently existing, but the boat slip will be relocated to the waterward edge of the dock, extending eighteen feet and eleven inches (18'-11") from the dock. The dock and boat lift together will extend into the bay a total of forty-one feet and eleven inches (41'-11") from the seawall.

The Applicant is requesting a Variance for the relocation of the boat lift which will be projecting forty-one feet and eleven inches (41'-11") from the seawall where twenty-five (25) feet is the maximum allowed. Per Section 5-805(E) of the Zoning Code, "watercraft lifts or floating watercraft lifts shall not extend beyond twenty-five (25) feet from the banks of waterways."

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 not meet the standard required for authorization of variance.

The existing condition shows that a boat slip can be placed in a location where it meets the requirements of the Zoning Code. Staff does not find special condition that exists which is peculiar to the land that prohibits the Applicant from complying with the requirements of the Zoning Code.

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

Does not meet the standard required for authorization of variance.

Staff does not find special condition that exists that prohibits the Applicant from complying with the Zoning Code requirements.

- 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.

This type of Variance request is typically associated with properties zoned Single-Family Residential. In recent past, variances were granted for similar request for properties that abut a canal or waterway in the same zoning district.

- 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.

Literal interpretation of the provisions to the subject site would not deprive the Applicant of rights enjoyed by other properties in the area under similar circumstances. The Applicant will be able to have a boat slip that meets the requirement of the Zoning Code, similar to the one currently existing.

- 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 condition with the existing shows that a boat slip can be placed in a location where it meets the requirements of the Zoning Code.

- 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.

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.

Based on findings on criteria 1, 2, 4, and 5, the staff recommends **DENIAL** of Item No. 1.

6. ATTACHMENTS

- A. Applicant's submittal package.
- B. Property Appraiser Summary Report.
- C. Section 5-805 of the Zoning Code
- D. 11.30.18 Legal advertisement published.
- E. 11.20.18 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
Assistant Director of Development Services
for Planning and Zoning
City of Coral Gables, Florida