



## City of Coral Gables Planning and Zoning Staff Report

Applicant: Ocean Consulting, LLC  
Application: Variance  
Property: 10 Tahiti Beach Island Road – BA-19-04-5187  
Legal Description: Lot 1, Block 22, Cocoplum Section 2 Plat E  
Present Owners: Neil Flanzraich and Kira Flanzraich  
Present Use: Single-Family Residential  
Zoning District: Single-Family Residential (SFR)  
Public Hearing: Board of Adjustment  
**Date & Time: May 6, 2019; 8:00 a.m.**  
Location: City Commission Chambers, City Hall,  
405 Biltmore Way, Coral Gables, Florida 33134

### 1. APPLICATION REQUEST

Request for Variance for the property located at 10 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 an existing dock to be re-constructed within the same footprint extending twenty-nine feet and eleven inches (29'-11") from the property line into Biscayne Bay vs. no docks shall extend more than twenty-five (25) feet from the property line into Biscayne Bay, pursuant to Section 5-803(A) of the Coral Gables Zoning Code.*

### 2. BOARD OF ARCHITECTS REVIEW

Final approval on November 1, 2018.

### 3. ADVERTISING

This application was advertised in the Miami Daily Business Review on April 25, 2019. Letters were mailed to properties within one thousand feet of subject property and the property was posted on April 23, 2019.

#### 4. STAFF OBSERVATION

The subject property, 10 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 and historical aerial photos provided by the Applicant, there is an existing T-shaped dock with mooring piles projecting towards Biscayne Bay but no permit file was found.

According to the Applicant, the existing dock was damaged during Hurricane Irma. The proposal is to replace the existing dock within the same footprint with the existing dock piles extending twenty-nine feet and eleven inches (29'-11") from the property line into Biscayne Bay. Per Section 5-803(A) of the Zoning Code, "no docks shall extend more than twenty-five (25) feet from the property line into Biscayne Bay." Although the dock is existing, there is no permit file or drawings found to show the exact layout when it was permitted to establish the extent of nonconformity, therefore, it necessitates a Variance.

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 existing dock was damaged during hurricane Irma. It will be re-constructed in the same footprint, on the existing dock piles. As shown on aerials, the neighboring properties shows similar condition, and some were granted a variance in the recent past.*

- 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 Applicant only proposes to replace the existing dock that was damaged during hurricane Irma. It will be re-constructed in the same footprint, on the existing dock piles.*

- 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 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.*

- 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 variance request is the minimum variance that will enable the applicant to reconstruct the dock that is already existing, using the existing pile, extending four feet and eleven inches (4'-11") more than the required twenty-five feet (25').

- 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 already existing.*

- 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 the above request.

## **6. ATTACHMENTS**

- A. Applicant's submittal package.
- B. Property Appraiser Summary Report.
- C. Section 5-803 of the Zoning Code
- D. 04.25.19 Legal advertisement published.
- E. 04.23.19 Courtesy notice mailed to all property owners within 1,000 feet.

Please visit the City website at [www.coralgables.com](http://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