



City of Coral Gables Planning and Zoning Staff Report

Applicant: Bibi Villazon/Trident Environmental
Application: Variance
Property: 146 Rosales Court – BA-19-03-6069
Legal Description: Lot 5, Block 26, Cocoplum Section 2 Plat G
Present Owners: Manuel & Catalina Menendez
Present Use: Single-Family Residential
Zoning District: Single-Family Residential (SFR)
Public Hearing: Board of Adjustment
Date & Time: June 3, 2019; 8:00 a.m.
Location: City Commission Chambers, City Hall,
405 Biltmore Way, Coral Gables, Florida 33134

1. APPLICATION REQUEST

Request for a Variance for the property located at 146 Rosales Court pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the "Zoning Code."

1. *Variance to allow the replacement of a wood dock for an existing single-family residence to extend into the waterway forty (40) feet from the property line vs. docks may be constructed over or in canals and waterways abutting the following lots at a distance extending outward from the property line not more than ten (10) feet, pursuant to Section A-23.A(1) of the Coral Gables Zoning Code, APPENDIX A - SITE SPECIFIC ZONING REGULATIONS.*
2. *Variance to allow a 28,000 lb. capacity boat lift to extend thirty-five feet and six inches (35'-6") from the mean high water 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

Permit Application AB-18-08-4546. Final approval on January 17, 2019.

3. ADVERTISING

This application was advertised in the Miami Daily Business Review on May 23, 2019. Letters were mailed to properties within one thousand feet of subject property and the property was posted on May 21, 2019.

4. STAFF OBSERVATION

The subject property, 146 Rosales Court 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 to a maximum of ten (10) feet. 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. Records indicate a permit application for a dock in 1994 (#94083353), however the permit was never issued, and record was not found. The dock is proposed to replace the same footprint as the existing dock.

The Applicant is requesting Variances for the dock (proposed to be replaced) and a proposed boat lift. The dock in the same footprint will extend into the waterway forty feet (40') from the property line; and the boat lift, which will be attached to the dock, will extend approximately thirty-five and six inches (35'-6") from the mean high water.

The property abuts the Arroyo Fluente canal with the presence of dense 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 the north side of Arroyo Fluente that were granted Variances for similar circumstances.

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 Fluente canal with mitigation mangrove trees along the entire length extending from the mean high line up to 15'. The existing mangrove fringe creates a special condition. Any removal is in direct violation of the Miami-Dade County Code, Section 24.

- 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 does not result from 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.

The requested Variance will not confer any special privilege to the owner. 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 of existing mangroves 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.

This variance will allow the owner to replace the existing boat dock at the same location and moor their vessel on a boat lift at the waterward edge of their dock.

- 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 are for an existing single-family home property, 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 be in harmony and intent of the Zoning District and 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.

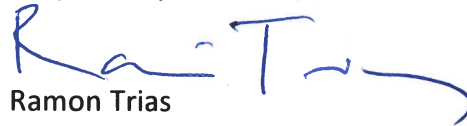
The Planning and Zoning Division staff recommends **APPROVAL** of Request Items No. 1 and 2.

6. ATTACHMENTS

- A. Applicant's submittal package.
- B. 05.23.19 Legal advertisement published.
- C. 05.21.19 Courtesy notice mailed to all property owners within 1,000 feet.
- D. PowerPoint Presentation.

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