



City of Coral Gables Planning and Zoning Staff Report

Applicant: Glen Larson/Dock and Marine Construction
Application: Variance
Property: 430 Costanera Road – BA-19-07-5225
Legal Description: Lot 20, Block 16, Cocoplum Section 2 Plat C
Present Owners: Lasure Miami LLC
Present Use: Single-Family Residential
Zoning District: Single-Family Residential (SFR)
Public Hearing: Board of Adjustment
Date & Time: August 5, 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 430 Costanera Road pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the "Zoning Code."

- 1. Variance to allow a boat lift to extend thirty-three feet and five inches (33'-5") 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 Appendix A Section A-23 Cocoplum Section Two (2) and Section 5-805(E) of the Coral Gables Zoning Code.*
- 2. Variance to allow Floating Vessel Platform to extend thirty feet and seven inches (30'-7") 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 Appendix A Section A-23 Cocoplum Section Two (2) and Section 5-805(E) of the Coral Gables Zoning Code.*

1. BOARD OF ARCHITECTS REVIEW

Permit Application AB-18-08-3227. Final approval on June 5, 2019.

2. ADVERTISING

This application was advertised in the Miami Daily Business Review on July 26, 2019. Letters were mailed to properties within one thousand feet of subject property and the property was posted on July 24, 2019.

3. STAFF OBSERVATION

The subject property, 430 Costanera Road 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 twenty-five (25) 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. The dock is proposed to be replaced in the same footprint as the existing dock.

The Applicant is requesting Variances for a proposed boat lift and a floating vessel platform. The boat lift will extend into the waterway thirty-three feet and five inches (33'-5") from the property line and will be attached to the dock, and the floating vessel platform will extend approximately thirty feet and seven inches (30'-7") from the mean high water line.

The property abuts the *Lago Minore* and *Arroyo Tranquilo* canals with the presence of dense mangrove trees along the banks. The property has a natural protected mangrove shoreline and protected wetlands. The Applicant has provided examples of other properties in the area 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.

4. 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.

There are existing mangroves along the meandering shoreline of the property located at 430 Costanera, the mangroves extend past the shoreline 15'. Many of the mangroves planted in the Cocoplum area are part of a mitigation agreement between the county, state and ACOE to protect these mangroves. The presence of these mangroves prevents the dock from being located closer to the shoreline and Miami Dade County RER (formerly DERM) will not allow any trimming; relocation of the dock; or installation of a lift of a similar size and use that many of the neighbors enjoy, therefore restricting their access to the water.

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.

These conditions are not a result of any actions of the applicant, they are circumstances that have arisen due to the presence of mangroves, a protected plant along the shoreline of their property.

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 variance will not allow the applicant any privilege that is denied by these regulations to the other lands, buildings or structures in the same zoning district. It is for the purpose of docking a boat, a privilege that is enjoyed by all of neighbors.

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.

The literal interpretation of the provision of these regulations would deprive the applicant of rights commonly enjoyed by other adjacent properties in the same zoning district under the terms of these regulations and would work unnecessary and undue hardship on the applicant by not allowing him access to the water through the property.

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.

Granting the variance is the minimum variance that will make possible the reasonable use of the residence, and provide access to the water, similar to what the adjacent properties enjoy.

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.

Granting the variance will not change the use of single-family to one that is not permitted in the zoning district or different from other land in the same 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 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. It will not protrude into any waterway farther than any structure falling within the line of adjacent shorelines. (see aerial views provided in Attachment A).

- 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.

5. ATTACHMENTS

- A. Applicant's submittal package.
- B. 07.25.19 Legal advertisement published.
- C. 07.24.19 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