

<p style="text-align: center;">Page 1</p> <p style="text-align: center;">CITY OF CORAL GABLES BOARD OF ADJUSTMENT VERBATIM TRANSCRIPT CORAL GABLES CITY HALL 405 BILTMORE WAY, COMMISSION CHAMBERS CORAL GABLES, FLORIDA MONDAY, JUNE 3, 2019, COMMENCING AT 8:08 A.M.</p> <p>Board Members Present: Oscar Hidalgo, Chairman Jorge Otero Eugenio Lage Michael Sotelo Gema Pinon</p> <p>City Staff and Consultants: Ramon Trias, Planning Director Stephanie M. Throckmorton, Assistant City Attorney Arceli Redila, Principal Planner</p> <p>ALSO PARTICIPATING: Kirk Lofgren, Ocean Consulting, LLC Bibi Diaz, Trident Environmental</p> <p>BA-19-04-5185 (146 Isla Dorada Boulevard) BA-19-03-6069 (146 Rosales Court)</p>	<p style="text-align: center;">Page 2</p> <p>1 THEREUPON: 2 (The following proceedings were held.) 3 CHAIRMAN HIDALGO: I'll call the meeting to 4 order. 5 Good morning. The Board of Adjustment is 6 comprised of seven members. Four Members of 7 the Board shall constitute a quorum and the 8 affirmative vote of four Members of the Board 9 present shall be necessary to authorize or deny 10 a variance or grant an appeal. A tie vote 11 shall result in the automatic continuance of 12 the matter to the next meeting, which shall be 13 continued until a majority vote is achieved. 14 If only four Members of the Board are present, 15 an Applicant shall be entitled to a 16 postponement to the next regularly scheduled 17 meeting of the Board. 18 Any person who acts as a lobbyist pursuant 19 to the City of Coral Gables Ordinance Number 20 2006-11 must register with the City Clerk prior 21 to engaging in lobbying activities or 22 presentations before City Staff, Boards, 23 Committees and/or the City Commission. A copy 24 of the Ordinance is available in the Office of 25 the City Clerk. Failure to register and</p>
<p style="text-align: center;">Page 3</p> <p>1 provide proof of registration shall prohibit 2 your ability to present to the Board. 3 I now officially call the City of Coral 4 Gables Board of Adjustments meeting of June 3rd 5 2019 to order. The time is 8:08. 6 Can we take a roll, City? 7 THE SECRETARY: Ms. Garcia? 8 Mr. Lage? 9 MR. LAGE: Here. 10 THE SECRETARY: Mr. Otero? 11 MR. OTERO: Present. 12 THE SECRETARY: Ms. Pinon? 13 MS. PINON: Present. 14 THE SECRETARY: Mr. Sotelo? 15 MR. SOTELO: Present. 16 THE SECRETARY: Mr. Thomson? 17 Mr. Hidalgo? 18 CHAIRMAN HIDALGO: Present. 19 Please note, for the record, that 20 Mr. Thomson had e-mailed the Board that he will 21 not be able to attend today's Board Meeting. 22 MS. THROCKMORTON: Excuse me, Mr. Chair, 23 would you like to excuse his absence as a 24 Board? 25 CHAIRMAN HIDALGO: We'll take a vote for</p>	<p style="text-align: center;">Page 4</p> <p>1 excusing Mr. Thompson. 2 Do I hear a motion? 3 MR. OTERO: So moved. 4 CHAIRMAN HIDALGO: It's been moved. 5 MR. SOTELO: Second. 6 CHAIRMAN HIDALGO: And a second. 7 Roll call, please. 8 THE SECRETARY: Mr. Lage? 9 MR. LAGE: Yes. 10 THE SECRETARY: Mr. Otero? 11 MR. OTERO: Yes. 12 THE SECRETARY: Ms. Pinon? 13 MS. PINON: Yes. 14 THE SECRETARY: Mr. Hidalgo? 15 CHAIRMAN HIDALGO: Yes. 16 Also, for the record, Maria Garcia is not 17 present, and from what I hear, she has not 18 contacted the Board at this time. 19 THE SECRETARY: Yes. We did not receive 20 anything. 21 CHAIRMAN HIDALGO: Thank you. 22 Our first item is the Approval of the 23 Minutes. Is there a motion to approve the last 24 Minutes of our Board? 25 MR. SOTELO: Move to approve.</p>

<p style="text-align: right;">Page 5</p> <p>1 MR. LAGE: Second.</p> <p>2 CHAIRMAN HIDALGO: There's a motion and a</p> <p>3 second.</p> <p>4 If we could take a roll.</p> <p>5 THE SECRETARY: Mr. Lage?</p> <p>6 MR. LAGE: Yes.</p> <p>7 THE SECRETARY: Mr. Otero?</p> <p>8 MR. OTERO: Yes.</p> <p>9 THE SECRETARY: Ms. Pinon?</p> <p>10 MS. PINON: Yes.</p> <p>11 THE SECRETARY: Mr. Sotelo?</p> <p>12 MR. SOTELO: Yes.</p> <p>13 THE SECRETARY: Mr. Hidalgo?</p> <p>14 CHAIRMAN HIDALGO: Yes.</p> <p>15 Please be advised that this Board is a</p> <p>16 quasi-judicial board and the items on the</p> <p>17 agenda are quasi-judicial in nature, which</p> <p>18 requires Board Members to disclose all ex-parte</p> <p>19 communications and site visits. An ex-parte</p> <p>20 communication is defined as any contact,</p> <p>21 communication, conversation, correspondence,</p> <p>22 memorandum or other written or verbal</p> <p>23 communication that takes place outside a</p> <p>24 hearing between a member of the public and a</p> <p>25 Member of a quasi-judicial board regarding</p>	<p style="text-align: right;">Page 6</p> <p>1 matters to be heard by the Board. In anyone</p> <p>2 made any contact with a Board Member regarding</p> <p>3 an issue before the Board, the Board Member</p> <p>4 must state on the record the existence of the</p> <p>5 ex-parte communication and the party who</p> <p>6 originated the communication.</p> <p>7 Also, if a Board Member conducted a site</p> <p>8 visit specifically related to the case before</p> <p>9 the Board, the Board Member must also disclose</p> <p>10 such visit. In either case, the Board Member</p> <p>11 must state on the record whether the ex-parte</p> <p>12 communication and/or site visit will affect the</p> <p>13 Board Member's ability to impartially consider</p> <p>14 the evidence to be presented regarding the</p> <p>15 matter.</p> <p>16 Does any member of the Board have such</p> <p>17 communication and/or site visit to disclose at</p> <p>18 this time?</p> <p>19 There's no show of hands, so no one has</p> <p>20 been contacted.</p> <p>21 Everyone who is going to speak today must</p> <p>22 complete the roster on the podium. We ask that</p> <p>23 you print clearly so that the official record</p> <p>24 of your name and address will be correct.</p> <p>25 Now, with the exception of attorneys, all</p>
<p style="text-align: right;">Page 7</p> <p>1 present who will speak on agenda items before</p> <p>2 us please rise to be sworn in.</p> <p>3 (Thereupon, the participants were sworn.)</p> <p>4 CHAIRMAN HIDALGO: We also ask that any</p> <p>5 cell phones or pagers or other electrical</p> <p>6 devices be turned off at this time, please.</p> <p>7 And now we will proceed with the agenda.</p> <p>8 The first item is Case Number 19-8770. I'm</p> <p>9 sorry, that's not the first case. That was the</p> <p>10 minutes from last time.</p> <p>11 The first case is, the Applicant is Ocean</p> <p>12 Consulting, the property is 146 Isla Dorada</p> <p>13 Boulevard, BA-19-04-6185. If the City could</p> <p>14 please set out the case.</p> <p>15 MS. REDILA: Good morning, Mr. Chair,</p> <p>16 Members of the Board. For the record, Arceli</p> <p>17 Redila from Development Services.</p> <p>18 So the first item before you today is Item</p> <p>19 BA-19-04-5185. It's a variance request for the</p> <p>20 property located at 146 Isla Dorada Boulevard.</p> <p>21 The request is to allow a proposed dock to</p> <p>22 extent 17 feet nine inches outward from the</p> <p>23 bank versus the five feet requirement. And the</p> <p>24 second request is to allow a boat lift to</p> <p>25 extend 37 feet and nine inches from the bank</p>	<p style="text-align: right;">Page 8</p> <p>1 versus 25 feet.</p> <p>2 So the property location is in Cocoplum</p> <p>3 Section 2. It abuts the Lago Monaco, Lake</p> <p>4 Monaco, and here's an aerial. There is an</p> <p>5 existing Single-Family house. There is already</p> <p>6 an existing dock. The Applicant is proposing</p> <p>7 to replace the dock, extending it a little bit</p> <p>8 more towards the canal, and also proposing a</p> <p>9 boat lift.</p> <p>10 Here's an existing condition. Right now</p> <p>11 they have a davit and the dock, and this is</p> <p>12 what the Applicant is proposing. The dock</p> <p>13 would be extending 17 feet and nine inches, and</p> <p>14 the dock is -- the boat lift is 20 feet from</p> <p>15 the dock line. So the dock and boat lift</p> <p>16 together totals 37 feet and nine inches.</p> <p>17 Staff is recommending approval. This was</p> <p>18 reviewed by the Board of Architects and the</p> <p>19 Cocoplum Homeowners Association, and the</p> <p>20 Applicant's representative is here if you have</p> <p>21 any question.</p> <p>22 CHAIRMAN HIDALGO: Thank you.</p> <p>23 MR. LOFGREN: Good. I'm Kirk Lofgren,</p> <p>24 Ocean Consulting, with offices at 340 Minorca</p> <p>25 Avenue, Suite 7.</p>

<p style="text-align: right;">Page 9</p> <p>1 We've reviewed the Staff report and</p> <p>2 revisions of the report and we don't have any</p> <p>3 objections to that. We're here to address any</p> <p>4 questions that you do have.</p> <p>5 Just by way of information, in terms of the</p> <p>6 dock itself, there are two docks on either side</p> <p>7 of us, both of which extend further than our</p> <p>8 existing dock now, and when we project the new</p> <p>9 dock slightly waterward to achieve the water</p> <p>10 depths that we need, we still don't extend</p> <p>11 beyond the extension of the east dock.</p> <p>12 So if you drew a line between the east dock</p> <p>13 and west dock, a dotted line between those two,</p> <p>14 the shoreline is angled here, so you'll see</p> <p>15 that our dock is straight, and the shoreline</p> <p>16 angles back. So we are essentially in line</p> <p>17 with the two neighboring docks.</p> <p>18 But we're here to address any questions</p> <p>19 that you have.</p> <p>20 CHAIRMAN HIDALGO: Mr. Otero.</p> <p>21 MR. OTERO: Good morning.</p> <p>22 MR. LOFGREN: Good morning.</p> <p>23 MR. OTERO: What is the existing dock? How</p> <p>24 far does that extend?</p> <p>25 MR. LOFGREN: It's roughly five feet. I'll</p>	<p style="text-align: right;">Page 10</p> <p>1 show you the picture if it's helpful.</p> <p>2 MR. OTERO: This one you want to extend 17</p> <p>3 feet nine inches. What's the extension of the</p> <p>4 existing one?</p> <p>5 MR. LOFGREN: Five feet.</p> <p>6 MR. OTERO: Five feet?</p> <p>7 MR. LOFGREN: Yeah, roughly, from the bank.</p> <p>8 It depends on what side you're on, but it's</p> <p>9 roughly an existing five feet, and the reason</p> <p>10 we need to extend is because of the shallow</p> <p>11 water depths. This is what I would consider a</p> <p>12 non-consolidated shoreline, so the opportunity</p> <p>13 to dredge is not there. That shoreline --</p> <p>14 MR. OTERO: When was the existing dock</p> <p>15 built?</p> <p>16 MR. LOFGREN: If I had to venture a guess,</p> <p>17 in the '90s.</p> <p>18 MR. OTERO: What conditions have changed</p> <p>19 since the '90s until today?</p> <p>20 MR. LOFGREN: If you take a look at this</p> <p>21 photo here, if you take a look at the shoreline</p> <p>22 here, the water depths are substantially</p> <p>23 shallow through here. This dock was damaged</p> <p>24 from Hurricane Irma in 2017, which I believe</p> <p>25 brought in some of the fill that has come down</p>
<p style="text-align: right;">Page 11</p> <p>1 to make this more shallow. This also gives you</p> <p>2 an idea of how this dock is, to the west,</p> <p>3 extends further beyond where we do, to achieve</p> <p>4 the water depth, and we're doing the same</p> <p>5 thing, potentially, if you grant this.</p> <p>6 MR. OTERO: I know you're trying to answer,</p> <p>7 but what conditions have changed?</p> <p>8 MR. LOFGREN: I believe water depths have</p> <p>9 changed substantially.</p> <p>10 MR. OTERO: Water depths.</p> <p>11 MS. PINON: I had a question. With the</p> <p>12 expansion of the dock into the waterway, does</p> <p>13 that have any impact on the transit of other</p> <p>14 vessels through that waterway?</p> <p>15 MR. LOFGREN: It does not. We're required</p> <p>16 to maintain 75 feet clear, that's in the Code,</p> <p>17 and we maintain 125 feet clear. So there is no</p> <p>18 encroachment.</p> <p>19 MS. PINON: Okay.</p> <p>20 CHAIRMAN HIDALGO: I believe Mr. Otero had</p> <p>21 other comments.</p> <p>22 MR. OTERO: I'm still not sure I</p> <p>23 understand. Do you attribute the extension of</p> <p>24 the dock to a change in the water depth, but</p> <p>25 not to any environmental issue?</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. LOFGREN: Well, the shallow water is</p> <p>2 the environmental issue. This is a situation</p> <p>3 where DERM is saying, you need to push offshore</p> <p>4 to achieve the water depth.</p> <p>5 MR. OTERO: So it is DERM generated to push</p> <p>6 away?</p> <p>7 MR. LOFGREN: That's correct.</p> <p>8 MR. OTERO: That's the first. But as to</p> <p>9 the second variance, you're asking for an</p> <p>10 extension due to the size of the boat.</p> <p>11 MR. LOFGREN: So, in this particular case,</p> <p>12 the second variance is for the boat lift.</p> <p>13 MR. OTERO: Right.</p> <p>14 MR. LOFGREN: Right. So when you push the</p> <p>15 dock further than five feet, right, and then</p> <p>16 you try to achieve the structure, the boat lift</p> <p>17 structure, you're going to go beyond the 25</p> <p>18 feet. And in this case, we're in the same</p> <p>19 footprint as a regular floating vessel would be</p> <p>20 on the outside edge of that dock. So it's</p> <p>21 simply, the boat structure that's there that's</p> <p>22 taking that space --</p> <p>23 MR. OTERO: Your writeup seems to indicate</p> <p>24 it is due to the vessel with a 31-inch draft.</p> <p>25 If I put a vessel twice as big, would I then --</p>

<p style="text-align: right;">Page 13</p> <p>1 would you then ask me to justify extending it</p> <p>2 further to allow for the additional depth?</p> <p>3 It seems like we are allowing the size of</p> <p>4 the vessel to dictate the second variance.</p> <p>5 MR. LOFGREN: No.</p> <p>6 MR. OTERO: Am I wrong there?</p> <p>7 MR. LOFGREN: Yes. In this particular</p> <p>8 case, the County requires that you have</p> <p>9 adequate water depth. In this particular case,</p> <p>10 adequate water depth for them is roughly</p> <p>11 four-and-a-half feet, roughly, in this</p> <p>12 particular case.</p> <p>13 So you're asking a hypothetical, if we</p> <p>14 ripped out the boat lift to try to put a bigger</p> <p>15 lift there, would we have to push the dock</p> <p>16 further?</p> <p>17 MR. OTERO: No, I'm not asking a</p> <p>18 hypothetical. I am saying, based on your</p> <p>19 report, that the size of the vessel would</p> <p>20 dictate how far away I can stick --</p> <p>21 MR. LOFGREN: No. Just to clarify, we're</p> <p>22 required to have four feet of mean level water,</p> <p>23 right. Our draft is 31 inches, not quite three</p> <p>24 feet. So we're pushed out the minimum</p> <p>25 necessary to achieve the four feet at mean</p>	<p style="text-align: right;">Page 14</p> <p>1 level water. That's essentially where we are.</p> <p>2 We're not further. We're not shallower. We're</p> <p>3 right at that line. That's essentially where</p> <p>4 DERM said, "Go to this line. We have this</p> <p>5 edge. That way you have four feet of mean</p> <p>6 level water for whatever vessel you put there."</p> <p>7 MS. PINON: So, then, the water really</p> <p>8 isn't an issue, because you kept saying that</p> <p>9 the water is shallower, but if you clear the</p> <p>10 draw, then why --</p> <p>11 MR. LOFGREN: We clear it, not with the</p> <p>12 existing condition now. We clear it once we</p> <p>13 pushed it out offshore.</p> <p>14 MS. PINON: Oh, you do not clear it with</p> <p>15 the existing condition?</p> <p>16 MR. LOFGREN: That's correct. That's correct.</p> <p>17 MS. PINON: So, again, it goes back to your</p> <p>18 point, we're making a decision based on the</p> <p>19 size of the vessel, because if you had a</p> <p>20 different sized vessel, you would clear it.</p> <p>21 MR. LOFGREN: No. Maybe I'm not making</p> <p>22 myself very clear. Essentially, DERM is</p> <p>23 saying, you need to push out this dock to</p> <p>24 achieve four feet of mean level water, and four</p> <p>25 feet is their Code required water depth.</p>
<p style="text-align: right;">Page 15</p> <p>1 So regardless of the type of vessel that I</p> <p>2 have there, I have to push this dock out,</p> <p>3 regardless of the vessel.</p> <p>4 MS. PINON: And there's no other remedy to</p> <p>5 reach that four feet?</p> <p>6 MR. LOFGREN: There is not.</p> <p>7 MS. PINON: Dredging is not feasible there?</p> <p>8 MR. LOFGREN: Dredging is not an option here.</p> <p>9 MS. PINON: And why is that?</p> <p>10 MR. LOFGREN: This is an unconsolidated</p> <p>11 shoreline. If it was an actual seawall</p> <p>12 shoreline, we might expect to see us request</p> <p>13 dredging. In this particular case, you have a</p> <p>14 sloped shoreline. If we remove the dredge</p> <p>15 material, that shoreline starts to come</p> <p>16 crashing down, because you're destabilizing the</p> <p>17 total of that shoreline.</p> <p>18 So, in this particular case, and in most of</p> <p>19 Cocoplum, there aren't seawalls. So, in this</p> <p>20 particular case, we're pushing offshore to get</p> <p>21 to a water depth to avoid destabilizing that</p> <p>22 shoreline.</p> <p>23 MR. LAGE: The 75 feet waterway, right,</p> <p>24 from what point to what point is it?</p> <p>25 MR. LOFGREN: Yes, so, normally, on normal</p>	<p style="text-align: right;">Page 16</p> <p>1 conditions, there would be an evaluation of the</p> <p>2 opposing shoreline and their ability to extend</p> <p>3 and our ability to extend, and we would balance</p> <p>4 the two. In this particular case, opposing us</p> <p>5 is Cocoplum Marina with a mangrove shoreline.</p> <p>6 So there's no development allowed on the other</p> <p>7 side.</p> <p>8 MR. LAGE: Okay.</p> <p>9 MR. LOFGREN: So there is no encroachment</p> <p>10 from the other side of us. So we don't take</p> <p>11 that into consideration.</p> <p>12 MR. LAGE: Yeah, that was my point, because</p> <p>13 then the back neighbors won't be able to go for</p> <p>14 a variance.</p> <p>15 MR. LOFGREN: That's correct. And in this</p> <p>16 particular case, there is no development on the</p> <p>17 other side.</p> <p>18 CHAIRMAN HIDALGO: The condition where you</p> <p>19 would have a vessel that would have a draft</p> <p>20 shallow --</p> <p>21 MR. LOFGREN: Yeah.</p> <p>22 CHAIRMAN HIDALGO: -- if you would have a</p> <p>23 vessel that had a deeper draft, how would that</p> <p>24 affect the minimum requirement? You would have</p> <p>25 to, I guess, push the dock out further out to</p>

<p style="text-align: right;">Page 17</p> <p>1 achieve that water depth or change the vessel?</p> <p>2 MR. LOFGREN: Or change the vessel, and</p> <p>3 there's always a balance. It's always a fine</p> <p>4 balance. In this particular case, we're at the</p> <p>5 minimum necessary, because we need to maintain</p> <p>6 one foot of clearance between the deepest part</p> <p>7 of the vessel and wall. That's the standard</p> <p>8 language from the County. Once you get to four</p> <p>9 feet, you're required to have the clearance.</p> <p>10 So we're at that four feet. We're not</p> <p>11 asking to go any further than four feet. We</p> <p>12 don't need it in this particular case, which is</p> <p>13 a good thing, since we're not going further</p> <p>14 out, and, again, we're not extending any</p> <p>15 further than the docks on either side of us.</p> <p>16 CHAIRMAN HIDALGO: And the fact that the</p> <p>17 lift surpasses that D-5 boundary line does not</p> <p>18 concern the City or DERM in any respect?</p> <p>19 MR. LOFGREN: Not at the City. It would be</p> <p>20 a question for DERM. It's a good question.</p> <p>21 And the property owner and the property</p> <p>22 representatives have spoken to that west</p> <p>23 neighbor and they're not objecting. We</p> <p>24 actually have to get a letter of consent from</p> <p>25 them for the tiny corner.</p>	<p style="text-align: right;">Page 18</p> <p>1 If you take a look at the proposed</p> <p>2 condition, that tiny corner exceeds the D-5</p> <p>3 that you're talking about, and we have to a get</p> <p>4 a waiver from that neighbor.</p> <p>5 CHAIRMAN HIDALGO: And that currently</p> <p>6 hasn't been approved yet by DERM?</p> <p>7 MR. LOFGREN: Right. So DERM has given</p> <p>8 their preliminary stamp. They've basically</p> <p>9 said, "We're ready to approve this. Go to the</p> <p>10 City and get structural and Zoning signed off</p> <p>11 on, and then come back to us, but you need to</p> <p>12 get a waiver from that west neighbor, before we</p> <p>13 will actually give you the permit, as well,</p> <p>14 even if you get structural and Zoning."</p> <p>15 So we've talked to the west neighbor. They</p> <p>16 don't have any objection. They were actually</p> <p>17 the ones who suggested that we get more in line</p> <p>18 with them, as well, for water depth. They have</p> <p>19 no objection at this point.</p> <p>20 CHAIRMAN HIDALGO: And the jet ski pad, is</p> <p>21 that something that is also governed by DERM?</p> <p>22 Is that a DERM required approval or is that an</p> <p>23 automatic?</p> <p>24 MR. LOFGREN: It is. It is. It's not an</p> <p>25 automatic. Yeah, anything over water is</p>
<p style="text-align: right;">Page 19</p> <p>1 required to have DERM approval.</p> <p>2 CHAIRMAN HIDALGO: And that's also been</p> <p>3 approved by DERM?</p> <p>4 MR. LOFGREN: That has.</p> <p>5 CHAIRMAN HIDALGO: On a final or a</p> <p>6 preliminary --</p> <p>7 MR. LOFGREN: No, all preliminary. I have</p> <p>8 to get structural from the City first.</p> <p>9 MR. LAGE: So normally what are the</p> <p>10 conditions for DERM to approve this? What is</p> <p>11 the condition --</p> <p>12 MR. LOFGREN: Number One is water depth</p> <p>13 always. Number Two -- well, DERM would tell</p> <p>14 you that it's marine resources Number One and</p> <p>15 water depth Number Two. They really go hand in</p> <p>16 hand. In our particular case, there weren't</p> <p>17 significant marine resources here, such as</p> <p>18 seagrass and coral, but there was a shallow</p> <p>19 water depth condition that pushed us to get to</p> <p>20 that four-foot contour, which is where we stand</p> <p>21 now.</p> <p>22 MR. LAGE: Did they tell you to restore</p> <p>23 this area? What did they tell you to do? Are</p> <p>24 there any conditions to restore the rocks</p> <p>25 and -- and the wet areas here? Any condition</p>	<p style="text-align: right;">Page 20</p> <p>1 that is being --</p> <p>2 MR. LOFGREN: At this point, they haven't</p> <p>3 asked us to restore any of the rocky shoreline.</p> <p>4 We have requested to replace this dock that got</p> <p>5 damaged from the hurricane in 2017. So they</p> <p>6 haven't come to us and said, "You've got to add</p> <p>7 more riprap along the shoreline." That's not</p> <p>8 the condition here.</p> <p>9 We have asked to replace the dock that was</p> <p>10 damaged.</p> <p>11 MS. PINON: I mean, why is there no seawall</p> <p>12 in this area? Most of the Gables waterways is</p> <p>13 all bounded by seawall, all up and down, the</p> <p>14 bridges that are further along the waterway,</p> <p>15 along Granada Boulevard, west of US-1 --</p> <p>16 MR. LOFGREN: It's all about the mangroves.</p> <p>17 MS. PINON: Yeah, but the mangroves are on</p> <p>18 the opposing side, not on this side.</p> <p>19 MR. LOFGREN: Right. Not here, but most of</p> <p>20 Cocoplum is covered in mangroves, which is why</p> <p>21 they won't let you seawall that shoreline,</p> <p>22 because those mangroves would be killed with</p> <p>23 that.</p> <p>24 MS. PINON: So you're saying that in this</p> <p>25 particular property --</p>

<p style="text-align: right;">Page 21</p> <p>1 MR. LOFGREN: They are not significant, no. 2 Only on the edges. There's not significant 3 mangroves on the property, but both neighboring 4 properties, this one over to the west, but 5 immediately to our east, yes, there is 6 significant mangroves. That's the condition 7 that doesn't allow for a seawall. 8 MR. OTERO: I have a question for the City. 9 Is that waiver from the neighbor recorded in 10 the public records? 11 MS. THROCKMORTON: It would be recorded in 12 DERM's records. The City is not requiring that 13 waiver. That's a DERM requirement. So as with 14 all of these, if the Applicant doesn't receive 15 approval from DERM, it will not go forward, 16 whether or not you've granted the variance, but 17 that requirement, the letter from the neighbor, 18 is a DERM requirement, not the City's. 19 MR. OTERO: But the variance, would it be 20 proper or improper to consider the variance 21 subject to that waiver? 22 MS. THROCKMORTON: It will always be 23 subject to that waiver, because the DERM 24 approval will be granted, and it won't be 25 allowed to be built unless that waiver is given</p>	<p style="text-align: right;">Page 22</p> <p>1 by the neighbor. So this is sort -- it's my 2 understanding that this is sort of, you know, 3 the chicken before the egg. You have to get 4 this approval before they can get the next 5 approval, and that next one won't happen 6 without this one. 7 MR. OTERO: Speaking of the chicken before 8 the egg, explain to me the depth requirement 9 again, because when I read this, it seems to me 10 to be dictated by the size of the vessel. You 11 say, no, it's dictated by some other 12 requirement. Would you go over that again, 13 because that bothers me? A year or two ago, we 14 had an issue with the size of the vessel, and 15 the variance was rejected, because it shouldn't 16 be a function of the size of the vessel. 17 So explain to me the depth again. 18 MR. LOFGREN: So, in this particular case, 19 depth of the vessel is not a significant issue 20 on my side from a permitting standpoint. The 21 draft of our vessel is 31 inches. 22 MR. OTERO: I don't want to hear about the 23 vessel. I want to hear about the depth. 24 MR. LOFGREN: No, I'm getting there. DERM 25 requires you to have adequate clearance.</p>
<p style="text-align: right;">Page 23</p> <p>1 Adequate clearance, by DERM's definition, is 2 four feet at mean level water, regardless of 3 the vessel you're putting in, even if I have a 4 draft of six inches, I don't, I have a draft of 5 31 inches. However, I don't have to push 6 further than the minimum required to achieve 7 that four feet mean level water. 8 So if I drew a line at that four foot 9 contour, right, as required by DERM, my dock is 10 right on the edge of that. If I had come in 11 here and said, I need a draft of six feet, then 12 I've got to go find a seven-foot contour and 13 push my dock further out. I don't have to do 14 that, because I'm not asking for a massive 15 vessel here. I'm talking about a 40-foot 16 vessel with a 31-foot draft. 17 So the minimum standard that DERM has, I 18 qualify for it. So I'm not asking to push it 19 out further. I'm at the minimum necessary. 20 MR. OTERO: So that would apply for 21 everyone across that -- 22 MR. LOFGREN: It applies to everyone except 23 in very limited situations, but everyone has a 24 minimum standard that they have to achieve. 25 MS. THROCKMORTON: Mr. Lofgren, perhaps you</p>	<p style="text-align: right;">Page 24</p> <p>1 could clarify, currently, the way the dock is 2 now, it doesn't meet DERM standards? 3 MR. LOFGREN: It does not. 4 MS. THROCKMORTON: And in order to achieve 5 the minimum DERM standard, this variance is 6 required? 7 MR. LOFGREN: That's correct. 8 MR. OTERO: Are you talking about the dock 9 or the boat lift? 10 MS. THROCKMORTON: The dock. It's my 11 understanding that the boat lift extension is a 12 result of the depth requirement, because the 13 boat lift would be 20 feet if it was five 14 inches from the wall -- 15 MR. LOFGREN: That's correct. Our boat 16 lift is 20 feet. It's standard and allowed by 17 the City of Coral Gables, the width of that 18 boat structure. It just happens to be on the 19 outside edge of the dock. 20 MR. SOTELO: So we're stating, on the two 21 sides of the home, we do have docks that extend 22 beyond what you're requesting right now? 23 MR. LOFGREN: That's correct. 24 MR. SOTELO: And can we ask the City, those 25 two homes have been approved? Were they</p>

<p style="text-align: right;">Page 25</p> <p>1 provided with variances?</p> <p>2 THE SECRETARY: As included in our packet,</p> <p>3 there is a variance diagram of the neighboring</p> <p>4 properties, and as far as the supporting</p> <p>5 documentation, on both sides, there's record of</p> <p>6 it. And if you look at Number 2 on this</p> <p>7 attachment, that one, it actually moves further</p> <p>8 out.</p> <p>9 MR. LOFGREN: I have it here, in the</p> <p>10 aerial, if it's easier to see.</p> <p>11 This is us here. Just to give you an idea,</p> <p>12 here we are, here's the neighboring dock,</p> <p>13 projected out, and here's the one to the east</p> <p>14 projected out, and, actually, this dock here is</p> <p>15 projecting even further.</p> <p>16 And what I was suggesting is that we're</p> <p>17 pushing out to a point here, where if you drew</p> <p>18 the line from this edge to edge, we're actually</p> <p>19 in line with that.</p> <p>20 CHAIRMAN HIDALGO: The question for the</p> <p>21 City, along the same lines as Mr. Otero's</p> <p>22 question, this is in reference to the boat</p> <p>23 lift. So, in essence, the City would have no</p> <p>24 decision over the lift, other than the</p> <p>25 Applicant getting approval or final approval</p>	<p style="text-align: right;">Page 26</p> <p>1 from DERM that the encroachment past the D-5 is</p> <p>2 allowable? Is that correct?</p> <p>3 MS. THROCKMORTON: I'm not sure I'm</p> <p>4 understanding. The City Code says that a boat</p> <p>5 lift can't extend more than 25 feet. That's</p> <p>6 normally the five foot dock, plus 20 feet for</p> <p>7 the boat. So that's 25.</p> <p>8 If they're moving the distance of the dock,</p> <p>9 by necessity the lift would also move an</p> <p>10 additional 20 feet. So that's the City's role</p> <p>11 in this, is approving that distance. DERM</p> <p>12 would still have to approve that D-5 area.</p> <p>13 MR. LOFGREN: Which I think was your</p> <p>14 question, right?</p> <p>15 CHAIRMAN HIDALGO: Right. My question was,</p> <p>16 the encroachment past the D-5 has to do with</p> <p>17 DERM approval and not a City approval?</p> <p>18 MS. THROCKMORTON: That's my understanding,</p> <p>19 is that the City doesn't look at that. The</p> <p>20 City only looks at the distance from the edge</p> <p>21 of the lift from the water -- from the edge of</p> <p>22 the water.</p> <p>23 MR. LOFGREN: And we did work with City</p> <p>24 Staff to make sure that we shifted -- at one</p> <p>25 point, we had shifted further to the west, but</p>
<p style="text-align: right;">Page 27</p> <p>1 we made sure that we met the side setback</p> <p>2 requirement of 15 feet. If you look at our</p> <p>3 drawing, the sheet I believe is S-3, you'll see</p> <p>4 that we had pushed it, shifted it, to make sure</p> <p>5 that we met the City's setback, the side yard</p> <p>6 setback from the property line. We do exceed</p> <p>7 slightly the D-5, but the City setback, we do</p> <p>8 meet.</p> <p>9 THE SECRETARY: Yes. If I may, Mr. Chair,</p> <p>10 the Code only requires us to look at the</p> <p>11 projection towards the water and the side</p> <p>12 setback.</p> <p>13 CHAIRMAN HIDALGO: Thank you.</p> <p>14 THE SECRETARY: And to make sure that they</p> <p>15 meet the side setback.</p> <p>16 CHAIRMAN HIDALGO: Any other questions for</p> <p>17 Mr. Lofgren?</p> <p>18 Is there anybody in the audience that</p> <p>19 wishes to comment on this particular case?</p> <p>20 We're going to close the public forum.</p> <p>21 Any comments from the Board Members?</p> <p>22 MR. SOTELO: I have one comment. It's</p> <p>23 just, you know, I feel like you're the one</p> <p>24 that's always in front of us, but I hope you</p> <p>25 understand the scrutiny that we're giving this,</p>	<p style="text-align: right;">Page 28</p> <p>1 because, I think, to your point, there's some</p> <p>2 concerns about the vessel being a driver of</p> <p>3 what we're requesting.</p> <p>4 Because of that last comment, I wanted to</p> <p>5 kind of say, it looks like the adjoining</p> <p>6 properties don't have boat lifts that extend.</p> <p>7 Is that correct?</p> <p>8 MR. LOFGREN: As far as I know. I don't</p> <p>9 know if they have --</p> <p>10 MR. SOTELO: Because if I'm just looking at</p> <p>11 these actual drawings right now, it looks like</p> <p>12 everything is pretty even up. I think we have</p> <p>13 your property closer to the home. But with the</p> <p>14 extension of the boat, we're going to go beyond</p> <p>15 where the current vessels of these properties</p> <p>16 are, correct?</p> <p>17 MR. LOFGREN: I wouldn't suggest that we're</p> <p>18 going to go beyond where the vessels would be</p> <p>19 sitting in the water, no. That's not something</p> <p>20 that we're trying to do. We're trying to meet</p> <p>21 the same footprint as what our neighbors have,</p> <p>22 in terms of where the floating vessels would</p> <p>23 sit. We're actually just putting it on the</p> <p>24 lift. So we're not proposing to project beyond</p> <p>25 their vessels.</p>

<p style="text-align: right;">Page 29</p> <p>1 MR. SOTELO: Got it.</p> <p>2 MR. OTERO: Just to have the record clear,</p> <p>3 I haven't heard that there are no objections by</p> <p>4 any of the neighbors? Any objections by any of</p> <p>5 the neighbors?</p> <p>6 THE SECRETARY: We have not received any</p> <p>7 objections from the neighbors, but they have</p> <p>8 gotten an approval from the homeowners</p> <p>9 association as a requirement for them to get an</p> <p>10 approval from the Board of Architects.</p> <p>11 MR. OTERO: The homeowners association</p> <p>12 approval was regarding the dock and the boat</p> <p>13 lift or was it regarding just ownership of the</p> <p>14 house?</p> <p>15 THE SECRETARY: They will not be able to</p> <p>16 get approval from the Board of Architects if</p> <p>17 they have not gotten an approval from the</p> <p>18 homeowners association.</p> <p>19 MR. OTERO: So is that in our packet?</p> <p>20 Because the packet says association approval,</p> <p>21 and that's just as being owners. I don't think</p> <p>22 it approves specifically the dock.</p> <p>23 THE SECRETARY: Yes, Mr. Chair, but they</p> <p>24 will not be able to go before the Board of</p> <p>25 Architects if they have not gotten an approval</p>	<p style="text-align: right;">Page 30</p> <p>1 from the homeowners association.</p> <p>2 MR. LOFGREN: Correct. HOA approval was</p> <p>3 granted on 4/23/2019.</p> <p>4 CHAIRMAN HIDALGO: I think Mr. Otero's</p> <p>5 clarification is that in our packet we only</p> <p>6 have the approval of the homeowners to Cocoplum</p> <p>7 and not the approval for the dock and/or lift.</p> <p>8 MR. OTERO: That's correct.</p> <p>9 MS. THROCKMORTON: Mr. Chair, we can ask</p> <p>10 for documentation to be made part of the</p> <p>11 record.</p> <p>12 MR. LAGE: Staff, the boat lift, the side</p> <p>13 setback is 15 feet, correct?</p> <p>14 THE SECRETARY: Yes, 15 feet.</p> <p>15 MR. LAGE: And this boat lift is for how</p> <p>16 big of a boat?</p> <p>17 MR. LOFGREN: A 42-foot.</p> <p>18 MR. LAGE: I'm concerned, when he comes in,</p> <p>19 you know, he's going to be right across in</p> <p>20 front of the neighbor's house with a 40-foot</p> <p>21 boat, trying to get into the boat lift.</p> <p>22 That's going to make some kind of noise to the</p> <p>23 neighbor, because the boat lift is right on</p> <p>24 your side, it's not in the middle of the</p> <p>25 property.</p>
<p style="text-align: right;">Page 31</p> <p>1 I don't know if we can put in the variance</p> <p>2 that they have to come in right in front of</p> <p>3 their house, because if you have a 40-foot</p> <p>4 boat, you're going to be right in front of the</p> <p>5 neighbor's house -- there's no way around that</p> <p>6 -- making all of this noise. You only have 15</p> <p>7 feet.</p> <p>8 THE SECRETARY: Only 15 feet side setback.</p> <p>9 MR. LAGE: Yeah. Yeah. That's what I'm</p> <p>10 saying. But if you analyze that, if I have a</p> <p>11 40-foot boat, I don't want to be in front of</p> <p>12 the neighbors. Can the City implement anything</p> <p>13 that they have to come in through the --</p> <p>14 THE SECRETARY: I don't think we have that</p> <p>15 requirement in the Code.</p> <p>16 MR. LAGE: Do you understand what I'm</p> <p>17 trying to say?</p> <p>18 MS. THROCKMORTON: I think that's addressed</p> <p>19 by the side setback issue.</p> <p>20 THE SECRETARY: Yes, that's already</p> <p>21 addressed by the side setback issue.</p> <p>22 MS. PINON: I have one final question. Are</p> <p>23 A and B -- is A contingent upon B of your</p> <p>24 variance request? Is the actual proposed</p> <p>25 extension of a dock contingent on the variance</p>	<p style="text-align: right;">Page 32</p> <p>1 for the boat lift?</p> <p>2 MR. LOFGREN: It's the other way around.</p> <p>3 CHAIRMAN HIDALGO: We need to independently</p> <p>4 vote on each one of those.</p> <p>5 MS. THROCKMORTON: Yes. I would note that</p> <p>6 whether or not the lift is there, there will be</p> <p>7 a boat there.</p> <p>8 MS. PINON: That's why I was asking whether</p> <p>9 one was contingent on the other.</p> <p>10 MR. LOFGREN: I think, at this point, that</p> <p>11 B is contingent upon A.</p> <p>12 MS. PINON: Right. So B on A, but not A on</p> <p>13 B?</p> <p>14 MR. LOFGREN: Right.</p> <p>15 MR. OTERO: Can you very succinctly explain</p> <p>16 the special condition specifying Variance A?</p> <p>17 MR. LOFGREN: Shallow water depth, and the</p> <p>18 inability to dredge.</p> <p>19 MR. OTERO: Shallow water depth is</p> <p>20 something that's a condition that didn't exist</p> <p>21 when the prior dock was built?</p> <p>22 MR. LOFGREN: That's correct. I believe it</p> <p>23 was because of Hurricane Irma.</p> <p>24 MR. OTERO: And then B follows from A,</p> <p>25 because of the distance?</p>

<p style="text-align: right;">Page 33</p> <p>1 MR. LOFGREN: Correct.</p> <p>2 MR. OTERO: I could have saved a lot of</p> <p>3 time if I had been listening.</p> <p>4 MR. LOFGREN: Maybe I wasn't clear before.</p> <p>5 I apologize.</p> <p>6 CHAIRMAN HIDALGO: Any other questions from</p> <p>7 any Board Member or among the Board or for</p> <p>8 Mr. Lofgren?</p> <p>9 Is there any motions?</p> <p>10 Everybody should have the script or the</p> <p>11 language for accept or deny.</p> <p>12 MR. SOTELO: We're moving on Point 1, which</p> <p>13 is the dock extension?</p> <p>14 CHAIRMAN HIDALGO: Yes.</p> <p>15 MR. SOTELO: So I'll move on that. I move</p> <p>16 that the Board of Adjustment grant application</p> <p>17 BA-19-04-5185, a request by Ocean Consulting,</p> <p>18 LLC on behalf of the property owner, Luis</p> <p>19 Rodriguez, for a variance for a Single-Family</p> <p>20 home located at 146 Isla Dorada Boulevard, on</p> <p>21 Point 1, to allow a proposed dock to extend 17</p> <p>22 feet nine inches outward from the bank, versus</p> <p>23 no dock, wharf or similar structure shall be</p> <p>24 constructed more than five feet outward from</p> <p>25 the bank, pursuant to Section 5-805(E) of the</p>	<p style="text-align: right;">Page 34</p> <p>1 Coral Gables Zoning Code.</p> <p>2 CHAIRMAN HIDALGO: There is a motion for</p> <p>3 Item 1. Is there a second?</p> <p>4 MS. PINON: I'll second it.</p> <p>5 CHAIRMAN HIDALGO: There's a motion and</p> <p>6 it's been second. Can we take a roll, please?</p> <p>7 THE SECRETARY: Mr. Lage?</p> <p>8 MR. LAGE: Yes.</p> <p>9 THE SECRETARY: Mr. Otero?</p> <p>10 MR. OTERO: Yes.</p> <p>11 THE SECRETARY: Ms. Pinon?</p> <p>12 MS. PINON: Yes.</p> <p>13 THE SECRETARY: Mr. Sotelo?</p> <p>14 MR. SOTELO: Yes.</p> <p>15 THE SECRETARY: Mr. Hidalgo?</p> <p>16 CHAIRMAN HIDALGO: Yes.</p> <p>17 Item Number 1 has been approved. Is there</p> <p>18 a motion or comments on Item Number 2?</p> <p>19 MS. THROCKMORTON: There needs to be a</p> <p>20 motion, one way or another, to either grant or</p> <p>21 deny the variance, because that item is before</p> <p>22 you. So we do need a motion of some kind to</p> <p>23 grant, deny or defer the item.</p> <p>24 MR. SOTELO: Counsel, explain the process</p> <p>25 of a deferral?</p>
<p style="text-align: right;">Page 35</p> <p>1 MS. THROCKMORTON: The item would simply</p> <p>2 come back at the next meeting to be addressed.</p> <p>3 The public hearing has already been closed, so</p> <p>4 it would just be a discussion. You would</p> <p>5 reopen the public hearing, but I would just</p> <p>6 note that Mr. Lofgren, if he could explain, if</p> <p>7 this variance was not granted, what would the</p> <p>8 outcome be for the boat dock? I mean, would a</p> <p>9 boat still be able to dock there, whether or</p> <p>10 not there was a boat lift?</p> <p>11 MR. LOFGREN: Yes and no. Could I</p> <p>12 physically park a vessel there or moore a</p> <p>13 vessel there, the answer is yes. We're talking</p> <p>14 about a smaller vessel here. And for the</p> <p>15 vessel that we're talking about, it's not</p> <p>16 usually ideal to keep these types of vessels in</p> <p>17 the water. These are the types of vessels</p> <p>18 that, especially in this waterway, where you</p> <p>19 get significant amount of growth from the</p> <p>20 bottom, oftentimes the engines don't completely</p> <p>21 tilt forward so that they're out of the water</p> <p>22 -- the majority of them are out of the water,</p> <p>23 but the lower unit is typically still within</p> <p>24 the water, so wear and tear on the vessel is</p> <p>25 greater if it's not out of the water.</p>	<p style="text-align: right;">Page 36</p> <p>1 MR. SOTELO: The concern with that is, now</p> <p>2 we're going back to what we were talking about</p> <p>3 before, which is an approval because of the</p> <p>4 vessel, right, and one of the things that we</p> <p>5 always look at is the hardship that this</p> <p>6 brings. And I think that the first point about</p> <p>7 the dock is a true and honest hardship, at</p> <p>8 least in my opinion.</p> <p>9 Where I think all of us are a little bit</p> <p>10 concerned is the hardship that comes with</p> <p>11 lifting the boat out of the water or not,</p> <p>12 because of exactly what was stated, because of</p> <p>13 the size of the vessel. There are concerns</p> <p>14 with the wear and tear of the vessel, which may</p> <p>15 or may not be the case with a smaller vessel,</p> <p>16 but what we're stating here is that because of</p> <p>17 the size of the vessel, that would be the</p> <p>18 hardship.</p> <p>19 MS. THROCKMORTON: Mr. Sotelo, I may ask</p> <p>20 just to explain, so the variance is not whether</p> <p>21 or not there's a lift. You are allowed to have</p> <p>22 a lift. The question is where the lift is</p> <p>23 projecting. So since you all have approved the</p> <p>24 extension of the dock, it follows that the lift</p> <p>25 would also be extended.</p>

<p style="text-align: right;">Page 37</p> <p>1 It's my understanding that the lift is the 2 standard 20 feet that the City would normally 3 approve. So it's not whether or not there's a 4 lift. They are allowed to have a lift via the 5 Code. It's just how far it's projecting. And 6 it would be projecting 20 feet from the edge of 7 the dock, and now the dock has been granted a 8 variance to be extended.</p> <p>9 MR. OTERO: Why would there need to be a 10 second variance?</p> <p>11 MS. THROCKMORTON: Because the Code says 12 that the lift -- there's two separate Code 13 provisions. One Code provision is about the 14 extension of the dock and one Code provision is 15 about the extension of the lift.</p> <p>16 MS. PINON: But if we approve the first 17 one, then the second one has to automatically 18 be approved, too?</p> <p>19 MS. THROCKMORTON: Logically, it may seem 20 that way, but the way the Code is written, it's 21 my understanding, and Arceli and Ramon can 22 correct me if I'm wrong, but there are two 23 separate provisions. If we look, it's 802(A) 24 which is the dock --</p> <p>25 THE SECRETARY: Yes, there are two sections</p>	<p style="text-align: right;">Page 38</p> <p>1 of the Code that address both structures.</p> <p>2 MS. THROCKMORTON: And by virtue of the set 3 up of the Code, we have separated out boat 4 lifts from docks. So, for that reason, we need 5 a second -- that needs a second variance.</p> <p>6 MR. OTERO: I think the reason for Gema's 7 comment is that, the Board has agreed there are 8 special circumstances as to the first variance. 9 The Board apparently is skeptical as to whether 10 there are special conditions as to the second 11 variance. But, legally speaking, the City may 12 say, it is automatically approved, because of 13 the first variance, because of the 20-foot 14 requirement. In other words, if we do not find 15 special conditions on the second variance and 16 hypothetically vote to deny it, the Applicant 17 could easily go up the line and say, "You can't 18 deny B, but because you've approved A, as a 19 matter of law, because of the Ordinance." 20 That's why I'm confused whether it's even 21 required.</p> <p>22 MS. THROCKMORTON: It is required, because 23 if, for example, you were looking at the 24 shoreline and you saw docks that extend and 25 boat lifts extending out more than 25 feet, you</p>
<p style="text-align: right;">Page 39</p> <p>1 would need a variance otherwise that would be a 2 Code violation. So you all are the 3 requirement here to approve that variance.</p> <p>4 I understand what you're saying. Since 5 you've extended the dock, naturally the lift 6 should extend automatically, but since there 7 are two separate Code provisions, this required 8 two separate variances.</p> <p>9 MR. OTERO: Without defining the special 10 conditions as to the second variance?</p> <p>11 MS. THROCKMORTON: It's my understanding, 12 and I'll ask Staff, they can look at their 13 report, but part of the special conditions for 14 the second variance, the water lift, is now 15 that the dock is 17 feet, because you can't 16 have a water lift that fits between 17 feet 17 nine inches and 25 feet, because there's no 18 such lift that would fit in that distance, it's 19 my understanding, but I can have Staff explain 20 their report on the special conditions 21 necessary for that second variance.</p> <p>22 MR. OTERO: I'd like to make a motion.</p> <p>23 MR. LAGE: The only problem I have is, you 24 know, I know the size setback is 15 foot. How 25 big is a 40-foot boat, when I put it in this</p>	<p style="text-align: right;">Page 40</p> <p>1 lift here? How big is it? What's the size of 2 the 40-foot?</p> <p>3 MR. LOFGREN: You mean, if I projected 4 it --</p> <p>5 MR. LAGE: If you get to right here. You 6 probably be encroaching in the 15 feet, right, 7 to put a boat there?</p> <p>8 MR. LOFGREN: Right. The Code doesn't 9 require that the vessel stay out of the 15 10 foot. It's only structure.</p> <p>11 MR. LAGE: I understand that, but since 12 we're going to lift the boat further out, I am 13 concerned that -- I would feel better if you 14 put it right in the middle of the lot, because 15 this is going to be a problem for this 16 neighbor.</p> <p>17 CHAIRMAN HIDALGO: That could be part of 18 your motion, yeah.</p> <p>19 MR. LAGE: How big is the boat?</p> <p>20 MR. LOFGREN: It's 42 feet, end length.</p> <p>21 MR. LAGE: And this is 22.</p> <p>22 MR. LOFGREN: We're encroaching the 15 23 feet. We're not going to encroach beyond the 24 property line.</p> <p>25 MR. LAGE: I understand that. I'm</p>

<p style="text-align: right;">Page 41</p> <p>1 concerned that the neighbor, when you lift the</p> <p>2 boat, their view is going to be affected, and I</p> <p>3 don't know -- if this is so important to you,</p> <p>4 why don't you put in a letter?</p> <p>5 MR. LOFGREN: We have spoken with the</p> <p>6 neighbor. The neighbor doesn't have any</p> <p>7 objection to the location of it. We've shown</p> <p>8 him the plans.</p> <p>9 MS. THROCKMORTON: I would just note that</p> <p>10 the things that are before you today are not</p> <p>11 the side setbacks. That's addressed by DERM</p> <p>12 and the Board of Architects. That's not before</p> <p>13 you today. It's just the variance for the</p> <p>14 projection of the lift. That's the item before</p> <p>15 you.</p> <p>16 CHAIRMAN HIDALGO: Do we have a motion?</p> <p>17 THE SECRETARY: And let me just clarify,</p> <p>18 Mr. Chair, also, so this dock, with or without</p> <p>19 the boat lift, the boat will be moored there,</p> <p>20 except that if you don't accept the boat lift,</p> <p>21 it will be submerged and it will not be lifted.</p> <p>22 CHAIRMAN HIDALGO: From an area</p> <p>23 perspective, whether it's a lift or a boat,</p> <p>24 there's going to be a footprint on the water</p> <p>25 side.</p>	<p style="text-align: right;">Page 42</p> <p>1 THE SECRETARY: Since the dock is now</p> <p>2 extended out, except that they will not be able</p> <p>3 to secure the vessel in a safety up position.</p> <p>4 MR. SOTELO: I think some of the concern</p> <p>5 here is the precedent. So I keep going to the</p> <p>6 actual -- and I'm familiar with the davits that</p> <p>7 go up and the boat lifts that go up. Let's say</p> <p>8 it's a larger boat. Let's say it's a 60-foot</p> <p>9 boat -- actually, let's say it's a 50-foot</p> <p>10 boat. The beam of the boat, would we have to</p> <p>11 go out further into the water with a bigger</p> <p>12 lift?</p> <p>13 MR. LOFGREN: That's correct, but we would</p> <p>14 have to come back to this Board requesting</p> <p>15 approval to do that. We're allowed the maximum</p> <p>16 distance waterward if you're able to approve</p> <p>17 this.</p> <p>18 MR. OTERO: Based on the testimony I've</p> <p>19 heard --</p> <p>20 THE SECRETARY: The second item on your</p> <p>21 agenda is also a similar situation.</p> <p>22 MR. SOTELO: Fantastic.</p> <p>23 MR. OTERO: So based on the testimony I've</p> <p>24 heard today, and correct me if I am wrong, City</p> <p>25 Attorney, the special conditions on the first</p>
<p style="text-align: right;">Page 43</p> <p>1 variance would follow to be special conditions</p> <p>2 for the second variance, because of the</p> <p>3 Ordinance requirement of the 20 foot gap,</p> <p>4 correct?</p> <p>5 MS. THROCKMORTON: Yes. And if you look at</p> <p>6 the Staff recommendation, the report was for</p> <p>7 both variances and the Staff recommendation is</p> <p>8 that all of the seven or eight conditions have</p> <p>9 been met for both variances. That's Staff's</p> <p>10 recommendation in the Staff's report.</p> <p>11 MR. OTERO: I would like to make a motion,</p> <p>12 but before I do, what has been confusing is the</p> <p>13 emphasis on the boat. And it's been stated</p> <p>14 numerous times, and as I've stated, that should</p> <p>15 not dictate whether or not special conditions</p> <p>16 exists. Boats can be any size. And I don't</p> <p>17 think this Board will be influenced by the size</p> <p>18 of the boat.</p> <p>19 Notwithstanding, I move that the Board of</p> <p>20 Adjustment grant Application BA 19-04-5185 a</p> <p>21 request by Ocean Consulting, LLC on behalf of</p> <p>22 the property owner, Luis Rodriguez, for a</p> <p>23 variance for a Single-Family home located</p> <p>24 at 146 Isla Dorada Boulevard, to allow a boat</p> <p>25 lift to extend 37 feet and nine inches from the</p>	<p style="text-align: right;">Page 44</p> <p>1 bank of the waterway versus watercraft lifts or</p> <p>2 floating watercraft lifts shall not extend</p> <p>3 beyond 25 feet from the bank of the waterway</p> <p>4 pursuant to Section 5805(B) of the Coral Gables</p> <p>5 Zoning Code. The motion is made upon the</p> <p>6 testimony presented, along with the application</p> <p>7 submitted, and the Staff report which</p> <p>8 constitutes competent and substantial evidence.</p> <p>9 The board hereby makes findings of fact</p> <p>10 that each of standards in 3806 of the Zoning</p> <p>11 Code has been met.</p> <p>12 CHAIRMAN HIDALGO: There is a motion. Is</p> <p>13 there a second?</p> <p>14 MR. LAGE: Can we put the neighbor's letter</p> <p>15 in the record, too? I would feel more</p> <p>16 comfortable if we had that.</p> <p>17 MS. THROCKMORTON: Mr. Lage, if you would</p> <p>18 like to move to amend the motion to add a</p> <p>19 requirement, you can do so.</p> <p>20 MR. LAGE: I would like to amend the motion</p> <p>21 to put the neighbor's letter in that record,</p> <p>22 please. I want the future buyers to be aware</p> <p>23 of the situation.</p> <p>24 MS. PINON: Should it be recorded, then?</p> <p>25 Because if it's not recorded, then how would</p>

<p style="text-align: right;">Page 45</p> <p>1 any boats or possible future owners know that</p> <p>2 there is such an approval?</p> <p>3 MR. LAGE: We can amend it to be recorded.</p> <p>4 MR. OTERO: Roberts Rule of Order --</p> <p>5 MS. THROCKMORTON: Hold on one moment.</p> <p>6 So the motion, as it stands, as amended, is</p> <p>7 to approve the variance with a requirement that</p> <p>8 a letter of approval from the neighbor, on</p> <p>9 which side, the D-5?</p> <p>10 MS. PINON: The 15 feet setback.</p> <p>11 MS. THROCKMORTON: I'm sorry, but which</p> <p>12 neighbor are you requesting --</p> <p>13 THE SECRETARY: On the west side.</p> <p>14 MR. LAGE: On the west side.</p> <p>15 MS. THROCKMORTON: That a letter of</p> <p>16 approval from the neighbor on the west side is</p> <p>17 added to the record of the granting of this</p> <p>18 variance, and to the extent that anything is</p> <p>19 recorded, that that letter is also recorded.</p> <p>20 I'm not sure that these variances are recorded.</p> <p>21 THE SECRETARY: That would go from the</p> <p>22 Board, and it's recorded at the time.</p> <p>23 MS. THROCKMORTON: Recorded in the County</p> <p>24 Clerk's Office?</p> <p>25 THE SECRETARY: Yes.</p>	<p style="text-align: right;">Page 46</p> <p>1 MS. THROCKMORTON: Okay. Yes, so it will</p> <p>2 be noted that the approval of the neighbor is</p> <p>3 also made part of the record and is recorded.</p> <p>4 MR. LOFGREN: Can I clarify just one? Just</p> <p>5 to clarify, the letter -- the waiver letter</p> <p>6 from the neighbor from the County is only</p> <p>7 required if we cross the D-5, which we are</p> <p>8 crossing. I just wanted to clarify the motion</p> <p>9 that we would provide the letter if we cross</p> <p>10 that D-5, as opposed to -- in other words, if</p> <p>11 we didn't cross that D-5 line, that viewing</p> <p>12 corridor line --</p> <p>13 MR. LAGE: If I heard you correctly, you</p> <p>14 said the neighbor had no problem with it --</p> <p>15 MR. LOFGREN: That's correct.</p> <p>16 MR. LAGE: That's it. That's all I want.</p> <p>17 MR. LOFGREN: And I'm not disagreeing with</p> <p>18 you. I just wanted to clarify that, if we</p> <p>19 continue to encroach on that, we have no</p> <p>20 problem going to the neighbor if we encroach.</p> <p>21 I just wanted to clarify just to specify that,</p> <p>22 yes, as a result of that, because otherwise</p> <p>23 it's not required from DERM.</p> <p>24 MR. LAGE: I will second the motion with</p> <p>25 the amendment that I have.</p>
<p style="text-align: right;">Page 47</p> <p>1 MS. THROCKMORTON: Mr. Lage, I just think</p> <p>2 that there's a question of clarification as to</p> <p>3 whether or not that letter is required by you,</p> <p>4 as the Board of Adjustment, or whether or not</p> <p>5 you want that letter required even if DERM</p> <p>6 doesn't require it?</p> <p>7 MR. LAGE: I want it, even if DERM doesn't</p> <p>8 require it.</p> <p>9 MS. THROCKMORTON: Now, I would note that</p> <p>10 that's not one of the items that you should --</p> <p>11 I mean, you can add a condition, but that's not</p> <p>12 one of the items for consideration under the</p> <p>13 Code for the granting of a variance.</p> <p>14 MR. LAGE: I move to withdraw my motion</p> <p>15 then.</p> <p>16 MR. OTERO: You're moving to withdraw my</p> <p>17 motion?</p> <p>18 MS. THROCKMORTON: Mr. Lage, just for</p> <p>19 clarification, you are removing your amendment?</p> <p>20 MR. LAGE: My issue is, you know, I heard</p> <p>21 from the Applicant that the neighbor doesn't</p> <p>22 mind, very clearly, that was my impression, and</p> <p>23 now I see that, you know, it's not really</p> <p>24 clear. I know it doesn't require it, but I'm</p> <p>25 just concerned. I would second the motion,</p>	<p style="text-align: right;">Page 48</p> <p>1 with my amendment, if the Applicant agrees with</p> <p>2 that.</p> <p>3 MR. LOFGREN: We're okay with that.</p> <p>4 MR. SOTELO: But the waiver is currently</p> <p>5 required if you pass the D-5 line.</p> <p>6 MR. LOFGREN: No matter what.</p> <p>7 MR. SOTELO: And all parties around this</p> <p>8 home are always notified of public hearings?</p> <p>9 THE SECRETARY: Yes.</p> <p>10 MR. LOFGREN: So if we were to shift it to</p> <p>11 the south -- to the east, then that letter</p> <p>12 would not be required.</p> <p>13 MR. OTERO: I understand that this Board</p> <p>14 has a motion not yet second it, but the issue</p> <p>15 of the DERM approval or disapproval is a next</p> <p>16 step. In other words, I don't think it's</p> <p>17 within our purview to address DERM approval.</p> <p>18 I think we have the ability to add anything</p> <p>19 we want, anything we want, but I think if this</p> <p>20 is approved by the Board, my understanding is,</p> <p>21 there is no permit to be issued until all the</p> <p>22 boxes are checked, including DERM's box.</p> <p>23 MS. THROCKMORTON: Yes.</p> <p>24 MR. LOFGREN: Including that letter from</p> <p>25 the neighbor, which is required by DERM.</p>

<p style="text-align: right;">Page 49</p> <p>1 MS. THROCKMORTON: Yes.</p> <p>2 MR. OTERO: Which, frankly, my initial idea</p> <p>3 was to record it, but I think it may screw up</p> <p>4 title in the future if this is misunderstood</p> <p>5 anyhow. So, I think, without the approval by</p> <p>6 the neighbor, if it's required, DERM will not</p> <p>7 approve it, and we just spent an hour and a</p> <p>8 half on an intellectual discussion on a dock</p> <p>9 for no reason, but that's okay.</p> <p>10 MS. THROCKMORTON: So I need some</p> <p>11 clarification on the motion that's on the table</p> <p>12 for a first.</p> <p>13 MR. LAGE: I withdraw my --</p> <p>14 MS. THROCKMORTON: Your amendment has been</p> <p>15 withdrawn. All right. So Mr. Otero's motion</p> <p>16 to approve the second variance to extend 37</p> <p>17 feet and nine inches from the bank of the</p> <p>18 waterway now requires a second to be voted on.</p> <p>19 CHAIRMAN HIDALGO: Is there a second?</p> <p>20 MR. SOTELO: Second.</p> <p>21 CHAIRMAN HIDALGO: The motion has been</p> <p>22 second. Can you take a vote, please?</p> <p>23 THE SECRETARY: Mr. Sotelo?</p> <p>24 MR. SOTELO: Yes.</p> <p>25 THE SECRETARY: Ms. Pinon?</p>	<p style="text-align: right;">Page 50</p> <p>1 MS. PINON: Yes.</p> <p>2 THE SECRETARY: Mr. Otero?</p> <p>3 MR. OTERO: Yes.</p> <p>4 THE SECRETARY: Mr. Lage?</p> <p>5 MR. LAGE: Yes.</p> <p>6 THE SECRETARY: Mr. Hidalgo?</p> <p>7 CHAIRMAN HIDALGO: Yes.</p> <p>8 MR. LOFGREN: Thank you very much.</p> <p>9 CHAIRMAN HIDALGO: The second case in our</p> <p>10 agenda is the property at 146 Rosales Court.</p> <p>11 If the City could please --</p> <p>12 THE SECRETARY: Again, good morning, Mr.</p> <p>13 Chair. For the record, Arceli Redila from</p> <p>14 Development Services.</p> <p>15 So the second item before you is for Item</p> <p>16 BA-19-03-6069. This is a request by Trident</p> <p>17 Environmental, on behalf of the property owner,</p> <p>18 Manuel and Catherine Menendez, for a variance</p> <p>19 for a Single-Family home located at 146 Rosales</p> <p>20 Court.</p> <p>21 So there is two variance requests, and this</p> <p>22 is to allow the replacement of a wood dock at</p> <p>23 an existing Single-Family residence to extend</p> <p>24 into the waterway 40 feet from the property</p> <p>25 line versus the required 10 feet. And a second</p>
<p style="text-align: right;">Page 51</p> <p>1 request is to allow a boat lift to extend 35</p> <p>2 feet six inches from the mean high water versus</p> <p>3 the required 25 feet. The location is in the</p> <p>4 same area as the first item in the agenda.</p> <p>5 It's in Cocoplum Section 2, on the south side,</p> <p>6 and here is a little bit closer, and there's an</p> <p>7 existing Single-Family home, there's an</p> <p>8 existing dock, and they are replacing in the</p> <p>9 same footprint except that it's the same with</p> <p>10 every other variance that comes before us,</p> <p>11 there is no permit drawing where we can see if</p> <p>12 it was -- it specified the location of the dock</p> <p>13 previously.</p> <p>14 As such they're requiring a variance at</p> <p>15 this time, and then they are proposing a boat</p> <p>16 lift. And, in this property, there is a Site</p> <p>17 Specific, as opposed to the previous one, and</p> <p>18 there is dense mangrove trees along the banks.</p> <p>19 It abuts the Mangrove Preserve. There is an</p> <p>20 abutting preserve. There's the lot. You can</p> <p>21 see, there's the Site Plan showing the existing</p> <p>22 dock and the proposed boat lift. Here's a</p> <p>23 closer look to it.</p> <p>24 This was, again, showing variances or</p> <p>25 properties that have gotten variances in the</p>	<p style="text-align: right;">Page 52</p> <p>1 past in this location. There is still that</p> <p>2 navigable waterway, which requires 75 feet.</p> <p>3 With this, Staff is recommending approval.</p> <p>4 This also was reviewed by the Board of</p> <p>5 Architects, and the representative of the</p> <p>6 homeowner is here, if you have any questions.</p> <p>7 MS. THROCKMORTON: Arceli, can you just</p> <p>8 clarify the record. I'm not sure I heard you</p> <p>9 correctly, that this is an existing footprint</p> <p>10 but there was no permits found?</p> <p>11 THE SECRETARY: Yes.</p> <p>12 MS. THROCKMORTON: Okay. Thank you.</p> <p>13 MS. DIAZ: Good morning, Bibi Diaz, from</p> <p>14 Trident Environmental, at 1850 Southwest 8th</p> <p>15 Street.</p> <p>16 So our case is a little bit different than</p> <p>17 the previous case, because we do have Site</p> <p>18 Specifics which means that this section of</p> <p>19 Cocoplum was allowed to go out ten feet from</p> <p>20 the waterway bank. However, in this property,</p> <p>21 how the City reads your property line is very</p> <p>22 different. Because there is no defined bank,</p> <p>23 they're taking it from the survey tideline. So</p> <p>24 I don't want you guys to be scared that we're</p> <p>25 saying a 40-foot projection. We are not going</p>

<p style="text-align: right;">Page 53</p> <p>1 40 feet into the waterway.</p> <p>2 This property also has significant mangrove</p> <p>3 fringe all around and there's nothing we can do</p> <p>4 to trim them, remove them, do anything about</p> <p>5 those.</p> <p>6 We did have an existing dock that is there.</p> <p>7 It was built, according to aerial records, in</p> <p>8 1989, give or take, but there was no permit</p> <p>9 found for that. This was built before the</p> <p>10 property owner bought the property. We can do</p> <p>11 nothing about what was there. So we are</p> <p>12 replacing it in the same footprint that is</p> <p>13 there right now. We're not going any further</p> <p>14 on either side. And the only thing we are</p> <p>15 requesting is replacing of the dock, which</p> <p>16 would require a variance, because we're</p> <p>17 going -- even though it's only 19 foot six from</p> <p>18 the top of the bank, the way the Code reads for</p> <p>19 the section, we have to look at the survey</p> <p>20 tideline, which is significantly inside the</p> <p>21 property. So that's why we're asking for the</p> <p>22 40.</p> <p>23 And the boat lift, again, because of how</p> <p>24 the Code reads, we are waterward, the dock, and</p> <p>25 we have to go, I think, 35 foot six.</p>	<p style="text-align: right;">Page 54</p> <p>1 MS. PINON: You're going 40 feet from the</p> <p>2 tideline out into the waterway, and what's the</p> <p>3 difference between where it is today?</p> <p>4 MS. DIAZ: Nothing.</p> <p>5 MS. PINON: Nothing. So it's not extending</p> <p>6 any further at all?</p> <p>7 MS. DIAZ: No.</p> <p>8 MS. PINON: So, in effect, you're just</p> <p>9 replacing the existing waterway?</p> <p>10 MS. DIAZ: Correct.</p> <p>11 MS. PINON: Is there any significance about</p> <p>12 the fact that we don't have a permit?</p> <p>13 MS. THROCKMORTON: I'm not sure that we can</p> <p>14 infer anything from that. I don't think there</p> <p>15 was a record found either way of any permit or</p> <p>16 denial by the Board of Adjustments. Is that</p> <p>17 correct?</p> <p>18 THE SECRETARY: No permit found.</p> <p>19 MS. THROCKMORTON: Was there anything found</p> <p>20 on the Board of Adjustment records?</p> <p>21 THE SECRETARY: No.</p> <p>22 MS. THROCKMORTON: That may be a record</p> <p>23 keeping issue. That might not indicate that it</p> <p>24 was built without a permit.</p> <p>25 MR. OTERO: Just for the record, what are</p>
<p style="text-align: right;">Page 55</p> <p>1 the special conditions?</p> <p>2 MS. DIAZ: We have the mangroves across the</p> <p>3 entire bank and that actually covers, if you</p> <p>4 see this picture, the aerial, these mangroves</p> <p>5 are mitigation mangroves from Cocoplum. When</p> <p>6 the development was done, the County required</p> <p>7 the mangrove fringe be planted along all of the</p> <p>8 shoreline. This is why Cocoplum does not have</p> <p>9 seawalls, as opposed the other waterways. So</p> <p>10 those mangroves are -- because they're</p> <p>11 mitigation mangroves, they are highly</p> <p>12 protected. We cannot cut them back in any way</p> <p>13 to meet the requirements.</p> <p>14 MR. OTERO: Because of the mangroves, you</p> <p>15 cannot build the dock closer to the shoreline?</p> <p>16 MS. DIAZ: Correct.</p> <p>17 MR. OTERO: Not because of the size of the</p> <p>18 boat?</p> <p>19 MS. DIAZ: No.</p> <p>20 I would like to also add that Mr. Menendez</p> <p>21 currently has a 37-foot boat, and because of</p> <p>22 we're siting the boat lift in relation to the</p> <p>23 dock, if we were to put a 37-foot boat on the</p> <p>24 dock, we would still have a 20-foot setback to</p> <p>25 the neighbor on the right. And these</p>	<p style="text-align: right;">Page 56</p> <p>1 properties are not straight in line, because</p> <p>2 it's kind of the curve. We're not impeding on</p> <p>3 anybody. We do not have a D-5 issue, because</p> <p>4 of the triangle, how it slopes out, because the</p> <p>5 property opens.</p> <p>6 On this map, I've highlighted all of the</p> <p>7 other properties that have received variances</p> <p>8 from the Board. Same issue, because of the</p> <p>9 mangrove fringe that you see all around.</p> <p>10 MS. THROCKMORTON: I'm sorry, just to</p> <p>11 clarify, for the record, you explained the</p> <p>12 DERM, that DERM permitting is still required</p> <p>13 for this property?</p> <p>14 MS. DIAZ: Correct. Yes. So we have DERM</p> <p>15 preliminary approval. We also have approval</p> <p>16 from the Cocoplum Homeowners Association. We</p> <p>17 do not get DERM final approval until we come</p> <p>18 back in with the City approval.</p> <p>19 THE SECRETARY: Let me just clarify, for</p> <p>20 the record. There is a permit card, but</p> <p>21 there's no permit drawings that we can see as</p> <p>22 to how far or the footprint of the existing</p> <p>23 dock. There is just a permit card that shows a</p> <p>24 new wood dock in 1991. Looks like it was done</p> <p>25 together with the existing house.</p>

<p style="text-align: right;">Page 57</p> <p>1 MS. DIAZ: I think, when we went through 2 that, it was applied for, but never issued, but 3 there's no approvals or anything other than the 4 computer that shows that there was something 5 applied for a dock. 6 CHAIRMAN HIDALGO: But Staff, if there 7 would be a permit card, the assumption would be 8 that there was a permit for the dock, correct? 9 THE SECRETARY: Yes, except we couldn't 10 find the drawings. Maybe the scanning motions 11 were not sophisticated. 12 CHAIRMAN HIDALGO: Any other comments for 13 the Board? 14 MS. DIAZ: No. 15 CHAIRMAN HIDALGO: Is there anyone in the 16 audience that wishes to speak regarding this 17 case? No? 18 Any comments among the Board Members? 19 MS. PINON: I have a question for Staff. 20 It seems that more and more we're facing all of 21 these variances that have to do with docks. Is 22 there any plan or intention or process where 23 there's a form granted so that we're not all 24 over the map? Going back to the prior case, 25 the concern from the adjoining property owner</p>	<p style="text-align: right;">Page 58</p> <p>1 and not necessarily this dock -- 2 Mr. Trias, this is more for Ramon this 3 morning, I know these are all unusual lots. 4 They're not uniform. They're not straight 5 property lines. But is there any plan or -- 6 MR. TRIAS: Ms. Pinon, if you recommend 7 that we look at the Code, I would agree with 8 that, and basically what happens is that, in a 9 big picture point of view, there are two halves 10 to the City as far as the canals, north of 11 Sunset and south of Sunset, for lack of a 12 better plan. 13 So we made some changes about a year ago, 14 in terms of the width that was -- of the clear 15 width between docks based on those extensions, 16 and I think that we can do the same based on 17 the fact that, in the southern half of the 18 City, there's mangroves, there's different 19 conditions that really don't allow that 20 five-foot limit. 21 So I think it would be a good idea, if you 22 think it's a good idea, we can pursue some 23 changes in the Code to be more reasonable and 24 they can be Site Specifics or they can be just 25 general changes to the Code, but right now we</p>
<p style="text-align: right;">Page 59</p> <p>1 are reviewing the Zoning Code. Elizabeth 2 Plater-Zyberk is our consultant and so we've 3 making some changes, so it may be timely if we 4 look at this, if you agree and think it's a 5 good idea. 6 CHAIRMAN HIDALGO: Also, I think the 7 waterway conditions are different south of 8 Sunset than they are north of it, considerably. 9 I think the waterways are a lot narrower on 10 that northern side of Sunset. 11 MR. TRIAS: And the shorelines are 12 different and the environmental conditions are 13 very different, and it's very clearly defined, 14 south versus north. So I think we can have 15 some simple changes to the Code that would 16 limit the number of variances, and will be a 17 good implementation of good policy. 18 MS. PINON: My only concern is that we 19 grant one variance here, one variance there, 20 and we're setting precedent. Every time you 21 want to do something, just come before the 22 Board of Adjustment and get a variance, and, 23 then, you know, one day somebody is going to 24 really object to this. 25 MR. TRIAS: Absolutely. I was thinking of</p>	<p style="text-align: right;">Page 60</p> <p>1 the same thing, and, in fact, like I said, we 2 have the opportunity to do it right now, as we 3 are reviewing many other things in the Code. 4 So unless there's some objection, I will bring 5 it to you, in terms of the thoughts for your 6 input, also. 7 MR. SOTELO: I think, on the basis of the 8 number of cases that we're hearing that follow 9 this -- I mean, we may not have meetings to 10 come to if we do that, but I think, on the 11 basis of the frequency of these types of asks, 12 it may make sense to evaluate that. 13 MR. TRIAS: Yes. Thank you. 14 CHAIRMAN HIDALGO: Any other comments of 15 the Applicant from the Board Members? No? 16 We'll close then the public comments. 17 Any comments from the Board Members? 18 MR. OTERO: It seems to me that what we're 19 doing is legitimizing a prior permit that's not 20 complete in its record, and there are special 21 conditions that to me is why we're here. 22 CHAIRMAN HIDALGO: We have a motion? 23 MS. PINON: I'll move. I'll move for the 24 Board of Adjustment to grant or deny or defer 25 application --</p>

<p style="text-align: right;">Page 61</p> <p>1 MS. THROCKMORTON: Excuse me, please</p> <p>2 clarify, a motion to grant?</p> <p>3 CHAIRMAN HIDALGO: Can you clarify?</p> <p>4 MS. THROCKMORTON: Is it a motion to grant?</p> <p>5 MS. PINON: A motion to grant Application</p> <p>6 BA-19-03-6069 a request from Trident</p> <p>7 Environmental, on behalf of the property owner,</p> <p>8 Ramon and Catalina Menendez, for a variance for</p> <p>9 a single-family home located at 146 Rosales</p> <p>10 Court, to allow the replacement of a wooden</p> <p>11 dock for an existing single-family residence to</p> <p>12 extend into the waterway 40 feet from the</p> <p>13 property line versus docks may be constructed</p> <p>14 over in canal, waterways extending outward from</p> <p>15 the property line not more than 10 feet</p> <p>16 pursuant to Section A-23.A(1) of the Coral</p> <p>17 Gables Zoning Code, Appendix A, Site Specific.</p> <p>18 This motion is based upon the testimony</p> <p>19 presented, along with the application submitted</p> <p>20 and the Staff report which constitutes</p> <p>21 competent and substantial evidence. The Board</p> <p>22 hereby makes finding of facts that the</p> <p>23 standards of Section 3-806 of the Zoning Code</p> <p>24 have been met.</p> <p>25 CHAIRMAN HIDALGO: There's a motion.</p>	<p style="text-align: right;">Page 62</p> <p>1 MR. LAGE: Second.</p> <p>2 CHAIRMAN HIDALGO: It's been moved and</p> <p>3 second.</p> <p>4 Take the roll, please.</p> <p>5 THE SECRETARY: Mr. Sotelo?</p> <p>6 MR. SOTELO: Yes.</p> <p>7 THE SECRETARY: Ms. Pinon?</p> <p>8 MS. PINON: Yes.</p> <p>9 THE SECRETARY: Mr. Otero?</p> <p>10 MR. OTERO: Yes.</p> <p>11 THE SECRETARY: Mr. Lage?</p> <p>12 MR. LAGE: Yes.</p> <p>13 THE SECRETARY: Mr. Hidalgo?</p> <p>14 CHAIRMAN HIDALGO: Yes.</p> <p>15 Item 1 in this particular case is approved.</p> <p>16 Are there any comments or motions on Item</p> <p>17 Number 2?</p> <p>18 MR. SOTELO: I move to approve.</p> <p>19 CHAIRMAN HIDALGO: There's a motion.</p> <p>20 Is there a second?</p> <p>21 MS. PINON: I'll second it.</p> <p>22 CHAIRMAN HIDALGO: It's been moved and</p> <p>23 second. Take the roll, please.</p> <p>24 MR. SOTELO: Do you need me to go through</p> <p>25 it and repeat it --</p>
<p style="text-align: right;">Page 63</p> <p>1 MS. THROCKMORTON: Mr. Sotelo, if you could</p> <p>2 just read the variance itself.</p> <p>3 MR. SOTELO: Okay. To allow a 28,000 pound</p> <p>4 capacity boat lift to extend 35 feet six inches</p> <p>5 from the mean high water versus watercraft</p> <p>6 lifts or floating watercraft lifts shall not</p> <p>7 extend beyond 25 feet from the banks of the</p> <p>8 waterways pursuant to Section 5-805(E) of the</p> <p>9 Coral Gables Zoning Code.</p> <p>10 MS. THROCKMORTON: Thank you. We have a</p> <p>11 motion and a second.</p> <p>12 CHAIRMAN HIDALGO: Yes.</p> <p>13 THE SECRETARY: Who is the second?</p> <p>14 Mr. Lage?</p> <p>15 MR. LAGE: Yes.</p> <p>16 THE SECRETARY: Mr. Otero?</p> <p>17 MR. OTERO: Yes.</p> <p>18 THE SECRETARY: Ms. Pinon?</p> <p>19 MS. PINON: Yes.</p> <p>20 THE SECRETARY: Mr. Sotelo?</p> <p>21 MR. SOTELO: Yes.</p> <p>22 THE SECRETARY: Mr. Hidalgo?</p> <p>23 CHAIRMAN HIDALGO: Yes.</p> <p>24 MS. THROCKMORTON: Mr. Chair, if I may, we</p> <p>25 received an e-mail from Ms. Garcia asking for</p>	<p style="text-align: right;">Page 64</p> <p>1 her absence to be excused. She had an</p> <p>2 emergency with her children this morning. I'm</p> <p>3 not sure if you would like to take a motion to</p> <p>4 excuse her absence or not.</p> <p>5 CHAIRMAN HIDALGO: Can we take a motion to</p> <p>6 excuse --</p> <p>7 MR. OTERO: So moved.</p> <p>8 MR. LAGE: Second.</p> <p>9 CHAIRMAN HIDALGO: Take a roll.</p> <p>10 THE SECRETARY: Mr. Sotelo?</p> <p>11 MR. SOTELO: Yes.</p> <p>12 THE SECRETARY: Ms. Pinon?</p> <p>13 MS. PINON: Yes.</p> <p>14 THE SECRETARY: Mr. Otero?</p> <p>15 MR. OTERO: Yes.</p> <p>16 THE SECRETARY: Mr. Lage?</p> <p>17 MR. LAGE: Yes.</p> <p>18 THE SECRETARY: Mr. Hidalgo?</p> <p>19 CHAIRMAN HIDALGO: Yes.</p> <p>20 MR. LAGE: Mr. Chairman, do we have to make</p> <p>21 any motion for the City to review the Code --</p> <p>22 MS. THROCKMORTON: A motion is not</p> <p>23 required, but I believe that Mr. Trias has</p> <p>24 heard your desire to have that looked at.</p> <p>25 Mr. Trias.</p>

<p style="text-align: right;">Page 65</p> <p>1 MR. TRIAS: Yes. I thank you very much</p> <p>2 because I think it's a very important thing to</p> <p>3 do. So we'll follow-up.</p> <p>4 We have two more items for discussion, and</p> <p>5 the first item is, I have to thank Mr. Hidalgo</p> <p>6 for his service. He has been with us eight</p> <p>7 years.</p> <p>8 CHAIRMAN HIDALGO: It's been a pleasure.</p> <p>9 MR. TRIAS: And he was the Member of the</p> <p>10 Board voted by the Board. As you know, there's</p> <p>11 seven Members of the Board. Five are appointed</p> <p>12 by the Commission, one by the City Manager, and</p> <p>13 one is appointed by the Board. So there has to</p> <p>14 be a motion and a second and --</p> <p>15 MS. THROCKMORTON: Mr. Trias, I'm sorry to</p> <p>16 interrupt. Mr. Hidalgo, this finishes up your</p> <p>17 fourth term, so that's eight years, which is,</p> <p>18 by Code, the maximum. So we will have to -- if</p> <p>19 the Board votes you to continue on as a member,</p> <p>20 we will have to discuss with the City Attorney</p> <p>21 whether or not that requires Commission -- a</p> <p>22 waiver of the Commission or not. It's a little</p> <p>23 unclear under the Code, since it's a Board as a</p> <p>24 whole appointment. So if the Board wants to</p> <p>25 take that up, I would ask that you give the</p>	<p style="text-align: right;">Page 66</p> <p>1 City Attorney's Office a little of bit of time</p> <p>2 to clarify that that is in line with the Code,</p> <p>3 just because we have some strange Code</p> <p>4 requirements.</p> <p>5 CHAIRMAN HIDALGO: So if I understand</p> <p>6 correctly, the motion would have to be whether</p> <p>7 my seat would continue as Chair or just as a</p> <p>8 regular member?</p> <p>9 MS. THROCKMORTON: Just as a regular</p> <p>10 member. So, Mr. Trias, if you don't mind, I</p> <p>11 ask that we defer the discussion of those items</p> <p>12 about Mr. Hidalgo's appointment until the next</p> <p>13 meeting, so we can get clarification on the</p> <p>14 Code about your appointment. Since you've been</p> <p>15 such a long serving member, we want to make</p> <p>16 sure that we do everything in line with the</p> <p>17 City Code.</p> <p>18 MR. TRIAS: Okay. Those are the two items.</p> <p>19 Thank you very much.</p> <p>20 MS. THROCKMORTON: I apologize.</p> <p>21 (Thereupon, the meeting was concluded at</p> <p>22 9:20 a.m.)</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 67</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 STATE OF FLORIDA:</p> <p>4 SS.</p> <p>5 COUNTY OF MIAMI-DADE:</p> <p>6</p> <p>7</p> <p>8</p> <p>9 I, NIEVES SANCHEZ, Court Reporter, and a Notary</p> <p>10 Public for the State of Florida at Large, do hereby</p> <p>11 certify that I was authorized to and did</p> <p>12 stenographically report the foregoing proceedings and</p> <p>13 that the transcript is a true and complete record of my</p> <p>14 stenographic notes.</p> <p>15</p> <p>16 DATED this 6th day of June, 2019.</p> <p>17</p> <p>18</p> <p>19 SIGNATURE ON FILE</p> <p>20 _____</p> <p style="text-align: center;">NIEVES SANCHEZ</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	