

<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, OCTOBER 7, 2019, COMMENCING AT 8:15 A.M.</p> <p>Board Members Present: Maria D. Garcia Jorge Otero Eugenio Lage Gema Pinon Jack Thomson Michael Sotelo</p> <p>City Staff and Consultants: Ramon Trias, Planning Director Stephanie M. Throckmorton, Assistant City Attorney Arceli Redila, Principal Planner Jennifer Garcia, City Planner Devin Cejas, Deputy Development Services Director/Zoning Official Ana Restrepo, Principal Planner</p> <p>ALSO PARTICIPATING: Melissa Tapanes Llahues, Esq. Tom Robertson, Esq. Kirk Lofgren Joan Jimenez Paolo Miranda Glen Larson, Dock and Marine Construction</p>	<p style="text-align: center;">Page 2</p> <p>1 THEREUPON: 2 (The following proceedings were held.) 3 MS. GARCIA: Good morning, everyone. So we 4 call this meeting of the Board of Adjustment to 5 order. Good morning, everyone. 6 The Board is comprised of seven members. 7 Four Members of the Board shall constitute a 8 quorum and the affirmative vote of four Members 9 of the Board present shall be necessary to 10 adopt a motion. A tie vote shall result in the 11 request moving forward for Commission 12 consideration without a recommendation if the 13 applicant does not request a continuance. 14 On the lobbyist issue, any person who acts 15 as a lobbyist pursuant to the City of Coral 16 Gables Ordinance Number 2006-11 must register 17 with the City Clerk prior to engaging in 18 lobbying activities or presentations before 19 City Staff, Boards, Committee and/or the City 20 Commission. A copy of the Ordinance is 21 available in the Office of the City Clerk. 22 Failure to register and provide proof of 23 registration shall prohibit your ability to 24 present to the Board. 25 I now officially call the City of Coral</p>
<p style="text-align: center;">Page 3</p> <p>1 Gables Board of Adjustment meeting to order. 2 It is 8:15 a.m. on October 7th, 2019. 3 First we're going to go ahead with the roll 4 call. 5 THE SECRETARY: Ms. Thomson? 6 MR. THOMSON: Here. 7 THE SECRETARY: Mr. Sotelo? 8 MR. SOTELO: Here. 9 THE SECRETARY: Ms. Pinon? 10 MS. PINON: Present. 11 THE SECRETARY: Mr. Otero? 12 MR. OTERO: Present. 13 THE SECRETARY: Mr. Lage? 14 MR. LAGE: Present. 15 THE SECRETARY: Ms. Garcia? 16 MS. GARCIA: Present. 17 Okay. Thank you. 18 We'll now move forward to the approval of 19 the minutes. They're in the packets for the 20 Board to consider. 21 MR. OTERO: I move the minutes be approved. 22 MR. THOMSON: Second. 23 MS. GARCIA: We have a second. 24 Okay. Great. So we had a motion and a 25 second. Could we do a roll call on the motion</p>	<p style="text-align: center;">Page 4</p> <p>1 to approve the minutes? 2 THE SECRETARY: Mr. Thomson? 3 MR. THOMSON: Yes. 4 THE SECRETARY; Mr. Sotelo? 5 MR. SOTELO: Yes. 6 THE SECRETARY: Ms. Pinon? 7 MS. PINON: Yes. 8 THE SECRETARY: Mr. Otero? 9 MR. OTERO: Yes. 10 THE SECRETARY: Mr. Lage? 11 MR. LAGE: Yes. 12 THE SECRETARY: Ms. Garcia? 13 MS. GARCIA: Yes. 14 MS. GARCIA: Thank you. 15 Please be advised that this Board is a 16 quasi-judicial Board and the items on the 17 agenda are quasi-judicial in nature, which 18 requires Board Members to disclose all ex parte 19 communications and site visits. An ex parte 20 communication is defined as any contact, 21 communication, conversation, correspondence, 22 memorandum or any other written or verbal 23 communication that takes place outside of a 24 public hearing between a member of the public 25 and a member of the quasi-judicial Board</p>

<p style="text-align: right;">Page 5</p> <p>1 regarding matters to be heard by the Board.</p> <p>2 If anyone made contact with a Board Member</p> <p>3 regarding an issue before the Board, the Board</p> <p>4 Member must state on the record the existence</p> <p>5 of the ex parte communication and the party who</p> <p>6 originated that communication. Also, if a</p> <p>7 Board Member conducted a site visit</p> <p>8 specifically related to the case before the</p> <p>9 Board today, the Board Member must also</p> <p>10 disclose such visit. In either case, the Board</p> <p>11 Member must state on the record whether the ex</p> <p>12 parte communication and/or site visit will</p> <p>13 affect the Board Member's ability to</p> <p>14 impartially consider the evidence to be</p> <p>15 presented regarding the matter. The Board</p> <p>16 Member should also state that his or her</p> <p>17 decision will be based on substantial competent</p> <p>18 evidence and testimony presented on the record</p> <p>19 today.</p> <p>20 Does any Member of the Board have such a</p> <p>21 communication and/or visit to disclose at this</p> <p>22 time?</p> <p>23 Thank you, everybody.</p> <p>24 Mr. Trias, should we move forward with the</p> <p>25 items?</p>	<p style="text-align: right;">Page 6</p> <p>1 MR. TRIAS: That's my recommendation, the</p> <p>2 Discussion Items at the end of the agenda,</p> <p>3 nomination of Board-As-A-Whole Member.</p> <p>4 MS. GARCIA: Okay. And then we'll move in</p> <p>5 into the swearing in for the parties.</p> <p>6 All right. So the first item we have is</p> <p>7 the nomination of the Board-As-A-Whole Member.</p> <p>8 Mr. Trias, do you have that today? Is it ready</p> <p>9 today?</p> <p>10 MR. TRIAS: That's up to you, if you're</p> <p>11 ready, and there's one member that's nominated</p> <p>12 by the Board, and that member serves with you,</p> <p>13 so you have the opportunity to make a</p> <p>14 nomination.</p> <p>15 MS. GARCIA: Do we have anybody to be</p> <p>16 nominated?</p> <p>17 So I suggest we, as a Board, consider who</p> <p>18 we want to go ahead and nominate and then for</p> <p>19 the next Board meeting -- unless we have a</p> <p>20 nomination now to consider.</p> <p>21 MR. TRIAS: That's a good -- yes.</p> <p>22 MS. PINON: Is there any specific</p> <p>23 procedure? I mean, do we reach out to</p> <p>24 individuals and find out if they would like to</p> <p>25 consider it? Is there some --</p>
<p style="text-align: right;">Page 7</p> <p>1 MR. TRIAS: You may, but you cannot talk</p> <p>2 amongst yourselves.</p> <p>3 MS. THROCKMORTON: If you each,</p> <p>4 individually, would like to reach out to</p> <p>5 people, you may, of course, do so and let them</p> <p>6 know about the Board. You can also send them</p> <p>7 to Mr. Trias and let them know about the</p> <p>8 vacancy on the Board.</p> <p>9 If you want to circulate names, not amongst</p> <p>10 yourselves, but you can send them to Mr. Trias</p> <p>11 ahead of time and then he can send to you in</p> <p>12 advance of the next meeting, so that you can</p> <p>13 have them and perhaps their resumes before the</p> <p>14 next Board meeting, so that you can consider</p> <p>15 them, but this is just sort of a time for</p> <p>16 informal discussion to see if there's anyone</p> <p>17 that you guys have in mind or that you might</p> <p>18 want to reach out to and approach.</p> <p>19 MR. TRIAS: I think that's a very good</p> <p>20 approach. So if you want to postpone making</p> <p>21 decisions to a future meeting, you can do that</p> <p>22 and think about it and submit some nominations.</p> <p>23 MS. GARCIA: Yeah. I agree. I think that</p> <p>24 then we'll send any nomination directly to</p> <p>25 Mr. Trias.</p>	<p style="text-align: right;">Page 8</p> <p>1 MR. OTERO: And nominate people that</p> <p>2 understand docks.</p> <p>3 MS. GARCIA: Okay. So we'll table that</p> <p>4 item.</p> <p>5 The next item, we have the election of the</p> <p>6 new Chairperson and Vice-Chairperson. As we</p> <p>7 know, I'm the current Vice-Chairperson. The</p> <p>8 Chairperson retired from the Board.</p> <p>9 So do we have any nominations for Chair?</p> <p>10 MS. PINON: I'd like to nominate Maria</p> <p>11 Garcia.</p> <p>12 MR. LAGE: I second that nomination.</p> <p>13 MR. OTERO: I will second that motion.</p> <p>14 MS. GARCIA: Thank you, Ms. Pinon. So we</p> <p>15 have seconds or one second for Mr. Otero.</p> <p>16 Could we go ahead and roll call that at</p> <p>17 this time?</p> <p>18 THE SECRETARY: Mr. Thomson?</p> <p>19 MR. THOMSON: Yes.</p> <p>20 THE SECRETARY: Mr. Sotelo?</p> <p>21 MR. SOTELO: Yes.</p> <p>22 THE SECRETARY: Mr. Otero?</p> <p>23 MR. OTERO: Yes.</p> <p>24 THE SECRETARY: Mr. Lage?</p> <p>25 MR. LAGE: Yes.</p>

<p style="text-align: right;">Page 9</p> <p>1 THE SECRETARY: Ms. Pinon?</p> <p>2 MS. PINON: Yes.</p> <p>3 THE SECRETARY: And Ms. Garcia?</p> <p>4 MS. GARCIA: Yes.</p> <p>5 Okay. Thank you, everybody. I really</p> <p>6 appreciate your vote of confidence. Thank you</p> <p>7 so much.</p> <p>8 All right. Now Vice-Chairperson, any</p> <p>9 nominations for Vice-Chair?</p> <p>10 MR. LAGE: I suggest Mr. Otero.</p> <p>11 MS. PINON: I'll second that.</p> <p>12 MS. GARCIA: Mr. Otero?</p> <p>13 MR. OTERO: That's fine.</p> <p>14 MS. GARCIA: That's fine.</p> <p>15 MR. OTERO: Yes. I went from Chair to</p> <p>16 Member to Vice. So moving back up.</p> <p>17 MS. GARCIA: Okay. Great. Could we have a</p> <p>18 roll call, please?</p> <p>19 THE SECRETARY: Ms. Garcia?</p> <p>20 MS. GARCIA: Yes.</p> <p>21 THE SECRETARY: Mr. Lage?</p> <p>22 MR. LAGE: Yes.</p> <p>23 THE SECRETARY: Mr. Pinon?</p> <p>24 MS. PINON: Yes.</p> <p>25 THE SECRETARY: Mr. Sotelo?</p>	<p style="text-align: right;">Page 10</p> <p>1 MR. SOTELO: Yes.</p> <p>2 THE SECRETARY: Mr. Thomson?</p> <p>3 MR. THOMSON: Yes.</p> <p>4 THE SECRETARY: Mr. Otero?</p> <p>5 MR. OTERO: Unanimous. Yes.</p> <p>6 MS. GARCIA: Awesome. Well,</p> <p>7 congratulations, Mr. Otero. We look forward to</p> <p>8 serving with everybody on the Board.</p> <p>9 So I think we're ready.</p> <p>10 MR. TRIAS: Yes. Perfect timing.</p> <p>11 MS. GARCIA: Perfect timing.</p> <p>12 MR. THOMSON: And I did notice that</p> <p>13 Commissioner Fors doesn't have a representative</p> <p>14 on our Board. Does he know that he has a</p> <p>15 vacancy?</p> <p>16 MS. THROCKMORTON: I believe he does. Let</p> <p>17 me double-check.</p> <p>18 MS. GARCIA: Are we ready for the first</p> <p>19 project today?</p> <p>20 MS. THROCKMORTON: I believe Ms. Garcia was</p> <p>21 appointed by Mr. Fors, Mr. Thomson. Ms. Garcia</p> <p>22 is currently Commissioner Fors' appointment.</p> <p>23 MR. THOMSON: Okay.</p> <p>24 MS. GARCIA: It was me.</p> <p>25 MR. TRIAS: We are almost ready. This is</p>
<p style="text-align: right;">Page 11</p> <p>1 actually not the PowerPoint. This is the PDF</p> <p>2 version of the PowerPoint. They're working on</p> <p>3 it now.</p> <p>4 MS. GARCIA: So, Stephanie, the only</p> <p>5 opening is the Member at Large?</p> <p>6 MS. THROCKMORTON: Yes. Mr. Hidalgo was</p> <p>7 the Board as a Whole appointee and his term</p> <p>8 expired May 31st and he was term limited out.</p> <p>9 MR. SOTELO: We have Ms. Garcia being</p> <p>10 nominated by Commissioner Quesada.</p> <p>11 MS. THROCKMORTON: We should update the</p> <p>12 forms. Since Commissioner Quesada is no longer</p> <p>13 here, she was reappointed by Commissioner Fors.</p> <p>14 So, Arceli, perhaps we can update the meeting</p> <p>15 minutes, if there's a motion on the floor to</p> <p>16 update the meeting minutes to reflect the</p> <p>17 correct sponsoring Commissioner.</p> <p>18 Is there a motion to amend the minutes?</p> <p>19 MS. GARCIA: Is there a motion?</p> <p>20 MR. SOTELO: So moved.</p> <p>21 MR. OTERO: Yeah. Second.</p> <p>22 MS. GARCIA: Roll call.</p> <p>23 THE SECRETARY: Mr. Lage?</p> <p>24 MR. LAGE: Yes.</p> <p>25 THE SECRETARY: Mr. Otero?</p>	<p style="text-align: right;">Page 12</p> <p>1 MR. OTERO: Yes.</p> <p>2 THE SECRETARY: Ms. Pinon?</p> <p>3 MS. PINON: Yes.</p> <p>4 THE SECRETARY: Mr. Sotelo?</p> <p>5 MR. SOTELO: Yes.</p> <p>6 THE SECRETARY: Mr. Thomson?</p> <p>7 MR. THOMSON: Yes.</p> <p>8 THE SECRETARY: Ms. Garcia?</p> <p>9 MS. GARCIA: Yes.</p> <p>10 MS. THROCKMORTON: Thank you for pointing</p> <p>11 that out, Mr. Thomson.</p> <p>12 MS. GARCIA: Mr. Trias, should we move</p> <p>13 forward with the swearing in?</p> <p>14 MR. TRIAS: Yes.</p> <p>15 MS. GARCIA: Okay. Everyone who speaks</p> <p>16 today must complete the roster on the podium.</p> <p>17 We ask that you print clearly so the official</p> <p>18 records of your name and address will be</p> <p>19 correct.</p> <p>20 Now, with the exception of attorneys, all</p> <p>21 persons who will speak on agenda items before</p> <p>22 us this morning please rise to be sworn in.</p> <p>23 (Thereupon, the participants were sworn.)</p> <p>24 MS. GARCIA: Thank you.</p> <p>25 In deference to those present, we ask that</p>

<p style="text-align: right;">Page 13</p> <p>1 all cell phones, pagers and other electronic 2 devices be turned off at this time. 3 Now we will proceed with the agenda. 4 MS. REDILA: Good morning, Madam Chair, 5 Members of the Board, for the record, Arceli 6 Redila from Planning & Zoning. The item before 7 you today is a variance request for 7140 Lago 8 Drive West. It's zoned Single-Family 9 Residential. The property owners, Francisco 10 and Joan Jimenez, are requesting two variances, 11 and the first one is to allow a boat lift to be 12 built attached to an existing dock and maintain 13 38 feet 4 inches of open unobstructed navigable 14 waterway, where 75 feet is required. 15 The second variance request is to allow an 16 existing dock to be modified and maintain a 17 side setback of 13 feet 6 inches, where 15 feet 18 is required per the Site Specific Section A-23 19 of the Coral Gables Zoning Code. 20 Now, the property is located within 21 Cocoplum Section 2 of Coral Gables. Here's an 22 aerial orientation map. You can see right here 23 there's a dense mangrove and there's an 24 existing Single-Family home with a dock. 25 In 1983, Miami-Dade County Commissioners</p>	<p style="text-align: right;">Page 14</p> <p>1 approved a Class 1 permit for the subject 2 property. Now, by Resolution Number R114-83, 3 it approved the construction of a marginal dock 4 and dredging, because the extension of the dock 5 further into the canal was not possible due to 6 its narrow width, according to the County 7 Manager's memo. 8 So this was the dock plan that was approved 9 at that time. 10 Now, here is the existing -- that's the 11 final inspection report. 12 Now here is the existing condition. The 13 davits were removed. The boat lift was 14 installed and a much wider walkway leading to 15 the dock is now encroaching into the required 16 side setbacks and no permit was found for this 17 installation. 18 Now the applicant is proposing to modify 19 the existing condition through renovation. The 20 applicant is proposing to trim two feet and two 21 inches of the existing lift and reduce the 22 width of the upland path and accessway, but the 23 dock platform still encroaches into the side 24 requirements which is fifteen feet. 25 Now, Staff is not recommending approval of</p>
<p style="text-align: right;">Page 15</p> <p>1 this request. This was approved by the Board 2 of Architects on May 21, 2019. There was also 3 correspondence provided in your package from 4 the surrounding property owners. 5 Now, the applicant is here to present, if 6 you have any questions. And I believe you also 7 have a presentation. 8 MR. OTERO: I have a question for the City. 9 My question relates and revolves around the 10 permit. 11 MS. REDILA: The microphone. 12 MR. OTERO: My questions revolve around the 13 permit. The handout we got from the applicant 14 says, the permit was issued in 1987. That's 15 what she says. Your report says, there's no 16 permit found for the boat lift, but Dade County 17 issued something. 18 MS. REDILA: Yes. In 1983, Miami-Dade 19 County Commissioners approved a Class 1 permit, 20 that was from a different owner, that was, I 21 believe, closed, and then there was another 22 property owner. So it took a long time for the 23 permit to be issued. It was in 1987, a 24 different owner, that it was issued, and as you 25 can see in the final inspection report, the</p>	<p style="text-align: right;">Page 16</p> <p>1 permit that was issued was this. 2 It was later on -- if you can see on the 3 previous attachments, on the letter of intent 4 from the applicant, that the davit was removed. 5 Here it says what was permitted after the 6 complete inspection. Davits were also 7 installed. 8 It was later on, we don't know when, the 9 boat lift was added, but I believe the 10 applicant can explain it further. 11 MR. OTERO: No, but I want the records from 12 the City. The County has jurisdiction, but the 13 City did not in '83? 14 MS. REDILA: The County issues a Class 1 15 permit. 16 MR. OTERO: To do what, precisely? I'm 17 sorry to keep repeating myself. That permit 18 was to do what? 19 MS. REDILA: A Class 1 permit, I believe 20 the applicant can explain it further, a Class 1 21 permit requires County approval when you do 22 dredging on canals. 23 MS. PINON: Who dredged, the owner? 24 MS. REDILA: They were required to as the 25 County's recommendation, because it is not</p>

<p style="text-align: right;">Page 17</p> <p>1 possible to encroach further into the canal, 2 because the canal is narrow. 3 MR. OTERO: There are eight components 4 required to be met in order for the variance to 5 be granted -- 6 MS. REDILA: Yes. 7 MR. OTERO: -- as we have discussed over 8 the last few years. Of the eight, the City 9 says the applicant does not meet four of them. 10 MS. REDILA: Yes, as stated in the Staff 11 Report. 12 MR. OTERO: Just in general terms, what is 13 it the applicant does not meet? 14 MS. REDILA: The canal in itself is already 15 narrow. As it was already acknowledged, the 16 canal is narrow. The canal is approximately 75 17 feet. Encroaching further impedes the 18 navigable waterway and leaves only 38 feet and 19 four inches as opposed to the required 75 feet. 20 MS. PINON: That's my concern. But if it's 21 five feet, and by your own statement, there was 22 an acknowledgement by the County on the permit 23 that's already narrow, and from the pictures, 24 it looks really narrow, and at low tide, I 25 would think that it's even narrower, I don't</p>	<p style="text-align: right;">Page 18</p> <p>1 know how larger boats can get through there. 2 MS. REDILA: The City requires 75 feet, but 3 something to consider is that this boat lift 4 has been -- it's already existing and now the 5 applicant is proposing to do renovations and 6 cutting two feet two inches of the boat lift. 7 MS. GARCIA: I have a question on that. It 8 seems like they're actually moving it back a 9 little bit. 10 MS. REDILA: Two feet and two inches, as 11 provided in the details. 12 MS. GARCIA: So the navigable water will 13 increase? 14 MS. REDILA: The navigable waterway is 15 still 38 feet for -- 16 MS. GARCIA: But they'll be off the water a 17 little bit more, two feet or so? 18 MS. REDILA: Yes, as for the proposed 19 renovation. 20 MR. SOTELO: I'm sorry, so just to 21 understand, permissible amount between is 75 22 feet? 23 MS. REDILA: 75 feet. 24 MR. SOTELO: And by approving this, we're 25 going to go into -- what's going to be the --</p>
<p style="text-align: right;">Page 19</p> <p>1 MS. REDILA: 38 feet and 4 inches. 2 MR. SOTELO: 38 feet is what we're going to 3 be left with, according to the Staff? 4 MS. REDILA: Yes. Here is the provided 5 survey that states the same condition right 6 now. 7 MR. THOMSON: That's a narrow waterway. 8 With the 38 feet, are the boats up the canal 9 about the same size as this boat that's going 10 in? All of the boats seem to be less than 40 11 feet. What's the average for these boats that 12 are traversing that area? 13 MS. REDILA: Maybe the applicant can reply 14 as to how big their boat is. 15 MS. TAPANA: We have a full presentation 16 that I think will answer a lot of these 17 questions. 18 MS. GARCIA: Okay. Let's move forward with 19 that, unless we have any other questions for 20 the City? Okay. 21 MR. THOMSON: My concern obviously is the 22 boats traversing that area. If their width is 23 only 10, 12, 14 feet wide, what's the problem? 24 I don't see any problem. 25 MS. GARCIA: Welcome, Ms. Tapanes Llahues.</p>	<p style="text-align: right;">Page 20</p> <p>1 MS. TAPANES: Thank you. 2 Good morning, Members of the Board. My 3 name is Melissa Tapanes, Law Offices at 200 4 South Biscayne Boulevard, Miami. I'm here 5 representing Joan and Francisco Jimenez. 6 They're the owners of 7140 West Lago Drive in 7 South Coral Gables. 8 We're here respectfully requesting your 9 approval of two variances that will allow the 10 Jimenez family to renovate their existing 11 non-conforming dock and boat lift to bring the 12 property into closer compliance with today's 13 Code. 14 In addition, it will also bring the 15 existing dock and boat lift more into today's 16 technology that balances aesthetics to safety 17 and hurricane resilience. 18 So we'll just go through a little bit of 19 this presentation and then we'll definitely be 20 able to answer any questions that you have, and 21 there were very good questions asked. 22 So this is an aerial photograph of Cocoplum 23 where, as everyone knows, there are narrow 24 canals that leaf through mangroves providing 25 access directly to Biscayne Bay.</p>

<p style="text-align: right;">Page 21</p> <p>1 The property lies on a narrow portion of</p> <p>2 the Lago Minore canal, which was established in</p> <p>3 1954.</p> <p>4 As you can see in this aerial photograph,</p> <p>5 this portion of the waterway is narrow by its</p> <p>6 plat. It's only 70 feet wide. That's less</p> <p>7 than the required 75 foot through the City</p> <p>8 Code. And in this area, actually, the northern</p> <p>9 portion of the property is actually 56 feet in</p> <p>10 width.</p> <p>11 So, in addition, as you can see in this</p> <p>12 photograph, the natural conditions make</p> <p>13 compliance with the 75-foot navigable waterway</p> <p>14 criteria impossible. Not only is the canal</p> <p>15 itself as narrow as 56 feet, but also mangroves</p> <p>16 encroach on the shoreline by over 35 feet,</p> <p>17 thereby further restricting the navigable</p> <p>18 waterway.</p> <p>19 As you can see in this aerial photograph,</p> <p>20 there's a dense thicket of mangroves that</p> <p>21 protects the residence built in 1982 from storm</p> <p>22 surge, and you can see here how mangroves on</p> <p>23 either side of the canal actually encroach</p> <p>24 further than any boat on either side would, and</p> <p>25 that will go to a response to Mr. Otero's</p>	<p style="text-align: right;">Page 22</p> <p>1 questions dealing with permitting.</p> <p>2 So, as we mentioned, there's two variances</p> <p>3 that we're seeking here. The first is a</p> <p>4 variance to replace the existing boat lift.</p> <p>5 This will decrease the existing projection into</p> <p>6 the waterway, thereby increasing the navigable</p> <p>7 waterway from the 49 feet that exist today to</p> <p>8 54 feet, versus the 75 that is required, and</p> <p>9 we'll go into those details in just a moment.</p> <p>10 The second is that the variance is to</p> <p>11 maintain the existing dock side setback at 13</p> <p>12 feet 6 inches, where also 15 feet is required.</p> <p>13 Also, there's the mention of the walkway. Part</p> <p>14 of this renovation is to bring that walkway</p> <p>15 into compliance with the Code, so we're</p> <p>16 actually changing that configuration. We'll</p> <p>17 explain also how that happened.</p> <p>18 So, as Mr. Otero mentioned, the dock was</p> <p>19 permitted and final inspection actually took</p> <p>20 place several years later in 1987. Obviously,</p> <p>21 four years is a bit much for any type of</p> <p>22 permitting, especially in the '80s. The reason</p> <p>23 for that is that at the time of construction,</p> <p>24 site specific conditions prevented the dock</p> <p>25 from being built exactly as what was provided</p>
<p style="text-align: right;">Page 23</p> <p>1 for in the plans.</p> <p>2 So, first, as shown in the existing plan</p> <p>3 that's part of your packet, the dock was</p> <p>4 shifted to the south in order to avoid damage</p> <p>5 to the mangrove trees that were immediately</p> <p>6 north of the dock. As it was, two mangroves</p> <p>7 were damaged, then required mitigation in the</p> <p>8 form of planting additional mangroves on site,</p> <p>9 and that's all part of DERM's permitting</p> <p>10 records. So this shift south resulted in that</p> <p>11 slight encroachment of that required 15-foot</p> <p>12 side setback, resulting in the 13 feet 6 inches</p> <p>13 side setback.</p> <p>14 We should mention that these changes were</p> <p>15 approved by Miami-Dade County. They were</p> <p>16 actually required in order to protect those</p> <p>17 mangroves. We did not find any records that</p> <p>18 Miami-Dade County required communication with</p> <p>19 the City of Coral Gables, and simply what we</p> <p>20 have are the requirements of Miami-Dade County</p> <p>21 to do what was actually built on-site today.</p> <p>22 So these are the existing conditions. The</p> <p>23 existing dock and boat lift provide 49 feet of</p> <p>24 waterway to the opposing bank. The davits were</p> <p>25 replaced by lifts in 1988. The navigable</p>	<p style="text-align: right;">Page 24</p> <p>1 waterway throughout the canal is, again,</p> <p>2 further reduced due to the encroachment of</p> <p>3 mangroves.</p> <p>4 So, today, the current dock and lift</p> <p>5 projects 28 feet into the water. The dock</p> <p>6 maintains a 13 foot 6 inch side setback, and,</p> <p>7 as I mentioned, that walkway that encroaches</p> <p>8 also by one foot and six inches.</p> <p>9 What we're proposing is a significant</p> <p>10 improvement to not only the dock itself, as it</p> <p>11 relates to bringing it up to modern technology,</p> <p>12 but, also, in your discussions with City Staff,</p> <p>13 we wanted to come into compliance with the Code</p> <p>14 as much as possible.</p> <p>15 So the applicant is not enlarging the dock</p> <p>16 or the waterward projection, nor are they</p> <p>17 increasing the encroachments into the side</p> <p>18 setbacks. Specifically the applicant is</p> <p>19 proposing to renovate the existing wood dock</p> <p>20 and access walkway and replace it with an</p> <p>21 aluminum boat lift. These improvements will</p> <p>22 allow the installation of a new higher quality</p> <p>23 dock and smaller aluminum boat lift and that's</p> <p>24 part of like the feat that we're discussing</p> <p>25 that there's maybe some confusion, but we'll</p>

<p style="text-align: right;">Page 25</p> <p>1 get into those details in a moment.</p> <p>2 This smaller boat lift reduces the</p> <p>3 waterward projection by five feet. So it's</p> <p>4 from the 28 feet that it is today encroaching</p> <p>5 into the waterway, and the proposed</p> <p>6 encroachment is now being reduced to 23 feet.</p> <p>7 These proposed plans have already been approved</p> <p>8 by the City's Board of Architects, as well as</p> <p>9 Miami-Dade County DERM. It's gone to the</p> <p>10 Cocoplum Homeowners Association. There are a</p> <p>11 couple of e-mails in the record that seem to be</p> <p>12 in opposition. Those have been withdrawn, and</p> <p>13 we have a copy of the withdrawal e-mails, as</p> <p>14 well as additional support e-mails and those</p> <p>15 are in the record. We also have one of our</p> <p>16 neighbors here, who had submitted an opposition</p> <p>17 e-mail, and when you see, obviously, what is</p> <p>18 happening, we're all concerned, of course,</p> <p>19 about maintaining the waterway navigable, so</p> <p>20 it's a little confusing, until you see these</p> <p>21 plans and go through this process.</p> <p>22 So the bottom line is that these changes</p> <p>23 will increase the waterway by five feet,</p> <p>24 providing 54 feet of waterway.</p> <p>25 Now, in the Staff recommendation, it stated</p>	<p style="text-align: right;">Page 26</p> <p>1 that there would be a 38 feet 9 inch actual</p> <p>2 waterway. That's because the plan show a</p> <p>3 hypothetical dock on the other side of the</p> <p>4 shore line across the waterway from the Jimenez</p> <p>5 home. That dock does not exist. And just like</p> <p>6 our mangroves encroach about 10 feet further</p> <p>7 into the waterway than any dock, including the</p> <p>8 current 28 foot projection, the same thing</p> <p>9 occurs across the waterway. They also have</p> <p>10 significant mangroves.</p> <p>11 So, as I mentioned, the updated dock and</p> <p>12 boat lift will sit in the same exact</p> <p>13 footprint as the dock that existed and was</p> <p>14 permitted and approved in 1987. The expansion</p> <p>15 is really by reducing the boat lift waterward</p> <p>16 projection and we're able to come into our</p> <p>17 property five feet further. So this dock does</p> <p>18 not propose any enlargement or additional</p> <p>19 changes, and the reason why we need to keep</p> <p>20 that existing footprint is, we don't want to</p> <p>21 damage the mangroves or otherwise impact the</p> <p>22 canal.</p> <p>23 So these are specific site conditions at</p> <p>24 the time of construction, that continue to</p> <p>25 exist today, that require these permitting</p>
<p style="text-align: right;">Page 27</p> <p>1 changes. Today the mangroves surrounding the</p> <p>2 dock is substantial and moving the dock or any</p> <p>3 of its support pilings would cause significant</p> <p>4 damage, and, of course, minimizing that damage</p> <p>5 is not only the law, but obviously our</p> <p>6 responsibility.</p> <p>7 So there is an issue, davits versus boat</p> <p>8 lifts, and I think it's important to just touch</p> <p>9 upon that issue. So the applicant is proposing</p> <p>10 a lift today and that lift -- to replace the</p> <p>11 lift that was actually erected in 1988. For</p> <p>12 many boaters, lifts are a preferable option.</p> <p>13 It's also a safer option due to hurricanes and</p> <p>14 our monsoon weather that we enjoy here in South</p> <p>15 Florida.</p> <p>16 So it's important to note that the davits,</p> <p>17 they actually require a boat to sit on them.</p> <p>18 So the encroachment is actually the boat versus</p> <p>19 the davits condition. So the Staff</p> <p>20 recommendation in Paragraphs 3, 4, 5 and 7 say</p> <p>21 that the property was already granted the right</p> <p>22 to have a boat through davits and the lift</p> <p>23 creates a further impediment. We disagree with</p> <p>24 this conclusion. It does not take into account</p> <p>25 the actual boat being sitting on the davits,</p>	<p style="text-align: right;">Page 28</p> <p>1 and that is part of the overall projection, and</p> <p>2 also doesn't account for the existence of</p> <p>3 mangroves, which, as I mentioned and showed as</p> <p>4 part of the aerial photographs, the actual</p> <p>5 mangroves are what is the impediment in the</p> <p>6 navigable waterways.</p> <p>7 Dealing with the davits, of course, any</p> <p>8 boat tied to a dock needs some sort of</p> <p>9 protection from the dock, bumpers, whips and</p> <p>10 other devices keep the boat away from the dock,</p> <p>11 and, as such, the properly protected boat is</p> <p>12 six inches to a foot from the dock, which puts</p> <p>13 it further away from the davits and the actual</p> <p>14 shore line.</p> <p>15 So, in this case, using an eight foot wide</p> <p>16 boat, the moored boat would theoretically be</p> <p>17 about nine feet, and in our case, the dock with</p> <p>18 the davits and the boat lift extends almost the</p> <p>19 same amount as what we're proposing here today,</p> <p>20 which is the 23 feet, and that's why we took</p> <p>21 some time, you know, since March, since we</p> <p>22 originally came to the City of Coral Gables, to</p> <p>23 work on how we're going to reduce from 28 feet</p> <p>24 to 23 feet, as well as how we're going to</p> <p>25 reduce the walkway encroachments, and that was</p>

<p style="text-align: right;">Page 29</p> <p>1 all re-approved through the permitting process</p> <p>2 at the County, as well.</p> <p>3 We've also in your packet provided pictures</p> <p>4 of lifts within Coral Gables and these</p> <p>5 waterways so you can see and have a clear</p> <p>6 understanding of how common the boat lifts are.</p> <p>7 So whether the lift is there or not, the</p> <p>8 boat will be the limitation in the waterway</p> <p>9 width, even if you don't consider the</p> <p>10 mangroves. Ultimately a boat secured to a lift</p> <p>11 is much less dangerous in a hurricane than a</p> <p>12 boat secured on a fixed dock, and a boat</p> <p>13 secured to the fixed dock has to have enough</p> <p>14 slack in the ropes to account for the tides.</p> <p>15 So it can't be tied too tightly to the actual</p> <p>16 shore line. So it's very important to have</p> <p>17 this lift and make this all work the way it</p> <p>18 should.</p> <p>19 So I mentioned that the purpose of this</p> <p>20 variance is to bring the property in closer</p> <p>21 compliance with the Code. This slide shows a</p> <p>22 summary of these improvements. So, in the</p> <p>23 navigable waterway, today we have 49 feet</p> <p>24 width. We're proposing 54 feet. That's an</p> <p>25 increase of five feet. Today the total</p>	<p style="text-align: right;">Page 30</p> <p>1 projection is 28 feet. We're proposing a</p> <p>2 23-foot total projection. That's a reduction</p> <p>3 of five feet. Today the lift projects 13 feet.</p> <p>4 We are proposing, with this new lift, an</p> <p>5 encroachment of seven feet ten inches, thereby</p> <p>6 reducing the lift projection by five feet and</p> <p>7 two inches. The side setbacks for the support</p> <p>8 pilings today is 13 feet 6 inches. We're</p> <p>9 proposing the same. Again, that is what's</p> <p>10 required through the Miami-Dade County</p> <p>11 permitting process. The side setbacks for the</p> <p>12 access waterway, today it's 13 feet 6 inches,</p> <p>13 and what we're doing is, we're increasing that</p> <p>14 to comply with Code, and that's a five-foot</p> <p>15 improvement.</p> <p>16 Without a variance, no dock or boat lift</p> <p>17 could be possible within this canal and many</p> <p>18 others throughout Coral Gables due to the width</p> <p>19 of these canals. Most of them are less than</p> <p>20 the 75 feet required by Code, and, in fact,</p> <p>21 tomorrow your City Commission is going to be</p> <p>22 considering changing that Code basically for</p> <p>23 DERM or when there are other conditions like</p> <p>24 this. We've been in this process for a very</p> <p>25 long time, so we appreciate being heard today.</p>
<p style="text-align: right;">Page 31</p> <p>1 The 75-foot navigable waterway Code</p> <p>2 requirement is blanket throughout the City of</p> <p>3 Coral Gables, and there's ample precedent of</p> <p>4 these variances. Mangroves reduce the</p> <p>5 navigable waterway well below the required 75</p> <p>6 feet, really, to 20 feet abutting the subject</p> <p>7 property. Other docs on this canal reduce the</p> <p>8 navigable waterway to 32 feet, and, again,</p> <p>9 those are -- the real condition are the</p> <p>10 mangroves.</p> <p>11 So we're requesting these variances to</p> <p>12 increase the navigable waterway and to just,</p> <p>13 again, get into closer compliance with the</p> <p>14 Code.</p> <p>15 So this shows this mangroves intrusion</p> <p>16 which we believe is a special condition that</p> <p>17 warrants approval of these variances. On the</p> <p>18 southern side of our dock, the mangroves</p> <p>19 project out a significant distance and provide</p> <p>20 31 feet of navigable waterway. On the northern</p> <p>21 side of the dock, mangroves on either side of</p> <p>22 the canal project out to provide only 20 feet</p> <p>23 of navigable waterway. These mangroves extend</p> <p>24 further and restrict the navigable waterway</p> <p>25 more than any proposed dock or lift.</p>	<p style="text-align: right;">Page 32</p> <p>1 Approval of these requests will allow the</p> <p>2 applicant to simply bring the property more</p> <p>3 into compliance, as I mentioned and shown as</p> <p>4 part of that table.</p> <p>5 So here you've got the mangroves</p> <p>6 restrictions. It's not unique to this</p> <p>7 property. You can see here that it is common</p> <p>8 in the Gables waterway. These restrictions are</p> <p>9 seen in the surrounding canals, as well as the</p> <p>10 main access canals providing bay access to the</p> <p>11 Lago Monaco and Lago Maggiore. The canal exit</p> <p>12 just outside the Cocoplum Yacht Club is only 49</p> <p>13 feet, less than what exists in Lago Minore and</p> <p>14 less than what is approved if this request is</p> <p>15 approved today.</p> <p>16 So the restrictions caused by a lift and a</p> <p>17 boat are actually less than what's caused by</p> <p>18 just the natural terrain in this area. Here</p> <p>19 the applicant is providing greater distance of</p> <p>20 what's currently possible, and, again, the</p> <p>21 mangroves are the restrictions to the navigable</p> <p>22 waterways.</p> <p>23 And once we spoke to the neighbors, they</p> <p>24 were concerned that we were going to extend</p> <p>25 further than the actual mangroves, which would</p>

<p style="text-align: right;">Page 33</p> <p>1 obviously be a problem.</p> <p>2 So this is what the property looks like</p> <p>3 from photographs. The existing side setbacks</p> <p>4 were created due to the mangroves grove on the</p> <p>5 north side of the property. These two</p> <p>6 photographs show how mangroves really surround</p> <p>7 the existing dock. You can see the photo of</p> <p>8 the dock taken during the final inspection in</p> <p>9 1987, which is the picture that you can see is</p> <p>10 an older type of picture, abuts a significant</p> <p>11 grove and it's never been an issue to the</p> <p>12 abutting property owners, because they can't</p> <p>13 see the dock. It's all very lush with</p> <p>14 mangroves. So the immediate neighbors have no</p> <p>15 issue and are well aware of this request.</p> <p>16 We're requesting this variance to maintain</p> <p>17 the side setback of where it is, again, as I</p> <p>18 mentioned, not to mess with the pilings, the</p> <p>19 existing dock. I mentioned earlier that there</p> <p>20 is precedent. On this immediate canal, the</p> <p>21 precedent exists. There are eight like</p> <p>22 variances that have been approved with</p> <p>23 similarly situated situations. In this case,</p> <p>24 our improvements are actually increasing</p> <p>25 conformity with the Code. So we're taking it a</p>	<p style="text-align: right;">Page 34</p> <p>1 step further.</p> <p>2 This is a list of the precedents in the</p> <p>3 area, and you can see what they provided in</p> <p>4 navigable waterways.</p> <p>5 And these are just four similar properties</p> <p>6 at 128 Paloma Drive, 136 Paloma Drive, 435</p> <p>7 Marquesa, 462 Solano Prado. These four</p> <p>8 properties were not able to provide the 75 feet</p> <p>9 due to the narrowness of the canals and others</p> <p>10 because of the mangroves.</p> <p>11 MR. OTERO: On these properties -- on your</p> <p>12 property, are there any neighbors across the</p> <p>13 canal?</p> <p>14 MS. TAPANES: There are neighbors that --</p> <p>15 MR. OTERO: These properties that you say</p> <p>16 are comorable, are there any houses across the</p> <p>17 canal on Paloma Drive?</p> <p>18 MS. TAPANES: Yes, in these two situations.</p> <p>19 In these, there are no houses. Those are</p> <p>20 mangroves.</p> <p>21 MR. OTERO: Go back to the other one.</p> <p>22 These are mangroves, right?</p> <p>23 MS. TAPANES: Correct. Those are</p> <p>24 mangroves.</p> <p>25 MR. OTERO: And the one variance that was</p>
<p style="text-align: right;">Page 35</p> <p>1 granted on Paloma, there's nothing across the</p> <p>2 canal? There's no houses?</p> <p>3 MS. TAPANES: Correct.</p> <p>4 MR. OTERO: So that's not a comorable.</p> <p>5 MS. TAPANES: No, not in that one. Correct.</p> <p>6 MR. OTERO: Okay. I have a question. Was</p> <p>7 there a permit issued for the boat lift?</p> <p>8 MS. TAPANES: We found no evidence of the</p> <p>9 original boat lift. We know that it was done</p> <p>10 in 1988.</p> <p>11 MR. OTERO: Were your clients the owners at</p> <p>12 the time?</p> <p>13 MS. TAPANES: No. These are -- was it</p> <p>14 1987? I'm sorry, I want to be precise.</p> <p>15 MS. JIMENEZ: Can I clarify something?</p> <p>16 MS. TAPANES: Yes, please. I don't want to</p> <p>17 misspeak, Mr. Otero.</p> <p>18 MS. JIMENEZ: Good morning. I'm Joan</p> <p>19 Jimenez, obviously not Francisco. Francisco is</p> <p>20 my husband. My husband, as a bachelor, bought</p> <p>21 that property, which we still live in, in</p> <p>22 August of 1988. My understanding is that he</p> <p>23 had a davit there. He put his boat on it. And</p> <p>24 the davit literally broke and the boat was</p> <p>25 hanging there.</p>	<p style="text-align: right;">Page 36</p> <p>1 He was told he needed approval from the</p> <p>2 association, which he got. He did not know he</p> <p>3 needed approval from the City at that time in</p> <p>4 the '80s. This all came about because we</p> <p>5 applied for a mangrove trimming permit a year</p> <p>6 and a half ago, and that's when we realized we</p> <p>7 needed that boat lift permit. So that's what</p> <p>8 this application is.</p> <p>9 We have had that lift there -- so the</p> <p>10 davits didn't work. We have a 35-foot</p> <p>11 Contender that he's had since '91. So he put a</p> <p>12 lift there. It's been there almost 30 years.</p> <p>13 We've had no problems with the navigability.</p> <p>14 Our homeowners, our lifts are diagonal. That's</p> <p>15 how they were built. It is the narrowest</p> <p>16 waterway in at least Cocoplum, as far as I</p> <p>17 know, and I'm on the Board of the Association</p> <p>18 there for many years, and we actually formed a</p> <p>19 committee to address the problems with</p> <p>20 navigability through our waterways due to the</p> <p>21 mangroves.</p> <p>22 So we are addressing that issue. They do</p> <p>23 need to be trimmed. But in terms of my</p> <p>24 situation, we are just trying to come into</p> <p>25 compliance. We can't come into full compliance</p>

<p style="text-align: right;">Page 37</p> <p>1 because the waterway geographically in and of 2 itself is just too narrow. That's how it was 3 built. 4 So our lift and our boat don't impede any 5 navigability, as far as my understanding. So I 6 appreciate your attention. Did I answer the 7 question? 8 MS. TAPANES: Yes, absolutely. I knew it 9 was 1988, but there's a story. There's always 10 a story. 11 Mr. Otero, to show you two similarly 12 situated properties that do have 13 actual docks -- 14 MR. OTERO: On this canal? 15 MS. TAPANES: These are not on this canal. 16 This is at 460 Solano Prado. 17 MR. OTERO: Do you have any on this canal? 18 MS. TAPANES: Variances in this canal? Let 19 me -- 20 MR. THOMSON: The docks are diagonal. 21 MR. OTERO: Any required a variance which 22 was granted? 23 MS. TAPANES: I'll get them out for you. 24 MS. PINON: And those two that she just 25 showed, they have greater than 54 feet of</p>	<p style="text-align: right;">Page 38</p> <p>1 navigable water, 60 and 65. 2 MS. TAPANES: So the ones that I mentioned 3 at Solano and Marquesa, those are 70 and 65, 4 right, and the other is 52 and 58, correct. 5 So the Staff recommendation fails to 6 provide arguments as to why the variance 7 criteria is not met and does not take into 8 account these natural conditions that are 9 present throughout the Coral Gables waterways 10 that make compliance with the regulations 11 impossible. 12 The Staff recommendation states in 13 Paragraphs 3, 4 and 5 that the side setback 14 requirement can be constructed as previously 15 permitted and the dock was constructed 16 encroaching into the side setback after 17 permits. As evidenced, that is simply not the 18 case, so we disagree with the analysis, because 19 it fails to take into account site specific 20 conditions caused by the mangroves growth on 21 the north end of the dock, as well as the 22 narrow width of the canal, as well as the final 23 inspection and approval by DERM. 24 The granting of the requested variances 25 does not confer a special privilege on the</p>
<p style="text-align: right;">Page 39</p> <p>1 applicant, because many of the canals 2 throughout Coral Gables are not 75 feet in 3 width. So variances are required. Forcing the 4 applicant to comply with the 75-foot navigable 5 waterway when there's only a 70-foot canal, in 6 this case, as little as 56 feet, simply would 7 deprive the applicant of rights that are common 8 throughout the City of Coral Gables. 9 The Staff recommendation provides in 10 Paragraphs 5 and 7 that adding the boat lift 11 will create a further impediment and provide a 12 navigable waterway of only 38 feet 4 inches. 13 Again, we disagree with this. The Applicant is 14 reducing the existing projection that was 15 permitted. Remember, the dock itself was 16 permitted, davits were permitted, and those 17 davits require the boat to sit on the davits, 18 which, again, causes additional nine feet of 19 that projection. 20 This is not creating a further impediment. 21 It is reducing the existing impediment 22 providing for benefit to the public welfare. 23 These changes will increase the unobstructed 24 navigable waterway by five feet, providing 54 25 feet.</p>	<p style="text-align: right;">Page 40</p> <p>1 And, again, across our canal, to answer 2 directly to Mr. Otero, there is no dock. There 3 is mangroves. So that's very important. And 4 we disagree with the conclusion, because it 5 simply does not take into account the overall 6 projection and what are the facts in this case. 7 Here the Applicant will provide a greater 8 distance than what is currently possible and 9 currently permitted due to the mangroves 10 obstructions, which are the true obstruction of 11 this waterway. Approving these variances will 12 bring the property into closer compliance with 13 today's Code and will also create a more safe 14 situation within the boat, the dock, as well as 15 the overall canal. Approving these variances 16 will make no difference to the navigable 17 waterway in and of itself, as, again, the 18 mangroves serve as the constricting factor. 19 Our neighbors support our request. We have 20 those e-mails and we've gone door to door, the 21 Jimenez have. So we respectfully request your 22 approval of these two variances and are 23 available for any questions you may have. Not 24 only is Mrs. Jimenez here, but also Kirk 25 Lofgren our environmental consultant is here,</p>

<p style="text-align: right;">Page 41</p> <p>1 as well as my partner, Tom Robertson, who is a</p> <p>2 retired County attorney for DERM. So if you</p> <p>3 have any questions that I cannot answer, our</p> <p>4 team is all available to answer them. Thank</p> <p>5 you.</p> <p>6 MS. GARCIA: Thank you, Ms. Tapanes. I</p> <p>7 have two questions. So the first one, it seems</p> <p>8 to me where your client's property is, there</p> <p>9 are other boats down the same canal that</p> <p>10 actually extend quite further -- you know, it's</p> <p>11 already less than 75 feet.</p> <p>12 MS. TAPANES: Yes, correct. Absolutely.</p> <p>13 MS. GARCIA: It looks like you're actually</p> <p>14 more in and you're proposing to go even a</p> <p>15 little bit further than many of the neighbors</p> <p>16 on this canal.</p> <p>17 MS. TAPANES: Absolutely.</p> <p>18 MS. GARCIA: So I think that's all</p> <p>19 consideration. And then it feels like it's a</p> <p>20 very specific situation you all have, but when</p> <p>21 you look at the summary, as well, a lot of the</p> <p>22 navigable waterways, projections go in for the</p> <p>23 total projection and lift, it seems like it's a</p> <p>24 better idea than keeping what is there.</p> <p>25 MR. ROBERTSON: My name is Tom Robertson.</p>	<p style="text-align: right;">Page 42</p> <p>1 I'm also with the firm Bercow Radell Fernandez.</p> <p>2 This picture that you're looking at right now,</p> <p>3 the boat's there. The boat and the lift are</p> <p>4 there. And you'll look at that and see that</p> <p>5 the mangroves project much further out into the</p> <p>6 waterway than the boat and lift. The lift that</p> <p>7 we're going to add is going to be five feet</p> <p>8 less. Does that mean the boat is moving over</p> <p>9 five feet? No, it doesn't. The boat will be</p> <p>10 in approximately the same position, but, again,</p> <p>11 the mangroves -- you can see they extend 15 to</p> <p>12 20 feet further than the boat sitting in the</p> <p>13 position where it will be with the new lift,</p> <p>14 and so the constricting factor here is</p> <p>15 mangroves, not our lift and not our boat.</p> <p>16 And as pointed out, just up the canal from</p> <p>17 us, there are people that extend out much</p> <p>18 further than we do. Every one of those docks,</p> <p>19 if they don't have a variance, needed one.</p> <p>20 MR. OTERO: So if everyone in that canal</p> <p>21 requested a similar variance, because of the</p> <p>22 mangroves, for instance, you would argue on</p> <p>23 their behalf the same way and perhaps constrict</p> <p>24 the width of the navigable canal --</p> <p>25 MR. ROBERTSON: The first thing I would do --</p>
<p style="text-align: right;">Page 43</p> <p>1 MR. OTERO: Take a look at the one just</p> <p>2 across the way. How far is there -- I'm not</p> <p>3 saying yours is the problem. I'm trying to</p> <p>4 understand. This whole process, we encounter</p> <p>5 every month by everybody extending their dock</p> <p>6 and extending their boat lift, which eventually</p> <p>7 constricts the width of the navigable water,</p> <p>8 and we haven't addressed yet the size of the</p> <p>9 boats.</p> <p>10 MR. ROBERTSON: I understand. Part of the</p> <p>11 right of the riparian owner is to be able to</p> <p>12 have a dock. I mean, that's why you buy houses</p> <p>13 on the various Coral Gables waterways.</p> <p>14 MR. OTERO: But within the rules.</p> <p>15 MR. ROBERTSON: Within the rules.</p> <p>16 MR. OTERO: And they know ahead of time</p> <p>17 what the rules are.</p> <p>18 MS. PINON: Yeah, and the mangroves are</p> <p>19 there.</p> <p>20 MR. ROBERTSON: If somebody were to come in</p> <p>21 directly across the street and said they wanted</p> <p>22 to put in a dock, you would be looking at a</p> <p>23 request for a variance from them, and we've got</p> <p>24 the picture of that dock in place, and it still</p> <p>25 has 38 feet of boat space. That was the --</p>	<p style="text-align: right;">Page 44</p> <p>1 Okay. In that plan, the conceptual dock is</p> <p>2 in place. If the people across the street put</p> <p>3 a dock, as you can see what was used here --</p> <p>4 actually, what we show as hypothetically their</p> <p>5 lift is much further out than you would</p> <p>6 probably give them, but to put in a dock,</p> <p>7 there's still 38 to 40 feet. Again, the</p> <p>8 mangroves would still be the restricting</p> <p>9 factor.</p> <p>10 MS. PINON: But the mangroves have been</p> <p>11 there all along. I take issue with the fact</p> <p>12 that you keep going back to the mangroves. The</p> <p>13 mangroves were there. The mangroves are still</p> <p>14 going to be there. You know, they're</p> <p>15 protected. I don't know why you keep focusing</p> <p>16 on the mangroves.</p> <p>17 MR. ROBERTSON: I'm sorry I didn't bring an</p> <p>18 aerial from the '70s. You'd find that those</p> <p>19 mangroves didn't project that far. These</p> <p>20 mangroves have been untrimmed and unkept for 25</p> <p>21 years. If you were to look at this in the</p> <p>22 '70s, those mangroves were not extending that</p> <p>23 far out. And with proper trimming, if permits</p> <p>24 were obtained and somebody took the time to</p> <p>25 look at the waterway, with proper trimming this</p>

<p style="text-align: right;">Page 45</p> <p>1 could all be brought back.</p> <p>2 MR. SOTELO: Can we go back to one comment?</p> <p>3 What happens when the back door neighbor</p> <p>4 decides to build a dock? Now we're claiming</p> <p>5 that this is without there being a dock there.</p> <p>6 There is a property there that just happens to</p> <p>7 not have a dock. What would happen to the</p> <p>8 width for navigation if they have a similar</p> <p>9 setup as what we're looking at here?</p> <p>10 MS. TAPANES: So this slide shows what that</p> <p>11 will look like. This is -- right here, you can</p> <p>12 see that this -- that there is 38 feet. That's</p> <p>13 measured based to a proposed boat lift on the</p> <p>14 other side of the canal. So that's what this</p> <p>15 shows. It's not there currently.</p> <p>16 MR. SOTELO: Right. But when the City</p> <p>17 states that that's 38 feet, because we have to</p> <p>18 take into account and assume that that could</p> <p>19 happen tomorrow.</p> <p>20 MS. TAPANES: Correct. Correct.</p> <p>21 MR. SOTELO: So when we talk about the 54</p> <p>22 feet, we really need to talk about the 38 feet</p> <p>23 that are going to be left.</p> <p>24 MS. JIMENEZ: May I answer that briefly?</p> <p>25 Every homeowner on both sides of our canal, the</p>	<p style="text-align: right;">Page 46</p> <p>1 Maggiore canal, has a dock, but they were built</p> <p>2 like this. So my homeowner across the way has</p> <p>3 a dock. We have a dock. And it's staggered.</p> <p>4 We all have docks built. They were built that</p> <p>5 way to have more room for navigability. So</p> <p>6 there's no -- you wouldn't build a new dock if</p> <p>7 you already have a dock there. There wouldn't</p> <p>8 be an issue of dock to dock. Does that answer</p> <p>9 you question?</p> <p>10 MR. SOTELO: No. What I'm trying to make</p> <p>11 sure that we're all clear is that the reality</p> <p>12 is -- we're saying 54 feet in width. It's not</p> <p>13 54 feet. It's currently 54 feet, because we</p> <p>14 don't have a dock across from us. The real</p> <p>15 fact is, it's 38 feet.</p> <p>16 MR. THOMSON: There is a dock there.</p> <p>17 MS. TAPANES: There is a dock.</p> <p>18 MS. JIMENEZ: So that's what I'm saying,</p> <p>19 every house has a dock. So it's just that it's</p> <p>20 not directly across. My neighbor across the</p> <p>21 way, it's over here. I'm here. My other</p> <p>22 neighbor is over here -- each house has a dock</p> <p>23 already. We just don't have them straight</p> <p>24 across from each other.</p> <p>25 MS. TAPANES: So then the City asked us to</p>
<p style="text-align: right;">Page 47</p> <p>1 put the dock as if it was directly across.</p> <p>2 It's not. It's located, and you can see there</p> <p>3 it's across -- you can see where our boat is.</p> <p>4 On the other side, you'll see that white --</p> <p>5 MR. SOTELO: So the boats can navigate in</p> <p>6 and out?</p> <p>7 MS. TAPANES: Correct. That dock is</p> <p>8 already there. So it's not directly across,</p> <p>9 but the City asked us to put in our plan,</p> <p>10 assuming the dock was directly across our dock,</p> <p>11 and that's not what the homeowners association</p> <p>12 would approve or anybody would propose.</p> <p>13 You can see it on the other.</p> <p>14 MR. SOTELO: That's clear.</p> <p>15 The only other thing that I wanted to</p> <p>16 mention, as a boater, and I don't know if I</p> <p>17 should be stating this right now, but there's a</p> <p>18 difference between navigating around mangroves</p> <p>19 and navigating around boats, right. There's</p> <p>20 the issue of safety.</p> <p>21 MS. TAPANES: Of course.</p> <p>22 MR. SOTELO: I have sadly run into</p> <p>23 mangroves before, and it's not the same as</p> <p>24 running into somebody's boat. So we want to</p> <p>25 take that into consideration for the safety of</p>	<p style="text-align: right;">Page 48</p> <p>1 the owners of the boats, as well, in terms of</p> <p>2 any damage that they give to other property.</p> <p>3 MS. TAPANES: The reason why we brought up</p> <p>4 the mangroves is because the mangroves are what</p> <p>5 projects further into the navigable waterway.</p> <p>6 We have an additional 10 feet at minimum. As</p> <p>7 we showed you, the mangroves hug our dock. So</p> <p>8 the mangroves actually protect our dock,</p> <p>9 protect the residence, but that is the limiting</p> <p>10 factor. That's why. We respect the mangroves.</p> <p>11 In fact, this owner is going through the</p> <p>12 process now to trim those, but there's no issue</p> <p>13 of mitigation. We're protecting those</p> <p>14 mangroves. But they're the limiting factor.</p> <p>15 MR. OTERO: Following up --</p> <p>16 MR. THOMSON: I have some comments, too.</p> <p>17 MR. OTERO: I'd like to ask the City, if,</p> <p>18 in fact, that's true, there are docks alongside</p> <p>19 all of the houses, did they require variances?</p> <p>20 Were they done with permits?</p> <p>21 MS. REDILA: We searched our file for</p> <p>22 variances. In this area, I did not find any.</p> <p>23 MR. OTERO: Okay. Because one of the</p> <p>24 criteria, as you know, you can't confer a</p> <p>25 special privilege to anyone, but if everyone is</p>

<p style="text-align: right;">Page 49</p> <p>1 to be treated the same way and there are docks 2 alongside both sides, it's tough to say to this 3 applicant, no, because they followed the rule 4 and asked for a variance, notwithstanding that 5 they may or may not meet the criteria of the 6 variance. 7 But it's hard to say, once I've heard that 8 there are other docks, to deny would be 9 treating them differently, unless you brought 10 them all in front of here or fine them. And 11 that's my dilemma now. 12 We have rules, and this Board is here to 13 enforce the rules but be flexible with the 14 homeowner, and I get that, and maybe we drill 15 too hard, maybe we don't, but there are rules, 16 but what concerns me is that denial would not 17 be fair, if the other ones have the docks. 18 That's my concern. 19 If they were the first one to come here, 20 I'd have a tough time agreeing with the 21 applicant, you know, with meeting the criteria, 22 but looking at it from 30,000 feet, I'm saying, 23 you know, they're no different than anyone else 24 on this canal. That's what concerns me. 25 I'd love to know, before the next hearing</p>	<p style="text-align: right;">Page 50</p> <p>1 on similar issues, to have that information. 2 MR. THOMSON: But I'd like to also point 3 out in this case that they've got room enough 4 for the size boats that are traversing that 5 area to pass at the same time, the same place. 6 I mean, it's a very navigable area for the 7 kinds of boats that are being used. 8 I'd also like to point out that the Coral 9 Gables Canal, alongside of Alfonso Avenue, is 10 30 feet wide because George Merrick failed to 11 excavate 60 feet that he said he was going to 12 do. So we've had that 30 feet for years, and 13 you can never get -- we had a 42-foot boat and 14 we could never get through there without giving 15 way to other boats coming through. This is a 16 dream compared to what we put up with. 17 MS. TAPANES: Thank you. 18 MR. LARSON: Commission, Glenn Larson, Dock 19 & Marine Construction, 752 Northeast 79th 20 Street, North Miami. I have built a lot of 21 docks in this neighborhood. My grandfather 22 probably built the dock that's at the property 23 and several other ones in that canal. 24 In 2014, the property 7100 Lago, which is 25 up against the bridge, on the right-hand side,</p>
<p style="text-align: right;">Page 51</p> <p>1 we had a permit issued and I met with Craig 2 Leen several times on several properties with 3 similar situations, and what we found is that 4 almost every dock has a permit issued by 5 Miami-Dade County, approved by the City. For 6 whatever reason, the 75 feet navigable waterway 7 was not taken into consideration. When Craig 8 approved this project, there's a note in the 9 Zoning on your website, "Approval based on 10 settlement, restrictive covenant agreement, 11 CFM," with the numbers of the permit. 12 What Craig said on 7100 Lago, which is four 13 houses further up the canal, was, we have an 14 existing dock. It's an existing permitted 15 non-confirming structure. We're not asking to 16 change the non-conformity, which is the - 17 reduce the width of the waterway or extend 18 further out into the canal, we're just asking 19 to replace it and dredge, because at that time 20 that property also needed dredging. 21 To do that project, I had a bring in a 22 30-foot wide, 110-foot long barge into the 23 waterway, past this property and all of the 24 other neighbors, and I navigated the barge 25 myself to show the captains that it can be</p>	<p style="text-align: right;">Page 52</p> <p>1 done. Our only problem was pushing our way 2 through the mangroves. I had no problem with 3 any boats or anything. 4 And for this project, I may or may not be 5 the contractor. The only thing to keep in mind 6 is that this is an existing permitted dock and 7 the non-conformity is the lift that's there. 8 So if you said, we'll approve the replacement 9 of the dock without the lift, he still parks 10 the boat at the dock. So all he's asking is to 11 take his wet slip where his boat is parked and 12 lift it up out of the water. 13 And I don't see that that, as far as 14 navigation is concerned, is going to create a 15 problem. I said this before in front of you, I 16 don't want to cut my own tail off trying to get 17 up in that waterway. So I need access. I 18 don't see that this is going to cause a 19 problem. I have already been up in there, I 20 would say, four trips for 7100. 21 MS. THROCKMORTON: Mr. Otero, we can 22 research more about the lack of variances 23 there. It may have been through whatever 24 procedures were in place at the time with 25 Miami-Dade County that variances were not</p>

<p style="text-align: right;">Page 53</p> <p>1 required. That may be why there are not 2 variances for that area, but we can do some 3 further research just for own edification 4 later. 5 MR. OTERO: I think it's for the Board's 6 analysis. 7 MS. THROCKMORTON: Yeah. Sure. Of course. 8 MR. OTERO: The Board -- I would think any 9 homeowner has a right to a boat. I think they 10 have a duty to comply with the rules, which 11 they are trying to do. All I am doing is, I'm 12 trying to put it in perspective as to why they 13 are here. 14 It's quite subjective. Even the eight 15 criteria are quite subjective. We can say, yes 16 or no, based on a flip of the coin on most of 17 them, but if everybody has a dock, it's hard to 18 say no. 19 MS. PINON: So I'd like to understand that 20 75-foot requirement. When was that enacted? 21 MS. THROCKMORTON: Mr. Trias -- 22 MS. PINON: The ordinances, because we've 23 talked about this before, Mr. Trias, that, you 24 know, we visit this issue every single Board 25 and we don't know why there's all of this, you</p>	<p style="text-align: right;">Page 54</p> <p>1 know, inconsistencies. There are people that 2 are grandfathered in, not grandfathered in. 3 Has there been any attempt to research whether 4 the mangroves are, in fact, causing a hazardous 5 conditions to the property owners and what the 6 criteria is? 7 MR. TRIAS: Yeah, and I would say, a few 8 years ago or so, I think that was the last time 9 that those requirements were amended in the 10 Zoning Code, because of this issue, and at that 11 time the Commission changed slightly the 12 requirements north of -- in the northern area 13 of the City, and in the Southern area of the 14 City, it remained the same, the Zone, but in 15 any event, we are making some changes on the 16 Code also as to setbacks, and I think that we 17 spend a lot of time on docks or you get to 18 spend a lot of time on docks, and I understand 19 how important they are to the property owners, 20 and so the reason is that we don't have 21 effective regulations, I don't believe, that 22 deal with every possible scenario. So that's 23 what we're working on. 24 And what you have to do is consider the 25 specifics. In this case, it's a big narrow</p>
<p style="text-align: right;">Page 55</p> <p>1 canal and so on, and the other processes of 2 review, such as the homeowners association and 3 the Board of Architects, may be able to 4 place -- 5 MS. GARCIA: So, Mr. Trias, would all of 6 those Boards also approve these packets? 7 MR. TRIAS: Yes. And what I was saying, 8 there's a review, for example, the fact that 9 docks are staggered, that could be done through 10 that process, and, therefore, they could come 11 up with a better solution as it goes into the 12 future for those kinds of projects. 13 I mean, those are the processes we have. 14 Hopefully we can come up with better 15 regulations perhaps. 16 MS. GARCIA: The Commission, they're 17 considering some issues, right, regarding the 18 waterway tomorrow? 19 MR. TRIAS: Yes. 20 MS. THROCKMORTON: Not about the width of 21 the canal. 22 MR. TRIAS: No. About the setbacks for the 23 docks and so on. 24 Now, the width of canals, we did discuss 25 some time ago, maybe a year or two ago, and</p>	<p style="text-align: right;">Page 56</p> <p>1 that was an issue, because, for example, the 2 Mahi Canal is very narrow, and it has its own 3 site specific as far as the navigable waterway 4 specifically. So what happens is, in some of 5 the cases there could be comparable conditions, 6 but we don't have that in the Code. 7 MS. GARCIA: Okay. Well, I think right now 8 it's 9:15 and we have one more project left. 9 So we want to go ahead and poll -- 10 MR. MIRANDA: If I may, you know, my name 11 is Paolo Miranda and I'm a neighbor just across 12 from them. Actually, you know, my boat is that 13 bigger boat that you can see on that there. 14 I must say that I heard a lot of things 15 here that make sense and a lot of things that, 16 you know, you are getting it wrong, but, you 17 know, in this particular case, you know, if 18 this dock and the boat lift is going to give me 19 five more feet of water of what is already the 20 existing, you know, I wanted to withdraw my 21 objection that I did, because it's going to be 22 a gain for the community, you know, it's not 23 going to be a loss. 24 You know, Mr. Otero, I must say to you, 25 it's not for the fact that some people already</p>

<p style="text-align: right;">Page 57</p> <p>1 have docks that we should allow every other 2 people to have a dock, because if one more dock 3 is built on that canal, you know, very likely, 4 you know, I will never be able to go out of my 5 house again in my boat. 6 Mr. Sotelo, you made a very important 7 point. There's a huge difference between 8 dealing with mangroves and dealing with the 9 boats, you know. It may sound funny, but it's 10 really tragic, but, you know, in my boat, I'm 11 forced to have the three-quarter, because, you 12 know, sometimes I get entangled in these 13 mangroves and there's no other way for me to 14 avoid, you know, than to cut a few branches, 15 you know, of the mangroves, because 16 unfortunately the City doesn't do what I always 17 thought the City had the obligation to do, 18 which is to maintain the canal in navigable 19 conditions. 20 You know, that mangrove has been living 21 there for almost 20 years now. I have never 22 seen anybody from the City taking care of the 23 canal, you know, so -- but, you know, in this 24 particular case, you know, I believe, you know, 25 the right thing is to approve what has been</p>	<p style="text-align: right;">Page 58</p> <p>1 requested, because it's going to be a huge gain 2 for the community. They are giving us more 3 water, so -- of course, provided that, you 4 know, the new boat lift is really not going to 5 extend further, you know, because there's one 6 big difference sometimes in what's in the 7 project and what's being built. 8 So my only request to you is that the City 9 really enforce properly, you know, what's going 10 to be approved or not by you guys. 11 Thank you very much. 12 MS. GARCIA: Thank you, sir. 13 THE COURT REPORTER: Wait. What is your 14 name again? 15 MR. MIRANDA: Paolo Miranda, 7155 Los Pinos. 16 MS. GARCIA: Thank you so much, sir. 17 Let's go ahead now and move forward with 18 voting. 19 We're closing the hearing and now we'll be 20 ready to go. 21 Any other comments, objections, anything 22 else? 23 All right. Great. So we're going to go 24 ahead, and do we have a motion to approve? 25 MS. REDILA: There is a script provided.</p>
<p style="text-align: right;">Page 59</p> <p>1 MS. THROCKMORTON: Was there -- 2 MS. GARCIA: There is. 3 MS. THROCKMORTON: There was a motion? 4 MR. THOMSON: I'll start with the motion. 5 MS. GARCIA: Mr. Thomson has a motion. 6 MS. THROCKMORTON: Mr. Thomson, for the 7 record, your motion is to approve both 8 requested variances? 9 MR. THOMSON: Okay. I've got your -- 10 MS. THROCKMORTON: That's a question. 11 MR. THOMSON: I'll read it. I'll read it 12 for you. 13 I move that the Board of Adjustment grant 14 application BA-19-07-5244, a request by Melissa 15 Tapanes Llahues of Bercow Radell and all of 16 those guys, on behalf -- 17 MS. TAPANES: And girl. 18 MR. THOMSON: -- on behalf of the property 19 owners, Francisco & Joan Jimenez, for variances 20 for a single-family home located at 7140 Lago 21 Drive West. 22 (1) To allow a boat lift to be built 23 attached to an existing dock and maintain 38 24 feet and 4 inches of open unobstructed 25 navigable waterway where a minimum of 75 feet</p>	<p style="text-align: right;">Page 60</p> <p>1 is required. 2 (2) To allow an existing dock to be 3 modified and maintain a side setback of 13 feet 4 and 6 inches where 15 feet is required. 5 The motion is based upon the testimony 6 presented, along with the application 7 submitted, and the Staff report and comments of 8 this Board, which constitute competent and 9 substantial evidence. 10 The Board hereby makes findings of fact 11 that each of the standards in Section 3-806 of 12 the Zoning Code really have not been met and we 13 waive them. 14 MS. GARCIA: Do we have a second? 15 MR. SOTELO: Second. 16 MS. GARCIA: Roll call. 17 MR. OTERO: Discussion for a second? 18 I just want to make sure that the record is 19 clear that there were no objectors here and 20 whatever objections we have in our packet have 21 been withdrawn; is that correct? 22 MS. THROCKMORTON: Ms. Tapanes, were those 23 initial e-mails made a part of the record? 24 MS. TAPANES: Yes. 25 MR. THOMSON: So can you put that in the</p>

<p style="text-align: right;">Page 61</p> <p>1 record, add to it?</p> <p>2 MS. THROCKMORTON: The withdrawals and</p> <p>3 objections have been made a part of the record.</p> <p>4 MR. ROBERTSON: Mr. Miranda was one of the</p> <p>5 objections, and the other one, there's an</p> <p>6 e-mail from them withdrawing the objection and</p> <p>7 that has been included in your record.</p> <p>8 MR. SOTELO: Mr. Miranda was the only</p> <p>9 objection?</p> <p>10 MR. ROBERTSON: There were two objections.</p> <p>11 Mr. Miranda was one of them. The Sanchezes</p> <p>12 were another, but you will see in your record</p> <p>13 an e-mail from the Sanchezes that was sent to</p> <p>14 Mr. Trias withdrawing their objection.</p> <p>15 MS. GARCIA: Okay. We're in the middle of</p> <p>16 voting for the motion. Roll call please.</p> <p>17 THE SECRETARY: Mr. Thomson?</p> <p>18 MR. THOMSON: Yes.</p> <p>19 THE SECRETARY: Mr. Sotelo?</p> <p>20 MR. SOTELO: Yes.</p> <p>21 THE SECRETARY: Ms. Pinon?</p> <p>22 MS. PINON: Yes.</p> <p>23 THE SECRETARY: Mr. Otero?</p> <p>24 MR. OTERO: Yes.</p> <p>25 THE SECRETARY: Mr. Lage?</p>	<p style="text-align: right;">Page 62</p> <p>1 MR. LAGE: Yes.</p> <p>2 THE SECRETARY: Ms. Garcia?</p> <p>3 MS. GARCIA: Yes.</p> <p>4 MS. REDILA: Who was the second?</p> <p>5 MS. GARCIA: Mr. Sotelo.</p> <p>6 Thank you for your time.</p> <p>7 MS. JIMENEZ: Before I leave, I wanted to</p> <p>8 thank you very much. I appreciate it.</p> <p>9 MS. GARCIA: Thank you.</p> <p>10 Okay. We have one more item today, 6847</p> <p>11 Granada Boulevard.</p> <p>12 MS. REDILA: Good morning. Once again, for</p> <p>13 the record, Arceli Redila from Planning &</p> <p>14 Zoning.</p> <p>15 The second item before you is Item</p> <p>16 BA-19-09-3724, the applicant, Glen Larson, on</p> <p>17 behalf of the property owner John Bolduc is</p> <p>18 requesting a variance for 6847 Granada</p> <p>19 Boulevard. It's Zoned Single-Family</p> <p>20 Residential. And this is to allow two</p> <p>21 watercraft lifts for a single-family dwelling</p> <p>22 with less than 200 feet of water frontage.</p> <p>23 The property is located in the Riviera</p> <p>24 Section. There's an aerial view. The location</p> <p>25 of the property, in this case, the canal is</p>
<p style="text-align: right;">Page 63</p> <p>1 wide. There is an existing single-family home</p> <p>2 with a dock, as you can see in this picture.</p> <p>3 Now, the request, the applicant is</p> <p>4 proposing another lift, another boat lift, that</p> <p>5 can accommodate a small watercraft, like jet</p> <p>6 skis, and the water frontage of this property</p> <p>7 is only 193 feet. And the one in blue is where</p> <p>8 the proposed lift is going to be located.</p> <p>9 Now, the Code states that a single-family</p> <p>10 dwelling with less than 200 feet of water</p> <p>11 frontage may have one set of davits, watercraft</p> <p>12 lifts or a floating watercraft lift. Now, for</p> <p>13 property with 200 feet of water frontage, they</p> <p>14 may have an additional davit. So, in this</p> <p>15 case, the applicant is proposing two lifts with</p> <p>16 less than 200 feet of frontage.</p> <p>17 Now, Staff is recommending approval with</p> <p>18 the condition that the proposed lift is for jet</p> <p>19 ski or smaller vessel. No additional lift or</p> <p>20 structures will be allowed in this property,</p> <p>21 other than the two, the existing and the</p> <p>22 proposed, and that the maximum projection of</p> <p>23 the proposed lift, the new one, will be 10 feet</p> <p>24 from the dock, no more than 10 feet from the</p> <p>25 dock, and that all remaining requirements of</p>	<p style="text-align: right;">Page 64</p> <p>1 Section 5-805 should be satisfied.</p> <p>2 And with that, the applicant is here if you</p> <p>3 have any questions.</p> <p>4 MR. SOTELO: I have one quick question for</p> <p>5 you. What are we qualifying as a small vessel?</p> <p>6 I know what a jet ski is, but what's a small</p> <p>7 vessel, because I think if we're going to apply</p> <p>8 conditions to anything, it needs to be clear</p> <p>9 what we mean by a small vessel?</p> <p>10 MS. REDILA: In this case, jet skis.</p> <p>11 MR. SOTELO: Okay. So jet ski or a jet ski</p> <p>12 vessel.</p> <p>13 MS. REDILA: Yes. I believe the proposed</p> <p>14 dock can accommodate two jet skis.</p> <p>15 MR. LARSON: Yes.</p> <p>16 Good morning, Glen Larson, Dock and Marine,</p> <p>17 752 Northeast 79 Street, Miami.</p> <p>18 The applicant had installed a floating boat</p> <p>19 lift platform for his jet skis and the jet skis</p> <p>20 were stolen off of that within two weeks, and</p> <p>21 he requested that I find some better way for</p> <p>22 him to secure his property. That's the main</p> <p>23 reason for our request to add a second lift.</p> <p>24 The Code allows for one boat lift, one pair</p> <p>25 of davits and one floating dock and he waives</p>

<p style="text-align: right;">Page 65</p> <p>1 the right to have a davit or a floating dock in 2 the future. He just wants to secure his jet 3 skis. If you have any questions. 4 MR. THOMSON: So this addition for the jet 5 ski is not strong enough to pick up any larger 6 boat? 7 MR. LARSON: No. It's a jet ski lift. 8 It's made for picking up one pair of jet skis. 9 I think the lift capacity is 5,000 pounds 10 maximum. 11 MR. THOMSON: Okay. 12 MS. GARCIA: So that's the only type of 13 vessel -- 14 MR. LARSON: That's the only type of 15 vessel. I mean, as per what they're going to 16 allow. That's all he's allowed to put there. 17 MS. GARCIA: Do we have any other 18 questions? 19 Do we have a motion? We have it here. Any 20 motion from the Board? 21 MR. SOTELO: I move that the Board of 22 Adjustment grant Application BA-19-09-3742, a 23 request by Glen Larson, Dock and Marine 24 Construction, on behalf of the property owner, 25 John Bolduc, for a variance at a single-family</p>	<p style="text-align: right;">Page 66</p> <p>1 home located to a 6847 Granada Boulevard. 2 (1) To allow two watercraft lifts on a 3 single-family dwelling with less than 200 feet 4 of waterfront lot width versus one set of 5 davits, watercraft lift or floating watercraft 6 lift may be permitted for each single-family 7 dwelling or duplex, and on properties with 200 8 feet or more of waterfront lot width one 9 additional set of davits may be permitted for 10 each single-family dwelling or duplex, pursuant 11 to Section 5-805(D)(1)(2) of the Zoning Code. 12 The motion is based upon the testimony 13 presented, along with the application 14 submitted, and the Staff report, which 15 constitute competent and substantial evidence. 16 The Board hereby makes findings of fact 17 that each of the standards in Section 3-806 of 18 the Zoning Code has been met. 19 MS. PINON: If I could make just make a 20 quick amendment to that motion. 21 MR. THOMSON: I'll second it. 22 MS. PINON: That the motion take into 23 account the conditions that Staff has approved. 24 MS. THROCKMORTON: Mr. Sotelo, do you 25 accept that amendment to your motion?</p>
<p style="text-align: right;">Page 67</p> <p>1 MR. SOTELO: I do accept it. 2 MS. GARCIA: With that -- 3 MS. THROCKMORTON: Mr. Thomson, do you 4 continue to second the amended motion? 5 MS. GARCIA: Do you still second it, Mr. 6 Thomson? 7 MR. THOMSON: That's good. 8 MS. THROCKMORTON: So, for the record, it's 9 an approval of the variance with the conditions 10 proposed by Staff with the clarification that 11 the proposed lift is for jet skis only not for 12 a similar small vessel. Is that correct, Mr. 13 Sotelo? 14 MR. SOTELO: That's correct. 15 MS. GARCIA: Could we please have roll 16 call? 17 THE SECRETARY: Mr. Thomson? 18 MR. THOMSON: Yes. 19 THE SECRETARY: Ms. Pinon? 20 MS. PINON: Yes. 21 THE SECRETARY: Mr. Otero? 22 MR. OTERO: Yes. 23 THE SECRETARY: Mr. Lage? 24 MR. LAGE: Yes. 25 THE SECRETARY: Mr. Sotelo?</p>	<p style="text-align: right;">Page 68</p> <p>1 MR. SOTELO: Yes. 2 THE SECRETARY: Ms. Garcia? 3 MS. GARCIA: Yes. 4 Thank you very much. 5 MR. LARSON: Thank you. 6 And just to add, the last variance that you 7 saw with the waterway width, it's a difficult 8 topic and I can see that you guys are tired 9 with the waterway. You're trying very hard to 10 understand it. It is extremely important that 11 in a lot of the cases similar to the one that 12 you just heard, that the neighbors are 13 notified, that the variance process is 14 completed. 15 I have a fear that changes could be made 16 that would restrict people's boating access. 17 That's the only thing that makes Coral Gables 18 better than everywhere else. You guys pay a 19 lot of attention to everyone's boating access. 20 And when we bring our barge and our equipment 21 in to that area, there are three models that we 22 have to pass through and the boating community 23 is so well connected in your neighborhood, that 24 it's a matter of one phone call or even just a 25 wave, and the boats that we need to get through</p>

<p style="text-align: right;">Page 69</p> <p>1 are moved, but the neighborhood needs to be</p> <p>2 notified, so that one person or a mistake -- a</p> <p>3 simple mistake in measurement or in plan is not</p> <p>4 made giving someone permission to affect the</p> <p>5 rights of everybody, and Miami-Dade County does</p> <p>6 not see every aspect of everything that comes</p> <p>7 through.</p> <p>8 The Army Corps of Engineers and the State</p> <p>9 of Florida miss things, so you guys are the</p> <p>10 final eye for protecting the people in the</p> <p>11 community.</p> <p>12 Thank you, everybody.</p> <p>13 MS. THROCKMORTON: Ms. Garcia, may I</p> <p>14 intrude for a minute? Just really quickly, we</p> <p>15 just held our Boards and Committees annual --</p> <p>16 biannual training. If you were unable to</p> <p>17 attend last Friday, we have the video online.</p> <p>18 You should have received it via e-mail. So if</p> <p>19 you haven't yet, please watch that at your</p> <p>20 convenience and let our office know that you</p> <p>21 watched that training. If you have any</p> <p>22 questions or concerns, if the training brought</p> <p>23 up anything, please feel free to reach out to</p> <p>24 the City Attorney's Office, but we do thank you</p> <p>25 for watching that when you're able.</p>	<p style="text-align: right;">Page 70</p> <p>1 MS. GARCIA: Thank you so much. Meeting</p> <p>2 adjourned.</p> <p>3 (Thereupon, the hearing was concluded at 9:35</p> <p>4 a.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 71</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 11th day of October, 2019.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 _____</p> <p>22 NIEVES SANCHEZ</p> <p>23</p> <p>24</p> <p>25</p>	