

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">CITY OF CORAL GABLES BOARD OF ADJUSTMENT VERBATIM TRANSCRIPT HYBRID FORMAT MONDAY, APRIL 5, 2021, COMMENCING AT 9:03 A.M.</p> <p>Board Members Present at Commission Chamber: Maria Garcia, via Zoom Jorge Otero Kathleen Kauffman Gema Pinon Javier Salman Mike Sotelo John Thomson</p> <p>City Staff and Consultants: Ramon Trias, Planning Director Jill Menendez, Administrative Assistant, Board Secretary Arceli Redila, Principal Planner, via Zoom Stephanie M. Throckmorton, Assistant City Attorney</p> <p>Also Participating Via Zoom Platform: Anthony Lopez Glen Larson</p>	<p style="text-align: right;">Page 2</p> <p>1 THEREUPON: 2 (The following proceedings were had:) 3 CHAIRPERSON GARCIA: Good morning. Happy 4 belated Easter. I hope everybody had a 5 wonderful weekend with their families and loved 6 ones. 7 So I think we are ready to start. We have 8 one item today. If you have your agenda, I'm 9 just going to go ahead through the initial 10 issues, and then we can start with the item 11 today. 12 So, good morning, everybody. The Board of 13 Adjustment is comprised of seven members. Four 14 Members of the Board shall constitute a quorum 15 and the affirmative vote of four Members of the 16 Board present shall be necessary to authorize 17 or deny a variance or grant an appeal. A tie 18 vote shall result in the automatic continuance 19 of the matter to the next meeting, which shall 20 be continued until a majority vote is achieved. 21 If only four Members of the Board are present, 22 an applicant shall be entitled to a 23 postponement to the next regularly scheduled 24 meeting of the Board. 25 Any person who acts as lobbyist pursuant to</p>
<p style="text-align: right;">Page 3</p> <p>1 the City of Coral Gables Ordinance Number 2 2006-11 must register with the City Clerk prior 3 to engaging in lobbying activities or 4 presentations before City Staff, Boards, 5 Committees and/or the City Commission. A copy 6 of the Ordinance is available in the Office of 7 the City Clerk. Failure to register and 8 provide proof of registration shall prohibit 9 your ability to present to the Board. 10 I now officially call the City of Coral 11 Gables Board of Adjustments meeting of April 12 5th, 2021 to order. The time is 9:03 a.m. 13 Let's start with roll call. 14 THE SECRETARY: Jorge Otero? 15 Mr. Otero, please? 16 MR. OTERO: Present. 17 THE SECRETARY: Javier Salman? 18 MR. SALMAN: Present. 19 THE SECRETARY: Kathleen Kaufman? 20 MS. KAUFMAN: Present. 21 THE SECRETARY: Gema Pinon? Gema? 22 Gema Pinon? 23 MS. PINON: I'm here. I'm here. Present. 24 But we can't hear you. 25 MR. SOTELO: We can't hear. There's a very</p>	<p style="text-align: right;">Page 4</p> <p>1 big echo on this side of the room. 2 THE SECRETARY: We'll get IT to help us 3 here. One second. 4 MS. THROCKMORTON: Jill, would you like me 5 to read the names, just for the record? 6 Mr. Salman? 7 MR. SALMAN: Present. 8 MS. THROCKMORTON: Mr. Sotelo? 9 MR. SOTELO: Present. 10 MS. THROCKMORTON: Oh, Mr. Thomson? I 11 apologize. 12 And Ms. Garcia? 13 CHAIRPERSON GARCIA: I'm here. 14 MS. THROCKMORTON: Thank you. 15 CHAIRPERSON GARCIA: So, next, please be 16 advised that this Board is a quasi-judicial 17 board and the items on the agenda are 18 quasi-judicial in nature, which requires Board 19 Members to disclose all ex parte communications 20 and site visits. An ex parte communication is 21 denied as any contact, communication, 22 conversation, correspondence, memorandum or 23 other written or verbal communication that 24 takes place outside a public hearing between a 25 member of the public and a member of a</p>

<p style="text-align: right;">Page 5</p> <p>1 quasi-judicial board regarding matters to be 2 heard by the Board. If anyone made any contact 3 with a Board Member regarding an issue before 4 the Board, the Board Member must state on the 5 record the existence of the ex parte 6 communication and the party who originated the 7 communication. 8 Also, if a Board Member conducted a site 9 visit specifically related to the case before 10 the Board, the Board must also disclose such 11 visit. In either case, the Board Member must 12 state on the record whether the ex parte 13 communication and/or site visit will affect the 14 Board Member's ability to impartially consider 15 the evidence to be presented regarding the 16 matter. The Board Member should also state 17 that his or her decision will be based on 18 substantial competent evidence and testimony 19 presented on the record today. 20 Does any Member of the Board have such 21 communication or site visit to disclose at this 22 time? 23 Seeing as there is none, we'll continue on 24 now with the approval of the minutes from our 25 last meeting. If everybody would like to take</p>	<p style="text-align: right;">Page 6</p> <p>1 a moment to review and if we have a motion to 2 approve those minutes. 3 MR. OTERO: Well, subject to -- is my mike 4 on? Subject to some speaker thing 5 unidentified, which I don't think is 6 material -- I think the content was accurate, 7 as I recall -- I move to approve the minutes. 8 MR. SALMAN: Second. 9 CHAIRPERSON GARCIA: Okay. Thank you. 10 Do we have roll call for the vote? 11 (Inaudible.) 12 CHAIRPERSON GARCIA: Stephanie, did you 13 want to do it, if you could hear us? 14 MS. THROCKMORTON: Ms. Garcia, Ms. Menendez 15 is reading. It might be a little difficult for 16 you to hear. I just confirmed all of the votes 17 so far have been yay. 18 CHAIRPERSON GARCIA: Oh, thank you. 19 MS. THROCKMORTON: Ms. Pinon? 20 MS. PINON: Yes. 21 MS. THROCKMORTON: Mr. Salman? 22 MR. SALMAN: Yes. 23 MS. THROCKMORTON: Mr. Sotelo? 24 MR. SOTELO: Yes. 25 MS. THROCKMORTON: Mr. Thomson?</p>
<p style="text-align: right;">Page 7</p> <p>1 Ms. Garcia? 2 CHAIRPERSON GARCIA: Yes. 3 Okay. So motion passes unanimously? 4 Okay. Next we're going to be moving into 5 our next item. Everyone who speaks today must 6 complete the roster on the podium. We ask that 7 you print clearly so the official records of 8 your name and address will be correct. 9 Now, with the exception of attorneys, all 10 persons who will speak on agenda items today 11 before us, please rise to be sworn in. 12 (Thereupon, participants were sworn.) 13 MR. LOPEZ: I affirm. 14 CHAIRPERSON GARCIA: Thank you so much. 15 In deference to those present, we ask that 16 all cell phones, pagers or other electrical 17 devices be turned off at this time. 18 We'll now proceed with the agenda. Would 19 the City like to present first? 20 MS. REDILA: Yes, Madam Chair. 21 CHAIRPERSON GARCIA: Go ahead. 22 MS. REDILA: I'm going to share my screen. 23 CHAIRPERSON GARCIA: Okay. 24 Is someone speaking? I couldn't hear 25 anyone.</p>	<p style="text-align: right;">Page 8</p> <p>1 MS. REDILA: I can't hear. 2 MS. THROCKMORTON: Can you hear me speaking 3 now? 4 CHAIRPERSON GARCIA: Yes. 5 MS. THROCKMORTON: I believe Staff or the 6 Applicant is going to present now. 7 MS. REDILA: Let me share my screen. 8 Good morning, Madam Chair, Members of the 9 Board. For the record, Arceli Redila from 10 Planning. The item before you this morning is 11 a variance request that came before you in the 12 last February 2021 meeting. After Board 13 discussion at that meeting, a motion was made 14 to deny the application, and the vote was a 15 tie, three-three. As a rule, a tie vote shall 16 result in the automatic continuance of the 17 matter to the next meeting, which shall be 18 continued until a majority vote is achieved. 19 So last -- March, we planned to have a 20 meeting, but we did not have a full Board, so 21 the applicant asked to defer to this month, and 22 that is why we are here today. 23 So a notice was again sent to the 24 surrounding property owners, it was 25 re-advertised in the paper, and the property</p>

<p style="text-align: right;">Page 9</p> <p>1 was also posted.</p> <p>2 So, to recall, this application was</p> <p>3 submitted by Mr. Glen Larson on behalf of the</p> <p>4 homeowner, Mr. Anthony Lopez. The request is</p> <p>5 to allow a dock to protrude into the waterway</p> <p>6 35 feet and six inches from the property line,</p> <p>7 where five feet is the maximum allowed.</p> <p>8 The property is located on Journeys End.</p> <p>9 It is unique, as you can see here. It is</p> <p>10 within a waterway cove.</p> <p>11 So the property already has an existing</p> <p>12 single-family home with a dock on the north</p> <p>13 side of the property, which was also granted a</p> <p>14 variance in 2009.</p> <p>15 The request at this time is to allow a dock</p> <p>16 on the east side to have the same projection --</p> <p>17 waterward projection of 35 feet and six inches.</p> <p>18 So because of the dense mangroves on the site,</p> <p>19 it from the property from the five feet</p> <p>20 waterward setback.</p> <p>21 So this request, if granted, would leave a</p> <p>22 waterway -- navigable waterway of 78 feet and</p> <p>23 75 feet is required. So it's still within the</p> <p>24 regulation.</p> <p>25 And Staff is supporting the request.</p>	<p style="text-align: right;">Page 10</p> <p>1 That's my presentation, Madam Chair. If</p> <p>2 the applicant would like to speak. We'll be</p> <p>3 here if you have any questions.</p> <p>4 CHAIRPERSON GARCIA: Thank you so much.</p> <p>5 Would the applicant like to also speak now?</p> <p>6 MR. LOPEZ: Yes, I would.</p> <p>7 CHAIRPERSON GARCIA: So this is Mr. Lopez?</p> <p>8 MR. LOPEZ: Correct. Good morning.</p> <p>9 CHAIRPERSON GARCIA: Good morning. Please</p> <p>10 proceed.</p> <p>11 MR. LOPEZ: Okay. Great. Thanks.</p> <p>12 Good morning, everyone, ladies and</p> <p>13 gentlemen. My name is Anthony Lopez. Thank</p> <p>14 you very much for your time this morning.</p> <p>15 I purchased this home in late 2019. One of</p> <p>16 the reasons I bought the home was because of</p> <p>17 the lush and beautiful landscaping and the fact</p> <p>18 that the house was surrounded by water on two</p> <p>19 sides.</p> <p>20 I've lived in Coral Gables all of my adult</p> <p>21 life, and, you know, for the first time, I</p> <p>22 bought a property that I thought could</p> <p>23 accommodate a larger boat. Unfortunately, the</p> <p>24 existing dock, as configured, in the yacht</p> <p>25 basin, where the boats turn around, the pilings</p>
<p style="text-align: right;">Page 11</p> <p>1 don't provide for the mooring of a larger</p> <p>2 vessel, which is why, unfortunately, we're here</p> <p>3 before the Board today trying to or seeking the</p> <p>4 Board to approve a dock on the other side of</p> <p>5 the property.</p> <p>6 What's unique about our house is the fact</p> <p>7 that we have -- unlike our neighbors in Old</p> <p>8 Cutler Bay, our entire property has mangroves</p> <p>9 at the water's edge. As a result of the</p> <p>10 mangroves at the water's edge, we have to build</p> <p>11 the dock farther than the five-foot setback.</p> <p>12 Fortunately, where the dock is going to be</p> <p>13 put, the canal is extremely wide. I believe</p> <p>14 the canal's about 146 feet in width, which</p> <p>15 allows us to still put the dock and not impede</p> <p>16 in the 75-foot setback requirement of the City</p> <p>17 of Coral Gables.</p> <p>18 There was some concern by some of our</p> <p>19 neighbors in Old Cutler Bay that this dock</p> <p>20 would somehow impede or adversely affect their</p> <p>21 ability to navigate up the channel. Mr. Larson</p> <p>22 and myself, I think, have spoken to most of the</p> <p>23 neighbors and those concerns have been</p> <p>24 alleviated, once we fully explained to them</p> <p>25 exactly how this dock is going to work and how</p>	<p style="text-align: right;">Page 12</p> <p>1 much space is going to exist with the dock and</p> <p>2 with the boat at the dock. It provides more</p> <p>3 than ample room for navigation. As a matter of</p> <p>4 fact, one of our neighbors, Mr. Robert</p> <p>5 Martinez, has a very large vessel, I think, a</p> <p>6 97-foot boat -- he submitted a letter of</p> <p>7 support for the project, because he realizes</p> <p>8 it's not going to impact his ability to get</p> <p>9 down the channel.</p> <p>10 Essentially our dock potentially affects</p> <p>11 eleven homes, but I think it's important to</p> <p>12 note that in order to get to the ocean from Old</p> <p>13 Cutler Bay and Journeys End, once you pass my</p> <p>14 house, you still have to navigate a channel</p> <p>15 that has canal widths as small as 42 feet.</p> <p>16 That's an important fact, because my dock is</p> <p>17 going to allow 75 feet. So once a neighbor</p> <p>18 passes my home, they still have to go and</p> <p>19 navigate up a channel that has widths as small</p> <p>20 as 42 feet, and, on average, is between 50 to</p> <p>21 57 feet in width.</p> <p>22 So, my house, my dock, is not going to</p> <p>23 adversely impact anyone's ability to navigate</p> <p>24 up the waterway. If that was going to be the</p> <p>25 case, I wouldn't go through all this, because</p>

<p style="text-align: right;">Page 13</p> <p>1 being a boat owner myself, I understand how</p> <p>2 important it is to be able to navigate up the</p> <p>3 channel.</p> <p>4 So, with that said, I humbly request that</p> <p>5 this Board support our variance, and if you</p> <p>6 have any questions, myself or Mr. Larson is on</p> <p>7 the line and can answer any technical</p> <p>8 questions.</p> <p>9 CHAIRPERSON GARCIA: Mr. Larson, would you</p> <p>10 like to say anything before we open it up for</p> <p>11 questions?</p> <p>12 MR. LARSON: Yeah. I'd like to give a</p> <p>13 little synopsis of my meetings with the</p> <p>14 neighbors.</p> <p>15 Glen Larson, Dock and Marine Construction,</p> <p>16 752 Northeast 79 Street.</p> <p>17 At the first meeting, there were concerns</p> <p>18 brought up by a few of the neighbors regarding</p> <p>19 navigation. I met with the neighbors and their</p> <p>20 concerns were valid. They didn't think that</p> <p>21 the maps provided and the measurements given</p> <p>22 were possibly accurate.</p> <p>23 I, with a survey crew and tape measurers,</p> <p>24 hard physical tape measurers, with the owners</p> <p>25 present, measured the width of the canal and</p>	<p style="text-align: right;">Page 14</p> <p>1 confirmed all of the measurements are correct</p> <p>2 on the plan, the width of the waterway is</p> <p>3 correct, and they were satisfied that there was</p> <p>4 no restriction to navigation.</p> <p>5 The Board also expressed some concerns</p> <p>6 about, you know, the fact that there were two</p> <p>7 docks on the property and that enlarging the</p> <p>8 dock and the basin would be a better scenario,</p> <p>9 and after talking with some of the neighbors,</p> <p>10 that basin is a turning basin. It's for the</p> <p>11 purpose of rotating a boat around. If we were</p> <p>12 to change the configuration of that existing</p> <p>13 dock and make the slip larger, it would</p> <p>14 interfere with the ability specifically of the</p> <p>15 gentleman with the 97 footer at the end of the</p> <p>16 canal, to spin the boat around to leave the</p> <p>17 canal.</p> <p>18 So all of the eleven properties that this</p> <p>19 dock would affect, if we were to seek a</p> <p>20 variance to lengthen the existing dock or</p> <p>21 enlarge the mooring piling, that would have a</p> <p>22 more severe effect on them than the</p> <p>23 construction of this dock. If anybody has any</p> <p>24 questions.</p> <p>25 CHAIRPERSON GARCIA: Thank you, Mr. Larson.</p>
<p style="text-align: right;">Page 15</p> <p>1 MS. PINON: Hi, good morning. I have a</p> <p>2 question regarding the adjoining property where</p> <p>3 there was a variance granted. Are there any</p> <p>4 mangroves in that area significantly similar to</p> <p>5 the ones that are on this existing property?</p> <p>6 MR. LOPEZ: Are you referring to</p> <p>7 Mr. Wolfson's property that has almost the</p> <p>8 exact same dock with the mangroves? Because if</p> <p>9 you are, I believe the answer is, yes.</p> <p>10 MS. PINON: Well, because you said that</p> <p>11 your property was very unique, because the</p> <p>12 entire length of the property had the</p> <p>13 mangroves. And my question is whether the</p> <p>14 adjacent property that you referred to, owned</p> <p>15 by a gentleman, I think you said, Martinez, who</p> <p>16 had a 97 mega yacht there also, was that they</p> <p>17 have the amount of mangroves that are on in</p> <p>18 your property?</p> <p>19 MR. LOPEZ: So I don't know the exact</p> <p>20 answer as an amount, but all of the property</p> <p>21 owners at Journeys End all have mangroves at</p> <p>22 their water's edge. I don't know when he built</p> <p>23 that dock. I believe he's been an owner there</p> <p>24 since 2000. So I don't know if those mangroves</p> <p>25 were in the same condition as they are now, but</p>	<p style="text-align: right;">Page 16</p> <p>1 suffice it to say that all of the houses in</p> <p>2 Journeys End have mangroves and all of the</p> <p>3 houses that have mangroves have docks similar</p> <p>4 to the one that we're requesting.</p> <p>5 MS. PINON: Thank you.</p> <p>6 MR. OTERO: I have a couple of questions.</p> <p>7 CHAIRPERSON GARCIA: Go ahead.</p> <p>8 MR. OTERO: There seems to be neighbors on</p> <p>9 the basin side and neighbors across the canal.</p> <p>10 Do we have -- this is for the City, do we have</p> <p>11 any letter of recommendation of neighbors on</p> <p>12 the Balada side, east of the canal?</p> <p>13 Mr. Martinez, as I recall, is from the</p> <p>14 basin side. Do we have any letters of</p> <p>15 recommendation on the east side, which would be</p> <p>16 the most affected one?</p> <p>17 Is my mike on?</p> <p>18 MS. PINON: Yeah.</p> <p>19 CHAIRPERSON GARCIA: Would someone like to</p> <p>20 answer the question?</p> <p>21 MR. LOPEZ: This is Anthony Lopez. I don't</p> <p>22 know the answer to that question. I don't</p> <p>23 think I was privy to it.</p> <p>24 MR. OTERO: No. I asked the question to</p> <p>25 the City. You mentioned Mr. Martinez, but we</p>

<p style="text-align: right;">Page 17</p> <p>1 had seen Mr. Martinez's letter last month and</p> <p>2 Mr. Martinez does not live across the canal.</p> <p>3 He lives on the basin side of the canal. This</p> <p>4 dock would not affect him either way, frankly.</p> <p>5 MS. THROCKMORTON: Arceli, are you able to</p> <p>6 hear? I believe the question was for Staff.</p> <p>7 MR. OTERO: It was for Staff.</p> <p>8 MS. REDILA: We don't have a letter</p> <p>9 submitted by the applicant. That would have</p> <p>10 been provided by the applicant, if they had</p> <p>11 received a letter for the neighbors adjacent or</p> <p>12 abutting.</p> <p>13 MR. OTERO: What my package shows is one</p> <p>14 letter in support from Mr. Martinez, I believe</p> <p>15 two in opposition and one e-mail across the</p> <p>16 canal in opposition. I believe that's what the</p> <p>17 minutes reflect and that's my recollection.</p> <p>18 MR. LOPEZ: Oh, I'm sorry, just to correct</p> <p>19 the record, there's a letter of support from</p> <p>20 Mr. Martinez, a letter of support from Raul</p> <p>21 Campos, and Journeys End president, Louis</p> <p>22 Wolfson, as well. In terms of the Old Cutler</p> <p>23 side, I haven't seen anything to that effect.</p> <p>24 MR. OTERO: Mr. Lopez, the second letter is</p> <p>25 also on the basin side, the second letter of</p>	<p style="text-align: right;">Page 18</p> <p>1 support?</p> <p>2 MR. LOPEZ: I believe all of the letters of</p> <p>3 support are on the same side as my property, if</p> <p>4 that's --</p> <p>5 MR. OTERO: Thank you.</p> <p>6 MR. LOPEZ: Yes.</p> <p>7 MS. REDILA: Yes, it's all on the same side</p> <p>8 of the property, not the opposite properties of</p> <p>9 the canal.</p> <p>10 MR. LARSON: For the record, I think there</p> <p>11 was only one letter of objection from a</p> <p>12 gentleman named Alain on Balada Street. I</p> <p>13 don't have his exact address. But I did speak</p> <p>14 with him about the matter, and he said that</p> <p>15 based on the -- we had supplied an additional</p> <p>16 map, with additional measurements -- when he</p> <p>17 first saw this presentation, he felt that we</p> <p>18 were going to restrict his access to the bay</p> <p>19 more than the restriction of the canal that</p> <p>20 runs out to the bay along the Matheson Hammock</p> <p>21 Park, which, as Mr. Lopez said, has several</p> <p>22 areas that are 42 feet clear.</p> <p>23 Once we sent him a map showing him the</p> <p>24 exact measurements and confirmed the</p> <p>25 measurements with the gentlemen that were</p>
<p style="text-align: right;">Page 19</p> <p>1 attending the Zoom meeting, he indicated that</p> <p>2 he had no concerns with this construction.</p> <p>3 MR. OTERO: Ms. Delman, from another Board,</p> <p>4 had raised a question as to that navigable</p> <p>5 width. I don't see the 143 feet in my paper.</p> <p>6 Perhaps the City or Staff can provide it to me.</p> <p>7 It seems to me that we're here because</p> <p>8 Mr. Lopez has a large boat. If the neighbor</p> <p>9 across the canal also opts to purchase a large</p> <p>10 boat, with the same beam width, aren't we now</p> <p>11 infringing and reducing the waterway width? I</p> <p>12 mean, once we allow one because of the size of</p> <p>13 the boat, because Mr. Lopez mentioned that the</p> <p>14 existing dock would not fit his boat, this</p> <p>15 is -- my concern last month, that we're opening</p> <p>16 up Pandora's box, in the sense that now</p> <p>17 everybody will have a right to a variance,</p> <p>18 unless we give it only to the first applicant</p> <p>19 and not subsequent applicants from across the</p> <p>20 canal.</p> <p>21 So could someone explain to me or to the</p> <p>22 Board the distances one more time? Because my</p> <p>23 notes and the minutes show it was reduced to 63</p> <p>24 feet, after taking into consideration the beam</p> <p>25 width of the hundred foot boat.</p>	<p style="text-align: right;">Page 20</p> <p>1 Mr. Larson, you mentioned -- I heard 143</p> <p>2 feet somewhere.</p> <p>3 MR. LARSON: 143 is the correct measurement</p> <p>4 from bank to bank. Width -- and you have to</p> <p>5 keep into consideration the clear measurement</p> <p>6 that we provide with the plan of 65 feet is</p> <p>7 with Mr. Anthony Lopez's boat present at the</p> <p>8 property and a boat of similar size present</p> <p>9 across the canal. The neighbor across the</p> <p>10 canal has since purchased a boat, I don't know</p> <p>11 the length of it, but it appears to be about an</p> <p>12 80 footer. He is docked there. And if Mr.</p> <p>13 Lopez's dock were present, with his boat on the</p> <p>14 dock, all of the vessels of similar size would</p> <p>15 have no problem navigating past the neighbor</p> <p>16 across the canal and Mr. Lopez's property.</p> <p>17 So the measurements that we've provided</p> <p>18 with the City are a worst case scenario, with a</p> <p>19 boat of similar size mirrored across the canal.</p> <p>20 MR. OTERO: And what was that number, with</p> <p>21 boats of similar size, if a dock was also 35</p> <p>22 feet out?</p> <p>23 MR. LOPEZ: I'll let Glen --</p> <p>24 MR. LARSON: I don't have it up, Anthony.</p> <p>25 Go ahead and give him -- I think it was 67</p>

<p style="text-align: right;">Page 21</p> <p>1 or --</p> <p>2 MR. LOPEZ: It's 63 feet three inches, and,</p> <p>3 again, the reason I brought up the navigability</p> <p>4 of the waterway up to the ocean is, if you</p> <p>5 can't pass 63 feet, you certainly can't get to</p> <p>6 the waterway, because once you pass my house,</p> <p>7 you still have to clear 41 feet, and then</p> <p>8 several houses that have 50-foot clearance, and</p> <p>9 all of those homes somehow were able to put</p> <p>10 docks and lifts, which made the clearance of</p> <p>11 that waterway as small as 41 feet.</p> <p>12 So I don't think there's a navigation -- no</p> <p>13 "I don't" -- there is no navigation issue with</p> <p>14 my dock and a boat put at my dock. And like I</p> <p>15 said, my neighbor has a boat at his dock</p> <p>16 already and the clearance is going to be more</p> <p>17 than adequate for the waterway.</p> <p>18 MR. OTERO: The next question is to the</p> <p>19 City. In the minutes, it showed that the City</p> <p>20 said that this would meet the regulation of 75</p> <p>21 feet required for navigable waterway. What do</p> <p>22 you mean by regulation?</p> <p>23 MR. LARSON: The regulation is that fixed</p> <p>24 structures -- like you're not allowed to build</p> <p>25 something -- Mr. Lopez is not allowed to have</p>	<p style="text-align: right;">Page 22</p> <p>1 mooring pilings without requesting another</p> <p>2 variance from you. This variance is not to</p> <p>3 exceed the 75-foot clearance for fixed</p> <p>4 structures.</p> <p>5 So the opposing waterway mooring piling</p> <p>6 included, with Mr. Lopez's boat included, is 63</p> <p>7 feet. The dock without the boat is, at the</p> <p>8 tightest area of the canal, 78 feet eight</p> <p>9 inches.</p> <p>10 MR. OTERO: Could the City answer my</p> <p>11 question? I appreciate that, Mr. Larson. I</p> <p>12 guess I asked the City the question.</p> <p>13 MS. THROCKMORTON: Mr. Otero, I can read</p> <p>14 you the exact section, and, Arceli, please</p> <p>15 correct me if this is incorrect, it's the new</p> <p>16 number -- we've renumbered our Code, so it's</p> <p>17 3702. Docks and mooring piles may be placed on</p> <p>18 both sides of the waterway, at similar</p> <p>19 distances from the bank, open unobstructed</p> <p>20 navigable water between such piles, docks and</p> <p>21 similar structures shall maintain a cleared</p> <p>22 distance as set forth below for the following</p> <p>23 geographic areas. And I believe that this</p> <p>24 section is 75 feet, south of US-1, excluding</p> <p>25 Block 92, Riviera Section Number 2.</p>
<p style="text-align: right;">Page 23</p> <p>1 MR. OTERO: Thank you.</p> <p>2 CHAIRPERSON GARCIA: Are there any other</p> <p>3 questions?</p> <p>4 MR. THOMSON: I have a question.</p> <p>5 CHAIRPERSON GARCIA: Please go ahead.</p> <p>6 We can't hear you.</p> <p>7 MS. REDILA: Who is speaking?</p> <p>8 CHAIRPERSON GARCIA: Mr. Thomson I believe</p> <p>9 is trying to speak, but we can't hear him.</p> <p>10 MS. THROCKMORTON: Mr. Thomson, we have to</p> <p>11 turn on your microphone, I believe.</p> <p>12 MR. THOMSON: Okay. Go ahead. Is it</p> <p>13 there? Okay. I'm sorry.</p> <p>14 For the record, this applicant has -- the</p> <p>15 prior owner received a variance for the dock</p> <p>16 that's in the basin area, which was enough to</p> <p>17 handle at least a 36-foot boat, if not larger,</p> <p>18 and now there's a second request for the same</p> <p>19 property to have a variance on the canal side.</p> <p>20 I understand that the dock that's being</p> <p>21 constructed does not have my mooring poles out</p> <p>22 to give a better dockage for the boat, because</p> <p>23 that would also restrict the passage in the</p> <p>24 waterway.</p> <p>25 My problem overall with this request is</p>	<p style="text-align: right;">Page 24</p> <p>1 that I have an aesthetic problem with a couple</p> <p>2 of boat docks, boats on boats, for people</p> <p>3 across the canal to be looking at, and if we</p> <p>4 can address that to our Board, I would</p> <p>5 appreciate it.</p> <p>6 MR. LARSON: I'd like a chance to address</p> <p>7 that. In all fairness to everyone that lives</p> <p>8 along the waterways, the Solano Prado side is</p> <p>9 seawall and dock continuous, one property to</p> <p>10 the next. Almost every property has a dock</p> <p>11 that's constructed setback to setback, with</p> <p>12 boat lifts and multiple docks. Property widths</p> <p>13 vary from 120 feet to 140 feet, so you have</p> <p>14 constant docks everywhere.</p> <p>15 Mr. Lopez's property is, I believe, 260</p> <p>16 feet, which we are only proposing to put a dock</p> <p>17 on less than 50 percent of the waterway of that</p> <p>18 canal, so it's not going to aesthetically</p> <p>19 create a marina look. The opposing neighbors</p> <p>20 across the canal, the gentleman that just</p> <p>21 purchased the boat, he can't even see</p> <p>22 Mr. Lopez's property through his boat.</p> <p>23 So we're not asking to create a scenario</p> <p>24 where we're going to have a marina look or an</p> <p>25 industrial look. It's just a similar situation</p>

<p style="text-align: right;">Page 25</p> <p>1 to what you have in the Cocoplum waterway, that</p> <p>2 has mangrove shorelines with docks built</p> <p>3 setback to setback. Only this is going to be</p> <p>4 on scale, percentage wise, much less. It's not</p> <p>5 going to have that aesthetic marina look that</p> <p>6 you have a concern about.</p> <p>7 MS. PINON: I have a follow-up to that.</p> <p>8 And I find it hard to believe how you can argue</p> <p>9 that it's not going to have a marina look, when</p> <p>10 you're putting a 105-foot mega yacht on the</p> <p>11 waterway. I mean, I don't think the intention</p> <p>12 of the waterway is to be a marina.</p> <p>13 MR. LOPEZ: May I comment? I agree with</p> <p>14 everything you just said about the waterway, no</p> <p>15 one wants it to look like a marina. I, least</p> <p>16 of all. I want my house, that I just spent a</p> <p>17 significant amount of time and money in</p> <p>18 remodeling, to look beautiful. I don't want it</p> <p>19 to look like a marina at all.</p> <p>20 The proposed boat that is being discussed</p> <p>21 in this discussion doesn't -- is not going to</p> <p>22 live at the house all year around. It's going</p> <p>23 to live mostly in the Caribbean. I obviously</p> <p>24 want to have the ability to bring my vessel to</p> <p>25 the house to unload and have staff, you know,</p>	<p style="text-align: right;">Page 26</p> <p>1 do whatever needs to be done on the boat, but</p> <p>2 realistically I don't think this beautiful</p> <p>3 Italian vessel is going to negatively impact</p> <p>4 the look of the waterway.</p> <p>5 Most of my neighbors in Gables Estates have</p> <p>6 vessels much larger than this one, on houses</p> <p>7 that have much less water than my house does.</p> <p>8 One of the beautiful things about my property</p> <p>9 and what we're trying to maintain is the</p> <p>10 mangroves and all of the trees that abut the</p> <p>11 property line. And the concept we're trying to</p> <p>12 do with this dock is to build it, so that it</p> <p>13 becomes -- almost blends in to the natural</p> <p>14 landscape.</p> <p>15 And like Mr. Larson said, every single one</p> <p>16 of my neighbors in Old Cutler Bay have docks.</p> <p>17 Most of them have a dock and a boat lift. So</p> <p>18 all you see, when you look at their homes, is a</p> <p>19 large vessel and a small vessel. Here, this</p> <p>20 boat is going to be minuscule compared to the</p> <p>21 amount of landscaping and land that we have</p> <p>22 that abuts the waterway.</p> <p>23 So I'm very big on aesthetics. I want this</p> <p>24 house to continue to be beautiful. I think</p> <p>25 adding this dock is going to add a lot of value</p>
<p style="text-align: right;">Page 27</p> <p>1 to the property and the neighborhood, and, you</p> <p>2 know, obviously increased home values are good</p> <p>3 for taxes and good for the City.</p> <p>4 But I, in no way, want to have a mega yacht</p> <p>5 marina look, but, you know, I don't think</p> <p>6 putting a dock and a boat at my property is</p> <p>7 going to be any worse than the current</p> <p>8 condition that the City of Coral Gables already</p> <p>9 allows other neighbors to have, that have a</p> <p>10 smaller amount of water frontage.</p> <p>11 I mean, even if you just look at the map</p> <p>12 that was provided by Mr. Larson, you can scan</p> <p>13 all of the houses at Old Cutler Bay, and as I</p> <p>14 look at this map, you can see, you know, maybe</p> <p>15 forty percent of the houses have multiple</p> <p>16 boats.</p> <p>17 So, you know, I'm not trying to adversely</p> <p>18 impact the aesthetic of the neighborhood or of</p> <p>19 my property.</p> <p>20 MR. THOMSON: Okay. The comment that the</p> <p>21 people across the -- the owners across the</p> <p>22 canal could not see your boat through their</p> <p>23 boat was kind of a revealing fact. I was</p> <p>24 concerned about the aesthetics of that home.</p> <p>25 But if it already has blocked its view by a</p>	<p style="text-align: right;">Page 28</p> <p>1 large boat, then I have no concern about that</p> <p>2 man's aesthetics.</p> <p>3 I do have a concern that, the owner here</p> <p>4 would be satisfied to tie this boat to his dock</p> <p>5 without the mooring lines being -- mooring</p> <p>6 poles being established, that is on the other</p> <p>7 dock on his property? Is that true?</p> <p>8 MR. LOPEZ: So is the question about tying</p> <p>9 the boat up without mooring pilings?</p> <p>10 MR. THOMSON: Yeah. Right. Are you</p> <p>11 satisfied with tying it to the dock or are you</p> <p>12 going to need mooring piles to give you better</p> <p>13 protection on tying up the boat?</p> <p>14 MR. LOPEZ: We are satisfied with this</p> <p>15 proposed plan. We did not put mooring pilings</p> <p>16 in on purpose. Again, frankly, I believe</p> <p>17 they're ugly, which was, Number One. I wanted</p> <p>18 to be able to fish on this dock with my son and</p> <p>19 hang out there with my family in the</p> <p>20 afternoons, and I don't like the way mooring</p> <p>21 pilings look, Number One.</p> <p>22 Number Two, I think that would just be --</p> <p>23 you know, we'd then be having a conversation</p> <p>24 about the potential width of the canal again,</p> <p>25 and, you know, my insurance, like most large</p>

<p style="text-align: right;">Page 29</p> <p>1 vessels, if a storm is coming, my boat's not</p> <p>2 allowed to be at the property anyway and would</p> <p>3 not be at the property in the event of a storm.</p> <p>4 So the mooring pilings didn't really</p> <p>5 concern us, in terms of being able to dock the</p> <p>6 vessel there. We're very fortunate that this</p> <p>7 part of the canal, being so far back, is</p> <p>8 extremely well protected. There's barely any</p> <p>9 current or wind, so we feel comfortable that we</p> <p>10 don't need mooring pilings.</p> <p>11 MR. THOMSON: Okay. That satisfies my</p> <p>12 inquiry.</p> <p>13 MR. SALMAN: Mr. Chair, I have a question.</p> <p>14 Through the Chair, I have a question.</p> <p>15 CHAIRPERSON GARCIA: No. Does anyone else</p> <p>16 have one?</p> <p>17 MS. THROCKMORTON: Mr. Salman, I think you</p> <p>18 have to turn on your microphone.</p> <p>19 CHAIRPERSON GARCIA: Yeah. I couldn't hear</p> <p>20 anybody.</p> <p>21 MR. SALMAN: Can you hear me now?</p> <p>22 CHAIRPERSON GARCIA: Yes.</p> <p>23 MR. SALMAN: Okay. A question for</p> <p>24 Mr. Larson or Mr. Lopez. What is the beam</p> <p>25 width of the prior vessel?</p>	<p style="text-align: right;">Page 30</p> <p>1 MR. LOPEZ: Twenty feet, plus or minus. I</p> <p>2 think it's about 20 feet.</p> <p>3 Glen, do you know exactly?</p> <p>4 MR. LARSON: I think it's like 20 feet and</p> <p>5 a few inches.</p> <p>6 MR. SALMAN: Okay. Second question, you're</p> <p>7 going to be putting bumpers between the boat</p> <p>8 and the dock, I would assume?</p> <p>9 MR. LOPEZ: So the dock has rubber -- or</p> <p>10 the proposed dock, and I guess Glen can answer</p> <p>11 this, but we specified a dock that has rubber</p> <p>12 bumpers, I guess, on the actual pilings.</p> <p>13 MR. LARSON: Okay. Those bumpers are only</p> <p>14 four inches in width.</p> <p>15 MR. SALMAN: It's the depth I'm concerned</p> <p>16 with.</p> <p>17 MR. LOPEZ: So the depth of that area,</p> <p>18 there are already neighbors of our side that</p> <p>19 have boats that range anywhere from 80 to 97</p> <p>20 feet, that go past where our house is and</p> <p>21 there's plenty of depth back there. Actually,</p> <p>22 one of the reasons we bought the property was</p> <p>23 because low tide or high tide doesn't affect</p> <p>24 the ability to navigate the channel. Honestly,</p> <p>25 the biggest concern is, and I hope Miami-Dade</p>
<p style="text-align: right;">Page 31</p> <p>1 County fixes this, is the mangroves shooting</p> <p>2 out from Matheson Hammock, because every year</p> <p>3 they continue to make the waterway a little bit</p> <p>4 tighter.</p> <p>5 MR. LARSON: I can answer the depth</p> <p>6 question, also. Miami-Dade County DERM and the</p> <p>7 State of Florida and the Army Corps of</p> <p>8 Engineers all reviewed the proposed vessel and</p> <p>9 the water depths and all part of the depth</p> <p>10 requirement code were satisfactory to those</p> <p>11 agencies for this location of the dock.</p> <p>12 MR. SALMAN: Two more questions and I'm</p> <p>13 done.</p> <p>14 The pile dimension across the canal, from</p> <p>15 the northeast corner of the proposed pile, to</p> <p>16 the pile opposite side, what is that dimension?</p> <p>17 MR. LARSON: 78 feet eight inches.</p> <p>18 MR. SALMAN: Okay. Would the applicant be</p> <p>19 amenable to accepting a limitation of no more</p> <p>20 than, say, a 22 feet projection beyond the dock</p> <p>21 or the mooring of his vessel?</p> <p>22 MR. LOPEZ: So are you asking, would I be</p> <p>23 okay with a limitation of a beam of 22 feet on</p> <p>24 the boat?</p> <p>25 MR. SALMAN: No, 22 feet projection from</p>	<p style="text-align: right;">Page 32</p> <p>1 the dock. Forget the boat.</p> <p>2 MR. LOPEZ: Okay.</p> <p>3 MR. SALMAN: The whole question was to find</p> <p>4 out and gauge how big a space you would need,</p> <p>5 the limit. So what I'm suggesting is, that</p> <p>6 would you accept the limitation of projecting</p> <p>7 no more than 22 feet from the base of the</p> <p>8 proposed dock?</p> <p>9 MR. LOPEZ: I don't think I'd have a</p> <p>10 problem with that. Mr. Larson, would I have a</p> <p>11 problem with that?</p> <p>12 MR. LARSON: I don't see a problem with</p> <p>13 that.</p> <p>14 MR. LOPEZ: No. I don't have a problem</p> <p>15 with that.</p> <p>16 MS. THROCKMORTON: Mr. Salman, I'm sorry to</p> <p>17 interrupt. I'm not sure that's something</p> <p>18 within the purview of the Board of Adjustment,</p> <p>19 to state here -- to restrict on the property</p> <p>20 owner. This is an application for a variance</p> <p>21 from a certain provision of the Zoning Code.</p> <p>22 The width or the beam of the boat is not --</p> <p>23 MR. SALMAN: I'm not talking about the</p> <p>24 width of the boat.</p> <p>25 MS. THROCKMORTON: -- is not legislated by</p>

<p style="text-align: right;">Page 33</p> <p>1 the City in any way. It is not dictated by the</p> <p>2 Zoning Code in any way, is my understanding.</p> <p>3 MR. SALMAN: It's specifically about the</p> <p>4 projection beyond the dock.</p> <p>5 MS. THROCKMORTON: So, Arceli, is there a</p> <p>6 code section that dictates the projection from</p> <p>7 the edge of the dock?</p> <p>8 MS. REDILA: Let me clarify Mr. Salman's</p> <p>9 limitation. So the request -- this variance</p> <p>10 request is a projection of 35 and six inches.</p> <p>11 So are you saying that they can only project</p> <p>12 20, instead of 35?</p> <p>13 MR. SALMAN: No. I'm saying that they can</p> <p>14 only project 20 feet into the navigable</p> <p>15 waterway beyond the variance being contemplated</p> <p>16 at the moment.</p> <p>17 MS. REDILA: So that's the boat.</p> <p>18 MR. SALMAN: It could be a boat. It could</p> <p>19 be anything. I'm talking about a projection</p> <p>20 beyond the space of the proposed dock to limit</p> <p>21 the impact into the waterway.</p> <p>22 MS. REDILA: After the top, that would be</p> <p>23 the boat that is moored there. As the City</p> <p>24 Attorney said, we cannot restrict the width of</p> <p>25 the boat that the applicant can have.</p>	<p style="text-align: right;">Page 34</p> <p>1 MR. LOPEZ: Mr. Salman, if I may, I</p> <p>2 appreciate your question, and, frankly, I have</p> <p>3 no problem with that, and I understand what</p> <p>4 you're saying. And suffice it to say, I've</p> <p>5 been in this City, like I said, most of my</p> <p>6 adult life. If, for some reason, I had a</p> <p>7 vessel there that was -- which I wouldn't have</p> <p>8 something that had more than a 22 foot</p> <p>9 projection, because I don't currently and I</p> <p>10 don't plan on it, but if for some reason one of</p> <p>11 my neighbor said, "Look, there's a problem</p> <p>12 here, we can't get past your boat," I would be</p> <p>13 the first person to move the boat or do</p> <p>14 something different or figure out another place</p> <p>15 to keep it.</p> <p>16 I am in no way trying to adversely impact</p> <p>17 the neighborhood or my neighbors at all. So I</p> <p>18 have no objection to what you're proposing. I</p> <p>19 don't know how we legally memorialize that, you</p> <p>20 know, if the City said that there are certain</p> <p>21 rules, but I have no problem with what you are</p> <p>22 proposing.</p> <p>23 MR. OTERO: Ms. City Attorney, from what</p> <p>24 I'm hearing, what's before the Board today does</p> <p>25 not give the Board the power to amend, to</p>
<p style="text-align: right;">Page 35</p> <p>1 address distance of mooring or size of boat; am</p> <p>2 I correct?</p> <p>3 MS. THROCKMORTON: Moorings are part of the</p> <p>4 distance and the calculation with the navigable</p> <p>5 waterways and things like that. So the</p> <p>6 moorings may be capped in certain instances.</p> <p>7 But it's my understanding, and Staff please</p> <p>8 correct me if I'm wrong, but the limitations</p> <p>9 that the City has imposed in the Zoning Code</p> <p>10 that are relevant here are the distance of the</p> <p>11 dock and perhaps boat lifts, et cetera, but</p> <p>12 that's not -- it's my understanding that's not</p> <p>13 contemplated here; is that correct, Ramon?</p> <p>14 MR. OTERO: There's nothing you can limit</p> <p>15 in terms of the size of the boat. The next</p> <p>16 boat can have a 30-foot beam, correct?</p> <p>17 MS. THROCKMORTON: I believe Mr. Larson</p> <p>18 mentioned that DERM had approved the size of</p> <p>19 this boat. I'm not sure if DERM has</p> <p>20 limitations on the sizes of boats that can be</p> <p>21 allowed in areas, but --</p> <p>22 MR. OTERO: But neither DERM, nor the City,</p> <p>23 nor the Board can limit or address the size of</p> <p>24 a potential new boat which is larger?</p> <p>25 MS. THROCKMORTON: I'll ask Mr. Trias if</p>	<p style="text-align: right;">Page 36</p> <p>1 there's anything in the Zoning Code about that.</p> <p>2 MR. TRIAS: Madam Chair, what I would</p> <p>3 suggest is that if the applicant proffers a</p> <p>4 size of the vessel, that would be appropriate.</p> <p>5 It's not something that a city can request</p> <p>6 within the Zoning Code; however, a proffer from</p> <p>7 the applicant is --</p> <p>8 MR. SALMAN: I'm looking at this from the</p> <p>9 point of view that every variance, by</p> <p>10 definition, is unique and it's an attributed</p> <p>11 right to a property that we're looking at it,</p> <p>12 and that we can make any kind -- or impose any</p> <p>13 kind of restriction to that.</p> <p>14 MR. TRIAS: Well, the applicant has already</p> <p>15 proffered that that's what he wants to do. So</p> <p>16 I think we should accept that and make that</p> <p>17 part of the record.</p> <p>18 MR. SALMAN: We can accept it. I just</p> <p>19 wanted to see if we could memorialize it.</p> <p>20 You're telling me we can't.</p> <p>21 MR. TRIAS: No, I think we should. I think</p> <p>22 we should memorialize it as part of the record</p> <p>23 as a proffer by the applicant, something that</p> <p>24 the applicant has suggested.</p> <p>25 MS. THROCKMORTON: And Mr. Trias, can you</p>

<p style="text-align: right;">Page 37</p> <p>1 just address, that's this applicant. If there 2 was a future owner, the variance would be 3 granted as to the dock. How would that work 4 with the future owner? 5 MR. TRIAS: Well, the variance is as to the 6 dock. I mean, those are the facts. So, in 7 addition, if the applicant is suggesting that 8 he wants to limit the width of the vessel, 9 that's acceptable, but the future -- frankly, 10 the only action that the Board is taking has to 11 do with what's in the Zoning Code. 12 MR. SALMAN: I'm trying to respond to the 13 comment that we had at the initial meeting in 14 February, whereby a couple of neighbors who are 15 across the canal came in to object, and their 16 objection was the projection of the boat into 17 the navigable waterway, as I recall it. 18 MR. LOPEZ: And you were correct, and I 19 just want to -- just for the record to be 20 clear, Mr. Larson, at my request, visited the 21 neighbors to discuss this, because I don't 22 think it was clear, based on what their 23 understanding was, of the projection of the 24 boat. They thought that somehow the canal was 25 going to be made smaller than the existing</p>	<p style="text-align: right;">Page 38</p> <p>1 condition on the way to the bay, and as you can 2 see from our plans and what's been discussed 3 today, that is not the case, and I think the 4 neighbors that were objecting, all of them, 5 except maybe one, have withdrawn their 6 objections. 7 And, again, I have no problem -- and just 8 so we're clear, most vessels that could fit at 9 this size of dock are not going to have a beam 10 that's larger than 22 feet. So, to the extent 11 that -- and I have no plans on selling the 12 house. My son is two years old and I can't 13 wait to send him off to college from this 14 house, but I don't think any future owner is 15 going to be able to put a boat there that is 16 larger than what currently exists in the canal, 17 because of the limitation of the width of the 18 canal to the ocean. 19 Old Cutler Bay, next to Matheson Hammock, 20 like we said, has widths of 41 feet in certain 21 areas. 41 feet. I mean, that's extremely 22 tight. So, I mean, I don't think that's a 23 concern, but I'm happy to memorialize and I 24 will proffer that I will never have a vessel 25 there that has a beam greater than 22 feet and</p>
<p style="text-align: right;">Page 39</p> <p>1 I'm happy to make that a covenant or whatever 2 you guys want to come up with, if you can come 3 up with something, I don't care, but I 4 absolutely proffer that, on the record, under 5 oath. 6 MR. OTERO: Does the City have any record 7 of any objections having been withdrawn? 8 CHAIRPERSON GARCIA: Would someone like to 9 answer? We can't hear anyone. 10 MR. TRIAS: I don't know of any, but if 11 Arceli could add any additional information, 12 that would be helpful. 13 MR. OTERO: The reason I'm bringing that up 14 is because, many of the factors related to 15 granting a variance by the Code have to do with 16 how they impact neighbors and other similarly 17 situated. On the record, we have three 18 objections, none in favor, from across the 19 canal. If that has changed, I would like to 20 see the change, but on the record now, we have 21 three objections. That's what I'm trying to 22 say. The owner has indicated they have 23 changed, I would like to see it having changed, 24 but on the record now we have three objections. 25 That's what I was trying to say. Mr. Lopez</p>	<p style="text-align: right;">Page 40</p> <p>1 indicated that they've changed their minds. I 2 have no reason to doubt Mr. Lopez's veracity, 3 but I would like to base this recommendation on 4 what's on the record. 5 MR. TRIAS: Madam Chair, if there are no 6 further questions, what I would suggest is that 7 you open the public hearing. I don't think 8 that has been done yet. And then have 9 discussion with the Board, after you have a 10 motion. 11 CHAIRPERSON GARCIA: Okay. Thank you, Mr. 12 Trias. 13 Do we have anybody else who would like to 14 speak? 15 MR. LARSON: I have one more point I'd like 16 to bring up, if that's possible. 17 CHAIRPERSON GARCIA: Okay. Mr. Larson, go 18 ahead. 19 MR. LARSON: Just that the properties 20 within the basin that Mr. Lopez would have an 21 effect on, every property on Balada and the 22 opposing bank of Balada and every street within 23 the Old Cutler Bay area that has a dock, none 24 of these other applicants would have to make 25 any presentation to park a 90-foot boat at</p>

<p style="text-align: right;">Page 41</p> <p>1 their property, and that everyone on the</p> <p>2 Journeys End side would have to present a</p> <p>3 variance for this because of the mangroves</p> <p>4 shoreline only.</p> <p>5 So we are reviewing with good intention</p> <p>6 what needs to be reviewed, the distances and</p> <p>7 calculations and encroachments into the</p> <p>8 waterway, but please keep in mind that the</p> <p>9 people on the opposing shoreline, anybody that</p> <p>10 does not have a mangrove shoreline is going to</p> <p>11 have to go directly -- or they don't have to go</p> <p>12 through any process at all. They can park</p> <p>13 their boat there without having to have a</p> <p>14 variance or any review from the Board. That's</p> <p>15 it.</p> <p>16 CHAIRPERSON GARCIA: Thank you, Mr. Larson.</p> <p>17 Is there anybody else who would like to</p> <p>18 speak?</p> <p>19 MS. REDILA: As to the question of the</p> <p>20 letter of support, Staff received three letters</p> <p>21 of support, but for properties that are on the</p> <p>22 same side as the applicant. There was an</p> <p>23 objection on the opposite. Let me find the</p> <p>24 address.</p> <p>25 There was an objection from Alain Monie,</p>	<p style="text-align: right;">Page 42</p> <p>1 resident -- the address is 9320 Balada Street.</p> <p>2 It's on the opposing side, but it's on the</p> <p>3 north -- north side, not the immediately</p> <p>4 opposing. It's on the opposite side, but on</p> <p>5 the north side. 9320 Balada.</p> <p>6 CHAIRPERSON GARCIA: Thank you so much,</p> <p>7 Arceli.</p> <p>8 Do we have anybody else, then, before we go</p> <p>9 ahead and vote?</p> <p>10 Okay. If we don't have any other further</p> <p>11 comments or questions from the Board or anybody</p> <p>12 present, then we'll go ahead and see if we can</p> <p>13 call this to a vote. Do we have anybody who</p> <p>14 would like to make a motion on this request?</p> <p>15 MR. OTERO: I move that the Board of</p> <p>16 Adjustment deny Application BA-21-01-5875, a</p> <p>17 request by Glen Larson for a variance for a</p> <p>18 single-family home located at 9501 Journeys</p> <p>19 End, a variance to allow a wood deck for a</p> <p>20 single-family residence extend into the</p> <p>21 waterway 35 feet six inches from the property</p> <p>22 line versus no dock shall be constructed over</p> <p>23 or in any canal, waterway, lake or bay more</p> <p>24 than five feet outward from the bank or</p> <p>25 seawall, whichever is most restrictive,</p>
<p style="text-align: right;">Page 43</p> <p>1 pursuant to Article 3, Uses, Section 3-702.A,</p> <p>2 formerly Section 5-802.A of the Coral Gables</p> <p>3 Zoning Code.</p> <p>4 This motion is based upon the testimony</p> <p>5 presented, along with the application submitted</p> <p>6 and Staff report which constitute competent and</p> <p>7 substantial evidence. The Board may hereby</p> <p>8 make findings of fact that each of the</p> <p>9 standards in Section 3-806 of the Zoning Code</p> <p>10 have not been met.</p> <p>11 CHAIRPERSON GARCIA: Do we have a second on</p> <p>12 the motion?</p> <p>13 MS. THROCKMORTON: Mr. Otero, can I just</p> <p>14 clarify your motion, just for a matter of</p> <p>15 clarification here?</p> <p>16 The Staff report makes different findings</p> <p>17 than what you just suggested for the factors,</p> <p>18 so just to be clear, your motion is denying and</p> <p>19 finding that none of the eight factors have</p> <p>20 been met?</p> <p>21 MR. OTERO: None. I think they all have to</p> <p>22 be met.</p> <p>23 I'm reading from the text I was given. My</p> <p>24 intent was, that ones I have reviewed, have not</p> <p>25 been met and if you want to, in particular, I</p>	<p style="text-align: right;">Page 44</p> <p>1 can go through the ones I don't believe have</p> <p>2 been met.</p> <p>3 MS. THROCKMORTON: I think that would be</p> <p>4 helpful for the motion, because if you adopt</p> <p>5 the Staff report, you know -- on the other</p> <p>6 hand, there are certain findings there, so if</p> <p>7 you want to make particular findings as to the</p> <p>8 factors in that motion, that might be helpful.</p> <p>9 MR. OTERO: There are eight factors</p> <p>10 presented under Standards for Variances, in</p> <p>11 Section 3-806.</p> <p>12 First factor is that special conditions and</p> <p>13 circumstances exist peculiar to the land,</p> <p>14 structure or building involved, which are not</p> <p>15 applicable to other land structures or</p> <p>16 buildings in the same Zoning District. I don't</p> <p>17 know the answer to that. I don't think that</p> <p>18 that's been presented.</p> <p>19 The second one is that the special</p> <p>20 conditions and circumstances did not result</p> <p>21 from the actions of the applicant. My comment</p> <p>22 on that is, if it's a special condition related</p> <p>23 to the geography and natural habitat, that is</p> <p>24 correct, but the testimony has been that the</p> <p>25 reason we're here is because of the size of the</p>

<p style="text-align: right;">Page 45</p> <p>1 vessel, as opposed to inactions of the</p> <p>2 applicant.</p> <p>3 The third one, the granting of the variance</p> <p>4 requested will not confer on the applicant any</p> <p>5 special privilege that is denied by these</p> <p>6 regulations to other land, buildings,</p> <p>7 structures in the same Zoning District. As I</p> <p>8 mentioned earlier, I don't know the answer to</p> <p>9 that, because if everyone applied for the same</p> <p>10 variance and the width of the navigable</p> <p>11 causeway is reduced, it would affect others in</p> <p>12 the same district.</p> <p>13 Four, that literal interpretation of the</p> <p>14 provisions of these regulations would deprive</p> <p>15 the applicant of rights commonly enjoyed by</p> <p>16 other properties in the same Zoning District,</p> <p>17 under the terms of these regulations, and would</p> <p>18 work unnecessary and undue hardship on the</p> <p>19 applicant; I have not seen testimony to that</p> <p>20 effect.</p> <p>21 Five, that the variance granted is the</p> <p>22 minimum variance that would make possible the</p> <p>23 reasonable use of the land, building or</p> <p>24 structure. Again, I don't agree that's been</p> <p>25 shown, because the reasonable use does not</p>	<p style="text-align: right;">Page 46</p> <p>1 contemplate a hundred foot vessel.</p> <p>2 Six, by granting the variance will not</p> <p>3 change the use to one that is not permitted in</p> <p>4 Zoning District or different from other land in</p> <p>5 the same District. I don't really -- I can't</p> <p>6 comment on that.</p> <p>7 MS. THROCKMORTON: It's still residential</p> <p>8 use. It's not changing the use of the</p> <p>9 property.</p> <p>10 MR. OTERO: That does not change the</p> <p>11 residential.</p> <p>12 MR. TRIAS: So that standard is met. I</p> <p>13 think so.</p> <p>14 MR. OTERO: That's been met, yes.</p> <p>15 7, that the granting of the variance will</p> <p>16 be in harmony with the general intent and</p> <p>17 purpose of these regulations and that such</p> <p>18 variance will not be injurious to the area</p> <p>19 involved or otherwise detrimental to the public</p> <p>20 welfare.</p> <p>21 This will be directed into the waterway,</p> <p>22 navigable waterway. That has not been shown.</p> <p>23 Eight, that the granting of the variance</p> <p>24 is appropriate for the continued preservation</p> <p>25 of a historic landmark or historic landmark</p>
<p style="text-align: right;">Page 47</p> <p>1 district, et cetera.</p> <p>2 I hope that helped some.</p> <p>3 MS. THROCKMORTON: So, to clarify, the</p> <p>4 motion is to deny based on the evidence</p> <p>5 presented today and the fact that, at least</p> <p>6 based on your testimony, at least various</p> <p>7 factors haven't been met? You say Number 6 has</p> <p>8 been met, and the other ones are --</p> <p>9 MR. OTERO: And Number 8 is not applicable.</p> <p>10 MS. THROCKMORTON: Ms. Pinon, do you accept</p> <p>11 that clarification to the motion. You seconded</p> <p>12 it.</p> <p>13 CHAIRPERSON GARCIA: I'm sorry, we can't</p> <p>14 hear Ms. Pinon.</p> <p>15 MS. PINON: Yes, I agree.</p> <p>16 CHAIRPERSON GARCIA: Okay. So there's no</p> <p>17 further comments or discussion, then we'll go</p> <p>18 ahead and do a roll call on the motion.</p> <p>19 THE SECRETARY: Jorge Otero?</p> <p>20 MR. OTERO: Yes.</p> <p>21 THE SECRETARY: Kathleen Kaufman?</p> <p>22 MS. KAUFMAN: I vote to deny, just to be</p> <p>23 clear, so, yes.</p> <p>24 THE SECRETARY: Javier Salman?</p> <p>25 MR. SALMAN: No, on denial.</p>	<p style="text-align: right;">Page 48</p> <p>1 THE SECRETARY: Mike Sotelo?</p> <p>2 MR. SOTELO: No.</p> <p>3 THE SECRETARY: Jack Thomson?</p> <p>4 MR. Thomson: No.</p> <p>5 THE SECRETARY: Maria Garcia?</p> <p>6 CHAIRPERSON GARCIA: I vote, no, against</p> <p>7 the motion.</p> <p>8 MS. THROCKMORTON: The Motion fails. The</p> <p>9 Board can entertain another motion, to grant</p> <p>10 the variance or a different motion. Do you</p> <p>11 have another one? If anyone has a motion to</p> <p>12 present?</p> <p>13 MR. SALMAN: I'd would like to make a</p> <p>14 motion.</p> <p>15 CHAIRPERSON GARCIA: Go ahead, Mr. Salman.</p> <p>16 MR. SALMAN: I would like to make a motion</p> <p>17 that we approve the variance request, subject</p> <p>18 to limitation of the beam width of the dock and</p> <p>19 the boat to be no more than 22 feet.</p> <p>20 MS. THROCKMORTON: The beam width as</p> <p>21 proffered by the applicant?</p> <p>22 MR. SALMAN: As measured by anybody with a</p> <p>23 tape measurer.</p> <p>24 MS. THROCKMORTON: Sure. I just mean that</p> <p>25 the applicant has proffered that width.</p>

<p style="text-align: right;">Page 49</p> <p>1 MR. SALMAN: Yes.</p> <p>2 CHAIRPERSON GARCIA: Do we have a second?</p> <p>3 MS. KAUFMAN: I second that motion.</p> <p>4 CHAIRPERSON GARCIA: Who was that, that</p> <p>5 second?</p> <p>6 MS. KAUFMAN: Kathleen.</p> <p>7 MR. TRIAS: Ms. Kaufman has seconded it.</p> <p>8 CHAIRPERSON GARCIA: Okay. Thank you,</p> <p>9 Ms. Kaufman. If we don't have any discussion,</p> <p>10 we'll take a roll call.</p> <p>11 MS. THROCKMORTON: Mr. Salman, just to</p> <p>12 clarify, is that adopting the Staff report's</p> <p>13 finding as to substantial competent evidence,</p> <p>14 as well?</p> <p>15 MR. SALMAN: Yes, ma'am.</p> <p>16 CHAIRPERSON GARCIA: Okay. Let's go ahead</p> <p>17 and do the roll call, if there's nothing else.</p> <p>18 THE SECRETARY: Kathleen Kaufman?</p> <p>19 MS. KAUFMAN: Yes.</p> <p>20 THE SECRETARY: Gema Pinon?</p> <p>21 MS. PINON: No.</p> <p>22 THE SECRETARY: Javier Salman?</p> <p>23 MR. SALMAN: Yes.</p> <p>24 THE SECRETARY: Mike Sotelo?</p> <p>25 MR. SOTELO: Yes.</p>	<p style="text-align: right;">Page 50</p> <p>1 THE SECRETARY: Jack Thomson?</p> <p>2 MR. THOMSON: Yes.</p> <p>3 THE SECRETARY: Jorge Otero?</p> <p>4 MR. OTERO: No.</p> <p>5 THE SECRETARY: Maria Garcia?</p> <p>6 CHAIRPERSON GARCIA: Yes. I vote to pass</p> <p>7 it.</p> <p>8 MR. TRIAS: The motion passes.</p> <p>9 CHAIRPERSON GARCIA: Okay. Thank you,</p> <p>10 everybody. I believe we don't have any other</p> <p>11 agenda items. So unless there's anything else</p> <p>12 to address, we will go ahead and adjourn the</p> <p>13 meeting today.</p> <p>14 (Inaudible.)</p> <p>15 MR. TRIAS: We don't have any items yet.</p> <p>16 CHAIRPERSON GARCIA: Okay. Thank you so</p> <p>17 much. So we're going to call this meeting</p> <p>18 adjourned a 10:01 a.m. Thank you, everybody,</p> <p>19 for your time today. Have a great day and stay</p> <p>20 safe.</p> <p>21 (Thereupon, the meeting was adjourned at</p> <p>22 10:01 a.m.)</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 51</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 12th day of April, 2021.</p> <p>17</p> <p>18</p> <p>19</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>	