

**THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
DECEMBER 3, 2012
CORAL GABLES CITY HALL, 405 BILTMORE WAY, COMMISSION CHAMBER
CORAL GABLES, FLORIDA**

The meeting was scheduled to be held in Coral Gables City Hall Commission Chamber, Coral Gables, Florida, commencing at 8:00 a.m.

MEMBERS

J F M A M J J A S O N D APPOINTED BY:

Alejandro Galvez	C	P	C	C	E	P	P	E	C	E	C	P	Mayor Jim Cason
Tony Bello, Vice Chair	C	E	C	C	P	P	P	P	C	P	C	P	Vice Mayor William H. Kerdyk, Jr.
Vivian De Las Cuevas-Diaz	C	E	C	C	E	P	P	E	C	P	C	P	Comm. Maria Anderson
Dr. Katherine De Blij	C	P	C	C	P	P	P	P	C	P	C	E	Comm. Rafael "Ralph" Cabrera, Jr.
Jorge Otero	C	P	C	C	P	P	P	P	C	P	C	P	Comm. Frank C. Quesada
Oscar Hidalgo	C	P	C	C	P	P	E	E	C	P	C	P	Board of Adjustment
Dr. Joseph W. Briggles, Chairperson	C	P	C	C	P	P	P	P	C	P	C	P	City Manager

STAFF:

Craig E. Leen, City Attorney
Ramon Trias, Planning & Zoning Director
Elizabeth Gonzalez, Secretary
Joan Bailey, Court Reporter

A = Absent
C = Meeting Cancelled
E = Excused Absence
L = Late
P = Present

THESE MINUTES DO NOT REQUIRE ANY ACTION BY THE CITY COMMISSION

The meeting was called to order at 8:02 a.m. by the Chairperson who announced that six board members were present at that time. Four votes are necessary for any action thereof.

The Chairperson announced the following rules of procedure for the hearing:

1. Staff recommendation.
2. The applicant will present his/her case.
3. If there are speakers in favor of the application, they will be given the opportunity to be heard.
4. If there are speakers against the application, they will be given the opportunity to be heard.
5. The applicant will be given the opportunity of a rebuttal.
6. Public hearing closed.
7. Board members discussion.
8. Motion, second and a vote on the application.

1. Roll Call

Roll call was taken. Six members were present.

2. Approval of the October 1, 2012 Recap

A motion was made by Mr. Bello, seconded by Mrs. De Las Cuevas-Diaz to approve the October 1, 2012 Recap. A resolution was passed by voice vote.

RESOLUTION No. 5063-ZB

3.

A motion was made by Mr. Bello, seconded Mr. Otero to excuse the December 3, 2012 absence of Board Member Dr. Katherine De Blij a resolution was passed by voice vote.

RESOLUTION No 5064-ZB

4.

BA-11-08-5790
(390 Bird Road)

PB 28-22 CORAL GABLES INDUSTRIAL SEC LOTS 1 THRU 4 INC & LOTS 39 THRU 42 INC &
20FT ALLEY LYG BETWEEN LOTS 1 THRU 4 & LOTS 39 THRU 42 BLK 1
CORAL GABLES INDUSTRIAL SEC PB 28-22 LOT 5 & LOT 6 LESS BEG 10FTN OF SE COR OF
LOT 6 W90.06FT SW14.14FT E ALG S/L 100.08FT N10FT TO POB BLK 1

Century Laguna, LLC– Applicant
Century Laguna, LLC and City of Coral Gables – Owners
CKE Group Incorporated/BDG Architects – Architect/Engineer
Adil and Aileen Rerhrhaye – Owners

APPLICANT'S PROPOSAL:In connection with the proposed commercial building (banking facility “Chase”) at the subject property, the Applicant requests the following variances pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the “Zoning Code.”

1. Grant a variance to allow the proposed principal building to maintain a ten feet (10'0") side street setback vs. A minimum of fifteen feet (15'0") side street setback is required by Section 4-302 (D) (3) (b) (ii) of the Coral Gables "Zoning Code."**WITHDRAWN BY STAFF**.
2. Grant a variance to allow the proposed drive through teller facilities to be located closer to the street than the principal building vs. In no case shall an accessory building or structure be located closer to the front or side street of a lot or building site than the main or principal building as required by Section 5-101 (C) of the Coral Gables "Zoning Code."

Variance granted is contingent upon receiving City Commission review and approval of applications for development.

BOARD OF ARCHITECTS REVIEW: All as shown on plans which have received Preliminary approval by the Board of Architects on June 23, 2011.

ADVERTISING: This application was advertised in the Miami Daily Business Review on November 23, 2012. Letters were mailed to properties within one thousand feet of the subject property and the property was posted on November 23, 2012.

STAFF OBSERVATION: Item No. 1 has been withdrawn by Staff.

Item No. 2 is a variance request to allow the detached drive through teller lanes to be located closer to the street than the primary building. The Zoning Code prohibits accessory buildings to be located closer to any street than the primary building.

This property is located on the corner of Le Jeune Road, Bird Road and bounded on the east side by Laguna Avenue. Due to the unusual site configuration of this property and in order to comply with required setbacks, parking and landscaping the proposed design was the most feasible and physically functional in obtaining proper vehicular and pedestrian circulation.

Due to the constraints presented by the unusual configuration of the property site, Staff recommends approval of the Applicant's request in order to allow a typical use commonly associated with a bank facility.

A portion of the property, specifically the portion being received from the City in the proposed land swap, has a current Land Use Classification of Industrial and is located in an Industrial Zoning District. The approval of the variance is contingent upon securing City Commission review and approval of applications to be filed for development.

STAFF RECOMMENDATION: Pursuant to **Section 3-806 STANDARDS FOR VARIANCES** of the "Zoning Code," the Zoning Division Staff finds and the Board of Adjustment shall find as follows in regard to the Applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 2007-01, as amended and known as the "Zoning Code," and makes the following recommendations:

1. That special conditions and circumstances do exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The unusual property site coupled with the required setbacks, parking and landscaping does create a special condition by limiting the available space for the drive through teller lanes building.

2. That the special conditions and circumstances would not result from the actions of the Applicant.

The property site is unusual due to the existing three street frontages and is not created by the Applicant.

3. That granting the variance requested will not confer on the Applicant a special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.

Due to the existing property site boundaries, the location proposed for the drive through teller lanes will allow for the development and adequate access in a manner which is consistent with the purposes and objectives of the Zoning Code's regulations.

4. That literal interpretation of the provisions of these regulations would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations, and would work unnecessary and undue hardship on the Applicant (see also definition of "necessary hardship").

Literal interpretation of the Zoning regulations would deprive the Applicant of an accessory use typically associated with a bank facility.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The drive through teller lanes building complies with the Zoning Code's required setbacks and granting the variance is the minimum variance that will make possible the reasonable use of the entire banking facility.

6. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.

Granting the variance requested will not change the use to one that is not permitted in the zoning district.

7. That the granting of the variance will be in harmony with the general intent and purpose of these regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The proposed detached drive through facility is a typical retail service and is in harmony with the general intent and purpose of these regulations considering the location of the property site and will not be injurious or detrimental to the public welfare.

Based on the findings in paragraphs 1 through 7 above, the Zoning Division Staff recommends **APPROVAL** of Item No. 2 of the Applicant's request.

A motion was made by Mrs. De Las Cuevas Diaz and seconded by Mr. Bello to approve Item No. 2 of the Applicant's request.

RESOLUTION No. 5065-ZB

A RESOLUTION APPROVING A REQUEST FOR A VARIANCE TO
ORDINANCE No 2007-01 AS AMENDED AND KNOWN AS THE
"ZONING CODE", TO WITH:

1. Grant a variance to allow the proposed principal building to maintain a ten feet (10'0") side street setback vs. A minimum of fifteen feet (15'0") side street setback is required by Section 4-302 (D) (3) (b) (ii) of the Coral Gables "Zoning Code."**WITHDRAWN BY STAFF**.
2. Grant a variance to allow the proposed drive through teller facilities to be located closer to the street than the principal building vs. In no case shall an accessory building or structure be located closer to the front or side street of a lot or building site than the main or principal building as required by Section 5-101 (C) of the Coral Gables "Zoning Code."

Variance granted is contingent upon receiving City Commission review and approval of applications for development.

A Resolution was passed and adopted due to the following roll call: "Yeas, Mr. Hidalgo, Mr. Bello , Mr. Otero, Mr. Galvez, Mrs. De Las Cuevas-Diaz, Dr. Briggle "Nays"- NONE.

5.

BA-12-11-0683

(1 Alhambra Plaza)

CORAL GABLES SEC L PB 8-85 LOTS 7 THRU 40 BLK 22 & 20FT OF ALLEY LYG BETW LOTS 11 THRU 15 & 20FT OF ALLEY LYG BETW LOTS 16 THRU 30 & S10FT OF ALLEY LYG N &

Tom Graboski – Applicant
Coral Gables Associates– Owner

APPLICANT'S PROPOSAL: In connection with the proposed signage for the tenant “**Gibraltar Private Bank & Trust**”, in the existing commercial building at the subject property, the Applicant requests the following variances pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the “Zoning Code.”

1. Grant a variance to allow one proposed detached sign to be installed on Minorca Avenue and one proposed detached sign on Galiano Street which contains the text “Gibraltar Private Drive Thru/ATM” vs. Detached signs will be permitted only upon premises zoned for commercial or industrial use and facing, abutting and fronting upon U.S. Route 1 (also known as South Dixie Highway) or upon Southwest Eighth Street as allowed by Section 5-1905 (A) of the Coral Gables “Zoning Code.” **DEFERRED BY STAFF**
2. Grant a variance to allow the proposed tenant sign to be installed at a minimum height of forty-nine feet eight inches (49’8”) from adjacent grade vs. a wall mounted sign for buildings 97.1 feet or more in height must be installed at a minimum height of ninety-seven feet (97’0”) as required by Section 5-1904 of the Coral Gables “Zoning Code.”

BOARD OF ARCHITECTS REVIEW: All as shown on plans which have received Final approval by the Board of Architects on November 13, 2012.

ADVERTISING: This application was advertised in the Miami Daily Business Review on November 23, 2012. Letters were mailed to properties within one thousand feet of the subject property and the property was posted on November 23, 2012.

STAFF OBSERVATION: Item No. 1 is a variance request to allow two detached signs. The Zoning Code is specific in only allowing detached signs to be installed on commercial or industrial use properties located on South Dixie Highway or upon Southwest Eighth Street. This property is located on Alhambra Plaza and Galiano Street bounded on the north by Minorca Avenue.

After review of the plans presented, Staff finds the Applicant has not presented adequate unnecessary hardship and does not meet the required seven Standards for Variances as noted below.

STAFF RECOMMENDATION: Pursuant to **Section 3-806 STANDARDS FOR VARIANCES** of the “Zoning Code,” the Zoning Division Staff finds and the Board of Adjustment shall find as follows in regard to the Applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 2007-01, as amended and known as the “Zoning Code,” and makes the following recommendations:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

Staff cannot find any unusual conditions or circumstances which are exclusive to this property. There are numerous businesses which would welcome the use of detached signs in order to identify their business, however they have not been allowed due to their locations outside of the required parameters as set by the Zoning Code.

2. That the special conditions and circumstances do not result from the actions of the Applicant.

Special conditions and circumstances do not result from the actions of the Applicant, however approving the requested variance would not be consistent with the purposes and objective of the Zoning Codes regulations.

3. That granting the variance requested will not confer on the Applicant a special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.

Granting the variance will confer a special privilege not enjoyed by that of adjoining property owners in the same zoning district.

4. That literal interpretation of the provisions of these regulations would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations, and would work unnecessary and undue hardship on the Applicant (see also definition of “necessary hardship”).

Literal interpretation of the Zoning regulations would not deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district. Similar requests have been made for the installation of detached signage outside of the allowable locations as regulated by the Zoning Code. Staff has consistently recommended against approval.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The bank facility is permitted to install building wall signs which would identify the business.

6. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.

Granting the variance requested will not change the use to one that is not permitted in the zoning district.

7. That the granting of the variance will be in harmony with the general intent and purpose of these regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The proposed detached signage will not be consistent with the general intent and purposes of the Zoning Code's regulations.

Based on the findings in paragraphs 1 through 7 above, the Zoning Division Staff recommends **DENIAL** of Item No. 1 of the Applicant's request.

ITEM NO. 2

STAFF OBSERVATION: The applicant is requesting to install a wall mounted building sign at a minimum height of forty-nine feet eight inches (49'8") from adjacent grade. The Zoning Code requires wall mounted building signs for buildings ninety-seven feet (97') or more in height to be installed at a minimum height of ninety seven feet (97').

This building does have a unique design whereby it is comprised of two tower components. The Easterly portion of the building is higher than ninety seven feet; however the Westerly portion of the building's parapet is at a maximum height of ninety four feet and eight inches (94'8"). Literal interpretation of the Zoning Code would render the installation of a wall mounted building sign impossible and is not a practical application of the Zoning Code's regulation. Due to the existing windows and balcony the sign is being proposed on the only remaining viable space.

A stand-alone building of similar height as the West tower is allowed to install a sign at a minimum height of thirty-five feet (35'0"). The sign height proposed is higher than thirty five feet (35'0"). In addition the Applicant is proposing a smaller letter height than allowed. The sign has been designed to be in proportional scale to the related structures and compatible with adjacent signage.

Due to the existing architectural features and details of the building structure, Staff recommends approval of the Applicant's request.

STAFF RECOMMENDATION: Pursuant to **Section 3-806 STANDARDS FOR VARIANCES** of the “Zoning Code,” the Zoning Division Staff finds and the Board of Adjustment shall find as follows in regard to the Applicant's proposal as presented in their application for a variance from the provisions of Ordinance No. 2007-01, as amended and known as the “Zoning Code,” and makes the following recommendations:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The design of the building is uncommon and although is considered one building is comprised of two major components with varying heights.

2. That the special conditions and circumstances do not result from the actions of the Applicant.

Special conditions and circumstances do not result from the actions of the Applicant. The building is existing.

3. That granting the variance requested will not confer on the Applicant a special privilege that is denied by these regulations to other lands, buildings or structures in the same zoning district.

Granting the variance will not confer a special privilege enjoyed by a building of similar height.

4. That literal interpretation of the provisions of these regulations would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these regulations, and would work unnecessary and undue hardship on the Applicant (see also definition of “necessary hardship”).

Literal interpretation of the Zoning regulations would deprive the Applicant of rights commonly enjoyed by other buildings of similar height in the same zoning district.

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The variance is a minimal request and would allow for the identification of the banking facility.

6. That granting the variance will not change the use to one that is not permitted in the zoning district or different from other land in the same district.

Granting the variance requested will not change the use to one that is not permitted in the zoning district.

7. That the granting of the variance will be in harmony with the general intent and purpose of these regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The proposed sign will be consistent with the general intent and purposes of the Zoning Code's regulations which allows the opportunity to provide identification for a permitted use.

Based on the findings in paragraphs 1 through 7 above, the Zoning Division Staff recommends **APPROVAL** of Item No. 2 of the Applicant's request.

A motion was made by Mrs. De Las Cuevas Diaz and seconded by Mr. Otero to approve Item No. 2 of the Applicant's request.

RESOLUTION No. 5066-ZB

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2. Grant a variance to allow the proposed tenant sign to be installed at a minimum height of forty-nine feet eight inches (49'8") from adjacent grade vs. a wall mounted sign for buildings 97.1 feet or more in height must be installed at a minimum height of ninety-seven feet (97'0") as required by Section 5-1904 of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yeas, Mrs. De Las Cuevas-Diaz , Mr. Bello, Mr. Galvez, Mr. Otero, Mr. Hidalgo, Dr. Briggie "Nays"- NONE.

Meeting adjourned at 8:27 a.m.

THE CITY OF CORAL GABLES
BOARD OF ADJUSTMENT

Elizabeth Gonzalez
Secretary