

THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
MAY 3, 2010
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:**

Jorge Mora	C	C	P	P	P								Mayor Donald Slesnick
Tony Bello	C	C	P	P	P								Vice Mayor William H. Kerdyk, Jr.
Vivian De Las Cuevas-Diaz	C	C	P	P	E								Comm. Maria Anderson
Dr. Katherine De Blij	C	C	P	P	P								Comm. Rafael "Ralph" Cabrera, Jr.
John C. Lukacs, Esq., Chairperson	C	C	E	P	P								Comm. Wayne "Chip" Withers
Sergio Artigues, Architect	C	C	P	P	P								Board of Adjustment
Dr. Joseph W. Briggle, Vice Chair	C	C	P	P	P								City Manager

STAFF:

Elizabeth L. Gonzalez, Secretary
Joan Bailey, Court Reporter
Martha Salazar-Blanco, Zoning Official

A = Absent

C = Meeting Cancelled

E = Excused Absence

L = Late

P = Present

R = Resigned

X = Not on Board

THESE MINUTES DO NOT REQUIRE ANY ACTION BY THE CITY COMMISSION

The meeting was called to order at 8:00 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 April 5, 2010 Recap

A motion was made by Dr. Briggle, seconded by Dr. De Blij to approve the April 5, 2010 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 4986-ZB

3. BA-10-04-3862

Lot: 1 & w 16 Ft. Lot 2, Block: 1
Coral Gables Sec. B, PB/PG: 5/111
(547 Majorca Avenue)

Diego L. Restrepo – Applicant
Diego L. Restrepo & Tania M. Gomez – Owner
Humberto Ramos – Architect/Engineer

A hearing was held on case no. BA-10-04-3862.

Present: Daniel Martinez – Architect

APPLICANT'S PROPOSAL: In connection with the existing perimeter fence wall for the single-family residence at the subject property, the Applicant requests the following variance pursuant to the provisions of Ordinance No. 1525 as amended and known as the "Zoning Code."

1. Grant a variance to allow the proposed addition to maintain ten feet five inches (10'5") side street setback vs. a minimum side setback of (15) feet shall be required and maintained from any side line of a building site that abuts upon a street as required by Section 4-101 (D) (4) (b) of the Coral Gables "Zoning Code."

STAFF OBSERVATION: The applicant is proposing to add an approximate sixty (60) square feet addition to the front portion of the residence. This residence is unique because it is existing legally non conforming by being built at ten feet five inches (10'5") from the side street property boundary. The Zoning Code requires a minimum fifteen (15'0") side street setback distance on all properties abutting a street.

Requiring the addition to be built with a fifteen feet side street setback distance would prevent the symmetrical element to the front entry area and diminish the aesthetically balanced façade.

Staff finds that special conditions and circumstances do exist and find this to be a minimal request.

Staff recommends APPROVAL of Item no. 1.

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.
2. That the special conditions and circumstances would not result from the actions of 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.
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 not work unnecessary and undue hardship on the Applicant (see also definition of “necessary hardship”).
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
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.
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 be injurious to the area involved or otherwise detrimental to the public welfare.

Based on the findings in paragraphs 1 through 7 above, the Zoning Division Staff recommends APPROVAL of Item 1 of the Applicant's proposal.

A motion was made by Dr. Briggle and seconded by Mr. Bello to approve Item 1 of the Applicant's request.

RESOLUTION NO. 4987-ZB

**A RESOLUTION APPROVING A REQUEST FOR A VARIANCE TO
ORDINANCE NO. 2007-01 AS AMENDED AND KNOWN AS THE
“ZONING CODE,” TO WIT:**

1. Grant a variance to allow the proposed addition to maintain ten feet five inches (10'5") side street setback vs. a minimum side setback of (15) feet shall be required and maintained from any side line of a building site that abuts upon a street as required by Section 4-101 (D) (4) (b) of the Coral Gables “Zoning Code.”

A Resolution was passed and adopted due to the following roll call: “Yea” – Dr. De Blij, Mr. Artigues, Mr. Bello, Dr. Briggle, Mr. Mora, Mr. Lukacs. “Nay” – None.

4. BA-10-04-3670

Lot: 3, Block: A
Gables Estates No. 2, PB/PG: 60/37
(8545 Old Cutler Road)

Nicolas Finazzo – Applicant
Nicolas & Rose Ann Finazzo – Owner
Joaquin Perez, P.E. - Architect

A hearing was held on case no. BA-10-01-3908.

Present: Nicolas Finazzo - Applicant

APPLICANT'S PROPOSAL: In connection with the proposed signage for the tenant “Chase” 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 the proposed dock to be constructed and extend outward from the bank thirty six feet six inches (36'6") vs. no dock, wharf or similar structure shall be constructed more than five (5'0") feet outward from the bank as allowed by Section 5-802 (A) of the Coral Gables “Zoning Code.”
2. Grant a variance to allow the proposed watercraft lift's outermost portion to be located at thirty one feet six inches (31'6") from the bank of the waterway vs. no dock, wharf or similar structure shall be constructed more than five (5'0") feet outward from the bank as allowed by Section 5-802 (A) of the Coral Gables “Zoning Code.”

STAFF OBSERVATION: The applicant is proposing to construct an “L” shaped boat dock consisting of a five (5’0”) feet in width by thirty six feet six inches (36’6”) in length access walkway and a five (5’0”) feet in width by forty five (45’0”) feet in length terminal platform. Therefore, the waterward edge of the proposed dock shall be located at a maximum thirty six feet six inches (36’6”) from the seawall. Also being proposed is the installation of a boatlift on the landward side of the dock. The outermost portion of the boatlift, will be located at thirty one feet six inches (31’6”) from the seawall.

The proposed design was necessary due to the presence of white mangroves and buttonwoods abutting the seawall. The Department of Environmental Resources Management (DERM) has approved and recommends this design to minimize the potential and cumulative adverse environmental impact. Dredging at this site adjacent to the seawall is not recommended, since dredging would result in significant water quality impact and impact to the ecological resources in the area.

The ample waterway width of approximately two hundred (200’0”) feet, easily accommodates the additional distance projecting into the waterway and does not interfere with the required seventy-five (75'-0") feet of unobstructed navigable waterway as required by the Zoning Code. Furthermore, the owner has completed a Restrictive Covenant as required by the Gables Estates Club, Inc. limiting and restricting the mooring on the East side of the dock to vessels or water crafts with a length of forty (40’0”) feet or less not to exceed three (3) consecutive days in duration and no boat lift will be built on the East side of the dock.

Due to the unique site conditions a five (5’0”) feet marginal dock abutting the seawall is not feasible at this site. The Zoning Division staff recommends APPROVAL of Item No. 1 and No. 2 in order to protect and preserve the existing resources.

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.
2. That the special conditions and circumstances would not result from the actions of 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.
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 not work unnecessary and undue hardship on the Applicant (see also definition of “necessary hardship”).

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

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

A motion was made by Mr. Mora, seconded by Dr. De Blij to approve Items 1 and 2 of the Applicant’s request.

RESOLUTION NO. 4988-ZB

A RESOLUTION APPROVING A REQUEST FOR VARIANCES TO
ORDINANCE NO. 2007-01 AS AMENDED AND KNOWN AS THE
“ZONING CODE,” TO WIT:

1. Grant a variance to allow the proposed dock to be constructed and extend outward from the bank thirty six feet six inches (36’6”) vs. no dock, wharf or similar structure shall be constructed more than five (5’0”) feet outward from the bank as allowed by Section 5-802 (A) of the Coral Gables “Zoning Code.”
2. Grant a variance to allow the proposed watercraft lift’s outermost portion to be located at thirty one feet six inches (31’6”) from the bank of the waterway vs. no dock, wharf or similar structure shall be constructed more than five (5’0”) feet outward from the bank as allowed by Section 5-802 (A) of the Coral Gables “Zoning Code.”

A Resolution was passed and adopted due to the following roll call: “Yea” – Mr. Artigues, Dr. De Blij, Mr. Bello, Dr. Briggle, Mr. Mora, Mr. Lukacs. “Nay” – None.

Mrs. De Las Cuevas-Diaz gave prior notification of her inability to attend today’s meeting.

A motion was made by Mr. Bello and seconded by Dr. Briggle to excuse Mrs. De Las Cuevas-Diaz’ absence today.

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**RECAP
PAGE 7**

A Resolution was passed and adopted due to the following roll call: "Yeas" – Dr. Briggle, Mr. Mora, Dr. De Blij, Mr. Artigues, Mr. Bello, Mr. Lukacs. "Nays" – None.

RESOLUTION NO. 4989-ZB

Meeting adjourned at 8:15a.m.

**THE CITY OF CORAL GABLES
BOARD OF ADJUSTMENT**

Elizabeth L. Gonzalez
Secretary