



City of Coral Gables
CITY COMMISSION MEETING
July 13, 2010

ITEM TITLE:

Board of Adjustment Application No. BA-10-05-3859

Mr. Rogelio Tovar, Owner/Applicant has filed an appeal to the Coral Gables City Commission from a decision of the Board of Adjustment at its regular meeting June 7, 2010, wherein it denied an application for a variance for the property located at 1221 Mariola Court pursuant to the provisions of Ordinance No. 2007-01 as amended and known as the "Zoning Code." (Board of Adjustment Vote: 5-2)

The Applicant is appealing the Board of Adjustment decision in regard to the proposed addition for the existing single family residence.

1. Grant a variance to allow the proposed addition in conjunction with the existing residence to exceed the allowable floor area factor and maintain a square foot floor area of seven thousand eight hundred and thirty five (7,835) vs. the single family residence shall not exceed a maximum square foot floor area of seven thousand one hundred and forty (7,140) as required by Section 4-101 (D) (10) (a) of the Coral Gables, "Zoning Code".

STAFF OBSERVATIONS AND BACKGROUND:

The Applicant requested a variance to build an addition and exceed the allowable floor area factor permitted for this property.

The Coral Gables "Zoning Code" has specific regulations, as well as design and performance standards, to ensure that the renovation of a residence is harmonious in proportion and scale to its site area. The intent and purpose of the maximum floor area factor permitted is to limit the size and mass of a residence in relation to the building site.

The Applicant is requesting a variance to build a second floor addition above the existing garage and be allowed to exceed the maximum square foot floor area permitted for this property site. The maximum floor area permitted is seven thousand one hundred and forty (7,140) square feet. The proposed floor area considering the new addition and the existing residence is seven thousand eight hundred and thirty five (7,835) square feet, totaling an excess of six hundred and ninety five (695) square feet.

The "Zoning Code" is amended and modified throughout the years and the parameters currently in effect are imposed on all properties. An undue hardship exists only if the

predicament is unique to the property of the applicant. This situation is not unique if it is shared by other land in the district. Staff was unable to identify any unusual or unique circumstances with the property site.

As stated in "Zoning Code" Section 1-103 (E), the "Zoning Code" was implemented to preserve residential properties to assure that future development will be in conformity with the foregoing distinctive character, with respect to type, intensity, design and appearance.

The "Zoning Code" is a comprehensive plan outlining the future growth and development of the community. The parameters are necessary for the public benefit and the ordinance should be observed.

The Zoning Division staff recommends **DENIAL**.

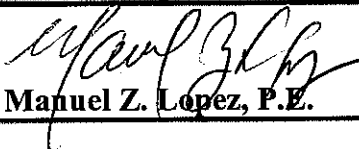

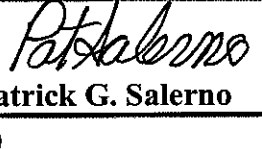
ADVISORY BOARD/COMMITTEE RECOMMENDATION(S):

| Date | Board/Committee | Comments (if any) |
|--------------|---------------------|-------------------|
| June 7, 2010 | Board of Adjustment | Denied |
| | | |

PUBLIC NOTIFICATION(S):

| Date | Form of Notification |
|--------------|--|
| May 27, 2010 | Miami Daily Business Review – Notice for the Board of Adjustment |
| July 2, 2010 | Miami Daily Business Review – Notice for the Board of Adjustment Appeal before the City Commission |

APPROVED BY:

| Interim Building & Zoning Director | City Attorney | City Manager |
|--|---|---|
|  Manuel Z. Lopez, P.E. |  Elizabeth M. Hernandez |  Patrick G. Salerno |

ATTACHMENT(S):

1. Appeal Application
2. Notice of Public Hearing
3. Board of Adjustment Submittal Package
4. Official Transcript