

THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
SEPTEMBER 1, 2009
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	S	O	N	D	J	F	M	A	M	J	J	A	APPOINTED BY:
Jorge Mora	P	X	X	X	C	P	E	P	P	P	C	A	Mayor Donald Slesnick
Tony Bello	P	P	P	P	C	P	P	P	P	P	C	P	Vice Mayor William H. Kerdyk, Jr.
Vivian De Las Cuevas-Diaz	P	X	X	X	C	X	X	X	X	X	C	E	Comm. Maria Anderson
Dr. Katherine De Blij	P	X	X	X	C	X	X	X	X	X	C	P	Comm. Rafael "Ralph" Cabrera, Jr.
John C. Lukacs, Esq., Chairperson	E	P	P	P	C	P	P	P	P	P	C	P	Comm. Wayne "Chip" Withers
Sergio Artigues, Architect	P	P	P	P	C	P	P	P	L	P	C	P	Board of Adjustment
Dr. Joseph W. Briggle, Vice Chair	P	P	P	P	C	P	P	P	P	P	C	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 Vice Chairperson who announced that six board members were present at that time. Four votes are necessary for any action thereof.

The Vice 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. Mr. Lukacs was not in attendance and had given prior notification of his inability to attend the Board of Adjustment meeting.

A motion was made by Mr. Bello, seconded by Mrs. De Las Cuevas-Diaz to approve the absence of Mr. Lukacs. A resolution was passed by voice vote.

RESOLUTION NO. 4957-ZB

2. Approval of the August 3, 2009 Recap

A motion was made by Mr. Bello, seconded by Dr. De Blij to approve the August 3, 2009 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 4958-ZB

3. 8702-Z

Lot: 15, Block: 3
Coconut Grove Manor, PB/PG: 17/19
(230 Ridgewood Road)

George E. Peon, AIA – Applicant
Percy Martinez – Owner
George E. Peon, AIA – Architect, Engineer

Deferred by Staff.

4. 8706-Z

Lots: 17 to 24 INC, Block: 2
Coral Gables Crafts Section, PB/PG: 10/40
(224 Miracle Mile)

Elena Linares – Applicant
Gables Tower LLC/Terranova Corporation – Owner

A hearing was held on case no. 8706-Z.

Present: Elena Linares – Applicant

APPLICANT'S PROPOSAL: In connection with the proposed tenant sign for 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 tenant “Razzledazzle Barbershop” to have a barber pole sign fronting on Miracle Mile vs. only one (1) sign permitted per street level, per street right-of-way frontage as stipulated by Section 5-1904 of the Coral Gables “Zoning Code.”
2. Grant a variance to allow the tenant “Razzledazzle Barbershop” to have a barber pole sign vs. pennants, banners, streamers, balloons, blinking and flashing lights, streamer lights, flags except as provided in Section 5-1901 (B), herein and any other fluttering, spinning, rotating or similar type attention attractors and advertising devices are prohibited as stipulated by Section 5-1902 (D) (7) of the Coral Gables “Zoning Code.”

All as shown on plans which have received Final approval from the Board of Architects. Such approval is for architectural design only and is not an endorsement of any variance being requested by the Applicant.

STAFF OBSERVATION: The applicant is proposing to install a barber pole on Miracle Mile as a means of identifying “Razzledazzle Barbershop” which is located within a paseo of the building. The Zoning Code is specific in only permitting a sign for a business establishment that fronts a street and at street level. Allowing businesses located within a paseo, second or third floors, etc. of a building to install a sign on the portion of the building which does have street frontage could create excessive sign clutter. It is not the intent of the Zoning Code to permit all of the occupants of a building to have signage. The parameters on signage are intended to create a pleasant foreground and maintain the visual integrity of the streets.

The barber pole is considered an attention attracting and advertising device which is specifically prohibited in the Zoning Code.

Staff recommends **DENIAL** of items no. 1 and 2.

The granting of these variances would confer on the Applicant, a special privilege which is denied by the Coral Gables “Zoning Code” to other lands, buildings or structures within the same zoning district. Staff recommends **DENIAL** of items no. 1 and 2 of the Applicant’s proposal.

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 not 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 result from the actions of the Applicant.

3. That granting the variance requested will 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 not 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 not the minimum variance that will make possible the reasonable use of the land, building or structure.
6. That granting the variance will 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 not 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 **DENIAL** of Items 1 and 2 of the Applicant's proposal.

The Applicant testified that she had received numerous complaints from her clients that her business was hard to find even though she had a Miracle Mile address. RazzleDazzle Barbershop is located within a paseo of the building and does not directly front Miracle Mile. She stated the proposed barber pole to be installed on Miracle Mile would benefit the business and the community.

Board members questioned staff what signage this business establishment was entitled to install and staff identified according to the Zoning Code, only a projection sign also known as a blade sign directly in front of establishment, but not on Miracle Mile.

A motion was made by Mr. Bello, seconded by Mr. Artigues to approve Items 1 and 2 of the Applicant's request.

RESOLUTION NO. 4959-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 tenant "Razzledazzle Barbershop" to have a barber pole sign fronting on Miracle Mile vs. only one (1) sign permitted per street level, per street right-of-way frontage as stipulated by Section 5-1904 of the Coral Gables "Zoning Code."
2. Grant a variance to allow the tenant "Razzledazzle Barbershop" to have a barber pole sign vs. pennants, banners, streamers, balloons, blinking and flashing lights,

streamer lights, flags except as provided in Section 5-1901 (B), herein and any other fluttering, spinning, rotating or similar type attention attractors and advertising devices are prohibited as stipulated by Section 5-1902 (D) (7) of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yeas" – Mr. Bello, Mr. Artigues, Mr. Mora, Mrs. De Las Cuevas-Diaz. "Nays" – Dr. Briggle and Dr. De Blij. "Excused" – Mr. Lukacs.

5. 8708-Z

Lot: 2

Hammock Lake No. 2 AMD PL , PB/PG: 66/148
(9001 Banyan Drive)

Guilford & Associates, P.A. - Applicant
4920 Properties LLC – Owner
J.N. Sheingold, PE – Architect/Engineer

A hearing was held on case no. 8708-Z.

Present: F.W. Zeke Guilford, Esquire
Neighbors Present: Joel Arnold, Debbie Augenstein, Enia Rivero, Roger Walker

APPLICANT'S PROPOSAL: In connection with the proposed swimming pool and pool deck for the existing residence 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 swimming pool to be located thirty feet six inches (30'6") from the rear property line vs. swimming pools on lots located on Hammock Lake No. 2 shall provide a minimum rear setback of forty-five (45'0") feet as stipulated by Section A-56 (J) (6) of the Coral Gables "Zoning Code."
2. Grant a variance to allow the deck to be located at twenty feet one inch (20'1") from the rear property line vs. decks on lots located on Hammock Lake No. 2 shall provide a minimum rear setback of forty (40'0") feet as stipulated by Section A-56 (J) (6) of the Coral Gables "Zoning Code."

All as shown on plans which have received Final approval from the Board of Architects. Such approval is for architectural design only and is not an endorsement of any variance being requested by the Applicant.

STAFF OBSERVATION: This property is located within the Hammock Lake No. 2 subdivision. Originally this property was one building site and subsequently divided into two lots, now known as lots 1 and 2. The original site's rear property boundary abutted the water

portion of Hammock Lake. The subject property is located on lot number 2 and the current rear property boundary was once the side easterly property boundary line.

The Coral Gables Zoning Code Site Specifics for this subdivision specifically require a minimum rear distance of forty-five (45'0") feet from the swimming pool to the rear property boundary and a minimum rear setback of forty (40'0") feet from the deck to the rear property boundary. This Site Specifics section did not provide an adjustment for these two lots after subdividing the original site and addressing the new lot configurations.

Site Specifics for this section allow accessory buildings to be built at only a minimum of seven (7) feet and six (6) inches from the rear property line. The swimming pool and deck are less obtrusive than a structure. The swimming pool is built at thirty feet six inches (30'6") from the rear property boundary and the deck is built at twenty feet one inch (20'1") from the rear property boundary providing an ample distance from the adjacent neighbor.

Staff recommends APPROVAL of items no. 1 and 2.

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 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 Items 1 and 2 of the Applicant's proposal.

A motion was made by Mr. Bello, seconded by Mr. Artigues to approve Items 1 and 2 of the Applicant's proposal.

RESOLUTION NO. 4960 -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 swimming pool to be located thirty feet six inches (30'6") from the rear property line vs. swimming pools on lots located on Hammock Lake No. 2 shall provide a minimum rear setback of forty-five (45'0") feet as stipulated by Section A-56 (J) (6) of the Coral Gables "Zoning Code."
2. Grant a variance to allow the deck to be located at twenty feet one inch (20'1") from the rear property line vs. decks on lots located on Hammock Lake No. 2 shall provide a minimum rear setback of forty (40'0") feet as stipulated by Section A-56 (J) (6) of the Coral Gables "Zoning Code."

A resolution was passed and adopted due to the following roll call: "Yea" – Dr. Briggle, Dr. De Blij, Mr. Artigues, Mr. Bello. "Nay" – Mrs. De Las Cuevas-Diaz and Mr. Mora. "Excused" – Mr. Lukacs.

Meeting adjourned at 9:20 a.m.

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

Elizabeth L. Gonzalez
Secretary