

**THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
OCTOBER 4, 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	P	C	C	P	P			Mayor Donald Slesnick
Tony Bello	C	C	P	P	P	P	C	C	P	P			Vice Mayor William H. Kerdyk, Jr.
Vivian De Las Cuevas-Diaz	C	C	P	P	E	L	C	C	A	E			Comm. Maria Anderson
Dr. Katherine De Blij	C	C	P	P	P	P	C	C	P	P			Comm. Rafael "Ralph" Cabrera, Jr.
John C. Lukacs, Esq., Chairperson	C	C	E	P	P	P	C	C	P	P			Comm. Wayne "Chip" Withers
Sergio Artigues, Architect	C	C	P	P	P	P	C	C	P	P			Board of Adjustment
Dr. Joseph W. Briggles, Vice Chair	C	C	P	P	P	P	C	C	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 September 7, 2010 Recap

A motion was made by Dr. De Blij, seconded by Dr. Briggie to approve the September 7, 2010 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 4998-ZB

3. BA-10-08-4216

Lot: 4, Block: 2
Kerrwood Oaks, PB/PG 78/16
(5575 Kerwood Oaks Drive)

Raul R. Sotolongo – Architect/Applicant
Christian M. Cobb – Owner

A hearing was held on case no. BA-10-08-4216.

Present: Raul R. Sotolongo – Architect/Applicant
Christian M. Cobb – Owner

APPLICANT'S PROPOSAL: In connection with the required front setback for the proposed single family residence at the subject property, the Applicant requests the following variance 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 single-family residence to maintain a front setback of thirty two (32’0”) feet vs. single family residences must provide a minimum front setback of fifty (50’0”) feet as required by Section A-56 (H) (I) of the Coral Gables “Zoning Code.”

STAFF OBSERVATION: The subject property is located in a neighborhood that was annexed into the City of Coral Gables and requires a minimum fifty (50’0”) feet front setback. The subject property is located on a cul-de-sac. Due to the property site being unique and irregular in shape, there is a practical difficulty in complying with the required front setback.

Included within your packet “Exhibit A” illustrates a design with the required front setback and the proposed front setback. Staff considered the lot configuration and the placement of the proposed residence on the lot and concluded requiring the residence to adhere to the required

fifty (50'0") feet front setback would significantly decrease the size of the building and venture it nearly impossible to produce a reasonable design for a residence.

Staff determined that literal interpretation of the Zoning Code provision 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. Also, granting the variance is the minimum request that will make possible the reasonable use of the land.

Due to the unique physical features of the property site, the Zoning Division 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. Briggie and seconded by Mr. Artigues to approve Item 1 of the Applicant's request.

RESOLUTION NO. 4999-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 single-family residence to maintain a front setback of thirty two (32'0") feet vs. single family residences must provide a minimum front setback of fifty (50'0") feet as required by Section A-56 (H) (I) of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yeas" – Dr. De Blij, Mr. Artigues, Mr. Bello, Dr. Briggie, Mr. Mora, Mr. Lukacs. "Nays" – None. Mrs. De Las Cuevas-Diaz, absent.

Meeting adjourned at 8:15a.m.

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

Elizabeth L. Gonzalez
Secretary