

THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
MARCH 1, 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: |
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| Jorge Mora | P | | | | | | | | | | | | Mayor Donald Slesnick |
| Tony Bello | P | | | | | | | | | | | | Vice Mayor William H. Kerdyk, Jr. |
| Vivian De Las Cuevas-Diaz | P | | | | | | | | | | | | Comm. Maria Anderson |
| Dr. Katherine De Blij | P | | | | | | | | | | | | Comm. Rafael "Ralph" Cabrera, Jr. |
| John C. Lukacs, Esq., Chairperson | A | | | | | | | | | | | | Comm. Wayne "Chip" Withers |
| Sergio Artigues, Architect | P | | | | | | | | | | | | Board of Adjustment |
| Dr. Joseph W. Briggle, Vice Chair | 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 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 absent. All other members were present.

2. Approval of the December 7, 2009 Recap

A motion was made by Mr. Bello, seconded by Dr. De Blij to approve the December 7, 2009 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 4979-ZB

3. BA-10-01-3908

Lots: 5 Thru 14, Block: 28
Coral Gables Douglas Section, PB/PG: 25/69
(1300 Ponce de Leon Blvd.)

Hope W. Calhoun – Applicant
Ponce Trust, LLC – Owner

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

Present: Hope W. Calhoun - 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 signs on awnings vs. awning or canopy signs are prohibited if tenant signs are provided as allowed by Section 5-1904 of the Coral Gables "Zoning Code."

STAFF OBSERVATION: The Zoning Code is specific in not allowing a tenant sign on awnings if the business establishment has a tenant sign on the building. The Applicant is requesting to install signs on the awnings in addition to the two (2) existing tenant building signs.

The building is located on the corner of Ponce De Leon Boulevard and Salamanca Avenue and the tenant "Chase" currently has two (2) signs. One sign is on the South façade facing vehicular and pedestrian traffic traveling Northbound and a secondary sign is on the East façade facing

vehicular and pedestrian traffic traveling Westbound. The proposed signs on awnings would be in the same South and East façade as the current building signs.

Signs are intended and utilized as a means of identifying a specific business location. The signs currently on the building identify the business for motorists and pedestrians.

After careful review of the plans and application, staff has determined that neither the building, nor the lot is unusual in shape. There are numerous businesses with similar conditions which comply with either signs on the building or signs on the awnings and do not utilize both. Staff cannot find an unnecessary hardship to approve the additional signage on the awnings.

The Zoning Division Staff recommends **DENIAL** 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 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 do 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 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 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 Item No. 1 of the Applicant's request.

A motion was made by Dr. De Blij, seconded by Mr. Bello to deny Item 1 of the Applicant's request.

1. Grant a variance to allow signs on awnings vs. awning or canopy signs are prohibited if tenant signs are provided as allowed by Section 5-1904 of the Coral Gables "Zoning Code."

A tied vote resulted in an automatic deferral to the April 5, 2010 Board of Adjustment meeting: "Yeas" – Dr. De Blij, Mr. Bello, Dr. Briggle. "Nays" – Mrs. De Las Cuevas-Diaz, Mr. Artigues, Mr. Mora.

2. Grant a variance to allow the signs on the awnings to be at a maximum height of fourteen feet nine inches (14'9") vs. signs on awnings are allowed at a maximum height of twelve (12'0") feet as allowed by Section 5-1904 of the Coral Gables, "Zoning Code."

STAFF OBSERVATION: The Zoning Code allows signs on awnings to be at a maximum height of twelve (12'0") feet. Due to the awnings being installed accordingly to accommodate the existing height of the building's loggia and arches, the signs on the awnings would be located slightly higher than the maximum allowed height.

The signs were approved by the Board of Architects and are aesthetically acceptable.

Although the Zoning Division staff recommends denial of the signs on the awnings, if the signs are granted by a variance, as requested under Item No. 1, staff has no objection to the signs being placed at a maximum height of fourteen feet and nine inches (14'9").

The Zoning Division Staff recommends APPROVAL of Item No. 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 do 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.

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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 Item No. 2 of the Applicant's request.

A motion was made by Mrs. De Las Cuevas-Diaz, seconded by Mr. Artigues to approve Item 2 of the Applicant's request.

RESOLUTION NO. 4980-ZB

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

2. Grant a variance to allow the signs on the awnings to be at a maximum height of fourteen feet nine inches (14'9") vs. signs on awnings are allowed at a maximum height of twelve (12'0") feet as allowed by Section 5-1904 of the Coral Gables, "Zoning Code."

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

4. BA-10-02-2595

Lot: 73, Block: 2
Coral Bay Sec. A, PB/PG: 57/97
(12411 Bernal Street)

Kirk Lofgren – Applicant

Raimundo & Marisa Feito – Owner
Denis Solano, P.E.– Architect/Engineer

A hearing was held on case no. BA-10-02-2595.

Present: Kirk Lofgren, Ocean Consulting – Applicant.

APPLICANT'S PROPOSAL: In connection with the proposed dock for the existing 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 dock to extend outward from the bank nineteen (19'0") feet 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 a “T” shaped boat dock consisting of approximately a four (4'0") feet in width by thirteen (13'0") feet in length access walkway connected to a five (5'0") feet in width by twenty (20'0") feet in length terminal platform. The waterward edge of the proposed dock shall be located at an approximate distance of a maximum nineteen (19 '0") feet from the water's edge. In addition, a rope handrail will be installed along the landward edge of the dock, in order to avoid any mooring of vessels in the sensitive habitat areas that may impact the mangroves.

When considering an existing similar dock on the opposite bank, the remaining waterway width accommodates the total distance being requested of nineteen (19'0") feet versus the allowed five (5'0") feet from the bank of the waterway. Therefore, the proposed dock does not interfere with the required seventy-five (75'-0") feet of unobstructed navigable waterway as required by the Zoning Code.

The proposed design was necessary due to the presence of red mangroves, white mangroves and buttonwoods along the shoreline of the subject site. The Department of Environmental

Resources Management (DERM) has approved and recommends this design to minimize and avoid the potential and cumulative adverse environmental impact.

Due to the unique site conditions the Zoning Division staff recommends APPROVAL of Item No. 1 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 Items No. 1 of the Applicant's request.

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

RESOLUTION NO. 4981-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 extend outward from the bank nineteen (19'0") feet 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. Mora, Dr. De Blij, Mr. Artigues, Mrs. De Las Cuevas-Diaz, Mr. Bello, Dr. Briggle. "Nay" – None.

Meeting adjourned at 8:45a.m.

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Elizabeth L. Gonzalez
Secretary