

**THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT**  
**AUGUST 4, 2008**  
**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.

<b>MEMBERS</b>	<b>A</b>	<b>S</b>	<b>O</b>	<b>N</b>	<b>D</b>	<b>J</b>	<b>F</b>	<b>M</b>	<b>A</b>	<b>M</b>	<b>J</b>	<b>J</b>	<b>APPOINTED BY:</b>
Miles McGrane	P	P	P	P	E	P	C	C	L	P	P	C	Mayor Donald Slesnick II
Tony Bello	A	P	P	P	P	P	C	C	P	P	P	C	Vice Mayor William H. Kerdyk, Jr.
Sharon Langer, Esq.	E	P	P	P	P	P	C	C	P	P	E	C	Comm. Maria Anderson
Jaime Pozo, Esq.	P	P	E	P	P	P	C	C	P	E	P	C	Comm. Rafael "Ralph" Cabrera, Jr.
John C. Lukacs, Esq., Chairperson	P	E	P	P	P	P	C	C	P	P	P	C	Comm. Wayne "Chip" Withers
Sergio Artigues, Architect	E	P	P	E	P	P	C	C	P	P	P	C	Board of Adjustment
Dr. Joseph W. Briggie, Vice Chair	P	P	P	P	P	P	C	C	P	P	P	C	City Manager David L. Brown

**STAFF:**

Elizabeth L. Gonzalez, Acting Secretary  
 Joan Bailey, Court Reporter

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.**

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The meeting was called to order at 8:00 a.m. by the Chairperson who announced that four board members were present at that time. Four votes are necessary for any action thereof.

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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. Artigues, Mr. Bello and Ms. Langer were absent; however, staff received prior notification of Mr. Artigues' and Mrs. Langer's inability to be at the meeting.

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**2. Approval of the June 2, 2008 Recap**

A motion was made by Dr. Briggie, seconded by Mr. McGrane to approve the June 2, 2008 Recap. A resolution was passed by voice vote.

**RESOLUTION NO. 4899-ZB**

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**3. 8675-Z**

Lot(s): 1 though 4 inclusive, Block: 27  
Coral Gables Crafts Section, PB/PG: 10/40  
2901-11 LeJeune Road

Laura L. Russo, Esq. – Applicant  
Annelie C. and Charles A. Battisti – Owner  
Cohen, Freedman, Encinosa & Associates – Architect/Engineer

A hearing was held on case no. 8675-Z.

Present: Laura L. Russo, Esq. – Applicant; Cohen, Freedman, Encinosa & Associates – Architect/Engineer

**APPLICANT'S PROPOSAL:** In connection with the proposed signage for the existing commercial building 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 location of the proposed sign for the tenant "Sunstate Bank" to be placed at the rear of the building abutting an alley vs. only one (1) tenant sign per street level, per street right-of-way frontage as required by Section 5-1904 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 requesting a variance to install a sign for the tenant "Sunstate Bank" on the rear of the building (south elevation) which abuts an alley.

Previously there was a sign on the rear of the building which was permitted under the old "Zoning Code." The sign was removed due to the tenant changing its name from Sofisa to Sunstate Bank.

The current Zoning Code is specific in allowing tenant signage only per street right-of-way frontage. The building is located at the corner of Palermo Street and Le Jeune Road. The building is allowed to have one sign located on Palermo Street and an additional sign on Le Jeune Road.

After careful review of the plans, staff has determined the building is situated on a square lot which abuts an alley and the building is not unusual in shape. Staff cannot find an unnecessary hardship to approve the deviation from the requirement of the "Zoning Code." In addition, there are no parameters to review the proposed sign as to length, area, height of lettering etc.

Based on these factors, the Zoning Division staff recommends **DENIAL** for the placement of the sign on the rear of the building.

**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. 1525, 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 item 1 of the Applicant's proposal.

Discussion ensued regarding the "Zoning Code" definition of alley vs. street and/or right-of-way frontage, and the signage requirements pertaining to each. Although the building in question previously had signage in the same location as is being proposed, board members agree that the new "Zoning Code" clearly states that building/tenant signage is only permitted on the elevation of a building facing the street. In the "Zoning Code," a street is defined as a thoroughfare used for public foot and vehicular traffic, other than an alley.

Based on this definition, and because the "Zoning Code" also indicates that an alley is not officially designated as a street, the board agrees that the intent of the "Zoning Code" is to prohibit building/tenant signage on an alleyway elevation.

A motion was made by Mr. Pozo, seconded by Dr. Briggie to deny item 1 of the Applicant's proposal.

**RESOLUTION NO. 4900-ZB**

A RESOLUTION DENYING A REQUEST FOR A VARIANCE TO ORDINANCE NO. 1525 AS AMENDED AND KNOWN AS THE "ZONING CODE," TO WIT:

1. Grant a variance to allow the location of the proposed sign for the tenant "Sunstate Bank" to be placed at the rear of the building abutting an alley vs. only one (1) tenant sign per street level, per street right-of-way frontage as required by Section 5-1904 of the Coral Gables, "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yeas" - Dr. Briggie, Mr. McGrane, Mr. Pozo and Mr. Lukacs. "Nays"- None. "Excused" - Mr. Artigues and Ms. Langer. "Absent" - Mr. Bello.

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4. 8677-Z

**DEFERRED**

Lot(s): 77, Block: 2  
Old Cutler Bay Section 4, PB/PG: 82/34  
360 Solano Prado

Robert S. Fine, Esq. – Applicant  
Robert S. Fine and Isabel Fine – Owner  
Raul Sotolongo – Architect/Engineer

**APPLICANT'S PROPOSAL:** In connection with proposed single-family residence at the subject property, the Applicant requests the following variances pursuant to the provisions of Ordinance No. 1525 as amended and known as the "Zoning Code."

1. Grant a variance allowing the proposed single-family residence to have a west side setback distance of six (6'-0") feet vs. the proposed new single family residence maintaining a minimum side setback distance of ten (10'-0") feet as required by Section 4-101 (D)(4) and A-72 (A)(2) of the Coral Gables "Zoning Code."
2. Grant a variance allowing the proposed mechanical equipment, specifically air conditioning units, pool equipment and/or permanent generator to have a side setback distance of six (6'-0") feet vs. the proposed mechanical equipment maintaining a minimum side setback distance of ten (10'-0") feet as required by Section A-72 (A)(2) and Section 5-1804 of the Coral Gables "Zoning Code."

3. Grant a variance allowing the proposed building site to provide a landscape open space of seven thousand three hundred fifty-six (7,356) square feet (37.21%) of the site area vs. the proposed landscape open space to be a minimum of seven thousand nine hundred eight (7,908) square feet (40%) of the site area as required by Section 5-1105 (B)(1) of the Coral Gables "Zoning Code."
  4. Grant a variance allowing the proposed single-family residence to have a standing seam metal roof vs. pitched roofs shall be constructed of vitrified clay tile, concrete tile, cement tile, coral rock slabs, slate, white Bermuda roof or copper as required by Section 5-1605 of the Coral Gables "Zoning Code."
  5. Grant a variance allowing the proposed single-family residence to have an exterior wall facing material of Hardy Plank siding vs. wood facings shall be permitted on the exterior walls of single-family residences in the area of Coral Gables lying south of the Coral Gables Deep Waterway and east of Old Cutler Road as provided by Section 5-607 of the Coral Gables "Zoning Code."
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**5. 8679-Z**

**DEFERRED**

Clarification of the intended meaning of the word "copper"  
as used in Section 5-1601 and 5-1605 (j) of the Coral Gables Zoning Code

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**6. 8680-Z**

**DEFERRED**

Lot: 14 , Block: 17  
Coral Gables Section B, PB/PG: 5/111  
601 Navarre Avenue

Kara Kautz -- Applicant  
Thomas R. Mooney and Gilda M. Batlle -- Owner  
N/A -- Architect/Engineer

**APPLICANT'S PROPOSAL:** In connection with an appeal of the approval of a permit for the installation of a painted copper roof for the single-family residence at the subject property, the Applicant requests the following appeal pursuant to the provisions of Ordinance No. 1525 as amended and known as the "Zoning Code."

1. Consider a request for an appeal of the approval of a permit by the Building Official for the installation of a painted copper roof for the property located at 601 Navarre Avenue, Coral Gables, Florida pursuant to Section 3-604 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.

**7. Attendance**

A motion was made by Dr. Briggie, seconded by Mr. Pozo and passed to approve the absences of Mr. Artigues and Ms. Langer due to notification being given to staff prior to the meeting.

**RESOLUTION NO. 4901-ZB**

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Meeting adjourned at 8:45 a.m.

THE CITY OF CORAL GABLES  
BOARD OF ADJUSTMENT

Elizabeth L. Gonzalez  
Acting Secretary