

THE CITY OF CORAL GABLES BOARD OF ADJUSTMENT
MAY 4, 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	M	J	J	A	S	O	N	D	J	F	M	A	APPOINTED BY:
Jorge Mora	P	X	X	X	X	X	X	X	C	P	E	P	Mayor Donald Slesnick II
Tony Bello	P	P	C	E	P	P	P	P	C	P	P	P	Vice Mayor William H. Kerdyk, Jr.
Sharon Langer, Esq.	P	E	C	E	P	P	P	E	C	P	P	P	Comm. Maria Anderson
Jaime Pozo, Esq.	P	P	C	P	E	P	E	P	C	E	P	E	Comm. Rafael "Ralph" Cabrera, Jr.
John C. Lukacs, Esq., Chairperson	P	P	C	P	P	P	P	P	C	P	P	P	Comm. Wayne "Chip" Withers
Sergio Artigues, Architect	L	P	C	E	P	P	P	P	C	P	P	P	Board of Adjustment
Dr. Joseph W. Briggle, Vice Chair	P	P	C	P	P	P	P	P	C	P	P	P	City Manager

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.

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. Mr. Artigues had given prior notification of his inability to attend the Board of Adjustment meeting, as he would be on vacation; however, Mr. Artigues arrived after a motion was made and approved to excuse his absence.

2. Approval of the April 6, 2009 Recap

A motion was made by Dr. Briggle, seconded by Mr. Bello to approve the April 6, 2009 Recap. A resolution was passed by voice vote.

RESOLUTION NO. 4940-ZB

3. 8684-Z

Lot(s): 7, Block: 1 (lengthy legal)
Journey's End Estates, PB/PG: 100/40
(9501 Journey's End Lane)

Glen Larson, Dock and Marine Construction, Inc.- Applicant
Tony Blank, Trustee - Owner
Robert N. Tracy - Architect/Engineer

A hearing was held on case no. 8684-Z.

Present: Tony Blank, Trustee - Owner and Kirk Lofgren, Ocean Consulting, LLC

APPLICANT'S PROPOSAL: In connection with the proposed dock, mooring piles and watercraft lift for the single-family 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 proposed dock to extend outward from the bank thirty-seven feet, one inch (37'-1") vs. no dock, wharf or similar structure shall be constructed over or in any canal, lake or waterway more than five (5'-0") feet outward from the bank as required by Section 5-802 (A) of the Coral Gables "Zoning Code."
2. Grant a variance to allow the proposed mooring piles to be located at a distance of fifty-three feet, six inches (53'-6") from the bank of the waterway vs. no mooring piles shall be placed or set in the water bodies which shall be located at a greater distance than twenty-five (25'-0") feet from the bank of such water or waterways as required by Section 5-802 (B) of the Coral Gables "Zoning Code."

3. Grant a variance to allow the proposed watercraft lift to be located at a distance of forty-seven feet, eight inches (47'-8") from the bank of the waterway vs. watercraft lifts or floating watercraft lifts shall not extend beyond twenty-five (25'-0") feet from the banks of waterways as required by Section 5-805 (E) 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 several variances. The proposed work consists of a T-shaped dock, mooring piles and a watercraft lift. Item No. 1 is a request to allow a dock to extend outward from the bank thirty-seven feet, one inch (37'-1") versus the maximum allowed of five (5'-0") feet from the bank of the waterway. Item No. 2 is a request to allow the mooring piles to be located at a distance of fifty-three feet, six inches (53'-6") from the bank of the waterway versus the allowed maximum of twenty-five feet (25'-0").

Item No. 3 is a request to allow the watercraft lift to be installed on the north side of the dock at a distance of forty-seven feet, eight inches (47'-8") from the bank of the waterway versus watercraft lifts shall not extend beyond twenty-five (25'-0") feet from the bank of the waterway. Due to the irregular edge of the bank, the distances being requested for the dock, mooring piles and watercraft lift vary. The distances noted are at the outermost points.

This property is located within Journey's End Estates and within a waterway cove. The ample cove easily accommodates the additional distances being requested and does not interfere with the required unobstructed navigable waterway width. The proposed design minimizes the impact to existing resources such as mangroves and buttonwoods along the shoreline of the subject site, as required by the Department of Environmental Resources Management.

The City of Coral Gables Marine Patrol Division has approved the proposed dock, watercraft lift and mooring piles with the stipulation that no boats shall be moored on the south side of the dock.

Staff recommends **APPROVAL** of Items 1, 2, and 3 in order to protect the existing mangrove canopy and buttonwoods, and to minimally impact the existing environment along the shoreline.

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 this Ordinance to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions of the "Zoning Code" would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the "Zoning Code," and would work unnecessary and undue hardship on the Applicant.

5. That the variance requested 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 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 the "Zoning Code," 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, 2 and 3 of the Applicant's proposal.

A motion was made by Mr. Pozo, seconded by Ms. Langer to Approve Items 1, 2 and 3 of the Applicant's proposal.

RESOLUTION NO. 4941-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 thirty-seven feet, one inch (37'-1") vs. no dock, wharf or similar structure shall be constructed over or in any canal, lake or waterway more than five (5'-0") feet outward from the bank as required by Section 5-802 (A) of the Coral Gables "Zoning Code."
2. Grant a variance to allow the proposed mooring piles to be located at a distance of fifty-three feet, six inches (53'-6") from the bank of the waterway vs. no mooring piles shall be placed or set in the water bodies which shall be located at a greater distance than twenty-five (25'-0") feet from the bank of such water or waterways as required by Section 5-802 (B) of the Coral Gables "Zoning Code."
3. Grant a variance to allow the proposed watercraft lift to be located at a distance of forty-seven feet, eight inches (47'-8") from the bank of the waterway vs. watercraft lifts or floating watercraft lifts shall not extend beyond twenty-five (25'-0") feet from the banks of waterways as required by Section 5-805 (E) of the Coral Gables "Zoning Code."

A Resolution was passed and adopted due to the following roll call: "Yea" - Mr. Bello, Dr. Briggle, Mr. Mora, Ms. Langer, Mr. Pozo and Mr. Lukacs. "Nay" - None. "Abstained" - Mr. Artigues.

4. 8698-Z

Lot(s): Portions of 1, 3 and 4 (lengthy legal), Block: 6
Coral Gables Section A, PB/PG: 5/102
(2705 De Soto Boulevard)

Zeke Guilford, Esq., Guilford & Associates, P.A. - Applicant

John C. and Susan Adams - Owner

John S. Haynes - Architect/Engineer

A hearing was held on case no. 8698-Z.

Present: Zeke Guilford, Esq., Guilford & Associates, P.A. - Applicant

APPLICANT'S PROPOSAL: In connection with the proposed privacy wall for the 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 a wall to be six (6'-0") feet in height vs. no wall or fence shall be permitted over four (4'-0") feet high as required by Section 5-2403 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 applying for a variance to install a six foot high perimeter privacy wall along the rear and sides of the residential property. The subject site is adjacent to the Venetian Pool recreational facility. The rear yard of the subject property directly abuts the back-of-house area of the Venetian Pool, which is mainly used for employee parking, garbage and storage area.

The privacy wall is needed not only to visually screen the back-of- house area of Venetian Pool, but also for security purposes as a deterrent to individuals who use the subject property to enter and exit the Venetian Pool illegally. The addition of the perimeter wall would allow the homeowners to fully enjoy their backyard with complete privacy and security.

The Coral Gables "Zoning Code" allows a six (6'-0") foot high wall where residential and commercial districts adjoin. The Venetian Pool is presently zoned as "S" (Special Use District) and the land use classification is Public Building and Grounds. It is not zoned as "C" (Commercial District). Although the Venetian Pool is zoned as a Special Use District, it is open to the public throughout the entire year, has a large volume of patronage and for practical purposes, operates as a commercial property.

Staff finds the privacy wall is not only needed to visually screen the back-of-house area of the Venetian Pool from the subject property, but also for security purposes. The wall would enhance both rear yard areas.

Staff recommends **APPROVAL** of the Applicant's request.

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 this Ordinance to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the provisions of the "Zoning Code" would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the "Zoning Code," and would work unnecessary and undue hardship on the Applicant.
5. That the variance requested 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 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 the "Zoning Code," 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 1 of the Applicant's proposal.

A motion was made by Ms. Langer, seconded by Dr. Briggle to Approve Item 1 of the Applicant's proposal.

RESOLUTION NO. 4942-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 a wall to be six (6'-0") feet in height vs. no wall or fence shall be permitted over four (4'-0") feet high as required by Section 5-2403 of the Coral Gables "Zoning Code."

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

Meeting adjourned at 8:12 a.m.

THE CITY OF CORAL GABLES
BOARD OF ADJUSTMENT

Elizabeth L. Gonzalez
Acting Secretary