



City of Coral Gables Planning and Zoning Staff Report

Applicant: Ceasar Mestre, Esq.
Application: Variance – VARI-24-07-0017
Property: 5200 San Amaro Drive
Legal Description: Lots 18 and 19, Block 75, Coral Gables Riviera Section 5
Present Owners: Vince Lago and Olga Lago
Present Use: Single -Family House
Zoning District: Single Family Residential
Public Hearing: Board of Adjustment
Date & Time: Monday, September 9, 2024; 9:00 a.m.
Location: Development Services Department
1st Floor Conference Room, 427 Biltmore Way, Coral Gables, Florida

1. APPLICATION REQUEST

Request for variance for the property located at 5200 San Amaro Drive, pursuant to the provisions of Ordinance No. 2021-07 as amended and known as the “Zoning Code.”

1. *Request for variance to reduce the side street setback of an accessory structure (gazebo) to ten feet (10') where fifteen feet (15') is required, pursuant to Section 2-201.D(4) of the Coral Gables Zoning Code.*

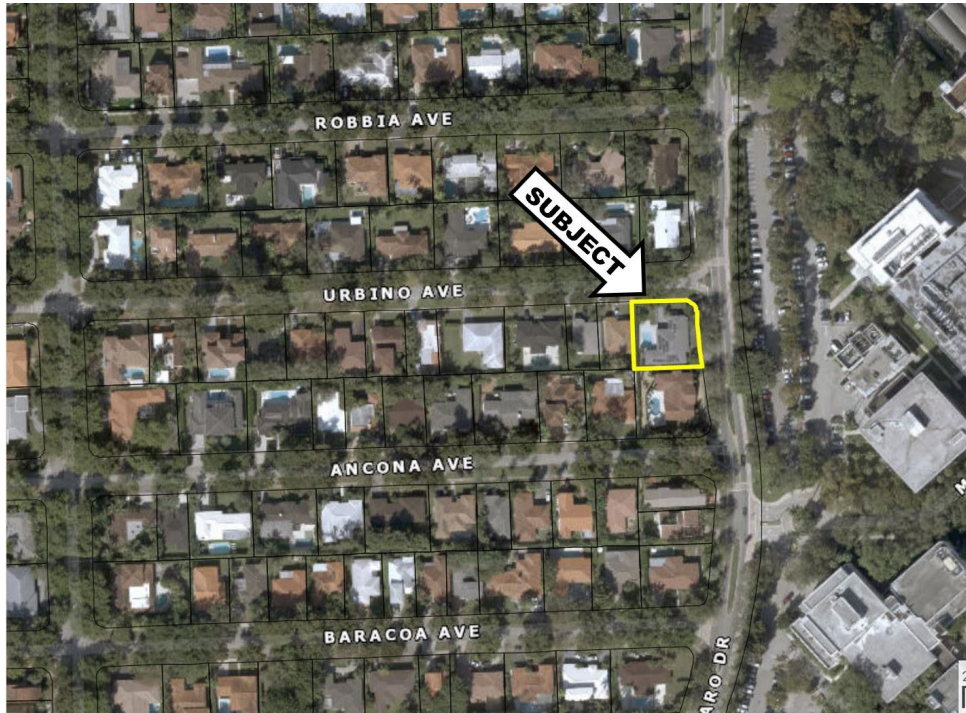
2. ADVERTISING

This application was advertised in Miami’s Community Newspapers on August 26, 2024. Letters were mailed to properties within one thousand feet of subject property and the property was posted August 26, 2024. It was reviewed and approved by the Board of Architects on June 13, 2023.

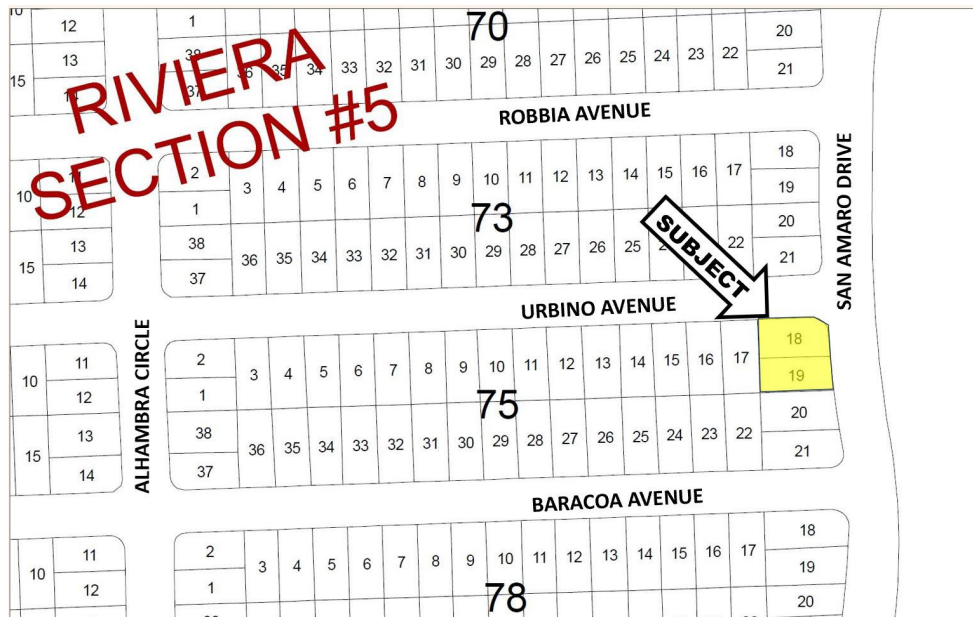
3. STAFF OBSERVATION

The subject site, 5200 San Amaro Drive is approximately 11,000 square feet (0.25 acres). It is a corner lot, located on the west side of San Amaro Drive and the south side of Urbino Avenue. It is zoned Single-Family Residential. Currently, the site contains a one-story single-family house of approximately 2,980 sq. ft., built in 1956 based on Miami-Dade property appraiser.

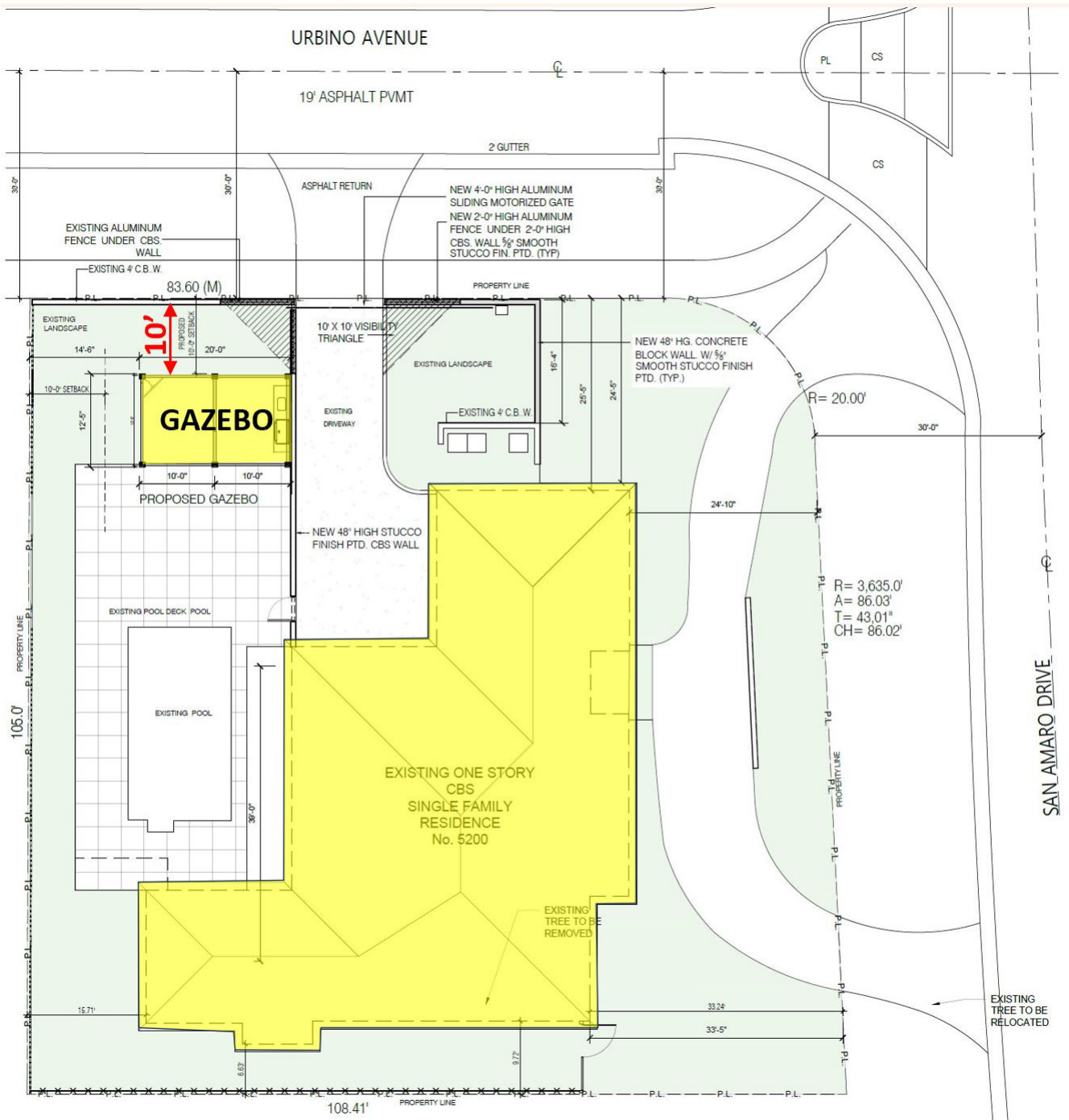
The property owners, Vince and Olga Lago are proposing to build a 250 sq. ft. gazebo on the side street line, along Urbino Avenue. A gazebo is considered an accessory structure which typically contribute to the comfort, convenience or necessities of the resident. The Zoning Code requires accessory structures to follow the same minimum setback requirement as the principal structure. In this case, the applicant is requesting to reduce the side street setback to ten feet (10') where fifteen feet (15') is required, closer to the side street (Urbino Avenue) than what is typically allowed.



AERIAL



LOCATION MAP



PROPOSAL

This request requires a public hearing, including review and approval by the Board of Adjustment. The Board provides relief from hardships and errors in the application of the regulations.

4. STAFF RECOMMENDATION

Pursuant to Section 14-207 Standards for Variances of the “Zoning Code,” the Zoning Division staff finds as follows in regard to the applicant’s proposal as presented in their application for a variance from the provision of Ordinance No. 2021-07, as amended and known as the “Zoning Code,” and makes the following findings:

- 1) That special conditions and circumstances 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.**

Does not meet the standard required for authorization of variance.

The subject parcel comprised of two (2) lots (Lots 18-19, Block 75). The lots were platted east/west, 105 feet wide by 108 feet deep totaling approximately 11,000 square feet (0.25 acres) in size. It is a typical lot configuration in blocks within the Riviera Section. Staff does not find special condition and circumstances that exist which are peculiar to the land that warrants granting setback reduction as requested.

- 2) That the special conditions and circumstances do not result from the actions of the applicant.**

Does not meet the standard required for authorization of variance.

Staff does not find special condition and circumstances that exist which are peculiar to the land that warrants granting setback reduction as requested. The gazebo can be design in many ways meeting the setback requirement in accordance with the zoning code requirements.

- 3) That granting the variances 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.**

Does meet the standard required for authorization of variance.

The applicant will not receive a special privilege that is denied by these regulations to other lands, buildings, or structures in the same zoning district if granted this variance request. A gazebo is customarily an associated use for single-family homes and is a common feature found in adjacent properties throughout the single-family zoning district.

- 4) The 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”).**

Does not meet the standard required for authorization of variance.

Although other properties in residential neighborhoods have a gazebo, the placement is the applicant’s preference to have ample room for other activities. As suggested to the applicant, it could be located closer to the pool or expand it to the west and maximize the rear setback allowance. Therefore, the literal interpretation of the provisions of these regulations would not deprive the applicant the ability to construct a gazebo.

5) That the variance granted is the minimum variance that will make possible the reasonable use of land, building or structure.

Does not meet the standard required for authorization of variance.

There are flexibilities that would allow this proposed gazebo to comply with the setback requirement and still make possible and reasonable use of the site.

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.

Does meet the standard required for authorization of variance.

Granting the variances requested will not change the use of the property which will remain a single-family home, permitted in the zoning 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.

Does meet the standard required for authorization of variance.

Granting the variances request will allow the property owner to build a gazebo at a location they preferred and to enjoy the same amenity commonly enjoyed by property owners in the same single-family zoning district. It will not be detrimental to the public welfare.

8) The granting of the variance is appropriate for the continued preservation of an historic landmark or historic landmark district.

Not applicable.

The property is not a historic landmark or in a historic landmark district.

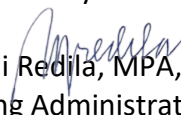
The Planning and Zoning Division staff recommends **DENIAL** as the variance request fails to meet all the criteria for granting said variance.

5. ATTACHMENTS

- A. Applicant’s submittal package.
- B. Property Appraiser Summary Report.
- C. Legal advertisement published and notice mailed to all property owners within 1,000 feet.

Please visit the City website at www.coralgables.com to view all application materials. The complete application also is on file and available for examination during business hours at the Planning and Zoning Division, 427 Biltmore Way, Suite 201, Coral Gables, Florida, 33134.

Respectfully submitted,


Arceli Redila, MPA, LEED AP
Zoning Administrator
City of Coral Gables, Florida