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CITY OF CORAL GABLES
405 Biltmore Way
Coral Gables, FL 33134
www.coralgables.com

Agenda - Final

Monday, May 4, 2026

9:00 AM

427 Biltmore Way, First Floor Conference Room

BOARD OF ADJUSTMENT

Chairperson Nicolas Cabrera

Vice Chairperson Alberto Perez

Board Member John Cuddihy

Board Member Javier Salman

Board Member Alfred Santamaria

Board Member Eugene Wolman

1 P-R-O-C-E-E-D-I-N-G-S

2 BOARD MEMBER SALMAN: Mr. Chair, the first
3 item of today's agenda is (inaudible).

4 CHAIRPERSON CABRERA: Very good.

5 BOARD MEMBER WOLMAN: Mr. Chair, I
6 received a phone call from a longtime friend,
7 had a pleasant conversation and then it turned
8 towards an item on the agenda. I believe it's
9 the Aledo project. Nothing led into the
10 conversation. Nothing that I feel would make
11 me biased towards any decision-making in any
12 way.

13 CHAIRPERSON CABRERA: Thank you very much.

14 I'd also like to bring attention to the
15 board that questions were raised regarding my
16 relationship with the homeowners at Aledo. I'd
17 like to make it very, very, very clear. I sit
18 on this board as an impartial voice and whether
19 I have a relationship, a friendship with
20 anybody that's come before this board, which I
21 have had people come before that I've been
22 friends with and some of us have been friends
23 with before, but that has never made my ability
24 to make a decision partial. I've always been
25 impartial in that sense.

1 And to be clear, I do not work for the
2 homeowners on Aledo. I have never been
3 financially compensated by the homeowners on
4 Aledo. And I just want to make that very, very
5 clear to everybody and on the record that today
6 I will be making an impartial decision based on
7 the facts that are presented before this board
8 and nothing else. If anybody has any questions
9 for me, you're welcome to ask, but I wanted to
10 make sure I put that out there very clear for
11 everybody.

12 Approval of minutes. Do we have a motion
13 to approve the minutes of the previous board
14 meeting?

15 BOARD MEMBER WOLMAN: I'll make a motion
16 to approve the minutes for the previous board
17 meeting.

18 MALE SPEAKER: Second.

19 CHAIRPERSON CABRERA: All in favor? Do we
20 have to call the roll? Can we just --

21 CITY ATTORNEY THROCKMORTON: (Inaudible).

22 CHAIRPERSON CABRERA: Huh?

23 (Collective Aye.)

24 CHAIRPERSON CABRERA: Oh, oh good.

25 Mr. Gustav's just responded.

1 CITY ATTORNEY THROCKMORTON: Mr. Perez, if
2 you're there, could you please make yourself
3 known?

4 VICE CHAIR PEREZ: Alberto J. Perez.

5 CITY ATTORNEY THROCKMORTON: Thank you
6 very much. And if we can have a motion and a
7 second to allow Mr. Perez to appear via Zoom
8 with the finding of an extraordinary
9 circumstance, I would appreciate that.

10 BOARD MEMBER WOLMAN: I'll make that
11 motion to allow him to attend via Zoom.

12 MALE SPEAKER: Second.

13 CHAIRPERSON CABRERA: All in favor?

14 Aye. Aye.

15 CITY ATTORNEY THROCKMORTON: Thank you.
16 And for the record, we do have a quorum present
17 in the room. So that's permissible.

18 CHAIRPERSON CABRERA: Thank you. Well, we
19 have a quorum present in the room at the
20 moment. However, if one of the board members is
21 going to be recusing themselves regarding one
22 of the items, I believe we'll only have four
23 board members present. We'll still have a
24 quorum?

25 CITY ATTORNEY THROCKMORTON: Four is

1 quorum.

2 CHAIRPERSON CABRERA: Four is quorum.

3 Perfect. Thank you.

4 Swearing in.

5 Everyone who speaks today must complete
6 the roster on the podium. We ask that you print
7 clearly so the official records of your name
8 and address will be correct. Now, with the
9 exception of attorneys, all persons who will
10 speak on agenda items before us this evening,
11 this morning, please rise to be sworn in.

12 (Indiscernible background speakers.)

13 CHAIRPERSON CABRERA: Yes. Thank you.

14 CITY ATTORNEY THROCKMORTON: Mr. Chair,
15 can we confirm if we have anybody on Zoom who
16 will be testifying today?

17 CHAIRPERSON CABRERA: Do we have anybody
18 on Zoom that will be testifying today?

19 (Indiscernible speaker.)

20 CITY ATTORNEY THROCKMORTON: Thank you.

21 CHAIRPERSON CABRERA: Staff, should there
22 be anybody that decides to make a comment
23 during the public comment section, please let
24 me know, because I can't see anything on Zoom,
25 so just be sure to let us know.

1 CITY ATTORNEY THROCKMORTON: Yeah.

2 CHAIRPERSON CABRERA: Thank you.

3 In deference to those present, we ask that
4 all cell phone pagers and other electrical
5 devices be turned off at this time. Now, we'll
6 proceed with the agenda. However, before that,
7 I'd like to take a moment to wish one of our
8 fellow board members a very happy birthday.

9 Mr. Cuddihy, I needed to put that on the
10 record, because it is your birthday, and we're
11 going to have fun today.

12 Good. Okay. All right. We can go ahead
13 and proceed with the first item on the agenda,
14 please.

15 MS. REDILA: Good morning, Mr. Chair,
16 members of the board, and everyone, Arceli
17 Redila, Zoning Administrator. The first item
18 on our agenda is Variance 26030030, this was
19 deferred from the last meeting, variance for a
20 freestanding carport and chain link fence at
21 8800 Old Cutler Road. And I just would like to
22 read it for the record.

23 First request is variance to allow a
24 freestanding carport canopy to have reduced
25 interior side setbacks of 9 feet and 4 inches

1 from both the north and south side, where 20
2 feet is required for both sides per site
3 specifics, Section A-56-H-2 of the Coral Gables
4 zoning code.

5 Now, the second request is variance to
6 allow a chain link fence within the yard area
7 which abuts the streets along Southwest 88th
8 Street, North Kendall Drive, and Old Cutler
9 Road per Section 5-402.V.1F of the Coral Gables
10 Zoning Code. And the applicant is here.

11 Good morning. My name is Tom.

12 CITY ATTORNEY THROCKMORTON: Yes. Hold on
13 one moment. If we could just wait one moment.
14 I believe Mr. Salman had to leave for this item
15 as he's representing the property owner, and we
16 had a board member stood out for one moment.
17 So we've lost quorum, so if we could just wait
18 briefly. Thank you very much. Apologies for the
19 delay.

20 CHAIRPERSON CABRERA: Would you like to
21 call a brief recess? Let's go ahead and call a
22 three-minute recess while we wait for it.

23 CITY ATTORNEY THROCKMORTON: I think a few
24 minutes would suffice until our board member.

25 CHAIRPERSON CABRERA: We can just hang out

1 for a moment.

2 CITY ATTORNEY THROCKMORTON: Thank you.

3 CHAIRPERSON CABRERA: We can sing happy
4 birthday to --

5 CITY ATTORNEY THROCKMORTON: Five minutes,
6 perhaps. Thank you.

7 MS. REDILA: I read it in the record, the
8 applicant is here to ...

9 MR. VASQUEZ: My name's Tom Vasquez. I'm
10 with the Custer Law Firm. Happy birthday.

11 BOARD MEMBER CUDDIHY: Thank you.

12 MR. VASQUEZ: Together with my partner,
13 Marta Garcia Serra, we represent William
14 Zelaya, the trustee of (inaudible) 8800, and we
15 are in conversations with Mr. Crafando, who I
16 met this morning, and we'd like to request that
17 this item be deferred to allow us to finalize
18 the agreement with Mr. Crafando, and we hope to
19 be back (inaudible) next month.

20 CHAIRPERSON CABRERA: Very good.

21 Staff, will you please work with the
22 applicants to find out what meeting they'd like
23 to attend?

24 We appreciate you being here today.

25 CITY ATTORNEY THROCKMORTON: Yeah. Mr.

1 Chair, for the record, I believe it's a
2 deferral to a date certain of June 1st so that
3 we've provided notice to the public here today.
4 So, June 1st is the next Board of Adjustment
5 meeting, and it's deferred to that date.

6 CHAIRPERSON CABRERA: I just wanted to
7 make sure we had that specifically.

8 CITY ATTORNEY THROCKMORTON: Well, we may
9 defer it again, but for now, defer to June 1st.

10 CHAIRPERSON CABRERA: Yep. Okay. Well,
11 we'll get there. We'll figure it out. I
12 appreciate that, and we can go ahead and
13 proceed with the second item on the agenda.
14 Thank you guys for being here.

15 CITY ATTORNEY THROCKMORTON: If we could
16 please let Mr. Salman know to come back inside.
17 Thank you very much.

18 MS. REDILA: Okay. And for the second
19 item on our agenda, that is item E2, Variance
20 26-03-0032. This was deferred from the last
21 meeting for this property at 722 Aledo Avenue.
22 Let me just read the request.

23 Variance to allow mechanical equipment for
24 a swimming pool to have a side setback of 1
25 foot and 9 inches and rear setback of 2 feet, 7

1 inches, where the minimum of 5 feet is required
2 on both sides and rear.

3 So per Section 3-308.6 and Section 5-606.4
4 of the Coral Gables Zoning Code. I included in
5 your no material change except that the
6 applicant submitted a letter in response to the
7 neighbor's request that we have received. It
8 is included in your packet as part of a
9 memorandum. That's only the update on this
10 item.

11 MR. RODRIGUEZ: You will receive the
12 letters back and forth between the neighbors
13 and ourselves. Late last week, we received
14 another potential option from the -- Oh, sorry
15 about that. There you go.

16 Jeff Rodriguez on behalf of the applicant.
17 You received our letters going back and forth
18 with the neighbor. We have since received an
19 additional potential option, which is a noise
20 reduction pool pump equipment cover that the
21 applicant is willing to install at the site. I
22 sent the specs. I showed the specs to the
23 applicant. The only question from the zoning
24 department is what the building department will
25 require for these types of noise pool pump

1 equipment covers. We will meet whatever
2 requirement the building department has,
3 obviously, and we are willing to accept this or
4 a similar type cover, which in our opinion is
5 better than a hedge, or a fence, or any other
6 potential option because this one specifically
7 has 75 to 90 percent noise reduction with this
8 equipment cover.

9 So we're hoping that that's something that
10 is amenable to everyone.

11 CHAIRPERSON CABRERA: Very good. Any
12 further updates from your end?

13 MR. RODRIGUEZ: No. On our end, we're
14 good. I believe the neighbor wanted to come
15 and speak. We spoke this morning about this
16 equipment. I showed her what we were proposing.
17 Hopefully, that's something that you guys will
18 accept and that she'll accept.

19 CHAIRPERSON CABRERA: Thank you very much.
20 At this time, does staff need to do a new
21 presentation?

22 MS. REDILA: There's no presentation, no
23 other updates other than last time, except if
24 you want me to do it again.

25 CHAIRPERSON CABRERA: No, no. I mean,

1 it's up to the rest of the board.

2 Do you feel that we need staff to present
3 the item again, get some more refresher or
4 everybody pretty confident.

5 (Indiscernible background speakers.)

6 CHAIRPERSON CABRERA: Okay. Sure. Yeah.

7 MR. RODRIGUEZ: Can I show them the actual
8 cover?

9 CITY ATTORNEY THROCKMORTON: If you could
10 please pass it over here and we can do it. And
11 then if we can try to find a way to show it to
12 the public at large, and to Mr. Perez, maybe
13 that would be the best way.

14 Oh, if it could --

15 MS. REDILA: I have not seen it. I only
16 seen a few minutes ago.

17 CITY ATTORNEY THROCKMORTON: Okay. If we
18 could pass it along and then we're going to
19 have to show this to Mr. Perez and the public
20 at large on the screen as well. If we could
21 please see if there's a way perhaps if we could
22 email that photo really quickly and we could
23 share it on the Zoom.

24 MR. RODRIGUEZ: It's emailed. Yep, I did.

25 BOARD MEMBER SANTAMARIA: I think it's a

1 great option though. It reduces the noise.

2 MR. RODRIGUEZ: Exactly.

3 BOARD MEMBER SANTAMARIA: At 95%.

4 MR. RODRIGUEZ: Right.

5 BOARD MEMBER SANTAMARIA: And it's
6 compact. Is it hurricane proof and all that?

7 MR. RODRIGUEZ: It's a non-structural
8 cover. So it's not necessarily hurricane proof,
9 and actually that was one of the options that
10 the contractor suggested; because it's
11 non-structural, he's hoping that it would not
12 require any further building approvals on
13 behalf of the city.

14 CHAIRPERSON CABRERA: Just confirming,
15 there's a couple options that were presented on
16 that document you shared with us for different
17 dimensions. It's the largest one. You have
18 confirmed that that one, perhaps that one there
19 that you already pulled up, will fit with the
20 pool equipment that's already present?

21 MR. RODRIGUEZ: The largest one, yes. And
22 what we would ask is that the approval be this
23 or something similar that will meet the
24 building code.

25 UNIDENTIFIED SPEAKER: In the name of the

1 guarantee, if anything should happen, it looks
2 pretty solid. Let's just say there is a
3 hurricane and something falls on it or breaks,
4 that's very routine. It would be possible to
5 get another one.

6 MR. RODRIGUEZ: Correct.

7 UNIDENTIFIED SPEAKER: We would like that
8 to be part of the agreement.

9 MR. RODRIGUEZ: We can do that.

10 CHAIRPERSON CABRERA: Madam City Attorney,
11 is that enforceable?

12 CITY ATTORNEY THROCKMORTON: So we could
13 discuss. I don't know if they're offering
14 perhaps a covenant or something similar to that
15 that would note that the property is required
16 to maintain an acoustical noise cover at all
17 times. It's something we could work out. If
18 that's a condition, I would suggest that if
19 this board is going to approve that, we have a
20 condition that we come to an agreement that's
21 acceptable to the City Attorney's Office and
22 the building department. And if not, it would
23 return to you all. I would suggest a condition
24 like that to --

25 MS. REDILA: Get a change property owners.

1 So is it a covenant that runs with the land?

2 CHAIRPERSON CABRERA: Correct.

3 CITY ATTORNEY THROCKMORTON: That would be
4 my suggestion. But we can work that out and
5 return to you all. This is -- this is the
6 first it's been brought to my attention. So if
7 that's the will of the board to approve it with
8 a condition like this, we would need to make
9 sure that we can come to a satisfactory
10 agreement with the building department, the
11 zoning department and the City Attorney's
12 Office. Make sure that that's appropriately
13 documented and enforceable.

14 CHAIRPERSON CABRERA: A question for staff
15 or for Madam City Attorney and her staff. Are
16 we able to pull up an image from Google Maps
17 from above of the property and all the adjacent
18 property to take a look at where everything is
19 placed? Are we now allowed to do that?

20 CITY ATTORNEY THROCKMORTON: We have
21 images already in staff's previous
22 presentation. I think we could pull those up.
23 I think those are part of the record.

24 CHAIRPERSON CABRERA: Do you have an
25 aerial view of the property with the three

1 adjacent properties?

2 MS. REDILA: Yes.

3 CHAIRPERSON CABRERA: Could you pull that
4 up?

5 BOARD MEMBER SANTAMARIA: Yeah, we live in
6 a -- through the Chair -- in a community where
7 there are hurricanes every summer. Right? So
8 to your point, this could be lifted. Right.
9 Right. So if the problem is a noise. We want
10 to show the neighbors that we're concerned
11 about -- we care about your concern. And if
12 this takes away that noise and also it has a
13 good appearance. Right? It's beige. It blends
14 well with the nature. So.

15 CHAIRPERSON CABRERA: Right. I want it a
16 little bit closer, but that'll be OK. So that's
17 we're looking top of his north towards Camilo.
18 So that's going to be in the bottom southeast
19 corner. Correct?

20 MS. REDILA: Yes.

21 MR. RODRIGUEZ: Correct.

22 CHAIRPERSON CABRERA: Okay. I mean, it's
23 very generous. I'm very, you know,
24 understanding of the property owner to be
25 willing to do that cover. I stand by what I

1 stated at the previous meeting, which is moving
2 the equipment three feet, it's not going to
3 change how much noise you hear. So I think
4 he's just trying to work with his neighbors at
5 this point, and I think that's very kind of the
6 homeowners to do.

7 VICE CHAIR PEREZ: I guess I have a few
8 questions. Number one, this does this need to
9 be permitted, this noise feature.

10 CITY ATTORNEY THROCKMORTON: Mr. Perez,
11 this is Stephanie Throckmorton with the city
12 attorney's office. Given that this was just
13 brought up, I'm not sure of the details that
14 would need to be worked out with the building
15 department. So, as I mentioned, if this is
16 approved, it would be subject to approval from
17 the building department, zoning department and
18 city attorney's office on our agreement on
19 enforceability. And if not, it would return to
20 you all.

21 MS. REDILA: Or maybe you can ask the
22 applicant, how is this going to be installed?

23 MR. RODRIGUEZ: Our contractor advised
24 that he did not believe it would be a permitted
25 because it's a nonstructural component, just a

1 cover. But, again, we will go back to the
2 building department and ask.

3 CHAIRPERSON CABRERA: Can you put the
4 cover back on the screen?

5 I guess my question would be, it sounds
6 like it has some sort of sound insulation,
7 right?

8 MR. RODRIGUEZ: Yes.

9 CHAIRPERSON CABRERA: So, in essence, it's
10 no different than a barbecue cover, but with a
11 little bit of padding.

12 MR. RODRIGUEZ: Essentially.

13 CHAIRPERSON CABRERA: Okay. Can you
14 scroll down a bit, please? I want to see if it
15 states the material. Lace flat storage, go
16 down. Easy assembly, lace flat storage. Can't
17 imagine it has much structural components and
18 that's like solid construction -- you know,
19 structural components. Trying to just give
20 Mr. Perez some clarity there.

21 MR. RODRIGUEZ: On the website, it
22 actually says that it's a vinyl casing.

23 CHAIRPERSON CABRERA: Okay.

24 MR. RODRIGUEZ: And it has PVC materials
25 inside for noise cancellation.

1 CHAIRPERSON CABRERA: Okay.

2 VICE CHAIR PEREZ: Second question is, are
3 you still proffering to landscape around it?

4 MR. RODRIGUEZ: No, this would be in lieu
5 of the landscaping. If you look at the
6 pictures, there's already sufficient
7 landscaping back there. So, this would be in
8 lieu of the landscaping.

9 CHAIRPERSON CABRERA: All right.

10 VICE CHAIR PEREZ: Staff, do we know if
11 this has been used in the city before?

12 MS. REDILA: I am not aware.

13 CHAIRPERSON CABRERA: Yes.

14 UNIDENTIFIED SPEAKER: It's a pretty valid
15 solution. We're assuming that the 1.75%
16 (inaudible) is real. (Inaudible) solution.

17 CHAIRPERSON CABRERA: I think that in
18 order to give the neighbors a little peace of
19 mind in this, I think that what the city
20 attorney was saying that if there's some sort
21 of covenant in place, if there's some sort of
22 contingency in place regarding how we vote on
23 this item today, they will have the peace of
24 mind to know that this is something that is
25 required. And it's not just something that

1 they're volunteering to do, which they are, but
2 that they are required to do for the
3 foreseeable future in order to mitigate the
4 noise. And so, I want to be able to give them
5 that comfort because they're here today to
6 express their concerns regarding this. And I
7 see on one of the letters that they suggested
8 an acoustical enclosure. I think this is the
9 closest we can get to that.

10 And I want to make sure that they know
11 that their concerns will be -- you know, we're
12 addressing their concerns by doing this and
13 requiring that the applicant have this, you
14 know, contingency, covenant, whatever it be.
15 And, of course, that it's then subject to the
16 building department.

17 Does that make sense?

18 [No audible response.]

19 CHAIRPERSON CABRERA: Yes?

20 BOARD MEMBER SALMAN: If you scroll up,
21 you see that --

22 CHAIRPERSON CABRERA: Mr. Salman, your
23 mic. Your mic.

24 BOARD MEMBER SALMAN: If you look up at
25 the first part of the description of the cover,

1 it has a five-year warranty. Things of that
2 nature, especially in an exposed environment,
3 five years is quite a long time. And I don't
4 doubt that it will meet the five-year
5 requirement. But it is an issue that's going to
6 be an ongoing issue for the rest of the
7 existence of this lot or this equipment in this
8 location.

9 Did the applicant consider the neighbor's
10 request for a eight-inch block wall?

11 BOARD MEMBER SANTAMARIA: We feel that the
12 eight-inch block wall would be less effective
13 than this because it's open.

14 Can we hear from the neighbor, Mr. Chair?

15 CHAIRPERSON CABRERA: I think that if
16 there's no other questions for the applicant,
17 we can go ahead and take public comment.

18 Does any other board member have a
19 question for the applicant?

20 [No audible response.]

21 CHAIRPERSON CABRERA: We can go ahead and
22 take public -- go ahead.

23 BOARD MEMBER SALMAN: It was my question.

24 CHAIRPERSON CABRERA: Okay, perfect. Great
25 question.

1 Staff, go ahead and please call the first
2 speaker.

3 As a reminder, please state your name and
4 address for the record. And if you're on Zoom,
5 please raise your hand or put a comment in the
6 chat if you'd like to appear.

7 CHAIRPERSON CABRERA: I'd also like to
8 request that anybody speaking today, please
9 keep your comments to a maximum of three
10 minutes.

11 MS. REDILA: Ms. Virginia Ferrara.

12 MS. FERRARA: Good morning, Ms. Redila and
13 the members of the board. My name is Virginia
14 Ferrara, and I reside behind 722 Aledo at 719
15 Escobar Avenue for over 30 years. There have
16 been numerous owners at 722 Aledo. However, I
17 never heard any annoying equipment noises, nor
18 noticed any pool equipment located at the back
19 of Aledo until a few months ago when this
20 horrible noise disrupted our backyard piece. It
21 was only then that I saw this massive equipment
22 so close to my property. I was extremely
23 disappointed to read the applicant had refused
24 to neither adhere to the permit and move the
25 pool equipment, nor take steps at the time to

1 alleviate the excessive noise by creating
2 structural barriers.

3 In essence, he is ignoring the building's
4 department approved permit, as well as the
5 board's request to find a palatable solution
6 with the neighbors. But interesting, the
7 homeowner is now admitting that the pool
8 equipment is indeed new. This is consistent
9 with what he states in the Zillow sales
10 listing, which is listed close to \$4 million in
11 his beautiful new backyard. After the
12 homeowner bought the property in 2022, for
13 years there was ongoing complete demolition,
14 deep drilling, and reconstruction of the whole
15 pool area, which I have photos of.

16 Based on the scope of the work, I assumed
17 the city was inspecting the project, and if the
18 location of the pool equipment was in violation
19 of the setback rules before or during this
20 undertaking, it would be the obvious time to
21 bring it to code. The homeowner continues to
22 argue hardship, which as the board is well
23 aware, economic hardship is not a standard for
24 allowing a variance, as per the Coral Gable
25 Zoning Code. Doing so would establish a very

1 dangerous precedent.

2 However, if in fact the previous owners
3 didn't disclose an illegal move of the
4 equipment, the current owners could hold them
5 financially responsible to bring it up to code.
6 One of the board members claimed at the
7 previous meeting that by moving the equipment a
8 few feet towards the homeowner wouldn't address
9 the noise concern. It is my belief that in
10 keeping with the upscale renovation and quality
11 of the project, by moving the equipment closer
12 to the owner's property, they would also be
13 bothered by the noise and do something to
14 mitigate it and build a concrete wall to
15 address the visual aspect.

16 I respectfully ask the board to deny the
17 variance. In addition, I ask the board to
18 require the homeowner to address the excessive
19 noise emanating from his new pool equipment.
20 The equipment is as big as a motel system, and
21 therefore point to experts to require a number
22 of solutions to soften the noise. I sent the
23 homeowner the recommended acoustic enclosure,
24 in addition to building an 8-inch concrete wall
25 at least 12 inches higher than the equipment

1 surrounding three quarters of the equipment.

2 CHAIRPERSON CABRERA: Thank you very much.
3 You had three minutes.

4 MS. REDILA: Next is Ms. Danielle
5 Frontella.

6 MS. FRONTELLA: Good morning. My name is
7 Danielle Frontella, and I reside at 715 Escobar
8 Avenue.

9 Mrs. Redila and Members of the Board, I
10 consider myself an easygoing person, and it is
11 rare for something to truly bother me. I'm
12 retired and simply wish to enjoy my home,
13 including the peace and quiet of my backyard.
14 However, over the past two to three months, I
15 have been experiencing continuous and
16 disruptive noise coming from the right corner
17 of my property. While I generally do not mind
18 everyday sounds, this noise has become
19 intolerable and prevents me from enjoying a
20 peaceful moment outdoors.

21 After looking into the matter, I
22 understand that the source of the noise appears
23 to be a large pool equipment located in the far
24 corner of the neighboring property at 722
25 Aledo. Given the extent of the renovations

1 that have taken place there, including in the
2 backyard, I find it difficult to understand how
3 the installation may not comply with applicable
4 procedures. If this issue was not identified
5 during the renovation process, then I believe
6 it should be addressed now. Regardless of who
7 installed the equipment, the concern is that
8 its current placement does not appear to meet
9 city requirements. Rules and regulations exist
10 to be followed and enforced.

11 I understand that relocating the equipment
12 could be burdensome for the property owners.
13 Additionally, moving it to a compliant location
14 may place closer to their residence,
15 potentially creating both visual and noise
16 concerns for them as well. With that in mind,
17 I am open to reasonable alternatives that will
18 effectively mitigate the noise.

19 For example, on my own property, the pool
20 equipment is enclosed by a concrete wall that
21 extends approximately one foot above the
22 highest point of the equipment and is about
23 eight inches thick. This solution has proven
24 effective in significantly reducing noise.

25 I would sincerely appreciate your

1 attention in this matter and a timely
2 resolution that helps restore the environment.
3 Thank you.

4 CHAIRPERSON CABRERA: Thank you very much.
5 Next speaker.

6 MR. VASQUEZ: I have no one on the floor.
7 Is there anyone on Zoom?

8 CHAIRPERSON CABRERA: Before we go to
9 Zoom, since we only had the two speakers,
10 Ms. Ferrera, I'd love to bring you back to
11 finish your comments. I apologize for cutting
12 you off earlier. Do you want to come back up
13 and finish what you were saying? Please,
14 please, come back. I just wanted to make sure
15 we had enough time, but since we only had two
16 speakers here today, I want to give you the
17 time to finish.

18 Is that okay with the rest of the board?

19 BOARD MEMBER WOLMAN: Absolutely.

20 MS. FERRARA: At the time, they had only
21 offered planting a hedge, which would be
22 completely ineffective in reducing the noise.
23 That's the only thing they offered to at the
24 time. Now, he has a new idea.

25 CHAIRPERSON CABRERA: Thank you very much.

1 Do we have anybody on Zoom?

2 MS. REDILA: Is there anyone who will
3 raise their hand? Is there anyone on Zoom who
4 would like to speak?

5 CHAIRPERSON CABRERA: While you work that
6 out, Madam City Attorney, Mr. Santamaria would
7 like to ask one of the speakers a question.
8 May we bring her up to ask her?

9 CITY ATTORNEY THROCKMORTON: If she would
10 like to answer questions, of course, if the
11 board would like to ask.

12 CHAIRPERSON CABRERA: Ms. Ferrera or
13 Ms. Redila?

14 BOARD MEMBER SANTAMARIA: Both. A quick
15 question, same question for both. Ms. Ferrera,
16 is this option something you feel comfortable
17 with?

18 And then the other lady, you and your,
19 Danielle, in your reading, you suggested a
20 wall, just like one of the board members here
21 had suggested. Is this, the covered option, is
22 it something that would make you guys happy?

23 Same question to both of you. I'd just
24 like to, you know, get your feedback.

25 CHAIRPERSON CABRERA: If you don't mind,

1 can you respond via the mic? You both can come
2 up to the mic. Thank you.

3 MS. FERRARA: Ideally, both, but the noise
4 is the most concerning. So if the acoustic is
5 much more successful than the concrete wall,
6 you know, I would vote for that. But it's
7 really the noise reduction that is disturbing.
8 I mean, the noise aspect that is the most.

9 BOARD MEMBER SANTAMARIA: But if we
10 approve this covered and it takes away the
11 noise, you'll be okay with that?

12 MS. FERRARA: If it takes away the noise,
13 I think I'd be okay with it.

14 BOARD MEMBER SANTAMARIA: Thank you.

15 MS. FRONTELLA: I was presented today
16 before the meeting with that option. I would
17 like to do some research. And, also, as you
18 discussed before, it needs to be something that
19 is written somewhere that once the property is
20 sold, they know that they have to keep that
21 equipment in place. And if a hurricane removes
22 it, that they have to replace it at a certain
23 time to replace. So everything very well
24 clear.

25 BOARD MEMBER SANTAMARIA: Thank you very

1 much.

2 CHAIRPERSON CABRERA: So I think that
3 staff has a little work cut out for them to try
4 to figure out how we can make that enforceable,
5 should we put that contingency in an approval
6 today. And, again, that's to bring some peace
7 of mind to the two of you, regarding your
8 concerns of the noise.

9 MS. REDILA: And let's just ask again on
10 the people on Zoom, if you want to speak,
11 please raise your hand so we can call you.

12 No one else, Mr. Chair.

13 UNIDENTIFIED SPEAKER: I have one
14 question. So I'm not sure which one of the
15 neighbors had mentioned that she had shown or
16 profit an option for the acoustic structure. Is
17 the one that the applicant is contemplating, is
18 that the solution that the neighbor gave, or is
19 that another one?

20 CHAIRPERSON CABRERA: I believe Ms.
21 Ferrera, you're the one who said that you had
22 presented an idea for acoustical sound
23 dampening.

24 CITY ATTORNEY THROCKMORTON: I'm sorry.
25 Could we please, if we're going to acknowledge

1 someone from the audience, if they could please
2 come up to the podium and speak from the
3 microphone.

4 CHAIRPERSON CABRERA: Thank you, yes. You
5 had mentioned that you had suggested something
6 to the homeowner?

7 MS. FERRARA: I did research, and they
8 said acoustical enclosure. They gave
9 suggestions. Acoustical enclosure, and lowering
10 the RPM or whatever, and vibration pads, which
11 are very inexpensive, and of course, a concrete
12 wall. All those things would be great. But the
13 major one, the acoustical enclosure, I don't
14 know his model. So I don't -- you know, he has
15 to get something that fits his. So I didn't
16 offer a specific.

17 CHAIRPERSON CABRERA: Yeah. So for the
18 sake of Mr. Perez, the one that is being
19 suggested by the applicant, it's not the one
20 that you suggested.

21 MS. FERRARA: I didn't suggest any.

22 CHAIRPERSON CABRERA: Okay. All right.
23 All right. Understood. I think that we
24 misunderstood that because we understood that
25 you had suggested one, and that was the one

1 that was being presented here today. No, okay,
2 got it.

3 At this time, does anybody have any other
4 questions for the applicant?

5 BOARD MEMBER SANTAMARIA: I have a final
6 question.

7 CHAIRPERSON CABRERA: Please go ahead.

8 BOARD MEMBER SANTAMARIA: If this is
9 implemented, as stated by the board and the
10 city, and let's say a year from now, the
11 neighbors still complain about the noise, can
12 this -- is this revisited? Is this --

13 Because the bottom line is their quality
14 of life, right? They're saying their quality
15 of life is being affected. We implement this,
16 and a year from now, their quality of life is
17 still being affected. They pay taxes and
18 they've lived here for 30-plus years.

19 Is this -- do we reopen the case?

20 CHAIRPERSON CABRERA: So we would have to
21 have a new permit. It would have to be a whole
22 new. Permit to be able to do construction,
23 essentially. My belief with this, this would
24 then fall under the purview of code
25 enforcement.

1 CITY ATTORNEY THROCKMORTON: So there are
2 a few options, and as I said, this just arose
3 today, so we haven't had a chance to discuss
4 the mechanism for enforcement of this. I would
5 suggest that if, if this board approves it,
6 contingent on appropriate documentation of that
7 would, we would need to document the
8 enforceability of this variance. Right? And
9 the requirement to have a cover. So whether
10 that's a covenant that's enforceable by the
11 city and/or the neighbors, whether that's
12 something that they could be cited for, we
13 would need to discuss that and work that out.
14 This is -- like I mentioned, this is the first
15 proffer, but I hear that you all want it to
16 just not be a proffer.

17 So if you would only approve it with the
18 cover, then we need to have some discussions on
19 that enforcement. If you accept this proffer
20 and would give the variance, whether or not
21 there is the cover, but knowing that that's
22 proffered at the time, then that would be
23 granting the variance and it would be running
24 continuously, and there would be no enforcement
25 for the cover.

1 So if you're requiring it, we need to work
2 on the enforcement, but if you are accepting
3 the proffer and not continuing to require it
4 when granting the variance, it wouldn't be as
5 enforceable. The variance sort of gives
6 permission for it to exist in its current
7 location.

8 CHAIRPERSON CABRERA: Being that they're
9 suggesting this proffer, is that the word you
10 use proffer?

11 CITY ATTORNEY THROCKMORTON: Correct.

12 CHAIRPERSON CABRERA: However, it's not
13 something that would be required upon any other
14 homeowner, and they're only asking for a
15 variance of the setback and they're not -- this
16 is, this is where I said, no, at the last board
17 meeting, we were going to make it a requirement
18 of the applicant to build a wall or to put a
19 cover, but that's not something that the city
20 enforces upon property owners in general for
21 pool equipment. So I'm good with either one.
22 However, you guys -- however, the rest of my
23 colleagues want to vote on this. I will -- you
24 know, I, I like -- I'm in support of the
25 variance. It'll be up to you guys as to whether

1 you want to enforce the call on -- It'll be up
2 to, it'll be up to the rest of the board if you
3 want to enforce the cover, and then city staff
4 will have to work with the applicant and city
5 departments to figure out how that will be
6 enforced.

7 To respond to you, it will be out of our
8 hands at that point. It will not be coming
9 back to this board unless there's a new permit,
10 or unless it's a different variance, or what be
11 it --

12 Would that be correct?

13 CITY ATTORNEY THROCKMORTON: Or if we
14 don't come to an agreement, or if it requires
15 additional permitting work that the property
16 owner does not want to do, or we can't come to
17 agreement on a mechanism, I would then suggest
18 that it returned to you all.

19 CHAIRPERSON CABRERA: Okay.

20 MR. RODRIGUEZ: I would just ask that,
21 that the approval of the variance be broad
22 enough that it is an acoustic cover similar to
23 that one that meets the building code, because
24 if there's some issue, but then there's an
25 alternative that has the same effectiveness,

1 but it's a slightly different model, and it
2 gets us away from some building code
3 requirement, then we would ask that we'd be
4 allowed to do that without having to come back
5 to the board again.

6 CHAIRPERSON CABRERA: Okay. I believe
7 Mr. Perez had a comment on Zoom.

8 VICE CHAIR PEREZ: Yeah. So, so we're
9 granting the variance with a condition that
10 it's going to be that the sound matters and to
11 be addressed? That's my understanding?

12 CHAIRPERSON CABRERA: Correct. But
13 utilizing an acoustical --

14 VICE CHAIR PEREZ: I believe. Correct.
15 Yeah. So, yeah, the variance will be approved
16 with the acoustical sound barrier. That's,
17 that's my understanding. And then if I
18 remember correctly, the neighbor had stated
19 earlier, the house was on the market. So what
20 happens if the house sales, future buyer buys
21 it, the sound attenuation is not addressed and
22 they come back to us in three months.

23 MR. RODRIGUEZ: I think the city attorney
24 addressed that with the covenant.

25 VICE CHAIR PEREZ: Okay. So how long, how

1 long does it take the covenant to get recorded?

2 CITY ATTORNEY THROCKMORTON: So,
3 Mr. Perez, what I mentioned was, since this was
4 just brought up, if the board wanted to grant
5 the variance with that condition, we would need
6 to work with the applicant and the building
7 department to come up with an official way to
8 document that to make sure it runs with the
9 land and make sure that it's enforceable by the
10 city or neighbors.

11 VICE CHAIR PEREZ: Okay. And how long does
12 that process take?

13 CITY ATTORNEY THROCKMORTON: It depends on
14 how long -- we would, we would do that
15 expeditiously.

16 VICE CHAIR PEREZ: Quickly.

17 BOARD MEMBER SANTAMARIA: Through the
18 Chair, just to clarify, if we implement this
19 and a year from now, neighbors are not happy,
20 what's their mechanism.

21 CHAIRPERSON CABRERA: To be determined
22 still.

23 CITY ATTORNEY THROCKMORTON: If you grant
24 the variance with an acoustical cover, we come
25 to an agreement about the enforceability of the

1 acoustical cover and the acoustical cover
2 doesn't do what we think it's going to do, the
3 variance has been granted, and if they're
4 meeting the conditions of the approval, which
5 is having the acoustical cover, if there's not
6 a separate code violation, there would be
7 nothing to do. So if the noise, even with the
8 acoustical cover, for some reason triggers the
9 noise ordinance, then that would be a
10 violation. If there's other violations, there
11 would be, but the mere existence of the
12 equipment with a cover on it, unless we come up
13 with some other agreement would not trigger a
14 code violation, 'cause you will have granted a
15 variance conditioned on the cover. And if it's
16 there with a cover, then they're complying with
17 the variance.

18 BOARD MEMBER CUDDIHY: I don't know who to
19 ask it of, but rather than having a cover or
20 not having a cover as part of the agreement, is
21 there a way of saying a certain level of noise
22 that can be measured would be the same? Is
23 that, is that a possibility?

24 MR. RODRIGUEZ: I think one important
25 thing to note, this cover, if it says 75 to 90%

1 effective, right, but I know it's 100% more
2 effective than moving the equipment two feet
3 and two and a half feet. So, right, so that's,
4 this is definitely going to mitigate the sound
5 a lot more than compliance with the location of
6 the equipment. And that's what our applicant
7 is hoping will put the neighbors in a position
8 where they can be at ease.

9 BOARD MEMBER CUDDIHY: Okay. And I guess
10 I'm asking the question. I don't understand
11 exactly how that's measured, but I'd like to
12 know how that's measured.

13 BOARD MEMBER SALMAN: I've had this issue
14 come up before on a commercial client and the
15 noise of an AC unit, which is a very large AC
16 unit across an alley was being complained by
17 resident. And the city came out with their
18 sound measuring equipment and looked at it
19 versus the code.

20 BOARD MEMBER CUDDIHY: Okay. So, so there
21 are mechanisms for that?

22 BOARD MEMBER SALMAN: Yeah.

23 BOARD MEMBER CUDDIHY: If a complaint is
24 made?

25 BOARD MEMBER SALMAN: Then that would be

1 the probably how the city would, would deal
2 with it.

3 BOARD MEMBER CUDDIHY: So Stephanie, if
4 there's a way of incorporating language that
5 really about the level of the noise, as opposed
6 to the remedy of the noise -- put the remedy of
7 the noise in there, we want to have a cover,
8 but regardless at all points, the noise level
9 must be at X.

10 CITY ATTORNEY THROCKMORTON: Mr. Cuddihy,
11 the code does address mechanical noise, like
12 pool pumps, generally. In all districts of the
13 city, there is a standard that is enforceable
14 across the board on every resident enforceable
15 by code enforcement. To set a different
16 standard for this location would be, again, the
17 same issues within enforceability and
18 documenting that. So, yes, there is. And my
19 computer just died here, but there is a
20 unenforceable mechanical sound limit measurable
21 within a certain distance in different
22 districts, single family, residential, et
23 cetera, for mechanical noise, like pool pumps.

24 BOARD MEMBER CUDDIHY: Well, it sounds to
25 me like this is a becoming a more complex

1 document that needs to be -- needs to be --
2 needs to be written up between the city and
3 yourself.

4 MR. RODRIGUEZ: I actually don't think
5 it's going to be that difficult to, to reach an
6 agreement with the city attorney. It's going
7 to be a covenant that we have to have the
8 acoustic sound equipment covering the pool at
9 all times. It's not that --

10 BOARD MEMBER CUDDIHY: You're saying the,
11 the, the equipment I'm asking very much for.

12 MR. RODRIGUEZ: Right.

13 BOARD MEMBER CUDDIHY: But different,
14 which is maintaining a sound level.

15 MR. RODRIGUEZ: Right, right now, right
16 now as installed, that pool equipment is not in
17 violation of the city's noise ordinance for the
18 pool equipment. It's closer than it should be
19 to the neighbor's home, which is why we're here
20 asking for the variance. But it's not that
21 this is some special pool equipment that has a
22 louder motor than any other standard
23 residential pool equipment. As installed, it's
24 in compliance. With the noise, we're going to
25 mitigate the nearness to the neighbor with this

1 acoustic cover.

2 BOARD MEMBER SALMAN: Through the Chair.
3 You're proffering it that, that the equipment
4 as installed is in compliance with the noise
5 ordinance of the city?

6 MR. RODRIGUEZ: It's the standard and the
7 zoning.

8 BOARD MEMBER SALMAN: No. No. I'm asking
9 a specific question. You're proffering that it
10 is in compliance with the noise ordinance as it
11 stands now?

12 MR. RODRIGUEZ: It is not above the
13 standard noise ordinance for pool equipment.

14 BOARD MEMBER SALMAN: You measured --
15 you've measured the sound?

16 MR. RODRIGUEZ: The city's own report, the
17 initial report said there's nothing
18 extraordinary about this pool equipment. The
19 pool equipment is standard residential pool
20 equipment that every home in Coral Gables has.

21 BOARD MEMBER SALMAN: Okay. that's -- I
22 appreciate your answer, but it doesn't answer
23 my question. Do you have a measurement as to
24 the decibel rate?

25 MR. RODRIGUEZ: I have not measured the

1 decibel rate, no.

2 BOARD MEMBER SALMAN: Would you -- would
3 you be willing to have it measured and then
4 determine the amount of mitigation that --

5 MR. RODRIGUEZ: We can set, we can set a
6 baseline if you'd like. And then obviously the
7 pool equipment is going to -- the pool acoustic
8 cover is going to --

9 BOARD MEMBER SALMAN: Mitigate that?

10 MR. RODRIGUEZ: Sure. And that it's very,
11 it's very easy.

12 (Talking simultaneously.)

13 There's applications now that we can do
14 that.

15 BOARD MEMBER SALMAN: Okay. My opinion is
16 that that differential should be incorporated
17 into the agreement.

18 BOARD MEMBER CUDDIHY: Yeah, there should
19 be some, some language related to sound the
20 decibels. The attenuation is what we're looking
21 for. The base sound as it comes out of the
22 equipment, and then after the coverage is
23 install what the resultant level of sound is,
24 the differential be maintained and let that --

25 CHAIRPERSON CABRERA: That's fair. Can

1 you do that?

2 CITY ATTORNEY THROCKMORTON: We can
3 certainly work with the applicant to, to
4 document that. I would just note that, you
5 know, when you're -- once they're putting in
6 the variance, it will be approved -- it will be
7 approved. Right? So it will not be coming
8 back to you if -- I mean, there's no minimum
9 here. Right? So if it reduces it 2% instead
10 of 90%, we can set --

11 BOARD MEMBER SALMAN: We can set a 50%
12 reduction.

13 CHAIRPERSON CABRERA: Yeah. I mean, unless
14 there's further direction from this board, I'm
15 just telling you that approving the variance is
16 approving the location of the equipment. If
17 there are conditions, we can certainly
18 incorporate those into a document, but I just
19 want to be clear about what you're approving
20 and what would or would not come back to you
21 all.

22 BOARD MEMBER CUDDIHY: But it wouldn't be
23 for total clarity, Stephanie, for me
24 personally, we can approve the variance subject
25 to X, Y, and Z. A test.

1 CITY ATTORNEY THROCKMORTON: That's not
2 the way we usually do that, but I understand
3 that in this situation, there may be a need to
4 work out the exact conditions for the approval.

5 BOARD MEMBER CUDDIHY: That's what we're
6 asking through the chair.

7 CHAIRPERSON CABRERA: Yes.

8 BOARD MEMBER WOLMAN: So it sounds like
9 we're putting the cart before the horse. Is
10 there a way that you guys can come to the
11 agreement, write up the covenant and all of
12 that stuff, and then come back before us with
13 that agreement and have all parties in
14 agreement with it?

15 CITY ATTORNEY THROCKMORTON: We're
16 certainly, I'm certainly happy to do that --

17 BOARD MEMBER WOLMAN: It's not what the
18 applicant would like to do. We would be
19 willing to set the parameters now. If you
20 wanted to have a specific reduction --

21 CHAIRPERSON CABRERA: He said 50%.

22 BOARD MEMBER WOLMAN: 50% reduction on the
23 140 decibels, I'm using a high number. It
24 could be 140 decibels, and now you're going to
25 bring it down to 70. So we really don't know

1 what we're looking at.

2 CHAIRPERSON CABRERA: Just a little point
3 here. We're basing our decision on this now,
4 based on something that's not one of the items
5 that we're required to like evaluate when we
6 grant a variance. Right? Noise levels is not
7 necessarily something that we're supposed to
8 take into consideration when granting an
9 approval for a variance. So we're --

10 And then correct me if I'm wrong, Madam
11 city attorney, but I believe, I believe that's
12 the case. So --

13 CITY ATTORNEY THROCKMORTON: What I would
14 understand is that this board would need to
15 make a finding that those eight categories are
16 satisfied in order to grant the variance. And
17 in order to do that, you are also adding a
18 condition so that -- but you would need to make
19 a finding that there's a unique, unique
20 circumstance that would grant the variance.

21 CHAIRPERSON CABRERA: I think that what
22 we're trying to do here is we're trying to
23 mitigate the neighbor's concerns, which I
24 understand. I hear you. I hear you. I just
25 think that we should also be -- we should also

1 understand that should this contingency that we
2 put into our approval, not work out, they have
3 to come back here. And we're going to be here
4 again, a month from now, two months from now.
5 So let's just keep that in mind. And I said it
6 earlier, as far as I'm aware, there's nothing
7 in our zoning code that requires any property
8 to do any sort of acoustical cover like this,
9 wall, anything really to try to cover up
10 equipment.

11 Would that be correct?

12 MS. REDILA: Yes. If they meet the zoning
13 requirements.

14 CHAIRPERSON CABRERA: If they meet the
15 zoning requirements.

16 MS. REDILA: This case is not.

17 CHAIRPERSON CABRERA: Right. Which is why
18 they're requesting a variance.

19 MS. REDILA: Yes.

20 CHAIRPERSON CABRERA: So I believe that
21 Mr. Ferrera had another comment. May I call
22 her up if everybody's okay with that?

23 BOARD MEMBER CUDDIHY: Yes, sir.

24 MS. FERRARA: Listening to all of this,
25 I'm not comfortable with the fact that if the

1 variance is granted and this acoustic enclosure
2 is not satisfactory, there's nothing I can do
3 about it at this point. It's my belief that if
4 he moves the equipment, he's also going to have
5 to put an acoustic cover on it. So --

6 CHAIRPERSON CABRERA: He won't be required
7 to do so at that point in time, though.

8 MS. FERRARA: I have a video of the sound.
9 If you want to hear.

10 CHAIRPERSON CABRERA: Unfortunately --

11 MS. FERRARA: I think it does exceed the
12 requirement, and I could ask an inspector to
13 come and measure it because it's very, very
14 annoying. So I think both things should be
15 addressed, but the fact that you say once the
16 variance is granted, nobody's going to bother
17 about this cracked enclosure or whatever, I'm
18 concerned about the future of this issue.

19 CHAIRPERSON CABRERA: Ms. D., I have to
20 call you up. I assume you're going to speak as
21 well?

22 MS. FRONTELLA: Yes.

23 Okay. I have the impression that it's
24 been really difficult to get to a certain
25 conclusion, option or anything here, because

1 the law exists to be respected and not broken.
2 There's no -- probably the sound wouldn't be so
3 loud if the requirements were respected, the
4 five foot, five foot, I don't know. But
5 approve something that is against the law,
6 especially by the city of Coral Gables that is
7 so strict, and that's why we have a beautiful
8 city. And that's what the quality of life is
9 pretty high. So please don't break it. Don't
10 break the law.

11 Thank you.

12 CHAIRPERSON CABRERA: Mr. Cuddihy, you
13 would like to make comment?

14 BOARD MEMBER CUDDIHY: Yes. I just want to
15 make it understood because you weren't here at
16 the last meeting and it's been pretty much
17 universally agreed that moving the pool
18 equipment by two feet is going to make no
19 practical difference. So we're trying to find
20 a solution. I mean, we could enforce the, we
21 could enforce them to move this two feet and
22 you'd be in the exact same situation.

23 CHAIRPERSON CABRERA: Ms. D for a moment.
24 I apologize. We've given you both an
25 opportunity to speak twice now. I don't think

1 it would be appropriate again to continue with
2 public comments. Unless the city attorney says
3 that we can, I just think that we should move
4 forward with, with this discussion amongst the
5 board.

6 CITY ATTORNEY THROCKMORTON: You're always
7 welcome to acknowledge people, but I don't
8 believe you've closed the public comment
9 period, but at your discretion.

10 CHAIRPERSON CABRERA: Okay. Would the
11 rest of the board like to continue with the
12 public comments at this period?

13 BOARD MEMBER CUDDIHY: I would actually
14 like to.

15 CHAIRPERSON CABRERA: Okay. So Ms. D, if
16 you'd like to join us, please.

17 MS. FRONTELLA: I don't remember. I'm
18 sorry.

19 BOARD MEMBER CUDDIHY: Basically what,
20 what I was --

21 MS. FRONTELLA: Oh, oh, that --

22 BOARD MEMBER CUDDIHY: -- moving of the
23 pool equipment doesn't solve your problem.
24 We're trying to solve your problem.

25 MS. FRONTELLA: If you look at the aerial,

1 but closer, the equipment takes like a good
2 chunk, one third of the little yard where it's
3 placed. If they move it two and three feet, it
4 will place it exactly in the middle of that
5 yard, which is going to be -- it's going to
6 look horrible for the owners and you would --
7 now they would hear it. So hopefully they'll
8 put something on top of it. But what I don't
9 want is just to be hanging, you know? Like
10 them accept the variance and then, you know,
11 nothing happened -- not -- we can't do anything
12 if they don't -- if it doesn't work.

13 BOARD MEMBER CUDDIHY: That's what we're
14 trying to do.

15 CHAIRPERSON CABRERA: We have to make it
16 very clear that make sure you understand, we
17 cannot under any circumstances in any way,
18 without having some sort of reading of how much
19 noise that machine is making guarantee and
20 moving a two or three feet is going to make a
21 difference. What we're trying to do is we're
22 trying to place a requirement, which we said
23 50% would be the level of reduction that would
24 come from this acoustical system. And we're
25 placing that as a contingency and a covenant so

1 that it's a requirement for this property and
2 any future property owners. But we cannot --
3 we cannot guarantee that by moving it two feet,
4 three feet, without a reading that it's going
5 to change any amount of noise. It really, it
6 probably won't.

7 So my concern is that we deny the variance
8 and you still have a noise issue a year from
9 now because they move the equipment and there's
10 nothing more we can do.

11 MS. FRONTELLA: What I don't want --

12 CHAIRPERSON CABRERA: And we cannot
13 require them at that point in time, if we deny
14 the variance, we can't require them to put an
15 acoustical system on there.

16 MS. THROCKMORTON: Right. What I don't
17 want is that the variance is approved and then
18 there's nothing else we can do here, and then
19 we start scrambling around the city to see, to
20 see who can help us. It seems like they're
21 doing us a favor on putting something on top of
22 it after the variance is approved. So I want
23 to make absolutely sure --

24 CHAIRPERSON CABRERA: The variance would
25 be approved with the contingency, it's subject

1 to that. Which means that if it doesn't work,
2 they have to come back here and they have to
3 ask for something else.

4 MS. FRONTELLA: Okay.

5 CHAIRPERSON CABRERA: But if it does -- if
6 it does work, if the city departments say, you
7 don't need a -- you don't need a permit to
8 build it because it's not structural, you work
9 with code enforcement, you establish
10 parameters, at that point in time, the decision
11 we made here today has gone through all the
12 proper steps to ensure that your concerns are
13 mitigated. Does that make sense?

14 MS. FRONTELLA: Yes.

15 CHAIRPERSON CABRERA: Okay.

16 MS. FRONTELLA: Thank you.

17 CHAIRPERSON CABRERA: Did that clarify
18 everything for everybody? Okay.

19 At this time, can we go ahead and please
20 close public comments?

21 Thank you both for your patience and for
22 allowing us to call you up again and again. We
23 appreciate that.

24 Any other questions, comments, concerns,
25 birthday wishes for Mr. Cuddihy, not for the

1 applicant.

2 BOARD MEMBER CUDDIHY: Javier, given your
3 expertise, do we have enough information
4 currently to make a final decision or do we
5 need to do more, and have them, unfortunately,
6 come back one more time to be assured that
7 what we are approving is what the neighbors are
8 going to be satisfied with?

9 BOARD MEMBER SALMAN: Through the Chair?

10 CHAIRPERSON CABRERA: Yes, sir.

11 BOARD MEMBER SALMAN: The applicant has
12 proffered a mitigation in lieu of actual
13 hardship by way of coming to resolution to the
14 issue. I'd like to remind everybody that, you
15 know, there is no hardship here, that what
16 we're doing is actually outside the purview of
17 this board. And that by looking at creating
18 contingency and a requirement for an approval
19 of a variance, which is in a violation of the
20 city ordinances and code.

21 Having said that, my experience is that
22 even if it were to be relocated and to be
23 within the code parameters for the setback, the
24 neighbors have the right to then complain about
25 the noise, and then the city would come out and

1 measure the noise. And if it's an excess, then
2 the mitigation is required as a matter of code
3 enforcement.

4 I don't want to create a separate code
5 just for this one particular project, but if
6 it's the pleasure of the board to approve it
7 with this contingent requirement, you're
8 certainly well within your right to approve.
9 Simple as that.

10 CHAIRPERSON CABRERA: If there are no
11 other questions, comments, concerns, I will
12 entertain a motion.

13 VICE CHAIR PEREZ: If we grant this
14 variance, it's going to be with conditions?

15 CHAIRPERSON CABRERA: Correct.

16 VICE CHAIR PEREZ: And I'm not sure if
17 research is what needs to get done, but my
18 concern lies on getting the covenant negotiated
19 between the applicant and the city, and not
20 only getting it negotiated, but actually
21 getting it recorded. Because, again, if we
22 vote in favor of it, we're doing it with
23 conditions and it needs to be enforced. So my
24 bigger concern is the enforceability of what
25 we're accommodating to approve this variance.

1 So I don't know if it needs to be deferred for
2 research purposes, but in my opinion, I would
3 like to see the covenant that's negotiated
4 between the applicant and the city.

5 MR. RODRIGUEZ: I think it'd be, in my
6 experience, you can certainly approve it with
7 very specific conditions, which I think we've
8 already discussed, but for sake of hashing them
9 out again, it's an acoustical cover that
10 reduces the noise by at least 50%. And that
11 would be the requirement that we'd be willing
12 to put into a recordable covenant against the
13 property.

14 CHAIRPERSON CABRERA: Mr. Perez, if it's
15 approved, as the applicant just stated, where
16 we grant the variance with the condition that
17 they are going to incorporate an acoustical
18 cover that guarantees a reduction of noise by
19 50%, then everything else will be in the hands
20 of staff, and the other city departments and
21 any other boards that they would need to go to
22 to get approval. And if that doesn't work out,
23 then they have to come back to us. But based
24 on what I said at the beginning, does that seem
25 acceptable to you?

1 VICE CHAIR PEREZ: No, again, it's
2 acceptable to me what they're proffering for us
3 to support the variance. My concern is the
4 timing on the enforceability of what we're
5 discussing.

6 BOARD MEMBER SANTAMARIA: Through the
7 Chair?

8 CHAIRPERSON CABRERA: Sure.

9 BOARD MEMBER SANTAMARIA: Mr. Perez and a
10 few other board members have mentioned
11 something that they would like to see the
12 document before approved. I mean, I understand
13 the attorney, he's like, hey, guys, let me deal
14 with the city as long as we're in agreement.
15 But, Mr. Perez, you know, maybe I'm
16 misunderstanding what he's saying. And two
17 other members have mentioned that they would
18 like to see the document prior to approving. I
19 don't oppose that. I can either approve, I
20 could give my vote today, or I could wait until
21 the document is drafted and we can review it.
22 Either or, I'm okay.

23 BOARD MEMBER CUDDIHY: Through the Chair?

24 CHAIRPERSON CABRERA: Yeah, I'm going to
25 ask you a question first. Just a quick

1 question.

2 Perhaps the applicant can clarify for me
3 for this. I'm not familiar with real estate
4 law. Can the property be sold with a permit.

5 MR. RODRIGUEZ: Open?

6 CITY ATTORNEY THROCKMORTON: Yes, it can.
7 Our plan was to, depending on what happens at
8 this hearing today, we were either going to
9 have to defer a potential closing or close with
10 the open permit, holding back monies in escrow.
11 But the applicant is still required to close
12 that out. And that would be our process, would
13 be working with the city attorneys to get this
14 covenant filed, recorded against the property,
15 and then in satisfaction of the approved
16 variance.

17 CHAIRPERSON CABRERA: Mr. Cuddihy?

18 BOARD MEMBER CUDDIHY: Through the Chair.

19 This is a comment, and my comment is, I
20 feel comfortable with where the board is
21 heading with a variance subject to certain
22 conditions. What I'm not comfortable with is
23 approving something when I haven't read what
24 those conditions are and what the language is.
25 So that would be my concern.

1 CHAIRPERSON CABRERA: We may be delaying
2 the process by requiring them to come back in a
3 month with the covenant written out.

4 Whereas, Madam City Attorney, you can
5 clarify and correct me if I'm wrong, it might
6 be faster if we approve the variance with the
7 conditions that we've outlined and give you all
8 the opportunity to write the covenant out.

9 CITY ATTORNEY THROCKMORTON: If we come to
10 agreement and an acceptable terms incorporating
11 that, we would not need to return. So, I mean,
12 it might likely be quicker, but I can't
13 guarantee anything.

14 BOARD MEMBER CUDDIHY: I for one can live
15 with that, as long as the conditions are met
16 contractually and it's a legal document.

17 CHAIRPERSON CABRERA: Which part, granting
18 the variance now with the conditions, or asking
19 that they come back with the covenant first?

20 BOARD MEMBER CUDDIHY: I can live with
21 either one.

22 CHAIRPERSON CABRERA: Me too.

23 BOARD MEMBER SALMAN: We would ask that
24 you grant it now and allow us to work with the
25 City Attorney based on the parameters set by

1 this board.

2 CHAIRPERSON CABRERA: I believe that we're
3 going to be creating a hardship on the property
4 owners should we make them come back in a month
5 with the covenant written out. You know, I
6 think that they have the right to sell their
7 property should they wish to do so. And I
8 don't want our decision here to impact their
9 ability to do so. They have a life to live.
10 They have a family to raise. I just think that
11 we --

12 Up to you guys. Up to you guys.

13 VICE CHAIR PEREZ: As long as the
14 conditions are met [audio distortion] --

15 CITY ATTORNEY THROCKMORTON: What?

16 VICE CHAIR PEREZ: And again, I'll state
17 it again, my concern is the timing. But as
18 long as the conditions we've offered are met,
19 I'm okay with it.

20 CHAIRPERSON CABRERA: We still don't have
21 a motion on the floor for one way or the other.
22 So at that point in time, Madam City Attorney,
23 what is the process?

24 CITY ATTORNEY THROCKMORTON: We need a
25 motion to approve, deny, continue, defer the

1 item. We need a motion.

2 VICE CHAIR PEREZ: So before we go into a
3 motion, is there a way of maybe walking through
4 again what it is that we're voting on?

5 CITY ATTORNEY THROCKMORTON: I'm happy to
6 summarize what I understand the conditions of
7 this board to have discussed, if that's
8 helpful. But, again, I would defer to whoever
9 makes the motion.

10 But my understanding is that one of the
11 conditions that had been discussed would be
12 that there would be some sort of legal
13 mechanism to run with the property that would
14 require the installation of an acoustic cover,
15 similar to the one that we've seen here today,
16 on the pool equipment when that pool equipment
17 is located in its current location. And that
18 the equipment should reduce the sound level 50
19 percent from its current sound. That we would
20 need to come up with a mechanism of
21 enforceability in that legal document, and that
22 this would only -- and I say this for the
23 record, this would only apply to this current
24 pool equipment. When pool equipment is
25 upgraded or changed, that would have to be

1 located within the setbacks. And that we would
2 work with the building department and the
3 applicant to make sure if any permits are
4 required, they're addressed.

5 BOARD MEMBER SANTAMARIA: Through the
6 Chair. How about the part of they have to keep
7 this equipment if there's a hurricane or
8 something like that, that piece of the --

9 CITY ATTORNEY THROCKMORTON: So you could
10 give some direction that the pool equipment may
11 be -- the acoustical equipment may be removed
12 in times of, you know, a tropical storm, or I
13 don't know if it's able to be anchored. I'm
14 not aware enough about the system to know what
15 would be appropriate.

16 BOARD MEMBER SANTAMARIA: To replace.

17 CITY ATTORNEY THROCKMORTON: To replace.
18 Yes, it would be a continuing obligation. Yes,
19 my understanding that it would be a continuing
20 obligation at all times.

21 MR. RODRIGUEZ: If we could put something
22 in there that it's similar type products
23 because it may be discontinued at some point.
24 So as long as really, what we really need to
25 focus on is the 50% reduction. Whatever piece

1 of equipment satisfies the building code
2 requirement and reduces it 50%, we're happy to
3 comply with that.

4 CITY ATTORNEY THROCKMORTON: I understood
5 that to be similar acoustical covers.

6 MR. RODRIGUEZ: Correct.

7 BOARD MEMBER CUDDIHY: And that that
8 reduction of 50%, Stephanie, is measurable and
9 it will be measured.

10 MR. RODRIGUEZ: We can give you a
11 baseline.

12 CHAIRPERSON CABRERA: The baseline will be
13 established once the equipment the structure is
14 installed, and as they stated earlier at that
15 point in time, that baseline is outlined
16 specifically in the covenant. Correct?

17 CITY ATTORNEY THROCKMORTON: We could
18 discuss that. I think we would discuss that it
19 would be a 50% reduction from the regular noise
20 of the equipment.

21 CHAIRPERSON CABRERA: We have three
22 options here; defer, approve the variance
23 without the conditions, approve the variance
24 with the conditions. We have those three
25 options right now, or I might have four, deny.

1 We've got to have a motion on one of the four
2 in order to move forward.

3 And being that Mr. [audio distortion]
4 asked the gavel to make a motion.

5 VICE CHAIR PEREZ: So I'll proffer to
6 approve with the conditions.

7 BOARD MEMBER CUDDIHY: That is also --
8 through the Chair.

9 That's also my idea.

10 CITY ATTORNEY THROCKMORTON: Are you
11 seconding, Mr. Cuddihy? You're seconding the
12 motion.

13 BOARD MEMBER CUDDIHY: I'm seconding.

14 CHAIRPERSON CABRERA: Okay. So we have a
15 motion on the floor. Madam city Attorney, for
16 the record, would you please read the motion.

17 CITY ATTORNEY THROCKMORTON: Sure. So my
18 understanding this is approving the request for
19 the variance at 722 Aledo to allow pool
20 equipment. And I'm going to say the correct
21 language here. To have a side set back of one
22 foot and nine inches and a rear setback of two
23 feet and seven inches where a minimum of five
24 feet is required on both the side and the rear
25 for section 3-308D and 5604606.4 of the zoning

1 code. This approval is conditioned on coming
2 to an agreement on a legal document with the
3 city of Coral Gables that would ensure that the
4 property always has an acoustical cover similar
5 to that that we've seen before that would
6 reduce the sound 50 percent of the regular
7 running. And that would apply only to this
8 current equipment. And any change out or swap
9 out of equipment would require compliance with
10 the zoning code.

11 We have a motion to second.

12 Staff, can you please call the roll.

13 MS. REDILA: Mr. Wolman?

14 BOARD MEMBER CUDDIHY: [No audible
15 response.]

16 MS. REDILA: Mr. Santamaria?

17 BOARD MEMBER SANTAMARIA: Approved.

18 MS. REDILA: Mr. Salman?

19 BOARD MEMBER SALMAN: Denied.

20 MS. REDILA: Mr. Cuddihy.

21 BOARD MEMBER CUDDIHY: Approved.

22 MS. REDILA: Mr. Perez?

23 VICE CHAIR PEREZ: Yes.

24 MS. REDILA: Mr. Cabrera?

25 CHAIRPERSON CABRERA: I would have liked

1 to have seen us grant this variance without
2 this contingency because it's not something
3 that's required on any other property in the
4 city. However, because we're doing a variance
5 we have a little bit more flexibility. So by
6 that I'm going to say approve. I would have
7 liked to have seen it the other way, but
8 approve.

9 MS. REDILA: We have five one.

10 CITY ATTORNEY THROCKMORTON: Motion
11 passes.

12 CHAIRPERSON CABRERA: Thank you.

13 At this time are there any other items?

14 MS. REDILA: No other items, Mr. Chair.
15 We have something for June 1st.

16 CHAIRPERSON CABRERA: Just the one item
17 which was today's deferred item or another
18 item?

19 MS. REDILA: Another one.

20 CHAIRPERSON CABRERA: Very good. Thank
21 you all for being here.

22 BOARD MEMBER SALMAN: Happy birthday.

23 CHAIRPERSON CABRERA: Happy birthday.

24 BOARD MEMBER CUDDIHY: I'm getting more
25 happy birthdays today.

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BOARD MEMBER SALMAN: Motion to adjourn on
a happy birthday.

MS. REDILA: At 10:24.

CHAIRPERSON CABRERA: Meeting adjourned.

BOARD MEMBER SALMAN: I'll second that.

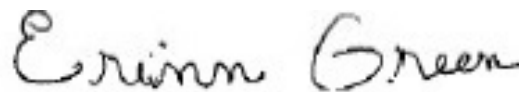
(End of meeting.)

CERTIFICATE

I, ERINN GREEN, Professional Court Reporter/Transcriptionist, do hereby certify that I was authorized to transcribe the foregoing recorded proceeding, and that the transcript is a true and accurate transcription of my shorthand notes, to the best of my ability, taken while listening to the provided recording.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings, nor in any way interested in the events of this cause, and that I am not related to any of the parties thereto.

Dated this 27th day of May, 2026.



ERINN L. GREEN, Court Reporter
Notary Public, State of Florida
Expires: January 23, 2028

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